

# משניות

(בששה כרכים)

א

## סדר זרעים

המשניות בעברית מנקדת, הקדמות, תרגום אנגלי, פרוש אנגלי,  
הוספות (צמחים, ביוגרפיות), לוחות המפתחות.

מאת

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# MISHNAYOTH

*(In Six Volumes)*

VOLUME I


## ORDER ZERAIM

POINTED HEBREW TEXT, INTRODUCTIONS, TRANSLATION  
NOTES, SUPPLEMENTS (FLORA, BIOGRAPHIES), INDEXES.

By

PHILIP BLACKMAN, F.C.S.

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## PREFACE.

The MISHNAH—key to the correct interpretation of and second in importance to the TORAH—is for a variety of reasons a closed book to the great majority of Jews. There are numbers of Translations in various languages but none of them hitherto is very helpful to a simple, proper, and popular understanding of the Mishnah. An attempt is here made to give such intelligent aid with the hope that the reader possessing even only a minimum knowledge of Hebrew will find himself sufficiently interested to follow it up either privately or through the medium of the "Study Circle", which may lead even to some insight into the Gemara.

The Hebrew text has been carefully collated and important and interesting variations are shown. The "pointing" or vocalisation has been carried out with the utmost care. The original textual orthographic Hebrew terms have been retained. After serious deliberation the conclusion was arrived at that it is inadvisable and undesirable to alter the orthography of the Mishnaic Text on vowelisation—such a course is suitable rather for a single detached Tractate but not for the Mishnayoth as a whole. Nevertheless, where occasionally textual construction seemingly rendered it necessary, such variant forms are presented in the Notes. For similar reasons, wherever terms in Scriptural quotations given in the Mishnah depart orthographically from the Massoretic Text, they have been left intact but the discrepancies have been indicated in the Notes.

The Translation has been made as closely literal to the Text as possible, at the expense perhaps of some elegance of style and niceties of diction which cannot be completely attained in the more important close and accurate renderings; and to avoid confusion the necessary interpolations to make the sense clear (with very few exceptions, indicated in square brackets) have been relegated to the Notes.

The Notes have been compiled with the aid of the well-known Hebrew Commentaries *Rashi*, *Bertinoro*, *Tosefot Yom-Tov*, *Tiferet Yisrael* and *Hilchetha Gevartha*, and also valuable matter from other commentaries has been made use of. There are more than fifty recognised authoritative Hebrew commentaries on the whole Mishnah and parts of it, with much overlapping and many points of agreement as well as of variance, and it is quite obvious that it would be absolutely impossible to construct even an adequate digest of and to extract convincing conclusions from such an enormous mass of material within the moderate compass of this volume; hence only such matter has been used which makes the meaning of the Text lucid, and all disputative subjects—involved, inconclusive, and hopeless or mutually destructive arguments and irreconcilable views and opinions, which are only suitable for the expert, have been assiduously avoided.

The GENERAL INTRODUCTION, after very serious consideration, has been condensed into a very small compass—in fact, a mere summary or synopsis of the most essential facts, outlining the history, scope and contents of the Mishnah and giving various subjects in skeleton form. The author

came to the conclusion that to treat this subject adequately would require a volume to itself and this would have added unfairly to the bulk of the work, and further, this has already been dealt with very fully in many excellent works.

The author wishes here to express his indebtedness to Rabbi Dr. E. W. Kirzner, M.A., Ph.D., M.Sc., and to the late Rabbi Dr. A. Marmorstein, Ph.D., who scanned the MS. and gave valuable advice, and for the help and advice given by Rev. I. Livingstone, Rev. E. Cashdan, M.A., and Dr. C. Rabin, Ph.D.

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My thanks are also due to Rev. J. Halpern, M.A. for the compilation of the BIOGRAPHIES.

The publication of this volume has been made possible by the indefatigable enthusiasm, unbounded vision and selfless generosity of Mr. LASAR M. SCHOENFELD (Chairman and Managing Director of MISHNA PRESS LTD.) and by the magnanimous support of Messrs. J. FELSENSTEIN, M. P. GREENGROSS, I. ISQUITH, A. J. KUROPATWA, I. H. LEVY, B.A., M. LUSH, I. MAZIN, J. E. PERLOW, S. I. SUMERAY, S. SUSSKIND, Rev. M. TASHLICKY, H. WASSER, S. J. WOOLF, and Mrs. I. ISQUITH (nee Ada Blackman), and of the late Mr. L. ELTON.

Great credit is due to Mr. A. ZELTSER (A. Zeltser & Sons, "A to Z" Printing) for the successful result of a highly technical and complicated work.

PHILIP BLACKMAN.

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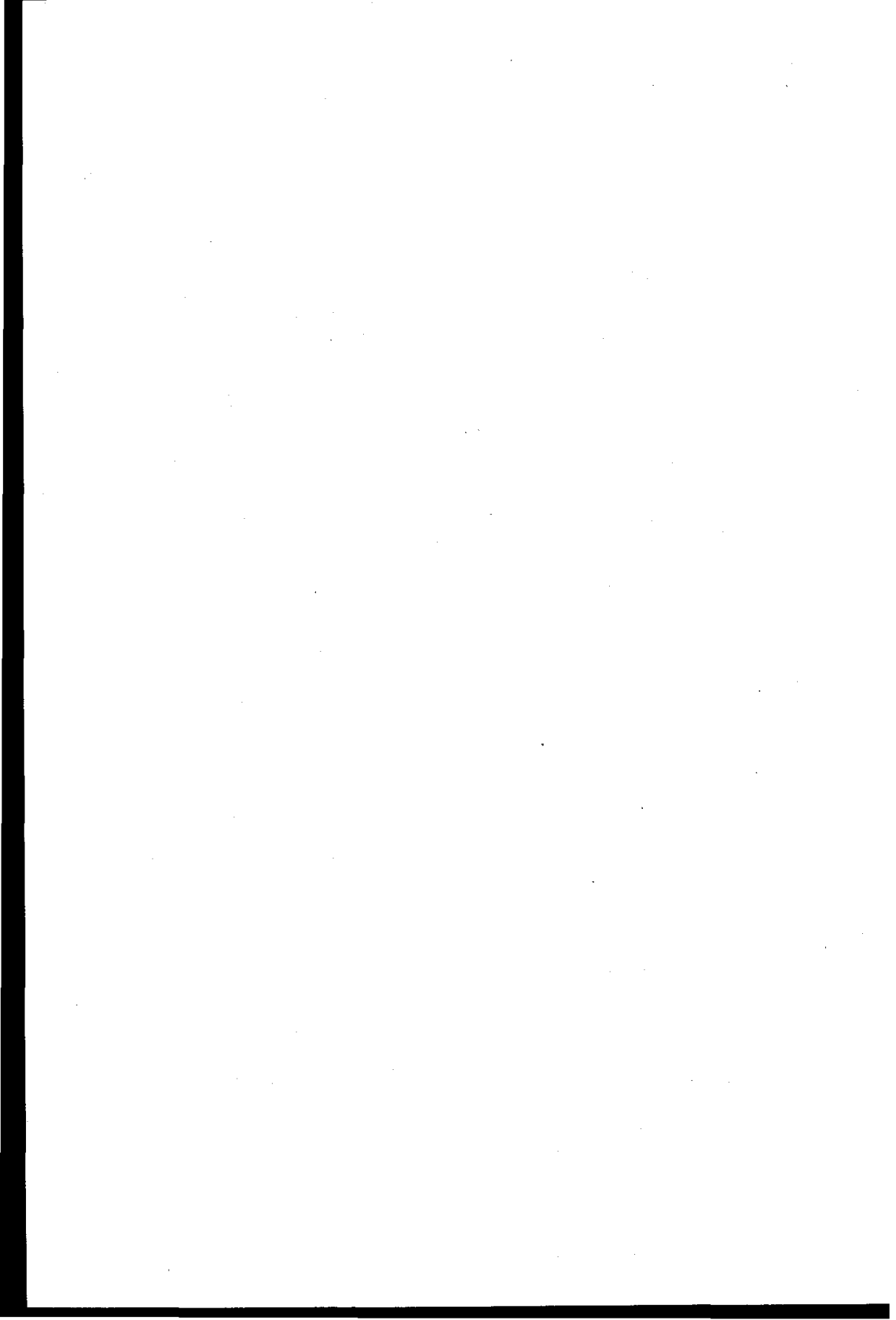
TO THE

משנה

MISHNAH

By

PHILIP BLACKMAN, F.C.S.



זְרַעִים

ZERAIM

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million (1990–1999) (Department of Health 2000).

There is a growing emphasis on the need to improve the efficiency of the public sector, and to ensure that the public sector is able to deliver the best possible value for money. This has led to a number of initiatives, including the introduction of the Health Service Act 1999, which introduced a new framework for the NHS, and the introduction of the NHS Plan, which sets out the government's vision for the NHS in the future.

One of the key challenges facing the NHS is the need to improve the efficiency of the public sector, and to ensure that the public sector is able to deliver the best possible value for money. This has led to a number of initiatives, including the introduction of the Health Service Act 1999, which introduced a new framework for the NHS, and the introduction of the NHS Plan, which sets out the government's vision for the NHS in the future.

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# GENERAL INTRODUCTION

## THE TALMUD—תלמוד

A description of the *Mishnah*—though in itself naturally the older portion of the *Talmud*—is better dealt with by a characterization of the *Talmud* as a whole of which the *Mishnah* forms a part. So much has been written on the subject that it is unnecessary here to give anything more than a clear and succinct summary of the essential details.

The appellation *Talmud* (תלמוד) means literally 'study', and it embodies the mental labours, opinions and teachings of the ancient Jewish scholars in expounding and developing the religious and civil laws of the Bible during a period of some eight centuries (from 300 B.C.E. to 500 C.E.).

The **Talmud** includes two distinct elements, **Halachah** (הלכה), 'law', and **Agadah** (אגדה), 'narrative' (containing history, stories, fables, legends, prayers, meditations, reflexions, religious discourses, exegetical remarks, allegory, ethical, moral and metaphysical teachings and maxims, theosophical and philosophical discussions, and scientific observations of anatomical, anthropological, ethnographical, physiological, medical, physical, astronomical and mathematical character).

It is to be noted however that the name *Talmud* originally referred to the גמרא (*Gemara*) alone and it was only in later times that the name came to be applied to both the משנה (*Mishnah*) and the גמרא combined.

The *Mishnah* and the *Gemara* bear to each other the relation of *Text* and *Commentary* respectively.

## THE MISHNAH—משנה

Authorities differ as regards the etymology and meaning of the word משנה (*Mishnah*). According to the view of some it is related to the word שנים, 'two', and is meant to express the idea that it ranks in importance *second to the Bible*. Others connect it with the verb שנה, 'teach', 'teach orally', 'repeat', 'learn by heart', and according to this derivation the word *Mishnah* would indicate that its teachings were transmitted orally through the generations, in contradistinction to the 'written Law' of the תורה, *Pentateuch*, which is designated מִקְרָא (*Mikra*), 'which is read.'

The *Mishnah* was first brought into order and arranged in six

## GENERAL INTRODUCTION

principal divisions by Hillel (President of the Sanhedrin\* in the time of Herod); this system was further improved upon by R. Akiba and subsequently by R. Meir. Finally R. Jehudah Hanasi (the President of the Sanhedrin who flourished towards the end of the second century C.E.) completed the work. It bears the simple name *Mishnah*, and we owe our order and system of the *Mishnah* to R. Jehudah Hanasi. But it is uncertain whether R. Jehudah Hanasi was actually the first to commit it to writing.

The language of the *Mishnah* is *New Hebrew* (לשון חכמים or לשון דרבנן) as developed during the period of the Second Temple and therefore, though not in essential details, differs somewhat from *Biblical Hebrew*, because the Aramaic dialects had by then supplanted Hebrew as the language of everyday common life and the ancient classical Hebrew was employed and cultivated by the חכמים ('Sages') for legal and liturgical purposes only. The *Mishnah* contains many new terms and phrases, and new grammatical constructions and syntactical forms to supply the demand for new objects and ideas and for legal dialectics. Use was made of Biblical words and roots to create new words, and where these were inadequate for the huge demand, recourse was naturally had to the dominating languages (Aramaic mainly, but also some Latin, Greek and Persian). As the *Mishnah* was at first transmitted orally and had thus to be committed to memory, it is therefore not surprising that such a vast volume of material is very brief and concise in style—so much so indeed that the *Mishnah Text* would be quite impossible to be correctly interpreted and understood without the aid of the גמרא ('*Gemara Commentary*').

The *Mishnah* is divided into six sections, סדרים (*Sedarim*, 'Orders'), and the whole *Talmud* is thus designated by the term ש"ס, an abbreviation of ששה סדרים ('*Six Orders*'). These six sections are:

1. זרעים *Zeraim*, 'Seeds' (deals with the ritual laws of the cultivation of the soil, prefaced by a part treating of the Liturgy).
2. מועד *Moed*, 'Festival', 'Season' (deals with the ritual laws of the Sabbath, Festivals and Fasts).
3. נשים *Nashim*, 'Women' (deals with the ritual laws of family life, marriage and divorce).
4. נזיקין *Nezikin*, 'Damages' (deals with civil and criminal law; the Government).
5. קדשים *Kadashim*, 'Sacred things' (laws on the clean and the unclean) (deals with Temple services and sacrifices).

\* Also *Sanhedrim* and less frequently *Synhedrium*.



## GENERAL INTRODUCTION

6. טְהָרוֹת *Taharoth*, 'Purity' (deals with ritual laws of cleanness and defilement).

Each סֵדֶר, *Seder*, 'Order', is divided into מִסְכָּתוֹת, 'Treatises', 'Tractates', each מִסְכָּת of which is further subdivided into פְּרָקִים, 'Chapters', and every פְּרָק, 'Chapter', consists of *Paragraphs* (each of which is called a *Mishnah*, מִשְׁנָה or *Halachah*, הִלְכָּה, in the *Babylonian Talmud* and *Halachah*, הִלְכָּה, in the *Palestinian Talmud*).

The authorities quoted in the *Mishnah* belong to three different periods, viz., סוֹפְרִים, 'Scribes', זוגות, 'Pairs', and תַּנָּאִים, 'Teachers'. The סוֹפְרִים, also called כְּנֶסֶת הַגְּדוֹלָה \*אֲנָשֵׁי, 'Men of the Great Synod' (or Assembly) succeeded Ezra for about 200 years; the זוגות (from Jose ben Joesser till Hillel) stood in pairs at the head of the Sanhedrin, one as נָשִׂיא, *Nasi*, 'President,' and the other as אֶבֶר בֵּית דִּין, 'Head of the Beth-Din', 'Vice-President,' and flourished to the time of Herod; the תַּנָּאִים began with the disciples of Hillel and Shammai (10 B.C.E. to 220 C.E.), and the titles רַבִּי, 'My Teacher,' for ordained Teachers and רַבֵּנוּ, 'Our Teacher,' for the President of the Sanhedrin came into use.

The term תַּנָּא, 'Teacher' of the *Oral Law*, is first mentioned in the *Gemara*, and a 'Teacher' or 'Expounder' of the *Mishnah* after R. Judah Hanasi is termed אַמּוּרָא, *Amora*. (A Palestinian *Amora* had also the title רַבִּי, but the Babylonian was called רַב or מֵר).

## THE GEMARA—גְּמָרָא

The term גְּמָרָא is derived from the verb גָּמַר, 'complete,' 'supplement,' 'settle,' 'decide,' 'teach.'

There are two compilations of the *Gemara*, the תַּלְמוּד בַּבְּלִי, '**Babylonian Talmud**', and the תַּלְמוּד יְרוּשָׁלַמִי, '**Palestinian** (or **Jerusalem**) **Talmud**', differing from each other in language and content, but the *Mishnah Text* in both is the same with but occasional slight variations. The former was compiled in Babylon (in the Academies of Nehardea, Sura and Pumbeditha) and the latter in the Palestinian Academies (Tiberias, Sepphoris and Caesarea). The Babylonian Talmud is fuller, couched in less difficult style and is more thorough in its discussions and details, and has therefore been accepted as authoritative to such an extent that the study of the Palestinian Talmud has been almost entirely neglected except by very few eminent scholars.

\*Grammatically more correct כְּנֶסֶת.

# THE מִסְכֵּתוֹת, TRACTATES (or TREATISES), OF THE TALMUD

\* No מִסְכָּה in the Babylonian Talmud.

§ No מִסְכָּה in the Palestinian Talmud.

§§ Not treated at all in the Palestinian Talmud.

## I. סֵדֶר זֵרעים, Order Seeds

1. בְּרָכוֹת **Benedictions, Prayers** (Liturgical rules).
2. \* פֶּאֶה **Corner** (corners and gleanings of fields; forgotten sheaves; olives and grapes left for poor) [*Leviticus* 19, 9, 10; *Deuteronomy* 24, 19, 21].
3. \* דְּמַאי **Doubtfully Tithed** (produce bought from those suspected of not having tithed it).
4. \* כִּלְאִים **Mixtures** (prohibited mixtures in animals, plants, garments) [*Leviticus* 19, 19; *Deuteronomy* 22, 9, 11].
5. \* שְׁבִיעִית **Sabbatical Year** [*Exodus* 23, 11; *Leviticus* 25, 2 to 7, 20 to 22; *Deuteronomy* 15, 1 to 11].
6. \* תְּרוּמוֹת **Heave Offerings** [*Numbers* 18, 8, 12, 24, 26; *Deuteronomy* 18, 4].
7. \* מַעֲשֵׂרוֹת **Tithes** [*Leviticus* 21, 3 to 33; *Numbers* 18, 21 to 26].
8. \* מַעֲשֵׂר שְׁנִי **Second Tithe** [*Leviticus* 27, 30; *Deuteronomy* 14, 22 to 29, 26, 12].
9. \* חֻלָּה **Dough** (portion for priests) [*Numbers* 15, 18 to 21].
10. \* עֵרְלָה **Uncircumcised** (fruits of trees during first four years after planting) [*Leviticus* 19, 23, 24, 25].
11. \* בְּכוֹרִים **First Fruits** (to be brought to the Temple; hermaphtrodites) [*Exodus* 23, 19; *Deuteronomy* 26, 1 to 11].

## II. סֵדֶר מוֹעֵד, Order Festivals

1. שַׁבָּת **Sabbath** (labours prohibited on Sabbath).
2. עֲרֵיבָן **Combinations** (extension of Sabbath boundaries).
3. פֶּסַחִים **Passover** (Passover laws; Paschal lamb).
4. \* שְׁקָלִים **Shekels** (half-shekel Temple tax) [*Exodus* 30, 12 to 16].
5. יוֹמָא **The Day** (Day of Atonement laws) [*Leviticus* 16, 3 to 34; *Numbers* 29, 7 to 11].
6. סוּכָה **Tabernacle** (Feast of Tabernacles laws) [*Leviticus* 23, 34, 35, 36, 42].
7. בִּישָׁה **Egg, or יוֹם טוֹב, Holyday** (labours prohibited on Festivals), [*Exodus* 12, 16; *Leviticus* 23, 7, 3, 21, 25, 35, 36].

## GENERAL INTRODUCTION

8. ראש השנה **New Year** (New Year laws) [*Leviticus* 23, 24; *Numbers* 29,1].
9. תענית **Fast** (public fasts).
10. מגילה **Scroll** (reading of *Book of Esther* on Purim).
11. מועד קטן **Minor Festival** (חול המועד, 'Intervening Days' of Passover and Feast of Tabernacles).
12. חגיגה **Festival Offering** (private offerings on Passover, Feast of Weeks and Feast of Tabernacles) [*Exodus* 23, 14; *Deuteronomy* 16, 16, 17].

### III. סדר נשים, Order Women

1. יבמות **Sisters-in-Law** (Levirate Marriage) [*Leviticus* 18, 18; *Deuteronomy* 25, 5 to 10].
2. כתובות **Marriage Deeds** (dower, marriage settlements).
3. נדרים **Vows** [*Numbers* 30, 3 to 16].
4. נזיר **Nazirite** [*Numbers* 6, 2 to 21].
5. סוטה **Wife suspected of adultery** [*Numbers* 5, 11 to 31].
6. גטין **Divorces** [*Deuteronomy* 24, 1 to 5].
7. קדושין **Betrothals**.

### IV. סדר נזקין, Order Damages

1. קבא קמא **First Gate** (damages, injuries) [*Exodus* 21, 28 to 37, 22, 1 to 6].
2. קבא מציעא **Middle Gate** (found property; trust; buying, selling; lending, hiring, renting) [*Deuteronomy* 22, 1 to 4; *Exodus* 22,6 to 14; *Leviticus* 25,14; *Exodus* 22,24, 25, 26; *Leviticus* 25, 35, 36, 37].
3. קבא בתרא **Last Gate** (real estate; commerce; hereditary succession) [*Numbers* 27, 7 to 11].
4. סנהדרין **Courts** (courts; capital crime punishment).
5. מכות **Stripes** (false witnesses; cities of refuge; crimes punishable by stripes) [*Deuteronomy* 19,16 to 19; *Numbers* 35, 10 to 32; *Deuteronomy* 19, 1 to 13].
6. שבועות **Oaths** [*Leviticus* 5, 4, 5, 21, 22; *Exodus* 22, 6 to 10].
7. § עדיות **Testimonies**
8. עבודה זרה **Idolatry**
9. §§ אבות **(Ethics of the) Fathers**
10. הוריות **Decisions** (erroneous decisions and their effects) [*Leviticus* 4 and 5].

## GENERAL INTRODUCTION

The *Babylonian Talmud* appends to this Order these seven Tractates of later or extra-canonical origin.

- a. אבות דרבי נתן (**Ethics of the) Fathers by R. Nathan**  
(Extension of אבות, **Ethics of the Fathers**).
- b. סופרים **Scribes** (writing of the *Scrolls of the Pentateuch* and the *Book of Esther*; Masoretic grammatical rules; liturgical rules).
- c. אהל רבתי **Mourning**, or שמחה, **Joys** (burial; mourning).
- d. כלה **Bride** (chastity).
- e. דרך ארץ רבא **Conduct (Major Treatise)** (prohibited marriages; religious, ethical, social teachings).
- f. דרך ארץ רבא **Conduct (Minor Treatise)** (ethical and social teachings).
- g. פרק השלום **Chapter on Peace.**

## V. סדר קדשים, Order of Sacred Things

1. §§ זבחים **Sacrifices** [*Leviticus 1 to 4*].
2. §§ מנחות **Meat-Offerings** (meat and drink offerings) [*Leviticus 2*].
3. §§ חולין **Profane Things** (slaughtering; dietary laws).
4. §§ בכורות **Firstborn** (of man and animals) [*Exodus 8 12, 13; 13, 2, 12; Numbers 18, 15, 16, 17, 18; Deuteronomy 15, 19, 20*].
5. §§ ערכין **Evaluations** (appraisement for redemption) [*Leviticus 27, 2 to 27*].
6. §§ תמורה **Exchange** (exchange of sanctified things) [*Leviticus 27, 10 to 27*].
7. §§ כריתות **Excisions** (sins punishable by excision; their expiation).
8. §§ מעילה **Trespass, Sacrilege** [*Leviticus 5, 15, 16*].
9. §§ תמיד **Daily Sacrifice** [*Exodus 29, 38 to 42; Numbers 28, 2 to 8*].
10. \* §§ מדות **Measurements** (measurements and descriptions of Temple and Courts; service of priestly guards).
11. \* §§ קנים **Birds' Nests** (sacrifices of fowls; offerings of the poor) [*Leviticus, 1, 14; 57; 12, 8; 15, 14, 29; Numbers 6, 9*].

## VI. סדר טהרות, Order Purifications

1. \* §§ כליים **Vessels** (ritual uncleanness of garments, utensils) [*Leviticus* 11, 33, 34, 35].
2. \* §§ אהליות **Tents** (ritual uncleanness caused by dead body to houses and tents) [*Numbers* 19, 14, 15, 16, 22].
3. \* §§ נזעים **Leprosy** [*Leviticus* 13 and 14].
4. \* §§ פרה **Heifer** [*Numbers* 19, 1 to 22].
5. \* §§ טהרות **Purifications** (lesser degrees of uncleanness lasting until sunset) [*Leviticus* 11, 24 to 28].
6. \* §§ מקואות **Reservoirs** (ritual wells and reservoirs).
7. נדה **Menstruant** [*Leviticus* 15, 19 to 31, 12, 2 to 8].
8. \* §§ מכשירין **Preparations** (liquids that render seeds and fruits unclean) [*Leviticus* 11, 34, 38].
9. \* §§ זבים **Sufferers with Gonorrhoea** [*Leviticus* 15, 2 to 18].
10. \* §§ סבול יום **Immersed at day-time** (and cleanness acquired at sunset.)
11. \* §§ ידיים **Hands** (uncleanness of hands, their purification).
12. \* §§ עוקצין **Fruit Stalks** (and their shells regarding conveying of uncleanness).

## KINDRED WORKS TO THE MISHNAH

1. תוספתא **Tosephta**, 'Appendix', 'Supplement'. It belongs to the 5th or 6th century C.E. It contains many הלכות, *Halachahs*, maxims and decisions (and throws much light on the *Mishnahs*) which are frequently quoted in the גמרא, *Gemara*.
2. מכילתא **Mechilta**, 'Measure'. It consists of a collection of legal and homiletical interpretations (on the *Book of Exodus*) which are occasionally quoted in the *Talmud*.
3. ספרא **Siphra**, 'The Book', or תורת כהנים, 'Law of Priests', or ספרי רב, **The Siphra of the School of Rab**, comprises traditional interpretations (of the *Book of Leviticus*) which are extensively quoted in the *Talmud*.
4. ספרי **Siphre**, 'The Books', or ספרי רב, **The Books of the School of Rab**, comprises traditional interpretations (of the *Book of Numbers* and the *Book of Deuteronomy*) which are quoted in the *Talmud*.
5. ברייתא **Baraitha**, or מתיבתא ברייתא, **Extraneous Mishnah**, are the fragmentary remnants of lost collections of passages similar in character to those in the *Mishnah* but not having the same authoritative value, and are extensively quoted in the גמרא, *Gemara*.

THE MISHNAH AT A GLANCE

<p>בְּרָכוֹת, פָּאָה, דְּמַאי, כְּלָאִים, שְׁבִיעִית, תְּרוּמוֹת, מַעֲשֵׂרוֹת, מַעֲשֵׂר שְׁנִי, חֻלָּה, עֲרֵלָה, בְּכוֹרִים</p>	זְרָעִים	מִשְׁנָה
<p>שֶׁבֶת, עֲרוּבֵין, פְּסָחִים, שְׁקָלִים, יוֹמָא, סוּפָה, בִּיצָה, רֹאשׁ הַשָּׁנָה, תַּעֲנוֹת, מְגִלָּה, מוֹעֵד קָטָן, חֲגִיגָה</p>	מוֹעֵד	
<p>יְבָמוֹת, כְּתוּבוֹת, נְדָרִים, גִּזְרֵי, סוּטָה, גִּיטִין, קְדוּשִׁין</p>	נָשִׁים	
<p>בָּבָא קָמָא, בָּבָא מְצִיעָא, בָּבָא בִּתְרָא, סִנְהֶדְרִין, מְכוֹת, שְׁבוּעוֹת, עֲדוּיוֹת, עֲבוּדָה זָרָה, אָבוֹת, הוֹרֵיֹת</p>	גִּזְקִין	
<p>זְבָחִים, מְנַחֹת, חוּלִין, בְּכוֹרוֹת, עֲרֵכִין, תְּמוּרָה, כְּרִיתוֹת, מַעֲלָה, תָּמִיד, מִדּוֹת, קָנִים</p>	קִדְּשִׁים	
<p>פְּלִים, אֶהָלוֹת, נִנְעִים, פָּרָה, טְהוֹרוֹת, מְקַנָּאוֹת, גֵּדָה, מִכְשֵׁרִין, זָבִים, טָבֹול יוֹם, יָדִים, עוֹקֶצֶין</p>	טְהוֹרוֹת	

## AUTHORITIES OF THE MISHNAH

The authorities named in the *Mishnah* (and *Baraitha*) belong to three periods, *viz.*,

1. סופרים, **Scribes**,
2. זוגות, **Pairs**, and
3. תנאים, **Teachers** (which is further subdivided into *Six Generations*).

**Notes**—1. The term תנא, *Teacher*, is used in the גמרא. 2. In the תלמוד the expounders are termed generally רב, and collectively חכמים, *Sages*. 3. The authorities of the סופרים and זוגות periods are often referred to as זקנים הראשונים, *Former Elders*. 4. After רבי יהודה הנשיא the *Teachers* were termed אמורא, a Palestinian אמורא being designated רבי and a Babylonian אמורא having the title of רב or מר.

### 1. סופרים, Scribes

(1) חגי, (2) זכריה, (3) מלאכי, (4) זרובבל, (5) מרדכי בלשן, (6) עזרא, (7) יהושע בן יהוצדק, (8) שריה, (9) רעליה, (10) רחום, (11) בענה, (12) נחמיה בן חכליה, (13) שמעון הצדיק, (14) אנטיגנוס איש סוכו.

### 2. זוגות, Pairs

(15) יוסי בן יועזר and (16) יוסי בן יוחנן, (17) יהושע בן פרחיה and (18) נתניאל הארבל, (19) יהודה בן טבאי and (20) שמעון בן שטח, (21) שמעיה and (22) אבטליון, (23) הלל ושמאי;

and to this period also belong:

(24) יוחנן כהן גדולי, (25) בבא בן בוטי, (26) בן הא הא, (27) חוני המעגל.

### 3. תנאים, Teachers

(*First Generation, 10—80 C.E.*)

(28) עקיבא בן מהללאל, (29) בני בתירא, (30) שמעון בן הלל, (31) רבן גמליאל הזקן, (32) רבי חנינא סגן הכהנים, (33) אדמון, (34) חנן, (35) נחום המדי, (36) רבן שמעון בן גמליאל, (37) רבי יוחנן בן זכאי, (38) בן בוכרי, (39) דוסתאי איש כפר יתמה, (40) אליעזר בן דולפאי, (41) חנניא בן חזקיה בן גוריון, (42) יוחנן בן ההורני, (43) יועזר איש הבירה, (44) אבא יוסי חלי קופרי, (45) מנחם בן סנאי, (46) נחום הלבלי, (47) חנניה בן גודגדא.

(*Second Generation, 80—120 C.E.*)

(48) רבן גמליאל דיבנה, (49) שמעון הפקולי, (50) שמואל הקטן, (51) רבי צדוק, (52) פפיס, (53) רבי דוסא בן הרקנס, (54) רבי אליעזר בן יעקב, (55) רבי אליעזר בן הרקנס, (56) רבי יהושע בן חנניא, (57) רבי יוסי הכהן, (58) רבי שמעון בן נתנאל, (59) רבי אלעזר בן ערך, (60) רבי אלעזר בן עזריה, (61) רבי יהודה בן בתירא.

## GENERAL INTRODUCTION

(62) רבי אליעזר בן צדוק, (63) רבי יוחנן בן גודגדא, (64) רבי נחוניא בן הקנה, (65) נחום איש גמזו, (66) רבי נחוניא בן אלינתן איש כפר הבבלי, (67) רבי זכריה בן הקצב, (68) רבי זכריה בן אבקולוס, (69) רבי שמעון בן הסגן, (70) שמעון אחי עזריה, (71) רבי יוחנן בן בנאי, (72) רבי יוסי בן גילאי, (73) עקיילס (אתקלס הגר), (74) רבי אליעזר בן דגלאי, (75) רבי חנינא בן דוסא, (76) הורקנוס בכפר עיטם, (77) רבי יוסי בן חוני, (78) רבי יהושע בן הורקנוס, (79) אבא יוסי בן חנן, (80) רבי יוסי בן דורמסקית, (81) יקים איש הדר.

### (Third Generation, 120—140 C.E.)

(82) רבי טרפון, (83) רבי ישמעאל, (84) רבי עקיבא (בן יוסף), (85) רבי יוחנן בן גורי, (86) רבי יוסי הגלילי, (87) רבי אלעזר המודעי, (88) רבי חנינא בן אנטינוס, (89) רבי שמעון בן גנס, (90) רבי יהודה בן בבא, (91) רבי חנינא בן גמליאל, (92) רבי מתיא בן חרש, (93) רבי יוחנן בן ברוקא, (94) רבי שמעון שזורי, (95) רבי אלעי, (96) רבי חלפתא, (97) רבי חנינא בן תרדין, (98) רבי אלעזר בן פרטא, (99) רבי ישבב, (100) רבי חוצפית (מתורגמן), (101) רבי אליעזר בן מתיא, (102) רבי יהושע בן מתיא, (103) רבי אליעזר בן יהודה איש ברתותא, (104) רבי אליעזר חסמא, (105) (שמעון) בן עזאי, (106) (שמעון) בן זומא, (107) רבי חנינא בן חכינאי, (108) שמעון התימני, (109) חנן המצרי, (110) מתנבז, (111) שמעון השקמוני, (112) רבי חדקא, (113) נחמיה איש בית דלי, (114) רבי יהודה בן נחמיה, (115) רבי יהודה בן גדיש, (116) אבא חנן, (117) חנינא בן אחי רבי יהושע, (118) שמעון בן טרפון, (119) שמעון העמסוני, (120) אבטולמוס, (121) אלעזר בן חסמא, (122) אלישע בן אבריה, (123) אלעי, (124) יוחנן בן יהושע, (125) יוחנן בן מתתיהו, (126) יוסי בן קיסמא, (127) יהודה הכהן, (128) לויטס איש יבנה, (129) שמעון בן עקשיה.

### (Fourth Generation, 140—165 C.E.)

(130) רבי מאיר (נהוראי), (131) רבי יהודה (בן אלעי), (132) רבי יוסי (בן חלפתא), (133) רבי שמעון בן יוחי (or יוחאי), (134) רבי אלעזר בן שמוע, (135) רבי יוחנן הסנדלר, (136) רבי אלעזר (or אליעזר) בן יעקב, (137) רבי נחמיה, (138) אבא שאול, (139) רבי יהושע בן קרחא, (140) רבי אלעזר בן צדוק, (141) רבן שמעון בן גמליאל, (142) רבי יאשיה, (143) רבי יונתן, [(142) and (143) תנא דבי רבי ישמעאל], (144) אלעזר בן יוסי הגלילי, (145) חלפתא בן דוסא, (146) חנינא איש אוני, (147) יוסי בן החוטף אפרתי.

### (Fifth Generation, 165—200 C.E.)

(148) רבי ישמעאל בנו של רבי יוחנן בן ברוקא, (149) רבי חנינא בן עקיבא (or עקיבא), (150) אבא אלעזר בן דולעי, (151) רבי אלעזר בן פילא (or פיאבי), (152) רבי אלעזר בנו של רבי יוסי הגלילי, (153) רבי חנינא בן עקשיא, (154) רבי יהושע בן קבוסאי (or קפוסאי), (155) רבי נתן (הבבלי), (156) רבי יהודה הנשיא, (157) סומכוס, (158) רבי יוסי בן יהודה, (159) רבי שמעון בן יהודה, (160) רבי אליעזר בן יהודה, (161) רבי מנחם, (162) רבי אלעזר בן שמעון, (163) רבי שמעון בן אלעזר, (164) רבי יוסי בן המשולם, (165) רבי שמעון בן מנסיא, (166) רבי יהודה בן תימא, (167) רבי יעקב,



# GENERAL INTRODUCTION

(168) רבי אליעזר הקפר, (169) אבא אלעזר בן גמלא, (170) רבי יצחק, (171) אבא גוריון, (172) דוסתאי בן ינאי, (173) ישמעאל בן יוסי בן חלפתא, (174) ידוע הבבלי, (175) יוסי איש כפר הבבלי, (176) גזוראי, (177) פנחס בן יאיר, (178) שמעון בן חלפתא, (179) ינאי, (180) יהושע בן לוי.

(*Sixth Generation*, 200—240 C.E.)

[These are mentioned only in the foregoing]

(181) רבי יהודה פלימי, (182) איסי בן יהודה, (183) רבי אלעזר בן יוסי, (184) רבי ישמעאל בר יוסי, (185) יהודה בן לקיש, (186) רבי חיאי, (187) רבי אחאי, (188) רב אבא (אריכא) הוא רב

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## TABLES OF BIBLICAL WEIGHTS AND MEASURES

The exact values of the various units are indeterminate but their relative values are known. The values given are only approximate.

### COINAGE

מנה = 850 שקל [according to *Exodus* 38, 25]; ככר = 3000 שקל [according to *Exodus* 38, 25]; שקל הקדש = 20 גרה [according to *Exodus*, 30, 13; *Leviticus* 27, 25; *Numbers* 3, 47]; silver שקל = 14.55 grams; silver מנה = 50 silver שקל; silver ככר = 873 grams; gold מנה = 60 gold שקל.

### WEIGHTS

גרה = 0.73 grams; שקל כסף = שקל הקדש = 14.55 grams = 20 מנה; גרה = 727.5 grams = 50 שקל כסף; ככר = 43.659 kilograms = 60 שקל כסף.

### CUBIC (Solid, Dry)

לג = 506 c. cm.; קב = 2024 c. cm. = 4 עשרון; לג = 3644 c. cm. = 7.2; עמר = 3.644 litres = 7 לג; סאה = 12.148 litres = 6 קב = 24 לפה = 36.44 litres = 3 סאה = 10 עשרון; לתך = 121.5 litres; חמר = 364.4 litres = 3 לתך.

### LIQUID (Wet)

לג = 506 c. cm.; קב = 2024 c. cm. = 4 עין; עין = 6.074 litres = 3 קב; בת = 36.44 litres = 6 עין; כר = 364.4 litres = 10 בת.

### LINEAR (Long)

אצבע = 2.06 — 2.19 cm.; טפח = 8.25 — 8.75 cm. = 4 אצבע; זרת = 24.75 — 26.25 cm. = 3 טפח; אמה = 49.5 — 52.5 cm. = 2 זרת.

## TABLES OF RABBINICAL OR TALMUDICAL WEIGHTS AND MEASURES

The actual values of the quantities, in comparison with our standard measurements, are not accurately known, and the accuracy of the comparative values here given can not be vouched for with any degree of accuracy. The weights and measures of the post-Biblical period are a combination of the

## GENERAL INTRODUCTION

metrological systems of the Bible, the Babylonians, the Syrians and particularly the Romans and Greeks.

## COINAGE

- 8 פרוטה = 1 איסר (or אסר);  
 2 אסר = 1 פונדיון;  
 2 פונדיון = 1 מעה (silver);  
 6 מעה = 1 דינר [דינר כסף] (silver); =  $\frac{1}{24}$  דינר [דינר זהב] (gold); = 1 זוז  
 = 5 אספר;  
 1 זוז = 100 מנה;  
 1 סלע = 4 דינר = 2 שקל Rabbinical = 1 שקל Pentateuchal.

## WEIGHTS

- גרה = גרמס = מעה [0.6 grams, 9.6 grains];  
 (פרוטה = 192 איסר = 24 פונדיון = 12 מעה = 6 זין = 6 זוז = דינר);  
 זוז = 2 שקל פשוט;  
 שקל פשוט = 2 סלע = 1 שקל הקדש;  
 שקל פשוט = 25 סלע =  $12\frac{1}{2}$  (טרטימר) טרטימר;  
 סלע = 25 מנה איטלקי = ליטרה;  
 זוז = 100 טרטימר = 3 מנה;  
 סלע = 1500 ככר;  
 אונקיא =  $\frac{1}{2}$  (?) ליטרה } undeterminable quantities.  
 ליטרה = (?) ריטל }

## CUBIC (Dry, Solid)

- ביצה = 91.6 c. cm., 5.59 c. inches;  
 6 ביצה = 1 לוג = 1 קסתא [33.4 c. inches, 551 c. cm.];  
 2 קפיוז = 1 לוג;  
 2 קפיוז = 1 קב;  
 6 קב = 1 גריזא =  $\frac{1}{2}$  גרב;  
 3 סאה = 1 איפה = 1 בת;  
 1 איפה = 10 עמר = 10 עשרון [240 c. inches, 3967 c. cm.];  
 1 לוג =  $\frac{1}{2}$  עוכלא = 2.5 תומן;  
 5 איפה = 1 לתך;  
 2 לתך = 1 חומר = 1 כר;  
 [Undeterminate: אדרב = ארדב; כונא = כונה; תרוד.]

## LIQUID (Wet)

- קרטוב = 8.61 c. cm., 0.53 c. inches);  
 2 קרטוב = 1 משורה = 1 בריונא;  
 2 משורה = 1 עכלה;  
 2 עכלה = 1 רביעית;  
 2 רביעית = 1 תומן;

## GENERAL INTRODUCTION

- 2 תומן = 1 רבע = 1 לג [33.4 c. inches, 551 c. cm.]  
 4 רבע = 1 קב [133.5 c. inches, 2204 c. cm.];  
 3 קב = 1 תרקב = 1 הין;  
 2 הין = 1 סאה [880.9 c. inches, 13222 c. cm.];  
 3 בת = 1 איסה = 1 סאה;  
 1 עשרון = 10 איפה;  
 5 פסכתר = 1 אנסל = 1 לתך = 1 איפה;  
 2 חמר = 1 כר = 1 לתך [24026 c. inches, 396663 c. cm.];  
 1 נבנא = 1 אנפק = 1 אנבג = 1 נטלא = 1 לוג;  
 4 וסטס = 1 קייסא = 1 לוג = 1 לתך;  
 5 כווא = 1 לוג;  
 12 מטרתא = כווא;  
 40 מקוה = 1 סאה.

[Indeterminable: תמניתא = 412 c. cm. in the *Babylonian Talmud*, 206 c. cm. in the *Palestinian Talmud*; זיר, המינא =  $\frac{1}{2}$  (?) pint; קסוסטבן, שריגש.]

## LINEAR (Long)

- אצבע קטנה = 1.56 cm., 0.614 inches;  
 תילתא = 1.87 cm., 0.736 inches;  
 אצבע גודל = 2.33 cm., 0.917 inches;  
 2 סיס = 1 אצבע;  
 4 פיזבא = 1 ספח [3.67 inches, 9.3 cm.] = 1 אצבע;  
 3 זרת = 1 ספח;  
 2 קנה = 1 אמה = 1 פסעה [22.1 inches, 56.1 cm.];  
 5 אמה קטנה = 1 ספח;  
 6 אמה גדולה = 1 אצבע + 1 ספח;  
 2000 אמה = 1 מיל [1121 metres, 1226 yards] = 1 תחום שבת;  
 4 פרסה = 1 מיל [4486 metres, 4905 yards];  
 10 דרך יום = פרסה;  
 266  $\frac{2}{3}$  אמה = 1 ריס [0.015 mile]  
 50 אמה = 1 חבל [Mishnaic], 4 אמה [Talmudic]; ריס and פרסה in some cases are identical.

## SQUARE (Superficial)

- גרמידא = 1 square cubit = אמה מרבעת;  
 אמה מרבעת = 104  $\frac{1}{2}$  בית רבע;  
 4 בית רבע = 1 בית קב [416  $\frac{1}{2}$  square cubits];  
 6 בית קב = 1 בית סאה [2500 square cubits];  
 2 בית סאה = 1 בית סאתים [5000 square cubits];  
 3 בית סאה = 1 בית צמד [7500 square cubits];  
 4 בית סאה = 1 בית פרס [10000 square cubits];  
 15 בית סאה = 1 בית לתך [37500 square cubits];  
 30 בית סאה = 1 בית כר [75000 square cubits].

MEANINGS OF THE ABOVE TERMS

.mile, mille, מיל	.artabee [Gk.], אדרב
.hundred, portion, maneh, מנה	.ounce, אונקיא
.sand grain, maeh, מעה	.issar, [Latin] as, איסר
.reservoir, מקוה	.ephah, batch, איפה
.division, משורה	.arm, forearm, cubit, ell, אמה
.vessel, נבגא	.small cup, אונג
.ladle, scoop, נטלא	.lift, אנטל
.mark, measure, seah, טאה	.cruse, אנסק
.swing, סיט	.asproi [Gk.], אספר
.rock, sela, סלע	.finger, אצבע
.enclosure, עוכלה	.ardb, (see אדרב)
.sheaf, omer, עמר	.egg, ביצה
.tenth, עשרון	.tap, ברזיא
.dupondium, פונדיון	.daughter, bath, בת
.digit, סיובא	.thumb, גודל
.large pot, פסכתר	.bottle, keg, גרב
.small change, פרוטא	.sand grain, gerah, גרה
.division, פרס	.collected quantity, גרייה
.hoof, Persian mile, parasang, פרסה	.arm, elbow, cubit, גרמידא
.team, yoke, צמד	.gramma [Gk.], גרמס
.arch, hollow, kab, קב	.denar, דינר
.particle, ounce, קייסא	.breath, skiff, hin, הין
.reed, קנה	.hemina (Gk.), המינא
.sextarius, קסוסטבן	.glittering, zuz, זוז
.sixth, קסטא	.sparkle, זין
.kapithee (Gk.), קפיזא	.crest, crown, bundle, bunch, זיר
.cut, split, קרטוב	.span, זרת
.fourth, רביעית	.cord, rope, חבל
.quarter, reva, רבע	.load, weight, homer, חומר
.run, course, ריס	.handbreadth, טפח
.weight, shekel, שקל	.third, טרטימר
.ladle, שרגש	.jug, כוזא
.eighth, תומן	.handful, hollow of hand, כונא
.eight, תומן	.heap, kor, כור
.third, תילתא	.cake, circuit, talent, ככר
.double arch, double hollow, תרקב	.gurgle, lap, lick, log, לג
.third, תרטימר	.pound, litra, ליטרא
.ladle, spoon, תרוד	.outflow, לתך
	.guard, מטרטא





# ZERAIM—זרעים

## INTRODUCTION

The general contents and composition of this *First Order of the Mishnah* have already been briefly indicated in the *General Introduction* to the *Mishnah* and are more fully presented in detail in the individual *Introductions* to the separate *Tractates*.

The term זרעים is the plural form of the substantive זרע (*sowing, time of sowing, seedtime; seed; grain, produce; plantation; semen; issue, progeny*), which is a derivative of the verb זרע (*sow, plant; scatter, strew*). Thus סדר זרעים means *Order of Seeds*, a very apt term for the *Order* which (with the exception of *Tractate Berachoth*) deals almost entirely with the laws and regulations concerning the work on the land and products of the Jews in Palestine, and it also gives us a full and valuable insight into the pursuits and activities of the people and their social conditions and relationships before their final dispersal (circa 135 C.E.).

In Biblical times the land was very fertile and so the main industry was agriculture in its widest sense (primarily cereal culture in the plains, arboriculture in the hilly regions, and horticulture, floriculture, sheep farming and cattle-rearing in the level and low-lying districts); there were also, to a much lesser degree, some mining (for copper and iron) and quarrying (for building-stone), fishing, necessary occupations (such as building and the manufacture of linen and pottery) connected with the ordinary life of the people, and a great industry in the making of wine, olive-oil and dried fruits (figs, dates, raisins); and there existed a considerable trade by land and sea with neighbouring countries.

The life of the people was largely determined by the climate and its variations at different altitudes—in general temperate highlands and tropical plains and valleys, with two rainy seasons in the months of *Cheshvan* and *Nisan* and droughty oppressive summers with compensating heavy dews.

The chief products were (1) corn (wheat, barley, rye, spelt), pulse (pea, bean), cucumber, melon, spices, hyssop, flax; (2) (trees) vine, olive, almond, palm, cedar, oak, sycamore, terebinth, poplar, acacia, myrrh; (3) (fruits) grape, olive, fig, date, pomegranate, almond, apricot; (4) (flowers) lily, rose; and (5) (useful animals) ox, cow, sheep, goat, ass, donkey, mule, horse, camel; bee; poultry.

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 יוסי בן חלפתא - ברכות<sup>28</sup>; פאה<sup>68</sup>; 3<sup>78</sup>; 6<sup>8</sup>; 7<sup>18</sup>. דמאי<sup>25</sup>; 3<sup>28</sup>; 7<sup>8</sup>. כלאים<sup>217</sup>; 3<sup>7</sup>; 5<sup>4</sup>; 6<sup>7</sup>; 7<sup>4</sup>; 8<sup>5</sup>; 9<sup>79</sup>. שביעית<sup>28</sup>; 3<sup>79</sup>; 9<sup>4</sup>; 10<sup>1</sup>. תרומות<sup>18</sup>; 3<sup>8</sup>; 4<sup>18</sup>; 7<sup>5</sup>; 8<sup>5</sup>; 10<sup>8</sup>; 11<sup>8</sup>. מעשרות<sup>18</sup>; 3<sup>78</sup>; 5<sup>8</sup>. מעשר שני<sup>11</sup>; 3<sup>11</sup>; 4<sup>14</sup>; 5<sup>14</sup>. חלה<sup>418</sup>. ערלה<sup>126</sup>; 77<sup>9</sup>; 1<sup>126</sup>.  
 יוסי הגלילי - ברכות<sup>78</sup>. שביעית<sup>46</sup>. בכורים<sup>110</sup>.  
 ישמעאל (בן אלישע) - ברכות<sup>78</sup>. פאה<sup>410</sup>. דמאי<sup>64</sup>. כלאים<sup>38</sup>; 3<sup>78</sup>; 6<sup>4</sup>. שביעית<sup>14</sup>. תרומות<sup>45</sup>. מעשרות<sup>35</sup>. חלה<sup>44</sup>.  
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 נחום הלבלר - פאה<sup>26</sup>.  
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 עקיבא (בן יוסף) - ברכות<sup>43</sup>; 5<sup>2</sup>; 6<sup>8</sup>; 7<sup>8</sup>. פאה<sup>16</sup>; 3<sup>26</sup>; 4<sup>10</sup>; 7<sup>7</sup>; 8<sup>5</sup>. כלאים<sup>13</sup>; 3<sup>26</sup>; 5<sup>7</sup>; 6<sup>1</sup>; 7<sup>6</sup>. שביעית<sup>18</sup>; 3<sup>10</sup>; 4<sup>6</sup>; 6<sup>2</sup>; 8<sup>9</sup>; 9<sup>6</sup>. תרומות<sup>10</sup>; 3<sup>18</sup>; 4<sup>5</sup>; 6<sup>6</sup>; 9<sup>2</sup>; 10<sup>11</sup>. מעשרות<sup>39</sup>; 4<sup>6</sup>. מעשר שני<sup>79</sup>; 2<sup>4</sup>; 5<sup>78</sup>. חלה<sup>28</sup>; 3<sup>6</sup>; 4<sup>78</sup>. ערלה<sup>37</sup>. בכורים<sup>38</sup>.  
 צדוק - תרומות<sup>109</sup>.  
 שמאי - מעשר שני<sup>79</sup>; 2<sup>4</sup>. ערלה<sup>25</sup>. [בית שמאי] ברכות<sup>66</sup>. דמאי<sup>31</sup>. כלאים<sup>86</sup>. תרומות<sup>48</sup>. ערלה<sup>25</sup>; 12<sup>25</sup>.  
 שמעון איש המצפה - פאה<sup>26</sup>.  
 שמעון בן אלעזר - כלאים<sup>98</sup>.  
 שמעון בן גמליאל (דיבנה) - ברכות<sup>28</sup>. פאה<sup>51</sup>. דמאי<sup>78</sup>. שביעית<sup>16</sup>; 3<sup>4</sup>; 4<sup>10</sup>. מעשרות<sup>56</sup>. מעשר שני<sup>36</sup>; 5<sup>1</sup>. ערלה<sup>14</sup>.  
 שמעון בן זומא - ברכות<sup>15</sup>.  
 שמעון בן יהודה - מעשר שני<sup>36</sup>.  
 שמעון בן יוחאי - פאה<sup>18</sup>; 3<sup>8</sup>; 4<sup>1</sup>. דמאי<sup>34</sup>; 5<sup>8</sup>. כלאים<sup>127</sup>; 2<sup>1</sup>; 4<sup>9</sup>; 5<sup>2</sup>; 7<sup>4</sup>. שביעית<sup>18</sup>; 2<sup>1</sup>; 3<sup>2</sup>; 6<sup>16</sup>; 7<sup>6</sup>; 8<sup>17</sup>; 9<sup>1</sup>. תרומות<sup>9</sup>; 3<sup>5</sup>; 4<sup>12</sup>; 5<sup>8</sup>; 10<sup>11</sup>; 11<sup>10</sup>. מעשרות<sup>14</sup>; 2<sup>4</sup>; 3<sup>8</sup>. מעשר שני<sup>28</sup>; 3<sup>11</sup>; 5<sup>8</sup>. ערלה<sup>10</sup>; 2<sup>1</sup>; 7<sup>10</sup>; 14<sup>16</sup>. בכורים<sup>2</sup>; 3<sup>11</sup>.  
 שמעון בן גנס - בכורים<sup>39</sup>.  
 שמעון בן עזאי - ברכות<sup>94</sup>.  
 שמעון שזורי - דמאי<sup>41</sup>. שביעית<sup>28</sup>.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text outlines various methods for organizing and storing data, including digital databases and physical filing systems.

2. The second section focuses on the role of communication in project management. It highlights the need for clear, concise, and timely communication between team members and stakeholders. The author provides several strategies for effective communication, such as regular meetings, status reports, and the use of collaborative tools. It also discusses the importance of active listening and feedback in ensuring that everyone is on the same page.

3. The third part of the document addresses the challenges of time management. It acknowledges that time is a limited resource and that effective time management is crucial for meeting deadlines and achieving goals. The text offers practical tips for prioritizing tasks, delegating responsibilities, and avoiding procrastination. It also discusses the importance of taking breaks and maintaining a healthy work-life balance to prevent burnout.

4. The final section discusses the importance of continuous learning and improvement. It encourages individuals to stay up-to-date with the latest trends and technologies in their field. The text suggests various ways to acquire new knowledge and skills, such as attending conferences, taking courses, and seeking mentorship. It also emphasizes the importance of reflecting on one's own performance and seeking feedback from others to identify areas for improvement.

מסכת

בִּרְכוֹת

TRACTATE  
BERACHOTH

[BEING THE  
FIRST TRACTATE OF THE ORDER ZERAIM]  
TEXT • INTRODUCTION • TRANSLATION  
NOTES

By  
PHILIP BLACKMAN, F.C.S.

*This Tractate has been revised by*  
RABBI DR. M. GINSBERG, M.A., PH.D.

1890-1891

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בְּרָכוֹת

BERACHOTH





## INTRODUCTION

**בְּרָכוֹת** is the first **מַסֶּכֶת** (*Tractate* or *Treatise*) of the first **סֵדֵר** (*Order*) of the **מִשְׁנָה** (*Mishnah*).

The term **בְּרָכוֹת**, BLESSINGS, BENEDICTIONS, is the *plural* form of the *substantive* **בְּרָכָה** which is a derivative of the *verb* **בָּרַךְ** (which *Kal* form is not in actual use).

Although we do not know the reason why the Tractates of the *Mishnah* have been arranged in the order as we have them, nevertheless it seems most appropriate for **בְּרָכוֹת** to be at the head because of its treatment at such great length of the most important subjects of the *Shema*, *Benedictions* and *Prayers* which form the essentials of our *Liturgy*.

The Tractate deals mainly with the following subjects: the **שְׁמַע** (*Shema—Deuteronomy 6, 4—9; 11, 13—21; and Numbers 15, 37—41*), treated in Chapters 1, 2 and 3; the **תְּפִלָּה** (or **שְׁמִנָּה עֶשְׂרֵה**) (*Eighteen Benedictions*), treated in Chapters 4 and 5; **בְּרַכַּת הַמֶּזֶן** (*Grace after Meals*), **קְדוּשָׁה** (*Sanctification*), **הַבְדָּלָה** (*Habdalah*), and various **בְּרָכוֹת** (*Blessings, Benedictions*), treated in Chapters 6 and 7, miscellaneous mealtime regulations are summarised in Chapter 8, and various benedictions unconnected with food are dealt with in Chapter 9.

The Tractate contains nine Chapters of which the Titles are:

Chapter 1	פָּרָק א' מֵאִמְתִּי
Chapter 2	פָּרָק ב' הֵיָה קוֹרָא
Chapter 3	פָּרָק ג' מִי שְׁמָתוֹ
Chapter 4	פָּרָק ד' תְּפִלַּת הַשָּׁחַר
Chapter 5	פָּרָק ה' אֵין עוֹמְדִים
Chapter 6	פָּרָק ו' כִּיצַד מְבָרְכִין
Chapter 7	פָּרָק ז' שְׁלֹשָׁה שְׁאָכְלוּ
Chapter 8	פָּרָק ח' אֵלּוּ דְּבָרִים
Chapter 9	פָּרָק ט' הַרְוָאָה

The Tractate contains **יְמָרָא** in both the *Babylonian Talmud* and the *Jerusalem Talmud*.

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מִסְכֵּת  
**בְּרַחוֹת**<sup>1</sup>

TRACTATE  
**BERACHOTH**<sup>1</sup>

CHAPTER 1

פֶּרֶק א

Mishnah 1

From when onwards are we to read the *Shema*<sup>2</sup> in the evening?<sup>3</sup> From the moment when the priests<sup>4</sup> come in [home] to eat of their *priest's-due*<sup>5</sup> up to the end of the first watch.<sup>6</sup> This is the opinion of R.<sup>7</sup> Eliezer, but the Sages<sup>8</sup> say, Until midnight. Rabban Gamaliel<sup>9</sup> says, 'Until dawn.'<sup>10</sup> It happened once that his sons returned<sup>11</sup> from a festivity and said to him, 'We have not yet read the *Shema*.' He told them, 'If dawn have not yet appeared it is your duty to recite it.' And not only in this case,<sup>12</sup> but in all cases where the Sages say, Until midnight, the obligation referred to may be carried out till dawn, for instance the burning of fat<sup>13</sup> and limbs<sup>14</sup> may be performed until dawn, and all [the sacrifices] which must be eaten<sup>15</sup> on the same day have their proper times<sup>16</sup> till dawn. If this be so, why did the Sages say, Until midnight? In order to keep man away from transgression.<sup>17</sup>

מִשְׁנָה א

מֵאִמָּתַי קוֹרִין אֶת-שְׁמַע  
בְּעֶרְבִית? מִשְׁעָה<sup>4</sup> שֶׁהַכֹּהֲנִים  
וְכַנָּסִים לֵאכֹל<sup>5</sup> בְּתֵרוֹמָתָן עַד  
סוֹף<sup>6</sup> הָאֲשִׁמוּרָה הָרִאשׁוֹנָה, דְּבַר־  
רַבִּי אֱלִיעֶזֶר. וְחַכָּמִים אוֹמְרִים,  
עַד חֲצוֹת. רַבֵּן גַּמְלִיאֵל אוֹמֵר,  
עַד שִׁיעָלָה<sup>10</sup> עֲמוּד הַשָּׁחַר. מַעֲשֵׂה  
<sup>11</sup>שָׁבְאוּ בָנָיו מִבֵּית הַמִּשְׁתָּה, אָמְרוּ  
לוֹ, לֹא קָרִינוּ אֶת-שְׁמַע. אָמַר  
לָהֶם, אִם לֹא עָלָה עֲמוּד הַשָּׁחַר  
חַיִּיבִים אַתֶּם לְקִרְוֹת.<sup>12</sup> וְלֹא זֶה  
בִּלְבָד אָמְרוּ, אֲלֵא כָל-מָה  
שֶׁאָמְרוּ חַכָּמִים עַד חֲצוֹת מִצֻּתָּן  
עַד שִׁיעָלָה עֲמוּד הַשָּׁחַר. הֶקְטֵר  
יִחְלָבִים<sup>14</sup> וְזֹאבִרִים מִצֻּתָּן עַד  
שִׁיעָלָה עֲמוּד הַשָּׁחַר, וְכָל  
<sup>15</sup>הַנֶּאֱכָלִין לַיּוֹם אֶחָד<sup>16</sup> מִצֻּתָּן עַד  
שִׁיעָלָה עֲמוּד הַשָּׁחַר. אִם כֵּן,  
לָמָּה אָמְרוּ חַכָּמִים, עַד חֲצוֹת?  
כְּדִי לְהַרְחִיק (אֶת-) הָאָדָם מִן-  
יְהַעֲבִירָה.<sup>17</sup>

1 See **Introduction**. 2 **מִאֲחֲמַי**—In essence the idea here conveyed by this term is not only *when that interval begins* but also *during what period of time*. The **שְׁמַע** (or **קְרִיאַת שְׁמַע**, *Recital of the Shema*)—the 175th Commandment of the **תְּרִי"ג** (613) *Commandments*—consists of the three paragraphs beginning with **שְׁמַע** (*Deuteronomy* 6, 4—9), **וְהָיָה** (*Deuteronomy* 11, 13—21) and **וַיֵּאמֶר** (*Numbers* 15, 37—41). The term **שְׁמַע** is thus comprehensive. Evidently, seeing that the *Mishnah* begins with the subject of the *Shema*, this must be considered as the most important part of the *Liturgy*. 3 **בְּעֶרְבֵי** or **בְּעֶרְבִין**. The discussion begins with the 'evening' because of the term **וּבְשָׁכְבְּךָ**, *and when thou liest down*, which comes before **וּבְקִיּוּמְךָ**, *and when thou risest up*, the former referring to an action which is naturally and normally performed in the evening or at night. 4 The priest who became **טָמֵא** (*ritually unclean*) by reason of **צָרַעַת** (leprosy), or was a **זָב** (sufferer from gonorrhoea), or through contact with an unclean thing, could not return to his duties in the Temple before he had undergone purification by **טְבִילָה** (the ritual bath) and not before sunset following this cleansing. The *Mishnah* could have stated simply that the time for beginning to recite the *Evening Shema* coincides with the appearance of three widely separated stars in the sky, but instead it intentionally introduced the question of the priests in order to deal with the subject of ritual cleansing and Temple Service. 5 It was obligatory on the Jewish agriculturist (including the horticulturist and farmer in general) **מִדְּאֹרְיָאָה** (or **מִן הַתּוֹרָה**) *as enjoined by the Law* in Palestine—but also outside Palestine as instituted **מִדְּרַבָּנָן**, *by the authorities of the Mishnah*—to separate certain dues or levies, known as **מַתְנוֹת עֲנִיִּים**, *poor people's dues*, from all his produce of the field, garden, orchard, vineyard and oliveyard; and in addition he had then to separate certain other levies known as **תְּרוּמוֹת** (literally *heave-offerings*), *priest's-dues*, and **מַעֲשֵׂרוֹת**, *tithes*, after which he could use the remainder of the produce for his own purposes.

*Poor people's dues.* These levies were: (a) **פֶּאֶה**, *corner*—a corner of the field with its produce was left over for the poor at harvest time; (b) **שִׁכְחָה**, *forgotten produce*—what the owner had forgotten to gather or remove became the poor man's property; (c) **לֶקֶט**, *gleaning*—the fallen produce at reaping and picking belonged to the poor. In the case of grapes it was termed **פְּרִט**; also poor undeveloped grape clusters, **עוֹלִלוֹת**, went to the poor; and (d) **מַעֲשֵׂר עֲנִי**, *poor man's tithe* (see [3] of the next paragraph). Only after the **מַתְנוֹת עֲנִיִּים** had been allowed for were these separated. They were: (i) **תְּרוּמָה**, *priest's-due* (or *heave-offering*)—also termed **גְּדוּלָּה**, *priest's-major-due*—which was  $\frac{1}{50}$  of the produce for the **כֹּהֵן**, *priest*; (ii) **מַעֲשֵׂר רִאשֹׁן**, *first-tithe*, was  $\frac{1}{10}$  of the rest (i.e., after the *priest's-due* had been separated) and was separated for the **לֵוִי**, *Levite*. (The Levite in his turn had to give of this  $\frac{1}{10}$ , called **תְּרוּמַת קֹטֵן**, *priest's-minor-due* or **תְּרוּמַת מַעֲשֵׂר**, *priest's-due of the first-tithe*, to the **כֹּהֵן**); and (iii) **מַעֲשֵׂר שֵׁנִי**, *second-tithe*, was  $\frac{1}{10}$  of the remainder

(i.e., after the *first-tithe* had been separated), which had to be separated by the owner every 1st, 2nd, 4th and 5th years of the *Seven Years Cycle* and taken by him to Jerusalem to be consumed there. The owner could redeem this produce for coins (plus  $\frac{1}{5}$  of the value); the redeemed produce could then be used as any other חולין, *non-holy produce*, and the redemption money had to be taken to Jerusalem and spent there on food or drink or on שְׁלָמִים, *peace-offerings*. In the 3rd and 6th years, this tithe became מַעֲשֵׂר עָנִי, *poor-man's-tithe*, and had to be surrendered to the poor for their use. In the 7th year—termed שְׁבִיעִית or שְׁמִטָּה—no land was allowed to be cultivated but had to lie fallow, and all that grew of itself that year became הֶפְקֵר, *ownerless, common property*, and all, whether young or old, rich or poor, man or beast, had equal right to it. All produce was termed טָבֵל before the separation of *priest's-due* and *first-tithe* and was forbidden to be eaten by a non-priest. After these dues had been separated the produce was termed חולין, *non-holy, lay, profane*, and when the other tithes had also been separated it was termed מְתָקֵן, *adjusted* or חולין מְתָקֵן, *adjusted non-holy produce* (or וְדָא, *certainly tithed*), in contradistinction to דְּמָא, *uncertain tithed*) and could then be used for all purposes. 6 The night was divided into *three watches* (according to some authorities *four watches*). Or הַעֲשָׂמֶתָ. 7 רַבִּי is the title of the later תַּנְאִים and the early אַמּוֹרָאִים. 8 i.e., the other תַּנְאִים. 9 רַבֵּן—a higher title than רַבִּי is the designation of a גְּדוֹל, the most important of any period, the נָשִׂיא, *Prince* or ראש ישיבה, *Head of an Academy*. 10 Dawn, daybreak—about an hour and a quarter before sunrise. 11 i.e., after midnight. 12 In continuation of Rabban Gamaliel's statement. 13 Of all sacrifices. A portion of the fat of all sacrifices and all the limbs of burnt offerings had to be burnt on the Altar. 14 Of עֹלוֹת, *burnt-offerings* (Leviticus 6, 2). 15 Such קַרְבָּנוֹת, *offerings*, as הַטָּאת, *sin-offering*, in expiation of inadvertent sin, תּוֹדָה, *thank-offering*, in gratitude for God's loving-kindness, אָשָׁם, *guilt-offering*, אָשָׁם וְדָא, *undoubted guilt-offering*, to expiate an established sin, אָשָׁם תָּלִי, *suspended guilt-offering*, in expiation of an uncertain sin (see וְכִתִּיב 53-7). 16 'to eat them'—What has not been eaten before dawn is termed נוֹתֵר, *remainder*, and had to be burned. The punishment for eating נוֹתֵר is כְּרֵת, *excision, extirpation*, divine punishment through premature or sudden death or extinction without issue. (Compare וְכִתִּיב 71). מִצְוָתָן, literally *their commandment* (with reference to time). 17 So that one should not postpone the performance of a duty to the last moment and thereby risk being too late to do so within the prescribed time limit. The ruling as regards the time period for the recital of the Evening Shema is between sunset and dawn.

## Mishnah 2

מִשְׁנָה ב

At what time does one begin to recite the *Shema* in the morning?  
When one can distinguish between

מַאֲמָתִי קוֹרֵין אֶת-שְׁמַע  
בְּשַׁחֲרִית? מִשִּׁכִּיר בֵּין יִתְקַלֵּת

blue<sup>1</sup> and white. R. Eliezer says, Between<sup>2</sup> blue and green<sup>3</sup> (and concludes it<sup>4</sup>) by sunrise.<sup>5</sup> R. Joshua says, Until the third hour,<sup>6</sup> because it is the habit (of the children) of kings<sup>7</sup> to rise at the end of the third hour. He who reads [the *Shema*] later<sup>8</sup> has not lost thereby,<sup>9</sup> for it is as one who reads in the *Torah*.

לִלְבָן. רַבִּי אֱלִיעֶזֶר אָמַר, בֵּין תְּכֵלֶת לִזְרֵתִי (וְנוֹמְרָה) עַד יִהְיֶה הַחֹמֶה. רַבִּי יְהוֹשֻעַ אָמַר, עַד שְׁלֹשׁ שָׁעוֹת שֶׁכֵּן דָּרָךְ (בְּנִי) מַלְכִּים לַעֲמוֹד בְּשֹׁלֶשׁ שָׁעוֹת, הַקּוֹרֵא מִכָּאן יוֹאִילֶךָ לֹא הִפְסִיד כְּאֶדָם הַקּוֹרֵא בַּתּוֹרָה.

1 Blue, sky-blue, purple-blue. When it is already possible to recognise the difference between these two colours (as in the טְלִית which used to contain blue threads among the white, or in the newly blue-dyed fleece where parts remained white) it was taken as an indication that the period between dawn and sunrise had commenced. 2 i.e., 'when one can differentiate between...'. 3 זֵרֵתִי or פִּרְתִּי, *porraceous, leek-green, porret-green* (פִּרְתִּי, *leek, porret*). 4 i.e., the period in which the Morning *Shema* may be read ends at sunrise. 5 הַיּוֹם or הַיּוֹץ, *sparkling*. 6 i.e., during the first three hours of the day (when the day and night are of equal length). 7 This opinion is based on the rendering of וּבִקְוִמָךְ, *and when thou risest up*, to include the latest risers who would be the members of royalty presumably because they were not in a hurry to get up to their duties. We now accept the time of 10 o'clock as the prescribed limit. The וְחִיקִים, *ultra-orthodox*, used to read the *Shema* exactly at sunrise; but the most acceptable moment is ten minutes before sunrise so as to complete the recital just before actual sunrise. 8 Or וְאִילָךְ. 9 Although the time for reciting the *Shema* has gone by yet the two preceding morning Service Benedictions יוֹצֵר אֹר and אֵלֶּהָ כָּהֵן רַבָּה and the following Benediction אֲמֵת וְיָצִיב should be recited, and the recital of the *Shema* itself is as if one had studied it then in the *Torah* which may be done at all times.

### Mishnah 3

The School of Shammai<sup>1</sup> maintain, In the evening everyone should lie down<sup>2</sup> and recite,<sup>3</sup> and in the morning<sup>4</sup> they should stand<sup>5</sup> up,<sup>6</sup> because it is said, *and when thou liest down and when thou risest up*.<sup>7</sup> But the School of Hillel say, Everyone should read just in the position<sup>8</sup> he happens to be, as it is

מִשְׁנָה ג  
יְבִית שְׁמַאי אֹמְרִים, בָּעֶרֶב כָּל-אָדָם יֵשֵׁן וַיִּקְרָא וּבִבְקָר יִצְמָדוּ, שָׁנְאָמַר, יוֹבֵשׁ כֶּבֶד וּבִקְוִמָךְ. וּבִית הֵלֵל אֹמְרִים, כָּל-אָדָם קוֹרֵא כְּדַרְכוֹ, שָׁנְאָמַר, וּבִלְכֻתָּךְ בְּדַרְךָ. אִם כֵּן, לָמָּה

said, and when thou walkest by the way.<sup>9</sup> If so, why does it say, and when thou liest down and when thou risest up?<sup>10</sup> At the time when people lie down and at the time when people get up.<sup>11</sup> R. Tarfon said, 'I happened to return by road and I lay down<sup>12</sup> to read [the Shema] according to the view of the School of Shammai, and I found myself in danger from robbers.' They<sup>13</sup> said to him, 'Thou wouldst have deserved to have been killed because thou hast transgressed the decision of the School of Hillel.'

וַיֹּאמֶר, וּבִשְׁכֻבְךָ וּבִקְוִמְךָ בְּשָׁעָה  
שְׁבִי אָדָם שׁוֹכְבִים וּבִשְׁעָה שְׁבִי  
אָדָם יִעֲוֹמְדִים. אָמַר רַבִּי טַרְפוֹן,  
אֲנִי הֵייתִי בָּא בְּדֶרֶךְ יְוֹהֵטִיתִי  
לְקֵרוֹת כְּדִבְרֵי בֵּית שְׁמַאי וְסִכְנִיתִי  
בַּעֲצָמִי מִפְּנֵי הַלְּסָטִים. אָמְרוּ  
לוֹ כְּדִי הֵייתָ לְחוּב בַּעֲצָמְךָ  
שֶׁעֲבַרְתָּ עַל דִּבְרֵי בֵּית הֵלֵל.

1 See Biographies. 2 יְטָה in some editions. Some point these two terms יְטָה and יָטָה (*Hiphil* forms) but the *Kal* forms as given here seem more grammatically correct. 3 As in some editions, וַיִּקְרְאוּ (*plural*), and recite the Shema. The School of Shammai held the opinion that וּבִשְׁכֻבְךָ וּבִקְוִמְךָ referred not only to the 'time' but also to the 'manner'. 4 וּבִקְוִמְךָ and וּבִשְׁכֻבְךָ in some texts. 5 יַעֲמֵד [*singular*] or יַעֲמֵדוּ [*plural*] in various editions (see next Note). 6 When reciting the Shema. 7 Deuteronomy 6, 7. 8 Because otherwise, if the School of Shammai be correct in their interpretation of וּבִשְׁכֻבְךָ וּבִקְוִמְךָ then וּבִלְכֻמְךָ בְּדֶרֶךְ should also have the intention that one must, on a journey, when reading the Shema, be consistent, and this is not the case. *Actually, one pleases oneself as to his position when reading the Shema*, but for proper concentration one must stop when reciting the first verse. 9 Deuteronomy 6, 7. 10 i.e., why does not Scripture state explicitly 'in the evening and in the morning'? The answer is that (as stressed further on) וּבִשְׁכֻבְךָ וּבִקְוִמְךָ gives a more accurate definition of the time for reciting the Shema. 11 i.e., the verse refers to the 'time' when the Shema should be read and 'not to the position or posture' of the reader. 12 It was evening. At that period (after the destruction of the Second Temple) Palestine was infested by roving robber bands and R. Tarfon had a narrow escape from one of them. 13 i.e., the Sages. Their meaning was, 'under no circumstances whatever should you have disobeyed the ruling of the School of Hillel.' *Actually the Morning Shema may not be recited when lying down (except in the case of a disability).* The views of the School of Hillel were (with very few exceptions) accepted as the binding law.

#### Mishnah 4

In the morning one says two Benedictions<sup>1</sup> before it<sup>2</sup> and one<sup>3</sup>

מִשְׁנֵה ד  
בְּשַׁחַר מְבָרַךְ יִשְׁתָּם לְפָנֶיהָ<sup>2</sup>

after it, and in the evening two<sup>4</sup> before it and two<sup>5</sup> after it. One<sup>6</sup> is long and one<sup>7</sup> is short. Where<sup>8</sup> they<sup>9</sup> said it<sup>10</sup> must be long, it is not allowed to be made short; to be short, it is not permitted to make it long; to conclude<sup>11</sup> it, it is not permissible not to conclude it, and not to conclude it, it is not allowed to conclude it.

וְאַחַת לְאַחֲרֶיהָ, וּבֶעֱרֵב (מִבְּרַךְ)  
יִשְׁתִּים לְפָנֶיהָ יִשְׁתִּים לְאַחֲרֶיהָ.  
אַחַת אַרוּכָה וְאַחַת קְצָרָה.  
מִקּוֹם שֶׁאָמְרוּ לְהַאֲרִיךְ אֵינוֹ  
רָשָׁא לְקַצֵּר, לְקַצֵּר אֵינוֹ רָשָׁא  
לְהַאֲרִיךְ, לְחַתּוֹם אֵינוֹ רָשָׁא  
שֶׁלֹּא לְחַתּוֹם, וְשֶׁלֹּא לְחַתּוֹם  
אֵינוֹ רָשָׁא לְחַתּוֹם.

1 and יוֹצֵר אֹר and אֶהְיֶה רַבָּה. 2 i.e., the *Shema*. 3 אָמַת וְיָצִיב. 4 מַעֲרִיב עֲרֵבִים and מַעֲרִיב עֲרֵבִים. 5 הַשְׂכִּיבְנוּ and אָמַת וְיָצִיב. 6 אֶהְיֶה עוֹלָם. Thus, in all, there are seven Benedictions in accordance with the Talmud Jerushalmi's explanation of *Psalm 119*, 164, *seven times daily have I praised Thee*. 7 A long Benediction is one that begins with ... בְּרוּךְ אַתָּה and concludes with ... בְּרוּךְ אַתָּה. 8 A short Benediction is one that either commences with ... בְּרוּךְ אַתָּה or ends with ... בְּרוּךְ אַתָּה. 9 When the Liturgy was being compiled the Sages enjoined that there were to be no further alterations in the final forms of the Benedictions. 10 i.e., the Sages. 11 Any Benediction (or Blessing). 12 As, for example, in the case of the Blessings over foods, drinks, the Tallith, Tephillin, Kindling Lights, etc.

# Mishnah 5

We must mention the *Exodus from Egypt*<sup>1</sup> by night. R. Elazar ben Azariah said, 'I am like a man of seventy,<sup>2</sup> yet I was unable to understand the reason<sup>3</sup> why the departure from Egypt should be related at night until ben Zoma deduced it from the verse,<sup>4</sup> *That thou mayest remember the day of thy going forth from the land of Egypt all the days of thy life.*—*The days of thy life* implies days only, *all<sup>5</sup> the days of thy life* includes the nights also.' But the Sages say, *The days of thy life* implies this life, *all the days of thy life* implies the days of the Messiah.<sup>6</sup>

## משנה ה

יְמֵיכִירִין יְצִיאַת מִצְרַיִם בַּלַּיְלוֹת.  
אָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה  
הָרִי אָנִי יִכְבֵּן שְׁבָעִים שָׁנָה וְלֹא  
זָכִיתִי שֶׁתֹּאמַר יְצִיאַת מִצְרַיִם  
בַּלַּיְלוֹת, עַד שֶׁדִּרְשָׁה בֶּן זֹמָא  
שֶׁאָמַר לְמַעַן תִּזְכֹּר אֶת-יוֹם  
צֵאתְךָ מֵאֶרֶץ מִצְרַיִם כָּל יְמֵי  
חַיֶּיךָ. יְמֵי חַיֶּיךָ הַיְּמִים, כָּל-יְמֵי  
חַיֶּיךָ הַלַּיְלוֹת. וְנַחֲמִים אוֹמְרִים  
יְמֵי חַיֶּיךָ הָעוֹלָם הַזֶּה, כָּל יְמֵי  
חַיֶּיךָ לְהָבִיא לְיָמֵי הַמָּשִׁיחַ.



1 *Numbers* 15, 37—41, called פֶּרֶשֶׁת צִיצִית, because it refers to the צִיצִית, *fringes*, is included in the Evening Shema even though the night is not the time for wearing the טלית (because of the expression וּרְאִיתֶם אֹתוֹ, *and ye shall see it*, and the act of seeing is by daylight) by reason of the mention therein of יִצְיַאת מִצְרַיִם, *the departure from Egypt*, which occurred during the night. The *Hiphil* form מְזַכְּרִין is used and not the *Kal* form זֹכְרִין in order that the reader should utter the words aloud to remind others also of the *Exodus*. 2 They wanted to elect him *Nasi* but he was too young for the position; and he suddenly turned grey that night so that he looked like an old man of seventy and could be elected. 3 i.e., 'I was unable to convince the Sages by argument.' 4 *Deuteronomy* 16, 3. 5 כָּל, *all, whole*—24 hours. 6 The whole of this Mishnah is included in the הַגְדָּה שֶׁל פֶּסַח, *The Passover Haggadah* (the Service for the two סִדְרִים).

## CHAPTER 2

## פֶּרֶק ב

## Mishnah 1

If one were studying the Law<sup>1</sup> and the time for reading the *Shema* arrived: if he had the *Shema* in mind just then he is exempt from reading it<sup>2</sup> (otherwise he is not exempt<sup>3</sup>). Between the *Paragraphs*<sup>4</sup> one may greet another out of respect<sup>5</sup> and respond<sup>6</sup>; and in the middle,<sup>7</sup> one may greet another for fear<sup>8</sup> and respond. This is the view of R. Meir. R. Judah says, In the middle of a *Paragraph* one may greet another for fear but respond out of respect; and between the *Paragraphs* one may greet another out of respect and respond<sup>9</sup> to the greeting of any person.<sup>10</sup>

## מִשְׁנָה א

הָיָה קוֹרֵא יַבְתוֹרָה וְהִגִּיעַ זְמַן  
הַמִּקְרָא, אִם כִּיּוֹן לְבוֹ יֵצֵא<sup>2</sup>  
(וְאִם לֹא יֵצֵא). בְּפִרְקִים<sup>4</sup>  
שׂוֹאֵל מִפְּנֵי הַכְּבוֹד<sup>5</sup> וּמַשִּׁיב,<sup>6</sup>  
וּבְאֶמְצַע שׂוֹאֵל מִפְּנֵי הַיְרָאָה<sup>8</sup>  
וּמַשִּׁיב, דְּבָרֵי רַבִּי מְאִיר. רַבִּי  
יְהוּדָה אוֹמֵר, בְּאֶמְצַע שׂוֹאֵל מִפְּנֵי  
הַיְרָאָה וּמַשִּׁיב מִפְּנֵי הַכְּבוֹד,  
בְּפִרְקִים שׂוֹאֵל מִפְּנֵי הַכְּבוֹד  
וּמַשִּׁיב שְׁלוֹם לְכָל יְאֻדָּם.<sup>10</sup>

1 It happened to be the פֶּרֶשֶׁה, *portion* of the *Shema* in the *Pentateuch*. 2 And he does not have to repeat the recital of the *Shema*. The term יֵצֵא means *one has complied with the requirements of the Law*, or *one has fulfilled his duty or obligation*. 3 And if he did not have it in his mind that his study of the *Shema* should also suffice for its recital as part of the Morning Service he must then read it for that purpose. 4 This term is explained in the next Mishnah. (In some editions this Mishnah and the next one form one Mishnah). 5 *מִצְוֹת*, *commandments*, ordained by the Law require devotion in their fulfilment. 6 As for example, towards one's parent or teacher or a person superior in

scholarship. **6** To one who has greeted him. **7** Of a *Paragraph* or *Benediction*. **8** Of a person who might be the cause of his death. **9** To one who greets him first. **10** Interruption in prayer includes the אסור, prohibition, of speaking even in Hebrew. R. Judah is thus more lenient than R. Meir and makes a distinction between 'greeting' and 'responding' because ignoring a greeting is by far a greater offence than not greeting. The final decision is as follows: between the *Paragraphs*, and between גאֵל יִשְׂרָאֵל and the צְמִידָה, one may only pause for an interruption where risk to life is involved; within the *Paragraphs* one may pause to greet out of fear or out of respect for a parent or teacher or scholar or person of importance, but in the case of less important persons one may only return a greeting; and one may also pause between the *Paragraphs* and *Benedictions* to greet a less important person, but only respond to the greeting of an ordinary unimportant individual. One may respond with אָמֵן, ... אָמֵן יְהֵא שְׁמֵהּ, אָמֵן הַמְּבֹרָךְ (after בָּרְכוּ or בְּרַבְת הַתּוֹרָה), to join in the קְרוּשָׁה, to join in the מוֹדִים לְרַבְּנָן, and to be called up to the Reading of the Law (קְרִיאַת הַתּוֹרָה)—these interruptions are deemed as responses out of respect.

## Mishnah 2

These are the intervals: between<sup>1</sup> the first Benediction and the second,<sup>2</sup> between the second and the שְׁמַע, (and) between the<sup>3</sup> שְׁמַע and the<sup>3</sup> וְהָיָה אִם שָׁמַע, between<sup>3</sup> the וְהָיָה אִם שָׁמַע and the<sup>3</sup> וְיֵאמָר, between the<sup>3</sup> וְיֵאמָר and the<sup>3</sup> אָמֵן וְיֵצִיב.<sup>4</sup> R. Judah says, One may not interrupt between the<sup>3</sup> וְיֵאמָר and the<sup>3</sup> אָמֵן וְיֵצִיב. R. Judah ben Korcha said, Why does the<sup>3</sup> שְׁמַע precede<sup>5</sup> the<sup>3</sup> וְהָיָה אִם שָׁמַע? In order that one should first acknowledge the sovereignty of the Almighty<sup>6</sup> and then recognise the obligation of the Commandments. And why the<sup>3</sup> שָׁמַע אִם וְהָיָה before the<sup>3</sup> וְיֵאמָר? Because the<sup>3</sup> וְהָיָה אִם שָׁמַע applies both day<sup>7</sup> and night, and the<sup>3</sup> וְיֵאמָר applies by day<sup>8</sup> (only).

**מְשֻׁבָּה ב**

אָלוּ הֵן בֵּין הַפְּרָקִים יֵבִין  
בְּרָכָה ראשׁוֹנָה <sup>2</sup>לְשׁוֹנָה <sup>3</sup>שְׁנִיָּה  
לְשִׁמְעִי וּבֵין שְׁמַע לְוִהִיָּה אִם  
שְׁמַעִי בֵּין וְהִיָּה אִם שְׁמַעִי  
לְוִיאָמֶר <sup>4</sup>בֵּין וְיֹאמֶר לְאַמֶּת  
וְיֹצִיב רַבִּי יְהוּדָה אוֹמֵר בֵּין  
וְיֹאמֶר לְאַמֶּת וְיֹצִיב לֹא יִפְסִיק.  
אִם רַבִּי יְהוֹשֻׁעַ בֶּן קִרְחָא  
לָמָּה <sup>5</sup>קִדְּמָה שְׁמַע לְוִהִיָּה אִם  
שְׁמַעִי? (אֶלָּא) כְּדֵי שְׂיִקְבֹּל עָלָיו  
עוֹל <sup>6</sup>מַלְכוּת שְׁמַיִם תַּחֲלָה וְאַחֵר  
כֶּף יִקְבֹּל עָלָיו עוֹל מִצּוֹת וְהִיָּה  
אִם שְׁמַעִי לְוִיאָמֶר? שְׁוִהִיָּה אִם  
שְׁמַעִי נוֹהֵג יְבִיּוֹם וּבִלְיָלָה וְיֹאמֶר  
אֵינוֹ נוֹהֵג אֶלָּא <sup>8</sup>בִּיּוֹם (בִּלְבַד).

1 Between **יוֹצֵר הַמְּאוֹרוֹת** (the conclusion of the Benediction **אֱלֹהֵינוּ**) and the next Benediction **אֱלֹהֵינוּ רַבָּה**. 2 The Benediction **אֱלֹהֵינוּ רַבָּה**. 3 viz., *the Paragraph beginning with*. 4 Because **אֱמֶת אֱלֹהִים** (Jeremiah 10, 10), and the *Eternal, God, is truth*, the ruling is that **there must be no interruption between אֱלֹהִים and אֱמֶת**. 5 Because the third Paragraph comes first in the Torah. 6 For before one can obey God's commandments one must first recognise His authority or sovereignty. Actually the third Paragraph also contains allusion to the sovereignty of the Almighty in the terms **אֲנִי ה' אֱלֹהֶיְכֶם**, *I am the Eternal your God*, but the first Paragraph contains the additional statement of the Unity of God in **ה' אֶחָד**, *the Eternal is One*. 7 Because of the expression **וְלִמְדֵתֶם אֹתָם**, *and you shall teach them* (Deuteronomy 11, 19) and **תְּלִמּוֹד תּוֹרָה**, *the study of the Law*, must be prosecuted at all times. Also the second paragraph is of supreme importance as it contains the injunction to observe *all* the commandments in the Torah. 8 Because this Paragraph contains the injunction of **צִיצִית** which is not obligatory at night (on account of the expression **וּרְאִיתֶם אוֹתוֹ**; see 1<sup>5</sup> Note 1).

## Mishnah 3

## מִשְׁנָה ג

He who reads the **שְׁמַע** and does not hear<sup>1, 2</sup> his own words has complied with the requirements of the Law;<sup>3</sup> R. Jose<sup>4</sup> says, He has not complied with the requirements of the Law. If one read but did not pronounce clearly<sup>5</sup> and distinctly its letters, R. Jose says, He has complied with the requirements of the Law; R. Judah says, He has not complied with the requirements of the Law. He who reads<sup>6</sup> backwards<sup>7</sup> has not complied with the requirements of the Law. If one read and made a mistake he must go back to where he made the mistake.<sup>8</sup>

הַקּוֹרֵא אֶת-שְׁמַע וְלֹא יִשְׁמָע  
לְאָזְנוֹ יִצָּא.<sup>3/2</sup> רַבִּי יוֹסִי אוֹמֵר,  
לֹא יִצָּא. קָרָא וְלֹא נִדְקָדַק  
בְּאוֹתֵיהֶּ, רַבִּי יוֹסִי אוֹמֵר, יִצָּא.  
רַבִּי יְהוּדָה אוֹמֵר, לֹא יִצָּא.  
הַקּוֹרֵא יִלְמַפֵּקֵעַ לֹא יִצָּא. קָרָא  
וְטָעָה יַחְזוֹר לְמָקוֹם שֶׁטָּעָה.<sup>8</sup>

1 Literally *and did not cause his ear to hear*. 2 **יִצָּא**, *be absolved, be exempt, comply with the requirements of the Law*. 3 His view is accepted. In some editions this is followed by **דְּבַרִּי רַבִּי יְהוּדָה**, *this is the opinion of R. Judah*, which for various reasons appears to be correct; under great difficulty one may 'read' the **שְׁמַע** mentally. 4 In his opinion the word **שְׁמַע** (*hear*) implies that one *must hear* what he recites; but his view is not accepted. 5 The letters and words should actually be clearly and distinctly uttered without slurring over

or running one word into another; the opinion of R. Jose is the accepted one, though one is nevertheless cautious in the accurate reading and accenting of syllables and stressing of words so that the meanings of terms and phrases should not appear twisted or wrong. 6 The verses. 7 Or, 'in wrong order'. The verses must be read in their proper sequence (based on the phrase וְהָיָה הַדְּבָרִים, and these words shall be, the וְהָיָה indicating correct sequence). But in the case of the *Paragraphs* as a whole if one has read them out of their accepted order he is יוֹצֵא because in the Liturgy their sequence actually is not as in the Torah (see *Mishnah* 2 of this *Chapter*). 8 If one misses a *verse* he must begin afresh from the beginning of that *verse*. If one omits a *Paragraph* he must begin again from the beginning of that *Paragraph*. If one is in doubt as to which *verse* in a *Paragraph* he has left out he must commence again from the beginning of that *Paragraph*.

Mishnah 4<sup>1</sup>

Craftsmen may read at the top of a tree or<sup>2</sup> on the top of a wall;<sup>3</sup> they may not do so with<sup>4</sup> the *Eighteen Benedictions*.<sup>5</sup>

מִשְׁנָה ד'  
הָאוֹמְנִין קוֹרְאִין בְּרֹאשׁ הָאֵילָן  
אוֹ בְּרֹאשׁ הַחֹדֶבֶד, מִה־שְּׁאִינָן  
רְשָׁאִין לַעֲשׂוֹת כֵּן בַּתְּפִלָּה.

1 In the *Talmud* this *Mishnah* and the next one are combined in one *Mishnah*. 2 Some texts have וּבְרֹאשׁ אוֹ בְּרֹאשׁ instead of בְּרֹאשׁ. Where they happen to be working. 3 Or 'scaffolding.' They need not descend to the ground, for safety, when reading the *Shema*, for only the verse ה' אֱלֹהֵינוּ ה' שְׁמֵעַ יִשְׂרָאֵל ה' אֱלֹהֵינוּ ה' requires concentration, and this short portion can be recited with due devotion without risk. 4 'with,' i.e., 'when reciting.' 5 תְּפִלָּה in the *Talmud* means not only 'prayer' in general but as here the שְׁמֵנָה עֶשְׂרֵה, *Eighteen Benedictions* (also called עֲמִידָה or עֲמִידָה, *Standing-up Prayer*) in particular the recital of which requires throughout intense devotion (כְּפִנָּה), and it would be too dangerous to stand still and recite with due intentness such a lengthy prayer while standing on the top of a wall or scaffolding or tree.

Mishnah 5

A bridegroom<sup>1</sup> is exempt from the recital of the *Shema* on the first night<sup>2</sup> up to<sup>3</sup> the conclusion of the Sabbath if he had not [by then] consummated his marriage. It happened<sup>4</sup> that Rabban Gamaliel read<sup>5,6</sup> on the first night of his wedding; his disciples said to him, 'Master, thou hast taught us<sup>7</sup> that a bridegroom is exempt from reading the

מִשְׁנָה ה'  
יִחְתֵּן פָּטוּר מִקְרִיאַת שְׁמַע לַיְלָה  
הָרִאשׁוֹן יַעַד מוֹצָאֵי שַׁבָּת אִם  
לֹא עָשָׂה מַעֲשֵׂה. מַעֲשֵׂה בְּרֵבֶן  
גַּמְלִיאֵל שֶׁקָּרָא בַּלַּיְלָה הָרִאשׁוֹן  
שֶׁנֶּשֶׂא אָמְרוּ לוֹ תַלְמִידָיו  
'לְמַדְתָּנוּ כִּבְיָנוּ שֶׁחֲתָן פָּטוּר  
מִקְרִיאַת שְׁמַע' (בַּלַּיְלָה הָרִאשׁוֹן)!

*Shema* (on the first night<sup>8</sup>)! He replied to them, 'I will not hearken to you to absolve myself<sup>9</sup> from acknowledging the sovereignty of God for even one hour.'

1 A man who has married a *בתולה*, virgin, cannot be expected to recite the *Shema* with due devotion because of anxiety lest he discover that his bride had not been chaste (see **Note 3** further on). 2 The first night of his marriage. Some texts have *בְּלִילָה הָרִאשׁוֹן*. 3 (Some editions have *וְעַד* instead of *עַד*). That is, up to the first Saturday evening after the wedding—*בתולות*, virgins, used to be married on a Wednesday. After that period he should have regained his equanimity from the excitement of his new life and attend to his devotions with dutiful calm. 4 Some texts have *וּמַעֲשֶׂה* instead of *מַעֲשֶׂה*. This incident does not mean that the preceding ruling is not valid, but it is intended merely to illustrate the fact that a great-minded person can so control himself that he may find it possible to read the *Shema* with due devotion even under such circumstances. 5 Some editions have *וְקָרָא לִילָה רִאשׁוֹנָה*, 'he took a wife and read [the *Shema*] the first night.' 6 The *Shema*. 7 Some texts have the interrogative *לֹא לִמְדַתְּנוּ*, 'hast thou not taught us...?' instead of the direct positive *לִמְדַתְּנוּ*. 8 Some editions without justification have *בְּלִילָה הָרִאשׁוֹן* instead of *שָׁמַע*. 9 *הַיָּמִי* in some texts. Literally 'the sovereignty of Heaven.' A bridegroom who can recite the *Shema* with concentrated devotion should do so.

#### Mishnah 6<sup>1</sup>

He<sup>2</sup> washed on the first night after his wife<sup>3</sup> died. His disciples said to him, 'Master, thou hast taught us<sup>4</sup> that a mourner, is forbidden to wash!' He replied to them, 'I am not as other men;<sup>5</sup> I am delicate.'<sup>6</sup>

וּמַעֲשֶׂה  
בְּרִחַץ לִילָה הָרִאשׁוֹן שָׁמַע  
בְּאִשְׁתּוֹ. אָמְרוּ לוֹ תַלְמִידָיו  
לִמְדַתְּנוּ רַבֵּינוּ שְׂאֵבֶל אֶסּוּר  
לְרַחוּץ! אָמַר לָהֶם, אֵינִי כְּשָׂאֵר  
בְּנֵי אָדָם. אֶסְטָנִים אֲנִי.

1 In the *Talmud* this *Mishnah* and the two following *Mishnahs* are given as one *Mishnah*. 2 Rabban Gamaliel washed or bathed in warm water because of necessity, for he was in poor health. A mourner is forbidden under ordinary circumstances to bathe in warm water or wash his body in cold water, and is only permitted to do so on medical advice or when absolutely necessary for reasons of health. 3 She was buried the same day before nightfall. 4 See the preceding *Mishnah*, **Note 7**. 5 Some editions have *כָּל-אָדָם*. 6 Or, 'of feeble health,' 'ailing,' 'weakly.'

## Mishnah 7

And when his<sup>1</sup> slave<sup>2</sup> Tabi<sup>3</sup> died, he accepted condolence after him. His disciples said to him, 'Master, thou hast taught us<sup>4</sup> that one does not accept condolence for slaves!<sup>5</sup> He answered them, 'My slave Tabi was not as all other slaves; he was a worthy man.'<sup>6</sup>

מִשְׁנָה ז'  
וּכְשָׁמַת טָבִי<sup>3</sup> עַבְדֵּי קָבֵל עָלָיו  
תְּנַחֲמוּמֵי. אָמְרוּ לוֹ תַלְמִידָיו.  
לְמַדְתָּנוּ רַבֵּינוּ שֶׁאֵין מְקַבְּלִין  
תְּנַחֲמוּמֵי עַל הָעֲבָדִים! אָמַר  
לָהֶם, אֵין טָבִי עַבְדִּי כְּשָׂאֵר כָּל  
הָעֲבָדִים, כְּשֶׁר הָיָה.

1 This refers to Rabban Gamaliel. 2 A Canaanite slave or bondman. 3 טָבִי or טָבִי. 4 See 2<sup>5</sup>, Note 7. 5 Canaanite slaves or bondmen. It was ordinarily prohibited to mourn for a slave lest people might think he was a freed man and allow his family to intermarry with Jews. 6 Some take it to mean that Tabi was a תַּלְמִיד חֻכָּם, one learned in the Torah, and was therefore deserving of the honour that Rabban Gamaliel paid him. It was not uncommon for people to observe mourning for men of scholarship purely out of respect for their knowledge of the Torah.

## Mishnah 8

If a bridegroom wish to recite the *Shema* on the first night he may recite [it]. Rabban Simon ben Gamaliel says,<sup>1</sup> Not everyone who wishes to assume the name<sup>2</sup> may assume it.

מִשְׁנָה ח'  
חָתָן אִם רוֹצֶה לְקִרּוֹת קִרְיָא  
שֹׁמֵעַ לַיְלָה הָרִאשׁוֹן קוֹרֵא. רַבֵּן  
שִׁמְעוֹן בֶּן גַּמְלִיאֵל יֹאמֵר, לֹא  
כָּל הָרוֹצֶה לִּיטֹל אֶת-הַשֵּׁם יִטֹּל.

1 He maintains that it is an impertinence for anyone but a scholar to imagine that he can so dissociate his mind from his wedding disturbances as to be able to concentrate with sufficiently due devotion to the reading of the *Shema*: but his view is not accepted. 2 'to assume the name,'\* i.e., 'to pretend to be a very pious and learned man.' The final decision is that a bridegroom must observe the recital of the *Shema* and also of the *Eighteen Benedictions* on the first night of his wedding. \* This might be rendered, 'Not everyone who wishes to utter the *Divine Name* may do so.'

## CHAPTER 3

## פֶּרֶק ג'

Mishnah 1<sup>1</sup>

He<sup>2</sup> whose dead lies before him<sup>3</sup> is exempt<sup>4</sup> from the reading of the *Shema*, (and) from the *Eighteen Benedictions* and from *Tephillin*.<sup>5</sup>

יְמִשְׁנָה א'  
גַּם שִׁמְחוֹ מוּטֵל לְפָנָיו פָּטוּר  
מִקִּרְיָא שֹׁמֵעַ וּמִן הַתְּפִלָּה וּמִן

Those who carry the coffin [or bier] and those who change over<sup>6</sup> with these and those who change places with them, whether they are in front<sup>7</sup> of the coffin, or whether they are behind the coffin,<sup>8</sup> then those in front<sup>9</sup> of the coffin who are required<sup>10</sup> are exempt,<sup>11</sup> but those<sup>13</sup> who are not needed for the coffin<sup>12</sup> are in duty bound.<sup>14</sup> These and those<sup>15</sup> are exempt from the *Eighteen Benedictions*.

1 In the *Talmud* this *Mishnah* and the following two form one *Mishnah*. 2 *מי* refers to a close relative (father, brother, son), whose duty is to see that the burial rites are carried out. 3 And is occupied with the funeral and burial rites. 4 Because, being already occupied with the funeral rites, he is exempt from other duties (*מצות*). Although it is evident that if one is exempt from the reading of the *Shema* and from putting on the phylacteries—which are enjoined by the Torah—then one is certainly exempt from reciting the *Amidah*—which is only ordained by the Sages—yet this statement is necessary because of the reference to those who carry the bier (or coffin). 5 In the *תפילין* after *וּמִכָּל* comes the phrase *מִצְוֹת הָאֲמֹרֹת בְּתוֹכָהּ* 'and from all the commandments ordained in the Law.' 6 It used to be the custom to carry the coffin (or bier), and frequent changes of bearers were necessary. 7 Those who have not yet taken a turn in carrying the coffin. 8 And who have already had a turn in carrying the coffin. 9 Some editions have *שֶׁלֹּפְנֵי הַמָּטָה* instead of *שֶׁלֹּפְנֵי הַמָּטָה*. 10 To help to carry the coffin (or bier). 11 *פְּטוּרִים* in some texts. 12 *לַמָּטָה* in some texts. 13 They are merely spectators. 14 To recite the *Shema*. 15 i.e., 'The latter and the former,' 'All those above mentioned,' are exempt from reading the *Amidah* which requires great devotion and standing still and therefore can not be carried out at a funeral. (Compare 24).

## Mishnah 2

When they have buried the deceased and are returning, if they are able<sup>1</sup> to begin<sup>2</sup> and conclude<sup>3</sup> before they reach the line<sup>4</sup> let them begin, but if not they may not begin. Of those who stand in the line, the inside ones<sup>5</sup> are exempt but the outside ones<sup>6</sup> are in duty bound.<sup>7</sup>

הַתְּפִלִּין. נוֹשְׂאֵי הַמָּטָה וְחֹלְפֵיהֶן  
וְחֹלְפֵי חֹלְפֵיהֶן אֶת-שֶׁלֹּפְנֵי  
הַמָּטָה וְאֶת-שֶׁלְאַחֲרֵי הַמָּטָה  
אֶת-שֶׁלֹּפְנֵי הַמָּטָה וְצוֹרֵךְ בָּהֶן  
וּפְטוּרִין, וְאֶת-שֶׁאִין<sup>10</sup> הַמָּטָה  
צוֹרֵךְ בָּהֶן<sup>13</sup> וְחִיבִין.<sup>15</sup> אֵלָיו וְאֵלָיו  
פְּטוּרִים מִן-הַתְּפִלָּה.

מִשְׁנָה ב  
קָבְרוּ אֶת-הַמֵּת וְחֹזְרֵי, אִם  
יִכְוֹלִין לְהַתְּחִיל<sup>2</sup> וּלְגַמֹּר עַד  
שֶׁלֹּא יִגִּיעוּ לַשּׁוּרָה וְתַחֲלִילוֹ, וְאִם  
לֹא יִתְחִילוּ, הָעוֹמְדִים  
בְּשׁוּרָה<sup>5</sup> הַפְּנִימִים פְּטוּרִים  
וְהַחֲצוֹנִים<sup>7</sup> חִיבִין.

1 If the distance from the grave to the lines of 'condolence' be considerable. 2 The *Shema*. 3 The first Paragraph (וּבְשַׁעֲרֵיךָ to שְׁמַע). 4 After the burial rows of people stood in two lines facing and the mourner (or mourners) passed between to receive condolence expressed by בְּתוֹךְ אֶתְכֶם pl. אֹתְךָ יָנֵחַם, 'The Almighty comfort thee (you) among the rest of the mourners of Zion and Jerusalem.' 5 הַפְּגִימִים in some texts. Those nearest the mourner who can see his face do not recite the *Shema* so as not to make him feel uncomfortable because he does not do so. 6 Those who are unable to see the mourner's face or who have come only out of respect to the departed. 7 To read the *Shema*.

## Mishnah 3

## מִשְׁנָה ג

Women, (and) slaves<sup>1</sup> and minors<sup>2</sup> are exempt<sup>3</sup> from the recital of the *Shema* and from *Tephillin*, but are in duty bound to observe the *Eighteen Benedictions*,<sup>4</sup> (and) *Mezuzah* and the *Grace after Meals*.

נָשִׁים יוֹעֲבָדִים יוֹקֵטְנִים פְּטוּרִין  
מִקְרִיאַת שְׁמַע וּמִן הַתְּפִלִּין  
וְחִיּוּבִין בְּתַפְלָה וּבְמִזְוָה  
וּבְבִרְכַּת הַמּוֹזֵן.

1 Canaanite slaves (or bondmen) who have been circumcised and have had טְבִילָה, the 'ritual bath'. They had to observe the same commandments as Jewish women. 2 Under nine years of age; according to Rashi even over that age. 3 The reading of the *Shema* and the use of the phylacteries are types of מִצְוֹת, obligations, that come under the description of שְׁהֵיזְמֵן גִּרְמָא, a positive command connected with a fixed time, and the rule is וְכָל מִצְוַת עֲשֵׂה, and every positive command connected with a fixed time—women are exempt from it. 4 תְּפִלָּה though apparently coming under the ruling stated in the preceding Note is nevertheless obligatory upon women having been so enjoined מִדְּרַבָּנָא, 'as ordained by the Rabbis.'

## Mishnah 4

## מִשְׁנָה ד

One to whom pollution occurred<sup>1</sup> should think<sup>3</sup> of it,<sup>2</sup> but should not recite<sup>4</sup> the *Benedictions* either before it or after it. And at a meal he recites the *Benediction*<sup>5</sup> after it but does not recite the *Benediction*<sup>6</sup> before it. R. Judah says, He must recite<sup>7</sup> the *Benedictions* both before them and after them.<sup>8</sup>

יִבְעַל קָרִי מְהֵרָה בְּלִבּוֹ יֵאָמֵר  
מְבָרַךְ לֹא לְפָנֶיהָ וְלֹא לְאַחֲרֶיהָ.  
וְעַל הַמּוֹזֵן מְבָרַךְ לְאַחֲרָיו וְאֵינוֹ  
מְבָרַךְ לְפָנָיו כִּי יְהוּדָה אֹמֵר  
מְבָרַךְ לְפָנֵיהֶם וְלְאַחֲרֵיהֶם.

1 (See *Leviticus* 15, 16—18). Or 'One who suffered pollution' or 'One who had seminal discharge.' Ezra laid down the ruling that such a person may not



read or study the Torah before he had טְבִילָה (the *ritual bath*) in order that תלמיד חכם should learn to practise self-restraint. But this practice has fallen into disuse and a בַּעַל קֶרֶב reads the Shema, studies the Torah and reads the Prayers, and recites all the Blessings. 2 The *Shema*. He does not recite the *Shema*. 3 Although 'thinking' is not as 'uttering' yet under stress one is יוצא (performs his obligation as the Law demands) by הרהור, 'mental reading.' 4 Neither mentally nor verbally because Benedictions are only מדבר בן, instituted by the Rabbis. 5 The בְּרַכַּת הַמֶּזֶן (*Grace after Meals*), because it is וְאָכַלְתָּ וְשָׂבַעְתָּ וּבֵרַכְתָּ, ordained by the Torah, based on וְאָכַלְתָּ וְשָׂבַעְתָּ וּבֵרַכְתָּ (Deuteronomy 8, 10, from which it is evident that the Grace (וּבֵרַכְתָּ) follows the meal, (וְאָכַלְתָּ וְשָׂבַעְתָּ)). 6 The Blessing בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם הַמּוֹצֵא לֶחֶם מִן הָאָרֶץ, *Blessed art Thou, O Eternal our God, King of the Universe, Who bringest forth bread from the earth*, is not מן התורה (enjoined by the Torah) but only מדבר בן. 7 Verbally. 8 In all the preceding cases mentioned.

#### Mishnah 5

If one were standing<sup>1</sup> in the *Amidah* [or *Eighteen Benedictions*] and recollected that pollution had happened to him, he need not discontinue but abbreviates<sup>2</sup>. If he have gone down to bathe ritually, and is able to come out and cover himself and read before sunrise<sup>3</sup>, he should come up and cover himself and read; but if not,<sup>4</sup> he must cover himself<sup>5</sup> with (the) water and read. But<sup>6</sup> he must not cover himself with dirty<sup>7</sup> water or with steeping water<sup>8</sup> until he puts into it<sup>9</sup> water. <sup>10</sup>And how far should one remove<sup>11</sup> from them<sup>12</sup> and from excrement?<sup>13</sup>—Four cubits.

1 'and reciting.' 2 To abbreviate (see §24<sup>31</sup>) he recites the beginning and end of each Benediction and in the case of the *Shema* he concludes the rest mentally. 3 Or תָּהָא הַיּוֹם. Some editions, instead of תָּהָא הַיּוֹם, have תָּהָא הַיּוֹם. After a discharge during the preceding night. 4 That is, if by the time he emerges and covers himself the sun will have risen and the time for reciting the *Shema* will have passed by. But those who are wont to read the *Shema* until a quarter of the way through the day can finish their ritual cleansing immersion later. 5 The water acts as a cloak to cover his nakedness, and it is allowed if the

#### משנה ה

היה עומד בתפלה ונזכר שהוא בעל קרי לא יפסיק אלא יקצר. ירד לטבל אם יכול לעלות ולהתבטות ולקרית עד שלא תגז החמה יעלה ויתבטא ויקרא ואם לא יתבטא במים ויקרא אבל לא יתבטא לא במים הרעים ולא במי המשנה עד שיטיל לתוכן מים וכמה ירחיק מהן ומן הצואה? ארבע אמות.

lower part of the body is covered even in clear water; in all cases the head must be covered (but covering with the hands is not permitted). 6 Some texts have אלא instead of לא אכל לא. 7 Or 'stagnant,' 'malodorous.' 8 Water in which flax has been steeping and has a bad odour. 9 This refers to present urine into which water must be poured before prayer may be offered. 10 Clean water. Thus the literal rendering of צד שיטיל לתוכן מים; but (see the preceding Note 9) an enormous quantity of water would be required to be added to render the smell inoffensive, and so the נמרא renders it *he must not pray near urine until he has added fresh water to it*. 11 When he has to read the *Shema* in presence of urine and has no water to add to it. 12 From present urine that had not been diluted with water. 13 When it is behind or on one side, but when it is in front then he must go to such a distance that he can no longer see it. הציאות here refers to human excreta only. (When and where people did not live under sanitary and hygienic conditions it was most necessary to prescribe correct, decent and respectful conditions for divine worship. 1 cubit=22 inches or 56 cm.).

## Mishnah 6

One afflicted with<sup>1</sup> gonorrhoea who suffered pollution<sup>2</sup>, and a menstruant who discharged the (conceived) semen virile, and a woman who menstruates<sup>3</sup> while having sexual intercourse must have the ritual bath. But R. Judah exempts.<sup>4</sup>

1 and 2 'One who is afflicted with gonorrhoea had seminal discharge' (*Leviticus* 15, 1—15). 2 Literally שראה, 'who saw.' 3 Literally, 'who saw menses'—even to the slightest degree (*Leviticus* 15, 19—24). 4 From the ritual bath (compare 3<sup>4</sup>).

## CHAPTER 4

## פרק ד

## Mishnah 1

The *Morning Service*<sup>1</sup> is up to mid-day;<sup>2</sup> R. Judah says, Up to the fourth hour.<sup>3</sup> The *Afternoon Service* is till the evening;<sup>4</sup> R. Judah says, Up to the half<sup>5</sup> of the *Minchah* period.<sup>6</sup> The *Evening Service* has no fixed period,<sup>7</sup> and the *Additional Service* all day.<sup>8</sup> (R. Judah says, Until the seventh hour<sup>9</sup>).

## משנה א

יתפלת השחר עד חצות; רבי יהודה אומר, עד ארבע שעות. תפלת המנחה עד הערב. רבי יהודה אומר, עד פלג המנחה. תפלת הערב אין לה קבע וישל מוספין כל-היום. (רבי יהודה אומר, עד שבע שעות.)

1 (The term תפילה—rendered *Service*—refers here throughout particularly to the *Amidah* or *Eighteen Benedictions*). The Services were arranged to coincide with the periods of the discontinued Temple sacrifices, and the disputes arose because of the uncertainty as to the times of the offering up of these sacrifices. 2 Noon (from sunrise to mid-day). 3 The end of the fourth hour. The first four hours of the day, i.e., a third of the day when the day and night are of equal length. 4 From half a seasonal hour after noon until dark (before the appearance of three widely-separated stars); and this is the ruling followed. 5 First half. 6 The מנחה קטנה period was two-and-a-half hours before the appearance of three widely-separated stars, and half would thus be one-and-a-quarter hours. According to R. Judah the *Minchah Service* may be read during the first half of the period only, and the *Maariv Service* during the second half; according to the Sages the second half is also *Minchah Service* time but not for the *Maariv Service*. In actual practice the *Morning Service* may be read up to ten o'clock, the *Additional Service* until noon (but one is still יוצא if he reads later when Services are prolonged), the *Afternoon Service* till sunset, and the *Evening Service* at any time after sundown and the appearance of three widely separated stars. 7 i.e., one may read the *Evening Service* at any time during the night. 8 Nevertheless one should not do so after the seventh hour of the day. (See **Note 6**). 9 This bracketed part is missing in the *Jerusalem Talmud*.

## Mishnah 2

R. Nechunia<sup>1</sup> ben Hakanah used to offer up a short prayer on his entrance into the house of study and on his departure. They<sup>2</sup> said to him, 'What is the intention of this prayer?' He replied to them, 'On my entry I pray that no mishap<sup>3</sup> occur<sup>4</sup> through me,<sup>5</sup> and on my exit I offer up thanks<sup>6</sup> for my lot.'<sup>7</sup>

1 נְחֻנְיָא or נְחֻנְיָה. This narration is introduced here to teach that after Service in the synagogue one should go into the 'house of study' for study and offer up these two short prayers respectively on entering and on leaving. 2 The disciples. 3 i.e., no wrong decision on matters of הלכה, law. 4 תִּאֲרַע. 5 יֵאָרַע in some texts. 6 i.e., 'that my fellow collegians should not commit sin in rejoicing that I had failed in my sense of right judgment.' 6 הוֹדָאָה and

## משנה ב

רבי נְחֻנְיָא בֶּן הַקָּנָה הָיָה  
מִתְפַּלֵּל בְּכַוְנָתוֹ לְבֵית הַמְדָּרָשׁ  
וּבִיצִיאָתוֹ תְּפִלָּה קְצָרָה. אָמְרוּ  
לוֹ מֵה־מָּקוֹם לְתַפְלָה זֶה אָמַר  
לָהֶם, בְּכַוְנָתִי אֲנִי מִתְפַּלֵּל שֶׁלֹּא  
תִּאֲרַע יִתְקַלָּה עָלַי יְדֵי  
וּבִיצִיאָתִי אֲנִי נוֹתֵן הוֹדָאָה עָלַי  
חֲלָקִי.

הוֹדִיָּה in different editions. 7 i.e., 'my good fortune for being among those who studied the Law to bring order and system and right direction into it.'

### Mishnah 3<sup>1</sup>

Rabban Gamaliel says, One must say every day the *Eighteen Benedictions*.<sup>2</sup> R. Joshua says,<sup>3</sup> An abbreviated form<sup>4</sup> of the *Eighteen Benedictions*. R. Akiba says, If one can read his Prayer(s) fluently he must say the *Eighteen Benedictions*<sup>2</sup>, but if not then the abbreviated form of the *Eighteen Benedictions*.

יְמִשְׁנָה ג  
כָּבֵן וְגַמְלִיאֵל אוֹמֵר, בְּכָל יוֹם  
מִתְפַּלֵּל אֲדָם רַבִּי יְהוֹשֻׁעַ  
אוֹמֵר<sup>3</sup>, מִצֵּין רַבִּי עֲקִיבָא  
אוֹמֵר, אִם שְׁנוּרָה תִּפְלְתוּ בְּפִיו  
תִּתְפַּלֵּל שְׁמִנָּה עָשָׂרָה וְאִם לֹא  
מִצֵּין רַבִּי חִי.

1 In the *Talmud*, *Mishnahs* 4—6 are given as one *Mishnah*. 2 *שְׁמִנָּה עָשָׂרָה* in some editions. The Benediction *וְלַפְלִישִׁים* was added by the Academy of Jabneh after Rabban Gamaliel made this statement; and so we thus now have nineteen Benedictions, but the designation *Eighteen Benedictions* has been retained. 3 i.e., that one is *יוֹצֵא* with an abbreviated form of the *Eighteen Benedictions*. 4 *מִצֵּין*, resume, summary, abstract. A short summary form is given in many editions of the *סְדוּר* (*Daily Prayers*). The condensed form may not be used when *אֵתָהּ הוֹנֵחֵנוּ* or *סֵל וּמָטָר* have to be added. (See 52).

### Mishnah 4

R. Eliezer says, He who makes his prayer a mechanical task<sup>1</sup>—his prayer is not prayer.<sup>2</sup> R. Joshua says, He who goes in a place of danger should say a short prayer;<sup>3</sup> he says, *Save, O God,*<sup>4</sup> *Thy people, the remnant of Israel. At every cross-road*<sup>5</sup> *may their needs be before Thee.*<sup>6</sup> *Blessed art Thou, O Eternal, Who hearkenest unto prayer.*

מְשָׁנָה ד  
רַבִּי אֱלִיעֶזֶר אוֹמֵר, הָעוֹשֶׂה  
תִּפְלָתוֹ יִקְבַּע אֵין תִּפְלָתוֹ  
תְּחִנּוּנִים. רַבִּי יְהוֹשֻׁעַ אוֹמֵר,  
הַמֵּהֲלֵךְ בְּמָקוֹם סָכָנָה מִתְפַּלֵּל  
תִּתְפַּלֵּה קִצְרָה, אוֹמֵר, הוֹשַׁע  
יְהִשֵּׁם אֶת-עַמְּךָ אֶת-שְׂאֵרֵית  
יִשְׂרָאֵל, בְּכָל סְפָרְשֶׁת הָעֵבֹר  
יְהִי צְרִיכָהֶם לְפָנֶיךָ, בְּרוּךְ  
אַתָּה ה' שׁוֹמֵעַ תִּפְלָה.

1 Literally 'fixed,' 'stereotyped,' i.e., 'a perfunctory act,' 'a burdensome task to be got through and be done with quickly.' A prayer that is hurried through carelessly or not said with due humility or recited at the wrong time *אֵינָהּ מְקַבֵּלָה*, 'is not accepted,' and is as if it had not been said. 2 Literally

'supplications.' 3 Not adding the first three and last three Benedictions of the *Amidah*; and when the danger has passed but the time for the *Amidah* has not yet gone by then the whole *Amidah* must be said. 4 In some editions 'ה, 'O Eternal' in place of **הַשֵּׁם** occurs. 5 Homiletically: 'When they are on the point of transgression have Thou compassion on them and supply them with their needs.' 6 'Grant their needs.' But the ordinary **עֲמִידָה** must be recited none the less.

## Mishnah 5

If one were riding on an ass he must dismount,<sup>1</sup> and if he be unable to get down let him turn his face,<sup>2</sup> and if he can not turn his face let him direct<sup>4</sup> his mind<sup>3</sup> towards (the House of) the Holy<sup>5</sup> of Holies.

## מִשְׁנָה ה

הָיָה רוֹכֵב עַל הַחֲמֹר וַיִּרְדּוּ, וְאִם אֵינוֹ יָכֹל לִירֹד <sup>2</sup>יַחְזִיר אֶת-פָּנָיו, וְאִם אֵינוֹ יָכֹל לְהַחְזִיר אֶת-פָּנָיו יִכּוֹן <sup>3</sup>אֶת-לְבוֹ כְּנֻד בֵּית <sup>5</sup>קֹדֶשׁ הַקֳּדָשִׁים.

1 And see that the ass is in safe keeping while he is at prayers. Then he recites the **שְׁמִינָה עֶשְׂרֵה** standing. 2 Towards Jerusalem. 3 Literally 'his heart.' 4 For instance, if he is in a small boat and it is dangerous to turn round, in which case he may say the *Amidah* even sitting. In every case where it is impossible to stop and stand still the *Amidah* should be recited nevertheless. 5 Some texts have **קֹדֶשׁ** instead of **קֹדֶשׁ**.

## Mishnah 6

If one were travelling<sup>1</sup> on a ship, or in a waggon or on a raft let him direct his mind<sup>2</sup> towards (the House of) the Holy<sup>3</sup> of Holies.

## מִשְׁנָה ו

הָיָה יֹמֵהֶלֶךְ בַּסִּפִּינָה אוֹ בַּקָּרוֹן אוֹ בַּאֲסָדָא יִכּוֹן <sup>2</sup>אֶת-לְבוֹ כְּנֻד בֵּית <sup>3</sup>קֹדֶשׁ הַקֳּדָשִׁים.

1 Some editions have **יֹשֵׁב**, 'sitting'. These are further instances of cases where it might not be possible to stop and stand still, yet the *Amidah* must be said. 2 Literally 'his heart.' 3 Some texts have **קֹדֶשׁ** in place of **קֹדֶשׁ**.

## Mishnah 7

R. Elazar ben Azariah says, The *Additional Service* may be read only with a congregation,<sup>1</sup> but the Sages say,<sup>2</sup> Whether there is a congregation or whether there is no congregation. R. Judah quotes in his<sup>3</sup> name, Wherever there is a con-

## מִשְׁנָה ז

כָּפִי אֶלְעֹזר בֶּן עֲזַרְיָה אוֹמֵר, אֵין תְּפִלַּת הַמוֹסָפִין אֶלָּא יבְחֹבֵר עִיר, וְחֻכָּמִים אוֹמְרִים<sup>2</sup>, בְּחֹבֵר עִיר וְשֵׁלָא בְּחֹבֵר עִיר. כָּפִי יְהוּדָה אוֹמֵר מִשְׁמוֹ<sup>3</sup>, כָּל-

gregation an individual is exempt **מִקּוֹם שֵׁשׁ חֶבֶר עִיר הַיָּחִיד** from<sup>4</sup> the *Additional Service*. **יִפְטוּר מִתַּפִּלַּת הַמוֹסָפִין**.

1 i.e., **בְּצִבּוּר**, 'with a congregation.' **חֶבֶר עִיר**, 'town organization,' 'congregation,' 'assembly' (for charity, prayer, study). 2 The *Additional Service* must be said in all circumstances. 3 'his' refers to R. Elazar ben Azariah. 4 'from saying.' The Service must be read even if there is no **מִנְיָן** (ten adult males), in accordance with the ruling of the Sages.

## CHAPTER 5

## פֶּרֶק ה

## Mishnah 1

One must not stand up to say the *Amidah* without deep earnestness.<sup>1</sup> The original *Chassidim*<sup>2</sup> used to wait<sup>3</sup> for one hour and then pray<sup>4</sup> in order to direct their minds to God.<sup>5</sup> Should even the king<sup>6</sup> greet one he may not return the greeting to him. And if even a snake<sup>7</sup> be curled<sup>8</sup> round his heel he must not pause.

## מְשֻׁנָּה א

**אין עומדין לְהִתְפַּלֵּל אֶלָּא מִתּוֹךְ יְכוּבָד רֹאשׁ. 2 חֲסִידִים הָרִאשׁוֹנִים הָיוּ שׁוֹהִיִּים שָׁעָה אַחַת וְיִמְתַּפְּלִים כְּדֵי שִׁיכְנוּ (אֶת-) לָבָם לַמָּקוֹם. אֲפִילוּ הַמֶּלֶךְ שׂוֹאֵל בְּשִׁלּוּמוֹ לֹא יִשְׁכְּנוּ. וְאִפִּילוּ יִנָּחֵשׁ כְּרוּךְ עַל עֲקֵבוֹ לֹא יִפְסִיק.**

1 'humility,' 'seriousness,' 'respectful awe.' Here **לְהִתְפַּלֵּל** does not mean simply 'to pray' but 'to say the *Amidah*.' When reading the *Amidah* or *Eighteen Benedictions* one must stand still in humility and must not pause or speak except in case of danger; and when hearing the **קְדוּשָׁה** he pauses and listens devotedly up to **מִמְקוֹמוֹ ה' כְּבוֹד ה'**. Otherwise an interruption that would last as long as it would take to complete the rest of the *Amidah* necessitates the repetition of the whole *Amidah*; if the pause is as long as it would take to complete the particular Benediction only then that Benediction alone is repeated. Speaking wantonly during the *Amidah* entails repetition from the beginning. In the case of the first three or last three Benedictions speaking whether intentionally or not requires repetition from the beginning. 2 **חֲסִיד** 'pious,' 'God-fearing,' 'saintly.' The Chassidim here referred to may have been a certain group of **אֲסִיִּים** (*Essenes*). 3 They used to wait in the place where they came to pray. 4 **וְיִמְתַּפְּלִין** in some texts. 5 Some editions have **לְאֲבֵיהֶם שְׁבַשְׁמַיִם**, 'to their Father in heaven,' instead of **לַמָּקוֹם**. *The Omnipresent*. 6 i.e., 'a Jewish king' who would understand and make allowance. 7 But *only a snake*, for if one keeps still it does not bite, but in the case of other creatures (e.g., a scorpion) that would bite or sting without provocation he must interrupt to take safety measures. 8 Or *coiled up at his heel*.

## Mishnah 2

The *Power of Rains*<sup>2</sup> must be mentioned<sup>1</sup> in the *Resurrection (of the dead)*,<sup>3</sup> and the *Prayer*<sup>4</sup> for rains<sup>5</sup> must be mentioned in the *Benediction of the Years*,<sup>6</sup> and the *Habdalah*<sup>7</sup> in *Who graciously grants understanding*.<sup>8</sup> R. Akiba says, It should be said as a fourth *Benediction* by itself.<sup>9</sup> R. Eliezer says, [It should be said] in<sup>10</sup> the *Thanksgiving*.<sup>11</sup>

מִשְׁנָה ב  
יִמְזַכְּרִין גְּבוּרוֹת וְשָׁמַיִם בְּתַחֲתֵית  
הַמָּתִים. וְשׂוֹאֲלִין הַנֶּשְׁמִים  
בְּבִרְכַּת הַשָּׁנִים, וְהַבְּדֵלָה בְּחֻנֵּן  
הַדָּעַת. רַבִּי עֲקִיבָא אוֹמֵר,  
אוֹמְרָה בְּרַכָּה רַבִּיעֵת בְּפָנֶי  
עֲצָמָה. רַבִּי אֱלִיעֶזֶר אוֹמֵר,  
בַּהֲדָאָה. 11,10

1 The term מִזְכָּרִין is used because the מְשִׁיב הַרִּיחַ is not a prayer but a statement.  
2 גְּבוּרוֹת וְשָׁמַיִם is an expression for מְשִׁיב הַרִּיחַ וְמוֹרִיד הַגֶּשֶׁם, 'He causeth the wind to blow and the rain to fall,' which is added from the מוֹסַף of עֲצָרַת מוֹסַף to the מוֹסַף of the first day of פֶּסַח. If one omits it he must add it before וְאֵתָה קְדוֹשׁ (Third Benediction), but if he has begun this *Benediction* he must repeat from the beginning of the *Amidah*. In summer if one has said it and has not finished the *Second Benediction* he repeats from אֵתָה גְּבוּר, but if he has completed the *Benediction* he must return to the beginning of the *Amidah*.  
3 The *Second Benediction* is so called. 4 Some editions have וְשִׂאֵלָה, 'and prays for it.' 5 This is an expression for וְנָתַן טַל וּמָטָר, 'and grant dew and rain'; it is interpolated in the *Ninth Benediction* from the 4th-5th December to the eve of Passover. This prayer (hence use is made of the verb שִׂאֵל) is inserted here because it and the *Benediction* are prayers for sustenance. If one has omitted it in winter or included it in summer he repeats the whole *Benediction* (if he has not concluded it), otherwise he inserts it in the שׁוֹמֵעַ תְּפִלָּה (in winter) or even between it and the רַצָּה; but if he has concluded the *Amidah* (in winter) he must repeat from the beginning. 6 This is the name of the *Ninth Benediction*. 7 This is an expression for the אֵתָה חֻנֵּנִי inserted in the *Fourth Benediction* on the conclusion of the Sabbath and Holydays, and it is placed here because this *Benediction* is the first of the 'weekday' *Benedictions*. If one omits it he includes it in the שׁוֹמֵעַ תְּפִלָּה, but if he has already completed the *Amidah* he does not have to repeat it because one is יוֹצֵא with the הַבְּדֵלָה. 8 The *Fourth Benediction* is thus designated. 9 And conclude with בְּרוּךְ אַתָּה ה' הַמְּבַדִּיל בֵּין קֹדֶשׁ לְחֹל. But his view is not accepted. 10 Before וְעַל כָּלֵם. 11 The *Eighteenth Benediction* is generally called the מוֹדִים.

## Mishnah 3

One who says,<sup>1</sup> as far as the nest of a bird do Thy mercies reach,<sup>2</sup> or for favours let Thy Name be

מִשְׁנָה ג  
יְהוֹאֹמֵר עַל קֵן צִפּוֹר יִיָּעוּ  
רַחֲמֶיךָ עַל טוֹב יִזְכָּר שְׁמֶךָ

remembered,<sup>3</sup> or we give thanks, we give thanks,<sup>4</sup> must be silenced. (If one say <sup>1,5,6</sup>, *the good<sup>7</sup> bless Thee*, he is in error<sup>8</sup>). If anyone lead in prayer<sup>9</sup> before the Ark and makes a mistake<sup>10,11</sup>, another must take his place and<sup>12</sup> may not at such a time hold back<sup>13</sup>. Where does he<sup>14</sup> begin?—From the beginning of the *Benediction* where he<sup>9</sup> erred.

מוֹדִים מוֹדִים מְשַׁתְּקִין אוֹתוֹ.  
(הָאוֹמֵר, יְבָרְכִידָּךְ טוֹבִים, הֲרִי  
זֶה דְּרִכִּי טָעוּת) הָעוֹבֵר לִפְנֵי  
הַמִּיָּבָה יוֹטֵטָה יַעֲבֹר אַחֵר  
תַּחֲתָיו וְלֹא יֵהָא סֶרְבֵּן בְּאוֹתָהּ  
שָׁעָה. מִמֶּנּוּ הוּא מִתְחִיל?  
מִתְחַלֵּת הַבְּרָכָה שֶׁטָּעָה בָּהּ.

1 In prayer. 2 Some take it to mean, 'Just as Thou hast compassion on the mother bird and its young so be Thou compassionate unto us'—but in fact the מִצְוָה, 'commandment,' here referred to [Deuteronomy 22, 7; מְגִלָּה 4<sup>9</sup>] is a חֻקָּה, 'statute,' and not because of compassion did God ordain it. 3 One must be thankful for disfavours from God as well as for His favours. 4 The *Eighteenth Benediction* begins with מוֹדִים. Repeating this (term) twice would be tantamount to a belief in a dual divinity. 5 This bracketed part is omitted in some texts. 6 From here the rest is given as a separate *Mishnah* in the *Talmud* and is introduced by the part just given in parenthesis. 7 This is inadmissible because it is the duty of every class of person to pray to God, and besides, such a statement would be an expression of vanity and boastfulness in labelling oneself as 'good.' 8 And must not do so. 9 At the עֲמוּד (Reader's stand) where the Reader (שָׁלִיחַ צְבוּר or בָּעֵל תְּפִלָּה or חֹזֵן) 'stands' before the congregation. Literally 'If anyone pass before the Ark,' 'he' refers to the first one who erred. 10 In the *Eighteen Benedictions*. 11 Some editions have מִהֵינָן instead of מִנֵּן. 12 The substitute. 13 In ordinary circumstances one should act humbly and not push himself forward into public prominence but here in the performance of a religious obligation he must comply at once so as not to hold up the service. 14 In some texts זֶה, 'this one', i.e., 'the former,' is inserted before בָּהּ.

#### Mishnah 4<sup>1</sup>

He who leads in prayer<sup>2</sup> before the Ark must not respond with *Amen*<sup>3</sup> after the priests,<sup>4</sup> because he may become confused.<sup>5</sup> And if no priest be there but himself, he must not raise his hands<sup>6</sup> for the *Priestly Blessing*.<sup>7</sup> But when he feels confident that if he raise his hands for the *Priestly Blessing* he will be

מְשַׁנָּה ד  
הָעוֹבֵר לִפְנֵי הַמִּיָּבָה לֹא יַעֲנֶה  
אַחֵר הַכֹּהֲנִים אָמֵן מִפְּנֵי  
הַטִּירוּף. וְאִם אֵין שָׁם כֹּהֵן אֵלָּא  
הוּא לֹא יִשָּׂא יָדָיו כְּכֹפֵי. וְאִם  
הִבְטַחְתּוֹ שֶׁהוּא נוֹשֵׂא אֶת-כְּפָיו



able to resume the *Amidah* he may do so.<sup>8</sup>

וְחֹזֵר לְתַפְלָתוֹ כְּשֶׁאֵי.<sup>8</sup>

1 This *Mishnah* is joined to the preceding *Mishnah* in the *Talmud*. 2 The Reader. 3 Which the congregation respond with after each of the three verses of the *ברכת כהנים*. 4 Who are performing the rite of the *ברכת כהנים*. 5 And err in the words and in their correct sequence. The Reader does not join in the responses of *אמן*, and if he is a *כהן* he does not join in with the *דיוקן* (as the rite is called) but he merely turns his face towards the congregation and raises his hands. 6 Because during the performance of the rite the priests raise their hands. 7 Since he might forget to resume correctly the rest of the *Amidah*. 8 The restriction applied in the *Mishnah* period because there were no Prayer Books and confusion could easily have occurred, but nowadays if the Reader is the only *כהן* present he does *duchan* since his *סדור* or *מחזור* prevents any confusion.

#### Mishnah 5

When one prays<sup>1</sup> and makes a mistake it is a bad omen for him, and if he be the Reader for a congregation it is a bad omen for those<sup>2</sup> who appointed him, because the representative of a person is like to himself. They related of R. Chanina ben Dosa that when he prayed on behalf of sick people he used to say, 'This one will live,' or 'That one will die.' They said to him, 'Whence dost thou know?' He replied to them, 'If my prayer be uttered fluently<sup>3</sup> I know it is granted,<sup>4</sup> but if not, I know that it is rejected.'<sup>5</sup>

מִשְׁנָה ה  
יְהִי מִתְפַּלֵּל וְטָעָה סִימָן רַע לוֹ  
וְאִם שְׂלִיחַ צָבוּר הוּא סִימָן רַע  
לְשׁוֹלְחָיו מִפְּנֵי שֶׁשְּׁלוּחוֹ שֶׁל אָדָם  
כְּמוֹתוֹ. אָמְרוּ עָלָיו עַל רַבִּי חֲנִינָא  
בֶּן דּוּסָא שֶׁהָיָה מִתְפַּלֵּל עַל  
הַחֹלִים וְאוֹמֵר, זֶה חַי וְזֶה מֵת.  
אָמְרוּ לוֹ מִנֵּן אַתָּה יוֹדֵעַ? אָמַר  
לָהֶם, אִם שְׁנוּרָה תִּפְלְתִי בְּפִי  
יִדְעֶ אֲנִי שֶׁהוּא מִקְבָּל, וְאִם  
לֹא יִדְעֶ אֲנִי שֶׁהוּא מְטוּרָךְ.

1 Either for oneself or as Reader. 2 Those who are present at prayer with the Reader. 3 Literally 'If my prayer be fluent in my mouth,' i.e., there is no hesitation or error. 4 Some assume that *מקבל* refers to the *חולה*, patient, who will recover; but others take it that it refers to *תפילתי* and that its meaning is 'accepted' (but against this rendering is the difficulty that *מקבל* is masculine whereas *תפילה* is feminine). 5 Some take it that *שהוא מטורף* refers to *תפילתי* and should be rendered 'that it [i.e., the prayer] is rejected,' but the difficulty arises that *מטורף* is *m.* and *תפילה* is *f.*, and hence others assume that *מטורף* refers to *חולה* and so its meaning is 'will succumb.'

## CHAPTER 6

## פרק ו

## Mishnah 1

What *Blessing* do we say over fruits?<sup>1</sup> Over the fruits of a tree one says,<sup>2</sup> . . . *the Creator of the fruit of the tree*, with the exception of wine<sup>3</sup> because over wine one says . . . *the Creator of the fruit of the vine*.<sup>4</sup> And over the fruits of the ground one says, . . . *the Creator of the fruit of the ground*,<sup>5</sup> with the exception of bread<sup>6</sup> because over bread one says, . . . *Who bringest forth bread from the earth*.<sup>7</sup> And over vegetables<sup>8</sup> one says, . . . *Creator of the fruit of the ground*,<sup>4</sup> R. Judah<sup>9</sup> says, . . . *the Creator of various species of herbs*.

## משנה א

יביצד מברכין על הפירות? על פירות האילן (הוא) אומר, בורא פרי העץ, חוץ מן-היין שעל היין (הוא) אומר, בורא פרי הגפן. ועל פירות הארץ (הוא) אומר, בורא פרי האדמה, חוץ מן-הפת שעל הפת הוא אומר, המוציא לחם מן-הארץ. ועל הירקות (הוא) אומר, בורא פרי האדמה; רבי יהודה אומר, בורא מיני דשאים.

1 In the גמרא it is laid down that if a new fruit grows on a twig in the following year after the old fruit had been plucked it requires the *Blessing* בורא פרי העץ . . . ; but if no new fruit grows on a twig after plucking the *Blessing* פרי האדמה . . . is recited over it, as in the case of the banana. 2 The *Blessing* begins with ברוך אתה ה' אלהינו מלך העולם, Blessed art Thou, O Eternal, King of the Universe. This *Blessing* is said only over fruits that grow on trees whose stems do not die away in winter. 3 Because of its importance it has a *Blessing* to itself. 4 (See Note 2 above for the beginning). Even if wine is taken as a remedy the *Blessing* must be recited. 5 (For the beginning see Note 2 above). 6 See Note 3 above. The *Blessing* over pastry, cake, biscuit, pudding, pie, tart, porridge—made out of flour—is מזונות מיני בורא . . . , '...Who createst various kinds of foods.' 7 See Note 2 above for the beginning. 8 Vegetables which are ordinarily eaten raw require the *Blessing* ... שהכל . . . (see next Mishnah Note 4), if they are cooked. Vegetables that are usually eaten cooked need the *Blessing* שהכל when they are eaten raw. The *Blessing* פרי האדמה . . . is said over vegetables which are eaten either cooked or raw. 9 His view that each sort—plants, as raspberries, whose fruit is eaten, pulse, as peas, whose seeds are eaten, herbs and greens, whose leaves are eaten—should have its own appropriate *Blessing*, is not accepted.

## Mishnah 2

If one said over the fruits of trees the *Blessing*, . . . *the Creator of the*

## משנה ב

בירך על פירות האילן, בורא

fruit of the ground, he has fulfilled his duty in accordance with the requirements of the Law,<sup>1</sup> but<sup>2</sup> over the fruits of the ground, . . . the Creator of the fruit of the tree, he has not complied with the requirements of the Law.<sup>3</sup> In all cases if one said . . . for everything exists by His word<sup>4</sup>, he has carried out his obligation according to the injunction of the Law.<sup>5</sup>

פְּרֵי הָאֲדָמָה וַיֵּצֵא יָעַל פִּירוֹת  
הָאָרֶץ בּוֹרָא פְּרֵי הָעֵץ, לֹא  
יֵצֵא. עַל כָּלֵם אִם אָמַר, שֶׁהֶפֶל  
נִהְיָ (בְּדִבְרוֹ), יֵצֵא.

1 Because the trees themselves are also the products of the earth; and if one eats next fruit that grows on trees there is no need to say the *Blessing* בּוֹרָא... 2 If he said the *Blessing* פְּרֵי הָאֲדָמָה 3 The fruits of the ground have no connection with trees. 4 The *Blessing* begins with אָמַר בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם. 5 But this last mentioned *Blessing* is an 'inclusive' or 'universal' *Blessing* for all things all of which are created by God's will, and it covers even bread and wine, and if one is in doubt which *Blessing* to recite it suffices to say this 'comprehensive' one.

### Mishnah 3

Over any thing whose growth is not<sup>1</sup> from the earth one says . . . because everything exists by His word.<sup>2</sup> Over vinegar, and over unripe fruits,<sup>3</sup> and over edible locusts<sup>4</sup> one says, . . . for every thing (exists by His word). (Over milk, and over cheese, and over eggs one says, . . . for every thing.) R. Judah says, Anything which is in the nature of a curse:<sup>5</sup> one does not say a *Blessing* over it.<sup>6</sup>

### מִשְׁנָה ג

עַל דָּבָר וְשֵׂאִינוּ גְדוּלוֹ מִן-הָאָרֶץ  
אוֹמְרִי, שֶׁהֶפֶל (נִהְיָ בְּדִבְרוֹ).  
עַל הַחֶמֶץ וְעַל הַנוֹבְלוֹת וְעַל  
הַנוֹבָאִי אוֹמְרִי, שֶׁהֶפֶל (נִהְיָ  
בְּדִבְרוֹ). (עַל הַחֶלֶב וְעַל הַגִּבִּינָה  
וְעַל הַבִּיצִים אוֹמְרִי, שֶׁהֶפֶל.) רַבִּי  
יְהוּדָה אוֹמְרִי, כָּל-שֶׁהוּא מִן  
יִקְלָלָה אֵין מְבָרְכִין עָלָיו.

1 Not directly (because actually all things come directly or indirectly from the earth) such as fish, flesh, and those mentioned in the parenthesis, and even mushrooms and peel are included under this heading. 2 See the preceding *Mishnah* Note 4. 3 נוֹבְלוֹת, unripe fruit, fruit falling off before ripening, an inferior quality of dates dropping off unripe. 4 A certain species—identity now unknown—which are כָּשֵׁר as food (*Leviticus* 11, 22). 5 Such as vinegar, fallen fruit (as if the wine had been 'cursed' to turn sour, or the tree or fruit had been 'cursed' and had not ripened), locusts (because they are a 'curse'

on account of their destructiveness). 6 R. Judah's view is rejected, because one should say a *Blessing* over aught one enjoys.

Mishnah 4<sup>1</sup>

If one had before him many different kinds,<sup>2</sup> R. Judah says, If among them there be one<sup>3</sup> of the *seven species*<sup>4</sup> he says the *Blessing*<sup>5</sup> over that one;<sup>6</sup> but the Sages say, He says the *Blessing* over whichever<sup>7</sup> of them he pleases.<sup>8</sup>

מִשְׁנָה ד

הָיוּ לִפְנֵי מֵינִים רַבִּים רַבִּי יְהוּדָה אוֹמֵר, אִם יֵשׁ בֵּינֵיהֶם מִמֵּין שֶׁבַע מְבָרֵךְ עָלָיו; וְחֻכְמִים אוֹמְרִים, מְבָרֵךְ עַל אִיזָה מֵהֶם שֶׁיִּרְצֶה.<sup>8</sup>

1 In the *Talmud* this *Mishnah* is joined on to the preceding one. 2 *מֵינִין* in some editions. 3 Some texts have *שֶׁבַע*. 4 The seven species are *חֲטָת*, wheat, *שְׂעוֹרָה*, barley, *גֶּפֶן*, grape, *תְּאֵנָה*, fig, *רִמּוֹן*, pomegranate, *זַיִת*, olive(-oil), and *תְּמָרִים* dates (or date-honey); these are considered the most important products because the Land of Israel was famed for them (*Deuteronomy* 8, 8). 5 Instead of *עָלָיו* some editions have *הוּא מְבָרֵךְ*. 6 And that *Blessing* suffices for all the others. 7 *מֵהֶן* in some texts. 8 And that *Blessing* will suffice for all the rest. This is the accepted ruling.

Mishnah 5

If one said the *Blessing* over the wine<sup>1</sup> before the meal he has exempted<sup>2</sup> the wine after<sup>3</sup> the meal. If one said the *Blessing*<sup>4</sup> over the appetizer before the meal he has exempted the dessert after the meal.<sup>5</sup> If he said the *Blessing* over the bread he has exempted<sup>6</sup> the appetizer, but<sup>7</sup> over the appetizer he has not exempted<sup>8</sup> the bread. The School of Shammai say,<sup>9</sup> Not even what had been prepared in a pot.

מִשְׁנָה ה

בֵּרַךְ עַל יַהֲיִין שְׁלֹפְנֵי הַמְּזוֹן פָּטַר אֶת-הַיֵּין שְׁלֹאֲחֵר הַמְּזוֹן. בֵּרַךְ עַל הַפֶּרֶפֶרֶת שְׁלֹפְנֵי הַמְּזוֹן פָּטַר אֶת-הַפֶּרֶפֶרֶת שְׁלֹאֲחֵר הַמְּזוֹן. בֵּרַךְ עַל הַפֶּת פָּטַר אֶת-הַפֶּרֶפֶרֶת, עַל הַפֶּרֶפֶרֶת לֹא פָטַר אֶת-הַפֶּת. בֵּית שַׁמַּאי אוֹמְרִים, אִף לֹא מַעֲשֶׂה קִדְרָה.

1 It was a custom in those days to drink wine and eat a savoury or relish (such as fish, salad, etc.) both at the beginning of a meal and (wine and dessert) before *Grace after Meals*. 2 i.e., there is no need to repeat the *Blessing* over wine. 3 Even the wine immediately before *Grace after Meals* (thus including all wine drunk during the meal). 4 Some texts have *יֵבֶרֶךְ*, 'If one should say [the *Blessing*]' instead of *בֵּרַךְ*. 5 And before *Grace after Meals*. 6 Add 'the *Blessing* over.' 7 To be understood: 'If he said the *Blessing*.' 8 Insert

'The Blessing over.' 9 The Blessing said over the appetizer does not exempt one from the appropriate Blessing over 'what (dish, etc.) had been prepared in a pot,' such as porridge, of groats, flour, rusks, dried bread boiled in water.

Mishnah 6<sup>1</sup>

If people sit<sup>2</sup> down (to dine),<sup>3</sup> each one says the Blessing<sup>4</sup> for himself. If they sit reclining,<sup>5</sup> one says the Blessing for them all. If wine be brought to them during the meal, each one says the Blessing for himself; if after<sup>6</sup> the meal, one says the Blessing for them all, and he also says<sup>7</sup> over the perfume<sup>8</sup> even though the perfume be brought in only after the meal.

הָיוּ יוֹשְׁבִין<sup>2</sup> (לְאָכֹל)<sup>3</sup>, כָּל-אֶחָד (וְאֶחָד)<sup>4</sup> מְבָרֵךְ לְעַצְמוֹ.<sup>5</sup> הִסִּיבּוּ אֶחָד מְבָרֵךְ לְכוֹלָיו. בָּא לָהֶם יַיִן בְּתוֹךְ הַמְּזוֹן כָּל-אֶחָד וְאֶחָד מְבָרֵךְ לְעַצְמוֹ.<sup>6</sup> לְאַחֵר הַמְּזוֹן אֶחָד מְבָרֵךְ לְכוֹלָם, וְהוּא<sup>7</sup> אֹמֵר עַל הַמּוֹנֵמֶר אֵף עַל פִּי שְׁאִין מְבִיאִין אֶת-הַמּוֹנֵמֶר אֵלָּא לְאַחֵר הַסְּעוּדָה.

1 In the *Talmud* this *Mishnah* is joined on to the preceding one. 2 Literally 'were sitting.' Without leaning or reclining, and without forming a group at the same table. 3 This term appears in the *Gemara Mishnah*. 4 The *הַמּוֹנֵמֶר*. 5 They used to sit at meals reclining on the left side, and this posture indicated a communal meal. This law applies nowadays if people sit round a table, and the others respond with *אָמֵן*. 6 Wine is brought and the Blessing over it is said. 7 The Blessing is בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא עֲצֵי בְשָׁמִים 'Blessed art Thou, O Eternal, our God, King of the Universe, Creator of odorous trees.' 8 Composed of spices on burning coals offered after a meal, to remove the odour of food.

Mishnah 7

If they placed first before one<sup>1</sup> some salted relish and bread with it, he says the Blessing<sup>2</sup> over the salted relish<sup>3</sup> and that exempts<sup>4</sup> the bread, because the bread is of secondary importance to it.<sup>5</sup> This is the general rule: wherever there is a main food and with it<sup>6</sup> one of secondary importance, he says the Blessing over the main food and thereby exempts the one of secondary importance.

הֵבִיאוּ יְלַפְנֵיו מְלִיחַ בְּתַחֲלָה וּפַת עֲמוּ.<sup>2</sup> מְבָרֵךְ עַל הַמְּלִיחַ וְיִפּוּטֵר אֶת-הַפַּת, שֶׁהִפַּת טְפִלָּה לּוֹ.<sup>5</sup> זֶה הַכָּלָל, כָּל-שֶׁהוּא עֶקֶר וְעֵמָּה טְפִלָּה, מְבָרֵךְ עַל הָעֶקֶר וְיִפּוּטֵר אֶת-הַטְּפִלָּה.

1 i.e., 'one was sitting.' This is an instance where the bread is of secondary importance, as the chief desire was for the relish; if however the bread was the *עֲקָר*, 'main food,' the *Blessing המוציא* would be said and it would also cover the accompanying food. 2 The *Blessing שֶהַפֵּל*. In all cases the Blessing over the *עֲקָר*, 'important food,' covers the *סָפֵל*, 'secondary present food.' 3 *מְלִיֵּחַ*, salted relish, pickled food, food preserved in salt, dessert. 4 'the obligation to say the *Blessing* over.' 5 To the salted relish. 6 *וְעָמוּ* given in some texts seems more correct grammatically in agreement with the masculine form *שֶהוּא*.

Mishnah 8

מְשַׁנֶּה ח

If one ate figs,<sup>1</sup> or grapes, or pomegranates, he says after them the *Three Benedictions*,<sup>2</sup> this is the view of Rabban Gamaliel;<sup>3</sup> but the Sages say,<sup>4</sup> One *Benediction* (which is an abbreviation of the *Three*<sup>5</sup>). R. Akiba says, Even if one ate boiled greens and that is his (complete) meal he must say after it<sup>6</sup> the *Three Benedictions*. He who drinks water to quench his thirst says,<sup>7</sup> . . . for everything exists by His word;<sup>8</sup> R. Tarfon says,<sup>9</sup> . . . the Creator of many living things (and their wants . . .).<sup>10</sup>

אָכַל יִתְאֲנִים עֲנָבִים וְרִמּוֹנִים  
מִבֶּרֶךְ אַחֲרֵיהֶן שְׁלֹשׁ בְּרָכוֹת  
דִּבְרֵי יִרְכֵּן גַּמְלִיאֵל; וְנַחֲכָמִים  
אוֹמְרִים בְּרָכָה אַחַת (מֵעֵין  
שְׁלֹשׁ). רַבִּי עֲקִיבָא אוֹמֵר  
אֶפִּילוּ אָכַל שֶׁלֶק וְהוּא מְזוֹנָה  
מִבֶּרֶךְ אַחֲרָיו שְׁלֹשׁ בְּרָכוֹת  
הַשּׁוֹתֶה מַיִם לִצְמָאוֹ אוֹמֵר  
שֶהַפֵּל נִהְיָ בְּדִבְרוֹ; רַבִּי טַרְפוֹן  
יֹאמֵר בּוֹרֵא נִפְשוֹת רַבּוֹת  
(וְחִסְרוֹנָן).

1 Some editions have *עֲנָבִים וְרִמּוֹנִים* instead. 2 *בְּרַכַּת הַמְּזוֹן*, *Grace after Meals*, in full. Originally it had *three Benedictions* but now it contains a *fourth* (הַסּוֹב). 3 He maintains that these are of the *מִין שְׁבַע* (see 6<sup>4</sup>) and one should treat them as in the case of bread and recite the first three Benedictions of the *בְּרַכַּת הַמְּזוֹן*. 4 'The diner has to say.' And this is the ruling followed. (Most *סידורים*, 'Daily Prayers,' give the *Blessing* to be said after the drinking of wine or after the eating of grapes, figs, dates, olives, pomegranates, or after eating any food over which the *Blessing בּוֹרֵא מִיְּי מְזוֹנוֹת* is first pronounced before eating). This *Blessing* is termed *אַחֲרוֹנָה*, 'Latter Benediction.' 5 *Three Benedictions*. 6 *עָלָיו* in some texts. 7 Some editions have *מִבֶּרֶךְ* instead. 8 (See 6<sup>2</sup>, Note 4). When water is taken as a medicine no *Blessing* is said either before or after it. 9 He maintains that this *Blessing* should be said before drinking water, but the ruling is that it is to be recited after drinking it. 10 The *Blessing* in full (now recited after any food or drink for which the *Grace after Meals* is not required) is *בּוֹרֵא הָעוֹלָם בּוֹרֵא*

וְנִפְשׁוֹת רַבּוֹת וְחִסְרוֹנָן עַל כָּל מַה שֶּׁבָּרָאתָ לְהַחְיֹת בָּהֶם וְנִפְשׁ כָּל חַי בָּרוּךְ חַי הָעוֹלָמִים,  
*Blessed art Thou, O Eternal our God, King of the Universe, Creator of the many living beings with their wants, for all that which Thou hast created wherewith to maintain the life of every one. Blessed be He the life of all worlds.*

## CHAPTER 7

## פֶּרֶק ז'

Mishnah 1<sup>1</sup>

Three who have dined together<sup>2</sup> must say *Grace after Meals*<sup>3</sup> together. If one ate from *doubtfully-tithed produce*,<sup>4</sup> or from *first tithe*<sup>5</sup> from which the *priest's-minor-due* had been separated, or from *second tithe*, or from what had been *dedicated for a sacred purpose*<sup>6</sup> which had been redeemed,<sup>7</sup> or an attendant<sup>8</sup> who had eaten an olive's bulk of food, or a Samaritan<sup>9</sup>—all these<sup>10</sup> may be included to say<sup>11</sup> *Grace after Meals* together. (But) If one ate from the *cut products in the field before tithing*, or from the *first tithe* from which the *priest's-minor-due* had not yet been separated, or from the *second tithe*, or from what had been *consecrated for a sacred object* that had not been redeemed, or an attendant who had eaten less than<sup>12</sup> an olive's bulk of food, or an idolater<sup>13</sup>—these may not be included for reciting *Grace after Meals* together.

1 In the *Talmud* this *Mishnah* and the next one are given as one *Mishnah*. 2 *בְּאַחַת* in some texts. *Three or more than three*. 3 To recite together *Grace after Meals* begun by one with *יְבָרַךְ*; *רַבּוֹת* and *יְבָרַךְ* is said by each person whether alone or in company. 4 The opposite term is *נָתַי*, 'produce from which the tithes had been separated' (see *דְּמַאי* Introduction). 5 (See 1<sup>1</sup>, Note 5). The case here is when the Levite had taken his tithe before the owner had separated the *תְּרוּמָה*, priest's-due. 6 *הַקֹּדֶשׁ* generally refers to any article that had been devoted to the Temple service, and may be redeemed according to its worth in coins *plus*  $\frac{1}{5}$  of its value. *הַקֹּדֶשׁ* food had to be redeemed before it could be eaten. 7 *מַעֲשֵׂר שְׁנִי* and *הַקֹּדֶשׁ*. 8 Although he had

יְמִשְׁנָה א

שְׁלֹשָׁה שָׁאָכְלוּ בְּאַחַד חַיִּיבִין  
 לְזִמּוֹן. אֲכַל דְּמַאי וּמַעֲשֵׂר  
 רֵאשׁוֹן שְׁנִי וְהַקֹּדֶשׁ וְהַקֹּדֶשׁ  
 שְׁנִי וְהַקֹּדֶשׁ וְהַקֹּדֶשׁ וְהַקֹּדֶשׁ  
 שְׁאָכַל כְּזֵית, וְהַכֹּתִי, מְזִמְנִין  
 יְעַלֶּיהֶם. (אֲכַל) אֲכַל טָבֵל  
 וּמַעֲשֵׂר רֵאשׁוֹן שְׁלֹשָׁה וְהַקֹּדֶשׁ  
 תְּרוּמָתוֹ וּמַעֲשֵׂר שְׁנִי וְהַקֹּדֶשׁ  
 שְׁלֹשָׁה וְהַקֹּדֶשׁ וְהַקֹּדֶשׁ וְהַקֹּדֶשׁ  
 מְכֻנֵּית, וְהַקֹּדֶשׁ כּוֹכְבִּים, אֵין  
 מְזִמְנִין יְעַלֶּיהֶם.

not sat at table. 9 Nowadays a Samaritan is not admitted to מִזְמֵן. 10 Some texts give עָלֵינוּ. 11 Though these had eaten of אִסּוּר (forbidden food) and thus having committed a transgression have no right to offer thanks to God after having done so, for such an utterance would be tantamount to blasphemy. 12 Many prefer the pointing פְּחוּת. 13 Some editions have וְהִנָּכְרִי, others וְעוֹבֵד כּוֹכָבִים.

### Mishnah 2<sup>1</sup>

Women, and slaves<sup>2,4</sup>, and minors<sup>3</sup> must not be included for saying *Grace after Meals*. How much<sup>5</sup> in order to be included for reciting *Grace after Meals*? To a quantity<sup>6</sup> equal to that of the bulk of an olive;<sup>7</sup> R. Judah says, 'To a quantity<sup>8</sup> equal to the bulk of an egg.'

1 In the *Talmud* this *Mishnah* is joined on to the preceding one. 2 Canaanite slaves who had to carry out all the commandments carried out by Jewish women. 3 A boy, under 13 years and 1 day, has not attained puberty and is still termed a minor. Some would admit a boy above the age of nine to מִזְמֵן if he understands clearly all the implications of the הִקְוִיָּו. 4 Some texts have עָלֵינוּ. 5 i.e., 'How much should one have eaten...' 6 i.e., 'the minimum quantity.' 7 And this is the accepted ruling. 8 i.e., 'at least equal to.' About twice the size of an olive.

### Mishnah 3

How do they say the *Grace after Meals*?<sup>1</sup> When there are three, one<sup>2</sup> says, *Let us bless...*; when there are three besides himself he says, *Bless ye*;<sup>3</sup> when ten are present he says, *Let us bless our God...*;<sup>4</sup> when ten are there beside himself he says, *Bless ye*;<sup>5</sup> it is all one whether ten or whether ten times ten thousand.<sup>6</sup> When a hundred are present<sup>7</sup> he says, *Let us bless the Eternal our God*;<sup>8</sup> when a hundred are present beside himself he says, *Bless ye*; when a thousand are present he says, *Let us bless the Eternal our God, the God of Israel*; when there are a

### יְמִשְׁנָה ב

נָשִׁים וְעוֹבְדֵי יִדְּוֹתִים אֵין מִזְמֵנִין  
עָלֵיהֶם. עַד כָּמָה מִזְמֵנִין? עַד  
יְכֹנִית; רַבִּי יְהוּדָה אוֹמֵר, עַד  
כְּבִיצָה.

### מִשְׁנָה ג

כִּיצַד יְמִזְמֵנִין בְּשִׁלְשָׁה אוֹמֵר,  
נִבְרָךְ בְּשִׁלְשָׁה וְהוּא אוֹמֵר,  
בָּרְכוּ; בְּעֶשְׂרָה אוֹמֵר, נִבְרָךְ  
אֱלֹהֵינוּ בְּעֶשְׂרָה וְהוּא אוֹמֵר,  
בָּרְכוּ; אֶחָד עֶשְׂרָה וְאֶחָד עֶשְׂרָה  
רְבּוּא; בְּמֵאָה אוֹמֵר, נִבְרָךְ ה'  
אֱלֹהֵינוּ בְּמֵאָה וְהוּא אוֹמֵר,  
בָּרְכוּ; בְּאַלְף (וְהוּא) אוֹמֵר, נִבְרָךְ  
לֵה אֱלֹהֵינוּ אֱלֹהֵי יִשְׂרָאֵל, בְּאַלְף  
וְהוּא אוֹמֵר, בָּרְכוּ; בְּרְבּוּא אוֹמֵר,  
נִבְרָךְ לֵה אֱלֹהֵינוּ אֱלֹהֵי יִשְׂרָאֵל



thousand beside himself he says, *Bless ye*; when ten thousand are present he says, *Let us bless the Eternal our God, the God of Israel, the God of Hosts Who sitteth above the Cherubim, for the food that we have eaten*; when there are present ten thousand beside himself he says, *Bless ye*. According to the formula with which he prefaces the *Grace after Meals* so they respond to him, *Blessed be the Eternal our God, the God of Israel, the God of Hosts, That sitteth upon the Cherubim, for the food that we have eaten*. R. Jose the Galilean says, According to the size of the assembly they recite the *Blessings*, as it is said<sup>10</sup>, *In assemblies bless ye God the Eternal, yea from the fountain of Israel*. Said R. Akiba, How do we find in the Synagogue? Whether there are many<sup>11</sup> or whether there are few<sup>13</sup> he says,<sup>12</sup> *Bless ye the Eternal*; R. Ishmael<sup>14</sup> says, *Bless ye the Eternal Who is to be blessed*.

אֱלֹהֵי הַצָּבָאוֹת יוֹשֵׁב הַכְּרוּבִים  
עַל הַמְּזוֹן שְׁאַבְלֵנוּ, בְּרַבּוֹא וְהוּא  
אוֹמֵר, בָּרְכוּ כַּעֲנִין שֶׁהוּא מְבָרֵךְ  
כִּף עֲנִין אֲחֵרָיו, בְּרוּךְ ה' אֱלֹהֵינוּ  
אֱלֹהֵי יִשְׂרָאֵל אֱלֹהֵי הַצָּבָאוֹת יוֹשֵׁב  
הַכְּרוּבִים עַל הַמְּזוֹן שְׁאַבְלֵנוּ.  
רַבִּי יוֹסִי הַגָּלִילִי אוֹמֵר, לְפִי  
רֹב הַתְּקֵל הֵן מְבָרְכִין,<sup>10</sup> שְׁנֵאמַר,  
בְּמִקְהֵלוֹת בָּרְכוּ אֱלֹהִים ה'  
מִמְקוֹר יִשְׂרָאֵל. אָמַר רַבִּי  
עֲקִיבָא, מֵה־מְצִינוּ בְּבֵית הַכְּנֶסֶת?  
אֶחָד<sup>11</sup> מִרְבּוּבִין וְאֶחָד<sup>13</sup> מִזְעָטִין  
<sup>12</sup>אוֹמֵר, בָּרְכוּ אֶת־ה'; רַבִּי  
<sup>14</sup>יִשְׁמַעְיֵאל אוֹמֵר, בָּרְכוּ אֶת־ה'  
הַמְּבֹרָךְ.

1 i.e., begin or preface the *Grace after Meals*. 2 The one who is asked to do so. 3 Because there are three without him. 4 Some editions have לֵאלֹהֵינוּ. 5 Because without him there is the required ten. 6 This is R. Akiba's opinion: any number over ten is for purpose of *Grace after Meals* the same as a מִנְּיָן of ten. 7 This is Rabban Gamaliel's statement. From three to nine inclusive, one begins with נְבָרֵךְ שְׁאַבְלֵנוּ מִשְׁלוֹ, 'Let us bless because we have eaten from His,' and all respond with בְּרוּךְ שְׁאַבְלֵנוּ מִשְׁלוֹ וּבִטְוֹבוֹ הָיִינוּ, 'Blessed be He because we have eaten from His and in His goodness have we lived'; from ten upwards, one begins with נְבָרֵךְ לֵאלֹהֵינוּ שְׁאַבְלֵנוּ מִשְׁלוֹ, 'Let us bless our God because we have eaten from His,' and all respond with בְּרוּךְ אֱלֹהֵינוּ שְׁאַבְלֵנוּ מִשְׁלוֹ וּבִטְוֹבוֹ הָיִינוּ, 'Blessed be our God because we have eaten from His and by His goodness we have lived.' 8 Some texts give לֵה. 9 Some editions give הַצָּבָאוֹת. 10 Psalm 68, 27. 11 מִנְּיָן, ten minimum. 12 The Reader. 13 This refers to מִנְּיָן, ten minimum. 14 His view is the accepted ruling.

Mishnah 4<sup>1</sup>

When three dined together<sup>2</sup> they must not separate,<sup>3</sup> and the same applies to four and five;<sup>4</sup> six<sup>5</sup> may divide<sup>6</sup> up to ten,<sup>7</sup> but ten<sup>8</sup> may not<sup>9</sup> split up before their number has reached<sup>10</sup> twenty.<sup>11</sup>

## יְמִשְׁנָה ד

שֶׁלֹּשָׁה שָׁאֵכְלוּ בְּאֶחָד אֵינָן כָּשָׁאִין  
לְחַלֵּק, וְכֵן אַרְבָּעָה, וְכֵן חֲמִשָּׁה.  
שֵׁשָׁה נִחְלָקִין עַד עֶשְׂרִה,  
וְעֶשְׂרִה אֵינָן נִחְלָקִין עַד  
עֶשְׂרִים (שִׁיְהִיו) <sup>10</sup>

- 1 This *Mishnah* and the next are combined in the *Talmud* into one *Mishnah*.  
2 Some editions have בְּאַחַת. 3 Because it is their duty to say *Grace after Meals* בְּמִזְמִן. If a fourth is dining apart he should join the three for the בְּרִכַּת הַמִּזְוֶה. 4 Because three would constitute a מִזְמִן and the other one or the two others alone would not. 5 They can form two groups for מִזְמִן, each a party of three. 6 'May divide,' but actually they should not separate when saying the *Grace after Meals*. 7 i.e., nine inclusive. They could make up two or three separate parties for מִזְמִן. 8 Ten may not split up because when ten recite *Grace after Meals* the 'ה', 'Eternal,' is mentioned. 9 Some texts give אֵין. 10 Some editions omit שִׁיְהִיו. 11 Since they can form two parties of מִזְמִין (ten) each, but actually they should not split up.

Mishnah 5<sup>1</sup>

When two parties have been dining in the same house [or room], if some of them can see each other then they<sup>2</sup> may combine to say *Grace after Meals* together; but if not<sup>3</sup>, these recite *Grace after Meals* by themselves and those recite *Grace after Meals* by themselves. The *Blessing* over wine<sup>4</sup> may not be said before water is added to it,<sup>5</sup> according to the view of R. Eliezer;<sup>6</sup> but the Sages say, They may recite the *Blessing*.

## יְמִשְׁנָה ה

שְׁתֵּי חֲבוּרוֹת שֶׁהָיוּ אוֹכְלוֹת בְּבֵית  
אֶחָד, בְּזִמְן שֶׁמִּקְצָתָן רֹאִין אֶל-  
אֶת-אֶלּוֹ הָרִי אֶלּוֹ מִצְטָרְפִים  
לְזִמּוֹן, וְאִם לֹא, אֶלּוֹ מִזְמִין  
לְעַצְמָן, וְאֶלּוֹ מִזְמִין לְעַצְמָן. אֵין  
מְבָרְכִין עַל הַיַּיִן עַד שֶׁיִּתֵּן  
לְתוֹכוֹ מַיִם. דְּבַרִּי רַבִּי אֶלִיעֶזֶר;  
וְחַכָּמִים אוֹמְרִים מְבָרְכִין.

- 1 In the *Talmud* this *Mishnah* is joined on to the foregoing *Mishnah*. 2 i.e., the two groups of diners. 3 If the two groups are out of sight of each other. 4 בּוֹרֵא פְּרִי הַגֶּפֶן... 5 Their wine used to be very potent and was not fit for drinking without first being diluted with water. 6 But his opinion was rejected; he considered undiluted grape liquor as mere fruit juice for which the *Blessing* should be בּוֹרֵא פְּרִי הָעֵץ..., but actually the *Blessing* over other fruit juices is שֶׁהַכֹּל.

## CHAPTER 8

## פֶּרֶק ח

Mishnah 1<sup>1</sup>

## מִשְׁנָה א

These are the differences of views between the School of Shammai and the School of<sup>2</sup> Hillel concerning meals.<sup>3</sup> The School of Shammai say, One says (first) the *Blessing over the day*<sup>4</sup> and after that recites<sup>5</sup> the *Blessing over the wine*; but the School of Hillel say,<sup>6</sup> One (first) recites the *Blessing over the wine* and then recites the *Blessing over the day*.

אֵלּוּ דְּבָרִים שֶׁבֵּין בֵּית שַׁמַּאי  
וּבֵית הֵלֵל<sup>3</sup> בְּסֻעֻדָּה • בֵּית שַׁמַּאי  
אוֹמְרִים, מְבָרֵךְ עַל הַיּוֹם וְאַחֵר  
כֶּךָ מְבָרֵךְ עַל הַיֵּין; וּבֵית הֵלֵל<sup>6</sup>  
אוֹמְרִים, מְבָרֵךְ עַל הַיֵּין וְאַחֵר  
כֶּךָ מְבָרֵךְ עַל הַיּוֹם.

1 In the *Talmud* all the *Mishnahs* 1—8 are given as one *Mishnah*. 2 Some texts have *וּבֵין בֵּית* instead of *וּבֵית*. 3 'regarding the laws concerning meals'. 4 The Sabbath *קִדּוּשׁ* and the Festivals *קִדּוּשׁ*, because they maintain that the wine is drunk in honour of the 'day' and further the 'day' has commenced before the need for the *קִדּוּשׁ*. 5 *בּוֹרָא פְּרִי הַגֶּפֶן*. 6 The ruling is in accordance with the opinion of Beth Hillel. They uphold that the sanctification of the 'day' is shown through the *קִדּוּשׁ*. Further, *קִדּוּשׁ* can not be said without wine—or without *תַּלּוּת* (loaves) if preferred—and so the *Blessing* over the wine (or the *Blessing* over the bread) must precede.

Mishnah 2<sup>1</sup>

## מִשְׁנָה ב

The School of Shammai say, They (first) wash the hands and after that fill the [*Kiddush*] cup. But the School of Hillel say, They (first) fill<sup>2</sup> the [*Kiddush*] cup and then wash the hands.

בֵּית שַׁמַּאי אוֹמְרִים, נוֹטְלִין לַיָּדַיִם  
וְאַחֵר כֶּךָ מוֹזְגִין אֶת-הַכּוֹס. וּבֵית  
הֵלֵל אוֹמְרִים, מוֹזְגִין אֶת-הַכּוֹס<sup>2</sup>  
וְאַחֵר כֶּךָ נוֹטְלִין לַיָּדַיִם

1 According to the *תַּכְּמִיּוֹת* (Sages) one's hands are ritually unclean before washing, and thus wine (or other liquor) is rendered ritually unclean if touched with unwashed hands and the wine then renders a vessel ritually unclean. Thus the followers of Shammai maintain that if one's hands are not first washed some wine may drop on to them and become ritually unclean and this unclean wine coming into contact with the cup makes it ritually unclean also on the outside and it may not be used. But Beth Hillel say that the cup in this condition may be used for *Kiddush*; and when a cup is so ritually unclean then the hands in contact will become ritually unclean too, therefore *Kiddush* should be first recited and then the hands are washed for the meal. The

accepted ruling is in accordance with the view of the School of Hillel. 2 'And drinks the wine after Kiddush'—and the practice to be followed is as stated at the end of the preceding **Note 1**.

Mishnah 3

The School of Shammai say, One dries<sup>1</sup> his hands with a napkin<sup>2</sup> and places<sup>3</sup> it<sup>4</sup> upon the table.<sup>5</sup> But the School of Hillel say,<sup>6</sup> Upon the cushion.<sup>7</sup>

משנה ג  
בית שמאי אומרים, ימקנח ידיו  
במפה<sup>2,3,4</sup> ומניח על השולחן.  
ובית הלל אומרים, על הקסת.

1 The 'washing of the hands'—see the preceding *Mishnah*. 2 Or 'towel,' 'serviette.' 3 Or ומניח. To be ready to hand for use during the meal. 4 Some texts have ומניחה, 'and places it.' 5 The followers of Shammai maintained that a table for meals must be ritually clean and the serviette for further use must be placed on it to keep it also ritually clean so that no food that comes into contact with it will become ritually unclean. 6 i.e., 'The napkin is placed upon the cushion.' 7 'Alongside where one is sitting.' In those days diners used to sit on a couch or bed at meals. The School of Hillel maintain that one may eat at a table that may be ritually unclean, and if the wet serviette is left on the table it will become ritually unclean and render any food with which it comes in contact also ritually unclean; whereas if it lies on the cushion it may render ritually unclean the hands only. Actually the washing of the hands is only מדרכא (enjoined by the Sages) and not מן התורה or מדאורייתא (prescribed by the Law).

Mishnah 4

The School of Shammai say, They [first] sweep out<sup>1</sup> the room<sup>2</sup> and after that wash<sup>3</sup> the hands; but the School of Hillel say, They [first] wash the hands and then sweep out the room.<sup>4</sup>

משנה ד  
בית שמאי אומרים, ומכבדין  
את הבהית ואחר כך נוטלין  
לידים; ובית הלל אומרים,  
ינוטלין לידים ואחר כך מכבדין  
את הבהית.

1 After the meal. 2 The dining room or the table (literally 'the house') so that no crumbs are left lying about which drops of מים אחרונים, 'last water,' would render ritually unclean and unusable. 3 With the מים אחרונים used for washing the hands immediately before *Grace after Meals*. 4 Actually after a meal one must first clear away all crumbs from beneath and about the table and then wash the hands with מים אחרונים, in agreement with the ruling of the School of Shammai.

## Mishnah 5

## משנה ה

The School of Shammai say,<sup>1</sup> *Light and Grace after Meals and Spices and Habdalah*; but the School of Hillel say, *Light and Spices and Grace after Meals and Habdalah*. The School of Shammai say,<sup>2</sup> *Who created<sup>3</sup> the light<sup>4</sup> of fire*; but the School of Hillel say, *Creator<sup>5</sup> of the lights<sup>6</sup> of fire*.

בית שמאי ואומרים, גר ומזון  
ובשמים והבדלה; ובית הלל  
אומרים, גר ובשמים ומזון  
והבדלה. בית שמאי<sup>2</sup> אומרים,  
ישברא<sup>4</sup> מאור האש; ובית הלל  
אומרים, יבורא<sup>6</sup> מאורי האש.

1 If one dines shortly before the conclusion of שבת or יום טוב and has only one cupful of wine he must not drink it before the *Grace after Meals* but waits for the conclusion of the שבת or יום טוב, then he recites the *Blessing* בורא מאורי האש, after which he says the *Grace after Meals* followed by the *Blessing* המבדיל בשמים, and concludes with the *Blessing* המבדיל. 2 i.e., 'That the wording of the *Blessing* should be. 3 שברא refers only to the past. 4 The followers of Shammai say the *Blessing* refers to the קנה, 'power,' of the fire or flame, hence מאור in the singular. 5 בורא is more acceptable because its continuous sense implies both past and future. 6 The plural form מאורי is better because fire contains many colours in its light. This is the accepted form.

## Mishnah 6

## משנה ו

They may not say the *Blessing* over the light<sup>1</sup> or over the spices<sup>2</sup> of idolaters,<sup>3</sup> nor over the light<sup>4</sup> or over the spices<sup>5</sup> for the dead, nor over the light or over the spices of idols.<sup>6</sup> They should not recite the *Blessing* over a light<sup>7</sup> until one can make use of its light.<sup>8</sup>

אין מברכין לא על יהגור ולא  
על הבשמים של עובדי  
כוכבים, ולא על יהגור ולא על  
הבשמים של מתים, ולא על  
הגור ולא על הבשמים של פגני  
אלילי עובדי כוכבים. אין  
מברכין על יהגור עד שיאותו  
לקאורו.<sup>8</sup>

1 Or 'burning candle,' 'the flame,' 'lamp.' The candle which had been used on Sabbath by an idolater may not be used for הבדלה. 2 Spices that had been used at an idolatrous feast. 3 Some editions have כותים, Samaritans, instead of עובדי כוכבים. 4 Candle lit in respect for the dead, and not for its light. 5 Spices used to disguise the bad odour of a corpse and not for enjoyment of the agreeable scent. 6 Literally 'that are before the idols of star worshippers.'

Some editions have של instead of שלפני אלילי. No benefit may be derived from any materials used for idolatry. 7 Lighted candle. 8 Until its flame is so large and clear that one could enjoy its use if need be or recognise thereby the design on a coin (and this is the reason why we look at the finger tips and nails after the *Blessing*).

### Mishnah 7

If one<sup>1</sup> had a meal and had forgotten<sup>2</sup> to say *Grace after Meals*, the School of Shammai say, He must return to his place<sup>3</sup> and recite *Grace after Meals*; but the School of Hillel say,<sup>4</sup> He says *Grace after Meals* wherever he recollects. How long may he delay<sup>5</sup> reciting the *Grace after Meals*? Until the food in his stomach<sup>6</sup> has been digested.

1 'Who had eaten' from the five species of corn (wheat, barley, rye, oats, spelt), or according to the view of some authorities from the seven species mentioned in 6<sup>4</sup>. 2 Unintentionally. 3 Where he had dined. 4 The School of Hillel agree with the School of Shammai in the case of one who had not actually forgotten but had gone away knowing that he had not recited the *Grace after Meals*. 5 After the meal. (Some texts have ימתי instead of ימתי). 6 The accepted meal is an hour and twelve minutes after a light meal, or when one begins to feel hungry again after a heavy meal.

### Mishnah 8

If wine be brought to them<sup>1</sup> after<sup>2</sup> the meal<sup>3</sup> and there is only<sup>4</sup> sufficient for that cup,<sup>5</sup> the School of Shammai say, He should first say the *Blessing* over the wine and then say the *Grace after Meals*; but the School of Hillel say, He should first recite the *Grace after Meals* and then recite the *Blessing* over the wine. They must respond<sup>6</sup> with *Amen* after a Jew who says a *Blessing*,<sup>7</sup> but one must not respond<sup>8</sup> with *Amen* after a Samaritan<sup>9</sup> who recites a *Blessing* unless he has heard the whole<sup>10</sup> *Blessing*.

### משנה ז

מי ישאכל וישכח ולא בירך בית שמאי אומרים יחזור למקומו ויברך; ובית הלל אומרים יברך במקום שזכר עד אימתי הוא מברך? עד כדי שיתעצל המזון שבמעיו.

### משנה ח

יבא להם יין לאחר המזון ויזין שם אלא אותו כוס בית שמאי אומרים מברך על היין ואחר כך מברך על המזון; ובית הלל אומרים מברך על המזון ואחר כך מברך על היין. עונין אמן אחר ישראל המברך ויזין עונין אמן אחר כותי המברך עד שישמע כל הברכה וכולה.

1 Literally 'If wine come to them.' 2 Some texts have **אָמַר**. 3 And before *Grace after Meals*. 4 Some editions give **וְאָם אֵין** instead of **וְאֵין**. 5 Some texts give **הַכּוֹס** instead of **כּוֹס**. 6 **וְעוֹנִין** in some editions. 7 Even if one has heard only the conclusion. 8 When one has not heard also the beginning. 9 Some texts have **הַכּוֹתִי**. A Samaritan was not to be trusted on questions of religious practice: he may have been saying an idolatrous *Blessing*. When an atheist or agnostic or freethinker Jew recites a *Blessing* one must not respond with *Amen* lest the *Blessing* was not genuine. No response with *Amen* may be made in the case of a child practising a *Blessing* or when a *Blessing* is recited in error. 10 **כּוֹלָה** is omitted in some editions.

## CHAPTER 9

## פָּרָק ט

### Mishnah 1<sup>1</sup>

He who beholds a place where miracles were wrought for Israel<sup>2</sup> says,<sup>3</sup> *Blessed . . . Who wrought miracles<sup>4</sup> for our ancestors in this place; [he who beholds] a place in the Land of Israel<sup>5</sup> from which idolatry<sup>6</sup> has been uprooted recites,<sup>3</sup> *Blessed . . . Who uprooted idolatry from our land.*<sup>7</sup>*

### מִשְׁנָה א

הַרוֹאֶה מְקוֹם שֶׁנַּעֲשׂוּ בוֹ נִסִּים  
לְיִשְׂרָאֵל<sup>2</sup> אָמַר<sup>3</sup> בָּרוּךְ שֶׁעָשָׂה  
נִסִּים לְאֲבוֹתֵינוּ בַּמְּקוֹם הַזֶּה;  
מְקוֹם בְּאֶרֶץ יִשְׂרָאֵל שֶׁנִּצְעֲקָה  
מִמֶּנּוּ<sup>6</sup> עֲבוֹדַת כּוֹכָבִים אָמַר<sup>3</sup>  
בָּרוּךְ שֶׁעָקַר עֲבוֹדַת כּוֹכָבִים  
מֵאֶרֶצֵּנוּ<sup>7</sup>.

1 In the *Talmud* all these five *Mishnahs* are given as one. 2 In the case of an individual only a son or pupil pronounces respectively the *Blessing* שֶׁעָשָׂה נִסִּים or שֶׁעָשָׂה נִסִּים בְּרַכְבִּי בַּמְּקוֹם הַזֶּה (see next Note). 3 The *Blessing* must be prefaced in full with **ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם** in recognition of God's sovereignty. 4 To suit the occasion **נִסִּים**, 'miracles,' must be substituted for **נִסִּים**, 'miracles.' 5 The words **בְּאֶרֶץ יִשְׂרָאֵל** are omitted in some texts. 6 Some editions have **עֲבוֹדַת זָרָה**. 7 When outside Palestine the term **מֵאֶרֶצֵּנוּ** is to be replaced by **מִהַּמְּקוֹם הַזֶּה**, *from this place*.

### Mishnah 2

Over comets,<sup>1</sup> (and) over earthquakes, (and)<sup>2</sup> over lightning, (and) over thunder, and over storms one says, *Blessed<sup>3</sup> be He Whose might<sup>4</sup> and power<sup>5</sup> fill the universe*. Over mountains, (and) over hills, (and)

### מִשְׁנָה ב

עַל יְהִיּוּקִין וְעַל הַזִּנְעוֹת<sup>1</sup> וְעַל הַבְּרָקִים וְעַל הָרָעָמִים וְעַל הָרוּחוֹת אָמַר<sup>3</sup> בָּרוּךְ שֶׁשָּׂחַח<sup>4</sup>  
וַיַּבְרִיחוּ מִלֵּא עוֹלָם. עַל הַהָרִים וְעַל הַגְּבָעוֹת וְעַל הַיָּמִים וְעַל

over seas, (and) over rivers,<sup>6</sup> and over deserts<sup>7</sup> one says, *Blessed be He the author of (the work of<sup>8</sup>) the creation*. R. Judah says, He who beholds the ocean<sup>9</sup> says, *Blessed be He Who made the ocean*—but only when he sees it<sup>11</sup> at intervals.<sup>10</sup> Over rains and over good tidings<sup>12</sup> one says, *Blessed be He Who is good<sup>3,4</sup> and doeth good*. And over bad tidings<sup>13</sup> one says, *Blessed be the true Judge*.<sup>14</sup>

הַנְּהָרוֹת וְעַל יְהַמְדָּבוֹת אוֹמֵר.  
בְּרוּךְ עוֹשֶׂה מַעֲשֵׂה בְּרֵאשִׁית.  
רַבִּי יְהוּדָה אוֹמֵר, הָרוֹאֶה אֶת-  
הַיָּם הַגָּדוֹל אוֹמֵר, בְּרוּךְ שֹׁעֵשֶׂה  
אֶת-הַיָּם הַגָּדוֹל בְּזֶמֶן שְׁרוּאָה  
אוֹתוֹ לִפְרָקִים. עַל הַנִּשְׁמִים  
וְעַל הַבְּשׂוּרוֹת הַטּוֹבוֹת אוֹמֵר,  
בְּרוּךְ הַטּוֹב וְהַמַּטִּיב. וְעַל  
שְׂמוּעוֹת רָעוֹת אוֹמֵר, בְּרוּךְ  
דִּין הָאֱמֶת.

1 וְעַל הַבְּרָקִים וְעַל הַקָּרָעִים וְיֵק, comet, meteor, shooting star. 2 Some texts give וְעַל הַקָּרָעִים וְעַל הַרוּחוֹת וְעַל הַרוּחוֹת and others וְעַל הַבְּרָקִים וְעַל הַרוּחוֹת. 3 See the preceding *Mishnah*, **Note 3**. 4 One who uses the formula עוֹשֶׂה מַעֲשֵׂה בְּרֵאשִׁית... is also יוֹצֵא (fulfils his obligation). 5 Some editions have שְׁגִבְיָתוֹ instead of שִׁפְחוֹ. 6 The four rivers mentioned in *Genesis* 2, 10—14. 7 Or 'wildernesses.' 8 Some texts omit מַעֲשֵׂה. 9 i.e., the Mediterranean Sea. 10 Of not less than 30 days. 11 Some editions give שְׁרוּאָה. 12 Some texts give the more correct form בְּשׂוּרוֹת טוֹבוֹת, others have שְׂמוּעוֹת and הַשְּׂמוּעוֹת. The Blessing for 'good news' was pronounced over rain in Palestine because the rains fall during certain seasons and the country's economy depended on it. 13 בְּשׂוּרוֹת in some texts. 14 The Blessings begin with ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם.

### Mishnah 3

When one has built a new house or has bought new things he says,<sup>1</sup> *Blessed be He Who hath kept us in life (and hath preserved us<sup>2</sup> and hath brought us to this season)*. One must say a *Blessing*<sup>4</sup> over misfortune irrespective of<sup>3</sup> any good that might result, and over good<sup>6</sup> regardless of any harm that might ensue.<sup>3</sup> He who prays concerning that which is past—his prayer is vain;<sup>5</sup> for instance,<sup>7</sup> if his wife were pregnant and he said,<sup>8</sup> *May*

### משנה ג

בָּנָה בֵּית חָדָשׁ וּקְנָה כְּלִים חֲדָשִׁים  
אוֹמֵר, יְבָרוּךְ שֶׁהֵחִינֵנוּ<sup>2</sup> (וְקִיֵּימֵנוּ)  
וְהוֹיָעֵנוּ לְזֶמֶן הַזֶּה. מְבָרַךְ עַל  
הַרְעָה מֵעֵין עַל הַטּוֹבָה, וְעַל  
הַטּוֹבָה מֵעֵין עַל הַרְעָה. הַצּוֹעֵק  
לְשַׁעֲבֵר הָרִי זֶה תִּפְלֵת שְׁוֹא.  
כִּי־צָדַק הִיתָה אִשְׁתּוֹ מְעוּבָרָת



*it be God's will that my wife bears a male child*, this is a prayer in vain; or if he were on the way and heard the sound of crying in the city and he said, *May it be God's will that these<sup>9</sup> should not be of my household*, this is an unavailing prayer.

וְאָמַר יְהי רצון שְׁתֵּלֵד אִשְׁתִּי  
זָכֵר, הָרִי זֹו תִּפְלֵת שְׂוֹא. הִיא  
בָּא בְּדֶרֶךְ וְשָׁמַע קוֹל צֹנְחָה בְּעִיר  
וְאָמַר יְהי רצון שֶׁלֹא יִהְיוּ יָאֵלוּ  
בְּנֵי בֵיתִי הָרִי זֹו תִּפְלֵת שְׂוֹא.

1 See *Mishnah* 1 of this *Chapter*, **Note 3**. 2 The words in parenthesis are omitted in some texts. 3 על is omitted in some editions. 4 בְּרוּךְ דִּינִין הָאָמַת. 5 One must not pray for what can not naturally occur nor for what can not naturally be undone: מָה שְׁנַעֲשָׂה אֵין לְהָשִׁיב, *What has been done cannot be undone*. 6 בְּרוּךְ הַטּוֹב וְהַמְּטִיב. 7 Some texts omit בִּיצֵד. 8 Some texts give וְאָמַר, 'and says.' 9 Who are lamenting.

#### Mishnah 4

One who enters a city<sup>1</sup> should offer prayer<sup>2</sup> twice; once on entry and once on departure; ben Azzai says, Four times, twice<sup>3</sup> on entering and twice<sup>4</sup> on leaving—and gives thanks for what is past<sup>5</sup> and makes supplication for the future.<sup>6</sup>

מִשְׁנָה ד  
הַנִּכְנָס וְלִכְרֹךְ<sup>2</sup> מִתְּפִלָּל שְׁתִּים,  
אַחַת בְּכִנְיֻסָּתוֹ וְאַחַת בִּיצִיאָתוֹ.  
בֶּן עֲזַאי אוֹמֵר, אַרְבַּע, שְׁתִּים<sup>3</sup>  
בְּכִנְיֻסָּתוֹ וְשְׁתִּים בִּיצִיאָתוֹ, וְנוֹתֵן  
הוֹדָאָה<sup>5</sup> לְשַׁעֲבֵר, וְצוּעֵק<sup>6</sup> לְעֵתִיד  
לְבָא.

1 כָּרֵךְ, 'fortified place,' 'city,' 'walled city,' where often harsh officials governed, and any Jew who entered and left the city without mishap had a real duty to offer prayer and thanksgiving. 2 For safety. 3 Before going in וְלִכְרֹךְ זֶה לְשָׁלוֹם..., ...that Thou let me enter into this city in peace; and after entering שְׁהַכְנִסְתָּנִי לְכָרֵךְ זֶה לְשָׁלוֹם..., ...that Thou hast let me enter into this city in peace. 4 Before leaving שְׁהוֹצִיאָנִי מִכָּרֵךְ זֶה לְשָׁלוֹם..., ...that Thou mayest bring me forth from this city in peace; and after leaving שְׁהוֹצִיאְתָּנִי מִכָּרֵךְ זֶה לְשָׁלוֹם..., ...that Thou hast brought me forth from this city in peace. 5 Some texts have וְאָמַר. 6 על הָעָתִיד. על שְׁעֵבֵר is given in some editions.

#### Mishnah 5

A man must offer a *Blessing* over evil just as he pronounces<sup>1</sup> a *Blessing* over good, for it is said,<sup>2</sup> *And thou shalt love the Eternal thy God with all thine heart and with all thy soul and with all thy might*.

מִשְׁנָה ה  
חַיִּיב אָדָם לְכָרֵךְ עַל הָרָעָה  
כְּשֶׁם<sup>1</sup> שֶׁהוּא מְכָרֵךְ עַל הַטּוֹבָה,  
שֶׁנֶּאֱמַר, וְאַהֲבָתָךְ אֶת ה' אֱלֹהֶיךָ  
בְּכָל לִבְבְּךָ וּבְכָל נַפְשְׁךָ וּבְכָל

With all thine heart, that is with thy two inclinations,<sup>3</sup> with the good inclination and with the bad inclination<sup>4,5</sup>; and with all thy soul, that is even if He take thy soul;<sup>6</sup> and with all thy might, that is with all thy wealth. Another explanation for *with all thy might* is with whatever measure<sup>7</sup> He metes out to thee do thou give thanks to Him.<sup>8</sup> A man must not behave with levity opposite the East Gate<sup>9</sup> because it faces towards the Holy of Holies. One may not enter the Holy Mount (of the Temple) with his staff or with his shoes on or with his money belt or with dust upon his feet, nor must he make of it a passage-way,<sup>10</sup> and that one may not expectorate there may be deduced by inference from 'minor to major'.<sup>11</sup> All who used to conclude Blessings in the Temple<sup>12,15</sup> used to say, *from everlasting*;<sup>13</sup> but when the Sadducees<sup>14</sup> perverted the truth and said there is only one world<sup>16</sup> it was enjoined<sup>17</sup> that they should say *from everlasting to everlasting*. And they further ordained that one should greet his fellow by mentioning the Name of God,<sup>18</sup> as it is said,<sup>19</sup> *And behold Boaz came from Bethlehem and said to the reapers, 'The Eternal be with you,' and they rejoined to him, 'The Eternal<sup>20</sup> bless thee;* and it (also) says,<sup>21</sup> *'The Eternal be with thee, thou mighty man of valour;*' and it (further) says,<sup>22</sup> *And despise<sup>23</sup> not thy mother when she is old;* and it (again) says,<sup>24</sup> *It is time for the Eternal to act; they have made void Thy*

מֵאֲדָהּ. בְּכָל לִבְבָּהּ, בְּשֵׁנֵי יִצְרֵיהָ, בִּיצֵר טוֹב וּבִיצֵר רָע; וּבְכָל נַפְשָׁהּ, אֲפִילוּ הוּא נוֹטֵל אֶת-נַפְשָׁהּ; וּבְכָל מֵאֲדָהּ, בְּכָל מְמוֹנָהּ. דָּבָר אַחֵר, בְּכָל מֵאֲדָהּ, יְבָכֵל מְדָה וּמְדָה שֶׁהוּא מוֹדֵד לָהּ הָיוּ מוֹדֵה לוֹ<sup>8</sup> (בְּמֵאֵד מֵאֵד). לֹא יִקַּל אָדָם אֶת-רֹאשׁוֹ כִּנְגֵד שַׁעַר הַמִּזְרֵחַ<sup>9</sup> שֶׁהוּא מְכוֹן כִּנְגֵד בֵּית קֹדֶשׁ הַקֹּדֶשִׁים. לֹא יִכְנֹס לְהַר הַבַּיִת בְּמַקְלוֹ וּבְמַנְעֻלָּיו וּבְפִגְמָתוֹ וּבְאֵבֶק שָׁעַל רִגְלָיו וְלֹא יַעֲשֶׂנוּ<sup>10</sup> קְפִינָדְרָא וּרְקִיקָה<sup>11</sup> מִמֶּקַּל יְחֹמֶר. כָּל-חֹתְמֵי בְּרָכוֹת<sup>12</sup> שֶׁהָיוּ<sup>15</sup> בְּמִקְדָּשׁ הָיוּ אוֹמְרִים, מִן-הָעוֹלָם; מִשְׁקָלָקְלוֹ<sup>14</sup> הַמִּיּוּן וְאוֹמְרֵי אֵין<sup>16</sup> עוֹלָם אֶלָּא אֶחָד, הַתְּקִינוּ שֶׁיְהִיוּ אוֹמְרִים, מִן-הָעוֹלָם וְעַד הָעוֹלָם.<sup>17</sup> וְהַתְּקִינוּ שֶׁיִּהְיֶה אָדָם שׂוֹאֵל אֶת-שְׁלוֹם חֲבֵרוֹ<sup>18</sup> בְּשֵׁם<sup>19</sup> שֶׁנֶּאֱמַר, וְהָיָה כְּעוֹ בֶּא מִבֵּית לֶחֶם וַיֹּאמֶר לְקוֹצְרִים, ה' עִמָּכֶם, וַיֹּאמְרוּ לוֹ, יְבָרְכֶךָ<sup>20</sup> (ה');<sup>21</sup> וַיֹּאמְרוּ, ה' עִמָּךְ גִּבּוֹר הַחֵיל;<sup>22</sup> וַיֹּאמְרוּ, וְאַל תִּבּוֹז כִּי זָקְנָה אִמָּךְ;<sup>24</sup> וַיֹּאמְרוּ, עַתָּה לַעֲשׂוֹת לָהּ

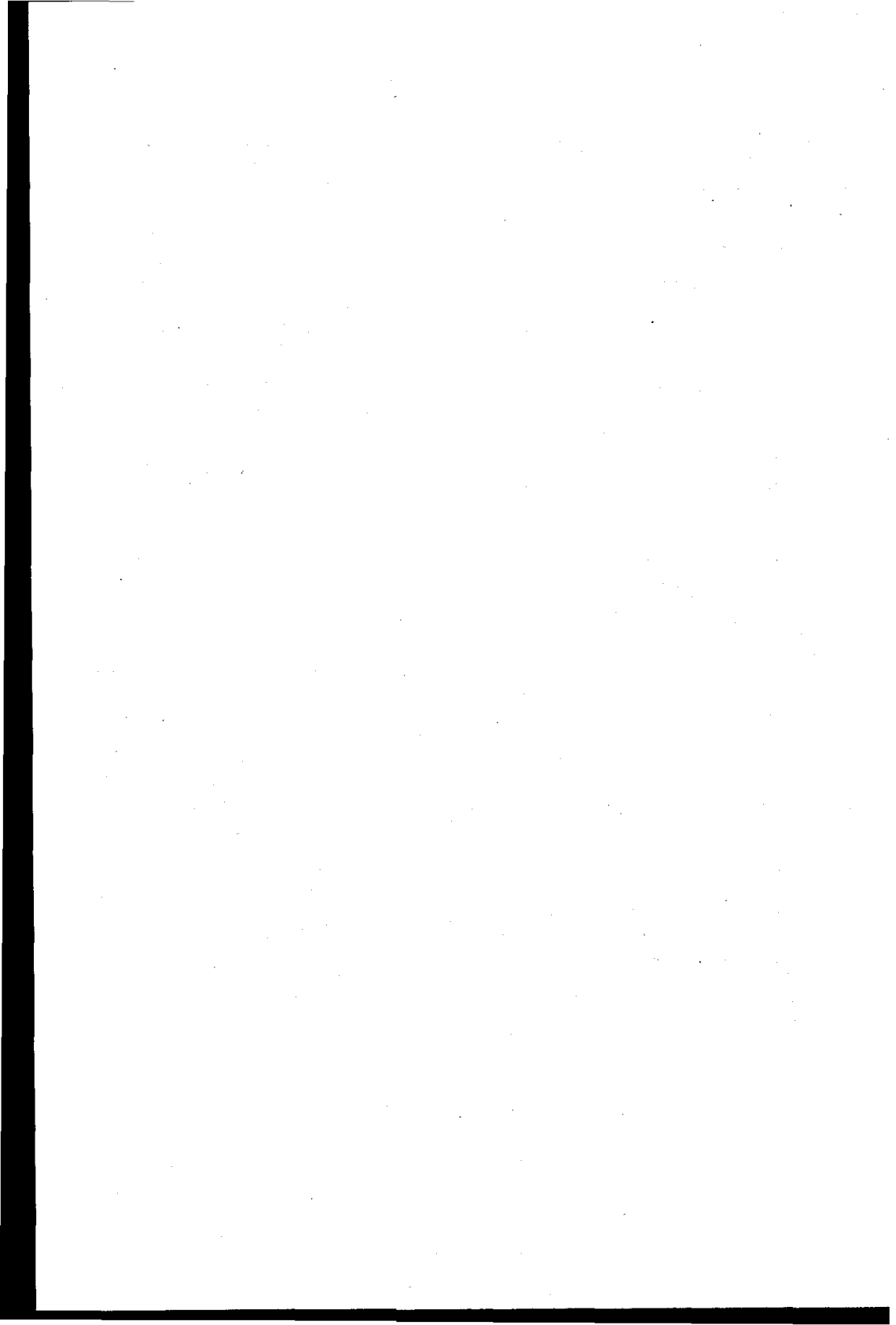
*Law*,<sup>25</sup> R. Nathan says,<sup>26</sup> Because *they have made void Thy Law* therefore<sup>27</sup> *it is time for the Eternal to act.*

הִפְרוּ תוֹרַתְךָ; רַבִּי נָתַן אוֹמֵר, הִפְרוּ תוֹרַתְךָ, מִשּׁוּם עַת לַעֲשׂוֹת לָהּ.

1 Some editions have כִּשְׁהוּא מְכַרֵּךְ. 2 *Deuteronomy* 6, 5. 3 This is based homiletically on the letter כ which occurs twice in לִבְכֶּךָ (otherwise לִבְךָ with one כ would have conveyed the same meaning). 4 i.e., one must train and control earthly and bodily desires for divine purposes. 5 Some texts have הִרְעָה. 6 'life.' 7 'whatever treatment He metes out to thee.' 8 This is an homiletic explanation on the alliterative Hebrew words מוֹדָה, מִדָּה, מָאֵד. מוֹדָה is omitted in some texts. 9 *East Gate* or *Nicanor Gate* in the outermost wall round the Temple Mount. יָקַל or יִקַּל. 10 Or 'short cut,' 'corridor,' 'to go in it by one door and out by another to shorten his journey'; but when one has been at prayer in Synagogue he may leave by any door though it may shorten his road. 11 *Exodus* 3, 5, says, *take thy shoes from off thy feet...* Seeing that shoes, which offer no offence, must be removed when one is on holy ground how much more may not one spit on holy ground when spitting is an objectionable act. 12 Some editions have שְׁבַמְקַדֵּשׁ instead of שְׁבַמְקַדֵּשׁ. 13 Instead of מִן הָעוֹלָם some texts have עַד הָעוֹלָם. 14 Some texts give הַצְדוּקִים, others הַמִּינִים, who denied the belief in a future life. 15 The First Temple. Every *Blessing* was concluded with אֱלֹהֵי יִשְׂרָאֵל מִן הָעוֹלָם, and the congregation did not use the term אָמֵן as we do now but responded with בְּרִיךְ שֵׁם כְּבוֹד מְלָכוּתוֹ לְעוֹלָם וָעֶד (which is now incorporated in the *Shema*); this used to be the practice only with the שְׁמִנֵּה עֲשָׂרָה (*Eighteen Benedictions*). 16 Only *this life* and no (עוֹלָם הַבָּא) *future life*. 17 By Ezra. 'that they' refers to the worshippers in the Temple. 18 i.e., one uses the expression ה' עִמָּךְ, *The Eternal be with thee*. 19 *Ruth* 2, 4. 20 Some texts have יִבְרַכְךָ, others 'יִבְרַכְךָ ה'. 21 *Judges* 6, 12. 22 *Proverbs* 23, 22. 23 i.e., 'Do thou not despise the ancient institutions and enactments.' 24 *Psalms* 119, 126. 25 תוֹרָה שֶׁבְּכָתוּב, 'Written Law,' and תוֹרָה שֶׁבְּעַל פֶּה, 'Oral Law.' 26 In some editions this final part from רַבִּי is altogether omitted. 27 Some texts omit מִשּׁוּם. R. Nathan thinks that this verse indicates that the Sages might vary the law if they do so for the Almighty's sake.

### סֵלִיק מִסֵּכַת בְּרָכוֹת

### CONCLUSION OF TRACTATE BERACHOTH



פאה

# PEAH

[BEING THE  
SECOND TRACTATE OF THE MISHNAH]  
TEXT, INTRODUCTION, TRANSLATION  
NOTES

By  
PHILIP BLACKMAN, F.C.S.

*This Tractate has been revised by*

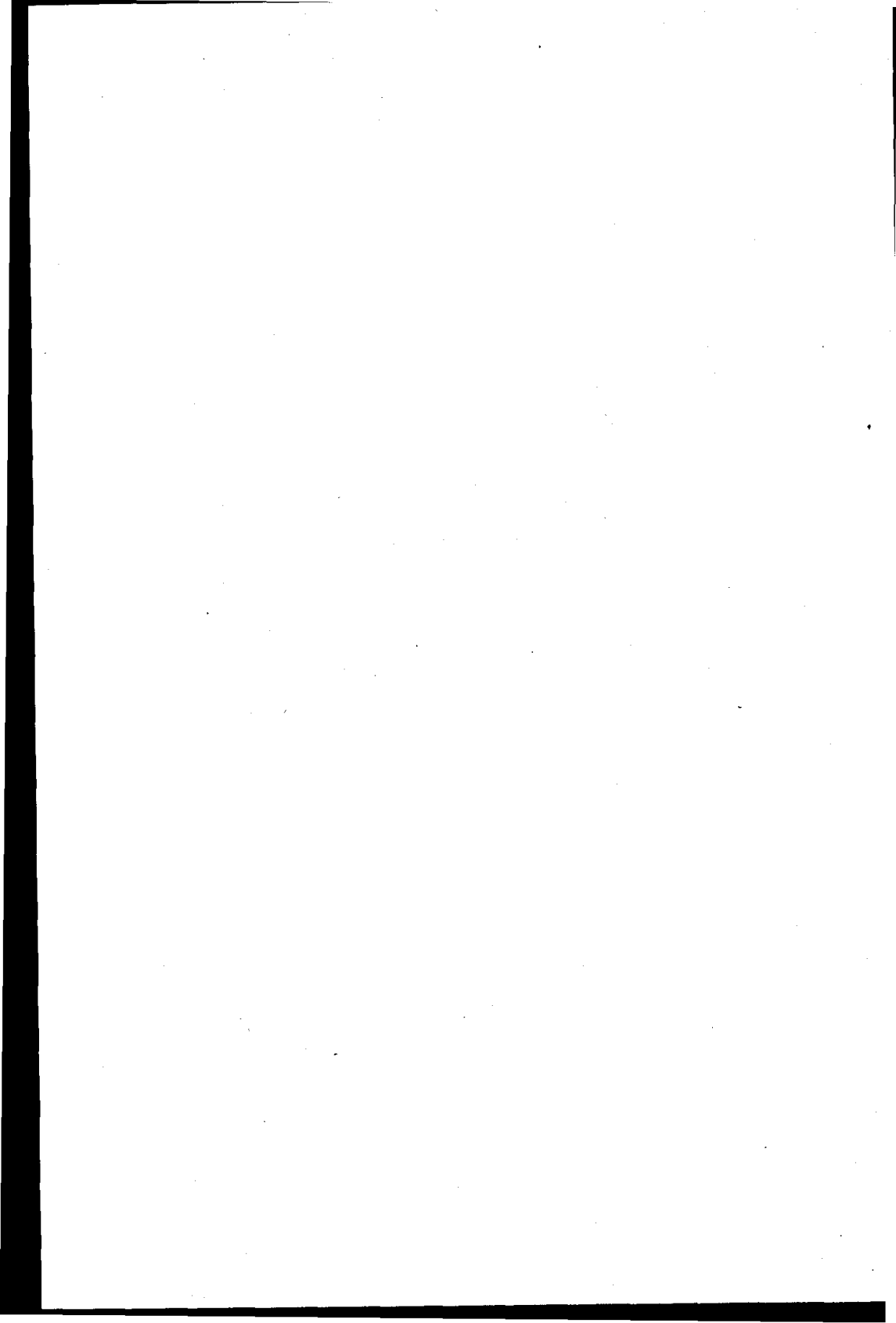
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פאה

PEAH





## INTRODUCTION

**פאה Peah** (*Corner*) is the second **מסכת**, *Tractate*, of **סדר ורעים**, *Order 'Seeds'*. There is no known valid reason why this Tractate is placed after **ברכות**; a number of ingenious suggestions have been advanced why this might be so, but of course none of them can be seriously accepted or be entertained for a moment as the true reason—if there be any such 'true' reason. Nevertheless they are well-worth quoting. Thus, the **רמב"ם**, *Rambam*, suggests that of the dues from the farmer those that come before the removal of the produce from the fields come under the heading **פאה** and are therefore to be studied first; but according to this consideration the *Tractate* **כלאים**, dealing with the *sowing* which naturally precedes the *growing* should come before **פאה**, and it is actually placed fourth. The **תפארת ישראל** offers the suggestion that as **ברכות** deals with the *spiritual duties* of man to God it is meet that it should next be followed by the consideration of the *material duties* of man to man; but this view would apply to a number of the succeeding Tractates. Another suggestion is made in **מלאכת שלמה** that at the end of **ברכות** occurs the phrase **וַיֹּאמֶר לְקוֹצְרִים** [*Ruth* 2, 4] which taken in conjunction with *Lev. 19, 9* **אֶת-קציר ארצכם לא תכלה פאת שדה לקצר ולקט קצירך לא יבקצרכם את-קציר ארצכם לא תכלה פאת שדה לקצר ולקט קצירך לא יבקצרכם** where **פאת** follows **יבקצרכם** therefore the *Tractate* **פאה** follows **ברכות**.

The agriculturist—taking this term in its widest sense—is bound **מִן-הַתּוֹרָה** or **מִדְּאוּרֵי־קָא**, 'By Biblical Law', in Palestine (but **מִדְּרַבְּנָן**, 'By *Mishnah Law*', outside Palestine also) to give certain dues to the poor. These dues, called **מתנות עניים**, broadly and briefly are:

1. **פאה** 'corner';  $\frac{1}{60}$  minimum of one's field, vineyard, oliveyard, or orchard produce;
2. **שכחה** 'forgotten sheaf,' 'poor man's sheaf,' (refers to corn, and fruit on trees);
3. **לקט** 'gleaning' (fallen ears of corn at reaping);
4. **פרט** 'gleaning' (fallen grapes);
5. **עוללות** 'poor, unripe clusters of grapes';
6. **מעשר עני** 'poor man's tithe' (which took the place of **מעשר שני**, *second tithe*, every 3rd and 6th years of the *seven-year—שמיטה—cycle*). (See *Berachoth* 1<sup>1</sup> **Note 5** for a full explanation of these terms).

# PEAH

This **Tractate** has no זמרא in the מלמוד בבלי, but there is זמרא to it in the מלמוד ירושלמי, *Jerusalem (or Palestinian) Talmud*. (See further 1<sup>1</sup> Note 1).

The Titles of the Chapters of this Tractate are :

Chapter 1	פרק א' אלו דברים
Chapter 2	פרק ב' ואלו מפסיקים
Chapter 3	פרק ג' מלבנות התבואה
Chapter 4	פרק ד' הפאה נמנת
Chapter 5	פרק ה' גדיש
Chapter 6	פרק ו' בית שמאי אומרים
Chapter 7	פרק ז' כל-נית
Chapter 8	פרק ח' מאימתי כל-אדם

The *Gemara* of the *Jerusalem Talmud* contains discussions and interpretations of the *Mishnah* together with a number of tales and *Haggadic* explanations.

The chief contents of the eight Chapters are:

1. An account of subjects not definitely stated in the 'written law' together with quantities, qualities, places and times relating to *peah*; also reference is made to rewards for good deeds in this life and in the after life. 2. Modes of division between fields and orchards and among themselves regarding *peah*; theft from fields; destruction by winds. 3. Particular cases: small areas, partial harvesting at various times, partnership holdings. 4. Time and manner of giving *peah*; the application to proselytes; dedicated harvest; gleaning; grain in ant-hills. 5. Gleaning; no favouritism, equality; forgotten produce. 6. Forgotten produce. 7. Vineyards, orchards—rights of the poor. 8. Gleaning time; tithes; the poor; misappropriation—divine punishment.

מִסְכֵּת  
פֶּאֶה

TRACTATE  
PEAH

CHAPTER 1

פֶּרֶק א

Mishnah 1<sup>1</sup>

These are the things which have no fixed measure,<sup>2</sup> the *corners of the field*,<sup>3</sup> and the *first-fruits*,<sup>4</sup> and the *Three Festival offerings brought on appearing before the Eternal*,<sup>5</sup> and *charity*,<sup>6</sup> and the *study of the Torah*.<sup>7</sup> These are the things the fruits<sup>8</sup> of which a man enjoys in this world, and the stock of which remains for<sup>10</sup> him<sup>9</sup> in the world to come, *honouring one's father and mother*,<sup>11</sup> and *charity*,<sup>12</sup> and *making peace*<sup>13</sup> between man and his fellow; but the *study of the Torah*<sup>14</sup> is equal to them all.<sup>15</sup>

מִשְׁנָה א

אֵלּוּ דְּבָרִים שְׁאִין לָהֶם שְׂעוֹר,<sup>2</sup>  
הַפֶּאֶה<sup>3</sup> וְהַבְּכוֹרִים<sup>4</sup> וְהַקֳּרְבָּנוֹת<sup>5</sup>  
וְהַגְּמִילוֹת חֲסָדִים<sup>6</sup> וְתִלְמוּד תּוֹרָה.  
אֵלּוּ דְּבָרִים שְׁאֵדָם אוֹכֵל<sup>8</sup>  
פִּירוֹתֵיהֶם בְּעוֹלָם הַזֶּה וְהַקֶּרֶן<sup>10</sup>  
קִיָּמָתָם<sup>9</sup> לְעוֹלָם הַבָּא<sup>11</sup> כְּבוֹד  
אָב וָאִם<sup>12</sup> וְגְמִילוֹת חֲסָדִים<sup>13</sup>  
וְהַבָּאָת שְׁלוֹם בֵּין אָדָם  
לְחֶבְרֹו<sup>14</sup> וְתִלְמוּד תּוֹרָה כְּגֹדֶל  
כָּלֶם.<sup>15</sup>

1 This Tractate is based on the following Biblical texts:—(*Leviticus* 19, 9, 10, and 23, 22, and *Deuteronomy* 24, 19, 20, 21)

[9] וּבִקְצֹרְכֶם אֶת-קְצִיר אֲרָצְכֶם לֹא תִכְלֶה פֶּאֶה שְׂדֶךְ לְקַצֹּר וְלִקְטַת קְצִירָהּ לֹא תִלְקֹט. [10] וּבִרְמֶה לֹא תַעֲזוֹל וּפֶרֶט בִּרְמֶה לֹא תִלְקֹט לְעֹנִי וְלָגֵר תַּעֲזוֹב אֹתָם אֲנִי ה' אֱלֹהֵיכֶם. [22] וּבִקְצֹרְכֶם אֶת-קְצִיר אֲרָצְכֶם לֹא תִכְלֶה פֶּאֶה שְׂדֶךְ בִּקְצֹרְכֶהּ וְלִקְטַת קְצִירָהּ לֹא תִלְקֹט לְעֹנִי וְלָגֵר תַּעֲזוֹב אֹתָם אֲנִי ה' אֱלֹהֵיכֶם.

[9] And when ye reap the harvest of your land thou shalt not reap the corner of thy field entirely, and thou shalt not gather the gleanings of thy harvest. [10] And thou shalt not glean thy vineyard, and the fallen grapes of thy vineyard thou shalt not gather, for the poor and the stranger thou shalt leave them: I am the Eternal your God. [22] And when you reap the harvest of your land thou shalt not wholly reap the corner of thy field when thou reapest, and thou shalt not gather the gleanings of thy harvest, to the poor and the stranger thou shalt leave them: I am the Eternal your God.

[19] כִּי תִקְצֹר קְצִירָהּ בְּשֶׂדֶךְ וְשִׁכְחָתָה עֲמָר בְּשֶׂדֶךְ לֹא תִשׁוּב לְקַחְתּוֹ לָגֵר לִיתוֹם



dead to the grave, and devotion in prayer.' 14 There is no limit to the study of the Law\*, תורה, based on Joshua 1, 8, הנה יהיה בך יום וליילה, 'This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night.'\* 15 כולם in some editions.

Mishnah 2

משנה ב

One must not give for *peah*<sup>3</sup> less<sup>1,2</sup> than one-sixtieth. And though<sup>4</sup> they<sup>5</sup> said there was no fixed limit<sup>6</sup> for *peah* all depends on the size<sup>7</sup> of the field and<sup>8</sup> the number of the poor and<sup>9</sup> the extent of one's generosity.<sup>9</sup>

אין פוחתין<sup>1</sup> לפאה<sup>3</sup> מששים<sup>2</sup>. ואף על פי שאמרו אין לפאה<sup>4</sup> שיעור, הכל לפי גודל השדה<sup>6</sup> ולפי רוב העניים<sup>8</sup> ולפי הענוה<sup>9</sup>.

1 פוחתים in some editions. 2 In some editions פחות מששים only (see preceding *Mishnah* Note 2). 3 פאה, the corner of the field with the portion of the crop left to the poor (and in the English is given) hereafter as *peah*. 4 אף in some editions. 5 The חכמים (sages). 6 שיעור in some editions (See preceding *Mishnah* Note 2). 7 Even though the poor are few and the field is large yet  $\frac{1}{60}$  must be the minimum quantity for the poor. On the other hand if the field is small and the number of poor is large one should give more than  $\frac{1}{60}$  so that every poor man might collect sufficient for two meals at least. One may declare a whole field as *peah* and thus exempt it from tithes. 8 Or ולפי הענוה and ולפי רוב העניים ולפי הענוה and ולפי העניים ולפי הענוה in various editions. 9 Some take this word הענוה to mean, not generosity or liberality but (as if it were the equivalent or variant of הענוה), according to the quantity of the standing crop, and if the produce of a field varies in quality in different parts, one must not put aside for *peah*  $\frac{1}{60}$  from the inferior quality but  $\frac{1}{60}$  from both the inferior and superior qualities. Some take the word to be synonymous with עניות, poverty: one should give unstintingly where there are many poor. In every case the intention is to benefit the poor to the greatest possible extent.

Mishnah 3

משנה ג

*Peah*<sup>2</sup> may be left<sup>1</sup> on beginning to reap the field or in the middle of it.<sup>3</sup> R. Simon<sup>4</sup> says, Provided one leaves at the end according to the prescribed measure.<sup>5</sup> R. Judah<sup>6</sup> says, If one have left over a single stalk<sup>7</sup> he thereby carries out the duty of giving *peah*,<sup>8</sup> otherwise<sup>9</sup> he is merely

ינותנין פאה מתחלת השדה ונמצא מצעה. רבי שמעון אומר, ובלבד שיתן בסוף. כשיעור. רבי יהודה אומר, אם שריר קלח אחד סומך לו משום פאה.

\* The Mosaic Law, the Pentateuch.

giving away [his crop] as free public property.<sup>10</sup> וְאֵם יֵלֵאוּ אֵינוֹ נוֹתֵן אֶלָּא מְשֻׁם הַפֶּקֶר.

1 וְנוֹתֵנִים in some editions. 2 פֶּאָה does not mean 'only from the corner of a field,' but produce must come from the corner in order to bring under the term, פֶּאָה, that which was given from other parts of the field. 3 In some editions, more correctly, וּמֵאֲמָצְעוֹ. 4 רַבִּי שְׁמַעוֹן בֶּן יוֹחָאי is part author of the סִפְרִי and the reputed author of the זֵהָר. 5 Or פֶּשְׁעוֹר. He holds that if the quantity given from the other parts of the field is less than  $\frac{1}{80}$  of the whole produce a quantity equal to the deficiency must be given from the corner, and if the quantity has already reached the  $\frac{1}{80}$  an additional  $\frac{1}{80}$  from the corner's produce must be given. His views are accepted, their object being that no one shall avoid giving the proper amount of *peah* to the poor. For instance one may not reap half of his field and declare the rest הַפֶּקֶר, *public property, property common to all*, in order to deprive the poor of *peah*. 6 רַבִּי יְהוֹדָה refers to ר' יְהוֹדָה בֶּר' אֵילָעִי, author of the סִפְרֵא. 7 Or שֵׁיֶר; i.e., *at the corner of the field*. 8 i.e., the single standing stalk added on to the other parts renders them all valid *peah*. 9 לוֹ in some editions. That is [literally *if not*] if one has not left even a single standing stalk, what has already been given is not considered *peah* but merely הַפֶּקֶר. His view is not accepted. 10 הַבֶּקֶר in some editions. הַפֶּקֶר is *public property* and anyone (rich and poor alike, without any distinctions whatever) has a right to it. Every *seventh year* of the *Sabbatical* (שְׁמִטָּה) cycle all fields, vineyards, orchards, oliveyards, and all produce were declared הַפֶּקֶר.

#### Mishnah 4

They<sup>1</sup> laid down a general (principle)<sup>2</sup> concerning *peah*: whatever is a food<sup>3</sup> and is stored<sup>4</sup> and grows from the ground,<sup>5</sup> all of it is gathered at the same time<sup>6</sup> and is brought in for storage,<sup>7</sup> is liable to *peah*; and grain<sup>8</sup> and pulse<sup>9</sup> are included in this rule.

1 The חֲכָמִים (*Sages*). 2 This rule (here quoted in the case of *peah*) applies also to לֶקֶט, שִׁכְחָה, פֶּרֶט and עִוְלֹת (see 1<sup>1</sup> Note 1). 3 אֶכֶל, *a food*: this does not include anything that is not eaten ordinarily except in times of want or famine, and such a food is not liable to *peah*. 4 הַפֶּקֶר, being free to everyone, is *not stored* and is therefore not subject to *peah*. 5 וְגִדְּלוֹ in some editions. *Mushrooms* are accordingly excluded from *peah*. 6 But such produce as is collected in small quantities at various times, such as *figs*, are exempt. 7 To preserve it from deterioration; but such produce as *greens*, which will not keep

מִשְׁנֵה ד  
כָּלֵל אָמְרוּ בַּפֶּאָה, כָּל־שֶׁהוּא  
אֶכֶל יִוָּשְׁמֶר וְגִדְּלוֹ מִן־הָאָרֶץ  
וְלִקְיָטוֹ כְּאַחַת וּמְכֻנָּסוֹ לִקְיָוִים  
חַיִּיב בַּפֶּאָה. וְהַתְּבוּאָה  
יִוָּקֶטְנִיּוֹת בְּכָלֵל הַזֶּה.

for any length of time, is not subject to *peah*; vegetables like *onions* and *garlic*, that keep, are not exempt. 8 Wheat, barley, oats, spelt, rye. 9 In some editions, [תקנות]: beans, peas, pulse.

### Mishnah 5

And in the case of trees, the sumac,<sup>1</sup> (and) carob-trees,<sup>2</sup> nut-trees<sup>3</sup> and almond-trees, vines, pomegranate-trees, (and) olive-trees, and date-palms are subject<sup>4</sup> to *peah*.<sup>5</sup>

1 'sumac' or 'sumach'; see **Supplement**. 2 'carob tree' or 'locust tree' or 'algaroba.' 3 וְהָאֲגוּזִים in some editions. 4 In some editions סְחָבִים. 5 מְדַבְּקֵן (in rabbinic law) *all* fruit trees are liable to *peah* even if they grow outside Palestine.

### Mishnah 6

One may go on<sup>1</sup> giving *peah* and be exempt from *tithes* until the pile of produce has been given<sup>2</sup> an even shape; he may also declare it all הַפָּקָר, 'common property,' and it is exempt from *tithes* until the pile of produce has been given an even shape; and one may feed it<sup>4</sup> to cattle and beasts and fowls and it is exempt from *tithes*<sup>5</sup> until the pile has been given an even shape. One may take it from the granary and sow<sup>6</sup> it and be exempt from *tithes* until it has been given an even shape; these are the views<sup>7</sup> of R. Akiba. If a priest and Levite have bought up<sup>8</sup> a granary,<sup>9</sup> the *tithes* belong to them until the produce has been given an even shape. If one have consecrated<sup>10</sup> the produce and redeemed it,<sup>11</sup> one is liable to *tithes* until the *treasurer*<sup>12</sup> gives the produce pile an even shape.

1 לְעוֹלָם, *i.e.*, if one has not left *peah* from the standing corn, one must give

### מִשְׁנָה ה

וּבְאֵילָן יֵהָאוֹג יוֹהֲרֹבִין וְאֲגוּזִים  
וְהַשְּׂקָדִים וְהַגִּפְנִים וְהַרְמוּנִים  
וְהַזֵּיתִים וְהַתְּמָרִים חֲבִיבִין  
בְּפֶאֱהָ.<sup>5</sup>

### מִשְׁנָה ו

יִלְעוֹלָם הוּא נוֹתֵן מְשוּם פֶּאֶה  
וּפְטוּר מִן-הַמַּעֲשָׂרוֹת עַד  
שִׁימְרָח וְנוֹתֵן מְשוּם הַפָּקָר  
וּפְטוּר מִן-הַמַּעֲשָׂרוֹת עַד שִׁימְרָח  
וְיִמְאָכִיל לַבְּהֵמָה וְלַחֲזִיר וְלַעוֹפוֹת  
וּפְטוּר מִן-הַמַּעֲשָׂרוֹת עַד  
שִׁימְרָח וְנוֹטֵל מִן-הַגֹּרֶן וְזוֹרֵעַ  
וּפְטוּר מִן-הַמַּעֲשָׂרוֹת עַד שִׁימְרָח  
יִדְבְּרִי כִּבִּי עֲקִיבָא כֹהֵן וְלוֹי  
שִׁלְקָחוּ אֶת-הַגֹּרֶן הַמַּעֲשָׂרוֹת  
שְׁלָהֶם עַד שִׁימְרָח. הַמַּקְדִּישׁ  
וְנוֹפְדָה חֲזִיב בַּמַּעֲשָׂרוֹת עַד  
שִׁימְרָח הַנוֹבֵר.<sup>12</sup>

it from the harvested produce and it is still exempt from *מעשר*, *tithe*; but after one 'has smoothed over the heaps' *מעשר* and *תרומה* must be given from the *peah* before it is handed to the poor. Similarly if one has declared his produce *הפקר*, 'free for everybody,' before 'smoothing it over,' it is exempt from *מעשר* and *תרומה*, but not after 'the smoothing over' process. A Levite or priest who bought *untithed* produce before 'smoothing over' may take *מעשר* and *תרומה* respectively for himself, but after 'smoothing over' these *dues* must be given to another Levite or priest. That the Levite, *לוי*, is not entitled to *מעשר*, *tithe* from *peah* is deduced from *Deuteronomy* 14, 29, *וְכָא הַלֹּי כִּי אֵין לוֹ חֶלֶק וְנַחֲלָה*, 'And the Levite, because he hath no portion nor inheritance with thee, and the stranger and the orphan and the widow that are within thy gates, shall come, and eat and be satisfied.' The Levite can only take his *tithe* from that in which 'he has no portion nor inheritance,' but as *peah* belongs to the poor and a poor Levite has therefore a right to it he has no share in it for *מעשר*, *tithe*. 2 *מָרַח* is an agricultural term: 'to smooth evenly a pile of grain to finish the process of storing.' Some take it to mean 'to winnow,' 'to clear of husks.' After this process one may still give *peah* from the heap, but the *מעשר ראשון* ( $\frac{1}{10}$ ) *first tithe*, must first be separated for the Levite. 3 *הפקר* in some editions. But if the produce has been declared *הפקר* after the piles have been smoothed evenly the owner must give *tithes*. 4 'feed full meals' (*אכילת קבע*). But the owner may partake only of a *light meal* (*אכילת צרא*). 5 In some editions, *המעשרות שלהם*. 6 *מִן־הַתּוֹרָה* or *מִדְּאֻרֵּיתָא* ('ordained by the law') one is exempt from *tithes* if the grain is used for sowing only. This is based on *Deuteronomy* 14, 22, 23, ..... *וְאָכַלְתָּ* [23] ..... *עֵשׂר תַּעֲשֶׂה* [22] *i.e.*, 'tithe.....when thou eatest;' but *מִדְּרַבְּנָן* ('enacted by the Rabbis') *tithes* must be given even before the finishing off process. 7 Akiba's view is not accepted. 8 *i.e.*, 'in partnership.' 9 *i.e.*, the corn in the granary. The *חֲכָמִים* (Sages) have laid down that where a priest and a Levite buy the stock from a granary they have to give *tithes* to another priest and Levite so that the well-to-do priests and Levites should not by purchase deprive the poor priests and Levites from their share in the *tithes* (see **Note 1**). 10 This refers to corn. 11 *יִפְדָּה* in some editions. 12 The *Treasurer* in charge of *הקדש*. Once the *treasurer* has smoothed the piles no further *tithes* are due from the produce.

## פרק ב

מִשְׁנָה ז

וַיֹּאֲלוּ מִפְּסִיקִין לַפֶּאֱהִי הַנֶּחֱלֵל  
בְּהַשְׁלוּלִית <sup>4</sup>וְדָרְךְ הַיְחִיד <sup>5</sup>וְדָרְךְ  
הָרַבִּים <sup>6</sup>וְשָׁבִיל הָרַבִּים וְשָׁבִיל



footpath that is in permanent use<sup>7</sup> both in the summer and in the rainy season, (and) an uncultivated field, (and) a ploughed field,<sup>8</sup> and a different kind of crop.<sup>9</sup> And if one reap [young corn<sup>10</sup>] for fodder<sup>11</sup> a division is constituted.<sup>12</sup> This is the view<sup>13</sup> of R. Meir,<sup>14</sup> but the Sages<sup>15</sup> say, This does not cause a division unless one ploughed up [the spot].<sup>16</sup>

הַיָּחִיד הַקָּבוֹעַ בַּיָּמוֹת הַחֹמָה  
וּבַיָּמוֹת הַגֶּשְׁמִים וְהַבּוֹר וְהַגֵּיר<sup>8</sup>  
וְנִזְרַע אַחֵר. וְהַקּוֹצֵר<sup>10</sup> לְשַׁחַת<sup>11</sup>  
מִמֶּסֶקֶיךָ. וְדָבָרִי רַבִּי מֵאִיר<sup>14</sup>  
וְנִחְכְּמִים אוֹמְרִים, אֵינוּ מִמֶּסֶקֶיךָ  
אֵלָא אִם כֵּן חֲרָשׁ.<sup>16</sup>

1 <sup>אלו</sup> in some editions. 2 <sup>מִמֶּסֶקֶיךָ</sup> in some editions. That is, they cause a field to be considered as two fields and *peah* must be given separately from each. 3 In some editions <sup>שְׁלִילִית</sup> and <sup>שְׁלִילִית</sup>, 'rivulet,' 'pond,' 'pool,' 'channel,' 'water trench,' 'channel to supply water to ditches for irrigation.' 4  $2\frac{1}{2}$  to 4 cubits wide. In some editions the order is <sup>וְדָרֶךְ הַרְבֵּים</sup> 5 16 cubits in width. 6 Some editions, <sup>שְׁבִיל</sup>, width of less than  $2\frac{1}{2}$  cubits. In some editions the order is <sup>וְשְׁבִיל הַיָּחִיד וְשְׁבִיל הַרְבֵּים</sup> 7 This refers to <sup>הַיָּחִיד</sup> and <sup>שְׁבִיל הַרְבֵּים</sup>. 8 But not sown. 9 But not one which causes <sup>כְּלָאִים</sup>, 'mixed seeds.' That is, a field is sown with one kind of seed but in the centre a different species is sown. 10 <sup>הַקּוֹצֵר</sup> in some editions. Some editions have <sup>וְהַקּוֹצֵר</sup> 11 <sup>שַׁחַת</sup> is corn which has not reached one-third of its full growth, cut down for fodder. 12 That is, the part reaped for fodder separates the field into two distinct fields for *peah*. 13 This refers to <sup>מִמֶּסֶקֶיךָ</sup>. 14 His view is not accepted. 15 The other <sup>תַּנְאִים</sup>. 16 That part of the field from which the fodder has been cut.

## Mishnah 2

An irrigation channel<sup>1</sup> from which [the field on both sides] can not be reaped<sup>2</sup> simultaneously forms a division, according to R. Jehudah.<sup>3</sup> And in the case of all hills that are dug with the mattock<sup>4</sup> even though the oxen can not cross them with their ploughs one gives one *peah*<sup>5</sup> for all<sup>6</sup> [the field].

מִשְׁנָה ב  
יֵאֵמַר הַמֵּים שְׂאִינָה<sup>2</sup> יְכוּלָה  
לְהַקְצֹר כְּאַחַת. רַבִּי יְהוּדָה<sup>3</sup>  
אוֹמֵר, מִמֶּסֶקֶת. וְכָל הַהָרִים  
אֲשֶׁר בְּמַעְדֵּר יַעֲדְרוּן אַף עַל  
פִּי שְׂאִין הַבָּקָר יְכוּל לַעֲבוֹר  
בְּכָלֵיו הוּא נוֹתֵן פֶּאֶה<sup>5</sup> לְכֹל.<sup>6</sup>

1 <sup>אַמַּת הַמֵּים</sup>: some take it to mean a ditch that branches off from a larger one <sup>שְׁלִילִית</sup>; others assume that it is an alternative term for <sup>שְׁלִילִית</sup>. 2 *i.e.*, if the reaper were to stand in the middle of the channel he would be unable to cut the corn from both banks at the same time—in such a case does the channel

render the parts of the field on either side to be considered as separate fields for *peah*. The Rambam (רמב"ם) takes it to mean that when standing on one bank the reaper cannot reach across to cut the corn from the other. **3** And his ruling is accepted. **4** And can not be ploughed in the ordinary way (*i.e.* with the plough). **5** In some editions, פֶּאֶה אֶחָת לְכָל. **6** The hilly parts do not cause 'division' to break up the field into separate fields for the purpose of *peah*. However if the part which is the cause of the הַפְסָקָה, 'interruption,' is not turned up at all, even by hand, *peah* must be given from each part separately.

### Mishnah 3

All these<sup>1</sup> cause a division<sup>2</sup> in the case of sown fields, but in the case of trees<sup>3</sup> only a fence<sup>4</sup> forms a division; but if the branches<sup>5</sup> were intertwined, it<sup>6</sup> does not form a division and one gives *one peah* for all.<sup>7</sup>

**1** This refers to all the conditions enumerated in the preceding *Mishnahs* 1 and 2. **2** For purpose of *peah*. **3** With the exception of the carob-tree and olive-trees (see next *Mishnah*). **4** At least ten handbreadths high. **5** Even if a fence be between trees but the branches of the trees on both sides meet and intertwine, the trees are considered as one for the purpose of *peah*. **6** The words אֵינוּ מְפַסֵּק אֶלְכָּא are omitted in some editions. **7** *i.e.*, for all the field.

### Mishnah 4

And in the case of carob-trees<sup>1,10</sup>—when they see<sup>2,11</sup> one another: Rabban Gamaliel<sup>3</sup> said, In my father's house<sup>5</sup> they used<sup>4</sup> to give<sup>6,7</sup> *one peah*<sup>8</sup> for the olive-trees they had on every side,<sup>9</sup> and in the case of carob-trees<sup>10</sup> all those that saw<sup>11</sup> one another. R. Eliezer<sup>12,13</sup> ben Zadok says in his<sup>14</sup> name, Even for the carob-trees<sup>15</sup> that they possessed in the whole town.<sup>16</sup>

**1** Which are very tall. **2** *i.e.*, they are all regarded as one unit in respect of *peah* when they see..... This means that when standing under one tree one can see the next tree. Even though they be separated by a fence, *one peah* is

### מִשְׁנָה ג

יֶהְכֵּל מִמְּפָסִיק לְזֶרְעִים וְאֵינוּ  
מִמְּפָסִיק לְאֵילָן אֶלְכָּא וְאִם  
הָיָה שִׁשְׁעָר כּוֹתֵשׁ אֵינוּ מְפַסֵּיק  
אֶלְכָּא נוֹתֵן פֶּאֶה לְכָל.

### מִשְׁנָה ד

וְלַחֲרוּבִין כָּל-<sup>11,2</sup>הָרוֹאִין זֶה  
אֶת-זֶה. אָמַר רַבִּין גַּמְלִיאֵל,  
וְנוֹהֲגִין הֵיוּ בֵּית אָבָא שְׁהִיוּ  
וְנוֹתְנִין <sup>8</sup>פֶּאֶה אֶחָת לְזֵיתִים שְׁהִיוּ  
לָהֶם בְּכָל קְרוֹת, וְלַחֲרוּבִין  
כָּל-<sup>11</sup>הָרוֹאִין זֶה אֶת-זֶה. רַבִּי  
<sup>13,12</sup>אֱלִיעֶזֶר בְּרַבִּי צְדוֹק אוֹמֵר  
<sup>14</sup>וּמִשְׁמוֹ, אִם לַחֲרוּבִין שְׁהִיוּ  
לָהֶם בְּכָל הָעִיר.<sup>16</sup>

given for all. This ruling also applies to olive-trees that grow on one side of a town. 3 Whenever רָכַן וְגַמְלִיאל is thus mentioned he is רַכֵּן וְגַמְלִיאל. The ruling here is in accordance with his views. 4 נוֹתְנִים in some editions. 5 Some editions have בֵּית אֶבֶךָ נֹתְנִים instead of שְׁהוּ נֹתְנִים. 6 שְׁהוּ is omitted in some editions. 7 In some editions, נֹתְנִים. 8 i.e., one *peah* for all trees in the north, one for all in the south, one for all in the east and one for all in the west; but in each case 'the carob-trees must see one another.' 9 Of the town. 10 לְהַרְוִיבִים in some editions. 11 i.e., they gave one *peah* for all those that saw..... In some editions, הַרְוִיבִים. Even though the carob-trees were not on the same side of the town. 12 Some editions have אֶלְעִזֵּר. 13 This view is not accepted. 14 In the name of R. Gamaliel or perhaps in the name of R. Zadok. 15 In some editions, לְהַרְוִיבִים. Even when one tree could not be seen from the other. 16 They gave one *peah* though they were on different sides of the town; but the ruling is in accordance with R. Gamaliel's view.

### Mishnah 5

### משנה ה

When one sows his field with one kind of seed he leaves only one *peah*, even though he reaps it<sup>1</sup> in two<sup>2</sup> lots. But if he has sown it<sup>3</sup> with two kinds of seeds,<sup>4</sup> he gives two *peahs*<sup>7</sup> even though he reaps it<sup>5</sup> all at one time.<sup>6</sup> If one have sown his field with two different species of wheat,<sup>8</sup> he sets aside one *peah* if he reap it all<sup>9</sup> at one time,<sup>10</sup> but he leaves two *peahs* if he reap it at two separate times.<sup>11</sup>

הַזֹּרֵעַ אֶת-שָׂדְהוֹ מִן אֶחָד אֶפֶס  
עַל פִּי שֶׁהוּא<sup>1</sup> עוֹשֶׂהוּ<sup>2</sup> שְׁתֵּי גִרְנוֹת  
נוֹתֵן פָּאָה אֶחָת. <sup>3</sup>זֶרְעָה שְׁנֵי מִיָּנִין  
אֶפֶס עַל פִּי שֶׁשָּׂעָאן גִּוְרָן<sup>4</sup> אֶחָת  
נוֹתֵן שְׁתֵּי פָאוֹת. הַזֹּרֵעַ אֶת-  
שָׂדְהוֹ שְׁנֵי מִיָּנִין<sup>5</sup> חֲסִין<sup>6</sup> עֲשָׂאן גִּוְרָן  
<sup>10</sup>אֶחָת נֹתֵן פָּאָה אֶחָת. <sup>11</sup>שְׁתֵּי  
גִרְנוֹת נֹתֵן שְׁתֵּי פָאוֹת.

1 עוֹשֶׂה in some editions. 2 In some editions, שְׁנֵי (which is grammatically equally correct). 3 זֶרְעוֹ in some editions. 4 In some editions, מִיָּנִים. 5 שָׂעָאן or שֶׁהוּא עוֹשֶׂה in some editions. 6 אֶחָד in some editions. 7 i.e., one *peah* for one and another *peah* for the other. 8 In some editions, חֲסִים. Two kinds of wheat, or two kinds of oats, or two kinds of barley, etc. Actually, when one grows two species of any produce the *peah* depends on the times of the harvesting; if the two are harvested at the same time *peah* is given from either; if the harvesting takes place on two separate occasions, *peah* is given for each separately. 9 עָשָׂם in some editions. 10 In some editions אֶחָד. 11 In some editions שְׁנֵי.

### Mishnah 6

### משנה ו

It once happened<sup>1</sup> that R. Simon<sup>3</sup> of Mizpah sowed<sup>2</sup> and came before Rab-

<sup>1</sup>מֵעֶשֶׂה <sup>2</sup>שָׂרַע רַבִּי <sup>3</sup>שִׁמְעוֹן אִישׁ

ban Gamaliel,<sup>5</sup> and they<sup>6</sup> went up to the seat of the Great Sanhedrin<sup>7</sup> and enquired;<sup>8</sup> Nahum the Scribe<sup>9</sup> said, 'I have it<sup>10</sup> from R. Miasha<sup>11</sup> who received it from his father<sup>12</sup> who had it from the 'Pairs'<sup>13</sup> who had it from the Prophets that the rule<sup>14</sup> of Moses as handed down from Sinai is that if one sow<sup>15</sup> his fields with two kinds of wheat, if he reaped it all<sup>16</sup> at one time<sup>17</sup> he sets aside *one peah*, but if he reaped it on two occasions<sup>18</sup> he leaves *two peahs*.'

1 The term *מַעֲשֵׂה* is used to illustrate and support a statement; and the ruling is always in accordance with that statement. 2 Two different kinds of wheat. 3 He was a *תַּנְאִי* of the first generation of *תַּנְאִים*. 4 *וּבָא* is omitted in some editions. 5 *רַבֵּן גַּמְלִיאֵל הַזֶּקֶן* the *נָשִׂיא* and grandfather of *דִּיבְנָה*. 6 *וְעָלוּ* refers to *הַמַּצְפָּה* and *רַבִּי שְׁמַעוֹן אֵלֶּשׁ הַמַּצְפָּה*. 7 Literally 'the Hall of Hewn Stones,' the name of one of the Temple compartments on the south side. 8 'how to separate *peah*.' 9 *הַלְבָּלֵר* or *הַלְבָּלֵר* (*clerk, copyist, scribe*) or *הַבְּבֵלִי* (*the Babylonian*) in some editions. 10 *מִקֻּבֵּל*. 11 *מִיָּשָׁא* in some editions, a *תַּנְאִי* of the first generation of *תַּנְאִים*. 12 *i.e.*, from his own father; or, in some editions, *מֵאָבָא*, *i.e.*, from the father of *רַבֵּן גַּמְלִיאֵל*. 13 *מִן-הַזִּוּגוֹת* in some editions. The *זִוּגוֹת* or 'Pairs' were [1] *Jose Ben Joezer* and *Jose Ben Jochanan*, [2] *Joshua Ben Perachia* and *Nitai of Arbela*, [3] *Judah Ben Tabai* and *Simon Ben Shetach*, [4] *Shemaiah* and *Abtalion*, [5] *Hillel* and *Shammai*. 14 *הַלָּכָה לְמֹשֶׁה מִסִּינַי* is any *דִּין*, *law*, which is assumed by tradition to have come down direct from Moses from Sinai and it is not disputed by the *תַּנְאִים* but is accepted without question. 15 In some editions, *הַזֹּרֵעַ*. 16 *עָשָׂם* in some editions. 17 In some editions *אֶחָד*. 18 *זְרָנוֹת* in some editions.

### Mishnah 7

A field which was reaped<sup>1</sup> by<sup>2</sup> Samaritans,<sup>3</sup> (or) robbers,<sup>4</sup> or one whose crop was gnawed away<sup>5</sup> by ants<sup>6</sup> or broken down<sup>7</sup> by wind or cattle, is exempt.<sup>8,9</sup> If one reaped a half of it<sup>10</sup> and [then] robbers reaped [the other] half,<sup>10</sup> it is exempt because the duty of leaving

*הַמַּצְפָּה* *וּבָא* *לְפָנַי* *רַבֵּן גַּמְלִיאֵל* *וְעָלוּ* *לְלִשְׁכַּת הַנְּזוּת* *וְשָׂאוּ* *אָמַר* *נָחוּם* *הַלְבָּלֵר* *מִקֻּבֵּל* *אֲנִי* *מִרְבִּי* *מִיָּשָׁא* *שְׁקִיבֵל* *מֵאָבִיו* *שְׁקִיבֵל* *מִזִּוּגוֹת* *שְׁקִיבֵל* *מִן-* *הַנְּבִיאִים* *הַלָּכָה* *לְמֹשֶׁה* *מִסִּינַי* *בְּזֹרֵעַ* *אֶת-שְׂדֵהוּ* *שְׁנֵי מִיָּדַי* *חֲשִׁין* *אִם* *עָשָׂאן* *גִּוְרָן* *אֶחָד* *נוֹתֵן* *פָּאָה* *אֶחָד* *שְׁתֵּי* *גִּוְרָנוֹת* *נוֹתֵן* *שְׁתֵּי* *פָּאוֹת*.

### משנה ז

*שְׂדֵה* *שֶׁשְׁקִצְרוּהָ* *כּוֹתִים* *קִצְרוּהָ* *לְסִטִּים* *קִרְסְמוּהָ* *וְנִמְלִים* *שֶׁבִרְתָּהּ* *הָרוּחַ* *אוֹ* *בְּהֵמָה* *פְּטוּרָהּ* *קִצֹּר* *חֲצִיָּהּ* *וְקִצְרוּ*

*peah* is restricted to the standing שְׁחוּבָת פִּטוּרָה חֲצִיָּה<sup>10</sup> לְסִטִּים  
הַפֶּאֶה<sup>11</sup> בְּקֶמֶה.  
corn.<sup>11</sup>

1 (Grammatically more correct) שֶׁקָּצְרוּהוּ, as in some editions. 2 *i.e.*, for themselves even with the owner's permission; but, of course, if these were employed by him he must give *peah*. 3 In some editions, גוֹיִם, *non-Jews*. In those days Samaritans were suspected of idolatrous practices. 4 In some editions קָצְרוּהוּ (which is grammatically more correct). 5 Or (grammatically more correct) קָרְסְמָהוּ as in some editions. Ants gnaw through the stalks or stems near the roots. Even if the produce was left or returned to the owner he need not give any *peah* in these cases; even if he himself reaped some of the produce first, *peah* is not given. 6 אֲכָלָה חֵגֶב, 'locusts consumed it,' precedes שֶׁבִּרְמָה in some editions. 7 Or (grammatically more correct) שֶׁבִּרְמָה, as in some editions. 8 *i.e.*, from *peah*, even though the produce remained for the owner, because וְכִּי תִקְצֹר, 'and when you reap,' limits the obligations to the process of reaping when performed by, or on behalf of, the owner. 9 In some editions פִּטוּר (which is more correct grammatically). 10 Or (grammatically more correct) חֲצִי as in some editions. 11 And not *after* it had been reaped.

#### Mishnah 8<sup>1</sup>

If robbers reaped<sup>2</sup> half of it<sup>3</sup> and then he reaped its other half<sup>3</sup> he must leave<sup>4</sup> *peah* from that part which<sup>5</sup> he reaped. If one reaped half of it<sup>3</sup> and sold [the other] half of it the buyer leaves *peah* for the whole.<sup>6</sup> If one reaped half of it and dedicated [the other] half, he<sup>7</sup> who redeems it from the treasurer sets apart<sup>8</sup> *peah* for the whole.<sup>9</sup>

#### מִשְׁנָה ח<sup>1</sup>

קָצְרוּהָ לְסִטִּים חֲצִיָּה וְקָצַר הוּא<sup>2</sup>  
חֲצִיָּה נֹתֵן פֶּאֶה<sup>4</sup> מִמֶּה שֶׁקָּצַר<sup>5</sup>  
קָצַר חֲצִיָּה וּמָכַר חֲצִיָּה הַלּוֹקֵחַ<sup>3</sup>  
נֹתֵן פֶּאֶה לְכָל<sup>6</sup> קָצַר חֲצִיָּה<sup>3</sup>  
וְהַקֹּדֵשׁ חֲצִיָּה הַפּוֹדֶה מִיַּד הַגִּזְבָּר<sup>7</sup>  
הוּא נֹתֵן פֶּאֶה לְכָל<sup>8</sup> וְהוּא<sup>9</sup>

1 In some editions this *Mishnah* is joined on to *Mishnah* 7. 2 In some editions, קָצְרוּהוּ and קָצְרוּ (both grammatically more correct). 3 Or (grammatically more correct) חֲצִי as in some editions. 'he' refers to 'the owner.' 4 This follows the general rule that the חֵיִב, *obligation*, of *peah* is at the end of the reaping; and the quantity is only  $\frac{1}{60}$  of what he himself has reaped. 5 לְמֶה in some editions. 6 *i.e.*, for both what he himself and the owner have. 7 הוּא is omitted in some editions. 8 *i.e.*, after he has reaped the redeemed produce. 9 *i.e.*, for the whole field.

## CHAPTER 3

## פרק ג

## Mishnah 1

In the case of rectangular<sup>1</sup> beds of grain between olive-trees:<sup>2</sup> the School of Shammai<sup>3</sup> rule that *peah* must be given from each one,<sup>4</sup> but the School of Hillel rule, From one<sup>5</sup> for all.<sup>6</sup> But both<sup>7</sup> agree that if the ends of the rows<sup>8</sup> are intermingled<sup>9</sup> one leaves *peah* from one for<sup>10</sup> all.

- 1 Or *oblong*; מלבן, 'press,' 'mould,' 'frame,' hence 'rectangular or oblong plot.'  
2 Or between any other trees. 3 Or שמי. 4 אחד ואחד in some editions; 'from each bed.' 5 In some editions מאחד. 6 When, however, less than ten trees are scattered in a field of 50 by 50 cubits *peah* must be given even according to Beth Hillel for each bed separately in agreement with *Shammai's* view. Where on the other hand, ten trees grow closely in a field of less than 50 by 50 cubits Beth Hillel agree with Beth Shammai that *peah* must be left in each bed. 7 שמי agree with הלל. 8 שורות in some editions. Here the term שורות (and not מלבנות) is (now) used because when the end of one bed appears to be one with the end of another the 'oblong' or 'rectangular' character disappears and the combination takes the shape of a 'row.' 9 מעורבים in some editions. 10 In some editions, מאחד.

## Mishnah 2

If a man reap his field in stages leaving<sup>1</sup> green stalks:<sup>2</sup> R. Akiba says, He sets aside<sup>3</sup> *peah* from each one separately,<sup>4</sup> but the Sages say, From one<sup>5</sup> for the whole. But the Sages agree with R. Akiba that when one sows dill<sup>6</sup> or mustard in three places<sup>7,8</sup> he sets apart *peah* from each one separately.<sup>9</sup>

- 1 Cutting from time to time the ripened corn only, leaving the rest to be reaped later after ripening the field thus assuming a speckled appearance. נמר, *give a speckled (striped or checkered) appearance*. 2 That have not yet ripened. 3 נתן is omitted in some editions. 4 i.e., from each section where the unripe

## משנה א

מלבנות התבואה שבין הזיתים.  
בית שמאי אומרים, פאה מכל  
אחת ואחת. בית הלל אומרים,  
מאחת על הכל. ומודים שאם  
היו ראשי השורות מעורבין שהוא  
נותן פאה מאחת על הכל.

## משנה ב

הנמר את שדהו ונשיר קלחים  
לחים, רבי עקיבא אומר, נותן  
פאה מכל אחד ואחד, וחכמים  
אומרים, מאחד על הכל. ומודים  
חכמים לרבי עקיבא בזרע שבת  
או חרדל בשלשה מקומות שהוא  
נותן פאה מכל אחד ואחד.

plants that had been left to ripen are now being cut. 5 *i.e.*, in the last section reaped he leaves *peah* for all the ripened lots that had been previously cut as well as for itself; and this is the accepted ruling. 6 *Dill* resembles *fennel* and is used for medicinal purposes. 7 In some editions, בְּשָׁנִים אוֹ בְּשָׁלֶשֶׁה, in two or three; meaning 'in more than one place' or 'on more than one occasion.' 8 Or *beds*. 9 לְכָל in some editions; 'from or for each place.'

Mishnah 3

If one thins<sup>1</sup> out onions taking the green ones<sup>2</sup> to the market and keeping<sup>3</sup> the dried ones<sup>4</sup> for storage,<sup>5</sup> he leaves *peah* separately<sup>6</sup> for the former and for the latter; and similarly in the case of beans,<sup>7</sup> and likewise in the case of a vineyard.<sup>8</sup> He who thins out<sup>9</sup> sets aside *peah* from the remainder according to the amount<sup>10</sup> which has been left over, but if he thin out in one place,<sup>11</sup> he sets apart *peah* from the remainder<sup>12</sup> for the whole.

משנה ג

הַמַּחֲלִיךְ בְּצִלִּים לַחִים לְשׁוּק  
וּמִקְצֵי יְבֵשִׁים לְגֻרָן נוֹתֵן פֶּאֶה  
לְאֵלוֹ לְעֶצְמוֹ וְלְאֵלוֹ לְעֶצְמוֹ;  
וְכֵן בְּאֶפְרוֹיִן וְכֵן בְּכֶרֶם. הַמְדִּיל  
נוֹתֵן מִן-הַמְשׁוּאָר עַל מֵה-שִּׁשִּׁיר,  
וְהַמַּחֲלִיק מֵאֶחָת יָד נוֹתֵן מִן-  
הַמְשׁוּאָר עַל הַכֹּל.

1 הַמַּחֲלִיק in some editions. הַחֲלֵק, literally 'smooth out,' is an agricultural term meaning 'thinning out,' 'removing [at least three plants next to each other] to make more room [for the others].' 2 Or 'unripe.' 3 Or וּמִקְצֵי. 4 *i.e.*, leaving them in the ground until the dry husk is formed. 5 Or לְגֻרָן. גֻּרָן, granary, 'barn.' When onions are thinned out they grow better and bigger and keep well in store. 6 עֶצְמוֹ in some editions. The first removed green onions and the last removed big onions are considered two different kinds. 7 In some editions, בְּאֶפְרוֹיִם. When green ones are picked to be eaten in their pods while the remaining ones are left to be ripened and to be taken later for threshing. 8 Where some of the grapes are plucked to be eaten and the rest are left to grow to be used later for the making of wine. According to Maimonides, רמב"ם, the Text should read בְּכֶרֶם הַמְדִּיל, 'in a vineyard that has been thinned out,' which would explain the use of בְּכֶרֶם instead of בְּגִפְנוֹת. 9 מְדִיל, *Hiphil participle* of דָּלַל, 'be poor'; (*Hiphil*) הִדִּיל, 'thin out,' 'take off grapes,' 'remove [one or two plants] to make room for the others.' 10 הַמְשׁוּאָר in some editions. *Peah* need not be given from the remainder for that which has been removed in the process of thinning out. 11 Some editions have בְּאֶחָת יָד and some omit יָד. This refers to 'thinning out in one spot' and not as stated in the earlier part of the *Mishnah* where 'the thinning out was in different spots.' 12 הַמְשׁוּאָר in some editions. In this case the thinning is considered as the beginning of the harvest of the field.

## Mishnah 4

Seed onions<sup>1</sup> are subject<sup>2</sup> to *peah*, but R. Jose<sup>3</sup> exempts them. Regarding oblong beds of onions between greens, R. Jose<sup>4</sup> says, *Peah* must be left for each one separately;<sup>5</sup> but the Sages<sup>6</sup> say, *Peah* from one<sup>7</sup> is left for all.

## משנה ד

הָאֲמָהוּת שֶׁל בִּצְלִים<sup>2</sup> תְּיִבּוֹת<sup>1</sup> בְּפֶאֱהָ וְרַבִּי יוֹסִי פוֹטֵר. מְלַבְּנוֹת הַבִּצְלִים שְׁבִין הֵיָרֵק, רַבִּי יוֹסִי אוֹמֵר, פֶּאֶה מִכָּל אַחַת וְאַחַת; וְנֹחֲכָמִים אוֹמְרִים, מֵאַחַת עַל הַכֹּל.<sup>6</sup>

1 Seed onions are unfit for food, and are eaten in times of famine only. 2 Or תְּיִבּוֹת; because in times of distress they are used as food; and because they were edible when the green onions were thinned out. *Peah* is given for each separately (as stated in the preceding *Mishnah*). 3 Wherever רַבִּי יוֹסִי is thus simply mentioned he is אֶחָד וְאַחָד בֶּן הַלְּפָתָא (one of R. Akiba's disciples). His view here is not accepted. 4 His view here is not accepted. 5 אֶחָד וְאַחָד in some editions. 6 Their view is that this case is analogous to that of produce between trees (as in *Mishnah* 1 of this Chapter). 7 In some editions, מֵאַחַד.

## Mishnah 5

When brothers<sup>1</sup> divide an estate<sup>2</sup> they must give<sup>3</sup> two *peahs*. If they became partners again<sup>4</sup> they leave<sup>5</sup> one *peah*. Two who bought a tree<sup>6</sup> leave<sup>7</sup> one *peah*; if one bought its northern side and the other its southern side, each one separates *peah* for himself.<sup>8</sup> If one sell<sup>9</sup> (stems of)<sup>10</sup> trees in his field, he<sup>11</sup> must set aside *peah* from each one separately.<sup>12</sup> R. Judah said, When does this apply?—When the owner<sup>15</sup> of the field left nothing over<sup>13,14</sup>, but if he<sup>17</sup> did leave<sup>16</sup> something over<sup>16</sup>, he<sup>18</sup> sets apart *peah* for the whole.<sup>19</sup>

## משנה ה

הָאֲחִים שֶׁחִלְקוּ<sup>2</sup> גִּוְתָנִים שְׁתֵּי פֶאֱוֹת. חֲזֹרוּ וְנִשְׁתַּתְּפוּ גִּוְתָנִים פֶּאֶה אַחַת. שְׁנַיִם שֶׁלְּקָחוּ אֶת-הָאֵילָן גִּוְתָנִין פֶּאֶה אַחַת; לָקַח זֶה צְפוֹנוֹ וְזֶה דְּרוֹמוֹ, זֶה נוֹתֵן פֶּאֶה לְעַצְמוֹ וְזֶה נוֹתֵן פֶּאֶה לְעַצְמוֹ.<sup>8</sup> הַמּוֹכֵר קִלְחֵי אֵילָן בְּתוֹךְ שָׂדֵהוּ גִוְתָנִין פֶּאֶה מִכָּל אֶחָד וְאַחָד. אָמַר רַבִּי יְהוּדָה, אֵימָתִי בִּזְמַן שֶׁלֹּא שִׁיר<sup>14</sup> בָּעַל הַשָּׂדֶה, אֲבָל אִם שִׁיר<sup>17</sup> בָּעַל הַשָּׂדֶה<sup>18</sup> הוּא נוֹתֵן פֶּאֶה לְכֹל.<sup>19</sup>



1 **הָאֶחָד** in some editions; *brothers* or *partners*. 2 Before it was reaped. 3 In some editions, **נִתְּנָן**. Each from his own portion. 4 Before it was reaped. 5 **נִתְּנָן** in some editions. 6 According to some authorities, together with the soil around it. This refers to one of the trees, enumerated in *Mishnah* 1, as subject to *peah*. 7 As in the case of **אֶחָד**, brothers or partners. 8 (In some editions this *Mishnah* ends with **לְעַצְמוֹ**, and the rest is joined on to the following *Mishnah*). Although there is only one tree yet each must give his own *peah*. 9 To be replanted elsewhere. Some authorities take **קִלְחֵי אֵילָן** to be roots of plants to be subject to *peah*. In such case it is evident that the soil around can not be included in the sale. 10 But not the ground which would have combined the trees and *one peah* would have sufficed. 11 The buyer. 12 Because the soil does not belong to the purchaser. 13 He did not leave any **קִלְחֵי אֵילָן** for himself, that is he had not yet cut or reaped them. 14 Or **שִׁיר**. 15 **בַּעַל הַשָּׂדֶה** is omitted in some editions. 16 That is, he began reaping or cutting before selling. 17 Some editions have **שָׂדֶה** in place of **בַּעַל הַשָּׂדֶה**. 18 The seller. Because the obligation began with the cutting or reaping. 19 When an owner sells all his produce while still uncut the buyer must give *peah* for the whole and he may not deduct its value from the price he paid.

#### Mishnah 6

R. Eliezer<sup>1</sup> says, Ground of the extent of 'one quarter'<sup>2</sup> is subject<sup>3</sup> to *peah*; R. Joshua<sup>5</sup> says, If it produce<sup>4</sup> two *seahs*,<sup>6</sup> R. Tarfon<sup>7</sup> says, Six *handbreadths*<sup>8</sup> by six *handbreadths*; R. Judah ben Bethairah<sup>9</sup> says, So that<sup>10</sup> one may reap and repeat,<sup>11</sup> and the ruling is according to his statement. R. Akiba says, Whatever the size of the ground it is subject<sup>12</sup> to *peah* and to 'first fruits',<sup>13</sup> and a *Sabbatical year declaration*<sup>14</sup> may be written on its account, and through it property that can not be guaranteed<sup>15</sup> may be purchased by means of money or writ<sup>16</sup> or possession.<sup>17,18</sup>

#### מִשְׁנָה ו

ר'בִּי אֱלִיעֶזֶר אוֹמֵר, קֶרֶקַע בֵּית רֹבַע תְּחִיבָת בַּפֶּאֶה; ר'בִּי יְהוֹשֻעַ אוֹמֵר, הָעוֹשֶׂה סְאֵתִים; ר'בִּי טַרְפוֹן אוֹמֵר, שֶׁשֶׁה עַל שֶׁשֶׁה טַפְחִים; ר'בִּי יְהוּדָה בֶּן בֶּתְחֵירָה אוֹמֵר, כְּדִי לְקַצֹּר וְלִשְׁנוֹת, וְהִלָּכָה כְּדִבְרֵיו. ר'בִּי עֲקִיבָא אוֹמֵר, קֶרֶקַע כָּל־שֶׁהוּא תְּחִיבָת בַּפֶּאֶה וּבִבְבוּרִים, וְלִכְתוֹב עָלָיו פְּרוֹזְבוּל, וְלִקְנוֹת עִמּוֹ נְכָסִים שְׂאִין לָהֶם אַחֲרֵיכֶם בְּכֶסֶף וּבִשְׂטָר וּבִחְזָקָה.<sup>18</sup>

1 Whenever **רַבִּי אֱלִיעֶזֶר** is quoted without any further description he is **רַבִּי** **הַיִּרְקָנוֹס** (a pupil of **רַבִּי יוֹחָנָן בֶּן זִכְאִי**). 2 'one fourth,' **בֵּית רִבְעָה**, is approximately an area of  $104\frac{1}{8}$  square cubits (approximately 10 times 10 cubits). A full **רִבְעָה** will be sown by a quarter of a **קֶבֶץ** or by a **לֹוג** of seeds; a smaller area is not considered a field (see *Tables* in the **Introduction** to **וְרִצְעִים**). 3 **חֵיב** more correct as in some editions. 4 In some editions, **בְּעוֹשָׁה**. 5 Where **רַבִּי יְהוֹשֻעַ בֶּן חֲנִינָא** is mentioned without any further description he is **רַבִּי יְהוֹשֻעַ** (a pupil of **רַבִּי יוֹחָנָן בֶּן זִכְאִי**). 6 In some editions, **בֵּית סָאָה**. A **סָאָה** (= a third of an **אֵיפָה** or **בֵּית**) contains about 60 (48?) pints. 7 **רַבִּי טַרְפוֹן** was a **תַּנָּא** of the third generation of **הַבַּיְתָא** and a contemporary of R. Akiba. 8 **טַפַּח**, 9.34 cm. or 3.65 inches. If the land is of this area (480 square inches). 9 There are two **תַּנָּאִים** of this name; one lived in Babylon at the time of the destruction of the Second Temple and the other was contemporary with **רַבִּי**. 10 *i.e.*, of such an extent (area). 11 When cutting or reaping one grasps a handful at a time. The land must contain sufficient ears of corn for the process to be repeated at least twice. 12 **חֵיב** in some editions. 13 In the case of the corn plants; but in the case of trees there must be an area of sixteen cubits in every direction. 14 **פְּרוֹנוֹבֹל**, 'Sabbatical year declaration,' is a declaration made before **בֵּית דִּין**, court, before the execution of a loan to the effect that the *Sabbatical year* shall not apply to and annul the loan to be transacted. This was instituted by **הַלֵּל הַזֶּקֶן** so that business should not be held up on account of the advent of **שְׁמִיטָה**. 15 *Movables*, **מַטְלָטְלִין**, are thus designated because a creditor can not distraint on them if the debtor had sold them, in contradistinction to land (**וְנִכְסִים שֵׁשׁ לָהֶם אַחֲרֵיכֵן**) which the creditor can recover even if the debtor has sold it. 16 **שְׂטָר**, document, receipt, writ. 17 In the case of **מַטְלָטְלִין**, *movables*, one acquires possession by the following methods: [1] **קָנָן דָּר**, 'by holding the object'; [2] **קָנָן חֲצֵר**, 'the object being on the premises of the buyer'; [3] **קָנָן חֲלִיפִין**, 'the buyer or receiver gives in exchange a complete finished article of which the other party holds at least three square inches for a while.' [These three are **מִדְּאוֹרֵיתָא** or **מִן־הַתּוֹרָה**—ordained by the **תּוֹרָה**.] [4] **הַגְבָּהָה**, 'the buyer lifts up the object'; [5] **מְשִׁיבָה**, 'the buyer draws away the article or animal from the seller's place to another spot'; [6] **מְסִירָה**, 'surrender; the seller tells the buyer to take possession by touching.' [7] **קָנָן אֶגֶב**, 'when an object is sold or presented together with land'; [8] **מַעֲמַד שְׁלִשְׁתָּן**, 'a condition made in presence of a third party.' [These last five are **מִדְּבִרְבָּן**.] (**Note:** seller and donor in this and the next article are interchangeable terms so that 'anything sold' is also meant to cover 'a gift'). In the case of *land* there are four methods of **קָנָן**, 'possession,' **מִדְּאוֹרֵיתָא** or **מִן־הַתּוֹרָה**: (a) **בְּסָף**—the buyer gives the seller money or **שָׂהָה בְּסָף**, its equivalent as deposit; (b) **שְׂטָר**—the seller gives a title-deed to the purchaser; (c) **הַחֲלָקָה**—the buyer acts as the new owner (*e.g.*, he fences in, or locks up, keeping the key); (d) **קָנָן חֲלִיפִין**—as already explained under **קָנָן חֲלִיפִין** above. 18 acquisition, usucaption.

## Mishnah 7

If a person who<sup>1</sup> is dangerously<sup>2</sup> ill<sup>3</sup> assign his possessions in writing, then if he left<sup>4</sup> any land whatsoever,<sup>5</sup> his gift is valid.<sup>6</sup> If he have not left<sup>7</sup> any land<sup>8</sup> whatsoever his gift is not valid.<sup>9</sup> When one<sup>10</sup> leaves his possessions in a written will to his children<sup>11</sup> and he leaves in writing in it for his wife<sup>12</sup> any amount of land<sup>13</sup> then she has forfeited<sup>14</sup> her marriage-contract-settlement.<sup>15</sup> R. Jose says, If she concurred<sup>16</sup>, then even if he did not leave for her anything in writing she has forfeited<sup>17</sup> her marriage-contract-settlement.

## משנה ז

הכּוֹתֵב וְנִכְסָיו 'וְהוּא' שְׁכִיב מֵרַע  
שִׁיר<sup>4</sup> קִרְקַע כָּל-שֶׁהוּא מִתְּנָתוֹ  
מִתְּנָה. לֹא שִׁיר<sup>7</sup> קִרְקַע כָּל-שֶׁהוּא  
אֵין מִתְּנָתוֹ מִתְּנָה. <sup>10</sup>הַכּוֹתֵב וְנִכְסָיו  
לְבָנָיו וְכָתַב <sup>12</sup>לְאִשְׁתּוֹ קִרְקַע  
כָּל-שֶׁהוּא <sup>14</sup>אֶבְדָּה <sup>15</sup>כְּתוּבָתָה;  
רַבִּי יוֹסִי אוֹמֵר, אִם <sup>16</sup>קִבְּלָה עָלֶיהָ  
אִף עַל פִּי שְׁלֹא כָתַב לָהּ <sup>17</sup>אֶבְדָּה  
כְּתוּבָתָה.

1 <sup>וְהוּא</sup> is omitted in some editions. 2 שְׁכִיב מֵרַע 'bed-ridden on the point of dying.' When a man dies his written will becomes effective automatically; but if he recovers, the will becomes null and void. 3 Alternatives, according to some authorities, שְׁכִיב מֵרַע שֶׁכָּתַב וְנִכְסָיו לְאַחֲרָיו and הַכּוֹתֵב וְנִכְסָיו לְאַחֲרָיו וְהוּא שְׁכִיב מֵרַע. 4 Or שִׁיר. 5 i.e., for himself. The term קִרְקַע, land, includes also מְטַלְטְלִין, movables. 6 In some editions קִיָּמָה (קִיָּמָה). The fact that he left something for himself proves that the gift was not made because of his expectation of immediate death. It is, therefore, valid even if he recovered. 7 Or שִׁיר. 8 i.e., for himself. 9 קִיָּמָה (קִיָּמָה) in some editions. Because it is obvious that the gift was made in anticipation of immediate death. As he recovered the validity is revoked. 10 Who is a שְׁכִיב מֵרַע. 11 for his children; according to some, for anyone. 12 He leaves her a share among the children, but makes no mention of her marriage-contract-settlement. 13 קִרְקַע, land, or מְטַלְטְלִין, movables. 14 If she made protest at the time of the drawing up of the will. Her acquiescence is proof that she had renounced her claim to her marriage-contract-settlement. 15 כְּתוּבָה, marriage-contract, a document given to a wife on marriage containing among other matters the settlement of a stated amount that becomes due to her on her husband's death or on her being divorced. 16 She agreed to be included among the children when the will was made. 17 But she may recover her marriage-contract-settlement from other properties that are not covered by the will.

## Mishnah 8

If one assign his possessions in writing<sup>1</sup> to his slave, the latter becomes a freedman.<sup>2</sup> If, however, [the master] left out<sup>3</sup> any amount of land whatsoever, he<sup>4</sup> does not become a freedman. R. Simon<sup>5</sup> says, He becomes free in all cases except when the master says, 'Here are all my possessions given away'<sup>6</sup> to so-and-so, my slave, except one ten-thousandth part<sup>7</sup> of them.'

1 In this sense: "All my possessions shall belong to so-and-so my slave."  
2 Because he is part of the possessions (קרקע, land, or משלשלין, movables) and thus becomes owner of himself. 3 Or שיר. 4 The slave. He neither becomes free nor can he obtain possession of what has been left him in the written will. The expression כל-שהוא is so indefinite that it can refer to the slave himself, hence he can not be freed. 5 His view is not accepted. 6 בְּתוֹנִים in some editions. Other editions have instead לְפָלוֹנִי. 7 The term רבוא includes also the whole or part of the value of the עֶבֶד, slave.

## CHAPTER 4

## פֶּרֶק ד

## Mishnah 1

Peah is given<sup>1</sup> while [the crop] is still attached<sup>2</sup> to the soil.<sup>3</sup> In the case of vines on an espalier<sup>4</sup> and the date-palm<sup>5</sup> the owner<sup>6</sup> must bring down [the fruit] and share it out<sup>7</sup> among the poor; R. Simon says, The same law applies also to smooth nut trees.<sup>8</sup> Even if ninety-nine<sup>9</sup> say<sup>10</sup> [that the peah should be] shared out and one<sup>11</sup> says that it should be snatched<sup>12</sup>, the latter must be listened to<sup>13</sup> for he spoke according to the law.<sup>14</sup>

1 Or נִתְּנָה. 2 Or בְּמַחְבֵּר. 3 Before cutting or reaping it, though it may be given after also. From the term מַעְזוּב (Leviticus, 19, 10) it is inferred that peah must be left for the poor to collect it themselves. 4 דלית, 'vines trained to an espalier' (wood lattice-work), or 'on a wall.' 5 Because it is a very tall tree. 6 The owner must do so himself, in order that the poor should run no

## מִשְׁנָה ח

1 הַכּוֹתֵב וְנָכְסוֹ לְעַבְדּוֹ יֵצֵא בֶן  
2 חוֹרִין. 3 שִׁיר קִרְקַע כָּל-שֶׁהוּא  
4 לֹא יֵצֵא בֶן חוֹרִין. רַבִּי שְׁמַעוֹן  
5 אֹמֵר, לְעוֹלָם הוּא בֶן חוֹרִין עַד  
6 שִׁיאֲמַר, הִרִי כָל-נֶכְסִי בְּתוֹנִין  
7 לְאִשׁ פְּלוֹנִי עַבְדִּי חוּץ מֵאֶחָד  
מֵרְבּוּא שְׁבָהֶם.

## מִשְׁנָה א

1 הַפֶּאֶה נִתְּנָה בְּמַחְבֵּר לְקִרְקַע.  
2 בְּדָלִית וּבִבְדָקָל בְּעַל הַבַּיִת  
3 מוֹרִיד וּמַחֲלֵק לְעֲנִיִּים: רַבִּי שְׁמַעוֹן  
4 אֹמֵר, אֵף בְּחִלְקֵי אֲגוּזִים. אֲפִילוּ  
5 תִּשְׁעִים וְחֲשֵׁעָה 10 אֹמְרִים לְחֵלֶק  
6 וְאֶחָד אֹמֵר 12 לָבוֹז 13 שׁוֹמֵעִין  
7 שְׂאֵמֵר כִּהְלַכְהָ. 14

risk in climbing trees or walls. He being the only climber can be more careful in avoiding danger. 7 Equally. 8 Which are dangerous to climb. 9 Of the poor. 10 In some editions, עניים אומרים. 11 Even though this person may be stronger and more capable to snatch than the others. 12 Or לבו: 'to snatch as much as one is able.' 13 In some editions, לזה שומעים. 14 Which lays down that each is to take what he can manage to pick. If, however, all agree, the *peah* may be shared out equally.

Mishnah 2<sup>1</sup>

מִשְׁנָה ב

In the case of vines on an espalier and the date-palm [the law] is not so;<sup>2</sup> even if ninety-nine say that the *peah* be snatched<sup>3</sup> and one<sup>4</sup> says that it be shared out<sup>5</sup>, we listen to the latter<sup>6</sup> for he spoke according to the law.<sup>7</sup>

בְּדָלִית וּבְדֶקֶל אֵינוֹ כֵּן אֶפִּילוּ  
תֹשָׁעִים וְתִשְׁעָה אֹמְרִים לָבוֹז  
וְאֶחָד אֹמֵר לְחַלֵּק לָזֶה שׁוֹמְעִין  
שְׂאֵמֶר בְּהִלָּכָה.

1 In some editions this *Mishnah* forms part of the preceding one. 2 *i.e.*, the poor may not pick for themselves but the owner himself must pick the *peah* and distribute it among the poor. 3 That the poor should climb and pick as much as they can. 4 Even if he be weaker and less capable to snatch than any of the others, and equal distribution would, therefore, be to his advantage. 5 That the owner should pick the fruit and then share it out equally. 6 שומעים in some editions. 7 Which lays down that the poor should run no risks; and even if all the poor agree to the contrary, the *peah* must nevertheless be equally distributed.

Mishnah 3

מִשְׁנָה ג

If one<sup>1</sup> took a little *peah*<sup>2</sup> and threw<sup>3</sup> it over the rest, then he gets nothing at all. If he threw himself upon it<sup>4</sup> or spread<sup>5</sup> his cloak over it, he<sup>7</sup> is removed<sup>6</sup> from it;<sup>8</sup> and this is also the law in the case of *gleanings* and the *forgotten-sheaf*.<sup>9</sup>

יָגֵט מִקְצַת פֶּאֶה וְזָרְקָהּ עַל  
הַשָּׂאֵר אֵין לוֹ בָּהּ כְּלוּם. נָפַל לוֹ  
עָלֶיהָ וּפִירַשׁ מִלִּיתוֹ עָלֶיהָ  
מִעֲבִירִין אוֹתוֹ הֵימָּנָה. וְכֵן בְּלֶקֶט  
וְכוֹ בְּעוֹמֶר הַשִּׁכְחָה.

1 *i.e.*, one of the poor. 2 Which he has already collected. 3 Which is a dishonest act, being an attempt to gain possession of something he can not get in the prescribed manner. According to רבי מאיר he not only does not acquire possession of what he attempted to obtain by this subterfuge but he also loses as punishment what he has legally acquired; but the חכמים decide that he loses only that to which he is not entitled. 4 The *peah* he wants to obtain wrongly. 5 יפרש in some editions. 6 In some editions, מעבירים. 7 The

poor man and so also 'the cloak,' but does not forfeit his cloak. He gains no possession of the *peah*. 8 The *peah*. Or הַיְמִנָה; or מִמֶּנּוּ and מִמֶּנָּה in some editions. 9 So also in the case of forgotten standing corn.

## Mishnah 4

*Peah* must not be cut<sup>1</sup> with scythes<sup>2</sup> or be uprooted with spades<sup>4,5</sup> in order that they do not strike<sup>6</sup> at one another.<sup>7</sup>

מִשְׁנֵה ד  
 פָּאָה אֵין קוֹצְרִין אוֹתָהּ בְּמַגְלוֹת<sup>1</sup>  
 ואֵין עוֹקְרִין אוֹתָהּ בְּקַרְדּוּמוֹת<sup>2,4</sup>  
 כְּדִי שְׁלֹא יִכּוּ אִישׁ אֶת־רֵעֵהוּ.<sup>6</sup>

1 *Peah* must be picked by hand by the poor. 2 קוֹצְרִים in some editions. 3 עוֹקְרִים in some editions. 4 In some editions, בְּקַרְדּוּמוֹת. 5 Or 'mattocks', 'hatchets'; nor with any other kind of tool. 6 Either accidentally, in their anxiety to pick as much as possible, or intentionally falling foul of each other. 7 With these implements.

## Mishnah 5

Three times<sup>1</sup> daily were there attendances<sup>2,3</sup>: in the morning<sup>1</sup> and at noon<sup>5</sup> and at the *Minchah* period.<sup>6</sup> Rabban Gamaliel says, These times were given as a minimum.<sup>7</sup> R. Akiba says, They were given as the maximum.<sup>8</sup> The people of Beth Namer<sup>9</sup> used to gather<sup>10</sup> their crops by the use of a rope<sup>11</sup> and leave *peah* from every row separately.

מִשְׁנֵה ה  
 שְׁלֹשָׁה<sup>1</sup> אַבְעֵיזוֹת בַּיּוֹם, בֶּשְׁחֶר<sup>2</sup>  
 וּבִבְחֻצוֹת וּבִמְנָחָה. רַבּוֹן גְּמַלְיָאֵל<sup>5</sup>  
 אָמַר, לֹא אָמְרוּ אֵלָּא כְּדִי שְׁלֹא  
 יִפְחָחוּ. רַבִּי עֲקִיבָא אָמַר, לֹא  
 אָמְרוּ אֵלָּא כְּדִי שְׁלֹא יוֹסִיפוּ.<sup>7</sup>  
 שֶׁל בֵּית גָּמַר הָיוּ מְלַקְטִין עַל  
 הַחֶבֶל וְנוֹתְנִים פָּאָה מִכָּל אוֹמֵן<sup>11</sup>  
 ואוֹמֵן.

1 שְׁלֹשׁ in some editions. 2 אַבְעֵיזָה, 'begging,' 'searching,' 'appearance of the poor to share in פָּאָה, לֶקֶט, שְׂכָחָה, פָּרֵט and עוֹלָלוֹת (see **Introduction**). 3 'Of the poor' (see **Note 2** above). Three times daily the owner (or a representative) had to make his appearance on the field, for in his absence the poor had no right to enter his field. 'The Rambam, רַמְבַּ"ם, holds the view that this simply means that the poor came three times daily for *peah*. 4 When the poor women had the opportunity while their babies were asleep to come for *peah*. 5 When children (who slept late in the morning) could come for *Peah*. 6 When the feeble and old could come for *Peah*. This refers to מְנַחָה קְטַנָּה or מְנַחָה אַחֲרֹנָה, the *Smaller (Later) Afternoon Service*, two and a half hours before sunset, or to the מְנַחָה גְּדוּלָּה or מְנַחָה קְמָא, the *Large (First) Afternoon Service*; five and a half hours before sunset, an 'hour' being equal to  $\frac{1}{12}$  of the day irrespective

of whether the day is long or short. 7 *i.e.*, not less than *three* occasions per day. 8 But the law is that there must be *three* definite times daily, so that the poor should not be left in doubt and the owner should not be put to too much inconvenience. 9 The exact locality is not known. According to one view it was the name of a family. 10 *i.e.*, reap. מִלְקִיטִים or מְלָקִיטִים in some editions. 11 They drew a rope along part of the field leaving a narrow strip which was cut, and *peah* was left for the poor at the end of it. Thus the poor did not have to wait until the whole field was cut. The process was repeated time after time until the whole field was reaped.

# Mishnah 6

An idolater<sup>1</sup> who has reaped his field and then became a proselyte<sup>2</sup> is exempt<sup>3</sup> from the duties of *gleaning*, the *forgotten-sheaf* and *peah*. R. Judah declares<sup>4</sup> him liable to leave<sup>5</sup> the *forgotten-sheaf* because the *forgotten-sheaf* becomes due at the time of the removal of the sheaves.<sup>6</sup>

1 Some editions have נִכְרִי, 'a non-Jew,' which is much better than עוֹבֵד כּוֹכָבִים. 2 Or נִתְּנִי. 3 Because at the time of reaping he was under no obligation to give these dues. He was still a non-Jew to whom the law does not apply. This is inferred from the terms וּבְקִצְרֹכֶם (Leviticus 19, 9) and קִצִּירָךְ (Deuteronomy 24, 19) and וְשִׁכְחָהּ (Deuteronomy 24, 19) [see 1<sup>1</sup>, Note 1] which refers to a Jew only. This is the accepted ruling. 4 His view is not accepted. 5 Or חֵיִב. 6 When he was already a Jew subject to the obligation.

# Mishnah 7

A man who dedicated to the Temple standing corn and re-deemed [it while it still was] standing corn is liable;<sup>1</sup> A man who dedicated sheaves<sup>2</sup> and re-deemed them while still sheaves<sup>3</sup> is also liable.<sup>4</sup> If a man dedicated standing corn and redeemed [it when it was in] sheaves he is exempt<sup>5</sup> because at the time when it became liable<sup>6</sup> it<sup>7</sup> was exempt.<sup>8</sup>

1 Or חֵיִב; he must give לֶקֶט, שִׁכְחָהּ and פֶּאֶה because the reaping took place when the field was again his own property. 2 עֲמִרִים in some editions. 3 In some

## מִשְׁנָה ו

יְעוֹבֵד כּוֹכָבִים שֶׁקָּצַר אֶת-שָׂדֵהוּ  
וְאַחֵר כִּן נִתְּנִי רִפְטוֹר מִן-הַלֶּקֶט  
וּמִן-הַשִּׁכְחָה וּמִן-הַפֶּאֶה. רַבִּי  
יְהוּדָה מְחַיֵּב בְּשִׁכְחָה שְׂאִי  
הַשִּׁכְחָה אֲלֵא בְשַׁעַת הָעֲמוּרָה.

## מִשְׁנָה ז

הַקֹּדֶשׁ קָמָה וּפָדָה קָמָה חֵיִב.  
עוֹמְרִין וּפָדָה עוֹמְרִין חֵיִב. קָמָה  
וּפָדָה עוֹמְרִין פֶּטוּרָה שְׂבִשְׁעַת  
חֻבָּתָה הִיטָה פֶּטוּרָה.

editions, עֲמִירִים. 4 To לֶקֶט, שִׁכְחָה and פֶּאֶה because the dedication took place when the corn was already in sheaves and already subject to the dues. 5 From giving לֶקֶט, שִׁכְחָה and פֶּאֶה. 6 To לֶקֶט, שִׁכְחָה and פֶּאֶה. 7 The standing corn. 8 On account of its dedication the finally accepted rulings are as follows: when a man has dedicated standing corn and redeemed it before reaping he must leave לֶקֶט, שִׁכְחָה and פֶּאֶה, and likewise if he has dedicated sheaves and redeemed them; but if he has dedicated standing corn and redeemed sheaves (made up from that corn) he is exempt altogether.

Mishnah 8

Similarly, if a man dedicated<sup>1</sup> his field products before they reached the time<sup>2</sup> when they are subject to *tithes* and he redeemed them,<sup>3</sup> they must be tithed;<sup>4</sup> if after (they reached) the time for the tithes and he redeemed them,<sup>5</sup> they must be tithed.<sup>6</sup> If he dedicated them<sup>7</sup> before they were ready<sup>8</sup> and the treasurer<sup>10</sup> had them when they were ready<sup>9</sup> and after that [the owner] redeemed them,<sup>11</sup> then they are exempt<sup>12</sup> because when they became liable<sup>13</sup> they were already exempt.<sup>14</sup>

מִשְׁנָה ח

כִּיּוֹצֵא בוֹ, הַמְקֻדָּשׁ<sup>1</sup> פִּירוֹתָיו עַד  
שֶׁלֹא בָאוּ<sup>2</sup> לְעוֹנֹת הַמַּעֲשֵׂרוֹת  
וּפְדָאן<sup>3</sup> חֵיבִין, מִשְׁבָּאוֹ לְעוֹנֹת  
הַמַּעֲשֵׂרוֹת וּפְדָאן<sup>5</sup> חֵיבִין.  
הַקֻּדָּשׁ עַד שֶׁלֹא נִגְמְרוּ<sup>9</sup> וְנִמְכָּר  
הַנֹּגֵבֶר וְאַחֵר בֶּן פְּדָאן<sup>11</sup>  
פְּטוּרִים, שֶׁבִשְׁעַת<sup>13</sup> חוֹבָתוֹ הָיָה  
פְּטוּרִים.<sup>14</sup>

1 To the Temple. 2 The times applicable to the various kinds of produce are given in מַעֲשֵׂרוֹת 12. 3 In some editions, יִפְדֶּם. 4 In some editions, תְּחִיבִים. 5 יִפְדֶּם in some editions. 6 Because at the time of dedication the gifts were already due and virtually no longer the owner's property. תְּחִיבִים in some texts. 7 In some editions, הַקֻּדָּשׁ. 8 i.e., before they had reached a third of their full growth, according to Rambam's view; but according to another view, before the heaps were finished off by smoothing over (see 16, Note 2). 9 וְנִמְכָּר in some editions; i.e., the treasurer kept them till they became ripe or completed their preparation by smoothing over the heaps. 10 See 16, Note 12. 11 פְּדָם in some editions. 12 i.e., exempt from tithes, because הַקֻּדָּשׁ, 'dedicated produce,' is exempt from תְּרוּמוֹת (the *levies for the priests*) and מַעֲשֵׂרוֹת (*tithes*). [These terms are fully explained in the preceding Volume of בְּרָכוֹת]. Briefly, one gives  $\frac{1}{10}$  called מַעֲשֵׂר רִאשׁוֹן, *first tithe*, to the Levite, לֵוִי;  $\frac{1}{50}$  called תְּרוּמָה גְּדוּלָּה, *priest's major due*, to the priest, כֹּהֵן,  $\frac{1}{10}$  called מַעֲשֵׂר עָנִי, *poor-man's tithe*, to the poor every 3rd and 6th years; and  $\frac{1}{10}$  called מַעֲשֵׂר שְׁנִי, *second tithe*, every 1st, 2nd, 4th and 5th year which (or its equivalent) is consumed in Jerusalem; also the Levite himself has to give  $\frac{1}{10}$  of his own called תְּרוּמָה קְטָנָה, *priest's minor due*,



or תְּרוּמַת מַעֲשֵׂר, *priest's-due of the tithe*, to the priest. During the *Sabbatical*, or שְׁמִיטָה, *year* there were no tithes]. **13** *i.e.*, liable to tithing. **14** Being in the possession of the Temple treasurers the accepted ruling of this *Mishnah* is as follows: if a man has dedicated his produce and redeemed it before *tithes* were due, or he has dedicated it after the *tithes* were due and then redeemed it, *tithes* must be given; but if he dedicated it before the *tithes* were due and the *tithes* fell due while it was under the charge of the treasurer and then the owner redeemed it, no tithes are given.

## Mishnah 9

If a man<sup>1</sup> have collected *peah* and said, "This is for such and such a poor man,"<sup>2</sup> R. Eliezer<sup>3</sup> says, He has acquired it for him; but the Sages say, He must give it to the poor man whom he meets first. *Gleaning* and the *forgotten-sheaf* and *peah* of an idolater<sup>4</sup> must be<sup>5</sup> tithed unless he had declared them free to all.<sup>6</sup>

## מִשְׁנָה ט

אִם שָׁלַקְתָּ אֶת-הַפֶּאֶה וְאָמַרְתָּ הִנֵּה זֶה לְאִישׁ פְּלוֹנִי עֲנִי, רַבִּי אֶלִיעֶזֶר אוֹמֵר, זָכָה לוֹ, וְחֻכָּמִים אוֹמְרִים, יִתְּנָהּ לְעַנִּי שֶׁנִּמְצָא רֵאשׁוֹן. הַלֵּקֶט וְהַשְׂכָּחָה וְהַפֶּאֶה שֶׁל עֹבֵד כּוֹכְבִּים חֵיִב בְּמַעֲשְׂרוֹת אֶלֶּא אִם כֵּן הַפְּקִיר.

**1** Who is not poor, or, according to some, the owner. A poor man may collect *peah* for another poor man. **2** Instead of לְאִישׁ פְּלוֹנִי some editions read לְפְלוֹנִי. **3** His view is not accepted. (There is a great deal of argument on this question but out of place here). **4** Some editions have נִכְרִי, 'non-Jew,' which is more correct. (This question is discussed by many authorities but the arguments are out of place here). **5** Or חֵיִב. **6** הַפְּקִיר is exempt from dues mentioned as well as from תְּרוּמֹת and מַעֲשְׂרוֹת (see the preceding *Mishnah*, Note 14).

## Mishnah 10

What is regarded as '*gleaning*'? That which falls down<sup>1</sup> during the reaping. If a man have reaped<sup>2</sup> a handful, or plucked a fistful, and a thorn pricked him<sup>3</sup> and [the corn] fell from his hand to the ground, it still belongs to the owner.<sup>4</sup> That which fell down from the inside of the hand or the scythe<sup>5</sup> belongs to the poor;<sup>6</sup> but that which falls from behind the hand or behind the scythe<sup>7</sup> belongs to the

## מִשְׁנָה י

אִיזְהוּ לֵקֶט, הַנּוֹשֵׁר? בְּשַׁעַת הַקְצִירָה. קָצַר מְלֵא יָדוֹ, תָּלַשׁ מְלֵא קַמְצוֹ, תִּקְּהוּ קוֹץ וְנָפַל מִיָּדוֹ לְאַרְצֵי הָרִי הוּא שֶׁל בְּעַל הַבֵּית. תוֹף הָיָד וְתוֹף הַמַּגֵּל לְעַנְיִים, אֲחֵר הָיָד וְאֲחֵר הַמַּגֵּל לְבָעַל הַבֵּית; רֵאשׁ הָיָד וְרֵאשׁ הַמַּגֵּל.

owner.<sup>8</sup> [That which falls off] the finger tips or the tip of the scythe,<sup>8</sup> R. Ishmael<sup>9</sup> says, belongs to the poor;<sup>10</sup> but R. Akiba says, It belongs to the owner.<sup>11</sup>

רבי ישמעאל<sup>9</sup> אומר, לעניים;  
רבי עקיבא אומר, לבעל הבית.<sup>11</sup>

1 One ear of corn or two ears; if more than two dropped at once they are not regarded as לקט. 2 ונקצר ונקצר in some editions. 3 הנהו קוצץ עקצו עקרב, 'a thorn pricked him or a scorpion stung him', in some editions. 4 Because לקט must be the direct result of the reaping and not of an accident. 5 Or 'sickle'; i.e., when one holds the corn inside one's hand or within the curve of the scythe (or sickle). 6 Even it did not drop in the process of the reaping. 7 i.e., that which falls down owing to the shaking of one's hand or scythe (or sickle). 8 Because the corn obviously fell down by sheer accident. 9 His view is rejected. 10 Because in his view the finger tips and the top of the sickle are like מוך היד above (Note 5). 11 R. Akiba maintains that the case is similar to that of אחר היד above (Note 7), and his view is the accepted law.

# Mishnah 11

[Any grain in] ant-holes<sup>1</sup> among standing corn<sup>2</sup> belongs to the owner,<sup>3</sup> but in the case of those found after the reapers,<sup>4</sup> the upper-layers<sup>5</sup> belong to the poor,<sup>6</sup> and the lower-layers<sup>7</sup> to the owner. R. Meir says, All belong to the poor, for doubtful gleanings<sup>9</sup> are also gleanings.<sup>10</sup>

## משנה יא

יחורי הנמלים שבתוך הקמה הרי  
הן של בעל הבית, שלאחר  
הקוצרים העליונים<sup>6</sup> לעניים,  
והתחתונים של בעל הבית; רבי  
מאיר אומר, הכל לעניים,<sup>9</sup> שספק  
לקט<sup>10</sup> לקט.

1 Ants take away grains and store them in their holes. 2 i.e., before the reaping. 3 Since it is evident that the ants had removed the grain before the reaping when it was not yet subject to the *poor-man's dues*. 4 i.e., after the reaping had begun. 5 Of grain; provided they are still of a whitish colour which is a sign of freshness. 6 It being obvious that the ants took them after the reaping had begun. 7 Of grain; being green they had obviously been collected and stored by the ants before the reaping had begun. 8 Not only the upper but also the lower layers of grain. 9 i.e., grain about which it is uncertain whether it was collected from standing corn, and is therefore not subject to the obligation of gleanings, or whether it was collected from the reaped corn and consequently subject to the law of gleanings. 10 The poor must get the benefit of the doubt, and this is the accepted ruling.

## CHAPTER 5

## פרק ה

## Mishnah 1

If there be a stack of grain<sup>1</sup> from beneath which the *gleanings* had not been gathered,<sup>2</sup> all parts of it that touch ground<sup>3</sup> belong to the poor. If a wind scattered<sup>4</sup> the sheaves, an estimate must be made<sup>5</sup> as to how much *gleaning* they<sup>6</sup> could have<sup>7</sup> yielded and it is given to the poor; but R. Simon ben Gamaliel<sup>8</sup> says, One must give to the poor as much as is usually dropped.<sup>9</sup>

1 גִּדִּישׁ, 'heap of sheaves,' 'shock of grain,' 'stack of grain.' 2 Or לָקַט; the owner had made the stack before the poor had had an opportunity to glean the corn under it. 3 הַנוֹגְעוֹת in some editions. The Rambam's view is that this refers to the corn that actually touches the *gleanings* beneath the stack. A fine is thus imposed upon the owner whose duty it is to see that the poor are not deprived of the *gleanings*, לָקַט. This enforced *gleaning* is also free from *tithe*. 4 שִׁפְּרוּהָ in some editions. 5 In some editions, אוֹתוֹ. 6 הוּא in some editions, i.e., the field. 7 In some editions, רָאִי. 8 He is רִבִּן שְׁמַעוֹן בֶּן רָבִן שְׁמַעוֹן בֶּן רָבִן (a contemporary of Bar Kochba). 9 'Of *gleanings* during the reaping'; that is, there is no need for an assessment to be made, but one gives from 4 קָב to a כוֹר or 30 סָאָה (קָב=67 cubic inches; 6 סָאָה=קָב; see *Introduction, Tables*).

## Mishnah 2

In the case of an ear of corn<sup>1</sup> in the harvest whose top touches the standing corn, if it can be cut<sup>2</sup> together with<sup>3</sup> the standing corn<sup>4</sup> it belongs to the owner,<sup>5</sup> if not it belongs to the poor. If an ear of corn of *gleanings* were mixed up in a stack of corn, one ear of corn must be tithed<sup>6</sup> and given to a poor man<sup>7</sup>. R. Eliezer said, How can this poor person exchange<sup>8</sup> something that has not yet come into his possession?<sup>9</sup> Rather, the whole

## מִשְׁנָה א

יִגְדִּישׁ שֶׁלֹא לִדְרוֹשׁ תַּחְתָּיו כָּל-  
הַנוֹגֵעַ בְּאַרְצֵי הָרִי הוּא שֶׁל עֲנִיִּים.  
הָרוּחַ שִׁפְּרוּ אֶת-הָעֲמָרִים אוֹמְדִים  
אוֹתָהּ כַּמָּה לָקַט הִיא רָאוּיָה  
לַעֲשׂוֹת וְנוֹתֵן לְעֲנִיִּים; רִבִּן שְׁמַעוֹן  
בֶּן רָבִין שְׁמַעוֹן בֶּן רָבִין אוֹמֵר, נוֹתֵן לְעֲנִיִּים  
בְּכָדִי נִפְלָה.

## מִשְׁנָה ב

שֶׁבִלְתָּ שֶׁבֶקֶצִיר וְרֹאשָׁהּ מִגִּיעַ  
לְקָמָה, אִם נִקְצְרָתָה עִם הָקָמָה  
הָרִי הִיא שֶׁל בֹּעֵל הַבֵּית, וְאִם  
לֹא הָרִי הִיא שֶׁל עֲנִיִּים. שֶׁבִלְתָּ  
שֶׁל לָקַט שֶׁנִּתְעַרְבָה בְּגִדִּישׁ מְעַשֵּׂר  
שֶׁבִלְתָּ אַחַת וְנוֹתֵן לּוֹ. אָמַר רַבִּי  
אֶלְעִיָּזָר, וְכִי הֵיכָל הָעֲנִי הֵנּוּ  
מִמְחִלִּיהָ דְּבַר שֶׁלֹא בָּא בְּרִשְׁוֹתָהּ

stack must be assigned<sup>10</sup> to a poor person, and then one ear of corn is tithed and given to him. אֵלָא מִזְכָּה אֶת-הָעֵי בְּכָל הַגֵּרִישׁ וּמַעֲשֵׂר שְׂבִלַת אַחַת וְנוֹתֵן לוֹ.

1 That had been left uncut in the course of reaping. 2 *הַקְצִצְתָּ וְהַקְצִצְתָּ* in some editions. 3 *מִן* in some editions. 4 *i.e.*, it can be taken with one hand together with the standing corn near by. 5 The growing corn with which it can be held in one fistful prohibits it from being treated as 'gleaning.' (Some editions have *לֹא* instead of *לֹאֵר*). 6 The complicated procedure is explained in *Tractate מַעֲשֵׂרוֹת*. Briefly, according to the view (detailed) in the *Jerusalem Talmud*, one removes from the stack three ears of corn and says, 'If the first be *לֹקֵט* let it be so' (for it is exempt from *tithe*, *מַעֲשֵׂר*); 'if not, let the *tithe* be in the second ear, but if the latter be the *לֹקֵט* then let the *tithe* be in the third ear;' then the first ear is given to a poor man as *לֹקֵט* and the two others to a *כהן*, priest. But according to the *Mishnah* here it is sufficient if one takes only two ears of corn from the stack in question and says over one of them, 'If this be *לֹקֵט*, well and good', (since it is thus exempt from *tithe*), 'but if it be not *לֹקֵט* let the other be the *tithe* for it;' the first is then given to a poor man as *לֹקֵט* and the other to the Levite as *tithe*. 7 Literally 'to him.' 8 *הֵיאָדָּה* is omitted in some editions. Through the owner. 9 At the time the owner makes the declaration mentioned the *לֹקֵט* does not yet belong to the poor. 10 *וְכִהָּ*, 'make an assignment to,' 'transfer to,' 'take possession on behalf of,' 'obtain privilege for.' *i.e.*, 'temporarily.'

### Mishnah 3

The irrigating engine must not be used<sup>1,2</sup>; this is the opinion of R. Meir; but the Sages permit it, because it is possible.<sup>3</sup> מִשְׁנָה ג  
אֵין וּמַגְלִילִין בְּטוֹפֹת דְּבַרֵּי רַבִּי  
מֵאִיר; וְחֻכָּמִים מַתִּירִין מִפְּנֵי  
שֶׁאֵפְשָׁר.

1 Before the gleanings have been collected. 2 Since the irrigation will interfere with the gleaning of the poor. Some authorities take the view that *טוֹפֹת* means 'beans' and that the *Mishnah* forbids this inferior product to be cut together with other superior produce lest the gleaning fall from the inferior kind and the poor would be deprived of their proper due. 3 *i.e.*, to compensate the poor. 'It is possible for the owner to recompense the poor for any loss they may have sustained if through being prevented from picking the gleanings on account of the irrigation or through picking more of the inferior produce in a mixture of superior and inferior products.' The *חֻכָּמִים* maintain also that there is no reason why one should assume that, in the case of mixed kinds of produce the *gleanings* should not be proportionate to the constituents of the mixture.

This ruling is accepted. Actually the owner may irrigate his field provided he recompenses the poor for the *gleaning* they have lost.

#### Mishnah 4

If a proprietor<sup>1</sup> who was travelling from place to place were in need<sup>2</sup> of taking<sup>3</sup> *gleanings*, the *forgotten-sheaf*, *peah* and (or) the *poor-man's tithe*, he may take them, but when he returns<sup>4</sup> home<sup>5</sup> he must repay for them; this is the view of R. Eliezer; but the Sages say, He was a poor man at the time.<sup>6</sup>

#### משנה ד

בְּעַל הַבַּיִת שֶׁהָיָה עוֹבֵר מִמָּקוֹם לְמָקוֹם וְצָרִיךְ לִישׁוֹל לִקְטַת שְׂכָחָה וּפְאֵה וּמַעֲשֵׂר עֲנִי יִשׁוֹל, וְכִשְׁחֲזָר לְבֵיתוֹ יְשַׁלֵּם; דִּבְרֵי רַבִּי אֱלִיעֶזֶר; וְחֻכְמִים אוֹמְרִים, עֲנִי הָיָה בְּאוֹתָהּ שָׁעָה.

1 *i.e.*, one who is not considered poor (and therefore not be entitled to *לקט*, *שְׂכָחָה* and *פְּאֵה*) but having spent all his moneys on his travels he has no means of sustenance for the time being (see 8<sup>8</sup>). 2 *i.e.*, he is again in possession of means. 3 Or *לִישׁוֹל*. 4 *i.e.*, he is again in possession of means. 5 He repays to any poor man for what he has had. 6 He is therefore under no obligation to pay for what he had taken. This is the ruling. Repayment, however, is regarded as a virtuous act.

#### Mishnah 5

If a man make exchange<sup>1</sup> with the poor, his<sup>2</sup> is exempt<sup>3</sup> and that of<sup>4</sup> the poor<sup>5</sup> is liable.<sup>6</sup> If two men<sup>7</sup> have taken over a field on a *share-tenancy*,<sup>8</sup> one gives his share of the *poor-man's tithe* to the other<sup>9</sup> and the other gives his share of the *poor-man's tithe*<sup>10</sup> to the first. If a poor man undertake to reap a field,<sup>11</sup> he must not take<sup>12</sup> *gleanings*, the *forgotten-sheaf*, *peah* and (or) *poor-man's tithe*. R. Judah said, When is this the case? When he took it over<sup>13</sup> for the payment of a half, or a third or a fourth,<sup>14</sup> but if [the owner] said to him, 'A third<sup>15</sup> of what you reap<sup>16</sup> is thine,' he may take<sup>17</sup> *gleanings* the *forgotten-sheaf* and (or) *peah* but not<sup>18</sup> the *poor-man's tithe*.

#### משנה ה

הַמִּתְחַלֵּף עִם הָעֲנִיִּים, בְּשָׂלוֹם פְּטוּר וּבִשְׂלָה עֲנִיִּים חַיִּיב. שְׁנַיִם שִׁקְבְּלוּ אֶת-הַשָּׂדֶה בְּאַרְיִסוֹת, זֶה נוֹתֵן לְזֶה חֶלְקוֹ מִמַּעֲשֵׂר עֲנִי, וְזֶה נוֹתֵן לְזֶה חֶלְקוֹ מִמַּעֲשֵׂר עֲנִי. הַמִּקְבֵּל שָׂדֶה לְקָצוֹר אֲסוּר בְּלִקְטַת שְׂכָחָה וּפְאֵה וּמַעֲשֵׂר עֲנִי. אָמַר רַבִּי יְהוּדָה, אֵימַתִּי בְּזֶמֶן שִׁקְבֵּל מִמֶּנּוּ לְמַחְצָה לְשָׁלִישׁ וְלִרְבִּיעַ, אֲכַל אִם אָמַר לוֹ שְׁלִישׁ מִה-שָּׂאֲתָה קוֹצֵר שְׁלֵף, מוֹתֵר בְּלִקְטַת וּבְשְׂכָחָה וּבְפְאֵה וּבְמַעֲשֵׂר עֲנִי.

1 He gives from his produce to the poor in exchange for their **לֶקֶט שְׂכָחָה** and **פָּאָה**. 2 **שְׁלֹו** in some editions; *i.e.*, what he received from the poor. 3 *i.e.*, from tithes. Because the poor-man's **לֶקֶט שְׂכָחָה** and **פָּאָה** are exempt from tithes. 4 **וְשֵׁל** in some editions. 5 What he had given to the poor. 6 Or **חֵיב**. He must therefore tithe his own produce *before* he gives it in exchange to the poor. 7 *i.e.*, two poor persons. 8 **אָרִיס** is a tenant who cultivates somebody's land for an agreed *share* in the produce, and **אָרִיסוֹת** is the term applied to the tenancy. On the other hand, **חֲכִיר** is a tenant who cultivates someone's land for an agreed *rent in kind* and such tenancy is termed **חֲכִירוֹת**. 9 Although they are both poor, yet for the time being they are each **בַּעַל הַבֵּית**, 'owner,' who is not entitled to keep his own **לֶקֶט שְׂכָחָה**, **פָּאָה** and **מַעֲשֵׂר עָנִי**. 10 And also **לֶקֶט שְׂכָחָה**, **פָּאָה**, **עוֹלָלוֹת** and **פֶּרֶט**. 11 For an agreed portion of the crop. 12 Because his share in the crop places him in the category of a **בַּעַל הַבֵּית**, 'owner,' who may not benefit from the **מִתְנוֹת עֲנִיִּים** (see **Introduction**). 13 On **אָרִיסוֹת** terms. 14 Of the crops; since in such a case he is part owner. 15 Or any other definite share. A 'third' is quoted because that may have been the usual rate of payment. 16 *i.e.*, not from the *standing* corn, but from that which had already been reaped; in such a case he can no longer be considered the **בַּעַל הַבֵּית**, 'owner,' of the *standing* corn. 17 Or **מִתָּר**. Since he is still regarded poor until after the reaping when his share becomes due. 18 Because **מַעֲשֵׂר עָנִי** is given *after* the reaping and by then he is already the **בַּעַל הַבֵּית**, 'owner,' of his share.

### Mishnah 6

When one sells his field,<sup>1</sup> the seller may<sup>2</sup> but the buyer may not. One may not hire a labourer<sup>3</sup> on condition that the [latter's] son<sup>4</sup> glean after him. He who does not allow the poor to glean<sup>5</sup> or allows one and not another, or helps<sup>6</sup> one of them<sup>7</sup> [in the gathering] robs the poor; concerning such a man it has been said,<sup>8</sup> *Remove not the ancient border.*

### משנה ו

המוכר את-ישדהו המוכר<sup>2</sup> מותר והלוקח אסור. לא ישכור אדם את-הפועל על מנת שילקט<sup>4</sup> בנו אחריו. מי שאינו מניח את-העניים ללקוט או שהוא מניח את-אחד ואחד לא או שהוא<sup>6</sup> מסייע את-אחד מהן הרי זה גוזל את-העניים; על זה נאמר<sup>8</sup> אל תסג גבול<sup>9</sup> עולם.

1 With its *standing* corn. 2 *i.e.*, 'may collect the *poor-man's dues*.' or **מִתָּר**. If the seller is a poor man he may gather **לֶקֶט שְׂכָחָה**, **פָּאָה** and **מַעֲשֵׂר עָנִי**; but if he sold the *standing* corn without the field he may not take any of these because in this case the term **שְׂדֵךְ** (*thy field*) still applies. 3 **הפועלים**, 'the labourers,' in

some editions. 4 Because the labourer's pay would then consist in part of his son's *gleaning*, and the employer would consequently derive benefit from the *poor-man's dues*. 5 He (the owner) wants to glean himself and to share out the gleanings among the poor. 6 Or מְסִיעַ. 7 In some editions, מָהֵם. 8 Proverbs 22, 28. 9 עוֹלִים in many editions, on an analogy with עוֹלָם. 10 פ' וַיִּשְׁלַח, מִנְחוּמָא (Midrash)—עוֹלִים for עוֹלֵי מִצְרַיִם, 'those who went up from Egypt.' Both readings are intended to convey the idea, 'do not change the ancient customs'. In the *Mishnah* here עוֹלִים is a euphemistic term and is meant the exact opposite (such euphemisms are occasionally used in the *Talmud*), i.e., not 'those who have risen' but יוֹרְדִים, 'those who have come down,' that is 'the poor', and thus אַל תִּפְסַּד עוֹלָם would be intended to convey the meaning 'do not encroach upon the rights of the poor.'

## Mishnah 7

A sheaf which the labourers had forgotten but not the owner, or one the owner had forgotten<sup>1</sup> but not the labourers,<sup>2</sup> or one in front of which the poor stood<sup>3</sup> or covered<sup>4</sup> with straw, is not regarded as a *forgotten-sheaf*.

מִשְׁנָה ז  
הָעוֹמֵר שֶׁשָּׁכְחוּהוּ פוֹעֲלִים וְלֹא שָׁכְחוּ בָעַל הַבֵּית, <sup>1</sup>שָׁכְחוּ בָעַל הַבֵּית וְלֹא <sup>2</sup>שָׁכְחוּהוּ פוֹעֲלִים, <sup>3</sup>עָמְדוֹ עֲנִיִּים בְּפָנָיו אוֹ <sup>4</sup>שָׁחַפּוּהוּ בִקֵּשׁ הָרִי זֶה אֵינוֹ שָׁכְחָה.

1 In some editions שָׁכְחוּ is omitted. 2 In such cases the sheaf is not regarded as a *forgotten*, or *poor-man's sheaf*. Only when both owner and labourer(s) had forgotten a sheaf, or also (according to the view of some authorities) when the owner was absent from the field and the labourer(s) had forgotten it is it regarded as a *forgotten sheaf*. This is based on the statement (*Deuteronomy* 24, 19) כִּי תִקְצֹר קְצִירָה בְּשָׂדֶךָ וְשָׁכַחְתָּ (see 1<sup>1</sup>, Note 1) where תִּקְצֹר refers to the labourer and קְצִירָה to the owner. 3 Which is a dishonest act on the part of the poor. 4 Or שָׁחַפּוּהוּ. This too is a dishonest act.

## Mishnah 8

He who binds sheaves for covering stalks,<sup>1</sup> or for building a foundation for a stack,<sup>2</sup> or for making a cake,<sup>3</sup> or for forming sheaves<sup>4</sup> is not subject to the law of the *forgotten-sheaf*,<sup>5</sup> if from here<sup>6</sup> they be taken to the threshing-floor,<sup>7</sup> the law of the *forgotten-sheaf*<sup>8</sup> applies. When sheaves are piled up for a stack<sup>9</sup> the law of the *forgotten-sheaf* applies;<sup>10</sup>

מִשְׁנָה ח  
הַמַּעֲמֵר <sup>1</sup>לְכוֹבְעוֹת וְ<sup>2</sup>לְכוֹמְסוֹת, <sup>3</sup>לְחִרְרָה וְ<sup>4</sup>לְעֶמְרִים אֵין לוֹ שָׁכְחָה, <sup>5</sup>מִמֶּנּוּ וְ<sup>6</sup>לְטוֹרְנֵי שֵׁל לוֹ שָׁכְחָה. הַמַּעֲמֵר <sup>7</sup>לְגִדֵּי שֵׁל לוֹ שָׁכְחָה, <sup>8</sup>מִמֶּנּוּ

but if from there they are removed to the threshing-floor the law of the *forgotten-sheaf* does not apply.<sup>11</sup> This is the general principle: whenever the sheaves are piled up in the place where the work is completed the law of the *forgotten-sheaf* applies, but if from here the sheaves are to be taken to the threshing-floor, the law of the *forgotten-sheaf* does not apply; if, however, they be taken to a place where the work is not completed the law of the *forgotten sheaf* does not apply, but if from here they be taken to the threshing-floor, the law of the *forgotten-sheaf* applies.

וּלְגֹרֶן אֵין-לוֹ שְׂכָחָהּ זֶה הַכֶּלֶל  
כָּל-הַמְעַמֵּר לְמָקוֹם שֶׁהוּא גֹמֵר  
מְלָאכָה יֵשׁ-לוֹ שְׂכָחָהּ, מִמָּנוּ וּלְגֹרֶן  
אֵין-לוֹ שְׂכָחָהּ. לְמָקוֹם שֶׁאֵינוּ גֹמֵר  
מְלָאכָה אֵין-לוֹ שְׂכָחָהּ מִמָּנוּ  
וּלְגֹרֶן יֵשׁ-לוֹ שְׂכָחָהּ.

1 כּוֹבְעוֹת, 'tops of stalks of sheaves,' as opposed to כּוֹמֶסֶי or כּוֹמֶסֶי, 'sheaf put at the bottom of a stack.' Some take כּוֹבְעוֹת to mean the straw head-coverings of the labourers. 2 וּלְכַמֶּסוֹת in some editions. 3 חֲכָרָה, 'thick cake' (baked on coals), or 'pile of temporary stack of sheaves.' That is, the labourers take some of the sheaves to make a cake. Some think it means that the corn is first piled in round 'cake' form before it is made into sheaves. 4 To make from them bigger sheaves later. 5 That is, the poor can not claim any such sheaf if left behind. 6 Now that the sheaves are being removed. 7 גֹּרֶן, *barn, granary, threshing-floor*. 8 That is, any sheaf left behind through forgetfulness belongs to the poor. 9 גֵּרִישׁ, *stack (or shock) of grain, heap of sheaves*. 10 Because the intention is to thresh the corn there. 11 Since the intention is changed and the threshing is to be carried out on the threshing-floor, the process has not been completed and the law could not yet apply as explained in the *Mishnah* below.

## CHAPTER 6

## פֶּרֶק ו'

## Mishnah 1

## מִשְׁנָה א

The School of Shammai say,<sup>1</sup> Renunciation of ownership<sup>2</sup> in favour of the poor is valid,<sup>3</sup> but the School of Hillel say,<sup>4</sup> It is not valid unless it is also made<sup>5,6</sup> in favour of<sup>7</sup> the rich, just as in the case of the *Sabbatical year*. If all the sheaves<sup>9</sup> of a field measure a *kab*

בֵּית שַׁמַּאי אוֹמְרִים: <sup>2</sup>הֶבְקֵר לְעֵנִיִּים  
<sup>3</sup>הֶבְקֵר, <sup>4</sup>וּבֵית הֵלֵל אוֹמְרִים, אֵינוּ  
הֶבְקֵר עַד <sup>5,6</sup>שִׁיּוּפֶקֶר אַף לְעֹשִׁירִים  
<sup>8</sup>כְּשִׁמְטָה. כָּל עוֹמְרֵי הַשָּׂדֶה שֶׁל



each,<sup>10</sup> and one sheaf contains four<sup>11</sup> *kabs*<sup>12</sup> and that one was forgotten, the School of Shammai say, It is not regarded as a *forgotten-sheaf*; but the School of Hillel say, It is a *forgotten-sheaf*.

קב קב ואחד של<sup>11</sup> ארבעת<sup>10</sup>  
קבין ושכחו בית שמאי אומרים<sup>12</sup>  
אינו שכחה; ובית הלל אומרים  
שכחה.

1 They hold the view that if one renounces his right to his produce in favour of the poor only it is exempt from *tithes*. 2 הפקר in some editions. הפקר, *public property, renunciation of ownership in favour of anyone who likes to take it*. 3 In some editions הפקר. 4 And their view is accepted. 5 שייבקר, שייבקר and שייבקר in some editions. 6 i.e., if the הפקר is to be valid there must be no distinction between poor and rich (it must be public property for *all*). הפקר is exempt from *tithes*. 7 לכל אף in some editions. 8 In some editions, כשמוטה. 9 עמרי in some editions. 10 קב, about 1102 cubic centimetres or 67 cubic inches (see *Tables* in *ורעים*, **Introduction**). 11 In some editions, ארבעה. 12 קבים in some editions.

#### Mishnah 2

If a sheaf<sup>1</sup> that lies close to a stone fence<sup>2</sup> or stack<sup>3</sup> or cattle<sup>4</sup> or implements<sup>5</sup> have been forgotten, the School of Shammai say,<sup>6</sup> It is not regarded as a *forgotten-sheaf*; but the School of Hillel say, It is regarded as a *forgotten-sheaf*.<sup>7</sup>

משנה ב  
העומר שהוא סמוך לנפה<sup>2</sup> ולגדיש<sup>1</sup>  
ולפקר<sup>4</sup> ולכלים ושכחו בית  
שמאי אומרים אינו שכחה; ובית  
הלל אומרים שכחה.<sup>7</sup>

1 Which was intended to be removed from the field. The Hebrew reads 'the sheaf' and so also [i.e., 'the'] in the following words. 2 גפה, *stone fence with a gate*; according to some, an *uncemented stone wall*. 3 In some editions, ולגדר, 'and to the fence'; גדיש, *shock or stack or heap of corn*. 4 לפקר in some editions; בקר, *cattle, oxen*. 5 i.e., agricultural implements. 6 They maintain the view that since the sheaf had been placed in a particularly marked spot in the course of removal (see **Note 1**) it is not שכחה, *forgotten sheaf*, for it is obvious that the owner intended to collect it later. 7 Because for the time being the owner seems to have forgotten it though he may remind himself of it later on.

#### Mishnah 3

At the beginning of a row<sup>1</sup> the sheaf that is opposite proves.<sup>2</sup> If a sheaf had been taken up to be carried into town and had been forgotten, all admit<sup>3</sup> that it is not regarded as a *forgotten-sheaf*.

משנה ג  
ראשי שורות העומר שכנגדו<sup>1</sup>  
מוכיח. העומר שהחזיק בו<sup>2</sup>  
להוליכו אל העיר ושכחו מודים  
שאינו שכחה.

1 Literally 'rows.' שורה, *row, line, swath* of mown corn (or *i.e.*, 'In the case of a sheaf at the beginning of a row.' Other cut produce). ראשי שורות is explained fully in the next *Mishnah* and the meaning of this most difficult sentence is also made clear there. Briefly, the 'sheaf' here mentioned is one that has not been forgotten at all (and is therefore not שכחה) but had been left there for the purpose of marking the beginning of the next row of corn to be (cut down and) made into sheaves. 2 Whether it is שכחה, a *forgotten-sheaf*. 3 בית הלל. Because, by taking it up, the owner gained possession of it.

## Mishnah 4

And these<sup>1</sup> are<sup>2</sup> 'beginnings of rows';<sup>3</sup> if two men began<sup>4</sup> from the middle of a row,<sup>5</sup> one facing<sup>6</sup> north and the other facing<sup>7</sup> south,<sup>8</sup> and they have forgotten [some sheaves] in front of them or behind them, those in front are deemed *forgotten*, and those behind are not deemed *forgotten*.<sup>9</sup> If one<sup>10</sup> person began from the beginning of a row and forgot [some sheaves] in front or behind, those in front of him<sup>11</sup> are not *forgotten-sheaf* but those behind<sup>12</sup> him are regarded as *forgotten-sheaf* because this comes under 'thou shalt not turn back'.<sup>13</sup> This is the general principle: all that comes under 'thou shalt not turn back' is considered *forgotten-sheaf* but that which does not come under 'thou<sup>14</sup> shalt not turn back' is not deemed to be *forgotten-sheaf*.

1 הם in some editions. There are several conflicting explanatory views by eminent authorities on the meaning of this *Mishnah*—all too involved and protracted for inclusion here. 2 'and these are,' *i.e.*, 'this is the explanation of.' 3 Spoken of in the preceding *Mishnah*. 4 *i.e.*, 'to reap or bind sheaves'; but here it can only mean 'to bind sheaves.' 5 In some editions, השדה. 6 פנה, 'one turned' in some editions. 7 In some editions, פנה, 'and the other turned'. 8 Or any other opposite direction. 9 Because each binder (or reaper) had been relying on the other to pick up the sheaf behind him. 10 Here is explained the meaning of העומר שפגדו מוכיח of the preceding

## משנה ד

וַאֲלוֹ הֵן רָאשֵׁי שׁוּרוֹת; שְׁנֵי  
שֶׁהִתְחִילוּ מֵאֶמְצַע הַשּׁוּרָה, זֶה  
פָּנָיו לְצָפוֹן וְזֶה פָּנָיו לְדָרוֹם,  
וְשָׁכְחוּ לְפָנֵיהֶם וּלְאַחֲרֵיהֶם, אֵת-  
שֶׁלִּפְנֵיהֶם שָׁכָחָה וְאֵת-שֶׁלְאַחֲרֵיהֶם  
אֵינוֹ שָׁכָחָה. יִיחִיד שֶׁהִתְחִיל מֵרֹאשׁ  
הַשּׁוּרָה וְשָׁכַח לְפָנָיו וּלְאַחֲרָיו,  
שֶׁלִּפְנָיו אֵינוֹ שָׁכָחָה וּשְׁלְאַחֲרָיו  
שָׁכָחָה, מִפְּנֵי שֶׁהוּא בְּבֵל תָּשׁוּב.  
זֶה הַכֶּלֶל, כָּל-שֶׁהוּא בְּבֵל תָּשׁוּב  
שָׁכָחָה וְשֶׁאֵינוֹ בְּבֵל תָּשׁוּב אֵינוֹ  
שָׁכָחָה.

**Mishnah. 11** Because the sheaf or sheaves may have been left for inclusion in a new row, from east to west. **12** Since it is obvious that he has forgotten them. **13** בְּלֹא תָשׁוּב in some editions, *i.e.*, this comes under the prohibition '.....'. **14** In some editions בְּלֹא תָשׁוּב, *i.e.*, 'which does not come under the law 'thou.....' Deuteronomy 24, 19, לֹא תָשׁוּב לְקַחְתּוֹ, 'thou shalt not turn back to take it' (see 1<sup>1</sup>, Note 1).

# Mishnah 5

Two<sup>1</sup> sheaves<sup>2</sup> are *forgotten-sheaves* but three<sup>3</sup> are not<sup>4</sup> *forgotten-sheaves*; two heaps<sup>5</sup> of olives or carob-pods<sup>6</sup> are *forgotten*<sup>7</sup> but three are not<sup>8</sup> *forgotten*; two flax-stalks<sup>9</sup> are *forgotten* but three are not<sup>10</sup> *forgotten*; Two grapes are *gleanings*<sup>11</sup> but three are not<sup>12</sup> *gleanings*; two<sup>13</sup> ears of corn are *gleanings* but three<sup>14</sup> are not *gleanings*.<sup>15</sup> These rulings are according to the views of the School of Hillel;<sup>16</sup> but in all<sup>17</sup> these cases<sup>18</sup> the School of Shammai<sup>19</sup> rule. Three<sup>20</sup> belong to the poor and four<sup>21</sup> belong to the owner.<sup>22</sup>

## מִשְׁנָה ה

שְׁנֵי עֹמְרִים שְׂכָחָה וְשִׁלְשָׁה אֵינָן שְׂכָחָה; שְׁנֵי צְבוּרֵי יְתִים וְחֶרֶבֶן שְׂכָחָה וְשִׁלְשָׁה אֵינָן שְׂכָחָה; שְׁנֵי הוֹצֵי פֶשֶׁתָן שְׂכָחָה וְשִׁלְשָׁה אֵינָן שְׂכָחָה; שְׁנֵי גִרְגְרִים פֶּרֶט וְשִׁלְשָׁה אֵינָן פֶּרֶט; שְׁנֵי שִׁבְלִים לֶקֶט וְשִׁלְשָׁה אֵינָן לֶקֶט. אֵלוֹ כְּדִבְרֵי בֵּית הַלֵּל; וְעַל כּוֹלֵן בֵּית שְׁמַאי אוֹמְרִים, שְׁלֹשָׁה לְעֹנִיִּים וְאַרְבָּעָה לְבַעַל הַבַּיִת.<sup>22</sup>

1 *i.e.*, one—two. 2 עֹמְרִים in some editions, *i.e.*, 'left in a field are regarded as forgotten-sheaves.' 3 *i.e.*, any number over two lying close together and appearing as one heap are not שְׂכָחָה, *forgotten*. 4 אֵינָם in some editions. *i.e.*, are not regarded as. 5 'heaps,' 'piles.' 6 חֶרֶבֶן in some editions. *carob tree, carob-pod; variety of bean resembling carob-pod.* 7 *i.e.*, they come under the designation of שְׂכָחָה, *forgotten-sheaf*, and are the *poor-man's share*. *i.e.*, 'carob-pods if left are deemed *forgotten*.' 8 In some editions אֵינָם, *i.e.*, 'are not deemed.' 9 Or הוֹצֵי; הוֹצֵן, 'hard flax stalk before it is prepared for spinning' *i.e.*, 'flax-stalks are not deemed *forgotten*.' 10 אֵינָם in some editions. *i.e.*, 'three are not deemed *forgotten*.' 11 פֶּרֶט, *gleaning, single grape, the grapes that fall off during the cutting and belong to the poor*, in contradistinction to לֶקֶט, *gleaning, the corn that falls during the reaping and is also the poor-man's share.* 12 אֵינָם in some editions. 13 In some editions שְׁנֵי. 14 וְשִׁלְשָׁה in some editions. 15 And evidently also not שְׂכָחָה, *forgotten*. 16 This view regarding *two* is based on the verse *Leviticus 19, 10*, לְעֹנִי וְלִגֵּר (see 1<sup>1</sup>, Note 1). But in all cases, no matter what the number be, if they are not close enough to form a pile but are separated they are deemed to be שְׂכָחָה, *forgotten*. 17 Instead of וְעַל כּוֹלֵן some editions have וְכִבְלָם. 18 בְּכָלֵם in some editions.

19 Or שְׁמִי. This view is based on the verse, *Deuteronomy* 24, 19, לִנְיָ לִיתוֹם, or לִקַּטְתָּ (see 1<sup>1</sup>, Note 1). 20 i.e., one, or two, or three are שְׂכָחָה or לִקַּטְתָּ as the case may be. 21 Any number above three is not שְׂכָחָה. 22 The rulings of this *Mishnah* are as follows: two sheaves even if they lie close together are שְׂכָחָה, but three even if they are close together and appear as one heap are not שְׂכָחָה; and the same applies to heaps of olives, carob, and flax for food (oil); two grapes together are לִקַּטְתָּ but three in one heap are not; and two grain stalks together are לִקַּטְתָּ but three in a heap are not.

### Mishnah 6

If a sheaf that contains two *seahs*<sup>1</sup> were forgotten it is not deemed to be a *forgotten-sheaf*;<sup>2</sup> if two sheaves<sup>3</sup> that contain together two *seahs*: R. Gamaliel says, (It is) the owner's, but the Sages<sup>5</sup> say, They belong<sup>4</sup> to the poor.<sup>6</sup> Said R. Gamaliel, Does an increase in the number of the sheaves<sup>7</sup> strengthen<sup>8</sup> or weaken the owner's right?<sup>9</sup> They answered him, His right is strengthened.<sup>10</sup> He said to them, 'Seeing that in the case of one sheaf<sup>11</sup> of two *seahs* that had been forgotten it is not deemed a *forgotten-sheaf*, how much more so two sheaves that contain together two *seahs*!<sup>12-13</sup> They replied to him, 'No, if thou maintain that in the case of one sheaf,<sup>14</sup> which is like a stack,<sup>15</sup> wilt thou also maintain that in the case of two sheaves, which are<sup>16</sup> like small bundles?<sup>17-18</sup>

### מִשְׁנָה ו

הָעוֹמֵר שֵׁשׁ בּוֹ סֵאתִים וְשָׂכָחוּ  
אֵינוֹ שְׂכָחָה; שְׁנֵי עוֹמְרִים וּבָהֶם  
סֵאתִים, כִּכְּן גַּמְלִיאֵל אוֹמֵר, לְבַעַל  
הַבֵּית. וְחֻכְמִים אוֹמְרִים,  
לְעֵצִים. אָמַר כִּכְּן גַּמְלִיאֵל, וְכִי  
מֵרַב הָעוֹמְרִים יוֹפִי בִּלְתִּי שֶׁל בַּעַל  
הַבֵּית אוֹ הוֹרֵעַ כָּחוֹ, אָמְרוּ לוֹ  
יוֹפִי כָחוֹ. אָמַר לָהֶם, וְמָה אִם  
בּוֹמֵן שֶׁהוּא<sup>11</sup> עוֹמֵר אֶחָד וּבּוֹ סֵאתִים  
וְשָׂכָחוּ אֵינוֹ שְׂכָחָה, שְׁנֵי עוֹמְרִים  
וּבָהֶם סֵאתִים אֵינוֹ דִּין שְׁלֵא<sup>12</sup> יֵהָא  
שְׂכָחָה! אָמְרוּ לוֹ, לֹא, אִם אָמַרְתָּ  
לְעוֹמֵר אֶחָד שֶׁהוּא<sup>15</sup> כְּגִדִּישׁ,  
תֹּאמַר בְּשְׁנֵי עוֹמְרִים<sup>16</sup> שֶׁהֵיוּ  
כְּכִרְיֹכוֹת<sup>18</sup>

1 סָאָה, about 96 pounds (13190 cubic centimetres *cubic measure*, or about 60 pints *liquid or wet measure*). (See וְרָעִים, *Introduction*, *Tables*). 2 This is based on לִקַּטְתָּ, (and) לִקַּטְתָּו implying such a quantity as the average person is able to take up in one load and carry away. 3 Or עֲמָרִים. Here it refers to two sheaves lying together forgotten. 4 i.e., they are deemed שְׂכָחָה, *forgotten-sheaf*. 5 And the ruling is according to the חֻכְמִים, *Sages*. 6 If the two sheaves together contain two *seahs*, each sheaf evidently is less than two *seahs*. 7 הָעוֹמְרִים in some editions. 8 In some editions, יוֹפִי. 9 כָּחוֹ in some editions.

10 *יָפָה* in some editions. *i.e.*, two sheaves are *שְׂכָהָה* and more are not. 11 Or *עָמָר*. 12 In some editions *יָדִי*. 13 Since the same weight in two sheaves is more difficult to carry than in one sheaf. 14 Or *בְּעָמָר*. 15 And is therefore not *שְׂכָהָה*. 16 *שָׁהָם* in some editions. 17 *בְּרִיקָה*, *small bundle or sheaf*; these are ordinary sheaves and can be easily overlooked. 18 The rulings in this *Mishnah* are as follows: a sheaf which will yield two *seahs* of grain is not deemed *שְׂכָהָה*, *forgotten-sheaf*; but two sheaves which together contain two *seahs* but yield less than two *seahs* of grain are *שְׂכָהָה*.

## Mishnah 7

מְשֻׁנָּה ז

If standing corn<sup>1</sup> that contains two *seahs* were forgotten it is not regarded as<sup>2</sup> *forgotten*; if it do not contain two *seahs* but is capable of producing two *seahs*,<sup>3</sup> even if it be like small inferior beans,<sup>4,5</sup> it is considered<sup>6</sup> as if it had been a good crop<sup>7</sup> of barley.<sup>8</sup>

<sup>1</sup>קָמָה שִׁישׁ בָּהּ סָאֲתִים וְשְׂכָהָה  
<sup>2</sup>אִינוֹ שְׂכָהָה; אֵין בָּהּ סָאֲתִים אֲבָל  
הִיא רְאוּיָה לַעֲשׂוֹת סָאֲתִים אֲפִילוֹ  
הִיא שָׁל <sup>5,4</sup>טוֹפַח <sup>6</sup>רֹאֵין אוֹתָהּ  
בְּאִילוֹ הִיא זְעֵנָה שֶׁל שְׁעוּרִים.<sup>8</sup>

1 *i.e.*, that was not *cut* or *reaped*. In the case of *standing* corn. The law of *שְׂכָהָה* applies as in the case of sheaves. 2 In some editions, *אִינָה* (which is grammatically more correct). 3 That is, the corn that year did not turn out well, but had the year been more fruitful the field would have yielded the two *seahs* minimum. 4 *טוֹפַח*, an *inferior variety of small beans*. 5 'Even if the barley grains in the field be of the size of the inferior variety of small beans,' and according to the Rambam, *רמב"ם*, 'even if it be a field of the inferior variety of barley like the inferior variety of small beans.' 6 *רֹאֵים* in some editions. 7 In some editions *עֲנָבָה* and *עֲנָיָה*; *עֲנָבָה*, *grape stalk, grape, crop, standing corn, fruit on tree*. 8 And therefore the law of *שְׂכָהָה* does not apply. And this is the accepted ruling.

## Mishnah 8

מְשֻׁנָּה ח

Standing corn<sup>1</sup> saves a sheaf and [adjoining] standing corn; a sheaf<sup>2</sup> does not<sup>3</sup> save a sheaf or [adjacent] standing corn. Which standing corn saves a sheaf?<sup>4</sup>—Such as has not been forgotten<sup>5</sup> even if it be only a single stalk.<sup>6,7</sup>

<sup>1</sup>הַקָּמָה מַצִּילֶת אֶת-הָעוֹמֵר וְאֶת-  
הַקָּמָה; <sup>2</sup>הָעוֹמֵר אִינוֹ מַצִּיל <sup>3</sup>לֹא  
אֶת-הָעוֹמֵר וְלֹא אֶת-הַקָּמָה. אִיזוֹ  
הִיא קָמָה שֶׁהִיא מַצִּילֶת אֶת-הָעוֹמֵר?  
כָּל-שְׂאֵינָה <sup>5</sup>שְׂכָהָה אֲפִילוֹ <sup>6</sup>קֶלֶח  
אֶחָד.<sup>7</sup>

1 *Uncut* corn which has not been forgotten and near by in contact with it is a sheaf or other standing (*i.e.*, uncut) corn that has been forgotten, both are 'saved' and are not regarded as שְׂכָחָה. 2 If standing corn or a sheaf has been forgotten and is in close contact with a sheaf that has not been forgotten the latter can not 'save' either of the former which therefore become שְׂכָחָה. 3 In some editions לא אֶת-הַקֶּמַּח וְלֹא אֶת-הָעוֹמֶר. 4 'sheaf or standing corn as well.' 5 שְׂכָחָה in some editions. 6 Some authorities take it to mean that the standing corn can only 'save' if it is wholly or absolutely free from שְׂכָחָה itself. 7 The accepted decision is that a sheaf or standing (*i.e.*, uncut) corn that had been forgotten is not שְׂכָחָה if close to standing corn—even though only a single stalk—that has not been forgotten.

Mishnah 9

מִשְׁנָה ט

A *seah* of loose<sup>1</sup> grain and a *seah* that is not loose,<sup>2</sup> and likewise in the case of trees and garlic and onions, are not<sup>3</sup> combined<sup>4</sup> to make two *seahs*, but<sup>5</sup> belong to the poor<sup>5</sup>. R. Jose says, If the *poor-man's due* intervene<sup>6,7</sup>, they are not to be combined,<sup>8</sup> otherwise<sup>9</sup> they are combined.<sup>8</sup>

סֵאָה תְּבוּאָה יַעֲקוּרָה וְסֵאָה שְׂאִינָה  
יַעֲקוּרָה וְכֵן בְּאֵילָן וְהַשּׁוֹם  
וְהַבְּצָלִים אֵינָן מִצְטָרְפִּין לְסֵאָתִים  
אֶלָּא שֶׁל עֲנִיִּים הֵם רַבִּי יוֹסִי  
אוֹמֵר, אִם בִּטְאָה רְשׁוּת הָעֲנִי  
בְּאִמְצָע אֵינָן מִצְטָרְפִּין וְאִם לֹא  
הָרִי אֵלָיו מִצְטָרְפִּין.

1 'loose' or 'cut'. 2 And both are in close contact. 3 אֵינָם in some editions. 4 In some editions, מִצְטָרְפִּים. When a *seah* of cut corn is next to a *seah* of standing (*i.e.*, uncut) corn and both had been forgotten, the two are not to be combined and considered two *seahs* for the purpose of avoiding the obligation of שְׂכָחָה, but each is considered separately and is שְׂכָחָה; and similarly a *seah* of fruit on a tree is not to be combined with a *seah* of plucked fruit to be considered two *seahs* but each is שְׂכָחָה, and the same view is taken in the case of other produce. 5 And this is the ruling. 6 For instance, if פֶּרֶט or לֶקֶט or פֶּאָה, all of which belong to the poor, lie between one *seah* and another *seah*, then each *seah* is שְׂכָחָה; but if there is no פֶּרֶט or לֶקֶט or פֶּאָה between, the two separate *seahs* are reckoned as one lot of two *seahs* and are שְׂכָחָה; but this view of R. Jose is not accepted. אֵינָם in some editions. 8 מִצְטָרְפִּים in some editions. 9 This does not apply in the case of trees.

Mishnah 10

מִשְׁנָה י

Grain-stalks intended for fodder<sup>1</sup> or for binding sheaves, and likewise

תְּבוּאָה שְׁנִתְּנָה לְשֵׁחַת אוֹ לְאֵלוֹמָה.

stalks of garlic used for tying bunches<sup>3</sup> and bundles<sup>4</sup> of garlic and onions, are not subject to the law of *forgotten-produce*. And all that is covered up underground, as for instance serpentaria<sup>6,7</sup> and garlic and onions, R. Judah<sup>8</sup> says, the law of *forgotten-produce* does not apply to them, but the Sages say,<sup>9,10</sup> The law of *forgotten-produce* does apply to them.

וְכֵן בְּאַגוּדֵי הַשּׁוּם וְאַגוּדוֹת הַשּׁוּם  
וְהַבְּצָלִים, אֵין לָהֶם שְׂכָחָה. וְכָל  
הַטְּמוּנִים בְּאַרְצֵי כְּנוֹז<sup>7</sup>, הֵלֹף  
וְהַשּׁוּם וְהַבְּצָלִים, רַבִּי הִוָּדָה  
אוֹמֵר, אֵין לָהֶם שְׂכָחָה, וְחֻכְמִים  
אוֹמְרִים, יֵשׁ לָהֶם שְׂכָחָה.<sup>9</sup>

1 Cut from corn while still green, even if it had reached more than a third of its full growth. 2 לְאַלְמָה in some editions. אֶלְמָה or אֶלְמָה, *sheaf, binding sheaves*. 3 אֲגוּדֵי הַשּׁוּם, *bunches of garlic on one stalk, stalks of garlic used for tying bunches*. 4 בְּאַגוּדוֹת in some editions. 5 In some editions, לָהֶן. 6 Their edible parts are under the ground. 7 לֹף, לֹף, *serpentaria, (snake-root, dragon's-wort, snake-weed, tarragon, herb-dragon,)* an aromatic plant bearing beans and having edible leaves and root and used for flavouring vinegar, sauces etc.; more probably *Egyptian-bean, Indian-lotus* or *hyacinth-bean*. 8 His view is not accepted. 9 They base their view on the interpretation of בְּשָׂדֶךָ, (i) *on thy field* and (ii) *in thy field* (*on=above ground, and in=below ground*), whereas R. Judah takes it only in the first sense and he would therefore exempt all those plants whose edible parts grow below ground. 10 And this is the ruling.

#### Mishnah 11

When one reaps at night and binds<sup>1</sup> sheaves, and also in the case of a blind person,<sup>2</sup> the law of the *forgotten-sheaf*<sup>3</sup> applies; but if one intended<sup>4</sup> to remove<sup>5</sup> only the large ones,<sup>6</sup> the law of the *forgotten-sheaf* does not apply. If one say, 'I will reap on condition that what I forget I shall collect'—in such a case the law of the *forgotten-sheaf* applies.<sup>7</sup>

מִשְׁנָה י"א  
הַקּוֹצֵר בַּלַּיְלָה וְהַמְעַמֵּר<sup>2</sup> וְהַסּוֹמֵא  
יֵשׁ לָהֶם שְׂכָחָה; וְאִם הָיָה<sup>4</sup> מִתְכַּוֵּן  
לִיטּוֹל אֶת-הַגָּס הַגָּס אֵין לוֹ  
שְׂכָחָה. אִם אָמַר, הִרִי אֲנִי קוֹצֵר  
עַל מִנְת מֵה-שְׂאֵנִי שׁוֹכֵחַ אֲנִי  
אִטּוֹל, יֵשׁ לוֹ שְׂכָחָה.<sup>7</sup>

1 At night also. 2 וְהַמְעַמֵּר in some editions. Whether the blind person reaps by day or by night. 3 One may not argue in such cases that the sheaf was forgotten by accident, because knowing the difficulties under which the work has to be carried out one is particularly careful not to overlook any produce and therefore the *forgotten-sheaf* principle must hold good. 4 מִתְכַּוֵּן in some

editions. 5 In some editions, לטול. 6 The intention is to collect first the big bundles or sheaves and later to collect the smaller ones or to leave them to be collected by children and labourers. 7 Because one can not make a condition under which he will be able to act contrary to a commandment in the תורה.

## CHAPTER 7

## פרק ז

Mishnah 1<sup>1</sup>

Every olive-tree that is particularly noted<sup>2</sup> in the field, even if only like the olive tree that drips oil<sup>3</sup> in its season,<sup>4</sup> and has been forgotten, is not regarded as *forgotten-produce*.<sup>5</sup> To what trees does this apply?<sup>6</sup> To any that is known by its name, or by its produce<sup>7</sup> or by its position.<sup>8</sup> 'By its name,' if it were a species of rich olive-tree<sup>9</sup> or a species of dry-olive-tree.<sup>9</sup> 'By its produce,' when it produces large quantities.<sup>10</sup> 'By its position,' when it stands at the side of a vine-vat<sup>11</sup> or a breach.<sup>12</sup> But in the case of all other olive-trees,<sup>13</sup> two<sup>14</sup> are deemed *forgotten-produce*<sup>15</sup> but three<sup>16</sup> are not deemed<sup>17</sup> *forgotten-produce*. R. Jose<sup>18</sup> says, The law of *forgotten-produce* does not apply in the case of olive trees.<sup>19</sup>

מִשְׁנָה א

כָּל-נֵית שֵׁיט לֹא שֵׁם בְּשָׂדֶה, אֶפִּילוּ  
בְּנֵית הַנְּטוּפָה<sup>3</sup> בְּשַׁעְתּוֹ<sup>4</sup> וְשָׁחַח  
אֵינוֹ שִׁכְחָה<sup>5</sup> בְּמָה דְּבָרִים אֲמֹרִים?  
בְּשֵׁמוֹ<sup>7</sup> וּבְמַעֲשָׂיו<sup>8</sup> וּבְמָקוֹמוֹ; בְּשֵׁמוֹ  
שְׁהִיָּה<sup>9</sup> שְׁפָכוֹנִי אוֹ בִּישְׁנִי; בְּמַעֲשָׂיו  
שְׁהוּא עוֹשֶׂה<sup>10</sup> הַרְבֵּה; בְּמָקוֹמוֹ  
שְׁהוּא עוֹמֵד בְּצַד<sup>11</sup> הַנֵּת אוֹ בְּצַד  
הַפְּרָצָה<sup>12</sup> וְשָׂאָר כָּל-הַנֵּיתִים<sup>13</sup>  
שְׁנֵים<sup>14</sup> שִׁכְחָה<sup>15</sup> וְשִׁלְשָׁה<sup>16</sup> אֵינָן  
שִׁכְחָה. רַבִּי יוֹסִי אוֹמֵר, אֵין  
שִׁכְחָה לְנֵיתִים<sup>19</sup>.

1 It is interesting to note the various Hebrew words used for the verbs *collect*, *pick*, *pluck*, *reap*, *mow*, *gather*: [corn] קָצַר; [figs] אָרַח; [seeds] לָקַט; [fruit] לָקַט, לָקַט, קָטַח, קָטַח; [straw] קוֹשֵׁשׁ; [grapes] בָּצַר; [dates] גָּדַר; [olives] מָסַק.

2 For some unusual quality or characteristic. 3 נְטוּפָה means either (i) *Netofah* (a town near Bethlehem in Judah) or (ii) *dripping* (from נָטַף, *drip*, *flow*). If נֵית הַנְּטוּפָה be taken to mean *Netofah olive* (-tree) then בְּשַׁעְתּוֹ would have to be rendered *famed in its time*. 4 Or בְּשַׁעְתּוֹ, *in its due time*, *in a particular season*. 5 Because one cannot forget such a tree for ever: it is too well known to be overlooked for long. 6 i.e., 'How does one distinguish such trees?' 7 It produces much fruit. 8 It is close to a noticeable spot. 9 In some editions, שְׁפָכוֹנִי and שְׁפָכוֹנִי, a species of rich olive or olive-tree. בִּישְׁנִי, a species of olive or tree; according to some a species of dry olive not used for making oil; (it may be an adjectival form from בִּישָׁן, *Bashan*, or בֵּית-שֵׁאן, *Bethshean*, a town



in Galilee). 10 Of olives or oil. 11 It is to be noted that it says *הַיָּת*, *wine-vat*, and not *בֵּית הַדֵּבַר*, *olive-press*, because in those days the former were near orchards and fields and the latter were in town. 12 In a fence. 13 And other kinds of trees also. 14 Two trees if they have been left. 15 And belongs to the poor. 16 Three trees close together, although left, are not deemed *שְׁכָחָה*, but not when they are separated and far apart in which case they are deemed *שְׁכָחָה*. 17 *אֵינָם* in some editions. 18 His view that olive trees should not come under the rule of *שְׁכָחָה* is not accepted. 19 Even if they have no distinguishing name.

## Mishnah 2

If an olive-tree were found standing among three<sup>1</sup> rows<sup>2</sup> at a distance from one another of two rectangular beds<sup>3</sup> and was forgotten,<sup>4</sup> it is not deemed *forgotten-produce*. If an olive-tree that contains two *seahs* were forgotten, it is not deemed *forgotten-produce*.<sup>5</sup> When is this the case? When [the owner] has not begun [to pluck] it,<sup>6</sup> but if he have begun, even [if the tree were] like the olive-tree that drips oil in its season,<sup>7</sup> and it was forgotten, it is deemed *forgotten-produce*.<sup>8</sup> As long as he [the owner] has some fruit<sup>9</sup> beneath it he<sup>10</sup> still owns those<sup>11</sup> at the top. R. Meir<sup>12</sup> says, [The law applies only] after the searcher<sup>15</sup> has departed.<sup>13,14,16</sup>

## משנה ב

וְיָת שְׁנֵי מִצָּעָא עוֹמְדִי בֵּין שְׁלֹשׁ שְׁאוֹרוֹת  
שֶׁל שְׁנֵי מַלְבָּגִים<sup>3</sup> וְשָׁכָחוּ<sup>4</sup> אֵינָם  
שְׁכָחָה. וְיָת שְׁיֵשׁ בּוֹ סְאֵתִים וְשָׁכָחוּ  
אֵינָם שְׁכָחָה. בְּמָה דְּבָרִים אֲמֹרִים?  
בְּזֶמַן שֶׁלֹּא הִתְחִיל בּוֹ, אֲכָל אִם  
הִתְחִיל בּוֹ אֲפִילוֹ כְּוִית הַנְּטוּפָה  
בְּשַׁעֲתוֹ וְשָׁכָחוּ יֵשׁ לוֹ שְׁכָחָה. כָּל-  
זֶמֶן שְׁיֵשׁ לוֹ תַּחְתָּיו<sup>11</sup> יֵשׁ לוֹ בְּרֹאשׁוֹ.  
רַבִּי מֵאִיר<sup>12</sup> אָמַר, מִשְׁתַּחֲלֶה<sup>14,13</sup>  
הַמְּחַבֵּא<sup>15</sup>.

1 The minimum number of trees to make a row is three. 2 *i.e.*, in one of the three rows of trees (see *fig. 1*), or in the middle of the three rows of trees (see *Fig. 2*). (In the *Figures* the asterisks \* represent *trees* and the oblongs represent *beds*).

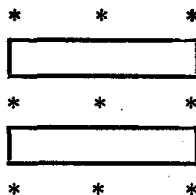


Fig. 1

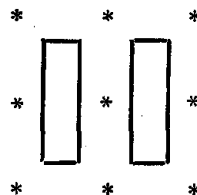


Fig. 2

3 *i.e.*, two oblong beds of corn divide off the three rows of trees (*Fig. 1*). 4 All along the reference is to the centre tree between the two beds. 5 As in the case of a sheaf of two *seahs* (see 6<sup>e</sup>). 6 To pick the fruit. 7 See the preceding *Mishnah*, **Note 3**. 8 And belongs to the poor. 9 Olives (not שְׂקָה) lying at the foot of the tree show that the work of picking is not yet finished. 10 The owner. 11 The olives not yet picked. 12 His view is not accepted. 13 מִשְׁלֵךְ and מִשְׁתַּלֵּךְ in some editions. 14 The one who looks over the tree to see if it has been well picked. 15 הַמַּחְבֹּא in some editions. 16 Then the poor have the right to pick שְׂקָה, but before that, fruit on the top is not deemed שְׂקָה even if no fruit lies on the ground.

## Mishnah 3

## מִשְׁנָה ג

What is 'fallen-grape'?<sup>1</sup> That which falls during the *vintage*. If one were cutting grapes<sup>2</sup> and cut away a bunch<sup>3</sup> that had got entangled<sup>4</sup> among the leaves and it fell from his hand<sup>5</sup> to the ground and was separated into single grapes,<sup>6</sup> that<sup>7</sup> belongs to the owner.<sup>8</sup> Anyone who places a basket under the vine<sup>9</sup> when cutting the grapes (this man) robs the poor,<sup>10</sup> and of such a man it has been said,<sup>11</sup> 'Remove not the ancient border.'

אֵיזוֹ הוּא פֶּרֶט? הַנוֹשֵׁר בְּשַׁעַת הַבְּצִירָה  
הִיא בּוֹצֵר עֶקֶץ אֶת-הָאֲשָׁכּוֹל  
הַסֹּבֵף בְּעֵלִים, וְפָל מִיָּדוֹ לָאָרֶץ  
וְנוֹפֵרֵט, הֵרִי הוּא שֶׁל בְּעַל הַבַּיִת  
הַמֵּנִיחַ אֶת-הַכֶּלֶפֶלָה תַּחַת הַנֶּסֶךְ  
בְּשַׁעַת שֶׁהוּא בּוֹצֵר הֵרִי זֶה-גִּזְלוֹ  
אֶת-הָעֲנִיִּים; עַל זֶה-נֶּאֱמַר, אַל  
תִּסַּג גְּבוּל עוֹלָם.

1 פֶּרֶט, a single grape, grapes that fall during the vintage and are the poor-man's share. *Leviticus 19, 10*—וְלֹא-תִלְקֵט לְעֹנִי וְלִגֵּר, 'And thy vineyard shalt thou not glean, and the fallen fruit of thy vineyard shalt thou not gather; but for the poor and for the stranger shalt thou leave them; and *Deuteronomy 24, 21*—לֹא תַעֲזֹל אַחֲרֶיהָ לִגֵּר, 'When thou cuttest the grapes of thy vineyard thou shalt not glean it after thee; for the stranger, for the orphan and for the widow it shall be.' In the case of vines (and grapes) the laws of שְׂקָה (*forgotten-sheaf*), פֶּרֶט (*fallen grapes*) and עוֹלָלוֹת (*grape gleanings*) apply (see **Introduction** and also next *Mishnah*, **Note 1**). 2 בָּצֵר, to cut grapes. 3 In some editions, אֶת-כָּל-  
4 הַנֶּסֶכֶךְ in some editions. 5 מִיָּדוֹ is omitted in some editions. 6 לִיכָּתֵב. 7 פֶּרֶט. 8 Because it is the result of an accident and not of the cutting. 9 Because the cutter has the basket alongside of him so that the bunches are put into it with care, but when he places a basket on the ground it is done to catch the falling grapes and prevent them becoming פֶּרֶט, fallen grapes. 10 It is absolutely forbidden to place a basket or any other receptacle beneath a tree in order to catch the

falling grapes and so prevent them from becoming פָּרֵט and thus deprive the poor of their rightful due. 11 See 5<sup>e</sup>, Note 9.

## Mishnah 4

What are 'grape-gleanings<sup>1</sup> reserved for the poor?' That which has no shoulder-grapes<sup>2</sup> nor drop-grapes<sup>3,4</sup> If it have shoulder-grapes or<sup>5</sup> drop-grapes, it belongs to the owner; if there be a doubt,<sup>6</sup> it belongs to the poor. A bunch<sup>7</sup> on the knee<sup>8</sup> of a vine—if it be cut<sup>9</sup> with the bunch,<sup>10</sup> it belongs to the owner, but if not,<sup>11</sup> it belongs to the poor. As to a single grape<sup>12</sup>—R. Judah<sup>13</sup> says, It is a bunch;<sup>14</sup> but the Sages<sup>15</sup> say, It is *gleaning*.<sup>16,17</sup>

## משנה ד

אִיזוּהִי עוֹלָלוֹת? כָּל-שְׂאֵץ לָהּ לֹא כֶּתֶף וְלֹא גִטָּף. אִם יֵשׁ לָהּ כֶּתֶף אוֹ גִטָּף, שֶׁל בָּעַל הַבֵּית; אִם סָפֵק, לְעֹנִיִּים. עוֹלָלוֹת שֶׁבְּאַרְכּוּבָה אִם נִקְרָצָת עִם הָאֶשְׁכָּל הָרִי הִיא שֶׁל בָּעַל הַבֵּית, וְאִם לֹא הָרִי הִיא שֶׁל עֹנִיִּים. גִּרְגֵר יְחִידִי, רַבִּי יְהוּדָה אוֹמֵר, אֶשְׁכָּל; וְחֻכְמִים אוֹמְרִים, עוֹלָלוֹת.<sup>17,16</sup>

1 In some editions, עוֹלָלָת, *that which is searched after, poor-man's gleanings, small single bunch on a single twig or branch or hanging down directly from the trunk* (see preceding Mishnah, Note 1). 2 כֶּתֶף, *shoulder, grapes on an arm of a vine which branches off into twigs*. In an ordinary bunch or cluster of grapes the side twigs of stalks with grapes are the כֶּתֶף, and the single or few right at the tip are the גִטָּף. Where a bunch happens to be poor with almost bare twigs and occasional grapes on them it is termed עוֹלָלָת and belongs to the poor. 3 גִטָּף, גִטָּף, *grapes hanging down directly from the trunk*. 4 i.e., the grapes remaining on a stalk which has no arm, its grapes having been picked. 5 וְגִטָּף instead of אוֹ גִטָּף in some editions. 6 i.e., as to which it is. 7 עוֹלָלָת in some editions. 8 In some editions, שֶׁבְּאַרְכּוּבָה; אַרְכּוּבָה is the node or angle between a branch and stem or trunk. It means that if from the node (where there is an ordinary cluster) a secondary עוֹלָלָת bunch has also grown abnormally. 9 וְנִקְרָצָת and נִקְרָצָת in some editions. 10 i.e., when the bunch is cut off the abnormal bunch comes away attached to it. 11 In some editions, לֹא; i.e. if on cutting away the ordinary bunch the abnormal bunch remains attached at the node. 12 i.e., in the case of an unusual peculiar form of growth, the grape or grapes growing from the middle or main stalk which has neither כֶּתֶף nor גִטָּף. 13 His view (which is rejected) is that it is regarded as an ordinary cluster. 14 i.e., to be considered as a bunch and belongs to the owner. 15 And their ruling is accepted. 16 עוֹלָלָת in some editions. 17 And belongs to the poor.

## Mishnah 5

מִשְׁנָה ה

If a man thin out<sup>1</sup> vines,<sup>2</sup> he may thin out among those<sup>4</sup> of the poor just as<sup>3</sup> he thins out among his own; this is the opinion of R. Judah.<sup>5</sup> But R. Meir<sup>6</sup> says, Among his own he may do so<sup>7</sup> but among those of the poor he may not.<sup>7</sup>

הַמִּדֵּל<sup>2</sup> בְּגִפְנֵי<sup>3</sup> כֶּשֶׁם שֶׁהוּא מִדֵּל בְּתוֹךְ שָׁלוֹ כִּי הוּא מִדֵּל<sup>4</sup> בְּשָׂל עֲנִיִּים; דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי מֵאִיר אֹמֵר, בְּשָׁלוֹ הוּא רִשְׁאֵי וְאֵינוֹ רִשְׁאֵי בְּשָׂל עֲנִיִּים.

1 *Midel*, *Hiphil Participle* (from *דלל*, *be poor*; *הדל*, *thin out*, *take off grapes*, *remove plants to give others more room to grow*). 2 The Rambam (רמב"ם) takes the view tht it does not mean that the vines are thinned out but that the branches and twigs are thinned out. 3 *בגפני* in some editions. 4 And the *poor-man's share* in the ultimate *פאה* and *עוללות* will also be improved thereby. 5 His view is accepted. 6 His view is rejected because the question of *פאה* and *עוללות* does not arise at all until the harvesting takes place. 7 Or *רשי*.

## Mishnah 6

מִשְׁנָה ו

A vineyard<sup>2</sup> in its fourth year<sup>1</sup>—the School of Shammai<sup>3</sup> say, It does not require the 'fifth' and 'removal';<sup>4</sup> but the School of Hillel<sup>5</sup> say, It does.<sup>6</sup> The School of Shammai say, The laws of *פירות*<sup>12</sup> and *עוללות*<sup>11</sup> apply to it and the poor<sup>7</sup> redeem<sup>8</sup> for themselves;<sup>9</sup> but the School of Hillel say, It all<sup>10,11,12</sup> belongs to the wine-vat.<sup>13</sup>

אֶבְרָם רַבִּיעִי בֵּית שַׁמַּאי אוֹמְרִים, אֵין לוֹ חֲמֵשׁ וְאֵין לוֹ בִּיעוּר; וּבֵית הַלֵּל אוֹמְרִים, יֵשׁ לוֹ. בֵּית שַׁמַּאי אוֹמְרִים, יֵשׁ לוֹ פֶּרֶט וְיֵשׁ לוֹ עוֹלָלוֹת וְהָעֲנִיִּים פּוֹדִין<sup>9</sup> לְעַצְמָן; וּבֵית הַלֵּל אוֹמְרִים, כּוֹלוֹ<sup>10,11,12</sup> לְגִת.

1 *רבעי*, *in its fourth year*; *בְּרָם רַבִּיעִי*, *a vineyard in its fourth year*: *Leviticus 19*, 23, 24, 25:—[23] וְכִי תִבְאוּ אֶל-הָאָרֶץ וְנִטְעַתֶּם כָּל-עֵץ מֵאֲכָל וְעַרְלָתֶם עֲרְלָתוֹ אֶת-פְּרִי שְׁלֹשׁ שָׁנִים יִהְיֶה לָכֶם עֲרָלִים לֹא יֵאָכֵל. [24] וּבִשְׁנָה הָרְבִיעִית יִהְיֶה כָל-פְּרִי קֹדֶשׁ הַקּוֹלִים לַה'. [25] וּבִשְׁנָה הַחֲמִישִׁית תֹּאכְלוּ אֶת-פְּרִי לְהוֹסִיף לָכֶם תְּבוּאָתוֹ אֲנִי ה' אֱלֹהֵיכֶם. [23] "And when ye shall come into the land and shall have planted all manner of trees for food, then ye shall count the fruit thereof as uncircumcised; three years shall it be to you as uncircumcised; it shall not be eaten. [24] And in the fourth year all the fruit thereof shall be holy, in praise to the Eternal. [25] But in the fifth year may ye eat the fruit thereof, that it may yield unto you the increase thereof. I am the Eternal your God." When any tree bearing edible fruit is planted, during the first three years the fruit, called *עֲרָלָה* (*uncircumcised*, i.e. *forbidden*), may not be eaten by the owner (the years are counted from *השנה ראש*; but if planted not later than 15th *אב* the period from

this to ראש השנה is reckoned as a complete year, otherwise a period less than these 44 days of grace does not count and the three years begin with ראש השנה). The fourth year fruit, נטע רביעי or פירות רביעי, must be taken to Jerusalem and be eaten there or else it may be eaten on the spot but only after it had been redeemed with money plus חמש, one-fifth (actually in practice one-fourth), which sum must be taken to Jerusalem and spent on food there. 2 Or any other orchard; but a vineyard is expressly mentioned because only in this case do the laws of פירות and עוללות apply. 3 שמי in some editions. They hold the view that the תורה does not expressly ordain this practice for orchards. 4 ביעור and ביעור in some editions. ביעור, removal of the fruits of the 3rd, and 6th year, of the Sabbatical period. All תרומה and מעשר had to be cleared away before פסח of the 4th and the 7th year, and delivered to the כהנים, and they had to remove מעשר ראשון and deliver it to the לויים and clear off עני מעשר and give it to the עניים, and clear out and destroy all בכורים and שני מעשר. (See 4<sup>8</sup>, Note 14, and also Introduction). 5 They deduce from the argument termed גזירה שוה, conclusion from a similarity of phrases, that פירות רביעי or נטע רביעי, as regards חמש and ביעור, has the same laws as מעשר, because the word קדש occurs in *Leviticus* 27, 30, regarding מעשר, viz., וכל-מעשר הארץ מנער, 'And all the tithe of the land, whether from the seed of the land or from the fruit of the tree, it is the Eternal's, it is holiness to the Eternal', and *Leviticus* 19, 24 (see Note 1, this Mishnah) regarding פירות רביעי. Hillel's view is accepted. 6 In some editions לו is followed by חומש ויש לו ביעור. 7 והעניים פורין לעצמן is missing in some editions. 8 פורים in some editions. 9 In some editions לעצמם. They redeem it themselves if necessary. 10 כלו in some editions. 11 See Mishnah 4 of this Chapter. 12 See this Chapter Mishnah 3. 13 That is, it all belongs to the owner (and the poor are not entitled to any of it). The expression לנת is probably in the form of advice to the owner to turn the grapes into wine first, so that it can in this form be more easily carried and without loss, to be used up in Jerusalem.

### Mishnah 7

If a vineyard be wholly<sup>1</sup> עוללות—  
R. Eliezer<sup>3</sup> says, It belongs to the owner; R. Akiba<sup>4</sup> says, It belongs to the poor. R. Eliezer said,<sup>5</sup> When thou gatherest the grapes thou shalt not glean, if there be no gathering<sup>6</sup> whence will there be gleanings? R. Akiba said<sup>7</sup> to him, And thy vineyard thou shalt not glean, even if it be wholly<sup>8</sup> עוללות. If so

### משנה ז

כרם יִשְׁכּוּלוּ<sup>2</sup> עוללות, רבי  
אֵלִיעֶזֶר אוֹמֵר, לְבַעַל הַבַּיִת, רבי  
אֶקִיבָא אוֹמֵר, לְעֵנִיִּים. אָמַר רבי  
אֵלִיעֶזֶר, כִּי תִבְצֹר לֹא תַעֲלִל,<sup>5</sup>  
אִם אֵין<sup>6</sup> בָּצִיר מִנֵּן עוללות? אָמַר  
לֹא רבי אֶקִיבָא, וְכִרְמָךְ לֹא

why is it said, *When thou gatherest thou shalt not glean?*—the עוללות do not belong to the poor before the vintage.

תעולל, אפילו כולו עוללות. אם כן למה נאמר, כי תבצור לא תעולל? איז לעניים בעוללות קודם הבציר.

1 כָּלוּ in some editions. 2 See this **Chapter, Mishnah 4, Note 1.** That is, there is not a single bunch that has כְּתָף, *side grapes*, and נָטף, *drop grapes*. 3 אֶלְעֹר in some editions. 4 His ruling is accepted. 5 R. Eliezer quotes, *Deuteronomy* 24, 21, תִּבְצֹר בְּרִמָּה לֹא תַעֲלֹל אַחֲרֶיהָ, 'When thou gatherest the grapes of thy vineyard thou shalt not glean after thee.' 6 The minimum for בָּצִיר, *gathering*, is three bunches capable of yielding a רביעית (about 69 cubic centimetres or 4.2 cubic inches) of wine (see וְרָעִים, **Introduction, Tables**). 7 R. Akiba quotes in reply *Leviticus* 19, 10, וְכִרְמֶךָ לֹא תַעֲלֹל וּפֶרֶט בְּרִמָּה לֹא תִלְקֹט, 'And thy vineyard thou shalt not glean and the fallen grapes of thy vineyard thou shalt not gather.' 8 כָּלוּ in some editions.

#### Mishnah 8

#### משנה ח

Someone dedicates<sup>1</sup> his vineyard<sup>2</sup>—if before the עוללות<sup>3</sup> be recognizable,<sup>4</sup> the עוללות do not belong to the poor; if after the עוללות have become recognizable, the עוללות belong to the poor.<sup>5</sup> R. Jose says, They must give the value of their growth<sup>6</sup> to the Treasury.<sup>7</sup> What is deemed *forgotten-produce* in the case of an espalier<sup>8</sup> of grape-vines? That which one is unable to take off<sup>10</sup> by stretching out his arm;<sup>9</sup> and in the case of runner-vines,<sup>11</sup> when one has gone away from them.<sup>12,13</sup>

המקדש<sup>1</sup> בְּרִמּוֹ, עַד שֶׁלֹּא נִוְדָּעוּ בּוֹ הָעוֹלָלוֹת אִי הָעוֹלָלוֹת לְעֵנִיִּים. מְשֻׁנָּדָּעוּ בּוֹ הָעוֹלָלוֹת, הָעוֹלָלוֹת לְעֵנִיִּים. רַבִּי יוֹסִי אוֹמֵר, יִתְּנוּ שְׂכָר גִּידוּלָיו לְהֶקְדָּשׁ. אִיזָה הִיא שְׂכָחָה בְּעֶרְסוֹ? כָּל-שְׂאֵינּוּ יָכוֹל לִפְשׁוֹט אֶת-יָדוֹ<sup>9</sup> וְלִיטְלָהּ; וְכִרְמֵלִיּוֹת, מְשֻׁנָּעָבוֹר<sup>12</sup> הֵימָנָה<sup>13</sup>.

1 אֶת-בְּרִמּוֹ, *sanctify, hallow, consecrate, dedicate to Temple service.* 2 אֶת-בְּרִמּוֹ in some editions. 3 See this **Chapter, Mishnah 4.** 4 The grapes are so small that it is not possible to tell yet whether they will be normal or turn to עוללות. 5 Because when it is certain that the grapes will become עוללות they become the *poor-man's share* and the owner has no authority to dedicate them. 6 The value of the improvement since their destruction. גִּידוּלָן in some editions. 7 הֶקְדָּשׁ, (i) object dedicated to sacred purpose, (ii) sacred property, Temple property. 8 *espalier*, (i) fruit tree trained on stakes; (ii) wood lattice-work

to train trees thereon. 9 But if he can do so *without moving back* it is not שְׂכָחָה. 10 וְלִשְׁלָה in some editions. 11 רוֹגְלִית (plural רוֹגְלִיּוֹת and רֹגְלִיּוֹת), *grapes growing in a row on isolated vines or runner vines that trail on the ground*. 12 מִמֶּנָּה in some editions. 13 Once he has gone away from them (even if he can reach them with his hand) they are שְׂכָחָה.

## CHAPTER 8

## פֶּרֶק ח

## Mishnah 1

When<sup>1</sup> is everyone<sup>2</sup> permitted<sup>3</sup> to collect *gleanings*?<sup>4</sup>—When the poor searchers<sup>5</sup> have left. In the case of פֶּרֶט and גְּעוּלָלוֹת<sup>6</sup>—After the poor had gone from the vineyard and come back again.<sup>7</sup> And in the case of olive-trees?<sup>8</sup>—After the second<sup>10</sup> rain had fallen.<sup>9</sup> Said R. Judah,<sup>11</sup> And do not some pick<sup>12</sup> their olives only after the second<sup>13</sup> rain? Only when the poor man comes out<sup>14</sup> and does not bring back<sup>15</sup> the worth of four *issars*.<sup>16</sup>

מִשְׁנָה א  
מֵאֵימָתַי<sup>1</sup> כָּל-אָדָם<sup>2</sup> מוּפְרָיִן<sup>3</sup>  
בְּלֶקֶט? מִשְׁלִיכוֹ הַנְּמוּשׁוֹת.<sup>6</sup> בְּפֶרֶט  
וְעוּלָלוֹת? מִשְׁלִיכוֹ הָעֲנִיִּים בְּכֶרֶם  
וְיִבְאוּ.<sup>8</sup> בְּיָתִים? מִשְׁתַּרְדֵּר<sup>9</sup> רַבִּיעָה  
שְׁנִייה.<sup>10</sup> אָמַר רַבִּי יְהוּדָה, וְהָלֹא  
יֵשׁ שְׂאִינִים<sup>12</sup> מוֹסְקִין אֶת-יָתִיהֶם  
אֶלָּא לְאַחַר רַבִּיעָה<sup>13</sup> שְׁנִייה? אֶלָּא  
כְּדִי שִׁיחָה הָעֲנִי<sup>14</sup> יוֹצֵא וְלֹא יָחֵא  
מִבֵּיא בְּאַרְבָּעָה<sup>15</sup> אִיסָרוֹת.

1 *i.e.*, after what period. 2 *i.e.*, both poor and rich. 3 מוּפְרָיִם in some editions. 4 Also שְׂכָחָה, *forgotten-produce*, and פֶּאָה, *corner of field*; when the poor have ceased to gather their dues anything then left over is considered as if not worth picking even by the poor and is therefore הֶפְקֵר (*renounced or common property*) and all people have an equal right to it. 5 This may also mean 'the poor who lean on sticks' and such bent people (with their faces and eyes close to the ground) are not likely to leave behind anything worth picking and therefore any such leavings are הֶפְקֵר. The final decision on this question in the case of the corn plants is that when the *weak* among the poor (*i.e.*, in practice when all the poor) have ceased to gather in the fields then all are entitled to לֶקֶט, *gleaning*, שְׂכָחָה, *forgotten-sheaf*, and פֶּאָה, *corner of field*. 6 עוּלָלוֹת and פֶּרֶט, see 73.4 respectively. That is, when may anyone—whether poor or rich—gather these פֶּרֶט and עוּלָלוֹת grapes. 7 *i.e.*, 'and had gone away a second time'; what such people have left is הֶפְקֵר; and this is the accepted ruling. 8 *i.e.*, when have all classes the right to שְׂכָחָה and פֶּאָה from olive-trees? 9 The Palestine rains are (i) מְלִקוּשׁ, *late rain*, light rains that fall in the month of נִיסָן; and (ii) יֹרֶה (or מוֹרָה), *early rain or soaking rain*, steady heavy rains beginning after סְכוּת and in חֶשְׁוֹן, and come in three periods each called רַבִּיעָה, *fructification*—the רַבִּיעָה ראשונה to 17th חֶשְׁוֹן,

רביעה ראשונה rains fall unbroken to 23rd חשון inclusive it is considered as the *three* רביעות. 10 שנה in some editions. 11 His view is not accepted. 12 מוסקים in some editions. 13 In some editions שנה; 'if so, the רביעה שנה can not be the final period.' 14 From the olive-tree. 15 Home. 16 אפרות in some editions. (See *Mishnah* 7 of this **Chapter**). 2 אפר=פונדיון. A wandering beggar must not be given less than two פונדיון worth of food (or its money equivalent), i.e., sufficient to last for two meals. The accepted ruling is that after 23rd חשון all may gather the left-over olives. (See *Tables* in the **Introduction** of [ו]רעים).

## Mishnah 2

## משנה ב

They<sup>1</sup> are trusted concerning *gleanings, forgotten-sheaves* and *corner-pickings*<sup>2</sup> in their due season,<sup>3</sup> and concerning the *poor-man's tithe* all the year<sup>4</sup> thereof, and (the son of) a Levite<sup>5</sup> is always trusted.<sup>6</sup> But they<sup>6,9</sup> are not trusted<sup>7</sup> except in the case of produce which people do ordinarily<sup>10,11</sup> [give them].

יגאמנים על הקלט ועל השכחה ועל הפאה בשעתן ועל מעשר עני בכל שנתו וכן לני גאמן לעולם; וזאין גאמן אלא על דבר שבני אדם נוהגין כן.<sup>11</sup>

1 i.e., *העניים עמי הארץ, the ignorant poor*. They are trusted if they declare that the produce they sell is what they received as the *poor-man's due* which is consequently exempt from priestly and Levitical dues. 2 Also פקט and עוללות (see 7<sup>3,4</sup>). 3 בשעתם in some editions. That is, when the produce is harvested or gathered in; but later the corn of the *עמי הארץ* (the untutored folk), is looked upon as דמאי, *uncertain whether it has been tithed*, because the *עמי הארץ* were suspect regarding מעשר, and anyone buying such produce from an *עמי הארץ* had to give from it the due *tithes* (מעשר ראשון, the first tithe, מעשר שני, the second tithe, and תרומת מעשר, the priest's-due of the first-tithe; no one was suspected regarding תרומה גדולה, the priest's-major-due, because the penalty for its transgression was כרת, excision (חייב מיתה), punishment by death, extirpation or divine punishment through sudden or premature death or death without issue). 4 i.e., during the 3rd and 6th years of the שמיטה, Sabbatical cycle, when מעשר עני replaced מעשר ראשון. 5 i.e., a Levite an *עמי הארץ*. 6 ואינם in some editions. 7 In some editions גאמנים. 8 Regarding מעשר (מעשר שני) that תרומת מעשר had been given. 9 Both ordinary ישראלים, Israelites, and לויים, Levites, who are *עמי הארץ*. 10 נוהגים in some editions. 11 They are trusted to have given *tithes* for certain kinds of produce but not in the case of others which are not usually given to them. This is fully explained in the next *Mishnah*. The final decisions of this *Mishnah* are: in harvest time the poor are believed when they say that what



they have is **לֶקֶט**, **שִׁכְחָה** and **פֶּאֶה** (and these are free from *tithes*), and in the 3rd, 6th and 7th years of the **שְׁמִיטָה**, *Sabbatical cycle*, that their stuff is **מַעֲשֵׂר עֲנִי**, and a **מַעֲשֵׂר רִאשׁוֹן** **לְוִי עִם הָאָרֶץ** is believed when he says that what he has is **מַעֲשֵׂר רִאשׁוֹן**.

### Mishnah 3

They<sup>1</sup> are believed<sup>2</sup> concerning wheat but they are not believed<sup>4</sup> in the case of<sup>3</sup> flour and in the case of bread; they are believed regarding rice<sup>6</sup> in the husk,<sup>5</sup> but they are not believed<sup>1</sup> if it be raw<sup>7</sup> or<sup>8</sup> cooked;<sup>9</sup> they are believed<sup>1</sup> with regard to beans, but they are not believed<sup>10</sup> in the case of pounded beans<sup>11</sup> whether raw<sup>12</sup> or cooked;<sup>13</sup> they are believed concerning oil<sup>14,15</sup> when they say it is from the *poor-man's tithe* but they are not believed<sup>10</sup> when they say<sup>16,17</sup> it comes from the *gleaned olives*.<sup>18</sup>

### מְשֻׁה ג

<sup>1,1</sup> נֶאֱמָרְנָה עַל הַחֲטִים וְאֵין <sup>1,1</sup> נֶאֱמָרְנָה  
<sup>3</sup> עַל הַקֶּמַח וְלֹא עַל הַפֶּת; נֶאֱמָרְנָה  
<sup>5</sup> עַל הַשְּׂעוּרָה שֶׁל <sup>6</sup> אֶרְזוֹ וְאֵין <sup>1</sup> נֶאֱמָרְנָה  
עָלָיו בֵּין <sup>7</sup> חִי <sup>8</sup> בֵּין <sup>9</sup> מְבוּשָׁל; <sup>1</sup> נֶאֱמָרְנָה  
עַל הַפּוֹל וְאֵין <sup>10</sup> נֶאֱמָרְנָה עַל  
<sup>11</sup> הַנְּרִיסִין <sup>12</sup> לֹא חֲיִים וְלֹא  
<sup>13</sup> מְבוּשָׁלִין; נֶאֱמָרְנָה עַל <sup>15,14</sup> הַשֶּׁמֶן  
<sup>16</sup> לֹמֶר שֶׁל מַעֲשֵׂר עֲנִי הוּא וְאֵין  
<sup>10</sup> נֶאֱמָרְנָה עָלָיו <sup>17,16</sup> לֹמֶר שֶׁל <sup>18</sup> יְתֵי  
נִקּוּף הוּא.

1 In some editions נֶאֱמָרְנָה. It refers to **עֲמֵי הָאָרֶץ** and **לְוִיִּם עֲמֵי הָאָרֶץ**. 2 When they say that they received them as the *poor-man's dues* because wheat is usually given to the poor, and not its prepared derivatives. 3 **לֹא עַל** in some editions. 4 When they say it is from **מַעֲשֵׂר עֲנִי** because it is not usual to give the *poor-man's tithe* in the form of flour or bread; according to some authorities this refers also to **לֶקֶט**, **שִׁכְחָה** and **פֶּאֶה**. 5 Literally *the barley of rice*, and means *rice in the husk* or (probably less correct) *rice still attached to the stalk*. 6 Or **אֶרְזוֹ**. 7 After the rice has been threshed and freed from the husks; it is not usual to give raw or cooked rice as **מַעֲשֵׂר עֲנִי**. 8 **וּבֵין** in some editions. 9 **מְבוּשָׁל** in some editions. 10 In some editions, נֶאֱמָרְנָה. 11 Or **הַנְּרִיסִים**, *split beans* or *pounded beans*. 12 In some editions, **בֵּין חֲיִים וּבֵין מְבוּשָׁלִים**. 13 In some editions, **מְבוּשָׁלִים**. 14 The ruling is that they are believed when they say the oil is **מַעֲשֵׂר עֲנִי** and (in the case of the Levite) **מַעֲשֵׂר רִאשׁוֹן** but not that it is from **לֶקֶט**, **שִׁכְחָה** and **פֶּאֶה**. 15 In the case of olives it is usual to give **מַעֲשֵׂר עֲנִי** from the olive-oil. 16 **לֹא מֵר** in some editions. 17 The quantity of *gleaned olives* would be so small that it would not be worth the trouble to express the oil and they would be eaten whole, hence they would be suspected if they said they had converted such olives into oil. 18 **יְתֵי נִקּוּף**, *the olives left on the tree which belong to the poor* (**נִיקּוּף**, *crown, rim* and also *blow, bruise, knock*); the olives which the owner picks are termed **יְתֵי מְסִיק** (**מְסִיק** or **מְסִיק**, *olive harvest*).

## Mishnah 4

He is\* believed<sup>1</sup> in the case of raw greens<sup>2</sup> but he is\* not believed in the case when they are cooked,<sup>3</sup> unless he had<sup>4</sup> a small quantity<sup>5</sup> because such is the practice<sup>6</sup> for anyone to take out<sup>7</sup> from his pot.<sup>8</sup> \*Literally *They are*.

**1** מַעֲשֵׂר עֲנִי are believed when they say that the greens are from עֲנִי האֲרָץ or (in the case of a Levite) מַעֲשֵׂר ראשון even when the quantity is large, but they are not believed that it is לֶקֶט, שִׁכְחָה, or פֶּאֶה. **2** הַחֲמִי in some editions. **3** In some editions הַמְבֻשֵּׁל. It is not usual to give מַעֲשֵׂר עֲנִי from cooked greens. **4** i.e., 'the poor man had a small quantity' or it may mean 'an owner had been cooking a small quantity.' **5** מִקְצֵה in some editions. That is, of the cooked greens. And the accepted ruling is as in **Note 1** when the quantity of cooked greens is *small*. **6** One had been cooking greens and reminded himself that he had not yet given מַעֲשֵׂר עֲנִי, in which case he removes a portion of the cooked greens and gives it to some poor person. **7** Some editions have לְהוֹצִיא instead of לֵהָיוֹת מוֹצִיא. **8** לֶפֶס, *stew pot, tightly covered pot*.

## Mishnah 5

One must not give<sup>2</sup> to the poor<sup>3</sup> at the harvest<sup>4</sup> less than<sup>2</sup> half a *kab*<sup>5</sup> of wheat and a *kab* of barley. R. Meir<sup>6</sup> says, Half a *kab*.<sup>7</sup> A *kab* and a half of spelt<sup>8</sup> and a *kab* of dried figs or a *maneh*<sup>9</sup> of pressed figs; R. Akiba<sup>10</sup> says, A half.<sup>11</sup> Half a *log*<sup>12</sup> of wine; R. Akiba says, A *fourth*.<sup>13</sup> A *quarter*<sup>14</sup> of oil; R. Akiba says, An *eighth*.<sup>15</sup> And in the case of all other kinds of fruit,<sup>16</sup> Abba<sup>17</sup> Saul said, Sufficient to sell them and buy therewith food for two meals.<sup>18,19</sup>

**1** פִּזְחִיתִים in some editions. **2** This refers only to מַעֲשֵׂר עֲנִי, *poor-man's tithe*, which is given in the 3rd and 6th years of the שְׁמִיטָה, *Sabbatical cycle* (when the Levites do not get מַעֲשֵׂר ראשון, *first tithe*). **3** לְעֲנִי in some editions. **4** גִּזְרֵן, *harvest; barn, granary*. **5** *kab* about 133 cubic inches.\* **6** His view is not

## מִשְׁנָה ד

\*וְנֶאֱמָרִים עַל הַיֶּרֶק חֲמִי וְאֵין נֶאֱמָרִים  
עַל הַמְבֻשֵּׁל אֶלָּא אִם כֵּן הָיָה לֹו  
דְּבָר מוֹעֵט, שְׁכֵן דְּרִדָּךְ בְּעַל הַבֵּית  
לְהָיוֹת מוֹצִיא מִלֶּפֶסוֹ.

## מִשְׁנָה ה

אֵין פִּזְחִיתִין לְעֲנִיִּים בְּגִזְרֵן מִחֲצִי  
קָב חֲמִישִׁים וְקָב שְׁעוּרִים. רַבִּי מֵאִיר  
אוֹמֵר, חֲצִי קָב. קָב וְחֲצִי כּוֹסֶמֶן  
וְקָב גְּרוּגְרוֹת אוֹ מִנֵּה דְבָלָה; רַבִּי  
עֲקִיבָא אוֹמֵר, פָּרָס. חֲצִי לֹוג  
יָיִן; רַבִּי עֲקִיבָא אוֹמֵר, רַבִּיעִית.  
רַבִּיעִית שְׁמֶן; רַבִּי עֲקִיבָא אוֹמֵר,  
שְׁמִינִית. וְשֶׁאֵר כָּל-הַפִּירוֹת,  
אָמַר אָבָא שְׁאוּל, כְּדֵי שְׁיִמְכְרֵם  
וְיִקַּח בָּהֶם מִזֶּן שְׁתֵּי סְעוּדוֹת.<sup>19</sup>

accepted. 7 *i.e.*, of barley. 8 In some editions, כֶּסֶם, *spelt* (a kind of wheat, also called *German wheat*). 9 מִנֵּה=100 דִּינָר by weight; *dried* figs were sold by *dry-measure* and *pressed* figs by *weight*. 10 His views are rejected. 11 *i.e.*, half a *maneh* (by weight) of pressed figs. 12 לֹג=17 cubic inches (approximately). 13 *i.e.*, a *quarter* of a לֹג of wine. 14 *i.e.*, a *fourth* of a לֹג of oil. 15 *i.e.*, an *eighth* of a לֹג of oil. 16 הַפְּרוֹת in some editions. 17 אָבָא, literally *father*, a title inferior to רַבִּי. Abba Saul does not dispute the statement of the first מִנָּא, but is actually of the same opinion, and their views are the accepted ones. The poor man must be given sufficient to provide him with two meals and this is based on *Deuteronomy* 14, 29, וְאָכְלוּ וְשָׂבְעוּ, 'and they shall eat and be satisfied,' and 26, 12, וְאָכְלוּ בְשַׁעְרֶיךָ וְשָׂבְעוּ, 'and they shall eat in thy gates and be satisfied.' 18 מַעֲשֵׂר עֲנִי in some editions. 19 The final decision as regards the quantities of מַעֲשֵׂר עֲנִי, *poor-man's tithe*, is as follows: every poor person should receive  $\frac{1}{2}$  *kab* of wheat, a *kab* of barley,  $1\frac{1}{2}$  *kab* of spelt, a *kab* of dried figs, a *maneh* of pressed figs,  $\frac{1}{2}$  *log* of wine,  $\frac{1}{4}$  *log* of oil, and in the case of other fruits sufficient to exchange them for such a quantity of wheat as will provide for two meals. \*See וְרָעִים, *Introduction*, *Tables*.

## Mishnah 6

## מִשְׁנָה ו

This measure<sup>1</sup> applies to priests, Levites and lay Jews.<sup>2</sup> If one want to save he takes<sup>3</sup> half and gives half. If he have a small quantity,<sup>4</sup> he places it before them and they<sup>5</sup> share it out among themselves.

מִדָּה זוֹ אֲמֹרָה<sup>1</sup> בְּכֹהֲנִים וּבְלֵוִיִּם  
וּבְיִשְׂרָאֵלִים. הִיא מִצִּיל<sup>2</sup> נֹטֵל  
מִחֲצָה וְנוֹתֵן מִחֲצָה. הִיא לוֹ דָּבָר  
מוֹעֵט נֹתֵן לַפְּנִיָּהֶם<sup>3</sup> וְהֵן מְחַלְקִין  
בֵּינֵיהֶם.

1 *i.e.*, the minimum quantities detailed in the preceding *Mishnah*. 2 According to some authorities this means that the poor among the priests, Levites and lay Jews are to be treated alike as set out in the preceding *Mishnah*, and this is actually the practice that must be followed; others take it to mean that all classes of owners, whether priests, Levites or lay Jews, must comply with the requirements as laid down in the preceding *Mishnah*. 3 In some editions the order of the words is מִחֲצָה וְנוֹטֵל מִחֲצָה; the owner wishes to retain some of the מַעֲשֵׂר עֲנִי for his poor relations, and he may do so by leaving not less than half for the poor outsiders. 4 מָעֻט in some editions. If the owner has to give away only such a small quantity of מַעֲשֵׂר עֲנִי that it would not be sufficient to supply all those poor present in accordance with the quantities proposed in the preceding *Mishnah*, he merely sets it before them and they themselves divide it out as best they can, and this is the accepted ruling. 5 וְהֵם מְחַלְקִים and וְהֵם מְחַלְקִין in some editions.

Mishnah 7<sup>1</sup>

A poor man who wanders from place to place must not be given less<sup>2</sup> than a loaf worth a *dupondium*<sup>3</sup> when four *seahs*<sup>4,5</sup> cost a *sela*,<sup>6</sup> if he lodge overnight, he must be given<sup>7</sup> the cost of lodging; if he stay over the Sabbath, he must be provided with food<sup>8</sup> for three<sup>9</sup> meals.<sup>10</sup> Anyone who possesses the means for two meals<sup>11</sup> must not accept anything from the *poor soup-kitchen*;<sup>12,13</sup> means<sup>14</sup> for fourteen meals,<sup>15</sup> he must not accept help from the *public poor-box*.<sup>16,17</sup> And the *poor-box*<sup>18</sup> is taken round for collection by two persons<sup>19</sup> and is shared by three.<sup>20</sup>

## משנה ז

אין פוחתין לעני העובר ממקום למקום מכפר<sup>3</sup> בפונדיון מארבע סאים<sup>5,4</sup> כסלע; לן נותנין לו פרנסת לינה; שבת נותנין לו מזון שלש<sup>9</sup> סעודות. מי שיש לו מזון שתי<sup>11</sup> סעודות לא יטול מן-התמחוי.<sup>13,12</sup> מזון ארבע עשרה<sup>14</sup> סעודות לא יטול מן-הקופה.<sup>15,16,17</sup> והקופה נגבית<sup>18</sup> בשנים ומתחלקת בשלשה.<sup>20</sup>

1 This *Mishnah* deals with the subject of charity or alms. 2 פוחתים in some editions. 3 A Roman coin equal to two *asses* (איסר) (see *Tables of Weights and Measures* in the **Introduction** to (וְקָעִים)). 4 Of wheat. 5 סאים in some editions. 6 In practice the quantity of the loaf works out to about a third of a *kab*. 7 נותנים in some editions. 8 In some editions, נותנין. 9 three, because it is a duty to eat *three* meals during the Sabbath (this is based on the occurrence of the word הַיּוֹם *three* times in *Exodus* 16, 25, וַיֹּאמֶר מֹשֶׁה אֲכָלְהוּ הַיּוֹם, 'And Moses said, eat it this day for it is a Sabbath to-day to the Eternal; to-day you shall not find it in the field.' 10 סעודות in some editions. 11 In some editions, סעודות. 12 תמחוי, *charity plate, soup-kitchen, food collected from the contributing public daily and distributed to the poor*. This תמחוי was instituted for the *outside poor* (not the town's own poor) and used to be divided out at night (that is, after a full day's collection). 13 Because for that day he has two meals of his own. 14 i.e., 'and if he have means.' 15 סעודות in some editions. 16 הקפה in some editions; קיפה, *communal fund for giving sustenance to the poor on Fridays*, and (in contradistinction to the תמחוי) it was intended for the *town's poor*; it was divided out on Friday for the coming week. 17 Because fourteen meals at two meals per day would last out the week. 18 והקפה in some editions. 19 Not less than *two* persons were required to collect public funds (based on *Exodus* 28, 5, וְהֵם יִקְחוּ אֶת-הַזָּהָב, 'and they shall take the gold,' and וְהֵם, 'and they,' can not mean less than *two*). 20 The sharing out of funds comes under the heading of דִּינֵי מְמוֹנוֹת, 'money disputes,' which may not be tried and decided except by *three* judges.

## Mishnah 8

One who has two hundred *zuz*<sup>1</sup> must not take *gleanings, forgotten-produce, field-corner produce, or poor-man's tithe*. If he have two hundred *zuz* minus one *denar*,<sup>2</sup> even<sup>3</sup> though he be given a thousand<sup>4</sup> in one lot, he may take.<sup>5</sup> If they<sup>6</sup> were pledged<sup>7</sup> to his creditor<sup>8</sup> or for his wife's marriage-contract,<sup>9</sup> he may take.<sup>5</sup> He is not compelled<sup>10</sup> to sell his house or his garments.<sup>11,12</sup>

מִשְׁנֵה ח  
מִי שֵׁישׁ לוֹ מֵאֲתָיִם יִזְוֹ לֹא יִטּוֹל  
לִקְטַת שְׂכָחָה וּפְאָה וּמַעֲשֵׂר עֲנִי.  
הָיָה לוֹ מֵאֲתָיִם חֹסֶר דִּינָר, אֶפְסִילוֹ  
אֶלֶף נוֹתֵן לוֹ כְּאֶחָת, הָרִי זֶה  
יִטּוֹל.<sup>5</sup> הָיָה מְמוֹשְׁכָּנִים<sup>7</sup> לְבָעַל  
חֻבּוֹ אוֹ לְכֶתוּבַת אִשְׁתּוֹ הָרִי זֶה  
יִטּוֹל.<sup>5</sup> אֵין מְחַיֵּבֵן אוֹתוֹ לְמַכּוֹר  
אֶת-בֵּיתוֹ וְאֶת-כָּלִי<sup>11</sup> תִּשְׁמִישׁוֹ.<sup>12</sup>

1 זִזוֹ=1 silver דִּינָר or  $\frac{1}{24}$  gold דִּינָר.\* Not necessarily 200 *zuz* in money, but also goods to that value, and in those days a married couple could live on that amount for a whole year. 2 *i.e.*, he has less than 200 *zuz*. 3 Some authorities take this to mean 'even though a thousand persons, give him one *zuz* each at the same time.' 4 1000 *zuz*. 5 He may take לִקְטַת שְׂכָחָה, וּפְאָה, וּמַעֲשֵׂר עֲנִי. 6 His property, goods or land. 7 מְמוֹשְׁכָּנִים in some editions. 8 In some editions, בְּכֶתוּבַת אִשְׁתּוֹ אוֹ לְבָעַל חֻבּוֹ, 'in his wife's marriage-contract or pledged to his creditor.' 9 בְּתוּבָה, marriage-contract (containing among other matters the settlement on the wife of a certain sum due to her on being divorced or on her husband's death). 10 מְחַיֵּבֵם in some editions. 11 In some editions, תִּשְׁמִישׁוֹ. It refers only to such garments as he wears on Sabbath and Holydays. 12 And may take לִקְטַת שְׂכָחָה, וּפְאָה, וּמַעֲשֵׂר עֲנִי, but if he is supported from the קַפָּה, public poor-box, he may not do so unless he first sells his house and his garments. \*See וְרָצִים, Introduction, Tables.

## Mishnah 9

One who possesses fifty *zuz*<sup>1</sup> and trades with these must not take.<sup>2</sup> And anyone who is not in need of taking<sup>3</sup> and does take will not die<sup>4</sup> before he will be dependent on others;<sup>5</sup> and anyone who is in need of taking<sup>3</sup> and does not take will not die of old age before he will support others from his own,<sup>6</sup> and of him<sup>7</sup> the verse says,<sup>8</sup> *Blessed is the man who trusts in the Eternal and the Eternal shall be his trust.*<sup>9</sup>

מִשְׁנֵה ט  
מִי שֵׁישׁ לוֹ חֲמִישִׁים זֶה וְהוּא נוֹשֵׂא  
וְנוֹתֵן בָּהֶם הָרִי זֶה לֹא יִטּוֹל. וְכָל-  
מִי שֶׁאֵינוֹ צָרִיךְ לִיטּוֹל וְנוֹטֵל<sup>4</sup> אֵינוֹ  
נִפְטָר מִן-הָעוֹלָם עַד שֶׁיִּצְטָרֵךְ  
לְצָרִיתוֹ; וְכָל-מִי שֶׁצָּרִיךְ לִיטּוֹל  
וְאֵינוֹ נוֹטֵל אֵינוֹ מֵת מִן-הַזְקָנָה עַד  
שֶׁיִּפְרָגַם אֲחֵרִים מִשְׁלוֹ,<sup>6</sup> וְעָלָיו

And similarly in the case of a judge<sup>10</sup> who judges according to the correct law. And he who is not lame<sup>11</sup> or blind<sup>12</sup> or limping<sup>11</sup> and pretends to be as one of these will not die of old age before he becomes<sup>13</sup> like one of them, as it is said,<sup>14</sup> (*And<sup>15</sup> he who seeketh evil, it shall come to him;* and it is further said,<sup>16</sup>) *Justice, justice shalt thou follow.*<sup>18</sup> And any judge<sup>17</sup> who takes bribes and perverts justice will not die of old age before his eyes<sup>19</sup> have grown dim, as it is said,<sup>20</sup> *And a bribe shalt thou not take, for the bribe blindeth the seeing,*<sup>21</sup> etc.<sup>22</sup>

הַכְּתוּב אֹמֵר, בְּרוּךְ הַגִּבּוֹר אֲשֶׁר יִבְטַח בּוֹ וְהָיָה ה' מִבְּטָחוֹ. וְכֵן דִּיּוֹן שֶׁדִּין אִמֶּת לֹא־מִתּוֹ. וְכָל־מִי שֶׁאִינוֹ לֹא חֲגֹר וְלֹא סוּמָא וְלֹא פֶסֶח וְעוֹשֶׂה עֲצָמוֹ כְּאַחַד מֵהֶם אִינוֹ מֵת מִן־הַזְּקֵנָה עַד שֶׁיְהִיֶּה כְּאַחַד מֵהֶם, שְׁנֵאֲמַר<sup>14</sup>, (וְיִדְרֹשׁ רָעָה תִּבְאֲנוּ, וְנֹאֲמַר)<sup>15</sup> צִדֵּק צִדֵּק תִּדְרֹשׁ. וְכָל־דִּיּוֹן שְׁלֹקֶת שֹׁחַד וּמִטָּה אֶת־הַדִּין אִינוֹ מֵת מִן־הַזְּקֵנָה עַד שֶׁיִּשְׁעִינּוּ כֵהוֹת, שְׁנֵאֲמַר<sup>20</sup>, וְשֹׁחַד לֹא תִקַּח כִּי הַשֹּׁחַד יַעֲוֶר<sup>21</sup> פְּקָחִים וְגו'.

1 *חַמְשִׁים* in some editions. 50 *zuz*\* as working capital is equal to 200 *zuz* not so used. 2 *מַעֲשֵׂר עֲנִי* and *פָּאָה, שִׁכְחָה, לֶקֶט*. 3 *לְטוֹל* in some editions. 4 In some editions, *אִינוֹ מֵת מִן־הַזְּקֵנָה*, 'will not die of old age.' 5 *i.e.*, he will become so impoverished that others will have to support him. 6 *i.e.*, he will be so well-off that he will support the poor. 7 *וְעַל זֶה נֹאֲמַר* in some editions. 8 *Jeremiah 17, 7*. 9 Some authorities would have the *Mishnah* end here with the word *מִבְּטָחוֹ* so that this *Tractate* should conclude on a pleasant, happy note (and placing all the rest earlier in this *Mishnah*). 10 *דִּין* in some editions. 11 *חֲגֹר* (Aramaic), *lame, limping*, has the same meaning as *פֶּסֶח*, (Biblical) *lame, limping*; some authorities say that *חֲגֹר* means *lame on one foot* and *פֶּסֶח*, *lame on both feet*, to explain the use here in one sentence of what are apparently synonymous terms. 12 *סָמָא* in some editions. 13 In some editions, *שִׁיעִשָּׂה*. 14 *Proverbs 11, 27*. 15 This part in parenthesis is omitted in some editions. 16 *Deuteronomy 16, 20*. 17 *דִּין* in some editions. 18 Homiletically, 'even if thou hast to ask for charity,' by substituting the kindred word *צִדֵּק* for *צִדֵּקָה*. 19 *שִׁתְכֵּינָה עֵינָיו* in some editions. 20 *Exodus 23, 8*. 21 *חֲקָמִים* instead of *פְּקָחִים* in some editions, because of the similar sentence in *Deuteronomy 16, 19*, *וְעוֹר שֹׁחַד כִּי הַשֹּׁחַד יַעֲוֶר עֵינֵי חֲקָמִים*, 'And a bribe shalt thou not take for the bribe blindeth the eyes of the wise.' 22 *וְכִי* in some editions (*וְגו'* = *וְנֹאֲמַר* and *וְכִי* = *וְכֹלֶה*). \*See *זָרְעִים*, *Introduction, Tables*.

### סָלִיק מִסְכַּת פָּאָה

### CONCLUSION OF TRACTATE PEAH

דְּמַאי

# DEMAI

[BEING THE  
THIRD TRACTATE OF THE MISHNAH]  
TEXT · INTRODUCTION · TRANSLATION  
NOTES

By  
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## INTRODUCTION

There is no known valid reason why this Tractate דמאי should come third in the arrangement of the various Tractates of the *Order Zeraim* (סדר זרעים). Several ingenious explanations have been advanced, but, of course, none can be taken seriously as the real reason. Thus, the Rambam (רמב"ם) suggests that because the preceding Tractate פאה deals with the מתנות עניים (see below) 'Dues of the poor', and in this Tractate דמאי occurs the phrase מאכילים את העניים דמאי (3<sup>1</sup>), therefore this Tractate follows פאה. Others put forward as a reason this consideration: seeing that the final Chapter of פאה deals with the question of the trustworthiness of those who have to give *tithes* and דמאי also deals with the trustworthiness of the people it is only meet that the latter Tractate should follow the former.

This Tractate has no גמרא in the תלמוד בבלי (*Babylonian Talmud*) but has גמרא in the תלמוד ירושלמי (*Jerusalem Talmud*).

There is no certainty as to the etymology of the word דמאי or דמא. The most favourable view is that it represents the *Aramaic* דא מא what is this?—referring to the question whether the produce has been tithed or not. Others suggest that it might originate either from דמה, consider—that is he who buys דמאי must consider whether it has been tithed or not—or from דמץ, be mixed, because דמאי is חולין (see below) mixed with מעשר (see below), or from the *Arabic* דאים, suspect, because דמאי is suspect whether it has been tithed. Other explanations are that it comes from דמי, likely, because it is as likely tithed as not, or from the *Greek* 'demos,' folk, because the products come from the common folk.

The significance of the term דמאי or דמא may be summarised as *products regarding which there is a doubt, or uncertainty or suspicion if the tithes therefrom were properly separated* (and opposite to דאי, definitely tithed produce). It refers in particular to products bought from the common people who were known to separate תרומה גדולה but many of whom did not set aside the remaining tithes; the purchaser who therefore advised to separate מעשר ראשון, תרומת מעשר, and מעשר שני (or its equivalent מעשר עני).

(See *Berachoth* 1<sup>1</sup> **Note 5** for the significance of the following terms: מתנות עניים, עוללות, פרט, לקט, שבתה, פאה, תרומה, מעשר שני, מעשר עני, מעשר ראשון, שביעית, חולין, תרומת מעשר, תרומה קטנה, דמאי, טבל, שמטה)

## DEMAI

The term **עַם הָאָרֶץ** (*plural עַמֵּי הָאָרֶץ*) frequently occurs in the *Mishnah*. Literally, it means *the people of the land*, (1) *country people, peasant*; (2) (in contradistinction to **תַּלְמִיד חֵכֶם**) *illiterate, untutored, coarse, unrefined person*; and (3) (in contradistinction to **חֵבֵר**) *one who does not observe certain religious duties and customs such as tithes, ritual cleanness, ritual purity, etc.* (Compare 1<sup>1</sup> **Note 3**).

The Titles of the Chapters of this Tractate are:

Chapter 1	פָּרָק א' תְּקִלִּין שְׁבֻדָּמַי
Chapter 2	פָּרָק ב' אֵלּוּ דְּבָרִים מִתְעַשְּׂרִים
Chapter 3	פָּרָק ג' מֵאֲבִילִין
Chapter 4	פָּרָק ד' הַלּוֹקֶחַ פְּרוֹת
Chapter 5	פָּרָק ה' הַלּוֹקֶחַ מִן-הַנִּחְתּוֹם
Chapter 6	פָּרָק ו' הַמִּקְבֵּל שָׂדֶה מִיִּשְׂרָאֵל
Chapter 7	פָּרָק ז' הַמּוֹמֵץ

The following is a brief summary of the contents of the seven Chapters:

1. Lenient application of the law of *demai* in some cases. 2. Produce of Palestine in the country and outside; restrictions and easements imposed on a **חֵבֵר**. 3. The duties of the **חֵבֵר**. 4. An **עַם הָאָרֶץ** to be trusted concerning *tithe* on the Sabbath and regarding *holy things*. 5. *Demai* purchased from more than one seller—each lot must be separately *tithed*. 6. A **חֵבֵר** farmer must *tithe* the share of an **עַם הָאָרֶץ** owner. 7. *Tithing* of *demai* in cases of urgency.

The *Jerusalem Gemara* contains much information regarding Palestinian produce, giving more names of fruits and vegetables than are mentioned in the *Tractate*, information concerning the markets, and a few *Haggadic* passages.

מִסְכֵּת

# דְּמַאי

## TRACTATE DEMAI<sup>1</sup>

### CHAPTER 1

### פֶּרֶק א

#### Mishnah 1

The products dealt with most leniently in the case of *demai*<sup>1</sup> are wild figs, lote-fruit<sup>2</sup>, medlars,<sup>3</sup> white figs, (young) sycamore figs, fallen<sup>4</sup> unripe dates, late-grapes,<sup>5</sup> and caper-fruit; and in Judaea, sumac berries<sup>6</sup> and vinegar and coriander. R. Judah<sup>7</sup> says, All wild figs are exempt except the species that bears figs that fruit twice a year; all lotus fruits are exempt except the lotus fruit from Shikmah;<sup>8</sup> all sycamore figs are exempt except those that have burst open.<sup>9</sup>

#### מִשְׁנָה א

הַקָּלִין <sup>1</sup>שֶׁבְּדִמַּאי הַשִּׁיתִין <sup>2</sup>וְהָרִימִין  
<sup>3</sup>וְהָעֻזְרִין וּבְנוֹת שֹׁחַ וּבְנוֹת  
שִׁקְמָה <sup>4</sup>וְנוֹבְלוֹת הַתְּמָרָה <sup>5</sup>וְהַגִּפְנִין  
וְהַנֶּצֶפֶה; וּבִיהוּדָה <sup>6</sup>הָאוֹג וְהַחֹמֶץ  
(שֶׁבִיהוּדָה) וְהַכֶּסֶּבֶר <sup>7</sup>רַבִּי יְהוּדָה  
אָמַר, כָּל-הַשִּׁיתִין פְּטוּרִין חוּץ  
מִשֶּׁל דּוֹפְרָה; כָּל-הָרִימִין פְּטוּרִין  
חוּץ מִרִּימִי שִׁקְמוֹנָה; כָּל-בְּנוֹת  
שִׁקְמָה פְּטוּרוֹת חוּץ מִן-  
הַמוֹסְטָפוֹת <sup>9</sup>

1 See **Introduction**. 2 *lote*, *lotos*, *lotus*, or perhaps *jujube* fruit. 3 Or *crab-apple*, *sorb-apple*. 4 Blown down by the wind before they are ripe. 5 <sup>וְהַגִּפְנִים</sup> and <sup>וְהַגִּפְנִין</sup> in some editions; <sup>גִּפְנִין</sup>, *late grape*, or perhaps a *species of dill*. 6 *sumac*, see *Supplement*. 7 Where <sup>רַבִּי יְהוּדָה</sup> is thus without further description mentioned he is <sup>רַבִּי יְהוּדָה בֶּר' אֵילָעִי</sup> (to him are ascribed anonymous statements in the <sup>סִפְרָא</sup>, and he was a disciple of R. Tarfon and R. Akiba). His views here are rejected. 8 Or *Shikmonah* [*Sycamore Field*]. 9 Through scarification or otherwise.

#### Mishnah 2

*Demai*<sup>1</sup> does not require the *added fifth*,<sup>2</sup> and does not require *removal*,<sup>3</sup> and may be eaten by a *mourner*,<sup>4</sup> and may be taken into and out of Jerusalem,<sup>5</sup> and a small quantity may be left on the road,<sup>6</sup> and may

#### מִשְׁנָה ב

<sup>1</sup>דְּמַאי אֵין לוֹ <sup>2</sup>חֹמֶשׁ, וְאֵין לוֹ  
<sup>3</sup>בִּיעוּר, וְנֹאכַל <sup>4</sup>לְאוֹנֵן, וְנִכְנָס  
<sup>5</sup>לִירוּשָׁלַיִם וְיוֹצֵא, וּמֵאֲבָדִין אֶת-  
מְעוּטוֹ בַּדְּרָכִים, וְנוֹתְנוֹ <sup>7</sup>לָעָם

be given to an עֵם הָאָרֶץ and its equivalent eaten instead;<sup>8</sup> and one may exchange<sup>9</sup> it silver for silver, copper for copper, silver for copper, and copper for fruit(s). Only<sup>11</sup> he must redeem the fruit(s); this is the view of R. Meir;<sup>12</sup> but the Sages<sup>13</sup> say, He must bring the fruit and they are to be eaten<sup>10</sup> in Jerusalem.

הָאָרֶץ וְיֹאכַל כְּנֻדּוֹ וּמַחֲלִילִים  
אוֹתוֹ כֶּסֶף עַל כֶּסֶף, נִחֲשֶׁת עַל  
נִחֲשֶׁת, כֶּסֶף עַל נִחֲשֶׁת, וְנִחֲשֶׁת עַל  
הַפִּירוֹת.<sup>11</sup> וּבִלְבָד שְׂיִחְזוֹר וְיִפְדֶּה  
אֶת-הַפִּירוֹת; דִּבְרֵי רַבִּי מֵאִיר;  
<sup>13</sup>וְנִחְכְּמִים אוֹמְרִים, יַעֲלֶה הַפִּירוֹת  
<sup>10</sup>וְיֹאכְלוּ בִירוּשָׁלַיִם.

1 In this paragraph 'demai' means the *second tithe* separated from produce brought as *demai*. 2 Unlike the *second tithe* of וְדָא to which a fifth part is added (*Leviticus* 27, 31, ... וְאִם נָאֹל נִאֲלַל, *And if one will redeem...*). The redemption money was taken to Jerusalem and spent on fruits to be consumed there in purity. 3 The *second tithe* of וְדָא not actually consumed by מִנְחָה time on פֶּסַח eve on the 3rd and 6th years of a *Sabbatical* cycle had to be removed, i.e., destroyed. 4 An אִנּוּ (mourner before his dead kinsman has been buried) may not eat מִצֵּשֶׁר שְׁנֵי of וְדָא (*Deuteronomy* 26, 14, מִמֶּנּוּ, 'I have not eaten thereof in my mourning'). 5 מִצֵּשֶׁר שְׁנֵי of וְדָא can be redeemed only before it is brought into Jerusalem; once it enters the city it can not be redeemed nor be taken back outside the city. 6 If any of מִצֵּשֶׁר שְׁנֵי is lost on the way it must be searched for or its loss made good; but this does not apply to מִצֵּשֶׁר שְׁנֵי of דְּמִי. [Maimonides]. 7 See **Introduction**. 8 מִצֵּשֶׁר שְׁנֵי from וְדָא must not be given to an עֵם הָאָרֶץ, lest he eats it in impurity. 9 In the case of מִצֵּשֶׁר שְׁנֵי of וְדָא silver coins could not be replaced even by other silver coins unless the second ones circulated more freely in Jerusalem than the first. 10 The reading וְיֹאכַל or וְיִאכְלֶם is preferable. *He must take up the fruits and eat them in Jerusalem.* 11 Instead of וּבִלְבָד שְׂיִחְזוֹר some editions have the preferable reading וְיִחְזוֹר: *And he may again redeem its fruits: this is the opinion of R. Meir.* and some editions omit אֶת-הַפִּירוֹת וְיִפְדֶּה. 12 R. Meir was a disciple of R. Akiba and one of the systematizers of the *Mishnah* before Rabbi. All anonymous sayings in the *Mishnah* are attributed to him. 13 Their view is the accepted ruling.

### מִשְׁנָה ג

#### Mishnah 3

One who buys [*demai* produce]<sup>1</sup> seed, for cattle,<sup>2</sup> flour<sup>3</sup> for skins, oil for lighting, oil<sup>4</sup> to grease utensils,<sup>5</sup> is exempt<sup>6</sup> from *demai*; from Chezib<sup>7</sup> and beyond<sup>8</sup> is exempt<sup>7</sup> from *demai*; the dough

הַלּוֹקֶחַ לְזֶרַע וְלִבְהֶמָּה,<sup>3</sup> קֶמַח  
לְעוֹרוֹת,<sup>4</sup> שֶׁמֶן לְגֵר, שֶׁמֶן לְסוּף  
בּוֹ אֶת-הַכֵּלִים,<sup>5</sup> פֶּטוּר מִן-  
הַדְּמַאי;<sup>7</sup> מִכְּזִיב<sup>8</sup> וְלִהְלֵן פֶּטוּר מִן-

offering of an עֵם הָאָרֶץ and the mixture of secular and sacred<sup>10</sup> and what has been bought<sup>11</sup> with the money for second tithe and the remainder of the meal-offerings<sup>12</sup> are exempt from *demai*. Perfumed oil is liable according to the School of Shammai, but the School of Hillel exempt it.

הַדְּמַאי; חֵלֶת עֵם הָאָרֶץ  
 וְהַמְדוּמָע<sup>10</sup> וְהַלּוּקָה בְּכֶסֶף מֵעֵשֶׂר  
 שְׁנֵי וְשִׁירֵי<sup>12</sup> הַמִּנְחוֹת פְּטוּרִין מִן-  
 הַדְּמַאי. שְׁמֵן עָרֵב בֵּית שְׁמַאי  
 מַחֲיִיבִין וּבֵית הִלֵּל פּוֹטְרִין.

1 The original law of *demai* did not cover the things enumerated in this paragraph. 2 *i.e.*, as fodder. 3 *i.e.*, for working up skins (after the hair had been scraped off the skins were steeped in salts and then soaked in a mixture of flour paste with chemicals and finally soaked in the juice of gall-nuts). 4 Olive oil. 5 כְּלִי, *utensil, tool*; these were oiled to prevent tarnishing or rusting. 6 Although ordinary untithed produce could not be used for this purpose. 7 Also known as אֶדִּיפָּא [Endippa, Endippon], a sea-town (identified with the modern *es Zib*) in the country of Asher. 8 *i.e.*, northwards, *outside Palestine* (where many practices were exempt.) This law applies also to דְּמַאי which did not apply outside Palestine. 9 חֶלֶה, *priest's share of the dough*, or *dough offering* (*Numbers 15, 20—21*) must be separated after the תְּרוּמוֹת and מִנְשְׁרוֹת have been set aside. For private use the quantity to be separated is  $\frac{1}{24}$ ;  $\frac{1}{48}$  is the quantity to be separated from the dough or bread sold to the public. Since the dispersal the custom has been continued by removing a small piece of dough or bread which is burnt in the fire (see חֶלֶה **Introduction**). 10 דְּמַע, *cause something (otherwise exempt) to be subject to תְּרוּמָה by mixing secular grain, wine, oil, etc., with תְּרוּמָה sufficient (i.e., not less than  $\frac{1}{100}$ ) to make the whole prohibited to non-priests*; in such a case the whole must be given or sold to a כֹּהֵן, priest, who need not give for it more than the worth of the original non-holy proportion. 11 וְהַלְקִיָּה in some editions is a preferable reading. 12 מִנְחָה (*plural מִנְחוֹת, offering, present, gift, meal-offering*). מִנְחוֹת were *thank-offerings* of fruit and corn. The כֹּהֵן, priest, who was officiating took a handful of the מִנְחָה and burnt it on the altar; the rest, שְׁרֵיר מִנְחוֹת, was eaten by the priests. A קָרְבַּן מִנְחָה brought by an עֵם הָאָרֶץ was exempt from דְּמַאי; but if the קָרְבַּן מִנְחָה was from טָבֵל then tithes had first to be separated before the offering could be made (because it was taken for granted that the עֵם הָאָרֶץ would not bring improperly tithed produce to the Temple). (*Genesis 4, 3, 5. Leviticus 2, 1; 5, 11; 7, 13; 10, 6; 12, 3. c.f. Isaiah 1, 3; 57, 6, and Psalm 40, 7*).

#### Mishnah 4

*Demai* may be used for the preparation of *Erubim*<sup>1</sup> and for *partnership*,<sup>2</sup> and *Grace*<sup>3</sup> may be

מִשְׁנֵה ד  
 הַדְּמַאי<sup>1</sup> מְעַרְבִין בוֹ וּמַשְׁתַּתְּפִין  
 בוֹ<sup>3</sup> וּמִבְרָכִין עָלָיו וּמְזַמְּנִין עָלָיו<sup>2</sup>

recited thereon and a combination of three (or more) adults for *Grace*<sup>3</sup> after Meals thereon may be made, and the *tithes* may be separated from it in the nude<sup>4</sup> and before nightfall;<sup>5</sup> and if one has separated the *second tithe* before the *first tithe* it does not matter.<sup>6</sup> Oil with which a weaver anoints<sup>7</sup> his fingers is subject to *demai*, and what the comber<sup>8</sup> puts into the wool is exempt from *demai*.

וּמִפְּרִישֵׁן אוֹתוֹ עָרוֹם בֵּין  
הַשְּׂמֻשׁוֹת; הָא אִם הִקְדִּים מַעֲשֶׂה  
שְׁנֵי לְרֵאשׁוֹן אֵין בְּכַךְ כָּלוּם. שָׁמֶן  
שֶׁהִגְדִּי קֶסֶף בְּאַצְבָּעוֹתָיו חֵיִיב  
בְּדִמְאֵי וְשֶׁהִסֹּרֵק גּוֹתֵן בְּצִמָּר  
פָּטוּר מִן-הַדִּמְאֵי.

**1** עֲרוֹב, *Erub*, mingling, combination, amalgamation, is a symbolical act by which continuity or community is legally established. (a) עֲרוֹבֵי תְּחוּמֵין or עֲרוֹב תְּחוּמִים, with reference to Sabbath limits. Before the Sabbath or Holyday (Festival) one deposits certain food to remain in its place over the next day (and is then eaten) by which act his abode is transferred to that place and so his movements on the Sabbath are measured from that place as centre up to a certain distance. (b) תְּצִירוֹת (or עֲרוֹבֵי תְּצִירוֹת), with reference to buildings or dwellings in a common court. The inmates or tenants contribute some food to a common dish which is placed in one of the dwellings as common to all, i.e., one רְשׁוּת (domain), and all participants are permitted to carry objects across the court from one dwelling to another on that Sabbath. (The 'meal' is then eaten at the conclusion of the Sabbath). (c) עֲרוֹב תְּבִשִּׁילִין (or עֲרוֹבֵי תְּבִשִּׁילִין), with reference to preparing meals for the Sabbath on a Friday which is a Holyday (Festival day). A dish is prepared on the Thursday (the eve of יוֹם טוֹב) and deposited to the end of the Sabbath (when it is eaten), by which act all the cooking done on the Holyday Friday for the Sabbath is permissible as it is legally now just the continuation and completion of the cooking begun on the Thursday (see עֲרוֹבֵי תְּבִשִּׁילִין Introduction; בִּיזָה Introduction and 2<sup>1</sup>). **2** הַשְּׂמֻתָּה, form a partnership, in a מְבוֹי, blind alley, cul-de-sac [Sabbath law] by depositing in it some food towards which the tenants or inmates thereof contribute. A מְבוֹי or מְבוֹאוֹת (plural) of a number of houses enclosing on three sides a road that opens on to a רְשׁוּת הָרָבִים, public road (or space). Several houses round a space convert it into a הָצֵר, yard, and הָצֵרוֹת, yards, often led off from a מְבוֹי. **3** This refers to בְּרִכַּת הַמֶּזֶן, Grace after Meals, and (according to the opinion of some authorities) also to בְּרִכַּת הַמּוֹצֵא, Grace before Meals. **4** i.e., תְּרוּמַת מַעֲשֶׂה שְׁנֵי may be separated from דִּמְי in the nude because the separation may be made without the Blessing ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, 'Blessed art Thou O Eternal, our God, King of the universe, who hath sanctified us with His commandments

and hath commanded us to separate **מַעֲשֵׂר** \*or **שְׁנֵי** [\*or **שְׁנֵי**, as the case may be], which must be recited before separating from **טָבֵל**. 5 About fifteen minutes before the appearance of three stars on Friday evening. 6 Even though by this reversal of tithing the Levite gets a somewhat smaller proportion (See **Introduction**). 7 Either to expedite the weaving or to protect the fingers. 8 **סוֹרֵק**, *hatcheller*.

## CHAPTER 2

## פָּרָק ב

## Mishnah 1

And these are the products that must be *tithed*<sup>1</sup> as *demai* everywhere,<sup>2</sup> pressed figs, (and) dates, (and) carob-pods, rice and cummin.<sup>3</sup> The rice<sup>4</sup> outside Palestine in whatever way it is used is exempt from *demai*.

## מְשֻׁנָּה א

וְאֵלוּ דְּבָרִים מִתְעַשְׂרִין דְּמַאי בְּכָל  
מָקוֹם, הַדְּבִילָה וְהַתְּמָרִים  
וְהַחֲרוּבִים הָאוֹרִזִּי וְהַכֶּמְחִין.<sup>4</sup> הָאוֹרִזִּי  
שֶׁבְּחוּצָה לָאָרֶץ כָּל-הַמְּשֻׁנָּה  
מִמֶּנּוּ פְטוּר.

1 *i.e.*, **מַעֲשֵׂר**, tithe, must be separated from them when bought from an **הָאָרֶץ**. 2 Even from **קְיֹיב** and onward (see 1<sup>3</sup>, Note 7). These five products grow exceptionally well in Palestine and one may assume that they have been transported outside Palestine, and if in particular they have been recognized as Palestinian outside Palestine they must be treated as *demai* and have to be *tithed*. 3 *cummin* (see **Supplement**). 4 It was easy in the case of rice to distinguish between the foreign imported kinds and the home-grown Palestinian kinds because native Palestinian rice was white, and foreign rice was reddish.

## Mishnah 2

One who undertakes to become reliable<sup>1</sup> must *tithe*<sup>2</sup> what he eats,<sup>3</sup> and what he sells,<sup>4</sup> and what he buys,<sup>5</sup> and he may not stay as a guest with an **הָאָרֶץ**.<sup>6</sup> R. Judah says, 'Even if he do stay as a guest with an **הָאָרֶץ** he is still *reliable*.'<sup>7</sup> They<sup>8</sup> said to him, He is *not reliable* regarding himself,<sup>9</sup> how can he be *relied upon*<sup>10</sup> concerning what belongs to others!<sup>10</sup>

## מְשֻׁנָּה ב

הַמִּקְבֵּל עָלָיו לִהְיוֹת נֶאֱמָן מִעֵשֶׂר  
אֶת-שְׂהוּא<sup>3</sup> אוֹכֵל וְאֶת-שְׂהוּא  
מוֹכֵר וְאֶת-שְׂהוּא<sup>6</sup> לוֹקֵחַ וְאִינוֹ  
מִתְאַרֵּחַ אֲצֵל<sup>5</sup> עִם הָאָרֶץ. רַבִּי  
יְהוּדָה אוֹמֵר, אִף הַמִּתְאַרֵּחַ אֲצֵל  
עִם הָאָרֶץ נֶאֱמָן.<sup>7</sup> אָמְרוּ לוֹ, עַל  
עַצְמוֹ<sup>9</sup> אִינוֹ נֶאֱמָן, כִּי צַד יֵהָא נֶאֱמָן  
עַל שֵׁל<sup>10</sup> אֲחֵרִים!

1 **נֶאֱמָן**, faithful, trustworthy, trusted, reliable, dependable. **נֶאֱמָן**, one who can be trusted and depended upon to observe the tithe laws so that the produce bought from them need not be regarded as **דְּמִי**. 2 i.e., an **עַם הָאֶרֶץ** who acquires the reputation of being **נֶאֱמָן**, reliable or trusted, that his corn or other produce is tithed and is not to be considered **דְּמִי**, uncertain or doubtful whether it has been tithed. This reputation must be acquired by declaration before at least three persons and on the report of trustworthy witnesses that he has carried out the practices of **מַעֲשֵׂוֹת**, tithes, for the past thirty days, and undertakes to *tithe* all that he eats, sells or buys and not to stay with an **עַם הָאֶרֶץ**. 3 Whether his own or from others. 4 From his own fields and orchards. 5 What he buys from an **עַם הָאֶרֶץ** (who is not reliable: see **Introduction**) for resale. 6 **עַם הָאֶרֶץ**, one who is not trusted and believed that he gives *tithes*. A **נֶאֱמָן** should not stay with an **עַם הָאֶרֶץ**—for the food offered him will be **דְּמִי**—so that he should not be suspect that he may have eaten from *untithed* produce. (Compare **Introduction** for **עַם הָאֶרֶץ**). 7 R. Judah says that being a **נֶאֱמָן**, he should be believed if he declares that he ate nothing there or that he *tithed* first whatever he ate—and he should not lose his reputation for **נֶאֱמָנוּת**, reliability, trustworthiness in such a case. His view is rejected, because the **נֶאֱמָן** had broken his undertaking not to stay with an **עַם הָאֶרֶץ**. 8 i.e., the **חֲכָמִים**, Sages. 9 For he has not yet actually become a **נֶאֱמָן** but will do so only when his probationary period is finished [Maimonides]. 10 i.e., how can he be believed that he ate nothing untithed at the house where he was staying, and therefore how can he now be considered a **נֶאֱמָן** that others may rely on him and buy his produce as **מִתְקָן**, free from all *tithes*. (See **Introduction** for **מִתְקָן**).

### Mishnah 3

One who undertakes to be a **יֹחֵבֵר** may not sell to an **עַם הָאֶרֶץ**,<sup>2</sup> either wet or dry produce, and may not buy from him wet produce,<sup>3</sup> and may not stay as guest with an **עַם הָאֶרֶץ**,<sup>4</sup> and may not have him as guest in his garments.<sup>5</sup> R. Judah<sup>6</sup> says, He may also not rear small cattle,<sup>7</sup> and must not be prompt to make many vows<sup>8</sup> and jests,<sup>9</sup> and must not become defiled<sup>10</sup> with the dead,<sup>11</sup> and should assist<sup>12</sup> in the House of Study.<sup>13</sup> They said to him, These<sup>14</sup> do not come<sup>14</sup> under the general principle.

### משנה ג

הַמְקַבֵּל עָלָיו לַיהוֹת יֹחֵבֵר אִינוֹ  
מוֹכֵר לְעַם הָאֶרֶץ לֶח וְיֵבֶשׁ וְאִינוֹ  
לוֹקֵחַ מֵמֵנוּ לֶח וְאִינוֹ מִתְאַרְחֵם אֶצְלוֹ  
עַם הָאֶרֶץ וְלֹא מְאַרְחוֹ אֶצְלוֹ  
בְּכִסּוּתוֹ כִּי הַיְּהוּדָה אוֹמֵר אַף  
לֹא יִגְדֵל בְּהֶמְהָה בָּקָה וְלֹא יִהְיֶה  
סָרוּץ בְּנִדְרִים וּבִשְׁחוּק וְלֹא יִהְיֶה  
מִטְמֵא לְמֵתִים וּמִשְׁמֵשׁ בְּבֵית  
הַמְדְּרָשׁ אָמְרוּ לוֹ לֹא בָּאוּ אֵלָיו  
לְכָלִּל.



1 A **חָבֵר** was one who observed all the practices of *tithes* and of ritual *cleanness* and *purity*. (According to the Rambam and others a **חָבֵר** must also be a **תַּלְמִיד חֲכָם**, *scholar, learned man*). One who wishes to acquire the title **חָבֵר** makes a declaration before at least three persons and produces reliable witnesses that he has carried out the regulations of this paragraph of the *Mishnah*. 2 Even if the **עֵם הָאֲרֶז** is a **נֹאֲמָן**, because an **עֵם הָאֲרֶז** is **טָמֵא**, *ritually unclean, defiled* and will *defile* the **טְהוֹרוֹת**, *ritually clean products*, when touching them or when his *unclean* garments come in contact with them. 3 *i.e., wet produce*; wet produce acquires **הִקְשָׁרָה**, the ritual *property* or *quality* of being able to become defiled and therefore there is the likelihood that the **עֵם הָאֲרֶז** may have ritually defiled it by touch or contact with his *ritually unclean* garments. But dry produce he may buy from an **עֵם הָאֲרֶז**. 4 That he should not become **טָמֵא**, *ritually unclean or defiled*, and he would in turn **מְטַמֵּא**, *defile*, **טְהוֹרוֹת**, *ritually clean stuff*. 5 *i.e., in the garments of the עֵם הָאֲרֶז* for fear of their being **טָמֵא**, *ritually unclean or defiled*. 6 His view is not accepted. 7 *sheep, goats*; small animals are likely to wander into other people's fields to feed there, and thus their feeding under such conditions becomes **גְּזֵלָה**, *robbery*. 8 Jewish law discourages the making of vows. Making many vows will cause one to fail to carry them out (**נִדְרִים** Introduction). 9 Because it leads to immorality and loose conduct. 10 [*Hithpael*]. 11 *i.e., such as he is not obliged to occupy himself with*. 12 To wait upon **תַּלְמִידֵי חֲכָמִים** or to study with them. 13 College for training of **תַּלְמִידֵי חֲכָמִים**. 14 *i.e., the conditions mentioned by R. Judah*.

## Mishnah 4

The bakers<sup>1</sup> were not obliged by the Sages to separate anything more than *tithe of the first-tithe*<sup>2</sup> and *dough*.<sup>3</sup> Shopkeepers<sup>4</sup> must not sell *demai*.<sup>5</sup> All who sell in large quantities may sell *demai*.<sup>6</sup> These are they who sell by large measure, for instance the wholesale provision merchants<sup>7</sup> and corn dealers.

## משנה ד

1 הַנִּחְתָּוִמִּים לֹא חִיבוּ אוֹתָם חֲכָמִים  
2 לְהַפְרִישׁ אֶלָּא כְּדִי תְרוּמַת מַעֲשֵׂר  
3 וְחֻלְהָ<sup>4</sup> הַחֲנוּנִים אֵינָן רָשָׁאִין לְמַכּוֹר  
4 אֶת - הַדֵּמָאִי. כָּל - הַמְשַׁפְּעִין  
5 בְּמִדָּה גְּסָה רָשָׁאִין לְמַכּוֹר אֶת -  
6 הַדֵּמָאִי. אֵלּוּ הֵן הַמְשַׁפְּעִין בְּמִדָּה  
7 גְּסָה כְּגוֹן הַסִּטּוֹנוֹת וּמוֹכְרֵי

## תבואה

1 Bakers who are **נֹאֲמָנִים** and **חֲבֵרִים** (see preceding two *Mishnahs*). 2 (See Introduction). The **לֵוִי**, *Levite*, receives **מַעֲשֵׂר רִאשׁוֹן**, *first-tithe*, from the **יִשְׂרָאֵל**, *layman* and from this he must separate  $\frac{1}{10}$  called **תְּרוּמַת מַעֲשֵׂר**, *the priest's due of the first-tithe*. The bakers had to separate  $\frac{1}{100}$  as **תְּרוּמַת מַעֲשֵׂר** but not **מַעֲשֵׂר שֵׁנִי**, *second-tithe*, as they were obliged by the government to sell cheaply and give

good weight so that their profit was small; the buyer therefore had to separate *מִצֵּשֶׁר שְׁנִי*. (After the Babylonian Exile it was usual to give *first-tithe* to a priest and not to a Levite). **3** See 1<sup>3</sup>, **Note 9**. **4** *i.e.*, retailers. **5** They may not sell *דְּמִי* because their profits are big and they must therefore set aside all the *tithes*, and also as they serve children they must not give them untithed food to eat. **6** They may sell *דְּמִי* because when they sell wholesale they give over-weight or over-measure and the buyer must separate *tithe*. **7** *סִיטוֹן*, *wholesale provision dealer, corn merchant*. Some authorities render this term here as *wholesaler in liquid produce* (*e.g.*, oil, wine).

# Mishnah 5

R. Meir says<sup>1</sup>, Whatever is usually measured in large quantities<sup>2</sup> and (it) was measured<sup>3</sup> in a small<sup>4</sup> quantity then the small quantity is of secondary import to the large,<sup>5</sup> and that which is ordinarily measured in small quantities<sup>6</sup> was measured in a large quantity then the large quantity is of secondary import to the small.<sup>7</sup> What is a large measure?<sup>8</sup> In the case of dry produce three<sup>9</sup> *kab*<sup>10</sup> and in the case of liquid produce<sup>11</sup> a *dinar*.<sup>12</sup> R. Jose<sup>13</sup> says, Baskets of figs and baskets of grapes and baskets<sup>14</sup> of greens, so long as they are sold by the lot,<sup>16</sup> are exempt.

## מִשְׁנָה ה

רבי מאיר אומר, אֶת-שְׁדֵרְכוֹ  
 לְהַמְדֵּד בְּגִסָּה<sup>2</sup> וּמְדָדוֹ בְּדִקָּה<sup>3</sup>  
 טַפְלָה נְקָה<sup>4</sup> לְגִסָּה, אֶת-שְׁדֵרְכוֹ  
 לְהַמְדֵּד בְּדִקָּה וּמְדָדוֹ בְּגִסָּה<sup>5</sup>  
 טַפְלָה גִסָּה<sup>6</sup> לְדִקָּה<sup>7</sup> אֵיזָה הִיא  
 מְדָה גִסָּה? בִּיבֵשׁ<sup>8</sup> שְׁלֹשָׁה<sup>9</sup> קָבִין<sup>10</sup>  
 וּבִלְחָ<sup>11</sup> דִּינָר. רבי יוסי אומר,  
 סִלִּי תֵאֵנִים וְסִלִּי עֲנָבִים<sup>12</sup> וְקִיפּוֹת<sup>13</sup>  
 שֶׁל יֶרֶק כָּל-זֶמֶן שֶׁהוּא מוֹכְרֵן  
 אֶת-כֶּסֶדָּה פֶּטוּר.<sup>14</sup>

**1** לְמִדָּה in some editions. **2** בְּגִסָּה גִסָּה, *wholesale, in large quantities*. **3** בְּדִקָּה, *retail, in small quantities*. **4** טַפְלָה, *of secondary importance* (in contradistinction, *עֵינָר*, *main or chief object*). **5** And *tithes* are not separated. **6** When *tithes* must be separated. **7** *i.e.*, *tithes* are to be separated. **8 This following paragraph is not from R. Meir. **9** שְׁלֹשָׁה in some editions. **10** קָב = 67 cubic inches (nearly) (see *וְרָעִים*, **Introduction, Tables**). **11** *e.g.*, oil, wine. **12** דִּינָר or זֶזַי =  $\frac{1}{4}$  קָלָע or  $\frac{1}{2}$  שֶׁקֶל פָּשוּט (ordinary *Shekel*) (see *וְרָעִים*, **Introduction, Tables**). **13** His view is rejected. **14** קָפָה, *heap, pile; basket, tub* (קִיפָּה is much bigger than פֶּסֶל) used for greens. **16** in a lump, measured by sight, guessing at the amount, without actual weighing or measuring or counting.**

## CHAPTER 3

## פרק ג

## Mishnah 1

The poor<sup>1</sup> may be given *demai* to eat and soldiers<sup>2</sup> may be fed with *demai*. R. Gamaliel<sup>3</sup> used to give his workmen<sup>4</sup> *demai* to eat. As for the treasurers of charity: the School of Shammai say, They should give what has been tithed to him<sup>5</sup> who does not tithe, and what has not been tithed to him<sup>6</sup> who tithes, then every one will be eating completely tithed food; but the Sages say, They collect<sup>7</sup> without question and share out without question, and he who wishes to tithe completely does so (tithe).

## משנה א

מֵאֲכָלִין אֶת-הָעֲנִיִּים דְּמַאי וְאֶת-הָעֹסְנֵי דְּמַאי. רַבִּין גַּמְלִיאֵל הָיָה מֵאֲכִיל אֶת-פּוֹעְלָיו דְּמַאי. גִּבְאֵי צְדָקָה בֵּית שְׁמַאי אוֹמְרִים, נוֹתֵינן אֶת-הַמְּעוֹשֶׁר לְשֹׂאֵינוֹ מְעוֹשֶׁר וְאֶת-שֹׂאֵינוֹ מְעוֹשֶׁר לְמְעוֹשֶׁר. נִמְצְאוּ כָּל-הָאָדָם אוֹכְלִין מִתּוֹקָן; וְחֻכְמִים אוֹמְרִים, גּוֹבִין סֵתֶם וּמַחְלִקִין סֵתֶם, וְהַרוּצָה לְתַקּוֹן יִתְקַן.

1 Even נְאֻמִּים and חֲבָרִים, but they should be told that it is *demai* so that they can tithe it if they wish. 2 i.e., Jewish soldiers passing through but not staying overnight. 3 רַבִּין גַּמְלִיאֵל הַזֶּקֶן and a disciple of רַבִּי יוֹחָנָן בֶּן זִכְאִי. 4 Or labourers. His workmen were poor; but feeding in such a case is not permissible because it may form unfairly part of the worker's wages. 5 And thus the עַם הָאָרֶץ will be eating tithed food. 6 And the נְאֻמִּין will tithe the *demai*. 7 Because when they collect the food they do so without question, therefore they should divide it out also without question.

## Mishnah 2

If one wish to cut away the leaves of greens to lessen his load, he must not throw away before he has tithed.<sup>1</sup> If one buy greens in the market and considers<sup>2</sup> to return them, he may not return them unless he has first tithed them, because they only needed<sup>3</sup> counting;<sup>4</sup> but if he were about to buy<sup>5</sup> and saw another load better<sup>6</sup> than that, he may return it<sup>7</sup> because he has not acquired it by moving.<sup>8</sup>

## משנה ב

הַרוּצָה לַחֲזוֹם עָלֶי יָרֵק לְהַקֵּל מִמֶּשְׁאוֹ לֹא יִשְׁלִיךְ עַד שִׁיעֶשֶׁר. הַלּוֹקֵם יָרֵק מִן-הַשּׁוּק וְנִמְלָךְ לְהַחֲזִיר לֹא יַחֲזִיר עַד שִׁיעֶשֶׁר. שֹׂאֵינוֹ מְחוֹסֵר אֶלָּא מִנֵּן; הָיָה עוֹמֵד וְלּוֹקֵם וְרָאָה טוֹעֵן אַחֵר יָפֶה מִמֶּנּוּ מוֹתֵר לְהַחֲזִיר מִפְּנֵי שֶׁלֹּא מִשְׁךָ.

1 Because someone may pick them up and eat unknowingly untithed food; and further one who finds it does not know whether it is *הפקר*, *common to everyone, property without ownership*. 2 After he has paid and taken up (thereby acquiring possession) the greens. 3 Literally *שאינו מחסר*, *because it does not lack*. 4 *i.e.*, even though he had already acquired it by *משיכה*, *moving*, or *הנבקה*, *lifting*, and it only needed that the seller should count it or weigh it out (see *פאה*, 3<sup>6</sup>, **Note 17**). 5 *i.e.*, he had not yet acquired it by *משיכה*, *moving*, or *הנבקה*, *lifting*. 6 Or better, *more pleasing to the purchaser*. 7 Without tithing. 8 The final ruling is that when one has bought greens from an *עם הארץ* and decides to return it (*i.e.*, to cancel the sale) he may do so without tithing it; and if one cuts away the leaves to lighten a load of greens they must not be thrown away before they are tithed.

### Mishnah 3

If one find fruit on the road and picks it up to eat but decides to put (it) away, he may not hide (it) unless he tithes (it);<sup>1</sup> but if he took it with the intention that it be not lost, he is exempt.<sup>2</sup> Any produce which one is not permitted to sell as *demai* must not be sent to one's friend<sup>3</sup> as *demai*. R. Jose<sup>4</sup> would allow this in the case of *certain-tithed* produce provided he informs him.<sup>5</sup>

משנה ג  
המוצא פירות בדרך ונטלן  
לאוכלן ונמלך להצניע לא יצניע  
עד שיעשר; ואם מתחלה נטלן  
בשביל שלא יאבדו פטור.  
כל דבר שאין אדם רשאי למכרו  
דמאי לא ישלח לרחוקו דמאי.  
רבי יוסי מתיר בנדאי ובלבד  
שיודיענו.<sup>5</sup>

1 When one has it in mind to eat it he thus becomes its owner and an owner may not leave about untithed produce which others might pick up to eat. This is the accepted ruling. 2 The intention had not been to eat it (and thus become its owner) but merely to prevent the loss or waste of food, therefore he is exempt from tithing it. This is the accepted decision. 3 *i.e.*, to anyone. 4 But his view is rejected. 5 *i.e.*, the recipient.

### Mishnah 4

If one take wheat to a miller, a Samaritan<sup>1</sup> or to a miller an *עם הארץ*, it<sup>3</sup> is presumed to be the same<sup>2</sup> with regard to tithes and *Sabbatical year produce*,<sup>4</sup> to a miller a non-Jew,<sup>5</sup> it is *demai*. One deposits his fruits with a

משנה ד  
המוליך חטים לטוחן כותי או  
לטוחן עם הארץ,<sup>2,3</sup> בחזקתן  
למעשרות ולשבועית:<sup>2</sup> לטוחן  
נכרי דמאי. המפקיד פירותיו

Samaritan or an עַם הָאָרֶץ<sup>6</sup>: they<sup>6</sup> are presumed<sup>7</sup> to be unchanged as regards *tithes* and *Sabbatical year produce*, (but if with a non-Jew) with<sup>8</sup> a non-Jew (they are) as his<sup>9</sup> fruits; R. Simon<sup>10</sup> says,<sup>11</sup> They are *demai*.

אֶצֶל הַכּוֹתִי אוֹ אֶצֶל עַם הָאָרֶץ  
בְּחֻזְקָתָן לַמַּעֲשָׂרוֹת וְלַשְּׂבִיעִית<sup>7,8</sup>  
אֶצֶל הָעוֹבֵד כּוֹכְבִּים<sup>9</sup> כְּפִירוֹתָיו;  
רַבִּי שִׁמְעוֹן<sup>10</sup> אָמַר, דִּמַּאי.

1 The שוֹמְרוֹנִים or כּוֹתִים were suspected of idolatrous practices. 2 וּבְחֻזְקָתָן in some editions. חֻזְקָה, *legal status*, presumed continuance of an actual condition until evidence of a change is furnished. That is, if it had been *tithed* or was not שְׂמִיטָה, *Sabbatical-year produce*, it is still considered so, and one need not fear that it might have been changed for some other person's wheat that had not been *tithed* or was שְׂמִיטָה wheat because a Samaritan or עַם הָאָרֶץ was careful not to mix up in this manner. 3 *i.e.*, the wheat. 4 וְלַשְּׂבִיעִית in some editions is followed by אֲבָל לֹא לְטוּמְאָה, *but not regarding ritual uncleanness*. 5 A non-Jew was suspect that he would confuse one person's wheat with another's. Hence in such a case one must *tithe* the flour. 6 *i.e.*, the fruits. 7 In this case one does not doubt the reliability of the Samaritan or עַם הָאָרֶץ in their precaution against mixing up different people's fruits. 8 *i.e.*, if left with. 9 *i.e.*, the non-Jews; assuming that the non-Jew had exchanged the fruit for his own fruit, there is no need to *retithe* because the non-Jew's fruit is exempt from *tithe*. 10 Wherever רַבִּי שִׁמְעוֹן is thus simply mentioned he is יוֹחָאִי בֶן יוֹחָאִי, a disciple of R. Akiba. His view here is not accepted. 11 He maintains that another Jew may have deposited דְּמִי fruit which might have got mixed up with or been exchanged for his (the Jew's).

#### Mishnah 5

He who gives<sup>1</sup> to a landlady,<sup>2</sup> tithes what he<sup>3</sup> gives to her and what<sup>4</sup> he takes from her, because she is suspected<sup>5</sup> of exchanging. R. Jose<sup>6</sup> said, We are not responsible for deceivers; he does not *tithe* except that which he takes from her.

מִשְׁנָה ה'  
יְהוֹנָתָן<sup>1</sup> לְפוֹנְדָקִית<sup>2</sup> מַעֲשֵׂר אֶת־  
שֶׁהוּא נוֹתֵן לָהּ וְאֶת־שֶׁהוּא נוֹטֵל  
מִמֶּנָּה מִפְּנֵי שֶׁחֲשׂוֹדָהּ לְחִלּוּף.  
אָמַר רַבִּי יוֹסִי, אֵין אָנוּ אַחֲרָאִין  
לְרַמָּאִין: אֵינוּ מַעֲשֵׂר אֶלָּא מֵה־  
שֶׁהוּא נוֹטֵל מִמֶּנָּה בְּלִבָּד.

1 Evidently in those days it was customary for travellers to give their own materials to an innkeeper to prepare therefrom their meals. 2 פּוֹנְדָקִית, *hostess, innkeeper*. 3 It refers to a נֶאֱמָן or חֶבֶר (see 22,3) who must not part with untithed food. 4 *i.e.*, although the food to be handed over to be prepared was

tithed he must tithe again the cooked food returned to him. 5 The landlady out of respect for her scholarly guest might exchange his inferior stuff for hers of better quality in order to please him. 6 But his view is not accepted. He maintains that if she exchanges at all it will be to replace his superior stuff by her own inferior food and one need not trouble to prevent a dishonest person from eating untithed food.

#### Mishnah 6

He who gives<sup>1</sup> to his mother-in-law<sup>2</sup> tithes what he gives her and what he takes from her, because she is suspected<sup>3</sup> of exchanging the spoiled food. R. Judah said, She seeks<sup>4</sup> the benefit of her daughter and feels ashamed before her son-in-law. R. Judah<sup>5</sup> admits that when one gives his mother-in-law *Sabbatical year produce*<sup>6</sup> that she is not suspected of exchanging it to give *Sabbatical year produce* to her daughter to eat.<sup>7</sup>

#### משנה ו

הנותן<sup>1</sup> לַחֲמוֹתוֹ מַעֲשֶׂר אֶת-שְׁהוּא  
נוֹתֵן לָהּ וְאֶת-שְׁהוּא נוֹטֵל מִמֶּנָּה,  
מִפְּנֵי שֶׁהִיא חֲשׂוֹדָה לַחֲלוּף אֶת-  
הַמִּתְקַלְקֵל. אָמַר רַבִּי יְהוּדָה,  
רוֹצָה הִיא בְּתֻקְנָת בִּתָּהּ וּבִשְׁוֹשָׁה  
מִחֲתָנָה. מוֹדָה רַבִּי יְהוּדָה בְּנוֹתָן  
לַחֲמוֹתוֹ שֶׁבִּיעִית שְׂאִינָה חֲשׂוֹדָה  
לַחֲחֲלוּף לְהַאֲכִיל אֶת-בִּתָּהּ  
שֶׁבִּיעִית.<sup>7</sup>

1 He gives her material to prepare a meal. 2 Evidently she does not belong to the class of persons termed נְאֻמָּיִם (see 2<sup>2</sup>). 3 Because she is anxious to please her son-in-law. 4 So that her son-in-law should not be prejudiced against her daughter. 5 The ruling is in accordance with his view. 6 It may mean that he gives her fruits, etc., from the previous year or what had grown as הַפֶּקֶר, *unowned*, during that שְׁבִיעִית (or שְׁמִטָּה), *Sabbatical year*. 7 The עַמֵּי הָאָרֶץ were more observant regarding שְׁמִטָּה than מַעֲשֵׂרוֹת and would warn those to whom פִּירוֹת שְׁבִיעִית were offered to eat them in accordance with the rules relating to their consumption.

#### CHAPTER 4

#### פֶּרֶק ד

#### Mishnah 1

One who buys fruits<sup>1</sup> from someone who is not trustworthy concerning tithes and has forgotten to tithe them and he asks him<sup>2</sup> on the Sabbath, he may eat relying upon his word;<sup>3</sup> but as soon as it is dark at the end of the Sabbath, he may not<sup>4</sup> eat<sup>5</sup> until he has tithed them;<sup>6</sup>

#### משנה א

הַלּוֹקֵחַ פִּירוֹת מִמִּי שְׂאִינֵו נֶאֱמַן  
עַל הַמַּעֲשֵׂרוֹת וְשָׁכַח לְעֹשְׁרָן  
וְשׂוֹאֵלוֹ בַּשַּׁבָּת יֹאכֵל עַל פִּיו.<sup>3</sup>  
חֲשֶׁכָה מוֹצָאֵי שַׁבָּת<sup>4</sup> לֹא יֹאכֵל עַד

if he did not find him<sup>7</sup> and another who is not trustworthy concerning *tithes* said<sup>8</sup> to him, 'They were tithed', he may rely upon his word and eat, and when it becomes dark at the end of the Sabbath he may not eat before he has tithed.<sup>9</sup> If the *priest's-due of the first-tithe*<sup>10</sup> of *demai* returned to its source,<sup>11</sup> R. Simon<sup>12</sup> Shzuri says, Even on a week day he may ask him<sup>13</sup> and he may rely upon his word<sup>14</sup> and eat.

שִׁיעֶשֶׁר; לֹא מִצָּאוֹ.<sup>7</sup> אָמַר לוֹ אֶחָד שְׂאִינוּ נֶאֱמַן עַל הַמַּעֲשֻׂרוֹת. מְעוֹשְׂרִין הֵן, אוֹכֵל עַל פִּי, חֲשָׁכָה מוֹצֵא שֶׁבֶת לֹא יֹאכֵל עַד שִׁיעֶשֶׁר.<sup>9</sup> תְּרוּמַת מַעֲשֵׂר שֶׁל דֵּמַאי<sup>10</sup> שֶׁחֲזָרָה לְמִקּוּמָהּ, רַבִּי שְׁמַעוֹן שְׁזוּרִי אוֹמֵר, אַף בַּחֹל שְׁוֹאֵלוֹ נֹאכְלוֹ עַל פִּי.<sup>14</sup>

1 Fruits or corn. 2 *i.e.*, he asks the *הָאֶרֶץ עִם* if they have been tithed. (Tithing is prohibited on the Sabbath). 3 The statement of the *הָאֶרֶץ עִם* that the fruits were tithed. Because the *הָאֶרֶץ עִם* would not tell an untruth on the Sabbath. 4 *לֹא יֹאכֵל עַד שִׁיעֶשֶׁר* is omitted in some editions. 5 *i.e.*, any more of the fruits. 6 He must separate sufficient as *tithe* to cover both what he has eaten and what remains. 7 *i.e.*, the *הָאֶרֶץ עִם* who sold him the fruit. 8 *i.e.*, on the Sabbath. 9 *i.e.*, he removes as *tithe* enough to cover both what remains and what he has eaten. In some editions this *Mishnah* 4 ends here. 10 See **Introduction** for *תְּרוּמַת מַעֲשֵׂר*. 11 *i.e.*, if a *הֶבֶר* separated *תְּרוּמַת מַעֲשֵׂר* (that is  $\frac{1}{100}$ ) from the *demai* he had bought from an *הָאֶרֶץ עִם* and it fell back into the  $\frac{9}{100}$  of the *חולין* (see 13, **Note 12**). The mixture in the case of *וְדַאי* must be sold to a priest to eat in ritual purity and this sale involves the owner in heavy loss. 12 He was a disciple of *רַבִּי טַרְפוֹן*; his view here is accepted. 13 The *הָאֶרֶץ עִם*, if he had separated *תְּרוּמַת מַעֲשֵׂר* from *demai*. 14 *i.e.*, if the *הָאֶרֶץ עִם* states that he had separated *תְּרוּמַת מַעֲשֵׂר* from the *demai*.

## Mishnah 2

One<sup>1</sup> who puts his friend<sup>2</sup> under the influence of a vow to eat with him, and does not trust him<sup>5</sup> concerning *tithes*, may eat with him the first Sabbath,<sup>4</sup> though he does not have any faith in him regarding *tithes*, provided that he tells him that it is tithed, but on the second Sabbath,<sup>5</sup> even if he vowed to renounce all benefit from him, he may not eat<sup>6</sup> unless he has tithed.<sup>7</sup>

## מִשְׁנָה ב

הַמְדִּיר אֶת-חֶבְרוֹ שִׂיאֵכֵל אֶצְלוֹ, וְהוּא אֵינוֹ מֵאֱמִינוֹ עַל הַמַּעֲשֻׂרוֹת, אוֹכֵל עִמּוֹ<sup>4</sup> בַּשֶּׁבֶת הָרִאשׁוֹנָה, וְאֵף עַל פִּי שְׂאִינוֹ מֵאֱמִינוֹ עַל הַמַּעֲשֻׂרוֹת, וּבְלֵבֶד שִׂיאֵמַר לוֹ מְעוֹשְׂרִין הֵן; וּבַשֶּׁבֶת שְׁנִיָּה אַף עַל פִּי שְׁנִדָּר מִמֶּנּוּ הִנִּיחָה לֹא יֹאכֵל עַד שִׁיעֶשֶׁר.<sup>7</sup>

1 An עַם הָאָרֶץ (see I<sup>1</sup>, Note 3). 2 A נֶאֱמָן or חֶבֶר. 3 i.e., the עַם הָאָרֶץ. 4 The reference is to a שְׂבֵת of a חֲתוּנָה, wedding, so that no enmity be caused by a refusal to participate in the feast. 5 The שְׂבֵת here is the one following the first שְׂבֵת just before mentioned. 6 And on this occasion he is not allowed to rely on the עַם הָאָרֶץ even if he assures him that the food is properly tithed. 7 Before the Sabbath.

## Mishnah 3

R. Eliezer<sup>1</sup> says, There is no need for anyone to point out<sup>2</sup> the poor-man's-tithe from demai; but the Sages<sup>3</sup> say, He must point it out<sup>4</sup> but he does not have to separate<sup>5</sup> [it.]

## משנה ג

רבי אליעזר אומר אין אדם צריך לקרות שם למעשר עני של דמאי; ונחכמים אומרים קורא שם ואינו צריך להפריש.

1 Whenever he is thus simply mentioned he is רבי יוחנן בן יכאי, the most distinguished disciple of R. Eliezer. 2 According to R. Eliezer one must not only separate the מעשר עני but also distinctly say where it is to be found (this procedure is necessary in the case of מעשר שני, second-tithe). R. Eliezer says he need not even say that a tenth part is poor-man's tithe. 3 And their view is the accepted one. 4 i.e., one must say clearly where the מעשר עני, poor-man's tithe, is. 5 He need not put it aside for the poor, because the poor are not entitled to it unless they prove that the original דמאי was in fact untithed.

## Mishnah 4

One who has distinctly announced<sup>1,2</sup> where is to be found the priest's-due of the first-tithe<sup>3</sup> of demai or the poor-man's tithe of certain-tithed produce may not take them on the Sabbath; but if a priest or a poor man were wont<sup>4</sup> to dine with him<sup>5</sup> they may come and eat but he must inform them.<sup>6</sup>

## משנה ד

מי שקרא שם לתרומת מעשר של דמאי ולמעשר עני של ודאי לא יטלם בשבת; ואם היה כהן או עני למודים לאכל לא יאכלו ויאכלו ובלבד שיודיעם.

1 Before Sabbath. 2 Compare preceding Mishnah Note 2. 3 תרומה, priest's-due, and מעשר, tithe, may not be separated on the Sabbath. 4 On Sabbaths. 5 Or 'at his house.' 6 That they are eating תרומת מעשר, priest's-due of first tithe, or מעשר עני, poor-man's tithe, as the case may be. This is necessary so that the owner should not be suspect of making use of these tithed fruits for his own purpose, and also that the כהן should be careful to eat the תרומה קטנה, priest's-due of the first tithe, in ritual purity and the poor man should be observant not to defile ritually the מעשר עני, poor-man's tithe.



## Mishnah 5

If one say to somebody who is not reliable concerning *tithes*, 'Buy for me from someone who is trustworthy and from someone who gives *tithes*',<sup>1</sup> he<sup>2</sup> is not to be trusted; 'from so-and-so',<sup>3</sup> he is to be trusted.<sup>4</sup> He went to buy from him<sup>5</sup> and said<sup>6</sup> to him,<sup>7</sup> 'I did not find him<sup>8</sup> and I bought for you from another<sup>9</sup> who is reliable,' he is not<sup>10</sup> to be believed.

1 Without specifying the actual person from whom he is to buy. 2 *i.e.*, the messenger on the errand being an עַם הָאָרֶץ can not be depended on that he will buy from a reliable seller. 3 *i.e.*, from a certain person clearly indicated (who, in this case, is naturally trustworthy). 4 And even an עַם הָאָרֶץ is to be trusted not to go elsewhere. 5 From the person clearly indicated. 6 *i.e.*, the messenger said. 7 To him who sent the messenger. 8 The person he was sent to buy from. 9 But the messenger does not know the seller's name as evidence. 10 As already explained above.

## Mishnah 6

If one go into a town and does not know anybody<sup>1</sup> there and says, 'Who is here trustworthy and who here gives *tithes*?' If someone say to him, 'I am,' he is not to be trusted;<sup>2</sup> if he say to him, 'So-and-so is to be trusted,' he<sup>4</sup> is to be trusted.<sup>5</sup> He went to buy from him and said to him, 'Who here sells last year's produce?'<sup>6</sup> He said to him, 'He who sent thee to me,' even though it seems as if they recommend one another they are nevertheless to be trusted.

1 Whom he can trust concerning *tithes*. 2 He is suspect to the visitor. 3 The one indicated. 4 And he may buy his produce and does not have to tithe it. 5 Even the עַמֵּי הָאָרֶץ are very careful not to make use of new corn (called חֲדָשׁ—compare next *Mishnah Note 3*) from which the עֲמֶר had not yet been offered. Some take יָשָׁן to refer to any old produce, not necessarily corn,

## משנה ה

הָאוֹמֵר לְמִי שְׂאִינוּ נֶאֱמָן עַל  
הַמַּעֲשֵׂרוֹת, קָח לִי מִמִּי שֶׁהוּא נֶאֱמָן  
וּמִמִּי שֶׁהוּא מַעֲשֵׂר, אֵינּוּ נֶאֱמָן;  
מֵאִישׁ פְּלוֹנִי, הֲרִי זֶה נֶאֱמָן. הֵלֵךְ  
לִיקַח מִמֶּנּוּ וְאָמַר לוֹ, לֹא  
מָצָאתִי וְלָקַחְתִּי לְךָ מֵאַחֵר  
שֶׁהוּא נֶאֱמָן, אֵינּוּ נֶאֱמָן.

## משנה ו

הַנִּכְבֵּס לְעִיר וְאֵינוּ מְכִיר אָדָם  
שֵׁם, אָמַר, מִי כָאן נֶאֱמָן מִי כָאן  
מַעֲשֵׂר? אָמַר לוֹ אַחֵד, אֲנִי אֵינוּ  
נֶאֱמָן; אָמַר לוֹ, אִישׁ פְּלוֹנִי נֶאֱמָן,  
הֲרִי זֶה נֶאֱמָן. הֵלֵךְ לִיקַח מִמֶּנּוּ  
אָמַר לוֹ, מִי כָאן מוֹכֵר יָשָׁן? אָמַר  
לוֹ, מִי שֶׁשָּׁלַחְךָ אֲצָלִי, אַף עַל פִּי  
שֶׁהוּא כְּגוֹמְלִין זֶה אֶת-זֶה הֲרִי אֵלָיו  
נֶאֱמָנִין.

## Mishnah 7

Ass drivers<sup>1</sup> came into a town:<sup>2</sup> one said, 'Mine is new<sup>3</sup> and my companion's is old,<sup>4</sup> mine is *not completely tithed* but my companion's is *completely tithed*,' they are not to be believed;<sup>5</sup> R. Judah<sup>6</sup> says, They are to be trusted.

מִשְׁנָה ז'  
יְהוֹמְרִים שֶׁנִּכְנְסוּ לְעִיר אָמַר  
אֶחָד, שְׁלִי חֶדֶשׁ וְשֶׁל חֲבִירִי יָשָׁן,  
שְׁלִי אֵינוֹ מְתָקֵן וְשֶׁל חֲבִירִי מְתָקֵן,  
אֵינָן בְּאֵמָנִין; רַבִּי יְהוּדָה אוֹמֵר,  
בְּאֵמָנִין.

1 Travelling sellers of produce. 2 After the wheat harvest but before Passover. 3 The new produce of the field which may not be used before the עֶמֶר is offered up on the second day of פֶּסַח, Passover. 4 Old, last year's produce (in contradistinction to חֶדֶשׁ). 5 They are suspected to have arranged to support one another's sales. 6 His view is rejected.

## CHAPTER 5

## פֶּרֶק ה'

## Mishnah 1

If a man buy<sup>1</sup> from a baker, how should he tithe?<sup>2</sup> He should take sufficient for the *priest's-share of the first tithe*<sup>3</sup> and the *dough-offering*<sup>4</sup> and say, 'One hundredth of what is here<sup>5</sup> shall be on this side<sup>6</sup> *tithe*,<sup>7</sup> and the rest of the *tithe*<sup>8</sup> is next to it; that which I have rendered as *tithe*<sup>9</sup> shall become the *priest's-due of the first-tithe*<sup>10</sup> and the remainder<sup>11</sup> is *dough*; and *second-tithe* shall be in the north or south of it and shall be redeemed<sup>12</sup> with money.'

מִשְׁנָה א'  
הַלּוֹקֵחַ מִן-הַנּוֹחֲתוֹם כִּיצַד הוּא  
מַעֲשֶׂה? נוֹטֵל כְּדִי תְרוּמַת מַעֲשֶׂר  
וְחֻלָּה וְאוֹמֵר, אֶחָד מִמָּאָה מִמָּה  
שֵׁשׁ<sup>5</sup> כֶּאֱן הָרִי בְּצַד זֶה מַעֲשֶׂר,  
וְשָׂאֵר מַעֲשֶׂר סְמוּךְ לוֹ, זֶה שְׁעָשִׂיתִי  
מַעֲשֶׂר עָשׂוּי תְרוּמַת מַעֲשֶׂר עָלָיו  
וְהַשָּׂאֵר חֻלָּה; וּמַעֲשֶׂר שְׁנִי בְּצִפּוֹנוֹ  
אוֹ בְּדִרְוֹמוֹ, וּמִחֻלָּל עַל הַמַּעוֹת.

1 Loaves of bread made of דָּמָא. 2 In addition to freeing the דָּמָא from its liability for תְּרוּמַת מַעֲשֶׂר שְׁנִי (see **Introduction**) he must now separate חֻלָּה (dough-offerings—see **Introduction**) to which the bread became liable when the dough was made and which the seller is equally suspect of not separating. The *Mishnah* wishes to describe how the תְּרוּמַת מַעֲשֶׂר and חֻלָּה can be set aside in a single operation without it being necessary physically to separate the *first* or *second tithes* as would normally be done when tithing וְדָא. 3 Or תְּרוּמַת קִטְנָה, *priest's-minor-due*; i.e., he takes  $\frac{1}{100}$  ( $=\frac{1}{10}$  of  $\frac{1}{10}$  viz., תְּרוּמַת מַעֲשֶׂר). 4 i.e.,  $\frac{1}{24}$  if the buyer is a private person, or  $\frac{1}{48}$  if he resells retail. 5 Of the total bread bought. 6 i.e., of the portion he is designating קִטְנָה תְּרוּמַת קִטְנָה.

(or תְּרוּמַת מַעֲשֵׂר) and חֲלָה combined. 7 i.e., מַעֲשֵׂר ראשון. 8 i.e., the  $\frac{2}{100}$  (that make up the  $\frac{1}{10}$ ) as מַעֲשֵׂר ראשון. 9 i.e., near the  $\frac{1}{100}$  part. He has thus succeeded in performing the first tithing operation without indicating physically more than the  $\frac{1}{100}$  part which is eventually to become מַעֲשֵׂר. 10 i.e., the  $\frac{1}{100}$  he had first designated as תְּרוּמַת מַעֲשֵׂר (or תְּרוּמָה קְטָנָה) and subsequently pronounced as מַעֲשֵׂר ראשון—the portion of tithe physically separated from the rest, equal to the  $\frac{1}{100}$  part of the whole bread. 11 i.e., from what he had first designated (קִבַּע מְקוֹם), of the amount originally set aside to become תְּרוּמַת מַעֲשֵׂר and חֲלָה combined. Of the remainder of the bread bought. Here too he avoids physical separation of the tithe and so saves trouble. 12 i.e., there is no addition of the חֲמֵשׁ, fifth (see 1<sup>2</sup>, Note 2).

Mishnah 2<sup>1</sup>

One who wants to separate the priest's-tithe and the priest's-tithe of the first-tithe in one<sup>2</sup> takes one part in thirty-three and a third parts<sup>3</sup> and says, 'One hundredth part<sup>4</sup> of what is here is still non-holy<sup>5</sup> on this side,<sup>5</sup> and the rest is priest's-due for the whole; and the one hundredth non-holy<sup>7</sup> that is here shall be first-tithe<sup>9</sup> on this side,<sup>8</sup> and the rest of the first-tithe is next to it; that<sup>10</sup> which I have made into first-tithe shall become priest's-tithe of the first-tithe, thereof;<sup>11</sup> and second-tithe shall be in the north side or south side thereof,<sup>12</sup> and shall be redeemed with money.'

## מִשְׁנָה ב

הֵרוּצָה לְהַפְרִישׁ תְּרוּמָה וְתְרוּמַת  
מַעֲשֵׂר בְּאַחַת נוֹטֵל אֶחָד מִשְׁלָשִׁים  
וְשֵׁשׁ וְשֵׁשִׁים וְאַחַד מִמָּאָה  
מִמָּה שֵׁשִׁים כָּאֵן הָרִי זֶה בְּצֵד זֶה  
חֻלִּין, וְהִשְׁאָר תְּרוּמָה עַל הַכֹּל;  
וּמִמָּה חֻלִּין שֵׁשִׁים כָּאֵן הָרִי זֶה  
בְּצֵד זֶה מַעֲשֵׂר, וְהִשְׁאָר מַעֲשֵׂר  
סָמוּךְ לוֹ; זֶה שֶׁעָשִׂיתִי מַעֲשֵׂר  
עֲשׂוֹי תְּרוּמַת מַעֲשֵׂר עָלָיו; וּמִמַּעֲשֵׂר  
שְׁנֵי בְּצִפּוֹנוֹ אוֹ בְּדְרוֹמוֹ וּמִחֻלָּל  
עַל הַמַּעוֹת.

1 This Mishnah does not refer to דְּמַאי. 2 To save himself trouble because he is entitled to retain all that remains once the תְּרוּמָה and תְּרוּמַת מַעֲשֵׂר have been set aside. This would be the case if he were a priest or a Levite or a יִשְׂרָאֵל who had inherited the produce from his maternal grandfather who was a priest or Levite. 3 i.e.,  $\frac{3}{100}$ , so that  $\frac{2}{100}$  is תְּרוּמָה, priest's-due and  $\frac{1}{100}$  (i.e.,  $\frac{1}{10}$  of  $\frac{1}{10}$ ) is תְּרוּמַת מַעֲשֵׂר, priest's-due of the first-tithe (or תְּרוּמָה קְטָנָה, priest's-minor-due). 4 One of the three hundredths which he separated. 5 i.e., where he had put it. 6 חֻלִּין, profane, non-holy produce. According to דִּין, ruling, תְּרוּמָה must be separated before תְּרוּמַת מַעֲשֵׂר; so one says  $\frac{1}{100}$  is still חֻלִּין or טָבֵל and the  $\frac{2}{100}$  is to be תְּרוּמָה. 7 i.e., the  $\frac{1}{100}$  which had been temporarily declared as חֻלִּין or טָבֵל. 8 Where it had been placed. 9 i.e., מַעֲשֵׂר ראשון. 10 The

$\frac{1}{100}$  part. 11 In some editions *וְהַשָּׂאָר חֻלָּה* (*and the rest is priest's-dough*) which has no place in this *Mishnah* and is an intrusion from the last one. 12 See the last note to the preceding *Mishnah*.

Mishnah 3

One who buys from a baker may tithe from hot<sup>1</sup> for cold<sup>2</sup> and from cold for hot, even from many moulds;<sup>3</sup> (this is) the view of R. Meir.<sup>4</sup> R. Judah forbids,<sup>5</sup> 'For I say last night's wheat was from one<sup>6</sup> and to-day's from another.'<sup>7</sup> R. Simon<sup>8</sup> forbids<sup>9</sup> in the case of the *priest's-due of the first-tithe* and allows in the case of *priest's-dough*.<sup>10</sup>

משנה ג

הַלּוּקֶחַ מִן-הַנֶּחֱתוּם מַעֲשֵׂר מִן-  
הַחֲמָה עַל הַצּוֹנֶנֶת וּמִן-הַצּוֹנֶנֶת  
עַל הַחֲמָה, אָפִילוּ מִטְּפוּסִין הֶרְבֵּה.  
דְּבָרִי רַבִּי מְאִיר. רַבִּי יְהוּדָה  
אוֹסֵר, שְׂאֵנִי אוֹמֵר, חֲטִיִּם שֶׁל אֶמֶשׁ  
הָיוּ מְשֻׁל אֶחָד וְשֶׁל הַיּוֹם הָיוּ מְשֻׁל  
אֶחָד. רַבִּי שִׁמְעוֹן אוֹסֵר בְּתַרּוּמַת  
מַעֲשֵׂר וּמִתִּיר בְּחֻלָּה.

1 Fresh, warm bread; freshly baked bread. 2 Old or stale bread. 3 טְפוּס, *frame, mould*; the bottoms of the ovens were hollowed out in the shapes of loaves and were filled with dough. 4 There is no fear that some loaves might be from tithed wheat and others not, because he buys his wheat from only one dealer. 5 From hot for cold or from cold for hot. 6 From one flour dealer. 7 *i.e.*, from another flour merchant. His view is that one flour dealer may have tithed already, in which case he would tithe *מִן-הַחַיִּיב עַל הַפֶּטוּר* (from what must be tithed for what is exempt) or *מִן-הַפֶּטוּר עַל הַחַיִּיב* (from what is exempt for what must be tithed) which is not permitted. 8 His view is accepted. 9 For fear that some flour might have been tithed already and as one would tithe here *מִן-הַפֶּטוּר עַל הַחַיִּיב* or *מִן-הַחַיִּיב עַל הַפֶּטוּר* which is not permitted. 10 Because it is the baker's duty to separate *חֻלָּה*, *priest's-dough*, after the dough is prepared.

Mishnah 4

He who buys<sup>1</sup> at the shop<sup>2</sup> must give *tithes* from each form separately; this is the view of R. Meir.<sup>3</sup> R. Judah<sup>4</sup> says, From one for all. R. Judah<sup>5</sup> admits that when he buys<sup>6</sup> from a monopolized market<sup>7</sup> he must tithe from each one.<sup>8</sup>

משנה ד

הַלּוּקֶחַ מִן-הַפֶּלֶטֶר מַעֲשֵׂר מִכָּל  
טְפוּס וְטְפוּס; דְּבָרִי רַבִּי מְאִיר.  
רַבִּי יְהוּדָה אוֹמֵר, מֵאֶחָת עַל  
הַכֹּל. מוֹדָה רַבִּי יְהוּדָה בְּלוּקֶחַת  
מִן-הַמְּנוּפּוּל שֶׁהוּא מַעֲשֵׂר מִכָּל  
אֶחָד וְאֶחָד.

1 Bread. 2 פֶּלֶטֶר, פֶּלֶטֶר, *shopkeeper, seller of bread, one who buys from bakers and sells retail in the market; shop, baker's shop*. 3 He maintains that the retailer may have bought the bread from more than one baker. 4 His view is that the retailer has bought the bread from one baker. 5 And this ruling is accepted. 6 Loaves of bread. 7 מְנוּפֵּל, מְנוּפֵּל, *trading mart possessing a monopoly*. Where the numbers of bakers and retailers are limited. 8 *i.e.*, each one separately. Because the monopolist buys up for reselling from all who tithe and do not tithe.

## Mishnah 5

One who buys from a poor man,<sup>1</sup> and likewise a poor man who had given to him pieces of bread or pieces of pressed figs, must tithe from each one;<sup>2</sup> and in the case of dates and dried figs<sup>3</sup> he mixes<sup>4</sup> up and takes off. R. Judah said, When is this the case? When the gift is large, but when the gift<sup>5</sup> is small he tithes from each one.<sup>6</sup>

## משנה ה

הַלֹּקֶחַ מִן־הָעֵצִי וְכֵן הָעֵצִי שֶׁנִּתְּנוּ לוֹ פְּרוּסוֹת פֶּת אוֹ פֶּלֶחִי דְּבִילָה, מַעֲשֵׂר מִכָּל אֶחָד וְאֶחָד; וּבִתְמָרִים וּבְגִדְּוִגְרוֹת<sup>4</sup> בּוֹלָל וְנוֹטֵל. אָמַר רַבִּי יְהוּדָה, אֵימָתִי? בְּזֶמֶן שֶׁהִמְתָּנָה מְרֻבָּה, אֲבָל בְּזֶמֶן שֶׁהִמְתָּנָה מוּעָצֶת מַעֲשֵׂר מִכָּל אֶחָד וְאֶחָד.

1 Who goes round begging at houses, a beggar. 2 *i.e.*, separately (and this is the accepted ruling); the beggar receives from those who tithe and those who do not; hence it is necessary to tithe from each separately so that one does not transgress by tithing מִן־הַפֶּטוּר עַל הַחַיִּיב (from what is exempt for what is obligatory) or מִן־הַחַיִּיב עַל הַפֶּטוּר (from what is obligatory for what is exempt). 3 And also other fruit. 4 And this is the accepted ruling. 5 The food which the beggar has collected. Each gift must be large, not merely the total. 6 *i.e.*, separately.

## Mishnah 6

One who buys from a corn-merchant<sup>1</sup> and buys from him once more must not tithe from one<sup>2</sup> for the other,<sup>3</sup> even from the same basket, even from the same kind. The corn-merchant is believed when he says that they are from one.<sup>4</sup>

## משנה ו

הַלֹּקֶחַ מִן־הַפֶּיטוֹן וְחֹזֵר וְלָקַח מִמֶּנּוּ שֵׁנִיָּה לֹא יַעֲשֶׂר<sup>2</sup> מִזֶּה עַל זֶה, אֲפִילוּ מֵאוֹתוֹ הַסּוּגִי, אֲפִילוּ מֵאוֹתוֹ הַמִּין. נֶאֱמַן הַפֶּיטוֹן לֹא־מִשָּׁל אֶחָד הֵם.

1 טיטון, see 2<sup>4</sup> Note 7. 2 The first lot bought. 3 The second lot bought; because the first may have been tithed and the other not, or vice versa. 4 One owner; and one may tithe from one purchased lot for the other.

### Mishnah 7

One who buys from a private person<sup>1</sup> and buys once again from him may tithe from one<sup>2</sup> for the other, even from two baskets, even from two towns.<sup>3</sup> A private owner who sells greens in the market, when they bring<sup>4</sup> him from his own gardens, may<sup>5</sup> tithe from one for all,<sup>6</sup> but from other<sup>7</sup> gardens he must tithe from each one.<sup>8</sup>

משנה ז

הלוקח מבעל הבית וחזר ולקח ממנו שניה מעשר מזה על זה, אפילו משתי קופות, אפילו משתי עיירות. בעל הבית שהיה מוכר ירק בשוק, בזמן שמביאין לו מגנותיו מעשר מאחת על הכל, ומגנות אחרות מעשר מכל אחד ואחד.<sup>8</sup>

1 בעל הבית, private person (in contradistinction here to a trader, shopkeeper). 2 One lot of produce. 3 i.e., he has gardens in two or more towns. This is only permitted when the greens or grains are of one kind and from the same year's growth. 4 The greens. 5 The buyer. 6 i.e., from one lot purchased for all the greens purchased. 7 That do not belong to one owner. 8 Separately, i.e., from each lot purchased.

### Mishnah 8

One who buys *completely untithed produce* from two places<sup>1</sup> may tithe from one for the other. Although they<sup>2</sup> said this,<sup>3</sup> No one is allowed to sell<sup>4</sup> *completely untithed produce* except in case of need.<sup>5</sup>

משנה ח

הלוקח טבל משני מקומות מעשר מזה על זה, אף על פי ששאמרו, אין אדם רשאי למכור טבל אלא לצורך.<sup>5</sup>

1 i.e., sources, traders, sellers; he was told that the produce was טבל, completely untithed produce. 2 i.e., the חכמים, Sages. 3 Namely, the two lots of טבל may be tithed together which would seem to mean that טבל may be sold in the ordinary way. 4 In case he forgets to warn the buyer that the purchase is טבל. 5 For instance, a נאמן found that a little חילין, completely tithed produce, had mixed with a lot of טבל, completely untithed produce, it requires adjusting with regard to tithes; he must buy fresh טבל and adjust therewith.

## Mishnah 9

One may tithe from a Jew's<sup>1</sup> for that from a non-Jew's,<sup>2</sup> from a non-Jew's<sup>3</sup> for that from a Jew's,<sup>1</sup> from a Jew's<sup>1</sup> for that from Samaritans',<sup>3</sup> from that from Samaritans' for that from Samaritans.' R. Eliezer<sup>4</sup> forbids<sup>5</sup> from that from Samaritans' for that from Samaritans.'

משנה ט

מֵעֶשְׂרִין מִשָּׁל<sup>1</sup> יִשְׂרָאֵל עַל שָׁל  
נִכְרִי, מִשָּׁל<sup>2</sup> נִכְרִי עַל שָׁל יִשְׂרָאֵל,  
מִשָּׁל<sup>3</sup> יִשְׂרָאֵל עַל שָׁל<sup>3</sup> כּוֹתִים, מִשָּׁל  
כוֹתִים עַל שָׁל כּוֹתִים. רַבִּי  
אֱלִיעֶזֶר<sup>4</sup> אוֹסֵר<sup>5</sup> מִשָּׁל כּוֹתִים עַל  
שָׁל כּוֹתִים.

1 *i.e.*, a Jew's products which are **טָבֵל**, *completely untithed produce*, for the same kind of produce also **טָבֵל** from a non-Jew. 2 *i.e.*, a non-Jew's products. 3 *i.e.*, products (produce) from Samaritans or Samaritans. This is expressly mentioned to stress that they were considered in the same category as the **נִכְרִי**, *non-Jew*, on this question. 4 **אֱלִיעֶזֶר** in some editions. 5 Because the Samaritans were not consistent in the *tithing* practices.

## Mishnah 10

A perforated pot<sup>1</sup> is like the earth.<sup>2</sup> If one have separated the *priest's-due* from the earth's<sup>3</sup> for that from a perforated pot<sup>4</sup> or from that of a perforated pot for that from the earth's, his *priest's-due*<sup>5</sup> is legal *priest's-due*; from a non-perforated pot for that of a perforated pot, it is correct *priest's-due*,<sup>6</sup> but he must tithe again; from that of a perforated pot<sup>7</sup> for that of a perforated pot, it is valid *priest's-due*, but it may not be eaten until he shall separate for it *priest's-dues* and *tithes*.

משנה י

עֲצִיץ נְקִיב הָרִי זֶה<sup>2</sup> כְּאֶרֶץ. תֵּרֶם  
מִהָאֶרֶץ עַל<sup>4</sup> עֲצִיץ נְקִיב, מֵעֲצִיץ  
נְקִיב עַל הָאֶרֶץ, תְּרוּמָתוֹ תְּרוּמָה;  
מִשְׁאֵינוֹ נְקִיב עַל הַנְּקִיב, תְּרוּמָה  
וַיִּחְזֹר וַיִּתְּרוֹם; מִן-הַנְּקִיב עַל  
שְׂאֵינוֹ נְקִיב, תְּרוּמָה, וְלֹא תֹאכַל עַד  
שִׂיזְצִיא עָלֶיהָ תְּרוּמוֹת וּמַעֲשָׂרוֹת.

1 **עֲצִיץ נְקִיב**, a perforated planting pot placed on the ground. 2 All that grows therein must be tithed just as if it had grown in the earth (**מִדְּרַבָּנָא**, *as laid down by the Rabbis of the Talmud*, all that grows in a non-perforated pot must also come under the same rules as produce growing in the ground). 3 *i.e.*, from the produce of the earth. 4 *i.e.*, for the produce from a perforated pot. 5 Because the *tithing* is from **הַחַיִּיב עַל הַחַיִּיב**, *from what must be tithed for what must be tithed*. 6 Once it has been designated **תְּרוּמָה**, *priest's-due*, it is **קֹדֶשׁ**, *holy, i.e.*, **תְּרוּמָה**; but as from a non-perforated pot the produce is **מִדְּאוּרֵיתָא** (or **מִן-הַפְּטוּר עַל הַחַיִּיב**, *exempt* (here it is **הַחַיִּיב**, *as laid down in the Law*), **פְּטוּר**, *exempt*).

from what is exempt for what is obligatory) therefore תְּרוּמָה must be again separated from the produce of the perforated pot. 7 i.e., מִן-הַתּוֹרָה (or מִדְּאוֹרֵייתָא as laid down in the תּוֹרָה, Law) this is מִן-הַחַיִּיב עַל הַפֶּטוּר, from what is obligatory for what is exempt, but once it has become קֹדֶשׁ, holy, the כֹּהֵן, priest, must separate from it תְּרוּמוֹת, priest's-dues, and מַעֲשְׂרוֹת, tithes, as in the case of any other טָבֵל, completely untithed produce.

Mishnah 11

If one have separated the priest's-due from<sup>1</sup> demai for demai, or from demai for what has been certainly tithed, it is correct priest's-due but he must again separate priest's-due; from certain tithed<sup>2</sup> for demai, it is valid priest's-due but it must not be eaten<sup>3</sup> before he removes thereon the priest's-dues and tithes.

1 From demai bought from one person for demai bought from another person; i.e., in case that from one had been tithed and that from the other had not been tithed. 2 i.e., if he has separated תְּרוּמָה, priest's-due. 3 Because the תְּרוּמָה, priest's-due, had been separated מִן-הַחַיִּיב עַל הַפֶּטוּר, from what is obligatory for what is exempt, for if the demai had been tithed the תְּרוּמָה is מִדְּאוֹרֵיתָא (or מִן-הַתּוֹרָה, as laid down in the תּוֹרָה, Law) true טָבֵל, certainly untithed produce, and must be retithed.

CHAPTER 6

Mishnah 1

One who takes over<sup>1</sup> a field from a Jew, from a non-Jew, or from a Samaritan, divides before them.<sup>2</sup> One who rents<sup>3</sup> a field from a Jew separates the priest's-due<sup>4</sup> and gives it to him.<sup>5</sup> R. Judah said, When is this the case? When he<sup>6</sup> gave him<sup>7</sup> from the same field and from the same kind,<sup>8</sup> but if he gave him from another field<sup>9</sup> or from another sort<sup>10</sup> he must tithe<sup>11</sup> and give it to him.

מִשְׁנָה י"א  
תָּרַם<sup>1</sup> מִן-הַדֵּמַי עַל הַדֵּמַי  
מִדֵּמַי עַל הַדֵּמַי, תְּרוּמָה וַיַּחֲזוֹר  
וַיִּתְּרוֹם.<sup>2</sup> מִן-הַדֵּמַי עַל הַדֵּמַי  
תְּרוּמָה<sup>3</sup> וְלֹא תֹאכַל עַד שְׂיוּצִיא  
עָלֶיהָ תְּרוּמוֹת וּמַעֲשְׂרוֹת.

פֶּרֶק ו'  
מִשְׁנָה א'  
הַמִּקְבֵּל שְׂדֵה מִיִּשְׂרָאֵל, מִן-הַנֹּכְרִי,  
וּמִן-הַכּוֹתִי, יַחֲלֹק<sup>2</sup> לַפְּנִיָּהֶם.  
הַחוֹכֵר שְׂדֵה מִיִּשְׂרָאֵל<sup>4</sup> תּוֹרֵם<sup>5</sup>  
וְנוֹתֵן<sup>6</sup> לוֹ. אָמַר רַבִּי יְהוּדָה, אֵימָתַי?  
בְּזֶמֶן שֶׁנָּתַן<sup>7</sup> לוֹ מֵאוֹתָהּ הַשְּׂדֵה  
וּמֵאוֹתוֹ<sup>8</sup> הַמִּין, אֲבָל אִם נָתַן לוֹ  
מִשְׂדֵּה אַחֶרֶת אוֹ מִמִּין אַחֵר<sup>10</sup>  
מִצֵּשֶׁר וְנוֹתֵן לוֹ.<sup>11</sup>



1 *i.e.*, an אָריס, *sharecropper, one who tills an owner's ground for an agreed share of the produce*. Such tenancy is termed אָריסות. 2 He does not have to separate תְּרוּמָה, *priest's-due*, and מַעֲשֵׂרוֹת, *tithes*, from the owner's (or owners') share(s) since the owner(s) will know that the produce was not tithed. In the case of אָריסות (Note 1) the owner(s) would naturally be present to watch that the tenant gave up the correct share agreed on. 3 חוֹכֵר, חֲקִיר, חֲכֹר, *one who tills an owner's ground for an agreed amount of produce* (in contradistinction so an אָריס; see Note 1. Thus a חוֹכֵר must hand over to the owner the stipulated quantity of produce irrespective of the yield from the ground tilled, and even if the yield be less than the amount agreed on the tenant must buy produce to make it up). Such tenancy is termed חֲכִירוֹת. 4 *i.e.*, the tenant first separates תְּרוּמָה, *priest's-due*, from the whole yield and then hands over the quantity agreed upon, because in the case of חֲכִירוֹת the owner need not be present as he must get the amount stipulated. He need not, however, separate the tithes. 5 To the landlord. 6 *i.e.*, the tenant אָריס or חוֹכֵר. 7 *i.e.*, the owner, the landlord. 8 Of the same produce from that field. 9 Even if he gives him the same kind of produce. 10 Even if it is from the same field. 11 *i.e.*, the tenant must not only first separate תְּרוּמָה, *priest's-due*, but he must also tithe before he hands over the produce to the owner of the field.

## Mishnah 2

One who rents<sup>1</sup> a field from a non-Jew separates *tithe*<sup>2</sup> and gives it to him. R. Judah says, Also one who takes over<sup>3</sup> the field<sup>4</sup> of his ancestors from a non-Jew must tithe<sup>5</sup> and give it to him.

## מִשְׁנָה ב

יְהוֹכֵר שָׂדֶה מִן־הַנִּכְרִי מַעֲשֵׂר  
וְנוֹתֵן לוֹ. רַבִּי יְהוּדָה אוֹמֵר, אֵף  
הַמִּקְבֵּל שָׂדֶה אֲבוֹתָיו מִן־הַנִּכְרִי  
מַעֲשֵׂר וְנוֹתֵן לוֹ.

1 On condition of חֲכִירוֹת *i.e.*, to give the owner an agreed quantity of produce. 2 *i.e.*, he first separates תְּרוּמָה, *priest's-due*, and מַעֲשֵׂרוֹת, *tithes*, before handing over the produce to the non-Jewish owner. This law was purposely instituted so that Jews should prefer to purchase rather than rent fields from non-Jews on חֲכִירוֹת conditions. 3 *i.e.*, on condition of אָריסות, to give the owner an agreed fraction of the produce. 4 *i.e.*, (according to some authorities) the field which the non-Jew had obtained by force from the Jew's ancestors. 5 This was instituted so that ultimately the Jew should make all effort to repurchase the land. If it was not his ancestor's land the first *Mishnah* says he need not separate even תְּרוּמָה.

## Mishnah 3

If a priest or Levite rented<sup>1</sup> a field from a layman,<sup>2</sup> just as they

## מִשְׁנָה ג

כֹּהֵן וְלוֹי שִׁקְבְּלוּ שָׂדֶה מִיִּשְׂרָאֵל

share the non-holy produce so they share the *priest's-due*<sup>3</sup>. R. Eliezer says, The *tithes*<sup>4</sup> are also theirs<sup>5</sup> for that was the condition<sup>6</sup> of their coming.<sup>7</sup>

כָּשֶׁם שְׁחֻלְקִין בַּחוּלִין בֵּן חוֹלְקִין  
בְּתְרוּמָהּ רַבִּי אֱלִיעֶזֶר אוֹמֵר  
אִף הַמַּעֲשֵׂרוֹת שֶׁלֶּהֶן שְׁעַל מִנֵּת  
בֵּן בָּאוּ.

1 On conditions of אֲרִיסוֹת, to give the owner a stipulated portion of the produce. 2 *i.e.*, a Jew who is neither בֶּהֱן nor לִי. 3 Both תְּרוּמָה, *priest's-due*, and מַעֲשֵׂרוֹת, *tithes*. This means the landlord retains the separated תְּרוּמָה and מַעֲשֵׂרוֹת of his own share of the produce and may give to whichever בֶּהֱן or לִי he pleases. He does not have to give it to his tenant. The rest of the separated תְּרוּמָה and מַעֲשֵׂרוֹת of course going to the בֶּהֱן or לִי tenant. 4 This means both תְּרוּמָה and מַעֲשֵׂרוֹת. 5 *i.e.*, if the אֲרִיס is a בֶּהֱן he is entitled to the תְּרוּמָה from the landlord's portion as well, and if a לִי he must get the מַעֲשֵׂר ראשון of the landlord's portion. 6 *i.e.*, it is assumed that in the terms of the אֲרִיסוֹת tenancy they were to get the תְּרוּמוֹת and מַעֲשֵׂרוֹת also. But R. Eliezer's view is rejected. 7 Into the tenant's field.

#### Mishnah 4

When a lay-Jew<sup>1</sup> rented<sup>2</sup> from a priest or a Levite the *tithes*<sup>3</sup> belong to the owners. R. Ishmael<sup>4</sup> says, If a provincial<sup>5</sup> have rented<sup>6</sup> a field from a Jerusalemite the *second-tithe* belongs to the Jerusalemite. And the Sages say,<sup>7</sup> The provincial<sup>8</sup> may go up and eat it in Jerusalem.

מִשְׁנָה ד  
יִשְׂרָאֵל שֶׁקִּבֵּל מִבֶּהֱן וּמִלִּי  
הַמַּעֲשֵׂרוֹת לְבָעָלִים רַבִּי יִשְׁמָעֵאל  
אוֹמֵר הַקֶּרְתָּי שֶׁקִּיבֵּל שָׂדֶה  
מִירוּשְׁלָמִי מַעֲשֵׂר שְׁנִי שֶׁל יְרוּשְׁלָמִי  
וְחֻכָּמִים אוֹמְרִים יָכוֹל הוּא  
הַקֶּרְתָּי לַעֲלוֹת וּלְאָכְלוֹ בִּירוּשְׁלָיִם.

1 *i.e.*, lay-Jew, non-priest, non-Levite. 2 A field on terms of אֲרִיסוֹת, to receive a definite portion of the produce. 3 *i.e.*, both תְּרוּמָה, *priest's-due*, and מַעֲשֵׂרוֹת, *tithes*. 4 Wherever רַבִּי יִשְׁמָעֵאל is thus simply stated he is רַבִּי יִשְׁמָעֵאל בֶּן אֱלִישֶׁע. He was a grandson of the high priest of the same name who was martyred by the Romans, and his father was also high priest. He was a disciple of רַבִּי טַרְפוֹן and רַבִּי יְהוֹשֻׁעַ and a contemporary of רַבִּי אֱלִיעֶזֶר, נְחוֹנְיָא בֶּן הַקָּנָה and רַבִּי עֲקִיבָא. 5 provincial, קֶרְתָּי, in contradistinction to יְרוּשְׁלָמִי, an inhabitant of Jerusalem. 6 On אֲרִיסוֹת terms. 7 And their ruling is accepted. 8 And the provincial and Jerusalemite share the מַעֲשֵׂר שְׁנִי, *second tithe*.

## Mishnah 5

If one<sup>1</sup> rent<sup>2</sup> olive-trees for oil,<sup>3</sup> just as they share the non-holy produce so they share the *priest's-due*.<sup>4</sup> R. Judah says,<sup>5</sup> If a lay-Jew<sup>6</sup> rent from a priest or a Levite olive trees for oil or for half<sup>7</sup> of the profits, the *tithes* belong to the owners.<sup>8</sup>

## משנה ה

<sup>1,2</sup> הַמִּקְבֵּל וְיָתִים לְשִׁמּוֹן כֶּשֶׁם שְׁחוּלָקִין בַּחוּלִין בְּךָ חוּלָקִין בְּתֵרוּמָה רַבִּי הֵיכָדָה אוֹמֵר יִשְׂרָאֵל שֶׁקֶבֶל מִכֶּהֱן וּמִלֹּרִי וְיָתִים לְשִׁמּוֹן אוֹ לְמַחְצִית שְׂכָרִי הַמַּעֲשֵׂרוֹת לְבָעָלִים.<sup>8</sup>

1 Either a lay-Jew from a priest or Levite, or a priest or Levite from a lay-Jew. 2 On terms of *אָרִיסוֹת*, to receive a stipulated part of the produce. 3 *i.e.*, to express the oil from the olives and the owner to receive the agreed on fraction. 4 *i.e.*, the tenant gives of the *תְּרוּמָה*, *priest's-due*, or *מַעֲשֵׂרוֹת*, *tithes*, the same proportion as agreed upon for the whole produce to the priest or Levite (as the case may be) and gives the rest to any other priest or Levite he pleases. In the case of oil the landlord, when a priest or Levite, is not in a favoured position as he is in the case of a field (see preceding *Mishnah*). 5 His view is not accepted. 6 *i.e.*, non-Levite, non-priest. 7 *i.e.*, that the tenant should sell the oil and give the owner half of the proceeds. 8 And there is no difference according to R. Judah between oil and an ordinary field.

## Mishnah 6

The School of Shammai say, A man should not sell his olives<sup>1</sup> except to a *חֲבֵר*;<sup>2</sup> the School of Hillel say,<sup>3</sup> Even to one who tithes.<sup>4</sup> But the ultraorthodox<sup>5</sup> of the followers of Hillel used to practise in accordance with the view of the School of Shammai.

## משנה ו

בֵּית שַׁמַּאי אוֹמְרִים לֹא יִמָּכֵר אָדָם אֶת-יָדָיו אֶלָּא לְחֲבֵר; בֵּית הִלֵּל אוֹמְרִים אִף לְמַעֲשֵׂר וְצִנּוּעֵי בֵּית הִלֵּל הָיוּ נוֹהֲגִין כְּדִבְרֵי בֵּית שַׁמַּאי.

1 Plucked from the tree. Fruit that has become wet (*e.g.*, in the pressing) becomes *טָמֵא*, *ritually unclean*, when touched by an *עֵם הָאֶרֶץ*, but a *חֲבֵר* who observes the laws of *טְהוּרָה*, *ritual cleanness*, may buy them. 2 See **Introduction** and 2<sup>3</sup> **Note 1**. 3 And this view is the accepted one. 4 Even if he does not observe the laws of *טְהוּרָה*, *ritual cleanness*. 5 *צִנּוּעֵי*, *chaste, pious, orthodox, those who are particularly observant of מִצְוֹת*.

## Mishnah 7

If two have harvested their vine-crop in one wine-press,<sup>1</sup> and one<sup>2</sup>

## משנה ז

שְׁנַיִם שִׁבְּצוּ אֶת-כֶּרְמֵיהֶם לְתוֹךְ

tithes and the other<sup>3</sup> does not tithe, he who tithes must tithe his own<sup>4</sup> and again tithes his share<sup>5</sup> wherever it may be.

גַּת אַחַת, אֶחָד מֵעֵשֶׂר וְאַחַד שְׂאִינוֹ  
מֵעֵשֶׂר, הַמֵּעֵשֶׂר מֵעֵשֶׂר אֶת-שְׁלוֹ  
וְיִחְלְקוּ בְּכָל מְקוֹם שֶׁהוּא.<sup>6</sup>

1 *i.e.*, they mixed their grapes into one wine press. 2 *i.e.*, one is a נֶאֱמָן.  
3 An עַם הָאֶרֶץ. 4 *i.e.*, the grapes before he places them in the wine-press.  
5 *i.e.*, his portion of the wine (because it contains wine from the untithed grapes of the other).

### Mishnah 8

If two took over a field<sup>1</sup> on a tenancy,<sup>2</sup> or they inherited,<sup>3</sup> or they became partners,<sup>4</sup> one can say to the other, 'Take thou the wheat from such-and-such a place and I the wheat from such-and-such a place, thou the wine<sup>5</sup> from such-and-such a place and I the wine<sup>6</sup> from such-and-such a place;<sup>7</sup> but<sup>7</sup> he may not say to him, 'Thou take the wheat and I the barley, thou take the wine and I will take the oil.'

מִשְׁנָה ח  
שְׁנַיִם שֶׁקִּבְּלוּ<sup>1</sup> שָׂדֶה<sup>2</sup> בְּבִאֲרִיסוֹת,  
אוּ<sup>3</sup> שִׁירְשׁוּ אוּ<sup>4</sup> שִׁנְשַׁתְּמֻּוּ, יָכוֹל הוּא  
לֹאמַר לוֹ, טוֹל אֶתְּה חֲטִיִּם שֶׁבְּמְקוֹם  
פְּלוֹנִי, וְאֲנִי חֲטִיִּם שֶׁבְּמְקוֹם פְּלוֹנִי,  
אֶתְּה<sup>5</sup> יֵינן שֶׁבְּמְקוֹם פְּלוֹנִי וְאֲנִי יֵינן<sup>6</sup>  
שֶׁבְּמְקוֹם פְּלוֹנִי;<sup>7</sup> 'אַבָּל לֹא יֵאמַר  
לוֹ, טוֹל אֶתְּה חֲטִיִּם וְאֲנִי שְׁעוֹרִים,  
טוֹל אֶתְּה יֵינן וְאֲנִי אֶטוֹל שֶׁמֶן.

1 Wholly planted either with wheat or vines. 2 To work it under terms of אֲרִיסוֹת, *for an agreed proportion of the produce*, and to share between them this portion. 3 A field. 4 Both bought a field. 5 *i.e.*, made from the grapes of. 6 Such an arrangement is definitely not regarded as a sale of the produce to each other, and so they need not tithe the produce first. 7 Where the field is sown with two species, such a demand would be as if one were selling טָבֵל, *completely untithed produce*, which is not allowed.

### Mishnah 9

A חֵבֶר and an עַם הָאֶרֶץ inherited from their father who was an עַם הָאֶרֶץ:<sup>1</sup> one<sup>2</sup> can say to the other,<sup>3</sup> 'Thou take wheat from such-and-such a place and I wheat from such-and-such a place,' 'Thou wine<sup>4</sup> from such-and-such a place and I wine<sup>4</sup> from such-and-such a place'; but he may

מִשְׁנָה ט  
חֵבֶר וְעַם הָאֶרֶץ שִׁירְשׁוּ אֶת-  
אֲבֵיהֶם<sup>1</sup> עַם הָאֶרֶץ יָכוֹל<sup>2</sup> הוּא  
לֹאמַר<sup>3</sup> לוֹ, טוֹל אֶתְּה חֲטִיִּם  
שֶׁבְּמְקוֹם פְּלוֹנִי וְאֲנִי חֲטִיִּם שֶׁבְּמְקוֹם  
פְּלוֹנִי, אֶתְּה<sup>4</sup> יֵינן שֶׁבְּמְקוֹם פְּלוֹנִי

not say<sup>5</sup> to him,<sup>6</sup> 'Take thou wheat and I barley, thou take the moist<sup>7</sup> and I will take the dry.'

וְאֵיךְ יִינן שְׂבָמָקוֹם פְּלוּנִי; אֲבָל  
לֹא יֵאמַר<sup>5</sup> לוֹ, טוֹל אֶתְּהָם חֲטִים  
וְאֵיךְ שְׂעוּרִים, טוֹל אֶתְּהָם<sup>7</sup> הֶלֶח  
וְאֵיךְ אֶטוֹל אֶת-הֵיבֶשׁ.

1 And any produce inherited is suspect that it may be *demai* or (and) טָמֵא ritually unclean. 2 i.e., the חֵבֵר may say so when the field contains only one kind of produce. 3 To the עַם הָאָרֶץ. 4 i.e., made from the grapes of, 5 When the field is planted with two kinds of produce, both the חֵבֵר and the עַם הָאָרֶץ have shares in the varied produce, therefore the חֵבֵר may not part with (equivalent to selling) untithed produce to an עַם הָאָרֶץ (see 2<sup>2</sup>). 6 To the עַם הָאָרֶץ. 7 A חֵבֵר may not part with (equivalent to selling) wet fruits to an עַם הָאָרֶץ because he will cause his share of the fruits to be rendered טָמֵא, ritually unclean, by the עַם הָאָרֶץ (see 2<sup>3</sup>).

#### Mishnah 10

A proselyte and an idolater inherited from their father who was an idolater: he<sup>1</sup> can say to him,<sup>2</sup> 'Thou take the idols and I the money, thou wine<sup>3</sup> and I the fruits,' but if they had already come into the possession of the proselyte, it is forbidden.<sup>4</sup>

מִשְׁנָה י'  
גֵר וְעוֹבֵד כּוֹכָבִים שִׁירְשׁוּ אֶת-  
אֲבִיהֶם עוֹבֵד כּוֹכָבִים, יָכוֹל<sup>1</sup> הוּא  
לֵאמֹר<sup>2</sup> לוֹ, טוֹל אֶתְּהָם עֲבוֹדָה זָרָה  
וְאֵיךְ מַעוֹת, אֶתְּהָם<sup>3</sup> יִינן וְאֵיךְ פִּירוֹת,  
וְאֵם מִשְׁבָּאוֹ לְרִשׁוֹת הַגֵּר, אִסוּר.<sup>4</sup>

1 i.e., the proselyte. 2 i.e., the non-Jew. 3 וְיֵין נֶסֶךְ, wine for libation, wine which a non-Jew dedicates or uses for any religious purpose is absolutely forbidden to be used by Jews. The proselyte may do so as long as he has not come into possession of the wine or idols because this arrangement is not regarded as a sale (compare previous *Mishnahs*). 4 He must not pass them on and benefit from the sale.

#### Mishnah 11

If one<sup>1</sup> sell fruits in Syria<sup>2</sup> and says, 'They are from the Land of Israel,' he<sup>3</sup> must tithe them; 'They are tithed',<sup>4</sup> he<sup>5</sup> is believed, for the mouth that forbade<sup>6</sup> is the [same] mouth that permitted;<sup>7</sup> 'They are from mine',<sup>8</sup> he<sup>9</sup> must tithe; 'They are tithed',<sup>10</sup> he is believed, for the

מִשְׁנָה י"א  
הַמוֹכֵר פִּירוֹת<sup>1</sup> בְּסוּרְיָא וְאָמַר,  
מִשְׁלֵי אֶרֶץ יִשְׂרָאֵל הֵן,<sup>2</sup> חֲטִיב לְעֹשֶׁר;  
מִעוֹשְׁרֵין הֵן,<sup>3</sup> נֶאֱמַר, שֶׁהִפָּה<sup>4</sup> שְׂאֵסֶר  
הוּא הִפָּה<sup>7</sup> שֶׁהִתִּיר;<sup>5</sup> מִשְׁלֵי הֵן,  
חֲטִיב לְעֹשֶׁר,<sup>6</sup> מִעוֹשְׁרֵין הֵן, נֶאֱמַר.<sup>10</sup>

mouth that forbade is the [same] ; שְׁהִפָּה שְׁאָסֵר הוּא הִפָּה שְׁהִתִּיר; mouth that permitted; but if it be known that he has a field<sup>11</sup> in וְאִם יָדוּעַ שֵׁשׁ לוֹ שָׂדֶה אַחַת וְאִם יָדוּעַ שֵׁשׁ לוֹ שָׂדֶה אַחַת בְּסוּרֵיָא, חֵיִב לְעֶשֶׂר.<sup>12</sup>

1 *i.e.*, an עַם הָאָרֶץ. 2 Several districts north-east of Palestine were named סוּרֵיָא and they shared in many respects the sanctity of אֶרֶץ יִשְׂרָאֵל, for instance produce grown in a Jewish field in Syria must be tithed (but produce grown in Syria in fields not owned by Jews is exempt from *tithes*). 3 *i.e.*, the חֵבֵר. 4 *i.e.*, the seller declares that they are tithed. 5 The seller is trusted, and the buyer does not have to tithe. 6 אָסֵר, *interdict, declare forbidden according to ritual law*: in this case rendered the produce liable to tithe by saying that they came from the Land of Israel. 7 הִתִּיר, *authorize, allow, permit, declare something permitted according to ritual law*: by saying the produce has been tithed, in this case. 'This means that if he is believed when he says the produce is from the Holy Land he must also be believed when he declares it has been tithed. 8 The seller says that they are from his field in Syria and so liable to tithe. 9 *i.e.*, the buyer. 10 The seller says that though the produce was grown in his Syrian field it was tithed. 11 Even though the seller makes no mention of it. 12 The buyer must tithe even if the seller says he has already tithed because we assume the produce came from his own field and not from a non-Jew's field and so are not relying on his word when we declare it liable to tithe.

#### Mishnah 12

An עַם הָאָרֶץ said to a חֵבֵר,<sup>1</sup> 'Buy for me<sup>2</sup> a bundle of greens, buy for me a white-loaf,' he may buy indiscriminately<sup>3</sup> and is exempt;<sup>4</sup> but if he said, 'This is mine and that is my friend's,' and they were mixed up, he must tithe<sup>5</sup> even if there be a hundred.<sup>6</sup>

#### מִשְׁנֵה יב

עַם הָאָרֶץ שְׁאָמַר לְחֵבֵר, קַח לִי<sup>2</sup> אֶגְוִיִּת יֶרֶק אַחַת, קַח לִי גְלוֹסְקִין אֶחָד, לֹקֶחַ סֶתֶם<sup>3</sup> וּפְטוּר; וְאִם אָמַר, שְׁלִי זֶה וְזֶה שֶׁל חֵבֵרִי וְנִתְעָרְבוּ, חֵיִב לְעֶשֶׂר וְאִפְּלוּ הֵן<sup>6</sup> מֵאָה.

1 Or a נֶאֱמָן. Who was going to market to get greens or (and) a white-loaf for himself. 2 *i.e.*, 'for me also.' 3 *i.e.*, he does not settle in his mind which bundle of greens and which loaf are his own and which for the עַם הָאָרֶץ. 4 He does not have to tithe what he has bought for the עַם הָאָרֶץ. 5 Both bundles and both loaves because not knowing which are his he, a חֵבֵר or נֶאֱמָן, may not hand over untithed products to an עַם הָאָרֶץ (see 2<sup>2,3</sup>). 6 *i.e.*, if the quantity he bought for the עַם הָאָרֶץ is one-hundred times as large as his own.

## CHAPTER 7

## פֶּרֶק ז

Mishnah 1<sup>1</sup>

One invites<sup>2</sup> his friend<sup>3</sup> that he should eat with him,<sup>4</sup> and he<sup>5</sup> does not believe him<sup>6</sup> regarding *tithes*, he<sup>7</sup> says on the eve of the Sabbath, 'What I shall separate<sup>8</sup> tomorrow shall be *tithe*,<sup>9</sup> and the rest<sup>10</sup> of *tithe* is next to it,<sup>11</sup> that which I have turned<sup>12</sup> into *tithe* shall be<sup>13</sup> the *priest's-due* of the *first-tithe*<sup>14</sup> thereon, and *second-tithe* shall be in the north or south side thereof<sup>15</sup> and shall be exchanged<sup>16</sup> for money'.<sup>17</sup>

## מִשְׁנָה א

הַמְזַמֵּן אֶת-חֲבִירוֹ שִׁיאֲכַל  
אֲצִלּוֹ, וְהוּא אֵינוֹ מֵאֲמִינוֹ עַל  
הַמַּעֲשֻׂרוֹת, אֹמֵר מַעֲרֵב שַׁבָּת,  
מֵה-שְּׂאֵנִי עֲתִיד לְהַפְרִישׁ מִחֵר  
הָרִי הוּא מַעֲשֵׂר, וְשֶׁאֵר מַעֲשֵׂר  
סָמוּךְ לוֹ, זֶה שְׁעָשִׂיתִי מַעֲשֵׂר  
עָשׂוֹי תְּרוּמַת מַעֲשֵׂר עָלָיו,  
וּמַעֲשֵׂר שְׁנִי בְּצִפּוֹנוֹ אוֹ בְּדְרוֹמוֹ  
וּמִחוּלָּל עַל תְּמַעוֹת.<sup>17</sup>

1 Compare 2<sup>2,3</sup>. 2 Before Sabbath begins. 3 A נֶאֱמָן or חֲבֵר. 4 On the Sabbath. 5 The guest. 6 The host. 7 The guest stipulates thus in order to be able to set aside on the Sabbath what he has already tithed in advance before the Sabbath. 8  $\frac{1}{100}$  of what he will eat and drink. 9 *i.e.*, מַעֲשֵׂר ראשון, *first-tithe*. 10  $\frac{9}{100}$  of that with the  $\frac{1}{100}$  above (Note 8) make up the  $\frac{1}{10}$  for מַעֲשֵׂר ראשון. 11 Next to the  $\frac{1}{100}$ . 12 *i.e.*, 'which I have denominated מַעֲשֵׂר ראשון.' 13 *i.e.*, 'tomorrow שַׁבָּת.' 14 And as this may not be given to a כֹּהֵן, *priest*, on שַׁבָּת the guest must get rid of it (by crumbling it small) so that the עַם הָאֶרֶץ does not eat it. 15 *i.e.*, of the תְּרוּמַת מַעֲשֵׂר. 16 *i.e.*, redeemed. Compare 51,2. 17 The coins he actually possesses at the time.

## Mishnah 2

When his cup is filled up<sup>1</sup> he says, 'That which I shall leave at the bottom of the cup shall be *tithe*,<sup>2</sup> and the rest<sup>3</sup> of the *tithe* is next to it, and that which I have named *tithe* shall be *priest's-due* of the *first-tithe*<sup>4</sup> thereon, and *second-tithe* shall be in its rim and shall be exchanged<sup>5</sup> for money.'

## מִשְׁנָה ב

מִזְגֵּג לֹא אֶת-הַכּוֹס אוֹמֵר, מֵה-שְּׂאֵנִי  
עֲתִיד לְשִׁיר בְּשׁוּלֵי הַכּוֹס הָרִי  
הוּא מַעֲשֵׂר, וְשֶׁאֵר מַעֲשֵׂר סָמוּךְ  
לוֹ, זֶה שְׁעָשִׂיתִי מַעֲשֵׂר עָשׂוֹי  
תְּרוּמַת מַעֲשֵׂר עָלָיו וּמַעֲשֵׂר שְׁנִי  
בְּפִיו וּמִחוּלָּל עַל תְּמַעוֹת.

1 This *Mishnah* is evidently in conclusion of the preceding *Mishnah*. Though the guest had already made a stipulation on שַׁבָּת he must repeat it on the

שֶׁכֶּת before he recites the Blessing and drinks the wine. 'When his cup is filled up', literally 'When they filled up his cup.' He would probably begin with wine for קָדִישׁ. 2 *i.e.*, מַעֲשֵׂר ראשון, *first-tithe*. 3  $\frac{9}{100}$  of that with the  $\frac{1}{100}$  of what he will eat and drink. 4 And he pours it away on the floor. (Compare preceding *Mishnah Note 14*). 5 *i.e.*, redeemed. Compare 51<sup>2</sup>.

### Mishnah 3

A labourer,<sup>1</sup> who does not believe<sup>2</sup> the employer, takes a dry fig<sup>3</sup> and says, 'This and nine that follow it shall be *tithe* for the ninety that I eat, and this<sup>4</sup> shall be the *priest's-due of the first-tithe* for them,<sup>5</sup> and *second-tithe* shall be in the last<sup>6</sup> and shall be exchanged<sup>7</sup> for money.' And he spares<sup>8</sup> one dry fig. R. Simon ben Gamliel says, He must not spare<sup>9</sup> because he lessens the work for the employer.<sup>10</sup> R. Jose says, He must not spare because it is a condition<sup>11</sup> from *Beth Din*.

### משנה ג

<sup>1</sup>פועל <sup>2</sup>שאינו מאמין לבעל הבית  
נוטל <sup>3</sup>גרוגרת אחת ואומר, זו ותשע  
הבאות אחריה עשירות מעשר  
על תשעים שאני אוכל, <sup>4</sup>זו עשויה  
תרומת מעשר <sup>5</sup>עליהן, ומעשר  
שני באחרונה, <sup>6</sup>ומחולל על המעות.  
<sup>7</sup>וחושף גרוגרת אחת. כפן שמעון  
בן גמליאל אומר, <sup>8</sup>לא יחשף מפני  
שהוא ממעט <sup>9</sup>מלאכתו של בעל  
הבית. רבי יוסי אומר, לא יחשף  
מפני שהוא <sup>11</sup>תנאי בית דין.

1 Who eats at his employer's. 2 That the employer tithes. 3 Dried figs composed a staple food in those days, and is taken as an illustration. 4 *i.e.*, the first dry fig. 5 For the hundred he eats. 6 *i.e.*, in the nine that follow the ninety, because the ninety are <sup>ל</sup>קבל in relation to <sup>שני</sup> מעשר so long as מעשר has not been separated. 7 *i.e.*, redeemed. 8 'spares,' *viz.*, he refrains from eating one of the figs given him for his meal. 9 He should not spare one fig from his food. 10 He decreases his energy in that proportion and so robs the employer of the work he should put in. He must provide himself with an additional fig to replace the one he sets aside as מעשר. 11 A condition of his employment inserted by the Beth Din that he shall be entitled to eat a full meal and separate the תרומת מעשר from what belongs to his employer.

### Mishnah 4

One who buys wine<sup>1</sup> from Samaritans<sup>2</sup> says,<sup>3</sup> 'Two<sup>4</sup> logs<sup>5</sup> which I shall separate<sup>6</sup> shall be *priest's due*<sup>7</sup> and ten<sup>8</sup> shall be *first-tithe*,

### משנה ד

הלוקח יין מביין הכותים <sup>3</sup>אומר,  
<sup>4</sup>שני לוגין שאני עתיד <sup>6</sup>להפריש



and nine<sup>9</sup> *second-tithe*, and he begins<sup>10</sup> it and may drink it.<sup>11</sup>

הָרִי הֵן תְּרוּמָה וְעֶשְׂרָה מַעֲשֵׂר  
וְתִשְׁעָה מַעֲשֵׂר שְׁנִי<sup>10</sup> מִיחַל<sup>11</sup>  
וְשׁוֹתָהּ<sup>11</sup>

1 When it is just about to be *שֶׁבֶת* and he can not separate *תְּרוּמוֹת* and *מַעֲשֵׂרוֹת*, and wants to use the wine on *שֶׁבֶת*. The calculation which follows assumes that he bought 100 logs (see *וְרָעִים Introduction, Tables*). 2 The Samaritans sold produce without removing even the *תְּרוּמָה גְּדוּלָּה* and so the purchaser had to do this himself. 3 Before *שֶׁבֶת* begins. 4 *i.e.*, two in a hundred ( $\frac{1}{50} =$  *תְּרוּמָה גְּדוּלָּה*; see *וְרָעִים Introduction to Introduction, Tables*). 5 About 20 cubic inches (0.58 pint) (see *וְרָעִים Introduction, Tables*). 6 After *שֶׁבֶת*. 7 *i.e.*, *תְּרוּמָה גְּדוּלָּה*. 8 *i.e.*, ten logs. He does not in this case proceed to separate further the *תְּרוּמָת* *מַעֲשֵׂר* since this will be done by the priest or Levite to whom he gives the whole ten as *מַעֲשֵׂר רִאשׁוֹן*. 9 *i.e.*, nine logs. 10 *i.e.*, redeems for money. (Actually the translation 'redeems' is very doubtful since he need not redeem but can take to Jerusalem. Redemption is mentioned only of *דָּמִי* and not of *וְרָעִי*: compare next *Mishnah*). Some authorities render *מִיחַל*, *he exchanges*, and others *he dilutes*. 11 On *שֶׁבֶת*.

#### Mishnah 5

One had figs, which were absolutely untithed, in his house, and he himself was in the house of study or in the field, he says,<sup>1</sup> 'Two figs I am about to separate shall be *priest's-due* and ten *first-tithe* and nine *second-tithe*.' If they were *demai* he says, 'What I am going to separate to-morrow shall be *tithe*<sup>2</sup> and the rest of the *tithe* is next to it, and that which I have named *tithe* shall be the *priest's-due of the first-tithe* thereon, and *second-tithe* is in the north or south thereof and shall be exchanged<sup>3</sup> for money.'

#### מִשְׁנָה ה

הָיוּ לוֹ תְּאֵנִים שֶׁל טָבֵל בְּתוֹךְ בֵּיתוֹ  
וְהוּא בְּבֵית הַמְּדֻרָּשׁ אוֹ בִּשְׂדֵה  
אוֹמֵר, שְׁנֵי תְּאֵנִים שְׂאֵנִי עֲתִיד  
לְהַפְרִישׁ הָרִי הֵן תְּרוּמָה וְעֶשְׂרָה  
מַעֲשֵׂר רִאשׁוֹן וְתִשְׁעָה מַעֲשֵׂר שְׁנִי  
הָיוּ דְּמָאֵי אוֹמֵר, מָה-שְׂאֵנִי עֲתִיד  
לְהַפְרִישׁ לְמָקָר הָרִי הוּא מַעֲשֵׂר  
וְשָׂאֵר מַעֲשֵׂר סָמוּךְ לוֹ, זֶה שְׂעָשִׁיתִי  
מַעֲשֵׂר עֲשׂוֹי תְּרוּמַת מַעֲשֵׂר עָלָיו  
וּמַעֲשֵׂר שְׁנִי בְּצִפּוֹנוֹ אוֹ בְּדִרוֹמוֹ  
וּמִחוּלָּל עַל הַמַּעֲוֹת.

1 And it was close to the beginning of the Sabbath and too late to return home in time to separate *priest's tithe* and *tithes* to enable him to eat from the produce on the Sabbath. (Compare the preceding four *Mishnahs*). 2 *i.e.*, *מַעֲשֵׂר רִאשׁוֹן*. 3 Or *redeemed*.

## Mishnah 6

One had before him two baskets of completely untithed produce and said, "The *tithes*<sup>1</sup> from this one<sup>2</sup> shall be in that one,<sup>2</sup> then the first is tithed;<sup>3</sup> from this one<sup>4</sup> in in that one and from that one in this one, then the first is tithed;<sup>5</sup> their *tithes*<sup>6</sup> shall be tithed, one basket in the other', he has correctly denominated them.<sup>7</sup>

1 *תרומות*, *priest's-dues*, and *מעשרות*, *tithes*. 2 *i.e.*, basket. 3 And its tithes are contained in the second basket. If he now wants to separate the *מעשרות* from the second basket for both baskets he can do so, or if he prefers it he separates the *מעשרות* from the second basket for the first basket, and the *מעשרות* for the second basket he takes from some other source. 4 *i.e.*, the *מעשרות* from the second basket shall be in the first basket, and the *מעשרות* from the first basket shall be in the second basket. 5 The first basket only is tithed, but not the second basket; and he must separate from the second basket the *מעשרות* for both baskets. (Because as soon as the expression is used the first becomes tithed, and when he now says that the *tithe* from the second basket shall be in the first he can no longer tithe from the first for it is now *פטור*, exempt from *tithe*, and one can not separate *tithe* from *על החייב*, *from what is exempt for what is obligatory*. 6 The *מעשרות* from both baskets. 7 Both become tithed simultaneously and he separates the *מעשרות* from the first basket for the second basket and from the second basket for the first basket.

## Mishnah 7

One hundred parts of *untithed produce*<sup>1</sup> and one hundred parts of *completely tithed produce*<sup>2</sup>—one removes a hundred<sup>3</sup> and one parts; one hundred parts of *tithed produce* and one hundred parts of *tithe*<sup>4</sup>—he separates a hundred and one parts;<sup>5</sup> a hundred parts of *completely tithed produce* and one hundred parts *tithed*<sup>6</sup>—he separates one hundred and ten parts;<sup>7</sup> one hundred parts of *untithed produce* and ninety parts *tithe*,<sup>8</sup> ninety parts *untithed produce* and eighty parts

## משנה ו

היו לפניו שתי כלכלות של טבל ואמר, <sup>1</sup>מעשרות זו<sup>2</sup> בזו, הראשונה מעשרת: <sup>3</sup>של זו בזו ושל זו בזו, הראשונה מעשרת; <sup>4</sup>מעשרותיהן מעשרות כלכלה בחברתה, <sup>7</sup>קרא שם.

## משנה ז

מאה טבל מאה חולין, נוטל מאה ואחד; מאה טבל מאה מעשר, נוטל מאה ואחד; מאה חולין מתוקנים מאה מעשר, נוטל מאה ועשר; מאה טבל תשעים מעשר, תשעים טבל ושמונים מעשר, לא הפסיד כלום.<sup>10</sup> זה הכלל, כל-

*tithe*,<sup>9</sup> he has suffered no loss.<sup>10</sup> This is the general rule: so long as the *untithed produce* is the greater quantity he has lost naught. כָּלוּם.

1 Not completely *untithed produce* but טָבֵל from which the תְּרוּמָה גְּדוּלָּה, *priest's-tithe*, had already been separated. 2 *i.e.*, were mixed. 3 *i.e.*, if equal parts of טָבֵל and חֵילִין are mixed one must take half (=100 in 200 as the *Mishnah* puts it) and separates from it מַעֲשֵׂר ראשון, *first-tithe*, and מַעֲשֵׂר שְׁנִי, *second-tithe*, and from the second half he takes  $\frac{1}{100}$  for תְּרוּמַת מַעֲשֵׂר, *priest's-due of first-tithe*. 4 *i.e.*, equal parts of מַעֲשֵׂר ראשון, *first-tithe* (from which תְּרוּמָה קְטָנָה, *priest's-minor-due* or תְּרוּמַת מַעֲשֵׂר had not yet been separated) and *tithed produce* were mixed. 5 *i.e.*, he removes half (=100 parts in 200) for the separation of מַעֲשֵׂר ראשון and מַעֲשֵׂר שְׁנִי, and  $\frac{1}{100}$  for תְּרוּמַת מַעֲשֵׂר, and from the remaining  $\frac{99}{100}$  he separates again  $\frac{1}{10}$  for תְּרוּמַת מַעֲשֵׂר. 6 *i.e.*, equal parts of מַעֲשֵׂר ראשון (from which תְּרוּמָה קְטָנָה had not yet been separated) and חֵילִין were mixed. 7 *i.e.*, he separates half (=100 in 200 parts) for מַעֲשֵׂר ראשון from which he removes  $\frac{1}{10}$  for תְּרוּמַת מַעֲשֵׂר and from the other he also takes  $\frac{1}{10}$  for תְּרוּמַת מַעֲשֵׂר. 8 *i.e.*, were mixed. 9 *i.e.*, confused with eighty parts of מַעֲשֵׂר ראשון. 10 *i.e.*, he has not lost from the מַעֲשֵׂר as set out in the first part of this *Mishnah*: it is not necessary to take  $\frac{1}{2}$  of the טָבֵל,  $\frac{1}{10}$  for מַעֲשֵׂר ראשון and  $\frac{1}{10}$  of the latter for תְּרוּמָה קְטָנָה (or תְּרוּמַת מַעֲשֵׂר), but since the טָבֵל has ten parts more than the מַעֲשֵׂר it is looked upon as if he had other טָבֵל besides that which had got mixed up, and from other טָבֵל one may separate מַעֲשֵׂר for the mixture, therefore here also he separates the מַעֲשֵׂר from the excess (ten parts) that is in the טָבֵל and does not have to take an additional part.

#### Mishnah 8

#### מְשֻׁנָּה ח

If one had ten rows each of ten jars of wine and said, '(Of) the outside row one<sup>1</sup> is *tithe*,' and it is not known which one it is,<sup>2</sup> he must take two jars diagonally.<sup>3</sup> 'Of<sup>4</sup> half the outer row, one is *tithe*,' and it is not known which one it is,<sup>5</sup> he takes four jars from (the) four corners;<sup>6</sup> 'One row is *tithe*,'<sup>7</sup> and it is not known which one it is, he takes one row diagonally;<sup>8</sup> 'Half of a row, one<sup>9</sup> is

מִי שֶׁהָיוּ לוֹ עֶשְׂרֵי שׁוּרוֹת שֶׁל עֶשְׂרֵי עֶשְׂרֵי כִּדֵּי יֵין וְאָמַר שׁוּרָה הַחִיצוֹנָה אַחַת מִעֶשְׂרֵי וְאֵין יָדוּעַ אִיזוֹ הִיא נוֹטֵל שְׁתֵּי חֲבִיּוֹת לְדִבְכָּן; חֲצִי שׁוּרָה הַחִיצוֹנָה אַחַת מִעֶשְׂרֵי וְאֵין יָדוּעַ אִיזוֹ הִיא נוֹטֵל אַרְבָּעָה חֲבִיּוֹת מֵאַרְבָּעָה עֲזָרוֹת שׁוּרָה אַחַת מִעֶשְׂרֵי וְאֵין יָדוּעַ אִיזוֹ הִיא נוֹטֵל שׁוּרָה אַחַת לְדִבְכָּן; חֲצִי שׁוּרָה

to be *tithe*,' and it is not known which one it is,<sup>10</sup> he takes two rows diagonally;<sup>11</sup> 'One jar<sup>12</sup> is *tithe*,' and it is not known which<sup>13</sup> it is, he takes from every jar.<sup>14</sup>

אַחַת מֵעֶשֶׂר וְאֵין יָדוּעַ אֵיזוֹ הִיא<sup>9</sup>  
 נוֹטֵל שְׁתֵּי שׁוּרוֹת לְוֶכֶסֶן;<sup>11</sup> חֲבִית<sup>12</sup>  
 אַחַת מֵעֶשֶׂר וְאֵין יָדוּעַ אֵיזוֹ הִיא<sup>13</sup>  
 נוֹטֵל מִכָּל חֲבִית וְחֲבִית.<sup>14</sup>

1 One cask in the outer row is *מֵעֶשֶׂר* for all (some authorities prefer the rendering 'one outside row [*i.e.*, all ten casks in it] is *first-tithe*'). 2 Because there are four external rows (like four sides to a square or oblong). 3 From opposite corners. These two casks belong, evidently, one to two sides and the other to the other two sides on the outside, and from these two casks one caskful is made up for *מֵעֶשֶׂר*. 4 *i.e.*, [If he said,] 'Of..... 5 Because in this case there are eight half-rows on the outside (instead of 'one [jar] is *tithe*' some prefer 'one row is *tithe*'). 6 Because in this case each cask is at the corner of two external half-rows; a caskful is filled from these four casks as *מֵעֶשֶׂר*. 7 *i.e.*, one cask in a row. 8 Because the casks in a diagonal row belong in turn to all the other rows; from these casks he fills a caskful for *מֵעֶשֶׂר*. 9 *i.e.*, one cask is to be *מֵעֶשֶׂר*. 10 Neither the cask nor the half row. 11 And from these casks he fills up a caskful as *מֵעֶשֶׂר*. 12 *i.e.*, anywhere. 13 *i.e.*, cask. 14 *i.e.*, he takes from each of the hundred casks to fill a caskful as *מֵעֶשֶׂר*.

### סֵלִיק מִסֵּכַת דֵּמַאי

### CONCLUSION OF TRACTATE DEMAI

כִּלְאִים

# KILAYIM

[BEING THE  
FOURTH TRACTATE OF THE MISHNAH]  
TEXT · INTRODUCTION · TRANSLATION  
NOTES

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כִּלְאִיִּם  
KILAYIM

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## INTRODUCTION

The term **קִלְאִים** (literally *mingling, mixture, junction or conjunction of two, two kinds, two sorts, two species*) is from the verb **קָלָא**, *hold, confine, imprison, restrain*, and in this Tractate refers broadly to *forbidden junction or admixture (and grafting)* (1) *of heterogeneous plants in the same field, orchard and vineyard*, (2) *of heterogeneous animals by hybridization or by harnessing together*, and (3) *of wool and flax (linen) in the same garment*; and throughout this Tractate it will be rendered by **forbidden junction**.

The **Tractate Forbidden Junction**, **מסכת קִלְאִים**, is based on *Leviticus 19, 19*, and *Deuteronomy 22, 9, 10, 11*, viz.,

- (19) אֶת-חֻקֹּתַי תִּשְׁמְרוּ בְהִמָּתֵךְ לֹא-תִרְבִּיעַ קִלְאִים שָׂדֶךְ לֹא-תִזְרַע קִלְאִים וּבְגָד  
 קִלְאִים שַׁעֲטָנָא לֹא-יַעֲלֶה עָלֶיךָ.  
 (9) לֹא-תִזְרַע בְּרִמָּה קִלְאִים פֶּן-תִּקְדַּשׁ הַמְלָאָה הַזֶּרַע אֲשֶׁר תִּזְרַע וּתְבוֹאֵת הַבְּרִים.  
 (10) לֹא-תִתְרַשׁ בְּשׂוֹר וּבַחֲמֹר יַחְדָּו.  
 (11) לֹא-תִלְבַּשׁ שַׁעֲטָנָא צֹמֶר וּפְשָׁתִים יַחְדָּו.

(19) Ye shall observe My statutes. Thou shalt not cause thy cattle to gender with a diverse kind. Thou shalt not sow thy field with two kinds of seed; and a garment mingled of wool and linen shall not come upon thee.

(9) Thou shalt not sow thy vineyard with two kinds of seeds; lest the fulness the seed which thou hast sown be forfeited with the increase of the vineyard.

(10) Thou shalt not plough with an ox and an ass together.

(11) Thou shalt not wear mingled material—wool and linen—together.

The term **שַׁעֲטָנָא**, *wool and linen mixed in web*, is a compound noun from the words **שָׂרַע טוּוִי וְנוֹ**, *hackled, spun and twined* (from the verbs **שָׂרַע**, *card, hackle, full*, **טוּוִי** or **טָוִי**, *spin*, **וְנוֹ**, *twine, twist, weave*).

There is no known reason (apart from mere conjecture and suggestion) why this Tractate should come after **דְּמָאִי**, though Maimonides proposes it is because **פָּאָה** and **קִלְאִים** occur in *Leviticus 19*.

There is no *Gemara* in the *Babylonian Talmud*. The *Gemara* of the *Jerusalem Talmud* discusses the *Mishnah* and also gives an explana-

## KILAYIM

tion of many of the names of animals and plants mentioned therein; many interesting comments are also given.

The main contents of the nine chapters are:

1. The different sorts of fauna and flora that do not constitute *kilayim*; how the different trees and plants form *kilayim* with one another and among themselves. 2. The intermingling of different seeds—procedure and consequences; planting grain in field with different grain or trees in grain field; distances between beds regarding *kilayim*. 3. Distances between beds of different vegetables, and between herbs and grain. 4. Distances between vineyards, hedges, and seed-sowing; construction of such hedges. 5. The ruined vineyard; herbs in a vineyard. 6. Vine-rows; vines leaning against a tree. 7. Vines and cuttings; vines and grain; damages. 8. Prohibition of various forms; *kilayim* animals must not be harnessed together; hybrids and other animals. 9. Clothing, articles, materials, stuffs, goods; tailors, dealers; woolsey-linsey.

The following is a very brief summary of the subjects under the above headings.

1. The prohibition of **כִּלְאֵי יִרְעִים**, **forbidden junction of seeds**, applies to (a) plants eaten normally (but not those used medicinally), and (b) plants (if protected) eaten by animals. The prohibition applies only to the growing of plants in Israel, but not elsewhere. Fruit trees may be sown together, but the grafting of one species on to another is forbidden, though the resultant fruit may be eaten.

**כִּלְאֵי כֶּרֶם**, **forbidden junction in a vineyard**, is treated very strictly by the *Mishnah*, though the prohibition of the *Torah*, strictly speaking, applies only if the grape seed, and two out of a limited number of vegetables and the five species of grain are sown together.

2. **כִּלְאֵי בְּהֵמָה**, **forbidden junction of animals**. This covers two prohibitions, (a) breeding from two different kinds of animals, and (b) harnessing together two different kinds of animals. In this connection it is interesting to note that hybrids may be mated if their *mothers* were of the same species, and also the hybrids from **בְּהֵמוֹת טְהוֹרוֹת** *clean animals* (what are popularly termed **קִשְׁר** *animals*) may be slaughtered for food.

3. **כִּלְאֵי בְּגָדִים**, **forbidden junction in garments**. This prohibition covers the wearing of, or covering oneself with, material composed of sheep's wool and linen made from flax.

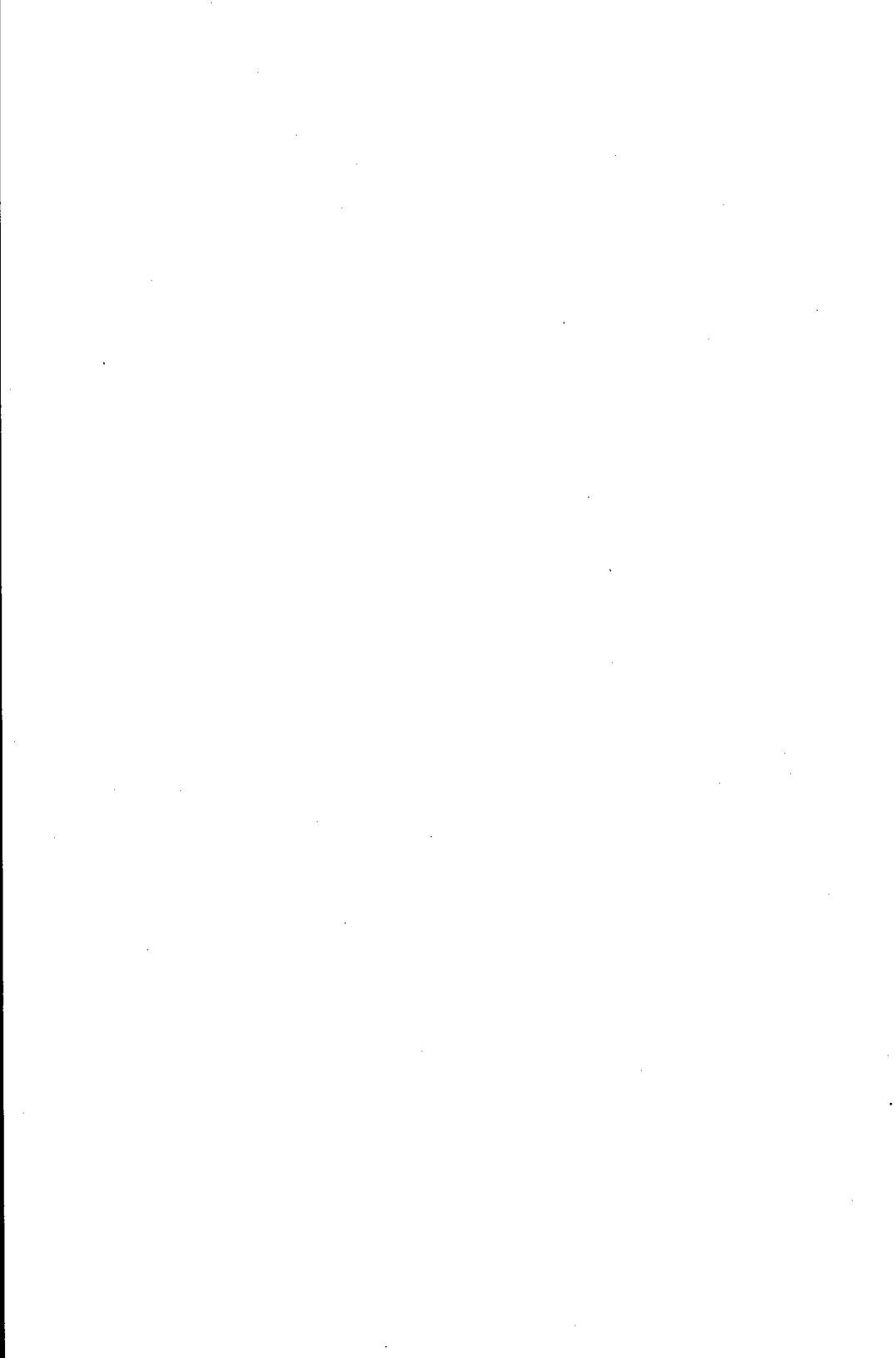
Artificially manufactured (*i.e.*, chemically produced) materials do not come under the category of *kilayim*.

# KILAYIM

## The Titles of the Chapters:

Chapter 1	פרק א'	תחשים ונהונין
Chapter 2	פרק ב'	כל-סאה
Chapter 3	פרק ג'	ערוגה
Chapter 4	פרק ד'	קנחת הקרם
Chapter 5	פרק ה'	ברם שתרב
Chapter 6	פרק ו'	איזהו ערים
Chapter 7	פרק ז'	הפכרין
Chapter 8	פרק ח'	כלאי הקרם
Chapter 9	פרק ט'	אין אסור
Chapter 10*	פרק י'	אותות הגרדין*

\* In some editions this is *Mishnah* 10 of Chapter 9.



## כלאים

## TRACTATE

## KILAYIM

## CHAPTER 1

## פרק א

## Mishnah 1

Wheat and darnel<sup>1</sup> are not *forbidden junction* one with the other.<sup>2</sup> Barley and oats, spelt and rye,<sup>3</sup> bean<sup>4</sup> and chick-pea, plain-pea and bean, and white-bean and kidney-bean are not *forbidden junction* one with the other.

## משנה א

החטים ונהוגין<sup>1</sup> אינן כלאים זה בזה. השעורים ושבולת שועל, הכוסמין ונהשיפון,<sup>2</sup> הפול והספיר, הפורקדן והטופח, ופול הלבן והשעועים אינם כלאים זה בזה.

1 Or rye-grass; tare, vetch. 2 And may therefore be grown together indiscriminately; similarly as detailed here, in pairs, only the two in each pair may be grown together. 3 Some take it here to be corn in general. 4 פול is the general name for every kind of bean.

## Mishnah 2

Cucumber and cucumber-melon<sup>1</sup> are not *forbidden junction* one with the other. R. Judah says,<sup>2</sup> They are *forbidden junction*. Garden-lettuce and wild-lettuce,<sup>3</sup> garden-endives<sup>4</sup> and field-endives, garden-leeks and field-leeks, garden-coriander and field-coriander, (common-) mustard and Egyptian mustard, Egyptian-gourd and bitter-apple, Egyptian-bean and carob<sup>5</sup> are not *forbidden junction* one with the other.

## משנה ב

הקישות ונהמלפפון אינם כלאים זה בזה; רבי יהודה אומר,<sup>2</sup> כלאים. תורת ותורת גלים,<sup>3</sup> עולשין ועולשי שדה, כרישים וכרישי שדה, כוסבר וכוסבר שדה, חרדל וחרדל מצרי, ודלעת המצרי, והרמוצה, ופול המצרי<sup>5</sup> והחרוב אינם כלאים זה בזה.

1 Or *apple-shaped melon, squash* (a species of *gourd* or *pumpkin*). 2 *i.e.*, that they are *forbidden junction*. But his view is rejected. The **תָּמָא** here mentioned is **ר' יהודה בֶּר' אֵילָעִי** a disciple of **ר' טרפון** and **ר' עקיבא**. 3 Or *hill-lettuce*. 4 *Endive* is a plant of the same genus as *chicory* (see *Supplement*). 5 A species of bean-like plant (not the tree) belonging to the order *leguminosae*.

## Mishnah 3

Turnip and radish,<sup>1</sup> cabbage and cauliflower, beet and garden-orach<sup>2</sup> are not *forbidden junction* one with the other. R. Akiba added, Garlic and wild-garlic, onion and dwarf-onion, and lupine and wild-lupine are not *forbidden junction* one with the other.<sup>3</sup>

מִשְׁנָה ג  
הַלֶּפֶת <sup>1</sup>וְהַנְפוֹץ וְהַכְּרוֹב  
וְהַתְּרוֹבָתוֹר הַתְּרָדִים <sup>2</sup>וְהַלְעוֹנִים  
אֵינָם כְּלָאִים זֶה בָּזֶה הוֹסִיף רַבִּי  
עֲקִיבָא הַשּׁוּם וְהַשּׁוּמְנִית הַבָּצֵל  
וְהַבָּצְלָצִיל וְהַתּוֹרְמוֹס וְהַפִּלְסָלוֹס  
אֵינָן כְּלָאִים זֶה בָּזֶה.<sup>3</sup>

1 A species of *radish* resembling the *turnip* in foliage. 2 Or *orache* (a species of plant used as spinach). 3 The accepted ruling is that the pairs of plants enumerated by R. Akiba are *kilayim*.

## Mishnah 4

And in the case of trees, pears and small wild pears, and quince and medlars<sup>2</sup> are not *forbidden junction* one with the other; the apple and the crab-apple, peaches and almonds, jujubes<sup>3</sup> and pomegranates, though they are similar<sup>4</sup> to one another, are *forbidden junction* one with the other.<sup>5</sup>

מִשְׁנָה ד  
וּבְאֵילָן הָאֲנָסִים וְהַקְרוֹסְתוֹמְלִין  
וְהַפְּרִיָּשִׁים <sup>2</sup>וְהָעוֹזְרִים אֵינָם  
כְּלָאִים זֶה בָּזֶה; הַתְּפִיחַ וְהַחֲזָרָד  
הַפְּרָסְקִים וְהַשְּׂקֵדִין <sup>3</sup>וְהַשִּׁזְפִּין  
וְהָרִימִין אֵף עַל פִּי <sup>4</sup>אֲשֶׁר־יִמִּין זֶה  
לָזֶה <sup>5</sup>כְּלָאִים זֶה בָּזֶה.

1 **וְהַקְרוֹסְתוֹמְלִים** in some editions. 2 Or *sorb-apple, crab-apple* (see *Supplement*). 3 **שִׁזְיָה**, *jujube, service-tree*, genus of small tree or spiny-shrub with edible drupes. 4 *i.e.*, resemble in leaf and in appearance, but not in taste. 5 Because they are not alike in taste. Trees may not be grafted together but may be planted together. This is the accepted ruling.

## Mishnah 5

Radish and turnip,<sup>1</sup> mustard and charlock,<sup>2</sup> Greek-pumpkin<sup>3</sup> with either Egyptian-pumpkin or with

מִשְׁנָה ה  
הַצִּנּוֹן <sup>1</sup>וְהַנְפוֹס הַחֲרָדֵל <sup>2</sup>וְהַלֶּפְסָן  
וְהַדָּלֶעַת יְנוּנִית עִם הַמִּצְרִית

bitter-apple, although they are similar to each other, are *forbidden junction* one to the other. וְהִרְמוּצָה אֶף עַל פִּי שְׂדוּמִין זֶה לָזֶה כִּלְאִים זֶה בָּזוּה.

1 נָפוֹס and נָפוֹץ in some editions. 2 Belonging to the mustard family and growing as a weed in cornfields. 3 Or *gourd*.

#### Mishnah 6

The wolf and the dog, the village dog<sup>1</sup> and the fox, goats and deer,<sup>2</sup> mountain-goats<sup>3</sup> and ewes, the horse and the mule,<sup>4</sup> the mule and the ass, the ass and the wild ass,<sup>5</sup> although they resemble<sup>6</sup> one another, are *forbidden junction* one with the other.<sup>7</sup>

מִשְׁנָה ו  
הַזָּאֵב וְהַכֶּלֶב, כָּלֵב<sup>1</sup> הַכּוֹפֵרִי וְהַשּׁוּעָל, הָעִזִּים וְהַצִּבְאִים, הַיְעֲלִים וְהָרְחָלִים, הַסּוֹס וְהַפָּרָד, הַפָּרָד וְהַחֲמֹר, הַחֲמֹר וְהָעֶרּוּד, אֶף עַל פִּי שְׂדוּמִים זֶה לָזֶה כִּלְאִים זֶה בָּזוּה.<sup>7</sup>

1 קָפְרִי in some editions. 2 Or *gazelle, ibex*. 3 Or *wild goats, antelopes*. 4 Offspring of a horse and ass. 5 Or the *zebra, quagga*. 6 In appearance. 7 And must not be mated. This is the accepted ruling.

#### Mishnah 7

One must not graft<sup>1</sup> a tree onto a tree,<sup>2</sup> a herb onto a herb,<sup>3</sup> or a tree onto a herb, or a herb onto a tree. R. Judah permits a herb onto a tree.<sup>4</sup>

מִשְׁנָה ז  
אֵין מְבִיאִין אֵילָן בְּאֵילָן,<sup>3</sup> יֵרֶק בְּיֵרֶק, וְלֹא אֵילָן בְּיֵרֶק, וְלֹא יֵרֶק בְּאֵילָן, כִּפִּי יְהוּדָה מְפִיר יֵרֶק בְּאֵילָן.<sup>4</sup>

1 מְרַכִּיבִין in some editions. 2 *i.e.*, the branch of one fruit-tree into the branch or stem of a diverse kind; according to some authorities even the branch of a plain tree may not be grafted on to a fruit tree. Plain trees may be grafted together. 3 Of a different species. Thus different trees may be neither sown closely together nor grafted. Grafting is forbidden to a Jew even outside the Land of Israel. Notwithstanding the fruit resulting may be eaten. 4 And similarly a tree on to a herb; but this view is rejected.

#### Mishnah 8

One may not plant herbs<sup>1</sup> in the stump of a sycamore tree. One may not graft rue<sup>2</sup> upon white cassia,<sup>3</sup> because it is herb onto a tree. One

מִשְׁנָה ח  
אֵין גּוֹמְעִין יֵרֶקוֹת בְּתוֹךְ סֵדֶן שֶׁל שְׁקָמָה, אֵין מְרַכִּיבִין פִּיגָם

may not plant a young shoot of a fig-tree into the cistus<sup>4</sup> so that it shades<sup>5</sup> it; one may not stick a vine shoot into a melon so that it should pour its water into it, because it is a tree into a herb. One may not place seed of a gourd<sup>6</sup> into a mallow<sup>7</sup> to preserve it<sup>8</sup> because it is herb in herb.

על גבי קדד לְבָנָה מִפְּנֵי שֶׁהוּא  
יֵרֶק בְּאֵילָן. אֵין נוֹטְעִין יְחֹרֶר שֶׁל  
תְּאֵנָה לְתוֹךְ הַחֲצוֹב שִׁיָּהָּ מִקִּירוֹ;  
אֵין תּוֹחֲבִין וְמוֹרָה שֶׁל גֶּפֶן לְתוֹךְ  
הָאֲבִטִּים שֶׁתֵּהָא וּזְרָקָת מִיָּמֶיהָ  
לְתוֹכוֹ. מִפְּנֵי שֶׁהוּא אֵילָן בִּירֶק.  
אֵין נוֹתְנִין זָרַע<sup>6</sup> דְּלִיעַת לְתוֹךְ  
הַחֲלָמִית שֶׁתֵּהָא מִשְׁמֶרְתּוֹ. מִפְּנֵי  
שֶׁהוּא יֵרֶק בִּירֶק.

1 יֵרֶק, *herb, vegetable* in some editions. 2 A strong-smelling plant with greenish-yellow flowers and bitter leaves. Some say *red cumin* or *red-cassia* is meant. 3 A tree yielding a coarser kind of cinnamon. 4 Or *rock-rose*. (Some render חֲצוֹב, *scutch grass*). 5 Or *cools*. 6 See *Supplement*. 7 Or *bugloss*. 8 The mallow preserves the moistness of the seed until it is ready for planting.

#### Mishnah 9

Whosoever stores<sup>1</sup> turnips and radishes<sup>2</sup> under a vine,<sup>3</sup> if some of its leaves be exposed<sup>4</sup> he need not be concerned regarding *forbidden junction*, or *Sabbatical year*, or tithes,<sup>5</sup> and they may be pulled up<sup>6</sup> on the Sabbath. If he sow a wheat-grain and a barleycorn together, that is *forbidden junction*. R. Judah<sup>7</sup> says, It is not<sup>8</sup> *forbidden junction* unless there be<sup>9</sup> two wheat-grains and a barleycorn, or a wheat-grain and two barleycorns, or a wheat-grain and a barleycorn and a spelt seed.

#### מְשֻׁנָּה ט

הַטּוֹמֵן לֶפֶת וְצִנּוֹנוֹת<sup>2</sup> תַּחַת<sup>3</sup> הַגֶּפֶן  
אִם הָיוּ מְקֻצָּת עָלָיו<sup>4</sup> מְגוּלִין  
אֵינוֹ חוֹשֵׁשׁ לֹא מְשוּם  
כְּלָאִים וְלֹא מְשוּם שְׁבִיעִית.  
וְלֹא מְשוּם מַעֲשְׂרוֹת.  
וְנוֹטְלִים בְּשִׁבְתָּ. הַזּוֹרֵעַ חֲטָה  
וְשׁוֹרֵף כְּאֶחָת. הָרִי זֶה כְּלָאִים.  
כִּי<sup>7</sup> יִהְיֶה אוֹמֵר, אֵינוֹ כְּלָאִים  
עַד שִׁיָּהָּ שְׁנֵי חֲטִים וְשׁוֹרֵף.  
אוֹ חֲטָה וְשְׁנֵי שְׁעוּרִים, אוֹ חֲטָה  
וְשׁוֹרֵף וְכּוֹסְמָת.

1 i.e., in a bundle or bundles or loose in such a way that they are clearly not intended to take root. 2 Or any other herbs or vegetables. 3 Or any other



tree. 4 So that he can grasp them and need not first remove the earth. (Removing the earth would be forbidden on the Sabbath). 5 מַצְשֵׁר in some editions. If the vegetables sprouted, or the grapes continued to grow, it is not *forbidden junction*. 6 In some editions וְנִשְׁלִים. If they sprouted in the seventh year the sprouts are his own property. 7 He need not tithe the freshly sprouted vegetable. R. Judah's view is rejected; he bases his view on *Leviticus* 19, 19, שָׂדֶךְ לֹא תִזְרַע בְּלֵאִים (see **Introduction**) by rendering it 'Thy field (i.e., already sown) thou shalt not sow with mixed seeds' (i.e., thy field = one species, and mixed seeds = two species, in all three seeds); and this is not comparable to the case of בְּלֵאֵי הַכֶּרֶם where besides the grape-seed there must be two entirely different seeds to cause בְּלֵאִים. R. Judah's opinion breaks down because of his faulty comparison (with *Deuteronomy* 22, 9, לֹא תִזְרַע בְּלֵאִים—see **Introduction**) based on his wrong rendering of שָׂדֶךְ and בְּרִמְקָה, for a piece of land is still a field, even though it has not yet been sown, whereas a piece of ground is not a vineyard before it has been planted. 8 And it is not considered reaping which is forbidden on the Sabbath. 9 R. Judah is of opinion that just as the prohibition against *forbidden junction* in a vineyard (*Deuteronomy* 22, 9) applies only when two species of seed are sown together with the vine, so also the prohibition against *forbidden junction* in general (*Leviticus* 19, 19) applies only when three different species are sown, i.e., two and the field. This view is rejected because a piece of land is called a field even when empty of seed, but it is a vineyard only when vines grow in it.

## CHAPTER 2

## פֶּרֶק ב

## Mishnah 1

Every *seah*<sup>1</sup> that contains a *reva*<sup>2</sup> of another species, he must diminish.<sup>3</sup> R. Jose says, He must cleanse,<sup>4</sup> whether it be of one kind or of two kinds.<sup>5</sup> R. Simon says,<sup>6</sup> They spoke only of one kind; but the Sages<sup>7</sup> say, All that is *forbidden junction* with the *seah* is totalled to the *reva*.

## מִשְׁנָה א

כָּל-סֵאָה שֵׁישׁ בָּהּ רוֹבֵעַ מִמִּין אֶחָד רַבִּי יוֹסִי אוֹמֵר, יִבּוֹר, בֵּין מִמִּין אֶחָד בֵּין מִשְׁנֵי מִינִין. רַבִּי שְׁמַעוֹן אוֹמֵר, לֹא אָמְרוּ אֶלָּא מִמִּין אֶחָד; וְנִחְכְּמִים אוֹמְרִים, כָּל-שֶׁהוּא בְּלֵאִים בִּסְאָה מַצְטָרֶף לְרוֹבֵעַ.

1 *seah*, 801 cubic inches or 13137 cubic cm. (See וְרָעִים **Introduction**, *Tables*).

2 רֵבַע = 33.3 cubic inches or 547 cubic cm. (רֵבַע = 24 סֵאָה) [see וְרָעִים **Introduction**, *Tables*]. 3 When a *seah* of seed contains  $\frac{1}{34}$  part of another kind (בְּלֵאִים).

to one another) the latter must be diminished, or seed added to the first to decrease the relative quantities and then the mixture may be sown. 4 The mixture must be completely cleansed from the intruding kind. But if the proportion was less than 1 : 24 to begin with, he can leave it, as he would not then appear to be sowing *forbidden junction* deliberately. 5 i.e., whether this *reva* be of one kind or two kinds it must be lessened. 6 If one kind is in the proportion 1 : 24 it must be diminished, but if each of two kinds is less than 1 : 24 though together they are 1 : 24 they need not be diminished. 7 But if it is not *forbidden junction*, although it is a different kind, it is added to the *seah* so reducing the proportion of the intruding kind. E.g., if in a *seah* of barley there is a *reva* of oats and spelt, then the oats would be totalled with the barley (see 1<sup>1</sup>) and so reduce the proportion and it would be permitted to sow the mixture. This is the accepted ruling.

## Mishnah 2

In what cases was this said?<sup>1,2,3</sup> Grain in grain, pulse<sup>4</sup> in pulse, grain in pulse, and pulse in grain. Rightly<sup>2</sup> have they said that garden seeds<sup>5</sup> which are not eaten combine together to one twenty-fourth of what is allotted to a *seah's* space.<sup>6</sup> R. Simon says, Just as they have spoken where it is stricter so they have spoken<sup>7</sup> where it is more lenient.<sup>8</sup> Flax<sup>9</sup> in grain combines to one twenty-fourth of that allotted to a *seah's* space.

## משנה ב

במה<sup>3,2,1</sup> דברים אֲמורים? תבואה  
בתבואה, וקטנית בקטנית, תבואה  
בקטנית, וקטנית בתבואה.<sup>2</sup> באמת  
אמרו, ורענוני ונה שאינו נאכלין  
מצטרפין אחד מעשרים וארבעה  
בנופל לביית סאה.<sup>6</sup> רבי שמעון  
אומר, כשם שאמרו להחמיר<sup>7</sup> כד  
אמרו להקל.<sup>8</sup> הפשתן בתבואה  
מצטרפת אחד מעשרים וארבעה  
בנופל לביית סאה.

1 That a *reva* of *forbidden junction* in a *seah* makes it unfit for sowing. 2 במה הלכה למשה מסיני, and דברים אֲמורים are expressions used to indicate a ruling handed down traditionally direct from Moses, and which is therefore accepted without any discussion by the חכמי המשנה. 3 But planted in order to grow vegetables, e.g., radishes, turnips. See Supplement. 4 i.e., the proportion to cause *forbidden junction* is not 1 : 24 of the grain; but if there is  $\frac{1}{24}$  of the amount of garden seed that would be planted in a *seah's* space against the *seah* of grain or pulse this counts as *forbidden junction*. As these seeds are usually smaller than ordinary grain or beans, much less than a *seah* would be planted in a *seah's* space. Hence much less than a *reva* of garden

seed in grain would make it impossible to sow the mixture. 5 *i.e.*, vegetable seeds. 6 If the garden seed were large so that three *seahs* were needed to sow a *seah's* space (2500 square cubits) then three *revas* would be *forbidden junction* in a *seah* of grain and not a *reva*. Put algebraically (methods unknown to the compilers and commentators of the *Mishnah*) this is quite simple: if  $x$  be the maximum quantity of one kind of seed for any given area and  $y$  the maximum quantity of another kind of seed (כִּלְאִים to the first) for the same area required for sowing then  $y$  must be less than  $\frac{1}{24}$  of  $x$ , and this relationship is entirely independent of the comparative sizes of the seeds. The illustrative arithmetical example (which is only a particular instance of the general formula) quoted by the commentators is as follows: a *seah* of seed is required for a given area, and a *small seed* (of which *less than a seah* is needed for sowing the same area) is כִּלְאִים to the first, then the quantity of the second is not  $\frac{1}{24}$  of a *seah* but  $\frac{1}{24}$  of the quantity of itself required for the same area for satisfying the condition for permitting the sowing of the mixture. 7 אֶף instead of כִּף אֶמְרִי in some editions. 8 This particular case stated by R. Simon is only an instance of the general formula in **Note 13**; but because such mathematical knowledge was unknown his statement was necessary and was thus arithmetically illustrated: if a field were of such a size that it could be sown with *one seah* of a particular seed, and another seed (כִּלְאִים to the first) required *three seahs* for sowing, then he held the view (which is naturally accepted) that not  $\frac{1}{24}$  of a *seah* (*i.e.*, in comparison with the first kind) but  $\frac{1}{24}$  of the *three seahs* of the second kind should be the quantity in consideration for allowing the sowing of the mixture. 9 Although flax is not a food it forms *forbidden junction* with cereals, etc. The seed is very fine and is densely planted, as much as three *seahs* being planted in a *seah's* space. In this case, too, the quantity required for *forbidden junction* is  $\frac{1}{24}$  of the *three seahs*.

### Mishnah 3

If one's field were sown with wheat and he decided to sow it with barley, he must wait until it begins to rot<sup>1</sup> and then he turns it over<sup>2</sup> and sows<sup>3</sup>; if it had already sprouted<sup>4</sup> he must not say, 'I shall sow and then turn [it] over,' but he must turn [it] over and then sow. How much does he have to plough up?<sup>5</sup> Like the furrows after the first-rain<sup>6</sup>; Abba Saul says, So that a *reva* is not left in a *seah's* space.<sup>7</sup>

### משנה ג

הֵיטָה שֶׁהָיוּ זְרוּעָה חֲטִים וְנִמְלֵךְ  
לְזָרְעָה שְׁעוּרִים, יִמְתִּין לָהּ עַד  
שֶׁתִּתְּלִיעַ.<sup>1</sup> וְיִזְרָע וְאַחֵר כִּף.<sup>2</sup> יִזְרָע;  
אִם יִצְמָחָה לֹא יֵאמַר, אֶזְרַע וְאַחֵר  
כִּף אוֹפֵךְ, אֲלֵא הוֹפֵךְ וְאַחֵר כִּף  
זוֹרֵעַ.<sup>3</sup> כַּמָּה יֵהָא חוֹרֵשׁ, כְּתִלְמִי  
הֶרְבֵּיעָה; אֲבָא שְׂאוּל אוֹמֵר, כִּדְרִי  
שְׂלֵא יִשְׁייר רוֹבַע לְבֵית סָאָה.

1 שִׁתְּלִיעַ in some texts; or *becomes wormy*. הִתְלַעַ, (from תָּלַעַ) *become worm-eaten, decay, rot*. The time taken to root is three days in wet soil and longer in dry soil. On the third day the seed sends out thin wiry (wormlike) roots. 2 The ground must be turned over by the plough so that the wheat does not grow again. 3 *i.e.*, the barley. 4 *i.e.*, he reconsidered to grow barley after the wheat had already sprouted. 5 Either, how closely, or, how deeply, must he plough. 6 When it was usual to plough lightly. By thus ploughing he has shown that he does not wish the wheat to grow, and so when he sows the barley he is not guilty of sowing *forbidden junction*. The first rain occurs approximately on the 17th Marcheshvan. 7 There must not be left unploughed in any one place  $\frac{1}{24}$  of the area to be turned over. Abba Saul's view is rejected, and the accepted ruling is that there is no need to plough up the whole field and that it is sufficient to make wide furrows just as one does before the first rain at the beginning of the year.

## Mishnah 4

If it<sup>2</sup> were sown<sup>1</sup> and he decided to plant it,<sup>3</sup> he may not say, 'I shall plant and then I will turn [it] over',<sup>4</sup> but he must turn [it] over<sup>5</sup> and then plants. If it were planted and then he reconsidered to sow it, he must not say, 'I shall sow and then uproot',<sup>6</sup> but he must uproot and then sow. If he so desire, he may raze [it] to less<sup>7</sup> than a handbreadth<sup>8</sup> and sows and then roots [it] out.

## משנה ד

1 וְזָרְעָה וְנִמְלַךְ 3 לְנוֹטְעָה, לֹא יֹאמֶר, אֶטֶע וְאַחַר כֵּךְ אֶפְּחַד, אֶלֹא הֶפְּחַד וְאַחַר כֵּךְ נוֹטֵעַ. וְנוֹטְעָה וְנִמְלַךְ לְזֹרְעָה, לֹא יֹאמֶר, אֶזְרַע וְאַחַר כֵּךְ אֶשְׁרֹשׁ, אֶלֹא מְשַׁרֵּשׁ וְאַחַר כֵּךְ זֹרַעַ. אִם רָצָה, גִּזְמִים עַד פְּחוֹת 8 מִטֶּפַח וְזֹרַעַ וְאַחַר כֵּךְ מְשַׁרֵּשׁ.

1 הִיָּתָה זְרִיעָה in some editions. With grain, pulse, or vegetables. 2 With vines, but if with other trees, he need not turn it over. Others say even if he wishes to plant other trees he must turn it over. 3 After it has become wormy, with *vines*; according to some opinions, with *all trees*. 4 אֶפְּחַד in some editions. *i.e.*, destroy the trees with the roots. 5 After it has rotted, from the ground. 6 The vines. 7 From the ground. 8 טֶפַח, *handbreadth*, 3.68 inches or 9.34 cms. (see וְרָעִים, **Introduction**, *Tables*).

## Mishnah 5

If his field were sown with hemp<sup>1</sup> or serpentaria,<sup>2</sup> he must not sow over the top of them,<sup>3</sup> because they<sup>4</sup> produce only after three years.<sup>5</sup>

## משנה ה

הִיָּתָה שְׂדֵהוּ זְרִיעָה 1 קִנְבוּס אוֹ לִוְיָ לֹא יֵהָא זֹרַעַ וּבָא עַל 3 גִּבְיָהֶם,

Grain, among which has grown an after-growth of woad,<sup>6</sup> and similarly if in the threshing floor<sup>7</sup> several<sup>8</sup> species have grown, and likewise if between fenugreek<sup>9</sup> various kinds of plants have grown, he is not obliged to weed [them] out;<sup>10</sup> if he weeded out or cropped [them],<sup>11</sup> he must be told, 'Uproot all except for one kind'.<sup>12</sup>

שְׂאִינָן עוֹשִׂין אֶלָּא<sup>5</sup> לְשֹׁלֶשׁ שָׁנִים.  
תְּבוּאָה שֶׁעָלוּ בָּהּ סְפִיחֵי<sup>6</sup> אֶסְטִים,  
וְכֵן מְקוֹם הַגֶּרְנוֹת שֶׁעָלוּ בָּהֶן מִיָּנִין  
הֶרְבֵּה, וְכֵן תִּלְתָּן שֶׁהֵעֵלָה מִיָּנִי  
צִמְחִים, אֵין מַחֲיִיבִין אוֹתוֹ<sup>10</sup> לְנֹכֶשׁ;  
אִם נִכֶּשׂ אוֹ כִּיסָּה<sup>11</sup> אוֹמְרִים לוֹ  
עֲקוֹר אֶת-הַכֹּל חוּץ מִמֵּין אֶחָד.<sup>12</sup>

1 Or קִנְבוֹס—whose seed often lies on the ground three years before germinating.  
2 לוֹחַ, *serpentaria*, *snake-root*, *dragon's-wort*, *snake weed*, *tarragon*, *herb-dragon*; more probably *Egyptian-bean*, *Indian-lotus*, *hyacinth-bean*. 3 After he has cut them down, leaving the roots, he must not sow any other species in the same field although he has ploughed up the field. 4 אֶף עַל פִּי שְׂאִינָן עוֹשִׂין in some editions. So the ploughing will not destroy the hemp seed and it may grow together with the new species. He must first root out the hemp or wait until three years and then plough it up. 5 Because everybody knows that he does not want the aftergrowth which is destructive of his main crop or will ruin the threshing ground. 6 We assume that he deliberately left the rest to be harvested. 7 i.e., where the corn is threshed. Otherwise what is left will be *forbidden junction*. 8 Or *many*. 9 A genus of *leguminous* plants (allied to *melilot* and *cloves*). 10 i.e., weed out and uproot. 11 i.e., if he had uprooted only a portion or he had cut away leaving the roots. 12 Otherwise it might appear as if they were purposely left to grow כִּלְאִים.

#### Mishnah 6

If one wish to lay out his field in [straight] beds<sup>1</sup> each for a different species, the School of Shammai say, Three furrows of the plough-share width;<sup>2</sup> and the School of Hillel say, The width of the Sharon<sup>5</sup> yoke;<sup>3</sup> but the view of the one [School] is very near<sup>4</sup> to the view of the other [School].

מְשָׁנָה ו  
הַרוּצָה לַעֲשׂוֹת שְׂדֵהוּ<sup>1</sup> מִשָּׂר מִשָּׂר  
מִכָּל מִין, בֵּית שְׁמַאי אוֹמְרִים,  
שְׁלֹשָׁה תִלְמִים שָׁל<sup>2</sup> פִּתְחִים; וּבֵית  
הֵלֵל אוֹמְרִים, מְלֵא<sup>3</sup> הָעוֹל<sup>5</sup> הַשְּׂרוּגִי;  
וְקִרְבִּין דְּבָרֵי אֵלוֹ לְהִיּוֹת כְּדְּבָרֵי  
אֵלוֹ.

1 i.e., long narrow bed. 2 Or three ridges of a furrowed field; so that there be no appearance of כִּלְאִים; the furrow or trench may be two cubits wide at one end becoming gradually very narrow at the other end. 3 Or *team*. The

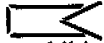
width of the yoke used in the Sharon plain of Israel must be left between the beds. 4 *i.e.*, there is practically almost no difference, in the opinions, as to the width of the dividing furrows. 5 A plain along the Mediterranean coast from Carmel to Japho.

## Mishnah 7

If the point of the wedge-like corner of a field of wheat entered into<sup>1</sup> one of barley, it is allowed,<sup>2</sup> because it is apparent that it is the limit of his field. If his field were of wheat<sup>3</sup> and that of his neighbour was of another species, he is permitted<sup>14</sup> to flank it<sup>4</sup> with that same species<sup>5</sup>; if his were of wheat and his neighbours' were of wheat, he may flank it with a ridge<sup>6</sup> of flax<sup>7</sup> but not with a ridge of another species. R. Simon says,<sup>8</sup> It is all one whether it be flax seed or any other species. R. Jose says, Even in the middle of one's field it is permitted to test with a furrow<sup>10</sup> of flax.<sup>11</sup>

## משנה ז

היה ראש תור חטים נכנס בתוך  
של שעורים מותר מפני שהוא  
נראה בסוף שדהו שלו חטים  
ושל חבירו מן אחר מותר<sup>14</sup>  
לסמוך לו מאותו המין; שלו  
חטים ושל חבירו חטים מותר  
לסמוך לו תלם של פשתן ולא  
תלם של מין אחר. רבי שמעון  
אומר, אחד נכרע פשתן ואחד כל-  
המניין; רבי יוסי אומר, אף  
באמצע שדהו מותר לבדוק  
בתלם של פשתן.<sup>11</sup>

1 Or *met*, touched. וְנִכְנַס in some editions—like this . For since it is only the act of sowing *forbidden junction* which is prohibited by the *Torah*, as long as it is apparent that the different kinds were not sown together it is permitted. In this case although the angle enters into the field, it is clearly the projection of the wheat field and was sown with it, not with the barley. 2 *i.e.*, it is not כְּלֵאִים. The shapes of the two contiguous fields are evidence that there is no *forbidden junction*. 3 *Wheat* is taken only as an illustration; all other species are also here referred to. 4 *i.e.*, to plant a row of other species in his own field next to the wheat without any gap. 5 *i.e.*, from that of the neighbour's; some authorities take it to mean that it refers to his own. For the onlooker will think the flank is part of his neighbours' field and not *forbidden junction* in his field. 6 Or *furrow*, *i.e.*, *bed*. 7 Flax is not sown in small quantities, therefore it is evident that a small bed of flax is not there as כְּלֵאִים but simply (as is the practice) to try out the soil whether it would be suitable for growing flax. But this is not the case with other plants. (It is to be observed that the question of not giving a false impression by appearances, מְרֵאִית עֵץ, is

an important one). This is the accepted ruling. 8 He is רבי שמעון בן יוחאי, a disciple of R. Akiba. His view is rejected. Some consider that his view is that not only flax but other species as well may be sown between the two fields; others think that he means that not only not flax but no other species either may be sown between the two fields. 9 He is רבי יוסי בן חלפתא עין. His view is not accepted because the question of מראית עין arises and it is important that others be not misled by appearances. 10 Or ridge, i.e., bed. 11 Because the small bed is evidence of the testing of the ground for the suitability for growing flax; but nevertheless this is not allowed, because the test can be made in the space between the two fields.

## Mishnah 8

One may not flank<sup>1</sup> a field of grain,<sup>2</sup> mustard or safflower,<sup>3</sup> but one may flank<sup>1</sup> a vegetable field with mustard or safflower.<sup>4</sup> And it is permitted to flank an uncultivated field,<sup>5</sup> or a ploughed field,<sup>6</sup> or a wall of loose stones,<sup>7</sup> or a road,<sup>8</sup> or a fence<sup>9</sup> ten handbreadths high, or a trench ten<sup>10</sup> deep and four<sup>10</sup> wide, or a tree that overshadows<sup>11</sup> the soil, or a rock ten high and four<sup>10</sup> wide.<sup>12</sup>

## משנה ח

אין<sup>1</sup> לסומכין<sup>2</sup> לשדה תבואה חרדל<sup>3</sup>  
 וחרציע<sup>3</sup> אבל<sup>1</sup> לסומכין<sup>1</sup> לשדה  
 ירקות<sup>4</sup> וחרדל<sup>4</sup> וחרציע<sup>4</sup> וסומך  
 ובור<sup>5</sup> וילגיר<sup>6</sup> וילגפה<sup>7</sup> וילדרך<sup>8</sup>  
 וילגדר<sup>9</sup> גבה עשרה טפחים<sup>9</sup>  
 וילחרץ שהוא עמוק<sup>10</sup> עשרה ורחב  
 ארבעה<sup>10</sup> וילאילן שהוא<sup>11</sup> מייסד  
 על הארץ ולסלע גבה<sup>10</sup> עשרה  
 ורחב<sup>12,10</sup> ארבעה.

1 In the space between two fields belonging to two owners. 2 A man may not plant mustard close to another man's grain; because חרדל and חרציע are sown in small spaces and are harmful to grain, and to avoid מראית עין, misleading people to think that they were sown on purpose and not for a soil test. 3 חרציע, *bastard saffron, wild-saffron, colchicum, meadow-saffron; carthamus, safflower* (see Supplement). 4 חרדל and חרציע are not injurious to vegetables. 5 i.e., grow mustard right up to any one of the following objects where grain is growing on the opposite side. Similarly these separate any two diverse kinds and prevent them being *forbidden junction*. Or (בזיר), *fallow land*. Here it refers to an area of a בית רבוע, 104½ square cubits or more. 6 זיר, *newly broken land, ploughed field*. 7 גפסה, *wall of loose uncemented stones; stone fence with gate*. 8 i.e., *public road; or private pathway* 4 cubits wide. 9 גדר, *wooden fence, cemented stone fence*. 10 i.e., handbreadths. 11 i.e., the branches hang down to within three handbreadths (טפחים) from the earth, then if the soil beneath the branches be sown with one species then another species may be sown up to the branches. 12 It is assumed that the lengths of the trench and rock are 10½ cubits.

## Mishnah 9

משנה ט

Whosoever wishes to lay out his field in patches<sup>1</sup> of differing species makes twenty-four patches<sup>2</sup> to a *seah's* space,<sup>3</sup> each patch being a *reva's* space and sows therein<sup>4</sup> whatever species he wishes. If there be one bed or two patches,<sup>5</sup> he may sow them with mustard;<sup>6</sup> if three, he may not sow mustard because it will look<sup>7</sup> like a field of mustard;<sup>8</sup> these are the views<sup>9</sup> of R. Meir; but the Sages<sup>10</sup> say, Nine patches are allowed, ten<sup>11</sup> are forbidden. R. Eliezer<sup>12</sup> Ben Jacob says, Even if the whole<sup>13</sup> of his field be a *kor's*<sup>14</sup> space he may not lay out in it more than one patch.<sup>15</sup>

הַרוֹצֶה לַעֲשׂוֹת שְׂדֵהוּ קָרְחָת<sup>1</sup>  
קָרְחָת מִכָּל מִין, עוֹשֶׂה עֲשָׂרִים  
וְאַרְבָּעָה קָרְחוֹת<sup>2</sup> לְבֵית סָאָה,  
מִקְרָחַת לְבֵית רֹבַע, וְזוֹרֵעַ  
בְּתוֹכָהּ כָּל-מִין שִׁירָצָה. הֵיתָה  
קָרְחָת אַחַת אוֹ שְׁתֵּים זוֹרְעָם  
מִתְרָדֵל; שֶׁלֹּשׁ לֹא יוֹרֵעַ מִתְרָדֵל,  
מִפְּנֵי שֶׁהִיא נִרְאִית כְּשֵׂדֶה מִתְרָדֵל,  
דִּבְרֵי רַבִּי מֵאִיר; וְנִחְכָּמִים  
אוֹמְרִים, תִּשְׁעַ קָרְחוֹת מוֹתְרוֹת,  
יָעֲשֶׂר אֲסוּרוֹת. רַבִּי אֱלִיעֶזֶר<sup>12</sup>  
בֶּן יַעֲקֹב אוֹמֵר, אֲפִילוּ כָּל-  
שְׂדֵהוּ בֵּית כּוֹר לֹא יַעֲשֶׂה בְּתוֹכָהּ  
חוּץ מִקְרָחַת אַחַת.<sup>15</sup>

1 Sowing a different kind in each oblong space. Here קָרְחָת refers to a *square or rectangular bed*. 2 *i.e.*, not more than twenty-four rectangular beds (each not less than  $104\frac{1}{6}$  square cubits). Each patch must be a *reva's* space; if it is smaller the species appear sown indiscriminately; if larger, they are fields. 3 בֵּית סָאָה = 2,500 square cubits. בֵּית רֹבַע =  $104\frac{1}{6}$  square cubits, בֵּית קַב =  $416\frac{2}{3}$  square cubits (= 4 בֵּית רֹבַע); 24 בֵּית רֹבַע = בֵּית סָאָה (see **Introduction Tables**). 4 Without leaving any empty space in the field. The quilt-like appearance of the field makes it manifest that the seed was not scattered indiscriminately. Hence, there is no *forbidden junction*. 5 *i.e.*, if in a large cornfield there be one or two empty spaces (each not less than a בֵּית רֹבַע). 6 Though mustard is not sown in large areas yet here it will not look like a field of mustard inside a field of corn; hence it would follow that one may sow in such places species which are sown in large areas. 7 *i.e.*, three beds. 8 Inside a field of corn, because the mustard plot will look like a field of mustard, but other species which are grown in great spaces may be so sown because such a small area as three קָרְחוֹת will not be looked upon as a field in their case. 9 All as set out from the beginning of the *Mishnah*. 10 The Sages' view is against that of R. Meir and they say that there must be a clear space (equal to a



bed) on every side of each bed. This is achieved by dividing the field into 25 squares and sowing only alternate squares. The opinion of the Sages is the accepted ruling. **11** It is possible to have only nine clear beds; a tenth would touch one of the other beds at the corner. **12** His view is rejected. **13** *וְהָיָה* in some editions. **14** *כֶּרַח* = 30 סָאָה (7500 square cubits). **15** *i.e.*, but one patch he may sow even if it is completely surrounded by the crop growing in the field. If, however, blank spaces are left he may sow many species.

## Mishnah 10

Everything<sup>1</sup> which is inside the *reva's* space<sup>2</sup> is included in the measurement of that *reva's* space; the soil round a vine,<sup>3</sup> or a grave, or a rock<sup>4</sup> is included in the measurement of the *reva's* space; corn near corn [requires]<sup>5</sup> an area of one *reva*, greens close to greens<sup>6</sup>—six handbreadths;<sup>7</sup> corn near greens or greens close by corn<sup>8</sup>—an area of a *reva*;<sup>9</sup> R. Eliezer<sup>10</sup> says, Greens by corn<sup>11</sup>—six handbreadths.

**1** Even pools, impossible to sow. **2** That constitutes the patches in the preceding *Mishnah*. *i.e.*, when measuring the  $\frac{1}{24}$  of a *בֵּית סָאָה* (= 104 $\frac{1}{6}$  square cubits) either for beds, for sowing, or for spacings between beds, all parts that can not be utilized for sowing are included in the 104 $\frac{1}{6}$  square cubits' measurement. **3** Authorities differ as to the exact meaning of this term, and the various renderings are (i) the soil surrounding the vine, (ii) the soil covered by the spreading branches, and (iii) the soil containing the roots. **4** Less than ten handbreadths in height—one not large enough to separate the two kinds by itself as in 2<sup>8</sup>. **5** *i.e.*, if it be desired to sow more than one species of grain there must be a space of 104 $\frac{1}{6}$  square cubits between the different species, so that they are clearly visible as two separate fields. **6** *i.e.*, greens or vegetables. **7** *i.e.*, if one wants to plant more than one species of vegetable there must be a space of six by six handbreadths between the different species. **8** *i.e.*, if he wishes to plant a field of one by the side of a field of the other. **9** But he can plant one row of vegetables by a field of grain by leaving a space of six by six handbreadths. **10** His view is rejected. **11** Or, grain by vegetables.

## Mishnah 11

If corn overhang corn,<sup>1</sup> or greens overhang greens, [or] corn [over-

## מְשֻׁנָּה י

<sup>1</sup>כָּל־שֶׁהוּא בְּחוּץ בֵּית רוֹבַע עוֹלָה  
בְּמִדַּת בֵּית רוֹבַע; <sup>3</sup>אֲכִילַת הַגֶּפֶן  
וְהַקֶּבֶר וְהַסֵּלַע עוֹלִין בְּמִדַּת בֵּית  
רוֹבַע. תְּבוּאָה בְּתִבּוּאָה בֵּית רוֹבַע.  
<sup>6</sup>יֵרֶק בֵּי־יֵרֶק שֶׁשָּׁה טַפְחִים; <sup>8</sup>תְּבוּאָה  
בֵּי־יֵרֶק וְיֵרֶק בְּתִבּוּאָה <sup>9</sup>בֵּית רוֹבַע;  
כִּי <sup>10</sup>אֵלֶיּוֹר אוֹמֵר, <sup>11</sup>יֵרֶק  
בְּתִבּוּאָה שֶׁשָּׁה טַפְחִים.

## מְשֻׁנָּה יא

יְתִבּוּאָה נוֹטָה עַל גַּבִּי תְּבוּאָה

hang] greens, or greens [overhang] corn—all are permitted,<sup>3</sup> except for Greek gourd;<sup>4</sup> R. Meir<sup>5</sup> says, 'Also cucumber and Egyptian bean; nevertheless<sup>6</sup> I prefer their<sup>6</sup> view to my own.'

יִירָק עַל גִּבִּי יִרָק, תְּבוּאָה עַל גִּבִּי יִרָק, יִרָק עַל גִּבִּי תְּבוּאָה; הַכֹּל מוּתָר חוּץ מִדֶּלְעַת יוֹנִית; רַבִּי מֵאִיר אֹמֵר, אִף הַקִּישוֹת וּפּוֹל הַמִּצְרִי; וְרוֹאֶה אֲנִי אֶת-דְּבָרֵיהֶן מִדְּבָרִי.<sup>6</sup>

1 Grain of one species hangs over the grain of another species growing near it (in accordance with the rulings relating to avoiding *forbidden junction*, i.e., though they were properly separated). 2 Greens or vegetables of one species overhang the greens or vegetables of another species growing near them (planted according to the rulings regarding the prevention of *forbidden junction*). 3 And we do not fear that the onlooker will think them to be sown haphazardly. 4 Because its leaves are particularly long and outspreading and intertwine with those of the other species causing the appearance of *forbidden junction*. 5 He says that the cucumber and Egyptian bean should be excepted like the Greek gourd, but he immediately proceeds to abandon this view. 6 i.e., 'Although my teachers taught me that cucumber and Egyptian bean may not hang over another species . . . .'. 6 i.e., the Sages'. The ruling is according to the view of the Sages who say that the Greek gourd is the only exception to the rule that overhanging does not count as *forbidden junction*.

## CHAPTER 3

## פֶּרֶק ג

Mishnah 1<sup>1</sup>

A garden bed which is six handbreadths<sup>2</sup> by six handbreadths may be sown with five different species of seeds,<sup>3</sup> four on the four sides of the bed<sup>4</sup> and one in the middle.<sup>5</sup> If it had a border a handbreadth high,<sup>6</sup> there may be sown in it thirteen,<sup>7</sup> three upon each border and one in the centre.<sup>8</sup> One should not plant turnip top<sup>9</sup> inside the border because it would fill it up.<sup>10</sup> R. Judah says, Six in the middle.<sup>11</sup>

מִשְׁנָה א

עֲרוּגָה שֶׁהִיא שֵׁשָׁה טַפָּחִים עַל שֵׁשָׁה טַפָּחִים, זֹרְעִים בְּתוֹכָהּ חֲמִישָׁה זֶרְעוֹנִים<sup>4</sup> אַרְבַּע בְּאַרְבַּע רוּחוֹת הָעֲרוּגָה וְאַחַד בְּאַמְצָעֵהָ הָיָה לָהּ גָּבּוֹל<sup>6</sup> גָּבוֹה טַפַּח זֹרְעִין בְּתוֹכָהּ שְׁלֹשָׁה עָשָׂר, שְׁלֹשָׁה עַל כָּל-גָּבּוֹל וְגָבּוֹל וְאַחַד בְּאַמְצָעֵהּ<sup>8</sup> לֹא יֵטַע רֹאשׁ הַלֶּפֶת בְּתוֹךְ הַגָּבּוֹל מִפְּנֵי שֶׁהוּא מְמַלְאֶהוּ. רַבִּי יְהוּדָה אֹמֵר, שֵׁשָׁה בְּאַמְצָעֵהּ.<sup>11</sup>

1 There is a great variety of conflicting and contradictory complicated views on the correct interpretation of this *Mishnah*, which is one of the most difficult if not the most difficult of all the *Mishnahs*, and so both the **Translation** and **Notes** here given are in accordance with the generally accepted final ruling.

2 **טפח** *handbreadth*, 3.65 inches or 9.4 cm. This being the minimum size regarded as a vegetable bed.

3 *i.e.*, vegetable seeds. As taught in the next *Mishnah*, this refers to vegetables or greens which are grown in garden beds (not in whole fields), and not to such plants as are wont to be sown in whole fields.

4 *i.e.*, a single row of one species along each side adjacent to the square (leaving the corners free a handbreadth by a handbreadth in extent).

5 One species in the whole centre being sown with one kind. For since the centre is a whole bed there is not the appearance of *forbidden junction*. The **ראש חור** (*wedge-shaped corner*) of the bed may touch the side of the whole bed. [This interpretation, which fits the Hebrew exactly, is taken from the commentary of Elijah, Vilna Gaon. 'The normal meaning given to this *Mishnah* poses very many difficulties].

6 And also a handbreadth wide.

7 *i.e.*, vegetable seeds. Because the border, being one handbreadth wide, the whole bed now becomes eight handbreadths by eight handbreadths.

8 Planting thus—1 **טפח** empty at a corner, 1 **טפח** planted, 1  $\frac{1}{2}$  **טפח** empty, 1 **טפח** planted, 1  $\frac{1}{2}$  **טפח** empty, 1 **טפח** planted, and 1 **טפח** empty at the other corner, thus forming three small beds (each 1 square **טפח**) with five spacings on the one side; and so on for the three other sides (or, one row flanking the centre bed, one row on top of the border, and one row flanking the border on the outside, and so on for all four sides).

9 Because its leaves are so widely spread that they cover the other plants and the whole has the appearance of *forbidden junction*.

10 But he may plant it on top of, or outside, the border.

11 *i.e.*, he does not need to plant a single row along each of the four sides of the six by six handbreadths plot in order to get five species on a plot. R. Judah's view is accepted: he holds that the minimum size of a vegetable plot is six handbreadths by one handbreadth, hence he could have six plots in the centre of his bed without infringing the law of *forbidden junction*.

## Mishnah 2

Not every kind<sup>1</sup> of seed<sup>2</sup> may be sown in a garden bed,<sup>3</sup> but all kinds of vegetables may be sown in a garden bed. Mustard and small beans are a kind of seed,<sup>4</sup> large beans a kind of vegetable. A border<sup>5</sup> that was a handbreadth high and became lower is valid<sup>6</sup> because it was valid to begin with.<sup>7</sup> A furrow<sup>8</sup>

## משנה ב

כל-מין<sup>1</sup> זרעים אין זורעים  
בצֵרוּנָה, וְכָל-מין ירקות זורעין  
בצֵרוּנָה. חֲדָל וְאִפְּוּיִן הַשּׁוּפִין  
מִן זֵרַעִים, אִפְּוּיִם הַגְּמָלָנִים מִן  
יֶרֶק. גְּבוּל שֶׁהָיָה גֹבֶה טֶפַח וְנִתְמַעֵט

or a water-channel<sup>9</sup> that is a handbreadth deep—three kinds of seed may be sown therein,<sup>10</sup> one<sup>11</sup> at one edge and one at the other edge and one in the middle.<sup>12</sup>

כָּשֶׁר, שְׁהִיָּה כָּשֶׁר מִתְחַלְתּוֹ.  
הַתֵּלֵם וְאַמַּת הַמַּיִם שֶׁהֵם עֲמוּקִים  
טַפַּח זֹרְעִים לְתוֹכָן שְׁלֹשָׁה  
וְרֵעוֹנִין, אֶחָד מִכֵּן וְאֶחָד מִכֵּן  
וְאֶחָד בְּאַמְצָע.<sup>12</sup>

1 *in some editions.* 2 They should not give the appearance of *forbidden junction* if sown in a bed when they are wont to be sown in large fields. 3 *i.e.*, five species (in the manner described in the preceding *Mishnah*). 4 And cannot be sown within or alongside a bed six by six handbreadths. 5 On which twelve different kinds were sown (see the preceding *Mishnah*). 6 *i.e.*, the plants are permitted and are not to be uprooted; but no further sowing may be carried out before the border is raised to a handbreadth. 7 But nothing new may be planted until it is built up again. 8 Or *trench*. 9 Which has dried up. 10 Literally *in them*, *i.e.*, a sunken border has the same law as a raised border round a plot six by six handbreadths, as taught in 2<sup>1</sup>. 11 *i.e.*, one row of each species. 12 *i.e.*, *lengthways* (thus, a handbreadth sown,  $1\frac{1}{2}$  handbreadths' interval, a handbreadth sown in the middle,  $1\frac{1}{2}$  handbreadths' interval, a handbreadth sown); or according to some, *crossways* (a handbreadth sown along the side or bank,  $1\frac{1}{2}$  handbreadths' interval, a handbreadth sown in the centre,  $1\frac{1}{2}$  handbreadths' interval, a handbreadth sown on the other side or bank), but none on the sunken sides, for this would have the appearance of *forbidden junction*.

### Mishnah 3

If the wedge-like corner of a vegetable field entered into the field of a different vegetable, this is allowed<sup>1</sup> because it is manifestly the limit of his field. If one's field were sown with vegetables and he desired to plant in it a row<sup>2</sup> of another kind of vegetable, R. Ishmael says, Only if<sup>3</sup> the furrow be uninterrupted from one end of the field to its other end.<sup>4</sup> R. Akiba says, It need be but six hand-

### משנה ג

הִיָּה רֹאשׁ תוֹר יָרֵק וְכֹנֶס לְתוֹךְ  
שָׂדֶה יָרֵק אַחֵר מוֹתֵר מִפְּנֵי שֶׁהוּא  
נִרְאָה כְּסוּף שָׂדֶה. הִיָּתָה שָׂדֶהוּ  
וְרוּעָה יָרֵק וְהוּא מִבְּקֵשׁ לִישָׁע  
בְּתוֹכוֹ שְׂדֵה שֶׁל יָרֵק אַחֵר, כִּבִּי  
יִשְׁמַעֲלֵל אוֹמֵר, עַד שֶׁיִּהְיֶה הַתֵּלֵם  
מִפּוֹלֵשׁ מֵרֹאשׁ הַשָּׂדֶה וְעַד רֹאשׁוֹ.  
כִּבִּי עֲקִיבָא אוֹמֵר, לְאוֹרֶךְ שְׂשָׁה  
טַפָּחִים וְרוֹחֵב מְלֹאָו; כִּבִּי הִיָּדָה

breadths in length<sup>5</sup> and fully as wide<sup>6</sup>; R. Judah says, As wide as the full width of the sole of a foot.<sup>7</sup>

אומר, רוחב כמלא רוחב  
הפרסה.

1 See 27. 2 *i.e.*, a single row. 3 *i.e.*, 'He may do so only if . . . .'. 4 *i.e.*, the row of vegetables must extend the whole length of the field, so that it is not enclosed except at the sides by the other kind. 5 And the fact that it will be surrounded on three sides does not matter; but it must have the length of six handbreadths. 6 *i.e.*, it must occupy an area of six by six handbreadths even though it is but one row. 7 *i.e.*, one handbreadth. This agrees with his view in 21.

#### Mishnah 4

If one planted two rows of cucumbers, two rows of gourds, and two rows of Egyptian beans,<sup>1</sup> this is permitted;<sup>2</sup> one row of cucumbers, one row of gourds, and one row of Egyptian beans, this is forbidden;<sup>3</sup> one row of cucumbers, one row of gourds, one row of Egyptian beans, then one row of cucumbers—R. Eliezer<sup>4</sup> permits this but the Sages<sup>5</sup> forbid it.

#### משנה ד

הנוטע שתי שורות של קשואין, שתי שורות של דלועים, שתי שורות של פול המצרי<sup>2</sup> מותר; שורה של קשואים, שורה של דלועים, שורה של פול המצרי<sup>3</sup> אסור; שורה של קשואים, שורה של דלועים, שורה של פול המצרי ושורה של קשואים, רבי אליעזר מתיר ויחכמים אוסרים.

1 Or פול. 2 These species have long foliage. *i.e.*, if there be a תלם, *furrow* or *trench*, with a space interval of six handbreadths between one species and the other. The gourds separate the cucumbers from the Egyptian beans which are קלאים towards each other. And this is the accepted ruling. 3 Even if there be a תלם (*trench* or *furrow*) between the beds, because cucumbers and gourds are קלאים towards each other and the widespreading leaves are liable to overlap even in spite of the תלם—giving the appearance of having been sown indiscriminately. 4 His view, which is rejected, is that the two rows of cucumbers turn it into a cucumber field, and the gourds and Egyptian beans will be covered by the rule of the last *Mishnah* that a row of a different kind may be planted in a field of vegetables. 5 Their ruling is accepted. For since the two rows of cucumbers do not adjoin, it does not count as a field of cucumbers.

## Mishnah 5

## משנה ה

A man may plant a cucumber and a gourd<sup>1</sup> in<sup>2</sup> the same hollow,<sup>3</sup> provided that the one leans to one direction and the other to the other direction,<sup>4</sup> the foliage of the one leaning one way and the foliage of the other the other way; for whatsoever the Sages have forbidden<sup>5</sup> they have decreed only for the sake of appearances.<sup>6</sup>

נוטע אדם<sup>1</sup> קישות ודלעת<sup>2</sup> לתוך  
גומא אחת. ובלבד שתהא זו  
נוטה לצד זה וזו נוטה לצד זה<sup>4</sup>.  
ונוטה שער של זו לכן ושער של  
זו לכן; שכל מה<sup>5</sup> שאסרו חכמים  
לא גזרו אלא מפני<sup>6</sup> מראית העין.

1 These two are taken as an extreme example because their widespreading leaves are liable to intertwine. As a matter of fact three or four different species (*i.e.*, one of each) may be planted in the same hollow. 2 בְּתוֹךְ in some editions. 3 Each seed must be planted separately but there is no need for a great space between. 4 So that they will clearly appear as not mingling. The next part of the *Mishnah* is omitted in many editions and seems to be a gloss that has crept into the text. 5 As *forbidden junction*. 6 *i.e.*, there should be no doubt or suspicion of *forbidden junction*, and the fact that the leaves of one species incline away from those of the other proves that care had been taken against the transgression of *forbidden junction*.

## Mishnah 6

## משנה ו

If a man's field<sup>1</sup> were sown with onions<sup>2</sup> and he sought to plant in it rows<sup>3</sup> of gourds, R. Ishmael says, He must uproot two rows<sup>4</sup> and plant one row,<sup>5</sup> and leave the standing crop of onions over a space of two rows,<sup>6</sup> then he uproots<sup>7</sup> two rows<sup>8</sup> and plants one row.<sup>9</sup> R. Akiba says,<sup>10</sup> He should uproot two rows<sup>4</sup> and plant two rows,<sup>5</sup> then leave a space of two rows of the standing crop of onions, then uproot two rows<sup>4</sup> and plant two rows.<sup>11</sup> But the Sages say,<sup>12</sup> If there be not between one row and the next twelve cubits, he must not allow the seed between to remain.

היתה שדהו זרוע<sup>1</sup> בצלילים ומבקש  
ליטע בתוכה<sup>3</sup> שורות של דלועים,  
רבי ישמעאל אומר, עוקר<sup>4</sup> שתי  
שורות ונוטע<sup>5</sup> שורה אחת. ומניח  
קמת בצלים במקום<sup>6</sup> שתי שורות.  
ועוקר<sup>7</sup> שתי שורות ונוטע<sup>8</sup> שורה  
אחת. רבי<sup>10</sup> עקיבא אומר, עוקר  
שתי שורות ונוטע<sup>5</sup> שתי שורות.  
ומניח קמת בצלים במקום<sup>6</sup> שתי  
שורות ועוקר<sup>7</sup> שתי שורות ונוטע<sup>8</sup>  
שתי שורות.<sup>11</sup> ויחכמים אומרים,  
אם אין בין שורה לחברתה שתיים  
עשרה אמה לא יקיים את-הזרע  
של ביניהם.

1 זָיִתָּה (more grammatically correct) in some editions. 2 Or any other vegetable. Onions are mentioned because probably in those days gourds were grown among them. 3 *i.e.*, alternate rows of onions and gourds. 4 *i.e.*, of onions. A row is four cubits wide so that a total width of eight cubits is made empty. 5 Of gourds in the centre of the empty space. This would require four cubits, and two cubits on each side of it would be empty. 6 *i.e.*, eight cubits. 7 *i.e.*, once more he uproots two rows of onions. This process may be repeated as often as possible. Thus every time there is a distance of twelve cubits from one row of gourds to the other. 8 *i.e.*, of onions. 9 Of gourds. Thus there would be twelve cubits between the edge of one row of gourds and the next. 10 His view (which is rejected) is that a space of eight cubits from one row of gourds to the other is unnecessary and that the ordinary existing תְּלֵם (*trench or furrow*) of one cubit in width is all that is needed. 11 Of gourds. And he does not need an empty space between the gourds and the onions. 12 Their view, which is the accepted ruling, is based on the fact that the widespreading growing leaves of gourds require the twelve cubits' spacing interval to avoid *forbidden junction*. \*Or וּמִצֵּיתָ.

## Mishnah 7

A gourd among vegetables is like vegetables,<sup>1</sup> but if among grain it must be given a space of a *reva*.<sup>2</sup> If one's field were sown with grain and he sought<sup>3</sup> to plant in it a row<sup>4</sup> of gourds,<sup>5</sup> six handbreadths must be allowed for its tillage, and if it outgrew<sup>6</sup> [this space] he must uproot it<sup>7</sup> before it.<sup>8</sup> R. Jose says, It must be allowed for its tillage<sup>9</sup> four cubits.<sup>10</sup> They said<sup>11</sup> to him, 'Dost thou apply here greater stringency than for the vine?'<sup>12</sup> He said to them, 'We find that here greater stringency is required than for the vine, because for a single vine six handbreadths are allowed for its tillage, but for a single gourd a *reva's* space is required.' R. Meir<sup>13</sup> says in the name of R. Ishmael, When there are three gourds in a space of a *seah* one must not sow any other

## משנה ז

דִּלְעַת בִּירְקָא בִּירְקָא וּבִתְבוּאָה  
נוֹתֵינָן לָהּ בֵּית רוֹבַע. הֵיתָה שְׂדֵהוּ  
זְרוּעָה תְבוּאָה, וּבִקְשׁ לִישַׁע לְתוֹכָהּ  
שְׂוֹרָה שֶׁל דְּלוּעִין, נוֹתֵינָן לָהּ  
עֲבוֹדָתָה שֶׁשָּׁה טַפָּחִים, וְאִם  
הִגְדִּילָהּ יַעֲקֹר<sup>8</sup> מִלְּפָנֶיהָ. רַבִּי יוֹסִי  
אוֹמֵר, נוֹתֵינָן לָהּ עֲבוֹדָתָה<sup>10</sup> אַרְבַּע  
אַמּוֹת. אֲמָרוּ לוֹ, הִתְחַמֵּר זֶה<sup>12</sup> מִן-  
הַגִּפְּזִי אֲמַר לֵהּ, מִצֵּינוּ שְׁוִי חֲמוּרָה  
מִן-הַגִּפְּזִי, שֶׁלֹּגֶפֶן יְחִידִית נוֹתֵינָן לָהּ  
עֲבוֹדָתָה שֶׁשָּׁה טַפָּחִים, וְלִדְלַעַת  
יְחִידִית נוֹתֵינָן לָהּ בֵּית רוֹבַע. רַבִּי  
מֵאִיר אוֹמֵר מִשּׁוּם רַבִּי יִשְׁמָעֵאל,<sup>13</sup>  
כֹּל-שְׁלֹשָׁה דְלוּעִין לְבֵית סָאָה לֹא

handbreadths high. And a *trench*?<sup>8</sup>  
—Such that is ten<sup>9</sup> deep and four<sup>9</sup>  
wide.

היא גדר? שהוא גבה עשרה  
טפחים. וחרץ? שהוא עמוק  
עשרה ורחב ארבעה

1 *i.e.*, his view, which is rejected, is that the מחול הכרם in the foregoing *Mishnah* should be גדר הכרם, and therefore if there are four cubits for the vine tillage the rest, whatever its extent, may be sown. The accepted ruling is that just as the fence of a vineyard may have seed sown right up to its outer side, so, too, once a space of four cubits from the vines is allowed for tillage, seed may be sown right up to the fence however small the distance is even if there is less than eight cubits from tillage to fence. 2 ואינהו in some editions. 3 Which requires twelve cubits. Here again R. Judah's view is not accepted. 4 *i.e.*, 'It is the space . . . . .'. 5 *i.e.*, if there is an empty space between two vineyards which are recognisable by the layout of the vines as being separate vineyards, then in only twelve cubits, four would be left empty each side and four could be sown. The Rabbis would count this a vineyard patch and require sixteen cubits. 6 ואינהו is omitted in many editions; some texts have ואינהו. From here to the end of this *Mishnah* is not R. Judah's statement. 7 That may have vines on one side and sown crops on the other side. 8 Or *ditch*, that may have vines on one side and sown crops on the other side. 9 Handbreadths.

#### משנה ד

#### Mishnah 4

A partition of reeds<sup>1</sup>—if between reed and reed be less than three handbreadths<sup>2</sup> sufficient for a kid to enter,<sup>3</sup> it counts as a valid partition.<sup>4</sup> And a fence that is breached up to a space of ten cubits is considered as an entrance;<sup>5</sup> if it be more than this, opposite the breach is forbidden.<sup>6</sup> If many breaches be made therein,<sup>7</sup> if what remains standing exceed what is broken down it is permitted,<sup>8</sup> but if what is broken down exceed what remains standing, then opposite the broken down part it is forbidden.<sup>9</sup>

מחיצת תקנים, אם אין בין קנה  
לחבירו שלשה טפחים כדי  
שכנס הגדי, הרי זו כמחיצה.  
וגדר שזפרץ עד עשר אמות הרי  
הוא כפתח; יתר מכאן כנגד  
הפרצה אסור. ופרצו בו פרצות  
הרבה, אם העומד מרובה על  
הפרוץ מותר, ואם הפרוץ מרובה  
על העומד כנגד הפרצה אסור.

1 Round a vineyard. 2 A breach less than three handbreadths is not deemed a breach and the fence is considered as whole. This according to some is an instance of הלכה למשה מסיני, a ruling handed down by tradition from Moses, and



as such is accepted without question. **3** In some editions, שִׁידְקָר, *that it can force its way in*. If they are three handbreadths apart then a kid could enter, hence it counts as a hole. **4** And seeds may be sown on the other side of the partition. In the case of a *reed-partition*, even if the sum total of all the spacings between the reeds (provided no spacing is three handbreadths wide) be greater than the sum total of all the reeds, seeds may be sown. **5** And seeds may be sown there alongside the entrance. **6** To sow seeds up to the standing part and at a distance of four cubits from the hole. **7** Each hole being less than ten cubits but more than three handbreadths. **8** To sow opposite the breach and even alongside the broken down part. **9** To sow seed unless a distance of four cubits is allowed, but seed may be sown alongside the standing part provided it is at least four handbreadths wide.

## Mishnah 5

If one plant a row of five<sup>1</sup> vines, the School of Shammai say, 'This is deemed a vineyard,'<sup>2</sup> but the School of Hillel say,<sup>3</sup> It is not considered a vineyard unless there are two rows there.<sup>4</sup> Therefore, if one sow (within) the four cubits of a vineyard,<sup>5</sup> the School of Shammai say, He forfeits one row; but the School of Hillel say, He forfeits two rows.<sup>6</sup>

## מִשְׁנָה ה

הַנוֹטֵעַ שׁוּרָה שֶׁל י' חֲמֵשׁ גִּפְּנִים  
בֵּית שְׁמַאי אוֹמְרִים, בְּכֶרֶם, וּבֵית  
הֵלֵל אוֹמְרִים, אֵינוּ כֶּרֶם עַד שִׁיְהִיו  
שְׁמֵי שׁוּרוֹת. לְפִיכָךְ הַזּוֹרֵעַ  
אַרְבַּע אַמּוֹת שֶׁבְּכֶרֶם, בֵּית שְׁמַאי  
אוֹמְרִים, קִידֵּשׁ שׁוּרָה אַחַת; וּבֵית  
הֵלֵל אוֹמְרִים, קִידֵּשׁ שְׁמֵי שׁוּרוֹת.

**1** The number *five* (with reference to *five vines* as the minimum to form a vineyard) is based on the letter ה in וַתְּבוֹאֵת הַכֶּרֶם, *and the produce of 'the' vineyard* (Deuteronomy 22, 9). **2** And a distance of four cubits must be allowed from the vines before seed is sown. **3** Their view (which is accepted) is that any number of vines in *one* row is not a vineyard, and it is not necessary for sowing to leave a space of more than six handbreadths—single vines and seed may be sown at a distance of six handbreadths. **4** But they agree there must be at least five vines in the two rows. See further in the next *Mishnah*. **5** i.e., within the four cubits that must be allowed for tillage. **6** Literally, 'He has forfeited . . . .' For when the *Torah* declares forfeit the vineyard in which seed has been sown it means the minimum size vineyard adjoining the seed.

## Mishnah 6

If one plant two [vines] opposite two others, and another projects<sup>1</sup> like a tail,<sup>2</sup> this is deemed a vine-

## מִשְׁנָה ו

הַנוֹטֵעַ שְׁתֵּים כְּנֹגַד שְׁתֵּים וְאַחַת  
יֵוֹצֵאת זָנָב, הֲרִי זֶה כֶּרֶם; שְׁתֵּים

yard;<sup>3</sup> two opposite two and one between,<sup>4</sup> or two opposite two and one in the midst<sup>5</sup>—this is not considered a vineyard, but only if there be two opposite<sup>6</sup> two and another projects like a tail.<sup>7</sup>

כנגד שתיים ואחת בביתים או שתיים כנגד שתיים ואחת באמצע אינו כרם עד שיהיו שתיים כנגד שתיים ואחת יוצאת ונב.

1 יוצאה in some editions. 2 There is a diversity of opinions as to the actual meaning of this. Some take this to mean that the vines are planted thus

\* \* \* and others thus \* \* \*

3 And four cubits must be allowed before seed is sown. 4 Here again there is no agreement. Some take it to

appear thus \* \* \* and others thus \* \* \*

5 Once again there is disagreement. Some think it is thus \* \* \*, some this \* \* \*,

and others this \* \* \*. 6 נגד in some editions. 7 The final ruling

is that this form of vines \* \* \* forms a vineyard. (But the other cases are not deemed vineyards, and the vines require only six handbreadths for their cultivation and seeds may be sown outside this limit).

#### Mishnah 7

If one plant a row<sup>1</sup> on his own land, and there be a row on that of his neighbour's, then even though there be a private path<sup>2</sup> or a public path<sup>3</sup> between them, or a fence less than ten handbreadths in height, these<sup>4</sup> are included together,<sup>5</sup> but if the fence were higher than ten handbreadths, they are not included together.<sup>6</sup> R. Judah says,<sup>7</sup> If he trained them together above they do combine together.

#### משנה ז

הנוטע ושורה אחת בתוך שלו ושורה אחת בתוך של חברו ידרוך היחיד ויגדר שהוא נמוך מעשרה טפחים הרי אלו מצטרפות גבוה מעשרה טפחים אינן מצטרפות. רבי יהודה אומר, אם ערסן מלמעלה הרי אלו מצטרפות.

1 i.e., of the vines. 2 A *private path* is two and a half cubits wide (or, according to some authorities four cubits from one row to the other. 3 But there was less than eight cubits from one row to the other. A *public path* is wider than a *private path* but less than eight cubits. 4 i.e., these two rows of vines. 5 i.e.,

so that they count as a vineyard, and no seed may be sown within four cubits from the vines. **6** And seed may be sown at a distance of six handbreadths. **7** A fence ten handbreadths high. But his view is rejected.

## Mishnah 8

Whosoever planted two rows,<sup>1</sup> if there be not between them eight cubits,<sup>2</sup> may not sow seed there.<sup>3</sup> If there were three [rows],<sup>4</sup> and there be not<sup>5</sup> between one row and the next sixteen<sup>6</sup> cubits, he may not sow seed there.<sup>7</sup> R. Eliezer ben Jacob says in the name of Chanina<sup>8</sup> ben Chachinai, Even if the middle<sup>9</sup> were laid waste and there be not between one row and the next sixteen cubits,<sup>10</sup> he may not sow seed there,<sup>11</sup> even though originally he had planted them,<sup>12</sup> it would have been permitted<sup>13</sup> were there only eight cubits between.

מִשְׁנָה ח הַנוֹטֵעַ שְׁתֵּי שׁוּרוֹת, אִם אֵין בֵּינֵיהֶם  
שְׁמֹנֶה אַמּוֹת לֹא יִבְיֵא זֶרַע לְשָׂם.  
הֵיוּ שְׁלֹשׁ, אִם אֵין בֵּין שׁוּרָה  
לְחִבְרָתָהּ שֵׁשׁ עָשָׂרָה אַמָּה לֹא  
יִבְיֵא זֶרַע לְשָׂם. רַבִּי אֱלִיעֶזֶר  
בֶּן יַעֲקֹב אוֹמֵר מִשּׁוּם חֲנִינָא בֶן  
חֲכִינִי, אִפִּילוּ חִבְרָה הָאֲמֻצָּעִית  
וְאֵין בֵּין שׁוּרָה לְחִבְרָתָהּ שֵׁשׁ  
עָשָׂרָה אַמָּה לֹא יִבְיֵא זֶרַע לְשָׂם,  
שְׁאִילוּ מִתַּחֲלָה גִּטְעָן, הֲרִי זֶה  
מוֹתֵר בְּשִׁמְנֵה אַמּוֹת.<sup>13</sup>

**1** i.e., of vines. There is a diversity of opinions whether it is *two vines opposite two* or *two rows of three in each*. **2** i.e., a space of eight cubits. If there be an interval of eight cubits or more seed may be sown there to within one cubit of each row. **3** Between the rows. **4** i.e., three rows with two vines in each. **5** **וְאֵין** instead of **וְאִם אֵין** in some editions. **6** i.e., a space of sixteen cubits (according to some sixteen cubits between the first and third rows, according to others between each of the outer and middle rows). **7** Because three rows make a **כֶּרֶם גָּדוֹל** (*large vineyard*). But the ruling is in accordance with the opinion of R. Meir and R. Simon in the next *Mishnah*. **8** חֲנִינִי in some texts. **9** i.e., the middle row of vines. And so only two rows remain. **10** i.e., a space of sixteen cubits. **11** Because once it had been a vineyard it remains so. The space where the middle row was must be considered a patch in a vineyard, as in **41**. **12** i.e., in two rows. **13** i.e., to sow seed there.

## Mishnah 9

Whosoever plants his vineyard<sup>1</sup> sixteen cubits apart is permitted to sow seed there.<sup>2</sup> R. Judah said, There was a case in Zalmon<sup>3</sup> where a certain man planted his

מִשְׁנָה ט הַנוֹטֵעַ אֶת-כֶּרְמוֹ עַל שֵׁשׁ עָשָׂרָה  
שֵׁשׁ עָשָׂרָה אַמָּה מוֹתֵר לְהִבְיֵא  
זֶרַע לְשָׂם. אָמַר רַבִּי יְהוּדָה,

vineyard<sup>4</sup> sixteen cubits apart, and he trained the foliage of every two rows to one side and sowed the cleared ground,<sup>5</sup> and in the following year he trained the foliage<sup>6</sup> to the other side and sowed the uncultivated ground;<sup>7</sup> and the case came before the Sages and they permitted it. R. Meir and R. Simon say,<sup>8</sup> Even if one plant his vineyard<sup>9</sup> eight cubits apart it is permitted.<sup>2</sup>

מַעֲשֶׂה<sup>3</sup> בְּצִלְמוֹן בְּאַחַד שְׁנֵטַע אֶת  
בְּרָמּוֹ עַל שֵׁשׁ עֲשָׂרָה שֵׁשׁ עֲשָׂרָה  
אַמָּה וְהָיָה הוֹפֵךְ שָׁעַר שְׁתֵּי שׁוּרוֹת  
לְצַד אַחַת וְזוֹרֵעַ אֶת-הַנִּיר, וּבִשְׁנָה  
אַחֲרֵת הָיָה הוֹפֵךְ אֶת-הַשָּׁעַר  
לְמָקוֹם אַחֵר וְזוֹרֵעַ אֶת-הַבּוֹר;  
וְכֹא מַעֲשֶׂה לְפָנֵי חֲכָמִים וְהִתִּירוּ.  
רַבִּי מֵאִיר וְרַבִּי שְׁמַעוֹן<sup>8</sup> אוֹמְרִים,  
אִם הַנּוֹטֵעַ אֶת-בְּרָמּוֹ עַל שְׁמֹנֶה  
שְׁמֹנֶה אַמּוֹת מוּתָר.

1 In rows. 2 In between the rows to within one cubit of the vines. 3 The exact locality is unknown. There is a hill of that name near Shechem and the town may have been in that neighbourhood. Some place it to the south of Haifa and others near Lud. 4 In rows, *i.e.*, facing each other. 5 *i.e.*, outside the combined rows; but not between the combined rows because no seed may be sown on soil shaded by the foliage of vines. 6 Of every two rows alternately. Or *branches*. 7 Which had been shaded by the vines previously and not sown over. This view requires sixteen cubits between the end branch of one row and the next. 8 Their view (which is accepted) is that eight cubits is sufficient between one row and the next and it is permitted to sow there leaving a space of one cubit from each row; this applies only to the spaces between the rows, but outside the rows because of *מֵרְאִית עֵין*, *appearance's sake* (to avoid suspicion of *פְּלִאִים*), a space of four cubits must be left unsown. It is only in the case of a *קֶרְחַת* (a space laid waste between the rows) is an interval of sixteen cubits required. 9 In rows.

## CHAPTER 5

## פֶּרֶק ה'

## Mishnah 1

If a vineyard became waste, but it is possible to gather in it ten vines,<sup>1</sup> planted according to the rule<sup>2</sup> in a *seah's* space,<sup>3</sup> this is called a poor vineyard.<sup>4</sup> A vineyard<sup>5</sup> which is planted in an irregular manner<sup>6</sup>—if two vines can be aligned opposite three,<sup>7</sup> it is deemed

## מִשְׁנָה א

כֶּרֶם שֶׁחֲרַב, אִם יֵשׁ בוֹ לְלִקֵּט  
עֶשְׂרִי גִפְנִים<sup>1</sup> לְבֵית סָאָה וְנִטְעוֹת  
כִּהְלֵכְתָּן, וְהָיָה זֶה וְנִקְרָא כֶּרֶם  
דָּל.<sup>5</sup> כֶּרֶם שֶׁהוּא נִטּוֹעַ עַרְבּוּבִיָּה,

a vineyard,<sup>8</sup> but if not, it is not considered a vineyard.<sup>9</sup> R. Meir says,<sup>10</sup> Since it appears in form like vineyards<sup>11</sup> it does count as a vineyard.

אם יש בו לכונן שתים כנגד שלש  
הרי זה סכרם ואם לאו אינו סכרם.  
רבי מאיר אומר הואיל והוא  
נראה כתבנית הסכרמים הרי  
זה סכרם.

**1** *i.e.*, the fruit of ten vines. **2** *i.e.*, שתים כנגד ואחת יוצאה ונב (sec 4<sup>6</sup>). **3** Fifty by fifty cubits. **4** And this is the ruling; and the space between is not to be considered a קרחת (see 4<sup>1</sup>). **5** In some editions סכרם דל, a poor vineyard, and no seed may be sown there. **6** *i.e.*, it has no parallel rows. **7** *i.e.*, if among all the vines there be found five satisfying the condition in **Note 1** (see 4<sup>6</sup>). **8** And it is necessary to leave a space of sixteen cubits before sowing seeds because it is like a קרחת. **9** And it is sufficient to leave a space of six handbreadths from each vine before sowing seed. **10** But his view is rejected. **11** *i.e.*, it was planted in two rows but they were not regular or even.

### Mishnah 2

If a vineyard<sup>1</sup> be planted<sup>2</sup> less<sup>3</sup> than four cubits apart, R. Simon says, It is not considered a vineyard; but the Sages say, It does count as a vineyard,<sup>4</sup> and the ones in between are regarded as if they were not there.<sup>5</sup>

משנה ב  
סכרם שהוא נטוע על פחות  
מארבע אמות רבי שמעון אומר  
אינו סכרם; וחכמים אומרים סכרם.  
ורואין את-האמצעיות כאלו אינן.

**1** Of at least three rows with not less than three vines per row. **2** *i.e.*, in proper rows. **3** Or פחות. **4** And it is necessary to leave a space of only six handbreadths from each vine before grain is sown. **5** *i.e.*, the vines have been planted very thickly in order that later on they may be thinned out leaving the best, hence these to be cleared away are considered as if they were not there at all.

### Mishnah 3

A trench<sup>1</sup> that passes through a vineyard is ten<sup>2</sup> deep and four<sup>2</sup> wide—R. Eliezer Ben Jacob says, If it extend<sup>3</sup> from one end of the vineyard to the other, it has the appearance of being between two<sup>4</sup> vineyards<sup>5</sup> and seed may be sown<sup>6</sup> in it, but if not,<sup>7</sup> it is considered as like to a wine-press.<sup>8</sup> And a wine-press in a vineyard ten<sup>9</sup> deep and

משנה ג  
חרץ שהוא עובר בסכרם עמיק  
עשרה ורחב ארבעה רבי  
אליעזר בן יעקב אומר אם היה  
מפולש מראש הסכר ועד סופו  
הרי זה נראה כבין שתי סכרמים  
וזורעים בתוכו ואם לאו הרי

four<sup>9</sup> wide—R. Eliezer says, Seed may be sown inside it; but the Sages prohibit it. A watchman's hut<sup>10</sup> in a vineyard is ten<sup>2</sup> high<sup>11</sup> and four<sup>2</sup> wide—seed may be sown in it;<sup>12</sup> but if the overhanging foliage intertwine,<sup>13</sup> it is forbidden.

הוא כגת. והגת שבכרם צמוקה  
 עשרה ורחבה<sup>9</sup> ארבעה רבי  
 אליעזר אומר, זורעים בתוכה;  
 וחכמים אוסרים.<sup>10</sup> שומרה שבכרם  
 גבוהה<sup>11</sup> עשרה ורחבה<sup>2</sup> ארבעה  
 זורעין בתוכה;<sup>12</sup> ואם היה שער  
 כותש אסור.<sup>13</sup>

1 Or *ditch*. 2 Handbreadths. 3 *i.e.*, the vineyard bounds it along the sides but not at the ends, and further the foliage does not overshadow it. 4 (Grammatically more correct) שני in some editions. 5 Belonging to two different men. 6 It is permitted to sow seed even though within four cubits of the vines, and this is the accepted ruling. 7 *i.e.*, if one of the three conditions (width four handbreadths, length ten handbreadths, and unbounded at the ends) be absent; if the trench is bounded at the ends by the vineyard seeds may be sown in it only if it is not less than sixteen cubits wide, as in the case of a קרחת. 8 And no seed may be sown in it in accordance with the opinion of the Sages in the next paragraph. 9 Handbreadths. 10 Or *mound*; seed may be sown on a mound, platform or hut-roof (not less than ten handbreadths high and four handbreadths wide) provided that the foliage of the vines outside within four cubits does not come in contact with the growing plants. 11 גבוהה (grammatically more correct) in some texts. 12 Inside the top depression. בראשה in some editions. 13 The leaves of the vines and of the seed.

#### Mishnah 4

If a vine be planted in a winepress or in a cleft,<sup>1</sup> it must be allowed space<sup>2</sup> for tillage and one may sow the rest.<sup>3</sup> R. Jose<sup>4</sup> says, If there be not there<sup>5</sup> a space of four cubits, seed may not be sown there. And if there be a house in a vineyard, seed may be sown inside it.<sup>6</sup>

#### משנה ד

גפן שהיא נטועה בגת או בכנע,  
 נותנין לה עבודתה וזורע את-  
 המותר. רבי יוסי אומר, אם אין  
 שם ארבע אמות לא יביא זרע  
 לשם. והבית שבכרם זורעין  
 בתוכו.<sup>6</sup>

1 *cleft, cavity, hollow, rift, ravine*; three handbreadths wide and more than two cubits long. 2 *i.e.*, a space of six handbreadths around the vine must be left empty. 3 With seed. 4 His view is rejected. 5 In the *winepress* or *cleft*. 6 Because its roof, in addition to the walls, makes a complete safeguard against קלאים (*forbidden junction*).

## Mishnah 5

If one plant vegetables<sup>1</sup> in a vineyard or allows them to grow there,<sup>2</sup> he renders forfeit<sup>3</sup> forty-five vines.<sup>4</sup> When is this the case? When they<sup>5</sup> were planted<sup>6</sup> four [cubits] apart or five<sup>6,7</sup> [cubits] apart. If they<sup>8</sup> were planted<sup>9</sup> six [cubits] apart,<sup>10</sup> or seven [cubits] apart, he forfeits<sup>11</sup> sixteen cubits on every side, reckoned in circles and not in squares.<sup>12</sup>

## משנה ה

הנוטע<sup>1</sup> ירק בכרם או מקיים<sup>2</sup> הרי זה מקדש ארבעים וחמש<sup>3</sup> גפנים. אימתי? בזמן שהיו<sup>5</sup> נטועות<sup>6</sup> על ארבע ארבע<sup>7</sup> או על<sup>7</sup> חמש<sup>8</sup> היו<sup>9</sup> נטועות<sup>10</sup> על שש<sup>11</sup> או על<sup>10</sup> שבע שבע<sup>11</sup> הרי זה מקדש<sup>11</sup> שש עשרה אמה לכל רוח<sup>12</sup> עגולות ולא מרובעות.

1 Or *greens*. 2 *i.e.*, the vegetables grew of themselves (were not planted by the owner) and the owner allowed them to remain instead of uprooting them. 3 And such vines may not be used but must be destroyed by burning. 4 Greens or corn (i) near a vine render forfeit vines in a radius of six handbreadths, (ii) near a vineyard render forfeit two whole rows lengthwise, and (iii) between vines render forfeit within a radius of sixteen cubits; and thus greens or corn near a vine in a vineyard render forfeit that vine and forty-four others (= forty-five total), or, put in another way, if 7 rows of vines be planted 4 cubits apart and 4 cubits between one vine and the next, and a circle be drawn 16 cubits in diameter, 45 vines fall within the circle. 5 *i.e.*, the vines. 6 *i.e.*, in rows four or five cubits apart. 7 *i.e.*, between vine and vine four or five cubits' interval. Although less than forty-five will now fall within the circle, to prevent error the same number were forbidden. 8 The vines. 9 *i.e.*, in rows six or seven cubits apart. 10 *i.e.*, between vine and vine also six or seven cubits' space. 11 *i.e.*, the vines. 12 *i.e.*, within a circular space of sixteen cubits' radius, not within a space of a thirty-two cubits' square.

## Mishnah 6

If a man see greens<sup>1</sup> in a vineyard and said, 'When I come to them I will pluck<sup>2</sup> them'—this is allowed;<sup>3</sup> 'When I come back<sup>4</sup> I will pluck them'—if they have increased<sup>5</sup> by one two-hundredths, part it is forbidden.

## משנה ו

הראה ירק בכרם ואמר, כשאגיע לו<sup>2</sup> אלקטנו<sup>3</sup> מותר; כשאחזור אלקטנו<sup>4</sup> אם הוסיף<sup>5</sup> במאתים אסור.

1 Or vegetables. 2 *i.e.*, uproot. 3 *i.e.*, the neighbouring vines are not forbidden even though they had increased by one two-hundredths before the vegetables were uprooted. For he uprooted the vegetables at the earliest moment. 3 *i.e.*,

even though they may have increased their growth by one two-hundredths part. 4 *i.e.*, he postpones the uprooting for another occasion: one must not intentionally delay the clearing away of the forbidden thing. 5 *i.e.*, grown.

## Mishnah 7

If one were passing<sup>1</sup> through a vineyard and seeds fell<sup>2</sup> from him, or they came in with the manure<sup>3</sup> or with the water,<sup>4</sup> or if he were sowing and the wind blew it<sup>5</sup> behind him,<sup>6</sup> it is allowed;<sup>7</sup> but if the wind blew it before him,<sup>8</sup> R. Akiba<sup>9</sup> says, If they<sup>10</sup> grew to blades, it must be ploughed up,<sup>11</sup> and if in ear it must be beaten out,<sup>12</sup> and if it produced full grain,<sup>13</sup> it must be burnt.<sup>14</sup>

1 *i.e.*, to go into another field to sow seeds. 2 Unintentionally. 3 Manure for the vineyard. 4 Water for the vines. 5 The seed. 6 Into the vineyard. 7 Because he was unaware of what had happened. Nevertheless he must uproot the plants when they appear otherwise they render the vines forfeit. 8 So that he saw it settle in the vineyard, but neglected to remove it at once. 9 And his ruling is accepted. 10 The seed. 11 Or *hoed up*. יִפֹּךְ, he must plough (or hoe) it up, in some texts. 12 Or *broken off*. 13 *i.e.*, the corn has ripened. 14 יִדְלֶק, he must burn it, in some editions. And in each of the cases if the vine had increased by one two-hundredths from the moment he became aware of the seed, it is forfeit for a distance of sixteen cubits around.

## Mishnah 8

Whoever allows thorns to grow in a vineyard, R. Eliezer says,<sup>1</sup> has rendered it forfeit;<sup>2</sup> but the Sages say,<sup>3</sup> He has not rendered forfeit,<sup>2</sup> only in the case of such as are allowed to grow.<sup>4</sup> Iris<sup>5</sup> (and) ivy,<sup>6</sup> (and) king's-lily,<sup>7</sup> and all kinds of seeds<sup>8</sup> are not *forbidden junction*<sup>9</sup> in a vineyard. Hemp, says R. Tarfon, is not *forbidden junction*; but the Sages<sup>10</sup> say, It is *forbidden junction*. And the artichoke is *forbidden junction* in a vineyard.<sup>11</sup>

מִשְׁנָה ז'  
הָיָה עוֹבֵר בְּכֶרֶם, וְנָפְלוּ מִמֶּנּוּ זְרָעִים אוֹ שִׁיזְאוּ עִם הַזִּבְלִים אוֹ עִם הַמַּיִם, הַזּוֹרֵעַ וְסִיעָרְתוֹ הָרוּחַ לְאַחֲרָיו, מוֹתֵר; סִיעָרְתוֹ הָרוּחַ לְפָנָיו, רַבִּי עֲקִיבָא אוֹמֵר, אִם יַעֲשֶׂה בָּהֶם יִיפֹךְ וְאִם אֵבִיב יִנָּפֵץ, וְאִם הִבִּיזָהּ יִדְלֶק.<sup>14</sup>

מִשְׁנָה ח'  
הַמְקַיֵּים קוֹצִים בְּכֶרֶם, רַבִּי אֱלִיעֶזֶר אוֹמֵר, קֹדֶשׁ, וְיִחְכְּמִים אוֹמְרִים לֹא קֹדֶשׁ, אֶלָּא דָּבָר שֶׁקִּמּוּהוּ מִקֵּץ מִין. הָאֲרוֹס וְהַקִּיסוֹם וְשִׁשְׁנוֹת הַמֶּלֶךְ וְכָל מִינֵי זְרָעִים אֵינָן כְּלָאִים בְּכֶרֶם. הַקִּנּוֹבוֹס, רַבִּי טַרְפוֹן אוֹמֵר, אֵינָן כְּלָאִים, וְיִחְכְּמִים אוֹמְרִים, כְּלָאִים. וְהַקִּינֹרֶס כְּלָאִים בְּכֶרֶם.<sup>11</sup>



1 His view is rejected. 2 *i.e.*, the vines adjacent. 3 Their ruling is accepted. 4 *i.e.*, which people in the district ordinarily grow, but thorns are ordinarily uprooted. 5 Or *aromatic lily*. 6 In some editions נִהְיָסִיס. 7 Or *white lily*, *fritillary*, *snakeshead*. 8 Whose fruits or seeds (but not their leaves) are eaten. 9 Vilna Gaon suggests that the reading should be 'are forbidden junction . . .'. Otherwise it must refer to leguminous plants which are forbidden junction in a vineyard by decree of the Rabbis (מִדְּרַבָּנָא) and not from the Torah (מִדְּאִרְיִיתָא). 10 Their view is accepted. 11 And this is the ruling.

## CHAPTER 6

## פֶּרֶק ו'

Mishnah 1<sup>1</sup>

מִשְׁנָה א'

What is an espalier?<sup>2</sup>—When one plants a row<sup>3</sup> of five vines<sup>4</sup> alongside a fence which is ten handbreadths high or beside a trench<sup>5</sup> that is ten handbreadths deep and four<sup>6</sup> wide, it must be allotted four cubits for its tillage. The School of Shammai say, The four cubits are measured from the roots of the vines to the field; and the School of Hillel say, From the fence to the field.<sup>7</sup> R. Jochanan ben Nurisaid,<sup>8</sup> All err who say thus; but if there were there four cubits from the roots of the vines to the fence it must be allotted sufficient space for its cultivation<sup>9</sup> and the rest may be sown.<sup>10</sup> And how much space must be allotted for the tillage of a vine?—Six handbreadths on all sides; R. Akiba says,<sup>11</sup> Three.<sup>12</sup>

אִיזוֹהוּ עָרִיס? הַנּוֹטֵעַ שְׂדֵה שָׁל  
חֲמֵשׁ גִּפְנִים בְּצֵד הַגָּדֵר שֶׁהוּא  
גְּבוּהָ עֶשְׂרֵה טַפָּחִים, אוֹ בְּצֵד הַחֲרִיץ  
שֶׁהוּא עֶמּוּק עֶשְׂרֵה טַפָּחִים וְרָחֵב  
אַרְבָּעָה, נוֹתֵינִן לוֹ עֲבוּדָתוֹ אַרְבַּע  
אַמּוֹת. בֵּית שַׁמַּאי אוֹמְרִים, מִדְּדִין  
אַרְבַּע אַמּוֹת מֵעֵיקַר הַגִּפְנִים  
לְשָׂדֶה; וּבֵית הִלֵּל אוֹמְרִים, מִן-  
הַגָּדֵר לְשָׂדֶה. אָמַר רַבִּי יוֹחָנָן  
בֶּן נוּרִי, טוֹעִים כָּל-הָאוֹמְרִים כֵּן;  
אֵלָּא אִם יֵשׁ שָׁם אַרְבַּע אַמּוֹת  
מֵעֵיקַר גִּפְנִים וְלַגָּדֵר נוֹתֵינִן לוֹ  
אֶת-עֲבוּדָתוֹ וְזוֹרֵעַ אֶת-הַמּוֹתֵר.  
וּכְמָה הִיא עֲבוּדַת הַגִּפְנֵי שֶׁשָּׂה  
טַפָּחִים לְכָל רוּחַ; כִּי עֲקִיבָא  
אוֹמֵר, שְׁלֹשָׁה.<sup>12</sup>

1 This *Mishnah* has been commented on and explained in a variety of conflicting ways. The accepted ruling resulting from this *Mishnah* is that if there be (a) two rows with at least three vines in each, (b) two rows with two vines opposite two vines and one vine protruding, and (c) a row of at least five vines trellised on a fence ten handbreadths high and four wide, in each case they are

to be considered as a vineyard and seed may be sown not less than four cubits away. (But the distance from vines not considered as a vineyard that must be left before sowing is only six handbreadths). 2 *i.e.*, a trellised vine or lattice framework upon which vines are trained. A single trellised vine is termed *דלית*. (A vine that trails on the ground is termed in Talmudical language *דלית* and in Biblical nomenclature *סורחת*). 3 A row of vines under these conditions comes under the same ruling as a vineyard (see 4<sup>5</sup>). 4 *i.e.*, five vines at least. 5 Or *ditch*. 6 Handbreadths. 7 Since the row itself would not be a vineyard but for the fence the four cubits are measured from the fence. According to Vilna Gaon, this refers only to measuring from the fence towards the vines, but at the sides six handbreadths are enough. Others hold four cubits must be left in all directions. 8 *i.e.*, in support of the School of Hillel. 9 *i.e.*, six handbreadths round each vine. 10 But if the distance from the vines to the fence is less than four cubits nothing may be sown there. 11 But his view is not accepted. 12 Handbreadths.

## Mishnah 2

## משנה ב

An espalier that projects from a terrace<sup>1</sup>—R. Eliezer ben Jacob says, If one standing on the ground can gather all of it,<sup>2</sup> this<sup>3</sup> renders four cubits of the field<sup>4</sup> forbidden, but if not it renders forbidden only what is directly beneath it.<sup>5</sup> R. Eliezer says, Also, if one plant one<sup>6</sup> on the ground and another<sup>6</sup> on a terrace, if it<sup>7</sup> be ten handbreadths above the ground it is not included<sup>8</sup> with the other,<sup>9</sup> but otherwise<sup>10</sup> it does combine<sup>11</sup> with it.

ערים שהוא יוצא מן-המדורה  
רבי אליעזר בן יעקב אומר, אם  
עומד בארץ ובוצר את-כלו  
הרי זה אוסר ארבע אמות בפשה  
ואם לאו אינו אוסר אלא כנגדו.  
רבי אליעזר אומר, אף הנוטע  
אחת בארץ ואחת במדורה  
אם גובה מן-הארץ עשרה טפחים  
אינה מצטרפת עמה, ואם לאו  
הרי זו מצטרפת עמה.

1 *i.e.*, of a hillside (vines were often planted on terraces on the slopes of hillsides). 2 *i.e.*, can pick all the grapes. 3 *viz.*, the espalier. 4 *i.e.*, the lower field is considered a projection of the upper field and no seed may be sown there. 5 Literally 'opposite to it.' And this is the ruling. 6 *i.e.*, row. 7 *גבוהה* (grammatically more correct) in some editions. *i.e.*, the terrace is ten handbreadths high. 8 *i.e.*, to make a vineyard: and each row is as a single vine. 9 *i.e.*, the lower row with the other row. 10 *i.e.*, it is not ten handbreadths high. 11 And requires a space interval of four cubits for sowing as in the case of a vineyard.

## Mishnah 3

If one train a vine over part<sup>1</sup> of a lattice-frame,<sup>2</sup> he may not sow seed beneath the rest of it;<sup>3</sup> if he have done so,<sup>4</sup> he does not render it forfeit;<sup>5</sup> but if the new<sup>6</sup> spread,<sup>7</sup> it is forbidden.<sup>8</sup> And so,<sup>9</sup> also, if one have trained<sup>10</sup> over part of a tree which bears no fruit.<sup>11</sup>

משנה ג  
המדלה את-הגפן על מִקְצַת<sup>1</sup>  
אֲפִיפִירוֹת לא יִבְיֵא זֶרַע תַּחַת<sup>2</sup>  
הַמוֹתֵר; אִם<sup>3</sup> הֵבִיא<sup>4</sup> לֹא קָדַשׁ;  
וְאִם<sup>5</sup> הִלָּךְ<sup>6</sup> הִתְחַדֵּשׁ<sup>7</sup> אָסוּר;<sup>8</sup> וְכֵן<sup>9</sup>  
הַמְדִּלָּה עַל מִקְצַת<sup>10</sup> אֵילָן סָרְקִי.<sup>11</sup>

1 Consisting of planks or laths, used for making espaliers. 2 Or *trellis frame*. 3 For the whole part becomes subsidiary to, and so part of, the vines. 4 viz., planted seed under the bare laths. 5 i.e., the vine is not forfeit; but the vine is certainly forfeit if the seed be sown beneath the vine itself. 6 i.e., the branches and tendrils. 7 i.e., the new branches spread along the laths and are over the seed. 8 The seed which has now come under the vines, although it has not increased by one two-hundredths. 9 i.e., the ruling, as already stated, holds good also in the case of a non-fruitbearing tree. 10 i.e., a vine. 11 i.e., he may not sow seed under the part along which the vine has not been trained — the tree itself counting as a subsidiary of the vine.

## Mishnah 4

If one train a vine over part of a fruit tree, he may sow seed beneath the rest,<sup>1</sup> and if the new<sup>2</sup> have spread,<sup>3</sup> he must turn them back.<sup>4</sup> It happened that R. Joshua went to R. Ishmael at Kfar Aziz<sup>5</sup> and he<sup>6</sup> showed him<sup>7</sup> a vine that was trained over part of a fig-tree. He<sup>6</sup> said to him,<sup>7</sup> 'May I sow seed beneath the rest?'<sup>8</sup> He<sup>7</sup> said to him,<sup>6</sup> 'It is permitted.' And he<sup>6</sup> brought him<sup>7</sup> up from there to Beth Hamaganyah<sup>9</sup> and showed him a vine which was trained over part of a branch<sup>10</sup> and the stump of a sycamore-tree<sup>11</sup> upon which were many branches; he said to him, 'Under this branch it is forbidden<sup>12</sup> but under the others it is allowed'.<sup>13</sup>

משנה ד  
המדלה את-הגפן על מִקְצַת אֵילָן  
מֵאֲכָל מוֹתֵר לְהִבְיֵא זֶרַע אֶל-  
תַּחַת הַמוֹתֵר, וְאִם<sup>3</sup> הִלָּךְ<sup>2</sup> הִתְחַדֵּשׁ<sup>1</sup>  
יִחְזִירָנּוּ. מַעֲשֵׂה שֶׁהִלָּךְ רַבִּי יְהוֹשֻעַ  
אָצַל רַבִּי יִשְׁמָעֵאל<sup>5</sup> לְכַפֵּר עֲוֹנוֹ  
וְהִרְאָהוּ גִפֶּן שֶׁהָיָה מוֹדֵלָה עַל  
מִקְצַת תְּאֵנָה. אָמַר<sup>6</sup> לוֹ, מָה אָנִי  
לְהִבְיֵא זֶרַע אֶל-תַּחַת הַמוֹתֵר?  
אָמַר<sup>7</sup> לוֹ, מוֹתֵר. וְהִעֲלָהוּ מִשָּׁם  
לְבֵית הַמַּעֲיָדָה וְהִרְאָהוּ גִפֶּן שֶׁהָיָה  
מוֹדֵלָה עַל מִקְצַת<sup>10</sup> הַקּוֹרֶה<sup>11</sup> וְסִדֵּן  
שֶׁל שְׁקָמָה וְכוּ קוֹרוֹת הַרְבֵּה; אָמַר<sup>7</sup>  
לוֹ, תַּחַת הַקּוֹרֶה זֶה אָסוּר וְהַשָּׂאָר  
מוֹתֵר.<sup>13</sup>

1 But under the fruit tree itself it is forbidden, for a fruit tree retains its independence and the part along which the vine has not spread is not considered as belonging to the vine. 2 *i.e.*, the branches and tendrils. 3 Along the rest of the fruit tree and covers the seed beneath. 4 *i.e.*, the tendrils and branches must be bent back towards the vine and over the part which had been at first covered over, and uncover the seed before it has increased one two-hundredths; if he leaves the vine before it increases one two-hundredths both will be forbidden (see 5<sup>6</sup>). 5 A town in Edom; according to another opinion, south-west of Hebron. 6 R. Ishmael. 7 R. Joshua. 8 The rest of the fig-tree. 9 The exact locality is unknown; some think it was a part of Kfar Aziz. 10 קורה means a *beam*, but *bough* or *branch* seems a more correct rendering here. 11 From which the beams had been severed. 12 To sow. 13 Each beam counting as a separate entity.

## Mishnah 5

What is אילן סרק?—Any that does not bear fruit.<sup>2</sup> R. Meir says, All are<sup>3</sup> אילן סרק except the olive-tree and the fig-tree.<sup>4</sup> R. Jose says,<sup>5</sup> Any tree with the like of which whole fields are not planted is אילן סרק.

## משנה ה

אִיזְהוּ אֵילָן סָרֵק? כָּל-שְׂאִינֹ  
עוֹשֶׂה פִּירוֹת. רַבִּי מֵאִיר אָמַר,  
הַכֹּל אֵילָן סָרֵק, חוּץ מִן-תְּהֵנִית  
וְהַתְּאֵנָה. רַבִּי יוֹסִי אָמַר, כָּל-  
שְׂאִין כְּמוֹהוּ נוֹטְעִין שְׂדוֹת שְׁלֵמוֹת  
הָרִי זֶה אֵילָן סָרֵק.

1 אילן סרק means nothing else than *non-fruitbearing tree*, and the discussion is here regarding a tree to become 'annulled' with reference to the vine, so that the law of 6<sup>3</sup> shall apply. 2 And this is the accepted ruling. 3 *i.e.*, are considered as if they were like אילן סרק with reference to the vine. 4 Because they are such important trees compared with all others. 5 His view is rejected.

## Mishnah 6

Gaps in an espalier<sup>1</sup> must be eight cubits *and somewhat over*.<sup>2</sup> And all measurements which the Sages spoke of in the case of a vineyard there is none requiring *and somewhat more*<sup>3</sup> except in the case of gaps in an espalier. These are considered gaps in an espalier: an espalier<sup>4</sup> which was laid waste in its centre and five vines were left on one side and five vines on the

## משנה ו

פֶּסֶקִי יַעֲרִיס שְׂמֹנֶה אַמּוֹת וְעוֹד.  
וְכָל מִדּוֹת שְׂאֵמְרוּ חֲכָמִים בְּכֶרֶם  
אֵין בָּהֶם וְעוֹד חוּץ מִפֶּסֶקִי עָרִיס.  
אֵלוֹ הֵן פֶּסֶקִי עָרִיס; יַעֲרִיס שְׁחָרַב  
מֵאֲמָצְעוֹ וְנִשְׁתַּיְּרוּ בוֹ חֲמֵשׁ גִּפְּנִים  
מִכָּאן וְחֲמֵשׁ גִּפְּנִים מִכָּאן, אִם יֵשׁ

other side, then if there be there<sup>5</sup> eight<sup>6</sup> cubits, seed may not be sown there;<sup>7</sup> if it<sup>8</sup> be eight cubits and somewhat more, sufficient space must be allotted to it for its tillage<sup>9</sup> and the rest may be sown.<sup>10</sup>

שם<sup>5</sup> שְׂמִנָּה אַמּוֹת לֹא יִבְיֵא זֶרַע  
לְשָׁם;<sup>7</sup> שְׂמִנָּה אַמּוֹת וְעוֹד, נוֹתֵינָן  
לוֹ כְּדֵי<sup>9</sup> עֲבוּדָתוֹ וְזוֹרַע אֶת-  
הַמּוֹתֵר.<sup>10</sup>

1 Or *trellised* (or *latticed*) *vines*. 2 Or *and a little more*; this is taken to be a *handbreadth*. 3 *i.e.*, in all other cases the measurements are exact as stated and there is no *margin* (וְעוֹד). 4 *i.e.*, it consisted of eleven vines in a row and the middle one was destroyed leaving a gap: 5 *i.e.*, in the gap. 6 *i.e.*, not more than eight cubits' gap. 7 Because now the ruling applies to two rows of vines (see 4<sup>b</sup>). 8 *i.e.*, the gap. 9 *i.e.*, six handbreadths—so Vilna Gaon. Others think that four cubits must be allowed also at the sides of a trellised vineyard. Hence only the little more could be planted. 10 And this is the ruling. According to Vilna Gaon, whilst four cubits must always be left unsown opposite to a trellised vineyard (see 6<sup>a</sup>), only six handbreadths need be left at the sides.

#### Mishnah 7

If the vines of an espalier<sup>2</sup> extend along the wall beyond the angle and stop, sufficient space must be allotted for their cultivation and the rest may be sown.<sup>3</sup> R. Jose<sup>4</sup> says, If there be not there four cubits,<sup>5</sup> seed may not be sown there.<sup>6</sup>

מִשְׁנָה ז'  
זֶרַעִים שְׁחוּא יוֹצֵא מִן-הַכֶּתֶל,<sup>1</sup>  
מִתּוֹךְ הַקָּוֶן וְכָלָה, נוֹתֵינָן לוֹ  
עֲבוּדָתוֹ וְזוֹרַע אֶת-הַמּוֹתֵר.<sup>3</sup> רַבִּי  
יוֹסִי אוֹמֵר, אִם אֵין שָׁם<sup>5</sup> אַרְבַּע  
אַמּוֹת לֹא יִבְיֵא זֶרַע לְשָׁם.<sup>6</sup>

1 The meaning of this *Mishnah* up to וְכָלָה is very obscure and many mutually contradictory explanations have been given. The accepted ruling is that it refers to an espalier of five vines, one in the angle of the walls and two on each side along the two walls; and this has not the *ruling* (דִּין) as an espalier and seed may be sown everywhere even between the vines, provided they be not sown within six handbreadths from the vines. 2 In the angle of two walls (some hold it refers to a single row of trellised vines along one wall and just a few along the other wall). 3 For it counts as the side of the vineyard and not opposite the other row. 4 His view is rejected. 5 *i.e.*, four cubits space. 6 See 5<sup>a</sup> where he holds that even a single vine must be in an enclosure of at least four cubits before any other seed may be sown there.

#### Mishnah 8

If the reeds<sup>1</sup> project from the espalier and he refrained from cutting them short,<sup>2</sup> it is permitted<sup>3</sup>

מִשְׁנָה ח'  
הַקָּוִים הַיּוֹצֵאִים מִן-הָעֵצִים וְחָס  
עֲלֵיהֶן לְפָסְקוֹן<sup>2</sup> כְּבִנְיָנָם<sup>3</sup> מוֹתֵר;

beneath them;<sup>2</sup> but if he prepared them<sup>4</sup> so that the new<sup>5</sup> should spread along them, it is forbidden. אָסוּר.<sup>6</sup>

1 Or canes of the framework. 2 Literally *opposite them*. 3 *i.e.*, seed may be sown *beneath them* (provided that these projecting canes are not purposely left for the coming young tendrils to grow on them). 4 עָשָׂאָם and עָשָׂם in some texts. 5 The new branches. 6 *i.e.*, seed may not be sown beneath them.

#### Mishnah 9

מִשְׁנָה ט

If a tendril<sup>1</sup> projected beyond the espalier, it is considered as a plummet suspended therefrom, and it is forbidden<sup>2</sup> beneath it,<sup>3</sup> and so, too, in the case of a single trellised vine.<sup>4</sup> If one stretch a branch from tree to tree, it is forbidden<sup>2</sup> beneath it.<sup>3</sup> If it were made fast with a rope or reed-grass, it is permitted<sup>2</sup> beneath the ligature;<sup>5</sup> if it<sup>6</sup> were prepared so that the new [tendrils] spread along it,<sup>7</sup> it is forbidden.<sup>8</sup>

הַפֶּרֶחַ הַיּוֹצֵא מִן-הָעֵרִיס רֹאֵין אוֹתוֹ כְּאֵלוֹ מְטוּטָלֶת תְּלוּיָה בּוֹ, כִּנְגֻדוֹ אָסוּר; וְכֵן בְּדָלִית. הַמוֹתֶח וּמוֹרָה מֵאֵילָן לְאֵילָן. פְּתֻחֶיהָ אָסוּר. סִפְקָהּ בְּחָבֵל אוֹ בְּגָמִי, תַּחַת הַסְּפוּק מוֹתֵר; עֲשָׂאָה כְּדִי שִׁיְהֵלֶךְ עָלֶיהָ הַחֹדֶשׁ אָסוּר.

1 Literally *blossom, bloom*. 2 *i.e.*, to sow seeds. 3 But not directly beneath may seed be sown. 4 However far its shoots stretch no seed may be sown beneath them. 5 But beneath the branch itself it is forbidden; and beneath the rope it is allowed provided that the rope be not for the young tendrils to grow on. 6 *i.e.*, the ligature. 7 He is now using rope instead of laths for his trellising. 8 *i.e.*, it is forbidden to sow seeds both under the ligature and the rope.

#### CHAPTER 7

פֶּרֶק ז

#### Mishnah 1

מִשְׁנָה א

Whoever sinks<sup>1</sup> a vine-shoot into the ground, if there be not over it three handbreadths of soil, may not sow seed over it<sup>2</sup> even though he sank it into a gourd-shell<sup>3</sup> or pipe;<sup>4</sup> if he sank it into stony ground,<sup>5</sup> even though there were only three fingerbreadths of soil over it, he may sow seed over it.<sup>6</sup> In the case of a bend in a vine-shoot<sup>7</sup> measurements<sup>8</sup> need be taken only from the second root.<sup>9</sup>

הַמִּבְרִיךְ אֶת-הַנֶּטֶף בְּאֶרֶץ, אִם אֵין עֵפֶר עַל גִּבָּה שְׁלֹשָׁה טַפְחִים<sup>2</sup> לֹא יִבְיֵא זֶרַע עָלֶיהָ, אֲפִילוּ הִבְרִיכָהּ בְּדִלְעֵת אוֹ בְּסִילוֹן; הִבְרִיכָהּ בְּסִלְעַי, אִף עַל פִּי שְׂאִין עֵפֶר עַל גִּבָּה אֵלֹא שְׁלֹשׁ אַצְבָּעוֹת מוֹתֵר לְהִבְיֵא זֶרַע עָלֶיהָ. הָאֲרָכּוּבָה שְׂנֹגֶפֶן אֵין מוֹדְדִין לָהּ אֵלֹא מִן-הָעֵיקָר הַשֵּׁנִי.

1 *הִכְרִיךְ*, to bend down a branch of a vine into the soil to take root, and thus produce a new vine. 2 So that the roots of the plants should not reach to, and mingle with, the roots of the vine. But seeds may be sown on either side because intermingling of the roots will not then take place. 3 In hot, dry soil a gourd-shell or pipe keeps the vine cool. Here it refers to a dry gourd-shell (a moist one is not permitted; see 1<sup>7</sup>). 4 Of earthenware (the roots may penetrate it); but a metal pipe may have seed sown above it. 5 Which is very hard and the roots will not penetrate it. Literally *rock*. 6 Provided it is six handbreadths from the vine. 7 See **Note 1** above. 8 *i.e.*, the six handbreadths prescribed for the cultivation of a single vine. 9 *i.e.*, from where the branch comes up out of the earth again; but if the branch is bent above the earth, tillage is measured only from the original root of the branch.

## Mishnah 2

Whoever sinks<sup>1</sup> three vine-shoots<sup>2</sup> and their roots become visible—R. Eliezer<sup>3</sup> ben R. Zadok says, If there be a space between them<sup>4</sup> from four cubits<sup>5</sup> to eight cubits<sup>6</sup> they must be included together,<sup>7</sup> otherwise they are not<sup>8</sup> included together.<sup>9</sup> If a vine be withered it is forbidden,<sup>10</sup> but this does not render forfeit.<sup>11</sup> R. Meir says, It is forbidden to plant the cotton-plant,<sup>12</sup> but it does not render forfeit.<sup>13</sup> R. Eliezer<sup>14</sup> ben R. Zadok says in his name,<sup>15</sup> It is even forbidden<sup>16</sup> over the vine,<sup>17</sup> but it does not render it forfeit.<sup>18</sup>

## משנה ב

הַמְּכַרִּיךְ<sup>1</sup> שְׁלֹשׁ גִּפְנִים וְעִקְרֵיהֶם  
נִרְאִים, רַבִּי אֱלִיעֶזֶר בְּר' צְדוֹק  
אוֹמֵר, אִם יֵשׁ בֵּינֵיהֶם מֵאַרְבַּע  
אַמּוֹת וְעַד שְׁמֹנֶה הָרִי אֵלָיו  
מִצְטַרְפוֹת, וְאִם לֹא<sup>9</sup> אֵינָן  
מִצְטַרְפוֹת. גִּפֶּן שִׁיבְשָׁה<sup>10</sup> אֶסְרוּהָ  
וְאִינָהּ<sup>11</sup> מִקְדָּשָׁתָּה. רַבִּי מֵאִיר אוֹמֵר,  
אִף צִמָּר גִּפֶּן אֶסּוּר וְאִינוּ<sup>13</sup> מִקְדָּשׁ.  
רַבִּי אֱלִיעֶזֶר בְּר' צְדוֹק אוֹמֵר  
מִשְׁמֹי, אִף עַל גִּבִּי<sup>17</sup> הַגִּפֶּן אֶסּוּר<sup>16</sup>  
וְאִינוּ<sup>18</sup> מִקְדָּשׁ.

1 In the manner explained in 71<sup>1</sup> in order to form a second row. 2 *i.e.*, in a row, thus forming two rows with three vines in each. 3 In some editions *אֱלִיעֶזֶר*, *Elazar*. 4 *i.e.*, between one vine and the next, and between one row and the next. 5 Not less than four. 6 Not more than eight. 7 With the parent vines to form a vineyard with reference to the four cubits' tillage before seed is sown. 8 *לֹא* in some texts. *i.e.*, there is less than four and more than eight cubits between the vines. 9 And are considered as separate vines, and the cultivation space is only six handbreadths for each. 10 To sow near it, because of *מֵרְאִית הָעֵץ* (*appearance's sake*), and the six handbreadths' tillage space must be allowed.

11 The sown plants. 12 Actually **זָמַר גִּפְּנֵי** means the *cotton-wool* of the plant, and the term **גִּפְּנֵי זָמַר** would have been more correct for *cotton-tree* or *cotton-plant*. 13 The adjacent vines, because of *forbidden junction*. 14 His view is rejected. 15 *i.e.*, of R. Meir. 16 *i.e.*, to sow. 17 *i.e.*, the sunken vine shoot. 18 *i.e.*, the vine. Thus disagreeing with 7<sup>1</sup> which would render forfeit seed grown above a branch of a vine unless there are three handbreadths of soil over it.

## Mishnah 3

## משנה ג

The following<sup>1</sup> are forbidden<sup>2</sup> but they do not render forfeit<sup>3</sup>: the surplus ground<sup>4</sup> in a vineyard patch, the surplus ground in the outer space of a vineyard,<sup>5</sup> the surplus ground beneath the gaps of espaliers,<sup>6</sup> and the surplus ground beneath trellis-frames,<sup>7</sup> but the space beneath the vine and the space required for the cultivation of the vine,<sup>8</sup> and the four cubits<sup>9</sup> in the vineyard—these render forfeit.<sup>10</sup>

**אֵלּוּ אֲסוּרִין וְלֹא מְקַדְּשִׁין**<sup>4</sup> מוֹתֵר  
חֶרֶבֶן הַכֶּרֶם, מוֹתֵר **מְחוּל הַכֶּרֶם**,  
מוֹתֵר פֶּסֶקִי **עָרִיס**, מוֹתֵר  
**אֲפִפִּירוֹת**; אֲכָל תַּחַת הַגִּפְּנֵי  
**וְעִבּוּדַת הַגִּפְּנֵי**<sup>9</sup> וְאַרְבַּע אַמּוֹת  
שֶׁבִּכְרֶם הָרִי אֵלּוּ מְתַקְּדִישׁוֹת<sup>10</sup>.

1 Places. 2 *i.e.*, to sow seed in them. 3 If seed was sown, the vines and seed do not become forfeit. 4 An empty patch less than the stipulated sixteen cubits (see 4<sup>1</sup>) and in it seeds may not be sown; but if they had been sown they do not render forfeit. 5 Where actually twelve cubits are needed (see 4<sup>2</sup>). If he left four cubits and then sowed seed it would not become forfeit. 6 Where eight cubits *plus* [וְעוֹד] are actually required (see 6<sup>6</sup>) before seed may be sown. If it was less and he left six handbreadths on each side and sowed seed, it would not be forfeit. 7 See 6<sup>3</sup>. *i.e.*, what grows beneath the branches though more than six handbreadths from the vine itself. 8 Six handbreadths around any vine as tillage. 9 Tillage space. 10 *i.e.*, the adjacent vines, all sown beneath the branches of a vine, or within six handbreadths from a vine or within the four cubits from a vineyard are rendered forfeit.

## Mishnah 4

## משנה ד

If one allow his vine to overtop the grain crop<sup>1</sup> of his neighbour,<sup>2</sup> he renders it forfeit and is responsible for it;<sup>3</sup> R. Jose and R. Simon<sup>4</sup> say, One does not render forfeit what is not his.

**הַמְסַבֵּךְ אֶת-גִּפְּנוֹ עַל גִּבִּי תְּבוּאָתוֹ**  
שֶׁל חֲבֵירוֹ הָרִי זֶה קֹדֶשׁ **וְיִחַיֵּיב**  
**בְּאַחֲרֵיוֹת**; רַבִּי יוֹסִי וְרַבִּי שְׁמַעוֹן  
אוֹמְרִים, אֵין אָדָם מְקַדֵּשׁ דָּבָר  
שֶׁאִינוֹ שֵׁלוֹ.



1 Or *growing corn*. 2 The same is the case if one allows a vine to overtop his own growing corn. 3 Literally 'and is liable to make it good'; *i.e.*, he must recompense the owner for the loss his vine has caused. 4 But this view is rejected in its application here regarding *קְלָאִים*, *forbidden junction*.

Mishnah 5<sup>1</sup>

מִשְׁנָה ה

R. Jose said, It happened that someone sowed his vineyard in the *Sabbatical year*<sup>2</sup> and the case came before R. Akiba, and he said,<sup>3</sup> A person does not render forfeit what does not belong to him.

אָמַר רַבִּי יוֹסִי מַעֲשֶׂה בְּאַחַד שְׁזָרַע  
אֶת-כֶּרְמוֹ בַּשְּׁבִיעִית, וּבֹא מַעֲשֶׂה  
לְפָנֵי רַבִּי עֲקִיבָא, וְאָמַר, אִין אָדָם  
מְקַדֵּשׁ דְּבָר שְׁאִינוּ שְׁלוֹ.

1 In many editions this *Mishnah*—for no known reason—is combined with the preceding one and designated 'ד' (i.e., *Mishnahs* 4-5): such a combination with designation occurs nowhere else in the *Mishnah*. 2 Land was not to be cultivated in the seventh year but had to lie fallow, and whatever grew became *הִסְקָר* (*ownerless or public property*) and all had a right to the produce. 3 But this view in its application here with regard to *קְלָאִים*, *forbidden junction*, is rejected, and the accepted ruling is that a man can render forfeit what is not his.

## Mishnah 6

מִשְׁנָה ו

If one who has no right to it<sup>1</sup> sowed a vineyard and it was recovered from him,<sup>2</sup> he<sup>3</sup> may reap it even during the Middle Days of a Festival.<sup>4</sup> How much more should he pay<sup>5</sup> the labourers?—As much as one third more;<sup>6</sup> above this,<sup>7</sup> he may cut in his own manner<sup>8</sup> and continue even after the Festival. How long is he termed a usurping occupant?<sup>9</sup>—Until it is forgotten.<sup>10</sup>

הָאִנָּס שְׁזָרַע אֶת-הַכֶּרֶם וְיִצָּא  
מִלְּפָנָיו קוֹצְרוֹ אֶפִּילוֹ בְּמוֹעֵד.  
עַד כַּמָּה הוּא נוֹתֵן לַפּוֹעֲלִים עַד  
שְׁלִישׁ; יֵתֵר מִכֵּאן קוֹצֵר בְּנִדְרָכּוֹ  
וְהוֹלֵךְ אֶפִּילוֹ לְאַחַר הַמוֹעֵד.  
מֵאִמְתִּי הוּא נִקְרָא אִנָּס?  
מִשִּׁישְׁקָע.<sup>10</sup>

1 A usurper, one who takes over property without any right to it when the owner is absent or dead or in prison or captive. Such cases were common during the Hadrianic persecution. 2 *i.e.*, by the real owner. Some tender this 'and he (*i.e.*, the usurper) went away from (*i.e.*, left) it.' 3 The rightful owner may do so in order to clear himself of the charge that he allows *קְלָאִים*, *forbidden junction*, to grow in his vineyard (in ordinary cases no such work may be performed during the *מוֹעֵד* (חול)). 4 When ordinary work would be forbidden. By taking immediate steps to clear the *forbidden junction* the owner shows he

does not want it and so the vines are not forbidden. See 5<sup>6</sup>. 5 If they refuse to cut the *forbidden junction* at the ordinary rate of pay because of the Festival. 6 He must pay even one and a third times the normal pay for such work. 7 If the labourers demand more than a third above the ordinary pay for cutting the *forbidden junction*. יוֹתֵר in some editions. 8 He does it as quickly as he can and as soon as he can; and the vines will not become *forbidden* meanwhile. This is in accordance with 5<sup>6</sup>. 9 *i.e.*, the property of the usurping occupant so that the sowing of seed makes the vines forbidden as if sown in his own property, and the law of this *Mishnah* does not apply. 10 Literally 'when it sinks,' *i.e.*, when the name of the rightful owner is forgotten.

## Mishnah 7

מְשֻׁנָּה ז

If the wind blew<sup>1</sup> the vines over a grain crop, he<sup>2</sup> must immediately cut them away; but if he<sup>2</sup> met with a mishap,<sup>3</sup> it is allowed.<sup>4</sup> If his grain<sup>5</sup> swayed under a vine,<sup>6</sup> and similarly in the case of greens,<sup>7</sup> it must be bent back, but it does not render forfeit.<sup>8</sup> When does corn become forfeit?<sup>9</sup> After it has taken root.<sup>10</sup> And grapes?<sup>11</sup>—After they have become as large as the white bean.<sup>12</sup> Corn that has become fully dried<sup>13</sup> and grapes which have become fully ripe can not be rendered forfeit.<sup>14</sup>

הָרוּם יִשְׁעֵלְעָלָה אֶת־הַנִּפְּנִים עַל גִּבִּי  
תְּבוּאָהּ. אִגְדֵּר מִיָּד; אִם<sup>3</sup>, אֶאָרְעוּ  
אוֹנִם<sup>4</sup> מוֹתֵר. תְּבוּאָתוֹ שְׁהִיָּתָה נוֹטָה  
תַּחַת הַגִּפֶּן, וְכֵן בִּיָּרֵק, מִחֲזִיר  
וְאִינוּ מְקַדָּשׁ. מֵאִימָתִי תְּבוּאָה  
מִתְקַדָּשֶׁת? מִשְׁתַּשְּׂרִישׁ.<sup>11</sup> וְעֹנְבִים?  
מִשְׁיַעֲשׂוּ<sup>12</sup> כְּפֹל הַלֶּבֶן. תְּבוּאָה  
שִׁיבָשָׁה כָּל־צֶרֶף וְעֹנְבִים שֶׁבָּשְׁלוּ  
כָּל־צֶרֶף אֵין מִתְקַדָּשׁוֹת.<sup>14</sup>

1 *i.e.*, cracked (without breaking off), the branches still drawing some sustenance from the parent vine. In either case, the meaning is that the vines have been blown into such a position that they overshadow the grain (if the vines had been actually completely broken away they would not have *forbidden* the corn). 2 *i.e.*, the owner. 3 *i.e.*, something happened to prevent the owner cutting away at once the offending vines. 4 It is permitted even if the corn has increased in growth by one two-hundredths part (5<sup>6</sup>), *i.e.*, the vines and crop are not *forbidden*. 5 In some editions תְּבוּאָה שְׁהִיא נוֹטָה. 6 *i.e.*, the tops of the corn come beneath the vine but not the roots. 7 *i.e.*, greens (or vegetables) also swayed under a vine. 8 Even if they are not bent back and increase one two-hundredths, the vines are not rendered forfeit. 9 *i.e.*, 'At what stage of its growth, if sown under a vine, is it considered to be corn for the law of *forbidden junction*?' 10 In some editions, מִשְׁתַּשְּׂרִישׁ, when it has grown one-third, but before this it does not render forfeit even if the vine grows one two-hundredths. 11 *i.e.*, 'At what stage of their growth does the law of *forbidden junction* apply?'

12 But if he uprooted it before this stage it would not be forfeit however much had grown. 13 *i.e.*, has ripened. 14 אֵינָם (grammatically more correct) in some texts. For since these no longer need to be in the field they are as if already gathered.

Mishnah 8

A holed<sup>2</sup> plant-pot<sup>1</sup> renders forfeit<sup>3</sup> in a vineyard,<sup>4</sup> but one that has no hole does not render forfeit.<sup>5</sup> But R. Simon says, 'They are both forbidden<sup>6</sup> but they do not render forfeit.<sup>7</sup> If anyone carried a holed plant-pot<sup>1,8</sup> through a vineyard,<sup>9</sup> if it<sup>10</sup> increased by one two-hundredths part, it<sup>11</sup> is forbidden.

1 In which seed is sown. 2 The hole being sufficiently large to let a root pass through. 3 The vines—just as if planted in the ground. 4 Or even in the four cubits' tillage space. 5 For the seed is not drawing sustenance from the soil of the vineyard. 6 *i.e.*, it is forbidden to put them in the vineyard. His view is rejected. 7 *i.e.*, if he put a plant-pot with a hole in it there the vines are not forfeit. 8 Containing corn seed that had already taken root. 9 Whose vines had already produced grapes the size of the white bean. 10 *i.e.*, the corn. 11 *i.e.*, the corn; but since the pot was not put down on the ground the vines are not forbidden.

## CHAPTER 8

Mishnah 1

It is forbidden to sow or to allow to grow<sup>1</sup> diverse kinds in a vineyard, and it is forbidden to make use of them. It is forbidden to sow or allow to grow<sup>2</sup> diverse kinds of seeds, but they are permitted as food and therefore evidently also to be made use of. Diverse kinds in materials are permitted for every purpose<sup>3</sup> and they are only forbidden to be worn.<sup>4</sup> Diverse kinds among cattle are permitted to be reared and to be maintained, and are only prohibited from being bred;<sup>5</sup> diverse kinds of cattle<sup>6</sup> are forbidden to be mated one with another.<sup>7</sup>

מִשְׁנָה ח

אֶעֱצִין<sup>1</sup> נָקוֹב<sup>2</sup> מִקֶּדֶשׁ<sup>3</sup> בְּכַרְם<sup>4</sup> וְשֵׂאִינוֹ נָקוֹב<sup>5</sup> אֵינוֹ מִקֶּדֶשׁ. וְרַבִּי שִׁמְעוֹן אוֹמֵר, זֶה הוּא<sup>6</sup> אוֹסְרִין<sup>7</sup> וְלֹא מִקֶּדֶשׁ. הַמַּעֲבִיר<sup>8</sup> אֶעֱצִין<sup>9</sup> נָקוֹב בְּכַרְם<sup>10</sup> אִם הוֹסִיף<sup>10</sup> בְּמֵאֲתָיִם<sup>11</sup> אֲסוּר.

פֶּרֶק ח

מִשְׁנָה א

כָּלֵאִי הַכֶּרֶם אֲסוּרִין מִלְזָרַע<sup>1</sup> וּמִלְקָנִים<sup>2</sup> וְאֲסוּרִין בְּהִנְאָה. כָּלֵאִי זֶרַעִים אֲסוּרִים מִלְזָרַע<sup>2</sup> וּמִלְקָנִים, וּמוֹתְרִין בְּאֲכִילָה וְכָל שֶׁכֵּן בְּהִנְאָה. כָּלֵאִי בְּגָדִים מוֹתְרִין<sup>3</sup> בְּכָל דָּבָר, וְאֵינוֹ אֲסוּרִין אֲלָא<sup>4</sup> מִלְּלֶבֶשׁ. כָּלֵאִי בְּהֶמָּה מוֹתְרִין לְגִדּוֹל וּלְקָנִים, וְאֵינוֹ אֲסוּרִים אֲלָא<sup>5</sup> מִלְּהַרְבִּיעַ; כָּלֵאִי בְּהֶמָּה<sup>7</sup> אֲסוּרִים זֶה בָּזוֹה.

1 If he sees them growing he must uproot them. 2 This applies to Palestine only. 3 *i.e.*, he may weave them together. 4 Based on the phrase **לֹא יֵעָלֶה עֲלֶיךָ**, *shall not come upon thee* (Leviticus 19, 19). 5 There must be no forced breeding; but they may be kept together in one stable and no steps need be taken to prevent them interbreeding naturally of their own accord. 6 One may not mate or use together for work two mules of opposite sex, one of which was the issue of a stallion and she-ass and the other of a mare and he-ass. But if they are of like parentage it is permitted. 7 Either for working together or to breed.

## Mishnah 2

One kind of cattle with another kind of cattle, (and) one kind of wild animal with another kind of wild animal, cattle with wild animals (and) wild animals with cattle, one kind of unclean animal with another kind of unclean animal, (and) one kind of clean animal with another kind of clean animal, an unclean animal with a clean animal, (and) a clean animal with an unclean animal—it is forbidden<sup>1</sup> to plough with them or to draw with them<sup>2</sup> or to lead them.<sup>3</sup>

1 *i.e.*, the person in charge of them is forbidden. It is forbidden even when one is only tied alongside the other and does not help in the work done. 2 To lead them by a halter in front as one does a camel. 3 Or 'to drive them together'; to urge them on from behind. This refers to the ass, horse and mule.

## Mishnah 3

He who drives them<sup>1</sup> incurs the *forty stripes*,<sup>2</sup> and he who sits on the wagon<sup>3</sup> incurs the *forty stripes*; R. Meir<sup>4</sup> exempts.<sup>5</sup> Also if a third beast<sup>6</sup> be tied to the harness,<sup>7</sup> it is forbidden.

משנה ב  
בְּהֶמְהָ עִם בְּהֶמְהָ וְחִיָּה עִם חִיָּה  
בְּהֶמְהָ עִם חִיָּה וְחִיָּה עִם בְּהֶמְהָ  
טְמֵאָה עִם טְמֵאָה וְטְהוֹרָה עִם  
טְהוֹרָה טְמֵאָה עִם טְהוֹרָה וְטְהוֹרָה  
עִם טְמֵאָה אֲסוּרִין לְחֵרוֹשׁ  
וְלִמְשוֹךְ וּלְהִנְהִיג.

משנה ג  
הַמְּנִיחַ סוֹפֵג אֶת-הָאֲרָבָעִים;  
וְהַיּוֹשֵׁב בְּקָרוֹן סוֹפֵג אֶת-  
הָאֲרָבָעִים; רַבִּי מֵאִיר פּוֹטֵר.  
וְהַשְּׁלִישִׁית שְׁהִיא קְשׁוּיָה  
לְרִצּוֹנוֹת אֲסוּרָה.

1 *i.e.*, two beasts of different species. 2 The normal penalty for transgressing a prohibition in the Torah (see מכות 3<sup>10</sup>). In actual practice only *thirty-nine* (not the full forty) *stripes* were given (to guard against error in counting the number of lashes which must on no account exceed the forty prescribed). 3 *i.e.*, drawn by two beasts of different species without actually driving them. 4 His view is rejected. 5 The driver or passenger from the *forty stripes*. Only in the case of sitting passively in the waggon does R. Meir disagree. 6 *i.e.*, of a different species from the two others. 7 Which connects the two beasts drawing the burden and not to the burden.

## Mishnah 4

A horse<sup>1</sup> must not be tied to the sides of a waggon<sup>2</sup> or behind a wagon, nor Lybian asses<sup>3</sup> to camels. R. Judah says, All offspring of a horse whose sire was an ass are permitted<sup>4</sup> one with the other; and similarly all offspring of an ass whose sire was a horse are permitted<sup>4</sup> one with the other; but the offspring of a horse with the offspring of an ass are forbidden<sup>6</sup> one with the other.

## משנה ד

אין קושרין את-הסוס לא לצדדי  
הקרון ולא לאחרי הקרון, ולא  
את-הליבדקים לגמלים. רבי  
יהודה אומר, כל-הנולדים מן-  
הסוס אף על פי שאביהם חמור  
מוותרין זה עם זה; וכן הנולדים  
מן-החמור אף על פי שאביהם  
סוס מוותרין זה עם זה; אבל  
הנולדים מן-הסוס עם הנולדים  
מחמור אסורים זה עם זה.

1 Though the intention is not for it to pull but only to keep it by the side. A dog may also not be tied likewise to the waggon. 2 Literally *the waggon*. Which is drawn by oxen; because if it be a young horse it would be an act of cruelty to allow it to exert itself above its strength to help push or draw the wagon. 3 *i.e.*, Libyan asses may not be tied or harnessed alongside camels, because they (the asses) might exert themselves beyond their power to help to draw a load although they are big and strong. 4 *i.e.*, to be harnessed or yoked together, because both having like sires and dams are considered as one species and may not only be used together for work but may also be mated. 5 מן-החמור and מהחמור in some editions. 6 Although the sire of the horse was an ass, and the sire of the ass was a horse, they count as two species and may not work together (see 8<sup>1</sup>, Note 6).

## Mishnah 5

Mules <sup>1</sup>פְּרוּטִיּוֹת are forbidden,<sup>2</sup> but the mule <sup>3</sup>כִּרְמֶה is permitted.<sup>4</sup> Wild men<sup>5</sup> are wild beasts;<sup>6</sup> R. Jose says, They render unclean<sup>7</sup> in a roofed-space as does a corpse.<sup>8</sup> The hedgehog and the porcupine<sup>9</sup> are wild animals;<sup>6</sup> as for the porcupine, R. Jose<sup>10</sup> says that the School of Shammai<sup>11</sup> say, It conveys uncleanness<sup>12</sup> through an olive's bulk by carrying and through a lentil's bulk on contact.<sup>13</sup>

**1** These are mules whose parentage is unknown: whether their sires were asses and their dams mares or whether their dams were asses and their sires horses.

**2** To be mated if their parentage be unknown. **3** Whose sire was a horse and dam an ass. Some think it is a species of horse which because of its small size is forbidden with ordinary horses. **4** To mate with horses. **5 אֲדָנִי in some editions. Or *gorilla, chimpanzee, orang-utan*. **6** Hence do not convey uncleanness in a tent. **7** If their dead bodies are under the same covering as utensils or a living man, these become unclean. **8** Literally *man*. **9** Or *weasel, mole*. **10** His view is not accepted. **11** Their view is rejected. **12** מְטַמְּאָה in some editions. **13** Since they are not quite certain whether it is a wild animal or reptile.**

## Mishnah 6

The wild ox<sup>1</sup> is a species of cattle;<sup>2</sup> but R. Jose<sup>3</sup> says, A kind of wild animal.<sup>4</sup> The dog is a kind of wild animal;<sup>5</sup> R. Meir<sup>6</sup> says, A species of cattle. The pig<sup>7</sup> is a kind of cattle; the wild ass is a kind of wild animal;<sup>8</sup> and the elephant and the ape are a kind of wild animal. And a man is permitted with any of them to draw, and to plough and to drive.<sup>9</sup>

**1** Or *buffalo, bison, aurochs*; and it may be mated with the cow. **2** And may be mated with the cow. **3** His view is rejected. **4** Hence may not be mated with the cow. **5** Therefore if a man sells all his wild animals the dogs are included. **6** His view is not accepted. **7** הַחֲזִיר in some editions. **8** And may not be mated with the domestic ass. הַעֲרֹד in some texts. **9** i.e., the prohibition against working with diverse kinds of animals does not include man, but it does birds.

## משנה ה

<sup>1</sup>הַפְּרוּטִיּוֹת <sup>2</sup>אֲסוּרוֹת, <sup>3</sup>וְהַכִּרְמֶה <sup>4</sup>מוֹתֵר. <sup>5</sup>וְאֲדָנִי <sup>6</sup>הַשָּׂדֶה חֵיה; <sup>7</sup>רַבִּי יוֹסִי אֹמֵר, <sup>8</sup>מְטַמְּאוֹת בְּאֵהָל <sup>9</sup>בְּאֵדָם. <sup>10</sup>הַקּוֹפֵד <sup>11</sup>וְחֹלֶצֶת הַסְּנַיִים <sup>12</sup>חֵיה; <sup>13</sup>חֹלֶצֶת הַסְּנַיִים, <sup>14</sup>רַבִּי יוֹסִי אֹמֵר בֵּית שְׁמַאי אֹמְרִים, <sup>15</sup>מְטַמְּא <sup>16</sup>בִּזְיַת בְּמִשְׁאֵי, <sup>17</sup>וְכַעֲדָשָׁה <sup>18</sup>בְּמִנְעֵי.

## משנה ו

<sup>1</sup>יֶשׁוּר בָּר מִן <sup>2</sup>בְּהֵמָה; <sup>3</sup>וְרַבִּי יוֹסִי אֹמֵר, <sup>4</sup>מִן חֵיה. <sup>5</sup>כָּלֵב מִן חֵיה; <sup>6</sup>רַבִּי מֵאִיר אֹמֵר, <sup>7</sup>מִן בְּהֵמָה. <sup>8</sup>חֲזִיר מִן בְּהֵמָה; <sup>9</sup>עֲרֹד מִן חֵיה; <sup>10</sup>הַפִּיל וְהַקּוֹף מִן חֵיה. <sup>11</sup>וְאֵדָם מוֹתֵר עִם כָּלֵם, <sup>12</sup>לְמִשְׁוֹךְ וְלַחְרוֹשׁ <sup>13</sup>וְלַהֲנִיחֵי.

## CHAPTER 9

## פרק ט

## Mishnah 1

Only wool<sup>1</sup> and linen are prohibited under *forbidden junction*, and only wool and linen incur uncleanness by signs of leprosy.<sup>2</sup> The priests wear only wool and linen when they minister in the Temple. If camel's hair and sheep's wool have been hackled<sup>3</sup> together<sup>4</sup> and the greater quantity is the camel's, it is permitted,<sup>5</sup> but if the greater part be from the sheep, it is forbidden,<sup>6</sup> if they be in equal quantities, it is forbidden. And likewise<sup>7</sup> in the case of hemp and flax that have been hackled together.

1 Whenever the term צמר is unqualified it always refers to *sheep's wool*. 2 *Leviticus 13, 47*. 3 טרף, *mix, comb, hackle, hatchel*. 4 In some editions זה עם זה. 5 *i.e.*, it may be woven with flax. The well-known maxim applies, *a minority becomes annulled in a majority, or a major quantity disannuls a minor quantity, or the lesser is cancelled by the larger*. 6 *i.e.*, it must not be woven with flax. 7 *i.e.*, if flax and hemp are hackled together the mixture may not be woven with wool if the flax exceeds or is equal to the hemp in quantity, but it may be woven with wool if the hemp exceeds the flax. Similarly, as an extension, material composed of sheep's wool and a greater quantity of camel's hair may be sown with linen thread; and material made from flax woven with a greater quantity of hemp is not *forbidden junction* with (sheep's) wool.

## Mishnah 2

Flax-like silk<sup>1</sup> and bast-silk<sup>2</sup>—the law of *forbidden junction* does not apply to them,<sup>3</sup> but they are forbidden<sup>4</sup> for appearance's sake. Mattresses and pillows<sup>5</sup>—the law of *forbidden junction* does not apply to them, provided that one's bare flesh does not come in contact with them. There is no question of *temporary expedient* with regard to *forbidden junction*,<sup>6</sup> and one may

## משנה א

אין אסור משום כלאים אלא צמר  
ופשתים ואינו מטמא בנגעים  
אלא צמר ופשתים אין הפהנים  
לובשין לשמש בבית המקדש אלא  
צמר ופשתים צמר גמלים וצמר  
רחלים שטרפן זה בזה אם רוב  
מן הגמלים מותר ואם רוב מן-  
הרחלים אסור; מחצה למחצה  
אסור וכן הפשתן והקנבוס  
שטרפן זה בזה

## משנה ב

השירים והפלך אין בהם משום  
כלאים אבל אסורים מפני  
מראית העין הברים והפסות  
אין בהם משום כלאים ובלבד  
שלא יהיה בשרו נוגע בהן אין  
עראי לכלאים ולא ילבש  
כלאים אפילו על גבי עשקה

not wear *forbidden junction* even over ten,<sup>7</sup> not even to avoid paying the customs dues.<sup>8</sup>

אֲפִילוּ לְנוֹב אֶת-הַמָּכֶסֶ׃

1 Thought to have the appearance of silk. 2 Thought to look like wool. The exact meanings of שִׁירִים and כִּלְךְ are not known. 3 *i.e.* treated as if they did not come under the law of *forbidden junction*, and שִׁירִים is forbidden to be woven with wool and כִּלְךְ must not be woven with flax, but שִׁירִים may be woven with flax and כִּלְךְ with wool. But actually in modern times when silk is so common and there is no fear of מְרֵאִית הָעֵץ silk may be woven with flax or wool, and likewise hemp may be woven with wool or flax. (Actually, the *Torah* has not forbidden them to be woven together or with real wool and linen). 4 *i.e.*, the Rabbis forbade them. Only real wool and linen must not be woven together. 5 Or *cushions*. 6 *i.e.*, a garment of שַׁעֲטָנִי may not be worn even momentarily. 7 *i.e.*, ten other garments. 8 *i.e.*, when one wears a garment it is generally exempt from customs dues: but evidently Jewish law does not countenance such practices; even if the wearer has no intention of evading any tax the wearing of such a taxable garment is discountenanced. This last sentence is omitted in some editions.

#### Mishnah 3

Towels,<sup>1</sup> scroll wrappers,<sup>2</sup> bath-towels<sup>3</sup>—the law of *forbidden junction* does not apply to them; R. Elazar<sup>4</sup> forbids; and barbers' towels are forbidden because of *forbidden junction*.

#### מִשְׁנָה ג

וּמִטְפָּחוֹת הַיָּדִים, <sup>2</sup>מִטְפָּחוֹת  
הַסָּפָרִים, <sup>3</sup>מִטְפָּחוֹת הַסֶּפֶג אֵין  
בָּהֶם מְשֻׁם כְּלָאִים; רַבִּי אֵלְעָזָר  
אוֹסֵר; וּמִטְפָּחוֹת הַסָּפָרִים  
אֲסוּרוֹת מְשֻׁם כְּלָאִים.

1 Or *handkerchiefs*. 2 Or covers. This also includes the cloth on the שֵׁלֶטֶן (on which the סֶפֶר תּוֹרָה is laid) since it might be used as a cover for a person. 3 Including *dish-cloths*. 4 אֵלְעָזָר in some editions. His view is accepted.

#### Mishnah 4

The shrouds for a corpse and the pack-saddle<sup>1</sup> of an ass—the law of *forbidden junction* does not apply to them.<sup>2</sup> One must not place<sup>3</sup> the pack-saddle upon his shoulder even to carry out manure on it.

#### מִשְׁנָה ד

תַּכְרִיכֵי הַמֵּת וּמַרְדֵּעַת שֶׁל חֲמוֹר  
אֵין בָּהֶם מְשֻׁם כְּלָאִים. <sup>3</sup>לֹא יִתֵּן  
הַמַּרְדֵּעַת עַל כֶּתִּיפוֹ אֲפִילוּ  
לְהוֹצִיא עָלֶיהָ זָבָל.

1 *i.e.*, a hard (not soft) saddle and provided that the rider's bare flesh does not come in contact with it. 2 *i.e.*, they may be made from כְּלָאִים material. 3 For in putting it upon his shoulder he is covering part of his body with it, hence 'clothing' himself.



## Mishnah 5

Clothes dealers may sell according to their usual manner,<sup>1</sup> only provided that they do not intend<sup>2</sup> in the sun from the sun and<sup>2</sup> in the rain from the rain; but the observant<sup>4</sup> wrap them round<sup>5</sup> a stick behind them.<sup>6</sup>

משנה ה  
מוכרי כסות ימוכרין כדרךן  
ובלבד שלא יתכוונו בחמה מפני  
חמה ובגשמים מפני חגשמים;  
ונהצנעו מפשילין במקל  
לאחוריהם.

1 *i.e.*, to try on themselves to show to the customer, or (according to another opinion) to carry over the shoulder. Compare 9<sup>2</sup> Note 7. 2 *i.e.*, to use them as a protection; in which case it is forbidden מדאורייתא (מן התורה), by the Torah, to make use of קלאים; for if they have this intention they are enjoying the use of the forbidden junction as clothes to protect the body. 4 Or observing, scrupulous, pious. 5 הפשיל, twist or knot a bundle (especially for the purpose of carrying it behind over one's shoulder). 6 *i.e.*, so that the garment does not touch the body at all.

## Mishnah 6

Tailors sew<sup>1</sup> in their customary manner, only provided that they do not intend<sup>2</sup> in the sun from the sun and in the rain from the rain; and the observant sew on the ground.<sup>3</sup>

משנה ו  
תופרי כסות יתופרין כדרךן  
ובלבד שלא יתכוונו בחמה מפני  
החמה ובגשמים מפני הגשמים;  
ונהצנעו תופרים בקארץ.

1 *i.e.*, the material is placed on their knees when tailoring garments made from forbidden junction material. 2 *i.e.*, to use them as a protection . . . . . 3 *i.e.*, they sew the garments while placing them on the floor (or on any other support) so that the cloth does not cover their bodies.

## Mishnah 7

Bera cloaks<sup>1</sup> and Brundisian cloaks and Dalmatian undergarments and felt shoes<sup>2</sup>—one may not wear them until they have been examined.<sup>3</sup> R. Jose says, Those<sup>4</sup> that come from the sea-coast<sup>5</sup> or from lands<sup>6</sup> across the sea do not have to be examined on the assumption that they are of hemp.<sup>7</sup> There is no question of forbidden junction regarding a cloth-lined shoe.<sup>8</sup>

משנה ז  
יהיכרסין והפרדסין והדלמטיקון  
יומנעלות הפינון לא ילבש בהם  
עד שייבדק. רבי יוסי אומר,  
הבאים מחוץ הים וממדינות  
הים אינן צריכין בדיקה מפני  
שחוקתן בקנבוס. מנעל של  
ורד אין בו משום קלאים.

1 The precise meaning of these terms is not known; בִּרְסִין, בִּרְסִין, *cloak of thick woollen cloth, thin woollen blanket, woollen rug, Bera cloak*; בִּרְדִּסִין, בִּרְדִּסִין, *cloak of very thick woollen material, thick woollen blanket, Brundisian cloak*; בִּרְמִיָּקִין, בִּרְמִיָּקִין, *long Dalmatian wool undergarments, hose*. 2 Or *slippers*. 3 Whether they contain a mixture of wool and linen. 4 *i.e.*, articles. 5 *i.e.*, sea-coast towns in Palestine largely inhabited by non-Jews. 6 In some texts וּמִמִּדְיָנָה, or *from a land*. 7 Because in those days hemp was comparatively very cheap and flax was very expensive; but nowadays as flax is also cheap, it is necessary to examine such articles that they are not כְּלָאִים. 8 Or *slipper*. For it is not a garment to cover the body. However, the uppers must not be of *forbidden junction*.

#### Mishnah 8

#### מִשְׁנָה ח

The prohibition<sup>1</sup> of *forbidden junction* applies only to spun and woven material, as it is said,<sup>2</sup> *thou shalt not wear a web mixed of wool and flax*,<sup>3</sup> that which is *hackled*,<sup>4</sup> *spun*<sup>5</sup> and *woven*.<sup>6</sup> R. Simon ben Elazar says,<sup>7</sup> He<sup>9</sup> is *estranged*<sup>8</sup> and *estranges* his Father in heaven against him.

אֵין יֵאָסוּר מְשׁוּם כְּלָאִים אֶלָּא  
טוּרִי וְאָרוּגִי.<sup>2</sup> שֶׁנֶּאֱמַר, לֹא תִלְבַּשׁ  
שֵׁשׁ־טָגוּן, דָּבָר שֶׁהוּא יָשׁוּעַ טוּרִי  
וְנִגְוִי.<sup>6</sup> כִּבִּי שֶׁמַּעֲוֹן בֵּן אֶלְעָזָר  
וְאֹמְרִי, גָּלוּז וּמְלִיז.<sup>9</sup> הוּא אֶת־  
אָבִיו שֶׁבִּשְׁמַיִם עָלָיו.

1 *i.e.*, מִדְּאֻרִיתָא, as laid down in the Torah or מִדְּרַבָּנָן, as laid down by the Sages. 2 Deuteronomy 22, 11. 3 Material woven of flax and wool. The term שֵׁשׁ־טָגוּן is assumed to be composed of the words טוּרִי וְנִגְוִי (which describe the processes in the making of cloth) but its real derivation is not known. (Compare Introduction.) 4 שִׁיעַ, *comb, card, hackle*. 5 טוּר, *spin*. 6 נִגְוִי, *twine, twist, weave*. *i.e.*, if the wool and linen are mingled in *any one* of these three processes it is forbidden and we do not require the mixture to be effected by all three processes. 7 *i.e.*, 'that the term שֵׁשׁ־טָגוּן means . . . .'. This saying illustrates the enormity in transgressing the prohibition of כְּלָאִים. He holds that the law of the Torah applies only if the mingling takes place through *all three* processes—*hackling, spinning, weaving*—hence in weaving the *forbidden junction* he is much estranged, *i.e.*, has done many actions of which God disapproves. 8 *i.e.*, from his Father in Heaven. 9 *i.e.*, he who wears שֵׁשׁ־טָגוּן.

#### Mishnah 9

#### מִשְׁנָה ט

Felted materials<sup>1</sup> are forbidden because they are hackled. An edge<sup>2</sup> of wool upon linen<sup>3</sup> is forbidden because it interlaces in the web.<sup>4</sup> R. Jose says, Tapes<sup>5</sup> of purple wool<sup>6</sup>

יִלְכָּדִים אֲסוּרִים מִפְּנֵי שֶׁהֵם  
שׁוּעִים. פִּי שֶׁל אֶמֶר בְּשֶׁל  
פֶּשֶׁתָּן אֲסוּר מִפְּנֵי שֶׁהֵם חוֹזְרִין

are forbidden<sup>7</sup> because one stitches them on<sup>8</sup> before tying. One must not tie a cord of wool to one of linen to gird the loins even if there be a strap<sup>9</sup> between.<sup>10</sup>

בְּאֵרֵיגִי רַבִּי יוֹסִי אוֹמֵר, מְשִׁיחוֹת  
שֶׁל אֶרְנָמָן אֲסוּרוֹת מִפְּנֵי שֶׁהוּא  
מוֹלִל עַד שֶׁלֹּא קוֹשֵׁר. לֹא יִקְשׁוֹר  
סֶרֶט שֶׁל צֶמֶר בְּשֶׁל פֶּשֶׁתָן לַחֲגוּר  
בּוֹ אֶת־מִתְּנִי אֶף עַל פִּי  
שֶׁהֲרִצּוּעָה<sup>10</sup> בְּאֶמְצָע.

1 *i.e.*, made of קְלָאִים (the components after combing or hackling are pressed together). 2 *i.e.*, the edging that finishes off the woven cloth. פִּי in some editions. 3 *i.e.*, material or garment made of linen. 4 *i.e.*, the woven material ('it comes up as if woven,' would agree with בְּאֵרֵיגִי in some editions). Although the edging is not really woven it looks as if woven and is therefore forbidden. 5 *bands, cords, girdles*. 6 *i.e.*, purple-dyed wool; or of any other colour also. 7 To tie round a linen shirt (apparently in those times coloured girdles were worn round shirts). 8 This stitching was apparently a mode of combining the linen with wool in the girdles so that they counted as wool and linen spun together [Maimonides]. Others take it to mean that girdles made of purple wool must not be stitched to a linen garment, though they could be tied round if left loose. 9 A leather strap. 10 *i.e.*, a woollen cord is tied to one end of a leather strap and a linen one to the other end: the woollen and linen cords are therefore tied together forming a קְלָאִים joint, because there must not be wool and linen on the same garment even if not actually stitched together.

#### Mishnah 10

The marks<sup>1</sup> of weavers and the marks<sup>1</sup> of washermen<sup>2</sup> are forbidden<sup>3</sup> under the law of *forbidden junction*. If one makes a single stitch<sup>4</sup> it is not considered a fastening,<sup>5</sup> and it does not come under the law of *forbidden junction*,<sup>6</sup> and if one undo it on the Sabbath, he is exempt.<sup>7</sup> If he carried its<sup>8</sup> two ends over to the same side,<sup>9</sup> it is considered a connective<sup>10</sup> and comes under the law of *forbidden junction*,<sup>11</sup> and one who undoes it on the Sabbath is culpable<sup>12</sup>; R. Judah<sup>13</sup>

מִשְׁנָה י'  
אוֹתוֹת הַנִּדְרִין וְאוֹתוֹת  
הַכּוֹבְסִים אֲסוּרוֹת מִשּׁוּם  
קְלָאִים. הַתּוֹכֶף הַכּוֹפֶה אֶחָת  
אֵינָה חֲבוּר וְאֵין בָּהּ מִשּׁוּם  
קְלָאִים, וְהַשּׁוֹמְטָה בַּשֶּׁבֶת פָּטוּר.  
עָשָׂה שְׁנֵי רִאשֵׁיָהּ לְצַד אֶחָד  
חֲבוּר וְיֵשׁ בָּהּ מִשּׁוּם<sup>11</sup> קְלָאִים,  
וְהַשּׁוֹמְטָה בַּשֶּׁבֶת חֲטִיב; רַבִּי

says, Only if one make three stitches.<sup>14</sup> A sack and a basket<sup>15</sup> are included together<sup>16</sup> under the law of *forbidden junction*.  
 יְהוּדָה אָמַר עַד שְׁשָׁלֶשׁ.<sup>14</sup>  
 הַשָּׂק וְהַקִּיפָה מְצֻטְרָפִין.<sup>15</sup>  
 לְכָלֵּאִים.<sup>16</sup>

1 *i.e.*, to indicate ownership. 2 And washerwomen. *i.e.*, laundry marks. 3 If woollen thread is used to mark a linen article, or linen thread to mark a woollen article. Although these threads are removed when the owner recovers his article yet it is prohibited because it is done intentionally. 4 *i.e.*, to join together two pieces of material of linen and wool with one stitch the ends of the connecting thread being loose *on opposite sides*. 5 For purposes of *cleanness* (טָהוֹרָה) and *uncleanness* (טִימְאָה), so that if one is rendered טָמֵא, *unclean*, the other is not, and if both are *unclean* the purification of one does not render the other purified. 6 Even if one piece is wool and the other is linen. 7 *i.e.*, it is not considered as *tearing* in order to resew (an act which is forbidden on the Sabbath. See שַׁבָּת 7<sup>2</sup>). 8 *i.e.*, of the connecting thread. 9 *i.e.*, after the thread has been passed through the two pieces of cloth once (as mentioned above) it is again passed through the two so that the ends are on the *same side*. 10 *i.e.*, for *cleanness* and *uncleanness*, so that if one becomes טָמֵא, *unclean*, the other is also *unclean*, and if both are *unclean* then if one is then rendered טָהוֹר, *clean*, the other also becomes *clean*. 11 If one piece of the material be wool and the other linen it may not be worn. 12 Being considered tearing in order to resew. 13 His view is not accepted. 14 *i.e.*, if the stitch-thread is carried through the two materials a third time (so that the thread forms the shape of the letters N, S or Z in the materials) and the two ends are again not on the same side. 15 Literally 'The sack and the basket . . . . .'. 16 If they are tied together, one being patched with wool and the other with linen (or vice versa); or if a piece of wool is joined to one and a piece of linen to the other (or vice versa), and these two bits of material are fastened together with two stitches, they may not be put on the body as a covering.

### סֵלִיק מִסֵּכַת בִּלְאִים

### CONCLUSION OF TRACTATE KILAYIM

שְׁבִיעִית

# SHEVIITH

[BEING THE  
FIFTH TRACTATE OF THE MISHNAH]  
*TEXT · INTRODUCTION · TRANSLATION*  
*NOTES*

By  
PHILIP BLACKMAN, F.C.S.

*This Tractate has been revised by*  
RABBI DR. S. M. LEHRMAN, M.A., (Cantab.), Ph.D. (Cantab.)  
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text outlines various methods for organizing and storing data, including digital databases and physical filing systems. It also mentions the need for regular audits and reviews to ensure the integrity of the information.

2. The second section focuses on the role of communication in achieving organizational goals. It highlights the importance of clear and concise communication, both internally and externally. The text provides examples of effective communication strategies, such as regular team meetings, open-door policies, and the use of various communication channels like email, phone, and face-to-face interactions. It also discusses the importance of listening and understanding the needs and concerns of all stakeholders.

3. The third part of the document addresses the challenges of managing a large and diverse workforce. It discusses the importance of providing ongoing training and development opportunities to ensure that employees have the skills and knowledge needed to perform their jobs effectively. The text also touches on the importance of creating a positive work environment that fosters collaboration and innovation. It mentions the need for flexible work arrangements and the importance of recognizing and rewarding employee achievements.

4. The final section discusses the importance of staying up-to-date with the latest trends and technologies in the industry. It emphasizes that organizations must be proactive in adopting new technologies and processes to remain competitive. The text provides examples of emerging technologies and discusses the potential benefits and challenges of their adoption. It also mentions the importance of having a clear strategy for technology implementation and the need for ongoing evaluation and adjustment.

שְׁבִיעִית

SHEVIITH

The first part of the paper discusses the importance of the study of the history of the United States. It is argued that the study of the history of the United States is essential for a full understanding of the country and its people. The second part of the paper discusses the importance of the study of the history of the world. It is argued that the study of the history of the world is essential for a full understanding of the world and its people. The third part of the paper discusses the importance of the study of the history of the United States and the world. It is argued that the study of the history of the United States and the world is essential for a full understanding of the United States and the world.



## INTRODUCTION

**שביעית** is the fifth **מסכת**, **Tractate**, of **סדר זרעים**, the **Order Zeraim**, and contains ten Chapters or **פרקים**. It has no **זמרא** in the **תלמוד בבלי** (*Babylonian Talmud*) but there is a **זמרא** to it in the **תלמוד ירושלמי** (*Jerusalem [or Palestinian] Talmud*.)

According to the **רמב"ם** **Rambam** the *Tractate ערלה* should have followed **פלאים** because that is the relative order of these subjects as mentioned in the *Pentateuch*, but the commandment of *ערלה* does not concern anyone who has not planted any trees, whereas the commandment of **שביעית** applies to all and must be universally observed and hence because of its importance it follows **פלאים** (as the Talmud puts it: **תדיר ושאניו** **תדיר קודמת**, *That which is more general precedes the less general.*)

The term **שביעית** is the feminine form of **שביעי**, *seventh*: **שביעית**, **Sabbatical Year**, **Seventh Year**, is also known as **שמיטה** or **שמיטה**, *release, rest, cancellation of debts*, **Sabbatical Year**, **Rest Year**. (Strictly speaking **שמיטה** refers to the renunciation of debts—no debts could be collected during that year unless they were in advance given over to **בית דין** by an enactment known as **פרחובל**—see **פאה** 3<sup>6</sup> **גטין** 4<sup>3</sup>—established by **הלל**.) The land in Palestine was to be cultivated in periods, *viz.*, six years' cultivation and one year's—**שביעית** or **שמיטה**—non-cultivation; and everything that grew of itself that year in the fields, gardens, orchards, vineyards and oliveyards was to be **הפקר**, *common property, public property, ownerless property*, and all—whether rich or poor, native or alien, man or beast—had an equal right in all this growing produce of that year and were allowed to use it for food, and so forth, but trading with it was forbidden.

This unique law had a beneficent tendency for its intention was to save the soil from the danger of impoverishment and exhaustion. Most probably the law became obligatory fourteen years after the beginning of the conquest of Canaan by Joshua, reckoning that the main conquest took seven years and the subsequent division and distribution of the land and the settlement on it occupied another seven years' period. By inference from Biblical records it would appear that the law was, to say the least, not strictly observed and, according to tradition, it would seem that seventy Sabbatical Years were not observed (probably all throughout the whole duration of the monarchy—a period of some 490 years). Alexander the Great and Julius Caesar remitted to the Jews the tribute due every Sabbatical Year because the fields were not cultivated.

During this year no manner of work is allowed in field or vineyard; for just as on man's Sabbath no work is allowed, similarly, no labour is allowed in the year of rest proclaimed for the land. Sowing and reaping in the field, or pruning and clipping of trees are prohibitions rooted in the Torah, so is ploughing according to some; other kinds of work have only Rabbinical sanction. In general, all work calculated to improve the fertility of the soil, e.g., ploughing, weeding or removing stones are strictly prohibited, unless serious loss would accrue from such abstinence. As a precautionary measure, work was disallowed even thirty days before the approach of the Sabbatical Year so that the benefit of this work is not obtained in the seventh year itself. Even greater precautionary measures were introduced by the Rabbis, but these were not generally accepted. In fact, when conquerors of Judaea imposed crushing taxes on Israel, work was allowed during the seventh year itself.

Though the Torah prohibition does not extend to that which grows of its own accord (שֶׁפִּי), yet the Rabbis only permitted fruits which grew of their own accord on trees, not regarding these as שֶׁפִּי (aftergrowth).

To the fruit of the Sheviith year is attached a certain sanctity, thus forbidding it to be regarded as a source of merchandise, though permission was granted to use it as food and drink, or for oil and dyeing purposes.

It is forbidden to sell any agricultural implements or cattle to those suspect of transgressing the laws of this year.

What is the exact reason for this command? To show that the earth belongs to God and that he is entitled to dictate how it should be treated (פְּנֵי הָאֲדָמָה 39b). Maimonides applies a more scientific reason for this law: it is merely to allow time for the earth to recuperate after the harrowing and gruelling experience it had undergone during the past six years, when despite man's harsh treatment of her, the earth rewarded the labourer with luscious fruit and golden corn. Similarly, the remission of money was to enable the poor to have a fresh chance to make good.

The Tractate שְׁבִיעִית is based on *Exodus* 23, 10, 11, *Leviticus* 25, 2-7, 20-22, and *Deuteronomy* 15, 1-3.

*Exodus* 23:

(10) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת-אֲרָצְךָ וְאָסַפְתָּ אֶת-תְּבוּאָתָהּ.

*And six years thou shalt sow thy land, and gather in the increase thereof*

(11) וְהִשְׁבִּיעַת הַשְּׂמֶטָה וְנִשְׁמְטָה וְאָכְלוּ אֲבִינִי עִמָּךְ וַיִּתְּרֵם תֹּאכֵל חֵית הַשָּׂדֶה כִּן-תַּעֲשֶׂה לְכַרְמֶךָ לְיוֹתָהּ.

*But the seventh year thou shalt let it rest and lie fallow, so that the poor of thy people may eat and their leaving the beast of the field may eat. Likewise shalt thou deal with thy vineyard and with thy oliveyard.*

**Leviticus 25:**

(2) דַּבֵּר אֶל-בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם כִּי תָבֹאוּ אֶל-הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְשָׁבְתָה הָאָרֶץ שְׁבַת לַה'.

*Speak unto the children of Israel and say unto them, When you come into the land which I give to you, then shall the land keep a Sabbath unto the Eternal.*

(3) שֵׁשׁ שָׁנִים תִּזְרַע שְׂדֶה וְשֵׁשׁ שָׁנִים תִּזְמַר כַּרְמְךָ וְאַסַּפְתָּ אֶת-תְּבוּאָתָהּ.

*Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in the produce thereof.*

(4) וּבַשָּׁנָה הַשְּׁבִיעִית שְׁבַת שְׁבַתוֹן יִהְיֶה לָאָרֶץ שְׁבַת לַה' שְׂדֶה לֹא תִזְרַע וְכַרְמְךָ לֹא תִזְמַר.

*But in the seventh year shall be a Sabbath of strict rest for the land, a Sabbath unto the Eternal; thou shalt neither sow thy field nor shalt thou prune thy vineyard.*

(5) אֵת סִסִּים קַצִּירְךָ לֹא תִקְצֹר וְאֵת-עֲנָבֶיךָ וְנִירְךָ לֹא תִבְצֹר שְׁנַת שְׁבַתוֹן יִהְיֶה לָאָרֶץ.

*That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine shalt thou not gather: it shall be a year of strict rest for the land.*

(6) וְהָיְתָה שְׁבַת הָאָרֶץ לָכֶם לֶאֱכֹלָהּ לָךְ וּלְעַבְדְּךָ וּלְאִמָּתְךָ וּלְתוֹשֵׁבְךָ הַגֵּרִים עִמָּךְ.

*And [the produce of] the Sabbath of the land shall be for food for you, for thee and for thy servant and for thy maidservant, and for thy hired servant, and for thy settler that sojourneth with thee.*

(7) וְלִבְהֶמְתְּךָ וּלְחִיָּה אֲשֶׁר בְּאֶרְצְךָ תִּתֶּיָּה כָּל-תְּבוּאָתָהּ לֶאֱכֹל.

*And for thy cattle and for the beast that are in thy land shall all the increase thereof be for food.*

(20) וְכִי תֹאמְרוּ מַה-נֹּאכַל בַּשָּׁנָה הַשְּׁבִיעִית הֵן לֹא נִזְרַע וְלֹא נִאֲסַף אֶת-תְּבוּאָתֵנוּ.

*And if ye shall say, What shall we eat in the seventh year? behold, we shall not sow, nor gather in our produce.*

(21) וְצִוִּיתִי אֶת-בְּרַכְתִּי לָכֶם בַּשָּׁנָה הַשְּׁשִׁית וְעָשַׂת אֶת-הַתְּבוּאָה לְשִׁלֹּשׁ הַשָּׁנִים.

*Then I will command my blessing upon you in the sixth year and it shall bring forth produce for the three years.*

(22) וְנִזְרַעְתֶּם אֶת הַשָּׁנָה הַשְּׁמִינִית וְאָכַלְתֶּם מִן-הַתְּבוּאָה יָשָׁן עַד הַשָּׁנָה הַתְּשִׁיעִת עַד בּוֹא תְּבוּאָתָהּ תֹאכְלוּ יָשָׁן.

*And ye shall sow the eighth year, and eat of the old produce until the ninth year, until its produce come in ye shall eat the old.*

**Deuteronomy 15:**

(1) מִקֵּץ שִׁבְעַת שָׁנִים תַּעֲשֶׂה שְׁמִטָּה.

*At the end of every seven years thou shalt make a release.*

# SHEVIITH

(2) זֶה דְּבַר הַשְּׁמִטָּה שֶׁמֶט כָּל-בֶּעַל מִשָּׂה יָדוֹ אֲשֶׁר יִשָּׂה בְּרֵעֵהוּ לֹא-יִגַּשׁ אֶת-רֵעֵהוּ וְאֶת-אֶחָיו כִּי קָרָא שְׁמִטָּה לָּהּ.

*And this is the manner of the remission: every creditor shall release that which he lendeth unto his neighbour; he shall not exact it of his fellow or of his brother because it is proclaimed the Eternal's release.*

(3) אֶת-הַנִּכְרִי תִגַּשׁ וְאֲשֶׁר יִהְיֶה לָּךְ אֶת-אֶחִיךָ תִשְׁמִט יָדְךָ.

*Of an alien thou mayest exact it; but whatever of thine is with thy brother thy hand shall remit.*

See **Note 5** for the meaning of terms used extensively in this Tractate.

The *Palestinian Gemara* discusses and expounds the *Halachoth* of the *Mishnah*; it also contains *Haggadic* teachings and information of the lives of a number of famous men.

The titles of the Chapters of this Tractate are:

Chapter 1	פָּרָק א' עַד אֵימָתִי
Chapter 2	פָּרָק ב' עַד אֵימָתִי
Chapter 3	פָּרָק ג' מֵאֵמָתִי
Chapter 4	פָּרָק ד' בְּרֵאשׁוֹנָה
Chapter 5	פָּרָק ה' בְּנוֹת שָׁנָה
Chapter 6	פָּרָק ו' שְׁלֹשׁ אֲרָצוֹת
Chapter 7	פָּרָק ז' כָּלֵל גָּדוֹל
Chapter 8	פָּרָק ח' כָּלֵל גָּדוֹל
Chapter 9	פָּרָק ט' הַפִּיגִם
Chapter 10	פָּרָק י' שְׁבִיעִית

The principle contents of the ten Chapters are:

1. Fields with trees; what constitutes a field; how long they may be cultivated in the 6th year (of the 7-years cycle). 2. Treeless fields, and their tilling, fertilizing and cultivation in the 6th year; rice- and millet-fields; beans-, onions-, and gourd-fields. 3. Field-fencing, fertilising, stones-clearance in the 7th year; quarrying; wall-demolition. 4. Field-clearance (stones, wood, weeds); penalties; cutting down trees; pruning trees; use of 7th-year produce. 5. Observances regarding certain plants; sale and lending of agricultural implements. 6. Distinctions between provinces concerning 7th year; account of regions settled in Joshua's time and those in Ezra's time; details regarding Syria; prohibited exports and imports. 7. 7th-year general rules and regulations; regarding forbidden trade. 8. 7th-year general rules and regulations with regard to produce, its sale, and disposal of such moneys. 9. Purchase of herbs; removal and use of produce. 10. Debts; the *prosbul*.

מִסְכָּת  
שְׁבִיעִית

TRACTATE  
SHEVIITH

CHAPTER 1

פָּרָק א

Mishnah 1

Up to what time<sup>1</sup> may a tree-planted field be ploughed before the *Sabbatical Year*?<sup>2</sup>—The School of Shammai say, So long as this is advantageous for the produce<sup>3</sup>; but the School of Hillel say, Until the Festival of Weeks.<sup>4</sup> And the view of the one is near the view of the other.

מִשְׁנָה א

עַד יָמֵי חוֹרְשֵׁן בְּשָׂדֵי הָאֵילָן  
עָרַב שְׁבִיעִית? בֵּית שַׁמַּאי אוֹמְרִים,  
כָּל-זֶמֶן שֶׁהוּא יָפֶה לְפָרִי, וּבֵית  
הֵלֵל אוֹמְרִים, עַד הָעֲצָרֶת.  
וְקָרוֹבִין דְּבָרֵי אֶלּוּ לְהִיּוֹת כְּדִבְרֵי  
אֶלּוּ.

**1** Or יָמֵי. This is an important consideration in view of the fact that preparations have to be made in the 6th year to meet the requirements of the 7th year when no agricultural work is permitted. It was הִלָּכָה לְמֹשֶׁה מִסִּינַי, *a law as laid down by Moses from Sinai*, that during the existence of the Tabernacle and Temple land work was no longer permitted 30 days before the New Year of the 6th year; but since the destruction of the Temple it was allowed until the New Year. מִדְּאוּרֵיתָא or מִן-הַתּוֹרָה, *according to the Law*, the forbidden labour in the Sabbatical Year covers ploughing, sowing, harvesting, pruning and grape-gathering. **2** i.e., in the 6th year. **3** Of the 6th year. **4** Beyond then it will seem that the work will benefit the growth of the 7th year. The ruling is not as in this Mishnah but according to that of R. Gamaliel and his בֵּית דִּין who allow the ploughing up to the New Year of the 7th year.

Mishnah 2

What is meant by a tree-planted field?—Any in which three trees grow within a space of a *seah*.<sup>2</sup> If they<sup>3</sup> are capable<sup>4</sup> of yielding a cake<sup>5</sup> of dried figs of sixty *Italian*

מִשְׁנָה ב

אֵיזוֹהוּ שָׂדֶה הָאֵילָן? כָּל-שְׁלֹשָׁה  
יֵאֵלְנוֹת לְבֵית סָאָה. אִם <sup>3</sup>יֵאֵלְנוֹת  
לְעֶשֶׂת <sup>5</sup>כֶּכָר דְּבִילָה שֶׁל שְׁשִׁים

*minas*'<sup>6</sup> weight, the whole space of the *seah* may be ploughed for their sake,<sup>7</sup> but if less<sup>8</sup> than this, only so much space may be ploughed<sup>9</sup> round each of them that a fruit-picker<sup>10</sup> with his basket behind him would occupy.

1 Or אֵילָנִים. 2 בֵּית סָאָה \*, space of 50 cubits square (2500 square cubits). 3 Each tree. 4 Or רָאִיִּים. *i.e.*, if the trees have thick trunks and many branches. 5 Literally *loaf*—the shape of the cake of pressed figs resembles that of a loaf of bread. 6 מְנָה אֵיטְלָקִי (or לִיטְרָה), see *Tables* in **Introduction**. 7 Up to עֲצָרָת or שְׁבוּעוֹת, the Festival of Weeks or Pentecost. 8 *viz.*, less than 60 מְנָה אֵיטְלָקִי § 9 Up to פֶּסַח, Passover. Or חֹרְשִׁים לָהֶם. 10 A fig-gatherer is termed אֹרֶה, גִּידֵר, date gatherer; בּוֹצֵר, grape-gatherer; קוֹצֵר, corn reaper. \*There are usually ten trees to every *seah*, *i.e.*, sixteen square cubits' area for each tree to enable it to grow spaciouly. § See 1<sup>3</sup>.

### Mishnah 3

Whether they are non-fruitbearing trees or fruit-trees, they are considered<sup>1</sup> as if<sup>2</sup> they were fig-trees: if they are capable<sup>3</sup> of yielding a cake of dried figs of sixty *Italian minas*' weight, the whole space of the *seah* area may be ploughed for their sake; but if less than this, only so much space for them<sup>4</sup> may be ploughed as their need may be.<sup>5</sup>

מְנָה בְּאֵיטְלָקִי חֹרְשִׁים כָּל-בֵּית סָאָה בְּשִׁבְיָלָן, פָּחוֹת מִכָּאן אֵין חֹרְשִׁין לָהֶן אֲלָא מְלֵא הָאֹרֶה וְסִלּוֹ חוּצָה לוֹ.

מִשְׁנָה ג  
אֶחָד אֵילָן סֶרֶק וְאֶחָד אֵילָן מֵאֶכֶל, רֹוֹאֵן אוֹמֵן<sup>3</sup> בְּכֵאִילוֹ הֵם תְּאֵנִים. אִם רָאִיִּים לַעֲשׂוֹת כֶּכֶר דְּבִילָה שֶׁל שְׁשִׁים מְנָה בְּאֵיטְלָקִי חֹרְשִׁין כָּל-בֵּית סָאָה בְּשִׁבְיָלָן, פָּחוֹת מִכָּאן אֵין חֹרְשִׁין לָהֶם אֲלָא לְצָרְכָן.<sup>5</sup>

1 An estimate is made according to the size and strength of the trunk and the branches. 2 Or כְּאֵילוֹ. 3 רָאִיִּין in some editions. *i.e.*, if each is of such size and has many branches. 4 In some editions, לָהֶן. 5 *i.e.*, וְסִלּוֹ חוּצָה לוֹ. The space required is two cubits—one cubit for the picker and one for the space occupied by the basket. § Traditional reading פָּחוֹת.

### Mishnah 4

If one tree can yield such a cake of dried figs and the two others can not so yield, or if two can yield<sup>1</sup> such but the other can not yield such, only such an area may be

מִשְׁנָה ד  
הִיָּה אֶחָד עוֹשֶׂה כֶּכֶר דְּבִילָה וּשְׁנַיִם אֵין עוֹשִׂין, אוּ שְׁנַיִם עוֹשִׂין וְאֶחָד אֵינוֹ עוֹשֶׂה, אֵין חֹרְשִׁין לָהֶן אֲלָא

ploughed as they need<sup>1</sup> when there are from three<sup>2</sup> to nine. If there be ten,<sup>2</sup> or more than ten, whether they can yield or whether they can not yield,<sup>3</sup> the whole space of the *seah* may be ploughed<sup>4</sup> for their sake; for it is written,<sup>5</sup> *In the ploughing-time and in harvest shalt thou rest*; there was no need to speak<sup>6</sup> of the ploughing-time and the harvest of the *Sabbatical Year*; but it refers to the ploughing-time before the *Sabbatical Year*<sup>7</sup> which encroaches upon the *Sabbatical Year*, and the harvest of the *Sabbatical Year*<sup>8</sup> that outlasts the conclusion of the *Sabbatical Year*. R. Ishmael says, Just as ploughing-time is optional<sup>9</sup> so is the harvest time optional, excepting the time of cutting the *Omer*<sup>10</sup> for it is a precept.<sup>11</sup>

1 *i.e.*, for the need of each. 2 Trees per סָאָה הֵי, literally *if there were*. 3 Or שְׁאֵינָם עוֹשִׂים. In this case even if the trees have thin stems or stand in sandy soil. 4 Up to 30 days before the New Year. 5 *Exodus 34, 21*. This verse explains why no ploughing may take place previous to the *Sabbatical Year* since it would be redundant to refer this verse to ordinary Sabbath observance, in view of the numerous prohibitions already recorded, it was taken to refer to *Shevi'ith*. 6 *לומר* in some editions. 7 This refers to the prohibition of ploughing in the 6th year at such a time as would promote growth in the 7th year. 8 This refers to the prohibition of cutting such produce in the 8th year which had benefited from forbidden ploughing in the 6th year. 9 Or *of free choice*. 10 Here there is no option, the commandment of cutting the *עומר* on the appointed day must be fulfilled (even if the day happens to be שַׁבָּת). 11 *שֶׁהוּא מִצְוָה* is omitted in some editions.

#### Mishnah 5

If three trees belong to three persons, they are included<sup>1</sup> together and the whole space of the *seah* may be ploughed<sup>2</sup> for their sake. And what space should there be between

לְצָרְפֵּן עַד שִׁיְהִיו מְשֻׁלָּשָׁה וְעַד תִּשְׁעָה. הֵיוּ עֲשָׂרָה, מֵעֲשָׂרָה וּלְמַעְלָה, בֵּין עוֹשִׂין בֵּין שְׁאֵינָן עוֹשִׂין. <sup>4</sup>חוֹרְשִׁין כָּל-בֵּית סָאָה בְּשִׁבְעִילָן; <sup>5</sup>שְׁנַאֲמַר, בְּחֶרֶשׁ וּבִקְצִיר תִּשְׁבֹּת, אֵין צָרִיף. <sup>6</sup>לְאֹמַר חֶרֶשׁ וּקְצִיר שֶׁל שְׁבִיעִית, אֵלָא <sup>7</sup>חֶרֶשׁ שֶׁל עֶרֶב שְׁבִיעִית שֶׁהוּא נִכְנָס בְּשְׁבִיעִית: <sup>8</sup>וּקְצִיר שֶׁל שְׁבִיעִית שֶׁהוּא יוֹצֵא לְמוֹצָאֵי שְׁבִיעִית. רַבִּי יִשְׁמַעֲלֵאל אוֹמֵר, מָה חֶרֶשׁ רְשׁוּת אֵף קְצִיר <sup>9</sup>רְשׁוּת, יֵצֵא <sup>10</sup>קְצִיר הָעוֹמֵר <sup>11</sup>שֶׁהוּא מִצְוָה.

#### משנה ה

שְׁלֹשָׁה אֵילָנוֹת שֶׁל שְׁלֹשָׁה אָנָשִׁים, חֶרֶי אֵלֵיוּ <sup>1</sup>מִצְטָרְפִין וְחוֹרְשִׁין כָּל-בֵּית סָאָה <sup>2</sup>בְּשִׁבְעִילָן. וְכַמָּה יֵהָא

them?<sup>3</sup> Rabban Simon ben Gamaliel says,<sup>4</sup> Enough<sup>5</sup> for a team of oxen and their ploughs<sup>6</sup> to pass through.

בְּיָנֵיהֶם רֶכֶן שְׁמַעוֹן בֶּן גַּמְלִיאֵל  
אֹמֵר, כְּדִי שִׁיָּהָא הַבָּקָר עוֹבֵר  
בְּכַלְיָו.

1 They are included together and considered as if belonging to one person.  
2 Up to 30 days before the New Year. 3 Between one tree and the next.  
4 And his is the accepted ruling. 5 At least 4 cubits. 6 Or *yoke*. Others read הַבָּקָר, the *herdsman*, who leads the oxen as they plough.

#### Mishnah 6

If ten young trees<sup>1</sup> are spread out over the space of a *seah*, the whole space of the *seah* may be ploughed for their sake<sup>2</sup> until the New Year; but if they are set out in rows<sup>3</sup> or surrounded by a fence, only so much space may be ploughed as is necessary for them.<sup>4</sup>

מִשְׁנָה ו  
עֶשֶׂר הַנְּטִיעוֹת מְפוֹרוֹת בְּתוֹךְ בֵּית  
סֵאָה, חוֹרְשִׁין כָּל-בֵּית סֵאָה  
בְּשִׁבְלָן עַד רֹאשׁ הַשָּׁנָה. הֵיוּ  
עֲשׂוּיוֹת שְׁמוֹרוֹת וּמוֹקְפוֹת עֲטָרָה  
אֵין חוֹרְשִׁין לָהֶם אֶלָּא לְצָרְכָן.

1 Or *saplings*. Three trees in a field of 2500 square cubits (or 50 cubits square) make it a *שָׂדֶה אֵילָן*, *tree-planted field*, but ten saplings (separated by a space of no less than 4 cubits from each other) are required to render such a place a *שָׂדֶה אֵילָן* (Compare 1<sup>8</sup>). 2 For without such a concession the trees might wither; but this is unnecessary in the case of old hardened trees. The Torah always protects the interests of the owner of property. 3 *שְׁנִיָּה* in some editions, *i.e.*, set out in a row and close together. 4 Because being close together it will appear as if the field was being ploughed for the 7th year and not for the sake of the trees. לְצָרְכָן, *i.e.*, וְסִלּוֹ חוֹצָה לוֹ, *בְּמִלָּא אוֹרְהָ וְסִלּוֹ חוֹצָה לוֹ*; 'necessary for them,' *viz.*, two cubits for the gleaner and his basket (see 1<sup>3</sup> Note 5).

#### Mishnah 7

Young trees<sup>1</sup> and gourds<sup>2</sup> may be included<sup>3</sup> within the space of a *seah*. R. Simon ben Gamaliel says,<sup>4</sup> Wherever there are ten gourds within the space of a *seah* the whole space of the *seah* may be ploughed until the New Year.

מִשְׁנָה ז  
הַנְּטִיעוֹת וְהַדְּלוּעִים מְצֻטְרְפִין  
לְתוֹךְ בֵּית סֵאָה. רֶכֶן שְׁמַעוֹן בֶּן  
גַּמְלִיאֵל אֹמֵר, כָּל-עֲשָׂרָה דְּלוּעִים  
לְבֵית סֵאָה חוֹרְשִׁין כָּל-בֵּית סֵאָה  
עַד רֹאשׁ הַשָּׁנָה.

1 Or *sapling*. 2 דְּלָעַת, *gourd* (see **Supplement**). 3 *i.e.*, to make up the ten saplings; but the saplings must outnumber the gourds. There should accordingly be six saplings and four pumpkins. 4 His view is accepted.



## Mishnah 8

How long are they called young trees?<sup>1</sup>—R. Eliezer ben Azariah says, Until they become free for use;<sup>2</sup> R. Joshua says, Until they are seven years old; R. Akiba says, It is a young tree so long as it is thus termed.<sup>3</sup> If a tree were cut down and it<sup>4</sup> sent forth young shoots,<sup>5</sup> if they be a handbreadth<sup>6</sup> or less in height it is as a young tree,<sup>7</sup> but if they be over a handbreadth high it is as a tree—this is the view of R. Simon.<sup>8</sup>

1 Or *saplings*. 2 When a tree is first planted its fruit, termed ערלה, may not be used during the first three years, and in the 4th year the fruit may be redeemed and so rendered free for use. They become free for common use absolutely in the 5th year. 3 Or, according to some, *until it is a year old*, after which it is no longer referred to as a נטיעה. This is the accepted ruling. 4 *i.e.*, the stump. 5 From the roots. 6 טפח, 9.34 cms. or 3.65 inches. Since only such a small space separates the tender twig from the soil, it is regarded as part of the soil itself. 7 Both with reference to ploughing and to ערלה. 8 His view is accepted.

## CHAPTER 2

## פֶּרֶק ב

## Mishnah 1

Until when may a corn-field<sup>1</sup> be ploughed on the advent of the *Sabbatical Year*? Until the moisture in the ground has gone,<sup>2</sup> or so long as they plough for planting cucumber-fields<sup>3</sup> and gourd-fields.<sup>4</sup> R. Simon said, 'Thou hast placed the law for each man into his own hand<sup>5</sup>—but rather, in the case of a corn-field until Passover, and in the case of a tree-planted-field until the Festival of Weeks.'<sup>6</sup>

1 שדה לבן, *corn-field* or *vegetable-field*, the term לבן indicating that such a field is shadeless owing to the absence of trees or that the corn gives it a bright appearance. 2 Because so long as there is moisture in the ground the ploughing

## מִשְׁנָה ח

עד אימתי נקראו נטיעות? רבי אליעזר בן עזריה אומר, עד שיתחילו; רבי יהושע אומר, בת שבע שנים; רבי עקיבא אומר, נטיעה כשמה. אילן שנגמם והוציא חליפין, מטפח ולמטה כנטיעה, מטפח ולמעלה, כאילן דברי רבי שמעון.

## מִשְׁנָה א

עד אימתי חורשין בשדה הלבן ערב שביעית? עד שתכלה הליחה, כל-זמן שבגי אדם חורשין ליטע במקשאות ובמקלעות. אמר רבי שמעון, נתת תורת כל-אחד ואחד בידו; אלא, בשדה הלבן עד הפסח, ובשדה האילן עד עצרת.

benefits the earth; but if the soil is dry the ploughing is of no immediate advantage and would only be of value for the 7th year, which is, of course, forbidden.

3 Or *beds*. Better *במקשאות ובמדלעות*. 4 Which show that the soil is still moist.

5 i.e., one will say his soil is still moist and that ploughing may be done, while another will maintain the contrary—a frequent objection of the *Mishnah* is: *אם כן נתת דברין לשעורין*, 'and the laws of the Torah should apply equally to all'.

6 But the actual ruling is that the fields may be ploughed up to the New Year.

## Mishnah 2

They may<sup>1</sup> manure and hoe cucumber-fields and gourd-fields until the New Year; and likewise in the case of irrigated fields.<sup>2</sup> They may cut away faults,<sup>3</sup> thin out the leaves,<sup>4</sup> cover up the roots,<sup>5</sup> or fumigate<sup>6</sup> until the New Year. R. Simon<sup>7</sup> says, One may even remove the leaf from a grape-cluster in the *Sabbatical Year*.

משנה ב  
1 מְזַבְּלִין וּמַעְדְּרִין בְּמִקְשָׁאוֹת  
וּבְמִדְלָעוֹת עַד רֹאשׁ הַשָּׁנָה; וְכֵן  
2 בְּבֵית הַשְּׁלָחִין. 3 מִיִּבְלִין 4 מִפְּרָקִין  
5 מֵאֲבָקִין 6 מֵעֲשָׂנִין עַד רֹאשׁ הַשָּׁנָה.  
רַבִּי שִׁמְעוֹן אוֹמֵר, אֵף נוֹטֵל הוּא  
אֶת-הָעֵלָה מִן-הָאֲשָׁכּוֹל בְּשַׁבָּעִית.

1 This was permitted even in Temple times up to the New Year. 2 *בית שלחין* or *שְׂדֵי שְׁלָחִין*, a field requiring irrigation. *שְׂדֵי בָעַל* or *בֵּית בָּעַל*, a rain-watered field (one not requiring irrigation). 3 *יִבְל*, cut off dry twigs, cut away warts etc., trim. 4 *פֶּרֶק*, strip off the leaves to lighten the branches. 5 With soil. 6 To destroy insects etc. 7 But his view is rejected.

## Mishnah 3

They may clear away the stones<sup>1</sup> until the New Year. They may trim,<sup>2</sup> thin out,<sup>3</sup> or prune<sup>4</sup> until the New Year. R. Joshua says, What applies to trimming and pruning<sup>5</sup> in the fifth year applies equally in the sixth year. R. Simon<sup>6</sup> says, 'So long as I am permitted to tend a tree I am allowed to prune it.'

משנה ג  
1 מְסַקְּלִין עַד רֹאשׁ הַשָּׁנָה.  
2 מְקַרְסְמִין 3 מְזַרְדִּין 4 מִפְּסָלִין עַד  
רֹאשׁ הַשָּׁנָה. רַבִּי יְהוֹשֻׁעַ אוֹמֵר,  
כְּזִירוֹתָהּ 5 וְכִפְסוּלָהּ שֶׁל חֲמִשִּׁית  
כֶּף שֶׁל שְׁשִׁית. רַבִּי שִׁמְעוֹן אוֹמֵר,  
כָּל-זֶמֶן שֶׁאֲנִי רֹשֵׁאִי בַעֲבוּרָהּ  
הָאֵילָן רֹשֵׁאִי אֲנִי בִפְסוּלוֹ.

1 From a field. 2 Cut away the dry branches. 3 Branches. 4 Or *lop off* the branches of trees to let the trunks increase in girth by allowing more breathing-space for the plants to grow. 5 Literally *to its trimming and to its pruning*. Actually these labours are permitted even in the 7th year, not being deemed labour categorized by the Torah as forbidden during the Shevi'ith. 6 His opinion is not accepted.

## Mishnah 4

They may oil<sup>1</sup> young trees and wrap<sup>2</sup> them round, and put ashes over their roots,<sup>3</sup> and make shelters for them,<sup>4</sup> and water them until the New Year. R. Eliezer<sup>5</sup> bar Zadok says, One may even water the branches in the *Sabbatical Year* but not the roots.<sup>6,7</sup>

משנה ד

מִזְהֵמִין אֶת־הַנְּטִיעוֹת, וְכוֹרְכִין אוֹתָן, וְקוֹטְמִין אוֹתָן, וְעוֹשִׂין לָהֶם בָּתִּים, וּמְשָׁקִין אוֹתָן עַד רֹאשׁ הַשָּׁנָה. רַבִּי אֶלְעִזָּר בַּר צְדוֹק אוֹמֵר, אִף מְשָׁקָהּ הוּא אֶת־הַנֶּזֶף בְּשִׁבְיעִית, אֲבָל לֹא אֶת־הָעֵיקָר.

1 *וְהֵם*, anoint a plant with rancid oil (to keep away vermin); cover a wound in a tree with manure and tie it up to help it to recuperate. 2 Some take it to mean that the branches are tied upwards on high to prevent them spreading over the ground. Being covered up, it will be protected from the elements and from other sources of injury. 3 Or clip off the tips of the branches. 4 Or surround them with a fence of 1 cubit diameter and fill it with soil as a means of protection. 5 His view is rejected. 6 *עַל* in some editions. 7 Literally the root.

## Mishnah 5

They may oil<sup>1</sup> unripe fruits<sup>2</sup> or hole<sup>3</sup> them until the New Year. Unripe fruits of the sixth year<sup>4</sup> which grew into the *Sabbatical Year*, or of the *Sabbatical Year* which came forth after the *Sabbatical Year*, must not be oiled or holed.<sup>5</sup> R. Judah<sup>6</sup> says, Where they were wont to oil them they may not<sup>7</sup> oil them, because it ranks as labour; where they were not wont to oil them, they may oil them. R. Simon permits<sup>8</sup> work in the case of a tree because one is permitted to tend a tree.

משנה ה

סֹכֵין אֶת־הַפְּתִימִים וְיִמְנִקִּים אוֹתָם עַד רֹאשׁ הַשָּׁנָה. אֶפְנֵי עָרֵב שְׁבִיעִית שְׁנִכְנֹסוּ לְשִׁבְעִית, וְשָׁל שְׁבִיעִית שִׁינְאוּ לְמוֹצָאֵי שְׁבִיעִית, לֹא סֹכֵין וְלֹא מְנַקְבִּין אוֹתָן. רַבִּי יְהוּדָה אוֹמֵר, מְקוֹם שֶׁנִּהְגָּה לְסוֹף 'אֵינָן סֹכִין מִפְּנֵי שֶׁהִיא עֲבוּדָה; מְקוֹם שֶׁנִּהְגָּה שְׁלֹא לְסוֹף, סֹכִין; רַבִּי שִׁמְעוֹן מַתִּיר בְּאֵילָן מִפְּנֵי שֶׁהוּא רֹשֵׁאִי בְּעֲבוּדַת הָאֵילָן.

1 While still growing they are smeared with oil to hasten their ripening. 2 *פְּתִיָּה*, hard, undeveloped or unripe berry or fruit (date, fig, etc.). 3 The fruit is pierced and oil poured in to hasten ripening; also the rain that gets in helps the ripening. 4 They had not ripened before the New Year. 5 And this is the ruling. 6 His view is rejected. 7 *אֵין* in some editions. 8 Contending that though the fruits are vested with the sanctity of *Shevi'ith* yet work on the tree itself is permitted. But his view is not accepted.

1 Or *straw*. This applies also to the Egyptian bean. 2 Because in that case they are dealt with as if having grown in a *בֵּית בְּעָל*, rain-watered field, since they

SHEVIITH 2<sup>9,10</sup>, 3<sup>1</sup>

have their needs fulfilled by rain-water only. **3** With the produce. Such a field is naturally moist. Where, however, vegetables are grown extra irrigation is required. **4** *i.e.*, twice, when rain might have been expected normally. When these are missing the tithe is given on past produce. **5** His view is rejected **6** Their ruling is accepted.

## Mishnah 10

Gourds that have been kept<sup>1</sup> for seed, if they hardened before the New Year and became unfit for human consumption, may be left to grow during the *Sabbatical Year*; but if not, it is forbidden<sup>2</sup> to leave them to grow during the *Sabbatical Year*; their berries<sup>3</sup> are forbidden in the *Sabbatical Year*. And they may water the soil of a *corn-field*,<sup>5</sup> according to the opinion of R. Simon,<sup>6</sup> but R. Eliezer<sup>7</sup> ben Jacob forbids it.<sup>8</sup> They may soak a rice-field in the *Sabbatical Year*; R. Simon says, But they may not cut<sup>9</sup> the leaves.

**1** Allowed to be replanted from the soil. **2** Fruits of the *Sabbatical Year* must not be left for seed. Instead, they must be removed from sight. **3** Or *fruit-like growths or buds on leaves*. **4** Others read וּמִרְבָּצִים [Piel]. The meaning in all readings is to water the fields for irrigation purposes. **5** Or *vegetable-field*. **6** His view is accepted. **7** His opinion is rejected. **8** Rice requires plenty of water to soak the soil. **9** What pruning does for trees that the lopping of the leaves does for the ears of corn. In both cases it improves the growth.

## CHAPTER 3

## פרק ג

## Mishnah 1.

From what time<sup>1</sup> may they bring manure<sup>2</sup> to the dung-heaps?—When transgressors have ceased,<sup>3</sup> this is the opinion of R. Meir; R. Judah says, When the moisture has dried up;<sup>5</sup> R. Jose says, When it<sup>6</sup> has hardened.

## משנה א

<sup>1</sup>מאימתי <sup>2</sup>מוציאין <sup>3</sup>זבלין  
למשפחות? משפסקין <sup>4</sup>עוברי  
עבודה דברי רבי מאיר: רבי  
יהודה אומר, משייבש המתוק:  
רבי יוסי אומר, משיקשור.

1 In the Sabbatical Year, for use in the 8th year. 2 Manure is piled up in heaps in fields in readiness to be spread over the soil when required in the year following the Sabbatical Year. 3 To tend their fields during the Sabbatical Year. The *transgressors* referred to are those who do not observe the Sabbatical laws regarding the tending of the soil and growing crops. Before this time, however, this is not allowed, lest he be suspected of the intention to manure the field during the 7th year itself. 4 In some editions, עֹבְדֵי עֲבוּדָה which is taken to refer to the non-Jews who cultivate their fields. 5 Or מְשִׁיבֵשׁ, or מְשִׁיבֵשׁ, מְתוֹק, literally *sweetness*, i.e., the moisture of the manure or, as some would have it, the moisture in the soil. Actually a euphemism is here employed, as the manure is bitter. 6 i.e., the manure. The final ruling is that only dry and hardened manure may be stored in the fields in the Sabbatical Year for use the following year.

### Mishnah 2

How much manure may they spread out?<sup>1</sup>—Up to three dungheaps in the space of a *seah*, ten basket-loads to each dungheap, each basket-load of one *letheh*.<sup>2</sup> They may add to the number of baskets but they may not increase the number of dungheaps.<sup>3</sup> R. Simon says,<sup>4</sup> Also the number of dungheaps.<sup>5</sup>

1 i.e., when (as stated in the preceding *Mishnah*) it is permitted, and no suspicion be incurred that he was manuring the field in Shevi'ith. 2 לֶתֶף, 43.7 gallons or 198 litres (see **§1 Introduction**, Tables). 3 So that it should not appear as if the field was being manured. 4 His view is rejected. 5 i.e., there may be more than three dungheaps. And this would give the impression that he was mowing the field.

### Mishnah 3

A man may set out in his field three dunghills to each space of a *seah*; if more than this,<sup>1</sup> it is permitted:<sup>2</sup> this is the view of R. Simon;<sup>3</sup> but the Sages forbid it unless he lowers three or raises up three.<sup>4</sup> A man may heap up his manure into a pile;<sup>5</sup> R. Meir forbids this<sup>6</sup> unless he lowers it three<sup>7</sup> or raises it three.<sup>7</sup> If one had but little,<sup>8</sup> he

### משנה ב

עד כמה<sup>1</sup> מִזְבְּלִין? עד שלש שלש  
אֲשֵׁפֹתוֹת לְבֵית סָאָה שֶׁל עֵשֶׂר  
עֵשֶׂר מִשְׁפָּלוֹת שֶׁל<sup>2</sup> לֶתֶף לֶתֶף.  
מוֹסִיפִין עַל הַמִּשְׁפָּלוֹת וְאֵין  
מוֹסִיפִין עַל הָאֲשֵׁפֹתוֹת. רַבִּי  
שִׁמְעוֹן אוֹמֵר, אֵף עַל הָאֲשֵׁפֹתוֹת.<sup>5</sup>

### משנה ג

עוֹשֶׂה אָדָם אֶת-שָׂדֵהוּ שֶׁל שֶׁלש  
אֲשֵׁפֹתוֹת לְבֵית סָאָה; יֵתֵר<sup>1</sup> מִכָּאֵן  
מוֹתֵר,<sup>3</sup> דִּבְרֵי רַבִּי שִׁמְעוֹן; וְחֻכְמִים  
אוֹסְרִין עַד שִׁיעֲמִיק שְׁלֹשָׁה אוֹ עַד  
שִׁיגְבִיָּה<sup>4</sup> שְׁלֹשָׁה. עוֹשֶׂה אָדָם אֶת-  
זְבֻלוֹ<sup>5</sup> אוֹצֵר; רַבִּי מֵאִיר אוֹסֵר עַד

may keep on adding to it. R. Eliezer ben Azariah forbids this<sup>9</sup> unless he lowers it three<sup>7</sup> or raises it three<sup>7</sup> or places it on rocky ground.<sup>10</sup>

שִׁיעֲמִיק שְׁלֹשָׁה אוּ עַד שְׁיִנְבִיָּה  
שְׁלֹשָׁה. הָיָה לוֹ דָּבָר מוּעָט מוֹסִיף  
עָלָיו וְהוֹלִיךְ. רַבִּי אֶלְעָזָר בֶּן צוֹרֵדָה  
אוֹסֵר עַד שִׁיעֲמִיק שְׁלֹשָׁה אוּ עַד  
שְׁיִנְבִיָּה שְׁלֹשָׁה אוּ עַד שְׁיִתֵּן עַל  
הַסֶּלַע.<sup>10</sup>

1 Three small dungheaps. This, seemingly, adds to the previous rulings, with the addition that, provided the heaps are small, one may add to them. 2 In some editions *מְחַצֵּב*, in a circular formation. The word may have dropped in from 35.6. The word *הַצִּיבָה* is used of a tripod, or of any triangular receptacle whose legs (or feet) are not in a straight row. 3 Here his view (compare the preceding *Mishnah*) is that if each dungheap contain less than ten basketfuls (but not less than three basketfuls) of manure the heaps are small and so more heaps should be allowed. 4 He must dig a shallow pit, three handbreadths deep, for the manure or raise a heap of earth three handbreadths high for the manure to show that the manure is for preservation and not for manuring in the near future. 5 One large heap from three ordinary heaps each containing ten basketfuls. 6 His opinion that lest it would seem that he is actually mowing the field is not accepted. 7 i.e., three handbreadths. 8 A small quantity of manure may be made into a heap in a field and manure added to it at intervals to make up the ten basketfuls. 9 A small quantity may appear as if the field was being manured. 10 Because under such conditions there can be no appearance of manuring the soil.

#### Mishnah 4

If a man let his cattle stay<sup>1</sup> in a field,<sup>2</sup> he should put up an enclosure covering an area of two *seahs*, then<sup>3</sup> he pulls up three sides<sup>4</sup> leaving the other side—thus a space of four *seahs* will have been used as a cattle-fold.<sup>5</sup> R. Simon ben Gamaliel says,<sup>6</sup> An area of eight *seahs*.<sup>7,8</sup> If one's field were four *seahs* in area, he should leave<sup>9</sup> a small part of it for the sake of appearances.<sup>10</sup> And he may take away<sup>11</sup> from the enclosure and place it<sup>12</sup> in his field in the method of those who bring out manure.<sup>13</sup>

מִשְׁנָה ד  
הַמְדִּיר אֶת-שָׂדֵהוּ עוֹשֶׂה סֹהַר<sup>1</sup>  
לְבֵית סָאתִים, עוֹקֵר<sup>3</sup> שְׁלֹשׁ רוּחוֹת  
וּמְגִיחַ אֶת-הָאֲמָצֵעִית, וּמַצָּא  
מְדִיר בֵּית אַרְבַּעַת סָאִין. כִּפֶּן  
שֶׁמַּעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, בֵּית  
שְׁמֹנֶת סָאִין. הָיְתָה כָּל-שָׂדֵהוּ  
בֵּית אַרְבַּעַת סָאִין מְשִׁיר מִמֶּנּוּ  
מִקְצַת מִפְּנֵי<sup>10</sup> מִרְאֵית הָעֵין  
וּמוֹצִיא מִן-הַסֹּהַר וְנוֹתֵן לְתוֹךְ  
שָׂדֵהוּ כְּדֶרֶךְ הַמּוֹצִילִין.<sup>13</sup>

1 Or **הַמְדִּיר**. **דִּיר**, *use a field for a cattle fold*.\* The *Mishnah* does not deal with deliberate connivance at manuring fields during the seventh year. Only work done indirectly or unintentionally is not frowned at. 2 Only if he has no other convenience for them. 3 When the enclosure or pen is full of manure. 4 Of the enclosure or pen and he sets them on the other side of the **אֲמֻצָּת**, *remaining side*, to form a new two *seahs'* space enclosure. (The term **אֲמֻצָּת**, *middle side*, is used because it forms the middle side between the old position and the new one). 5 Or **מְדִיר**. 6 His opinions are rejected. 7 May be thus turned into a penfold. 8 *i.e.*, two *seahs'* space on each of the four sides of the first enclosure. 9 Leave not penned in. 10 That it should not appear as if the intention was to manure the whole field by penning it all over. 11 The manure. 12 In heaps. 13 Three dungheaps for each *seah's* space.

## Mishnah 5

## מִשְׁנֵה ה

A man must not open up a quarry<sup>1</sup> for the first time<sup>2</sup> in his field unless there were there three layers<sup>3</sup> each three cubits long, three wide and three in height, the total number of stones being twenty-seven.<sup>4</sup>

לֹא יִפְתַּח אָדָם<sup>1</sup> מַחְצָב<sup>2</sup> בְּתַחֲלָה  
לְתוֹךְ שָׂדֵהוּ, שִׁיְהִי בּוֹ שְׁלֹשׁ  
מִזְרָבִיּוֹת שָׁהֶם שְׁלֹשׁ עַל שְׁלֹשׁ,  
עַל רוֹם שְׁלֹשׁ, שִׁיעוֹרָן עֲשָׂרִים  
וְשֶׁבַע אֲבָנִים.<sup>4</sup>

1 To get stones. The *Mishnah*, of course, deals with the seventh year. 2 In the Sabbatical Year, it should not appear as if the place was being cleared for cultivation. But if the quarry had been already opened up before the 6th year it is permitted to remove stones. 3 Each layer or course containing *nine* stones (each stone being 1 cubit x 1 cubit x 3 cubits), and visible before the Sabbatical Year. 4 Then it will be evident that the stones were being removed for building purposes and not for clearing for cultivation, as would be the case if there were less than this number of stones in the quarry.

## Mishnah 6

## מִשְׁנֵה ו

If a wall<sup>1</sup> have in it ten stones, each a load for two men, these<sup>3</sup> may be removed. The extent of a wall must be ten<sup>5</sup> handbreadths; less than this<sup>6</sup> it is considered a quarry and may be removed to within not less than one handbreadth from the ground.<sup>7</sup> When is this the case?<sup>8</sup>—From one's own field; but from his

אֶזְרָה יֵשֵׁשׁ בּוֹ עֲשָׂרָה אֲבָנִים שֶׁל  
מִשְׁאוֹי שְׁנַיִם שְׁנַיִם, הָרִי<sup>3</sup> אֵלָיו  
יִנָּטְלוּ. שִׁיעוֹר<sup>4</sup> אֶזְרָה<sup>5</sup> עֲשָׂרָה טַפְחוֹתִים,  
טַפְחוֹת מִכָּאן מַחְצָב, וְגוֹמְמוֹ עַד  
טַפְחוֹת מִהָאֶרֶץ<sup>7</sup> טַפַּח.<sup>8</sup> בְּמֵה דְּבָרִים

\* To collect the manure in the field.

neighbour's, as much as he may wish he may remove.<sup>9</sup> When further is this the case?—When he had not begun<sup>10</sup> in the sixth year, but if he commenced in the sixth year<sup>11</sup> he may remove as much as he wishes.<sup>12</sup>

אֲמֹרִים? מִתּוֹךְ שְׁלוֹ; אֲכָל מִתּוֹךְ  
שֶׁל חֲבִירוֹ מֵה־שֶׁהוּא רוֹצֶה יִטּוֹל.  
בְּמָה דְּבָרִים אֲמֹרִים? בְּזֶמֶן<sup>10</sup> שֶׁלֹּא  
הִתְחִיל בּוֹ מִעֲרֵב שְׂבִיעִית, אֲכָל  
אִם הִתְחִיל בּוֹ<sup>11</sup> מִעֲרֵב שְׂבִיעִית  
מֵה־שֶׁהוּא רוֹצֶה נוֹטֵל.<sup>12</sup>

1 Or גִּדָּר. Literally *fence*. A stone wall in a field. 2 Or מִשּׁוֹי, מִשּׁוֹא. It requires two men to lift each stone. 3 In this case the restriction in the preceding *Mishnah* does not apply and even the small stones may be removed for building and it will not seem as if the place was being cleared for cultivation. 4 Of which one wants the stones for building. 5 —and not less. 6 If the wall be lower than ten handbreadths or had less than ten stones, or if each stone was less than two men's load. § 7 So that the ground be not fit for sowing. 8 *i.e.*, not to open up a quarry or remove stones from a wall. 9 Because one does not make ready another man's field. 10 To remove stones. 11 Literally, *on the eve of the seventh*. 12 Even from his own field. § See 1<sup>3</sup>.

#### Mishnah 7

Stones which the plough has turned up, or which were covered and have been uncovered—if there be among them two each a load<sup>1</sup> for two men, all these may be removed. If a man clear away stones<sup>2</sup> from his field, he removes the top ones but leaves<sup>3</sup> those that touch the ground.<sup>4</sup> And likewise a pile of<sup>5</sup> pebbles or a heap of stones—he removes the top ones and leaves those that are in contact with the ground. If beneath them there be rocky ground or straw, all of them may be removed.<sup>4</sup>

מִשְׁנָה ז'  
אֲבָנִים שֶׁזֻּעְזְעָתָן הַמַּחֲרִישָׁה, אוֹ  
שֶׁהָיוּ מְכֻסּוֹת וְנִתְּגְלוּ, אִם יֵשׁ בָּהֶם  
שְׁתֵּים שָׁל<sup>1</sup> מִשְׁאֵי שְׁנַיִם שְׁנַיִם, הָרִי  
אֵלָיו יִטְּלוּ. <sup>2</sup>הַמְּסַקֵּל אֶת־שָׂדֵהוּ  
נוֹטֵל אֶת־הָעֲלִיוֹנוֹת <sup>3</sup>וּמַנִּיחַ אֶת־  
הַנּוֹגְעוֹת <sup>4</sup>בָּאָרֶץ. וְכֵן <sup>5</sup>גִּרְגֵר שֶׁל  
צְרוּרוֹת, אוֹ גֵל שֶׁל אֲבָנִים, נוֹטֵל  
אֶת־הָעֲלִיוֹנוֹת <sup>4</sup>וּמַנִּיחַ אֶת־הַנּוֹגְעוֹת  
בָּאָרֶץ. אִם יֵשׁ תַּחְתֵּיהֶן סֵלַע אוֹ  
קֶשֶׁת הָרִי אֵלָיו יִטְּלוּ.

1 Or מִשּׁוֹי, מִשּׁוֹא. 2 For building purposes. And not breaking a clearance prior to sowing. 3 Or וּמַנִּיחַ. 4 Because it will be evident that the field is not being prepared for cultivation. 5 Some read גִּרְגֵשׁ.



## Mishnah 8

Steps<sup>1</sup> may not be built down the sides of the ravines in the sixth year after the rains have ceased, because this would be preparing them for the *Sabbatical Year*; but he may construct them in the *Sabbatical Year* after the rains have ceased, because this would be preparing them for the eighth year.<sup>2</sup> One must not block<sup>3</sup> them<sup>4</sup> up with earth, but he may make a rough embankment. Any stone which one can stretch out his hand to take may be removed.<sup>5</sup>

## משנה ח

אין בונים<sup>1</sup> מדרגות על פי הנאיות  
ערב שביעית, משפסקו הגשמים,  
מפני שהוא מתקנן לשביעית; אבל  
בונה הוא בשביעית משפסקו  
הגשמים מפני שהוא מתקנן<sup>2</sup>  
למוצאי שביעית. <sup>3</sup>ולא יסמך  
בעפר אבל עושה הוא חייץ. כל-  
אבן שהוא יכול לפשוט את-  
ידו וליטלה הרי זו תנטל.<sup>5</sup>

1 For carrying up the water for irrigation. In these ravines the rain-water would be stored for subsequent irrigation purposes. 2 *i.e.*, the first year of the next seven-years' cycle. 3 *יבן* in some editions. 4 The steps or a dam made of loose stones to prevent the water running away. 5 To build a wall which will prove that the removal of the stones is not to prepare the field for sowing.

## Mishnah 9

Heavy stones<sup>1</sup> may be removed<sup>2</sup> from any place, and the building-contractor<sup>3</sup> may take them<sup>4</sup> from any place. And these are heavy stones: any such as can not be taken away with one hand, according to the view of R. Meir; R. Jose<sup>5</sup> says, Heavy stones are what their name implies—those that are carried two or three at a time, on one's shoulder.

## משנה ט

אבני כתר<sup>2</sup> באות מכל מקום.  
<sup>3</sup>והקבלן מביא מכל מקום. ואילו  
הם אבני כתר, כל-שאינה יכולה  
להנטל באחת יד, דברי רבי מאיר;  
רבי יוסי אומר, אבני כתר כשמן,  
כל-שהן וטלות שתים שלש על  
הכתף.

1 Literally *stones of the shoulder*, *i.e.*, stones so heavy that they have to be carried on the shoulder. 2 In the *Sabbatical Year*. 3 Or, according to some, *tenant* (of a field). 4 Even small stones. 5 His view is accepted. Being obvious to all that his sole intention was for building purposes.

## Mishnah 10

If one build a wall between his own and the public property, he may dig to rock bottom. What is he to do with the earth?<sup>1</sup>—He heaps it up on the public property and then removes it leaving things in order; This is the opinion of R. Joshua. R. Akiba says,<sup>2</sup> Just as one may not cause disorder in public property so he must not restore it to order. What<sup>3</sup> shall he do with the earth?—He heaps it up<sup>4</sup> in his own field just as those do who bring out manure.<sup>5</sup> And similarly if one dig a cistern<sup>6</sup> or ditch<sup>7</sup> or cave.<sup>8</sup>

1 Because if it were piled up at once in the field it might seem as if it were to be used for spreading over the soil. 2 His view is rejected. 3 If this be the case. 4 Three heaps to a *seah's* space. 5 Or *המזבלים*. 6 Or *pit*. 7 Or *pit, trench, cavity*. 8 And this is the accepted ruling.

## CHAPTER 4

## Mishnah 1

Originally they used to say, A man may collect wood and stones and grasses from his own field just as he may gather from his neighbour's the larger the better.<sup>1</sup> But when the transgressors<sup>2</sup> grew in number, they established that one may collect from another's and another from his, not as a favour,<sup>3</sup> nor, needless to say, to stipulate to give them food.<sup>4</sup>

1 *i.e.*, picking out the largest for building purposes, leaving out the small stones, thus showing that it is not done for the improvement of the field. From his neighbour's he may take even the small stones. 2 They collected small stuff as well saying that they had collected the large only. (Compare 3<sup>1</sup>, Note 4). 3 *i.e.*, not as a mutual, reciprocal prearranged favour. 4 In return for their work.

## משנה י

הבונה גדר בינו ובין רשות הרבים, מותר להעמיק עד הסלע. <sup>1</sup>מה יעשה בעפר? צוּבְרוּ בְּרִשּׁוֹת הָרָבִים וּמִתְקֵנוּ דְּבָרֵי רַבִּי יְהוֹשֻעַ. רַבִּי עֲקִיבָא אוֹמֵר, כְּדֶרֶךְ שְׂאִין מְקַלְקֵלִין בְּרִשּׁוֹת הָרָבִים כִּף לֹא יִתְקֵנוּ. <sup>2</sup>מה יעשה בעפר? צוּבְרוּ בְּתוֹךְ שְׂדֵהוּ כְּדֶרֶךְ הַמְּזַבְלִין. וְכֵן הַחוּפֵר בּוֹר <sup>6</sup>וְשִׁיחַ <sup>7</sup>וּמַעְרָה.

## פרק ד

## משנה א

בְּרֵאשׁוֹנָה הָיוּ אוֹמְרִים, מְלָקֵט אָדָם עֲצִים וְאֲבָנִים וְעֵשְׂבִים מִתּוֹךְ שְׁלוֹ כְּדֶרֶךְ שֶׁהוּא מְלָקֵט מִתּוֹךְ שֶׁל חֵבְרוֹ אֶת־הַגָּס הַגָּס. מִשְׁרְבוּ עֲבוּרֵי עֲבִירָה, הִתְקִינוּ שִׁיְהֵא זֶה מְלָקֵט מִתּוֹךְ שֶׁל זֶה, וְזֶה מִתּוֹךְ שֶׁל זֶה, שְׁלֹא בְּטוֹבָה, וְאֵין צָרִיךְ לומר שִׁיקְצֵץ לָהֶם מִזִּנּוֹת.<sup>4</sup>

## Mishnah 2

A field which has been cleared of thorns<sup>1</sup> may be sown in the eighth year; but one that has been made ready<sup>2</sup> or used for penning cattle<sup>3</sup> may not be sown in the eighth year. A field that has been prepared, according to the School of Shammai, must not have its produce consumed in the *Sabbatical Year*; but the School of Hillel say, It may be consumed. The School of Shammai say, They may not eat the produce of the *Sabbatical Year* by favour; but the School of Hillel say, They may eat whether by favour or not by favour. R. Judah<sup>5</sup> says, The ruling is the other way round, for the School of Shammai are here lenient and the School of Hillel are stringent.<sup>4</sup>

1 Already broken away. 2 *i.e.*, ploughed thoroughly or ploughed and sown. There were occasions when the foreign governments enforced heavy taxation and the Sages permitted one ploughing in the *Sabbatical Year* to meet the heavy demands. Otherwise a field ploughed or manured in the *Sabbatical Year* must not be sown in the following year. 3 *i.e.*, not for the purpose of merely collecting the manure in heaps but actually for manuring. 4 Or ומחמרי. 5 His view is not accepted.

## Mishnah 3

They may hire<sup>1</sup> newly broken<sup>3</sup> land from a non-Jew<sup>2</sup> in the *Sabbatical Year*, but not from a Jew; and they may congratulate<sup>4</sup> a non-Jew<sup>5</sup> in the *Sabbatical Year* but not a Jew. And further, they may offer them greetings<sup>6</sup> for the sake of peace.

1 He may do so even if thereby the non-Jew may plough the field. חכר, *give or take in rent so that the tenant gives in payment a fixed quantity of produce*; the tenant is termed חוכר and the tenancy חכירות. An אָרִיס is a *tenant who*

## מִשְׁנָה ב

שָׂדֶה שֶׁנִּתְקַנְצָה תִּזְרַע בְּמוֹצָאֵי שְׁבִיעִית; <sup>2</sup>שְׁנִיִּיכָה אוֹ שְׁנִיִּיכָה; <sup>3</sup>שְׁנִיִּיכָה; לֹא תִזְרַע בְּמוֹצָאֵי שְׁבִיעִית. שָׂדֶה שֶׁנִּיִּיכָה, בֵּית שְׁמַאי אוֹמְרִים, אֵין אוֹכְלִין פִּירוֹתֶיהָ בְּשְׁבִיעִית; וּבֵית הֵלֵל אוֹמְרִים, אוֹכְלִין. בֵּית שְׁמַאי אוֹמְרִים, אֵין אוֹכְלִין פִּירוֹת שְׁבִיעִית בְּטוֹבָה; וּבֵית הֵלֵל אוֹמְרִים, אוֹכְלִין בְּטוֹבָה וְשֵׁלֵא בְּטוֹבָה. רַבִּי יְהוֹדָה אוֹמֵר, חֲלוּף הַדְּבָרִים, זֶה מְקוּלֵי בֵּית שְׁמַאי וְזֶה מְקוּלֵי בֵּית הֵלֵל.

## מִשְׁנָה ג

יְחֻכְרִין <sup>3</sup>נִירִין מִן - הַנִּזְכָּרִי בְּשְׁבִיעִית, אֲבָל לֹא מִיִּשְׂרָאֵל; וּמִחֻזְקִין יְדֵי <sup>5</sup>נִזְכָּרִי בְּשְׁבִיעִית, אֲבָל לֹא יְדֵי יִשְׂרָאֵל; <sup>6</sup>וְשִׁוְאֵלִין בְּשִׁלּוּמֵן מִפְּנֵי דְרַכֵּי שְׁלוֹם.

agrees to pay the owner a stipulated proportion of the produce, and the tenancy is termed *אֲרִיסוֹת*. שוֹכֵר is a tenant who undertakes to till a field for rent payable in money. 2 *הַעוֹבֵד כּוֹכְבִּים* in some editions. 3 Or *ploughed*. 4 *congratulate*, i.e., to praise him for his work. Or, as some would translate it, *they may help or encourage*. 5 *עוֹבֵד כּוֹכְבִּים* in some editions. 6 Even when the occasion is on a non-Jewish festival—introduced here *אֵינָב אוֹרְחָא*, as an 'obiter dictum'.

#### Mishnah 4

If one thin<sup>1</sup> out olive-trees,<sup>2</sup> the School of Shammai say, He should cut them as far as the roots; but the School of Hillel say, He may uproot<sup>3</sup> them; but they admit<sup>4</sup> that when levelling a field he must cut to the roots. What is meant by *thinning out*?—One or two.<sup>5</sup> And by *levelling*?—Three alongside each other.<sup>6</sup> When is this the case?—From his own; but from his neighbour's, even when he levels he must uproot.<sup>7</sup>

#### משנה ד

הַמַּדִּיל בְּזוֹתִים; בֵּית שַׁמַּאי אוֹמְרִים יָגוּם, וּבֵית הֵלֵל אוֹמְרִים, יִשְׁרֹשׁ; יוֹמְדִים \*בְּמַחְלִיק עַד שֶׁיָּגוּם. אֵיזָה הוּא הַמַּדִּיל? אֶחָד אוֹ שְׁנָיִם. מִמַּחְלִיק? שְׁלֹשָׁה זֶה בְּצַד זֶה. בְּמֵה דְּבָרִים אֲמורִים? מִתּוֹךְ שְׁלוֹ. אֲבָל מִתּוֹךְ שֶׁל חֲבִירוֹ, אֵף מִמַּחְלִיק יִשְׁרֹשׁ.

1 Or *הַמַּדִּיל*. 2 When the trees are too close together every other tree (or even every two out of three) is removed to let the others grow better. In plucking them he must not uproot them, lest this appears as tilling the soil. 3 And one need not fear that the soil may thereby be improved. 4 The School of Hillel. 5 i.e., when only one or two trees be cut away. 6 i.e., when three trees are cut down. 7 Because one does not altruistically improve another's field and it is therefore evident that the wood only is needed. \*Perhaps *בְּמַחְלִיק*.

#### Mishnah 5

When one splits wood from an olive-tree<sup>1</sup> he may not cover it<sup>2</sup> with earth,<sup>3</sup> but he may cover it with stones<sup>4</sup> or with straw. If one cut down the trunk<sup>5</sup> of a sycamore, he must not cover it<sup>1</sup> up with earth, but he may cover it with stones or with straw. They may not cut down a virgin<sup>6</sup> sycamore in the *Sabbatical Year*, because that would be cultivation;<sup>7</sup> R. Judah<sup>8</sup> says, If in the usual manner<sup>9</sup> it is forbidden, but

#### משנה ה

הַמִּבְּקִיעַ בְּזוֹת לֹא יִתְּפֶהוּ בְּעֶפֶר, אֲבָל מִכֶּסֶה הוּא בְּאֲבָנִים אוֹ בְּקֶשׁ. הַקּוֹצֵץ קוֹרוֹת שְׁקָמָה לֹא יִתְּפֶהוּ בְּעֶפֶר, אֲבָל מִכֶּסֶה הוּא בְּאֲבָנִים אוֹ בְּקֶשׁ. אֵין קוֹצֵצִין בְּתוֹלַת שְׁקָמָה בַּשְּׁבִיעִית, מִפְּנֵי שֶׁהִיא יַעֲבֹדָה; רַבִּי הִיּוֹדָה אוֹמֵר,

he may leave standing ten hand-breadths<sup>10</sup> or cut it down to the level of the ground.

כְּדִרְכָּהּ אָסוּר, אֶלָּא אוּ מִגְבִּיהָ  
עֲשָׂרָה טַפְחִים אוּ גוּמָם מֵעַל  
הָאָרֶץ.

1 In the *Sabbatical Year* for fuel. Perhaps בְּזֵית. 2 The rent. 3 Because the earth improves the tree. Perhaps בְּעֶפֶר. 4 That the tree does not dry up. 5 קוֹרֶה, *trunk with branches*. 6 i.e., *untrimmed, never before cut* (that has not yet 'known' the axe, the expression used of a virgin whom no man has yet 'known'). 7 It benefits the trees, if some are occasionally felled. 8 His view is accepted. 9 Less than ten handbreadths. 10 At least.

#### Mishnah 6

If one clip<sup>1</sup> vines or cut reeds, R. Jose the Galilean says, He should leave them<sup>2</sup> one *handbreadth*.<sup>3</sup> R. Akiba says, He may cut them in his usual fashion with an axe, or with a sickle,<sup>4</sup> or with a saw, or with whatever he wishes. If a tree split, they may tie it up in the *Sabbatical Year*, not that it should grow together again but that it should not spread.<sup>6</sup>

מִשְׁנָה ו  
הַמְצֹנֵב בְּגִפְתִּים וְהַקּוֹצֵץ קָנִים; רַבִּי  
יוֹסִי הַגָּלִילִי אוֹמֵר, יִרְחִיק <sup>3</sup>טַפַּח:  
רַבִּי עֲקִיבָא אוֹמֵר, קוֹצֵץ כְּדִרְכּוֹ  
בְּקֶרֶדוֹם אוּ <sup>4</sup>בְּמַגֵּל וּבְמַגִּירָה וּבְכָל  
מִה-שִׁירְצָה. אֵילָן שֶׁנִּפְשַׁח קוֹשְׁרִין  
אוֹתוֹ בְּשִׁבְעִית, לֹא שִׁיעֲלָה אֶלָּא  
שֶׁלֹּא יוֹסִיף.

1 To make the main stem grow stronger. In the *Sabbatical Year*. 2 Uncut. 3 From the earth. 4 Or *scythe*.\* 5 Perhaps וּבִמְגִירָה. 6 The crack or split should not extend. \*Perhaps the definite בְּמַגֵּל.

#### Mishnah 7

When<sup>1</sup> may they eat<sup>2</sup> the fruits of trees in the *Sabbatical Year*?—The young<sup>3</sup> figs when they become red,<sup>4</sup> one may eat his bread with them<sup>5</sup> in the field;<sup>6</sup> when they become ripe,<sup>7</sup> he may take them into his house. And likewise with similar fruits, in the other<sup>8</sup> years of the seven-years' cycle he is liable<sup>9</sup> to *tithes*.

מִשְׁנָה ז  
מֵאֵימָתַי <sup>2</sup>אוֹכְלִין פִּירוֹת הָאֵילָן  
בְּשִׁבְעִית? <sup>3</sup>הַפָּגִים <sup>4</sup>מִשְׁיִזְרִיחוֹ אוֹכֵל  
<sup>5</sup>בָּהֶם פָּתוֹ <sup>6</sup>בַּשָּׂדֶה; <sup>7</sup>בִּיחְלוֹ כּוֹנֵם  
בְּחוּף בֵּיתוֹ. וְכֵן בַּיּוֹצֵא בָהֶם.  
<sup>8</sup>בְּשָׁאָר שְׁנֵי שָׁבוּעַ חֵיִב בְּמַעֲשְׂרוֹת.

1 How soon, after what time. 2 In the *Sabbatical Year* fruits may be eaten but they must not be wasted. Since the fruits not eaten are declared ownerless

(הַתְּקַר) it is wrong to destroy them if he himself does not wish to eat them. 3 Or *tender*. 4 *i.e.*, begin to ripen. 5 But only a small quantity. 6 But not in the house, because eating early unripened figs is like destroying them. 7 Or *begin to ripen*. True to their chaste expressions the Rabbis described the ripening of a girl to womanhood by terms borrowed from the ripening of the fig. 8 וְשָׂאָר in some editions.

## Mishnah 8

When unripe grapes<sup>1</sup> produce<sup>2</sup> juice, one may eat his bread with them in the field. When they become ripe,<sup>3</sup> one may take them into his house. And likewise with similar fruits, in the other years of the seven-years' cycle he is liable to *tithes*.

1 Or הַתְּקַר. 2 In the Sabbatical Year. 3 And the pips can be seen through the translucent skin, so ripe that it almost begins to rot. A symbol that when one reaches the very top he begins to decline.

## Mishnah 9

When olives can yield a quarter-*log*<sup>1,2</sup> to a *seah*, one may crush<sup>3</sup> them and eat them in the field. If they yield half a *log*, one may press them and use them for anointing in the field. If they produce a third<sup>4</sup> of the possible yield,<sup>5</sup> one may press them in the field and take them into the house. And likewise with similar fruits, and in the other years of the seven-years' cycle they are liable to *tithes*. And in the case of all other tree-fruits, their season for *tithes* is the same as their season<sup>7</sup> in the *Sabbatical Year*.

1 8.4 cubic inches (see וְרָצִים Introduction. Tables). 2 Of oil. 3 פָּצַע, *beat until they become soft and juicy*. 4 *log* = 33.6 cubic inches. 5 According to some, *when they have grown to a third of their full size*. Actually, one may press them in the house, too; only our *Mishnah* speaks of a case where this is done in the field. 6 Of oil. 7 When they may be eaten. Unlike in the case of figs, grapes and olives, other fruits may not be eaten in the field in the *Sabbatical Year* before they are ripe (compare מַעְשְׂרוֹת 1ff.).

## מִשְׁנָה ח

הַבּוֹסֵר<sup>1</sup> מִשֶּׁהֵבִיא מִים אוֹכֵל בּוֹ פָתוֹ בַּשָּׂדֶה; <sup>2</sup>הֵבֵאִישׁ כּוֹנֵס לְתוֹךְ בֵּיתוֹ. וְכֵן פְּיוּצָא בּוֹ בַּשָּׂאָר שְׁנֵי שָׁבוּעַ חַיִּיב בַּמַּעְשְׂרוֹת.

## מִשְׁנָה ט

וְיֵתִים מִשִּׁכְּנֵיסוֹ<sup>1</sup>, <sup>2</sup>רַב־יַעֲיֵת לְסֵאָה, פּוּצָע וְאוֹכֵל בַּשָּׂדֶה. הַכְּנִיסוֹ חֲצִי לֹג כּוֹתֵשׁ וְסָךְ בַּשָּׂדֶה. הַכְּנִיסוֹ <sup>3</sup>שְׁלִישׁ, כּוֹתֵשׁ בַּשָּׂדֶה. וְכוֹנֵס לְתוֹךְ בֵּיתוֹ. וְכֵן פְּיוּצָא בָהֶם, בַּשָּׂאָר שְׁנֵי שָׁבוּעַ חַיִּיבִים בַּמַּעְשְׂרוֹת. וְשָׂאָר כָּל-פִּירוֹת הָאֵילָן, כְּעוֹנֶתֶן לַמַּעְשְׂרוֹת כִּדְ עוֹנֶתֶן לְשִׁבְעִית.

## Mishnah 10

After what time<sup>1</sup> may they not cut down trees in the *Sabbatical Year*?—The School of Shammai say, When they have brought forth;<sup>2</sup> but the School of Hillel say, Carob-trees when their branches begin to droop,<sup>3</sup> (and) vines when they form the pips,<sup>4</sup> (and) olive-trees when they blossom, and all other trees when they bring forth.<sup>5</sup> And every tree, as soon as it has reached the season for *tithes*, may be<sup>6</sup> cut down. How much<sup>7</sup> should an olive-tree produce that it may not be cut down?—A *quarter*;<sup>8</sup> R. Simon ben Gamaliel says, It is all according to the kind of olive-tree.

1 In the Sabbatical Year. It is wrong to cut down a tree in the Sabbatical Year if thereby people be prevented from benefiting by its fruit. 2 Leaves appear in the month of ניסן. 3 According to another view, *when the leaves grow like a chain*. Or when the beans or carob-pods begin to assume a round shape. 4 Inside the grapes. According to another opinion, *when the grapes form ovules containing water*. 5 Leaves. 6 Because once the fruit has ripened there is no loss and no transgression of פל תשחית. 7 This does not refer to a Sabbatical Year, but in general good trees should not be destroyed. (*Deuteronomy* 20, 19). 8 33.6 cubic inches (קב  $\frac{1}{4}$  = רבע), see ורעים Introduction, Tables.

## CHAPTER 5

## פֶּרֶק ה

## Mishnah 1

In the case of white figs<sup>1</sup> the *Sabbatical Year* laws apply to them in the second year<sup>2</sup> because they ripen once in three years. R. Judah says,<sup>3</sup> In the case of Persian figs<sup>4</sup> the *Sabbatical Year* laws apply to them in the year following the *Sabbatical Year* because they ripen once every two years; they<sup>5</sup> replied to him, They<sup>5</sup> spoke only of white figs.

## מִשְׁנָה י

מֵאִימָתַי אֵין קוֹצְצִין הָאֵילָן  
בְּשִׁבְעִיתָּ בֵּית שַׁמַּאי אוֹמְרִים  
כָּל-הָאֵילָן מְשִׁיזִיא; וּבֵית הַלֵּל  
אוֹמְרִים, הַחֲרוּבִין מְשִׁישְׁלָיו,  
וְהַנֶּפְנִים מְשִׁיגְרָעוּ, וְהַזֵּיתִים מְשִׁינְצוּ  
וְשָׁאֵר כָּל-אֵילָן מְשִׁיזִיא. וְכָל-  
הָאֵילָן כִּינּוּן שָׁבָא לְעֹנַת הַמַּעֲשֹׂרוֹת  
מוֹתֵר לְקוֹצְצוֹ. כִּמְהָ יֵהָא בְּזֵית  
וְלֹא יִקָּצֵנָּה? רֹבֵעַ; רַבֵּן שְׁמַעוֹן  
בֶּן גַּמְלִיאֵל אוֹמֵר, הַכֹּל לְפִי הַזֵּית.

## מִשְׁנָה א

בְּנוֹת שֹׁחַ, שְׁבִיעִית שְׁלָהֶם שְׁנִיָּה,  
שֶׁהֵן עוֹשׂוֹת לְשָׁלֹשׁ שָׁנִים. רַבִּי  
יְהוּדָה אוֹמֵר, הַפְּרָסָאוֹת שְׁבִיעִית  
שְׁלָהֶם מוֹצְאֵי שְׁבִיעִית, שֶׁהֵן עוֹשׂוֹת  
לְשֵׁנִי שָׁנִים; אֲמָרוּ לוֹ, לֹא אֲמָרוּ  
אַלָּא בְּנוֹת שֹׁחַ.

1 A species of fig that ripens every three years. 2 If the blossoms appear during the Sabbatical Year the fruit will not be ripe until the second year after the Sabbatical Year. 3 His view is rejected because Persian figs are not indigenous to Palestine. 4 A species of fig that ripens in two years. According to some, *Persian dates*. 5 The *הַקָּמִים*, *Sages*. The Rabbis, after investigation, discovered that they ripen yearly (*Tosephta*).

## Mishnah 2

If one cover up serpentaria<sup>1</sup> in the earth,<sup>2</sup> in the Sabbatical Year, R. Meir says,<sup>3</sup> It<sup>4</sup> must not be less than two *seahs*, three handbreadths in height, and with a handbreadth of earth over it; but the Sages say, It must not be less than four<sup>5</sup> *kabs*,<sup>6</sup> one handbreadth in height and with one handbreadth of earth on top, and it must be hidden in ground over which people walk.<sup>7</sup>

## משנה ב

הַסּוּמֵן אֶת-<sup>1</sup>הַלֹּחַ בְּשָׁבִיעִית: רַבִּי <sup>3</sup>מֵאִיר אֹמֵר, <sup>4</sup>לֹא יִפְחוֹת מִסָּאתִים עַד גּוֹבֵה שְׁלֹשָׁה טַפָּחִים וְטַפַּח עֶפֶר עַל גִּבּוֹ; וְהַקָּמִים אֹמְרִים, לֹא יִפְחוֹת <sup>5</sup>מֵאַרְבָּעָה <sup>6</sup>קָבִים עַד גּוֹבֵה טַפַּח וְטַפַּח עֶפֶר עַל גִּבּוֹ, וְטוּמְנוּ בְּמָקוֹם <sup>7</sup>דִּרְיֶסֶת אָדָם.

1 They keep better if buried underground. לֹחַ, *serpentaria*, *snake-root*, *dragon's-wort*, *snake-weed*, *tarragon*, *herb-dragon*; more probably *Egyptian bean*, *Indian lotus*, *hyacinth bean*. 2 Or *with earth*. 3 His view is not accepted. 4 The quantity of serpentaria. 5 מֵאַרְבָּע in some editions. 6 קָב, about 7½ pints; it should not appear as if they were being sown. The ruling applies to all such as are buried under the soil for preservation. 7 To prevent sprouting.

## Mishnah 3

When serpentaria has remained<sup>1</sup> after the Sabbatical Year has gone by, R. Eliezer says,<sup>2</sup> If the poor have gathered<sup>3</sup> its leaves, it is well; but if not, he<sup>4</sup> must make an allotment to the poor.<sup>5</sup> R. Joshua<sup>5</sup> says, If the poor gathered its leaves, it is well, but if not, he is not in duty bound to make an allotment to the poor.

## משנה ג

לֹחַ יִשְׁעָבְרָה עָלָיו שְׁבִיעִית: רַבִּי <sup>2</sup>אֱלִיעֶזֶר אֹמֵר, אִם <sup>3</sup>לָקְטוּ הָעֲנִיִּים אֶת-עָלָיו לָקְטוּ, וְאִם לֹא יַעֲשֶׂה חֶשְׁבּוֹן עִם <sup>5</sup>הָעֲנִיִּים. רַבִּי <sup>6</sup>יְהוֹשֻׁעַ אֹמֵר, אִם לָקְטוּ הָעֲנִיִּים אֶת-עָלָיו לָקְטוּ, וְאִם לֹא אֵין לָעֲנִיִּים עָלָיו חֶשְׁבּוֹן.



1 It was ready for picking in the year before the *Sabbatical Year* but was pulled up in the *Sabbatical Year* with its leaves, then it took root again and brought forth new leaves in the following year, the law of *Sabbatical Year* does not apply (see 5<sup>2</sup>, Note 1). 2 His view is rejected. 3 In the *Sabbatical Year* after *ביעור*, *clearing away*. 4 The owner of the field. 5 He must make an estimate of the quantity that might have grown in the *Sabbatical Year* and deliver it up to the poor. 6 His ruling is accepted. Because he had already acquired the right to use the figs, no distinction being made between rich and poor after the time had come for the removal (*ביעור*).

## Mishnah 4

In the case of serpentaria that remains standing from the sixth year until the *Sabbatical Year*, and likewise summer<sup>1</sup> onions and similarly dyer's madder from good soil, the School of Shammai say, 'They are to be dug up with wooden<sup>2</sup> rakes,<sup>3</sup> but the School of Hillel say, With metal<sup>5</sup> spades.<sup>4</sup> But they agree that madder from stony ground must be dug up with metal<sup>5</sup> spades.<sup>4</sup>

## משנה ד

לוף של ערב שביעית שנכנס לשביעית, וכן בצלים<sup>1</sup> הקיצונים, וכן פואה של עידית: בית שמאי אומרים, עוקרין אותן<sup>3</sup> במארופות של<sup>2</sup> עץ, ובית הלל אומרים, בקרדומות של<sup>5</sup> מתכות. ומודים בפואה של צלעות שעוקרין אותה בקרדומות של<sup>5</sup> מתכות.

1 According to one view, it means onions planted in summer; and according to another, onions growing in the summer. 2 That it should not appear as if the ground was being worked up. In several cases the Rabbis allowed work to be done, otherwise forbidden, provided it was done not in the usual manner (*שוני*). This was to avoid suspicion (*מראית עין*) of flagrantly acting against religious commands. 3 Or *shovels*. 4 Or *קרדומות* and *קרדמים*. 5 Or *מתכת*. There is no fear of suspicion that the soil is being prepared.

## Mishnah 5

When may<sup>1</sup> anyone buy serpentaria<sup>2</sup> in the year following the *Sabbatical Year*?—R. Judah says,<sup>3</sup> Straightway; but the Sages say, When the new comes up.<sup>4</sup>

## משנה ה

מאימתי<sup>1</sup> מותר אדם ליקח<sup>2</sup> לוף במוצאי שביעית? רבי יהודה אומר, מיד; וחכמים אומרים, משירבה החדש.<sup>4</sup>

1 Our *Mishnah* refers to a case where one is suspected in trading with Sheviith produce. 2 It refers to the leaves (for the roots do not require *ביעור*). 3 His view is not accepted. 4 And this is the ruling—after the *Passover* of the 8th year.

#### Mishnah 6

These are implements which a craftsman<sup>1</sup> is not permitted<sup>2</sup> to sell in the *Sabbatical Year*, a plough and all its accessories,<sup>3</sup> a yoke, and a winnowing fan and a mattock; but he may sell a sickle, a scythe, and a waggon<sup>4</sup> with all its accessories.<sup>5</sup> This is the general rule, any implement whose sole use is transgression<sup>5</sup> is forbidden, but if it may be used for both forbidden and permitted purposes, it is allowed.

#### משנה ו

אֵלוּ כְּלִים שְׂאִין<sup>1</sup> הָאוֹמֵן<sup>2</sup> כְּשֵׁאֵי  
לְמַכְרָם בְּשִׁבְעִית: מַחְרָשָׁה וְכָל  
<sup>3</sup>כְּלִיָּהּ, הָעוֹל וְהַמְזֶרֶה וְהַדְּקָר;  
אֲבָל מוֹכֵר הוּא מִגֵּל יָד, וּמִגֵּל  
קִצִּיר, וְעוֹלָה וְכָל כְּלִיָּהּ. זֶה  
הַכֹּל, כָּל-שֶׁמֶלֶאכְתּוֹ מִיַּחְדָּת  
<sup>5</sup>לְעֵבֶרָה אָסוּר, לְאִסוּר וּלְהֵתֵר.  
מוֹתֵר.

1 Or הָאֵמֵן. 2 He must not sell to anyone whom he suspects of transgressing the laws of the Sabbatical Year but he may do so to a trustworthy person. 3 Or *attendant tools, implements*. 4 To bring in the הַפָּקֵר, *ownerless*, produce in small quantities, but not large quantities for storage. 5 Of the Sabbatical Year law.

#### Mishnah 7

The potter may sell<sup>1</sup> five oil-jars<sup>2</sup> and fifteen wine-jars,<sup>2</sup> since one gets so much from the ownerless produce;<sup>3</sup> and if he get more than this, it is allowed.<sup>4</sup> And he may sell<sup>5</sup> to a non-Jew<sup>6</sup> in Palestine and to a Jew<sup>7</sup> outside Palestine.

#### משנה ז

הַיּוֹצֵר<sup>1</sup> מוֹכֵר חֲמֵשׁ כִּדֵּי שֶׁמֶן  
וְחֲמֵשָׁה עָשָׂר כִּדֵּי יַיִן, שֶׁכֵּן דְּרָכּוֹ  
לְהֵבִיא מִן-הַמוֹפְקָר, וְאִם הֵבִיא  
יֹתֵר מִכָּאן<sup>4</sup> מוֹתֵר.<sup>5</sup> וּמוֹכֵר<sup>6</sup> לְנֹכְרִי  
בְּאֶרֶץ וְלִישְׂרָאֵל בְּחוּצָה לְאֶרֶץ.

1 To any person even if he be suspect regarding the Sabbatical Year law. The text gives חֲמֵשׁ but the masculine חֲמִשָּׁה would grammatically be the correct form. 2 Oil-jars are made from different kinds of clay than wine-jars. 3 In some editions. 4 To be used. 5 More than these numbers of jars. 6 לְעוֹבֵד כּוֹכְבִּים in some editions. To a non-Jew any number may be sold and we need not fear lest he sells them again to a Jew suspected of trading in Sheviith produce. 7 Any number to a Jew since outside Palestine the Sabbatical Year law does not apply.

## Mishnah 8

The School of Shammai say, One must not sell a ploughing heifer to a person<sup>1</sup> in the *Sabbatical Year*; but the School of Hillel permit it, because he can slaughter it.<sup>2</sup> One may sell him produce<sup>3</sup> in sowing time;<sup>4</sup> and he may lend<sup>5</sup> him a *seah*-measure even though he knows that he has a threshing-floor;<sup>6</sup> and he may give him small change<sup>7</sup> even though he knows that he has labourers. But<sup>8</sup> in all these cases<sup>9</sup> expressly<sup>10</sup> it is forbidden.

משנה ח

בית שמאי אומרים, לא ימכר ילו פרה חורשת בשביעית; ובית הלל מתירין, מפני שהוא יכול<sup>2</sup> לשחטה. מוכר לו<sup>3</sup> פירות בשעת הזרע, ומשאיל לו סאתו אף על פי שהוא יודע שיש לו<sup>6</sup> גרן; ופורט לו מעות אף על פי שהוא יודע שיש לו פועלים.<sup>8</sup> וכולן<sup>9</sup> בפירוש אסורין.

1 To one who is suspected of not observing the Sabbatical Year law. As we surmise that the fruit was bought for food we need not fear lest it be used for sowing purposes. 2 *i.e.*, the animal may be bought for slaughter and not for ploughing. Or לשחטה. 3 Or פירות. 4 In some editions, אפילו בשעת. 5 The measure may be used not for forbidden grain that is brought in but for measuring the grain already there that has to be ground into flour. 6 Or granary. 7 Not to help the transgressor to pay his workmen but to enable him to buy his necessities. 8 If it be known that they are going to be used. 9 Or וכלם. 10 To transgress the Sabbatical Year law, in which case a person may not get any advantage from *benefit of the doubt* as above in Notes 4, 5, 7.

## Mishnah 9

A woman may lend to her neighbour, who is suspect<sup>1</sup> regarding the *Sabbatical Year*,<sup>2</sup> a fine sieve,<sup>3</sup> a coarse sieve, a handmill,<sup>4</sup> and an oven; but she must not help her<sup>5</sup> to sift the grain nor grind the corn. The wife of an associate<sup>6</sup> may not lend to the wife of an ignorant person<sup>7</sup> a fine sieve or a coarse sieve, and she may help her<sup>8</sup> to winnow or grind or sift the corn, but when she pours water<sup>9</sup> she must not touch<sup>10</sup> with her, because no help may be given to those that commit trans-

משנה ט

משאלת אשה לחברתה<sup>1</sup> החשודה על השביעית<sup>2</sup> נפה וכברה<sup>3</sup> ורחיים ותנור; אבל לא תבור ולא תטחן עמה. אשת חבר משאלת לאשת<sup>6</sup> עם הארץ נפה וכברה, ובוררת וטוחנת ומרקקת<sup>8</sup> עמה, אבל משתטיל<sup>9</sup> המים לא<sup>10</sup> תגע אצלה. שאין מחויקין ידי עוברי עברה.

gression. And all these have been enjoined for the sake of peace. And help may be given to a non-Jew<sup>11</sup> in the *Sabbatical Year*<sup>12</sup> but not to a Jew. And greetings may be offered to them<sup>13</sup> for the sake of peace.

וְכוֹלֵן לֹא אָמְרוּ אֲלָא מִפְּנֵי דִרְכֵי  
שְׁלוֹם. וּמַחְזִיקֵין יְדֵי נִכְרִי<sup>12</sup>  
בְּשִׁבְיעִית, אֲבָל לֹא יְדֵי יִשְׂרָאֵל.<sup>11</sup>  
וְשׂוֹאֲלִין בְּשִׁלּוּמֵן מִפְּנֵי דִרְכֵי  
שְׁלוֹם.

1 Of transgressing the law which forbids eating fruits of the Sabbatical Year after *ביעור* when she had not observed this *clearing out*. 2 *i.e.*, the Sabbatical Year law. 3 Since all these might be used for other purposes. 4 Or *grindstones*. 5 A transgressor must not be helped. 6 *חֵבֵר*, *student, scholar, fellow, associate, companion*; here is meant a man who has the reputation for learning, orthodoxy and integrity and is observant of the religious customs regarding *מעשרות*, *tithes*, and the ritual practices of *טְהוּרָה*, *purity, cleanliness*, and *טומאה*, *uncleanness, defilement*. 7 *עַם הָאָרֶץ*, (a) *peasant, countryman*; (b) (in contradistinction to *חֵבֵר*) *illiterate, coarse, unrefined person*; (c) (in contradistinction to *טְהוּרָה*) one who does not observe certain religious customs and duties regarding *מעשרות* and *טומאה*. 8 Because the majority of *עַם הָאָרֶץ* were not suspected of evading giving *מעשרות*, *tithes*. 9 Into the flour. For as soon as water is poured into the dough it becomes prone to uncleanness. 10 To help kneading. 11 In some editions, *עוֹבֵד כּוֹכָבִים*. 12 In the field. 13 The non-Jews.

## CHAPTER 6

## פֶּרֶק ו'

## Mishnah 1

## מִשְׁנָה א

Three districts<sup>1</sup> must be considered concerning the *Sabbatical Year*: all that part of the Land of Israel as far as Chezib<sup>3</sup> which they<sup>2</sup> that came up from Babylon occupied, may not be eaten<sup>4</sup> nor cultivated; and all that part from Chezib as far as the River<sup>5</sup> and Amanah<sup>6</sup> which they that came up from Egypt occupied, may<sup>7</sup> be eaten but not cultivated; from the River and Amanah and inwards, may be eaten and cultivated.

יִשְׁלַשׁ אֲרָצוֹת לְשִׁבְיעִית, כָּל-  
שֶׁחֲחִיקוּ עוֹלֵי כָּל מֵאֲרֶץ יִשְׂרָאֵל  
וְעַד כְּזִיב, לֹא יֵאָכַל וְלֹא יִעֲבֹד;  
וְכָל שֶׁחֲחִיקוּ עוֹלֵי מִצְרַיִם מִכְּזִיב  
וְעַד הַנָּהָר וְעַד אֲמָנָה, יֵאָכַל  
אֲבָל לֹא יִעֲבֹד; מִן-הַנָּהָר וּמֵאֲמָנָה  
וּלְפָנִים, יֵאָכַל וְיִעֲבֹד.

1 In which the *Sabbatical Year* law varies. 2 Ezra and the Jews. Ezra's conquest of the land declared it holy soil for all times. 3 Or *אֲקִיב* (between Tyre and Acre). Compare *Joshua* 19, 29. 4 Sabbatical Year produce may not be eaten nor may the land be cultivated. 5 Euphrates. Probably refers to

Shihor a river in Egypt. 6 A mountain in North-West of Palestine near the coast, (probably Taurus Amonus). Since we are told in *Exodus* 23, 10 that it must be אֶרֶץ יִשְׂרָאֵל, 'thy land', all other lands that have not the sanctity of אֶרֶץ יִשְׂרָאֵל are excluded. 7 i.e., the produce may be eaten but the land not cultivated.

## Mishnah 2

In Syria<sup>1</sup> they may help<sup>2</sup> with the work with cut corn but not with the uncut corn;<sup>3</sup> they may thresh<sup>4</sup> and winnow, and tread<sup>5</sup> and harvest,<sup>6</sup> but they must not reap the crops nor gather the grapes nor pick the olives. R. Akiba laid down a general rule, Whatever is permitted<sup>7</sup> in the Land of Israel may be performed<sup>8</sup> in Syria.

## משנה ב

עוֹשִׂין בְּתֵלוֹשׁ<sup>1</sup> בְּסוּרְיָא אֲכָל לֹא  
בְּמַחוּבָּר; דְּרִשִּׁין וְזוֹרִין<sup>5</sup> וְדוֹרְכִין<sup>3</sup>  
וּמַעֲמִירִין אֲכָל לֹא קוֹצְרִין וְלֹא  
בוֹצְרִין וְלֹא מוֹסְקִין. כָּלֵל אָמַר  
רַבִּי עֲקִיבָא כָּל־שְׂכִיזָא בּוֹ  
מִוֶּתֶר בְּאֶרֶץ יִשְׂרָאֵל<sup>8</sup> עוֹשִׂין  
אוֹתוֹ בְּסוּרְיָא

1 The districts (אֶרֶם צוֹבָא and אֶרֶם נַהֲרָיִם) which David conquered; only some of the Jewish ritual laws apply to these lands. His conquests were not invested with permanence as to make all his conquered territories as holy as אֶרֶץ יִשְׂרָאֵל itself.

2 Help may be given to even those who are suspected of not observing the *Sabbatical Year* law and to non-Jews. 3 This is forbidden in the case of owned produce; but in the case of הַפֶּקֶד it is permitted just as in Palestine, but only if it is done not in usual manner (compare 5<sup>4</sup> Note 4). 4 Or דְּרִשִּׁין וְזוֹרְכִים. 5 The grapes. 6 Or *bind sheaves, stack sheaves*. 7 i.e., whatever is permitted מִדְּרַבָּנָן (מִן־הַתּוֹרָה or מִדְּאֻרֵּיתָא) as laid down in the Law, but forbidden מִדְּרַבָּנָן, by the Sages, in Palestine. 8 i.e., even though מִדְּרַבָּנָן it is forbidden. And the work may be carried out even in the usual manner.

## Mishnah 3

Onions<sup>1</sup> upon which the rain has fallen and they have sprouted: if their leaves<sup>2</sup> be dark<sup>3</sup> they are forbidden, but if they be green<sup>4</sup> they are allowed. R. Chanania<sup>5</sup> ben Antigonus says, If they can be pulled up by their leaves, they are forbidden<sup>6</sup>, and the like of these<sup>7</sup> in the year after the *Sabbatical Year* are permitted.

## משנה ג

בְּצָלִים שִׁירְדוּ עֲלֵיהֶם גִּשְׁמִים  
וְצִמְחוּ אִם הָיוּ<sup>2</sup> הָעֵלִין שְׁלֵהֶם  
שְׁחֹרִין אֲסוּרִין. הוֹרִיקוּ הָרִי  
אֵלּוֹ מוֹתְרִין. רַבִּי חֲנַנְיָא בֶּן  
אֲנָטִיגוֹס אוֹמֵר אִם יִכּוֹלִין לְהַתְּלֹשׁ  
בְּעֵלִין שְׁלֵהֶם<sup>6</sup> אֲסוּרִין וּבִגְגֹד<sup>7</sup> בֶּן  
מוֹצְאֵי שְׂבִיעִית מוֹתְרִין.

1 Planted in the sixth year. 2 Or הָעֵלִים. 3 Or שְׁחוּרִים אֲסוּרִים. This shows that they have continued to grow in the Sabbatical Year and are forbidden after the שְׁבִיעִית at בִּיעוּר. 4 Which shows that they have not received any benefit from the soil. 5 Or perhaps better הָיִנָּה. 6 When onions have grown the bulbs come up above the soil, and when this is the case they must have grown in the Sabbatical Year. 7 Those that remained from the sixth year till the eighth year. These are permitted because they were permitted at the beginning and at the end of their growth.

## Mishnah 4

## משנה ד

When<sup>1</sup> may<sup>2</sup> a man buy vegetables after the *Sabbatical Year*?—When such have ripened.<sup>3</sup> When the early<sup>4</sup> crop is ready the later<sup>5</sup> crop is permitted.<sup>6</sup> Rabbi permitted the purchase of vegetables immediately<sup>7</sup> after the end of the *Sabbatical Year*.

1 מֵאִמְתִּי מוֹתֵר אָדָם לִיקַח יֶרֶק  
בְּמוֹצָאֵי שְׁבִיעִית? 2 מִשְׁעֵשֶׂה כִּיּוֹצֵא  
בּוֹ. עֲשֶׂה 4 הַבְּכִיר, 5 הַחֲסֵד, 6 הָאֶפֶל.  
רַבִּי הֵתִיר לִיקַח יֶרֶק בְּמוֹצָאֵי  
שְׁבִיעִית מִיָּד.

1 In the eighth year. 2 Or מִתֵּר. 3 When in the eighth year greens, such as one wishes to buy, have grown up. 4 Or *first ripening*. 5 Or *late in season, slow ripening*. 6 Or הֵתֵר. Wherever crops have grown in the eighth year in that neighbourhood vegetables may be bought. 7 Because vegetables from outside were brought into Palestine for sale.

## Mishnah 5

## משנה ה

Oil to be burned<sup>2</sup> and produce<sup>3</sup> of the *Sabbatical Year* must not be removed<sup>1</sup> from the Land of Israel to another country. Said R. Simon,<sup>4</sup> 'I have heard explicitly<sup>5</sup> that they may be removed to Syria but not to<sup>6</sup> outside the Land of Israel.'

אֵין מוֹצִיאִין שֶׁמֶן שְׂרָפָה וּפִירוֹת  
שְׁבִיעִית מִהָאָרֶץ לְחוּצָה לָאָרֶץ.  
אָמַר רַבִּי יְשֻׁמְעוֹן שֶׁמֶעְתִּי בְּפִירוֹשׁ  
שֶׁמוֹצִיאִין לְסוּרְיָא וְאֵין מוֹצִיאִין  
לְחוּצָה לָאָרֶץ.

1 Or מוֹצִיאִים. 2 Oil of תְּרוּמָה, *priest's-due*, if contaminated may not be eaten nor be removed outside Palestine but must be burned in the country. 3 The produce of the Sabbatical Year may be eaten only in Palestine and not outside. 4 His view that on this point Syria is to be treated as Palestine is not accepted. 5 By tradition. 6 Anywhere else.

## Mishnah 6

*Heave-offering*<sup>1</sup> from outside the Land of Israel may not be brought<sup>2</sup> to the Land of Israel. Said R. Simon,<sup>3</sup> 'I have heard explicitly that they may bring it from Syria but not from<sup>4</sup> outside the Land of Israel.'

1 Or *the priest's share of the produce, priest's-due*. 2 The *רבנן* forbid it for fear that the *כֹּהֲנִים*, *priests*, might go outside Palestine to seek the *תרומה* which they were wont to do by visiting the barns and granaries: the priests had to take every precaution not to go where they might become *טמאים*, *ritually defiled* (land outside Palestine might contain graves which would render priests ritually unclean). 3 His view is rejected. 4 Anywhere else. Syria, on account of its proximity to Palestine, was not regarded as unclean territory.

## CHAPTER 7

## Mishnah 1

They<sup>1</sup> laid down an important general principle regarding *Sabbatical Year* produce: whatever forms food for man, or food for cattle, or is of the species used for dyeing, and can not be long kept under the soil, comes under the *Sabbatical Year* law,<sup>2</sup> and the money<sup>3</sup> obtained by selling such comes under the *Sabbatical Year* law, and the law of *Removal*<sup>4</sup> applies to it and to the money<sup>3</sup> obtained from its sale. And which are these?<sup>5</sup>—The leaf of wild-serpentaria,<sup>6</sup> the leaf of mint, endives,<sup>7</sup> leeks, purslane,<sup>8</sup> and star-of-Bethlehem.<sup>9</sup> And food for cattle?—Thorns and thistles. And the species used for dyeing?<sup>10</sup>—Aftergrowths of woad and madder.<sup>11</sup> The *Sabbatical Year* law applies to them and the *Sabbatical Year* law applies also to the money<sup>12</sup> obtained by selling them, the *law of Removal*<sup>13</sup> applies

## משנה ו

אין מביאין תרומה מחוצה לארץ  
לארץ. אמר רבי שמעון שמעתי  
בפירוש שמביאין מסוריא ואין  
מביאין מחוצה לארץ.

## פרק ז

## משנה א

כלל גדול<sup>1</sup> אמרו בשביעית; כל-  
שהוא מאכל אדם ומאכל בהמה  
וממין הצובעים ואינו מתקין  
בארץ יש לו שביעית<sup>2</sup> וילדמיו  
שביעית יש לו<sup>4</sup> ביעור<sup>3</sup> וילדמיו  
ביעור. ואיזה זה? עלה הלוף  
השוטה ועלה הנדנדה<sup>6</sup> העולשין  
והפרישין<sup>8</sup> והרגילה<sup>9</sup> ונגן החלב.  
ומאכל בהמה החוחים והדרדרים  
וממין הצובעים<sup>10</sup> ספיחי אסטס  
וקוצה יש להם שביעית<sup>11</sup>

to them and the law of Removal<sup>13</sup> applies to the money<sup>12</sup> obtained from their sale. יְשׁ לָהֶם וְלִדְמִיתָן שְׁבִיעִית<sup>12</sup> בִּיעוֹר<sup>13</sup> בִּיעוֹר<sup>18</sup>

1 The חֲכָמִים, Sages. 2 It must be eaten but not sold or wasted. 3 See Mishnah 3 in this Chapter. 4 See Deuteronomy 26, 13. If in the field there be no more food for the beasts, then such as one has indoors must be removed or cleared out into the field for the animals, and likewise if such had already been sold the equivalent sale money must be used for buying such produce to be removed into the field similarly. 5 The plants referred to above. 6 Or הַדִּנְדָּנָה (see Supplement). 7 Or chicory, succory. Or הַעֲלָשִׁין וְהַכִּרְשִׁין. 8 Or purslain. 9 Or asphodel, kingspear, day-lily. 10 Or הַצֹּבְעִים in some editions. 11 Or safflower. Or יָקוּצָה. 12 Literally and to their money. Thus if he purchases meat for the fruit, the fruit is invested with the sanctity of the seventh year produce. 13 Or בִּיעוֹר.

## Mishnah 2

And they laid down another general principle: whatever<sup>1</sup> is not food for man, or food for cattle, or of the species used for dyeing, and will keep<sup>2</sup> under the soil, the Sabbatical Year law applies to it and to the money obtained by its sale; but the law of Removal does not apply to it or to the money obtained by selling it. Which<sup>3</sup> are they?—The root of the wild serpentaria, and the root of mint, and palm-ivy<sup>4</sup> and asphodel and spikenard.<sup>5,6</sup> And the species used for dyeing?—Dyer's-madder and cyclamen.<sup>7</sup> The Sabbatical Year law applies to them and to the money obtained from their sale; but the law of Removal does not apply to them or to the money obtained by selling them.<sup>8</sup> R. Meir<sup>9</sup> says, The money<sup>10</sup> obtained by their sale comes under the law of Removal until the New Year.<sup>11</sup> They said to him, 'To them the law of Removal does not apply, still less to the money<sup>12</sup> obtained from their sale.

## מִשְׁנָה ב

וְעוֹד כָּלֵל אַחֵר אָמְרוּ; כָּל-שְׂאִינֹ  
מֵאֲכָל אָדָם, וּמֵאֲכָל בְּהֵמָה, וּמִמִּין  
הַצֹּבְעִין,<sup>2</sup> וּמִתְקָיִים בְּאֶרֶץ יֵשׁ לוֹ  
שְׁבִיעִית וְלִדְמִיתָיו שְׁבִיעִית; אֵין לוֹ  
בִּיעוֹר וְאֵין לְדָמִיו בִּיעוֹר.<sup>3</sup> אֵיזֵהוּ  
עֵקֶר הַלּוֹף הַשּׁוֹטֵה, וְעֵיקֶר  
הַדִּנְדָּנָה,<sup>4</sup> וְהַעֲרֻקְבִינִין וְהַחֲלָבִצִין  
<sup>5</sup>וְהַבּוֹכְרִיָּה, וּמִמִּין הַצֹּבְעִים;<sup>6</sup>  
הַפּוֹאָה<sup>7</sup> וְהַרְכָּפָה. יֵשׁ לָהֶם שְׁבִיעִית  
וְלִדְמִיתָן שְׁבִיעִית,<sup>8</sup> אֵין לָהֶם בִּיעוֹר  
וְלֹא לִדְמִיתָן בִּיעוֹר.<sup>9</sup> רַבִּי מֵאִיר  
אָמַר,<sup>10</sup> לְדְמִיתָם מִתְבַּעְרִין עַד  
לְרֹאשׁ הַשָּׁנָה. אָמְרוּ לוֹ, לָהֶן אֵין  
בִּיעוֹר, קָל וְחוֹמֶר<sup>12</sup> לִדְמִיתָן.



1 שְׁהוּא in some editions. 2 So long as food remains in the field\* for the beasts the like has not to be *cleared* or *removed* from the house into the field for them. 3 וְאֵתָהּ זֶה in some editions. 4 Or *hartstongue*. 5 Or וְהַעֲרֵבֵין, וְהַעֲרֵבֵין. 6 Or *hazelwort*. Or וְהַבֹּרְכָה. 7 Or *sowbread*. 8 Because they last under the soil and so support the animals in the fields, and there is no need therefore to *remove* their like from the house into the fields. 9 But his opinion is rejected. 10 דְּמֵינָהּ in some editions. 11 בְּיַעֲרָהּ, *removal*, must be carried out before the New Year of the eighth year. 12 Literally *from their money*.

### Mishnah 3

The husks<sup>1</sup> and blossom of the pomegranate, and the shells and kernels<sup>2</sup> of nuts—the *Sabbatical Year* law applies to them and to the money<sup>3</sup> obtained by their sale. The dyer may dye for his own purpose but he must not dye for payment, because none may do trade<sup>4</sup> with the produce<sup>5</sup> of the *Sabbatical Year* or with *firstlings*<sup>6</sup> or with the *priest's share of the produce and of the first tithe*,<sup>7</sup> or with carrion, or with ritually forbidden flesh,<sup>8</sup> or with unclean animals,<sup>9</sup> or with creeping things,<sup>10</sup> and one may not collect<sup>11</sup> vegetables from the field and sell them in the market, but he may gather and his son sell them for him; if he gathered for himself and some were left over, those he may<sup>12</sup> sell.

1 Or קָלִפִּים. 2 Or וְהִנֵּרְעִינִים. 3 Literally *and to their money*. 4 Or *business*. 5 Or בְּפִסְרוֹת. 6 When alive; but after slaughtering the carcass or flesh may be sold but not in the butcher's shop. 7 Or *heave-offerings*. 8 טְרֵפָה, טְרֵיפָה: (a) the flesh of a בְּהֵמָה טְהוֹרָה, *clean animal*, mauled or killed by a beast of prey; (b) the flesh of a *clean animal* which had been fatally injured (so that it would not live for twelve months); (c) the flesh of a *clean animal* that suffered from some organic defect or disease; (d) the flesh of a *clean animal* that has suffered a violent death or had been slaughtered not according to the valid ritual requirements. 9 *Leviticus 11, 3-19*. 10 *Leviticus 11, 23-30*. 11 In the Sabbatical Year. Only such vegetables that grow of their own accord, these same are forbidden on account of Shevi'ith. 12 Or מִמֶּר לְמִכְרֶם.

\* (unspoilt during the winter months)

מִשְׁנָה א  
 קָלִיפִי רִמּוֹן וְהַנֶּץ שְׁלֹוֹ קָלִיפִי  
 אֲגֻזִּים<sup>2</sup> וְהַגְלִיעִינִן יֵשׁ לָהֶם שְׂבִיעִית  
 וְלִרְמִיָּהוּ שְׂבִיעִיתִּי הַצָּבֵעַ צֹבֵעַ  
 לַעֲצָמוֹ וְלֹא יִצָּבֵעַ בְּשָׂכָרִי שְׂאִין  
 עוֹשִׂים<sup>4</sup> סִחּוּכָה<sup>5</sup> בְּפִירוֹת שְׂבִיעִיתִּי  
 וְלֹא בְּבָכּוֹרוֹתִי וְלֹא בְּתַרְמוֹמוֹתִי  
 וְלֹא בְּנִגְלוֹתִי וְלֹא בְּטַרְפוֹתִי וְלֹא  
 בְּשִׁקְצִים וְלֹא בְּרִמְשִׁים וְלֹא  
 יִהְיֶה<sup>11</sup> לִוְקָמִי יִרְקוֹת שָׂדֶה וּמוֹכֵר  
 בַּשּׁוּק אֲבָל הוּא לִוְקָט וּבָנוּ מוֹכֵר  
 עַל יָדָיו לָקַח לַעֲצָמוֹ וְהוֹתִירִי  
 מוֹתֵר לְמַכְרִי<sup>12</sup>

had time to affect the oil. But not after the **ביעור** time has arrived. **4** Of the eighth year. **5** Or **חייב בביעור**. This because an old rose quickly affects new oil. It refers here to a rose of the Sabbatical Year in oil of the eighth year or a rose of the sixth year in oil of the Sabbatical Year. **6** *carobs, locust fruit*. Of the Sabbatical Year. (See **Supplement**). **7** Or **שִׁבְכָשִׁם**. **8** Of the sixth year. **9** Of *Sabbatical Year* produce. **10** Of the eighth year. **11** Or **חייבים בביעור**. **12** Regarding all produce subject to restrictions in the **תורה**. **13** Or **חייב**. **14** *i.e.*, however little, even if it does not impart its taste to it the whole is subject to the law of *Removal*. **15** *i.e.*, one kind of produce mixed with another of like kind. **16** One kind with another kind only if the flavour be imparted but actually if the quantity be one-sixtieth or more.

## CHAPTER 8

## פרק ח

## Mishnah 1

They laid down an important general principle regarding *Sabbatical Year* produce: whatever is gathered solely as food<sup>1</sup> for man—they must not make from it an emollient<sup>2</sup> for man, or, needless to say, for cattle; and whatever is not gathered solely as food for man—they may make from it an emollient for man but not for cattle; and whatever is not gathered solely as food for man or as food for cattle—if one intended<sup>3</sup> it as food<sup>4</sup> for man and as food<sup>4</sup> for cattle, they apply to it the stringent rules<sup>6</sup> affecting man and the stringent rules<sup>7</sup> affecting cattle. If one intended it for wood,<sup>8</sup> it is considered as wood, as for instance savory and hyssop and thyme.<sup>9</sup>

## משנה א

כָּל גִּדּוֹל אָמְרוּ בִּשְׁבִיעִית; כָּל-  
הַמְּיוֹחֵד לְמֵאֵכֶל אָדָם אֵין עוֹשִׂין  
מִמֶּנּוּ<sup>2</sup> מְלֻגְמָא לְאָדָם, וְאֵין צָרִיף  
לִזְמַר לְבִהְמָה: וְכָל שְׂאִינוּ מְיוֹחֵד  
לְמֵאֵכֶל אָדָם עוֹשִׂין מִמֶּנּוּ<sup>2</sup> מְלֻגְמָא  
לְאָדָם, אָבֵל לֹא לְבִהְמָה: וְכָל  
שְׂאִינוּ מְיוֹחֵד לֹא לְמֵאֵכֶל אָדָם  
וְלֹא לְמֵאֵכֶל בְּהֵמָה<sup>3</sup> חֶשֶׁב עָלָיו  
לְמֵאֵכֶל אָדָם<sup>4</sup> וְלְמֵאֵכֶל בְּהֵמָה,  
נוֹתֵנִין עָלָיו<sup>6</sup> חוֹמְרֵי אָדָם<sup>7</sup> וְחוֹמְרֵי  
בְּהֵמָה. חֶשֶׁב עָלָיו<sup>8</sup> לְעֵצִים, הֵרֵי  
הוּא כְּעֵצִים, כְּגוֹן הַסִּיאָה וְהָאֶזוֹב  
וְהַקֹּרְנִית.<sup>9</sup>

**1** This decision is based on the terms **לֶאֱכֹל**, *for food*, and **לֶאֱכֹל**, *to eat*, in *Leviticus* 25, 6, 7, respectively. **2** Or *fomentation, plaster, poultice*. **3** When gathering. **4** *i.e.*, for both cases. **6** Or **חֻמְרֵי**. *i.e.*, not to be used as an emollient. **7** Or **וְחֻמְרֵי**. *i.e.*, if ordinarily cattle eat it raw it must not be first scalded, but should only be used in the ordinary way. **8** *i.e.*, for burning when it was gathered. **9** Or *origan, origanum, wild marjoram, calamint*.

## Mishnah 2

*Sabbatical Year* produce<sup>1</sup> is intended to be used as food and drink and unguent—to be eaten<sup>2</sup> whatever is usually eaten, and to be drunk<sup>3</sup> whatever is ordinarily drunk, and to be used as unguent whatever is customarily used as unguent. One may not use as unguent wine and vinegar,<sup>4</sup> but one may anoint with oil. The same is the case with the *priest's share of the produce* and with the *second tithe*; but *Sabbatical Year* produce is dealt with more leniently in that it may be used for kindling a lamp.<sup>5</sup>

**1** Or גִּתְּנָה, וְנִתְּנָה. This refers to grapes and olives, which can be used for all these three purposes mentioned here. **2** But food that had gone bad may be thrown away. **3** i.e., can be used for all these purposes without any subterfuge. In many editions the phrase וְלִשְׁתּוֹת דָּבָר שֶׁדָּרְכוֹ לִשְׁתּוֹת is omitted. **4** Because they are more important as food, hence any other use would be wastefulness. **5** Oil of תְּרוּמָה טְמֵאָה, *priest's-due that had become defiled*, may be used in lamps (but unclean oil from מִעֶשֶׂר שֵׁנִי may not be used for lamps).

## מִשְׁנָה ב

שְׁבִיעִית<sup>1</sup> נִתְּנָה לֶאֱכִילָה וְלִשְׁתִּיָּה וּלְסִיכָה, <sup>2</sup>לֶאֱכֹל דָּבָר שֶׁדָּרְכוֹ לֶאֱכֹל, <sup>3</sup>וְלִשְׁתּוֹת דָּבָר שֶׁדָּרְכוֹ לִשְׁתּוֹת, וְלִסּוּף דָּבָר שֶׁדָּרְכוֹ לִסּוּף. לֹא יִסּוּף יֵינִין וְחוֹמֶץ, אֲבָל סֵךְ הוּא אֶת-הַשֶּׁמֶן. וְכֵן בְּתְרוּמָה וּבְמִעֶשֶׂר שֵׁנִי. קָל מֵהֶם שְׁבִיעִית שֶׁנִּתְּנָה לְהִדְלִקֶת הַנֵּר.<sup>5</sup>

## Mishnah 3

They must not sell<sup>1</sup> *Sabbatical Year* produce by bulk, or weight, or number;<sup>2</sup> nor figs by number; nor vegetables by weight.<sup>3</sup> The School of Shammai say, Not even in bundles,<sup>4</sup> but the School of Hillel say, What is ordinarily tied up in bundles in the house they may tie in bundles in the market, as, for instance, leeks and star-of-Bethlehem.<sup>5</sup>

## מִשְׁנָה ג

אֵין מוֹכְרִין פִּירוֹת שְׁבִיעִית לֹא בְּמִדָּה, וְלֹא בְּמִשְׁקָל, וְלֹא בְּמִנְיָן;<sup>2</sup> וְלֹא תֵּאֵנִים בְּמִנְיָן, וְלֹא יֶרֶק בְּמִשְׁקָל, בֵּית שְׁמַאי אוֹמְרִים, אֵף לֹא אֲגוּדוֹת; וּבֵית הַלֵּל אוֹמְרִים, אֶת-שֶׁדָּרְכוֹ לֶאֱגוֹד בְּבֵית אוֹגְדִין אוֹתוֹ בְּשׁוּק, כְּגוֹן הַכֶּרֶשֶׁן וְיֹנֵץ הַחֶלֶב.<sup>5</sup>

**1** Or מוֹכְרִים פִּירוֹת. **2** All in order that they be sold cheaply, but in all cases only such produce may be sold as is left over from what has been gathered. **3** In both cases, even though the method be varied, it is not permitted. **4** Or אֲגוּדוֹת.

All done in order to avoid the appearance that they were being used for trading purposes. 5 Or *asphodel*, day-lily, kingspear. (Compare 7<sup>1</sup>).

#### Mishnah 4

Someone says to a labourer,<sup>1</sup> 'Here is for thee an *issar*<sup>2</sup> and gather<sup>3</sup> for me vegetables to-day'—his payment is allowed;<sup>4</sup> 'Gather<sup>5</sup> for me in return for it<sup>6</sup> vegetables to-day'—his payment is forbidden. One bought from the baker a loaf worth<sup>7</sup> a *pundion*,<sup>8</sup> 'When I shall have gathered<sup>9</sup> vegetables from the field I will bring them to thee'—this is allowed;<sup>10</sup> but if he bought from him unconditionally he must not pay<sup>11</sup> him with the money from the *Sabbatical Year* produce, because a debt may not be repaid with the money from *Sabbatical Year* produce.

#### משנה ד

יֵהָאֹמֵר לַפּוֹעֵל, הֵא לָךְ אֶסָּר זֶה  
וְלִקְטָה לִי יֶרֶק הַיּוֹם, שְׂכָרוֹ מוֹתָר;<sup>4</sup>  
וְלִקְטָה לִי בּו יֶרֶק הַיּוֹם, שְׂכָרוֹ  
אֶסוּר. לָקַח מִן-הַנְּחִתּוֹם כֶּכֶר  
בְּפוֹנְדִיּוֹן,<sup>7</sup> כִּשְׁאֵל קוֹט יֶרֶקוֹת  
שָׂדֶה אָבִיא לָךְ,<sup>10,4</sup> מוֹתָר; לָקַח  
מִמֶּנּוּ סֶתֶם,<sup>11</sup> לֹא יִשְׁלֶם לוֹ מִדְּמֵי  
שְׁבִיעִית, שְׁאִין פּוֹרְעִין חוֹב מִדְּמֵי  
שְׁבִיעִית.

1 In the Sabbatical Year. Literally *to the labourer*—perhaps לַפּוֹעֵל, *to a labourer*.  
2 אֶסָּר = 8 פְּרוֹטוֹת (see פְּרוֹטוֹת וְרָעִים Introduction, Tables). 3 וְלִקְטָה in some editions.  
4 Or מוֹתָר. 5 Or, in some editions, לִקְטָה. i.e., he said, 'Gather etc'. 6 i.e., for the *issar*. 7 But not in exchange for a פוֹנְדִיּוֹן coin(s). 8 אֶסָּר = 2 פוֹנְדִיּוֹן. Or בְּפוֹנְדִיּוֹן.  
9 i.e., and the buyer said, 'When I shall etc'. 10 Because in this case it partakes of the nature of a free gift. 11 Because in this case it partakes of the character of a transaction.

#### Mishnah 5

They must not give<sup>1</sup> to a well-digger<sup>4</sup> or to a bath-house<sup>4</sup> keeper or to a barber or to a sailor,<sup>2</sup> but one may give to a well-digger<sup>4</sup> for<sup>3</sup> a drink; and he may give<sup>5</sup> it to any of them<sup>4</sup> as a free gift.

#### משנה ה

אֵין נוֹתְנִים לֹא לַבִּיֵּר וְלֹא לַבִּלָּן<sup>4</sup>  
וְלֹא לַסֹּפֵר וְלֹא לַסֶּפֶן, אֲבָל נוֹתֵן  
הוּא לַבִּיֵּר לְשִׁתּוֹת; וְלַכּוֹלֵן הוּא  
נוֹתֵן מִתְּנוֹת חֲנָם.

1 i.e., pay with Sabbatical Year produce or money. 2 Or *boatman*. Or לַסֶּפֶן.  
3 i.e., to buy. 4 Or לַבִּיֵּר, לַבִּלָּן. 5 Without fear of ulterior motive, since all perceive that they are given as 'tips', gifts, not as a commercial transaction.

## Mishnah 6

Figs of the *Sabbatical Year* may not be cut with a fig-cutter,<sup>1</sup> but one may cut them<sup>2</sup> with a knife.<sup>3</sup> They must not tread grapes in a wine-pressing vat, but one may tread them in a trough;<sup>4</sup> and they may not prepare olives in an olive-press or in an olive-crusher,<sup>5</sup> but one may crush them and put them into a small olive-press.<sup>6</sup> R. Simon says,<sup>7</sup> One may even grind them in an olive-press and put them into a small olive-press.<sup>8</sup>

## משנה ו

תאנים של שביעית אין קוצין אותן  
 1 במקצה, אבל קוצה 2 אותם  
 3 בתרבה. אין דורכין ענבים בגת.  
 אבל דורכ הוא 4 בצערבה; ואין  
 עושין זיתים בבד 5 ויבקטב, אבל  
 כותש הוא ומכנים 6 לבודידה. כפי  
 7 שמעון אומר, אף טוחן הוא בבית  
 הבד, ומכנים 8 לבודידה.

1 Literally *with the fig-cutter*—perhaps *במקצה*. All the processes mentioned in this *Mishnah* are to illustrate the fact that the produce should be dealt with not as in ordinary years. 2 Or *אוחן* in some texts. 3 Others interpret the words *מקצה* and *תרבה* not as referring to cutting instruments but to the places not usually assigned for such operations so as to show that the laws of the Sheviith are constantly kept in mind, thus *מקצה* would be a place usually assigned for other purposes and *תרבה* a waste-place cleared away for this express purpose. 4 Or *בצריבה*, *trough, tub, kneading-trough*. 5 *קוטב*, a small olive-press or wine-press with a round beam crusher. 6 Or *לבדידה*—the word is diminutive for the larger olive-press always referred to as *בית הבד*. 7 His ruling is accepted.

## Mishnah 7

Vegetables of the *Sabbatical Year* may not be cooked<sup>1</sup> with oil of *heave-offering*<sup>2</sup> so that it be not rendered unfit;<sup>3</sup> R. Simon<sup>4</sup> permits it. And the last<sup>5</sup> becomes subject to the *Sabbatical Year* law, but the *Sabbatical Year* produce itself remains forbidden.

## משנה ז

אין מבשלין ירק של שביעית  
 בשמן של תרומה, שלא יביאנו  
 ליד 3 פסול; כפי 4 שמעון מתיר.  
 5 ואחרון אחרון נתפש בשביעית,  
 והפרי עצמו אסור.

1 Or *boiled*. 2 Or *priest's share of the produce*. 3 Or *invalid, disqualified*, and then both oil and vegetables would have to be burned thus causing Sabbatical Year produce to be wasted. 4 His view is rejected. 5 *i.e.*, if the Sabbatical Year produce be exchanged for A, then A becomes as the produce; then if A be exchanged for B, then B becomes as holy as the original produce (A losing this holy status); and so on; but the original produce *does not* lose its holy status.

## Mishnah 8

They must not buy slaves or lands or an unclean beast with the money<sup>1</sup> of *Sabbatical Year* produce; but if one did buy,<sup>2</sup> he must consume of equal value. They must not bring as offerings of men afflicted with a discharge<sup>5</sup> or of women afflicted with a discharge<sup>5</sup> or of women after childbirth, pigeons<sup>6</sup> that have been bought with the money of *Sabbatical Year* produce; but if one have brought such, he must consume<sup>2</sup> of equal value. They must not smear vessels with oil of *Sabbatical Year* produce, and if one have smeared, he must consume<sup>2</sup> of equal value.

1 Such money may be used only for purchasing other food for consumption. 2 *i.e.*, he must buy food of equal value for consumption. 3 Or קִיִּי in some texts. 4 וְקִיִּי in some texts. Those afflicted with an issue and women after childbirth were required to bring as sacrifices two turtle-doves, or two pigeons; see *Leviticus* 15, 14, 29. 5 *i.e.*, flux or gonorrhoea. 6 Two pigeons, one as חֲטָאת, *sin-offering*, and one as עֹלָה, *burnt offering*.

## Mishnah 9

If one have smeared a hide with oil of *Sabbatical Year* produce, R. Eliezer says, It must be burned; but the Sages say, He must consume<sup>1</sup> of equal value. They stated before R. Akiba that R. Eliezer used to say, If one smeared a hide with oil of *Sabbatical Year* produce it must be burnt. He replied to them, 'Be silent! I will not state<sup>2</sup> to you what R. Eliezer says regarding this.'

1 *i.e.*, he must buy produce of equal value and consume it. 2 He knew that R. Eliezer was very lenient regarding this matter and would not pass R. Eliezer's view on to them.

## משנה ח

אין לוקחים עבדים וקרקעות ובהמה טמאה מִדְּמֵי שְׁבִיעִית, ואם לָקַח יֹאכַל כְּגִדְּוֹ. אין מביאין קִיִּי וְזָבִים וְקִיִּי נְבוֹת, וְקִיִּי יוֹלְדוֹת מִדְּמֵי שְׁבִיעִית, ואם הֵבִיא יֹאכַל כְּגִדְּוֹ. אין סִכִּין כְּלִים בְּשֶׁמֶן שֶׁל שְׁבִיעִית, ואם סָךְ יֹאכַל כְּגִדְּוֹ.

## משנה ט

עור שֶׁסָּכוּ בְּשֶׁמֶן שֶׁל שְׁבִיעִית רַבִּי אֱלִיעֶזֶר אוֹמֵר, יִדְּלַק; וְחֲכָמִים אוֹמְרִים, יֹאכַל כְּגִדְּוֹ. אָמְרוּ לִפְנֵי רַבִּי עֲקִיבָא, אוֹמֵר הִיא רַבִּי אֱלִיעֶזֶר, עוֹר שֶׁסָּכוּ בְּשֶׁמֶן שֶׁל שְׁבִיעִית יִדְּלַק. אָמַר לָהֶם, שְׁתַּקִּי, לֹא אוֹמֵר לָכֶם מֵה שֶׁרַבִּי אֱלִיעֶזֶר אוֹמֵר בּוֹ.

## Mishnah 10

And they stated further before him, 'R. Eliezer used to say, He that eats<sup>1</sup> of the bread of Samaritans is as one who eats the flesh of swine'. He replied to them, 'Be silent! I will not state<sup>2</sup> to you what R. Eliezer says regarding this'.

מִשְׁנָה י'  
וְעוֹד אָמְרוּ לְפָנָיו אֹמֵר הָיָה רַבִּי  
אֵלִיעֶזֶר, 'הָאוֹכֵל פֶּת כּוֹתִים  
כְּאוֹכֵל בָּשָׂר חֲזִיר; אָמַר לָהֶם,  
שְׁתּוּקוּ, <sup>2</sup>לֹא אוֹמֵר לָכֶם מֶה שֶׁרַבִּי  
אֵלִיעֶזֶר אוֹמֵר בּוֹ.

1 This restriction to the disadvantage of the Samaritans was one of the results of their attempt to prevent the rebuilding of the Temple in the time of Ezra.  
2 He would not reveal to them the opinions of R. Eliezer who was too lenient regarding this subject.

## Mishnah 11

A bath house that was heated<sup>1</sup> with straw or stubble of *Sabbatical Year* produce—it is permitted<sup>2</sup> to wash therein. But if one be a person of importance,<sup>3</sup> such a man will not wash<sup>4</sup> there.

מִשְׁנָה י"א  
מִרְחֵץ <sup>1</sup>שֶׁהִסְקָה בְּתֵבֶן אוּ בִקְשָׁל  
שְׂבִיעִית <sup>2</sup>מוֹתֵר לְרַחוּץ בָּהּ. וְאִם  
<sup>3</sup>מִתְחַשֵּׁב הוּא הָרִי זֶה לֹא  
<sup>4</sup>יִרְחֹץ.

1 *שֶׁהִסְקָה* in some texts. 2 But it should not be done knowingly; and no charge may be made for washing in such case. 3 Such a person is looked up to and is liable to be copied by others. 4 *יִרְחֹץ* in some editions.

## CHAPTER 9

## פֶּרֶק ט

## Mishnah 1

Rue, wild strawberries,<sup>1</sup> purslain,<sup>2</sup> wild coriander, water parsley,<sup>3</sup> and field-rocket<sup>4</sup> are exempt<sup>5</sup> from *tithes* and may be bought from anyone in the *Sabbatical Year* because no watch is maintained over the like of these.<sup>6</sup> R. Judah says,<sup>7</sup> Aftergrowths of mustard are permitted<sup>8</sup> because transgressors<sup>9</sup> are not suspect concerning them. R. Simon<sup>10</sup> says, All aftergrowths are permitted except the aftergrowths of cabbage because the like of these do not

מִשְׁנָה א'  
הַפִּיגִם, <sup>1</sup>וְהִירְבוּיִן הַשּׁוֹטִים,  
<sup>2</sup>וְהַחֲלִילוֹת, כּוֹסֶבֶר שְׂבֻחֵי־רִים,  
<sup>3</sup>וְהַכֶּרֶפֶס שְׂבֻחֵי־רִים, <sup>4</sup>וְהַגִּרְגֵּר שֶׁל  
אֶפֶר, <sup>5</sup>פְּטוּרִין מִן־הַמַּעֲשָׂרוֹת  
וְנִלְקָחִין מִכָּל אָדָם בְּשִׁבְעִית,  
שֶׁאִין <sup>6</sup>פִּיּוּצָא בָּהֶם נִשְׁמָר. רַבִּי  
<sup>7</sup>יְהוּדָה אוֹמֵר, סְפִיחֵי תִרְדֵּל  
<sup>8</sup>מוֹתֵרִין, שֶׁלֹּא נִחְשְׁדוּ עָלֵיהֶן עֹבְרֵי

exist among wild vegetables; but the Sages say, All aftergrowths are forbidden.<sup>11</sup>

שְׁעָבְרָהּ רַבִּי שְׁמַעוֹן אוֹמֵר, כָּל-  
הַסְּפִיחִים מוֹתְרִין, חוּץ מִסְּפִיחֵי  
כְּרוֹב, שְׁאִין כְּיוֹצֵא בָהֶם בִּירְקוֹת  
שָׂדֶה; וְחֻכָּמִים אוֹמְרִים, כָּל-  
הַסְּפִיחִין אֲסוּרִים.<sup>11</sup>

1 Or *goosefoot*, *pigweed*, *strawberry-blite*, *blite*, *strawberry-spinach* (see **Supplement**). 2 Or *purslane*. 3 Or *river-celery*. 4 Or *meadow-eruca*. 5 In all years. 6 *i.e.*, they are ownerless property. 7 His view is rejected. 8 מְתָרִים, מְתָרִין in some texts. 9 שְׁעָבְרָהּ in some editions. 10 His opinion is not accepted. 11 Lest transgressors will sow surreptitiously and claim that they are merely natural and spontaneous aftergrowths. Naturally, genuine aftergrowths are permitted according to all opinions.

## Mishnah 2

Three countries are to be considered with regard to the law of *Removal*:<sup>1</sup> Judaea, and beyond the Jordan, and Galilee; and each<sup>2</sup> is divided into three districts—Upper Galilee, Lower Galilee, and the Valley;<sup>3</sup> from Kfar Chananiah upwards, wherever sycamores do not grow, is Upper Galilee; and from Kfar Chananiah downwards, wherever sycamores grow, is Lower Galilee; and the region of Tiberias is the Valley.<sup>4</sup> And in Judaea, the Hill-country and the Plain<sup>5,6</sup> and the Valley.<sup>7</sup> And the Plain<sup>5,6</sup> of Lydda is considered as the Plain<sup>5,6</sup> of the South, and its Hill-country is as the King's Hill-country.<sup>8</sup> From Beth-Horon to the sea is considered a single region.

1 A person may eat of *Sabbatical Year* produce gathered into his house so long as such is still growing where he lives, otherwise it must be either consumed immediately or else destroyed by being burnt or cast into the sea. (*Leviticus* 25, 7). By clearing all produce out of the house he gives equal opportunity to the poor and the beasts of the field to partake of the Sabbatical fruit. 2 אַחַת

מְשֻׁנָּה ב  
שֶׁלֹש אֶרְצוֹת <sup>1</sup>לְבָעוֹר, יְהוּדָה  
וְעֵבֶר הַיַּרְדֵּן וְהַגָּלִיל, וְשֶׁלֹש שֶׁלֹש  
אֶרְצוֹת לְכָל <sup>2</sup>אֶחָד וְאֶחָד, <sup>3</sup>גָּלִיל  
הָעֲלִיוֹן, וְגָלִיל הַתַּחְתּוֹן, וְהָעֵמֶק;  
מִכְפָּר חֲנָנְיָה וְלִמְעֵלָן, כָּל-שְׁאִינוֹ  
מִגְדֵּל שְׁקָמִין גָּלִיל הָעֲלִיוֹן; וּמִכְפָּר  
חֲנָנְיָה וְלִמְעֵלָן, כָּל-שֶׁהוּא מִגְדֵּל  
שְׁקָמִין גָּלִיל הַתַּחְתּוֹן; וְתַחוּם טְבֵרְיָה  
<sup>4</sup>הָעֵמֶק. וּבִיהוּדָה, הָהָר, <sup>5,6</sup>וְהַשְּׂפֵלָה  
<sup>7</sup>הָעֵמֶק. <sup>6,5</sup>וְשְׂפֵלַת לֹוד כְּשְׂפֵלַת  
הַדְּרוֹם, וְהָהָר שְׁלֵה <sup>8</sup>כְּהָר הַמֶּלֶךְ.  
מִבֵּית חֹרֹן וְעַד הַיָּם מְדִינָה אֶחָת.



וְאֶתָּה in some editions. **3** These are the three districts of Galilee. The Valley here mentioned is the Galilean Valley. The seasons vary in each of these districts owing to the different climatic conditions prevailing in various parts of Palestine. **4** The Valley of Galilee. **5** Or *Lowlands*. **6** Sycamores grow plentifully in the שְׁפִלָּה (see *I Kings* 10, 27). הַשְּׁפִלָּה in some editions. **7** In some editions, וְהַגִּבְעָה הַעֲמֻקָּה. **8** *i.e.*, like the hill-country of Judaea; there the *Sabbatical Year* produce may be eaten as long as the like exists in the king's hill-country fields. (For the geographical location of all these places see *Joshua* 15).

## Mishnah 3

And why did they speak of three countries?—That they may eat<sup>1</sup> in each country until the last therein is ended.<sup>2</sup> R. Simon says,<sup>3</sup> They spoke of three districts only concerning Judaea; and the rest of all the countries are as the king's hill-country. And all these countries are alike<sup>4</sup> regarding olives and dates.<sup>5</sup>

## מְשֻׁנָּה ג

וְלָמָּה אָמְרוּ שֶׁל אֶרְצוֹת שְׁתֵּי הָאֲרָצוֹת שֶׁיְּהִי  
אֲכָלִין בְּכָל אֶחָת וְאֶחָת עַד  
שֶׁיִּכְלֶה הָאֲחֵרוֹן שָׁבָה. רַבִּי שִׁמְעוֹן  
אוֹמֵר, לֹא אָמְרוּ שֶׁל אֶרְצוֹת  
אֶלָּא בִּיהוּדָה. וְשָׂאֵר כָּל־הָאֶרְצוֹת  
כְּהַר הַמִּלָּךְ. וְכָל הָאֶרְצוֹת כְּבִיאָתָה  
לְיִתִּים וְלִתְמָרִים.<sup>5</sup>

**1** In the Sabbatical Year. **2** *i.e.*, until the last of the produce of the Sabbatical Year in that country is ended. **3** His view is not accepted. **4** כְּאַחַד in some editions. **5** Outside the Judaeian hill-country any Sabbatical Year produce may be eaten until the like comes to an end in the Judaeian hill-country. Carobs may be eaten all the season; olives may be eaten until the Festival of Weeks of the eighth year and dates until the Purim of the eighth year. Perhaps לְיִתִּים וְלִתְמָרִים, *regarding the olives and the dates*.

## Mishnah 4

They may eat with reference to ownerless<sup>1</sup> produce but not with reference to owned produce; R. Jose<sup>2</sup> permits it even in reference to owned property.<sup>4</sup> They may eat<sup>1,3</sup> with reference to poor grains and to twice-a-year-bearing figs,<sup>5</sup> but not to winter-fruits.<sup>6</sup> R. Judah<sup>7</sup> permits this so long as they ripened before the summer<sup>8</sup> was over.

## מְשֻׁנָּה ד

אֲכָלִין עַל הַמּוֹפְקָר, אֲבָל לֹא  
עַל הַשְּׁמוּר: רַבִּי יוֹסִי מִתִּיר אֶף  
עַל הַשְּׁמוּר.<sup>1</sup> אֲכָלִין עַל הַטְּפִיחִין  
וְעַל הַדּוֹפְרָא, אֲבָל לֹא עַל  
הַסְּתוּנוֹיוֹת. רַבִּי יְהוּדָה מִתִּיר  
כָּל־זֶמֶן שֶׁבָּכְרוּ עַד שֶׁלֹּא יִכְלֶה  
הַקָּרִץ.<sup>8</sup>

1 Or *unowned*. 2 His view is rejected. 3 *i.e.*, *Sabbatical Year* produce that had been brought indoors may be eaten so long as ownerless like produce still exists in the fields, but not so long as it is still in private ownership or 'watched over'. Some authorities take שְׂפִיחִין to refer to the jar-like receptacle made of clay for birds' nests and so long as seeds, etc., remain in them so long may the like produce be kept indoors; and according to others the Sabbatical Year produce may be eaten so long as the stunted late ripening grain remains in the field. Others refer שְׂפִיחִין to the parapets of the roof in which receptacles were dug, a טַפַּח (handbreadth) in size in which to store grain for birds to pick. (Compare *I Kings* 7, 9 'for the foundations to the טַפַּחוֹת'). 4 *i.e.*, when it is still found in private ownership or 'watched over'. 5 Or דִּיפְרָא, דִּיפְרָא, a species of fig that grows twice a year upon the tree, and the בִּיעוּר, *Removal*, follows the second crop. (דִּיפְרָא is Greek and Latin and means *bearing twice* [a year]). 6 Or הַסִּיתוּגִיּוֹת, late fruits remaining on trees until winter time. 7 His opinion is not accepted. 8 Of the Sabbatical Year.

## Mishnah 5

If one put three kinds of pressed vegetables<sup>1</sup> into one barrel,<sup>2</sup> R. Eliezer says, They may eat<sup>3</sup> them with reference to the first;<sup>4</sup> R. Joshua says, Even with reference to the last.<sup>5</sup> Rabban Gamaliel says, All species that come to an end<sup>6</sup> in the field: one must apply the law of *Removal* to the same species in the barrel; and the law is according to his opinion.<sup>7</sup> R. Simon says, All vegetables are alike regarding the law of *Removal*. They may eat<sup>8</sup> portulacaceae<sup>9</sup> until the tares<sup>10</sup> come to an end in the Valley of Beth-Netofah.<sup>11</sup>

1 *i.e.*, if one preserves in the *Sabbatical Year* three kinds of vegetables, whose seasons vary. 2 In vinegar or brine. 3 *i.e.*, they may be eaten. 4 Until one of the three kinds to ripen is not to be found in the field, in which case all the others equally become forbidden. 5 So long as the last of the three kinds to ripen still remains in the field. He may eat of the others, though these are no longer to be found in the field. 6 Or שְׂכָלָה (*Kal*). 7 The accepted ruling with regard to the three pickled or preserved vegetables is that one must be removed from the barrel the like of which has disappeared from the fields, and the others, even though they may have been impregnated with the flavour of the one

## מִשְׁנָה ה

הַכּוֹבֵשׁ שְׁלֹשָׁה<sup>1</sup> כִּבְשִׁים<sup>2</sup> בְּבִתּוֹ  
אֶחָת, רַבִּי אֱלִיעֶזֶר אוֹמֵר, אֹכְלִין  
עַל הָרִאשׁוֹן; רַבִּי יְהוֹשֻעַ אוֹמֵר,  
אֵף עַל הָאַחֲרוֹן. כֶּן גַּמְלִיאֵל  
אוֹמֵר, כָּל-שְׂכָלָה מֵינוּ מִן-הַשָּׂדֶה  
יִבְעַר מֵינוּ מִן-הַבֵּית; וְהִלְכָה  
'כְּדַבְּרֵי. רַבִּי שִׁמְעוֹן אוֹמֵר,  
כָּל-יֶרֶק אֶחָד לִבְעוּר.<sup>8</sup> אֹכְלִין  
בְּרִגְלָה עַד שִׁכְלוּ<sup>10</sup> סִגְרִיּוֹת  
מִבִּקְעַת בֵּית נְטוּפָה.<sup>11</sup>

removed, may remain for use. 8 This is an accepted ruling. 9 Or *purslane*, *purslain*. Of the *Sabbatical Year*. 10 Or אֶכְסִינְיוֹת from אֶכְסִינְיוֹן. Or *vetches*; greens used for garum (made from small marinated or pickled fish)—a kind of artichoke which thrives lusciously and lasts long in the moist soil of Beth-Netofah. 11 Near Bethlehem in Judah. The soil there is very moist and the tares last long.

### Mishnah 6

If one gathered fresh greens, until<sup>1</sup> the moisture<sup>2</sup> has dried up.<sup>2</sup> And if one gathered dried greens, until<sup>4</sup> the second rainfall.<sup>5</sup> Leaves of reeds and leaves of vines, until<sup>6</sup> they fall from their branches; and if one gather them dry, until the second rainfall. R. Akiba says, In all these cases, until<sup>7</sup> the second rainfall.

מִשְׁנָה ו  
הַמְלֵקֵט עֹשִׂים לַחִים<sup>1</sup> עַד<sup>2</sup> שְׁיִיבֹשׁ  
הַמְתוֹק. וְהַמְגַבֵּב בִּיבֹשׁ<sup>4</sup> עַד שְׁתֵּרֵד  
רְבִיעֵה שְׁנִיָּה. עָלֵי קָנִים וְעָלֵי  
גִפְנִים, עַד<sup>6</sup> שֶׁיִּשְׁרֹוּ מֵאֲבִיהֶן;  
וְהַמְגַבֵּב בִּיבֹשׁ, עַד שְׁתֵּרֵד רְבִיעֵה  
שְׁנִיָּה. רַבִּי עֲקִיבָא אוֹמֵר, בְּכוֹלָן  
עַד שְׁתֵּרֵד רְבִיעֵה שְׁנִיָּה.<sup>7</sup>

1 Of the Sabbatical Year produce: he may continue to eat them and this is the accepted ruling. 2 Or שְׁיִיבֹשׁ. 3 From the ground. 4 Of the Sabbatical Year: he may eat of them until the second rainfall of the next year, and this is the accepted ruling in the case of vegetables that are usually eaten dry. 5 'The rain (מָטָר and גֶּשֶׁם) in Palestine was known as מְלֵקוֹשׁ, *latter rain*, light rains in spring, and מוֹרָה or יוֹרָה, *former rain*, heavy rains in early autumn. The latter comes in three intervals, רְבִיעֵה (from root רָבַע, *fructify*), the רְבִיעֵה רִאשׁוֹנָה to the 17th חֶשֶׁן, the רְבִיעֵה שְׁנִיָּה to the 23rd חֶשֶׁן, and the רְבִיעֵה שְׁלִישִׁית to 1st חֶשֶׁן; if the רְבִיעֵה רִאשׁוֹנָה falls for seven days continuously it is considered as the whole three רְבִיעֵה. 6 They may be used until those still remaining in the field fall from the branches. 7 They may continue to be used up to 23rd חֶשֶׁן after which they are subject to the law of Removal.

### Mishnah 7

Similarly, if one hire a house to his fellow<sup>1</sup> until the rains, until<sup>2</sup> the second rainfall. If one take a vow to derive no benefit from his fellow<sup>3</sup> until the rains, until the second rainfall. Until when may the poor enter<sup>4</sup> orchards?<sup>5</sup>—Until the second rainfall. When<sup>6</sup> may they make use of or burn straw and

מִשְׁנָה ז  
כִּיּוֹצֵא בּוֹ, הַמְשְׁכִּיר בֵּית<sup>1</sup> לַחֲבִירוֹ  
עַד הַגְּשָׁמִים, עַד שְׁתֵּרֵד רְבִיעֵה  
שְׁנִיָּה. הַמּוֹדֵר הַנָּאָה מִחֲבִירוֹ עַד  
הַגְּשָׁמִים, עַד שְׁתֵּרֵד רְבִיעֵה שְׁנִיָּה.  
עַד אֵימָתִי עֲנִיִּים<sup>4</sup> וְנִכְנָסִים

stubble of the *Sabbatical Year*?— **לְפָרְדָּסוֹתָ עַד שְׁתַּרְדַּד רְבִיעָה**  
 When<sup>6</sup> the second rainfall has fallen. **שְׁנִיָּה. עַד אֵימָתִי נִהְיִין וְשׁוֹרְפִין**  
**בְּתֵבָן וּבְקֶשׁ שֶׁל שְׁבִיעִית? מִשְׁתַּרְדַּד**  
**רְבִיעָה שְׁנִיָּה.**

1 Or **לְחִבְרוֹ**. 2 *i.e.*, it must be taken to signify until the second rainfall, but not later for fear of damage to the soil and seeds by people trampling over the ground.  
 3 Or **הַמִּדְרַגְּגָּה מִחֲבָרוֹ**. 4 Without having to ask permission from the owners.  
 5 Or *gardens, oliveyards, vineyards. i.e.*, to glean. 6 *i.e.*, after, when the straw and stubble left in the field are no longer fit for the animals.

#### Mishnah 8

If one had *Sabbatical Year* produce<sup>1</sup> and the time<sup>2</sup> for *Removal*<sup>3</sup> arrived, he must allot food for three meals to every person.<sup>4</sup> And the poor may eat<sup>5</sup> after the *Removal*,<sup>6</sup> but not the well-to-do: this is the opinion of R. Judah. R. Jose<sup>7</sup> says, Not only the poor but also the well-to-do may eat<sup>8</sup> after the *Removal*.

**מִשְׁנָה ח**  
**מִי שֶׁהָיוּ לוֹ פִּירוֹת שְׁבִיעִית**  
**וְהָיָה שְׁעֵת הַבַּעֲוִר מִחֲלָק**  
**מִזֶּן שֶׁלֹּשׁ סְעוּדוֹת לְכָל אֶחָד**  
**וְאַחֵד. וְעֲנִיִּים יֹאכְלִין אַחֵר**  
**הַבַּעֲוִר אֲבָל לֹא עֲשִׁירִים.**  
**דִּבְרֵי רַבִּי יְהוּדָה. רַבִּי יוֹסִי**  
**אֹמֵר, אֶחָד עֲנִיִּים וְאַחֵד עֲשִׁירִים.**  
**יֹאכְלִין אַחֵר הַבַּעֲוִר.**

1 Or **פִּירוֹת**. 2 See this **Chapter, Mishnah 2**. 3 Or **הַבַּעֲוִר**. 4 Among his own household first, and then among neighbours, relations and acquaintances, or he simply puts it out of doors and declares that all who wish may eat of it. 5 Of the produce. 6 Or **הַבַּעֲוִר**. 7 His ruling is accepted. 8 In some editions **אֵין יֹאכְלִין**, *may not eat*.

#### Mishnah 9

If one had *Sabbatical Year* produce that had fallen to him by inheritance or had been presented to him as a gift, R. Eliezer says,<sup>1</sup> It must be given away<sup>2</sup> to such as will eat it; but the Sages say, The sinner must not receive any benefit,<sup>3</sup> but let it be sold<sup>2</sup> to such as will eat it and this money be shared out<sup>4</sup> among all of them. One who eats of the

**מִשְׁנָה ט**  
**מִי שֶׁהָיוּ לוֹ פִּירוֹת שְׁבִיעִית**  
**שֶׁנָּפְלוּ לוֹ בִּירוּשָׁה אוֹ שֶׁנָּתְנוּ לוֹ**  
**בְּמַתָּנָה, רַבִּי יְאֵלִיעֶזֶר אֹמֵר,**  
**יִתְּנֵנוּ לְאֹכְלֵיהֶן; וְחֻכְמִים**  
**אֹמְרִים, יֵאֵין הַחוּטָא נִשְׁכָּר, אֲלֵא**  
**יִמָּכְרוּ לְאֹכְלֵיהֶן, וְדָמֶיהֶן**

dough from *Sabbatical Year* produce before the priest's share was removed<sup>5</sup> is guilty<sup>6</sup> of death.

לִיתְלָקוּ לְכָל אָדָם. הָאוֹכֵל  
מֵעֵסֶת שְׂבִיעִית עַד שְׁלֹא הִוָּרְמָה  
חֲלָתָהּ חַיִּיב מִיתָה.

1 His view is rejected. 2 When the time for 'removal' has arrived. 3 *i.e.*, the possessor or recipient must not be thanked nor give thanks for *Sabbatical Year* produce. 4 Through *בֵּית דִּין* so that the donor shall not receive the thanks of the recipients. 5 Though *Sabbatical Year* produce being *הַפָּקֵר*, *ownerless*, is free from *מַעֲשֵׂרוֹת*, *tithes*, it is nevertheless subject to *חֲלָה*, *the priest's share of the dough*. 6 Death incurred is only *בְּיַד שָׁמַיִם*.

## CHAPTER 10

## פֶּרֶק י'

## Mishnah 1

The *Sabbatical Year* cancels<sup>1</sup> any loan whether under a bond or not under a bond. It does not cancel the debt<sup>2</sup> due to a shopkeeper, but if he converted it into a loan then it<sup>3</sup> does cancel it. R. Judah says, A later debt<sup>4</sup> cancels a preceding debt. The wage of a hired person is not cancelled, but if one converted it into a loan then it is cancelled. R. Jose<sup>5</sup> says, All work that must be interrupted<sup>6</sup> in the *Sabbatical Year* is<sup>7</sup> cancelled, but if it need not be interrupted in the *Sabbatical Year*, it<sup>7</sup> is not cancelled.

## מְשָׁנָה א

שְׂבִיעִית יִמְשָׁמֶטֶת אֶת-הַמָּלוּהִי  
בְשָׂטֵר וְשֹׁלָא בְשָׂטֵר. הַקֶּפֶת  
הַחֲנוּת אֵינָהּ מְשָׁמֶטֶת, וְאִם עָשָׂא  
מָלוּה הָרִי זֶה מְשָׁמֵט. רַבִּי יְהוּדָה  
אוֹמֵר, הֶרְאֵשׁוֹן הֶרְאֵשׁוֹן מְשָׁמֵט.  
שְׂכָר שְׂכִיר אֵינוֹ מְשָׁמֵט, וְאִם  
עָשָׂא מָלוּה הָרִי זֶה מְשָׁמֵט. רַבִּי  
יוֹסִי אוֹמֵר, כָּל-מְלָאכָה  
שְׁפוּסָקָת בְּשְׂבִיעִית מְשָׁמֶטֶת,  
וְשֹׁאֵינָהּ פּוֹסָקָת בְּשְׂבִיעִית אֵינָהּ  
מְשָׁמֶטֶת.

1 A debt can not be reclaimed after the eve of the New Year of the eighth year (see *Deuteronomy* 15, 2). 2 On trust, because this is not of the nature of a loan. 3 Or better *מְשָׁמֶטֶת* as in some editions. 4 *i.e.*, if one takes on trust, then again, the first becomes a loan and is cancelled but not the second; similarly, a third borrowing is not cancelled but the two preceding ones are so cancelled; and so on. But R. Judah's view is rejected. 5 His opinion is not accepted. 6 Or *ceases*. 7 *i.e.*, the hire.

## Mishnah 2

If one slaughtered a cow and shared it<sup>1</sup> on the first<sup>2</sup> day of the Year,<sup>3</sup> and the month were intercalated,<sup>4</sup> the debt<sup>5</sup> is cancelled; but if not, it is not cancelled. The violator<sup>6</sup> and the seducer<sup>7</sup> and the slanderer<sup>8</sup> and all decrees of the court—all debts in connection with these are not cancelled.<sup>9</sup> One who gives a loan on a pledge and he who delivers his bonds to the court<sup>10</sup>—the debts owing to them are not<sup>11</sup> cancelled.

משנה ב  
השוחרט את-הפכה יחלקה  
בִּרְאשׁ הַשָּׁנָה אִם הָיָה הַחֹדֶשׁ  
מְעוֹבָר מְשַׁמֵּט, וְאִם לֹא אֵינוֹ  
מְשַׁמֵּט. הָאוֹסֵס וְהַמְכַּתֵּה  
וְהַמוֹצִיא שֵׁם רָע וְכָל מַעֲשֵׂה  
בֵּית דִּין אֵין מְשַׁמְטִין. הַמְלִיָּה  
עַל הַמַּשְׁכּוֹן וְהַמּוֹסֵר שְׁטָרוֹתָיו  
לְבֵית דִּין אֵינוֹן מְשַׁמְטִין.

1 Among buyers. 2 On the first day of the New Year. 3 The eighth year (the year following the Sabbatical Year). 4 Or מְעַבֵּר, add to, complement, declare a leap-year month, intercalate or complement a month by adding an extra day. (i.e., extending the month to 30 days). In this case the extra day, 30th day, was the last day of the Sabbatical Year. 5 Incurred by the purchasers of the flesh. 6 Deuteronomy 22, 29. 7 Exodus 22, 16, 17. 8 Or libeller. Deuteronomy 22, 13-19. 9 אֵין מְשַׁמְטִים in some texts. 10 That the court should reclaim the debt. 11 Or אֵינוֹן.

## Mishnah 3

A *prozbul*<sup>1</sup> is not cancelled.<sup>2</sup> This is one of the things which Hillel the Elder instituted; when he saw that the people refrained from giving loans<sup>3</sup> to one another and transgressed<sup>4</sup> what was written in the Law,<sup>5</sup> Take heed unto thyself lest there be a base thought in thy heart, etc., Hillel established the *prozbul*.

משנה ג  
פְּרוֹזְבוּל אֵינוֹ מְשַׁמֵּט. זֶה אֶחָד  
מִן-הַדְּבָרִים שֶׁהִתְקִין הֵלֵל הַזֶּקֶן;  
כְּשֶׁרָאָה שֶׁנִּמְנְעוּ הָעָם מִלְּהוֹת  
זֶה אֶת-זֶה, יְעוֹבְרִין עַל מֶה  
שֶׁכָּתוּב בַּתּוֹרָה, הִשָּׁמֶר לָךְ פֶּן  
יִהְיֶה דְבַר עִם לְבָבְךָ בְּלִיעַל  
וְגוֹמֵר, הִתְקִין הֵלֵל פְּרוֹזְבוּל.

1 A *prozbul*, פְּרוֹזְבוּל, is a declaration made in court by a creditor and signed by witnesses before the execution of a loan that the advent of the Sabbatical Year shall not apply to and cancel the said loan (פְּטָה 36; Deuteronomy 15, 9). 2 i.e., a loan secured by a פְּרוֹזְבוּל is not cancelled by the Sabbatical Year. 3 מִלְּהוֹת in some editions. 4 Or יְעוֹבְרִים. 5 See Introduction.

## Mishnah 4

This is the essential formula of the *prozbul*: I give<sup>1</sup> into your charge so-and-so, the judges<sup>2</sup> in such-and-such-a-place, that every debt due to me I may collect whensoever I desire. And the judges,<sup>3</sup> or the witnesses, sign below.

מִשְׁנָה ד  
זֶה גּוֹפוֹ שֶׁל פְּרוֹזְבוּל: וּמוֹסֵר  
אֲנִי לָכֶם אִישׁ פְּלוֹנִי וּפְלוֹנִי  
יִהְיֶינִים שְׁבַמְקוֹם פְּלוֹנִי, שְׁכָל  
חֹב שֶׁישׁ לִי, שְׁאֲגִבּוּ כָל-זְמַן  
שְׁאַרְצָה. וְיִהְיֶינִים חוֹתְמִין לְמַטָּה  
אוֹ הַעֲדִים.

1 The lender makes this declaration before two or three witnesses. 2 Or הַדִּינִים  
3 Or וְהַדִּינִים חוֹתְמִים.

## Mishnah 5

An antedated<sup>1</sup> *prozbul* is valid, but a postdated<sup>2</sup> one is invalid. Antedated<sup>4</sup> bonds<sup>3</sup> are invalid,<sup>5</sup> but postdated<sup>6</sup> ones are valid. If one borrow from five persons, a *prozbul* is made out for each separately.<sup>7</sup> If five persons borrow<sup>8</sup> from one, he does not have to draw up more than one<sup>9</sup> *prozbul* for them all.

מִשְׁנָה ה  
פְּרוֹזְבוּל הַמּוֹקְדֵם כָּשֵׁר,  
וְהַמְּאוֹחֵר פָּסוּל. שְׁטָרֵי  
חֹב הַמּוֹקְדָּמִים פָּסוּלִים,  
וְהַמְּאוֹחֲרִים כָּשֵׁרִים. אֶחָד לָוֶה  
מִחֲמָשָׁה כּוֹתֵב פְּרוֹזְבוּל לְכָל  
יְאָחֵד וְאֶחָד. חֲמִשָּׁה לְלוֹיִן מְאָחֵד,  
אִינוֹ כּוֹתֵב אֶלָּא פְּרוֹזְבוּל יְאָחֵד  
לְכוֹלָם.

1 This proves it to be genuine because the lender loses advantage thereby as it can not cover any bonds contracted later. 2 The *prozbul* can not cover future debts. 3 Or notes of indebtedness. 4 It is against the law to make claims on loans not yet contracted. Or הַמְּקֻדָּמִים. 5 In some editions. 6 The *prozbul* is valid, because evidently the lender is at a disadvantage as he can not claim on loans contracted before the date on the bonds. Or הַמְּאוֹחֲרִים. 7 Each creditor's name must be entered on a separate *prozbul*. 8 Or לְלוֹיִן. 9 One inclusive *prozbul* for the five borrowers, or all five borrowers' names are entered on the one document.

## Mishnah 6

A *prozbul* may be written<sup>1</sup> only for immovable property,<sup>2,3</sup> if he<sup>4</sup> have none, the other<sup>5</sup> transfers to him any part of his own field. If he<sup>6</sup> had

מִשְׁנָה ו  
אֵין יְכוֹתֵבִין פְּרוֹזְבוּל אֶלָּא עַל  
הַקָּרְקָע; אִם אֵין לוֹ מְזֻכָּה

# SHEVIITH 10<sup>9</sup>

party is to hand over to buyer). בַּנְיָקָע, *land*, is taken possession of by a buyer by (a) בָּכָסֶף (*ready money*); (b) שְׁטָר (*document from seller*); (c) חֲזָקָה (*e.g., buyer locks up and keeps key*); (d) חֲלִיפִין (*buyer gives object in exchange*). 4 Without the act of מְשִׁיכָה either party can repudiate a deal. 5 Or הִמָּקִיִּם. He who keeps to a deal without מְשִׁיכָה.

## סְלִיק מַסְכַּת שְׁבִיעִית

### CONCLUSION OF TRACTATE SHEVIITH



תרומות

# TERUMOTH

[BEING THE  
SIXTH TRACTATE OF THE MISHNAH]  
*TEXT · INTRODUCTION · TRANSLATION*  
*NOTES*

By

PHILIP BLACKMAN, F.C.S.

*This Tractate has been revised by*

RABBI BERNARD M. CASPER, M.A.

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has become a major employer in the UK, and its growth has been a major factor in the overall growth of the economy. The public sector has also become a major source of employment for women, and its growth has been a major factor in the overall growth of the economy.

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תרומות

TERUMOTH



## INTRODUCTION

The סדר זרעים (**Tractate Terumoth**) is the sixth of the **מסכת תרומות** (**Order Zeraim**). It has no זמרא in the **תלמוד בבלי**, *Babylonian Talmud*, but there is זמרא to it in the **תלמוד ירושלמי**, *Jerusalem* (or *Palestinian*) *Talmud*. This *Tractate* is based on *Numbers* 18, 8, 12, 24, 26, and *Deuteronomy* 18, 4.

*Numbers* 18,

(8) וַיְדַבֵּר ה' אֶל-אַהֲרֹן וְאָנִי הֵנָּה נָתַתִּי לָךְ אֶת-מִשְׁמַרְתּוֹ תְּרֹמֹתַי לְכָל-קֹדֶשׁ בְּנֵי יִשְׂרָאֵל לָךְ נִתְּמִים לְמִשְׁחָה וּלְכֹנִיף לְחֶק עוֹלָם.

And the Eternal spake unto Aaron, And I, behold, have given thee the charge of My heave-offerings of all the hallowed things of the children of Israel; unto thee have I given them for a consecrated portion, and to thy sons, as a statute for ever.

(12) כָּל חֶלֶב יִצְהָר וְכָל-חֶלֶב תִּירוֹשׁ וְדָגָן רִאשִׁיתָם אֲשֶׁר יִתְּנוּ לָהּ לָךְ נִתְּמִים.

All the best of the oil, and all the best of the wine, and of the corn, the first part of them which they shall give unto the Eternal, to thee have I given them.

(24) כִּי אֶת-מַעֲשֶׂר בְּנֵי יִשְׂרָאֵל אֲשֶׁר יִרְיֻמוּ לָהּ תְּרוּמָה נָתַתִּי לְלִוִּים לְנַחֲלָה צֶלֶב-בֶּן אֲמִרְתִּי לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחִלוּ נַחֲלָה.

For the tithe of the children of Israel, which they separate as a heave-offering unto the Eternal, I have given to the Levites for an inheritance; therefore I have said unto them, Among the children of Israel they shall not have an inheritance.

(26) וְאֶל-הַלִּוִּים תְּדַבֵּר וְאָמַרְתָּ אֲלֵיהֶם כִּי תִקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל אֶת-הַמַּעֲשֶׂר אֲשֶׁר נָתַתִּי לָכֶם מֵאֲתָם בְּנַחֲלָתְכֶם וְהִרְמַתֶּם מִמֶּנּוּ תְּרֹמֶת ה' מַעֲשֶׂר מִן-הַמַּעֲשֶׂר.

And unto the Levites shalt thou speak, and say unto them, When ye take of the children of Israel the tithe which I have given you from them for your inheritance then ye shall separate of it a heave-offering for the Eternal, even a tithe of the tithe.

*Deuteronomy* 18,

(4) רִאשִׁית דִּגְנְךָ תִּירֶשֶׁה וְיִצְהָרְךָ וְרִאשִׁית זֵן צֹאנְךָ תִּתֵּן-לוֹ.

The first-fruits of thy corn, of thy wine, and of thine oil, and the first of the fleece of thy flock shalt thou give to him.

## Mishnah 3

If a minor have not produced two hairs,<sup>1</sup> R. Judah says, His separation of the *priest's-due* is valid *priest's-due*. R. Jose says,<sup>2</sup> If he have not yet reached the<sup>3</sup> age when his vows are valid, his separation of the *priest's-due* is invalid; but if he had reached<sup>4</sup> the age when his vows are valid, his separation of the *priest's-due* is valid.

1 The token of having attained to puberty. 2 His ruling is accepted. 3 In the case of a boy, twelve years and one day; in that of a girl, eleven years and one day. (But according to the Rambam, a year later in each case). 4 ומשבא in some editions. \*Or שערות

## משנה ג

קטן שלא הביא שתי שערות, רבי יהודה אומר, תרומתו תרומה. רבי יוסי אומר, אם עד שלא בא לעונת נדרים אין תרומתו תרומה; מושבא לעונת נדרים תרומתו תרומה.

## Mishnah 4

One may not separate the *priest's-due* from olives instead of from oil, or from grapes instead of from wine, and if they have so separated, the School of Shammai say,<sup>1</sup> The separated portion is valid for its own produce;<sup>1</sup> but the School of Hillel say,<sup>2</sup> Their separated portion is not valid *priest's-due*.

1 i.e., for the olives or the grapes. 2 Their opinion is the accepted ruling.

## משנה ד

אין תורמין זיתים על השמן ולא ענבים על היין; ואם תרמו, בית שמאי אומרים, תרומת עצמן בהם; ובית הלל אומרים, אין תרומתן תרומה.

## Mishnah 5

One may not separate the *priest's-due* from<sup>1</sup> gleanings, or from the forgotten gleaning, or from the field-corner, or from the ownerless produce; or from the first tithe from which the *priest's-due* had been separated, or from the second tithe or dedicated produce which has been redeemed,<sup>2</sup> or from that which is liable [to tithes] instead of from what is exempt, or from what is exempt instead of from

## משנה ה

אין יתורמין מן-הללקט, ומן-השכחה, ומן-הפאה, ומן-ההפקר, ולא ממעשר ראשון שנטלה תרומתו, ולא ממעשר שני והקדש שגופדו, ולא מן-החייב על הפטור, ולא מן-הפטור על החייב, ולא מן-התלוש על המחובר, ולא

what is liable,<sup>3</sup> or from that which is plucked instead of from what is unplucked,<sup>4</sup> or from what is unplucked<sup>4</sup> is plucked, or from the new produce<sup>5</sup> for the old produce,<sup>6</sup> or from the old produce<sup>6</sup> for the new produce,<sup>5</sup> or from produce of Palestine for produce from outside Palestine, or from produce outside Palestine for produce of Palestine. And if one have so separated *priest's-due* it is not valid.

1 The first three referred to in this *Mishnah*, viz., gleanings, the forgotten sheaf, and the field-corner, are *מתנות עניים*—'gifts to the poor'—and one cannot use them, or part of them, as *priest's-due* for other produce which is still *טָבֵל*, 'which have not been redeemed,' in some editions. 2 Produce becomes liable to tithe only when it has grown to a third of its full size. 3 Or *המחבר*. 4 The produce of the present year. 5 The preceding year's produce.

#### Mishnah 6

There are five who may not separate the *priest's-due*, but if they have separated it, their separated due is valid *priest's-due*; he who is dumb,<sup>1</sup> or drunk,<sup>2</sup> or naked, or blind,<sup>3</sup> and one who has suffered pollution,<sup>4</sup> may not separate the *priest's-due*, but if they have so separated the *priest's-due*, their separated due is valid *priest's-due*.

1 One who hears but cannot speak, for he cannot recite the appropriate Benediction. Similarly a nude person may not recite the Benediction. 2 Who is incapable of reciting the Benediction with due seriousness and devotion and is unable to distinguish between the good and inferior products. 3 Who is not able to see the quality of what he is separating. 4 i.e., expelled semen virile.

#### Mishnah 7

The *priest's-due* may not be separated by measure, by weight or by number; but one may separate from that which has been measured, or weighed or numbered. One may

מן-המחבר על התלוש, ולא  
מן-ההחדש על הישן, ולא מן-  
הישן על ההחדש, ולא מפירות  
האֶרֶץ על פירות חוצה לאֶרֶץ,  
ולא מפירות חוצה לאֶרֶץ על  
פירות האֶרֶץ. ואם תרמו, אין  
תרומתי תרומה.

#### משנה ו

חמשה לא יתרמו, ואם תרמו,  
תרומתן תרומה, <sup>1</sup>האֵלם, <sup>2</sup>והשכור,  
והערום, <sup>3</sup>והסומא, <sup>4</sup>ויבֵעַל קרי לא  
יתרמו, ואם תרמו, תרומתן  
תרומה.

#### משנה ז

אין תורמין לא במדה, ולא  
במשקל, ולא במנין; אֲבָל תורם  
הוא אֶת-המדוד, ואֶת-השקול,

not separate the *priest's-due* in a basket or tub<sup>1</sup> which holds a given measure,<sup>2</sup> but one may separate it therein if it be a half or a third part filled. One must not separate the *priest's-due* in a *seah*-measure half-full because half of it is a known measure.<sup>3</sup>

וְאֶת-הַמְּנוּיִי אֵין תּוֹרְמִין בְּסֵל  
וּבְקוּפָה שֶׁהֵם שֶׁל מִדָּה, אֲבָל  
תּוֹרֵם הוּא בְּהֵן חֲצִיִּין וְשְׁלִישִׁין.  
לֹא יִתְרוֹם בְּסֵאָה חֲצִיָּה, שֶׁחֲצִיָּה  
מִדָּה.

1 Or *hamper, big basket*. 2 Because of *מְרִאִית הָעֵין*, for *appearance's sake*, i.e., it may appear to the onlooker as if the *priest's-due* is being separated in a known measure. 3 Because inside the *seah*-measure there is sometimes a mark to show half of a *seah*. A *seah* is about 60 pints (see *Introduction, Tables*).

### Mishnah 8

One may not separate the *priest's-due* from oil instead of from olives that are to be pressed,<sup>1</sup> or from wine instead of from grapes that are to be trodden; nevertheless if one have thus separated, the separated produce is regarded as valid *priest's-due*, but he must separate a second lot of *priest's-due* from the produce: the first<sup>2</sup> renders other produce into which it may fall liable itself to the law of *priest's-due* and is subject to the law of the *added fifth*,<sup>3</sup> but this is not so with the second.

מִשְׁנָה ח  
אֵין תּוֹרְמִין שֶׁמֶן עַל זֵיתִים  
יְהִנְכַּתְּשִׁין, וְלֹא יֵינן עַל עֲנָבִים  
הַנִּדְרָכִים; וְאִם תָּרַם, תְּרוּמָתוֹ  
תְּרוּמָה וַיִּחְזֹר וַיִּתְרוֹם;<sup>2</sup> הִקְרָא שׁוֹנָה  
מִדְּמַעַת בְּפָנֶי עֲצָמָה וַחֲיִיבִין עָלֶיהָ  
חֹמֶשׁ אֲבָל לֹא שׁוֹנָה.<sup>3</sup>

1 The olives have been crushed but the oil from them has not yet been expressed. 2 If the first *priest's-due*, of the two just mentioned, fell into other ordinary, or non-holy, produce (*חולִּין*) which is less than a hundred times the amount of the admitted *priest's-due*, the mixture may not be eaten by a *יִשְׂרָאֵל*, *non-priest*, but if a *יִשְׂרָאֵל* unwittingly did eat of it he must atone for it by paying its value plus a fifth. But in the case of the second *priest's-due*, which is only *קִדְרָבָן* (a rabbinical enactment ordained as a precaution), this law of the *added fifth* does not apply. 3 *Leviticus* 5, 16.

### Mishnah 9

One may separate the *priest's-due* from oil instead of from preserved olives<sup>1</sup> and from wine instead of

מִשְׁנָה ט  
וְתוֹרְמִין שֶׁמֶן עַל זֵיתִים יְהִנְכַּתְּשִׁים,  
וַיֵּינן עַל עֲנָבִים לְעֻשׂוֹתָם צְמוּקִים.



from grapes that are to be turned<sup>2</sup> into raisins. If one separated the *priest's-due* from oil instead of from olives intended for eating or from other olives instead of from olives meant to be eaten, or from wine instead of from grapes intended to be eaten or from other grapes instead of from grapes meant for eating, and he decided later to press them, he does not have to separate *priest's-due* a second time.

1 Salted olives were preserved in wine or vinegar or water. 2 לעשותן in some editions.

### Mishnah 10

One may not separate the *priest's-due* from produce whose preparation is completed<sup>1</sup> instead of from produce whose preparation is not finished, or from produce whose preparation is not completed instead of from produce whose preparation is completed, or from produce whose preparation is not completed instead of from other produce whose preparation is not finished; but if they have thus separated, their separation is valid *priest's-due*.

1 When the heap of grain has been smoothed over.

## CHAPTER 2

### Mishnah 1

One may not separate *priest's-due* from what is clean instead of from what is unclean; but if they have thus separated, their separation is valid *priest's-due*. Rightly<sup>1</sup> have they said that a cake of pressed figs of which the smaller part became unclean—one may separate from the clean portion therein

הרי שתתם שמן על זיתים לאכילה, וזיתים על זיתים לאכילה, וזין על ענבים לאכילה, וענבים על ענבים לאכילה, ונמלך לדורכן, אין צריך לתרום.

### משנה י

אין תורמין מדבר שנגמרה מלאכתו על דבר שלא נגמרה מלאכתו, ולא מדבר שלא נגמרה מלאכתו על דבר שנגמרה מלאכתו, ולא מדבר שלא נגמרה מלאכתו על דבר שנגמרה מלאכתו; ואם תרמו, תרומתן תרומה.

## פרק ב

### משנה א

אין תורמין מטהור על הטמא, ואם תרמו תרומתן תרומה. <sup>1</sup>באמת אמרו, העגול של דבילה, שנטמא מקצתו, תורם מן-הטהור שיש בו על הטמא שיש בו. וכן אגודה של

for the unclean portion in it. And likewise also in the case of a bundle of greens,<sup>2</sup> and similarly with a heap of grain. If there were two cakes, or two bundles, or two heaps, one unclean and the other clean, one must not separate the *priest's-due* from one<sup>3</sup> for the other.<sup>4</sup> R. Eliezer<sup>5</sup> says, One may separate the *priest's-due* from the clean instead of from the unclean.

1 This is a formula denoting an ancient tradition bearing the same authority as if it were *הִלְכָה לְמֹשֶׁה מִסִּינַי*—a law of Moses from Sinai—and therefore above dispute. 2 Or *vegetables*. 3 From the clean. 4 The unclean. 5 His view is not accepted.

## Mishnah 2

One may not separate<sup>1</sup> the *priest's-due* from what is unclean for<sup>2</sup> what is clean, and if one have so separated, then if it were done in error, his separation is valid *priest's-due*; but if it were done wilfully, his act has no legal validity. And similarly a Levite, who was in possession of *tithe*<sup>3</sup> from which the *priest's-due* had not been separated, and he separated the *priest's-due* from this instead of from other produce, if he did so in error, what he has done is valid, but if he did so wittingly, his act is null and void. R. Judah says,<sup>4</sup> If he knew of it<sup>5</sup> at the outset, even if he acted in error, his act is void.

1 Because the *כֹּהֵן*, *priest*, loses thereby. 2 Or *instead of from*. 3 *תרומה קטנה*, *first tithe*, must be separated from *ראשון*, *first tithe*, before the Levite may eat of it. 4 His view is rejected. 5 *i.e.*, that it was unclean.

יֵרֶק וְכֵן עֲרִימָהּ. הִיוּ שְׁנֵי עֲגוּלִים,  
שְׁתֵּי אֲגוּדוֹת, שְׁתֵּי עֲרִימוֹת, אַחַת  
טְמֵאָה וְאַחַת טְהוֹרָה, לֹא יִתְרוֹם  
מִזֶּה עַל זֶה. רַבִּי אֱלִיעֶזֶר אוֹמֵר,  
תּוֹרְמִין מִן-הַטְּהוֹר עַל הַטְּמֵא.

## משנה ב

אֵין תּוֹרְמִין מִן-הַטְּמֵא עַל הַטְּהוֹר,  
וְאִם תָּרַם, שׁוֹגֵג תְּרוּמָתוֹ תְּרוּמָה;  
וּמִזִּיד, לֹא עָשָׂה כָּלוּם. וְכֵן בֶּן לֵוִי,  
שֶׁהָיָה לוֹ מַעֲשֵׂר טָבֵל, הָיָה מִפְּרִישׁ  
עָלָיו וְהוֹלֵךְ, שׁוֹגֵג, מֵה-שְּׁעָשָׂה  
עָשׂוֹי; מִזִּיד, לֹא עָשָׂה כָּלוּם. רַבִּי  
יְהוֹנָתָן אוֹמֵר, אִם הָיָה יוֹדֵעַ בּוֹ  
בַּתְּחִלָּה, אִף עַל פִּי שֶׁהוּא שׁוֹגֵג,  
לֹא עָשָׂה כָּלוּם.

## Mishnah 3

If one immerse<sup>1</sup> utensils<sup>2</sup> on the Sabbath, if in error, he may make use of them, but if wilfully, he must not use them. If one tithed or cooked on the Sabbath, if he did so in error, he may eat<sup>3</sup> of it, but if knowingly, he must not eat<sup>4</sup> of it. If one plant on the Sabbath, if he do it in error, he may let it remain, but if wilfully, he must uproot it; but in the *Sabbatical Year*,<sup>5</sup> whether he did so in error or wilfully, he must uproot it.

1 This is equivalent to repairing a vessel and is therefore an act of work forbidden on the Sabbath. 2 Unclean ones. 3 Immediately after the Sabbath. 4 But others may eat it immediately after the Sabbath. 5 Literally, *Seventh Year*. Because then he would be suspected of violating the Sabbatical law.

## Mishnah 4

One may not separate the *priest's-due* from one kind for another kind, and if one have done so<sup>1</sup> his separation is not valid *priest's-due*. All kinds of wheat count as one kind, and all kinds of figs and dried figs and cakes of figs count as one kind, and one may separate the *priest's-due* from the one<sup>2</sup> instead of from the other. Whenever there is a priest, one must separate the *priest's-due* from the choicest;<sup>3</sup> but where there is no priest, one should separate from the kind that best endures.<sup>4</sup> R. Judah says,<sup>5</sup> In every case one should separate from the choicest kind.

1 Literally, *separated* (the priest's-due). 2 *תאנים* are fresh, undried figs. There are pale figs and dark figs. 3 *i.e.*, in each respective group thus mentioned. 4 For instance, from *תאנים* instead of *גרוגרות*. 5 For example, from *גרוגרות* instead of *תאנים*. 6 His view is not accepted.

## משנה ג

המטביל<sup>1</sup> ככלים בשבת, שוגג ישתמש בהם, מזיד לא ישתמש בהם. המעשר והמבשל בשבת, שוגג<sup>3</sup> יאכל, מזיד<sup>4</sup> לא יאכל. הנוטע בשבת, שוגג יקיים, מזיד יעקור; ויבשביעית, בין שוגג בין מזיד יעקור.

## משנה ד

אין תורמין ממין על שאינו מין; ואם יתכם, אין תרומתו תרומה. כל-מין חטים אחד, כל-מין תאנים וגרוגרות ודבילה אחד, ותורם<sup>3</sup> מזה על זה. כל-מקום שיש כהן, תורם מן-היפה; וכל-מקום שאין כהן, תורם מן-המתקיים. רבי<sup>6</sup> יהודה אומר, לעולם הוא תורם מן-היפה.

## Mishnah 5

They should separate as the *priest's-due* a whole small<sup>1</sup> onion and not half of a large onion. R. Judah says, Not so, but half of a large onion. And so, also, R. Judah used to say, They may separate the *priest's-due* from town onions instead of from village onions, but not from village onions instead of from onions, because these<sup>2</sup> are the food<sup>3</sup> of the upper classes.

- 1 Because it keeps better than one cut open, even if the latter be superior.  
2 i.e., the town onions. Literally, it is. 3 They are choicer than the village onions.

## Mishnah 6

One may separate the *priest's-due* from oil-olives<sup>1</sup> for preserving-olives<sup>2</sup> but not from preserving-olives instead of from oil-olives; and from unboiled wine<sup>3</sup> instead of from boiled wine, but not from boiled wine instead of from unboiled wine. This is the general principle: all kinds of produce which together would be regarded as *diverse kinds*,<sup>4</sup> one must not separate the *priest's-due* from one for the other, not even from the choicer for the worse; if they be not *forbidden-junction* with reference to one another, one may separate the *priest's-due* from the choicer for the inferior, but not from the inferior for the choicer; still, if the *priest's-due* have been separated from the inferior instead of from the superior, the separation is valid *priest's-due*, except only when darnel<sup>5</sup> is given instead of wheat because this is not

## משנה ה

תורמין בצל יקטן שלם, ולא חצי  
בצל גדול. רבי יהודה אומר, לא  
כי, אלא חצי בצל גדול. וכן היה  
רבי יהודה אומר, תורמין בצלים  
מבני המדינה על הכופרים, אבל  
לא מן הכופרים על בני המדינה,  
מפני שהוא<sup>3</sup> מאכל פוליטיקין.

## משנה ו

ותורמין יייתי שמן על ייתי כבש,  
ולא יייתי כבש על ייתי שמן; ויין  
שאינו מבושל על המבושל, ולא  
מן המבושל על שאינו מבושל.  
זה הכלל, כל שהוא<sup>4</sup> כלאים  
בתבירו לא יתרום מזה על זה,  
אפילו מן היפה על הרע; וכל  
שאינו כלאים בתבירו תרום מן  
היפה על הרע, אבל לא מן  
הרע על היפה; ואם תרם מן הרע  
על היפה תרומתו תרומה חוץ  
מן הוונין על החטים שאינן אוכל.

a food. Cucumbers<sup>6</sup> and musk-melons<sup>7</sup> are counted as one kind; רַבִּי יְהוּדָה אוֹמֵר, שְׁנֵי מִינִין.<sup>8</sup> R. Judah<sup>8</sup> says, Two kinds.<sup>9</sup>

1 These are superior to the others. 2 Or *pickling-olives*. 3 This is superior to boiled wine. 4 And therefore prohibited to be joined together, diverse kinds or *prohibited junction*. 5 Or *vetch, tare, rue-grass*. Compare כְּלָאִים 1<sup>1</sup>. See *Supplement*. 6 וְהַקִּישוֹת in some editions. 7 וְהַמֶּלֶפֶפֹן. Or *musk-melon, cucumber-melon*. 8 His view is rejected. 9 Compare כְּלָאִים 1<sup>2</sup>.

## CHAPTER 3

## פֶּרֶק ג

## Mishnah 1

If one separated a cucumber as *priest's-due* and it was found bitter, or a melon and it was found decayed, it is valid *priest's-due* but he must give the *priest's-due* afresh. If one separated as *priest's-due* a barrel of wine and it was found turned to vinegar, if it were known that it had turned to vinegar before he had separated it, then it is not valid *priest's-due*, but if it had turned to vinegar after he had separated it, then this is valid *priest's-due*; if it were in doubt, it is valid *priest's-due*<sup>1</sup> but he must give *priest's-due* afresh. The first<sup>2</sup> does not of itself render liable to the law of *priest's-due*,<sup>3</sup> and it is not subject to the law of the *added fifth*,<sup>4</sup> and likewise, also, it is with the second.

1 And both must be given up to the כֹּהֵן, *priest*, who however must repay the value of the first (which is greater than the second). 2 *i.e.*, of the two cases just mentioned. Compare 1<sup>8</sup>. 3 *i.e.*, any other produce into which it may fall. 4 If a non-priest ate it; but the value itself must be paid.

## Mishnah 2

If one of them fell into non-holy produce, it does not render it subject to the law of the *priest's-due*.<sup>1</sup> If the other fell somewhere else,<sup>2</sup> it does not render it subject to

## מִשְׁנָה א

הַתּוֹרֵם קִישוֹת וְנִמְצְאָת מָרָה אֲבָטִים וְנִמְצָא סְרוּחַ תְּרוּמָה וַיַּחְזוֹר וַיִּתְּרוֹם. הַתּוֹרֵם חֲבִית שֶׁל יֵין וְנִמְצְאָת שֶׁל חוֹמֶץ, אִם יָדוּעַ שֶׁהִיָּתָה שֶׁל חוֹמֶץ עַד שֶׁלֹּא תִרְמָה אֵינָה תְּרוּמָה, אִם מִשְׁתַּרְמָה הִתְחַמְצָה הָרִי זוֹ תְּרוּמָה; אִם סָפְקִי תְּרוּמָה וַיַּחְזוֹר וַיִּתְּרוֹם. <sup>2</sup>הִרְאֵשׁוּנָה אֵינָה <sup>3</sup>מִדְּמַעַת בְּפָנֶי עֲצָמָה, וְאִין חִיבִין עָלֶיהָ <sup>4</sup>חֹמֶשׁ, וְכֵן הַשְּׂנִיָּה.

## מִשְׁנָה ב

נָפְלָה אַחַת מֵהֶן לְתוֹךְ הַחֻלִּין וְנָפְלָה שְׁנִיָּה <sup>2</sup>לְמָקוֹם אַחֵר, אֵינָה מִדְּמַעַתֵּן. וְנָפְלוּ שְׁתֵּיהֶן

the law of the *priest's-due*. If both of them fell into the same place, they make it subject to the law of the *priest's-due* according to the smaller of the two.<sup>3</sup>

1 In some editions, *מִדְמַעַת* in some editions. 2 In the same produce. 3 *i.e.*, if the smaller of the two quantities is not less than one-hundredth of the whole mixture this comes under the law of the *priest's-due*. A quantity equal to the two together is removed, as *תְּרוּמָה*, and given to the *כֹּהֵן*, and the remainder is *חֵילִין* as before.

### Mishnah 3

If partners separated the *priest's-due* one after the other, R. Akiba says, The separation of both of them is valid *priest's-due*; but the Sages say, Only the separation of the first is valid *priest's-due*. R. Jose says, If the first separated the *priest's-due* in proper measure, then the separation of the other is not *priest's-due*, but if the first did not separate in full measure,<sup>1</sup> the separation of the second is accounted *priest's-due*.<sup>2</sup>

1 In some editions, *כְּשֵׁעוּר*. 2 The final ruling is as follows: if one partner separated *תְּרוּמָה*, and the other not aware of this also did so, (as they were wont to rely on one another to do so), only the first is valid *תְּרוּמָה*. But if that of the first be less than one fiftieth of the produce, then both the separations are *תְּרוּמָה* and the *כֹּהֵן* returns to them the price of the excess.

### Mishnah 4

When is this the case?<sup>1</sup>—When one had not arranged.<sup>2</sup> But if one authorized one of his household or his bondman or his bondwoman to separate the *priest's-due*, his separation is valid *priest's-due*. If he cancelled the authorization,<sup>3</sup> then, if he cancelled it before the separation of the *priest's-due*, his separation is not valid; but if he annulled it after the separation,

לְמָקוֹם אֶחָד מִדְמַעַת כְּקִטְנָה שֶׁבְּשִׁתֵּיהֶן.

### מִשְׁנָה ג

הַשּׁוֹתֵפִין שֶׁתָּרְמוּ זֶה אַחֲרֵי זֶה, כִּבִּי עֲקִיבָא אוֹמֵר, תְּרוּמַת שְׁנֵיהֶם תְּרוּמָה; וְחֲכָמִים אוֹמְרִים, תְּרוּמַת הָרִאשׁוֹן תְּרוּמָה. כִּבִּי יוֹסִי אוֹמֵר, אִם תָּרַם הָרִאשׁוֹן <sup>1</sup>כְּשֵׁעוּר אֵין תְּרוּמַת הַשֵּׁנִי תְּרוּמָה, וְאִם לֹא תָרַם הָרִאשׁוֹן <sup>1</sup>כְּשֵׁעוּר, תְּרוּמַת הַשֵּׁנִי <sup>2</sup>תְּרוּמָה.

### מִשְׁנָה ד

<sup>1</sup>בְּמָה דְּבָרִים אֲמוּרִים? בְּשֵׁלֹא <sup>2</sup>דִּבֵּר. אֲבָל הִרְשָׁה אֶת-בֶּן בֵּיתוֹ, אוֹ אֶת-עַבְדּוֹ, אוֹ אֶת-שִׁפְחָתוֹ לְתֵרוֹם, תְּרוּמָתוֹ תְּרוּמָה. <sup>3</sup>בִּטְלָה, אִם עַד שֶׁלֹא תָרַם בִּטְלָה, אֵין תְּרוּמָתוֹ תְּרוּמָה; וְאִם מִשְׁתַּרְכֵּם

his separation is valid *priest's-due*. Labourers have no authority to separate the *priest's-due*, save the grape-treaders, because they would forthwith render the winepress unclean.<sup>4</sup>

בטל, תרומתו תרומה, הפועלים  
אין להם רשות לתרום, חוץ מן-  
הדורכות שהן <sup>4</sup>מטמאים את-הגת  
מיד.

1 The opinion of R. Akiba in the preceding *Mishnah*. 2 As to who should separate the *priest's-due*. 3 His authorization. 4 מטמאין in some editions.

#### Mishnah 5

If one said, 'Let the *priest's-due* of this heap be in it,' or, 'Let its *tithes* be in it,' or, 'Let the *priest's-due* of this *tithe* be in it'—R. Simon<sup>1</sup> says, He has validly designated it,<sup>2</sup> but the Sages say,<sup>3</sup> Not until he says, 'Let it be to the north of it, or, Let it be to the south of it.' R. Eliezer [ben] Chisma says,<sup>1</sup> If one say, 'Let the *priest's-due* be separated from this pile for this one,' he has validly designated it. R. Eliezer<sup>1</sup> ben Jacob says, If one say, 'Let a tenth part of this *tithe* become the *priest's-due* of the *tithe* for it,' he has validly designated it.

משנה ה  
האומר, תרומת הכרי זה בתוכי,  
ומעשרותיו בתוכי, תרומת מעשר  
זה בתוכי, רבי <sup>1</sup>שמעון אומר,  
<sup>2</sup>קרא שם; <sup>3</sup>ונחכמים אומרים, עד  
שיאמר, בצפוני או בדרומי, רבי  
<sup>1</sup>אליעזר חסמא אומר, האומר,  
תרומת הכרי ממנו עליו, קרא שם.  
רבי <sup>1</sup>אליעזר בן יעקוב אומר,  
האומר, עשור מעשר זה עשוי  
תרומת מעשר עליו, קרא שם.

1 His view is rejected. 2 So that the *priest's-due* etc. may be taken only from that heap. 3 Their view is accepted.

#### Mishnah 6

If one separate *priest's-due* before *first-fruits*, or *first tithe* before *priest's-due*, or *second tithe* before *first tithe*, although he transgresses a negative command, what he has done is done,<sup>1</sup> for it is said,<sup>2</sup> *Thou shalt not delay to offer the abundance of thy harvest<sup>3</sup> and of thy liquors.<sup>4</sup>*

משנה ו  
המקדים תרומה לבכורים, מעשר  
ראשון לתרומה, ומעשר שני  
לראשון, אף על פי שהוא עובר  
בלא תעשה, מה <sup>1</sup>שעשה עשוי,  
<sup>2</sup>שאמר, <sup>3</sup>מלאתה <sup>4</sup>ודמעה לא  
תאחר.

1 i.e., remains valid. 2 Exodus 22, 28. 3 This refers to **בכורים**, *first-fruits*. 4 This refers to **תרומה**, and also to **מעשר ראשון**, because it also contains **תרומה קטנה**.

Mishnah 7

And whence<sup>1</sup> that *first-fruits* come before *priest's-due*, after all the one<sup>3</sup> is called *priest's-due* and the first and the other is called *priest's-due* and the first? But *first-fruits* come first because they<sup>5</sup> are the *first-fruits* of all produce; and *priest's-due* precedes *first tithe* since it is termed *first*; and *first tithe* before *second* because it includes<sup>6</sup> the *first*.

משנה ז

<sup>1</sup> ומניין <sup>2</sup> שיקדמו הבכורים לתרומה, <sup>3</sup> זה קרוי תרומה וראשית, וזה קרוי תרומה וראשית? אלא <sup>4</sup> יקדמו בכורים לכל <sup>5</sup> שהן בכורים לכל; ותרומה לראשון, שהיא ראשית; ומעשר ראשון לשני, שיש בו ראשית.

1 i.e., 'Whence do we learn?—This is based on the **תורה**, that is, it is **מדאורייתא** or **מן התורה**. 2 Or **שיקדמו**. \* 3 Deuteronomy 12, 16, 17; 26, 4. Exodus 23, 19; Numbers 18, 8; and Deuteronomy 18, 4. 4 Or **יקדמו**. \* 5 or **שהם**. 6 i.e., it includes **תרומה קטנה** which is designated *first*. \* **יקדמו** Kal; **יקדמו** Piel.

Mishnah 8

If one intended to say '*Priest's-due*,' but said '*Tithe*'; [or]<sup>1</sup> '*Tithe*', but said '*Priest's-due*'; or<sup>1</sup> '*Burnt-offering*,' and said '*Peace-offering*'; or<sup>1</sup> '*Peace-offering*,' and said '*Burnt-offering*'; [or]<sup>1</sup> 'That I will not enter this house,' and said 'That house'; [or]<sup>1</sup> 'That I derive no benefit from this,' and he said 'That'—he has not said anything valid until his mouth and heart are<sup>2</sup> in agreement.

משנה ח

המתכוון לומר תרומה, ואמר מעשר; <sup>1</sup> מעשר, ואמר תרומה; עולה, ואמר שלמים; שלמים, ואמר עולה; שאני נכנס לבית זה, ואמר לזה; שאני נהנה לזה, ואמר לזה; לא אמר כלום עד <sup>2</sup> שיהיו פיו ולבו שוין.

1 i.e., or if one intended to say in his vow. . . . 2 Based on Deuteronomy 23, 24; Exodus 35, 5.

Mishnah 9

In the case of a non-Jew or a Samaritan, their *priest's-due* is valid, and their *tithes* are valid, and their *dedicated offerings* are valid. R. Judah says, A non-Jew does not

משנה ט

הנכרי והכוני, תרומתן תרומה, ימצעשרותיהן מעשר, והקדשן הקדש. כפי יהודה אומר, אין



come under the law of the *fourth year vineyard*,<sup>1</sup> but the Sages<sup>2</sup> say, It does apply to him. The *priest's-due* from a non-Jew renders<sup>3</sup> subject to the law of *priest's-due* and they are liable concerning it to the law of the *added fifth*,<sup>4</sup> but R. Simon<sup>5</sup> exempts.<sup>6</sup>

לְנֹכְרִי יִכָּרֵם רְבָעִי; וְנֹחֲכָמִים  
אֹמְרִים יֵשׁ לוֹ. תְּרוּמַת הַנֹּכְרִי  
מִדְּמַעַת וְחַיִּיבִים עָלֶיהָ חֹמֶשׁ;  
וְרַבִּי שִׁמְעוֹן פּוֹטֵר.

1 *Leviticus* 19, 23, 24, 25. פָּאָה 71<sup>ff.</sup> 2 See מַעֲשֵׂר שְׁנִי 51.<sup>2,3,4</sup>. Their view is accepted. 3 *i.e.*, other produce with which it is mixed. 4 See 1<sup>8</sup>. 5 His view is not accepted. 6 From the law of the *added fifth*. \*Or וּמַעֲשֵׂרוֹתֶיהֶן.

## CHAPTER 4

## פֶּרֶק ד

## Mishnah 1

## מִשְׁנָה א

If one set aside only part of the *priest's-due* and *tithes*, he may take the remaining *priest's-due*<sup>1</sup> from it, but not from anywhere else.<sup>2</sup> R. Meir<sup>3</sup> says, He may take from that produce *priest's-due* and *tithes* for produce somewhere else.

הַמִּפְרִישׁ מִקְצַת תְּרוּמָה וּמַעֲשֵׂרוֹת  
מוֹצִיא מִמֶּנּוּ תְּרוּמָה עָלָיו, אֲבָל  
לֹא מִמָּקוֹם אֲחֵר. רַבִּי מֵאִיר  
אֹמֵר, אֵיךְ מוֹצִיא הוּא מִמָּקוֹם אֲחֵר  
תְּרוּמָה וּמַעֲשֵׂרוֹת.

1 That is, if only part of the correct quantity be separated then one may separate also the rest of the tithes due, and this procedure does not come under the prohibition of *מִן-הַפֶּסֶס עַל הַחַיִּיב*, *from the exempt for the liable*. 2 *לְמָקוֹם*, in some editions, which would mean *for anywhere else, i.e.*, one may not remove from that heap as *priest's-due* or *tithes* for produce elsewhere. The actual ruling is that as stated in **Note 1**; and also that from any produce that had already been dealt with for *תְּרוּמָה* none may be removed as *תְּרוּמָה* for another lot of like produce, but vice versa it is permitted. 3 His view is rejected.

## Mishnah 2

## מִשְׁנָה ב

If anyone's produce were in a storehouse and he gave one *seah* to a Levite and one *seah* to a poor person, he may separate up to eight *seahs* and eat them: this is the view of R. Meir,<sup>2</sup> but the Sages say,<sup>3</sup> He may only separate according to the exact calculated quantity.<sup>4</sup>

מִי שֶׁהָיוּ פִּירוֹתָיו בְּמִגְוָרָה, וְנָתַן  
סֵאָה לְבֵן לִוי וְסֵאָה לְעֹנִי, מִפְּרִישׁ  
עַד שְׁמֹנֶה סָאִין וְאוֹכְלֵן דִּבְרֵי  
רַבִּי מֵאִיר; וְנֹחֲכָמִים אֹמְרִים,  
אֵינוֹ מִפְּרִישׁ אֲלָא לְפִי חֶשְׁבוֹן.

1 Or במגורה, in the storehouse. 2 His opinion is not accepted. 3 Their ruling is accepted. 4 Which is still with the Levite and the poor person.

## Mishnah 3

The proper quantity<sup>1</sup> of *priest's-due*: a generous person gives a fortieth part, but the School of Shammai say, One thirtieth; the person who is liberal in a medium degree, one fiftieth; and the mean person, one sixtieth. If one separated *priest's-due* and found that it was only one sixtieth, it is valid and he does not have to separate again. If he added more, it is subject<sup>2</sup> to *tithes*. If he found that it was one sixty-first, it is valid *priest's-due*, but he must separate *priest's-due* again as much as he is wont to do, according to measure or weight or number. R. Judah says, Even from what is not near by.<sup>3</sup>

1 Or שיעור. 2 The פתן must separate tithes from this added produce because it is not valid *priest's-due* but part of the produce that should be tithed. 3 i.e., the additional quantity should be taken from any other produce of the same kind. Or המקף.

## Mishnah 4

If one say to his agent, 'Go out and separate *priest's-due*,' he must separate the *priest's-due* according to the owner's intention;<sup>1</sup> if he do not know the intention of the owner, he should separate *priest's-due* as a medium-liberal person, one<sup>2</sup> fiftieth. If he gave ten parts less<sup>3</sup> or ten parts more,<sup>4</sup> his separation is valid *priest's-due*. If he intended to add even one part more his separation is not valid *priest's-due*.<sup>5</sup>

## משנה ג

שיעור תרומה, עין יפה אחת מארבעים; בית שמאי אומרים, משלשים; והבינונית מחמשים; והרעה, מששים. תרם ועלה בידו אחד מששים, תרומה, ואין צריך לתרום. תור והוסיף, <sup>2</sup>חייב במעשרות. עלה בידו מששים ואחד, תרומה, ויחזור ויתרום כמות שהוא למוד, במדה ובמשקל ובמנין. רבי יהודה אומר, אף שלא מן-המוקף.

## משנה ד

האומר לשלוחו, צא ותרומ, תורם <sup>1</sup>כדעתו של בעל הבית; אם אינו יודע דעתו של בעל הבית, תורם כבינונית <sup>2</sup>אחת מחמשים. <sup>3</sup>פיחת עשרה או <sup>4</sup>הוסיף עשרה, תרומתו תרומה. אם נתכוון להוסיף אפילו אחת אין תרומתו תרומה.<sup>5</sup>

1 *i.e.*,  $\frac{1}{40}$  or  $\frac{1}{50}$  or  $\frac{1}{60}$  as the case may be (see the preceding *Mishnah*). 2 אחד in some editions. 3 The agent thought that the owner was a bountiful person and gave  $\frac{1}{40}$  whereas the owner was less generous and used to give  $\frac{1}{50}$ . Perhaps better פחות. 4 He added to the  $\frac{1}{60}$  which a niggardly owner would give. 5 Because, if he knew clearly the owner's intention, he purposely broke his trust thereby invalidating his agency.

## Mishnah 5

If one would give more *priest's-due*, R. Eliezer says, Up to one tenth as in the case of the *priest's-due* from *tithe*, but more<sup>1</sup> than this he should make into *priest's-due* of *tithe* for produce elsewhere.<sup>2</sup> R. Ishmael says, Half<sup>3</sup> as *non-holy produce* and half as *priest's-due*. R. Tarphon and R. Akiba say,<sup>4</sup> So long as some is left as *non-holy produce*.<sup>5</sup>

1 The excess. 2 In some editions, אבל לא למקום אחר. 3 *i.e.*, 'He may keep half as *non-holy produce* and he may give half as *priest's-due*.' 4 Their view is accepted. 5 *i.e.*, one may give as much as one wishes as *priest's-due*.

## Mishnah 6

On three occasions do they determine<sup>1</sup> the measure of the basket,<sup>2</sup> at the time of the first ripe fruits and at the time of the late summer fruits and in the middle of the summer. He who counts is a commendable person, and he who measures is more praiseworthy than he, and he who weighs is the most praiseworthy of the three of them.

1 מְשַׁעְרִין in some editions. 2 To be used in measuring out *he* *tithes*, and *תרומה קטנה*, *priest's minor due* (but not *תרומה גדולה*).

## Mishnah 7

R. Eliezer<sup>1</sup> says, *Priest's-due* is neutralized in one hundred and one parts; R. Joshua says, In somewhat more than one hundred parts, and

## משנה ה

המרבבה בתרומה; רבי אליעזר אומר, אחד מעשרה בתרומת מעשר, יותר מכאן יעשנה תרומת מעשר למקום אחר. רבי ישמעאל אומר, מחצה חולין ומחצה תרומה. רבי טרפון ורבי עקיבא אומרים עד שישייר שם חולין.<sup>5</sup>

## משנה ו

בשלשה פרקים מְשַׁעְרִים את־הכלכלה, בבכורות ובסיפות ובאמצע הקיץ. המונה משובח, והמודד משובח ממנו, והשוקל משובח משלשתן.

## משנה ז

רבי אליעזר אומר, תרומה עולה באחד ומאה; רבי יהושע אומר,

Common produce. 5 This view is accepted.

## Mishnah 11

A *seah* of *priest's-due* that fell into the mouth of a bin, and the top part was removed:<sup>1</sup> R. Eliezer says, If there be in the removed layer<sup>2</sup> a

## משנה יא

סאה תרומה שנפלה על פי מגורה ונקפאה, רבי אליעזר אומר, אם

this "somewhat more" has no definite limit.<sup>2</sup> R. Jose ben Meshullam says, This "somewhat more" is one *kab*<sup>3</sup> to one hundred *seahs*, that is one sixth<sup>4</sup> of what would render liable to the law of *priest's-due*.

בְּמֵאָה וְעוֹד, וְעוֹד זֶה אֵין לוֹ שְׂעִיּוֹר.  
רַבִּי יוֹסִי בֶן מְשׁוּלָם אוֹמֵר, וְעוֹד  
קָב לְמֵאָה סָאָה, שְׁתּוֹת לְמִדְּמַע.<sup>3</sup>

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hundred *seahs*, it becomes neutralized in a hundred and one; R. Joshua says, It is not neutralized. If a *seah*<sup>3</sup> of *priest's-due* fell into the mouth of a bin, one must remove the top layer. Now if<sup>4</sup> this be so, why did they say that *priest's-due* becomes neutralized in a hundred and one?—If<sup>5</sup> it be not known whether they had become mixed up, or where it had fallen.

לֹשׁ בְּקַפּוּי מֵאָה סָאָה תַּעֲלֶה בְּאֶחָד  
וּמֵאָה; רַבִּי יְהוֹשֻעַ אוֹמֵר, לֹא  
תַּעֲלֶה. <sup>3</sup>סָאָה תְּרוּמָה שְׁנֹפְלָה עַל  
פִּי מְגוּרָה יִקְפְּאָנָה. <sup>4</sup>וְאִם בֶּן, לָמָּה  
אָמְרוּ תְּרוּמָה עוֹלָה בְּאֶחָד וּמֵאָה?  
<sup>5</sup>אִם אֵינוֹ יָדוּעַ אִם בְּלוּלוֹת הֵן,  
אוֹ לְאֵין נֹפְלָה.

1 Or וְקִפְאָה (*Piel*). 2 In some editions, בְּקַפּוּי. 3 Conclusion of R. Joshua's statement. His view is accepted. 4 In some editions, אִם. 5 Or כִּשְׁאֵינוֹ instead of אִם אֵינוֹ in some editions. *That holds good only if . . . . .* \*Or לָמָּה.

## Mishnah 12

If there were two baskets, or two bins,<sup>1</sup> and a *seah* of *priest's-due* fell into one of them and it was not known into which of them it had fallen, one serves to neutralize in conjunction with the other. R. Simon says,<sup>2</sup> Even if they were in two towns, they serve to neutralize in conjunction one with the other.

## מִשְׁנָה יב

שְׁתֵּי יִקּוּפוֹת וּשְׁתֵּי מְגוּרוֹת, שְׁנֹפְלָה  
סָאָה תְּרוּמָה לְתוֹךְ אַחַת מֵהֶם  
וְאֵין יָדוּעַ לְאִיזוֹ מֵהֶן נֹפְלָה, מַעֲלוֹת  
זוֹ אֶת-זוֹ. רַבִּי שִׁמְעוֹן אוֹמֵר,  
אֶפִּילוּ הֵם בְּשְׁתֵּי עִירֹת מַעֲלוֹת זוֹ  
אֶת-זוֹ.

1 Or קִפּוֹת. And each contained 50 *seahs*. 2 His opinion is rejected.

## Mishnah 13

Said R. Jose, 'A case once came before Rabbi Akiba about fifty bundles of greens among which had fallen a like bundle, half of which was *priest's-due*; and I decided before him, "It is neutralized," not because the *priest's-due* should be neutralized in conjunction with fifty-one, but because there were there a hundred and two halves.'

## מִשְׁנָה יג

אָמַר רַבִּי יוֹסִי, מַעֲשֶׂה בָּא לְפָנָי  
רַבִּי עֲקִיבָא בְּחֻמְשִׁים אָגוּדוֹת שֶׁל  
יֶרֶק, שְׁנֹפְלָה אַחַת מֵהֶם לְתוֹכֵן  
חֲצִיָּה תְּרוּמָה; וְאָמַרְתִּי לְפָנָי,  
תַּעֲלֶה, לֹא שֶׁהַתְּרוּמָה תַּעֲלֶה  
בְּחֻמְשִׁים וְאַחַד, אֲלֹא שֶׁהֵיוּ שָׁם  
מֵאָה וּשְׁנֵי חֲצִיִּים.

## CHAPTER 5

## פרק ה

## Mishnah 1

If a *seah* of unclean *priest's-due* fell into less than a hundred<sup>1</sup> of *non-holy produce*, or into *first tithe*, or into *second tithe*, or into *dedicated produce*, whether they were unclean or clean, they must be left to rot<sup>2</sup>; but if that *seah*<sup>3</sup> were clean, they<sup>4</sup> must be sold to the priests at the price<sup>5</sup> of *priest's-due*, minus the price of that *seah*.<sup>6</sup> And if it fell into *first tithe*, the whole must be designated *priest's-due of the tithe*; and also if it fell into *second tithe*, or into *dedicated produce*, then these must be redeemed. And if the *non-holy produce* were unclean,<sup>7</sup> it may be eaten<sup>8</sup> dried,<sup>9</sup> or roasted, or kneaded with fruit juices,<sup>10</sup> or they divide<sup>11</sup> it out among lumps of dough so that there be not in any one place as much as the bulk of an egg.<sup>12</sup>

## משנה א

סאה תרומה טמאה שנפלה לפחות  
 1 ממאה חולין, או למעשר ראשון,  
 או למעשר שני, או להקדש, בין  
 טמאין בין טהורין, 2 ירקבו; ואם  
 טהורה היתה אותה 3 הסאה,  
 4 ימכרו לפהנים 5 בדמי תרומה,  
 חוץ מדמי 6 אותה סאה. ואם  
 למעשר ראשון נפלה, יקרא שם  
 לתרומת מעשר; ואם למעשר  
 שני, או להקדש נפלה, הרי אלו  
 יפדו. ואם 7 טמאים היו אותן  
 החולין, 8 יאכלו 9 נקודים או קליות,  
 או ילושו 10 במי פירות, או יתחלקו  
 לעיסות כדי שלא יהא במקום  
 אחד 12 כביצה.

1 *Seahs*. 2 In the case of oil it must not be used even for kindling. 3 Of *תרומה*. 4 The mixed produce and *תרומה*. \* 5 This is less than the price of ordinary produce since only priests may consume it. 6 Which of course is free. 7 But the *תרומה* was טהור, clean. 8 By the כהן. 9 In the form of small cakes each less in bulk than an egg. 10 Some liquids, like the juices of olives and pomegranates, do not render food susceptible to uncleanness. 11 In portions each less than the size of an egg. 12 The minimum quantity susceptible to uncleanness in the case of food. \* ימכרו [*Niphal*]; or ימכרו [*Kal*] they shall sell.

## Mishnah 2

If a *seah* of unclean *priest's-due* fell into a hundred<sup>1</sup> of *non-holy produce*, they remain clean. R. Eliezer says, 'Let it<sup>2</sup> be removed and burnt, for I maintain that the *seah*

## משנה ב

סאה תרומה טמאה שנפלה לתוך  
 1 מאה חולין, טהורין; רבי אליעזר  
 אומר, 2 תירום ותשרף, שאני אומר,

which fell in is the *seah* that came up.' But the Sages say,<sup>3</sup> It is neutralized and may be eaten dried, or roasted, or kneaded with fruit juices, or divided among lumps of dough<sup>4</sup> so that there be not in any single place as much as the bulk of an egg.

1 *Seahs*. The mixture does not become *מְדַמַּע*. 2 One *seah*. 3 Their ruling is accepted. 4 Or *לְעִסוֹת*.

### Mishnah 3

If a *seah* of clean *priest's-due* fell into a hundred<sup>1</sup> of unclean *non-holy produce*, it is neutralized and may be eaten dried or roasted, or kneaded<sup>2</sup> with fruit juices, or divided out among lumps of dough so that in any single place there be not as much as the bulk of an egg.

1 *Seahs*. 2 Or perhaps better *תְּלוּשׁ*.

### Mishnah 4

If a *seah*<sup>1</sup> of unclean *priest's-due* fell into a hundred *seahs* of clean *priest's-due*, the School of Shammai forbid the whole, but the School of Hillel permit it. The School of Hillel said to the School of Shammai, Since clean<sup>2</sup> is forbidden to non-priests and unclean is forbidden to priests, if the clean can become neutralized then the unclean can be neutralized too. The School of Shammai answered them, No, if *non-holy produce*, which is leniently regarded and is permitted<sup>3</sup> to non-priests, may neutralize what is clean, should *priest's-due*, which is stringently treated and is forbidden to non-priests, neutralize what is unclean? After they had

סָאָה שְׁנֵפְלָהּ הִיא סָאָה שְׁעָלְתָּהּ.  
וְנִחְכְּמִים אוֹמְרִים, תַּעֲלֶה וְתֹאכֶל  
נְקוּדִים אוֹ קָלִיּוֹת, אוֹ תְּלוּשׁ בְּמִי  
פִירוֹת, אוֹ תַתְחַלֵּק לְעִסוֹת כְּדִי  
שֶׁלֹא יִהְיֶה בְּמָקוֹם אֶחָד כְּבִיצָה.

### משנה ג

סָאָה תְּרוּמָה טְהוֹרָה שְׁנֵפְלָהּ לְמֵאָה  
חוּלִין טְמֵאִין, תַּעֲלֶה וְתֹאכֶל  
נְקוּדִים אוֹ קָלִיּוֹת, אוֹ תְּלוּשׁ בְּמִי  
פִירוֹת, אוֹ תַתְחַלֵּק לְעִסוֹת, כְּדִי  
שֶׁלֹא יִהְיֶה בְּמָקוֹם אֶחָד כְּבִיצָה.

### משנה ד

סָאָה תְּרוּמָה טְמֵאָה שְׁנֵפְלָהּ לְמֵאָה<sup>1</sup>  
סָאָה תְּרוּמָה טְהוֹרָה, בֵּית שְׁמַאי  
אוֹסְרִים, וּבֵית הַלֵּל מְתִירִין. אָמְרוּ  
בֵּית הַלֵּל לְבֵית שְׁמַאי, הוֹאִיל  
וְטְהוֹרָה אֲסוּרָה לְזָרִים וְטְמֵאָה<sup>2</sup>  
אֲסוּרָה לַכֹּהֲנִים, מֵהַטְהוֹרָה עוֹלָה  
אִף טְמֵאָה תַעֲלֶה. אָמְרוּ לָהֶם בֵּית  
שְׁמַאי, לֹא אִם הָעֵלּוּ הַחוּלִין הַקָּלִין  
הַמְּוִתְרִין לְזָרִים אֶת־הַטְהוֹרָה,<sup>3</sup>  
תַּעֲלֶה תְּרוּמָה הַחֲמוּרָה הָאֲסוּרָה  
לְזָרִים אֶת־הַטְמֵאָה לְאַחֵר<sup>4</sup> שֶׁהוּדוּ.

yielded,<sup>4</sup> R. Eliezer says, It should be separated and burnt; but the Sages say, It is lost because of its small quantity.<sup>5</sup>

**1** The ruling is that if one part of unclean תְּרוּמָה were mixed with one hundred parts of clean תְּרוּמָה the former is neutralized and there is no need to remove one part but the whole is eaten as clean תְּרוּמָה. **2** תְּרוּמָה. **3** Or הַמְּתָרִים. **4** i.e., the School of Shammai recognised the validity of the argument of the School of Hillel. **5** i.e., according to the quantity of real תְּרוּמָה contained in the mixture.

Mishnah 5

If a *seah* of *priest's-due* fell into a hundred,<sup>1</sup> and one lifted it out and it fell into another lot, R. Eliezer<sup>2</sup> says, It renders it subject to the law of *priest's-due* as if it were certain *priest's-due*; but the Sages say, It does not render it subject to the law of *priest's-due* unless it be in the calculated quantity.<sup>3</sup>

**1** *Seahs* of חֵילִין, non-holy produce. **2** His view is rejected. **3** The final ruling is as follows: if one part of תְּרוּמָה became neutralized in one hundred parts of חֵילִין, and an equivalent quantity removed as תְּרוּמָה again was mixed with other חֵילִין, then whatever the quantity of the latter only one-hundredth of the quantity that was admixed is separated this time as תְּרוּמָה.

Mishnah 6

If a *seah* of *priest's-due* fell into less than a hundred<sup>1</sup> and these were thus rendered subject to the law of *priest's-due*,<sup>2</sup> and there fell from this which had thus been rendered subject to the law of *priest's-due*<sup>3</sup> into another lot,<sup>4</sup> R. Eliezer says,<sup>5</sup> It renders it subject to the law of *priest's-due* as certain *priest's-due*; but the Sages say,<sup>6</sup> That which has itself become subject to the law of *priest's-due* does not render subject to the law of *priest's-due*<sup>7</sup> except according to the prescribed ratio.<sup>8</sup>

רַבִּי אֱלִיעֶזֶר אוֹמֵר, תִּירוֹם וְתִשְׂרֹף, וְחֻכָּמִים אוֹמְרִים, אֶבְדָּהּ בְּמִיעוּטָהּ.

מִשְׁנָה ה'  
סָאָה תְּרוּמָה שְׁנִפְלָה לְמֵאָה<sup>1</sup> הַנִּבְיָה וְנִפְלָה לְמָקוֹם אַחֵר, רַבִּי אֱלִיעֶזֶר אוֹמֵר, מְדַמְעַת כְּתְּרוּמָה וְדָאִי; וְחֻכָּמִים אוֹמְרִים, אֵינָה מְדַמְעַת אֶלָּא לְפִי חֶשְׁבוֹן.<sup>3</sup>

מִשְׁנָה ו'  
סָאָה תְּרוּמָה שְׁנִפְלָה לְפָחוֹת מִמֵּאָה<sup>1</sup> וְנִדְמְעוּ, וְנִפְלָה מִן - הַמְּדוּמָע<sup>2</sup> לְמָקוֹם אַחֵר, רַבִּי אֱלִיעֶזֶר אוֹמֵר, מְדַמְעַת כְּתְּרוּמַת וְדָאִי; וְחֻכָּמִים אוֹמְרִים, אֵין הַמְּדוּמָע<sup>7</sup> מְדַמְעַת אֶלָּא לְפִי חֶשְׁבוֹן, וְאֵין הַמְּחֻמָּץ<sup>9</sup> מְחַמֵּץ אֶלָּא לְפִי חֶשְׁבוֹן, וְאֵין

And what is leavened<sup>9</sup> does not render leavened<sup>10</sup> except when it is in the correct proportion. And drawn water does not invalidate<sup>11</sup> the ritual purification bath except when it is in the calculated quantity.<sup>12</sup>

המים שאיברים פוסלים את-  
המקנה אלא לפי חשבון.

**1** *Seahs* of חילין, non-holy produce. These of course become forbidden to non-priests. **2** Or ונדמעו. **3** Or המדמע. **4** Of חילין. **5** His view is not accepted. **6** Their ruling is accepted. **7** מדמעת in some editions. **8** i.e., one hundred parts of חילין against the proportional part of the תרומה in the portion that had mixed in. **9** With תרומה. **10** In some editions, מחמץ, i.e., other dough. **11** פוסל in some editions. **12** viz., three logs (ורעים Introduction, Tables). See מקנאות 2<sup>4</sup>.

## Mishnah 7

If a *seah* of *priest's-due* fell into a hundred,<sup>1</sup> and one lifted it out and another<sup>2</sup> fell in, and one lifted that out and another<sup>2</sup> fell in, then this<sup>3</sup> is not forbidden<sup>4</sup> until the *priest's-due*<sup>5</sup> exceeds the *non-holy produce*.

משנה ז  
סאה תרומה שנפלה ל'מאה'  
הגביהה ונפלה אחרת, הגביהה  
ונפלה אחרת, הרי זו<sup>3</sup> מותרת  
עד שתרכבה<sup>5</sup> תרומה על החולין.

**1** *Seahs* of חילין (ורעים Introduction, Tables). **2** *Seah* of תרומה. **3** The mixture. **4** Literally, *this is permitted*. **5** The added portions of the successive תרומה remaining after each removal for תרומה exceed that of the original חילין still left in the mixture.

## Mishnah 8

If a *seah* of *priest's-due* fell into a hundred,<sup>1</sup> and before one managed to lift it out another fell in, then this is forbidden,<sup>2</sup> but R. Simon permits it.

משנה ח  
סאה תרומה שנפלה ל'מאה' ולא  
הספיק להגביהה עד שנפלה  
אחרת, הרי זו<sup>2</sup> אסורה, ורבי  
שמעון מתיר.

**1** *Seahs* of חילין. **2** Forbidden to ורים, *non-priests*, if it was not known at the time that another had fallen in after the first; but if it was known in the interval then it is permitted to remove two *seahs* as תרומה (or 2 parts against 100) and the rest remains חילין.



## Mishnah 9

If a *seah* of *priest's-due* fell into a hundred,<sup>1</sup> and one ground them and they became less in bulk, just as the *non-holy produce* was reduced so the *priest's-due* is reduced and it is permitted. If a *seah*<sup>2</sup> of *priest's-due* fell into less than a hundred,<sup>1</sup> and one ground them and they were more in bulk, just as the *non-holy produce* increases so the *priest's-due* increases, and it is forbidden. If it were known that the wheat<sup>3</sup> of the *non-holy produce* was superior to that of the *priest's-due*, it is permitted. If a *seah* of *priest's-due* fell into less<sup>4</sup> than a hundred,<sup>1</sup> and after that *non-holy produce* fell therein, if it were in error, it is permitted, but if wilfully,<sup>5</sup> it is prohibited.

1 *Seahs* of חולין (Introduction, Tables). 2 In some editions מִשְׁנָה י Mishnah 10, begins here. 3 שֶׁהַחֲטִין in some editions. 4 לְפָחוֹת and (traditional reading) לְפָחוֹת 5 Because it is forbidden to neutralize purposely.

## CHAPTER 6

## Mishnah 1

He who eats *priest's-due* in error must repay its value and the *added fifth*.<sup>1</sup> It is all one whether he ate or drank or anointed himself, whether it were clean *priest's-due* or unclean *priest's-due*, he must repay its *added fifth* and the fifth of the *added fifth*.<sup>2</sup> One may not repay in *priest's-due*, but in duly tithed<sup>3</sup> *non-holy produce* which becomes *priest's-due*; and what may be repaid<sup>4</sup> in its stead also becomes *priest's-due*; and if the priest should wish to remit, he may not do so.<sup>5</sup>

## מִשְׁנָה ט

סָאָה תְּרוּמָה שֶׁנִּפְלָה<sup>1</sup> לְמֵאָה וְטַחֲנָן וּפָחְתוּ כֶּשֶׁם שֶׁפָּחְתוּ הַחוּלִין כֶּךָ פָּחְתָהּ הַתְּרוּמָה וּמִתָּרִי. <sup>2</sup>סָאָה תְּרוּמָה שֶׁנִּפְלָה לְפָחוֹת <sup>1</sup>מִמֶּאָה וְטַחֲנָן וְהוֹתִירוּ כֶּשֶׁם שֶׁהוֹתִירוּ הַחוּלִין כֶּךָ הוֹתִירָהּ הַתְּרוּמָה וְאִסּוּרִי. אִם יָדוּעַ <sup>3</sup>שֶׁהַחֲטִים שֶׁל חוּלִין יָפוֹת מִשָּׁל תְּרוּמָה מִתָּרִי. סָאָה תְּרוּמָה שֶׁנִּפְלָה<sup>4</sup> לְפָחוֹת מִמֶּאָה וְאַחֲרֵי כֶּךָ נִפְלוּ שָׁם חוּלִין, אִם שׁוּגֵג מִתָּרִי וְאִם <sup>5</sup>מִזִּיד אִסּוּרִי.

## פֶּרֶק ו

## מִשְׁנָה א

הָאוֹכֵל תְּרוּמָה שׁוּגֵג מְשַׁלֵּם קָרָן וְחוֹמֶשׁ. אֶחָד הָאוֹכֵל וְאֶחָד הַשּׁוֹתֶה וְאֶחָד הַסֹּף, אֶחָד תְּרוּמָה טְהוֹרָה וְאֶחָד תְּרוּמָה טְמֵאָה, מְשַׁלֵּם חוֹמֶשֶׁה; <sup>2</sup>וְחוֹמֶשׁ חוֹמֶשֶׁה. אֵינּוּ מְשַׁלֵּם תְּרוּמָה; אֶלָּא חוּלִין <sup>3</sup>מִתּוֹקְנִים, וְהֵם נִעְשִׂין תְּרוּמָה. <sup>4</sup>וְהַתְּשִׁלוּמִין תְּרוּמָה; אִם רָצָה הַכֹּהֵן לְמַחֹל <sup>5</sup>אֵינּוּ מוֹחֵל.

1 *Leviticus* 5, 16; 22, 14. The money value goes to the owners, and the *added fifth* to any *כהן*. (In practice the *added fifth* is not  $\frac{1}{5}$  of the actual value but  $\frac{1}{5}$  of the value and this *added fifth* together, i.e., the *added fifth* is actually a *fourth* of the value, and this is the amount in all cases of the *added fifth*). 2 The *חֶמֶשׁ* is holy like *תרומה* so that, if one eats of it, it must be repaid in full together with another *חֶמֶשׁ*. 3 In some editions *מתקנין*. 4 *והתשלומים* in some editions. 5 Literally, *he may not remit* (or *forego*).

Mishnah 2

If the daughter of a non-priest ate *priest's-due* and was afterwards married<sup>1</sup> to a priest, if what she ate were *priest's-due* that a priest had not yet acquired, she repays its value and the *added fifth* to herself; but if what she had eaten were *priest's-due* which a priest had already acquired, she has to repay its value to the owner and the *added fifth* to herself; for they have stated, He who eats *priest's-due* in error repays the value to the owner and the *added fifth* to whomsoever he desires.

משנה ב

בת ישראל שאכלה תרומה ואחר כן נשאת לכהן אם תרומה שלא זכה בה כהן אכלה משלמת קרן וחומש לעצמה; ואם תרומה שזכה בה כהן אכלה משלמת קרן לבעלים וחומש לעצמה; מפני שאמרו האוכל תרומה שזכה משלם קרן לבעלים וחומש לכל מי שירצה.

1 Or *נשאת*. When she may eat of *תרומה*.

Mishnah 3

He who gives<sup>1</sup> his labourers or his guests *priest's-due* to eat must repay the value and they have to repay<sup>2</sup> the *added fifth*. This is the opinion of R. Meir.<sup>3</sup> But the Sages say,<sup>4</sup> They have to repay<sup>2</sup> the value and the *added fifth* and he refunds to them the cost of their meal.

משנה ג

המאכיל את פועליו ואת אורחיו תרומה הוא משלם את הקרן והם משלמין את החומש דברי רבי מאיר; ונחכמים אומרים הם משלמין קרן וחומש והוא משלם להם דמי סעודתן.

1 Whether knowingly or in error. 2 *משלמים* in some editions. 3 His view is rejected. 4 Their ruling is accepted.

## Mishnah 4

He who stole *priest's-due* but did not eat it must repay twice as much as the value of the *priest's-due*; but if he ate it he must repay twice the value and the *added fifth*, the value and the *added fifth* from *non-holy produce* together with the value at the price of *priest's-due*. He who stole dedicated *priest's-due* and ate it must repay two *added fifths*<sup>1</sup> and the value, because double restitution does not apply in the case of *dedicated produce*.<sup>2</sup>

1 One for the *priest's-due* and the other for the *dedicated produce*, although the two here are in combination. 2 *Exodus 22, 8*.

## Mishnah 5

Repayments must not be made from the *gleanings* or from the *forgotten-produce* or from the *field-corner produce* or from the *ownerless produce*, and not from *first tithe* from which the *priest's-due* had been separated,<sup>1</sup> and not from *second tithe* and *dedicated produce* which had been redeemed,<sup>2</sup> for dedicated material cannot redeem dedicated material. This is the view of R. Meir.<sup>3</sup> But the Sages<sup>4</sup> permit it in the last case.<sup>5</sup>

1 In some editions, *שלא נטלה*, i.e., 'from which the *priest's-due* had *not* been separated'. 2 *שלא נפדו* in some editions, i.e., 'which had not been redeemed'.

3 His opinion is rejected. 4 Their ruling is accepted. All repayments for *priest's-due* are permitted from *לקט*, *שכחה*, *פאה*, and *הפקק* which had been declared ownerless before the season for tithing had arrived, and from *מעשר ראשון* from which *תְּרוּמָה קְטָנָה* had been separated. 5 In the case of *מעשר שני* and *הקדש*.

## Mishnah 6

R. Eliezer says, They may repay with one sort for<sup>1</sup> another sort<sup>2</sup> provided that<sup>3</sup> the repayment is

## משנה ד

הגונב תְּרוּמָה וְלֹא אָכְלָהּ מְשַׁלֵּם תְּשֻׁלוּמֵי כָּפֹל דְּמֵי תְּרוּמָה: אָכְלָהּ מְשַׁלֵּם שְׁנֵי קָרְנִים וְחֹמֶשׁ קָרֶן וְחֹמֶשׁ מִן-הַחֹלִין וְקָרֶן דְּמֵי תְּרוּמָה. גֹּנֵב תְּרוּמַת הַקֹּדֶשׁ וְאָכְלָהּ מְשַׁלֵּם יְשְׁנֵי חֹמֶשִׁים וְקָרֶן שְׁאֵין בְּהֶקְדֶּשׁ תְּשֻׁלוּמֵי כָּפֹל.<sup>2</sup>

## משנה ה

אֵין מְשַׁלְּמִין מִן-הַלֵּקֶט וּמִן-הַשְּׂכָחָה וּמִן-הַפֶּאֶה וּמִן-הַהֶפְקֵר וְלֹא מִמַּעֲשֵׂר רִאשׁוֹן<sup>1</sup> שֶׁנִּטְלָה תְּרוּמָתוֹ וְלֹא מִמַּעֲשֵׂר שְׁנִי וְהֶקְדֶּשׁ<sup>2</sup> שֶׁנִּפְדּוּ שְׁאֵין הֶקְדֶּשׁ פּוֹדֶה אֶת-הֶקְדֶּשׁ דְּבָרֵי רַבִּי<sup>3</sup> מֵאִיר<sup>4</sup> וְנִחְכְּמִים מִתִּירִין<sup>5</sup> בְּאֵלָיו.

## משנה ו

רַבִּי אֱלִיעֶזֶר אוֹמֵר, מְשַׁלְּמִין מִמִּין

from a superior sort for<sup>1</sup> an inferior sort. But R. Akiba says, They may not repay except from one kind for<sup>1</sup> the same kind,<sup>4</sup> Therefore if one ate cucumbers grown in the year before the Sabbatical Year he must wait for the cucumbers of the eighth year and repay from them. From the same source<sup>5</sup> whence R. Eliezer derives the lenient ruling R. Akiba derives the stringent ruling, as it is said,<sup>5</sup> *And he shall give unto the priest the holy thing*,—whatever is fit<sup>6</sup> to be holy—this is the view of R. Eliezer. But R. Akiba says,—*And he shall give unto the priest the holy thing*—the holy thing which he ate.<sup>7</sup>

על שאינו<sup>2</sup> מינו<sup>3</sup> בלבד שישלם  
מן-היפה על הרע. ורבי עקיבא  
אומר, אין משלמין<sup>4</sup> אלא ממין  
על מינו. לפיכך אם אכל קישואין  
של ערב שביעית ימתין לקישואין  
של מוצאי שביעית וישלם מהם.  
ממקום שרבי אליעזר מיקל משם  
רבי עקיבא מחמיר,<sup>5</sup> שנאמר,  
ונתן לפה את-הקדש<sup>6</sup> כל-שהוא  
ראוי להיות קדש, דברי רבי  
אליעזר. ורבי עקיבא אומר, ונתן  
לפה את-הקדש<sup>7</sup> קדש שאכל.

1 Or *instead of*. 2 But they must be of the same kind of produce. 3 ובלבד in some editions. 4 So long as the kinds are the same it does not matter whether the repaid produce is better or not than that which had been eaten. R. Akiba's view is accepted. 5 From the Scriptural verse, *Leviticus 22, 14*. 6 In some editions, *דבר הקדש*. 7 *i.e.*,—namely, the same kind of hallowed thing which he had eaten.

## CHAPTER 7

## פרק ז

## Mishnah 1

He who eats<sup>1</sup> *priest's-due* wilfully must repay the value but does not have to pay the *added fifth*. The repaid produce<sup>2</sup> remains *non-holy produce*. If the priest wish to remit he may do so.<sup>3</sup>

## משנה א

האוכל תרומה מזיד משלם את-  
הקרן ואינו משלם את-החמש.  
התשלומין חולין. אם רצה הפה  
למחול<sup>3</sup> מוחל.

1 If one eats clean *תרומה* knowingly he is *חייב מיתה בידי שמים*, liable to punishment by death from heaven. But if one eats unclean *תרומה* wantonly he is not *חייב מיתה בידי שמים*. 2 In some editions, *התשלומין*. 3 Literally, *he may remit* (or *forgo*).

## Mishnah 2

A priest's daughter, who was married to a non-priest<sup>1</sup> and afterwards ate *priest's-due*, must repay the value<sup>2</sup> but does not have to pay<sup>3</sup> the *added fifth*; and her death is by burning.<sup>4</sup> If she married one of those ineligible<sup>6</sup> she must repay the value and the *added fifth*; and her death<sup>4</sup> is by strangling; this is the view of R. Meir. But the Sages<sup>5</sup> say, In either case they must repay the value but they do not pay the *added fifth* and their death is by burning.

1 When she may no longer eat of priest's-due (*Leviticus 22, 12*). If the daughter of a כהן, after her marriage to a non-priest, ate unknowingly of תרומה which she inherited from her maternal grandfather who was a כהן she is exempt from all repayments, otherwise she refunds only the value of the תרומה (but not the *added fifth*), and if the כהן wishes to renounce his right to the repayment he may do so. (The daughter of a priest, if she be married to any one forbidden to marry a priest's daughter, may never eat from תרומה under any circumstances whatever). 2 Because she ate of what was not hers. 3 Because if she became a widow she could return to her father's house and recover the right to eat of priest's-due (*Leviticus 22, 13*). 4 If she were guilty of adultery in her husband's lifetime (*Leviticus 21, 9*—the law applies to the daughter of a priest, no matter who her husband is). 5 Their view is accepted. 6 i.e., ineligible for marriage into the priestly stock.

## Mishnah 3

He who gives<sup>1</sup> to his children that are minors to eat, or<sup>2</sup> to his slaves,<sup>3</sup> whether of age or minors, or who ate *priest's-due* from outside Palestine,<sup>4</sup> or who eats less<sup>5</sup> than the bulk of an olive of *priest's-due*, must repay the value but does not have to pay the *added fifth*; and the repaid produce is *non-holy produce*; if the priest wish to remit he may remit.

## משנה ב

בת כהן, שנשאת ל'ישראל, ואחר כך אכלה תרומה, משלמת את-הקרבן<sup>3</sup> ואינה משלמת את-החמש;<sup>2</sup> ומיתתה בשרפה. ונשאת לאחד מכל הפסולין, משלמת קרבן וחמש;<sup>4</sup> ומיתתה בחנק, דברי רבי מאיר; ונחכמים אומרים, זו וזו משלמות את-הקרבן ואינן משלמות את-החמש ומיתתן בשרפה.

## משנה ג

המאכיל את-בניו קטנים, ואת-עבדיו בין גדולים בין קטנים, האוכל תרומת חוצה לארץ, והאוכל פחות מכזית תרומה, משלם את-הקרבן ואינו משלם את-החמש, והתשלומין חולין; אם רצה הפהן למחול מוחל.

- 1 i.e., תְּרוּמָה priest's due. 2 In some editions, או, or. 3 Canaanite slaves. Children minors and Canaanite slaves are exempt from תְּשֻׁלוּמִים, repayments. 4 From Babylon, Egypt, or the lands of Ammon and Moab. 5 See 5<sup>o</sup>, Note 4.

Mishnah 4

This is the general principle: whenever one repays the value and the added fifth the repaid produce<sup>1</sup> is *priest's-due*; if the priest desire to forego, he may not forego. And whenever one repays the value but does not pay the *added fifth*, the repayment<sup>2</sup> is *non-holy*; if the priest wish to remit he may remit.

1 The restitution must be in produce.

2 And the remittance may be made in

Mishnah 5

If there were two baskets, one of *priest's-due* and one of *non-holy produce*, and a *seah* of *priest's-due* fell into one of them but it is not known into which of them it fell, I may assume that it fell into that of *priest's-due*,<sup>1</sup> but if it be not known<sup>2</sup> which is the one of *priest's-due* and which the one of *non-holy produce*,<sup>3</sup> anyone who ate from one of them is exempt<sup>4</sup> and the other basket is treated as *priest's-due* and the *priest's dough* must be given from it, according to the view of R. Meir;<sup>5</sup> but R. Jose<sup>6</sup> exempts. If another person ate from the other basket, he is exempt; but if one person ate from the two of them, he must repay according to the value of the smaller one of the two.

משנה ד

זו הכללי, כל-המשלם קרן וחומש  
התשלומין תרומה; אם רצה הכהן  
למחול אינו מוחל. וכל המשלם  
את-הקרן ואינו משלם את-  
החמש, התשלומין חולין; אם  
רצה הכהן למחול מוחל.

משנה ה

שתי קפות, אחת של תרומה ואחת  
של חולין, שנפלה סאה תרומה  
לתוך אחת מהן ואין ידוע לאיזו  
מהן נפלה, יחרי אג' אומר לתוך  
של תרומה נפלה; אין ידוע איזו  
היא של תרומה ואיזו היא של  
חולין; אכל אחת מהן פטור,  
והשניה גוהג בה כתרומה וחייבת  
בנפלה, דברי רבי. מאיר; רבי  
יוסי פוטר. אכל אחר את-השניה  
פטור; אכל אחד את-שתייהן  
משלם כקטנה שבשתייהן.

1 This is the accepted view and the produce becomes *תרומה*. 2 In some editions *אם אינו*. 3 *איוה* instead of *איוה* in some editions. In this case both are forbidden to a *זר*—non-priest. 4 From the repayment of the value and the added fifth. 5 His view that they are liable to *חלה* is rejected. 6 His view is accepted.

## Mishnah 6

If one of them fell into *non-holy produce*, it does not render<sup>2</sup> it subject to the law of *priest's-due*, and the other is treated as *priest's-due*; and the *priest's dough* must be given from it, according to the opinion of R. Meir,<sup>3</sup> but R. Jose exempts.<sup>4</sup> If the other<sup>5</sup> basket fell elsewhere,<sup>6</sup> it does not render it<sup>7</sup> subject to the law of *priest's-due*; but if both fell in the one place,<sup>8</sup> they render<sup>9</sup> it subject to the law of *priest's-due* if the smaller of the two is of the prescribed proportion.

1 *קפות*, baskets. 2 They are not forbidden. 3 His view regarding *חלה* is rejected. 4 His opinion regarding *חלה* is accepted. 5 *שניה* in some editions. 6 Into other non-holy produce. 7 The *חולין* is not prohibited. 8 *חולין*, non-holy produce. 9 *i.e.*, it is only neutralized if there be present in the smaller quantity of the two at least one hundred times as much as the *תרומה*.

## Mishnah 7

If one used one of them<sup>1</sup> as seed, he is exempt,<sup>2</sup> and the other is treated as *priest's-due*; and the *priest's-dough* must be separated from it, according to the view of R. Meir,<sup>3</sup> but R. Jose exempts.<sup>4</sup> If another used the other as seed he is exempt.<sup>2</sup> If one person used both<sup>5</sup> as seed, if it be of a kind whose seed perishes,<sup>6</sup> it is permitted,<sup>7</sup> but if it be of a kind whose seed<sup>8</sup> does not perish, it is forbidden.

## משנה ו

נפלה אחת מ'מֶהן לתוך החולין אינה מ'דמעתן, והשניה נוהג בה כתרומה וחיבת בחלה, דברי רבי מאיר; ורבי יוסי פוטר. נפלה השניה למקום אחר אינה מ'דמעתן; נפלו שתיהן למקום אחד מ'דמעות כקטנה שבשתייהן.

## משנה ז

זרע את-אחת מ'מֶהן פטור, והשניה נוהג בה כתרומה וחיבת בחלה, דברי רבי מאיר; ורבי יוסי פוטר. זרע אחר את-השניה פטור. זרע אחד את-שתייהן, בדבר שזרעו כלה מותר, ובדבר שאין זרעו כלה אסור.

1 Of the two baskets, not knowing which was תְּרוּמָה and which חֵילִין. 2 *i.e.*, it may be allowed to grow and the produce will be חֵילִין. 3 His view is accepted, because if it is considered valid תְּרוּמָה then חֵלָה must be separated. 4 From חֵלָה. 5 Then evidently one must have been תְּרוּמָה. 6 In the ground. For example wheat and barley. 7 To be eaten by יִשְׂרָאֵלִים, *non-priests*, the whole being considered as חֵילִין. 8 For instance onions and garlic.

CHAPTER 8

פֶּרֶק ח

Mishnah 1

If a woman<sup>1</sup> were eating *priest's-due* and they came and said to her, 'Thy husband is dead,' or, 'He has divorced thee'; and likewise, if a slave<sup>2</sup> were eating *priest's-due* and they came and said to him, 'Thy master is dead,' or, 'He has sold thee to a non-priest,' or, 'He has given thee away,' (or) 'He has set thee free'; and similarly, if a priest were eating *priest's-due* and it became known that he was the son<sup>3</sup> of a divorced woman or the son of a woman that had performed *chalitzah*<sup>3,4</sup>—R. Eliezer declares them liable to the repayment of the value and the *added fifth*, but R. Joshua<sup>5</sup> exempts. If he<sup>6</sup> were standing and sacrificing at the altar, and it became known that he was the son of a divorced woman or the son of a woman who had performed *chalitzah*, R. Eliezer<sup>7</sup> says, All the offerings that he offered on the altar are invalid; but R. Joshua<sup>8</sup> declares them valid; if it became known that he had a blemish,<sup>9</sup> his ministration is invalid.

1 The wife of a priest, whose father was a non-priest. 2 A priest's slave. *Leviticus* 22, 11. 3 These make him ineligible to serve as a כֹּהֵן. 4 A חֵלוּצָה is a woman released from a leviratical marriage by the ceremony of חֵלְיָצָה, *the taking off of the shoe of the יָבֵם* (*Deuteronomy* 25, 7-9; יְבָמוֹת Introduction). 5 His

מִשְׁנָה א

הָאִשָּׁה שֶׁהִיתָה אוֹכֶלֶת בְּתֵרוּמָה, בָּאוּ וְאָמְרוּ לָהּ, מֵת בַּעֲלֶיךָ אוֹ גֵרָשָׁךְ; וְכֵן הִעָבֵד שֶׁהָיָה אוֹכֵל בְּתֵרוּמָה וּבָאוּ וְאָמְרוּ לוֹ, מֵת רַבֶּךָ, אוֹ מִכְרָךְ לְיִשְׂרָאֵל, אוֹ נִתְּנָה בְּמִתְנָה, עֲשָׂאֵךְ בֶּן חוֹרִין; וְכֵן כֹּהֵן שֶׁהָיָה אוֹכֵל בְּתֵרוּמָה, וְנוֹדַע שֶׁהוּא בֶּן גֵּרוּשָׁה אוֹ בֶּן חֵלוּצָה, רַבִּי אֱלִיעֶזֶר מַסְיֵיב קָרָן וְחוּמְשִׁי, וְרַבִּי יְהוֹשֻׁעַ פּוֹטֵר.<sup>6</sup> הָיָה עוֹמֵד וּמִקְרִיב עַל גְּבִי הַמִּזְבֵּחַ, וְנוֹדַע שֶׁהוּא בֶּן גֵּרוּשָׁה אוֹ בֶּן חֵלוּצָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר, כָּל-הַקִּרְבָּנוֹת שֶׁהִקְרִיב עַל גְּבִי הַמִּזְבֵּחַ פְּסוּלִים, וְרַבִּי יְהוֹשֻׁעַ מַכְשִׁיר; נוֹדַע שֶׁהוּא בָּעַל מוֹם, עֲבוּדָתוֹ פְּסוּלָה.



opinion is accepted in the case when the eating took place **פסח** **עָרַב** when they were anxious to consume the **תְּרוּמָה הַקָּמֶץ** and overlooked their invalidity. 6 A **פֶּהֶן**. 7 His opinion is rejected. 8 His view is accepted. 9 *Leviticus* 21, 18. *Numbers* 25, 12. *Deuteronomy* 33, 11.

## Mishnah 2

And all of them,<sup>1</sup> if there were *priest's-due* in their mouths, R. Eliezer says,<sup>2</sup> 'They may swallow it, but R. Joshua says,<sup>3</sup> They should eject it. If they said to him,<sup>4</sup> 'Thou hast become unclean,' or, 'The *priest's-due* has become unclean,' R. Eliezer says,<sup>2</sup> He may swallow it, but R. Joshua says,<sup>3</sup> He should eject it; 'Thou<sup>5</sup> wast unclean,' or, 'The *priest's-due* was unclean,' or if it became known that it was produce from which the *priest's-due* and *first tithe* had not been separated, or *first tithe* from which the *priest's tithe*<sup>6</sup> had not been separated, or *second tithe* or *dedicated produce* which had not been redeemed, or if he tasted the flavour of a bug in his mouth, then he should eject this.

1 Or **וְכָלֶם**, refers to the **עֶבֶד** and **אִשָּׁה** mentioned in the preceding *Mishnah*. 2 His opinion is rejected. 3 His view is accepted. 4 Who had *priest's-due* in his mouth. 5 i.e., *If they said to him, 'Thou . . . . .'* 6 **תְּרוּמָה קְטָנָה** or **תְּרוּמַת** **מַעֲשֵׂר** (see **Introduction**).

## Mishnah 3

If one were eating<sup>1</sup> a cluster of grapes, and entered from the garden into the courtyard,<sup>2</sup> R. Eliezer says,<sup>3</sup> He may finish,<sup>4</sup> but R. Joshua says,<sup>5</sup> He must not finish. If it were growing dusk<sup>6</sup> on the Sabbath eve, R. Eliezer<sup>7</sup> says,<sup>3</sup> He may finish, but R. Joshua<sup>8</sup> says,<sup>5</sup> He must not finish.

## מְשִׁנָּה ב

<sup>1</sup> וְכָלֶם שֶׁהֵיטָה תְּרוּמָה בְּתוֹךְ פִּיהֶם  
<sup>2</sup> רַבִּי אֶלְעִיָּעֶזֶר אוֹמֵר, יִבְלָעוּ, וְרַבִּי  
<sup>3</sup> יְהוֹשֻׁעַ אוֹמֵר, יִפְלוּטוּ. אָמְרוּ לוֹ,  
נִטְמָאתָ וְנִטְמַאת תְּרוּמָה, רַבִּי  
<sup>2</sup> אֶלְעִיָּעֶזֶר אוֹמֵר, יִבְלָעוּ, וְרַבִּי  
<sup>3</sup> יְהוֹשֻׁעַ אוֹמֵר, יִפְלוּטוּ; <sup>5</sup> טָמֵא הָיִיתָ  
וְטָמֵא הָיְתָה תְּרוּמָה, אוֹ נֹדַע  
שֶׁהוּא טָבֵל, וּמַעֲשֵׂר רִאשׁוֹן שֶׁלֹּא  
נִטְלָה <sup>6</sup>תְּרוּמָתוֹ, וּמַעֲשֵׂר שְׁנִי וְהַקֹּדֶשׁ  
שֶׁלֹּא נִפְדּוּ, אוֹ שְׁטַעַם טַעַם פֶּשֶׁשׁ  
לְתוֹךְ פִּי, הֲרִי זֶה יִפְלוּט.

## מְשִׁנָּה ג

הָיָה <sup>1</sup>אוֹכֵל בְּאֶשְׁכּוֹל וְנִכְנס מִן־  
הַגֶּנֶז <sup>2</sup>לְחִצְרֵי, רַבִּי אֶלְעִיָּעֶזֶר אוֹמֵר,  
<sup>4</sup>יִגְמֹר, וְרַבִּי יְהוֹשֻׁעַ אוֹמֵר, לֹא  
יִגְמֹר. <sup>6</sup>חֲשִׁיכָה לִילִי שָׁבַת, רַבִּי  
<sup>3, 7</sup>אֶלְעִיָּעֶזֶר אוֹמֵר, יִגְמֹר, וְרַבִּי  
<sup>8</sup>יְהוֹשֻׁעַ אוֹמֵר, לֹא יִגְמֹר.

1 A casual meal may be eaten from produce *before* it is brought into the owner's domain. 2 A courtyard renders produce liable to תרומה and מעשר. Even אכילת עראי is forbidden under such conditions. 3 His view is rejected. 4 Eating the grapes. 5 His opinion is accepted. 6 חשכה in some editions. When it is forbidden to tithe. 7 יהושע in some editions. 8 In some editions, אליעזר.

Mishnah 4

Wine of *priest's-due* that has stood uncovered<sup>1</sup> must be poured away, and still less need this be said of non-holy wine. Three liquids become forbidden through being uncovered: water, wine and milk; but all other liquids<sup>2</sup> are permitted.<sup>3</sup> How long should they have thus remained<sup>4</sup> to have become forbidden? As long as it would take a reptile<sup>5</sup> to come forth from a near-by place to drink.

1 When a reptile may have drunk of it and rendered it harmful, even though תרומה produce may not in ordinary circumstances be wasted. 2 Because reptiles do not drink of other liquids. 3 Or מתרים. For use although they stood uncovered, as a reptile does not drink of them. 4 Uncovered. 5 Or snake.

Mishnah 5

The quantity<sup>1</sup> of water that may remain uncovered<sup>2</sup> must be such that the poison<sup>3</sup> may be lost<sup>2</sup> therein; R. Jose<sup>4</sup> says, In vessels,<sup>5</sup> whatever its quantity;<sup>6</sup> and on the ground, forty *seahs*.<sup>7</sup>

משנה ד  
יין של תרומה<sup>1</sup> שנתגלה ישפך,  
ואי צריך לומר של חולין. שלשה  
משקין אסורים משום גלוי. המים  
והיין והחלב.<sup>2</sup> ושאר כל המשקין  
מוותרים. כמה<sup>4</sup> ישהו ויהיו אסורין?  
כדי שיצא<sup>5</sup> הקרחש ממקום קרוב  
וישתה.

משנה ה  
1 שיעור המים המגולין כדי  
שתאבד בהן<sup>3</sup> המרה; רבי יוסי  
אומר, בכלים כל-שהן.  
7 ובקרקעות ארבעים סאה.

1 Or שיעור. 2 *i.e.*, be ineffective or rendered harmless. 3 Of a reptile. 4 His view is rejected. 5 Water in vessels, whatever the quantity, must not be used if it has remained uncovered. 6 Or שהם. 7 Water on the ground may not be used (when infected by a snake's venom) if it be forty *seahs* or less. But R. Jose's opinions here are not accepted.

## Mishnah 6

Figs, grapes, cucumbers, gourds, melons, or squash<sup>2</sup> that have been gnawed,<sup>1</sup> even if they are as much as a talent, whether large or small,<sup>3</sup> whether plucked or unplucked,<sup>4</sup> as long as they contain juice they are forbidden. And a snake-bitten beast is forbidden because of the danger to life.<sup>5</sup>

משנה ו

1 נִקְוֵרִי תְּאֵנִים וְעֹבְכִים  
וְקִשְׁוֹאֵץ וְהַדְּלוּעִין וְהָאֲבִטִּיחִים  
2 הֵמָּלְכָפוֹנוֹת, אֲפִילוּ הֵם כֶּכָּר,  
3 אֶחָד גָּדוֹל וְאֶחָד קָטָן, אֶחָד תָּלוּשׁ  
וְאֶחָד מְחוּבָּר, כָּל־שֵׁשׁ בּוֹ לִיחָה  
אֲסוּר. וְנִשְׁכַּת הַנָּחָשׁ אֲסוּרָה מִפְּנֵי  
5 סִכַּנָּת נַפְשוֹת.

1 *נִקְוֵר*, the pecking or biting or nibbling or gnawing by birds, snakes, etc.  
2 Or *muskmelons*, *cucumber-melons*.\* 3 Fruit. 4 Or *מְחוּבָּר*. 5 For no other reason except for fear of risk to health or life from the possibility of a snake having tainted such produce with its venom which the juice would absorb and spread throughout; but in the case of dry fruit the bitten part may be cut away and the rest eaten as the poison does not diffuse through dry tissue. The flesh of a beast that has been bitten by a snake is absolutely forbidden to be consumed because of danger to health or life, and the principle of *בְּטֵל בְּשֵׁשִׁים*, *neutralization of one part in sixty*, does not apply in such a case.\* See **Supplement**.

## Mishnah 7

A wine-strainer<sup>1</sup> is forbidden as a cover; R. Nehemiah<sup>2</sup> permits it.

משנה ז

1 הַמְשַׁמֶּרֶת שֶׁל יַיִן אֲסוּרָה מִשּׁוּם  
גְּלוּי; רַבִּי נְחֵמְיָה מְתִיר.

1 The pores or holes allow the poison from a snake to penetrate to the liquor.  
2 His view is not accepted.

## Mishnah 8

If a cask<sup>1</sup> of *priest's-due* be in doubt regarding uncleanness, R. Eliezer says,<sup>2</sup> If it stood in a neglected<sup>4</sup> place<sup>3</sup> it should be put in a hidden<sup>5</sup> place, and if it were uncovered<sup>6</sup> it should be covered. But R. Joshua<sup>7</sup> says, If it were lying in a hidden place it should be placed in a neglected place, and if it were covered it<sup>8</sup> should be uncovered. Rabban Gamaliel says,<sup>9</sup> Nothing new should be done about it.

משנה ח

1 חֲבִית שֶׁל תְּרוּמָה שְׁגוּלָה בָּהּ סָפֵק  
טוֹמְאָה, רַבִּי אֵלִיעֶזֶר אוֹמֵר, אִם  
הָיְתָה מוּנַחַת בְּמָקוֹם<sup>3</sup> תּוֹרְפָה,<sup>4</sup>  
נִיחָצָה בְּמָקוֹם מוּצָנֵעַ; וְאִם הָיְתָה  
מְגוּלָה, יִכְסֶּנָּה. וְרַבִּי יְהוֹשֻׁעַ אוֹמֵר,  
אִם הָיְתָה מוּנַחַת בְּמָקוֹם מוּצָנֵעַ  
נִיחָצָה בְּמָקוֹם תּוֹרְפָה; וְאִם הָיְתָה  
מְכֻסָּה, יִגְלָנָה. רַבֵּן גַּמְלִיאֵל  
אוֹמֵר, אַל יַחְדֵּשׁ בָּהּ דָּבָר.

1 Or *barrel, cask, jar*. 2 His view is not accepted. 3 Or *exposed, dangerous*. 4 *הַתּוֹרָפָה* in some editions. 5 Or *decent, safe*. Because *priest's-due* whose uncleanness is in doubt must also be protected—as well as *priest's-due* of certain cleanness. Gloss based on the plural *תְּרוּמֹתַי* in *Numbers 18, 8*. 6 Or *מְנִלָּה*. 7 His opinion is rejected. 8 Or *מְכַסָּה*. 9 'The ruling is according to his view; and if it be not known which of two vessels of *תְּרוּמָה* was defiled they must neither be protected nor covered more than they are already.

## Mishnah 9

If a jar<sup>1</sup> in the upper part of the press<sup>2</sup> were broken, and the lower part<sup>3</sup> were unclean, R. Eliezer and R. Joshua agree that if they can<sup>4</sup> save<sup>5</sup> from it a *quarter*<sup>6</sup> in cleanness he should save it; But if not, R. Eliezer<sup>7</sup> says, let it run off and become unclean, but he should not defile it with his hands.

מִשְׁנֵה ט

יְחִיבִית שְׁנֵשְׁפָּכָה<sup>2</sup> בְּגִת הָעֲלִיוֹנָה  
וְהַתַּחְתּוֹנָה טְמֵאָה מוֹדָה רַבִּי  
אֶלְעִזָּר וְרַבִּי יְהוֹשֻׁעַ שְׂאֵם  
אֶלְהָצִיל מִמֶּנָּה<sup>6</sup> רְבִיעִית בְּטָהֳרָה  
יֵצֵל; וְאִם לֹא רַבִּי אֶלְעִזָּר  
אֹמֵר תֵּרֵד וְתִטְמָא וְאֵל יִטְמָאנָה  
בִּידָיו.

1 Or *barrel, cask*. 2 Wine-press. 3 The pit or cistern contains less than 100 parts as much as the *תְּרוּמָה* to neutralize it. 4 In some editions, *יָכוֹל*, which would be more correct linguistically, *i.e.*, if he can save from it . . . . . 5 With clean hands and in clean vessels; or even with unclean hands and in an unclean vessel so that the *תְּרוּמָה* be not wasted. 6  $\frac{1}{4}$  רְבִיעִית =  $\frac{1}{4}$  רָבַע or  $\frac{1}{4}$  לֹוג (see *Introduction Tables*). 7 His opinion is rejected.

## Mishnah 10

And likewise, also, in the case of a jar of oil that was spilled, R. Eliezer and R. Joshua agree that if one can save from it a *quarter*<sup>1</sup> in cleanness, he should save it; But if not,<sup>2</sup> R. Eliezer says, let it run away and be absorbed<sup>3</sup> and he should not defile<sup>4</sup> it with his hands.

מִשְׁנֵה י

וְכֵן יְחִיבִית שֶׁל שֶׁמֶן שְׁנֵשְׁפָּכָה מוֹדָה  
רַבִּי אֶלְעִזָּר וְרַבִּי יְהוֹשֻׁעַ שְׂאֵם  
יָכוֹל לְהָצִיל מִמֶּנָּה<sup>1</sup> רְבִיעִית  
בְּטָהֳרָה יֵצֵל; וְאִם לֹא רַבִּי  
אֶלְעִזָּר אֹמֵר תֵּרֵד וְתִתְבַּלַּע וְאֵל  
יִבְלַעֶנָה בִּידָיו.

1  $\frac{1}{4}$  לֹוג (see *Introduction Tables*). 2 And also if the lower pit or cistern does not contain 100 times as much as the *תְּרוּמָה*. 3 Into the ground. 4 Literally, 'and he should not gather or scoop it up.'

## Mishnah 11

Of both these cases<sup>1,2</sup> R. Joshua said, This is not such *priest's-due* that I must be careful not to render it unclean, but not to eat it. But what is the *priest's-due* which must not be rendered unclean?—If one were passing from one place to another and he had *priest's-due* loaves in his hand, and a non-Jew<sup>3</sup> said to him, 'Give me one of them and I will render it unclean, but if not I will defile the whole lot;<sup>4</sup>—R. Eliezer<sup>5</sup> says, Let him defile the whole lot, but let him not give him one of them to render it unclean. R. Joshua<sup>6</sup> says, Let him set one of them before him on a stone.

## משנה יא

<sup>1,2</sup>על זה ועל זה אמר רבי יהושע, לא זה היא תרומה שאני מזהר עליה מלִטְמָאָה, אלא מלִאֲכֵלָהּ. ובל תטמאה ביצר, הִיא עוֹבֵר מִמָּקוֹם לְמָקוֹם וּכְפָרוֹת שֶׁל תְּרוּמָה בְּיָדוֹ, אָמַר לוֹ <sup>3</sup>עוֹבֵד כּוֹכְבִּים, תֵּן לִי אַחַת מֵהֶן וְאֶטְמָאָה וְאִם לֹא אֲנִי מְטַמֵּא אֶת־כּוֹלָהּ; רַבִּי <sup>5</sup>אֵלִיעֶזֶר אוֹמֵר, יִטְמָא אֶת־כּוֹלָהּ וְאֵל יתֵּן לוֹ אַחַת מֵהֶן וְיִטְמָאָה. רַבִּי <sup>6</sup>יְהוֹשֻׁעַ אוֹמֵר, יָנִיחַ לְפָנָיו אַחַת מֵהֶן עַל הַסֵּלַע.

<sup>1</sup> ועל in some editions. <sup>2</sup> That in *Mishnah* 8 of this Chapter and that in the preceding *Mishnah* 9 (and also in *Mishnah* 10). <sup>3</sup> Literally, *star-worshipper*, i.e., *idolater*. In some editions נִכְרִי, *non-Jew*. <sup>4</sup> Or בָּלָה; in some editions, כוֹלֵם and כוֹלֵם. <sup>5</sup> His opinion is rejected. <sup>6</sup> His view is accepted.

## Mishnah 12

And similarly, too, in the case of women to whom<sup>1</sup> non-Jews<sup>2</sup> said, 'Give us<sup>3</sup> one from among you<sup>4</sup> that we may defile her, and if not we will defile you all,<sup>5</sup> let them defile all of them<sup>6</sup> but let them not yield to them a single soul from Israel.

## משנה יב

וְכֵן נָשִׁים שֶׁאָמְרוּ לָהֶם <sup>2</sup>גּוֹיִים, תִּנּוּ <sup>3</sup>לָנוּ אַחַת מֵכֶם וְנִטְמָאָהּ, וְאִם לֹא הָרִי אָנוּ מְטַמְּאִים אֶת־<sup>5</sup>כּוֹלְכֶם, יִטְמָאוּ אֶת־<sup>6</sup>כּוֹלֶן וְאֵל יִמְסְרוּ לָהֶם נַפְשׁ אַחַת מִיִּשְׂרָאֵל.

<sup>1</sup> Grammatically this should be לָהֶן (*f.pl.*) in agreement with נָשִׁים. <sup>2</sup> עוֹבְדֵי <sup>3</sup>לָנוּ is omitted in some editions. <sup>4</sup> מִכֶּם more grammatically correct. <sup>5</sup> בְּכָלֶן more grammatically correct. <sup>6</sup> Or כָּלֶן.

## CHAPTER 9

## פרק ט

## Mishnah 1

If one sowed *priest's-due*, if in error it must be turned over,<sup>1</sup> but if wilfully, he must let it grow.<sup>2</sup> If it have attained to a third of its growth, whether in error or wilfully, he must let it grow, and in the case of flax,<sup>3</sup> even if wilfully, it must be turned over.<sup>4</sup>

1 And no regard be paid to the rule that תרומה must not be wasted. 2 And the produce is תרומה. 3 In some editions, אם בפשתן. 4 Because the stalks and not the seeds are the main purpose of the growth and they are תרומה.

## Mishnah 2

And it<sup>1</sup> is subject to the laws of *gleaning, forgotten-sheaf, and field-corner produce*; and poor non-priests and poor priests may gather<sup>2</sup> therefrom; and the poor non-priests must sell their portions to the priests at the price of *priest's-due* but the money belongs to them. R. 'Tarfon says, None other than poor priests may gather lest they<sup>3</sup> forget and put into their mouths. R. Akiba said to him, If so then no others should gather except the clean.<sup>4</sup>

1 i.e., what grows from such sowing (preceding *Mishnah*). 2 מלקטים in some editions. 3 i.e., non-priests. 4 i.e., clean priests. His ruling is accepted.

## Mishnah 3

And it<sup>1</sup> is subject to *tithes*<sup>2</sup> and to the *poor-man's tithe*; and poor non-priests and poor priests may take<sup>3</sup> therefrom; and the poor non-priests must sell their portions to the priests at the price of *priest's-due* but the money belongs to them. He who threshes with the

## משנה א

הזורע תרומה, שוגג יופך, ומזיד יזניי. אם הביאה שליש, בין שוגג בין מזיד יזניי. ובפשתן, מזיד יופך.

## משנה ב

יחייבת בלקט ובשכחה ובפאה, ועניי ישראל ועניי כהנים מלקטין; ועניי ישראל מוכרין את-שלהם לכהנים בדמי תרומה והדמים שלהם. רבי טרפון אומר, לא ילקטו אלא עניי כהנים שמא ישכחו ויתנו לתוך פיהם. אמר לו רבי עקיבא, אם כן לא ילקטו אלא טהורים.

## משנה ג

יחייבת במעשרות ובמעשר עני, ועניי ישראל ועניי כהנים נוטלים, ועניי ישראל מוכרין את-שלהם לכהנים בדמי תרומה והדמים שלהם. החובט משובח. והדש

flail<sup>4</sup> is praiseworthy.<sup>5</sup> And he who threshes,<sup>6</sup> how shall he act?—He hangs baskets<sup>7</sup> over the necks of the beasts and puts into them a like kind<sup>8</sup> of the produce; thus it will be found that he neither muzzles the beast nor feeds it with *priest's-due*.

- 1 What grows from such sowing (see 9<sup>1</sup>). 2 Both first tithe and second tithe. 3 נוטלין in some editions. 4 With flails, so as not to have to employ a beast which must not be fed with תרומה (unless it belongs to a כהן) and it would be an act of cruelty to prevent it from eating in the presence of food. 5 Or משבח. 6 i.e., who treads it out with cattle. Deuteronomy, 25, 4. 7 כפיפה, osier basket. 8 But which is חולין.

#### Mishnah 4

Whatever grows from *priest's-due* is *priest's-due*, but the next growth is *non-holy produce*; but what grows from produce from which the *priest's-due*<sup>1</sup> and *first tithe*<sup>1</sup> have not been separated, from *first tithe*, from aftergrowths<sup>2</sup> of *Sabbatical Year produce*, from *priest's-due* from outside Palestine,<sup>3</sup> from *non-holy produce* mixed with *priest's-due*,<sup>4</sup> and from *first-fruits*<sup>5</sup> is *non-holy produce*. Whatever grows from *dedicated produce* or from *second tithe* is *non-holy produce* and one must redeem<sup>6</sup> it as at the time when it was sown.

- 1 Because the greater part of these is actually חולין. 2 Because they are usually rare. 3 Because it is an unusual separation. 4 Because actually the greater part is חולין. 5 Because only seven species are under this heading. 6 With the price of the seeds at the time sown.

#### Mishnah 5

If there be a hundred beds of *priest's-due* and one of *non-holy produce*,<sup>2</sup> they are all permitted<sup>3</sup> if the produce is of the kind whose

כיצד יעשה? תולה כפיפות בצוארי בהמה ונותן לתוכן מאותו המין, נמצא לא זומם את-הבהמה ולא מאכיל את-התרומה.

#### משנה ד

גדולי תרומה תרומה, וגדולי גדולין חולין; אבל יהטבל וימעשר ראשון וספיחי שביעית, ותרומת חוצה לארץ ונהמדומע ונהבכורים, גדוליהן חולין. גדולי הקדש וימעשר שני חולין, ופודה אותם בזמן ורעם.

#### משנה ה

מאה ילגה של תרומה ואחת של חולין, כולן מותרין בדבר שורעו

seed perishes;<sup>4</sup> but produce whose seed does not perish,<sup>4</sup> even if there be a hundred of *non-holy produce* and one of *priest's-due*, all are forbidden.<sup>5</sup>

1 Or לִנְיָה, *bed, row*. 2 And it is not known which is which. 3 In some editions, מִתְּרִים. To non-priests. 4 In the soil. 5 If it be not known which is the תְּרוּמָה.

#### Mishnah 6

What grows from produce from which *priest's-due* and *first tithe* have not been separated is permitted<sup>1</sup> if the produce be such whose seed perishes,<sup>2</sup> but in the case of produce whose seed does not perish,<sup>2</sup> what grows therefrom next is forbidden. What produce is there whose seed does not perish?—Such as serpentaria,<sup>3</sup> garlic and onions. R. Judah says, Garlic is like barley.<sup>4</sup>

1 To partake of it אֲכִילַת עֲרָא, *a chance meal*. 2 In the ground. 3 Serpentaria, snake-root, dragon's-wort, snake-weed, tarragon, herb-dragon; more probably Egyptian bean, Indian lotus, hyacinth-bean; perhaps arum, cuckoo-pint, wake-robin.\* 4 Or כְּשַׁעוּרָה and כְּשַׁעוּרִין in some editions. In this respect. But his view is rejected. See **Supplement**.

#### Mishnah 7

If one were weeding leeks with<sup>1</sup> a non-Jew, even though the *priest's-due* and the *first tithe* have not been separated from his produce, he may eat a chance meal of them. If seedlings<sup>2</sup> of *priest's-due* that had become defiled were replanted,<sup>3</sup> they become clean and do not defile, but they are forbidden to be eaten until the edible portion be cut away; R. Judah says,<sup>4</sup> Until what grows again is also cut away once more.

כָּלָה; אָבֵל בְּדָבָר שֶׁאֵין וְרָעוּ  
כָּלָה, אֲפִילוּ מֵאֵה שֶׁל חוּלִין וְאֶחָד  
שֶׁל תְּרוּמָה, כּוֹלֵן אֲסוּרִין.

#### משנה ו

הַטָּבֵל גְּדוּלְיוֹ<sup>1</sup> מוֹתְרִין בְּדָבָר שֶׁזָּרְעוּ  
כָּלָה; אָבֵל בְּדָבָר שֶׁאֵין וְרָעוּ  
כָּלָה, גְּדוּלֵי גְדוּלִין אֲסוּרִין. אִיזְהוּ  
דָּבָר שֶׁאֵין וְרָעוּ כָּלָה? כְּגוֹן<sup>3</sup> הַלּוֹף  
וְהַשּׁוֹם וְהַבְּצָלִים. רַבִּי יְהוּדָה אוֹמֵר,  
הַשּׁוֹם<sup>4</sup> כְּשַׁעוּרִים.

#### משנה ז

הַמְּנַכֵּשׁ<sup>1</sup> עִם הַנִּזְכָּרִי בַּחֲסִיּוֹת, אֵף  
עַל פִּי שְׁפִירוֹתָיו טָבֵל, אוֹכֵל מֵהֶם  
עֲרָאִי. שְׁתִּילֵי תְּרוּמָה שֶׁנִּטְמְאוּ  
שֶׁתָּלַן טָהָרוּ מִלְּטִמָּא וְאֲסוּרִין  
מִלְּאֲכֹל, עַד שֶׁיִּגְוֹם אֶת-הָאוֹכֵל;  
רַבִּי יְהוּדָה אוֹמֵר, עַד שֶׁיִּגְוֹם  
וְיִשְׁנֶה.



1 *i.e.*, assisting the non-Jew. Also if a non-Jew planted **טָבַל** a Jew may eat from it **אֲכִילֵת עֲרָאִי**, a *chance-meal*. 2 Or *plants*. This applies also to unclean **תְּרוּמָה** seeds. 3 Or *transplanted*. 4 His view is not accepted.

## CHAPTER 10

## פֶּרֶק י'

## Mishnah 1

If one put an onion<sup>1</sup> into lentils,<sup>2</sup> and the onion were whole, it is permitted,<sup>3</sup> but if it were cut up, the matter is decided on the principle of 'that which gives a flavour.' And in the case of all other cooked dishes, whether whole or cut up,<sup>4</sup> it is decided as to whether it imparts its flavour. R. Judah allows<sup>5</sup> in the case of small fish preserved in brine because it is<sup>6</sup> applied only to absorb the froth.<sup>7</sup>

1 Of **תְּרוּמָה** after it had been boiled. 2 Of **חֵילִין** hot or already cooked. 3 To non-priests. 4 *i.e.*, the onion. 5 The use of onion of **תְּרוּמָה**. His view is rejected. 6 **שְׂאִינֵי** in some editions. 7 Or *stench, offensive matter*.

## Mishnah 2

If one chopped up an apple<sup>1</sup> and put it into dough<sup>2</sup> and it leavened it, it<sup>3</sup> is forbidden. If barley<sup>4</sup> fell into a cistern of water,<sup>5</sup> even though it had tainted the water, the water is permitted.<sup>6</sup>

1 Of **תְּרוּמָה**. The apple does not become neutralized. 2 Of **חֵילִין**. 3 The dough. 4 Of **תְּרוּמָה**. 5 **מִיָּמִיו** is omitted in some editions. 6 **מִתְרִים** in some editions.

## Mishnah 3

If one removed hot bread<sup>1</sup> from an oven and put it over the mouth of a jar<sup>2</sup> of wine of *priest's-due*, R. Meir<sup>3</sup> forbids it, but R. Judah<sup>4</sup> permits it. R. Jose permits<sup>5</sup> it if

**מִשְׁנָה א**  
**בָּצֵל שֶׁנָּתַנוּ בְּתוֹךְ עֲדָשִׁים, אִם שָׁלֵם מוֹתָר, וְאִם חֲתָכוֹ בְּנוֹתָן טָעַם. וְשֶׁאֵר כָּל-הַתְּבַשִּׁיל בֵּין שָׁלֵם בֵּין מִחוּתָף בְּנוֹתָן טָעַם. רַבִּי יְהוּדָה מְתִיר בְּצִחָנָה, שְׂאִינָה אֵלָא לִישׁוּל אֶת-הַזֵּוֹהָמָא.**

**מִשְׁנָה ב**  
**אִתְּפוּיָה שְׂרָסְקוֹ וְנָתַנוּ לְתוֹךְ עֵיסָה וְחֻמְצָה, הָרִי צִוּ אֲסוּרָה. יִשְׁעוּרִים שֶׁנָּפְלוּ לְתוֹךְ הַבּוֹר שֶׁל מַיִם, אֵף עַל פִּי שֶׁהִבְאִישׁוּ מִיָּמִיו, מִיָּמִיו מוֹתָרִין.**

**מִשְׁנָה ג**  
**הַרוֹדֶה יֶפֶת חֻמָּה וְנָתַןָה עַל פִּי תֵּבִית שֶׁל יַיִן שֶׁל תְּרוּמָה, רַבִּי מְאִיר אוֹסֵר, וְרַבִּי יְהוּדָה מְתִיר.**

of wheat<sup>6</sup> but forbids it if of barley, because barley is absorbent.<sup>7</sup> רבי יוסי מתיר בשל חטים ואוסר בשל שעורים מפני שהשעורים שואבות.

1 Of חילין. 2 jar, cask, barrel. 3 To non-priests. His view is accepted. 4 His opinion is rejected. 5 The רמב"ם accepts this view for hot wheaten bread. 6 חשין in some editions. 7 Absorbs the wine fumes.

Mishnah 4

If one heated an oven with caraway<sup>1</sup> of *priest's-due* and baked bread therein, the bread is permitted<sup>2</sup> since it is not the flavour of the caraway but its odour that is imparted.

1 Or *cumin, cummin*—see *Supplement*. 2 To non-priests. This is the accepted ruling. \*שהסיקו\* probably preferable.

Mishnah 5

If clover<sup>1</sup> of *priest's-due* or *second tithe* fell into a vat of wine,<sup>2</sup> if the seed but not the stalk were enough to impart its flavour,<sup>3</sup> but if it were from *Sabbatical Year produce* or from *forbidden junction produce* or from *dedicated produce*, then if both seed and stalk are sufficient to impart a flavour.<sup>3</sup>

1 Or *fenugreek, melilot*. Here it means the seeds and the stalks. The stalks do not come under the heading of תרומה, and תרומה and מעשרות are separated from the seed only; but if one separated these dues from the seed while still with the stalks then both must be delivered to the כהן. But the laws of שביעית, וקדוש, and כלאים do apply to the stalks. 2 Of חילין. 3 It is forbidden to non-priests.

Mishnah 6

If one had bundles of clover<sup>1</sup> from *forbidden junction*<sup>2</sup> from a vineyard they must be burned. If he had bundles of clover from which the *priest's-due* and *first tithe* had

משנה ד  
תנור שהסיקו לבכמון של תרומה ואפה בו את-הפת הפת מותרת שאין טעם כמון אלא ריח כמון.

משנה ה  
יתלתן שגפלה לתוך הבור של זיין בתרומה ובמעשר שני אם יש בורע כדי ליתן טעם אבל לא בצע; בשביעית ובכלאי הכרם והקדוש אם יש בורע ובעץ כדי ליתן טעם.

משנה ו  
מי שהיו לו חבילי יתלתן בכלאי הכרם ודלקו היו לו חבילי תלתן של טבל כותש ומחשב כמה זרע

not been separated, he must beat out the seed and compute how much seed there is therein and separate the seed;<sup>3</sup> but he need not separate from the stalks. If he did separate,<sup>4</sup> he must not say, 'I will beat out the seed and keep back the stalks, and give up the seed,' but he must give up the stalks together with the seed.

1 Compare the preceding *Mishnah*, Note 1. 2 In some editions, של כלאי.

3 For תרומה. 4 The stalks as תרומה.

#### Mishnah 7

If olives of *non-holy produce* were preserved<sup>1</sup> with olives of *priest's-due*, whether they<sup>2</sup> were crushed *non-holy produce* with crushed *priest's-due*, or whether they were crushed *non-holy produce* with whole<sup>3</sup> *priest's-due*, whether in liquor<sup>4</sup> that was *priest's-due*, they are forbidden;<sup>5</sup> but whole *non-holy olives* with crushed *priest's-due olives* are permitted.<sup>6</sup>

1 Or *pickled*. 2 The olives. 3 Uncrushed olives. 4 Fruit juice. 5 To a non-priest. Because the broken crushed olives absorb the flavours from the תרומה in all these cases. 6 To non-priests. Because whole olives do not absorb the flavour.

#### Mishnah 8

If unclean fish were preserved<sup>1</sup> with clean fish, if in any<sup>2</sup> keg<sup>3</sup> holding two *seahs* the weight of the unclean fish be ten *zuz*<sup>4</sup> in Judaeen measure, which is five<sup>5</sup> *selahs*<sup>6</sup> in Galilean measure, the brine<sup>7</sup> thereof is forbidden. R. Judah says, 'A quarter *log* in two *seahs*.'<sup>8</sup> And R. Jose says, 'When one<sup>1</sup> sixteenth<sup>9</sup> part is in it.'

יש בהם ומפריש את-הזרע, ואינו צריך להפריש את-העץ. אם הפריש לא יאמר אכתש ואטול את-העץ, ואפן את-הזרע, אלא נותן העץ עם הזרע.

#### משנה ז

ויתי חולין ושכבשן עם ויתי תרומה, פצוצי חולין עם פצוצי תרומה, פצוצי חולין עם שלימי תרומה, או בכמי תרומה אסור; אבל שלימי חולין עם פצוצי תרומה מותר.

#### משנה ח

דג טמא ושכבשו עם דג טהור, כל-גרב שהוא מחזיק סאתים אם יש בו משקל עשרה זוזי ביהודה שהי חמשה סלעים בגליל, דג טמא, צירו אסור. רבי יהודה אומר, רביעית בפסאתים; ורבי יוסי אומר, אחד ממששה עשר בו.

1 Or *pickled*. In brine. The accepted ruling is that the unclean fish becomes neutralized in not less than sixty times as much of clean fish. 2 וְכֵל in some editions. 3 *tub, keg* (used as a measure). 4 1 *seah* = 4800 *zuz* (see וְרָצִים Introduction, Tables). 5 חֶמֶשׁ in some editions. 6 סֵלַע (or שֶׁקֶל הַקֹּדֶשׁ) = 2 וְרָצִים (See Tables of Weights and Measures in וְרָצִים, Introduction). 7 Or *juice*. Literally, 'the brine thereof—the fish being unclean—is forbidden.' 8 Is forbidden. 9 Is unclean.

Mishnah 9

If unclean locusts were preserved<sup>1</sup> with clean locusts, they do not render their brine<sup>3</sup> unfit.<sup>2</sup> R. Zadok<sup>4</sup> testified that the brine of unclean locusts is clean.

מִשְׁנָה ט

חֲגָבִים טְמֵאִים וְשֹׁכְכִישׁוּ עִם חֲגָבִים  
טְהוּרִים, לֹא פְסָלוּ אֶת-צִירָם.  
הָעִיד רַבִּי אֶזְרוּק עַל צִיר חֲגָבִים  
טְמֵאִים שֶׁהוּא טְהוֹר.

1 Or *pickled*. 2 *Forbidden*. 3 Or *juice*. 4 His opinion is accepted.

Mishnah 10

All<sup>1</sup> that are preserved together are permitted, excepting only leeks. Leeks that are *non-holy* with leaks of *priest's-due*, or greens that are *non-holy* with leaks of *priest's-due* are forbidden. But leeks<sup>2</sup> that are *non-holy* with vegetables<sup>3</sup> that are *priest's-due* are permitted.<sup>4</sup>

מִשְׁנָה י

כָּל-הַנִּכְבָּשִׁים זֶה עִם זֶה מוֹתָרִים,  
אֲלָא עִם הַחֲסִית. חֲסִית שֶׁל חוּלִין  
עִם חֲסִית שֶׁל תְּרוּמָה, יִרְקָה שֶׁל  
חוּלִין עִם חֲסִית שֶׁל תְּרוּמָה, אָסוּר.  
אֲבָל חֲסִית שֶׁל חוּלִין עִם יִרְקָה שֶׁל  
תְּרוּמָה מוֹתָר.

1 Vegetables or greens חוּלִין. 2 In some editions יִרְקָה חֲסִית. 3 Or *greens*. 4 Very acerb vegetables (as onions) of תְּרוּמָה are not neutralized in less than sixty parts as much of חוּלִין.

Mishnah 11

R. Jose says,<sup>1</sup> All that is stewed<sup>2</sup> with beets is forbidden, because they impart a flavour. R. Simon<sup>3</sup> says, Cabbage from irrigated soil with cabbage from rain-watered soil is forbidden,<sup>4</sup> because they are absorbent.<sup>5</sup> R. Judah says,<sup>6</sup> All things cooked<sup>7</sup> together are permitted excepting flesh.<sup>8</sup> R. Johanan

מִשְׁנָה יא

רַבִּי יוֹסִי אוֹמֵר, כָּל-הַנִּשְׁלָקִים  
עִם הַתְּרָדִים אָסוּרִים, מִפְּנֵי שֶׁהֵם  
נוֹתְנִין אֶת-הַטַּעַם. רַבִּי שִׁמְעוֹן  
אוֹמֵר, כְּרוּב שֶׁל שֶׁקֶא עִם כְּרוּב  
שֶׁל בָּעַל אָסוּר, מִפְּנֵי שֶׁהוּא בּוֹלֵעַ.

ben Nuri says, Liver<sup>9</sup> renders forbidden<sup>10</sup> but is not itself rendered prohibited,<sup>11</sup> because it exudes,<sup>12</sup> and does not absorb.<sup>13</sup>

רבי יהודה אומר, כל-  
המתבשלין זה עם זה מותרים,  
אלא עם הבשר. רבי יוחנן בן  
נורי אומר, הקבד<sup>9</sup> אוסרת ואינה  
נאסרת מפני שהיא<sup>12</sup> פולטת  
ואינה<sup>13</sup> בולעת.

1 His view is not accepted. 2 תרומה with חוילין. 3 His opinion is not accepted.  
4 When stewed together. 5 One absorbs the moisture from the other. 6  
עקיבא in some editions. His view is rejected. 7 המתבשלים in some editions.  
8 Flesh with flesh cooked together. 9 Which is forbidden, i.e., טרפה. 10  
Other kinds of flesh cooked with it. 11 By any other kind of flesh that is  
prohibited if it be itself בשר. 12 Its own juices. 13 The juices of other flesh.  
In actual practice liver must be first well singed or roasted over a bare flame  
before it may be used as food in any form, otherwise it renders all other food  
cooked with it forbidden.

#### Mishnah 12

An egg<sup>1</sup> which is cooked<sup>2</sup> with spices<sup>3</sup> is forbidden, even its yolk is prohibited,<sup>4</sup> since it absorbs.<sup>5</sup> Water in which priest's-due has been boiled<sup>6</sup> or preserved is forbidden to non-priests.

#### משנה יב

ביצה<sup>1</sup> שנתבשלה<sup>2</sup> בתבלין אסורין,  
אפילו חלמון שלה<sup>4</sup> אסור, מפני  
שהוא<sup>5</sup> בולע. מי שקלות ומי  
כבשים של תרומה אסורים לזרים.

1 Even in its shell. 2 שנתבשלה in some editions. 3 That are forbidden (for instance if the spices are תרומה or ערלה or פלאי הקרם). 4 And of course the חלבון, white, is forbidden. 5 Other flavours. 6 The liquid in which priest's-due has been boiled or pickled.

### CHAPTER 11

#### פרק יא

#### Mishnah 1

They must not put<sup>1</sup> fig-cake<sup>2</sup> or dried-figs<sup>3</sup> into fish-brine<sup>3</sup> because the latter spoils them; but they may put wine<sup>4</sup> into fish-brine. And they must not perfume<sup>5</sup> oil, but wine may be made into

#### משנה א

אין נוטנים דבילה ויגרוגרת לתוך  
המוריס, מפני שהוא מאבדן;  
אבל נוטנים את-הגין למוריס.

honeyed-wine.<sup>6</sup> They must not boil<sup>7</sup> wine of *priest's-due* because it is thereby lessened. R. Judah<sup>8</sup> permits it, because it improves it.

וְאֵין מְפַטְמִין אֶת-הַשֶּׁמֶן אֲבָל  
עוֹשִׂין אֶת-הֵינָן יִינוֹמְלִין. אֵין  
מְבַשְּׁלִין יֵין שֶׁל תְּרוּמָה מִפְּנֵי שֶׁהוּא  
מְמַעֲטוֹ. רַבִּי יְהוּדָה מְתִיר, מִפְּנֵי  
שֶׁהוּא מְשַׁבְּיחוֹ.

1 In some editions, גוֹתֵנִין. 2 Of תְּרוּמָה. 3 מוֹרִיִּים, *brine, pickle* (containing fish-hash or locust-hash with or without the addition of wine). Even the juice of the figs may not be squeezed out to be eaten and the rest wasted for תְּרוּמָה products must not be destroyed. 4 תְּרוּמָה wine may be added to a dish. 5 Because after the wine has absorbed the essence of the spices the latter are thrown away, but when they have become תְּרוּמָה by the process they may not be wasted. 6 Or אֵינוֹמְלִין, *wine mixed with honey*. 7 מְבַשְּׁלִים in some editions. 8 His view is rejected.

#### Mishnah 2

Date-honey, cyder,<sup>1</sup> winter-grape vinegar, and all other fruit-juices<sup>2</sup> of *priest's-due*—R. Eliezer<sup>3</sup> makes one liable<sup>4</sup> for the value and the *added fifth*, but R. Joshua<sup>5</sup> exempts<sup>6</sup> him. And R.<sup>7</sup> Eliezer declares them subject to uncleanness under the law regarding liquids.<sup>8</sup> R. Joshua said, 'The Sages did not take count of seven liquids<sup>9</sup> like those that count up spices but they said seven<sup>10</sup> liquids are capable of acquiring uncleanness;<sup>11</sup> all other liquids are clean.<sup>12</sup>

#### מְשֻׁנָּה ב

דְּבַשׁ תְּמָרִים, וְיֵין תְּפוּחִים, וְחוֹמֶץ  
סְתוּנִיּוֹת, וְשֶׁאֵר כָּל-<sup>2</sup>מִי פִירוֹת שֶׁל  
תְּרוּמָה, רַבִּי אֱלִיעֶזֶר<sup>4</sup> מַחֲיִיב קָרָן  
וְחוֹמֶשׁ, וְרַבִּי יְהוֹשֻׁעַ<sup>6</sup> פּוֹטֵר. וְרַבִּי  
אֱלִיעֶזֶר מְטַמֵּא מְשֻׁם<sup>8</sup> מְשָׁקָה. אָמַר  
רַבִּי יְהוֹשֻׁעַ, לֹא מִנּוּ חֻכָּמִים שְׁבַע  
מְשָׁקִים כְּמוֹנֵי פְטָמִים אֲלֵא אָמְרוּ<sup>9</sup>  
שְׁבַע<sup>10</sup> מְשָׁקִין טַמְאִים; וְשֶׁאֵר  
כָּל-הַמְשָׁקִין טְהוֹרִין.<sup>12</sup>

1 Literally 'wine of apples'. 2 Except oil and wine. 3 His opinion is rejected. 4 Or מַחֲיִיב. If a non-priest partook of any unwittingly. 5 His view is accepted. 6 From the added fifth but not the value. 7 רַבִּי in some editions. 8 *Leviticus* 11, 34, 38. 9 מְשָׁקִין in some editions. 10 They are water, dew, wine, oil, bees-honey, milk, blood. 11 They can contract uncleanness, and convey uncleanness. 12 i.e., not susceptible to uncleanness.

## Mishnah 3

They must not make dates into honey, or apples into cyder, or winter-grapes into vinegar, nor may any other fruit be changed from their natural state if they are *priest's-due* or *second tithe*, with the exception of olives and grapes.<sup>1</sup> One does not receive<sup>2</sup> the *forty stripes*<sup>3</sup> on account of *orlah fruit*,<sup>4</sup> except in the case of<sup>5</sup> olive and grape products. And no liquids<sup>11</sup> are brought as *first-fruits*<sup>6</sup> except olive and grape products. And no fruit-juice is susceptible to uncleanness under the law regarding liquids except olive<sup>7</sup> and grape<sup>7</sup> products. And no fruit-liquor is offered on the altar with the exception of olive and grape juices.

## משנה ג

אין עושין תמרים דבש ולא תפוחים יין ולא סתוניות חומץ ושאר כל הפירות אין משנין אותם מברייתן בתרומה ובמעשר שני אלא זיתים וענבים בלבד. אין סופגים<sup>2</sup> הארבעים משום<sup>4</sup> הערלה אלא על היוצא מן הזיתים ומן הענבים. ואין מביאין<sup>6</sup> בכורים משקין. אלא היוצא מן הזיתים ומן הענבים. ואינו מטמא משום משקה אלא היוצא מן הזיתים ומן הענבים. ואין מקריבין על גבי המזבח אלא היוצא מן הזיתים ומן הענבים.

1 products may not be wasted, hence the law laid down in the case of all fruits where the extraction of the juices renders the pulp useless; but it is permitted in the case of grapes and olives (whose skins or pulp would in any case be of no use). 2 Or סופגין in some editions. 3 The *forty stripes* were incurred for the transgression of a *לא תעשה*, negative command. 4 In some editions, ערלה. ערלה is the fruit growing on a tree during the first three years after its planting and must not be eaten. If the planting took place on or before the 16th אב then up to the 1st תשרי is counted as the first year. The tree is no longer ערלה after the third תשרי but the fruit may still not be eaten before the following 15th שבט. (The whole subject is treated in the tenth Tractate ערלה). 5 על is omitted in some editions. 6 This subject is fully treated in the eleventh Tractate בכורים. Deuteronomy 26, 2, 10. 7 Literally, 'olives and grapes.'

## Mishnah 4

The stalks of figs, dried figs, locust-tree fruit,<sup>1</sup> or carobs of *priest's-due* are forbidden to non-priests.

## משנה ד

עוקצי תאנים וגרונרות יונהליסים, ונהרובין של תרומה אסורים לזרים.

1 **הַכִּלְיָסִין** in some editions. Or *Judas-tree fruit*. The Rambam (Maimonides) considers these a species of figs.

#### Mishnah 5

Kernels of *priest's-due* are forbidden<sup>2</sup> so long as one<sup>1</sup> keeps them, but if he<sup>1</sup> have thrown them away they are allowed.<sup>3</sup> And likewise also the bones of sacrifices, so long as one<sup>1</sup> keeps them they are prohibited, but if he<sup>1</sup> have thrown them away, they are permitted. Bruised grain<sup>4</sup> is permitted;<sup>5</sup> but bran flour<sup>6</sup> from fresh<sup>7</sup> wheat is forbidden, and from old<sup>8</sup> wheat is permitted,<sup>3</sup> and the *priest's-due* is dealt with in the same way as *non-holy produce*<sup>9</sup> is treated. When one prepares fine flour, one *kab* or two *kabs* to the *seah*, he must not waste the rest<sup>10</sup> but put it in some safe place.<sup>11</sup>

#### משנה ה

גִּרְעֵי תְרוּמָה בְּזֶמַן שֶׁהוּא מְכַנְסֵן  
אֲסוּרוֹת, וְאִם<sup>1</sup> הִשְׁלִיכֵן מוֹתְרוֹת.  
וְכֵן עֲצָמוֹת הַקֶּדָּשִׁים, בְּזֶמַן שֶׁהוּא  
מְכַנְסֵן אֲסוּרִין, וְאִם<sup>2</sup> הִשְׁלִיכֵן  
מוֹתְרֵין. הַמְּוֹרֶסֶן<sup>3</sup> מוֹתֵר; סוֹבֵין<sup>4</sup>  
שֶׁל זֵדָשׁוֹת אֲסוּרוֹת, וְשֶׁל יִשְׁנוֹת<sup>5</sup>  
מוֹתְרוֹת, וְנוֹהֵג בְּתְרוּמָה כְּדָרָךְ.  
שֶׁהוּא נוֹהֵג בְּחוֹלִין. הַמְּסִלֵּת קֶבֶב  
אוֹ קֶבֶב לִסְאָה, לֹא יֵאָבֵד אֶת-  
הַשָּׂאֵר, אֲלָא יִיָּחַזוּ<sup>6</sup> בְּמִקּוֹם  
הַמוֹצָנֶע.

1 A **כֹּהֵן**, priest. 2 To a non-priest. **אֲסוּרִים** would be more grammatically correct (*m.pl.* in agreement with **גִּרְעֵי**). 3 To a non-priest. **מֹתְרִים** would be more grammatically correct (similarly **הִשְׁלִיכֵם**, **מְכַנְסֵם**). 4 Or *coarse bran*. Of *תְּרוּמָה*. 5 To a non-priest. 6 Or **סוֹבֵין**. 7 To a non-priest. Because new wheat is moist and the flour adheres to the bran and some is lost. 8 Because the dry grain grinds well and the flour does not adhere to the bran and is not lost. 9 If the uneatable parts of **חוֹלִין** are thrown away then such may be also wasted in the case of *תְּרוּמָה*. 10 Which can still be eaten. 11 While it rots away of its own accord.

#### Mishnah 6

If one cleared out wheat of *priest's-due* from a bin,<sup>1</sup> he is not obliged to sit down and collect<sup>2</sup> it grain by grain, but he sweeps it out in his usual manner and puts *non-holy produce* into it.

#### משנה ו

אִם הִגְדִּיל מִמֶּנָּה חֲטִי תְרוּמָה,  
אֵין מְחַיִּיבִין אוֹתוֹ לְהִיּוֹת יוֹשֵׁב  
וּמִלְקֵט אַחַת אַחַת, אֲלָא מְכַבֵּד  
כְּדָרָכּוֹ וְנוֹתֵן לְתוֹכָהּ חוֹלִין.

1 Or *store-room*. 2 To pick up any odd grains lying about in the corners and on the floor.



## Mishnah 7

And similarly also in the case of oil<sup>1</sup> which was spilled, he is not obliged to sit down and scoop it up with his hands,<sup>2</sup> but he may treat it in the same manner as he would deal with *non-holy produce*.

1 Of תְּרוּמָה. 2 Wipe up or scoop up with the fingers and palms.

## Mishnah 8

If one pour<sup>1</sup> from one jar into another and lets three drops<sup>2</sup> drip,<sup>3</sup> he may put into it *non-holy produce*; if he laid it on its side<sup>4</sup> and a little more collected, this is *priest's-due*. What quantity of the *priest's-due* of the *first tithe* of *doubtfully tithed produce* must there be for one to be bound to take it to the priest?—An eighth of the eighth.<sup>5</sup>

1 Of תְּרוּמָה oil or wine. 2 טֶפֶן in some editions. 3 At the end, after pouring it all out, three drops collect (as liquids do in a vessel) and drip off the rim or lip. It is not essential to let the liquid drip away to the last possible drop. 4 But if the jar be laid on its side the residual oil on the inside wall will collect into a more or less small quantity and this is תְּרוּמָה. 5 Of a לֹוג. But less than this amount need not be given up to the כֹּהֵן. (See **Introduction**, *Tables*.)

## Mishnah 9

Vetches<sup>1</sup> of *priest's-due* may be fed to cattle, wild animals<sup>2</sup> and fowls. A non-priest who hired a cow from a priest may feed it with vetches of *priest's-due*; but if a priest hired a cow from a non-priest, even if he be responsible for its food, he must not feed it with vetches of *priest's-due*.<sup>3</sup> A non-priest who undertook to tend a cow of a priest to share in its increased value must not feed it

## מִשְׁנָה ז

וְכֵן חֲבִית שֶׁל יֶשֶׁמֶן שֶׁנִּשְׁפָּכָה אֵין מְחַיִּיבִין אוֹתוֹ לְהִיזֵת יוֹשֵׁב וּמִטְפֵּחַ. אֵלֹא נוֹהֵג בָּהּ כְּדֶרֶךְ שֶׁהוּא נוֹהֵג בְּחוּלִין.

## מִשְׁנָה ח

הַמְעַרָה מִכֹּד לְכֹד וְנוֹטֵף שְׁלֹשׁ טֶפִים, נוֹתֵן לְתוֹכָהּ חוּלִין; הֶרְכִּינָה וּמִצָּה הָרִי זֶה תְּרוּמָה. וְכִמָּה תִּהְיֶה בְּתֵרוּמַת מַעֲשֵׂר שֶׁל דְּמַאי וְיֹלֶכְכָּה לְכֹהֵן, אֶחָד מִשְׁמֶנָּה לְשִׁמְיִית.<sup>5</sup>

## מִשְׁנָה ט

בְּרִשְׁיֵי תְּרוּמָה מֵאֲכִילִין אוֹתָם לְבֵהֶמָּה, וְלַחֲתִיה, וְלַתְּרֻגּוּלִים. יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן מֵאֲכִילָהּ בְּרִשְׁיֵי תְּרוּמָה; וְכֹהֵן שֶׁשָּׂכַר פָּרָה מִיִּשְׂרָאֵל אֵף עַל פִּי שְׁמוֹנוֹתֶיהָ עָלָיו, לֹא יֵאֲכִילָנָה בְּרִשְׁיֵי תְּרוּמָה. יִשְׂרָאֵל שֶׁשָּׂם פָּרָה מִכֹּהֵן לֹא

with vetches of *priest's-due*; but if a priest undertook to tend a cow from a non-priest to share in its enhanced value, he may feed it with vetches of *priest's-due*.

יֹאכִילָנָה כִּרְשִׁינִי תְרוּמָה; וְכֹהֵן  
שֶׁשָּׁם פָּרָה מִיִּשְׂרָאֵל מֵאֲכִילָה  
כִּרְשִׁינִי תְרוּמָה.

1 Or *tares, horse-beans*. (See **Supplement**). 2 Or וְלַחֲתָיָה. 3 *Leviticus 22, 11*.

Mishnah 10

'They may kindle<sup>1</sup> oil of *priest's-due*, that must be burnt,<sup>2</sup> in the synagogues and in houses of study, and in dark alleys, and for sick people by permission of a priest.<sup>3</sup> If a non-priest's daughter be married to a priest and she is accustomed to visit<sup>3</sup> her father, her father may kindle<sup>4</sup> because of

מִשְׁנָה י

מִדְּלִיקִין שֶׁמֶן שֶׁרָפָה בְּבֵתִי  
כְּנִסְיֹת, וּבְבֵתִי מִדְּרָשׁוֹת,  
וּבְמִבֻּאוֹת הָאֶפְלִין, וְעַל גְּבִי  
הַחֹלִין בְּרִשׁוֹת<sup>2</sup> כֹּהֵן. בֵּת יִשְׂרָאֵל  
שֶׁנִּשְׁאֵאת לְכֹהֵן וְהִיא לְמוֹדָה<sup>3</sup> לָבֵא  
אֶצֶל אָבִיהָ, אָבִיהָ מִדְּלִיק<sup>4</sup>

מַעֲשֵׂרוֹת

MAASEROTH

*Numbers 18,*

(21) וְדָבַר יְהוָה נְתַתִּי כָּל־מַעֲשֵׂר בְּיִשְׂרָאֵל לַנִּחְלָה חֻלְף עֲבֹדָתָם אֲשֶׁר הֵם עֹבְדִים אֶת־  
עֲבֹדַת אֱהֱל מוֹעֵד.

And unto the children of Levi, behold, I have given all the tithe in Israel for an inheritance in exchange for their service which they serve, the service of the tent of meeting.

(22) וְלֹא יִקְרְבוּ עוֹד בְּנֵי יִשְׂרָאֵל אֶל־אֱהֱל מוֹעֵד לְשֹׂאת חֲטָא קָמוֹת.

And the children of Israel shall not henceforth approach unto the tent of meeting, lest they bear sin and die.

(23) וְעֹבֵד הַקֹּדֶשׁ הוּא אֶת־עֲבֹדַת אֱהֱל מוֹעֵד וְהֵם יֵשְׂאוּ עֲוֹנוֹם חֲטָא עוֹלָם לְדֹרֹתֵיכֶם וּבְתוֹךְ  
בְּנֵי יִשְׂרָאֵל לֹא יִנְחִלוּ נִחְלָה.

But the Levites shall perform the service of the tent of meeting, and they shall bear their iniquity. It shall be an ordinance for ever throughout your generations, and among the children of Israel they shall have no heritage.

(24) כִּי אֶת־מַעֲשֵׂר בְּנֵי יִשְׂרָאֵל אֲשֶׁר יָרִימוּ זֶה תְּרוּמָה נְתַתִּי לְקֹהִים לַנִּחְלָה עַד־כֵּן אֶמְרָתִי  
לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחִלוּ נִחְלָה.

For the tithe of the children of Israel, which they separate as a gift unto the Eternal, I have given to the Levites as an inheritance; therefore I have said unto them, Among the children of Israel they shall have no heritage.

(25) וַיְדַבֵּר ה' אֶל־מֹשֶׁה לֵאמֹר.

And the Eternal spake unto Moses, saying.

(26) וְאֶל־הַקֹּהִים תְּדַבֵּר וְאָמַרְתָּ אֲלֵיהֶם כִּי תִקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל אֶת־הַמַּעֲשֵׂר אֲשֶׁר נְתַתִּי  
לָכֶם מֵאֲתָם בְּנִיחָלְתְּכֶם וְהִרְמַתֶּם מִמֶּנּוּ תְּרוּמַת ה' מַעֲשֵׂר מִן־הַמַּעֲשֵׂר.

And unto the Levites shalt thou speak, and say unto them, When ye take of the children of Israel the tithe, which I have given you from them for your heritage, then ye shall separate of it a gift for the Eternal, even a tithe of the tithe.

The Titles of the Chapters of this Tractate are:

Chapter 1	פָּרָק א' כָּלֵל אָמְרוּ
Chapter 2	פָּרָק ב' הָיָה עוֹבֵר
Chapter 3	פָּרָק ג' הַמַּעֲבִיר
Chapter 4	פָּרָק ד' הַכּוֹבֵשׁ
Chapter 5	פָּרָק ה' הַעוֹקֵר

## MAASERO'TH

The following is a brief summary of the five Chapters

1. Lists of vegetables, etc., liable to *tithes*; *tithing* seasons; when various produce is *tithed*. 2. The subject of *doubtfully tithed produce*; eating of produce and questions of *tithes*; the land labourer and eating of produce with reference to *tithes*. 3. Eating of produce by labourers and children with reference to *tithes*; found produce; courtyards, shelters, etc., and *tithing* of produce therein; picking and consuming growing figs, grapes, pomegranates, melons. 4. Preserving produce in the field; *tithing* before the Sabbath; drinking wine from the vat before *tithing*; eating grains, when being husked or sifted, and *tithing*. 5. Replanting and *tithing*; selling produce with reference to *tithing* and the *Sabbatical Year*; produce found in ant hills; exemptions from *tithes*.



מסכת

# מעשרות

TRACTATE

## MAASEROTH

### CHAPTER 1

### פרק א

Mishnah 1

They established a general principle<sup>1</sup> about *tithes*: all<sup>2</sup> that which is a food,<sup>3</sup> and is watched over,<sup>4</sup> and its growth<sup>5</sup> is from the soil is liable<sup>6</sup> to *tithes*. And further they laid down another general principle: all that which is a food in its early or later stage, even though it be allowed to remain to furnish more food, is liable<sup>6</sup> whether when it is young or fully grown; and whatever is not food in its early stage but is food in its later stage is not liable until it becomes fit as food.<sup>7</sup>

משנה א

<sup>1</sup>כָּל־אֲמָרוֹ בְּמַעֲשְׂרוֹת, <sup>2</sup>כָּל־שֶׁהוּא אוֹכֵל, <sup>3</sup>וְנִשְׁמָר, <sup>4</sup>וְנִגְדָּלְיוֹ מִן־הָאֲרֶץ <sup>5</sup>וְעוֹד כָּל־אֲחֵר אֲמָרוֹ, <sup>6</sup>כָּל־שֶׁתַּחֲלָתוֹ אוֹכֵל וְסוּפוֹ אוֹכֵל, אִם עַל פִּי שֶׁהוּא שׁוֹמְרוֹ לְהוֹסִיף אוֹכֵל, <sup>6</sup>חֵיִיב קָטוֹן וְגָדוֹל; וְכָל שֶׁאִין תַּחֲלָתוֹ אוֹכֵל, אֲבָל סוּפוֹ אוֹכֵל, אִינוֹ חֵיִיב עַד שֶׁיַּעֲשֶׂה אוֹכֵל.

1 As a general principle all plants which are ordinarily consumed and which are not declared *הִפְקֵר*, ownerless, before their preparation be completed, and which draw their nourishment from the soil are subject to *תרומות* and *מעשרות*. \*Some maintain that *מִדְּאֻרֵּיתָא* (or *הַתּוֹרָה*), as demanded in the *תּוֹרָה*, only *דָּגָן*, corn, *תִּירוֹשׁ*, wine (including grapes) and *זַיִת*, oil (olives included) are liable to *תרומות* and *מעשרות*. 2 Compare *Tractate פאה* 14. 3 Thus excluding *woad*. § 4 Thus excluding *תרומות* excluding *הִפְקֵר*, ownerless produce. 5 Mushrooms and other edible fungi are excluded from *תרומות* and *מעשרות* under this heading. 6 To tithes. 7 *Leviticus* 27, 30. \*Or *מעשרות*. §See Supplement.

## Mishnah 2

When do fruits become liable<sup>1</sup> to *tithes*?—Figs as soon as they ripen;<sup>2</sup> grapes and wild grapes when their pips become visible; sumach<sup>3</sup> and mulberries when they turn red, and all red fruits when they become red; pomegranates when they soften; dates when they swell and crack like dough; peaches when they show red veins; nuts when they form pericarps.<sup>4</sup> R. Judah says,<sup>5</sup> Nuts and almonds when their shell<sup>6</sup> is formed.

משנה ב  
מאימתי הפירות תיביין  
במעשרות? התאנים משיבכילן,  
הענבים והאבשים משהבאישו,  
האוג והתותים משיאדימו, וכל  
האדומים משיאדימו, הרמונים  
משימסו, התמרים משיטילו שאור,  
האפרסקים משיטילו גידים,  
האגוזים משיעשו מגורה. רבי  
הודה אומר, האגוזים והשקדים  
משיעשו קליפה.

1 *תיבות* in some editions. 2 When the tips whiten. 3 Or *sumac* (see *Supplement*). 4 Or *drupes*, i.e., when the fruit is distinct from the shell. 5 His opinion is rejected. 6 Or *קליפה*. \*Or *מעשרות*.

## Mishnah 3

Carobs<sup>1</sup> when they form dark spots, and all dark fruits when they form dark spots; pears,<sup>2</sup> pippins, quinces<sup>3</sup> and medlars<sup>4</sup> when they become smooth, and all white fruits when they become smooth; clover<sup>5</sup> when its seed is fit for sowing; grain and olives when they have attained a third of their full growth.

משנה ג  
החרובים משינקדו, וכל השחורים  
משינקדו, האגסים והקרוסטומלין  
והפרישים והעוזרדים משיקרחו,  
וכל הלבנים משיקרחו, התלתן  
משתצמח, התבואה והזיתים  
משיכניסו שליש.

1 Or *Judas-tree fruit*, *algaroba fruit*, *locust(-tree) fruit*. 2 Or האגסים. 3 In some editions, והפרישין. 4 Or *crab-apples*; *sorb-apples*; perhaps *hawthorn berries*. 5 Or *melilot*, *fenugreek*. (See *Supplement*).

## Mishnah 4

And among greens<sup>1</sup>—cucumbers, gourds,<sup>2</sup> melons, cucumber-melons,<sup>3</sup> apples and citrons are liable whether full grown or young. R. Simon exempts<sup>4</sup> citrons in their early

משנה ד  
יבירק, הקשואים, והדלועים,  
והאבטיחים, המלפפונות,  
התפוחים, והאתרוגין, תיבים



stage. When one is liable<sup>5</sup> from bitter almonds<sup>6</sup> he is exempt from sweet almonds, and one who is liable from sweet almonds is exempt from bitter almonds.

גדולים וקטנים. רבי שמעון פוטר את האתרוגין בקטן. החייב בשקדים המרים פטור במתוקים; החייב במתוקים פטור במרים.

1 Or *vegetables*. 2 Or *pumpkins*. 3 והקלפנות in some editions; or *musk-melons, squash*. 4 His view is not accepted. 5 To give tithes. Bitter almonds are gathered earlier than sweet almonds. 6 Before tithing one must not make a *meal*, אכילת קבע (as opposed to אכילת עראי, a *chance meal*), from large sweet almonds. (Bitter almonds are eaten when they are young, and sweet almonds when fully grown). 7 במתוקים, במרים less desirable vowellizing.

#### Mishnah 5

When is their harvesting time<sup>1</sup> to make them liable to *tithes*?—Cucumbers and gourds when they have lost their blossoms,<sup>2</sup> but if one do not trim off the blossoms, when they have been stacked; melons<sup>3</sup> when they have been trimmed,<sup>4</sup> and if one do not trim them, when they have been put away to dry; greens,<sup>5</sup> that are usually tied up in bundles when they have been tied up in bundles, or if one have not tied them up in bundles, when one fills a vessel with them, or if one do not fill a vessel with them, when they have been collected as needed; a basket<sup>6</sup> when it has been covered, and if one do not cover it, when one fills a vessel with it, and if one do not fill a vessel with it, when it has been collected as needed. When is all this the case?—When one takes it<sup>7</sup> to market; but when he takes it to his house, he may snatch a meal from it until he reaches his house.

#### משנה ה

איזוהי יגרנן למעשרות? הקשואים והדלועים<sup>2</sup> משיפקסו, ואם אינו מפקס, משיעמיד ערימה; אבטיח<sup>3</sup> משישלק, ואם אינו משלק עד שיעשה מוקצה; ירק הנאגד משיאגד, אם אינו אוגד עד שימלא את הכלי, ואם אינו ממלא את הכלי עד שילקט כל-צרכו; כלכלה עד שיחפה, ואם אינו מחפה עד שימלא את הכלי, ואם אינו ממלא את הכלי עד שילקט כל-צרכו. במה דברים אמורים, במוליד לשוק; אבל במוליד לביתו, אוכל מהם עראי עד שהוא מגיע לביתו.

1 Before that one may partake of them **אֲכִילַת עֲרָאִי**, a *chance meal*. 2 Or **מִשְׁפָּקְסוּ** preferably. 3 Or, in some editions, **הָאֶבְטִיט**. Literally, a *melon*. 4 Or *made smooth*. 5 Or *vegetables*. 6 Packed with produce. 7 Any of the produce here enumerated.

# Mishnah 6

Split dried pomegranates, raisins, and carobs when they have been stacked,<sup>1</sup> onions after stripping, and if not stripped, after having been stacked,<sup>1</sup> grain when the pile has been smoothed over,<sup>1,2</sup> and if one do not smooth them over, when they have been stacked,<sup>1</sup> pulse<sup>3</sup> when it has been sifted,<sup>1</sup> and if one do not sift it, after smoothing over the pile.<sup>1</sup> Even if one have smoothed the pile over, he may take from the tiny ears and from the sides and what there is among the stubble and eat.<sup>4</sup>

1 It is permitted to make of these, **אֲכִילַת עֲרָאִי**, a *chance meal*, before they have been stacked *etc.* 2 Or **מִשְׁמֶרֶח**. \* 3 Or *beans, peas*. 4 And eat **אֲכִילַת עֲרָאִי**, a *chance meal*, without tithing. \* [Kal], i.e., 'grain when one has smoothed it over'

# Mishnah 7

Wine<sup>1</sup> when it has been skimmed; and though it has been skimmed one may collect some from the top press or from the duct<sup>2</sup> and drink;<sup>3</sup> oil<sup>4</sup> when it has dripped down into the trough,<sup>5</sup> but even though it has already dripped down one may take<sup>6</sup> from the press-basket<sup>7</sup> or from between the press-stones<sup>8</sup> or from between the press-boards and put it on a batter<sup>9</sup> or dish, but one may not put it into a pot or saucepan when they are boiling. R. Judah<sup>10</sup> says, One may put it in anything except what contains vinegar or fish-brine.<sup>11</sup>

## משנה ו

הַפָּרָד וְהַצְמוּקִין וְהַחֲרוּבִין  
מִשְׁיַעְמִיד עֲרִימָהּ הַבָּצִלִּים  
מִשְׁיַפְקֵל וְאִם אֵינוּ מִפְּקֵל  
מִשְׁיַעְמִיד עֲרִימָהּ הַתְּבוּאָה  
מִשְׁמֶרֶח וְאִם אֵינוּ מִמֶּרֶח עֵד  
יִשְׁיַעְמִיד עֲרִימָהּ הַקִּטְנִיּוֹת  
מִשְׁיַכְבּוֹר וְאִם אֵינוּ כּוֹבֵר עֵד  
יִשְׁמֶרֶח אֶף עַל פִּי שְׁמֶרֶח נוֹטֵל  
מִן־הַקִּטְעִים וּמִן־הַצְּדָדִים וּמִמָּה  
שֶׁבִּתּוֹךְ הַתֶּבֶן יֵאָכֵל.

## משנה ז

הֵיָּין מִשְׁיַקְפָּה; אֶף עַל פִּי שְׁקָפָה  
קוֹלֵט מִן־הַגֶּת הַעֲלִיּוֹנָה וּמִן־  
הַצִּנּוֹר וְשׁוֹתָהּ; הַשֶּׁמֶן מִשְׁיַרֵּד  
לְעֻקָּהּ אֶף עַל פִּי שְׁיַרֵּד נוֹטֵל  
מִן־הַעֲקָל וּמִבֵּין הַמָּמָל וּמִבֵּין  
הַפְּצִים וְנוֹתֵן לְחֻמֶּטָה וּלְתַמְחוּי  
אֲבָל לֹא יִתִּי לְקִדְרָה וּלְאַלְפִּס  
כְּשֶׁהֵן רוֹתְחִין. רַבִּי יְהוּדָה אוֹמֵר,  
לִכְל הוּא נוֹתֵן חוּץ מִדְּבַר שֵׁשׁ  
בּוֹ חֻמָּץ וְצִיר.

1 It is liable to tithes when the seeds on top have been removed. \*מְשִׁיקָה perhaps preferable. 2 That leads to the cistern or tank. 3 Before tithing. 4 That has to be tithed. 5 Or oil-pit. 6 The oil. 7 Or עָקַל and עָקַל, a loose-textured basket in which the olives are pressed between the boards; according to another view a basket to hold the pressed-out olives. 8 מָמַל, olives press-stone or beam. 9 לַחֲמֶטָה in some editions. Batter from which cakes are made or thin flat cake which is smeared with oil when taken out hot from the oven. 10 His view is rejected. 11 They impart a tartness to the oil which is taken to be equivalent to boiling. \*מְשִׁיקָה [Kal]; מְשִׁיקָה [Piel], 'when one has skimmed the wine'.

# Mishnah 8

A cake of figs<sup>1</sup> when it has been smoothed over—they may smooth over with figs or grapes from which the priest's-due and first-tithe had not been separated. R. Judah<sup>2</sup> forbids it. If one smooth over with crushed grapes,<sup>3</sup> this does not render them susceptible to uncleanness; R. Judah<sup>2</sup> says, It does render them susceptible to uncleanness. Dried figs when they have been stamped down, and in a store vessel<sup>4</sup> when they have been pressed into round cakes—if they have been stamped down into a barrel or pressed into round cakes into a store vessel, and the barrel were broken or the vessel breached, one may not eat from them a chance meal; but R. Jose permits it.<sup>5</sup>

1 That has to be tithed. 2 His opinion is rejected. 3 Or grape-juice. 4 Or jar, bin. 5 His view is not accepted.

## CHAPTER 2

### Mishnah 1

If a man<sup>1</sup> were passing through the market<sup>2</sup> and said, 'Take for yourselves figs,' they may eat<sup>3</sup> and are exempt;<sup>4</sup> therefore, if they bring them into their houses,<sup>5</sup> they must tithe as if they were *certainly*

# מְשִׁיקָה ח

1 הַעֲגוּל מְשִׁיקָה לִקְנוֹי מִחֲלִיקִים בְּתֵאֵנִים וּבְעֵנָבִים שֶׁל טָבֵל. רַבִּי יְהוּדָה אוֹסֵר. הַמֶּחֱלִיק בְּעֵנָבִים לֹא הוֹכָשֶׁר; רַבִּי יְהוּדָה אוֹמֵר, הוֹכָשֶׁר. הַגְּרוֹגְרוֹת מְשִׁידוֹשׁ וּמְגוּרָה מְשִׁיעָל; הִיא דָשׁ בְּחֶבֶת וּמְעוֹל בְּמְגוּרָה וְשֶׁבֶרָה הַחֶבֶת וְנִפְתָּחָה הַמְּגוּרָה, לֹא יֹאכֵל מֵהֶם עֲרָאִי; רַבִּי יוֹסִי מַתִּיר.

## פֶּרֶק ב

### מְשִׁיקָה א

1 הִיא עוֹבֵר בְּשׁוּק וְאָמַר, טָלוּ לָכֶם תֵּאֵנִים, אוֹכְלִין וּפְטוּרִין; לִפְיָהֶן אִם הִכְנִיסוּ לְבֵיתָהֶם

untithed produce. "Take them<sup>6</sup> and remove them into your houses,' they must not eat from them a chance meal; therefore, if they brought them into their houses, they need only tithe them<sup>7</sup> as if they were *doubtfully tithed produce*.<sup>8</sup>

מִתְקָנִים וְדָאֵי. טָלוּ וְהִכְנִיסוּ  
לְבֵתֵיכֶם, לֹא יֹאכְלוּ מֵהֶם עֲרָאִי;  
לְפִיכֹה, אִם הִכְנִיסוּ לְבֵתֵיהֶם אֵינָם  
מִתְקָנִים אֶלָּא דְמָאִי.

1 An *אֶם הָאֶרֶץ* who is suspect regarding the observance of tithes. But they are not suspected of not giving *תְּרוּמָה* because the transgression entails severe penalty. Their produce is designated *דְּמָאִי*, *doubtful if it had been tithed*. 2 Or *בְּשוּק*, in a market. 3 *אוֹכְלִים וּפְטוּרִים* in some editions. 4 From tithes. Assuming that the figs had not yet been in the man's house they were not designated for *tithes*. 5 In some editions, *לְבֵתֵיהֶן*. Having been taken indoors it is designated for *tithes*. 6 If the *אֶם הָאֶרֶץ* said to them, "Take them . . . . . 7 *אֵינָם מִתְקָנִין* in some editions. The *תְּרוּמָה* is given to the *כֹּהֵן* but the *מַעֲשֵׂר רִאשׁוֹן* (or *מַעֲשֵׂר עֲנִי*) is not separated. 8 A scrupulous person (*חֲבֵר* and *נֶאֱמָן*) must separate from *דְּמָאִי* (1)  $\frac{1}{100}$  as *תְּרוּמָה קְטָנָה* or *מַעֲשֵׂר*, and (2) *מַעֲשֵׂר שְׁנִי*. If a *לִי* or *עֲנִי* can prove that *מַעֲשֵׂר שְׁנִי* or *מַעֲשֵׂר רִאשׁוֹן* respectively had not been separated the owner must do so. (See **Introduction**).

## Mishnah 2

If people were<sup>1</sup> sitting in a gateway or in a shop and he<sup>2</sup> said, "Take for yourselves figs," they may eat and are exempt,<sup>3</sup> but the owner of the gateway and the owner of the shop are liable.<sup>4</sup> R. Judah exempts<sup>5</sup> unless he averts his face or changes his position.

## מִשְׁנָה ב

הָיוּ יוֹשְׁבִים בְּשַׁעַר אוֹ בִּחְנוּת,  
וְאָמַר, טָלוּ לָכֶם תְּאֵנִים,<sup>3</sup> אוֹכְלִין  
וּפְטוּרִין, וּבָעַל הַשַּׁעַר וּבָעַל הַחֲנוּת  
חֲיִיבִין. רַבִּי יְהוּדָה פּוֹטֵר עַד  
שִׁיחֲזִיר אֶת-פָּנָיו אוֹ עַד שִׁישְׁנָה  
מְקוֹם יֹשִׁיבָתוֹ.

1 If an owner removes his produce into his house it becomes liable to tithes. But if he took it into someone else's house he may not eat of it when untithed in that house. 2 The gatekeeper or shopkeeper. 3 *אוֹכְלִים וּפְטוּרִים* in some editions. 4 To tithes. 5 His view is rejected.

## Mishnah 3

One who brings up produce from Galilee to Judaea, or goes up to Jerusalem, may eat<sup>1</sup> from it until he arrives at the place whither he is going; and similarly also if he

## מִשְׁנָה ג

הַמַּעֲלֶה פִּירוֹת מִן-הַגָּלִיל לַיהוּדָה,  
אוֹ עוֹלֶה לִירוּשָׁלַיִם, יֹאכֵל מֵהֶם  
עַד שֶׁהוּא מֵגִיעַ לְמְקוֹם שֶׁהוּא

return from Judaea.<sup>2</sup> R. Meir<sup>3</sup> says, Until he arrives at the place<sup>4</sup> where he will spend the Sabbath. And pedlars who travel in the towns may eat<sup>5</sup> until they reach the place where they will lodge. R. Judah says,<sup>6</sup> 'The first house<sup>8</sup> is his house.'<sup>7</sup>

הולך; וכן ביהודה. רבי מאיר אומר, עד שהוא מגיע למקום השביתה. והרוכלין המחזירין בעירות. אוכלים עד שמגיעים למקום הלינה. רבי יהודה אומר, הבית הראשון הוא ביתו.<sup>8</sup>

1 One may eat of it chance meals on the journey without tithing. 2 In some editions, *בחזרה*, and similarly on return (from Judaea) to Galilee one may eat chance meals on the journey. 3 But his view is not accepted. 4 On arrival the produce becomes designated for tithes. 5 אוכלין in some editions. A chance meal. 6 His opinion is rejected. 7 Which he reaches. 8 Is so considered regarding tithes.

#### Mishnah 4

Produce from which *priest's-due* had been separated before its preparation had been finished—R. Eliezer<sup>1</sup> forbids eating of it a chance meal, but the Sages permit it except from a basket of figs. A basket of figs<sup>2</sup> from which *priest's-due* had been separated—R. Simon<sup>3</sup> permits, but the Sages forbid it.

משנה ד פירות שתקמן עד שלא נגמרה מלאכתן רבי אליעזר אוסר מלאכול מהם עראי וחכמים מתירין חוץ מכלכלת תאנים. כלכלת תאנים שתקמה, רבי שמעון מתיר וחכמים אוסרין.<sup>3</sup>

1 His view is rejected. 2 Before the preparation was finished. 3 His opinion that it is allowed to make a chance meal from them is not accepted.

#### Mishnah 5

If one say to his fellow, 'Here is this *issar*<sup>1</sup> for thee, and give me for it five figs,' he must not eat of them before tithing them; this is the view of R. Meir. R. Judah<sup>2</sup> says, If he eat<sup>3</sup> them one by one he is exempt,<sup>4</sup> but if he take more than one together he is liable.<sup>5</sup> R. Judah said, It once happened in a rose garden in Jerusalem that

משנה ה האומר לחבירו, הילך איסר זה ותן לי בו חמש תאנים, לא יאכל עד שיעשר, דברי רבי מאיר. רבי יהודה אומר, אוכל אחת אחת פטור, ואם צרך תיביב. אמר רבי יהודה, מעשה בגנת ורדים

figs were sold three<sup>6</sup> and four for an *issar* and neither *priest's-due* nor *tithe* was ever separated from them.

שְׁהִיְתָה בִּירוּשָׁלַיִם וְהָיוּ תְּאֵנִים  
נִמְכָּרוֹת מִשְׁלֹשׁ וּמֵאַרְבַּע בְּאַיֶּסֶר  
וְלֹא הוּפְרָשׁ מִמֶּנָּה תְּרוּמָה וּמַעֲשֶׂר  
מֵעוֹלָם.

1 אֶסֶר or אִיֶּסֶר = 8 פְּרוּטָה or  $\frac{1}{48}$  שֶׁקֶל. 2 His view is accepted. 3 אוֹכֵל is omitted in some editions. 4 In some editions, וּפְטוּר. From tithes. 5 To tithes. 6 שְׁלֹשׁ וְאַרְבַּע in some editions.

# Mishnah 6

If one say to his fellow, 'Here is this *issar* for ten figs which I shall choose<sup>1</sup> for myself,' he may pick them singly<sup>2</sup> and eat them; 'For<sup>3</sup> a cluster of grapes which I shall choose for myself,' he may pick them singly and eat them; 'For<sup>3</sup> a pomegranate which I shall choose for myself,' he may pick out the seeds singly and eat them; 'For a melon that I shall choose for myself,' he may cut it a slice at a time and eat it. But if he said to him, 'For these twenty figs, for these two clusters of grapes, for these two pomegranates, for these two melons,' he may eat them in his usual manner and is exempt<sup>4</sup> because he had bought them when they were still in connection<sup>5</sup> with the soil.

## מִשְׁנָה ו

הָאוֹמֵר לְחֵבְרֹי הֵילֵךְ אֵיֶסֶר זֶה  
בְּעֶשֶׂר תְּאֵנִים שְׁאֵבוֹר לִי בּוֹרֵר  
וְאוֹכֵל; <sup>2</sup> בְּאַשְׁכּוֹל שְׁאֵבוֹר לִי  
מִגִּרְגֵר וְאוֹכֵל; <sup>3</sup> בְּרִמּוֹן שְׁאֵבוֹר לִי  
פוֹרֵט וְאוֹכֵל; <sup>3</sup> בְּאַבְטִיחַ שְׁאֵבוֹר  
לִי סוֹפֵת וְאוֹכֵל. אָבֵל אִם אָמַר  
לוֹ בְּעֶשְׂרִים תְּאֵנִים אֵלֹי בְּשָׁנִי  
אֲשָׁכּוֹלוֹת אֵלֹי בְּשָׁנִי רִמּוֹנִים אֵלֹי  
בְּשָׁנִי אַבְטִיחִים אֵלֹי אוֹכֵל כְּדַרְכּוֹ  
<sup>4</sup> וּפְטוּר מִפְּנֵי שֶׁקָּנָה <sup>5</sup> בְּמַחְבֵּר  
לְקִרְקַע.

1 From the trees direct. (In this case, picking the berries singly comes under the heading *מִלֵּאכְתָּן* *וְנִמְרָה* *וְנִמְרָה* and thus eating the fruit one by one is *אֲכִילַת עֲרָא*). 2 Without tithing; but is liable to tithes if he take two at a time (as in the preceding *Mishnah*). 3 viz., 'If he say, 'For . . . .'. 4 From tithes. 5 Here *אֲכִילַת עֲרָא* is permitted because the produce had not been carried indoors.

## Mishnah 7

If one hired a labourer to cut, dry and store figs with him,<sup>1</sup> and he<sup>2</sup> said to him, 'On condition that I may eat<sup>3</sup> of the figs,' he may eat and is exempt<sup>4</sup> 'On<sup>5</sup> condition that I and my son may eat,' or, 'That my son<sup>6</sup> may eat in place of my wage,' he may eat and is exempt but his son if he eat is liable;<sup>7</sup> 'On condition that I may eat during the fig-harvest and after the fig-harvest,' during the fig-harvest he may eat and is exempt,<sup>4</sup> but after the fig-harvest if he eat he is liable<sup>7</sup> since he does not eat in accordance with the rules as laid down in the Law. This is the general principle: he who eats in accordance with the rules prescribed by the Law<sup>8</sup> is exempt,<sup>4</sup> but he who does not eat in accordance with the rules enjoined by the Law is liable.<sup>7</sup>

1 *i.e.*, to help him (literally, *with him*). 2 The labourer. 3 As much as he likes. 4 From tithes. 5 The labourer says. 6 In some editions, *ובני ביתי*, and my household. 7 To tithes. This is against the principle as laid down in the *תורה* (*i.e.*, if his son eats or eats as part of his father's wage, or if a labourer eats when not at the work—in all these cases they must separate tithe). 8 *Deuteronomy* 23, 25.

## Mishnah 8

If one were harvesting Lesbian figs,<sup>1</sup> he must not eat of the superior kind;<sup>2</sup> of the superior kind, he may not eat of the Lesbian figs; but he must restrain himself until he reaches a place where there are the superior ones and he may eat of them. If one exchange with his fellow to eat one another's figs, or one to eat of his fellow's drying

## משנה ז

השוכר את-הפועל לקצות<sup>1</sup> עמו בתאנים,<sup>2</sup> אמר לו על מנת שאוכל תאנים, אוכל ופטור;<sup>3</sup> על מנת שאוכל אני ובעלי, או שאוכל בני בשכרי, הוא אוכל ופטור ובעלי אוכל ונתייב;<sup>4</sup> על מנת שאוכל בשעת הקציעה ולאחר הקציעה, בשעת הקציעה אוכל ופטור, ולאחר הקציעה אוכל ונתייב, שאינו אוכל מן-התורה, זה הכלל, האוכל מן-התורה פטור, ושאינו אוכל מן-התורה נתייב.

## משנה ח

היה עושה בלבסים לא יאכל בלבנות שבע;<sup>1</sup> בלבנות שבע לא יאכל בלבסים, אבל מונע הוא את-עצמו עד שמגיע למקום הטיפות ואוכל. המחליף עם חברו

figs<sup>4</sup> and the other to eat of his fellows' drying figs, or one to eat of his fellow's fresh figs and the other of his fellow's packed figs,<sup>5</sup> he is liable.<sup>6</sup> R. Judah<sup>7</sup> says, He who exchanges to eat of the finished figs is liable,<sup>6</sup> but to eat of the drying figs is exempt.<sup>8</sup>

1 A species of inferior figs. 2 A species of white fine figs. 3 If he were harvesting. 4 Or *cut-up fig-cakes*. 5 Or *figs to be packed, drying figs*. 6 To tithes. 7 His view is accepted. 8 From tithes.

# CHAPTER 3

## Mishnah 1

If one were taking figs through his courtyard to be dried, his children and the members of his household may eat<sup>1</sup> and they are exempt;<sup>2</sup> the labourers that help him, so long as he does not have to supply them with maintenance, may eat<sup>3</sup> and are exempt;<sup>2</sup> but if he be responsible for their maintenance they may not eat.

1 *אוקלין* in some editions. Of the figs, as much as they like, but the owner himself may eat only where they are being dried. 2 From tithes. 3 In some editions, *אוקלין*.

## Mishnah 2

If one sent out (his) labourers<sup>1</sup> into the field, so long as their maintenance does not come from him they may eat<sup>2</sup> and are exempt;<sup>3</sup> but if he be responsible for their maintenance, they may eat<sup>4</sup> of the figs one by one but not from the basket<sup>5</sup> or from the hamper or from the store.<sup>6</sup>

1 *פועלי* in some editions. 2 In some editions, *אוקלין*. Of the figs, as much as they like if the owner permitted it. 3 From tithes. 4 *אוקלים* in some editions. They may only eat single fruit if the eating is conditional. 5 Or *הקפה*. 6 Or *drying-place*.

זֶה לְאָכֹל וְזֶה לְאָכֹל, זֶה לְקַצֹּת וְזֶה לְקַצֹּת, זֶה לְאָכֹל וְזֶה לְקַצֹּת, חֵיב רַבִּי יְהוּדָה אוֹמֵר, הַמַּחֲלִיף לְאָכֹל חֵיב וּלְקַצֹּת פֶּטוּר.

# פֶּרֶק ג

## מִשְׁנָה א

הַמַּעֲבִיר תְּאֵנִים בְּחֶצְרוֹ לְקַצֹּת, בָּנָיו וּבְנֵי בֵיתוֹ אֹכְלִים וְפֶטוּרִין; הַפּוֹעֲלִים שְׁעָמוּ, בְּזֶמַן שֶׁאֵין לָהֶם עֲלֵיו מְזוֹנוֹת, אֹכְלִים וְפֶטוּרִין; אֲבָל אִם יֵשׁ לָהֶם עֲלֵיו מְזוֹנוֹת, הָרִי אֵלָיו לֹא יֹאכְלוּ.

## מִשְׁנָה ב

הַמוֹצִיא פּוֹעֲלִים לְשָׂדֶה, בְּזֶמַן שֶׁאֵין לָהֶם עֲלֵיו מְזוֹנוֹת, אֹכְלִים וְפֶטוּרִין; וְאִם יֵשׁ לָהֶם עֲלֵיו מְזוֹנוֹת, יֹאכְלִין אַחַת מִן־הַתְּאֵנָה אֲבָל לֹא מִן־הַפֶּל וְלֹא מִן־הַקּוֹפָה, וְלֹא מִן־הַמּוֹקֵצָה.



## Mishnah 3

If one hire a labourer to tend<sup>1</sup> olives, he<sup>2</sup> said to him, 'On condition<sup>3</sup> that I may eat<sup>4</sup> of the olives,' he may eat them singly and is exempt,<sup>5</sup> but if he eat more than one at a time, he is liable;<sup>6</sup> if<sup>7</sup> to weed out onions, he<sup>2</sup> said to him, 'On condition<sup>3</sup> that I may eat<sup>8</sup> of the greens',<sup>9</sup> he may cut<sup>10</sup> the leaves off singly and eat,<sup>11</sup> but if he cut several at a time he is liable.<sup>6</sup>

משנה ג

השוכר את הפועל לעשות בנתיים, אמר לו, על מנת<sup>4</sup> לאכל נתיים, אוכל אחד אחד ופטור, ואם צירף חייב; לנכש בבצלים, אמר לו על מנת<sup>8</sup> לאכל<sup>9</sup> ירק, מקרטם עליה עליה<sup>11</sup> ואוכל, ואם צירף חייב.

1 To dig and turn over the soil, but not to pick the olives. 2 The labourer. 3 This is equivalent to buying. 4 During the work. 5 From tithes. 6 To tithes. 7 The labourer is hired. 8 While weeding. 9 Or *vegetables*. 10 Or *lop, pluck*. 11 And is exempt from tithes.

## Mishnah 4

If one found dried figs<sup>1</sup> on the road or even beside a field of drying harvested figs (and likewise also in the case of a fig-tree that overhangs the road<sup>2</sup> and one found figs below it), they are permitted<sup>3</sup> and it is not considered theft,<sup>4</sup> and they are exempt from *tithes*; but olives<sup>5</sup> and carobs are liable.<sup>6</sup> If one found dried figs when the majority of people had already pressed theirs, he is liable,<sup>7</sup> but if they had not, he is exempt.<sup>8</sup> If one found pieces of a cake of pressed figs, he is liable, for it is evident that they are from something<sup>9</sup> finished. And carobs which had not yet been taken<sup>10</sup> to the top of the roof—one may take some down for the cattle and is exempt,<sup>8</sup> because he can put back the remainder.<sup>11</sup>

משנה ד

מצא יקציצות בדרך, אפילו בצד שדה יקציצות, וכן תאנה שהיא נוטה על דרך ומצא תחתיה תאנים, מותרות משום גזול<sup>4</sup> ופטורות מן המעשרות; ויבנתיים ובחרובים חייבים. מצא גרוגרות אם דרסו רוב בני אדם חייב ואם לאו פטור. מצא פלחי דבילה חייב, שידוע שהן מדבר גמור. והחרובים עד שלא כנסו לראש הגג, מוריד מהם לבהמה פטור, מפני שהוא מחזיר את-המותר.<sup>11</sup>

# Mishnah 8

If a fig-tree stand in the courtyard, one may eat from it one by one<sup>1</sup> and is exempt;<sup>2</sup> but if he eat several at a time,<sup>3</sup> he is liable.<sup>4</sup> R. Simon<sup>5</sup> says, One<sup>6</sup> in one's right hand and one in the left hand and one in the mouth. If one climb to the top, he may fill his lap<sup>7</sup> and eat.<sup>8</sup>

1 Single dates. 2 From tithes. 3 Or צרף. 4 To tithes. 5 His view is rejected. 6 Three dates thus at once, one is exempt from tithes. 7 Or bosom. 8 Even more than one at a time.

# Mishnah 9

If a vine be planted in a courtyard, one may take a whole cluster,<sup>1</sup> and likewise with a pomegranate, and similarly also with a melon; this is the opinion of R. Tarfon.<sup>2</sup> R. Akiba says,<sup>3</sup> He plucks the grapes<sup>4</sup> singly from the clusters,<sup>5</sup> and picks out the seeds one by one from the pomegranate, and eats the melon a slice at a time. If coriander be sown in a courtyard, one may pluck single leaves and eat;<sup>6</sup> but if one pluck several at a time, he is liable.<sup>8</sup> Thyme, hyssop, and calamine<sup>10</sup> in a courtyard and under watch are liable.<sup>8</sup>

1 And eat it without tithing. 2 שִׁמְעוֹן in some editions. His opinion is rejected. 3 His view is accepted. 4 Compare 2<sup>6</sup>. 5 באֶשְׂכּוֹל, from the cluster, in some editions. 6 Without tithing. 7 Or צרף. 8 To tithes. 9 Or savory. 10 Or marjoram, origan (see Supplement).

# Mishnah 10

If a fig-tree stand in a courtyard, and overhang a garden, one may eat<sup>1</sup> of it in his usual manner and is exempt;<sup>2</sup> if it stand in the garden and overhang the courtyard,

## משנה ח

תאנה שהיא עומדת בחצר, אוכל אחת אחת ופטור; ואם צירף<sup>3</sup> חייב. רבי שמעון אומר, אחת בימינו ואחת בשמאלו ואחת בפיו. עלה לראשה, ממלא חיקו ואוכל.

## משנה ט

גפן שהוא נטוע בחצר, נוטל את-כָּל-הָאֶשְׂכּוֹל, וכן ברמון, וכן באבטיח, דברי רבי. טרפון. רבי עקיבא אומר, מגרר<sup>4</sup> באֶשְׂכּוֹלוֹת ופורט ברמון וסופת באבטיח. כספר שהיא זרועה בחצר, מקרטם עֵלָה עֵלָה ואוכל; ואם צירף<sup>7</sup> חייב. הסיאה והאזוב<sup>10</sup> והקורנית שבחצר, אם היו נשמרים חייבין.

## משנה י

תאנה שהיא עומדת בחצר, ונוטה לגנה, אוכל כדרך<sup>2</sup> ופטור; עומדת בגנה ונוטה לחצר, אוכל

one may eat<sup>3</sup> one at a time and is exempt,<sup>2,4</sup> but if he ate more than one at a time,<sup>5</sup> he is liable;<sup>6</sup> if it stand in Palestine land and overhung the land outside, or in the country outside and overhung Palestine land, the decision is according to the position of the root. And concerning the houses of a walled city, the decision<sup>7</sup> is in accordance with the position of the root;<sup>8</sup> and regarding cities of refuge,<sup>9</sup> the matter is determined by the lie of the branches; and in the case of Jerusalem, the matter is decided by the lie of the branches.<sup>10</sup>

אחת אחת <sup>2</sup>פטור, ואם <sup>5</sup>צירף  
<sup>6</sup>חייב; עומדת בארץ ונוטה לחוצה  
לארץ, בחוצה לארץ ונוטה לארץ,  
<sup>7</sup>הכל הולך אחר <sup>8</sup>העקר. ובבתי  
ערי חומה, הכל הולך אחר  
<sup>8</sup>העקר; ובבתי מקלט, הכל הולך  
אחר הנוף; ובירושלים, הכל הולך  
אחר הנוף.<sup>10</sup>

1 From the branches hanging on the outside, more than one fruit at a time.  
2 From tithes. 3 One in the courtyard. 4 ופטור in some editions. 5 Or צירף. 6 To tithes. 7 The liability to תרומה and מעשרות. 8 העקר in some editions. 9 A fugitive is safe as soon as he is beneath the overhanging branches outside the city of refuge boundary. 10 i.e., it depends on which way the branches lie.

# CHAPTER 4

## פרק ד

### Mishnah 1

If one pickled,<sup>1</sup> boiled or salted he is liable;<sup>2</sup> if he stored them in the ground, he is exempt;<sup>3</sup> if he dipped<sup>4</sup> in the field,<sup>5</sup> he is exempt;<sup>3</sup> if he beat olives that the sour juice come out, he is exempt;<sup>3</sup> if he squeeze olives over his skin,<sup>6</sup> he is exempt;<sup>3</sup> if he squeezed them and drained into his hand, he is liable;<sup>2</sup> if he skimmed<sup>7</sup> into a cooked dish, he is exempt,<sup>3</sup> but if into a pot, he is liable<sup>2</sup> for it is considered as a small vat.

משנה א  
<sup>1</sup>הכובש, השולק, המולח <sup>2</sup>חייב;  
המכמן באדמה <sup>3</sup>פטור; <sup>4</sup>המטביל  
<sup>5</sup>בשדה <sup>3</sup>פטור; הפוצע זיתים שיצא  
מהם השרף <sup>3</sup>פטור; הסוחט זיתים  
על <sup>6</sup>בשרו <sup>3</sup>פטור; אם סחט ונתן  
לתוך ידו <sup>2</sup>חייב; <sup>7</sup>המקפה לתבשיל  
<sup>3</sup>פטור, לקדרה <sup>2</sup>חייב מפני שהוא  
כבור קטן.

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says, In the case of dill seed, plant and pods must be tithed;<sup>10</sup> but the Sages<sup>11</sup> say, Both seed and plant are tithed only in the case of dittander<sup>12</sup> and brassica.<sup>13</sup>

אליעזר אומר, השבת <sup>10</sup>מתעשר  
זרע וירק וזרין; <sup>11</sup>ונחכמים אומרים,  
אינו מתעשר זרע וירק אלא  
<sup>12</sup>השחלים <sup>13</sup>והגרגר בלבד.

1 Vegetables or olives in vinegar or wine, even in the field. 2 To tithes. 3 From tithes. 4 Fruits in vinegar or salt and ate them while still in the field. 5 Produce which was still in the field; but only *אֲכִילַת עֵרָא*, a *chance meal*, is here permitted. 6 To anoint his body. 7 He skimmed off the matter on the top of the boiling wine. He did not remove the seeds from the wine in the vat but poured the wine as it was into a cold cooked dish and then removed the seeds.

MAASEROTH 4<sup>5,6</sup>, 5<sup>1</sup>

1 *הַמִּקְלִיף* in some editions.\* 2 In some editions, *מִקְלִיף*. 3 One by one. 4 To tithes if more than *two* (in this case) together. 5 Without tithing if not more than *three* (in this case) together. 6 To tithes. 7 *שְׁנֵרַע* in some editions. The ruling is that in the case of *בִּסְבָּר*, *שֶׁחָלִים*, *שֶׁחָלִים* and *נִרְיָר* if sown for the plant, the leaves and seed are subject to tithes; but if sown for seed, the plant is exempt from tithes; but in the case of other vegetables the seed is exempt. 8 From tithes. 9 His opinion is not accepted. 10 In some editions, *מִתְעַשֵּׂרֶת*. 11 Their view is accepted. 12 Or *dittany*, *pepperwort*, a species of *cress*. 13 Or *וְהַנִּרְיָר*; or *eruca*, *rocket*, *garden-rocket*. \* *מִקְלִיף* *Piel*, *מִקְלִיף* *Hiphil*.

## Mishnah 6

## מִשְׁנָה ו

R. Simon ben Gamaliel<sup>1</sup> says, 'The stalks<sup>2</sup> of clover<sup>3</sup> and of mustard and of white beans are liable to tithes.' R. Eliezer<sup>4</sup> says, The caper-tree: the tithes must be given for the stalks, berries<sup>5</sup> and flowers.<sup>6</sup> R. Akiba<sup>7</sup> says, Only the caperberries are tithed because they are considered as fruit.<sup>8</sup>

1 רִבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, 2 תְּמָרוֹת שֶׁל 3 תִּלְתָּן וְשֶׁל חֶרְדֵּל וְשֶׁל פֹּל הַלָּבֵן חַיְבוֹת בְּמַעֲשֵׂר. רַבִּי אֱלִיעֶזֶר אוֹמֵר, הַצֵּלָף מִתְעַשֵּׂר תְּמָרוֹת 5 וְאַבְיוֹנוֹת 6 וְקַפְרָס. רַבִּי זְעֵקִיבָא אוֹמֵר, אֵין מִתְעַשֵּׂר אֶלָּא אַבְיוֹנוֹת, מִפְּנֵי שֶׁהֵן פְּרִי.<sup>8</sup>

1 *רִבֵּן גַּמְלִיאֵל* in some editions. His view is partly accepted (compare Note 8). 2 Or תְּמָרוֹת. 3 Or *fenugreek*, *melilot*. 4 אֱלִיעֶזֶר in some editions. 5 Caperberries. 6 Caperflowers. 7 His opinion is partly accepted (*i.e.*, wholly accepted if אֶלָּא be omitted; compare next Note). 8 The accepted rulings are these: תְּמָרוֹת שֶׁל תִּלְתָּן, פֹּל הַלָּבֵן, צֵלָף and קַפְרִיסִין שֶׁל צֵלָף are exempt from tithes if sown for the plant. But the berries of the caper-tree (אַבְיוֹנוֹת שֶׁל צֵלָף) must be tithed.

## CHAPTER 5

## פֶּרֶק ה

## Mishnah 1

## מִשְׁנָה א

If one take up plants from his own garden and replants them in his own, he is exempt.<sup>1</sup> When he bought them in their unplucked condition<sup>2</sup> he is exempt. If he picked them to send to his fellow, he is exempt. R. Eliezer<sup>3</sup> ben Azariah says, If the like of them are being sold in the market, then they are liable.<sup>4</sup>

הַעוֹקֵר שְׁתָּלִים מִתּוֹךְ שְׁלוֹ וְנוֹטֵעַ לְתוֹךְ שְׁלוֹ, 1 פָּטוּר. לֶקַח 2 בְּמַחוּבָּר לְקַדְקָע, פָּטוּר. לֶקַט לְשִׁלּוֹחַ לְחֵבְרוֹ, פָּטוּר. רַבִּי אֱלִיעֶזֶר בֶּן עֲזַרְיָה אוֹמֵר, אִם יֵשׁ כְּיוֹצֵא בָהֶם נִמְכָּרִים בַּשּׁוּק, הָרִי אֵלוֹ 4 חַיִּבִּין.

1 From tithes, though they are <sup>טָבֵל</sup> as yet, when their growth is incomplete if he ate or brought them into the house. It is only when the processes connected with <sup>טָבֵל</sup> produce are completed that it may not be replanted as <sup>טָבֵל</sup>. 2 Literally, *when they were united to* [i.e., still growing in] *the soil* . . . . . 3 <sup>אֶלֶיָּעֶזֶר</sup> in some editions. His view is rejected. 4 To tithes.

## Mishnah 2

If one uproot turnips and radishes from his own garden and resets them in his own for seed, he is liable<sup>1</sup> because this is considered their harvesting. Onions which have taken root<sup>2</sup> in an upper room become clean from any uncleanness.<sup>3</sup> If debris fell upon them<sup>4</sup> and they<sup>5</sup> remained exposed, they are considered as though they were planted in a field.

1 To tithes. Because their removal completes the harvesting for they require no further preparation. 2 But they still come under the laws of *tithes* and *Sabbatical Year produce*. 3 That they may have acquired. *Leviticus 11*, 34, 38. 4 Turnips and radishes. 5 The leaves (but not the actual vegetable).

## Mishnah 3

A man may not sell<sup>1</sup> his produce when it has reached the tithing season to anyone who is not reliable concerning *tithes*, or in the *Sabbatical Year* to one who is suspect regarding *Sabbatical Year produce*. And when any produce has become ripe he may remove the ripened produce<sup>2</sup> and sell the remainder.<sup>3</sup>

1 But he may sell the produce to anyone before the advent of the tithing season. 2 Which is liable to tithes. 3 Which had not fully ripened. \*Or *הַמַּעֲשֻׂרוֹת*.

## Mishnah 4

A man may not sell his straw<sup>1</sup> or his olive-peel peat<sup>2</sup> or his grape- and olive-residues<sup>3</sup> to anyone who is not trustworthy regarding *tithes*

## מִשְׁנָה ב

הַעֹזֵקֵר לֶפֶת וְצִנּוֹנוֹת מִתּוֹךְ שְׁלֹו  
וְנוֹטֵעַ לְתוֹךְ שְׁלֹו לְזֶרַע, חֲיִיב,  
מִפְּנֵי שֶׁהוּא גִרְנָן. בְּצָלִים<sup>2</sup> שֶׁהִשְׁרִישׁוּ  
בְּעִלְיָה טָהֲרוּ<sup>3</sup> מִלְטֻמָּא. וְזָפְלָה<sup>4</sup>  
עֲלֵיהֶם מִפּוֹלֶת<sup>5</sup> וְהֵם מְגוּלִים, הָרִי  
אֵלֹו כְּנוֹטְעִים בְּשָׂדֵה.

## מִשְׁנָה ג

יֵלֵא יִמְכּוֹר אָדָם אֶת-פִּירוֹתָיו  
מִשְׁבָּאֵו לְעוֹנֵת הַמַּעֲשֻׂרוֹת לְמִי שְׁאִינוֹ  
נֶאֱמָן עַל הַמַּעֲשֻׂרוֹת, וְלֹא בְּשִׁבְיעִית  
לְמִי שֶׁהוּא חָשׂוֹד עַל הַשְּׁבִיעִית.  
וְאִם בִּכְרוֹ, נוֹטֵל אֶת-הַבְּכוּרוֹת  
וּמֹכֵר אֶת-הַשָּׂאָר.

## מִשְׁנָה ד

יֵלֵא יִמְכּוֹר אָדָם אֶת-חֲבָנֹו וְאֶת-  
זָפְתוֹ וְאֶת-צִנּוֹי לְמִי שְׁאִינוֹ נֶאֱמָן עַל

to extract<sup>4</sup> the juices from them. And if he extracted them, he is liable to (the) tithes but is exempt from the *priest's-due*, because one who separates *priest's-due* has in mind<sup>5</sup> the cut away stalks and the side stalks and the straw grains.

\*הַמַּעֲשֹׂרוֹת לְהוֹצִיא מֵהֶן מִשְׁקִין.  
וְאִם הוֹצִיא תִּיבֵי בַּמַּעֲשֹׂרוֹת וּפְטוּר  
מִן-הַתְּרוּמָה, שֶׁהַתְּרוּמָה בְּלִבּוֹ עַל  
הַקְּטוּעִים וְעַל הַצְּדָדִים וְעַל מֵה  
שֶׁבְּתוֹךְ הַתֵּבָן.

1 Because after the threshing some quantity of grain (untithed) still remains in the straw. 2 For some (untithed) oil still remains in it. Or, preferably, נֶפֶת. 3 Since some wine (untithed) can still be expressed. 4 To express inferior oil or wine. 5 His intention is that the תְּרוּמָה should be for the cut off ears that have not been threshed and for the ears that lie along the sides of the barn and grains among the straw. \*Or הַמַּעֲשֹׂרוֹת. §Or הַמַּעֲשֹׂרוֹת.

#### Mishnah 5

If one bought a field of vegetables in Syria, if before the tithing season arrived, he is liable,<sup>1</sup> but if after the tithing season, he is exempt,<sup>2</sup> and he may proceed with his harvesting in his usual manner. R. Judah<sup>3</sup> says, He may even hire labourers to gather.<sup>4</sup> Rabban Simon<sup>5</sup> ben Gamaliel said, When is this the case?—When<sup>6</sup> he had bought the land; but if he had not bought the land, even though the tithing season had not arrived he is exempt.<sup>2</sup> Rabbi says, Nevertheless he must give<sup>7</sup> in accordance with the calculated proportion.

#### מִשְׁנָה ה

הַלּוֹקֵחַ שָׂדֶה יֶרֶק בְּסוּרְיָא, אִם עַד  
שֶׁלֹּא בָּא לְעֹנֵת \*הַמַּעֲשֹׂרוֹת<sup>1</sup> תִּיבֵי,  
וּמִשְׁבָּא לְעֹנֵת הַמַּעֲשֹׂרוֹת<sup>2</sup> פְּטוּר,  
וְלֹקֵט כְּדַרְכּוֹ וְהוֹלֵךְ. רַבִּי יְהוּדָה  
אוֹמֵר, אִף יִשְׁכּוֹר פּוֹעֲלִים<sup>4</sup> וְיִלְקוּט.  
אָמַר רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל,  
בְּמָה דְּבָרִים אֲמוּרִים, <sup>6</sup>בְּזֶמֶן שֶׁקָּנָה  
קֶרְקַע; אֲבָל בְּזֶמֶן שֶׁלֹּא קָנָה קֶרְקַע,  
אִם עַד שֶׁלֹּא בָּא לְעֹנֵת הַמַּעֲשֹׂרוֹת  
פְּטוּר. רַבִּי אוֹמֵר, <sup>7</sup>אִף לְפִי חֶשְׁבוֹן.

1 To tithes. But this view (concerning purchased produce) is rejected: the produce is not liable to tithes and priest's-dues. 2 From tithes. 3 His opinion is accepted. 4 Or וְיִלְקוּט [Piel]. (וְיִלְקוּט is Kal). 5 His view is accepted, i.e., regarding the produce from purchased land. 6 Before the tithing season, the produce is liable to tithes and priest's-dues. 7 Tithe. \*Or הַמַּעֲשֹׂרוֹת.

# Mishnah 6

If one made wine from grape residue adding the water by measure,<sup>1</sup> and found as much by measure, he is exempt;<sup>2</sup> R. Judah<sup>3</sup> declares him liable.<sup>4</sup> If he found more than the original measure, he must separate for it from other wine according to the calculated proportion.<sup>4</sup>

1 Or, not exceeding a third more. 2 From tithe. But if one used three parts of water and not less than by proportion four parts of liquor he must separate tithe for the increase (*i.e.*, the fourth part) from other ordinary wine as stated at the end. 3 His view is rejected. 4 Of the increased quantity.

# Mishnah 7

The ant-holes of ants which have stayed the night alongside a heap of corn that was liable,<sup>1</sup> the corn inside them is also liable,<sup>2</sup> because it is evident that from completely harvested produce have they been dragging all the night.

1 To tithe. 2 To tithe. Even though other sheaves close by (but not as near as this one in question) may not be ready for tithing.

# Mishnah 8

Acerb garlic,<sup>1</sup> sweet onions,<sup>2</sup> large square beans,<sup>3</sup> and Egyptian lentils—R. Meir adds the edible roots of the Egyptian bean,<sup>4</sup> and R. Jose says, Also wild lentils<sup>5</sup>—are exempt from tithes and may be bought from anybody in the *Sabbatical Year*. The upper seed of the serpentaria,<sup>6</sup> seed of leeks,<sup>7</sup> seed of onions and seed of turnips and radishes, and other seeds of garden plants that are not eaten, are exempt<sup>8</sup> from *tithes* and may be

## מִשְׁנָה ו

הַמֵּתֵמֵד וְנָתַן מֵיִם בַּמֶּדָּה, וּמָצָא כְּדִי מִמֶּדָּתוֹ, פֶּסְטוּר; רַבִּי יְהוּדָה מַחֲיִיב. מָצָא יֵתֵר עַל כְּדִי מִמֶּדָּתוֹ, מוֹצִיא עָלָיו מִמָּקוֹם אֲחֵר לְפִי חֲשָׁבוֹן.

## מִשְׁנָה ז

חוֹרֵי הַגִּמְלִים שֶׁלָּגוּ בְּצֵד הָעֲרִימָה יִתְחַיֶּבֶת, הָרִי אֵלּוֹ חֲיִיבִים, שֶׁיָּדוּעַ שֶׁמִּדְּבַר הַגִּמּוֹר הָיוּ גוֹרְרִין כָּל-הַלַּיְלָה.

## מִשְׁנָה ח

יֵשׁוּם בָּעֵל בְּכִי, וְיֹבֶצֶל שֶׁל רֶכְפָּה, וְגִירִסִּין הַקִּילָקִין, וְהַעֲדָשִׁים הַמִּצְרִיּוֹת, רַבִּי מֵאִיר אָף הַקֶּרְקָס, רַבִּי יוֹסִי אֹמֵר, הַקּוֹטְנִית, פֶּסְטוּרִים מִן-הַמַּעֲשָׂרוֹת, וְגִלְקָחִים מִכָּל-אֶדָם בְּשִׁבְעִיעִית. וְרַע לֹוֶף הָעֵלְיוֹן, וְרַע כְּרִישִׁים, וְרַע בָּצְלִים, וְרַע לֶפֶת וְצִנּוֹנוֹת, וְשָׂאֵר זֵרְעוֹנֵי גִּנָּה.

bought from anyone in the *Sabbatical Year*, and even though they were grown from *priest's-due* stock they may nevertheless be eaten.<sup>9</sup>

שְׂאִינָן נֶאֱכָלִים, פְּטוּרִים מִן-  
הַמַּעֲשָׂרוֹת, וְנִלְקָחִין מִכָּל אָדָם  
בְּשִׁבְיעִית, שְׂאֵף עַל פִּי שְׂאֲבִיהֶן  
תְּרוּמָה הָרִי אֵלָיו יֵאָכְלוּ.

1 *Baalbeck garlic, weeping garlic*, a very bitter garlic. 2 *Richpah onion*, a mild tasting onion. 3 *Cilician beans*. 4 Or קֹלֶקֶס. A plant of the לִיף species. 5 In some editions, הַקֹּטְנִיּוֹת. Or *peas, beans*; probably beans of לִיף or קֹלֶקֶס. 6 Or *snake-root, dragon's-wort* (see *Supplement*). 7 כְּרִישִׁין in some editions. 8 Or פְּטוּרִין in some editions. The general ruling is that all produce (as all these mentioned here) that grows of itself without having been sown or planted, and all seeds that are not eaten, are exempt from *tithes* and *priest's-dues*, and may be purchased from anyone. 9 By non-priests. That is even if the produce were *priest's-due* and it had been planted or sown and it produced seed that is not eaten, then only the fruit that had grown is prohibited but not the seed.

### סְלִיק מַסֶּכֶת מַעֲשָׂרוֹת

### CONCLUSION OF TRACTATE MAASEROTH



מַעֲשֵׂר שְׁנִי

# MAASER SHENI

[BEING THE  
EIGHTH TRACTATE OF THE MISHNAH]  
*TEXT . INTRODUCTION . TRANSLATION*  
*NOTES*

By  
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מַעֲשֵׂר שְׁנִי

MAASER SHENI



## INTRODUCTION

The terms **מַעֲשֵׂר**, **תְּרוּמָה**, **טָבֵל**, **חֻלִּין**, **דְּמַאי** are extensively used in this Tractate and will be found clearly though briefly explained in *Berachoth* 1<sup>1</sup> Note 5.

This **מַסְכֵּת מַעֲשֵׂר שְׁנִי**, *Tractate Maaser Sheni*, comes in correct sequence after the preceding Tractate. It is the eighth *Tractate* of the **סֵדֶר זְרַעִים**, *Order Zeraim*. It has no **וְגֵמְרָא** in the **תַּלְמוּד בְּבִלְי**, *Babylonian Talmud*, but there is **וְגֵמְרָא** to it in the **תַּלְמוּד יְרוּשָׁלַיִם**, *Jerusalem (or Palestinian) Talmud*.

This *Tractate* is based on *Leviticus* 27, 30 and *Deuteronomy* 14, 22 to 29, 26, 12.

*Leviticus* 27,

(30) וְכָל-מַעֲשֵׂר הָאָרֶץ מִזֶּרַע הָאָרֶץ מִפְּרִי הָעֵץ לֵה' הוּא קֹדֶשׁ לֵה'

And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the Eternal's; it is holy unto the Eternal.

*Deuteronomy* 14,

(22) עֲשֹׂר תַעֲשֶׂר אֶת כָּל-תְּבוּאֹת וְרֵעֶה הַיֵּצֵא הַשָּׂדֶה שְׁנָה שְׁנָה

Thou shalt surely tithe all the increase of thy seed, which the field bringeth forth year by year.

(23) וְאָבִלְתָּ לִפְנֵי ה' אֱלֹהֶיךָ בַּמָּקוֹם אֲשֶׁר יִבְחַר לְשֹׁכֵן שְׁמוֹ שָׁם מַעֲשֵׂר דִגְגֶךָ תִּירְשָׁךָ וַיִּצְהָרְךָ וּבְכֹרֶת בְּקָרְךָ וּצְאֹנְךָ לִמְעַן תִּלְמַד לִירְאָה אֶת-ה' אֱלֹהֶיךָ כָּל-הַיָּמִים

And thou shalt eat before the Eternal thy God in the place which He shall choose to cause His Name to dwell there, the tithe of thy corn, thy wine, and thine oil, and the firstlings of thy herd and thy flock; that thou mayest learn to fear the Eternal thy God all the days.

(24) וְכִי יִרְבֶּה מִמֶּךָ תִּדְרֹךְ כִּי לֹא תוּכַל שְׂאתוֹ כִּי יִרְחַק מִמֶּךָ הַמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ לְשׁוֹם שְׁמוֹ שָׁם כִּי יִבְרַכְךָ ה' אֱלֹהֶיךָ

And if the way be too much for thee, so that thou art not able to carry it, for the place is too distant from thee, which the Eternal thy God shall choose to set His Name there, when the Eternal thy God shall bless thee.

(25) וְנָתַתָּה בְּכֶסֶף וּצְרַת הַכֶּסֶף בְּיָדָהּ וְהִלַּכְתָּ אֶל-הַמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ

Then thou shalt exchange it into money, and bind up the money in thine hand, and shalt go unto the place which the Eternal thy God shall choose.

(26) וְנָתַתָּה הַכֶּסֶף בְּכָל אֲשֶׁר תִּאְוָה נַפְשְׁךָ בְּבָקָר וּבְצֹאן וּבְיֵינִן וּבְשֶׁכֶר וּבְכָל אֲשֶׁר תִּשְׁאַלְךָ נַפְשְׁךָ וְאָכַלְתָּ שָׁם לִפְנֵי ה' אֱלֹהֶיךָ וְשִׂמְחָתָה אַתָּה וּבֵיתְךָ

And thou shalt give the money for whatsoever thy soul longeth, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul demandeth of thee; and thou shalt eat there before the Eternal thy God, and thou shalt rejoice, thou and thy household.

(27) וְהָלְוִי אֲשֶׁר בְּשַׁעְרֶיךָ לֹא תַעֲזֹבֻנוּ כִּי אֵין לוֹ חֵלֶק וְנַחֲלָה עִמָּךְ

And the Levite who is within thy gates, thou shalt not forsake him, for he hath no portion nor inheritance with thee.

(28) מִקְצֵה שְׁלֹשׁ שָׁנִים תּוֹצִיא אֶת-כָּל-מַעֲשֶׂר תְּבוּאָתְךָ בְּשָׁנָה הַהִוא וְהֵנַחְתָּ בְּשַׁעְרֶיךָ

At the end of three years thou shalt bring forth all the tithe of thine increase in the same year, and shalt lay it up within thy gates.

(29) וּבָא הָלְוִי כִּי אֵין לוֹ חֵלֶק וְנַחֲלָה עִמָּךְ וְהָגֵר וְהַיְתוֹם וְהָאֵלְמָנָה אֲשֶׁר בְּשַׁעְרֶיךָ וְאָכְלוּ וְשִׂבְעוּ לִמְעַן יִבְרַכְךָ ה' אֱלֹהֶיךָ בְּכָל מַעֲשֶׂה יָדְךָ אֲשֶׁר תַּעֲשֶׂה

And the Levite, because he hath no portion nor heritage with thee, and the stranger and the fatherless, and the widow, who are within thy gates, shall come and shall eat and be satisfied; that the Eternal thy God may bless thee in all the work of thy hand which thou doest.

# *Deuteronomy 26,*

(12) כִּי תִכְלֶה לַעֲשׂוֹת אֶת-כָּל-מַעֲשֶׂר תְּבוּאָתְךָ בְּשָׁנָה הַשְּׁלִישִׁית שָׁנַת הַמַּעֲשֶׂר וְנָתַתָּה לָלוֹי לְגֵר לַיְתוֹם וְלָאֵלְמָנָה וְאָכְלוּ בְּשַׁעְרֶיךָ וְשִׂבְעוּ

When thou hast finished tithing all the tithe of thine increase in the third year, the year of tithing, and thou hast given it unto the Levite, to the stranger, to the fatherless, and to the widow, that they may eat within thy gates and be satisfied.

## MAASER SHENI

The Titles of the Chapters of this Tractate are:

Chapter 1	מַעֲשֵׂר שְׁנִי	פֶּרֶק א'
Chapter 2	מַעֲשֵׂר שְׁנִי	פֶּרֶק ב'
Chapter 3	לֹא יֵאמָר	פֶּרֶק ג'
Chapter 4	הַמּוֹלִיד פִּירוֹת	פֶּרֶק ד'
Chapter 5	כֶּרֶם רִבְעִי	פֶּרֶק ה'

The *Jerusalem Gemara* discusses and interprets the *Mishnah*.

The main subjects dealt with in the five chapters are:

1. Using *second-tithe*; expending *second-tithe* money. 2. The status of admixture with *second-tithe*; its use as an unguent; eating fenugreek and vetches of *second-tithe*; scattering and assemblage of *second-tithe* coins; confusion of *second-tithe* coins with other coins; changing *second-tithe* money. 3. Presenting *second-tithe*; purchase of offerings with *second-tithe* money; purchase of produce in Jerusalem with *second-tithe* money; taking *second-tithe* money out of Jerusalem; *second-tithe* rendered unclean. 4. Carriage and sale of *second-tithe* from place to place; manner of sale; finding *second-tithe* coins and vessels. 5. Marking the 4th-year vineyard, *orlah* fruit, and a grave; conveyance of 4th-year fruit to Jerusalem; the *added fifth*; redemption of 4th-year fruit; *Removal* (see 9<sup>2</sup> שְׁבִיעִית); the *Avowal* (*Deuteronomy* 26, 13ff.).

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text outlines various methods for organizing and storing data, including digital databases and physical filing systems. It also mentions the need for regular audits and reviews to ensure the integrity of the information.

2. The second section focuses on the role of communication in achieving organizational goals. It highlights the importance of clear and concise communication, both internally and externally. The text provides guidelines for effective communication, such as using appropriate language, listening actively, and providing feedback. It also discusses the benefits of open communication, including improved collaboration and decision-making.

3. The third part of the document addresses the issue of resource management. It discusses the importance of identifying and allocating resources effectively to support the organization's mission. The text outlines various strategies for resource management, including budgeting, prioritization, and delegation. It also mentions the need for regular monitoring and evaluation of resource usage to ensure efficiency and effectiveness.

4. The final section discusses the importance of continuous improvement and innovation. It emphasizes that organizations must be willing to embrace change and seek out new opportunities for growth. The text outlines various methods for fostering innovation, such as encouraging creativity, providing training and development opportunities, and creating a supportive environment for experimentation. It also mentions the need for regular evaluation and feedback to ensure that the organization is continuously improving.



מסכת

## מעשר שני

### TRACTATE MAASER SHENI

#### CHAPTER 1

#### פרק א

##### Mishnah 1

*Second tithe* may not be sold or pledged or exchanged, or its exchange-value be used as a weight<sup>1</sup> of comparison; nor may a man say to his fellow in Jerusalem, 'Here is wine and give me oil'; and likewise also with all other produce, but they may present it to one another as a free gift.

##### משנה א

מעשר שני אין מוכרין אותו, ואין ממשכנין אותו, ואין מחליפין אותו, ולא שוקלין כנגדו; ולא יאמר אדם לחבירו בירושלים, הילך יין ותן לי שמן; וכן שאר כל הפירות, אבל גותנין זה לזה מתנת חנם.

1 If the second tithe be redeemed with coin, such coin may not be used as a standard weight for comparison with like coin. This need not refer only to the exchange value of the second tithe but to the second tithe itself.

##### Mishnah 2

*Tithe* of cattle<sup>1</sup> when without a blemish must not be sold alive, and if with a blemish<sup>2</sup> either alive or slaughtered, and a woman<sup>3</sup> may not be betrothed therewith. An unblemished firstling<sup>4</sup> may be sold<sup>5</sup> alive, and with a blemish alive or slaughtered, and a woman<sup>3</sup> may be betrothed with it. *Second tithe* must not be exchanged<sup>6</sup> for uncoined metal<sup>7</sup> or for coin that is not current, or for money that is not in one's control.<sup>8</sup>

##### משנה ב

מעשר בהמה אין מוכרין אותו תמים חי, ולא בעל מום חי ושחוט. ואין מקדשין בו האשה. ההבכור מוכרין אותו תמים חי ובעל מום חי ושחוט, ומקדשין בו האשה. אין מחליףין מעשר שני על אסימון ולא על המטבע שאינו יוצא, ולא על המעות שאינן ברישותו.

1 *Leviticus* 27, 32. Cattle must also be tithed. 2 It must not be sold in such a condition. 3 *אֶת-הָאִשָּׁה* in some editions. Literally, *the women*. 4 *Exodus* 13, 2, 12; 22, 29, 30; 34, 19-29; *Numbers* 18, 15-18; *Deuteronomy* 15, 19, 20. A *בְּכוֹר בְּהֵמָה תָּמִים* had to be sacrificed in the Temple, its blood sprinkled and the sacrificial parts burnt on the altar; the remaining portions had to be consumed by the *כֹּהֵן* in Jerusalem. A *בְּעֵל מוֹם* could be slaughtered by the *כֹּהֵן* and he could sell it if he wished. But nowadays an unblemished firstling must be maintained and may not be slaughtered unless it develops a blemish. 5 *מוֹכְרִים* in some editions. 6 *Deuteronomy* 14, 25. 7 Or a coin which has worn down and the inscriptions and figures on it are not recognizable. 8 For instance, coins that have fallen down into an inaccessible place or which are difficult to recover.

### Mishnah 3

If one bought<sup>1</sup> cattle for peace-offerings or a beast of chase for use as food, the hide becomes non-holy<sup>2</sup> even though the hide were of greater value<sup>3</sup> than the flesh. Sealed jars of wine<sup>4</sup>—where it was usual to sell them sealed the jar becomes non-holy.<sup>5</sup> Nuts and almonds<sup>4</sup>—their shells become non-holy. Grape refuse wine<sup>6</sup> before it has fermented may not be bought with *second tithe* money, but it may be bought with *second tithe* money after it has fermented.

מִשְׁנָה ג  
יְהִלֻּקְתָּ בְּהֵמָה לְזִבְחֵי שְׁלָמִים  
אוֹ תִּהְיֶה לְבִשָּׁר תֹּאנָה יֵצֵא הָעוֹר  
לְחֻלִּין אֲפֹרָה עַל פִּי שֶׁהָעוֹר מְרוּבָּה  
עַל הַבִּשָּׁר. פְּדִי יֵין סְתוּמוֹת מְקוֹם  
שֶׁדֶרְכָן לְמַכֵּר סְתוּמוֹת יֵצֵא קִנְיָן  
לְחֻלִּין. הָאֵגוּזִים וְהַשְּׁקָדִים יֵצְאוּ  
קִלְפֵיהֶם לְחֻלִּין. הַתֶּמֶד עַד שֶׁלֹּא  
הִתְחַמֵּץ אֵינוֹ נִלְקָח בְּכֶסֶף מַעֲשֵׂר  
וּמִשְׁתַּחֲמֵץ נִלְקָח בְּכֶסֶף מַעֲשֵׂר.

1 With second tithe redeemed money in Jerusalem. *בְּהֵמָה*, *cattle, domestic quadruped, domestic horned animal*. *תִּהְיֶה*, *animal, especially beast of chase*. 2 But not if the possessor be a craftsman or tanner in which case its money equivalent must be consumed in Jerusalem. 3 Or *מְרֻבָּה*. 4 Bought with redeemed second tithe money. 5 But not if the possessor be a potter, in which case the money equivalent of the jar must be consumed in Jerusalem. 6 Inferior wine made by adding water to the husks and stalks of pressed grapes.

### Mishnah 4

If one bought a wild beast for a peace-offering or cattle for use as food the hide does not become non-holy. Open or sealed jars of wine<sup>2</sup>—where it was usual to sell

מִשְׁנָה ד  
הִלֻּקְתָּ תִּהְיֶה לְזִבְחֵי הַשְּׁלָמִים  
בְּהֵמָה לְבִשָּׁר תֹּאנָה לֹא יֵצֵא הָעוֹר  
לְחֻלִּין. פְּדִי יֵין פְּתוּחוֹת אוֹ

them open the jar does not become non-holy. Baskets of olives and baskets of grapes,<sup>2</sup> together with the basket—the value of the basket does not become non-holy.

סְתוּמוֹת, מְקוֹם שֶׁנֶּרְכָּן  
לְמִכּוֹר פְּתוּחוֹת לֹא יֵצֵא קֶזֶזָן  
לְחוּלִין. <sup>2</sup>סְלִי וַיְתִים וְסְלִי עֲנָבִים  
עִם הַכֶּלִי לֹא יֵצֵאוּ דָמֵי הַכֶּלִי  
לְחוּלִין.

1 שְׁלָמִים in some editions. 2 Bought with redeemed second tithe money.

### Mishnah 5

If one bought<sup>1</sup> water, or salt, or produce in the soil, or produce which can not be conveyed<sup>2</sup> to Jerusalem, he has not bought valid *tithe* substitute. If one bought<sup>3</sup> produce in error,<sup>4</sup> he must restore the money whence it came; but if wittingly,<sup>5</sup> it must be brought to the place<sup>6</sup> and eaten there, and if it cannot be taken to the holy place, it must be left to rot.<sup>7</sup>

מִשְׁנָה ה'  
יְהִלֻּקְתָּ מֵיִם וּמִלַּח וּפִירוֹת  
הַמְּחוּפְּרִים לְקֶרֶקֶעַ, אוֹ פִירוֹת  
שְׂאִינָן <sup>2</sup>יְכוּלִין לְהַגִּיעַ לִירוּשָׁלַיִם  
לֹא קָנָה מַעֲשֵׂר. <sup>3</sup>יְהִלֻּקְתָּ פִירוֹת  
שְׂוֵעַ יַחְזִירוּ דָמִים לְמִקְוָם, <sup>5</sup>מִזִּיד  
יַעֲלוּ וַיֵּאָכְלוּ <sup>6</sup>בְּמִקְוָם, וְאִם אֵין  
מִקְדָּשׁ יִרְקְבוּ.

1 He uses the redemption money of the tithe to buy these things. 2 That is, they would go bad before reaching Jerusalem. 3 Outside Jerusalem. 4 Not knowing that he was expending second tithe money. 5 Knowing that he was buying with second tithe money. 6 Jerusalem. 7 Or קֶרֶקֶעַ. Produce bought with second tithe money cannot be redeemed if it is pure away from Jerusalem (Compare 3<sup>3,4</sup>).

### Mishnah 6

If one bought<sup>1</sup> cattle in error<sup>2</sup> the money must be restored whence it came, but if wittingly, it must be taken up<sup>3</sup> and eaten in the place,<sup>4</sup> and if the Temple no longer exist, it must be buried<sup>5</sup> together with its hide.

מִשְׁנָה ו'  
יְהִלֻּקְתָּ בְּהֵמָה, <sup>2</sup>שְׂוֵעַ יַחְזִירוּ דָמֶיהָ  
לְמִקְוָם, מִזִּיד <sup>3</sup>תֵּעָלָה וְתֵאָכַל  
בְּמִקְוָם, וְאִם אֵין מִקְדָּשׁ <sup>5</sup>תִּקְבֹּר  
עַל יְדֵי עֹרָה.

1 With redeemed second tithe money. 2 Outside Jerusalem. 3 It must be sacrificed if not a *בְּעַל מוֹם*, with a blemish. 4 Jerusalem. 5 It must be kept until it dies and then buried in its hide.

## Mishnah 7

Slaves,<sup>1</sup> or bondwomen, or immovable property or unclean cattle should not be bought with money from *second tithe*, and if one did buy, he must consume of an equal value.<sup>2</sup> *Pigeon offerings*<sup>4</sup> of men that suffered with an issue<sup>5</sup> or *pigeon offerings* of women that suffered with an issue,<sup>5</sup> or *pigeon offerings* of women after childbirth, or *sin-offerings* or *guilt-offerings* must not be offered with money of *second tithe*, and if one did so bring them, he must consume of an equal value.<sup>6</sup> This is the general principle: if one bought anything else than food, drink or anointment with money from *second tithe*, he must consume of an equal value.

1 Literally, *They should not buy slaves, or bondwomen, or immovable property or unclean cattle* . . . . . 2 In Jerusalem. 3 Or *מביאים*. 4 Or *קני*. \*Two turtle-doves or two young pigeons had to be offered up when attaining the condition of cleanness. 5 Or *discharge, flux, gonorrhoea*. 6 *כנגדו* in some editions. \*See *קנים Introduction*.

## CHAPTER 2

## Mishnah 1

*Second tithe* was intended<sup>1</sup> for eating, drinking and anointing: to eat that which it is usual to eat, to drink<sup>2</sup> that which it is usual to drink, and to use for anointing<sup>3</sup> that with which it is usual to anoint. One may not use for anointing wine or vinegar, but he may anoint with oil. One must not make perfumed oil from *second tithe*, nor may one buy with *second tithe* money perfumed oil,<sup>4</sup> but he may spice the wine. If there fell into it<sup>5</sup> honey or spices and it improved its value,

## משנה ז

ואין לוקחין עבדים ושפחות וקרקעות ובהמה טמאה מדמי מעשר שני, ואם לקח יאכל כנגדו. אין מביאין קניי זבים, וקניי יבבות, וקניי יולדות, חטאות ואשמות מדמי מעשר שני, ואם הביא יאכל כנגדם. זה הכלל, כל-שהוא חוץ לאכילה ולשתיה ולסיכה, מדמי מעשר שני, יאכל כנגדו.

## פרק ב

## משנה א

מעשר שני יניתן לאכילה ולשתיה ולסיכה; ולאכול דבר שדרכו לאכול, ולשתות דבר שדרכו לשתות. לסוף דבר שדרכו לסוף. לא יסוף יין וחומץ, אבל סף הוא את-השמן. אין מפטמין שמן של מעשר שני, ואין לוקחין בדמי מעשר שני שמן מפותם, אבל

the enhanced value is<sup>6</sup> according to the added value. If fish were cooked porret<sup>7</sup> of *second tithe* and were thus improved, the increased worth is<sup>8</sup> according to the added value. If dough of *second tithe* were baked and so improved in value, the enhanced value is attributed to the *second tithe*. This is the general principle, when the improvement is recognised<sup>9,10</sup>, the enhanced value is<sup>11</sup> according to the added value; but if the improvement is not recognizable, the increased worth is attributed to the *second tithe*.

מפסם הוא את-היין. נפל<sup>5</sup> לתוכו  
דבש ותבלין והשביחו, השבח  
לפי חשבון. דגים שנתבשלו עם  
הקפלוטות של מעשר שני  
והשביחו, השבח לפי חשבון.  
עיסה של מעשר שני שאפאה  
והשביחה, השבח לשני. זה הכלל.  
כל-ששבוהו<sup>9</sup>, ויכר<sup>10</sup> השבח<sup>11</sup> לפי  
החשבון. וכל שאין שבוהו<sup>9</sup> יכר  
השבח לשני.

- 1 Or נתן. 2 In some editions, ולשתות. 3 ולסוד in some editions. 4 Or מפסם.  
5 Wine. 6 assessed, i.e., 'the increase in value should be taken into consideration (when redeeming)'. 7 Porret, leek. Or הקפלוטות. 8 estimated. 9 Or נכר.  
10 As resulting from an addition. 11 reckoned.

#### Mishnah 2

R. Simon<sup>1</sup> says, They may not anoint themselves with oil of *second tithe* in Jerusalem; but the Sages<sup>2</sup> permit it. They said to R. Simon, If<sup>3</sup> a lenient ruling be allowed in the case of the grave subject of *priest's-due*, shall we not allow a more lenient ruling in the case of the more lenient matter of *second tithe*? He said to them, Not<sup>4</sup> so! If the more lenient ruling be allowed to the more serious matter of *priest's-due*—where a more lenient ruling is allowed in the case of vetches<sup>5</sup> and clover<sup>6</sup>—shall we apply a more lenient ruling to the less severe subject of *second tithe*—where a more lenient ruling is not allowed regarding vetches and clover?

#### משנה ב

רבי שמעון אומר, אין סכין שמן  
של מעשר שני בירושלים, וחכמים  
מתירין. אמרו לו לרבי שמעון,  
אם הקל בתרומה חמורה, לא  
נקל במעשר שני הקל? אמר להם,  
מה-לא אם הקל בתרומה  
החמורה מקום שהקל<sup>5</sup> בפכשינים  
ובתלתן. נקל במעשר שני הקל,  
מקום שלא הקל בפכשינים  
ובתלתן?

1 His opinion is rejected. 2 Their view is accepted. 3 See שביעית 82. 4 *מה* is omitted in some editions. 5 Or *tares, horse-beans*. 6 Or *fenugreek, melilot*. (See *Supplement*).

### Mishnah 3

Clover<sup>1</sup> of *second tithe* may be eaten as buds;<sup>2</sup> of *priest's-due*<sup>3</sup>—the School of Shammai<sup>4</sup> say, All its preparations must be done in cleanness excepting combing<sup>5</sup> the head with it; but the School of Hillel say,<sup>6</sup> All its preparations may be carried out in uncleanness excepting steeping it.<sup>7</sup>

מְשֻׁנָּה ג  
1 תִּלְתָּן שֶׁל מַעֲשֵׂר שְׁנִי תֹאכֵל  
2 צִמְחֹנִים; שֶׁל תְּרוּמָה, בֵּית שְׁמַאי  
אֹמְרִים, כָּל-מַעֲשִׂיהָ בְּטָהֳרָה,  
חוּץ מִתְּפִיפָתָהּ, וּבֵית הִלֵּל  
אֹמְרִים, כָּל-מַעֲשִׂיהָ בְּטוּמְאָה  
חוּץ מִשְׁרִיטָתָהּ.

1 Or *fenugreek, melilot* (see *Supplement*). 2 *i.e.*, directly from the capsules before drying or in its green state. 3 *שֶׁל* in some editions. *i.e.*, clover of priest's-due. 4 This view is rejected. 5 *תְּפִיפָה*, cleansing or shampooing the head. 6 Their opinion is accepted. 7 *שְׁרִייה*, soaking or steeping in water. *תִּלְתָּן* of second tithe may be eaten without washing the hands but after steeping it is necessary; *תִּלְתָּן* of priest's-due requires washing of hands before eating.

### Mishnah 4

*Second tithe* vetches<sup>1</sup> may be eaten as buds,<sup>2</sup> and may be taken up<sup>3</sup> to Jerusalem and taken out again.<sup>4</sup> If they have become unclean, R. Tarfon says,<sup>5</sup> They should be divided among lumps of dough;<sup>6</sup> but the Sages say,<sup>7</sup> They must be redeemed. And of *priest's-due*<sup>8</sup>—the School of Shammai say,<sup>9</sup> They must be steeped and rubbed in cleanness and may be given as food in uncleanness; but the School of Hillel say,<sup>10</sup> They must be soaked in cleanness and may be rubbed and given as food in uncleanness. Shammai says, They must be eaten dry. R. Akiba<sup>11</sup> says, All their preparations may be carried out in uncleanness.

מְשֻׁנָּה ד  
1 בְּרִשְׁוֵי מַעֲשֵׂר שְׁנִי יֹאכְלוּ  
2 צִמְחֹנִים וְנוֹכְנָסִים לְיְרוּשָׁלַּיִם  
4 יִזְוָצְאִין נְטָמְאֵי רַבִּי טַרְפוֹן אֹמֵר,  
יִתְחַלְקוּ לְעִיסוֹת, וְנוֹחֲכִים  
אֹמְרִים, יִפְדּוּ וְשֶׁל תְּרוּמָה, בֵּית  
שְׁמַאי אֹמְרִים, שׁוֹרִין וְשֹׁפִין  
בְּטָהֳרָה וּמַאֲכִילִין בְּטוּמְאָה; וּבֵית  
הִלֵּל אֹמְרִים, שׁוֹרִין בְּטָהֳרָה,  
וְשֹׁפִין וּמַאֲכִילִין בְּטוּמְאָה. שְׁמַאי  
אֹמֵר, יֹאכְלוּ צָרִיד. רַבִּי אֶקִּיבָא  
אֹמֵר, כָּל-מַעֲשִׂיהֶן בְּטוּמְאָה.

1 Or *horsebeans, tares* (see **Supplement**). 2 *i.e.*, directly from the capsules in the green state or before drying. Washing of hands before eating them is required only when they have been first steeped. 3 וְנִקְנְסִין in some editions. 4 Or וְיוֹצְאִים. 5 In some editions, שְׁמֵעוֹן. This view is rejected. 6 Or לְעִסוֹת. 7 Their opinion is accepted. 8 *i.e.*, vetches of תְּרוּמָה. 9 Their opinion is rejected. 10 Their view is accepted. 11 His view is not accepted.

### Mishnah 5

Ordinary<sup>1</sup> money and *second tithe* money which were scattered<sup>2</sup>—whatever is picked up first is considered as *second tithe* until the amount is complete, and the rest is ordinary money. If they were mixed up and could be picked up by the handful, each handful is divided up in proportion.<sup>4</sup> This is the general principle: what is collected singly goes first to *second tithe*, but what is mixed up together is shared out in the original ratio.

1 Or non-holy, common, non-sacred. 2 And became mixed up or confused. 3 Or וְחֶפֶן (*Piel*); וְחָפֶן (*Kal*). 4 In ratio of the חוֹלִין and מַעֲשֵׂר שְׁנִי. 5 וְהַנִּבְלָלִין in some editions.

### Mishnah 6

If a *sela*<sup>1</sup> of *second tithe* were confused with one of ordinary money, he should bring<sup>2</sup> a *sela*'s worth of coins and say, 'Let the *sela* of *second tithe* wherever it may be exchanged for these coins'; and he chooses the better<sup>4</sup> of them and exchanges it for them;<sup>5</sup> for they have said, They may exchange silver for copper at need, provided that it does not remain thus but that the copper coins be exchanged for silver.

### מִשְׁנָה ה

מַעֲוֹת יְחוּלִין וּמַעֲוֹת מַעֲשֵׂר שְׁנִי  
שֶׁנִּתְפָּזְרוּ, מֵה - שֶׁלְקַט לְקַט  
לְמַעֲשֵׂר שְׁנִי עַד שֶׁיִּשְׁלִים, וְהַשָּׂאָר  
חוּלִין. אִם בָּלָל וְחֶפֶן, לְפִי  
חֶשְׁבוֹן. זֶה הַכָּלָל, הַמְתִּילָקְטִים  
לְמַעֲשֵׂר שְׁנִי, וְהַנִּבְלָלִים לְפִי  
חֶשְׁבוֹן.

### מִשְׁנָה ו

יִסְלַע שֶׁל מַעֲשֵׂר שְׁנִי וְשֶׁל חוּלִין  
שֶׁנִּתְעָרְבוּ, מְבִיא בְּסִלַּע מַעֲוֹת  
וְאוֹמֵר, סִלַּע שֶׁל מַעֲשֵׂר שְׁנִי בְּכָל  
מָקוֹם שֶׁהָיָה מְחוּלָּלָת עַל הַמַּעֲוֹת  
הָאֵלּוּ, וּבִזְרוֹר אֶת-הַיִּפָּה שֶׁבֵּהֶן  
וּמְחַלְלִין עָלֶיהָ, מִפְּנֵי שֶׁאָמְרוּ  
מְחַלְלִין בְּכֶסֶף עַל נְחוֹשֶׁת מְדוּחָק,  
וְלֹא שִׁיתַּקְיִים בֶּן, אֲלֵא חוּזַר  
וּמְחַלְלִים עַל הַכֶּסֶף.

1 1 סֶלַע = 4 דִּנָּר or 2 שֶׁקֶל (see יְרֵמִיָּה **Introduction, Tables**). 2 The owner desired to spend the חוּלִין money outside Jerusalem. 3 Or מַחֲלֵלֶת. 4 The better sela of the two confused selas. 5 i.e., the coins.

### Mishnah 7

The School of Shammai say,<sup>1</sup> A man may not exchange his selas<sup>2</sup> for golden denars,<sup>3</sup> but the School of Hillel permit it.<sup>4</sup> R. Akiba said, 'I exchanged for R. Gamaliel and R. Joshua their silver for golden denars.'

מִשְׁנָה ז  
בֵּית שַׁמַּי אֹמְרִים, לֹא יַעֲשֶׂה אָדָם אֶת-סֵלָעָיו דִּנָּרֵי זָהָב, וּבֵית הִלֵּל מַתִּירֵין. אָמַר רַבִּי עֲקִיבָא, אֲנִי עָשִׂיתִי לְרַבֵּן גַּמְלִיאֵל וּלְרַבִּי יְהוֹשֻעַ אֶת-כֶּסֶּפֶן דִּנָּרֵי זָהָב.

1 Their view is rejected. 2 Of מַעֲשֵׂר שְׁנִי. 3 1 silver דִּנָּר or 1 וִזָּא =  $\frac{1}{24}$  gold דִּנָּר. (See יְרֵמִיָּה **Introduction, Tables**). 4 Their opinion is accepted.

### Mishnah 8

If one change into a sela<sup>1</sup> the coins of second tithe money—the School of Shammai say, The whole<sup>2</sup> sela into coins; but the School of Hillel say, A shekel's<sup>3</sup> worth in silver and a shekel's<sup>4</sup> worth of copper coins.<sup>4</sup> R. Meir says,<sup>5</sup> They must not exchange<sup>6</sup> both silver and produce into silver, but the Sages permit it.<sup>7</sup>

מִשְׁנָה ח  
הַפּוֹרֵט סֵלַע מִמַּעוֹת מַעֲשֵׂר שְׁנִי בֵּית שַׁמַּי אֹמְרִים, כָּל-הַסֵּלַע מַעוֹת; וּבֵית הִלֵּל אֹמְרִים, שֶׁשֶּׁקֶל כֶּסֶף וְשֶׁקֶל מַעוֹת. רַבִּי מֵאִיר אֹמֵר, אֵין מִתְּחִלִּין כֶּסֶף וּפִירוֹת עַל הַכֶּסֶף, וְחֻכְמִים מַתִּירֵין.

1 See יְרֵמִיָּה **Introduction, Tables**. 2 בְּכָל in some editions. 3 In some editions, בְּשֶׁקֶל. 4 וּבְשֶׁקֶל in some editions. To keep down the price of copper coins. 5 His opinion is rejected. 6 For instance, half a sela of silver and half a sela's worth of produce for a whole sela of silver. 7 The Sages' view is accepted.

### Mishnah 9

If one would break up into small change a sela<sup>1</sup> of second tithe in Jerusalem—the School of Shammai say, The whole<sup>2</sup> sela into small coins; but the School of Hillel say, A shekel's<sup>3</sup> worth of silver and a shekel's<sup>4</sup> worth of small coins. The arguers<sup>5</sup> before the Sages say, 'Three denars' worth of silver and a

מִשְׁנָה ט  
הַפּוֹרֵט סֵלַע שֶׁל מַעֲשֵׂר שְׁנִי בִּירוּשָׁלַיִם, בֵּית שַׁמַּי אֹמְרִים, כָּל-הַסֵּלַע מַעוֹת; וּבֵית הִלֵּל אֹמְרִים, שֶׁשֶּׁקֶל כֶּסֶף וְשֶׁקֶל מַעוֹת. הַדְּנִין לִפְנֵי חֻכְמִים אֹמְרִים,



*denar's* worth of small coins. R. Akiba says, 'Three *denars*' worth of silver and a quarter<sup>6</sup> in small coins. R. Tarfon says, Four<sup>7</sup> *aspers*<sup>8</sup> in silver. Shammai<sup>1</sup> says, He should deposit it in a shop and eat up its value.<sup>9</sup>

בְּשֵׁלֶשֶׁה דִּינָרִין כֶּסֶף וְדִינָר מַעוֹת.  
רַבִּי עֲקִיבָא אוֹמֵר, שְׁלֹשָׁה דִּינָרִין  
כֶּסֶף וְרַבִּיעִית מַעוֹת. רַבִּי טַרְפוֹן  
אוֹמֵר, אַרְבַּעָה אֲסֵפְרֵי כֶסֶף.  
שְׁמַאי אוֹמֵר, יִיחַדָּה בְּחֲנוּת וְיֹאכַל  
כִּנְיָדָה.<sup>9</sup>

1 See **Introduction, Tables**. 2 **בְּכָל** in some editions. 3 **בְּשֵׁקֶל** in some editions. 4 In some editions, **וּבְשֵׁקֶל**. 5 These 'arguers' were **שְׁמַעוֹן בֶּן זִוְמַאי**, **הֲנָנִי בֶן גַּמְלִי**, **הֲנָנִי בֶן גַּמְלִי**, **שְׁמַעוֹן בֶּן עֲזַאי**, and **הֲנָנִי בֶן גַּמְלִי**. 6 In some editions, **וְרַבִּיעִית מַעוֹת** instead of **וְרַבִּיעִית מַעוֹת** gives a clearer interpretation, *i.e.*, and a quarter in small coins from the fourth *denar*. 7 **אַרְבַּע** in some editions. 8 **אַסְפֵּר** =  $\frac{1}{16}$  or  $\frac{1}{8}$  silver. 9 **כִּנְיָדָה** in some editions. The final accepted ruling is that half of a second tithe *sela* may be exchanged for small copper coins in Jerusalem. \*(See **Introduction, Tables**).

#### Mishnah 10

If some of a man's sons were unclean<sup>1</sup> and the others clean,<sup>2</sup> he lays<sup>3</sup> down the *sela* and says, 'For what those who are clean drink let this *sela* be given in exchange';<sup>4</sup> it will be found that both the clean and unclean may drink<sup>5</sup> from the same jar.<sup>6</sup>

מִשְׁנָה י'  
מִי שֶׁהָיוּ מְקַצֵּת בָּנָיו טְמֵאִין  
וּמְקַצֵּתן טְהוֹרִים, מְנִיחַ אֶת-  
הַסֵּלַע וְאוֹמֵר, מִה-שֶׁהַטְהוֹרִים  
שׁוֹתִים סֵלַע זֶה מְחַלְלֵת עָלָיו  
נִמְצְאוּ טְהוֹרִים וְטְמֵאִים שׁוֹתִים  
מִכַּד אֶחָד.<sup>6</sup>

1 **טְמֵאִים** in some editions. 2 In some editions, **טְהוֹרִין**. 3 **מְנִיחַ**. 4 **מְחַלְלֵת**. 5 **שׁוֹתִין** in some editions. 6 But of course each one must use his own cup filled from this jar.

### CHAPTER 3

#### פֶּרֶק ג'

#### Mishnah 1

A man may not say to his fellow, 'Take up this produce to Jerusalem in return for a share of it'; but he may say to him, 'Take it up and we will eat and drink of it in Jerusalem.' Further, they may give<sup>1</sup> of it to one another as a free gift.

מִשְׁנָה א'  
לֹא יֹאמֵר אָדָם לְחֵבְרֹו, הֵעֵל  
אֶת-הַפִּירוֹת הָאֵלֶּה לְיִרוּשָׁלַיִם  
לְחֵלְקִי, אֲלֵא אוֹמֵר לוֹ, הֵעֵלֵם  
שְׂנֵאֲכֵלֵם וְנִשְׁתֵּם בִּירוּשָׁלַיִם. אֲבָל  
יִנְחֹתֵימ זֶה לָזֶה מִתְּנַת חֵנָם.

1 Outside Jerusalem. The receivers must nevertheless consume such produce in Jerusalem.

## Mishnah 2

One may not buy<sup>1</sup> *priest's-due* with *second tithe* money because thereby he reduces the number<sup>2</sup> that may eat of it; but R. Simon<sup>3</sup> permits it. R. Simon<sup>3</sup> said to them,<sup>4</sup> 'How so! If the more lenient ruling apply to *peace-offerings*<sup>5</sup> which may become *abomination*<sup>6</sup> or *overdue portion*<sup>7</sup> or *unclean*, should we not apply the more lenient ruling to *priest's-due*? They<sup>3</sup> said to him, 'What? If the more lenient ruling apply to *peace-offerings* which are permitted<sup>8</sup> to non-priests, should we apply the more lenient ruling to *priest's-due* which is prohibited to non-priests?'

1 Or לוקחים. 2 Unclean persons may not eat of it. 3 His view is rejected. 4 The חכמים, Sages. 5 Which may be bought with *second tithe* money. 6 Literally, *abomination*, *unfitness*, a term applied to a sacrifice which has become rejected if the officiating כהן had a wrong intention in his mind. *Leviticus* 7, 18. 7 נותר, *overdue portion* of a sacrifice left over beyond the appointed time and which had to be burnt. *Exodus* 29, 34; *Leviticus* 7, 17. 8 מתירים in some editions.

## Mishnah 3

Anyone in Jerusalem who had money<sup>1</sup> and he had need<sup>2</sup> for it and his fellow had produce,<sup>3</sup> he may say to his fellow, 'Let this money be rendered non-holy<sup>4</sup> for thy produce'; the result will be that the one will eat his produce in cleanness<sup>5</sup> and the other may provide for his needs<sup>6</sup> with his money. But one may not say thus to one who is suspect regarding the observance of *tithes* except<sup>7</sup> in the case of *doubtfully tithed produce*.

## משנה ב

אין לוקחין תרומה בכסף מעשר שני מפני שהוא ממעט באכילתו ורבי שמעון מתיר. אמר להם רבי שמעון, מה אם היקל בזבחי שלמים שהוא מביא לידי פגול, ונותר, וטמא, לא נקל בתרומה? אמרו לו, מה אם היקל בזבחי שלמים שהן מותרין לזרים, נקל בתרומה שהיא אסורה לזרים?

## משנה ג

מי שהיו לו מנחות בירושלים וצריך לו, ולחבירו פירות, אומר לחבירו, הרי המנחות האלו מחולקין על פירותיך; נמצא זה אוכל פירותיו בטהרה, והלה עושה צרכו במעותיו. ולא יאמר כן לעם הארץ אלא בדמאי.

1 Of *second tithe*. 2 For other purposes than food, drink or unguent. 3 Of חולין. 4 Or מְחֻלְלִים. 5 Because the produce acquires the sanctity of second tithe. 6 צֶרֶקְיוֹ in some editions. 7 i.e., unless it was *second tithe* money set apart for דְּמָאִי produce.

#### Mishnah 4

If one had produce<sup>1</sup> in Jerusalem and money<sup>2</sup> in the provinces, he may say, 'Let that money<sup>3</sup> become non-holy<sup>4</sup> for this produce.' If one had money<sup>5</sup> in Jerusalem and produce<sup>6</sup> in the provinces, he may say, 'Let this money become non-holy<sup>4</sup> for that produce';—only provided that they bring<sup>7</sup> that produce up and eat it in Jerusalem.

#### משנה ד

1 פירות בירושלים וּמָעוֹת בְּמִדְיָנָה, אֹמֵר, 3 הַמָּעוֹת הָהֵם 4 מְחֻלְלִין עַל פִּירוֹת הָאֵלוּ. 5 מָעוֹת בְּיִרוּשָׁלַיִם וּפִירוֹת בְּמִדְיָנָה, אֹמֵר, 6 הָרִי הַמָּעוֹת הָאֵלוּ 4 מְחֻלְלִין עַל הַפִּירוֹת הָהֵם, וּבִלְבָד 7 שִׁיעֲלוּ הַפִּירוֹת וַיֵּאָכְלוּ בִּירוּשָׁלַיִם.

1 Of חולין. 2 Of *second tithe*. He needs the money for other purposes. 3 Of מְחֻלְלִין in some editions. 4 Or מְחֻלְלִין. 5 Of *second tithe*. 6 Of חולין. 7 שִׁיעֲלוּ in some editions.

#### Mishnah 5

Money<sup>1</sup> brought into Jerusalem may be taken out again, but produce<sup>1</sup> brought in may not be taken out again. Rabban Simon<sup>2</sup> ben Gamaliel says, Even produce<sup>1</sup> may be brought in and taken out again.

#### משנה ה

1 מָעוֹת נִכְנָסוֹת לִירוּשָׁלַיִם וַיּוֹצְאוֹת וּפִירוֹת נִכְנָסִין וַאֲיֵן יוֹצְאִין. רַבִּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אֹמֵר, אַף 1 הַפִּירוֹת נִכְנָסִין וַיּוֹצְאִין.

1 Of *second tithe*. 2 His view is not accepted that it should be allowed to take the produce outside Jerusalem to have it ground or baked cheaply and then take it in again to be consumed.

#### Mishnah 6

Produce<sup>1</sup> which had been completely harvested and had passed through Jerusalem—its<sup>2</sup> *second tithe* must be brought back to Jerusalem to be consumed<sup>3</sup> there. And if it had not been completely harvested, for instance baskets of grapes for the wine-press<sup>4</sup> or baskets of figs

#### משנה ו

1 פִּירוֹת שֶׁנִּגְמְרָה מְלֹאכָתָן וַעֲבָרוּ בְּתוֹךְ יְרוּשָׁלַיִם, יִחְזוֹר מֵעֶשֶׂר שְׁנֵי שָׁלָהֶן 3 וַיֵּאָכְלוּ בִּירוּשָׁלַיִם. וְשָׁלָה נִגְמְרָה מְלֹאכָתָן, סִלֵּי עֲנָבִים 4 לָגֶת, וְסִלֵּי תְּאֵנִים 5 לְמוֹקָצָה; בֵּית שְׁמַאי

for the store<sup>5</sup>—the School of Shammai<sup>6</sup> say, One must bring back their *second tithe* to Jerusalem and consume<sup>3</sup> it there; but the School of Hillel say, He may redeem it and consume it<sup>3</sup> anywhere. R. Simon<sup>8</sup> ben Judah says in the name of R. Jose, The School of Shammai<sup>6</sup> and the School of Hillel were not divided over the subject of produce<sup>9</sup> which had not been completely harvested that its *second tithe* may be redeemed<sup>10</sup> and consumed<sup>3</sup> anywhere. But over what were they divided?—About produce<sup>11</sup> that was completely harvested, the School of Shammai<sup>6</sup> saying, One must bring back to Jerusalem its *second tithe* and eat it<sup>3</sup> there; and the School of Hillel<sup>12</sup> saying, One may redeem it and eat it<sup>3</sup> anywhere. And *doubtfully tithed produce*<sup>13</sup> may be brought in<sup>14</sup> and taken out again and may be redeemed.

- 1 Whose תרומה and ראשון had not yet been separated, i.e., produce. 2 שֶׁלֶהֶם in some editions. 3 וְיֹאכַל, and it must be eaten. 4 Wine-pressing vat. 5 Store for fruit. 6 i.e., their opinion differs in another matter. 7 Or יִפְדָּה, may be redeemed and consumed. 8 His opinion is rejected. 9 Or פירות. 10 Or שִׁפְדָּה [Niphal]. 11 In some editions, פירות. 12 Their views are excepted. 13 Or יִהְדְּמָי (see דְּמָאִי, Introduction). 14 Into Jerusalem.

# Mishnah 7

If a tree stood within a wall<sup>1</sup> and leaned over<sup>2</sup> outside, or stood without and leaned over inwards, the part above the wall and within is deemed inside,<sup>3</sup> and the part above the wall and outwards is considered outside.<sup>4</sup> Olive-presses<sup>5</sup>—if their entrances were inside and their body<sup>6</sup> outside, or their entrances without and their body

אומרים, יחזור מעשר שני שלהם  
וְיֹאכַל בירושלים; ובית הלל  
אומרים, יִפְדָּה<sup>7</sup> וְיֹאכַל בְּכָל מְקוֹם.  
רבי שמעון בן יהודה אומר משום  
רבי יוסי, לא נחלקו בית שמיאי  
ובית הלל על פירות שלא נגמרה  
מלאכתן<sup>10</sup> שִׁפְדָּה מעשר שני שלהם  
וְיֹאכַל בְּכָל מְקוֹם. ועל מה נחלקו?  
על הפירות שנגמרה מלאכתן,  
שפית שמיאי אומרים, יחזור מעשר  
שני שלהם וְיֹאכַל בירושלים;  
ובית הלל אומרים, יִפְדָּה<sup>12</sup> וְיֹאכַל  
בְּכָל מְקוֹם. וְיִהְדְּמָי<sup>13</sup> נִכְנָס וְיוֹצֵא  
וְנִפְדָּה.

## משנה ז

אילן שהוא עומד בפנים ונוטה  
לחוץ, או עומד בחוץ ונוטה לפנים,  
מכנגד החומה ולפנים בלפנים,  
מכנגד החומה ולחוץ בכלחוץ.  
בבתי הבדים שפתחיהן לפנים  
ונחללן לחוץ, או שפתחיהן לחוץ

within, the School of Shammai say, The whole is considered inside; but the School of Hillel say,<sup>7</sup> The portion above the wall and inwards is considered inside, and the part above the wall and outwards is deemed without.

1 Inside Jerusalem. 2 Its trunk or branches. 3 The second tithe may be eaten there but not be redeemed. 4 The second tithe may not be consumed there but may be redeemed. 5 On the wall of Jerusalem. 6 חלל, *cavity, interior, hollow*. 7 Their view is accepted that in the inner part (in Jerusalem) the second tithe may be eaten but not be redeemed, but in the outer part (outside Jerusalem) the second tithe may not be consumed but may be redeemed. 114

#### Mishnah 8

The chambers built in the Temple Court<sup>1</sup> and open into the non-holy ground<sup>2</sup>—their interior is non-holy but their roofs are considered to be in holy ground.<sup>3</sup> Those built<sup>4</sup> on non-holy ground and opening on to the Temple Court—their interior is considered to be on holy ground and their roofs to be non-holy. Those built both within the Temple Court and on non-holy ground, and opening both on to the Temple Court and non-holy ground—their interior and their roofs above the Temple Court and towards the Temple Court are holy, and over the non-holy ground and towards non-holy ground are non-holy.

1 Literally, *in the holiness, i.e., עזרה*. 2 *i.e. הר הבית, the hillside of the Temple*. 3 With reference to the slaughter of sacrifices and their consumption and to the entrance in cleanness. But this applies only if the roofs be on the same level as the ground slope. 4 The chambers.

#### Mishnah 9

*Second tithe* that had been brought into Jerusalem and became unclean, whether it became unclean from a

וחללן לפנים, בית שמאי אומרים, הכל כלפנים; ובית הלל אומרים, מכנגד החומה ולפנים כלפנים, מכנגד החומה ולחוץ כלחוץ.

#### משנה ח

הלשכות בנאות בקודש ופתוחות לחול, תוכן חול ונאותיהן קודש. בנאות לחול ופתוחות לקודש, תוכן קודש ונאותיהן חול. בנאות בקודש ובחול, ופתוחות לקודש ולחול, תוכן ונאותיהן מכנגד הקודש ולקודש קודש, מכנגד החול ולחול חול.

#### משנה ט

מצער שני שנכנס לירושלים ונטמא, בין שנטמא באב הטומאה

direct cause of uncleanness or from a secondary cause of uncleanness, whether inside<sup>1</sup> or outside:<sup>1</sup> the School of Shammai say, All<sup>2</sup> should be redeemed and be consumed inside, except only what had become unclean from a direct cause of uncleanness outside; but the School of Hillel say, All must be redeemed and be consumed without,<sup>3</sup> except only what had become unclean from a secondary cause within.<sup>3</sup>

בין שְׁנֵטְמָא בְּיָלֵד הַטּוֹמְאָה, בֵּין  
בְּפָנִים בֵּין בְּחוּץ, בֵּית שְׁמַאי  
אוֹמְרִים, הֵכֵל יִפְדֶּה וַיֹּאכַל בְּפָנִים,  
חוּץ מִשְׁנֵטְמָא בְּאֵב הַטּוֹמְאָה בְּחוּץ;  
וּבֵית הִלֵּל אוֹמְרִים, הֵכֵל יִפְדֶּה  
וַיֹּאכַל בְּחוּץ, חוּץ מִשְׁנֵטְמָא בְּיָלֵד  
הַטּוֹמְאָה בְּפָנִים.

1 The Walls of Jerusalem. 2 In some editions, הֵכֵל וַיֹּאכַל בְּפָנִים.  
3 The Walls of Jerusalem. The accepted ruling is as follows: second tithe produce that had become unclean outside Jerusalem must be redeemed and be eaten outside Jerusalem; if it became unclean inside Jerusalem from a direct cause of uncleanness it must be redeemed and be consumed outside; if it became unclean inside after redemption it must be consumed inside Jerusalem.

# Mishnah 10

If what was bought<sup>1</sup> with second tithe money became unclean, it may be redeemed;<sup>2</sup> R. Judah says,<sup>3</sup> It must be buried. They<sup>4</sup> said to R. Judah, 'If second tithe itself that had become unclean may be redeemed, is it not all the more reason that what had been bought with second tithe money and had become unclean may also be redeemed?' He said to them, 'No, if you say of second tithe itself which may be redeemed when clean far from Jerusalem, would you say the same of what has been bought with second tithe money which may not be redeemed when clean far from Jerusalem?'

מִשְׁנָה י'  
הֵלָקוֹחַ בְּכֶסֶף מַעֲשֵׂר שְׁנִי שְׁנֵטְמָא  
יִפְדֶּה; רַבִּי יְהוּדָה אוֹמֵר, יִקָּבֵר.  
אָמְרוּ לוֹ לְרַבִּי יְהוּדָה, וְכָה אִם  
מַעֲשֵׂר שְׁנִי עֲצָמוֹ שְׁנֵטְמָא הָרִי הוּא  
נִפְדֶּה, הֵלָקוֹחַ בְּכֶסֶף מַעֲשֵׂר שְׁנִי  
שְׁנֵטְמָא אֵינוֹ דִּין שִׁיפְדֶּה? אָמַר לָהֶם,  
לֹא. אִם אֲמַרְתֶּם בְּמַעֲשֵׂר שְׁנִי עֲצָמוֹ  
שָׁכֵן הוּא נִפְדֶּה בְּטָהוֹר בְּרַחוּק  
מִקּוֹם, תֹּאמְרוּ בְּלִקְוֹחַ בְּכֶסֶף  
מַעֲשֵׂר, שְׁאֵינוֹ נִפְדֶּה בְּטָהוֹר בְּרַחוּק  
מִקּוֹם?

1 Whether inside or outside Jerusalem. 2 And this is the accepted ruling.  
3 His view is rejected. 4 The חֲכָמִים (Sages).

## Mishnah 11

If a deer<sup>1</sup> that had been bought<sup>2</sup> with *second tithe*<sup>3</sup> money died, it must be buried with its hide; R. Simon says,<sup>4</sup> It must be redeemed. If one bought it alive and slaughtered it and it became unclean, it must be redeemed; R. Jose says,<sup>5</sup> It must be buried. If one bought it slaughtered and it became unclean, it must be treated just as produce.<sup>6</sup>

1 Or *gazelle*. 2 Any beast or fowl bought with second tithe money must be buried whole if it died; but if such became unclean after slaughtering it must be redeemed as in the case of second tithe produce that had become unclean. 3 *i.e.*, מַעֲשֵׂר שְׁנִי. 4 His view is rejected. 5 His opinion is not accepted. 6 Or קְפִירוֹת.

## Mishnah 12

If one lent jars<sup>1</sup> for *second tithe*,<sup>2</sup> even though he sealed them up, they<sup>3</sup> are not considered as *tithe*. If he poured into them non-tithed wine, if before<sup>4</sup> they were sealed up, they<sup>3</sup> do not count as *tithe*, but if after they were sealed up,<sup>5</sup> they are reckoned as *tithe*. If before<sup>6</sup> they were sealed up, they<sup>7</sup> are neutralized in a hundred and one parts, but if after they were sealed up, they render holy<sup>8</sup> in any quantity whatsoever. Before one has sealed them up, he may separate *priest's-due* from one for all; but after he has sealed them up, he must separate *priest's-due* from each one separately.

1 קִנְיָן, *oil-vessel, wine-vessel; a cylindrical vessel sunk into a cellar floor*. 2 For wine also so designated. 3 *i.e.*, מַעֲשֵׂר שְׁנִי. The jars themselves do not become part of the tithe. Literally, *he has not purchased tithe*. 4 *i.e.*, before the wine was designated tithe. 5 Then the wine was designated tithe. 6 If they were designated priest's due and became confused with non-holy wine. 7 The jars themselves. 8 The jars must be sold to כֹּהֵן but one jar is given to the כֹּהֵן free.

## מִשְׁנָה י"א

אֵיזִי שֶׁלָּקְחוּ בְּכֶסֶף מַעֲשֵׂר וּמָתָּה יִקְבְּרָה עַל יְדֵי עוֹרוֹ; רַבִּי שִׁמְעוֹן אוֹמֵר, יִפְדָּהּ. לָקְחוּ חַי וּשְׁחָטוּ וְנִטְמָא, יִפְדָּהּ; רַבִּי יוֹסִי אוֹמֵר, יִקְבְּרָה. לָקְחוּ שְׁחוֹט וְנִטְמָא, הִרִי הוּא כְּפִירוֹת.

## מִשְׁנָה י"ב

הַמְשָׂאִיל לִקְנִינִין לְמַעֲשֵׂר שְׁנִי, אִם עַל פִּי שְׁנִי, לֹא קָנָה מַעֲשֵׂר. וְלֹא לְתוֹכָן סֵתָם, אֲדָר שֶׁלֹּא גָפֶן, לֹא קָנָה מַעֲשֵׂר; מִשְׁנִי, קָנָה מַעֲשֵׂר. אֲדָר שֶׁלֹּא גָפֶן, עוֹלוֹת בְּאַחַד וּמֵאָה, וּמִשְׁנִי, מִקְדָּשׁוֹת בְּכָל שָׁהֵן. אֲדָר שֶׁלֹּא גָפֶן, תוֹרֵם מֵאַחַת עַל הַכֹּל; וּמִשְׁנִי, תוֹרֵם מִכָּל אַחַת וְאַחַת.

own or whether it were given<sup>4</sup> to **עָלָיו חֲמִישִׁית בֵּין שֶׁהוּא שְׁלוֹ** him as a free gift.<sup>5</sup>

**וּבֵין שְׁנֵיתָן לוֹ בְּמִתְנָה.**

1 Or *offers*, literally *says*. 2 *Leviticus* 27, 13. 3 Or **חֲמִישִׁית**. In actual practice it is **חֲמִישִׁית מִלְּבָר**, a fourth (i.e.,  $\frac{1}{5}$  [the original plus  $\frac{1}{4}$  of the original], thus algebraically if the original be  $x$  then the **חֲמִישִׁית מִלְּבָר** =  $\frac{1}{5} [x + \frac{x}{4}] = \frac{x}{4}$ , that is *one fourth*).

4 Or **שְׁנֵיתָן**. 5 This can only refer to **טָבֵל**, *completely untithed produce*.

#### Mishnah 4

A way out may be found<sup>1,2</sup> regarding *second tithe*. How so? A man may say to his adult son or daughter, or to his Hebrew bondman or bondwoman, 'Here is this money,<sup>3</sup> redeem for thyself this *second tithe*'.<sup>4</sup> But he may not speak in this wise to his son or daughter who are minors, or to his Canaanite bondman or bondwoman, because their hand is as his hand.<sup>5</sup>

**מִשְׁנָה ד**

**אִם עֲרִימִין עַל מַעֲשֵׁר שְׁנִי בִיצֵד? אֹמֵר אָדָם לְבָנוֹ וּלְבָתוֹ הַגְּדוּלִּים, לְעַבְדּוֹ וּלְשִׁפְחָתוֹ הָעֶבְרִים, הִלֵּךְ מַעוֹת אֵלָיו וּפְדָה לָהּ מַעֲשֵׁר שְׁנִי זֶה. אָכֵל לֹא יֹאמַר כֵּן לְבָנוֹ וּלְבָתוֹ הַקְּטָנִים, וּלְעַבְדּוֹ וּלְשִׁפְחָתוֹ הַכְּנַעֲנִים, מִפְּנֵי שֶׁיָּדָן כְּיָדוֹ.**

1 **עָרַם**, to evade a law by an artifice, to act artfully. 2 To evade paying the *added fifth*. 3 As a gift, **בְּמִתְנָה**. 4 And when the redeemed produce has thus become **חֵיילִין** it is handed over as a free gift to the owner who has not therefore to pay the *added fifth*, for he had not redeemed it. 5 i.e., their action is exactly as if the owner had acted.

#### Mishnah 5

If one<sup>1</sup> were standing in his granary but he had no money<sup>2</sup> in his hand, he may say to his fellow, 'This produce<sup>3</sup> is given to thee as a free gift.' Then<sup>4</sup> he goes on to say, 'Let this be exchanged<sup>5</sup> for money which is in the house.'

**מִשְׁנָה ה**

**אִיְהָ עֹמֵד בְּגֵרָן וְאֵין בְּיָדוֹ מַעוֹת, אֹמֵר לְחֵבְרִי, הִרִי הַפִּירוֹת הָאֵלָיו נְתוּנִים לָהּ בְּמִתְנָה. חֲזוֹר וְאֹמַר, הִרִי אֵלָיו מִחֻלְלִין עַל מַעוֹת שְׁבָבִית.**

1 When one wanted to avoid paying the *added fifth*. 2 To give to the other (who also had no money on him) to redeem the *second tithe* for him. 3 This refers to **טָבֵל** produce (Compare preceding *Mishnah*, Note 5). 4 After the other has separated the *second tithe*. 5 Or **מִחֻלְלִים**. Thus again the owner has evaded the payment of the *added fifth*.



## Mishnah 6

If anyone drew<sup>1</sup> from another *second tithe* at the price of a *sela*, but before he was able to redeem it it went up to two, he gives him a *sela* and makes a *sela* profit and the *second tithe*<sup>2</sup> is his. If anyone drew from another *second tithe* for two *selas*, but before he managed to redeem it it stood at a *sela*, he gives him a *sela* of ordinary money and a *sela* from *second tithe* money of his own. If he<sup>3</sup> were one who is not reliable concerning *tithes*, he may give<sup>4</sup> him from *doubtfully tithed produce*.<sup>5</sup>

## משנה ו

אִם־שָׁךְ מִמֶּנּוּ מַעֲשֵׂר בְּסֵלַע, וְלֹא הִסְפִּיק לְפִדּוֹתוֹ עַד שֶׁעָמַד בְּשֵׁתִים, נוֹתֵן לוֹ סֵלַע וּמִשְׁתַּכֵּר בְּסֵלַע, וּמַעֲשֵׂר שְׁנֵי שָׁלוֹ. מִשָּׁךְ מִמֶּנּוּ מַעֲשֵׂר בְּשֵׁתִים, וְלֹא הִסְפִּיק לְפִדּוֹתוֹ עַד שֶׁעָמַד בְּסֵלַע, נוֹתֵן לוֹ סֵלַע מִחוּלִין, וְסֵלַע מִמַּעֲשֵׂר שְׁנֵי שָׁלוֹ. אִם הָיָה עִם הָאָרֶץ, נוֹתֵן לוֹ מִדְּמָאִי.

1 i.e., drew into possession. 2 Some editions have וְסֵלַע מַעֲשֵׂר שְׁנֵי instead of מַעֲשֵׂר שְׁנֵי. Some commentators understand this to mean that the 'second' *sela*, viz., the 'other' *sela*, belongs to him. 3 The seller was עִם הָאָרֶץ, one who is not reliable concerning tithing, to whom redemption money from מַעֲשֵׂר שְׁנֵי נִדְאִי must not be given. 4 Or pays. i.e., the second *sela*. 5 מִדְּמָאִי in some editions. i.e., from מַעֲשֵׂר שְׁנֵי שֶׁל דְּמָאִי.

## Mishnah 7

If one redeem *second tithe* but did not designate<sup>1</sup> it, R. Jose<sup>2</sup> says, It is sufficient; but R. Judah says,<sup>3</sup> He must definitely designate it. If one were talking to a woman concerning her divorce<sup>4</sup> or her betrothal and he gave her her bill of divorce<sup>4</sup> or her gift of betrothal, but did not designate it expressly,<sup>5</sup> R. Jose<sup>2</sup> says, It is sufficient; but R. Judah<sup>3</sup> says, He must designate it explicitly.

## משנה ז

הַפּוֹדֶה מַעֲשֵׂר שְׁנֵי וְלֹא קָרָא שֵׁם, רַבִּי יוֹסִי אוֹמֵר, דִּין; רַבִּי יְהוּדָה אוֹמֵר, צָרִיךְ לְפָרֵשׁ. הָיָה מְדַבֵּר עִם הָאִשָּׁה עַל עֶסְקִי גִטָּה וְקִדּוּשִׁיהָ, וְנָתַן לָהּ גִטָּה וְקִדּוּשִׁיהָ, וְלֹא פָּרֵשׁ, רַבִּי יוֹסִי אוֹמֵר, דִּין; רַבִּי יְהוּדָה אוֹמֵר, צָרִיךְ לְפָרֵשׁ.

1 He did not state that it was redemption of second tithe. 2 His view is accepted. 3 His opinion is rejected. 4 גִּטָּה in some editions. 5 Or פָּרֵשׁ.

## Mishnah 8

If anyone set aside an *issar*<sup>1</sup> and reckoning on it ate up half its value, and then he went elsewhere where its value was a *pondion*,<sup>2</sup> he can still consume in virtue of it another *issar*'s worth. If anyone set aside a *pondion* and counting on it consumed half its worth, and then he went somewhere else where its value<sup>3</sup> was an *issar*, he may consume in virtue of this only another<sup>4</sup> half *issar*'s worth. If anyone put aside an *issar* for *second tithe* redemption, counting on it he may consume<sup>5</sup> one-eleventh<sup>6</sup> of an *issar*'s worth, or one-hundredth<sup>7</sup> of an *issar*'s worth. The School of Shammai say,<sup>8</sup> One-tenth in both cases; but the School of Hillel<sup>9</sup> say, One-eleventh for *certainly tithed produce* and one-tenth for *doubtfully tithed produce*.

## משנה ח

המניח <sup>1</sup>איסר ואכל עליו חציו והלך למקום אחר, והרי הוא יוצא <sup>2</sup>בפונדיון, אוכל עליו עוד איסר. המניח בפונדיון ואכל עליו חציו, והלך למקום אחר, והרי הוא <sup>3</sup>באיסר, אוכל עליו עוד פלג. המניח איסר של מעשר שני, <sup>5</sup>אוכל עליו <sup>6</sup>אחד עשר באיסר, <sup>7</sup>ואחד ממאה באיסר. בית שמאי אומרים, הכל עשקה; <sup>9</sup>ובית הלל אומרים, בודאי אחד עשר ובדמאי עשקה.

1 For redemption of *second tithe*. 2 A *pondion* is worth 2 *issar*. 3 <sup>3</sup>הוא יוצא in some editions. 4 <sup>4</sup>עוד in some editions is omitted. 5 In some editions, <sup>5</sup>ואכל. 6 If the produce be <sup>6</sup>דמאי, *doubtfully tithed*. 7 If the produce be <sup>7</sup>בדמאי, *certainly tithed*. 8 Their view is rejected. 9 Their opinion is accepted.

## Mishnah 9

All coins<sup>1</sup> that are found are considered non-holy, even a gold *dinar*<sup>2</sup> mingled with silver and copper coins. If anyone found a shard<sup>3</sup> with them on which was written<sup>4</sup> *Tithe*, then such must be assumed to be *tithe*.<sup>5</sup>

## משנה ט

<sup>1</sup>כל-המעות הנמצאים הרי אלו חולין, אפילו <sup>2</sup>דינר זהב עם הכסף ועם המעות. מצא בתוכן <sup>3</sup>חרס <sup>4</sup>כתוב עליו מעשר, הרי זה <sup>5</sup>מעשר.

1 But any such money found in *Jerusalem* during a <sup>1</sup>הגל, *Holyday* period, when second tithe was brought in is considered as second tithe redemption money. 2 <sup>2</sup>דינר זהב = 24 דינר כסף or 24 זוז. (See *Tables of Weights and Measures, Introduction* <sup>2</sup>ורעם). 3 Or *sherd*, *potsherd*. 4 <sup>4</sup>וכתוב in some editions. 5 *Second tithe* redemption money.

# Mishnah 10

If anyone find a vessel and on it be written *Offering*<sup>1</sup>—R. Judah says, If it were of earthenware it is non-holy, and whatever is in it is *offering*; and if it were of metal, it is *offering* and what is therein is non-holy. They<sup>2</sup> said to him, It is not the way of people to put what is non-holy into what is *offering*.

משנה י

המוצא כלי וכתוב עליו יקרבן  
כפי יהודה אומר, אם היה של  
חרס, הוא חולין ומה שבתוכו  
קרבן; ואם היה של מתכת, הוא  
קרבן ומה שבתוכו חולין.<sup>2</sup> אמרו  
לו, אין דרך בני אדם להיזית  
כונסין חולין לקרבן.

1 Or *Sacrifice*. 2 The חכמים (Sages).

# Mishnah 11

If anyone find a vessel<sup>1</sup> and there be written on it a *Kaf*<sup>2</sup>, this is *offering*, a *Mem*<sup>3</sup>, it is *tithe*, a *Daleth*<sup>4</sup>, it is *doubtfully tithed*, a *Teth*<sup>5</sup>, it is *certainly untithed*, a *Tav*<sup>6</sup>, it is *priest's-due* because in times of danger<sup>7</sup> they used to write a *Tav* instead of *Terumah*. R. Jose<sup>8</sup> says, They may all be the names<sup>9</sup> of persons. Said R. Jose, Even if one found a cask<sup>10</sup> and it was full of produce, and on it be written *priest's-due*, this should be considered non-holy, because I can assume that last year it was filled with produce<sup>14</sup> of *priest's-due* and someone had since emptied it out.<sup>11</sup>

משנה יא

המוצא כלי וכתוב עליו ק קרבן  
מ מעשר, ד דמאי, ט טבל, ת  
תרומה, שבשעת סכנה, היו  
כותבין ת תחת תרומה. רבי יוסי  
אומר, כולם שמות בני אדם הם.  
אמר רבי יוסי, אפילו מצא חבית  
והיא מלאה פירות, וכתוב עליה  
תרומה, הרי אלו חולין, שאני  
אומר, אשתקד היתה מלאה פירות  
תרומה ויפינה.

1 In the case of a כלי חרס, an earthenware vessel, thus marked the contents only are קדוש, holy, but in the case of a כלי שטף, a vessel of wood or metal, both the vessel and contents are הקדש, dedicated. 2 The initial letter of קרבן, i.e., dedicated. 3 The initial letter of מעשר. 4 The initial letter of דמאי. 5 The initial letter of טבל. 6 The initial letter of תרומה. 7 i.e., persecution. 8 His views are not accepted. 9 i.e., the initials of persons' names. 10 Or jar, barrel, tub. 11 In some editions. i.e., and the one who had emptied it out had forgotten to erase the word תרומה.

# Mishnah 12

If one said to his son, 'Second tithe is in this corner'—and he found some<sup>1</sup> in another corner, this is to be considered as non-holy. If there had been there a *manah*<sup>2</sup> and he found two hundred,<sup>3</sup> the surplus is non-holy; if two hundred<sup>4</sup> and he found only one *manah*, the whole lot is *tithe*.

1 וּמִצָּא in some editions. 2 מָנָה = 100 ז' or 100 קֶסֶף. Of second tithe. 3 200 ז' or 200 קֶסֶף, i.e., 2 מָנָה. 4 200 ז' or 200 קֶסֶף had been placed there. (See Introduction, Tables).

## CHAPTER 5

### Mishnah 1

A vineyard in its fourth year<sup>1</sup> must be marked out<sup>2</sup> with clods of earth, and fruit trees of their first three years with sherds,<sup>3</sup> and graves with lime<sup>4</sup> mixed with water and poured over. Rabban Simon ben Gamaliel said, When is this the case?—In the *Sabbatical Year*.<sup>5</sup> And the scrupulously pious<sup>6</sup> people used to lay down<sup>7</sup> coins<sup>8</sup> and say,<sup>9</sup> 'All that is gathered here let it be redeemed<sup>10</sup> by these coins.'<sup>8</sup>

### מִשְׁנָה יב

הָאוֹמֵר לְבָנוֹ מִעֵשֶׂר שְׁנֵי בָנוֹת  
זוֹ, וּמִצָּאָהּ בָּנוֹת אַחֶרֶת, הִרִי  
אֵלוֹ חוּלִין. הִיָּה שָׁם מָנָה וּמִצָּא  
מָאֲתִים, הִשָּׂאָר חוּלִין; מָאֲתִים,  
וּמִצָּא מָנָה, הִכֹּל מִעֵשֶׂר.

## פֶּרֶק ה

### מִשְׁנָה א

1 בָּרֶם רְבָעִי, מִצִּיּוֹן אוֹתוֹ בְּקוֹזוֹת  
אֲדָמָה, וְשָׁל עֶרְלָה 3 בְּחֶרֶסִית,  
וְשָׁל קְבָרוֹת 4 בְּסִיד וּמִמָּחָה וְשׁוּפָף.  
אָמַר רַבִּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל, בְּמָה  
דְּבָרִים אֲמוּרִים? 5 בְּשִׁבְעִית.  
6 הַצְנוּעִים 'מִנִּיחִין אֶת-הַמַּעוֹת  
9 וְאוֹמְרִים, כָּל-הַנִּלְקָט מִזֶּה יִהְיֶה  
10 מִחוּלָּל עַל הַמַּעוֹת הָאֵלֶּי.

1 עֶרְלָה (literally, *prepuce, foreskin*) fruit trees of their first three years; רְבָעִי, what is in its fourth year; גֶּרֶם רְבָעִי, a vineyard in its fourth year; גֶּרֶם רְבָעִי, fourth year's fruit of a tree; [Leviticus 19, 23, 24, 25]. The fruit of trees during the first three years of their growth was forbidden for common use. In the fourth year the fruit had to be taken to Jerusalem for consumption, or it could be redeemed (i.e., its value in money with the חֲמִשָּׁה, added fifth, set aside) and the money be taken to Jerusalem to be spent there (the redeemed fruit thus becoming חוּלִין, non-holy). If a tree be planted on or before 16th אָב (to allow a fortnight for rooting and thirty days' growth in the passing year) then the 1st תִּשְׁרִי begins the second year of growth. After the third תִּשְׁרִי the fruit though no longer עֶרְלָה may still not be consumed until after the 15th שְׁבַט (or ראש השנה לְאִילָנוֹת, The New Year for Trees). 2 This must be done even in a שְׁבִיעִית, Sabbatical Year because its

fruit is not **הַפֶּקֶר** and must be consumed in Jerusalem. 3 Or *shards, pots, sherds*. 4 Or *chalk, plaster*. This is necessary that the *clean*, **טְהוּרִים** (a **כֹּהֵן**, priest or **נָזִיר**, *nazarite*) do not go there and become **טָמְאִים**, *unclean*. 5 When all produce becomes **הַפֶּקֶר**, *ownerless, common property*. 6 Whose vineyards reached their fourth year in the Sabbatical Year. 7 Or **מִנִּיחִים**, *money*. 8 Or **מִנִּיחִים**. 9 And this is an accepted ruling for a non-Sabbatical Year also. 10 Or **מִחֻלָּל**.

## Mishnah 2

The fruit of a vineyard in its fourth year had to be brought up<sup>1</sup> to Jerusalem<sup>2</sup> if distant up to a day's journey from Jerusalem. And what was its limit?—Ayeleth<sup>3</sup> to the south, Akrah<sup>4</sup> to the north, Lod<sup>5</sup> to the west, and the Jordan to the east. And when the fruits became too many they decreed that they could be redeemed near the wall;<sup>6</sup> and there was a condition on this matter,<sup>7</sup> that whenever they wished the matter should revert to its former state. R. Jose says, This was the condition after the Temple was destroyed; and there was an understanding that when the Temple should be rebuilt the matter was to revert as aforesaid.

## מִשְׁנָה ב

כָּרֶם רְבִיעִי הָיָה עוֹלָה<sup>1</sup> לִירוּשָׁלַיִם מִהֶלֶךְ יוֹם אֶחָד לְכָל צֶדֶ. וְאִיזוֹ הָיָה תְּחוּמָּהּ? אֵילֵת מִן־הַדְּרוֹם, וְעַקְרָבָה מִן־הַצָּפוֹן, לֹד מִן־הַמַּעֲרָב, וְהַיַּרְדֵּן מִן־הַמְּזָרָח. וּמִשְׁכָּרְבוּ הַפִּירוֹת הַתְּקִינוּ שֶׁיִּהְיָ גִפְתָּה נִפְתָּה סָמוּךְ לְחוּמָה; וְתִנָּא הָיָה בְּדִבְרֵי שְׂאִימָתִי שֶׁיִּרְצוּ יַחְזוֹר הַדָּבָר לְכֻמוֹת שְׁהָיָה רַבִּי יוֹסִי אוֹמֵר, מִשְׁחָרֵב בֵּית הַמִּקְדָּשׁ הָיָה הַתִּנָּא הַזֶּה; וְתִנָּא הָיָה אִימָתִי שֶׁיִּבְנֶה בֵּית הַמִּקְדָּשׁ יַחְזוֹר הַדָּבָר לְכֻמוֹת שְׁהָיָה.

1 *i.e.*, they were not to be redeemed in this case during the Temple period. 2 So as to decorate the streets with the produce. 3 Or **אֵילֵת**. The situation of this place has not been established. 4 Or **עַקְרָבָה**. 5 Or *Lydda*. 6 *i.e.*, even if the vineyard were near the wall of Jerusalem. 7 **הַדָּבָר** in some editions.

## Mishnah 3

In the case of a vineyard in its fourth year<sup>1</sup> the School of Shammai say,<sup>2</sup> The added *fifth* and *removal*<sup>3</sup> do not apply to it; but the School of Hillel<sup>4</sup> say, They do apply. The School of Shammai say,<sup>2</sup> The laws of *grape-gleanings*<sup>5</sup> and of *poor*

## מִשְׁנָה ג

יָכָרֶם רְבִיעִי בֵּית שְׁמַאי אוֹמְרִים, אֵין לוֹ חוּמָשׁ וְאֵין לוֹ בִּיעוּר; וּבֵית הַלֵּל אוֹמְרִים, יֵשׁ לוֹ. בֵּית שְׁמַאי אוֹמְרִים, יֵשׁ לוֹ פֶּרֶט וְיֵשׁ לוֹ

clusters<sup>5</sup> apply to it, and the poor redeem for themselves; but the School of Hillel<sup>4</sup> say, All<sup>6</sup> of it for the winepress.

1 *i.e.*, the grapes of. 2 Their view is rejected. 3 Or בעור. The removal from one's house of any unsundered tithes and priest's-dues and first fruits in the fourth year and in the Sabbatical Year (see 5<sup>6</sup>). 4 Their opinion is accepted. 5 See **Introduction**. 6 Or כלו.

#### Mishnah 4

How<sup>1</sup> do they redeem the *fourth year's fruit of a tree*?—One sets down the basket before three<sup>2</sup> and says, 'How much would a man want to redeem for himself for a *sela* on condition to defray also the expenses<sup>3</sup> incurred out of his household?' And he lays down the coins<sup>4</sup> and says, 'All that shall be gathered here let it be redeemed<sup>5</sup> for these coins at the rate of so (and so) many baskets for a *sela*.'

1 The owner does not have to pick the fruit first before redemption, but may redeem the fruit while still on the tree on the assessment of three experienced persons; but a חמש מלביב must be added to the valuation (see 4<sup>3</sup>, **Note 3**). 2 Expert persons must estimate the value. 3 For guarding, digging, hoeing, *etc.* 4 Or money. 5 Or מחלל.

#### Mishnah 5

But in the *Sabbatical Year* one redeems it at its value.<sup>1</sup> And if everything were ownerless, only the cost of gathering is considered. Anyone who redeems his own *fourth year's fruit of a tree* must add the *fifth of its value*, whether it was actually his own or whether it had been given<sup>2</sup> to him as a free gift.

1 As no tillage is allowed in the *Sabbatical Year* no allowance is made for labour costs. 2 Such produce may be given away when in blossom but not when grown and ripe.

עוללות והעניים פודין לעצמן; וביית הלל אומרים, כולו לגת.

#### משנה ד

כיצד פודין גטע רבעי מניח את-הסל על פי שאלשה, ואומר, כמה אדם רוצה לפדות לו בסלע, על מנת להוציא יציאות מביתו ומניח את-המעות ואומר, כל-הנלקט מנה מחולל על המעות האלו בכך וכך סלים בסלע.

#### משנה ה

ובשביעית פודהו בשווי. ואם היה הכל מופקר אין לו אלא שכר לקיטה. הפודה גטע רבעי שלו מוסיף עליו חמשתיו, בין שהוא שלו ובין שניתן לו במתנה.

## Mishnah 6

On the eve<sup>1</sup> of the first day of Passover in the fourth year and the seventh year *removal*<sup>2</sup> was carried out. How was<sup>3</sup> the *removal*<sup>2</sup> carried out? They gave<sup>4</sup> *priest's-due* and *priest's-due of the first tithe* to whom they were due,<sup>5</sup> and *first tithe* to whom it was due, and *poor-man's tithe* to whom it was due,<sup>6</sup> and *second tithe*<sup>7</sup> and *first fruits* were cleared away everywhere. R. Simon<sup>8</sup> says, The *first fruits* were given to the priests as in the case of *priest's-due*. The School of Shammai<sup>10</sup> say, Cooked food<sup>9</sup> should be cleared away; but the School of Hillel<sup>11</sup> say, It is considered as if it had already been removed.<sup>12</sup>

## משנה ו

אָפֿערב יום טוב הָרֵאשׁוֹן שֶׁל פֶּסַח  
שֶׁל רְבִיעִית וְשֶׁל שְׁבִיעִית הָיָה  
בִּיעוֹר. בִּיצָד הָיָה בִּיעוֹר<sup>1</sup> נוֹתֵינָן  
תְּרוּמָה וְתְרוּמַת מַעֲשֵׂר לְבָעָלִים,  
וּמַעֲשֵׂר רֵאשׁוֹן לְבָעָלִי, וּמַעֲשֵׂר  
עֲנִי לְבָעָלִי, וּמַעֲשֵׂר שְׁנִי  
וְהַבְּכוֹרִים מִתְּבַעְרִים בְּכָל מְקוֹם.  
רַבִּי שְׁמַעוֹן אוֹמֵר, הַבְּכוֹרִים נִתְּנִין  
לַכֹּהֲנִים בְּתְרוּמָה. הַתְּבַשִּׁיל, בֵּית  
שְׁמַאי אוֹמְרִים, צָרִיךְ לְבַעֵר;  
וּבֵית הֵלֵל אוֹמְרִים, הָרִי הוּא  
כְּמִבּוֹעֵר.<sup>12</sup>

1 At the *מִנְחָה* period. 2 *בִּיעוֹר* in some editions. 3 In some editions *בִּיעוֹר* is omitted. 4 Literally, *they give*. 5 To the *לוי*, *Levite*. 6 To the *עֲנִי*, *poor person*. 7 Actually in the case of *מַעֲשֵׂר שְׁנִי*, *second tithe*, and *גִּטַּע רְבִיעִי*, *fruit of a four year old tree*, if in one's possession in Jerusalem sufficient of them to last for consumption until the *מִנְחָה* of *פֶּסַח*, *אֶחָדָן שֶׁל פֶּסַח*, *the last (i.e., 7th) day of Passover*, is retained and the remainder must be destroyed; but such produce outside Jerusalem must be entirely destroyed. 8 His opinion is rejected. 9 That contained in it any admixture of produce which comes under the law of *removal*. 10 Their view is rejected. 11 Their opinion is accepted. 12 Because the prohibited material is no longer distinguishable.

## Mishnah 7

Anyone who had produce<sup>1</sup> at this time<sup>2</sup> and the time came for *removal*,<sup>3</sup> the School of Shammai<sup>4</sup> say, He must redeem it<sup>5</sup> with money;<sup>6</sup> but the School of Hillel<sup>7</sup> say, It is all one whether it is money or produce.

## משנה ז

מִי שֶׁהָיוּ לוֹ יְפִירוֹת בְּזֶמַן הַזֶּה וְהִגִּיעַ  
שַׁעַת הַבִּיעוֹר, בֵּית שְׁמַאי אוֹמְרִים,  
צָרִיךְ לְחַקֵּלָן עַל הַתְּבַסָּף; וּבֵית  
הֵלֵל אוֹמְרִים, אֶחָד שֶׁהָיוּ כֶּסֶף  
וְאֶחָד שֶׁהָיוּ פִּירוֹת.

# Mishnah 11

According to all Thy commandments which Thou hast commanded me: thus if he separated *second tithe* before the *first tithe* he may not make the *Confession*. I have not transgressed Thy commandments: *I have not separated<sup>1</sup> from one kind for<sup>2</sup> some other kind, or from what has been plucked for<sup>2</sup> what was still unplucked,<sup>3</sup> or from what was unplucked<sup>3</sup> for<sup>2</sup> what was plucked, or from what was new for<sup>2</sup> what was old,<sup>4</sup> or from what was old for<sup>2</sup> what was new.<sup>4</sup>* Neither have I forgotten: *I have not forgotten to bless Thee or to mention Thy name over it.*

- 1 Otherwise, in all these cases, the Confession may not be made. 2 Or *instead of*.  
3 Or *המחבר*. 4 *Deuteronomy 14, 22.*

# Mishnah 12

I have not eaten thereof in my mourning:<sup>1</sup> thus if one had eaten during (his) mourning<sup>2</sup> he may not make the Confession. Neither have I put away thereof, while unclean: thus if one had separated it in uncleanness he may not make the Confession. Nor have I given thereof to the dead: *I have not taken thereof for a coffin or wrappings for a dead person, nor have I given it to other mourners.*<sup>1</sup> I have hearkened to the voice of the Lord my God: *I have brought it to the chosen Temple.* I have done according to all which Thou hast commanded me: *I have rejoiced and caused others to rejoice therewith.*

## משנה יא

כָּכֹל מִצְוֹתָהּ אֲשֶׁר צִוִּיתִנִּי; הֲאֵם הִקְדִּים מַעֲשֵׂה שְׁנִי לְרֵאשׁוֹן אֵינוֹ יָכוֹל לְהִתְנַדֹּת. לֹא עָבַרְתִּי מִמִּצְוֹתֶיךָ; וְלֹא הִפְרַשְׁתִּי מִמִּין<sup>2</sup> עַל שְׂאִינוֹ מִינוֹ, וְלֹא מִן־הַתְּלוּשׁ<sup>2</sup> עַל הַמְּחוּבָּר, וְלֹא מִן־הַמְּחוּבָּר<sup>3</sup> עַל הַתְּלוּשׁ, וְלֹא מִן־הַחֲדָשׁ<sup>2</sup> עַל הַיָּשָׁן, וְלֹא מִן־הַיָּשָׁן<sup>2</sup> עַל הַחֲדָשׁ, וְלֹא שָׁכַחְתִּי; לֹא שָׁכַחְתִּי מִלְבָּרְכְךָ וּמִלְהַזְכִּיר שְׁמֶךָ עָלָיו.

## משנה יב

וְלֹא אָכַלְתִּי בְּאוֹנִי מִמֶּנּוּ; הֲאֵם אָכַלְוּ<sup>2</sup> בְּאוֹנֵיהָ אֵינוֹ יָכוֹל לְהִתְנַדֹּת. וְלֹא בִעַרְתִּי מִמֶּנּוּ בְטֻמְאָה; הֲאֵם הִפְרִישׁוּ בְטֻמְאָה אֵינוֹ יָכוֹל לְהִתְנַדֹּת. וְלֹא נָתַתִּי מִמֶּנּוּ לְמֵת; לֹא לְקַחְתִּי מִמֶּנּוּ אֲרוֹן וְתַכְרִיכִים לְמֵת, וְלֹא נָתַתִּי<sup>1</sup> לְאוֹנֵגִים אַחֲרֵיהֶם. שָׁמַעְתִּי בְּקוֹל ה' אֱלֹהֵי; הִבֵּאתִיו לְבֵית הַפִּיחָה. עָשִׂיתִי כָכֹל אֲשֶׁר צִוִּיתִנִּי; שָׂמַחְתִּי וְשִׂמְחַתִּי בּוֹ.



1 Deuteronomy 26, 14. לא אֶכְלֹתִי בְּאֵזִי מִמֶּנּוּ וְלֹא בְּעֶרְתִּי מִמֶּנּוּ בְּטָמֵא וְלֹא נִתְּחִי מִמֶּנּוּ. לֵמַת שְׁמַעְתִּי בְּקוֹל ה' אֱלֹהֵי עֲשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתִנִי אֶכְלֹתִי, mourner (up to the burial), אֶכְלֹתִי, mourner (after burial). (More strictly one is אֶכְלֹתִי up to the night after burial if death took place that day, but מִדְּרַבָּנָן also even if the burial took place on a day after the day of death). 2 בְּאֵינִיּוֹת in some editions. אֵינִיּוֹת, אֵינִיּוֹת, the mourning period and customs of an אֶכְלֹתִי; אֵינִיּוֹת, the mourning period and customs of an אֶכְלֹתִי).

### Mishnah 13

Look forth from Thy holy habitation, from heaven:<sup>1</sup> *we have done what Thou hast decreed upon us, do Thou also what Thou hast promised us.* Look forth from Thy holy habitation, from heaven, and bless Thy people Israel: *with sons and daughters.* And the land which Thou hast given to us: *with dew and with rain and with the young of cattle.* As Thou hast sworn unto our fathers, a land flowing with milk and honey: *that Thou givest flavour to the produce.*

### משנה יג

הַשְׁקִיפָה מִמַּעַן קִדְשֶׁךָ מִן-הַשָּׁמַיִם; עֲשֵׂינוּ מַה שְּׁנִצְוִיתָ עָלֵינוּ, אַף אַתָּה עֲשֵׂה מַה שְּׁהִבְטַחְתָּנוּ. הַשְׁקִיפָה מִמַּעַן קִדְשֶׁךָ מִן-הַשָּׁמַיִם וּבָרֵךְ אֶת-עַמְּךָ אֶת-יִשְׂרָאֵל; בְּבָנִים וּבְבָנוֹת. וְאֵת הָאֲדָמָה אֲשֶׁר נָתַתָּה לָנוּ; בְּטֵל וּבְמָטָר וּבְיֹלָדוֹת בְּהֶמָּה. כֹּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְרָהָם אֶרֶץ זָבַת חֶלֶב וּדְבַשׁ; כְּדִי שְׂתַתֵּן טַעַם בְּפִירוֹת.

1 Deuteronomy 26, 15. הַשְׁקִיפָה מִמַּעַן קִדְשֶׁךָ מִן-הַשָּׁמַיִם וּבָרֵךְ אֶת-עַמְּךָ אֶת-יִשְׂרָאֵל. וְאֵת הָאֲדָמָה אֲשֶׁר נָתַתָּה לָנוּ כֹּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְרָהָם אֶרֶץ זָבַת חֶלֶב וּדְבַשׁ.

### Mishnah 14

From this they concluded that Israelites and bastards may make the *Confession*, but not proselytes or freed slaves because they have no share in the land.<sup>1</sup> R. Meir says,<sup>2</sup> Also not priests and Levites since they have not received a share in the land. R. Jose says,<sup>3</sup> They have open spaces round about cities.<sup>4</sup>

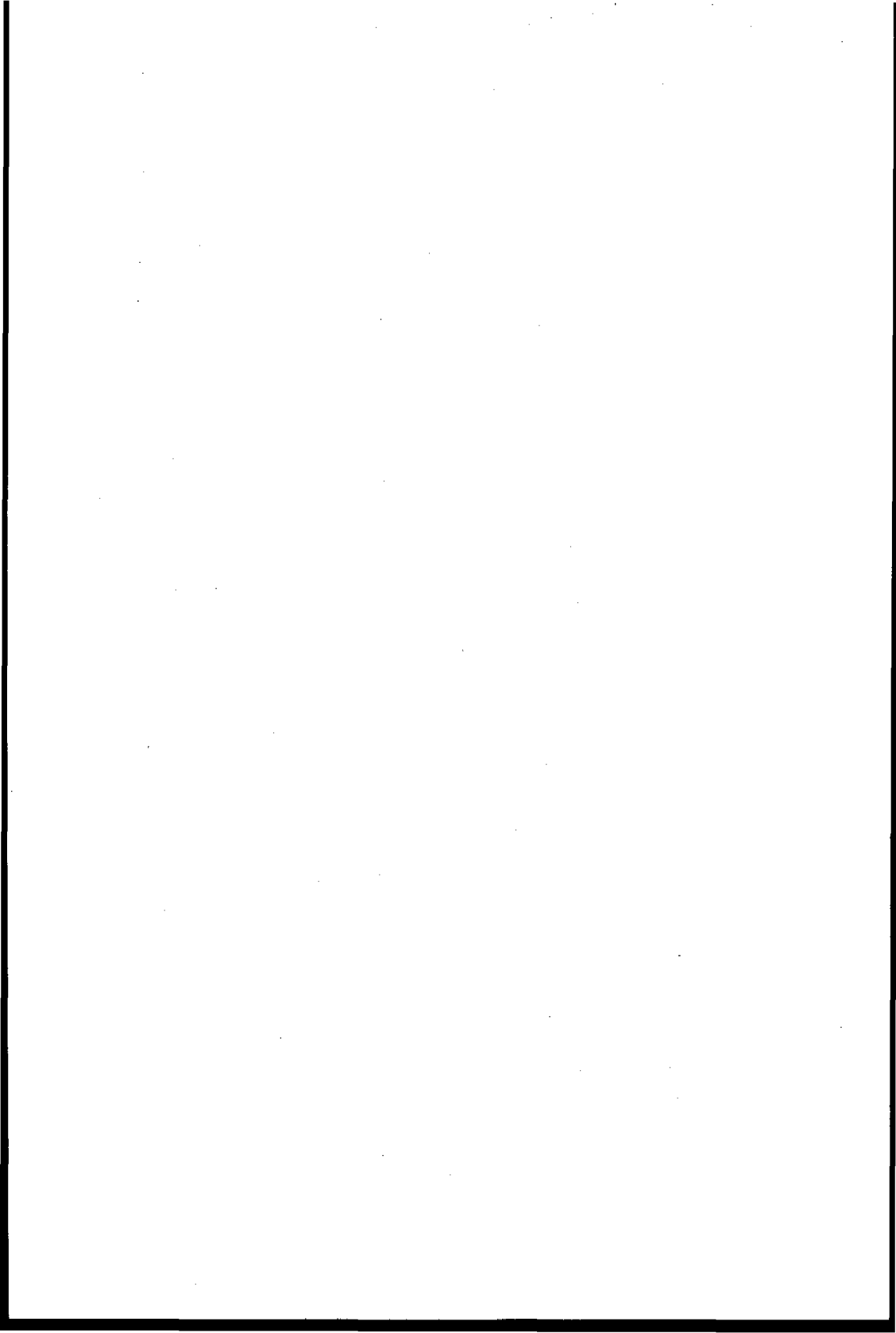
### משנה יד

מִכָּאֵן אָמְרוּ, יִשְׂרָאֵל וּמִמְזֻרִים מִתְּנֻדִּים, אֲכָל לֹא גֵרִים וְלֹא עֲבָדִים מְשֻׁתָּרְרִים, <sup>1</sup>שֹׁאֵין לָהֶם חֶלֶק בְּאֶרֶץ. רַבִּי <sup>2</sup>מֵאִיר אֹמֵר, אִף לֹא כֹהֲנִים וְלוֹוִיִּם שֶׁלֹּא נָטְלוּ חֶלֶק בְּאֶרֶץ. רַבִּי <sup>3</sup>יוֹסִי אֹמֵר, יֵשׁ לָהֶם <sup>4</sup>עָרֵי מִגְרָשׁ.



חֲלָה

CHALLAH



## INTRODUCTION

This **מסכת Tractate**, is the ninth of the סדר זרעים, **Order Zeraim**. It has no זמרא in the תלמוד בבלי, *Babylonian Talmud*, but there is a זמרא to it in the תלמוד ירושלמי, *Jerusalem (or Palestinian) Talmud*.

The term חלה (derived from the verb חלל\*) means (1) *cake, loaf*, and (as applied to and in this *Tractate*), (2) *priest's share of the dough*.

The *Tractate* treats of the subjects relating to which cereals are liable to חלה and the quantities or amounts to be given by the baker and the private individual. This due or levy applies only to ארץ ישראל, but a modification of it has been always practised in חוצה לארץ, *outside Palestine* (the separated portion of the dough or bread not being given to any כהן, *priest*, but burnt in the fire).

This *Tractate* is in correct sequence to the preceding *Tractate*—as חלה must be separated after the תרומות, *priest's levies*, and מעשרות, *tithes*, had been separated.

The *Tractate* is based on *Numbers 15, 18 to 21*:

(18) דבר אל-בני ישראל ואמרת אליהם בבואכם אל-הארץ אשר אני מביא אתכם שמה

Speak unto the children of Israel and say unto them, When you come into the land whither I bring you.

(19) והיה באכלכם מלחם הארץ תרימו תרומה לה'

Then it shall be, that, when ye eat of the bread of the land, you shall separate a portion as a gift to the Eternal.

(20) ראשית ערסתכם חלה תרימו תרומה בתרומת גרן בן תרימו אותה

Of the first of your dough ye shall separate a cake as a gift as that which is separated of the threshing floor so shall ye separate it.

(21) מראשית ערסתיכם תתנו לה' תרומה לדורתיכם

Of the first of your dough ye shall give unto the Eternal a portion as a gift throughout your generations.

See 1<sup>1</sup> ברכות, **Note 5** for explanation of the terms מעשר, זקט, שבתה, פאה, דמאי, חולין, טבל, תרומה

חול Kal, akin to חלל\*.

## CHALLAH

The Titles of the Chapters of this Tractate are:

Chapter 1	פֶּרֶק א' חֲמִשָּׁה דְּבָרִים
Chapter 2	פֶּרֶק ב' פִּירוֹת
Chapter 3	פֶּרֶק ג' אוֹרְקִין
Chapter 4	פֶּרֶק ד' שְׁמֵי נָשִׁים

The *Palestinian Gemara* discusses and interprets the *Mishnah*.

The contents of the four chapters are briefly:

1. What cereals are liable to *challah*; cereals for unleavened bread for Passover; grains liable to *challah* but exempt from *tithes*, and grains exempt from *challah* but liable to *tithes*; baker's dough, private dough, dog's dough regarding *challah*. 2. Imports and exports with regard to *challah*; ship-imports regarding *tithes* and the *Sabbatical Year law*; separation of *challah* and uncleanness; the measure of *challah*. 3. Separation of *challah* and cleanness; dedication and redemption of *challah*; Jew, non-Jew, proselyte and question of *challah*; *tithes* regarding confused like and unlike products. 4. Contact of dough from two sources regarding *challah*; products from a Syrian field rented from a non-Jew regarding *tithes*; Palestinian regions concerning quantity of *challah*; consumption of *challah* in cleanness; what may be given to any priest.

מִסְכֵּת  
חֻלָּה

TRACTATE  
CHALLAH

CHAPTER 1

פֶּרֶק א

Mishnah 1

Five kinds are liable<sup>1</sup> to the priest's share of the dough, wheat, barley, spelt,<sup>2</sup> oats and rye.\* These are liable to priest's share of the dough and may be included<sup>3</sup> one with the other, and they are prohibited<sup>4</sup> when new<sup>5</sup> before Pass-over or to be reaped before the Omer,<sup>6</sup> and if they have taken root before the Omer<sup>7</sup> the Omer<sup>8</sup> makes them permissible, but otherwise they are prohibited until the advent<sup>9</sup> of the next Omer.<sup>10</sup>

\*See Supplement.

מִשְׁנָה א

חֲמֵשֶׁה דְּבָרִים חֵיִיבִים בַּחֻלָּה, הַחֲטִיִּם וְהַשְּׁעוּרִים וְהַכּוֹסְמִים וְשִׁבּוֹלֶת שׁוּעָל וְשִׁפּוֹן. הָרִי אֵלּוּ חֵיִיבִין בַּחֻלָּה, וּמִצְטָרְפִין זֶה עִם זֶה, וְנֹאסְרִין בַּחֲדָשׁ מִלִּפְנֵי הַפֶּסַח, וּמִלְקָצוֹר מִלִּפְנֵי הָעוֹמֶר, וְאִם הִשְׁרִישׁוּ קוֹדֶם לְעוֹמֶר הָעוֹמֶר, מִתִּירֵן, וְאִם לֹא, אֲסוּרִין עַד שִׁיבָא הָעוֹמֶר הַבָּא.

1 In some editions, חֵיִיבִין. This is based on *Deuteronomy* 16, 3 and *Numbers* 15, 20. 2 וְהַכּוֹסְמִים in some editions. 3 To make up the quantity that is liable to חֻלָּה, i.e., five quarter-kab. (See 1<sup>4</sup>, 2<sup>6</sup>). 4 *Leviticus* 23, 14. 5 Grown in the current year (before one Passover and the next). The sheaf of barley. The Omer of barley offered on the 16 יוֹם. 6 *Leviticus* 23, 9-15. 7 Before 16 יוֹם. 8 i.e., the reaping of the Omer. 9 i.e., actually after. *Exodus* 23, 16. 10 Of the following year.

## Mishnah 2

One who eats of them as much as the bulk of an olive as unleavened bread has fulfilled his obligation;<sup>1</sup> if as much as the bulk of an olive leavened, he is punishable by extermination.<sup>2</sup> If one of them were mixed<sup>3</sup> with any other kind, this transgresses the Passover law.<sup>4</sup> One who vows to abstain from bread and from grain is forbidden them;<sup>5</sup> this is the view of R. Meir. But the Sages say, One who vows to abstain from corn is forbidden from these only. And all these are liable<sup>6</sup> to the *priest's share of the dough* and to *tithes*.

מִשְׁנָה ב  
הָאוֹכֵל מֵהֶם כְּזֵית מִצָּה בַּפֶּסַח, יֵצֵא יָדָיו חֹבְתוֹ; כְּזֵית חֶמֶץ חֵיִיב.<sup>2</sup> בְּהִפְרָתוֹ. <sup>3</sup>נִתְעָרַב אֶחָד מֵהֶם בְּכָל הַמִּינִים, הָרִי זֶה עֹוֹרֵר <sup>4</sup>בַּפֶּסַח. הַנּוֹדֵר מִן-הַפֶּת וּמִן-הַתְּבוּאָה, אָסוּר <sup>5</sup>בָּהֶם, דְּבָרֵי רַבִּי מֵאִיר. וְחֻכָּמִים אוֹמְרִים, הַנּוֹדֵר מִן-הַדָּגָן, אֵינוֹ אָסוּר אֶלָּא מִהֶן. <sup>6</sup>וְחֵיִיבִין בַּחֲלָה \*וּבַמַּעֲשֵׂרוֹת.

\*Or במעשרות.

1 i.e., has fulfilled his ritual duty. *Exodus 12, 18.* 2 Or *extirpation*, divine punishment through sudden or premature death or death without issue. 3 And thereby turned leaven or sour. 4 The law designated *בל יראה ובל ימצא*. 5 These five kinds. 6 All these five.

## Mishnah 3

These are liable<sup>1</sup> to *priest's share of the dough* but exempt<sup>2</sup> from *tithes*.<sup>3</sup> *gleanings*, and the *forgotten produce*, and the *field corner*, and the *ownerless produce*, and *first tithe* from which the *priest's-due* had been separated,<sup>4</sup> and *second tithe* and *dedicated produce*<sup>5</sup> which had been redeemed, and the residue of the *Omer*, and corn<sup>6</sup> that had not reached a third of its growth. R. Eliezer<sup>7</sup> says, Grain that had not reached a third of its growth is exempt from the *priest's share of the dough*.

מִשְׁנָה ג  
אֵלוֹ יְחִיבִין בַּחֲלָה <sup>2</sup>וּפְטוּרִים מִן-הַמַּעֲשֵׂרוֹת, הַלֵּקֶט וְהַשְׂכָּחָה וְהַפֶּאֶה, וְהַהֲפָקָה, וּמַעֲשֵׂר רֵאשׁוֹן <sup>4</sup>שְׁנִטְלָה תְּרוּמָתוֹ, וּמַעֲשֵׂר שְׁנִי <sup>6</sup>וְהַקֹּדֶשׁ שְׁנִפְדּוֹ, וּמוֹתֵר הָעוֹמֵר, וְתְבוּאָה שְׁלֵא הִבִּיֵּאָה שְׁלִישׁ. רַבִּי <sup>7</sup>אֵלִיעֶזֶר אוֹמֵר, תְּבוּאָה שְׁלֵא הִבִּיֵּאָה שְׁלִישׁ פְּטוּרָה מִן-הַחֲלָה.

1 Or חֵיִיבִים. 2 *Deuteronomy 14, 29.* 3 For full explanations of these terms see פָּאָה <sup>1,2, 410,11, 57,8</sup>. 4 Or שְׁנִטְלָה in some editions. 5 הַקֹּדֶשׁ is only exempt from *מעשרות* after the Treasurer has *smoothed over* or completed the piling up and storing. 6 *Deuteronomy 14, 22, Numbers 15, 20.* 7 His view is not accepted.



## Mishnah 4

These are liable<sup>1</sup> to (the) *tithes* but are exempt<sup>2</sup> from the *priest's share of the dough*; rice, (and) millet,<sup>3</sup> (and) poppy,<sup>4</sup> (and) sesame,<sup>5</sup> and pulse,<sup>6</sup> and less than five *quarters*<sup>7</sup> of grain.<sup>8</sup> Sponge-cakes,<sup>9</sup> (and) honey-cakes, (and) paste-balls,<sup>10</sup> and pancake,<sup>11</sup> and *produce mixed with priest's-due*<sup>12</sup> are exempt from the *priest's share of the dough*.

מִשְׁנֵה ד  
אֵלּוּ יִחְיִיבִין בַּמַּעֲשֵׂרוֹת וְפָטוּרִים  
מִן־הַחֲלָה, הָאֹרֶז, וְהַדּוֹחָן,<sup>3</sup>  
וְהַפְּרָגִים, וְהַשּׁוּמְשָׁמִין,<sup>5</sup> וְהַקִּטְנִיּוֹת,<sup>4</sup>  
וּפָחוֹת מִחֲמֶשֶׁת רְבִיעִים,<sup>7</sup>  
בְּתַבּוּאָה.<sup>9</sup> הַסּוּפִגִּין, וְהַדּוּבָשִׁין,<sup>8</sup>  
וְהָאֶסְקְרִיטִין, וְחֵלֶת<sup>11</sup> הַמִּשְׁרָת,<sup>10</sup>  
וְהַמְדוּמָע פָּטוּרִין מִן־הַחֲלָה.<sup>12</sup>

1 Or חִיבִים. 2 In some editions, וְפָטוּרִין. 3 Or *durra*, Indian millet, *durra millet*, *sorgho millet*. 4 Or וְהַפְּרָגִין in some editions. or *panic*, *panicum*. 5 Or *sesamum* (see Supplement). 6 Or *peas*, *beans*. 7 i.e., *quarter-kabs* (see Introduction, Tables.) 8 The five kinds of grain. 9 הַסּוּפִגִּים in some editions. A kind of cakes made of spongy dough; perhaps a kind of crackers. 10 or וְהָאֶסְקְרִיטִין. 11 Or מִסְרָת, *pan*, *mould*. 12 Or תְּרוּמָה וְהַמְדוּמָע produce that has fallen into less than one hundred parts of חֵלֶין is not neutralized and the mixture is prohibited to a זָר, *non-priest*. \*Traditional reading וּפָחוֹת.

## Mishnah 5

Dough<sup>1</sup> that was first intended<sup>2</sup> for sponge-cakes and was so at the end<sup>3</sup> used for sponge-cakes is exempt from the *priest's share of the dough*; if at the commencement it was ordinary dough but at the end was used for sponge-cakes, or if at the beginning it was meant for sponge-cakes but at the end was used as ordinary dough, it is liable<sup>4</sup> to the *priest's share of the dough*; and so are crumb-cakes<sup>5</sup> subject.<sup>6</sup>

מִשְׁנֵה ה  
עֵיסָה,<sup>1\*</sup> שֶׁתְּחַלְתָּה סוּפִגִּין וְסוּפָה  
סוּפִגִּין, פָּטוּרָה מִן־הַחֲלָה;  
תְּחַלְתָּה עֵיסָה וְסוּפָה סוּפִגִּין,  
תְּחַלְתָּה סוּפִגִּין וְסוּפָה עֵיסָה,  
תִּיבִין בַּחֲלָה; וְכֵן הַקִּטְנִיּוֹת  
תִּיבֹת.<sup>6</sup>

\*Or עֶסָה.

1 Soft spongy dough that is exempt becomes liable to חֲלָה if baked. Dough which is to be baked in order to be afterwards made into meal for porridge-like food or to be kneaded with oil or juices is liable to חֲלָה. 2 i.e., soft, pasty. 3 Fried with oil or honey or boiled in water. 4 חִיבָת in some editions. 5 Cakes made from flour or parched grain kneaded with oil and then reduced to meal by rubbing between the palms of one's hands (used for food for children in form of gruel or soup). 6 To חֲלָה, *priest's share of the dough*.

## Mishnah 6

Flour water-paste:<sup>1</sup> the School of Shammai exempt<sup>2,3</sup>, but the School of Hillel make it liable.<sup>4,5</sup> Water-flour paste:<sup>6</sup> the School of Shammai make it liable,<sup>5</sup> but the School of Hillel<sup>8</sup> exempt.<sup>9</sup> Cakes of a *thank offering*<sup>10</sup> and wafers of a *nazarite*:<sup>11</sup> if one made them for himself, he is exempt,<sup>9</sup> but if to sell them in the market, he is liable.<sup>12</sup>

1 Or *המַעֲסָה* or *הַמַּעֲסָה*, a paste made by pouring flour into boiling water. 2 Their view is rejected. 3 From *חֶלֶה*. 4 Their opinion is accepted. 5 To *חֶלֶה*. 6 A paste made by pouring boiling water over flour. 7 Their opinion is accepted. 8 Their view is rejected. 9 From *חֶלֶה*. Or *פּוֹטְרִין*. 10 *Leviticus* 7, 12. 11 *Numbers* 6, 15. 12 Or *חֵיב*.

## Mishnah 7

If a baker made leaven to distribute,<sup>1</sup> it is liable to the *priest's share of the dough*. If women<sup>2</sup> gave to a baker to make dough for them, and if there were not in one of them<sup>3</sup> the prescribed quantity,<sup>4</sup> it is exempt<sup>5</sup> from the *priest's share of the dough*.

1 To buyers. 2 Flour. 3 Of the portions of dough. 4 Five quarter-kabs. 5 When he returns to each her baked portion which is as before less than the prescribed quantity liable to *חֶלֶה*.

## Mishnah 8

Dogs'-dough,<sup>1</sup> when shepherds<sup>2</sup> eat<sup>3</sup> of it, is liable<sup>4</sup> to (the) *priest's share of the dough*, and may be used for *Erub*<sup>5</sup> and for *Partnership Erub*, and the *Benedictions* before<sup>6</sup> and after<sup>7</sup> meals must be said over it, and *Grace by Three* may be said over it, and it may be made<sup>8</sup> on a Festival Day, and with it one can fulfil his obligation on Passover. But if the shepherds do not eat of it, it is not liable<sup>4</sup> to (the) *priest's share*

## מִשְׁנָה ו

הַמַּעֲסָה, בֵּית שַׁמַּאי פּוֹטְרִין וּבֵית הַלֵּל מְחַיִּיבִין. הַחֲלִיטָה, בֵּית שַׁמַּאי מְחַיִּיבִין וּבֵית הַלֵּל פּוֹטְרִין. חֲלוֹת וְרִקְיָקִי נְזִיר, עֲשָׂאן לְעֶצְמוֹ פָּטוּר, לְמִכּוֹר בָּשׂוּק חֵיבִי.

## מִשְׁנָה ז

נִתְּנוֹת שֶׁעָשָׂה שְׂאוֹר לְחֶלֶה חֵיב בְּחֶלֶה. נָשִׁים שֶׁנָּתְנוּ לְנִתְּנוֹת לַעֲשׂוֹת לָהֶן שְׂאוֹר, אִם אֵין בְּשֶׁל אַחַת מֵהֶן כְּשִׁיעוֹר, פָּטוּרָה מִן־הַחֶלֶה.

## מִשְׁנָה ח

עֵיסַת הַכְּלָבִים, בְּזֶמֶן שֶׁהָרוּעִים אוֹכְלִין מִמֶּנָּה, חֵיִיבָת בְּחֶלֶה, וּמַעֲרִיבִין בָּהּ, וּמְשַׁתְּפִין בָּהּ, וּמְבָרְכִין עָלֶיהָ, וּמְזַמְּנִין עָלֶיהָ, וְנוֹעֲשִׂית בְּיוֹם טוֹב, וְיוֹצֵא בָּהּ אָדָם יָדֵי חוּבָתוֹ בִּפְסָח. אִם אֵין הָרוּעִים אוֹכְלִין מִמֶּנָּה, אֵינָה חֵיִיבָת בְּחֶלֶה.

of the dough, and it may not be used for *Erub* or for *Shittuf*, and the Benedictions before<sup>9</sup> and after meals are not said<sup>9</sup> over it,<sup>10</sup> and *Grace by Three* is not said over it,<sup>10</sup> and it may not be made on a Festival Day, and one can not fulfil with it<sup>10</sup> his obligation at Passover. In either case it is susceptible to food uncleanness.

וְאֵין מְעַרְבִין בָּהּ, וְאֵין מְשַׁתְּתֵפִין בָּהּ, וְאֵין מְבָרְכִין<sup>10</sup> עָלֶיהָ, וְאֵין מְזַמְּנִין עָלֶיהָ, וְאֵינָה נַעֲשִׂית בְּיוֹם טוֹב, וְאֵין אָדָם יוֹצֵא<sup>10</sup> בָּהּ יָדֵי חוּבָתוֹ בַּפֶּסַח. בֵּין כֶּךָ וּבֵין כֶּךָ מְטַמְּאָה טוֹמְאָת אוֹכְלֶיהָ.

1 Or עֶסֶת. Made of coarse bran mixed with a very small quantity of flour. 2 Or *herdsmen*. 3 i.e., when the proportion of coarse bran is not too great this is more like bread then. 4 Or חֵיבָתָהּ. 5 See 14 דְּמַאי עֵרֹוב or עֵרֹוב, literally, *combination, mingling*, is a symbolical prearranged act whereby it is permitted to perform certain acts, which would be otherwise prohibited, on the Sabbath and Holydays. (a) עֵרֹוב תְּחוּמִּים, *Erub of limits*: one may deposit on the eve of a Sabbath or Holyday some food in a place over the following day and his movements are measured from that place as centre within a defined prescribed area. (b) עֵרֹוב חֲצֵרוֹת, *Erub of courtyards*, עֵרֹוב מְבוֹאוֹת, *Erub of alleys*, שְׁתוּפֵי מְבוֹאוֹת, *Partnerships of alleys*: the tenants or inmates contribute to a common dish which is deposited in one of their houses on Friday to remain over to the end of the Sabbath and objects may be carried across between the dwellings on the Sabbath. (c) עֵרֹוב תַּבְשִׁילִין, *Erub of cooking*: if a Holyday occurs on a Friday, a dish is prepared on the Thursday and deposited to the conclusion of the Sabbath and the cooking is then permissible on the Friday for the Sabbath. 6 The *Blessing* הַמּוֹצִיא. 7 בְּרִכַּת קֶזֶם when three or more adult males partake of the meal. 8 In some editions, וְנֶאֱסָפָה. 9 But the comprehensive *Blessing* שֶׁהַכֹּל must be recited before eating of it. 10 Because it is not considered לֶחֶם, bread.

#### Mishnah 9

*The priest's share of the dough* and the *priest's-due*.<sup>1</sup> one may incur the death penalty<sup>2</sup> for them; they are subject to the *added fifth*,<sup>3</sup> they are prohibited to non-priests; they are the property of the priest; they are neutralized in a hundred and one;<sup>4</sup> they require washing of the hands,<sup>5</sup> and the awaiting of sunset;<sup>6</sup> they may not be separated from what is clean<sup>7</sup> for what is unclean; and they must be taken from the nearest<sup>8</sup> and from such

#### מִשְׁנָה ט

הַחֲלָה יִהְיֶה רְמוּמָה חֵיבִין עָלֶיהָ מֵיֹתָהּ וְחֹמֶשׁ וְאַסוּרִים לְזָרִים, וְהֵם נִכְסֵי כֹהֵן, וְעוֹלִין בְּאַחַד וּמֵאָה, וְטַעֲנוּנִין פְּרִיָּצָת יָדִים, וְיִהְיֶה עֵרֹוב שְׁמֶשׁ, וְאֵין נִיטְלִין מִן־הַטְּהוֹר עַל הַטָּמֵא, אֲלָא מִן־הַטָּמֵא וּמִן־הַדְּבָר הַנִּמְיָר, הָאוֹמֵר, כֹּל־גִּרְנֵי תְרוּמָה וְכָל

produce as whose harvesting is complete. One who says, 'Let all my barn<sup>9</sup> be *priest's due* or all my dough be *priest's share of the dough*,<sup>10</sup> has not said anything valid unless he retains<sup>10</sup> a part.<sup>11</sup>

1 See ברכות 1,1, Note 5. 2 *Leviticus 22*, 9. כרת, *extirpation*, or מיתה בידי שמים, *death from heaven*, if eaten willingly. 3 *Leviticus 22*, 14. If eaten unwittingly one must pay its value to the owner and the added fifth to any כהן. 4 See תרומות 47. 5 *i.e.*, before touching it. 6 *Leviticus 22*, 6, 7. Tractate ברכות 1. כהן טמא, *unclean priest*, when he completes his term of uncleanness, must have a ritual bath before sunset after which he is completely טהור, *clean*. 7 See תרומות 21. 8 Or תמקף. 9 Or *threshing-floor*. 10 See תרומות 45. 11 As חולין, *non-holy produce*.

## CHAPTER 2

## פרק ב

### Mishnah 1

Produce<sup>1</sup> from outside Palestine which had been brought into Palestine is liable to the *priest's share of the dough*; if it had been taken out from here<sup>2</sup> thither,<sup>3</sup> R. Eliezer declares it liable,<sup>4</sup> but R. Akiba exempts it.<sup>5</sup>

1 מן-החוץ, *from outside*, as laid down in the Torah, dough made in Palestine is subject to חלה (whether the flour was grown in Palestine or not), but מן-הבית, *as enjoined by the Sages*, dough outside Palestine is also subject to חלה. 2 From Palestine. 3 Outside Palestine. 4 To חלה. His view is rejected. 5 From חלה. His opinion is accepted.

### Mishnah 2

Soil with growing produce from outside Palestine that had come in a ship to Palestine is liable to *tithes*<sup>1</sup> and is subject to the *Sabbatical Year* law. R. Judah said, When is this the case? When<sup>2</sup> the ship touches the land. Dough which has been kneaded with fruit juices is liable to the *priest's share of the dough* and it may be eaten with unwashed<sup>4</sup> hands.<sup>3</sup>

### משנה א

1 פירות חוצה לארץ שנכנסו לארץ חייבים בחלה. יצאו מכאן לשם, רבי אליעזר מחייב, ורבי עקיבא פוטר.

### משנה ב

עפר חוצה לארץ שבא בספינה לארץ חייב. תיבת כמערות ובשביעית. אמר רבי יהודה אימתי? בזמן שהספינה גוששת. עיסה שנילושה במי פירות חייבת בחלה. ונאכלת בידים מסואבות.

1 Also liable to תרומות, *priest's-dues*. 2 Or בזמן. 3 The hands are susceptible to uncleanness if they are wet with any one of these seven liquids—wine, honey, blood, water, oil, milk, dew. 4 Or soiled.

## Mishnah 3

A woman while sitting and in the nude may cut off her *priest's share of the dough*, because she can cover herself,<sup>1</sup> but not so a man.<sup>2</sup> Whoever is not able to prepare his dough in cleanness should prepare it in *kab*<sup>3</sup> portions but he must not<sup>4</sup> prepare it in uncleanness. But R. Akiba says, He may prepare it<sup>5</sup> in uncleanness but he should not prepare it in *kab* portions; because just as he may designate<sup>6</sup> what is clean so he ought to designate what is unclean; he must designate<sup>7</sup> the one *priest's share of the dough* and he must designate the other *priest's share of the dough*, but in one *kab* portions<sup>8</sup> each has no share in what is designated.<sup>9\*</sup>

1 אֶת-עֲצָמָהּ in some editions. By sitting she does not expose her private parts, and she may thus also recite the appropriate Benediction. 2 Because sitting down does not prevent exposure of private parts. 3 A *kab* is too small a quantity to be liable to חֻלָּה. 4 וְלֹא in some editions. 5 According to some, Akiba's view should be accepted so that the כֶּהֵן should not be deprived even of the חֻלָּה טָמְאָה which he can use as fuel when cooking. 6 As חֻלָּה. 7 In some editions, לְשֵׁם. 8 קִבֵּיִם in some editions. 9 לְשֵׁם in some editions. It is preferable to offer חֻלָּה from what is unclean than to evade the obligation of חֻלָּה.

## Mishnah 4

If one prepared his dough in *kab* portions and these touched one another, they are exempt from the *priest's share of the dough* unless they adhered. R. Eliezer says,<sup>1</sup> Even when they are detached<sup>2</sup> from the side of the oven and placed in a basket, the basket<sup>3</sup> includes them together for the *priest's share of the dough*.

## מִשְׁנָה ג

הָאִשָּׁה יוֹשֶׁבֶת וְקוֹצֶה חֻלָּתָה עֲרוּמָהּ מִפְּנֵי שֶׁהִיא יְכוּלָה לְכַסּוֹת<sup>1</sup> עֲצָמָהּ אֲבָל לֹא הָאִישׁ מִי שְׁאִינוּ יְכוּלִּים לַעֲשׂוֹת עִיסָתוֹ בְּטָהֳרָה יַעֲשֶׂנָּה קִבֵּין<sup>2</sup> וְאֵל יַעֲשֶׂנָּה בְּטוֹמְאָה וְרִבִּי עֲקִיבָא אוֹמֵר<sup>3</sup> יַעֲשֶׂנָּה בְּטוֹמְאָה וְאֵל יַעֲשֶׂנָּה קִבֵּיִם שְׂכָשֵׁם שֶׁהוּא קוֹרָא לְטָהוֹרָה כִּךְ הוּא קוֹרָא לְטָמְאָה לִזוֹ קוֹרָא חֻלָּה בְּשֵׁם וְלִזוֹ קוֹרָא חֻלָּה בְּשֵׁם אֲבָל קִבֵּיִים אֵין לָהֶם חֵלֶק בְּשֵׁם<sup>4\*</sup>

\*Or קִבֵּיִם. Or 'pieces of dough each of a *kab* have no share in the designation of חֻלָּה'.

## מִשְׁנָה ד

הָעוֹשֶׂה עִיסָתוֹ קִבֵּיִם וְנִגְעוּ זֶה בָּזֶה פְּטוּרִים מִן-הַחֻלָּה עַד שִׁשְׁכוּ. רִבִּי יֶאֱלִיעֶזֶר אוֹמֵר אִף הָרוֹדֶה וְנוֹתֵן לִסֵּל<sup>1</sup> הַסֵּל מִצָּרְפִּין לַחֻלָּה.

\*Or עִסָּתוֹ.

1 His opinion is accepted. 2 *רדה*, shovel out, detach bread that has stuck to the side of the oven. 3 If all the portions are together inside any vessel they are included together to make up the quantity liable to *חלה*.

## Mishnah 5

## משנה ה

If one separate flour as his *priest's share of the dough*, it is not<sup>1</sup> *priest's share of the dough*, and it would be as robbery<sup>2</sup> in the hand of a priest; the dough itself is still liable to the *priest's share of the dough*, and the flour<sup>3</sup> too if it be of the prescribed quantity<sup>4</sup> is liable to the *priest's share of the dough* and is prohibited to non-priests; this is the view of R. Joshua. They<sup>6</sup> said to him, It once happened that an elder,<sup>7</sup> a non-priest, grabbed it.<sup>6</sup> He said<sup>8</sup> to them,<sup>5</sup> None the less he became liable to punishment and he set a bad example to others.

המפריש חלתו קמח, ואינו חלה,  
ונגזל ביד כהן; \*העיסה עצמה  
חייבת בחלה, והקמח אם יש בו  
כפשיעור חייבת בחלה ואסורה  
לזרים; דברי רבי יהושע. ואמרו  
לו, מעשה בקפשה זקן זר. ואמר  
להם, אף הוא קלקל לעצמו  
ותיקן לאחרים.

\*Or העפה.

1 And is permitted to a non-priest. 2 As the flour is not valid *חלה* it should be returned to the owner, and if the priest refuses to restore it this would be equivalent to the wrongful acquisition of property. 3 Which had been given to the priest. 4 Five *quarter-kabs*. 5 The *חכמים* (Sages.) 6 And ate it up. 7 He was *תלמיד חכם*, a learned man. 8 R. Joshua.

## Mishnah 6

## משנה ו

Five<sup>1</sup> *quarter-kabs* of flour are liable to the *priest's share of the dough*—all of them, their yeast, and bran-flour<sup>2</sup> and coarse-bran, if there be five<sup>3</sup> *quarter-kabs*, are liable.<sup>4</sup> If the coarse-bran had been removed from it and it was put back again, it is exempt.<sup>5</sup>

יחמשת רביעים קמח חייבים  
בחלה; הם, ושארין, וסובין,  
ומורסון, יחמשת רביעים חייבין.  
ניטל מורסון מתוכן וחזר לתוכן,  
הרי אלו פטורין.

1 Or more. 2 Or *fine-bran*. Or וסבן. 3 viz., if there be together five . . . . .  
4 To *חלה*. 5 The dough is exempt from *חלה*.

## Mishnah 7

The prescribed amount<sup>1</sup> of the priest's share of the dough is one twenty-fourth part. When one prepares the dough for himself or for his son's wedding feast it is one twenty-fourth part.<sup>2</sup> A baker who prepares for selling in the market and likewise a woman who prepares to sell in the market—it is one forty-eighth part.<sup>3</sup> If her dough became unclean, whether in error or by constraint, it is one forty-eighth part;<sup>2</sup> but if it were rendered unclean wilfully, one twenty-fourth part,<sup>2</sup> so that a sinner does not obtain any advantage.

\*Or עֲשֶׂתָּהּ.

1 מִדְּאוֹרֵיתָא (or מִן־הַתּוֹרָה), as enjoined in the Torah, there is no prescribed quantity for חֻלָּה. 2 The חֻלָּה.

## Mishnah 8

R. Eliezer says,<sup>1</sup> It may be taken<sup>2</sup> from what is clean for<sup>3</sup> what is unclean. How so?—One has clean dough and unclean dough; he takes for the priest's share of the dough from dough<sup>4</sup> from which priest's share of the dough had not been separated<sup>5</sup> and puts less than the bulk of an egg<sup>6</sup> between,<sup>7</sup> and so in this way he separates<sup>8</sup> from what is just there;<sup>9</sup> but the Sages forbid this.<sup>10</sup>

1 His view is rejected. 2 i.e., חֻלָּה may be taken. 3 Or 'instead of.' 4 Clean dough. 5 הוֹרְקָה in some editions. 6 Of the unclean dough. 7 Between the clean dough and the unclean dough to touch both. A quantity less than an egg's bulk does not acquire uncleanness. Thus the clean dough and the unclean dough are temporarily through this intermediate junction as one. 8 viz., 'he separates חֻלָּה'. 9 Or הִמָּקֵר. 10 Their view is accepted. \*Compare 1<sup>4</sup>.

## מִשְׁנָה ז

וְשִׁיעוֹר הַחֻלָּה אֶחָד מֵעֲשָׂרִים  
וְאַרְבָּעָה. הָעוֹשֶׂה עִיסָה לְעַצְמוֹ  
וְהָעוֹשֶׂה לְמִשְׁתֵּה בְנוֹ, אֶחָד  
מֵעֲשָׂרִים וְאַרְבָּעָה. נִחְתָּוּם שֶׁהוּא  
עוֹשֶׂה לְמִכּוֹר בְּשׁוּק, וְכֵן הָאִשָּׁה  
שֶׁהִיא עוֹשֶׂה לְמִכּוֹר בְּשׁוּק, אֶחָד  
מֵאַרְבָּעִים וְשִׁמְנָה. נִטְמָאת \*עִיסָתָהּ  
שׁוֹנְנָת אוֹ אֲנוּסָה, אֶחָד מֵאַרְבָּעִים  
וְשִׁמְנָה. נִטְמָאת מְזִידָה, אֶחָד  
מֵעֲשָׂרִים וְאַרְבָּעָה, כְּדִי שֶׁלֹּא יִהְיֶה  
חֻטְא וְשֹׁכֵר.

## מִשְׁנָה ח

רַבִּי יֶאֱלִיעֶזֶר אוֹמֵר, נִטְלָת מִן־  
הַטְּהוֹר עַל הַטְּמֵא. כִּיצַד? עִיסָה  
טְהוֹרָה וְעִיסָה טְמֵאָה, נוֹטֵל כְּדִי  
חֻלָּה מֵעִיסָה שֶׁלֹּא הוֹרֵם חֻלָּתָה.  
וְנוֹתֵן \*פָּחוֹת מִכְּבִיצָה בְּאַמְצָע,  
כְּדִי שֶׁיִּטּוֹל מִן־הַמּוֹקֵר; וְנִחְכְּמִים  
אוֹסְרִין<sup>10</sup>

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1 To חלה. 2 From חלה.

## Mishnah 6

If one became a proselyte and he had dough—if it had been prepared before he became a proselyte, it is exempt;<sup>1</sup> but if after he had been proselytised, it is liable; and if there be a doubt, it is liable,<sup>1</sup> but there is no liability<sup>2</sup> for it for the *added fifth*. R. Akiba says,<sup>3</sup> It all depends as to when the crust was formed in the oven.

1 To חלה. 2 If a non-priest eats it in error. 3 His view is not accepted.

## Mishnah 7

If one prepared dough from<sup>1</sup> wheat<sup>2</sup> and rice<sup>3</sup>—if it have the taste of corn,<sup>4</sup> it is liable<sup>5</sup> to (the) *priest's share of the dough*, and a man fulfils his duty with it at Passover; but if it have not the taste of corn,<sup>4</sup> it is not liable to the *priest's share of the dough* and one does not carry out his obligation with it at Passover.

1 From a mixture of wheaten and rice flour. 2 The wheat flour was less than five quarter-kabs. 3 Rice flour dough is exempt from חלה. 4 The distinctive taste of wheat in the dough. This ruling applies only in the case of wheat and rice flours; but in the case of those, excluding wheat flour, if two be mixed then the liability to חלה only applies if the constituent liable is at least five quarter-kabs.

## Mishnah 8

If one take leaven<sup>1</sup> from dough from which its *priest's share of the dough* had not been removed, and puts it into dough from which the *priest's share of the dough* had been separated, if he have material<sup>2</sup> elsewhere, he should take from it the required calculated quantity,<sup>3</sup> but if not,<sup>4</sup> he should take *priest's share of the dough*<sup>5</sup> for the whole.

## משנה ו

גֵּר שֶׁנִּתְּגִייר וְהִיתָה לוֹ עֵיסָה וְעָשִׂיתָ עַד שֶׁלֹּא נִתְּגִייר, פָּטוּר; וּמִשְׁנִתְּגִייר, חַיִּיב; וְאִם סָפֵק, חַיִּיב, וְאִין חַיִּיבִין עָלֶיהָ חוֹמֶשׁ. רַבִּי עֲקִיבָא אוֹמֵר, הַכֹּל הוֹלֵךְ אַחֲרֵי הַקְרִימָה בַּתְּנוּרָה.

## משנה ז

הַעוֹשֶׂה עֵיסָה מִן־חֲמִשִּׁים וּמִן־הָאֲוֵרוֹ, אִם יֵשׁ בָּהּ טַעַם דָּגָן חַיִּיבֶת בַּחֲלָה, וְיוֹצֵא בָּהּ אָדָם יָדֵי חוֹבְתוֹ בַּפֶּסַח; וְאִם אֵין בָּהּ טַעַם דָּגָן אֵינָה חַיִּיבֶת בַּחֲלָה, וְאִין אָדָם יוֹצֵא בָּהּ יָדֵי חוֹבְתוֹ בַּפֶּסַח.

## משנה ח

הַנּוֹטֵל יֶשְׁאֹר \*מֵעֵיסָה שֶׁלֹּא הוֹרְקָה חֲלָתָהּ, וְנוֹתֵן לְתוֹךְ \*עֵיסָה שֶׁהוֹרְקָה חֲלָתָהּ, אִם יֵשׁ לוֹ פְּרָנָסָה מִמָּקוֹם אַחֵר, מוֹצִיא לָפִי \*חֶשְׁבוֹן; וְאִם לֹא, מוֹצִיא חֲלָה אַחַת עַל הַכֹּל.

\*Or מַעֲסָה, עֶסָה.



1 Or *dough*. 2 *i.e.*, some other flour from which an equivalent quantity can be made into dough as חלה. 3 The amount for the dough from which חלה had not been removed. 4 If he has no dough elsewhere. 5 From the whole of the mixed dough. (In the corresponding case of such mixture in first tithe and second tithe the quantity to be separated as tithe is only calculated for the untithed constituent. Contrast the next *Mishnah*).

## Mishnah 9

Similarly, if harvested olives<sup>1</sup> were mixed up with gleaners' olives,<sup>2</sup> or harvested grapes<sup>1</sup> with gleaners' grapes,<sup>2</sup> and he had stock<sup>3</sup> somewhere else, he should take thereof according to the calculated prescribed quantity; but if not, he should take *priest's due* and *priest's-due of the tithe*<sup>4</sup> for the whole,<sup>5</sup> and the remainder is *tithe*<sup>6</sup> and *second tithe* in the prescribed amounts.

משנה ט

פיוצא בו, יזיתי מסיק שנתערב עם יזיתי ויקף, וענבי בציר עם ענבי עוללות, אם יש לו פירנסה ממקום אחר, מוציא לפי השבון; ואם לאו, מוציא תרומה ויתרומת מעשר לכל, והשאר מעשר ומעשר שני לפי השבון.

1 Which are liable to tithe. 2 Or ויקף. These are exempt from tithe. 3 טבל, untithed produce, of the same kind. 4 Or תרומה קטנה, *priest's-lesser-due* (see 1<sup>1</sup>, Note 5). 5 As if the whole were טבל and liable to tithes. (Contrast Note 5 in the preceding *Mishnah*.) 6 מעשר ראשון, *first tithe*.

## Mishnah 10

If one take the leaven<sup>1</sup> from the dough<sup>2</sup> of wheaten flour and puts it into dough of rice flour—if it have the taste of corn, it is liable to the *priest's share of the dough*, but if not, it is exempt. If this be the case, why did they<sup>3</sup> say, Any untithed produce renders forbidden?<sup>4</sup>—One kind<sup>5</sup> with like kind; but not with like kind<sup>6</sup> that which imparts a flavour.

משנה י

הנוטל י שאור מעיסת חטים ונותן לתוך עיסת אורז, אם יש בה טעם דגן, חייבת בחלה, ואם לאו פטורה. אם כן, למה אאמרו הטבל אאוסר כל-שהוא? מין במינו, וישלא במינו בנותן טעם.

1 Or *dough*. 2 From which חלה had not been separated. 3 The חכמים (Sages). 4 Other produce. 5 That applies in the case where one kind is mixed with a like kind. 6 When one kind is not mixed with like kind the rule of *that which imparts a flavour* applies. (Compare שביעית 77, תרומות 10<sup>1</sup>, 11).

## CHALLAH 46.8

may proceed to separate<sup>2</sup> *priest's share of the dough* for the dough of *uncertain tithed produce* until it rots, because *priest's share of the dough for uncertain tithed produce* may be separated<sup>3</sup> from what is clean instead of from what is unclean and not from what lies near by.<sup>4</sup>

1 If anyone had bought pieces of dough and it is doubtful whether *חלה* had been taken from them, and pieces of dough which were also in doubt whether *חלה* had been separated from them and whether they were clean. 2 From the clean dough. 3 *נשלח* in some editions. 4 Or *המקור*.

## Mishnah 7

If Jews leased<sup>1</sup> ground from non-Jews<sup>2</sup> in Syria, R. Eliezer<sup>3</sup> declares their produce liable to *tithes* and to the *Sabbatical Year* law, but Rabban Gamaliel<sup>4</sup> exempts. Rabban Gamaliel says, Two<sup>5</sup> of the *priest's share of the dough* in Syria; but R. Eliezer says,<sup>3</sup> One *priest's share of the dough*. They had at first accepted the more lenient view<sup>6</sup> of Rabban Gamaliel and the more lenient opinion<sup>7</sup> of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.<sup>8</sup>

1 *חכיר*, a tenant who tills the ground for a fixed share of the produce. (a tenant who pays the owner a fixed rent in kind irrespective of the yield.) 2 *לגוים*, non-Jews, in some editions. 3 *כוּתִי*, Samaritan, is occasionally used instead of *זָרִי*, *גוי*, *עובד פּוֹכְבִּים*. 4 His opinion is rejected. 5 His view is accepted. 6 One to be burnt, being *שָׂמָא* in Syria, and the other to be given to the *כֹּהֵן* to maintain the obligation. 7 That Syria is exempt from tithes. 8 That only one *חלה* need be given. 9 That Syria is exempt from tithes and that two *חלות* must be given (see Notes 4, 5).

## Mishnah 8

Rabban Gamaliel says,<sup>1</sup> Three regions are distinguished regarding *priest's share of the dough*—in the

דְּמָא עַד שֶׁתִּסְרַח, שְׁחֵלַת דְּמָא  
נִיטְלָת מִן-הַטְּהוֹר עַל הַטְּמֵא  
וְשֶׁלֹא מִן-הַמּוֹקֵף.

## משנה ז

יִשְׂרָאֵל שֶׁהָיוּ אֲרִיסִין לְכוֹתִים  
בְּסוּרְיָא רַבִּי אֱלִיעֶזֶר מְחַיֵּב  
פִּירוּתֵיהֶם בְּמַעֲשֵׂרוֹת וּבִשְׂבִיעִית  
וּכְבֵּן גַּמְלִיאֵל פּוֹטֵר. כָּבֵן גַּמְלִיאֵל  
אוֹמֵר, שְׁתֵּי חֲלוֹת בְּסוּרְיָא; וְרַבִּי  
אֱלִיעֶזֶר אוֹמֵר, חֲלָה אֶחָת. אֲחֻזּוֹ  
יִקְוִלוּ שֶׁל כָּבֵן גַּמְלִיאֵל וְיִקְוִלוּ  
שֶׁל רַבִּי אֱלִיעֶזֶר, חֲזָרוּ לְנִהּוֹג  
כְּדַבְּרֵי כָּבֵן גַּמְלִיאֵל בְּשְׁתֵּי דְרָכִים.

## משנה ח

כָּבֵן גַּמְלִיאֵל אוֹמֵר, שְׁלֹשׁ אֲרָצוֹת

Land of Israel as far as Chezib<sup>2</sup> one priest's share of the dough; from Chezib as far as the River<sup>3</sup> and up to Amanah<sup>5</sup> two of priest's share of the dough, one to be burnt and the other for the priest, that for the fire having the prescribed measure and that for the priest not having the prescribed measure; from the River<sup>3</sup> as far as<sup>4</sup> Amanah<sup>5</sup> and inwards<sup>6</sup> two of priest's share of the dough, one for the fire and the other for the priest, that for burning having no prescribed measure and that for the priest having the prescribed measure; and if there be one who has immersed himself the same day,<sup>7</sup> he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux,<sup>8</sup> to women who suffer from an issue, to menstruants<sup>9</sup> and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given<sup>10</sup> to any priest.

1 His opinion is accepted. 2 Or אֲחִיב, Achzib, Ecdippa (a coastal town in Northern Palestine). 3 The Euphrates. 4 וְיָמֵן in some editions. 5 (a) A river flowing through Damascus. (b) A mountain range in the north of Palestine. 6 Between these two. 7 A כֹּהֵן in such a case exempts the חֻלָּה from being burnt. 8 זָב, one afflicted with *flux, issue, gonorrhoea*. More definite לְזָבִים וְלִזְבוֹת. 9 More definite לְנִידוֹת וְלִיֻּלְדוֹת. 10 Nowadays the practice is universally to remove from the dough or the baked bread a small portion (of the bulk of an olive) as חֻלָּה and to burn it.

#### Mishnah 9

These may be given<sup>1</sup> to any priest: devoted property,<sup>2</sup> and firstlings,<sup>3</sup> and the redemption equivalent<sup>4</sup> of a firstborn son, and the redemption equivalent<sup>5</sup> of the firstborn male of an ass, and the

לחלה מארץ ישראל עד כְּזִיב חלה אחת מקזיב ועד הנהר ועד אֲמָנָה שְׁתֵּי חלות אחת לאור ואחת לכהן של אור יש לה שיעור ושל כהן אין לה שיעור. מן-הנהר יועד אֲמָנָה וְלִפְנִים שְׁתֵּי חלות אחת לאור ואחת לכהן של אור אין לה שיעור ושל כהן יש לה שיעור; וטבול יום אוכלה. רבי יוסי אומר, אינו צריך טבילה ואסורה לזבים ולזבות, לנידות ולילידות; ונאכלת עם הזר על השלחן. ונתנת לכל כהן.

#### משנה ט

ואלו ניתנין לכל כהן, ההקדמים והבכורות, יופדיון הבן, יופדיון פטר חמור, והקורבן והלחיים

in Northern Galilee.) The law of בְּכֹרִים, *first-fruits*, applies in Syria as in Palestine and they had to be brought to Jerusalem. 7 *i.e., owns, possesses land.* 8 *i.e., is under the same obligations.*

#### סליק מסכת חלה

#### CONCLUSION OF TRACTATE CHALLAH

shoulder<sup>6</sup> and the two cheeks and  
the maw and the first of the fleece,<sup>7</sup>  
and the oil<sup>8</sup> that must be burnt,  
and the holy-sacrifices<sup>9</sup> of the  
Temple, and the firstfruits.<sup>10</sup> R.  
Judah forbids<sup>11</sup> firstfruits. R. Akiba

וְהַקִּיבָהּ וְרֹאשִׁית הַגֹּזִי וְשֶׁמֶן  
שְׂרָפָהּ וְקֹדֶשִׁי הַמִּקְדָּשׁ  
וְהַפְּכוּרִים. רַבִּי יְהוּדָה אוֹסֵר  
בַּפְּכוּרִים. כִּרְשִׁינִי תְרוּמָה רַבִּי

עֵרְלָה

# ORLAH

[BEING THE TENTH TRACTATE OF THE MISHNAH]

TEXT • INTRODUCTION • TRANSLATION

NOTES.

By

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1 Or *dough*. 2 *i.e.*, some other flour from which an equivalent quantity can be made into dough as חלה. 3 The amount for the dough from which חלה had not been removed. 4 If he has no dough elsewhere. 5 From the whole of the mixed dough. (In the corresponding case of such mixture in first tithe and second tithe the quantity to be separated as tithe is only calculated for the untithed constituent. Contrast the next *Mishnah*).

## Mishnah 9

Similarly, if harvested olives<sup>1</sup> were mixed up with gleaners' olives,<sup>2</sup> or harvested grapes<sup>1</sup> with gleaners' grapes,<sup>2</sup> and he had stock<sup>3</sup> somewhere else, he should take thereof according to the calculated prescribed quantity; but if not, he should take *priest's due* and *priest's-due of the tithe*<sup>4</sup> for the whole,<sup>5</sup> and the remainder is *tithe*<sup>6</sup> and *second tithe* in the prescribed amounts.

## משנה ט

כיוצא בו, ייתי מסיק שנתערב עם ייתי ניקף, יענבי בציר עם יענבי עוללות, אם יש לו פירנסה ממקום אחר, מוציא לפי השבון; ואם לאו, מוציא תרומה ותרומת מעשר לכל, והשאר מעשר ומעשר שני לפי השבון.

1 Which are liable to tithe. 2 Or נקיף. These are exempt from tithe. 3 סבל, untithed produce, of the same kind. 4 Or תרומה קטנה, *priest's-lesser-due* (see Note 5). 5 As if the whole were סבל and liable to tithes. (Contrast Note 5 in the preceding *Mishnah*.) 6 מעשר ראשון, *first tithe*.

## Mishnah 10

If one take the leaven<sup>1</sup> from the dough<sup>2</sup> of wheaten flour and puts it into dough of rice flour—if it have the taste of corn, it is liable to the *priest's share of the dough*, but if not, it is exempt. If this be the case, why did they<sup>3</sup> say, Any untithed produce renders forbidden<sup>24</sup>—One kind<sup>5</sup> with like kind; but not with like kind<sup>6</sup> that which imparts a flavour.

## משנה י

הנוטל ישאור מעיסת חטים ונותן לתוך עיסת ארז, אם יש בה טעם דגן, חייבת בחלה, ואם לאו פטורה. אם כן, למה אאמרו הטבל אומר כל-שהוא? מין במינו, וישל א במינו בנותן טעם.

1 Or *dough*. 2 From which חלה had not been separated. 3 The תקמים (Sages). 4 Other produce. 5 That applies in the case where one kind is mixed with a like kind. 6 When one kind is not mixed with like kind the rule of *that which imparts a flavour* applies. (Compare שביעית 77, תרומות 10<sup>1,11</sup>).

## CHAPTER 4

## פרק ד

## Mishnah 1

If two women made each a *kab*<sup>1</sup> of dough which touched<sup>2</sup> one another, they are exempt<sup>4</sup> even if they are of the same kind;<sup>3</sup> but if<sup>5</sup> they belonged to one woman, they are liable<sup>6</sup> if they be of the same kind, but they are exempt<sup>7</sup> if they were not of the same kind.

1 *קבים* in some editions. 2 Even if they were kneaded together. *ונגעו* literally, and they touched. 3 Of the same kind of grain. 4 From *חלה*. 5 Or more definite, *ובזמן*, but when. 6 To *חלה* if they touch. 7 From *חלה* if they touch.

## Mishnah 2

What is meant by *one kind with like kind*? Wheat is not included<sup>1</sup> with any others except with spelt; barley is included<sup>1</sup> with any others except with wheat. R. Johanan ben Nuri says,<sup>2</sup> The rest of the kinds may be included<sup>3</sup> together with one another.

1 To make up five quarter *kabs* to render the dough liable to *חלה*. 2 His view is accepted. 3 The accepted ruling is as follows: if doughs were made from each separately and then they were kneaded together the whole is liable to *חלה*; when two kinds of dough adhered together, then wheaten dough is included with spelt dough for *חלה*, barley dough is included with all others except wheaten dough, rye dough with barley or spelt dough but not with oatmeal or wheaten dough, oatmeal dough with barley or spelt dough but not with wheaten or rye dough, and spelt is included with all others; according to the Rambam spelt and oatmeal and rye doughs are included with each other.

## Mishnah 3

Two pieces of dough each of one *kab*<sup>1</sup> with one *kab* of rice or one *kab* of *priest's-due* between them are not included<sup>2</sup> together. But if between them there be dough from which its *priest's share of the dough* has been taken, they are

## משנה א

שתי נשים שעשו שני קבין ונגעו זה בזה, אפילו הם ממין אחד פטורים; ויבזמן שהם של אשה אחת, מין במינו חייב, ושל אב במינו פטור.

## משנה ב

איזה הוא מין במינו החטים אינן מצטרפות עם הכל אלא עם הכוסמין; השעורים מצטרפות עם הכל חוץ מן-החטים. רבי יוחנן בן גורי אומר, שאר המינים מצטרפין זה עם זה.

## משנה ג

שני קבים וקב אורז או קב תרומה באמצע אינן מצטרפין. דבר שנטלה חלתו באמצע מצטרפין.



combined<sup>8</sup> since it was already liable to the *priest's share of the dough*.

שֶׁכֶּבֶר גִּתְתִּיב בַּחֲלָה.

1 *קֶבֶץ* in some editions. Each *kab* of the same kind of grain of the five species.  
2 They are not included together to make up the five quarter-*kabs* quantity that renders the dough liable to *חֲלָה* because they are separated by dough that is exempt from *חֲלָה*. This is the accepted ruling. 3 They are included and so are liable to *חֲלָה*. This ruling is accepted.

#### Mishnah 4

#### משנה ד

If a *kab* of dough of this year's flour<sup>1</sup> adhered to a *kab* of dough from the preceding year's flour, R. Ishmael says,<sup>2</sup> One may take<sup>3</sup> from the middle; but the Sages<sup>4</sup> forbid it. If one took *priest's share of the dough* from one *kab*,<sup>5</sup> R. Akiba<sup>2</sup> says, It is valid *priest's share of the dough*; but the Sages<sup>6</sup> say, It is not valid *priest's share of the dough*.

יָקַב חֲדָשׁ וְקַב יָשֵׁן שֶׁנִּשְׁכָּחוּ זֶה בְּזֶה רַבִּי יִשְׁמָעֵאל אוֹמֵר, <sup>3</sup>יִטּוֹל מִן-הָאֶמְצָע, <sup>4</sup>וְנִחְכְּמִים אוֹסְרִים. הַנוּטֵל חֲלָה מִן-הַקֶּבֶץ, רַבִּי יִצְחָקְיָא אוֹמֵר, חֲלָה, וְנִחְכְּמִים אוֹמְרִים אֵינָהּ חֲלָה.

1 And it is forbidden to separate *לֶחָה* from one for the other. 2 His opinion is rejected. 3 *חֲלָה*. 4 Their ruling is accepted; but the *חֲלָה* must be taken from each portion separately in the prescribed amount. 5 *viz.*, from dough which is less than the prescribed quantity to be liable to *חֲלָה*. 6 Their ruling is accepted.

#### Mishnah 5

#### משנה ה

If one had two pieces of dough of one *kab* each and separated *priest's share of the dough* from each separately, and then made them up<sup>1</sup> into one piece of dough, R. Akiba exempts,<sup>2</sup> but the Sages declare it liable.<sup>3</sup> Thus the stricter ruling<sup>4</sup> becomes the more lenient.<sup>5</sup>

שְׁנֵי קֶבֶץ שֶׁנִּטְלָה חֲלָתוֹ שֶׁל זֶה בְּפָנָיו עֲצָמוּ וְשֶׁל זֶה בְּפָנָיו עֲצָמוּ, חֲזַר וְנִעְשְׂאוּ עִיסָה אַחַת, רַבִּי יִצְחָקְיָא פוֹטֵר, וְנִחְכְּמִים מְחַיִּיבִין. וְנִמְצָא חֲזָמוֹ קוּלּוֹ.

1 *נִשְׁאָן* in some editions, seemingly more accurate grammatically. 2 From *חֲלָה*. 3 To *חֲלָה*. Their opinion is accepted. 4 Of R. Akiba in the preceding *Mishnah*. His view is rejected. 5 In this case.

#### Mishnah 6

#### משנה ו

A man may take<sup>1</sup> sufficient *priest's share of the dough* from the dough from which its *priest's share of the dough* had not been taken to prepare it in cleanness, and he

יִנוּטֵל אָדָם כְּדֵי חֲלָה מֵעִיסָה שֶׁלֹּא הוּרְמָה חֲלָתָהּ, לַעֲשׂוֹתָהּ בְּטָהֳרָה, לְהִיּוֹת מִפְּרִישׁ עָלֶיהָ וְהוֹלֵךְ חֲלָתָהּ.

may proceed to separate<sup>2</sup> *priest's share of the dough* for the dough of *uncertain tithed produce* until it rots, because *priest's share of the dough* for *uncertain tithed produce* may be separated<sup>3</sup> from what is clean instead of from what is unclean and not from what lies near by.<sup>4</sup>

דמאי עד שתסרח, שחלת דמאי  
ניטלת מן-הטהור על הטמא,  
ושלא מן-המוקף.

1 If anyone had bought pieces of dough and it is doubtful whether חלה had been taken from them, and pieces of dough which were also in doubt whether חלה had been separated from them and whether they were clean. 2 From the clean dough. 3 In some editions. 4 Or המוקף.

### Mishnah 7

If Jews leased<sup>1</sup> ground from non-Jews<sup>2</sup> in Syria, R. Eliezer<sup>3</sup> declares their produce liable to *tithes* and to the *Sabbatical Year* law, but Rabban Gamaliel<sup>4</sup> exempts. Rabban Gamaliel says, Two<sup>5</sup> of the *priest's share of the dough* in Syria; but R. Eliezer says,<sup>3</sup> One *priest's share of the dough*. They had at first accepted the more lenient view<sup>6</sup> of Rabban Gamaliel and the more lenient opinion<sup>7</sup> of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.<sup>8</sup>

משנה ז  
ישראל שהיו אריסין לכותים  
בסוריא, רבי אליעזר מחייב  
פירותיהם במעשרות ובשביעית,  
ורבן גמליאל פוטר. רבן גמליאל  
אומר, שתי חלות בסוריא; ורבי  
אליעזר אומר, חלה אחת. אחריו  
קולו של רבן גמליאל וקולו  
של רבי אליעזר, חזרו לנהוג  
כדברי רבן גמליאל בשתי דרכים.

1 חקיר, a tenant who tills the ground for a fixed share of the produce. (a tenant who pays the owner a fixed rent in kind irrespective of the yield.) 2 לגוים, non-Jews, in some editions. כוטי, Samaritan, is occasionally used instead of נכרי, גוי, עובד כוכבים. 3 His opinion is rejected. 4 His view is accepted. 5 One to be burnt, being טמא in Syria, and the other to be given to the כהן to maintain the obligation. 6 That Syria is exempt from tithes. 7 That only one חלה need be given. 8 That Syria is exempt from tithes and that two חלות must be given (see Notes 4, 5).

### Mishnah 8

Rabban Gamaliel says,<sup>1</sup> Three regions are distinguished regarding *priest's share of the dough*—in the

משנה ח  
רבן גמליאל אומר, שלש ארצות

Land of Israel as far as Chezib<sup>2</sup> one priest's share of the dough; from Chezib as far as the River<sup>3</sup> and up to Amanah<sup>5</sup> two of priest's share of the dough, one to be burnt and the other for the priest, that for the fire having the prescribed measure and that for the priest not having the prescribed measure; from the River<sup>3</sup> as far as<sup>4</sup> Amanah<sup>5</sup> and inwards<sup>6</sup> two of priest's share of the dough, one for the fire and the other for the priest, that for burning having no prescribed measure and that for the priest having the prescribed measure; and if there be one who has immersed himself the same day,<sup>7</sup> he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux,<sup>8</sup> to women who suffer from an issue, to menstruant<sup>9</sup> and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given<sup>10</sup> to any priest.

1 His opinion is accepted. 2 Or אֶחְזִיב, Achzib, Ecdippa (a coastal town in Northern Palestine). 3 The Euphrates. 4 יָמֵן in some editions. 5 (a) A river flowing through Damascus. (b) A mountain range in the north of Palestine. 6 Between these two. 7 A כֶּהֵן in such a case exempts the חֻלָּה from being burnt. 8 זָב, one afflicted with *flux, issue, gonorrhoea*. More definite לְזָבִים וְלִזְבוֹת. 9 More definite לְיֹלֵדוֹת וְלִזְבוֹת. 10 Nowadays the practice is universally to remove from the dough or the baked bread a small portion (of the bulk of an olive) as חֻלָּה and to burn it.

#### Mishnah 9

These may be given<sup>1</sup> to any priest: devoted property,<sup>2</sup> and first-lings,<sup>3</sup> and the redemption equivalent<sup>4</sup> of a firstborn son, and the redemption equivalent<sup>5</sup> of the first-born male of an ass, and the

לְחֻלָּה, מֵאֶרֶץ יִשְׂרָאֵל עַד זְכִיב<sup>2</sup> חֻלָּה אַחַת, מִזְכִּיב וְעַד הַנָּהָר<sup>3</sup> וְעַד אַמְנָה שְׁתֵּי חֲלוֹת, אַחַת לְאוֹר וְאַחַת לְכֹהֵן, שֶׁל אוֹר־יֵשׁ לָהּ שִׁיעוֹר, וְשֶׁל כֹּהֵן אֵין לָהּ שִׁיעוֹר. מִן-הַנָּהָר וְעַד אַמְנָה<sup>5</sup> וְלִפְנִים שְׁתֵּי חֲלוֹת, אַחַת לְאוֹר וְאַחַת לְכֹהֵן, שֶׁל אוֹר אֵין לָהּ שִׁיעוֹר, וְשֶׁל כֹּהֵן יֵשׁ לָהּ שִׁיעוֹר; וְטָבוּל יוֹם אוֹכְלָהּ. רַבִּי יוֹסִי אוֹמֵר, אֵינוֹ צָרִיךְ טְבִילָה. וְאַסוּרָה לְזָבִים וְלִזְבוֹת, לְיֹלֵדוֹת וְלִזְבוֹת; וְנֶאֱכֶלֶת עִם הָזֶר עַל הַשֶּׁלֶחָן, וְנִתְּנָה לְכָל כֹּהֵן.<sup>10</sup>

#### משנה ט

וְאֵלוֹ יִתְּנוּ לְכָל כֹּהֵן, הַחֲרָמִים<sup>2</sup> וְהַבְּכוֹרוֹת, וְפִדְיוֹן הַבֵּן, וְפִדְיוֹן פֶּטֶר חֲמוֹר, וְהַחֲרָמִים

shoulder<sup>6</sup> and the two cheeks and the maw and the first of the fleece,<sup>7</sup> and the oil<sup>8</sup> that must be burnt, and the holy-sacrifices<sup>9</sup> of the Temple, and the firstfruits.<sup>10</sup> R. Judah forbids<sup>11</sup> firstfruits. R. Akiba permits<sup>13</sup> tares<sup>12</sup> of *priest's-due*, but the Sages forbid<sup>14</sup> them.

וְהַקִּיבָהּ וְרֹאשִׁית הַגֵּזִי וְשֶׁמֶן שְׂרָפָה וְקֹדֶשׁ הַמִּקְדָּשׁ וְהַפְּכוּרִים. רַבִּי יְהוּדָה אוֹסֵר בַּפְּכוּרִים. כִּרְשֵׁינִי תְרוּמָה, רַבִּי יְעֻקֵּב מִתִּיר, וְחֻכָּמִים אוֹסְרִים.

1 Or נִתְּנִין. 2 חֶרֶם, property assigned for priestly or Temple use. *Leviticus* 27, 28; *Numbers* 18, 14. 3 Which are rendered unfit for sacrifice because of a blemish. (*Numbers* 18, 15-18; *Deuteronomy* 15, 21-23.) 4 *Numbers* 18, 16. 5 *Exodus* 13, 13. A sheep redeems the ass. 6 *Deuteronomy* 18, 3. 7 *Deuteronomy* 18, 4. 8 Compare *Tractate T'ruṃot*, 11<sup>10</sup>. Oil of תְּרוּמָה, *priest's-due*, that had become unclean had to be burnt. 9 Offerings that had to be consumed within the Temple only may be given to all כֹּהֲנִים, priests, because no unclean priest might enter the Temple. 10 *Exodus* 23, 19. Because no unclean priest would enter the Temple to eat thereof. 11 His opinion is not accepted. 12 Or *vetches*, *horse-beans*. (Compare *T'ruṃot*, 11<sup>9</sup>; *מַעֲשֵׂר שְׁנִי*, 24<sup>1</sup>). See **Supplement**. 13 His view is rejected. 14 To be given to any priest. Their opinion is accepted, because these are eaten in time of famine. 126

#### Mishnah 10

Nittai of Tekoa<sup>1</sup> brought *priest's shares of the dough* from Bettar,<sup>2</sup> and they did not accept from him. The people of Alexandria brought their *priest's shares of the dough* from Alexandria and they did not accept from them.<sup>3</sup> The people of Mount Zeboim<sup>4</sup> brought their *first-fruits* before the Festival of Weeks,<sup>5</sup> but they did not accept from them because of what is written<sup>6</sup> in the Law, *And the Festival of Harvest, the first-fruits of thy labours which thou sowest in the field*.

מִשְׁנָה י  
נִתָּאי אִישׁ יִתְקוּעַ הֵבִיא חֲלוֹת מִבֵּיתֵר, וְלֹא קִבְּלוּ מִמֶּנּוּ. אֲנָשִׁי אֶלְכָּסַנְדְּרִיָּא הֵבִיאוּ חֲלוֹתֵיהֶן מֵאֶלְכָּסַנְדְּרִיָּא וְלֹא קִבְּלוּ מֵהֶם. אֲנָשִׁי הַר זְבוֹיִם הֵבִיאוּ בְּכוּרֵיהֶם קוֹרֵם עֶצְרָתִי, וְלֹא קִבְּלוּ מֵהֶם. מִפְּנֵי הַכְּתוּב שֶׁבַת־חֹרֵה, וְיַחַג הַקָּצִיר בְּכוּרֵי מַעֲשֵׂיךָ אֲשֶׁר תִּזְרַע בַּשָּׂדֶה.

1 Or תְּקוּעָה, near Bethlehem in Judaea. 2 Or מִבֵּיתֵר. *Bithter* or *Bettar*, a town in Southern Palestine where Barkochba made his last stand. The חֲלָה coming from חוּץ לָאֶרֶץ, outside Palestine, can not be eaten by the priests because it is considered טָמֵא, unclean; neither could it be burnt to avoid suspicion of burning חֲלָה; nor could it be carried back so that people might not say that חֲלָה may be

taken חוץ לארץ; the only method to deal with חלה in such a case was to let it lie until פסח פסח, the eve of Passover, and burn it with other חמץ, leaven. **3** For the same reasons as in **Note 1**. **4** Compare *Tractate בכורים*, 13. **5** i.e., שבועות. Because שבועות also celebrates the cutting of the first fruits it is also called חג הבכורים, *The Festival of First-fruits*. **6** *Exodus* 23, 16. The שתי הלחם, *two loaves*, had first to be brought to the Temple for offering on שבועות. **7** i.e., חג השבועות.

## Mishnah 11

Ben Antigonus<sup>1</sup> brought up *first-lings*<sup>2</sup> from Babylon and they did not accept them from him. Joseph the Priest brought the *first-fruits* of wine and oil and they did not accept<sup>3</sup> from him. He also brought his sons and the men of his household to observe the *Minor Passover*<sup>4</sup> in Jerusalem, but they turned him back<sup>5</sup> so that the matter should not be instituted as an obligation. Ariston brought his *first-fruits* from Apamea,<sup>6</sup> and they accepted from him, for they said, One who buys<sup>7</sup> in Syria is as he who purchases<sup>7,8</sup> in the outskirts of Jerusalem.

**1** אנטיונוס in some editions. **2** בכור, *firstling*, may not be brought as an offering from חוץ לארץ, outside Palestine, into Jerusalem; and if brought in, it must be taken back and kept until it becomes בעל מום, with blemish, and may then be slaughtered and eaten by כהנים, priests, and any non-priests invited by the said priests. **3** Because he intended to bring the cut produce itself and in the end he brought the wine and oil from it instead. **4** *Numbers* 9, 10. פסח קטן, *Lesser Passover*, or פסח שני, *Second Passover*, was observed on the eve of the 15 אייר. **5** His children were minors, and minors are not subject to the observance of פסח שני. **6** Apamea in Babylon. (There is another town of that name, also called Paneas, in Northern Galilee.) The law of בכורים, *first-fruits*, applies in Syria as in Palestine and they had to be brought to Jerusalem. **7** i.e., owns, possesses land. **8** i.e., is under the same obligations.

## סליק מסכת חלה

## CONCLUSION OF TRACTATE CHALLAH

## משנה יא

בן אנטיונוס העלה בכורות מבבל ולא קבלו ממנו יוסף הכהן הביא בכורי יין ושמן ולא קבלו ממנו. אף הוא העלה בננו ובני ביתו לעשות פסח קטן בירושלים. ויהחזירוהו שלא יקבע הדבר חובה. אריסטון הביא בכוריו מאפמא, וקבלו ממנו מפני שאמרו הקונה בסוריא בקונה בפרוור שבירושלים.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text outlines various methods for organizing and storing data, including digital databases and physical filing systems.

2. The second section focuses on the role of communication in project management. It highlights the need for clear, concise, and timely communication between all stakeholders involved in a project. The text provides guidelines for effective communication, such as using appropriate channels and formats, and encourages regular updates and reporting.

3. The third part of the document addresses the challenges of resource allocation and management. It discusses the importance of understanding the capabilities and limitations of available resources, and provides strategies for optimizing their use. The text also touches upon the need for flexibility and adaptability in response to changing circumstances.

4. The final section discusses the importance of risk management and contingency planning. It emphasizes the need to identify potential risks early on and develop strategies to mitigate them. The text also discusses the importance of having a contingency plan in place to deal with unexpected events or emergencies.

עֵרְלָה

# ORLAH

[BEING THE TENTH TRACTATE OF THE MISHNAH]

TEXT • INTRODUCTION • TRANSLATION

NOTES.

By

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the 1990s, the number of people in the world who are under 15 years of age has increased by 1.2 billion, from 1.1 billion in 1980 to 2.3 billion in 1999 (United Nations 2000). The number of people aged 15 years and over has increased by 1.5 billion, from 1.1 billion in 1980 to 2.6 billion in 1999.

There is a growing awareness of the need to address the needs of the world's young people. The United Nations has developed the Millennium Development Goals (MDGs) to address the needs of the world's young people. The MDGs are a set of eight goals that are to be achieved by the year 2015. The goals are: (1) to eradicate poverty and hunger, (2) to achieve universal primary education, (3) to promote gender equality and empower women, (4) to reduce child mortality, (5) to improve maternal health, (6) to combat HIV/AIDS, malaria and other diseases, (7) to ensure environmental sustainability, and (8) to develop a global partnership for development.

The MDGs are a set of goals that are to be achieved by the year 2015. The goals are: (1) to eradicate poverty and hunger, (2) to achieve universal primary education, (3) to promote gender equality and empower women, (4) to reduce child mortality, (5) to improve maternal health, (6) to combat HIV/AIDS, malaria and other diseases, (7) to ensure environmental sustainability, and (8) to develop a global partnership for development. The MDGs are a set of goals that are to be achieved by the year 2015.

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עֵרְלָה  
ORLAH

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995 (Department of Health 1996).

There is a growing emphasis on the importance of the public sector in the provision of health care, and the need to ensure that the public sector is able to meet the needs of the population. This has led to a number of initiatives, including the establishment of the National Health Service (NHS) in 1948, and the creation of the Department of Health in 1991. The NHS is a public sector organization that provides health care to all people in the UK. The Department of Health is responsible for the overall management of the NHS, and for ensuring that it is able to meet the needs of the population.

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## INTRODUCTION

The **סדר ורעים**, **Tractate Orlah**, is the *Tenth Tractate* of **מסכת ערלה**, **Order Zeraim**. It has no **זמרא** in the **תלמוד בבלי**, *Babylonian Talmud*, but there is **זמרא** to it in the **תלמוד ירושלמי**, *Jerusalem (or Palestinian) Talmud*. This *Tractate* precedes the following one **בכורים** because it is based on verses in *Leviticus* whereas the other is based on verses from *Deuteronomy*.

The term **ערלה** means literally *foreskin, prepuce, uncircumcised membrum*; but throughout this *Tractate*, it has the meaning *that which must be rejected, uncleanness, the fruit of a tree of the first three years*.

The fruit of a young tree is wholly forbidden during the first three years after its planting; (if the planting takes place on or before the 16th **אב**, then up to the following 1st **תשרי** the period is counted as the first year: this minimum period allows the tree to take root and to begin its growth.) It is still holy in the fourth year (following the third 1st **תשרי** and must not be eaten before the following 15th **שבט**, **ראש השנה לאילנות**, *the New Year for Trees*, and must be consumed in Jerusalem as in the case of **מעשר שני**, *second tithe*, but it may be redeemed (plus  $\frac{1}{5}$ \* of its value) and is thus rendered free for common use. In the fifth year it is wholly permitted for all purposes.

The law of **ערלה** applies to Palestine **מדיאורייתא** (or **מן-התורה**), *i.e.*, as laid down in the **תורה**, *Law*, but outside Palestine (**חוץ לארץ**) also **מדרבנן**, *i.e.*, as enjoined by the Rabbis.

This *Tractate* deals with the problem as to which trees come under the ruling of **ערלה**; what influence **ערלה** fruit has upon other fruit; and the effect that **ערלה** peels, shells, and wood may have upon materials used with them.

This *Tractate* is based on *Leviticus* 19, 23, 24, 25.

(23) וְכִי תָבֹאוּ אֶל-הָאָרֶץ וְנִטְעַתֶּם כָּל-עֵץ מֵאֵכָל וְעֵצֵי הָאָרֶץ לֹא יֵאָכְלוּ. וְכִי תָבֹאוּ אֶל-הָאָרֶץ וְנִטְעַתֶּם כָּל-עֵץ מֵאֵכָל וְעֵצֵי הָאָרֶץ לֹא יֵאָכְלוּ. וְכִי תָבֹאוּ אֶל-הָאָרֶץ וְנִטְעַתֶּם כָּל-עֵץ מֵאֵכָל וְעֵצֵי הָאָרֶץ לֹא יֵאָכְלוּ. וְכִי תָבֹאוּ אֶל-הָאָרֶץ וְנִטְעַתֶּם כָּל-עֵץ מֵאֵכָל וְעֵצֵי הָאָרֶץ לֹא יֵאָכְלוּ.

*And when ye shall come into the land, and shall have planted all manner of trees for food, then ye shall count the fruit thereof as uncircumcised; three years shall it be as uncircumcised to you; it must not be eaten.*

\*In actual practice,  $\frac{1}{5}$ .

## ORLAH

(24) וּבִשְׁנָה הָרְבִיעִית יִהְיֶה כָּל-פִּרְיוֹ קֹדֶשׁ הַלּוּלִים לַה'.

*And in the fourth year all the fruit thereof shall be holy in praise to the Eternal.*

(25) וּבִשְׁנָה הַחֲמִישִׁת תֹּאכְלוּ אֶת-פִּרְיוֹ לְהוֹסִיף לָכֶם תְּבוּאָתוֹ אֲנִי ה' אֱלֹהֵיכֶם.

*But in the fifth year ye may eat its fruit that it may yield unto you the increase thereof; I am the Eternal your God.*

The meanings of the following terms, much used in this Tractate, will be found briefly but clearly explained in *Berachoth* 1<sup>1</sup> **Note 5:**  
 סֵבֶל, יָדֵמַאי, חוֹלִין, תְּרוּמָה, מַעֲשֵׂר.

The Titles of the Chapters of this Tractate are:

Chapter 1	פָּרָק א' הַנּוֹטֵעַ
Chapter 2	פָּרָק ב' הַתְּרוּמָה
Chapter 3	פָּרָק ג' בְּגֵד

The *Jerusalem Gemara* explains the *Mishnah* and adds some new regulations regarding *orlah*.

The following is a synopsis of the three chapters:

1. Exemptions; intermingling of *orlah* and *kilayim* shoots with others; what is not forbidden as *orlah*; planting *orlah* shoots. 2. Confusion of *terumah*, *challah*, *orlah*, *kilayim* with permitted food; other admixtures that are unlawful. 3. Materials dyed with *orlah*-fruit dye, or woven partly from firstling wool or *nazirite* hair; bread or food baked or cooked over *orlah* peelings; *orlah* and *kilayim* that render admixtures unlawful; varying *orlah* and *kilayim* laws regarding Palestine, Syria and other countries.

מִסְכָּת  
עֵרְלָה  
TRACTATE  
ORLAH

CHAPTER 1

פֶּרֶק א

Mishnah 1

One who plants<sup>1</sup> as a fence<sup>2</sup> or for timber is exempt<sup>3</sup> from the *law of Orlah*. R. Jose<sup>4</sup> thinks that even if he say that the interior side be for food and the exterior side for the fence,<sup>2</sup> he is liable for this inner and exempt for this outer.

מִשְׁנָה א  
הַנוֹטֵעַ לְסִיג וְלִקְרוֹת <sup>1</sup>פָּטוּר  
מִן־הָעֵרְלָה. רַבִּי יוֹסִי אוֹמֵר,  
אִפְּלוּ אוֹמֵר הַפְּנִימִי לְמֶאֱכֹל  
וְהַחִיצוֹן לְסִיג, הַפְּנִימִי חַיִּיב,  
וְהַחִיצוֹן פָּטוּר.

**1** *sc.*, a fruit tree or fruit trees. **2** Or לְסִיג. **3** The exemption is based on the phrasing וְנִטְעָתָם כָּל־עֵץ מֵאֵכֶל, *and shall have planted all manner of trees for food: Leviticus 19, 23* (see **Introduction**). **4** His view is rejected.

Mishnah 2

When our ancestors<sup>1</sup> entered the Land,<sup>2</sup> if one found a tree\* already planted it was exempt,<sup>3</sup> but if one planted it even though they had not yet conquered [the land] he was liable.<sup>4</sup> If one planted for the use of many [the tree] is liable; but R. Judah declares<sup>5</sup> it exempt.<sup>3</sup> If one planted in a public domain, or a non-Jew planted, or a robber planted, or if one planted in a ship, or if it grew<sup>6</sup> of itself, it is subject to the law of *Orlah*.

מִשְׁנָה ב  
עַתָּה שֶׁבָּאוּ אֲבוֹתֵינוּ לְאֶרֶץ, \*מֵצְאוּ  
נֹטֵעַ פָּטוּר, וְנָטְעוּ אֵף עַל פִּי שְׂלֹא  
כִּבְשׁוּ חַיִּיב. הַנוֹטֵעַ לְרַבִּים חַיִּיב;  
רַבִּי יְהוּדָה פּוֹטֵר. הַנוֹטֵעַ בְּרִשּׁוֹת  
הָרַבִּים, וְהַנִּכְרִי שֹׁנֵטֵעַ, וְהַנּוֹלֵךְ  
שֹׁנֵטֵעַ, וְהַנּוֹטֵעַ בְּסִפְיָנָה, וְהָעוֹלָה  
מֵאֵלֶּיךָ, חַיִּיב בְּעֵרְלָה.

\*Literally, if one found it.

**1** The Israelites under Joshua. **2** Canaan. **3** From the law of עֵרְלָה. **4** In regard to עֵרְלָה. **5** His opinion is not accepted. **6** In cultivated areas, but not wild.

## Mishnah 3

If a tree were uprooted<sup>1</sup> and the clod of earth was with it,<sup>2</sup> or if a stream swept it away and the clod of earth with it,<sup>2</sup> then if it could live<sup>3</sup> it is exempt,<sup>4</sup> but if not, it is liable.<sup>5</sup> If the clod of earth were torn away from its side, or the plough broke it up, or it was broken up<sup>6</sup> and one piled earth<sup>7</sup> round it, if it could live it is exempt,<sup>4</sup> but if not, it is liable.

משנה ג  
אילן שֶׁנֶעֱקַר וְהִסְלַע עִמּוֹ, שְׁטָפוּ  
נָהָר וְהִסְלַע עִמּוֹ, אִם יָכוֹל לְחַיּוֹת  
פָּטוּר, וְאִם לֹא, חַיִּיב. וְנֶעֱקַר  
הִסְלַע מִצְדּוֹ, אוֹ שְׁזַעְזַעְתּוּ  
הַמַּחְרִישָׁה, אוֹ שְׁזַעְזַעוּ וַעֲשָׂאוּ  
כְּעֶפֶר, אִם יָכוֹל לְחַיּוֹת, פָּטוּר,  
וְאִם לֹא, חַיִּיב.

1 If a tree which was more than three years old was replanted or took root in another spot. 2 The soil adhered to the roots. 3 From the clod of earth adhering to it; for it could have lived thus without having had to draw its nourishment from its new surrounding ground. 4 From עָרְלָה. 5 It is considered as a new tree since it draws its nourishment from the new soil, otherwise it would have died. 6 Entirely from the soil. 7 To render the sense correctly it should be בָּעֶפֶר, *with soil*.

## Mishnah 4

If a tree<sup>1</sup> were uprooted but one root<sup>2</sup> was left, it is exempt.<sup>3</sup> And what should be the size of the root? Rabban Simon ben Gamaliel says, in the name of R. Eliezer ben Judah of Bartotha, As the stretching-pin<sup>4</sup> of the weaver.

משנה ד  
אֵילָן שֶׁנֶעֱקַר וְנִשְׁתַּיֵּיר בּוֹ שְׁוֹרֶשׁ  
פָּטוּר. וְכַמָּה יֵהָא הַשְׁוֹרֶשׁ? כַּבֵּן  
שֶׁמַּעֲזֵן בֵּן גַּמְלִיאֵל אוֹמֵר מְשֻׁם  
רַבִּי אֱלִיעֶזֶר בֶּן יְהוּדָה אִישׁ  
בְּרִתּוֹתָא, כַּמַּחֲטָשׁ לְמִיתוֹן.

1 Which was more than three years old and was thus exempt from עָרְלָה. 2 If the tree still remaining in the soil in the same spot, and its growth continues unimpaired from the old soil still adhering to the root. 3 From עָרְלָה. Because it is still considered as the old tree. 4 Or (מַחֲטָשׁ) מִיתוֹן in some editions. A pin used by an embroider or weaver to draw the thread tight or to stretch out the material.

## Mishnah 5

If a tree were uprooted but there remained one sunken shoot<sup>1</sup> on it, and it lives by it, the old tree becomes again like a sunken shoot.<sup>2</sup>

משנה ה  
אֵילָן שֶׁנֶעֱקַר וּבּוֹ יְבֵרִיכָה, וְהוּא  
חַיָּה מִמֶּנָּה, חֲזָרָה הִזְקָה לַחַיּוֹת

If one sunk<sup>3</sup> the fresh shoot from it year after year and then it was broken off,<sup>4</sup> one counts<sup>5</sup> from the time when it was broken off. Grafting<sup>6</sup> of vines, and regrafting on an engrafted part, even though one has sunk them into the ground, is permitted. R. Meir says, Where its growth was healthy it is permitted,<sup>7</sup> but where<sup>8</sup> its strength was feeble it is forbidden.<sup>9</sup> And likewise,<sup>10</sup> a sunken young shoot which was broken off when laden with fruit, if it increased by one two-hundredths part, is forbidden.<sup>9</sup>

כְּבָרִיכָה. הַבְּרִיכָה שָׁנָה אַחֵר  
שָׁנָה וְנוֹפְסָקָה. מוֹנֶה מִשְׁעָה  
שְׁנוֹפְסָקָה. סְפוּק הַנִּפְסִימִים, וְסְפוּק  
עַל גְּבִי סְפוּק, אֲף עַל פִּי שְׁהַבְּרִיכָן  
בְּאֶרֶץ, מוֹתֵר. רַבִּי מֵאִיר אוֹמֵר,  
מְקוֹם שֶׁכָּחָה יָפָה מוֹתֵר, וּמְקוֹם  
שֶׁכָּחָה רַע אָסוּר. וְכֵן בְּרִיכָה  
שְׁנוֹפְסָקָה וְהִיא מְלֵאָה פִּירוֹת, אִם  
הוֹסִיף בְּמֵאֲתָיִם אָסוּר.

1 *i.e.*, still remained firmly fixed in the soil. 2 In regard to עָרְלָה, its age being reckoned as equal to that of the young shoot. 3 *הִכְרִךְ*, sink, bend, engraft, bend down a branch or stem of a vine into the ground to cause it to take root to grow out as an independent vine. 4 From the parent tree. 5 The three years' period during which it is subject to עָרְלָה. 6 סְפוּק, connection of grape-vines by training and engrafting. 7 Or מֵתֵר. *i.e.*, does not render the added shoots liable to עָרְלָה. 'growth', literally, 'strength.' 8 *viz.*, where the grafting was on a healthy part of the tree and it remained so unimpaired. 9 *i.e.*, it is liable to עָרְלָה. 10 וְכֵן is omitted in some editions.

#### Mishnah 6

A sapling of *Orlah* or of *forbidden-junction in the vineyard*<sup>1</sup> that was confused<sup>2</sup> with other saplings: such one may not pick; and if anyone did pick, it may be neutralized in two hundred and one, only provided that he did not pick with this intention. R. Jose says,<sup>3</sup> One may intentionally thus pick and neutralize in two hundred and one.

מִשְׁנָה ו  
וְנִטְעָה שֶׁל עָרְלָה וְשֶׁל יִבְלָאִי  
הִכְרַם שְׁנוֹתָעֲרָבוּ בְּנִטְעוֹת, הָרִי  
זֶה לֹא יִלְקוּט; וְאִם לָקַט, יַעֲלֶה  
בְּאַחַד וּמֵאֲתָיִם, וּבִלְבַד שְׁלֹא  
יִתְכַּוֵּן לִלְקוּט. רַבִּי יוֹסִי אוֹמֵר,  
אֲף יִתְכַּוֵּן לִלְקוּט וַיַּעֲלֶה בְּאַחַד  
וּמֵאֲתָיִם.

1 *בְּלָאִים*, *forbidden-junction*, of different plants in the same field, of different animals by hybridization, of different animals by yoking or harnessing together, of wool and linen in the same web. (See *בְּלָאִים* 41<sup>ff</sup>). 2 And it was impossible to distinguish which it was. 3 His view is not accepted.

Mishnah 7

'The leaves and the young sprouts<sup>1</sup> and the sap<sup>2</sup> of vines and budding berries are permitted<sup>3</sup> under the laws of *Orlah*,<sup>4</sup> of *fourth-year fruit*, or of the *Nazarite*<sup>5</sup> vow, but they are forbidden if from the idolatrous groves.<sup>6</sup> R. Jose says,<sup>7</sup> The budding berries are forbidden because they are considered as fruit. R. Eliezer says,<sup>8</sup> If one curdles milk with the juice<sup>9</sup> of *Orlah* fruit, it<sup>10</sup> is forbidden. R. Joshua said,<sup>11</sup> 'I have heard it stated explicitly that if one curdle milk with the juice<sup>9</sup> of the leaves or with the sap<sup>12</sup> of the roots, it is permitted, but if with the sap of unripe fruit<sup>13</sup>, it is prohibited because they are considered as fruit.'

משנה ז  
העלים והלולבים, ומי גפנים, וסמדר מותרים בערלה, וברכבי ובגזיר, נאסורים באשקה. רבי יוסי אומר, הסמדר אסור מפני שהוא פרי. רבי אליעזר אומר, המעמיד בשרך הערלה אסור. אמר רבי יהושע, שמעתי בפירוש שהמעמיד בשרך העלים ובשרך העיקרים מותר, בשרך הפנים אסור מפני שהם פרי.

\*Or העקרים.

1 Or the edible shoots. 2 The sap exudes when the vines are cut or the young shoots are cut in the month of ניסן. 3 Or מותרים. 4 *Leviticus* 19, 23. 5 *Numbers* 6, 1-4. 6 A tree or grove of trees worshipped by heathens or used for idolatrous practices. 7 His view is rejected. 8 His opinion is not accepted. 9 Or sap. 10 viz., the milk. 11 His ruling is accepted. 12 בשרך in some editions. 13 פנה, unripe, undeveloped, hard fruit, berry, fig, or date.

Mishnah 8

Undeveloped grapes, or grape-kernels, or grape-husks, or the inferior wine made from them, the rind of a pomegranate or its blossom, nut-shells and fruit-kernels<sup>1</sup> are forbidden under the law of *Orlah*, or from an idolatrous grove, or under the law of the *Nazarite* vow, but they are permitted under the law of the *fourth-year fruit*. But fallen unripe fruit in all these cases<sup>2</sup> is forbidden.

משנה ח  
ענוקלות, ותחרצנים, ותננים, ותקמך שלהם, קליפי רמון ותנין שלו, קליפי אגוזים, ותגרעיונים אסורים בערלה, ובאשקה, ובגזיר, ומותרין ברכבי, ותגבלות כולם אסורות.

\*Or קליפי.



1 והנרצין in some editions. Or *fruit-stones*. 2 בלם in some editions (more correct grammatically בלן *f.pl.*). i.e., in the four instances just mentioned, but also all other fruits that have come off the trees before they are completely ripe but have attained at least a third of their full growth.

Mishnah 9

R. Jose says, They may plant a young shoot<sup>1</sup> from an *Orlah* tree, but they may not plant a nut<sup>2</sup> from an *Orlah* tree because it is considered as a fruit, and they may not graft<sup>3</sup> early date-berries from an *Orlah* tree.

מִשְׁנָה ט  
רבי יוסי אומר, נוטעין יחור של ערלה, ואין נוטעין אגוז של ערלה, מפני שהוא פרי, ואין מרפיבין בכפניות של ערלה.

- 1 Particularly a young shoot of a fig tree. Its fruit is subject to the law of *Orlah*.  
2 But if it had been planted the fruit of the tree is subject to the law of *Orlah*.  
3 If a branch (of any tree) with *Orlah* fruit on it be grafted on to an old tree the fruit is forbidden for ever.

CHAPTER 2

פרק ב

Mishnah 1

*Priest's-due*, (and *priest's-due of first tithe of certainly tithed produce*<sup>1</sup>) and *priest's-due of tithe of doubtfully tithed produce*, the *priest's share of the dough*, and *first-fruits*, are neutralized in a hundred and one,<sup>2</sup> and may be combined<sup>3</sup> with one another, but an equal quantity must be taken out.<sup>4</sup> *Orlah* fruit and *forbidden-junction fruit*<sup>5</sup> of the vineyard are neutralized in two hundred and one, and they may be combined with one another, and there is no need to remove a like quantity. R. Simon says,<sup>6</sup> They may not be combined together. R. Eliezer<sup>7</sup> says, They are included together when they impart a flavour<sup>8</sup> but not<sup>9</sup> so as to render prohibited.<sup>10</sup>

מִשְׁנָה א  
התרומה ויתרומת מעשר של ודאי ותרומת מעשר של דמאי, החלה והבפורים, עולים בֶּאֱחָד ומאה, ומצטרפין זה עם זה, וצריך להרים הערלה וכלאי הקֶרֶם עולים בֶּאֱחָד ומאתים, ומצטרפין זה עם זה, ואין צריך להרים. רבי שמעון אומר, אינן מצטרפין. רבי אליעזר אומר, מצטרפין בנותן טעם, אבל לא ללאסור.<sup>10</sup>

- 1 The phrase in brackets is omitted in some editions. 2 Parts of חילין. 3 If the total amount of each or any of these quantities together are neutralized in 101 parts of חילין, but in less of the חילין the mixture becomes holy. 4 When the

holy quantity becomes neutralized an equal amount must be removed for the **כֶּהֱן** so that he suffers no loss. 5 See **כְּלָאִים**, **Introduction**. 6 His opinion is not accepted. 7 His view is rejected. 8 Such as with liquid produce and cooked food. 9 In the case of dry produce. 10 The rest.

Mishnah 2

*Priest's-due* may aid in neutralizing *Orlah* fruit, and *Orlah* fruit *priest's-due*. How so?<sup>1</sup> If a *seah* of *priest's-due* fell into a hundred,<sup>3</sup> and after that there fell in three *kabs*<sup>4</sup> of *Orlah* fruit, or three *kabs* of *forbidden-junction* fruit of the vineyard, this is the case where *priest's-due* helps to neutralize the *Orlah* fruit, or the *Orlah* fruit the *priest's-due*.<sup>5</sup>

משנה ב

התְּרוּמָה מַעֲלָה אֶת-הָעֶרְלָה, וְהָעֶרְלָה אֶת-הַתְּרוּמָה. <sup>1</sup>כִּיצַד? <sup>2</sup>סָאָה תְּרוּמָה שֶׁנִּפְלָה <sup>3</sup>לְמֵאָה, וְאַחֵר כֶּף נִפְלוּ שְׁלֹשָׁה קָבִין עֶרְלָה, אוֹ שְׁלֹשָׁה קָבִין כֶּלָּאי הַכֶּרֶם, זוֹ הִיא שֶׁהַתְּרוּמָה מַעֲלָה אֶת-הָעֶרְלָה, וְהָעֶרְלָה אֶת-הַתְּרוּמָה.

- 1 But a kind that is neutralized in 100 parts cannot be included with one that must be neutralized in 200 parts, for instance if a *seah* \* of תְּרוּמָה fell into 99½ of חִילִין and then ½ kab of עֶרְלָה also fell in (or vice versa) the תְּרוּמָה combines with the חִילִין to neutralize the עֶרְלָה in the comparative 200 parts and the עֶרְלָה combines with the חִילִין to neutralize the תְּרוּמָה in the comparative 100 parts. 2 About 60 (50?) pints. 3 חִילִין and this תְּרוּמָה together make up 100 *seahs*. 4 6 kab = 1 *seah*. 5 Compare תְּרוּמוֹת, 47. \* **Introduction**, *Tables*.

Mishnah 3

*Orlah* fruit may neutralize *forbidden junction* produce, and *forbidden-junction* produce *Orlah* fruit, and *Orlah* fruit *Orlah* fruit. How so? If a *seah*\* of *Orlah* fruit fell into two hundred<sup>1</sup> and afterwards there fell in a *seah*<sup>2</sup> or more of *Orlah* fruit, or a *seah* or more of *forbidden-junction* fruit of the vineyard, this is a case where *Orlah* fruit neutralizes *forbidden-junction* produce, or *forbidden-junction* produce *Orlah* fruit, or *Orlah* fruit *Orlah* fruit.

משנה ג

הָעֶרְלָה מַעֲלָה אֶת-הַכֶּלָּאִים, וְהַכֶּלָּאִים אֶת-הָעֶרְלָה, וְהָעֶרְלָה אֶת-הָעֶרְלָה. כִּיצַד? סָאָה עֶרְלָה שֶׁנִּפְלָה לְמֵאָתַים וְאַחֵר כֶּף נִפְלָה <sup>2</sup>סָאָה וְעוֹד עֶרְלָה, אוֹ סָאָה וְעוֹד שֶׁל כֶּלָּאי הַכֶּרֶם, זוֹ הִיא שֶׁהָעֶרְלָה מַעֲלָה אֶת-הַכֶּלָּאִים, וְהַכֶּלָּאִים אֶת-הָעֶרְלָה, וְהָעֶרְלָה אֶת-הָעֶרְלָה.

\* **Introduction**, *Tables*.

- 1 The two in the mixture make 200 *seahs*. 2 *i.e.*, a *seah* or more than a *seah*.

## Mishnah 4

Whatsoever leavens, or flavours,<sup>1</sup> or renders subject to the law of *priest's-s-due*,<sup>2</sup> is prohibited<sup>3</sup> if mixed with *priest's-s-due* or *Orlah* fruit or *forbidden-junction produce of the vineyard*. The School<sup>4</sup> of Shammai say, It even conveys uncleanness; but the School of Hillel say,<sup>5</sup> It can never convey uncleanness unless its quantity is equal<sup>6</sup> to that of an egg.

1 With spices. 2 דַּמְעָה, to make something (otherwise exempt) liable to the law of *תְּרוּמָה*; to mix חוֹלִין with *תְּרוּמָה* sufficient to render the mixture forbidden to non-priests. 3 In some editions, אוֹסֵר. To non-priests. 4 בֵּית in some editions. 5 Their ruling is accepted. 6 At least.

## Mishnah 5

Dostai<sup>1</sup> of Kfar Yathma was one of the disciples of the School of Shammai and said, 'I have heard<sup>2</sup> from Shammai the Elder who said, It never conveys uncleanness unless its quantity is equal to<sup>3</sup> that of an egg.'

1 Or דוֹסְתַאי. 2 In some editions, שָׁאֵלְתִי אֶת-שַׁמַּאי. 3 i.e., not less than.

## Mishnah 6

And why\* have they said, Whatsoever leavens, or flavours or renders liable to the law of *priest's-s-due*—thus applying a strict ruling?—Where like is mingled with like; but it applies with leniency and§ with severity where like is mingled with unlike. How so? If leaven<sup>1</sup> of wheat fell into dough<sup>2</sup> of wheat and there was sufficient to leaven it, it is prohibited whether there was enough of it to be neutralized in a hundred and one or whether there

## מִשְׁנָה ד

כָּל-הַמְחַמֵּץ וְהַמְתַּבֵּל וְהַמְדַּמֵּעַ,  
בְּתְרוּמָה וּבְעֶרְלָה וּבְכֵלָאֵי הַקָּרֶם,  
אֶסּוּר. וּבֵית שַׁמַּאי אוֹמְרִים, אֲף־  
מִטְמֵא; וּבֵית הַלֵּל אוֹמְרִים, לְעוֹלָם  
אֵינוֹ מִטְמֵא עַד שֶׁיְּהֵא בּוֹ כְּבִיצָה.

## מִשְׁנָה ה

דוֹסְתַאי אִישׁ כֶּפֶר יִתְמָא הָיָה  
מִתְלַמֵּיד בֵּית שַׁמַּאי וְאָמַר,  
שֶׁמַּעֲתִי מִשַּׁמַּאי הִזְקֵן שָׁאֵמַר,  
לְעוֹלָם אֵינוֹ מִטְמֵא עַד שֶׁיְּהֵא בּוֹ  
כְּבִיצָה.

## מִשְׁנָה ו

\*וְלָמָּה אָמְרוּ, כָּל-הַמְחַמֵּץ וְהַמְתַּבֵּל  
וְהַמְדַּמֵּעַ לְהַחֲמִיר? מִן בְּמִינוֹ;  
לְהַקֵּל לְהַחֲמִיר, מִן בְּשֵׁאֵינוֹ מִינוֹ.  
כִּיצַד? וְשֹׁאֵר שֶׁל חֲטִים שֹׁנֵפֶל לְתוֹךְ  
עֵיסַת חֲטִים וַיֵּשׁ בּוֹ כֶּדֶי לְחַמֵּץ,  
בֵּין שֵׁשׁ בּוֹ לְעֹלוֹת בְּאַחַד וּמֵאָה,  
וּבֵין שָׁאֵין בּוֹ לְעֹלוֹת בְּאַחַד וּמֵאָה,  
אֶסּוּר. אֵין בּוֹ לְעֹלוֹת בְּאַחַד וּמֵאָה.

was not enough of it to be neutralized in a hundred and one. If there were not enough of it to be neutralized in a hundred and one, it is forbidden whether there was sufficient of it to leaven it or whether there was not enough of it to leaven it.

בין שיש בו כדי לחמץ, בין שאין  
בו כדי לחמץ, אסור.

\*Or וְלֶמָּח.

§Or or.

1 That was תְּרוּמָה or עֲרֵלָה or כִּלְאֵי הַכֶּהֱנִים. 2 Of חוֹלִין.

Mishnah 7

It applies with leniency and\* with strictness where like is mingled with unlike—How so? For instance, if pounded beans<sup>1</sup> were cooked with lentils<sup>2</sup> and there was sufficient of them to impart a flavour, they are forbidden,<sup>3</sup> whether there was enough of them to be neutralized in a hundred and one, or whether there was not sufficient of them to be neutralized in a hundred and one; if there were not sufficient of them to impart a flavour, they are permitted, whether there was enough of them to be neutralized in a hundred and one, or whether there was not enough of them to be neutralized in a hundred and one.

מִשְׁנָה ז'  
לְהַקֵּל \*וּלְהַחְמִיר מִן בִּשְׂאֵינוּ מִינוֹ.  
בִּיצָד? כְּגוֹן גִּרְיָסִין שְׁנֵת בִּשְׁלֹו עִם  
עֲדָשִׁים, וְיֵשׁ בָּהֶם בְּנוֹתָן טַעַם.  
בֵּין שֵׁשׁ בָּהֶם לַעֲלוֹת בְּאַחַד וּמֵאָה,  
וּבֵין שְׂאִין בָּהֶם לַעֲלוֹת בְּאַחַד  
וּמֵאָה, אֲסוּר; אֵין בָּהֶם בְּנוֹתָן  
טַעַם, בֵּין שֵׁשׁ בָּהֶם לַעֲלוֹת בְּאַחַד  
וּמֵאָה, וּבֵין שְׂאִין בָּהֶם לַעֲלוֹת  
בְּאַחַד וּמֵאָה, מוּתָר.

\*Or or.

§Or עֲדָשֹׁת.

1 Of תְּרוּמָה, Or, עֲרֵלָה or כִּלְאֵי הַכֶּהֱנִים. Grits, pounded beans. 2 Of חוֹלִין. 3 But if the flavour be unrecognizable it is permitted even in less than one hundred.

If leaven<sup>1</sup> of *non-holy produce* fell into *dough*<sup>2</sup> and there was enough to leaven it, and afterwards<sup>3</sup> there fell in leaven<sup>4</sup> of *priest's-due*, or leaven made from *forbidden junction produce of the vineyard* and there was sufficient of it<sup>5</sup> to leaven it, it is forbidden.

מִשְׁנָה ח'  
יִשְׁאוּר שֶׁל חוֹלִין שֶׁנָּפַל לְתוֹךְ  
עֵיסָה, וְיֵשׁ בוֹ כֹּדֵי לַחְמֵץ, וְאַחֵר  
כֶּךְ נָפַל יִשְׁאוּר שֶׁל תְּרוּמָה, אוֹ  
שְׁאוּר שֶׁל כִּלְאֵי הַכֶּהֱנִים וְיֵשׁ בּוֹ  
כֹּדֵי לַחְמֵץ, אֲסוּר.

- 1 Or *dough*. 2 Of חולין. 3 Before the חולין leaven had leavened the dough. (Compare next *Mishnah*). 4 שאור של ערלה also comes under this heading. 5 And both leavens had the effect of leavening.

Mishnah 9

If leaven<sup>1</sup> of *non-holy produce* fell into dough and leavened it, and afterwards there fell in leaven of *priest's-due* or leaven made from *forbidden-junction produce of the vineyard* and there was enough of it to leaven it, it is forbidden; but R. Simon permits it.<sup>2</sup>

- 1 Or *dough*. 2 His view is rejected.

Mishnah 10

Spices<sup>1</sup> of two or three different categories,<sup>2</sup> of one kind or of three<sup>3</sup> are forbidden<sup>4</sup> and can be included together.<sup>5</sup> R. Simon says,<sup>6</sup> Two or three categories of a like kind, or two kinds of a like category, can not be included together.<sup>7</sup>

- 1 Or *condiments*. 2 Of תרומה, or ערלה, or חרם etc., e.g., pepper and pepper from a tree used for idolatrous practices and תרומה pepper are three אסורים of one category, מין. 3 In some editions, ממין שלשה, e.g., pepper, ginger and cinnamon all of ערלה or all of תרומה. 4 בנותן טעם, by imparting a flavour. 5 To make up together a quantity too large for neutralization. 6 His opinion is not accepted. 7 And each separately could not impart a flavour then the food is permitted.

Mishnah 11

If leaven<sup>1</sup> of *non-holy produce* and leaven of *priest's-due* fell into dough, and neither in the first was there sufficient to leaven it nor in the other was there enough to leaven it, but in combination they did leaven it, R. Eliezer says,<sup>2</sup> 'I go

משנה ט

אִשְׁאֹר שֶׁל חוֹלִין שֶׁנִּפְל לְתוֹךְ  
עִיסָה וְחֻמְצָה, וְאַחֵר כֵּךְ נִפְל שְׁאֹר  
שֶׁל תְּרוּמָה, אוֹ שְׁאֹר שֶׁל כִּלְאֵי  
הַכֶּרֶם, וַיֵּשׁ בּוֹ כְּדִי לְחַמֵּץ אֶסּוּר;  
רַבִּי שִׁמְעוֹן מְתִיר.

משנה י

אִתְּבַלִּין שְׁנַיִם וּשְׁלֹשָׁה שְׁמוֹת מִמִּין  
אֶחָד אוֹ מִשְׁלֹשָׁה אֶסּוּר  
וְיִמְצָטְרְפִין. רַבִּי שִׁמְעוֹן אוֹמֵר,  
שְׁנַיִם וּשְׁלֹשָׁה שְׁמוֹת מִמִּין אֶחָד,  
אוֹ שְׁנֵי מִיָּנִין מִשֵּׁם אֶחָד, אֵינָן  
מִצְטָרְפִין.

משנה יא

אִשְׁאֹר שֶׁל חוֹלִין וְשֶׁל תְּרוּמָה  
שֶׁנִּפְּלוּ לְתוֹךְ עִיסָה, לֹא בָּזָה כְּדִי  
לְחַמֵּץ וְלֹא בָּזָה כְּדִי לְחַמֵּץ  
וְנִצְטָרְפוּ וְחֻמְצוֹ, רַבִּי אֱלִיעֶזֶר

by the last one,<sup>3</sup> but the Sages say,<sup>4</sup> Whether the prohibited material<sup>5</sup> fell in first or last it can never render prohibited<sup>6</sup> unless there be sufficient of it in itself to leaven it.

אומר, אחר ההאחרון אני בא;  
ונחכמים אומרים, בין שנפל  
איסור בין בתחלה בין בסוף,  
לעולם אינו אוסר עד שיהא בו  
כדי לחמץ.

1 Or *dough*. 2 His opinion is rejected. 3 *i.e.*, which was the last to fall in.  
4 Their ruling is accepted. 5 שאור in some editions. 6 אוסר in some editions.

Mishnah 12

Joezer of the Birah<sup>1</sup> was one of the disciples of the School of Shammai and said, 'I asked of Rabban Gamaliel the Elder when standing in the Eastern Gate, and he said,<sup>2</sup> It can never render it prohibited unless there be sufficient of it in itself to leaven.'

משנה יב

יועזר איש הביירה היה מן המידרי  
בית שמאי ואמר, שאלתי את-  
רבן גמליאל הנזון עומד בשער  
המזרח, ואמר, לעולם אינו אוסר  
עד שיהא בו כדי לחמץ.

1 A place in the Temple Mount. According to some authorities the Temple itself. 2 The ruling is the same as that in the preceding *Mishnah* (Note 4).

Mishnah 13

If one greased utensils<sup>1</sup> with unclean oil and then<sup>2</sup> greased them again with clean oil, or greased them with clean oil and then greased them with unclean oil, R. Eliezer says,<sup>3</sup> 'I decide according to which came first';<sup>4</sup> but the Sages<sup>5</sup> say, According to which came last.<sup>4</sup>

משנה יג

כלים שסכן בשמן טמא, וחזר  
וסכן בשמן טהור, או שסכן בשמן  
טהור וחזר וסכן בשמן טמא, רבי  
אליעזר אומר, אחר ההראשון  
אני בא, ונחכמים אומרים, אחר  
ההאחרון.

1 This refers particularly to objects made of skins (as shoes) which have the nature to exude some of the oil that has been absorbed. 2 After the first had dried. 3 His opinion is rejected. 4 Whether the vessel was clean or unclean. 5 Their view is accepted.

Mishnah 14

If leaven<sup>1</sup> of *priest's-due* and of *forbidden-junction* produce together

משנה יד

שאר של תרומה ושל כלאי

fell<sup>2</sup> into dough,<sup>3</sup> and there was not of the first sufficient to leaven nor was there of the other enough to leaven, but included together they leavened it, it is forbidden<sup>4</sup> to non-priests and permitted to priests. R. Simon<sup>5</sup> permits it to non-priests and to priests.

1 Or *dough*. שָׂאֹר שֶׁל כִּלְאֵי הַכֶּרֶם, dough of the *forbidden-junction produce of the vineyard* is included under this heading. 2 Both together. 3 Of חוֹלִין. 4 This is the accepted ruling. 5 His view is rejected.

#### Mishnah 15

If spices<sup>1</sup> of<sup>2</sup> *priest's-due* and of *forbidden-junction produce of the vineyard* together fell<sup>3</sup> into a pot,<sup>4</sup> and there was not enough of the one to flavour nor was there sufficient of the other to flavour, but included together they did flavour it, it is prohibited to non-priests and permitted to priests. R. Simon<sup>5</sup> permits it to non-priests and to priests.

1 Or *condiments, seasoning*. 2 עֶרְלָה produce comes under this heading also. 3 Both together. 4 i.e., dish, pot of food. 5 His opinion is rejected.

#### Mishnah 16

If a piece of flesh of the *most holy sacrifices*,\* and of<sup>1</sup> the *abomination*<sup>2</sup> and of the *remnant*<sup>3</sup> were cooked together with other pieces,<sup>4</sup> they are forbidden to non-priests and permitted to priests. R. Simon<sup>5</sup> permits it to non-priests and to priests.

1 וְשֵׁל in some editions. 2 Or פְּגוּל, *rejection, unfitness*. If an officiating priest had an improper intention in his mind the sacrifice became פְּגוּל and had to be rejected. 3 (From root קָחַר). Portions of sacrifices which were left over beyond the prescribed legal time were נֹתֵר and had to be burnt. *Exodus 29, 34; Leviticus 7, 17, 18.* 4 Pieces of flesh of חוֹלִין which could have neutralized either the קִדְּשֵׁי קִדְּשִׁים pieces alone, or the פְּגוּל pieces alone, or the נֹתֵר pieces alone, but not in combination. 5 His view is not accepted. \*וְזֶבַחִים.

הַכֶּרֶם שֶׁנִּפְּלוּ לְחוּץ עֵיסָה, לֹא כֹזֶה כְּדִי לְחַמֵּץ, וְלֹא כֹזֶה כְּדִי לְחַמֵּץ, וְנִצְטָרְפוּ וְחֻמְצוֹ, אָסוּר לְזָרִים וּמוֹתֵר לְכֹהֲנִים. רַבִּי שִׁמְעוֹן מְתִיר לְזָרִים וּלְכֹהֲנִים.

#### מִשְׁנָה טו

אִתְּבַלִּי שֶׁל תְּרוּמָה וְשֵׁל כִּלְאֵי הַכֶּרֶם שֶׁנִּפְּלוּ בְּקִדְרָה, לֹא בָּאוּ כְּדִי לְתַבֵּל וְלֹא בָּאוּ כְּדִי לְתַבֵּל, וְנִצְטָרְפוּ וְתַבְלוֹ, אָסוּר לְזָרִים וּמוֹתֵר לְכֹהֲנִים. רַבִּי שִׁמְעוֹן מְתִיר לְזָרִים וּלְכֹהֲנִים.

#### מִשְׁנָה טז

חֲתִיכָה שֶׁל קִדְּשֵׁי קִדְּשִׁים, וְשֵׁל פְּגוּל וְשֵׁל נֹתֵר, שֶׁנִּתְבַּשְׁלוּ עִם יַחֲתִיכוֹת, אָסוּר לְזָרִים וּמוֹתֵר לְכֹהֲנִים. רַבִּי שִׁמְעוֹן מְתִיר לְזָרִים וּלְכֹהֲנִים. § קִדְּשִׁים.

Mishnah 17

If flesh<sup>1</sup> of *most holy sacrifices* and flesh<sup>2</sup> of *lesser holy sacrifices*\* were cooked together with secular flesh,<sup>3</sup> it is forbidden to the unclean and permitted to the clean.<sup>4</sup>

1 Forbidden to non-priests even if they be clean. 2 Permitted to non-priests if not unclean. 3 *i.e.*, ordinary meat, in contradistinction to sacrificial flesh or meat. 4 Non-priests who are clean. \**זָבָחִים* 51-8. §Rarely *קֹדֶשִׁים*.

משנה יז

יִבֶּשֶׁר \*קֹדֶשִׁי קֹדֶשִׁים, וּבִשָּׁר קֹדֶשִׁים קָלִים, שְׁנֵיתֵיבָשְׁלוֹ עִם בִּשָּׁר הַמֶּאֱנָה, אֲסוּר לְטֹמְאִים וּמוּתָר לְטָהוֹרִים.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

If a garment be dyed with the shells<sup>1</sup> of *Orlah* fruit, it must be burnt. If it were confused with others, they must all<sup>2</sup> be burnt. This is the opinion of R. Meir<sup>3</sup>; but the Sages say,<sup>4</sup> It becomes neutralized in two hundred and one.

1 *i.e.*, with dye made from the shells or peels, as for example of nuts or pomegranates, because *עֲרֵלָה* fruit shells or peels are also forbidden. 2 Or *בָּלֵם*. 3 His opinion is rejected. 4 Their view is accepted.

משנה א

בְּגָד שֶׁצִּבְעוּ<sup>1</sup> בְּקַלְיָפֵי עֲרֵלָה יֵדְלֶק. וְנִתְעַרְבַּ בְּאַחֲרִים, כּוֹלֵם<sup>2</sup> יֵדְלֶקוּ. דְּבָרֵי רַבִּי מֵאִיר;<sup>3</sup> וְנִחְכָּמִים אומרים, יַעֲלֶה בְּאַחַד וּמֵאֲתַיִם.

Mishnah 2

If one dye a *seet's*<sup>2</sup> length<sup>1</sup> with the shells<sup>3</sup> of *Orlah* fruit, and he wove it into a garment and it is not known which<sup>4</sup> it was, R. Meir says,<sup>5</sup> The garment must be burnt; but the Sages<sup>6</sup> say, It becomes neutralized in two hundred and one.

1 Ofthread. Literally, *מָלֵא*, *fulness of*. 2 *סִיט*, distance between tip of forefinger and tip of thumb when stretched wide apart, or distance between tip of forefinger and root of thumb when the latter leans against the former. 3 With dye made from the skins or shells. 4 Which thread. 5 His opinion is rejected. 6 Their view is accepted.

משנה ב

הַצּוֹבֵעַ<sup>1</sup> מְלֵא<sup>2</sup> הַסִּיט<sup>3</sup> בְּקַלְיָפֵי עֲרֵלָה וְאָרְגוּ בְּבִגְדִי, וְאֵין יָדוּעַ אֵיזֶנָה הוּא, רַבִּי מֵאִיר אומר, יֵדְלֶק הַבְּגָד; וְנִחְכָּמִים אומרים, יַעֲלֶה בְּאַחַד וּמֵאֲתַיִם.

Mishnah 3

If one wove a *seet's* length of wool from a *firstling* into a garment, the

משנה ג

הָאוֹרֵג מְלֵא הַסִּיט מֵאֶמֶר הַבְּכוֹר



garment<sup>1</sup> must be burnt. If one wove the hair from a Nazarite or from the *firstborn*<sup>2</sup> of an ass into a sack,<sup>3</sup> the sack<sup>1</sup> must be burnt. And in the case of altar sacrifices, they hallow in any quantity<sup>4</sup> whatever.

בְּבִגְדֵי יִדְלַק יְהַבֵּגֵד וּמִשְׁעַר הַנְּזִירִי  
וּמִפֶּטֶר חֲמֹר בְּשֶׁקֶי יִדְלַק הַשֶּׁקֶי  
וּבְמוֹקֵדֶשִׁין מִקֵּדֶשִׁין כָּל־שֶׁהֵן

1 The material, however great in quantity comparatively, does not neutralize in this case. 2 *Deuteronomy* 15, 19. 3 *i.e.*, be woven into a sack. 4 Even if the forbidden admixed thread be less than a *קִיט* in this case.

Mishnah 4

Food which had been cooked with peelings<sup>1</sup> of *Orlah* fruit must be burnt.<sup>2</sup> If it be confused with other foodstuffs, it is neutralized in two hundred and one.

מִשְׁנֵה ד  
תְּבַשִּׁיל שֶׁבִשְׁלוּ בְּקִלְיֵי עֲרָלָה  
יִדְלַק. נִתְעַרְבַּ בְּאַחֲרִים יַעֲלֶה  
בְּאַחַד וּמֵאֲתָיִם.

1 Or *shells, skins*, used as fuel. 2 Even if the pot separated the forbidden fuel from other permitted fuel under it.

Mishnah 5

If anyone heated<sup>1</sup> an oven with shells<sup>2</sup> of *Orlah* fruit and baked bread therein, the bread must be burnt. If it be confused with other bread, it is neutralized in two hundred and one.

מִשְׁנֵה ה  
תֵּנוּר יִשְׁהִיָּקוּהוּ בְּקִלְיֵי עֲרָלָה  
וְאָפָה בוֹ אֶת־הַפֶּתַח תִּדְלַק הַפֶּתַח  
נִתְעַרְבָה בְּאַחֲרוֹתַי תַּעֲלֶה בְּאַחַד  
וּמֵאֲתָיִם.

1 Or *שְׁהִיָּקוּ* in some editions. 2 Or *peels, skins*.

Mishnah 6

If anyone had bundles<sup>1</sup> of clover<sup>2</sup> of *forbidden-junction produce of the vineyard*, they must be burnt. If they be confused with others, they must all<sup>3</sup> be burnt. This is the view of R. Meir;<sup>4</sup> but the Sages<sup>5</sup> say, They are neutralized in two hundred and one.

מִשְׁנֵה ו  
מִי שֶׁהָיוּ לוֹ יְחִבְלֵי חֲתָלָתָן שֶׁל  
כִּלְאֵי הַכֶּרֶם יִדְלָקוּ. נִתְעַרְבוּ  
בְּאַחֲרִים כְּוֹלָם יִדְלָקוּ. דְּבַרִּי  
רַבִּי יִמְאִיר; וְנוֹחֲכָמִים אוֹמְרִים  
יַעֲלוּ בְּאַחַד וּמֵאֲתָיִם.

1 A bundle (*חֲבִילָה*) contains at least twenty-five stalks. 2 Or *fenugreek, melilot*. \* 3 *כָּלָם* in some editions. 4 His opinion is rejected. 5 Their view is the accepted ruling. \*See *Supplement*.

## Mishnah 7

For R. Meir<sup>1</sup> used to say, Whatever a man is wont to count<sup>2</sup> renders holy; but the Sages say,<sup>3</sup> Only six things render holy;<sup>4</sup> but R. Akiba says, Seven; and they are these: nuts with brittle shells,<sup>5</sup> and pomegranates from Badan,<sup>6</sup> and sealed jars,<sup>7</sup> and beet<sup>9</sup> shoots,<sup>8</sup> cabbage heads,<sup>10</sup> and Greek gourds; R. Akiba says, Also the loaves<sup>11</sup> of a householder. To any of these that come from *Orlah* fruit, the law of *Orlah* applies;<sup>12</sup> and to any of these that come from *forbidden-junction of the vineyard*, the law of the *forbidden-junction of the vineyard* applies.

## משנה ז

שֶׁהָיָה רַבִּי מֵאִיר אוֹמֵר, אֵת-שְׁדֵרְכּוֹ לְמִנּוֹת מְקֻדָּשׁ; וְחֻכָּמִים אוֹמְרִים, אֵינוֹ מְקֻדָּשׁ אֲלָא שֵׁשֶׁה דְּבָרִים בִּלְבָד; וְרַבִּי עֲקִיבָא אוֹמֵר, שִׁבְעָה; וְאֵלוֹ הֵם, אֲגוּזֵי פֶרֶךְ וְרִמּוֹנֵי בֶדֶן, וְחֻבִּיּוֹת סְתוּמוֹת, וְחוֹלְפוֹת וְתַרְדִּין, וְקוֹלְסֵי כְּרוֹב, וְדִלְעַת יוֹנִית; רַבִּי עֲקִיבָא אוֹמֵר, אֵף כִּפְרוֹת שֶׁל בָּעַל הַבַּיִת, הֶרְאִי לְעֶרְלָהּ, וְעֶרְלָהּ; לְכֹלֵאִי הֶפְרָם, כֹּלֵאִי הֶפְרָם.

1 His view is rejected. 2 *i.e.*, such produce as is sold by number and is *אסור*, *forbidden produce*, other produce which is mixed with it also becomes forbidden and all must be burnt. 3 Their opinion is the accepted ruling. 4 *i.e.*, there are only six such things that are not neutralized and all that any are mixed with must be burnt. 5 According to some, *nuts from Perekh*. 6 Or בְּדֵאן, a place north-east of Shechem in Samaria. 7 Or *casks* (barrels) of wine or oil. 8 Or *leaves, tops*. 9 Or *beetroot*. 10 Or according to some, *cabbage stalks, cabbage shoots*. 11 Which the householder bakes for his own use and if made of עֶרְלָה or כֹּלֵאִי הֶפְרָם produce are also included here. 12 *viz.*, as already stated, they are not neutralized in a mixture however large the quantity but the mixture must be burnt.

## Mishnah 8

When is this the case?<sup>1</sup>—If the nuts were split, or the pomegranates cracked open, or the jars opened, or the gourds were cut open, or the loaves<sup>2</sup> were broken, they are neutralized in two hundred and one.

## משנה ח

כִּיצַד? נִתְפָּצְעוּ הָאֲגוּזִים, נִתְפָּרְדּוּ הֶרְמוֹנִים, נִתְפָּתְחוּ הַחֻבִּיּוֹת, נִתְחַתְּכוּ הַדְּלוּעִים, נִתְפָּרְסוּ הַכִּפְרוֹת, יָעֲלוּ בְּאֶחָד וּמֵאֲתַיִם.

1 *i.e.*, When do these not become neutralized?—כִּיצַד is omitted in some editions, and it certainly seems redundant in view of the sense of this *Mishnah*, unless one supplies an understood phrase, such as *When all these are whole, but . . .*

immediately after **בַּיִצֵּד**. But when all these, as here detailed, are whole or sound they are not so neutralized. 2 Compare the preceding *Mishnah*, **Note 11**.

Mishnah 9

*Orlah* fruit, which is in doubt,<sup>1</sup> is forbidden in Palestine but permitted<sup>2</sup> in Syria. Outside Palestine one may go down<sup>3</sup> and buy,<sup>4</sup> only provided that he does not see someone gather it. If a vineyard be planted with vegetables,<sup>5</sup> and vegetables<sup>6</sup> are sold outside it, they are forbidden in Palestine but permitted in Syria;<sup>7</sup> and outside Palestine he<sup>8</sup> may go down and gather them, only provided that he himself<sup>9</sup> does not gather them by hand.<sup>10</sup> New produce is forbidden<sup>11</sup> by the Law everywhere;<sup>12</sup> and the law of *Orlah* is traditional law,<sup>13</sup> and the law of *forbidden-junction*<sup>14</sup> is an enactment from the Scribes.<sup>15</sup>

מִשְׁנָה ט  
**סֵפֶק עֵרְלָה, בְּאֶרֶץ יִשְׂרָאֵל אָסוּר,**  
**וּבְסוּרְיָא מוּתָר. וּבְחוּצָה לְאֶרֶץ,**  
**יֵוֹרֵד וְלוֹקֵט, וּבְלִבָּד שְׂלֵא יִרְאֶנּוּ**  
**לוֹקֵט. כֶּרֶם נָטוּעַ יֵרֶק, יֵיֶרֶק**  
**נִמְכָּר חוּצָה לוֹ, בְּאֶרֶץ יִשְׂרָאֵל**  
**אָסוּר, וּבְסוּרְיָא מוּתָר; וּבְחוּצָה**  
**לְאֶרֶץ יֵוֹרֵד וְלוֹקֵט, וּבְלִבָּד שְׂלֵא**  
**עִילְקוּט בִּיד. הַחֲדָשׁ אָסוּר מִן־**  
**הַתּוֹרָה בְּכָל מָקוֹם; וְהָעֵרְלָה**  
**הֵלְכָה, וְהַכְּלָאִים מִדְּבַר־**  
**סוּפְרִים.**

1 For instance, if a non-Jew who has *Orlah* trees sells fruit and it is not known if this is from any *Orlah* tree. In **אֶרֶץ יִשְׂרָאֵל** (Palestine) **סֵפֶק עֵרְלָה** is prohibited **מִדְּאוּרֵיתָא** (or **מִן־הַתּוֹרָה**) as prescribed in the Law. 2 In **חוּץ לְאֶרֶץ**, outside Palestine, also **עֵרְלָה וְדֹאִי**, certain *Orlah*, is also prohibited under the ruling of **לְמֹשֶׁה מִסִּינַי**, traditional law as handed on by Moses from Sinai. 3 To a garden. 4 Such fruit. 5 Which constitutes **כְּלָאִים**, forbidden-junction. 6 Of the like kind. 7 Syria (the Hebrew **אַרָּם**, *Aram*) the country bounded by northern Palestine, Taurus, the Mediterranean and eastward to the Khabour river. 8 The non-Jew into the vineyard. 9 The Jew may not gather them as a reminder that he is forbidden to plant them under such conditions. 10 With his own hands. 11 New produce may not be eaten before the offering of the **עֹמֶר**. 12 *Leviticus* 23, 14. 13 **הֵלְכָה לְמֹשֶׁה מִסִּינַי**, traditional interpretations of a law dating back to or emanating from Moses. 14 This refers to **כְּלָאֵי הַכֶּרֶם**, forbidden-junction, of the vineyard. Actually **כְּלָאֵי הַכֶּרֶם** produce is permitted entirely in **חוּץ לְאֶרֶץ**, outside Palestine. 15 **סוּפְרִים** is the name given to the sages and scholars who lived in the period beginning with Ezra and ending with the commencement of the Tannaitic period (see **יְרֵמִיָּה** **Introduction**).

סָלִיק מַסְכַּת עֵרְלָה

CONCLUSION OF TRACTATE ORLAH



בִּכּוּרִים

# BIKKURIM

[BEING THE ELEVENTH TRACTATE OF THE MISHNAH]

*TEXT • INTRODUCTION • TRANSLATION*  
*NOTES*

By

PHILIP BLACKMAN, F.C.S.

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has become a major employer in the UK, and its growth has been a major factor in the overall growth of the economy.

The public sector has also become a major employer of women. In 1980, women made up 40% of the public sector workforce, and by 1995, this figure had risen to 50%. This increase in the number of women in the public sector has been a major factor in the overall increase in the number of women in the workforce.

The public sector has also become a major employer of people with disabilities. In 1980, people with disabilities made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people with disabilities in the public sector has been a major factor in the overall increase in the number of people with disabilities in the workforce.

The public sector has also become a major employer of people from ethnic minorities. In 1980, people from ethnic minorities made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people from ethnic minorities in the public sector has been a major factor in the overall increase in the number of people from ethnic minorities in the workforce.

The public sector has also become a major employer of people who are over 50 years of age. In 1980, people over 50 years of age made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people over 50 years of age in the public sector has been a major factor in the overall increase in the number of people over 50 years of age in the workforce.

The public sector has also become a major employer of people who are under 25 years of age. In 1980, people under 25 years of age made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people under 25 years of age in the public sector has been a major factor in the overall increase in the number of people under 25 years of age in the workforce.

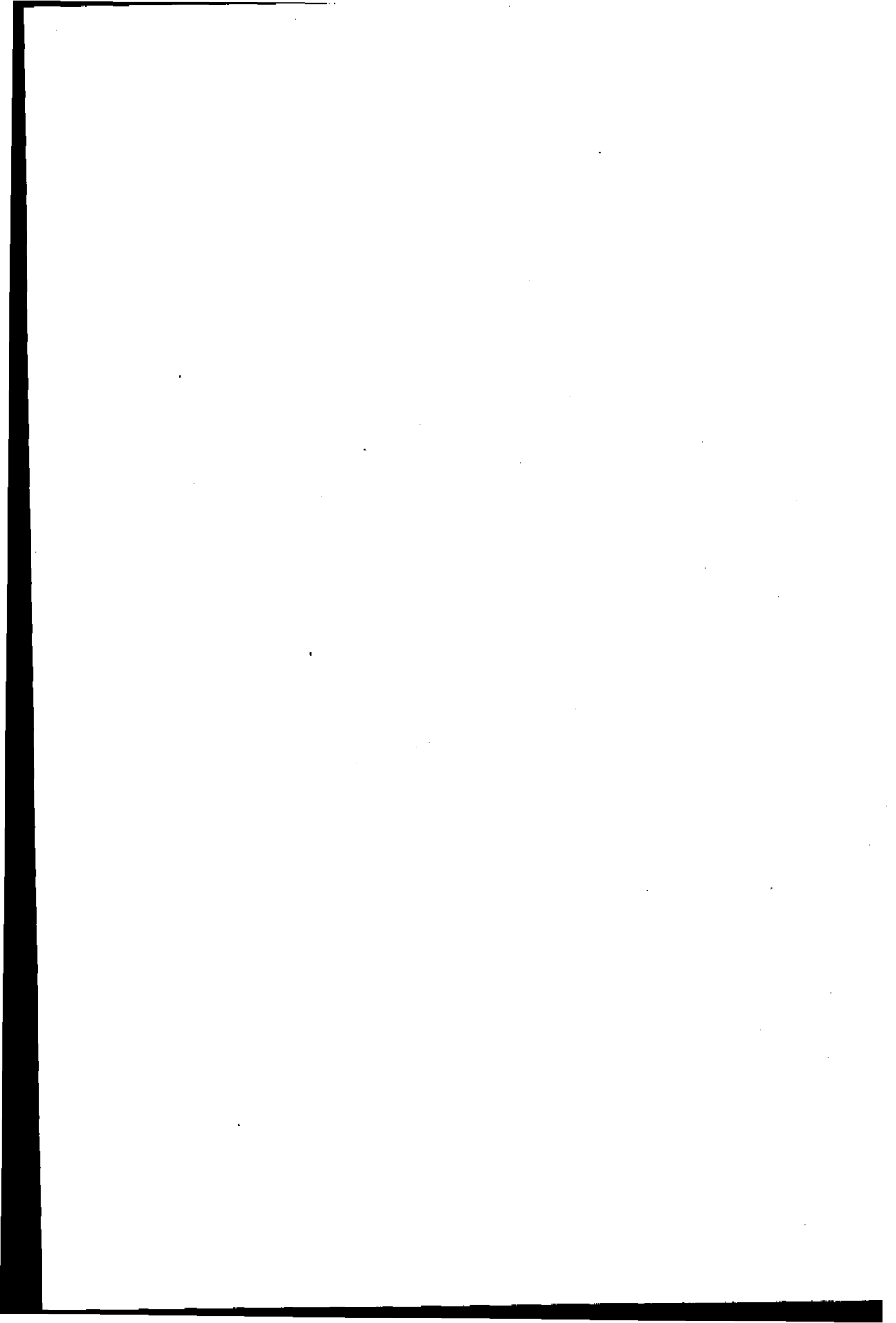
The public sector has also become a major employer of people who are over 65 years of age. In 1980, people over 65 years of age made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people over 65 years of age in the public sector has been a major factor in the overall increase in the number of people over 65 years of age in the workforce.

The public sector has also become a major employer of people who are under 16 years of age. In 1980, people under 16 years of age made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people under 16 years of age in the public sector has been a major factor in the overall increase in the number of people under 16 years of age in the workforce.

The public sector has also become a major employer of people who are over 75 years of age. In 1980, people over 75 years of age made up 1% of the public sector workforce, and by 1995, this figure had risen to 3%. This increase in the number of people over 75 years of age in the public sector has been a major factor in the overall increase in the number of people over 75 years of age in the workforce.

בְּכוֹרִים

BIKKURIM





## INTRODUCTION

This **מסכת בכורים**, **Tractate Bikkurium**, is the *Eleventh Tractate* of **סדר זרעים**, **Order Zeraim**. The **תלמוד בבלי**, *Babylonian Talmud*, has no **זמרא** to it, but the **תלמוד ירושלמי**, *Jerusalem (or Palestinian) Talmud*, has **זמרא**.

**בכורים** or **בכרים**, *first-fruits*, is a derivative of the verb **בכר**, *bear early fruit, treat as a firstborn*. The term refers to the products mentioned in *Deuteronomy* 8, 8, *viz.*, wheat, barley, grape, fig, pomegranate, olive, and date-honey or dates, the so-called **שבע מינים**, *seven species*, which are typical of and illustrate the fame of the fruitfulness of Palestine.

The *Tractate* contains four Chapters, but some editions omit the last one which, in fact, does not form part of the Mishnah at all but is an expanded adaptation of *Tosefta Bikkurim* 2<sup>3</sup>. There are actually four different versions of this fourth Chapter each varying in its text considerably from the others. The text here used is the one given in most Mishnayoth editions and some of the more important variant readings are indicated as alternatives in the Notes.

The *Tractate* treats of those who are eligible to bring the **בכורים** offerings to the Temple, of the manner and the seasons when they were to be brought, and of the attendant ceremonials in connection with their offering.

The *Tractate* is based on *Exodus* 23, 19, and *Deuteronomy* 26, 1 to 11.

*Exodus* 23,

(19) **ראשית בכורי אדמתך תביא בית ה' אלהיך לא תבשל גדי בחלב אמו**

*The first of the first-fruits of thy land shalt thou bring unto the house of the Eternal thy God. Thou shalt not seethe a kid in its mother's milk.*

*Deuteronomy* 26,

(1) **והיה כי תבוא אל-הארץ אשר ה' אלהיך נתן לך נחלה וירשטה ושבת בה**

*And it shall be, when thou art come in unto the land which the Eternal thy God giveth thee for an inheritance, and possessest it and dwellest therein.*

(2) **ולקחת מראשית כל-פרי האדמה אשר תביא מארצך אשר ה' אלהיך נתן לך ושמת**

**בשנא והלכת אל-המקום אשר יבחר ה' אלהיך לשכון שמו שם**

*That thou shalt take of the first of all the fruit of the ground which thou shalt bring from thy land which the Eternal thy God giveth thee, and shalt put it in a basket, and shalt go unto the place which the Eternal thy God shall choose to cause His Name to dwell there.*

(3) וּבָאתְ אֶל-הַכֹּהֵן אֲשֶׁר יִהְיֶה בַיָּמִים הֵהֶם וְאָמַרְתָּ אֵלָיו הִגַּדְתִּי הַיּוֹם לַה' אֱלֹהֶיךָ כִּי בָאתִי אֶל-הָאָרֶץ אֲשֶׁר נִשְׁבַּע ה' לַאֲבֹתֵינוּ לָתֵת לָנוּ

*And thou shalt come unto the priests that shall be in those days, and say unto him, I profess this day unto the Eternal thy God that I am come unto the land which the Eternal sware unto our fathers to give us.*

(4) וְלָקַח הַכֹּהֵן הַטֹּטֵן מִיָּדְךָ וְהִנִּיחוֹ לִפְנֵי מִזְבֵּחַ ה' אֱלֹהֶיךָ

*And the priest shall take the basket from thy hand and set it before the altar of the Eternal thy God.*

(5) וְעֵנִית וְאָמַרְתָּ לִפְנֵי ה' אֱלֹהֶיךָ אֲרָמִי אֲבִי וַיֵּרֶד מִצְרַיִםה וַיְהִי שָׁם בְּמִתִּי מְעַט וַיְהִי שָׁם לִגְוִי גָדוֹל עָצוּם וְרַב

*And thou shalt speak and say before the Eternal thy God, A wandering Aramean was my father, and he went down into Egypt, and sojourned there few in number, and became there a nation, great, mighty, and numerous.*

(6) וַיַּרְעוּ אֹתָנוּ הַמִּצְרִיִּם וַיַּעֲבֹדוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבָדָה קָשָׁה

*And the Egyptians dealt ill with us, and oppressed us, and laid upon us hard bondage.*

(7) וַנִּצְעַק אֶל-ה' אֱלֹהֵי אֲבֹתֵינוּ וַיִּשְׁמַע ה' אֶת-קִלְגֵּנוּ וַיִּרְא אֶת-עֲנִיָּנוּ וְאֶת-עֲמָלָנוּ וְאֶת-לַחֲצֵנוּ

*And we cried unto the Eternal the God of our fathers, and the Eternal heard our voice, and looked on our affliction, and our toil, and our oppression.*

(8) וַיּוֹצֵאֵנוּ ה' מִמִּצְרַיִם בְּיָד חֲזָקָה וּבְזֹרֶעַ נְטוּיָה וּבִמְרָא גָדוֹל וּבִכְאוֹת וּבִמִּפְתִּים

*And the Eternal brought us forth from Egypt with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders.*

(9) וַיְבִאֵנוּ אֶל-הַמָּקוֹם הַזֶּה וַיִּתֵּן לָנוּ אֶת-הָאָרֶץ הַזֹּאת אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ

## BIKKURIM

*And He hath brought us into this place, and hath given us this land, a land flowing with milk and honey.*

(10) וַעֲמָה הִנֵּה הַבָּאֵי אֶת־רֵאשִׁית פְּרֵי הָאֲדָמָה אֲשֶׁר נָתַתָּה לִּי ה' וְהִנַּחְתּוּ לִפְנֵי ה' אֱלֹהֶיךָ  
וְהִשְׁתַּחֲוִיתָ לִפְנֵי ה' אֱלֹהֶיךָ

*And now, behold, I have brought the first of the fruit of the land which Thou O Eternal hast given me. And Thou shalt place it before the Eternal thy God and prostrate thyself before the Eternal thy God.*

(11) וְשִׂמַּחְתָּ בְּכָל הַטּוֹב אֲשֶׁר נָתַן לָךְ ה' אֱלֹהֶיךָ וּלְבֵיתְךָ אִמָּה וְהַלְוִי וְתוֹר אֲשֶׁר בְּקִרְבְּךָ

*And thou shalt rejoice in all the good which the Eternal thy God hath given unto thee and unto thy house, thou, and the Levite, and the stranger that is in thy midst.*

The Titles of the Chapters of this Tractate are:

Chapter 1	פֶּרֶק א' יֵשׁ מִבֵּיאַן
Chapter 2	פֶּרֶק ב' תְּרוּמָה
Chapter 3	פֶּרֶק ג' כִּיצַד
Chapter 4	פֶּרֶק ד' אֲנֶדְרוּגִינוּס

**Note:**—The terms *מַעֲשֵׂר* and *תְּרוּמָה* used in this Tractate will be found briefly but adequately explained in *בְּרִיכוֹת* 1<sup>1</sup>, **Note 5**.

The *Palestine Gemara* discusses and explains the *Mishnah*.

The main contents of the four chapters are briefly:

1. The conditions regarding the bringing of the *first-fruits*; enumeration of three classes of landowners. 2. Legal comparisons between *terumah*, *second-tithe* and *first-fruits*; legal classification between vegetable, citron and trees, between human blood and that of cattle and creeping things, and between cattle, beast and *כוֹי*. 3. The bringing of the *first-fruits* to the Temple. 4. Comparison between the laws referring to man, woman and the hermaphrodite or androgyne.



מִסְכָּת

## בְּכוֹרִים

TRACTATE

## BIKKURIM

### CHAPTER 1

פֶּרֶק א

#### Mishnah 1

There are some who bring the *first-fruits* and make the *declaration*,<sup>1</sup> some who bring but make no *declaration*, and others that may not bring. These are they that may not bring: one who plants on his own property and sinks<sup>2</sup> a shoot into another's private property or into<sup>3</sup> public property; and similarly also he who sinks<sup>2</sup> a shoot from the property of a private individual or from public property into his own property; anyone that plants in his own property and sinks a shoot into his own property, but with a private road or a public road between—such may not bring.<sup>4</sup> But R.<sup>5</sup> Judah<sup>6</sup> says, Such<sup>7</sup> may bring.

1 *Deuteronomy* 26, 5-11. (See **Introduction**). 2 **הִכְרִיךְ**, engraft, sink, bend a branch of a vine into the soil to form roots and a new plant. 3 **לְתוֹךְ** in some editions. 4 To sum up, one brings the *first-fruits* only from such a tree that draws its nourishment wholly from the owner's soil. 5 **רַבִּי** in some editions. 6 His view is rejected. 7 **דֶּרֶךְ הַיָּחִיד** refers to **קָנָה**.

מִשְׁנָה א

יֵשׁ מְבִיאִין בְּכוֹרִים וְקוֹרִין, מְבִיאִין  
וְלֹא קוֹרִין, וְיֵשׁ שְׂאִינָן מְבִיאִין.  
אֵלוֹ שְׂאִינָן מְבִיאִין, הַנּוֹטֵעַ לְתוֹךְ  
שְׁלוֹ וְהַכְרִיךְ לְתוֹךְ שֶׁל יָחִיד אוֹ  
שֶׁל רַבִּים; וְכֵן הַמְכְּרִיךְ מִתּוֹךְ  
שֶׁל יָחִיד אוֹ מִתּוֹךְ שֶׁל רַבִּים לְתוֹךְ  
שְׁלוֹ; הַנּוֹטֵעַ לְתוֹךְ שְׁלוֹ, וְהַכְרִיךְ  
לְתוֹךְ שְׁלוֹ, וְדֶרֶךְ הַיָּחִיד וְדֶרֶךְ  
הַרְבִּים בְּאַמְצֵעַ, הֵרִי זֶה<sup>4</sup> אֵינוֹ  
מְבִיא. וְרַבִּי<sup>5</sup> יְהוּדָה אוֹמֵר, קָנָה<sup>7</sup>  
מְבִיא.

## Mishnah 2

For what reason may one not bring?<sup>1</sup>—Because it is said,<sup>2</sup> *The choicest<sup>3</sup> of the first-fruits of thy land*: until the whole of the growth shall be<sup>4</sup> from *thy* land. Tenants who pay a part of the produce,<sup>5</sup> tenants who pay a fixed quantity of produce,<sup>6</sup> illegal occupants,<sup>7</sup> or a robber, may not bring for the same reason, because it is said, *The choicest<sup>3</sup> of the first-fruits of thy land*.

1 The בְּכֹרִים first-fruits. 2 *Exodus 23, 19*. 3 Or *The first*. 4 שִׁהְיֶה in some editions. 5 אֶרֶץ is a tenant who pays the owner a prearranged proportion of the produce. The tenancy is termed אֶרֶץ. 6 חֲכִיר is a tenant who pays the owner a prearranged definite quantity of produce. The tenancy is termed חֲכִיר. 7 Or *assassins*, those who acquire land by force and under threat of violence.

## Mishnah 3

*First-fruits* are brought<sup>1</sup> only from the seven kinds,<sup>2</sup> but not from the dates of the hill-country, or from the fruits<sup>3</sup> of the valleys, or from the oil-olives that are not<sup>4</sup> of the choicest.<sup>5</sup> *First-fruits* are not brought before<sup>6</sup> the Festival of Weeks.<sup>7</sup> The men of Mount Zeboim<sup>8</sup> brought their *first-fruits* before the Festival of Weeks, but they did not accept of them,<sup>9</sup> because of what is written in the Law,<sup>10</sup> *And the Festival of Harvest the first-fruits of thy labours, which thou sowest in the field*.

1 Or מְבִיאִים in some texts. 2 Wheat, barley, grape, fig, pomegranate, olive and date or date-honey (see **Introduction** and 1<sup>10</sup>). 3 In the case of the four others. 4 שְׂאִיָּה in some editions. 5 i.e., not such olives that are thin-skinned and are split open by the rain letting the oil exude. 6 Because the שְׁתֵּי הַלֶּחֶם, *two loaves*,

## משנה ב

מאיזה טעם אינו מביא? משום שצאמר, ראשית בכורי אדמתך, עד שיהו כל הגדולין מאדמתך. האריסין, והחכירות, והסקריקין והגולן אין מביאין מאותו הטעם, משום שצאמר, ראשית בכורי אדמתך.

## משנה ג

אין מביאין בכורים חוץ משבעת המינים, לא מתמרים שבהרים, ולא מפירות שבצמקים, ולא מזית שמן שאינם מן המובחר. אין מביאין בכורים קודם לעצרת. אנשי הר אבוועים הביאו בכוריהם קודם לעצרת, ולא קבלו מהם מפני הכתוב שבתורה, וחו הקציר בכורי מעשיך אשר תזרע בשדה.

which were also called **בִּכּוּרִים** had to be presented in the Temple as an introduction to the presentation of the *first-fruits*. 7 **עֲצֶרֶת** or **שְׁבוּעוֹת**, *Pentecost*. 8 Compare **בִּכּוּרִים**, 1<sup>3</sup>, and **חֵלֶה**, 4<sup>10</sup>. 9 Although, once brought, these *first-fruits* should have been accepted, they were nevertheless rejected in order not to encourage others to follow the example of these prominent men. 10 *Exodus* 23, 16.

#### Mishnah 4

These may bring<sup>1</sup> but do not make the *declaration*: the proselyte<sup>2</sup> may bring but does not make the *declaration* because he can not say,<sup>3</sup> *Which the Eternal swore<sup>4</sup> to our ancestors to give unto us*. But if his mother were an Israelite, he may bring and make the *declaration*. And when he prays privately, he says,<sup>5</sup> *O God of the ancestors of Israel*; and when he is in the Synagogue, he says,<sup>5</sup> *O God of your ancestors*; and if his mother were an Israelite, he may say,<sup>6</sup> *O God of our ancestors*.<sup>7</sup>

#### מִשְׁנָה ד

אֵלוּ יִמְבִּיאִין וְלֹא קוֹרִין; הַגֵּר מְבִיא וְאִינוּ קוֹרֵא שְׁאִינוּ יָכוֹל לֵאמֹר, אֲשֶׁר נִשְׁבַּע ה' לְאַבוֹתֵינוּ לָתֵת לָנוּ. וְאִם הָיְתָה אִמּוֹ מִיִּשְׂרָאֵל, מְבִיא וְקוֹרֵא. וְכִשְׁהוּא מְתַפְּלֵל בֵּינוּ לְבֵין עַצְמוֹ, אֹמֵר, אֱלֹהֵי אֲבוֹת יִשְׂרָאֵל; וְכִשְׁהוּא בְּבֵית הַכְּנֶסֶת, אֹמֵר, אֱלֹהֵי אֲבוֹתֵיכֶם; וְאִם הָיְתָה אִמּוֹ מִיִּשְׂרָאֵל, אֹמֵר, אֱלֹהֵי אֲבוֹתֵינוּ.

1 The *first-fruits*. 2 And also **עֶבֶד מְשׁוּחָרֵר**, *a slave who has been freed*. According to the Rambam the ruling is not as in this *Mishnah*, but **הַגֵּר מְבִיא וְקוֹרֵא**, *the proselyte may bring and he makes the declaration*. 3 *Deuteronomy* 26, 3. 4 In some editions **נִשְׁבַּעְתָּ**, *Thou hast sworn*, instead of **נִשְׁבַּע ה'**. 5 In the appropriate place instead of **אֱלֹהֵי אֲבוֹתֵינוּ**. 6 *i.e.*, without alteration. 7 The **רַמְבַּם** insists that there should be no discrimination against a proselyte at all: he considers every proselyte a spiritual descendant of Abraham.

#### Mishnah 5

R. Eliezer ben Jacob says, A woman who is an offspring of proselytes may not marry into the priesthood unless her mother was an Israelite: there is no difference whether she be of proselytes<sup>1</sup> or of freed slaves, even unto the tenth generation, unless her mother was an Israelite. A guardian,<sup>2</sup> an agent, a bondman,<sup>3</sup> a woman,<sup>4</sup> one of

#### מִשְׁנָה ה

רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אֹמֵר, אִשָּׁה בַת גֵּרִים לֹא תִנָּשֵׂא לְכַהֲנָה עַד שֶׁתְּהֵא אִמָּהּ מִיִּשְׂרָאֵל: אֶחָד גֵּרִים וְאֶחָד עֲבָדִים מְשׁוּחָרֵרִים, וְאֶפִּילוּ עַד עֶשְׂרֵה דוֹרוֹת, עַד שֶׁתְּהֵא אִמָּן מִיִּשְׂרָאֵל. הָאֶפִּיטְרוֹפּוֹס, וְהַשְׂלִיחַ.

indeterminate sex,<sup>5</sup> or an hermaphrodite,<sup>6</sup> may bring<sup>7</sup> but do not make the *declaration*, for they are unable to say, *Which Thou, O Eternal, hast given unto me.*

וְהָעֶבֶד, וְהָאִשָּׁה, וְטוֹמְטוֹם,<sup>5</sup>  
וְאֶנְדְּרוֹנִיּוֹס,<sup>6</sup> מְבִיאִין וְלֹא קוֹרִין,<sup>7</sup>  
שֶׁאֵינָן יוֹכְלִין לֵאמֹר, אֲשֶׁר נָתַתָּ לִּי.  
ה'.

1 The daughter of a proselyte or freed slave, who married a proselyte or freed slave, may not be married to a כֹּהֵן, priest, but if the marriage took place it is not to be annulled; but if one of the party be a Jew or Jewess then the daughter may be married to a priest. 2 Who had been appointed by בֵּית דִּין or by the father of the orphans before his death. 3 An עֶבֶד כְּנֻעִי who had been given land on condition that his master had no claim on it. 4 Because the Land was divided out among the males and not the women. 5 Or one whose genitals are concealed, one of unknown sex, one of doubtful sex. 6 Or a bisexual person, one possessing the characteristics of the male and female. 7 The בכורים, first-fruits.

#### Mishnah 6

#### מִשְׁנָה ו

If one bought two trees in the property of his fellow he may bring<sup>1</sup> but does not make the *declaration*; R. Meir says,<sup>2</sup> He may bring and he makes the *declaration*. If the well be dried up or the tree(s) cut down, he may bring but does not make the *declaration*; R. Judah<sup>3</sup> says, He may bring and he makes the *declaration*. From the Festival of Weeks<sup>4</sup> until the Festival of Tabernacles<sup>5</sup> one may bring and make the *declaration*. From the Festival of Tabernacles until the Festival of Dedication one may bring but does not make the *declaration*; R. Judah says,<sup>6</sup> He may bring and he makes the *declaration*.

הַקּוֹנֶה שְׁתֵּי אֵילָנוֹת בְּתוֹךְ שָׂל  
חֲבִירוֹ, מְבִיא וְאֵינוֹ קוֹרֵא; רַבִּי  
מֵאִיר אֹמֵר, מְבִיא וְקוֹרֵא. יֵבֶשׁ  
הַמַּעֲיָן, נִקְצָץ הָאֵילָן, מְבִיא וְאֵינוֹ  
קוֹרֵא; רַבִּי יְהוֹדָה אֹמֵר, מְבִיא  
וְקוֹרֵא. מִעֲצָרָתָּ וְעַד הֶחָג מְבִיא  
וְקוֹרֵא. מִן־הֶחָג וְעַד חֲנוּכָּה, מְבִיא  
וְאֵינוֹ קוֹרֵא; רַבִּי יְהוֹדָה בֵּין בְּתִירָא  
אֹמֵר, מְבִיא וְקוֹרֵא.

\*Or אֵלָנוֹת.

§Or הָאֵילָן.

1 The first-fruits, בכורים. 2 His view is not accepted. 3 His opinion is rejected. 4 שבועות or עֲצָרָת, Pentecost. 5 Or סֻכּוֹת. 6 His ruling is not accepted.

#### Mishnah 7

#### מִשְׁנָה ז

If one separated his *first-fruits* and then sold his field, he may bring them but does not make the

הַפְּרִישׁ בְּכוּרָיו, וּמָכַר שָׂדֵהוּ, מְבִיא



*declaration*. And the other<sup>1</sup> does not bring of that kind of produce, but he brings<sup>2</sup> of another kind of produce and makes the *declaration*; R. Judah says,<sup>3</sup> He may bring<sup>2</sup> even of the same kind of produce and makes the *declaration*.

וְאֵינוּ קוֹרְאִי. וְהַשְׁנִי מֵאֲתוֹ הַמִּין  
אֵינוּ מְבִיא. מִמֵּין אֲחֵר<sup>2</sup> מְבִיא  
וְקוֹרְאִי. רַבִּי יְהוּדָה אוֹמֵר, אִף  
מֵאֲתוֹ הַמִּין מְבִיא וְקוֹרְאִי.

1 Who bought that field. 2 As בכורים (first-fruits). 3 His view is rejected.

#### Mishnah 8

If a man separated his *first-fruits* and they were plundered, or decayed, or were stolen, or were lost, or became unclean, he may bring<sup>2</sup> others instead of them but does not make the *declaration*; and these substitutes are not subject<sup>3</sup> to the *added fifth*.<sup>4</sup> If they became unclean in the Temple Court, he must scatter them<sup>5</sup> and must not make the *declaration*.

מִשְׁנָה ח  
הַפְּרִשׁ בְּכוּרָיו, גְּבוּזוֹ, נִמְקוֹ, נִגְבּוֹ,  
אֶבְדּוֹ, אוֹ שְׁנִטְמְאוֹ, מְבִיא אֲחֵרִים<sup>2</sup>  
תַּחְתֵּיהֶם וְאֵינוּ קוֹרְאִי; וְהַשְׁנִיִּים<sup>3</sup> אֵינָם  
חַיִּיבִים עֲלֵיהֶם<sup>4</sup> חֹמֶשׁ. נִטְמְאוּ  
בְּעִזְרָה, נּוֹפֵץ וְאֵינוּ קוֹרְאִי.

1 נֶאֱבְדּוּ in some editions. 2 As first-fruits (בכורים). 3 If a non-priest ate of them. 4 *Leviticus* 22, 14. Compare תְּרוּמוֹת 6<sup>1</sup> and בכורים 21<sup>1</sup>. This view is rejected. 5 The fruits are scattered from the basket and the basket belongs to the כֹּהֵן (priest), but he does not have to replace the unclean fruits with others.

#### Mishnah 9

And whence do we know that one is responsible for them<sup>1</sup> until he brings<sup>2</sup> them to the Temple Mount? Because it is said,<sup>3</sup> *The choicest of the first-fruits of thy land thou shalt bring unto the house of the Eternal thy God*, which teaches that one is answerable for them<sup>4</sup> until he shall bring them<sup>5</sup> to the Temple Mount. If one brought of one kind<sup>6</sup> and made the *declaration* and then brought of another kind<sup>6</sup> he may not again make the *declaration*.

מִשְׁנָה ט  
וּמִנֵּן שְׂהוּא חַיִּיב<sup>1</sup> בְּאַחֲרֵייתָן עַד  
שְׂיָבִיא לְהַר הַבְּיָתוֹ<sup>2</sup> שְׁנֹאמַר,  
רֵאשִׁית בְּכוּרֵי אֲדָמָתְךָ תָּבִיא בֵּית  
ה' אֱלֹהֶיךָ, מִלִּמַּד שְׁחַיִּיב<sup>3</sup>  
בְּאַחֲרֵייתָם עַד שְׂיָבִיא לְהַר הַבְּיָתוֹ.  
הָרִי שֶׁהִבִּיא מִמֵּין אֲחֵר וְקָרָא,  
וְחֹזֵר וְהִבִּיא מִמֵּין אֲחֵר אֵינוּ קוֹרְאִי.

1 For loss. 2 The *first-fruits*. 3 *Exodus* 23, 19. ראשית, the first of, the choicest of. 4 For the *first-fruits*. 5 שְׂרִיָּאם in some editions. The first-fruits. 6 Of first-fruits.

Mishnah 10

And these may bring<sup>1</sup> and make the *declaration*, from<sup>2</sup> the Festival of Weeks<sup>3</sup> until the Festival of Tabernacles,<sup>4</sup> from the seven kinds,<sup>5</sup> from the fruits<sup>2</sup> of the hill country, from the dates<sup>2</sup> that are from the valleys, and from the oil-olives.<sup>2</sup> From the other side of the Jordan: R. Jose the Galilean says,<sup>6</sup> 'They may not bring *first-fruits* from across the Jordan, for it is not a land flowing with milk and honey.

1 The בכורים, first-fruits. 2 i.e., 'those that bring first fruits from . . . ' 3 Or שבועות, Pentecost. 4 Or סוכות. To the end of the Festival. 5 i.e., 'those that bring from the seven kinds: wheat, barley, grape, olive, fig, pomegranate, and dates or date-honey' (see **Introduction** and 1<sup>3</sup>). 6 His view is not accepted.

Mishnah 11

If one buy three trees on his fellow's property he brings<sup>1</sup> and makes the *declaration*. R. Meir says,<sup>2</sup> Even two.<sup>3</sup> If one bought a tree and its soil, he brings and makes the *declaration*. R. Judah<sup>4</sup> says, Even tenants who pay a part of the produce and tenants who pay fixed quantity of produce<sup>5</sup> bring and make the *declaration*.

1 The בכורים (*first-fruits*) because the soil is implied in the purchase. 2 His opinion is rejected. 3 Even in the case of two trees. 4 His view is not accepted. 5 See *Mishnah* 2, **Notes** 4, 5, of this **Chapter**.

CHAPTER 2

Mishnah 1

For *priest's-due* and *first-fruits* people<sup>1</sup> are liable to the death penalty<sup>2</sup> and to the *added fifth*,<sup>3</sup>

משנה י

ואלו מביאין וקורין, מן-העצרת ועד הקצף, משבעת המינים, מפירות שבהרים, שבעמקים, ומזית שמן. מעבר הירדן, רבי יוסי הגלילי אומר, אין מביאין בכורים מעבר הירדן, שאינה ארץ זבת חלב ודבש.

משנה יא

הקונה שלשה אילנות בתוך של חברו מביא וקורא. רבי מאיר אומר, באפילו שנים. קנה אילן וקרקעו מביא וקורא. רבי יהודה אומר, אף בעלי אריסות וחקירות מביאין וקורין.

פרק ב

משנה א

התרומה והבכורים יחייבים עליהן

they are forbidden to non-priests; they are the property<sup>4</sup> of the priest; they are neutralized one in a hundred;<sup>5</sup> they require the washing of the hands, and the arrival of sundown.<sup>6</sup> These apply to *priest's-due* and *first-fruits* but not in the case of *tithe*.<sup>7</sup>

מִיתָה<sup>2</sup> וְחֹמֶשׁ, וְאֲסוּרִים לְזָרִים, וְהֵם נִכְסֵי כֹהֵן, וְעוֹלִין בְּאֶחָד וּמֵאָה, וְטַעֲוִיִן רְחִיצַת יָדִים, וְהָעֶרֶב שָׁמֶשׁ. הָרִי אֵלָיו בְּתֵרוֹמָה וּבִכּוּרִים, מִה-שָּׂאִין כֵּן בְּמַעֲשֶׁר.

1 Non-priests who eat of these wantonly. 2 death at the hand of heaven. 3 A non-priest who eats of them in error must repay their value plus 20 per cent of the value which represents a *חֹמֶשׁ מְלָבָר*, one-fifth of the total repayment. 4 Compare 31<sup>2</sup>. The *כֹהֵן* may not buy with them even things not for eating or drinking or anointing. 5 See *תרומות*, 47. 6 A priest who recovers from uncleanness must have the ritual bath and await sunset before partaking of the holy things. 7 *מַעֲשֶׂר שְׁנִי* (second-tithe).

## Mishnah 2

There are rules that apply to *tithe*<sup>1</sup> and *first-fruits*<sup>2</sup> but not to *priest's-due*; *tithe* and *first fruits* must be brought to the Place<sup>3</sup> and require *confession*,<sup>4</sup> and are forbidden to a mourner<sup>5</sup>—but R. Simon<sup>6</sup> permits<sup>7</sup>—and they are liable to the law of *removal*<sup>8</sup>—but R. Simon<sup>6</sup> exempts<sup>9</sup>—and they are forbidden<sup>10</sup> to be consumed [if mixed] in any quantity whatever in Jerusalem, and what grows from them<sup>11</sup> is forbidden to be eaten [outside] in Jerusalem by non-priests<sup>12</sup> and cattle, but R.<sup>13</sup> Simon<sup>6</sup> permits this. These are rules that apply to *tithe* and to *first-fruits* but not to *priest's-due*.

## מִשְׁנָה ב

יֵשׁ בְּמַעֲשֶׂר וּבִכּוּרִים מִה-שָּׂאִין כֵּן בְּתֵרוֹמָה; שֶׁהַמַּעֲשֶׂר וְהַבִּכּוּרִים טַעֲוִיִּים הֵבֵאתָ מְקוֹם, וְטַעֲוִיִּים יְיָדוּי, וְאֲסוּרִין לְאֹנֵן, רַבִּי שְׁמַעוֹן מְתִיר, וְחִיִּיבִין בְּבִיעוּר, וְרַבִּי שְׁמַעוֹן פּוֹטֵר, וְאֲסוּרִין כָּל-שֶׁהֵן מְלֶאכֶל בִּירוּשָׁלַיִם, וְגִידוּלֵיהֶן אֲסוּרִים מְלֶאכֶל בִּירוּשָׁלַיִם אֶף לְזָרִים וּלְבֵהֶמָּה, וְרַבִּי שְׁמַעוֹן מְתִיר. הָרִי אֵלָיו בְּמַעֲשֶׂר וּבִכּוּרִים מִה-שָּׂאִין כֵּן בְּתֵרוֹמָה.

1 *מַעֲשֶׂר שְׁנִי* (second tithe). 2 *וּבִכּוּרִים* in some editions. 3 Jerusalem. 4 Or *נדוי*. 5 *אֹנֵן*, mourner before burial; *אָבֵל*, mourner after burial. *Deuteronomy* 26, 14. 6 His opinions in this *Mishnah* are rejected. 7 First-fruits. 8 See *מַעֲשֶׂר שְׁנִי*, 56. They have to be cleared away (*בִּיעוּר*) in the 4th and 6th years of the seven-year cycle. 9 *בִּכּוּרִים* (first-fruits). 10 *i.e.*, if in Jerusalem they were mixed with *חֵילִין* they can not be neutralized however great the quantity of *חֵילִין*

may be. **11** viz., from fruits mingled with *first-fruits*. **12** 'by non-priests' refers to *first-fruits*, and 'cattle' refers to *second-tithe*. **13** רבי in some editions.

### Mishnah 3

There are rules that apply to *priest's-due* and *tithe*<sup>1</sup> but not to *first-fruits*: for *priest's-due* and *tithe* forbid what is on the barn-floor;<sup>2</sup> and they have a definite prescribed quantity;<sup>3</sup> and they must be followed in the case of all<sup>4</sup> produce whether the Temple exists or not, and by tenants who pay a portion of the produce<sup>5</sup> and tenants who pay a fixed quantity of produce,<sup>5</sup> and by an illegal tenant,<sup>6</sup> and by the robber. These are rules that apply to *priest's-due* and to *tithe* but not to *first-fruits*.

**1** מַעֲשֵׂר שְׁנִי (second tithe). **2** Or *threshing floor*. תְּרוּמוֹת, *priest's-dues*, and *tithes*, must first be separated before the owner may eat of the produce. **3** See פָּאָה 1<sup>1</sup>, תְּרוּמוֹת 4<sup>3</sup>. There is no prescribed limit to the quantity one gives as *first-fruits* neither, מְדֹאֲרִיתָא (or מִן-הַתּוֹרָה) as ordained by the Law, nor מְדִרְבָּנָן, as instituted by the Rabbis. **4** This is only מְדִרְבָּנָן (or מְדִבְרֵי סוֹפְרִים), while מְדֹאֲרִיתָא only for דָּגָן (corn), תִּירוֹשׁ (wine), and יֵצֶהָר (oil). But in the case of בְּכוֹרִים even מְדִרְבָּנָן only from the seven kinds (see *Introduction* and 1<sup>10</sup>). **5** See 1<sup>2</sup>, Notes 4, 5. **6** Compare תְּרוּמוֹת שְׁנִי 1<sup>1</sup>; מַעֲשֵׂר שְׁנִי 5<sup>14</sup>; בְּכוֹרִים 1<sup>2</sup>.

### Mishnah 4

And there are rules that apply to *first-fruits* but not to *priest's-due* and to *tithe*.<sup>1</sup> for *first-fruits* may be acquired<sup>2</sup> while still not gathered<sup>2</sup>, and a man may convert his whole field into *first-fruits*,<sup>3</sup> and he is responsible<sup>4</sup> for them, and they require a (peace-)offering,<sup>5</sup> and singing,<sup>6</sup> and waving<sup>7</sup> and lodging over night.<sup>8</sup>

**1** מַעֲשֵׂר שְׁנִי (second tithe). **2** Literally, *bought*. **3** Or בְּמַחְבֵּר. See 3<sup>1</sup>. Literally, *while still joined to the soil*. One may dedicate the whole of his fruits as *first-fruits*. **4** Until they are brought to the Temple Mount. **5** See 3<sup>3</sup>. But the

### מִשְׁנָה ג

יֵשׁ בְּתֵרוּמָה יוֹמָעֶשֶׂר מֵה-שָּׂאִין כֵּן בְּבִכּוֹרִים, שֶׁהַתְּרוּמָה וְהַמַּעֲשֵׂר אוֹסְרִין אֶת-הַתּוֹרֵן, וְיֵשׁ לָהֶם שְׂעִיעוֹר, וְנוֹהֲגִים בְּכָל הַפִּירוֹת, בְּפָנֵי הַבַּיִת וְשִׁלָּא בְּפָנֵי הַבַּיִת, וּבְאַרְיִסִין יוֹבְחִירוֹת, וּבְסִקְרִיקוֹן, וּבְגוֹזְלִין. הָרִי אֵלּוּ בְּתֵרוּמָה וּבְמַעֲשֵׂר, מֵה-שָּׂאִין כֵּן בְּבִכּוֹרִים.

### מִשְׁנָה ד

וְיֵשׁ בְּבִכּוֹרִים מֵה-שָּׂאִין כֵּן בְּתֵרוּמָה וּבְמַעֲשֵׂר, שֶׁהַבִּכּוֹרִים נִקְנִין בְּמַחְבֵּר לַקֶּרֶקַע, וְעוֹשֶׂה אָדָם כָּל-שָׂדֵהוּ בִּכּוֹרִים, יוֹחֲזִיב בְּאַחֲרֵיתָם, וְטַעֲוִנִים קָרְבָּן, וְיֹשִׁיר, וְתִנּוּפָה, וְלִינָה.

absence of *שְׁלֵמִים* does not invalidate the *first-fruits*. 6 See 3<sup>4</sup>. 7 See 3<sup>6</sup>.  
8 In Jerusalem (*Deuteronomy* 16, 7) the night following their bringing in.

Mishnah 5

*Priest's-due of first-tithe*<sup>1</sup> is like to *first-fruits* in two ways, and to *priest's-due*<sup>2</sup> in two ways: it may be taken from what is clean for what is unclean, and need not be in contact during the separation,<sup>3</sup> like *first-fruits*; and it forbids<sup>4</sup> what is on the barn-floor,<sup>5</sup> and it has a definite prescribed amount, like *priest's-due*.

משנה ה  
1 תְּרוּמַת מַעֲשֵׂר שְׁוֵה לְבִכּוּרִים בְּשִׁתִּי  
דְּרָכִים, 2 וְלִתְרוּמָה בְּשִׁתִּי דְּרָכִים,  
נִטְלָת מִן-הַטָּהוֹר עַל הַטָּמֵא, וְשֵׁלָא  
מִן-הַמּוֹקֵף כְּבִכּוּרִים; 4 וְאִסְּרִית  
אֶת-הַטָּהוֹר, וְיֵשׁ לָהּ שִׁיעוֹר,  
בְּתְרוּמָה.

1 Or *priest's-lesser-due*, *priest's-lesser-due*, one tenth of *first-tithe*, which the *Levite*, *Levite*, has to separate for the *priest* (see Note 5). 2 Or *priest's-major-due* (one in fifty parts). 3 Or *the*. See 2<sup>1</sup>, *the*. 4 Before the separation of the *threshing-floor*. 5 Or *threshing-floor*.

Mishnah 6

The citron tree is like to a tree in three things but to a vegetable in one thing. It is like to a tree in regard to *Orlah*, to the *fourth-year planting* and to the *Sabbatical Year*; and like to a vegetable in one thing, in the season of its gathering is the time for its tithing;<sup>1</sup> this is the view of Rabban Gamaliel.<sup>2</sup> R. Eliezer<sup>3</sup> says, It is like to a tree in every respect.

משנה ו  
אֶתְרוֹג שְׁוֵה לְאֵילָן בְּשִׁלְשָׁה דְּרָכִים,  
וּלְיֵרֶק בְּדֶרֶךְ אֶחָד. שְׁוֵה לְאֵילָן  
בְּעֵרְלָהּ, וּבִרְבִּיעִי, וּבִשְׁבִיעִית,  
וּלְיֵרֶק בְּדֶרֶךְ אֶחָד, שְׁבִשְׁעַת  
לְקִיטָתוֹ יַעֲשׂוּהוּ, דְּבָרֵי רַבֵּן  
גַּמְלִיאֵל. רַבִּי אֱלִיעֶזֶר אוֹמֵר, שְׁוֵה  
לְאֵילָן בְּכָל דָּבָר.

1 Compare 47. 2 His view is accepted. 3 His opinion is rejected.

Mishnah 7

The blood of bipeds<sup>1</sup> is like to the blood of cattle in that it renders seeds susceptible;<sup>2</sup> and like to the blood of creeping things<sup>3</sup> in that one does not become culpable<sup>4</sup> because of it.

משנה ז  
דָּם יְמֵהֲלָכִי שְׁתִּים שְׁוֵה לְדָם בְּהֵמָה,  
לְהַכְשִׁיר אֶת-הַזֵּרְעִים; וְדָם  
הַשָּׂרֵץ אֵין חֲטִיבִין עָלָיו.

1 i.e., human beings. 2 To *טומאה* (uncleanness). *Leviticus* 11, 34. 3 Or

reptiles. *Leviticus* 7, 26; 11, 29. 4 If one eats the blood of a reptile he is not subject to the penalty of כְּרִית (excision).

### Mishnah 8

The wild-ram<sup>1</sup> is in some ways like to a wild animal and in some ways like to cattle, and it is in some ways like to both cattle<sup>2</sup> and a wild animal; and in some ways it is like to neither<sup>3</sup> cattle nor to a wild animal.

1 It is uncertain what creature this refers to, *antelope*, or *bearded deer*, or offspring of a goat and a gazelle, and whether it is to be dealt with as a wild animal or domestic beast, hence strict rulings apply to it. 2 לחיה ולבהמה in some editions. 3 לא לחיה ולא לבהמה in some editions.\* See next *Mishnah*.

### Mishnah 9

In what manner is it like to a wild animal?—Its blood requires covering up<sup>1</sup> like the blood of a wild animal; it may not be slaughtered on a Holyday,<sup>2</sup> but if it be slaughtered, its blood is not to be covered up; its fat<sup>3</sup> conveys the uncleanness<sup>4</sup> of carrion like a wild animal, but its own uncleanness is in doubt,<sup>5</sup> and the firstling of an ass can not be redeemed with it.<sup>6</sup>

1 *Leviticus* 17, 13. 2 Or *Festival day*. 3 If it died. The חלב בהמה טהורה is טהור, clean. 4 *Leviticus* 7, 24. 5 For if it be like a בהמה, it is טהור, and if like a חיה, it is טמא. 6 *Exodus* 32, 19, 20.

### Mishnah 10

In what way is it like to cattle?—Its fat is forbidden<sup>1</sup> like the fat of cattle, and one is not liable<sup>2</sup> to extirpation<sup>3</sup> because of it; it may not be bought with *tithe* money to be consumed in Jerusalem;<sup>4</sup> and it is subject<sup>5</sup> to the shoulder and the cheeks and maw. But R. Eliezer<sup>6</sup> exempts, since the proof is on him who demands from his fellow.<sup>7</sup>

### משנה ח

1 כפי ידו בו דרכים שוה לחיה ויש בו דרכים שוה לבהמה, ויש בו דרכים שוה לבהמה ולחיה, ויש בו דרכים שאינו שוה לבהמה ולא לחיה.

### משנה ט

כיצד שוה לחיה? דמו טעון יכסוי כדם חיה, ואין שוחטין אותו ביום טוב, ואם שחטו אין מכסין את דמו, ויחלבו מטמא בטומאת גבלה כחיה, וטומאתו כבספק, ואין פורין בו פטר חמור.\*

\*Continued in next *Mishnah*.

### משנה י

כיצד שוה לבהמה? חלבו יאסור כחלב בהמה, ואין מחייבין עליו כפרת, ואינו נלקח בכסף מעשר לאכל בירושלים; ויחייב בנזע ולחיים וקבה רבי אליעזר פוטר, שהמוציא מחברו עליו הראיה.\*

\*Concluded in next *Mishnah*.

1 To be eaten (but one is exempt from מלקות, stripes, and the sin-offering if transgressing). 2 חייבים in some editions. 3 See 2<sup>1</sup>. 4 Deuteronomy 18, 2. These are priest's dues. 5 A חיה can not be brought as a sacrifice, while a בהמה must not be slaughtered in Jerusalem except as a sacrifice. The doubtful כור cannot therefore be used either way. 6 His view is accepted, seeing that the creature might be a חיה and not a בהמה. 7 i.e., the כהן (priest) who demands the shoulders, cheeks and maw must bring proof that it is a בהמה and not a חיה.

## Mishnah 11

How is it like neither to an animal or to cattle?—It is forbidden because of forbidden-junction<sup>1</sup> with a wild animal or with cattle; if one have assigned his wild animal or his cattle to his son, he has not thereby assigned to him the wild ram. If one said, 'May I be a nazirite if this be a wild animal or cattle',<sup>2</sup> then he is a nazirite. And in all other things it is like both to a wild animal and to cattle; it requires slaughtering<sup>3</sup> like both; and it conveys uncleanness as carrion<sup>4</sup> and as the limb<sup>5</sup> of a living creature, like them both.

1 See חללאים, Introduction; 1<sup>6</sup>; 8<sup>4</sup>. It is forbidden to yoke it or to mate it with any other species of חיה or בהמה. 2 i.e., whether he said חיה או בהמה, or על מנת שיהיה חיה או בהמה, or שיהיה חיה ובהמה, or שיהיה חיה ולא בהמה. 3 For food. 4 Leviticus 11, 8. 5 A part cut off from a living animal. See חולין, 101 lb; אהלות, 2<sup>1</sup>.

## CHAPTER 3

## Mishnah 1

How do they separate the first-fruits?—When a man descends into his field and sees a fig which has begun to ripen early,<sup>1</sup> or a cluster of grapes that has begun to ripen, or a pomegranate<sup>2</sup> that has begun to ripen, he ties it round with reed-grass<sup>3</sup> and says, 'Behold, these are first-fruits.' R.<sup>4</sup> Simon<sup>5</sup> says,

משנה יא

פיצד אינו שנה לא לחיה ולא לבהמה? אסור משום כלאים עם החיה ועם הבהמה; הכותב חיתו ובהמתו לבנו, לא כתב לו את הכוי. אם אמר, הריני נזיר שנה חיה או בהמה, הרי הוא נזיר. ושאר כל דרכיו שוים לחיה ולבהמה, וטעון שחיטה כנה וכוה, ומטמא משום נבלה, ומשום אבר מן המי כנה וכוה.

## פרק ג

משנה א

פיצד מפרישין הבכורים? יורד אדם בתוך שדהו ורואה תאנה שבתורה, או שכול שבפר, רמון שבפר, קושרו בגמי, ואומר, הרי אלו בכורים. רבי שמעון אומר,

Nevertheless, he should again declare them *first-fruits* after they have been plucked from the soil.

אף על פי כן חוזר וקורא אותם  
בכורים מאחר שיתלשו מן-  
הקרקע.

1 Even if in each case the fruit has not yet ripened because at the time of separation this condition is not required to be satisfied but only when the fruits are brought into Jerusalem (*Deuteronomy* 26, 10). 2 Or any of the others of the seven kinds. (See **Introduction** and 1<sup>10</sup>). 3 Or *bulrush*. 4 וְרָבִי in some editions. 5 His opinion is not accepted.

#### Mishnah 2

משנה ב

How do they take up<sup>1</sup> the *first-fruits*?—All the smaller towns<sup>2</sup> of the *Maamad*<sup>3</sup> assembled in the town<sup>4</sup> of the *Maamad* and lodged for the night in the street of the town and did not enter the houses; and early in the morning<sup>5</sup> the leader<sup>6</sup> would say, *Arise*,<sup>7</sup> and let us go up unto Zion unto the House of the Eternal our God.<sup>7</sup>

כיצד מַעֲלִין אֶת-הַבְּכוֹרִים? כָּל-  
הַקְּעִיּוֹת<sup>3</sup> שֶׁבַּמַּעֲמָד מִתְכַּנְּסוֹת  
לְעִיר שֶׁל מַעֲמָד, וְלֹא יֵנְסִין לְבָתִּים;  
וְלֹא עִיר, וְלֹא הָיוּ נִכְנְסִין לְבָתִּים;  
וְלֹא מְשֻׁכִּים הָיָה הַמַּמְנֶה אוֹמֵר,  
'קוּמוּ וְנַעֲלֶה צִיּוֹן אֶל-בֵּית ה'  
אֱלֹהֵינוּ.

1 To Jerusalem. 2 *i.e.*, the men of. 3 The people were divided into 24 divisions. The *כַּהֲנִים* and *לְוִיִּם* in each formed a *מַשְׁמֶר*, *guard*, to be on Temple duty a full week every half year; and the remaining weeks which occurred on *פֶּסַח*, *שבועות* and *סוכות* were served by all the divisions, as all males had to be present. Each *מַשְׁמֶר* was further subdivided into seven sections each taking one day's service of the week in turn. Each *מַשְׁמֶר* was accompanied by representative laymen called *אֲנָשֵׁי מַעֲמָד* to stand by and recite prayers during the sacrificial ceremonies. Each party of the *אֲנָשֵׁי מַשְׁמֶר* and the *אֲנָשֵׁי מַעֲמָד* was termed *אֲנָשֵׁי לְעִירוֹ* in some editions. 5 Or 'and to those who rose early.' 6 Or *הַמַּמְנֶה*. The appointed head of the *מַעֲמָד*. 7 *Jeremiah* 31, 6.

#### Mishnah 3

משנה ג

Those that were near brought<sup>1</sup> figs and grapes,<sup>2</sup> and they who were far away brought dried figs and raisins.<sup>3</sup> And an ox<sup>4</sup> went before them with its horns overlaid<sup>5</sup> with gold and a crown<sup>6</sup> of olive leaves

הַקְּרוֹבִים<sup>1</sup> מְבִיאִים<sup>2</sup> הַתְּאֵנִים  
וְהָעֲנָבִים, וְהַרְחֹקִים מְבִיאִים<sup>3</sup>  
הַגְּרוֹגְרוֹת וְצִמּוּקִים.<sup>4</sup> וְהַשּׁוֹר הוֹלֵךְ<sup>5</sup>



on its head. The flute§ played<sup>7</sup> before them until they drew near close to Jerusalem. When they had arrived<sup>8</sup> near to Jerusalem they sent messengers before them, and they adorned their *first-fruits*. The governors,<sup>9</sup> the chiefs and the treasurers\* went out to meet them. According to the rank<sup>10</sup> of those that came in they used to go forth.<sup>11</sup> And all the craftsmen in Jerusalem stood before them<sup>12</sup> and greeted them,<sup>13</sup> *Bretheren of such-and-such a place, be welcome!*

§Or *fife*. הַחֲלִיל frequently refers to the music in a procession or to the flutes (or flutists); (compare עֲרֵבִין 23).

\*Of the Temple.

1 As *first-fruits* to Jerusalem. 2 Because these would not be spoiled on a short journey. 3 Since these would outlast a long journey. 4 For a *peace-offering*. 5 Or מִצְפּוֹת. 6 נִעְטָרָה in some editions. 7 On the journey they recited *Psalms 120-134*. 8 שְׁמִיעִים in some editions. 9 All of the Temple. פֶּתָה, *grandee, governor, ruler, i.e., the priestly wardens*. עֶזְרָא, *chief, vice-governor, i.e., the Levitical warden*. 10 According to some opinions this means that the number of persons that went out to meet the arrivals depended on the number of the latter. 11 All important persons. 12 מִפְּנֵיהֶם in some editions. 13 Literally, *and asked after their welfare*.

#### Mishnah 4

The flute played before them until they arrived<sup>1</sup> at the Temple Mount.<sup>2</sup> When they reached the Temple Mount even Agrippa the king would set his basket upon his shoulder and go in until he reached<sup>3</sup> the Temple Court. When the Temple Court was reached the Levites sang the hymn,<sup>4</sup> *I will extol Thee, O Eternal, for Thou hast raised me up and Thou hast not made my enemies to rejoice over me.*

לְפָנֵיהֶם וְקָרְנוּ מִצְפּוֹת וְהָב  
נִעְטָרָתָם שָׁל זֵית בְּרָאשׁוֹ. § הַחֲלִיל  
מִכָּה לְפָנֵיהֶם, עַד שֶׁהִגִּיעוּ קְרוֹב  
לִירוּשָׁלַיִם. הִגִּיעוּ קְרוֹב לִירוּשָׁלַיִם  
שָׁלְחוּ לְפָנֵיהֶם וְעָטְרוּ אֶת-  
בְּכוֹרֵיהֶם. הַפְּחוֹת הַסָּגִים  
וְהַנְּזָבְרִים יוֹצְאִים לְקִרְאָתָם. <sup>10</sup> לְפִי  
כְבוֹד הַנִּכְנָסִים הָיוּ יוֹצְאִים. וְכָל-  
בְּעָלֵי אוֹמְנוֹת שֶׁבִירוּשָׁלַיִם עוֹמְדִים  
לְפָנֵיהֶם <sup>13</sup> וְשׂוֹאֲלִין בְּשָׁלוֹמָם,  
אַחֲרֵינוּ אֲנֵשׁ הַמָּקוֹם פְּלוֹנִי, בְּאֵתָם  
לְשָׁלוֹם.

#### משנה ד

\*הַחֲלִיל מִכָּה לְפָנֵיהֶם עַד שֶׁשָּׁמְעִין  
לְהַר הַבַּיִת. הִגִּיעוּ לְהַר הַבַּיִת,  
אֶפִּילוֹ אֲגִרִּיפָס הַמֶּלֶךְ נוֹטֵל הַסֵּל  
עַל כַּתְפוֹ וְנִכְנס עַד שֶׁשָּׁמִיעַ לְעֹזְרָה.  
הִגִּיעַ לְעֹזְרָה, וְדִבְרוּ הַלְוִיִּם בְּשִׁיר,  
אֲרוֹמָמְךָ ה' כִּי דָלִיתָנִי וְלֹא  
שָׂמַחַת אוֹיְבֵי לִי.

\*See preceding *Mishnah* (§).

1 Before the Temple Mount was reached anyone might carry the baskets of *first-fruits*, but afterwards the owner himself had to carry his basket (because of the term מִיָּדָךְ in *Deuteronomy* 26, 4). 2 Or *the Temple*. 3 *Psalm* 150 is chanted before arriving at the Temple Court. 4 *Psalm* 30.

## Mishnah 5

The pigeons that were hung at the back of<sup>1</sup> the baskets were for *burnt-offerings*, and what<sup>2</sup> was in their hands they gave up to the priests.

מִשְׁנָה ה

הַגּוֹזְלוֹת יִשְׁעַל גְּבֵי הַסִּלִּים הֵיוּ  
עוֹלוֹת, וְיָמָה-שְׂבִידָם נוֹתְנִים  
לַכֹּהֲנִים.

1 Not literally *upon the baskets* or *above the baskets*, for in that case the birds would have defiled the *first-fruits*. 2 Any other pigeons that were brought had to be given to the priests outside the Temple Court before entry. According to some opinions this refers, not to the birds, but to the *first-fruits*.

## Mishnah 6

While the basket was still on his<sup>1</sup> shoulder he would recite<sup>2</sup> from *I profess this day unto the Eternal thy God* until he finished\* all the passage. R. Judah says,<sup>3</sup> Until [he reaches] *An Aramean a wanderer was my father*.<sup>4</sup> When he reached *An Aramean a wanderer was my father* he set down the basket from off his shoulder and held it by its rim. And the priest would place<sup>5</sup> his hand under it and wave<sup>6</sup> it, and would read from *An Aramean a wanderer was my father* until he completed\* the whole passage. And then he would set it<sup>7</sup> by the side of the Altar, and prostrated himself and went out.

מִשְׁנָה ו

יַעֲזֹדְהוּ הַסֵּל עַל כְּתָפוֹ, קוֹרֵא  
מֵהַגְּדָתִי הַיּוֹם לַה' אֱלֹהֶיךָ עַד  
\*שְׁנוֹמֵר כָּל-הַפִּרְשָׁה. רַבִּי יְהוּדָה  
אוֹמֵר, עַד אֶרְכָּמִי אוֹבֵד אָבִי. הָגִיעַ  
לְאֶרְכָּמִי אוֹבֵד אָבִי, מוֹרִיד הַסֵּל  
מֵעַל כְּתָפוֹ וְאוֹחֶזוּ בְּשַׁפְתוֹתָיו.  
וְכֵהֵן מִנִּיחַ יָדוֹ תַּחְתָּיו, וּמְנִיפוֹ,  
וְקוֹרֵא מֵאֶרְכָּמִי אוֹבֵד אָבִי עַד שֶׁהוּא  
\*גּוֹמֵר כָּל-הַפִּרְשָׁה. וְיַמְנִיחוֹ בְּצֵד  
הַמִּזְבֵּחַ וְהִשְׁתַּחֲוָה וְיֵצֵא.

\*Literally in the *present tense*.

1 The carrier draws near to the Altar. 2 *Deuteronomy* 26, 3. 3 His opinion is not accepted. 4 *Deuteronomy* 26, 5, and *Introduction*. 5 Or מִנִּיחַ. 6 He moves it to and fro and up and down. 7 Or וּמְנִיחוֹ. The owner sets down the basket at the south-western corner of the Altar, prostrates himself towards the Holy of Holies and makes his exit, staying overnight in Jerusalem.

## Mishnah 7

Originally all who knew how to recite<sup>1</sup> recited, but anyone who did not know how to recite they recited with him.<sup>2</sup> But they refrained<sup>3</sup> from bringing—it was ordained that all should be<sup>4</sup> made to repeat whether they could recite or whether they were unable to recite.

מִשְׁנָה ז  
בְּרֵאשׁוֹנָה, כָּל-מִי שִׁידַע לְקָרוֹת  
קוֹרֵא, וְכָל-מִי שֶׁאִינוֹ יוֹדֵעַ לְקָרוֹת  
מִמָּקְרִין אוֹתוֹ. <sup>3</sup>נִמְנָעוּ מִלְּהִבִּיא;  
הִתְקִינוּ שִׁיְהִיו מִמָּקְרִין אֶת-מִי  
שִׁידַע, וְאֶת-מִי שֶׁאִינוֹ יוֹדֵעַ.

1 Who knew the prescribed words. 2 The priest recited the words and the donor repeated them after him. 3 Those unable to recite without help were ashamed to bring the first-fruits. 4 שִׁיְהִיו in some editions.

## Mishnah 8

The well-to-do used to bring their *first-fruits* in baskets<sup>1</sup> overlaid with silver and gold, and the poor used to bring<sup>2</sup> them in wicker<sup>4</sup> baskets<sup>3</sup> of peeled willow branches. Both the baskets<sup>5</sup> and the *first-fruits* were given<sup>6</sup> to the priests.

מִשְׁנָה ח  
הַעֲשִׂירִים מְבִיאִים בְּכוּרֵיהֶם  
בְּקַלְתוֹת שֶׁל כֶּסֶף וְזָהָב,  
וְהַעֲנִיִּים מְבִיאִין אוֹתָם בְּמַסְלֵי  
יִצְרֵים שֶׁל עֵרֶבָה קְלוּפָה. <sup>5</sup>  
וְהַסֵּלִים וְהַבְּכוּרִים נִתְּנוּ לַכֹּהֲנִים.

1 קַלְתָּה, קַלְתָּה, basket shaped like a vase, woman's work-basket. 2 מְבִיאִים in some editions. 3 בְּמַסְלֵי in some editions. 4 Or *willow*. 5 The baskets overlaid with silver or gold were given back to the owners; only the baskets of the poor which were not so adorned with the precious metals were retained by the priests. 6 נִתְּנוּ in some editions.

## Mishnah 9

R. Simon ben Nanas says, They might decorate<sup>1</sup> the *first-fruits* with others than the *seven kinds*,<sup>2</sup> R. Akiba says,<sup>3</sup> They used not to adorn the *first-fruits* with others than the *seven kinds*.\*

מִשְׁנָה ט  
רַבִּי שִׁמְעוֹן בֶּן נָנָס אוֹמֵר, מְעַטְרִין  
אֶת-הַבְּכוּרִים חוּץ <sup>2</sup>מִשְׁבַּעַת  
הַמִּינִים; רַבִּי אֶקִּיבָא אוֹמֵר, אֵין  
מְעַטְרִין אֶת-הַבְּכוּרִים אֶלָּא  
\*מִשְׁבַּעַת הַמִּינִים.

\*See 1<sup>3</sup>.

1 Or *adorn, bedeck*. 2 See **Introduction**. 3 His opinion is accepted.

## Mishnah 10

R. Simon says, There are three categories in connection with *first-fruits*: the *first-fruits* themselves,<sup>1</sup> and the addition<sup>2</sup> to the *first-fruits*, and the decoration<sup>3</sup> of the *first-fruits*. The addition to the *first-fruits* should be of the same kind; but what adorns the *first-fruits* may be of a different kind. The addition to the *first-fruits* must be eaten in cleanness, and they are exempt<sup>4</sup> from the laws of *doubtfully-tithed produce*,<sup>5</sup> and what bedecks the *first-fruits* is subject<sup>6</sup> to the laws of *doubtfully-tithed produce*.

1 The actual *first-fruits*. 2 When the veritable *first-fruits* are picked the owner adds more fruits though these are not actual *first-fruits*. 3 The choice fruits with which the owner bedecks the basket(s) of *first-fruits*. 4 Exempt from tithe. 5 See Tractates פאה and דמאי, **Introductions**. 6 But actually exempt from tithe.

## Mishnah 11

When, did they say, is the addition to the *first-fruits* like to actual *first-fruits*?—When they<sup>1</sup> come from the Land.<sup>2</sup> But when they do not come from the Land<sup>4</sup> they are not<sup>3</sup> like to the *first-fruits* themselves.<sup>5</sup>

1 The fruits composing the addition. (Literally, *it*, with reference to תוספת). 2 ארץ ישראל. 3 But from beyond the Jordan. 4 But they must nevertheless be eaten בטהרה, in cleanness. 5 Since *first-fruits* themselves from beyond the Jordan are only מדרבנן (as prescribed by the Sages).

## Mishnah 12

In what cases did they say that the *first-fruits* are like to the goods of a priest?—Because he may buy with them bondmen and immovable property, and unclean cattle, and a

## משנה י

רבי שמעון אומר, שלש מדות בבכורים, <sup>1</sup>הבכורים תוספת הבכורים ועטור הבכורים. תוספת הבכורים מין במינו; ועטור הבכורים מין בשאינו מינו. תוספת הבכורים נאכלת בטהרה, <sup>4</sup>ופטורה מן-<sup>5</sup>הדמאי; ועטור הבכורים <sup>6</sup>חייב בדמאי.

## משנה יא

אימתי אמרו תוספת הבכורים בבכורים בזמן שהיא באה מן-<sup>2</sup>הארץ. ואם אינה באה מן-<sup>3</sup>הארץ <sup>4</sup>אינה בבכורים.

## משנה יב

למה אמרו הבכורים כנוכסי כהן? שהוא קונה מהם עבדים וקרקעות ובהמה טמאה, ובעל חוב נוטלן

creditor may take them for his debt<sup>1</sup> or a woman for her *marriage contract*,<sup>3</sup> as a Scroll of the Law.<sup>4</sup> But R. Judah says, They may not give them<sup>6</sup> except to an *associate*<sup>7</sup> as a free gift;<sup>8</sup> but the Sages say, They give them to the *priestly guard*<sup>9</sup> and these share among themselves as they do with the holy sacrifices of the Temple.

בְּחֻבּוֹ, וְהָאִשָּׁה<sup>2</sup> בְּכִתּוּבָתָהּ<sup>3</sup>  
כְּסֶפֶר תּוֹרָה. וְרַבִּי יְהוּדָה אוֹמֵר,  
אֵין נוֹתְנִין אוֹתָם אֶלָּא לְחֶבֶר<sup>7</sup>  
בְּטוֹבָה; וְחֻכָּמִים אוֹמְרִים, נוֹתְנִין  
אוֹתָם לְאַנְשֵׁי מִשְׁמֶרֶת, וְהֵם  
מִחֻלְקֵין בֵּינֵיהֶם כְּקֹדֶשֶׁי הַמִּקְדָּשׁ.<sup>10</sup>

1 *i.e.*, in payment for his debt. 2 *אִשָּׁה* in some editions. 3 *כְּתוּבָה*, *marriage contract*, containing various clauses particularly a statement of the settlement of a certain amount due to the wife if divorced or in the event of her husband's death.\* 4 Which may also be taken by a creditor for a debt due or by a woman for her marriage contract. 5 *נוֹתְנִים* in some editions. 6 The *first-fruits*. 7 A *חֶבֶר*. For *חֶבֶר* see *רֵמָא* 1<sup>1</sup>. 8 Compare *שְׂבִיעִית* 41.<sup>2</sup> 9 See *Mishnah* 2 of this Chapter. 10 Or *מִחֻלְקִים*. \*See *כְּתוּבוֹת* Introduction.

CHAPTER 4<sup>1</sup>

## פֶּרֶק ד'

## Mishnah 1

An hermaphrodite<sup>2</sup> is in some respects like to men and in others like to women;<sup>3</sup> and in some ways he is like to both men and women, and in other respects he is like neither<sup>4</sup> to<sup>5</sup> men nor to women.

## מִשְׁנָה א

אֲנֶדְרוּגִינוֹס יֵשׁ בּוֹ דְּרָכִים שְׁוֶה  
לְאַנְשִׁים, וְיֵשׁ בּוֹ דְּרָכִים שְׁוֶה לְנָשִׁים,  
וְיֵשׁ בּוֹ דְּרָכִים שְׁוֶה לְאַנְשִׁים וְנָשִׁים,  
וְיֵשׁ בּוֹ דְּרָכִים אֵינּוּ שְׁוֶה לְאַנְשִׁים  
וְנָשִׁים.

1 See *Introduction*. 2 See 1<sup>5</sup>, *Note* 6. In one text the beginning of the *Mishnah* is *תְּנִינָא אֲנֶדְרוּגִינוֹס* [Extraneous *Mishnah*] it is stated that an hermaphrodite . . . . 3 *וְלְנָשִׁים* in some texts. 4 *שְׂאִינּוּ* in some texts. 5 *לֹא* in some editions.

## Mishnah 2

In what respects is he like to men?—He becomes unclean by seminal issue<sup>1</sup> like men; and he must dress<sup>2</sup> like men; and he marries<sup>3</sup> like men, but may not be taken as wife;<sup>4</sup> and his mother continues for him<sup>5</sup> in clean blood as after

## מִשְׁנָה ב

כִּיצַד שְׁוֶה לְאַנְשִׁים? \*מִטְמֵא בְּלִבָּן  
כְּאַנְשִׁים; וּמִתְעַטֵּף כְּאַנְשִׁים; וְנוֹשֵׂא  
אֶבֶל לֹא נִישֵׂא כְּאַנְשִׁים; וְאִמּוֹ  
יֹשֶׁבֶת עָלָיו בְּדָם טָהוֹר כְּאַנְשִׁים;

the birth of males; and like men he may not be alone with women; and like men he does not receive maintenance<sup>6</sup> with the daughters; and like men he must not transgress<sup>7</sup> the laws of *Thou shalt not round* and *Thou shalt not*<sup>8</sup> *mar* and<sup>9</sup> *Thou shalt not defile thyself for the dead*; and like men he is bound by all the commandments enjoined in the Law.

ואינו מתיחד עם הנשים כְּאֲנָשִׁים;  
ואינו גִּזְזוֹן עם הבנות כְּאֲנָשִׁים;  
וְעוֹבֵר עַל בַּל תִּקַּף וְכַל תִּשְׁחִית  
וְכַל \*תִּטְמֵא לַמֵּתִים כְּאֲנָשִׁים;  
וְחַיִּיב בְּכָל הַמִּצְוֹת הָאֵמוּרוֹת  
בְּתוֹרַה כְּאֲנָשִׁים.

\*Abbreviations of *Hithpael* forms  
מִתְטַמֵּא, תִּתְטַמֵּא.

1 Literally, *white*; *seminal discharge*, *flux*. *Leviticus* 15, 2, 16. 2 ומתעטף וְזִקְק לִיבוֹם כְּאֲנָשִׁים ומתעטף ומסמפר and וְאִינוֹ נִעְטֵף וּמִסְמָפֵר, and וְמִסְמָפֵר in some texts. He may not put on woman's clothes. 3 *i.e.*, he takes a wife. 4 Or נָשָׂא. *i.e.*, may not be married to a man. 5 Only 33 days, not 66 days as after a female child. *Leviticus* 12, 1ff. 6 Or גִּזְזוֹן. When the income is small the daughters take precedence in the maintenance. 7 וְחַיִּיב בְּכָל תִּקַּף וְכַל תִּשְׁחִית in some texts. *Leviticus* 19, 27, וְלֹא תִשְׁחִית אֶת פְּנֵיךָ וְלֹא תִקַּף רְאשְׁכֶם וְלֹא תִקַּף פְּנֵיךָ וְלֹא תִקַּף רְאשְׁכֶם, *Ye shall not round the corners of your head neither shalt thou mar the corners of thy beard*. 8 וְעַל בַּל in some editions. *Leviticus* 21, 1 (if he be a priest), וְעַל בַּל לֹא יִטְמֵא בְּעַמִּי, *None shall defile himself for the dead among his people*, applies also to the hermaphrodite.

### Mishnah 3

In what manner is he like to women?—He becomes unclean<sup>1</sup> by red flow<sup>2</sup> like women; and like women he may not be alone with men; and like women he is not subject<sup>3</sup> to the law of *levirate* marriage;<sup>4</sup> and like women he does not inherit<sup>5</sup> with the sons; and<sup>6</sup> like women he must not eat<sup>7</sup> of the holy sacrifices in the Temple; and his mother<sup>8</sup> continues for him in the condition of impurity of blood as after the birth of females; and like women he is ineligible<sup>9</sup> to<sup>10</sup> give testimony; and<sup>11</sup> if like women he has been unlawfully cohabited with<sup>12</sup> he is ineligible [to eat] of the *priest's due*.

### משנה ג

כִּיצַד שֶׁנֶּה לְנָשִׁים? <sup>1</sup>מִטְמֵא כְּאִשָּׁה  
כְּנָשִׁים; וְאִינוֹ מִתְיַחַד עִם הָאֲנָשִׁים  
כְּנָשִׁים; וְאִינוֹ זִקְק לִיבוֹם כְּנָשִׁים;  
וְאִינוֹ חוֹלֵק עִם הַבָּנוֹת כְּנָשִׁים;  
וְאִין אוֹכַל בְּקֻדְשֵׁי הַמִּקְדָּשׁ כְּנָשִׁים;  
וְאִינוֹ יוֹשֵׁב עָלָיו בְּדָם טָמֵא  
כְּנָשִׁים; וְנִפְסוּל מִן־הָעֵדוּת כְּנָשִׁים;  
וְאִם נִבְעַל בְּעֵבִירָה נִפְסַל מִן־  
הַתְּרוּמָה כְּנָשִׁים.

\*In some texts, הַכֹּהֲנִית, *the priesthood*, *i.e.*, 'he is ineligible to marry into the priestly stock.'

1 *Exodus 15, 19*, וְאִשָּׁה כִּי תִהְיֶה זָכָה דָּם. 2 Literally, *red*; menses, menstrua (menstrual or monthly discharge) from the uterus. 3 וּלְקַק לִבּוֹם in some editions. See *Introduction*. 4 *Deuteronomy 25, 5-10*. If a man died childless, a brother living at his death (*i.e.*, excluding a brother born posthumously) must marry the widow (if she be not among those mentioned in the forbidden degrees *Leviticus 18, 6-17*). 5 Only as regards property but not maintenance. 6 Instead of the next two sentences some texts have וְאִינוּ עוֹבְדֵי עַל בֵּל תִּקְיָה וְלֹא עַל בֵּל תִּשְׁחִית. 7 וְלֹא עַל בֵּל תִּשְׁמָא לְמֵתִים בְּנָשִׁים in some editions. *Exodus 6, 11*. 8 A fortnight as for a female. This sentence is omitted in some texts in favour of וְאִינוּ מְאָכִיל בְּתֵרוּמָה בְּנָשִׁים. 9 Or *evidence*. Some editions add here וְאִינוּ מְאָכִיל בְּתֵרוּמָה בְּנָשִׁים. 10 לְכָל עֲדוּת שְׁבִתוּרָה in some texts. 11 וְאִינוּ נֹכֵעַל בְּעֵבֶרָה בְּנָשִׁים in some texts. 12 *i.e.*, has suffered unlawful sexual connection.

#### Mishnah 4

In what ways is he like to both men and women?—Persons incur guilt<sup>1</sup> for smiting him or cursing him<sup>2</sup> as<sup>3</sup> in the case of men and women; and one who slays him<sup>4</sup> unwittingly is exiled, but if intentionally is put to death like in the case of men and women; and<sup>5</sup> his mother brings an offering for him<sup>6</sup> like for men and women;<sup>7</sup> and he may eat<sup>8</sup> of such holy things<sup>9</sup> as both men and women are permitted to eat; and he inherits<sup>10</sup> in all cases of inheritance both like men and women.<sup>11</sup>

1 וְנִזְקֵין בְּכָל הַנִּזְקִין בְּאִישׁ וְאִשָּׁה in some texts. 2 *Exodus 21, 15, 17*. 3 Some editions have וְעַל נִזְקִין inserted here. 4 Instead of the next two sentences, some texts have וְהוֹרְגוֹ בְּמִיד גִּלְהִי בְּשׁוּגָה גִּלְהִי לְעֵרִי מִקְלָט *Exodus 21, 12, 13, 14*. 5 Some editions have here וְאִינוּ יוֹשֵׁבֶת עָלָיו דָּם שְׂמָא וְדָם שְׂמָא בְּנָשִׁים. 6 For his birth. 7 וְנִזְקֵין in some editions. 8 וְחֹלֵק in some editions. 9 Such as תְּרִימָה and קִדְשֵׁי קָלִים. 10 If he be the only heir he inherits everything. 11 Some texts conclude with וְהוֹרְגוֹ בְּמִיד גִּלְהִי בְּשׁוּגָה גִּלְהִי לְעֵרִי מִקְלָט.

#### Mishnah 5

How is he not like to<sup>1</sup> men and women?—They<sup>2</sup> do not burn priest's-s-due for the uncleanness of

#### משנה ד

כִּיצַד שְׁוֶה לְאֲנָשִׁים וְנָשִׁים? 1 יְחִיבִים עַל 2 מִפְתּוֹ וְקָלָלָתוֹ 3 כְּאֲנָשִׁים וְנָשִׁים; 4 וְהוֹרְגוֹ שׁוּגָה גִּלְהִי וּמִיד גִּלְהִי כְּאֲנָשִׁים וְנָשִׁים; 5 וְאִינוּ מְבִיאָה 6 עָלָיו קָרְבַּן כְּאֲנָשִׁים וְנָשִׁים; 7 וְאִינוּ מְבִיאָה 8 עָלָיו קָרְבַּן כְּאֲנָשִׁים וְנָשִׁים; 9 וְאִינוּ מְבִיאָה 10 עָלָיו קָרְבַּן כְּאֲנָשִׁים וְנָשִׁים; 11 וְאִינוּ מְבִיאָה 12 עָלָיו קָרְבַּן כְּאֲנָשִׁים וְנָשִׁים.

וְנָשִׁים.

#### משנה ה

כִּיצַד אֵינוֹ שְׁוֶה לְאֲנָשִׁים וְנָשִׁים? 1 אֵין שׁוֹרְפִין תְּרִימָה עַל טֹמְאָת

his discharge,<sup>3</sup> and<sup>4</sup> he is not liable<sup>5</sup> for entering the Temple, unlike in the case of both men and women; and his *valuation* is not valid,<sup>6</sup> unlike both men and women; and he may not be sold<sup>7</sup> as a Hebrew slave,<sup>8</sup> unlike both men and women;<sup>9</sup> and if anyone said, 'May I be a *nazirite*<sup>10</sup> if this be neither a man nor a woman,' he is a *nazirite*.<sup>11</sup> R. Jose says, An hermaphrodite is a creature by itself; and<sup>12</sup> the Sages were unable to decide concerning it whether it was a man or a woman, but it is not so in the case of one of indeterminate sex,<sup>13</sup> because<sup>14</sup> at times such a one is a man and at other times a woman.

וַיִּבְתּוּ, וְאֵין טְיִיבִין עָלָיו עַל  
בִּיאַת מִקְדָּשׁ לֹא כְאֻנָּשִׁים וְנָשִׁים;  
וְאֵינוֹ נִזְכָּר לֹא כְאֻנָּשִׁים וְלֹא  
כְנָשִׁים; וְאֵין נִמְכָּר בְּעֶבֶד עֲבָרִי  
לֹא כְאֻנָּשִׁים וְלֹא כְנָשִׁים; וְאִם  
אָמַר, הֲרֵנִי נָזִיר שְׁוֵה לֹא אִישׁ  
וְלֹא אִשָּׁה נָזִיר, רַבִּי יוֹסִי אוֹמֵר,  
אֲנִדְרוֹגִינוֹס בְּרִיָּה בְּפָנָי עֲצָמָה  
הוּא;<sup>12</sup> וְלֹא יָכְלוּ חֲכָמִים לְהַכְרִיעַ  
עָלָיו אִם הוּא אִישׁ אוֹ אִשָּׁה, אֲבָל  
טוֹמָטוֹם אֵינוֹ כֵּן, פְּעָמִים שֶׁהוּא  
אִישׁ פְּעָמִים שֶׁהוּא אִשָּׁה.

1 לא לְאֻנָּשִׁים וְלֹא לְנָשִׁים in some editions. 2 Some editions have instead וְאֵין שׁוֹרְפִין עָלָיו אֶת-הַתְּרוּמָה לֹא כְאֻנָּשִׁים וְלֹא כְנָשִׁים. 3 Or *issue, flux, gonorrhoea, protracted menstruation*. 4 Some texts have instead אֵין טְיִיבִין עָלָיו טוֹמָאֵת מִקְדָּשׁ וְקִדְּשׁוֹ לֹא כְאֻנָּשִׁים וְלֹא כְנָשִׁים וְאֵין שׁוֹרְפִין עָלָיו אֶת-הַתְּרוּמָה לֹא כְאֻנָּשִׁים וְלֹא כְנָשִׁים. 5 To זִיבָה, *extirpation*, when he is unclean because of קָרִי, *seminal discharge*, or זִיבָה (see Note 3.) 6 *Leviticus 27, 2 ff.* 7 Because of the doubt whether he is male or female and the phrase in *Exodus 22, 2* is וְנִמְכָּר בְּעֶבֶד. 8 לְעֶבֶד in some editions. *Exodus 21, 2, 7.* 9 A girl sold when she is still a minor. 10 Or *nazarite*; one who takes a vow to be set apart for God's service and to abstain from grapes and its products and from intoxicating liquors and not to cut his hair (see Introduction). 11 הֲרֵנִי נָזִיר in some editions. 12 וְלֹא הִכְרִיעוּ בוֹ חֲכָמִים in some editions. 13 See 1<sup>5</sup>. 14 אֲלֵא סָפַק אִישׁ סָפַק אִשָּׁה in some texts.

### סֵלִיק מִסֵּכַת בְּכוֹרִים

### CONCLUSION OF TRACTATE BIKKURIM



# SUPPLEMENT

## GLOSSARY OF THE FLORA OF ZERAIM

By

PHILIP BLACKMAN, F.C.S.

## BIOGRAPHIES

### THE MAKERS OF THE MISHNAH

By

REV. JOSEPH HALPERN, M.A.



FLORA

BIOGRAPHIES

the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million, and the number of people who are malnourished has increased from 1.2 billion to 1.5 billion (FAO 1996).

There are a number of reasons for this increase. First, the world population has increased from 5 billion in 1987 to 6 billion in 1997, and is projected to reach 8 billion by 2025 (FAO 1996). Second, the world population is becoming increasingly urbanized, and this is increasing the demand for food. Third, the world population is becoming increasingly aged, and this is increasing the demand for food. Fourth, the world population is becoming increasingly mobile, and this is increasing the demand for food. Fifth, the world population is becoming increasingly educated, and this is increasing the demand for food.

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## GLOSSARY

### OF THE PLANTS ENUMERATED IN ORDER ZERAIM

- algaroba**, the **carob-tree** (*ceratonia siliqua*) and also its edible beans or pods known as **St.-John's-bread**. It is an evergreen-tree, bearing red racemose flowers.
- almond**, the kernel of a stone-fruit borne by the amygdalaceous **sweet almond-tree** and **bitter almond-tree** (*amygdalus communis*). It was originally a native of Barbary or Morocco.
- anemone**, genus of plants of the *crowfoot* family (*ranunculaceæ*) especially *anemone memorosa* or **wind-flower**.
- apple**, the round firm fleshy edible fruit or pome of a rosaceous tree (*malus*) of the family *pomaceæ* or *malaceæ*; **crab-apple**, the wild apple-tree and its small bitter or sour fruit; the **pippin** is one of the numerous varieties.
- apricot**, orange-coloured pubescent stone-fruit (allied to plum and peach) of the **apricot-tree**.
- artichoke**, a tall thistle-like perennial herb or garden plant (*cynara scolymus*) or its edible flower head; and also the **Jerusalem artichoke** (allied to the sunflower) or its eatable tubers.
- arum**, genus of monocotyledonous herbs (*arum*, type of family *araceæ*, including the **wake-robin** and **cuckoo-pint**) whose roots yield a wholesome farina (arrowroot or portland-sago).
- asphodel**, genus (*asphodelus*) of liliaceous plants; also a plant belonging to the several related genera *abama* and *asphodeline*.
- balsam**, the common name of genera (*impatiens* and *impatiens balsamina*) of succulent herbaceous flowering plants; also the name of a tree yielding balsam.
- banana**, a large herbaceous perennial tropical plant (*musa sapientium*) that bears finger-shaped, fleshy, edible, yellow, nutritious fruit (called **banana**) growing in compact clusters; the **plantain** (genus *plantago*) is allied to it.
- barley**, hardy awned cereal grass (genus *hordeum*) and also its edible seed or grain. **pearl-barley**, the grain stripped of husk and pellicle and ground small and round.
- bay**, kind of tree or shrub, the **laurel-tree** (which see).

## GLOSSARY

- bean**, the plant and oval edible seed of certain legumes. **Egyptian bean**, one of the leguminous plants. **horse-bean**, a large bean given to horses. **hyacinth bean**, a dicotyledenous plant of the *leguminosae* group. **kidney bean**, the common bean (*phaseolus vulgaris*); the dwarf French bean; the haricot.
- beet**, a biennial chenopodiaceous herb or plant (genus *beta*) and also its succulent root, **beetroot**, cultivated as a vegetable or for forage.
- blite**, any one of various herbs, mostly of the goosefoot family (*chenopodiaceae*) as the **coast-blite**, **sea-blite**, **strawberry-blite**.
- bulrush**, a tall rush-like plant growing in water or damp ground, especially a tall sedge (*scirpus lacustris*). In *Exodus* 2, 3, probably the **papyrus**.
- cabbage**, a cultivated brassicaceous vegetable (*brassica oleraceae*) of many varieties with a round heart or head.
- calamint**, a menthaceous labiate aromatic herb (genus *clinopodium*), especially **calamint balm** (*clinopodium calamintha*), closely allied to thyme and balm.
- caper**, bramble-like South European caparidaceous shrubs (genus *capparis*, especially *capparis spinosa*). Its flower-buds are pickled and have an agreeable pungent slightly bitter taste used especially as a condiment.
- caraway**, umbelliferous yellow-flowered biennial herb with aromatic pungent fruit (**caraway seed**) used as a condiment in cakes and as a tonic.
- carob**, the **algaroba** (which see) or **locust-tree** (which see).
- carrot**, biennial ammiaceous plant (genus *umbelliferae*) with tapering orange-red coloured sweet edible root.
- cassia**, inferior coarse kind of cinnamon; also **cassia-bark**, genus of tree yielding cassia; and also a genus of shrubs (*leguminosae*) whose leaves yield senna; the pod of *cassia fistula* yields a mild purgative, and the bark is used in tanning.
- cauliflower**, annual variety (*brassica oleraceae botrytis*) of cabbage with large fleshy deformed edible inflorescence or flower-head.
- celery**, a biennial ammicaceous herb (*apium graveolens*) whose blanched succulent stem is used raw or cooked as a salad.
- cereals** (see **corn plants**).
- charlock**, a wild mustard (*brassica arvensis*) with yellow flowers that grows as a weed in grainfields.
- chicory**, (also **chicory**) a chicoriaceous blue-flowered perennial herb of the aster family whose roots are used as a salad (and also roasted and ground for adulterating coffee).

## GLOSSARY

- cinnamon**, the aromatic bark of several lauraceous trees (genus *cinnamomum* especially *cinnamomum zeylanicum* and *cinnamomum loureirii*) used as a spice.
- cistus**, a considerable genus of evergreen exogenous shrubs of the rockrose family, with large white or red short-lived flowers.
- citron**, tree (*citrus medica*) and fruit; the fruit is larger, less acid and thicker-skinned than the lemon which it resembles in colour, appearance and structure.
- clover**, any of a genus (*trifolium*) of low herbs of the bean family with trifoliolate leaves and flowers in dense heads; also any of the several other plants of the same family (*fabaceæ*) as **sweet clover** (*melilotus*), affording rich pasture and hay and grown for soil improvement, **bush clover** (*lespedeza*), **red clover** (*trifolium pratense*), **spotted clover** (*medicago*), **prairie clover** (*petalostemon*).
- colchicum**, any of a genus (*colchicum* or *liliaceæ*) of melanthaceous bulbous herbs; also the dried corm or ripe seeds of a colchicum (*colchicum autumnale*)—**meadow saffron**—used especially for a medicinal preparation for treating rheumatism and gout.
- coriander**, annual ammiaceous herb (*coriandrum sativum*) of the parsley family, with aromatic fruit (popularly termed **coriander seed**) which (when fresh has an offensive odour) is used as a spice and as a stomachic and carminative.
- corn plants** (**grain, cereals**), see **barley, durra, maize, millet, oat, rice, rye, spelt, wheat**.
- cotton**, plant yielding downy, white, fibrous material composed of the hairs appendant to the seeds (especially of the genus *gossypium*—mallow family); the seed yields an edible oil.
- cress**, name of various plants of the mustard family (*brassicaceæ*) which grow in moist places, usually with pungent edible leaves used as salads and garnishings and also medicinally. **water-cress**, perennial creeping water plant (*rorica nasturtium-aquaticum*) grown usually in clear running or spring water, used as a salad and as a preventive of scurvy. **garden-cress**, cultivated in the garden and used as a salad.
- cuckoopint**, the **common arum** or **wakerobin** (*arum maculatum*) with erect spathe and short purple spadix; and edible farina is obtained from the root.
- cucumber**, creeping plant of the gourd family with long succulent fleshy fruit of a cucurbitaceous vine eaten as a salad and pickle.

## GLOSSARY

- cumin, cummin**, annual umbelliferous dwarf plant (*cuminum cynimum*) of the parsley family *ammiaceæ* like fennel with aromatic seed resembling the caraway, valuable as a carminative and condiment.
- cyclamen**, kind of primulaceous bulbous plant (genus *cyclamen*) cultivated for their early blooming white or pink flowers with reflexed petals.
- cypress**, evergreen coniferous tree (genus *cupressus*).
- darnel**, annual of the rye-grass genus (*lolium temulentum*) growing as weed among corn.
- date**, the fruit of the **date-palm** or **date-tree** (*phoenix dactylifera*).
- daylily**, the **hemerocalis**, a garden liliaceous plant (genus *hemerocalis*, especially *hemerocalis fulva* and *hemerocalis flava*) with yellow or tawny flowers whose blossoms last only a day.
- dill**, an ammiaceous umbelliferous annual yellow-flowered herb (*anethum graveolens*) whose pungent aromatic seeds are carminative and stimulant, and are used in cookery.
- dittander, dittany**, see **pepperwort**.
- dragon's-wort, tarragon** or **snakeweed**, an aromatic perennial plant (*artemisia dracunculus*) used for flavouring vinegar and sauces and for seasoning.
- durra**, also called *Indian millet*, *durra millet*, *Guinea-corn*, *sorgho grass*, a variety of grain-yielding sorghum, grasses closely allied to sugar-cane and beard-grass, and widely grown for food in southern Asia and northern Africa.
- endive**, an annual or biennial herb (*cichorium endivia*), a species of chicory, whose leaves are used as salad.
- fennel**, yellow-flowered fragrant umbelliferous perennial herb, of the carrot and parsley families and allied to dill, cultivated for use in sauces and for the aromatic flavour of its seeds.
- fenugreek**, a leguminous herb (*trigonella faenum-graecum*), allied to clover and melilot, with strong-scented leaves and edible mucilaginous seeds used in making curry.
- field-rocket**, an annual plant (genus *hesperis*), of the mustard family, used for salads.
- fig**, the edible fruit of the **fig-tree** (*ficus*); there are many varieties of fig-trees.
- flax**, an annual blue-flowered plant (genus *linum*, family *linaceæ*) cultivated for its textile fibre (woven into *linen* cloth) and its mucilaginous seeds (called *flax seed* or *linseed* from which *linseed-oil* is extracted).
- fritillary** (see **snakeshead**), a genus of arctic or north-temperate bulbous herbs (especially **snakehead**), of the order *liliaceæ*, with drooping flowers mottled or checkered with pale and dark purple.



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- gallnut, gall**, a vegetative (often nut-like) excrescence produced by certain insects and parasites (as the gallfly, gallmidge, and certain aphids) on the tissues of oaks and plants. The commercial galls contain tannin and are used in dyeing, inkmaking, etc.
- garlic**, an edible hardy perennial plant (genus *allium sativum*), of the lily family, with bulbous strong-smelling pungent-tasting root used as a food and for flavouring and seasoning.
- goosefoot**, or **pigweed, figweed**, a genus (*chenopodium*) of glabrous mealy-leaved herbs.
- gourd**, the large fleshy melon-like fruit of kinds of trailing or climbing cucurbitaceous plants; the hard rind of the fruit when emptied and dried is used as a bottle, drinking-cup, or dipper; **the pumpkin** and squash belong to the same genus (*cucurbita*).
- grain** (see **corn plants**).
- grape** (see **vine**).
- hawthorn**, a thorny shrub (genus *crataegus*), of the apple or rose family, much planted for hedges, with glossy (often lobed) leaves, white, red or pink fragrant blossom, and small dark red berry (the **haw**).
- hazel, hazel-tree**, a betulaceous shrub or small tree (genus *corylus*), of the oak family (*cupuliferae*), yielding an ovoid bony edible nut (**filbert** or **hazelnut**) enclosed in a leafy involucre.
- hemp**, an annual herbaceous plant (genus *cannabis sativa*, family *cannabinaceæ*), native of India; its cortical fibre is made into rope and stout fabric.
- henna**, or **Egyptian privet**, a small shrub (genus *lawsonia inermis*, family *lythraceæ*), of the loosestrife family, with fragrant white flowers; a reddish-orange pigment or dye and a cosmetic for the nails and hair are produced from its shoots and leaves.
- horseradish**, a common brassicaceous garden herb (*roripa armoracia*), of the mustard family, whose pungent root is grated or scraped as condiment and in medicine.
- iris**, or **flagflower, fleur-de-lis**, genus of plants (family *iridaceæ*), chiefly with tuberous roots, sword-shaped leaves and large handsome flowers of many colours.
- ivy**, a climbing or creeping evergreen araliaceous woody vine-like shrub (*hedera helix*), of the ginseng family, with dark shining (usually five-angled) leaves, small yellowish flowers and black berries.
- Judas-tree**, a caesalpiniaceous tree (genus *cercis siliquastrum*), with purple flowers appearing before the leaves.

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- jujube**, a genus (*zizyphus*) of rhamnaceous spiny shrubs or small trees, of the buckthorn family, the edible berry-like drupe of which is dried as a sweetmeat.
- king's-spear**, a white flowered plant (genera *asphodelus* and *abama*) of the lily family.
- labdanum, ladanum** (see **rockrose**).
- laurel**, a kind of evergreen lauraceous shrub or tree (genus *laurus nobilis*), with glossy aromatic lance-shaped leaves, yellowish flowers and succulent cherry-like fruit; its foliage was used by the ancient Greeks for making honorary wreaths for victors in the Pythian games, and as a mark of distinction for certain offices and honours. (See **bay**).
- leek**, a culinary biennial liliaceous herb (*allium porrum*), allied to the onion, distinguished by its greater pungency, smaller cylindrical bulb, and broadly linear succulent leaves.
- lemon**, the ovoid, pale-yellow, acid-juiced edible fruit of the **lemon-tree** (*citrus medica limonum* or *citrus limonia*), related to the orange and citron; the rind yields the fragrant essential oil of lemons.
- lentil**, an Old World (Eurasian) annual, common, leguminous, fabaceous plant (*ervum lens* or *lentilla lens*), with pale-blue flowers and broad pods, grown near the Mediterranean for its edible lens-shaped seed (**lentils**).
- lettuce**, a chicoriaceous herb (genus *lactuca sativa*) containing a milky juice; its crisp succulent leaves are much used as salad.
- lily**, a bulbous plant (genus *lilium*, family *liliaceæ*), with whorled or scattered leaves and bearing large handsome fragrant white or reddish or purplish flowers on a tall slender stem.
- lily-of-the-valley**, a low smooth perennial herb (*convallaria majalis*), like a lilywort, with a raceme of fragrant nodding white bell-shaped flowers.
- locust-tree**, or **carob tree**, of the bean family, with thorny branches, pinnate leaves, and drooping dense clusters of white fragrant flowers.
- loosestrife**, a marsh-loving herbaceous plant (genus *lythrum*, order *lythraceæ*), with four-cornered branches and regular or irregular flowers; also a primulaceous plant (genus *lysimachia*, family *primulaceæ*), with leafy stem and white or yellow flowers.
- lotus**, or **lote, lotos**, the water-lily of Egypt; also a North African tree (*zizyphus lotus*); and also a genus of leguminous herbs or subshrubs (family *fabaceæ*) with foliolate leaves and umbels of yellow, red, or white flowers.

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- lupin**, or **lupine**, a kind of fabaceous garden and fodder herb (genus *lupinus*), of the bean family, with long tapering spikes of blue, purple, white, or yellow flowers; its seed, especially of the European white lupine, is used as food.
- madder**, a rubiaceous perennial herbaceous climbing plant (*rubia tinctorum*), with small yellowish paniced flowers succeeded by berries; its roots afford a red dye and pigment (essentially *alizarin*).
- maize**, or **Indian corn**, a cereal with large leaf-sheathed ears (*corn-cobs*), used as a food and for forage.
- mallow**, a plant of the genus *malva* (family *malvaceæ*, order *malvales*), with hairy stem, soft downy leaves and purple flowers; its flat disc-like fruit possesses emollient properties.
- marjoram**, an aromatic perennial herb, of the genera of mint (*origanum* and *majorana*), used as a seasoning or flavouring in cookery (see *origan*).
- mastic**, or **mastich**, **lentisk-tree**, a small Mediterranean evergreen tree (*pistachia lentiscus*), exuding from the bark **mastic**, a pale-yellow gum-resin used for cement, varnish, flavouring liquor (in Greece and Turkey), and as an astringent.
- medlar**, a small spreading European tree (*mespilus germanica*), of the rose family, yielding a fruit like a small brown crab-apple which is hard and bitter when ripe but becomes pleasantly acid when beginning to decay, and is extensively eaten and is also used for preserve.
- melilot**, a species of clover-like herbs (genus *melilotus*), as the common yellow melilot or true sweet clover, with white or yellow flowers and a peculiar sweet odour.
- melon**, a trailing plant of the cucumber or gourd family and its apple-shaped fruit; its chief varieties are: (1) **muskmelon** (three general types—*muskmelon*, *cantaloupe*, and *winter-melon*), the fruit of a cucurbitaceous plant (*cucumis melo*, or especially *cucumis melo reticulatus*); (2) the **watermelon**, the large edible fruit of a trailing melon (*citrullus vulgaris*), with a hard green or white rind and a pink or red pulp, containing a copious refreshing pleasantly flavoured sweet watery fluid.
- millet**, a graminaceous small-seeded plant (*panicum miliaceum*), native of India, bearing a large crop of small nutritious seed, used as a cereal food and forage; allied well-known varieties are **pearl millet** (*pennisetum glaucum*) and **Italian millet** (*setaria italica*).
- mint**, any of a genus (*mentha*) of menthaceous aromatic herbs (family *lamiaceæ* or *menthaceæ*, especially **garden-mint** or **spear-mint** (*mentha viridis*) and **peppermint** (*mentha piperita*), used for

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**plum**, the tree (genus *prunus*, order *rosaceæ*), allied to the cherry, and its roundish fleshy edible drupaceous fruit with sweet pulp and pointed stone.

**pomegranate**, a tree (*punica granatum*), of the myrtle family, and its fruit which is a several celled reddish berry, much cultivated in warm countries especially in North Africa and West Asia, as large as a medium sized orange, having a thick leathery golden or orange rind and a crimson agreeably acidic flavoured reddish pulp enveloping numerous seeds.

**poppy**, papaveraceous herbs (genus *papaver*), having a milky narcotic juice, with large handsome red, yellow or white flowers; one species yields opium.

**portulaca, portulacaceæ**, a natural order of dicotyledons, of the **purslain** (which see) family, tropical, fleshy, herbaceous or shrubby plants, with scattered leaves, ephemeral flowers opening only in sunshine, and globular pod, mostly succulent, generally growing in dry places.

**pulse**, the edible grain or seeds of various leguminous plants, as **beans, peas, lentils, etc.** (which see).

**pumpkin**, a cucurbitaceous trailing vine (*cucurbita pepo*), of the gourd family, with heart-shaped leaves, bearing large egg-shaped or globular deep yellow fruit with edible layer next to rind, widely cultivated for food and for cattle; in Europe the allied **winter-squash** and its many varieties is extensively grown.

**purslain, purslane**, a prostrate fleshy succulent annual herb (*portulaca oleracea*), of gardens and waste places, with reddish green stems and leaves and small yellow flowers, used in salads and pickled in Europe (but deemed a weed in America).

**quince**, the large shrub or small tree (*cydonia oblonga*), of the rose family (*pyrus cydonia*), much grown in Central Asia, and the hard pleasant flavoured golden pear-shaped or globose fruit, too acid to be eaten raw but used as a preserve for jellies and marmalade and as a flavouring for other fruits.

**radish**, a cruciferous brassicaceous annual plant (*raphanus sativus*), of the mustard family, with fleshy succulent pungent root eaten raw as relish in salads (see **horseradish**).

**reeds**, certain tall straight-stalked grasses growing in moist or marshy places, having a very hard almost woody culm.

**rice**, one of the most useful and cultivated annual cereals (*oryza sativa*), grown chiefly in marshes in Oriental countries, and its pearl white seeds used as staple food in Eastern countries and in other countries; it is used for making cakes, puddings, etc. and starch.

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- rocket**, any one of several ornamental Old World brassicaceous herbs (genus *hesperis*) of the mustard family; some species are used as salad.
- rockrose**, a kind of citaceous plant (of the family *cisaceæ*, of either of the genera *cistus* and *helianthemum*), with yellow, pink or salmon-coloured flowers resembling the wild rose; **labdanum** or **ladanum** is a soft, dark-coloured, brittle, oleoresinous exudation from the leaves.
- rose**, any of a genus (*rosa*) of hardy, erect, climbing or creeping rosaceous shrubs of numerous varieties, with mostly rod-like, prickly stems, pinnate leaves, and showy terminal, often corymbose flowers, in colour white, pink, yellow or red, having five or rarely four petals in the wild state but double or semi-double (the stamens being transformed into petals) in cultivation; also a flower of this shrub.
- rue**, a perennial evergreen woody bushy rutaceous shrub or herb of any species of genus *ruta graveolens*, with bitter strong-scented acrid leaves and greenish-yellow flowers, formerly used in medicine as a stimulant.
- rye**, a North European hardy annual cereal (*secale cereale*), allied to wheat and barley, whose grain is used for bread and for fodder.
- ryegrass**, a variety of darnel (which see) cultivated for pasture and fodder.
- safflower**, an annual carduaceous herbaceous thistle-like composite plant (*carthamus tinctorius*) having large orange-coloured spiny flower heads, cultivated in India for its red dye (*carthamine*) used especially in rouge.
- saffron**, a bulbous plant (*crocus sativus*), of the crocus species, with deep-yellow or purple flowers whose orange-coloured stigmas yield a colouring substance used for colouring varnishes, flavouring confectionery, foods and liquors, and formerly as a dye-stuff. **meadow-saffron** (see *colchicum*).
- savory**, **savoury**, a genus of a hardy annual aromatic European herb (*satureia hortensis*, order *labiatæ*), of the mint family and nearly allied to thyme, used for seasoning and for imparting an aromatic pungent flavour to viands.
- scutch grass**, any of the various species of grasses having long creeping rhizomes or root stalks by which they spread rapidly, especially (1) **couch grass**, the **European grass** (*triticum repens* or *agropyron repens*) and **red top** or **florin** (*agrostis alba*), and the slender **foxtail** (*alopecurus agrostis*), and (2) **Bermuda Grass**, **Bahama grass**, or **devil grass**, a kind of grass (*capriola dactylon* or *cynodon dactylon*) of trailing and stoloniferous habit esteemed for pasture, a native of southern Europe but also widespread in warm countries.

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- serpentaria**, the rhizome and roots of the **Virginia snakeroot** used as a diaphoretic, diuretic and stomachic cordial.
- service, service-tree**, a tree (*sorbus domestica*) of the pear family, resembling the mountain-ash, with close-grained wood, odd-pinnate leaves, panicked cream-coloured flowers, and small edible fruit.
- sesame**, an annual herbaceous tropical and subtropical hairy herb (*sesamum indicum*), of eastern and southern Asia, with seeds (**sesame**) used as food and yielding a valuable oil (*gingili-oil* or *sesame-oil*) used in salads and as a laxative.
- shallot, shalot**, a species of onion (*allium ascalonicum*) producing small clustered bulbs with a garlic-like flavour used for seasoning and in pickles. (Compare **onion, leek**).
- shrub**, a low perennial woody plant smaller than a tree, usually several-stemmed from near the ground; also a term used for a bush or *dwarf tree* (see **trees**).
- snakehead, snakeshead, guinea-henflower**, any species of *chelonina* with large white or purple flowers (see **fritillary**).
- snakeroot**, any one of numerous plants—also their roots—with roots mostly reputed as remedies for snake-bite, especially **Virginia snakeroot** (*aristo-lochia serpentaria*), a perennial herb with purplish flowers and fibrous medicinal roots, **bugbane**, **black snakeroot**, (*cimicifuga racemosa*), **button snakeroot** (*linaria*), **senega snake-root** (*polygala senega*), **white snakeroot** (*eupatorium urticaefolium* or *eupatorium ageratoides*) a handsome herb.
- snakeweed, snakesweed** or **bistort**, a perennial European herb (*bistorta* or *polygonum bistortoides*) with cylindrical spike of flesh-coloured flowers, and creeping rootstocks possessing astringent properties.
- sorb-tree, sorb**, the **service-tree** (which see) or **mountain-ash**.
- sorrel**, any one of several kinds of oxalic acid-impregnated leaved low perennial herbs (genus *rumex*), allied with dock, especially the **common sorrel** (*rumex acetosa*); it is eaten boiled, is used in salad and is compounded in medicinal preparations.
- sowbread**, a genus of south European plants, similar to cyclamen (which see), allied to the primrose, whose tubers are eaten by swine.
- spelt, or German wheat**, a cereal (*triticum spelta*), intermediate between wheat and barley, yielding very fine flour; it is grown much in the mountainous parts of Europe and in parts of western Asia.
- spikenard, or nard**, an Indian perennial herb (*nardoctachys jatamansi*), closely allied to valerian, yielding a costly aromatic oil or balsam of the same name in ancient times.

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- spinach** or **spinage**, an esculent garden annual vegetable (*spinacea oleracea*), of the goosefoot family, whose thick succulent young leaves form a wholesome dish when boiled, fried or seasoned.
- squash**, a term loosely employed for any of several kinds of **gourd** (which see) and the **pumpkin** (which see); it is also applied to the edible fruit of the various trailing annuals of the gourd family.
- star-of-Bethlehem**, an old world garden plant (genus *ornithogalum*, especially *ornithogalum umbellatum*), of the lily family, with bright white star-like flowers striped with green on the outside.
- strawberry**, the plant and juicy, luscious, pulpy, fleshy, edible, generally red fruit or berry bearing small seed-like achenia on its surface, genus *fragaria*, of rosaceous plants.
- strawberry-blite** (see **blite**).
- succory**, the same as **chicory** (which see).
- sumac**, **sumach**, a genus of small trees and shrubs or woody vines (genus *rhus*, order *anacardiaceae*); the leaves and panicles of some species are used in dyeing and tanning.
- sycamore**, a bushy tree (*ficus sycomorus*), of the fig family, common in Palestine, Syria and Egypt, having a sweet edible fruit.
- tare**, any of several species of vetch, especially the **common vetch** (*vicia sativa*) and its seed; also perhaps identical with **darnel** (which see).
- tarragon**, the **herbdragon**, a perennial aromatic cardueaceous plant (*artemisia dracunculus*), allied to wormwood, whose herbage is used for flavouring and seasoning sauces, salads and vinegar.
- terebinth**, the **turpentine-tree**, a small anacardiaceous tree (*pistacia terebinthees*) yielding Chian turpentine.
- thistle**, kinds of vigorous prickly composite plants (genera *carduus*, *cirsium*, *onicus* and *onopordon*), of the aster family, with cylindrical or globular heads with white, yellow or purple tubular flowers and seeds terminating in long bristly pappus (*thistle-down*).
- thorn**, kinds of shrubs or small trees having spines or thorns.
- trees and shrubs** (see **algaroba**, **almond**, **apple**, **apricot**, **ash**, **baytree**, **caper**, **carob**, **cassia**, **citron**, **cumin**, **cypress**, **date-palm**, **fig-tree**, **henna**, **Judas-tree**, **jujube**, **laurel**, **lemon**, **locust-tree**, **lotus**, **medlar**, **myrtle**, **olive**, **orange**, **palm**, **peach**, **pear**, **pistachio**, **plum**, **pomegranate**, **quince**, **service-tree**, **sorb-tree**, **sumac**, **sycamore**, **terebinth**, **thistle**, **thorn**, **vine**, **willow**.)
- thyme**, a species of undershrub laminaceous plants (genus *thymus*, order *labiatae*) cultivated for seasoning in cookery; **common garden thyme**, a shrub with pungent aromatic leaves used in cookery and

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- seasoning; **shepherd's-thyme** or **wild-thyme**, a shrub with mildly fragrant leaves.
- turnip**, a biennial brassicaceous plant (*brassica campestris* or *brassica napobrassica* and *brassica rapa*), of the mustard family, with lyrate bispid leaves, the upper part of the edible root becoming swollen, globular and fleshy, used as a culinary esculent and for feeding cattle and sheep.
- turpentine-tree** (see **terebinth**).
- vetch**, annual plants (genus *vicia*), of the bean family, mostly climbing, some wild or cultivated used for fodder (see **tare**).
- vine**, **grape-vine**, the climbing woody-stemmed plant, whose fruit (**grape**) yields wine and is also made into **raisins** by drying.
- wakerobin**, (*arum masculatum*), any of the various *arums* especially the **cuckoopint** (which see).
- walnut**, tree (genus *juglans*, *juglandaceae*) delicate-flavoured, edible nut in a pair of similar boat-shaped shells.
- wheat**, the most valuable annual or biennial of all the cereal grasses (genus *triticum*, especially *triticum vulgare*); its highly nutritious grain furnishes a white flour for bread.
- whitethorn**, the **common hawthorn**, (genus *crataegus*), a thorny shrub or small tree, of the rose family, with white, red, or pink fragrant blossom and small dark berry (called *haw*), planted for hedges or for ornament.
- willow**, any salicaceous tree or shrub (genus *salix*) having slender, pliant, tough branches, growing usually near water in temperate lands.
- woad**, a genus (*satis tinctoria*) of brassicaceous cruciferous herb, of the mustard family, mostly native of Mediterranean lands, whose leaves yield a good blue permanent dye (*woad*).



# BIOGRAPHIES

## THE MAKERS OF THE MISHNAH

Brief supplementary notes on the scholars cited in the *Mishnah*

[Fl. = flourished, c. = circa, b. = *ben* (בן).]

### PRE-TANNAITIC (c. 300 B.C.E.-10 C.E.).

1. **Avtalion:** Av-Bet-Din to Shemaia. Fl. c. 50 B.C.E. Of heathen descent. One of the most influential and beloved scholars of his time. Called Pollion by Josephus, who writes of him:

"Pollion the Pharisee, and Sameas a disciple of his, were honoured by him (Herod) above all the rest; for when Jerusalem was besieged (37 B.C.E.) they advised the citizens to receive Herod."

He and his colleague Shemaia were the first to be known as *Darshanim*. חגיגה 2<sup>2</sup>; עדיות 1<sup>3</sup>, 5<sup>6</sup>; אבות 1<sup>10,11</sup>.

2. **Akavia b. Mahalel:** Fl. c. 40 B.C.E. All that we know of him is found in the *Mishnah*. He maintained his minority opinion to the last, in spite of inducements of office by his colleagues. His dying advice to his son is worthy of note. עדיות 5<sup>6,7</sup>; אבות 3<sup>1</sup>; בכורות 3<sup>4</sup>; נגעים 1<sup>4</sup>, 5<sup>3</sup>; נדה 2<sup>6</sup>.

3. **Antigonus of Soko:** Fl. c. 200 B.C.E. *Avot de R. Nathan* mention two disciples of his who are not referred to in the *Mishnah*, Zadok and Boethus, who inferred from their teacher's words a denial of the resurrection and future life. אבות 1<sup>3</sup>.

4. **Bava b. Buta:** Fl. c. 30 B.C.E. A disciple of Shammai. A judge in Jerusalem. The *Talmud* tells of his piety, meekness and wisdom. Advised Herod to rebuild the Temple as an atonement for slaughtering the sages of Israel. כריתות 6<sup>3</sup>.

5. **Hillel:** Fl. at beginning of C.E. Native of Babylonia, of Davidic descent, disciple of Shemaia and Avtalion, appointed *Nasi* early in reign of Herod. Responsible for the 'seven rules' for the oral interpretation of the *Written Law*. Famed for his gentle and peace-loving character, his infinite patience, modesty and charitable nature. Head of school known as *Bet Hillel*. ברכות 1<sup>3</sup>, 8<sup>1-8</sup>; פאה 3<sup>1</sup>, 6<sup>1,2,5</sup>, 7<sup>6</sup>; דמאי 1<sup>3</sup>, 6<sup>6</sup>; כלאים 2<sup>6</sup>, 4<sup>1,5</sup>, 6<sup>1</sup>; שביעית 1<sup>1</sup>, 4<sup>2,4,10</sup>, 5<sup>4,8</sup>, 8<sup>3</sup>, 10<sup>3</sup>; תרומות 1<sup>4</sup>, 5<sup>4</sup>; מעשרות 4<sup>2</sup>; מעשר שני 2<sup>3,4,7,8,9</sup>, 3<sup>6,7,9,1,3</sup>, 4<sup>8</sup>, 5<sup>3,6,7</sup>; חלה 1<sup>6</sup>; ערלה 2<sup>4</sup>; שבת 1<sup>4-9</sup>, 3<sup>1</sup>, 21<sup>3</sup>; ערובין 1<sup>2</sup>, 6<sup>4,6</sup>, 8<sup>6</sup>; פסחים 1<sup>1</sup>, 4<sup>3</sup>, 8<sup>2</sup>, 10<sup>3,6</sup>; שקלים 2<sup>3</sup>, 8<sup>6</sup>; סוכה 1<sup>1,7</sup>, 2<sup>7</sup>, 3<sup>5,9</sup>; ביצה 1<sup>1-3,5-9</sup>, 2<sup>1-5</sup>; ראש השנה 1<sup>1</sup>; חגיגה 1<sup>1,2,3</sup>, 2<sup>2,8,4</sup>; יבמות 1<sup>4</sup>, 3<sup>1,5</sup>, 4<sup>3</sup>, 6<sup>6</sup>, 13<sup>1</sup>, 15<sup>2,3</sup>; כתובות 5<sup>6</sup>, 8<sup>1,6</sup>; נדרים 3<sup>2,4</sup>; חזיר 2<sup>1,2</sup>, 3<sup>6,7</sup>, 5<sup>1-3,6</sup>; סוטה 4<sup>3</sup>; גיטין 4<sup>3,6</sup>, 8<sup>4,8,9</sup>, 9<sup>10</sup>; קדושין 1<sup>1</sup>; בבא מציעא 3<sup>12</sup>, 5<sup>9</sup>; בבא בתרא 9<sup>8,9</sup>; עדיות 1<sup>1-4,7-14</sup>, 4<sup>1-12</sup>, 5<sup>1-5</sup>; אבות 1<sup>12-14</sup>, 2<sup>5,6,7</sup>, 4<sup>5</sup>, 5<sup>17</sup>; זבחים 4<sup>1</sup>; חולין 1<sup>2</sup>, 8<sup>1</sup>, 11<sup>2</sup>; בכורות 5<sup>2</sup>; ערכין 9<sup>4</sup>; כריתות 1<sup>6</sup>; כלים 9<sup>3</sup>, 11<sup>3</sup>, 14<sup>2</sup>, 18<sup>1</sup>, 20<sup>2,6</sup>, 22<sup>4</sup>, 26<sup>6</sup>, 28<sup>4</sup>, 29<sup>8</sup>; אהלות 2<sup>3</sup>, 5<sup>1-4</sup>, 7<sup>3</sup>, 11<sup>1,3-6,8</sup>, 13<sup>1,4</sup>, 15<sup>8</sup>, 18<sup>1,4,8</sup>; פרה 12<sup>10</sup>; טהרות 9<sup>1,6,7</sup>, 10<sup>4</sup>; מקואות 1<sup>5</sup>, 4<sup>1</sup>, 5<sup>6</sup>, 10<sup>6</sup>; נדה 1<sup>1</sup>, 2<sup>4,6</sup>, 4<sup>3</sup>, 5<sup>9</sup>, 10<sup>1,4,6-8</sup>; מכשירין 1<sup>2-4</sup>, 4<sup>4,5</sup>; זבים 1<sup>1,2</sup>; טבול יום 1<sup>1</sup>; ידים 3<sup>5</sup>; עוקצין 3<sup>6,8,11</sup>.

## BIOGRAPHIES

6. **Jochanan High Priest:** John Hyrcanus, king of Judea 135-105 B.C.E., grandson of Mattathias who started the revolt against Antiochus Epiphanes. Enlarged the boundaries of his kingdom by subduing the Edomites and Samaritans. Held in very high esteem until towards the end of his reign when he sided with the Sadducees. ידים 4<sup>e</sup>; פרה 3<sup>e</sup>; סוטה 9<sup>10</sup>; מעשר שני 5<sup>15</sup>.

7. **Jose b. Joezer** and 8. **Jose b. Johanan:** The first of the *Zugot* or "Pairs". Fl. c. 170 B.C.E. Accepted rule of Alcimus who was appointed High Priest by the Syrians against Judah the Maccabee. Alcimus was nephew of Jose b. Joezer and murdered his uncle in a massacre of scholars. (7) חגיגה 2<sup>9,7</sup>; סוטה 9<sup>9</sup>; עדויות 8<sup>4</sup>; אבות 1<sup>4</sup> (8) חגיגה 2<sup>2</sup>; סוטה 9<sup>9</sup>; אבות 1<sup>4,5</sup>.

9. **Joshua b. Perachia:** Fl. c. 100 B.C.E. Fleed to Alexandria when John Hyrcanus began persecuting the Pharisees. Gave instructions about performance of the ceremony of the Red Heifer. חגיגה 2<sup>2</sup>; אבות 1<sup>6</sup>.

10. **Judah b. Tabbai:** Fl. c. 70 B.C.E. Executed a plotting witness in order to refute the Sadducean teaching on this subject. On being rebuked for this by Simon b. Shetach he never again gave a legal decision without him. חגיגה 2<sup>2</sup>; אבות 1<sup>8</sup>.

11. **Measha:** Contemporary of Hillel. פאה 2<sup>6</sup>.

12. **Menachem:** Contemporary of Hillel who entered Herod's service. חגיגה 2<sup>2</sup>.

13. **Nittai the Arbelite:** Colleague of Joshua b. Perachia. חגיגה 2<sup>2</sup>; אבות 1<sup>6,7</sup>.

14. **Onias the Circle-maker:** Fl. c. 70 B.C.E. Josephus relates that he was stoned to death by the party of Hyrcanus when they were besieging Aristobulus in Jerusalem in 65 B.C.E. He was asked to pray for the besiegers. Spreading his hands to heaven, he exclaimed: "They are both Thy children. Listen not if they pray against one another for evil, but only for good." He was the Jewish Rip Van Winkle. תענית 3<sup>8</sup>.

15. **Shammai:** Colleague of Hillel. Fearless and outspoken, yet warm-hearted man. Head of school known as *Bet Shammai*. ברכות 6<sup>5</sup>; דמאי 3<sup>1</sup>; כלאים 8<sup>5</sup>; עדויות 2<sup>2</sup>; ביצה 2<sup>6</sup>; סוכה 2<sup>8</sup>; ערלה 2<sup>5,12</sup>; מעשר שני 24<sup>9</sup>; תרומות 4<sup>3</sup>; 1<sup>1-4,7,8,10,11</sup>, 3<sup>10</sup>; אבות 1<sup>12,15</sup>, 5<sup>17</sup>; מקואות 4<sup>5</sup>; כלים 22<sup>4</sup>; נדה 1<sup>1</sup>; מכשירין 5<sup>9</sup>.

16. **Shemaia:** Colleague of Avtalion. Of heathen descent. Both highly esteemed in their generation. Both responsible for reviving Hillel when he was almost frozen to death listening to their lecture on a Sabbath. חגיגה 2<sup>2</sup>; עדויות 1<sup>8</sup>, 5<sup>6</sup>; אבות 1<sup>10</sup>.

17. **Simon b. Shetach:** Colleague of Judah b. Tabbai and brother-in-law of King Alexander Jannai. Introduced schools for adolescents. Principal adviser to Queen in reign of his sister Alexandra Salome. תענית 3<sup>8</sup>; חגיגה 2<sup>2</sup>; סנהדרין 6<sup>4</sup>; אבות 1<sup>8,9</sup>.

18. **Simon the Just:** Fl. c. 300 B.C.E. High Priest. Attempted to make Judaism secure against inroads of Hellenism. פרה 3<sup>5</sup>; אבות 1<sup>2,3</sup>.

## BIOGRAPHIES

### THE FIRST GENERATION (c. 10 - 80 C.E.).

19. **Admon b. Gaddai:** Contemporary of R. Jochanan b. Zakkai. The chief of three named police-court judges in Jerusalem who received a salary from the Temple treasury. כתובות 13<sup>1,2-9</sup>; בבא בתרא 9<sup>1</sup>; שבויעות 6<sup>3</sup>.
20. **Ben Buchri:** Contemporary of R. Johanan b. Zakkai. שקלים 14.
21. **Dositheus of Kefar Yatma:** Disciple of Shammai. ערלה 2<sup>5</sup>.
22. **R. Gamliel the Elder:** Grandson of Hillel. First to be styled Rabban. Transferred the College to Yavne. Executed many beneficial ordinances. פאה 2<sup>6</sup>; ערלה 2<sup>12</sup>; שקלים 3<sup>3</sup>, 6<sup>1</sup>; ראש השנה 2<sup>5</sup>; יבמות 16<sup>7</sup>; סוטה 9<sup>15</sup>; גטין 4<sup>2,3</sup>; אבות 1<sup>16</sup>.
23. **Chanan b. Avishalom:** Colleague of Admon. כתובות 13<sup>1,2</sup>.
24. **Chania b. Hezekia b. Gorion:** Younger contemporary of Hillel and Shammai. Through him the books of Ezekiel and Megillat Taanit were preserved. שבת 14.
25. **R. Chanina Vice High Priest:** Served in and survived the destruction of the Temple. A lover of peace. Suffered a martyr's death. פסחים 1<sup>6</sup>; שקלים 4<sup>4</sup>, 6<sup>1</sup>; ערויות 2<sup>1-3</sup>; אבות 3<sup>2</sup>; נבחים 9<sup>3</sup>, 12<sup>4</sup>; מנחות 10<sup>1</sup>; נעים 14<sup>1</sup>; פרה 3<sup>1</sup>.
26. **R. Jochanan b. Gudgada:** A pious Levite, who served in the Temple. חגיגה 2<sup>7</sup>; יבמות 14<sup>2</sup>; גטין 5<sup>8</sup>.
27. **R. Jochanan b. ha-Horani:** A disciple of *Bet Shammai* who is recorded to have acted according to the view of *Bet Hillel*. סוכה 2<sup>7</sup>.
28. **Rabban Jochanan b. Zakkai:** The last of Hillel's disciples. Succeeded in persuading Vespasian to spare the College at Yavne. Head of that College for decade following the destruction of Jerusalem. Nine ordinances by him enumerated in the *Talmud* (*Rosh Hashanah* 31b). ראש השנה 2<sup>5</sup>, 3<sup>12</sup>; סוכה 2<sup>5</sup>; שקלים 14<sup>1</sup>; שבת 16<sup>7</sup>, 22<sup>8</sup>; סנהדרין 5<sup>2</sup>; ערויות 8<sup>3,7</sup>; אבות 2<sup>8,9</sup>; מנחות 10<sup>5</sup>; כלים 2<sup>2</sup>, 17<sup>16</sup>; ידיים 4<sup>3,6</sup>.
29. **Joezer of the Bira:** A disciple of *Bet Shammai*. ערלה 2<sup>12</sup>.
30. **Jose Choli Kufri, Abba:** Mentioned only once. מכשירין 7<sup>8</sup>.
31. **Menachem b. Signai:** A dyer. ערויות 2<sup>8</sup>.
32. **Nachum the Mede:** A judge in Jerusalem in the last days of the Temple. שבת 2<sup>1</sup>; נזיר 5<sup>4</sup>; בבא בתרא 5<sup>8</sup>.
33. **Nachum the Scrivener:** Mentioned only once. פאה 2<sup>6</sup>.
34. **Samuel the Younger:** A disciple of Hillel. Composed the blessing against heretics in the *Amidah*. אבות 4<sup>19</sup>.
35. **Rabban Simon b. Gamliel I:** Succeeded his father as Patriarch. Opposed appointment of Josephus to command of Galilee. Died a martyr's death, possibly at the hands of the Zealots whose extremism he opposed. אבות 1<sup>17</sup>; כריתות 1<sup>7</sup>.
36. **Simon of Mizpa:** Probably a priest who served in the Temple. Contemporary of Nahum the Scrivener. פאה 2<sup>6</sup>.
37. **R. Zecharia b. ha-Kazzav:** Lived while Temple still stood. כתובות 2<sup>9</sup>; סוטה 5<sup>1</sup>; ערויות 8<sup>2</sup>.
38. **R. Zecharia b. Kavutal:** Most probably a priest who served in the Temple יומא 1<sup>6</sup>.

## BIOGRAPHIES

### THE SECOND GENERATION (c. 80-120 C.E.).

39. **R. Dosa b. Harkinas:** Already an old man when the Temple was destroyed. but still active in the College at Yavne afterwards. Wealthy and influential. שבת 20<sup>4</sup>; עירובין 3<sup>9</sup>; ראש השנה 2<sup>8,9</sup>; כתובות 13<sup>1,2</sup>; עדויות 3<sup>1-6</sup>; אבות 3<sup>10</sup>; חולין 1<sup>7</sup>, 11<sup>2</sup>; בכורות 7<sup>2</sup>; אהלות 3<sup>1</sup>; נגעים 1<sup>4</sup>; טהרות 8<sup>8</sup>.

40. **R. Elazar b. Arach:** Considered the greatest and wisest of the disciples of Rabban Johanan b. Zakkai, but died in obscurity because he retired to Emmaus on the death of his master in the expectation that his colleagues would come to him; they did not. אבות 2<sup>8,9,14</sup>.

41. **R. Elazar b. Azaria:** Appointed Patriarch by the scholars when Rabban Gamliel was deposed, and later shared this office when he was restored to the dignity. Very young on appointment but wealthy, well-born (a priest, tenth in descent from Ezra) and learned. A great Aggadist. Accompanied Rabban Gamliel, R. Joshua and R. Akiva on their second journey to Rome. Died probably just after the outbreak of the Bar-Cochba revolt. ברכות 1<sup>5</sup>, 4<sup>7</sup>; שביעית 1<sup>8</sup>, 3<sup>2</sup>; מעשרות 5<sup>1</sup>; 5<sup>9</sup>; מעשר שני 4<sup>2</sup>, 5<sup>4</sup>, 19<sup>3</sup>; ערובין 4<sup>1</sup>; יומא 8<sup>9</sup>; ביצה 2<sup>8</sup>; מועד קטן 1<sup>2</sup>; 1<sup>3</sup>; מכות 1<sup>10</sup>; עדויות 3<sup>12</sup>; כתובות 4<sup>5</sup>, 5<sup>1</sup>; נדרים 3<sup>11</sup>; נזיר 6<sup>2</sup>; סוטה 9<sup>15</sup>; בבא קמא 6<sup>4</sup>; פסחים 1<sup>10</sup>; 2<sup>3</sup>, 6<sup>4</sup>, 10<sup>6</sup>; 12<sup>4</sup>, 13<sup>1</sup>, 17<sup>7</sup>, 19<sup>1,4</sup>, 22<sup>1</sup>; ערובין 1<sup>2</sup>, 2<sup>5,6</sup>, 3<sup>2,6</sup>, 4<sup>5,11</sup>, 7<sup>10,11</sup>, 9<sup>2</sup>, 10<sup>10</sup>; פסחים 1<sup>7</sup>, 3<sup>1,2</sup>, 5<sup>9</sup>, 6<sup>1,2,5</sup>, 9<sup>2,4</sup>; שקלים 3<sup>1</sup>, 4<sup>7</sup>, 8<sup>7</sup>; יומא 5<sup>6</sup>, 7<sup>8</sup>, 8<sup>1</sup>; סוכה 1<sup>11</sup>, 2<sup>6</sup>, 4<sup>6</sup>; ביצה 4<sup>6,7</sup>; ראש השנה 4<sup>1</sup>; תענית 1<sup>1</sup>, 3<sup>9</sup>; מגילה 4<sup>10</sup>; מועד קטן 3<sup>8</sup>; חגיגה 3<sup>8</sup>; יבמות 3<sup>1</sup>, 6<sup>3,4</sup>, 8<sup>4,6</sup>, 12<sup>2,3</sup>, 13<sup>2,6,7,11</sup>, 16<sup>2,7</sup>; כתובות 1<sup>6-9</sup>, 5<sup>6,9</sup>, 9<sup>4</sup>; נדרים 4<sup>8</sup>, 9<sup>1,2</sup>, 10<sup>6-7</sup>; נזיר 3<sup>2-6</sup>, 6<sup>7,11</sup>, 7<sup>1</sup>; סוטה 1<sup>1</sup>, 3<sup>4</sup>, 4<sup>3</sup>, 6<sup>1</sup>, 8<sup>3</sup>, 9<sup>2,4</sup>; גטין 1<sup>1</sup>, 3<sup>2</sup>, 4<sup>7</sup>, 6<sup>3,4</sup>, 8<sup>8</sup>, 9<sup>1,4</sup>; קדושין 1<sup>4,9</sup>, 3<sup>12</sup>, 4<sup>8,13</sup>; בבא קמא 3<sup>8</sup>; מכות 1<sup>4</sup>, 6<sup>4</sup>; בבא מציעא 6<sup>8</sup>; בבא בתרא 3<sup>8</sup>, 4<sup>4,5</sup>, 9<sup>7</sup>; סנהדרין 1<sup>4</sup>, 6<sup>4</sup>, 10<sup>8</sup>; בבא מציעא 2<sup>5</sup>, 5<sup>3</sup>; עדויות 2<sup>7</sup>, 5<sup>4,5</sup>, 6<sup>2,3</sup>, 7<sup>4-7</sup>, 8<sup>6</sup>; עבודה זרה 1<sup>8</sup>, 3<sup>9</sup>; הוריות 2<sup>7</sup>; זבחים 1<sup>1,4</sup>, 3<sup>2</sup>, 7<sup>4</sup>, 8<sup>4,5,7-12</sup>, 11<sup>3</sup>; מנחות 3<sup>1,4</sup>, 7<sup>2</sup>; חולין 2<sup>5,7</sup>, 12<sup>2</sup>; בכורות 1<sup>5,6</sup>, 4<sup>7</sup>, 5<sup>3</sup>, 7<sup>6</sup>, 8<sup>10</sup>, 9<sup>8</sup>; ערכין 3<sup>2</sup>, 6<sup>1,2</sup>, 8<sup>4</sup>; תמורה 3<sup>1,3</sup>, 6<sup>6</sup>; כריתות 3<sup>10</sup>, 4<sup>2,3</sup>, 6<sup>1,2</sup>; מעילה 1<sup>2,3</sup>; כלים 2<sup>8</sup>, 3<sup>2</sup>, 5<sup>10</sup>, 8<sup>1</sup>, 10<sup>1</sup>, 11<sup>5,8</sup>, 14<sup>1,7</sup>, 15<sup>2</sup>, 17<sup>1</sup>, 18<sup>9</sup>, 26<sup>2,4,5</sup>, 27<sup>5,12</sup>, 28<sup>3</sup>; אהלות 2<sup>2,4</sup>, 6<sup>1</sup>, 9<sup>14,15</sup>, 11<sup>7</sup>, 12<sup>8,9</sup>, 14<sup>4,5</sup>, 17<sup>2,6</sup>; נגעים 6<sup>7</sup>, 7<sup>4,5</sup>, 9<sup>8</sup>, 11<sup>7</sup>, 13<sup>2,5</sup>, 14<sup>9</sup>; פרה 1<sup>1</sup>, 2<sup>1,2,5</sup>, 4<sup>1,2</sup>, 5<sup>4</sup>, 7<sup>10</sup>, 9<sup>1,2,4,7</sup>, 10<sup>1,2</sup>, 11<sup>2,7</sup>; טהרות 2<sup>2,7</sup>, 8<sup>7</sup>, 9<sup>2</sup>; מקואות 2<sup>4,7,9,10</sup>, 6<sup>11</sup>, 8<sup>1</sup>, 9<sup>3</sup>; נדה 1<sup>3,5</sup>, 4<sup>4,6</sup>, 5<sup>9</sup>, 6<sup>12</sup>, 10<sup>3</sup>; מכשירין 4<sup>5</sup>, 6<sup>6,7</sup>; זבחים 2<sup>2</sup>, 5<sup>3,7</sup>; ידים 4<sup>2,3</sup>; עוקצין 1<sup>2</sup>, 2<sup>3</sup>, 3<sup>10</sup>.

42. **R. Elazar b. Diglai (or Dilgai):** Mentioned only once. תמיד 3<sup>8</sup>.

43. **R. Eliezer (b. Hyrcanus):** Styled 'the Great.' Came of wealthy but ignorant land-owning family. One of the greatest of the pupils of Rabban Johanan b. Zakkai. Remarkable for his retentive memory, but stubborn in maintaining views he had learnt. Married sister of Rabban Gamliel. Was "sent to Coventry" by his colleagues and retired to Lydda, where he became the teacher of R. Akiva. Lived to a very ripe old age, and went to Rome with R. Joshua and Rabban Gamliel before his retirement. More than three hundred of his halakot are quoted in the *Talmud* and the Tannaitic *Midrashim*. ברכות 1<sup>1,2</sup>, 4<sup>5</sup>, 5<sup>2</sup>, 7<sup>8</sup>; פאה 3<sup>6</sup>, 4<sup>9</sup>, 5<sup>2,4</sup>, 7<sup>7</sup>; דמאי 4<sup>3</sup>, 5<sup>9</sup>, 6<sup>3</sup>; כלאים 2<sup>10</sup>, 3<sup>4</sup>, 5<sup>3,6</sup>, 6<sup>2</sup>, 9<sup>3</sup>; שביעית 5<sup>8</sup>, 8<sup>9,10</sup>, 9<sup>5,9</sup>, 10<sup>7</sup>; תרומות 2<sup>1</sup>, 4<sup>7-11</sup>, 5<sup>2,4-6</sup>, 6<sup>8</sup>, 8<sup>1-3,8,11</sup>, 11<sup>2</sup>; מעשרות 2<sup>4</sup>, 4<sup>4,5,6</sup>; חלה 1<sup>3</sup>, 2<sup>1,4,8</sup>, 4<sup>7</sup>; ערלה 1<sup>7</sup>; שבת 1<sup>10</sup>, 2<sup>3</sup>, 6<sup>4</sup>, 10<sup>6</sup>, 12<sup>4</sup>, 13<sup>1</sup>, 17<sup>7</sup>, 19<sup>1,4</sup>, 22<sup>1</sup>; ערובין 1<sup>2</sup>, 2<sup>5,6</sup>, 3<sup>2,6</sup>, 4<sup>5,11</sup>, 7<sup>10,11</sup>, 9<sup>2</sup>, 10<sup>10</sup>; פסחים 1<sup>7</sup>, 3<sup>1,2</sup>, 5<sup>9</sup>, 6<sup>1,2,5</sup>, 9<sup>2,4</sup>; שקלים 3<sup>1</sup>, 4<sup>7</sup>, 8<sup>7</sup>; יומא 5<sup>6</sup>, 7<sup>8</sup>, 8<sup>1</sup>; סוכה 1<sup>11</sup>, 2<sup>6</sup>, 4<sup>6</sup>; ביצה 4<sup>6,7</sup>; ראש השנה 4<sup>1</sup>; תענית 1<sup>1</sup>, 3<sup>9</sup>; מגילה 4<sup>10</sup>; מועד קטן 3<sup>8</sup>; חגיגה 3<sup>8</sup>; יבמות 3<sup>1</sup>, 6<sup>3,4</sup>, 8<sup>4,6</sup>, 12<sup>2,3</sup>, 13<sup>2,6,7,11</sup>, 16<sup>2,7</sup>; כתובות 1<sup>6-9</sup>, 5<sup>6,9</sup>, 9<sup>4</sup>; נדרים 4<sup>8</sup>, 9<sup>1,2</sup>, 10<sup>6-7</sup>; נזיר 3<sup>2-6</sup>, 6<sup>7,11</sup>, 7<sup>1</sup>; סוטה 1<sup>1</sup>, 3<sup>4</sup>, 4<sup>3</sup>, 6<sup>1</sup>, 8<sup>3</sup>, 9<sup>2,4</sup>; גטין 1<sup>1</sup>, 3<sup>2</sup>, 4<sup>7</sup>, 6<sup>3,4</sup>, 8<sup>8</sup>, 9<sup>1,4</sup>; קדושין 1<sup>4,9</sup>, 3<sup>12</sup>, 4<sup>8,13</sup>; בבא קמא 3<sup>8</sup>; מכות 1<sup>4</sup>, 6<sup>4</sup>; בבא מציעא 6<sup>8</sup>; בבא בתרא 3<sup>8</sup>, 4<sup>4,5</sup>, 9<sup>7</sup>; סנהדרין 1<sup>4</sup>, 6<sup>4</sup>, 10<sup>8</sup>; בבא מציעא 2<sup>5</sup>, 5<sup>3</sup>; עדויות 2<sup>7</sup>, 5<sup>4,5</sup>, 6<sup>2,3</sup>, 7<sup>4-7</sup>, 8<sup>6</sup>; עבודה זרה 1<sup>8</sup>, 3<sup>9</sup>; הוריות 2<sup>7</sup>; זבחים 1<sup>1,4</sup>, 3<sup>2</sup>, 7<sup>4</sup>, 8<sup>4,5,7-12</sup>, 11<sup>3</sup>; מנחות 3<sup>1,4</sup>, 7<sup>2</sup>; חולין 2<sup>5,7</sup>, 12<sup>2</sup>; בכורות 1<sup>5,6</sup>, 4<sup>7</sup>, 5<sup>3</sup>, 7<sup>6</sup>, 8<sup>10</sup>, 9<sup>8</sup>; ערכין 3<sup>2</sup>, 6<sup>1,2</sup>, 8<sup>4</sup>; תמורה 3<sup>1,3</sup>, 6<sup>6</sup>; כריתות 3<sup>10</sup>, 4<sup>2,3</sup>, 6<sup>1,2</sup>; מעילה 1<sup>2,3</sup>; כלים 2<sup>8</sup>, 3<sup>2</sup>, 5<sup>10</sup>, 8<sup>1</sup>, 10<sup>1</sup>, 11<sup>5,8</sup>, 14<sup>1,7</sup>, 15<sup>2</sup>, 17<sup>1</sup>, 18<sup>9</sup>, 26<sup>2,4,5</sup>, 27<sup>5,12</sup>, 28<sup>3</sup>; אהלות 2<sup>2,4</sup>, 6<sup>1</sup>, 9<sup>14,15</sup>, 11<sup>7</sup>, 12<sup>8,9</sup>, 14<sup>4,5</sup>, 17<sup>2,6</sup>; נגעים 6<sup>7</sup>, 7<sup>4,5</sup>, 9<sup>8</sup>, 11<sup>7</sup>, 13<sup>2,5</sup>, 14<sup>9</sup>; פרה 1<sup>1</sup>, 2<sup>1,2,5</sup>, 4<sup>1,2</sup>, 5<sup>4</sup>, 7<sup>10</sup>, 9<sup>1,2,4,7</sup>, 10<sup>1,2</sup>, 11<sup>2,7</sup>; טהרות 2<sup>2,7</sup>, 8<sup>7</sup>, 9<sup>2</sup>; מקואות 2<sup>4,7,9,10</sup>, 6<sup>11</sup>, 8<sup>1</sup>, 9<sup>3</sup>; נדה 1<sup>3,5</sup>, 4<sup>4,6</sup>, 5<sup>9</sup>, 6<sup>12</sup>, 10<sup>3</sup>; מכשירין 4<sup>5</sup>, 6<sup>6,7</sup>; זבחים 2<sup>2</sup>, 5<sup>3,7</sup>; ידים 4<sup>2,3</sup>; עוקצין 1<sup>2</sup>, 2<sup>3</sup>, 3<sup>10</sup>.

44. **R. Eliezer b. Jacob I:** Lived in time of Temple, on which he was considered an authority. Contemporary of R. Eliezer. תמיד 5<sup>2</sup>; מדות 1<sup>2,9</sup>, 2<sup>5,6</sup>, 5<sup>4</sup>.

## BIOGRAPHIES

45. **R. Eliezer b. Zadok I:** Most probably a priest, who lived in Temple times and was an authority on customs in Jerusalem and in the house of the Patriarch Rabban Gamliel at Yavne, as well as on the Temple. מדות 3<sup>8</sup>.

46. **Rabban Gamliel II:** Grandson of Rabban Gamliel I. Appointed Patriarch on death of Rabban Johanan b. Zakkai, c. 80 C.E. Deposed by scholars at Yavne after he had three times humiliated R. Joshua. Restored to office on reconciliation. The greatest scholars of the age were with him at Yavne. Went on several missions to Rome on behalf of his people and was well received there, first with R. Eliezer and R. Joshua and later with R. Elazar b. Azaria, R. Joshua and R. Akiva. Man of great learning, well acquainted with the wisdom of the Greeks and Romans, and keenly interested in scientific study. ברכות 1<sup>1</sup>, 2<sup>5-7</sup>, 4<sup>3</sup>, 6<sup>8</sup>; פאה 2<sup>4</sup>, 4<sup>5</sup>, 6<sup>8</sup>; דמאי 3<sup>1</sup>; שבועות 9<sup>5</sup>; תרומות 8<sup>8</sup>; מעשרות 4<sup>6</sup>; מעשר שני 2<sup>7</sup>, 5<sup>9</sup>; חלה 4<sup>7,8</sup>; בכורים 2<sup>8</sup>; שבת 12<sup>6</sup>, 16<sup>8</sup>; ערובין 4<sup>1,2</sup>, 6<sup>2</sup>, 10<sup>1,10</sup>; פסחים 1<sup>5</sup>, 3<sup>4</sup>, 7<sup>2</sup>, 10<sup>5</sup>; סוכה 2<sup>1,5</sup>, 3<sup>9</sup>; ביצה 1<sup>8</sup>, 2<sup>9,7</sup>, 3<sup>2</sup>; ראש השנה 1<sup>8</sup>, 2<sup>8,9</sup>, 4<sup>9</sup>; תענית 1<sup>8</sup>, 2<sup>10</sup>; מועד קטן 3<sup>6</sup>; יבמות 5<sup>1</sup>, 13<sup>7</sup>, 16<sup>7</sup>; כתובות 1<sup>6-9</sup>, 8<sup>1</sup>, 12<sup>4</sup>, 13<sup>2-5</sup>; סוטה 2<sup>1</sup>; גטין 1<sup>1,5</sup>; בבא מציעא 5<sup>8,10</sup>; כריתות 9<sup>1</sup>; שבועות 6<sup>3</sup>; עדיות 3<sup>9-11</sup>, 7<sup>7</sup>; עבודה זרה 3<sup>4</sup>; זבחים 9<sup>1</sup>; טהרות 9<sup>1</sup>; ידים 4<sup>4</sup>.

47. **R. Chalafta:** Descendant of Jonadab the Rechabite. Contemporary of Rabban Gamliel II. Lived in Sepphoris. תענית 2<sup>5</sup>.

48. **R. Chanina b. Dosa:** A disciple of Rabban Jochanan b. Zakkai, famed for his piety and wonder-working abilities. His poverty was proverbial. ברכות 5<sup>5</sup>; סוטה 9<sup>15</sup>; אבות 3<sup>10,11</sup>.

49. **R. Chanina b. Gamliel:** Older brother of the Patriarch Rabban Simon b. Gamliel. Disciple of his father and R. Tarfon. Many of his sayings are reported by the Amoraim in both *Talmuds*. קדושין 3<sup>4</sup>; בבא בתרא 10<sup>1</sup>; מכות 3<sup>15</sup>; מנחות 5<sup>8</sup>; בכורות 6<sup>9</sup>.

50. **R. Chuzpit:** Styled 'The Interpreter,' a post he filled in the College at Yavne in the time of Rabban Gamliel II. One of the Ten Martyrs. שביעית 10<sup>6</sup>.

51. **R. Jeshevav:** Contemporary of R. Huzpit and like him one of the Ten Martyrs. Is in one place called 'The Scribe.' חולין 2<sup>4</sup>.

52. **Jose b. Chanan, Abba:** Lived in Temple times. מדות 2<sup>8</sup>.

53. **Jose b. Onias:** Contemporary of R. Eliezer. זבחים 1<sup>2</sup>.

54. **R. Jose son of the Damascene:** Disciple of R. Eliezer. ידים 4<sup>3</sup>.

55. **R. Jose the Priest:** The third disciple of Rabban Jochanan b. Zakkai. עדיות 8<sup>2</sup>; אבות 2<sup>8,9,12</sup>.

56. **R. Joshua b. Bathira:** Member of the noble family in Jerusalem which held the office of Patriarch during the interregnum between Shemaia and Hillel. Colleague of R. Joshua. שבת 12<sup>5</sup>; יבמות 8<sup>4</sup>; עדיות 8<sup>1</sup>; פרה 2<sup>5</sup>.

57. **R. Joshua (b. Chananian):** A Levite, of the singers in the Temple. Disciple of Rabban Jochanan b. Zakkai, being one of those who carried his coffin when he escaped from Jerusalem during the siege. Acquired his master's skill in routing heretics. Appointed *Av-Bet-Din* in College of Yavne in Patriarchate of Rabban Gamliel.

## BIOGRAPHIES

Friendly with the Romans and went frequently to Rome on behalf of his people, first with Rabban Gamliel and R. Eliezer and later with Rabban Gamliel, R. Akiva and R. Elazar b. Azaria. Went also to Alexandria. A great linguist. Was a poor man and earned a living as a charcoal-burner. Supported Rabban Gamliel in the dispute with R. Eliezer but was himself three times humiliated by Rabban Gamliel for daring to disagree with him. This brought about the revolt of the scholars and the deposition of Rabban Gamliel. After the reconciliation R. Elazar b. Azaria was appointed *Av-Bet-Din* and R. Joshua established a school of his own at Pekiin. He died in Tiberias. ברכות 1<sup>2</sup>, 4<sup>3,4</sup>; פאה 3<sup>6</sup>; כלאים 6<sup>4</sup>; שביעית 1<sup>8</sup>, 2<sup>8</sup>, 3<sup>10</sup>, 5<sup>3</sup>, 9<sup>6</sup>; תרומות 4<sup>7-11</sup>, 8<sup>1-3, 8-11</sup>, 11<sup>2</sup>; מעשר שני 2<sup>7</sup>, 5<sup>9</sup>; חלה 2<sup>5</sup>; ערלה 1<sup>7</sup>; שבת 12<sup>4</sup>, 19<sup>4</sup>; ערובין 1<sup>4</sup>, 7<sup>10</sup>; פסחים 1<sup>7</sup>, 3<sup>3</sup>, 6<sup>2,5</sup>, 9<sup>6</sup>; שקלים 4<sup>7</sup>; יומא 2<sup>8</sup>; סוכה 3<sup>9</sup>; ראש השנה 2<sup>8,9</sup>; תענית 1<sup>1</sup>, 2<sup>8</sup>, 4<sup>4</sup>; יבמות 4<sup>13</sup>, 8<sup>4</sup>, 13<sup>7</sup>, 16<sup>1,7</sup>; כתובות 1<sup>8-9</sup>, 2<sup>2</sup>; גדרים 10<sup>6</sup>; נזיר 7<sup>4</sup>, 8<sup>1</sup>; סוטה 1<sup>1</sup>, 3<sup>4</sup>, 5<sup>1,2,5</sup>, 6<sup>1</sup>, 9<sup>12,15</sup>; בבא בתרא 9<sup>7</sup>; סנהדרין 7<sup>11</sup>; עדיות 2<sup>7</sup>, 3<sup>7</sup>, 6<sup>3,3</sup>, 7<sup>1,5-7</sup>, 8<sup>3,5-7</sup>; חולין 2<sup>4</sup>; מנחות 3<sup>4</sup>; זבחים 1<sup>8</sup>, 7<sup>4</sup>, 8<sup>10</sup>, 9<sup>1</sup>; אבות 2<sup>8,9,11</sup>; עבודה זרה 2<sup>5</sup>; שבועות 3<sup>6</sup>; גטין 2<sup>4</sup>; נדרים 6<sup>6</sup>; ערכין 6<sup>1</sup>; תמורה 3<sup>1</sup>; כריתות 3<sup>7-9</sup>, 4<sup>2,3</sup>; מעילה 1<sup>1</sup>, 4<sup>3</sup>; קנים 3<sup>9</sup>; כלים 11<sup>4</sup>, 13<sup>7</sup>, 14<sup>7</sup>, 17<sup>1</sup>, 28<sup>2</sup>; אהלות 2<sup>4</sup>, 9<sup>15</sup>, 12<sup>3,8</sup>, 14<sup>2-5</sup>, 17<sup>2</sup>; נגעים 4<sup>11</sup>, 7<sup>4</sup>, 8<sup>2</sup>, 14<sup>13</sup>; פרה 1<sup>1</sup>, 5<sup>3,4</sup>, 9<sup>4</sup>, 10<sup>1,2,6</sup>; טהרות 2<sup>3</sup>, 6<sup>2</sup>, 8<sup>7,9</sup>; מקואות 2<sup>7,8,10</sup>, 3<sup>1</sup>; נדה 1<sup>3</sup>, 4<sup>4</sup>, 6<sup>14</sup>, 10<sup>3</sup>; מכשירין 1<sup>3</sup>; זבים 4<sup>1</sup>, 5<sup>1</sup>; טבול יום 3<sup>4,5</sup>, 4<sup>6</sup>; ידים 3<sup>1,3</sup>, 4<sup>3,4</sup>.

58. **R. Joshua b. Hyrcanus:** Fl. at the time of the dispute between Rabban Gamliel and R. Joshua. סוטה 5<sup>6</sup>.

59. **R. Judah b. Bathira:** Contemporary of R. Joshua, R. Eliezer, Rabban Gamliel and R. Tarfon, but outlived them all and survived even R. Akiva. Had school in Nisibis. Doubtless descended from the same family as his colleague R. Joshua b. Bathira. פאה 3<sup>6</sup>; בכורים 1<sup>8</sup>; שבת 9<sup>7</sup>; פסחים 3<sup>3</sup>; יבמות 4<sup>9</sup>; כתובות 6<sup>1</sup>; נדרים 6<sup>6</sup>; גטין 2<sup>4</sup>; שבועות 3<sup>6</sup>; עדיות 8<sup>3</sup>; ערכין 8<sup>6</sup>; כלים 2<sup>4</sup>; אהלות 11<sup>7</sup>; נגעים 9<sup>8</sup>, 11<sup>7</sup>; מקואות 4<sup>6</sup>.

60. **R. Nechunia b. Elinathan:** 'Of the Babylonian Village.' Contemporary of R. Eliezer and R. Joshua. עדיות 6<sup>3,3</sup>.

61. **R. Nechunia b. ha-Kana:** Contemporary of the disciples of Rabban Jochanan b. Zakkai. Lived to a great age. Reputed to be a mystic. ברכות 4<sup>3</sup>; אבות 3<sup>5</sup>.

62. **R. Papias:** Contemporary of R. Joshua. שקלים 4<sup>7</sup>; נזיר 3<sup>3</sup>; עדיות 7<sup>5-7</sup>; תמורה 3<sup>1</sup>.

63. **Saul b. Botnit, Abba:** Contemporary and colleague of R. Eliezer b. Zadok I. שבת 24<sup>5</sup>; ביצה 3<sup>8</sup>.

64. **R. Simon b. Bathira:** Of the same family as his relatives R. Judah and R. Joshua. שבת 16<sup>1,3</sup>; פסחים 4<sup>3</sup>; גטין 5<sup>7</sup>; עדיות 8<sup>1</sup>; עבודה זרה 1<sup>8</sup>; זבחים 1<sup>3</sup>; מנחות 1<sup>2</sup>.

65. **R. Simon b. Nethanel:** The fourth of the five great disciples of Rabban Jochanan b. Zakkai. A priest. Married a daughter of Rabban Gamliel the Elder. אבות 2<sup>3,9,13</sup>.

66. **Simon brother of Azaria:** Regarded by Maimonides as uncle of R. Elazar b. Azaria. So called because his brother, engaged in business, gave him the means to study. זבחים 1<sup>2</sup>; טהרות 8<sup>7</sup>.

## BIOGRAPHIES

67. **R. Simon son of the Vice High Priest:** Regarded by Maimonides as son of R. Chanina. שקלים 8<sup>5</sup>; כתובות 2<sup>8</sup>; מנחות 11<sup>9</sup>.
68. **R. Yakim of Hadar:** Mentioned once only. עדיות 7<sup>5</sup>.
69. **R. Zadok:** Son of R. Eliezer b. Zadok I. Lived in the circle of Rabban Gamliel at Yavne. תרומות 10<sup>9</sup>; שבת 20<sup>9</sup>, 24<sup>5</sup>; פסחים 7<sup>9</sup>; סוכה 2<sup>5</sup>; גדרים 9<sup>1</sup>; עדיות 3<sup>8</sup>, 7<sup>1-4</sup>; אבות 4<sup>5</sup>; בכורות 1<sup>9</sup>; כלים 12<sup>4,5</sup>; מקואות 5<sup>8</sup>.

## THE THIRD GENERATION (c. 120 - 140 C.E.).

70. **Avtolemus:** Teacher of R. Jose. ערובין 3<sup>4</sup>.
71. **Akiva:** Son of a proselyte. Born in Jerusalem before the destruction of the city by the Romans. Ignorant shepherd to a rich land-owner, whose daughter Rachel he married. Encouraged by her he went to study at the schools of R. Eliezer and R. Joshua and became the most famous scholar of his generation. He attempted to find the source of the *Halachah* in the words of the *Torah*, even in its letters. Translations of the *Torah* into Greek and Aramaic were made under his influence by the proselyte Aquila. Travelled throughout the Diaspora, acting as scholar-statesman. Supported revolt of Bar-Cochba, greeting him as Messiah. Courageously taught and practised Jewish law even when it was proscribed after the war. Was one of the Ten Martyrs. ברכות 4<sup>8</sup>, 5<sup>2</sup>, 6<sup>8</sup>, 7<sup>2</sup>; פאה 1<sup>8</sup>, 3<sup>2,6</sup>, 4<sup>5,10</sup>, 7<sup>7</sup>, 8<sup>5</sup>; כלאים 1<sup>3</sup>, 3<sup>8,9</sup>, 5<sup>7</sup>, 6<sup>1</sup>, 7<sup>5</sup>; שביעית 1<sup>8</sup>, 3<sup>10</sup>, 4<sup>6</sup>, 6<sup>2</sup>, 8<sup>2,10</sup>, 9<sup>6</sup>; תרומות 3<sup>8</sup>, 4<sup>5,8,13</sup>, 6<sup>6</sup>, 9<sup>2</sup>, 10<sup>11</sup>; מעשרות 3<sup>5,9</sup>, 4<sup>6</sup>; מעשר שני 2<sup>4,7,9</sup>, 5<sup>8,9</sup>; חלה 21<sup>3</sup>, 3<sup>6</sup>, 4<sup>4,5,8</sup>; ערלה 3<sup>7</sup>; בכורים 3<sup>9</sup>; שבת 2<sup>8</sup>, 8<sup>5</sup>, 9<sup>1</sup>, 11<sup>1</sup>, 15<sup>3</sup>, 19<sup>1</sup>; ערובין 1<sup>2</sup>, 2<sup>4,5</sup>, 4<sup>1</sup>, 5<sup>8,9</sup>, 6<sup>9</sup>, 10<sup>15</sup>; פסחים 1<sup>5</sup>, 3<sup>4</sup>, 6<sup>2</sup>, 7<sup>1</sup>, 9<sup>2,6</sup>, 10<sup>9,9</sup>; שקלים 3<sup>1</sup>, 4<sup>3,4,6,7</sup>, 8<sup>7</sup>; יומא 2<sup>3</sup>, 7<sup>8</sup>, 8<sup>9</sup>; סוכה 3<sup>4,9</sup>; ביצה 3<sup>3</sup>; ראש השנה 1<sup>6</sup>, 2<sup>9</sup>, 4<sup>5</sup>; גדרים 1<sup>1</sup>, 7<sup>1</sup>, 9<sup>5,6</sup>, 10<sup>8</sup>, 11<sup>4</sup>; תענית 3<sup>3,4</sup>, 4<sup>4</sup>; יבמות 4<sup>12,18</sup>, 8<sup>4</sup>, 12<sup>3,5</sup>, 15<sup>6,7</sup>, 16<sup>7</sup>; כתובות 3<sup>8</sup>, 5<sup>9</sup>, 9<sup>2,8</sup>, 11<sup>4</sup>; נדרים 1<sup>1</sup>, 7<sup>1</sup>, 9<sup>5,6</sup>, 10<sup>8</sup>, 11<sup>4</sup>; נזיר 4<sup>5</sup>, 6<sup>1,6</sup>, 7<sup>4</sup>; סוטה 5<sup>1-4</sup>, 8<sup>5</sup>, 9<sup>3,4,15</sup>; גטין 8<sup>10</sup>, 9<sup>10</sup>; בבא קמא 1<sup>4</sup>, 3<sup>8</sup>, 6<sup>4</sup>, 8<sup>6</sup>; בבא מציעא 2<sup>7</sup>, 3<sup>12</sup>; בבא בתרא 1<sup>6</sup>, 2<sup>9</sup>, 3<sup>1</sup>, 4<sup>2,9</sup>, 6<sup>4</sup>, 7<sup>2</sup>, 9<sup>10</sup>; סנהדרין 1<sup>4</sup>, 3<sup>4</sup>, 7<sup>11</sup>, 9<sup>6</sup>, 10<sup>1,3,8</sup>, 11<sup>4</sup>; מכות 1<sup>7,10</sup>, 2<sup>7</sup>; שבועות 2<sup>5</sup>, 3<sup>1,5</sup>; עדיות 1<sup>8,10</sup>, 2<sup>1,2,6-10</sup>, 8<sup>1,5</sup>; עבודה זרה 2<sup>3</sup>, 3<sup>5,6</sup>; אבות 3<sup>13-16</sup>; הוריות 1<sup>3</sup>, 2<sup>5</sup>; זבחים 8<sup>11</sup>, 9<sup>3</sup>, 12<sup>4</sup>; מנחות 4<sup>8</sup>, 9<sup>5</sup>, 10<sup>4</sup>, 11<sup>3</sup>, 12<sup>5</sup>; חולין 2<sup>4</sup>, 8<sup>4</sup>, 9<sup>4</sup>; בכורות 2<sup>6-9</sup>, 3<sup>1</sup>, 4<sup>6</sup>, 6<sup>6</sup>, 7<sup>5</sup>, 8<sup>9</sup>, 9<sup>5</sup>; תמורה 1<sup>1</sup>; כריתות 1<sup>1</sup>; מעילה 1<sup>2,3</sup>, 5<sup>1</sup>, 6<sup>6</sup>; כלים 2<sup>3,4</sup>, 3<sup>8</sup>, 11<sup>6</sup>, 12<sup>5</sup>, 14<sup>1</sup>, 17<sup>5,13,17</sup>, 20<sup>4,8</sup>, 22<sup>7,9,10</sup>, 25<sup>4,7</sup>, 27<sup>5</sup>, 28<sup>2,7</sup>, 30<sup>2</sup>; אהלות 1<sup>3</sup>, 2<sup>2,6,7</sup>, 3<sup>5</sup>, 5<sup>1,2,7</sup>, 13<sup>8</sup>, 16<sup>1</sup>; נעים 1<sup>2,4</sup>, 2<sup>1</sup>, 4<sup>7-10</sup>, 5<sup>3,4</sup>, 6<sup>5</sup>, 7<sup>2,4</sup>, 10<sup>1</sup>, 12<sup>8</sup>, 14<sup>10</sup>; פרה 2<sup>5</sup>, 3<sup>4,9</sup>, 8<sup>11</sup>, 10<sup>4,5</sup>; טהרות 5<sup>1,2</sup>, 7<sup>9</sup>; מקואות 3<sup>3</sup>, 7<sup>1</sup>, 8<sup>3</sup>; גדה 2<sup>3</sup>, 5<sup>8</sup>, 6<sup>12</sup>, 8<sup>3</sup>, 10<sup>8</sup>; מכשירין 4<sup>9</sup>, 5<sup>4</sup>, 6<sup>8</sup>; זבים 1<sup>2</sup>, 2<sup>2</sup>; טבול יום 3<sup>4,5</sup>; ידים 3<sup>1,5</sup>, 4<sup>1</sup>; עוקצין 3<sup>5,6,8</sup>.
72. **R. Elazar Chisma:** Disciple of R. Joshua. Lived in poverty at the College at Yavne. Reputed to excel in mathematics. תרומות 3<sup>5</sup>; בבא מציעא 7<sup>5</sup>; אבות 3<sup>18</sup>; נעים 7<sup>2</sup>, 13<sup>3</sup>; מקואות 8<sup>3</sup>.
73. **R. Elazar b. Judah of Bartotha:** Disciple of R. Joshua. So charitable that collectors of charity used to hide from him because he would give them all he had. ערלה 1<sup>4</sup>; אבות 3<sup>7</sup>; אהלות 3<sup>8</sup>; זבים 1<sup>1</sup>; טבול יום 3<sup>4,5</sup>.
74. **R. Elazar b. Parta:** Colleague of R. Chanania b. Teradion. Arrested during the Hadrianic persecutions but later freed. Lived in Sepphoris. גטין 3<sup>4</sup>.

## BIOGRAPHIES

75. **R. Elazar of Modiim:** Active from the time of Rabban Yochanan b. Zakkai until the siege of Bethar. Executed by his nephew Bar-Cochba on wrongful suspicion of treachery. אבות 3<sup>11</sup>.
76. **Elisha b. Avuya:** Teacher of R. Meir. Became an apostate and even an informer against his people to the Romans in the days of persecution following the Bar-Cochba revolt. Yet his disciple did not forsake him and hoped till his dying day that he would repent. It says much for the tolerance of the Rabbis that they record his teaching. אבות 4<sup>20</sup>.
77. **R. Chanania b. Chachinai:** A distinguished disciple of R. Akiva. One of the youngest students at Rabban Gamliel's College at Yavne. One of the Ten Martyrs. כלאים 4<sup>8</sup>; מכשירין 3<sup>9</sup>; אבות 3<sup>4</sup>.
78. **R. Chanania b. Teradion:** Disciple of R. Eliezer. Established his school at Sikni. Was an overseer of charity. Taught Torah during the Hadrianic persecution though he was warned that it might lead to his death. Was one of the Ten Martyrs. His daughter Beruria was the wife of R. Meir. תענית 2<sup>5</sup>; אבות 3<sup>2</sup>.
79. **R. Chanina b. Antigonus:** Taught in the days of R. Akiva and R. Meir. Rashi regards him as a priest, but he is not so counted by Maimonides. שביעית 6<sup>8</sup>; ערובין 4<sup>8</sup>; יבמות 13<sup>2</sup>; קדושין 4<sup>5</sup>; בכורות 6<sup>3,4,10,11</sup>, 7<sup>2,5</sup>; ערכין 2<sup>4</sup>; תמורה 6<sup>5</sup>; נדה 8<sup>2</sup>.
80. **R. Ilai:** Mentioned only once in the *Mishnah* but several times in the *Talmud*. Disciple particularly of R. Eliezer, though also of the principal scholars at the College at Yavne in the days of Rabban Gamliel. The father of the more famous son R. Judah b. Ilai. ערובין 2<sup>8</sup>.
81. **R. Ishmael (b. Elisha):** Not to be confused with his grandfather of the same name, the High Priest, who suffered martyrdom at the same time as Rabban Simon b. Gamliel. Taken captive as child to Rome where he was recognised and ransomed by R. Joshua. Studied under R. Nechunia b. ha-Kana, R. Eliezer and R. Joshua, and was principal disputant of R. Akiva. R. Meir was his most distinguished pupil. Took no part in the Bar-Cochba revolt but settled in Usha. During the Hadrianic persecution he lived in the south, by the border of Edom. Attempted to derive new laws from a simple and direct understanding of the Biblical text. Formulated the *Thirteen Principles of Scriptural Interpretation*. Founded a school whose teachings are frequently quoted in the *Talmud* as 'Tana debe R. Ishmael.' The *Mechilta* is attributed to this school. ברכות 7<sup>3</sup>; פאה 4<sup>10</sup>; דמאי 6<sup>4</sup>; כלאים 3<sup>8,9,7</sup>, 6<sup>4</sup>; שביעית 1<sup>4</sup>; שקלים 10<sup>9</sup>; פסחים 1<sup>2</sup>; ערובין 1<sup>2</sup>; שבת 2<sup>2</sup>, 15<sup>3</sup>; חלה 4<sup>4</sup>; מעשרות 3<sup>5</sup>; תרומות 3<sup>2</sup>, 4<sup>3,4</sup>; חמא 4<sup>1</sup>, 6<sup>8</sup>; סוכה 3<sup>4</sup>; מועד קטן 3<sup>8</sup>; כתובות 5<sup>8</sup>; נדרים 3<sup>11</sup>, 9<sup>10</sup>; עבודה זרה 2<sup>4-6</sup>, 5<sup>3</sup>; עדיות 2<sup>8</sup>, 3<sup>8</sup>; שבועות 1<sup>2</sup>; סנהדרין 1<sup>2</sup>; בבא בתרא 3<sup>1</sup>, 6<sup>4</sup>, 10<sup>8</sup>; גזיר 6<sup>3</sup>; אבות 3<sup>12</sup>; מנחות 3<sup>7</sup>, 10<sup>1</sup>; חולין 9<sup>4</sup>; בכורות 3<sup>1</sup>, 6<sup>6,12</sup>, 7<sup>5</sup>; ערכין 8<sup>7</sup>; כריתות 2<sup>5</sup>; מעילה 3<sup>3</sup>; כלים 2<sup>2</sup>, 5<sup>3</sup>, 7<sup>8</sup>; אהלות 3<sup>5</sup>; נעים 1<sup>2</sup>, 2<sup>1</sup>, 8<sup>9</sup>, 11<sup>5</sup>, 12<sup>3</sup>; פרה 1<sup>3</sup>, 3<sup>11</sup>, 8<sup>11</sup>; טהרות 1<sup>2</sup>; מקואות 7<sup>1</sup>, 8<sup>3</sup>, 9<sup>8</sup>; נדה 3<sup>7</sup>, 6<sup>12</sup>; זבים 1<sup>2</sup>; ידים 4<sup>3</sup>; עוקצין 2<sup>2</sup>.
82. **R. Yochanan b. Baroka:** A great disciple of R. Joshua. ערובין 8<sup>3</sup>, 10<sup>15</sup>; פסחים 7<sup>9</sup>; סוכה 4<sup>8</sup>; יבמות 6<sup>8</sup>; כתובות 2<sup>1</sup>; בבא קמא 10<sup>2</sup>; בבא בתרא 8<sup>5</sup>; סנהדרין 11<sup>1</sup>; שבועות 7<sup>7</sup>; אבות 4<sup>4</sup>; בכורות 8<sup>10</sup>; כלים 17<sup>11</sup>.
83. **R. Yochanan b. Joshua:** Nephew of R. Akiva (grandson of his father-in-law). ידים 3<sup>5</sup>.



## BIOGRAPHIES

84. **R. Jochanan b. Matthias:** Mentioned only once. **בבא מציעא** 7<sup>1</sup>.
85. **R. Jochanan b. Nuri:** His teachers were R. Chalafta and R. Eliezer. He and R. Elazar Chisma were appointed to a living by Rabban Gamliel when their excellence as scholars and their dire poverty were pointed out to him by R. Joshua. His greatest colleague and friend was R. Akiva. Lived in Nagninar. Died before the destruction of Bethar. **כלאים** 6<sup>1</sup>; **תרומות** 10<sup>11</sup>; **חלה** 4<sup>2</sup>; **ערובין** 4<sup>5</sup>; **ראש השנה** 2<sup>8</sup>, 4<sup>5,6</sup>; **יבמות** 14<sup>1</sup>; **כתובות** 1<sup>10</sup>; **נדרים** 11<sup>4</sup>; **בבא מציעא** 3<sup>7</sup>; **עדיות** 2<sup>10</sup>; **חולין** 9<sup>2,3</sup>; **בכורות** 6<sup>6</sup>; **תמורה** 1<sup>1</sup>; **כריתות** 3<sup>6</sup>; **כלים** 2<sup>7</sup>, 11<sup>3</sup>, 17<sup>5,14,17</sup>, 30<sup>2</sup>; **אהלות** 2<sup>7</sup>, 6<sup>7</sup>, 8<sup>1</sup>, 12<sup>1</sup>, 14<sup>3</sup>; **נעים** 10<sup>1</sup>, 14<sup>10</sup>; **פרה** 12<sup>8</sup>; **טהרות** 8<sup>6</sup>; **מקואות** 7<sup>1,5</sup>; **טבול יום** 2<sup>5,6</sup>; **עוקצין** 3<sup>5,6</sup>.
86. **R. Jose b. Chisma:** Colleague of R. Chanania b. Teradion. Lived in Caesaria and was friendly with the Roman government. Died during, but not on account of, the Hadrianic persecution. **אבות** 6<sup>9</sup>.
87. **R. Jose the Galilean:** Lived in Galilee where he taught R. Elazar b. Azaria when the latter fled there with his father after the destruction of the Temple. Came to Yavne very much later, a ripe scholar, and always counted among the four elders: R. Tarfon, he, R. Elazar b. Azaria and R. Akiva. Appears to have gone back to Galilee before the catastrophe of Bethar. **ברכות** 7<sup>3</sup>; **שביעית** 4<sup>6</sup>; **בכורים** 1<sup>10</sup>; **בבא מציעא** 8<sup>6</sup>; **בבא קמא** 2<sup>5</sup>; **גטין** 8<sup>5</sup>; **סוטה** 3<sup>3</sup>; **כתובות** 7<sup>1</sup>; **פסחים** 1<sup>7</sup>; **ערובין** 2<sup>10</sup>; **סנהדרין** 10<sup>6</sup>; **מכות** 2<sup>7</sup>; **עבודה זרה** 3<sup>5</sup>; **הוריות** 2<sup>5</sup>; **זבחים** 8<sup>12</sup>, 13<sup>1,2</sup>; **מנחות** 5<sup>8</sup>; **חולין** 4<sup>3</sup>, 5<sup>3</sup>, 8<sup>4</sup>; **בכורות** 2<sup>6</sup>, 8<sup>1</sup>; **פרה** 1<sup>2</sup>, 3<sup>4</sup>; **נדה** 5<sup>8</sup>.
88. **R. Joshua b. Mathias:** Mentioned only once. **עדיות** 2<sup>5</sup>.
89. **R. Judah b. Bava:** Of the circle of Rabban Gamliel, R. Joshua and R. Akiva at Yavne. Very pious. Ordained R. Meir and his four fellow-students during the Hadrianic persecution and urged them to escape while he remained to meet a martyr's death. **ערובין** 2<sup>4,5</sup>; **יבמות** 16<sup>3,5,7</sup>; **עדיות** 6<sup>1</sup>, 8<sup>2</sup>.
90. **R. Judah the Priest:** Mentioned once, possibly the son of Rabban Jochanan b. Zakkai. **עדיות** 8<sup>2</sup>.
91. **R. Levitas of Yavne:** Mentioned once, and only otherwise in *Pirke de-R. Eliezer*. **אבות** 4<sup>4</sup>.
92. **R. Matthias b. Cheresh:** Disciple of R. Eliezer and R. Elazar b. Azaria. Left Palestine during the Hadrianic persecution to found a school in Rome. **יומא** 8<sup>6</sup>; **אבות** 4<sup>15</sup>.
93. **Nehemia of Bet Deli:** A Babylonian disciple of Rabban Gamliel the Elder. Contemporary of R. Akiva. **יבמות** 16<sup>7</sup>; **עדיות** 8<sup>6</sup>.
94. **R. Simon b. Akashia:** Mentioned only once. **קנים** 3<sup>6</sup>.
95. **Simon b. Azzai:** Disciple of R. Joshua, but principally of R. Akiva, whose daughter he married. But he desired to spend his life so much in study that he divorced her and lived as a celibate. Had great reputation as a scholar. Lived in Tiberias. One of the four who entered the 'pardes of hidden knowledge.' **ברכות** 9<sup>4</sup>; **שקלים** 3<sup>1</sup>, 4<sup>6</sup>, 5<sup>3</sup>; **יומא** 2<sup>3</sup>; **תענית** 4<sup>4</sup>; **יבמות** 4<sup>13</sup>; **סוטה** 3<sup>4</sup>, 9<sup>15</sup>; **בבא בתרא** 9<sup>10</sup>; **אבות** 4<sup>2,3</sup>; **הוריות** 1<sup>2</sup>; **זבחים** 1<sup>3</sup>; **בכורות** 9<sup>5</sup>; **קנים** 2<sup>5</sup>, 3<sup>6</sup>; **פרה** 1<sup>1,3</sup>; **נדה** 5<sup>8</sup>; **ידים** 3<sup>5</sup>, 4<sup>2</sup>.

## BIOGRAPHIES

96. **R. Simon b. Nanos:** Colleague of R. Akiva and R. Ishmael. בכורים 3<sup>9</sup>; שבת 16<sup>5</sup>; ערובין 10<sup>16</sup>; גטין 8<sup>10</sup>; בבא בתרא 7<sup>3</sup>, 10<sup>8</sup>; שבועות 7<sup>6</sup>.
97. **R. Simon of Teman:** A young student in the great days of Yavne under Rabban Gamliel. Disputed with R. Akiva. תענית 37<sup>7</sup>; יבמות 4<sup>13</sup>; ידים 1<sup>3</sup>.
98. **R. Simon b. Zoma:** Disciple of R. Joshua. A great preacher. Another of the four who entered 'the garden of hidden knowledge.' (The others were R. Simon b. Azzai, R. Akiva and Elisha b. Avuya). Died in the lifetime of his teacher. ברכות 1<sup>6</sup>; מיר 8<sup>1</sup>; סוטה 9<sup>16</sup>; אבות 4<sup>1</sup>; מנחות 11<sup>4</sup>; חולין 5<sup>5</sup>.
99. **R. Tarfon:** A wealthy, scholarly priest who was about 20 years old when the Temple was destroyed. Established a school in Lydda. His disputes are mainly with R. Akiva who was a student-colleague of his. Teacher of the famous scholars of the next generation, the greatest being R. Judah. Died before the Bar-Cochba revolt. מועד שני 3<sup>9</sup>; מעשרות 4<sup>5</sup>, 9<sup>2</sup>; תרומות 5<sup>8</sup>; כלאים 3<sup>6</sup>; פאה 1<sup>3</sup>, 6<sup>8</sup>; ברכות 2<sup>4</sup>, 9<sup>2</sup>; יבמות 3<sup>9</sup>; תענית 3<sup>5</sup>; ביצה 3<sup>4</sup>; סוכה 10<sup>8</sup>; פסחים 4<sup>4</sup>; ערובין 2<sup>2</sup>; שבת 2<sup>4</sup>, 9<sup>2</sup>; 15<sup>6</sup>, 7<sup>7</sup>; כתובות 5<sup>2</sup>, 7<sup>8</sup>, 9<sup>2</sup>, 3<sup>3</sup>; נדה 6<sup>6</sup>; נזיר 5<sup>5</sup>, 6<sup>6</sup>; קדושין 3<sup>13</sup>; בבא קמא 2<sup>6</sup>; מנחות 10<sup>8</sup>, 11<sup>7</sup>; זבחים 2<sup>15</sup>, 16<sup>16</sup>; אבות 1<sup>10</sup>; עדיות 1<sup>10</sup>; מכות 2<sup>7</sup>, 4<sup>3</sup>; בבא מציעא 12<sup>5</sup>; בכורות 2<sup>6</sup>, 9<sup>4</sup>; כריתות 5<sup>2</sup>, 3<sup>3</sup>; כלים 11<sup>4</sup>, 7<sup>25</sup>; אהלות 13<sup>2</sup>, 16<sup>1</sup>; פרה 1<sup>8</sup>; מקואות 10<sup>5</sup>; מכשירין 5<sup>4</sup>; ידים 4<sup>3</sup>.

## THE FOURTH GENERATION (c. 140-165 C.E.).

100. **Abba Saul:** His statements about Temple organisation presuppose either first-hand knowledge (in which case he belongs to an earlier generation) or a tradition the source of which is unknown. Was a grave-digger by profession. פאה 8<sup>5</sup>; כלאים 2<sup>3</sup>; שבת 23<sup>3</sup>; שקלים 4<sup>2</sup>; ביצה 3<sup>8</sup>; כתובות 7<sup>8</sup>; נדרים 6<sup>5</sup>; גטין 5<sup>4</sup>; קדושין 4<sup>2</sup>, 14<sup>14</sup>; בבא מציעא 4<sup>12</sup>, 6<sup>7</sup>; בבא בתרא 27<sup>12</sup>; סנהדרין 10<sup>1</sup>; מכות 2<sup>2</sup>; אבות 2<sup>8</sup>; מנחות 8<sup>3</sup>, 11<sup>5</sup>; מדות 2<sup>5</sup>, 5<sup>4</sup>.
101. **R. Elazar (b. Shammua):** Most frequently mentioned without the name of his father, which gave rise to the opinion that two different persons are meant. A priest. One of the later disciples of R. Akiva. Studied also under R. Joshua. During the Hadrianic persecution he was one of the five students ordained by R. Judah b. Bava when the latter met a martyr's death. They all fled, to assemble again in Usha after the persecution. But R. Elazar was not among them. He went to Galilee and founded a school where Rabbi subsequently studied. Another of his disciples was R. Joseph the Babylonian. Lived to a great age. שקלים 2<sup>8</sup>; שביעית 4<sup>8</sup>; יומא 5<sup>7</sup>; ראש השנה 1<sup>1</sup>; יבמות 10<sup>1</sup>; כתובות 2<sup>8</sup>, 3<sup>6</sup>; מיר 7<sup>4</sup>; גטין 3<sup>5</sup>; קמא 4<sup>9</sup>; אבות 4<sup>12</sup>; הוריות 1<sup>3</sup>; זבחים 13<sup>4</sup>, 6<sup>6</sup>; ערכין 4<sup>4</sup>, 7<sup>4</sup>, 9<sup>1</sup>, 8<sup>8</sup>; תמורה 2<sup>8</sup>, 3<sup>3</sup>, 4<sup>4</sup>; כריתות 3<sup>8</sup>; טהרות 6<sup>4</sup>, 6<sup>6</sup>.
102. **Elazar b. Dolai, Abba:** Contemporary of R. Meir and his colleagues. Mentioned only once. מקואות 2<sup>10</sup>.
103. **R. Elazar b. R. Jose the Galilean:** Named among the seven later disciples of R. Akiva. Famous in Aggada and presumed the author of the *Midrashic* work 'The Thirty-Two Methods of Aggadic Interpretation.' Presumably died young, because not mentioned in the re-assembled College at Usha. סוטה 5<sup>3</sup>.
104. **R. Elazar b. Mathias:** A disciple of the great scholars of Yavne. Suggested, though hardly likely, that he was the son of R. Mathias b. Heresh. יבמות 10<sup>8</sup>.

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105. **R. Elazar b. Pilai (or Piabi):** Mentioned only once. טהרות 7<sup>9</sup>.
106. **R. Eliezer b. Jacob II:** One of the seven later disciples of R. Akiva. Possible that like his colleagues he made a *Mishnah* collection which is quoted in the *Talmud* as *Tani R. Eliezer b. Jacob*. כלאים 2<sup>8</sup>, 4<sup>8</sup>, 5<sup>3</sup>, 6<sup>2</sup>; שביעית 21<sup>0</sup>; תרומות 3<sup>5</sup>; בכורים 1<sup>9</sup>; שבח 8<sup>6</sup>, 15<sup>2</sup>; ערובין 61, 81<sup>0</sup>; שקלים 6<sup>3</sup>; מועד קטן 1<sup>8</sup>; יבמות 13<sup>3</sup>; נדרים 31, 51<sup>2</sup>; סוטה 9<sup>4</sup>; קדושין 47; מכות 2<sup>2</sup>; אבות 411; מנחות 5<sup>6</sup>, 9<sup>3</sup>; בכורות 31; ערכין 2<sup>6</sup>; כריתות 21; כלים 7<sup>8</sup>, 28<sup>9</sup>; נעשים 71, 104, 111; פרה 92; טהרות 3<sup>8</sup>; מכשירין 6<sup>8</sup>.
107. **R. Chanania b. Akavia:** Colleague of R. Judah. Had a school in Tiberias. כתובות 8<sup>1</sup>; ערכין 1<sup>3</sup>.
108. **R. Chanania b. Akashia:** Mentioned with R. Judah and R. Jose. מכות 31<sup>0</sup>.
109. **R. Chanania of Ono:** Mentioned with R. Meir. גטין 67.
110. **R. Ishmael b. R. Jochanan b. Baroka:** Taught by his father. Was at Usha under the presidency of Rabban Simon b. Gamliel. בבא קמא 10<sup>2</sup>; סנהדרין 111; אבות 4<sup>5</sup>.
111. **R. Jacob (b. Korshai):** An authority on the texts of *Mishnaiot* and *Baraitot*. Appointed by Rabban Simon b. Gamliel to teach his son Rabbi. Upsat the plan of R. Meir and R. Nathan to bring about the deposition of R. Simon b. Gamliel from the presidency at Usha. אבות 37, 416, 17.
112. **R. Jochanan the Sandal-maker:** Appears to have come from Alexandria. A distinguished pupil of R. Akiva. Disguised himself as a pedlar in order to learn an *Halachic* decision from R. Akiva while the latter was in prison. Not mentioned in the College at Usha, so presumably died before the re-assembly of the scholars. יבמות 12<sup>3</sup>; כתובות 54; אבות 411; כלים 5<sup>5</sup>.
113. **R. Jonathan (b. Joseph):** Colleague of R. Josiah (the Babylonian, who is not mentioned in the *Mishnah*). Together they studied under R. Ishmael when he was in the south of Palestine during the Hadrianic persecution. A priest. אבות 51<sup>6</sup>.
114. **R. Joshua b. Korcha:** *Tosafot* (particularly Rabbenu Tam) disagrees with the opinion of Rashi and others that he was the son of R. Akiva. His teachers were R. Elazar b. Azaria and R. Jochanan b. Nuri. Famous for his Aggadic sayings. Lived to a very advanced age. ברכות 2<sup>2</sup>; ראש השנה 44; נדרים 311; סנהדרין 7<sup>5</sup>.
115. **R. Jose b. ha-Chotef Efrati:** Pupil of R. Ishmael. כלאים 37.
116. **R. Jose (b. Chalafta):** Descendant of Jonadab the Rechabite, and hence of Jethro. Learnt a great deal from his father, whom he greatly respected. His most famous teacher was R. Akiva, though he learned also from all the outstanding scholars of Yavne. Born in Sepphoris, the destruction and rebuilding of which he saw. When he and his colleagues were ordained by R. Judah b. Bava after the death of R. Akiva, they fled separate ways and met again only after Hadrian's death, when they first assembled to intercalate the year, in the valley of Rimmon. The seven scholars who came together on that occasion were R. Meir, R. Judah, R. Jose, R. Simon, R. Nehemia, R. Eliezer b. Jacob II, and R. Jochanan the Sandal-maker. They then went to Usha and again to Yavne where the incident occurred at which R. Judah spoke well of the Romans, R. Simon spoke ill, while R. Jose was silent. The convers-

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ation was reproted to the government and for his silence R. Jose was banished to his native Scpphoris, so that he could not at first go to the College at Usha. At Scpphoris he founded a great school. Later, when the harsh decrees were annulled, he went to Usha and persuated Rabban Simon b. Gamliel to recall R. Meir and R. Nathan from their banishment. Author of *Seder Olam*, a valuable historical work beginning with the Creation and going as far as the time of Alexander the Great, with some additional notes to the destruction of the Second Temple. Famous in *Halachah* and *Aggadah*. Married his deceased brother's wife, who bore him five sons, all of whom distinguished themselves in learning. ברכות 2<sup>3</sup>; פאה 3<sup>4,7</sup>, 6<sup>9</sup>, 7<sup>1,8</sup>; דמאי 2<sup>5</sup>, 3<sup>3,5</sup>, 7<sup>3</sup>; כלאים 2<sup>1,7</sup>, 3<sup>7</sup>, 5<sup>4</sup>, 6<sup>6,7</sup>, 7<sup>4,5</sup>, 8<sup>5,6</sup>, 9<sup>7,9</sup>; שביעית 2<sup>6</sup>, 3<sup>1,9</sup>, 9<sup>4,8</sup>, 10<sup>1</sup>; תרומות 1<sup>3</sup>, 3<sup>3</sup>, 4<sup>13</sup>, 7<sup>5-7</sup>, 8<sup>5</sup>, 10<sup>3,8,11</sup>, 11<sup>10</sup>; מעשרות 1<sup>8</sup>, 3<sup>5,7</sup>, 5<sup>8</sup>; מעשר שני 3<sup>6,11</sup>, 4<sup>7,11</sup>, 5<sup>2,14</sup>; חלה 4<sup>6</sup>; ערלה 1<sup>1,6,7,9</sup>; שבת 2<sup>5</sup>, 3<sup>3</sup>, 5<sup>2</sup>, 6<sup>8</sup>, 8<sup>7</sup>, 12<sup>8</sup>, 14<sup>2</sup>, 16<sup>2,4,5</sup>, 17<sup>8</sup>, 18<sup>3</sup>; ערובין 1<sup>6,7</sup>, 2<sup>6</sup>, 3<sup>4</sup>, 7<sup>9</sup>, 8<sup>5</sup>, 9<sup>3</sup>, 10<sup>9,10</sup>; פסחים 1<sup>7</sup>, 8<sup>7</sup>, 9<sup>2</sup>, 10<sup>8</sup>; שקלים 4<sup>1</sup>, 7<sup>7</sup>, 8<sup>1,2</sup>; יומא 4<sup>1,6</sup>, 6<sup>3</sup>; סוכה 1<sup>3</sup>, 3<sup>7,14</sup>; ביצה 4<sup>2</sup>; ראש השנה 1<sup>5,7</sup>, 3<sup>2</sup>, 4<sup>6</sup>; תענית 2<sup>8,9</sup>, 3<sup>6,7</sup>; מגלה 2<sup>3</sup>; מועד קטן 1<sup>5,8</sup>, 2<sup>1,2,5</sup>; יבמות 4<sup>10</sup>, 7<sup>3</sup>, 8<sup>6</sup>, 10<sup>1,4</sup>; 16<sup>4</sup>; כתובות 1<sup>10</sup>, 5<sup>7,8</sup>, 6<sup>7</sup>, 7<sup>8</sup>; נדרים 3<sup>11</sup>, 4<sup>8</sup>, 6<sup>5,10</sup>, 8<sup>2</sup>, 11<sup>1,2</sup>; גיזר 4<sup>7</sup>, 6<sup>2</sup>, 9<sup>1,5</sup>; סוטה 2<sup>3</sup>, 4<sup>5</sup>, 8<sup>5</sup>, 9<sup>12</sup>; גטין 5<sup>8</sup>, 6<sup>7</sup>, 7<sup>4,9</sup>; קדושין 3<sup>9</sup>, 4<sup>5,7</sup>; בבא קמא 4<sup>4</sup>; סנהדרין 3<sup>4</sup>, 5<sup>1</sup>, 6<sup>4</sup>, 8<sup>2</sup>, 9<sup>4</sup>; מכות 1<sup>8,9</sup>; שבועות 7<sup>4</sup>; עדיות 1<sup>2</sup>, 5<sup>2</sup>; עבודה זרה 1<sup>8</sup>, 2<sup>7</sup>, 3<sup>8,8</sup>; אבות 4<sup>6</sup>; זבחים 4<sup>5,6</sup>, 6<sup>1</sup>, 7<sup>6</sup>, 13<sup>3</sup>; מנחות 2<sup>1,2</sup>, 6<sup>5</sup>, 9<sup>5</sup>, 11<sup>7</sup>; חולין 2<sup>7</sup>, 3<sup>7</sup>, 8<sup>1</sup>, 9<sup>2</sup>; בכורות 2<sup>6-8</sup>, 3<sup>4</sup>, 4<sup>1</sup>, 5<sup>5</sup>; ערכין 1<sup>3</sup>, 2<sup>4</sup>, 5<sup>1</sup>, 8<sup>1</sup>; תמורה 1<sup>3</sup>, 5<sup>3,4</sup>; כריתות 1<sup>4</sup>, 3<sup>5</sup>, 4<sup>2</sup>, 5<sup>4-5</sup>, 6<sup>1</sup>; מעילה 3<sup>6</sup>; מדרת 2<sup>2</sup>, 3<sup>1</sup>; קנים 1<sup>4</sup>; כלים 1<sup>9</sup>, 2<sup>6</sup>, 3<sup>7,8</sup>, 8<sup>8,10</sup>, 12<sup>1</sup>, 13<sup>1</sup>, 16<sup>6,7</sup>, 17<sup>5,6,12</sup>, 18<sup>1,3,4</sup>, 19<sup>3,4,9</sup>, 22<sup>2</sup>, 23<sup>2,4</sup>, 25<sup>7</sup>, 26<sup>1,4,6</sup>, 27<sup>9,10</sup>, 28<sup>3,6</sup>, 29<sup>2,4</sup>, 30<sup>3,4</sup>; אהלות 2<sup>7</sup>, 3<sup>6</sup>, 4<sup>1,2</sup>, 7<sup>2</sup>, 8<sup>5</sup>, 10<sup>3</sup>, 11<sup>1,7</sup>, 12<sup>3,8</sup>, 14<sup>2</sup>, 17<sup>1</sup>, 18<sup>1</sup>; נעעים 6<sup>5</sup>, 13<sup>12</sup>; פרה 3<sup>1,2,3,7</sup>, 5<sup>1,6</sup>, 7<sup>7,11</sup>, 8<sup>8</sup>, 9<sup>4</sup>, 10<sup>3</sup>, 11<sup>3,8,9</sup>; טהרות 1<sup>1,2</sup>, 4<sup>5,8,10</sup>, 5<sup>2,5,6</sup>, 7<sup>1</sup>, 8<sup>1,2,8</sup>, 9<sup>7</sup>, 10<sup>1,3,8</sup>; מקואות 2<sup>2</sup>, 3<sup>1</sup>, 4<sup>1,2</sup>, 5<sup>2,4,5</sup>, 6<sup>11</sup>, 7<sup>3</sup>, 8<sup>2,4</sup>, 9<sup>2,6</sup>, 10<sup>8</sup>; נדה 1<sup>5</sup>, 2<sup>6</sup>, 4<sup>2,5</sup>, 5<sup>8</sup>, 7<sup>1</sup>, 9<sup>1,2,9</sup>, 10<sup>6</sup>; מכשירין 1<sup>4,5</sup>, 3<sup>9</sup>, 5<sup>6,11</sup>, 6<sup>7</sup>; זבים 1<sup>5</sup>, 2<sup>3</sup>, 4<sup>2,7</sup>; טבול יום 1<sup>3,4</sup>, 3<sup>2,3,4</sup>, 4<sup>7</sup>; ידים 1<sup>1,4,5</sup>, 2<sup>1,4</sup>, 3<sup>5</sup>; עוקצין 1<sup>4-6</sup>, 3<sup>2</sup>.

117. **R. Judah (b. Illai):** Born in Usha, where he studied under his father. His most important teachers were R. Tarfon and R. Akiva. Ordained by R. Judah b. Bava, together with R. Meir, R. Simon, R. Jose, and R. Elazar, and also R. Nehemia, before his martyrdom. The fate and future of Judaism literally depended upon these scholars, who now had to scatter. They re-assembled in the valley of Rimmon to intercalate the year. At Yavne he spoke well of the Roman government and was promoted to be the foremost spokesman among the scholars. The government would not allow the College to remain in Yavne, so it removed again to Usha, Rabban Simon b. Gamliel was brought out of hiding and appointed Patriarch, while R. Judah was appointed by the government to supervise the patriarchal house. He was highly esteemed by the Patriarch. 607 *Halachot* are mentioned in his name in the *Mishnah*. Besides taking such an important share in the work of the College at Usha he had a school at Sikni. His greatest disciple was Rabbi. Was extremely poor and sometimes did not have even a coat to go out in. Lived from his farm. Had great reputation for piety. Outlived most of his colleagues. Left a learned son, R. Jose. ברכות 2<sup>1-3</sup>, 3<sup>4,6</sup>, 4<sup>1,7</sup>, 6<sup>1,3,4</sup>, 7<sup>2</sup>, 9<sup>2</sup>; פאה 1<sup>3</sup>, 2<sup>3</sup>, 3<sup>5</sup>, 4<sup>6</sup>, 5<sup>5</sup>, 6<sup>10</sup>, 7<sup>4,5</sup>, 8<sup>1</sup>; דמאי 1<sup>1</sup>, 2<sup>2,3</sup>, 3<sup>6</sup>, 4<sup>7</sup>, 5<sup>3-5</sup>, 6<sup>1,2,5</sup>; כלאים 1<sup>2,7,9</sup>, 3<sup>1,3</sup>, 4<sup>3,7,9</sup>, 8<sup>4</sup>, 9<sup>10</sup>; שביעית 2<sup>5,6</sup>, 3<sup>1</sup>, 4<sup>2,5</sup>, 5<sup>1,5</sup>, 7<sup>4</sup>, 9<sup>1,4</sup>, 10<sup>1</sup>; תרומות 1<sup>3</sup>, 2<sup>2,4-6</sup>, 3<sup>9</sup>, 4<sup>2</sup>, 9<sup>6,7</sup>, 10<sup>1,3,8,11</sup>, 11<sup>1,10</sup>; מעשרות 1<sup>2,7,8</sup>, 2<sup>2,3,5,8</sup>, 3<sup>5,7</sup>, 4<sup>2</sup>, 5<sup>5,6</sup>; מעשר שני 3<sup>10</sup>, 4<sup>7,10</sup>, 5<sup>8</sup>; חלה 2<sup>3</sup>, 4<sup>9</sup>; ערלה 1<sup>2</sup>; בכורים 1<sup>1,6,7,11</sup>, 3<sup>6,12</sup>; שבת 1<sup>11</sup>, 2<sup>4</sup>, 3<sup>5</sup>, 4<sup>1</sup>, 5<sup>2</sup>, 7<sup>4</sup>, 8<sup>2,4,6,7</sup>, 9<sup>5-7</sup>, 10<sup>4</sup>, 13<sup>5</sup>, 15<sup>2</sup>, 16<sup>7</sup>, 17<sup>4,5</sup>, 18<sup>2</sup>, 19<sup>3</sup>, 20<sup>2,5</sup>, 21<sup>1</sup>, 22<sup>1,3</sup>, 24<sup>2,4</sup>; ערובין 1<sup>1,4,10</sup>, 2<sup>1,3-5</sup>, 3<sup>1,4,5,7,8</sup>, 4<sup>4,5,9,10</sup>, 5<sup>6</sup>, 6<sup>2,4</sup>, 7<sup>11</sup>, 8<sup>2,4-7</sup>, 9<sup>3,4</sup>, 10<sup>2,3,5,11,12,15</sup>; פסחים 1<sup>3,4,5</sup>, 2<sup>1</sup>, 3<sup>5,8</sup>, 4<sup>2,3</sup>, 5<sup>4,7,8</sup>, 8<sup>7</sup>; שקלים 1<sup>2,4</sup>, 2<sup>4</sup>, 6<sup>5</sup>, 7<sup>4,6</sup>; יומא 1<sup>1</sup>, 4<sup>5,6</sup>, 5<sup>4</sup>, 6<sup>1,8</sup>; סוכה 1<sup>1,2,6,7</sup>, 2<sup>1,2</sup>, 3<sup>1,6-8,15</sup>, 4<sup>5,9</sup>, 5<sup>8</sup>; ביצה 1<sup>10</sup>, 2<sup>8,10</sup>, 3<sup>4,6,8</sup>, 4<sup>2,4</sup>, 5<sup>4</sup>;

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ראש השנה <sup>38</sup>; תענית <sup>12, 23, 47</sup>; מגלה <sup>18, 23, 4, 31-3, 46, 7, 10</sup>; מועד קטן <sup>16, 7, 9, 21, 2, 34</sup>; חגיגה <sup>37</sup>; יבמות <sup>28, 47, 10, 68, 86, 111, 125, 151, 165</sup>; כתובות <sup>28, 32, 42, 4, 51, 76, 71, 2, 81, 5, 91</sup>; נדרים <sup>13, 4, 24, 44, 56, 63, 6, 10, 73, 85, 111, 10</sup>; גזיר <sup>17, 21, 2, 36, 43, 62, 7</sup>; סוטה <sup>13, 5, 22, 8, 74, 6, 88, 7, 91</sup>; גטין <sup>12, 21, 4, 33, 8, 47, 8, 62, 74, 6, 93</sup>; קדושין <sup>28, 43, 6, 8, 14</sup>; בבא קמא <sup>24, 31, 9, 42, 7, 6, 66, 82, 6, 94</sup>; בבא מציעא <sup>21, 6, 37, 8, 11, 44, 5, 2, 12, 57, 67, 78, 95, 6, 103, 6</sup>; בבא בתרא <sup>16, 25, 14, 32, 6, 41, 51, 2, 8, 9, 87, 106, 6</sup>; סנהדרין <sup>18, 0, 21-4, 33, 4, 43, 58, 62, 8, 72-4, 84, 91, 8, 102, 111, 4</sup>; מכות <sup>18, 23, 6, 8, 34, 10, 14</sup>; שבועות <sup>14, 71-3, 6</sup>; עדיות <sup>16, 31, 2, 46, 51, 6, 87</sup>; עבודה זרה <sup>11, 5, 6, 8, 25</sup>; אבות <sup>41, 3</sup>; חוריות <sup>16</sup>; זבחים <sup>26, 36, 67, 78, 84, 12, 92, 118, 14, 10</sup>; מנחות <sup>14, 23, 38, 45, 51, 9, 65, 84, 105, 8, 112, 4, 6, 131</sup>; חולין <sup>21, 31, 4, 7, 58, 64, 6, 71-8, 6, 91, 2, 6, 104, 124</sup>; בכורות <sup>34, 48, 9, 52, 61, 0, 71, 6, 88, 4, 6, 98</sup>; ערכין <sup>12, 42, 51, 74, 5, 85, 95</sup>; תמורה <sup>16, 23, 76</sup>; כריתות <sup>28, 4, 42, 3, 51</sup>; מעילה <sup>36, 64, 5</sup>; תמיד <sup>72</sup>; מדות <sup>17, 36, 41, 2, 6</sup>; כלים <sup>16, 32, 41, 4, 51, 2, 6, 11, 61, 71, 2, 8-10, 97, 8, 103, 5, 122, 8, 131, 140, 8, 151, 3, 6, 161, 4, 8, 176, 7, 10, 11, 182, 4, 191, 201, 7, 212, 3, 221, 7, 8, 251-3, 261, 8, 271, 11, 287</sup>; אהלות <sup>38, 7, 63, 4, 71, 4, 108, 158, 162, 175</sup>; נעעים <sup>21, 2, 4, 5, 67, 103, 4, 8, 10, 113, 4, 8, 124, 5, 133, 10, 11, 148, 9, 11, 12</sup>; פרה <sup>22, 4, 5, 39, 41, 51, 4, 6, 79, 8-11, 95, 118, 9, 121, 2, 8</sup>; טהרות <sup>11, 41, 8, 55, 6, 68, 78, 81, 94, 101</sup>; מקואות <sup>210, 52, 4, 5, 61, 5, 9, 78, 91, 8, 7, 105</sup>; נדה <sup>17, 31, 48, 611, 78, 4, 95, 8, 11, 102, 5</sup>; מכשירין <sup>24, 6, 7, 8, 31, 8, 5-7, 62, 3</sup>; זבים <sup>22, 31-3</sup>; טבול יום <sup>11, 2, 0, 22, 7, 31</sup>; עוקצין <sup>12, 21, 4, 32, 8</sup>.

118. **R. Meir:** A scribe by profession. Disciple of R. Akiva and R. Ishmael. Ordained by R. Judah b. Bava before his martyrdom. Was pupil also of Elisha b. Avuya, with whom he remained friendly in spite of his apostasy. Was the foremost of the seven scholars who assembled in the valley of Rimmon after the death of Hadrian to intercalate the year. Sent by the scholars when they assembled in Yavne to intercalate the year in Asia Minor (since it was still forbidden to intercalate it in Palestine). When they re-assembled in Usha, Rabban Simon b. Gamliel was appointed *Patriarch*, R. Nathan *Av-Bet-Din* and R. Meir *Haham*. R. Meir was easily the most distinguished of them all in the keenness of his intellect and the clarity of his expression. His generation was responsible for the *Halakic* collections and his own was the basis of Rabbi's *Mishnah*. Humane and kindly man with a firm faith in individual providence. A great *Aggadist* and author of many fables. Married Beruria, daughter of the martyr R. Chanania b. Teradion, the only woman mentioned in the Talmud in connection with *Halachah*. Their two sons died in their lifetime. R. Meir and R. Nathan planned to depose Rabban Simon b. Gamliel, and as a result of the ensuing quarrel he retired to Tiberias, where he founded a school. There his wife committed suicide and he left for Asia Minor where he died. <sup>21</sup>; פאה <sup>21, 411, 53, 72, 5, 85</sup>; ברכות <sup>12, 25, 53, 4</sup>; דמאי <sup>12, 25, 53, 4</sup>; כלאים <sup>28, 11, 37, 49, 51, 65, 72</sup>; תרומות <sup>41, 2, 63, 6, 72, 5-7, 103, 111, 10</sup>; מעשרות <sup>23, 5, 44, 58</sup>; מעשר שני <sup>28, 51, 4</sup>; חלה <sup>12</sup>; ערלה <sup>15</sup>; בכורים <sup>31, 2, 6, 7</sup>; שבת <sup>63, 8, 10, 87, 151</sup>; ערובין <sup>17, 21, 34, 49, 10, 52, 4, 61, 4, 83, 6, 91, 100</sup>; פסחים <sup>14, 7, 28, 38, 8, 49, 65</sup>; שקלים <sup>16, 7, 25, 81, 2</sup>; יומא <sup>38, 7, 48</sup>; סוכה <sup>16, 7, 30-8</sup>; ביצה <sup>43</sup>; תענית <sup>12, 210</sup>; מגלה <sup>28, 32</sup>; מועד קטן <sup>15</sup>; יבמות <sup>155, 164</sup>; כתובות <sup>13, 51, 4, 67, 78, 10, 88, 7, 124</sup>; נדרים <sup>14, 24, 5, 38, 44, 72, 4, 5, 82, 5, 7, 93, 4, 8, 117</sup>; גזיר <sup>11, 28, 68, 74, 91</sup>; גטין <sup>12, 21, 4, 33, 8, 47, 8, 62, 74, 6, 93</sup>; קדושין <sup>13, 4, 28, 34, 9, 41, 4</sup>; בבא קמא <sup>24, 38, 41, 4, 9, 92, 4</sup>; בבא מציעא <sup>21, 6, 37, 8, 11, 44, 5, 2, 12, 57, 67, 78, 95, 6, 103, 6</sup>; בבא בתרא <sup>16, 25, 14, 32, 6, 41, 51, 2, 8, 9, 87, 106, 6</sup>; סנהדרין <sup>18, 0, 21-4, 33, 4, 43, 58, 62, 8, 72-4, 84, 91, 8, 102, 111, 4</sup>; מכות <sup>18, 23, 6, 8, 34, 10, 14</sup>; שבועות <sup>14, 71-3, 6</sup>; עדיות <sup>16, 31, 2, 46, 51, 6, 87</sup>; עבודה זרה <sup>11, 5, 6, 8, 25</sup>; אבות <sup>41, 3</sup>; חוריות <sup>16</sup>; זבחים <sup>26, 36, 67, 78, 84, 12, 92, 118, 14, 10</sup>; מנחות <sup>14, 23, 38, 45, 51, 9, 65, 84, 105, 8, 112, 4, 6, 131</sup>; חולין <sup>21, 31, 4, 7, 58, 64, 6, 71-8, 6, 91, 2, 6, 104, 124</sup>; בכורות <sup>34, 48, 9, 52, 61, 0, 71, 6, 88, 4, 6, 98</sup>; ערכין <sup>12, 42, 51, 74, 5, 85, 95</sup>; תמורה <sup>16, 23, 76</sup>; כריתות <sup>28, 4, 42, 3, 51</sup>; מעילה <sup>36, 64, 5</sup>; תמיד <sup>72</sup>; מדות <sup>17, 36, 41, 2, 6</sup>; כלים <sup>16, 32, 41, 4, 51, 2, 6, 11, 61, 71, 2, 8-10, 97, 8, 103, 5, 122, 8, 131, 140, 8, 151, 3, 6, 161, 4, 8, 176, 7, 10, 11, 182, 4, 191, 201, 7, 212, 3, 221, 7, 8, 251-3, 261, 8, 271, 11, 287</sup>; אהלות <sup>38, 7, 63, 4, 71, 4, 108, 158, 162, 175</sup>; נעעים <sup>21, 2, 4, 5, 67, 103, 4, 8, 10, 113, 4, 8, 124, 5, 133, 10, 11, 148, 9, 11, 12</sup>; פרה <sup>22, 4, 5, 39, 41, 51, 4, 6, 79, 8-11, 95, 118, 9, 121, 2, 8</sup>; טהרות <sup>11, 41, 8, 55, 6, 68, 78, 81, 94, 101</sup>; מקואות <sup>210, 52, 4, 5, 61, 5, 9, 78, 91, 8, 7, 105</sup>; נדה <sup>17, 31, 48, 611, 78, 4, 95, 8, 11, 102, 5</sup>; מכשירין <sup>24, 6, 7, 8, 31, 8, 5-7, 62, 3</sup>; זבים <sup>22, 31-3</sup>; טבול יום <sup>11, 2, 0, 22, 7, 31</sup>; עוקצין <sup>12, 21, 4, 32, 8</sup>.

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19<sup>3,4,9,10</sup>, 25<sup>1-3,5,7</sup>, 26<sup>4</sup>, 27<sup>2</sup>, 28<sup>8</sup>; אהלות 2<sup>3</sup>, 3<sup>1</sup>, 6<sup>3</sup>, 7<sup>5</sup>, 8<sup>2</sup>, 10<sup>2,3</sup>, 11<sup>7</sup>, 13<sup>6</sup>, 15<sup>9</sup>, 16<sup>2</sup>, 18<sup>2</sup>; נעים 1<sup>1</sup>, 2<sup>2,5</sup>, 4<sup>4</sup>, 6<sup>3</sup>, 8<sup>6</sup>, 11<sup>3</sup>, 12<sup>5</sup>, 13<sup>12</sup>; פרה 1<sup>1,2</sup>, 2<sup>5</sup>, 3<sup>6</sup>, 5<sup>6</sup>, 6<sup>2</sup>, 8<sup>8</sup>, 11<sup>4-6,8</sup>; טהרות 1<sup>1</sup>, 3<sup>2,8</sup>, 5<sup>7,9</sup>, 6<sup>9</sup>, 7<sup>2-4</sup>, 8<sup>4</sup>, 9<sup>4</sup>, 10<sup>1,3</sup>; מקואות 2<sup>10</sup>, 4<sup>1</sup>, 5<sup>4</sup>, 6<sup>10</sup>; נדה 1<sup>4</sup>, 2<sup>6</sup>, 3<sup>2</sup>, 4<sup>5,7</sup>, 6<sup>1,13</sup>, 7<sup>8</sup>, 9<sup>1,5</sup>; מכשירין 2<sup>10</sup>, 3<sup>3</sup>, 6<sup>2,6</sup>; טבול יום 1<sup>5</sup>, 3<sup>1,6</sup>, 2<sup>1</sup>; ידים 2<sup>1</sup>; עוקצין 1<sup>2</sup>.

119. **R. Menachem (b. R. Jose b. Chalafta):** Although mentioned only once in the *Mishnah*, there is a tradition that Rabbi included a number of his opinions anonymously. His father's fifth son. יומא 4<sup>4</sup>.

120. **R. Nehemia:** Descendant of the Biblical Nehemia. A potter by trade, and very poor. One of the seven disciples of R. Akiva who re-established Jewish learning after the catastrophe of Bethar. Ordained by R. Judah b. Bava. Present at the valley of Rimmon to intercalate the year, as well as at Usha and Yavne. But not mentioned in the later assembly at Usha, and presumably died before that. Author of the original *Tosefta*. תרומות 8<sup>7</sup>; מעשרות 3<sup>5</sup>; שבת 8<sup>4</sup>, 17<sup>4</sup>; יבמות 5<sup>9</sup>; נדרים 3<sup>11</sup>; נויר 9<sup>4</sup>; סוטה 5<sup>4</sup>; סנהדרין 1<sup>6</sup>, 9<sup>1</sup>, 10<sup>3</sup>; זבחים 13<sup>6</sup>; כלים 18<sup>6</sup>; נעים 11<sup>6</sup>; נדה 9<sup>8</sup>; מכשירין 3<sup>2</sup>; זבים 4<sup>3,7</sup>; טבול יום 3<sup>1</sup>.

121. **Rabban Simon b. Gamliel II:** Observed many traditions in his father's house at Yavne. Was not appointed *Patriarch* on father's death because many of the famous scholars of that generation were still alive. Then came the troubles, the rebellion and the persecution, during which he was in hiding because the Romans would have executed him as a member of the ruling house. When the scholars re-assembled the second time in Usha, R. Judah's influence with the government enabled Rabban Simon to come out of hiding and be appointed *Patriarch*, the sixth in descent from Hillel. Although a modest man, he insisted upon the authority of his office, thereby offending his *Av-Bet-Din* R. Nathan and his *Haham* R. Meir. He came out triumphant in the subsequent quarrel, R. Nathan submitting to him and R. Meir going into exile. Learned in Greek. Was very friendly with the aged R. Joshua b. Korcha. His most famous pupil was his son, Rabbi. ברכות 2<sup>6</sup>; פאה 5<sup>1</sup>; דמאי 7<sup>8</sup>; שביעית 1<sup>5,7</sup>, 3<sup>4</sup>, 4<sup>10</sup>; מעשרות 5<sup>5</sup>; מעשר שני 3<sup>5</sup>, 5<sup>1</sup>; ערלה 1<sup>4</sup>; שבת 1<sup>9</sup>, 12<sup>1</sup>, 13<sup>5</sup>, 18<sup>1</sup>; ערובין 8<sup>6</sup>; פסחים 2<sup>3</sup>, 4<sup>5</sup>; שקלים 8<sup>5</sup>; ביצה 3<sup>1</sup>; תענית 4<sup>7,8</sup>; מגלה 1<sup>8</sup>; כתובות 2<sup>8</sup>, 5<sup>6</sup>, 6<sup>4</sup>, 7<sup>9</sup>, 8<sup>5</sup>, 9<sup>1,9</sup>, 11<sup>4,5</sup>, 13<sup>10,11</sup>; נדרים 8<sup>5</sup>; נויר 6<sup>8</sup>; סוטה 9<sup>12,16</sup>; גטין 1<sup>1</sup>, 4<sup>4,6</sup>, 6<sup>1,6</sup>, 7<sup>5,6</sup>; בבא קמא 3<sup>3</sup>, 5<sup>4</sup>; בבא מציעא 1<sup>8</sup>, 3<sup>4</sup>, 5<sup>5</sup>, 7<sup>1</sup>, 8<sup>5,6</sup>, 9<sup>8,13</sup>, 10<sup>5</sup>; בבא בתרא 1<sup>5</sup>, 4<sup>7</sup>, 5<sup>10,11</sup>, 6<sup>1,4,8</sup>, 8<sup>5</sup>, 10<sup>1,4,7</sup>; סנהדרין 1<sup>2</sup>, 3<sup>8</sup>; מכות 1<sup>10</sup>; שבועות 7<sup>7</sup>; עדיות 8<sup>3</sup>; עבודה זרה 2<sup>3</sup>, 3<sup>1,3</sup>, 5<sup>3,4,10</sup>; אבות 1<sup>18</sup>; מנחות 11<sup>8</sup>; חולין 2<sup>6</sup>, 3<sup>2</sup>, 6<sup>7</sup>, 8<sup>2</sup>; בכורות 2<sup>4</sup>, 3<sup>2</sup>, 5<sup>4</sup>, 6<sup>6</sup>, 7<sup>6</sup>; ערכין 6<sup>1</sup>; תמורה 5<sup>2</sup>; כלים 7<sup>6</sup>, 11<sup>1</sup>, 17<sup>4</sup>, 26<sup>1</sup>, 28<sup>8</sup>; אהלות 18<sup>9</sup>; מקואות 6<sup>7</sup>, 9<sup>5</sup>; ידים 2<sup>2</sup>, 3<sup>1</sup>.

122. **R. Simon of Shezur:** Disciple of R. Tarfon and disputant with R. Meir and R. Jose. דמאי 4<sup>1</sup>; שביעית 2<sup>8</sup>; גטין 6<sup>6</sup>; חולין 4<sup>5</sup>; כריתות 4<sup>8</sup>; כלים 18<sup>1</sup>; טהרות 3<sup>2</sup>; טבול יום 4<sup>5</sup>.

123. **R. Simon (b. Yochai):** The student whose innocent question to R. Joshua about the evening service started the revolt of the scholars at Yavne. Studied under R. Akiva at Bnei Brak, and still begged to learn from him even in prison. One of the five ordained by R. Judah b. Bava before his martyrdom. One of the seven scholars who assembled in the valley of Rimmon to intercalate the year after the death of Hadrian. Was also present at Usha and then at Yavne, where he spoke ill of the Roman government in answer to R. Judah's praise. For this he was condemned to

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death by the Romans, but he fled with his son Elazar and hid for thirteen years in a cave. Then did not return to Usha but founded a school in Tekoa, where he taught Rabbi. Went on a successful mission to Rome with R. Elazar, son of R. Jose. פאה 1<sup>a</sup>, 3<sup>a</sup>, 4<sup>1</sup>; דמאי 3<sup>a</sup>, 5<sup>a</sup>; כלאים 2<sup>1</sup>, 2<sup>7</sup>, 4<sup>9</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>; שביעית 1<sup>a</sup>, 2<sup>1</sup>-3<sup>a</sup>, 5<sup>a</sup>, 8<sup>a</sup>, 10<sup>a</sup>, 3<sup>a</sup>, 6<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>; תרומות 3<sup>a</sup>, 5<sup>a</sup>, 4<sup>12</sup>, 5<sup>a</sup>, 10<sup>11</sup>, 11<sup>10</sup>; מעשרות 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>; מעשר שני 2<sup>a</sup>, 3<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>; ערלה 2<sup>1</sup>, 2<sup>10</sup>, 14<sup>-16</sup>; בכורים 2<sup>a</sup>, 3<sup>a</sup>, 10<sup>a</sup>; שבת 3<sup>a</sup>, 8<sup>a</sup>, 10<sup>a</sup>, 13<sup>a</sup>, 14<sup>a</sup>; ערובין 3<sup>a</sup>, 4<sup>a</sup>, 11<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>, 12<sup>a</sup>, 13<sup>a</sup>; פסחים 5<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>; שקלים 2<sup>a</sup>, 3<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>; יומא 5<sup>a</sup>, 6<sup>a</sup>, 7<sup>a</sup>; סוכה 2<sup>a</sup>; ביצה 1<sup>a</sup>, 3<sup>a</sup>; ראש השנה 1<sup>a</sup>, 7<sup>a</sup>; חגיגה 1<sup>a</sup>; יבמות 2<sup>a</sup>, 3<sup>a</sup>, 9<sup>a</sup>, 6<sup>a</sup>, 8<sup>a</sup>, 10<sup>a</sup>, 12<sup>a</sup>; 12<sup>a</sup>, 15<sup>a</sup>; כתובות 4<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>, 11<sup>a</sup>; נזיר 2<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, 10<sup>a</sup>; סוטה 3<sup>a</sup>; גטין 1<sup>a</sup>, 2<sup>a</sup>; בבא בתרא 2<sup>10</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 10<sup>a</sup>; קדושין 2<sup>a</sup>, 4<sup>a</sup>, 6<sup>a</sup>; סנהדרין 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, 7<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>; מכות 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, 4<sup>a</sup>, 15<sup>a</sup>; שבועות 1<sup>a</sup>, 7<sup>a</sup>, 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>; עדיות 5<sup>a</sup>, 8<sup>a</sup>; עבודה זרה 3<sup>a</sup>, 4<sup>a</sup>; אבות 3<sup>a</sup>, 4<sup>a</sup>; הוריות 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>; זבחים 1<sup>a</sup>, 2<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 8<sup>a</sup>, 12<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>, 13<sup>a</sup>, 14<sup>a</sup>; מנחות 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 9<sup>a</sup>, 6<sup>a</sup>, 14<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>, 13<sup>a</sup>; חולין 2<sup>a</sup>, 3<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, 10<sup>a</sup>, 3<sup>a</sup>, 5<sup>a</sup>, 9<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>; בכורות 4<sup>a</sup>, 5<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>; ערכין 7<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>; תמורה 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>; כריתות 1<sup>a</sup>, 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>; מעילה 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>; כלים 3<sup>a</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>, 9<sup>a</sup>, 14<sup>a</sup>, 15<sup>a</sup>, 17<sup>a</sup>, 18<sup>a</sup>, 22<sup>a</sup>, 24<sup>a</sup>, 25<sup>a</sup>, 26<sup>a</sup>, 27<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>, 28<sup>a</sup>, 30<sup>a</sup>; אהלות 2<sup>a</sup>, 3<sup>a</sup>, 7<sup>a</sup>, 9<sup>a</sup>, 10<sup>a</sup>, 11<sup>a</sup>, 13<sup>a</sup>, 16<sup>a</sup>, 18<sup>a</sup>; נעעים 4<sup>a</sup>, 6<sup>a</sup>, 10<sup>a</sup>, 14<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>, 13<sup>a</sup>, 14<sup>a</sup>; פרה 2<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, 9<sup>a</sup>, 11<sup>a</sup>, 12<sup>a</sup>; טהרות 4<sup>a</sup>, 6<sup>a</sup>, 9<sup>a</sup>, 14<sup>a</sup>, 10<sup>a</sup>; מקואות 1<sup>a</sup>, 5<sup>a</sup>, 25<sup>a</sup>, 10<sup>a</sup>, 8<sup>a</sup>; נדה 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 9<sup>a</sup>; מכשירין 1<sup>a</sup>, 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 10<sup>a</sup>, 6<sup>a</sup>, 8<sup>a</sup>; זבים 3<sup>a</sup>, 4<sup>a</sup>, 5<sup>a</sup>, 7<sup>a</sup>, 8<sup>a</sup>; טבול יום 3<sup>a</sup>, 4<sup>a</sup>; ידים 3<sup>a</sup>; עוקצין 2<sup>a</sup>, 3<sup>a</sup>.

### THE FIFTH GENERATION (c. 165 - 200 C.E.).

124. **Abba Gorion of Zaidan:** Mentioned only once more, in a *Midrash*. קדושין 4<sup>14</sup>.

125. **R. Dositheus b. Yannai:** Pupil of R. Meir and colleague of Rabbi. Had pupils of his own. ערובין 5<sup>a</sup>; אבות 3<sup>a</sup>.

126. **R. Elazar b. R. Simon (b. Yochai):** Hid with his father for thirteen years in a cave on account of the Romans. Became one of the greatest disciples at his father's school at Tekoa. After his father's death he studied with Rabbi under Rabban Simon b. Gamliel and R. Joshua b. Korcha. Married a daughter of R. Simon b. Jose b. Lakonia. Appointed by the government to catch thieves, an occupation disapproved of by his colleagues. A big-built man. On his death Rabbi wanted to marry his widow but she refused. ביצה 4<sup>a</sup>; תמורה 4<sup>a</sup>; נעעים 12<sup>a</sup>.

127. **R. Elazar ha-Kappar:** Lived and taught in Lydda. His pupil was the famous R. Joshua b. Levi. אבות 4<sup>1st seq.</sup>

128. **R. Eliezer b. Zadok II:** Pupil of R. Meir. פאה 2<sup>a</sup>; כלאים 7<sup>a</sup>; שביעית 2<sup>a</sup>; מעשרות 4<sup>a</sup>; פסחים 3<sup>a</sup>, 10<sup>a</sup>; ראש השנה 2<sup>a</sup>; סנהדרין 7<sup>a</sup>; עדיות 2<sup>a</sup>; מנחות 3<sup>a</sup>; חולין 3<sup>a</sup>; מעילה 3<sup>a</sup>; כלים 2<sup>a</sup>, 5<sup>a</sup>, 6<sup>a</sup>, 26<sup>a</sup>; טהרות 2<sup>a</sup>; מקואות 2<sup>10</sup>, 6<sup>10</sup>; נדה 8<sup>a</sup>; עוקצין 1<sup>a</sup>, 2<sup>a</sup>.

129. **R. Chalafta b. Dosa of Kefar Chanania:** Pupil of R. Meir. אבות 3<sup>a</sup>.

130. **R. Ishmael b. R. Jose (b. Chalafta):** The greatest of his father's five sons. Succeeded his father as head of the school at Sepphoris, and was the teacher of most of the famous scholars of the next generation. Highly esteemed by Rabbi. Was a flax merchant and a wealthy landowner. Died before Rabbi. אבות 4<sup>a</sup>.

## BIOGRAPHIES

131. **Jaddua the Babylonian:** Mentioned once only. בבא מצינא 7<sup>o</sup>.
132. **R. Jose b. R. Judah:** Son of R. Judah b. Ilai, from whom he received his learning. Colleague of Rabbi, with whom he studied under his father. Probably died before Rabbi. ערובין 1<sup>10</sup>; פסחים 4<sup>6</sup>; גדרים 8<sup>6</sup>; גטין 4<sup>7</sup>; בבא מצינא 7<sup>2</sup>; תמורה 2<sup>8</sup>; בכורות 9<sup>7</sup>; חולין 1<sup>8</sup>; מנחות 8<sup>7</sup>; ובחים 6<sup>1</sup>; אבות 4<sup>20</sup>; מכות 2<sup>3,6</sup>; סנהדרין 8<sup>2</sup>.
133. **R. Jose b. Judah of Kefar Bavli:** Mentioned only once. אבות 4<sup>20</sup>.
134. **R. Jose b. Meshullam:** Colleague of R. Simon b. Elazar and R. Simon b. Menasia. תרומות 4<sup>7</sup>; בכורות 3<sup>3</sup>, 6<sup>1</sup>.
135. **R. Judah the Patriarch:** Known more familiarly as **Rabbi** and **Rabbenu the Saintly**. The seventh in direct descent from Hillel. Among his teachers were R. Jacob b. Korshai, R. Meir, R. Judah, R. Elazar, R. Simon, R. Jose, R. Nathan, R. Joshua b. Korcha, besides his own father. To these scholars he went in their own schools, spending much time at each. Fixed the College at Beth Shearim when he became *Patriarch* on the death of his father. Transferred the College to Sepphoris in the last seventeen years of his life. A friend of the Antonine emperors. Travelled widely in Palestine and the Diaspora to regulate communal life and to teach. Skilled in medicine and natural science. Blessed with beauty, power, wealth and wisdom. Used his wealth to support scholars and students in time of need. Called together the scholars from Palestine and all parts of the Diaspora to sift the material of the Oral Law and prepare an authoritative text-book and code, divided into six orders containing 63 tractates, known as the *Mishnah*. By form and arrangement, as well as brevity of expression, it was designed to be learnt by memory. Had two sons, Rabban Gamliel, who succeeded him as *Patriarch*, and R. Simon, whom he appointed as *Haham* on account of his brilliant scholarship. Died 219 C.E., after acting as *Patriarch* for almost fifty years. שביעית 6<sup>4</sup>; מעשרות 5<sup>2</sup>; שבת 6<sup>5</sup>, 12<sup>3</sup>; כתובות 2<sup>4</sup>; גדרים 3<sup>11</sup>; נזיר 1<sup>4</sup>, 4<sup>6</sup>; סוטה 3<sup>5</sup>, 5<sup>1</sup>, 9<sup>16</sup>; גטין 5<sup>6</sup>; בבא קמא 5<sup>3</sup>; מכות 1<sup>8</sup>, 2<sup>1</sup>; עבודה זרה 2<sup>8</sup>, 4<sup>6</sup>, 5<sup>11</sup>; אבות 2<sup>1,2</sup>, 4<sup>20</sup>; מנחות 6<sup>3</sup>, 8<sup>6</sup>, 13<sup>3,6,8,9</sup>; חולין 3<sup>4</sup>; בכורות 7<sup>8</sup>; ערכין 4<sup>2</sup>, 8<sup>5</sup>, 9<sup>8</sup>; תמורה 4<sup>3</sup>, 6<sup>2</sup>; מעילה 5<sup>2</sup>; מדות 3<sup>4</sup>; אהלות 18<sup>9</sup>; מקואות 2<sup>10</sup>.
136. **R. Judah b. Tema:** From the few references in the *Talmud* very little is known of him. אבות 5<sup>20,21</sup>.
137. **R. Nathan,** 'The Babylonian:' Actually a colleague of R. Meir, but also colleague of Rabbi in the compilation of the *Mishnah*. Probably son of the *Resh Galuta* in Babylon. Studied in Palestine but returned to Babylon during the Hadrianic persecution. Came back to the College at Usha, where he was appointed *Av-Bet-Din* by Rabban Simon b. Gamliel. He and R. Meir planned to depose Rabban Simon, but he finally submitted to the latter's authority and was restored to his office. Travelled a great deal, and was well versed in astronomy and civil law. Author of *Avot de R. Nathan*. ברכות 9<sup>6</sup>; שקלים 2<sup>8</sup>.
138. **R. Nehorai:** One of the scholars at Usha. נזיר 9<sup>6</sup>; קדושין 4<sup>14</sup>; אבות 4<sup>14</sup>.
139. **R. Phineas b. Jair:** Son-in-law of R. Simon b. Yochai. A saintly scholar of whom marvellous tales are told in the *Talmud*. סוטה 9<sup>15</sup>.
140. **R. Simon b. Elazar:** Pupil of R. Meir and colleague of Rabbi. Lived in Tiberias to a ripe old age. כלאים 9<sup>8</sup>; סוטה 9<sup>18</sup>; קדושין 4<sup>14</sup>; בבא מצינא 2<sup>1</sup>; עבודה זרה 4<sup>11</sup>; אבות 4<sup>18</sup>; מכשירין 4<sup>1</sup>, 6<sup>7</sup>.

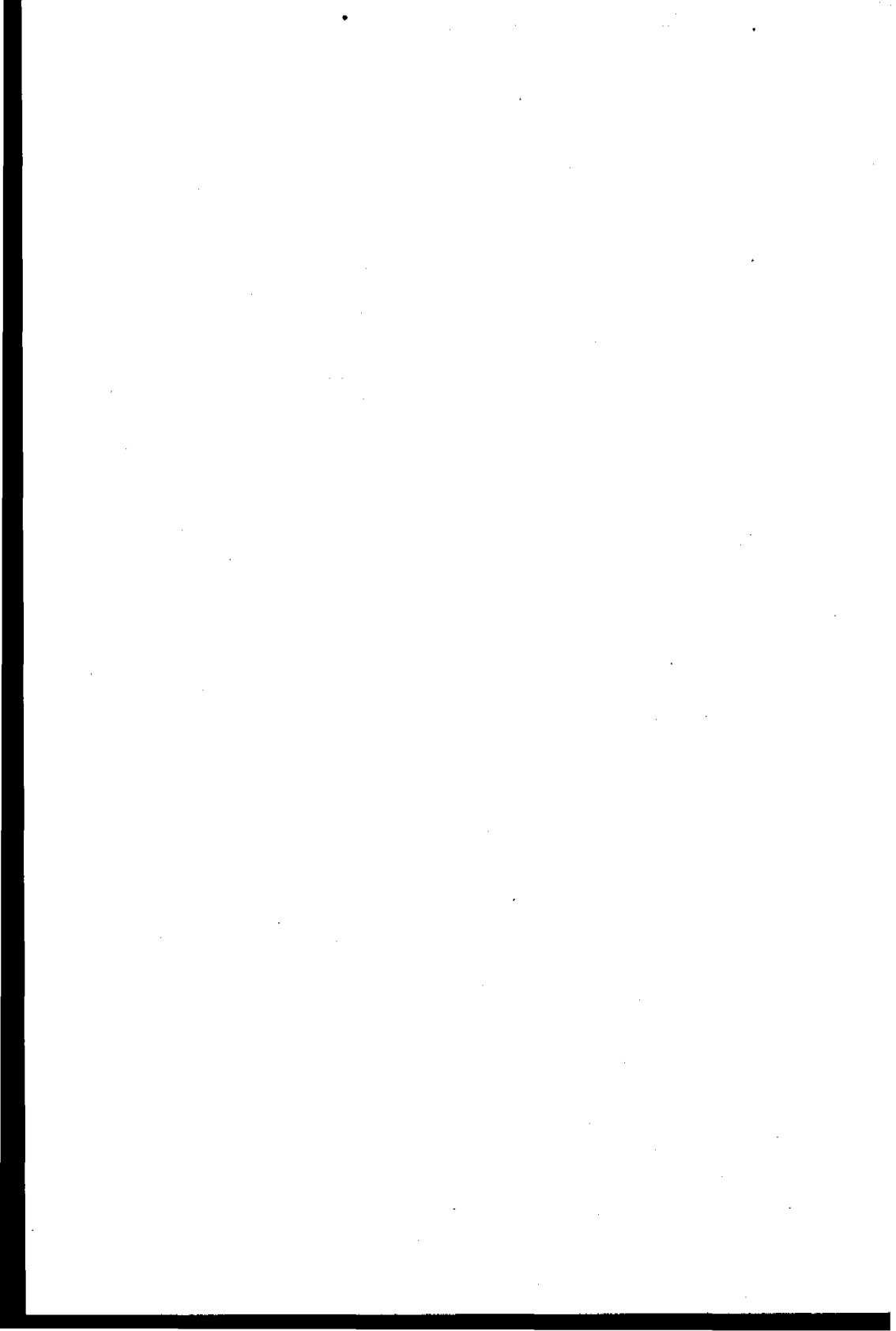


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141. **R. Simon b. Chalafta:** Probably grandson of R. Jose. A great friend of Rabbi. Was very poor. עוקצין 3<sup>12</sup>.
142. **R. Simon b. Judah:** Pupil of R. Simon b. Yochai and an older contemporary of Rabbi. מעשר שני 3<sup>6</sup>; מכות 3<sup>6</sup>; שבועות 1<sup>6</sup>; נעים 10<sup>8</sup>.
143. **R. Simon b. Menasia:** Pupil of R. Meir. Thought very highly of Rabbi and his family. חגיגה 1<sup>7</sup>.
144. **Symmachos (b. Joseph):** Pupil of R. Meir with as brilliant an intellect as his teacher. ערובין 3<sup>1</sup>; בבא מציעא 6<sup>6</sup>; חולין 5<sup>8</sup>.

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[Historians are not agreed in the correct chronological placement of several of the less well-known *Tannaim*. There is also some confusion and uncertainty regarding the exact identity of several *Tannaim*. The Hebrew letter ח occurring in *proper names* has been rendered generally by the (German guttural) *ch* in preference to *h* favoured by some writers.—*Philip Blackman*.]



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the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has also become an important employer of women, with 50% of public sector employees being women in 1995.

There are a number of reasons why the public sector has become an important employer of women. One reason is that the public sector has a high proportion of women in the workforce. Another reason is that the public sector has a high proportion of women in the senior management positions. A third reason is that the public sector has a high proportion of women in the middle management positions.

The public sector has also become an important employer of women because of the increasing number of women who are entering the workforce. The public sector has a high proportion of women in the workforce, and this has led to a high proportion of women in the senior management positions. A third reason is that the public sector has a high proportion of women in the middle management positions.

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Abba Saul, General Introduction; *Biographies*. (100).

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Additional Service, ברכות 4<sup>1,7</sup>.

Admon b. Gadda, General Introduction; *Biographies*. (19).

Afternoon Service, ברכות 4<sup>1</sup>.

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Akavia b. Mahalalel, General Introduction; *Biographies*. (2).

Akiba, (b. Joseph), General Introduction; *Biographies*. (71).

Akrabah, מעשר שני 5<sup>2</sup>.

Alexandria, חלה 4<sup>10</sup>.

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Antigonos of Soko, General Introduction; *Biographies*. (3).

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 Bava b. Buta, General Introduction; Biographies. (4).  
 bean, פאה 53N., 88; כלאים 11, 2, 211, 32, 4, 5, 7; שביעית 28, 9; מעשרות 15N., 46, 58; חלה 14N.; (crushed—) פאה 88; ערלה 27; (Cilician—) כלאים 58N.; (haricot—) מעשרות 11; (Egyptian—) כלאים 25N., 34; שביעית 28, 9; תרומות 98N.; פאה 16N., 58; (hyacinth—) מעשרות 610N.; כלאים 25N.; תרומות 98N.; שביעית 58N.; מעשרות 58N.; (horse—) מעשר שני 224; (white—) כלאים 11, 7; (kidney—) כלאים 11; Supplement.  
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 Ben Antigonus, General Introduction; Biographies. (79).  
 Ben Antinos, General Introduction; חלה 411.  
 Ben Azzai, General Introduction; Biographies. (95).  
 Ben Buchri, General Introduction; Biographies. (20).  
 Ben Nanos, General Introduction; Biographies. (96).  
 Ben Zoma, General Introduction; Biographies. (98).  
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 Chuspith, General Introduction; *Biographies*. (50).  
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     בכורים <sup>27</sup>.  
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     *Supplement*.  
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     שביעית <sup>21,2</sup>; תרומות <sup>26, 31, 66, 86</sup>;  
     מעשרות <sup>14,5</sup>; *Supplement*.  
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     תרומות <sup>12</sup>; שביעית <sup>410, 75,7</sup>;  
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 Chalafta, General Introduction; *Biographies*. (47).  
 Chalafta b. Dosa of Kfar Chanania, General Introduction; *Biographies*. (129).  
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 Chanan b. Avishalom, General Introduction; *Biographies*. (23).  
 Chananiah b. Akashia, General Introduction; *Biographies*. (108).  
 Chananiah b. Akavia, General Introduction; *Biographies*. (107).  
 Chananiah . . . ., see Chaninah . . . .  
 Chananiah (or Chanina) b. Antigonus, General Introduction; *Biographies*. (79).  
 Chananiah b. Chachinai, General Introduction; *Biographies*. (77).  
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 Chaninah b. Dosa, General Introduction; *Biographies*. (48).  
 Chaninah b. Gamliel, General Introduction; *Biographies*. (49).  
 Chaninah b. Teradion, General Introduction; *Biographies*. (78).  
 Chaninah Vice High-Priest, General Introduction; *Biographies*. (25).  
 Chanukah, בכורים <sup>16</sup>.

- Dosa b. Harkinas**, General Introduction; *Biographies*. (39).
- Dositheus b. Yannai**, General Introduction; *Biographies*. (125).
- Dositheus** (of Kefar Yathma), General Introduction; *Biographies*. (21).
- double sex**, בכורים <sup>15</sup>, <sup>41f.</sup>
- doubtful sex**, בכורים <sup>15</sup>, <sup>45</sup>.
- dough-offering**, דמאי <sup>13</sup>, <sup>51,2,3</sup>; מעשר <sup>98</sup>; תרומות <sup>75,6,7</sup>; שביעית <sup>510</sup>; חלה <sup>11f.</sup>; ערלה <sup>21</sup>.
- dragon's-wort**, פאה <sup>610N</sup>; שביעית <sup>52N</sup>; תרומות <sup>96N</sup>; מעשרות <sup>58N</sup>; *Supplement*.
- drupe**, מעשרות <sup>12N</sup>.
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- durra**, שביעית <sup>27</sup>; חלה <sup>14N</sup>; *Supplement*.
- dyer**, שביעית <sup>73</sup>.
- earthquake**, (Benediction over), ברכות <sup>92</sup>.
- Eastern (Temple) Gate**, ברכות <sup>95</sup>; ערלה <sup>212</sup>.
- egg**, תרומות <sup>1012</sup>.
- Ecdippa**, חלה <sup>48N</sup>.
- Egypt**, ברכות <sup>15</sup>; שביעית <sup>61</sup>.
- Egyptian-bean**, פאה <sup>610N</sup>; כלאים <sup>211</sup>; *Supplement*.
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- Egyptian-mustard**, כלאים <sup>12</sup>.
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- Elazar b. Arach**, General Introduction; *Biographies*. (40).
- Elazar b. Diglai**, General Introduction; *Biographies*. (42).
- Elazar b. Dolai**, General Introduction; *Biographies*. (102).
- Elazar b. R. Jose the Galilean**, General Introduction; *Biographies*. (103).
- cyclamen**, שביעית <sup>72</sup>; *Supplement*.
- cyder**, see **cider**.
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- Dalmation undergarments**, כלאים <sup>97</sup>.
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- darnel** (bearded—), כלאים <sup>11</sup>; תרומות <sup>26</sup>; *Supplement*.
- date**, דמאי <sup>11</sup>, <sup>21</sup>, <sup>55</sup>; תרומות <sup>113</sup>; מעשרות <sup>12</sup>; שביעית <sup>51N</sup>, <sup>93</sup>; בכורים <sup>13,10</sup>; ערלה <sup>17N</sup>; *Supplement*.
- date-honey**, תרומות <sup>112,3</sup>.
- day-lily**, שביעית <sup>71N</sup>, <sup>88N</sup>; *Supplement*.
- deaf-mute**, תרומות <sup>112</sup>.
- debts-cancellation**, שביעית <sup>101f.</sup>.
- Declaration**, בכורים <sup>35f.</sup>.
- Dedication (Chanukah) Festival**, בכורים <sup>16</sup>.
- deer**, מעשר שני <sup>311</sup>; כלאים <sup>16</sup>; בכורים <sup>28N</sup>.
- defective grapes-cluster**, פאה <sup>74,8,8</sup>, <sup>81</sup>; מעשר שני <sup>53</sup>.
- demai**, דמאי Introduction, <sup>11f.</sup> et seq.; תרומות <sup>118</sup>; מעשרות <sup>21</sup>; מעשר שני <sup>38,6</sup>, <sup>46,8,11</sup>, <sup>515</sup>; חלה <sup>46</sup>; ערלה <sup>21</sup>; בכורים <sup>310</sup>.
- denar**, דמאי <sup>15</sup>; מעשר שני <sup>26,7,9</sup>, <sup>48</sup>.
- derived uncleanness**, שני מעשר <sup>39</sup>.
- dill**, פאה <sup>32</sup>; דמאי <sup>11N</sup>; מעשרות <sup>45</sup>; *Supplement*.
- dinar**, see **denar**.
- discharge**, see **flux**.
- dittander**, מעשרות <sup>45</sup>; *Supplement*.
- dittany**, מעשרות <sup>45N</sup>; *Supplement*.
- diverse kinds** [כלאים] כלאים Introduction; (plants, seeds) כלאים <sup>11f.</sup>; תרומות <sup>26</sup>; ערלה <sup>23</sup>, <sup>39</sup>; (vineyard) כלאים <sup>58</sup>, <sup>81</sup>; תרומות <sup>105,6</sup>; ערלה <sup>16</sup>, <sup>21f.</sup>; <sup>36,7</sup>; (beasts) כלאים <sup>16</sup>, <sup>81f.</sup>; (materials) כלאים <sup>81</sup>, <sup>91f.</sup>; ערלה <sup>39</sup>.
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- dog**, כלאים <sup>16</sup>, <sup>86</sup>.
- dog's dough**, חלה <sup>18</sup>.

- espalier**, פאה 4<sup>1</sup>, 7<sup>8N</sup>; כלאים 6<sup>1,2,3,6,7,9</sup>, 7<sup>3</sup>.
- Euphrates**, חלה 4<sup>8N</sup>.
- Evening Service**, ברכות 4<sup>1</sup>.
- ewe**, כלאים 1<sup>6</sup>.
- excision, extirpation**, ברכות 1<sup>1N</sup>; חלה 1<sup>2,9N</sup>; בכורים 2<sup>10</sup>, 4<sup>5N</sup>.
- Ezra**, שביעית 6<sup>1N</sup>, 8<sup>10N</sup>.
- Feast of Tabernacles**, see **Tabernacles**.
- Feast of Weeks**, see **Pentecost**.
- fenugreek**, כלאים 2<sup>5</sup>; תרומות מעשר 10<sup>5,6</sup>; מעשר 1<sup>3N</sup>, 4<sup>6</sup>; מעשר שני 2<sup>2,3</sup>; ערלה 3<sup>6N</sup>; *Supplement*.
- festal-offering**, פאה 1<sup>1</sup>.
- festival day** (יום טוב) חלה 1<sup>8</sup>.
- field**, (artificially irrigated) שביעית 2<sup>2</sup>; תרומות 10<sup>11</sup>; (naturally watered) שביעית 2<sup>9</sup>; תרומות 10<sup>11</sup>; (manuring in *Sabbatical* year) שביעית 3<sup>1ff</sup>.
- fife**, בכורים 3<sup>3N</sup>.
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- fig, fig-tree**, ברכות 6<sup>8</sup>; דמאי 2<sup>5</sup>, 7<sup>5</sup>; כלאים 1<sup>8</sup>, 6<sup>4,5</sup>; שביעית 1<sup>3</sup>, 4<sup>7</sup>, 5<sup>1</sup>, 8<sup>3,6</sup>; תרומות 2<sup>2,4</sup>, 4<sup>8,9</sup>, 8<sup>6</sup>, 11<sup>4</sup>; מעשרות 1<sup>8</sup>, 2<sup>1,2,4-7</sup>, 3<sup>1,4,8,10</sup>, 4<sup>2</sup>; מעשר שני 3<sup>6</sup>; ערלה 1<sup>7N</sup>; בכורים 3<sup>1,3</sup>; *Supplement*; (dried—) פאה 8<sup>6</sup>; דמאי 5<sup>6</sup>, 7<sup>3</sup>; תרומות 2<sup>4</sup>, 11<sup>1,4</sup>; מעשרות 1<sup>8</sup>; (white—) דמאי 1<sup>1</sup>; שביעית 5<sup>1</sup>; (Persian—) שביעית 5<sup>1</sup>; (wild—) דמאי 1<sup>1</sup>; פאה 8<sup>6</sup>; דמאי 2<sup>1</sup>, 5<sup>6</sup>; שביעית 12<sup>3,4</sup>, 11<sup>1</sup>; תרומות 2<sup>4,4</sup>, 4<sup>8</sup>; מעשרות 3<sup>4</sup>.
- firstfruits**, פאה 1<sup>1</sup>, 3<sup>6</sup>; תרומות 3<sup>6,7</sup>, 4<sup>6</sup>, 9<sup>4</sup>, 11<sup>3</sup>; מעשר שני 5<sup>6</sup>; חלה 4<sup>9,11</sup>; ערלה 2<sup>1</sup>; בכורים Introduction; 1<sup>1ff</sup>.
- firstling**, שביעית 7<sup>3</sup>; מעשר שני 1<sup>2</sup>; ערלה 4<sup>9,11</sup>; חלה 3<sup>9</sup>.
- first of fleece**, חלה 4<sup>9</sup>.
- first-tithe**, ברכות 7<sup>1</sup>; דמאי 5<sup>1,2</sup>, 7<sup>1,2,5ff</sup>; תרומות 2<sup>2</sup>, 3<sup>5ff</sup>; מעשרות 2<sup>5</sup>, 4<sup>6</sup>; מעשר שני 5<sup>6,10</sup>; חלה 1<sup>3</sup>.
- fish**, שביעית 7<sup>4</sup>; תרומות 10<sup>8</sup>; מעשר שני 2<sup>1</sup>; (—brine) תרומות 11<sup>1</sup>.
- five species** (of grain), חלה 1<sup>2</sup>.
- Elazar b. Matthias**, General Introduction; *Biographies*. (104).
- Elazar b. Parta**, General Introduction; *Biographies*. (74).
- Elazar b. Piabi (or Pilai)**, General Introduction; *Biographies*. (105).
- Elazar ha-Kappar**, General Introduction; *Biographies*. (127).
- Elazar of Modiim**, General Introduction; *Biographies*. (75).
- Elazar (b. Shammua)**, General Introduction; *Biographies*. (101).
- Elazar b. Simon (b. Yochai)**, General Introduction; *Biographies*. (126).
- Eleazar.....**, see also **Eliezer**.
- Eleazar**, General Introduction; *Biographies*. (101).
- Eleazar b. Azariah**, General Introduction; *Biographies*. (41).
- Eleazar b. Chisma**, General Introduction; *Biographies*. (72).
- Eleazar b. Judah (of Bartotha)**, General Introduction; *Biographies*. (73).
- elephant**, כלאים 8<sup>6</sup>.
- Eliezer.....**, see also **Eleazar.....**
- Eliezer (the Great, b. Harkinas)**, General Introduction; *Biographies*. (43). פאה 3<sup>6N</sup>.
- Eliezer b. Jacob (I)**, General Introduction; *Biographies*. (44).
- Eliezer b. Jacob (II)**, General Introduction; *Biographies*. (106).
- Eliezer b. Zadok (I)**, General Introduction; *Biographies*. (45).
- Eliezer b. Zadok (II)**, General Introduction; *Biographies*. (128).
- Elisha b. Abuya**, General Introduction; *Biographies*. (76).
- endive**, שביעית 7<sup>1</sup>; כלאים 1<sup>2</sup>; *Supplement*.
- Ephrathi**, כלאים 3<sup>7</sup>.
- Erub** (ערוב) דמאי 1<sup>4</sup>; חלה 1<sup>8</sup>.
- eruca**, מעשרות 9<sup>1</sup>; שביעית 4<sup>5N</sup>; *Supplement*.
- Esdraelon**, שביעית 9<sup>2</sup>.

- gleaning**, טאה 4<sup>3,10,11</sup>, 5<sup>1,2,4,5</sup>, 6<sup>5</sup>, 8<sup>1,2,8</sup>; שביעית 9<sup>7</sup>; תרומות 1<sup>5</sup>, 6<sup>5</sup>, 9<sup>2</sup>; מעשר שני 5<sup>10</sup>; חלה 1<sup>3</sup>.
- goat**, כלאים 1<sup>6</sup>; בכורים 2<sup>8N</sup>.
- goat-grass**, כלאים 1<sup>1</sup>; חלה 1<sup>1</sup>; *Supplement*.
- gonorrhoea**, see **flux**.
- good-tidings** (Benediction over—), ברכות 9<sup>2</sup>.
- goosefoot**, שביעית 9<sup>1N</sup>; *Supplement*.
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- omer** (עומר) שביעית <sup>14</sup>; חלה <sup>11,3</sup>; ערלה <sup>39N</sup>.
- Onias the Circle-Maker**, General Introduction; *Biographies*. (14).
- onion**, פאה <sup>33,4</sup>, <sup>69,10</sup>; כלאים <sup>12N,3</sup>; מעשרות <sup>25</sup>, <sup>96</sup>, <sup>101,11N</sup>; תרומות <sup>33</sup>, <sup>52,8</sup>; *Supplement*.
- orach**, כלאים <sup>13</sup>; *Supplement*.
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- measures, Mishnah**, General Introduction; **Tables**.
- Mediterranean Sea** ברכות <sup>92</sup>.
- medlar**, דמאי <sup>11</sup>; כלאים <sup>14</sup>; מעשרות <sup>13</sup>; *Supplement*.
- Meir**, General Introduction; *Biographies*. (118).
- melilot**, מעשר שני <sup>22</sup>; מעשרות <sup>13N</sup>, <sup>46N</sup>; ערלה <sup>36N</sup>; *Supplement*.
- melon**, כלאים <sup>11N,8</sup>; מעשרות <sup>14</sup>, <sup>26</sup>; תרומות <sup>31</sup>, <sup>86</sup>; *Supplement*.
- Menachem**, General Introduction; *Biographies*. (12).
- Menachem (b. R. Jose b. Chalafta)**, General Introduction; *Biographies*. (119).
- Menachem b. Signai**, General Introduction; *Biographies*. (31).
- menstruant**, ברכות <sup>36</sup>.
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- Nachum the Mede**, General Introduction; *Biographies*. (32).



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 perutah, *Mishnah*, General Introduction, *Tables*.  
 Phineas b. Jair, General Introduction; *Biographies*. (139).

- safflower**, כלאים 2<sup>8</sup>; שביעית 7<sup>1N</sup>; *Supplement*.
- saffron**, כלאים 2<sup>8N</sup>; *Supplement*.
- sailors**, שביעית 8<sup>5</sup>.
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- sapling**, שביעית 1<sup>7</sup>.
- Samuel the Younger**, General Introduction; *Biographies*. (34).
- Saul**, see **Abba Saul**.
- Saul b. Botnith**, General Introduction; *Biographies*. (63).
- savory**, שביעית 8<sup>1</sup>; מעשרות 3<sup>9</sup>; *Supplement*.
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- seah**, פאה 3<sup>6</sup>, 8<sup>7</sup>; כלאים 2<sup>2,3,9</sup>, 3<sup>7</sup>; שביעית 1<sup>2,4,7</sup>, 4<sup>9</sup>, 5<sup>2,8</sup>; תרומות 1<sup>7</sup>, 4<sup>2,7,11,12</sup>, 5<sup>1,2,4,9</sup>, 10<sup>8</sup>; ערלה 2<sup>2,3</sup>; *Mishnah*, General Introduction, **Tables**.
- sealing a Benediction**, ברכות 1<sup>4</sup>.
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- second-tithe**, ברכות 7<sup>1</sup>; דמאי 1<sup>3,4</sup>, 5<sup>1,2</sup>, 6<sup>4</sup>, 7<sup>1-5</sup>; שביעית 8<sup>2</sup>; תרומות 1<sup>5</sup>, 3<sup>6</sup>, 5<sup>1</sup>, 6<sup>5</sup>, 8<sup>2</sup>, 9<sup>4</sup>, 10<sup>5</sup>, 11<sup>3</sup>; מעשר שני Introduction, 1 et seq.; חלה 1<sup>3</sup>, 3<sup>9</sup>; בכורים 2<sup>1-4,10</sup>.
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- seet**, see **sit**.
- sela**, *Mishnah*, General Introduction, **Tables**; פאה 8<sup>7</sup>; מעשר שני 2<sup>6-10</sup>, 4<sup>3,6</sup>.
- seminal discharge**, ברכות 3<sup>4,6N</sup>; תרומות 1<sup>6</sup>; בכורים 4<sup>5N</sup>.
- Serak trees**, כלאים 6<sup>3,5</sup>; שביעית 1<sup>3</sup>.
- serpent**, ברכות 5<sup>1</sup>; תרומות 8<sup>4,5,6</sup>.
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- rose**, שביעית 7<sup>6,7</sup>; מעשרות 2<sup>5</sup>.
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- rye-grass**, כלאים 1<sup>N</sup>; תרומות 2<sup>6N</sup>; *Supplement*.
- Sabbath**, דמאי 4<sup>1,2,4</sup>; כלאים 1<sup>9</sup>, 9<sup>10</sup>; שביעית 10<sup>7</sup>; תרומות 2<sup>3,8</sup>; מעשרות 4<sup>2</sup>.
- Sabbatical Year**, כלאים 10<sup>1</sup>; תרומות 9<sup>4</sup>; מעשר שני 5<sup>5</sup>; חלה 2<sup>2</sup>, 4<sup>7</sup>; שביעית Introduction, 1<sup>1st</sup>. et seq.; see **Seventh Year**.

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- Simon of Akashia**, General Introduction; *Biographies*. (94).
- Simon of Mizpah**, General Introduction; *Biographies*. (36).
- Simon of Shezur**, General Introduction; *Biographies*. (122).
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- Simon the Just**, General Introduction; *Biographies*. (18). מעשר שני 5<sup>15N</sup>.
- Sinai** (*Halacha* to Moses from—), פאה 2<sup>6</sup>.
- sin-offering**, מעשר שני 1<sup>7</sup>.
- sit**, *Mishnah*, General Introduction, *Tables*.
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- Seventh Year** (produce), דמאי 3<sup>4</sup>; כלאים 1<sup>9</sup>, 7<sup>6</sup>; שביעית 1<sup>ff</sup>; תרומות 2<sup>3</sup>, 10<sup>5</sup>; מעשרות 5<sup>3</sup>; מעשר שני 5<sup>1,5,6</sup>; חלה 2<sup>2</sup>, 4<sup>7</sup>; בכורים 2<sup>6</sup>; see **Sabbatical Year**.
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- shallot**, שביעית 2<sup>9</sup>; *Supplement*.
- Shammai (School of—)**, General Introduction; (see **Hillel**); *Biographies*. (15).
- Shammai the Elder**, General Introduction; *Biographies*. (15).
- Sharon**, כלאים 2<sup>6</sup>.
- sheep**, כלאים 1<sup>6</sup>.
- shekel**, מעשר שני 2<sup>8,9</sup>; *Mishnah*, General Introduction, *Tables*.
- Shema**, see **Liturgy**.
- Shemaia**, General Introduction; *Biographies*. (16).
- Shezur**, see **Simon of Shezur**.
- Shikmonah**, דמאי 1<sup>1</sup>.
- ship**, ברכות 4<sup>6</sup>; מעשר שני 5<sup>9</sup>; חלה 2<sup>8</sup>; ערלה 1<sup>2</sup>.
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- Simon b. Akashia**, General Introduction; *Biographies*. (94).
- Simon b. Azzai**, General Introduction; *Biographies*. (95).
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**Tarfon, General Introduction; Biographies.** (99).

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כרך ב—סדר מועד

מוכן בקרוב

**VOLUME II — ORDER MOED**

**in preparation**

