הכרת הרפסת השחרור

lemen לברקל

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A. עלезער, ברימקה, אנגלית
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, Tosefoth 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.

The author owes a great debt of gratitude to the following Jewish scholars who gave gratis, unselfishly and unstintingly of their time and labour in revising the MS.: Rabbi Dr. M. Ginsberg, M.A., Ph.D. (Berachoth); Rabbi Dr. I. W. Slotki, M.A., Litt.D. (Peah); Mr. H. Klein, M.A. (Demai); Rabbi B. D. Klien, M.A. (Kilayim); Rabbi Dr. S. M. Lehrman, M.A., Ph.D. (Sheviith); Rabbi B. M. Casper, M.A. (Terumoth, Maaseroth); Rabbi L. Jacobs, B.A. (Maaser Sheni, Challah); Dr. J. J. Slotki, M.A., Ph.D. (Orlah); Rabbi Dr. W. Gottlieb, Ph.D. (Bikkurim).

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. SCHÖNFELD (Chairman and Managing Director of MISHNA PRESS LTD.) and by the magnanimous support of Messrs. J. FELSENSTEIN, M. P. GREENGROSS, I. ISQUIITH, 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. ISQUIITH (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.

NOTE:—The table of CONTENTS will be found at the end of the book.
GENERAL INTRODUCTION

TO THE

מִשְׁנָה

MISHNAH

By

PHILIP BLACKMAN, F.C.S.
ברנימ

ZERAIM
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 ( aggada ), '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 Gemara alone and it was only in later times that the name came to be applied to both the Mishnah and the Gemara 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 Mishnah (משנה). According to the view of some it is related to the word two , 'two', and is meant to express the idea that it ranks in importance second to the Bible. Others connect it with the verb 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 Pentateuch, which is designated Mikra (מקרא), 'which is read.'

The Mishnah was first brought into order and arranged in six
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 (לִשׁוֹן הָעָמִים or אֲרוֹ֣מִיתָךְ) 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 סְגֻּלָּה (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 גמִרְאוּת (‘Gemara Commentary’).

The Mishnah is divided into six sections, סדרים (Sedarim, ‘Orders’), and the whole Talmud is thus designated by the term סדרים, an abbreviation of סְדֻּרֵים (‘Six Orders’). These six sections are:

1. זְרָאִים Zeraim, ‘Seeds’ (deals with the ritual laws of the cultivation of the soil, prefaced by a part treating of the Liturgy).
2. מִסְפָּר Moed, ‘Festival’, ‘Season’ (deals with the ritual laws of the Sabbath, Festivals and Fasts).
3. נְשֵׁי Nashim, ‘Women’ (deals with the ritual laws of family life, marriage and divorce).
4. נְזֵיקִי Nezikin, ‘Damages’ (deals with civil and criminal law; the Government).
5. קדָשִׁים Kadosh, ‘Sacred things’ (laws on the clean and the unclean) (deals with Temple services and sacrifices).

* Also Sandhedrim and less frequently Synhedrium.

Each *Seder, ‘Order’, is divided into *Treatises*, ‘Tractates’, each of which is further subdivided into *Chapters*, and every *Chapter*, consists of *Paragraphs* (each of which is called a *Mishnah* or *Halachah*), in the Babylonian *Talmud* and *Halachah*, in the *Palestinian Talmud*).

The authorities quoted in the *Mishnah* belong to three different periods, *Scribes*, ‘Pairs’, and ‘Teachers’. The *Scribes*, also called *Men of the Great Synod* (or Assembly) succeeded Ezra for about 200 years; the *Pairs* (from Jose ben Jooser till Hillel) stood in pairs at the head of the Sanhedrin, one as נאש, ‘Nasi, ‘President,’ and the other as רבين, ‘Head of the Beth-Din’, ‘Vice-President,’ and flourished to the time of Herod; the *Teachers* began with the disciples of Hillel and Shammai (10 B.C.E. to 220 C.E.), and the titles ירב, ‘My Teacher,’ for ordained Teachers and ירב, ‘Our Teacher,’ for the President of the Sanhedrin came into use.

The term אמורא, ‘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 אמורא, *Amora*. (A Palestinian *Amora* had also the title יורש, but the Babylonian was called רב or רבו).

**THE GEMARA—אמרי**

The term אמרי is derived from the verb ענה, ‘complete,’ ‘supplement,’ ‘settle,’ ‘decide,’ ‘teach.’

There are two compilations of the *Gemara*, the עברית, ‘Babylonian Talmud’, and the ירושית, *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 אמורא.*
THE תרבות (or TREATISES),
OF THE TALMUD

* No נל in the Babylonian Talmud.
§ No נל in the Palestinian Talmud.
 §§ Not treated at all in the Palestinian Talmud.

I. קסר ביניים, Order Seeds

1. ברכות Benedictions, Prayers (Liturgical rules).
2. * משא Corner (corners and gleanings of fields; forgotten sheaves; olives and grapes left for poor) [Leviticus 19, 9, 10; Deuteronomy 24, 19, 21].
3. * מקרא Doubtfully Tithed (produce bought from those suspected of not having tithed it).
4. * מבלינים Mixtures (prohibited mixtures in animals, plants, garments) [Leviticus 19, 19; Deuteronomy 22, 9, 11].
5. * שבית Sabbatical Year [Exodus 23, 11; Leviticus 25, 2 to 7, 20 to 22; Deuteronomy 15, 1 to 11].
6. * הרגמה Heave Offerings [Numbers 18, 8, 12, 24, 26; Deuteronomy 18, 4].
7. * מצות Torah [Leviticus 21, 3 to 33; Numbers 18, 21 to 26].
8. * מפסלים שרים Second Tithe [Leviticus 27, 30; Deuteronomy 14, 22 to 29, 26, 12].
9. * חול Dough (portion for priests) [Numbers 15, 18 to 21].
10. * ירקרק Uncircumcised (fruits of trees during first four years after planting) [Leviticus 19, 23, 24, 25].
11. * ברויכים First Fruits (to be brought to the Temple; hermaphrodites) [Exodus 23, 19; Deuteronomy 26, 1 to 11].

II. קסר מאיים, Order Festivals

1. שבת Sabbath (labours prohibited on Sabbath).
2. סכרים Combinations (extension of Sabbath boundaries).
3. פסים Passover (Passover laws; Paschal lamb).
4. * בשקלים Shekels (half-shekel Temple tax) [Exodus 30, 12 to 16].
5. * יום The Day (Day of Atonement laws) [Leviticus 16, 3 to 34; Numbers 29, 7 to 11].
6. סוכות Tabernacle (Feast of Tabernacles laws) [Leviticus 23, 34, 35, 36, 42].
7. * ביצת Egg, or יום טוב Holyday (labours prohibited on Festivals), [Exodus 12, 16; Leviticus 23, 7, 3, 21, 25, 35, 36].
8. New Year (New Year laws) [Leviticus 23, 24; Numbers 29, 1].
10. Scroll (reading of Book of Esther on Purim).
11. Minor Festival (‘Intervening Days’ of Passover and Feast of Tabernacles).
12. Festival Offering (private offerings on Passover, Feast of Weeks and Feast of Tabernacles) [Exodus 23, 14; Deuteronomy 16, 16, 17].

III. בֵּית נַשים, Order Women
1. Sisters-in-Law (Levirate Marriage) [Leviticus 18, 18; Deuteronomy 25, 5 to 10].
3. Vows [Numbers 30, 3 to 16].
4. Nazarite [Numbers 6, 2 to 21].
5. Wife suspected of adultery [Numbers 5, 11 to 31].
6. Divorces [Deuteronomy 24, 1 to 5].

IV. בית הדין, Order Damages
1. First Gate (damages, injuries) [Exodus 21, 28 to 37, 22, 1 to 6].
2. 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. Last Gate (real estate; commerce; hereditary succession) [Numbers 27, 7 to 11].
4. Courts (courts; capital crime punishment).
5. 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. Oaths [Leviticus 5, 4, 5, 21, 22; Exodus 22, 6 to 10].
7. Testimonies
8. Idolatry
9. (Ethics of the) Fathers
10. 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 adversary (Ethics of the) Fathers by R. Nathan (Extension of אבות adversary, Ethics of the Fathers).

b. *ספרי סcribes (writing of the Scrolls of the Pentateuch and the Book of Esther; Masoretic grammatical rules; liturgical rules).

c. *נ廉洁 Mourning, or זרעים, Joys (burial; mourning).

d. * Enumerable Bride (chastity).

e. *נחלת א://{ץ}בש Conduct (Major Treatise) (prohibited marriages; religious, ethical, social teachings).

f. *ץ{ץ}'י Conduct (Minor Treatise) (ethical and social teachings).

g. *פרק חלום Chapter on Peace.

V. *ספרacular, Order of Sacred Things

1. §§ ב התורה Sacrifices [Leviticus 1 to 4].

2. §§ כ התורה Meat-Offerings (meat and drink offerings) [Leviticus 2].

3. §§ ח התורה Profane Things (slaughtering; dietary laws).

4. §§ ב התורה Firstborn (of man and animals) [Exodus 8 12, 13; 13, 2, 12; Numbers 18, 15, 16, 17, 18; Deuteronomy 15, 19, 20].

5. §§ בֵּית אֹיֵב Evaluations (appraisal for redemption) [Leviticus 27, 2 to 27].

6. §§ יִמְצָא Exchange (exchange of sanctified things) [Leviticus 27, 10 to 27].

7. §§ נֵר חバラ Excisions (sins punishable by excision; their expiation).

8. §§ נֵר חバラ Trespass, Sacrilege [Leviticus 5, 15, 16].

9. §§ יֵהָדָא Daily Sacrifice [Exodus 29, 38 to 42; Numbers 28, 2 to 8].

10. * §§ קַדְמוֹת Measurements (measurements and descriptions of Temple and Courts; service of priestly guards).

11. * §§ קֵינָם Birds’ Nests (sacrifices of fowls; offerings of the poor) [Leviticus, 1,14; 57; 12,8; 15,14, 29; Numbers 6, 9].
VI. Ṣ⬇️א ➯כ, Order Purifications

1. *§§ קלבּים Vessels (ritual uncleanness of garments, utensils) [Leviticus 11, 33, 34, 35].
2. *§§ עמקות Tents (ritual uncleanness caused by dead body to houses and tents) [Numbers 19, 14, 15, 16, 22].
3. *§§ עננה Leprosy [Leviticus 13 and 14].
4. *§§ יפה Heifer [Numbers 19, 1 to 22].
5. *§§ תמורה Purifications (lesser degrees of uncleanness lasting until sunset) [Leviticus 11, 24 to 28].
6. *§§ שمصאות Reservoirs (ritual wells and reservoirs).
7. נון Menstruant [Leviticus 15, 19 to 31, 12, 2 to 8].
8. *§§ משיכיסים Preparations (liquids that render seeds and fruits unclean) [Leviticus 11, 34, 38].
9. *§§ נבון Sufferers with Gonorrhea [Leviticus 15, 2 to 18].
10. *§§ נכנון יבש Immersed at day-time (and cleanness acquired at sunset.)
11. *§§ נבך Hands (uncleanness of hands, their purification).
12. *§§ רַבּים Fruit Stalks (and their shells regarding conveying of uncleanness).

KINDRED WORKS TO THE MISHNAH

1. תוספאת Tosephta, ‘Appendix’, ‘Supplement’. It belongs to the 5th or 6th century C.E. It contains many Halachahs, maxims and decisions (and throws much light on the Mishnahs) which are frequently quoted in the Gemara.
2. מתקלית 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. סיפרה Siphra, ‘The Book’, or הוהי יבש ‘Law of Priests’, or פסן ביבר, The Siphra of the School of Rab, comprises traditional interpretations (of the Book of Leviticus) which are extensively quoted in the Talmud.
4. סיפרה Siphre, ‘The Books’, or פסן יבש ביבר, 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. אברית Baraita, or חמשת אבריות דר_TEXTURE, 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 Gemara.
### General Introduction

**The Mishnah at a Glance**

<table>
<thead>
<tr>
<th>א韧性</th>
<th>מונח</th>
<th>נושא</th>
<th>קרש</th>
<th>כנסנה</th>
<th>ניקוק</th>
<th>קדישים</th>
<th>סהרונות</th>
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<td>ברכות, סנה, זמני, כלאים</td>
<td>שמות, תורה,RESS, משלי</td>
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</table>
AUTHORITIES OF THE Mishnah

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

1. סcribes, Scribes,
2. חוגו, Pairs, and
3. מנהיגים, Teachers (which is further subdivided into Six Generations).

Notes—1. The term מורה, Teacher, is used in the Mishnah, Sages. 2. In the expounders are termed generally תלמידי, and collectively חכמים, Former Elders. 3. The authorities of the nasi and mishna periods are often designated as חוקים ו羰י תרשים, Former Elders. 4. After the Teachers were termed חכמים, a Palestinian חכמים being designated לבריכת, and a Babylonian חכמים having the title of מורה וברך or מורה וברך.

1. סcribes

(First Generation, 10—80 C.E.)

(Second Generation, 80—120 C.E.)

(Third Generation, 120 C.E.—A.D. 135)

2. חוגו

3. מנהיגים, Teachers

(First Generation, 10—80 C.E.)

(Second Generation, 80—120 C.E.)

(Third Generation, 120 C.E.—A.D. 135)
GENERAL INTRODUCTION

(Third Generation, 120—140 C.E.)

Fourth Generation, 140—165 C.E.

(Fifth Generation, 165—200 C.E.)
General Introduction

(Sixth Generation, 200—240 C.E.)

[These are mentioned only in the אוספוס and ברייתא]

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GENERAL INTRODUCTION

1. Introduction
2. Objectives
3. Literature Review
4. Methodology
5. Results
6. Discussion
7. Conclusion
8. References
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

נה = 850 שקל [according to Exodus 38, 25]; ככר = 3000 שקל [according to Exodus 38, 25]; שקל חבק = 20 [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 שקל = 60 gold שקל.

WEIGHTS

נה = 0.73 grams; שקל חבק = 14.55 grams = 20 מנה; מנה = 727.5 grams = 50 שקל חבק; שקל חבק = 43.659 kilograms = 60 gold שקל.

CUBIC (Solid, Dry)

ל = 506 c. cm.; קב = 2024 c. cm. = 4:16; שושן = 3644 c. cm. = 7.2 קב; סמא = 3.644 litres = 7 ל; סמא = 12.148 litres = 6 קב = 24 סמא = 36.44 litres = 3 סמא = 104 ל; סמא = 121.5 litres; דם = 364.4 litres = 60 ל; קב = 364.4 litres = 60 ל.

LIQUID (Wet)

ל = 506 c. cm.; קב = 2024 c. cm. = 4:16; חית = 6.074 litres = 3 קב;
ב = 36.44 litres = 6 חית;
ב = 364.4 litres = 10 חית.

LINEAR (Long)

ראב = 2.06 — 2.19 cm.;
ראב = 8.25 — 8.75 cm. = 4 מ; מ = 24.75 — 26.25 cm. = 3 מ;
מ = 49.5 — 52.5 cm. = 2 מ.

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**

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<td>8</td>
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<td>1 sester</td>
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<td>1 denarius</td>
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<td>6</td>
<td>1 denarius = 1/3 (silver)</td>
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<td>6</td>
<td>1 denarius = 1/3 (gold)</td>
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**COINAGE**

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<td>4 deben = 2 shekel Rabbinical = 1 shekel Pentateuchal</td>
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**WEIGHTS**

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<td>1 mina = 0.6 grams, 9.6 grains</td>
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<td>2</td>
<td>1 deben = 6 deben = 12 deben</td>
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<td>1 deben = 5 deben = 2 deben = 1 deben = 1 deben</td>
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GENERAL INTRODUCTION

2 ל = 1 ツ [33.4 c. inches, 551 c. cm.]
4 ツ = 1 ツ [133.5 c. inches, 2204 c. cm.];
3 ツ = 1 ツ;
2 ツ = 1 ツ [880.9 c. inches, 13222 c. cm.];
3 ツ = 1 ツ
1 ツ = 10 ツ;
5 ツ = 1 ツ [24026 c. inches, 396663 c. cm.];
3 ツ = 1 ツ;
1 ツ = 10 ツ;
2 ツ = 1 ツ [3.67 inches, 9.3 cm.];
3 ツ = 1 ツ;
2 ツ = 1 ツ [22.1 inches, 56.1 cm.];
5 ツ = 1 ツ;
2 ツ = 1 ツ [1121 metres, 1226 yards] = 1 ツ.
4 ツ = 1 ツ [4486 metres, 4905 yards];
1 ツ = 1 ツ [0.015 mile]
1 ツ = 50 ツ [Mishnaic], 4 ツ [Talmudic]; and in some cases are identical.

LINEAR (Long)

SQUARE (Superficial)

5 ツ = 1 square cubit = 1 ツ;
5 ツ = 104 ツ [416½ square cubits];
5 ツ = 4 ツ [416½ square cubits];
5 ツ = 6 ツ [2500 square cubits];
5 ツ = 2 ツ [5000 square cubits];
5 ツ = 3 ツ [7500 square cubits];
5 ツ = 4 ツ [10000 square cubits];
5 ツ = 15 ツ [37500 square cubits];
5 ツ = 30 ツ [75000 square cubits].
MEANINGS OF THE ABOVE TERMS

.mile, mille, מיל
.hundred, portion, maneh, מנה
.sand grain, maeh, מéconom
.reservoir, מים
.division, מחלקת
.vessel, נבקלת
.ladle, scoop, סף
.mark, measure, seah, עין
.swing, ספין
.rock, sela, סלע
.enclosure, תכלת
.sheaf, omer, עמרה
.tenth, שערון
.dupondium, מאית
.digit, פין
.large pot, סכחת
.small change, מפורת
.division, מחלקת
.hoof, Persian mile, parasang, פרסם
.team, yoke, צמר
.arch, hollow, kab, קב
.particle, ounce, קיסם
.reed, קנה
.sextarius, קוסטראם
.sixth, קסם
.kapithee (Gk.), קפיטה
.cut, split, קוסטבר
.fourth, ריבית
.quarter, reva, רבעה
.run, course, ריס
.weight, shekel, שקל
.ladle, שולחן
.eighth, שפג
.eight, מתפ
.third, מיהל
.double arch, double hollow, חיק, חיק
.third, מתפ
double hollow, תורח, תורח
.ladle, spoon, תורח, "guard, מפרמה"
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 י"ן is the plural form of the substantive יָּלַד (sowing, time of sowing, seedtime; seed; grain, produce; plantation; semen; issue, progeny), which is a derivative of the verb יָלַד (sow, plant; scatter, strew). Thus י"ן י"ן י"ן י"ן י"ן 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.
THE AUTHORITIES MENTIONED IN

סֶרֶר וּרְצִים

אהוב שאול - זָאָה כָּלְאַיָּם

.2*; 8*; כַּלְאַיָּם

.1*; 4*; .3*; 3*; .7*; זָאָה

.8*; כַּלְאַיָּם

.4*; 1*; כַּלְאַיָּם

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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.
ברכות

BERACHOTH
INTRODUCTION

The term ברכות, BLESSINGS, BENEDICTIONS, is the plural form of the substantive ברכה which is a derivative of the verb ברך (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 ברכות 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 ברכה (Shema—Deuteronomy 6, 4—9; 11, 13—21; and Numbers 15, 37—41), treated in Chapters 1, 2 and 3; the ברכות (Eighteen Benedictions), treated in Chapters 4 and 5; ברכה (Grace after Meals), ברכה (Sanctification), ברכה (Habdalah), and various ברכות (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
Chapter 2
Chapter 3
Chapter 4
Chapter 5
Chapter 6
Chapter 7
Chapter 8
Chapter 9

The Tractate contains ברכות in both the Babylonian Talmud and the Jerusalem Talmud.
Mishnah 1

From when onwards are we to read the Shema in the evening? From the moment when the priests come in [home] to eat of their priest's-due up to the end of the first watch. This is the opinion of R. Eliezer, but the Sages say, Until midnight. Rabban Gamaliel says, ‘Until dawn.’ It happened once that his sons returned 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, 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 and limbs may be performed until dawn, and all [the sacrifices] which must be eaten on the same day have their proper times till dawn. If this be so, why did the Sages say, Until midnight? In order to keep man away from transgression.
1 See Introduction. 2 יממה—in essence the idea here conveyed by this term is not only when that interval begins but also during what period of time. The יממה (or יממה תואירא, Recital of the Shema)—the 175th Commandment of the יממה (613) Commandments—consists of the three paragraphs beginning with יממה (Deuteronomy 6, 4—9), יממה (Deuteronomy 11, 13—21) and יממה (Numbers 15, 37—41). The term יממה 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 יממה or יממה התורה. The discussion begins with the ‘evening’ because of the term יממה יממה, and when thou liest down, which comes before יממה יממה, 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 יממה (ritually unclean) by reason of יממה (leprosy), or was a יממה (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 יממה יממה (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) יממה יממה (or יממה יממה) as enjoined by the Law in Palestine—but also outside Palestine as instituted יממה יממה, by the authorities of the Mishnah—to separate certain dues or levies, known as יממה יממה, 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 יממה יממה (literally heave-offerings), priest’s-dues, and יממה יממה, tithes, after which he could use the remainder of the produce for his own purposes.

Poor people’s dues. These levies were: (a) יממה, corner—a corner of the field with its produce was left over for the poor at harvest time; (b) יממה, forgotten produce—what the owner had forgotten to gather or remove became the poor man’s property; (c) יממה, gleaning—the fallen produce at reaping and picking belonged to the poor. In the case of grapes it was termed יממה יממה; also poor undeveloped grape clusters, יממה יממה, went to the poor; and (d) יממה, poor man’s tithe (see [3] of the next paragraph). יממה יממה and יממה יממה. Only after the יממה יממה had been allowed for were these separated. They were: (i) יממה יממה, priest’s-due (or heave-offering)—also termed יממה יממה, priest’s-major-due—which was \( \frac{1}{8} \) of the produce for the יממה יממה, priest, (ii) יממה יממה, first-tithe, was \( \frac{1}{10} \) of the rest (i.e., after the priest’s-due had been separated) and was separated for the יממה יממה, Levite. (The Levite in his turn had to give of this \( \frac{1}{10} \), called יממה יממה, priest’s-minor-due or יממה יממה, priest’s-due of the first-tithe, to the יממה יממה); and (iii) יממה יממה, 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 \( \frac{1}{6} \) of the value); the redeemed produce could then be used as any other מותרת, non-holy produce, and the redemption money had to be taken to Jerusalem and spent there on food or drink or on מטליות, peace-offerings. In the 3rd and 6th years, this tithe became מיסים, poor-man's-tithe, and had to be surrendered to the poor for their use. In the 7th year—termed רביימ or הגזע—no land was allowed to be cultivated but had to lie fallow, and all that grew of itself that year became רכוש, ownerless, common property, and all, whether young or old, rich or poor, man or beast, had equal right to it. All produce was termed מותרת 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 מותרת, non-holy, lay, profane, and when the other tithes had also been separated it was termed מותרת, adjusted or מותרת, adjusted non-holy produce (or מותרת, certainly tithed), in contradistinction to מותרת, uncertain tithed) and could then be used for all purposes. 6 The night was divided into three watches (according to some authorities four watches). 7 Or מים is the title of the later מורים and the early מורים. 8 i.e., the other מורים. 9 מוי—a higher title than מוי is the designation of a מוי, the most important of any period, the מוי, Prince or המורים, 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 מזון, burnt-offerings (Leviticus 6, 2). 15 Such מזון, offerings, as מזון, sin-offering, in expiation of inadvertent sin, מזון, thank-offering, in gratitude for God's loving-kindness, מזון, guilt-offering, מזון, undoubted guilt-offering, to expiate an established sin, מזון, suspended guilt-offering, in expiation of an uncertain sin (see מזון 5-7). 16 'to eat them'—What has not been eaten before dawn is termed מותרת, remainder, and had to be burned. The punishment for eating מזון is מזון, excision, extirpation, divine punishment through premature or sudden death or extinction without issue. (Compare מזון, 7). מזון, 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.
Between blue and green (and concludes it) by sunrise. R. Joshua says, Until the third hour, because it is the habit (of the children) of kings to rise at the end of the third hour. He who reads [the Shema] later has not lost thereby, for it is as one who reads in the Torah.

1 Blue, sky-blue, purple-blue. When it is already possible to recognise the difference between these two colours (as in the כחליל 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 Porraceous, leek-green, porret-green (قضايا, leek, porret). 4 i.e., the period in which the Morning Shema may be read ends at sunrise. 5 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 השם, 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 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 זבח. 9 Although the time for reciting the Shema has gone by yet the two preceding morning Service Benedictions רז יזרו and זבח בקבר should be recited, and the following Benediction ממים יזב 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 maintain, In the evening everyone should lie down and recite, and in the morning they should stand up, because it is said, and when thou liest down and when thou risest up? But the School of Hillel say, Everyone should read just in the position he happens to be, as it is
said, and when thou walkest by the way. If so, why does it say, and when thou liest down and when thou risest up? At the time when people lie down and at the time when people get up, R. Tarfon said, 'I happened to return by road and I lay down to read [the Shema] according to the view of the School of Shamai, and I found myself in danger from robbers.' They said to him, 'Thou wouldst have deserved to have been killed because thou hast transgressed the decision of the School of Hillel.'

1 See Biographies. 2 The terms אָמַרְתָּה (Hiphil forms) but the Kal forms as given here seem more grammatically correct. 3 As in some editions, אֶדְמַרְתָּה (plural), and recite the Shema. The School of Shamai held the opinion that דִּבְרֵיהֶם referred not only to the 'time' but also to the 'manner'. 4 יִנְדֶר [singular] or יִנְדְרֵי [plural] in various editions (see next Note). 5 When reciting the Shema. 7 Deuteronomy 6, 7. 8 Because otherwise, if the School of Shamai be correct in their interpretation of דִּבְרֵיהֶם then also should 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) דִּבְרֵיהֶם 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 before it and one 2
after it, and in the evening two\(^4\) before it and two\(^5\) after it. One\(^6\) is long and one\(^7\) is short. Where\(^8\) they\(^9\) said it\(^10\) must be long, it is not allowed to be made short; to be short, it is not permitted to make it long; to conclude\(^11\) it, it is not permissible not to conclude it, and not to conclude it, it is not allowed to conclude it.

1 i.e., the Shema. 2 i.e., the Amidah. 3 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. 6 A long Benediction is one that begins with ...\(^2\) and concludes with ...\(^6\). 7 A short Benediction is one that either commences with ...\(^2\) or ends with ...\(^6\). 8 When the Liturgy was being compiled the Sages enjoined that there were to be no further alterations in the final forms of the Benedictions. 9 i.e., the Sages. 10 Any Benediction (or Blessing). 11 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\(^1\) by night. R. Elazar ben Azariah said, ‘I am like a man of seventy,\(^2\) yet I was unable to understand the reason\(^3\) why the departure from Egypt should be related at night until ben Zoma deduced it from the verse,\(^4\) 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\(^5\) 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.\(^6\)
1 Numbers 15, 37—41, called שופרים ארצה, fringes, because it refers to the פרת顯示, fringes, included in the Evening Shema even though the night is not the time for wearing the תֶּמֶנֶת, fringes, (because of the expression והראיתם את התמיד, and ye shall see it, and the act of seeing is by daylight) by reason of the mention therein of יִרְאוּ, the departure from Egypt, which occurred during the night. The Hiphil form תַּמֶנֶת is used and not the Kal form תְמֵן 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. 5ับ, all, whole—24 hours. 6 The whole of this Mishnah is included in the נידה של יום, The Passover Haggadah (the Service for the two נוגים).

CHAPTER 2

Mishnah 1
If one were studying the Law1 and the time for reading the Shema arrived: if he had the Shema in mind just then he is exempt from reading it2 (otherwise he is not exempt3). Between the Paragraphs4 one may greet another out of respect5 and respond6; and in the middle,7 one may greet another for fear but respond out of respect; and between the Paragraphs one may greet another out of respect and respond8 to the greeting of any person.10

1 It happened to be the הָאֶדֶם, portion of the Shema in the Pentateuch. 2 And he does not have to repeat the recital of the Shema. The term מַעֲשֶׂה 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). מַעֲשֶׂה, commandments, ordained by the Law require devotion in their fulfilment. 5 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 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 the Paragraph in Q and the Benedictions, 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 (after Paragraphs), to join in the Reading of the Law (Keri'ah), and to be called up to the Reading of the Law (Keri'ah)—these interruptions are deemed as responses out of respect.

Mishnah 2
These are the intervals: between the first Benediction and the second, between the second and the third, (and) between the third and the fourth, between the fourth and the fifth, between the fifth and the sixth, between the sixth and the seventh, R. Judah says, One may not interrupt between the third and the fourth. R. Judah ben Korcha said, Why does the third precede the fourth? In order that one should first acknowledge the sovereignty of the Almighty and then recognise the obligation of the Commandments. And why the fourth before the fifth? Because the fourth applies both day and night, and the fifth applies by day (only).
1 Between the conclusion of the Benediction and the next Benediction. 2 The Benediction beginning with. 3 viz., the Paragraph beginning with. 4 Because (Jeremiah 10, 10), and the Eternal, God, is truth, the ruling is that there must be no interruption between and. 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, I am the Eternal your God, but the first Paragraph contains the additional statement of the Unity of God in, the Eternal is One. 7 Because of the expression, and you shall teach them (Deuteronomy 11, 19) and 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 which is not obligatory at night (on account of the expression; see Note 1).

Mishnah 3
He who reads the וּלְךָּּּלְךָּּּ and does not hear his own words has complied with the requirements of the Law; R. Jose says, He has not complied with the requirements of the Law. If one read but did not pronounce clearly 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 backwards 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.

1 Literally and did not cause his ear to hear. 2 נָשָׁבָה, be absolved, be exempt, comply with the requirements of the Law. 3 His view is accepted. In some editions this is followed by, this is the opinion of R. Judah, which for various reasons appears to be correct; under great difficulty one may 'read' the mentally. 4 In his opinion the word (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 רָאָה ד, and these words shall be, the רָאָה 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 רַבְרָא 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
Craftsmen may read at the top of a tree or on the top of a wall; they may not do so with the Eighteen Benedictions.

1 In the Talmud this Mishnah and the next one are combined in one Mishnah.
2 Some texts have רַבְרָא instead of רָאָה. 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 הָרַאִינִי פִּיהֶלָה בְּרָאָשִׁים, בְּרָאָשִׁים requires concentration, and this short portion can be recited with due devotion without risk. 4 ‘with,’ i.e., ‘when reciting.’ 5 פִּיְפָה in the Talmud means not only ‘prayer’ in general but as here the שְׁפָתָנוּ שְׁפָתָנוּ, Eighteen Benedictions (also called שְׁפָתָנוּ שְׁפָתָנוּ, Standing-up Prayer) in particular the recital of which requires throughout intense devotion (מייס), 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 is exempt from the recital of the Shema on the first night up to the conclusion of the Sabbath if he had not consummated his marriage. It happened that Rabban Gamaliel read on the first night of his wedding; his disciples said to him, ‘Master, thou hast taught us that a bridegroom is exempt from reading the
Shema (on the first night!)

He replied to them, 'I will not hearken to you to absolve myself from acknowledging the sovereignty of God for even one hour.'

A man who has married a לַגְּדָה, 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).

The first night of his marriage. Some texts have כְּלָיִלָה נְדָלְתָה. 3 Some editions have כְּלָיִלָה נְדָלְתָה instead of כְּלָיִלָה נְדָלְתָה. That is, up to the first Saturday evening after the wedding—כְּלָיִלָה נְדָלְתָה, 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.

Some texts have אַרְכָּה instead of אַרְכָּה. 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 אַלַּיִלָה נְדָלְתָה אִשָּׁה, 'he took a wife and read [the Shema] the first night.'

The Shema. 6 Some texts have the interrogative לא לְשׁוֹנְתָה, 'hast thou not taught us...?' instead of the direct positive לְשׁוֹנְתָה. 8 Some editions without justification have לְשׁוֹנְתָה instead of לְשׁוֹנְתָה. 9 לְשׁוֹנְתָה in some texts. Literally 'the sovereignty of Heaven.' A bridegroom who can recite the Shema with concentrated devotion should do so.

Mishnah 6

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

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 כְּלָיִלָה נְדָלְתָה. 6 Or, 'of feeble health;' 'ailing;' 'weakly.'

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Mishnah 7
And when his\(^1\) slave\(^2\) Tabi\(^3\) died, he accepted condolence after him. His disciples said to him, ‘Master, thou hast taught us\(^4\) that one does not accept condolence for slaves!’\(^5\) He answered them, ‘My slave Tabi was not as all other slaves; he was a worthy man.’

1 This refers to Rabban Gamaliel. 2 A Canaanite slave or bondman. 3 בנו or בנו. 4 See 26, 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 בנו, 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, \(^1\) Not everyone who wishes to assume the name\(^2\) may assume it.

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
Mishnah 1\(^1\)
He\(^2\) whose dead lies before him\(^3\) is exempt\(^4\) from the reading of the Shema, (and) from the Eighteen Benedictions and from Tephillin.\(^5\)
Those who carry the coffin [or bier] and those who change over with these and those who change places with them, whether they are in front of the coffin, or whether they are behind the coffin, then those in front of the coffin who are required are exempt, but those who are not needed for the coffin are in duty bound. These and those are exempt from the Eighteen Benedictions.

1 In the Talmud this Mishnah and the following two form one Mishnah. 2 "ן" 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. 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 הָאָכַל comes the phrase '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 יִשְׁלַקְתָּנוּ instead of יִשְׁלַקְתָּנוּ. 10 To help to carry the coffin (or bier). 11 לִשְׁלַקְתָּנוּ in some texts. 12 לִשְׁלַקְתָּנוּ 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 cannot be carried out at a funeral. (Compare 24).

Mishnah 2

When they have buried the deceased and are returning, if they are able to begin and conclude before they reach the line let them begin, but if not they may not begin. Of those who stand in the line, the inside ones are exempt but the outside ones are in duty bound.
1 If the distance from the grave to the lines of ‘condolence’ be considerable.
2 The *Shema*. 3 The first Paragraph (*לְשֵׁם הָאָדָם*). 4 After the burial rows of people stood in two lines facing and the mourner (or mourners) passed between to receive condolence expressed by לְכַסֵּפֶן הָזָא אָנוּךָ בַּהּ, ‘The Almighty comfort thee (you) among the rest of the mourners of Zion and Jerusalem.’ 5 מַלִים 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
Women, (and) slaves and minors are exempt from the recital of the Shema and from Tephillin, but are in duty bound to observe the Eighteen Benedictions and Mezuza and the Grace after Meals.

1 Canaanite slaves (or bondmen) who have been circumcised and have had 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 obligations, that come under the description of a positive command connected with a fixed time, and the rule is נַלַג מִצְוָה אֶלָּא נָפָץ לְמַשְׁתַּח צַמִּית, and every positive command connected with a fixed time—women are exempt from it. 4 מַלִים though apparently coming under the ruling stated in the preceding Note is nevertheless obligatory upon women having been so enjoined, ‘as ordained by the Rabbis.’

Mishnah 4
One to whom pollution occurred should think of it, but should not recite the Benedictions either before it or after it. And at a meal he recites the Benediction after it but does not recite the Benediction before it. R. Judah says, He must recite the Benedictions both before them and after them.

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 רכיב (the ritual bath) in order that קדשה ייה should learn to practise self-restraint. But this practice has fallen into disuse and a דבש יבג 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 נשב (performs his obligation as the Law demands) by בלא, ‘mental reading.’ 4 Neither mentally nor verbally because Benedictions are only ידידים, instituted by the Rabbis. 5 The בקשות יiability (Grace after Meals), because it is ידידים, ordained by the Torah, based on ימיה, and thou shalt eat and be satisfied and bless (Deuteronomy 8, 10, from which it is evident that the Grace (דהי) follows the meal, ימיה). 6 The Blessing יבג, Blessed art Thou, O Eternal our God, King of the Universe, Who bringest forth bread from the earth, is not תודעה (enjoined by the Torah) but only ידידים. 7 Verbally. 8 In all the preceding cases mentioned.

Mishnah 5
If one were standing1 in the Amidah [or Eighteen Benedictions] and recollected that pollution had happened to him, he need not discontinue but abbreviates2. If he have gone down to bathe ritually, and is able to come out and cover himself and read before sunrise3, he should come up and cover himself and read; but if not,4 he must cover himself5 with (the) water and read. But6 he must not cover himself with dirty7 water or with steeping water8 until he puts into it9 water. 10 And how far should one remove11 from them12 and from excrement?13 Four cubits.

1 ‘and reciting.’ 2 To abbreviate (see יבג יבג §249) he recites the beginning and end of each Benediction and in the case of the Shema he concludes the rest mentally. 3 Or יבג. Some editions, instead of יבג, have יבג. 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
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 קָרָה instead of קָרָה לֹא. 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 פֶּלֶג לֹא יְקַלֵּה בָּאָרֶךְ; 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 הָרְנִי 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. הָרְנִי 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 with1 gonorrhoea who suffered pollution2, and a menstruant who discharged the (conceived) semen virile, and a woman who menstruates3 while having sexual intercourse must have the ritual bath. But R. Judah exempts.4

1 and 2 ‘One who is afflicted with gonorrhoea had seminal discharge’ (Leviticus 15, 1—15). 2 Literally הָרְנִי, ‘who saw.’ 3 Literally, ‘who saw menses’—even to the slightest degree (Leviticus 15, 19—24). 4 From the ritual bath (compare 34).

CHAPTER 4

Mishnah 1
The Morning Service1 is up to mid-day;2 R. Judah says, Up to the fourth hour.3 The Afternoon Service is till the evening;4 R. Judah says, Up to the half5 of the Minchah period.6 The Evening Service has no fixed period,7 and the Additional Service all day.8 (R. Judah says, Until the seventh hour9).
Berachoth 41\(^{2}\)

1 (The term הַלְבָשָׁה—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 הָעִשָׁה 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 סליח 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\(^{1}\) ben Hakanah used to offer up a short prayer on his entrance into the house of study and on his departure. They\(^{2}\) said to him, ‘What is the intention of this prayer?’ He replied to them, ‘On my entry I pray that no mishap\(^{3}\) occur\(^{4}\) through me,\(^{5}\) and on my exit I offer up thanks\(^{6}\) for my lot.’

1 אֲשֶׁר or הֵ֜נֵיךְ. 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 הַלְבָשָׁה, law. 4 מֹאֵשׁ. 5 יִשְׁמַר in some texts. 5 i.e., ‘that my fellow collegians should not commit sin in rejoicing that I had failed in my sense of right judgment.’ 6 הֶזַּה וּרְאוּץ and
Mishnah 3
Rabban Gamaliel says, One must say every day the Eighteen Benedictions. R. Joshua says, An abbreviated form of the Eighteen Benedictions. R. Akiba says, If one can read his Prayer(s) fluently he must say the Eighteen Benedictions, but if not then the abbreviated form of the Eighteen Benedictions.

1 In the Talmud, Mishnahs 4-6 are given as one Mishnah. The Benediction 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 with an abbreviated form of the Eighteen Benedictions. 4 , resume, summary, abstract. A short summary form is given in many editions of the (Daily Prayers). The condensed form may not be used when or have to be added. (See 5).

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

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, ‘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 '3, '0 Eternal' in place of a*;? 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 ḡemul must be recited none the less.

Mishnah 5
If one were riding on an ass he must dismount,1 and if he be unable to get down let him turn his face,2 and if he can not turn his face let him direct3 his mind3 towards (the House of) the Holy5 of Holies.

1 And see that the ass is in safe keeping while he is at prayers. Then he recites the Amidah 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 'א instead of 'ג.

Mishnah 6
If one were travelling1 on a ship, or in a waggon or on a raft let him direct his mind2 towards (the House of) the Holy3 of Holies.

1 Some editions have 'ש, '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 'א in place of 'ג.

Mishnah 7
R. Elazar ben Azariah says, The Additional Service may be read only with a congregation,1 but the Sages say,2 Whether there is a congregation or whether there is no congregation. R. Judah quotes in his3 name, Wherever there is a con-
gregation an individual is exempt from the Additional Service.

1 i.e., 'with a congregation.' 

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 minyan (ten adult males), in accordance with the ruling of the Sages.

CHAPTER 5

Mishnah 1

One must not stand up to say the Amidah without deep earnestness.\(^1\)

The original Chassidim\(^2\) used to wait\(^3\) for one hour and then pray\(^4\) in order to direct their minds to God.\(^5\) Should even the king\(^6\) greet one he may not return the greeting to him. And if even a snake\(^7\) be curled\(^8\) round his heel he must not pause.

1 'humility,' 'seriousness,' 'respectful awe.' Here 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 he pauses and listens devotedly up to him. 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 'pious,' 'God-fearing,' 'saintly.' The Chassidim here referred to may have been a certain group of (Essenes). 3 They used to wait in the place where they came to pray. 4 in some texts. 5 Some editions have instead of . 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\(^2\) must be mentioned\(^1\) in the Resurrection (of the dead),\(^3\) and the Prayer\(^4\) for rains\(^5\) must be mentioned in the Benediction of the Years,\(^6\) and the Habdalalah\(^7\) in Who graciously grants understanding.\(^8\) R. Akiba says, It should be said as a fourth Benediction by itself.\(^9\) R. Eliezer says, [It should be said] in the Thanksgiving.\(^10\)

1. The term פִּרכּי הַרְיָה is used because the דִּבֵּרְנָה לְוָאָמְרֵי is not a prayer but a statement.
2. פִּרכּי הַרְיָה is an expression for 'He causeth the wind to blow and the rain to fall,' which is added from the שְׁמִי הַדָּגָה of the first day of the month to the בָּשָׁם of the third day of the month. If one omits it he must add it before בֵּית הֵאָשָׁם (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 הביא בּוּדָה, 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 'and prays for it.'
5. This is an expression for '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 לְבָשִׂימו) 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 בָּשָׁם (in winter) or even between it and the נַחַל; 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 בָּשָׁם 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 בָּשָׁם, but if he has already completed the Amidah he does not have to repeat it because one is מְלִימָא with the בָּשָׁם. 8 The Fourth Benediction is thus designated. 9 And conclude with בִּרְכָּת שֵׁם ה' מְצַבְּאֵית מִי נֵכַשׁ לְרַחְיָל. But his view is not accepted. 10 Before בָּשָׁם. 11 The Eighteenth Benediction is generally called the מְלִימָא.

Mishnah 3

One who says,\(^1\) as far as the nest of a bird do Thy mercies reach,\(^2\) or for favours let Thy Name be

\(^1\) The Eighteenth Benediction is generally called the מְלִימָא. 2 The Fourth Benediction is thus designated. 9 And conclude with בִּרְכָּת שֵׁם ה' מְצַבְּאֵית מִי נֵכַשׁ לְרַחְיָל. But his view is not accepted.
Berachoth 53, 4

remembered, or we give thanks, we give thanks, must be silenced. (If one say the good bless Thee, he is in error). If anyone lead in prayer before the Ark and makes a mistake, another must take his place and may not at such a time hold back. Where does he begin?—From the beginning of the Benediction where he erred.

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 commandment, here referred to [Deuteronomy 22, 7; Leviticus 49] is a 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 מזלות. 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 in 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 Mishnah 41 stand) where the Reader (ךך or חפז) ‘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 מזלות instead of מזלות. 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 מזלות, ‘this one’, i.e., ‘the former,’ is inserted before מזלות.

Mishnah 41
He who leads in prayer before the Ark must not respond with Amen after the priests, because he may become confused. And if no priest be there but himself, he must not raise his hands for the Priestly Blessing. But when he feels confident that if he raise his hands for the Priestly Blessing he will be
able to resume the Amidah he may do so.\(^8\)

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 קֵרֵ֖כָּהָּ פְּרֵ֣יָּוָ֖ה הָֽאָמָּ֗וָה. 4 Who are performing the rite of the קֵרֵ֖כָּהָּ פְּרֵ֣יָּוָ֖ה. 5 And err in the words and in their correct sequence. The Reader does not join in the responses of קָדוּם, and if he is a קָדוָם he does not join in with the וְרַעֲקָּנִ֥י (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 קָדוָם present he does duchan since his קָדוָם or zeigt not prevents any confusion.

Mishnah 5

When one prays\(^1\) 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\(^2\) 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\(^3\) I know it is granted,\(^4\) but if not, I know that it is rejected.’\(^5\)

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 קָדוָם refers to the קָדוָם, patient, who will recover; but others take it that it refers to קָדוָם and that its meaning is ‘accepted’ (but against this rendering is the difficulty that קָדוָם is masculine whereas קָדוָם is feminine). 5 Some take it that קָדוָם refers to קָדוָם and should be rendered ‘that it [i.e., the prayer] is rejected,’ but the difficulty arises that קָדוָם is m. and קָדוָם is f., and hence others assume that קָדוָם refers to קָדוָם and so its meaning is ‘will succumb.’

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Mishnah 1

What *Blessing* do we say over fruits? Over the fruits of a tree one says, . . . *the Creator of the fruit of the tree*, with the exception of wine because over wine one says . . . *the Creator of the fruit of the vine*. And over the fruits of the ground one says, . . . *the Creator of the fruit of the ground*, with the exception of bread because over bread one says, . . . *Who bringest forth bread from the earth*. And over vegetables one says, . . . *Creator of the fruit of the ground*, R. Judah says, . . . *the Creator of various species of herbs*.

1 In the *דִּבְרֵי חֲנוֹן* 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* but if no new fruit grows on a twig after plucking the *Blessing* is recited over it, as in the case of the banana. 2 The *Blessing* begins with בָּרוּךָ אֶלָה צֹאֵל בְּשֵׁמוֹ ה' בָּרָא עָלֵי, Creator of heaven, Maker of earth. The *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 recited . . . *Who createth various kinds of foods*. 7 See Note 2 above for the beginning. 8 Vegetables which are ordinarily eaten raw require the *Blessing* . . . (see next Mishnah Note 4), if they are cooked. Vegetables that are usually eaten cooked need the *Blessing* when they are eaten raw. The *Blessing* 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* בְּרוּךָ אֶלָה צֹאֵל בְּשֵׁמוֹ ה' בָּרָא עָלֵי, Maker of heaven and earth.
fruit of the ground, he has fulfilled his duty in accordance with the requirements of the Law; but over the fruits of the ground, . . . the Creator of the fruit of the tree, he has not complied with the requirements of the Law. In all cases if one said . . . for everything exists by His word, he has carried out his obligation according to the injunction of the Law.

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. 2 If he said the Blessing, he has not complied with the requirements of the Law. In all cases if one said . . . for everything exists by His word, he has carried out his obligation according to the injunction of the Law.

Mishnah 3

Over any thing whose growth is not from the earth one says . . . because everything exists by His word. Over vinegar, and over unripe fruits, and over edible locusts 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, one does not say a Blessing over it.

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 unripe fruit, fruit falling off before ripening, an inferior quality of dates dropping off unripe. 4 A certain species—identity now unknown—which are 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’
BERACHOTH 63, 4, 5

6 R. Judah’s view is rejected, because one should say a *Blessing* over aught one enjoys.

Mishnah 4
If one had before him many different kinds, R. Judah says, If among them there be one of the *seven species* he says the *Blessing* over that one; but the Sages say, He says the *Blessing* over whichever of them he pleases.

1 In the *Talmud* this Mishnah is joined on to the preceding one. 2 Some texts have מין. 3 Some texts have מין השבעה. 4 The seven species are *חיטה*, wheat, *סorghum*, barley, *אצטרובלים*, grape, * CRT *,fig, *陔ית*, pomegranate, *בצל*, olive-oil, and *ロン*, 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 מителей some editions have מיעוטי. 6 And that *Blessing* suffices for all the others. 7 עלי 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 before the meal he has exempted the wine after the meal. If one said the *Blessing* over the appetizer before the meal he has exempted the dessert after the meal. If he said the *Blessing* over the bread he has exempted the appetizer, but over the appetizer he has not exempted the bread. The School of Shammasi say, Not even what had been prepared in a pot.

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 ברכות. 5 ‘If one should say [the *Blessing*]’ instead of הכה. 6 And before *Grace after Meals*. 7 To be understood: ‘If he said the *Blessing*.’ 8 Insert
‘The Blessing over.’ 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

If people sit down (to dine), each one says the Blessing for himself. If they sit reclining, 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 the meal, one says the Blessing for them all, and he also says over the perfume even though the perfume be brought in only after the meal.

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 כָּלָּהּוּ. 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 מַעַלֶהְךָ. 6 Wine is brought and the Blessing over it is said. 7 The Blessing is בְּרֶהֶךָ אַשְׁחָה זוֹ, רָאָהוֹ לָכְלָךְ נַעַלָּה מְלֹאַת בְּזִירֵי קֶשֶׁךְ, ‘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 some salted relish and bread with it, he says the Blessing over the salted relish and that exempts the bread, because the bread is of secondary importance to it. This is the general rule: wherever there is a main food and with it one of secondary importance, he says the Blessing over the main food and thereby exempts the one of secondary importance.
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 ḥEle, ‘main food,’ the Blessing ḤELE would be said and it would also cover the accompanying food. 2 The Blessing ḤELE. In all cases the Blessing over the ḥEle, ‘important food,’ covers the ḥEle, ‘secondary present food.’ 3 ḤEle, salted relish, pickled food, food preserved in salt, dessert. 4 ‘the obligation to say the Blessing over.’ 5 To the salted relish. 6 ḤEle given in some texts seems more correct grammatically in agreement with the masculine form ḤEle.

Mishnah 8

If one ate figs, or grapes, or pomegranates, he says after them the Three Benedictions; this is the view of Rabban Gamaliel; but the Sages say, One Benediction (which is an abbreviation of the Three). R. Akiba says, Even if one ate boiled greens and that is his (complete) meal he must say after it the Three Benedictions. He who drinks water to quench his thirst says, for everything exists by His word; R. Tarfon says, the Creator of many living things (and their wants). 1 Some editions have ... instead. 2 A blessing, Grace after Meals, in full. Originally it had three Blessings but now it contains a fourth (/bash). 3 He maintains that these are of the ḤEle (see 6a) and one should treat them as in the case of bread and recite the first three Blessings of the ḤEle. 4 ‘The diner has to say.’ And this is the ruling followed. (Most ḤELEIM, ‘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 ḤEle is first pronounced before eating). This Blessing is termed, ‘Latter Benediction.’ 5 Three Benedictions. 6 Some editions have ... instead. 8 (See 6a, 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 ...
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

Mishnah

Three who have dined together must say Grace after Meals together. If one ate from doubtfully-tithed produce, or from first tithe from which the priest's-minor-due had been separated, or from second tithe, or from what had been dedicated for a sacred purpose which had been redeemed, or an attendant who had eaten an olive's bulk of food, or a Samaritan—all these may be included to say 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 an olive's bulk of food, or an idolater—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 The case here is when the Levite had taken his tithe before the owner had separated the priest's-due. 3 To recite together Grace after Meals begun by one with אֲנִי אִשָּׁה, the rest from אֶנָּה נֵבָל is said by each person whether alone or in company. 4 The opposite term is יָדוֹ, 'produce from which the tithes had been separated' (see רְשָׁפָה Introduction). 5 It is generally refers to any article that had been devoted to the Temple service, and may be redeemed according to its worth in coins plus 1/5 of its value. 6 Although he had eaten less than an olive's bulk of food, or an idolater—these may not be included for reciting Grace after Meals together.

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not sat at table. 9 Nowadays a Samaritan is not admitted to the table. 10 Some texts give וְלָעַר. 11 Though these had eaten of 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 גָּזַח. 13 Some editions have רִבְּאֵל, others מַדְכָּא.

Mishnah 2
Women, and slaves, and minors must not be included for saying Grace after Meals. How much in order to be included for reciting Grace after Meals? To a quantity equal to that of the bulk of an olive? R. Judah says, To a quantity 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 if he understands clearly all the implications of the בָּרוּךְ ה' אֱלֹהֵינוֹ וְמוֹרֵא אַבְרָהָם. 4 Some texts have וְלָעַר. 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? When there are three, one says, Let us bless...; when there are three besides himself he says, Bless ye; when ten are present he says, Let us bless our God...; when ten are there beside himself he says, Bless ye; it is all one whether ten or whether ten times ten thousand. When a hundred are present he says, Let us bless the Eternal our God; 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...
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, *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 or whether there are few he says, *Bless ye the Eternal;* R. Ishmael says, *Bless ye the Eternal Who is to be blessed.*

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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 לְאֵלֶּה. 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 לְאֵלֶּה of ten. 7 This is Rabban Gamaliel’s statement. From three to nine inclusive, one begins with בְּכָרֵא, ‘Let us bless because we have eaten from His,’ and all respond with בְּכָרֵא, ‘Blessed be He because we have eaten from His and in His goodness have we lived;’ from ten upwards, one begins with בְּכָרֵא, ‘Let us bless our God because we have eaten from His,’ and all respond with בְּכָרֵא, ‘Blessed be our God because we have eaten from His and by His goodness we have lived.’ 8 Some texts give הָיוֹ. 9 Some editions give בְּכָרֵא. 10 Psalm 68, 27. 11 לְאֵלֶּה, ten minimum. 12 The Reader. 13 This refers to לְאֵלֶּה, ten minimum. 14 His view is the accepted ruling.
Mishnah 4

When three dined together, they must not separate, and the same applies to four and five; six may divide up to ten, but ten may not split up before their number has reached twenty.

1 This Mishnah and the next are combined in the Talmud into one Mishnah.
2 Some editions have מ charcoal. 3 Because it is their duty to say Grace after Meals. 4 If a fourth is dining apart he should join the three for the Grace after Meals. 5 They can form two groups for יט, 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 יט. 8 Ten may not split up because when ten recite Grace after Meals the 'n, 'Eternal,' is mentioned. 9 Some texts give יט. 10 Some editions omit יט. 11 Since they can form two parties of יט (ten) each, but actually they should not split up.

Mishnah 5

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

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 כזריך קינים... 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 said, but actually the Blessing over other fruit juices is said.
Mishnah 1

These are the differences of views between the School of Shammai and the School of Hillel concerning meals. The School of Shammai say, One says (first) the Blessing over the day and after that recites the Blessing over the wine; but the School of Hillel say, One (first) recites the Blessing over the wine and then recites the Blessing over the day.

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

Mishnah 2

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 the [Kiddush] cup and then wash the hands.

1 According to the (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 dries1 his hands with a napkin2 and places3 it4 upon the table.5 But the School of Hillel say,6 Upon the cushion.7

1 The ‘washing of the hands’—see the preceding Mishnah. 2 Or ‘towel,’ ‘serviette.’ 3 Or נעל. To be ready to hand for use during the meal. 4 Some texts have נribly, ‘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 יבש תחת המים (enjoined by the Sages) and not יבש תחת המים (prescribed by the Law).

Mishnah 4
The School of Shammai say, They [first] sweep out1 the room2 and after that wash3 the hands; but the School of Hillel say, They [first] wash the hands and then sweep out the room.4

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 קרח, ‘last water,’ would render ritually unclean and unusable. 3 With the מים קרח 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 קרח, in agreement with the ruling of the School of Shammai.
Mishnah 5
The School of Shammai say,1 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,2 Who created3 the light4 of fire; but the School of Hillel say, Creator5 of the lights6 of fire.

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

Mishnah 6
They may not say the Blessing over the light1 or over the spices2 of idolaters,3 nor over the light4 or over the spices5 for the dead, nor over the light or over the spices of idols.6 They should not recite the Blessing over a light7 until one can make use of its light.8

1 Or ‘burning candle,’ ‘the flame,’ ‘lamp.’ The candle which had been used on Sabbath by an idolater may not be used for. 2 Spices that had been used at an idolatrous feast. 3 Some editions have Samaritans, instead of. 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.’
BERACHOTH 86, 7, 8

Some editions have שֵׁם instead of שֵׁמַע. 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 had a meal and had forgotten to say Grace after Meals, the School of Shammai say, He must return to his place and recite Grace after Meals; but the School of Hillel say, He says Grace after Meals wherever he recollects. How long may he delay reciting the Grace after Meals? Until the food in his stomach 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 64. 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 שֵׁם instead of שֵׁמַע). 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 after the meal and there is only sufficient for that cup, 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 with Amen after a Jew who says a Blessing, but one must not respond with Amen after a Samaritan who recites a Blessing unless he has heard the whole Blessing.
Berachoth 88,91

1 Literally ‘If wine come to them.’ 2 Some texts have יִתְנַה חַיָּה. 3 And before Grace after Meals. 4 Some editions give יִתְנַה חַיָּה instead of יִתְנַה חַיָּה. 5 Some texts give בְּכֶם instead of בְּכֶם. 6 Some editions give בֵּכֶם instead of בְּכֶם. 7 Even if one has heard only the conclusion. 8 When one has not heard also the beginning. 9 Some texts have יִתְנַה חַיָּה. 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 קְרֵאת is omitted in some editions.

CHAPTER 9

Mishnah 1

He who beholds a place where miracles were wrought for Israel says, Blessed . . . Who wrought miracles for our ancestors in this place; [he who beholds] a place in the Land of Israel from which idolatry has been uprooted recites, Blessed . . . Who uprooted idolatry from our land.

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 (see next Note). 3 The Blessing must be prefaced in full with כְּבֵדְךָ מִפְּקֵדְךָ in recognition of God’s sovereignty. 4 To suit the occasion בְּמִרְאָה must be substituted for בְּמִרְאָה, ‘miracles.’ 5 The words בְּמִרְאָה are omitted in some texts. 6 Some editions have בְּמַדְאָה. 7 When outside Palestine the term מִשְׁפָּט is to be replaced by מַשְׁפַּט, from this place.

Mishnah 2

Over comets, (and) over earthquakes, (and) over lightning, (and) over thunder, and over storms one says, Blessed be He Whose might and power fill the universe. Over mountains, (and) over hills, (and) over

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

When one has built a new house or has bought new things he says, \( ^{1} \) Blessed be He Who hath kept us in life (and hath preserved us \( ^{5} \) and hath brought us to this season). One must say a Blessing \( ^{4} \) over misfortune irrespective of \( ^{3} \) any good that might result, and over good \( ^{6} \) regardless of any harm that might ensue. \( ^{8} \) He who prays concerning that which is past—his prayer is vain; \( ^{5} \) for instance, \( ^{7} \) if his wife were pregnant and he said, \( ^{8} \) May
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 should not be of my household, this is an unavailing prayer.

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

Mishnah 4
One who enters a city should offer prayer twice, once on entry and once on departure; ben Azzai says, Four times, twice on entering and twice on leaving—and gives thanks for what is past and makes supplication for the future.

1 , '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 4. ...that Thou let me enter into this city in peace; and after entering ...that Thou hast let me enter into this city in peace. 4 Before leaving ...that Thou mayest bring me forth from this city in peace; and after leaving ...that Thou hast brought me forth from this city in peace. 5 Some texts have 6. 6 is given in some editions.

Mishnah 5
A man must offer a Blessing over evil just as he pronounces a Blessing over good, for it is said, And thou shalt love the Eternal thy God with all thine heart and with all thy soul and with all thy might.
With all thine heart, that is with thy two inclinations, with the good inclination and with the bad inclination; and with all thy soul, that is even if He take thy soul; and with all thy might, that is with all thy wealth. Another explanation for with all thy might is with whatever measure. He metes out to thee do thou give thanks to Him.

A man must not behave with levity opposite the East Gate 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, and that one may not expectorate there may be deduced by inference from ‘minor to major’. All who used to conclude Blessings in the Temple used to say, from everlasting; but when the Sadducees perverted the truth and said there is only one world it was enjoined that they should say from everlasting to everlasting. And they further ordained that one should greet his fellow by mentioning the Name of God, as it is said, And behold Boaz came from Bethlehem and said to the reapers, ‘The Eternal be with you,’ and they rejoined to him, ‘The Eternal bless thee;’ and it (also) says, ‘The Eternal be with thee, thou mighty man of valour;’ and it (further) says, And despise not thy mother when she is old; and it (again) says, It is time for the Eternal to act; they have made void Thy
BERACHOTH 95

Law, R. Nathan says, Because they have made void Thy Law therefore it is time for the Eternal to act.

1 Some editions have קְשָׁרָה מִקְרָרָה. 2 Deuteronomy 6, 5. 3 This is based homiletically on the letter ב which occurs twice in מִקְרָה (otherwise מִקְרָה with one ב 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 שְׁלֹא. 6 ‘life.’ 7 ‘whatever treatment He metes out to thee.’ 8 This is an homiletic explanation on the alliterative Hebrew words רָפָא, מִקְרָא and מִקְרָא (after ר) is omitted in some texts. 9 East Gate or Nicanor Gate in the outermost wall round the Temple Mount. יָרוֹן or יַנְכָּר. 10 Or ‘short cut,’ ‘corridor,’ ‘to go in 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 בֵּן קָרָא instead of בֵּן קָרָא. 13 Instead of מְכַהָרָה some texts have מְכַהָרָה. 14 Some texts give מְכַהָרָה, who denied the belief in a future life. 15 The First Temple. Every Blessing was concluded with בָּרָא אֱלֹהֵינוּ מַעֲשֵׂי יָדּוֹ מִן הַעֲוָרוֹת (Eighteen Benedictions). 16 Only this life and no (אין בָּדַד פָּאָרָא) future life. 17 By Ezra. ‘that they’ refers to the worshippers in the Temple. 18 i.e., one uses the expression יִשָּׁרֵד, The Eternal be with thee. 19 Ruth 2, 4. 20 Some texts have חַלְּטָן, others חַלְּטָן. 21 Judges 6, 12. 22 Proverbs 23, 22. 23 i.e., ‘Do thou not despise the ancient institutions and enactments.’ 24 Psalm 119, 126. 25 רָפָא, ‘Written Law,’ and מִקְרָא, ‘Oral Law.’ 26 In some editions this final part from בָּדַד is altogether omitted. 27 Some texts omit מַשָּׁמָּה. R. Nathan thinks that this verse indicates that the Sages might vary the law if they do so for the Almighty’s sake.

CONCLUSION OF TRACTATE BERACHOTH
PEAH

[BEING THE
SECOND TRACTATE OF THE MISHNAH]

TEXT, INTRODUCTION, TRANSLATION
NOTES

By

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פאה

PEAH
INTRODUCTION

Peah (Corner) is the second Ḥokmah, Tractate, of Ṣeder Ḥinnim, Order ‘Seeds’. There is no known valid reason why this Tractate is placed after הַחַרְבּוּת; 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 חַסֶפֶת and are therefore to be studied first; but according to this consideration the Tractate לֵאמִים, dealing with the sowing which naturally precedes the growing should come before חַסֶפֶת, and it is actually placed fourth. The אֲבָרֹנֵי, Rambam, offers the suggestion that as חַסֶפֶת 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 הַמְּישָנָה that at the end of הַחַרְבּוּת occurs the phrase הָיָם לֶא פְּרֵי (Ruth 2, 4) which taken in conjunction with Lev. 19, 9 אֹכְלֵי מִלְתְּךָ הָאָמָרָה קָנָא לָךְ "I have eaten of thy word;” therefore the Tractate חַסֶפֶת follows חַרְבּוּת.

The agriculturist—taking this term in its widest sense—is bound יָכְתוּב or תְמוּנָה, ‘By Biblical Law’, in Palestine (but לָנֹדּוּ, ‘By Mishnah Law’, outside Palestine also) to give certain dues to the poor. These dues, called בִּשְׁמַת נַעֲרֵי, broadly and briefly are:

1._corner; 1 60 minimum of one’s field, vineyard, oliveyard, or orchard produce;
2. שַׁקָּה ‘forgotten sheaf,’ ‘poor man’s sheaf,’ (refers to corn, and fruit on trees);
3. לֶחֶם ‘gleaning’ (fallen ears of corn at reaping);
4. גֶּפֶן ‘gleaning’ (fallen grapes);
5. גֵּפֶן ‘poor, unripe clusters of grapes’;
6. מֵאָסָר ‘poor man’s tithe’ (which took the place of מִשְׁקָר שִׁי, second tithe, every 3rd and 6th years of the seven-year—כְּסִילוֹת—cycle). (See Berachoth 11 Note 5 for a full explanation of these terms).
This **Tractate** has no אַנְרָה in the אַנְרָה בָּבֶל, but there is אַנְרָה to it in the אַנְרָה יְרוּשָׁלַיִם, *Jerusalem* (or Palestinian) *Talmud*. (See further 1\(^{1}\) Note 1).

The Titles of the Chapters of this Tractate are:

- Chapter 1:_WATCH_ןֶּפֶשׁ אֲדָאָרָה
- Chapter 2:_WATCH_ןֶּפֶשׁ בָּאָדָרָה
- Chapter 3:_WATCH_ןֶּפֶשׁ כָּלָּאָדָרָה
- Chapter 4:_WATCH_ןֶּפֶשׁ דָּאָר
- Chapter 5:_WATCH_ןֶּפֶשׁ הָאָדָר
- Chapter 6:_WATCH_ןֶּפֶשׁ יָבִט בָּאָדָרָה
- Chapter 7:_WATCH_ןֶּפֶשׁ קָלָאָדָר
- Chapter 8:_WATCH_ןֶּפֶשׁ קָמִיס קָלָאָדָר

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.  
8. Gleaning time; tithes; the poor; misappropriation—divine punishment.
These are the things which have no fixed measure, the corners of the field, and the first-fruits, and the Three Festival offerings brought on appearing before the Eternal, and charity, and the study of the Torah. These are the things the fruits of which a man enjoys in this world, and the stock of which remains for him in the world to come, honouring one's father and mother, and charity, and making peace between man and his fellow; but the study of the Torah is equal to them all.

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

[9] בְּהֵמָה בֹּקֶרְוּ הָאָדָם לֹא יָרֵא את הָעָרָבָה לְהַפֹּקֶדֶת מָלֵא בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה לָא עָבְרָה אָנָהּ לָא בַּר יִשָּׂא נַפַּל מִלָּה בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה לָא עָבְרָה אָנָהּ לָא בַּר יִשָּׂא נַפַּל מִלָּה בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה.

[10] וַיֶּהֶר הָאָדָם לֹא יָרֵא את הָעָרָבָה לְהַפֹּקֶדֶת מָלֵא בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה לָא עָבְרָה אָנָהּ לָא בַּר יִשָּׂא נַפַּל מִלָּה בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה לָא עָבְרָה אָנָהּ לָא בַּר יִשָּׂא נַפַּל מִלָּה בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה.

[22] בְּהֵמָה בֹּקֶרְוּ הָאָדָם לֹא יָרֵא את הָעָרָבָה לְהַפֹּקֶדֶת מָלֵא בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה לָא עָבְרָה אָנָהּ לָא בַּר יִשָּׂא נַפַּל מִלָּה בְּרֹאשׁ לֵאמָל בֶּן בָּנֵי רָעָה.

When thou reapest thine harvest in thy field and thou hast forgot a sheaf in the field thou shalt not turn back to take it; for the stranger, for the orphan and for the widow shall it be, in order that the Eternal thy God may bless thee in all the work of thy hands. [20] When thou beatest thine olive-tree, thou shalt not search again after thee; to the stranger, to the orphan and to the widow shall it belong. [21] When thou gatherest 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.

2 The (כְּבָדִים) Rabbis of the Talmud fixed for peah $\frac{1}{6}$ as the minimum though מִלְּחָמָה or מִשְׁפָּתִים or מִלְּחָמָה, ‘as laid down in the Hebrew,’ there is no fixed measure. 3 Actually one may go so far as to declare all his field(s) as הָעָלְמָה, in which case no tithes would have to be given. 4 The first-ripened wheat, barley, grapes, figs, dates, olives, and pomegranates—the so-called שְׁבֶכֶת הַעַנְיִית, seven species—had to be brought on Feast of Weeks, to the Temple (Exodus 23, 19, 30, 18, 16, 22, 23). The choicest of the first-fruits of thy land thou shalt bring into the house of the Eternal thy God). $\frac{1}{6}$ was the minimum quantity קְבָדִים (in Rabbinical law). 5 On three occasions yearly, Passover, Feast of Weeks, and Feast of Tabernacles, the male population had to appear in the Temple, forecourt of the Temple. Some take לְנַעֲמָת (appearance) to refer to the sacrifices, which the pilgrims, had to offer up. (Exodus 23, 15, 17). [15] ...and they shall (not) appear before my presence empty. [17] Times three in the year shall all thy males appear before the presence of the Lord the Eternal. 6 Practical help with money or personal service. 7 There is of course a minimum, viz., the reading of the תְּלִיָּה twice daily. 8 Or קְבָדִים and מְסַרְיָה in some editions. The Tractate מְסַרְיָה discusses Deuteronomy 5, 16, and argues that the first half of the verse refers to מְסַרְיָה and the second half to קְבָדִים; and further reference is made to Proverbs 21, 21, that ‘life’ refers to קְבָדִים and ‘righteousness and honour’ refers to מְסַרְיָה. 9 לְנַעֲמָת is omitted in some editions. 10 קְבָדִים in some editions. 11 In some editions, and in the הָעָלְמָה, Daily Prayers, this is introduced by מִלְּחָמָה, ‘and they are these.’ 12 One may not give away more than $\frac{1}{4}$ of his profit or capital. 13 In the קְבָדִים, Daily Prayers, the following is interpolated here: ‘and early attendance at the house of study morning and evening, hospitality to wayfarers, visiting the sick, dowering the bride, and attending the
dead to the grave, and devotion in prayer.' There is no limit to the study of the Law*, based on Joshua 1, 8, 'This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night.'

Mishnah 2
One must not give for peah less than one-sixtieth. And though they said there was no fixed limit for peah all depends on the size of the field and the number of the poor and the extent of one's generosity.

1 In some editions. 2 In some editions Mishnah Note 2). 3 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 in some editions. 5 The sages. 6 in some editions (See preceding Mishnah Note 2). 7 Even though the poor are few and the field is large yet 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 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 from both the inferior and superior qualities. Some take the word to be synonymous with 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
Peah may be left on beginning to reap the field or in the middle of it, R. Simon says, Provided one leaves at the end according to the prescribed measure. R. Judah says, If one have left over a single stalk he thereby carries out the duty of giving peah, otherwise he is merely

* The Mosaic Law, the Pentateuch.
giving away [his crop] as free public property.\[10\]

1 giving away in some editions. 2 does not mean ‘only from the corner of a field,’ but produce must come from the corner in order to bring under the term, , that which was given from other parts of the field. 3 In some editions, more correctly, , who is part author of the and the reputed author of the . 4 Or . He holds that if the quantity given from the other parts of the field is less than of the whole produce a quantity equal to the deficiency must be given from the corner, and if the quantity has already reached the of an additional 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 to the poor. For instance one may not reap half of his field and declare the rest public property, property common to all, in order to deprive the poor of .\[6\]

Mishnah 4

They concerning : whatever is a food and is stored and grows from the ground, all of it is gathered at the same time and is brought in for storage, is liable to ; and grain and pulse are included in this rule.

1 The (Sages). 2 This rule (here quoted in the case of ) applies also to and (see 1 Note 1). 3 , 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 . 4 , being free to everyone, is not stored and is therefore not subject to . 5 in some editions. Mushrooms are accordingly excluded from . 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
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, beans, peas, pulse.

Mishnah 5
And in the case of trees, the sumac, and carob-trees, nut-trees and almond-trees, vines, pomegranate-trees, (and) olive-trees, and date-palms are subject to peah.

1 ‘sumac’ or ‘sumach’; see Supplement. 2 ‘carob tree’ or ‘locust tree’ or ‘algaroba.’ 3 פֶּרֶס וּפֶרֶסָא (in some editions). 4 In some editions הֲוָאֹב. 5 (in rabbinic law) all fruit trees are liable to peah even if they grow outside Palestine.

Mishnah 6
One may go on giving peah and be exempt from tithes until the pile of produce has been given an even shape; he may also declare it all נַפְּשָׁת, ‘common property,’ and it is exempt from tithes until the pile of produce has been given an even shape; and one may feed it to cattle and beasts and fowls and it is exempt from tithes until the pile has been given an even shape. One may take it from the granary and sow it and be exempt from tithes until it has been given an even shape; these are the views of R. Akiba. If a priest and Levite have bought up a granary, the tithes belong to them until the produce has been given an even shape. If one have consecrated the produce and redeemed it, one is liable to tithes until the treasurer gives the produce pile an even shape.

1 לְשֵׁם, i.e., if one has not left peah from the standing corn, one must give
it from the harvested produce and it is still exempt from מְנַעְשֶׁה, tithe; but after one ‘has smoothed over the heaps’ מְנַעְשֶׁה and מִן הָעָרִים must be given from the peah before it is handed to the poor. Similarly if one has declared his produce מְנַעְשֶׁה, ‘free for everybody,’ before ‘smoothing it over,’ it is exempt from מְנַעְשֶׁה and מִן הָעָרִים, but not after ‘the smoothing over’ process. A Levite or priest who bought untithed produce before ‘smoothing over’ may take מְנַעְשֶׁה and מִן הָעָרִים respectively for himself, but after ‘smoothing over’ these dues must be given to another Levite or priest. That the Levite, מְנַעְשֶׁה, is not entitled to מְנַעְשֶׁה, tithe from peah is deduced from Deuteronomy 14, 29, 32, i.e., ‘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 מְנַעְשֶׁה, tithe. 2 מְנַעְשֶׁה 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 מְנַעְשֶׁה, (1/10) first tithe, must first be separated for the Levite. 3 מְנַעְשֶׁה in some editions. But if the produce has been declared מְנַעְשֶׁה after the piles have been smoothed evenly the owner must give tithes. 4 ‘feed full meals’ (בָּעַל תִּפְסֵל). But the owner may partake only of a light meal (בָּעַל תִּפְסֵל). 5 In some editions, מְנַעְשֶׁה or מְנַעְשֶׁה תָּרָעָה מְנַעְשֶׁה (‘ordained by the halakah’) one is exempt from tithes if the grain is used for sowing only. This is based on Deuteronomy 14, 22, 23, 25 i.e., ‘tithe……when thou eatest;’ but מְנַעְשֶׁה (‘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 מְשִׁיבִים (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 מְנַעְשֶׁה in some editions. 12 The Treasurer in charge of מְנַעְשֶׁה. Once the treasurer has smoothed the piles no further tithes are due from the produce.

CHAPTER 2

Mishnah 1
(And) the following\(^1\) cause a division\(^2\) with regard to peah, a brook, (and) a rivulet,\(^3\) (and) a private road,\(^4\) (and) a public road,\(^5\) (and) a public footpath,\(^6\) (and) a private
footpath that is in permanent use\(^7\) both in the summer and in the rainy season, (and) an uncultivated field, (and) a ploughed field,\(^8\) and a different kind of crop.\(^9\) And if one reap [young corn\(^10\)] for fodder\(^11\) a division is constituted.\(^12\) This is the view\(^13\) of R. Meir,\(^14\) but the Sages\(^15\) say, This does not cause a division unless one ploughed up [the spot].\(^16\)

1 דרש in some editions. 2 филь 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 מים in and מים in and מים in מים and מים in מים, '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 מים in מים in מים. 5 16 cubits in width. 6 Some editions, מים, מים, width of less than \(2\frac{1}{2}\) cubits. In some editions the order is מים in מים in מים. 7 This refers to מים מים and מים מים מים נקיק מים. 8 But not sown. 9 But not one which causes מים, 'mixed seeds.' That is, a field is sown with one kind of seed but in the centre a different species is sown. 10 מים in some editions. Some editions have מים מים מים מים מים מים מים מים. 11 מים 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 מים מים מים מים מים מים מים מים מים מים מים מים. 14 His view is not accepted. 15 The other מים. 16 That part of the field from which the fodder has been cut.

Mishnah 2

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

1 מים: some take it to mean a ditch that branches off from a larger one מים; others assume that it is an alternative term for מים. 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 \textit{peah}. The Rambam (\textit{לְפָה}) takes it to mean that when standing on one bank the reaper cannot reach across to cut the corn from the other. \textbf{3} And his ruling is accepted. \textbf{4} And can not be ploughed in the ordinary way (\textit{i.e.} with the plough). \textbf{5} In some editions, \textit{לְפָה} is rendered \textit{לְפָה לְפָה}. \textbf{6} The hilly parts do not cause ‘division’ to break up the field into separate fields for the purpose of \textit{peah}. However if the part which is the cause of the \textit{לְפָה}, ‘interruption,’ is not turned up at all, even by hand, \textit{peah} must be given from each part separately.

\begin{enumerate}
  \item All these\textsuperscript{1} cause a division\textsuperscript{2} in the case of sown fields, but in the case of trees\textsuperscript{3} only a fence\textsuperscript{4} forms a division; but if the branches\textsuperscript{5} were intertwined, it\textsuperscript{6} does not form a division and one gives \textit{one peah} for all.\textsuperscript{7}
  \item This refers to all the conditions enumerated in the preceding \textit{Mishnahs} 1 and 2. \item For purpose of \textit{peah}. \item With the exception of the carob-tree and olive-trees (see next \textit{Mishnah}). \item At least ten handbreadths high. \item 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 \textit{peah}. \item The words \textit{לְפָה לְפָה} are omitted in some editions. \item \textit{i.e.}, for all the field.
\end{enumerate}

\begin{enumerate}
  \item And in the case of carob-trees\textsuperscript{1,10—} 
    \begin{enumerate}
      \item when they see\textsuperscript{2,11} one another: Rabban Gamaliel\textsuperscript{9} said, In my father’s house\textsuperscript{6} they used\textsuperscript{4} to give\textsuperscript{6,7} \textit{one peah} for the olive-trees they had on every side,\textsuperscript{9} and in the case of carob-trees\textsuperscript{10} all those that saw\textsuperscript{11} one another. R. Eliezer\textsuperscript{12,13} ben Zadok says in his\textsuperscript{14} name, Even for the carob-trees\textsuperscript{15} that they possessed in the whole town.\textsuperscript{16}
    \end{enumerate}
  \item \textit{i.e.}, they are all regarded as one unit in respect of \textit{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, \textit{one peah} is
\end{enumerate}
given for all. This ruling also applies to olive-trees that grow on one side of
a town. 3 Whenever רעב ילכלא לובב is thus mentioned he is דניק
The ruling here is in accordance with his views. 4 Some editions have מ"ד instead of מ"ט which is grammatically equally correct. 5 In some editions. 6 ש"י is omitted in some editions. 7 In some editions, ש"י. 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 לברך in some editions. 11 i.e., they gave one peah for all those that saw...... In some editions, ש"י. Even though the carob-trees were not on the same side of the town. 12 Some editions have פ"א. 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, ש"י. 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
When one sows his field with one kind of seed he leaves only one peah,
even though he reaps it in two lots. But if he has sown it with two kinds
of seeds, he gives two peahs even though he reaps it all at one time. If one has sown his field with two different species of wheat, he sets aside one peah if he reap it all at one time, but he leaves two peahs if he reap it at two separate times.

1 ש"י in some editions. 2 In some editions, פ"א (which is grammatically equally correct). 3 פ"א in some editions. 4 In some editions, פ"א or ש"י in some editions. 5 ש"י in some editions. 6 ש"י in some editions. 7 i.e., one peah for one and another peah for the other. 8 In some editions. פ"א. 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 פ"א in some editions. 10 In some editions פ"א. 11 In some editions פ"א.

Mishnah 6
It once happened that R. Simon of Mizpah sowed and came before Rab-
ban Gamaliel, and they went up to the seat of the Great Sanhedrin and enquired; Nahum the Scribe said, 'I have it from R. Miasha who received it from his father who had it from the 'Pairs' who had it from the Prophets that the rule of Moses as handed down from Sinai is that if one sow his fields with two kinds of wheat, if he reaped it all at one time he sets aside one peah, but if he reaped it on two occasions he leaves two peahs.'

1 The term 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 of the first generation of . 4 is omitted in some editions. 5 the and grandfather of of the first generation of . 6 refers to and and . 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 or ( , clerk, copyist, scribe) or (the Babylonian) in some editions. 10 in some editions. 11 in some editions, a of the first generation of . 12 i.e., from his own father; or, in some editions, from the father of in some editions. The or 'Pairs' were [1] , [2] , [3] , [4] , [5] . 13 in some editions. 14 which is assumed by tradition to have come down direct from Moses from Sinai and it is not disputed by the but is accepted without question. 15 In some editions, in some editions. 16 in some editions. 17 In some editions. 18 in some editions.

Mishnah 7
A field which was reaped by Samaritans, (or) robbers, or one whose crop was gnawed away by ants or broken down by wind or cattle, is exempt. If one reaped a half of it and [then] robbers reaped [the other] half it is exempt because the duty of leaving

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peah is restricted to the standing corn.

1 (Grammatically more correct) לְסֵיסָם מַעֵרָה שַחֹבָה, 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, Samaritans, non-Jews. In those days Samaritans were suspected of idolatrous practices. 4 In some editions לְסֵיסָם (which is grammatically more correct). 5 Or (grammatically more correct) לְסֵיסָם 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 ובַּבָּקִילֵה יִבְשָׂמ, ‘locusts consumed it,’ precedes לְסֵיסָם in some editions. 7 Or (grammatically more correct) לְסֵיסָם, as in some editions. 8 i.e., from peah, even though the produce remained for the owner, because לְסֵיסָם, ‘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 לְסֵיסָם (which is more correct grammatically). 10 Or (grammatically more correct) לְסֵיסָם as in some editions. 11 And not after it had been reaped.

Mishnah

If robbers reaped half of it and then he reaped its other half he must leave peah from that part which he reaped. If one reaped half of it and sold [the other] half of it the buyer leaves peah for the whole. If one reaped half of it and dedicated [the other] half, he who redeems it from the treasurer sets apart peah for the whole.

1 In some editions this Mishnah is joined on to Mishnah 7. 2 In some editions, לְסֵיסָם and לְסֵיסָם (both grammatically more correct). 3 Or (grammatically more correct) לְסֵיסָם as in some editions. ‘he’ refers to ‘the owner.’ 4 This follows the general rule that the בֵּיתָן, obligation, of peah is at the end of the reaping; and the quantity is only 1/6 of what he himself has reaped. 5 לְסֵיסָם in some editions. 6 i.e., for both what he himself and the owner have. 7 לְסֵיסָם is omitted in some editions. 8 i.e., after he has reaped the redeemed produce. 9 i.e., for the whole field.
CHAPTER 3

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

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1 Or oblong; מישל, 'press,' 'mould,' 'frame,' hence 'rectangular or oblong plot.'  
2 Or between any other trees. 3 Or שמשי. 4 Or in some editions; 'from each bed.' 5 In some editions ימאש. 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. 7什םיה in some editions. (and not משמת) 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.' 8משכיבים in some editions. 10 In some editions, משכיבים.

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

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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. רות, *give a speckled (striped or checkered) appearance.* 2 That have not yet ripened. 3 חמן is omitted in some editions. 4 *i.e.*, from each section where the unripe
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, הבש, in two or three; meaning ‘in more than one place’ or ‘on more than one occasion.’

8 Or beds. 9 הלן in some editions; ‘from or for each place.’

Mishnah 3

If one thin out onions taking the green ones to the market and keeping the dried ones for storage, he leaves peah separately for the former and for the latter; and similarly in the case of beans, and likewise in the case of a vineyard. He who thins out sets aside peah from the remainder according to the amount which has been left over, but if he thin out in one place, he sets apart peah from the remainder for the whole.

1 המה, 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 היה, granary, ‘barn.’ When onions are thinned out they grow better and bigger and keep well in store. 4 Or הבש. 4 i.e., leaving them in the ground until the dry husk is formed. 5 Or הלן. 6 הבש, ‘unripe.’ 7 Or הבש, ‘granary,’ ‘barn.’ When onions are thinned out they grow better and bigger and keep well in store. 8 Or הבש in some editions. The first removed green onions and the last removed big onions are considered two different kinds. 7 In some editions, הבש. 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, הבש, ‘be poor’; (Hiphil) הבש, ‘thin out,’ ‘take off grapes,’ ‘remove [one or two plants] to make room for the others.’

9 Or הבש 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 הבש, and some omit הבש. 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 הבש in some editions. In this case the thinning is considered as the beginning of the harvest of the field.
Mishnah 4

Seed onions are subject to peah, but R. Jose exempts them. Regarding oblong beds of onions between greens, R. Jose says, Peah must be left for each one separately; but the Sages say, Peah from one is left for all.

1 Seed onions are unfit for food, and are eaten in times of famine only. 2 Or 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 is thus simply mentioned he is (one of R. Akiba's disciples). His view here is not accepted. 4 His view here is not accepted. 5 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.

Mishnah 5

When brothers divide an estate they must give two peahs. If they became partners again they leave one peah. Two who bought a tree leave one peah; if one bought its northern side and the other its southern side, each one separates peah for himself. If one sold (stems of) trees in his field, he must set aside peah from each one separately. R. Judah said, When does this apply?—When the owner of the field left nothing over, but if he did leave something over, he sets apart peah for the whole.
1 In some editions; brothers or partners. 2 Before it was reaped. In some editions, brothers or partners. Each from his own portion. 4 Before it was reaped. 5 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 רבי, brothers or partners. 8 (In some editions this Mishnah ends with פִּיתֵמָה, 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 נַחֲלַת 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. Because the soil does not belong to the purchaser. 12 He did not leave any נַחֲלַת for himself, that is he had not yet cut or reaped them. 14 Or נַחֲלַת. 15 נַחֲלַת is omitted in some editions. 16 That is, he began reaping or cutting before selling. 17 Some editions have נַחֲלַת in place of נַחֲלַת. 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 says, Ground of the extent of one quarter is subject to peah; R. Joshua says, If it produce two seahs; R. Tarfon says, Six handbreadths by six handbreadths; R. Judah ben Bethairah says, So that one may reap and repeat, and the ruling is according to his statement. R. Akiba says, Whatever the size of the ground it is subject to peah and to first fruits, and a Sabbatical year declaration may be written on its account, and through it property that can not be guaranteed may be purchased by means of money or writ or possession.
1 Whenever is quoted without any further description he is (a pupil of ). 2 ‘one fourth,’ is approximately an area of \(104\frac{1}{2}\) square cubits (approximately 10 times 10 cubits). A full \(1\) will be sown by a quarter of a \(\frac{1}{4}\) or by a \(\frac{1}{8}\) of seeds; a smaller area is not considered a field (see Tables in the Introduction to ). 3 more correct as in some editions. 4 In some editions, . 5 Where is mentioned without any further description he is (a pupil of ). 6 In some editions, . A \(\frac{1}{2}\) contains about 60 (48?) pints. 7 was a of the third generation of and a contemporary of . 8 A \(\frac{1}{3}\) (a third of an \(\frac{1}{4}\) or \(\frac{1}{3}\)) contains about 60 (48?) pints. 9 There are two of this name; one lived in Babylon at the time of the destruction of the Second Temple and the other was contemporary with . 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 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 , ‘Sabbatical year declaration,’ is a declaration made before , 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 so that business should not be held up on account of the advent of . 15 , are thus designated because a creditor can not distrain on them if the debtor had sold them, in contradistinction to land which the creditor can recover even if the debtor has sold it. 16 , document, receipt, writ. 17 In the case of , movables, one acquires possession by the following methods: [1] , ‘by holding the object’; [2] , ‘the object being on the premises of the buyer’; [3] , ‘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 or —ordained by the ]. [4] , ‘the buyer lifts up the object;’ [5] , ‘the buyer draws away the article or animal from the seller’s place to another spot;’ [6] , ‘surrender; the seller tells the buyer to take possession by touching;’ [7] , ‘when an object is sold or presented together with land;’ [8] , ‘a condition made in presence of a third party.’ [These last five are . (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 , ‘possession,’ or : (a) —the buyer gives the seller money or , its equivalent as deposit; (b) —the seller gives a title-deed to the purchaser; (c) —the buyer acts as the new owner (e.g., he fences in, or locks up, keeping the key); (d) —as already explained under above. 18 acquisition, usucaption.
Mishnah 7

If a person who assigns his possessions in writing, then if he left any land whatsoever, his gift is valid. If he have not left any land whatsoever his gift is not valid. When one leaves his possessions in a written will to his children and he leaves in writing in it for his wife any amount of land then she has forfeited her marriage-contract-settlement. R. Jose says, If she concurred, then even if he did not leave for her anything in writing she has forfeited her marriage-contract-settlement.

1 is omitted in some editions. 2 שכר복 קךע ‘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, שכריב מסעי שכרב בכסביא לאחרים and שכריב מסעי לארים. 4 Or שכרב. 5 שכריב קךע, movables. 6 In some editions שכריב קךע (שכריב קךע). 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 שכריב. 8 שכריב קךע (שכריב קךע) 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 שכריב קךע; according to some, for anyone. 12 He leaves her a share among the children, but makes no mention of her marriage-contract-settlement. 13 שכריב קךע, land, or 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 שכריב קךע, 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\(^1\) to his slave, the latter becomes a freedman.\(^2\) If, however, [the master] left out\(^3\) any amount of land whatsoever, he\(^4\) does not become a freedman. R. Simon\(^5\) says, He becomes free in all cases except when the master says, 'Here are all my possessions given away\(^6\) to so-and-so, my slave, except one

ten-thousandth part\(^7\) 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 (יִדְכָּה, land, or יִקָּנָה, movables) and thus becomes owner of himself.
3 Or rather.
4 The slave. He neither becomes free nor can he obtain possession of what has been left him in the written will.
5 His view is not accepted.
6 The term דְּבָשָׁה לְפָלַלְתֵּנָה includes also the whole or part of the value of the דְּבָשָׁה, slave.

CHAPTER 4

Mishnah 1

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

1 Or יֶּחֶבָּה. 2 Or יִקָּנָה. 3 Before cutting or reaping it, though it may be given after also. From the term דְּבָשָׁה (Leviticus, 19, 10) it is inferred that peah must be left for the poor to collect it themselves. 4 יִלְיָה, ‘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
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, אָנוּשׁ הָאַרְבֶּהוֹם. 11 Even though this person may be stronger and more capable to snatch than the others. 12 Or יִלְּבּ: ‘to snatch as much as one is able.’ 13 In some editions, שֶׁיִּקְפֶּשׁ. 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

In the case of vines on an espalier and the date-palm [the law] is not so; even if ninety-nine say that the peah be snatched and one says that it be shared out, we listen to the latter for he spoke according to the law.

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 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

If one took a little peah and threw it over the rest, then he gets nothing at all. If he threw himself upon it or spread his cloak over it, he is removed from it; and this is also the law in the case of gleanings and the forgotten-sheaf.

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不准 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不准 decide that he loses only that to which he is not entitled. 4 The peah he wants to obtain wrongly. 5 שֶׁיִּקְפֶּשׁ in some editions. 6 In some editions, שֶׁיִּקְפֶּשׁ. 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 הзамен; or והמנה and והמנה in some editions. 9 So also in the case of forgotten standing corn.

Mishnah 4

Peah must not be cut1 with scythes2 or be uprooted with spades3,4 in order that they do not strike5 at one another.6

1 Peah must be picked by hand by the poor. 2 קצרים in some editions. 3 שיקרים in some editions. 4 In some editions, מנסוחה. 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.

Mishnah 5

Three times1 daily were there attendances2,3: in the morning4 and at noon5 and at the Minchah period.6 Rabban Gamaliel says, These times were given as a minimum.7 R. Akiba says, They were given as the maximum.8 The people of Beth Namer9 used to gather10 their crops by the use of a rope11 and leave peah from every row separately.

1 שלוש in some editions. 2 קצרים, ‘begging, searching,’ appearance of the poor to share in הзамен, ספקה, ספקה, and ומנת (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, יד, 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 the Smaller (Later) Afternoon Service, two and a half hours before sunset, or to the Smaller (Later) Afternoon Service, or to 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. The exact locality is not known. According to one view it was the name of a family. 10 i.e., reap. פָּרָה or פָּרָה 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 idolater1 who has reaped his field and then became a proselyte2 is exempt3 from the duties of gleaning, the forgotten-sheaf and peah. R. Judah declares4 him liable to leave5 the forgotten-sheaf because the forgotten-sheaf becomes due at the time of the removal of the sheaves.6

1 Some editions have "נַעַר, 'a non-Jew,' which is much better than פָּרָה, which is much better than פָּרָה. 2 Or נַעַר. 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 פָּרָה (Leviticus 19, 9) and פָּרָה (Deuteronomy 24, 19) and פָּרָה (Deuteronomy 24, 19) [see 1, Note 1] which refers to a Jew only. This is the accepted ruling. 4 His view is not accepted. 5 Or נַעַר. 6 When he was already a Jew subject to the obligation.

Mishnah 7
A man who dedicated to the Temple standing corn and redeemed [it while it still was] standing corn is liable;1 A man who dedicated sheaves2 and redeemed them while still sheaves3 is also liable.4 If a man dedicated standing corn and redeemed [it when it was in] sheaves he is exempt5 because at the time when it became liable6 it7 was exempt.8

1 Or נַעַר; he must give פָּרָה, פָּרָה, פָּרָה because the reaping took place when the field was again his own property. 2 פָּרָה in some editions. 3 In some
editions, because the dedication took place when the corn was already in sheaves and already subject to the dues. From giving and and the standing corn.

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 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

Similarly, if a man dedicated his field products before they reached the time when they are subject to tithes and he redeemed them, they must be tithed; if after (they reached) the time for the tithes and he redeemed them, they must be tithed. If he dedicated them before they were ready and the treasurer had them when they were ready and after that the owner redeemed them, then they are exempt because when they became liable they were already exempt.

1 To the Temple. 2 The times applicable to the various kinds of produce are given in . 3 in some editions. 4 In some editions. 5 in some editions. 6 Because at the time of dedication the gifts were already due and virtually no longer the owner's property. in some texts. 7 In some editions; 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 , Note 2). 8 in some editions; i.e., the treasurer kept them till they became ripe or completed their preparation by smoothing over the heaps.

10 See , Note 12. 11 in some editions. 12 i.e., exempt from tithes, because 'dedicated produce,' is exempt from (the levies for the priests) and (tithes). [These terms are fully explained in the preceding Volume of . Briefly, one gives called , first tithe, to the Levite; called , second tithe, every 1st, 2nd, 4th and 5th year which (or its equivalent) is consumed in Jerusalem; also the Levite himself has to give of his own called , priest's minor due,
or (ורימה ימי), priest's-due of the tithe, to the priest. During the Sabbatical 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 have collected peah and said, 'This is for such and such a poor man,' R. Eliezer 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 must be tithed unless he had declared them free to all.

1 Who is not poor, or, according to some, the owner. A poor man may collect peah for another poor man. 2 Instead of לאיש פלוני some editions read לאיש פלוני. 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 'נזר, 'non-Jew,' which is more correct. (This question is discussed by many authorities but the arguments are out of place here). 5 Or תִּפֵּס. 6 תִּפְס is exempt from dues mentioned as well as from קיסורה ו��מה and מִשְׁרָה (see the preceding Mishnah, Note 14).

Mishnah 10

What is regarded as 'gleaning'? That which falls down during the reaping. If a man have reaped a handful, or plucked a fistful, and a thorn pricked him and [the corn] fell from his hand to the ground, it still belongs to the owner. That which fell down from the inside of the hand or the scythe belongs to the poor; but that which falls from behind the hand or behind the scythe belongs to the...
owner.\textsuperscript{8} [That which falls off] the finger tips or the tip of the scythe,\textsuperscript{8} R. Ishmael\textsuperscript{9} says, belongs to the poor;\textsuperscript{10} but R. Akiha says, It belongs to the owner.\textsuperscript{11}

1 One ear of corn or two ears; if more than two dropped at once they are not regarded as קֵקֶר. 2 קֵקֶר and קֵקֶר in some editions. 3 A thorn pricked him or a scorpion stung him', in some editions. 4 Because קֵקֶר must be the direct result of the reaping and not of an accident. 5 Or 'sickle'; \textit{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 \textit{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 קֵקֶר above (Note 5). 11 R. Akiba maintains that the case is similar to that of קֵקֶר above (Note 7), and his view is the accepted law.

Mishnah 11

[Ants take away grains and store them in their holes] among standing corn belongs to the owner;\textsuperscript{3} but in the case of those found after the reapers,\textsuperscript{4} the upper-layers\textsuperscript{5} belong to the poor,\textsuperscript{6} and the lower-layers\textsuperscript{7} to the owner. R. Meir says, All belong to the poor, for doubtful gleanings\textsuperscript{9} are also gleanings.\textsuperscript{10}

1 Ants take away grains and store them in their holes. 2 \textit{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 \textit{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 \textit{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

Mishnah 1
If there be a stack of grain from beneath which the gleaning had not been gathered, all parts of it that touch the ground belong to the poor. If a wind scattered the sheaves, an estimate must be made as to how much gleaning could have yielded and it is given to the poor; but R. Simon ben Gamaliel says, One must give to the poor as much as is usually dropped.

1 'heap of sheaves,' 'shock of grain,' 'stack of grain.' 2 Or ערב; the owner had made the stack before the poor had had an opportunity to glean the corn under it. 3 In some editions. The Rambam's view is that this refers to the corn that actually touches the gleaning 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 gleaning. This enforced gleaning is also free from tithe. 4 In some editions. 5 In some editions, רצוי. 6 In some editions, נפשו. 7 In some editions, a contemporary of Bar Kochba. 8 'Of gleaning during the reaping'; that is, there is no need for an assessment to be made, but one gives from a quarter to a half or 30 סא

Mishnah 2
In the case of an ear of corn in the harvest whose top touches the standing corn, if it can be cut together with the standing corn it belongs to the owner, if not it belongs to the poor. If an ear of corn of gleaning were mixed up in a stack of corn, one ear of corn must be tithed and given to a poor man. R. Eliezer said, How can this poor person exchange something that has not yet come into his possession? Rather, the whole...
stack must be assigned to a poor person, and then one ear of corn is tithed and given to him.

1 That had been left uncut in the course of reaping. 2 הַשֵּׁלְמָה and רַמְמָה in some editions. 3 ל 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 שִׁמְעָה instead of שִׁמְעָה). 6 The complicated procedure is explained in Tractate חֲרִישָׁה. Briefly, according to the view (detailed) in the Jerusalem Talmud, one removes from the stack three ears of corn and says, 'If the first bit, let it be so (for it is exempt from tithe, 'משה'); if not, let the tithe be in the second ear, but if the latter be the first, then let the tithe be in the third ear; then the first ear is given to a poor man as שִׁמְעָה and the two others to a 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 שִׁמְעָה, well and good' (since it is thus exempt from tithe), 'but if it be not שִׁמְעָה let the other be the tithe for it;' the first is then given to a poor man as שִׁמְעָה and the other to the Levite as tithe. 7 Literally 'to him.' 8 שִׁמְעָה is omitted in some editions. Through the owner. 9 At the time the owner makes the declaration mentioned the שִׁמְעָה does not yet belong to the poor. 10 הַשֵּׁלְמָה, '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; this is the opinion of R. Meir; but the Sages permit it, because it is possible.  

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 שָׁלַם 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 שִׁמְעָה 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 proprietor1 who was travelling from place to place were in need2 of taking3 gleanings, the forgotten-sheaf, peah and (or) the poor-man’s tithe, he may take them, but when he returns4 home5 he must repay for them; this is the view of R. Eliezer; but the Sages say, He was a poor man at the time.6

1 i.e., one who is not considered poor (and therefore not be entitled to לトン, הלון and מסורה) but having spent all his moneys on his travels he has no means of sustenance for the time being (see 88). 2 אברך ישות לトン שעשה עגולה ומשטרה. 3 Or מילוי. 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 exchange1 with the poor, his2 is exempt3 and that of the poor3 is liable.4 If two men7 have taken over a field on a share-tenancy,8 one gives his share of the poor-man’s tithe to the other9 and the other gives his share of the poor-man’s tithe10 to the first. If a poor man undertake to reap a field,11 he must not take12 gleanings, the forgotten-sheaf, peah and (or) poor-man’s tithe. R. Judah said, When is this the case? When he took it over13 for the payment of a half, or a third or a fourth,14 but if [the owner] said to him, ‘A third15 of what you reap16 is thine,’ he may take17 gleanings the forgotten-sheaf and (or) peah but not18 the poor-man’s tithe.

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He gives from his produce to the poor in exchange for their share, and in some editions; *i.e.*, what he received from the poor. 2 *i.e.*, from tithes. Because the poor-man’s *תָּלָתִים* and *אֶפַרְפָּרִים* are exempt from tithes. 3 In some editions. 4 What he had given to the poor. 5 Or בְּיַחֲדָם. He must therefore tithe his own produce before he gives it in exchange to the poor. 6 Or *םָכָּה*. 7 *בָּנָיִם*, two poor persons. 8 *מָכָּה* is a tenant who cultivates somebody’s land for an agreed share in the produce, and *נָשְׁבָּה* is the term applied to the tenancy. On the other hand, רָכָּב is a tenant who cultivates someone’s land for an agreed *רֵנֶת בִּינְדָה* and such tenancy is termed *נָשְׁבָּה*. 9 Although they are both poor, yet for the time being they are each בָּנָיִם, ‘owner,’ who is not entitled to keep his own мָכָּה, אֶפַרְפָּרִים, and מָכָּה. 10 And also מָכָּה, שְׂחָקָה, יִפְסָלָה, וְאֶפַרְפָּרִים, מָכָּה, שְׂחָקָה, יִפְסָלָה. 11 For an agreed portion of the crop. 12 Because his share in the crop places him in the category of a בָּנָיִם, ‘owner,’ who may not benefit from the מָכָּה, אֶפַרְפָּרִים (see Introduction). 13 On the other hand, מָכָּה. 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 בָּנָיִם, ‘owner,’ of the standing corn. 17 Or רָכָּב. Since he is still regarded poor until after the reaping when his share becomes due. 18 Because מָכָּה is given after the reaping and by then he is already the בָּנָיִם, ‘owner,’ of his share.

Mishnah 6

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

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1 With its *standing corn*. 2 *i.e.*, ‘may collect the poor-man’s dues.’ 3 *םָכָּה*, ‘the labourers,’ in

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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. He (the owner) wants to glean himself and to share out the gleanings among the poor. Or (the owner) wants to glean himself and to share out the gleanings among the poor. In some editions, בַּלָּק. 8 Proverbs 22, 28. 9 in many editions, on an analogy with Midrash (Midrash — תַּלְמִידָה, פָּנֵיהּ) for עַלֹּתֵי מַכָּרוֹת, 'those who went up from Egypt.' Both readings are intended to convey the idea, 'do not change the ancient customs'. In the Mishnah here 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 'those who have come down,' that is 'the poor', and thus 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 but not the labourers, or one in front of which the poor stood or covered with straw, is not regarded as a forgotten-sheaf.

1 In some editions שְׁכָה 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) (see 1, Note 1) where יִקְצָר הַשָּׁרוֹן refers to the labourer and מַעְבַּד to the owner. 3 Which is a dishonest act on the part of the poor. 4 Or שְׁכָה. This too is a dishonest act.

Mishnah 8

He who binds sheaves for covering stalks, or for building a foundation for a stack, or for making a cake, or for forming sheaves is not subject to the law of the forgotten-sheaf, if from here they be taken to the threshing-floor, the law of the forgotten-sheaf applies. When sheaves are piled up for a stack the law of the forgotten-sheaf applies.

1 In some editions יִקְצָר is omitted. 2 Or יִקְצָר הַשָּׁרוֹן. This too is a dishonest act.
but if from there they are removed to the threshing-floor the law of the forgotten-sheaf does not apply. 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.

1 חניפת, 'tops of stalks of sheaves,' as opposed to סוסמ, 'sheaf put at the bottom of a stack.' Some take חניפת to mean the straw head-coverings of the labourers. 2 חניפת in some editions. 3 חניפת, '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 גיר, barn, granary, threshing-floor. 8 That is, any sheaf left behind through forgetfulness belongs to the poor. 9 מיר, 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

Mishnah 1

The School of Shammai say,¹ Renunciation of ownership² in favour of the poor is valid;³ but the School of Hillel say,⁴ It is not valid unless it is also made⁵ in favour of⁶ the rich, just as in the case of the Sabbatical year. If all the sheaves⁷ of a field measure a kab
each, and one sheaf contains
four kabst and that one was
forgotten, the School of Shammasi
say, It is not regarded as a forgotten-
sheaf; but the School of Hillel
say, It is a forgotten-sheaf.

They hold the view that if one renounces his right to his produce in favour
of the poor only it is exempt from tithes. In some editions, public property, renunciation of ownership in favour of anyone who likes to
take it. 3 In some editions. 4 And their view is accepted. 5 kabst and
sheaf in some editions. 6 i.e., if the sheaf is to be valid there must
be no distinction between poor and rich (it must be public property for all).
In some editions, Sheaf is exempt from tithes. 7 In some editions,
Sheaf in some editions. 8 In some editions, Sheaf in some editions. 9 Sheaf in some editions. 10 Sheaf, about 1102 cubic centimetres
or 67 cubic inches (see Tables in Introduction).

Mishnah 2
If a sheaf that lies close to a stone fence or stack or cattle deserve; 3 have been forgotten, the School of Shammasi say, It is not regarded as a forgotten-sheaf; but the School of Hillel say, It is regarded as a forgotten-sheaf.
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 Sheaf, stone fence with a gate; according to some, an uncemented stone wall. 3 In some editions, ‘and to the fence’; shock or stack or heap of corn. 4 Sheaf in some editions; cattle, oxen. 5 i.e., agricultural implements. 6 They maintain the view that since the sheaf had been placed in a particularly marked spot to
the course of removal (see Note 1) it is not forgotten, 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 the sheaf that is opposite proves. If a sheaf had been taken up to be carried into town and had been forgotten, all admit that it is not regarded as a forgotten-sheaf.
PEAH 63.1

1 Literally ‘rows.’ נֵיצָרָה, row, line, swath of mown corn (or i.e., ‘In the case of a sheaf at the beginning of a row.’ Other cut produce). 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 נֵיצָרָה) 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 נֵיצָרָה, a forgotten-sheaf. 3 Because, by taking it up, the owner gained possession of it.

Mishnah 4
And these1 are2 ‘beginnings of rows’;3 if two men began4 from the middle of a row,5 one facing6 north and the other facing7 south,8 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.9 If one10 person began from the beginning of a row and forgot [some sheaves] in front or behind, those in front of him11 are not forgotten-sheaf but those behind12 him are regarded as forgotten-sheaf because this comes under ‘thou shalt not turn back’;13 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 shalt not turn back’ is not deemed to be forgotten-sheaf.

1 הבט 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, נֵיצָרָה. 6 רַבּ (רַבּ הָעַד, ‘one turned’) in some editions. 7 In some editions, רַבּ (רַבּ הָעַד, ‘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 נֵיצָרָה of the preceding

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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 In some editions, i.e., this comes under the prohibition ‘..........’. 14 In some editions, i.e., ‘which does not come under the law ‘thou.......’ Deuteronomy 24, 19, ‘thou shalt not turn back to take it’ (see 11, Note 1).

Mishnah 5
Two sheaves are forgotten-sheaves but three are not forgotten-sheaves; two heaps of olives or carob-pods are forgotten but three are not forgotten; two flax-stalks are forgotten but three are not forgotten; two grapes are gleanings but three are not gleanings. These rulings are according to the views of the School of Hillel; but in all these cases the School of Shamai rule, Three belong to the poor and four belong to the owner.

1 i.e., one—two. 2 One 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 forgotten. 4 A heap in some editions, i.e., are not regarded as. 5 ‘heaps,’ ‘piles.’ 6 A tree and a tree in some editions. A carob tree, carob-pod; variety of bean resembling carob-pod. 7 ‘heaps,’ ‘piles.’ 8 A heap in some editions. 9 ‘left in a field are regarded as forgotten-sheaves.’ 10 ‘left in a field are regarded as forgotten-sheaves.’ 11 ‘left in a field are regarded as forgotten-sheaves.’ 12 ‘left in a field are regarded as forgotten-sheaves.’ 13 ‘left in a field are regarded as forgotten-sheaves.’ 14 ‘left in a field are regarded as forgotten-sheaves.’ 15 ‘left in a field are regarded as forgotten-sheaves.’ 16 ‘left in a field are regarded as forgotten-sheaves.’ 17 Instead of which some editions have some editions. 18 In some editions, i.e., ‘left in a field are regarded as forgotten-sheaves.’ 19 In some editions, i.e., ‘left in a field are regarded as forgotten-sheaves.’ 20 In some editions, i.e., ‘left in a field are regarded as forgotten-sheaves.’ 21 In some editions, i.e., ‘left in a field are regarded as forgotten-sheaves.’ 22 In some editions, i.e., ‘left in a field are regarded as forgotten-sheaves.’
19 Or בְּשֵׁם. This view is based on the verse, Deuteronomy 24, 19, קֵלֵף לְיָדוֹ הָלָּא לְאָכָל (see 1, Note 1). 20 i.e., one, or two, or three are נַכַּבְתָּן or נַכַּבְתָּא or נַכַּבְתָּא as the case may be. 21 Any number above three is not נַכַּבְתָּא. 22 The rulings of this Mishnah are as follows: two sheaves even if they lie close together are נַכַּבְתָּא, but three even if they are close together and appear as one heap are not נַכַּבְתָּא; and the same applies to heaps of olives, carob, and flax for food (oil); two grapes together are נַכַּבְתָּא but three in one heap are not; and two grain stalks together are נַכַּבְתָּא but three in a heap are not.

Mishnah 6
If a sheaf that contains two seahs ḥayyim was forgotten it is not deemed to be a נַכַּבְתָּא;2 if two sheaves3 that contain together two seahs: R. Gamaliel says, (It is) the owner's, but the Sages4 say, They belong4 to the poor.5 Said R. Gamaliel, Does an increase in the number of the sheaves strengthen6 or weaken the owner's right?7 They answered him, His right is strengthened.10 He said to them, 'Seeing that in the case of one sheaf8 of two seahs that had been forgotten it is not deemed a נַכַּבְתָּא, how much more so two sheaves that contain together two seahs!!2 They replied to him, 'No, if thou maintain that in the case of one sheaf,14 which is like a stack,15 wilt thou also maintain that in the case of two sheaves, which are16 like small bundles?17,18

1 נַכַּבְתָּא, about 96 pounds (13190 cubic centimetres cubic measure, or about 60 pints liquid or wet measure). (See עֲנַיִם, Introduction, Tables). 2 This is based on קֵלֵף לְיָדוֹ הָלָּא לְאָכָל, (and) לְאָכָל לְאָכָל, implying such a quantity as the average person is able to take up in one load and carry away. 3 Or נַכַּבְתָּא. Here it refers to two sheaves lying together forgotten. 4 i.e., they are deemed נַכַּבְתָּא, forgotten-sheaf. 5 And the ruling is according to the סֵפֶר, Sages. 6 If the two sheaves together contain two seahs, each sheaf evidently is less than two seahs. 7 נַכַּבְתָּא in some editions. 8 In some editions, הוּא. 9 הוּא in some editions.
Mishnah 7
If standing corn¹ that contains two seahs were forgotten it is not regarded as² forgotten; if it do not contain two seahs but is capable of producing two seahs,³ even if it be like small inferior beans,⁴ it is considered⁵ as if it had been a good crop⁶ of barley.⁷

1 i.e., that was not cut or reaped. In the case of standing corn. The law of נבקת applies as in the case of sheaves. 2 In some editions, נבקת (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 נוב, 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 רמוב in some editions. 7 In some editions נבנה and נבנה; נבנה, grape stalk, grape, crop, standing corn, fruit on tree. 8 And therefore the law of נבנה does not apply. And this is the accepted ruling.

Mishnah 8
Standing corn¹ saves a sheaf and [adjoining] standing corn; a sheaf² does not³ save a sheaf or [adjacent] standing corn. Which standing corn saves a sheaf⁴—Such as has not been forgotten⁵ even if it be only a single stalk.⁶⁷

¹ Mishnah 8
² mishnah 7
³ mishnah 7
⁴ mishnah 7
⁵ mishnah 7
⁶ mishnah 7
⁷ mishnah 7

10 In some editions. i.e., two sheaves are נבקת and more are not. 11 Or נבקת. 12 In some editions נבנה. 13 Since the same weight in two sheaves is more difficult to carry than in one sheaf. 14 Or נבנה. 15 And is therefore not נבנה in some editions. 16 קרעים, 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 נבנה, forgotten-sheaf; but two sheaves which together contain two seahs but yield less than two seahs of grain are נבנה.
Peah 68.10

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 חספה. 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 חספה. 3 In some editions חספה לאים. 4 'sheaf or standing corn as well.' חספה 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 חספה itself. 7 The accepted decision is that a sheaf or standing (i.e., uncut) corn that had been forgotten is not חספה if close to standing corn—even though only a single stalk—that has not been forgotten.

Mishnah 9

A seah of loose grain and a seah that is not loose, and likewise in the case of trees and garlic and onions, are not combined to make two seahs, but belong to the poor. R. Jose says, If the poor-man's due intervene, they are not to be combined, otherwise they are combined.

1 'loose' or 'cut'. 2 And both are in close contact. 3 חספה in some editions. 4 In some editions, חספה. 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 חספה, but each is considered separately and is חספה; 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 חספה, and the same view is taken in the case of other produce. 5 And this is the ruling. 6 For instance, if ליס or ליס or חספה, all of which belong to the poor, lie between one seah and another seah, then each seah is חספה; but if there is no ליס or ליס or חספה between, the two separate seahs are reckoned as one lot of two seahs and are חספה; but this view of R. Jose is not accepted. 8 חספה in some editions. 9 This does not apply in the case of trees.

Mishnah 10

Grain-stalks intended for fodder or for binding sheaves, and likewise...
stalls of garlic used for tying bunches and bundles of garlic and onions, are not subject to the law of forgotten-produce. And all that is covered underground, as for instance serpentina and garlic and onions, R. Judah says, the law of forgotten-produce does not apply to them, but the Sages say, The law of forgotten-produce does apply to them.

1 Cut from corn while still green, even if it had reached more than a third of its full growth. 2 Cut in some editions. 3 Bunches of garlic on one stalk, stalks of garlic used for tying bunches. 4 In some editions. 5 Their edible parts are under the ground. 6 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 (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 sheaves, and also in the case of a blind person, the law of the forgotten-sheaf applies; but if one intended to remove only the large ones, 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.

1 At night also. 2 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.
CHAPTER 7

Mishnah

Peah 6:11-7:1

Every olive-tree that is particularly noted in the field, even if only like the olive tree that drips oil in its season, and has been forgotten, is not regarded as forgotten-produce.

To what trees does this apply? To any that is known by its name, or by its produce or by its position. ‘By its name,’ if it were a species of rich olive-tree or a species of dry-olive-tree. ‘By its produce,’ when it produces large quantities. ‘By its position,’ when it stands at the side of a vine-vat or a breach. But in the case of all other olive-trees, two are deemed forgotten-produce but three are not deemed forgotten-produce. R. Jose says, The law of forgotten-produce does not apply in the case of olive-trees.

1 It is interesting to note the various Hebrew words used for the verbs collect, pick, pluck, reap, mow, gather: [corn] יָמַע, יָמַע; [figs] יָמַע, יָמַע; [seeds] יָמַע, יָמַע; [fruit] יָמַע, יָמַע, יָמַע, יָמַע; [straw] יָמַע; [grapes] יָמַע; [dates] יָמַע; [olives] יָמַע.

2 For some unusual quality or characteristic. 3 יִשְׁלָה means either (i) Netofah (a town near Bethel in Judah) or (ii) dripping (from יָמַע, drip, flow). If יִשְׁלָה be taken to mean Netofah olive (-tree) then יָמַע would have to be rendered famed in its time. 4 Or יָמַע, 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, וּפֶלֶפֶל, and וּפֶלֶפֶל, a species of rich olive or olive-tree. וּפֶלֶפֶל, 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 וּפֶלֶפֶל, Bashan, or יִפְשָׁךְ, Bethshean, a town
PEAH 71.4

in Galilee). 10 Of olives or oil. 11 It is to be noted that it says חֵין, wine-vat, and not חֵין תָּרָה, 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 שֵׁכֶּה, but not when they are separated and far apart in which case they are שֵׁכֶּה in some editions. 18 His view that olive trees should not come under the rule of שֵׁכֶּה is not accepted. 19 Even if they have no distinguishing name.

Mishnah 2

If an olive-tree were found standing among three rows at a distance from one another of two rectangular beds and was forgotten, it is not deemed forgotten-produce. If an olive-tree that contains two seahs were forgotten, it is not deemed forgotten-produce. When is this the case? When [the owner] has not begun [to pluck] it, but if he have begun, even [if the tree were] like the olive-tree that drips oil in its season, and it was forgotten, it is deemed forgotten-produce. As long as he [the owner] has some fruit beneath it he still owns those at the top. R. Meir says, [The law applies only] after the searcher has departed.

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).
i.e., two oblong beds of corn divide off the three rows of trees (Fig. 1).

All along the reference is to the centre tree between the two beds.

As in the case of a sheaf of two seahs (see 6).

To pick the fruit.

See the preceding Mishnah, Note 3.

And belongs to the poor.

Olives (not אָלֵפָה) lying at the foot of the tree show that the work of picking is not yet finished.

The owner.

The olives not yet picked.

As in the case of a sheaf of two seahs (see 6).

To pick the fruit.

See the preceding Mishnah, Note 3.

And belongs to the poor.

Olives (not אָלֵפָה) lying at the foot of the tree show that the work of picking is not yet finished.

The owner.

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As in the case of a sheaf of two seahs (see 6).

To pick the fruit.

See the preceding Mishnah, Note 3.

And belongs to the poor.

Olives (not אָלֵפָה) lying at the foot of the tree show that the work of picking is not yet finished.

The owner.

The olives not yet picked.

As in the case of a sheaf of two seahs (see 6).

To pick the fruit.
falling grapes and so prevent them from becoming שבתא and thus deprive the poor of their rightful due. 11 See 56, Note 9.

Mishnah 4
What are ‘grape-gleanings reserved for the poor?’ That which has no shoulder-grapes nor drop-grapes If it have shoulder-grapes or drop-grapes, it belongs to the owner; if there be a doubt, it belongs to the poor. A bunch on the knee of a vine—if it be cut with the bunch, it belongs to the owner, but if not, it belongs to the poor. As to a single grape—R. Judah says, It is a bunch; but the Sages say, It is gleaning.
Mishnah 5

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

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1 הָלַךְ, Hiphil Participle (from הָלַךְ, be poor; הָלַךְ, thin out, take off grapes, remove plants to give others more room to grow). 2 The Rambam (עַדָּי, בְּדֹרַךְ) takes the view that it does not mean that the vines are thinned out but that the branches and twigs are thinned out. 3 יְכַלְּתָה, in some editions. 4 And the poor-man's share in the ultimate will also be improved thereby. 5 His view is accepted. 6 His view is rejected because the question of whether or not to accept the poor's share does not arise at all until the harvesting takes place. 7 Or גָּשַׁם.

Mishnah 6

A vineyard\(^8\) in its fourth year— the School of Shammai\(^3\) say, It does not require the 'fifth' and 'removal';\(^4\) but the School of Hillel\(^6\) say, It does.\(^6\) The School of Shammai say, The laws of \(ןֵיֵיתְשָׁה\) and \(שַׁלְשַׁלָּה\) apply to it and the poor redeem\(^9\) for themselves;\(^8\) but the School of Hillel say, It all belongs to the wine-vat.\(^13\)

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1 יִשְׁלַכְו, in its fourth year; יִשְׁלַכְו, a vineyard in its fourth year: Leviticus 19, 23, 24, 25:— "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 \(שֵׁרָה\) (uncircumcised, i.e. forbidden), may not be eaten by the owner (the years are counted from \(בָּשָׂר\); but if planted not later than 15th בָּשָׂר the period from
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this to לֵּשׁ ם 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 מָעְשֵׂים וּמִשְׁרָה מִשְׁרָה מִשְׁרָה. The fourth year fruit, מַעְשֶׂה כַּפֶּשׁ או סִירָה וּכַפֶּשׁ, 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 שְׁן, 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 מִשְׁרָה מִשְׁרָה מִשְׁרָה and מַעְשֶׂה מַעְשֶׂה מַעְשֶׂה apply. 3 שְׁנָיִם in some editions. They hold the view that the הָנְדָלִים does not expressly ordain this practice for orchards. 4 בֵּית מֶשֶׁר, removal of the fruits of the 3rd, and 6th year, of the Sabbatical period. All מַעְשֶׂה מַעְשֶׂה מַעְשֶׂה and מִשְׁרָה מִשְׁרָה מִשְׁרָה had to be cleared away before מָעְשֵׂים מָעְשֵׂים מָעְשֵׂים of the 4th and the 7th year, and delivered to the מִשְׁרָה מִשְׁרָה מִשְׁרָה, and they had to remove מַעְשֶׂה מַעְשֶׂה מַעְשֶׂה and deliver it to the מִשְׁרָה מִשְׁרָה מִשְׁרָה, and clear off מַעְשֶׂה מַעְשֶׂה מַעְשֶׂה and give it to the מִשְׁרָה מִשְׁרָה מִשְׁרָה. (See\textsuperscript{48}, Note \textsuperscript{14}, and also Introduction). 5 They deduce from the argument termed \textit{conclusion from a similarity of phrases}, that מַעְשֶׂה כַּפֶּשׁ or מַעְשֶׂה כַּפֶּשׁ, as regards מַעְשֶׂה כַּפֶּשׁ and מַעְשֶׂה כַּפֶּשׁ, has the same laws as מַעְשֶׂה כַּפֶּשׁ, because the word מַעְשֶׂה כַּפֶּשׁ occurs in \textit{Leviticus} 27, 30, regarding מַעְשֶׂה כַּפֶּשׁ, viz., מַעְשֶׂה כַּפֶּשׁ, מַעְשֶׂה כַּפֶּשׁ, מַעְשֶׂה כַּפֶּשׁ, מַעְשֶׂה כַּפֶּשׁ, '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 \textit{Leviticus} 19, 24 (see Note \textsuperscript{1}, this Mishnah) regarding מַעְשֶׂה כַּפֶּשׁ. Hillel's view is accepted. 6 In some editions מַעְשֶׂה כַּפֶּשׁ is followed by מַעְשֶׂה כַּפֶּשׁ. 7 מַעְשֶׂה כַּפֶּשׁ, in some editions. 8 מַעְשֶׂה כַּפֶּשׁ, in some editions. 9 In some editions מַעְשֶׂה כַּפֶּשׁ is missing in some editions. 10 מַעְשֶׂה כַּפֶּשׁ, 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 מַעְשֶׂה כַּפֶּשׁ 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\textsuperscript{1} מַעְשֶׂה כַּפֶּשׁ יָשָּׁמֵל מְשָׁלָלָה, כָּבֵי מַעְשֶׂה כַּפֶּשׁ מְשָׁלָלָה. רָעָן מַעְשֶׂה כַּפֶּשׁ מְשָׁלָלָה, כָּבֵי מַעְשֶׂה כַּפֶּשׁ מְשָׁלָלָה ∼ R. Eliezer\textsuperscript{3} says, It belongs to the owner; R. Akiba\textsuperscript{4} says, It belongs to the poor. R. Eliezer said,\textsuperscript{5} \textit{When thou gatherest the grapes thou shalt not glean}, if there be no gathering\textsuperscript{6} whence will there be gleanings? R. Akiba said\textsuperscript{7} to him, \textit{And thy vineyard thou shalt not glean}, even if it be wholly\textsuperscript{8} מַעְשֶׂה כַּפֶּשׁ. If so מַעְשֶׂה כַּפֶּשׁ.
why is it said, *When thou gatherest thou shalt not glean?*—the grapes do not belong to the poor before the vintage.

1 הָלַךְ in some editions. 2 See this Chapter, Mishnah 4, Note 1. That is, there is not a single bunch that has קָרֵם, side grapes, and דְּרָעָה, drop grapes. 3 אֲלֵהֶנָּי in some editions. 4 His ruling is accepted. 5 R. Eliezer quotes, Deuteronomy 24:21, ‘When thou gatherest the grapes of thy vineyard thou shalt not glean after thee.’ 6 The minimum for רְבִיעַת, gathering, is three bunches capable of yielding a דְּרָעָה (about 69 cubic centimetres or 4.2 cubic inches) of wine (see Introduction, Tables). 7 R. Akiba quotes in reply Leviticus 19:10, ‘And thy vineyard thou shalt not glean and the fallen grapes of thy vineyard thou shalt not gather.’ 8 הָלַךְ in some editions.

Mishnah 8
Someone dedicates⁴ his vineyard⁵—if before the תֹּ_lists be recognizable,⁶ the תֹּ_lists do not belong to the poor; if after the תֹּ_lists have become recognizable, the תֹּ_lists belong to the poor.⁷ R. Jose says, They must give the value of their growth⁸ to the Treasury.⁹ What is deemed forgotten-produce in the case of an espalier¹⁰ of grape-vines? That which one is unable to take off¹¹ by stretching out his arm;¹² and in the case of runner-vines,¹³ when one has gone away from them.¹⁴

1 כָּרֵם, sanctify, hallow, consecrate, dedicate to Temple service. 2 קָרֵם 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 תֹּ_lists. 5 Because when it is certain that the grapes will become תֹּ_lists 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. 7 תֹּ_lists, (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. But if he can do so without moving back it is not
in some editions. grapes growing in a row on isolated vines or runner vines that trail on the ground.

CHAPTER 8

Mishnah 1

When is everyone permitted to collect gleanings?—When the poor searchers have left. In the case of and After the poor had gone from the vineyard and come back again. And in the case of olive-trees?—After the second rain had fallen. Said R. Judah,

And do not some pick their olives only after the second rain? Only when the poor man comes out and does not bring back the worth of four isars.

1 i.e., after what period. 2 i.e., both poor and rich. 3 in some editions. 4 Also , , and , 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 (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 . 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 . 6 , and , corner of field. 7 i.e., and this is the accepted ruling. 8 i.e., when have all classes the right to and from olive-trees? The Palestine rains are (i) , late rain, light rains that fall in the month of ; and (ii) (or ), early rain or soaking rain, steady heavy rains beginning after and in , and come in three periods each called .

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Mishnah 2

They are trusted concerning gleanings, forgotten-sheaves and corner-pickings in their due season, and concerning the poor-man's tithe all the year thereof, and (the son of) a Levite is always trusted. But they are not trusted except in the case of produce which people do ordinarily [give them].

1 i.e., 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 (the untutored folk), is looked upon as uncertain whether it has been tithed, because the produce were suspected regarding the first tithe, and anyone buying such produce from them had to give from it the due tithes (the first tithe, the second tithe, and the priest's-due of the first-tithe; no one was suspected regarding the priest's-major-due, because the penalty for its transgression was excision (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 Sabbatical cycle, when the lifted year replaced the sabbatical year. 5 i.e., a Levite an Levites, who are Levites, who are Levites.

The final decisions of this Mishnah are: in harvest time the poor are believed when they say that what
they have is (and these are free from tithes), and in the 3rd, 6th and 7th years of the Sabbatical cycle, that their stuff is and these are free from tithes), and in the 3rd, 6th and 7th years of the Sabbatical cycle, that their stuff is (and these are free from tithes), and in the 3rd, 6th and 7th years of the Sabbatical cycle, that their stuff is and these are free from tithes), and in the 3rd, 6th and 7th years of the Sabbatical cycle, that their stuff is

Mishnah 3
They are believed concerning wheat but they are not believed in the case of flour and in the case of bread; they are believed regarding rice in the husk, but they are not believed if it be raw or cooked; they are believed with regard to beans, but they are not believed in the case of pounded beans whether raw or cooked; they are believed concerning oil when they say it is from the poor-man’s tithe but they are not believed when they say it comes from the gleaned olives.

1 In some editions. It refers to and its prepared derivatives. 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 in some editions. 4 When they say it is from 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 and its prepared derivatives. 5 Literally the barley of rice, and means rice in the husk or (probably less correct) rice still attached to the stalk. 6 Or . 7 After the rice has been threshed and freed from the husks; it is not usual to give raw or cooked rice as . 8 in some editions. 9 Or , split beans or pounded beans. 10 In some editions. 11 Or , split beans or pounded beans. 12 In some editions, . 13 In some editions, . 14 The ruling is that they are believed when they say the oil is and (in the case of the Levite) but not that it is from and its prepared derivatives. 15 In the case of olives it is usual to give oil from the olive-oil. 16 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 , the olives left on the tree which belong to the poor (crown, rim and also blow, bruise, knock); the olives which the owner picks are termed or , olive harvest).
Mishnah 4
He is* believed1 in the case of raw greens2 but he is* not believed in the case when they are cooked,3 unless he had4 a small quantity5 because such is the practice6 for anyone to take out7 from his pot.8 *Literally They are.

1 are believed when they say that the greens are from or (in the case of a Levite) even when the quantity is large, but they are not believed that it is or in some editions. 2 In some editions. It is not usual to give 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 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 , in which case he removes a portion of the cooked greens and gives it to some poor person. 7 Some editions have instead of . 8 , stew pot, tightly covered pot.

Mishnah 5
One must not give the poor3 at the harvest4 less than half a kab5 of wheat and a kab of barley. R. Meir6 says, Half a kab. A kab and a half of spelt8 and a kab of dried figs or a maneh9 of pressed figs; R. Akiba10 says, A half.11 Half a log12 of wine; R. Akiba says, A quarter14 of oil; R. Akiba says, An eighth.15 And in the case of all other kinds of fruit,16 Abba17 Saul said, Sufficient to sell them and buy therewith food for two meals.18,19

1 in some editions. 2 This refers only to poor-man's tithe, which is given in the 3rd and 6th years of the Sabbatical cycle (when the Levites do not get first tithe). 3 in some editions. 4 , harvest; barn, granary. 5 kab about 133 cubic inches.* 6 His view is not
accepted. 7 i.e., of barley. 8 In some editions, spelt (a kind of wheat, also called German wheat). 9 מִכְפֶּר = 100 דָּשִׁים 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 נְכֶל = 17 cubic inches (approximately). 13 i.e., a quarter of a דָּשִׁים of wine. 14 i.e., a fourth of a דָּשִׁים of oil. 15 i.e., an eighth of a דָּשִׁים of oil.

Literally father, a title inferior to נִלְעָם. Abba Saul does not dispute the statement of the first נִלְעָם, 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, 'and they shall eat and be satisfied,' and 26, 12, 'and they shall eat in thy gates and be satisfied.'

Every poor person should receive \( \frac{1}{2} \) kab of wheat, a kab of barley, \( \frac{3}{2} \) kab of spelt, a kab of dried figs, a maneh of pressed figs, \( \frac{1}{4} \) log of wine, \( \frac{1}{16} \) 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 מִכְפֶּר, Introduction, Tables.

This measure applies to priests, Levites and lay Jews. If one wants to save he takes half and gives half. If he have a small quantity, he places it before them and they share it out among themselves.

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 נָחַם מִכְפֶּר חֵינָם מִכְפֶּר; the owner wishes to retain some of the מִכְפֶּר for his poor relations, and he may do so by leaving not less than half for the poor outsiders. 4 נָחַם in some editions. If the owner has to give away only such a small quantity of מִכְפֶּר 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 מִכְפֶּר, and מִכְפֶּר in some editions.
Mishnah 71

A poor man who wanders from place to place must not be given less than a loaf worth a *dupondium* when four *seahs* cost a *sela*; if he lodge overnight, he must be given the cost of lodging; if he stay over the Sabbath, he must be provided with food for three meals. Anyone who possesses the means for two meals must not accept anything from the *poor soup-kitchen*; means for fourteen meals, he must not accept help from the *public poor-box*. And the *poor-box* is taken round for collection by two persons and is shared by three.

1 This Mishnah deals with the subject of charity or alms. 2 A Roman coin equal to two *asses* (*אספס*) (see Tables of Weights and Measures in the Introduction to *בָּנָבָי*). 3 Of wheat. 4 In some editions. 6 In practice the quantity of the loaf works out to about a third of a *cab*. 7 In some editions. 8 In some editions, *מוֹטִים*. 9 Because it is a duty to eat three meals during the Sabbath (this is based on the occurrence of the word *שתים* three times in Exodus 16, 25, 28). 10 ‘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.’ 11 In some editions. 12 *כְּפָה* means for fourteen meals at two meals per day would last out the week. 13 Because for that day he has two meals of his own. 14 i.e., ‘and if he have means.’ 15 In some editions. 16 *כְּפָה*, *פִּקְא*; *כְּפָה* *כְּפָה* *כְּפָה* *כְּפָה*. 17 Because fourteen meals at two meals per day would last out the week. 18 In some editions. 19 Not less than two persons were required to collect public funds (based on Exodus 28, 5, ‘and they shall take the gold,’ and 15, ‘and they,’ can not mean less than two). 20 The sharing out of funds comes under the heading of *דיּוֹרְאָה*, ‘money disputes,’ which may not be tried and decided except by three judges.
Mishnah 8
One who has two hundred zus must not take gleanings, forgotten-produce, field-corner produce, or poor-man's tithe. If he has two hundred zus minus one denar, even though he be given a thousand in one lot, he may take. If they were pledged to his creditor or for his wife's marriage-contract, he may take. He is not compelled to sell his house or his garments.

1 מ = 1 silver מ"ש or 1/4 gold מ"ש.
2 Not necessarily 200 zus in money, but also goods to that value, and in those days a married couple could live on that amount for a whole year.
3 i.e., he has less than 200 zus.
4 Some authorities take this to mean 'even though a thousand persons, give him one zus each at the same time.'
5 1000 zus.
6 He may take מ"ש, clothes, and חפאיים, clothes and מים, money.
7 In some editions, 'in his wife's marriage-contract or pledged to his creditor.'
8 In some editions, חתובה, 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).
9 In some editions, מיתוך, pledge.
10 כיסה, in some editions.
11 כוס, in some editions.
12 And may take בד, clothes, and more, but if he is supported from the public poor-box, he may not do so unless he first sells his house and his garments.

Mishnah 9
One who possesses fifty zus and trades with these must not take.
And anyone who is not in need of taking and does take will not die before he will be dependent on others; and anyone who is in need of taking and does not take will not die of old age before he will support others from his own, and of him the verse says, Blessed is the man who trusts in the Eternal and the Eternal shall be his trust.
And similarly in the case of a judge who judges according to the correct law. And he who is not lame or blind or limping and pretends to be as one of these will not die of old age before he becomes like one of them, as it is said, (And he who seeketh evil, it shall come to him; and it is further said,) Justice, justice shalt thou follow. And any judge who takes bribes and perverts justice will not die of old age before his eyes have grown dim, as it is said, And a bribe shalt thou not take, for the bribe blindeth the seeing.

CONCLUSION OF TRACTATE PEAH

150 suss* as working capital is equal to 200 suss not so used. 2 לולא, שמכרה, שמכרה and שמכרה. 3 בּוּר יִשָּׁר, אֲדַמָּה and אֲדַמָּה. 4 In some editions, בּוּר יִשָּׁר, '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 בּוּר יִשָּׁר in some editions. 8 Jeremiah 17, 7. 9 Some authorities would have the Mishnah end here with the word הַנְּכֶד so that this Tractate should conclude on a pleasant, happy note (and placing all the rest earlier in this Mishnah). 10 אין in some editions. 11 רָּעָּה (Aramaic), lame, limping, has the same meaning as pּזְפִי, (Biblical) lame, limping; some authorities say that רָּעָּה means lame on one foot and pּזְפִי, lame on both feet, to explain the use here in one sentence of what are apparently synonymous terms. 12 ניָה in some editions. 13 In some editions, נְתָנָה. 14 Proverbs 11, 27. 15 This part in parenthesis is omitted in some editions. 16 Deuteronomy 16, 20. 17 אין in some editions. 18 Homiletically, 'even if thou hast to ask for charity,' by substituting the kindred word הַנְּכֶד for הַנְּכֶד. 19 עֲשֵׂי in some editions. 20 Exodus 23, 8. 21 עֲשֵׂי instead of עֲשֵׂי in some editions, because of the similar sentence in Deuteronomy 16, 19, 'And a bribe shalt thou not take for the bribe blindeth the eyes of the wise.' 22 יִשָּׁר in some editions ('יִשָּׁר—יִשָּׁר; יִשָּׁר—יִשָּׁר). *See אֲדַמָּה, Introduction, Tables.
DEMAI

[BEING THE THIRD TRACTATE OF THE MISHNAH]

TEXT, INTRODUCTION, TRANSLATION, NOTES

By

PHILIP BLACKMAN, F.C.S.
INTRODUCTION

There is no known valid reason why this Tractate קשנ should come third in the arrangement of the various Tractates of the Order Zeraim (תפירה). Several ingenious explanations have been advanced, but, of course, none can be taken seriously as the real reason. Thus, the Rambam (ברמב) suggests that because the preceding Tractate deals with the מנהנת לעושה, (see below) 'Dues of the poor', and in this Tractate appears the phrase המכילים את בתי الشهر (3), therefore this Tractate follows ד"ת. Others put forward as a reason this consideration: seeing that the final Chapter of ד"ת deals with the question of the trustworthiness of those who have to give tithes and מ"ע also deals with the trustworthiness of the people it is only meet that the latter Tractate should follow the former.

This Tractate has no אינא in the משנה which is אינא in the משנה (Babylonian Talmud) but has אינא in the משנה (Jerusalem Talmud).

There is no certainty as to the etymology of the word מ"ע or מ"ע. The most favourable view is that it represents the Aramaic מ"ע or מ"ע what is this?—referring to the question whether the produce has been tithed or not. Others suggest that it might originate either from מ"ע, consider—that is he who buys מ"ע must consider whether it has been tithed or not—or from מ"ע, be mixed, because מ"ע is מ"ע (see below) mixed with מ"ע (see below), or from the Arabic מ"ע, suspect, because מ"ע is suspect whether it has been tithed. Other explanations are that it comes from מ"ע, 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 מ"ע or מ"ע 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 מ"ע, definitely tithed produce). It refers in particular to products bought from the common people who where known to separate מ"ע but many of whom did not set aside the remaining tithes; the purchaser who therefore advised to separate מ"ע and ו"ע (or its equivalent מ"ע).

(See Berachoth 11 Note 5 for the significance of the following terms: מָכַל מִּסְפָר)
The term יִבְּרָאִים (plural יִבְּרָאִים) frequently occurs in the Mishnah. Literally, it means the people of the land, (1) country people, peasant; (2) (in contradistinction to יִבְרָאִים) illiterate, untutored, coarse, unrefined person; and (3) (in contradistinction to יִבְרָאִים) one who does not observe certain religious duties and customs such as tithes, ritual cleanness, ritual purity, etc. (Compare 1¹ Note 3).

The Titles of the Chapters of this Tractate are:

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

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 יִבְּרָאִים. 3. The duties of the יִבְּרָאִים. 4. An יִבְּרָאִים 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 יִבְּרָאִים farmer must tithe the share of an יִבְּרָאִים 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.
CHAPTER 1

Mishnah 1

The products dealt with most leniently in the case of demai\(^1\) are wild figs, lotus-fruit\(^2\), medlars\(^3\), white figs, (young) sycamore figs, fallen\(^4\) unripe dates, late-grapes\(^5\), and caper-fruit; and in Judea, sumac berries\(^6\) and vinegar and coriander. R. Judah\(^7\) 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;\(^8\) all sycamore figs are exempt except those that have burst open.\(^9\)

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1 See Introduction. 2 lotes, lotos, lotus, or perhaps jujube fruit. 3 Or crab-apple, sorb-apple. 4 Blown down by the wind before they are ripe. 5 Or גלידת השדים, in some editions; גלידת, late grape, or perhaps a species of dill. 6 sumac, see Supplement. 7 Where רבי יודה is thus without further description mentioned he is Rav Yehuda ben Rav, 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\(^1\) does not require the added fifth,\(^2\) and does not require removal,\(^3\) and may be eaten by a mourner,\(^4\) and may be taken into and out of Jerusalem,\(^6\) and a small quantity may be left on the road,\(^6\) and may...
be given to an 7 and its equivalent eaten instead; 8 and one may exchange 9 it silver for silver, copper for copper, silver for copper, and copper for fruit(s). Only 11 he must redeem the fruit(s); this is the view of R. Meir; 12 but the Sages 13 say, He must bring the fruit and they are to be eaten 10 in Jerusalem.

1 In this paragraph ‘demai’ means the second tithe separated from produce brought as demai. 2 Unlike the second tithe of which a fifth part is added (Leviticus 27, 31, 36, 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 not actually consumed by in time on eve on the 3rd and 6th years of a Sabbatical cycle had to be removed, i.e., destroyed. 4 An (mourner before his dead kinsman has been buried) may not eat of (Deuteronomy 26, 14, ‘I have not eaten thereof in my mourning’). 5 The second tithe of 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 is lost on the way it must be searched for or its loss made good; but this does not apply to of (Maimonides). 7 See Introduction. 8 from must not be given to an , lest he eats it in impurity. 9 In the case of 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 or is preferable. He must take up the fruits and eat them in Jerusalem. 11 Instead of some editions have the preferable reading: And he may again redeem its fruits: this is the opinion of R. Meir. and some editions omit . 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.

Mishnah 3
One who buys [demai produce] seed, for cattle, flour for skins, oil for lighting, oil to grease utensils, is exempt from demai; from Chezib and beyond is exempt from demai; the dough...
Demai 

offering of an קַמָּאָה and the המיקָאָשׁ עַם הָעָנָא and the mixture of secular and sacred and what has been bought with the money for second tithe and the remainder of the meal-offerings are exempt from demai. Perfumed oil is liable according to the School of Shammi, but the School of Hillel exempt it.

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 יֵּלֶשׁ, 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 קָרָבָא [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 צִידָּא which did not apply outside Palestine. 9 הַקָּרָבָא, priest's share of the dough, or dough offering (Numbers 15, 20—21) must be separated after the נִצְמָקֵת and had 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 הַקָּרָבָא Introduction). 10 רַבָּשׁ, cause something (otherwise exempt) to be subject to by mixing secular grain, wine, oil, etc., with קַמָּאָה 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 קָרָבָא, priest, who need not give for it more than the worth of the original non-holy proportion. 11 קָנָא in some editions is a preferable reading. 12 קָנָא (plural קָנָא), offering, present, gift, meal-offering. קָנָא were thank-offerings of fruit and corn. The קָרָבָא, priest, who was officiating took a handful of the קָנָא and burnt it on the altar; the rest, קָנָא, was eaten by the priests.

Mishnah 4

Demai may be used for the preparation of Erubim and for partnership, and Grace may be
recited thereon and a combination of three (or more) adults for Grace after Meals thereon may be made, and the tithes may be separated from it in the nude and before nightfall; and if one has separated the second tithe before the first tithe it does not matter. Oil with which a weaver anoints his fingers is subject to demai, and what the comber puts into the wool is exempt from demai.

1 Erub, mingling, combination, amalgamation, is a symbolical act by which continuity or community is legally established. (a) שרוב החוכמשת, 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) שרוב הר ואתורי, 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 רמש (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) שרוב (טיבורי), 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 יום) 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 Introduction; Introduction and 21).

2 במשה, form a partnership, in a רבב, blind alley, cul-de-sac [Sabbath law] by deposing in it some food towards which the tenants or inmates thereof contribute. A רפ י or a בתים (plural בתים) of a number of houses enclosing on three sides a road that opens on to a public road (or space). Several houses round a space convert it into a רבב, yard, and רמש, yards, often led off from a רפ י. 3 This refers to Grace after Meals, and (according to the opinion of some authorities) also toGrace before Meals. 4 i.e., manos and כוסות י may be separated from י in the nude because the separation may be made without the Blessing כוסות י. Blessed art Thou O Eternal, our God, King of the universe, who hath sanctified us with His commandments
and hath commanded us to separate מִשְׂרָה שֶׁנֶּחֱזָקָה מִשְׂרָה מִשְׂרָה [or רְשָׁי שֶׁנֶּחֱזַקָּה מִשְׂרָה], as the case may be], which must be recited before separating from מִשְׂרָה מִשְׂרָה. 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 סָלִיקָה, hatcheller.

CHAPTER 2

Mishnah 1

And these are the products that must be tithed as demai everywhere, pressed figs, (and) dates, (and) carob-pods, rice and cumin. The rice outside Palestine in whatever way it is used is exempt from demai.

Mishnah 2

One who undertakes to become reliable must tithe what he eats, and what he sells, and what he buys, and he may not stay as a guest with an unreliable. R. Judah says, 'Even if he do stay as a guest with an unreliable he is still reliable.' They said to him, He is not reliable regarding himself, how can he be relied upon concerning what belongs to others?
DEMAI 22,3

1 *דרים* faithful, trustworthy, trusted, reliable, dependable. *דרים* 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 תָּחָה. 2 i.e., an *דרים* who acquires the reputation of being *דרים*, reliable or trusted, that his corn or other produce is tithed and is not to be considered תָּחָה, 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 נֹמָנ, tithes, for the past thirty days, and undertakes to tithe all that he eats, sells or buys and not to stay with an *דרים* 3 Whether his own or from others. 4 From his own fields and orchards. 5 What he buys from an *דרים* (who is not reliable: see Introduction) for resale. 6 *דרים* should not stay with an *דרים*—for the food offered him will be תָּחָה—so that he should not be suspect that he may have eaten from untithed produce. (Compare Introduction for *דרים*). 7 R. Judah says that being a *דרים*, 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 תָּחָה, reliability, trustworthiness in such a case. His view is rejected, because the *דרים* had broken his undertaking not to stay with an *דרים* 8 i.e., the *דרים*, Sages. 9 For he has not yet actually become a *דרים* 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 *דרים* that others may rely on him and buy his produce as תָּחָה, free from all tithes. (See Introduction for *דרים*).

Mishnah 3

One who undertakes to be a *דרים* may not sell to an *דרים*, either wet or dry produce, and may not buy from him wet produce, and may not stay as guest with an *דרים*, and may not have him as guest in his garments. R. Judah says, He may also not rear small cattle, and must not be prompt to make many vows and jests, and must not become defiled with the dead, and should assist in the House of Study. They said to him, These do not come under the general principle.
DEMAI 23,4

1 A יָבֵן who observed all the practices of tithes and of ritual cleanness and purity. (According to the Rambam and others a יָבֵן must also be a חָכִי, scholar, learned man). One who wishes to acquire the title יָבֵן 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 יָבֵן is a יָבֵן, because an יָבֵן is יָבֵן, ritually unclean, defiled and will defile the יָבֵן, ritually clean products, when touching them or when his unclean garments come in contact with them. 3 i.e., wet produce; wet produce acquires יָבֵן, the ritual property or quality of being able to become defiled and therefore there is the likelihood that the יָבֵן may have ritually defiled it by touch or contact with his ritually unclean garments. But dry produce he may buy from an יָבֵן. 4 That he should not become יָבֵן, ritually unclean or defiled, and he would in turn יָבֵן, defile, ritually clean stuff. 5 i.e., in the garments of the יָבֵן for fear of their being יָבֵן, 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 יָבֵן, robbery. 8 Jewish law discourages the making of vows. Making many vows will cause one to fail to carry them out (בנין 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 יָבֵן or to study with them. 13 College for training of יָבֵן. 14 i.e., the conditions mentioned by R. Judah.

Mishnah 4
The bakers¹ were not obliged by the Sages to separate anything more than tithe of the first-tithe² and dough.³ Shopkeepers⁴ must not sell demai⁵. All who sell in large quantities may sell demai⁶. These are they who sell by large measure, for instance the wholesale provision merchants⁷ and corn dealers.

1 Bakers who are יָבֵן and חָכִי (see preceding two Mishnahs). 2 (See Introduction). The יָבֵן, Levite, receives יָבֵן called יָבֵן, the priest’s due of the first-tithe. The bakers had to separate יָבֵן as they were obliged by the government to sell cheaply and give 145
good weight so that their profit was small; the buyer therefore had to separate 


... (After the Babylonian Exile it was usual to give first-tithe to a priest and not to a Levite). 3 See 13, Note 9. 4 i.e., retailers. 5 They may not sell 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 because when they sell wholesale they give over-weight or over-measure and the buyer must separate tithe. 7, wholesale provision dealer, corn merchant. Some authorities render this term here as wholesaler in liquid produce (e.g., oil, wine).

Mishnah 5
R. Meir says1, Whatever is usually measured in large quantities2 and (it) was measured3 in a small4 quantity then the small quantity is of secondary import to the large,5 and that which is ordinarily measured in small quantities6 was measured in a large quantity then the large quantity is of secondary import to the small.7 What is a large measure?8 In the case of dry produce three9 rab10 and in the case of liquid produce11 a dinar.12 R. Jose13 says, Baskets of figs and baskets of grapes and baskets14 of greens, so long as they are sold by the lot,16 are exempt.

1 לַמָּדוֹר in some editions. 2 תַּחַת הַנְּכוֹת, wholesale, in large quantities. 3 בְּרֵדָה, retail, in small quantities. 4 יִשְׂרָאֵל, of secondary importance (in contradistinction, יִשְׂרָאֵל, 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 הנצלא in some editions. 10 בֵּן—67 cubic inches (nearly) (see אַבָּא, Introduction, Tables). 11 e.g., oil, wine. 12 יִשְׂרָאֵל or שֵׁש = $ or 1/3 שֵׁש or 1/2 שֵׁש (ordinary Shekel) (see אַבָּא, Introduction, Tables). 13 His view is rejected. 14 יִשְׂרָאֵל, heap, pile; basket, tub (הָעָלָה is much bigger than לַמָּדוֹר) used for greens. 16 in a lump, measured by sight, guessing at the amount, without actual weighing or measuring or counting.
Mishnah 1
The poor may be given demai to eat and soldiers may be fed with demai. R. Gamaliel used to give his workmen demai to eat. As for the treasurers of charity: the School of Shammai say, They should give what has been tithed to him who does not tithe, and what has not been tithed to him who tithes, then every one will be eating completely tithed food; but the Sages say, They collect without question and share out without question, and he who wishes to tithe completely does so (tithe).

1 Even מָעָלִים and מַרְיָם, 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 a grandson of רבי מְכַלְאָלִים כִּנֶּהוּר וּמֵקֵרָה, and a disciple of רבי חָנוּן פְּלִישָׁתִי. 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 בְּתוּנָה will be eating tithed food. 6 And the 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. If one buy greens in the market and considers to return them, he may not return them unless he has first tithed them, because they only needed counting, but if he were about to buy and saw another load better than that, he may return it because he has not acquired it by moving.
Because someone may pick them up and eat unknowingly untithed food; and further one who finds it does not know whether it is common to everyone, property without ownership. After he has paid and taken up (thereby acquiring possession) the greens. Literally because it does not lack. i.e., even though he had already acquired it by moving, or moving, lifting, and it only needed that the seller should count it or weigh it out (see Note 17). i.e., he had not yet acquired it by moving, or lifting. Or better, more pleasing to the purchaser. Without tithing. The final ruling is that when one has bought greens from an 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), but if he took it with the intention that it be not lost, he is exempt. Any produce which one is not permitted to sell as demai must not be sent to one’s friend as demai. R. Jose would allow this in the case of certain-tithed produce provided he informs him.

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 it is presumed to be the same with regard to tithes and Sabbatical year produce to a miller a non-Jew, it is demai. One deposits his fruits with a
Samaritan or an non-Jew: they are presumed to be unchanged as regards tithe and Sabbath year produce, (but if with a non-Jew) with a non-Jew (they are) as his fruits; R. Simon says, They are demai.

1 The Samaritan or an non-Jew were suspected of idolatrous practices. 2 in some editions. 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 tithed, Sabbath-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 wheat because a Samaritan or a non-Jew was careful not to mix up in this manner. 3 i.e., the wheat. 4 in some editions is followed by 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 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 re-tithe because the non-Jew’s fruit is exempt from tithe. 10 Wherever is thus simply mentioned he is a disciple of R. Akiba. His view here is not accepted. 11 He maintains that another Jew may have deposited fruit which might have got mixed up with or been exchanged for his (the Jew’s).

Mishnah 5
He who gives to a landlady tithes what he gives to her and what he takes from her, because she is suspected of exchanging. R. Jose said, We are not responsible for deceivers; he does not tithe except that which he takes from her.

1 Evidently in those days it was customary for travellers to give their own materials to an innkeeper to prepare therefrom their meals. 2 hostess, innkeeper. 3 It refers to a or (see ) who must not part with untitled 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 gives1 to his mother-in-law2 tithes what he gives her and what he takes from her, because she is suspected3 of exchanging the spoiled food. R. Judah said, She seeks4 the benefit of her daughter and feels ashamed before her son-in-law. R. Judah5 admits that when one gives his mother-in-law Sabbatical year produce6 that she is not suspected of exchanging it to give Sabbatical year produce to her daughter to eat.7

1 He gives her material to prepare a meal. 2 Evidently she does not belong to the class of persons termed נבעת (see 20). 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 פֹּקֶר, unowned, during that פֹּקֶר (or שִׁמְשֹׁת), Sabbatical year. 7 The were more observant regarding שִׁמְשֹׁת than פֹּקֶר and would warn those to whom פֹּקֶר were offered to eat them in accordance with the rules relating to their consumption.

CHAPTER 4
Mishnah 1
One who buys fruits1 from someone who is not trustworthy concerning tithes and has forgotten to tithe them and he asks him2 on the Sabbath, he may eat relying upon his word,3 but as soon as it is dark at the end of the Sabbath, he may not4 eat5 until he has tithed them.6
if he did not find him and another who is not trustworthy concerning tithes said 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. If the priest’s-due of the first-tithe of demai returned to its source, R. Simon Shzuri says, Even on a week day he may ask him and he may rely upon his word and eat.

1 Fruits or corn. 2 i.e., he asks the who sold him the fruit. (Tithing is prohibited on the Sabbath). 3 The statement of the that the fruits were tithed. Because the would not tell an untruth on the Sabbath. 4 i.e., any more of the fruits. 5 i.e., if 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 the of the demai he had bought from an (that is ) and it fell back into the of the (see 13, Note 12). The mixture in the case of the 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 ; his view here is accepted. 13 The , if he had separated from demai. 14 i.e., if the states that he had separated from the demai.

Mishnah 2
One who puts his friend under the influence of a vow to eat with him, and does not trust him concerning tithes, may eat with him the first Sabbath, 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 even if he vowed to renounce all benefit from him, he may not eat unless he has tithed.
DEMAI 42,3,4

1 An Yafi;! (see 11, Note 3). 2 A r ר or נב. 3 i.e., the לְמַעְרָם. 4 The reference is to a נִשְׁפָּה of a נִשְׁפָּה, wedding, so that no enmity be caused by a refusal to participate in the feast. 5 The נִשְׁפָּה here is the one following the first נִשְׁפָּה just before mentioned. 6 And on this occasion he is not allowed to rely on the לְמַעְרָם even if he assures him that the food is properly tithed. 7 Before the Sabbath.

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

1 Whenever he is thus simply mentioned he is the most distinguished disciple of רַבִּי מִיָּדֵי, R. Eliezer. 2 According to R. Eliezer one must not only separate the poor-man's tithe but also distinctly say where it is to be found (this procedure is necessary in the case of מְלָטָה, 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 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 קָפָא was in fact untithed.

Mishnah 4
One who has distinctly announced where is to be found the priest's-due of the first-tithe 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 to dine with him they may come and eat but he must inform them.

1 Before Sabbath. 2 Compare preceding Mishnah Note 2. 3 הַרִיתָן, priest's-due, and מְלָטָה, tithe, may not be separated on the Sabbath. 4 On Sabbaths. 5 Or 'at his house.' 6 That they are eating הַרִיתָן, priest's-due of first tithe, or מְלָטָה, 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 יַעֲבָר should be careful to eat the הַרִיתָן, priest's-due of the first tithe, in ritual purity and the poor man should be observant not to defile ritually the מְלָטָה, 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,' he is not to be trusted; 'from so-and-so,' he is to be trusted. He went to buy from him and said to him, 'I did not find him and I bought for you from another who is reliable,' he is not 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 agent cannot 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 agent 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 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; if he say to him, 'So-and-so is to be trusted,' he is to be trusted. He went to buy from him and said to him, 'Who here sells last year's produce?' 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 are very careful not to make use of new corn (called —compare next Mishnah Note 3) from which the had not yet been offered. Some take to refer to any old produce, not necessarily corn,
Mishnah 7
Ass drivers came into a town: one said, 'Mine is new and my companion's is old; mine is not completely tithed but my companion's is completely tithed,' they are not to be believed; R. Judah says, They are to be trusted.

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 is offered up on the second day of , Passover. 4 Old, last year's produce (in contradistinction to ). 5 They are suspected to have arranged to support one another's sales. 6 His view is rejected.

CHAPTER 5

Mishnah 1
If a man buy from a baker, how should he tithe? He should take sufficient for the priest's-share of the first tithe and the dough-offering and say, 'One hundredth of what is here shall be on this side tithe, and the rest of the tithe is next to it; that which I have rendered as tithe shall become the priest's-due of the first-tithe and the remainder is dough; and second-tithe shall be in the north or south of it and shall be redeemed with money.'

1 Loaves of bread made of . 2 In addition to freeing the from its liability for and (dough-offerings—see Introduction) he must now separate from (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 and 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 . 3 Or , priest's-minor-due; i.e., he takes \( \frac{1}{100} \) of \( \frac{1}{10} \) vis., . 4 i.e., \( \frac{3}{4} \) if the buyer is a private person, or \( \frac{1}{3} \) if he resells retail. 5 Of the total bread bought. 6 i.e., of the portion he is designating .
and npn combined. 7 i.e., the \( \frac{9}{100} \) (that make up the \( \frac{1}{10} \)) as \( \frac{9}{100} \) 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 הַרְּמוּתָה. 9 i.e., near the \( \frac{1}{10} \) part. He has thus designated as הַרְּמוּתָה and subsequently pronounced as הַרְּמוּתָה—the portion of tithe physically separated from the rest, equal to \( \frac{1}{100} \) part of the whole bread. 10 i.e., the \( \frac{1}{100} \) he had first designated as הַרְּמוּתָה הַרְּמוּתָה (or הַרְּמוּתָה הַרְּמוּתָה) and subsequently pronounced as הַרְּמוּתָה הַרְּמוּתָה—the portion of tithe physically separated from the rest, equal to \( \frac{1}{100} \) part of the whole bread. 11 i.e., from what he had first designated חָסְקָה, of the amount originally set aside to become הַרְּמוּתָה הַרְּמוּתָה and חָסְקָה 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 שָׁם, fifth (see 12, Note 2).

Mishnah 21

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

1 This Mishnah does not refer to אַשָּׁם. 2 To save himself trouble because he is entitled to retain all that remains once the חָסְקָה and הַרְּמוּתָה have been set aside. This would be the case if he were a priest or a Levite or a בֵּית הָרְשָׁי who had inherited the produce from his maternal grandfather who was a priest or Levite. 3 i.e., \( \frac{9}{100} \) so that \( \frac{9}{100} \) is priest's-due and \( \frac{1}{100} \) (i.e., \( \frac{1}{10} \) of \( \frac{1}{10} \)) is priest's-due of the first-tithe (or חָסְקָה, priest's-minor-due). 4 One of the three hundredths which he separated. 5 i.e, where he had put it. 6 של פִּנֶּה, profane, non-holy produce. According to \( \frac{1}{10} \), ruling, must be separated before הַרְּמוּתָה; so one says \( \frac{9}{100} \) is still של פִּנֶּה, and the \( \frac{1}{100} \) is to be הַרְּמוּתָה. 7 i.e., the \( \frac{1}{100} \) which had been temporarily declared as הַרְּמוּתָה or חָסְקָה. 8 Where it had been placed. 9 i.e., חָסְקָה. 10 The
part. 11 In some editions (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 for cold and from cold for hot, even from many moulds; (this is) the view of R. Meir. R. Judah forbids, 'For I say last night's wheat was from one and to-day's from another.' R. Simon forbids in the case of the priest's-due of the first-tithe and allows in the case of priest's-dough.

1 Fresh, warm bread; freshly baked bread. 2 Old or stale bread. 3 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 (from what must be tithed for what is exempt) or (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 or or which is not permitted. 10 Because it is the baker's duty to separate priest's-dough, after the dough is prepared.

Mishnah 4
He who buys at the shop must give tithes from each form separately; this is the view of R. Meir. R. Judah says, From one for all. R. Judah admits that when he buys from a monopolized market he must tithe from each one.
Bread. 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 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, and likewise a poor man who had given to him pieces of bread or pieces of pressed figs, must tithe from each one; and in the case of dates and dried figs he mixes up and takes off. R. Judah said, When is this the case? When the gift is large, but when the gift is small he tithes from each one.

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 (from what is exempt for what is obligatory) or (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 and buys from him once more must not tithe from one for the other, even from the same basket, even from the same kind. The corn-merchant is believed when he says that they are from one.
Mishnah 7
One who buys from a private person and buys once again from him may tithe from one for the other, even from two baskets, even from two towns. A private owner who sells greens in the market, when they bring him from his own gardens, may tithe from one for all, but from other gardens he must tithe from each one.

Mishnah 8
One who buys completely untithed produce from two places may tithe from one for the other. Although they said this, No one is allowed to sell completely untithed produce except in case of need.

1. 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.

1. i.e., sources, traders, sellers; he was told that the produce was completely untithed produce.
2. i.e., the Sages.
3. Namely, the two lots of may be tithed together which would seem to mean that may be sold in the ordinary way.
4. In case he forgets to warn the buyer that the purchase is completely untithed produce, had mixed with a lot of completely untithed produce, it requires adjusting with regard to tithes; he must buy fresh and adjust therewith.
Mishnah 9
One may tithe from a Jew’s for that from a non-Jew’s, from a non-Jew’s for that from a Jew’s, from a Jew’s for that from Samaritans, from that from Samaritans’ for that from Samaritans.
R. Eliezer forbids from that from Samaritans’ for that from Samaritans.

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

Mishnah 10
A perforated pot is like the earth. If one have separated the priest’s-due from the earth’s for that from a perforated pot or from that of a perforated pot for that from the earth’s, his priest’s-due is legal priest’s-due; from a non-perforated pot for that of a perforated pot, it is correct priest’s-due, but he must tithe again; from that of a perforated pot 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-due and tithes.

1 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 (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 what must be tithed for what must be tithed. 6 Once it has been designated priest’s-due, it is holy, i.e., exempt (here it is as laid down in the Law).
from what is exempt for what is obligatory) therefore must be again separated from the produce of the perforated pot. 7 i.e., (or as laid down in the Law) this is from what is obligatory for what is exempt, but once it has become holy, the priest, must separate from it, priest’s-dues, and tithes, as in the case of any other, completely untithed produce.

Mishnah 11
If one has separated the priest’s-due from demai for demai, or from demai for what has been certain tithed, it is correct priest’s-due but he must again separate priest’s-due; from certain tithed for demai, it is valid priest’s-due but it must not be eaten 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 priest’s-due. 3 Because the priest’s-due, priest’s-due, had been separated for what is exempt, for if the demai had been tithed the priest’s-due is (or as laid down in the Law) true certainly untithed produce, and must be retithed.

CHAPTER 6
Mishnah 1
One who takes over a field from a Jew, from a non-Jew, or from a Samaritan, divides before them. One who rents a field from a Jew separates the priest’s-due and gives it to him. R. Judah said, When is this the case? When he gave him from the same field and from the same kind, but if he gave him from another field or from another sort he must tithe and give it to him.
DEMAI 6:1-3

1 i.e., an שכרן, sharecropper, one who tills an owner's ground for an agreed share of the produce. Such tenancy is termed ידיעה, appley. 2 He does not have to separate חמה, priest's-due, and מָסִר, 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 ידיעה (Note 1) the owner(s) would naturally be present to watch that the tenant gave up the correct share agreed on. 3 תילר, תַּכִּיר, sharecropper, one who tills an owner's ground for an agreed amount of produce (in contradistinction to an ידיעה; see Note 1. Thus a תילר 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 יריביה. 4 i.e., the tenant first separates חמה, priest's-due, from the whole yield and then hands over the quantity agreed upon, because in the case of יריביה 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 תילר or a תילר. 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 חמה, 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 a field from a non-Jew separates תילה and gives it to him. R. Judah says, Also one who takes over the field of his ancestors from a non-Jew must tithe and give it to him.

1 On condition of ידיעה i.e., to give the owner an agreed quantity of produce. 2 i.e., he first separates חמה, priest's-due, and מָסִר, 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 ידיעה conditions. 3 i.e., on condition of ידיעה, 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 חמה.

Mishnah 3
If a priest or Levite rented a field from a layman, just as they 161
share the non-holy produce so they share the priest’s-due. R. Eliezer says, The tithes are also theirs for that was the condition of their coming.

1 On conditions of התרי, to give the owner a stipulated portion of the produce.  2 i.e., a Jew who is neither יה or ל.  3 Both the priest’s-due, and תרי, tithes. This means the landlord retains the separated תרי and תריה of his own share of the produce and may give to whichever יה or ל he pleases. He does not have to give it to his tenant. The rest of the separated תרי and תריה of course going to the יה or ל tenant.  4 This means both תרא and תריה.  5 i.e., if the city is a מנהל תרי from the landlord’s portion as well, and if a מנהל he must get the תרא from the landlord’s portion.  6 i.e., it is assumed that in the terms of the הערים tenancy they were to get the תרא and תריה also. But R. Eliezer’s view is rejected.  7 Into the tenant’s field.

Mishnah 4
When a lay-Jew⁵ rented⁶ from a priest or a Levite the tithes belong to the owners. R. Ishmael⁴ says, If a provincial have rented a field from a Jerusalemite the second-tithe belongs to the Jerusalemite. And the Sages say, The provincial⁸ may go up and eat it in Jerusalem.

1 i.e., lay-Jew, non-priest, non-Levite.  2 A field on terms of התרי, to receive a definite portion of the produce.  3 i.e., both התרי, priest’s-due, and תרי, tithes.  4 Wherever רבי אליעזר Lý is thus simply stated he is רבי אליעזר, an inhabitant of Jerusalem.  5 In contradistinction to רבי יוסי וליסי, an inhabitant of Jerusalem.  6 On כלניא terms.  7 And their ruling is accepted.  8 And the provincial and Jerusalemite share the תרו, second tithe.
Mishnah 5

If one rent olive-trees for oil, just as they share the non-holy produce so they share the priest’s-due. R. Judah says, If a lay-Jew rent from a priest or a Levite olive trees for oil or for half of the profits, the tithes belong to the owners.

1 Either a lay-Jew from a priest or Levite, or a priest or Levite from a lay-Jew.
2 On terms of ḥosiyā, 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 ḥorēmah, priest’s-due, or maṣḥiḥot, 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 except to a rabbī; the School of Hillel say, Even to one who tithes. But the ultraorthodox of the followers of Hillel used to practise in accordance with the view of the School of Shammai.

1 Plucked from the tree. Fruit that has become wet (e.g., in the pressing) becomes ṭumēt, ritually unclean, when touched by an ẓabār, who observes the laws of ṣāḥēr, ritual cleanness, may buy them. 2 See Introduction and 2nd Note 1. 3 And this view is the accepted one. 4 Even if he does not observe the laws of ṣāḥēr, ritual cleanness. 5 ḥenē, chaste, pious, orthodox, those who are particularly observant of ṣāḥēr.

Mishnah 7

If two have harvested their vine-crop in one wine-press, and one
tithes and the other\(^3\) does not tithe, he who tithes must tithe his own\(^4\) and again tithes his share\(^5\) wherever it may be.

1 *i.e.*, they mixed their grapes into one wine press.  2 *i.e.*, one is a \(\text{שָׁבָט}^\text{a}^\text{שָׁבָט}^\text{b}^\text{כַּרְבּוֹת}^\text{c}\).  3 *An \(\text{כְּפַר}^\text{a}\text{כְּפַר}^\text{b}\text{כְּפַר}^\text{c}\)\).  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\(^1\) on a tenancy,\(^2\) or they inherited,\(^3\) or they became partners,\(^4\) 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\(^5\) from such-and-such a place and I the wine\(^6\) from such-and-such a place;'\(^6\) but he may not say to him, 'Thou take the wheat and I the barley, thou take the wine and I will take the oil.'

1 Wholly planted either with wheat or vines.  2 To work it under terms of \(\text{הָעְפָר}^\text{a}^\text{הָעְפָר}^\text{b}\text{לַעֲבָד}^\text{c}\), 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 \(\text{כֵּלֵי}^\text{a}\text{כֵּלֵי}^\text{b}\text{כֵּלֵי}^\text{c}\), completely untithed produce, which is not allowed.

**Mishnah 9**

A \(\text{כְּפַר}^\text{a}\text{כְּפַר}^\text{b}\text{כְּפַר}^\text{c}\) and an \(\text{כְּפַר}^\text{a}\text{כְּפַר}^\text{b}\text{כְּפַר}^\text{c}\) inherited from their father who was an \(\text{כְּפַר}^\text{a}\text{כְּפַר}^\text{b}\text{כְּפַר}^\text{c}\) one\(^2\) can say to the other,\(^3\) 'Thou take wheat from such-and-such a place and I wheat from such-and-such a place,' 'Thou wine\(^4\) from such-and-such a place and I wine\(^4\) from such-and-such a place'; but he may
not say\textsuperscript{5} to him,\textsuperscript{6} ‘Take thou wheat and I barley, thou take the moist\textsuperscript{7} and I will take the dry.’

1 And any produce inherited is suspect that it may be demai or (and) ritually unclean. 2 \textit{i.e.}, the 

\begin{center}
\textit{Hlew} may say so when the field contains only one kind of produce. 3 \textit{To the}
\end{center}

\begin{center}
\textit{Haqer} (sec 2\textsuperscript{2}). 4 \textit{To the}
\end{center}

\begin{center}
\textit{Nvk}. 5 \textit{A may not part with (equivalent to selling) wet fruits to an}
\end{center}

\begin{center}
\textit{Nke}, ritually unclean, by the \textit{Nvk} (see 2\textsuperscript{3}).
\end{center}

\textbf{Mishnah 10}

\begin{center}
A proselyte and an idolater inherited from their father who was an idolater: \textit{he\textsuperscript{t}} can say to him,\textsuperscript{8} “Thou take the idols and I the money, thou wine\textsuperscript{3} and I the fruits,” but if they had already come into the possession of the proselyte, it is forbidden.\textsuperscript{4}
\end{center}

\begin{center}
1 \textit{i.e.}, the proselyte. 2 \textit{i.e.}, the non-Jew. 3 \textit{Prv}, \textit{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.
\end{center}

\textbf{Mishnah 11}

\begin{center}
If one\textsuperscript{1} sell fruits in Syria\textsuperscript{2} and says, ‘They are from the Land of Israel,’ \textit{he\textsuperscript{t}} must tithe them; ‘They are tithed’,\textsuperscript{4} \textit{he\textsuperscript{t}} is believed, for the mouth that forbade\textsuperscript{6} is the [same] mouth that permitted;\textsuperscript{7} ‘They are from mine’,\textsuperscript{8} \textit{he\textsuperscript{t}} must tithe; ‘They are tithed’,\textsuperscript{10} \textit{he\textsuperscript{t}} is believed, for the
\end{center}
mouth that forbade is the [same] mouth that permitted; but if it be known that he has a field in Syria, he must tithe.

1 i.e., an רָבוּץ. 2 Several districts north-east of Palestine were named נֶגֶר, and they shared in many respects the sanctity of קְרֵם. אֶרֶץ, 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 תִּיתָּה. 4 i.e., the seller declares that they are tithed. 5 The seller is trusted, and the buyer does not have to tithe. 6 רָבוּץ, 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 רָבוּץ, 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 גָּבָה said to a תִּיתָּה, 'Buy for me a bundle of greens, buy for me a white-loaf,' he may buy indiscriminately and is exempt; but if he said, 'This is mine and that is my friend's,' and they were mixed up, he must tithe even if there be a hundred.

1 Or a גָּבָה. 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 תִּיתָּה. 4 He does not have to tithe what he has bought for the תִּיתָּה. 5 Both bundles and both loaves because not knowing which are his he, a תִּיתָּה or a גָּבָה, may not hand over untithed products to an תִּיתָּה גָּבָה (see 2.3). 6 i.e., if the quantity he bought for the תִּיתָּה גָּבָה is one-hundred times as large as his own.
CHAPTER 7

Mishnah 1
One invites his friend that he should eat with him, and he does not believe him regarding tithes, he says on the eve of the Sabbath, 'What I shall separate tomorrow shall be tithe, and the rest of tithe is next to it; that which I have turned into tithe shall be the priest's-due of the first-tithe thereon, and second-tithe shall be in its rim and shall be exchanged for money.'

1 Compare 2:3. 2 Before Sabbath begins. 3 A הָעֵבֶד or servant. 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 1/10 of what he will eat and drink. 9 i.e., מֵעַשֵּׂר רַאֶשֶׁת, first-tithe. 10 1/100 of that with the 1/10 above (Note 8) make up the 1/10 for מֵעַשֵּׂר רַאֶשֶׁת. 11 Next to the 1/100. 12 i.e., 'which I have denominated מֵעַשֵּׂר רַאֶשֶׁת.' 13 i.e., 'tomorrow לֵילָה.' 14 And as this may not be given to a וֹסֵד, priest, on the Sabbath the guest must get rid of it (by crumbling it small) so that the מֵעַשֵּׂר does not eat it. 15 i.e., of the שֲׂרֵה מֵעַשֵּׂר. 16 i.e., redeemed. Compare 51:2. 17 The coins he actually possesses at the time.

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

1 This Mishnah is evidently in conclusion of the preceding Mishnah. Though the guest had already made a stipulation on the Sabbath he must repeat it on the
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 רמ. 2 i.e., †תורפניא גוזה תוא머, 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 51.2.

Mishnah 3
A labourer, who does not believe the employer, takes a dry fig and says, 'This and nine that follow it shall be tithe for the ninety that I eat, and this shall be the priest's-due of the first-tithe for them, and second-tithe shall be in the last and shall be exchanged for money.' And he spares one dry fig. R. Simon ben Gamliel says, He must not spare because he lessens the work for the employer. R. Jose says, He must not spare because it is a condition from Beth Din.

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 †תורפניא גוזה in relation to †תמיש so long as † limburg 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 himself with an additional fig to replace the one he sets aside as †ורפה מישר. 11 A condition of his employment inserted by the Beth Din that he shall be entitled to eat a full meal and separate the †ורפה מישר from what belongs to his employer.

Mishnah 4
One who buys wine from Samaritans says, 'Two logs which I shall separate shall be priest's due and ten shall be first-tithe.'
and nine \textit{second-tithe}, and he begins\textsuperscript{10} it and may drink it.\textsuperscript{11}

1 When it is just about to be \textit{kesef} and he cannot separate \textit{chesed} and \textit{cherem} and wants to use the wine on \textit{kesef}. The calculation which follows assumes that he bought 100 \textit{logs} (see \textbf{Introduction}, \textit{Tables}). 2 The Samaritans sold produce without removing even the \textit{cherem} and so the purchaser had to do this himself. 3 Before \textit{kesef} begins. 4 \textit{i.e.}, two in a hundred ($\frac{1}{5} =$ \textit{cherem} to \textit{cherem}; see \textbf{Introduction} to \textit{Tables}). 5 \textit{Yad} about 20 cubic inches (0.58 pint) (see \textbf{Introduction}, \textit{Tables}). 6 After \textit{kesef}. 7 \textit{i.e.}, ten \textit{logs}. 8 \textit{i.e.}, \textit{cherem} since this will be done by the priest or Levite to whom he gives the whole ten \textit{chershe}. 9 \textit{i.e.}, nine \textit{logs}. 10 \textit{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 \textit{cherem} and not of \textit{cherem}. Compare next \textit{Mishnah}). Some authorities render \textit{cherem}, \textit{he exchanges}, and others \textit{he dilutes}. 11 On \textit{kesef}.

\textbf{Mishnah 5}

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

1 And it was close to the beginning of the Sabbath and too late to return home in time to separate \textit{priest’s tithe} and \textit{tithes} to enable him to eat from the produce on the Sabbath. (Compare the preceding four \textit{Mishnahs}). 2 \textit{i.e.}, \textit{cherem}. 3 Or \textit{redeemed}. 4 \textit{cherem} to \textit{cherem}. 5 \textit{cherem} to \textit{cherem}.
Mishnah 6
One had before him two baskets of completely untithed produce and said, "The tithes\(^1\) from this one\(^2\) shall be in that one,\(^3\) then the first is tithed;\(^4\) from this one\(^4\) in that one and from that one in this one, then the first is tithed;\(^8\) their tithes\(^6\) shall be tithed, one basket in the other', he has correctly denominated them.\(^7\)

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Mishnah 7
One hundred parts of untithed produce\(^1\) and one hundred parts of completely tithed produce\(^2\)—one removes a hundred\(^3\) and one parts; one hundred parts of tithed produce and one hundred parts of tithe\(^4\)—he separates a hundred and one parts;\(^5\) a hundred parts of completely tithed produce and one hundred parts tithe\(^6\)—he separates one hundred and ten parts;\(^7\) one hundred parts of untithed produce and ninety parts tithe,\(^8\) ninety parts untithed produce and eighty parts.
DEMAI 7:8

tithe, he has suffered no loss.

This is the general rule: so long as the untithed produce is the greater quantity he has lost naught.

1 Not completely untithed produce but from which the priest's-tithe, had already been separated. 2 i.e., were mixed. 3 i.e., if equal parts of produce are mixed one must take half (=100 in 200 as the Mishnah puts it) and separates from it the first-tithe, and second-tithe, and from the second half he takes for the priest's due of first-tithe.

4 i.e., equal parts of produce, first-tithe (from which the priest's-due, had already been separated) and tithed produce were mixed. 5 i.e., he separates half (=100 parts in 200) for the separation of the mixture, and 1/10 for the mixture (from which the priest's-due had not yet been separated) and from the other he also takes 1/10 for the mixture, and from the remaining 9/10 he separates again 1/10 for the mixture.

6 i.e., equal parts of (from which the priest's-due had not yet been separated) and were mixed. 7 i.e., he separates half (=100 part in 200 parts) for the separation of produce from which he removes 1/10 for the mixture, and from the other he also takes 1/10 for the mixture and separates again half for the mixture, and as set out in the first part of this Mishnah: it is: not necessary to take 1/10 of the mixture, 1/10 for the mixture, and 1/10 of the latter for the mixture itself (or the mixture of the mixture), but since the mixture has ten parts more than the mixture itself it is looked upon as if he had had other besides that which had got mixed up, and from other he may separate for the mixture, therefore here also he separates the mixture from the excess (ten parts) that is in the mixture and does not have to take an additional part.

Mishnah 8

If one had ten rows each of ten jars of wine and said, 'Of the outside row one is tithe,' and it is not known which one it is, he must take two jars diagonally.

'Of half the outer row, one is tithe,' and it is not known which one it is, he takes four jars from (the) four corners; 'One row is tithe,' and it is not known which one it is, he takes one row diagonally; 'Half of a row, one is tithe.'
to be tithe,' and it is not known which one it is, he takes two rows diagonally; ‘One jar is tithe,' and it is not known which it is, he takes from every jar.

1 One cask in the outer row is 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 קִנָּה. 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 קִנָּה. 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 קִנָּה. 9 i.e., one cask is to be קִנָּה. 10 Neither the cask nor the half row. 11 And from these casks he fills up a caskful as קִנָּה. 12 i.e., anywhere. 13 i.e., cask. 14 i.e., he takes from each of the hundred casks to fill a caskful as קִנָּה.

CONCLUSION OF TRACTATE DEMAI
KILAYIM

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

By

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כֶּלֶאֵי
KILAYIM
The term יִלָּלָה (literally mingling, mixture, junction or conjunction of two, two kinds, two sorts, two species) is from the verb אָלַל, 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, is based on Leviticus 19, 19, and Deuteronomy 22, 9, 10, 11, viz.,

(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 שֵׁסֶת, wool and linen mixed in web, is a compound noun from the words שֵׁסֶת שֵׁסֶת, hackled, spun and twined (from the verbs שָׁסָת, card, hackle, full, span, or סָסָת, span, twine, twist, weave).

There is no known reason (apart from mere conjecture and suggestion) why this Tractate should come after אָלַל, though Maimonides proposes it is because צֵאת צֵאת and אָלַל אָלַל 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-
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 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.

2. 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.

3. 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 clean animals (what are popularly termed clean animals) may be slaughtered for food.

3. 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

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10*

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

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Mishnah 1

Wheat and darnel\(^1\) are not forbidden junction one with the other.\(^2\) Barley
and oats, spelt and rye,\(^3\) bean\(^4\) and
chick-pea, plain-pea and bean, and
white-bean and kidney-bean are not
forbidden junction one with the other.

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 ᾧ ἔστω is the general name for every kind of bean.

Mishnah 2

Cucumber and cucumber-melon\(^1\) are not forbidden junction one with
the other. R. Judah says,\(^3\) They are forbidden junction. Garden-lettuce
and wild-lettuce,\(^3\) garden-endives\(^4\) 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\(^5\) are not forbidden
junction one with the other.
KILAYIM 12.5

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 מְשָׁנָה here mentioned is י"ה תָּרָם אֶלָּרִי and כְּשׁוֹן אֲלֵהֶן ר ירמיע, a disciple of R. Akiba.

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,¹ cabbage and cauliflower, beet and garden-orach² 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.³

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 medlars² are not forbidden junction one with the other; the apple and the crab-apple, peaches and almonds, jujubes³ and pomegranates, though they are similar⁴ to one another, are forbidden junction one with the other.⁵

1 Ḥinenikha mishna, in some editions. 2 Or *sorb-apple, crab-apple* (see Supplement). 3 *鞬ך, 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,¹ mustard and charlock,² Greek-pumpkin³ with either Egyptian-pumpkin or with
Bitter-apple, although they are similar to each other, are forbidden junction one to the other.

1 And 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 dog1 and the fox, goats and deer,2 mountain-goats3 and ewes, the horse and the mule,4 the mule and the ass, the ass and the wild ass,5 although they resemble6 one another, are forbidden junction one with the other.7

1 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 graft1 a tree onto a tree,2 a herb onto a herb,3 or a tree onto a herb, or a herb onto a tree. R. Judah permits a herb onto a tree.4

1 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 herbs1 in the stump of a sycamore tree. One may not graft rue2 upon white cassia,3 because it is herb onto a tree. One
may not plant a young shoot of a fig-tree into the cistus so that it shades 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 into a mallow to preserve it because it is herb in herb.

Mishnah 9
Whosoever stores turnips and radishes under a vine, if some of its leaves be exposed he need not be concerned regarding forbidden junction, or Sabbatical year, or tithes, and they may be pulled up on the Sabbath. If he sow a wheat-grain and a barleycorn together, that is forbidden junction. R. Judah says, It is not forbidden junction unless there be two wheat-grains and a barleycorn, or a wheat-grain and two barleycorns, or a wheat-grain and a barleycorn and a spelt seed.

1. 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 scurch 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.
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 If the vegetables sprouted, or the grapes continued to grow, it is not forbidden junction. 6 In some editions מְשָׁרָה. 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, (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 בְּשָׁנָה where besides the grape-seed there must be two entirely different seeds to cause מִשָּׁרָה. R. Judah’s opinion breaks down because of his faulty comparison (with Deuteronomy 22, 9םֶלְא מִשָּׁרָה—see Introduction) based on his wrong rendering of מְשָׁרָה and מִשָּׁרָה, 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

Mishnah 1

Every seah¹ that contains a reva² of another species, he must diminish.³ R. Jose says, He must cleanse,⁴ whether it be of one kind or of two kinds.⁵ R. Simon says,⁶ They spoke only of one kind; but the Sages⁷ say, All that is forbidden junction with the seah is totalled to the reva.

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1 seah, 801 cubic inches or 13137 cubic cm. (See Introduction, Tables).
2 reva = 33.3 cubic inches or 547 cubic cm. (טב = 24 seah) [see Introduction, Tables]. 3 When a seah of seed contains part of another kind (כְּסֵאת).
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 11) 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?1 2 Grain in grain, pulse in pulse, grain in pulse, and pulse in grain. Rightly have they said that garden seeds which are not eaten combine together to one twenty-fourth of what is allotted to a seah’s space.6 R. Simon says, Just as they have spoken where it is stricter so they have spoken where it is more lenient.8 Flax in grain combines to one twenty-fourth of that allotted to a seah’s space.

1 That a reva of forbidden junction in a seah makes it unfit for sowing. 2 A ruling handed down traditionally direct from Moses, and which is therefore accepted without any discussion by the rabbis. 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 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 seeds is planted.
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 (סחאות פנים החמשים) 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 \( \frac{1}{24} \) 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 Instead of \( \frac{1}{24} \) 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 (סחאות פנים החמשים 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 and then he turns it over and sows; if it had already sprouted 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? Like the furrows after the first-rain, Abba Saul says, So that a reva is not left in a seah’s space.
in some texts; or becomes wormy. 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. The ground must be turned over by the plough so that the wheat does not grow again. i.e., the barley. i.e., he reconsidered to grow barley after the wheat had already sprouted. Either, how closely, or, how deeply, must he plough. 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. There must not be left unploughed in any one place 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 were sown and he decided to plant it, he may not say, ‘I shall plant and then I will turn [it] over’, but he must turn [it] over and then plant. If it was planted and then he reconsidered to sow it, he must not say, ‘I shall sow and then uproot’, but he must uproot and then sow. If he so desire, he may raze [it] to less than a handbreadth and sows and then roots [it] out.

Mishnah 5
If his field were sown with hemp or serpentaria, he must not sow over the top of them, because they produce only after three years.
Grain, among which has grown an after-growth of woad, and similarly if in the threshing floor several species have grown, and likewise if between fenugreek various kinds of plants have grown, he is not obliged to weed [them] out; if he weeded out or cropped [them], he must be told, 'Uproot all except for one kind'.

Mishnah 6
If one wish to lay out his field in [straight] beds each for a different species, the School of Shammai say, Three furrows of the plough-share width; and the School of Hillel say, The width of the Sharon yoke; but the view of the one [School] is very near to the view of the other [School].

1 i.e., long narrow bed. 2 Or three ridges of a furrowed field; so that there be no appearance of ; 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 one of barley, it is allowed,2 because it is apparent that it is the limit of his field. If his field were of wheat3 and that of his neighbour was of another species, he is permitted4 to flank it with that same species5; if his were of wheat and his neighbours' were of wheat, he may flank it with a ridge6 of flax7 but not with a ridge of another species. R. Simon says,8 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 furrow10 of flax.11

1 Or met, touched. הנש is 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 קפיט. 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 קפיט 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, קפיט, is

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an important one). This is the accepted ruling. 8 He is רבי הירש רבי ק掐מה, 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 also רבי יוסף קראמה. His view is not accepted because the question of מחלוקת 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 a field of grain, mustard or safflower, but one may flank a vegetable field with mustard or safflower. And it is permitted to flank an uncultivated field, or a ploughed field, or a wall of loose stones, or a road, or a fence ten handbreadths high, or a trench ten deep and four wide, or a tree that overshadows the soil, or a rock ten high and four wide.

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 bastard saffron, wild-saffron, colchicum, meadow-saffron; curthamus, safflower (see Supplement). 3bastard saffron, wild-saffron, colchicum, meadow-saffron; curthamus, safflower 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 (רָע), fallow land. Here it refers to an area of 104½ square cubits or more. 6רֶע נֵקַט, newly broken land, ploughed field. 7רֶע נֵקַט, wall of loose un cemented stones; stone fence with gate. 8 i.e., public road; or private pathway 4 cubits wide. 9רֶע נֵקַט, wooden fence, cemented stone fence. 10 i.e., handbreadths. 11 i.e., the branches hang down to within three handbreadths (שֵׁן) 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

Whosoever wishes to lay out his field in patches of differing species makes twenty-four patches to a seah’s space, each patch being a reva’s space and sows therein whatever species he wishes. If there be one bed or two patches, he may sow them with mustard; if three, he may not sow mustard because it will look like a field of mustard; these are the views of R. Meir; but the Sages say, Nine patches are allowed, ten are forbidden. R. Eliezer Ben Jacob says, Even if the whole of his field be a kor’s space he may not lay out in it more than one patch.

1 Sowing a different kind in each oblong space. Here רבעה refers to a square or rectangular bed. 2 i.e., not more than twenty-four rectangular beds (each not less than \(104 \frac{1}{2}\) 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 A bed is square or rectangular, a square bed (ריבוע) is 2,500 square cubits. A bed is a \(104 \frac{1}{2}\) square cubits, \(104 \frac{1}{2}\) square cubits, (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 \(104 \frac{1}{2}\) bed). 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 רבעים 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 in some editions. 14 \( \frac{1}{10} = 30 \text{qi} \) (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\(^1\) which is inside the reva’s space\(^2\) is included in the measurement of that reva’s space; the soil round a vine,\(^3\) or a grave, or a rock\(^4\) is included in the measurement of the reva’s space; corn near corn [requires]\(^5\) an area of one reva, greens close to greens\(^6\)—six handbreadths;\(^7\) corn near greens or greens close by corn\(^8\)—an area of a reva;\(^9\) R. Eliezer\(^10\) says, greens by corn\(^11\)—six handbreadths.

1 Even pools, impossible to sow. 2 That constitutes the patches in the preceding Mishnah. i.e., when measuring the \( \frac{1}{3} \) of a 104\(\text{q} \) (104\(\text{q} \) = 104\(\text{q} \) 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\(\text{q} \) 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 28. 5 i.e., if it be desired to sow more than one species of grain there must be a space of 104\(\text{q} \) 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,\(^1\) or greens overhang greens, [or] corn [over-
hang] greens, or greens [overhang] corn—all are permitted,\(^3\) except for Greek gourd;\(^4\) R. Meir\(^5\) says, ‘Also cucumber and Egyptian bean; nevertheless\(^6\) I prefer their\(^6\) view to my own.’

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.

Mishnah 1\(^{11}\)

A garden bed which is six handbreadths\(^2\) by six handbreadths may be sown with five different species of seeds,\(^3\) four on the four sides of the bed\(^4\) and one in the middle.\(^5\) If it had a border a handbreadth high,\(^6\) there may be sown in it thirteen,\(^7\) three upon each border and one in the centre.\(^8\) One should not plant turnip top\(^9\) inside the border because it would fill it up.\(^10\) R. Judah says, Six in the middle.\(^14\)
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 נֶפֶשׁ 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 וַחֲשָׁן (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—one נֶפֶשׁ empty at a corner, 1 נֶפֶשׁ planted, 1 נֶפֶשׁ empty, 1 נֶפֶשׁ planted, 1 נֶפֶשׁ empty, 1 נֶפֶשׁ planted, and 1 נֶפֶשׁ empty at the other corner, thus forming three small beds (each 1 square נֶפֶשׁ) 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\(^1\) of seed\(^2\) may be sown in a garden bed,\(^3\) but all kinds of vegetables may be sown in a garden bed. Mustard and small beans are a kind of seed,\(^4\) large beans a kind of vegetable. A border\(^5\) that was a handbreadth high and became lower is valid\(^6\) because it was valid to begin with.\(^7\) A furrow\(^8\) קַשּׁ בְּרֹאשׁ לְעֵינֵי אֲנִי הָרְחִים בֶּשַׁרְתָּה חָזֲקִים לְכַלְּכַלְּיָם קָרִים אַבּוּל שְׁמַה בֵּינָה בָּעָה תַּנְחָמָה.
or a water-channel\(^9\) that is a handbreadth deep—three kinds of seed may be sown therein,\(^{10}\) one at one edge and one at the other edge and one in the middle.\(^{18}\)

1 ఇది 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 21. 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\(^1\) 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\(^2\) of another kind of vegetable, R. Ishmael says, Only if\(^3\) the furrow be uninterrupted from one end of the field to its other end.\(^4\) R. Akiba says, It need be but six hand-
breadths in length⁵ and fully as wide⁶; R. Judah says, As wide as the full width of the sole of a foot.⁷

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,¹ this is permitted;² one row of cucumbers, one row of gourds, and one row of Egyptian beans, this is forbidden;³ one row of cucumbers, one row of gourds, one row of Egyptian beans, then one row of cucumbers—R. Eliezer⁴ permits this but the Sages⁵ forbid it.

¹ Or יְדֵי. 2 These species have long foliage. i.e., if there be a 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 אֱלֵי חֵּנָה towards each other. And this is the accepted ruling. 3 Even if there be a furrow (trench or furrow) between the beds, because cucumbers and gourds are אֱלֵי חֵּנָה towards each other and the widespreading leaves are liable to overlap even in spite of the furrow—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.
Kilayim 35,6

Mishnah 5
A man may plant a cucumber and a gourd1 in2 the same hollow,3 provided that the one leans to one direction and the other to the other direction,4 the foliage of the one leaning one way and the foliage of the other the other way; for whatsoever the Sages have forbidden5 they have decreed only for the sake of appearances.6

1 These two are taken as an extreme example because their widespread 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璧קחה 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
If a man’s field1 were sown with onions2 and he sought to plant in it rows3 of gourds, R. Ishmael says, He must uproot two rows4 and plant one row,5 and leave the standing crop of onions over a space of two rows,6 then he uproots7 two rows8 and plants one row.9 R. Akiba says,10 He should uproot two rows4 and plant two rows,5 then leave a space of two rows of the standing crop of onions, then uproot two rows4 and plant two rows.11 But the Sages say,12 If there be not between one row and the next twelve cubits, he must not allow the seed between to remain.
1 'ונָ (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 בהנה (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 widespread growing leaves of gourds require the twelve cubits’ spacing interval to avoid forbidden junction.  *Or שְׁנָא.

Mishnah 7
A gourd among vegetables is like vegetables,1 but if among grain it must be given a space of a reva.2 If one’s field were sown with grain and he sought3 to plant in it a row4 of gourds,5 six handbreadths must be allowed for its tillage, and if it outgrew6 [this space] he must uproot it7 before it.8 R. Jose says, It must be allowed for its tillage9 four cubits.10 They said11 to him, ‘Dost thou apply here greater stringency than for the vine?’12 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 *revah’s* space is required.’ R. Meir13 says in the name of R. Ishmael, When there are three gourds in a space of a seah one must not sow any other...
handbreadths high. And a *trench*?—Such that is ten deep and four wide.

1 *i.e.*, his view, which is rejected, is that the *טָמִית* in the foregoing *Mishnah* should be *טָמִית*, 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 *יָּדוֹ* 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 אַיָּדַיִם is omitted in many editions; some texts have וּפּוֹרָה. 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.

**Mishnah 4**

A partition of reeds—"if between reed and reed be less than three handbreadths sufficient for a kid to enter,* it counts as a valid partition.* And a fence that is breached up to a space of ten cubits is considered as an entrance;* if it be more than this, opposite the breach is forbidden.* If many breaches be made therein,* if what remains standing exceed what is broken down it is permitted,* but if what is broken down exceed what remains standing, then opposite the broken down part it is forbidden.*

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 הַמַּעַל הָלָה לְמַעַל, *a ruling handed down by tradition from Moses*, and...
as such is accepted without question. 3 In some editions, קַיָּימ, 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 vines, the School of Shammai say, This is deemed a vineyard, but the School of Hillel say, It is not considered a vineyard unless there are two rows there. Therefore, if one sow (within) the four cubits of a vineyard, the School of Shammai say, He forfeits one row; but the School of Hillel say, He forfeits two rows.

1 The number five (with reference to five vines as the minimum to form a vineyard) is based on the letter נ in הנבאות נבאות, 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 like a tail, this is deemed a vine-
yard;² two opposite two and one between,⁴ or two opposite two and one in the midst⁵—this is not considered a vineyard, but only if there be two opposite⁶ two and another projects like a tail.⁷

1 הָיְתָה 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 יַעֲבָר 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 row¹ on his own land, and there be a row on that of his neighbour’s, then even though there be a private path² or a public path³ between them, or a fence less than ten handbreadths in height, these⁴ are included together;⁵ but if the fence were higher than ten handbreadths, they are not included together.⁶ R. Judah says,⁷ If he trained them together above they do combine together.

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.,

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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,1 if there be not between them eight cubits,2 may not sow seed there. 3 If there were three [rows],4 and there be not3 between one row and the next sixteen5 cubits, he may not sow seed there.7 R. Eliezer ben Jacob says in the name of Chanina8 ben Chachinai, Even if the middle9 were laid waste and there he not

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 לַשְׁנֵי instead of לַשְׁנֵי בְּיָדָיו 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 בֵּית טוֹחַ (large vineyard). But the ruling is in accordance with the opinion of R. Meir and R. Simon in the next Mishnah. 8 בֵּית 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 vineyard1 sixteen cubits apart is permitted to sow seed there.2 R. Judah said, There was a case in Zalmon3 where a certain man planted his

1 i.e., a vineyard. 2 i.e., as in a large vineyard. 3 i.e., in two rows.
vineyard\textsuperscript{4} sixteen cubits apart, and he trained the foliage of every two rows to one side and sowed the cleared ground,\textsuperscript{6} and in the following year he trained the foliage\textsuperscript{6} to the other side and sowed the uncultivated ground;\textsuperscript{7} and the case came before the Sages and they permitted it. R. Meir and R. Simon say,\textsuperscript{8} Even if one plant his vineyard\textsuperscript{9} eight cubits apart it is permitted.\textsuperscript{2}

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, \textit{i.e.,} facing each other. 5 \textit{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 \textit{appearance's sake} (to avoid suspicion of \textit{kelim}), a space of four cubits must be left unsown. It is only in the case of a \textit{mishnah} (a space laid waste between the rows) is an interval of sixteen cubits required. 9 In rows.

CHAPTER 5

Mishnah 1
If a vineyard became waste, but it is possible to gather in it ten vines,\textsuperscript{1} planted according to the rule\textsuperscript{6} in a \textit{seah's space},\textsuperscript{3} this is called a poor vineyard.\textsuperscript{4} A vineyard\textsuperscript{8} which is planted in an irregular manner—\textit{if two vines can be aligned opposite three},\textsuperscript{7} it is deemed

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a vineyard, but if not, it is not considered a vineyard. R. Meir says, Since it appears in form like vineyards it does count as a vineyard.

1 i.e., the fruit of ten vines. 2 i.e., the space between is not to be considered a (see 4). 3 Fifty by fifty cubits. 4 And this is the ruling; and the space between is not to be considered a (see 4). 5 In some editions, 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). 8 And it is necessary to leave a space of sixteen cubits before sowing seeds because it is like a wine-press. 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 be planted less than four cubits apart, R. Simon says, It is not considered a vineyard; but the Sages say, It does count as a vineyard, and the ones in between are regarded as if they were not there.

1 Of at least three rows with not less than three vines per row. 2 i.e., in proper rows. 3 Or hom. 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 that passes through a vineyard is ten deep and four wide—R. Eliezer Ben Jacob says, If it extend from one end of the vineyard to the other, it has the appearance of being between two vineyards and seed may be sown in it, but if not, it is considered as like to a wine-press. And a wine-press in a vineyard ten deep and

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four\(^9\) wide—R. Eliezer says, Seed may be sown inside it; but the Sages prohibit it. A watchman’s hut\(^10\) in a vineyard is ten\(^2\) high\(^11\) and four\(^2\) wide—seed may be sown in it;\(^12\) but if the overhanging foliage intertwine,\(^13\) it is forbidden.

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) \(\text{ס} ך\) 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 \(\text{נ} ת\). 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 \(\text{ב} י\) (grammatically more correct) in some texts. 12 Inside the top depression. 13 The leaves of the vines and of the seed.

Mishnah 4

If a vine be planted in a winepress or in a cleft,\(^1\) it must be allowed space\(^2\) for tillage and one may sow the rest.\(^3\) R. Jose\(^4\) says, If there be not there\(^5\) 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.\(^6\)

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 \(\text{ק} \) (forbidden junction).
Mishnah 5

If one plant vegetables\(^1\) in a vineyard or allows them to grow there,\(^2\) he renders forfeit\(^3\) forty-five vines.\(^4\) When is this the case? When they\(^5\) were planted\(^6\) four [cubits] apart or five\(^6,7\) [cubits] apart. If they\(^8\) were planted\(^9\) six [cubits’] apart,\(^10\) or seven [cubits’] apart, he forfeits\(^11\) sixteen cubits on every side, reckoned in circles and not in squares.\(^12\)

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\(^1\) in a vineyard and said, ‘When I come to them I will pluck\(^2\) them’— this is allowed;\(^3\) ‘When I come back\(^4\) I will pluck them’— if they have increased\(^5\) by one two-hundredths, part it is forbidden.

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. 4 *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 through a vineyard and seeds fell from him, or they came in with the manure or with the water, or if he were sowing and the wind blew it behind him, it is allowed; but if the wind blew it before him, R. Akiba says, If they grew to blades, it must be ploughed up, and if in ear it must be beaten out, and if it produced full grain, it must be burnt.

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 hoes up. 12 Or ploughed up. 13 Or he must burn it, in some texts. 14 If the corn has ripened. 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, has rendered it forfeit; but the Sages say, He has not rendered forfeit, only in the case of such as are allowed to grow. Iris (and) ivy, (and) king’s-lily, and all kinds of seeds are not forbidden junction in a vineyard. Hemp, says R. Tarfon, is not forbidden junction; but the Sages say, It is forbidden junction. And the artichoke is forbidden junction in a vineyard.
Kilayim 58, 6

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 הָּלִּילָה. 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 (הָּלִּילָה) and not from the Torah (לְּאֵרָה). 10 Their view is accepted. 11 And this is the ruling.

CHAPTER 6

Mishnah 1

What is an espalier?—When one plants a row of five vines alongside a fence which is ten handbreadths high or beside a trench that is ten handbreadths deep and four 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. R. Jochanan ben Nurisaid, 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 and the rest may be sown. And how much space must be allotted for the tillage of a vine?—Six handbreadths on all sides; R. Akiba says, Three.

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 תְּרֵלָה. (A vine that trails on the ground is termed in Talmudical language הַגְּנֵבָה and in Biblical nomenclature מִנָּחִית קֶסֶם). 3 A row of vines under these conditions comes under the same ruling as a vineyard (see 4'). 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
An espalier that projects from a terrace—R. Eliezer ben Jacob says, If one standing on the ground can gather all of it, this renders four cubits of the field forbidden, but if not it renders forbidden only what is directly beneath it. R. Eliezer says, Also, if one plant one on the ground and another on a terrace, if it be ten handbreadths above the ground it is not included with the other, but otherwise it does combine with it.

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 (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 of a lattice-frame, he may not sow seed beneath the rest of it; if he have done so, he does not render it forfeit; but if the new spread, it is forbidden. And so, also, if one have trained over part of a tree which bears no fruit.

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, and if the new have spread, he must turn them back. It happened that R. Joshua went to R. Ishmael at Kfar Aziz and he showed him a vine that was trained over part of a fig-tree. He said to him, ‘May I sow seed beneath the rest?’ He said to him, ‘It is permitted.’ And he brought him up from there to Beth Hamaganyah and showed him a vine which was trained over part of a branch and the stump of a sycamore-tree upon which were many branches; he said to him, ‘Under this branch it is forbidden but under the others it is allowed.’
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 56). 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 קְפָלָה 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 קְפָלָה נַפְלָה קָרָבָה קָטָב - Any that does not bear fruit. R. Meir says, All except the olive-tree and the fig-tree. R. Jose says, Any tree with the like of which whole fields are not planted is קְפָלָה נַפְלָה קָרָבָה קָטָב.

1 קְפָלָה נַפְלָה קָרָבָה קָטָב 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 shall apply. 2 And this is the accepted ruling. 3 i.e., are considered as if they were like קְפָלָה נַפְלָה קָרָבָה קָטָב 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 must be eight cubits and somewhat over. And all measurements which the Sages spoke of in the case of a vineyard there is none requiring and somewhat more except in the case of gaps in an espalier. These are considered gaps in an espalier: an espalier which was laid waste in its centre and five vines were left on one side and five vines on the
other side, then if there be there\(^5\) eight\(^7\) cubits, seed may not be sown there;\(^7\) if it\(^8\) be eight cubits and somewhat more, sufficient space must be allotted to it for its tillage\(^9\) and the rest may be sown.\(^10\)

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 (\(דשא\)). 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\(^8\)). 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\(^1\)), only six handbreadths need be left at the sides.

Mishnah 7
If\(^1\) the vines of an espalier\(^2\) extend along the wall beyond the angle and stop, sufficient space must be allotted for their cultivation and the rest may be sown.\(^3\) R. Jose\(^4\) says, If there be not there four cubits,\(^5\) seed may not be sown there.\(^6\)

1 The meaning of this Mishnah up to \(ךליא\) 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 (\(דשא\)) 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\(^4\) 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\(^1\) project from the espalier and he refrained from cutting them short,\(^2\) it is permitted\(^3\)
beneath them; but if he prepared them so that the new should spread along them, it is forbidden.

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). 4 and in some texts. 5 The new branches. 6 i.e., seed may not be sown beneath them.

Mishnah 9

If a tendril projected beyond the espalier, it is considered as a plummet suspended therefrom, and it is forbidden beneath it, and so, too, in the case of a single trellised vine. If one stretch a branch from tree to tree, it is forbidden beneath it. If it were made fast with a rope or reed-grass, it is permitted beneath the ligature; if it were prepared so that the new tendrils spread along it, it is forbidden.

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

Mishnah 1

Whoever sinks a vine-shoot into the ground, if there be not over it three handbreadths of soil, may not sow seed over it even though he sank it into a gourd-shell or pipe; if he sank it into stony ground, even though there were only three fingerbreadths of soil over it, he may sow seed over it. In the case of a bend in a vine-shoot measurements need be taken only from the second root.
Kilayim 71,2

1 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 17). 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 three vine-shoots and their roots become visible—R. Eliezer ben R. Zadok says, If there be a space between them from four cubits to eight cubits they must be included together, otherwise they are not included together. If a vine be withered it is forbidden, but this does not render forfeit. R. Meir says, It is forbidden to plant the cotton-plant, but it does not render forfeit. R. Eliezer ben R. Zadok says in his name, It is even forbidden over the vine, but it does not render it forfeit.

In the manner explained in 71 in order to form a second row. i.e., in a row, thus forming two rows with three vines in each. In some editions, Elazar. i.e., between one vine and the next, and between one row and the next. Not less than four. Not more than eight. With the parent vines to form a vineyard with reference to the four cubits’ tillage before seed is sown. In some texts. i.e., there is less than four and more than eight cubits between the vines. And are considered as separate vines, and the cultivation space is only six handbreadths for each. To sow near it, because of appearance’s sake, and the six handbreadths’ tillage space must be allowed.
KILAYIM 72a

11 The sown plants. 12 Actually קַלְיָים means the cotton-wool of the plant, and the term קַלְיָים 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 71 which would render forfeit seed grown above a branch of a vine unless there are three handbreadths of soil over it.

Mishnah 3
The following1 are forbidden2 but they do not render forfeit3: the surplus ground4 in a vineyard patch, the surplus ground in the outer space of a vineyard,5 the surplus ground beneath the gaps of espaliers,6 and the surplus ground beneath trellis-frames,7 but the space beneath the vine and the space required for the cultivation of the vine,8 and the four cubits9 in the vineyard—these render forfeit.10

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 41) 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 4a). If he left four cubits and then sowed seed it would not become forfeit. 6 Where eight cubits plus [ד’] are actually required (see 66) 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 6a. 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
If one allow his vine to overtop the grain crop1 of his neighbour,2 he renders it forfeit and is responsible for it;3 R. Jose and R. Simon4 say, One does not render forfeit what is not his.
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 forbidden junction.

Mishnah 5
R. Jose said, It happened that someone sowed his vineyard in the Sabbath year and the case came before R. Akiba, and he said, A person does not render forfeit what does not belong to him.

1 In many editions this Mishnah—for no known reason—is combined with the preceding one and designated מַנְעַה (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 מַנְעַה (ownerless or public property) and all had a right to the produce. 3 But this view in its application here with regard to forbidden junction, is rejected, and the accepted ruling is that a man can render forfeit what is not his.

Mishnah 6
If one who has no right to it sowed a vineyard and it was recovered from him, he may reap it even during the Middle Days of a Festival. How much more should he pay the labourers?—As much as one third more; above this, he may cut in his own manner and continue even after the Festival. How long is he termed a usurping occupant? Until it is forgotten.

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 forbidden junction, to grow in his vineyard (in ordinary cases no such work may be performed during the תֵּיָּד). 4 When ordinary work would be forbidden. By taking immediate steps to clear the forbidden junction the owner shows he
Kilayim 78,7

does not want it and so the vines are not forbidden. See 56. 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. הָלַעֲשָׂה 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 56. 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

If the wind blew1 the vines over a grain crop, he2 must immediately cut them away; but if he3 met with a mishap,4 it is allowed.4 If his grain5 swayed under a vine,6 and similarly in the case of greens,7 it must be bent back, but it does not render forfeit.8 When does corn become forfeit?9 After it has taken root.10 And grapes?11—After they have become as large as the white bean.12 Corn that has become fully dried13 and grapes which have become fully ripe can not be rendered forfeit.14

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 (56), i.e., the vines and crop are not forbidden. 5 In some editions סְמוּנָה. 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, שָׁבַעַת, 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?'

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KILAYIM 7b, 8b

12 But if he uprooted it before this stage it would not be forfeit however much had grown. 13 i.e., has ripened. 14 והיה (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 holed² plant-pot¹ renders forfeit³ in a vineyard,⁴ but one that has no hole does not render forfeit.⁵ But R. Simon says, They are both forbidden but they do not render forfeit.⁶ If anyone carried a holed plant-pot¹ through a vineyard,⁹ if it¹⁰ increased by one two-hundredths part, it¹¹ 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 grow¹ diverse kinds in a vineyard, and it is forbidden to make use of them. It is forbidden to sow or allow to grow² 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 purpose³ and they are only forbidden to be worn.⁴ Diverse kinds among cattle are permitted to be reared and to be maintained, and are only prohibited from being bred;⁵ diverse kinds of cattle⁶ are forbidden to be mated one with another.⁷
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 רַבָּעַי, 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 to plough with them or to draw with them or to lead them.

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 incurs the forty stripes, and he who sits on the wagon incurs the forty stripes; R. Meir exempts. Also if a third beast be tied to the harness, it is forbidden.
KILAYIM 83, 4

1 i.e., two beasts of different species. 2 The normal penalty for transgressing a prohibition in the Torah (see נָשַׁב 310). 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 must not be tied to the sides of a waggon or behind a wagon, nor Lybian asses to camels. R. Judah says, All offspring of a horse whose sire was an ass are permitted one with the other; and similarly all offspring of an ass whose sire was a horse are permitted one with the other; but the offspring of a horse with the offspring of an ass are forbidden one with the other.

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 ההמוהות and ההמיות 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 81, Note 6).
Mishnah 5

Mules are forbidden, but the mule is permitted. Wild men are wild beasts; R. Jose says, They render unclean in a roofed-space as does a corpse. The hedgehog and the porcupine are wild animals; as for the porcupine, R. Jose says that the School of Shammai say, It conveys uncleanness through an olive's bulk by carrying and through a lentil's bulk on contact.

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 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. 6 To mate with horses. 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 in some editions. 13 Since they are not quite certain whether it is a wild animal or reptile.

Mishnah 6

The wild ox is a species of cattle; but R. Jose says, A kind of wild animal. The dog is a kind of wild animal; R. Meir says, A species of cattle. The pig is a kind of cattle; the wild ass is a kind of wild animal; 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.

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 in some editions. 8 And may not be mated with the domestic ass. in some texts. 9 i.e., the prohibition against working with diverse kinds of animals does not include man, but it does birds.
Mishnah 1

Only wool\(^1\) and linen are prohibited under *forbidden junction*, and only wool and linen incur uncleanness by signs of leprosy.\(^2\) The priests wear only wool and linen when they minister in the Temple. If camel’s hair and sheep’s wool have been hackled\(^3\) together\(^4\) and the greater quantity is the camel’s, it is permitted,\(^5\) but if the greater part be from the sheep, it is forbidden;\(^6\) if they be in equal quantities, it is forbidden. And likewise\(^7\) in the case of hemp and flax that have been hackled together.

1 Whenever the term מָעָרִים is unqualified it always refers to sheep’s wool. 2 Leviticus 13, 47. 3 מָעָרִים, mix, comb, hackle, hatchel. 4 In some editions מַעָרִים מַעָרִים. 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\(^1\) and bast-silk\(^2\)—the law of *forbidden junction* does not apply to them,\(^3\) but they are forbidden\(^4\) for appearance’s sake. Mattresses and pillows\(^5\)—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*,\(^6\) and one may

1 קָנֶסֶת א. 2 לֵבָנָה, A. 3 קָנֶסֶת, א. 4 קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת קָנֶסֶת. 5 וְלָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא לָא Леб. 6 ואני מד. 7 לָא לָא לָא לָא לָא לָא לָא לָא לָא LEB.
not wear forbidden junction even over ten, not even to avoid paying the customs dues.

1 Thought to have the appearance of silk. 2 Thought to look like wool. The exact meanings of קלאים and מפרים are not known. 3 i.e. treated as if they did not come under the law of forbidden junction, and מפרים is forbidden to be woven with wool and קלאים must not be woven with flax, but מפרים may be woven with flax and קלאים with wool. But actually in modern times when silk is so common and there is no fear of מפרים 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 מפרים 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, scroll wrappers, bath-towels—the law of forbidden junction does not apply to them; R. Elazar forbids; and barbers' towels are forbidden because of forbidden junction.

1 Or handkerchiefs. 2 Or covers. This also includes the cloth on the גלען (on which the לון is laid) since it might be used as a cover for a person. 3 Including dish-cloths. 4 אלאifestyles in some editions. His view is accepted.

Mishnah 4
The shrouds for a corpse and the pack-saddle of an ass—the law of forbidden junction does not apply to them. One must not place the pack-saddle upon his shoulder even to carry out manure on it.

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 מפרים 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, only provided that they do not intend in the sun from the sun and in the rain from the rain; but the observant wrap them round a stick behind them.

1 i.e., to try on themselves to show to the customer, or (according to another opinion) to carry over the shoulder. Compare 9a Note 7. 2 i.e., to use them as a protection; in which case it is forbidden אִדוֹת תֹּחַלַת (or אִדוֹת תֹּחַלַת), by the Torah, to make use of בֶּן נָי; 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 אֶמֶסְשֵׁי, 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 in their customary manner, only provided that they do not intend in the sun from the sun and in the rain from the rain; and the observant sew on the ground.

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 and Brundisian cloaks and Dalmatian undergarments and felt shoes—one may not wear them until they have been examined. R. Jose says, Those that come from the sea-coast or from lands across the sea do not have to be examined on the assumption that they are of hemp. There is no question of forbidden junction regarding a cloth-lined shoe.
1 The precise meaning of these terms is not known; הָלַעַר, בָּרֶס, cloak of thick woollen cloth, thin woollen blanket, woollen rug, Bera cloak; מָלַעַר, בָּרֶס, cloak of very thick woollen material, thick woollen blanket, Brundisian cloak; מְלַעַר, בָּרֶס, 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 hebrew, 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 כְּנָב. 8 Or slipper. For it is not a garment to cover the body. However, the uppers must not be of forbidden junction.

Mishnah 8

The prohibition1 of forbidden junction applies only to spun and woven material, as it is said,2 thou shalt not wear a web mixed of wool and flax,3 that which is hackled,4 spun5 and woven.6 R. Simon ben Elazar says,7 He8 is estranged9 and estranges his Father in heaven against him.

1 i.e., מִדְבְּרֵי ה' as laid down in the Torah or מִדְבְּרֵי ה' as laid down by the Sages. 2 Deuteronomy 22, 11. 3 Material woven of flax and wool. The term is assumed to be composed of the words (which describe the processes in the making of cloth) but its real derivation is not known. (Compare Introduction.) 4 מִשְׁמֶר, comb, card, hackle. 5 מִשְׁמֶר, comb, card, hackle. 5 מִשְׁמֶר, comb, card, hackle. 6 מִשְׁמֶר, comb, card, hackle. 7 מִשְׁמֶר, comb, card, hackle. 8 מִשְׁמֶר, comb, card, hackle. 9 מִשְׁמֶר, comb, card, hackle.

Mishnah 9

Felted materials1 are forbidden because they are hackled. An edge2 of wool upon linen3 is forbidden because it interlaces in the web.4 R. Jose says, Tapes5 of purple wool6

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are forbidden because one stitches them on before tying. One must not tie a cord of wool to one of linen to gird the loins even if there be a strap between.

1 i.e., made of כֶּפֶלֶבִים (the components after combing or hackling are pressed together). 2 i.e., the edging that finishes off the woven cloth. 3 i.e., material or garment made of linen. 4 i.e., the woven material (‘it comes up as if woven,’ would agree with כֶּפֶלֶבִים 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 כֶּפֶלֶבִים joint, because there must not be wool and linen on the same garment even if not actually stitched together.

Mishnah 10
The marks of weavers and the marks of washermen are forbidden under the law of forbidden junction. If one makes a single stitch it is not considered a fastening, and it does not come under the law of forbidden junction, and if one undo it on the Sabbath, he is exempt. If he carried its two ends over to the same side, it is considered a connective and comes under the law of forbidden junction, and one who undoes it on the Sabbath is culpable; R. Judah.

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says, Only if one make three stitches, A sack and a basket are included together under the law of forbidden junction.

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 cleanliness and uncleanness, so that if one is rendered 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 72). 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 cleanliness and uncleanness, so that if one becomes unclean, the other is also unclean, and if both are unclean then if one is then rendered 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.
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Shabbeith

SHEVIITH
is the fifth נִטְנָה, Tractate, of נִדְנָה, the Order Zeraim, and contains ten Chapters or נִדְנָה. It has no נִדְנָה in the (Babylonian Talmud) but there is a נִדְנָה to it in the (Jerusalem [or Palestinian] Talmud.)

According to the רמבם Rambam the Tractate נִדְנָה should have followed נִדְנָה because that is the relative order of these subjects as mentioned in the Pentateuch, but the commandment of נִדְנָה does not concern anyone who has not planted any trees, whereas the commandment of נִדְנָה applies to all and must be universally observed and hence because of its importance it follows נִדְנָה (as the Talmud puts it: נִדְנָה נִדְנָה, 'That which is more general precedes the less general.')

The term נִדְנָה is the feminine form of נִדְנָה, Sabbath, Seventh Year, Sabbath Year, Seventh Year, is also known as נִדְנָה, release, rest, cancellation of debts, Sabbath Year, Rest Year. (Strictly speaking נִדְנָה refers to the renunciation of debts—no debts could be collected during that year unless they were in advance given over to נִדְנָה by an enactment known as נִדְנָה נִדְנָה—see נִדְנָה 36, 37, 48—established by נִדְנָה.) The land in Palestine was to be cultivated in periods, viz., six years' cultivation and one year's—נִדְנָה or נִדְנָה—non-cultivation; and everything that grew of itself that year in the fields, gardens, orchards, vineyards and oliveyards was to be נִדְנָה, 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 beneficient 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.
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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 (נְגֵמָר), yet the Rabbis only permitted fruits which grew of their own accord on trees, not regarding these as נְגֵמָר (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 (��אאאאא). 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 נְגֵמָר is based on Exodus 23, 10, 11, Leviticus 25, 2-7, 20-22, and Deuteronomy 15, 1-3.

Exodus 23:

(10) And six years thou shalt sow thy land, and gather in the increase thereof.

(11) And 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.

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Leviticus 25:

(2) 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.

Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in the produce thereof.

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.

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.

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.

And for thy cattle and for the beast that are in thy land shall all the increase thereof be for food.

And if ye shall say, What shall we eat in the seventh year? behold, we shall not sow, nor gather in our produce.

Then I will command my blessing upon you in the sixth year and it shall bring forth produce for the three years.

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:

At the end of every seven years thou shalt make a release.
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.

Of an alien thou mayest exact it; but whatever of thine is with thy brother thy hand shall remit.

See הַוּכְלָיָּה 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
Chapter 2
Chapter 3
Chapter 4
Chapter 5
Chapter 6
Chapter 7
Chapter 8
Chapter 9
Chapter 10

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.
Mishnah 1
Up to what time may a tree-planted field be ploughed before the Sabbatical Year? The School of Shammai say, So long as this is advantageous for the produce; but the School of Hillel say, Until the Festival of Weeks. And the view of the one is near the view of the other.

1 Or אֶלֶף. 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 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. מַימָּה לְמִשְׁמָרְתּוֹ, 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 작업י, 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. If they are capable of yielding a cake of dried figs of sixty Italian अलौन बेचै स्वप्न, अम बीजियाँ लेवल स्वप्न, श्ले श्लेम
minas\(^6\) weight, the whole space of the seah may be ploughed for their sake,\(^7\) but if less\(^8\) than this, only so much space may be ploughed\(^9\) round each of them that a fruit-picker\(^10\) with his basket behind him would occupy.

1 Or רבעים. 2 Or אינך נפש, * space of 50 cubits square (2500 square cubits).
3 Each tree. 4 Or איים. \(i.e.,\) 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 Or קלי, see Tables in Introduction. 7 Up to נ組 איים, the Festival of Weeks or Pentecost. 8 viz., less than 60\(\text{minas}'\) weight.
9 Up to פסח, Passover. Or תأخر, date gatherer; ביר, grape-gatherer; פיק, corn reaper. *There are usually ten trees to every seah, \(i.e.,\) sixteen square cubits' area for each tree to enable it to grow spaciously. §See 13.

Mishnah 3
Whether they are non-fruitbearing trees or fruit-trees, they are considered\(^1\) as if\(^2\) they were fig-trees: if they are capable\(^3\) 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\(^4\) may be ploughed as their need may be.\(^5\)

1 An estimate is made according to the size and strength of the trunk and the branches. 2 Or אינך נפש, \(i.e.,\) if each is of such size and has many branches. 3 Or קלביא in some editions. \(i.e.,\) if two can yield such but the other can not yield such, only such an area may be

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\(^1\) such but the other can not yield such, only such an area may be

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ploughed as they need\(^1\) when there are from three\(^2\) to nine. If there be ten,\(^3\) or more than ten, whether they can yield or whether they can not yield,\(^4\) the whole space of the seah may be ploughed\(^5\) for their sake; for it is written, \(^6\) *In the ploughing-time and in harvest shalt thou rest*; there was no need to speak\(^6\) of the ploughing-time and the harvest of the Sabbath Year; but it refers to the ploughing-time before the Sabbath Year\(^7\) which encroaches upon the Sabbath Year, and the harvest of the Sabbath Year\(^8\) that outlasts the conclusion of the Sabbath Year. 

R. Ishmael says, Just as ploughing-time is optional\(^9\) so is the harvest time optional, excepting the time of cutting the Omer\(^10\) for it is a precept.\(^11\)

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1 *i.e.*, for the need of each. 2 Trees per *םדוק*; וּוּלַשׁ, literally *if there were*. 3 Or שְׁעָם שְׁמִירָה. 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 Sabbath 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 Sheviith. 6 לִלָּו 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 *עָלָס* on the appointed day must be fulfilled (even if the day happens to be שבת). 11 הָעַלּוּשָׁה אַפּוּכָּה is omitted in some editions.

**Mishnah 5**

If three trees belong to three persons, they are included\(^1\) together and the whole space of the seah may be ploughed\(^2\) for their sake. And what space should there be between...
Shevi'ith 15:7

them? Rabban Simon ben Gamaliel says, Enough for a team of oxen and their ploughs to pass through.

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 גְּדוֹלָה, the herdsman, who leads the oxen as they plough.

Mishnah 6

If ten young trees are spread out over the space of a seah, the whole space of the seah may be ploughed for their sake until the New Year; but if they are set out in rows or surrounded by a fence, only so much space may be ploughed as is necessary for them.

1 Or saplings. Three trees in a field of 2500 square cubits (or 50 cubits square) make it a עֶרֶךְ עָרָךְ, 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 יַד נָפַל (Compare 18). 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 יַד נָפַל 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. יַד נָפַל, i.e., 세 살람 호름 (ם טῷ), ‘necessary for them,’ viz., two cubits for the gleaner and his basket (see 13 Note 5).

Mishnah 7

Young trees and gourds may be included within the space of a seah.

R. Simon ben Gamaliel says, Wherever there are ten gourds within the space of a seah, the whole space of the seah may be ploughed until the New Year.

1 Or sapling. 2 גּוּרְדָה, 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?—R. Eliezer ben Azariah says, Until they become free for use; R. Joshua says, Until they are seven years old; R. Akiba says, It is a young tree so long as it is thus termed. If a tree were cut down and it sent forth young shoots, if they be a handbreadth or less in height it is as a young tree, but if they be over a handbreadth high it is as a tree—this is the view of R. Simon.

1 Or saplings. 2 When a tree is first planted its fruit, termed שֵׁלָל, 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 נֵרְכָּה. This is the accepted ruling. 4 i.e., the stump. 5 From the roots. 6 קְצֶה, 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 חָפְצֵה. 8 His view is accepted.

CHAPTER 2

Mishnah 1

Until when may a corn-field be ploughed on the advent of the Sabbatical Year? Until the moisture in the ground has gone, or so long as they plough for planting cucumber-fields and gourd-fields.

R. Simon said, ‘Thou hast placed the law for each man into his own hand—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.”

1 קְצֶה, corn-field or vegetable-field, the term קְצֶה, 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
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 to plough the field as before.  

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: '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 manure and hoe cucumber-fields and gourd-fields until the New Year; and likewise in the case of irrigated fields. They may cut away faults, thin out the leaves, cover up the roots, or fumigate until the New Year. R. Simon says, One may even remove the leaf from a grape-cluster in the Sabbatical Year.

1 This was permitted even in Temple times up to the New Year.  

2  

3 or beds, a field requiring irrigation.  

4 A rain-watered field (one not requiring irrigation).  

5 cut off dry twigs, cut away warts etc., trim.  

6 strip off the leaves to lighten the branches.  

Mishnah 3
They may clear away the stones until the New Year. They may trim, thin out, or prune until the New Year. R. Joshua says, What applies to trimming and pruning in the fifth year applies equally in the sixth year. R. Simon says, 'So long as I am permitted to tend a tree I am allowed to prune it.'

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 Sheviith.  

6 His opinion is not accepted.
Shevi'ith 24,5

Mishnah 4

They may oil1 young trees and wrap2 them round, and put ashes over their roots,3 and make shelters for them,4 and water them until the New Year. R. Eliezer5 bar Zadok says, One may even water the branches in the Sabbatical Year but not the roots.6,7

1 point 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 In some editions. 7 Literally the root.

Mishnah 5

They may oil1 unripe fruits2 or hole3 them until the New Year. Unripe fruits of the sixth year4 which grew into the Sabbatical Year, or of the Sabbatical Year which came forth after the Sabbatical Year, must not be oiled or holed.5 R. Judah6 says, Where they were wont to oil them they may not7 oil them, because it ranks as labour; where they were not wont to oil them, they may oil them. R. Simon permits8 work in the case of a tree because one is permitted to tend a tree.

1 While still growing they are smeared with oil to hasten their ripening. 2 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 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.

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1 Or shrubs. This applies also to the Egyptian bean. 2 Because in that case they are dealt with as if having grown in a rain-watered field, since they

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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 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 to leave
them to grow during the Sabbatical Year; their berries are forbidden
in the Sabbatical Year. And they may water the soil of a corn-field,
according to the opinion of R. Simon, but R. Eliezer forbids it. They may soak a rice-
field in the Sabbatical Year; R. Simon says, But they may not cut 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 [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
Mishnah 1
From what time may they bring manure to the dung-heaps?—When
transgressors have ceased, this is the opinion of R. Meir; R. Judah
says, When the moisture has dried up; R. Jose says, When it has
hardened.
1 In the Sabbatical Year, for use in the 8th year. 2 Manure is piled up in heaps 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, נִיָּקְנֵה which is taken to refer to the non-Jews who cultivate their fields. 5 Or מַקְשֵׁבָה, or מַקְשְׁבָּה, 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?—Up to three dung-heaps in the space of a seah, ten basket-loads to each dungheap, each basket-load of one lethek. They may add to the number of baskets but they may not increase the number of dungheaps. R. Simon says: Also the number of dungheaps.

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 Sheviith. 2 מַקְשֵׁבָה, 43.7 gallons or 198 litres (see 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, it is permitted: this is the view of R. Simon; but the Sages forbid it unless he lowers three or raises up three. A man may heap up his manure into a pile: R. Meir forbids this unless he lowers it three or raises it three. If one had but little, he
may keep on adding to it. R. Eliezer ben Azariah forbids this unless he lowers it three or raises it three or places it on rocky ground.

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 הדר, in a circular formation. The word may have dropped in from 35. The word הט 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 That is, 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 in a field, he should put up an enclosure covering an area of two seahs, then he pulls up three sides leaving the other side—thus a space of four seahs will have been used as a cattle-fold. R. Simon ben Gamaliel says, An area of eight seahs. If one’s field were four seahs in area, he should leave a small part of it for the sake of appearances. And he may take away from the enclosure and place it in his field in the method of those who bring out manure.
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1 Or תָּבֶנֶי, 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 רֶאֶשׁ, remaining side, to form a new two seahs’ space enclosure. (The term רֶאֶשׁ, middle side, is used because it forms the middle side between the old position and the new one). 5 Or רֶאֶשׁ. 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

A man must not open up a quarry1 for the first time2 in his field unless there were there three layers3 each three cubits long, three wide and three in height, the total number of stones being twenty-seven.4

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

If a wall1 have in it ten stones, each a load for two men, these3 may be removed. The extent of a wall must be ten6 handbreadths; less than this6 it is considered a quarry and may be removed to within not less than one handbreadth from the ground.7 When is this the case?8—From one’s own field; but from his

* To collect the manure in the field.
neighbour's, as much as he may wish he may remove. 9 When further is this the case?—When he had not begun in the sixth year, but if he commenced in the sixth year he may remove as much as he wishes. 12

1 Or רִיצָה. Literally fence. A stone wall in a field. 2 Or מְשַׁמֵּרָה. 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 13.

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 for two men, all these may be removed. If a man clear away stones from his field, he removes the top ones but leaves those that touch the ground. And likewise a pile of 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.

1 Or מְשַׁמֵּרָה. 2 For building purposes. And not breaking a clearance prior to sowing. 3 Or וַיִּסְהָבְךָ. 4 Because it will be evident that the field is not being prepared for cultivation. 5 Some read וַיהָלַךְ.
Shevi'ith 38.9

Mishnah 8
Steps 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. One must not block them up with earth, but he may make a rough embankment. Any stone which one can stretch out his hand to take may be removed.

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 קובן (קְוֶבֶן) 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 may be removed from any place, and the building-contractor may take them 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 says, Heavy stones are what their name implies—those that are carried two or three at a time, on one's shoulder.

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 builds a wall between his own and the public property, he may dig to rock bottom. What is he to do with the earth?—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, just as one may not cause disorder in public property so he must not restore it to order. What shall he do with the earth?—He heaps it up in his own field just as those do who bring out manure. And similarly if one dig a cistern or ditch or cave.

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 pit. 6 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. But when the transgressors grew in number, they established that one may collect from another’s and another from his, not as a favour, nor, needless to say, to stipulate to give them food.

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 31, Note 4). 3 i.e., not as a mutual, reciprocal prearranged favour. 4 In return for their work.
Mishnah 2
A field which has been cleared of thorns\(^1\) may be sown in the eighth year; but one that has been made ready\(^2\) or used for penning cattle\(^3\) 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 \textit{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 \textit{Sabbatical Year} by favour; but the School of Hillel say, They may eat whether by favour or not by favour. R. Judah\(^5\) says, The ruling is the other way round, for the School of Shammai are here lenient and the School of Hillel are stringent.\(^4\)

\textit{1} Already broken away. \textit{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 \textit{Sabbatical Year} to meet the heavy demands. Otherwise a field ploughed or manured in the \textit{Sabbatical Year} must not be sown in the following year. \textit{3} i.e., not for the purpose of merely collecting the manure in heaps but actually for manuring. \textit{4} Or \textit{טוחמא}. \textit{5} His view is not accepted.

Mishnah 3
They may hire\(^1\) newly broken\(^3\) land from a non-Jew\(^2\) in the \textit{Sabbatical Year}, but not from a Jew; and they may congratulate\(^4\) a non-Jew\(^8\) in the \textit{Sabbatical Year} but not a Jew. And further, they may offer them greetings\(^6\) for the sake of peace.

\textit{1} He may do so even if thereby the non-Jew may plough the field. \textit{2} \textit{טמותא לין לין מינימא}. \textit{3} \textit{דרים כף נקבר}. \textit{4} \textit{משביעת כף נבכירה}; \textit{5} \textit{בר נבכירה י данным}. \textit{6} \textit{בר נבכירה י данныים}. An \textit{ AppBar is a tenant who 255}
agrees to pay the owner a stipulated proportion of the produce, and the tenancy is termed שכר. A tenant who undertakes to till a field for rent payable in money is termed מלבנים 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 in some editions. 6

Mishnah 4

If one thin\textsuperscript{1} out olive-trees,\textsuperscript{2} the School of Shamai say, He should cut them as far as the roots; but the School of Hillel say, He may uproot\textsuperscript{3} them; but they admit\textsuperscript{4} that when levelling a field he must cut to the roots. What is meant by thinning out?—One or two.\textsuperscript{5} And by levelling?—Three alongside each other.\textsuperscript{6} When is this the case?—From his own; but from his neighbour’s, even when he levels he must uproot.\textsuperscript{7}

1 Or 57\textsuperscript{3}. 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 בשמליות.

Mishnah 5

When one splits wood from an olive-tree\textsuperscript{1} he may not cover it\textsuperscript{2} with earth,\textsuperscript{3} but he may cover it with stones\textsuperscript{4} or with straw. If one cut down the trunk\textsuperscript{5} of a sycamore, he must not cover it\textsuperscript{1} up with earth, but he may cover it with stones or with straw. They may not cut down a virgin\textsuperscript{6} sycamore in the \textit{Sabbatical Year}, because that would be cultivation;\textsuperscript{7} R. Judah\textsuperscript{8} says, If in the usual manner\textsuperscript{9} it is forbidden, but
he may leave standing ten handbreadths\(^1\) or cut it down to the level of the ground.

1 In the *Sabbatical Year* for fuel. Perhaps אָכַף. 2 The rent. 3 Because the earth improves the tree. Perhaps עֲקַפוּ. 4 That the tree does not dry up. 5 עֶרֶב, 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\(^1\) vines or cut reeds, R. Jose the Galilean says, He should leave them\(^2\) one handbreadth.\(^3\) R. Akiba says, He may cut them in his usual fashion with an axe, or with a sickle,\(^4\) 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.\(^6\)

1 To make the main stem grow stronger. In the *Sabbatical Year*. 2 Uncut. 3 From the earth. 4 Or *scythe.* 5 Perhaps עֲקַף. 6 The crack or split should not extend. *Perhaps the definite עֲקַף.

Mishnah 7
When\(^1\) may they eat\(^2\) the fruits of trees in the *Sabbatical Year*?—The young\(^3\) figs when they become red,\(^4\) one may eat his bread with them\(^5\) in the field;\(^6\) when they become ripe,\(^7\) he may take them into his house. And likewise with similar fruits, in the other\(^8\) years of the seven-years’ cycle he is liable\(^9\) to tithes. 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.
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 Or tender. 9 i.e., begin to ripen.

Mishnah 8
When unripe grapes produce juice, one may eat his bread with them in the field. When they become ripe, 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.

Mishnah 9
When olives can yield a quarter-log to a seah, one may crush 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 of the possible yield, 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 in the Sabbatical Year.

1 Or tender. 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.

1 8.4 cubic inches (see Introduction. Tables). 2 Of oil. 3 פּּיָשׁ, 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 Mishnah 11ff.).

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Mishnah 10
After what time may they not cut down trees in the Sabbath Year?
—The School of Shammai say, When they have brought forth;[2] but the School of Hillel say, Carob-trees when their branches begin to droop,[3] (and) vines when they form the pips,[4] (and) olive-trees when they blossom,[5] and all other trees when they bring forth.[6] And every tree, as soon as it has reached the season for tithes, may be cut down. How much should an olive-tree produce that it may not be cut down?—A quarter;[8]
R. Simon ben Gamaliel says, It is all according to the kind of olive-tree.

1 In the Sabbath Year. It is wrong to cut down a tree in the Sabbath Year if thereby people be prevented from benefiting by its fruit. 2 Leaves appear in the month ofINO. 3 According to another view, when the leaves grow like a chain. Or when the beans or carrot-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 the Sabbath Year. 7 This does not refer to a Sabbath Year, but in general good trees should not be destroyed. (Deuteronomy 20, 19). 8 33.6 cubic inches ($\frac{1}{4}$ בק, see Introduction, Tables.

CHAPTER 5
Mishnah 1
In the case of white figs[1] the Sabbath Year laws apply to them in the second year[2] because they ripen once in three years. R. Judah says,[3] In the case of Persian figs[4] the Sabbath Year laws apply to them in the year following the Sabbath Year because they ripen once every two years; they[5] replied to him, They[5] spoke only of white figs.

פַּרְקֵה ה
כְּסִנָּה א
בּוֹתַהְוָא, שֵׁבֵיעֵית שִׁלְחָם שְׁלֵיחַ, שֹׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּיהוּ, כָּלִי שָׁמַח שָׁמַח, קַלִּית שִׁמֵּי
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 Rabbis, after investigation, discovered that they ripen yearly (Tosephta).

Mishnah 2
If one cover up serpentaria in the earth, in the Sabbatical Year, R. Meir says, It 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 kabs, one handbreadth in height and with one handbreadth of earth on top, and it must be hidden in ground over which people walk.

1 They keep better if buried underground. 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 קֵסִיֵי־הָעָנִי in some editions. 6 ב pharmacist, 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 after the Sabbatical Year has gone by, R. Eliezer says, If the poor have gathered its leaves, it is well; but if not, he must make an allotment to the poor. R. Joshua 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.
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, Note 1). 2 His view is rejected. 3 In the *Sabbatical Year* after 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 (בשיה).

Mishnah 4
In the case of serpentaria that remains standing from the sixth year until the *Sabbatical Year*, and likewise summer onions and similarly dyer's madder from good soil, the School of Shamai say, They are to be dug up with wooden rakes, but the School of Hillel say, With metal spades. But they agree that madder from stony ground must be dug up with metal spades.

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 (לְשֵׁנָה). This was to avoid suspicion (כְּמוֹ שָׁנָה) of flagrantly acting against religious commands. 3 Or shovels. 4 Or metal and קְנָרְבּוֹת. 5 Or קְנָרְבּוֹת. There is no fear of suspicion that the soil is being prepared.

Mishnah 5
When may anyone buy serpentaria in the year following the *Sabbatical Year*?—R. Judah says, Straightway; but the Sages say, When the new comes up.
SHEVIITH

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 לֶקֶךְ). 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 craftsman1 is not permitted2 to sell in the Sabbatical Year, a plough and all its accessories,3 a yoke, and a winnowing fan and a mattock; but he may sell a sickle, a scythe, and a waggon4 with all its accessories.5 This is the general rule, any implement whose sole use is transgression6 is forbidden, but if it may be used for both forbidden and permitted purposes, it is allowed.

1 Or עוֹשֵׂה. 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 מְּסֹר, ownerless, produce in small quantities, but not large quantities for storage. 5 Of the Sabbatical Year law.

Mishnah 7
The potter may sell1 five oil-jars2 and fifteen wine-jars,3 since one gets so much from the ownerless produce;4 and if he get more than this, it is allowed.4 And he may sell5 to a non-Jew6 in Palestine and to a Jew7 outside Palestine.

1 To any person even if he be suspect regarding the Sabbatical Year law. The text gives מְּסֹר but the masculine מַמְסֹר would grammatically be the correct form. 2 Oil-jars are made from different kinds of clay than wine-jars. 3 מִנְפָּקֵר in some editions. 4 To be used. 5 More than these numbers of jars. 6 לְצַיְבִיר גַּלְפָּקָר 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.
The School of Shammai say, One must not sell a ploughing heifer to a person in the Sabbatical Year; but the School of Hillel permit it, because he can slaughter it. One may sell him produce in sowing time; and he may lend him a seah-measure even though he knows that he has a threshing-floor; and he may give him small change even though he knows that he has labourers. But in all these cases expressly it is forbidden.

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 נבש הטובה. 3 Or נבש טובה. 4 In some editions, נבש נבש. 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 זכלי זכלי. 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.

A woman may lend to her neighbour, who is suspect regarding the Sabbatical Year, a fine sieve, a coarse sieve, a handmill, and an oven; but she must not help her to sift the grain nor grind the corn. The wife of an associate may not lend to the wife of an ignorant person a fine sieve or a coarse sieve, and she may help her to winnow or grind or sift the corn, but when she pours water she must not touch with her, because no help may be given to those that commit trans-
Shevith 5⁰, 6¹

gression. And all these have been enjoined for the sake of peace. And help may be given to a non-Jew¹¹ in the Sabbatical Year¹² but not to a Jew. And greetings may be offered to them¹³ for the sake of peace.

1 Of transgressing the law which forbids eating fruits of the Sabbatical Year after 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 בֶּן, 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 purity, cleanliness, and uncleanness, defilement. 7 יָשָׁא, (a) peasant, countryman; (b) (in contradistinction to בֶּן) illiterate, coarse, unrefined person; (c) (in contradistinction to בֶּן) one who does not observe certain religious customs and duties regarding uncleanness and filthiness. 8 Because the majority of יָשָׁא were not suspected of evading giving 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, פַּךְ. 12 In the field. 13 The non-Jews.

CHAPTER 6

Mishnah 1

Three districts¹ must be considered concerning the Sabbatical Year: all that part of the Land of Israel as far as Chezib⁹ which they⁸ that came up from Babylon occupied, may not be eaten⁴ nor cultivated; and all that part from Chezib as far as the River⁵ and Amanah⁶ which they that came up from Egypt occupied, may⁷ be eaten but not cultivated; from the River and Amanah and inwards, may be eaten and cultivated.

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 אָרְבָּא (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. 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 קָרָן, ‘thy land’, all other lands that have not the sanctity of קָרָן are excluded. 7 i.e., the produce may be eaten but the land not cultivated.

Mishnah 2
In Syria they may help with the work with cut corn but not with the uncut corn; they may thresh and winnow, and tread and harvest, 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 in the Land of Israel may be performed in Syria.

1 The districts (מָרוֹם וּלְבָן נַחֲלָה) 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 קָרָן itself. 2 Help may be given to even those who are suspected of not observing the Sabbath Year law and to non-Jews. 3 This is forbidden in the case of owned produce; but in the case of שלל it is permitted just as in Palestine, but only if it is done not in usual manner (compare 5 Note 4). 4 Or קָרָן וּלְבָן יִדְבּוּכֵים. 5 The grapes. 6 Or bind sheaves, stack sheaves. 7 i.e., whatever is permitted (or מִית לָהוּ מִיָּדוֹן מְלֹאכָה הָאָרֶץ) as laid down in the Law, but forbidden מְלֹאכָה, by the Sages, in Palestine. 8 i.e., even though מְלֹאכָה it is forbidden. And the work may be carried out even in the usual manner.

Mishnah 3
Onions upon which the rain has fallen and they have sprouted: if their leaves be dark they are forbidden, but if they be green they are allowed. R. Chanania ben Antigonus says, If they can be pulled up by their leaves, they are forbidden, and the like of these in the year after the Sabbath Year are permitted.
Shevi'ith 6:5

1 Planted in the sixth year. 2 Or בְּשֵׁמוֹת אֱסוֹרִים. This shows that they have continued to grow in the Sabbatical Year and are forbidden after the שַׁבָּתִי זוֹעֵל. 3 Or פָּרָדָא בְּשֵׁמוֹת בְּשֵׁמוֹת. This shows that they have not received any benefit from the soil. 4 Which shows that they have not received any benefit from the soil. 5 Or perhaps better מִנִּיהָ. 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

When 1 may 2 a man buy vegetables after the Sabbatical Year?—When such have ripened. 3 When the early 4 crop is ready the later 5 crop is permitted. 6 Rabbi permitted the purchase of vegetables immediately 7 after the end of the Sabbatical Year.

1 In the eighth year. 2 Or בְּשֵׁמוֹת. 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 פָּרָדָא. 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

Oil to be burned 2 and produce 3 of the Sabbatical Year must not be removed 1 from the Land of Israel to another country. Said R. Simon, 4 'I have heard explicitly 5 that they may be removed to Syria but not to 6 outside the Land of Israel.'

1 Or מַצָּיוֹת. 2 Oil of לְהַעֲלוּת, 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.

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Mishnah 6

Heave-offering from outside the Land of Israel may not be brought to the Land of Israel. Said R. Simon, ‘I have heard explicitly that they may bring it from Syria but not from outside the Land of Israel.’

1 Or the priest's share of the produce, priest's-due. 2 The forbid it for fear that the priests, might go outside Palestine to seek the 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, 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 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 Sabbaratian Year law, and the money obtained by selling such comes under the Sabbaratian Year law, and the law of Removal applies to it and to the money obtained from its sale. And which are these?—The leaf of wild-serpentaria, the leaf of mint, endives, leeks, purslane, and star-of-Bethlehem. And food for cattle?—Thorns and thistles. And the species used for dyeing?—Aftergrowths of woad and madder. The Sabbatical Year law applies to them and the Sabbatical Year law applies also to the money obtained by selling them, the law of Removal applies.
to them and the law of Removal\(^{13}\) applies to the money\(^{12}\) obtained from their sale.

1 The בָּנָיָה, 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.

Mishnah 2
And they laid down another general principle: whatever\(^1\) is not food for man, or food for cattle, or of the species used for dyeing, and will keep\(^2\) 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\(^3\) are they?—The root of the wild serpentaria, and the root of mint, and palm-ivy\(^4\) and asphodel and spikenard.\(^5-6\) And the species used for dyeing?—Dyer’s-madder and cyclamen.\(^7\) 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.\(^8\) R. Meir\(^9\) says, The money\(^10\) obtained by their sale comes under the law of Removal until the New Year.\(^11\) They said to him, To them the law of Removal does not apply, still less to the money\(^12\) obtained from their sale.
K9nt in some editions. 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. Or hartstongue. Or hazelwort. Or sowbread. 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. But his opinion is rejected. removal, must be carried out before the New Year of the eighth year. Literally from their money.

Mishnah 3
The husks1 and blossom of the pomegranate, and the shells and kernels2 of nuts—the Sabbatical Year law applies to them and to the money3 obtained by their sale. The dyer may dye for his own purpose but he must not dye for payment, because none may do trade4 with the produce5 of the Sabbatical Year or with firstlings6 or with the priest's share of the produce and of the first tithe,7 or with carrion, or with ritually forbidden flesh,8 or with unclean animals,9 or with creeping things,10 and one may not collect11 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 may12 sell.

1 Or קְלֵי, פְּרֵיָּה. 2 Or לְמִים. 3 Literally and to their money. 4 Or business. 5 Or מַכָּר. 6 When alive; but after slaughtering the carcase or flesh may be sold but not in the butcher's shop. 7 Or heave-offerings. 8 Or קִרְיָֹת, כָּפָֹרְס. 9 Or terah, or 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 Sheviith. 12 Or קָּרָּפֶּר.
SHEVIITH 77, 8

had time to affect the oil. But not after the time has arrived. 4 Of the eighth year. 5 Or beforehand. 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 beforehand. 8 Of the sixth year. 9 Of Sabbatical Year produce. 10 Of the eighth year. 11 Or beforehand. 12 Regarding all produce subject to restrictions in the Sabbatical Year. 13 Or beforehand. 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

Mishnah 1

They laid down an important general principle regarding Sabbatical Year produce: whatever is gathered solely as food1 for man—they must not make from it an emollient2 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 intended3 it as food for man and as food for cattle, they apply to it the stringent rules4 affecting man and the stringent rules5 affecting cattle. If one intended it for wood,8 it is considered as wood, as for instance savory and hyssop and thyme.9

1 This decision is based on the terms תואלב, for food, and then למאכל, to eat, in Leviticus 25, 6, 7, respectively. 2 Or fomentation, plaster, poultice. 3 When gathering. 4 i.e., for both cases. 6 Or beforehand. i.e., not to be used as an emollient. 7 Or beforehand. 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 is intended to be used as food and drink and unguent—to be eaten whatever is usually eaten, and to be drunk 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, 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 Sabbath Year produce is dealt with more leniently in that it may be used for kindling a lamp.

1 Or מיקרי סירית. 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 לֶשׁוֹת דֵּבֶר שְׁרוּכָה is omitted. 4 Because they are more important as food, hence any other use would be wastefulness. 5 Oil of נֶשׁוֹת, priest's-due that had become defiled, may be used in lamps (but unclean oil from מִסְרָשׁ may not be used for lamps).

Mishnah 3

They must not sell Sabbath Year produce by bulk, or weight, or number; nor figs by number; nor vegetables by weight. The School of Shammi say, Not even in bundles, 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.

1 Or מיקרי סירית. 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 מקרי סירית.
All done in order to avoid the appearance that they were being used for trading purposes. 5 Or asphodel, day-lily, kingspear. (Compare 71).

Mishnah 4
Someone says to a labourer,1 ‘Here is for thee an issar2 and gather3 for me vegetables to-day’—his payment is allowed;4 ‘Gather5 for me in return for it6 vegetables to-day’—his payment is forbidden. One bought from the baker a loaf worth7 a pundion,8 ‘When I shall have gathered9 vegetables from the field I will bring them to thee’—this is allowed;10 but if he bought from him unconditionally he must not pay11 him with the money from the Sabbath Year produce, because a debt may not be repaid with the money from Sabbath Year produce.

1 In the Sabbath Year. Literally to the labourer—perhaps to a labourer.
2 אָסָר = 8 אָסָר (see Introduction, Tables). 3 לֻלְכָּס in some editions.
4 Or ָסָר. 5 Or, insomeeditions, ָסָר. i.e., hesaid, ‘Gather etc’. 6 i.e., for the issar.
7 But not in exchange for a ֱלֶבֶן coin(s). 8 ְסֶפֶר אָסָר = 2 אָסָר. Or ְסֶפֶר אָסָר.
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 give1 to a well-digger4 or to a bath-house4 keeper or to a barber or to a sailor,2 but one may give to a well-digger4 for3 a drink; and he may give5 it to any of them4 as a free gift.

1 i.e., pay with Sabbath Year produce or money. 2 Or boatman. Or ְסֶפֶר. 3 i.e., to buy. 4 Or ְטֶבֶן. 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 Sabbath Year may not be cut with a fig-cutter,1 but one may cut them2 with a knife.3 They must not tread grapes in a wine-pressing vat, but one may tread them in a trough;4 and they may not prepare olives in an olive-press or in an olive-crusher,5 but one may crush them and put them into a small olive-press.6 R. Simon says,7 One may even grind them in an olive-press and put them into a small olive-press.8

1 Literally with the fig-cutter—perhaps בָּקָם. 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 מְנָא in some texts. 3 Others interpret the words אַל תַּכְוָל וְתַכְוָל 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 would be a place usually assigned for other purposes and a waste-place cleared away for this express purpose. 4 Or בָּקָם, trough, tub, kneading-trough. 5 עַל, a small olive-press or wine-press with a round beam crusher. 6 Or בָּקָם?—the word is diminutive for the larger olive-press always referred to as בָּקָם. 7 His ruling is accepted.

Mishnah 7

Vegetables of the Sabbath Year may not be cooked1 with oil of heave-offering2 so that it be not rendered unfit;3 R. Simon4 permits it. And the last5 becomes subject to the Sabbath Year law, but the Sabbath Year produce itself remains forbidden.

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 Sabbath Year produce to be wasted. 4 His view is rejected. 5 i.e., if the Sabbath 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 of Sabbatical Year produce; but if one did buy, he must consume of equal value. They must not bring as offerings of men afflicted with a discharge or of women afflicted with a discharge or of women after childbirth, pigeons that have been bought with the money of Sabbatical Year produce; but if one have brought such, he must consume of equal value. They must not smear vessels with oil of Sabbatical Year produce, and if one have smeared, he must consume 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 לְטַנְתָּם in some texts. 4 לְטַנְתָּם 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 נֶשֶׁת, sin-offering, and one as שלם, 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 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 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.
Mishnah 10
And they stated further before him, ‘R. Eliezer used to say, He that eats\(^1\) of the bread of Samaritans is as one who eats the flesh of swine’. He replied to them, ‘Be silent! I will not state\(^2\) to you what R. Eliezer says regarding this’.

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\(^1\) with straw or stubble of \textit{Sabbatical Year} produce—it is permitted\(^2\) to wash therein. But if one be a person of importance,\(^3\) such a man will not wash\(^4\) there.

1 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 \textit{Rosh} in some editions.

CHAPTER 9
Mishnah 1
Rue, wild strawberries,\(^1\) purslain,\(^2\) wild coriander, water parsley,\(^3\) and field-rocket\(^4\) are exempt\(^5\) from \textit{tithes} and may be bought from anyone in the \textit{Sabbatical Year} because no watch is maintained over the like of these.\(^6\) R. Judah says,\(^7\) Aftergrowths of mustard are permitted\(^8\) because transgressors\(^9\) are not suspect concerning them. R. Simon\(^10\) says, All aftergrowths are permitted except the aftergrowths of cabbage because the like of these do not
exist among wild vegetables; but
the Sages say, All aftergrowths are
forbidden.

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 מים, מים in some texts. 9 שלו 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:1 Judaea, and beyond the Jordan, and Galilee; and each2 is divided into three districts—Upper Galilee, Lower Galilee, and the Valley;3 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.4 And in Judaea, the Hill-country and the Plain5,6 and the Valley.7 And the Plain5,6 of Lydda is considered as the Plain6 of the South, and its Hill-country is as the King's Hill-country.8 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 현

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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. The Valley of Galilee. Or Lowlands. Sycamores grow plentifully in the Valley of Galilee (see 1 Kings 10, 27). In some editions, 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 in each country until the last therein is ended. R. Simon says, 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 regarding olives and dates.

Mishnah 4
They may eat with reference to ownerless produce but not with reference to owned produce; R. Jose permits it even in reference to owned property. They may eat with reference to poor grains and to twice-a-year-bearing figs, but not to winter-fruits. R. Judah permits this so long as they ripened before the summer was over.
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 הר'? 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 הר' to the parapets of the roof in which receptacles were dug, a handbreadth in size in which to store grain for birds to pick. (Compare I Kings 7, 9 ‘for the foundations to the הר’). 4 i.e., when it is still found in private ownership or ‘watched over’. 5 Or אפרים יבש, a species of fig that grows twice a year upon the tree, and the מכסה, Removal, follows the second crop. (אפרים is a Greek and Latin and means bearing twice [a year]). 6 Or הר' מכסה, 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 into one barrel, R. Eliezer says, 'They may eat them with reference to the first'; R. Joshua says, 'Even with reference to the last'. Rabban Gamaliel says, 'All species that come to an end 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.' R. Simon says, 'All vegetables are alike regarding the law of Removal. They may eat portulaceae until the tares come to an end in the Valley of Beth-Netopha.'

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 חכם (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
removed, may remain for use. 8 This is an accepted ruling. 9 Or purslane, purslain. Of the Sabbatical Year. 10 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 the moisture has dried up. And if one gathered dried greens, until the second rainfall. Leaves of reeds and leaves of vines, until they fall from their branches; and if one gather them dry, until the second rainfall. R. Akiba says, In all these cases, until the second rainfall.

1 Of the Sabbatical Year produce: he may continue to eat them and this is the accepted ruling. 2 Or שיבת. 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 in Palestine was known as גרין אשת, latter rain, light rains in spring, and מילק, former rain, heavy rains in early autumn. The latter comes in three intervals, (from root וְרָכִית, fructify), the 17th ינשׁ, the 23rd ינשׁ to the 23rd ינשׁ, and the 1st ינשׁ to 1st ינשׁ; if the ינשׁ falls for seven days continuously it is considered as the whole three ינשׁ. 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 ינשׁ after which they are subject to the law of Removal.

Mishnah 7
Similarly, if one hire a house to his fellow until the rains, until the second rainfall. If one take a vow to derive no benefit from his fellow until the rains, until the second rainfall. Until when may the poor enter orchards—Until the second rainfall. When may they make use of or burn straw and...
stubble of the Sabbatical Year?—

When the second rainfall has fallen.

1 Or אבר. 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.

Mishnah 8
If one had Sabbatical Year produce and the time for Removal arrived, he must allot food for three meals to every person. And the poor may eat after the Removal, but not the well-to-do: this is the opinion of R. Judah. R. Jose says, Not only the poor but also the well-to-do may eat after the Removal.

1 Or הרה. 2 See this Chapter, Mishnah 2. 3 Or ניברה. 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 ניברה. 7 His ruling is accepted. 8 In some editions לא אוכלין; אוכלין אומר.

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, It must be given away to such as will eat it; but the Sages say, The sinner must not receive any benefit, but let it be sold to such as will eat it and this money be shared out among all of them. One who eats of the
dough from Sabbatical Year produce before the priest’s share was removed is guilty of death.

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 so that the donor shall not receive the thanks of the recipients. 5 Though Sabbatical Year produce being , ownerless, is free from tithes, it is nevertheless subject to , the priest’s share of the dough. 6 Death incurred is only .

CHAPTER 10
Mishnah 1
The Sabbatical Year cancels any loan whether under a bond or not under a bond. It does not cancel the debt due to a shopkeeper, but if he converted it into a loan then it does cancel it. R. Judah says, A later debt 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 says, All work that must be interrupted in the Sabbatical Year is cancelled, but if it need not be interrupted in the Sabbatical Year, it is not cancelled.

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 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\(^1\) on the first\(^2\) day of the Year,\(^3\) and the month were intercalated,\(^4\) the debt\(^5\) is cancelled; but if not, it is not cancelled. The violator\(^6\) and the seducer\(^7\) and the slanderer\(^8\) and all decrees of the court—all debts in connection with these are not cancelled.\(^9\) One who gives a loan on a pledge and he who delivers his bonds to the court\(^10\)—the debts owing to them are not cancelled.\(^11\)

1 Among buyers. 2 On the first day of the New Year. 3 The eighth year (the year following the Sabbatical Year). 4 Or 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 Prozbul in some texts. 10 Or Νέας.

Mishnah 3

A prozbul\(^1\) is not cancelled.\(^2\) This is one of the things which Hillel the Elder instituted; when he saw that the people refrained from giving loans\(^3\) to one another and transgressed\(^4\) what was written in the Law,\(^5\) Take heed unto thyself lest there be a base thought in thy heart, etc., Hillel established the prozbul.

1 A prozbul, שֶׁפֶרְבּוּל, 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 (הַשָּׁם 36; Deuteronomy 15, 9). 2 i.e., a loan secured by a prozbul is not cancelled by the Sabbatical Year. 3 in some editions. 4 Or שֶׁפֶרְבּוּל. 5 See Introduction.

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Mishnah 4
This is the essential formula of the prozbul: I give into your charge so-and-so, the judges in such-and-such-a-place, that every debt due to me I may collect whenever I desire. And the judges, or the witnesses, sign below.

1 The lender makes this declaration before two or three witnesses. 2 Or notes of indebtedness. 3 Or a postdated bond.

Mishnah 5
An antedated prozbul is valid, but a postdated one is invalid. Antedated bonds are invalid, but postdated ones are valid. If one borrow from five persons, a prozbul is made out for each separately. If five persons borrow from one, he does not have to draw up more than one prozbul for them all.

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 אֵלָה וְאֵלָה in some editions. 5 It is against the law to make claims on loans not yet contracted. Or אֵלָה וְאֵלָה in some editions. Here the document 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 אֵלָה וְאֵלָה. 7 Each creditor’s name must be entered on a separate prozbul. 8 Or לֵי. 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 only for immovable property; if he have none, the other transfers to him any part of his own field. If he had
party is to hand over to buyer). יָּבְיֻשׁ, land, is taken possession of by a buyer by (a) חָּפֵשׁ (ready money); (b) סְצֹר (document from seller); (c) וַּנִּלְתָּה (e.g., buyer locks up and keeps key); (d) מִטְּהֵרָה (buyer gives object in exchange). 4 Without the act of נְשָׁפֵת neither party can repudiate a deal. 5 Or בְּנֶפֶשׁ. He who keeps to a deal without נְשָׁפֵת.

CONCLUSION OF TRACTATE SHEVIITH
This Tractate has been revised by
RABBI BERNARD M. CASPER, M.A.
 TERUMOTH

מְרוֹמְתָה
INTRODUCTION

The tractate Terumoth (Tractate Terumoth) is the sixth of the Order Zeraim (Order Zeraim). It has no tractate in the Babylonian Talmud, but there is a tractate to it in the Jerusalem (or Palestinian) Talmud. This Tractate is based on Numbers 18, 8, 12, 24, 26, and Deuteronomy 18, 4.

Numbers 18,

(8) נָבְרָה ה', אָדָם, וַקְשָׁר אֵלֶּה לְבַשְׁר מְשֹׁרֶת הַמֵּרֶשֶׁת לְאַרְבָּא פַּרְקֵי לְבַשְׁר קָרוֹן אָשְׁר יְשֻׁרֵה אֵלֶּה לְהוֹוֶה.

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) פִּלָּל תְּלֵת בֶּן קָרוֹן אַרְבָּא פַּרְקֵי לְבַשְׁר אָשְׁר יְשֻׁרֵה אֵלֶּה לְהוֹוֶה.

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) בָּאָרֶךְ מְשֹׁרֶת בֵּן קָרוֹן אַרְבָּא פַּרְקֵי לְבַשְׁר יְשֻׁרֵה אֵלֶּה לְהוֹוֶה בָּאָרֶךְ מְשֹׁרֶת שָׁלֵם.

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) לִכְמֵם מְשֹׁרֶת בֵּן קָרוֹן אַרְבָּא פַּרְקֵי לְבַשְׁר יְשֻׁרֵה אֵלֶּה לְהוֹוֶה בָּאָרֶךְ מְשֹׁרֶת שָׁלֵם.

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) רָאָשָׁה קָרוֹן אַדָּם וְקָרוֹן אַדָּם חֲקָמָה לְהוֹוֶה חֲקָמָה לְהוֹוֶה חֲקָמָה סֵאָר חֲקָמָה.

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,\(^1\) R. Judah says, His separation of the priest's-due is valid priest's-due. R. Jose says,\(^2\) If he have not yet reached the\(^3\) age when his vows are valid, his separation of the priest's-due is invalid; but if he had reached\(^4\) the age when his vows are valid, his separation of the priest's-due is valid.

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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 מְשׁוֹבֶתָו in some editions.

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 Shamai say,\(^1\) The separated portion is valid for its own produce;\(^1\) but the School of Hillel say,\(^2\) Their separated portion is not valid priest's-due.

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1 i.e., for the olives or the grapes. 2 Their opinion is the accepted ruling.

Mishnah 5
One may not separate the priest's-due from 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,\(^3\) or from that which is liable [to tithes] instead of from what is exempt, or from what is exempt instead of from

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what is liable, or from that which is plucked instead of from what is unplucked, or from what is unplucked is plucked, or from the new produce for the old produce, or from the old produce for the new produce, 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 gifts to the poor—and one cannot use them, or part of them, as priest's-due for other produce which is still '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. 4 Or priest's due. 5 The produce of the present year. 6 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, or drunk, or naked, or blind, and one who has suffered pollution, 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...
not separate the priest's-due in a basket or tub\(^1\) which holds a given measure,\(^2\) 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.\(^3\)

1 Or hamper, big basket. 2 Because of מראה琀 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 tables Introduction, Tables).

Mishnah 8

One may not separate the priest's-due from oil instead of from olives that are to be pressed,\(^1\) 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\(^4\) 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,\(^3\) but this is not so with the second.

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 (נִמּוֹד) which is less than a hundred times the amount of the admixed priest's-due, the mixture may not be eaten by a non-priest, but if a 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 (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\(^1\) and from wine instead of

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from grapes that are to be turned 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 In some editions.

Mishnah 10
One may not separate the priest's-due from produce whose preparation is completed 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 have they said that a cake of pressed figs of which the smaller part became unclean—one may separate from the clean portion therein

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for the unclean portion in it. And likewise also in the case of a
bundle of greens, 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 for the other. R. Eliezer 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—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 the priest's-due from what is unclean for 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 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, If he knew of it at the outset, even if he acted in error, his act is void.

1 Because the priest, loses thereby. 2 Or instead of from. 3 Or instead of from. 4 This tithe, before the Levite may eat of it. 5 i.e., that it was unclean.

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Mishnah 3
If one immerse\(^1\) utensils\(^2\) 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\(^3\) of it, but if knowingly, he must not eat\(^4\) 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,\(^5\) 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\(^6\) from one kind for another kind, and if one have done so\(^1\) 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\(^6\) instead of from the other. Whenever there is a priest, one must separate the priest’s-due from the choicest;\(^4\) but where there is no priest, one should separate from the kind that best endures.\(^5\) R. Judah says,\(^6\) in every case one should separate from the choicest kind.

1 Literally, separated (the priest’s-due). 2 טפיתי are fresh, undried figs. There are pale figs and dark figs. 3 i.e., in each respective group thus mentioned. 4 For instance, from מָּכַרְתָּה instead of מְרֵי. 5 For example, from מְרֵי instead of מָּכַרְתָּה. 6 His view is not accepted.
Mishnah 5

They should separate as the priest’s-due a whole small 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 are the food 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 but not from preserving-olives instead of from oil-olives; and from unboiled wine 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, 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 is given instead of wheat because this is not...
TERUMOTH 26, 31.2

a food. Cucumbers and muskmelons are counted as one kind; R. Judah says, Two kinds.

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 in some editions. 6 Or musk-melon. Or musk-melon, cucumber-melon. 7 His view is rejected. 8 Compare in some editions. 9 Or musk-melon.

CHAPTER 3

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 but he must give priest's-due afresh. The first does not of itself render liable to the law of priest's-due, and it is not subject to the law of the added fifth, and likewise, also, it is with the second.

1 And both must be given up to the 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 18. 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. If the other fell somewhere else, it does not render it subject to
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.

1 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 הָלִית, and given to the וֹב, and the remainder is taken 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, the separation of the second is accounted priest’s-due.

1 In some editions, כַּשְׁרֵי. 2 The final ruling is as follows: if one partner separated הָלִית, 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. But if that of the first be less than one fiftieth of the produce, then both the separations are invalid and the וֹב returns to them the price of the excess.

Mishnah 4
When is this the case?—When one had not arranged. 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, 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,
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.

1 The opinion of R. Akiba in the preceding Mishnah. 2 As to who should separate the priest's-due. 3 His authorization. 4 mishmar 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 says, He has validly designated it, but the Sages say, 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, If one say, ‘Let the priest's-due be separated from this pile for this one,’ he has validly designated it. R. Eliezer 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.

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, for it is said, Thou shalt not delay to offer the abundance of thy harvest and of thy liquors.
1 i.e., remains valid. 2 Exodus 22, 28. 3 This refers to שְׁכַרְשָׁם, first-fruits. 4 This refers to מִשֶּׁרֶשׁ רַאָשָׁת, and also to פָּשַׁת אֲרָאשִׁית, because it also contains רַפֵּחַ.

Mishnah 7
And whence¹ that first-fruits come before priest's-due, after all the one³ 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 they⁵ 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 includes⁶ the first.

¹ i.e., 'Whence do we learn?—This is based on the לא תצא, that is, it is מְצָהָן or מְצָחָן. * 2 Or מְצָחָן. 3 Deuteronomy 12, 16, 17; 26, 4. Exodus 23, 19; Numbers 18, 8; and Deuteronomy 18, 4. 4 Or מְצָחָן. * 5 Or מְצָחָן. 6 i.e., it includes מְצָחָן which is designated first. * מְצָחָן Kal; מְצָחָן Piel.

Mishnah 8
If one intended to say 'Priest's-due,' but said 'Tithe'; [or]¹ 'Tithe,' but said 'Priest's-due'; or¹ 'Burnt-offering,' and said 'Peace-offering'; or¹ 'Peace-offering,' and said 'Burnt-offering'; [or]¹ 'That I will not enter this house,' and said 'That house'; [or]¹ 'That I derive no benefit from this,' and he said 'That'—he has not said anything valid until his mouth and heart are² in agreement.

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
come under the law of the fourth year vineyard;¹ but the Sages² say, It does apply to him. The priest's-due from a non-Jew renders³ subject to the law of priest's-due and they are liable concerning it to the law of the added fifth;⁴ but R. Simon⁵ exempts.⁶

1 Leviticus 19, 23, 24, 25, 27a. 2 See Ḥoshen Mishnah 51, 2, 3, 4. Their view is accepted. 3 i.e., other produce with which it is mixed. 4 See 18. 5 His view is not accepted. 6 From the law of the added fifth. *Or טכשגרותיתנה.

CHAPTER 4

Mishnah 1

If one set aside only part of the priest's-due and tithes, he may take the remaining priest's-due¹ from it, but not from anywhere else.² R. Meir³ says, He may take from that produce priest's-due and tithes for produce somewhere else.

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 מישרין על הת זכאים, from the exempt for the liable. 2 שמhlen, 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 חוורום none may be removed as חוורום for another lot of like produce, but vice versa it is permitted. 3 His view is rejected.

Mishnah 2

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,² but the Sages say.³ He may only separate according to the exact calculated quantity.⁴
Terumoth 4:4

1 Or 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 of priest’s-due: a generous person gives a fortieth part, but the School of Shamai 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 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. 5

1 Or Or 2 The 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

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: if he do not know the intention of the owner, he should separate priest’s-due as a medium-liberal person, one fiftieth. If he gave ten parts less or ten parts more, his separation is valid priest’s-due. If he intended to add even one part more his separation is not valid priest’s-due. 6

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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 than this he should make into priest's-due of tithe for produce elsewhere. R. Ishmael says, Half as non-holy produce and half as priest's-due. R. Tarphon and R. Akiba say, So long as some is left as non-holy produce.

Mishnah 6
On three occasions do they determine the measure of the basket, 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.

Mishnah 7
R. Eliezer says, Priest's-due is neutralized in one hundred and one parts; R. Joshua says, In somewhat more than one hundred parts, and

Mishnah 11
A seah of priest's-due that fell into the mouth of a bin, and the top part was removed: R. Eliezer says, If there be in the removed layer a
this “somewhat more” has no definite limit. R. Jose ben Meshullam says, This “somewhat more” is one kab to one hundred seahs, that is one sixth of what would render liable to the law of priest’s- due.

hundred seahs, it becomes neutralized in a hundred and one; R. Joshua says, It is not neutralized. If a seah of priest’s- due fell into the mouth of a bin, one must remove the top layer. Now if this be so, why did they say that priest’s- due becomes neutralized in a hundred and one? If it be not known whether they had become mixed up, or where it had fallen.

Mishnah 12
If there were two baskets, or two bins, 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, Even if they were in two towns, they serve to neutralize in conjunction one with the other.

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.'
Mishnah 1
If a seah of unclean priest’s-due fell into less than a hundred\(^1\) 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\(^2\); but if that seah\(^3\) were clean, they\(^4\) must be sold to the priests at the price\(^5\) of priest’s-due, minus the price of that seah.\(^6\) 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,\(^7\) it may be eaten\(^8\) dried,\(^9\) or roasted, or kneaded with fruit juices,\(^10\) or they divide\(^11\) it out among lumps of dough so that there be not in any one place as much as the bulk of an egg.\(^12\)

1 Seahs. 2 In the case of oil it must not be used even for kindling. 3 Of נִדְנָר הַנֶּפֶשׁ. 4 The mixed produce and נִדְנָר הַנֶּפֶשׁ. 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 נִדְנָר הַנֶּפֶשׁ was נָזָר, clean. 8 By the נַכַּל. 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. * נִדְנָר [Niphal]; or נִדְנָר [Kal] they shall sell.

Mishnah 2
If a seah of unclean priest’s-due fell into a hundred\(^1\) of non-holy produce, they remain clean. R. Eliezer says, ’Let it\(^2\) be removed and burnt, for I maintain that the seah
which fell in is the seah that came up. But the Sages say, It is neutralized and may be eaten dried, or roasted, or kneaded with fruit juices, or divided among lumps of dough so that there be not in any single place as much as the bulk of an egg.

1 Seals. The mixture does not become kasher.
2 One seah.
3 Their ruling is accepted.
4 Or halacha.

Mishnah 3
If a seah of clean priest's-due fell into a hundred seahs of unclean non-holy produce, it is neutralized and may be eaten dried or roasted, or kneaded 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 Seals. 2 Or perhaps better zechut.

Mishnah 4
If a seah 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 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 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
yielded, R. Eliezer says, It should be separated and burnt; but the Sages say, It is lost because of its small quantity.

1 The ruling is that if one part of unclean were mixed with one hundred parts of clean the former is neutralized and there is no need to remove one part but the whole is eaten as clean. 2 Or . 3 Or . 4 i.e., the School of Shamai recognised the validity of the argument of the School of Hillel. 5 i.e., according to the quantity of real contained in the mixture.

Mishnah 5
If a seah of priest's-due fell into a hundred, and one lifted it out and it fell into another lot, R. Eliezer 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.

1 Seals of , non-holy produce. 2 His view is rejected. 3 The final ruling is as follows: if one part of became neutralized in one hundred parts of , and an equivalent quantity removed as again was mixed with other , then whatever the quantity of the latter only one-hundredth of the quantity that was admixed is separated this time as certain priest's-due.

Mishnah 6
If a seah of priest's-due fell into less than a hundred and these were thus rendered subject to the law of priest's-due, and there fell from this which had thus been rendered subject to the law of priest's-due into another lot, R. Eliezer says, It renders it subject to the law of priest's-due as certain priest's-due; but the Sages say, That which has itself become subject to the law of priest's-due does not render subject to the law of priest's-due except according to the prescribed ratio.
And what is leavened does not render leavened except when it is in the correct proportion. And drawn water does not invalidate the ritual purification bath except when it is in the calculated quantity.

1 Seals of תַּחַת, non-holy produce. These of course become forbidden to non-priests. 2 Or מִרְכָּת. 3 Or מְדִיק. 4 Of מַעֲרֵי. 5 His view is not accepted. 6 Their ruling is accepted. 7 מַדְּמִישָׁה in some editions. 8 i.e., one hundred parts of מַעֲרֵי against the proportional part of the מַעֲרֵי in the portion that had mixed in. 9 With מַדְּמִישָׁה. 10 In some editions, מַדְּמִישָׁה, i.e., other dough. 11 מַדְּמִישָׁה in some editions. 12 viz., three logs (לָשְׁנָם Introduction, Tables). See מַדְּמִישָׁה 24.

Mishnah 7

If a seah of priest's-due fell into a hundred, and one lifted it out and another fell in, and one lifted that out and another fell in, then this is not forbidden until the priest's-due exceeds the non-holy produce.

1 Seals of תַּחַת (לָשְׁנָם Introduction, Tables). 2 Seah of מַדְּמִישָׁה. 3 The mixture. 4 Literally, this is permitted. 5 The added portions of the successive מַדְּמִישָׁה remaining after each removal for מַדְּמִישָׁה exceed that of the original מַדְּמִישָׁה still left in the mixture.

Mishnah 8

If a seah of priest's-due fell into a hundred, and before one managed to lift it out another fell in, then this is forbidden, but R. Simon permits it.

1 Seals of מַדְּמִישָׁה. 2 Forbidden to מַדְּמִישָׁה, 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 מַדְּמִישָׁה (or 2 parts against 100) and the rest remains מַדְּמִישָׁה.

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Mishnah 9

If a seah of priest’s-due fell into a hundred,¹ 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 seah² of priest’s-due fell into less than a hundred,³ 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 wheat⁴ 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 than a hundred,¹ and after that non-holy produce fell therein, if it were in error, it is permitted, but if wilfully,⁵ it is prohibited.

1 Seahs of יִהְיוּ (Introduction, Tables). 2 In some editions Mishnah 10, begins here. 3 יִהְיוּ in some editions. 4 יִהְיוּ and (traditional reading) יִהְיוּ. 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.¹ 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.² One may not repay in priest’s-due, but in duly tithed³ non-holy produce which becomes priest’s-due; and what may be repaid⁴ in its stead also becomes priest’s-due; and if the priest should wish to remit, he may not do so.⁵

¹ נְסֵה הַיִּהְיוּ ² נְסֵה הַיִּהְיוּ ³ נְסֵה הַיִּהְיוּ ⁴ נְסֵה הַיִּהְיוּ ⁵ נְסֵה הַיִּהְיוּ
Terumoth 61-3

1 Leviticus 5, 16; 22, 14. The money value goes to the owners, and the added fifth to any שך. (In practice the added fifth is not \( \frac{1}{5} \) of the actual value but \( \frac{1}{3} \) 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 שך is holy like הַצָּרוּת so that, if one eats of it, it must be repaid in full together with another שך. 3 In some editions מְשָׁלַכֵּים. 4 מְשָׁלַכֵּים 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\(^1\) 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.

1 Or图纸. When she may eat of图纸.

Mishnah 3
He who gives\(^1\) his labourers or his guests priest's-due to eat must repay the value and they have to repay\(^2\) the added fifth. This is the opinion of R. Meir.\(^3\) But the Sages say,\(^4\) They have to repay\(^2\) the value and the added fifth and he refunds to them the cost of their meal.

1 Whether knowingly or in error. 2 מְשָׁלַכֵּים 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 and the value, because double restitution does not apply in the case of dedicated produce.1

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,1 and not from second tithe and dedicated produce which had been redeemed,2 for dedicated material cannot redeem dedicated material. This is the view of R. Meir.3 But the Sages4 permit it in the last case.5

1 In some editions, הַשְּׁכַחֹת וּנְמוֹרֵּה נִמְצָאָה מִזֶּה בְּצָפוֹן, i.e., ‘from which the priest’s-due had not been separated’. 2 In some editions, וּנְמוֹרֵּה נִמְצָאָה מִזֶּה, 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 דְּבַר כְּבֵי מַמֵּרִים נְפֶרֶת and מַמֵּרִים נְפֶרֶת which had been declared ownerless before the season for tithing had arrived, and from מֶסֶר לָאָשֶׁר שֶׁל מַמֵּרִים נְפֶרֶת from whichַּמְּשָׁר לָאָשֶׁר שֶׁל מַמֵּרִים נְפֶרֶת had been separated. 5 In the case of מֶסֶר לָאָשֶׁר שֶׁל מַמֵּרִים נְפֶרֶת and מַמֵּרִים נְפֶרֶת.

Mishnah 6

R. Eliezer says, They may repay with one sort for1 another sort2 provided that3 the repayment is 319
from a superior sort for an inferior sort. But R. Akiba says, They may not repay except from one kind for the same kind. 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 whence R. Eliezer derives the lenient ruling R. Akiba derives the stringent ruling, as it is said, And he shall give unto the priest the holy thing,—whatever is fit 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.

1 Or instead of. 2 But they must be of the same kind of produce. 3 כִּבָּלִים 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, ישמעו. 7 i.e.,—namely, the same kind of hallowed thing which he had eaten.

CHAPTER 7

Mishnah 1

He who eats priest’s- due wilfully must repay the value but does not have to pay the added fifth. The repaid produce remains non-holy produce. If the priest wish to remit he may do so.

1 If one eats clean knowingly he is liable to punishment by death from heaven. But if one eats unclean wantonly he is not.

2 In some editions, יוכין. 3 Literally, he may remit (or forgo).
Mishnah 2
A priest’s daughter, who was married to a non-priest and afterwards ate priest’s-due, must repay the value but does not have to pay the added fifth; and her death is by burning. If she married one of those ineligible she must repay the value and the added fifth; and her death is by strangling; this is the view of R. Meir. But the Sages 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-duce (Leviticus 22, 12). If the daughter of a נב, after her marriage to a non-priest, ate unknowingly of what she inherited from her maternal grandfather who was a נב she is exempt from all repayments, otherwise she refunds only the value of the נב (but not the added fifth), and if the נב 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 what 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 to his children that are minors to eat, or to his slaves, whether of age or minors, or who ate priest’s-due from outside Palestine, or who eats less 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.
Mishnah 4
This is the general principle: whenever one repays the value and the added fifth the repaid produce¹ 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 repayment² 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 coins.

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,¹ but if it be not known² which is the one of priest’s-due and which the one of non-holy produce,³ anyone who ate from one of them is exempt⁴ 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;⁵ but R. Jose⁶ 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.
1 This is the accepted view and the produce becomes מותר כ eventType. 2 In some editions מותר בeventType instead of מותר eventType in some editions. In this case both are forbidden to a ל—non-priest. 4 From the repayment of the value and the added fifth. 5 His view that they are liable to מותר is rejected. 6 His view is accepted.

Mishnah 6
If one of them fell into non-holy produce, it does not render 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, but R. Jose exempts. If the other basket fell elsewhere, it does not render it subject to the law of priest's-due; but if both fell in the one place, they render it subject to the law of priest's-due if the smaller of the two is of the prescribed proportion.

Mishnah 7
If one used one of them as seed, he is exempt, 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, but R. Jose exempts. If another used the other as seed he is exempt. If one person used both as seed, if it be of a kind whose seed perishes, it is permitted, but if it be of a kind whose seed does not perish, it is forbidden.
1 Of the two Imskets, not knowing which was fi?nv and which r?qn, i.e., it may be allowed to grow and the produce will be r?qn. 2 His view is accepted, because if it is considered valid then קָרָא must be separated. 4 From הָעָלָה. 5 Then evidently one must have been הָעָלָה. 6 In the ground. For example wheat and barley. 7 To be eaten by מַגִּיס, non-priests, the whole being considered as קָרָא. 8 For instance onions and garlic.

CHAPTER

Mishnah 1
If a woman 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 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,” and similarly, if a priest were eating priest’s-due 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 declares them liable to the repayment of the value and the added fifth, but R. Joshua exempts. If he 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 says, All the offerings that he offered on the altar are invalid; but R. Joshua declares them valid; if it became known that he had a blemish, his ministration is invalid.

1 The wife of a priest, whose father was a non-priest. 2 A priests slave. Leviticus 22,11. 3 These make him ineligible to serve as a קָרָא. 4 A קָרָא is a woman released from a leviratical marriage by the ceremony of הָעָלָה, the taking off of the shoe of theבּ (Deuteronomy 25, 7-9; Introduction). 5 His
opinion is accepted in the case when the eating took place הביב פסח when they were anxious to consume the חורף והמש and overlooked their invalidity. 6 A

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,1 if there were priest’s-due in their mouths, R. Eliezer says,2 They may swallow it, but R. Joshua says,3 They should eject it. If they said to him,4 ‘Thou hast become unclean,’ or, ‘The priest’s-due has become unclean,’ R. Eliezer says,2 He may swallow it, but R. Joshua says,3 He should eject it; ‘Thou5 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 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 הם, refers to the מַכָּע and מַשָּׂע 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 מָּשָׂע or מַכָּע קֶסֶף (see Introduction).

Mishnah 3
If one were eating1 a cluster of grapes, and entered from the garden into the courtyard,2 R. Eliezer says,3 He may finish,4 but R. Joshua says,5 He must not finish. If it were growing dusk6 on the Sabbath eve, R. Eliezer7 says,3 He may finish, but R. Joshua8 says,5 He must not finish.
A casual meal may be eaten from produce before it is brought into the owner's domain. Even produce is forbidden under such conditions. His view is rejected. Eating the grapes. His opinion is accepted. In some editions, When it is forbidden to tithe. In some editions, in some editions.

Mishnah 4
Wine of priest's-due that has stood uncovered 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 are permitted. How long should they have thus remained to have become forbidden? As long as it would take a reptile 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 produce may not in ordinary circumstances be wasted. Because reptiles do not drink of other liquids. Or snake. For use although they stood uncovered, as a reptile does not drink of them. Uncovered. Or snake.

Mishnah 5
The quantity of water that may remain uncovered must be such that the poison may be lost therein; R. Jose says, In vessels, whatever its quantity, and on the ground, forty seahs.

1 Or . 2 i.e., be ineffective or rendered harmless. 3 Of a reptile. His view is rejected. Water in vessels, whatever the quantity, must not be used if it has remained uncovered. Or . 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\(^2\) that have been gnawed,\(^1\) even if they are as much as a talent, whether large or small,\(^3\) whether plucked or unplucked,\(^4\) as long as they contain juice they are forbidden. And a snake-bitten beast is forbidden because of the danger to life.\(^5\)

1 יבשה, the pecking or biting or nibbling or gnawing by birds, snakes, etc.
2 Or muskmelons, cucumber-melons.*
3 Fruit. 4 Or פנים. 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 neutralization of one part in sixty, does not apply in such a case.* See Supplement.

Mishnah 7
A wine-strainer\(^1\) is forbidden as a cover; R. Nehemiah\(^2\) permits it.

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\(^1\) of priest’s-due be in doubt regarding uncleanness, R. Eliezer says,\(^2\) If it stood in a neglected\(^4\) place\(^3\) it should be put in a hidden\(^5\) place, and if it were uncovered\(^6\) it should be covered. But R. Joshua\(^7\) says, If it were lying in a hidden place it should be placed in a neglected place, and if it were covered it\(^8\) should be uncovered. Rabban Gamaliel says,\(^9\) Nothing new should be done about it.

1 The+pores+or+holes+allow+the+poison+from+a+snake+to+penetrate+to+the+liquor.
2 His+view+is+not+accepted.
Mishnah 9

If a jar in the upper part of the press were broken, and the lower part were unclean, R. Eliezer and R. Joshua agree that if they can save from it a quarter in cleanliness, he should save it; But if not, R. Eliezer says, let it run off and become unclean, but he should not defile it with his hands.

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 in cleanliness, he should save it; But if not, R. Eliezer says, let it run away and be absorbed and he should not defile it with his hands.

1 Or barrel, cask. 2 Wine-press. 3 The pit or cistern contains less than 100 parts as much as the ננוסה to neutralize it. 4 Literally, 'and he should not gather or scoop it up.' 5 With clean hands and in clean vessels; or even with unclean hands and in an unclean vessel so that the ננוסה be not wasted. 6 לְךָ = $\frac{1}{4}$ or $\frac{1}{4}$ (see Introduction Tables). 7 His opinion is rejected.

1 Or barrel, cask, jar. 2 His view is not accepted. 3 Or exposed, dangerous. 4 Or decent, safe. Because priest's-due whose uncleanliness is in doubt must also be protected—as well as priest's-due of certain cleanness. Gloss based on the plural ננוסי in Numbers 18, 8. 6 Or ננוסי. 7 His opinion is rejected. 8 Or לְךָ. 9 The ruling is according to his view; and if it be not known which of two vessels of ננוסה was defiled they must neither be protected nor covered more than they are already.
Mishnah 11
Of both these cases 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 said to him, ‘Give me one of them and I will render it unclean, but if not I will defile the whole lot;’—R. Eliezer says, Let him defile the whole lot, but let him not give him one of them to render it unclean. R. Joshua says, Let him set one of them before him on a stone.

Mishnah 12
And similarly, too, in the case of women to whom non-Jews said, ‘Give us one from among you that we may defile her, and if not we will defile you all,’ let them defile all of them but let them not yield to them a single soul from Israel.

1 in some editions. 2 That in Mishnah 8 of this Chapter and that in the preceding Mishnah 9 (and also in Mishnah 10). 3 Literally, star-worshipper, i.e., idolater. In some editions non-Jew. 4 Or with ; in some editions, and in others. 5 His opinion is rejected. 6 His view is accepted.
CHAPTER 9

Mishnah 1
If one sowed priest's-due, if in error it must be turned over, but if wilfully, he must let it grow. 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, even if wilfully, it must be turned over.

1 And no regard be paid to the rule that must not be wasted. 2 And the produce is: 3 In some editions, 4 Because the stalks and not the seeds are the main purpose of the growth and they are not weighed.

Mishnah 2
And it is subject to the laws of gleaning, forgotten-sheaf, and field-corner produce; and poor non-priests and poor priests may gather 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 forget and put into their mouths. R. Akiba said to him, If so then no others should gather except the clean.

1 i.e., what grows from such sowing (preceding Mishnah). 2 in some editions. 3 i.e., non-priests. 4 i.e., clean priests. His ruling is accepted.

Mishnah 3
And it is subject to tithes and to the poor-man's tithe; and poor non-priests and poor priests may take 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
flail\(^4\) is praiseworthy.\(^5\) And he who threshes,\(^6\) how shall he act?—He hangs baskets\(^7\) over the necks of the beasts and puts into them a like kind\(^8\) 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\(^1\)). 2 Both first tithe and second tithe. 3 מִשְׁלָל in some editions. 4 With flails, so as not to have to employ a beast which must not be fed with korban (unless it belongs to a בֵּן) and it would be an act of cruelty to prevent it from eating in the presence of food. 5 Or נַשָּׁה. 6 i.e., who treads it out with cattle. Deuteronomy, 25, 4. 7 כִּפְסָה, osier basket. 8 But which is חֵוָלִים.

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\(^3\) and first tithe\(^1\) have not been separated, from first tithe, from aftergrowths\(^2\) of Sabbatical Year produce, from priest's-due from outside Palestine,\(^3\) from non-holy produce mixed with priest's-due,\(^4\) and from first-fruits\(^5\) is non-holy produce. Whatever grows from dedicated produce or from second tithe is non-holy produce and one must redeem\(^6\) it as at the time when it was sown.

1 Because the greater part of these is actually חֵוָלִים. 2 Because they are usually rare. 3 Because it is an unusual separation. 4 Because actually the greater part is כִּפְסָה. 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,\(^3\) they are all permitted\(^3\) if the produce is of the kind whose...
seed perishes;\textsuperscript{4} but produce whose seed does not perish,\textsuperscript{4} even if there be a hundred of non-holy produce and one of priest’s-due, all are forbidden.\textsuperscript{5}

\textbf{1} Or ולֵין, bed, row. \textbf{2} And it is not known which is which. \textbf{3} In some editions, פְּרוֹפָּה. To non-priests. \textbf{4} In the soil. \textbf{5} If it be not known which is the הָרֵישׁ.

\textbf{Mishnah 6}

What grows from produce from which priest’s-due and first tithe have not been separated is permitted\textsuperscript{1} if the produce be such whose seed perishes,\textsuperscript{2} but in the case of produce whose seed does not perish,\textsuperscript{3} what grows therefrom next is forbidden. What produce is there whose seed does not perish?—Such as serpentina,\textsuperscript{3} garlic and onions. R. Judah says, Garlic is like barley.\textsuperscript{4}

\textbf{1} To partake of it סֵפֶּכֶל, a chance meal. \textbf{2} In the ground. \textbf{3} Serpentina, snake-root, dragon’s-wort, snake-weed, tarragon, herb-dragon; more probably Egyptian bean, Indian lotus, hyacinth-bean; perhaps arum, cuckoo-pint, wake-robin.* \textbf{4} Or קְשָׁפֵי חֲשָׁפֵי and שקטרות in some editions. In this respect. But his view is rejected. See \textbf{Supplement}.

\textbf{Mishnah 7}

If one were weeding leeks with\textsuperscript{1} 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\textsuperscript{8} of priest’s-due that had become defiled were replanted,\textsuperscript{3} they become clean and do not defile, but they are forbidden to be eaten until the edible portion be cut away; R. Judah says,\textsuperscript{4} Until what grows again is also cut away once more.
i.e., assisting the non-Jew. Also if a non-Jew planted קַדְלְיוֹן a Jew may eat from it, a chance-meal. Or plants. This applies also to unclean seeds. Or transplanted. His view is not accepted.

CHAPTER 10

Mishnah 1
If one put an onion\(^1\) into lentils,\(^2\) and the onion were whole, it is permitted,\(^3\) 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,\(^4\) it is decided as to whether it imparts its flavour. R. Judah allows\(^5\) in the case of small fish preserved in brine because it is\(^6\) applied only to absorb the froth.\(^7\)

1 Of יתירה. 2 Of מְסֹכִית hot or already cooked. 3 To non-priests. 4 i.e., the onion. 5 The use of onion of מְסֹכִית. His view is rejected. 6 מְסֹכִית in some editions. 7 Or stench, offensive matter.

Mishnah 2
If one chopped up an apple\(^1\) and put it into dough\(^2\) and it leavened it, it\(^3\) is forbidden. If barley\(^4\) fell into a cistern of water,\(^5\) even though it had tainted the water, the water is permitted.\(^6\)

1 Of מְסֹכִית. The apple does not become neutralized. 2 Of מְסֹכִית. 3 The dough. 4 Of מְסֹכִית. 5 מְסֹכִית is omitted in some editions. 6 מְסֹכִית in some editions.

Mishnah 3
If one removed hot bread\(^1\) from an oven and put it over the mouth of a jar\(^2\) of wine of priest’s-\(\text{due}\), R. Meir\(^3\) forbids it, but R. Judah\(^4\) permits it. R. Jose permits\(^5\) it if

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of wheat but forbids it if of barley, because barley is absorbent.

1 Of a jar, cask, barrel. 2 To non-priests. His view is accepted.

1 His opinion is rejected. 5 The Mishnah accepts this view for hot wheaten bread. 6 In some editions. 7 Absorbs the wine fumes.

Mishnah 4
If one heated an oven with caraway of priest’s-due and baked bread therein, the bread is permitted 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. 3 Probably preferable.

Mishnah 5
If clover of priest’s-due or second tithe fell into a vat of wine, if the seed but not the stalk were enough to impart its flavour; but if it were from Sabbath produce or from forbidden junction produce or from dedicated produce, then if both seed and stalk are sufficient to impart a flavour.

1 Or fenugreek, melilot. Here it means the seeds and the stalks. The stalks do not come under the heading of caraway, and and nematol and nematol and nematol 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 non-priest. But the laws of nematol, nematol and nematol do apply to the stalks. 2 Of hot. 3 It is forbidden to non-priests.

Mishnah 6
If one had bundles of clover from forbidden junction from a vineyard they must be burned. If he had bundles of clover from which the priest’s-due and first tithe had

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not been separated, he must beat out the seed and compute how much seed there is therein and separate the seed; but he need not separate from the stalks. If he did separate, 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, "טילא." Note 2.

3 For Mishnah 3.

4 The stalks as separate from the stalks.

Mishnah 7

If olives of non-holy produce were preserved with olives of priest's-due, whether they were crushed non-holy produce with crushed priest's-due, or whether they were crushed non-holy produce with whole priest's-due, whether in liquor that was priest's-due, they are forbidden; but whole non-holy olives with crushed priest's-due olives are permitted.

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 unripe in all these cases. 6 To non-priests. Because whole olives do not absorb the flavour.

Mishnah 8

If unclean fish were preserved with clean fish, if in any keg holding two seahs the weight of the unclean fish be ten zuz in Judaean measure, which is five seahs in Galilean measure, the brine thereof is forbidden. R. Judah says, 'A quarter log in two seahs.' And R. Jose says, 'When one sixteenth part is in it.'
TERUMOTH 108.11

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 תבנה in some editions. 3 tub, keg (used as a measure).  4 ל כהן א of 1 seah = 4800 zuz (see Introduction, Tables).  5 שפוחה in some editions.  6 שלך תי from שפוחה (or שלך תי) = 2 ל כהן א or 4 ל כהן א (See Tables of Weights and Measures in 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 with clean locusts, they do not render their brine unfit. R. Zadok testified that the brine of unclean locusts is clean.

Mishnah 10
All 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 that are non-holy with vegetables of priest’s-due are permitted.

Mishnah 11
R. Jose says, All that is stewed with beets is forbidden, because they impart a flavour. R. Simon says, Cabbage from irrigated soil with cabbage from rain-watered soil is forbidden, because they are absorbent. R. Judah says, All things cooked together are permitted excepting flesh.
ben Nuri says, Liver\(^9\) renders forbidden\(^10\) but is not itself rendered prohibited,\(^11\) because it exudes,\(^12\) and does not absorb.\(^13\)

1 His view is not accepted. 2 with its juice. 3 His opinion is not accepted. 4 When stewed together. 5 One absorbs the moisture from the other. 6 in some editions. His view is rejected. 7 in some editions. 8 Flesh with flesh cooked together. 9 Which is forbidden, i.e., prohibited. 10 Other kinds of flesh cooked with it. 11 By any other kind of flesh that is prohibited if it be itself prohibited. 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\(^1\) which is cooked\(^2\) with spices\(^3\) is forbidden, even its yolk is prohibited,\(^4\) since it absorbs.\(^5\) Water in which priest’s-due has been boiled\(^6\) or preserved is forbidden to non-priests.

1 Even in its shell. 2 in some editions. 3 That are forbidden (for instance if the spices are or white, or such). 4 And of course the , white, is forbidden. 5 Other flavours. 6 The liquid in which priest’s-due has been boiled or pickled.

CHAPTER 11
Mishnah 1
They must not put\(^1\) fig-cake\(^2\) or dried-figs\(^3\) into fish-brine\(^4\) because the latter spoils them; but they may put wine\(^4\) into fish-brine. And they must not perfume\(^5\) oil, but wine may be made into
honeyed-wine. They must not boil wine of priest's-due because it is thereby lessened. R. Judah permits it, because it improves it.

1 In some editions, ח)object. 2 Of ח)ורחת. 3 מִרְבְּךָ, 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 products must not be destroyed. 4 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 nitzanim by the process they may not be wasted. 6 Or מִשְׁלֵית, wine mixed with honey. 7 מִשְׁלָק in some editions. 8 His view is rejected.

Mishnah 2

Date-honey, cyder, winter-grape vinegar, and all other fruit-juices of priest's-due—R. Eliezer makes one liable for the value and the added fifth, but R. Joshua exempts him. And R. Eliezer declares them subject to uncleanness under the law regarding liquids. R. Joshua said, The Sages did not take count of seven liquids like those that count up spices but they said seven liquids are capable of acquiring uncleanness; all other liquids are clean.

1 Literally 'wine of apples'. 2 Except oil and wine. 3 His opinion is rejected. 4 If a non-priest partook of any unwittingly. 5 His view is accepted. 6 From the added fifth but not the value. 7 מַיִם in some editions. 8 Leviticus 11, 34, 38. 9 מַיִם 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.\(^1\) One does not receive\(^2\) the forty stripes\(^3\) on account of orlah fruit,\(^4\) except in the case of\(^5\) olive and grape products. And no liquids\(^11\) are brought as first-fruits\(^6\) except olive and grape products. And no fruit-juice is susceptible to uncleanness under the law regarding liquids except olive\(^7\) and grape\(^7\) products. And no fruit-liquor is offered on the altar with the exception of olive and grape juices.

1 חלשה 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 מלקיק in some editions. 3 The forty stripes were incurred for the transgression of a עשה, negative command. 4 In some editions, הולא 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 then up to the 1st Day is counted as the first year. The tree is no longer חלשה after the third Year but the fruit may still not be eaten before the following 15th Day. (The whole subject is treated in the tenth Tractate פרקיה). 5 כ is omitted in some editions. 6 This subject is fully treated in the eleventh Tractate בפרקיה. Deuteronomy 26, 2, 10. 7 Literally, ‘olives and grapes.’

Mishnah 4
The stalks of figs, dried figs, locust-tree fruit,\(^1\) or carobs of priest’s-due are forbidden to non-priests.
Mishnah 5

Kernels of priest's-due are forbidden so long as one keeps them, but if he have thrown them away they are allowed. And likewise also the bones of sacrifices, so long as one keeps them they are prohibited, but if he have thrown them away, they are permitted. Bruised grain is permitted, but bran flour from fresh wheat is forbidden, and from old wheat is permitted, and the priest's-due is dealt with in the same way as non-holy produce is treated. When one prepares fine flour, one kab or two kabs to the seah, he must not waste the rest but put it in some safe place.

1 A priest. 2 To a non-priest. 3 To a non-priest. 4 Or coarse bran. 5 To a non-priest. 6 Or bran. 7 To a non-priest. 8 Because new wheat is moist and the flour adheres to the bran and some is lost. 9 If the uneatable parts of the wheat are thrown away then such may be also wasted in the case of the other produce. 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, he is not obliged to sit down and collect it grain by grain, but he sweeps it out in his usual manner and puts non-holy produce into it.

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 oil1 which was spilled, he is not obliged to sit down and scoop it up with his hands,2 but he may treat it in the same manner as he would deal with non-holy produce.
1 Of similar. 2 Wipe up or scoop up with the fingers and palms.

Mishnah 8
If one pour3 from one jar into another and lets three drops drip,4 he may put into it non-holy produce; if he laid it on its side 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.5

Mishnah 9
Vetches1 of priest's-due may be fed to cattle, wild animals2 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.6 A non-priest who undertook to tend a cow of a priest to share in its increased value must not feed it

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This Tractate has been revised by
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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.

1 Or tares, horse-beans. (See Supplement). 2 Or הנעל. 3 Leviticus 22, 11.

Mishnah 10
They may kindle oil of priest's-due, that must be burnt, in the synagogues and in houses of study, and in dark alleys, and for sick people by permission of a priest. If a non-priest's daughter be married to a priest and she is accustomed to visit her father, her father may kindle because of the synagogues and in houses of study, and in dark alleys, and for sick people by permission of a priest.
מִפְּרָשָׁת
MAASEROOTH
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.

And the children of Israel shall not henceforth approach unto the tent of meeting, lest they bear sin and die.

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.

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.
MAASEROTH

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 Sabbath Year; produce found in ant hills; exemptions from tithes.
Mishnah 1

They established a general principle\(^1\) about *tithes*: all\(^2\) that which is a food,\(^3\) and is watched over,\(^4\) and its growth\(^5\) is from the soil is liable\(^6\) 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\(^6\) 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.\(^7\)

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1 As a general principle all plants which are ordinarily consumed and which are not declared רָפָאֵל, ownerless, before their preparation be completed, and which draw their nourishment from the soil are subject to מַשָּׁרָה and מְנַשָּׁרָה.*

2 Some maintain that דָּשָׁנָה, מַשָּׁרָה and מְנַשָּׁרָה (or מַשָּׁרָה), as demanded in the קֵרֵין, only קֵרֵין, corn, שֶׁחֶרֶן, wine (including grapes) and מַזָּה, oil (olives included) are liable to מַשָּׁרָה and מְנַשָּׁרָה.

3 Compare Tractate *Maaserot*\(^1\).  

4 Thus excluding וואד.

5 Thusretched מַשָּׁרָה, ownerless produce.  

6 Mushrooms and other *edible fungi* are excluded from מַשָּׁרָה and מְנַשָּׁרָה under this heading.

7 *Leviticus* 27, 30. *Or* מַזָּה.  

See Supplement.
Mishnah 2
When do fruits become liable\(^1\) to \textit{tithes}?—Figs as soon as they ripen;\(^2\) grapes and wild grapes when their pips become visible; sumach\(^3\) 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.\(^4\) R. Judah says,\(^5\) Nuts and almonds when their shell\(^6\) is formed.

1 מִשְׁפָּהָ בַּשַּׁמָּאָמָה מְעַלֶּהֶנֶר תֵּיבָב. 2 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 3 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 4 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 5 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 6 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר.

Mishnah 3
Carobs\(^1\) when they form dark spots, and all dark fruits when they form dark spots; pears,\(^2\) pippins, quinces\(^3\) and medlars\(^4\) when they become smooth, and all white fruits when they become smooth; clover\(^5\) when its seed is fit for sowing; grain and olives when they have attained a third of their full growth.

1 מַשָּׁפְּהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 2 בֵּין מַשָּׁפְּהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 3 בֵּין מַשָּׁפְּהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 4 בֵּין מַשָּׁפְּהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 5 בֵּין מַשָּׁפְּהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר.

Mishnah 4
And among greens\(^1\)—cucumbers, gourds,\(^2\) melons, cucumber-melons,\(^3\) apples and citrons are liable whether full grown or young. R. Simon exempts\(^4\) citrons in their early

1 מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 2 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 3 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר. 4 בֵּין מַשָּׁפָהָ בַּשַּׁמָּאָמָה לְעַל מְעַלֶּהֶנֶר.
stage. When one is liable from bitter almonds he is exempt from sweet almonds, and one who is liable from sweet almonds is exempt from bitter almonds.

1 Or vegetables. 2 Or pumpkins. 3 In some editions; or muskmelons, 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, (as opposed to a chance meal), from large sweet almonds. (Bitter almonds are eaten when they are young, and sweet almonds when fully grown). 7 Or less desirable vowelizing.

Mishnah 5
When is their harvesting time to make them liable to tithes?—Cucumbers and gourds when they have lost their blossoms, but if one do not trim off the blossoms, when they have been stacked; melons when they have been trimmed, and if one do not trim them, when they have been put away to dry; greens 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 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 to market; but when he takes it to his house, he may snatch a meal from it until he reaches his house.
MBAEROTH 15-7

1 Before that one may partake of them, a chance meal. 2 Or, preferably. 3 Or, in some editions, a melon. 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, onions after stripping, and if not stripped, after having been stacked, grain when the pile has been smoothed over, and if one do not smooth them over, when they have been stacked, pulse when it has been sifted, and if one do not sift it, after smoothing over the pile. 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.

Mishnah 7
Wine when it has been skimmed; and though it has been skimmed one may collect some from the top press or from the duct, oil when it has dripped down into the trough, but even though it has already dripped down one may take from the press-basket or from between the press-stones or from between the press-boards and put it on a batter or dish, but one may not put it into a pot or saucepan when they are boiling. R. Judah says, One may put it in anything except what contains vinegar or fish-brine.

1 It is permitted to make of these, a chance meal, before they have been stacked etc. 2 Or, beans, peas. 3 Or, beam, peas. 4 And eat a chance meal, without tithing. *[Kal], i.e., ‘grain when one has smoothed it over’
MsaERoth 17.8, 21

1 It is liable to tithes when the seeds on top have been removed. *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 an oil-pit, 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 *olives press-stone or beam. 9 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. *when one has skimmed the wine.

Mishnah 8
A cake of figs 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 forbids it. If one smooth over with crushed grapes, this does not render them susceptible to uncleanness; R. Judah says, It does render them susceptible to uncleanness. Dried figs when they have been stamped down, and in a store vessel 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.

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 were passing through the market and said, 'Take for yourselves figs,' they may eat and are exempt; therefore, if they bring them into their houses, they must tithe as if they were certainly
untithed produce. ‘Take them⁸ 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 them⁷ as if they were doubtfully tithed produce.⁸

1 An owner of untithed produce is suspect regarding the observance of tithes. But they are not suspected of not giving tithes because the transgression entails severe penalty. Their produce is designated  יְָּדָעְתָּא דֹּּּוּבָּלָּי, doubtful if it had been tithed. 2 Or בֵּּשָׁשׁ, in a market. 3 אוּכְּלֶּלֶּלֶּי וּטָסָרוּאָרי 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, קֵּּטֶּּכֶּת. Having been taken indoors it is designated for tithes. 6 If the owner said to them, ‘Take them . . . .’ 7 קֵּּטֶּּכֶּת קֵּּטֶּּכֶּת in some editions. The owner’s produce is designated tithes. But the owner may not eat from his house if it had been tithed. 8 A scrupulous person (דָּכֵּת and תָּכֵּת) must separate from tithes. If a or בֵּּשָׁשׁ or כְּּשָׁשׁ (1) קֵּּטֶּּכֶּת or קֵּּטֶּּכֶּת שֶּּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּנֶּn

Mishnah 2
If people were¹ sitting in a gateway or in a shop and he² said, ‘Take for yourselves figs,’ they may eat and are exempt,³ but the owner of the gateway and the owner of the shop are liable.⁴ R. Judah exempts⁵ unless he averts his face or changes his position.

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 אוּכְּלֶּלֶלֶלֶי וּטָסָרוּאָרי in some editions. From giving tithes. 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 eat¹ from it until he arrives at the place whither he is going; and similarly also if he
return from Judaea. R. Meir says, Until he arrives at the place where he will spend the Sabbath. And pedlars who travel in the towns may eat until they reach the place where they will lodge. R. Judah says, The first house is his house.

1 One may eat of it chance meals on the journey without tithing. 2 In some editions, 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 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 forbids eating of it a chance meal, but the Sages permit it except from a basket of figs. A basket of figs from which priest's-due had been separated—R. Simon permits, but the Sages forbid it.

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 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 says, If he eat them one by one he is exempt, but if he take more than one together he is liable. R. Judah said, It once happened in a rose garden in Jerusalem that
Maase roth 25,6

figs were sold three⁶ and four for an issar and neither priest’s due nor tithe was ever separated from them.

Mishnah 6

If one say to his fellow, ‘Here is this issar for ten figs which I shall choose¹ for myself,’ he may pick them singly² and eat them; ‘For a cluster of grapes which I shall choose for myself,’ he may pick them singly and eat them; ‘For 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 exempt⁴ because he had bought them when they were still in connection⁵ with the soil.

1 From the trees direct. (In this case, picking the berries singly comes under the heading נמצאין אכילי יבש and thus eating the fruit one by one is אכלי יבש). 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 השתייה וראש 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, and he said to him, ‘On condition that I may eat of the figs,’ he may eat and is exempt. On condition that I and my son may eat,’ or, ‘That my son may eat in place of my wage,’ he may eat and is exempt but his son if he eat is liable. ‘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, but after the fig-harvest if he eat he is liable 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 is exempt, but he who does not eat in accordance with the rules enjoined by the Law is liable.

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, and my household. 7 To tithes. This is against the principle as laid down in the הָרִיס (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, he must not eat of the superior kind; 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
figs⁴ 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,⁵ he is liable.⁶ R. Judah⁷ says, He who exchanges to eat of the finished figs is liable,⁶ but to eat of the drying figs is exempt.⁸

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 eat¹ and they are exempt;² the labourers that help him, so long as he does not have to supply them with maintenance, may eat³ and are exempt;² but if he be responsible for their maintenance they may not eat.

¹ 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.

Mishnah 2

If one sent out (his) labourers¹ into the field, so long as their maintenance does not come from him they may eat² and are exempt;³ but if he be responsible for their maintenance, they may eat⁴ of the figs one by one but not from the basket⁵ or from the hamper or from the store.⁶

¹ In some editions. 2 In some editions, אוכלים. Of the figs, as much as they like if the owner permitted it. 3 From tithes. 4 אוכלים in some editions. They may only eat single fruit if the eating is conditional. 5 Or מֶּשָּׁה. 6 Or drying-place.
Mishnah 3

If one hire a labourer to tend olives, he said to him, 'On condition that I may eat of the olives,' he may eat them singly and is exempt, but if he eat more than one at a time, he is liable; if to weed out onions, he said to him, 'On condition that I may eat of the greens,' he may cut the leaves off singly and eat, but if he cut several at a time he is liable.

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 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 and one found figs below it), they are permitted and it is not considered theft, and they are exempt from tithes; but olives and carobs are liable. If one found dried figs when the majority of people had already pressed theirs, he is liable, but if they had not, he is exempt. If one found pieces of a cake of pressed figs, he is liable, for it is evident that they are from something finished. And carobs which had not yet been taken to the top of the roof—one may take some down for the cattle and is exempt, because he can put back the remainder.
Mishnah 8
If a fig-tree stand in the courtyard, one may eat from it one by one\(^1\) and is exempt;\(^2\) but if he eat several at a time,\(^3\) he is liable.\(^4\)
R. Simon\(^5\) says, One\(^6\) 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\(^7\) and eat.\(^8\)

1 Single dates. 2 From tithes. 3 Or \(\text{ל}nah\). 4 To tithes. 5 His view is rejected. 6 Three dates thus at once, one is exempt from tithes. 7 Or \(\text{ב}נה\). 8 Even more than one at a time.

Mishnah 9
If a vine be planted in a courtyard, one may take a whole cluster,\(^1\) and likewise with a pomegranate, and similarly also with a melon; this is the opinion of R. Tarfon.\(^2\)
R. Akiba says,\(^3\) He plucks the grapes\(^4\) singly from the clusters,\(^5\) 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;\(^6\) but if one pluck several at a time, he is liable.\(^8\) Thyme, hyssop, and calamine\(^10\) in a courtyard and under watch are liable.

1 And eat it without tithing. 2 \(\text{ס}נה\) in some editions. His opinion is rejected. 3 His view is accepted. 4 Compare 2. 5 \(\text{ך}נה\), from the cluster, in some editions. 6 Without tithing. 7 Or \(\text{ד}נה\). 8 To tithes. 9 Or \(\text{ס}נה\). 10 Or \(\text{ג}נה\), origan (see Supplement).

Mishnah 10
If a fig-tree stand in a courtyard, and overhang a garden, one may eat\(^1\) of it in his usual manner and is exempt;\(^2\) if it stand in the garden and overhang the courtyard,
one may eat one at a time and is exempt; but if he ate more than one at a time, he is liable.

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 is in accordance with the position of the root; and regarding cities of refuge, 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.

1. From the branches hanging on the outside, more than one fruit at a time.
2. From tithes.
3. One in the courtyard.
4. Two in some editions.
5. Or "from.
6. To tithes.
7. The liability to tithes and "from.
8. Or "from 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

Mishnah 1

If one pickled, boiled or salted he is liable; if he stored them in the ground, he is exempt; if he dipped in the field, he is exempt; if he beat olives that the sour juice come out, he is exempt; if he squeeze olives over his skin, he is exempt; if he squeezed them and drained into his hand, he is liable; if he skimmed into a cooked dish, he is exempt, but if into a pot, he is liable for it is considered as a small vat.

says, In the case of dill seed, plant and pods must be tithed; but the Sages say, Both seed and plant are tithed only in the case of dittander and brassica.
MAASEROTH 41-3

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 'K; n??k!, 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 45-6, 51

1 מַקְשָׁרָה in some editions.* 2 In some editions, מַקְשָׁרָה. 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 מַקְשָׁרָה in some editions. The ruling is that in the case of order, מַקְשָׁרָה and מַקְשָׁרָה 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, מַקְשָׁרָה. 11 Their view is accepted. 12 Or dittany, pepperwort, a species of cress. 13 Or fenugreek; or eruca, rocket, garden-rocket. כַּפַּר Piel, כַּפַּר Hiphil.

Mishnah 6
R. Simon ben Gamalíel1 says, "The stalks2 of clover3 and of mustard and of white beans are liable to tithes." R. Eliezer4 says, The caper-tree: the tithes must be given for the stalks, berries5 and flowers.6 R. Akiba7 says, Only the caperberries are tithed because they are considered as fruit.8

Mishnah 1
If one take up plants from his own garden and replants them in his own, he is exempt.1 When he bought them in their unplucked condition2 he is exempt. If he picked them to send to his fellow, he is exempt. R. Eliezer3 ben Azariah says, If the like of them are being sold in the market, then they are liable.4
Maaseroth 51-4

1 From tithes, though they are be as yet, when their growth is incomplete if he ate or brought them into the house. It is only when the processes connected with produce are completed that it may not be replanted as be. 2 Literally, when they were united to [i.e., still growing in] the soil. . . . . . 3 miser 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 because this is considered their harvesting. Onions which have taken root in an upper room become clean from any uncleanness. If debris fell upon them and they 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 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 and sell the remainder.

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 produce.

Mishnah 4
A man may not sell his straw or his olive-peel peat or his grape-and olive-residues to anyone who is not trustworthy regarding tithes.
to extract 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 the cut away stalks and the side stalks and the straw grains.

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, “and”. 3 Since some wine (untithed) can still be expressed. 4 To express inferior oil or wine. 5 His intention is that the *produce* 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* מָכַשְׁרָה. §Or מָכַשְׁרָה.

Mishnah 5
If one bought a field of vegetables in Syria, if before the tithing season arrived, he is liable, but if after the tithing season, he is exempt, and he may proceed with his harvesting in his usual manner. R. Judah says, He may even hire labourers to gather. Rabban Simon ben Gamaliel said, When is this the case?—When he had bought the land; but if he had not bought the land, even though the tithing season had not arrived he is exempt. Rabbi says, Nevertheless he must give in accordance with the calculated proportion.

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 *שָׁלַח* [Piel]. (שָׁלַח 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* מָכַשְׁרָה.
Mishnah 6
If one made wine from grape residue adding the water by measure,¹ and found as much by measure, he is exempt;² R. Judah³ declares him liable.⁴ If he found more than the original measure, he must separate for it from other wine according to the calculated proportion.⁴

¹ Or, not exceeding a third more. ² From tithe. ³ 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,¹ the corn inside them is also liable,² 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,¹ sweet onions,² large square beans,³ and Egyptian lentils—R. Meir adds the edible roots of the Egyptian bean,⁴ and R. Jose says, Also wild lentils⁵—are exempt from tithes and may be bought from anybody in the Sabbatical Year. The upper seed of the serpentaria,⁶ seed of leeks,⁷ seed of onions and seed of turnips and radishes, and other seeds of garden plants that are not eaten, are exempt⁸ from tithes and may be

¹ שום בצל בכרי. ² י_crossentropy נtearDown. ³ חצץ וצחל שיל כף. ⁴ ר' מניא אריסי. ⁵ קק AccessToken. ⁶ הסדרות. ⁷ פסחית. ⁸ פסחיה. ⁹ נ革新. ¹⁰ קקAccessToken.
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bought from anyone in the Sabbath Year, and even though they were grown from priest's-due stock they may nevertheless be eaten.9

1 Baalbeck garlic, weeping garlic, a very bitter garlic. 2 Richpah onion, a mild tasting onion. 3 Cilician beans. 4 Or κολύκας. A plant of the ἱλιθος species. 5 In some editions, κολυκάρια. Or peas, beans; probably beans of Κολυκάρια or κολύκας. 6 Or snake-root, dragon's-wort (see Supplement). 7 קְרִישׁ in some editions. 8 Or סְפֵּר 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.

CONCLUSION OF TRACTATE MAASEROTH
This Tractate has been revised by

RABBI L. JACOBS, B.A.
MAASER SHENI
The terms נר' מברוק, נר' מברוק, נר' מברוק, נר' מברוק are extensively used in this Tractate and will be found clearly though briefly explained in Berachoth 1^1 Note 5.

This מברוק מברוק שָׁם, Tractate Maaser Sheni, comes in correct sequence after the preceding Tractate. It is the eighth Tractate of the מברוק מברוק שָׁם, Order Zeraim. It has no מברוק מברוק שָׁם in the מברוק מברוק שָׁם, Babylonian Talmud, but there is מברוק מברוק שָׁם to it in the מברוק מברוק שָׁם, Jerusalem (or Palestinian) Talmud.

This Tractate is based on Leviticus 27, 30 and Deuteronomy 14, 22 to 29, 26, 12.

Leviticus 27,

(30) כלל מסחר נךאר מברוק מסחר תושו לה לה נךאר לה

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) תשן תושפ תאני בילו יבמות ומקה דנא טשא דשונא שמאית

Thou shalt surely tithe all the increase of thy seed, which the field bringeth forth year by year.

(23) וככלש לפש מיל אנ重金属 יבמר ילש שמא שמא תושפ יבמר

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) כי יבמר ממוק משא ינ לאל מקל שמאכי יברוק ממוק ממוק יברוק יברוק

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.
Deuteronomy 26,

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.

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 rejoice, thou and thy household.

And the Levite who is within thy gates, thou shalt not forsake him, for he hath no portion nor inheritance with thee.

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.

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.

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  קְרֵם א' קְרֵשֶׁר צֶבַע
Chapter 2  קְרֵם ב' קְרֵשֶׁר צֶבַע
Chapter 3  קְרֵם ג' לַא יִגְּרָן
Chapter 4  קְרֵם ד' לַמְּזִילֵי שִׁירֹת
Chapter 5  קְרֵם ה' קְרֵשֶׁר צֶבַע

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 תְּפִלֵיתוֹ 9b); the Avowal (Deuteronomy 26, 13ff.).
Mishnah 1

Second tithe may not be sold or pledged or exchanged, or its exchange-value be used as a weight 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.

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 when without a blemish must not be sold alive, and if with a blemish either alive or slaughtered, and a woman may not be betrothed therewith. An unblemished firstling may be sold alive, and with a blemish alive or slaughtered, and a woman may be betrothed with it. Second tithe must not be exchanged for uncoined metal or for coin that is not current, or for money that is not in one’s control.
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1 Leviticus 27, 32. Cattle must also be tithed. 2 It must not be sold in such a condition. 3 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 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 in Jerusalem. A could be slaughtered by the 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 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 cattle for peace-offerings or a beast of chase for use as food, the hide becomes non-holy even though the hide were of greater value than the flesh. Sealed jars of wine—where it was usual to sell them sealed the jar becomes non-holy. Nuts and almonds—their shells become non-holy. Grape refuse wine 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.

1 With second tithe redeemed money in Jerusalem. , cattle, domestic quadruped, domestic horned animal. , 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 . 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—where it was usual to sell...
them open the jar does not become non-holy. Baskets of olives and baskets of grapes, together with the basket—the value of the basket does not become non-holy.

1. Mishnah 5
If one bought water, or salt, or produce in the soil, or produce which can not be conveyed to Jerusalem, he has not bought valid tithe substitute. If one bought produce in error, he must restore the money whence it came; but if wittingly, it must be brought to the place and eaten there, and if it cannot be taken to the holy place, it must be left to rot.

1. He uses the redemption money of the tithe to buy these things. 2. Bought with redeemed second tithe money.

Mishnah 6
If one bought cattle in error the money must be restored whence it came, but if wittingly, it must be taken up and eaten in the place, and if the Temple no longer exist, it must be buried together with its hide.

1. With redeemed second tithe money. 2. Outside Jerusalem. 3. It must be sacrificed if not a בּוָאֵל, with a blemish. 4. Jerusalem. 5. It must be kept until it dies and then buried in its hide.
Mishnah 7
Slaves, 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. Pigeon offerings of men that suffered with an issue, or pigeon offerings of women that suffered with an issue, 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. 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 בסיסי. 4 Or ציון. *Two turtle-doves or two young pigeons had to be offered up when attaining the condition of cleanness. 5 Or discharge, flux, gonorrhoea. 6 in some editions. *See ימי Introduction.

CHAPTER 2
Mishnah 1
Second tithe was intended for eating, drinking and anointing: to eat that which it is usual to eat, to drink that which it is usual to drink, and to use for anointing 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, but he may spice the wine. If there fell into it honey or spices and it improved its value,
the enhanced value is\textsuperscript{6} according to the added value. If fish were cooked porret\textsuperscript{7} of \textit{second tithe} and were thus improved, the increased worth is\textsuperscript{8} according to the added value. If dough of \textit{second tithe} were baked and so improved in value, the enhanced value is attributed to the \textit{second tithe}. This is the general principle, when the improvement is recognised\textsuperscript{9,10}, the enhanced value is\textsuperscript{11} according to the added value; but if the improvement is not recognizable, the increased worth is attributed to the \textit{second tithe}. 

\textsuperscript{1} Or יִנְשָׁה. \textsuperscript{2} In some editions, צוֹחָה. \textsuperscript{3} In some editions. \textsuperscript{4} OrMISSPER. \textsuperscript{5} Wine. \textsuperscript{6} Assessed, \textit{i.e.}, 'the increase in value should be taken into consideration (when redeeming)'. \textsuperscript{7} Porret, leek. Or פּוֹרֵט. \textsuperscript{8} Estimated. \textsuperscript{9} Or נַשְׁוָה. \textsuperscript{10} As resulting from an addition. \textsuperscript{11} Reckoned.

\textbf{Mishnah 2}

R. Simon\textsuperscript{1} says, They may not anoint themselves with oil of \textit{second tithe} in Jerusalem; but the Sages\textsuperscript{2} permit it. They said to R. Simon, If\textsuperscript{3} a lenient ruling be allowed in the case of the grave subject of \textit{priest's-due}, shall we not allow a more lenient ruling in the case of the more lenient matter of \textit{second tithe}? He said to them, Not\textsuperscript{4} so! If the more lenient ruling be allowed to the more serious matter of \textit{priest's-due} — where a more lenient ruling is allowed in the case of vetches\textsuperscript{5} and clover\textsuperscript{6} — shall we apply a more lenient ruling to the less severe subject of \textit{second tithe} — where a more lenient ruling is not allowed regarding vetches and clover?

\textsuperscript{1} Or יִנְשָׁה. \textsuperscript{2} In some editions, צוֹחָה. \textsuperscript{3} In some editions. \textsuperscript{4} Or MISSPER. \textsuperscript{5} Wine. \textsuperscript{6} Assessed, \textit{i.e.}, 'the increase in value should be taken into consideration (when redeeming)'. \textsuperscript{7} Porret, leek. Or פּוֹרֵט. \textsuperscript{8} Estimated. \textsuperscript{9} Or נַשְׁוָה. \textsuperscript{10} As resulting from an addition. \textsuperscript{11} Reckoned.
1 His opinion is rejected. 2 Their view is accepted. 3 See 'עבשים' 82. 4 יפ is omitted in some editions. 5 Or tares, horse-beans. 6 Or fenugreek, melilot. (See Supplement).

Mishnah 3
Clover1 of second tithe may be eaten as buds;2 of priest’s due3—the School ofShammai4 say, All its preparations must be done in cleanness excepting combing5 the head with it; but the School of Hillel say,6 All its preparations may be carried out in uncleanness excepting steeping it.7

1 Or fenugreek, melilot (see Supplement). 2 i.e., directly from the capsules before drying or in its green state. 3 יפ in some editions. i.e., clover of priest’s due. 4 This view is rejected. 5 הפשיר, cleansing or shampooing the head. 6 Their opinion is accepted. 7 העריך, soaking or steeping in water. יְפִּי of second tithe may be eaten without washing the hands but after steeping it is necessary; יְפִּי of priest’s due requires washing of hands before eating.

Mishnah 4
Second tithe vetches4 may be eaten as buds,2 and may be taken up3 to Jerusalem and taken out again.4 If they have become unclean, R. Tarfon says,5 They should be divided among lumps of dough;6 but the Sages say,7 They must be redeemed. And of priest’s due8—the School of Shammai say,9 They must be steeped and rubbed in cleanness and may be given as food in uncleanness; but the School of Hillel say,10 They must be soaked in cleanness and may be rubbed and given as food in uncleanness. Shammai says, They must be eaten dry. R. Akiba11 says, All their preparations may be carried out in uncleanness.

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Mishnah 5

Ordinary\(^1\) money and second tithe money which were scattered\(^2\)—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.\(^4\) 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.

Mishnah 6

If a \textit{sela}\(^1\) of second tithe were confused with one of ordinary money, he should bring\(^2\) a \textit{sela}'s worth of coins and say, 'Let the \textit{sela} of second tithe wherever it may be be exchanged for these coins'; and he chooses the better\(^4\) of them and exchanges it for them;\(^8\) 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.
Mishnah 7
The School of Shammai say, 1 A man may not exchange his selas 2 for golden denars; 3 but the School of Hillel permit it. 4 R. Akiba said, 'I exchanged for R. Gamaliel and R. Joshua their silver for golden denars.'

1 Their view is rejected. 2 Of 1 silver = \( \frac{1}{3} \) gold. (See 1 לִפְתָּה Introduction, Tables). 4 Their opinion is accepted.

Mishnah 8
If one change into a selal 1 the coins of second tithe money—the School of Shammai say, The whole 2 selal into coins; but the School of Hillel say, A shekel's 3 worth in silver and a shekel's 4 worth of copper coins. 4 R. Meir says, 5 They must not exchange 6 both silver and produce into silver, but the Sages permit it. 7

1 See 1 לִפְתָּה Introduction, Tables. 2 לִפְתָּה in some editions. 3 In some editions. 4 לִפְתָּה in some editions. To keep down the price of copper coins. 5 His opinion is rejected. 6 For instance, half a selal of silver and half a selal's worth of produce for a whole selal of silver. 7 The Sages’ view is accepted.

Mishnah 9
If one would break up into small change a selal 1 of second tithe in Jerusalem—the School of Shammai say, The whole 2 selal into small coins; but the School of Hillel say, A shekel's 3 worth of silver and a shekel's 4 worth of small coins. The arguers 5 before the Sages say, 'Three denars' worth of silver and a
denar's worth of small coins. R. Akiba says, Three denars' worth of silver and a quarter in small coins. R. Tarfon says, Four aspers in silver. Shammai says, He should deposit it in a shop and eat up its value.

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1 See Introduction, Tables. 2 In some editions. 3 In some editions. 4 In some editions. 5 These 'arguers' were שמות יום ו做的事, ממון ו做的事 and ממון וstrtotime, קמיעי וstrtotime, קמיעי וstrtotime instead of וstrtotime ממון וstrtotime gives a clearer interpretation, i.e., and a quarter in small coins from the fourth denar. 6 In some editions. 7 In some editions. 8 אָסְפֶּר = 1/6 m or 1/6 silver. 9 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 and the others clean, he lays down the sela and says, 'For what those who are clean drink let this sela be given in exchange'; it will be found that both the clean and unclean may drink from the same jar.

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1 In some editions. 2 In some editions. 3 Or שמרים. 4 Or שמרים. 5 In some editions. 6 But of course each one must use his own cup filled from this jar.

CHAPTER 3

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 of it to one another as a free gift.
Mishnah 2

Outside Jerusalem. The receivers must nevertheless consume such produce in Jerusalem.

One may not buy priest's-due with second tithe money because thereby he reduces the number that may eat of it; but R. Simon permits it. R. Simon said to them, 'How so! If the more lenient ruling apply to peace-offerings which may become abomination or overdue portion or unclean, should we not apply the more lenient ruling to priest's-due?' They said to him, 'What? If the more lenient ruling apply to peace-offerings which are permitted to non-priests, should we apply the more lenient ruling to priest's-due which is prohibited to non-priests?'

1 Or Unclean persons may not cat of it. 2 His view is rejected. 3 The Sages. 4 Literally, abomination, unfitness, a term applied to a sacrifice which has become rejected if the officiating had a wrong intention in his mind. Leviticus 7, 18. 5 Overdue portion of a sacrifice left over beyond the appointed time and which had to be burnt. Exodus 29, 34; Leviticus 7, 17. 6 In some editions.

Mishnah 3

Anyone in Jerusalem who had money and he had need for it and his fellow had produce, he may say to his fellow, 'Let this money be rendered non-holy for thy produce'; the result will be that the one will eat his produce in cleanness and the other may provide for his needs with his money. But one may not say thus to one who is suspect regarding the observance of tithes except in the case of doubtfully tithed produce.
1 Of second tithe. 2 For other purposes than food, drink or unguent. 3 Of מַחְפָּלוֹת. 4 Or מַחְפָּלוֹת. 5 Because the produce acquires the sanctity of second tithe. 6 In some editions. 7 i.e., unless it was second tithe money set apart for this produce.

Mishnah 4
If one had produce in Jerusalem and money in the provinces, he may say, ‘Let that money become non-holy for this produce.’ If one had money in Jerusalem and produce in the provinces, he may say, ‘Let this money become non-holy for that produce’;—only provided that they bring that produce up and eat it in Jerusalem.

Mishnah 5
Money brought into Jerusalem may be taken out again, but produce brought in may not be taken out again. Rabban Simon ben Gamaliel says, Even produce may be brought in and taken out again.

Mishnah 6
Produce which had been completely harvested and had passed through Jerusalem—its second tithe must be brought back to Jerusalem to be consumed there. And if it had not been completely harvested, for instance baskets of grapes for the wine-press or baskets of figs

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for the store— the School of Shammai say, One must bring back their second tithe to Jerusalem and consume it there; but the School of Hillel say, He may redeem it and consume it anywhere. R. Simon ben Judah says in the name of R. Jose, The School of Shammai and the School of Hillel were not divided over the subject of produce which had not been completely harvested that its second tithe may be redeemed and consumed anywhere. But over what were they divided— About produce that was completely harvested, the School of Shammai saying, One must bring back to Jerusalem its second tithe and eat it there; and the School of Hillel saying, One may redeem it and eat it anywhere. And doubtfully tithed produce may be brought in and taken out again and may be redeemed.

1 Whose [Niphal], and had not yet been separated, i.e., produce. 2 [Niphal] in some editions. 3 Or [Niphal], and it must be eaten. 4 Wine-pressing vat. 5 Store for fruit. 6 i.e., their opinion differs in another matter. 7 Or [Niphal], may be redeemed and consumed. 8 His opinion is rejected. 9 Or [Niphal]. 10 In some editions, shriveled. 11 Their views are excepted. 12 Or [Niphal] (see אֲשֵׁר, Introduction). 14 Into Jerusalem.

Mishnah 7

If a tree stood within a wall and leaned over outside, or stood without and leaned over inwards, the part above the wall and within is deemed inside, and the part above the wall and outwards is considered outside. Olive-presses— if their entrances were inside and their body outside, or their entrances without and their body

Masaer Sheni 36,7

אֲשֵׁר בַּקְטַל לִבְּרֵךְ בְּרוּשֵׁיהוּ בֵּית הַכֹּל
רַבִּי שֶׁם יַעֲקֹב בֶּן יַעֲקֹב בֶּן פְּרֻחַ.
רַבִּי יוֹסֵי לָא בְּנֵלַקְו בֵּית שְׁפָא.
בֵּית הַכֹּל עַל פַּרְוָךְ בֶּן יָנָקָא
פַּלּאַכְהוּ יָשָׁפְתוּ מְשָׁרָה שָׁפָרְהוּ.
עַל הַטְּפָרוֹת שָׁפָרְהוּ מְשָׁרָה.
שָׁפַּי אָנוֹרְמוֹ, בַּפָּרְוָךְ מְשָׁרָה
שָׁפַּי שָׁפָרְהוּ בֵּית שְׁפָא בֵּית שְׁפָא
אָבוֹת הַכֹּל אָנוֹרְמוֹ, שָׁפַּי שָׁפַּי
בֵּית מְשָׁרָה בֵּית שְׁפָא יָנָקָא
לֶקַחְוָה.

Mishnah 1

If a tree stood within a wall and leaned over outside, or stood without and leaned over inwards, the part above the wall and within is deemed inside, and the part above the wall and outwards is considered outside. Olive-presses— if their entrances were inside and their body outside, or their entrances without and their body

Masaer Sheni 36,7

אֲשֵׁר בַּקְטַל לִבְּרֵךְ בְּרוּשֵׁיהוּ בֵּית הַכֹּל
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פַּלּאַכְהוּ יָשָׁפְתוּ מְשָׁרָה שָׁפָרְהוּ.
עַל הַטְּפָרוֹת שָׁפָרְהוּ מְשָׁרָה.
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שָׁפַּי שָׁפַּי בֵּית שְׁפָא בֵּית שְׁפָא.
אָבוֹת הַכֹּל אָנוֹרְמוֹ, שָׁפַּי שָׁפַּי
בֵּית מְשָׁרָה בֵּית שְׁפָא יָנָקָא
לֶקַחְוָה.

Mishnah 7

If a tree stood within a wall and leaned over outside, or stood without and leaned over inwards, the part above the wall and within is deemed inside, and the part above the wall and outwards is considered outside. Olive-presses— if their entrances were inside and their body outside, or their entrances without and their body
within, the School of Shammai say, the School of Hillel say, The whole is considered inside; 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 כֹּל, 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.

Mishnah 8
The chambers built in the Temple Court and open into the non-holy ground—their interior is non-holy but their roofs are considered to be in holy ground. Those built 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 are holy, and over the non-holy ground and towards non-holy ground are non-holy.

1 Literally, in the holiness, i.e., בְּגֵיא, the hillside of the Temple. 2 i.e. מָקוֹם הַר, 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
Maaser Sheni 39,10

direct cause of uncleanness or from a secondary cause of uncleanness, whether inside1 or outside;1 the School of Shammai say, All2 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,3 except only what had become unclean from a secondary cause within.3

1 The Walls of Jerusalem. 2 In some editions, 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 bought1 with second tithe money became unclean, it may be redeemed;2 R. Judah says,3 It must be buried. They4 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?’

1 Whether inside or outside Jerusalem. 2 And this is the accepted ruling. 3 His view is rejected. 4 The [ד'ק] (Sages).
Mishnah 11

If a deer\(^1\) that had been bought\(^2\) with second tithe\(^3\) money died, it must be buried with its hide; R. Simon says,\(^4\) It must be redeemed.

If one bought it alive and slaughtered it and it became unclean, it must be redeemed; R. Jose says,\(^5\) It must be buried. If one bought it slaughtered and it became unclean, it must be treated just as produce.\(^6\)

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 \(\text{i.e.,} \) מזחשה פנינים. 4 His view is rejected. 5 His opinion is not accepted. 6 Or קפコミיה.

Mishnah 12

If one lent jars\(^1\) for second tithe,\(^2\) even though he sealed them up, they\(^3\) are not considered as tithe.

If he poured into them non-tithed wine, if before\(^4\) they were sealed up, they\(^3\) do not count as tithe, but if after they were sealed up,\(^5\) they are reckoned as tithe. If before\(^6\) they were sealed up, they\(^7\) are neutralized in a hundred and one parts, but if after they were sealed up, they render holy\(^8\) 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 \(\text{קרופ, oil-vessel, wine-vessel; a cylindrical vessel sunk into a cellar floor.} \ 2 \text{For wine also so designated.} \ 3 \text{i.e., מזחשה פנינים. The jars themselves do not become part of the tithe. Literally, he has not purchased tithe.} \ 4 \text{i.e., before the wine was designated tithe.} \ 5 \text{Then the wine was designated tithe.} \ 6 \text{If they were designated priest’s due and became confused with non-holy wine.} \ 7 \text{The jars themselves.} \ 8 \text{The jars must be sold to קפコミיה but one jar is given to the קפコミיה free.} \)

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own or whether it were given\textsuperscript{4} to him as a free gift.\textsuperscript{5}

1 Or offers, literally says. 2 Leviticus 27, 13. 3 Or \textit{מְפָשַׁת}. In actual practice it is a fourth\textsuperscript{i.e., }\frac{1}{4}\text{ of the original}, thus algebraically if the original be \(x\) then the \(\text{הוֹקֵם} \text{ מֶלֶכֶת\,}=\frac{1}{5}\left[x + \frac{x}{4}\right] = \frac{x}{4}\), that is one-fourth. 4 Or \textit{מְפָשַׁת}. This can only refer to \(בַּעַל\,\text{ completamente untithed produce.}

Mishnah 4
A way out may be found\textsuperscript{1,2} 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,'\textsuperscript{3} redeem for thyself this second tithe'.\textsuperscript{4}
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.\textsuperscript{5}

1 \textit{לֹא,} to evade a law by an artifice, to act artfully. 2 To evade paying the added fifth. 3 As a gift,\textit{כָּפָר.} 4 And when the redeemed produce has thus become \(מְפָשַׁת\) 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 \textit{i.e., their action is exactly as if the owner had acted.}

Mishnah 5
If one\textsuperscript{1} were standing in his granary but he had no money\textsuperscript{2} in his hand, he may say to his fellow, ‘This produce\textsuperscript{3} is given to thee as a free gift.’ Then\textsuperscript{4} he goes on to say, ‘Let this be exchanged\textsuperscript{5} for money which is in the house.’

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 \(בַּעַל\,\text{ produce (Compare preceding Mishnah, Note 5).} 4 After the other has separated the second tithe. 5 Or \textit{שְׁפָטָה.} Thus again the owner has evaded the payment of the added fifth.
Mishnah 6

If anyone drew\(^1\) 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\(^3\) 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\(^3\) were one who is not reliable concerning tithes, he may give\(^4\) him from doubtfully tithed produce.\(^5\)

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1 i.e., drew into possession. 2 Some editions have מַלְשָׁנָה instead of מַלְשָׁנָה. Some commentators understand this to mean that the ‘second’ sela, viz., the ‘other’ sela, belongs to him. 3 The seller was one who is not reliable concerning tithing, to whom redemption must not be given. 4 Or pays. i.e., from the second sela. 5 מַלְשָׁנָה in some editions. i.e., from doubtfully tithed produce.

Mishnah 7

If one redeem second tithe but did not designate\(^1\) it, R. Jose\(^2\) says, It is sufficient; but R. Judah says,\(^3\) He must definitely designate it. If one were talking to a woman concerning her divorce\(^4\) or her betrothal and he gave her her bill of divorce\(^4\) or her gift of betrothal, but did not designate it expressly,\(^5\) R. Jose\(^2\) says, It is sufficient; but R. Judah\(^5\) says, He must designate it explicitly.

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1 He did not state that it was redemption of second tithe. 2 His view is accepted 3 His opinion is rejected. 4 In some editions. 5 Or או. 5 Or או.
Mishnah 8
If anyone set aside an *issar*\(^1\) and reckoning on it ate up half its value, and then he went elsewhere where its value was a *pondion*\(^2\), he can still consume in virtue of it another *issar*\(^3\)'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\(^4\) was an *issar*, he may consume in virtue of it another half *issar*\(^5\)'s worth. If anyone set aside an *issar* for second tithe redemption, counting on it he may consume\(^6\) one-eleventh\(^6\) of an *issar*\(^7\)'s worth, or one-hundredth\(^7\) of an *issar*\(^8\)'s worth.

The School of Shammai say, One-tenth in both cases; but the School of Hillel\(^9\) say, One-eleventh for certainly tithed produce and one-tenth for doubtfully tithed produce.

1 For redemption of second tithe. 2 A *pondion* is worth 2 *issar*. 3 אנקית היה in some editions. 4 רוח in some editions is omitted. 5 In some editions, ילקט. 6 If the produce be * 이용자, doubtfully tithed. 7 If the produce be * 이용자, certainly tithed. 8 Their view is rejected. 9 Their opinion is accepted.

Mishnah 9
All coins\(^1\) that are found are considered non-holy, even a gold *dinar*\(^2\) mingled with silver and copper coins. If anyone found a shard\(^3\) with them on which was written\(^4\) *Tithe*, then such must be assumed to be *tithe*.\(^5\)

1 But any such money found in Jerusalem during a י"ב, Holyday period, when second tithe was brought in is considered as second tithe redemption money. 2 י"ב = 24 י"ב or 24 י"ב. (See Tables of Weights and Measures, Introduction י"ב). 3 Or sherd, potsherd. 4 נה in some editions. 5 *Second tithe* redemption money.
Mishnah 10
If anyone find a vessel and on it be written Offering—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 said to him, It is not the way of people to put what is non-holy into what is offering.

1 Or Sacrifice. 2 The initial letter of הנס (Sages).

Mishnah 11
If anyone find a vessel and there be written on it a Kaf, this is tithe, a Mem, it is doubtfully tithed, a Daleth, it is certainly untithed, a Teth, it is priest's-due because in times of danger they used to write a Tav instead of Terumah. R. Jose says, They may all be the names of persons. Said R. Jose, Even if one found a cask 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 of priest's-due and someone had since emptied it out.

1 In the case of an earthenware vessel, thus marked the contents only are holy, but in the case of a vessel of wood or metal, both the vessel and contents are dedicated. 2 The initial letter of הנס. i.e., dedicated. 3 The initial letter of נכה. 4 The initial letter of דמות. 5 The initial letter of הרמה. 6 The initial letter of דמות. 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 הרמה.
Mishnah 12
If one said to his son, ‘Second tithe is in this corner’—and he found some in another corner, this is to be considered as non-holy. If there had been there a manah and he found two hundred, the surplus is non-holy; if two hundred and he found only one manah, the whole lot is tithe.

1 אֲמָה in some editions. 2 אֲמָה = 100 אֲמָה or 100 אֲמָה. Of second tithe. 3 200 אֲמָה or 200 אֲמָה, i.e., 2 אֲמָה. 4 200 אֲמָה or 200 אֲמָה had been placed there. (See Introduction, Tables).

CHAPTER 5
Mishnah 1
A vineyard in its fourth year must be marked out with clods of earth, and fruit trees of their first three years with sherds, and graves with lime mixed with water and poured over. Rabban Simon ben Gamaliel said, When is this the case?—In the Sabbatical Year. And the scrupulously pious people used to lay down coins and say, ‘All that is gathered here let it be redeemed by these coins.’

1 לַחְּלָתָל (literally, prepuce, foreskin) fruit trees of their first three years; בְּשֵׁם, what is in its fourth year; בְּשֵׁם, a vineyard in its fourth year; בְּשֵׁם, 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 added fifth, set aside) and the money be taken to Jerusalem to be spent there (the redeemed fruit thus becoming non-holy). If a tree be planted on or before 16th סֵפֶר (to allow a fortnight for rooting and thirty days’ growth in the passing year) then the 1st begins the second year of growth. After the third the fruit though no longer may still not be consumed until after the 15th סֵפֶר (or תַּשְׁלָת, The New Year for Trees). 2 This must be done even in a תַּשְׁלָת, Sabbatical Year because its
fruit is not 7p33 and must be consumed in Jerusalem. 3 Or shards, potsherds.
4 Or chalk, plaster. This is necessary that the clean, ṭוּחֵר (a priest or priest or nazir, unclean. 5 When all produce becomes יפָס, ownerless, common property. 6 Whose vineyards reached their fourth year in the Sabbatical Year. 7 Or money. 8 And this is an accepted ruling for a non-Sabbatical Year also. 10 Or 9

Mishnah 2
The fruit of a vineyard in its fourth year had to be brought up1 to Jerusalem2 if distant up to a day's journey from Jerusalem. And what was its limit?—Ayeleth3 to the south, Akraah4 to the north, Lod5 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;6 and there was a condition on this matter,7 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 aforetime.

Mishnah 3
In the case of a vineyard in its fourth year1 the School of Shammai say,2 The added fifth and removal3 do not apply to it; but the School of Hillel4 say, They do apply. The School of Shammai say,2 The laws of grape-gleanings5 and of poor
clusters apply to it, and the poor redeem for themselves; but the School of Hillel say, All of it for the winepress.

1 i.e., the grapes of. 2 Their view is rejected. 3 Or באת. The removal from one's house of any unsurrendered tithes and priest's-dues and first fruits in the fourth year and in the Sabbatical Year (see 5). 4 Their opinion is accepted. 5 See Introduction. 6 Or חפץ.

Mishnah 4
How do they redeem the fourth year's fruit of a tree?—One sets down the basket before three and says, 'How much would a man want to redeem for himself for a selá on condition to defray also the expenses incurred out of his household?' And he lays down the coins and says, 'All that shall be gathered here let it be redeemed for these coins at the rate of so (and so) many baskets for a selá.'

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 חפץ must be added to the valuation (see Note 3). 2 Expert persons must estimate the value. 3 For guarding, digging, hoeing, etc. 4 Or money. 5 Or חפץ.

Mishnah 5
But in the Sabbatical Year one redeems it at its value. 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 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.
Mishnah 6
On the eve\(^1\) of the first day of Passover in the fourth year and the seventh year removal\(^2\) was carried out. How was\(^3\) the removal\(^2\) carried out? They gave\(^4\) priest’s-due and priest’s-due of the first tithe to whom they were due,\(^5\) and first tithe to whom it was due, and poor-man’s tithe to whom it was due,\(^6\) and second tithe\(^7\) and first fruits were cleared away everywhere. R. Simon\(^8\) says, The first fruits were given to the priests as in the case of priest’s-due. The School of Shammai\(^9\) say, Cooked foods should be cleared away; but the School of Hillel\(^10\) say, It is considered as if it had already been removed.\(^11\)

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1 At the קַמָּה period. 2 בָּעָר in some editions. 3 In some editions is omitted. 4 Literally, they give. 5 To the לֶוֶי, Levite. 6 To the בָּעָר, poor person. 7 Actually in the case of בָּעָר, second tithe, and fruit of a four year old tree, if in one’s possession in Jerusalem sufficient of them to last for consumption until the סֵמִית, 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\(^1\) at this time\(^2\) and the time came for removal\(^3\), the School of Shammai\(^4\) say, He must redeem it\(^5\) with money;\(^6\) but the School of Hillel\(^7\) say, It is all one whether it is money or produce.
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 from one kind for some other kind, or from what has been plucked for what was still unplucked, or from what was unplucked for what was plucked, or from what was new for what was old, or from what was old for what was new. 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 instead of. 4 Deuteronomy 14, 22.

Mishnah 12
I have not eaten thereof in my mourning: thus if one had eaten during (his) mourning 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. 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.
Maser Sheni 512.14

1 Deuteronomy 26, 14. "לֹא אָפְקַלְתָּ בִּשְׂפַת מְשִׁיסָה לְאָנַיָּבָדָתָא אָפְקָלָתָא לְאָנַיָּבָדָתָא הַמְשִׁיסָה לְאָנַיָּבָדָתָא. לֹא אָפְקַלְתָּ בִּשְׂפַת מְשִׁיסָה לְאָנַיָּבָדָתָא אָפְקָלָתָא לְאָנַיָּבָדָתָא, mourner (up to the burial), mourner (after burial). (More strictly one is קַל up to the night after burial if death took place that day, but also even if the burial took place on a day after the day of death). 2 This in some editions. (Here, the mourning period and customs of an אֲבִי, the mourning period and customs of an אָבִי.

Mishnah 13

Look forth from Thy holy habitatio, from heaven: we have done what Thou hast decreed upon us, do Thou also what Thou hast promised us. Look forth from Thy holy habitatio, 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.

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. R. Meir says, Also not priests and Levites since they have not received a share in the land. R. Jose says, They have open spaces round about cities.
חלה

CHALLAH
This tractate, *Tractate*, is the ninth of the *Order Zeraim*. It has no tractate in the *Babylonian Talmud*, but there is a tractate to it in the *Jerusalem* (or *Palestinian*) *Talmud*.

The term *תל"ז* (derived from the verb *תל"ז*) 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 *תל"ז*, and the quantities or amounts to be given by the baker and the private individual. This due or levy applies only to *תל"ז*, but a modification of it has been always practised in *תל"ז* outside *Palestine* (the separated portion of the dough or bread not being given to any *תל"ז*, priest, but burnt in the fire).

This *Tractate* is in correct sequence to the preceding *Tractate*—as *תל"ז* must be separated after the *תל"ז*, priest's levies, and *תל"ז*, tithes, had been separated.

The *Tractate* is based on Numbers 15, 18 to 21:

*תל"ז* אֲלֵי בָּנֵי יִשְׂרָאֵל יִשְׁמַרְתָּם אֶלָּת הַנָּחַל וְיַחַלְקָם אֶלָּת הַנָּחַל אֶלָּת מִבְּדָא אַךְ בֵּיהֵי שִׁפִּיאָה(19)

Speak unto the children of Israel and say unto them, When you come into the land whither I bring you.

*תל"ז* בַּאֲמַלְכָּם מְלֹטֶם תַּל"ז מְלֹטֶם תַּל"ז(18)

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.

*תל"ז* אֲשֵׁר יֶאָכְלוּ מְלֹטֶם תַּל"ז יְשַׁלְּמִינָה חַרְוָה לַחַרְוָה לַחַרְוָה לָאָם(20)

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.

*תל"ז* אֲשֵׁר יֶאָכְלוּ מְלֹטֶם חַרְוָה לַחַרְוָה חַרְוָה לָאָם מְלֹטֶם חַרְוָה(21)

Of the first of your dough ye shall give unto the Eternal a portion as a gift throughout your generations.

See Note 5 for explanation of the terms *תל"ז*, *תל"ז*, *תל"ז*, *תל"ז*, *תל"ז*, *תל"ז*.
The Titles of the Chapters of this Tractate are:

Chapter 1
Chapter 2
Chapter 3
Chapter 4

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.
Mishnah 1
Five kinds are liable to the priest's share of the dough, wheat, barley, spelt, oats and rye.* These are liable to priest's share of the dough and may be included one with the other, and they are prohibited when new before Passover or to be reaped before the Omer, and if they have taken root before the Omer the Omer makes them permissible, but otherwise they are prohibited until the advent of the next Omer.¹⁰

*See Supplement.

¹ In some editions, ניבים. This is based on Deuteronomy 16, 3 and Numbers 15, 20. ² In some editions. ³ To make up the quantity that is liable to ניבים, i.e., five quarter-kab. (See 14, 29). 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 ניסן. ⁶ Leviticus 23, 9-15. ⁷ Before 16 ניסן. 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;\(^1\) if as much as the bulk of an olive leavened, he is punishable by extermination.\(^2\) If one of them were mixed\(^3\) with any other kind, this transgresses the Passover law.\(^4\) One who vows to abstain from bread and from grain is forbidden them;\(^5\) 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\(^6\) to the priest's share of the dough and to tithes.

\(^1\) 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 ḥerek. \(^5\) These five kinds. \(^6\) All these five.

Mishnah 3
These are liable\(^1\) to priest's share of the dough but exempt\(^2\) from tithes:\(^3\) gleanings, and the forgotten produce, and the field corner, and the ownerless produce, and first tith from which the priest's-due had been separated,\(^4\) and second tith and dedicated produce\(^5\) which had been redeemed, and the residue of the Omer, and corn\(^6\) that had not reached a third of its growth. R. Eliezer\(^7\) says, Grain that had not reached a third of its growth is exempt from the priest's share of the dough.

\(^1\) Or שיכוכב. \(^2\) Deuteronomy 14, 29. \(^3\) For full explanations of these terms see Numbers 15, 20. \(^4\) Or שיכוכב in some editions. \(^5\) שיכוכב is only exempt from שיכוכב 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\(^1\) to (the) tithes but are exempt\(^2\) from the priest's share of the dough; rice, (and) millet,\(^3\) (and) poppy,\(^4\) (and) sesame,\(^5\) and pulse,\(^6\) and less than five quarters\(^7\) of grain.\(^8\) Sponge-cakes,\(^9\) (and) honey-cakes, (and) paste-balls,\(^10\) and pancake,\(^11\) and produce mixed with priest's-duel\(^12\) are exempt from the priest's share of the dough.

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\(^1\) Or נבירה. 2 In some editions, נבירה, נבירה. 3 Or durra, Indian millet, durra millet, sorgho millet. 4 Or דוערא 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 Or ספנימה in some editions. A kind of cakes made of spongy dough; perhaps a kind of crackers. 10 or ספנימה. 11 Or פבר, pan, mould. 12 Or פבר מים that has fallen into less than one hundred parts of מים is not neutralized and the mixture is prohibited to a ר, non-priest. *Traditional reading תותה.

Mishnah 5

Dough\(^1\) that was first intended\(^2\) for sponge-cakes and was so at the end\(^3\) 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\(^4\) to the priest's share of the dough; and so are crumb-cakes\(^5\) subject.\(^6\)

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\(^1\) Soft spongy dough that is exempt becomes liable to נלע 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 נלע. 2 i.e., soft, pasty. 3 Fried with oil or honey or boiled in water. 4 תות 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 נלע, priest's share of the dough.
Mishnah 6
Flour water-paste:¹ the School of Shammai exempt²⁻³, but the School of Hillel make it liable.⁴⁻⁵. Water-flour paste:⁶ the School of Shammai make it liable,⁷ but the School of Hillel⁸ exempt.⁹ Cakes of a thank offering¹⁰ and wafers of a nazirite:¹¹ if one made them for himself, he is exempt,¹² but if to sell them in the market, he is liable.¹³

1 Or מָסָר or מַעֲנֵי, a paste made by pouring flour into boiling water. 2 Their view is rejected. 3 From הִלֵּל. 4 Their opinion is accepted. 5 To הָלָל. 6 A paste made by pouring boiling water over flour. 7 Their opinion is accepted. 8 Their view is rejected. 9 From הָלָל. Or שְׁפָאָר. 10 Leviticus 7, 12. 11 Numbers 6, 15. 12 Or בֵּית.

Mishnah 7
If a baker made leaven to distribute,¹ it is liable to the priest’s share of the dough. If women² gave a baker to make dough for them, and if there were not in one of them³ the prescribed quantity,⁴ it is exempt⁵ 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 the priest.

Mishnah 8
Dogs’-dough,¹ when shepherds² eat³ of it, is liable⁴ to (the) priest’s share of the dough, and may be used for Erub⁵ and for Partnership Erub, and the Benedictions before⁶ and after⁷ meals must be said over it, and Grace by Three may be said over it, and it may be made⁸ 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 liable⁴ to (the) priest’s share.
of the dough, and it may not be used for Erub or for Shittuf, and the Benedictions before and after meals are not said over it, and Grace by Three is not said over it, and it may not be made on a Festival Day, and one cannot fulfill with it his obligation at Passover. In either case it is susceptible to food uncleanness.

1 Or ה İnt. 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 בָּרֹד שָׁרוֹנִים or שָׁרוֹנִים, 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) שֵׁרֹב חֶוֹדֶשִׁים, 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. 5 See מַלְשָׁנָה 14. שֵׁרֹב שְׁרוֹנִים, Erub of courtyards, שֵׁרֹב בְּבָנָוא, Erub of alleys. 6 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. (b) שֵׁרֹב נִירּוֹת, 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 מַלְשָׁנָה. 7 מַלְשָׁנָה מִנָּא יִתְנָא when three or more adult males partake of the meal. 8 In some editions, מַלְשָׁנָה. 9 But the comprehensive Blessing מַלְשָׁנָה must be recited before eating of it. 10 Because it is not considered בּוּקֵר, bread.

Mishnah 9

The priest's share of the dough and the priest's-due: one may incur the death penalty for them; they are subject to the added fifth; they are prohibited to non-priests; they are the property of the priest; they are neutralized in a hundred and one; they require washing of the hands, and the awaiting of sunset; they may not be separated from what is clean for what is unclean; and they must be taken from the nearest and from such
produce as whose harvesting is complete. One who says, 'Let all my barn⁹ be priest's due or all my dough be priest's share of the dough,' has not said anything valid unless he retains¹⁰ a part.¹¹

1 See Note 5. 2 Leviticus 22, 9. Leviticus 22, 9. extirpation, or 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 priest. 4 See Note 47. 5 i.e., before touching it. 6 Leviticus 22, 6, 7. 7 Death from heaven, or non-holy produce.

CHAPTER 2

Mishnah 1

Produce¹ 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 there³ thisither,⁸ R. Eliezer declares it liable,⁴ but R. Akiba exempts it.⁵

Mishnah 2

Soil with growing produce from outside Palestine that had come in a ship to Palestine is liable to tithes¹ and is subject to the Sabbatical Year law. R. Judah said, When is this the case? When² 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 unwashed⁴ hands.
CHALLAH 2a-4

1 Also liable to priest’s-dues. 2 Or כָּפֹר. 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, but not so a man. Whoever is not able to prepare his dough in cleanness should prepare it in kab portions but he must not prepare it in uncleanness. But R. Akiba says, He may prepare it in uncleanness but he should not prepare it in kab portions; because just as he may designate what is clean so he ought to designate what is unclean; he must designate 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 each has no share in what is designated.

1 קָפֹר 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 קָפֹר. 4 כָּפֹר in some editions. 5 According to some, Akiba’s view should be accepted so that the קָפֹר should not be deprived even of the קָפֹר which he can use as fuel when cooking. 6 As קָפֹר. 7 In some editions, קָפֹר. 8 קָפֹר in some editions. 9 קָפֹר in some editions. It is preferable to offer קָפֹר from what is unclean than to evade the obligation of קָפֹר.

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, Even when they are detached from the side of the oven and placed in a basket, the basket includes them together for the priest’s share of the dough.

*Or קָפֹר.
CHALLAH 24:6

1 His opinion is accepted. 2 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 הַחֲמַה.

Mishnah 5
If one separate flour as his priest’s share of the dough, it is not priest’s share of the dough, and it would be as robbery in the hand of a priest; the dough itself is still liable to the priest’s share of the dough, and the flour too if it be of the prescribed quantity is liable to the priest’s share of the dough and is prohibited to non-priests; this is the view of R. Joshua. They said to him, It once happened that an elder, a non-priest, grabbed it. He said to them, None the less he became liable to punishment and he set a bad example to others.

1 And is permitted to a non-priest. 2 As the flour is not valid הַחֲמַה 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 (Sages.) 6 And ate it up. 7 He was נָגָר, a learned man. 8 R. Joshua.

Mishnah 6
Five quarter-kabs of flour are liable to the priest’s share of the dough—all of them, their yeast, and bran-flour and coarse-bran, if there be five quarter-kabs, are liable. If the coarse-bran had been removed from it and it was put back again, it is exempt.

1 Or more. 2 Or fine-bran. Or הָעָשָׁה. 3 viz., if there be together five . . . . . . . . . . . . . . . .
4 Or הפָּאָה. 5 The dough is exempt from הָעָשָׁה.

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The prescribed amount 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. 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. If her dough became unclean, whether in error or by constraint, it is one forty-eighth part; but if it were rendered unclean wilfully, one twenty-fourth part, so that a sinner does not obtain any advantage.

* Or שבעה.

Mishnah 8
R. Eliezer says, it may be taken from what is clean for what is unclean. How so?—One has clean dough and unclean dough; he takes for the priest's share of the dough from dough from which priest's share of the dough had not been separated and puts less than the bulk of an egg between, and so in this way he separates from what is just there; but the Sages forbid this.

1 His view is rejected. 2 i.e., מֵאָדָם מִשָּׁמַע. 3 Or 'instead of.' 4 Clean dough. 5 שְׁמַעְיוּ 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 מֵאָדָם. 9 Or מֶאָדָם. 10 Their view is accepted. *Compare 14.
CHALLAH 31.2

1 To מַלְאָן. 2 From מַלְאָן.

Mishnah 6
If one became a proselyte and he had dough—if it had been prepared before he became a proselyte, it is exempt;¹ but if after he had been proselytised, it is liable; and if there be a doubt, it is liable,¹ but there is no liability² for it for the added fifth. R. Akiba says,³ It all depends as to when the crust was formed in the oven.

1 To מַלְאָן. 2 If a non-priest eats it in error. 3 His view is not accepted.

Mishnah 7
If one prepared dough from¹ wheat² and rice³—if it have the taste of corn,⁴ it is liable⁵ 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,⁴ 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 מַלְאָן. 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 מַלְאָן only applies if the constituent liable is at least five quarter-kabs.

Mishnah 8
If one take leaven¹ 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 material² elsewhere, he should take from it the required calculated quantity,³ but if not,⁴ he should take priest's share of the dough⁵ for the whole.

*Or שֵׁמֶש, מִשְׁפָּד.
1 Or dough.  2 i.e., some other flour from which an equivalent quantity can be made into dough as מֶאֶל.  3 The amount for the dough from which מֶאֶל 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\(^1\) were mixed up with gleaners' olives,\(^2\) or harvested grapes\(^1\) with gleaners' grapes,\(^2\) and he had stock\(^3\) 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\(^4\) for the whole,\(^5\) and the remainder is tithe\(^6\) and second tithe in the prescribed amounts.

1 Which are liable to tithe.  2 Or נַרְקַם.  These are exempt from tithe.  3 נַרְקַם, untithed produce, of the same kind.  4 Or אָמָן הַשָּׁבָט, priest's-lesser-due (see Note \(5\)).  5 As if the whole were מֶאֶל and liable to tithes. (Contrast Note \(5\) in the preceding Mishnah.)  6 נַרְקַם, first tithe.

Mishnah 10

If one take the leaven\(^1\) from the dough\(^2\) 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\(^3\) say, Any untithed produce renders forbidden?\(^4\)—One kind\(^5\) with like kind; but not with like kind\(^6\) that which imparts a flavour.

1 Or dough.  2 From which מֶאֶל had not been separated.  3 The 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 Numbers \(7\), \(10\).)
may proceed to separate² *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 separated³ from what is clean instead of from what is unclean and not from what lies near by.⁴

1 If anyone had bought pieces of dough and it is doubtful whether it had been taken from them, and pieces of dough which were also in doubt whether they had been separated from them and whether they were clean. 2 From the clean dough. 3 תלית in some editions. 4 Or לית.

Mishnah 7

If Jews leased¹ ground from non-Jews² in Syria, R. Eliezer³ declares their produce liable to tithes and to the Sabbathical Year law, but Rabban Gamaliel⁴ exempts. Rabban Gamaliel says, Two⁵ of the *priest's share of the dough* in Syria; but R. Eliezer says,⁶ One *priest's share of the dough*. They had at first accepted the more lenient view⁶ of Rabban Gamaliel and the more lenient opinion⁷ of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.⁸

1 תֵּאַרְיָא, a tenant who tills the ground for a fixed share of the produce. (תֵּאַרְיָא, a tenant who pays the owner a fixed rent in kind irrespective of the yield.) 2 מֶלֶת, non-Jews, in some editions. 3 מַשְׁכַּר, Samaritan, is occasionally used instead of מַשְׁכַּר. 4 His opinion is rejected. 5 His view is accepted. 6 One to be burnt, being נקֵק in Syria, and the other to be given to the לֹא in order to maintain the obligation. 7 That Syria is exempt from tithes. 8 That only one נקֵק need be given. 9 That Syria is exempt from tithes and that two נקֵק must be given (see Notes 4, 5).

Mishnah 8

Rabban Gamaliel says,¹ Three regions are distinguished regarding the *priest's share of the dough*—in the
Land of Israel as far as Chezib, priest's share of the dough; from Chezib as far as the River and up to Amanah 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 as far as and inwards 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; in such a case exempts the priest. If there be one who has immersed himself the same day, he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux, to women who suffer from an issue, to menstruants and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given to any priest.

1 His opinion is accepted. 2 Or Achzib, Ecdippa (a coastal town in Northern Palestine). 3 The Euphrates. 4 A river flowing through Damascus. (b) A mountain range in the north of Palestine. 5 Between these two. 6 A in some cases from being burnt. 8 one afflicted with flux, issue, gonorrhea. More definite in Northern Galilee.) The law of 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.

in Northern Galilee.) The law of first-fruits, applies in Syria as in Palestine and they had to be brought to Jerusalem. 7 i.e., owns, possesses land.

CONCLUSION OF TRACTATE CHALLAH

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shoulder⁶ and the two cheeks and the maw and the first of the fleece,⁷ and the oil⁸ that must be burnt, and the holy-sacrifices⁹ of the Temple, and the firstfruits.¹⁰ R. Judah forbids¹¹ firstfruits. R. Akiba
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1 Or dough. 2 i.e., some other flour from which an equivalent quantity can be made into dough as מים. 3 The amount for the dough from which מים 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 were mixed up with gleaners’ olives, or harvested grapes with gleaners’ grapes, and he had stock 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 for the whole, and the remainder is tithe and second tithe in the prescribed amounts.

1 Which are liable to tithe. 2 Or נ먼. These are exempt from tithe. 3 עב, untithed produce, of the same kind. 4 Or מים, priest’s-lesser-due (see Note 5). 5 As if the whole were עב and liable to tithes. (Contrast Note 5 in the preceding Mishnah.) 6 מעים רשבא, first tithe.

Mishnah 10
If one take the leaven from the dough 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 say, Any untithed produce renders forbidden?—One kind with like kind; but not with like kind that which imparts a flavour.

1 Or dough. 2 From which מים had not been separated. 3 The סמכים (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 חפשים 77, חקמתה 101,11).
Mishnah 1
If two women made each a kab1 of dough which touched8 one another, they are exempt4 even if they are of the same kind;3 but if9 they belonged to one woman, they are liable6 if they be of the same kind, but they are exempt7 if they were not of the same kind.

Mishnah 2
What is meant by one kind with like kind? Wheat is not included1 with any others except with spelt; barley is included1 with any others except with wheat. R. Johanan ben Nuri says,2 The rest of the kinds may be included3 together with one another.

Mishnah 3
Two pieces of dough each of one kab1 with one kab of rice or one kab of priest’s-due between them are not included9 together. But if between them there be dough from which its priest’s share of the dough has been taken, they are

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.
combined since it was already liable
to the priest's share of the dough.

1 קַנֵּי 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 נִקָּה because they are separated by dough that is exempt from נִקָּה. This is the accepted ruling. 3 They are included and so are liable to נִקָּה. This ruling is accepted.

Mishnah 4
If a kab of dough of this year's flour adhered to a kab of dough from the preceding year's flour, R. Ishmael says, One may take from the middle; but the Sages forbid it. If one took priest's share of the dough from one kab, R. Akiba says, It is valid priest's share of the dough; but the Sages say, It is not valid priest's share of the dough.

1 And it is forbidden to separate נִקָּה from one for the other. 2 His opinion is rejected. 3 נִקָּה. 4 Their ruling is accepted; but the נִקָּה must be taken from each portion separately in the prescribed amount. 5 vis., from dough which is less than the prescribed quantity to be liable to נִקָּה. 6 Their ruling is accepted.

Mishnah 5
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 into one piece of dough, R. Akiba exempts, but the Sages declare it liable. Thus the stricter ruling becomes the more lenient.

1 קַנֵּי in some editions, seemingly more accurate grammatically. 2 From נִקָּה. 3 To נִקָּה. Their opinion is accepted. 4 Of R. Akiba in the preceding Mishnah. His view is rejected. 5 In this case.

Mishnah 6
A man may take 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
may proceed to separate 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 from what is clean instead of from what is unclean and not from what lies near by.

1 If anyone had bought pieces of dough and it is doubtful whether had been taken from them, and pieces of dough which were also in doubt whether had been separated from them and whether they were clean, 2 From the clean dough. 3 in some editions. 4 Or .

Mishnah 7
If Jews leased ground from non-Jews in Syria, R. Eliezer declares their produce liable to tithes and to the Sabbatical Year law, but Rabban Gamaliel exempts. Rabban Gamaliel says, Two of the priest's share of the dough in Syria; but R. Eliezer says, One priest's share of the dough. They had at first accepted the more lenient view of Rabban Gamaliel and the more lenient opinion of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.

1 , 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 , non-Jews, in some editions. , Samaritan, is occasionally used instead of אカラー, נטificaciones, מתנה. 3 His opinion is rejected. 4 His view is accepted. 5 One to be burnt, being in Syria, and the other to be given to the to maintain the obligation. 6 That Syria is exempt from tithes. 7 That only one need be given. 8 That Syria is exempt from tithes and that two must be given (see Notes 4, 5).

Mishnah 8
Rabban Gamaliel says, Three regions are distinguished regarding priest's share of the dough—in the

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Land of Israel as far as Chezib as far as the River and up to Amanah 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 as far as Amanah and inwards 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, he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux, to women who suffer from an issue, to menstruants and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given to any priest.

Mishnah 9

These may be given to any priest: devoted property, and firstlings, and the redemption equivalent of a firstborn son, and the redemption equivalent of the firstborn male of an ass, and the

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1 His opinion is accepted. 2 Or גניב, Achzib, Ecdippa (a coastal town in Northern Palestine). 3 The Euphrates. 4 || 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 κόλπος in such a case exempts the ה Caleb from being burnt. 8 ליל, one afflicted with flux, issue, gonorrhoea. More definite מים אַלְמָעָה. 9 More definite לַאֹלוֹת הָאֵילֵיֶת. 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 ה Caleb and to burn it.
shoulder⁶ and the two cheeks and the maw and the first of the fleece,⁷ and the oil⁸ that must be burnt, and the holy-sacrifices⁹ of the Temple, and the firstfruits.¹⁰ R. Judah forbids¹¹ firstfruits. R. Akiba permits¹² tares¹² of priest's-due, but the Sages forbid¹⁴ them.

1 Or משא, 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 Sukkah, 11.¹⁰ Oil of anointing, 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 סרגrown 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 תחתי, 11; אשתך, 24). 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.

Mishnah 10

Nittai of Tekoa¹ brought priest's shares of the dough from Bettar,a 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. The people of Mount Zeboim⁴ brought their first-fruits before the Festival of Weeks,⁵ but they did not accept from them because of what is written⁶ in the Law, And the Festival of Harvest,⁷ the first-fruits of thy labours which thou soweest in the field.

¹ Or ניילון, near Bethlehem in Judaea. ² Or ביתר or Bettar, a town in Southern Palestine where Barkochba made his last stand. The נילו coming from ניל, outside Palestine, can not be eaten by the priests because it is considered שאפ, unclean; neither could it be burnt to avoid suspicion of burning נילו; nor could it be carried back so that people might not say that נילו may be
taken, the only method to deal with in such a case was to let it lie until the eve of Passover, and burn it with other leaven. 3 For the same reasons as in Note 1. 4 Compare Tractate Kiddushin, 19. i.e., because also celebrates the cutting of the first fruits it is also called The Festival of First-fruits. 6 Exodus 23, 16. The two loaves, had first to be brought to the Temple for offering on the Festival of First-fruits.

Mishnah 11

Ben Antigonus brought firstlings 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 from him. He also brought his sons and the men of his household to observe the Minor Passover in Jerusalem, but they turned him back so that the matter should not be instituted as an obligation. Ariston brought his first-fruits from Apamaea, and they accepted from him, for they said, One who buys in Syria is as he who purchases in the outskirts of Jerusalem.

1 in some editions. 2 A firstling, may not be brought as an offering from outside Palestine, into Jerusalem; and if brought, it must be taken back and kept until it becomes with blemish, and may then be slaughtered and eaten by 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. 5 His children were minors, and minors are not subject to the observance of. 6 Apamaea in Babylon. (There is another town of that name, also called Paneas, in Northern Galilee.) The law of 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.

CONCLUSION OF TRACTATE CHALLAH
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עֵרֶלֶת

ORLAH
The ḥarah, Tractate Orlah, is the Tenth Tractate of Order Zeraim. It has no הָרִיא to it in the Babylonian Talmud, but there is הָרִיא to it in the Jerusalem (or Palestinian) Talmud. This Tractate precedes the following one because it is based on verses in Leviticus whereas the other is based on verses from Deuteronomy.

The term הָרִיא 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 סֵפֶךְ, then up to the following 1st חָשֵׁב 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 חָשֵׁב and must not be eaten before the following 15th חָשֵׁב, the New Year for Trees, and must be consumed in Jerusalem as in the case of מְשֵׁרָה נֶשֶׁר, second tithe, but it may be redeemed (plus 1/ 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 הָרִיא applies to Palestine מָיָם תָּנִית (or מָיָם תָּנִית), i.e., as laid down in the הָרִיא, Law, but outside Palestine מָיָם תָּנִית also מָיָם תָּנִית, i.e., as enjoined by the Rabbis.

This Tractate deals with the problem as to which trees come under the ruling of הָרִיא; what influence הָרִיא fruit has upon other fruit; and the effect that הָרִיא peels, shells, and wood may have upon materials used with them.

This Tractate is based on Leviticus 19, 23, 24, 25.

*In actual practice, 1/4.
And in the fourth year all the fruit thereof shall be holy in praise to the Eternal.

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 Note 5: יפה ידפק יונל יכרעה יברעה יברעה.

The Titles of the Chapters of this Tractate are:

Chapter 1
Chapter 2
Chapter 3

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.
Mishnah 1
One who plants 1 as a fence 2 or for timber is exempt 3 from the law of Orlah. R. Jose 4 thinks that even if he say that the interior side be for food and the exterior side for the fence, 2 he is liable for this inner and exempt for this outer.

1 sc., a fruit tree or fruit trees. 2 לאריה. 3 The exemption is based on the phrasing ותעימה כל-ןין פסוק, 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 1 entered the Land, 2 if one found a tree 5 already planted it was exempt, 3 but if one planted it even though they had not yet conquered [the land] he was liable. 4 If one planted for the use of many [the tree] is liable; but R. Judah declares 5 it exempt. 3 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 6 of itself, it is subject to the law of Orlah.

1 The Israelites under Joshua. 2 Canaan. 3 From the law of ₯רלה. 4 In regard to ₯רלה. 5 His opinion is not accepted. 6 In cultivated areas, but not wild.
Mishnah 3
If a tree were uprooted1 and the clod of earth was with it,2 or if a stream swept it away and the clod of earth with it,2 then if it could live3 it is exempt,4 but if not, it is liable.5 If the clod of earth were torn away from its side, or the plough broke it up, or it was broken up6 and one piled earth7 round it, if it could live it is exempt,4 but if not, it is liable.

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 the soil. 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 with soil.

Mishnah 4
If a tree2 were uprooted but one root2 was left, it is exempt.3 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-pin4 of the weaver.

1 Which was more than three years old and was thus exempt from the soil. 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 the soil. Because it is still considered as the old tree. 4 Or בשתי (she’ti) 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 shoot1 on it, and it lives by it, the old tree becomes again like a sunken shoot.2
If one sunk the fresh shoot from it year after year and then it was broken off, one counts from the time when it was broken off. Grafting 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, but where its strength was feeble it is forbidden. And likewise, a sunken young shoot which was broken off when laden with fruit, if it increased by one two-hundredths part, is forbidden.

1 i.e., still remained firmly fixed in the soil. 2 In regard to הָלִיךְו, its age being reckoned as equal to that of the young shoot. 3 תָּבְרָר, 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 הָלִיךְו. 6 תָּפשֵׂא, connection of grape-vines by training and engrafting. 7 Or מַעֲרָר. i.e., does not render the added shoots liable to הָלִיךְו. ‘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 הָלִיךְו. 10 מַעֲרָר is omitted in some editions.

Mishnah 6

A sapling of Orlah or of forbidden-junction in the vineyard that was confused 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, One may intentionally thus pick and neutralize in two hundred and one.

1 מָלֵאכָה, 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 מָלֵאכָה 41f). 2 And it was impossible to distinguish which it was. 3 His view is not accepted.
Mishnah 7

The leaves and the young sprouts\(^1\) and the sap\(^2\) of vines and budding berries are permitted\(^3\) under the laws of Orlah,\(^4\) of fourth-year fruit, or of the Nazarite\(^5\) vow, but they are forbidden if from the idolatrous groves.\(^6\) R. Jose says,\(^7\) The budding berries are forbidden because they are considered as fruit. R. Eliezer says,\(^8\) If one curdles milk with the juice\(^9\) of Orlah fruit, it\(^10\) is forbidden. R. Joshua said,\(^11\) I have heard it stated explicitly that if one curdle milk with the juice\(^9\) of the leaves or with the sap\(^12\) of the roots, it is permitted, but if with the sap of unripe fruit\(^13\), it is prohibited because they are considered as fruit.\(^1\)

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1 Or *the edible shoots*. 2 The sap exudes when the vines are cut or the young shoots are cut in the month of \(ץ\). 3 Or *קֶטֶרֶים*. 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 פְּרָי in some editions. 13 פְּרָי, 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\(^4\) 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\(^8\) is forbidden.

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*Or פְּרָי.*

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in some editions. Or fruit-stones. 2 קסמים in some editions (more correct grammatically קסמים 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\(^1\) from an Orlah tree, but they may not plant a nut\(^2\) from an Orlah tree because it is considered as a fruit, and they may not graft\(^3\) early date-berries from an Orlah tree.

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

Mishnah 1
Priest's-due, (and priest's-due of first tithe of certainly tithed produce\(^1\)) and priest's-due of tithe of doubtfully tithed produce, are neutralized in a hundred and one,\(^3\) and may be combined\(^8\) with one another, but an equal quantity must be taken. Orlah fruit and forbidden-junction fruit\(^6\) 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,\(^6\) They may not be combined together. R. Eliezer\(^7\) says, They are included together when they impart a flavour\(^9\) but not\(^9\) so as to render prohibited.

1 The phrase in brackets is omitted in some editions. 2 Parts of קסמים. 3 If the total amount of each or any of these quantities together are neutralized in 101 parts of קסמים, but in less of the קסמים the mixture becomes holy. 4 When the
holy quantity becomes neutralized an equal amount must be removed for the קפוצי so that he suffers no loss.  5 See 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? If a seah of priest's-due fell into a hundred, and after that there fell in three kabs 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.  5

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 Orlah fruit fell into 99½ of Orlah and then ½ kab of Orlah also fell in (or vice versa) the Orlah combines with the Orlah to neutralize the Orlah in the comparative 200 parts and the Orlah combines with the Orlah to neutralize the Orlah in the comparative 100 parts.  2 About 60 (50?) pints.  3 The composition together make up 100 seahs.  4 6 kab = 1 seah.  5 Compare 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 and afterwards there fell in a seah 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.

1 The two in the mixture make 200 seahs.  2 i.e., a seah or more than a seah.
Mishnah 4
Whatever leavens, or flavours, or renders subject to the law of priest's-due, is prohibited if mixed with priest's-due or Orlah fruit or forbidden-junction produce of the vineyard. The School of Shammi say, It even conveys uncleanness; but the School of Hillel say, It can never convey uncleanness unless its quantity is equal to that of an egg.

1 With spices. 2 מְעַרְבָּה, to make something (otherwise exempt) liable to the law of priest's-due; to mix מְעַרְבָּה sufficient to render the mixture forbidden to non-priests. 3 In some editions, אֱוָן. To non-priests. 4 קֵיסֵרִי. In some editions. 5 Their ruling is accepted. 6 At least.

Mishnah 5
Dostai of Kfar Yathma was one of the disciples of the School of Shammi and said, 'I have heard from Shammi the Elder who said, It never conveys uncleanness unless its quantity is equal to that of an egg.'

1 Or אֶרֶבֶה. 2 In some editions, אַרְבָּה. 3 i.e., not less than.

Mishnah 6
And why* have they said, Whatever leavens, or flavours or renders liable to the law of priest'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 of wheat fell into dough 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

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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.

1 That was כָּלָה or כִּלָּה or כִּלֶּה הַרְוֹמִים. 2 Of#[50x557] in a hundred and one.

Mishnah 7
It applies with leniency and* with strictness where like is mingled with unlike—How so? For instance, if pounded beans¹ were cooked with lentils² § and there was sufficient of them to impart a flavour, they are forbidden,³ 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.

1 Of#[50x557] beans. Or#כָּלָה or כִּלָּה or כִּלֶּה הַרְוֹמִים. Grits, pounded beans. 2 Of#יִתְנָה. 3 But if the flavour be unrecognizable it is permitted even in less than one hundred.

If leaven¹ of non-holy produce fell into dough² and there was enough to leaven it, and afterwards³ there fell in leaven⁴ of priest's-due, or leaven made from forbidden junction produce of the vineyard and there was sufficient of it⁵ to leaven it, it is forbidden.

#*Or or.
§Or or.

1 Mishnah 7

עַל קָטָל יִתְנָה מִיֵּשׁ בֵּית אָבֹת מִנָּה, בִּין שָׁאוּל
בִּין כָּלָה לַעֲלוֹת בֵּית אָבֹת.

*Or or.
§Or or.
1 Or dough. 2 Of חלזון. 3 Before the leaven had leavened the dough.
(Compare next Mishnah). 4 אףوري: also comes under this heading.
5 And both leavens had the effect of leavening.

Mishnah 9
If leaven\(^1\) 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.\(^2\)

1 Or dough. 2 His view is rejected.

Mishnah 10
Spices\(^1\) of two or three different categories,\(^2\) of one kind or of three\(^3\) are forbidden\(^4\) and can be included together.\(^5\) R. Simon says,\(^6\) Two or three categories of a like kind, or two kinds of a like category, can not be included together.\(^7\)

1 Or condiments. 2 Of שםיכא: or שבלמה or מיס/im: etc., e.g., pepper and pepper from a tree used for idolatrous practices and הרות: pepper are three אום of one category, מ. 3 In some editions, שהנה: e.g., pepper, ginger and cinnamon all of or all of הרות. 4 גבע: or מיס 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\(^1\) 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,\(^2\) 'I go
by the last one,3 but the Sages say,4 Whether the prohibited material5 fell in first or last it can never render prohibited6 unless there be sufficient of it in itself to leaven it.

1 Or dough. 2 His opinion is rejected. 3 i.e., which was the last to fall in. 4 Their ruling is accepted. 5 Shearith in some editions. 6 Shearith in some editions.

Mishnah 12
Joezer of the Birah1 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,2 It can never render it prohibited unless there be sufficient of it in itself to leaven.'

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 utensils1 with unclean oil and then2 greased them again with clean oil, or greased them with clean oil and then greased them with unclean oil, R. Eliezer says,3 'I decide according to which came first';4 but the Sages5 say, According to which came last.4

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 leaven1 of priest's-due and of forbidden-function produce together
fell into dough, 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 to non-priests and permitted to priests. R. Simon permits it to non-priests and to priests.

1 Or dough. 2 Both together. 3 Of the vineyard. 4 This is the accepted ruling. 5 His view is rejected.

Mishnah 15

If spices of priest’s-due and of forbidden-junction produce of the vineyard together fell into a pot, 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 permits it to non-priests and to priests.

1 Or condiments, seasoning. 2 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 the abomination and of the remnant were cooked together with other pieces, they are forbidden to non-priests and permitted to priests. R. Simon permits it to non-priests and to priests.

1 Or at times. 2 Or rejection, unfitness. If an officiating priest had an improper intention in his mind the sacrifice became unfitness and had to be rejected. 3 (From root רתח). Portions of sacrifices which were left over beyond the prescribed legal time were burnt. Exodus 29, 34; Leviticus 7, 17, 18. 4 Pieces of flesh of the most holy which could have neutralized either the pieces alone, or the pieces alone, but not in combination. 5 His view is not accepted.
Mishnah 17

If flesh\(^1\) of *most holy sacrifices* and flesh\(^2\) of *lesser holy sacrifices* were cooked together with secular flesh,\(^3\) it is forbidden to the unclean and permitted to the clean.\(^4\)

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.

CHAPTER 3

Mishnah 1

If a garment be dyed with the shells\(^1\) of *Orlah* fruit, it must be burnt. If it were confused with others, they must all\(^2\) be burnt.

This is the opinion of R. Meir;\(^3\) but the Sages say,\(^4\) 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 נחלו fruit shells or peels are also forbidden. 2 Or כ��. 3 His opinion is rejected. 4 Their view is accepted.

Mishnah 2

If one dye a *seet’s*\(^5\) length\(^1\) with the shells\(^3\) of *Orlah* fruit, and he wove it into a garment and it is not known which\(^4\) it was, R. Meir says,\(^5\) the garment must be burnt; but the Sages\(^6\) say, it becomes neutralized in two hundred and one.

1 Of thread. Literally, שְׁלֵט, *fulness of*. 2 שֵׂמַע, 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.

Mishnah 3

If one wove a *seet’s* length of wool from a *firstling* into a garment, the
garment must be burnt. If one wove the hair from a Nazarite or from the firstborn of an ass into a sack, the sack must be burnt. And in the case of altar sacrifices, they hallow in any quantity whatever.

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 טו in this case.

Mishnah 4
Food which had been cooked with peelings of Orlah fruit must be burnt. If it be confused with other foodstuffs, it is neutralized in two hundred and one.

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 an oven with shells 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.

1 in some editions. 2 Or peels, skins.

Mishnah 6
If anyone had bundles of clover of forbidden-junction produce of the vineyard, they must be burnt. If they be confused with others, they must all be burnt. This is the view of R. Meir; but the Sages say, They are neutralized in two hundred and one.

1 A bundle (בליטה) contains at least twenty-five stalks. 2 Or fenugreek, melilot.* 3 in some editions. 4 His opinion is rejected. 5 Their view is the accepted ruling. *See Supplement.
Mishnah 7
For R. Meir\(^1\) used to say, Whatever a man is wont to count\(^2\) renders holy; but the Sages say,\(^3\) Only six things render holy;\(^4\) but R. Akiba says, Seven; and they are these: nuts with brittle shells,\(^5\) and pomegranates from Badan,\(^6\) and sealed jars,\(^7\) and beet\(^9\) shoots,\(^8\) cabbage heads,\(^10\) and Greek gourds; R. Akiba says, Also the loaves\(^11\) of a householder. To any of these that come from \textit{Orlah} fruit, the law of \textit{Orlah} applies;\(^12\) and to any of these that come from \textit{forbidden-junction of the vineyard}, the law of the \textit{forbidden-junction of the vineyard} applies.

1\(^\text{His view is rejected.}\) 2\(^\text{i.e., such produce as is sold by number and is \textit{forbidden produce}, other produce which is mixed with it also becomes forbidden and all must be burnt.}\) 3\(^\text{Their opinion is the accepted ruling.}\) 4\(^\text{i.e., there are only six such things that are not neutralized and all that any are mixed with must be burnt.}\) 5\(^\text{According to some, \textit{nuts from Perekh}.}\) 6\(^\text{Or \textit{Kvish}, a place north-east of Shechem in Samaria.}\) 7\(^\text{Or \textit{casks} (barrels) of wine or oil.}\) 8\(^\text{Or \textit{leaves, tops}.}\) 9\(^\text{Or \textit{beetroot}.}\) 10\(^\text{Or according to some, \textit{cabbage stalks, cabbage shoots}.}\) 11\(^\text{Which the householder bakes for his own use and if made of \textit{leaves or tops} produce are also included here.}\) 12\(^\text{\textit{vis., as already stated, they are not neutralized in a mixture however large the quantity but the mixture must be burnt.}}\)

Mishnah 8
When is this the case?\(^1\)--If the nuts were split, or the pomegranates cracked open, or the jars opened, or the gourds were cut open, or the loaves\(^8\) were broken, they are neutralized in two hundred and one.

1\(^\text{i.e., When do these not become neutralized?—\textit{Kister} is omitted in some editions, and it certainly seems redundant in view of the sense of this Mishnah, unless one supplies an understood phrase, such as \textit{When all these are whole, but . . . .}}\)

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immediately after נָשַׁעַת. 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, is forbidden in Palestine but permitted in Syria. Outside Palestine, one may go down and buy, only provided that he does not see someone gather it. If a vineyard be planted with vegetables, and vegetables are sold outside it, they are forbidden in Palestine but permitted in Syria; and outside Palestine he may go down and gather them, only provided that he himself does not gather them by hand. New produce is forbidden by the Law everywhere and the law of Orlah is traditional law, and the law of forbidden-junction is an enactment from the Scribes.

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 יִשָּׂרָאֵל (Palestine)不准шא עֵרֶב is prohibited amongst the various types of forbidden produce as prescribed in the Law. 2 In אֲרָמִי, outside Palestine, also不准שא עֵרֶב, certain Orlah is also prohibited under the ruling of不准שא עֵרֶב, forbidden-junction, of the vineyard. 3 To a garden. 4 Such fruit. 5 Which constitutes不准שא עֵרֶב, forbidden-junction. 6 Of the like kind. 7 Syria (the Hebrew אֲרָמִי, 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不准שא עֵרֶב. 12 Leviticus 23, 14. 13不准שא עֵרֶב, traditional interpretations of a law dating back to or emanating from Moses. 14 This refers to不准שא עֵרֶב, forbidden-junction, of the vineyard. Actually不准שא עֵרֶב produce is permitted entirely in不准שא עֵרֶב, outside Palestine. 15不准שא עֵרֶב 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不准שא עֵרֶב Introduction).
Bikkurim

[BEING THE ELEVENTH TRACTATE OF THE MISHNAH]

TEXT • INTRODUCTION • TRANSLATION • NOTES

By

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Bikkurim
INTRODUCTION

This, Tractate Bikkurium, is the Eleventh Tractate of Order Zeraim. The Babylonian Talmud, has no tract to it, but the Jerusalem (or Palestinian) Talmud, has.

בָּאֵר, first-fruits, is a derivative of the verb בָּאֵר, 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 שֵׁכָּנִים, 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. 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 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)

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)

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.

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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.

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.

And the priest shall take the basket from thy hand and set it before the altar of the Eternal thy God.

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.

And the Egyptians dealt ill with us, and oppressed us, and laid upon us hard bondage.

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.

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.
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And He hath brought us into this place, and hath given us this land, a land flowing with milk and honey.

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.

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 אֶתְכֶם אֶשֶּׁר קָבָשׂ
Chapter 2 בְּרֹאשָׁה
Chapter 3 כְּיָד
Chapter 4 דֶּרֶךְ, אֲוָרְגוּנִיטָא

Note:—The terms מִשָּׁרָה and חֲרוֹרָה used in this Tractate will be found briefly but adequately explained in נְרָכַת בְּרֹאשָׁה 1, 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 בֵּן. 3. The bringing of the first-fruits to the Temple. 4. Comparison between the laws referring to man, woman and the hermaphrodite or androgyne.
Mishnah 1

There are some who bring the first-fruits and make the declaration,¹ 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 a shoot into another’s private property or into public property; and similarly also he who sinks 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.⁴ But R.⁵ Judah⁶ says, Such⁷ may bring.

¹ Deuteronomy 26:5-11. (See Introduction). ² יָבֵין, engraft, sink, bend a branch of a vine into the soil to form roots and a new plant. ³ לָקֵח 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 לְבֵין in some editions. ⁶ His view is rejected. ⁷ אֵין refers to מַכִּית.
Mishnah 2
For what reason may one not bring?—Because it is said,2 The choicest of the first-fruits of thy land: until the whole of the growth shall be from thy land. Tenants who pay a part of the produce,5 tenants who pay a fixed quantity of produce,6 illegal occupants,7 or a robber, may not bring for the same reason, because it is said, The choicest of the first-fruits of thy land.

1 The first-fruits. 2 Exodus 23, 19. 3 Or The first. 4 Or the choicest in some editions. 5 A ת samen is a tenant who pays the owner a prearranged proportion of the produce. The tenancy is termed קיסית. 6 ת is a tenant who pays the owner a prearranged definite quantity of produce. The tenancy is termed בֵּית. 7 Or assassins, those who acquire land by force and under threat of violence.

Mishnah 3
First-fruits are brought only from the seven kinds,2 but not from the dates of the hill-country, or from the fruits of the valleys, or from the oil-olives that are not of the choicest.5 First-fruits are not brought before the Festival of Weeks.7 The men of Mount Zeboims brought their first-fruits before the Festival of Weeks, but they did not accept of them, because of what is written in the Law, And the Festival of Harvest the first-fruits of thy labours, which thou sowedest in the field.

1 Or הביאים in some texts. 2 Wheat, barley, grape, fig, pomegranate, olive and date or date-honey (see Introduction and 110). 3 In the case of the four others. 4 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 הביאים, two loaves,
which were also called שבת야 or פסח, Pentecost. 8 Compare בְּרֵי אֶלֶף תּוֹשָׁבִים, 13, and פֶּטֶרְסֶמֶן, 410. 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 but do not make the declaration: the proselyte may bring but does not make the declaration because he can not say, Which the Eternal swore 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, O God of the ancestors of Israel; and when he is in the Synagogue, he says, O God of your ancestors; and if his mother were an Israelite, he may say, O God of our ancestors.

1 The first-fruits. 2 And also a slave who has been freed. According to the Rambam the ruling is not as in this Mishnah, but מִבְּרֵי אֶלֶף תּוֹשָׁבִים, the proselyte may bring and he makes the declaration. 3 Deuteronomy 26, 3. 4 In some editions Thou hast sworn, instead of אשר הי. 5 In the appropriate place instead of יהוה בָּאָמֶר, אָלַחֵי דַּם. 6 i.e., without alteration. 7 The Rambam 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 or of freed slaves, even unto the tenth generation, unless her mother was an Israelite. A guardian, an agent, a bondman, a woman, one of מַשְּכֵל הַגָּדוֹל. 2 בְּרֵי אֶלֶף תּוֹשָׁבִים, אָלַחֵי דַּם. 3 בְּרֵי אֶלֶף תּוֹשָׁבִים, אָלַחֵי דַּם. 4 בְּרֵי אֶלֶף תּוֹשָׁבִים, אָלַחֵי דַּם.
indeterminate sex, or an hermaphrodite, may bring but do not make the declaration, for they are unable to say, Which Thou, O Eternal, hast given unto me.

1 The daughter of a proselyte or freed slave, who married a proselyte or freed slave, may not be married to a 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 or by the father of the orphans before his death.

3 An 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 first-fruits.

Mishnah 6
If one bought two trees in the property of his fellow he may bring but does not make the declaration; R. Meir says, 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 says, He may bring and he makes the declaration. From the Festival of Weeks until the Festival of Tabernacles 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, He may bring and he makes the declaration.

1 The first-fruits. 2 His view is not accepted. 3 His opinion is rejected. 4 , Pentecost. 5 Or . 6 His ruling is not accepted.

Mishnah 7
If one separated his first-fruits and then sold his field, he may bring them but does not make the declaration.


declaration. And the other does not bring of that kind of produce, but he brings of another kind of produce and makes the declaration.

R. Judah says, He may bring even of the same kind of produce and makes the declaration.

1 Who bought that field. 2 As 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 others instead of them but does not make the declaration; and these substitutes are not subject to the added fifth. If they became unclean in the Temple Court, he must scatter them and must not make the declaration.

1 in some editions. 2 As first-fruits. 3 If a non-priest ate of them. 4 Leviticus 22, 14. Compare 6 and 21. This view is rejected. 5 The fruits are scattered from the basket and the basket belongs to the 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 until he brings them to the Temple Mount? Because it is said, 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 until he shall bring them to the Temple Mount. If one brought of one kind and made the declaration and then brought of another kind, he may not again make the declaration.
Mishnah 10
And these may bring\(^1\) and make the declaration, from\(^2\) the Festival of Weeks\(^3\) until the Festival of Tabernacles,\(^4\) from the seven kinds,\(^5\) from the fruits\(^2\) of the hill country, from the dates\(^2\) that are from the valleys, and from the oil-olives.\(^2\) From the other side of the Jordan: R. Jose the Galilean says,\(^6\) They may not bring first-fruits from across the Jordan, for it is not a land flowing with milk and honey.

1 The first-fruits. 2 i.e., ‘those that bring first fruits from . . . .’ 3 Or פסחא, Pentecost. 4 Or חנוכה. 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 13). 6 His view is not accepted.

Mishnah 11
If one buy three trees on his fellow’s property he brings\(^1\) and makes the declaration. R. Meir says,\(^2\) Even two,\(^3\) If one bought a tree and its soil, he brings and makes the declaration. R. Judah\(^4\) says, Even tenants who pay a part of the produce and tenants who pay fixed quantity of produce\(^5\) bring and make the declaration.

1 The בכרים (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\(^1\) are liable to the death penalty\(^2\) and to the added fifth,\(^3\)
they are forbidden to non-priests; they are the property of the priest; they are neutralized one in a hundred; they require the washing of the hands, and the arrival of sundown. These apply to priest's-due and first-fruits but not in the case of tithe. 7

1 Non-priests who eat of these wantonly. 2 מֵי יָכֹשׁ בְּצָרִי, שֶׁהֵם מַשָּׁבֵחַ בְּנֵי יָהֳעָרֶנָּה בָּאֵדֵר. They are the property of the priest; they are neutralized one in a hundred; they require the washing of the hands, and the arrival of sundown. These apply to priest's-due and first-fruits but not in the case of tithe. 7

Mishnah 2

There are rules that apply to tithe and first-fruits but not to priest's-due; tithe and first fruits must be brought to the Place and require confession, and are forbidden to a mourner—but R. Simon permits—and they are liable to the law of removal—but R. Simon exempts—and they are forbidden to be consumed [if mixed] in any quantity whatever in Jerusalem, and what grows from them is forbidden to be eaten [outside] in Jerusalem by non-priests and cattle, but R. Simon permits this. These are rules that apply to tithe and to first-fruits but not to priest's-due.

1 מִשְׁנָה בַּבּוּקָרִים (second tithe). 2 בִּבּוּקָרִים in some editions. 3 Jerusalem. 4 Or יָדָיו. 5 부ְּצָרִי, mourner before burial; מַשָּׁבֵחַ, mourner after burial. Deuteronomy 26, 14. 6 His opinions in this Mishnah are rejected. 7 First-fruits. 8 See מֵי יָכֹשׁ בְּצָרִי, 56. They have to be cleared away (מַשָּׁבֵחַ) in the 4th and 6th years of the seven-year cycle. 9 מִשְׁנָה בַּבּוּקָרִים (first-fruits). 10 i.e., if in Jerusalem they were mixed with מֵי יָכֹשׁ בְּצָרִי they can not be neutralized however great the quantity of מַשָּׁבֵחַ. 473
mishnah 3

There are rules that apply to priest’s-due and tithe1 but not to first-fruits: for priest’s-due and tithe forbid what is on the barn-floor;2 and they have a definite prescribed quantity;3 and they must be followed in the case of all4 produce whether the Temple exists or not, and by tenants who pay a portion of the produce5 and tenants who pay a fixed quantity of produce,6 and by an illegal tenant,7 and by the robber. These are rules that apply to priest’s-due and to tithe but not to first-fruits.

1 Or threshing floor. priest’s-dues, and tithes, must first be separated before the owner may eat of the produce. 2 See Introduction 43. There is no prescribed limit to the quantity one gives as first-fruits neither, nor as ordained by the Law, nor as instituted by the Rabbis. 4 This is only (or ) (or ) (corn), (wine), and (oil). But in the case of even only from the seven kinds (see Introduction and 110). 5 See 1°, Notes 4, 5. 6 Compare mishnah 11; 12.

mishnah 4

And there are rules that apply to first-fruits but not to priest’s-due and to tithe:1 for first-fruits may be acquired2 while still not gathered2, and a man may convert his whole field into first-fruits,3 and he is responsible4 for them, and they require a (peace-)offering,5 and singing,6 and lodging over night.8

1 Or threshing floor. 2 Literally, bought. 3 Or bought. See 31. 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 33. But the
absence of קְדָמִים does not invalidate the first-fruits. 6 See 34. 7 See 36. 8 In Jerusalem (Deuteronomy 16, 7) the night following their bringing in.

Mishnah 5

Priest's-due of first-tithe1 is like to first-fruits in two ways, and to priest's-due2 in two ways: it may be taken from what is clean for what is unclean, and need not be in contact during the separation,3 like first-fruits; and it forbids4 what is on the barn-floor,5 and it has a definite prescribed amount, like priest's-due.

1 Or priest's-lesser-due, one tenth of first-tithe, which the priest, has to separate for the Levite, priest (see Note 5). 2 Or priest's-major-due (one in fifty parts). 3 Or priest's-due, Mishnah 21, 19. 4 Before the separation of the first-tithe. 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;1 this is the view of Rabban Gamaliel.2 R. Eliezer3 says, It is like to a tree in every respect.

1 Compare שביעית 47. 2 His view is accepted. 3 His opinion is rejected.

Mishnah 7

The blood of bipeds1 is like to the blood of cattle in that it renders seeds susceptible;2 and like to the blood of creeping things3 in that one does not become culpable4 because of it.

1 i.e., human beings. 2 To שפיטה (uncleaness). Leviticus 11, 34. 3 Or 475
reptiles. Leviticus 7, 26; 11, 29. 4 If one eats the blood of a reptile he is not subject to the penalty of חַלֵּה (excision).

Mishnah 8
The wild-ram 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 and a wild animal; and in some ways it is like to neither 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 בְּלִיה הַבּוֹצֶק in some editions. 3 לא קְלָלָה לֶא לְבָכֶק in some editions.* See next Mishnah.

Mishnah 9
In what manner is it like to a wild animal?—Its blood requires covering up like the blood of a wild animal; it may not be slaughtered on a Holyday, but if it be slaughtered, its blood is not to be covered up; its fat conveys the uncleanness of carrion like a wild animal, but its own uncleanness is in doubt, and the firstling of an ass can not be redeemed with it.

1 Leviticus 17, 13. 2 Or Festival day. 3 If it died. The נְבָלָה כַּמָּה כְּנֵי חוּרֵר is clean. 4 Leviticus 7, 24. 5 For if it be like a חַלֵּה, it is שֶׁבָּר, and if like a חַלֵּה, it is שֶׁבָּר. 6 Exodus 32, 19, 20.

Mishnah 10
In what way is it like to cattle?—Its fat is forbidden like the fat of cattle, and one is not liable to extirpation because of it; it may not be bought with tithe money to be consumed in Jerusalem; and it is subject to the shoulder and the cheeks and maw. But R. Eliezer exempts, since the proof is on him who demands from his fellow.

*Continued in next Mishnah.

*Continued in next Mishnah.
1 To be eaten (but one is exempt from κρίνα, stripes, and the sin-offering if transgressing).  2 Deuteronomy 18, 2. These are priest’s dues.  3 A מַנְתָּן can not be brought as a sacrificc, while a מַנְחָה must not be slaughtered in Jerusalem except as a sacrificc. The doubtful מַנְחָה cannot therefore be used either way.  6 His view is accepted, seeing that the creature might be a מַנְחָה and not a מַנְחָה. 7 i.e., the מַנְחָה (priest) who demands the shoulders, cheeks and maw must bring proof that it is a מַנְחָה and not a מַנְחָה.

Mishnah 11
How is it like neither to an animal or to cattle?—It is forbidden because of forbidden-junction with a wild animal or with cattle; if one have assigned his wild animal or his cattle to his son, he hasnot thereby assigned to him the wild ram. If one said, 'May I be a nazirite if this be a wild animal or cattle,' then he is a nazirite. And in all other things it is like both to a wild animal and to cattle; it requires slaughtering like both; and it conveys uncleanness as carrion and as the limb of a living creature, like them both.

1 See יָדוֹל, Introduction; 16, 84. It is forbidden to yoke it or to mate it with any otherspecies of מַנְחָה or מַנְחָה.  2 i.e., whether he said מַנְחָה או מַנְחָה, or מַנְחָה או מַנְחָה, or מַנְחָה או מַנְחָה, or מַנְחָה או מַנְחָה.  3 For food.  4 Leviticus 11, 8.  5 A part cut off from a living animal. See יָדוֹל, 101 lb; אֲמָה 21.

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, or a cluster of grapes that has begun to ripen, or a pomegranate that has begun to ripen, he ties it round with reed-grass and says, 'Behold, these are first-fruits.' R. Simon says,
Nevertheless, he should again declare them first-fruits after they have been plucked from the soil.

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 110). 3 Or bulrush. 4 לֵבָנֶד in some editions. 5 His opinion is not accepted.

Mishnah 2
How do they take up1 the first-fruits?—All the smaller towns2 of the Maamad3 assembled in the town4 of the Maamad and lodged for the night in the street of the town and did not enter the houses; and early in the morning5 the leader6 would say, Arise,7 and let us go up unto Zion unto the House of the Eternal our God.7

1 To Jerusalem. 2 i.e., the men of. 3 The people were divided into 24 divisions. The מַשְׁפֵר and לוֹם in each formed a מַשְׁפֵר, guard, to be on Temple duty a full week every half year; and the remaining weeks which occurred on פָּסָח, שֵׁנָה and מַצָּה were served by all the divisions, as all males had to be present. Each מַשְׁפֵר was further subdivided into seven sections each taking one day’s service of the week in turn. Each מַשְׁפֵר was accompanied by representative laymen called רְאוֹת מַשְׁפֵר to stand by and recite prayers during the sacrificial ceremonies. Each party of the מַשְׁפֵר and the מַשְׁפֵר was termed לוֹם (the two first terms were frequently interchanged or confused). 4 Or לִיֵו in some editions. 5 Or פְּרָד. 6 The appointed head of the מַשְׁפֵר. 7 Jeremiah 31, 6.

Mishnah 3
Those that were near brought1 figs and grapes,2 and they who were far away brought dried figs and raisins.3 And an ox4 went before them with its horns overlaid5 with gold and a crown6 of olive leaves
on its head. The flute played before them until they drew near close to Jerusalem. When they had arrived near to Jerusalem they sent messengers before them, and they adorned their first-fruits. The governors, the chiefs and the treasurers went out to meet them. According to the rank of those that came in they used to go forth. And all the craftsmen in Jerusalem stood before them and greeted them, Brethren of such-and-such a place, be welcome!

§ Or fife. פלועת frequently refers to the music in a procession or to the flutists (or flute); (compare עננים 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 טשפתה. 6 בְּשֵׁם in some editions. 7 On the journey they recited Psalms 120-134. 8 בְּשֵׁם in some editions. 9 All of the Temple. 10 governor, ruler, i.e., the priestly wardens. 11 All, chief, vice-governor, i.e., the Levitical warden. 12 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. 13 All important persons. 14 קַלֶּה in some editions. 15 Literally, and asked after their welfare.

Mishnah 4
The flute played before them until they arrived at the Temple Mount. When they reached the Temple Mount even Agrippa the king would set his basket upon his shoulder and go in until he reached the Temple Court. When the Temple Court was reached the Levites sang the hymn, I will extol Thee, O Eternal, for Thou hast raised me up and Thou hast not made my enemies to rejoice over me.

* 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 לֶאָשַׁי 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 the baskets were for burnt-offerings, and what was in their hands they gave up to the priests.

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 shoulder he would recite from I profess this day unto the Eternal thy God until he finished all the passage. R. Judah says, Until [he reaches] An Aramean a wanderer was my father. 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 his hand under it and wave it, and would read from An Aramean a wanderer was my father until he completed the whole passage. And then he would set it by the side of the Altar, and prostrated himself and went out.

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 נוּמָה. 6 He moves it to and fro and up and down. 7 Or בין יְהֹוָה. 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 recited, but anyone who did not know how to recite they recited with him. But they refrained from bringing—it was ordained that all should be made to repeat whether they could recite or whether they were unable to recite.

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 in some editions.

Mishnah 8
The well-to-do used to bring their first-fruits in baskets overlaid with silver and gold, and the poor used to bring them in wicker baskets of peeled willow branches. Both the baskets and the first-fruits were given to the priests.

1 , basket shaped like a vase, woman’s work-basket. 2 in some editions. 3 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 in some editions.

Mishnah 9
R. Simon ben Nanas says, They might decorate the first-fruits with others than the seven kinds; R. Akiba says, They used not to adorn the first-fruits with others than the seven kinds.*

*See 13.

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,¹ and the addition² to the first-fruits, and the decoration³ 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 exempt⁴ from the laws of doubtfully-tithed produce;⁵ and what bedecks the first-fruits is subject⁶ 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 ח and י, 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 they¹ come from the Land,² But when they do not come from the Land⁴ they are not³ like to the first-fruits themselves.⁵

1 The fruits composing the addition. (Literally, it, with reference to חמאון). 2 מחותרשיא. 3 But from beyond the Jordan. 4 But they must nevertheless be eaten ביבשים, in cleanness. 5 Since first-fruits themselves from beyond the Jordan are only מבית (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
Bikkurim 312, 41.2

creditor may take them for his debt1 or a woman for her marriage contract,3 as a Scroll of the Law.4
But R. Judah says, They may not give them6 except to an associate7 as a free gift;8 but the Sages say, They give them to the priestly guard9 and these share among themselves as they do with the holy sacrifices of the Temple.

1 i.e., in payment for his debt. 2 המנה in some editions. 3 החשנה, 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 המנה in some editions. 6 The first-fruits. 7 A בירושלמי. For לנד see 11. 8 Compare supra 41.3. 9 See Mishnah 2 of this Chapter. 10 Or קְלָלֶים. *See תורת ההלכה.

CHAPTER 41

Mishnah 1
An hermaphrodite2 is in some respects like to men and in others like to women;3 and in some ways he is like to both men and women, and in other respects he is like neither4 to5 men nor to women.

1 See Introduction. 2 See 15, Note 6. In one text the beginning of the Mishnah is פָּנָיָה, extraneous Mishnah [Extraneous Mishnah] it is stated that an hermaphrodite . . . . 3 החשנה in some texts. 4 בירושלמי in some texts. 5 אל in some editions.

Mishnah 2
In what respects is he like to men?—He becomes unclean by seminal issue1 like men; and he must dress2 like men; and he marries3 like men, but may not be taken as wife;4 and his mother continues for him5 in clean blood as after

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the birth of males; and like men he may not be alone with women; and like men he does not receive maintenance with the daughters; and like men he must not transgress the laws of Thou shalt not round and Thou shalt not mar and Thou shalt not defile thyself for the dead; and like men he is bound by all the commandments enjoined in the Law.

Mishnah 3
In what manner is he like to women?—He becomes unclean by red flow like women; and like women he may not be alone with men; and like women he is not subject to the law of levirate marriage; and like women he does not inherit with the sons; and like women he must not eat of the holy sacrifices in the Temple; and his mother continues for him in the condition of impurity of blood as after the birth of females; and like women he is ineligible to give testimony; and if like women he has been unlawfully cohabited with he is ineligible [to eat] of the priest’s-due.

*Abbreviations of Hithpael forms in some texts.  
1 Literally, white; seminal discharge, flux. Leviticus 15, 2, 16.  
2 Only 33 days, not 66 days as after a female child. Leviticus 12, 1ff.  
3 i.e., he takes a wife.  
4 Or אשה, i.e., may not be married to a man.  
5 When the income is small the daughters take precedence in the maintenance. Leviticus 19, 27, in some texts.  
6 or בנה. Ye shall not round the corners of your head neither shalt thou mar the corners of thy beard.  
7 in some editions.  
8 in some editions. Leviticus 21, 1 (if he be a בן, priest) None shall defile himself for the dead among his people, applies also to the hermaphrodite.

*In some texts, the priesthood, i.e., ‘he is ineligible to marry into the priestly stock.’
Bikkurim 43.5

1 Exodus 15, 19. 2 Literally, red; menses, menstrua (menstrual or monthly discharge) from the uterus. 3 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 Exod. 6, 11. 7 Or evidence. Some editions add here Exod. 6, 11. 8 A fortnight as for a female. This sentence is omitted in some texts in favour of Exod. 21, 15, 17. 9 Such as and . 10 If he be the only heir he inherits everything. 11 Some texts conclude with ..

Mishnah 4

In what ways is he like to both men and women?—Persons incur guilt1 for smiting him or cursing him2 as3 in the case of men and women; and one who slays him4 unwittingly is exiled, but if intentionally is put to death like in the case of men and women; and5 his mother brings an offering for him6 like for men and women;7 and he may eat8 of such holy things9 as both men and women are permitted to eat; and he inherits10 in all cases of inheritance both like men and women.11

1 Exodus 21, 15, 17. 3 Some editions have inserted here. 4 Instead of the next two sentences, some texts have Exod. 21, 12, 13, 14. 5 Some editions have here in some editions. 6 For his birth. 7 In some editions. 8 Such as and . 10 If he be the only heir he inherits everything. 11 Some texts conclude with ..

Mishnah 5

How is he not like to1 men and women?—They2 do not burn priest's-due for the uncleanness of .
his discharge, and he is not liable for entering the Temple, unlike in the case of both men and women; and his valuation is not valid, unlike both men and women; and he may not be sold as a Hebrew slave, unlike both men and women; and if anyone said, 'May I be a nazirite if this be neither a man nor a woman,' he is a nazirite. R. Jose says, An hermaphrodite is a creature by itself; and 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, because at times such a one is a man and at other times a woman.

1 Some editions have instead לַאֲנַשֶׁה לָאֲנַשֶׁה. 2 Some editions have instead וַיְקַלֶּהָ לְאָנָשָׁה וּלְאָנָשָׁה. 3 Or issue, flux, gonorrhoea, protracted menstruation. 4 Some texts have instead בַּלִּי נָשִּׁים בֵּין נָשִּׁים וּבֵין נָשִּׁים וּבֵין נָשִּׁים. 5 To יִכְרֵף, extirpation, when he is unclean because of seminal discharge, or יִכְרֵף (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 not so in some editions. Exodus 21, 2, 7. 9 A girl sold when she is still a minor. 10 Or nazirite; 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 Some editions. 12 Some texts. 13 See in some editions. 14 In some editions.
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.
GLOSSARY

OF THE PLANTS ENUMERATED IN ORDER ZEKAIM

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 (*ranunculaceae*) especially *anemone memorosa* or wind-flower.

apple, the round firm fleshy edible fruit or pome of a rosaceous tree (*malus*) of the family *pomaceae* or *malaceae*; 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 *araceae*, 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 **pyrus**.

**cabbage**, a cultivated brassicaceous vegetable (*brassica oleracea*) 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 oleracea botrytis*) of cabbage with large fleshy deformed edible inflorescence or flower-head.

**celery**, a biennial ammiaceous 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).
cinnamon, the aromatic bark of several lauraceous trees (genus cinna-
omomum 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 (fabaceae) as sweet clover (melilotus), affording rich pasturage and hay and grown for soil improvement, bush clover (lespedeza), red clover (trifolium pratense), spotted clover (medicago), prairie clover (petalostemum).
colchicum, any of a genus (colchicum or liliaceae) 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 (coriandum 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 (brassicaceae) 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 cyminum) of the parsley family ammiaceae 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).
daylight, 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.
derive, 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 linaceae) 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 liliaceae, with drooping flowers mottled or checkered with pale and dark purple.
GLOSSARY

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 *cannabinaceae*), native of India; its cortical fibre is made into rope and stout fabric.

henna, or Egyptian privet, a small shrub (genus *lawsonia inermis*, family *lythraceae*), 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 *iridaceae*), 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 (*heder a helix*), of the ginseng family, with dark shining (usually five-angled) leaves, small yellowish flowers and black berries.

Judas-tree, a caesalpiniaaceous tree (genus *cercis siliquastrum*), with purple flowers appearing before the leaves.
GLOSSARY

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 lactua sativa*) containing a milky juice; its crisp succulent leaves are much used as salad.

lily, a bulbous plant (*genus lilium*, family *liliaceae*), 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 *lythraceae*), with four-cornered branches and regular or irregular flowers; also a primulaceous plant (*genus lysimachia*, family *primulaceae*), 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 *fabaceae*) with foliolate leaves and umbels of yellow, red, or white flowers.
GLOSSARY

**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 panicled 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 *malvaceae*, 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 *lamiaceae* or *menthaceae*, especially **garden-mint** or **spear-mint** (*mentha viridis*) and **peppermint** (*mentha piperita*), used for
GLOSSARY

**plum**, the tree (genus *Prunus*, order *Rosaceae*), 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**, **portulaceae**, a natural order of dicotyledons, of the purslane (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.

**purslane**, **purslaine**, 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.
GLOSSARY

**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 cistaceous plant (of the family *cistaceae*, 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).

**savoury**, a genus of a hardy annual aromatic European herb (*satureia hortensis*, order *labiatae*), 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.
serpentaria, the rhizome and roots of the Virginia snakerooot 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, panicled 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 chelonia 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 snakerooot (aristo-lochia serpentaria), a perennial herb with purplish flowers and fibrous medicinal roots, bugbane, black snakerooot, (cimicifuga racemosa), button snakerooot (linaria), senega snakeroot (polygala senega), white snakerooot (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.
GLOSSARY

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 carduaceous 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
GLOSSARY

seasoning; shepherd’s-thyme or wild-thyme, a shrub with mildly fragrant leaves.

turnip, a biennial brassicaceous plant (brassica compestris 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.

trupentine-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 cuckoo pint (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).
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.

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.

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 flight.


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.

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.


10. **Judah b. Tabbai:** Fl. c. 70 B.C.E. Executed a plotting witness in order to refute the Sadducaean teaching on this subject. On being rebuked for this by Simon b. Shetach he never again gave a legal decision without him.

11. **Measha:** Contemporary of Hillel.

12. **Menachem:** Contemporary of Hillel who entered Herod's service.

13. **Nittai the Arbelite:** Colleague of Joshua b. Perachia.

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.

15. **Shammai:** Colleague of Hillel. Fearless and outspoken, yet warm-hearted man. Head of school known as Bet Shammai.

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.

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.

18. **Simon the Just:** Fl. c. 300 B.C.E. High Priest. Attempted to make Judaism secure against inroads of Hellenism.
THE FIRST GENERATION (c. 10 - 80 C.E.)

19. **Admon b. Gadda**: Contemporary of R. Jochanan b. Zakkai. The chief of three named police-court judges in Jerusalem who received a salary from the Temple treasury. שכרו עבר 131. רבע; עזרה 94; דוד 64.


22. **R. Gamliel the Elder**: Grandson of Hillel. First to be styled Rabban. Transferred the College to Yavne. Executed many beneficial ordinances. מרדכי 17; עזרה 14; דוד 9; יוחנן 16; שמעון 91; עזרה 44; דוד 116.


24. **Chanania b. Hezekia b. Gorion**: Younger contemporary of Hillel and Shammai. Through him the books of Ezekiel and Megillat Taanit were preserved. שכרו שמעון 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. שכרו עזרה 44; רבי 61; פסחים 17; עם 124; נڛה 14; דוד 31.


27. **R. Jochanan b. ha-Horani**: A disciple of Bet Shammai who is recorded to have acted according to the view of Bet Hillel. שכרו עזרה 27.

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). שכרו 17; עזרה 14; פסחים 25; תינוקות 31; מנהה 133; חד יומא 14; דוד 5; מנהה 58; דוד 25; יומא 23; יומא 17; דוד 43; עזרה 7.

29. **Joezer of the Bira**: A disciple of Bet Shammai. שכרו עזרה 212.

30. **Jose Choli Kufri, Abba**: Mentioned only once. מכתידי 13.


32. **Nachum the Mede**: A judge in Jerusalem in the last days of the Temple. שכרו 21; עזרה 54; דוד 5.

33. **Nachum the Scrivener**: Mentioned only once. שכרו 26.

34. **Samuel the Younger**: A disciple of Hillel. Composed the blessing against heretics in the Amidah. שכרו עזרה 419.

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. שכרו עזרה 117; קדושה 17.

36. **Simon of Mizpa**: Probably a priest who served in the Temple. שכרו 24.

37. **R. Zecharia b. ha-Kazzav**: Lived while Temple still stood. שכרו עזרה 25; דוד 81.

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.

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.

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. Very wealthy and influential.

42. **R. Elazar b. Diglai (or Dilgai)**: Mentioned only once.

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.

44. **R. Eliezer b. Jacob I**: Lived in time of Temple, on which he was considered an authority. Contemporary of R. Eliezer.
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.

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 K. 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.


48. **R. Chanina b. Dosa**: A disciple of Rabban Jochanan b. Zakkai, famed for his piety and wonder-working abilities. His poverty was proverbial.

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.

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.

51. **R. Jesheva**: Contemporary of R. Huzpit and like him one of the Ten Martyrs. Is in one place called 'The Scribe.'

52. **Jose b. Chanan, Abba**: Lived in Temple times.

53. **Jose b. Onias**: Contemporary of R. Eliezer.

54. **R. Jose son of the Damascene**: Disciple of R. Eliezer.

55. **R. Jose the Priest**: The third disciple of Rabban Jochanan b. Zakkai.

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.

57. **R. Joshua (b. Chanania)**: 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.
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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. A great linguist. Was a poor man and earned a living as a charcoal-burner. Supported Rabban Gamliel in the dispute with K. 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 K. Elazar b. Azaria was appointed Au-Btt-Din and R. Joshua established a school of his own at Pekiin. He died in Tiberias.

58. R. Joshua b. Hycranus: Fl. at the time of the dispute between Rabban Gamliel and R. Joshua. 


64. R. Simon b. Bathira: Of the same family as his relatives R. Judah and R. Joshua. A priest. Married a daughter of Rabban Gamliel the Elder.


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.
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67. **R. Simon son of the Vice High Priest:** Regarded by Maimonides as son of R. Chanina. Also regarded as son of the vice high priest from the circle of R. Gamliel. Regarded as a model of piety and study.

68. **R. Yakim of Hadar:** Mentioned once only.

69. **R. Zadok:** Son of R. Eliezer b. Zadok I. Lived in the circle of Rabban Gamliel at Yavne. Supported the revolt of Bar-Cochba, greeting him as Messiah. Courageously taught the Hadrianic persecutions but later freed. Lived in Sepphoris.

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THE THIRD GENERATION (c. 120 - 140 C.E.)

70. **Avtulemus:** Teacher of R. Jose.

71. **Akiva:** Son of a proselyte. Born in Jerusalem before the destruction of the city by the Romans. Ignored 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.

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72. **R. Elazar Chisma:** Disciple of R. Joshua. Lived in poverty at the College at Yavne. Reputed to excel in mathematics.

73. **R. Elazar b. Judah of Bartha:** Disciple of R. Joshua. So charitable that collectors of charity used to hide from him because he would give them all he had.

75. **R. Elazar of Modiim**: Active from the time of Rabban Jochanan b. Zakkai until the siege of Bethar. Executed by his nephew Bar-Cochba on wrongful suspicion of treachery.

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.

77. **R. Chananai 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.

78. **R. Chananai 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.

79. **R. Chananai 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.

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.

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. Necuni 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.

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84. R. Jochanan b. Matthias: Mentioned only once.

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 Nagninair. Died before the destruction of Bethar. 

86. R. Jose b. Chisma: Colleague of R. Chanaan b. Teradion. Lived in Caesaria and was friendly with the Roman government. Died during, but not on account of, the Hadrianic persecution.

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.

88. R. Joshua b. Mathias: Mentioned only once.

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.

90. R. Judah the Priest: Mentioned once, possibly the son of Rabban Jochanan b. Zakkai.

91. R. Levitas of Yavne: Mentioned once, and only otherwise in Pirke de-R. Eliezer.


94. R. Simon b. Akashia: Mentioned only once.

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.'
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97. **R. Simon of Teman**: A young student in the great days of Yavne under Rabban Gamliel. Disputed with R. Akiva. 


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. 

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 of which is unknown. Was a grave-digger by profession. 

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 Galilee and founded a school where Rabbi subsequently studied. Another of his disciples was R. Joseph the Babylonian. Lived to a great age. 

102. **Elazar b. Dolai, Abba**: Contemporary of R. Meir and his colleagues. Mentioned only once. 

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 *Midrasch* work ‘The Thirty-Two Methods of Agadic Interpretation.’ Presumably died young, because not mentioned in the re-assembled College at Usha. 

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. 

**THE FOURTH GENERATION** (c. 140-165 C.E.).
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105. **R. Elazar b. Pilai (or Piabi):** Mentioned only once.

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.*


108. **R. Chanania b. Akhashia:** Mentioned with R. Judah and R. Jose.

109. **R. Chanania of Ono:** Mentioned with R. Meir.

110. **R. Ishmael b. R. Jochanan b. Baroka:** Taught by his father. Was at Usha under the presidency of Rabban Simon b. Gamliel. Distinguished pupils: 103; *Shas 33.*

111. **R. Jochanan the Sandal-maker:** Appears to have come from Alexandria. 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.

112. **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. Johanan b. Nuri. Famous for his Aggadic sayings. 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 Sepphoris, so that he could not at first go to the College at Usha. At Sepphoris he founded a great school. Later, when the harsh decrees were annulled, he went to Usha and persuaded 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.

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 five sons, all of whom distinguished themselves in learning.
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 Kimmon 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 Au-Bet-Llin and R. Meir Hahum. 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.
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.

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.

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.

122. R. Simon of Shezur: Disciple of R. Tarfon and disputant with R. Meir and R. Jose. 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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dead 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.

THE FIFTH GENERATION
(c. 165 - 200 C.E.)

124. Abba Gorion of Zaidan: Mentioned only once more, in a Midrash.

125. R. Dositheus b. Yannai: Pupil of R. Meir and colleague of Rabbi. Had
pupils of his own.

126. R. Elazar b. R. Simon (b. Yochai): Died 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
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.

127. R. Elazar ha-Kappar: Lived and taught in Lydda. His pupil was the
famous R. Joshua b. Levi.


130. R. Ishmael b. R. Jose (b. Chalafia): The greatest of his father's five sons.
Succeeded his father as head of the school at Sephoris, 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.
131. **Jaddua the Babylonian:** Mentioned once only.

132. **R. Jose b. R. Judah:** Son of Judah b. Ila, from whom he received his learning. Colleague of Rabbi, with whom he studied under his father. Probably died before Rabbi.

133. **R. Jose b. Judah of Refar Bavli:** Mentioned only once.


135. **R. Judah the Patriarch:** Known more familiarly as Rabbi and Rabbenenu 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. Traveled 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 Gamlici, 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.

136. **R. Judah b. Tema:** From the few references in the Talmud very little is known of him.

137. **R. Nathan,** ‘The Babylonian;’ Actually a colleague of R. Meir, but also colleague of Rabbi in the compilation of the Mishnah. Probabalyson 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. Gamlici. 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 Avo de R. Nathan.

138. **R. Nehorai:** One of the scholars at Usha.


140. **R. Simon b. Elazar:** Pupil of R. Meir and colleague of Rabbi. Lived in Tiberias to a ripe old age.

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141. **R. Simon b. Chalafta:** Probably grandson of R. Jose. A great friend of Rabbi. Was very poor.

142. **R. Simon b. Judah:** Pupil of R. Simon b. Yochai and an older contemporary of Rabbi.

143. **R. Simon b. Menasia:** Pupil of R. Meir. Thought very highly of Rabbi and his family.

144. **Symmachos (b. Joseph):** Pupil of R. Meir with as brilliant an intellect as his teacher.

[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 ת 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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Fife, פּוֹקֵט 38N.

Fifth (the added—), see added fifth.

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