

The Soncino Babylonian Talmud



MACHSHIRIN

TRANSLATED INTO ENGLISH
WITH NOTES

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MACHSHIRIN

Makshirin Chapter 1

MISHNAH 1. ANY LIQUID¹ WHICH WAS DESIRED AT THE BEGINNING² THOUGH IT WAS NOT DESIRED AT THE END, OR WHICH WAS DESIRED AT THE END THOUGH IT WAS NOT DESIRED AT THE BEGINNING, COMES UNDER THE LAW OF 'IF WATER BE PUT'.³ UNCLEAN LIQUIDS RENDER UNCLEAN⁴ WHETHER [THEIR ACTION] IS DESIRED OR IS NOT DESIRED.

MISHNAH 2. IF ONE SHOOK A TREE IN ORDER TO CAUSE FOOD OR AN UNCLEAN THING⁵ TO DROP DOWN FROM IT, [THE RAIN WATER DROPPING DOWN FROM IT] DOES NOT COME⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF [HE SHOOK THE TREE] IN ORDER TO CAUSE LIQUIDS TO DROP DOWN FROM IT, BETH SHAMMAI SAY: BOTH [THE LIQUIDS] THAT DROP DOWN AND [THE LIQUIDS] THAT REMAIN⁷ [ON THE TREE] COME UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: [THE LIQUIDS] THAT DROP DOWN COME UNDER THE LAW OF 'IF WATER BE PUT', BUT [THE LIQUIDS] THAT REMAIN [ON THE TREE] DO NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT [THE LIQUIDS] SHOULD DROP DOWN FROM ALL THE TREE.⁸

MISHNAH 3. IF ONE SHOOK A TREE⁹ AND IT FELL¹⁰ ON ANOTHER TREE, OR A BRANCH AND IT FELL ON ANOTHER BRANCH, AND UNDER THEM WERE SEEDS OR VEGETABLES [STILL] JOINED TO THE GROUND, BETH SHAMMAI SAY: THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSHUA SAID¹² IN THE NAME OF ABBA JOSE CHOLIKOFRI,¹³ A CITIZEN OF TIBEON:¹⁴ MARVEL AT THYSELF IF THERE IS ANYTHING IN THE TORAH ABOUT A LIQUID CAUSING SUSCEPTIBILITY TO UNCLEANNESS EXCEPT

ONE PUT IT ON WITH INTENTION, FOR IT IS SAID: 'IF WATER BE PUT UPON THE SEED'.¹⁵

MISHNAH 4. IF ONE SHOOK¹⁶ A BUNDLE OF VEGETABLES AND [WATER] DROPPED DOWN FROM THE UPPER [SIDE] TO THE LOWER [SIDE], BETH SHAMMAI SAY: THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹⁸ UNDER THE LAW OF 'IF WATER BE PUT'. BETH HILLEL SAID TO BETH SHAMMAI: IF ONE SHAKES A STALK, DO WE APPREHEND LEST WATER DROPS FROM ONE LEAF ON THE OTHER LEAF?¹⁹ BETH SHAMMAI SAID TO THEM: A STALK IS ONLY ONE, BUT A BUNDLE HAS MANY STALKS.²⁰ BETH HILLEL SAID TO THEM: LO, IF ONE LIFTED²¹ A SACK FULL OF FRUIT AND PUT IT BESIDE THE RIVER,²² DO WE APPREHEND LEST WATER DROPS FROM THE UPPER [SIDE] TO THE LOWER [SIDE]?²³ IF, HOWEVER, HE LIFTED TWO SACKS AND PLACED THEM ONE UPON THE OTHER, THE LOWER [SACK] COMES²⁴ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: THE LOWER [SACK] ALSO REMAINS INSUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 5. IF ONE RUBBED²⁵ A LEAK OR PRESSED HIS HAIR²⁶ WITH HIS GARMENT, R. JOSE SAYS: THE LIQUID WHICH CAME OUT COMES²⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THE LIQUID THAT REMAINED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT THE LIQUID SHOULD COME OUT OF ALL OF IT.²⁸

MISHNAH 6. IF ONE BLEW ON LENTILS IN ORDER TO TRY WHETHER THEY WERE GOOD,²⁹ R. SIMEON SAYS: THIS DOES NOT COME³⁰ UNDER THE LAW OF 'IF WATER BE PUT'. BUT³¹ THE SAGES SAY: THIS DOES COME³² UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE ATE SESAME WITH HIS FINGER³³ AND LIQUID CAME ON HIS HAND, R. SIMEON SAYS: THIS DOES NOT COME³⁴ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: THIS DOES COME³⁵

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UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE HID HIS FRUIT IN WATER FROM THIEVES, IT DOES NOT COME³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. ONCE IT HAPPENED THAT THE MEN OF JERUSALEM HID THEIR FIG CAKES IN WATER FROM THE ROBBERS,³⁷ AND THE SAGES DECLARED THAT THEY WERE NOT SUSCEPTIBLE TO UNCLEANNESS. IF ONE PUT HIS FRUIT IN THE STREAM OF A RIVER TO MAKE IT COME DOWN WITH HIM, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

- (1) Any one in the list given infra VI, 4-5.
- (2) The moistening of the produce by the liquid first pleased the owner, but afterwards displeased him; or, on the contrary, it first displeased him and then pleased him. According to other commentators the meaning is that the owner was pleased with the beginning of the flow of the liquid for some other purpose, but was displeased when in the end the liquid settled on the produce, or the reverse.
- (3) Lev. XI, 38; i.e., such a liquid when it has moistened the produce renders it capable of contracting an uncleanness by the touch of an unclean thing; cf. Introduction.
- (4) When they moisten produce, they render it susceptible to uncleanness and at the same time make it unclean by their touch.
- (5) Such as a piece from a dead creature left in the branches by a bird.
- (6) If the rain water fell on produce, it does not render it capable of contracting an impurity, because he did not intend to shake down the rain water.
- (7) If what remains in the tree afterwards falls on produce. His intention to bring down the rain water extends also to what remains in the tree.
- (8) And since he left some behind in the tree, it follows that he did not attach any value to this remainder.
- (9) To bring down its fruit.
- (10) And the fruit fell from the second tree or from the second branch on to the ground into seed or vegetables which had water on them.
- (11) Because he did not intend them to fall on the other tree or on the other branch. The text and the interpretation of this passage are very uncertain. The explanation given here follows Maimonides and Bertinoro.
- (12) In support of Beth Hillel's opinion.
- (13) So named after some unknown locality.
- (14) A town in lower Galilee.

- (15) And since in this case it was not put on with intention, it cannot render susceptible.
- (16) To shake off some water.
- (17) Because the water fell on the lower side by the owner's deliberate act.
- (18) His intention was to shake off the water altogether, and not to wet the lower side.
- (19) And render it susceptible to uncleanness. But if no susceptibility is caused in the case of a stalk, why should it be caused in the case of a bundle?
- (20) Therefore in the case of a bundle it is like dropping liquid from one fruit to another fruit.
- (21) From the river in which it had fallen accidentally.
- (22) To let the water run out of the sack.
- (23) No, because the fruit in the lower side of the sack does not become susceptible. Similarly, the lower stalk in a bundle of vegetables should not become susceptible by the water coming down upon it from the upper stalks of the same bundle.
- (24) Because by placing one sack upon the other he must have intended that water should flow from the upper sack upon the lower sack.
- (25) To remove its moisture.
- (26) Which had become wet by rain.
- (27) It renders produce susceptible to uncleanness, because it came out by his deliberate act.
- (28) In accordance with the opinion of Beth Hillel, supra p. 470. n. 1.
- (29) And his spittle fell upon the lentils and moistened them.
- (30) The moistening was done without intention.
- (31) Some texts omit this sentence.
- (32) His blowing was done with intention, and the moistening is the direct act of the blowing.
- (33) By wetting his finger so as to pick up easily the grains of the sesame, and thus transferring moisture to the sesames on the palm of his hand.
- (34) His intention was only to wet his finger but not the palm.
- (35) The moisture on the palm is a direct consequence of his wetting the finger.
- (36) It was not his intention to moisten the fruit.
- (37) סיקריין, Latin sicarii, armed terrorists who infested Jerusalem in the last days of the Second Temple. Another reading is סיקריין, confiscators of property; cf. Bik. I, 2; II, 3; Git. 55b.

Makshirin Chapter 2

MISHNAH 1. THE EXUDATION OF HOUSES, OF CISTERNS, OF DITCHES AND CAVERNS¹ DOES NOT CAUSE² SUSCEPTIBILITY TO UNCLEANNESS. A MAN'S PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. IF A MAN DRANK UNCLEAN WATER AND PERSPIRED, HIS

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PERSPIRATION DOES NOT CAUSE³ SUSCEPTIBILITY TO UNCLEANNESS. IF HE ENTERED⁴ INTO DRAWN WATER AND PERSPIRED, HIS PERSPIRATION CAUSES⁵ SUSCEPTIBILITY TO UNCLEANNESS. IF HE DRIED HIMSELF AND THEN PERSPIRED, HIS PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 2. THE EXUDATION OF AN UNCLEAN BATH⁶ IS UNCLEAN,⁷ BUT THAT OF A CLEAN BATH⁸ COMES⁹ UNDER THE LAW OF 'IF WATER BE PUT'. IF THERE WAS A POOL IN A HOUSE WHICH CAUSED THE HOUSE TO EXUDE AND THE POOL WAS UNCLEAN, THE EXUDATION OF ALL THE HOUSE WHICH WAS CAUSED BY THE POOL¹⁰ IS UNCLEAN.

MISHNAH 3. IF THERE WERE TWO POOLS, THE ONE CLEAN AND THE OTHER UNCLEAN, WHAT EXUDES NEAR THE UNCLEAN POOL IS UNCLEAN, AND WHAT EXUDES NEAR THE CLEAN POOL IS CLEAN, AND WHAT IS AT EQUAL DISTANCE [FROM BOTH POOLS] IS UNCLEAN.¹¹ IF¹² UNCLEAN IRON¹³ WAS SMELTED WITH CLEAN IRON AND THE GREATER PART [CAME] FROM THE UNCLEAN IRON, IT IS UNCLEAN; IF THE GREATER PART [CAME] FROM THE CLEAN IRON, IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. IF IN POTS WHICH ISRAELITES AND HEATHENS USED FOR PASSING WATER THE GREATER PART [OF THE CONTENTS CONSISTED] OF UNCLEAN [URINE],¹⁴ IT IS UNCLEAN; IF THE GREATER PART [OF THE CONTENTS CONSISTED] OF CLEAN [URINE],¹⁵ IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. IF IN SLOP-WATER, IN WHICH RAIN HAD FALLEN, THE GREATER PART CONSISTED OF THE UNCLEAN WATER,¹⁶ IT IS UNCLEAN; IF THE GREATER PART CONSISTED OF CLEAN WATER,¹⁷ IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. WHEN [IS THIS THE CASE]?¹⁸ WHEN THE SLOP-WATER CAME FIRST; BUT IF THE RAIN WATER CAME BEFORE [THE SLOP-WATER]. IT IS

UNCLEAN¹⁹ WHATEVER THE QUANTITY [OF THE RAIN WATER].

MISHNAH 4. IF ONE SECURED HIS ROOF OR WASHED HIS GARMENT²⁰ AND RAIN CAME DOWN UPON IT,²¹ IF THE GREATER PART²² CONSISTED OF THE UNCLEAN WATER, IT IS UNCLEAN; IF THE GREATER PART CONSISTED OF THE CLEAN WATER, IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. R. JUDAH SAYS: IF THE DRIPPING INCREASED,²³ [IT IS CLEAN].

MISHNAH 5. IF IN A CITY IN WHICH ISRAELITES AND HEATHENS DWELT TOGETHER THERE WAS A BATH WORKING²⁴ ON THE SABBATH, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, ONE MAY BATHE THEREIN IMMEDIATELY²⁵ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL THE WATER CAN BE HEATED;²⁶ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL THE WATER CAN BE HEATED. R. JUDAH SAYS: IF THE BATH-BASIN WAS SMALL AND THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BATHE THEREIN IMMEDIATELY²⁷ [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 6. IF ONE FOUND VEGETABLES SOLD THEREIN [ON THE SABBATH]. IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, ONE MAY BUY THEREOF IMMEDIATELY²⁸ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE;²⁹ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE; BUT IF THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BUY IMMEDIATELY [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 7. IF AN ABANDONED CHILD WAS FOUND THERE, IF THE MAJORITY [OF THE

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INHABITANTS] WERE HEATHENS, IT MAY BE DEEMED A HEATHEN;³⁰ IF THE MAJORITY WERE ISRAELITES, IT MUST BE DEEMED AN ISRAELITE; IF THEY WERE HALF AND HALF, IT MUST [ALSO] BE DEEMED AN ISRAELITE. R. JUDAH SAYS: WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO ABANDON THEIR CHILDREN.³¹

MISHNAH 8. IF ONE FOUND THERE LOST PROPERTY, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, HE NEED NOT PROCLAIM³² IT; IF THE MAJORITY WERE ISRAELITES, HE MUST PROCLAIM IT; IF THEY WERE HALF AND HALF, HE MUST [ALSO] PROCLAIM IT. IF ONE FOUND BREAD THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BAKERS.³³ IF IT WAS BREAD OF PURE FLOUR,³⁴ WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT BREAD OF PURE FLOUR. R. JUDAH SAYS: IF IT WAS COARSE BREAD, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COARSE BREAD.³⁵

MISHNAH 9. IF ONE FOUND MEAT THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BUTCHERS. IF IT WAS COOKED MEAT, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COOKED MEAT.

MISHNAH 10. IF ONE FOUND FRUIT BY THE WAYSIDE,³⁶ IF THE MAJORITY [OF THE INHABITANTS] GATHERED FRUIT FOR THEIR HOMES,³⁷ HE IS ABSOLVED [FROM TITHES];³⁸ IF [THE MAJORITY GATHERED IT] FOR SELLING IN THE MARKET,³⁹ HE IS LIABLE [TO TITHES]; BUT IF THEY WERE HALF AND HALF, THE FRUIT IS DEMAI.⁴⁰ IF THERE WAS A GRANARY INTO WHICH BOTH ISRAELITES AND HEATHENS LAID IN THEIR PRODUCE, IF THE MAJORITY WERE HEATHENS, [THE PRODUCE MUST BE CONSIDERED] CERTAINLY UNTITHED;⁴¹ IF THE MAJORITY WERE ISRAELITES, [IT MUST BE CONSIDERED] DEMAI;⁴² IF THEY

WERE HALF AND HALF, [IT MUST BE CONSIDERED] CERTAINLY UNTITHED. THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: EVEN IF THEY WERE ALL HEATHENS, AND ONLY ONE ISRAELITE LAID HIS PRODUCE INTO THE GRANARY, [IT MUST BE CONSIDERED] DEMAI.⁴³

MISHNAH 11. IF THE FRUIT OF THE SECOND YEAR⁴⁴ EXCEEDED IN QUANTITY THE FRUIT OF THE THIRD YEAR, OR THE FRUIT OF THE THIRD YEAR EXCEEDED THE FRUIT OF THE FOURTH YEAR, OR THE FRUIT OF THE FOURTH YEAR EXCEEDED THE FRUIT OF THE FIFTH YEAR,⁴⁵ OR THE FRUIT OF THE FIFTH YEAR EXCEEDED THE FRUIT OF THE SIXTH YEAR, OR THE FRUIT OF THE SIXTH YEAR EXCEEDED THE FRUIT OF THE SEVENTH YEAR,⁴⁶ OR THE FRUIT OF THE SEVENTH YEAR EXCEEDED THE FRUIT OF THE YEAR AFTER THE CONCLUSION OF THE SEVENTH YEAR,⁴⁷ WE MUST CONSIDER WHAT FORMS THE GREATER PART; IF THEY ARE HALF AND HALF, WE MUST DECIDE ACCORDING TO THE MORE STRINGENT ALTERNATIVE.⁴⁸

- (1) From their walls. Cf. Mik. I, 4.
- (2) Exudation and perspiration do not come within the category of liquids enumerated infra VI, 4ff; cf. ibid. 7.
- (3) The water he drank was digested, and the perspiration is not the same as the water.
- (4) Even without intention.
- (5) Because the perspiration mingled with the water which adhered to his body, and which was drawn by a deliberate human act. But if he had entered without intention into a pool of water which had been filled automatically without human agency and perspired, his perspiration would not cause susceptibility, because there was no deliberate human act in connection with that water.
- (6) A bath containing unclean drawn water; cf. Mik. Introduction.
- (7) When it touches food it renders it both susceptible and unclean.
- (8) Consisting of a spring or a pool of rain water.
- (9) It renders produce susceptible if, namely, the exudation is acceptable to the owner.
- (10) But what is not caused by the pool is like the exudation of houses spoken of in Mishnah 1.

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(11) There being a doubt whether it came from the clean pool or from the unclean pool, we must adopt the stringent alternative.

(12) Cf. Kelim XI, 4. From here to the end of the chapter a series of cases is given to illustrate the principle that where is a doubt we must adopt the more stringent alternative.

(13) Derived from broken vessels which were unclean.

(14) Viz., of the heathens, whose urine is unclean according to a rabbinic enactment, like the urine of persons with a running issue (זר); cf. Shab. 17b.

(15) Of the Israelites.

(16) The presumption is that the slops are unclean.

(17) The rain water.

(18) That the slop-water is neutralized by the larger quantity of rain water.

(19) The unclean slop-water when poured into rain water rendered it unclean.

(20) With unclean slop-water.

(21) On the dripping roof or on the dripping garment.

(22) Of the mixture of dripping water.

(23) In frequency, though not in volume. The increased frequency proves that the rain water is more than the dirty water.

(24) And heated on the Sabbath for bathing. It is forbidden to make use of the work done on the Sabbath by a non-Jew for a Jew.

(25) The bath was heated on the Sabbath for the majority who are non-Jews.

(26) After the conclusion of the Sabbath, when one may presume that the bath was not heated for the Jews on the Sabbath.

(27) It is assumed that it was heated on the Sabbath for the non-Jewish authority for whom a bath must ever be ready.

(28) They were cut and brought into the city on the Sabbath for the non-Jewish majority.

(29) Where vegetables are grown for the market.

(30) And may be given food forbidden to an Israelite.

(31) And these as a rule are non-Jews.

(32) So that the owner may report himself and recover his lost property; cf. B.M. II, 1. In the case of the lost property of a heathen one is not bound to make an effort to trace its owner, because heathens do not restore lost property to its owner.

(33) If the majority are heathens, the bread is forbidden by a rabbinic enactment; cf. Shab. 17b.

(34) Lit., 'of dough'.

(35) This was the kind of bread generally in use in the place of R. Judah (Tosaf. Yom Tob).

(36) On the way from the field to the city.

(37) In such a case the fruit does not become liable to tithes till it is brought into the house.

(38) And also from setting apart the priestly Terumah. But only if he wants to make of the fruit a light meal; cf. Ma'as. I, 5.

(39) In such a case the produce becomes liable to tithes and Terumah as soon as it is gathered in the field.

(40) 'Doubtful', like the produce of an 'am ha-arez, who is suspected of failing to tithe his produce; cf. Demai, Introduction. In such a case the produce is liable to tithes only, but not to Terumah.

(41) This Tanna being of the opinion that the produce grown on the soil of a heathen is liable to tithes.

(42) Subject only to the rules regulating the produce of an 'am ha-arez, because it is assumed that there is an 'am ha-arez among the Israelites who stores his produce in the granary.

(43) The Sages hold that the produce grown on the soil of a heathen is exempt from tithes and consequently, unless the granary is used also by at least one Israelite, there is no liability to tithes.

(44) Of the Sabbatical cycle (שמיטה); cf. Lev. XXV, 2ff. In the first, second, fourth and fifth years of the cycle, produce was liable to the First Tithe given to the Levite, and to the Second Tithe which had to be consumed, itself or its value, in Jerusalem (cf. Deut. XIV, 23ff). In the third and sixth years of the cycle, produce was liable to the First Tithe of the Levite and to the Third Tithe which was given to the poor; cf. Demai, Introduction 2 (3). In the case of a mixture of the produce of the different years enumerated in the text, the question arises whether the mixture is liable, beside to the First Tithe, also to the Second Tithe or to the Third Tithe or to both.

(45) Some texts omit this clause, since the fourth and fifth years are alike in their obligation respecting tithes.

(46) The Sabbatical year, when produce was subject to the special regulations set out in Tractate Shebi'ith. Seventh year produce was exempt from all tithes.

(47) Viz., the first year of the new Sabbatical cycle.

(48) Viz., according to the rules governing both years. In the case of a mixture of the produce of the second and third years and of the fifth and sixth years, beside First Tithe, Second Tithe must be separated and its value given to the poor to be consumed in Jerusalem. In the case of a mixture of produce of the sixth and seventh years, First and Third Tithes must be given, and in a mixture of the seventh and first years. First and Second Tithes must be given, and in both these cases the regulations of seventh year produce must be observed.

Makshirin Chapter 3

MISHNAH 1. IF A SACK FULL OF FRUIT WAS PUT BY THE SIDE OF A RIVER OR BY THE

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SIDE OF THE MOUTH OF A CISTERN¹ OR ON THE STEPS OF A CAVERN, AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES² UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ALL [THE FRUIT] WHICH FACED³ THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT ALL [THE FRUIT] WHICH DID NOT FACE THE WATER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A JAR⁴ FULL OF FRUIT WAS PUT INTO LIQUIDS, OR IF A JAR FULL OF LIQUIDS WAS PUT INTO FRUIT AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT'. OF WHAT LIQUIDS HAVE THEY SAID IT? OF WATER, WINE AND VINEGAR;⁵ BUT ALL THE OTHER LIQUIDS⁶ DO NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. R. NEHEMIAH DECLARES PULSE INSUSCEPTIBLE,⁷ BECAUSE PULSE DOES NOT ABSORB [LIQUIDS].

MISHNAH 3. IF⁸ ONE DREW OFF⁹ HOT BREAD¹⁰ AND PUT IT UPON THE MOUTH OF A JAR OF WINE, R. MEIR DECLARES IT SUSCEPTIBLE TO UNCLEANNESS;¹¹ BUT R. JUDAH DECLARES IT INSUSCEPTIBLE.¹¹ R. JOSE DECLARES IT INSUSCEPTIBLE¹¹ IN THE CASE OF WHEATEN BREAD AND SUSCEPTIBLE IN THE CASE OF BARLEY BREAD, BECAUSE BARLEY ABSORBS [LIQUIDS].

MISHNAH 4. IF ONE SPRINKLED HIS HOUSE¹² [WITH WATER] AND PUT WHEAT THEREIN AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [THE MOISTURE CAME] FROM THE STONY FLOOR, IT DOES NOT COME¹³ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE WASHED HIS GARMENT IN A TUB AND PUT WHEAT THEREIN¹⁴ AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER,¹⁵ IT COMES UNDER THE LAW OF 'IF

WATER BE PUT'; BUT IF [THE MOISTURE CAME] OF ITSELF,¹⁶ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOISTENED [PRODUCE] WITH SAND, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IT HAPPENED WITH THE MEN OF MAHOZ¹⁸ THAT THEY USED TO MOISTEN [THEIR PRODUCE] WITH SAND, AND THE SAGES SAID TO THEM: IF YOU HAVE ALWAYS DONE THUS,¹⁹ YOU HAVE NEVER PREPARED YOUR FOOD IN PURITY.²⁰

MISHNAH 5. IF ONE MOISTENED [PRODUCE] WITH DRYING CLAY, R. SIMEON SAYS: IF THERE WAS STILL IN IT DRIPPING LIQUID, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THERE WAS NOT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE SPRINKLED²¹ HIS THRESHING-FLOOR WITH WATER, HE NEED NOT APPREHEND LEST WHEAT BE PUT THERE AND IT BECOME MOIST.²² IF ONE GATHERED GRASS WITH THE DEW STILL ON IT IN ORDER TO MOISTEN WHEAT THEREWITH,²³ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,²⁴ IT DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE CARRIED WHEAT TO BE MILLED AND RAIN CAME DOWN UPON IT AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAID: ONE CANNOT HELP BEING GLAD OF IT;²⁵ NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED [ON HIS WAY].²⁶

MISHNAH 6. IF HIS OLIVES WERE PUT ON THE ROOF AND RAIN CAME DOWN UPON THEM AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED UP THE RAIN-PIPE²⁷ OR IF HE SHOOK [THE OLIVES] THEREIN.

MISHNAH 7. IF ASS-DRIVERS WERE CROSSING A RIVER AND THEIR SACKS [FILLED WITH PRODUCE] FELL INTO THE

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WATER AND THEY WERE GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF THEY TURNED OVER [THE SACKS].²⁸ IF ONE'S FEET WERE FULL OF CLAY (LIKEWISE, TOO, THE FEET OF HIS BEAST) AND HE CROSSED A RIVER AND HE WAS GLAD OF IT,²⁹ THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'.³⁰ R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED AND RINSED³¹ [THE FEET]. BUT IN THE CASE OF A MAN³² OR AN UNCLEAN BEAST³³ IT ALWAYS CAUSES³⁴ SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 8. IF ONE LOWERED INTO WATER WHEELS OR GEAR OF OXEN AT THE TIME OF THE EAST WIND³⁵ IN ORDER THAT THEY MIGHT BECOME TIGHTENED, THIS COMES³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE TOOK DOWN A BEAST TO DRINK, THE WATER WHICH CAME UP ON ITS MOUTH COMES³⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THAT WHICH CAME UP ON ITS FEET DOES NOT COME³⁸ UNDER THE LAW OF 'IF WATER BE PUT'. IF, HOWEVER, HE INTENDED THAT ITS FEET SHOULD BE WASHED, ALSO THE WATER THAT CAME UP ON ITS FEET COMES UNDER THE LAW OF 'IF WATER BE PUT'. AT THE TIME OF FOOTSORENESS OR OF THRESHING³⁹ IT ALWAYS CAUSES SUSCEPTIBILITY TO UNCLEANNESS. IF A DEAF-MUTE OR AN IDIOT OR A MINOR TOOK IT DOWN, EVEN THOUGH HIS INTENTION WAS THAT ITS FEET SHOULD BE WASHED, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.⁴⁰

(1) Containing a pool of water.

(2) It becomes susceptible to uncleanness, because it is the owner's wish that the fruit should become fuller and heavier by the absorption of moisture.

(3) And thus absorbed moisture direct from the water.

(4) Of porous material like earthenware which absorbs water.

(5) These are capable of being absorbed.

(6) Of the list infra VI, 4.

(7) Even if moistened by water, wine or vinegar.

(8) Cf. Ter. X, 3.

(9) From the sides of the baking-oven.

(10) Which was kneaded in fruit juice. Bread kneaded in water becomes susceptible by the water before it is baked.

(11) Or, according to another interpretation, unclean, clean. The bread had been kneaded in water, and was thus already susceptible before it was baked. But the wine was unclean, and the controversy turns on whether the exudation of the wine absorbed by the hot bread can render the bread unclean.

(12) The floor to lay the dust.

(13) Like the exudation of houses, supra II, 1.

(14) After emptying the tub.

(15) Which may have adhered to the inside of the tub.

(16) From dampness in the air, or the like.

(17) The sand contained some moisture.

(18) Which was rich in sand dunes; cf. 'Ar. III, 2. It was probably situated near Jabneh.

(19) Under the impression that the produce did not become susceptible.

(20) It had become susceptible by the sand, and then may have contracted an impurity.

(21) To lay the dust on it.

(22) The floor is sure to get dry before the wheat is put there.

(23) In the grass itself.

(24) To use the moisture of the dew.

(25) And on your view, the law should apply in any case.

(26) To let the wheat get wet by the rain, thus showing by his action that he desired it. Mere intention without an attendant action does not impart, on the view of R. Judah, susceptibility to uncleanness (Bert.).

(27) That the water should not escape from the roof.

(28) To let them get wet on all sides.

(29) That the water of the river had washed off the mud of his feet.

(30) The water on the feet causes susceptibility to uncleanness.

(31) The feet of a domestic animal like an ox which is used for rough work, and its owner is indifferent about the cleanliness of its feet. Therefore, water on its feet cannot be considered as desired by the owner, unless he stopped and rinsed its feet.

(32) Who is fastidious about the cleanliness of his feet.

(33) A domestic animal, the flesh of which is forbidden for food (Lev. XI, 2ff.; Deut. XIV, 4ff.), like a horse or an ass, which is used only for riding.

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The owner is anxious that the feet of a riding-animal should be clean.

(34) One is particularly pleased when the feet of a man or of a riding-animal are washed in the river, therefore even R. Judah admits that the water falling from their feet after crossing a river can render produce susceptible to uncleanness.

(35) Which causes wooden articles to crack by its dry heat; cf. Kelim XX, 2.

(36) Water dripping from them causes produce to become susceptible, because the water came on these articles by the wish of the owner.

(37) Because it is usual for its mouth to get wet, and is therefore considered as if intended by the owner.

(38) Because it is not necessary that its feet should become wet when drinking, and is therefore not considered as if it was desired by the owner.

(39) Because then the wetting of the feet is desired by the owner for the sake of the health of the animal, or for the cleanliness of the corn.

(40) Cf. infra VI, 1; Toh. VIII, 6; Kelim XVII, 15.

Makshirin Chapter 4

MISHNAH 1. IF ONE STOOPED DOWN TO DRINK,¹ THE WATER WHICH CAME UP ON HIS MOUTH OR ON HIS MOUSTACHE COMES UNDER THE LAW OF 'IF WATER BE PUT';² BUT [WHAT CAME UP] ON HIS NOSE OR ON HIS HEAD OR ON HIS BEARD³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE DREW WATER WITH A JAR, THE WATER WHICH CAME UP ON THE BACK THEREOF, OR ON THE ROPE WHICH WAS WOUND ROUND ITS NECK, OR ON THE ROPE WHICH WAS NEEDED FOR ITS USE,⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. HOW MUCH ROPE IS NEEDED FOR ITS USE? R. SIMEON B. ELEAZAR SAYS: A HANDBREADTH. IF HE PUT THE JAR UNDER THE RAIN-PIPE, IT⁵ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF RAIN CAME DOWN UPON A PERSON,⁶ EVEN IF HE WAS UNCLEAN WITH A PRINCIPAL DEFILEMENT,⁷ IT DOES NOT COME⁸ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HE SHOOK IT OFF, IT⁹ DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE STOOD UNDER A RAIN-PIPE TO COOL HIMSELF OR TO WASH HIMSELF, [THE WATER FALLING ON HIM] IS

UNCLEAN¹⁰ IF HE IS UNCLEAN; BUT IF HE IS CLEAN, IT [ONLY] COMES UNDER THE LAW OF IF WATER BE PUT.

MISHNAH 3. IF ONE INCLINED A DISH AGAINST A WALL THAT IT MIGHT BE RINSED,¹¹ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IN ORDER THAT THE WALL MIGHT NOT BE DAMAGED,¹² IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A JAR,¹⁴ BETH SHAMMAI SAY: IT SHOULD BE BROKEN.¹⁵ BUT BETH HILLEL SAY: IT MAY BE EMPTIED OUT.¹⁶ BUT THEY¹⁷ AGREE THAT ONE MAY PUT OUT HIS HAND AND TAKE FRUIT THEREFROM AND LEAVE IT INSUSCEPTIBLE TO UNCLEANNES.¹⁸

MISHNAH 5. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A TUB, THE WATER WHICH SPLASHED OUT OR RAN OVER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BETH SHAMMAI SAY: IT COMES¹⁹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: IT DOES NOT COME²⁰ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE PLACED THE TUB IN ORDER THAT THE DRIPPINGS [FROM THE ROOF] SHOULD FALL INTO IT,²¹ BETH SHAMMAI SAY: THE WATER THAT SPLASHES OUT OR RUNS OVER²² COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT BETH HILLEL SAY: IT²³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BOTH AGREE THAT IT²⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE IMMERSED VESSELS OR WASHED HIS GARMENT IN A CAVERN,²⁵ THE WATER THAT CAME UP ON HIS HANDS²⁶ COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT WHAT CAME UP ON HIS FEET²⁷ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. R. ELIEZER SAYS: IF IT WAS NOT POSSIBLE FOR HIM TO GO DOWN

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INTO THE CAVERN WITHOUT SOILING HIS FEET, WHAT CAME UP ON HIS FEET ALSO COMES²⁸ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 6. IF A BASKET FULL OF LUPINES WAS PLACED IN A MIKWEH,²⁹ ONE MAY PUT³⁰ OUT HIS HAND AND TAKE LUPINES THEREFROM AND LEAVE THEM CLEAN.³¹ BUT IF HE LIFTED THEM³² OUT OF THE WATER, THOSE THAT TOUCH THE BASKET ARE UNCLEAN,³³ BUT THE REST OF THE LUPINES ARE CLEAN.³⁴ IF THERE WAS A RADISH IN A CAVERN,³⁵ A MENSTRUANT WOMAN MAY RINSE IT AND LEAVE IT CLEAN.³⁶ BUT IF SHE LIFTED IT, HOWEVER LITTLE, OUT OF THE WATER, IT BECOMES UNCLEAN.³⁷

MISHNAH 7. IF FRUIT FELL INTO A CHANNEL OF WATER,³⁸ AND ONE WHOSE HANDS WERE UNCLEAN PUT OUT HIS HANDS AND TOOK IT, HIS HANDS BECOME CLEAN³⁹ AND THE FRUIT [ALSO] REMAINS CLEAN.⁴⁰ BUT IF HIS INTENTION WAS THAT HIS HANDS SHOULD BE RINSED, HIS HANDS BECOME CLEAN AND THE FRUIT COMES⁴¹ UNDER THE LAW OF 'IF WATER BE PUT.'

MISHNAH 8. IF A POT⁴² FULL OF WATER WAS PLACED IN A MIKWEH, AND A MAN WHO WAS UNCLEAN WITH A PRINCIPAL DEFILEMENT PUT HIS HAND INTO THE POT, IT BECOMES UNCLEAN.⁴³ BUT IF [HE WAS UNCLEAN] BY THE TOUCH OF A DEFILEMENT,⁴⁴ THE POT REMAINS CLEAN,⁴⁵ BUT ANY OF THE OTHER LIQUIDS⁴⁶ [CONTAINED IN THE POT] BECOMES UNCLEAN, FOR WATER CANNOT PURIFY THE OTHER LIQUIDS.⁴⁷

MISHNAH 9. IF ONE DREW WATER THROUGH A CHANNEL, ⁴⁸ IT CAUSES⁴⁹ SUSCEPTIBILITY TO UNCLEANNESS FOR THREE DAYS. R. AKIBA SAYS: IF THE CHANNEL WAS DRIED, IT AT ONCE DOES NOT CAUSE⁵⁰ SUSCEPTIBILITY TO UNCLEANNESS; BUT IF IT WAS NOT DRIED,

IT CAUSES SUSCEPTIBILITY EVEN FOR THIRTY DAYS.

MISHNAH 10. IF UNCLEAN LIQUIDS FELL UPON WOOD AND RAIN CAME DOWN UPON IT⁵¹ AND [THE RAIN WATER] EXCEEDED [THE LIQUIDS] IN QUANTITY. THEY BECOME CLEAN;⁵² BUT IF THE WOOD HAD BEEN TAKEN OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT, THEY ARE UNCLEAN⁵³ EVEN THOUGH [THE RAIN WATER] EXCEEDED IN QUANTITY. IF [THE WOOD] HAD ABSORBED UNCLEAN LIQUIDS,⁵⁴ THEY BECOME CLEAN EVEN THOUGH THE WOOD HAD BEEN CARRIED OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT.⁵⁵ BUT ONE MAY NOT LIGHT THE WOOD IN AN OVEN EXCEPT WITH CLEAN HANDS.⁵⁶ R. SIMEON SAYS: IF THE WOOD WAS FRESHLY-CUT WHEN IT WAS LIGHTED, AND THE LIQUIDS THAT CAME OUT OF IT⁵⁷ EXCEEDED IN QUANTITY THE LIQUIDS WHICH IT HAD ABSORBED, THEY BECOME CLEAN.⁵⁸

(1) From a river.

(2) Since the mouth and the moustache necessarily get wet when one is drinking, the water on them may be considered as desired by the drinker.

(3) These need not get wet, and therefore the water on them cannot be considered as desired by the drinker; cf. supra III, 8, nn. 8, 9.

(4) These necessarily get wet.

(5) Any water on the back of the jar or on its rope, since in this case they need not get wet.

(6) Accidentally.

(7) Cf. Kelim I, 1; 'Ed. (Sonc. ed.) p. 9, n. 4.

(8) Since the rain water fell on the unclean person without his wish, it does not become unclean (cf. infra VI, 8), and therefore does not come within the category of unclean liquids which render unclean and cause susceptibility even when not desired (supra I, 1, n. 4).

(9) The water that fell off, in accordance with the opinion of Beth Hillel, supra I, 2.

(10) And renders produce susceptible and unclean at the same time; cf. supra I, 1 n. 4.

(11) In the rain water coming down the wall.

(12) By the rain water, which is not wanted.

(13) Against one's wishes.

(14) Containing produce.

(15) In order to get out the produce inside it; for if he tilts the jar over to empty it, the water

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running out together with the falling produce will render the produce susceptible.

(16) By tilting over the jar, since he only wishes to empty the produce and not the water.

(17) Beth Shammai.

(18) Even though his hand may cause the water to come on the produce.

(19) Since he poured the water away only when the tub was moved to another place, it may be said that he did not object to the water when the tub was in its original place.

(20) His pouring away showed that he did not want the water even in the tub's original place.

(21) And not in the courtyard.

(22) And all the more so the water inside the tub.

(23) Only what splashed out and what ran over, but not what is inside.

(24) Even what splashed out and what ran over.

(25) Containing a pool of water.

(26) He is satisfied with this water.

(27) This is against his wish.

(28) Because he wishes his feet to be cleaned by the water.

(29) A pool for the purification of a defilement by immersion; cf. Mikwaoth Introduction.

(30) Even a person affected with a principal defilement; cf. supra 2, n. 7.

(31) The water in the Mikweh being joined to the ground cannot cause susceptibility to uncleanness; cf. Introduction.

(32) The lupines together with the basket.

(33) The basket becomes unclean with a secondary defilement of the first degree (ראשון (לשומא), and the lupines, having become susceptible by the water which adhered to them when lifted, contract a secondary defilement of the second degree (שני לשומא); cf. 'Ed. (Sonc. ed.) p. 9, n. 4.

(34) In spite of their contact with the unclean lupines of the second degree, for a second degree defilement cannot convey uncleanness to produce of a common character (חולין), like these lupines, but only to produce of priestly heave-offering (תרומה).

(35) In a pool of water.

(36) V. p. 486, n. 4.

(37) The water on it when lifted makes it susceptible to contract uncleanness from the touch of the menstruant woman.

(38) Joined to a valid Mikweh.

(39) Although this washing of the hands was unintentional, it suffices for handling produce of a common character.

(40) Since it fell in accidentally, it did not become susceptible.

(41) It becomes susceptible by the water on his hands.

(42) Of earthenware.

(43) An earthenware vessel becomes unclean by the entry into its air-space of a principal defilement, but cannot be made clean by the water of a Mikweh; cf. Lev. XI, 33; Mik, (Sonc. ed.) VI, 6, n. 4.

(44) He was unclean by a secondary defilement of the first degree after he had touched a principal defilement; cf. supra 6, nn. 13, 14.

(45) An earthenware vessel cannot be rendered unclean except by a principal defilement. The water in the pot is also clean, by coming in contact with the water of the Mikweh; v. Mik. (Sonc. ed.) X, 6, n. 5.

(46) Enumerated infra VI, 4, 5.

(47) Because they cannot mingle with the water of the Mikweh; cf. Mik. (Sonc. ed.) X, 6, n. 8.

(48) חולין, **. Maimonides and others explain it as a swape-pipe or bucket; cf. Mik. VIII, 1.

(49) Any moisture in the channel.

(50) The moisture cannot be from the water which had passed through the channel.

(51) Unexpectedly.

(52) The rain water neutralizes the unclean liquid.

(53) Because the rain water, being expected and desired, becomes itself unclean by the liquid.

(54) And the liquid disappeared from the surface of the wood.

(55) Because there is no contact between the unclean liquid and the rain water.

(56) The hands may render the rain water on the wood unclean, and this may convey uncleanness to the oven.

(57) The natural sap of the wood.

(58) The unclean liquid is neutralized by the sap.

Makshirin Chapter 5

MISHNAH 1. IF A MAN IMMERSED HIMSELF IN A RIVER¹ AND THERE WAS IN FRONT OF HIM ANOTHER RIVER AND HE CROSSED IT,² THE SECOND [WATER] PURIFIES³ THE FIRST [WATER]. IF HIS FELLOW WHO WAS INTOXICATED PUSHED HIM IN OR HIS BEAST,⁴ THE SECOND [WATER] PURIFIES THE FIRST [WATER]; BUT IF [HE DID IT] OUT OF PLAYFULNESS, IT COMES⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A MAN SWAM IN WATER, THE WATER THAT SPLASHED OUT⁶ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IT WAS HIS INTENTION TO SPLASH HIS FELLOW, THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE

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MADE A 'BIRD'⁷ IN THE WATER, NEITHER [THE WATER] THAT SPLASHED OUT⁸ NOR WHAT REMAINED IN IT⁹ COMES UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 3. IF DRIPPINGS [FROM A ROOF] CAME DOWN INTO FRUIT AND IT WAS MIXED UP IN ORDER THAT IT MIGHT BECOME DRY¹⁰ [QUICKLY]. R. SIMEON SAYS: IT COMES¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: IT DOES NOT COME¹² UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF A CISTERN WAS MEASURED WHETHER FOR ITS DEPTH OF FOR ITS BREADTH, IT COMES¹³ UNDER THE LAW OF 'IF WATER BE PUT'. THIS IS THE OPINION OF R. TARFON. BUT R. AKIBA SAYS: IF [IT WAS MEASURED] FOR ITS DEPTH,¹⁴ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF FOR ITS BREADTH, IT DOES NOT COME¹⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 5. IF ONE PUT HIS HAND OR HIS FOOT OR A REED INTO A CISTERN IN ORDER TO ASCERTAIN WHETHER IT HAD ANY WATER, IT DOES NOT COME¹⁶ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF TO ASCERTAIN HOW MUCH WATER IT HAD, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE THREW A STONE INTO A CISTERN TO ASCERTAIN WHETHER IT HAD ANY WATER, [THE WATER] THAT WAS SPLASHED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', AND ALSO [THE WATER] THAT IS ON THE STONE¹⁸ IS CLEAN.¹⁹

MISHNAH 6. IF ONE BEAT UPON A HIDE²⁰ OUTSIDE THE WATER, IT COMES²¹ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [HE BEAT IT] INSIDE THE WATER,²² IT DOES NOT COME²³ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: IT COMES UNDER THE LAW OF 'IF WATER BE PUT' ALSO IF [HE BEAT IT] INSIDE THE WATER, BECAUSE HIS INTENTION WAS THAT THE WATER

SHOULD COME OFF TOGETHER WITH THE FILTH.²⁴

MISHNAH 7. THE WATER THAT COMES UP INTO A SHIP OR INTO THE BILGE OR ON THE OARS DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'. THE WATER THAT COMES UP IN SNARES, NETS, OR GINS, DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN,²⁶ IT DOES COME²⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF A SHIP WAS LED OUT INTO THE GREAT SEA²⁸ IN ORDER TO TIGHTEN IT,²⁹ OR IF A NAIL³⁰ WAS TAKEN OUT INTO THE RAIN IN ORDER TO TEMPER IT. OR IF A BRAND WAS LEFT IN THE RAIN IN ORDER TO EXTINGUISH IT, THIS COMES³¹ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 8. [WATER ON] THE COVERING OF TABLES OR ON THE MATTING OF BRICKS DOES NOT COME³² UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN, IT DOES COME³³ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 9. ANY UNINTERRUPTED FLOW OF LIQUID³⁴ IS CLEAN,³⁵ EXCEPT [THE FLOW] OF HONEY OF ZIPHIM³⁶ AND OF BATTER.³⁷ BETH SHAMMAI SAY: ALSO [THE FLOW OF] THICK POTTAGE OF GRITS, OR OF BEANS, BECAUSE IT BOUNDS BACKWARDS.

MISHNAH 10. [THE FLOW] OF HOT WATER POURED³⁸ INTO HOT WATER, OF COLD WATER [POURED] INTO COLD WATER, OF HOT WATER [POURED] INTO COLD WATER REMAINS CLEAN; BUT [THE FLOW] OF COLD WATER [POURED] INTO HOT WATER BECOMES UNCLEAN.³⁹ R. SIMEON SAYS: ALSO [THE FLOW] OF NOT WATER POURED INTO NOT WATER BECOMES UNCLEAN IF THE STRENGTH OF THE HEAT OF THE LOWER [WATER] IS GREATER THAN THAT OF THE UPPER [WATER].⁴⁰

MISHNAH 11. IF A WOMAN WHOSE HANDS WERE CLEAN STIRRED⁴¹ AN UNCLEAN POT

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AND HER HANDS PERSPIRED, THEY BECOME UNCLEAN.⁴² IF HER HANDS WERE UNCLEAN AND SHE STIRRED A CLEAN POT AND HER HANDS PERSPIRED THE POT BECOMES UNCLEAN.⁴³ R. JOSE SAYS: ONLY IF HER HANDS DRIPPED.⁴⁴ IF GRAPES WERE WEIGHED IN THE SCALE OF A BALANCE, THE WINE⁴⁵ IN THE SCALE IS CLEAN⁴⁶ UNTIL IT IS Poured INTO A VESSEL.⁴⁷ LO, THIS IS LIKE BASKETS OF OLIVES AND GRAPES WHEN THEY ARE DRIPPING [WITH SAP].⁴⁸

- (1) The water of this river which was still on his body could render produce susceptible, because he wished it to come on his body.
- (2) Against his wish.
- (3) I.e., neutralizes it, so that neither the water from the first river nor from the second river can cause susceptibility.
- (4) Into a river after they had become wet with intention.
- (5) The second water was also acceptable.
- (6) Without the intention of the swimmer.
- (7) A game for blowing bubbles by means of a tube placed in water; var. lec. 'a tube'.
- (8) Without intention.
- (9) In the tube.
- (10) The owner mixed up the wet fruit with the dry fruit, so as to accelerate the drying of the moisture by spreading it over a wider space.
- (11) The dry fruit was deliberately moistened by the owner's act.
- (12) His intention was not to moisten any of the fruit, but to remove the moisture from the whole fruit as quickly as possible.
- (13) The water of the measuring-rod.
- (14) When the water on the measuring-rod is necessary, in order to indicate by its mark on the rod the exact depth of the water.
- (15) In measuring the breadth the water on the measuring-rod is immaterial for ascertaining the extent of the cistern.
- (16) The water on the hand or on the foot or on the rod is not wanted.
- (17) The water on the hand or on the foot or on the rod is wanted, in order to show by its mark the exact quantity of water in the cistern.
- (18) Even on the part of the stone above the surface of the water in the cistern.
- (19) It cannot contract an uncleanness nor can it cause susceptibility to uncleanness.
- (20) To remove the moisture after washing the hide in a pool.
- (21) The moisture coming out of the hide causes susceptibility, because there is here the intention of

removing the moisture, as in the case of a tree which is shaken in order to drop the rain water from its branches, supra I, 2.

- (22) The hide is beaten while inside the pool in order to remove its hair and its filth.
- (23) There can be no intention here of removing moisture, since the hide still remains in the water.
- (24) In order to get on it fresh clean water and complete its cleansing.
- (25) One is indifferent to such water.
- (26) To remove the water.
- (27) The removal was done by intention, as in p. 490. n. 10.
- (28) The Mediterranean, or into any other sea.
- (29) To tighten the wooden planks which had become loose while the boat was ashore.
- (30) Hot from the fire.
- (31) In all these cases the water is desired.
- (32) The water is not wanted.
- (33) Cf. p. 490, n. 10.
- (34) Poured from a clean vessel into an unclean vessel.
- (35) In the upper vessel; cf. Toh. VIII, 9; Yad. IV, 7.
- (36) According to an explanation in Sot. 58b the honey is so named after Ziph in the south of Judah; cf. Joshua XV, 55; Ps. LIV, 2.
- (37) צִפְּיָהּ. The meaning of this word is uncertain. It is usually taken as צִפְּיָהּ. Ex. XVI 31. Maim. explains it as honey from a place called Zappahath. These are thick liquids, and when the flow stops suddenly, it is likely to bound back from the unclean vessel into the clean vessel, and thus render it unclean.
- (38) From a clean vessel into an unclean vessel.
- (39) The hot water in the unclean vessel causes steam to rise which mixes with the water in the clean vessel and renders it unclean.
- (40) Thus forming steam in the lower unclean vessel, which rises into the cooler clean vessel.
- (41) With a ladle.
- (42) The perspiration caused by the steam of the unclean pot renders her hands unclean.
- (43) By the perspiration of her unclean hands.
- (44) But not by the steam of the hot sweat.
- (45) The sap that escapes from the grapes.
- (46) Nor can it cause susceptibility to uncleanness.
- (47) Only then can it be considered a liquid.
- (48) Which likewise is not considered a liquid until it is poured into a vessel; cf. infra VI, 8.

Makshirin Chapter 6

MISHNAH 1. IF ONE CARRIED UP HIS FRUIT TO THE ROOF BECAUSE OF MAGGOTS,¹ AND DEW CAME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE

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PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,² IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF A DEAF-MUTE, OR AN IDIOT, OR A MINOR CARRIED IT UP, ALTHOUGH HE EXPECTED THAT DEW SHOULD COME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.³

MISHNAH 2. IF ONE CARRIED UP TO THE ROOF BUNDLES [OF VEGETABLES] OR CAKES OF FIGS OR GARLIC SO AS TO KEEP THEM FRESH, IT DOES NOT COME⁴ UNDER THE LAW OF 'IF WATER BE PUT'. ALL BUNDLES [OF VEGETABLES] IN THE MARKET PLACES ARE UNCLEAN.⁵ R. JUDAH DECLARES THEM CLEAN IF THEY ARE FRESH.⁶ R. MEIR SAID: WHEREFORE HAVE THEY DECLARED THEM UNCLEAN? ONLY BECAUSE OF LIQUID FROM THE MOUTH.⁷ ALL COARSE AND FINE FLOURS OF THE MARKET PLACES ARE UNCLEAN.⁸ CRUSHED WHEAT, GROATS, AND PEARL- BARLEY⁹ ARE UNCLEAN EVERYWHERE.¹⁰

MISHNAH 3. ALL EGGS MAY BE PRESUMED CLEAN EXCEPT THOSE OF DEALERS IN LIQUIDS;¹¹ BUT IF THEY SOLD WITH THEM DRY FRUIT, THEY ARE CLEAN.¹² ALL FISH MAY BE PRESUMED UNCLEAN.¹³ R. JUDAH SAYS: PIECES OF ILTITH,¹⁴ EGYPTIAN FISH WHICH ARRIVES IN A BASKET, AND SPANISH TUNNY, THESE MAY BE PRESUMED CLEAN.¹⁵ ALL KINDS OF BRINE MAY BE PRESUMED UNCLEAN. CONCERNING ALL THESE¹⁶ AN 'AM HA-AREZ¹⁷ MAY BE TRUSTED WHEN HE DECLARES THEM TO BE CLEAN, EXCEPT IN THE CASE OF FISH,¹⁸ SINCE THEY¹⁹ ARE USUALLY STORED WITH ANY 'AM HA-AREZ.²⁰ R. ELIEZER B. JACOB SAYS: CLEAN BRINE INTO WHICH WATER FELL IN ANY QUANTITY MUST BE DEEMED UNCLEAN.²¹

MISHNAH 4. THERE ARE SEVEN LIQUIDS:²² DEW, WATER, WINE, OIL, BLOOD,²³ MILK AND BEES' HONEY. HORNETS' HONEY DOES

NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS AND MAY BE EATEN.

MISHNAH 5. A SUB-SPECIES OF WATER²⁴ ARE THE LIQUIDS THAT COME FORTH FROM THE EYE, FROM THE EAR, FROM THE NOSE AND FROM THE MOUTH, AND URINE, WHETHER OF ADULTS OR OF CHILDREN,²⁵ WHETHER [ITS FLOW IS] CONSCIOUS OR UNCONSCIOUS. A SUB-SPECIES OF BLOOD ARE BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE CLEAN, AND BLOOD FROM BLOOD LETTING FOR DRINKING.²⁶ WHEY IS DEEMED LIKE MILK, AND THE SAP OF OLIVES IS DEEMED LIKE OIL, SINCE IT IS NEVER FREE FROM OIL.²⁷ THIS IS THE OPINION OF R. SIMEON. R. MEIR SAYS: EVEN THOUGH IT CONTAINS NO OIL. THE BLOOD OF A CREEPING THING IS DEEMED LIKE ITS FLESH,²⁸ IT CAUSES UNCLEANNESS BUT DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS, AND WE HAVE NOTHING LIKE IT.²⁹

MISHNAH 6. THE FOLLOWING CAUSE UNCLEANNESS AND ALSO SUSCEPTIBILITY³⁰ [TO UNCLEANNESS]; THE ISSUE³¹ OF A PERSON WHO HAS A RUNNING ISSUE, HIS SPITTLE, HIS SEMEN AND HIS URINE, A QUARTER-LOG FROM A CORPSE, AND THE BLOOD OF A MENSTRUANT WOMAN. R. ELIEZER SAYS: SEMEN DOES NOT CAUSE SUSCEPTIBILITY. R. ELEAZAR B. 'AZARIAH SAYS: THE BLOOD OF A MENSTRUANT WOMAN DOES NOT CAUSE SUSCEPTIBILITY. R. SIMEON SAYS: THE BLOOD OF A CORPSE DOES NOT CAUSE SUSCEPTIBILITY, AND IF IT FELL ON A GOURD, IT SHOULD BE SCRAPED OFF,³² AND IT REMAINS CLEAN.

MISHNAH 7. THE FOLLOWING CAUSE NEITHER UNCLEANNESS NOR SUSCEPTIBILITY TO UNCLEANNESS: SWEAT,³³ ILL-SMELLING SECRETION, EXCREMENT, BLOOD ISSUING WITH ANY OF THESE, LIQUID³⁴ [ISSUING FROM A STILL-BORN CHILD] OF EIGHT MONTHS (R. JOSE

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SAYS: EXCEPT ITS BLOOD).³⁵ [THE DISCHARGE FROM THE BOWELS OF] ONE WHO DRINKS THE WATER OF TIBERIAS³⁶ EVEN THOUGH IT COMES OUT CLEAN, BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE UNCLEAN, AND BLOOD FROM BLOODLETTING FOR HEALING.³⁷ R. ELIEZER DECLARES THESE³⁸ UNCLEAN. R. SIMEON B. ELEAZAR SAYS: THE MILK OF A MALE IS CLEAN.³⁹

MISHNAH 8. A WOMAN'S MILK RENDERS UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED,⁴⁰ BUT THE MILK OF CATTLE RENDERS UNCLEAN ONLY IF [ITS FLOW IS] DESIRED. R. AKIBA SAID: THE MATTER CAN BE PROVED BY AN INFERENCE FROM MINOR TO MAJOR: IF A WOMAN'S MILK, THE USE OF WHICH IS CONFINED TO INFANTS, CAN RENDER UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED, ALL THE MORE SHOULD THE MILK OF CATTLE, THE USE OF WHICH IS COMMON TO INFANTS AND TO ADULTS, RENDER UNCLEAN BOTH WHEN [ITS FLOW IS] DESIRED AND WHEN IT IS NOT DESIRED. BUT THEY⁴¹ SAID TO HIM: NO; A WOMAN'S MILK RENDERS UNCLEAN WHEN [ITS FLOW IS] NOT DESIRED, BECAUSE THE BLOOD ISSUING FROM HER WOUND IS UNCLEAN;⁴² BUT HOW COULD THE MILK OF CATTLE RENDER UNCLEAN WHEN [ITS FLOW IS] NOT DESIRED, SEEING THAT THE BLOOD ISSUING FROM ITS WOUND IS CLEAN? HE SAID TO THEM: I ADOPT A MORE RIGOROUS RULING IN THE CASE OF MILK THAN IN THE CASE OF BLOOD, FOR IF ONE MILKS FOR HEALING,⁴³ [THE MILK] IS UNCLEAN,⁴⁴ WHEREAS IF ONE LETS BLOOD FOR HEALING, [THE BLOOD] IS CLEAN.⁴⁵ THEY SAID TO HIM: LET BASKETS OF OLIVES AND GRAPES PROVE⁴⁶ IT; FOR LIQUIDS FLOWING FROM THEM ARE UNCLEAN ONLY WHEN [THE FLOW IS] DESIRED, BUT WHEN [THE FLOW IS] NOT DESIRED THEY ARE CLEAN.⁴⁷ HE SAID TO THEM: NO; IF YOU SAY [THUS] OF BASKETS OF OLIVES AND GRAPES WHICH

ARE AT FIRST A SOLID FOOD AND AT THE END BECOME A LIQUID, COULD YOU SAY [THE SAME] OF MILK WHICH REMAINS A LIQUID FROM BEGINNING TO END?⁴⁸ THUS FAR WAS THE ARGUMENT.⁴⁹ R. SIMEON SAID: FROM THENCEFORWARD WE⁵⁰ USED TO ARGUE BEFORE HIM: LET RAIN WATER PROVE IT, FOR IT REMAINS A LIQUID FROM BEGINNING TO END, AND RENDERS UNCLEAN ONLY WHEN [ITS FLOW IS] DESIRED. BUT HE SAID TO US: NO; IF YOU SAY [THUS] OF RAIN WATER, IT IS BECAUSE MOST OF IT IS INTENDED NOT FOR MAN⁵¹ BUT FOR THE SOIL AND FOR TREES, WHEREAS MOST MILK IS INTENDED FOR MAN.

- (1) To prevent the fruit from becoming wormy.
- (2) To get the fruit damp by the dew.
- (3) Cf. supra III, 8.
- (4) If dew fell on the vegetables.
- (5) Because the dealers are wont to sprinkle them with water to keep them fresh, thus rendering them susceptible to uncleanness, and then they are handled by unclean hands.
- (6) Fresh vegetables are not sprinkled by the dealers, and thus have not become susceptible to uncleanness from unclean hands.
- (7) R. Meir holds that the reason why vegetables in the market have been declared unclean is not because they are handled by unclean hands, but because the dealers, who may be affected by a running issue (cf. infra 6), undo the bundles with their teeth, and thus cause unclean spittle from their mouth to come upon the vegetables. Therefore there is no difference whether the vegetables are fresh or not.
- (8) Because the wheat is damped before milling, and thus the flour has become susceptible to uncleanness by the contact of those who handle it.
- (9) For the exact meaning of these kinds of grain, cf. M.K. 13b.
- (10) Even not in the market place, because they are damped in the process of crushing, and are then handled by unclean hands.
- (11) Who handle the eggs with liquid dripping from their hands and thus render them susceptible to become unclean by those who handle them.
- (12) Because they are careful to keep their hands dry.
- (13) Cf. 'Uk. III, 8. They have been rendered susceptible by the water shaken off from the nets.
- (14) A species of large fish.
- (15) These are spoilt by water, and have therefore been kept dry.

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(16) Eggs, fruit and brine.

(17) עַם הָאָרֶץ. Lit., 'the people of the land', the untutored peasant, or any other person who is lax about the observance of the laws of purity and the laws of tithing produce, as distinguished from the learned הַבַּיִת, or associate of those who are scrupulous about these laws. Cf. supra II, 10. n. 4; Demai, Introduction 3; 'Ed. I, 14 (Sonc. ed.) p. 8, n. 1.

(18) According to some commentators 'the brine of fish'. The 'am ha-arez is not to be trusted when he declares that fish (or the brine of fish) has not become susceptible.

(19) Var. lec. 'it', viz., fish.

(20) Which proves that he can be trusted.

(21) Water renders it susceptible, and it then becomes unclean by handling.

(22) Which render produce susceptible to uncleanness.

(23) Human blood, v. next Mishnah.

(24) That causes susceptibility under the heading of water.

(25) According to other commentators: 'Whether liquid excrement or real urine'.

(26) Its flow is desired.

(27) It contains a proportion of oil.

(28) It can be added to the flesh to make up a lentil's bulk which is the minimum quantity of a creeping thing to convey uncleanness; cf. Me'il. IV, 3.

(29) That blood should be accounted as flesh.

(30) Simultaneously.

(31) Cf. Kelim I, 3.

(32) Because blood is forbidden to be eaten.

(33) Cf. supra II, 1.

(34) Such as blood, urine, etc.

(35) Its blood conveys impurity.

(36) Which acts as a purgative.

(37) Its flow is not desired.

(38) The last two kinds of blood.

(39) Like mere perspiration.

(40) If it dripped from the breast automatically; cf. Kelim VIII, 11.

(41) The Sages holding the opinion as given in the beginning of the Mishnah.

(42) Like the blood of a corpse, and this blood flows from the wound automatically.

(43) An animal to relieve its pain.

(44) It is capable of becoming unclean, since its flow is desired.

(45) As stated in the last Mishnah.

(46) Animal's milk may be compared to the juice flowing from such baskets, since both serve as human food.

(47) Cf. supra V, 11, n. 11.

(48) Milk is more of a liquid than fruit juice.

(49) Between R. Akiba and his colleagues.

(50) R. Akiba's disciples.

(51) The use of rain for man is limited, therefore rain cannot render human food susceptible to uncleanness unless a man desires its flow upon his food.