

The Soncino Babylonian Talmud



PESOCHIM

Book I

Folios 2a-32b

TRANSLATED INTO ENGLISH

WITH NOTES

CHAPTERS I - II

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PESACHIM - 2a-32b

Pesachim 2a

CHAPTER I

MISHNAH. ON THE EVENING [OR]¹ OF THE FOURTEENTH [OF NISAN] A SEARCH IS MADE FOR LEAVEN² BY THE LIGHT OF A LAMP.³ EVERY PLACE WHEREIN LEAVENED BREAD IS NOT TAKEN DOES NOT REQUIRE SEARCHING, THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]?⁴ [CONCERNING] A PLACE WHEREIN LEAVEN MIGHT BE TAKEN,⁵ BETH SHAMMAI MAINTAIN: TWO ROWS OVER THE FRONT OF THE WHOLE CELLAR;⁶ BUT BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST.⁷

GEMARA. What is OR? — R. Huna said: Light [Naghe]; while Rab Judah said: Night [Lele]. Now it was assumed [that] he who says light means literally light;⁸ while he who says night means literally night.⁹

An objection is raised: As soon as the morning was light [or], the men were sent away,¹⁰ which proves that 'or' is day? — Is it then written, The 'or' was morning: [Surely] 'the morning was or' is written, as one says, Morning has broken forth. And [this verse is] in accordance with what Rab Judah said in Rab's name. For Rab Judah said in Rab's name: A man should always enter [a town] by day,¹¹ and set out by day.¹²

An objection is raised: As the light of [or] the morning, when the sun riseth,¹³ which proves that 'or' means the daytime? — Is it then written, 'or is morning': surely it is written, 'as the light of [or] the morning', and this is its meaning: 'and as the light of the morning' in this world so shall the rising of the sun be unto the righteous in the world to come.¹⁴

An objection is raised: And God called the light [or] Day¹⁵ which proves that or is daytime? — This is its meaning: the advancing of light¹⁶ He called Day.¹⁷ If so, 'and the darkness He called Night' means

[similarly], the advancing of darkness He called Night:¹⁸ but surely it is an established principle that it is day until the appearance of the stars?¹⁹ Rather this is its meaning: The Merciful One summoned the light and appointed it for duty by day, and He summoned the darkness and appointed it for duty by night.²⁰

An objection is raised: Praise him all ye stars of light [or],²¹ which proves that 'or' is evening? — This is its meaning: praise him all ye stars which give light. If so, are only the stars that give light to praise [Him], while those which do not give light need not praise — yet surely It is written, Praise ye him, all his host?²² Rather he [the Psalmist] tells us this: the light of the stars too is [designated] light. What is its practical bearing? In respect of one who vows [not to benefit] from light. For it was taught: If one vows [not to benefit] from light, he is prohibited the light of stars.

An objection is raised: The murderer riseth with the light [or], he killeth the poor and needy, and in the night he is as a thief.²³

(1) אור. This is the meaning finally assigned in the Gemara to OR after a considerable discussion.

(2) Heb. חמץ, Hamez. Two words are employed in the Bible: (i) Hamez, leavened stuff v. infra 42a and (ii) Se'or, leaven, i.e., dough so greatly leavened as to act as a leavening agent for other dough. In this Tractate Hamez will generally be translated 'leaven' except where it is necessary to distinguish it from Se'or.

(3) So that there shall be none in the house during Passover, which commences on the fifteenth.

(4) Seeing that leaven is not generally taken into a wine cellar.

(5) A private cellar from which supplies are drawn for table. The servant sometimes enters it while eating bread.

(6) Must be searched.

(7) V. infra 8b.

(8) I.e., daybreak or morning.

(9) Rashi deletes this, since that is so, in fact.

(10) Gen. XLIV, 3.

(11) Lit., 'when it is good', the allusion being to Gen. I, 4: and God saw the light, that it was good.

(12) Thus the brethren waited for daybreak before setting out.

(13) II Sam. XXIII, 4.

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(14) Though at sunrise in this world it is still rather dark, yet in the future world it shall be as light as when the morning is advanced in this world (R. Tam). Rashi's explanation is slightly different.

(15) Gen. I, 5.

(16) Lit., 'that which proceeds to grow light'.

(17) I.e., the moment when light begins to appear marks the commencement of day. On this translation or is not a noun but a gerund: the lighting up.

(18) The moment when darkness begins to fall marks the commencement of night.

(19) Though darkness begins to fall earlier.

(20) Thus Wayikra is translated: and he summoned, not, 'and he called (designated)', as in E.V.

(21) Ps. CXLVIII, 3.

(22) Ibid. 2.

(23) Job. XXIV, 14.

Pesachim 2b

Now since he states, 'and in the night he is as a thief,' it follows that 'or' is day? — The meaning there is this: if the matter is as clear as light to you that he [the thief] comes [even] to take life, he is a murderer, and he [the victim] may be saved at the cost of his [the thief's] life; but if you are doubtful about it, like [the darkness of] the night, you must regard him [only] as a thief, and he [the victim] must not be saved at the cost of his life.¹

An objection is raised: Let the stars of the twilight thereof be dark: let him look for light [or], but have none; neither let it behold the eyelids of the morning.² Since he says, 'let him look for light, but have none, it follows that 'or' is day? — There Job indeed curses his destiny³ and exclaims, Heaven grant that that man [sc. himself] look for light, but have none.⁴

An objection is raised: If I say, Surely the darkness shall overwhelm me, and the light [or] about me shall be night:⁵ this proves that 'or' is day?⁶ — There David said thus: I thought, surely darkness shall overwhelm me in the future world, which resembles day; but now, even this world, which resembles night,⁷ is light about me.

An objection is raised: R. Judah said: We search [for leaven] in the evening ['or'] of the fourteenth, in the morning of the fourteenth, and at the time of removal:⁸ Now since R. Judah says, 'We search in the evening ['or'] of the fourteenth and in the morning of the fourteenth,' it follows that 'or' is evening. This proves it.

An objection is raised: From when is work forbidden on the fourteenth [of Nisan]? R. Eliezer b. Jacob said: From the time of the 'or';⁹ R. Judah said: From the [first] sparklings of the [rising] sun

Said R. Eliezer b. Jacob to R. Judah: Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted? He replied, Let that [day] itself prove [this possibility], for during part of it the eating of leaven is permitted, whereas during the other part it is forbidden.¹⁰ Now since R. Judah maintains, From the [first] sparklings of the [rising] sun, it follows that by 'or' R. Eliezer b. Jacob means evening? No; what does 'or' mean? The morning dawn. If so, when he says to him, 'Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted,' let him answer himself: surely there is the night, which is permitted?¹¹ —

R. Eliezer b. Jacob argues thus: As for my view, it is well; we find that the Rabbis drew a distinction between night and day, for it was taught in respect of a public fast: Until when may one eat and drink? Until the commencement¹² of dawn: this is R. Eliezer b. Jacob's view. R. Simeon maintained: Until cockcrow.¹³ But on your view: where do we find that the Rabbis drew a distinction in the day itself? [To which] he replied, Let that [day] itself prove it, for during part thereof the eating of leaven is permitted while during part thereof it is forbidden? R. Judah answers R. Eliezer rightly?¹⁴

R. Eliezer says thus to him: I speak to you of work, which is [prohibited] by the Rabbis,

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while you answer me about leaven [on the fourteenth day], which is [prohibited] by Scripture; thus far¹⁵ the Divine Law permits, and from then Scripture forbids. And the other?¹⁶ — The [additional] hours are Rabbinical.¹⁷ And the other? — The Rabbis [merely] erected a safeguard for a Scriptural law.¹⁸

An objection is raised: Bonfires are lit only for a new moon that is visible in its [due] time, in order to sanctify it.¹⁹ And when were the bonfires lit? on the evening ['or'] following the intercalated day.²⁰ This proves that 'or' is evening. This proves it.

An objection is raised: If he [the priest] was standing all night and offering [the fats of sacrifices] on the altar, at daybreak [Orah] he must wash his hands and feet:²¹ this is Rabbi's view?²² — Orah is [a] different [word].

Mar Zutra raised an objection:

(1) V. Ex. XXII, 1; the present verse lays down the conditions for the law stated there to be applicable.

(2) Job. III, 9.

(3) Mazzal is the constellation which controls one's destiny.

(4) But 'light' there is not parallel to or synonymous with morning.

(5) Ps. CXXXIX, 11.

(6) Since it is contrasted with night.

(7) By contrast, with the next; but not absolutely, Judaism being far too robust and optimistic a religion for such a view; cf. Hertz, Genesis, Additional Note A, III, p. 57.

(8) When the leaven must be destroyed.

(9) But even if it is the practice in a community to cease work earlier, this has no binding force; v. infra 50a.

(10) V. infra 11b.

(11) Though night is part of the day.

(12) Lit., 'ascending'.

(13) The prohibition of work on the fourteenth is likewise merely Rabbinical.

(14) Surely he must have perceived the answer himself!

(15) Up to a certain hour.

(16) Does he not admit the distinction?

(17) V. infra 11b Mishnah. Thus they permit the first four hours and forbid the following two.

(18) Lest the day is cloudy and one does not know exactly when it is midday; therefore they added

two hours. But when the law is entirely Rabbinical, they would not apply it to part of the day only.

(19) The Jewish month, which is lunar, consists of either twenty-nine or thirty days. During the early Talmudic age.

(20) The additional day is the thirtieth, whereby the month is full; the bonfire is lit on the evening of the thirty-first.

(21) Lit., 'he needs the sanctification of his hands and feet (from the laver)', v. Ex. XXX, 17.

(22) Thus 'Orah' denotes daybreak, and it is now assumed that 'or' and 'Orah' are identical.

Pesachim 3a

If a woman miscarries on the evening [or] of the eighty-first day; Beth Shammai exempt her from a sacrifice, whereas Beth Hillel declare her liable.¹ Said Beth Hillel to Beth Shammai: Wherein does the evening ['or'] of the eighty-first differ from the day of the eighty-first; seeing that it was assimilated thereto in respect of uncleanness,² shall one not assimilate it thereto in respect of sacrifice? Now since Beth Hillel say to Beth Shammai, 'Wherein does the evening [or] of the eighty-first differ from the day of the eighty-first,' it follows that 'or' is evening. This proves it.

New Moon was fixed by direct observation, not calculation, and communities at a distance from Jerusalem were informed by bonfires. These were lit only if the New Moon appeared 'in its (due) time,' i.e., it was fixed for the thirtieth day, the previous month thus consisting of twenty-nine days only; in that case too Beth Din formally sanctified this day. But if observation fixed it for the thirty-first day, no bonfires were lit, since the absence of bonfires on the previous day would be a sufficient signal; further, New Moon was not formally sanctified by Beth Din (Rashi).

An objection is raised: one might think that it³ may be eaten on the evening ['or'] of the third day [from sacrifice], and it is logical: Sacrifices⁴ are eaten on one day,⁵ while peace-offerings are eaten on two days: just as there the night follows the day,⁶ so here too the night should follow the day. Therefore it is

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stated, It shall be eaten the same day ye offer it, and on the morrow: and if aught remain until the third day [it shall be burnt with fire]:⁷ teaching, it may be eaten only during the day, but it may not be eaten during the evening ['or'] of the third day. One might think that it must be burnt immediately;⁸ and this is logical: Sacrifices⁴ may be eaten one day and one [sc. the following] night, while peace-offerings may be eaten two days and one [sc. the intermediate] night: just as there, immediately after [the time allowed for] eating there is burning, so here too immediately after [the time allowed for] eating there is burning. Therefore it is stated, But that which remaineth of the flesh of the sacrifice, on the third day it shall be burnt with fire:⁹ teaching, you must burn it by day, but you must not burn it by night. Since he states,...it may be eaten in the evening ['or'] of the third day,' it follows that or is evening. This proves it.

Come and hear: on the evening ['or'] of the Day of Atonement one recites seven [benedictions] and confesses; in the morning service he recites seven and confesses; in the additional service¹⁰ he recites seven and confesses; at minhah¹¹ he recites seven and confesses; (at Ne'ilah — the concluding service — he recites seven and confesses);¹² in the evening service he recites [one benediction] embodying the eighteen; R. Hanina b. Gamaliel said on the authority of his fathers: He must recite the eighteen [benedictions] in full, because he must pronounce Habdalah¹³ in [the benediction] 'Thou dost graciously grant knowledge'.¹⁴ This proves that 'or' is evening. This proves it.

Come and hear: For the School of Samuel¹⁵ learned: 'In the evening¹⁶ of the fourteenth leaven is searched for by the light of a lamp'; thus proving that 'or' is evening!¹⁷ The fact is both R. Huna and Rab Judah are alike, agreeing that 'or' is evening, and there is no controversy: each Master [speaks] in accordance with his locality. In R. Huna's town they called it naghe,¹⁸ while in Rab

Judah's town it is called night [Lele]. And our Tanna, why does he not employ Lele?¹⁹ — He employs a refined expression, and in accordance with R. Joshua b. Levi. For R. Joshua b. Levi said: one should not utter a gross expression with his mouth, for lo! the Writ employs a circumlocution of eight letters²⁰ rather than utter a gross expression, for it is said, of every clean beast... and of the beasts that are not clean.²¹

R. Papa said: Nine, for it is said, If there be among you any man, that is not clean by reason of that which chanceth by night.²² Rabina said: Ten, [including] the Waw of tahir.²³ R. Aha b. Jacob said: Sixteen, for it is said, for he thought, Something hath befallen him he is not clean; surely he is not clean.²⁴

The School of R. Ishmael taught: one should always discourse in decent language, for lo!, the case of a zab²⁵ it is called riding, while in connection with a woman it is called sitting;²⁶ and it is said, and thou shalt choose the tongue of the subtle;²⁷ and it is said, and that which my lips know they shall speak purely.²⁸ Why [quote] 'and it is said [etc.]'?²⁹ — [For] should you object, that is only in the case of Scripture,³⁰ but not in the case of Rabbinical [discussions], then come and hear, 'and it is said, and thou shalt choose the tongue of the subtle'.³¹ Yet should you [still] object, that is only in reference to Rabbinical [discussions] but not secular matters, — then come and hear, 'and it is said, and that which my lips know they shall speak purely'. Now, is riding not written in connection with a woman, but surely it is written, And Rebekah arose, and her damsels, and they rode upon the camels?³² —

There it was natural through fear of the camels.³³ But it is written, and Moses took his wife and his sons, and made them ride upon an ass?³⁴ —

There

(1) A woman must bring a sacrifice eighty-one days after the birth of a daughter (v. Lev. XII,

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2.6). This sacrifice suffices also for a miscarriage within the eighty days, i.e., before it was due, but not for a miscarriage (or viable birth) from the eighty-first day and onwards, since by then it was already due on account of the first birth. Now, by the evening of the eighty-first day eighty days have already passed; on the other hand, since there are no sacrifices at night, she could not offer hers until the following morning. Beth Shammai and Beth Hillel accordingly differ as to whether that miscarriage entails a sacrifice or not.

(2) A discharge of blood on the eighty-first, whether in the evening or during the day, renders her unclean, — this is agreed by all. — A discharge between the fifteenth and the eightieth inclusive does not make her unclean; v. *ibid.* 5.

(3) Sc. the flesh of a peace-offering.

(4) Viz. the thanks-offering.

(5) I.e., only on the day they are brought.

(6) The thanks-offering may be eaten during the night following the day in which it is sacrificed.

(7) Lev. XIX, 6.

(8) After the expiration of the time allowed for its eating, i.e., on the evening of the third day.

(9) Lev. VII, 17.

(10) There is an additional service (Musaf) on all Sabbaths and Festivals, corresponding to the additional sacrifices of those days.

(11) v. Glos.

(12) The bracketed passage is absent in our text but is supplied from Yoma 87b and Nid. 8b.

(13) V. Glos.

(14) The 'Prayer' par excellence on weekdays comprises eighteen (subsequently increased to nineteen) statutory benedictions; on Sabbaths and Festivals the first three and the last three only are recited, the intermediate twelve being omitted and replaced by one bearing on the nature of the day. A feature of all the services on the Day of Atonement is the 'confession', a recital of sins committed, not necessarily by the individual but by the people as a whole, for which reason it is couched in the plural — 'we have sinned'. The evening following the Day of Atonement is of course non-holy, but the first Tanna permits one benediction comprising the eighteen to be recited. Each of the benedictions bears a name, indicating its main subject: the fourth is designated, 'Thou dost graciously grant knowledge', as it is a prayer for knowledge and understanding, and on the termination of Sabbaths and Festivals *Habdalah* is inserted in this benediction. For a full discussion of these benedictions v. J.E. art. *Shemoneh 'Esreh*; v. also *Elbogen*, J.G., 149f.

(15) The reading *infra* 7b is: the School of R. Ishmael.

(16) *Lele* — the very term employed by Rab Judah to define 'or' in our Mishnah.

(17) In refutation of R. Huna.

(18) Jast.: 'night-break'. Margin: light employed as a euphemism for darkness in the same way that a blind person is called a man with too much light.

(19) V. n. 3.

(20) I.e., uses eight letters more than is necessary.

(21) Gen. VII, 2; a single word, 'unclean', would save eight letters in the Hebrew text.

(22) Deut. XXIII, 11. Here, too, a single word 'unclean' would save nine letters in the Hebrew text.

(23) *Tahor* (טהור) is written plene, i.e., with a Waw, and that makes a difference of ten letters.

(24) I Sam. XX, 26.

(25) V. Glos.

(26) The reference is to Lev. XV, 9 and 20: And what saddle (or, carriage) soever he that hath issue rideth upon shall be unclean. Everything also that she sitteth upon shall be unclean. Actually the conditions of defilement are the same in both cases; nevertheless, Scripture did not speak of a woman's riding, because sitting is a more modest and decent conception.

(27) Job. XV, 5.

(28) *Ibid.* XXXIII, 3.

(29) What is the purpose of the additional quotations, seeing that the first verse proves his statement?

(30) Owing to its great sanctity.

(31) This is regarded as a positive injunction to speak subtly, i.e., with a due sense of the proprieties.

(32) Gen. XXIV, 61.

(33) A woman would ride properly, not merely sit on the side, through fear of falling down from the camel's high back.

(34) Ex. IV, 20.

Pesachim 3b

it was natural on account of his sons. But it is written, And it was so, as she rode on her ass?¹ — There it was natural through fear of the night. Alternatively, there was no fear of the night, but there was fear of David. Another alternative: there was no fear of David either, but there was the fear of the mountain. Yet is not 'unclean' written in Scripture?² Rather wherever they are equally convenient], [Scripture] discourses in a refined language; but wherever more words would be required, the shorter phraseology is employed. As R. Huna said in Rab's name — others say, R. Huna said in Rab's name on R. Meir's authority: one should always teach his pupil in concise terms. And where they are equal he discourses in refined speech? Yet

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surely 'riding' [Rokebeth] and 'sitting' [Yoshebeth] are alike [in length], yet 'riding' [Rokebeth] is stated? — Rakebeth is stated.³

Two disciples sat before Rab. one said, This discussion has made us [as tired] as an exhausted swine;⁴ while the other said, This discussion has made us [as tired] as an exhausted kid; and Rab would not speak to the former.

There were two disciples who sat before Hillel, one of whom was R. Johanan b. Zakkai-others state, before Rabbi, and one of them was R. Johanan: One said, Why must we vintage [grapes] in cleanness, yet need not gather [olives] in cleanness? While the other said: Why must we vintage in cleanness, yet may gather [olives] in uncleanness?⁵ I am certain that the latter will be an authorized teacher⁶ in Israel, he observed; and it did not take long before⁷ he was an authorized teacher in Israel.

There were three priests: one said, I received as much as a bean [of the showbread]; the second said, I received as much as an olive; while the third said, I received as much as a Halta'ah's tail.⁸ They investigated his pedigree⁹ and found a blemish of unfitness in him.¹⁰ But we learned: one must not investigate from the altar and above?¹¹ — Do not say, a blemish of unfitness, but a baseness which made him unfit.¹² Alternatively, there it was different, because he impaired his status himself.

A certain Syrian [i.e., non-Jew] used to go up and partake of the Passover sacrifices in Jerusalem, boasting: It is written, there shall no alien eat thereof. . . no uncircumcised person shall eat thereof,¹³ yet I eat of the very best.

Said R. Judah b. Bathyra to him: Did they supply you with the fat-tail? No, he replied. [Then] when you journey up thither say to them, Supply me with the fat-tail. When he went up he said to them, Supply me with the fat-tail. But the fat-tail belongs¹⁴ to the Most

High!¹⁵ they replied. Who told you [to do] this? they inquired. R. Judah b. Bathyra. answered he. What is this [matter] before us? they wondered. They investigated his pedigree, and discovered that he was a Syrian, and killed him.¹⁶

Then they sent [a message] to R. Judah b. Bathyra: 'Peace be with thee,¹⁷ R. Judah b. Bathyra, for thou art in Nisibis¹⁸ yet thy net is spread in Jerusalem.'

R. Kahana fell sick. [So] the Rabbis sent R. Joshua son of R. Idi, instructing him, Go and find out what is wrong with him.¹⁹ He went and found him dead.²⁰ Thereupon he rent his garment and turned the rent behind him²¹ and went along weeping. He has died? asked they of him. I have not said it, he answered, 'for he that uttereth evil tidings is a fool'.²²

Johanan of Hukok²³ went out to some villages.²⁴ on his return he was asked, 'Has the wheat crop been successful?'²⁵ 'The barley crop has been successful,' he replied.²⁶ 'Go out and tell it to horses and asses,' they retorted, 'for it is written, Barley also and straw for the horses and swift steeds.'²⁷ What then should he have said? — Last year the wheat crop was successful; or, the lentil crop is successful.

(1) I Sam. XXV, 20.

(2) It occurs many times. The circumlocution employed in the cited instances merely serves to indicate that delicate phraseology is a matter which must also enter into consideration, v. Rashi.

(3) I.e., Rokebeth is written defectively, without a Waw, which makes it shorter than Yoshebeth. Yoshebeth could not be written defectively, as the defective form of Yoshebeth has always a special meaning (Tosaf.). R. Han. reverses it: the full form of Yoshebeth is required, as a particular deduction is made from it.

(4) Lit., 'something else' — the unmentionable. The rendering 'exhausted' is Rashi's. R. Han. renders differently.

(5) V. Shab. 17a and notes a.l. The point here is that one scholar avoided the use of the word 'uncleanness', while the other did not.

(6) Lit., 'he will give teaching'.

(7) Lit., 'it was not few days until'.

(8) This is a gross expression. Halta'ah is a species of lizard (Jast.).

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(9) Lit., 'after him'.

(10) They discovered that his genealogy was impure and that he was unfit to serve in the Temple.

(11) Once a priest has officiated at the altar the purity of his descent must be assumed, as priests were not allowed to officiate without full investigation in the first place.

(12) They found his own character too vile for officiating on the altar. According to this emendation, the literal translation 'after him' must be retained in the text.

(13) Ex. XII, 43,48.

(14) Lit., 'goes up'.

(15) I.e., it is burnt on the altar.

(16) For a non-Jew might not even penetrate beyond a certain point within the Temple precincts on pain of death, and a public notice gave due warning of this. Josephus An'. XV, II, GR. ** 5.

(17) This is the customary greeting in Hebrew.

(18) In the north-east corner of Mesopotamia; it contained an important Jewish community. V. Obermeyer, p. 128-130.

(19) Lit., 'what is his sentence?'

(20) Lit., 'his soul had repose.'

(21) So that it should not be immediately perceptible — this was to lessen the shock.

(22) Prov. X, 18. E.V.... uttereth slander, etc.

(23) In Northern Palestine; v. Josh. XIX, 34.

(24) To inspect the crops.

(25) Lit., 'comely'.

(26) By which they might understand that the former was not. He was unwilling actually to state the bad news.

(27) I Kings v, 8.

from Dan, for it is written, Dan shall judge his people, as one of the tribes of Israel.⁸ A certain man was wont to go about and say, 'By the sea shore thorn-bushes are fir-trees.'⁹ They investigated and found that he was descended from Zebulun, for it is written, Zebulun shall dwell at the haven of the sea.¹⁰ And now that it is established that all agree that 'or' means evening, consider: according to both R. Judah and R. Meir,¹¹ leaven is forbidden from six hours¹² and onward only, then let us search in the sixth [hour]? And should you answer, The zealous are early [to perform] religious duties, then let us search from the morning? For it is written, and in the eighth day the flesh of his foreskin shall be circumcised,¹³ and it was taught: The whole day is valid for circumcision, but that the zealous are early [to perform] their religious duties, for it is said, And Abraham rose early in the morning!¹⁴ —

Said R. Nahman b. Isaac: [It was fixed] at the hour when people are found at home, while the light of a lamp is good for searching.¹⁵ Abaye observed: Therefore a scholar must not commence his regular session in the evening of the thirteenth breaking into the fourteenth, lest his studies absorb him¹⁶ and he come to neglect his religious duty.

Pesachim 4a

Rab was the son of R. Hiyya's brother and the son of his sister.¹ When he went up thither² he [R. Hiyya] asked him, 'Is Aibu alive?' '[Ask me whether] my mother is alive,' he replied. 'Is your mother alive?' asked he. 'Is then Aibu alive?' he replied.³ [Thereupon] he [R. Hiyya] said to his servant, 'Take off my shoes and carry my [bathing] things after me to the baths.' From this three [laws] may be inferred: [i] A mourner is forbidden to wear shoes; [ii] on a delayed report [of death]⁴ it [sc. mourning] is observed for one day only;⁵ and [iii] part of the day is as the whole of it.⁶

A certain man used to say, 'Judge my case'.⁷ Said they, This proves that he is descended

R. Nahman b. Isaac was asked: If one rents a house to his neighbor from the fourteenth, upon whom [rests the duty] to make the search? [Does it rest] upon the landlord, because the leaven is his; or perhaps upon the tenant, because the forbidden matter exists in his domain?

Come and hear: If one rents a house to his neighbor, the tenant must affix a meZuzah!¹⁷ - There, surely R. Mesharsheya said: The Mezuzah is the inhabitant's obligation; but how is it here? —

Said R. Nahman b. Isaac to them, We learned it: If one rents a house to his neighbor, if the fourteenth occurs before he delivers him the keys, the landlord must make the search; while if the fourteenth occurs after he

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Pesachim 4b

delivers the keys, the tenant must make search.

R. Nahman b. Isaac was asked: If one rents a house to his neighbor on the fourteenth, does it stand in the presumption of having been searched or not? What difference does it make? Let us ask him! — He is not present to be asked: hence what about troubling this one [the tenant]?¹⁸ —

Said R. Nahman b. Isaac to them, We have a teaching:¹⁹ All are believed concerning the removal of leaven, even women, even slaves, even minors.²⁰ Now why are they believed?

(1) Aibu, his father, was R. Hiyya's paternal brother, while Rab's mother was R. Hiyya's sister on his mother's side.

(2) To Palestine.

(3) Thus he intimated that they were both dead (Rashi). Tosaf. explains it differently on the strength of a different reading.

(4) I.e., which one receives after thirty days.

(5) Instead of the usual seven.

(6) The latter two follow from his order to take his bathing things to the baths. Thus he intended to observe mourning for a short while only and then proceed to the baths.

(7) In every dispute he insisted on going to law.

(8) Gen. XLIX, 16. Perhaps it is here translated: Dan shall enter into judgment with his people.

(9) Even the thorn-bushes there are as valuable as fir-trees elsewhere — an exaggerated way of expressing his love for the coast. Rashi offers another explanation: By the sea-shore would I build my palaces.

(10) Ibid. 13.

(11) v. Mishnah infra 11b.

(12) The day was reckoned from sunrise to sunset, hence six hours was about noon.

(13) Lev. XII, 3.

(14) Gen. XXII, 3.

(15) Hence the evening was appointed instead of the morning.

(16) Lit., 'draw him away'.

(17) v. Glos. Presumably the same principle applies here!

(18) Must we put him to the trouble of making a search?

(19) Lit., 'we have learned it'.

(20) Their testimony that the owner duly made a search is accepted.

Is it not because it stands in the presumption of having been searched, [the Tanna] holding, All are haberim¹ in respect to the searching of leaven.² For it was taught: If a Haber dies and leaves a store-house full of produce [crops], even if they are but one day old,³ they stand in the presumption of having been tithed.⁴ How so: perhaps it is different here because they [the woman, slave or minor] state it? —

Has then the statement of these any substance?⁶ What then [will you assume]? It stands in the presumption of having been searched? Then it should state, 'All houses stand on the fourteenth in the presumption of having been searched'? — What then [will you assume]? It is because of the statement of these⁷ [that the house is assumed to have been searched], but if these did not say [that it had been searched], it is not so? Then solve from this [teaching] that it does not stand in the presumption of having been searched! —

No. In truth I may tell you [that generally]⁸ it does stand in the presumption of having been searched; but what we discuss here⁵ is a case where we know for certain that he [the owner] did not search, but these⁷ affirm. We searched it. You might say, Let not the Rabbis believe them. Therefore it informs us [that] since the search for leaven is [required only] by Rabbinical law, for by Scriptural law mere nullification suffices for it, the Rabbis gave them⁹ credence in [respect to] a Rabbinical [enactment].

The scholars asked: What if one rents a house to his neighbor in the presumption of its having been searched, and he [the tenant] finds that it has not been searched? Is it as an erroneous bargain¹⁰ or not? —

Come and hear! For Abaye said: It is unnecessary [to say] of a town, where payment is not made [to others] for searching that a person is pleased to fulfill a precept personally;¹¹ but even in a town where

PESOCHIM - 2a-32b

payment is made for searching [it is not an erroneous bargain], because [it is to be assumed that] one is pleased to fulfill a precept with his money.¹²

We learned elsewhere: R. Meir said: one may eat [leaven] the whole of the five [hours]¹³ and must burn [it] at the beginning of the sixth.¹⁴

R. Judah said: one may eat until four [hours],¹⁵ hold it in suspense the whole of the fifth,¹⁶ and must burn it at the beginning of the sixth.¹⁷ Thus incidentally all agree that leaven is [Scripturally] forbidden from six hours [i.e., noon] and onwards: whence do we know it? —

Said Abaye, Two verses are written: Seven days shall there be no leaven found in your houses;¹⁸ and it is written, even [Ak] the first day ye shall put away leaven out of your houses:¹⁹ how is this [to be understood]?²⁰ It must include the fourteenth [as the day] for removal.²¹ Yet say that it includes the night of the fifteenth [as the time] for removal; for one might argue, ‘days’ is written, [implying] only days but not nights: hence it [the verse] informs us that even nights [are included in the interdict]?²² — That is unnecessary,

(1) Plur. of Haber; lit., ‘associates’. It denotes members of an association (Haburah) who undertake to be very scrupulous in their religious observance, particularly in regard to uncleanness and tithes.

(2) I.e., all men are regarded as Haberim in the matter under discussion, as it was universally observed.

(3) Only that day had they arrived at the stage when tithing, etc. is obligatory. The stage is reached when the harvested produce is stacked up.

(4) Lit., ‘properly prepared’ — it may be assumed that the priestly and Levitical dues have been rendered. Similarly it is to be presumed that the landlord had searched the house before renting it.

(5) In the cited teaching.

(6) Their testimony is invalid where testimony is required.

(7) I.e., the woman, slave or minor.

(8) I.e., in a case such as submitted to R. Nahman b. Isaac. (12) A declaration by the owner that all

leaven in the house is null and has no value whatsoever in his eyes.

(9) I.e., the woman, slave or minor.

(10) On the strength of which the tenant can retract.

(11) There the tenant is certainly unable to retract, as it is assumed that he, like all the others, is glad of this opportunity to fulfill personally a religious obligation.

(12) And even had he known beforehand that the house was not searched he would not have refrained from renting it; hence he cannot retract now.

(13) I.e., until 11 a.m.

(14) But may not wait until the end of the sixth, i.e., noon (by which time it is Scripturally forbidden to have leaven in the house), because one can err in the time.

(15) Until 10 a.m.

(16) I.e., in that hour it may neither be eaten, nor need it be burned, but it can be given to animals.

(17) V. infra 11b.

(18) Ex. XII, 19.

(19) Ibid. 15.

(20) If the leaven is only put away on the first day, as the latter verse implies, there are not seven full days without leaven, as is intimated by the former verse.

(21) I.e., ‘first’ must mean the first (immediately) preceding day before the seven; cf. infra 5a.

(22) Thus ‘yet at the first day’, etc. may mean that at the very beginning of the seven days, i.e., on the evening of the fifteenth, all leaven must be removed, but there is no prohibition for any part of the fourteenth.

Pesachim 5a

for the putting away of leaven is assimilated to [the prohibition of] eating leavened bread,¹ and the eating of leavened bread to the [precept of] the eating of unleavened bread. The putting away of leaven [is assimilated] to [the prohibition of] the eating of leavened bread, for it is written, seven days shall there be no leaven in your houses,² for whosoever eateth that which is leavened, that soul shall be cut off.² And [the prohibition of] the eating of leavened bread [is likened] to the [precept of] eating unleavened bread, because it is written, Ye shall eat nothing leavened; in all your habitations shall ye eat unleavened bread;³ and in respect to unleavened bread it is written, at even ye shall eat unleavened bread.⁴ Yet perhaps it is to include the night of fourteenth [as the time] for removal?⁵ —

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‘The day’ is written. Then say [that it must be removed] from the morning?⁶ — ‘Ak’ divides [it].⁷

The School of R. Ishmael taught: We find that the fourteenth is called the first, as it is said, on the first, on the fourteenth day of the month.⁸ R. Nahman b. Isaac said: ‘The first’⁹ [Rishon] means the preceding, for the Writ saith, Wast thou born, before [Rishon] Adam?¹⁰

If so, and ye shall take you out the first [Rishon] day,¹¹ — does ‘Rishon’ here too mean the preceding? — There it is different, because it is written, and ye shall rejoice before the Lord your God seven days:¹² just as the seventh [means] the seventh of the Festival, so the first [means] the first of the Festival. [But] here too it is written, even the first day [Rishon] ye shall put away leaven out of your houses. Seven days shall ye eat unleavened bread?¹³ —

If so, let Scripture write ‘first’ [‘Rishon’]; why ‘the first [ha-Rishon]’? Infer from this [that it is required] for what we have stated. If so, there too¹² what is the purpose of ‘the first’ [‘ha-Rishon’]? Moreover, when it is written there, on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest,¹⁴ say that Rishon implies the preceding? There it is different, because Scripture saith, ‘and on the eighth day shall be a solemn rest’: just as ‘eighth’ means the eighth of the Festival, so ‘first’ means [the] first of the Festival. [But still] what is the purpose of ‘the first’ [ha-Rishon]?¹² —

In order to exclude the Intermediate days of the Festival.¹⁵ [But the exclusion of] the Intermediate days of the Festival is derived from ‘first’ and ‘eighth’? —

It is [nevertheless] required: you might argue, since the Divine Law writes, and on the eighth day, the Waw [‘and’] indicates conjunction with the preceding subject, so [as to include] even the Intermediate days of the Festival too;¹⁶ hence ha-Rishon informs us

[otherwise]. Then let Scripture write neither the Waw nor the heh?¹⁷ Moreover, when it is written there, In the first day [ha-Rishon] ye shall have an holy convocation,¹⁸ does ‘Rishon’ mean the preceding?¹⁹ Rather, these three [instances of] ‘Rishon’ [‘first’] are necessary for what the School of R. Ishmael taught.

For the School of R. Ishmael taught: As a reward for [the observance of] the three ‘firsts’²⁰ they [Israel] merited three firsts:²¹ to destroy²² the seed of Esau; the building of the Temple; and the name of the Messiah. ‘To destroy the seed of Esau,’ of whom it is written, And the first came forth red, all over like an hairy garment;²³ and ‘the building of the Temple’, whereof it is written, A glorious throne, set on high from the first²⁴ is the place of our sanctuary;²⁵ ‘and the name of Messiah,’ for it is written, First unto Zion, behold, behold them.²⁶

Raba said, [It²⁷ is deduced] from here: Thou shalt not offer the blood of my sacrifice with leavened bread:²⁸ [that means,] thou shalt not kill the Passover sacrifice while leavened bread is still in existence.²⁹ Then perhaps each person [must remove his leaven] when he kills [his sacrifice]?³⁰ Scripture meant the time for killing.³¹

It was taught likewise: ‘[Even] the first day ye shall put away leaven out of your houses’: [this means] on the eve of the Festival. Yet perhaps that is not so, but [rather] on the Festival itself? —

Therefore it is stated, ‘thou shalt not offer the blood of thy sacrifice with leavened bread,’ [i.e.,] thou shalt not kill the Passover sacrifice while leavened bread still exists [in thy, house]: that is R. Ishmael's view.

R. Akiba said, That is unnecessary: lo, it is said, ‘Even the first day ye shall put away leaven out of your houses’, and it is written, no manner of work shall be done in them;³² while we find that kindling is a principal labour.³³

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R. Jose said, It is unnecessary: lo, it is said, 'Even [Ak] on the first day ye shall put away leaven out of your houses': [that means,] from the eve of the Festival. Or perhaps it is not so, but rather on the Festival? Therefore is stated, 'Ak', which serves to divide;³⁴ hence if [it means] on the Festival itself, can [part of it] be permitted? Surely the putting away of leaven is likened to [the prohibition of] eating leavened bread, while the prohibition of eating leavened bread is likened to [the duty of] eating unleavened bread.³⁵

Said Raba:

- (1) Immediately the latter comes into force the former is obligatory.
- (2) Ex. XII, 19.
- (3) Ibid. 20. Hence from the very moment that the latter is operative the former is too, and consequently by then the leaven must already be removed.
- (4) Ibid. 18. Hence no verse would be necessary to show that as soon as evening commences the leaven must be put away; therefore the verse quoted supra can only refer to the fourteenth.
- (5) Since we see that leaven is to be removed on the fourteenth, perhaps it must be done at the beginning of the fourteenth, Sc. in the evening.
- (6) As soon as day commences, not from midday.
- (7) It is a general principle in Talmudic exegesis that Ak and Rak (only) imply limitations; thus ak divides the day, showing that the putting away takes place in the middle of the day, not at the beginning.
- (8) Ibid.
- (9) In verse 18.
- (10) Job. XV, 7 (E.V.: Art thou the first man that was born). Hence Ex. XII, 15 is translated: yet on the preceding day — i.e., the fourteenth — ye shall put away, etc.
- (11) Lev. XXIII, 40.
- (12) Lev. XXIII, 40.
- (13) By the same argument 'Rishon' means first, not preceding. — Actually the order is reversed in Scripture.
- (14) Ibid. 39.
- (15) Lit., 'the weekday (portion) of the Festival'. It teaches that these days enjoy semi-sanctity only, and work of an urgent nature is permitted.
- (16) That work thereon is forbidden.
- (17) The Heh is the def. art. 'the' (ha). According to the present argument the Heh (ha) merely neutralizes the possible teaching of the Waw: then both should be omitted.
- (18) Ibid. 7; the reference is to Passover.

- (19) Surely not.
- (20) The 'first' of Passover, the 'first' of Tabernacles, and the taking of the four species (v. 40) on the 'first' day of Tabernacles.
- (21) Three things in connection with which 'first' is written.
- (22) Lit., 'cut off'.
- (23) Gen. XXV, 25.
- (24) E.V. beginning.
- (25) Jer. XVII, 12.
- (26) Isa. XLI, 27.
- (27) Sc. that leaven is forbidden from midday on the fourteenth.
- (28) Ex. XXXIV, 25.
- (29) And since the sacrificing commences immediately after noon, it follows that the leaven must already be removed by then.
- (30) Thus if he kills it at 4 p.m., leaven is permitted to him until that hour.
- (31) When it is time to kill the sacrifice there must be no leaven in the house, as it is inconceivable that there should be no fixed hour applicable to all.
- (32) Ibid. XII, 16.
- (33) Forbidden on the Sabbath, and likewise on Festivals, save when required for the preparation of food. The leaven was burnt.
- (34) V. Supra p. 15, n. 8.
- (35) Supra.

Pesachim 5b

Three things may be inferred from R. Akiba: [i] There is no [other] removal of leaven save [by] burning.¹ [ii] Kindling was singled out to indicate separation.² [iii] We do not say, since kindling was permitted when it is necessary [for the preparation of food], it was also permitted when it is unnecessary.³

Our Rabbis taught: Seven days shall there be no leaven found in your house:⁴ why is this stated, seeing that it is already said, and there shall no leavened bread be seen unto thee, neither shall there be leaven seen unto thee, in all thy borders?⁵

Because it is said, Neither shall there be leaven seen unto thee, [implying] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High.⁶ One might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile:⁷ therefore it is stated, it shall not be found [in your houses],⁸ Now, I know this

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only of a Gentile who is not in your power⁹ or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power and dwells with you in the [same] court-yard?

Because it is stated, [leaven] shall not be found in your houses. I know this only of that which is your houses; how do I know it of [leaven] in pits, ditches and cavities?¹⁰

Because it is stated, [neither shall there be leaven seen with thee,] in all thy borders.¹¹ Yet I might still argue, [indeed on account of leaven] ‘in houses’ one transgresses the injunction against it being seen, found, and against hiding it and receiving [it as] bailments from a Gentile; whereas in [respect to leaven in] ‘thy borders’ [we say,] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High.

How do we [however] know to apply that which is stated in this [verse] to the other, and vice versa?¹² Therefore leaven is stated twice¹³ for a Gezerah Shawah.¹⁴ [Thus:] leaven is stated in connection with houses: ‘no leaven shall be found in your houses’, and leaven is stated in connection with the borders; ‘neither shall there be leaven seen with thee [in all thy borders]’: just as with the leaven which is stated in connection with houses, one transgresses the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from Gentiles, so with the leaven which is stated in connection with the borders, one violates the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from a Gentile.

And just as with the leaven which is stated in connection with the borders, [only] thine own thou must not see, but thou mayest see that belonging to others and to the Most High, so with the leaven which is stated in connection with the houses, [only] thine own thou mayest not see, but thou mayest see that belonging to others and to the Most High.

The Master said: ‘I know this only of a Gentile who is not in your power or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power or who dwells with you in the [same] court-yard? Because it is stated, [Leaven] shall not be found [in your houses].’ Whither does this tend?¹⁵ —

Said Abaye: Reverse it. Raba said: In truth you must not reverse it, but it refers to the first clause: ‘Thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High.’ I know this only of a Gentile who is not in your power or who does not dwell with you in the [same] court-yard.¹⁶ How do I know it of one who is in your power or who dwells with you in the [same] court-yard? Because it is stated, ‘there shall not be found’. But this Tanna seeks permission yet cites a verse intimating a prohibition?¹⁷ —

Because ‘unto thee’ ‘unto thee’ is stated twice.¹⁸ The Master said: ‘one might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile; therefore it is stated, [leaven] shall not be found [in your houses].’ But you said in the first clause, ‘thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High?’ —

There is no difficulty: the one is meant where he [the Israelite] accepts responsibility [for same]; the other, where he does not accept responsibility.¹⁹ Just as Raba said to the townspeople of Mahuza:²⁰ Remove the leaven belonging to the troops from your houses: power or who lives with you in the same court-yard is more likely to be meant than he who is independent or living away from you. since the former is more like yourself. Whereas here the latter is taken for granted, while proof is sought for the former since it stands in your possession if lost or stolen, and you must requite [the loss], it is as yours and is forbidden.²¹ Now, that is well on the view that that which causes [liability] for money is

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as money.²² But on the view that it is not as money, what can be said? —

Here it is different, because Scripture saith, 'There shall not be found'.²³ Others say, That is well on the view that that which causes [liability] for money is not as money:

(1) For if it can be destroyed in any other way, his proof falls to the ground.

(2) In Ex. XX, 10 work is forbidden on the Sabbath; this is repeated in XXXV, 2 and 3, with a special prohibition against kindling a fire. Now, kindling is prohibited by the general law of Ex. XX, 10: why then is it singled out? There are two views on this: (i) In order to teach that whereas other labors are punishable by death, this is merely punishable like any other negative precept, viz., by flagellation. (ii) To teach that if one does a number of separate acts on the Sabbath, e.g., seething, reaping, and threshing, they are accounted as separate offences, just as kindling was stated as a separate offence, and a sacrifice must be offered on account of each. Now the first view postulates that kindling is not a principal labor like the rest (v. Mishnah on Shab. 73a); hence R. Akiba must agree with the second view.

(3) There is such a view in Bez. 12b; if R. Akiba held it, his argument would lose its basis.

(4) Ex. XII, 19.

(5) Ex. XIII, 7. Though this is in a further chapter, the phrase, 'seeing that it is already said', is employed because it is a Talmudic principle that the written order of the Torah is not necessarily chronological.

(6) I.e., the sanctuary, this being the meaning of 'unto thee' (E.V.: with thee).

(7) For in the former case it cannot be seen, while in the latter it is not his property.

(8) It must not be there at all.

(9) Lit., 'whom you have not subjugated'.

(10) Different shaped pits are connoted by these three words.

(11) Ex. XIII, 7.

(12) 'For there shall not be found' is written only in connection with 'your houses', while 'unto thee' is mentioned only in connection with 'borders'; how do we know that the implications of the one verse hold good in respect of the other?

(13) Lit. 'leaven, leaven'.

(14) V. Glos.

(15) Or, towards the tail! I.e., when you say that you must not accept deposits from a Gentile, obviously he who is in your

(16) He certainly comes under the category of 'others'.

(17) According to Raba's explanation. when the Tanna says. 'how do I know', etc. his purpose is to show that there too it is permitted; while 'there

shall not be found' intimates a more extended prohibition.

(18) Rashi: 'Unto thee' is written twice, once in the verse already quoted, and once in Deut. XVI, 4: and there shall be no leaven seen unto (E.V. with thee) in all thy borders seven days. Here too 'unto thee' is linked with seeing; since, however, it is superfluous in this connection, on account of the verse first quoted, it is applied to 'there shalt not be found', which is made to read: there shall not be found unto thee, 'unto thee' being a permissive limitation, and it is this which the Tanna quotes. — It is a principle of exegesis that if a word or phrase is superfluous in its own context, it is applied elsewhere. (The fact that 'unto thee' is written twice in Ex. XIII, 7 is not counted, since one refers to leaven and the other to leavened bread. — V. Bez. 7b.) R. Han. interprets it differently and more simply.

(19) If the Jew accepts responsibility for the bailment and must identify the owner against loss, it is as his own and must not be found in his house.

(20) A large Jewish commercial town on the Tigris. where Raba had his academy; v. Obermeyer. pp. 169ff.

(21) Gentile troops were billeted in Jewish houses together with their food stores, for which the Jews were responsible.

(22) Hence though the leaven does not belong to the Jew, yet since it throws a financial responsibility upon him it is regarded as his, i.e., as his money or property.

(23) Which implies even if it is not his own and it can be applied only to such a case, since 'unto thee' excludes leaven in which he has no financial interest at all.

Pesachim 6a

hence 'there shall not be found' is necessary. But on the view that it is as money. what is the purpose of 'there shall not be found'?¹ — It is necessary: you might argue, since if in existence it is returned as it is,² it does not stand in his possession.³ Hence he informs us [otherwise].

Raba was asked: Is cattle liable to arnona⁴ subject to the law of firstlings or not?⁵ Wherever one can put him off with money.⁶ we do not ask, for he is [certainly] liable.⁷ our problem arises where he cannot put him off with money: what then? He replied: It is not subject [thereto]. But surely it was taught: It [the animal] is subject [thereto]?-There it is a case where he can put him off with money.

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Others state, Raba said: Cattle liable to arnona is not subject to the law of firstlings, even when he can put him off with money.⁸ A dough [made of flour] liable to arnona⁹ is subject to Hallah.¹⁰ What is the reason? [The facts about] cattle are generally known;¹¹ [the facts about a dough] are not generally known.¹²

Our Rabbis taught: If a Gentile enters an Israelite's court-yard with [leavened] dough in his hand,¹³ he [the Israelite] is not obliged to remove it¹⁴ if he deposits it with him, he is obliged to remove it;¹⁵ if he assigns a room to him [for the dough], he is not obliged to remove it, because it is said, '[Leaven] shall not be found'. What does he [the Tanna] mean?¹⁶ —

Said R. Papa: He refers to the first clause, and says thus: If he deposits it with him, he is obliged to remove it, because it is said, '[Leaven] shall not be found'.

R. Ashi said: After all it refers to the second clause, and he says thus: If he assigned a room to him he is not obliged to remove it, because it is said, '[Leaven] shall not be found in your houses,' and this is not his [house], for when the Gentile carries in [the leaven], he carries it into his own house. Shall we say that renting confers a title?¹⁷ But surely we learned: Even in the place where they [the Sages] permitted renting [to a heathen], they did not permit [renting] for a dwelling-house, because he [the heathen] introduces [his] idols therein.¹⁸ Now if you should think that renting confers a title, when he introduces [the idols] he introduces [them] into his own house? — Here it is different, because the Divine Law expresses it in the form of 'there shall not be found', [implying] that which is found in your hand [is forbidden], which excludes this [case], since it is not found in your hand.

Rab Judah said in Rab's name: If one finds leaven in his house during the Festival, he overturns a vessel upon it.¹⁹ Raba said: If dough partly owned by a non-Jew;

nevertheless this dough is subject to Hallah, as explained in the text. it is of hekdesch,²⁰ this is unnecessary. What is the reason? He does indeed hold aloof from it.²¹

Rab Judah also said in Rab's name: Leaven belonging to a Gentile,²² he [the Israelite] must set up a partition of ten handbreadths around it as a distinguishing mark;²³ but if it belongs to Hekdesch this is unnecessary. What is the reason? People hold aloof from it.

Rab Judah also said in Rab's name: He who sets sail, and he who sets out in a [caravan] company, before thirty days [prior to Passover], is not bound to remove [the leaven]; if within thirty days, he is bound to remove [it].

Abaye observed: When you say, if within thirty days he is bound to remove it, we said this only where his intention is to return [during Passover]; but if it is not his intention to return, he is not bound to remove [it].

Said Raba to him: But if his intention is to return, even [if he sets out] on New Year too?²⁴

Rather, said Raba: When you say, if before thirty days he is not bound to remove it, we said this only where it is not his intention to return; but if his intention is to return, even [if he sets out] on New Year too. Now Raba is consistent with his view. For Raba said: If one turns his house into a granary²⁵ before thirty days [prior to the Passover], he is not bound to remove [the leaven];²⁶ if within thirty days, he is bound to remove it;²⁷ and even before thirty days too, we said this only when it is not his intention to clear it [the store of provisions] away; but if his intention is to clear it away, even before thirty days too he is bound to remove it. What business have these thirty days?²⁸ — As it was taught: Questions are asked and lectures are given on the laws of Passover for thirty days before Passover.

PESACHIM - 2a-32b

**R. Simeon b. Gamaliel said: Two weeks.
What is the reason of the first Tanna?**

- (1) It is obviously forbidden, since it is just like his own!
- (2) I.e., not lost or stolen or destroyed.
- (3) In regard to the prohibition 'there shall not be found'.
- (4) Tax from crops and cattle paid in kind.
- (5) Where a non-Jew has a share in an animal it is definitely not subject thereto; the question here is as explained in the text.
- (6) I.e., the king, to whom the tax is payable, will accept money instead of the animal.
- (7) The owner is bound to render it as a firstling.
- (8) Because until he does pay him off the non-Jew has a claim upon it.
- (9) I.e., a dough from which arnona is paid.
- (10) V. Glos. and Num. XV, 20f: of the first of your dough ye shall offer up a cake for an heave-offering... of the first of your dough ye shall give unto the Lord an heave-offering throughout your generations. Here too 'your' excludes.
- (11) Lit., 'an animal has a sound (voice)' — i.e., it will be known that it belongs to a herd liable to arnona.
- (12) The on-looker does not know that the dough is made of flour subject to arnona and may suspect him of violating the law.
- (13) On the fourteenth of Nisan after noon, when leaven is forbidden.
- (14) Since it is not his, v. supra 5b.
- (15) Where he accepts responsibility for same.
- (16) If anything the quotation intimates the reverse.
- (17) So that the house becomes legally the non-Jew's.
- (18) A.Z. 21a.
- (19) It must not be handled and carried out, because it is Mukzeh (v. Glos.), since it cannot be put to any use, all benefit from leaven being forbidden during Passover. He therefore covers it over with a vessel and burns it in the evening on the termination of the Festival.
- (20) V. Glos.
- (21) In any case, since it is Hekdesh.
- (22) In a Jew's house.
- (23) The reference here is to the fourteenth, and the partition is needed lest he forget himself and eat it, The overturning of a vessel upon it does not suffice here lest he might remove it in the course of the seven days.
- (24) He must still remove it, since he will be in the house on Passover.
- (25) I.e., he stores provisions in it, and under them lies leaven.
- (26) By being buried under his provisions it is as though it were removed.

(27) Because the obligation to remove it becomes operative in this period, and one cannot remove it thus at the very outset.

(28) Why is the matter dependent on this period?

Pesachim 6b

Because lo! Moses was standing on the First Passover and giving instructions about the Second Passover,¹ as it is said, Moreover, let the children of Israel keep the Passover in its appointed season;² and it is written, And there were certain men, who were unclean by the dead body of a man.³ And R. Simeon b. Gamaliel?⁴ — He answers you: Because he was engaged in the laws of Passover, he instructed them⁵ in all the laws of Passover. What is R. Simeon b. Gamaliel's reason?

Because lo! Moses was standing at the beginning of the month and giving orders about the Passover, as it is said, This month shall be unto you the beginning of months: it shall be the first month of the year to you.⁶ And it is written, Speak ye unto all the congregation of Israel, saying, In the tenth day of this month they shall take to them every man a lamb, according to their father's houses, etc.⁶ But how do you know that he was standing at the beginning of the month; perhaps he was standing on the fourth or the fifth of the month?

Rather, said Rabbah b. Shimi in Rabina's name, [It is deduced] from here: And the Lord spake unto Moses in the wilderness of Sinai, in the first month of the second year;⁷ and it is written, Moreover let the children of Israel keep the Passover in its appointed season.⁸ But here too, how do you know that he was standing at the beginning of the month: perhaps he was standing on the fourth or the fifth of the month? —

Said R. Nahman b. Isaac: [The implication of] 'wilderness' [here] is learned from 'wilderness' [elsewhere]. Here it is written, 'in the wilderness of Sinai', while there it is written, And the Lord spake unto Moses in the wilderness of Sinai, in the tent of meeting, on the first day of the second month:⁹ just as

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there [it was] at the beginning of the month, so here too at the beginning of the month. Now, let [the events of] the first month be written first, and then that of the second month?¹⁰ —

Said R. Menasia b. Tahlifa in Rab's name: This proves that there is no chronological order¹¹ in the Torah.

R. Papa observed: This was said only of two subjects; but in the same subject what is earlier is earlier and what is later is later. For should you not say thus, [how, then, apply the principle that] when a general proposition is followed by a particular specification the general proposition comprises only what is contained in the particular specification; perhaps it is a particular specification followed by a general proposition! Moreover, [it is a principle that] when a particular specification is followed by a general proposition, the generalization becomes an addition to the specification,¹² [here too] perhaps it is a generalization followed by a particularization! But if so, the same [question] applies even to two subjects?

Now, that is well on the view that [when] a generalization and a specification [are] at a distance from each other, we do not interpret¹³ them as a generalization followed by a specification, then it is correct. But on the view that we do interpret [them thus], what can be said?¹⁴ — Even on the view that we do interpret, that is only [when they occur] in the same subject; but [when] in two subjects we do not interpret [them thus].

Rab Judah said in Rab's name: He who searches [for leaven] must [also] declare it null.¹⁵ What is the reason? Shall we say [it is] because of crumbs¹⁶ — but they are of no value?¹⁷ And should you answer, since they are guarded in virtue of his house,¹⁸ they are of account, surely it was taught: [If there are in a man's field] late figs, while he guards his field on account of the grapes; or if there are late grapes, while he guards his field on account of his cucumbers and gourds,¹⁹ when

the owner is particular about them, they are forbidden [to a stranger] as theft and are subject to tithes; when the owner is not particular about them, they are not forbidden as theft and are exempt from tithes!²⁰ —

Said Raba: It is a preventive measure, lest he find a tasty loaf²¹ and [set] his mind upon it.²² Then let him annul it when he finds it? — He may find it after the interdict [commences], and then it does not stand in his ownership and [so] he cannot annul it.

For R. Eleazar said: Two things are not in a man's ownership, yet the Writ regarded them as though they were in his ownership. And these are they: a pit in public ground²³ and leaven from six hours²⁴ and onwards.²⁵ Then let him annul it at the fourth or the fifth [hour]?²⁶ — Since it is neither the time of the prohibition nor the time of searching, he may transgress and not annul it.

(1) I.e., the Passover celebrated on the fourteenth of the second month by those who were unable to celebrate it at the proper time.

(2) Num. IX, 2.

(3) Ibid. 6. The narrative relates how Moses gave instructions about the second Passover, vv. 9 seq.

(4) How does he refute this proof?

(5) Lit., 'completed for them'.

(6) Ex. XII, 2f.

(7) Num. IX, 1.

(8) And from the beginning of the month until Passover is two weeks.

(9) Num. I, 1.

(10) Num. I, 1ff is chronologically a month later than IX. 1ff; why is it not written in that order?

(11) Lit., 'earlier and later'.

(12) So as to include all things implied in the generalization.

(13) Lit., 'judge'.

(14) v. B.K. 85a.

(15) I.e., of no account and valueless and free to all.

(16) Which may escape his search.

(17) They are therefore null in any case.

(18) When he guards his house he ipso facto guards these crumbs.

(19) The late figs and grapes which remain after the harvest never fully ripen. Here they are in a field which is guarded from intruders not for their sake but because it contains other crops yet to be gathered.

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(20) Because they are regarded as ownerless, and such are exempt from tithe. Thus though they are incidentally guarded, that does not give them any value, and the same should apply here.

(21) גלויסקא, a loaf made from a special brand of white flour.

(22) To keep it until after Passover.

(23) He who digs a pit in public ground is responsible for any damage it may cause, as though it were his property, though actually it is not.

(24) I.e., noon.

(25) One is culpable for its presence in his house then, though technically speaking it is no longer his.

(26) I.e., any time in the morning before noon, when it is still his. Why particularly the preceding evening, when he is making the search?

Pesachim 7a

Then let him annul it in the sixth [hour]?¹ — Since the Rabbinical interdict is upon it,² it is like a Scriptural [interdict] and does not stand in his ownership, hence he cannot annul it.

For R. Gidal said in R. Hiyya b. Joseph's name in Rab's name: He who betroths from the sixth hour and onwards, even with wheat of Cordyene,³ we have no fear of his betrothal.⁴ But, is he unable to annul it after the prohibition [commences]? Surely it was taught: If he is sitting in the Beth Hamidrash and recollects that he has leaven at home, he annuls it in his heart, whether it is the Sabbath or the Festival. Now as for the Sabbath, it is well: this is possible where the fourteenth [of Nisan] falls on the Sabbath;⁵ but the Festival is after the prohibition [commences]?⁶ —

Said R. Aha b. Jacob: We treat here of a disciple sitting before his master, and he recollects that he has a rolled dough⁷ at home and fears that it may turn leaven; [therefore] he anticipates and annuls it before it turns leaven. This may be proved too: for it states, 'If he is sitting in the Beth Hamidrash'.⁸ This proves it.

Rabbah the son of R. Huna said in Rab's name: If a loaf went moldy, if mazzah⁹

exceeds it [in quantity], it is permitted.¹⁰ How is it meant? Shall we say that he [the owner] knows that this [loaf] is leaven, what then matters it if the Mazzah does exceed it?¹¹ Again if we do not know whether it is leaven or Mazzah, then why particularly if the Mazzah exceeds it; even if the Mazzah does not exceed it too, let us go after the last?¹² Did we not learn: Money found in front of cattle dealers at all times is [accounted as] tithe; on the Temple Mount, it is Hullin;⁹ in [the rest of] Jerusalem, at any other part of the year, it is Hullin; at the Festival season, it is tithe.¹³

And R. Shemaia b. Zera observed thereon: What is the reason? Because the streets of Jerusalem¹⁴ were swept daily. This proves that we assume: the earlier[losses] have gone, and these [coins] are different ones. So here too let us say: the earlier[bread] has gone and this is of the present?¹⁵ — Here it is different, because its moldiness proves its status.¹⁶ If its moldiness proves its status, what does it matter if the Mazzah exceeds it? —

Said Rabbah. Do not say, 'if the Mazzah exceeds it', but say, 'many days of Mazzah have passed over it'.¹⁷ If so, it is obvious? — This is necessary only where it is very moldy; you might argue, since it is very moldy it is clear that it is certainly true leaven; therefore he informs us that since many days of Mazzah have passed over it we say: every day hot mazzah¹⁸ was baked and thrown thereon, and that made it very moldy. Yet do we follow the last? Surely it was taught. R. Jose b. Judah said: If a chest was used for money of Hullin and money of tithe,¹⁹ if it was mostly Hullin, it [the money found therein] is Hullin; if mostly tithe, it is tithe. But why so? let us go after the last? —

Said R. Nahman b. Isaac: of what do we treat here? E.g., where it was used for money of Hullin and money of tithe, and one does not know which was last.

R. Zebid said: e.g., where it was used for separate packages.²⁰

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R. Papa said: e.g., if it was found in a pit.²¹ of peace-offerings; when one could not stay long enough in Jerusalem to expend all his tithe money, he would distribute it among the poor or give it to his friends in Jerusalem. Consequently, if money is found in front of cattle dealers, whatever the time of the year, it is assumed to be of the second tithe. On the other hand, if it is found on the Temple Mount, we assume it to be Hullin, even at Festival time, when most of money handled is tithe, because the greater part of the year is not Festival, and then ordinary Hullin is in circulation and this money might have been lost before the Festival. But if found in the streets of Jerusalem, a distinction is drawn, as stated in the text.

Rab Judah said: He who searches [for leaven] must pronounce a benediction. What benediction does he pronounce?

R. Pappi said in Raba's name: '[. . . who hast commanded us] to remove leaven'. **R. Papa said in Raba's name:** '[. . . who hast commanded us] concerning the removal of leaven'. As for [the phrase] 'to remove,' there is no disagreement at all that it certainly implies in the future.²²

- (1) He is not likely to forget it then, since he is engaged in burning it.
- (2) On all views, v. supra 4b.
- (3) A district lying to the east of the river Tigris, south of Armenia. — That wheat is very hard and does not easily become leaven; nevertheless if moisture had fallen upon it after being harvested it is regarded as leaven.
- (4) The betrothal is definitely invalid, because the wheat has no value because of the Rabbinical interdict, whereas for betrothal something of value is required (v. Kid. 2a). — Thus although the interdict at that hour is only Rabbinical, the leaven is regarded as completely valueless; hence not under his ownership.
- (5) And he recollects before the sixth hour.
- (6) How can he annul it then?
- (7) I.e., a dough kneaded but not baked. He cannot leave the Beth Hamidrash to attend to it out of respect to his Master.
- (8) If it is already leaven, what does it matter where he is; even if he were at home he could do nothing else?

(9) V. Glos.

(10) This is now assumed to mean: if there is more Mazzah in the bin than this moldy loaf, the whole is permitted.

(11) Surely a loaf known to be leaven cannot be permitted on that account?

(12) I.e., let us assume that this loaf is of the latest batch which was put there, i.e., it is Mazzah, since a bread bin is cleared out every day, in order to prevent the bread from going moldy — a necessary precaution in the hot eastern countries — and particularly so in this case, when there had been a search for leaven before the Festival.

(13) Shek. VII, 2. If money is found in Jerusalem, the question arises, what is its status — is it ordinary secular coins (Hullin) or tithe money? This was because the second tithe (v. Deut. XIV, 22ff this was designated second-tithe) had to be eaten in Jerusalem or its monetary equivalent expended there, which money likewise was governed by the law of second tithe. Now, most of the flesh eaten in Jerusalem was bought with second-tithe money, and generally took the form

(14) But not the Temple Mount.

(15) I.e., unleavened.

(16) It must have been there a considerable time, hence it is leaven.

(17) I.e., several days of Passover have gone, and so this had had time to go moldy even if baked as Mazzah at the beginning of the Festival.

(18) Lit., 'bread'.

(19) And now we find money in it and do not know which it is.

(20) Of money, some being Hullin and others tithe, and both were there on the same day.

(21) We cannot assume that the earlier coins had been removed while these were of the most recent deposit, because it might have been overlooked in a pit.

(22) I.e., it implies that the removal is still to be done. This phraseology is therefore certainly admitted, because a benediction is always recited prior to the actual performance of the precept to which it refers.

Pesachim 7b

They differ only in respect of 'concerning the removal': one Master holds that it implies in the past;¹ while the other Master holds: It implies in the future.

An objection is raised: 'Blessed [art Thou]... who hast sanctified us with Thy commandments and hast commanded us concerning circumcision'?² — How [else] should he say [it] there? Shall he say, 'to circumcise' — is it imperative that he should

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circumcise?³ Then what can be said of the father of the infant?⁴ — Then indeed it is so.⁵

An objection is raised: ‘Blessed [art Thou]... who hast sanctified us with Thy commandments and hast commanded us concerning shechitah?’⁶ — There too, how [else] shall he say it: shall he say ‘to slaughter,’ — is it imperative that he should slaughter? Then what can be said of the Passover sacrifice and [other] sacrifices?⁷ — [There] indeed it is so.⁸

An objection is raised: If one prepares a lulab⁶ for himself, he recites the blessing, ‘... who hast kept us in life and hast preserved us and hast suffered us to reach this season’. When he takes it in order to fulfill his obligation therewith,⁹ he recites: ‘... who hast sanctified us with Thy commandments and hast commanded us concerning the taking of the lulab?’¹⁰ There it is different, because in the [very] moment that he lifts it up his duty is fulfilled.¹¹ If so, [instead of stating] ‘in order to fulfill his obligation therewith,’ he should say. ‘having fulfilled his obligation therewith?’ —

That indeed is so, but because he desires to teach ‘to sit in the sukkah’¹² in the second clause, he also states in the first clause, ‘to fulfill his obligation therewith’ — For he teaches in the second clause: He who makes a Sukkah for himself recites: ‘Blessed art thou, O Lord... who has kept us in life and hast preserved us and hast enabled us to reach this season’. When he enters to sit therein he recites: ‘Blessed [art Thou] ... who hast sanctified us with Thy commandments and hast commanded us to sit in the sukkah.’¹³ And the law is: [He recites,] ‘concerning the removal of leaven’.¹⁴ Now incidentally all agree that we must recite the benediction beforehand:¹⁵ how do we know it? —

Because Rab Judah said in Samuel's name: For all precepts a benediction is recited prior [‘Ober] to their being performed — Where is it implied that this [word] ‘Ober connotes priority? —

Said R. Nahman b. Isaac, Because Scripture saith, Then Ahimaaaz ran by the way of the Plain and overran [Wa-ya'abor] the Cushite.¹⁶ Abaye said, [It follows] from this: and he himself passed over [‘Abar] before them;¹⁷ alternatively, from this: and their king is passed on [Wa-ya'abor] before them, and the Lord at the head of them.¹⁸

The School of Rab said: Except [for] a ritual bath and shofar.¹⁹ As for a ritual bath, it is well, because the person is not yet fit;²⁰ but what is the reason for the Shofar? And should you say, because he may sound the blast [Teki'ah] incorrectly;²¹ if so, the same applies even to Shechitah, and circumcision too?

Rather, said R. Hisda: Except for a ritual bath alone was stated. It was taught likewise: When one has a ritual bath and ascends [from the bath], on his ascending he recites: Blessed [art Thou]... who hast sanctified us with Thy commandments and hast commanded us concerning Tebillah’.

BY THE LIGHT OF A LAMP, etc. How do we know this? — Said R. Hisda: By deriving [the meaning of] ‘finding’ from ‘finding’ and ‘finding’ from ‘searching’, and ‘searching’ from ‘searching’, and ‘searching’ from ‘lamps’, and ‘lamps’ from ‘lamp’:²² [Thus:] ‘finding’ from ‘finding’: here it is written, seven days shall there be no leaven found in your houses,²³ while elsewhere it is written, and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack].²⁴ ‘Finding’ [is learned] from ‘searching’ [mentioned] in its own connection.²⁵ And ‘searching’ from ‘lamps’, as it is written, And it shall come to pass at that time, that I will search Jerusalem with lamps.²⁶ And ‘lamps’ from ‘lamp’, for it is written, The soul of man is the lamp of the Lord, searching all the innermost parts of the belly.²⁷

The School of R. Ishmael taught: In the evening of the fourteenth leaven is searched

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for by the light of a lamp. Though there is no proof of this, there is an allusion to it, because it is said, 'seven days shall there be no leaven [in your houses]'; and it is said, 'and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack]'; and it is said, 'And it shall come to pass at that time, that I will search Jerusalem with lamps'. and it is said, 'The soul of man is the lamp of the Lord, searching [all the innermost parts of the belly]'. What is the purpose of the additional quotations?²⁸ And should you answer, this 'at that time' is a statement of lenient treatment by the Merciful One, [viz.,] 'I will not search Jerusalem with the light of a torch, which gives much light, but only with the light of a lamp, the light of which is much smaller, so that great wrongdoing will be found out but petty wrongdoing will not be found out,²⁹ — then come and hear! 'The soul of man is the lamp of the Lord, [searching., etc.]'.³⁰

Our Rabbis taught: one may not search either by the light of the sun or by the light of the moon, or by the light of a torch, save by the light of a lamp,

- (1) I.e., the removal has already been done. Hence this formula is inadmissible.
- (2) Not, 'to circumcise'.
- (3) Lit., 'is there no way that he should not circumcise'? — i.e., the obligation does not rest primarily upon the circumciser, but upon the father, whereas if the former said 'to circumcise', it would imply that it is his personal duty in every case.
- (4) What if the father circumcises?
- (5) He must say 'to circumcise'.
- (6) V. Glos.
- (7) Lit., 'sacred (animals)'. The obligation of slaughtering a sacrifice rests primarily upon its owner.
- (8) He must say 'to slaughter'.
- (9) V. Lev. XXIII, 40.
- (10) But not 'to take the Lulab'.
- (11) Hence he is reciting the blessing after performing the precept, and so he cannot say 'to take'; v. Supra.
- (12) V. Glos.
- (13) And there the future is required because it is an obligation during the whole week of Tabernacles.

(14) That too implies the future. Consequently, this form is used by all in circumcision and Shechitah.

(15) Before actually performing the precept.

(16) II Sam. XVIII, 23. I.e., he passed in front of him, and similarly 'Ober, which is derived from the same root as Wa-ya'abor, means in front of, i.e., prior to'

(17) Gen. XXXIII, 3.

(18) Mic. II, 13.

(19) V. Glos. Here the benediction is recited after the fulfillment of the precept.

(20) E.g., one who is unclean through nocturnal pollution may not recite a blessing; hence he is obviously unfit to recite the blessing until after the ritual bath, and all others requiring a ritual bath were treated likewise (Rashi).

(21) In which case the obligation is not fulfilled and the benediction was unnecessarily recited, which is prohibited.

(22) As explained in the text.

(23) Ex. XII, 19.

(24) Gen. XLIV, 12.

(25) I.e., in the verse just quoted 'finding' and 'searching' are linked together.

(26) Zeph. I, 12.

(27) Prov. XX, 27. By comparing all these verses we learn that in order that leaven may not be found in the house it must be searched out by lamplight.

(28) Lit., 'what is (the purpose of) "and it is said"?'

(29) But this verse does not prove that the searching for leaven too may be carried out merely with a lamp — perhaps a torch is required.

(30) Thus a single lamp suffices for a search.

Pesachim 8a

because the light of a lamp is suitable for searching. And though there is no proof of the matter yet there is a hint of it, for it is said, 'seven days shall there be no leaven found [in your houses]'; and it is said, 'and he searched, and began at the eldest, [etc.]'; and it is said, 'and it shall come to pass at that time, that I will search Jerusalem with lamps'; and it is said, 'The soul of man is the lamp of the Lord, searching all the innermost parts of the belly'. This light of the sun, where is it meant? Shall we say, in a courtyard, — but Raba said: A court-yard does not require searching, because birds frequent it.¹ While if in a hall,² — but Raba said: A hall is searched by its own light? — This is meant only in respect of a skylight in a

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room. But [then] what part of it? If [that which is] opposite the skylight, then it is the same as a hall? — Rather, it means [the part of the room] at the sides. And not [by the light of] a torch?

Surely Raba said, What is the meaning of the verse, And his brightness was as the light; he had rays coming forth from his hand: and there was hiding of his power?³ To what are the righteous comparable in the presence of the Shechinah? To a lamp in the presence of a torch.⁴ And Raba also said: [To use] a torch for Habdalah⁵ is the most preferable [way of performing this] duty? —

Said R. Nahman b. Isaac: The one⁶ can be brought into holes and chinks [in the wall], whereas the other⁷ cannot be brought into holes and chinks. R. Zebid said: The one⁶ [throws] its light forward, whereas the other⁷ [throws] its light behind.⁸ R. Papa said: Here [with a torch] one is afraid, whereas there [with a lamp] one is not afraid.⁹ Rabina said: The light of the one⁶ is steady. whereas that of the other⁷ is fitful.¹⁰

EVERY PLACE WHEREIN LEAVEN IS NOT TAKEN, etc. What does **EVERY PLACE** add? — It adds the following taught by our Rabbis: The topmost and the northernmost holes of a room,¹¹ the roof of the verandah,¹² the roof of a turret,¹³ a cow's stable, hen-coops, a shed for straw, and store-houses of wine and oil do not need searching.¹⁴

R. Simeon b. Gamaliel said: A bed which makes a division in a room,¹⁵ and leaves a space¹⁶ needs searching. But the following contradicts it: A hole [lying] between a man and his neighbour,¹⁷ this one searches as far as his hand reaches and that one searches as far as his hand reaches,¹⁸ and the rest he annuls in his heart.

R. Simeon b. Gamaliel said: A bed which makes a division in a room, timber and stones being arranged under it, and it leaves a space.¹⁹ does not require searching. Thus

[the rulings on] a bed are contradictory and [those on] holes are contradictory? [The rulings on] holes are not contradictory: the one refers to the topmost and the nethermost;²⁰ the other to [holes in] the middle [of the wall]. [The rulings on] a bed are not contradictory: here it is raised; there it is low down.²¹ But, do not store-houses of wine require searching? Surely it was taught. Store-houses of wine need searching; stores of oil do not need searching? — The case we discuss here is where one draws his [immediate] supplies [from it].²² If so, oil too? — As for oil, there is a limit to eating; but [in respect to] wine, there is no limit to drinking.²³

R. Hiyya taught: Stores of beer in Babylonia were made the same as stores of wine in Palestine, where one draws his supplies from them.²⁴ R. Hisda said: A fish pantry does not require searching. But it was taught [that] they require searching? — There is no difficulty: the one treats of large [fish]; the other of small.²⁵ Rabbah son of R. Huna said: Salt sheds and wax sheds²⁶ need searching.²⁷

R. Papa said: Storehouses for fuel²⁸ and storehouses for dates need searching. A Tanna taught: We do not oblige him to insert his hand into holes and chinks and search [there], on account of the danger. Which danger? Shall we say, The danger of a snake, — then when he used it, how could he use it? — This arises only where it [the wall] collapsed.²⁹ But if it collapsed, why do I need searching [at all]? Surely we learned: If ruins collapsed on leaven, it is regarded as removed? — There [the circumstances are] that a dog cannot search it out; here, that a dog can search it out. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm? —

Said R. Ashi: He may have lost a needle and come to look for it.³⁰ But is it not [regarded as the fulfillment of] a religious duty in such a case? Surely it was taught: If one declares, 'This sela'³¹ be for charity in order that my

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son may live,' or, 'that I may merit the future world,'³²

- (1) And eat up all crumbs.
- (2) אַנטערן is a pillared hall or a piazza, open on top, running in front of large houses.
- (3) Hab. III, 4.
- (4) Even as the light of a lamp pales before that of a torch, so does the light of the righteous before that of the Almighty. Thus a torch gives more light, and therefore it is even better than a lamp.
- (5) V. Glos. A blessing is pronounced over fire for which a light must be kindled.
- (6) A lamp.
- (7) A torch.
- (8) Therefore it is not suitable for searching.
- (9) The great flame of a torch may set fire to the house; therefore his preoccupation with this fear will hinder a man from a proper search.
- (10) A torch throws an unsteady, wavering light.
- (11) I.e., those which are very high up or very low down in the wall, so that it is inconvenient to use them.
- (12) A balcony with a sloping roof, which could not be used; other parts of the house had a flat roof.
- (13) A kind of safe in which food and utensils were kept. The inside had to be searched but not the roof.
- (14) No leaven is taken, into any of these.
- (15) I.e., it stands in the centre, dividing the room into two parts used for separate purposes.
- (16) There is a space between it and the floor, as it stands on legs.
- (17) I.e., in a wall separating two rooms or houses tenanted by different people. the hole passing right through from one side of the wall to the other.
- (18) E.g., when the wall is very thick.
- (19) Between the bottom of the bed and the timber.
- (20) V. p. 33. n. 7.
- (21) If the bottom of the bed is well raised from the ground the space beneath it can be used quite easily. But if it is low down, even if a space is left it is not easy to use it, hence it need not be searched.
- (22) E.g., a private wine cellar. The servant may enter to take wine for the table while holding bread in his hand.
- (23) How much oil is to be consumed at a meal can be gauged beforehand, and further supplies will not be required. But one cannot determine beforehand how much wine will be drunk.
- (24) They must be searched.
- (25) If large fish are stored there it will be unnecessary to bring more to the table during the meal; but in the case of small fish this may be necessary, and so it must be searched.
- (26) I.e., the places where these are kept.

(27) Salt and candles being sometimes unexpectedly required during the meal.

(28) Wood-chips, twigs, etc.

(29) Snakes are often found among debris, hence only the top of the ruins must be searched, but one need not investigate below the surface.

(30) While searching for the leaven. He is, not being exclusively engaged on a religious task, exposed to danger.

(31) A coin.

(32) Lit., 'that I may be a son of the future world'. On the 'future world' v. Sanh., Sonc. ed. p. 601, n. 3.

Pesachim 8b

he is completely righteous.¹ — Perhaps after he searched [for the leaven] he will come to look for it.

R. Nahman b. Isaac said: [It means] on account of the danger of Gentiles, this agreeing with Pelimo. For it was taught: [In the case of] a hole between a Jew and a Syrian [i.e., a Gentile], he must search as far as his hand reaches, and the rest he annuls in his heart.

Pelimo said: He does not search it at all, on account of the danger. [Now] what is the danger? Shall we say, the danger of witchcraft,² — then when he used it, how did he use it? — There when he used it, it was day and there was light, therefore [the Gentile] would not suspect anything;³ but here it is night and a lamp [is used]; hence he will suspect. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm?⁴ — Where the injury is probable it is different, for it is said, And Samuel said, How can I go? if Saul hears it, he will kill me. And the Lord said, Take a heifer with thee, etc.⁵

Rab was asked: Scholars who reside out of town, can they come in the early morning or after nightfall to the academy?⁶ — He replied: Let them come, [the risk be] upon myself and my neck. What about returning?⁷ I do not know, he answered them. It was stated: R. Eleazar said: Those sent [to perform] a religious duty will not suffer hurt, neither in their going nor in their returning. With whom [does this agree]? —

PESOCHEM - 2a-32b

With this Tanna: for it was taught. Issi b. Judah said: Seeing that the Torah said, no man shall desire thy land [when thou goest up to appear before the Lord thy God...],⁸ it teaches that your cow will graze in the meadow and no [wild] beast will hurt it; your fowl will go scratching in the dung-heap and no weasel will injure it. Now does this not furnish an argument a minori? If these, whose nature it is to be hurt, will not be hurt; then human beings, for whom it is not natural to be hurt, how much more so!⁹ I know it only in respect of going: how do I know it of returning? Because it is stated, and thou shalt turn in the morning, and go [back] unto thy tents:¹⁰ this teaches that you will go and find your tent in peace. But since [he is safe] even on [his] return, why [intimate it] in respect of going?¹¹ — [That is necessary] for R. Ammi's [teaching].

For R. Ammi said: Every man who owns land must make the Festival pilgrimage; but he who does not own land need not make the Festival pilgrimage.¹²

R. Abin son of R. Adda said in R. Isaac's name: Why are there no fruits of Gennesaret¹³ in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to eat the fruits of Gennesaret in Jerusalem it would have sufficed us,' with the result¹⁴ that the pilgrimage would not be for its own sake.

Similarly R. Dosehai son of R. Jannai said: Why are the thermal springs of Tiberias not [found] in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to bathe in the thermal springs of Tiberias, it would have sufficed us,' with the result that the pilgrimage would not be for its own sake.

THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [etc.]? Who has mentioned anything about a wine cellar? — This is what he [the Tanna] says: EVERY PLACE WHEREIN NO

LEAVEN IS TAKEN DOES NOT REQUIRE SEARCHING, and stores of wine and stores of oil do not require searching either.

THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]? [CONCERNING] A PLACE WHEREIN LEAVEN MAY BE TAKEN, which is one whence [private] supplies are drawn.

BETH SHAMMAI MAINTAIN: TWO ROWS, etc. R. Judah said: The two rows which they [Beth Shammai] specified [mean] from the ground up to the very ceiling;¹⁵ but R. Johanan said: [It means] a single row in the shape of a right angle.¹⁶ It was taught in accordance with Rab Judah; [and] it was taught in accordance with R. Johanan. It was taught in accordance with Rab Judah: Beth Shammai maintain: Two rows over the front [surface] of the whole cellar, and the two rows which they specified [means] from the ground up to the very ceiling. It was taught in accordance with R. Johanan: Two rows over the face of the whole cellar, [i.e.,] the outer one which looks upon the door, and the upper one which faces¹⁷ the ceiling; but that which is within this and below this does not require searching.

BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST. Rab said: [That means] the upper row and the one beneath it;¹⁸ while Samuel said: [That means] the upper row and the one on the inside of it. What is Rab's reason? — Because he emphasizes: OUTER. But it [also] teaches: UPPERMOST? — That is to exclude those beneath the lower one.¹⁹ While Samuel says: 'The upper row and the one on the inside of it.' What is the reason? Because he emphasizes: UPPERMOST. But it [also] states: OUTER? — That is to exclude the inside of the inner.²⁰ R. Hiyya taught in accordance with Rab, while all Tannaim recited as Samuel. And the law is as Samuel.²¹

PESOCHIM - 2a-32b

(1) In respect of his action, notwithstanding his selfish motives. Hence in the case under discussion the same holds good.

(2) Sc. the Gentile may suspect him of witchcraft when he sees him rummaging in the hole.

(3) Lit., 'bring it up on his mind'.

(4) To be the object of these suspicions is to suffer harm.

(5) 1 Sam. XVI, 2. Thus Samuel was afraid though engaged on a Divine mission, because it was naturally dangerous.

(6) Do they run a risk in going over the fields at such times?

(7) After nightfall.

(8) Ex. XXXIV, 24.

(9) They are certainly immune from danger when going to carry out a religious duty, to which the present verse refers.

(10) Deut. XVI, 7.

(11) Surely that follows a fortiori.

(12) This follows from the fact that the Almighty assures the pilgrim that his land will be safe in his absence, which proves that the command refers only to those who possess land.

(13) A lake so named from the fertile plain lying on its western side. In the O.T., it is called Yam Kinnereth or Kinneroth; Num. XXXIV, 11; Josh. XII, 3. On its western shore lay Tiberias. — Its fruit was particularly delicious.

(14) Lit., 'and it would be found'.

(15) I.e., the two outer rows of barrels from top to bottom, over their entire area.

(16) Gam, the shape of the Grk. Gamma **. I.e., the front row and the whole of the upper layer.

(17) Lit., 'sees'.

(18) In the outermost row facing the door.

(19) I.e., all rows from the third from the top and downwards.

(20) Those within the second row of the top layer.

(21) From the fact that all post-Talmudic authorities accept Rab's view, however, it would appear that this passage was absent from their texts; [v. Tosaf. Yom Tob on our Mishnah and MS.M. R. Hananel, however, has this passage and accepts Samuel's ruling.]

fear, and it requires a [re-]search. yet why so; let us assume that it ate it? Did we not learn: The dwellings of heathens are unclean,² and how long must he [the heathen] stay in a dwelling so that it should need searching?³ Forty days, even if he has no wife. But in every place where a weasel or a swine can enter no searching is required!⁴ —

Said R. Zera, There is no difficulty: one treats of flesh, the other of bread: in the case of flesh it [the weasel] leaves nothing, [whereas in the case of bread it does leave [something] —

Raba said: How compare! As for there, it is well: it is [a case of mere] 'say': say that there was [a burial there], say that there was not.⁵ And if you assume that there was, say that it [e.g., a weasel] ate it. But here that we see for certain that it has taken [leaven], who is to say that it ate it? Surely it is a doubt [on the one hand] and a certainty [on the other], and a doubt cannot negative a certainty. But cannot a doubt negative a certainty? Surely it was taught: If a haber⁶ dies and leaves a store-house full of produce [crops]. even if they are but one day old, they stand in the presumption of having been tithed.⁷ Now here these crops were certainly liable to tithe, and there is a doubt whether they have been tithed or not tithed, yet the doubt comes and negatives the certainty? — There it is one certainty against another certainty, as [we presume that] they have certainly been tithed, in accordance with R. Hanina of Hozae.⁸

For R. Hanina of Hozae said: There is a presumption concerning a Haber that he does not let anything untithed⁹ pass out from under his hand. Alternatively: it is a doubt [on the one hand] and a doubt [on the other]; perhaps from the very beginning say that it was not liable to tithe, in accordance with R. Oshaia.

For R. Oshaia said: one may practice an artifice with his produce and take it in its husks, so that his cattle may eat thereof and it

Pesachim 9a

MISHNAH. WE HAVE NO FEAR THAT A WEASEL MAY HAVE DRAGGED [LEAVEN] FROM ONE ROOM TO ANOTHER OR FROM ONE SPOT TO ANOTHER.¹ FOR IF SO, [WE MUST ALSO FEAR] FROM COURT-YARD TO COURT-YARD AND FROM TOWN TO TOWN, [AND] THE MATTER IS ENDLESS.

GEMARA. The reason is that we did not see it take [leaven]; but if we saw it take [it] we do

PESOCHIM - 2a-32b

be exempt from tithes.¹⁰ But cannot a doubt negative a certainty? Surely it was taught, R. Judah said: It once happened that the bondmaid of a certain oppressor¹¹ in Rimon¹² threw her premature-born child into a pit,

(1) I.e., after a room has been searched and cleared of leaven a weasel may have brought leaven into it from elsewhere.

(2) Because they used to bury their premature births in their houses.

(3) For a buried body, before a Jew may live there.

(4) If a baby were thrown there, these would eat it, Oh. XVIII, 7. — Thus the same should apply to leaven.

(5) I.e., the presence there of a dead child is merely conjectured as a possibility.

(6) V. Glos.

(7) V. Supra 4b.

(8) A province of S. W. Persia, now known as Khuzestan; Obermeyer. pp. 204ff.

(9) Lit., 'unprepared'.

(10) Produce is not liable to tithes unless it is taken into the house through the front door when its work is completed, not through the roof or the backyard. If grain is brought in, in its husks its work is not complete, as this is still to be separated, and it is not liable to tithe, and need not be tithed by Scriptural law; a human being may then make a light meal of it, while cattle may eat their fill. Thus there it may never have become liable to tithe at all. Though a human being may not make a meal of it, that is only a Rabbinical law and is certainly nullified here by the presumption that the Haber had tithed it. But in its essence we see that it is doubt against doubt; the doubt whether it was liable to tithe at all offset by the doubt that it may have been tithed.

(11) A powerful Jew (Rashi) who wielded his power oppressively.

(12) A town originally belonging to the tribe of Zebulun, on the north-east frontier (Josh. XIX, 13). It may correspond to the present Al-Rummanah, on the southern edge of the plain of Al-Battof, about ten kilometers north of Nazareth.

Pesachim 9b

and a priest came and looked down it to see whether it was a male or a female;¹ and when the matter came before the Sages they declared him² clean, because weasels and martens³ were to be found there.⁴ Now here, she had certainly thrown it in, while it is doubtful whether they had dragged it away

or not by that time, yet the doubt comes and negatives the certainty? —

Do not say that she threw a premature child into a pit, but say, 'she threw something like a premature child into a pit', so that it is a doubt against a doubt.⁵ But it states: 'In order to see whether it was a male or a female'?⁶ —

This is what it says: To know whether she had aborted wind⁷ or a premature child; and should you say that it was a premature child, to see whether it was a male or a female. Alternatively, there it is a certainty against a certainty; since weasels and martens are to be found there they had certainly dragged it away by that time; [for] granted that they may have left over,⁸ yet they certainly had dragged it away by that time. But do we say, we leave no fear that a weasel may have dragged [leaven], etc.? Surely the second clause states:⁹ What he leaves over¹⁰ he must put away in a hidden place, so that it should not require a search after it?¹¹

Said Abaye. There is no difficulty: the one [refers to a search] on the fourteenth; the other, on the thirteenth. [If one searches] on the thirteenth, when bread is [yet] to be found in all houses, it [a weasel] does not hide [leaven]; on the fourteenth, when bread is not to be found in all houses, it does hide [it].

Said Raba: Is then a weasel a prophet to know that it is the fourteenth now and people will not bake until the evening, so that it should leave [some] over and hide [it]?

Rather said Raba: What one leaves over he must put away in a hidden place lest a weasel seize it in his presence and it require a search after it. It was taught in accordance with Raba: If one wishes to eat leaven after the search, what shall he do? Let him put it away in a hidden place, lest a weasel come and seize it in his presence and it require a search after it.

PESOCHIM - 2a-32b

R. Mari said: It is for fear that he may leave ten¹² and [only] 'find nine.¹³ If there are nine packages of Mazzah and one of leaven, and a mouse comes and steals [a package], and we do not know whether it took Mazzah or leaven,¹⁴ that is [similar to the case of] nine shops.¹⁵ If [one package] was separated¹⁶ and a mouse came and stole it, that is [similar to] the second clause.

For it was taught: If there are nine shops all selling meat of [ritually] slaughtered [animals], and there is one shop selling meat of Nebelah,¹⁷ and a man buys [meat] from one of them, but he does not know from which [shop] he bought the [meat in] doubt is prohibited; but in the case of [meat] found, we follow the majority.¹⁸

If there are two packages, one of Mazzah and the other of leaven, and before them are two rooms, one searched and the other unsearched, and two mice came, one took Mazzah and the other took leaven, and we do not know which [mouse] entered which [house], that is the case of two baskets.

For we learned: If there are two baskets, one containing Hullin¹⁹ and the other containing Terumah,¹⁹ and in front of them are two se'ahs [of provisions], one of Hullin and the other of Terumah, and these fell into those, they [sc. the contents of the baskets] are permitted, for I assume: The Hullin fell into Hullin and the Terumah fell into Terumah.²⁰ Perhaps we say 'I assume'

(1) To decide the period of the slave's uncleanness (v. Lev. XII, 4, 5). A heathen slave in a Jewish house was a semi-Jew, and bound to observe all the religious obligations of a Jewess.

(2) The priest.

(3) Heb. Bardelles.

(4) They may have dragged the body into one of their holes, leaving the pit itself empty. Had it been there the priest would have been defiled through stooping over it, even though he did not touch it.

(5) For the body may not have been formed yet, in which case it does not contaminate.

(6) Which implies that the body was fully formed and the mother was unclean, as after a proper birth, save that the sex had been overlooked.

(7) I.e., an unformed body.

(8) I.e., not eaten it.

(9) Infra 10b.

(10) After the search, for the following morning's meal.

(11) For otherwise a weasel may drag it away.

(12) E.g., rolls.

(13) For then it would be certain that one had been removed, and this would necessitate a further search.

(14) V. p. 33. n. 3. If Mazzah, no further search is required; if leaven, it is required.

(15) Explained infra.

(16) But we do not know whether this separated package was leaven or Mazzah.

(17) V. Glos.

(18) And assume it to have come out of one of the nine. In the first instance the forbidden meat is in a fixed place; technically this is called Kabu'a (fixed), and it is shown in Sanh. 79b that we must then regard the doubt as equally balanced, i.e., as though there were an equal quantity of both, and we are therefore stringent. But in the second case the forbidden meal has left its fixed place and is somewhere in the street; the ordinary rule is then followed that the majority decides.

(19) V. Glos.

(20) By a similar assumption the house already searched does not need to be searched anew.

Pesachim 10a

in the case of Terumah [only], which is merely Rabbinical;¹ but do we say thus in the case of leaven, which is Scriptural?² — Is then the searching for leaven Scriptural; surely it is [only] Rabbinical, for by Scriptural law mere annulment is sufficient.³ If there is one package of leaven, and in front of it are two houses which have been searched, and there came a mouse and seized it, and we do not know whether it entered this [house] or that, that is [similar to] the case of two paths. For we learned: If there are two paths, one clean and the other unclean,⁴ and a person went through one of them and then touched⁵ clean [food], and then his neighbor came and went through the other and he touched clean [food], —

R. Judah said: If they each enquire separately. they are clean;⁶ if both together, they are unclean. **R. Jose said:** In both cases they are unclean. **Raba** — others say. **R. Johanan** — said: If they came together, all

PESOCHEM - 2a-32b

agree that they are unclean; if consecutively, all agree that they are clean. They differ only where one comes to enquire about himself and his neighbor: R. Jose compares it to [both coming] together.⁷ while R. Judah likens it to each coming separately.⁸ If it is doubtful whether it [the mouse] entered or not,⁹ that is [similar to] the case of a plain, and [there we are involved] in the controversy of R. Eleazar and the Rabbis.¹⁰ For we learned: If a man enters a plain¹¹ in winter,¹² and there is uncleanness¹³ in a particular field,¹⁴ and he states: I walked in that place, but do not know whether I entered that field or not, — R. Eleazar declares him clean, while the Sages declare him unclean.

For R. Eleazar ruled: If there is a doubt about entering, he is clean: if there is a doubt of contact with uncleanness, he is unclean.¹⁵ If it [the mouse] entered [with the leaven], and he [the master] searched but did not find it, [in like case] there is a controversy of R. Meir and the Rabbis.

For we learned: R. Meir used to say: Everything which is in the presumption of uncleanness always [remains] in its uncleanness until it is known to you whether its uncleanness is gone; while the Sages rule: one searches until he reaches a rock or virgin soil.¹⁶ If it [the mouse] entered [with leaven] and he searched and found [leaven].¹⁷ — [in like case] there is a controversy of Rabbi and R. Simeon b. Gamaliel. For it was taught: If a grave was lost in a field,¹⁸ he who enters therein is unclean. If a grave is [subsequently] found in it, he who enters therein is clean, for I assume: the grave which was lost is the same grave which was found: this is Rabbi's view.

R. Simeon b. Gamaliel said: The whole field must be examined.¹⁹ If a man left nine [pieces of leaven] and found ten, there is a controversy of Rabbi and the Rabbis. For it was taught: If he left a maneh²⁰ and found two-hundred [Zuz],²¹ Hullin and second tithe are intermingled,²² this is Rabbi's view. But

the Sages maintain: It is all Hullin.²³ If he left ten and found nine, that is [analogous to] the second clause. For it was taught: If he deposited two hundred and found one Maneh, [he assumes], one Maneh was left lying and one Maneh was taken away:²⁴ this is Rabbi's view. But the Sages maintain: It is all Hullin.

(1) Nowadays.

(2) When doubt arises in a Rabbinical law we are naturally lenient; but where the law is Scriptural we are strict.

(3) Supra 4b.

(4) E.g., there is a lost grave in one of them, but we do not know in which.

(5) Lit., 'made'.

(6) Each is given the benefit of the doubt; consequently the food remains clean.

(7) Since the question is asked on behalf of both.

(8) Since there is only one man asking. — It is a principle that if a doubt of uncleanness arises in public ground, it is clean; if in private ground, it is unclean. Here the paths are public ground; hence when they come separately each is declared clean. But we cannot rule thus when they come together, since one is certainly unclean. The same principles apply mutatis mutandis to the searched houses.

(9) A mouse was seen to take a package of leaven, but we do not know whether or not it entered a room already searched.

(10) [This clause is omitted in MS.M., cf. p 43. n. 2.]

(11) Many fields together constitute a plain.

(12) It is then private ground, because the seed has already started sprouting.

(13) I.e., a grave.

(14) The field is known.

(15) For in the first case there is really a double doubt: firstly, whether he entered the field at all, and secondly, even if he did enter, whether he passed over the grave. — In our problem, however, even the Rabbis agree that a re-search is not necessary; since the search is only Rabbinical, we make the more lenient assumption (Rashi). [Apparently Rashi did not read, 'and in the controversy. . . Rabbis', cf. p. 42, n. 10.]

(16) If a pile or heap contains a portion of a corpse, so that it is unclean, while there are two other clean piles, and we do not know now which is which; if one is examined and found to be clean, that is clean, while the others are treated as unclean; if two are found to be clean, they are clean and the third is unclean; but if the three are examined and found to be clean, they are all unclean in R. Meir's opinion, unless we know definitely whether the defilement has disappeared. But the Sages maintain that he examines the ground until he reaches a rock or virgin soil which

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has obviously never been touched, and if it is not found we assume that a bird has flown off with it. — But in the present problem even R. Meir agrees that we are lenient, since the search is only a Rabbinical requirement (Rashi). V. however Tosaf.

(17) But he does not know whether it is the same.

(18) We do not know where it is.

(19) It may not be the same grave. Here too, presumably, even R. Simeon b. Gamaliel is lenient; cf. n. 3.

(20) Of second title.

(21) I.e., two Manehs.

(22) We assume that the original match was left and an unknown person added another. It will therefore be necessary to redeem one Maneh by exchanging it for another.

(23) For the original Manehs may have been taken away. The Rabbis will make a similar assumption here and therefore the house must be searched for the nine pieces.

(24) Hence the present Maneh is treated as second tith.

Pesachim 10b

If a man left [leaven] in this corner and finds [leaven] in another corner, there is a controversy of R. Simeon b. Gamaliel and the Rabbis. For it was taught: If an axe is lost in a house, the house is unclean, for I assume: An unclean person entered there and removed it.

R. Simeon b. Gamaliel said: The house is clean, for I assume, He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot. Who mentioned anything about a corner?¹ The text is defective, and is thus taught: If an axe is lost in a house, the house is unclean, for I say: An unclean person entered there and took it. Or if he leaves it in one corner and finds it in another corner the house is unclean, for I assume, An unclean person entered there and took it from one corner and placed it in another corner.

R. Simeon b. Gamaliel said: The house is clean, for I say. He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot.²

Raba said: If a mouse enters [a room] with a loaf in its mouth and he [the owner] enters after him and finds crumbs, a [fresh] search is necessary,³ because it is not a mouse's nature to make crumbs.⁴

Raba also said: If a child enters [a room] with a loaf in his hand, and he [the owner] enters after him and finds crumbs, a [fresh] search is not necessary, because it is a child's nature to make crumbs.

Raba asked: What if a mouse enters with a loaf in its mouth, and a mouse goes out with a loaf in its mouth: do we say, the same which went in went out; or perhaps it is a different one? Should you answer, the same which went in went out, — what if a white mouse entered with a loaf in its mouth, and black mouse went out with a loaf in its mouth? now this is certainly a different one; or perhaps it did indeed seize it from the other? And should you say, mice do not seize from each other, — what if a mouse enters with a loaf in its mouth and a weasel goes out with a loaf in its mouth? now the weasel certainly does take from a mouse; or perhaps it is a different one, for had it snatched it from the mouse, the mouse would have [now] been found in its mouth? And should you say, had it snatched it from the mouse, the mouse would have been found in its mouth, what if a mouse enters with a loaf in its mouth, and then a weasel comes out with a loaf and a mouse in the weasel's mouth? Here it is certainly the same; or perhaps, if it were the same, the loaf should indeed have been found in the mouse's mouth; or perhaps it fell out [of the mouse's mouth] on account of [its] terror, and it [the weasel] took it? The question stands over.

Raba asked: If there is a loaf on the top rafters, need he [take] a ladder to fetch it down or not? Do we say, our Rabbis did not put him to all this trouble, [for] since it cannot descend of its own accord he will not come to eat it;⁶ or perhaps it may fall down and he will come to eat it? Now should you say, it may fall down and he will come to eat it, — if there is a loaf in a pit, does he need a

PESOCHIM - 2a-32b

ladder to fetch it up or not? Here it will certainly not happen that it will ascend of its own accord; or perhaps he may happen to go down to perform his requirements and come to eat it? Should you say that he may happen to go down for his purposes and come to eat it, — if a loaf is in a snake's mouth, does he need a snake-charmer to take it out or does he not need [one]? [Do we say,] our Rabbis put him to personal trouble, but they did not put him to trouble with his money; or perhaps there is no difference? The questions stand over.

MISHNAH. R. JUDAH SAID: WE SEARCH [FOR LEAVEN] ON THE EVENING OF THE FOURTEENTH, AND⁷ IN THE MORNING OF THE FOURTEENTH, AND AT THE TIME OF REMOVAL. BUT THE SAGES MAINTAIN: IF HE DID NOT SEARCH IN THE EVENING OF THE FOURTEENTH, HE MUST SEARCH ON THE FOURTEENTH; IF HE DID NOT SEARCH IN [THE MORNING OF] THE FOURTEENTH, HE MUST SEARCH AT THE APPOINTED TIME;⁸ IF HE DID NOT SEARCH AT THE APPOINTED TIME, HE MUST SEARCH AFTER THE APPOINTED TIME.⁹ AND WHAT HE LEAVES OVER¹⁰ HE MUST PUT AWAY IN A HIDDEN PLACE, SO THAT HE SHOULD NOT NEED SEARCHING AFTER IT.

GEMARA. What is R. Judah's reason? — R. Hisda and Rabbah son of R. Huna both say, It [the Threefold searching] corresponds to the three 'puttings away' mentioned in the Torah: and there shall no leavened bread be seen with thee, neither shall there be leaven seen with thee;¹¹ seven days shall there be no leaven found in your houses;¹² and even on the first day shall ye put away leaven out of your house.¹³ R. Joseph objected: R. Judah said: He who has not searched at these three periods can no longer search, which proves that they differ only in respect of from now and henceforth!¹⁴

Mar Zutra recited it thus: R. Joseph objected: R. Judah said: He who has not searched at one of these three periods can no

longer search, which proves that they differ in [whether] he can no longer search? —

Rather R. Judah too means, where he has not searched,¹⁵ and here they differ in this: one Master¹⁶ holds, only before it is forbidden;¹⁷ but not after it is forbidden, as a preventive measure, lest he come to eat of it; while the Rabbis hold that we do not preventively forbid. But did R. Judah preventively forbid lest he come to eat thereof, — surely we learned: As soon as the 'omer¹⁸ has been offered, they used to go out and find the markets of Jerusalem filled with flour and parched corn,¹⁹

- (1) We are discussing the case where it is lost.
- (2) Thus here too, according to the Rabbis we fear that mice have been about, and consequently we also fear that the leaven he now finds is not the same which he left, so that a re-search is required. But on R. Simeon b. Gamaliel's view we do not fear this.
- (3) To find leaven with which the mouse was seen to enter.
- (4) Therefore these are not merely the loaf crumbled up.
- (5) Lit., 'throw'.
- (6) Therefore he may leave it there, and merely annul it.
- (7) So presumably; v. Gemara.
- (8) Sc. of removal, i.e., in the sixth hour (11 a.m. — noon).
- (9) From noon until nightfall (Rashi). Tosaf. explains differently: 'within the Mo'ed', from noon on the fourteenth until the end of Passover, translating Mo'ed as festival, which meaning it generally bears; 'after the Mo'ed, after Passover, for leaven kept in the house during Passover is forbidden after Passover.
- (10) 'After the search in the evening, for the following morning's meal' (R. Nissim).
- (11) Ex. XIII, 7.
- (12) Ibid. XII, 19.
- (13) Ibid. 15. — 'Seen' 'found' and 'put away' all mean in practice that the leaven must be put away, and corresponding to each expression there must be a search.
- (14) I.e., after the time of removal, R. Judah holding that there is no searching then, while the Sages maintain that there is. But before that all agree that only one search is necessary. R. Judah meaning either in the evening or in the morning, etc. the Waw (translated 'AND' in the Mishnah) being disjunctive, or.
- (15) In the evening; then he must search in the morning.

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(16) R. Judah.

(17) Must one search then.

(18) V. Glos.

(19) Of the new harvest; v. Lev. XXIII, 9-14. Of course, in order to have it ready for sale on the same day the vendors must have prepared it before, and thus they handled it while it was yet prohibited.

Pesachim 11a

[but] not with the consent of the Sages;¹ this is R. Meir's opinion.

R. Judah said: They acted with the consent of the Sages.² Thus R. Judah did not preventively forbid lest one come to eat thereof? —

Said Raba:³ Hadash is different: since you permit it to him only by means of plucking,⁴ he remembers.⁵

Said Abaye to him: That is well at the time of plucking, [but] what can be said of the grinding and sifting?⁶ — That is no difficulty: grinding [is done] with a hand-mill; sifting [is done] on top of the sieve.⁷ But as to what we learned: 'one may reap an artificially irrigated field and [the corn] in the valleys,⁸ but one may not stack [the corn]',⁹ and we established this as [agreeing with] R. Judah, what can be said?¹⁰ —

Rather, said Abaye: From Hadash one holds aloof;¹¹ but one does not hold aloof front leaven.¹² Raba demurred: R. Judah is self-contradictory. while the Rabbis are not self-contradictory?¹³ —

Rather, said Raba: R. Judah is not self-contradictory, as we have answered. The Rabbis too are not self-contradictory: he himself is seeking it in order to burn it, shall he then eat thereof!¹⁴

R. Ashi said: R. Judah is not self-contradictory, [for] we learned,¹⁵ 'flour and parched corn',¹⁶ But this [answer] of R. Ashi is a fiction:¹⁷ this is well from [the time when it is] parched ears and onwards; 'but from the beginning until it is parched corn, what

can be said?¹⁸ And should you answer, [It is gathered] by plucking,¹⁹ as Raba [answered], then what can be said of [what we learnt that] 'one may reap an artificially irrigated field and [the corn in] the valleys', which we established as [agreeing with] R. Judah?²⁰ Hence R. Ashi's [answer] is a fiction. But, wherever one does not [normally] hold aloof, did R. Judah preventively forbid? Surely we learned: A man may not pierce an eggshell, fill it with oil, and place it over the mouth of a [burning] lamp in order that it should drip,²¹ and even if it is of earthenware; but R. Judah permits it!²² —

There, on account of the strictness of the Sabbath he will indeed keep aloof. Then [one ruling] of the Sabbath can be opposed to [another ruling] of the Sabbath. For it was taught: If the cord of a bucket is broken, one must not tie²³ it [together] but merely make a loop [slip-knot]; whereas R. Judah maintains: He may wind a hollow belt or a fascia²⁴ around it, providing that he does not tie it with a slip-knot.²⁵ [Thus] R. Judah's [views] are self-contradictory. and similarly the Rabbis'? —

The Rabbis' [views] are not self-contradictory: oil [from one source] can be interchanged with oil [from another];²⁶ whereas looping cannot be mistaken for²⁷ knotting. R. Judah's [views] are not self-contradictory; R. Judah's reason is not that he forbids looping on account of knotting, but because looping itself is [a form of] knotting. Now, the Rabbis may be opposed to the Rabbis. For we learned: A bucket [over a well] may be tied with a fascia but not with a cord;²⁸ but R. Judah permits it.²⁹ Now what cord is meant: Shall we say an ordinary [bucket] cord: [how does it state] 'R. Judah permits it', — surely it is a permanent knot, for he will certainly come to abandon it?³⁰ Hence it is obvious that a weaver's [rope³¹ is meant]. and [yet] the Rabbis preventively forbid a weaver's cord on account of an ordinary cord? —

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Even so: one rope may be mistaken for another, [whereas] looping cannot be mistaken for knotting. But, wherever one [normally] holds aloof from it, does not R. Judah preventively forbid? Surely we learned: If a firstling is attacked with congestion, even if it should die [otherwise], we must not bleed it: this is R. Judah's view;³² but the Sages rule: He may bleed [it], providing that he does not inflict a [permanent] blemish upon it? — There, because one is excited

- (1) Lest they eat of it while preparing it.
- (2) V. Men. 67b.
- (3) Bah emends to Rabbah, which is the reading in Men. 67b.
- (4) The new corn may not be reaped at all before the bringing of the 'Omer', but must be plucked by hand.
- (5) That it may not be eaten.
- (6) There is nothing to remind him then of the interdict.
- (7) The sieve is reversed. The unusual ways in which these are done serve as reminders.
- (8) In the usual way, before the 'Omer.
- (9) V. Men. 71a.
- (10) There is nothing there to remind one of the prohibition.
- (11) As it is forbidden at all times until the 'Omer, when it ceases to be Hadash. Thus he is accustomed to abstain from it and is not likely to forget himself.
- (12) During the year, and thus may possibly eat of it when the prohibition is already in force.
- (13) That you seek to reconcile R. Judah's views only. Yet surely the Rabbis too need harmonizing, for whereas the Rabbis do not preventively forbid in the case of leaven, they do so here, as R. Meir states, 'They did not act with the consent of the Sages'.
- (14) Surely we need not entertain that fear.
- (15) In the above cited Mishnah.
- (16) Which are not fit for eating.
- (17) אמת, V. B.M., Sonc. ed. p 47. n. 1.
- (18) In the intermediate stages it is fit for eating! How could it then be handled.
- (19) Which serves as a reminder.
- (20) Though there is nothing there to serve as a reminder, v. infra.
- (21) And replenish the contents of the lamp during Sabbath.
- (22) The reason of the Rabbis is lest he take the oil for eating, which, constitutes extinguishing. R. Judah permits it, though one does not normally abstain from oil, v. Shab. 29a.

(23) The tying of a permanent knot constitutes one of the thirty-nine principal classes of forbidden work on Sabbath.

(24) A band or fillet.

(25) V. Shab. 113a.

(26) Just as he consumes oil from elsewhere, so may he come to draw supplies from this eggshell, seeing no difference.

(27) Lit., 'interchanged with'.

(28) On the Sabbath. The first is certainly only temporary, but the second may be left there, and thus a permanent knot will have been tied on the Sabbath.

(29) V. Shab. 113b.

(30) I.e., leave it there as a thing having no other purpose than this.

(31) Which is not usually used for drawing water, and will not consequently be left there.

(32) One must not inflict a permanent blemish on a firstling. R. Judah rules that the animal must not be bled even without inflicting a permanent blemish upon it, lest one come to do so even by making a permanent blemish. Thus R. Judah forbids preventively, though people do hold aloof from sacred animals, to which category a firstling belongs.

Pesachim 11b

about his property, if you permit him [to bleed it] in a place where a blemish is not inflicted, he will come to do it in a place where a blemish is inflicted.

But the Rabbis [argue]: if you do not permit him at all, he is all the more likely to come to act [thus]. Yet do we say according to R. Judah. A man is excited over his property? Surely we learned: An animal may not be carried on Festivals, because it makes a bruise [wound], but you may scrape it; but the Sages maintain: It may neither be carried nor scraped. Now it was taught: What is currying and what is scraping? Currying is with a small-toothed strigil. and it makes a wound; scraping is with a large-toothed strigil and does not make a wound?¹ —

There, since it will die if left alone, we say. a man is excited about his property; here, if he leaves it there is merely discomfort, we do not say, a man is excited about his money. Now as to R. Judah; wherein is the difference that he preventively prohibits in the case of leaven but does not preventively forbid in the case of

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scraping? — One bread can be mistaken for another bread, [but] currying cannot be mistaken for scraping.

MISHNAH. R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP IT IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN IT AT THE BEGINNING OF THE SIXTH.² R. JUDAH SAID FURTHER: TWO UNFIT LOAVES OF THE THANKSOFFERING USED TO LIE ON THE ROOF³ OF THE [TEMPLE] IZTABA:⁴ AS LONG AS THEY LAY [THERE] ALL THE PEOPLE WOULD EAT [LEAVEN]; WHEN ONE WAS REMOVED, THEY WOULD KEEP IT IN SUSPENSE, NEITHER EATING NOR BURNING [IT]; WHEN BOTH WERE REMOVED, ALL THE PEOPLE COMMENCED BURNING [THEIR LEAVEN].⁵ R. GAMALIEL SAID: HULLIN MAY BE EATEN THE WHOLE OF THE FOUR [HOURS] AND TERUMAH THE WHOLE OF THE FIVE [HOURS]. AND WE BURN [THEM] AT THE BEGINNING OF THE SIXTH [HOUR].⁶

GEMARA. We learned elsewhere: If one [witness] deposes [that it took place] on the second day of the month,⁷ and another deposes, on the third of the month, their testimony is valid, because one knows of the intercalation of the [preceding] months⁸ while the other does not know of the intercalation of the month.⁹ If one deposed, on the third, while the other deposed, on the fifth, their testimony is null. If one said: During the second hour, and the other said: During the third hour, their testimony is valid.¹⁰ If one said, during the third hour, and the other said, during the fifth, their testimony is null: this is R. Meir's view.

R. Judah maintained: Their testimony stands. If one deposed, during the fifth [hour], while the other deposed, during the seventh, their testimony is null, because during the fifth [hour] the sun is in the east, whereas in the seventh it is in the west.

Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man does not err [in the time] at all, [while] on R. Judah's ruling a man may err in half an hour. [Thus:] on R. Meir's ruling a man does not err at all: the event [to which they testify] happened at the end of the second and the beginning of the third [hour], and when one says, during the second, [he means] at the end of the second [hour], and when the other says, during the third hour, [he means] at the beginning of the third hour.¹¹

On R. Judah's ruling a man may err in half an hour: the event happened in the middle of the fourth hour, and he who says in the third hour [meant] at the end of the third hour, and he errs in [being] half an hour before; while he who testified, in the fifth hour, [meant] at the beginning of the fifth hour, and he errs in half an hour behind.

Others say, Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man may err in [just] a little, while on R. Judah's ruling a man may err in slightly more than an hour.¹² On R. Meir's ruling a man may err in [just] a little: the event occurred either at the end of the second or at the beginning of the third [hour], and one of them erred a little. On R. Judah's ruling a man may err in slightly more than an hour: the event happened either at the end of the third or at the beginning of the fifth,

(1) The animal is scraped to free it of mud, mire, etc. Thus R. Judah does not argue that if you permit one the other will be used, because a man is anxious to keep his property in good condition.

(2) V. supra 4b for notes.

(3) This is the reading of MS.M. and in the printed ed. of the Mishnah.

(4) V. Gemara.

(5) Forty loaves were brought with a thanks-offering, ten of which were leaven; two leaven loaves which had become unfit (the Gemara discusses how) were publicly exposed on the portico and served as a signal.

(6) By Biblical law leaven is permitted until midday. But people often erred in the matter of time (there were, of course, no clocks or watches

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in those days), and the controversy here is in respect of the extent of possible or likely errors.

(7) E.g., a murder.

(8) I.e., that it consisted of thirty days. The thirtieth day is said to be intercalated.

(9) Thinking that it consisted of twenty-nine days. This holds good only when they agree on other matters, including what day of the week it was.

(10) Because one can err in an hour.

(11) Thus there is no contradiction at all. But if it is shown that there is a contradiction, even in half an hour, one is assumed to be false and their evidence is null.

(12) Lit., 'an hour and a little'.

Pesachim 12a

and one of them erred in just over an hour.

R. Huna the son of R. Judah went and reported this discussion before Raba. Said he: now what if we carefully examined these witnesses [and found] that the one who testified [that it took place] in the third [hour] meant at the beginning of the third hour, while he who testified [that it took place] in the fifth [meant] at the end of the fifth, so that it would be a confuted testimony and we would not execute [the accused]; shall we then arise and execute him through a doubt,¹ whereas the Merciful One has ordered, then the congregation shall judge... and the congregation shall deliver?² Rather said Raba: on R. Meir's ruling a man may err in two hours less a trifle, while on R. Judah's ruling a man may err in three hours less a trifle.

On R. Meir's ruling a man may err in two hours less a trifle: the incident happened either at the beginning of the second or at the end of the third [hour], and one of them erred in two hours less a trifle.

On R. Judah's ruling a man may err in three hours less a trifle: the incident occurred either at the beginning of the third or at the end of the fifth [hour], and one of them erred in three hours less a trifle. We learned: They³ were examined with seven hakiroth:⁴ In which septennate [was the crime committed], in which year, in which month, on what day of the month, on what day [of the week] at

which hour and in which place? And 'ye [further] learned: What is the difference between Hakiroth and Bedikoth?⁵ In Hakiroth, if one of them [the witnesses] replied. 'I do not know', their testimony is null; in Bedikoth, even if both declare, 'We do not know', their testimony is valid.

Now we questioned this: Wherein this difference between Hakiroth and Bedikoth? And we answered: In Hakiroth, if one declares, 'I do not know', their testimony is null, because it is a testimony which cannot be rebutted;⁶ whereas with respect to Bedikoth it is [still] a testimony which can be rebutted.⁷ Now if you say that a man may err in so much, then the Hakiroth of which hour also [leaves] testimony which cannot be rebutted, for they can assert, 'We did indeed err'? —

We allow them [the benefit of] the whole of their [possible] error: according to R. Meir we allow them from the beginning of the first hour until the end of the fifth; and logically we should give them even more at the beginning, but that people do not err between day and night. While according to R. Judah we allow them from the beginning of the first hour until the end of the sixth; and logically we should give them more at the beginning,

(1) I.e., just because we do not examine the witnesses to find out exactly what they meant.

(2) Num. XXXV. 24, 25; i.e., the accused must be given the benefit of doubt.

(3) The witnesses in a murder trial.

(4) Lit., 'searching questions'. Two types of questions were asked, called Hakiroth and Bedikoth (examinations); v. Sanh. 40a.

(5) As stated, Hakiroth dealt with time and place; Bedikoth dealt with accompanying circumstances of the crime, e.g., the weapon, the clothes worn, etc.

(6) The Hebr. Word *הקמה* used always denotes rebutting by proving that the witnesses themselves were elsewhere at the time of the alleged crime, in which case the law of retaliation applies that the witnesses are subject to the punishment which they sought to fasten upon the accused; v. Deut. XIX, 18f. This is obviously impossible unless the witnesses state the exact time and place, whereas the possibility of rebuttal is essential for the validity of testimony.

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(7) Even if the witnesses are not clear on the accompanying circumstances.

Pesachim 12b

but that people do not err between day and night; and logically we should give them more at the end,¹ but that in the fifth hour the sun is in the east while in the seventh the sun is in the west.²

We learned: R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP [IT] IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. Now according to Abaye who maintains that on R. Meir's view a man does not err at all, let us eat [leaven] for the whole of the six [hours]?³ And even on the version which asserts [that] a man may err slightly, let us eat until the end of the sixth hour?⁴ And according to Abaye on R. Judah's view, who maintains [that] a man may err in half an hour, let us eat [leaven] until half of the sixth hour; and even on the version in which you say. A man may err in an hour and a trifle, let us eat until the end of the fifth hour? —

Said Abaye: Testimony is committed to careful men,⁵ [whereas] leaven is committed to all.⁶ Now according to Raba who maintains [that] on R. Meir's view a man may err in two hours less a trifle, let us not eat [leaven] from the beginning of the fifth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh the sun is in the west.⁷ If so, let us eat during the sixth [hour] too? —

Said R. Adda b. Ahabah: In the sixth the sun stands in the meridian.⁸ And according to Raba who maintains on R. Judah's view [that] a man may err in three hours less a trifle, let us not eat from the beginning of the fourth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh it is in the

west, and all the more so in the fourth. If so, let us also eat in the fifth [hour]? —

Abaye answered this on Raba's view: Testimony is committed to men of care, [whereas] leaven is committed to all.⁹ But Raba said: Now this is R. Judah's reason, but R. Judah follows his opinion. for he maintains, There is no removal of leaven save by burning; the Rabbis therefore gave him one hour in which to collect fuel.¹⁰

Rabina raised an objection to Raba: R. Judah said: When is this?¹¹ before¹² the time of removal;¹³ but at the time of removal its 'putting away' is with anything.¹⁴ Rather said Raba: It is a preventive measure on account of a cloudy day.¹⁵ If so, let us not eat even during the four hours? — Said R. Papa: The fourth [hour] is the general mealtime.¹⁶

Our Rabbis taught: The first hour [of the day] is the mealtime for gladiators;¹⁷ the second is the mealtime for robbers;¹⁸ the third is the mealtime for heirs;¹⁹ the fourth is the mealtime for labourers;²⁰ the fifth is the mealtime for scholars; the sixth is the general mealtime.²¹ But R. Papa said: The fourth [hour] is the general mealtime? —

Rather reverse it: The fourth is the general mealtime; the fifth is for laborers; and the sixth is for scholars. After that it is like throwing a stone into a barrel.²²

Abaye said: That was said only if nothing at all is eaten in the morning; but if something was eaten in the morning. we have naught against it.

R. Ashi said: As there is a controversy in respect of testimony. so is there a controversy in respect of leaven.²³ But it is obvious? That is precisely what we have said!²⁴ This is what he informs us: the answers which we gave are [correct] answers, and you need not say that it is dependent on Tannaim.²⁵

R. Simi b. Ashi said: They learned this²⁶ only in respect of hours;²⁷ but if one testified [that

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the crime was committed] before sunrise and the others testified, after sunrise, their testimony is void. That is obvious? —

Rather [say] if one testified [that it was] during sunrise, their testimony is void. That too is obvious? You might say, Both testified to the same thing, while he who said [that it was]

(1) Lit., 'forward'.

(2) According to R. Meir: if A testified that the crime was committed in the second hour, and B that it took place in the third, their testimony is valid (v. Supra 11b), unless they are rebutted over the whole period in which an error is possible.

Thus A, if rebutted, can plead that he erred, and that the crime actually took place either in the first hour or in the third or fourth. He should also be able to plead that it took place within the hour before sunrise, since R. Meir allows for an error of nearly two hours, but that he would never mistake night for day. Similarly B, if rebutted, can plead that he erred, and that the crime took place at any time between the first and the fifth hour. Hence they are liable to be rebutted over the whole of this time; i.e., C and D testify that they were elsewhere from the first until the fifth hour, and such rebuttal is designated a rebuttal in respect of hours, and therefore the evidence, if unrefuted, is valid. By the same reasoning, according to R. Judah, who allows for a margin of nearly three hours' error, the period is from the first until the sixth hour, the seventh being disregarded, as explained in the Gemara. — This wide latitude is granted only in so far that the witnesses will not be subject to retaliation (v. p. 53, n. 4) otherwise, but the evidence none the less may be void. E.g., if it is necessary to assume that B erred in two hours and that he really meant the fifth hour, A's testimony cannot be reconciled with it on any reasoning, and as we are left with one witness only the accused cannot be condemned.

(3) I.e., right until midday, when it is forbidden by Scriptural law.

(4) I.e., until just before midday.

(5) A man does not come to testify without being very careful on the question of time, as he knows that he will be cross-examined.

(6) Every man uses his own judgment, and therefore a far wider margin of error is possible.

(7) And the interdict of leaven commences in the seventh only; hence there is no possibility of error.

(8) Lit., 'between the corners', — equidistant from the east and the west, and so an error is possible.

(9) Hence in the matter of leaven people may err between the fifth and the seventh hours, in spite of the difference in the sun's position. Nevertheless, they would not err from the fourth to the seventh.

(10) Hence the fifth hour is kept in suspense, for if one were permitted to eat then he might forget about collecting fuel.

(11) That burning is the only form of removal.

(12) Lit., 'not at'.

(13) I.e., during the sixth hour, before there is the Scriptural injunction to put away leaven.

(14) It can be destroyed in any fashion. — Then why keep it in suspense? if he forgets to collect fuel he can destroy it in another way.

(15) When the position of the sun cannot be clearly ascertained.

(16) Hence everybody knows it.

(17) Whose diet requires special attention (Jast.); or perhaps, circus attendants.

(18) Rashi: Both are rapacious, hence they eat so early; but robbers, being awake all night, sleep during the first hour of the day.

(19) Not having to earn their living, they have their main meal earlier than others.

(20) In the field.

(21) Lit., 'the mealtime of all (other) men'.

(22) No benefit is derived.

(23) Just as R. Meir and R. Judah differ in the possible errors of time in respect to evidence, so in respect of the prohibition of leaven.

(24) The whole of our discussion assumes that the two subjects are completely analogous.

(25) For though the views of R. Meir and R. Judah are apparently self-contradictory, they have been reconciled. R. Ashi informs us that it is unnecessary to assume that they actually represent irreconcilable opinions. there being a controversy of Tannaim as to the views of R. Meir and R. Judah.

(26) That a margin of error, perhaps up to nearly three hours, is allowed in testimony.

(27) I.e., when the witnesses state the hour of the day.

Pesachim 13a

during sunrise was standing in the glow [before sunrise] and what he saw was merely the glare; hence he informs us [that it is not so]. R. Nahman said in Rab's name: The Halachah is as R. Judah.¹

Said Raba to R. Nahman, Yet let the Master say [that] the Halachah is as R. Meir, since a Tanna taught anonymously in agreement with him. For we learned: As long as it is permitted to eat [leaven] he may feed [animals with it]?² That is not anonymous. because there is the difficulty of 'it is permitted'.³ Then let the Master say [that] the Halachah is as R. Gamaliel, since he

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makes a compromise?⁴ — R. Gamaliel does not make a compromise but states an independent view.⁵

Alternatively. Rab rules as this Tanna. For it was taught: If the fourteenth falls on the Sabbath, everything [sc. leaven] must be removed before the Sabbath, and terumoth,⁶ whether unclean, or in suspense.⁷ or clean, are burnt, and of the clean [Terumah] food for two meals is left over, so as to eat until four hours:⁸ this is the ruling of R. Eleazar b. Judah of Bartotha⁹ which he stated in R. Joshua's name.

Said they to him: Clean [Terumoth] should not be burnt, in case eaters may be found for them?¹⁰ — He replied: They have already sought [eaters] but not found [them].¹¹ They may have spent the night without the [city] wall? said they to him¹² — Then on your reasoning, he retorted, even those in suspense should not be burnt, lest Elijah come and declare them clean?¹³ —

Said they to him, it has long been assured to Israel that Elijah will come neither on the eve of the Sabbath nor on the eve of Festivals, on account of the trouble.¹⁴ It was said:¹⁵ They did not stir thence until they decided the Halachah in accordance with R. Eleazar b. Judah of Bartotha which he stated in R. Joshua's name. Does that not mean even in respect of eating?¹⁶

Said R. Papa in Raba's name: No, [only] in respect of removing.¹⁷ Now Rabbi too holds this [view] of R. Nahman. For Rabin son of R. Adda related: It once happened that a certain man deposited a saddle-bag full of leaven with Johanan of Hukok,¹⁸ and mice made holes in it, and the leaven was bursting out. He then went before Rabbi.¹⁹ The first hour he said to him, 'Wait'; the second, he said to him, 'Wait'; the third he said to him, 'Wait';²⁰ the fourth he said to him, 'Wait'; at the fifth he said to him, 'Go out and sell it in the market'. — Does that not mean to Gentiles, in accordance with R. Judah?²¹ —

Said R. Joseph: No, to an Israelite, in accordance with R. Meir.²² Said Abaye to him: If to an Israelite, let him take it for himself? — [He could not do this] because of suspicion.²³ For it was taught: When the charity overseers have no poor to whom to distribute [their funds], they must change the copper coins with others, not themselves.²⁴ The overseers of the soup kitchen,²⁵ when they have no poor to whom to make a distribution, must sell to others, not to themselves, because it is said, and ye shall be guiltless towards the Lord, and towards Israel.²⁶ R. Adda b. Mattenah said to R. Joseph:²⁷ You explicitly told us [that he said]. 'Go out and sell it to Gentiles,' in accordance with R. Judah.

R. Joseph said: With whom does this ruling of Rabbi agree?²⁸ With R. Simeon b. Gamaliel. For we learned: If a man deposits produce with his neighbor. even if it is suffering loss,²⁹ he must not touch it.

R. Simeon b. Gamaliel said: He must sell it by order of the court, on account of returning lost property.³⁰ Said Abaye to him, Yet was it not stated thereon, Rabbah b. Bar Hanah said in R. Johanan's name: They learned this only

- (1) In our Mishnah.
- (2) Conversely, when he may not eat leaven he may not feed his cattle with it. But in R. Judah's view he may not eat it during the fifth hour, and yet he may give it to his cattle. Hence this must agree with R. Meir. It is a general principle that an anonymous Mishnah states the Halachah.
- (3) V. infra 21a. In order to answer that difficulty the Mishnah is explained as being R. Gamaliel's view.
- (4) V. Mishnah on 11b. It is a general rule that the view representing a compromise is the Halachah.
- (5) Lit., 'a reason of his own'. R. Gamaliel's view would be a compromise if R. Meir and R. Judah mentioned Terumoth and Hullin, R. Meir explicitly stating that even Hullin may be eaten the whole of the five hours, and R. Judah stating that even Terumah may only be eaten up to four hours. This would show that they recognize that in logic a distinction might be drawn between Hullin and Terumah. R. Gamaliel, in thus making the distinction, would be effecting a compromise. But

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they do not rule thus: hence his distinction is an entirely independent one.

(6) Plur. of Terumah.

(7) I.e., when it is in doubt whether they are clean or unclean.

(8) I.e., one meal Friday evening and one Saturday morning.

(9) In Upper Galilee.

(10) E.g., guests who are priests may arrive.

(11) I.e., it is impossible to have unexpected guests, for these cannot arrive from without the town on the Sabbath, while one knows who is in town.

(12) And thus arrive unexpectedly.

(13) One of the functions ascribed to Elijah was the clearing up of all doubts.

(14) His coming then would be inopportune.

(15) Lit. — 'they said'.

(16) And he states that leaven may be eaten until four hours, even if it is Terumah. This is the basis of Rab's ruling, the question being a rhetorical one.

(17) Viz., that even the clean Terumoth must not be kept for Sabbath morning but must be burnt before the Sabbath. But it is possible that Terumah may be eaten until the fifth hour.

(18) In Northern Palestine.

(19) It was Passover eve.

(20) The owner may come.

(21) Who holds that it is forbidden to Jews then.

(22) Who holds that a Jew may eat it during the fifth hour.

(23) E.g., that he had undervalued it.

(24) Copper coins were unsuitable for keeping a long time, being liable to tarnish and mould. Therefore they would be exchanged for silver ones.

(25) תמזורי; actual food was collected for this purpose, not money, and it was distributed to those in immediate need of a meal. V. B.B. 8b.

(26) Num. XXXII, 22. I.e., one must avoid even the appearance of suspicion.

(27) R. Joseph had forgotten his learning owing to an illness, and his disciples would often have to remind him of his teachings. v. Ned. 41a.

(28) Lit., 'as whom does it go'?

(29) Through mildew or mice.

(30) I.e., it is like returning lost property to its owner.

Pesachim 13b

when there is the normal rate of decrease; but when [the loss] exceeds the normal rate of decrease, [all agree that] he must sell it by a court order. How much more so here that it is entirely lost.¹

R. JUDAH SAID FURTHER: TWO [UNFIT] LOAVES, etc. A Tanna recited before Rab Judah: on the top [gab] of the [Temple] iztaba.² Said he to him: Does he then need to hide them?³ Learn: on the roof of the [temple] Iztaba [portico]. Rehaba said in R. Judah's name:⁴ The Temple Mount consisted of a double colonnade.⁵ It was taught likewise: The Temple Mount consisted of a double colonnade. R. Judah said: It was called istewawnith,⁶ [being] a colonnade within a colonnade. UNFIT, etc. why UNFIT? —

Said R. Hanin: Since they were many they became unfit through being kept overnight. For it was taught: A thanks-offering may not be brought during the Feast of Unleavened Bread on account of the leaven therein.⁷ But that is obvious? —

Said R. Adda b. Ahabah: We treat here of the fourteenth. and he [the Tanna] holds: Sacred food may not be brought to unfitness.⁸ Hence everybody brought it on the thirteenth, and since they were numerous they became unfit through being kept overnight.

In R. Jannai's name it was said: They were fit, yet why are they called unfit? Because the sacrifice had not been slaughtered for them.⁹ Then let us slaughter [it]? — The sacrifice was lost. Then let us bring another sacrifice and slaughter [it]? — It is a case where he [the owner] had declared: 'This [animal] is a thanks-offering and these are its loaves,' this being in accordance with Rabbah.

For Rabbah said: If the loaves are lost, other loaves may be brought. If the thanks-offering is lost, another thanks-offering may not be brought — What is the reason? The loaves are subsidiary¹⁰ to the thanks-offering, but the thanks-offering is not subsidiary to the loaves. Then let us redeem and free them as Hullin?¹¹ — But in truth it is a case where the sacrifice was slaughtered for them, but the blood was poured out.¹² And with whom [does this agree]?

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With Rabbi, who said: The two things which permit, promote [to sanctity] without each other.¹³ For it was taught: The lambs of Pentecost¹⁴ sanctify the loaves only by shechitah.¹⁵ How so? If he kills them for their own purpose¹⁶ and sprinkles their blood for their own purpose, he [thereby] sanctifies the loaves. If he kills them for a purpose that is not theirs and sprinkles their blood for a purpose that is not theirs, he does not sanctify [thereby] the loaves — If he kills them for their own purpose but sprinkles their blood for a purpose that is not theirs, the bread is sanctified and not sanctified;¹⁷ this is Rabbi's ruling.

R. Eleazar b. R. Simeon said: The bread always remains unsanctified until he kills [the lambs] for their own purpose and sprinkles their blood for their own purpose.¹⁸ — [No,] you may even say [that it agrees with] R. Eleazar son of R. Simeon; but the case we discuss here is where the blood was caught in a goblet and then spilled, while R. Eleazar son of R. Simeon holds as his father, who maintained: That which stands to be sprinkled is as though it were sprinkled.¹⁹

A Tanna taught: In R. Eleazar's name it was said: They [the loaves] were fit. As long as they [both] lay [there], all the people ate [leaven]; when one was removed, they kept [the leaven] in suspense, neither eating nor burning [it]; when both were removed, all commenced burning [their leaven].

It was taught, Abba Saul said:

- (1) If unsold before it becomes interdicted.
- (2) The word may denote a bench or a portico. The reading 'on the top' (gab) implies the former rendering. Hence the question that follows, v. Rashi.
- (3) Surely they are intended to be exposed for public gaze.
- (4) V. Bez., Sonc. ed. p. 54, n. 9.
- (5) [GR. **. For a description of the Temple porticoes v. Josephus, Wars v, 5.3 v. also Derenbonrg, Essai p. 51.
- (6) Lit., 'a double colonnade'. [סטיין כפול] == GR. **. of Josephus, Wars V. 5.2. v. Hollis, F. J. Herod's Temple p. 15.]

(7) Forty loaves accompanied the offering, ten of which were leaven.

(8) A thanks-offering may be eaten on the day that it is brought and the following night. But if it is brought on the fourteenth of Nisan the loaves of leaven may be eaten only until noon, and this Tanna holds that a sacrifice may not be brought at a time when the normal period for its consumption is lessened, so that it is likely to become unfit.

(9) I.e., we need not assume that the reference is to loaves which were in fact unfit through having been kept overnight, but even if the sacrifice had not been slaughtered they are also so designated, because the loaves may not be eaten until the thanks-offering is killed on their behalf.

(10) Lit., 'on account of'.

(11) For the loaves in that case can be redeemed.

(12) The loaves cannot be redeemed then.

(13) The slaughtering and the sprinkling of the blood are both required before the loaves may be eaten; on the other hand, one alone suffices to promote them to that degree of sanctity ('intrinsic sanctity, as opposed to 'monetary' sanctity); from which they cannot be redeemed.

(14) Lit., 'the solemn assembly' — the term without further qualification always refers to Pentecost.

(15) V. Glos. It is stated in Lev. XXIII, 19f: And ye shall offer... two he-lambs... and the priest shall wave them with the bread of the first fruits (i.e., the 'two wave loaves' mentioned in v. 17, q.v.) for a wave offering before the Lord, with the two lambs: they shall be holy to the Lord for the priest. In Men. 46a it is shown that these loaves are sanctified only by the ritual slaughter of the sacrifice.

(16) Lit., 'for their name — I.e., as the Pentecost sacrifices.

(17) The loaves are sanctified in that they become unfit if taken without the sacred precincts and that they cannot be redeemed, for they are now intrinsically holy. Yet they are unsanctified in the sense that they may not be eaten.

(18) Thus the statement that our Mishnah refers to a case where the offering had been slaughtered but its blood was not sprinkled and thereby the loaves were sanctified, would appear to agree with Rabbi only.

(19) In the sense that the animal is unfit as a sacred offering which has become unfit. Yet it may not be eaten unless the blood is sprinkled.

Pesachim 14a

Two cows used to plow on the Mount of Anointing;¹ as long as both were plowing, all the people ate; when one was removed, they kept [the leaven] in suspense, neither eating

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nor burning [it]; when both were removed, all the people began burning [their leaven].

MISHNAH. R. HANINA. THE SEGAN² OF THE PRIESTS, SAID: DURING THE DAYS OF THE PRIESTS THEY NEVER REFRAINED FROM BURNING [SACRIFICIAL] FLESH WHICH HAD BEEN DEFILED BY A DERIVATIVE UNCLEANNESS WITH FLESH WHICH HAD BEEN DEFILED BY A PRINCIPAL UNCLEANNESS, THOUGH UNCLEANNESS IS ADDED TO ITS UNCLEANNESS.³ R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING OIL⁴ WHICH HAD BEEN RENDERED UNFIT⁵ BY A TEBUL YOM⁶ IN A LAMP WHICH HAD BEEN MADE UNCLEAR BY THAT WHICH [OR, ONE WHO] IS UNCLEAR THROUGH A CORPSE, THOUGH UNCLEANNESS IS ADDED TO THEIR UNCLEANNESS.⁷ SAID R. MEIR: FROM THEIR WORDS WE LEARN THAT WE MAY BURN CLEAN TERUMAH TOGETHER WITH UNCLEAR TERUMAH ON PASSOVER.⁸ R. JOSE SAID: THAT IS NOT AN ANALOGY.⁹ AND R. ELIEZER AND R. JOSHUA ADMIT THAT EACH IS BURNT SEPARATELY; WHERE DO THEY DIFFER? IN RESPECT OF DOUBTFUL [TERUMAH]¹⁰ AND UNCLEAR [TERUMAH]. R. ELIEZER RULING, EACH MUST BE BURNT SEPARATELY, WHILE R. JOSHUA RULES, BOTH TOGETHER.

GEMARA. Consider: Flesh which was defiled by a derivative uncleanness, what is it? A second degree. When it is burnt together with flesh which was defiled by a principal defilement, what is it? A second degree:¹¹ [thus] it was a second degree [before] and [is] a second degree [now], then what adding of uncleanness to its uncleanness is there? —

Said Rab Judah: We treat here of the derivative of a derivative, so that it¹² is a third degree, and he holds that a third may be raised to a second. But food cannot defile food, for it was taught: You might think that food should defile food, therefore it is stated, But if water be put upon the seed, and aught of their carcass fall thereon, it is unclear:¹³ it

is unclear, but it does not render that which is similar thereto unclear?¹⁴ Now it is well according to Abaye who maintained: They learned this only of Hullin, but in the case of Terumah and sacred food they can render what is similar thereto [unclear].

And also according to R. Adda b. Ahabah in Raba's name, who maintained: They learned this only of Hullin and Terumah, but in the case of sacred food it does not render its like [unclear], it is correct. But according to Rabina in Raba's name, who said: The Writ states an unqualified law,¹⁵ there is no difference whether it is Hullin, Terumah, or sacred food, it cannot render its like [unclear], what is there to be said? —

We treat here of a case where there is liquid together with the flesh, so that it is defiled on account of the liquid.¹⁶ If so, [instead of] this [phrase] 'TOGETHER WITH FLESH WHICH HAD BEEN DEFILED WITH A PRINCIPAL UNCLEANNESS, he should state, TOGETHER WITH FLESH and liquid' [etc.]? Rather, [reply] granted that food cannot defile food by Scriptural law, by Rabbinical law it can nevertheless defile [it].¹⁷

R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING, etc. Consider: When oil is rendered unfit through [contact with] a Tebul Yom, what is it? A third degree [of defilement]; and when it is lit in a lamp which was defiled by that which [or, one who] was defiled through a corpse, what does it become? A second degree.¹⁸ [Thus] what he does inform us is that a third degree may be raised to a second; then it is the identical [teaching]?¹⁹

Said Rab Judah: We treat here of a metal lamp, for the Divine Law said,

(1) I.e., the Mount of Olives.

(2) Chief of the priests and deputy High-Priest, v. Sanh., Sonc. ed. p. 97. n. 1.

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(3) The following degrees of defilement are distinguished: (i) The super principal (lit., 'father of fathers' of) defilement, which is that borne by a corpse; (ii) principal (lit., 'the father of') defilement, which is that of a human being or a utensil 'defiled by a corpse; (iii) derivative (lit., 'offspring of') defilement, borne by a human being, utensil or food which is contaminated by a principal defilement — this is also known as the first degree or 'beginning' of defilement; (iv) the second degree of defilement, which is that of food contaminated by a principal defilement. In Hullin there is nothing further, and if Hullin comes into contact with something unclean in the second degree it remains clean. Terumah, however, is liable to (v) a third degree, but no further. Sacred food, i.e., the flesh of sacrifices, is liable to (vi) a fourth degree of defilement. Third degree Terumah and fourth degree sacred flesh are called 'unfit' but not unclean, because they cannot communicate uncleanness to their own kind, i.e., to Terumah and sacred flesh respectively.

(4) of Terumah.

(5) V. n. 2.

(6) V. Glos.

(7) In all these cases something of a lower degree of uncleanness comes into contact with something else of a higher degree of uncleanness when they are burnt together, and their own uncleanness is increased, as explained in the Gemara.

(8) I.e., on the eve of Passover, when leaven must be burnt. R. Meir reasons that since a higher degree of uncleanness may be imposed upon Terumah and sacred flesh when they must be burnt in any case, the same holds good for leaven, even if one is not unclean at all.

(9) You cannot deduce one from the other.

(10) Lit., 'in suspense'.

(11) For the latter is a first degree and its contact renders this flesh a second degree.

(12) The flesh which is defiled thereby.

(13) Lev. XI, 38.

(14) Then what increase of uncleanness can there be in the Mishnah?

(15) Lit., 'a full verse'.

(16) When the flesh was defiled there was water upon it, which is still there when it is burnt with the flesh defiled in a lower degree. The uncleanness of the latter is raised through contact with the water.

(17) Thus the Mishnah likewise treats of a Rabbinically enhanced defilement.

(18) The lamp being unclean in the first degree.

(19) of R. Hanina.

as the slain;² hence it is a principal defilement, and he [R. Akiba] thus holds that a third may be raised to a first.³ Yet what compels Rab Judah to relate it to a metal lamp? Let him relate it to an earthen lamp, and [as to the question], what does he [R. Akiba] add? [We can reply]. For whereas there [in the first clause] it was unclean and is [now] unclean, here it was unfit and is [now] unclean?⁴ —

Said Raba, Our Mishnah presents a difficulty to him: Why does it particularly state, A LAMP WHICH HAD BEEN MADE UNCLEAN BY THAT WHICH WAS UNCLEAN THROUGH A CORPSE? Let it state, which had been defiled by a sherez!⁵ Now what thing is there whose uncleanness is differentiated between the uncleanness of a corpse and [that of] a Sherez? Say, that is metal.⁶

Raba said: This proves that R. Akiba holds, The uncleanness of liquids in respect of defiling others is Scriptural; for if you should think that it is Rabbinical [only], then consider: how does this lamp affect the oil? If by rendering that itself unfit, surely it is already unfit?⁷ Whence [does this follow]: perhaps [it affected it by enabling it] to defile others by Rabbinical law?⁸ — If by Rabbinical law [only], why particularly [state when it was defiled] by a principal uncleanness? Even if [it was defiled] by a first or second degree it is still a first.⁹ For we learned: Whatever renders Terumah unfit defiles liquids, making them a first, except a Tebul yom?¹⁰ Hence this must prove that it is Scriptural.

SAID R. MEIR: FROM THEIR WORDS WE LEARN, etc. From whose words? Shall we say, from the words of R. Hanina, the Segan of the Priests, — are they alike? There it is unclean and unclean, whereas here it is clean and unclean. Again, if from the words of R. Akiba, — are they then alike? There it is unfit and unclean, whereas here it is clean and unclean? Must we [then] say¹¹ that R. Meir holds [that] our Mishnah treats of a

Pesachim 14b

[And whosoever... toucheth] one that is slain by the sword,¹ [which intimates], the sword is

PESOCHIM - 2a-32b

principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law,¹² which by Scriptural law is completely clean;

(1) Num. XIX, 16.

(2) In its degree of defilement. For otherwise, why specify how the person was slain? This is then understood as a general law that any metal vessel or utensil which becomes defiled through a corpse, whether at first hand or not, bears the same degree of defilement as that which contaminates it.

(3) For the oil, by contact with the lamp, is raised from a third to a first.

(4) V. p. 62, n. 2. The flesh, even in a third degree, being sacred, was definitely unclean, since there can be a fourth degree. But the oil of Terumah was only unfit, without power to contaminate, whereas now by being raised to a second degree it becomes unclean. Thus this statement goes beyond R. Hanina's. — The reference must be to oil of Terumah. For though there was also sacred oil, viz. 'the oil used in meal-offerings, and there a third degree is unclean in that it defiles by contact, nevertheless when unclean it cannot be used for lighting but must be burnt, like all other sacrifices which had been, invalidated for any reason, so that by burning it together with the derivative of uncleanness and rendering it thereby second, he does not increase the power of defilement.

(5) Lit., 'a creeping thing'. This too is a principal defilement, just like a man defiled by a corpse. Rashi omits 'by a Sherez', the question being, what need is there for the Mishnah to define at all the source of principal defilement from which the lamp became contaminated.

(6) The rule that a metal vessel bears the same degree of defilement as that which contaminated it applies only to corpse defilement.

(7) And what does it matter whether it is of the third degree or of the first? Hence we must assume that it can now contaminate even by Scriptural law, which it could not do before.

(8) Which power it previously lacked.

(9) Lit. 'beginning' — another designation for a first degree.

(10) 'What renders Terumah unfit' is anything which is unclean in the second degree. By Rabbinical law this in turn defiles liquids and actually inflicts a higher degree of uncleanness than that borne by itself, rendering them unclean in the first degree. Thus if R. Akiba were treating of Rabbinically enhanced contamination, it would be unnecessary to speak of the lamp, which bears a principal degree of uncleanness, but of anything which bears even a second degree of uncleanness.

(11) Since R. Meir derives his law from the preceding statements.

(12) E.g., if a utensil was defiled by a liquid and in its turn defiled flesh. The second defilement is only

Rabbinical, for by Scriptural law liquid cannot defile a utensil.

Pesachim 15a

and what does FROM THEIR WORDS mean? From the words of R. Hanina, the Segan of the Priests?¹ —

Said Resh Lakish in Bar Kappara's name: our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture;² and what does FROM THEIR WORDS mean? From the words of R. Eliezer and R. Joshua.³ Which [teaching of] R. Joshua? Shall we say, the following [teaching of] R. Joshua? For we learned: In the case of a cask of Terumah wherein a doubt of uncleanness is born,⁴ —

R. Eliezer said: If it is lying in an exposed place it must be laid in a hidden place, and if it was uncovered, it must be covered.⁵ R. Joshua said: If it is lying in a hidden place, one may lay it in an exposed place, and if it is covered it may be uncovered!⁶ How compare: there it is mere indirect action, whereas here it is [defiling] with [one's own] hands? —

Rather it is this [ruling of] R. Joshua. For we learned: If a cask of [wine of clean] Terumah in the upper part is broken,⁷ while [in] the lower part there is unclean Hullin.

R. Eliezer and R. Joshua agree that if a Rebi'iths thereof can be saved in purity, one must save it. But if not, R. Eliezer ruled: Let it descend and be defiled, yet let him not defile it with [his own] hands: R. Joshua said: He may even defile it with his own hands.⁹ If so, [instead of] this [phrase] 'FROM THEIR WORDS, he should state, 'FROM his WORDS'? — This is what he means: From the controversy of R. Eliezer and R. Joshua we learn [etc.]' — This may be proved too,¹⁰ because he states [further]: R. ELIEZER AND R. JOSHUA AGREE [etc.].¹¹ This proves it.

PESOCHIM - 2a-32b

And thus said R. Nahman in Rabbah b. Abbuha's name [too]: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture, and what does **FROM THEIR WORDS** mean? From the words of R. Eliezer and R. Joshua.

Raba raised an objection to R. Nahman: R. Jose said [to R. Meir]: The conclusion¹² is not similar to the premise. For when our Masters testified, about what did they testify? If about flesh which was defiled through a derivative uncleanness, that we burn it together with flesh which was defiled through a principal uncleanness, [then] this is unclean and that is unclean!¹³

If about oil which was rendered unfit by a Tebul yom,¹⁴ that it is lit in a lamp which was defiled by one unclean through the dead, one is unfit and the other is unclean. So we too admit in the case of Terumah which was defiled through a derivative uncleanness, that we may burn it together with Terumah which was defiled by a principal uncleanness. But how can we burn that which is in suspense together with that which is unclean? Perhaps Elijah will come and declare it [the former] clean!¹⁵

(1) And the analogy is thus: just as Rabbinically unclean flesh may be burnt together with Scripturally unclean flesh, though the former is Scripturally clean, so may clean Terumah be burnt together with unclean Terumah during the sixth hour, though the former is then only Rabbinically forbidden, since by Scriptural law the interdict of leaven does not commence until the seventh hour, while the latter is already Scripturally forbidden for use on account of its defilement.

(2) The other hypothesis being a forced one.

(3) Thus R. Meir does not refer to the Mishnah at all but to the rulings of some other Sages. Strictly speaking therefore this Mishnah is irrelevant in its present position, but it is included because the subject of burning unclean together with clean is dealt with there.

(4) E.g., if there is a doubt whether an unclean person touched it.

(5) In spite of the doubt one must still protect it from certain defilement.

(6) I.e., since a doubt has arisen you are no longer bound to protect it and may even place it where the risk of contamination is greater than at present. Thus R. Joshua holds that since it is only fit for lighting one may cause it to become unclean, and this furnishes the basis for R. Meir's analogy.

(7) And the contents thereof are running down into the lower part of the vat.

(8) A quarter of a log.

(9) If the clean Terumah runs into the Hullin, it becomes unclean too, and then the mixture is forbidden to priest and lay Israelite alike, unless there is one hundred times as much Hullin as Terumah. In the present case only unclean vessels are ready to hand to catch the Terumah, which would save the Hullin below. Both agree that if there is time to go, procure clean vessels and save at least a Rebi'ith of the Terumah, this must be done, though in the meantime some Terumah will descend and render all the Hullin forbidden. But where there is no time to save even a Rebi'ith, we have a controversy. R. Eliezer holds that even so it must be permitted to descend, though it will thereby be defiled in any case, rather than that we should deliberately defile it by catching it in unclean vessels. But R. Joshua maintains that since it will all be defiled in any case, we may defile it ourselves, in order to save the Hullin below. R. Meir's ruling in the Mishnah is based on R. Joshua's.

(10) That R. Meir refers to R. Eliezer and R. Joshua.

(11) This would be irrelevant if he had not already referred to them.

(12) R. Meir's.

(13) Whereas R. Meir deals with unclean and clean.

(14) V. Glos.

(15) How then may we defile them with our hands by burning them together?

Pesachim 15b

As to Piggul,¹ Nothar,² and unclean [sacrificial flesh]. —

Beth Shammai maintain: They must not be burnt together;³ while Beth Hillel rule: They may be burnt together.⁴ Now if you think that R. Meir argues from the words of R. Joshua, why does R. Jose answer him from [the view] of R. Hanina, the Segan of the Priests? —

Said R. Nahman to him: R. Jose did not comprehend his [R. Meir's] reasoning, for he thought [that] R. Meir was arguing from R.

PESOSCHIM - 2a-32b

Hanina, the Segan of the Priests, thereupon he said to him, I state [this law by deduction] from R. Joshua —

But he answered him, Even on R. Joshua's [view] this is no true analogy, for R. Eliezer and R. Joshua admit that one must burn this separately and that separately. Yet why is this not a [true] analogy. Surely it is a perfect analogy?⁵ — There it is different, because there is a loss of Hullin.⁶ To this R. Jeremiah demurred: [Surely] in our Mishnah too there is the loss of wood?⁷ — Said a certain old man to him: They cared about a substantial loss, but they did not care about a slight loss. R. Assi said in R. Johanan's name: The controversy is [only] in respect of the sixth [hour], but in the seventh all agrees that we burn them [together].⁹

R. Zera said to R. Assi: Shall we [then] say that R. Johanan holds that our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and that what 'FROM THEIR WORDS' means is from the words of R. Hanina, the Segan of the Priests?¹⁰ — Yes, he replied. It was stated likewise: R. Johanan said: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and what does 'FROM THEIR WORDS' mean? From the words of R. Hanina, the Segan of the Priests; and the controversy is [only] in respect of the sixth [hour], but in the seventh all agree that we burn them together. Shall we say that we can support him: As to Piggul, Nothar and unclean sacrificial [flesh]—

Beth Shammai maintain: They must not be burnt together; while Beth Hillel rule: they may be burnt together?¹¹ — There it is different, because they possess uncleanness by Rabbinical law. For we learned: Piggul and Nothar defile the hands.¹² Shall we say that this supports him: If a loaf goes moldy and is unfit for human consumption, yet a dog can eat it, it can be defiled with the uncleanness of eatables, if the size of an egg,¹³

and it may be burnt together with an unclean [loaf] on Passover?¹⁴ — [No]: there it is different because it is merely dust.¹⁵ If so,¹⁶ what does [THEY] ADMIT mean?¹⁷ —

R. Jose says thus to R. Meir: Even according to R. Joshua. who is lenient, he is lenient only in connection with doubtful and unclean [Terumah],¹⁸ but not in the case of clean and unclean.¹⁹ If so,²⁰ why is it not a true analogy? Surely it is a perfect analogy?²¹ —

Said R. Jeremiah: Here²² we treat of flesh which was defiled by a liquid which was defiled through a creeping thing, and R. Meir is consistent with his view, while R. Jose is consistent with his view: R. Meir [is consistent] with his view, for he maintains, The uncleanness of liquids in respect of defiling others is [only] Rabbinical; while R. Jose [is consistent] with his view, for he maintains: The uncleanness of liquids in respect of defiling others is Scriptural.²³ For it was taught:

- (1) Lit., 'abomination'. The flesh of a sacrifice which the priest offered with the express intention of consuming it after the permitted time.
- (2) 'Left over', flesh not consumed within the permitted period.
- (3) Because the first two, though forbidden, are not unclean Biblically, and when they are burnt together they become defiled.
- (4) This last portion of the Baraitha dealing with Piggul, etc. is irrelevant, and is quoted merely in order to complete the Baraitha.
- (5) For the wine in the cask is quite clean, yet since it is fated to be lost we may deliberately defile it.
- (6) If the Terumah is not deliberately defiled and allowed to flow into the lower part of the vat, v. Supra p. 67. n. 2.
- (7) For fuel, if two fires must be made instead of one.
- (8) Even R. Jose.
- (9) Since they are then Scripturally forbidden, even the clean Terumah is certainly the same as unclean.
- (10) Thus: just as that which is only Rabbinically unclean may be burnt together with what is Scripturally unclean, so in the sixth hour, the Terumah of leaven is then only Rabbinically forbidden, and may be burnt with unclean Terumah which is Scripturally forbidden. This seems to be R. Han's interpretation. Rashi and Tosaf. on the basis of another reading explain it rather differently.

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(11) This teaching was cited by R. Jose in his argument with R. Meir, he apparently agreeing with the view of Beth Hillel (v. supra and notes). Thus since Piggul and Nothar are Scripturally forbidden, they may be burnt together with unclean flesh, though they are thereby contaminated; and the same applies to clean Terumah of leaven in the seventh hour.

(12) I.e., Rabbinically. v. infra 120a.

(13) Since it was once fit for human food, it can be defiled as food unless it becomes unfit even for a dog.

(14) I.e., even if it is Terumah. Now this must certainly be R. Jose's view, for R. Meir permits them to be burnt together even if the loaf is fresh. This proves that R. Jose agrees where it is quite unfit for human consumption, and the same applies to clean Terumah of leaven in the seventh hour.

(15) When it is unfit because of its moldiness, it is worse than unclean, having no intrinsic value whatsoever.

(16) That R. Meir learns from R. Hanina.

(17) Surely R. Jose's argument that R. Eliezer and R. Joshua admit, etc. is irrelevant, seeing that R. Meir is not concerned with them at all?

(18) In the two cases cited supra 15a.

(19) With which R. Meir deals.

(20) Again, that R. Meir learns from R. Hanina.

(21) For in the sixth hour the leaven is Rabbinically forbidden, and on R. Johanan's view, there is no difference according to R. Jose between what is unclean and what is forbidden for any other reason (since he maintains that in the seventh hour R. Jose agrees that they may be burnt together because both are then Scripturally forbidden) and the same principle should apply equally to R. Meir.

(22) In our Mishnah.

(23) Hence according to R. Meir this flesh is clean by Scriptural law, yet it is burnt together with flesh Scripturally unclean, and by analogy the same applies to Terumah. But in R. Jose's view this flesh too was of uncleanness, and therefore it cannot be compared to Terumah in the sixth hour, when it is only Rabbinically forbidden.

R. Jose and R. Simeon maintain: In respect of eatables, they are unclean; in respect of utensils they are clean.³ But does R. Eleazar hold that liquid is at all susceptible to uncleanness,⁴ surely it was taught: R. Eleazar said: Liquids have no uncleanness at all [by Scriptural law]; the proof is that Jose b. Jo'ezer of Zeredah⁵ testified⁶ that the stag-locust⁷ is clean [fit for food], and that the fluids⁸ in the [Temple] slaughter-house are clean.⁹ Now, there is no difficulty according to Samuel's interpretation that they are clean [only] in so far that they cannot defile other [objects], but that nevertheless they are unclean in themselves, then it is well; but according to Rab who maintained that they are literally clean,¹⁰ what can be said? —

Said R. Nahman b. Isaac: [He refers] to one [ruling only].¹¹ But he states: as his words', implying that they are many; moreover, he teaches, 'and thus [etc.]'?¹² That is [indeed] a difficulty. The [above] text [states]: 'Rab said, They are literally clean: while Samuel maintained, They are clean [only] insofar that they cannot defile other [objects], but nevertheless they are unclean in themselves'.

'Rab said: They are literally clean'. He holds that the uncleanness of liquids is Rabbinical, and when did the Rabbis decree thus? [only] in respect of liquids in general, but there was no decree in respect of the liquids of the slaughter-house.¹³ 'While Samuel maintained, They are clean [only] in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves'. He holds that the uncleanness of liquids themselves is Scriptural, [but] in respect of defiling others, Rabbinical; and when did the Rabbis decree? In respect of liquids in general, but in respect of the liquids of the slaughter-house there was no decree; again, when did the Rabbis refrain from decreeing [concerning the liquids of the slaughter-house]? In respect to the defiling of other [objects], but they possess uncleanness in themselves.¹⁴

Pesachim 16a

Doubtful [cases of uncleanness with] fluids,¹ in respect of becoming unclean themselves, are unclean; in respect of defiling others,² they are clean; this is R. Meir's view, and thus did R. Eleazar too rule as his words. R. Judah said: It is unclean in respect of everything.

PESOCHIM - 2a-32b

R. Huna b. Hanina said to his son: When you come before R. Papa, point out a contradiction to him: Did then Samuel say, 'They are clean in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves', — read here, and the flesh that toucheth any unclean thing shall not be eaten?¹⁵

Said R. Shisha the son of R. Idi: Let it be compared to the fourth degree in the case of sacred [food].¹⁶ To this R. Ashi demurred: A fourth degree in the case of sacred [food] is not designated unclean, [whereas] this is designated unclean? — This is a difficulty.

Come and hear: And all drink that may be drunk in any vessel shall be unclean?¹⁷ — What does 'it shall be unclean' mean? It makes [solid foodstuffs] fit [to become unclean].¹⁸ [You say]. 'It makes [solids] fit'; this you know from the beginning of the verse: All food which may be eaten [that on which water cometh, shall be unclean]? — one refers to detached [liquid], and the other to attached [liquid],¹⁹ and both are necessary: for if we were informed of detached, that is because he [the owner of the eatables] assigned importance to them;²⁰ but as for attached, I would say that it is not so. And if we were informed of attached, [that may be] because it [the liquid] stands in its place it has value; but as for detached, I would say that it is not so. Thus they are necessary.

Come and hear: Nevertheless a fountain or a pit wherein is a gathering of water shall be clean?²¹ — What does 'shall be clean' mean? From his [or, its] uncleanness.²² But can detached [liquid]²³ make [eatables] fit [to become unclean]; surely R. Jose b. R. Hanina said: The liquids of the [Temple] slaughterhouse, not enough that they are clean, but they cannot [even] make [eatables] fit [to become unclean]?²⁴ Interpret this as referring to the blood,²⁵ for R. Hiyya b. Abin said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to become defiled]? Because it is said, thou shalt pour it out [sc. the blood]

upon the earth as water:²⁶ blood which is poured out as water²⁷ makes fit;

(1) E.g. . if an unclean person, whose touch defiles liquids, puts his hand into a vessel, and it is not known whether he actually touched the liquid there or not.

(2) E.g., if unclean liquid fell near food and it is unknown whether it actually touched it or not.

(3) The general principle is this: when a doubt arises in a Scriptural law, we are stringent; in a Rabbinical law, we are lenient. Now liquid can become defiled by Scriptural law (Lev. XI, 34), hence in doubt it is unclean. But there is a controversy as to whether it can defile other objects by Scriptural law. R. Meir holds that it cannot defile either food or utensils; R. Judah that it defiles both; while R. Jose and R. Simeon hold that it defiles food but not utensils.

(4) Even in respect of itself.

(5) V. Cambridge Bible I Kings XI, 26.

(6) On the historic occasion when as a result of a dispute between R. Gamaliel and R. Joshua the former was deposed from the Patriarchate and R. Eliezer b. 'Azariah appointed in his stead. An examination was then made of scholars' traditions, and they were declared valid or otherwise; v. 'Ed., Sonc. ed., Introduction, xi.

(7) Heb. Ayil, of doubtful meaning.

(8) Sc. blood and water.

(9) Even by Rabbinical law. This postulates that the general uncleanness of liquids is Rabbinical only, and it was therefore not imposed in the Temple, so as not to defile the flesh of sacrifices. — The language of this Mishnah is Aramaic whereas all other laws in the Mishnah are couched in Hebrew. Weiss, Dor, I, 105 sees in this a proof of its extreme antiquity.

(10) Even in respect of themselves.

(11) R. Eleazar agrees with R. Meir that it is clean in respect of other objects, but not that it is unclean in respect of itself.

(12) Both imply that he fully agrees with R. Meir

(13) V. n. 5.

(14) I.e., the Rabbis could not free them from the uncleanness which they bear by Scriptural law.

(15) Lev. VII, 19. Hence if the liquid is unclean, the sacrificial flesh which touches it may not be eaten.

(16) I.e. , sacrifices. V. p. 62, n. 2. Thus there too it is unfit itself through defilement, yet cannot defile other flesh of sacrifices.

(17) Lev., XI, 34. This shows that liquids contract defilement.

(18) For solids cannot be defiled unless moisture has previously been upon them. The words, 'it shall be unclean' thus refer to 'of all the food, etc. 'with which the verse begins.

(19) If rain falls upon produce it renders it susceptible to defilement only if the owner of the

PESACHIM - 2a-32b

produce desired it to fall upon something. E.g., if he put out a basin so that the rain should wash it, and subsequently produce fell into the water, it is henceforth susceptible. We are informed here that whether the water is detached from the soil, i.e., whether the rain falls into something detached from the soil, e.g., a bath (as denoted by the words 'in any vessel'), or into something attached, i.e., forming part of the soil, e.g., a pit, and then eatables receive moisture from that rain, they are now ready to be defiled. In the latter case the produce is rendered susceptible only if it comes into contact with the water with the owner's desire; in the former, even against the owner's desire. V. Hul. 16a and Rashi a.l. s.v. לענין הכשר.

(20) By the mere fact that he desired that the water should fall there or by pouring it into the vessel.

(21) Lev. XI, 36. This shows that only attached water is clean, but not detached.

(22) The verse refers to one who is unclean, and states that if he takes a ritual bath (Tebillah) in the water of a fountain or a pit he shall be clean, but not in the water of a bath (technically called 'drawn water'). But it does not refer to the cleanness of the water itself.

(23) Rashi: this difficulty refers to water, which can be attached too. But all other liquids are essentially detached.

(24) This proves that the power of detached liquids in this respect is only Rabbinical; for if it were Scriptural, the Rabbis have no power to make an exception in this case.

(25) But not the water.

(26) Deut. XII, 24.

(27) I.e., the blood of non-sacrifices

Come and hear: If blood became unclean and he [the priest] sprinkled it unwittingly, it [the sacrifice] is accepted; if deliberately, it is not accepted?⁶ — It was Rabbinically [unclean], this not being in accordance with R. Jose b. Jo'ezer of Zeredah.⁷

Come and hear: For what does the head-plate propitiate?⁸ For the blood, flesh, and the fat which were defiled, whether in ignorance or deliberately, accidentally or intentionally,⁹ whether in the case of an individual or of the community.¹⁰ [It was defiled] by Rabbinical law [only], this not being in accordance with Jose b. Jo'ezer of Zeredah.¹¹

Come and hear: And Aaron shall bear the iniquity of the holy thing:¹² now what iniquity does he bear? If the iniquity of Piggul,¹³ surely it is already said, it shall not be accepted?¹⁴ If the iniquity of Nothar, after the first violent rush, The life and vitality pass out with the first blood, not with the last. surely it is already said, neither shall it be imputed [unto him that offereth it]?¹⁵ Hence he bears naught but the iniquity of defilement, which is inoperative¹⁶ in opposition to its general rule, in the case of a community.¹⁷ Does that not mean the defilement of the blood? — Said R. Papa: No: the defilement of the handfuls.¹⁸

Come and hear: If one bear unclean [Kodesh] flesh in the skirt of his garment, and with his skirt do touch bread, or pottage, or wine, or oil, or any meat, shall it be defiled? And the priests answered and said, No.¹⁹

(1) I.e., the blood of sacrifices, which is sprinkled on the altar.

(2) I.e., the blood which flows out slowly

(3) It is not fit for sprinkling.

(4) Deut. XII, 23.

(5) And consequently not in category of liquids (v. Rashi).

(6) Lit. 'make acceptable'. The language is the Biblical, cf. Lev. I, 4: and it shall be accepted for him to make atonement for him i.e., the sacrifice is efficacious for its purpose. Now by Biblical law it is accepted whether the sprinkling was done deliberately or in ignorance of its uncleanness, and

Pesachim 16b

blood which is not poured out as water¹ does not make fit. To this R. Samuel b. Ammi demurred: Behold the last-drained blood,² which is poured out like water,³ yet it does not make fit? —

Said R. Zera to him, Leave the last-drained blood alone, which does not make fit even in the case of Hullin. R. Samuel b. Ammi received it [the reason] from him, because the Divine Law saith, Only be sure that thou eat not the blood; for the blood is the life:⁴ blood wherewith life goes out is called blood; blood with which life does not go out is not called blood.⁵

PESOCHIM - 2a-32b

the flesh may be eaten by the priests, but the Rabbis penalized the priests by not permitting the flesh to be eaten in the former case, though another sacrifice is not required (v. Git. 54a). Incidentally we see that blood can become unclean, and thus liquids in general, which contradicts Rab.

(7) Who testified that the Rabbinical decree of uncleanness was not applied to the liquids of the Temple slaughter-house. This Tanna obviously holds that it was.

(8) The reference is to Ex. XXVIII, 38, q.v. 'That they may be accepted before the Lord is understood to mean that the head plate makes sacrifices acceptable and procures atonement in spite of certain irregularities.

(9) This appears to contradict the preceding statement, but v. infra 80b on the discussion of this passage.

(10) Thus here too it is stated that the blood becomes defiled.

(11) V. n. 5.

(12) Ibid. 'Shall bear' means shall make atonement for.

(13) V. Glos.

(14) Lev. XIX, 7.

(15) Lev. VII, 13.

(16) Lit., 'permitted'.

(17) Public sacrifices, or private sacrifices which the entire community had to bring. e.g., the Passover, were permitted even in defilement. For notes v. Yoma, Sonc. ed. p. 27, notes.

(18) Of meal which were burnt on the altar, v. Lev. II. 2. This burning was the equivalent of the sprinkling of the blood in the case of an animal sacrifice, atonement being dependent thereon.

(19) Hag. II, 12.

Is it then written, 'and his skirt⁴ touch [the bread]'? Surely it is written, and touch with [that] [by] his skirt,⁵ [meaning that it touched] that which was touched by his skirt.⁶

Come and hear: Then said Haggai, If one that is unclean by a dead body touch any of these, shall it be unclean? And the priests answered and said, It shall be unclean.⁷ As for Samuel, it is well: since they did not err here, they did not err there [either]; but according to Rab, why did they err here yet did not err there? —

Said R. Nahman in Rabbah b. Abbuha's name: They were well-versed in the uncleanness of a corpse, but not well-versed in the uncleanness of a sherez.⁸ Rabina said: There it was a fourth degree; here it was a third.⁹

Come and hear: Then answered Haggai and said, So is this people, and so is this nation before me, saith the Lord: and so is every work of their hands: and that which they offer there is unclean.¹⁰ As for Rab, it is well: hence 'unclean' is written.¹¹ But according to Samuel, why was it unclean? — He indeed wondered.¹² But it is written, and so is every work of their hands?¹³ — Said Mar Zutra, others state, R. Ashi: Because they perverted their actions the Writ stigmatizes them as though they offered up [sacrifices] in uncleanness.

[To turn to] the main text: 'Rab learned, The liquids of the slaughter-house;¹⁴ while Levi learned: The liquids of the altar'. Now according to Levi, it is well if he holds as Samuel, who said, They are clean [only] in so far that they cannot defile other [objects]. but nevertheless they are unclean in themselves: then it is possible where they all touched the first.¹⁵ But if he holds as Rab, who maintained [that] they are literally unclean, how is it conceivable?¹⁶ —

Pesachim 17a

Whereon Rab said: The priests erred?¹ — Is this view [propounded] against any but Rab? Rab learned, 'the liquids of the slaughter-house'; but the liquids of the altar² can be defiled.³ [To turn to] the main text: 'Rab said: The priests erred; but Samuel maintained, The priests did not err'. 'Rab said, The priests erred'; he asked them about a fourth degree in respect of holy foodstuffs, and they answered him that it was clean. 'But Samuel maintained, The priests did not err'; he asked them about a fifth degree in respect of holy foodstuffs, and they answered him, It is clean. As for Rab, it is well: hence four are written, 'bread, pottage, wine, and oil'; but according to Samuel, whence does he know five? —

PESOCHEM - 2a-32b

You are compelled [to say that] he holds as Samuel. And according to Samuel, it is well if he holds as Rab who learned, 'The liquids of the slaughter-house', but the liquids of the altar can even defile others: [hence] it is only a fourth degree which cannot make a fifth, but a third can make a fourth.¹⁷ But if he holds as Levi who learned, 'The liquids of the altar', why particularly [ask about] a fourth, which cannot make a fifth; they cannot even make a second or a third?¹⁸ —

You are compelled [to say that] he holds as Rab. It was taught in accordance with Rab; it was taught in accordance with Levi. It was taught in accordance with Rab: Blood, wine, oil and water, the liquids of the altar, which were defiled within¹⁹ and carried without,²⁰ are clean.²¹ If they were defiled without²² and [then] brought within, they are unclean.²³ But that is not so? for R. Joshua b. Levi said: 'They did not rule that the liquids of the altar are clean save in their place': is that not to exclude [the case where] they were defiled within and carried without! — No: it is to exclude [where] they were defiled without and [then] taken within. But he states, 'in their place'?²⁴ — This is what he states: They did not rule [that these liquids] are clean save when they were defiled in their place [sc. within].

It was taught as Rab: Blood and water, the liquids of the slaughter-house, which were defiled, whether in vessels or in the ground, are clean;

(1) Kodesh is here translated unclean, from its root idea of 'separation', 'keeping at a distance from', and Haggai was examining the priests in the knowledge of the laws of uncleanness. The exact point of his question is disputed *infra*, but according to Rab it was this: the unclean flesh was a Sherez ('creeping thing'). which bears a principal degree of uncleanness; this Sherez, (being held in the skirt of the garment is now designated by the term 'skirt', the mention of which would otherwise be pointless) touched the bread, the bread touched the pottage, the pottage touched the wine, and the wine touched the oil or any other foodstuff and the question was whether this last would be unclean, i.e. , whether there is a 'fourth' degree in the case of holy food, to which

this refers. So Rashi. R. Tam: the Sherez touched the skirt, which became a first, the skirt touched the bread or the pottage, which became a second, then one of these touched wine or oil, which became a third, and the wine or oil touched some other eatable. Actually there is a fourth degree and since the priests replied in the negative. they erred (v. p. 62, n. 2). Thus we see that wine and oil are unclean, though they are the liquids of the Temple, which contradicts Rab. Now, if the uncleanness of liquids is Rabbinical, it has been stated that the Rabbinical decree did not apply to the Temple. And even if Haggai was examining them on points of Rabbinical law, this still contradicts Rab, who states that they are literally clean. The previous answer that Rabbinical uncleanness only is discussed here, while this does not agree with R. Joseph b. Jo'ezer of Zeredah, is impossible in the present instance, for he obviously cannot disagree with Scripture.

(2) In the Aramaic, 'slaughter-house' and 'altar' differ in one letter only.

(3) Blood and water are the liquids of the slaughter-house, but wine and oil are liquids of the altar.

(4) I.e., the Sherez which was in his skirt.

(5) So literally.

(6) I.e., the Sherez in the skirt touched something which in turn touched the bread, which is therefore a second degree;

hence the oil would be a fifth (v. Rashi).

(7) Hag. II, 13,

(8) Thinking that where the originating uncleanness is a Sherez, it does not go beyond the third degree.

(9) They were quite unaware that there is a fourth degree, but his second question related to the third degree, Rabina translating thus: If the uncleanness of a dead body touch, etc. Since a corpse is a super principal (father of fathers) of uncleanness, the oil would be a third, and of this they knew.

(10) Ibid. 14.

(11) In their ignorance their work would be as unclean.

(12) Seeing that they know the laws so well, can their work be unclean?

(13) This is a positive statement.

(14) In the testimony of R. Joseph b. Jo'ezer of Zeredah.

(15) Thus: in the first question Haggai asked about successive stages of defilement, and they answered that the oil is clean, since it touched the wine, which as a liquid of the altar can be defiled (i.e.. made unfit) but cannot contaminate. But in the second question each touched the first mentioned, viz., 'one that is unclean by a dead body', and they rightly answered that they are unclean.

(16) That the wine and the oil should be unclean. One cannot raise the objection against Rab

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himself, since he reads, the liquids of the slaughter-house, i.e., blood and water, but not wine and oil.

(17) And for that reason Haggai put his question as to whether the wine, a fourth, could render the oil unfit as a fifth degree of uncleanness, and they rightly gave a negative reply.

(18) Wine and oil, whatever their uncleanness, cannot defile others.

(19) The Temple Court.

(20) Through this act they are henceforth unfit for the altar.

(21) In that they cannot defile others, because when they became unclean in the first place they were true 'liquids of the altar', and as such could not contaminate others.

(22) Before they were ever taken within, so that they were not yet 'liquids of the altar', and they contracted a degree of defilement which contaminates others.

(23) I.e., they retain the power to contaminate. — Thus this Baraita speaks of liquids of the altar.

(24) Which is within.

Pesachim 17b

R. Simeon said: In vessels, they are unclean; in the ground, they are clean.¹ R. Papa said: Even on the view that the uncleanness of liquids is Biblical, [the non-defilement of] the liquids of the slaughterhouse is a traditional law.

Said R. Huna the son of R. Nathan to R. Papa: Then when R. Eliezer said, 'Liquids have no uncleanness at all; the proof is that Jose b. Jo'ezer of Zeredah testified that the fluids in the [Temple] slaughter-house are clean,' — but if it is a traditional law, can we learn from this?² Rabina said to R. Ashi: But surely R. Simeon maintained [that] the uncleanness of liquids is Biblical, for it was taught.

R. Jose and R. Simeon maintain: In respect of utensils they are clean; in respect of eatables they are unclean;³ yet here R. Simeon rules: In vessels, they are unclean; in the ground, they are clean. But if it is a traditional law, what is the difference whether they are in vessels or in the ground?— This is a difficulty.

R. Papa said: As to what you say, 'In the ground, they are clean', this was taught only of water, but not of blood. And even of water too we said this only when there is a Rebi'ith, so that needles and hooks can be bathed therein;⁴ but if less than a Rebi'ith. it is unclean.⁵

The Master said: 'R. Judah said: It is unclean in respect of everything.' Shall we say [that] R. Judah holds [that] the uncleanness of liquids, in respect of defiling utensils, is Biblical?⁶ Surely we learned:⁷ In the case of all utensils which, have an outside⁸ and an inside, e.g., cushions, feather-beds, sacks and packing bags, if the inside is defiled, the outside is defiled [too]; if the outside is defiled, the inside is not defiled.

R. Judah said: When is that said? Where they are defiled by a liquid; but if they are defiled by a Sherez, if the inside is defiled the outside is defiled, [and] if the outside is defiled the inside is defiled.⁹ Now if you think that the uncleanness of liquids in respect of defiling utensils is Biblical, what is the difference whether it was defiled through liquids or through a Sherez? —

Said Rab Judah in Samuel's name: R. Judah retracted.¹⁰ Rabina said: In truth he did not retract: one refers to liquids which are unclean¹¹ through the hands,¹² the other to liquids which are unclean through a Sherez. If so, instead of stating, 'When is that, when they are defiled by liquids.' let him draw a distinction in that itself: [thus:] when is it said? In the case of liquids unclean through the hands; but in the case of liquids defiled by a Sherez, if the inside is defiled the outside is defiled, [and] if the outside is defiled the inside is defiled. Hence it is clear as we first answered: R. Judah retracted.

The scholars asked: Did he retract [only] from [his ruling on] utensils, but in [the matter of] eatables he holds as R. Jose and R. Simeon;¹³ or perhaps he completely retracted, in accordance with R. Meir['s views]?¹⁴ — Said R. Nahman b. Isaac, Come

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and hear: If a cow¹⁵ drinks the water of lustration,¹⁶ its flesh is unclean.¹⁷

R. Judah said:

(1) V. infra.

(2) Surely this does not afford proof, if these liquids stand entirely in a separate category.

(3) V. supra 16a.

(4) If they are unclean, the Rebi'ith of water in the ground serving as a ritual bath, as it can do by Biblical law, through the Rabbis enacted that forty se'ahs is the minimum capacity. Still, since by Biblical law it constitutes a Mikweh itself, the water cannot be defiled. A Rebi'ith is the minimum which may constitute a Mikweh.

(5) Hence according to R. Simeon, R. Joseph b. Jo'ezer's testimony was only in respect of water, not blood.

(6) V. p. 70. n. 11.

(7) So cur. edd., the reference being to the Mishnah in Kel. XXV, I. But the reading there is different, and R. Samson of Sens quotes the present passage as a Baraitha. R. Han. too introduces it by the phrase 'it was taught'.

(8) Lit., 'back'.

(9) 'Utensils which have a back (outside) and an inside' are those which can be used on both sides. A cushion, feather-bed, etc. had a definite side for use, nevertheless they could be turned inside out and used; similarly, sacks and packing bags could be turned inside out and used, and they are therefore treated like other vessels which require only rinsing in order to become clean (v. Hul. 25a) so that if the inner side is defiled the whole is unclean, but not the reverse.

Thus the first Tanna. R. Judah, however, draws a distinction between liquids and a Sherez as the contaminating object; in the first case this law holds good, because liquid defiles by Rabbinical law only, and therefore the extent of its defilement was lessened, so that it might be known that it does not defile by Biblical law. Hence, if it touches Terumah the Terumah must not be burnt, as it would be if it were unclean by Scriptural law. But if a Sherez, which defiles by Biblical law, contaminates them, they are altogether unclean, no matter where they are touched.

(10) From the view that it is unclean in respect of everything.

(11) Lit., 'which come'.

(12) By a Rabbinical enactment a person's hands are generally considered unclean in the second degree; further, they defile liquids and render them unclean in the first degree. It is between such liquids and a Sherez that R. Judah draws a distinction.

(13) That liquids contaminate them, Biblically.

(14) That liquids do not contaminate them even Rabbinically.

(15) Whether sanctified or not.

(16) V. Num. XIX, 9 (it is there translated: water of separation).

(17) If it is slaughtered while the water is yet within it, for the water of purification defiles human beings and vessels, v. ibid. 21.

Pesachim 18a

It [the water] is nullified in its bowels.¹ Now if you think that he retracted [only] from [his ruling on] utensils, yet in [respect to] eatables he holds as R. Jose and R. Simeon, why is it completely nullified in its bowels: granted that it cannot defile [with] the graver uncleanness,² yet it can at least defile [with] the lighter uncleanness?³ —

What does, 'it is nullified in its bowels' mean? It is indeed nullified from [imposing] grave uncleanness, but it does defile [with] light uncleanness. Hence it follows that the first Tanna holds that it is unclean even with the graver uncleanness; but surely he states, 'Its flesh is unclean?'⁴ The whole is R. Judah, but the text is defective, and it was thus taught: If a cow drinks the water of lustration, its flesh is unclean. When is that said? In respect of light uncleanness, but not in respect of grave uncleanness, for R. Judah maintained: It is nullified in its bowels.

R. Ashi said: In truth it is completely nullified in its bowels, because it is [now] noisome liquid.⁵ 'R. Jose and R. Simeon maintained: In respect of eatables they are unclean; in respect of utensils they are clean.'

Rabbah b. Bar Hanah said in Resh Lakish's name: R. Jose stated this in accordance with the opinion of R. Akiba his teacher,⁶ who interprets Yitma [it shall be unclean] as Yetamme [it shall defile] —

For we learned: on that very day⁷ R. Akiba lectured: And every earthen vessel, wherein any of them [sc. creeping things] falleth, whatsoever is in it shall be unclean [Yitma]:⁸ it does not state tame [unclean] but Yitma. [intimating that] it defiles [Yetamme] others, [thus] teaching that a loaf of the second

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degree produces a third in the case of Hullin.⁹ And how does he interpret [it] here?¹⁰ —

And all drink that may be drunk in every such vessel [Yitma] shall be unclean:¹¹ it 'shall defile' [Yetamme] in respect of defiling eatables —¹² You say. 'In respect of defiling eatables': yet perhaps it is not so, but rather in respect of defiling liquids? — You can answer, It was not thus. What does 'it was not thus' mean? — Said R. Papa: We do not find that uncleanness renders that which is similar to itself [unclean].¹³

Rabina said: From the verse itself too you cannot say 'it shall defile' is in respect of defiling liquids. For if you should think that 'it shall be unclean' of the second part [of the verse] is in respect of defiling liquids, [while] 'it shall be unclean' of the first part is also in respect of defiling liquids,¹⁴ then let it [the Torah] combine them and write them [together]. All food therein which may be eaten, that on which water cometh, and all drink that may be drunk in every such vessel shall be unclean: what is the purpose of 'shall be unclean' twice? Hence 'shall be unclean' of the first part is in respect of defiling liquids. [while] 'shall be unclean' of the second part is in respect of defiling eatables. Yet perhaps it is in respect of defiling vessels?¹⁵ —

Does it [the reverse] not follow a minori: if a utensil, which defiles liquids, cannot defile [another] utensil,¹⁶ then how much the more should liquids which are unclean¹⁷ through a utensil not defile utensils! Yet perhaps, they do¹⁸ not defile [utensils] [when they are] liquids unclean through a utensil; but liquids which are unclean through a Sherez, do indeed defile [utensils]? —

Are then liquids which are unclean through a Sherez, written [in Scripture]?

- (1) Because it is no longer fit for its purpose, and ceases to be regarded as water of purification.
- (2) I.e., it cannot defile human beings and vessels.
- (3) I.e., foodstuffs, sc. this flesh. For the water is at least the same as any other liquid and is therefore

unclean, for it is regarded as though it touched itself while it was yet the water of purification, and in turn it should defile the flesh.

(4) But he does not maintain that the water defiles even human beings and vessels.

(5) And undrinkable, whereas only drinkable water defiles.

(6) But it is not his own view, v. Tosaf. supra 15b s.v. יוסי.

(7) V. p. 71. n. 3.

(8) Lev. XI. 33.

(9) For the Sherez (creeping thing) is a 'father' of uncleanness; hence it renders the vessel a derivative or a 'first' degree, and that in turn makes the food in it a second, and since the verse teaches that it defiles others, without specifying Terumah, it follows that this makes a third even in respect of Hullin.

(10) In respect of liquids.

(11) Ibid. 34.

(12) But not liquids. Consequently they only mention eatables in their ruling, but not liquids.

(13) V. infra. Hence an unclean liquid can defile an eatable, but not another liquid.

(14) V. infra 13b.

(15) Sc. the second 'shall be unclean' — why then does R. Jose rule that it is clean in respect of vessels?

(16) As shown infra.

(17) Lit., 'come'.

(18) Lit., 'when do they not.'

Pesachim 18b

Are they not [rather] inferred a minori: if liquids which are unclean through a utensil defile, how much the more liquids which are unclean through a Sherez! [Then] it is sufficient that that which is deduced by [this] argument shall be as its premise.¹ How does he interpret 'shall be unclean' of the first part? —

'All food therein which may be eaten, that on which water cometh [Yitma] shall be unclean': 'it shall defile [Yetamme]' in respect of defiling liquids. You say, to defile liquids; yet perhaps it is not so, but rather to defile utensils? You can answer, it follows, a minori: if a liquid, which defiles an eatable, cannot defile a utensil; then an eatable, which cannot defile an eatable, surely cannot defile a utensil! Hence how do I interpret.² 'shall be unclean'? That it defiles liquids, which are ready to contract uncleanness. Why particularly apply it to liquids, because they

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are ready to contract uncleanness? Deduce it from the fact that there is nothing else [left]?³—

This is what he means: And should you argue, an eatable is more stringent [than liquid], since it defiles liquids.⁴ [and therefore] let it defile utensils [too]; [hence we are told that] that⁵ is a [greater] stringency of liquids, because liquids are ready to contract uncleanness. And what is their readiness? Because they contract uncleanness without being made fit.⁶ '[It] shall be unclean,' [teaching] that it cannot render something similar to itself [unclean]!⁷ —

But is it deduced from here? Surely it is deduced from elsewhere, [viz.,] But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean unto you:⁸ it is unclean, but it cannot create a similar uncleanness?⁹ —

One treats of liquids unclean¹⁰ through a Sherez, and the other treats of liquids unclean through a utensil; and [both] are necessary. For if we were informed [this] of liquid which is unclean through a utensil, [I would say,] that is because it is not stringent; but in the case of liquid unclean through a Sherez, which is stringent, I might argue that it creates uncleanness similar to its own. Then let us be told [this] about liquid defiled by a Sherez, and how much the more liquid unclean through a utensil? — That which may be inferred a minori, Scripture takes the trouble of writing it [explicitly].

Rabina said to R. Ashi: But Raba said, R. Jose does not agree with R. Akiba, nor does R. Akiba agree with R. Jose?¹¹ —

Said he to him: R. Jose stated it in accordance with the opinion of R. Akiba his teacher, but he himself does not hold thus.¹² R. Ashi said to R. Kahana: As for R. Jose not agreeing with R. Akiba, that is well, for it was taught: R. Jose said: How do we know that a fourth degree in the case of sacred food is unfit? Now this follows a minori: if he who

lacks atonement,¹³ though permitted to partake of Terumah, is unfit in respect of sacred food, then¹⁴ a third, which is unfit in the case of Terumah,¹⁵ is it not logical that it makes a fourth in sacred food! And we learn a third in the case of sacred food from Scripture, and a fourth a minori.¹⁶ 'A third from Scripture', for it is written, And the flesh that toucheth any unclean thing

(1) Not stricter. Scripture does not state that water defiled by a Sherez, can contaminate something else, but it is merely deduced, as shown in the text.

(2) Lit., 'fulfill'.

(3) Everything else having been excluded.

(4) Which a liquid cannot do.

(5) The exposition of the verse to the effect that eatables defile liquid.

(6) For uncleanness, in contrast to eatables, which may become unclean only after moisture has fallen upon them.

(7) As Rabina, deduces from the verse itself.

(8) Lev. XI. 38.

(9) I.e., it cannot make something like itself unclean, which is the actual reading supra 14a.

(10) Lit., 'which come'.

(11) Infra. Thus R. Jose holds that liquid can defile other liquid, and he must interpret Lev. XI, 33 accordingly. Now the eatable or liquid is a second (v. p. 81, n. 5), and on this interpretation it makes a third: thus there is a 'third' in the case of Hullin.

(12) Viz., the interpretation of Yitma, 'it shall be unclean,' as Yetamme, 'it shall defile'. Since R. Jose himself rejects this exegesis, there is nothing to teach that a second renders a third in the case of Hullin.

(13) I.e., one who after performing Tebillah (q.v. Glos) must bring an offering before he may partake of the flesh of sacrifices; viz., a Zab and a Zabah (v. Glos.). a woman after confinement and a leper.

(14) These facts are learned in Yeb. 74b from Scripture.

(15) I.e., if something unclean in the second degree touches Terumah it renders it unfit, the Terumah now being called a third; v. Sot. 29a.

(16) This is added in order to answer the possible objection that what is deduced a minori cannot be more stringent than its premise, and since sacred food is thus deduced from Terumah, it cannot go beyond a third, just as in the case of Terumah. Hence it is pointed out that a third in the case of sacred food does not require an argument a minori, for that follows directly from Scripture; hence the deduction a minori must refer to a fourth, as otherwise it teaches nothing, and it is stated in B.K. 25a that in such a case we abandon

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the principle that what is deduced a minori does not go beyond its premise.

Pesachim 19a

shall not be eaten:¹ do we not treat even [of a case] where it touched a second?² ‘While a fourth [is learned] ‘a minori, as we have stated. Now, if you should think that he holds as R. Akiba, let him also state a fourth in the case of Terumah and a fifth in the case of sacred food.³ But how do we know that R. Akiba does not agree with R. Jose?⁴ —

Said he to him, Because a Tanna could not completely refrain from teaching [that there is] a fourth in the case of Terumah and a fifth in the case of sacred food, and we would say that it agrees with R. Akiba.⁵ And shall we arise and rely upon this?⁶ [Thereupon]

R. Ashi — others say, R. Kahana — went out, searched, and found the following which we learned: A utensil unites its contents in the case of sacred food,⁷ but not in the case of Terumah, and a fourth degree is unfit in the case of sacred food, but not in the case of Terumah —

Whereon R. Hiyya b. Abba said in R. Johanan's name: This Mishnah was learned as a result of R. Akiba's testimony. For we learned, R. Akiba added⁸ the fine meal, incense, frankincense, and the burning coals, that if a Tebul Yom touches part thereof he renders all unfit.⁹ Thus there is a fourth [in sacred food], but not a fifth; a third [in the case of Terumah]. but not a fourth.¹⁰ This proves that he holds that [the power of] uniting is Rabbinical.¹¹

Now he differs from R. Hanin who maintained: [The power of] uniting is Biblical, for it is said, one golden pan of ten shekels, full of incense:¹² the Writ rendered everything in the pan one. We learned elsewhere: [He testified] concerning an [unclean] needle which is found in the flesh [of a sacrifice], that the knife¹³ and the hands¹⁴ are clean, while the flesh is unclean; if found in the excrements,¹⁵ it is all clean —

R. Akiba said: We have been favored in that there is no uncleanness of the hands in the Temple.¹⁶

(1) Lev. VII, 19.

(2) For a ‘second’ is called unclean; thus Scripture intimates that a second makes a third in sacred food.

(3) For if he holds that there is a third in the case of Hullin, he can deduce these a minori. Thus: if a Tebul Yom (v. Glos.), though permitted to eat Hullin, is unfit to eat Terumah, then surely a third, which is unfit in the case of Hullin, creates a fourth in the case of Terumah. And we cannot defile this by the principle that it is sufficient for what is learned a minori to be like its premise, for in that case the deduction is superfluous, for a third in the case of Terumah is learned direct from Scripture from the same source whence we learn a third in the case of Hullin (v. supra 18a). Hence the deduction a minori must be in respect of a fourth, while a fifth would then follow on the same lines from one who lacks atonement.

(4) In the validity of this argument.

(5) For R. Akiba must hold thus if he

(6) This is merely a negative argument?

(7) If two pieces of sacred food are lying in a vessel, not touching each other, and an unclean object touches one piece, the other is defiled too, because the vessel makes them, both as one.

(8) In his testimony on ‘that day’, v. p. 71, n. 3.

(9) This must be because the vessel which contains them makes the various particles one, and not just because they touch each other, for in that case we would have to go in order to render all the particles unfit even beyond a fifth. V. ‘Ed., Sonc. ed. p. 47 notes.

(10) Thus we have a positive proof that R. Akiba does not hold that there are a fourth and a fifth in the case of Terumah and sacred food respectively.

(11) Since R. Johanan states that this Mishnah was taught as a result of R. Akiba's testimony, referring as it does to frankincense and live coals, is only Rabbinical, for they are subject to defilement only by Rabbinical, not by Scriptural law (Rashi). Tosaf. offers another explanation.

(12) Num. VII, 14.

(13) Wherewith the animal was slaughtered.

(14) Of the priest who touched the animal.

(15) Inside the animal.

(16) The uncleanness of the hands in general is only Rabbinical, and R. Akiba maintains that this enactment never applied to the ...(?)

Pesachim 19b

accepts R. Jose's argument. Surely then in the whole of the Talmud this view would have

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found expression somewhere! Then let him say, There is no uncleanness of the hands or of utensils in the Temple?¹ —

Said Rab Judah in Rab's name, — others state, R. Jose son of R. Hanina: Hands were taught before the enactment concerning utensils.² Raba asked: Surely both were enacted on that self-same day, for we learned: [The following render Terumah unfit...] a Book,³ the hands,⁴ a Tebul Yom, and eatables or utensils which were defiled by a liquid?⁵

No, said Raba: Leave the uncleanness of the knife, for even in the case of Hullin it would not be unclean. [For] what did this knife touch [that it should be unclean]: shall we say that it touched the flesh. — Surely food cannot defile utensils; and if it touched the needle, — surely one utensil cannot defile another utensil.⁶ What is the condition of this needle?⁷ Shall we say that it is a doubtful needle?⁸ Surely it was stated, R. Eleazar and R. Jose son of R. Hanina, — one said, They did not decree [uncleanness] for doubtful saliva in Jerusalem;⁹ while the other said: They did not decree [uncleanness] for doubtful utensils in Jerusalem?¹⁰

Said Rab Judah in Rab's name: E.g., if one lost a needle [unclean through] a person defiled by the dead,¹¹ and he recognized it in Temple, and this is all to the good, as sacrifices are thereby saved from defilement. the flesh.

R. Jose son of R. Abin said: E.g., if the cow was muzzled and came from without Jerusalem.¹² The [above] text [states]: 'R. Eleazar and R. Jose son of R. Hanina, — one said: They did not decree [uncleanness] for doubtful saliva in Jerusalem; while the other said: They did not decree [uncleanness] for doubtful utensils in Jerusalem.' [But] we have learned [about] saliva, [and] we have learned [about] utensils?¹³ We have learned [about] saliva, for we learned: All saliva found in Jerusalem is clean, save that of the upper market!¹⁴ —

It is necessary only [to state] that [this is so] even though a Zab was known [to have passed there].¹⁵ 'We have learned [about] utensils,' for we learned: 'All utensils which are found in Jerusalem on the way of the descent to the ritual bath-house are unclean',¹⁶ hence those [found] elsewhere are clean! — Then according to your reasoning, consider the second clause: — [those found] on the way of the ascent [from the bath] are clean', hence those [found] anywhere else are unclean?¹⁷

Rather, the first clause is exact, whereas the second is not exact,¹⁸ and it is to exclude the narrow paths.¹⁹ Now according to Rab who said, 'e.g. if one lost a needle [unclean through] a person defiled by the dead, and he recognized it in the flesh? — [But] surely since a Master said, The [verse] 'one slain by the sword' [teaches that] the sword is as the slain,²⁰ let it defile human beings and utensils too?²¹ —

Said R. Ashi: This proves that the Temple Court ranks as public ground; so that it is a doubt of uncleanness²² in public ground, and every doubt of uncleanness in public ground, the doubt is clean. But in private ground,²³ its doubt is clean?²⁴ Consider: this needle is an object which has no understanding to be questioned, and everything which has no understanding to be questioned, both in public and in private ground, its doubt is clean?²⁵ —

Because it is a doubt of uncleanness which arises through a person,²⁶ and R. Johanan said: A doubt of uncleanness which arises through a person,

(1) I.e., where the uncleanness is Rabbinical only. For we see that the knife too is clean, though if this happened without the Temple it would be unclean by Rabbinical enactment, v. infra.

(2) The enactment that hands are unclean preceded the other; and when this testimony was given, the latter was not yet in existence at all.

(3) Any of the Books of the Bible.

(4) Before washing.

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(5) And all these were of the 'eighteen measures' enacted in the upper chambers of Hananiah b. Hezekiah of Garon, v. Shab. 13b.

(6) Unless the former is a 'father' of uncleanness (v. p. 62, n. 2). These hold good even by Rabbinical law, which enacted only that a liquid defiles utensils.

(7) That the flesh is unclean.

(8) I.e., we do not know whether it is clean or not.

(9) If saliva is found and we do not know whose it is, though it might be that of a Zab or a Zabah, which by Scriptural law is a 'father' of uncleanness and defiles human beings and utensils.

(10) Which includes a needle.

(11) I.e., the needle had been defiled by him. The person is a 'father' of uncleanness, and the needle is likewise, because metal in such a case has the same degree of uncleanness as that which defiles it; v. supra 14b top. V. however, infra.

(12) Hence it must have swallowed it outside, where a doubtfully unclean utensil is unclean, and it remains so even when it enters Jerusalem.

(13) What do they add?

(14) Which was specially frequented by the unclean, to avoid defiling others, v. Shek. VIII, 1.

(15) Where the saliva was found. Even then it is clean, and we would not have known this from the Mishnah.

(16) One went down by one road and left by another. Hence it is assumed that those found there were being taken for a ritual bath and dropped on the way. V. Shek. VIII, 2.

(17) Which is in contradiction to the inference from the first clause?

(18) I.e., not to be taken in the sense that only these are clean. And this fact follows from the statement of R. Eleazar or R. Jose b. R. Hanina, without which we might have assumed the reverse.

(19) In the vicinity of the two main roads. These were used indifferently for both descent and ascent, hence utensils found there were declared unclean, since they were certainly unclean in the first place, and our only doubt is whether they were lost on the way to the baths or on the way from the baths. But utensils found in the rest of Jerusalem, where it is not known whether they have been unclean at all, are clean.

(20) V. supra 14b top.

(21) Sc. the priest and the knife.

(22) It is doubtful whether the priest or knife have touched the needle.

(23) I.e., if the Temple Court ranked as private ground.

(24) And the priest and knife would be unclean.

(25) v. Sot. 28b.

(26) A man has been engaged about this animal, and if the knife had touched the needle it would have been through him.

Pesachim 20a

we inquire about it,¹ even in the case of a utensil lying on the ground, just as though it were an object which has the understanding to be questioned. 'While the flesh is unclean' — By what was this flesh made fit?² Shall we say that it was made fit by the blood? —

Surely R. Hiyya b. Abba said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to be defiled]? Because it is said, thou shalt pour it out [sc. the blood] upon the earth as water:³ blood which is poured out as water renders fit; blood which is not poured out as water does not render fit.⁴ Again, if it was made fit by the liquids of the slaughter-house,⁵ — surely R. Jose b. R. Hanina said: The liquids of the [Temple] slaughterhouse, not enough that they are clean, but they cannot even make [eatables] fit? Again, if it was made fit through the prizing of sacred objects.⁶ —

Say that the prizing of sacred objects is efficacious in rendering that itself unfit, is it also [sufficient] that first and second degree should be counted therein?⁷ [In that case] you may solve what Resh Lakish asked: The dry portion of meal-offerings,⁸ do we count first and second degrees therein or not?⁹ —

Said Rab Judah in Samuel's name: E.g. if it was an animal for a peace-offering and it was led through a river and then slaughtered, and the water is still dripping upon it.¹⁰ 'If found in the excrements, it is all clean.' But let the excrements defile the flesh in their turn?¹¹ Said R. Adda b. Ahabah: It refers to thick [solid] excrements.¹² R. Ashi said: You may even say that it refers to loose [fluid-like] excrements, [its non-defilement being] because it is a noisome liquid.¹³

A Tanna recited before R. Shesheth: A Sherez defiles liquids, and the liquids defile a utensil, and the utensil defiles eatables, and the eatables defile liquids,¹⁴ and [thus] we learn three [stages of] uncleanness in the case

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of a Sherez. But there are four? — Delete liquids in the first clause, on the contrary, delete liquids in the last clause? — We find no other Tanna who maintains [that] liquids defile utensils save R. Judah, and he retracted.¹⁵ And your sign [for remembering the order] is the brewing process.¹⁶

We learned elsewhere: If a creeping thing is found in an oven, the bread therein is a second, because the oven is a first.¹⁷ R. Adda b. Ahabah said to Raba: Let us regard this oven as though it were fined with uncleanness,¹⁸ and let the bread be a first? — Said he to him, You cannot think so, for it was taught: You might think that all utensils become unclean through the air space of an [unclean] earthen vessel:

(1) Rashi: its owners must consult Rabbinic authority about it — I.e., It is not automatically clean.

(2) To contract defilement. A foodstuff is subject to defilement only after moisture has fallen upon it.

(3) Deut. XII, 24.

(4) V. Supra 16a and b for notes.

(5) E.g., the water with which it was washed down.

(6) Sacred objects were prized so highly that they were fit to become unclean even without a liquid having been upon them.

(7) For 'the flesh is unclean' implies that it can defile other flesh too (v. p. 62, n. 2).

(8) That which has not been touched by oil.

(9) But if the prizing of sacred objects is so efficacious, obviously we do.

(10) That water makes it fit to contract uncleanness. — The animal was led through the water immediately prior to its slaughter in order to facilitate flaying, v. Bez. 40a.

(11) Lit., 'go back'. It is assumed that the excrements rank as a fluid, since the animal was watered immediately before slaughter (v. Bez. 40a). The needle should therefore defile the excrements, and that in turn should defile the flesh.

(12) This is not a liquid.

(13) V. Supra 18a.

(14) I.e., each in turn defiles the other.

(15) Hence if we retain liquids in the first clause, there is no authority for the second clause, 'and liquids defile a utensil'. By deleting it, however, the reading becomes: a Sherez, defiles utensils.

(16) First there is the vessel; an eatable (sc. dates) is put therein, whence the liquid (sc. beer) is manufactured.

(17) The Sherez touches the oven, which in turn touches the bread, Kelim VIII, 5.

(18) For immediately the Sherez, enters the air space of the oven, even before it.

Pesachim 20b

therefore it is stated, whatsoever is it, it shall be unclean, and in proximity thereto, all food therein which 'may be eaten:¹ food becomes unclean through the air space of an [unclean] earthen vessel, but no utensils become unclean through the air space of an [unclean] earthen vessel.²

R. Hisda opposed two teachings of Passover, and reconciled [them]. Did R. Joshua say, Both of them [may be burnt] together?³ But the following contradicts it: R. Jose said [to R. Meir]: The conclusion is not similar to the premise. For when our Masters testified, concerning what did they testify?

If concerning flesh which was defiled through a derivative uncleanness, that we burn it together with flesh which was defiled through a father of uncleanness, [then] this is unclean and that is unclean. If concerning oil which was rendered unfit by a Tebul Yom, that it is lit in a lamp which was defiled by one unclean through a corpse, — one is unfit and the other is unclean. So too do we admit in the case of Terumah which was defiled through a derivative uncleanness, that we may burn it together with Terumah which was defiled through a 'father' of uncleanness. But how can we burn even that which is doubtful together with that which is unclean: perhaps Elijah will come and declare it clean!⁴

And he answered: ones agrees with R. Simeon, and in accordance with R. Joshua, while the other agrees with R. Jose, and in accordance with R. Joshua.⁶ For it was taught: If the fourteenth falls on the Sabbath, everything [sc. leaven] must be removed before the Sabbath, and Terumoth, unclean, doubtful, and clean are burnt [together]: this is R. Meir's view. **R. Jose said: The clean [Terumah must be burnt] separately, the**

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actually touches it, it defiles; hence one should regard the Sherez as though completely filling it. doubtful [Terumah] separately, and the unclean separately.

Said R. Simeon: R. Eliezer and R. Joshua did not differ concerning clean and unclean, that they must not be burnt [together], and concerning doubtful [Terumah] and clean [Terumah] that they may be burnt [together]. Concerning what did they differ? Concerning doubtful [Terumah] and unclean [Terumah], R. Eliezer maintaining: This must be burnt separately, and this separately; while R. Joshua ruled: Both of them, [may be burnt] together. But our Mishnah is according to R. Jose?⁷ —

R. Jose says thus to R. Meir: Even R. Simeon, who in stating R. Joshua's opinion is lenient, is lenient only in respect of doubtful [Terumah] and unclean [Terumah]. but not in the case of clean and unclean.

R. Jose son of R. Hanina opposed Terumah to Passover, and reconciled them. Did then R. Joshua say. Both together: But the following contradicts it: A cask of Terumah wherein a doubt of uncleanness is born, R. Eliezer said: If lying in an exposed place, it must be laid in a hidden place; and if it was uncovered, it must be covered.

R. Joshua said: If it is lying in a hidden place, one may lay it in an exposed place, and if it is covered, it may be uncovered.⁸ Thus only an indirect action [is permitted], but not [defiling] with [one's own] hands?⁹ — And he answered: one agrees with R. Simeon and according to R. Joshua's view, while the other agrees with R. Jose and according to R. Joshua's view.¹⁰

R. Eleazar opposed two teachings of Terumah and reconciled them. Did R. Joshua say, only an indirect action [is permitted], but not with [one's own] hands? But the following contradicts it: If a cask of [wine of clean] Terumah is broken in the upper vat, while [in] the lower there is unclean Hullin:

R. Eliezer and R. Joshua agree that if a Rebi'ith thereof can be saved in purity, one must save it. But if not, — R. Eliezer ruled: Let it descend and be defiled, yet let him not defile it with [his own] hands; R. Joshua said: He may even defile it with his own hands? — And he answered: There it is different, because there is the loss of Hullin.

To this Raba demurred: In our Mishnah too there is the loss of wood? —

Said Abaye to him: They cared about a substantial loss, but not about a slight loss.¹¹ And whence do you know that they cared about a substantial loss but not about a slight one? Because it was taught: If a cask of oil of [clean] Terumah was broken in the upper vat, while in the lower is unclean Hullin: R. Eliezer concedes to R. Joshua that if a Rebi'ith thereof can be saved in purity, one must save it. But if not, let it descend and be defiled, yet let him not defile it with [his own] hands.¹² Why is oil different: because it is fit for lighting? Then wine too is fit for sprinkling?¹³ And should you answer, sprinkling is of no account, — surely, Samuel said in R. Hiyya's name: You drink [wine] at a sela' per log, whereas you sprinkle [with wine] at two Sela's per log?¹⁴ —

It refers to new [wine].¹⁵ But it is fit for ageing? — one will come to a stumbling-block through it.¹⁶ Then oil too, one will come to a stumbling-block through it? — He pours it into a dirty¹⁷ vessel.¹⁸ Wine too can be poured into a dirty vessel? —

Seeing that it is required for sprinkling, will he pour it into a dirty vessel! Now a stumbling-block itself is dependent on Tannaim.¹⁹ For it was taught: A cask of wine of Terumah which was defiled, — Beth Shammai maintain: It must be poured out all at once; while Beth Hillel rule: It may be used for sprinkling. R. Ishmael son of R. Jose said: I will make a compromise. [If it is] in the field, it must be poured out all at once;²⁰ in the house, it can be used for sprinkling. Others state: In the case of new [wine], it

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must be poured out all at once; in the case of old, it can be used for sprinkling. Said they to him:

- (1) Lev. XI. 33f.
- (2) But if the Sherez, were regarded as completely filling the oven, utensils therein too should be unclean, for direct contact therewith does defile them.
- (3) Sc. unclean Terumah and doubtful Terumah.
- (4) V. supra p. 15a for notes.
- (5) Our Mishnah.
- (6) I.e., R. Simeon and R. Jose differ on R. Joshua's opinion.
- (7) How then can it be said to represent the view of R. Simeon?
- (8) V. supra 15a for notes.
- (9) Though it is doubtful.
- (10) Who says, how can we burn even doubtful Terumah together with unclean Terumah? Thus he will certainly not permit more than indirect action.
- (11) V. supra 15a and b for notes.
- (12) All agree on this, because the loss of Hullin is only slight, since the defiled Terumah can be used for lighting.
- (13) In a room, for its aroma. Hence here too there is only a slight loss.
- (14) Thus it is even more important.
- (15) Which lacks aroma.
- (16) While it is ageing he may forget that it is unclean and drink it.
- (17) Lit., 'repulsive'.
- (18) So that it will not be fit for drinking.
- (19) I.e., whether we fear it or not.
- (20) Because there is no sprinkling in the field, nor may he bring it home, lest it become a stumbling-block in the meanwhile.

Pesachim 21a

The compromise of a third [view] is not a compromise.¹ R. Jose son of R. Hanina said: The controversy² is where it falls into less than one hundred se'ahs of unclean Hullin;³ but if it falls into one hundred [se'ahs] unclean Hullin, all agree that it must descend and be defiled, and he must not defile it with [his own] hands.⁴ It was taught likewise: If a cask [of clean Terumah] was broken in the upper vat, and beneath it there is one hundred [times as much] unclean Hullin.

R. Eliezer concedes to R. Joshua that if he can save a Rebi'ith thereof in purity he must save it, but if not, let it descend and be

defiled, but he must not defile it with [his own] hands. [But instead of] this [phrase] 'R. Eliezer concedes to R. Joshua'. 'R. Joshua concedes to R. Eliezer' is required?⁵ —

Said Raba: Reverse it. R. Huna the son of R. Joshua said: After all you need not reverse it: what case do we discuss here? That of a vessel, the inside is clean while its outside is unclean; you might say, Let us enact a preventive measure lest its outside touch the Terumah. Therefore he informs us [otherwise].⁷

CHAPTER II

MISHNAH. THE WHOLE TIME THAT ONE IS PERMITTED TO EAT [LEAVEN], ONE MAY FEED IT TO CATTLE, BEASTS,⁸ AND BIRDS, AND HE MAY SELL IT TO A GENTILE, AND BENEFIT THEREOF IS PERMITTED. WHEN ITS PERIOD HAS PASSED, BENEFIT THEREOF IS FORBIDDEN, AND HE MAY NOT FIRE AN OVEN OR A POT RANGE WITH IT. R. JUDAH SAID: THERE IS NO REMOVAL OF LEAVEN SAVE BY BURNING; BUT THE SAGES MAINTAIN: HE ALSO⁹ CRUMBLES AND THROWS IT TO THE WIND OR CASTS IT INTO THE SEA.

GEMARA. THE WHOLE TIME THAT ONE IS PERMITTED TO EAT [LEAVEN] ONE MAY FEED, etc. Hence the whole time that one is not permitted to eat it, he may not feed [cattle., etc. therewith]: shall we say that our Mishnah is not according to R. Judah; for if R. Judah, surely there is the fifth hour when he may not eat, yet he may feed. For we learned: R. Meir said: One may eat [leaven] the whole of the five [hours] and must burn [it] at the beginning of the sixth.

R. Judah said: One may eat the whole of the four [hours], keep it in suspense the whole of the fifth, and must burn it at the beginning of the sixth!¹⁰ — What then? It is R. Meir! [Then instead of] this [Phrase]. 'THE WHOLE TIME THAT ONE IS PERMITTED TO EAT, ONE MAY FEED,'

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THE WHOLE TIME THAT ONE eats, he MAY FEED is required?¹¹ —

Said Rabbah b. 'Ulla: Our Mishnah agrees with R. Gamaliel, For we learned: R. Gamaliel said: Hullin may be eaten the whole of the four [hours] and Terumah the whole of the five, and we burn [them] at the beginning of the sixth. And this is what he [the Tanna] states: **THE WHOLE TIME THAT IT IS PERMITTED** to a priest to eat Terumah, a [lay] Israelite **MAY FEED HIS CATTLE, BEASTS AND BIRDS** with HULLIN. For what purpose does he state, **CATTLE** and for what purpose does he state **BEASTS**? They are necessary: for if he stated **CATTLE**, [I might say.] that is because if they leave over it is fit for them;¹² but [as for] **BEASTS**, which if they leave over hide it,¹³ I would say [that it is] not [so]. While if he stated **BEASTS**, [I might say]. that is because if they leave over they at least hide it;¹⁴ but as for cattle, sometimes they leave over and he [the owner] may not think about it,¹⁵ and so transgress¹⁶ 'it shall not be seen and 'it shall not be found' on its account, [and therefore] I might say [that it is] not [so]: thus they [both] are necessary. What is the purpose of **BIRDS**? — Because he states **CATTLE** and **BEASTS**, he also states **BIRDS**.

AND HE MAY SELL IT TO A GENTILE. That is obvious?¹⁷ It is to reject [the view of] this Tanna. For it was taught: Beth Shammai maintain: A man must not sell his leaven to a Gentile, unless he knows thereof that it will be consumed before Passover; but Beth Hillel say: As long as he [the Jew] may eat it, he may sell it.

(1) Since Beth Shammai and Beth Hillel mention nothing about a house or a field, new or old, this is not a compromise but an independent view altogether; cf. supra 13a, p. 57, n. 5.

(2) Between R. Eliezer and R. Joshua.

(3) The Terumah in the upper vat being a se'ah. If Terumah falls into one hundred times as much Hullin it is nullified and permitted to a lay Israelite; if less, it is not nullified.

(4) Since it will still be fit for a lay Israelite.

(5) It is R. Eliezer who holds that he must never defile deliberately, while it is R. Joshua who

permits deliberate defilement in other circumstances (v. supra 20b).

(6) Lit., 'back'.

(7) Thus 'R. Eliezer concedes to R. Joshua' applies not to the second clause but to the first, where it is stated that if he can save a Rebi'ith in purity he must do so. Thereupon we are told that even if the outside of the vessel in which it is to be saved is unclean, so that there is the slight possibility of the Terumah falling thereon and becoming contaminated, yet R. Eliezer, who rules that in no circumstances is deliberate defilement permitted, admits that he may use this for saving the Terumah. If unclean liquid falls on the outside of a vessel it contaminates the outside, but not the inside, since the uncleanness of a vessel through liquids is by Rabbinical law only.

(8) Behemah refers to domesticated animals; Hayyah to wild or semi-wild animals.

(9) 'Also' is absent in Alfasi and Asheri.

(10) 'Keeping it in suspense' means that animals may be fed with it, but it may not be eaten.

(11) The impersonal form used in the Mishnah implies that as long as one person may eat, another may feed his cattle.

(12) Later; they leave it on the ground and eat it later.

(13) With the result that the leaven may remain in his possession during Passover.

(14) So that it is not seen.

(15) To annul it before Passover, thinking it was already eaten.

(16) Lit., stands'.

(17) Surely this is no worse than any other benefit.

Pesachim 21b

R. Judah B. Bathyra said: Kutah¹ and all kinds of kutah!² may not be sold thirty days before Passover.³

AND BENEFIT THEREOF IS PERMITTED. That is obvious?⁴ It is necessary [to teach it] only where he charred it [in the fire] before its time,⁵ and he [the Tanna] informs us [that the law is] as Rabbah. For Rabbah said: If he charred it [in the fire] before its time, benefit [thereof] is permitted even after its time.⁶

WHEN ITS PERIOD HAS PASSED, BENEFIT THEREOF IS FORBIDDEN. That is obvious? — It is necessary [to state this] only in respect of the hours [when leaven is interdicted] by Rabbinical law.⁷ For R. Gidal said in the name of R. Hiyya b.

PESOCHIM - 2a-32b

Joseph in R. Johanan's name: He who betroths from the sixth hour and onwards, even with wheat of Cordyene. We have no fear of his betrothal.⁸

AND HE MAY NOT FIRE AN OVEN OR A POT-RANGE WITH IT. That is obvious? — This is necessary only according to R. Judah, who maintained: There is no removal of leaven save by burning. You might argue, since R. Judah said, Its precept demands burning, then while he is burning it let him benefit from it. Hence we are informed [that it is not so].

Hezekiah said: How do we know that leaven during Passover is forbidden for [general] use?⁹ Because it is said, there shall no leavened bread be eaten:¹⁰ [meaning,] there shall not be in it permission [i.e. the right] of eating.¹¹ [Thus] the reason is because the Divine Law wrote, 'there shall no leavened bread be eaten'; but if 'shall not be eaten' were not written, I would say, prohibition of eating is implied, [but] prohibition of benefit is not implied.

Now he differs from R. Abbahu, for R. Abbahu said: Wherever it is said, 'It shall not be eaten,' 'that shalt not eat,' 'ye shalt not eat,' the prohibitions of both eating and benefit [in general] are understood, unless the Writ expressly states [otherwise], as it does in the case of Nebelah.¹² For it was taught: Ye shall not eat of [Nebelah] anything that dieth of itself: thou mayest give it unto the stranger [Ger] that is within thy gates, that he may eat it; or thou mayest sell it unto a foreigner:¹³ know only that it may be 'given' to a stranger¹⁴ or 'sold' to a foreigner [heathen]; how do I know [that] selling to a stranger [Ger] [is permitted]? Therefore it is stated, 'thou mayest give it unto the stranger [Ger] that is within thy gates... 'or sell.'¹⁵ How do we know [that] giving to a foreigner [is permitted]? Because it is stated, 'thou mayest give it, that he may eat it, or thou mayest sell it unto a foreigner',¹⁶ thus the result is¹⁷ that [to] a stranger [Ger] and a

foreigner [heathen] alike, both selling and giving [are permitted]: this is R. Meir's view.

R. Judah said: The words are as they are written, [viz.] to a Ger it must be given and to a heathen it must be sold. What is R. Judah's reason? If you should think as R. Meir says, let the Divine Law write, thou mayest give it unto the stranger [Ger] that is within thy gates, that he may eat it, and thou mayest sell it: why state 'or'? Infer from this that the words are as they are written. And R. Meir?¹⁸ —

'Or' is to show that giving to a Ger takes precedence over selling to a heathen. And R. Judah?— No verse is required for this: since you are commanded to maintain a Ger, but you are not commanded to maintain a heathen,¹⁹ a verse is not required, [for] it stands to reason.

On the view of R. Meir who maintained, [to] a Ger and a heathen alike, both selling and giving are permitted, it is well: since a verse is required to permit benefit from a Nebelah, it follows that all other things forbidden in the Torah are forbidden in respect of both eating and [general] benefit.

But according to R. Judah, who maintained, it comes from [the purpose of teaching that] the words are as they are written, whence does he know that all [other] things forbidden in the Torah are forbidden in respect of benefit? He deduces it from, [ye shall not eat any flesh that is torn of beasts in the field;] ye shall cast it to the dogs:²⁰

(1) Jast.: a preserve consisting of sour milk, bread-crusts, and salt. V. Perles Et. St. 85; Fl. to Levy, Talm. Dict. II, p. 459b.

(2) In Shab. 19a the reading is: Babylonian Kuta, and all kinds of Kuta. This makes better sense, and the same may be understood here.

(3) It is used as a sauce or relish, and hence lasts a long time. It was customary to give popular lectures about Festivals thirty days before, and therefore from that time one might not sell his Kutah to a Gentile.

(4) For feeding cattle with it is benefit, and it is already stated that this is permitted.

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(5) I.e., before it becomes forbidden. It was so charred that it neither tastes nor looks like leaven.

(6) And the Mishnah too refers to this.

(7) I.e., in the sixth hour.

(8) V. supra 7a for notes.

(9) And not merely as food.

(10) Ex. XIII, 3.

(11) Rashi: the use of the passive intimates that no benefit which may lead to eating is permitted, i.e., no benefit whatsoever, for generally the monetary value of any benefit is expended on food.

(12) V. Glos.

(13) Deut. XIV, 21.

(14) A resident-alien who is a semi-proselyte in so far that he has abjured idolatry.

(15) Treating 'stranger' as the indirect object of both 'give' and 'sell'.

(16) Treating 'foreigner' as the indirect object of both 'give' and 'sell'.

(17) Lit., 'it is found saying'.

(18) How does he answer this?

(19) In a technical sense only: nevertheless Judaism teaches that the poor among heathens must be helped just as the Jewish poor, v. Git. 61a.

(20) Ex. XXII, 30.

Pesachim 22a

'it' you may cast to dogs, but you may not cast to dogs all [other] things forbidden in the Torah.¹

And R. Meir?² — [He interprets:] 'it' you may cast to dogs, but you may not cast to dogs Hullin killed in the Temple Court.³ And the other?⁴ — [Benefit from]⁵ Hullin killed in the Temple Court is not [forbidden] by Scriptural law.

R. Isaac of Nappaha⁶ objected: But what of the nervus ischiadicus, though the Divine Law saith, Therefore the children of Israel eat not the sinew of the thigh-vein,⁷ yet we learned: A man may send the thigh [of an animal] to a heathen with the nervus ischiadicus in it, because its place is distinguishable!⁸ —

R. Abbahu holds, when Nebelah was permitted [by the Torah], it, its forbidden fat, and its thigh sinew were permitted.⁹ This is well on the view that the sinews possess the power of imparting a taste.¹⁰ But on the view that the sinews possess no power of imparting a taste,¹¹ what can be said? —

Whom do you know to maintain [that] the sinews have no power to communicate taste? R. Simeon. For it was taught: He who eats of the thigh sinew of an unclean animal, — R. Judah declares him liable on two [accounts],¹² while R. Simeon holds him non-culpable.¹³ [According to] R. Simeon, It is indeed forbidden for use too. For it was taught: The thigh sinew is permitted for use; this is R. Judah's view; but R. Simeon forbids it. But what of blood, of which the Divine Law saith, No soul of you shall eat blood,¹⁴ yet we learned, Both these and those¹⁵ mingled in the duct and passed out to the brook of Kidron,¹⁶ and they were sold to gardeners as fertilizers, and trespass is committed in respect of them?¹⁷ —

Blood is different, because it is likened to water, for it is written, Thou shalt not eat it, thou shalt pour it out upon the earth as water:¹⁸ just as water is permitted, so is blood permitted. Yet say, like water poured out as libations upon the altar?¹⁹ — Said R. Abbahu: 'as water' [means] like most water. Is then 'most water' written? —

Rather, said R. Ashi: 'as water' which is poured out,²⁰ but not as water offered as a libation. Yet say, like water which is poured out in idol worship?²¹ — There too it is designated a libation, as it is written, They drink the wine of their drink offering [libation].²²

(1) I.e., you may not derive any benefit from them.

(2) What is the purpose of 'it', which expresses a limitation, seeing that he learns this from Nebelah?

(3) This may not be eaten, and R. Meir deduces here that all benefit is forbidden, v. Kid. 57b.

(4) R. Judah: how does he know this?

(5) So Rashi, v. however Tosaf. s.v. תולין.

(6) Or, the smith. Many Rabbis were workers or tradesmen.

(7) Gen. XXXII, 33.

(8) The Jew need not remove the nervus ischiadicus before sending it, for fear that another Jew, seeing that the heathen had received it from a Jew, may think that the nerve has been removed and that it is all permitted, because one can easily recognize whether the nervus ischiadicus has been

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removed or not. Giving anything to a heathen is regarded as benefit, and we thus see that the benefit of this sinew is permitted, which conflicts with R. Abbahu's statement supra 21b.

(9) Therefore benefit from all forbidden fat and all sinews is permitted.

(10) E.g. if forbidden sinews are boiled together with meat, they impart a flavor to the meat, which renders that too forbidden, unless it is sixty times as much as the sinews. On that view the sinews are as flesh, and therefore when Nebelah was permitted it included the sinews.

(11) Because they are not flesh, being merely like wood, and nevertheless they are prohibited: hence they cannot be included in the permission granted for Nebelah.

(12) (i) Because it is of an unclean (i.e., forbidden) animal; (ii) because the thigh sinew itself is forbidden.

(13) He is not culpable on account of the unclean animal, because he holds that there is no taste in the sinew. Nor is he liable on account of the sinew, for this involves liability only when the flesh of that animal is permitted, but not when the flesh too is forbidden.

(14) Lev. XVII, 12.

(15) The residues of the blood of the 'inner' sin-offerings, which were poured out on the western base of the outer altar, and the residues of the blood of the 'outer' sin-offerings, which were poured out on the south base of the altar. These passed out through two small holes and mingled in a duct which ran through the Temple Court.

(16) Near Jerusalem.

(17) I.e., one may not benefit from them without paying. V. Yoma 58b. — Yet we see that benefit may be derived from blood in general.

(18) Deut. XII, 24.

(19) Benefit of which is forbidden.

(20) As indicated by the words 'thou shalt pour it out'.

(21) Such water too is forbidden.

(22) Ibid. XXXII, 38.

But what of the limb of a living animal, though it is written, thou shalt not eat the life with the flesh,² yet it was taught.

R. Nathan said: How do we know that a man must not hold out a cup of wine to a Nazirite or the limb of a living animal to the children of Noah?³ Because it is stated, thou shalt not put a stumbling-block before the blind.⁴ This implies that [giving] to dogs is permitted?⁵ —

The limb of a living animal is different, because it is assimilated to blood, as it is written, Only be steadfast in not eating the blood; for the blood is the life.⁶ Then according to Hezekiah, in respect of what law is the limb from a living animal assimilated to blood?⁷ —

He can answer you: It is blood which is assimilated to the limb from a living animal:⁸ just as a limb from a living animal is forbidden,⁹ so is the blood from a living animal forbidden,¹⁰ and which [blood] is that? The blood of arteries with which life goes out.¹¹ But what of the ox that is stoned, though the Divine Law saith, its flesh shall not be eaten,¹² yet it was taught: From the implication of the verse, the ox shall be surely stoned,¹³ do I not know that it is Nebelah, and Nebelah is forbidden as food? Why then is it stated, 'and its flesh shall not be eaten'? The Writ informs us that if it was [ritually] slaughtered after its trial was ended,¹⁴ it is forbidden. I only know this in respect of eating; how do we know it in respect of benefit? From the verse, but the owner of the ox shall be clear. How is this implied?

Simeon b. Zoma said: As a man may say to his friend, 'So-and-so has gone out clear from his property, and has no benefit whatsoever from it.' Thus the reason is that 'but the owner of the ox shall be clear' is written; for if [we deduced] from 'it shall not be eaten' [alone], that would imply a prohibition of eating, but not a prohibition of benefit?¹⁵ —

In truth 'it shall not be eaten' implies a prohibition of eating and a prohibition of

Pesachim 22b

Now according to Hezekiah, in respect of what law is blood likened to water?¹ — For [the law of] R. Hiyya b. Abba in R. Johanan's name.

For R. Hiyya b. Abba said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to be defiled]? Because it is said, thou shalt pour it out upon the earth as water: blood which is poured out as water renders fit; blood which is not poured out as water does not render fit.

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benefit, and as to 'but the owner of the ox shall be clear,' that is stated¹⁶ in respect of the use of its skin;¹⁷ and it is necessary: you would think that I might argue, 'his flesh shall not be eaten' is written, [thus] only his flesh [is forbidden], but not his skin; therefore we are informed [otherwise]. But according to those Tannaim who employ this verse for a different exegesis. [viz.] for half ransom and damages for children,¹⁸ how do they know [that] the use of the hide [is forbidden]? They infer it from Eth Besaro [his flesh], meaning, that which is joined to its flesh.¹⁹ And the other?²⁰ — He does not interpreteth.²¹ As it was taught, Simeon Imsoni²² — others state, Nehemiah Imsoni interpreted every eth in the Torah;²³ [but] as soon as he came to, thou shalt fear [eth] the Lord thy God,²⁴ he desisted.²⁵ Said his disciples to him, 'Master, what is to happen with all the ethin²⁶ which you have interpreted?' 'Just as I received reward for interpreting them', he replied, 'so will I receive reward for retracting'.²⁷

Subsequently²⁸ R. Akiba came and taught: Thou shalt fear[eth] the Lord thy God is to include scholars.²⁹ But there is 'orlah,³⁰ whereof the Merciful One saith, Three years shall it be forbidden unto you: it shall not be eaten;³¹ yet it was taught: 'It shall be as forbidden unto you: it shall not be eaten'. [Thus] I only know the prohibition of eating; whence do we know that a man may not benefit from it, that he may not dye or light a lamp with it? From the verse, then ye shall count [the fruit thereof] as forbidden: [three years shall they be] as forbidden [unto you]: it shall not be eaten;³¹ which is to include all of them.³² Thus the reason is that Scripture wrote, 'then ye shall count the fruit thereof as forbidden... they shall be as forbidden; but if it were not so, I would say, it implies a prohibition of eating, [but] it does not imply a prohibition of benefit? —

In truth 'it shall not be eaten' implies both a prohibition of eating and a prohibition of benefit, but there it is different, because it is written, 'unto you', and thus it is necessary: I

might argue, since it is written, 'unto you,' [that implies] it shall be yours;³³ hence we are informed [that it is not so]. Then now that these verses³⁴ are written, what is the purpose of 'unto you'?- For what was taught: 'unto you': this is to include what is planted

(1) Since he holds supra 21b that only the passive form, 'shall not be eaten', implies a prohibition of all benefit, but not the active 'thou shalt not eat', benefit from blood is permitted in any case, for the prohibition is not expressed in the passive. Then what is the purpose of assimilating blood to water?

(2) Deut. XII, 23. This is interpreted as an injunction against eating a limb torn from a living animal.

(3) The technical designation for all but Jews. A Nazirite must not drink wine, nor may non-Jews eat of the limb of a living animal.

(4) Lev. XIX. 14. This is understood metaphorically: do not lead anyone to sin.

(5) Though this is benefit.

(6) Deut. XII, 23.

(7) v. p. 99 n. 10.; the same applies here.

(8) And not the reverse, as the order indicates.

(9) With the prohibition that is stated in its case, i.e., for eating only.

(10) With the prohibition relevant to blood, viz., an injunction which involves Kareth (q. v. Glos.).

(11) v. Ker. 22a.

(12) Ex. XXI, 28. Thus it is expressed in the passive, which on all views intimates that general benefit is forbidden.

(13) Ibid.

(14) I.e., after sentence.

(15) Cf. p. 100, n. 11.

(16) Lit., 'comes'.

(17) Teaching, even that is forbidden.

(18) Ransom, v. Ex. XXI, 28-30, 35f; it might be thought, by comparing these verses, that half ransom is payable in this case. (Damages for child, v. ibid. 22). I might think that the same holds good when the damage is done by a man's ox Therefore 'but the owner of the ox shall be clear (E.V. quit)' teaches that he is free from both.

(19) Interpreting 'eth', the sign of the acc., as an extending particle.

(20) What does 'eth' teach on this view?

(21) As indicating extensions or having any particular significance apart from its grammatical one.

(22) Jast. conjectures that it may mean from Amasia, in Pontus.

(23) As an extending particle.

(24) Deut. VI, 13.

(25) Holding it impossible that this fear should extend to another.

(26) Pl. of eth.

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(27) Lit., 'separating' (myself from them). Since the eth in one verse does not signify extension, it cannot do so elsewhere.

(28) Lit., 'until'.

(29) Who are the depositaries of God's word; hence the verse exhorts obedience to religious authority.

(30) v. Glos.

(31) Lev. XIX, 23.

(32) I.e., the repetition of 'forbidden' is an extension.

(33) viz., you may use it, though not eat it.

(34) Repeating the phrase 'forbidden' to extend the prohibition to general benefit.

Pesachim 23a

for the public. R. Judah said: It is to exclude what is planted for the public. What is the reason of the first Tanna? Because it is written, 'and ye shall have planted;' [this] implies [a law] to the individual, but it does not imply [a law] for the public;¹ [therefore] the Merciful One wrote, 'unto you', to include what is planted for the public.

While R. Judah [argues]: 'and ye shall have planted' implies [a law] both to the public and to the individual, and 'unto you' [too] implies both for the public and for the individual: thus it is an extension after an extension, and an extension after an extension has no [other significance] save to limit.² But there is Terumah, of which the Merciful One saith, There shall no common man³ eat of the holy thing;⁴ yet we learned: An 'Erub may be made for a Nazirite with wine, and for a [lay] Israelite with Terumah?⁵—

Said R. Papa: There it is different, because Scripture saith, your heave-offering;⁶ it shall be yours. And the other?⁷ It means, 'your heave-offering,' [viz.] that of all Israel.⁸ But what of a Nazirite, though the Merciful One saith, from the kernels even to the husk, he shall not eat,⁹ yet we learned: An Erub may be made for a Nazirite with wine? — Said Mar Zutra, There it is different, because Scripture saith, [All the days of] his naziriteship;⁹ it shall be his.¹⁰

R. Ashi said: He shall be holy, he shall let the locks of the hair of his head grow long;¹¹ his [hair] growth is holy,¹² but nothing else is holy. Is then 'and nothing else' written?¹³ But it is clearly as Mar Zutra [stated]. But what of hadash,¹⁴ where the Merciful One saith, And ye shall eat neither bread, nor parched corn, nor fresh ears, until this selfsame day;¹⁵ yet we learned: He may cut [the corn] for fodder and feed his cattle?¹⁶ —

Said R. Shemaiah, There it is different, because Scripture saith, [ye shall bring the sheaf of the first-fruits of] your harvest.¹⁷ [implying,] it shall be yours¹⁸ And the other?¹⁹ — Your harvest' implies that of all Israel. But what of creeping things, where the Merciful One saith, It is a detestable thing; it shall not be eaten;²⁰ yet we learned: Hunters of beasts, birds, and fish, who chance upon unclean species, are permitted to sell them to Gentiles? —

There it is different, because Scripture saith, [they are a detestable thing] unto you;²¹ it shall be yours. If so, [it should be permitted] at the very outset too?²² —

Here it is different, because Scripture saith, and they shall be [a detestable thing];²³ [meaning,] they shall be in their [forbidden] state. Now according to Hezekiah, for what purpose is 'shall not be eaten' written—so that 'unto you' is adduced to teach that it is permitted; let the Merciful One not write 'shall not be eaten,' so that 'unto you' will be unnecessary? —

Hezekiah can answer you: My opinion²⁴ is indeed [deduced] from this.²⁵ But what of leaven, though the Merciful One saith, there shall no leavened bread be eaten,²⁶ yet it was taught. R. Jose the Galilean said: Wonder at yourself! how can leaven be prohibited for [general] use the whole seven [days]? —

There it is different, because Scripture saith, neither shall there be leaven seen unto thee;²⁷ [this implies,] it shall be thine. And the Rabbis?²⁸ — Thine own thou must not see,

PESOCHIM - 2a-32b

but thou mayest see that belonging to others and to the Most High. And the other?²⁹ ‘unto thee’ is written twice.³⁰ And the other? —

One refers to a heathen whom you have conquered, and the other refers to a heathen whom you have not conquered.³¹ And the other?³² — ‘Unto thee’ is written three times.³³ And the other? —

One refers to leaven [Se’or], and one refers to leavened bread [Hamez]. and they are [both] necessary.³⁴ Shall we say that it³⁵ is dependent on Tannaim? [And the fat of that which dieth of itself, and the fat of that which is torn of beasts.] may be used for all service [: but ye shall in no wise eat of it].³⁶ Why is ‘for all service’ stated? For I might think, for the service of the Most High let it be permitted, but for secular service let it be forbidden;³⁷ therefore it is stated, ‘for all service’: this is the view of R. Jose the Galilean.

R. Akiba said: For I might think, for secular service let it be clean, [but] for service of the Most High let it be unclean;³⁸ therefore it is stated, ‘for all service’. Now R. Jose the Galilean [holds] that in respect of uncleanness and cleanness a verse is not required, a verse being required only in respect of what is forbidden and what is permitted. While R. Akiba [maintains]: [in respect of] what is forbidden and what is permitted no verse is required, a verse being required only in respect of uncleanness and cleanness.

- (1) Since the public do not plant.
- (2) This is a principle of exegesis. Cf. the inverse principle of the English language: a double negative is a positive.
- (3) I.e., an Israelite who is not a priest.
- (4) Lev. XXII, 10.
- (5) Though these may not be eaten by each respectively. — Thus a non-priest may benefit from Terumah.
- (6) Num. XVIII, 27.
- (7) Hezekiah: what is the purpose of ‘your heave-offering’? Cf. p. 99, n. 10.
- (8) I.e. it is merely the idiomatic usage of the language.
- (9) Num. VI, 4.

(10) I.e., the things which he may not eat are nevertheless available for his use in other ways’.

- (11) Ibid. 5.
- (12) In the sense that he must not benefit from it.
- (13) There is nothing to warrant this inference.
- (14) V. Glos.
- (15) Lev. XXIII, 14, q.v.
- (16) With this Hadash, though he may not eat it himself. Thus benefit is permitted.
- (17) Ibid. 10.
- (18) Available for your benefit.
- (19) Hezekiah,: what is the purpose of ‘your harvest’ according to him? Cf. p. 99, n. 10.
- (20) Lev. XI, 41.
- (21) Ibid. 10.
- (22) To hunt unclean animals, whereas the Mishnah merely permits selling if they happened to trap them.
- (23) Lev. XI, 11.
- (24) Lit., ‘reason’.
- (25) The very fact that ‘unto you’ is required shows that elsewhere ‘shall not be eaten’ includes the prohibition of benefit in general.
- (26) Ex. XIII, 3.
- (27) Ibid. 7.
- (28) Who hold that benefit is forbidden: how do they interpret ‘unto thee’?
- (29) R. Jose: how does he know this?
- (30) And there shall no leavened bread be seen unto thee, neither shall there be leaven seen unto thee.
- (31) I.e., whether the heathen is a Jewish subject or not, his leaven may be seen in a Jewish house.
- (32) How does he know this?
- (33) The third is in Deut. XVI, 4 q.v.
- (34) If leaven (Se’or) alone were written, I might argue that it is forbidden because its degree of leaven is very strong, but leavened bread (Hamez) which is not so strong, is permitted. And if leavened bread (Hamez) were written, I would say that that is forbidden because it is fit to be eaten, but not so leaven (Se’or). which cannot be eaten. — Bez. 7b.
- (35) Sc. R. Abbahu's ruling.
- (36) Lev. VII, 24.
- (37) Since we find fat (Heleb) used in the service of God, the fat of a sacrifice being burnt on the altar.
- (38) E.g. if leather was softened with Heleb, sacred food must not be placed on it, for it will thereby be defiled.

Pesachim 23b

Surely then they differ in this, [viz.]: R. Jose the Galilean holds, ye shall not eat’ connotes both a prohibition of eating and a prohibition of benefit, and when the verse comes to permit Nebelah, it comes in respect of benefit.

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While R. Akiba holds: it connotes a prohibition of eating, [but] does not connote a prohibition of benefit, and for what [purpose] does the verse come? In respect of uncleanness and cleanness! No: all hold that 'ye shall not eat' connotes both a prohibition of eating and a prohibition of benefit, but here they differ in this: R. Jose the Galilean holds, when Nebelah was permitted,¹ it [alone] was permitted, [whereas] its fat [Heleb] and its sinew² were not permitted, and [therefore] for what purpose is the verse required? It is in respect of permission for use.

But R. Akiba holds: when Nebelah was permitted, its fat [Heleb] and its sinew too were permitted; hence for what purpose is the verse necessary? It is in respect of uncleanness and cleanness.

Now as to R. Jose the Galilean, we have found that the Divine Law permits Heleb for use; but as for the sinew, let us say that it is forbidden? — If you wish I can say that it is in fact forbidden. Alternatively, it is adduced a *minori*: if Heleb, for which there is a penalty of *Kareth*, is permitted for use, how much the more the sinew, for which there is no penalty of *Kareth*.

But R. Simeon, who forbids it, [argues]: This can be refuted. As for Heleb, that is because it is freed from its general [prohibition] in the case of a beast;³ will you say [the same] of the sinew, which was not freed from its general [prohibition] in the case of a beast?⁴ And the other? — We are speaking of cattle [Behemah]; [and] in the case of cattle at all events it [sc. Heleb] was not permitted. Consider: we have raised objections from all these verses and answered them; [then] wherein do Hezekiah and R. Abbahu differ? — In respect of leaven during Passover, on the view of the Rabbis,⁶ [and] in respect of the ox that is stoned, and this on the view of all:⁷ Hezekiah deduces it⁸ from 'shall not be eaten', while R. Abbahu learns it from Nebelah.⁹

Consider: according to both Masters they are forbidden for use: [then] wherein do they [practically] differ? — They differ in respect of Hullin which was slaughtered in the Temple Court:¹⁰ Hezekiah holds, 'shall not be eaten'¹¹ is to exclude these,¹² while 'it'¹³ is to exclude Hullin which was slaughtered in the Temple Court.¹⁴ R. Abbahu¹⁵ holds: 'it' is to exclude these, while Hullin which was slaughtered in the Temple Court is not forbidden [for use] by Scriptural law.

One of the scholars sat before R. Samuel b. Nahmani, and he sat and said in R. Joshua b. Levi's name: How do we know of all prohibitions in the Torah, that just as they are forbidden for food, so are they also forbidden for use, and which are they? Leaven [Hamez] during Passover and the ox that is stoned? ([You ask,] 'How do we know'? — learn it from 'it shall not be eaten'? —

To him¹⁶ 'it shall not be eaten' implies a prohibition of eating, but it does not imply a prohibition of benefit. Then let him deduce it from Nebelah?¹⁷ — He agrees with R. Judah, who maintained: The words are as they are written. If he agrees with R. Judah, let him deduce it whence R. Judah deduces it, [viz.] from 'ye shall cast it to the dogs'?¹⁸ — He holds that Hullin which was slaughtered in the Temple Court is [forbidden for use] by Scriptural law.¹⁹ Whence then do we know it?) —

From the verse, And no sin-offering, whereof any of the blood is brought into the tent of meeting to make atonement in the holy place, shall be eaten: it shall be burnt with fire.²⁰ Now, 'it shall be burnt with fire' need not be stated;²¹ then what is the purpose of 'it shall be burnt with fire'? If it is unnecessary in its own connection, seeing that it is written, and, behold, it was burnt,²² apply its teaching to all [other] prohibitions of the Torah;²³

(1) In respect of benefit.

(2) The thigh sinew.

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- (3) The Heleb of a Hayyah (wild or semi-wild animal) is permitted.
- (4) The prohibition of a thigh sinew applies also to a beast.
- (5) The text under discussion speaks of the fat of an ox or lamb, v. Lev. VII, 23.
- (6) Who hold that benefit thereof is forbidden.
- (7) V. supra 22b.
- (8) That these are forbidden for use.
- (9) V. Glos.
- (10) On the view of R. Judah who maintains: the words are as written, so that Nebelah can serve as basis of deduction for other prohibitions, v. supra 21b-22a.
- (11) Written in connection with leaven and the ox that is stoned.
- (12) Sc. the two just mentioned.
- (13) Written in connection with Nebelah, v. supra 22a.
- (14) Showing that benefit thereof is Scripturally forbidden, v. supra.
- (15) Who makes no distinction between the passive and active forms in which the prohibition is expressed.
- (16) R. Joshua b. Levi.
- (17) As above.
- (18) Ex. XXII, 30.
- (19) deducing it from 'it': hence it cannot be utilized for these two.
- (20) Lev. VI, 23.
- (21) As shown below.
- (22) Lev. X, 16, q.v. Moses upbraided the sons of Aaron for burning it, observing, 'Behold, the blood of it was not brought into the sanctuary within' (v. 18). This proves that when it is brought within, the sacrifice must be burnt; hence the present verse is superfluous.
- (23) This is a principle of Talmudic exegesis: when a statement or verse is superfluous in its own connection, it is applied to other laws.

Pesachim 24a

and if it is irrelevant in respect of eating,¹ apply the matter to the prohibition of benefit.² If so, just as there [it must be destroyed] by burning, so all prohibited things of the Torah [must be destroyed] by burning? Scripture saith, 'in the holy place... it shall be burnt with fire,' [that which is forbidden] in the holy place requires burning, but all the [other] forbidden things of the Torah do not require burning, But does this [phrase,] 'in the holy place... it shall be burnt with fire,' come for this [teaching]?

Surely it is required for R. Simeon's [dictum]! For it was taught, R. Simeon said: 'In the holy place ... it shall be burnt with fire': this teaches concerning the sin-offering³ that we burn it in the holy place.⁴ Now, I only know this alone; how do we know it of the unfit of the [other] most sacred sacrifices and the emurims⁵ of the lesser sacrifices?⁶ Thereof it is stated, in the holy place... it shall be burnt with fire!⁷ —

Said he to him,⁸ R. Jonathan thy teacher deduced it⁹ from this verse: And if aught of the flesh of the consecration, or of the bread, remain unto the morning, then thou shalt burn the remainder with fire; it shall not be eaten, because it is holy.¹⁰ Now 'it shall not be eaten' need not be stated:¹¹ then why is 'it shall not be eaten' stated? If it is irrelevant in respect of itself, seeing that it is written, 'then thou shalt burn the remainder with fire' apply its teaching to the other interdicts of the Torah. And if it is irrelevant in respect of eating, apply its teaching to the prohibition of benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah [must be destroyed] by burning? —

Scripture saith, 'then thou shalt burn the [Nothar] remainder: Nothar requires burning, but all [other] forbidden things of the Torah do not require burning. Yet does this [verse] 'it shall not be eaten' come for this [teaching]? Surely it is required for R. Eleazar's [dictum]! For R. Eleazar said: 'it shall not be eaten, because it is holy': whatever of holy [flesh., etc.] that is unfit, the Writ comes to impose a negative injunction against eating it?¹² —

Said Abaye: After all [it¹³ is deduced] from the first verse,¹⁴ but reverse [the argument]: for let Scripture write, 'it shall be burnt with fire,' so that 'it shall not be eaten' will be superfluous; why then is 'it shall not be eaten' written? If it is irrelevant for itself, seeing that it is deduced by R. Eleazar's [exegesis],¹⁵ apply its teaching to all [other] interdicts of the Torah. And if it is irrelevant

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in respect of eating, apply its teaching to the prohibition of benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah must be destroyed] by burning? —

Scripture saith, ‘the [Nothar] remainder’; ‘Nothar’ requires burning, — but all [other] forbidden things of the Torah do not require burning. R. Papa said to Abaye: Yet say that it¹⁶ comes to assign a negative injunction [specifically] for itself? For if [we learn] from R. Eleazar [‘s dictum], we do not flagellate for an implied negative injunction!¹⁷ —

Rather, said R. Papa: [It¹⁸ is deduced] from this: And the flesh that toucheth any unclean thing shall not be eaten: it shall be burnt with fire.¹⁹ Now, ‘shall not be eaten’ need not be stated: why then is ‘shall not be eaten’ stated? If it is irrelevant for itself, seeing that it may be deduced a *minori* from *tithe*, which is lighter, [thus:] if *tithe*, which is light, yet the Torah said, neither have I put away thereof, being unclean,²⁰ how much the more sacred flesh, which is more stringent!

And should you say, We cannot give a warning [of flagellation] as a result of an *ad majus* conclusion,²¹ but this is a *hekkesh*,²² for it is written, Thou mayest not eat within thy gates the *tithe* of thy corn, or of thy wine, or of thine oil, or the firstlings of thy herd or of thy flock, nor any of thy vows which thou vowest, nor thy freewill-offerings, etc.²³ Then why is ‘shall not be eaten’ stated? If it is irrelevant in its own case, apply its teaching to all [other] prohibitions of the Torah. And since it is irrelevant in respect of eating, apply it to benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah require burning? — Scripture saith, ‘the [Nothar] remainder’: Nothar requires burning. but all [other] forbidden things of the Torah do not require burning.

Rabina said to R. Ashi: Yet perhaps [it teaches that] he transgresses two negative injunctions on its account?²⁴ Did not Abaye

say: if he ate *putitha*²⁵ he is flagellated four times;²⁶ [for] an ant, he is flagellated five times;

- (1) It certainly cannot teach that, since each prohibition of eating is stated separately.
- (2) For ‘it shall be burnt’ shows that all benefit is forbidden, and this has now been applied to all other prohibitions.
- (3) Rendered unfit.
- (4) For ‘and, behold, it was burnt’ (v. n. 6) does not teach where it must be burnt.
- (5) Lit., ‘devoted objects’; those portions of the sacrifices offered on the altar.
- (6) Sacrifices were divided into two categories; (i) most sacred; these included the sin-offering, meal-offering, burnt-offering and guilt-offering. (ii) Sacrifices of lesser sanctity, e.g., the peace-offering and the thanks-offering. The question is: how do we know that if these are defiled or their blood is spilled, thus rendering them unfit, they must be burnt in the Temple Court? The flesh of the lesser sacrifices is not mentioned, for this was eaten outside the Temple precincts and consequently when unfit was burnt without the Temple Court, v. *infra* 49a.
- (7) I.e., whatever would normally be consumed or otherwise disposed of in the holy place must now be burnt there.
- (8) viz., this scholar to R. Samuel b. Nahmani.
- (9) The prohibition of benefit as applied to other forbidden things in the Torah.
- (10) Ex. XXIX, 34.
- (11) Since we are told that it must be burnt.
- (12) ‘Because it is holy’ is unnecessary, and therefore R. Eleazar utilizes it thus. Hence its transgression involves flagellation.
- (13) The teaching of R. Joshua b. Levi.
- (14) Viz., ‘and every sin offering’, etc.
- (15) Without R. Eleazar’s deduction, ‘it shall not be eaten’ would be necessary in spite of the statement ‘it shall be burnt with fire’, to show that it is subject to a negative injunction, which involves flagellation. But now that R. Eleazar has deduced a negative injunction in respect of all unfit sacrifices from, ‘it shall not be eaten because it is holy’, this is superfluous.
- (16) The verse ‘it shall not be eaten’ written here.
- (17) I.e., where the action is not explicitly forbidden but only by an injunction stated in general terms, which includes a number of other actions too.
- (18) V. p. 108, n. 9.
- (19) Lev. VII, 19.
- (20) Deut. XXVI, 14, q.v. This refers to the second *tithe*, which was eaten by its Israelite owner in Jerusalem, and who had to declare that he had not eaten it ‘being unclean’, which shows that this was forbidden. The sanctity of *tithe* is of course lighter than that of sacrifices.

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(21) This is a general principle. Hence this argument does not suffice to make it an offence punishable by flagellation, and so 'shall not be eaten' is here required.

(22) V. Glos., an analogy between two laws which rests on a Biblical intimation (as Lev. XIV, 13) or on a principle common to both (Jast.). Flagellation is inflicted on the basis of a Hekkesch.

(23) Deut. XII, 17. 'Vows' and freewill-offerings' are sacrifices, and 'Scripture, by coupling these with tithes, shows that they are the same.

(24) And is flagellated for each separately. In that case the verse is not superfluous.

(25) A small water reptile (Sherez). a young eel, v. Mak., Sonc. ed. p. 116, n. 8.

(26) I.e., four flagellations of the prescribed number of lashes.

Pesachim 24b

[for] a hornet, he is flagellated six times?¹ —

Said he to him: Wherever we can interpret we do interpret,² and not apply it to additional injunctions. Now what is the purpose of 'and the flesh' [that toucheth any unclean thing shall not be eaten]³ of the commencement of the verse?⁴ — It is to include wood and frankincense.⁵ What is the purpose of, 'And as for the flesh, every one that is clean shall eat thereof' of the end [of the verse]?⁶ —

It is to include emurim.⁷ [But] Emurim are learnt from elsewhere, for it was taught: But the soul that eateth of the flesh of the sacrifice of peace-offerings, that pertain unto the Lord [having his uncleanness upon him]:⁸ this is to include the emurim?⁹ — There [the reference is to] the uncleanness of the person, [which is punishable] with Kareth, [whereas] here [we treat of] the uncleanness of the flesh, [which is subject to] a negative injunction.¹⁰

R. Abbahu said in R. Johanan's name: [With regard to] all the prohibited articles of the Torah, we do not flagellate on their account save [when they are eaten] in the normal manner of their consumption. What does this exclude? —

Said R. Shimi b. Ashi: It is to exclude [this, viz.,] that if he ate raw Heleb, he is exempt [from punishment].

Others say. R. Abbahu said in R. Johanan's name: [With regard to] all the prohibited articles of the Torah, we do not flagellate on their account save [when they are used] in the normal manner of their usage. What does this exclude?

Said R. Shimi b. Ashi: It is to exclude [this, viz.,] if he applied the Heleb of the ox which is stoned¹¹ upon his wound, he is exempt;¹² and all the more so, if he eats raw meat, he is exempt. It was stated likewise: R. Ahab. R. 'Awia said in R. Assi's name in R. Johanan's name: If he applies the Heleb of the ox which is stoned upon his verse does not bear upon its own subject at all, why specify 'the flesh'? Scripture could say, and that which toucheth, etc. wound he is exempt, because [in the case of] all the interdicts of the Torah, we do not flagellate on their account save [when they are, used] in the normal manner of their usage.

R. Zera said, We too learned [thus]: 'One does not receive forty [lashes]¹³ on account of 'orlah,¹⁴ save for that which issues from olives or from grapes alone': but [for that which issues] from mulberries, figs and pomegranates [there is, as implied,] no [flagellation]. What is the reason? Is it not because he does not eat them in the normal manner of their usage?¹⁵

Said Abaye to him: That were well if he informed us¹⁶ of the fruit itself, where he did not eat it in the normal manner of its usage; but here [the reason¹⁶ is] because it¹⁷ is mere moisture.¹⁸

Abaye said: All agree in, respect of kil'ayim¹⁴ of the vineyard, that we flagellate on its account even [when one does] not [enjoy it] in the normal manner of its usage. What is the reason? Because 'eating' is not written in connection therewith.

PESOCHEM - 2a-32b

An objection is raised: Issi b. Judah said: How do we know that meat and milk [seethed together] are forbidden?¹⁹ It is stated here, for thou art a holy people [...thou shalt not see a kid in its mother's milk],²⁰ and it is stated elsewhere, And ye shall be holy men unto me; [therefore ye shall not eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs]:²¹ just as there it is forbidden,²² so here too it is forbidden. Again, I know it only of eating; how do I know it of [general] use? I will tell you: [it follows] a minori. If 'Orlah, though no sin was committed therewith,²³ is forbidden for use, then meat and milk [seethed together], wherewith a sin was committed, is it not logical that they are forbidden for use?

(1) In Lev. XI, 43, it is stated: Ye shall not make yourselves detestable with any swarming thing that swarmeth, neither shall ye make yourselves unclean with them. This is a twofold injunction. and since it does not specify 'that swarmeth upon the earth', it applies to both water reptiles and land reptiles. Further v. II, referring to unclean fish, states: and they shall be a detestable thing unto you; ye shall not eat of their flesh. This is a third injunction against water reptiles. And finally. in Deut. XIV, 10, there is a fourth injunction: and whatsoever hath not fins and scales ye shall not eat. The ant is a land reptile ('swarming thing'); hence the two injunctions of Lev. XI, 43 apply to it. There are also the following three: (i) Lev. XI, 41: And every swarming thing that swarmeth upon the earth ... shall not be eaten; (ii) ibid. 42: even all swarming things that swarm upon the earth them ye shall not eat, for they are a detestable thing: And (iii) ibid. 44: neither shall ye defile yourselves with any manner of swarming thing that moveth upon the earth. The hornet is a 'winged swarming thing' and also moves upon the earth. Hence it is subject to these five injunctions and also to that of Deut. XIV, 19: And all winged swarming things are unclean unto you: they shall not be eaten. Thus eating one forbidden thing can involve more than one penalty. and the same may apply here.

(2) As applying to another subject.

(3) Lev. VII, 19.

(4) Seeing that the

(5) Used in the sacrificial service: though these are not eatables, they nevertheless become unclean.

(6) The question is only in respect of 'and as for the flesh', the rest of the verse being utilized in Men. 25b.

(7) V. Glos. Teaching that if they are defiled and a priest eats them he transgresses the injunction

against unclean flesh. The verse accordingly is read thus: and the flesh that toucheth any unclean thing shall not be eaten... and the flesh, viz., the Emurim. Since the Emurim must be offered on the altar, the priest is a Zar (stranger) in relation thereto, and transgresses on that account also.

(8) Lev. VII, 20.

(9) Which 'pertain unto the Lord'.

(10) The inclusion of Emurim in the former would not prove its inclusion in the latter case, since the former is a graver offence, as proved by the greater penalty attaching to it.

(11) V. 22b.

(12) Because Heleb is generally used for lighting and softening hides.

(13) I.e., flagellation. Actually only thirty-nine were given.

(14) V. Glos.

(15) For they are not generally pressed for their juice.

(16) That there is no flagellation.

(17) That which issues from mulberries, etc.

(18) Lit., 'sweat'. I.e., he did not eat fruit of 'Orlah at all. Thus this does not support R. Johanan.

(19) The prohibition of seething a kid in its mother's milk (Deut. XIV, 21) is understood by the Talmud as a prohibition of seething any meat and milk together. The question here is how do we know that if seethed together they are forbidden to be eaten.

(20) Ibid.

(21) Ex. XXII. 30.

(22) I.e., 'holy man', etc. introduces a prohibition of eating.

(23) When it was planted.

Pesachim 25a

[This can be refuted]. As for 'Orlah, [that may be] because it had no period of fitness; will you say [the same of] meat and milk [seethed together], seeing that they had a period of fitness? Then let leaven during Passover prove it: though it had a period of fitness, it is forbidden for use. [This again can be refuted]. As for leaven during Passover, [that may be] because he [the offender] is punished with kareth,² will you say [the same] of meat [seethed] in milk, where he is not punished with Kareth? Then let Kil'ayim of the vineyard prove it: though he [the offender] is not punished with Kareth yet it is forbidden for use. Now if this is so,³ let us refute [it thus]: as for Kil'ayim of the vineyard. [that may be] because we flagellate

PESOCHEM - 2a-32b

on its account even [when he does] not [use it] in the normal manner of its usage?

And Abaye?⁴ — [He can answer] ‘will you say’ — with what?⁵ ‘Will you say [the same] of meat [seethed] in milk, for which we do not flagellate save [when it is eaten] in the normal manner of its use’ — is then ‘eating’ written in connection with meat [seethed] in milk?⁶ And the other who raises the objection holds: for that purpose⁷ it is deduced from Nebelah:⁸ just as Nebelah [must be enjoyed] in the normal manner of its usage,⁹ so [must] meat [seethed] in milk, in the normal manner of its usage.

And Abaye? — [He argues]: for that reason ‘eating’ is not written in its own case,¹⁰ to teach that we flagellate on its account even [when one does] not [enjoy it] in the normal manner of its usage. But let us refute it [thus]: as for Kil’ayim, [that may be] because it had no period of fitness?¹¹ —

Said R. Adda b. Ahabah: This¹² proves that [in] Kil’ayim of the vineyard, their very stock is forbidden,¹³ [and so we cannot refute it thus] since it had a time of fitness before taking root.¹⁴

‘R. Shemaiah objected: If one sets a perforated pot in a vineyard,¹⁵ if one two-hundredth part is added, it is [all] forbidden:¹⁶ thus, only if there is added, but not if there is not added?¹⁷ —

Said Raba, Two verses are written: ‘the fullness’ is written, and ‘the seed’ is written.¹⁸ How is this [to be reconciled]? That which is sown¹⁹ from the very outset [becomes forbidden] on taking root;²⁰ that which was sown when [partly] grown,²¹ if it increased it is [forbidden];²² if it did not increase, it is not [forbidden].²³

R. Jacob said in R. Johanan's name: We may cure ourselves with all things, save with the wood of the asherah.²⁴ How is it meant? If we say that there is danger,²⁵ even the wood of the Asherah too [is permitted]; while if there

is no danger, even all [other] forbidden things of the Torah too are not [permitted]? —

After all [it means] that there is danger, yet even so the wood of the Asherah [must] not be used. For it was taught, R. Eliezer said: If ‘with all thy soul’ is said, why is ‘with all thy might’ said? Or if ‘with all thy might’ is said, why is ‘with all thy soul’ said?²⁶ But it is to teach you: if there is a man to whom his person is dearer than his wealth, therefore, ‘with all thy soul’ is stated;²⁷ and if there is a man to whom his wealth is dearer than his person, therefore ‘with all thy might’ [i.e. substance] is stated.

When Rabin came,²⁸ he said in R. Johanan's name: We may cure [i.e., save] ourselves with all [forbidden] things, except idolatry, incest,²⁹

(1) From the time of its planting it was never fit for food.

(2) For eating it.

(3) Sc. Abaye's statement supra 24b.

(4) How will he meet this question?

(5) I.e., how would you conclude this refutation?

(6) It is not! Hence this last assumption would be unwarranted, and could not overthrow the argument.

(7) The prohibition of meat seethed with milk.

(8) I.e., from Ex. XXII, 30; v. next note.

(9) Before a penalty is incurred. Nebelah is employed here loosely, as in fact we learn from Terefah (v. Glos.), which is the subject dealt with in Ex. XXII, 30 (Rashi).

(10) I.e., in connection with milk seethed with meat.

(11) It is now assumed that when two diverse species are planted together, the interdict of Kil’ayim applies only to what grows after they are planted or sown, but not to the stock itself. Thus this added growth was never at any time fit for eating.

(12) Sc. that we do not refute it thus.

(13) Sc. that which was already grown before they were planted as Kil’ayim.

(14) The stock itself becomes forbidden, but only after it takes root.

(15) The pot contains cereals, and being perforated it draws its sustenance from the soil of the vineyard, which renders it (the pot) forbidden as Kil’ayim.

(16) One two-hundredth part is inclusive, i.e., the addition is one two-hundredth of the present total, so that the original is only one hundred and

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ninety-nine times as much. If Kil'ayim is mixed with permitted eatables, it is all forbidden unless the latter is two hundred times as much as the former.

(17) Though it struck root; which shows that the original stock is not forbidden.

(18) Deut. XXII, 9: lest the fullness of the seed which thou hast sown be forfeited. 'The fullness' implies the additional growth only, while 'the seed' implies the original stock.

(19) In a vineyard.

(20) Since it begins to grow under forbidden circumstances. Nevertheless, before it strikes root it is just as though it were lying in a jug.

(21) Lit., 'sown and coming'

(22) Sc. the increase.

(23) The stock remaining unaffected.

(24) A tree or grove devoted to idolatry.

(25) In the person's illness.

(26) V. Deut. VI, 5: And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might.

(27) I.e., one should love God even to the extent of giving his soul (life) in His service.

(28) From Palestine to Babylon.

(29) Which includes adultery.

Pesachim 25b

and murder.¹ Idolatry, as we have stated.² Incest and murder, as it was taught: Rabbi said: For as when a man riseth against his neighbor, and slayeth him, even so is this matter.³ Now, what connection has a murderer with a betrothed maiden? Thus this comes to throw light, and is itself illumined.⁴ The murderer is compared to a betrothed maiden: just as a betrothed maiden must be saved [from dishonor] at the cost of his [her ravisher's] life, so [in the case of] a murderer, he [the victim] must be saved at the cost of his [the attacker's] life.

Conversely, a betrothed maiden [is learned] from a murderer: just as [in the case of] murder, one must be slain rather than transgress, so a betrothed maiden must be slain yet not transgress.⁵ And how do we know it of murder itself?⁶ It is common sense. Even as one who came before Raba and said to him: The governor of my town has ordered me, 'Go and kill So-and-so, if not, I will kill you.' He answered him: 'Let him kill you rather than that you should commit murder; what [reason] do you see [for thinking] that

your blood is redder? Perhaps his blood is redder.'⁷

Mar son of R. Ashi found Rabina rubbing his daughter with undeveloped olives of 'orlah.⁸ Said he to him: 'Granted that the Rabbis ruled [thus]⁹ in time of danger; was it [likewise] ruled when there is no danger?' 'This inflammatory fever is also like a time of danger,' he answered him. Others say, he answered him: 'Am I then using it in the normal manner of its usage?' It was stated: [As to forbidden] benefit that comes to a man against his will. —

Abaye said: It is permitted; while Raba maintained: It is forbidden. Where it is possible [to avoid it], while he intends [to benefit], or if it is impossible [to avoid it], yet he intends [to benefit], none dispute that it is forbidden. If it is impossible [to avoid it], and he does not intend [to benefit], none dispute that it is permitted. They differ where it is possible [to avoid it] and he does not intend [to benefit]; now, on the view of R. Judah, who ruled, That which is unintended is forbidden,¹⁰ none dispute that it is forbidden. Where do they differ? On the view of R. Simeon, who maintained: That which is unintended is permitted. Abaye rules as R. Simeon. But Raba [argues]: R. Simeon rules thus only where it is impossible [to do otherwise], but not where it is possible.¹¹

Others state: If it is possible [to avoid it], and he does not intend [to benefit], that is [the case of] the controversy between R. Judah and R. Simeon.¹² If it is impossible [to avoid it], and he does not intend [to benefit], none dispute that it is permitted. When do they differ? Where it is impossible [to avoid it] and he intends [to benefit]. Now, on the view of R. Simeon, who regards the intention,¹³ none dispute that it is forbidden. Where do they differ? On the view of R. Judah, who maintained: It makes no difference whether he intends or does not intend, if it is possible [to avoid it] it is forbidden.

Abaye rules as R. Judah.¹⁴

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- (1) Lit., 'bloodshed'.
- (2) Viz., the interdict of the wood of the Asherah.
- (3) Deut. XXII, 26. This refers to the ravishing of a betrothed maiden.
- (4) I.e., the verse shows that the case of a murderer throws light upon that of a betrothed maiden, but is also itself illumined thereby.
- (5) She should rather suffer death than dishonor.
- (6) That one must allow oneself to be slain rather than commit murder.
- (7) You have no right to murder him to save yourself; his life is no less valuable than your own.
- (8) For a remedy.
- (9) That anything may be used for a remedy.
- (10) V. Shab. 22a.
- (11) The controversy of R. Judah and R. Simeon is with respect to dragging a bench over an earthen floor on the Sabbath, because it is needed in another part of the room. The dragging may make a rut in the earth, which is forbidden. Now in Abaye's view, R. Simeon permits the unintentional even when the whole act is avoidable, e.g., the bench is light enough to be carried. But in Raba's view R. Simeon permits it only when the bench is too heavy for this, so that the dragging is unavoidable. — An action is regarded as unavoidable when its purpose — here to have the bench elsewhere — is permissible or necessary. Similarly below, lecturing to the masses is regarded as unavoidable.
- (12) Raba too admits this.
- (13) As the determining factor.
- (14) Since R. Judah rules thus, we see that the matter always depends on whether it is avoidable or not; therefore if it is unavoidable it is permitted.

Pesachim 26a

Raba says thus: R. Judah rules that the unintentional is the same as the intentional only in the direction of stringency, but he did not rule that the intentional is the same as the unintentional where it is in the direction of leniency.

Abaye said: Whence do I know it? Because it was taught: It was related of R. Johanan b. Zakkai that he was sitting in the shadow of the Temple and teaching all day.¹ Now here it was impossible [not to lecture], and he intended [to benefit from the shade], and it is permitted?²

But Raba said: The Temple was different, because it was made for its inside.³

Raba said: Whence do I know it? Because we learned: There were passage ways opening in the upper chamber to⁴ the Holy of Holies, through which the artisans were lowered in boxes,⁵ so that they might not feast their eyes on the Holy of Holies. Now here it was impossible [to avoid going there], and he [the workman] intended [to gaze at the Holy of Holies], and it was forbidden. But is that logical? Surely R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass?⁶ Rather, they set up a higher standard for the Holy of Holies.⁷

Others state, Raba said: Whence do I know it? Because it was taught, R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass. [Thus] they merely do not involve trespass, but there is an interdict. Is that not for those who stand inside [the Temple],⁸ so that it is impossible [to avoid it], while there is, an intention [to enjoy], and it is forbidden? —

No: it refers to those standing outside.⁹ [It was stated in] the text, 'R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass.' But, does not smell involve trespass? Surely it was taught: He who compounds incense in order to learn [the art thereof] or to give it over to the community¹⁰ is exempt; [if] in order to smell it,¹¹ he is liable; while he who smells it¹² is exempt, but that he commits trespass!¹³

Rather, said R. Papa: Sound and sight do not involve trespass, because they are intangible; and smell, after its smoke column has ascended,¹⁴ does not involve trespass, since its religious service has been performed.¹⁵ Shall we say that wherever the religious service has been performed no trespass is involved? But what of the separation of the ashes,¹⁶ though its religious service has been performed, yet it

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involves trespass, for it is written; and he shall put them [the ashes] beside the altar,¹⁷ [which means] that he [the priest] must not scatter nor use [them]?¹⁸ —

Because [the references to] the separation of the ashes and the priestly garments are two verses written with the same purpose,¹⁹ and the teaching of two such verses does not illumine [other cases].²⁰ ‘The separation of the ashes’: that which we have stated. ‘The priestly garments,’ as it is written, and he shall leave them there:²¹ this teaches that they must be hidden.²² That is well on the view of the Rabbis who say, This teaches that they must be hidden. But according to R. Dosa who disagrees with them and maintains: But they are fit for an ordinary priest, while what does ‘and he shall leave them there’ mean? that he [the High Priest] must not use them on another Day of Atonement, what can be said? —

Because the separation of ashes and the beheaded heifer²³ are two verses with the same teaching, and such two verses do not illumine [other cases]. That is well according to him who maintains, They do not illumine [other cases]; but on the view that they do illumine,²⁴ what can be said? —

Two limitations are written: it is written, ‘and he shall put them [the ashes]’; and it is written, [over the heifer] whose neck was broken [etc.].²⁵

Come and hear: If he took it [the heifer] into the team²⁶ and it [accidentally] did some threshing, it is fit;²⁷ [but if it was] in order that it should suck and thresh, it is unfit. Now here it is impossible [to do otherwise],²⁸ and he intends [to benefit], and he [the Tanna] teaches that it is unfit! —

There it is different, because Scripture saith, ‘which hath not been wrought with,’ [implying] in all cases. If so, even in the first clause too [the same applies]? —

(1) He was lecturing on the laws of Festivals to the masses, this being within thirty days before a

Festival; v. supra 6a and b. As his own school-house was too small for the large number who wished to hear him, he taught in the open, choosing this site on account of the shade afforded by the high walls of the Temple.

(2) Though one must not derive any benefit from the Temple.

(3) It was normally used inside; hence the shade was not forbidden at all.

(4) Lit., ‘the loft of’; v. Mid. IV, 5.

(5) I.e., closed lifts. When they had to pass there for making repairs.

(6) He who benefits from sacred things (Hekdesh) commits trespass and is liable to a sacrifice. But no trespass is involved when he benefits by sound, sight or smell, e.g., when he hears the music in the Temple, sees the beauty of the Temple, or smells the frankincense. Consequently, even if workmen did look upon the Holy of Holies it would not really matter.

(7) Forbidding even that which the law permitted.

(8) I.e., those engaged on some Temple service.

(9) Who can avoid enjoying these things.

(10) For use in the Temple.

(11) I.e., he intends keeping it for smelling.

(12) Sc. the incense belonging to the community and in use in the Temple.

(13) The reference is to Ex. XXX, 33: Whosoever compoundeth any like it, or whosoever putteth any of it upon a stranger, he shall be cut off from his people (Kareth). In the first case he is exempt from Kareth, in the second he is liable, while in the third he is exempt from Kareth but liable to a trespass-offering. This contradicts R. Simeon b. Pazzi.

(14) The incense was thrown upon burning coals, which caused a cloud or a column of smoke to ascend. This constituted its sacred service.

(15) The incense then does not count as the sacred things of the Lord, and it is to this case that R. Simeon b. Pazzi refers. But before the smoke has ascended trespass is involved, because the smell, being directly caused by the spices with which the incense is compounded, is regarded as tangible.

(16) A censerful (Yoma 24a) of the ashes of the daily burnt-offering was taken every day and placed at the side of the altar, where the earth absorbed it.

(17) Lev. VI, 3.

(18) Rashal reads: (teaching) that others must not commit trespass therein, but all of it must be beside the altar. — ‘All of it’ refers to the censerful.

(19) Lit., ‘which come as one’.

(20) This is a general principle of exegesis. When a law is taught in one case it may be extended to other cases too by general analogy. But when it is taught in two cases it cannot be extended; for if it were intended to illumine others too, it would be written in one instance only, and the second, together with all others, would follow from it.

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(21) Lev. XVI, 23. This refers to the additional garments worn by the High Priest on the Day of Atonement when he entered the Holy of Holies.

(22) And all use is forbidden. Here too they had fulfilled their religious purpose.

(23) V. Deut. XXI, 1-9. There too it is written, 'and shall break the heifer's neck there in the valley (v. 4). 'There' indicates that it must remain there and all benefit thereof is forbidden, though its religious purpose had already been fulfilled.

(24) R. Judah holds his view: v. Sanh. 67b.

(25) Lit., 'the one who is neck-broken'. Ibid. 6. 'The' too is a limitation and the combined effect of the two limitations is to exclude all other cases from the operation of this law, which forbids benefit even after the religious requirements have been carried out.

(26) Of three or four cows used for threshing; his purpose was that it should suck.

(27) To make atonement for a murder by an unknown person; v. Deut. ibid. The heifer was to be one 'which hath not been wrought with and which hath not drawn in.

(28) It must be taken into the team to suck.

been taken into the team to feed, not to thresh. [thereby] destroy it,⁹ either through an evil eye or through thieves.

Come and hear: Clothes merchants sell in their normal fashion, providing that they do¹⁰ not intend [to gain protection] from the sun in hot weather¹¹ or from the rain when it is raining;¹² but the strictly religious¹³ sling them on a staff behind their back.¹⁴ Now here, though it is possible to do as the strictly religious, yet when he has no intention [of benefiting], it is permitted; this is a refutation of him who learns Raba's first version?¹⁵ This is [indeed] a refutation.

AND ONE MAY NOT FIRE, etc. Our Rabbis taught: If an oven was fired with the shells of 'orlah'¹⁶ or with the stubble of Kil'ayim of the vineyard, if new, it must be demolished; if old, it must be allowed to cool.¹⁷ If a loaf was baked in it, — Rabbi said: The loaf is forbidden;¹⁸ but the Sages maintain: The loaf is permitted.¹⁹ If he baked²⁰ it upon the coals, all agree that it is permitted.²¹ But it was taught: Whether new or old, it must be allowed to cool? —

There is no difficulty: one agrees with Rabbi, the other with the Rabbis.²² Granted that you know Rabbi [to rule thus] because the benefit²³ of the fuel lies in the loaf; do you know him [to maintain this ruling] where two things produce [the result]?²⁴ —

Rather, [reply thus:] There is no difficulty: one is according to R. Eliezer, the other according to the Rabbis. Which [ruling of] R. Eliezer [is alluded to]? Shall we say. R. Eliezer[^{'s} ruling] On Se'or'?²⁵ For we learned: If Se'or of Hullin and [Se'or'] of Terumah fall into dough, and neither is sufficient to make [it] leaven, but they combined and made [it] leaven, — R. Eliezer said: I regard²⁶ the last;²⁷ but the Sages maintain: whether the forbidden matter falls in first or the forbidden matter falls in last, it never renders it forbidden

Pesachim 26b

This can only be compared to the following: If a bird rested upon it [the red heifer], it remains fit;¹ but if it copulated with a male, it is unfit. What is the reason? —

Said R. Papa: If it were written 'abad'² and we read it 'Abad', [I would say, it becomes unfit] only if he himself wrought with it. While if 'ubad'³ were written and we read it 'Ubad,' [it would imply] even if it were of itself.⁴ Since however, it is written 'Abad'' [active], whilst read 'ubad'' [passive]. 'it was wrought with' must be similar to 'he wrought [with it]':⁵ just as 'he wrought [with it]' must mean that he approved of it, so also 'it was wrought with' refers only to what he approved.⁶

Come and hear: He may not spread it [viz.,] a lost [rayment]⁷ upon a couch or a frame for his needs, but he may spread it out upon a couch or a frame in its own interests. If he was visited by guests, he may not spread it over a bed or a frame, whether in its interests or his own!⁸ — There it is different, because he may the yoke' (v.2). Though this heifer had threshed, it remains fit, because it had

(1) It is not disqualified because it has been put to some use. The red heifer had to be one 'upon

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which never came yoke' (Num. XIX, 2), i.e., it had not been put to service.

(2) Active: 'with which he (the owner) had (not) wrought'.

(3) Passive: 'was (not) wrought with'.

(4) I.e., even if it were wrought with entirely without the owner's volition.

(5) I.e., though it may have been put to work without the knowledge of its master, it shall nevertheless be only such work as its master would have approved.

(6) Now, if a bird rests on it, the master does not approve, since he does not benefit; but he does benefit from its copulation. Similarly, if he takes the heifer into the team and it accidentally threshes, he does not benefit thereby, as the team itself would have sufficed. Therefore it is not made unfit, unless that was his express purpose. — Though one passage refers to the beheaded heifer, while the other deals with the red heifer, it is deduced in Sot. 46a by a Gezerah shawah (v. Glos.) that they are alike in law.

(7) Which he has found, and awaiting the owner to come and claim it.

(8) Thus, though he must spread it out, yet since he intends to benefit himself, it is forbidden.

(9) Lit., 'burn it'.

(10) Lit., 'he does'. The singular taken in the distributive sense.

(11) Lit., 'in the sun'.

(12) The reference is to garments containing the forbidden mixture of wool and linen (v. Deut. XXII, 11), sold to heathens. Merchants slung their wares across their shoulders for display, and though it is like wearing them, and some protection is afforded thereby, it is permitted.

(13) Lit., 'the modest'.

(14) So that they do not actually lie upon them.

(15) V. supra 25b.

(16) I.e., the shells of nuts of 'Orlah'.

(17) 'New' means that the oven has never been used yet. Before it is fit for use it must be burnt through so as to harden it, and if this was done with the shells of 'Orlah', the oven must be demolished, since it was made fit with prohibited fuel. But if it had been used before, the only benefit is that it is now hot: hence that benefit must be forfeited by allowing the oven to cool without using its heat.

(18) He holds that the benefit of the forbidden fuel is contained directly in the loaf.

(19) In their view the benefit of the forbidden fuel is not actually contained in the loaf, for the flame of the burning shells is not identical with the shells themselves. By the same reasoning they reject the ruling that if new, the oven must be destroyed, holding it sufficient that it should be allowed to cool.

(20) Lit., 'boiled'.

(21) When the nutshells or stubble are burnt through and a mass of coals, they are regarded as

already destroyed and not in existence. Consequently, if he bakes the bread upon them, the bread is not regarded as having benefited directly from them, and even Rabbi admits that it is permitted.

(22) V. p. 121, n. 11.

(23) Lit., 'improvement'.

(24) For when the new oven is fired, bread is not baked in it yet, and it will have to be fired a second time. Thus the bread that is baked will be the product of two things: the forbidden fuel and the permitted fuel. We do not find Rabbi holding that this too is forbidden, and if it is not, there is no need to demolish the oven.

(25) Se'or is leaven with which other dough is made leaven. Hamez is leavened bread.

(26) Lit., 'come after'.

(27) The status of the dough is determined by which fell in last: if Hullin, the dough is permitted to a lay Israelite; if Terumah, it is forbidden.

Pesachim 27a

unless it¹ contains sufficient to induce fermentation.²

Now Abaye said: They learned this³ only where he anticipated and removed the forbidden matter; but if he did not anticipate and remove the forbidden matter, it is forbidden:⁴ this proves that the product of two causes is forbidden. Yet how do you know that R. Eliezer's reason is as Abaye [states it]: perhaps R. Eliezer's reason is because I follow the last, there being no difference whether he anticipated and removed the forbidden matter or he did not anticipate and remove the forbidden matter;⁵ but [if they fell in] simultaneously, then indeed it may be permitted?⁶ —

Rather it is R. Eliezer's [s ruling] on the wood of the Asherah [which is alluded to]. For we learned: If he took wood from it [sc. the Asherah], benefit thereof is forbidden. If he fired an oven with it, if new, it must be destroyed; if old, it must be allowed to cool. If he baked bread in it, benefit thereof is forbidden; if it [the bread] became mixed up with others, and [these] others [again] with others,⁷ they are all forbidden for use.

R. Eliezer said: Let him carry the benefit [derived thence]⁸ to the Dead Sea.⁹ Said they

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to him: You cannot redeem an idol. Granted that you hear R. Eliezer [to rule thus] in the case of idolatry, whose interdict is [very] severe; do you know him [to rule likewise] in respect of other interdicts of the Torah? — Then if so, to whom will you ascribe it?¹⁰ Moreover, it was explicitly taught: And thus did R. Eliezer declare it forbidden in the case of all interdicts in the Torah.

Abaye said: Should you say' that the product of two causes is forbidden, then Rabbi is identical [in view] with R. Eliezer.¹¹ But should you say. The product of two causes is permitted,¹² while here [Rabbi forbids the bread] because there is the improvement of the fuel in the bread, then plates, goblets, and regards that which completes the leavening having produced the whole of it. flasks¹³ are forbidden.¹⁴ They differ only in respect of an oven and a pot.¹⁵ On the view [that] the product of two causes is forbidden, these are forbidden; on the view [that] the product of two causes is permitted, these are permitted. Others state: Even on the view [that] the product of two causes is permitted, the pot is forbidden, for it receives the stew before the permitted fuel is placed.¹⁶

R. Joseph said in Rab Judah's name in Samuel's name: If an oven was fired [heated] with shells of 'Orlah' or with stubble of Kil'ayim of the vineyard, if new, it must be demolished; if old, it must be allowed to cool. If he baked bread in it, — Rabbi said: The bread is permitted; but the Sages maintain: The bread is forbidden. But the reverse was taught!¹⁷ —

Samuel learned it the reverse. Alternatively, in general Samuel holds [that] the Halachah is as Rabbi as against his, but not as against his colleagues, but here [he holds], even against his colleagues, and so he reasoned, I will recite it reversed, in order that the Rabbis may stand [as ruling] stringently.¹⁸ 'If he baked it upon the coals all agree that the bread is permitted'.¹⁹

Rab Judah in Samuel's name, and R. Hiyya b. Ashi in R. Johanan's name [differ therein]: one says. They learned [this] only of dying coals, but live²⁰ coals are forbidden;²¹ while the other maintains, Even live coals too are permitted. As for the view that live [coals] are forbidden, it is well, [the reason being] because there is the improvement of the fuel in the bread.²² But on the view that even live [coals] are permitted, then how is the bread which is forbidden because there is the improvement of the fuel in the bread conceivable according to Rabbi?²³ —

Said R. Papa: When the flame is opposite it.²⁴

- (1) The Se'or' of Terumah, v. Tosaf.
- (2) If forbidden matter falls into permitted, it does not render it forbidden unless it imparts its taste to it. The Se'or' imparts its taste to the dough when it makes it leaven. — Se'or' of Terumah is designated forbidden matter, since it is forbidden to a lay Israelite.
- (3) Sc. R. Eliezer's view.
- (4) R. Eliezer holds that if the Hullin fell in last, the dough is permitted. This is only if he removed the Terumah immediately the Hullin fell in, and before the dough was leavened. Though the Terumah must have helped slightly in the leavening, yet since it is no longer there when the dough really becomes leaven, it is disregarded. But if the Terumah was left there, the dough becomes forbidden even if the Hullin fell in last.
- (5) The reason being that he
- (6) Because R. Eliezer permits the product of two causes.
- (7) 'And (these) others', etc. is absent in the Mishnah in A.Z. 49b, and R. Tam deletes it here too.
- (8) I.e., the value of the wood.
- (9) But R. Eliezer admits that if the benefit is not thrown into the Dead Sea, the new oven must be destroyed, which proves that he holds that the product of two causes is forbidden (v. p. 122, n. 3).
- (10) Lit., 'upon whom will you cast it?' This is the answer: there is none other to whom the Baraitha supra 26b can be ascribed. Hence it must be assumed that R. Eliezer draws no distinction between idolatry — and other interdicts.
- (11) I.e., if the Baraitha supra 26b is to be explained thus: just as Rabbi forbids the bread baked by the heat of the nutshells of 'Orlah', so he also forbids the new oven that is fired by same, because he holds that the product of two causes is forbidden. Hence the whole Baraitha states Rabbi's ruling, his view being identical with R.

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Eliezer's. Consequently the problem which he proceeds to state does not arise.

(12) Hence the first clause stating that a new oven must be destroyed cannot agree with Rabbi, but only with R. Eliezer.

(13) Of earthenware, which received their final hardening in a kiln heated by forbidden fuel.

(14) On all views. For they have been made fit for use and will be used without any further improvements, and there is direct benefit from forbidden matter.

(15) Both of which must be heated again before food is cooked or baked in them.

(16) The food for stewing is placed in the pot before the heat is applied to it. The mere placing is regarded as benefit, and this was made possible solely by the forbidden fuel.

(17) Supra 26b.

(18) And so that people might accept the stringent ruling.

(19) V. supra 26b.

(20) Lit., 'whispering'. When the coals are burning brightly they seem to be moving and whispering to each other (Rashi).

(21) I.e., the bread is forbidden in Rabbi's view.

(22) For the fuel is regarded as still in existence and directly baking the bread.

(23) For obviously the bread does not bake until the fuel burns up, and by then it is a mass of coals.

(24) Directly opposite the bread through the oven mouth.

Pesachim 27b

Whence it follows that the Rabbis who disagree with him permit it even when the flame is opposite it; then how is forbidden fuel conceivable according to the Rabbis?¹ —

Said R. Ammi b. Hama: In the case of a stool.²

Rami b. Hama asked R. Hisda: If an oven was heated with wood of hekdesch³ and bread is baked therein, what [is the law] according to the Rabbis who permit in the first case?⁴ — The bread is forbidden, he replied. And what is the difference between this and 'Orlah'? —

Said Raba: How compare! 'Orlah is annulled in two hundred [times its own quantity]; Hekdesch is not annulled even in one thousand [times its quantity].⁵ But said Raba, If there is a difficulty, this is the difficulty: Surely he who fires [the oven] commits trespass, and

wherever he who fires [the oven] commits trespass, it [the fuel] passes out to Hullin?⁶ —

Said R. Papa: We treat here of wood of peace-offerings,⁷ and in accordance with R. Judah, who maintained: Hekdesch, if [misappropriated for secular use] unwittingly, becomes Hullin; if deliberately, it does not become Hullin. Now what is the reason that if deliberately it does not [become Hullin]? Since it does not involve a trespass-offering,⁸ it does not pass out to Hullin; so peace-offerings too, since it [the misappropriation of this type of sacrifice] does not involve a trespass-offering, it does not pass out to Hullin. Yet whenever he that fires [the oven] commits trespass, it [the fuel] passes out to Hullin? But it was taught: [In the case of] all which are burnt,⁹ their ashes are permitted [for use], except the wood of an Asherah, while the ashes of Hekdesch are forbidden for ever?¹⁰ —

Said Rami b. Hama: E.g., if a fire fell of its own accord on wood of Hekdesch, so that there is no man to be liable for trespass.¹¹ R. Shemaiah said: It¹² refers to those [ashes] which must be hidden,¹³ for it was taught: And he shall put them [the ashes]¹⁴ gently; and he shall put them — the whole thereof; and he shall put them [means] that he must not scatter them.¹⁵

R. JUDAH SAID: THERE IS NO REMOVAL, etc. It was taught, R. Judah said: There is no removal of leaven save by burning, and logic impels this: if Nothar, which is not subject to 'there shall not be seen' and 'there shall not be found', requires burning, then leaven, which is subject to 'there shall not be seen' and 'there shall not be found', how much the more does it require burning!

Said they to him: Every argument that you argue [which] in the first place is stringent yet in the end leads to leniency is not a [valid] argument: [for] if he did not find wood for burning, shall he sit and do nothing, whereas the Torah ordered, Ye shall put away leaven

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out of your houses,¹⁶ [which means] with anything wherewith you can put it away? R. Judah argued again [with] another argument.¹⁷ Nothar is forbidden for eating and leaven is forbidden for eating: just as Nothar [is disposed of] by burning, so is leaven [destroyed] by burning.

Said they to him, Let Nebelah prove [it]¹⁸ for it is forbidden for eating yet does not require burning.

Said he to them, There is a difference:¹⁹ Nothar is forbidden for eating and for [all] use, and leaven is forbidden for eating and for [all] use: just as Nothar requires burning, so does leaven require burning. Let the ox that is stoned²⁰ prove it, they replied: it is forbidden for eating and for [all] use, yet it does not require burning.

Said he to them, There is a difference: Nothar is forbidden for eating and for [all] use, and he [who eats it] is punished with Kareth, and leaven is forbidden for eating and for [all] use, and he is punished with Kareth: just as Nothar [must be destroyed] by burning, so is leaven [destroyed] by burning.

Said they to him, Let the Heleb of the ox that is stoned prove it, which is forbidden for eating, for [all] use, and involves the penalty of Kareth, yet it does not require burning.

(1) I.e., when do they prohibit benefit from forbidden fuel?

(2) Made of forbidden wood. One must not sit upon it, because he thereby benefits from the wood while it is yet fully in existence.

(3) V. Glos.

(4) Sc. where it is heated with 'Orlah or Kil'ayim.

(5) If 'Orlah is accidentally mixed with two hundred times its own quantity of permitted produce and cannot be removed, it is annulled, and the whole is permitted. But Hekdesh in similar circumstances is never annulled: thus its interdict is obviously more stringent.

(6) When one misappropriates Hekdesh for secular use, he commits trespass and is liable to an offering for having withdrawn it from sacred ownership. Thus by this very act he converts it into Hullin, and therefore the bread should be regarded as having been baked with ordinary fuel,

hence permitted. This principle holds good of all Hekdesh save animals dedicated for sacrifices and the service utensils in the Temple.

(7) I.e., wood dedicated for peace-offerings, which means that it is to be sold and peace-offerings bought with the money, peace-offerings belong to the category of 'sacrifices of lower sanctity', and do not involve a trespass-offering; nevertheless they are forbidden for secular use.

(8) Sacrifices were brought only for unwitting transgressions.

(9) Viz., leaven on Passover, unclean Terumah, 'Orlah and Kil'ayim of the vineyard. Tem. 33b.

(10) V. Tem. 34a.

(11) Only then are the ashes of Hekdesh for ever forbidden.

(12) The teaching cited.

(13) Viz., the censerful of ashes hidden at the base of the altar, v. supra 26a. Only these are forever forbidden.

(14) Lev. VI, 3.

(15) V. supra 26a.

(16) Ex. XII, 15.

(17) Not on the basis of an a minori argument, but a Gezerah shawah, the conclusion of which is accepted irrespective of the result.

(18) I.e., refute the argument.

(19) Between Nebelah on the one hand and Nothar and leaven on the other.

(20) V. Ex. XXI, 28.

Pesachim 28a

R. Judah argued again [with] another argument: Nothar is subject to 'ye shall let nothing of it remain,'¹ and leaven is subject to 'ye shall let nothing of it remain':² just as Nothar [is disposed of] by burning, so is leaven [disposed of] by burning.

Said they to him, Let the guilt-offering of suspense³ and the sin-offering of a bird which is brought for a doubt,⁴ on your view,⁵ prove it: for they are subject to 'ye shall let nothing of it remain,'⁶ and we maintain that they require burning, while you say [it is disposed of] by burial.⁷ [Thereupon] R. Judah was silent.

Said R. Joseph: Thus people say, The ladle which the artisan hollowed out, in it [his tongue] shall be burnt with mustard.⁸ Abaye said: When the maker of the stocks sits in his own stock, he is paid with the clue which his own hand wound.⁹ Raba said: When the

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arrow maker is slain by his own arrows, he is paid with the clue which his own hand wound.

BUT THE SAGES MAINTAIN: HE CRUMBLES AND THROWS IT, etc. The scholars asked: How is it meant: He crumbles and throws it to the wind, or he crumbles and throws it into the sea; or perhaps, he crumbles and throws it to the wind, but he may throw it into the sea whole [without crumbling]? And we learned similarly in connection with an idol too: R. Jose said: He crushes and throws it to the wind or casts it into the sea. And the scholars asked: How is it meant: He crushes and throws it to the wind, or he crushes and casts it into the sea; or perhaps, he crushes and throws it to the wind, but he may cast it into the sea whole [without crushing?] —

Said Rabbah: It is logical that an idol, which goes into the Dead Sea, need not be crushed;¹⁰ leaven, which goes into other streams, needs crumbling. Said R. Joseph to him, On the contrary, the logic is the reverse: An idol, which does not dissolve, needs crushing; leaven, which dissolves, does not need crumbling.

It was taught in accordance with Rabbah;¹¹ it was taught in accordance with R. Joseph.¹²

It was taught in accordance with Rabbah: If he was walking in a wilderness, he crumbles it [the leaven] and casts it to the wind; if he was traveling in a ship, he crumbles it and casts it into the sea.

It was taught in accordance with R. Joseph: If he was traveling in the desert, he crushes [the idol] and throws it to the wind; if he was traveling in a ship, he crushes and casts it into the sea. [The teaching requiring] ‘crushing’ is a difficulty according to Rabbah, [while the teaching requiring] ‘crumbling’ is a difficulty according to R. Jose? ‘Crushing’ is not a difficulty according to Rabbah: one means into the Dead Sea,¹³ the other means into other waters.

‘Crumbling’ is not a difficulty according to R. Joseph: One refers to wheat [grains],¹⁴ the other refers to bread.

MISHNAH. LEAVEN BELONGING TO A GENTILE OVER WHICH PASSOVER HAS PASSED¹⁵ IS PERMITTED FOR USE; BUT THAT OF AN ISRAELITE IS FORBIDDEN FOR USE, BECAUSE IT IS SAID, NEITHER SHALL THERE BE LEAVEN SEEN WITH THEE.¹⁶

GEMARA. Who is [the authority of] our Mishnah: it is neither R. Judah nor R. Simeon nor R. Jose the Galilean. What is this [allusion]? — For it was taught: [As to] leaven, both before its time and after its time, he transgresses a negative command on its account; during its time, he transgresses a negative command and [commits a sin subject to] kareth.¹⁷

(1) Ex. XII, 10.

(2) Since leaven must not be seen or found in the house after midday on the fourteenth of Nisan, it may obviously not remain there until then.

(3) I.e., doubt. When a man is in doubt whether he has committed a transgression for which, if certain, a sin-offering is due, he brings a guilt-offering of suspense.

(4) E.g., when a woman miscarries, and it is not known whether the fetus was viable or not.

(5) V. Tem. 34a. The Rabbis hold that this bird sin-offering must be burnt, while R. Judah maintains that it is cast into a water-duct which carries it off.

(6) In common with all sacrifices.

(7) This refers to the guilt-offering of suspense.

(8) Or, from it he shall swallow mustard.

(9) Jast. Rashi, he is paid by the uplifting— i.e., the work —of his own hand.

(10) For the Dead Sea is unnavigable; hence none will pick it up.

(11) That leaven requires ‘crumbling’.

(12) That an idol requires ‘crushing’.

(13) The idol need not be crushed before it is thrown thither.

(14) Which had turned leaven. These must be crumbled, i.e., scattered into the sea. But they may not be tied in a sack and thrown into the sea, lest someone finds the sack.

(15) I.e., it had been kept over Passover.

(16) Ex. XIII, 7.

(17) During its (forbidden) time means during Passover. Before its time, from six hours (mid-day) on the fourteenth of Nisan until evening, when Passover commences; after its time, after

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Passover — i.e., leaven which was kept from before until after Passover. He transgresses by eating it.

Pesachim 28b

R. Simeon said: [As to] leaven, before and after its time, he does not transgress anything at all on its account; during its time, he transgresses on its account [an interdict subject to] Kareth and a negative command. And from the hour that it is forbidden for eating, it is forbidden for [general] use; this agrees with the first Tanna.

R. Jose the Galilean said: Wonder at yourself! How can leaven be prohibited for [general] use the whole seven [days]? And how do we know of him who eats leaven from six hours and onwards that he transgresses a negative command? Because it is said, Thou shalt eat no leavened bread with it:¹ this is R. Judah's opinion.

Said R. Simeon to him: Is it then possible to say thus, seeing that it is already stated, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith?² If so, what does 'thou shalt eat no leavened bread with it' teach? When he is subject to [the injunction], arise, eat unleavened bread,³ he is subject to [the prohibition], 'do not eat leavened bread'; and when he is not subject to, 'arise, eat unleavened bread,' he is not subject to, 'do not eat leavened bread.' What is R. Judah's reason? —

Three verses are written: There shall no leavened bread be eaten;⁴ Ye shall eat nothing leavened;⁵ and Thou shalt eat no leavened bread with it. One refers to before its time; another to after its time; and the third to during its time.⁶ And R. Simeon?⁷ —

One refers to during its time. 'Ye shall eat nothing leavened' he requires for what was taught: Hamez:⁸ I only know [that it is forbidden] where it turned leaven of its own accord; if [it turned leaven] through another substance, how do we know it? Therefore it is

stated, Ye shall eat nothing leavened.⁹ There shall no leavened bread be eaten' he requires for what was taught: R. Jose the Galilean said: How do we know that at the Passover of Egypt its [prohibition of] leaven was in force one day only? Because it is said, 'There shall no leavened bread be eaten', and in proximity thereto [is written], This day ye go forth.¹⁰ And R. Judah: how does he know [that it is prohibited when made leaven] through another substance? —

Because the Divine Law expressed it in the term mahmezeth.¹¹ How does he know R. Jose the Galilean's [deduction]? — I can either say, because 'this day' is stated in proximity thereto.¹² Alternatively, he does not base interpretations on the proximity of verses.¹³

The Master said: 'And how do we know of him who eats leaven from six hours and onwards that he transgresses a negative command? Because it is said, Thou shalt eat no leavened bread with it: this is R. Judah's opinion.

Said R. Simeon to him: Is it then possible to say thus, Seeing that it is already stated, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith?' Now as to R. Judah, R. Simeon says well to him? — R. Judah can answer you: [The purpose of] that [verse] is to make it a statutory obligation even for nowadays.¹⁴

And R. Simeon? Whence does he know to make it a statutory obligation [even nowadays]! — He deduces it from, at even ye shall eat unleavened bread.¹⁵

And R. Judah? — He requires that in respect of an unclean person or one who was on a distant journey. I might say, since he cannot eat the Passover sacrifice, he need not eat unleavened bread or bitter herbs either. Hence we are informed [that it is not so].

And R. Simeon? — For an unclean person or one who was on a distant journey no verse is

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required,¹⁶ because he is no worse than an uncircumcised person and an alien,¹⁷ for it is written, but no uncircumcised person shall eat thereof:¹⁸ 'thereof' he shall not eat, but he eats of unleavened bread and bitter herbs.

And R. Judah? It is written in the case of one,¹⁹ and it is written in the case of the other.²⁰ Now, who is [the authority for] our Mishnah?²¹ If R. Judah, he states leaven without qualification, even that of a Gentile. And if R. Simeon,

(1) Deut. XVI, 3. 'It' refers to the Passover sacrifice, which was offered on the fourteenth of Nisan from mid-day and onwards; and the verse is interpreted: You are to eat no leavened bread at the time that you must offer the Passover sacrifice.

(2) Now, unleavened bread (Mazzah) was not eaten before evening; hence 'therewith' must mean when the Passover sacrifice is eaten, viz., in the evening, and 'with it' must bear the same meaning in the first half of the verse.

(3) I.e., in the evening.

(4) Ex. XIII, 3.

(5) Ibid. XII, 20.

(6) On the meaning of these terms v. p. 129, n. 4.

(7) How does he interpret these verses?

(8) In Ex. XIII, 3 and Deut. XVI, 3 (E.V. leavened bread).

(9) Heb. Mahmezeth. This implies even if fermentation was induced by something else.

(10) Ex. XIII, 4. He translates: There shall no leavened bread be eaten (on) this day (that) ye go forth.

(11) 'Leavened'; v. n. 8. This implies an additional teaching, for otherwise the three verses should use the same term, viz., Hamez.

(12) Thus this too conveys an additional teaching.

(13) And thus he rejects the view that at the Exodus the prohibition of leaven was for one day only.

(14) The verse does not assimilate the prohibition of leavened bread to the precept of eating unleavened bread, in the sense that the former is valid only when the latter is, but the reverse: the latter is assimilated to the former. As long as leaven is prohibited, there is an obligation to eat unleavened bread, i.e., even nowadays, after the destruction of the Temple and the cessation of sacrifices. For I might think, since it is written, they shall eat it (sc. the Passover sacrifice) with unleavened bread and bitter herbs (Num. IX, 11), the obligation to eat unleavened bread holds good only as long as the Passover sacrifice is offered. Hence this verse teaches that it is not so.

(15) Ex. XII, 18. This is otherwise superfluous, since it is stated in v. 8, and they shall eat the flesh in that night ... and unleavened bread.

(16) That he has to eat unleavened bread.

(17) V. Ex. XII, 43. According to the Talmud, Shab. 87a this means a Jew whose acts have alienated him from Heaven, i.e., a nonconformist.

(18) Ibid. 48.

(19) Sc. an uncircumcised person and an 'alien'.

(20) Sc. an unclean person and one who was on a distant journey; v. infra 120a, p. 619, n. 6. Hence Deut. XVI, 3 is still required to show that the eating of unleavened bread is a permanent obligation.

(21) Here the Talmud reverts to its original question (supra a bottom), which was interrupted for a discussion of the various opinions quoted.

Pesachim 29a

even that of an Israelite is indeed permitted.¹ while if [it is] R. Jose the Galilean, even during its time it is indeed permitted for [general] use? —

Said R. Aha b. Jacob: In truth it is R. Judah, and he learns Se'or [leaven] of 'eating' from Se'or of seeing:² just as [with] the Se'or [stated in connection] with 'seeing', you must not see your own, but you may see that belonging to others or to the Most High,³ so [with] the Se'or [written in connection] with 'eating', you must not eat your own, but you may eat that belonging to others or to the Most High;⁴ and logically he [the Tanna of our Mishnah] ought to teach that its is permitted even for eating, but because he teaches that that of an Israelite is forbidden for use, he also teaches that that of a Gentile is permitted for use. Again, logically he ought to teach that even during its period its is permitted for use, but because he mentions after its period in connection with that of an Israelite, he also teaches about that of a heathen after its period.

Raba said: In truth it⁶ is R. Simeon; but R. Simeon does indeed penalize him, since he transgresses 'there shall not be seen' and 'there shall not be found' therewith.⁷ As for Raba, it is well: hence it is taught, BUT THAT OF AN ISRAELITE IS FORBIDDEN [FOR GENERAL USE], BECAUSE IT IS

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SAID, NEITHER SHALL THERE LEAVEN BE SEEN WITH THEE.⁸ But according to R. Aha b. Jacob, he should state, because [it is said], there shall no leavened bread be eaten?⁹ —

Do you think that that¹⁰ refers to the second clause? [No,] it refers to the first clause, and he states thus: LEAVEN BELONGING TO A GENTILE OVER WHICH PASSOVER HAS PASSED IS PERMITTED FOR USE, BECAUSE IT IS SAID, NEITHER SHALL THERE BE LEAVEN SEEN WITH THEE, [implying] thine own thou must not see, but thou mayest see the leaven of strangers or of the Most High; and Se'or of 'eating' is learnt from Se'or of 'seeing'. Now they¹¹ are consistent with their views. For it was stated: If one eats Se'or belonging to a heathen over which Passover has passed, according to R. Judah's view, — Raba said: He is flagellated; while R. Aha b. Jacob said: He is not flagellated. Raba said, He is flagellated: R. Judah does not learn Se'or of 'eating' from Se'or of 'seeing'. While R. Aha b. Jacob, said, He is not flagellated: he learns Se'or of 'eating' from Se'or of 'seeing'.

But R. Aha b. Jacob retracted from that [view]. For it was taught: He who eats leaven of hekdes¹² during the Festival [Passover] commits trespass; but some say, He does not commit trespass.¹³ Who is [meant by] 'some say'? —

Said R. Johanan, It is R. Nehunia b. ha-Kanah. For it was taught: R. Nehunia b. ha-Kanah used to treat the Day of Atonement as the Sabbath in regard to payment: just as [with] the Sabbath, he forfeits his life and is exempt from (payment), so [with] the Day of Atonement, he forfeits his life and is exempt from payment.¹⁴

R. Joseph said: They differ as to whether sacred food can be redeemed in order to feed dogs therewith. He who says [that] he commits trespass holds, One may redeem sacred food in order to feed dogs therewith;

while he who rules [that] he does not commit trespass holds, One may not redeem [etc.].¹⁵

R. Aha b. Raba recited

- (1) For general use, after its time.
- (2) I.e., he learns the prohibition of eating Se'or from that of seeing Se'or.
- (3) V. supra 5b.
- (4) I.e., when R. Judah teaches supra 28b that leaven even after its period is forbidden, this analogy shows that that applies to leaven belonging to a Jew only.
- (5) The leaven of a Gentile.
- (6) Our Mishnah.
- (7) Thus the Mishnah states the Rabbinic law, while in the Baraita the Scriptural law is stated.
- (8) I.e., as a penalty for violating this injunction.
- (9) That being the verse quoted by R. Judah supra 28b.
- (10) The verse quoted in the Mishnah.
- (11) Sc. Raba and R. Aha b. Jacob.
- (12) V. Glos.
- (13) On committing trespass V. p, 117, n. 6. The first Tanna holds that leaven belonging to Hekdes has a value even during Passover. For he agrees with R. Simeon that leaven kept during Passover is Biblically permitted after Passover, and though R. Simeon penalizes its owner, that does not apply to Hekdes, since leaven of Hekdes falls within the permissive law 'but thou mayest see that of Heaven'. Thus this man, by eating it, has caused loss to the Temple treasury, and therefore he is liable to a trespass-offering. But the second Tanna, while admitting this, holds that since he incurs Kareth for the eating of leaven, he is free from any lesser penalty, as explained in the Text.
- (14) It is a principle that if a man commits an act involving the death penalty and a monetary compensation. he is exempted from the latter owing to the greater punishment; this holds good
- (15) If these Tannaim held with R. Simeon that during Passover it is forbidden for general use, they would agree that he is not liable for trespass, since it was valueless when he actually ate it, notwithstanding that it would become valuable after Passover. But they hold with R. Jose the Galilean that leaven is permitted for use during Passover. Now, the only use to which leaven can be put then is to give it to dogs. This may be done with ordinary leaven, but there is a controversy in respect of sacred leaven. The first Tanna holds that it can be redeemed for that purpose: hence the leaven is valuable, and therefore the eater commits trespass. But the others ('some say') hold that sacred leaven may not be redeemed for dogs. Consequently it has no value, and the eater does not commit trespass.

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Pesachim 29b

this discussion in R. Joseph's name in the following version: All agree that one may not redeem sacred food in order to feed it to dogs, but here they differ in this, viz., whether that which has indirect monetary value¹ is as money. He who says [that] he commits trespass holds, That which has indirect monetary value is as money; while he who maintains [that] he does not commit trespass holds, That which has indirect monetary value is not as money.²

R. Aha b. Jacob said: All agree that that which has indirect monetary value is as money, but here they differ in the controversy of R. Judah and R. Simeon. He who says [that] he is not liable for trespass holds as R. Judah;³ while he who rules [that] he is liable for trespass even if he is not actually executed. E.g., if he sets fire to another man's property on the Sabbath, since his violation of the Sabbath involves death, he is not liable for the damage.

Now R. Nehunia b. ha-Kanah holds that it is the same if his act involves Kareth instead of death: e.g., if he sets fire to another man's property on the Day of Atonement, the violation of which is punishable by Kareth. — Thus in the present case he need not indemnify Hekdesh for the leaven, in view of the Kareth involved, and where that is so, there is no trespass-offering, agrees with R. Simeon.⁴ But it was R. Aha b. Jacob himself who said that R. Judah learns Se'or of 'eating' from Se'or of 'seeing'?⁵ — Hence R. Aha b. Jacob retracted from that [statement].

R. Ashi said: All hold that we may not redeem [etc.], and that which has indirect monetary value is not as money. But here they differ in the controversy of R. Jose the Galilean and the Rabbis. He who rules [that] he is liable to trespass holds as R. Jose;⁶ while he who rules [that] he is not liable for trespass agrees with the Rabbis.

Rab said: Leaven, in its time,⁷ whether [mixed] with its own kind or with a different kind, is forbidden; when not in its time, [if mixed] with its own kind, it is forbidden; [if with] a different kind, it is permitted. What are we discussing: Shall we say, where it imparts [its] taste [to the mixture], then [how state] when not in its time, if [mixed] with a different kind it is permitted? Surely it imparts taste!⁹ — Rather it refers to a minute quantity [of leaven]:¹⁰ 'leaven in its time, whether [mixed] with its own kind or with a different kind, is forbidden', Rab being consistent with his view.

For Rab and Samuel both said: All forbidden things of the Torah, [if mixed] with their own kind, [render forbidden the mixture even] when there is a minute quantity; [if] with a different kind, [only] when [the forbidden element] imparts its taste. Now Rab forbade leaven in its time [when mixed] with a different kind on account of [a mixture with] its own kind. When not in its period [and mixed] with its own kind, it [the mixture] is forbidden in accordance with R. Judah: but [when leaven has no monetary value at all; nor has it any indirect monetary value, since it cannot be redeemed to feed it to dogs by selling it to a non-Jew for the purpose. mixed] with a different kind it is permitted, because [to forbid it] when not in its time and [mixed] with a different kind on account of [a mixture] with its own kind, — to that extent we do not enact a preventive measure.¹¹

Samuel said: Leaven, in its time, [if mixed] with its own kind, is forbidden; if with a different kind, it is permitted. When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted. 'Leaven, in its time, [if mixed] with its own kind, is forbidden.' Samuel is consistent with his view.

For Rab and Samuel both said: All prohibited things of the Torah, [if mixed] with their own kind, [render forbidden the mixture even] when there is a minute quantity; [if mixed] with a different kind,

PESOCHIM - 2a-32b

[only] when [the forbidden element] imparts [its] flavor. Now he does not forbid [leaven mixed] with a different kind on account of [a mixture with] its own kind. 'When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted,' — in accordance with R. Simeon.

While R. Johanan said: Leaven, in its time, whether [mixed] with its own kind or with a different kind, is forbidden when it imparts [its] taste; when not in its time, whether [mixed] with its own kind or with a different kind, it is permitted. 'Leaven, in its time, whether [mixed] with its own kind or with a different kind, [is forbidden] when it imparts [its] taste.' R. Johanan is consistent with his view.

For R. Johanan and Resh Lakish both maintain: All forbidden things in the Torah, whether [mixed] with their own kind or with a different kind, [render forbidden the mixture only] when they impart [their] taste.' 'When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted,' - in accordance with R. Simeon.

(1) Lit., 'a thing which leads to money'.

(2) On this version both Tannaim agree with R. Simeon. Thus it has no present value at all, save an indirect value, since it can be used after Passover, and they disagree as to whether this deferred value can be regarded as immediate value.

(3) That all benefit is forbidden to an Israelite even after Passover, so that the

(4) That it is permissible for general use after Passover, even to an Israelite, and that it has a monetary value.

(5) Whereby leaven of Hekdesh is permitted for use during Passover even according to R. Judah.

(6) That benefit is permitted even during Passover. This leaven could be redeemed and used as fuel.

(7) V. supra p. 129, n. 4.

(8) Lit., 'not with its kind' — and similarly in the whole passage.

(9) It is a general principle that if something forbidden is mixed with something permitted and imparts its taste thereto, the whole mixture is prohibited.

(10) Insufficient to impart a flavor to the other.

(11) Gazar means to enact a preventive measure, i.e., to forbid one case which should be permitted

because it might otherwise be thought that another case, which is actually forbidden, is permitted too.

Pesachim 30a

Raba said: The law is: Leaven, in its time, whether [mixed] with its own kind or with a different kind, is forbidden [even] when there is a minute quantity, in accordance with Rab; when not in its time, whether [mixed] with its own kind or with a different kind, it is permitted, in accordance with R. Simeon. Yet did Raba say thus?¹

Surely Raba said, R. Simeon does indeed penalize him, since he transgressed 'there shall not be seen' and 'there shall not be found' with it?² — That is only in its natural state, but not when it is in a mixture.³ Now Raba⁴ is consistent with his view, For Raba said: When we were at R. Nahman's house, when the seven days of Passover were gone he would say to us, 'Go out and buy leaven from the troops.'⁵

Rab said: Pots must be broken on Passover.⁶ Why so? Let them be kept until after Passover and used with a different kind?⁷ — Lest he come to use it with its own kind. But Samuel maintained: They need not be broken, but can be kept until after its period and [then] used with their own kinds or with a different kind. Now Samuel is consistent with his view.

For Samuel said to the hardware merchants:⁹ Charge all equitable price for your pots, for if not I will publicly lecture [that the law is] in accordance with R. Simeon.¹⁰ Then let him lecture [thus] to them [in any case], seeing that Samuel holds as R. Simeon?¹¹ — It was Rab's town. A certain oven was greased with fat.¹² [Thereupon] Raba b. Ahilai forbade for all time¹³ the bread [baked therein] to be eaten even with salt, lest he come to eat it with kutah.¹⁴ An objection is raised: One must not knead dough with milk, and if he does knead it, the whole loaf is forbidden, because it leads to sin.¹⁵ Similarly,

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(1) That the leaven mixture is permitted after Passover.

(2) V. supra 29a.

(3) Even if he kept it in its natural, unmixed state during Passover and then it became mixed with other food, R. Simeon does not penalize him by disqualifying the mixture.

(4) Who accents the ruling of R. Simeon.

(5) Gentile troops quartered in the town, though they had baked it on Passover. — Their leaven was permitted after Passover since no transgression had been committed with it. — In the Diaspora Passover is kept for eight days, not seven. Raba probably mentions 'seven' loosely, using the Biblical phraseology, while meaning eight; v. S. Strashun R. Han. simply reads: 'when the days of Passover, etc.'. V., however, Obermeyer, p. 99.

(6) Pots in which leaven is cooked absorb and retain some of the leaven. Now Rab holds that all leaven kept over Passover is forbidden after Passover, which includes absorbed leaven. Further, when other food is cooked in it after Passover the absorbed leaven imparts a flavor, and though it has a deteriorating effect, Rab holds that even such disqualifies the food. Thus the pots cannot be used after Passover; hence they must be broken.

(7) For only a very minute quantity is absorbed, and such, even according to Rab, does not disqualify a different kind.

(8) I.e., the same kind of leaven which was cooked in them before Passover.

(9) Lit., 'sellers of pots'.

(10) People did break their pots before Passover, and the merchants took advantage of the increased demand after Passover to raise prices. Thereupon Samuel threatened them that he would publicly lecture that leaven kept over Passover is not forbidden, so that people need not break their pots.

(11) As stated supra.

(12) Lit., 'grease'.

(13) Even if the oven should be fired and burnt through again.

(14) A preserve consisting of sour milk, bread-crusts and salt (Jast.). The bread of course receives the flavor of the fat, and must not be eaten with anything containing milk or a milk product.

(15) One may come to eat it with meat.

of Raba b. Ahilai! — [It is indeed] a refutation.

Rabina said to R. Ashi: Now since Raba b. Ahilai was refuted, why did Rab say, Pots must be broken on Passover?¹ — There it was a metal oven, replied he, [whereas] here an earthen pot [is referred to]. Alternatively, both refer to earthenware: this [the oven] is fired from the inside;² while the other [the pot] is fired on the outside. And should you say, here too let him burn it [the pot] out from within, — he would spare it, lest it burst.³ Therefore a tiled pan,⁴ since it is burnt from without,⁵ is forbidden; but if he filled it with coals,⁶ it is permitted.

Rabina asked R. Ashi: What does one do about the knives on Passover? — I provide [make] new ones for myself, he replied. That is well for you, who can [afford] this, said he to him, [but] what about one who cannot [afford] this? I mean like new ones, he answered: [I thrust] their handles in loam, and their blades in fire, and then I place their handles in boiling water.⁷ But the law is: both the one and the others [need only be put] into boiling water, and in a 'first' vessel.⁹ R. Huna the son of R. Joshua said: A wooden pot ladle must be purified¹⁰ in boiling water and in a 'first' vessel. [Thus] he holds, as it absorbs, so it exudes.¹¹

Meremar was asked: Glazed vessels, may they be used on Passover? About green ones there is no problem, as they are certainly forbidden;¹² the question is, how about black ones and white ones? Again, if they have splits there is no question, as they are certainly forbidden;¹³ the question is, what about smooth ones? Said he to him: We see that they exude,¹⁴ which shows that they absorb; hence they are forbidden; and the Torah testified concerning an earthen vessel that it [the absorbed matter] never passes out from its sides.¹⁵ And what is the difference in respect of wine of nesek,¹⁶ that Meremar lectured: Glazed vessels,¹⁷ whether black, white, or green, are permitted?¹⁸ And should you answer, [the interdict of] wine of Nesek is

Pesachim 30b

one must not grease an oven with fat, and if he does grease it, all the bread [baked therein] is forbidden until the oven is refired. Which [implies], if the oven is refired it is nevertheless permitted? This is a refutation

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[only] Rabbinical, [whereas that of] leaven is Scriptural, — surely whatever the Rabbis enacted, they enacted similar to Scriptural law? — Said he to him: This is used with hot [matter], while the other is used with cold.¹⁹

Raba b. Abba said in R. Hiyya b. Ashi's name in Samuel's name: All utensils which were used with leavened matter [Hamez], cold, may be used with unleavened bread [Mazzah], except a container of Se'or, because it is strongly leaven.²⁰ R. Ashi said: And a Haroseth²¹ container is like a container of Se'or, because it is strongly leaven.

Raba said: The kneading basins of Mahuza,²² since leaven is continually kneaded in them and leaven is kept in them are like a container of Se'or, which is strongly leaven. That is obvious? — You might say, since they are wide, the air acts on them and they do not absorb. Therefore he informs us [otherwise].

MISHNAH. IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN,²³ AFTER PASSOVER IT IS PERMITTED FOR USE. WHILE IF AN ISRAELITE LENT [MONEY] TO A GENTILE ON HIS LEAVEN, AFTER PASSOVER IT IS PROHIBITED FOR USE.²⁴

GEMARA. It was stated: [In the case of] a creditor, — Abaye said: He collects retrospectively;²⁵ while Raba said: He collects from now and onwards.²⁶ Now, where the debtor sanctified [the pledge] or sold [it], all agree that the creditor can come and seize it,²⁷

(1) For we see that greased ovens (these were generally of earth) can be reheated and then used, the heat expelling the traces of fat. Then let the pots too be subjected to fire, which would likewise expel the absorbed leaven.

(2) Which is efficacious to expel absorbed matter.

(3) Hence if he is told to burn it from within, he will burn it from without and think that enough.

(4) A kind of plaque made of tiles upon which bread was baked.

(5) The coals being under it and the bread on top.

(6) On top.

(7) This process frees them from their absorbed leaven.

(8) Sc. the handle and the blade

(9) A 'first' vessel means the vessel in which the water was boiled, while it is still at boiling point; a 'second' vessel is that into which the water is poured from the 'first'.

(10) Hag'alah is the technical term for ridding a utensil of the forbidden matter which it has absorbed.

(11) I.e., the same conditions are necessary to make it exude as those whereby it absorbed. Since the ladle absorbs the leaven from a 'first' vessel, for it is used for stirring contents of the pot on the fire, it exudes only when likewise placed in a first vessel.

(12) These were made from an earth containing alum crystals and absorbed freely.

(13) The splits permitting them to absorb.

(14) I.e., they are porous.

(15) Hence once forbidden they remain so for all time.

(16) Nesek, lit., 'libation', is wine handled by a heathen. It is forbidden, because he may have dedicated it as a libation for his deity.

(17) Which had contained wine of Nesek.

(18) For use, in spite of the wine which they had absorbed.

(19) And of course it has greater powers of absorption in the former case.

(20) And though the Se'or placed therein was cold, yet it infects the vessel which in turn imparts a flavor of leaven to anything placed therein.

(21) A paste made of flour and vinegar, used as a sauce or relish.

(22) V. supra 5b, p. 20, n. 5.

(23) The leaven being a pledge; the loan was made before Passover.

(24) In both cases the leaven was seized for payment after Passover. V. infra Gemara.

(25) I.e., if the creditor has to exact the pledge in repayment of the loan, the pledge is regarded as having retrospectively belonged to him from the time of the loan.

(26) It is regarded as having belonged to him only from the moment he actually seized it.

(27) From the purchaser, without compensation.

Pesachim 31a

and the creditor can come and redeem it,¹ for we learned: He adds another Dinar and redeems this property.² They differ where the creditor sold or dedicated [it].³ Abaye said: 'He collects retrospectively'; since the time [for payment] came and he did not repay him, the matter was retrospectively revealed that from the [very] beginning it stood in his⁴ possession, and he rightly dedicated or sold [it].

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But Raba ruled: 'He collects from now and onwards'; since if he [the debtor] had money, he could have quitted him with money, it is found that he [the creditor] acquires it only now.

Yet did Raba say thus? Surely Rami b. Hama said: if Reuben sold his estate to Simeon with security,⁵ and he [Simeon] set it [the money] up as a loan against himself,⁶ then Reuben died, and Reuben's creditor came and seized [the estate] from Simeon, whereupon Simeon went and satisfied him with money, it is by right that the children of Reuben can go and say to Simeon, 'As for us, we [maintain that] our father left [us] movables in your possession, and the movables of orphans are not under lien to a creditor.'⁷

Now Raba said: If Simeon is wise, he lets them seize the land, and then he reclaims it from them.⁸

For R. Nahman said: If orphans seize land for their father's debt,⁹ a creditor [of their father] can in turn seize it from them. Now, if you agree that he [a creditor] collects retrospectively, it is right: for that reason he in turn can seize it from them, because it is just as though they had seized it in their father's lifetime. But if you say that he collects it from now and henceforth, why can he in turn seize it from them: surely it is as though the orphans had bought [immovable] property,¹⁰ and if orphans buy [immovable] property, is it then under a lien to [their father's] creditor? —

There it is different, because he can say to them, just as I was indebted¹¹ to your father, so I was indebted to your father's creditor. [This follows] from R. Nathan[‘s dictum]. For it was taught, R. Nathan said: How do we know that if one man [claims a Maneh from his neighbor, and his neighbor [claims a like sum] from another neighbor, that we collect from the one [the last] and give to the other [the first]? From the verse, and he shall give it unto him to whom he is indebted.¹²

We learned: IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN, AFTER PASSOVER IT IS PERMITTED FOR USE. It is right if you say that he collects retrospectively: therefore it is permitted for use. But if you say that he collects from now and henceforth, why is it permitted for use? [Surely] it stood in the possession of the Israelite! —

The circumstances here are that he deposited it with him.¹³ Shall we say that it is dependent on Tannaim: If an Israelite lent [money] to a Gentile on his leaven, after Passover he does not transgress.¹⁴ In R. Meir's name it was said: he does transgress. Now do they not differ in this, viz., one Master holds [that] he collects retrospectively, while the other Master holds [that] he collects from now and onwards.¹⁵ —

Now is that logical! Consider the second clause: But if a Gentile lent [money] to an Israelite on his leaven, after Passover he transgresses on all views. But surely the reverse [of the rulings in the first clause] is required: according to the view there [in the first clause] that he does not transgress, here he does transgress; [while] according to the view there that he does transgress, here he does not transgress!¹⁶

(1) From Hekdesh, at a mere trifle, not at its full value, so that some form of redemption may be observed.

(2) 'Er. 23b. If the debtor dedicates to Hekdesh property worth ninety Manehs, while his debt is one hundred Manehs, the creditor adds (i.e., gives) just one Dinar as a formal redemption and seizes it. Thus in both cases they agree that the pledge belonged retrospectively to the creditor.

(3) Before he actually foreclosed.

(4) The creditor's.

(5) A guarantee to indemnify S. against loss if a creditor of R. should seize it for debt.

(6) S. could not pay for the field, so he gave him an IOU for the sum, pledging his own property as security.

(7) Although their father had given security for this transaction, yet the orphans can plead, we inherited movables from our father which were in your possession, i.e., you merely owed him money, the field actually being yours; hence you should

PESOCHIM - 2a-32b

not have given that money to the creditor, because movables inherited by orphans are not subject to any lien; nor had you the right to withhold payment. Hence you still owe us the money.

(8) I.e., he pleads that he has no money; hence they must take the field in payment. This will prove retrospectively that they had inherited land, not movables. Then he can demand its return, since their father had indemnified him against loss.

(9) I.e., for a debt owing to their father.

(10) I.e., with the money owing to them they now purchased this estate.

(11) Lit., 'pledged'.

(12) Num. V. 7, translating: and he (the third) shall give it unto him (the first) to whom he (the second) is indebted.

(13) It is now assumed that he deposited it with the Gentile as a pledge, and the Gentile acquires a title to it as such.

(14) If he takes the leaven for the debt and uses it.

(15) It being now assumed that he did not deposit his leaven with the Gentile.

(16) Since the case is reversed, the Gentile having lent money to the Jew, obviously the rulings too should be reversed, if they are dependent on whether the creditor collects retrospectively or from now and onwards.

Pesachim 31b

Rather the circumstances here [in both clauses] are that he [the borrower] deposited it [the leaven] with him, and they differ in R. Isaac[’s dictum]. For R. Isaac said: Whence do we know that the creditor acquires a title to the pledge?¹ Because it is said, [Thou shalt surely restore to him the pledge when the sun goeth down...] and it shall be righteousness unto thee:² if he has no title thereto, whence is his righteousness?³ Hence it follows that the creditor acquires a title to the pledge.

Now the first Tanna holds, That⁴ applies only to an Israelite [taking a pledge] from an Israelite, since we read in his case, ‘and it shall be righteousness unto thee’; but an Israelite [taking a pledge] from a Gentile does not acquire a title.⁵ While R. Meir holds, [It follows] a fortiori; if an Israelite acquires from an Israelite, how much the more an Israelite from a Gentile! But if a Gentile lent [money] to an Israelite on his leaven, after Passover all agree that he transgresses: there

the Gentile certainly does not acquire a title from the Israelite.⁶

We learned: IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN, AFTER PASSOVER IT IS PERMITTED FOR USE. Now even granted that he deposited it with him, surely you said that a Gentile does not acquire a title from an Israelite? There is no difficulty: there [in the Mishnah] it means that he said to him, ‘From now’;⁷ here [in the Baraitha] it means that he did not say to him, ‘From now’,⁸ And whence do you assure that we draw a distinction between where he said ‘from now and where he did not say ‘from now’? —

Because it was taught: If a Gentile deposited with an Israelite large loaves as a pledge,⁹ he [the Israelite] does not transgress; but if he said to him, ‘I have made them yours,’¹⁰ he transgresses. Why is the first clause different from the second? This surely proves that where he says to him, ‘from now,’ it is different from where he does not say, ‘from now. This proves it.

Our Rabbis taught: A shop belonging to an Israelite and its wares belong to an Israelite, while Gentile workers enter therein, leaven that is found there after Passover is forbidden for use, while it need not be stated for eating. A shop belonging to a Gentile and the wares belong to a Gentile, while Israelite workers go in and out, leaven that is found there after Passover may be eaten, while it is unnecessary to state [that] benefit [is permitted].¹¹

MISHNAH. IF RUINS COLLAPSED ON LEAVEN, IT IS REGARDED AS REMOVED.¹² R. SIMEON B. GAMALIEL SAID: PROVIDED THAT¹³ A DOG CANNOT SEARCH IT OUT.

GEMARA. R. Hisda said: Yet he must annul it in his heart.¹⁴ A Tanna taught: How far is the searching of a dog? Three handbreadths.¹⁵ R. Aha the son of R. Joseph said to R. Ashi: As to what Samuel said, Money can only be guarded [by placing it] in

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the earth¹⁶ — do we require [it to be covered by] three handbreadths or not? —

Here, he replied, we require three hand breadths on account of the smell [of the leaven];¹⁷ but there [it is put into the earth] in order to cover it from the eye; therefore three handbreadths are not required. And how much [is necessary]? — Said Rafram of Sikkara:¹⁸ one handbreadth.

MISHNAH. HE WHO EATS TERUMAH OF LEAVEN ON PASSOVER UNWITTINGLY, MUST REPAY [TO THE PRIEST] THE PRINCIPAL PLUS A FIFTH;¹⁹ IF DELIBERATELY,²⁰ HE IS FREE FROM PAYMENT AND FROM [LIABILITY FOR] ITS VALUE AS FUEL.²¹

GEMARA. We learned elsewhere: He who eats Terumah unwittingly must restore the principal plus a fifth; whether he eats, drinks,

(1) That whilst in his possession it is his, and he is responsible for all accidents.

(2) Deut. XXIV, 13.

(3) There is no particular righteousness in returning what does not belong to one.

(4) The dictum of R. Isaac.

(5) Therefore he does not transgress in respect of the leaven.

(6) Hence the leaven stood in the ownership of the Israelite.

(7) When he deposited the leaven with him he said to him, 'If I do not repay by the stipulated time, the leaven is yours from now'. Hence the leaven stands in the lender's ownership, whether Jew or Gentile.

(8) Therefore, where the Gentile lent to the Jew, all agree that even if the debt was not repaid, the leaven may not be used, because during Passover it was definitely in the Jew's ownership, notwithstanding that it was deposited with the Gentile, because he does not acquire a title from a Jew. But the dispute arises only where the Israelite lent to the Gentile.

(9) Purni was a large oven in which large loaves were baked. 'Large loaves' are mentioned as a natural thing, since only such are sufficiently valuable to be a pledge.

(10) From now, if I do not repay at the proper time.

(11) In both cases we assume that the leaven was of the stock, and did not belong to one of the workers.

(12) Since it is inaccessible.

(13) Lit., 'whatever'.

(14) Lest the debris be removed during the festival.

(15) The leaven must be covered by not less than three handbreadths of debris; otherwise a dog can search it out, and it would therefore be necessary to remove the debris and destroy the leaven.

(16) That is the only way in which a bailee can carry out his charge; otherwise he is guilty of negligence and liable for theft. — In ancient days there was probably no other place as safe, but nowadays it suffices if the bailee puts the money in the place where he keeps his own (Asheri, B.M. 42a).

(17) If the leaven is covered by less, a dog can smell it.

(18) A town S. of Mahuza.

(19) I.e., he did not know that it was Terumah, even if he knew that it was leaven. Though leaven has no value during Passover, yet here he must make the usual restoration of the principal plus a fifth (v. Lev. XXII, 14), not in money but in kind, the same as he ate, v. infra p. 147.

(20) I.e., he knew that it was Terumah, even if he did not know that it was leaven.

(21) If the Terumah was unclean, when it has no other value, since unclean Terumah may not be eaten. The reason is this: the law of restoring the principal plus a fifth, in kind, holds good only when the Terumah is misappropriated unwittingly, the restoration being for the purpose of atonement. But when one appropriates it deliberately his act constitutes larceny, and he must return its value in money, not in kind, as in all cases of larceny. Leaven during Passover, however, has no monetary value, all benefit thereof being interdicted: hence he is free from payment.

Pesachim 31b

Rather the circumstances here [in both clauses] are that he [the borrower] deposited it [the leaven] with him, and they differ in R. Isaac[’s dictum].

For R. Isaac said: Whence do we know that the creditor acquires a title to the pledge?¹ Because it is said, [Thou shalt surely restore to him the pledge when the sun goeth down...] and it shall be righteousness unto thee:² if he has no title thereto, whence is his righteousness?³ Hence it follows that the creditor acquires a title to the pledge. Now the first Tanna holds, That⁴ applies only to an Israelite [taking a pledge] from an Israelite,

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since we read in his case, 'and it shall be righteousness unto thee'; but an Israelite [taking a pledge] from a Gentile does not acquire a title.⁵

While R. Meir holds, [It follows] a fortiori; if an Israelite acquires from an Israelite, how much the more an Israelite from a Gentile! But if a Gentile lent [money] to an Israelite on his leaven, after Passover all agree that he transgresses: there the Gentile certainly does not acquire a title from the Israelite.⁶

We learned: IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN, AFTER PASSOVER IT IS PERMITTED FOR USE. Now even granted that he deposited it with him, surely you said that a Gentile does not acquire a title from an Israelite? There is no difficulty: there [in the Mishnah] it means that he said to him, 'From now';⁷ here [in the Baraitha] it means that he did not say to him, 'From now',⁸ And whence do you assure that we draw a distinction between where he said 'from now and where he did not say 'from now'? —

Because it was taught: If a Gentile deposited with an Israelite large loaves as a pledge,⁹ he [the Israelite] does not transgress; but if he said to him, 'I have made them yours,'¹⁰ he transgresses. Why is the first clause different from the second? This surely proves that where he says to him, 'from now,' it is different from where he does not say, 'from now. This proves it.

Our Rabbis taught: A shop belonging to an Israelite and its wares belong to an Israelite, while Gentile workers enter therein, leaven that is found there after Passover is forbidden for use, while it need not be stated for eating. A shop belonging to a Gentile and the wares belong to a Gentile, while Israelite workers go in and out, leaven that is found there after Passover may be eaten, while it is unnecessary to state [that] benefit [is permitted].¹¹

MISHNAH. IF RUINS COLLAPSED ON LEAVEN, IT IS REGARDED AS REMOVED.¹² R. SIMEON B. GAMALIEL SAID: PROVIDED THAT¹³ A DOG CANNOT SEARCH IT OUT.

GEMARA. R. Hisda said: Yet he must annul it in his heart.¹⁴ A Tanna taught: How far is the searching of a dog? Three handbreadths.¹⁵ R. Aha the son of R. Joseph said to R. Ashi: As to what Samuel said, Money can only be guarded [by placing it] in the earth¹⁶ — do we require [it to be covered by] three handbreadths or not? — Here, he replied, we require three hand breadths on account of the smell [of the leaven];¹⁷ but there [it is put into the earth] in order to cover it from the eye; therefore three handbreadths are not required. And how much [is necessary]? — Said Rafram of Sikkara:¹⁸ one handbreadth.

MISHNAH. HE WHO EATS TERUMAH OF LEAVEN ON PASSOVER UNWITTINGLY, MUST REPAY [TO THE PRIEST] THE PRINCIPAL PLUS A FIFTH;¹⁹ IF DELIBERATELY,²⁰ HE IS FREE FROM PAYMENT AND FROM [LIABILITY FOR] ITS VALUE AS FUEL.²¹

GEMARA. We learned elsewhere: He who eats Terumah unwittingly must restore the principal plus a fifth; whether he eats, drinks,

- (1) That whilst in his possession it is his, and he is responsible for all accidents.
- (2) Deut. XXIV, 13.
- (3) There is no particular righteousness in returning what does not belong to one.
- (4) The dictum of R. Isaac.
- (5) Therefore he does not transgress in respect of the leaven.
- (6) Hence the leaven stood in the ownership of the Israelite.
- (7) When he deposited the leaven with him he said to him, 'If I do not repay by the stipulated time, the leaven is yours from now'. Hence the leaven stands in the lender's ownership, whether Jew or Gentile.
- (8) Therefore, where the Gentile lent to the Jew, all agree that even if the debt was not repaid, the leaven may not be used, because during Passover it was definitely in the Jew's ownership, notwithstanding that it was deposited with the

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Gentile, because he does not acquire a title from a Jew. But the dispute arises only where the Israelite lent to the Gentile.

(9) Purni was a large oven in which large loaves were baked. 'Large loaves' are mentioned as a natural thing, since only such are sufficiently valuable to be a pledge.

(10) From now, if I do not repay at the proper time.

(11) In both cases we assume that the leaven was of the stock, and did not belong to one of the workers.

(12) Since it is inaccessible.

(13) Lit., 'whatever'.

(14) Lest the debris be removed during the festival.

(15) The leaven must be covered by not less than three handbreadths of debris; otherwise a dog can search it out, and it would therefore be necessary to remove the debris and destroy the leaven.

(16) That is the only way in which a bailee can carry out his charge; otherwise he is guilty of negligence and liable for theft. — In ancient days there was probably no other place as safe, but nowadays it suffices if the bailee puts the money in the place where he keeps his own (Asheri, B.M. 42a).

(17) If the leaven is covered by less, a dog can smell it.

(18) A town S. of Mahuza.

(19) I.e., he did not know that it was Terumah, even if he knew that it was leaven. Though leaven has no value during Passover, yet here he must make the usual restoration of the principal plus a fifth (v. Lev. XXII, 14), not in money but in kind, the same as he ate, v. infra p. 147.

(20) I.e., he knew that it was Terumah, even if he did not know that it was leaven.

(21) If the Terumah was unclean, when it has no other value, since unclean Terumah may not be eaten. The reason is this: the law of restoring the principal plus a fifth, in kind, holds good only when the Terumah is misappropriated unwittingly, the restoration being for the purpose of atonement. But when one appropriates it deliberately his act constitutes larceny, and he must return its value in money, not in kind, as in all cases of larceny. Leaven during Passover, however, has no monetary value, all benefit thereof being interdicted: hence he is free from payment.

Pesachim 32a

or anoints [therewith]; whether it was defiled or undefiled Terumah, he must pay a fifth and a fifth of the fifth.¹ The scholars asked: When he repays, does he repay according to quantity² or according to value?³ Where it

was originally worth four Zuz while subsequently it was worth a Zuz,⁴ there is no question, for he must certainly repay on the original [price]. according to its value,⁵ because it is no worse than a robber, for we learned: All robbers repay as at the time of the robbery.⁶

The question arises where it was originally worth a Zuz while subsequently it was worth four. What then? Must he repay according to quantity, for he [the priest] can say, He ate a griwa,⁷ he must repay a griwa; or perhaps he repays according to the value: he ate [the worth of] a Zuz, he repays [the worth of] a Zuz? —

Said R. Joseph, Come and hear: If he ate figs [of Terumah] and repaid him dates, blessings be upon him! It is well if you say that he must repay according to quantity: therefore 'blessings be upon him,' because he ate a griwa of dried figs, which is worth a Zuz, and he returns [him] a griwa of dates, which is worth four. But if you say that he pays according to its value, why should 'blessings be upon him': he ate for a Zuz and he returns [as much as] for a Zuz? —

Said Abaye, Indeed he pays according to value, yet why should 'blessings come upon him'? Because he ate something for which buyers are not eager,⁸ and he pays [with] something for which buyers are eager.⁹

We learned: HE WHO EATS TERUMAH OF LEAVEN ON PASSOVER UNWITTINGLY, MUST PAY [TO THE PRIEST] THE PRINCIPAL PLUS A FIFTH. It is well if you say that he must pay according to quantity: then it is right. But if you say that he must pay according to the value, has then leaven on Passover any value?—

Yes: the author of this is R. Jose the Galilean, who maintained: Leaven on Passover is permitted for use. If so, consider the second clause: IF DELIBERATELY, HE IS FREE FROM PAYMENT AND FROM

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[LIABILITY FOR] ITS VALUE AS FUEL. But if [the author is] R. Jose the Galilean, why is he free from payment and from [liability for] its value as fuel?¹⁰ —

He holds as R. Nehunia b. ha-Kanah. For it was taught: R. Nehunia b. ha-Kanah used to treat the Day of Atonement as the Sabbath in regard to payment, etc.¹¹ This¹² is dependent on Tannaim: He who eats Terumah of leaven on Passover is free from payment and from [liability for] the value of the fuel: this is R. Akiba's ruling. R. Johanan b. Nuri declares him liable.

Said R. Akiba to R. Johanan b. Nuri: What benefit then has he [the priest] therein?¹³

R. Johanan b. Nuri retorted to R. Akiba: And what benefit has [the priest therein] that he who eats unclean Terumah during the rest of the year must pay?¹⁴ Not so, replied he: if you speak of unclean Terumah during the rest of the year, [that is] because though he [the priest] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel.¹⁵ Will you say the same of this, in which he does not enjoy the right of eating or the right to use it as fuel? Hence, to what is this like: to Terumah of mulberries and grapes which was defiled, in which he does not enjoy the right of eating or the right to use it as fuel.¹⁶ When is this said?¹⁷ When he separates Terumah and it because leaven. But if he separates Terumah of leaven [on Passover], all agree [that] it is not holy.¹⁸

Another [Baraita] taught: [And if a man eat of the holy things unwittingly, then he shall put the fifth part thereof unto it,] and shall give unto the priest the holy thing;¹⁹ [that implies,] something which is fit to be holy, thus excluding him who eats Terumah of leaven on Passover, [teaching] that he is free from payment and from holds good when one incurs 'death at the hands of heaven', which is the penalty for eating Terumah deliberately. According to this, the first clause, UNWITTINGLY, must now mean that the eater knew neither that it was

Terumah nor that it was leaven; for if he knew that it was leaven he is liable to Kareth, which frees him from payment. [liability for] its value as fuel: this is the view of R. Eliezer b. Jacob; but R. Eleazar Hisma declares him liable. Said R. Eliezer b. Jacob to R. Eleazar Hisma: Yet what benefit has he [the priest] therein?

R. Eleazar Hisma replied to R. Eliezer b. Jacob: And what benefit has he [therein] that he who eats unclean Terumah during the rest of the year, must pay? Not so, answered he: if you speak of unclean Terumah during the rest of the year, [that is] because though he [the priest] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel; will you say [the same] of this, in which he does not enjoy the right of eating or the right to use it as fuel? Said he to him, In this too he has the right to use it as fuel, for if the priest wishes, he can place it before his dog or burn it under his pot.

(1) The first fifth becomes the same as the original Terumah, and if he ate it, he must restore that fifth and a fifth thereof.

(2) Lit., 'measure'.

(3) The question arises because since he must repay in kind it is possible that the quantity is the deciding factor, as explained in the text.

(4) 'Originally' and 'subsequently' mean when he ate it and when he makes restoration respectively.

(5) This he must return quantitatively four times as much, and the fifth in addition.

(6) B.K. 93b; i.e., what its value was then.

(7) A dry measure equal to one se'ah.

(8) Sc. 'dried figs'. Lit., 'buyers do not leap upon it'.

(9) Sc. dates.

(10) Seeing that it has a monetary value.

(11) V. supra 29a and note a.l. The same

(12) Whether payment is to be made according to quantity or value.

(13) Seeing that it is forbidden to him for use, he suffers no loss.

(14) I.e., what benefit can a priest derive from unclean Terumah, seeing that it must not be eaten. Yet if a lay Israelite eats it, all agree that he must pay. The text is in disorder, cf. Rashi and Tosef. Pes. I.

(15) Lit., 'though he has not in it a permission of eating, yet he has in it a permission of heating'. The other passages below have the same literal meanings.

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(16) Strictly speaking, he enjoys the latter right, but it is unfit for fuel on account of the juice.

(17) When is it conceivable that Terumah of leaven should possess sanctity during Passover?

(18) Even according to R. Jose the Galilean, though he permits general benefit from leaven on Passover. The reason is given below.

(19) Lev. XXII, 14.

Pesachim 32b

Abaye said: R. Eliezer b. Jacob, R. Akiba and R. Johanan b. Nuri all¹ hold [that] leaven during Passover is forbidden for use, and they differ in this, viz., R. Akiba² holds: He must pay according to value;³ while R. Johanan b. Nuri holds: He must pay according to quantity. That is obvious? —

You might say, R. Johanan b. Nuri also holds as R. Akiba [that] he must pay according to value, but the reason that he declares him liable there is this, [viz.] because he agrees with R. Jose the Galilean who maintained, Leaven is permitted for use on Passover: [therefore] he informs us [that it is not so]. Yet perhaps that indeed is so? — If so, let R. Johanan b. Nuri answer R. Akiba just as R. Eleazar Hisma answered R. Eliezer b. Jacob.

Our Rabbis taught: He who eats as much as an olive of Terumah⁴ must pay the principal plus a fifth. Abba Saul said: [He is not liable] unless it has the worth of a perutah.⁵ What is the first Tanna's reason? —

Scripture saith, And if a man eat of the holy thing unwittingly⁶ and eating [requires] as much as an olive.⁷ And Abba Saul: what is [his] reason? —

Scripture saith, and he shall give [unto the priest the holy thing].⁶ and giving is not less than the worth of a Perutah. And the other too, surely 'eat' is written? That comes [to teach], excluding him who destroys [Terumah].⁸ And the first Tanna, surely it is written, 'and he shall give'? — He requires that [to intimate that he must return] something which is fit to be holy.⁹

Our Rabbis taught: He who eats less than an olive of Terumah must pay the principal, but he does not pay the [additional] fifth. How is it meant? If it is not worth a Perutah, let him not pay the principal either; while if it is worth a Perutah, let him pay a fifth too? — After all it means that it is worth a Perutah, yet even so, since it was less than an olive he pays the principal but does not pay the fifth.

The Rabbis stated this before R. Papa: This is not according to Abba Saul, for if according to Abba Saul, surely he says, since it is worth a Perutah, even if it is less than an olive [the law applies]! —

Said R. Papa to them: You may even say [that it agrees with] Abba Saul. Abba Saul requires both.¹⁰ Yet does Abba Saul require both? Surely we learned, Abba Saul said: For that which possesses the worth of a Perutah he [the eater] is liable for payment; [for] that which does not possess the worth of a Perutah he is not liable for payment. Said they [the Sages] to him. The worth of a Perutah was stated in connection with a trespass-offering only;¹¹ but for Terumah he is not liable unless it contains as much as an olive. Now if this is correct,¹² they should have stated, 'once it contains as much as an olive'?¹³ This is a refutation.

Now, R. Papa too retracted,¹⁴ for it was taught: [If any one commit a trespass,] and sin unwittingly;¹⁵ this excludes deliberate [trespass]. But does this not follow a fortiori: if other precepts, for [the transgression of] which one is liable to kareth,¹⁶ yet [Scripture] exempts the deliberate offender in their case;¹⁷ [with regard to] trespass, which does not involve Kareth, does it not follow that the deliberate transgressor is exempt? No: if you say [thus] in the case of other precepts, that is because he is not liable to death on their account; will you say [the same] of trespass, for which death is incurred?¹⁸ Therefore 'unwittingly' is stated, excluding deliberate [transgression].

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Now R. Nahman b. Isaac said to R. Hiyya b. Abin: This Tanna, at first, regards Kareth as severer, while subsequently he regards death [at the hands of Heaven] as more severe?¹⁹ And he answered him, This is what he means: No; if you say [thus] in the case of other precepts, that is because he is not liable to death on their account for less than an olive; will you say [the same] of trespass, where death is incurred for less than an olive. Whereon he said to him, Thy mind be at rest, because thou hast set my mind at rest. Said he to him, What satisfaction [is there in this answer], seeing that Rabbah and R. Shesheth have swung an axe at it:²⁰ Whom do you know to maintain?

- (1) Rashi omits 'R. Eliezer b. Jacob' and 'all'.
- (2) And likewise R. Eliezer b. Jacob.
- (3) And since it has no value, the eater is exempt.
- (4) This refers to the rest of the year.
- (5) The smallest coin.
- (6) Lev. XXII, 14.
- (7) This is the smallest quantity to which the term 'eating' can be applied.
- (8) Without eating it; this law of the extra fifth does not apply in his case.
- (9) I.e., the return must be made in kind, which can itself be holy (viz, Terumah), not in money, which cannot be Terumah.
- (10) It must be worth not less than a Perutah and be not less than an olive in size.
- (11) If he unwittingly converts Hekdesh (q.v. Glos.) to secular use he is liable to a trespass-offering, providing the object so misappropriated is worth at least a Perutah.
- (12) That Abba Saul requires both.
- (13) Since he too agrees to this, their view must be: once it contains the size of an olive he is liable even if it is not worth a Perutah.
- (14) From his view that Abba Saul requires both.
- (15) Lev. V, 15: the passage deals with the trespass-offering for the misappropriation of Hekdesh and the restitution of the principal plus a fifth.
- (16) V. Glos. E.g., if one consumes blood or forbidden fat (Heleb).
- (17) From a sacrifice, which is due only for an unwitting offence.
- (18) Surely not. By 'death', death at the hands of Heaven is meant.
- (19) This follows from a comparison of the two halves of the argument.
- (20) I.e., proved it to be incorrect.