

The Soncino Babylonian Talmud



EIDUYOS

TRANSLATED INTO ENGLISH WITH NOTES

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Chapter 1

MISHNAH 1. SHAMMAI¹ SAYS: FOR ALL WOMEN [WHO BECOME MENSTRUOUS] IT SUFFICES [TO RECKON THEIR UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING IT].² AND HILLEL SAYS: [THEIR UNCLEANNESS IS RECKONED BACKWARDS] FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION, EVEN IF THIS COVERS MANY DAYS.³ BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [THEY ARE CONSIDERED UNCLEAN FOR] THE PAST TWENTY FOUR HOURS⁴ WHEN THIS LESSENS THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION,⁵ AND FOR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION WHEN THIS LESSENS THE PAST TWENTY-FOUR HOURS.⁶ ANY WOMAN WHO HAS A SETTLED PERIOD, IT SUFFICES [TO RECKON HER UNCLEANNESS FROM] HER SET TIME.⁷ SHE WHO USES TESTING-CLOTHS WHEN SHE HAS MARITAL CONNECTION,⁸ LO, THIS IS LIKE AN EXAMINATION: IT LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY FOUR HOURS OR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION.

MISHNAH 2. SHAMMAI SAYS: [DOUGH] OF A KAB⁹ OR MORE IS SUBJECT TO THE LAW OF HALLAH.¹⁰ AND HILLEL SAYS: OF TWO KABS OR MORE. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [DOUGH OF] A KAB AND A HALF¹¹ IS SUBJECT TO THE LAW OF HALLAH. AND AFTER THEY INCREASED THE MEASURES¹² THEY SAID: [DOUGH 'OF] FIVE QUARTERS IS SUBJECT. R. JOSE SAID: FIVE ARE EXEMPT, FIVE AND MORE¹³ ARE LIABLE.

MISHNAH 3. HILLEL SAYS: A HIN¹⁴ -FULL OF DRAWN WATER RENDERS THE MIKWEH¹⁵ UNFIT.¹⁶ (HOWBEIT¹⁷ A MAN MUST SPEAK IN THE LANGUAGE OF HIS TEACHER.)¹⁸ AND SHAMMAI SAYS: NINE KABS. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER: BUT WHEN TWO WEAVERS FROM THE DUNG-GATE WHICH IS IN JERUSALEM¹⁹ CAME AND TESTIFIED IN THE NAME OF SHEMAIAH AND ABTALION;²⁰ 'THREE LOGS OF DRAWN WATER RENDER THE MIKWEH UNFIT,' THE SAGES²¹ CONFIRMED THEIR STATEMENT.

MISHNAH 4. AND WHY DO THEY RECORD THE OPINIONS OF SHAMMAI AND HILLEL TO SET THEM ASIDE? — TO TEACH THE FOLLOWING GENERATIONS THAT A MAN SHOULD NOT [ALWAYS] PERSIST IN HIS OPINION, FOR BEHOLD, THE FATHERS OF THE WORLD²² DID NOT PERSIST IN THEIR OPINION.

MISHNAH 5. AND WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY, WHEN THE HALACHAH²³ MUST BE ACCORDING TO THE OPINION OF THE MANY? SO THAT IF A COURT PREFERS THE OPINION OF THE SINGLE PERSON IT MAY DEPEND ON HIM. FOR NO COURT MAY SET ASIDE THE DECISION OF ANOTHER COURT²⁴ UNLESS IT IS GREATER THAN IT IN WISDOM²⁵ AND IN NUMBER.²⁶ IF IT WAS GREATER THAN IT IN WISDOM BUT NOT IN NUMBER, IN NUMBER BUT NOT IN WISDOM, IT MAY NOT SET ASIDE ITS DECISION, UNLESS IT IS GREATER THAN IT IN WISDOM AND IN NUMBER.²⁷

MISHNAH 6. R. JUDAH SAID: IF SO, WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY TO SET IT ASIDE?²⁸ SO THAT IF A MAN SHALL SAY, THUS HAVE I LEARNT THE TRADITION,' IT MAY BE SAID TO HIM, 'ACCORDING TO THE [REFUTED] OPINION OF THAT INDIVIDUAL DID YOU HEAR IT.

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MISHNAH 7. BETH SHAMMAI SAY: A QUARTER-KAB OF ANY BONES, EVEN FROM TWO CORPSES OR FROM THREE.²⁹ AND BETH HILLEL SAY: A QUARTER-KAB OF BONES FROM A CORPSE,³⁰ EITHER FROM [THE BONES WHICH FORM] THE GREATER PORTION OF THE [BODY'S] BUILD,³¹ OR FROM THE GREATER PORTION OF THE NUMBER³² [OF THE BODY'S BONES]. SHAMMAI SAYS: EVEN FROM A SINGLE BONE.³³

MISHNAH 8. VETCHES³⁴ OF TERUMAH,³⁵ BETH SHAMMAI SAY, MUST BE SOAKED AND RUBBED³⁶ IN PURITY,³⁷ BUT CAN BE GIVEN FOR FOOD³⁸ IN IMPURITY.³⁹ AND BETH HILLEL SAY: THEY MUST BE SOAKED IN PURITY,⁴⁰ BUT CAN BE RUBBED AND GIVEN FOR FOOD IN IMPURITY. SHAMMAI SAYS: THEY MUST BE EATEN DRY.⁴⁰ R. AKIBA SAYS: ALL DEEDS IN CONNECTION WITH THEM [CAN BE CARRIED OUT] IN IMPURITY.⁴¹

MISHNAH 9. WHOSO⁴² CHANGES FOR A SELA'⁴³ COPPER COIN FROM SECOND TITHE,⁴⁴ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL.⁴⁵ R. MEIR SAYS: SILVER AND FRUITS MAY NOT BE SUBSTITUTED FOR SILVER.⁴⁶ BUT THE SAGES ALLOW IT.

MISHNAH 10. WHOSO CHANGES A SELA' FROM SECOND TITHE IN JERUSALEM,⁴⁷ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL. THE DISPUTANTS BEFORE THE SAGES⁴⁸ SAY: SILVER FOR THREE DINARS AND COPPER COIN FOR ONE DINAR. R. AKIBA SAYS: SILVER FOR THREE DINARII AND FOR THE FOURTH SILVER AND FOR THE FOURTH [THEREOF] COPPER COIN.⁴⁹ R. TARFON SAYS: FOUR AS PERS⁵⁰ IN SILVER. SHAMMAI SAYS: HE

MUST LEAVE⁴⁵ T⁵¹ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH 11. A⁵² BRIDE'S STOOL FROM WHICH THE COVERING-BOARDS HAVE BEEN TAKEN,⁵³ BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁴ SHAMMAI SAYS: EVEN THE FRAMEWORK OF A STOOL [BY ITSELF IS [LIABLE TO BECOME] UNCLEAN. A STOOL WHICH HAS BEEN SET IN A BAKER'S TROUGH, BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁵ SHAMMAI SAYS: EVEN ONE MADE THEREIN [IS LIABLE TO BECOME UNCLEAN].

MISHNAH 12. THESE ARE SUBJECTS CONCERNING WHICH BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI: A⁵⁶ WOMAN WHO CAME FROM THE REGION OF THE SEA AND SAID: MY HUSBAND DIED — MAY BE MARRIED AGAIN; MY HUSBAND DIED [WITHOUT ISSUE] — SHE MUST BE MARRIED BY HER HUSBAND'S BROTHER.⁵⁷ THIS IS THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: WE HAVE HEARD SO⁵⁸ ONLY IN THE CASE OF ONE WHO CAME FROM THE HARVESTING. BETH SHAMMAI SAID TO THEM: IT IS THE SAME THING IN THE CASE OF ONE WHO CAME FROM THE HARVESTING OR WHO CAME FROM THE OLIVE-PICKING OR WHO CAME FROM THE REGION OF THE SEA: THEY MENTIONED HARVESTING ONLY AS AN ACTUAL OCCURRENCE.⁵⁹ THEN BETH' HILLEL TURNED AND TAUGHT ACCORDING TO BETH SHAMMAI. BETH SHAMMAI SAY: SHE MAY BE MARRIED AGAIN AND TAKE HER MARRIAGE PORTION. BUT BETH HILLEL SAY: SHE MAY BE MARRIED AGAIN BUT MAY NOT TAKE HER MARRIAGE-PORION. BETH SHAMMAI SAID TO THEM: YOU HAVE PRONOUNCED LAWFUL THE GRAVER

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MATTER OF A FORBIDDEN MARRIAGE,⁶⁰ SHOULD YOU NOT PRONOUNCE LAWFUL THE LIGHTER MATTER OF PROPERTY? BETH HILLEL SAID TO THEM: WE HAVE FOUND THAT BROTHERS DO NOT INHERIT ON HER STATEMENT.⁶¹ BETH SHAMMAI SAID TO THEM: DO WE NOT INFER IT FROM HER MARRIAGE DOCUMENT IN WHICH HE WRITES FOR HER 'THAT IF YOU BE MARRIED TO ANOTHER YOU SHALL TAKE WHAT IS WRITTEN FOR YOU'? THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH 13. WHOEVER⁶² IS HALF A SLAVE AND HALF A FREE MAN⁶³ SHOULD TOIL ONE DAY FOR HIS MASTER AND ONE DAY FOR HIMSELF. THIS IS THE OPINION OF BETH HILLEL. BETH SHAMMAI SAID TO THEM: YOU HAVE SET MATTERS IN ORDER AS REGARDS HIS MASTER, BUT YOU HAVE NOT SET MATTERS IN ORDER AS REGARDS HIMSELF. HE IS NOT ABLE TO MARRY A BONDMAID,⁶⁴ NOR IS HE ABLE [TO MARRY] A WOMAN WHO IS FREE.⁶⁵ IS HE TO REFRAIN [FROM MARRYING]? AND IS IT NOT THE CASE THAT THE WORLD WAS CREATED FOR THE PROPAGATION OF THE RACE? FOR IT IS SAID, HE CREATED IT NOT TO BE A WASTE; HE FORMED IT TO BE INHABITED.⁶⁶ BUT FOR THE RIGHTFUL ORDERING OF THE WORLD HIS MASTER IS COMPELLED TO MAKE HIM FREE, AND HE⁶⁷ WRITES OUT A BOND FOR HALF HIS VALUE. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH 14. A VESSEL OF EARTHENWARE⁶⁸ CAN, ACCORDING TO THE OPINION OF BETH HILLEL, PROTECT EVERYTHING⁶⁹ [IN IT FROM IMPURITY]. BUT BETH SHAMMAI SAY: IT PROTECTS ONLY EATABLES AND LIQUIDS AND [OTHER] VESSELS OF EARTHENWARE. BETH HILLEL SAID TO THEM: WHY? BETH SHAMMAI SAID TO THEM: BECAUSE IT IS [ITSELF] IMPURE WITH RESPECT TO AN

'AM HA-AREZ,⁷⁰ AND NO IMPURE VESSEL CAN SCREEN [AGAINST IMPURITY]. BETH HILLEL SAID TO THEM: AND DID YOU NOT PRONOUNCE PURE THE EATABLES AND LIQUIDS INSIDE IT? BETH SHAMMAI SAID TO THEM: WHEN WE PRONOUNCED PURE THE EATABLES AND LIQUIDS INSIDE IT, WE PRONOUNCED THEM PURE FOR HIM⁷¹ ONLY, BUT WHEN YOU PRONOUNCED THE VESSEL⁷² PURE YOU PRONOUNCED IT PURE FOR YOURSELF⁷³ AND FOR HIM. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

(1) Cf. Nid. I, 1.

(2) Therefore only things which they touch from that time become unclean, but not what they have touched before.

(3) All foodstuffs which they touched since the previous examination are unclean, because menstruation may have occurred immediately after the previous examination without their having been aware of it.

(4) Lit., 'from time to time,' i.e., from any given hour to the corresponding one on the preceding or following day.

(5) I.e., when the period between the last two examinations is more than twenty-four hours.

(6) When the period between the last two examinations is less than twenty-four hours.

(7) There is no need to suspect that menstruation may have occurred before the set time.

(8) Before and after connection to make sure she is free from menstruation.

(9) Cf. II Kings VI, 25. It equals four logs, or 24 eggs, or roughly two liters.

(10) The portion of the dough, the minimum quantity being the size of one egg, which has to be given to the priest: Num.

XV, 20.

(11) Equal to the 'Omer. [The 'Omer = 1/10 Ephah (v. Ex. XVI, 16), = 1.8 Kab = 7.2 logs = 43.2 eggs. The Wilderness measure was, however, subsequently increased in Jerusalem by 1/6th, so that 43.2 wilderness eggs became equal to 36 Jerusalem eggs, i.e. a Kab and a half.]

(12) At Sepphoris, when six Jerusalem logs became equal to five logs of the new measure.

(13) Which would leave just five quarters after taking off the Hallah.

(14) Cf. Ex. XXX, 24, etc. It contains twelve logs, or three Kabs.

(15) The ritual bath of purification; cf. Lev. XI, 36. It has to contain at least forty se'ahs (=12.148 liters) of originally flowing water.

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- (16) If it fell into the Mikveh before the Mikveh had forty se'ahs of originally flowing water.
- (17) Some texts omit 'Howbeit'.
- (18) A parenthetic observation of the redactor of the Mishnah to explain why Hillel used the Biblical term Hin, and not the Mishnaic expression twelve logs, or three Kabs, as below; viz. because Hillel's teachers had used the term Hin. [The reference is to Hillel's Babylonian teachers, not to Shemaiah and Abtalion, v. Halevy, Doro. I, 96.]
- (19) [At the south-east corner of the city. V. G. A. Smith, Jerusalem, I, p. 177]. Cf. Nehem. II, 13. The trade and abode of the two men are specified in order to indicate that in spite of their lowly station in life their testimony prevailed against the opinions of Hillel and Shammai.
- (20) The teachers of Hillel and Shammai; cf. Ab. I, 12.
- (21) Including Shammai and Hillel themselves.
- (22) Viz., Hillel and Shammai.
- (23) The accepted ruling.
- (24) A former court if it decided according to the opinion of a majority. But if that court decided according to the opinion of an individual, its decision may be set aside even when the condition named here is not fulfilled.
- (25) The wisdom of its president as compared with the wisdom of the president of the former court.
- (26) Of the members of the court. V. Ab. (Sonc. ed.) p. 64, n. 7.
- (27) [According to another explanation: Where there is the opinion of an individual to appeal for support, a subsequent court can set aside the decision of a former court even if it is not greater than it in wisdom and number, and this justifies the recording of the opinion of a single person among the many, v. Tosaf. Yom Tob a.l. and Halevy, Doro. I, 200 f.]
- (28) In cases where the individual opinion is untenable, and no court would ever agree to it.
- (29) Confers defilement upon everything which happens to be under the same roof-space ('tent'; cf. Num. XIX, 14). But if less than a quarter-Kab, it can cause defilement only by actual contact.
- (30) Only from one corpse.
- (31) The two legs and one thigh; cf. Bek. 45a.
- (32) 125 out of the 248 bones of the human body; cf. Ohol. I, 8.
- (33) Causes 'tent' defilement if it fills a quarter-Kab.
- (34) Cf. M. Sh. II, 4. Vetches are usually food for cattle, but in time of scarcity they are also eaten by human beings.
- (35) Heave offering which belongs to the priest.
- (36) On the body as a detergent.
- (37) With the hands washed.
- (38) To cattle only.
- (39) With the hands unwashed.
- (40) Since moisture renders them liable to defilement in accordance with Lev. XI, 38.
- (41) Because animal food is not subject to the laws of Terumah.
- (42) With this and the following Halachah cf. M. Sh. II, 8-9.
- (43) Equals two silver shekels, or four silver Dinarii.
- (44) Second Tithe produce is changed for money in accordance with Deut. XIV, 25. To lighten further the burden of the pilgrim to Jerusalem, copper coin is changed into silver money.
- (45) If pilgrims will bring to Jerusalem only silver money, copper coin will become scarce in the Holy City, and its value will rise, thus causing a loss to the Second Tithe.
- (46) Half a silver Dinar and its value in fruit may not together be changed for a silver Dinar.
- (47) For smaller coins, in order to buy Second Tithe provisions.
- (48) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (49) I.e., a fourth of a Dinar, or one sixteenth of a sela', in copper coin. So the commentaries. The text is uncertain.
- (50) According to Bertinoro it equals one fifth of a Dinar, or one twentieth of a sela'.
- (51) The whole sela' without changing it at all, lest when there is any surplus he unwittingly uses it as profane money.
- (52) Cf. Kel. XXLI, 4.
- (53) The ordinary stool was made of four legs held together by four boards (=מלבין framework), on which were placed boards (covering-boards) for sitting. A bride's stool had, in addition, three upright boards (also called 'covering-boards'), against which the occupant leant.
- (54) The controversy turns on the question whether on the removal of an essential part the stool still retains its usefulness for its original purpose as a seat, and so still comes within the category of כלי utensil, and is therefore still liable to defilement from the pressure on it of the body of an unclean person (=מדרס), in accordance with Lev. XV, 4.
- (55) Here the controversy turns on whether the stool retains the character of a stool when fixed within the trough.
- (56) Cf. Yeb. XV, 1-3.
- (57) Cf. Deut. XXV, 5.
- (58) That the statement of the woman is to be accepted.
- (59) It so happened that a woman came from the harvest field and stated that her husband had died from the bite of a snake, and on investigation this was found to be true.
- (60) If by chance the first husband should prove to be alive.
- (61) The sons of the first husband cannot claim his property on the strength of the woman's evidence

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alone, as the transfer of property requires two witnesses for its validity.

(62) Cf. Git. IV, 5.

(63) He had belonged to two partners, one of whom had set him free. Or, if he belonged to one master, only half of his redemption money had been paid to the master.

(64) Since he is half free.

(65) Since he is half a slave.

(66) Isa. XLV, 18.

(67) The half slave.

(68) Under the roof-space ('tent') where there is a dead body.

(69) Even other vessels that are not of earthenware. But only if this earthenware vessel is covered by a tightly-fitting lid (צמיד פתיל); cf. Num. XIX, 15; Kel. IX, 2.

(70) Literally 'the people of the land', an untutored person who is indifferent to the observances of clean and unclean, distinguished from the scrupulous, Haber, 'associate'. V. Glos.

(71) The 'Am Ha-arez, who in any case does not abstain from the unclean. As for the Haber, he does not use the food and drink of the 'Am Ha-arez, nor his earthenware vessels, because these cannot be rendered clean by immersion.

(72) And all its contents, including vessels not of earthenware.

(73) I.e., for the Haber also. 'There is, therefore, the risk that the Haber may borrow these vessels that are not of earthenware, purify them by simple immersion and use them, whereas they require for their purification to be also sprinkled with the 'Water of Purification', in accordance with the rules applying to the removal of an uncleanness caused by a corpse, Num. XIX, 18-19.

Chapter 2

MISHNAH 1. R.¹ HANINA, CHIEF² OF THE PRIESTS, TESTIFIED CONCERNING FOUR MATTERS: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM BURNING FLESH WHICH HAD BEEN DEFILED BY AN 'OFFSPRING'³ OF DEFILEMENT WITH FLESH WHICH HAD BEEN DEFILED BY A 'FATHER'⁴ OF DEFILEMENT, ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT BY A [HIGHER] DEFILEMENT.⁵ R. AKIBA ADDED: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM LIGHTING OIL⁶ WHICH HAD BEEN RENDERED UNFIT BY A TEBUL YOM⁷ IN A LAMP⁸ DEFILED BY ONE WHO WAS DEFILED BY A CORPSE,⁹

ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT¹⁰ BY A [HIGHER] DEFILEMENT.

MISHNAH 2. R.¹¹ HANINA, CHIEF OF THE PRIESTS, SAID: ALL MY DAYS I NEVER SAW A HIDE¹² TAKEN OUT TO THE PLACE OF BURNING.¹³ R. AKIBA SAID: FROM HIS WORDS WE INFER THAT WHOSO FLAYS THE HIDE OF THE FIRSTBORN BEAST¹⁴ AND IT IS FOUND¹⁵ TO BE TREFA,¹⁶ THE PRIESTS MAY ENJOY THE USE OF THE HIDE. BUT THE SAGES SAY: WE SAW NOT' IS NO PROOF,¹⁷ BUT [SUCH A HIDE] MUST BE TAKEN OUT TO THE PLACE OF BURNING.¹⁸

MISHNAH 3. ALSO HE TESTIFIED CONCERNING A SMALL VILLAGE IN THE VICINITY OF JERUSALEM IN WHICH THERE WAS AN OLD MAN WHO USED TO LEND TO ALL THE PEOPLE OF THE VILLAGE AND WRITE OUT [THE BOND] IN HIS OWN HANDWRITING AND OTHERS SIGNED IT,¹⁹ THAT WHEN THE FACT WAS BROUGHT BEFORE THE SAGES THEY PRONOUNCED IT LEGAL.²⁰ HENCE, INCIDENTALLY, YOU MAY INFER THAT THE WIFE MAY WRITE HER OWN BILL OF DIVORCEMENT, AND THE HUSBAND MAY WRITE HIS OWN QUITTANCE;²¹ FOR THE LEGALITY OF A DOCUMENT DEPENDS ONLY ON THOSE WHO SIGN IT. AND [HE TESTIFIED] CONCERNING A NEEDLE²² WHICH WAS FOUND IN FLESH,²³ THAT THE KNIFE AND THE HANDS [WHICH HAD BEEN EMPLOYED ON THE FLESH] ARE CLEAN,²⁴ BUT THE FLESH ITSELF IS DEFILED;²⁵ AND IF IT WAS FOUND IN THE EXCREMENT, ALL ARE CLEAN.²⁶

MISHNAH 4. R. ISHMAEL DECLARED THREE THINGS BEFORE THE SAGES IN THE VINEYARD²⁷ AT YABNEH. CONCERNING AN EGG²⁸ WHICH WAS BEATEN TOGETHER, AND PLACED ON VEGETABLES OF TERUMAH — THAT IT ACTS AS A CONNECTION;²⁹ BUT IF IT WAS IN THE FORM OF A HELMET³⁰ IT DOES NOT ACT AS

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A CONNECTION. AND CONCERNING AN EAR OF CORN³¹ IN THE HARVESTING³² THE TOP OF WHICH REACHED THE STANDING CORN — THAT IF IT CAN BE REAPED TOGETHER WITH THE STANDING CORN, LO, IT BELONGS TO THE OWNER; AND IF NOT, IT BELONGS TO THE POOR.³³ AND CONCERNING A SMALL GARDEN³⁴ WHICH WAS SURROUNDED BY ESPALIER VINES — THAT IF IT HAS SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON ONE SIDE,³⁵ AND SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON THE OTHER SIDE,³⁵ IT MAY BE SOWN WITH SEED; BUT IF NOT, IT MAY NOT BE SOWN WITH SEED.³⁶

MISHNAH 5. THEY STATED THREE THINGS BEFORE R. ISHMAEL, AND HE PRONOUNCED NONE OF THEM EITHER UNLAWFUL OR LAWFUL; BUT R. JOSHUA THE SON OF MATTHIA ELUCIDATED THEM.³⁷ WHOSO CUTS AN ABSCESS ON THE SABBATH, HE IS GUILTY IF IT WAS TO MAKE AN OPENING³⁸ TO IT, BUT INNOCENT IF IT WAS TO BRING OUT THE PUS;³⁹ AND CONCERNING ONE WHO HUNTS A SNAKE ON THE SABBATH — THAT IF HE WAS THUS OCCUPIED IN ORDER THAT IT SHOULD NOT BITE HIM, HE IS INNOCENT;⁴⁰ BUT IF THAT HE MIGHT USE IT AS A REMEDY,⁴¹ HE IS GUILTY. AND CONCERNING IRONIAN⁴² STEWPOTS — THAT THEY DO NOT CONTRACT DEFILEMENT WHEN UNDER THE SAME ROOF-SPACE AS A CORPSE, BUT BECOME DEFILED IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE.⁴³ R. ELIEZER B. ZADOK SAYS: ALSO IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE THEY REMAIN UNDEFILED, BECAUSE THEY ARE UNFINISHED IN THE MAKING.⁴⁴

MISHNAH 6. R. ISHMAEL DECLARED THREE THINGS, AND R. AKIBA DISAGREED WITH HIM. IF GARLIC OR UNRIPE GRAPES OR GREEN EARS OF CORN WERE BEING CRUSHED [ON⁴⁵ THE EVE OF THE SABBATH] WHILE IT IS YET DAY, R. ISHMAEL SAYS:

HE MAY ALLOW [THE CRUSHING] TO BE COMPLETED AFTER IT GROWS DARK.⁴⁶ BUT R. AKIBA SAYS: HE MAY NOT ALLOW IT TO BE COMPLETED.⁴⁷

MISHNAH 7. THEY DECLARED THREE THINGS BEFORE R. AKIBA, TWO IN THE NAME OF R. ELIEZER AND ONE IN THE NAME OF R. JOSHUA. TWO IN THE NAME OF R. ELIEZER: — A WOMAN MAY GO FORTH [ON THE SABBATH ADORNED] WITH A 'GOLDEN-CITY';⁴⁸ AND: THEY THAT FLY PIGEONS ARE UNFIT TO BEAR EVIDENCE.⁴⁹ AND ONE IN THE NAME OF R. JOSHUA: — IF⁵⁰ THERE WAS A CREEPING THING⁵¹ IN THE MOUTH OF A WEASEL WHEN IT WALKED OVER LOAVES OF TERUMAH, AND IT IS DOUBTFUL WHETHER IT⁵² TOUCHED THEM OR WHETHER IT DID NOT TOUCH THEM, THAT ABOUT WHICH THERE IS DOUBT REMAINS CLEAN.⁵³

MISHNAH 8. R. AKIBA DECLARED THREE THINGS; ABOUT TWO THEY AGREED WITH HIM, AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A LIME-BURNER'S SANDAL,⁵⁴ THAT IT IS LIABLE TO CONTRACT DEFILEMENT⁵⁵ FROM PRESSURE UNCLEANNESS;⁵⁶ AND ABOUT THE REMAINS OF A [BROKEN] OVEN,⁵⁷ THAT THEY MUST BE FOUR HANDBREADTHS HIGH IN ORDER TO RETAIN THE DEFILEMENT].⁵⁸ WHEREAS THEY USED TO SAY: THREE.⁵⁹ AND THEY AGREED WITH HIM. AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A STOOL,⁶⁰ FROM WHICH TWO OF ITS COVERING-BOARDS⁶¹ HAD BEEN REMOVED, THE ONE BESIDE THE OTHER, WHICH R. AKIBA PRONOUNCES LIABLE TO UNCLEANNESS,⁶² BUT THE SAGES DECLARE NOT LIABLE TO UNCLEANNESS.

MISHNAH 9. HE USED TO SAY: THE FATHER TRANSMITS TO THE SON COMELINESS AND STRENGTH AND WEALTH AND WISDOM AND YEARS⁶³ AND THE NUMBER OF GENERATIONS BEFORE HIM,⁶⁴ THAT HE

SHALL BECOME THEIR APPOINTED END:⁶⁵ FOR IT IS SAID, CALLING THE GENERATIONS FROM THE BEGINNING.⁶⁶ ALTHOUGH IT IS SAID, AND SHALL SERVE THEM, AND THEY SHALL AFFLICT THEM FOUR HUNDRED YEARS,⁶⁷ IT IS SAID ALSO, AND IN THE FOURTH GENERATION THEY SHALL COME HITHER AGAIN.⁶⁷

MISHNAH 10. ALSO HE USED TO SAY: THERE ARE FIVE THINGS OF [THE DURATION OF] TWELVE MONTHS: THE JUDGMENT OF THE GENERATION OF THE FLOOD [CONTINUED] TWELVE MONTHS;⁶⁸ THE JUDGMENT OF JOB [CONTINUED] TWELVE MONTHS;⁶⁹ THE JUDGMENT OF THE EGYPTIANS [CONTINUED] TWELVE MONTHS;⁷⁰ THE JUDGMENT OF GOG AND MAGOG⁷¹ IN THE TIME TO COME [WILL CONTINUE] TWELVE MONTHS;⁷² THE JUDGMENT OF THE UNGODLY IN GEHENNA [CONTINUES] TWELVE MONTHS, FOR IT IS SAID, AND IT WILL BE FROM ONE MONTH UNTIL ITS [SAME] MONTH.⁷³ R. JOHANAN B. NURI SAYS: [AS LONG AS] FROM PASSOVER TO PENTECOST,⁷⁴ FOR IT IS SAID, AND FROM ONE SABBATH⁷⁵ UNTIL ITS [NEXT] SABBATH.

(1) Cf. Pes. I, 6.

(2) Segan; next in rank to the High Priest, occasionally acting as deputy; v. Sanh. (Sonc. ed.) p. 97, n. 1.

(3) וילד הטומאה a generated, or secondary, defilement.

(4) אב הטומאה a generating, or principal, defilement. This principal defilement has the power of conferring secondary defilement (וילד הטומאה) of the first degree (ראשון לטומאה). The ראשון again, confers on food and drink secondary defilement (וילד הטומאה) of a second degree (לטומאה). If the שני belongs to the category of unhallowed things (חולין), it merely becomes itself 'unfit' (פסול), but the process of generating further defilement ceases with it. But if this שני belongs to hallowed things, like heave-offering or altar-offering, it can confer secondary defilement of a third degree (שלישי לטומאה). If this שלישי belongs to heave-offering, it becomes itself unfit, but it cannot confer further defilement. If, however, the שלישי belongs to altar-offerings, it can confer secondary defilement of a fourth degree (רביעי לטומאה). The רביעי becomes unfit, but without the power of transmitting any further defilement.

(5) The first flesh contracted secondary defilement of a third degree. By being burnt together with flesh that had contracted defilement of a first degree from a 'father' of defilement, this first flesh contracted defilement of a second degree. But the priests did not mind raising the defilement of this first flesh, since in any case it was going to be destroyed by burning.

(6) Of Terumah, heave-offering.

(7) Lit., 'immersed by day', a person, or utensil, that has undergone purification by immersion in the ritual bath (מקוה cf. I, 3, n. 7), but has still to wait till sunset to complete the purification, in accordance with Lev. XXII, 7. The Tebul Yom confers on Terumah secondary defilement of the third degree, rendering the Terumah 'unfit'; cf. n. 4.

(8) Of metal.

(9) A corpse possesses the highest degree of defilement, being the 'father of the fathers' of defilement, אבי אבות הטומאה. It confers a generating, or principal, defilement, אב הטומאה. But metal articles, like this lamp, contract defilement equal in degree to the defilement of the source, viz. they become אבי אבות הטומאה when defiled by a corpse, and אב והטומאה when defiled by a principal defilement. (This principle is deduced from the expression בהלל הרב 'slain by the sword', Num. XIX, 16, which is interpreted: אב הטומאה 'the sword is equal in its defilement to the slain' (Naz. 53b). And what applies to a sword applies also to any other metal article.) Hence a metal lamp defiled by one who was defiled by a corpse becomes itself אב הטומאה and confers on the oil put in it a secondary defilement of the first degree, ראשון לטומאה.

(10) By raising the defilement of the oil from the third degree (cf. n. 2) to the first degree (cf. n. 1). This is more remarkable than R. Hanina's testimony, which only involved the raising of a third degree defilement to a second degree.

(11) Cf. Zeb. Xli, 4.

(12) Of a sacrifice which was found after flaying to be unfit for the altar.

(13) Where all unfit sacrifices were destroyed.

(14) Even if it was slaughtered outside the Temple, because of a blemish (cf. Lev. XXII, 20 ff.), it is treated as though it were prepared for the altar.

(15) After flaying.

(16) Unfit for food owing to disease, cf. Hul. III, 1. Lit., 'torn by a wild beast'; cf. Ex. XXII, 30.

(17) Such a case may not have occurred in R. Hanina's time; or it may have occurred and he failed to notice it.

(18) Since it was unfit for consumption from the very first.

(19) As witnesses.

(20) Though the deed was drafted by the creditor who was an interested party.

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- (21) For the payment of the marriage settlement; cf. I, 12.
- (22) Which had been defiled by a corpse.
- (23) Flesh of a sacrifice, in the Temple court which is considered public ground (רשות הרבים).
- (24) Because it is doubtful whether they touched the needle, and a doubtful defilement arising in public ground is considered clean; cf. Toh. IV, 7, 11.
- (25) Because the flesh certainly touched the needle.
- (26) Because it is to be presumed that the flesh, too, did not touch the needle.
- (27) The meeting place of the Sages after the destruction of Jerusalem by Titus. V. B.B. (Sonc. ed.) p. 549, n. 4.
- (28) Cf. T.Y. III, 2.
- (29) So that if a Tebul Yom (II, 1, n. 7) touches the egg, the vegetables become unfit, though an egg cannot be set aside as Terumah.
- (30) Blown up and hollow within, so that air intervenes between it and the vegetables.
- (31) Cf. Pe'ah V, 2.
- (32) Which has been left behind through forgetfulness.
- (33) In accordance with the command of Deut. XXIV, 19; cf. Pe'ah VI, 4.
- (34) Having a fence round it.
- (35) Equaling a space of two cubits, or a minimum total space for the whole garden of four cubits square.
- (36) It comes under the prohibition of Deut. XXII, 9.
- (37) In what case they are forbidden, and in what case they are lawful.
- (38) A permanent opening. This comes under the prohibition of making on the Sabbath an opening for a door in a building.
- (39) The making of the opening is then a work which is not done for its own sake (מלאכה שאינה), but for another object, and therefore permissible; cf. Shab. 105b.
- (40) As in the last case, the catching of the snake is not the real object of the work.
- (41) The snake was believed to heal a certain skin disease (קפצית); cf. Shab. 77b.
- (42) The correct reading, as well as the exact meaning of the term, is uncertain. The commentators take it as עירונית and explain it in the sense of provincial, coarse and unfinished.
- (43) Cf. Lev. XV, 12.
- (44) And therefore they are not considered utensils; cf. I, 11, n. 10.
- (45) By placing on them heavy stones.
- (46) He need not remove the stones from them, and may use the juice which flows from them on the Sabbath, since the crushing began before the coming in of the Sabbath.
- (47) Cf. Shab. XVII, 1.
- (48) A gold ornament bearing a representation of the city of Jerusalem. R. Akiba is reported to have given one to his wife; cf. Shab. VI, 1, and the Gemara ibid. 59a, b; Ned. 50a.
- (49) Cf. Sanh. III, 3. They do it for betting purposes, and thus make unlawful gain. Another explanation is that the pigeons serve to decoy strange pigeons for their master.
- (50) Cf. Toh. IV, 2.
- (51) A dead one, cf. Lev. XI, 29 ff.
- (52) The creeping thing.
- (53) Any doubt arising about a moving defilement is deemed clean.
- (54) A coarse foot-covering made of wood or straw, and only used for protecting the feet from the lime, but not for walking.
- (55) If worn by one who has an issue.
- (56) מדרס lit., 'treading'; cf. I, 11, n. 10. The reason is that the lime-burner may sometimes wear it when walking home from his work, thereby making it an article of apparel.
- (57) Of earthenware, standing upright on the ground like a cooking-pot, which contracted a defilement when still whole.
- (58) But if they are less, they become clean, like the fragments of a broken utensil; cf. Kel. II, 2.
- (59) Cf. Kel. VI, 1.
- (60) Cf. Kel. XXII, 7.
- (61) Viz., the boards forming the seat; cf. I, 11, n. 9.
- (62) By body pressure, מדרס because it can still be used in case of necessity for sitting; cf. I, 11, n. 1.
- (63) I.e., long life.
- (64) The reading is uncertain. According to most commentators the passage means that the son becomes the recipient of the good promised after the lapse of a number of generations, such as the redemption from Egypt which was promised after four generations, Gen. XV, 16.
- (65) והוא הקי This may also be rendered: 'which is the appointed end'.
- (66) Isa. XLI, 4.
- (67) Gen. XV, 13, 16.
- (68) Cf. Gen. VII, 11, with VIII, 14.
- (69) 'Months of vanity', Job VII, 3, is interpreted to imply a full twelve months; cf. Seder Olam Rabbah, ch. XXX.
- (70) Ex. IV, 12, is said to have occurred in the month of Iyyar, while the Exodus took place twelve months later in Nisan.
- (71) Cf. Esek. XXXVIII, 2 ff.
- (72) Ezek. XXXIX, 4, 17, is combined with Isa. XVIII, 6, implying that the birds and beasts of prey will feast on the bodies of Gog and Magog a whole summer and a whole winter, or together twelve months.
- (73) Isa. LXVI, 23, combined with the following verse, 24. The 'same' month, viz. of the following year.

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(74) Forty nine days, the briefest interval between two festivals.

(75) The Festival is also called Sabbath, as Lev. XXIII, 11, 15, where 'Sabbath' is traditionally interpreted: the first day of Passover.

Chapter 3

MISHNAH 1. [IN THE CASE OF] ALL¹ THINGS² WHICH CAUSE DEFILEMENT IN A 'TENT',³ IF THEY WERE DIVIDED⁴ AND BROUGHT INTO THE HOUSE,⁵ R. DOSA B. HARKINAS PRONOUNCES [EVERYTHING UNDER THE SAME ROOF-SPACE] CLEAN, BUT THE SAGES PRONOUNCE IT UNCLEAN. HOW IS THIS? HE WHO TOUCHES AS MUCH AS TWO HALVES OF AN OLIVE [IN QUANTITY] OF A CARCASS⁶ OR CARRIES THEM; OR IN THE CASE OF A CORPSE, HE WHO TOUCHES AS MUCH AS HALF AN OLIVE AND STANDS⁷ OVER AS MUCH AS HALF AN OLIVE; OR TOUCHES AS MUCH AS HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM; OR IF HE STANDS OVER AS MUCH AS TWO HALVES OF AN OLIVE; OR IF HE STANDS OVER AS MUCH AS HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM — R. DOSA B. HARKINAS PRONOUNCES HIM CLEAN, AND THE SAGES PRONOUNCE HIM UNCLEAN.⁸ BUT IF HE TOUCHES AS MUCH AS HALF AN OLIVE [IN QUANTITY] AND ANOTHER THING⁹ WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE; OR IF HE STOOD OVER AS MUCH AS HALF AN OLIVE AND ANOTHER THING WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE, HE IS CLEAN.¹⁰ R. MEIR SAID: ALSO IN THIS CASE R. DOSA PRONOUNCES HIM CLEAN AND THE SAGES PRONOUNCE HIM UNCLEAN. IN¹¹ ALL SUCH CASES A MAN IS UNCLEAN UNLESS THERE IS AN ACT OF TOUCHING AND ALSO AN ACT OF CARRYING,¹² OR AN ACT OF CARRYING AND ALSO [THE FACT OF] BEING UNDER THE SAME ROOF-SPACE.¹² THIS IS THE GENERAL RULE: IN WHATEVER CASE THE MEANS OF CAUSING DEFILEMENT ARE OF ONE CATEGORY,¹³ HE IS UNCLEAN;¹⁴ IF

THEY ARE OF TWO CATEGORIES,¹⁵ HE IS CLEAN.¹⁶

MISHNAH 2. FOOD IN SEPARATED PIECES¹⁷ IS NOT COMBINED TOGETHER.¹⁸ THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: IT IS COMBINED TOGETHER. ONE¹⁹ MAY EXCHANGE [PRODUCE OF] SECOND TITHE FOR UNCOINED METAL.²⁰ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: ONE MAY NOT SO EXCHANGE IT. THE HANDS²¹ [ALONE] NEED BE IMMERSSED²² FOR THE WATERS OF PURIFICATION.²³ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: IF HIS HANDS HAVE BECOME UNCLEAN HIS WHOLE BODY BECOMES UNCLEAN.²⁴

MISHNAH 3. THE INSIDES OF A MELON AND THE OFFAL LEAVES OF A VEGETABLE, WHEN THEY ARE TERUMAH, R. DOSA PERMITS [THEIR] USE TO NON-PRIESTS, AND THE SAGES FORBID IT.²⁵ FIVE²⁶ EWES, THEIR FLEECES WEIGHING EACH A MINA²⁷ AND A HALF, ARE SUBJECT TO [THE LAW OF] THE FIRST OF THE FLEECE.²⁸ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: FIVE EWES [ARE SUBJECT] WHATEVER [THEIR FLEECES WEIGH].²⁹

MISHNAH 4. ALL MATS³⁰ ARE [LIABLE TO BECOME] DEFILED BY 'CORPSE' DEFILEMENT. THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: [ALSO BY] 'PRESSURE' DEFILEMENT.³¹ NO NETWORK³² [ARTICLES] ARE LIABLE TO UNCLEANNESS³³ EXCEPT A [NETWORK] GIRDLE.³⁴ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: THEY ARE ALL LIABLE TO UNCLEANNESS, EXCEPT THOSE USED BY WOOLDEALERS.³⁵

MISHNAH 5. A SLING WHOSE POCKET IS WOVEN IS LIABLE TO UNCLEANNESS;³⁶ IF IT IS OF SKIN, R. DOSA B. HARKINAS PRONOUNCES IT NOT LIABLE TO UNCLEANNESS,³⁷ AND THE SAGES PRONOUNCE IT LIABLE TO

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UNCLEANNES.³⁸ IF ITS FINGER-HOLD IS BROKEN OFF, IT IS NOT LIABLE;³⁹ BUT IF THE STRING-HANDLE [ONLY] IS BROKEN OFF IT IS LIABLE TO UNCLEANNES.⁴⁰

MISHNAH 6. A FEMALE CAPTIVE⁴¹ MAY EAT OF TERUMAH.⁴² THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: THERE IS A FEMALE CAPTIVE WHO MAY EAT, AND THERE IS A FEMALE CAPTIVE WHO MAY NOT EAT. HOW IS THIS? THE WOMAN⁴³ WHO SAID: I WAS MADE A CAPTIVE BUT [NONE THE LESS] I AM PURE, SHE MAY EAT; BECAUSE THE EVIDENCE⁴⁴ WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE⁴⁴ WHICH MADE IT LAWFUL. BUT IF THERE ARE WITNESSES [WHO DECLARE] THAT SHE WAS MADE A CAPTIVE, AND SHE SAYS: [NONE THE LESS] I AM PURE, SHE MAY NOT EAT.⁴⁵

MISHNAH 7. FOUR⁴⁶ CASES OF DOUBT R. JOSHUA PRONOUNCES UNCLEAR, AND THE SAGES PRONOUNCE THEM CLEAN. HOW IS THIS? IF THE UNCLEAR PERSON⁴⁷ STANDS⁴⁸ AND THE CLEAN PERSON PASSES BY HIM, OR IF THE CLEAN PERSON STANDS⁴⁸ AND THE UNCLEAR PERSON⁴⁷ PASSES BY HIM; OR IF IMPURITY IS IN PRIVATE PREMISES⁴⁹ AND SOMETHING CLEAN IS IN PUBLIC PREMISES,⁵⁰ OR IF SOMETHING CLEAN IS IN PRIVATE PREMISES⁴⁹ AND IMPURITY IS IN PUBLIC PREMISES;⁵⁰ IF IT IS DOUBTFUL WHETHER ONE TOUCHED OR DID NOT TOUCH THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE STOOD OVER⁵¹ OR DID NOT STAND OVER THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE MOVED OR DID NOT MOVE THE OTHER, R. JOSHUA PRONOUNCES SUCH A CASE UNCLEAR,⁵² AND THE SAGES PRONOUNCE IT CLEAN.⁵³

MISHNAH 8. THREE⁵⁴ THINGS R. ZADOK PRONOUNCES UNCLEAR AND THE SAGES PRONOUNCE THEM CLEAN. THE NAIL OF THE MONEY-CHANGER,⁵⁵ AND THE CHEST OF GRIST MAKERS, AND THE NAIL OF A STONE DIAL,⁵⁶ R. ZADOK PRONOUNCES

UNCLEAR, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷ *MISHNAH 9.* FOUR⁵⁸ THINGS RABBAN GAMALIEL PRONOUNCES UNCLEAR, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷ THE COVERING OF A METAL BASKET, IF IT BELONGS TO HOUSEHOLDERS,⁵⁹ AND THE HANGER OF CURRY-COMBS, AND THE VESSELS OF METAL STILL UNSHAPED,⁶⁰ AND A PLATE⁶¹ THAT IS DIVIDED INTO TWO [EQUAL] PARTS. AND THE SAGES AGREE WITH RABBAN GAMALIEL IN THE CASE OF A PLATE THAT WAS DIVIDED INTO TWO PARTS, ONE LARGE AND ONE SMALL, THAT THE LARGE ONE IS LIABLE TO UNCLEANNES AND THE SMALL ONE IS NOT LIABLE TO UNCLEANNES.⁵⁷

MISHNAH 10. IN⁶² THREE CASES RABBAN GAMALIEL PRONOUNCES A RIGOROUS RULING ACCORDING TO THE OPINION OF BETH SHAMMAI. ONE MAY NOT WRAP UP⁶³ HOT FOOD ON A FESTIVAL FOR THE SABBATH; AND ONE MAY NOT JOIN TOGETHER A LAMP⁶⁴ ON A FESTIVAL, AND ONE MAY NOT BAKE [ON FESTIVALS] THICK LOAVES BUT ONLY WAFER-CAKES.⁶⁵ RABBAN GAMALIEL SAID: IN ALL THEIR DAYS MY FATHER'S HOUSE NEVER BAKED LARGE LOAVES BUT ONLY WAFERCAKES. THEY SAID TO HIM: WHAT CAN WE DO AS REGARDS YOUR FATHER'S HOUSE, FOR THEY WERE RIGOROUS IN RE SPECT TO THEMSELVES BUT WERE LENIENT TOWARDS ISRAEL TO LET THEM BAKE BOTH LARGE LOAVES AND WHITE BREAD.

MISHNAH 11. ALSO⁶⁶ HE DECLARED THREE DECISIONS OF A LENIENT CHARACTER: ONE MAY SWEEP UP [ON A FESTIVAL] BETWEEN THE COUCHES,⁶⁷ AND PUT SPICES⁶⁸ [ON THE COALS] ON A FESTIVAL, AND ROAST A KID WHOLE ON THE NIGHT OF PASSOVER.⁶⁹ BUT THE SAGES FORBID THEM.⁷⁰

MISHNAH 12. R.⁷¹ ELEAZAR B. AZARIAH ALLOWS THREE THINGS AND THE SAGES

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FORBID THEM: HIS⁷² COW USED TO GO OUT WITH THE STRAP WHICH SHE HAD BETWEEN HER HORNS;⁷³ ONE MAY CURRY⁷⁴ CATTLE ON A FESTIVAL; AND ONE MAY GRIND PEPPER IN ITS OWN MILL. R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL, BECAUSE IT MAY CAUSE A WOUND, BUT ONE MAY COMB⁷⁵ THEM. BUT THE SAGES SAY: ONE MAY NOT CURRY THEM, NEITHER MAY ONE COMB⁷⁶ THEM.

- (1) Cf. Oh. III, 1.
- (2) These are enumerated, Oh. II, 1 f.
- (3) Cf. I, 7, note 1.
- (4) The minimum quantity required for conferring defilement (viz. the size of an olive, Oh. II, 1.) was divided into two halves.
- (5) I.e., under the same roof space.
- (6) Cf. Lev. XI, 35, 40. Touching or carrying a dead animal does not really belong to 'tent' defilement dealt with here. We must assume that this controversy of R. Dosa and the Sages covers also carcass defilement. Some authorities would delete the words 'He who touches . corpse'.
- (7) Lit., 'forms a tent over'.
- (8) They hold that the parts combine to form the minimum quantity.
- (9) A board, or beam, or the like.
- (10) Even according to the Sages who agree that in this case the half quantities cannot be combined. The reason for this ruling is discussed, Hul. 125b.
- (11) This continues R. Meir's exposition of the opinion of the Sages.
- (12) Touching one part and carrying the other part of the divided quantity. These acts belong to two different categories, but touching and 'tent' defilement are considered as belonging to the same category.
- (13) Viz., two acts of touching, or carrying, or standing over, each applied to one of the two parts of the divided quantity; or touching the one and standing over the other; cf. the last note.
- (14) The identical act combines the two parts into the required minimum quantity.
- (15) E.g., touching one half and carrying the other half.
- (16) The two parts do not combine.
- (17) Food consisting of small particles, like peas, or small nuts; or food broken up in fragments.
- (18) To form the minimum quantity required to become subject to all the laws governing the defilement of food; cf. Me'i. IV, 5.
- (19) Cf. M. Sh. I, 2.
- (20) Gr. **.

- (21) If they have touched defiled food or drink; cf. Yad. LII, 1.
- (22) In a ritual bath; cf. I, 3, note 7.
- (23) To enable one to sprinkle it upon the defiled; cf. Num. XIX, 17-19.
- (24) And the whole body requires Immersion.
- (25) Cf. Lev. XXII, 10.
- (26) Cf. Hul. XI, 2.
- (27) Cf. Ezek. XLV, 12.
- (28) Deut. XVIII, 4.
- (29) For the minimum quantity, v. Hul. 137b.
- (30) Made of rushes with a raised seam round them, so that they can be used as a receptacle.
- (31) They can also serve as a spread to lie on; cf. Lev. XV, 4, and supra, I, 11, n. 10.
- (32) As distinguished from woven material.
- (33) As they do not form a garment; cf. Lev. XI, 32., etc.
- (34) Through being stretched round the body, it becomes like a woven article.
- (35) Which have very large meshes.
- (36) [Though the pocket is not considered a 'utensil with receptacle', as the stones are placed therein only to be slung forth, it is susceptible to defilement in that it is woven work (Raabad).]
- (37) The pocket not being considered a 'utensil with receptacle' it cannot become unclean because it lacks the minimum quantity of five handbreadths square which a skin needs for contracting defilement; cf. Kel. XXVII, 2.
- (38) It is considered a 'utensil with receptacle', and therefore does not require that minimum.
- (39) The sling has become unfit for use, and ceases to be a 'utensil'.
- (40) The sling can be used also without the string.
- (41) The wife of a priest.
- (42) We do not suspect that she was violated by her captors, and thus became a 'harlot' who is unfit to be a priest's wife.
- (43) Cf. Ket. II, 5.
- (44) Lit., 'the mouth'. If you believe her statement that she was made a captive, you must also believe her when she asserts her purity.
- (45) Unless she can bring witnesses to prove that she remained pure.
- (46) Cf. Toh. VI, 2.
- (47) A leper.
- (48) Under a tent, or a tree.
- (49) E.g., in an open house or shop.
- (50) E.g., in a street near by.
- (51) Cf. supra 1, n. 7.
- (52) Because the defilement concerns also private ground where a doubtful defilement is unclean.
- (53) Because it concerns also a public ground where a doubtful defilement is clean; cf. II, 3, n. 6.
- (54) Cf. Kel. Xli, 5.

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- (55) On which he suspends his scales; or, according to others, which he uses for keeping up the board which serves him as a table.
- (56) Fixed to the ground, and serving as a sun clock.
- (57) The controversy turns on the question whether these three articles are to be deemed 'utensils', or not.
- (58) Cf. Kel. XII, 6.
- (59) As opposed to the covering of a metal basket belonging to physicians; cf. Kel. XII, 3.
- (60) The making of which is not quite finished; cf. II, 5, n. 11.
- (61) Of earthenware, provided with a rim.
- (62) Cf. Bez. II, 6.
- (63) To keep it hot; cf. Shab. IV, 1.
- (64) The parts of which have become severed.
- (65) In order to avoid extra labor.
- (66) Cf. Bez. II, 7.
- (67) On which people recline at meals.
- (68) For perfume, offered to guests after dinner; cf. Ber. VI, 6.
- (69) After the manner of the Passover lamb; cf. Pes. VII, 1.
- (70) Because sweeping may cause holes in the ground; the burning of spices for perfume is only practiced by the rich, and cannot therefore be regarded as a regular part of the meal to be permitted on the Festival; finally, roasting the kid whole may give the impression of a Passover sacrifice which was forbidden after the destruction of the Temple.
- (71) Cf. Bez. II, 8.
- (72) According to Bez. 23a, the cow really belonged to a female Neighbor of R. Eleazar.
- (73) As an adornment, but the Sages consider it a 'burden'.
- (74) Even with fine metal combs.
- (75) With large wooden combs.
- (76) The latter is forbidden to prevent any one doing also the former.

Chapter 4

MISHNAH 1. THE FOLLOWING CASES ARE [EXAMPLES] OF THE LENIENT RULINGS OF BETH SHAMMAI AND OF THE RIGOROUS RULINGS OF BETH HILLEL.¹ AN EGG² WHICH IS LAID ON A FESTIVAL — BETH SHAMMAI SAY: IT MAY BE EATEN,³ AND BETH HILLEL SAY: IT MAY NOT BE EATEN.³ BETH SHAMMAI SAY: LEAVEN AS MUCH AS AN OLIVE [IN QUANTITY], AND LEAVENED FOOD AS MUCH AS A DATE.⁴ AND BETH HILLEL SAY: AS MUCH AS AN OLIVE [IN QUANTITY] IN BOTH CASES.

MISHNAH 2. A BEAST⁵ WHICH WAS BORN ON A FESTIVAL — ALL AGREE THAT IT IS PERMITTED; AND A CHICKEN WHICH WAS HATCHED FROM THE EGG — ALL AGREE THAT IT IS FORBIDDEN.⁶ HE WHO SLAUGHTERS A WILD ANIMAL⁷ OR A BIRD ON A FESTIVAL — BETH SHAMMAI SAY: HE MAY DIG WITH A PRONGED TOOL⁸ AND COVER UP [THE BLOOD].⁹ BUT BETH HILLEL SAY: HE MAY NOT SLAUGHTER UNLESS HE HAS HAD EARTH MADE READY.¹⁰ BUT THEY AGREE THAT IF HE DID SLAUGHTER HE SHOULD DIG WITH A PRONGED TOOL¹¹ AND COVER UP [THE BLOOD, AND] THAT THE ASHES OF A STOVE¹² COUNT AS 'MADE READY'.¹³

MISHNAH 3. BETH SHAMMAI SAY: [PRODUCE MADE] OWNERLESS¹⁴ WITH RESPECT TO THE POOR [ONLY] IS COUNTED AS OWNERLESS. BUT BETH HILLEL SAY: IT IS NOT COUNTED AS OWNERLESS UNLESS IT IS MADE OWNERLESS ALSO WITH RESPECT TO THE RICH, AS IN THE YEAR OF RELEASE.¹⁵ IF ALL THE SHEAVES OF THE FIELD WERE OF ONE KAB¹⁶ EACH AND ONE WAS OF FOUR KABS, AND IT WAS FORGOTTEN,¹⁷ BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,¹⁸ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.¹⁹

MISHNAH 4. A SHEAF²⁰ WHICH WAS CLOSE TO A WALL OR TO A STACK OR TO THE HERD OR TO [FIELD] UTENSILS, AND WAS FORGOTTEN, BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,²¹ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.

MISHNAH 5. A VINEYARD²² OF THE FOURTH YEAR²³ — BETH SHAMMAI SAY: IT IS NOT SUBJECT TO THE LAW OF THE FIFTH NOR TO THE LAW OF REMOVAL, AND BETH HILLEL SAY: IT IS SUBJECT TO THE LAW OF THE FIFTH²⁴ AND TO THE LAW OF REMOVAL.²⁵ BETH SHAMMAI SAY: IT IS SUBJECT TO THE LAW OF FALLEN GRAPES

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AND TO THE LAW OF GLEANINGS,²⁶ AND THE POOR REDEEM THEM FOR THEMSELVES.²⁷ BUT BETH HILLEL SAY: ALL OF IT GOES TO THE WINEPRESS.²⁸

MISHNAH 6. BETH SHAMMAI SAY: ONE NEED NOT PERFORATE A BARREL OF PICKLED OLIVES,²⁹ AND BETH HILLEL SAY: ONE MUST PERFORATE IT.³⁰ BUT THEY AGREE THAT IF IT WAS PERFORATED AND THE DREGS STOPPED IT UP, IT IS NOT LIABLE TO UNCLEANNESS.³¹ WHOSO HAD ANOINTED HIMSELF WITH CLEAN OIL AND [THEN] BECAME UNCLEAN, AND HE WENT DOWN AND IMMERSSED³² HIMSELF, BETH SHAMMAI SAY: ALTHOUGH HE STILL DRIPS IT³³ IS CLEAN. AND BETH HILLEL SAY: [ONLY WHILE THERE REMAINS] ENOUGH FOR ANOINTING A SMALL LIMB.³⁴ AND IF FROM THE BEGINNING³⁵ IT WAS UNCLEAN OIL, BETH SHAMMAI SAY: [IT IS UNCLEAN AS LONG AS THERE REMAINS ONLY] ENOUGH FOR ANOINTING A SMALL LIMB, AND BETH HILLEL SAY: [EVEN IF THERE REMAINS AS MUCH AS A MOIST LIQUID. R. JUDAH SAYS IN THE NAME OF BETH HILLEL: [PROVIDED IT REMAINS] MOIST [ITSELF] AND [CAN ALSO] MOISTEN [OTHER THINGS].

MISHNAH 7. A WOMAN³⁶ IS BETROTHED BY A DINAR³⁷ OR THE VALUE OF A DINAR, ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: BY A PERUTAH³⁸ OR THE VALUE OF A PERUTAH. AND HOW MUCH IS A PERUTAH? ONE-EIGHTH OF AN ITALIAN ISSAR. BETH SHAMMAI SAY: ONE³⁹ MAY DISMISS HIS WIFE WITH AN OLD BILL OF DIVORCEMENT, AND BETH HILLEL FORBID IT. WHAT IS AN OLD BILL OF DIVORCEMENT? WHENSOEVER HE HAS HAD PRIVACY WITH HER AFTER HE HAS WRITTEN IT FOR HER.⁴⁰ WHOSO⁴¹ DIVORCES HIS WIFE AND SHE [AFTERWARDS] SPENDS A NIGHT WITH HIM AT THE [SAME] INN⁴² — BETH SHAMMAI SAY: SHE DOES NOT REQUIRE A SECOND

BILL OF DIVORCEMENT FROM HIM. BUT BETH HILLEL SAY: SHE REQUIRES A SECOND BILL OF DIVORCEMENT FROM HIM.⁴³ WHEN [DOES SHE REQUIRE A SECOND BILL OF DIVORCEMENT]? WHEN SHE WAS DIVORCED AFTER MARRIAGE. BUT IF SHE WAS DIVORCED AFTER BETROTHAL SHE DOES NOT REQUIRE FROM HIM A SECOND BILL OF DIVORCEMENT, SINCE HE IS NOT [YET] FAMILIAR WITH HER.⁴⁴

MISHNAH 8. BETH SHAMMAI PERMIT⁴⁵ THE RIVAL WIVES [OF A DECEASED BROTHER TO BE MARRIED]⁴⁶ TO THE [SUR VIVING] BROTHERS; BUT BETH HILLEL FORBID THEM. IF THEY⁴⁷ HAVE PERFORMED HALIZAH,⁴⁸ BETH SHAMMAI PRONOUNCE THEM UNFIT TO [MARRY INTO] THE PRIESTHOOD,⁴⁹ BUT BETH HILLEL PRONOUNCED THEM FIT.⁵⁰ IF THEY⁴⁷ HAVE MARRIED THEIR BROTHER-IN-LAW,⁵¹ BETH SHAMMAI PRONOUNCE THEM FIT,⁵² AND BETH HILLEL PRONOUNCED THEM UNFIT⁵³ [TO MARRY INTO THE PRIESTHOOD]. AND ALTHOUGH THESE PRONOUNCED UNFIT THOSE WHOM THE OTHERS PRONOUNCED FIT, BETH SHAMMAI DID NOT SHRINK FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF HILLEL. NOR THE SCHOOL OF HILLEL FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF SHAMMAI.⁵⁴ AND IN THE CASE OF ALL MATTERS OF PURITY AND IMPURITY IN RESPECT TO WHICH THESE USED TO PRONOUNCE CLEAN WHAT THE OTHERS PRONOUNCED UNCLEAN, THEY DID NOT SHRINK FROM PREPARING FOODS REQUIRING A CONDITION OF PURITY EACH BY MEANS OF [THE VESSELS OF] THE OTHER.⁵⁴

MISHNAH 9. [IN THE CASE OF] THREE⁵⁵ BROTHERS, OF WHOM TWO WERE MARRIED TO TWO SISTERS AND ONE WAS UNMARRIED, IF ONE OF THE HUSBANDS OF THE SISTERS DIED⁵⁶ AND THE UNMARRIED

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ONE BETROTHED HER,⁵⁷ AND AFTERWARDS HIS OTHER BROTHER⁵⁸ DIED,⁵⁹ BETH SHAMMAI SAY: HIS WIFE⁶⁰ REMAINS WITH HIM, AND THE OTHER [WIDOW] IS RELEASED⁶¹ ON THE GROUNDS OF [THE LAW OF] THE WIFE'S SISTER. BUT BETH HILLEL SAY: HE SHOULD PUT AWAY HIS WIFE⁶² WITH A BILL OF DIVORCEMENT AND HALIZAH, AND THE WIFE OF HIS BROTHER [HE SHOULD PUT AWAY] WITH HALIZAH. THIS IT IS OF WHICH THEY HAVE SAID: WOE TO HIM BECAUSE OF HIS WIFE, AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE!⁶³

MISHNAH 10. WHOSO⁶⁴ FORBIDS HIS WIFE BY VOW TO HAVE INTERCOURSE — BETH SHAMMAI SAY: [SHE MUST SUFFER IT FOR] TWO WEEKS,⁶⁵ AND BETH HILLEL SAY: FOR ONE WEEK.⁶⁶ WHOSO⁶⁷ HAS A MISCARRIAGE ON THE NIGHT OF THE EIGHTY FIRST⁶⁸ [DAY] — BETH SHAMMAI RELEASE HER FROM THE OFFERING, BUT BETH HILLEL DO NOT RELEASE HER. A LINEN WRAPPER⁶⁹ — BETH SHAMMAI RELEASE IT FROM THE LAW OF THE FRINGE,⁷⁰ BUT BETH HILLEL DO NOT RELEASE IT. A BASKET⁷¹ OF [FRUIT SET APART FOR] THE SABBATH-BETH SHAMMAI RELEASE IT [FROM TITHES].⁷² BUT BETH HILLEL DO NOT RELEASE IT.⁷³

MISHNAH 11. WHOSO⁷⁴ VOWED [TO KEEP] A LONGER NAZIRITESHIP⁷⁵ [THAN ORDINARY].⁷⁶ AND HE COMPLETED HIS NAZIRITESHIP AND AFTERWARDS CAME TO THE [HOLY] LAND⁷⁷ — BETH SHAMMAI SAY: [HE MUST BE] A NAZIRITE [ONLY] THIRTY DAYS,⁷⁸ BUT BETH HILLEL SAY: [HE MUST BE] A NAZIRITE [THE FULL TIME VOWED AS] IN THE BEGINNING. WHOSO⁷⁹ HAS TWO GROUPS OF WITNESSES WHO TESTIFY ABOUT HIM, THESE TESTIFYING THAT HE VOWED TWO NAZIRITESHIPS AND THESE TESTIFYING THAT HE VOWED FIVE⁸⁰ — BETH SHAMMAI SAY: THEIR TESTIMONY IS DIVIDED,⁸¹ AND THERE IS HERE NO [OBLIGATION TO PERFORM]

NAZIRITESHIP. BUT BETH HILLEL SAY: WITHIN THE FIVE THE TWO ARE INCLUDED, SO THAT HE MUST BE A NAZIRITE TWICE OVER.

MISHNAH 12. A MAN⁸² WHO WAS SET BENEATH THE GAP⁸³ — BETH SHAMMAI SAY: HE DOES NOT CAUSE THE IMPURITY TO PASS OVER.⁸⁴ BUT BETH HILLEL SAY: A MAN IS HOLLOW, AND THE UPPER SIDE CAUSES THE IMPURITY TO PASS OVER.

(1) Whereas in most of their controversies it is the School of Shammai who adopt a severer view and the School of Hillel a lenient one.

(2) Cf. Bez. I, 2.

(3) On the same day. The grounds of the controversy are discussed in the Gemara, Bez. 2b ff.

(4) Must be destroyed on the eve of the Passover. But as regards eating, Beth Shammai agree that even an olive's quantity is prohibited.

(5) Some texts omit 'A beast forbidden'.

(6) As נולד 'newly-born', i.e. a food, the use of which became available only on the Festival day. But a beast born on the Festival is considered available from before the Festival, since if its dam was slaughtered it could have been used as food before its birth together with its dam.

(7) E.g., a deer, etc.; cf. Deut. XIV, 5.

(8) Which had been stuck in the ground for the purpose before the advent of the Festival. [V. Bez. 8a; Tosaf. s. v. ראינו]

(9) Cf. Lev. XVII, 13.

(10) מוכן viz., from before the Festival for use on the Festival; opposed to מוקצה 'set apart', as not intended for use on the Festival.

(11) V. supra, p. 22, n. 8.

(12) And may therefore be used for covering up the blood; cf. Hul. 88b.

(13) V. p. 22, n. 10.

(14) Cf. Pe'ah VI, 4. Ownerless produce is exempt from Tithes.

(15) When produce is free for the use of all alike; cf. Ex. XXIII, 11; Lev. XXV, 6.

(16) Cf. I, 2, n. 1.

(17) Cf. Deut. XXIV, 19, and supra II, 4, n. 25.

(18) It is counted as four single sheaves, which, according to the opinion of Beth Shammai, do not come under the law of the Forgotten Sheaf; cf. Pe'ah, VI, 5.

(19) It counts as a single sheaf only.'

(20) Cf. Pe'ah VI, 2.

(21) Having been left by the side of marked objects.

(22) Cf. Pe'ah VII, 6; M. Sh. V, 3.

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- (23) The same applies also to a single fruit tree; cf. Lev. XIX, 23-24.
- (24) If it is not taken up to Jerusalem but is 'redeemed' for money (cf. I, 9, n. 16), a fifth of the value of the fruit must be added, as in the case of Second Tithe; cf. Lev. XXVII, 31; B.M. IV, 8.
- (25) Like Tithes, it has to be removed from the house on the eve of the Passover of the fourth and seventh year of the septennial cycle; cf. Deut. XXVI, 13; M. Sh. V, 6.
- (26) Like common produce. Cf. Lev. XIX, 10; Pe'ah VII, 3-4.
- (27) If they will not take them up to Jerusalem.
- (28) I.e., it all — the fallen grapes and gleanings alike — belongs to the owner, who must take it up to Jerusalem or redeem it. [The stringency of Beth Hillel affects the interests of the poor (Raabad).]
- (29) Where the olives are preserved for eating, and not for the extraction of their oil.
- (30) In order to show by allowing the juice to escape through the holes that one does not desire the oil as a liquid. Therefore when the olives are moistened by the exuding oil they will not thereby become susceptible to uncleanness in accordance with Lev. XI, 38; cf. I, 8, n. 12; Maksh. I, 1.
- (31) The perforation has shown that the owner does not desire the liquid.
- (32) In the ritual bath, thereby regaining his cleanness; cf. I, 3, n. 7.
- (33) The oil, as it belongs to his body which is now clean.
- (34) A little finger. But if more, it is counted as distinct from the man's body, and since oil cannot become clean by immersion, it still retains the uncleanness it contracted from the body, and now conveys it back to the body.
- (35) Before the man used it for anointing.
- (36) Cf. Kid. I, 1.
- (37) Equal to the weight of ninety-six barleycorns of silver.
- (38) The weight of half a barleycorn of silver.
- (39) Cf. Git. VIII, 4.
- (40) And before delivering it to her. Beth Hillel prohibit it, because she may have a child by him, and as the conception of the child will have occurred at a date later than that of the bill of divorcement, the child may be wrongfully stigmatized as having been conceived out of wedlock.
- (41) Cf. Git. VIII, 9.
- (42) There are witnesses who testify to this effect.
- (43) He may have betrothed her again by marital intercourse; cf. Kid. I, 1.
- (44) So we need not suspect intercourse.
- (45) Cf. Yeb. I, 4.
- (46) Under the law of Levirate Marriage. Deut. XXV, 5. The controversy arises in a case where the deceased, who died without issue, had married more than one wife. One of the wives was a blood relation (such as a daughter) to the surviving brother, marriage with whom would be an act of incest (ערוה). As the surviving brother may not perform the levirate marriage with his blood relation, so, according to Beth Hillel, he may not perform the levirate marriage with the rival wives of the blood relation. But Beth Shammai permit levirate marriage with the rival wives.
- (47) The rival wives.
- (48) Lit., 'drawing off', viz. the shoe, being the ceremony prescribed. Deut. XXV, 9.
- (49) A woman who performed Halizah is by Rabbinical injunction considered like a woman divorced, and is therefore forbidden to marry a priest; cf. Lev. XXI, 7. Since according to Beth Shammai levirate marriage with the rival wives is lawful, their Halizah also is lawful, and it therefore renders them unfit for marrying a priest.
- (50) The whole ceremony of Halizah was unnecessary and void.
- (51) And they became, widows again.
- (52) The levirate marriage was lawful, and they are now counted as ordinary widows who may marry an ordinary priest.
- (53) The levirate marriage was unlawful, and it has therefore made them 'harlots' who are forbidden to a priest; cf. Lev. XXI, 7.
- (54) Because they were careful to communicate to each other any case which either of them considered unlawful, so as to prevent an infringement of their ruling.
- (55) Cf. Yeb. III, 5.
- (56) Without leaving any issue.
- (57) Lit., 'performed to her a saying' (מאמר). Instead of consummating the levirate marriage by an act (מעשה) as prescribed Deut. XXV, 5), he merely betrothed her by a gift (cf. supra, p. 25) and the utterance of the betrothal formula.
- (58) The husband of the second sister.
- (59) V. p. 26, n. 10.
- (60) Viz., the one he had betrothed. Beth Shammai consider the betrothal (מאמר) fully binding.
- (61) From both levirate marriage and Halizah, since the brother-in-law is now married to her sister; cf. Lev. XVIII, 18.
- (62) The one he has betrothed. Beth Hillel consider the betrothal (מאמר) only partly binding. But he cannot consummate the levirate marriage with the betrothed one, since her sister also is now tied to him in a marriage relationship. Therefore he must give her a bill of divorcement to undo the betrothal. On the other hand, since the betrothal is not fully binding, both sisters must perform Halizah.
- (63) He is unlucky in losing both the one and the other; cf. Yeb. XIII, 7.
- (64) Cf. Keth. V, 6.

(65) Abstinence for such a period is also prescribed in the case of Lev. XII, 5.

(66) As Lev. XII, 2; XV, 19.

(67) Cf. Ker. I, 6.

(68) After having given birth to a female child. She has now fulfilled the fourteen days of her uncleanness and the sixty-six days of her cleanness, and should bring her prescribed offering in accordance with Lev. XII, 5-6; but it being night, she is prevented from bringing the offering till the following day. Beth Shammai hold that since she could not have brought her offering for the first birth, the new birth may be included in the first birth, and one offering suffice for the two. But Beth Hillel hold that since the new birth took place after the completion of the period for the first birth, she must bring separate offerings for each of them.

(69) Used chiefly by night, but also worn by day.

(70) ציצית made of a woolen cord of blue, Num. XV, 38. The use of wool and linen (flax) in the same garment, though ordinarily forbidden (שעטנזי Deut. XXII, 11) is permitted in the case of ציצית. But as the law of the Fringe applies only to day garments, therefore Beth Shammai exempt the linen wrapper from the law of the Fringe even by day, for fear of the transgression of the prohibition of שעטנזי when the wrapper is used by night. But Beth Hillel do not apprehend such a transgression.

(71) Cf. Ma'as. IV, 2.

(72) I.e., one may take of it an incidental mouthful on the eve of the Sabbath before tithing it, but not on the Sabbath itself, as the sanctity of the day imparts importance to any incidental mouthful, making it liable to tithing.

(73) It must be tithed immediately.

(74) Cf. Naz. III, 6.

(75) Cf. Num. VI, 2 ff.

(76) Longer than thirty days; cf. Naz. I, 3.

(77) The observance of the Naziriteship outside the Holy Land is not counted, as one cannot observe there the purity demanded by the law; cf. Num. VI, 6 ff.

(78) He must resume the observance, but only for the ordinary period of thirty days.

(79) Cf. Naz. III, 7.

(80) While he himself denies having made any vow at all.

(81) The evidence is contradictory, and therefore void.

(82) Cf. Oh. XI, 3; Oh. XI, 2, lays down that if a ceiling has a gap right across, and there is a corpse defilement on the floor below on the one side of the gap, the defilement cannot be conveyed by the roof-space across the gap to articles that may be found on the floor on the other side of the gap, unless there is on the floor right below the gap a hollow article of a cubic handbreadth in extent, which serves to bridge the gap.

(83) On the floor right vertically beneath the gap.

(84) He cannot be considered as bridging the gap, and connecting the sides of the ceiling into one undivided roof-space; cf. I, 7, n. 1.

Chapter 5

MISHNAH 1. R. JUDAH CITES SIX INSTANCES¹ OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD OF A CARCASS² BETH SHAMMAI PRONOUNCE CLEAN,³ AND BETH HILLEL PRONOUNCE IT UNCLEAN. AN EGG FOUND IN A [BIRD'S] CARCASS, IF THE LIKE OF IT WERE SOLD IN THE MARKET,⁴ IS PERMITTED, AND IF NOT, IT IS FORBIDDEN, ACCORDING TO THE OPINION OF BETH SHAMMAI. AND BETH HILLEL FORBID IT. BUT THEY AGREE IN THE CASE OF AN EGG FOUND IN A TREFA⁵ [BIRD] THAT IT IS FORBIDDEN. SINCE IT HAD ITS GROWTH IN A FORBIDDEN CONDITION.⁶ THE⁷ BLOOD⁸ OF A GENTILE⁹ WOMAN AND THE BLOOD OF PURITY¹⁰ OF A LEPROUS¹¹ WOMAN, BETH SHAMMAI PRONOUNCE CLEAN; AND BETH HILLEL SAY: [IT IS] LIKE HER¹² SPITTLE AND HER¹² URINE.¹³ ONE¹⁴ MAY EAT FRUITS OF THE SEVENTH YEAR¹⁵ WITH AN EXPRESSION OF THANKS¹⁶ AND WITHOUT AN EXPRESSION OF THANKS; THUS ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: ONE MAY NOT EAT [EXCEPT] WITH AN EXPRESSION OF THANKS.¹⁷ BETH SHAMMAI SAY: A WATERSKIN¹⁸ [IS LIABLE TO BECOME UNCLEAN¹⁹ IF IT IS] TIED UP AND REMAINS UNIMPAIRED.²⁰ AND THE SCHOOL OF HILLEL SAY: EVEN IF IT IS NOT TIED UP.²¹

MISHNAH 2. R. JOSE CITES SIX INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. ACCORDING TO THE OPINION OF BETH SHAMMAI, A FOWL²² MAY BE BROUGHT UP ON THE TABLE [TOGETHER] WITH CHEESE BUT MAY NOT BE EATEN [WITH IT].²³ BUT BETH HILLEL SAY: IT MAY NEITHER BE BROUGHT UP [TOGETHER WITH IT] NOR

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EATEN [WITH IT].²⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI,²⁵ OLIVES MAY BE GIVEN AS TERUMAH FOR OIL AND GRAPES FOR WINE. BUT BETH HILLEL SAY: THEY MAY NOT BE GIVEN.²⁶ BETH SHAMMAI SAY: WHOSO²⁷ SOWS [WITHIN] FOUR CUBITS OF A VINEYARD HAS CAUSED ONE ROW [OF VINES] TO BE PROHIBITED.²⁸ BUT BETH HILLEL SAY: HE HAS CAUSED TWO ROWS²⁹ TO BE PROHIBITED. FLOUR³⁰ PASTE³¹ BETH SHAMMAI EXEMPT³² [FROM THE LAW OF HALLAH];³³ BUT BETH HILLEL PRONOUNCE IT LIABLE. ONE³⁴ MAY IMMERSE ONESELF³⁵ IN A RAIN-TORRENT,³⁶ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: ONE MAY NOT IMMERSE ONESELF [THEREIN].³⁷ IF³⁸ ONE BECAME A PROSELYTE ON THE EVE OF PASSOVER, BETH SHAMMAI SAY: HE MAY IMMERSE HIMSELF³⁹ AND EAT HIS PASSOVER SACRIFICE IN THE EVENING.⁴⁰ BUT BETH HILLEL SAY: WHOSO SEPARATES HIMSELF FROM UNCIRCUMCISION IS AS ONE WHO SEPARATES HIMSELF FROM THE GRAVE.⁴¹

MISHNAH 3. R. ISHMAEL⁴² CITES THREE INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BOOK⁴³ OF ECCLESIASTES DOES NOT DEFILE THE HANDS⁴⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: IT DEFILES THE HANDS. WATER OF PURIFICATION WHICH HAS DONE ITS DUTY,⁴⁵ BETH SHAMMAI PRONOUNCE CLEAN,⁴⁶ BUT BETH HILLEL PRONOUNCE IT UNCLEAN,⁴⁷ BLACK CUMMIN⁴⁸ BETH SHAMMAI PRONOUNCE NOT LIABLE TO BECOME UNCLEAN,⁴⁹ BUT BETH HILLEL PRONOUNCE IT LIABLE TO BECOME UNCLEAN. SO, TOO, WITH REGARD TO TITHES.⁵⁰

MISHNAH 4. R. ELIEZER CITES TWO INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD⁵¹ OF A WOMAN

AFTER CHILDBIRTH WHO HAS NOT IMMERSED HERSELF,⁵² BETH SHAMMAI SAY: [IT IS] LIKE HER SPITTLE AND HER URINE.⁵³ BUT BETH HILLEL SAY: IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁴ HOWEVER, THEY AGREE IN THE CASE OF THE BLOOD OF A WOMAN WHO BROUGHT FORTH WHEN SHE HAD AN ISSUE, THAT IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁵

MISHNAH 5. [IN THE CASE OF] FOUR⁵⁶ BROTHERS OF WHOM TWO WERE MARRIED TO TWO SISTERS, IF THOSE MARRIED TO THE SISTERS DIED, LO, THESE SHOULD PERFORM HALIZAH AND NOT MARRY THE BROTHERS-IN-LAW.⁵⁷ IF THE LATTER BESTIRRED THEMSELVES AND MARRIED THEM,⁵⁸ THEY MUST PUT THEM AWAY. R. ELIEZER SAYS IN THE NAME OF BETH SHAMMAI: THEY MAY KEEP THEM. BUT BETH HILLEL SAY: THEY MUST PUT THEM AWAY.⁵⁹

MISHNAH 6. AKABIA B. MAHALALEEL TESTIFIED CONCERNING FOUR THINGS. THEY SAID TO HIM: AKABIA, WITHDRAW THESE FOUR THINGS WHICH YOU SAY, AND WE WILL MAKE YOU FATHER OF THE COURT⁶⁰ IN ISRAEL. HE SAID TO THEM: IT IS BETTER FOR ME TO BE CALLED A FOOL⁶¹ ALL MY DAYS THAN THAT I SHOULD BECOME [EVEN] FOR ONE HOUR A WICKED MAN⁶² IN THE SIGHT OF GOD; AND⁶³ LET NOT MEN SAY: HE WITHDREW HIS OPINIONS FOR THE SAKE OF GETTING POWER. HE USED⁶⁴ TO PRONOUNCE UNCLEAN THE HAIR WHICH HAS BEEN LEFT OVER [IN LEPROSY],⁶⁵ AND YELLOW BLOOD;⁶⁶ BUT THE SAGES DECLARED THEM CLEAN. HE USED⁶⁷ TO PERMIT THE HAIR OF A FIRSTLING WHICH WAS BLEMISHED⁶⁸ AND WHICH HAD FALLEN OUT⁶⁹ AND HAD BEEN PUT IN A WINDOW,⁷⁰ THE FIRSTLING BEING SLAUGHTERED AFTERWARDS; BUT THE SAGES FORBID IT.⁷¹ HE USED TO SAY: A WOMAN PROSELYTE AND A MANUMITTED BONDWOMAN ARE NOT MADE TO DRINK

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OF THE WATER OF BITTERNESS.⁷² BUT THE SAGES SAY: THEY ARE MADE TO DRINK. THEY SAID TO HIM: IT HAPPENED IN THE CASE OF KARKEMITH, A MANUMITTED BONDWOMAN WHO WAS IN JERUSALEM, THAT SHEMAIAH AND ABTALION MADE HER TO DRINK. HE SAID TO THEM: IN SIMULATION⁷³ [ONLY] THEY MADE HER TO DRINK. WHEREUPON THEY EXCOMMUNICATED HIM;⁷⁴ AND HE DIED WHILE HE WAS UNDER EXCOMMUNICATION, AND THE COURT STONED⁷⁵ HIS COFFIN. R. JUDAH SAID: GOD FORBID [TO SAY] THAT AKABIA WAS EXCOMMUNICATED, FOR THE TEMPLE COURT WAS NEVER CLOSED⁷⁶ IN THE FACE OF ANY MAN IN ISRAEL WHO WAS EQUAL TO AKABIA B. MAHALALEEL IN WISDOM AND THE FEAR OF SIN. BUT WHOM DID THEY EXCOMMUNICATE? ELIEZER THE SON OF ENOCH WHO DEMURRED AGAINST THE LAWS CONCERNING THE PURIFYING OF THE HANDS.⁷⁷ AND WHEN HE DIED THE COURT SENT AND LAID A STONE ON HIS COFFIN. THIS TEACHES THAT WHOEVER IS EXCOMMUNICATED AND DIES WHILE UNDER EXCOMMUNICATION, HIS COFFIN IS STONED.

MISHNAH 7. IN THE HOUR OF HIS⁷⁸ DEATH HE SAID TO HIS SON⁷⁹ : WITHDRAW THE FOUR OPINIONS WHICH I USED TO DECLARE. AND HE SAID TO HIM: WHY DID NOT YOU WITHDRAW THEM? HE SAID TO HIM: I HEARD THEM FROM THE MOUTH OF THE MANY, AND THEY HEARD [THE CONTRARY] FROM THE MOUTH OF THE MANY.⁸⁰ I STOOD FAST BY THE TRADITION WHICH I HEARD, AND THEY STOOD FAST BY THE TRADITION WHICH THEY HEARD. BUT YOU HAVE HEARD [MY TRADITION] FROM THE MOUTH OF A SINGLE INDIVIDUAL⁸¹ AND [THEIR TRADITION] FROM THE MOUTH OF THE MANY. IT IS BETTER TO LEAVE THE OPINION OF THE SINGLE INDIVIDUAL AND TO HOLD BY THE OPINION OF THE MANY, HE SAID TO HIM: FATHER COMMEND ME TO YOUR

COLLEAGUES. HE SAID TO HIM: I WILL NOT COMMEND YOU. HE SAID TO HIM: HAVE YOU FOUND IN ME ANY WRONG? HE SAID: NO; YOUR OWN DEEDS WILL CAUSE YOU TO BE NEAR,⁸² AND YOUR OWN DEEDS WILL CAUSE YOU TO BE FAR.⁸²

- (1) Cf. IV, 1, n. 1.
- (2) Of an animal which died of itself or which was slaughtered in a manner that rendered it unfit for food; cf. Lev. XI, 24ff.
- (3) The blood is not considered part of the carcass; cf. infra VIII, 1.
- (4) If the egg has a fully formed hard shell. It is then considered distinct from the bird.
- (5) Cf. supra II, 2, n. 8.
- (6) The bird was already forbidden when the egg was still an inseparable part of its body.
- (7) Cf. Nid. IV, 3.
- (8) Of menstruation, or of a flux; cf. Lev. XV, 19, 25.
- (9) From the expression, the children of Israel, Lev. XV, 2, it is deduced that all the laws concerning impurity contained in that chapter apply only to Israelites.
- (10) Cf. Lev. XII, 4, 5.
- (11) Cf. Lev. XIII, 2ff. Her blood is not affected by her leprosy.
- (12) Viz., of the Gentile woman, or of the leprous woman after childbirth in the period of her purification.
- (13) Their spittle and urine are deemed unclean by a Rabbinical ruling (as distinguished from the Biblical law), even according to Beth Shammai. But unlike blood of menstruation or of a flux, which confer defilement also when dried up, spittle and urine confer defilement only when wet. And Beth Hillel hold that the menstruous blood of a Gentile woman and the 'blood of purity' of a leprous woman are also unclean only when wet, but not when dried up; cf. infra 4, n. 5.
- (14) Cf. Sheb. IV, 2.
- (15) The Year of Release; cf. supra IV, 3, n. 5.
- (16) To the owner, though the owner is forbidden to look upon his fruit as his own.
- (17) That one may not get into the habit of entering also at other times another man's field and eating its fruit without the owner's knowledge. Some texts omit 'except'. The reason of the prohibition will then be the one given in the last note.
- (18) Which was damaged by a hole and then repaired by tying it up; cf. Kel. XXVI, 4.
- (19) By body-pressure uncleanness (סדק) if used as pillow or seat; cf. Kel. XX, 1; and above I, 11, n. 10.
- (20) I.e., it does not deflate even when the knot is removed.

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- (21) If the hole is stopped up by some other means, so as to retain the liquid; cf. Kel. XVII, 2.
- (22) Cf. Hul. VIII, 1.
- (23) The prohibition against eating fowl's flesh boiled in milk is not Biblical but only Rabbinic; cf. Hul. VIII, 4. Hence Beth Shammai hold that while the Rabbis have forbidden the eating of cattle's flesh with cheese as a precaution lest it may lead to the eating of cattle's flesh boiled in milk, they have not forbidden also the eating of fowl's flesh with cheese, since it can only lead to eating fowl's flesh boiled in milk, which itself is merely a Rabbinic injunction.
- (24) They hold that eating fowl's flesh with cheese may lead to eating cattle's flesh boiled in milk.
- (25) Cf. Ter. I, 4.
- (26) From Num. XVIII, 27, it is inferred that Terumah and the produce for which it is given must both be in the same stage of preparation as a food.
- (27) Cf. Kil. IV, 5.
- (28) קִדָּשׁ 'he has sanctified', an expression derived from Deut. XXII, 9.
- (29) The controversy turns on whether the minimum quantity of fruit of the vineyard (Deut. *ibid.*) consists of one row of vines, or of two rows.
- (30) Cf. Hal. I, 6.
- (31) Made of flour mixed with boiling water.
- (32) It is not counted as 'bread' (לֶחֶם Num. XV, 19).
- (33) Cf. I, 2, n. 2.
- (34) Cf. Mik. V, 6.
- (35) For the purpose of purification; cf. I, 3, n. 7.
- (36) A running pool formed by rain water coming down from a hill.
- (37) They hold that rain water must be stationary in a cavity to be fit for ritual immersion.
- (38) Cf. Pes. VIII, 8.
- (39) After the circumcision, in order to complete his proselytism; cf. Yeb. 46a.
- (40) Cf. Ex. XII, 48.
- (41) He is like one who has corpse defilement, and requires to be sprinkled with the waters of purification, in accordance with Num. XIX, 19.
- (42) Some texts read 'Simeon'.
- (43) Cf. Yad. III, 5.
- (44) It is not considered inspired Scripture; cf. Yad. IV, 6.
- (45) After it has been sprinkled upon the unclean; cf. Num. XIX, 9, 18 f.
- (46) Cf. Par. XII, 4.
- (47) In accordance with Num. XIX, 21; cf. Yoma 14a.
- (48) Cf. 'Uk. III, 6.
- (49) It is not eaten by itself, and therefore it is not counted a 'food' (לֶחֶם Lev. XI, 34).
- (50) Beth Shammai exempt it from tithes, as not being a 'food'; and Beth Hillel do not exempt it.
- (51) Cf. Nid. IV, 3.
- (52) After an interval of seven days from the birth of a male child, and of fourteen days from the birth of a female child; Lev. XII, 2, 5.
- (53) It defiles only when wet; cf. *supra* 1, n. 13.
- (54) Without immersion it is counted as blood of menstruation.
- (55) Since in accordance with Lev. XV, 28, she has to count seven clean days in addition to the period of impurity due to the childbirth.
- (56) Cf. Yeb. III, 2.
- (57) Because both sisters are tied in a marriage relationship to each of the surviving brothers, therefore the levirate marriage of either sister to either surviving brother comes within the prohibition of marrying a wife's sister; cf. *supra* IV, 9, n. 5.
- (58) Each surviving brother married one of the sisters.
- (59) Cf. Yeb. 28a.
- (60) Ah Beth din, Second President of the Great Sanhedrin; v. Ab. IV (Sonc. ed.) p. 3, n. 8.
- (61) For refusing the offer.
- (62) By denying the truth of my tradition.
- (63) An additional reason for refusing the offer (v. Tosaf Yom Tob).
- (64) Cf. Neg. V, 3.
- (65) A hair was turned white in a leprous white spot, rendering it unclean, in accordance with Lev. XIII, 3. Then the leprosy was healed, and the man became clean. But the white hair remained until finally another white spot appeared in the same place of the body. The Sages declare it clean, since the whiteness of the hair existed before this new white spot appeared, while Akabia declares it unclean.
- (66) Cf. Nid. II, 6. The Sages hold that to be unclean blood must be red in color.
- (67) Cf. Bek. III, 4.
- (68) And had therefore been declared permitted to be slaughtered outside the Temple; cf. II, 2, n. 6.
- (69) Cutting its hair, or wool, deliberately is forbidden, although it is blemished.
- (70) Or in a niche in the wall, in order to preserve it until the animal should be slaughtered.
- (71) Lest it should lead to delaying the slaughtering of the firstling for the sake of profiting from its hair or wool.
- (72) Cf. Num. V, 18ff. He inferred from the expression, in the midst of thy people (Num. *ibid.* 21) that the law applied only to Israelitish women.
- (73) דִּיגְמָה Gr. **. They really gave her other water, but similar in color to the water of bitter ness. Others explain: 'Men who were like unto her made her to drink,' i.e. Shemaiah and Abtalion were themselves also of Gentile extraction, therefore they treated Karkemith as if she was an Israelite.

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(74) Because he defamed the honor of Shemaiah and Abtalion.

(75) By placing a big stone upon it; cf. *infra*.

(76) On the eve of the Passover, when the Passover lamb was sacrificed in relays, in order to prevent overcrowding; cf. Pes. V, 5.

(77) Cf. Yad. III, 2.

(78) Akabia's.

(79) [Derenbourg, *Essai*, p. 483, identifies him with Jose b. Akabia (Pes. 113b; Yoma 52b).]

(80) Cf. *supra* I, 5. The controversy between Akabia and the Sages was as to what had been the opinion of the majority of the Sages before them. [Halevy, *op. cit.* I, 362 and I.e. 292, accounts this controversy to the breaking up of all Central Authority during the civil war that characterized the days of the last Hasmonean rulers. Lauterbach, (J.Q.R., N.S. VI, 66,

n. 59) ignoring Halevy, involves himself in unnecessary difficulties.]

(81) Akabia himself, as opposed to the Sages.

(82) Near to my colleagues; far from my colleagues; i.e., your own conduct will win you friends or alienate them.

Chapter 6

MISHNAH 1. R. JUDAH B. BABA TESTIFIED CONCERNING FIVE THINGS: THAT WOMEN WHO ARE MINORS ARE MADE¹ TO DECLARE AN ANNULMENT OF THEIR MARRIAGE;² THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS;³ THAT A COCK WAS STONED⁴ IN JERUSALEM BECAUSE IT HAD KILLED A HUMAN BEING;⁵ AND ABOUT WINE FORTY DAYS OLD,⁶ THAT IT WAS USED AS A LIBATION ON THE ALTAR; AND ABOUT THE CONTINUAL OFFERING OF THE MORNING, THAT IT IS OFFERED AT THE FOURTH HOUR.⁷

MISHNAH 2. R. JOSHUA AND R. NEHUNIA B. ELINATHAN, A MAN OF KEFAR HABABLI,⁸ TESTIFIED CONCERNING A LIMB⁹ FROM A CORPSE THAT IT IS UNCLEAR;¹⁰ WHEREAS R. ELIEZER SAYS: THEY DECLARED [THIS] ONLY OF A LIMB FROM A LIVING [MAN]. THEY SAID TO HIM: IS NOT THERE AN INFERENCE FROM THE MINOR TO THE MAJOR;¹¹ IF IN THE CASE OF A LIVING MAN [WHO IS HIMSELF CLEAN] A LIMB SEVERED

FROM HIM IS UNCLEAR, HOW MUCH MORE IN THE CASE OF A CORPSE [WHICH IS ITSELF UNCLEAR] SHOULD A LIMB SEVERED FROM IT BE UNCLEAR! HE SAID TO THEM: THEY HAVE [NEVERTHELESS] DECLARED IT ONLY OF A LIMB FROM A LIVING MAN. ANOTHER ANSWER¹² IS: THE DEFILEMENT OF LIVING MEN IS GREATER THAN THE DEFILEMENT OF CORPSES, BECAUSE A LIVING MAN¹³ CAUSES WHAT IS UNDER HIM¹⁴ TO BECOME A 'COUCH' AND A 'SEAT'¹⁵ FOR THE PURPOSE OF DEFILING [ANOTHER] MAN AND HIS GARMENTS, AND [HE CAUSES ALSO] WHAT IS OVER HIM¹⁶ [TO BECOME] A NON- CONTIGUOUS MEDIUM¹⁷ FOR THE PURPOSE OF DEFILING FOODS AND LIQUIDS- WHICH IS DEFILEMENT THAT A CORPSE DOES NOT CAUSE.¹⁸

MISHNAH 3. AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, R. ELIEZER PRONOUNCES UNCLEAR¹⁹ AND R. JOSHUA AND R. NEHUNIA PRONOUNCE CLEAN. A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, R. NEHUNIA PRONOUNCES UNCLEAR²⁰ AND R. ELIEZER AND R. JOSHUA PRONOUNCE CLEAN. THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAR AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A CORPSE, AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT IS UNCLEAR, SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT MUST BE UNCLEAR. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAR AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAR A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAR AN OLIVE'S

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QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²³ A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT? THEY SAID TO R. NEHUNIA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A CORPSE, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT IS UNCLEAN,²⁰ SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT MUST BE UNCLEAN. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²⁴ AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT? THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF FLESH THAN THE DEFILEMENT OF BONES, FOR THE DEFILEMENT OF FLESH APPLIES BOTH TO CARCASSES AND TO CREEPING THINGS,²⁶ BUT IT IS NOT SO IN THE CASE OF BONES. ANOTHER ANSWER IS: A LIMB²⁷ WHICH HAS ON IT THE PROPER QUANTITY²⁸ OF FLESH CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF THE FLESH IS DIMINISHED IT IS STILL UNCLEAN,²⁹ WHILE IF THE BONE IS DIMINISHED IT IS CLEAN.³⁰ THEY SAID TO R. NEHUNIA: WHAT REASON

HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF BONES THAN THE DEFILEMENT OF FLESH, FOR FLESH SEVERED FROM A LIVING MAN IS CLEAN, WHEREAS A LIMB SEVERED FROM HIM, WHILE IN ITS NATURAL CONDITION,³¹ IS UNCLEAN. ANOTHER ANSWER IS: AN OLIVE'S QUANTITY OF FLESH³² CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; AND A MAJORITY³³ OF A DEAD MAN'S BONES CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF FLESH IS DIMINISHED IT IS CLEAN, BUT IF A MAJORITY OF THE BONES IS DIMINISHED, ALTHOUGH IT DOES NOT CAUSE DEFILEMENT BY BEING UNDER THE SAME ROOF-SPACE, IT YET CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING.³⁴ ANOTHER ANSWER IS: ANY FLESH OF A CORPSE LESS THAN AN OLIVE'S QUANTITY³⁵ IS CLEAN, BUT BONES FORMING THE GREATER PORTION OF THE BODY'S BUILD³⁶ OR THE GREATER PORTION OF THE NUMBER OF THE CORPSE'S BONES, EVEN THOUGH THEY DO NOT FILL A QUARTER-KAB ARE YET UNCLEAN.³⁷ THEY SAID TO R. JOSHUA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING THEM BOTH CLEAN? HE SAID TO THEM: NO! WHEN YOU PRONOUNCE UNCLEAN IN THE CASE OF A CORPSE, IT IS BECAUSE THE RULES OF 'MAJORITY',³⁸ 'QUARTER-KAB', AND 'DECAYED MATTER'³⁹ APPLY TO IT. BUT HOW CAN YOU SAY THE SAME OF A LIVING MAN, SEEING THAT THE RULES OF MAJORITY', 'QUARTER-KAB', AND 'DECAYED MATTER' DO NOT APPLY TO HIM?⁴⁰

(1) In circumstances such as those described in n. 2.

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(2) Girl minors when fatherless may be given in marriage by their mother or brothers. But unlike the marriage of a minor arranged by her father (cf. Deut. XXII, 16), the marriage of a minor arranged by her mother or brothers has validity only in Rabbinic law, but not in Biblical law. Therefore the minor has the right of declaring *מיאון* or a 'Refusal' to live with the husband given her, and thereby annulling her marriage without the formalities of a regular divorce; cf. Yeb. XIII, 1ff. Now, if two brothers were married to two sisters, one of age and the other a minor given in marriage by her mother or brothers, and the husband of the older sister died without issue, then the husband of the minor is bound by Biblical law to marry the minor's sister. Therefore the continuation of the minor as his wife under merely Rabbinical law now comes within the Biblical prohibition of marrying two sisters (cf. IV, 9, n. 5; V, 5, n. 9). In such a case the child-wife is persuaded to declare *מיאון* thus enabling her husband to perform by her sister the duty of levirate marriage. This testimony accords with the opinion of R. Eliezer, Yeb. XIII, 7. Another such case may arise in the circumstances described in Yeb. XIII, 11.

(3) Who testifies to the death of her husband; cf. VIII, 5; Yeb. XVI, 7.

(4) Under the law of Ex. XXI, 28, although that law specifies only an ox causing death by goring.

(5) It put out the brain of a child by pecking it with its beak.

(6) But under forty days it is not permitted; cf. B.B. 97a.

(7) As late as the fourth hour of the day. This happened during a siege of Jerusalem by the Syrian Greeks, when one day no lamb could be obtained for the morning sacrifice till the fourth hour.

(8) Bablia, 8 miles S. of Zidon.

(9) A whole limb, even when less than the size of an olive; cf. III, 1, n. 4.

(10) It confers 'tent' uncleanness, i.e., by being under the same roof-space; cf. I, 7, n. 1.

(11) קל וחומר.

(12) Of R. Eliezer. He refutes the proposition that the dead is more unclean than the living.

(13) When he has an issue.

(14) However many articles there may be under him, one below the other, they all receive an equal degree of defilement through the pressure of the man's body (*מדריס*); cf. I, 11, n. 10.

(15) Cf. Lev. XV, 4' 6.

(16) Whatever the number of articles, one above the other.

(17) *מדריס* Unlike defilement by body-pressure (*מדריס*), defilement through a non-contiguous medium can be transmitted only to food and drink, but not to man and utensils.

(18) For corpse defilement diminishes in strength as it passes from one article to another; cf. II, 1, nn. 3, 4.

(19) Just like a whole limb severed from a living man (cf. supra 2; Oh. I, 7), it defiles one who touches or carries it, or is under the same roof-space; cf. infra.

(20) Only by touching or carrying; cf. Oh. II, 3.

(21) Cf. Oh. II, 1.

(22) The argument is fallacious, since according to your opinion the defilement of a corpse is greater than that of a living man.

(23) Supra, together with R. Joshua against R. Nehunia.

(24) Supra, together with R. Joshua against R. Eliezer.

(25) Both an olive's quantity of flesh severed from a living man, and a barley-grain's quantity of bone severed from a living man.

(26) An olive's quantity of flesh from a carcass and a lentil's quantity of flesh from creeping things cause defilement, but their bones do not cause defilement in any quantity.

(27) From a living man; or, according to R. Joshua and R. Nehunia, also from a corpse.

(28) Cf. Kel. II, 5.

(29) It defiles by touching and carrying, though not by being under the same roof. space; cf. Kel. loc. cit.

(30) It is no longer counted a limb.

(31) With flesh, sinew, and bone.

(32) From a corpse.

(33) Cf. I, 7, n. 4.

(34) For defilement by touching and carrying, a quantity of a barley-grain is sufficient.

(35) E.g., in the case of an abortion; cf. Hul. 89b.

(36) Cf. I, 7, n. 3.

(37) They defile by being under the same roof-space; cf. I, 7, n. 5.

(38) A majority of the body's bones.

(39) A large spoonful (or two handfuls) of decayed matter of a corpse, which was buried naked in a closed marble coffin, causes defilement by carrying and by being under the same roof-space, but not by touching; cf. Oh. II, 1.

(40) Therefore a living man has less power of defilement than a corpse.

Chapter 7

MISHNAH 1. R.¹ JOSHUA AND R. SADOK TESTIFIED CONCERNING THE REDEMPTION-LAMB OF THE FIRSTLING OF AN ASS,² THAT IF IT DIED³ THE PRIEST HAS NO CLAIM THEREIN,⁴ WHEREAS R. ELIEZER SAYS: THE OWNER MUST BEAR THE RESPONSIBILITY AS WITH THE FIVE

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SELA'S⁵ [IN THE CASE] OF A [FIRSTBORN] SON. BUT THE SAGES SAY: HE BEARS NO RESPONSIBILITY ANY MORE THAN IN THE CASE OF THE REDEMPTION OF SECOND TITHES.⁶

MISHNAH 2. R.⁷ ZADOK TESTIFIED CONCERNING BRINE OF UNCLEAN⁸ LOCUSTS THAT IT IS CLEAN,⁹ WHEREAS THE FIRST MISHNAH [SAID]:¹⁰ UNCLEAN LOCUSTS THAT HAVE BEEN PRESERVED TOGETHER WITH CLEAN LOCUSTS DO NOT MAKE THEIR¹¹ BRINE UNFIT.

MISHNAH 3. R.¹² ZADOK TESTIFIED CONCERNING FLOWING¹³ WATER WHICH EXCEEDED IN QUANTITY DRIPPING¹⁴ WATER; THAT IT WAS VALID. THERE WAS SUCH A CASE AT BIRATH HAPALIYYA,¹⁵ AND WHEN THE CASE CAME BEFORE THE SAGES THEY DECLARED IT VALID.

MISHNAH 4. R. ZADOK TESTIFIED CONCERNING FLOWING WATER WHICH WAS MADE TO RUN IN A STREAM THROUGH NUT-LEAVES,¹⁶ THAT IT WAS VALID.¹⁷ THERE WAS SUCH A CASE AT AHALIYYA,¹⁸ AND WHEN THE CASE CAME BEFORE [THE SAGES IN] THE CHAMBER OF HEWN STONE¹⁹ THEY DECLARED IT VALID.

MISHNAH 5. R.²⁰ JOSHUA AND R. YAKIM, A MAN OF HADAR,²¹ TESTIFIED CONCERNING A JAR,²² WITH ASHES OF PURIFICATION²³ WHICH WAS PUT OVER A CREEPING THING, THAT THEY²⁴ WERE UNCLEAN, WHEREAS R. ELIEZER HAD PRONOUNCED THEM CLEAN. R.²⁵ PAPIAS TESTIFIED CONCERNING ONE WHO HAD VOWED TWO NAZIRITESHIPS,²⁶ THAT IF HE CUT HIS HAIR²⁷ AFTER THE FIRST ONE ON THE THIRTIETH DAY, HE COULD CUT HIS HAIR AFTER THE SECOND ONE ON THE SIXTIETH²⁸ DAY, THOUGH IF HE CUT HIS HAIR ON THE FIFTY-NINTH DAY HE HAS ALSO DISCHARGED HIS DUTY, FOR THE THIRTIETH DAY IS CREDITED TO HIM TOWARDS THE REQUIRED NUMBER.²⁹

MISHNAH 6. R.³⁰ JOSHUA AND R. PAPIAS TESTIFIED CONCERNING THE YOUNG OF A PEACE-OFFERING, THAT IT COULD BE BROUGHT AS A PEACE-OFFERING,³¹ WHEREAS R. ELIEZER SAYS THAT THE YOUNG OF A PEACE-OFFERING COULD NOT BE BROUGHT AS A PEACE-OFFERING.³² BUT THE SAGES SAY: IT MAY BE BROUGHT. R. PAPIAS SAID: I TESTIFY THAT WE HAD A COW, A PEACE-OFFERING, AND WE ATE IT AS PASSOVER, AND ITS YOUNG WE ATE AS A PEACE-OFFERING AT THE [NEXT] FESTIVAL.³³

MISHNAH 7. THE SAME³⁴ TESTIFIED CONCERNING THE BOARDS³⁵ OF BAKERS, THAT THEY ARE [LIABLE TO BECOME] UNCLEAN, WHEREAS R. ELIEZER DECLARES THEM NOT³⁶ [LIABLE TO BECOME] UNCLEAN. THE SAME³⁷ TESTIFIED CONCERNING AN OVEN³⁸ WHICH WAS CUT INTO RINGS AND SAND WAS PUT BETWEEN ONE RING AND THE OTHER RING,³⁹ THAT IT IS [LIABLE TO BECOME] UNCLEAN,⁴⁰ WHEREAS R. ELIEZER DECLARES IT NOT [LIABLE TO BECOME] UNCLEAN.⁴¹ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴² THROUGHOUT THE WHOLE OF ADAR,⁴³ WHEREAS THEY USED TO SAY: ONLY TILL PURIM.⁴⁴ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴⁵ CONDITIONALLY. THERE WAS SUCH A CASE WITH RABBAN GAMALIEL WHO WENT TO TAKE AUTHORISATION FROM THE GOVERNOR IN SYRIA AND HE DELAYED IN COMING BACK; AND THEY INTERCALATED THE YEAR ON CONDITION THAT RABBAN GAMALIEL SHOULD APPROVE; AND WHEN HE CAME BACK HE SAID: I APPROVE, AND THE YEAR WAS THEREBY DULY INTERCALATED.

MISHNAH 8. MENAHEM B. SIGNAL⁴⁶ TESTIFIED CONCERNING THE LEDGE⁴⁷ ATTACHED TO AN OLIVE-BOILER'S CAULDRON, THAT IT IS [LIABLE TO BECOME] UNCLEAN; AND CONCERNING THAT OF DYERS,⁴⁸ THAT IT IS NOT [LIABLE

TO BECOME] UNCLEAN, WHEREAS THEY USED TO SAY: THE RULE IS THE REVERSE.⁴⁹

MISHNAH 9. R. NEHUNIA⁵⁰ THE SON OF GUDGADA TESTIFIED CONCERNING A DEAF-MUTE WHOSE FATHER HAD GIVEN HER IN MARRIAGE,⁵¹ THAT SHE COULD BE PUT AWAY WITH A BILL OF DIVORCEMENT;⁵² AND CONCERNING A MINOR, DAUGHTER OF AN ISRAELITE⁵³ AND MARRIED⁵⁴ TO A PRIEST, THAT SHE MIGHT EAT TERUMAH,⁵⁵ AND IF SHE DIED HER HUSBAND INHERITED FROM HER; AND CONCERNING A STOLEN BEAM THAT HAD BEEN BUILT INTO A PALACE,⁵⁶ THAT IT MIGHT BE RESTORED BY THE PAYMENT OF ITS VALUE;⁵⁷ AND CONCERNING A SIN-OFFERING THAT HAD BEEN STOLEN, AND THIS WAS NOT KNOWN TO MANY,⁵⁸ THAT IT MADE DUE ATONEMENT⁵⁹ BECAUSE OF THE WELFARE OF THE ALTAR.⁶⁰

- (1) Cf. Bek. I, 6.
- (2) Cf. Ex. Xlii, 13.
- (3) After it was designated for the redemption, and before it was presented to the priest.
- (4) The owner may hand over to the priest the dead lamb, but is not bound to give him another lamb.
- (5) The redemption money of the first born son; cf. Ex. loc. cit.; and Num. III, 47. If the father set aside this redemption money and it was lost, he has to find other money; cf. Bek. VIII, 8.
- (6) If the tithes were exchanged for money and the money lost, the owner is not bound to make it good.
- (7) Cf. Ter. X, 9.
- (8) I.e., prohibited as food; cf. Lev. XI, 20.
- (9) And may be eaten.
- (10) V. Sanh. (Sonc. ed.) p. 263, n. 7.
- (11) Of the clean locusts. R. Zadok adds that one may even eat the brine of the prohibited locusts themselves.
- (12) Cf. Mik. V., 4.
- (13) I.e., from a running river or stream.
- (14) Rainwater, or, according to Maimonides, water dropping intermittently from a high spring. Mik. loc. cit. lays down that flowing water is counted like 'living water' of a spring, and can be used in the preparation of the Waters of Purification (Num. XIX, 17), the cleansing of a man who had an issue (Lev. XV, 13), and for a ritual bath in any quantity; while dripping water may not be used as Water of Purification, or for the cleansing of a man who had an issue, and if used as a ritual bath it must have no

less than forty se'ahs in quantity (cf. I, 3, n. 7). If, then, in a mixture of these two' kinds of water, the flowing water is more in quantity than the dripping water, the whole mixture is deemed 'living water'.

- (15) [Birfilia, about six miles E. of Ramala (Horowitz, Palestine, p. 118).]
- (16) Its flow was directed to a particular spot by means of a channel made of the wide leaves of a walnut tree.
- (17) It retains the character of flowing water for the purposes mentioned p. 42, n. 14, and is not deemed to have passed through a receptacle (מים שאובין cf. I, 3) by running through the channel of leaves.
- (18) [Horowitz, op. cit., p. 22, identifies it with Bait Ilu, near Jerusalem.]
- (19) V. Sanh. (Sonc. ed.) p. 205, n. 5.
- (20) Cf. Par. X, 3.
- (21) [Cannot be identified.]
- (22) Of earthenware.
- (23) Cf. Num. XIX, 9, 17.
- (24) The ashes, since they can no longer be said to have been kept in a 'clean Place', Num. loc. cit. The jar itself remains clean, because an earthenware vessel does not contract uncleanness by outward contact; cf. Kel. II, 1.
- (25) Cf. Naz. III, 2.
- (26) Each of which is normally of a duration of thirty days; cf. IV, 12, n. 7.
- (27) In accordance with Num. VI, 18. He should really have waited till the full completion of the thirty days, viz. till the thirty-first day.
- (28) Which forms an interval of full thirty days since the last cutting of his hair.
- (29) Of both periods of thirty days.
- (30) Cf. Tem. III, 1.
- (31) It is itself also holy like its dam, and cannot be put to common use.
- (32) But it should be allowed to starve to death. R. Eliezer holds that permission to offer the young may lead people to delay the sacrificing of an animal as peace offering until it gives birth to its young, and this would involve a transgression of the command of Deut. XXIII, 22.
- (33) viz., on the Feast of Weeks. Raba (R.H. 6a) renders בָּהֵג according to its usual meaning of the Feast of Tabernacles, and assumes that owing to illness the young animal could not be offered on the intervening Feast of Weeks.
- (34) Cf. Kel. XV, 2.
- (35) On which the unbaked loaves are placed to allow them to rise; or, according to others, on which the dough is rolled.
- (36) They are not considered 'utensils', because they are flat. But all the Sages agree that baking boards for ordinary household use are not liable to uncleanness. [Because unlike those of the bakers they are put to all kinds of use (Raabad).]
- (37) Cf. Kel. V, 10.

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- (38) Of earthenware, and without a bottom; cf. II, 8, n. 1.
- (39) To prevent the rings adhering to one another. The whole was plastered over on the outside to keep the cut parts together.
- (40) The plasterings makes it whole again.
- (41) It is deemed a broken 'utensil'
- (42) By the addition of a second month, viz. a second Adar; v. Sanh. 12b'
- (43) Until the twenty-ninth of Adar.
- (44) The fourteenth of Adar, when it is customary to begin the public exposition of the laws of the Passover.
- (45) By the Sanhedrin, subject to the approval of the President, with whom the final decision rests; v. Sanh. 11a (Sonc. ed.) p. 47.
- (46) [Or. 'of Signai'. a village in Judea (Buchler, De, gal. 'Am-h. 79. n. 1.).]
- (47) Of earthenware, to prevent the boiling liquid in the metal cauldron from running over. The ledge is therefore a necessary part of the cauldron; cf. Kel. V, 5.
- (48) Dyers are careful not to allow the boiling dye to rise to the earthenware ledge, for fear the dye may become soiled. Therefore the ledge is not really needed for their cauldron.
- (49) It was thought that dyers had greater need of the ledge to prevent the boiling dye from running over, since the dye was more valuable than the liquid of olive-boilers.
- (50) Cf. Git. V, 5; Yeb. XIV, 2.
- (51) While still a minor; cf. VI, 1, n. 2.
- (52) Although she is legally an imbecile, she can be divorced according to Biblical law without her consent.
- (53) A non-priest who is dead.
- (54) By her mother or brothers, although the marriage is valid according to Rabbinical law only; cf. VI, 1, n. 2.
- (55) But only such as is Terumah in Rabbinic law alone, but she may not eat what is Terumah in Biblical law, which does not recognize her as the priest's wife.
- (56) Or any building.
- (57) The owner of the beam cannot insist on the restoration of the beam itself. This rule was ordained 'for the benefit of the penitent' (Git. loc. cit.). to make the sinner's path of repentance easy.
- (58) Three persons.
- (59) The thief need not bring another sin-offering, and the priests who ate of its flesh did not commit a sin unwittingly.
- (60) The priests might refuse to sacrifice the offering of a man who was unknown to them, from fear that the animal was stolen, and the altar would thus suffer loss.

MISHNAH 1. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING THE BLOOD OF CARCASSES THAT IT WAS CLEAN.¹ R. SIMEON B. BATHYRA TESTIFIED CONCERNING THE ASHES OF PURIFICATION,² THAT IF A DEFILED PERSON HAD TOUCHED PART THEREOF HE HAD DEFILED THE WHOLE OF THEM.³ R. AKIBA ADDED IN REGARD TO THE FINE FLOUR,⁴ THE INCENSE, THE FRANKINCENSE, AND THE COALS,⁵ THAT IF A TEBUL. YOM⁶ HAD TOUCHED PART THEREOF HE HAD MADE THE WHOLE OF THEM UNFIT.⁷

MISHNAH 2. R. JUDAH B. BABA AND R. JUDAH THE PRIEST TESTIFIED CONCERNING A MINOR,⁸ THE DAUGHTER OF AN ISRAELITE AND MARRIED TO A PRIEST, THAT SHE COULD EAT TERUMAH AS SOON AS SHE ENTERED THE BRIDAL CHAMBER EVEN THOUGH SHE HAD NO MARITAL INTERCOURSE. R. JOSE THE PRIEST AND R. ZECHARIAH B. HA-KAZZAB TESTIFIED CONCERNING A YOUNG GIRL WHO HAD BEEN GIVEN AS A SECURITY⁹ IN ASHKELON, AND WHOM THE MEMBERS OF HER FAMILY¹⁰ HAD PUT AWAY,¹¹ THOUGH HER WITNESSES¹² TESTIFIED FOR HER THAT SHE HAD NOT SECLUDED HERSELF¹³ [WITH ANY MAN] AND THAT SHE HAD NOT BEEN DEFILED; THAT THE SAGES SAID TO THEM: IF YOU BELIEVE THAT SHE WAS GIVEN AS A SECURITY, BELIEVE ALSO THAT SHE DID NOT SECLUDE HERSELF [WITH ANY MAN] AND THAT SHE WAS NOT DEFILED; AND IF YOU DO NOT BELIEVE THAT SHE DID NOT SECLUDE HERSELF AND THAT SHE WAS NOT DEFILED, NEITHER BELIEVE THAT SHE WAS GIVEN AS A SECURITY.

MISHNAH 3. R. JOSHUA AND R. JUDAH THE SON OF BATHYRA TESTIFIED CONCERNING THE WIDOW OF [A MAN BELONGING TO] A FAMILY OF DOUBTFUL PURITY,¹⁴ THAT SHE

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WAS FIT TO MARRY INTO THE PRIESTHOOD, SINCE A FAMILY OF DOUBTFUL PURITY WAS FIT TO DECLARE WHO¹⁵ WAS UNCLEAN¹⁶ AND WHO¹⁵ CLEAN,¹⁶ WHO WAS TO BE PUT AWAY¹⁷ AND WHO¹⁵ WAS TO BE BROUGHT NEAR.¹⁷ RABBAN GAMALIEL SAID: WE ACCEPT YOUR TESTIMONY, BUT WHAT CAN WE DO SINCE RABBAN JOHANAN B. ZAKKAI ORDAINED THAT COURTS SHOULD NOT BE COMMISSIONED FOR THIS PURPOSE?¹⁸ THE PRIESTS WOULD LISTEN TO YOU CONCERNING THOSE WHO MIGHT BE PUT AWAY, BUT NOT CONCERNING THOSE WHO MIGHT BE BROUGHT NEAR!¹⁹

MISHNAH 4. R.²⁰ JOSE B. JO'EZER, A MAN OF ZEREDA,²¹ TESTIFIED CONCERNING THE AYIL²² -LOCUST, THAT IT IS CLEAN; AND CONCERNING LIQUID²³ IN THE SLAUGHTER-HOUSE,²⁴ THAT IT IS CLEAN, AND THAT ONE WHO TOUCHES A CORPSE IS UNCLEAN.²⁵ AND THEY CALLED HIM 'JOSE THE PERMITTER'.

MISHNAH 5. R. AKIBA TESTIFIED IN THE NAME OF NEHEMIAH, A MAN OF BETH DELI,²⁶ THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS.²⁷ R. JOSHUA TESTIFIED CONCERNING BONES²⁸ FOUND IN THE WOOD-SHED²⁹ [THAT THEY WERE UNCLEAN].³⁰ THAT THE SAGES SAID: ONE MAY GATHER THEM UP, BONE BY BONE,³¹ AND ALL IS CLEAN.³²

MISHNAH 6. R. ELIEZER SAID:³³ I HAVE HEARD THAT WHEN THEY BUILT THE TEMPLE³⁴ THEY MADE HANGINGS FOR THE TEMPLE AND HANGINGS FOR THE TEMPLE-COURTS; BUT IN THE CASE OF THE TEMPLE THEY BUILT³⁵ FROM THE OUTSIDE,³⁶ AND IN THE CASE OF THE TEMPLE-COURT THEY BUILT FROM THE INSIDE. R. JOSHUA SAID: I HAVE HEARD THAT SACRIFICES MAY BE OFFERED EVEN THOUGH THERE IS NO TEMPLE, AND THAT THE MOST HOLY SACRIFICES³⁷ MAY BE EATEN EVEN

THOUGH THERE ARE NO HANGINGS, AND THE LESSER HOLY SACRIFICES³⁸ AND SECOND TITHES EVEN THOUGH THERE IS NO WALL;³⁹ BECAUSE THE FIRST SANCTIFICATION⁴⁰ WAS VALID BOTH FOR ITS OWN TIME AND FOR THE TIME HEREAFTER.

MISHNAH 7. R. JOSHUA SAID: I HAVE RECEIVED A TRADITION FROM RABBAN JOHANAN B. ZAKKAI, WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER [HEARD IT] FROM HIS TEACHER, AS A HALACHAH [GIVEN] TO MOSES FROM SINAI,⁴¹ THAT ELIJAH⁴² WILL NOT COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR,⁴³ BUT TO PUT AWAY THOSE BROUGHT NEAR BY FORCE AND TO BRING NEAR THOSE PUT AWAY BY FORCE. THE FAMILY OF BETH ZEREPAH⁴⁴ WAS ON THE OTHER SIDE OF THE JORDAN. AND BEN ZION⁴⁵ PUT IT AWAY BY FORCE; AND YET ANOTHER FAMILY⁴⁶ WAS THERE, AND BEN ZION BROUGHT IT NEAR BY FORCE. SUCH LIKE ELIJAH WILL COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR. R. JUDAH SAYS: TO BRING NEAR, BUT NOT TO PUT AWAY.⁴⁷ R. SIMEON SAYS: TO CONCILIATE DISPUTATIONS.⁴⁸ AND THE SAGES SAY NEITHER TO PUT AWAY NOR TO BRING NEAR, BUT TO MAKE PEACE IN THE WORLD,⁴⁹ FOR IT IS SAID,⁵⁰ BEHOLD I SEND TO YOU ELIJAH THE PROPHET, etc., AND HE SHALL TURN THE HEART OF THE FATHERS TO THE CHILDREN AND THE HEART OF THE CHILDREN TO THEIR FATHERS.

(1) Agreeing with the opinion of Beth Shammai according to the version of H. Judah; cf. V, 1, n. 3.

(2) Cf. VII, 5, n. 9.

(3) The jar which contains the ashes makes all their particles one unit.

(4) Intended for an offering; cf. Lev. II, 2ff.

(5) Which the High Priest carried into the Holy of Holies on the Day of Atonement; cf. Lev. XVI, 12.

(6) Cf. II, 1, n. 7.

(7) פסל cf. II, 1, n. 4. [Their various particles constitute a unit though the vessels which contain

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them are not fashioned like receptacles, but Hat (Maim.).]

(8) An orphan given in marriage by her mother or brothers; cf. VII, 9, nn. 3-4.

(9) For a debt to Gentiles.

(10) Who were priests.

(11) They disqualified her from marrying a priest, for fear she might have been violated; cf. III, 6, n. 2.

(12) Who testified that she had been left at Ashkelon, also testified that she had remained pure.

(13) נסתרה cf. Num. V, 13.

(14) עיסה 'mixed dough'. a priestly family, a member of which was suspected of being the offspring of an illegitimate union, חלל cf. Lev. XXI, 7; Kid. IV, 6. In the case of this widow, it is doubtful whether her dead husband was that suspected offspring, and if so, whether he really was illegitimate, חלל [For a full discussion of the subject, v. Buchler, Schwarz-Festschrift, 133ff.]

(15) Who of its members.

(16) I.e., illegitimate; legitimate.

(17) Who was to be declared unfit to marry a priest, and who fit. Therefore the evidence of this family is to be accepted with regard to the widow's dead husband. The text and interpretation of this passage are not quite certain.

(18) Of declaring the legitimacy of such a doubtful case.

(19) [And would refuse to accept the decision of a Court to the contrary. v. Buchler, Priester und Cultus, p. 20, n. 3.]

(20) Most texts omit 'Rabbi'. Jose's statement is given in Aramaic.

(21) I Kings XI. 26.

(22) איל of unknown meaning.

(23) Blood and water.

(24) In the Temple court.

(25) For the meaning and discussion of this statement as well as of the whole passage, cf. A.Z. (Sonc. ed.) 182f.

(26) [Identified by Horowitz, op. cit., p. 231, with Dili, a village in Galilee.]

(27) Cf. VI, I, n. 3.

(28) Of a corpse.

(29) At the north-eastern corner of the Women's Court in the Temple; cf. Mid. II, 5.

(30) A variant reading. not quite in agreement with what follows.

(31) There is no reason to suspect the presence of graves.

(32) Because It was doubtful whether the bones had caused any defilement; therefore it was declared clean, as being in the Temple court which is considered public ground; cf. II, 3, nn. 5, 6.

(33) V. Shebu. (Sonc. ed.) 16a, notes.

(34) The Second Temple.

(35) The walls of the Temple.

(36) To keep the builders outside the Temple.

(37) Which have to be eaten 'within the hangings'. i.e. in the Temple court; cf. Zeb. V, 5.

(38) Which have to be eaten within the City of Jerusalem; cf. Zeb. V, 6; Deut. XIV, 23.

(39) Round Jerusalem.

(40) By King Solomon.

(41) I.e., an ancient ordinance.

(42) Who will come to usher in the Messianic Age; cf. Mal. III, 1.

(43) Cf. 3, nn. 4-5. He will not abrogate justly established laws, but only set aside arbitrary and lawless decisions.

(44) [A priestly family (Buchler. op. cit., p. 137); or, a lay family (Epstein. J.N., MGWJ LXV. 89). The context favors the former view. As to Beth Zerephah. Klein, S. מאמרים שונים p. 6, n. 9, identifies it with Zarafaud, N.W. of Lydda.]

(45) [Klein. S. מדעי היהדות I, p. 77. adopts on the basis of var. lec. the reading. Bene Zion 'the Sons of Zion', the reference being to the descendants of the Hasmonean high priests. the Watch of Jehojarib. For other suggestions v. ibid. n. 22.]

(46) The family is left unnamed, so as not to cause shame to its members.

(47) Even those brought near by force.

(48) Among the Sages in matters of law.

(49) Among all men.

(50) Mal. III, 23-24.