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Talmud.
New edition of the
Babylonian Talmud



MICHAEL L. RODKINSON.



REV. DR. ISAAC M. WISE.

NEW EDITION
OF THE
BABYLONIAN TALMUD

ENGLISH TRANSLATION

Original Text Edited, Formulated, and Punctuated

BY

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Revised and Corrected

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Volume I.
TRACT SABBATH

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REVISER'S LETTER.

CINCINNATI, O., March 24, 1896.

To the New Amsterdam Book Company, New York.

GENTLEMEN :—I beg leave to testify herewith that I have carefully read and revised the English translation of this volume of the "Tract Sabbath," Rodkinson's reconstruction of the original text of the Talmud. The translation is correct, almost literal, where the English idiom permitted it.

Very respectfully yours,

ISAAC M. WISE,

President Hebrew Union College.

EDITOR'S PREFACE.

THE Hebrew edition of Rosh Hashana contains an elaborate introduction in three chapters, the translation of which does not appear as yet. Its contents include many important rules which we have followed in the entire work, but we do not feel called upon at this time to engross the time of the English reader by reciting them. We, however, deem it a duty to say a few words, so that the reader may understand our position and the reason why we have undertaken a work which will probably be productive of much adverse criticism in certain quarters.

The fate of the Talmud has been the fate of the Jews. As soon as the Hebrew was born * he was surrounded by enemies. His whole history has been one of struggle against persecution and attack. Defamation and deformation have been his lot. So, too, has it been with the Talmud. At the beginning of its formative period, viz., the development of the Mishna, it was surrounded by such enemies as the Sadducees, the Boëthusians, and other sects. When its canon was fixed the Karaites tried to destroy or belittle its influence, and since that time it has been subjected to an experience of unvarying difficulty. Yet, with remarkable truth, the words of Isaiah [xliii. 2] may be applied to both: "When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee; when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee." There is, however, one point concerning which this simile is not true. The Jew has advanced; the Talmud has remained stationary.

* *Vide* Genesis xliii. 32.

Since the time of Moses Mendelssohn the Jew has made vast strides forward. There is to-day no branch of human activity in which his influence is not felt. Interesting himself in the affairs of the world, he has been enabled to bring a degree of intelligence and industry to bear upon modern life that has challenged the admiration of the world. But with the Talmud it is not so. That vast encyclopedia of Jewish lore remains as it was. No improvement has been possible; no progress has been made with it. Reprint after reprint has appeared, but it has always been called the Talmud Babli, as chaotic as it was when its canon was originally appointed.* Commentary upon commentary has appeared; every reprint of the Talmud contained new glosses from prominent scholars, proposing textual changes, yet the text of the Talmud has not received that heroic treatment that will alone enable us to say that the Talmud has been improved. Few books have ever received more attention than this vast storehouse of Jewish knowledge. Friends and enemies it has had. Attack after attack has been made upon it, and defence after defence made for it; yet whether its enemies or its defenders have done it more harm it would be hard to tell. Not, forsooth, that we do not willingly recognize that there have been many learned and earnest spirits who have labored faithfully in its behalf; but for the most part, if the Talmud could speak, it would say, "God save me from my friends!" For the friends have, generally, defended without due knowledge of the stupendous monument of Rabbinical lore; and the enemies have usually attacked it by using single phrases or epigrams disconnected from their context, by which method anything could be proven. In both cases ignorance has been fatal. For how many have read the whole Talmud through and are thus competent to judge of its merits? Is it right to attack or defend without sufficient information? Is it not a proof of ignorance and unfairness to find fault with that of which we are not able to give proper testimony?

* *Idem* Brief Introduction.

Let us take the case of those persons in particular who attacked the Talmud and made it the object of their venomous vituperation. Is it possible that they could have believed a work capable of teaching the monstrous doctrines so frequently attributed to it, when that work says among other things, "When one asks for food, no questions shall be asked as to who he is, but he must immediately be given either food or money"? Could a work be accused of frivolity and pettiness that defines wickedness to be "the action of a rich man who, hearing that a poor man is about to buy a piece of property, secretly overbids him"? (Qiddushin 59 a.) Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz.* When the Rabbi's son took the money on one occasion he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba, "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum!" (Ketuboth 7 a). This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and such as never studied it. When it is remembered that before the canon of the Talmud was finished in the sixth century, it had been growing for more than six hundred years, and that afterward it existed in fragmentary manuscripts for eight centuries until the first printed edition appeared; that during the whole of that time it was beset by ignorant, unrelenting, and bitter foes; that marginal notes

* One denar (about 15 cents).

were easily added and in after years easily embodied in the text by unintelligent copyists and printers, such a theory as here advanced seems not at all improbable.

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Palestine, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox, not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, *e.g.*, New Year's Day, Pentecost (as far as its date and significance are concerned), the QADDISH, etc. The modern Jew is the product of the Talmud, which we shall find is a work of the greatest sympathies, the most liberal impulses, and the widest humanitarianism. Even the Jewish defenders have played into the enemy's hands by their weak defences, of which such expressions as "Remember the age in which it was written," or "Christians are not meant by 'gentiles,' but only the Romans, or the people of Asia Minor," etc., may be taken as a type.

Amid its bitter enemies and weak friends the Talmud has suffered a martyrdom. Its eventful history is too well known to require detailing here. We feel that every attack on it is an attack upon the Jew. We feel that defence by the mere citation of phrases is useless and at the best weak. To answer the attacks made upon it through ludicrous and garbled quotations were useless. There is only one defence that can be made in behalf of the Talmud. Let it plead its own cause in a modern language!

What is this Talmud of which we have said so much? What is that work on which so many essays and sketches, articles and books have been written? The best reply will be an answer in negative form. The Talmud is not a commentary on the Bible; nor should the vein of satire or humor that runs through it be

taken for sober earnestness.* Nor is the Talmud a legal code, for it clearly states that one must not derive a law for practical application from any halakhic statement, nor even from a precedent, unless in either case it be expressly said that the law or statement is intended as a practical rule [Baba Bathra 130 b.] Further: R. Issi asked of R. Jo'hanan: "What shall we do if you pronounce a law to be a Halakha?" to which R. Jo'hanan replied: "Do not act in accordance with it until you have heard from me, 'Go and practice.'" Neither is the Talmud a compilation of fixed regulations, although the Shul'han Arukh would make it appear so. Yet, even when the Shul'han Arukh will be forgotten, the Talmud will receive the respect and honor of all who love liberty, both mental and religious. It lives and will live because of its adaptability to the necessities of every age, and if any proof were needed to show that it is not dead, the attacks that are with remarkable frequency made on it in Germany might be given as the strongest evidence. In its day the Talmud received, not the decisions, but the debates of the leaders of the people. It was an independent critic, as it were, adapting itself to the spirit of the times; adding where necessary to the teachings of former days, and abrogating also what had become valueless in its day. In other words, the Talmud was the embodiment of the spirit of the people, recording its words and thoughts, its hopes and aims, and its opinions on every branch of thought and action. Religion and Ethics, Education, Law, History, Geography, Medicine, Mathematics, etc., were all discussed. It dealt with living issues in the liveliest manner, and, therefore, it is living, and in reading it we live over again the lives of its characters.

Nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopedia. Do not imagine it is the bigoted, immoral narrow work that its enemies have portrayed it to be. On the very contrary; it is as free as the bird in its statements. It permits no shackles,

* See our article, "What is the Talmud?" in the prospectus.

no fetters to be placed upon it. It knows no authority but conscience and reason. It is the bitterest enemy of all superstition and all fanaticism.

But why speak for it? Let it open its mouth and speak in its own defence! How can it be done? The Talmud must be translated into the modern tongues and urge its own plea. All that we have said for it would become apparent, if it were only read. Translation! that is the sole secret of defence! In translating it, however, we find our path bristling with difficulties. To reproduce it as it is in the original is in our judgment an impossible task. Men like Pinner and Rawicz have tried to do so with single tracts, and have only succeeded in, at the best, giving translations to the world which are not only not correct but also not readable. If it were translated from the original text one would not see the forest through the trees. For, as we said above, throughout the ages there have been added to the text marginal notes, explanatory words, whole phrases and sentences inserted in malice or ignorance by its enemies and its friends.* As it stands in the original it is, therefore, a tangled mass defying reproduction in a modern tongue. It has consequently occurred to us that, in order to enable the Talmud to open its mouth, the text must be carefully edited. A modern book, constructed on a supposed scientific plan, we cannot make of it, for that would not be the Talmud; but a readable, intelligible work it can be made. We have, therefore, carefully punctuated the Hebrew text with modern punctuation marks, and have re-edited it by omitting all such irrelevant matter as interrupted the clear and orderly arrangement of the various arguments. In this way there disappear those unnecessary debates within debates, which only serve to confuse and never to enlighten on the question debated. Thus consecutiveness has been gained, but never at the expense of the Talmud, for in no case have we omitted one single statement that was necessary or of any importance. In other words we have merely

* In other of our works we have named these interpolators.

removed from the text those accretions that were added from outside sources, which have proven so fruitful a source of misunderstanding and misrepresentation.

We continue our labors in the full and certain hope that "he who comes to purify receives divine help," and that in our task of removing the additions made by the enemies of the Talmud we shall be purifying it from the most fruitful source of the attacks made on it, and thereunto we hope for the help of Heaven. As we have already said, we feel that this work will not be received everywhere with equal favor. We could not expect that it would. Jewish works of importance have most usually been given amid "lightning and thunder," and this is not likely to prove an exception.

We are always ready to accept criticism, as long as it is objective, and we shall gladly avail ourselves of suggestions given to us, but we shall continue to disregard all *personal* criticism directed not against our work but against its author. This may serve as a reply to a so-called review that appeared in *one* of our Western weeklies.

At the same time we deem it our duty to render to *Dr. Isaac M. Wise*, the venerable President of the Hebrew Union College of Cincinnati, our heartfelt thanks for the several evenings spent in revising this volume, and for many courtesies extended to us in general.

THE EDITOR.

CINCINNATI, May, 1896.

BRIEF GENERAL INTRODUCTION
TO THE
BABYLONIAN TALMUD.

ON this, the appearance of our latest literary undertaking, we deem a few explanatory remarks necessary. The brief outline of the origin of the Talmud that follows may suggest the thought that we have departed from the usual manner of dealing with the questions here discussed, the more so since we have, for the sake of brevity, refrained from citing the authorities on which our statements are based. We wish, therefore, to declare here that we did not venture to make a single statement without the support of authorities well known in Hebrew literature. Our method was to select such views as seemed to us the best authenticated in the historical progress of Judaism. As we have taken our choice from the numerous works on our subject, the student is entitled to adopt or to reject the views that we represent.

Most of the Mishnayoth date from a very early period, and originated with the students of the Jewish academies which existed since the days of Jehoshaphat, King of Judah [2 Chron. xvii. 9].

The rabbinical students of ancient times noted the essence of the academical teachings in brief form, and, as a rule, in the idiom in which it was spoken to them, so that they could afterward easily commit it to memory. They have sometimes, however, added comments and extensive explanations in the form of notes, so that the mass of their learning embraced in course of time, according to some authorities, as many as six hundred divisions.

The source of the Mishnayoth was the customs and regula-

tions practised by the authorities in their administration of religious and civil affairs: such as the Sabbath, Prayers, Cleanliness (considered actually Godliness), Permitted and Forbidden Foods, and controversies arising concerning Slavery. Indebtedness and corporal punishment are subjects of academical discussions, conducted with the aim of perfecting them into national statutes enforceable in all Jewish communities alike.

In course of time, however, when those Mishnayoth were noted down from earlier existing copies, many additions were made. Finally Rabbi Judah the Prince, generally called "Rabbi," concluded to collect all the Mishnayoth in his college for proper arrangement. From these he selected six divisions, called according to the subject they deal with, viz.: Plants, Feasts, Women, Damages, Sacrifices, and Purifications, and he proclaimed them holy for all Israel. Of the Mishnayoth so treated by Rabbi some were left entirely intact, and were reproduced in their original form. To others he parenthetically added brief comments of his own, and there are still others that he changed in form completely, because already in his day old customs had changed and taken new forms.

Such of them as he desired to make final and indisputable national laws he incorporated into the Mishna without mentioning the names of their authors. Where, however, he could formulate no definite decision himself, or where they were well known to the public, he gave full information of their authors as well as the names of those opposed to their conclusions, without any decision on his part. In still others he mentioned no names, but contented himself with saying "A'herim," *i.e.*, "Some say," not wishing to specify their authority for certain reasons.

Rabbi did not seek the compliance and agreement of all his contemporaries in his arrangement of the Mishna, and many differed from his conclusions and even arranged Mishnayoth in accordance with their own views. Being, however, a man of great prominence, influence, and wealth, Rabbi succeeded in quelling opposition and in making his conclusions as acceptable as

the Mosaic law itself, and his great pupils, seeing that his intentions were only to prevent dissensions and their only aim the public weal, supported him nobly, until his teachings were accepted as the law of the nation.

Many Mishnayoth were rejected and destroyed by Rabbi, but, not being in possession of all those he wished to destroy, he went in search of them to Yeshibboth outside of his jurisdiction. There, however, he met with great opposition. Some of the Mishnayoth were hidden beyond his reach, others were secretly preserved and arranged within the very limits of his domain and promptly brought to light after his death. But Rabbi's pupils did not dignify them with the name MISHNA, implying "next to Mosaic law," * but called them TOSEPHOTH, meaning "additions of a later period," or merely *additional*, not *principal* matter. They were also named BORAITHOTH (outsiders), *i.e.*, secondary, not academical matter. They spread, however, very rapidly after Rabbi's death, and to such an extent as to threaten the Mishnayoth of Rabbi with entire extinction. Such would actually have been the result, had not the pupils of Rabbi organized again Yeshibboth whose aim was to perpetuate the Mishnayoth of Rabbi, which they also accomplished. Yeshibboth of that character were those of Rabh and Samuel in Babylon and Rabbi Janai and Rabbi Jo'hanan in Palestine. These Yeshibboth made strenuous efforts to explain and harmonize the Mishnayoth of Rabbi with the teachings of the Boraitoth, generally regarded as those of Rabbi 'Hija and Rabbi Oshaia, who were greatly admired by the public. At times the Mishna of Rabbi was abbreviated and replenished with the text of the Boraita, or explained with an opposing opinion, so as to harmonize it with the latter or suit the new conditions and consequent changes of the custom that originally caused the conclusion of the Mishna. Where, however, they found no other way to suit their purpose they inserted a new Mishna of their own composition into the text of Rabbi.

* See Mielziener's "Introduction to the Talmud," page 6.

The teachers mentioned in the Mishna of Rabbi or in the Boraitoth and Tosephta were called Tanaïm (*singular* Tana) signifying Professor. The teachings of the Yeshibhoth, covering a period of some centuries, which also found adherents and became the traditional law, were called GEMARA, signifying "conclusion." The intention was to harmonize the Mishna and Boraita, and, in most cases, to arrive at a final decision as to the proper interpretation of the theory of the law (as Rabbi Jo'hanan prohibited compliance with the Halakha unless it is mandatory). These Gemara teachers were called AMORAÏM (interpreters), *i.e.*, they interpreted to the public the difficult passages in the Mishna. Being classified as interpreters only, they had no authority to deviate from the spirit of the Mishna unless supported by another Tana opposing the Mishna, in which case they could follow the opinion of the Tana with whom they agreed. Rabhina and R. Ashi, who lived in the fifth century (third century of Amoraïm), began to arrange the Gemara, but without success, and commenced a second time to arrange it. Unfortunately they died before accomplishing their task, and the Gemara had to undergo the chances of transmission from hand to hand until the appearance upon the scene of Rabana Jose, president of the last Amoraic Yeshibha in Pumbeditha, who foresaw that his Yeshibha was destined to be the last, owing to the growing persecution of the Jews from the days of "Firuz." He also feared that the Amoraic manuscripts would be lost in the coming dark days or materially altered, so he summoned all his contemporary associates and hastily closed up the Talmud, prohibiting any further additions. This enforced haste caused not only an improper arrangement and many numerous repetitions and additions, but also led to the "talmudizing" of articles directly traceable to bitter and relentless opponents of the Talmud. The time (Rabano Jose conducted his Yeshibha only seventeen years) being too short for a proper and critical review of each and every subject, many theories were surreptitiously added by its enemies, with the purpose of making it detestable to its adherents. Of such character is the expression, "That of R.

Ashi is a fabrication," which is repeated numerous times throughout the Talmud and which could by no means have originated with the Amoraïm, who as a rule were very guarded in their expressions and would never have dreamed of applying it to such Talmudical authorities as R. Ashi and Mar, his son, or such like expressions with reference to even the Patriarchs or the Prophets. This closing up of the Talmud did not, however, prevent the importation of foreign matter into it, and many such have crept in through the agency of the "Rabanan Saburai" and the Geonim of every later generation.

The chief aim of the authors of the Gemara being to perpetuate the Mishna as the sole source of the Jewish religious and civil code after the Mosaic laws themselves, they not only directed all their energy to the discussion and perfecting of its deductions, but treated its very words and letters as inspired and as holy as the Bible itself, forming at times conclusions from a superfluous word or letter. Oftentimes, when they found the Mishna differing with an established custom in their days, they resorted to subtle inquiry and minute discussion, until they succeeded in establishing harmony between the differing points. All these efforts were directed to refute and disprove the assertions of the different sects who opposed the oral law and who were inclined to adhere to the written law solely. Therefore the Rabbis of the Gemara asked "MINALAN" (Wherefrom its source?) in the treatment of a subject not plainly specified in the Bible; and also the interrogatory remark "PESHITA" (Of course!) as regards subjects plainly enumerated in the Scriptures which do not admit of any other interpretation. Of the same origin is the question "LEMAI HILKETHA?" (Wherefore this discussion?) with reference to an obsolete custom. So much for its general history.

INTRODUCTION TO TRACT SABBATH.

WITH this tract we commence the translation of the section of the Talmud called *Moed* (Festivals), containing the following tracts: Sabbath, Erubhin, Rosh Hashana, Yuma, Shekalim, Sukkah, Megillah, Taanith, Pesachim, Beitzah, Hagigah, and Moed Katan. All these tracts are entirely devoted to precepts pertaining to the observance of the festivals and Sabbath, such as the performance of the different ritual ceremonies on feast-days, the manner of sanctifying the Sabbath, and the ordinances relating to mourning for the dead both on Sabbath and week-days.

The commandments on which these precepts are founded, or from which they are derived, are contained in various portions of the Pentateuch. The fourth commandment of the Decalogue enacts (Exod. xx. 8-11) and (Deut. v. 12-15): "The seventh day shall ye keep holy." In various other parts of the Pentateuch the due observance of the Sabbath is repeatedly ordained; in some instances merely mentioning the day as one to be kept inviolate and holy; and in others employing greater emphasis, referring to the history of creation, and establishing the observance as a sign of the covenant between the Lord and Israel. Such texts are Exod. xiii. 12; xvi. 15; xxxi. 13-17; xxxiv. 21; xxxv. 1-3; Lev. xix. 29; xxiii. 32; Num. xv. 9, etc. While the general principle is thus frequently inculcated, its special application, however, and specific enactments as to what constitutes a violation of the Sabbath, are nowhere fully carried out in the Pentateuch, and thus but few texts of the law serve as a direct basis for the minute and numerous enactments of the rabbinical law.

The Mishna enumerates thirty-nine "Abboth" or principal acts

of labor, the performance of any one of which constitutes a violation of the Sabbath. Every other kind of work becomes illegal only if it can be classified under one or any of these principal acts of labor. Thus, for instance, under the principal act of ploughing, every analogous kind of work, such as digging, delving, weeding, dunging, etc., must be classified. In addition to these thirty-nine principal acts and their accessories and derivatives, there are other acts which are especially prohibited by the rabbinical law as tending to violate the Sabbath rest (Shbhuth). For the violation itself various degrees of culpability are established, and various degrees of punishment awarded. All these subjects relating to the due observance of the Sabbath, and pointing out its violation in every possible way, form the contents of the treatise Sabbath.

In order properly to understand the Mishna, and to avoid tedious repetitions, it is necessary to commence with the explanation of certain general principles and technical expressions predominating in the text.

Wherever throughout the Mishna the expression guilty (Hayabh) or innocent (Patur) is used, the meaning of the former (guilty) is that the transgressor acting unintentionally must bring the sin-offering prescribed in the law; of the second expression (innocent), that the accused is absolved from punishment.

If through the performance of an unprohibited act some other (prohibited) occupation is inadvertently entered upon, it constitutes no offence, providing the latter is not done intentionally nor the lawful occupation entered upon with the covert purpose of making it serve as a subterfuge to do that which is prohibited.

In the degrees of violation the nature of the occupation must be considered, as various kinds of labor may be required to perform and complete one act, and thus the offender may become amenable to several penalties. On the other hand, the rule is laid down that such occupations as only destroy, but do not serve an end in view, do not involve culpability (in the rigorous sense of the word); nor yet does work which is but imperfectly or incompletely performed involve culpability.

The prohibition to carry or convey any object from one place to another, which in Chap. 1. § 1, of this treatise is called "Yetziath (Ha) Shabbath" (which means transfer on the Sabbath) and forms the thirty-ninth of the principal acts of labor, requires particular attention and explanation from the complexity of cases to which it gives rise. All space was by the Tanaim divided into four distinct kinds of premises, explained in the Gemara of this chapter. When in the text of the Mishna the question is about carrying and conveying from one place to another, it does not apply to the "free place," as that is subject to no jurisdiction. Moreover, the open air above private property has no legal limitation, whereas that over public property or unclaimed ground (*carmelith*) only belongs thereto to the height of ten spans (see explanation of the Gemara). The carrying or conveying from one kind of premises to another does not constitute a complete or perfect act, unless the same person who takes a thing from the place it occupies deposits it in another place.

We commenced the translation of the edition with the Tract Rosh Hashana instead of Sabbath for two reasons, the first being that the former treats of New Year, and the second that it virtually contains the calendar of festivals. The time fixed for the celebration of festivals, the keeping of fast days and half holidays according to the Jewish calendar is not determined in any of the tracts contained in the section *Moed*, with the exception of Rosh Hashana, and the latter treats almost wholly of the appointment of the times appointed for such festivals, etc.

From this time on we shall translate the tracts in their regular order of sequence as enumerated above.

The tracts Sabbath and Erubhin will contain the laws for the observance of rest on Sabbath, and these laws can be divided into two separate parts. Firstly, the part prohibiting labor on the Sabbath day, at the same time defining what is to be termed labor and what does not constitute an act of labor; and secondly, the part ordaining how the day is to be sanctified and distinguished from a week-day in the manner of eating, drinking, dress, light-

ing of candles in honor of the Sabbath, and incidentally the lighting of candles in honor of the festival of Chanukah (the Macabees).

It has been proven that the seventh day kept holy by the Jews was also in ancient times the general day of rest among other nations,* and was usually spent by the people of those days in much the same way as it is spent now, wherever local laws do not restrict buying and selling, namely: In the forenoon prayers were recited and the necessities of life for the day were bought, while the afternoon was devoted to pleasure-seeking, merrymaking, visiting, and so forth. The Jews living prior to the time of Ezra and Nehemiah, and even during the latter's régime, were wont to spend the Sabbath in the same manner as their pagan neighbors. It was this fact that caused the sages of Nehemiah's time to fear that should the Jews, who were always in the minority as compared with other nations, continue this method of keeping the Sabbath and join in the merrymaking and pleasures of their neighbors, mingling freely with their sons and daughters, assimilation was almost inevitable, especially as the Jewish race was scattered over all the known world and was nowhere in very large numbers.

The sages then devised means to keep the Jew from mingling with the Gentile and from participating in the pleasures and carousals of his neighbors. This can be seen from Nehemiah xiii. 1-26: "In those days saw I in Judah *some* treading wine-presses on the Sabbath, etc." "In those days also saw I Jews that had married wives of Ashdod, of Ammon, and of Moab," etc. "Ye shall not give your daughters unto their sons nor take their daughters unto your sons, or for yourselves." Thus we see that Nehemiah began by prohibiting traffic and the carrying of burdens on the Sabbath [ibid. xiii. 19] and ended by prohibiting intermar-

*In a table compiled by Rev. A. H. Lewis in his work entitled "Biblical Teachings, concerning the Sabbath and the Sunday," it is shown that in nearly all the languages spoken by man the Sunday is the first and the Sabbath the seventh day of the week, conforming therefore to our Sabbath.

riage with foreign women. About this time also another prophet, the Second Isaiah—who, though not possessing the temporal power of Nehemiah, was gifted with that persuasive eloquence that appealed to the heart,—preached against indulging in pleasures on the Sabbath day. He says [Isaiah lviii. 13–14]: “If thou turn away thy foot from the Sabbath” (meaning if thou keep away from drinking-places, dancing-houses, etc., on the Sabbath and follow not the custom of other nations), “and call the Sabbath a delight” (meaning the *rest* on the Sabbath shall constitute thy pleasure), “the holy of the Lord, honorable; and shalt honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words.” “Then shalt thou delight thyself in the Lord; and I will cause thee to ride the high places of the earth, and feed thee with the *heritage* of Jacob *thy father*; for the mouth of the Lord hath spoken it.” (The inference is very plain. The prophet wishes to impress the Jew with the fact that the Lord will reward those with the heritage of Jacob who have kept away from mingling with the pleasures of other nations. Read *ibid.* lviii., especially verses 10, 11, and 12.)

After the establishment of a permanent government among the Jews, however, it was found that the exhortations of the prophets after the manner of Isaiah were of no avail; the people still continued seeking pleasures on the Sabbath, after the manner of other nations, and were still wont to enjoy the pastimes of their neighbors. The enforcement of the prohibition of carrying burdens was then decided upon to act as a check upon the people by defining minutely the meaning of burdens, and the prohibition was interpreted to include not only heavy burdens but all portable articles, such as money, trinkets, eatables, etc., while only necessary articles of clothing and apparel were permitted to be worn. To such an extent was the matter carried that even the wearing of rings, with the exception of such as had the name of the wearer engraved upon them, was not permitted. In fact, everything that could be converted into money was included in the definition of burdens. Beggars were not permitted to solicit alms on the Sab-

bath, contrary to the customs of other nations, so as not to afford any one an excuse for carrying money on that day.

The enforcement of such a law, however, was practically impossible in the case of people who remained in their houses, and certain modifications were made. These modifications were as follows: The laws were made to apply only on public grounds but were not valid on private grounds, so that in a private house a person was permitted to carry whatever was necessary. Private grounds were also established by the institution of Erubhin, *i.e.*, where a street or a public place was inhabited by Jews alone a small amount of meal was collected from each household; from the meal a cake was made and hung conspicuously in that locality. The point where the street inhabited by Jews alone commenced and the point where it ended were joined by a piece of twine, and thus definitely marked. Thus public grounds were turned into private grounds, from the fact that each household contributing a share of meal made them all in a manner copartners in one object. The walking of more than two thousand ells outside of the city limits was also prohibited. Within the city limits, be the city ever so large, walking was permitted.

The possibility of confinement in the house on the Sabbath becoming conducive to the performance of labor was offset by the establishment of a law prohibiting all the different modes of labor used in the construction of the tabernacle, besides all manner of agricultural labor. This again brought about the detailing of all the different modes of labor employed in the construction of the tabernacle and in agriculture, all of which is discussed in these treatises of Sabbath and Erubhin.

Naturally the institution of laws carries with it provisions for the penalties attending their infraction, and these penalties were divided into three classes:

First, the penalties for unintentional infractions.

Secondly, for intentional infractions.

Thirdly, for intentional violations where the violator had been previously forewarned of the penalty by two witnesses.

The penalty for the first class of infractions was simply the sacrificing of a sin-offering, which, however, involved a great many hardships, as the culprit had to bring the sin-offering to the temple in Jerusalem in person, and was frequently compelled to travel quite a distance in order to do so, besides sustaining the loss of the value of the offering.

For the second class, if two witnesses testified before the tribunal that the culprit had labored on the Sabbath, and the culprit admitted that he had done so intentionally, no penalty was inflicted by the tribunal, but the person was told that he would be punished by the heavenly power with the curse of *Kareth* (shortening his allotted time of existence on earth). No penalty was inflicted, for the reason that, the culprit having made himself liable to severe punishment from superhuman sources, it served as an excuse to absolve him from human punishment. *

For the third class, however, when the culprit openly defied the existing authority and in spite of forewarnings persisted in violating the law, he was considered a traitor to the government, to be sentenced to death by stoning, as was the wood-gatherer [Numbers xv. 32].

It is upon these laws that the discussions in the treatises Sabbath and Erubhin are based, and in addition the reader will find many ethical laws, legends, and the enumeration of such enjoyments as are permitted on the Sabbath day and the festivals.

In addition to the above we would make the following citations from the text of the Talmud, as a necessary feature of the introduction:

I. We find in the Tract Sabbath, 61 b and 96 b, the story of the mysterious scroll which Rabh claimed to have found in the house of his uncle, R. Hyya. This scroll referred to the principal acts of labor prohibited on the Sabbath, which were forty less one. Rabh discovered in this scroll the statement of R. Issi b. Jehudah to the effect that although thirty-nine principal acts of

* Because it is a rule of rabbinical law that of two punishments incurred by one act, the severer one is meted out *Oâm l'eh bid'rabba min'eh*.

labor are enumerated, only one of them makes a man actually culpable. The Gemara then amends this statement and declares that it should read: "One of the thirty-nine does not involve culpability," but does not mention which one it is. Consequently it remains doubtful which act it is that does not involve culpability, and where a doubt exists as to whether an act is prohibited or not no punishment can be inflicted for its commission. From this two things may be inferred: First, that these acts of labor were prohibited for political reasons, because the mystery was extant, and we find the term mystery applied to political cases only; and second, that the Gemara declares in the same passage that the carrying of an object from public ground into private ground is not one of the doubtful acts and a penalty is prescribed in the event of its being committed. Hence the object was to prevent the assimilation explained above.

II. We find in Yebamoth 90, b: "R. Eliezer b. Jacob said: 'I have heard that a man was found riding a horse on Sabbath in the time of the Greeks and being brought before the tribunal for the crime was stoned to death.' This man was punished, not because his crime merited the penalty, but because the times made it necessary." The inference is therefore clearly established that the man was punished for political reasons, and that the violation of the Sabbath laws did not involve capital punishment.

III. In Yoma, 85 b, it is written: "R. Jonathan b. Joseph said, 'The Sabbath is holy unto you,'" implying that the Sabbath is handed over to you and not you to the Sabbath.*

IV. R. Johanan states elsewhere that in Palestine, where the Jews were together, no public ground existed.

MICHAEL L. RODKINSON.

CINCINNATI, March, 1896.

* This is taken from Mechilta, an authority older than the Talmud, and stands in no connection with the Halakha. Furthermore, the mystic scrolls may in some instances have had reference to political necessities of the day, but by no means in all cases.—*The Reviser*.

SYNOPSIS OF SUBJECTS
OF
VOLUME I.—TRACT SABBATH

SYNOPSIS OF SUBJECTS.

SEVERAL requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index, not even the portions which have been translated.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i. e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one; and where a chapter is short and has but one subject, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.

CHAPTER I.

The first Mishna deals with: Regulations concerning prohibited and permitted acts of transfer over the dividing line of adjoining premises and the area of such premises; the classification of premises; in which premises transfer is permitted; laws of transfer or labor, when committed by the joint efforts of two persons; transfer from and to doorsteps, . . . 1-14

The second Mishna treats on : Whether work may be commenced at the approach of the time for afternoon prayer; what kind of work is referred to; how should a man pray; what must he wear; when may he eat his midday meal; the informing of the bestowal of gifts; Sabbath as a valuable gift of God and its origin; various legends of Rabha bar Ma'hassia in the name of Rabh, 14-20

The third Mishna ordains: Tailors and other artisans are not permitted to go out with their tools on Friday near eventide. Treats also on whether one may read by lamplight on the Sabbath; the laws of visiting the sick; what prayers may be offered for the sick, 20-24

The fourth Mishna relates: How the eighteen famous ordinances were instituted in the attic of Hananya ben Hyzkiah ben Goron, and by whom the Roll of Fasts was written, 24, 25

The fifth Mishna ordains: Which acts of labor may be commenced on Friday eve; concerning labor which is accomplished without assistance of man on Sabbath; laws concerning labor which is accomplished without assistance of man on Sabbath; laws concerning work given to Gentiles. Narrative of R. Simeon ben Gamaliel concerning how his father's house dealt with Gentile clothes-washers. Treats on transmission of letters and journeying on ships on the Sabbath, 25-30

The sixth Mishna treats on: Regulations pertaining to the roasting of meats and baking of bread before the Sabbath; the sacrifices at the Temple on the Passover, 30-31

CHAPTER II.

The first Mishna treats on: Permissible and non-permissible oils and wicks for lamps on the Sabbath and Hanukah (feast of Maccabees); the law of the Hanukah lights; Hanukah and the miracle; the duration of Hanukah; benedictions to be said on that festival; the reward of those who keep the Sabbath-light commandment; the reward of those who esteem scholarship, 32-42

The second Mishna treats on: What balsams may and may not be used both for light and for the person on the Sabbath; a narrative of a woman who hated her daughter-in-law; who may be called a rich man, 42, 43

The third Mishna treats on: What wicks made from parts of trees may be used; whether broken vessels may be used for fuel on a biblical feast day; what may be done with the residue of oil left in a lamp; practical laws of eggshells and whether chairs may be dragged on the floor on Sabbath, 43, 44

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The fifth Mishna treats on: The different opinions of R. Eliezer and R. Aquiba concerning the defilement of a piece of cloth, and if it is allowed to make a wick of it. What happened with R. Jehuda in the hall of Beth-Nitzah and with Abbinh of Ziphorus, who committed certain things which were not allowed in the presence of the sages, 45-46

The sixth Mishna treats on: Whether a light may be extinguished on Sabbath either for fear of accident or to afford rest to the sick; the question asked R. Tan'hum of Nav and his replying sermon; the soul being called the "Light of God;" the intended concealment of the Book of Proverbs and Ecclesiastes; the Shekhina (divine presence) not resting with a man except through his joy of having performed a good deed; Rabha's custom when commencing his lectures to his disciples. R. Gamaliel's sermon and answers to the disciple who derided him. The story of the three proselytes rejected by Shamai and accepted by Hillel. "What is hateful to thee do not unto thy neighbor, that is the law. All else is but a commentary." The six sections of the Mishna are inferred from a biblical passage. The first thing asked of a man when standing before the divine judgment is, "Hast thou traded in good faith?" The "Fear of the Lord" is the chief principle. The wicked fear death, although mentioning it every day, 46-54

The seventh Mishna contains: The sins of women are passed upon when confined with childbirth; the sins of men, while in danger. A good deed is committed through the agency of a meritorious person and a bad deed through the agency of the wicked; all who are about to die must repent of their sins; the defenders of man before divine judgment are repentance and good deeds. A thousandth part of one defender saves a man from the danger threatened him by a thousand accusers. The penalties imposed upon man for hating without cause; for robbery; for perverting or procrastinating justice; for destroying the law; for murder; for adultery; for idolatry; for using obscene language. The story of R. Simeon ben Johai, who remained in a cave for twelve years. The causes leading up to his concealment in the cave; his adventures after leaving the cave, . . . 54-59

The eighth Mishna ordains: The three things to be said by a man in his house on Friday eve; how they are to be said; when twilight takes place; relates how many signals of the horn were blown to remind the people of the advent of the Sabbath. Is there a difference between a shophar and a fife? 59-64

CHAPTER III.

MISHNA I. Into which hearths or ovens victuals may be deposited on the Sabbath. The opinions of the school of Hillel and the school of Shamai concerning the same; the different opinions upon the teaching of the two schools. Victuals having once been taken out of an oven, would it be allowed to replace them? The law concerning a pot of victuals which had been forgotten and was thus cooked on the Sabbath. Usages of R. Jose on his way to Zipporah, and of R. Jehuda Hanassi when travelling. A narrative of R. Ishai while in the presence of R. Hyya the Great, 65-68

MISHNA II. The difference in law between an oven and a hearth; also, difference arising from an oven or a hearth being with straw or with wood, etc., 68, 69

MISHNA III. Customs of the people of Tiberius relative to the heating of a pitcher of cold water. Is it allowed to place a pitcher of cold water

into one filled with hot water in order to heat the water; or, *vice versa*, in order to heat the water? May one wash his body in the warm water of the Tiberius Springs or in water warmed on the Sabbath eve? May the entire body be washed at once or each member separately? Customs in a bath-house. Are sweat-baths permitted on the Sabbath? Incidents occurring in the bath-house of the children of Barak. Why sweat-baths were prohibited. May one warm himself by a hearth-fire? Is bathing one's self in a washtub and anointing one's self with oils permitted on the Sabbath? Usages of Rabbi Jehuda Hanassi in this matter. Is swimming in a lake permitted on the Sabbath? Incidents attending R. Zera's witnessing R. Abuha's swimming in a lake on a Sabbath, 69-74

MISHNAS IV. and V. Concerning the permissibility of pouring cold water in a muliar or antikhi, the fuel of which had been removed; or in a kettle, the hot water of which had been poured out, and the prescribed quantity of such water, 74-75

MISHNA VI. Concerning the addition of spices to a pot of victuals, 76

MISHNA VII. Concerning the permissibility of placing a vessel under a burning lamp to receive its dripping oil or falling sparks, and the placing of a vessel under a hen to receive the egg. Ordinance relating to a corpse lying in the sun. If it is allowed to save a corpse from the fire. Prayers to be offered on Sabbath over the dead. The accordance of permission to save a corpse from conflagration on the Sabbath, 76-78

MISHNAS VIII and IX. Concerning the handling of new and old lamps on the Sabbath. Ordinances relative to a bed which had been designated for the purpose of holding money on the Sabbath. The permissibility of handling a burning Hanukah lamp for fear of the Persians. The law of Muktzah. The ordinance relative to handling a lamp on Sabbath and the dictum of Resh Lakish in Zidon. The ordinance concerning the nuptial couch. Action of R. Malchiah while the guest of R. Simlai and R. Abuha at the house of R. Joshua ben Levi and R. Johanan. The experience of R. Avia, who came to the house of Rabha and sat on Rabha's bed without removing his dirty shoes. Questions put to him by Rabha, and his replies. The law of a principal prohibited act. What R. Hanina did with a folding bed, that had become unfastened on a feast day, 78-85

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MISHNAS II. and III. Concerning the permissibility of depositing victuals in cloth and shorn wool intended for market. The derivation of the thirty-nine principal acts of labor on the Sabbath from the thirty-nine times labor is mentioned in the Pentateuch. The law concerning branches

of trees which were bound together to be used for fuel and were subsequently intended for sitting upon. R. Hanina ben Aqiba's action in such a case. The ordinance relating to the use of soap-powder and soap on the Sabbath. The necessity of washing one's hands and feet for the sake of the Creator, 88-91

MISHNA IV. What is to be done with a pot that had not been covered on the eve of Sabbath? The decision of Ishmael in the matter in the presence of Rabbi. The mutual respect of the sages for each other. R. Nahman's statement to Doen his servant, 92, 93.

CHAPTER V.

MISHNA I. What gear animals may go out in on the Sabbath. Levi the son of R. Huna bar Hyya, and Rabbi, the son of R. Huna, occurrence on the road. A bridle may be worn by an ass whose behavior is bad. A bridle is allowed as a guard but not as an ornament, 94-96

MISHNA II. An ass may go out with a rug, but what is the law concerning a saddle? Ordinances relative to a feed-bag. The decision of Arioeh of Babylon (Samuel) in the matter. Concerning bags tied around the udders of she-goats. The miracle that was wrought for a man whose wife died and left him a nursing child. The discussion of the rabbis about such a miracle. Narrative relating to a man whose wife was lame, 97-100

MISHNAS III. and IV. Concerning gear which may not be worn by animals on Sabbath. Peculiarities of the Hannun tree and where it may be found. The wealth of R. Eliezer ben Azariah. Penalty for the failure to warn one's family against evil. The different signs on the foreheads of the righteous and the wicked. The seal of God. Derivation of the merits of the fathers. Is death possible without sin? Defence for Reuben and others who are mentioned in the Bible as sinners. Rabbi Hannassi's justification for David. Was David guilty of listening to slander? Consequences of David's sin. King Solomon's sin. The Archangel Gabriel's act at the time of King Solomon's marriage with Pharaoh's daughter. The most fervent repenters of their sins, 100-110

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MISHNA I. The principal rule concerning the Sabbath. Regulations regarding children in captivity among idolators and converts. Remaining with idolators. Rules concerning one who was ignorant as to what labor was prohibited on the Sabbath but was conscious of the Sabbath, and *vice versa*. Concerning a man who, while travelling in a desert, had forgotten which day was Sabbath. How labor may be distinguished. Different instances of forgetfulness regarding Sabbath and the performance of labor on the Sabbath. Instances of forgetfulness in dietary matters. Instances of intentional and unintentional performance of labor, and their distinction, 130-139

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MISHNAS III., IV., and V. Another rule was laid down. Discussions concerning the carrying out of necessary things on the Sabbath and the limitation of quantity. Different kinds of food may be counted together, 145-146

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MISHNAS V. and VI. Concerning the case of two men carrying out a burden which one alone was not capable of carrying. The law in that case. Concerning the case of one who carries out eatables in quantities less than the limit in a vessel. Is he culpable for carrying the vessel or not? 180-185

MISHNAS VII. and VIII. Concerning the permissibility of paring the finger-nails of one hand by means of those of the other hand on the Sabbath. The case of one tearing off flowers from a plant in an unperforated flower-pot, 185-187

TRACT SABBATH.

CHAPTER I.

REGULATIONS REGARDING TRANSFER ON SABBATH.

MISHNA: There are two acts constituting transfer* of movable things (over the dividing line of adjoining premises, based on biblical statutes). The two acts are, however, increased to four on the inside and to a like amount on the outside of the premises (by the addition of rabbinical statutes). How so? A mendicant stands outside and the master of a house inside. The mendicant passes his hand into the house (through a window or door) and puts something into the hand of the master, or he takes something out of the master's hand and draws it back (toward him). In such a case the mendicant is guilty (of transfer) and the master of the house is not. If the master of the house passes his hand outside and puts a thing into the hand of the mendicant, or takes something out of the mendicant's hand and brings it into the house, the master of the house is culpable and the mendicant is not.† If the mendicant extends his hand into the house and the master takes something out of it, or puts something into it, which is drawn to the outside by the mendicant,—they are both not guilty. If the master of the house extends his hand outside and the mendicant takes something out of it, or puts something into it, which is drawn to the inside by the master,—they are both not guilty.

* See Jer. xvii. 21, 28, and Neh. xiii. 19. This Mishna treats on the prohibition, so strongly inculcated by the prophets, of transferring things over the line of division between various grounds or premises.

† The difference between the violation of the biblical statutes and that of the rabbinical statutes is marked by the prescription of the penalties of sin offerings, shortening of life and capital punishment for the first-named violation, while no penalties are attached to a violation of the last-named statutes. (See introduction.)

GEMARA: We were taught elsewhere: "The acts of transfer on the Sabbath are two, respectively four." Why is here this teaching specified as two respectively four on the inside, and two respectively four on the outside, and there no such specification was made? Said R. Papa: "Here the special subject of treatment is the Sabbath, and he (the teacher of the Mishna) enumerated the cases which involve guilt and those which do not involve guilt; while there the principal subject of treatment is a different one, and he mentions only the cases that involve guilt, leaving the cases that do not involve guilt untouched. But the cases that involve guilt are those by which acts of transfer are committed, and such are only two! Nay, there are two acts of transfer from within and two from without.

But the Mishna says, "Yetziath" (which in a literal sense means transfer from within)?

Said R. Ashi, the Tana * calls transfer from without by the same term. And for what reason? Because every act of removing a thing from its place is called Yetziath.

Quoth Rabbina: "The Mishna also bears out this sense; for it speaks of Yetziath and immediately illustrates its remark by citing a case from without. This bears it out.

Rabba says: He (the Tana) speaks about divided premises (whose line of division is crossed), and in this case there are only two (in each of which there may be four acts of transfer).

Said R. Mathna to Abayi: Are there not eight, even twelve (instances of transfer over the line of division)? †

Such transfers as involve the obligation of a sin offering are counted; but those that do not involve such an obligation are not counted.

(The Mishna says): "They are both not guilty;" was not the act (of transfer) committed by both?

Said R. Hyya bar Gamda: The act of removing the thing was committed by the joint efforts of both, and they (the rabbis) said: "It is written in the law, when a person did it" ‡—*i.e.*, when one person commits the act he is culpable; but when an act is committed by the joint efforts of two persons, they are both not guilty.

* A teacher of a Mishna or a Boraitha is called "Tana."

† Rashi explains at length how eight or even twelve instances of transfer could occur, but, not being essential to the subject, we omit the explanation.

‡ Lev. iv. 27.

Rabh asks Rabbi: "If a man were laden by his friend with eatables and beverages and carried them outside (of the house) what would be his case? Is the removing of his body tantamount to the removing of a thing from its place, and thus he becomes culpable, or is it not so?"

Said Rabbi to him: "He is culpable." And this case is not like the case of removing his hand. Why not? Because (in the latter case) the hand was not at rest, while (in the former) the body (before and after removal) was entirely at rest.*

Said Rabbi Hyya to Rabh: "Descendant of nobles! Did I not tell thee that when Rabbi is engaged with a certain tract ask him not about a subject (that is treated) in another tract, for he may not have that subject in his mind! If Rabbi were not a great man thou mightest cause him shame, for he would give thee an answer which might not be right. In this instance, however, he gave thee a correct answer; for thus we have learned (in a Boraitha): If one was laden with eatables and beverages, while it was yet day (on Friday), and he carried them outside (of the house) after dark (when the Sabbath was come), he is culpable; for his case is not like that of removing the hand (over the line of division between separated premises)."

Abayi said: "I see plainly, by the instance of the mendicant's hand,† that the hand of a man (standing on the street) is not treated as public ground. By the instance of the hand of the master of the house I see that (if a man stands on private ground) his hand is not to be treated as private ground. Would it be correct then to regard the hand as unclaimed ground? If so, would the penalty imposed by the rabbis in such a case, namely, that one should not move his hand (containing a movable thing) back (during the Sabbath day) apply in this case or not?"

"Come and hear (it was taught elsewhere): If a man has his hand filled with fruit and he extends it outside (of the premises where he stands), one Tana says he is not permitted to draw it back, and another Tana says he is allowed to do so. It seems,

* Students of the Talmud will remember that while in the act of walking a man cannot be guilty of the transgression of carrying movable property. The body must be at rest. The removal of a thing by means of the hand implies a disturbance in the rest of the body.

† As illustrated in our Mishna; for if he did not deposit the thing that he had passed from the street into the house, he was not culpable.

then, that this is their point of dispute; the former Tana holds that the hand is treated as unclaimed ground, and the latter Tana thinks that it is not like unclaimed ground.

“Nay; it may be, that both agree, that the hand (as spoken of in our Mishna) is like unclaimed ground, and yet (their subject of controversy offers) there is no difficulty. One of the Tanaim speaks of a man who had extended his hand unwittingly, and the other one speaks of a man who had put forth his hand intentionally. If the act was done unwittingly, the rabbis did not impose the punishment; if it was done intentionally, the punishment was imposed. Again, it could be said that they both speak of a case when the act was done unwittingly and their points of jurisdiction apply (to various premises),—whether the hand may be drawn back to the ground where the man stands, or to other (private) ground that adjoins it?”

A similar question Rabha asked of R. Nahman: If the hand of a man was filled with fruit and he extended it outside, may he draw it back to the same ground (where he stands)? Said he (R. Nahman), “He may.” (And may he remove his hand) to other (private) ground? Said he: “He may not.” Why is the distinction made? In the former case his design was not accomplished; in the latter case his design was accomplished (and there is danger of its being repeated).

R. Bibhi bar Abayi asked: “If one has put bread into the oven, is he allowed to take it out before (it is baked and) he becomes liable to bring a sin offering, or is he not allowed?”

Said R. A'ha bar Abayi to Rabbina: “How is this question to be understood? If he did it unintentionally and never was reminded (that he would do wrong), who shall it be allowed to? On the other hand, if he did it unintentionally and was reminded (of his wrong) afterward, how can he become liable to bring a sin offering, since we have learned that the liability to bring such a sacrifice occurs only when the failing was begun and accomplished unintentionally? Should it be understood that the act was done intentionally, then it would not involve the liability of a sin offering, but it would constitute a crime that involved capital punishment.” *

* All the labors that were performed at the construction of the tabernacle in the desert, as is taught in a Mishna further on, if done on the Sabbath intentionally, involved capital punishment. The intention becomes apparent when there are witnesses to warn the perpetrator of his wrong and he does not heed them.

Well, say then, it is a crime that involves capital punishment. R. A'ha, the son of Rabba, cited the same as here amended: R. Bibhi bar Abayi said: If one put bread into the oven, he is allowed to take it out before crime involving capital punishment is committed.

"THE MENDICANT EXTENDED HIS HAND," etc. Why is he culpable? (To complete the act) there must be a transfer from a place that is four ells square and a depositing into a place of like area, and such was not the case (in this instance)!

Said Rabba: The teaching of this paragraph agrees with the opinion of Rabbi Aqiba, who holds that as soon as the air of a place surrounds a thing it is equal to the thing being deposited in that place.

But may it not be, that (according to this view) depositing is not required (to complete the sinful act), but removing is required? Said R. Joseph: The teaching of this paragraph agrees (not with the opinion of R. Aqiba), but with that of Rabbi, for we have learned thus:

If one threw an object from one street into the other and there was a private ground between them, Rabbi declared him culpable, and the schoolmen said he was not culpable. Hereupon R. Jehudah said in the name of Samuel: Rabbi declared the man guilty of two offences; one, for having removed the thing from its place, and one for having deposited it in another place. From this it appears that a ground of four ells square is not required either for the act of removing or for the act of depositing.

But with reference to this we were taught that both Rabb and Samuel said that Rabbi's declaration of culpability treated of a case where the private ground (that divided the two streets) was roofed, for the assumption is that a house must be regarded as a solid object that fills out all the space it occupies. May it not be the case that where the private ground is not roofed this law does not apply?

Said Rabba: (All these views can be dispensed with.) The hand of a man is considered as a piece of ground four ells square. So, also, when Rabhin came from Palestine, he taught in the name of R. Johanan, that the hand of a man is regarded as a piece of ground four ells square.

R. Abhin said, R. Ila'a taught in the name of R. Johanan, that if one threw a thing and it rested in the hands of another man he is culpable.

What news does this teaching impart? R. Johanan already decided that the hand of a man is treated as a space four ells square.

One might suppose that the act is sinful only when he *intended* to put it into the hand (of another), but if he did not intend to put it into the hand his act is not sinful. This teaching, however, implies that the act is sinful under any circumstances.

R. Abhin, furthermore, said in the name of former authorities: If one remains standing in his place when he received a thing, he is culpable; but if he was moving away from his place when he received it he is not culpable. The same law we have learned in the name of anonymous teachers.

R. Johanan asked the following question: If one threw a thing and then moved from his place and caught it, is he culpable or not?

What is this question for? Said R. Ada bar Ahabah: The difficulty (of the question) is concerning the exercise of two forces by one man and the question was thus: if two forces were exercised by one man (in committing a prohibited act) should both parts of the act be accounted to one individual, and he be declared culpable, or should each part of the act be considered separately, as if there were two individuals concerned, and accordingly not hold him culpable? This question is not decided.

R. Abhin said in the name of R. Johanan: If one put his hand into the yard of his neighbor, got it full of rain water, and withdrew it, he is guilty.

Now, to make one guilty of the act, it must consist of removing a thing from a place of four ells square, and this is not the case here.

Said R. Hyya, the son of R. Huna: The case may be that he took the water as it was running down a slanting wall, as Rabha taught elsewhere that removing a thing from a slanting wall made the man culpable.

But (in speaking of removing an object from a slanting wall), Rabha treated on the question of removing a book, which is a stationary thing. Is it analogous to removing water that can never become stationary (on a slanting wall)?

In our case, Rabha may say, treats on the act of dipping the water out of a cavity (in the slanting wall).

Why, in such a case, the act would certainly be culpable!

Nay: one might think that water standing upon water is not considered stationary. The teaching under consideration informs us that it is. And indeed this fully agrees with the opinion Rabha has expressed elsewhere, that water standing upon water is considered stationary, but a nut lying upon the surface of water is not considered stationary.

R. Abhin said, in the name of R. Ila'a, quoting a remark of R. Johanan: If one were laden with eatables and beverages and carried the load in and out the whole day, he is not culpable until he rests. Said Abayi: This is the case if he stops to rest; but if he stops merely to adjust his burden on his shoulders he is not culpable.

Whence do you adduce this.

From the following teaching of the master: "If he stopped within the limit of four ells to rest he is not guilty, but if he stopped to adjust the load on his shoulders he is culpable. Beyond four ells, if he stopped to rest he is culpable, but if he stopped to adjust the burden on his shoulder he is not culpable.

What does this imply? It implies (non-culpability), because there was no intentional act of removing from the first start.

The rabbis taught: If one takes anything from his store into the market through the alley way (where the benches of marketmen are situated), he is culpable; it makes no difference whether he carries, throws, or pushes it with his arm. Ben Azai said: If he carries it in or out he is not culpable, but if he throws or pushes it in or out he is culpable.

The rabbis taught: There are four kinds of premises as regards the Sabbath, viz.: private ground, public ground, unclaimed ground, and ground that is under no jurisdiction. What is private ground? A ditch that is ten spans deep and four spans wide; also a hedge that is ten spans high and four spans wide—these are absolutely private grounds. What is public ground? A country road or a wide street, or lanes open on both sides—these are absolutely public grounds. From such private ground nothing shall be taken out into said public ground, nor should anything be brought in from said public ground into such private ground. If one has brought in and taken out a thing unintentionally, he is obliged to bring a sin offering: if he has done it intentionally, then he is liable to be "cut off," or to suffer the extreme penalty (at the hands of human justice).

A sea, a valley of fields, the front walk (before a row of stores), and unclaimed ground are neither like public nor like private ground. Nothing should be carried about there, but if one has done it, he is not culpable. Nor should anything be taken out of these grounds into public or private ground, or brought in from the latter into these grounds, but if one has done so, he is not culpable. In adjoining court yards of many tenants and lanes that are open on both sides, where the tenants have a mutual understanding,* movable things may be (carried out from or brought in from one place into another); but if they have not made common cause, they (are considered as separate grounds and) may not. A man standing on the door-step † may take things from or give things to the master of the house; so also may he take a thing from a mendicant in the street or give it to him; but he must not take things from the master of the house and hand them over to the mendicant in the street, nor take from the latter and transmit to the former. Still, if this was done, all the three men are not guilty. Anonymous teachers say the door-step serves as two separate grounds: when the door is open it belongs to the inside (of the house), and when the door is closed it belongs to the outside. But if the door-step is ten spans high and four spans wide, it is considered as ground in itself.

The master said: "These are absolutely private grounds." What does he intend to exempt (by this emphatic declaration)? He intends to exempt that which R. Jehudah taught about Erubhin (and such places as are designated by boards or beams to be within an Erubh, but still are not considered private ground). ‡

"These are absolutely public grounds." What does he intend to exempt? He intends to exempt another instance of R. Jehudah's teaching, concerning the enclosure of wells (which are cut through by a public road).

Why does he (the teacher of the above Boraitha) not count the desert also, for have we not learned elsewhere: "Public ground is

* The technical expression is "to make an Erubh," *i.e.*, to mix their possessions, as if they were partners. This "mixing" is accomplished by an act of putting aside some victuals which they may all partake of, or by drawing a line over the termination of the premises, or putting up side-posts at the termination to mark it as an entrance to private grounds.

† A door-step is regarded as ground of which the religious law takes no cognizance.

‡ This law is expounded, "Tract Erubhin," f. 5.

constituted by public roads, wide streets, lanes that are open on both sides, and the desert?"

Said Abayi: This is no question. In that instance the law was expounded, as it existed when Israel dwelt in the desert; in this instance, however, the law is taught as it prevails at the present time.

The master said: "If one has brought in or taken out a thing unintentionally," etc. What does he intend to tell us? That is a known fact. He wishes to tell us that if the culprit did it intentionally, "he is liable to be cut off," etc. This is also known.—(It seems then) he must tell us this on account of the following statement of Rabh: "I found a mysterious paper in the possession of my uncle R. Hyya, which read: 'Apsy ben Jehudah says: There are forty less one principal acts of labor. A man, however, cannot be guilty of performing but one (on the Sabbath).' We ask then, how is this to be understood? It should be corrected to read: there is one of those acts of labor, which a man is not guilty of when performing. (In consequence, however, of the omission, just what particular act of labor is excluded all of the thirty-nine remained doubtful); the intent of the above Boraitha concerning the removal of a thing from public ground to said private ground is: 'to emphatically state that such act is not included in the doubtful ones.'"

Again the master said: "A sea, a valley of fields," etc. Is a valley not to be regarded as private or as public ground? Have we not learned elsewhere that a valley is, in summer time, to be regarded as private ground with reference to the Sabbath, and as public ground with reference to pollution (by the touch of a dead body): but in the rainy season it is private ground in all respects?

Said Ula: As a matter of fact it is unclaimed ground, but by calling it private ground the Boraitha only means to distinguish it from public ground, but R. Ashi said: He speaks of a valley in which there are partitions.

Again—"and unclaimed ground." Are not all these (grounds specified in the above category) unclaimed ground?

When R. Dimi came he said in the name of R. Johanan: The mention of "unclaimed ground" in this case is required merely to imply a corner (of a private plot) that adjoins public ground; for although at times (when the street is crowded) many people are

forced into this corner, it is considered as unclaimed ground as the public use of it is not regarded with favor.

Again R. Dimi came and said in the name of R. Johanan: The space between the pillars and the buildings (on the side of the street) is considered by the law as unclaimed ground. Why so? Because, although many walk there, still, since one cannot make his way in such space freely (the row of pillars being irregular or in a broken line) it is like unclaimed ground.

R. Zera said in the name of R. Jehuda: The benches in front of pillars are regarded by the law as unclaimed ground (even if they are ten spans high and four spans wide). The teacher, who holds that the space between the pillars is regarded as such, will so much more readily concede that the benches in front of the pillars are like unclaimed ground; but he who says that the benches are like unclaimed ground thinks that this is so because the encroachment upon them is not regarded with favor, but the ground between the pillars, which is usually trodden by many people, is like public ground.

Rabba bar Shila said: If one throw or plaster (an adhesive) thing against the side of a brick, that is standing up in the street, he is culpable; but if he throw or plaster a thing on top of a brick he is not culpable. Abayi and Rabha both said that such is the law, if the brick is three spans high (a space of which the law takes no cognizance); because many people do not step upon it, but (if one throw anything upon) a bush or a briar, even if it is less than three spans high (he is not culpable). Hyya bar Rabh said even a bush or briar must be three spans high.)*

Rabha, of the school of R. Shila, said: When R. Dimi came from Palestine, he said in the name of R. Johanan: No space can be considered unclaimed ground unless it has an area of four spans square, and R. Sheshet's opinion is that it holds good up to ten spans square.

What does it mean when he says that it holds good up to ten spans square? Should it be inferred from this that, if it has an enclosure of ten spans, it is unclaimed ground, and if not, it ceases to be such? (This would disagree with the following): R. Gid-

* Any space that is less than ten spans high from the ground is considered by the law as unclaimed ground and there things may be handled on the Sabbath only as above, while on private ground things may be handled freely within the whole area over which it extends.

del reported that R. Hyya bar Joseph said in the name of Rabh: A person may handle things upon the roof of a house that is not ten spans high, but which is raised to that height by the ceiling. Inside of the house, however, things may be handled only within an area of four ells square.

What is inferred by the statement: "It holds good up to ten spans?" It implies that the law of unclaimed ground is valid when the height does not exceed ten spans. Thus Samuel said to R. Jehudah: "Ingenious scholar! treat not on laws of the Sabbath exceeding ten spans in height." What laws did this refer to? To no other laws but these of unclaimed ground, for unclaimed ground above ten spans does not exist; because the Rabbis have invested unclaimed grounds with the lax features of laws pertaining to private ground, viz: If the place have an area of four spans square, it is unclaimed ground; if it has a lesser area, it is not subservient to any jurisdiction. The Rabbis furthermore invested unclaimed grounds with the lax features of the law pertaining to public ground, viz.: The place is regarded as unclaimed ground only to the height of ten spans, beyond that it ceases to be unclaimed ground.

The text says: In a house the inside of which is not ten spans high, but which together with the ceiling reaches that height, it is not permitted to handle things except within an area of four ells square. Abayi said: If one has cut into the ground (of such a house) an excavation four ells square, so as to complete the height of ten spans, he may handle things freely in the whole house. Why so? Because in such a case the entire space of the house (around the excavation) would be considered like holes in the wall of private ground, and we have learned that such holes are regarded the same as the private ground itself. As to holes on public ground, Abayi said: They are like public ground. Rabba says: They are not like public ground. Then rejoined Rabba to Abayi: According to your opinion, holes on public ground are to be considered the same as the ground itself. Why do you oppose R. Dimi's contention, which he taught in the name of R. Johanan? Let, according to thy opinion, such a corner be considered as a hole in public ground. Nay—(there is a difference between the two); the use of the corner is not regarded with favor, while no one objects to the use of a hole in the street.

R. Hisda said: "If a person erected a pole on private ground

and threw something at it; if that thing rested on top of the pole, and be that pole a hundred ells high, the person is culpable, for the height of private ground is absolutely unlimited and may even reach to the sky.

Should we assume that R. Hisda expressed the same view as Rabbi? For we were taught as follows: "If one threw a thing (in the street) and it rested upon the smallest cornice * (of a house) Rabbi declares him culpable, and the schoolmen say that he is not."

Said Abayi: Anything that (stands within the precincts of) private ground is admitted by every one to be like the case (of the pole) of R. Hisda; but the instance here (between Rabbi and the schoolmen) treats of a tree that stands on private ground with its branches reaching out into public ground, and one threw a thing which rested on the branch. Rabbi holds that the branch is part and parcel of the root, but the schoolmen opine that we need not assume such to be the case.

Abayi said: If one threw a bee-hive which was ten spans high, but not six spans wide, into the street he is culpable; but if the bee-hive was six spans wide he is not culpable (because it was a piece of private ground in itself). Rabha said he is not culpable, even if it be less than six spans wide. Why so? Because it is impossible for twined reed not to exceed the given height.† In case he threw the bee-hive ‡ with its mouth down, even if the hive is a trifle over seven spans high, he is culpable, but if it is seven and a half spans high, he is not. R. Ashi said: He is culpable even if it is seven and a half spans high. Why so? Because the enclosing rim of the bee-hive is made for the purpose of containing something within, and not to be attached to the ground, and hence is not included in the "*Lovud*" class.§

* The cornice which is spoken of above should be like the branch in this instance.

† The space above ten spans does not enter within the jurisdiction of public ground.

‡ Here a bee-hive is spoken of which is not six spans in circumference, *i.e.*, less than four spans square.

§ There is a law of Mosaic origin determining that every object that is not farther from the ground than three spans must be considered "*Lovud*," *i.e.*, attached to the ground. In the above case, when a bee-hive seven spans or a trifle over seven spans high is thrown to the ground, it does not become positively "*lovud*" when within three spans from the ground, and is thus considered ten spans in all. The margin is too small. It must be seven and a half spans high, and, when reaching the ground within three spans, the hive becomes "*lovud*," and being positively over ten spans high is treated as a piece of private property.

Ula said: A post nine spans high stands in the street, and people use it to shoulder (their burdens) on; if one threw a thing and it rested on the top of it he is culpable. Why so? Because a thing that is less than three spans high is stepped upon by many; a thing between three and nine spans high is not used either to step or to shoulder a burden on; but if it is nine spans high it is surely used to shoulder burdens on.

Asked Abayi of R. Joseph: What is the law of a pit (of similar depth)? Said he: The same (as of the post). Rabha, however, said: A pit of similar depth is not governed by the same law. Why so? Because the use (which a thing is made of) through compulsion is not called (a customary) use.

Aba bar Mathna agrees with Rabha: (It was taught elsewhere that) if one intended to keep the Sabbath on public ground and deposited his Erubh * in a pit less than ten spans (below the ground), his act is valid.

“If he deposited it more than ten spans below the ground his Erubh is of no value.” In any event, the pit must have been less than ten spans deep, for were it more it would be considered private ground, and the depositor of the Erubh intended to use public ground. Hence we learn that the use of a place through compulsion can at times be regarded as customary use.

And said Rabha: Acts committed during twilight (and an Erubh is always deposited at twilight) were not particularly noticed by the rabbis; proof is, that the man, when depositing his Erubh, intended to be on public ground, while his Erubh was really in unclaimed ground. (A pit of less than ten spans is surely unclaimed ground.) Nevertheless the Erubh was valid. Hence you cannot infer from this law that compulsory use can also be regarded as customary use.

R. Jehudah said: If one moves a bundle of reeds by raising one end and throwing it over, then raising the other end and throwing it over, he is not culpable, unless he lifts the entire bundle off the ground.

The master said: “A man standing on the door-step,” etc. What is that step? If it is the step of the street, how may he “take from the master of the house;” does he not transfer from

* To deposit an Erubh means depositing some victuals in the place where one intends to abide on the Sabbath. That place is then considered as his house.

private ground into public ground? If it is the step of the house, how may he "take from the mendicant (standing in the street)?" Does he not transfer from public into private ground? And if it is unclaimed ground, how may he "take and give intentionally," since a direct prohibition to that effect exists?

Nay, but the door-step is a place concerning which the law has no provision; as, for instance, it is not four spans square.

Again the master said: "All three are not culpable." Would this not form a case against Rabha? for Rabha said, if one transfer an object (in public ground) from one to the other limit of four spans, even if he moves it over his head (*i.e.*, above ten spans from the ground), he is culpable.

In one case the man is at rest, in the other case he is not at rest.

Anonymous teachers say a door-step serves as two kinds of ground; when the door is open, it is like (the ground) within, when the door is closed, it is like that without. Is such the case even if there is no side-post to it? Did not R. Hamma ben Gorion say that if it is inside the door, and not even four spans square, there must still be a side-post to make it a free place?

Said R. Judah in the name of Rabh: Here the doorstep of a lane is treated of, the half of which is roofed, and the other half not roofed, and the roofing is toward the inside. In this case when the door is open (the door-step is) like the inside, when it is closed it is like the outside.

Again: "If the door-step is ten spans high and four wide it is separate ground by itself." This supports the theory of R. Isaac bar Abbimi, who said in the name of R. Mair: Wherever thou findest two distinct grounds belonging to the same premises, like a post in the street, that is ten spans high and four wide, it is prohibited to shoulder (a burden) on it. It is a precaution (enacted by the rabbis) for the sake of a pit that may be found in the street.

MISHNA: A man shall not sit down * before the hair cutter at the approach of the time for afternoon devotion, † without recit-

* The reference made here, that one should not sit down before the hair cutter near the time for the afternoon prayer is a simple precaution. The exact specification for the time is to be found in Berachoth, Perek iv., M. I.

† The following discussions may seem to have no direct connection with the ordinances pertaining to the Sabbath; however, they are included in the tract on account of

ing his prayers. Nor shall he enter a bath room or a tannery (the same is the case with any factory or large business), or sit down to eat, or start pleading a case (before a judge). But if he has started, he need not discontinue. One must quit his work to recite Shema, but he need not stop working in order to pray.

GEMARA: Near the time for what afternoon devotion (does the author of the Mishna treat of)? Does he mean the high afternoon* time? why should a man not be allowed, since the day is still young? Does he mean the lesser time, and still hold that (if the man had started the work) he need not discontinue it? Shall this be taken as an opposition to the opinion of R. Joshua ben Levi who said: "When the time of afternoon prayer draws nigh, a man must not eat anything before performing his devotion"?

Nay; he speaks here of the high time, and yet a man shall not begin cutting his hair as a precaution against accidents (lest his scissors break); he shall not enter a bath house to sweat (lest he grow exhausted); nor shall he enter a tannery, lest he notice some damage to his wares and become confused; nor shall he sit down to eat (lest the meal be protracted); nor shall he begin pleading a case of justice, lest argument be advanced that overthrows all previous arguments, and until this all is settled the Min'ha prayer will be forgotten.

From what moment does the act of hair-cutting begin?

R. Abhin said: From the moment the barber's cloth is spread over him. The act of bathing begins from the moment the coat is pulled off; tanning begins from the moment the working-apron is tied around the shoulders; a meal begins from the moment the hands are washed, so said Rabh, but R. Hanina said: From the moment one takes off his girdle. Yet there is no difference of opinion between the two rabbis; the one (Rabh) spoke of the act as they (the residents of Palestine) were accustomed to do it; the other (R. Hanina) spoke for us (the residents of Babylon).

their connection with the succeeding Mishna, which commences: "A tailor shall not go out with his needle when it is nearly dark on Friday." Incidentally, the injunctions concerning the time for the Min'ha are given, in order that prayer time shall not be forgotten.

* High afternoon (Min'ha) was the time when the regular afternoon sacrifice was offered at the temple, about an hour after midday. The lesser afternoon time was about an hour before sunset. Because the time for afternoon devotion was calculated by the offering of the "gift-sacrifice," the name of that sacrifice, "Min'ha," is used by the rabbis as a technical term to designate both the afternoon devotion and the time when it is to be performed.

Abayi said with the colleagues of Babylon (the case is thus :) "According to the opinion of the rabbi, who holds that the saying of evening prayers is discretionary, as soon as a man has taken off his girdle we do not trouble him (to put it on again in order to say his prayers)."

Should he be put to this trouble, according to the opinion of the rabbi who said that the recitation of evening prayers is obligatory?

Is not the afternoon prayer obligatory by all means, while still (the Mishna teaches that) "if he began (his meal) he need not discontinue," whereupon R. Hanina said that the loosening of the girdle (is the beginning)?

In the case of the afternoon prayer, since the time for it is fixed (we assume) that the man will hasten (to finish his meal) and will not fail (to say his prayers in time), while in the case of evening prayer, the time for which extends through the entire night, it is feared that he may not hasten, and neglect it.

R. Shesheth opposed: Is it so much trouble to put on one's girdle? furthermore, cannot one stand up (without a girdle) and pray?

Nay, it is written: "Prepare thyself to meet thy God, O Israel!" [Amos iv. 12].

Rabba bar R. Huna put on stockings when he stood up to recite prayers, saying: "It is written, prepare thyself," etc. Rabha threw off his mantle and folded his hands when he prayed. He said one should stand like a slave before his master. R. Ashi said: I have observed R. Kahana. In times of trouble, he threw off his mantle and folded his hands when he prayed, saying that one must stand like a slave before his master. In times of peace he dressed and fitted himself up carefully, saying: "It is written, prepare thyself to meet thy God, O Israel." Rabha noticed that R. Hammuna spent much time at his prayers; said he: "Thus they quit eternal life and busy themselves with transient life." * But the other one (R. Hammuna) thought that the time spent in prayer is a thing by itself and the time devoted to study is also a thing by itself. R. Jeremiah was sitting before R. Zera discussing a point of learning. The day was breaking and time for prayer

* The rabbi thus regarded prayer as a thing belonging to transient life, because it benefits only the individual. Study, on the other hand, is regarded as an object that concerns eternal life, for by its results future generations may be benefited.

came, and R. Jeremiah hastened (to break off the discussion). Said R. Zera to him: "He that turneth away his ear from hearing learning, even his prayer is an abomination" [Prov. xxviii. 9].

At what moment does the work of dispensing justice commence?

R. Jeremiah and R. Jonah (both answered). One said: "From the moment the judges put on their mantles"; the other one said: "From the moment the litigants begin pleading." But there is no variation of opinion between them. The former speaks of the instance of opening court; the latter of the instance when the court was in session and the judges were engaged in deciding other cases.

Up to what time should court be in session?

R. Shesheth said: "Up to meal time." Said R. Hama: From what scriptural passage have we this? For thus it is written: "It is well for thee, O land! whose king is a son of freedom, and whose princes sat in time for strength and not for drunkenness" [Eccl. x. 17], *i.e.*, for the strength of the law and not for indulgence in wine.

The rabbis taught: The first hour (of the day) is the time the Lydians eat (the Lydians were cannibals); in the second hour robbers eat; in the third hour (rich) heirs eat; the fourth hour is eating-time for the people in general; in the fifth hour laborers eat; in the sixth hour scholars eat; from the last hour onward, eating is like throwing a stone into a barrel (rather injurious than beneficial). Abayi said: This is the case only when one has tasted nothing in the morning, but if he did so, it does not matter.

R. Ada bar Ahba said: A man may say his prayers in a new bath room, which has not been used. R. Hammuna said in the name of Ula, a man is not permitted to call Shalom to another man in a bath room, for it is written: "He called the Eternal Shalom" [Jud. vi. 23].

According to this the saying of the word "faith" should also be prohibited, for it is written, "the God of faith" [Deut. vii. 9]. If thou sayest that such is really the case, has not bar Mehassia said in the name of R. Hama bar Zorion, who taught in the name of Rabbi, "faith" may be mentioned?

In the latter case, the name itself is not so designated, for we translate the words of [Deut. vii. 9] "the faithful God." But in the former case it (Shalom) is a designation of the name itself.

Again Rabha bar Mehasia said: If one bestows a gift on his friend, he should let him know it; for thus it is written, "To know that I, the Eternal, made you holy" [Ex. xxxi. 13]. We have learned (in a Boriatha) a similar thing: "The Holy One, blessed is He, said unto Moses, I have a good gift in my storehouse; its name is Sabbath. This I wish to bestow on Israel, go and announce it to them." Therefore said R. Shimeon ben Gamliel: (We learn that) if one gives a child some bread, he should make the act known to the child's mother. How shall he do this? Said Abai: He should put some ointment around its eyes and stain it with dye.

Is this so? Has not R. Hama bar R. Hannia taught: "He who bestows a gift on his friend should not let him know it, for it is written, Moses knew not that his countenance beamed when He spoke unto him?" [Ex. xxxiv. 29].

This is no question. The latter instance represents a thing that is to become known by itself; the former instance treats of a thing that cannot become known by itself.

Was not the Sabbath a thing that was to become known?

Aye, but the reward (for keeping the Sabbath holy) that attends it cannot become known.

R. Johanan said in the name of R. Simeon ben Yhoayi: All the commands that the Holy One, blessed is He, gave unto Israel, were given with publicity, excepting the Sabbath, which was given in privacy, for it is written, "Between me and the children of Israel it is an everlasting sign" [Ex. xxxi. 17].

If such is the case, the idolaters need not be punished for its sake.

The Sabbath was made known, but the additional soul (a new impetus of life), which comes with the Sabbath, was not made known to them. Thus R. Simeon ben Lakish said: "The Holy One, blessed is He, bestows an additional soul on man on the eve of the Sabbath, and takes it back again when the Sabbath departs."

R. Hisda held in his hand two gifts * from the flesh of an ox and said: "I will give this to the man who will tell me some new teaching in the name of Rabh." Said Rabha bar Mehasia to

* He was an Aaronite, and at his time they used to give the Aaronites their meat offerings. In the time of R. Hisda the descendants of the priests still received their titles.

him, thus taught Rabh: "He who bestows a gift on a friend should let him know it."

Rab Hisda gave him the meat. Said the former again: Art thou so fond of the teachings of Rabh. Aye, aye—he answered. Said he: this is like that which Rabh said: "A silk garment is precious to the wearer." Said he (R. Hisda): "Did Rabh say so? Indeed, this second thing is even better than the first; if I had other gifts I would bestow them on thee."

And Rabha bar Mehasia continued: A man should never show preference for one child above his other children, because for the sake of two Sel'a weights of silk, which Jacob bestowed on Joseph in preference to his other sons, the brothers became jealous of Joseph, and the development brought about our ancestors' migration into Egypt.

Again he continued: A man should always endeavor to seek a dwelling in a city of recent settlement, for the settlement being recent, the sins are few. Thus it is written: "Behold, I pray, this city is near to escape thither, and it is small" [Gen. xix. 20]. What does it mean, it is near and small? Could not he see this himself? But it means, its settlement is recent and therefore its sins are not many.

Furthermore, the same master said: A city whose roofs are higher than that of the synagogue will ultimately be destroyed, for thus it is written: "To raise high the house of our God" [Ezra ix. 9]. This refers only to the roofs of the houses, but as to the tops of towers and palaces, it does not concern them.

Furthermore the same master said:† It is better to be dependent on an Ishmaelite than on an idolater; on an idolater than on a Persian; on a Persian schoolman‡ than on a scholar; on a scholar than on a widow or an orphan.

Furthermore, he said, rather any sickness than sickness of the bowels; rather any pain than pain of the heart; rather any disorder than a disorder in the head; rather any evil than a bad wife.

Again he said, if all the seas were ink, if all the swamps were producing pens, if the whole expanse of the horizon were parch-

* These somewhat abstruse distinctions are made for the reason, that a dependant of a scholar, orphan, or widow is liable to incur greater punishment for an injury done his master, than was his master an Ishmaelite, Persian, etc.

† The title "Habher" is the exact equivalent of "fellow" as a college degree in our time; we translate it "schoolman."

ment and men scribes, the (thoughts that fill the) void of a ruler's heart could not be written in full. From what biblical passage did he adduce this? Said R. Mesharsia: "The heavens as to height and the earth as to depth and the hearts of kings cannot be fathomed." [Prov. xxv. 3].

"If they began, they need not discontinue, etc."

Did he not say before that they need not discontinue?

The repetition of the sentence refers to study, for thus we have learned: "Scholars that are engaged in studying the Law, must stop for the reading of Shema, but they need not stop for prayer." Said R. Johanan, such is the case with men like R. Simeon ben Yo'hai and his colleagues, for learning is their profession; but men like ourselves must stop for Shema and also for prayer.

Have we not learned: "as (students of the law) need not quit (their studies) for prayer, so they need not stop them for Shema"?

This was taught only (while studying) the establishment of leap year. Thus R. Ada bar Ahba said, and so also the sages of Hagrulia taught in the name of R. Elazar bar Zadok: "When we were engaged in fixing a leap year at Yabne, we did not quit (our work) either for Shema or for prayer."

MISHNA: A tailor shall not go out with his needle, when it is nearly dark on Friday, lest he forget and go out (carrying it about with him) after dark. Nor shall a scribe go out with his pen; nor shall one search for vermin in his garments or read before the lamp-light (Friday night). Of a verity it is said, an instructor may follow the children when they read, but he shall not read himself (before the lamp-light). In a similar manner it is prohibited that a fluxu laborans should eat together with a woman, that has the same disease, lest they become accustomed to one another and come to sin.

GEMARA: "A tailor shall not go out, etc."

He speaks here, without doubt, about the needle stuck in the garment.

Nay, he treats of the case, when (the tailor) holds it in his hand.

Come and hear: (We have learned elsewhere) "A tailor shall not go out with the needle sticking in his garment." Does this not treat of the eve of the Sabbath?

Nay, this passage treats of the Sabbath itself.

But have we not learned again: "A tailor shall not go out with

the needle sticking in his garment on Friday when it is nearly dark?"

This was taught according to R. Jehuda, who holds that a laborer (carrying a thing) after the manner of his profession is culpable. For have we not learned, "A tailor shall not go out with his needle sticking in his garment; a carpenter shall not go out with his ruler behind his ear; nor a cloth cleaner with the spanning cord behind his ear; nor a weaver with the stuffing cotton behind his ear; nor a dyer with samples around his neck; nor a money changer with the coin in his ear. But if they did go out they are free, though there is a prohibition against it, says R. Mai'r; R. Jehuda says, the laborer (going out) after the manner of his profession is culpable; but any other person (carrying anything after the manner of a laborer) is not culpable."

In the school of R. Ishmael it was taught: "A man may go out with the phylacteries on his head on Friday when it is nearly dark." Why so? Because Rabha bar R. Huna said: A man must feel the phylacteries on his head at all times, and in consequence he will be reminded, through feeling the phylacteries, that he must remove them before the Sabbath.

We have learned, R. Hananiah said: A man must examine his garments on Friday evening, when it is getting dark, to see whether there is anything in them, that must not be carried about on the Sabbath. Said R. Joseph: This is an important ordinance concerning the Sabbath.

"One shall not search for vermin," etc.

The following question was asked: (Does the Mishna mean) One shall not search for vermin in the day-time (of a Sabbath) lest he destroy one; and he shall not read before a lamp-light lest he snuff (the wick); or are both ordinances (searching for vermin and reading, mentioned in the Mishna) connected with each other so as to make the ordinance prohibiting the snuffing of the wick binding?

Come and hear: "One shall not search for vermin before the lamp-light, nor read before the lamp-light. These two ordinances belong to those established in the attic of 'Hananiah ben 'Hyzkiyah ben Gorion." From this it may be inferred that both were prohibited for fear lest both searching for vermin and reading would entail snuffing the wick.

R. Jahuda said in the name of Samuel: It is prohibited even

to try to distinguish between a man's and his wife's garments (before the lamp-light). Said Rabha: This is the case only with the dwellers of Ma'hoza,* but among the dwellers of rural places the garments can easily be distinguished. Even among the dwellers of Ma'hoza only the garments of old women cannot easily be distinguished from those of the men, but the garments of young women can easily be distinguished.

The rabbis taught: One shall not search for vermin in the street out of self-respect. In the same wise R. Jehuda taught, (others say R. Ne'hemiah taught), that one shall not vomit in the street out of self-respect. The masters taught: One who searches his garments and finds a louse shall not crack it, but simply rub it with his fingers and throw it away (on the Sabbath)—says R. Huna: This should also be done even on week days, out of self-respect.

We have learned R. Simeon ben Elazar said: "One shall not kill vermin on the Sabbath is the opinion of Shamai's school; the school of Hillel maintains that this is allowed." Again R. Simeon ben Elazar said in the name of R. Simeon ben Gamaliel: "He is not allowed to negotiate marriage engagements for children, nor to engage teachers or artisan masters for children, nor to pay visits of condolence to mourners, nor to visit the sick on the Sabbath; such is the opinion of Shamai's school. Hillel's school, however, allows all this."

The rabbis taught: If one comes to visit the sick on the Sabbath he shall say: "It is Sabbath (and we are) not to cry, but relief is drawing nigh." R. Mair said, one should say: "It (the Sabbath) has the power to bring mercy." Rabbi Jehuda said: "May the Omnipresent have mercy toward thee and toward the sick of Israel." R. Josi said: "May the Omnipresent bestow mercy on thee amongst the sick of Israel." Shebhna the Jerusalemite when he entered (a sick-room on the Sabbath) said, "Shalom;" on leaving he said: "It is Sabbath, (we are) not to cry," "relief is drawing nigh," "His mercies are great," and "Rest ye in peace."

According to whose opinion was that which R. 'Hanina said: "He who has a sick person in the house should include him (in his prayers) amongst the sick in Israel"? It was according to

* Large cities where the men are effeminate and wear garments like the women.

the opinion of R. Josi. R. 'Hanina also said that it was with difficulty that the rabbis allowed visits of condolence to be paid to mourners and to visit the sick on a Sabbath. Rabba-bar-bar-'Hana said: When I accompanied R. 'Eliezer visiting the sick, I sometimes heard him say: (in Hebrew) "May the Omnipresent mind thee in peace, and sometimes (in Aramaic), "May the Merciful remember thee in peace." How could he do this? Did not R. Jehuda say: "A man should never pray for what he needs in the Aramaic language?" And (did not) R. Johanan say: "The angels of service are not compelled to do what a man prays for in the Aramaic tongue, for they know not that language"? The case of a sick person is different; *Shckina itself* is with him. (See *Nederina*).

"One shall not read before the lamp-light."

Rabba said: (The prohibition holds good) even if the lamp is placed two (men's) heights (from the ground); even two stories high or even if it is on top of ten houses, one above the other.

"One shall not read," but may *two* persons read together? Have we not learned, "Neither one, nor two together?"

Said R. Elazar: This is no contradictory view. Here (in our Mishna) the case refers to two persons reading one subject; there the case refers to two persons reading different subjects.

R. Huna said: Around the hearth-fire even ten persons shall not read together. Said Rabha: A prominent man may read. If the man is really prominent (he would not) degrade himself by stirring the fire.

An opposing view (to that of Rabha) was adduced.

(It was taught elsewhere) one should not read before a lamp-light, lest he snuff the wick. Said R. Ishmael ben Elisha (who surely was a prominent man); "I will read and not snuff it." Once he actually read and was tempted to snuff the wick. Said he, "How great is the saying of the sages, that one should not read before a lamp-light." R. Nathan said: He actually snuffed the wick and noted in his diary, "I, Ishmael ben Elisha, have read before the lamp on Sabbath and have snuffed the wick. When the holy temple will be rebuilt, I shall bring a fat sin-offering." Said R. Aba: The case was different with R. Ishmael ben Elisha, for in matters concerning the Law he acted like any common man.

In one place we were taught: A servant may examine cups and dishes (to see if they are clean, before the lamp), and in an-

other place we were taught that he may not do so." These are not conflicting views. The former treats of a servant in permanent engagement; * the latter of one who performs occasional service. Both seemingly conflicting statements are, however, also applicable to a servant in permanent engagement. The latter in the case of a lamp which is fed with oil, the former in the case where it is fed with naphtha. (Naphtha emits a bad odor; he will therefore not be tempted to touch it.)

The students asked: May a servant, that is not permanently engaged, (examine his utensils) before a lamp fed with oil?

Said Rabha: The rule is laid down (that he may) but we do not apply it. R. Jeremiah bar Aba said: The rule is laid down and we abide by it.

Once R. Jeremiah bar Aba took (his Friday night meal) at the house of R. Assi. His servant (R. Jeremiah's retainer, who was at the time doing occasional service in R. Assi's house) proceeded to examine (the dishes) before the lamp. Said the wife of R. Assi (to her husband): "You, my master, do not approve of this." "Let him be," answered R. Assi, "he acts according to the opinion of his master."

"Of a verity they said, an instructor, etc."

Was it not said, "He may see"? For what purpose should he do this but to read?

Nay; he should see in order to watch the sequence of paragraphs. So also did Rabba bar Samuel say: "He may arrange (for the children) the sequence of paragraphs."

Consequently, may he not read the paragraphs through? Would this not oppose the opinion of R. Simeon ben Gamaliel, who said: "Children in their rabbi's house (school) have arranged their paragraphs and read before the lamp-light"?

With children the case is different; out of fear for their master they will not be led to adjust (the wick).

MISHNA: And these are some of the regulations enacted in the attic of 'Hananiah ben 'Hyzkiyah ben Garon, when they (the rabbis) came to visit him. They called the roll and found that the disciples of Shamai were more numerous than those of Hillel, and they enforced eighteen regulations on that day.

* A servant in permanent engagement is more careful about his dishes, for fear that he may lose his position. He is therefore more apt to adjust the wick.

GEMARA: Said Abai to R. Joseph: Does the expression (in our Mishna) "and these," etc., refer to the things that were mentioned, or is "these" used with reference to things to be mentioned further on?

Come and hear. "One shall not search for vermin or read before a lamp-light; *and these* are some of the regulations, etc." From this it is obvious that "and these" (with reference to the regulations that were mentioned) is the correct version.

The rabbis taught: The "Roll of Fasts" was written by 'Hananiah ben 'Hyzkiyah and his company, for they thought with fondness of the troubles (which their race had experienced). Said R. Simeon ben Gamaliel: We also think with fondness of the troubles; but what shall we do? If we were to record (all the troubles our race has experienced since that time) we would never finish. It may also be said: A fool never feels trouble; or (more pointedly) a dead member on a living body feels not the lancet.*

MISHNA: The school of Shamai said: Ink, dye material, or fodder (for animals) shall not be put into water (on Friday) unless there is still time for them to soak through while it is day. The school of Hillel, however, permits this. The school of Shamai prohibits putting bundles of linen thread (to bleach) into the oven unless there is sufficient time left for them to become heated through while it is yet day, or wool into a dye-kettle unless there is still time for it to be soaked through the same day. The school of Hillel permits this. The school of Shamai says: Traps shall not be set for animals and birds, or nets for fishes (on Friday), unless there is still time for them to be caught before sunset. The school of Hillel permits this. The school of Shamai says: One shall not sell anything to a Gentile (on Friday) or help him load his animal, or help him shoulder a burden unless he (the Gentile) can reach (with his load) the nearest place while it is yet day. The school of Hillel permits this. The school of Shamai says: Hides shall not be given to a tanner nor clothes to a Gentile washer (on a Friday) unless there is still sufficient time left for him (the Gentile) to finish it, while it is day. The performance of all these acts of labor heretofore mentioned was permitted by the school of Hillel (on Friday), while the sun was still shining.

* The rabbis considered themselves foolish in comparison with the men of former generations.

Rabbi Simeon ben Gamaliel said: At my father's house it was the custom to give out white clothes to a Gentile washer three days before the Sabbath. Both schools agree that the presses may be put on olives and grapes in the press-pits (as long as it was still daytime).

GEMARA: The view taken (in our Mishna) that putting water on ink constitutes the process of soaking it (although no stirring is done) agrees with the opinion of Rabbi, says R. Joseph; for thus we have learned: "If one put flour (in a vessel) and another one put water on it, the latter is culpable (of the act of kneading) said Rabbi."

The rabbis taught: Friday, when it is getting dark, one may make an opening in a spring so that the water run into the garden the whole day (of the Sabbath). He may also put smoking incense underneath garments, so that they hold the fragrance the whole day. He may also put burning sulphur under enamelled vessels so that its smoke work on the paints the whole Sabbath day. He may also put a balm on the eye and a plaster on a wound, so that the healing process continue throughout the Sabbath; but it is prohibited to put grain into a water-mill, unless there is yet enough daytime left for it to be ground. Why so? Because tools must not be put to work (on the Sabbath), said R. Joseph.

Now since it was said that the resting of tools (on the Sabbath) is commanded by the (written) Law according to the interpretation of the Hillel school, why did his school permit putting sulphur and incense to smoke, or linen thread to bleach during the Sabbath?

Because no act was being done, and (the tools were practically) at rest.

But do not traps set for the animals, birds, and nets for fishes work? Why then did they allow these (to be put up on Friday at sunset)?

Here, too, they treated only of fishers' rods and traps, which do no work (but into which animals work themselves).

According to R. Assi, who said, that the resting of tools is commanded by the (written) Law, only as interpreted by the school of Shamai, but not by the school of Hillel, all the acts enumerated above are permitted by the school of Hillel, even in the event of the tools performing work, while the school of Shamai prohibits them all, even when the tools do not perform any work.

The rabbis taught: A woman shall not put dried lentils and peas into the oven (on Friday) when it is getting dark and leave them there (to get soft); and if she needs them for after the Sabbath she shall not use them, unless she waits the length of time it required to cook them afresh. In the same wise a baker shall not put a vessel with water in the oven on Friday when it is getting dark; and if he needs (the hot water) for after the Sabbath, he shall not use it unless he waits the length of time it would require to boil it afresh.

Shall we say that this teaching agrees with the school of Shamai but not with Hillel's school?

Nay, but it may also agree with the teaching of Hillel's school; only the prohibitions were made as precautionary measures, lest one (the woman or the baker) stir the coals (on the Sabbath).

If such is the case, the burning of incense and sulphur (as mentioned in our Mishna) should also be prohibited for the same reason.

Nay; there (in the cases of the woman and the baker) the coals might be stirred, while here (in the cases of sulphur and incense) when the coals are stirred smoke may arise that injures the enamel or the garments. In the case of the linen thread also no precautionary measure was necessary, because the draught caused by the admission of air into the oven would prove injurious to the thread and therefore a man would not open the oven to stir the fire.

Let, then, the placing of wool into a (dye) kettle be prohibited as a precautionary measure?

The Mishna treats of a kettle that stands at some distance from the fire; so says Samuel.

Still the apprehension exists, that he may stir the dye?

Nay, we speak of a kettle whose cover is sealed with clay.

Now that the master said that the prohibitions (of the Boraita) are only precautionary measures, to prevent a person from stirring the coals, a cold pot may be put in the oven Friday when it is getting dark. Why so? Because (the victuals in it) cannot be used the same evening, and he (the cook) will never think of stirring the coals.

"The school of Shamai said: One shall not sell a thing to a Gentile, etc."

The rabbis taught: The school of Shamai said: One shall not

sell a thing to a Gentile, nor lend it to him, nor help him carry it, nor give it to him (as a present) on Friday unless there is time enough for him (the Gentile) to reach his house before night comes on. The school of Hillel said (all this may be done) if there is time enough to reach the house nearest to the wall of the city where he (the Gentile) lives. R. Aqiba says (all this may be done) if there is time enough for the Gentile to leave the house of the Jew. Said R. Josi bar Jehudah: R. Aqiba contends that his teaching does not contradict that of the school of Hillel, but merely explains the latter's real intent.

The rabbis taught: One may put down eatables on his own grounds for a Gentile (on the Sabbath). If the latter takes the eatables and carries them off, he need not prevent him.

The rabbis taught: One shall not hire out his tools to a Gentile on Friday, but he may do so on Wednesday or Thursday (even if he knows positively that the Gentile will use them on Sabbath). In the same manner it is prohibited to transmit a letter by a Gentile on Friday, but it may be sent on Wednesday or Thursday. It was said of R. Josi the Kahanite, others say of R. Josi the Pious, that his handwriting was never found in the hands of a Gentile (for fear that it might be carried on the Sabbath).

The rabbis taught: One shall not send a letter by a Gentile on Friday unless he stipulated a certain sum for the delivery. If such a stipulation was not made, the school of Shamai say, it must not be delivered, unless the messenger has time to reach the house in which it is to be delivered (before sunset); the school of Hillel says: He may do it, if the messenger has time to reach the house nearest to the wall of the city, where the letter is to be delivered.

Was it not taught at first, that "one shall not send" at all?

This is no question. In the first part the case is treated of a town which has no post-office; in the latter part the Boraitha speaks of a town which has one.

The rabbis taught: One shall not embark on a vessel less than three days before the Sabbath. This is the case if one goes (to sea) on private business, but if he goes in the interest of a good work, he may do so. To travel from Tyre to Zidon (a journey of a few hours) one may embark even on Friday.

The rabbis taught: Siege shall not be laid to Gentile cities less than three days before the Sabbath, but when the siege is laid it need not be raised. So also says Shamai (it is written in the

Law): "until it is brought down" [Deut. xx. 20], *i.e.*, even on a Sabbath day.

"R. Simeon ben Gamaliel said, etc."

We have learned, R. Zadok said: "It was the custom at the house of Rabban Gamaliel to give white clothes to the washer three days before the Sabbath, but colored clothes even on a Friday." From this we have learned that it is harder to wash white clothes than colored ones. Abayi gave colored clothes to the washer and asked: How much wilt thou take for washing them? "As much as for white clothes," answered the washer. "The rabbis have long ago decided," said Abayi (that white clothes are harder to wash).

"Both schools agree, etc."

Why did the school of Shamai enforce precautionary measures in all the previous cases, but in the case of wine and oil presses they did not do so?

They prohibited the performance of such labor as involves the obligation of a sin offering, if performed (unintentionally) on the Sabbath, or on a Friday, when approaching darkness; but the putting of press beams on grapes or olives, which does not involve the obligation of a sin offering if done on the Sabbath day, they did not prohibit (to be done on Friday toward evening) as a precautionary measure.

From this it may be inferred that work which continues by itself may well be started (late on Friday).* Said R. Josi: This agrees with the teaching of R. Ishmael, for thus we have learned: "Garlic, unripe grapes, and green grain-stalks which were crushed (on Friday) while yet day, may be put under pressure at sunset," says R. Ishmael; R. Aqiba says: This is prohibited. This (opinion of R. Ishmael) again agrees with that expressed by R. Eleazar; for we have learned: "Honeycombs that were crushed on Friday shall not be put in the press (at sunset), so that the honey run out by itself; but R. Elazar permits this to be done."

The oil and the covers of the small oil-presses, Rabh prohibits to handle on the Sabbath. Samuel permits this to be done. Reed-cloth (which is used to cover wares) Rabh prohibits, but Samuel permits (to handle). Covers that are used on board of a

* Without requiring the labor of man when once started, as is the case with wine and oil presses, in which case the beams, once put on grapes or olives, force the fluids to run down of their own accord.

vessel to cover the deck, Rabh prohibits and Samuel permits the handling of (on Sabbath).

R. Na'hman said: "A goat, that is kept for its milk, a sheep, that is kept for its wool, a hen, that is kept for its eggs, an ox, that is kept for the plough, and dates, that are put up for the market, are prohibited for use at a biblical feast," is the teaching of Rabh; Samuel said: "They are allowed." Their points of disagreement are the same as those of R. Judah and Simeon.

A disciple in 'Harta decided cases according to R. Simeon's teaching, and R. Hamnunah punished him.

Have we not adopted the opinion of R. Simeon?

Yea: but 'Harta was within the jurisdiction of Rabh, and he (the disciple) should not have done as he did against Rabha's teaching.

MISHNA: Meats, onions, and eggs shall not be put to roasting (on Friday), unless they can be done while it is yet day.

Bread shall not be put in the oven or a cake upon live coals, unless the crust can be formed while it is yet day. R. Eleazar says, it is enough if the bottom crust is formed. The Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark. In the heating-house of (the Sanctuary) the fire was fed at eventide. The fires in the rural districts may be fed, until the flames envelop the greatest part (of the fuel). R. Judha says: "Where coals were already burning, more fuel may be added, even when Sabbath is quite near at hand."

GEMARA: (The Mishna said that meats, etc., should not be put to roasting unless there is time, etc.) When should such victuals be considered done? When they are done like the victuals of Bar Drostai.*

We have learned, Hananiah says: All victuals that are done like the victuals of Bar Drostai may be left upon the hearth, even if the fire in the hearth is not stirred up and full of ashes.

"Bread shall not be put, etc."

The disciple asked: ("Does the Mishna speak of) the crust that is formed near the wall of the oven, or the crust formed (on the side of the loaf, that is turned) to the fire?")

Come and hear: R. Eleazar says: "It is sufficient, if the surface is crusted, which lies close to the wall of the oven."

* A notorious highwayman, who could never stay in one place long enough to cook his meals, and was wont to do only the third part of cooking they required.

“The Passover sacrifice may be turned, etc.”

Why so? Because a company (when preparing a sacrifice in the temple) is very cautious.

If this were not the case, would it not be allowed? Has not the master taught: A (sacrificial) kid may be used well done or not well done?

Aye; but in that case it is cut in pieces; in our case it could not be cut in pieces.*

“The fire in the heating-house, etc.”

Why so? Because priests are very careful.

“In the rural districts, etc.”

What does “the greatest part” mean? Rabh said: “The greatest part of each piece;” Samuel said: “Until no more small wood is needed to make the heap burn.” R. 'Hyya taught in support of R. Samuel's opinion: “The flame should continue rising by itself and not by the assistance of anything else.” If there is only one log of wood—? Rabh said: (Until the fire catches) most of its thickness; others say—the most of its circumference. Said R. Papa: To comply with (both views expressed by) the Tanaïm, we must have (the fire catch) the most of its thickness and also the greatest part of its circumference. These views are like those of the Tanaïm, whose decisions follow: R. 'Hyya says: Until it is so burned that it is unfit for any carpenter's work. R. Judah ben Betheria says: Until the fire catches both sides. Although this cannot be substantiated by evidence (from Scripture) there is a passage which reminds one of it, viz.: “Both ends were consumed by the fire and the inside is scorched; is it fit for any work?” [Ez. xv. 4]. R. Kahana said: Reeds, if they are tied together, must (have enough daytime on Friday) to burn over half; if not tied together they need not (have so much time). Peats (of dates) must have enough time for the fire to catch their greater part; if they are put in a fire-pot, they need not. R. Joseph taught four substances (used as fuel) need not (have time until the fire catches) the greater part, viz.: pitch, sulphur, cheese, and running fats; in a Boraitha it was taught that straw and (wood) shavings belong to the same category.

* See Ex. xii. 9, 46, where it is explicitly ordained that the pastoral lamb should not be dismembered before it is cooked.

CHAPTER II.

REGULATIONS CONCERNING THE SABBATH AND 'HANUKAH LIGHT.

MISHNA : What shall be used for lighting (the Sabbath light) and what shall not be used? The light shall not be made with (wicks of) cedar fibre, raw flax, silk fibre, nettle fibre, and ship-moss.* Nor shall pitch, wax, cotton-seed oil, oil of rejected heave-offerings,† fat and and tallow be used (as fuel).

Nahum the Mede says melted tallow may be used as fuel; the schoolmen prohibit melted and raw tallow alike.

GEMARA : The rabbis taught: All that which was prohibited for the Sabbath lamp may be used in fires that are kept up for heat or even for constant light, whether (such fires are built, upon the ground or in the hearth; the materials are prohibited only as wicks for the Sabbath lamp.

Rabba said: The wicks, which the rabbis forbade the use of in the Sabbath lamp, are prohibited, because they give a flickering light. The fat substances were prohibited, because they do not adhere to the wick.

Abayi asked of Rabba: Would it be permitted to mix oil with these prohibited fats and then use them for the Sabbath lamp? Or is even that prohibited as a precaution, lest one use those fats without the addition of oil? Rabba answered: It is prohibited. Why so? Because "It is prohibited."

Abayi confronted him with the following: 'R. Simeon ben Gamaliel said: "In my father's house they wound the wick around a nut and lighted it"; is it not obvious from this that it may be lighted? (when permissible fuel is mixed with a kind that is not permitted to be used.)

Said Rabba: "Instead of contradicting me with the saying of R. Simeon b. Gamaliel, support my view with the decision of the

* Moss springing up on the hull or boards of a ship.

† The text reads "oil for burning," the full explanation of which is given in the Talmud further on. We have paraphrased the term to convey the sense to the English reader.

first Tana" (of our Mishna). This is no rejoinder; the record of a deed is incontrovertible.

Still the record of the master remains contradictory.

The adduced record is not complete. In full it reads thus: "If one has wound a thing that may be used (as a wick) around a thing that may not be used, he is not permitted to light it. This is the case when the two (substances) are to serve the purpose of a wick, but if the prohibited substance is used merely to support the permissible (the combination) is allowed, for thus said R. Simeon b. Gamaliel: 'In my father's house, etc.'"

Yet, the decision is doubtful. Did not R. Beruna teach in the name of Rabh: To melted tallow or fish fat one may add some oil and use it for the Sabbath lamp? These substances adhere to the wick in themselves.

But the rabbis had prohibited melted tallow or fish fat as a precaution, lest (if the melted substance be allowed) one use it raw also (as fuel for the Sabbath lamp). Why did they not enact the prohibition to use these substances with the admixture of some oil as a precaution lest they be used without the admixture of oil?

This itself is a precautionary measure; shall we enact another as a safeguard to it?

R. Huna said: The wicks and fats, which the sages have prohibited for the Sabbath lamp, cannot be used for the 'Hanukah lamp either on the Sabbath night or on week nights.

Rabba asked: What are R. Huna's reasons? He holds that if the ('Hanukah lamp) goes out (by accident) it must be relighted, and also that its light may be used to work by.

But R. Hisda says: (The 'Hanukah lamp) can be fed (with these fats) on week nights, but not on the Sabbath night. He holds that if it is put out, one is not in duty bound (to light it again), and as long as it burns it may be used to work by.

R. Zera said in the name of R. Mathna, according to others in the name of Rabh: The wicks and fats, which the sages prohibited for the Sabbath lamp, may be used for the 'Hanukah lamp, both during the week and on the Sabbath night.

R. Jeremiah inquired into this by asking: "What are the reasons of Rabh? He holds that if it is put out, he need not relight it and its light may be used to work by."

The scholars cited this ruling before Abayi, in the name of R.

Jeremiah, and he would not accept it; when R. Abhin came and cited it before Abayi in the name of R. Johanan, he (Abayi) accepted it and said: "Had I been worthy, I would have accepted this teaching before."

"If it is put out, one is not in duty bound to relight it?"

Is this not contradicted by the following: (It was taught elsewhere) "the proper ordinance is for (the 'Hanukah light) to last from the setting of the sun, until footsteps are no longer heard in the street.*

Do you not think that if the light is put out it should be relighted? Nay; the time appointed is only for the purpose of determining when the light is to be lit, or a light should be made which will last for the appointed time.

"Until footsteps are no longer heard in the street;" up to what time is this?

Up to the time when the steps of the Tarmudites † are heard no more.

The rabbis taught: The law of 'Hanukah demands that every man should light one lamp for himself and his household. Those who seek to fulfil it well have a lamp lit for every member of the household. Those who seek to fulfil the law in the best possible manner should light the first night eight flames and every following night one flame less, says the school of Shamai. Hillel's school holds that only one should be lit on the first night and be increased by one on each succeeding night.

Rabba-bar-bar-'Hana said in the name of R. Johanan: "There were two old men living in Zidon; one did according to the decision of Shamai's school and the other according to the opinion expressed by the school of Hillel. The former gave his reason; saying, that the 'Hanukah lamp is to be lit in the same manner as the sacrifices of the feast were offered. ‡ The latter gave his reason, that holy actions should show (emblemize) increase and not reduction.

The rabbis taught: The ordinance demands that the 'Hanukah lamp be put on the outside door of the house. If one lives on

* The ceasing of footsteps in Talmudical language implies the time when people have already retired.

† Vendors of shavings and small wood, which are bought for the hearth-fire in the evening.

‡ The sacrifices of the Feast of Booths were decreased in number each succeeding day. See Numbers xxix. 13, 17, 23, 25, 29, 32.

an upper floor he should put it in a window that opens into the street. In time of danger,* it is sufficient if the lights are on the table.

Said Rabba: In the latter case another light is required to work by; but if there is a hearth-fire in the house, it is not necessary. If the man is of high standing (and not in the habit of working by the hearth-light) he must have another lamp.

What is 'Hanukah? The rabbis taught: "On the twenty-fifth day of Kislev 'Hanukah commences and lasts eight days, on which lamenting (in commemoration of the dead) and fasting is prohibited. When the Hellenists entered the sanctuary, they defiled all the oil that was found there. When the government of the House of Asmoneans prevailed and conquered them, oil was sought (to feed the holy lamp in the sanctuary) and only one vial was found with the seal of the high priest intact. The vial contained sufficient oil for one day only, but a miracle occurred and it fed the holy lamp eight days in succession. These eight days were the following year established as days of good cheer, on which psalms of praise and acknowledgment (of God's wonders) were to be recited.

R. Kahana said: R. Nathan bar Manyomi preached in the name of R. Tanhum: "A 'Hanukah lamp becomes disqualified, if it is put higher than twenty ells (from the ground), just like a Sukkah (booth)."

Rabba said: "The ordinance of the 'Hanukah lamp provides, that it be put within a span of the house door.

Where shall it be placed? R. A'ha ben Rabba said it should be placed to the right (of the entrance). R. Samuel of Diphti said to the left. The final decision is that it should be placed to the left of the entrance, so that the 'Hanukah light be on one side and the Mezuzah † on the other side of the door.

R. Jehudah said in the name of R. Assi: It is not allowed to count money by the 'Hanukah light. When this was cited before Samuel, he said: "Is there any holiness in the light?" R. Joseph retorted: Is there any holiness in the blood of an animal? and

* Time of danger is used here to designate the time when a prohibitive order against lights is issued by the local government.

† "Mezuzah," door-post, technical name for the writing which was to be placed on the door-post by the command of Deut. vi. 9 and elsewhere. The Rabbis decreed that this was to be placed to the right of the entrance.

yet have we not learned: (It is written) "He shall shed his blood and cover it with earth" [Lev. xvii]. From this we infer that he must cover it with the same tool it was shed with, but not with his foot, in order that the fulfilment of the commandment should not be treated with lack of reverence. In our case too (money must not be counted before the 'Hanukah lamp) in order that the compliance with an ordinance should not evince a lack of reverence.

It was asked of R. Joshua b. Levi: May the fruits, hung up in the Sukkah for ornamentation, be used during the seven days of the feast?

He answered: A law was passed prohibiting the counting of money by the 'Hanukah light.

Said R. Joseph: "Lord of Abraham." Here he connected a law that was enacted (by the ancient masters) with one that was not discussed by them! The law concerning the Sukkah was biblical, that concerning 'Hanukah was not biblical but rabbinical.

Finally, R. Joseph decided, the precedent of all these cases is the law concerning the blood (which was cited above).

It was taught that Rabh said: It is not allowed to light one 'Hanukah light with the other; Samuel permits this (to be done). Rabh prohibited Tzitzith (show-threads) to be taken out of one garment and put into another; Samuel said, this may be done. Rabh said, the following law, as decided by R. Simeon, that one may drag a thing across the floor on the Sabbath, does not hold good; Samuel said, it does.*

Said Abayi: "My master followed the decisions of Rabh in all questions except the three mentioned above, which he decided according to Samuel."

A scholar sitting before R. Ada bar Ahba said: "Rabh's reason for prohibiting these acts was to prevent irreverence in the compliance with the law." Said R. Ada to the scholars present: "Hear him not; Rabh's reason was to prevent stinginess in the fulfilment of laws."

What is the difference between the two?

The difference appears to be in the lighting of one 'Hanukah lamp with another. He who says that irreverence was the reason,

* The different contentions given above may seem somewhat out of place; however, they are cited merely to show the differences of opinion existing among the different schools and sages.

cannot prohibit this; but he who holds stinginess to be the reason, prohibits even this rightfully.

How is this question to be decided?

Said R. Huna, the son of R. Joshua: Let us see whether the act of lighting the lamp constitutes compliance with the ordinance, or whether it is the act of putting it in its proper place; this question having been already propounded (the answer, when given, will serve for the above also).

And now I would direct your attention to what R. Joshua ben Levi says: "A lantern (that was lit for 'Hanukah on Friday night) and kept burning the whole following day, must, at the close of the Sabbath, be extinguished and then relighted." Now, if we say that the lighting constitutes compliance with the commandment, this teaching is correct; but if we say that the placing of the lamp in its proper place constitutes compliance, the master of this decision should say: "It should be extinguished, raised up, put in its proper place, and lit." Again, since we pronounce the benediction: "Blessed art Thou, etc., who hast commanded us to light the 'Hanukah lamp," it becomes clearly apparent, the lighting constitutes compliance. This is well established.

Now that it is decided that the act of lighting constitutes compliance with the ordinance (we draw the conclusion that) if a deaf-mute, an idiot, or a minor lights (the 'Hanukah lamp), the act is void of legality; but a woman may surely light it; for thus said R. Joshua ben Levi: "Women are in duty bound to light the 'Hanukah lamp, for they were included in miracle" (which the light commemorates).

R. Shesheth said: A guest (at a stranger's house) is in duty bound to light the 'Hanukah lamp.

Said R. Zera: When I was studying at the school of Rabh, I contributed my share towards maintaining and lighting the lamp with mine host. Since I am married, I say, I surely need not light it now, for it is lit for me at my house.

R. Joshua ben Levi said: All fats are good for the 'Hanukah lamp, but olive oil is the best. Abayi said: "My master always sought for poppy-seed oil, because, said he, it burns slowly (and the light lasts longer), but when he heard the saying of R. Joshua ben Levi, he sought for olive oil, for that gives a clearer light."

Rabh said: He who lights the 'Hanukah lamp must pronounce

a benediction; R. Jeremiah said: He who perceives it must pronounce a benediction. R. Jehudah said: He who perceives a 'Hanukah lamp on the first day, must pronounce two benedictions, and the one that lights it on the first day, three;* after the first day, the one that lights it must pronounce two benedictions and the one that perceives it one.

What benediction would he omit?

The benediction of time.

Why not omit the benediction of the miracle?

Because the miracle was continued every day (of the eight).

What is the (special) benediction?

"Blessed be, etc., who hallowed us with His commands and ordained that we shall light the 'Hanukah lamp."

Where did He ordain this?

Said R. Avya: (This command is included in) "Thou shalt not depart, etc." [Deut. xvii. 11]. R. Nehemiah said: (It is included) "Ask thy father and he will tell thee; thine elders and they will inform thee" (ibid. xxxii. 7).

R. Huna taught: A house that has two doors, must have two lamps.

This is the case only when the two doors are in two different sides of the house; but if they both open on the same side, it is not necessary (to place a light in each).

Why so? Because the townsmen may pass by the side which has no lamp and suspect the owner of the house of not having lit any at all.

R. Isaac b. Rediphah said in the name of R. Huna: "A lamp with two mouths (so that two wicks can be lit in it) is sufficient for two men."

Rabha said: If one has filled a dish with oil, put wicks all around the brim, and covered it with a vessel (so that each wick yields a separate flame) it is sufficient for many persons; but if he has not covered it, he made it appear as one flame of fire, and it is not sufficient, even for one person.

"It is certain to me," said he again, "that if one (possessing only means enough to light one lamp) must choose between using

* The three benedictions here referred to are: 1st, for the privilege of lighting the 'Hanukah lamp; 2d, for the miracle which the lamp commemorates; and 3d, for the continuance of life until the season of 'Hanukah. The second benediction is technically designated as that of the "miracle" and the third as that of "time."

this light for a house-light * (on Friday night) or a 'Hanukah light, he should use it for a house-light in order to preserve his domestic peace. If again his choice must be between (purchasing) the house light and (the wine necessary for the celebration) of the holiness of the day (Sabbath), the house-light must again be preferred and for the same reason; but if he must choose between the 'Hanukah light and (the wine) for the holiness of the day, which must he prefer?" "Is the latter to be preferred, because it is of regular occurrence,† or is the 'Hanukah light preferable, in order to celebrate the miracle (which it commemorates)?" Having propounded this question, he afterwards decided it as follows: "The 'Hanukah light must be preferred, in order to celebrate the miracle."

R. Huna said: "He who makes a practice of lighting many lamps (which the law requires for festive occasions) shall be rewarded with scholarly sons. He who is particular about his Mezuzah shall be blessed with a fine dwelling. He who is particular about his show-threads (Tzitziths) shall be blessed with fine garments. He who is particular about hallowing the day (of Sabbath over a cup of wine) shall live to have his cellar well stocked.

R. Huna was wont to pass by the house of R. Abhin, the carpenter; he noticed that the latter lit a great many lamps on the Sabbath night. Said he: "Great men will come forth from this house." And it happened, that R. Jidi and R. Hyya (sons of Abhin) came forth from that house.

R. Hisda was wont to pass by the house of the master (father or father-in-law) of R. Shezbi; he noticed that the man made a practice of lighting many lamps. Said he: "A great man came forth from this house." This great man was R. Shezbi.

The wife of R. Joseph was accustomed to light her (Sabbath) lamp late. Said he unto her: We have learned: (It is written in the Scriptures) "The pillar of cloud did not depart by day nor the

* "The light for a house-light." The text does not specify on what night, but Rashi's commentary adds Friday night, *i.e.*, Sabbath eve. In my opinion that is not the intent of Rashi; for even on workdays the light used by the household should have reference. Proof is: the reason given is for the sake of domestic peace; were it only to apply to Sabbath eve, the reason given would have been in honor of the Sabbath.

† In all the ordinances to be observed, the rabbis have adopted the rule that if the choice stands between one that recurs at short intervals and one that occurs more seldom, the former is always to be preferred. ("Tadir, vesheaino tadir, tadir kodom.")

pillar of fire by night" [Ex. xiii. 22]. From this we infer that the two pillars always closely followed one another. She then wanted to light up too early. Said a certain old man to her: "We have learned (in a Boraitha), however, that (whatever is to be done) should be done neither too early nor too late."

Rabha said: "He who loves scholars, will have sons that are scholars; he who respects scholars will have scholarly sons-in-law; he who fears scholars, will be a scholar himself, and if he is not a scholar, his words shall be respected like those of an ordained scholar."

"Oil of rejected heave-offering, etc."

What is that? Answered Rabba: That was (oil, that was consecrated) as a heave-offering and became defiled. It is called oil for burning, because it must be destroyed in fire, and the Mishna speaks here of a Friday that happens to fall on a (biblical) feast-day, and prohibits lighting (the Sabbath lamp) with it, because consecrated things, that have been defiled, must not be burned on a feast-day. A Boraitha corroborates this explanation thus: "And R. Hanina of Massora said, it should be read in the Mishna: Why shall one not make a light with the defiled oil? Because defiled things cannot be burned on a feast-day. All material, which must not be used for lighting on the Sabbath, may be lit on a feast-day, save the oil for burning."

The schoolmen propounded the following question: Should the 'Hanukah incident be mentioned in the benediction after meals? Is it *not* necessary to do this, because 'Hanukah is a rabbinical institution; or should it be done for the sake of the celebration in honor of the miracle?

Said R. Huna: "It is not necessary to make this mention, but if one wishes to do it, he should incorporate it in the thanksgiving part."

R. Hunah bar Jehudah visited the house of Rabba. He wanted to mention it (the 'Hanukah incident) in (the prayer part under the heading of) "the One who builds up Jerusalem." Said R. Shesheth: Nay; it should be mentioned in the thanksgiving part of the benediction after the meal, as it is mentioned in the same part in the order of daily services.*

* The principal elements of all Hebrew prayers are: 1st, Shebhah, *i.e.*, praise; 2d, Hodayah, *i.e.*, thanksgiving; 3d, Tephilah, *i.e.*, prayer, and 4th, Ta'hanun, *i.e.*, propitiation.

Should the New-Moon day be mentioned in the benediction after meals? Can we assume that the New-Moon day is more important than 'Hanukah because its observation is enjoined in the Scriptures, and therefore it must be mentioned, while 'Hanukah need not be; or need it not be mentioned because manual labor is not prohibited on that day?

Rabh holds that it should be mentioned; R. Hanina holds that it need not be be.

Said R. Zerika: "Hold to Rabh's opinion, for R. Oshiaya holds to the same. Thus we have learned: R. Oshiaya taught: On the days on which additional sacrifices (Mussaph) are offered in the Sanctuary, like New-Moon days and the common days of a biblical feast (as the five days intervening between the first and last days of the Passover feast), one must at evening, morning, and afternoon services recite the regular eighteen benedictions and insert in the thanksgiving part of the day's service a passage referring to the subject of the day. If he has failed to do so, he should be made to repeat (his eighteen benedictions); but such days need not be hallowed over a goblet of wine; though a remembrance of their significance must be made in the prayer after meals. On days requiring no additional sacrifice, like the first Monday; Thursday and Monday (after a biblical feast), fast days and the days (devoted to prayer by) commoners,* one must recite the eighteen benedictions at evening, morning, and afternoon services and insert a paragraph referring to the subject of the day in the prayer division; but if he forgot the latter he need not be made to repeat (the eighteen benedictions). The subjects of such days need not be mentioned in the prayer after meals. The Halakha, however, is not in accordance with the preceding decisions. It remains as decreed by R. Joshua ben Levi: If the day of Atonement happens to fall on a Sabbath day, mention of the Sabbath must be made even in the Neilah prayer (the last of the four different prayers of the day of Atonement), although on ordinary Sabbath days the prayer of Neilah is never recited. Why

* A division of the people had always to be present at the temple to witness the services. The men of such a division were called "commoners" because there was a special place assigned to them in the temple. All of them not being able to attend, they sent their delegates to represent them, but they assembled in their various cities and villages to perform their devotion. The days on which this was done were designated as those of "commoners," "Ma'amadoth." See Mishna Ta'anith.

so? Because the Sabbath and the day of Atonement are now one, and four prayers are indispensable to the services of the day.

MISHNA: The lamp used on a (biblical) feast-night shall not be fed with oil of rejected heave-offerings. R. Ishmael said: The Sabbath lamp shall not be fed with tar, out of reverence for the Sabbath. The schoolmen allow all fatty substances for this purpose; poppy-seed oil, nut oil, fish oil, radish oil, wild-gourd oil, tar and naphtha. R. Tarphin said: It shall be lighted with nothing but olive oil.

GEMARA: "R. Ishmael said, etc." What is the reason? (that tar shall not be used). Said Rabba, because it emits a bad odor (and the Tana prohibits it) as a precaution, lest one light it and leave the house.

Said Abayi: Let him go. (What harm is there in that?)

Rejoined Rabba: "I hold that the Sabbath light is a duty (to be enjoyed and not merely complied with); for so was the opinion of Rabh: The (enjoyment of) Sabbath light is an obligation.

The washing of hands and feet in warm water toward evening (on Friday) is optional. Yet I say it is a duty, for thus said Rabh: "It was the custom of R. Jehudah bar Ilayi to bathe his face, hands, and feet in warm water, that was brought to him in a trough every Friday toward evening; after that he wrapped himself in a pallium with Tzitzith (show-threads) and thus assumed an angelic appearance."

"My soul was deprived of peace" [Lam. iii. 17]. What does this mean? Said R. Abahu: It means (being deprived of the pleasure of) lighting the Sabbath lamp. "I forgot the good" (ibid.). R. Jeremiah said: This refers to (the deprivation of) a bath. R. Johanan said: It refers to the washing of hands and feet with warm water. R. Isaac of Naphia said: It refers to a good bed and comfortable bedding. R. Aba said: It refers to an arranged bed and an elegantly robed wife for scholarly men.

The masters taught: "Who is rich?" One who enjoys his riches, is the opinion of R. Meir. R. Tarphon says, he who has a hundred fields, a hundred vineyards, and a hundred slaves at work in them. R. Aqiba said, he who has a wife adorned with good virtues. R. Josi said, he who has all necessary comforts near his table.

It was taught, R. Simeon ben Elazar said: "The Sabbath lamp shall not be fed with aromatic balsam." For what reason?

Rabba said, because it yields a fine fragrance, it was prohibited in apprehension, lest one use it (taking it out while the lamp is burning). Said Abayi to him: "Why does not the master say, because it is volatile?" Aye; he means this and the other also; the balsam is prohibited, because it is volatile and also for fear lest it be used.

A mother-in-law, who hated her son's wife, told her to go out and perfume herself with aromatic oil. When the daughter-in-law had done this, she ordered her to go and light the candle. While complying with this order, she caught fire and was burned.

The masters taught: A lamp shall not be fed with "Tebhel" * that has become unclean, even on week days, and the less so on the Sabbath. In a similar manner, white naphtha shall not be used to feed a lamp with on week days, much less on Sabbath, because it is volatile.

In the Boraitha it was said that aromatic balsam shall not be used; so also did R. Simeon ben Elazar teach: Aromatic balsam is nothing but resin, that comes forth from aromatic trees.

R. Ishmael said, The (Sabbath) lamp shall not be fed with anything that comes from the trunk of a tree. R. Ishmael ben Beroqa said: It shall be lighted only with such substances as come from fruit. R. Tarphon said: It shall be fed only with olive oil. R. Johanan ben Nuri arose and said: "What shall the people of Babylonia do, who have nothing but poppy-seed oil? What shall the people of Media do, who have nothing but nut oil? What shall the people of Alexandria do, who have nothing but radish-oil? and what shall the people of Cappadocia do, who have no oil of any kind, nothing but tar?" Nay; we have no choice, but to accept the decree of the masters as to substances which should not be used; (but all other substances may be used). Even fish-oil and oil of wild gourds may be used to feed the Sabbath lamp with. R. Shimeon Shezori said: Oil of wild gourds and naphtha may be used. Sumkus said no animal fat save fish oil may be used.

MISHNA: No substance that comes from a tree shall be used (as a wick) for the Sabbath lamp, save flax. In like manner no substance that comes from a tree becomes defiled when serving as a tent (in which a dead body lies) save flax.

* "Tebhel" is the designation of the produce of the field and the garden, from which the Levitical gifts or tithes were not separated.

GEMARA: Whence do we know that flax is called a tree? Said Mar Zutra: Thus says the Writ: "She took them up to the roof, and hid them in the flax-trees" [Josh. ii. 6].

"No substance, etc., save flax."

Whence do we know this?

Said R. Elazar: We derive this from the similarity of terms, that occurs here and in the case of the tabernacle. In our case it is written: "If a man die in the tent, etc." [Num. xix. 14], and in the latter case it is written "Moses spread the tent over the tabernacle" [Ex. xl. 19]. As the tent of the tabernacle was made only of flax, so also in our case, if a tent is made of flax only, it is also called a tent and is liable to become defiled.

MISHNA: A piece of cloth, that was rolled together, but not singed, said R. Eliezer, becomes defiled (when it is in the same tent with a dead body) and shall not be used (as a wick) to light (the Sabbath lamp) with. R. Aqiba said: It remains pure and may be used as a light.

GEMARA: On what grounds do they differ?

R. Oshaya and also R. Ada bar Ahba said: Here the question is about a piece of cloth that is exactly three spans square, and the lighting is to be done on a feast-day, which happens on a Friday. All agree to the opinion of R. Jehudah, who said that (on a feast day) fire may be made with good cloth (or vessels) but not with such as have been spoiled (the same day). Again all agree with the opinion of Ula, who said that in lighting (the Sabbath lamp) one must light the largest part of the wick that protrudes from the lamp. Now, R. Eliezer holds, that the rolling up (of the piece of cloth) does not improve the position (*i.e.*, it is still an object, to which the term "cloth" or vessel applies); as soon as it is slightly burned, it becomes spoiled material; fire, being applied further, is naturally generated with spoiled material (which, according to R. Jehudah, is prohibited). R. Aqiba, on the other hand, holds that folding *does* improve the condition and the cloth is no longer a vessel; hence he puts fire to a simple piece of wood (as it were, and this is allowed).

Rabba said: The reason of R. Eliezer's (prohibition) is that the Sabbath lamp is not allowed to be lighted with a wick or rag, that has not been singed.

R. Jehudah said in the name of Rabh: Fire may be made (on a feast day) with vessels, but not with broken vessels. R. Shim-

eon permits (even the latter). Fire may be made with dates, but having eaten dates, one is not allowed to feed the fire with the peats, is the opinion of R. Jehudah; R. Shimeon says: It is allowed. A fire may be made with nuts, but if one has eaten the meat, he must not feed the fire with the shells, holds R. Jehudah; R. Shimeon permits both.

The statement credited to Rabh in the foregoing paragraph was not really made by him, but was merely implied from his actions. While in Palestine, one day Rabh was eating dates and threw the peats into the fireplace, upon which R. Hyya said to him: "Descendant of nobles, on a (biblical) feast-day this would be prohibited!" Did Rabh agree with him, or did he not? Come and hear: While in Babylonia, one feast day Rabh was eating dates and threw the peats to some cattle (for food). Must we not assume that these dates belonged to the class known as "Parsiassa" (a ripe, delicious free-stone fruit), and if Rabh fed cattle with the peats of this fruit it was because they may be used for fuel also, and thus the statement of R. Hyya is contradicted? Nay; it may be the peats that fed the cattle by Rabh were from dates known as "Armiassa" (an inferior fruit, the peats of which cling to the meat). The peats of this latter class of dates, in consequence of the meat still clinging to them, are regarded as dates themselves and may be carried on the Sabbath. Hence it is obvious that they may also be fed to cattle, and Rabh therefore does not contradict R. Hyya.

MISHNA: A man shall not bore a hole in an egg-shell, fill it with oil and put it upon the (Sabbath) lamp, so that the oil drip into it; (he shall not do this) even with one made of clay. R. Jehudah permits this to be done. If, however, the potter has attached it to the lamp, when he made it, it is allowed to do this, for (together with the lamp) it forms one vessel. A man shall not fill a dish with oil, put it beside the lamp and dip the (unlighted) end of the wick into it, in order that it should draw. R. Jehudah permits this to be done.

GEMARA: "If the potter has attached it, etc."

It was taught also: If the man himself has attached it with mortar or clay, it is allowed. Does not our Mishna say "the potter" (from which it may be inferred, that if the owner did it, is it not allowed for use?) Nay; "the potter" means: in the manner of the potter.

It was taught, R. Jehudah said: "Once we kept Sabbath in the hall of Beth Nitza in Lydda. We procured an egg-shell, filled it with oil, and placed it on the lamp. R. Tarphon and the aged scholars were there, and they made no objection to our action." They answered him: "Wilt thou prove by this (that this is allowed)? Beth Nitza is quite a different case; for the men there are very careful."

Abhin of Ziphoris dragged a chair (along the floor on Sabbath) in the marble hall in the presence of R. Isaac ben Elazar. Said the latter: "If I should be silent toward thee (although this floor being marble, no indenture can be made by the chair, and thou art not guilty of wrong-doing) as the colleagues were silent toward R. Jehudah, my silence might be misconstrued (and people might think that this can be done on any floor; therefore I say that) this is prohibited in the marble hall as a precautionary measure, lest one do it in any other hall." The head man of the assembly room of Bazra dragged a chair in the presence of Jeremiah the Great. Said the latter to him: "According to whose decision dost thou this?" "According to R. Shimeon." "But R. Shimeon allowed large things only (to be dragged) because they cannot be lifted; and how do you know that he did allow also small things?" This teaching differs with the opinion of Ulla, who says the dispute was only concerning small things, for as to large ones there was no objection from any one.

MISHNA: If one extinguishes a lamp (on the Sabbath) because he is afraid of idolaters,* or of robbers, or of an evil spirit;† or in order that a sick person may be able to sleep, he is not held culpable. If he does this, however, to prevent damage to the lamp, or to save the oil or the wick, he is. R. Josi declares the man not culpable even in the latter cases, excepting (if he extinguished the lamp to save the wick), for in that case he caused a cinder to be created.

GEMARA: From the fact that the second part of the Mishna declares the man (who had extinguished the lamp to prevent damage, etc.), culpable it is evident that this regulation was made

* Alike the Persians, says Rashi, who had certain nights on which they allowed no lights to burn anywhere but in their sacred shrines.

† The evil spirit here referred to is explained by the commentators to mean "melancholia."

by R. Jehudah.* Now, how is the first part to be understood? If it speaks of a sick person, whose illness is dangerous, it should not say (that the man who extinguishes the lamp to afford him rest) is "not culpable," but should say that he is "allowed to do it" (even intentionally). And if it speaks of one whose illness is not dangerous (the one who extinguished the lamp for him) ought to be declared in duty bound to bring a sin-offering.

Of a verity, the Tana speaks of a case of dangerous illness, and should have said "it is allowed" (to extinguish the lamp even unintentionally), but he used the term "not culpable" merely (for the sake of euphony), because in the latter part (of the Mishna) he must say "culpable;" therefore he taught in the first part of the Mishna that he is not culpable. But have we not learned, R. Oshayaa said, that "in order that a sick person may be able to sleep, one should not extinguish (the lamp on the Sabbath); and if he did so he is not held culpable, though it is not allowed (to be done intentionally);" the teaching of R. Oshayaa refers to sickness that is not dangerous and is in accord with the opinion of R. Shimeon.

The question, "Is it allowed to extinguish a lamp for the sake of a sick person on the Sabbath?" was propounded before R. Tan'hum of Navi.

He began thus: † "O thou Solomon! Where is thy wisdom? Where is thy folly? Thy words contradict not only the words of thy father, but also thine own utterance. Thy father David said, 'The dead do not praise God' [Ps. cxv. 17], and thou sayest, 'I praise the dead that died long ago' [Eccl. iv. 2], and then again, 'A living dog fareth better than a dead lion' [ibid. ix. 4]. (Yet there is no contradiction.) That, which David said, The dead do not praise God, means this: A man must always engage in study and in God-pleasing deeds before his death; for as soon as he dies, he is free of both, and the Holy One, blessed is He, receives no praise from him. The saying of Solomon, 'I praise the dead, etc.,' means: When Israel sinned in the desert, Moses stood up be-

* The inference is made on the strength of a rule laid down by R. Jehudah elsewhere, that every unintentional breach of the Sabbath, which is made not out of personal necessity or habit, must be atoned for by a sin-offering (Rashi).

† This apparently far-fetched introduction to an answer to a question of religious legalism illustrates most beautifully how the ethical principle predominated in the rabbinical discussions.

fore the Lord and offered many prayers and propitiating invocations; but he received no answer. As soon, however, as he said: 'Remember Abraham, Isaac, and Israel, Thy servants' [Ex. xxxii. 13], he was answered forthwith; now did not Solomon say well: 'I praise the dead that have died long ago?' In another way (this can be explained as follows): The custom is, if a man of flesh and blood issues a decree, it is doubtful whether the people will comply with it or not. If they comply with it while he lives they may disregard it after his death. Moses, our master, on the other hand, has issued many decrees and established many enactments, which stand unshaken forever and aye. Now, did not Solomon say well: 'I praise the dead, etc.' As to the question that was propounded,* I say this: A lamp is called 'Ner,' and the soul of man is called 'Ner.'† Let rather the Ner which man has made (the lamp) be extinguished, than the 'Ner' (the soul) which belongs to the Holy One, blessed is He."

It was said in the name of Rabh: The sages wanted to conceal the book of Ecclesiastes because of its contradictory sayings. Why did they not conceal it? Because it begins with sound religious teachings and ends with similar teachings. It begins with the words: "What profit hath man by all his toil under the sun?" [Eccl. i. 3]. Whereupon the school of R. Janai said, "Under the sun" there is no profit, but there surely is "beyond the sun." It ends with the words: "The conclusion of the matter is, fear God and observe His commands, for this is all (there is) for man" [Eccl. xii. 13]. What does it mean: "This is all (there is) for man?" R. Elazar said: (It means) the whole world was created only for the sake of his fear of God. R. Aba bar Kahana said: The God-fearing man outweighs (in importance) the whole world. Shimeon ben Azai, others say Shimeon ben Zoma, said: The whole world was created only to provide him with assistance.

"I praise mirth" [Eccl. viii. 15]. This means the rejoicing man conceives, when he performs a God-pleasing act. "To what advantage is mirth" [Eccl. ii. 2] alludes to rejoicing that comes not through a God-pleasing deed. This teaches that the divine presence (Shekhina) comes not by sadness, by indolence, by hilar-

* The liberality of the rabbinical law is evinced by the fact that it regards an act done for the sake of alleviating sufferings on the Sabbath day not wrongful. Every comfort may and should be provided for the sick on the Sabbath day.

† "Ner" is the Hebrew word for candle; the soul is the candle of God.

ity, by levity, by gossip, or by senseless talk—but through rejoicing in a good deed. Thus it is written: “Now bring me a minstrel; and when the minstrel played the power of the Lord was upon him” [2d Kings iii. 15]. Rabba said: The same (should be done) in order to enjoy good dreams. R. Jehudah says: The same (should be done) to predispose one’s self for legislative work, as Rabba did: Before commencing to expound Halakha he introduced it with a simile and caused the masters to become joyful; afterward, he sat down in the fear of the Lord and began to expound the Halakha.

It was taught that in the same time they also wanted to conceal the book of Proverbs on account of its contradictory sayings. But why did they not do so?

They said: “Have we not scrutinized the book of Ecclesiastes and found the meaning (of its contradictory sayings)? Let us then search deeply here (in the book of Proverbs) also.”

Which are the contradictory sayings? It says: “Answer not the fool according to his folly” [Prov. xxvi. 4]; and then again: “Answer the fool in his folly” [ibid. v. 5]. Yet this is no contradiction; the latter refers to a subject of learning, the former saying to a subject of indifferent talk.

How is the subject of learning here to be understood?

In the following manner: R. Gamaliel preached: “In the future, woman will bear a child every day, for thus it is written: “She conceived and gave birth at a time” [Jer. xxxi. 7]. A disciple laughed at this and said: “There is no new thing under the sun” [Eccl. i. 9]. Said R. Gamaliel: Come, I will show thee such a thing in the world; and he showed him a hen. The same rabbi preached: In the future, trees will bear every day, for it is written: “It will produce branches and bear fruit” [Ezek. xvii. 23].

“As branches are produced for every day so also will fruit be brought forth every day. Again the disciple laughed and said: “There is no new thing under the sun.” Said the master to him: Come, I will show thee a thing of this kind in the world; and he showed him a caper tree. He preached again: The land of Israel will in the future produce ready cakes and garments, explaining the first part of verse 16 of Psalm lxxii. to that effect.

The disciple again laughed at him; but he showed him that ready meats are produced in the shape of mushrooms and ready

garments grow in the shape of many-colored fibres that cover the young date trees.

The masters taught: A man should always be as modest as Hillel and not as impulsive as Shamai. It once happened that two men laid a wager of two hundred Zuz, which would be won by him who could provoke Hillel to anger, but lost if he failed in the attempt. This happened on Friday, while the sage was bathing his head. The man who undertook the task went to Hillel's door and cried: "Who is Hillel here? Who is Hillel here?!"*

The Rabbi threw a mantle over his shoulders and went out to meet him." "What desirest thou, my son," he asked. "I have a question to ask," the man replied. "Ask, my son, ask," said the Rabbi. "Why are the Babylonians round-headed?" asked the man. "This is an important question, my son; the reason is that they have no skilled midwives in Babylon," answered Hillel. An hour later the man came again calling: "Who is Hillel here? Who is Hillel here?" The Rabbi came out again and said: "What desirest thou, my son?" "I have a question to ask," the man said. "Ask, my son, ask," said Hillel. "Why have the Tarmudites oval eyes?" "This is a very important question, my son. (The Tarmudites) live in a sandy land and must always keep their eyes half closed." An hour later the man came again in his insolent manner and said again that he had a question to ask. Hillel in his quiet manner again encouraged him. "Why do the Africans have large feet?" he asked. "Because they live in a swampy land," answered Hillel. "I have many more questions to ask, but I am afraid, lest thou get angry," continued the man. Hillel wrapped himself in his mantle and sat down, saying: "Ask, my son, all the questions thou desirest." "Art thou Hillel, who is titled a prince in Israel?" asked the man. "Yes, my son," answered the Rabbi. "If thou art the man, may there not be many like thee in Israel." "Why so, my son?" "Because thou makest me lose four hundred Zuz." Said Hillel to him: "Take care of thy temper. A Hillel is worthy that twice that amount be lost through him; a Hillel must not get excited."

The masters taught: A Gentile once came before Shamai and asked: "How many laws have you?"

* Hillel, being the president of the Synedrion, should have been addressed according to his rank, but by addressing him thus, it seems, the man thought he could provoke him to anger.

"Two laws; the written and the oral law," answered the Rabbi.

"I believe thee as regards the written law, but I don't believe thee as to the oral law," said the Gentile. "I will be converted to Judaism on condition that thou teach me the written law." Shamai rebuked him and drove him away.

He then came to Hillel with the same plea and Hillel accepted him. He began teaching him the alphabet in regular sequence. The next day he taught him the letters backward. "You did not teach me so yesterday," the man objected. "Aye, aye, my son; must thou not repose confidence in me? Thou must likewise repose confidence in the oral law (which appears at first sight different from the written law)."

Another Gentile came to Shamai saying: "Convert me on the condition that thou teach me the whole Torah while I stand on one foot." Shamai pushed him away with the builders' measure he held in his hand. He thereupon came to Hillel and the latter accepted him. He told him: "What is hateful to thee, do not unto thy fellow; this is the whole law. All the rest is a commentary to this law; go and learn it."

Another Gentile once heard a Jewish teacher instructing his class about the vestments of the high priest. He took a fancy to that and thought he would accept Judaism in order to be made a high priest. Thus he appeared before Shamai and said: "Convert me on the condition that I be made a high-priest." Shamai pushed him away with the builders' measure he held in his hand. He came to Hillel (with the same request) and the latter accepted him. Said Hillel to him: "Do people select a king unless he knows the laws of their government? Thou must study the laws of our government (if thou wilt become a high priest)." The convert began studying Torah. When he came to the passage: "A stranger, who comes near (to the vessels of the sanctuary) shall die" [Numb. i. 51] he asked: "To whom does this passage refer?" Hillel answered: "To any one (who is not a descendant of Aaron the high priest), even if he would be David, the king of Israel." Then the convert made the following deduction: If the people of Israel, who are called the children of the Lord, so that out of love to them the Omnipresent said: "My first-born son is Israel" [Ex. iv. 22]—if of them it is written, "a stranger that comes nigh shall die," the more so must it be with an insignificant stranger, who is come (within the pale of Judaism) merely with his

staff and his bag! He went before Shamai and said: "Am I qualified to become a high priest? Is it not written: A stranger, that comes nigh shall die?" He then appeared before Hillel and said: "Thy equanimity of temper, O Hillel. May blessings be upon thy head, for thou hast gathered me in under the wings of the Shekhina (divine presence)."

The three converts met some time later, and said: "The impulsiveness of Shamai came near sending us adrift in the world (outside of the pale of religion); Hillel's equanimity of temper gathered us in under the wings of the Shekhina."

Resh Lakish said: What does the verse, "The trust of thy times shall be the strength of salvation, wisdom, and knowledge, etc." [Is. xxxiii. 6] what does this mean? (I think that this can be a biblical support to the six divisions of the Mishna which we possess)?* "The trust" comes within the department of "Zeraim" (Plants); "thy times" in the department "Moed" (Festivals); "strength" in the department "Nashim" (Women); "salvation" in the department of "Nezikin" (Jurisprudence); "wisdom" in the department of "Qodoshim" (Holiness), and "knowledge" in the department of "Taharith" (Purity). And yet, "the fear of the Lord is his treasure" (*i.e.*, all these do not avail where there is not the fear of the Lord).†

Rabba said: When a man comes before the (divine) judgment, he is asked: "Hast thou traded in good faith? Hast thou appor-tioned regular times for study? Hast thou produced children? Didst thou hope for salvation? Hast thou discussed subjects of wisdom? Hast thou formed (logical) conclusions from the things thou hast learned?" After all this (if he can affirm all these questions) if he possessed the fear of the Lord, it was well; if not

* The six departments enumerated here are those of the Mishna, into which the Rabbis have divided all the subjects touched upon in the Bible.

† "Trust" comes within the department of "Plants" because the tithes due the priests and Levites by the farmers was not fixed legally as to quantity, but was trusted to the honesty of the donor. "Thy times" comes within the department of "Festivals" for self-evident reasons. "Strength" comes within the department of "Women," for the reason that the Hebrew word, "Chosen" also means inheritance, and heirs are naturally produced by women (this is the opinion of Rashi). "Salvation" in the department of "Jurisprudence:" all laws pertaining to the saving of life and property. "Wisdom" in the department of "Holiness:" the holy sacrifices requiring the exercise of much wisdom. "Knowledge" in the department of "Purity." The determining of pure and defiled things necessarily demanded thorough knowledge of the subject.

it was not so. This is like a man who ordered his agent to store a measure of wheat in the attic. The agent did so. Then the man asked him whether he had mixed some dry dust with the wheat (for protection against weevils), and he answered nay. "It were better," said the merchant, "if thou hadst not stored it."

Rabba bar R. Huna said: A man who possesses learning, but has no fear of Heaven, is like the manager (of a palace) who has the keys to the inside apartments, but lacks the one which opens the outside gate. How can he enter?

R. Janai cried out: "Alas for him who has no dwelling, yet strives to make the door of a dwelling!" R. Jehudah said: The Holy One, blessed is He, created the world only for the purpose that man should fear Him, for it is written: "God hath so made it, that (men) should fear Him" [Eccl. iii. 14].

R. Simon and R. Elazer were sitting together as R. Jacob bar Aha came passing by. Said one of them: "Come, let us arise before him, for he is a man that fears to sin." Said the other one: "Aye; let us arise before him, for he is a son of enlightenment (a scholar)." Said the former: "I tell thee, that he is a man that is afraid to sin, and thou sayest he is a scholar. Thou shouldst be mindful of what R. Elazar said: "The Holy One, blessed is He, has nothing better in the world than (men who possess) the fear of Heaven, for thus it is written: 'And now Israel, what doth the Lord, thy God, require of thee but to fear the Lord thy God'" [Deut. x. 12].

R. Ulla preached: What does the passage mean, "Be not wicked over much"? [Eccl. vii. 17]. Is it allowed to be wicked at all? Nay, but the passage means this: If one has eaten garlic and has acquired a bad odor, he must not eat more garlic, because the bad odor is (about him) already. Rabba bar Ulla preached: It is written, "For there are no fetters in them, but their strength is firm" [Psalms lxxiii. 4]. Said the Holy One, blessed is He: "It is not enough that the wicked do not trouble for, nor fear the day of their death, but that their heart within them is as strong as a strong fortress." Which is similar to Rabba's explanation of the passage: "This is their way; their folly" [ibid. xlix. 14]: The wicked know that their manner (of living) leads them to death and still their kidneys wax fat (implying their blindness to the fact). Perhaps thou wilt attribute this to their forgetfulness. See further: "What will happen after their lives is the subject of

their sayings," whence we conclude that while they do not repent, they continually speak of their death.

"To spare the lamp, etc."

With whom does R. Josi agree? If he agrees with R. Jehudah, he should declare culpable even these; and if he agrees with R. Shimeon, he should declare not culpable even (the man who extinguishes the lamp) for the purpose of saving the wick. Said Ulla, by all means R. Josi agrees with R. Jehudah, but he holds that if one destroys in order to rebuild in the same place, he is guilty (of the act) of breaking; but if one destroys not intending to rebuild in the same place, he is not (guilty of) breaking.

MISHNA: For three sins women die of childbirth: for negligence (of the laws) of their isolation, neglect of (separating the Levitical) gifts of their dough, and for neglecting to light the (Sabbath) lamp.

GEMARA: Why so? Thus a Galilean master preached before R. Hisda: The Holy One, blessed is He, says I have created you with power of blood; I have warned you concerning blood; I have called you "the first produce" [Jer. ii. 3] and charged you to sacrifice the "first of your dough" [Numb. xvi. 21]; the soul that I have I gave you is called a light, and charged you concerning the (Sabbath) light. If you observe these things, it is well; if not, I shall take your souls; but why should this happen at the time of childbirth? Said Rabba, when the ox falls or is felled, it is time to sharpen the knife.*

And when are the sins of men passed upon? Said Resh Lakish, when they pass a dangerous place, that is like a bridge (which is unsafe). Rabh would not embark on a ship that carried an idolater; said he: "His time to be punished may come, and I (being on the same vessel) may have to suffer with him." Samuel would go to sea only on a vessel which carried idolaters, saying: "Satan hardly ever metes out punishment to two people" (of different beliefs). R. Janai always examined a vessel before he embarked. This he did in conformity with his own teaching, for thus he taught: "A man should never place himself in danger, expecting that a miracle would be wrought for him, for it may be that no such miracle will be wrought, and if a miracle is wrought

* When the ox is felled the knife should be ready, lest he rise again and cause more trouble; thus it is stated that women die at time of childbirth because, while they are in danger, the punishment for transgressions is also inflicted!

for him, it will be deducted from the reward due his merits in the world to come." Asked R. Hanin: "Where is the biblical passage that proves this?" It can be inferred from the verse: "I am not worthy of all thy kindness and of all thy truth" [Gen. xxxii. 11]. R. Zera would never walk under date trees in stormy weather. R. Isaac, the son of R. Jehudah, said: A man must always pray that he should not become sick, for if sickness befall him, he must be possessed of special virtues in order to get well again. Said Mar Ukba: What is the biblical passage relating to this? The school of R. Ishmael maintains, the passage in question is to be taken from Deut. xxii. 8, viz.: "Peradventure, one may fall down from there." The word "Hanofel," which is in the past tense and implies that he has fallen down, although such a case had not happened as yet, is simply a matter of conjecture on the part of this school, which considered a predestined thing as a matter that had already occurred, because the fall was already predestined for the guilty person.

The reward of virtue is, however, brought about by a meritorious person, while the chastisement for sin is dealt out through a sinner (and his not making a railing around his roof constitutes him a guilty person). [See Deut. xxii. 8.]

The rabbis taught: If one is sick, approaching death, he should be told to confess his sins, for all those who are to suffer the death penalty must make a confession. When a man goes out to a market (where there are always dangerous people in the crowd) he should consider himself like one arrested by a soldier. When his head aches, he should consider himself as one put in prison. If he cannot rise from his bed, he should consider himself as one indicted before Gardom (a criminal court); if he has good advocates to defend him, he may go free; if not, he cannot be saved. The defending attorneys of a man (before divine justice) are penitence and good works. If there should be nine hundred and ninety-nine accusers against him and only one to plead in his favor, he is saved, for thus it is written: "If there be a messenger with him, an interpreter, one among a thousand to show unto man his uprightness, then He is gracious unto him, etc." [Job xxxiii. 23]. R. Eliezer, the son of R. Josi the Galilean, said: Even if only one thousandth part of one advocate out of a thousand plead in the man's favor, although the rest speak against him, he is saved; because it is said, "one" defender out of a thousand suffices.

It was taught, R. Shimeon ben Gamaliel said: The laws of holy offerings, heave-offerings and tithes, are integral parts of the Torah, and yet their observance was entrusted to the common people.

It was taught, R. Nehemiah said: The penalty for the sin of hating without cause is: Strife at home, the wife (of the sinner) gives birth before her time, his sons and daughters die young.

R. Elazar ben Jehudah says, The penalty for the sin of (neglecting to separate) the Levitical portion from the dough is: No blessing in the harvest, high prices (for necessities), the consumption of the seed by strangers; but if this portion is given, blessings will surely follow, for thus it is written: "The first of your dough shall you give to the priest, to cause a blessing to rest on thy house" [Ez. xliv. 30]. The penalty for the sin of neglecting (to separate) heave-offerings and tithes is: The sky withholds rain and dew; dearth comes on, there are no profits, and men run about to earn a livelihood, but they do not succeed. But if these offerings are given, blessings will come, as it is written: "Bring ye all the tithes into the storehouse, etc., and prove me but herewith, saith the Lord of Hosts, if I will not open for you the windows of heaven, and pour out for you a blessing, until there be more than enough" [Mal. iii. 10]. The penalty for the sin of robbery is: Locust pestilence, famine comes, and the people feed on the flesh of their children, as it is written in Amos iv. 1-7. For the sins of curbing, perverting, and polluting justice, and of neglecting the law, the sword comes on, (enemies take) much spoil, the people eat and are never satisfied, and they must weigh the bread they eat (*i.e.*, eat in small portions, for fear that nothing be left for the next meal), as it is written in Leviticus xxvi. 25: "Avengeing the quarrel of my covenant," and covenant is synonymous with the Law, as it is written in Jeremiah xxxiii. 25. For the sins of unnecessary swearing, perjury, blasphemy, and desecration of the Sabbath, many wild beasts come and domestic cattle are destroyed; the population decreases and the roads are bare (without travellers). For the sin of bloodshed, the sanctuary is laid waste and Shekhina (divine presence) departs from Israel, as it is written in Numbers xxxv. 34: "And ye shall not render unclean the land, which ye inhabit, in the midst of which I dwell; for I, the Lord, dwell in the midst of the children of Israel;" but if ye render it unclean, the Shekhina will depart from the land. For the sins of adultery,

idolatry, and disregard of (the laws of) the year of release and the Jubilee, exile comes and (other nations) take up the place (of the exiles), as it is written in Lev. xviii. and xxvii. For the sin of defiling the mouth (speaking indecent things), great oppressions and evil decrees are (constantly) renewed, young men die, orphans and widows cry (for help), but are not answered, as it is written in Isaiah ix., end of verse 16: "For all this His anger is not turned away and his hand still remaineth stretched out," which is explained by R. Hanan bar Ahba as follows: "All know for what purpose a bride marries; still, he who defiles his mouth (by speaking of its details), even if a happy life of seventy years is decreed for him, the decree is turned aside." R. Hisda says, Gehenna is made deep for him who defiles his mouth, as it is written in Proverbs (xxii. 14.) R. Nahman bar Isaac says, it is made deep even for the one, who listens to (indecent talk) and does not protest against it; (ibid. 15.) R. Oshaya says: He who abuses himself (by masturbation) becomes afflicted with wounds and boils; not only this, but he is punished with dropsy. R. Nahman bar Isaac says, dropsy is an evidence of sin. Samuel the Little took sick with it, and he said: "Creator of the world. Who will prove (that I am not guilty of immoral conduct)?" Hereupon he got well again. Abayi took sick with it. Said Rabha: "I know that the Nahamanite (son of Nahman) starves himself."

The Rabbis taught, there are four evidences: An evidence of sin is dropsy; an evidence of hate without cause is jaundice; an evidence of pride is poverty; an evidence of calumny (spreading evil reports about others) is croup. The sickness of croup becomes epidemic for (the sin of neglecting to give) tithes; but R. Elazar bar Josi said, for the sin of calumny.

R. Jehudah, R. Josi, and R. Shimeon were sitting together and Jehudah, the son of proselytes, sat before them. R. Jehudah opened the conversation, saying: "How beautiful are the works of this nation (the Romans). They have established markets; they have built bridges; they have opened bathing-houses." R. Josi said nothing; but R. Shimeon ben Johai said: "All these things they have instituted for their own sake. Their markets are gathering-places for harlots; they have built baths for the purpose of indulging themselves in their comforts; they have built bridges to collect tolls from those who cross them." Jehudah, the son of proselytes, went and reported this conversation, and it came to

the ears of the government. Said (the rulers): "Jehudah, who has praised (our doings) shall be promoted; Josi, who said nothing, shall be exiled to Sophoris; Shimeon, who spoke disparagingly, shall be put to death." R. Shimeon and his son then went and hid themselves in the college, and their wives brought them every day some bread and a measure of water, and they ate. When the decree became imperative, he said to his son: "Women are of a pliant disposition. They (the government agents) will perhaps trouble them and they (the women) will reveal our whereabouts." They then went and hid themselves in a cave. A miracle occurred, that a date tree and a spring of water came out for them. They stripped themselves naked and sat down covered with sand up to their necks. Thus they sat all day studying; only at the time of prayer they put on their garments, and after performing their devotion, they took them off again, for fear they might wear them out. In this wise they spent twelve years in their cave. Elijah then came to the opening of the cave and said: "Who will inform the son of Johai, that the Cæsar (governor) is dead and his decree is annulled?" Hereupon they left the cave. They then went forth and saw men who were ploughing and sowing grain. Said R. Shimeon: "These people leave the works which lead to everlasting life and occupy themselves with worldly things." After this every place, where they chanced to turn their eyes, was burned. Suddenly a "Bath Kol" (heavenly voice) was heard, which said unto them: "Have ye come to destroy my world? Go, return to your cave." They returned and stayed in the cave another twelvemonth, saying, the punishment of the wicked in Gehenna only lasts twelve months. At the end of that time came again the heavenly voice and said: "Go out of the cave," and they came out. This happened on a Friday near sunset. They saw a man hurrying with two bunches of myrtle in his hand. "What are they for?" they asked him. "To honor the Sabbath," was the reply. "Would not one bunch be enough?" "Nay; one is for the command 'to remember,'* the other for the command 'observe,'" said the man. Said R. Shimeon to his son: "Behold, how Israel loves the commands (of God)." This reassured them.

* In the Decalogue of Exodus the fourth commandment begins with the word "Zakhor," "Remember;" in Deuteronomy it begins with the word "Shamor," "observe."

R. Shimeon's father-in-law, R. Pinhas ben Yair, heard (that they were coming) and went to meet them. He took them to the bath-house. While R. Shimeon was cleaning his (own) body, R. Pinhas noticed that it was full of blisters; tears ran from his eyes when he saw this, and (the tears falling upon the flesh of his son-in-law) caused R. Shimeon pain. Said R. Pinhas: "Woe unto me, that I see thee in this state." R. Shimeon rejoined: "Well unto thee, that thou seest me so, for if thou hadst not seen me in this state, thou couldst not find in me (all the learning) that thou canst find in me now."

MISHNA: Three things a man must say in his house on Friday, when it is getting dark, viz.: "Have you set aside the tithes (from the fruit, which is to be eaten on the Sabbath)? Have you put up the Erubh? and Light ye the lamp." When one is in doubt whether darkness had set in, he must not separate tithes from (fruit of which he is) certain (that tithes had not been set aside), and he shall not put vessels under process of lavation,* and he shall not light a lamp any more. But he may set aside tithes from (fruit of which he is) not certain (that tithes have been set aside) and he may put up the Erubh and also put his victuals into the stove for the purpose of keeping them warm.

GEMARA: From where is this derived (that a man must say, etc.)?

Said R. Joshua ben Levi: From the passage, "Thou shalt know, that peace is in thy tent, and shalt examine thy dwelling, that thou mayest not sin" [Job v. 24]. Rabba bar R. Huna said: Although the masters have taught that "a man must say three things, etc.," yet one ought to say it quietly, in order that (his family) should take it from him (in good grace). Said R. Ashi: "I have not heard of this saying of Rabba bar R. Huna before, yet I have always done so as a matter of common sense.

Does the text (of our Mishna) contain a contradiction? It says: "Three things a man must say, etc., when it is getting dark;" this implies, that, if he is in doubt whether it is getting dark, or whether darkness has set in already, he cannot say it any more. In the latter part, however, it says "if he is in doubt, etc., he may put up an Erubh."

"This is no contradiction," was said in the name of Rabh. In

* All new vessels must undergo a process of lavation before they can be used. See Num. xxxi. 23.

the first part it speaks of an Erubh, that marks the boundaries of the city; in the latter part it speaks of an Erubh, by which the neighbors of adjoining courts make common cause (for the Sabbath).

Rabba said: The rabbis have prohibited putting victuals among things (that preserve but) that do not increase the heat after dark, for fear lest one find them too cold and be tempted to make them boil.

Said Abayi to him: "If such is the case, why did he not enact the same prohibition for (the time) when it is twilight also?" Answered Rabba: "At that time the pots are generally boiling hot."

Rabba said again: "The rabbis have prohibited putting victuals among things that increase the heat, when it is yet day, for fear lest one put them in cinders, where there are yet live coals."

"What harm is there, if one does this?" asked Abayi.

Nay; there is fear lest he be tempted to stir the burning coals. The rabbis taught: "Which is the time of twilight?" When the sun sets and the eastern sky is red; when the lower (edge of a cloud) is dark, while the upper part is not yet dark; but when the upper edge (of such a cloud) is as dark as the lower, night has set in. So says R. Jehudah. R. Nehemiah says: (The duration of twilight) is the time a man takes to walk a half-mile from the moment the sun sets. R. Josi says: Twilight is like the twinkling of an eye; the one (day) goes out, the other (night) comes in, and it is impossible to determine it.

Each one has his reasons, for we were taught: What is the duration of twilight? Rabba said in the name of Samuel, (the time it takes to walk) three-quarters of a mile; R. Joseph said in the name of the same authority, two-thirds of a mile. The difference between them is half a Danka. (The contrary is the case, when a bee-hive is concerned; in that case, Rabba said, a bee-hive of two Kurs * one may move on the Sabbath; of three, one shall not; R. Joseph, however, said, that one may move even a hive of three Kurs, but one of four is forbidden. Said Abayi: "I have inquired of the master at the time of the deed, and he did not even permit me to move one of two Kurs.)

* Kur was an ancient measure and cannot be determined at the present time; it may have been about three gallons. See Schoenhak's "Hamashbir."

Rabba saw that Abayi was (one Friday) looking toward the east (to calculate the duration of twilight). Said he to him: "Dost thou think the masters spoke of the sky in the *cast*? They spoke of an object in the east, that reflects the red sky (of the west), like a window (placed eastward of the setting sun).

R. Nehemiah said: (The duration of twilight is the time) it takes a man to walk a half-mile. Said R. Hanina: "If one wishes to know the time according to R. Nehemiah's calculation, he should leave the sun (see it set) on the top of Karmel (a certain mountain peak on the sea-coast), go down, dive into the sea, and go up (the mountain) again;—this will give him the exact time."

R. Jehudah said in the name of Samuel: If only one star (can be seen in the sky) it is yet day; if two stars, it is twilight; three stars, it is night. The same was taught in a Boraitha. Said R. Josi: But this is not the case with the big stars, that can be seen even in daytime and not with the small stars, which cannot easily be seen at night, but with stars of medium size.

R. Josi bar R. Zebhida said: If one (unintentionally) performs work on both times of twilight (Friday and Sabbath), he must bring a sin-offering by all means (because at one of both times it was certainly Sabbath).

Rabba said to his attendant: "You, who are not an expert in the scholarly calculation of time, must light the Sabbath lamp, when you see the (last rays of the) sun on top of the trees. In cloudy weather how shall it be? (The lamp must be lit) in the city, when the hens go to roost; in the field, when the ravens fly to roost or when the mallow shrub * (inclines its head to the west).

The Rabbis taught: Six times was the signal blown on Friday; the first time to stop work in the field; the second to stop it in the city and in the stores; the third time to light the lamps. Such is the opinion of R. Nathan. R. Jehudah says, that the third time is sounded to take off the phylacteries. Then (the beadle) waits about as long as is required to bake a small fish, or for bread to cleave to the oven, and he sounds again the three tones †

* The mallow (*Adana* or *Harna*, see Arukh) more than any other plant, was believed to incline its head toward the sun, like our own sunflower.

† The three tones of the Shophar are technically designated a "Tekyah" (a long simple note); "Teruah" (a slow trill), and "Tekyah" again. See note to Rosh Hashana, p. 63.

of the signal in succession for the Sabbath (that is already come). R. Simeon ben Gamaliel said: "What shall we do with the Babylonians? They sound the signal first, and then blow the trumpet; from the moment the trumpet is sounded, they cease work." They do so because it is with them a matter of inherited custom.

R. Jehudah taught his son, R. Isaac: "The third (sounding was a signal) to light the lamp." This agrees with the ruling of R. Nathan.

At the school of R. Ishmael it was taught: Six times the signal is sounded on Friday. When the first sounding begins, those who are in the field stop ploughing and harrowing and all field work. At the entrance to the city, those who are near must wait until the distant (farmers) come, so that they enter the city all together. The stores are yet open, and the stalls (upon which wares are laid out) are as yet in their places. As soon as the second sounding begins, the stalls are cleared and the stores closed. The warm victuals (prepared for the Sabbath) and the pots are as yet upon the hearth. As soon as the third sounding begins, the pots are taken off the hearth, the warm victuals are put in the stove, and the lamps are lighted. Then (the beadle) waits about as long as it is required to bake a small fish or for bread to cleave to the oven, and he sounds, trumpets, and sounds the signal again, and rests.

R. Josi bar R. Haninah said: "I have heard, that if one wants to light up after the six signals he may do so; for the Rabbis have allowed some time to the beadle to take his Shophar (horn) to the house (after the six signals). Said they (the schoolmen) to him: "If such were the case, the subject would depend on various measurements of time." Nay; but the beadle has a concealed place upon the roof (where he sounds the Shophar) and puts away his instrument (as soon as he has used it); because neither a Shophar nor a fife may be handled (when the Sabbath is come.)

Have we not learned that a Shophar may be handled, but a fife may not?

Says R. Joseph: This is not contradictory. Our case is that of a Shophar belonging to the community; the case adduced treated of one that belongs to a private party (therefore it is permissible).

Said Abayi: "Why may a Shophar, that is private property,

be handled? Because it is sometimes used for taking up water, to give a child drink; let one that is public property also be allowed to handle, because it may be used in the same manner." Furthermore, was it not taught: "As a Shophar may be handled, so also may the fife be handled?" According to whose ruling is this? (the latter teaching).

There is no contradiction in all this. The one (that a Shophar may be handled, but not a fife) is according to the ruling of R. Jehudah. The other (that both may be handled) is according to the ruling of R. Shimeon. The third (that neither should be handled) is according to the ruling of R. Nehemiah.

"And what is a Shophar?"

The same as a fife; as R. Hisda says: "Since the sanctuary was destroyed, the names have become changed; a Shophar is called a fife; and a fife is called a Shophar."

CHAPTER III.

REGULATIONS CONCERNING STOVES, HEARTHES, AND OVENS.

MISHNA: Cooked victuals may be put on a stove that was heated with straw or stubble. If the stove was heated with the pulp of poppy seed (*i.e.*, poppy seed, from which the oil was pressed out) or with wood, (cooked victuals) may not be put upon it, unless the (live) coals were taken out or covered with ashes. Beth Shamaï says: (The latter instance) is permissible only in the case of victuals that are to be kept warm, but not of such as are improved by continued cooking. Beth Hillel says: Both alike are permitted. Beth Shamaï says: (Victuals) may be taken off the stove, but not be put back upon it; Beth Hillel holds they may *also* be put back.

GEMARA: The schoolmen asked: "As for the expression 'shall not be put,' does it (referring to a pot, that has been taken off the stove) mean 'one shall not put it back,' but if it has not been taken off, it may be left there, even if the live coals were not cleared away or covered with ashes? Or does it mean that the pot should not be left there (even if it was standing there before), unless the live coals have been cleared out, or damped, so much more so should it not be put there, if it was once taken off?"

Come and hear: There being two parts in our Mishna, viz.: 1st, Beth Shamaï says, it is permissible only in the case of victuals, that are to be kept warm, but not of such as are improved by cooking, and Beth Hillel says, both are permissible; 2d, Beth Shamaï says, (victuals) may be taken off the stove but not put back upon it; Beth Hillel holds that both may be done. Dost thou say, that the point of controversy is the leaving (of the victuals on the stove, if they were there before)? The Mishna means this: On the stove, that was heated with straw or with stubble, the victuals may be left; on a stove, that was heated with pressed poppy seed or with wood, the victuals may be left only if the live coals were taken out or covered with ashes. What kind of victuals may be left there? Beth Shamaï says: Such as are to

be kept warm, but not such as improve by cooking; Beth Hillel says: Both kinds may be left. Thus the point of controversy is the leaving of the victuals (that had been on the stove before). And as the (two schools) differ in this matter, so do they also differ in their opinions concerning putting them back upon the stove, if they were once taken off. But if you interpret the Mishna to make the returning of the victuals to the stove the point of contention (between the two schools), viz.: what kind of victuals should be returned (to the stove), Beth Shamai says, such as are to be kept warm, but not such as improve by cooking; Beth Hillel says, either (may be returned). (If you put such a construction upon the text of the Mishna) to what purpose is it repeated? Beth Shamai says: "They (the victuals) may be taken off but not put back, and Beth Hillel says, they may also be put back?"

Nay; I can tell thee that (the point of dispute is) about returning (the victuals after they have been taken out), but there are words missing in our Mishna, as follows: "But if they stood there before, they may be left there, even if the live coals are not taken out or covered with ashes." And (now the question is) what (kind of victuals) may be left? Beth Shamai says, only such as are to be kept warm, and Beth Hillel says, even victuals requiring cooking; but even in the case of returning (the victuals to the stove, if they have been removed) there is also no agreement between the two schools, for Beth Shamai opines, that they may be only taken off, and Beth Hillel holds, that they may be returned also.

Come ye* and hear: R. Helbo said in the name of R. Hama bar Gorion, speaking in the name of Rabh: "The Mishna speaks only about putting the victuals upon the stove, but as to putting them into the stove, it is surely prohibited." Now, if thou sayest the dispute is about returning (the pot to the stove), this remark is correct; for there is a difference to what place it is returned, whether into the stove or upon it; but if the question were about keeping it on the stove while it is there, what difference would it make?

Do you think R. Helbo's report refers to the first part of the

* Here the disciple who advanced the later construction of the Mishna turns the tables on his interlocutor and brings forward an argument in favor of his suggestion, introducing it with the same words as the previous speaker in his argument.

Mishna? Nay; it refers to the second part, in which Beth Hillel allows it to be returned, and now R. Helbo says, even in this case, upon the stove it is permissible, but not into the stove.

The following problem was propounded: "May (a pot with victuals) be placed so as to touch the side of the stove? Does the prohibition, which holds good for putting it into or upon the stove apply also here, or is touching its side a different case?"

Come and hear: "(A Boraitha teaches) a stove that was heated with pressed poppy seed or wood may (be used) to put a pot alongside of, but not on, unless the live coals were taken out or covered with ashes." If the coals get dim or fine hurds were put upon them, they are considered as if their fire was damped with ashes. R. Isaac says in the name of R. Oshaya: If the fire (in a stove) was damped and still it got a-glowing, victuals, that are sufficiently warm, and cooked meats, that require no more cooking, may be left standing upon it.

Should we infer that if such victuals are improved by shrivelling (upon the fire), they may be left there?

This is a different case, for the fire was damped.

If such is the case, to what purpose does he (R. Isaac) say: "Lest one assume, that, if the fire got to glowing again, it is to be considered as a fire originally started?" R. Isaac lets us know that, when once a fire has been damped, we need have no further scruples about letting the victuals remain on it.

R. Shesheth said in the name of R. Johanan: Victuals, that require additional warming or additional cooking, may be left upon a stove that was heated with pressed poppy seed or with wood; but if they were once removed, they shall not be replaced unless the live coals were taken out or covered with ashes. He was of the opinion that our Mishna (treats) on replacing (a removed pot), but allows (a pot that was not removed) to be left on the stove, even if the live coals are not taken out or covered with ashes.

Said Rabba: "Were not both (propositions) expounded in the Boraithoth (that were cited)?"

Aye; but R. Shesheth merely wishes to exhibit his construction of the text of the Mishna.

R. Samuel bar Jehudah said in the name of R. Johanan: Upon a stove that was heated with pressed poppy seed or wood, victuals may be left standing, if they are sufficiently warmed and sufficiently cooked, even if shrivelling improves them. Said one of

the schoolmen to him: "Did not Rabh and Samuel both say that if shrivelling improves them, it is not allowed (to leave them on the stove)? Aye; answered R. Samuel: "But I cite the opinion of R. Johanan." R. Ukbha of Mishan said to R. Ashi: "You, who cherish the teachings of Rabh and Samuel, may follow their regulation; but we will follow the regulation of R. Johanan."

Abayi asked R. Joseph: "May victuals be left (on the stove)?"

"Did not R. Jehudah leave (victuals on the stove) and eat them afterward?" rejoined the other.

Said he (Abayi) again: The case of R. Jehudah cannot be taken into consideration; he was stricken with a dangerous disease, and for him even (the cooking of victuals) on the Sabbath was permitted; but I ask about (healthy men like) you and I.

R. Joseph answered: "In Sura they do leave (victuals upon the stove). Even R. Nahman bar Isaac, who was exemplary in following religious ordinances, was wont to leave (his victuals upon the stove), and to eat them.

R. Ashi said: "I was standing before R. Huna (and observed that fried fish was kept (warm) for him and he ate it; but I know not whether (he did it), because he thought that victuals which improve by shrivelling are allowed (to be left on the stove) or whether he thought that, because there was flour on his fish, continuous warming did not improve it.

R. Nahman said: (Victuals) that improve by shrivelling must not (be left on the stove); such as deteriorate may be left. The rule is, that (victuals) with which flour is mixed deteriorate by continuous warming.

The following question was asked of R. Hyya bar Ahba: "If one forgot his pot and left it upon the stove, and the victuals were thus cooked on the Sabbath, may he eat them or not?" The master gave no answer. The next time he preached: Victuals cooked on the Sabbath unintentionally may be eaten; if it is done with intention, they shall not be eaten; but (as regards the pot that is forgotten on the stove) it makes no difference.

What does (the phrase) "It makes no difference" mean?

Rabba and R. Joseph both say that the phrase implies that it may be eaten; for one who cooks performs work, and therefore is not allowed to eat the victuals. If the cooking is unintentional he may. The forgetting of the pot on the stove, however, does not constitute a prohibited act, and even if the forgetting is

intentional (pretended) he may eat. But R. Nahman bar Isaac says the above phrase of "it makes no difference" implies a prohibition. In the case of cooking there is no room to apprehend that one may pretend; therefore, if he has done it unintentionally, he is allowed to eat his victuals; but in the case of forgetting (the pot in the fire) one may pretend, and therefore even if he actually forgets he is not allowed to eat the victuals.

The schoolmen asked: "What is the ordinance concerning the man who had intentionally left (his victuals upon the stove)? Did the masters fine him (by prohibiting him to eat) or not?"

Come and hear: Samuel bar Nathan said in the name of R. Hanina: "When R. Josi came to Zipora, he found warm meats, that had been left upon the stove, and he did not prohibit their use; but shrivelled eggs, that had been left upon the stove, he prohibited. Do you not think that he forbade their use even on that Sabbath, as a punishment? Nay; he forbade their use for the following Sabbath."

Should from this story the inference be made that shrivelled eggs improve by continuous heating?

Aye; for so R. Hama bar Hanina said: "Rabbi and I were once stopping at a certain place. We were treated with eggs shrivelled like wild pears, and we ate many of them."

"BETH HILLEL SAYS: IT MAY ALSO BE PUT BACK."

R. Shesheth said: The Tana who holds that the pot may also be put back (upon the stove) allows this (to be done) even on the Sabbath. R. Oshaya is also of the same opinion, for so he said: "We were once standing before R. Hyya the Great; we served him with a bowl of warm (soup), which was brought from the lower floor (of the house), and we mixed a cup of wine for him, and (afterward) we returned it (the bowl) to its place, and he did not object." R. Hyya said in the name of R. Johanan: Even if (the warm pot taken off from the stove) was put upon the ground, it may (still be put back on the stove).

MISHNA: (Victuals) shall not be put either inside or on top of an oven, that was heated with straw or with stubble; a fring-pot that was heated with straw or with stubble, is (considered by the law) as a stone, but if it was heated with pressed poppy seed or with wood, it is considered as an oven.

GEMARA: A Boraitha teaches: If an oven was heated with straw or with stubble, (a pot with victuals) shall not be put close

to it (so that it touch the oven), the less so upon it, and still less so into it; so much more so shall (a pot) *not* be put (alongside of an oven) that was heated with poppy-seed pulp or with wood. If a firing-pot was heated with straw or with stubble, (a pot) may be put close to it but not upon it; if it was heated with poppy-seed pulp or with wood (a pot) shall not be put close to it.

Said R. Aha, the son of Rabba, to R. Ashi: "How shall the firing-pot be considered? If it is like a stove, even if heated with poppy-seed pulp or with wood (a pot shall be allowed to be put close to it); and if it is like an oven (a pot should not be allowed to be put close to it), even if it is heated with stubble or straw?"

Answered he: It contains more heat than a stove and less heat than an oven.

What is a firing-pot and what is a stove?

Said R. Josi bar Hanina: "A firing-pot has an opening on the top upon which only one pot can be set; a stove has openings upon which two pots can be set at a time."

MISHNA: An egg shall not be put close to a boiler (so that it get hot and) that it rolls, nor shall it be poured out on a (hot) cloth. R. Josi permits this to be done; nor shall it be put into hot sand or in the (hot) dust of the road, for the purpose of getting it cooked. It happened that the people of Tiberias had laid a duct to lead cold water within an ell of the hot springs (so that the cold water became warmed by passing the springs). Said the Sages unto them: if (this artificially warmed water) is required for the Sabbath, it is like water warmed (by the fire) on the Sabbath and must not be used either for washing (the body) or for drinking; and if it is for a feast day, it is like water warmed (by the fire) on a feast day, and shall not be used for washing, but it may be used for drinking.

GEMARA: The schoolmen asked: If one has caused (an egg) to roll (by the heat of a boiler) what is the law governing his case?

Said R. Joseph: He must bring a sin-offering.

Mar, the son of Rabhina, said: We have learned a Boraitha to the same effect: Everything that was in hot water before the Sabbath may be soaked in hot water on the Sabbath; things that were not in hot water before the Sabbath may be only rinsed (but not soaked) in hot water on the Sabbath, excepting old herrings and Spanish (salted) fish, because with these rinsing is the main work required (for preparation).

"NOR SHALL IT BE Poured OUT ON A (HOT) CLOTH."

We have learned: "Cooked meats may be put into a pit for preservation; good water (when too warm to drink) may be put into bad water to cool; cold victuals (may be put) in the sun for the purpose of warming." Now, shall we say that (this Mishna) teaches according to the view of R. Josi and not according to that of the Sages?

Said R. Nahman: As to the heat of the sun, no one disputes that it is allowed (to be used for warming victuals); concerning (heat) that is generated by fire, all agree that it is prohibited. They only disagree on (the subject) of heat generated (not directly issued) by the sun. The one master holds that the use of such heat is prohibited for fear lest one use also the heat that is generated by fire; the other master does not impose such a precautionary measure.

"IT HAPPENED THAT THE PEOPLE OF TIBERIAS," ETC.

R. Hisda said: From the deed of Tiberias, which the rabbis have prohibited, the permission to stow away victuals in a place (among things) that increases their heat was disqualified, even if this is done (on Friday) during the day. Said Oola: "The law stands as the men of Tiberias applied it." Said R. Nahman to him: "The men of Tiberias have already destroyed their duct" (hence their case is not to be cited as authority). "Washing with warm water" (which the Mishna speaks of), how is this to be understood? Should I say that washing the whole body with water that was warmed on the Sabbath is prohibited, but it is allowed to be done with water that was warmed on Friday? Have we not been taught: "In water that was warmed on Friday, a man may on the Sabbath wash his face, hands, and feet, but not his entire body?" Recite the latter part (of the Mishna), viz.: "If it is required for a feast day, it is like water warmed on a feast day, prohibited for washing but allowed for drinking."

Shall we say that our Mishna was taught in a general way,* and yet it teaches according to the opinions of Beth Shammai? For thus we have learned, according to Beth Shammai's opinion (in another place).

Said R. Iyya bar Hanina: Nay; (our Mishna) treats on wash-

* Every teaching of the Mishna which is not credited to a certain author is either one that is generally accepted or one of which the compiler of the Mishna was the author.

ing the entire body, and that is according to the opinion of another Tana. For thus we have learned: "A man shall not wash his entire body (on the Sabbath) either with warm or with cold water." So says R. Mair; but R. Simeon permits this. R. Hisda says their dispute concerns only (water that is) in the ground; but water contained in a vessel is prohibited by all means.

Rabba said in the name of R. Johanan: "The law stands according to the opinion of R. Jehuda."

Said R. Joseph to him: "Didst thou hear this explicitly, or thou derives it by inference (from a similar teaching)?"

"I have heard it explicitly," he answered.

It was taught: If water was warmed on Friday, Rabh said, one may wash his entire body in it on the next day, every limb separately (*i.e.*, not plunge into it at once). Samuel said: Only the face, hands and feet may be washed in it. A Boraitha teaches according to the opinion of Samuel: "If water was warmed on Friday, one may wash his face, hands, and feet with it on the following day, but not his entire body, even limb by limb; and it is unnecessary to say that (the same is the case with water) warmed on a feast day.

Said R. Joseph to Abayi: "Did Rabba not act according to the decisions of Rabh?"

"I know not," he answered.

The masters taught: A bath-house, the openings of which were stopped up on Friday (so that the heat should not escape) may be used for bathing immediately after the Sabbath is over. If its openings were stopped up on the eve of a feast day, one may, on the next day, enter it to have a sweat, but he must leave it and wash off his hands in an adjoining room. R. Jehudah said: It happened in a bath-house of Bene Berag, that its openings were stopped up on the eve of a feast day. The next day R. Eliezer ben Azariah and R. Aqiba entered it and took a sweat; then they left it and washed off their bodies in the adjoining room; but the warm water in it had been covered with boards. When the report of this reached the masters they said, even if the warm water had not been covered with boards, they were also allowed (to do so). But when the number of transgressors began to increase, the masters commenced to prohibit. In bath-houses of large cities, one is allowed to go about freely (but not to take a sweating, while standing in one place).

What does the expression "transgressors" mean?

Thus said R. Shimeon ben Pazi in the name of R. Joshua ben Levi, who taught in the name of bar Qapara: In former times the people were accustomed to bathe (on the Sabbath) in water that was warmed on Friday. The bath-keepers then began to warm the water on the Sabbath, and to tell the people that it had been warmed on Friday. Hereupon the rabbis prohibited bathing in warm water, but still they placed no restriction upon taking a sweating (in the bath-room). The people then would come and bathe, but pretend to merely take a sweating. Then sweating was also prohibited, but washing in the hot-spring water of Tiberias was still allowed. The people, however, would come and wash themselves in water that was warmed by the fire and say that they washed in the hot-spring water. Subsequently warm water was prohibited for bathing altogether, but bathing in cold water was allowed. The last prohibition, however could not be enforced. It was therefore revoked, and bathing in the hot-spring water of Tiberias was allowed. Still the prohibition of the sweating bath still holds good. One may warm himself by a hearth-fire and go out and wash himself in cold water, but he cannot bathe first in cold water and then warm himself by a hearth-fire, because he dries the water that is on him.

The masters taught: A man may warm a sponging-cloth and put it upon his bowels (on the Sabbath); but he must not do so with a boiling-hot vessel, for this is dangerous even on week days.

The masters taught: A man may put a pitcher of water before a blazing fire, not to warm it, but to temper the coldness of the water. R. Judah said: A woman may put an oil flask before a blazing fire, not to warm it but merely to temper it. R. Simeon ben Gamaliel says: A woman may unhesitatingly put oil on her hand, warm it before the fire, and anoint her little son with it without any fear.

Said R. Judah in the name of Samuel: Whether it be oil or water, if (it is so warm that) the hand recoils from it, it is prohibited; if the hand does not recoil from it, it is allowed.

R. Isaac bar Abhdimi said: "I once followed Rabbi into the bath-house (on the Sabbath). I wanted to put a bottle of oil for him into the tank (that contained hot-spring water). Said he unto me: "Take out some warm water from the tank and put it into another vessel (to warm the oil in). From this three ordi-

nances may be adduced, viz. : 1st, That oil improves by warming and hence warming it is a prohibited act (on the Sabbath); 2d, that if anything is put into a second vessel (not directly into the boiling vessel) there is no danger of cooking it; 3d, that the mere tempering of oil is analogous to cooking it.

Said Rabhina : From this story it may be inferred that if one cooks in the hot-spring water of Tiberias on the Sabbath, he is culpable, for the case happened after the rabbis had imposed the precautionary measure, and yet Rabbi would not allow him (R. Isaac) to put the oil directly into the tank. Is this really the case? Did not R. Hisda teach that he who has cooked in the hot-spring water of Tiberias is not culpable?

The *culpability* to be inferred (from the story of Rabbi) extends only as far as blows of correction* are concerned.

R. Zera said : " I have seen R. Abuha swimming in a tank (on the Sabbath) and I know not whether he raised (his feet from the ground) or not.

He certainly did not raise them, for thus we have learned : A man shall not swim about in a pond, even if (that pond) is stationed in a (private) yard.

This teaching has no bearing upon the case (of R. Abuha). A tank has no shallow places at its sides, while a pond has.

R. Zera once found R. Jehudah in the bath. He (R. Jehudah) ordered his attendants (in the Hebrew Aramaic tongue), " Bring me the comb; hand me the soap; open your mouths and exhale the warm air from within you; drink of the (warm) water of the bath." Said he (R. Zera) : " If I had not come but to hear *this*, it were enough for me."

The orders, " bring the comb, hand me the soap," were indeed well worth hearing, for from them the inference can be made that profane things may be spoken of in the holy tongue. The order that they should " open their mouths" was also worth hearing, for it showed (that R. Jehudah held the same opinion) as Samuel, that heat (from without) drives out heat (from within). But what was there in the order, " drink of the water of the bath" ?

Aye, there was in it (a confirmation of that) which we have learned : " If one washed himself with warm water and did not

* " Blows of correction " were inflicted by the rabbis not for an actual sin, but for a careless act, which might lead to sin or appear as such.

drink of it, he is like an oven that was heated from without but not from within."

MISHNA: The hot water contained in a "Muliar" (teakettle), the live coals of which have been cleared away before the Sabbath set in, may be used on the Sabbath; but the hot water contained in an "Antikhi" (another kind of kettle), even if cleared of live coals, is not to be used on the Sabbath.

GEMARA: What is a "Muliar"? It is taught in a Boraitha: A Muliar is a vessel provided with an attachment for live coals, used for keeping water; as for an Antikhi, Rabba says, it is a Bekiri (a vessel similar to a Muliar, but of heavier construction and continually in use). R. Nahman ben Itzhak says it is a Bedude (a large kettle with an attachment underneath for live coals). There is a Boraitha in support of the opinion of R. Nahman as follows: "The hot water in an Antikhi, even if the coals thereof are cleared away or clamped, is not permitted to be used, for the heavy bottom keeps the heat.

MISHNA: Into a kettle, the hot water of which has been spilt out and which has been removed from the fire, cold water is not permitted to be poured, for the purpose of heating; but it is permitted to pour water into the kettle, or into a cup, for the purpose of making such water lukewarm.

GEMARA: How is this teaching of the Mishna to be explained? Said Abayi, It is to be thus understood: "Into a kettle, the fire of which has been removed, but which still contains hot water, cold water may not be poured, for the purpose of warming. The addition of sufficient water to make the hot water lukewarm, however, is permitted. Into a kettle, the hot water of which has been entirely removed, no cold water at all may be poured, because by such an act the vessel would be tempered." This is in accordance with the opinion rendered by R. Jehudah, stating that while the accomplishment of the act (of tempering the vessel) was not intended, its involuntary consummation (as in this case) is also prohibited.

Said Rabh: "The Mishna allows only enough cold water to be poured into a kettle still containing hot water, to make the water lukewarm; but not such a quantity as will entirely neutralize the hot water and tend to temper the vessel." Samuel, however, maintains that, providing the kettle contains *some* hot water, any quantity of cold water may be added.

Should it be presumed from this that Samuel is of the opinion of R. Simeon, whose dictum it is that the performance of all labor (on Sabbath), which although done was not intended, is permissible? but did he not say that it is permitted to extinguish live dross on public ground (to prevent injury), but not charcoal? Is it to be assumed that he holds to the opinion of R. Simeon, that even to extinguish charcoal should be permitted, as it is not labor which is performed with the intention of extinguishing the coals (but merely to prevent injury)?

As regards labor tending to the accomplishment of a work, (prohibited on the Sabbath), he holds with R. Simeon; but as to the performance of labor, not for its own sake, he sides with R. Jehudah. Said Rabhina: "Since it is permitted to perform labor (prohibited by rabbinical law), in order to prevent injury, it is therefore also permitted to remove thorns from public ground, little by little, in distances of less than four ells at a time (in order to prevent injury); but upon unclaimed ground it may be done at one time.

"But it is permitted, etc."

The Rabbis taught: It is the decree of the school of Shamai, that it is permitted to pour hot water upon cold, but not cold upon hot water; the decree of the school of Hillel is, that it is permitted both ways, provided a cup is used; but in a bathing-tub hot water upon cold is permitted, but cold water upon warm is not permitted; and the opinion of R. Simeon ben Menassiah is that even hot water upon cold in a bathing-tub is forbidden. Said R. Nahman: "The ordinance according to R. Simeon ben Menassiah prevails." R. Joseph wanted to put a bucket under the same ruling as a bathing-tub, but Abayi objected and said: "R. Hyya taught that a bucket does not come under the ruling applicable to a bathing-tub."

Said R. Huna ben R. Joshua: "It was observed, that Rabba was not scrupulous with regard to the use of vessels, because R. Hyya taught, one may put a pitcher of water into a bucket of water; it makes no difference whether it be hot water into cold or vice versa." Said R. Huna to R. Ashi: "Perhaps this was a different case altogether; being that there was a vessel within a vessel!" But the latter retorted: "It says: 'To empty;' for we have learned: It is permitted to empty out a pitcher of water into a bucket of water, be it either warm water into cold or cold into warm water."

MISHNA: In a saucepan or a pot, that were removed from the fire before the Sabbath set in, no spices shall be put after dusk (on Friday); but spices may be put into a plate or a bowl.

R. Jehudah is of the opinion, that spices may be put in all vessels or cooking-utensils except in such as contain vinegar or fish-brine.

GEMARA: The following question was propounded: Does R. Jehudah refer to the first part of the Mishna and maintain that it is permissible (to put spices into a saucepan) or does he refer to the latter part and prohibit it?

Come and hear: It has been taught in a Boraitha that R. Jehudah says: "One may put (spices) into all saucepans and cooking-pots, except such as contain vinegar and fish brine."

R. Joseph wished to say that salt comes under the same ruling as spices, because in his opinion salt becomes cooked in a first vessel (*i.e.*, the vessel used for cooking), but not in a second vessel (*i.e.*, the vessel whereon the victuals are served). Said Abayi to him: R. Hyya distinctly taught, that salt does not come under the ruling applicable to spices, because it does *not* become cooked, even in a first vessel.

This is corroborated by R. Nahman, who said: There is a saying that the dissolving of salt requires thorough boiling, the same as beef.

MISHNA: It is not permitted to place a vessel under a lamp (on the Sabbath), so that the oil of the lamp drip into it. If a vessel was placed under a lamp before the Sabbath set in, it may remain there; but the use of such oil on the same Sabbath is not permitted, as it was not previously prepared (for the Sabbath).

GEMARA: Said R. Hisda: "Although it was said that the placing of a vessel under a hen (laying on sloping ground) to receive the egg is forbidden, yet to cover the egg so as to prevent it from being crushed is permitted."

Rabba (commenting on the above statement of R. Hisda) gave his reasons for it as follows: It is permitted to save anything (on the Sabbath) which is ordinarily liable to become injured, but nothing, which could become so only under extraordinary circumstances; (hens being in the habit of laying eggs on level ground, in order to prevent the egg from being stepped upon, it is permitted to cover it with a vessel; but as hens are not in the habit

of laying eggs on *sloping* ground, the placing of a vessel under the hen to receive the egg was not allowed).

Abayi objected to this, stating: "Were we not taught in the Mishna, that it is permitted to place a vessel under a lamp in order to take up the (dropping) sparks?" (This seldom occurs and still it is permitted.) He was told that the dropping of sparks by a lamp is also of frequent occurrence.

R. Joseph, commenting on the statement of R. Hisda, gave another reason, viz: That the vessel (placed under a hen to receive an egg) is made useless for that same Sabbath.

Abayi raised the same objection, (intending to) prove by it, that the vessel placed under a lamp is also made useless on that same Sabbath, and yet it is permitted. Said R. Huna ben Joshua: "Sparks have nothing substantial about them (therefore the vessel containing them is not made useless on the same Sabbath)."

R. Itzhak said: In the same manner as it is not permitted to place a vessel under a laying hen, so is it also not permitted to cover the egg laid; for the reason that a vessel must not be handled on the Sabbath except for the use of such things as are themselves permitted to be handled on the Sabbath.

Abayi's objection being made to R. Itzhak's teaching, he said: "In that case there was a lack of space." (If the space occupied by a vessel is needed, that vessel may be removed and while being removed may be used for *any* purpose.)

Come and hear (another objection): An egg laid on the Sabbath, to prevent it from being (accidentally) cracked may be covered with a vessel? Here the case is, also, when the space where the vessel is placed is needed.

Said R. Sheshbeth (to his disciples): Go ye and tell R. Itzhak that the above doctrine has already been interpreted by R. Huna in Babylon as follows: It is permitted to make a partition on the Sabbath, to (isolate) a corpse for the sake of the living, but it is not permitted to make a partition for the sake of the corpse. How is the latter clause to be understood? R. Samuel ben Jehudah and also Shila Mari taught: In the case of a corpse lying in the sun (on the Sabbath) (to prevent the corpse from decomposing) two persons are brought to sit on the floor, each on one side (in order to bring about the making of a screen). When the ground underneath them becomes hot, each of them is to bring a cot bed to sit upon, and when the heat above them becomes ex-

cessive, they are to bring a sheet and spread it over their heads (leaving part of the sheet loose); both now raise their cots (which take up the loose part of the sheet) and move to their former positions; thus a screen (canopy) is formed of itself.

We have learned: "A corpse lying in the sun." R. Jehudah in the name of Samuel says: The same must be turned over from one bed into another, until it arrives at a shady place. R. Hinna ben Shalmi in the name of Rabh said: A loaf of bread or an infant must be put on the corpse and then the corpse may be moved. There is no difference of opinion as to the removal of a corpse (on the Sabbath), which is permitted when a loaf or an infant is put upon it; the difference of opinion only arises where there is no infant or loaf. One holds that indirect transportation must be considered transportation (and is therefore prohibited), and the other opines that indirect transportation is not transportation (and therefore permitted).

Shall we assume that concerning this there is a difference of opinion among the Tanaim? As we have learned: "It is not permitted (on the Sabbath) to save a corpse from a conflagration." R. Jehudah ben Lakish says: "I have heard that it is permitted to save a corpse from a conflagration for the reason that a man is (naturally) excited about his dead." Nay; R. Jehudah holds: "Should the saving of the corpse be prohibited, one might in his excitement extinguish the fire." Said R. Jehudah b. Shilah in the name of R. Ashi, who quoted R. Johanan, saying: The ordinance regarding the saving of a corpse from a fire prevails according to the opinion of R. Jehudah ben Lakish.

MISHNA: It is permitted to remove a new lamp on the Sabbath, but not an old one; but R. Simeon says all lamps are permitted to be moved except such as are still burning.

GEMARA: The Rabbis taught: It is permitted to remove a new lamp but not an old one; such is the opinion of R. Jehudah.

R. Mair, however, says that all lamps may be moved, except a lamp which was lit for the Sabbath (though the light is extinguished); and R. Simeon says, except a lamp which is still burning. If it be extinguished it may be moved; but a goblet, bowl, or lantern (used as lamps, must not be removed from their respective places.) R. Eliezer, son of R. Simeon, says: It is permitted to make use of an extinguished lamp and of the oil dripping from it, even while the lamp is burning.

Said Abayi: R. Eliezer, the son of Simeon, holds in one case to the opinion of his father; but differs with him in the other. He holds with his father in disregarding Muktzá (designation),* and differs with him in the other case; for his father is of the opinion, that when a lamp is extinguished it may be moved; but not while it is burning; but he is of the opinion that even a burning lamp may be moved.

“But a goblet, bowl, or lantern must not be removed from their respective places.” Wherein do these things differ from the others? Said Mar Sutra: R. Simeon allows a small lamp (to be handled), because one will wait until it is extinguished (and then it may be used for another purpose); in the above, things are not permitted to be handled because they are large, and not apt to become extinguished for some time. R. Zera said: All the school-men agree on prohibiting the handling of a candelabrum which had been lit up on Sabbath, but the handling of the candelabrum which was not lit up on the Sabbath is unanimously permitted.

R. Jehudah said in the name of Rabh: “It is not permitted to handle (on the Sabbath) a bed, that has been designated as a place to put money in, if the money had already previously been placed upon it (on Friday during twilight) (even if on the Sabbath *no money* was on the bed). If the money, however, had not previously been deposited on the bed, the handling (of the bed) is permitted. If a bed was not designated for the keeping of money, but contained money (on the Sabbath) it must not be handled. If it contained no money, it may (providing no money was deposited on the bed during twilight of the preceding Friday). Rabh says this because he holds with the opinion of R. Jehudah (who is in favor of the law of Muktzá).

Another instance tending to show that Rabh holds to the opinion of R. Jehudah is the fact that Rabh said one may place a lamp upon a palm tree at any time while it is yet day on Friday, in order that it may burn on the Sabbath; but one may not put a lamp upon a palm tree on a biblical feast day. (It is permitted to place a lamp on a palm tree on the Sabbath because there is no

* Muktzá (designation) refers to such objects as are set aside and designated for non-use on the Sabbath. Thus, all materials that are used in the performance of manual labor (prohibited on the Sabbath) are called Muktzá. R. Simeon, however, holds there is no such thing as Muktzá.

fear of the tree, which is Muktza [designated], being used; but on a biblical feast day it is prohibited for fear that one while depositing or removing the lamp will also use the palm tree; and that is prohibited.)

Now, if we admit that Rabh holds to the opinion of R. Jehudah (that "Muktza" on the Sabbath is prohibited), a distinction must be made between the law of Sabbath and that of a biblical feast day; but if we assume that Rabh holds to the opinion of R. Simeon (that Muktza on the Sabbath is not prohibited), why does he make a distinction between the Sabbath and a biblical feast day? (In that event he would be permitted to remove the lamp when extinguished and the palm tree will of necessity be used.)

But how can we assume that Rabh holds to the opinion of R. Jehudah? When he (Rabh) was asked whether one may remove an extinguished Hanukah light on the Sabbath for fear of the Persian (this has already been mentioned in a previous connection), he replied, that it is permissible. He only permitted such removal of the light at times of danger.* Because, did he not answer the query of R. Kahana and R. Ashi, whether such was the law (permitting the removal of the light) by saying: "R. Simeon deserves that one act according to his ruling in times of danger"?

Resh Lakish asked of R. Johanan: "May wheat that has been sown but that has not yet sprouted, or eggs that are still under the hen, be eaten on the Sabbath? Does he (R. Simeon) disregard the law of Muktza only in such cases where the objects were put aside with no intention of ever being used again, or does he disregard Muktza under all circumstances?" He (R. Johanan) replied: "R. Simeon regards the law of Muktza only so far as the oil in a burning lamp is concerned, because the oil poured in a lamp for the purpose of keeping the Sabbath-light commandment is designated for that express function, and as it is not permitted to extinguish that light, the intention not to use the oil for any other purpose is self-evident.

(Let us suppose that the light may be extinguished on the Sabbath.) Does R. Simeon hold that in that event the oil may be used for other purposes, and thus he disregards the law of Muktza? Did not R. Hyya bar R. Joseph teach in the presence of R. Johanan that one must not remove wood from a booth on

* The Talmud here refers to Persian festivals, when the burning of lights was prohibited except in sacred shrines.

any biblical feast day, but he may remove it from any place near by? R. Simeon, however, permits this to be done. Still, they *all* agree that wood must not be removed from a booth built expressly for the Feast of Booths, on those same feast days, because the wood is set aside for the ritual purpose of keeping the Feast of Booths. (This proves then that R. Simeon also regards the setting aside of things for ritual purposes as valid.) How can he say that the oil may be used for other purposes even when the light is extinguished? Nay; the statement of R. Johanan that R. Simeon regards Muktza only "so far as oil, etc.," really means: as far as all things bearing similitude to the oil in the burning lamp are concerned. Said R. Jehudah in the name of Samuel: "In the opinion of R. Simeon no law of Muktza exists except in the case of raisins and dates, which were placed on the roof to be dried." (In such a case there certainly was no intention to use them on the same Sabbath.) Said Rabba bar-bar Hana in the name of R. Johanan: "They (the schoolmen) said the law remains according to the opinion of R. Simeon. When R. Itzhak, the son of R. Joseph, however, came from Palestine he said in the name of R. Johanan that the law (of Muktza) according to R. Jehudah prevails, and R. Jehoshua, the son of Levi, said the law is according to R. Simeon. Said R. Joseph: "The statement of Rabba bar-bar Hana in the name of R. Johanan, that they (the schoolmen) said the law is according to R. Simeon, must be construed to mean that such was the opinion of the school-men, but not of R. Johanan himself. Said Abayi to R. Joseph: "Didst thou not know before this that R. Johanan holds with the opinion of R. Jehudah? Is it not a fact that when R. Abba and R. Assi met in the house of R. Abba of the city of Heifa and a candelabrum fell upon the coat of R. Assi, he (R. Assi) did not remove it? Why not? Was it not because he was a disciple of R. Johanan and acted according to the opinion of his master?"

Answered R. Joseph: "Thou art speaking of a candelabrum. A candelabrum is a different matter altogether; for R. Ahai, the son of Hanina, said in the name of R. Assi: Resh Lakish has decided in Zidon, a candelabrum which can be removed with one hand may be handled on the Sabbath, but if it has to be removed with both hands it may not be handled (on the Sabbath); and R. Johanan said: We only hold with R. Simeon in the matter of a lamp; but as for a candelabrum, whether it can be removed with one or both

hands, it must not be handled (on the Sabbath). And why so? Both Rabba and R. Joseph said, because a place must be designated for it.

Said Abayi to R. Joseph: "Have we not observed the case of a baldequin prepared for a bride and groom, for which a place must be designated? And yet Samuel said in the name of R. Hyya: A baldequin may be put up and taken apart on the Sabbath." Why do you assert that the candelabrum must not be handled on account of the designation of its place? Said Abayi: The prohibition to handle the candelabrum holds good only in a case where the same is made of several parts. If this be the case, what reason has R. Simeon ben Lakish for allowing this? Say: Not a candelabrum *made* of various parts, but *like* a candelabrum of various parts. (One which is marked by cuts and appears to be made of various parts.) Therefore: A candelabrum, made of several parts, be it large or small, must not be handled. The handling of a large candelabrum, even if not made of several parts, is also prohibited on account of its marked lines, for fear one may handle such as *are* made of several parts. But on what points do R. Johanan and R. Simeon ben Lakish disagree? A small candelabrum which has such marks, one holds, should not be handled for fear that it is made of several parts; while the other holds, no fear need be entertained on that score.

R. Malkia chanced to be in the house of R. Simlai. He handled a candlestick, the light in which had been extinguished, and R. Simlai became angry on that account. R. Jose, the Galilean, happened to be in the town of R. Jose bar Hanina and also handled a candlestick containing an extinguished candle, whereupon R. Jose bar Hanina became angry. When R. Abuhu came to the place of R. Jehoshua ben Levi he handled the candlestick with the extinguished light, but when he came to the place of R. Johanan he did not do so out of respect to R. Johanan. Said R. Jehudah: A lamp which has been filled with oil may be handled after the light has been extinguished (because it emits no bad odor), but one which contained naphtha may not be handled on the Sabbath (on account of its bad odor). Both Rabba and R. Joseph said that one filled with naphtha may also be handled on the Sabbath.

R. Avia once came to the house of Rabha with muddy shoes and was seated on the bed in the presence of the latter. This

made Rabha angry, and he tried to disconcert R. Avia with questions. Said he (Rabha): "Can you tell me why Rabba and R. Joseph both said that a lamp filled with naphtha may also be handled on the Sabbath?" Answered R. Avia: "The decision of Rabba and R. Joseph was given on account of (the lamp) also being fit to cover a vessel with after being extinguished." Asked Rabha again: "If this is so one may also handle shavings scattered in the yard because they also can be used to cover a vessel with." Answered R. Avia: "A lamp being a vessel itself can be used to cover other things with, but shavings are not vessels in themselves and therefore cannot be used singly as covers." Said R. Nahman, the son of Itzhak: "Praised be the Lord that Rabha did not put R. Avia to shame (implying that the latter was able to answer all questions).

Abayi asked R. Joseph concerning the following contradiction: "Did R. Simeon say that a light may be handled only when extinguished, but if burning it must not be handled? For what reason? Because there is a chance of extinguishing it while it is being handled?" Have we not learned that R. Simeon said: "An act which is liable to be committed unintentionally is permissible." Such is the decision of R. Simeon? A man must not take chances with an act which, if done intentionally, would cause a violation of a biblical ordinance; but if the violation would be only that of a rabbinical ordinance, chances may be taken.

Objected Rabha: "We have learned dealers in clothing may sell clothes made of wool and cotton mixed. They are permitted to try on such clothes or to carry them (temporarily) on their shoulders, provided the intention to use them as a protection against the sun and rain does not exist. (The very pious, however, in order to prevent any unintentional violation of the ordinance against the wearing of wool and cotton mixed, used a stick, which they carried on their shoulders to suspend clothes on, while exhibiting them to purchasers.) Now, the wearing of a mixture of wool and cotton is a violation of a biblical ordinance, still R. Simeon permits it to be done temporarily, although an unintentional violation of such ordinance may be committed!"

Said Rabha, however, in answer to Abayi's previous question: "Discard the case of the lamp, oil, and wick; it is not prohibited on account of the possibility of committing a prohibited act, either intentionally or unintentionally; but it is forbidden by

reason of its being the basis of a thing, the handling of which is in itself prohibited (*i.e.*, the light in itself cannot be handled).

R. Zera said in the name of R. Assi, who spoke in the name of R. Johanan, who said in the name of R. Hanina, that R. Romnas said: "Rabbi permitted me to handle a pan containing glowing ashes" (on the Sabbath).

Afterward said R. Zera to R. Assi: "Is it possible that R. Johanan made the above statement? Have we not heard that Rabba bar-bar Hana said in his (R. Johanan's) name, referring to Mishna, which states that a man may handle a box containing a stone (on the Sabbath): 'He may do so providing the box also contains fruit.' How then could R. Johanan permit a pan with glowing ashes to be handled?" R. Assi was astounded for some time, but finally answered: "The pan referred to still contained some grains of incense."

But Rabha said: While we were in R. Nahman's house we handled a fire-pot on account of its ashes (the ashes were needed for some purpose, therefore the pot was allowed to be handled), although there were some broken sticks of wood upon it.

They (the school-men) raised the following objection: R. Simeon and R. Jehudah agree that if there are broken pieces of wick in a lamp it is prohibited to handle the lamp. Said Abayi: "This was taught in Galilea" (Galilea is a state where linen cloth is scarce, for which reason the broken pieces of wick are valuable, and the lamp, being the receptacle of prohibited valuables, is not permitted to be handled on the Sabbath).

Levi, the son of Samuel, met R. Abba and R. Huna, the son of Hyya, standing at the entrance of R. Huna's house; he (Levi) said to them: "Is it allowed to fold the beds of travelling copper-smiths on a Sabbath?" They answered: "Yea; it is allowed." In allowing this the two rabbis held with (the opinion of R. Simeon b. Gambiel in a) following Boraitha: It is not permitted to put together a bed (on the Sabbath) which has been taken apart, but if one did so, he is not culpable. One must not fasten the bed with pegs, but if he did so he only lays himself liable to bring a sin-offering. R. Simeon ben Gamaliel said: "If the bed was loose it may be fastened."

R. Hama had a folding-bed in his house. He put it together on a biblical feast day, and one of the young rabbis asked: "Rabha, what is thy opinion (concerning the action of R. Hama)?"

Is this not a case of indirect building and therefore not permissible; granted that there is no biblical prohibition to this effect, there surely is a rabbinical?" Answered Rabba: "I hold to the opinion of R. Simeon ben Gamaliel, who said that it is permissible to put a bed together if the bed is loose."

MISHNA: One may put a vessel underneath a lamp for the purpose of receiving the sparks falling from the lamp, but he shall not put water into the vessel, because thereby the sparks would become extinguished.

GEMARA: Would this act not render the vessel useless? Said R. Huna, the son of R. Jehoshua: "The vessel is not made useless, because sparks do not amount to anything;" and it is said in the Mishna, "He shall not put any water into it, because thereby the sparks would become extinguished." Is it to be assumed that this anonymous teaching is in accordance with the teaching of R. Jose, who said that it is prohibited even to *cause* light to be extinguished?

Said R. Ashi: "We may assume that it is in accordance even with the opinion of the rabbis, who do not mind the causing of light to be extinguished through indirect means on the Sabbath. In this case, however, the sparks are extinguished (through direct means, *i.e.*), by placing water underneath the lamp."

CHAPTER IV.

REGULATIONS CONCERNING THE DEPOSITING OF VICTUALS ON THE SABBATH.

MISHNA: What may be deposited (victuals) in (after removal from the stove, in order to keep them warm, without increasing their temperature), and what may they *not* be deposited in? The use of Gepheth (olive-waste), dung, salt, lime, and sand, either wet or dry, is not allowed. Nor is it permitted to deposit them in *wet* straw, grape-skins, wool-flocks or grass; but when they are *dry* it is permitted.

GEMARA: A question was propounded: "Is the use of olive-waste only prohibited, but the use of the oil-cakes allowed; or does the Mishna allude to oil-cakes and still more so to olive-waste (for it produces more heat)?" For the purpose of depositing in, both kinds are not allowed; (but if the victuals have been deposited in a permissible thing and were subsequently placed on oil-cakes no wrong was done, because) oil-cake does not produce heat; (hence depositing in olive-waste would have been a wrongful act, because) olive-waste produces heat.

Rabba and R. Zera once met at the Exilarch's house; they saw there a slave putting a can (with warm water) on top of a kettle (containing cold water) and Rabba rebuked him for this. Said R. Zera to Rabba: "In what particular does this case differ from that of putting one pan on top of another?" Answered Rabba: "In the former case heat is produced, but in the latter it is only preserved." Another time they saw him (the slave) spreading a turban over a pitcher and putting a cup on top of it. Again Rabba rebuked him. R. Zera asked for the reason and Rabba answered: "You will soon see him wringing* the turban," which he did. R. Zera again asked: "In what particular does this case differ from that of a spread cloth?" Answered Rabba: "In the former case one is particular (lest it become wet and he will wring it) while in the latter case one is not."

* Wringing (in Hebrew, Se'hitah) is prohibited on the Sabbath.

“IN STRAW.” R. Adda bar Masna put a question to Abayi: “May wool-flocks, in which (victuals) were deposited, be handled on Sabbath?” Abayi answered: “Because of a lack of straw would a man sacrifice a valuable lot of wool-flock?” (When placing victuals in straw no intention to make further use of the straw exists, and it becomes part of the pot itself; with wool-flocks the case is different, for they are intended for further use and therefore must not be handled on Sabbath).

R. Hisda permitted the replacing of waste (fallen out) of a pillow on Sabbath.

R. Huna bar Hisda objected: “We have learned that untying the opening (for the neck) of a shirt is permitted on Sabbath, but cutting it is prohibited, and waste must not be placed into a pillow or bolster on a biblical feast day, much less on a Sabbath.”

There is no difficulty in this; placing new waste in a pillow-case is not allowed, but replacing old waste that has fallen out of a pillow is allowed.

R. Jehudah said in the name of Rabh: “Whosoever makes an opening (for the neck in an unfinished shirt) on Sabbath is culpable of a transgression that requires a sin-offering.

R. Kahana strongly objected: What is the difference between an opening for the neck and a bunghead (in a barrel)? Rabha answered: “A bunghead is not attached to the barrel (*i.e.*, it forms no part of it), but an opening for the neck is made by an incision in the shirt and hence is part and parcel of same. In Sura the following teaching was taught in the name of R. Hisda and in Pumbeditha the same was taught in the name of R. Kahana or Rabha: “Who was the Tana, in whose name the sages taught that the part and parcel of a thing is on a par with the thing itself?” Said R. Jehudah in the name of Rabh: “Such is the opinion of R. Meir, who explained (in the Tract Kelim) [chapter viii., Mishna 3] that the attachment built on a hearth is on a par with the hearth itself and becomes unclean when touched by an unclean thing.”

“WHEN WET.” A question was propounded: Naturally or artificially wet?

Come and hear: The Mishna says: “Not with straw, nor with grape-skins, nor with wool-flocks, nor with grass when wet.” It is right only if we accept the theory that they became wet, but should we venture to think them naturally wet, how is this to be

imagined? Can wool-flocks be naturally wet? The sweaty wool under the hips may be meant. Did not R. Oshaya teach we may deposit in dry cloth and dry fruit but not in wet cloth or wet fruit? How is naturally wet cloth to be imagined? This may also mean cloth made from the sweaty wool under the hips of the sheep.

MISHNA: It may be deposited in cloth, fruit, pigeon feathers, shavings, and fine flaxen tow. R. Jehudah forbids the use of fine but permits the use of coarse flaxen tow.

GEMARA: "SHAVINGS." A question was propounded: Does R. Jehudah forbid the use of fine *shavings* or fine flaxen tow? Come and hear: We were taught in a Boraitha, R. Jehudah says, fine flaxen tow is the same as dung which increases heat; therefore the conclusion is that he means flaxen tow.

MISHNA: It may be deposited (wrapped) in skins, and they may be handled; in shorn wool, but the wool must not be handled. How can this be done? The lid is raised and it (the shorn wool) falls down. R. Elazar ben Azarya says: The vessel is bent sideways and taken out lest it be taken out and cannot be replaced, but the sages say it may be taken out and replaced.

GEMARA: A question was propounded by R. Jonathan ben Akhinayi, R. Jonathan ben Elazar, and R. Hanina ben Hama: Does the Mishna allude to skins belonging to private men only, hence skins belonging to an artisan, who is particular with them, may not be handled under any circumstances; or perhaps the Mishna allows even an artisan's skins. Answered R. Jonathan ben Elazar: It is reasonable to accept that it applies only to those belonging to private men but not to artisans, because they (the artisans) are particular. But R. Hanina bar Hama said, Thus said R. Ishmael ben Jossi: "My father was a tanner and he said, 'Bring some skins here to sit on.'"

To this an objection was offered: Boards of private men may be handled, but not those of artisans (if the intention is to serve a meal on them to strangers both kinds may be handled)? With boards it is different. Even private men are particular with boards.

There is a difference of opinion between the teachers: Skins belonging to private men may be handled, but not those of artisans. R. Jossi says both kinds may be handled.

While they were sitting together another question was pro-

pounded by them: Whence do we derive the summing up of the thirty-nine principal acts of labor? Said R. Hanina bar Hama: "From the acts of labor performed at the tabernacle." R. Jonathan ben Elazar said: Thus said R. Simeon ben Jossi ben Lagunia: From the thirty-nine times the words "work," "his work," and "work of" are to be found in the Pentateuch.

R. Joseph asked of Rabba: Is the word "his work" to be found in the passage "and Joseph came into the house to do his work" [Gen. xxxix. 12] also of the number or not? Abayi answered him: "Let us bring the book and count," and he rejoined: "I am in doubt whether the verse 'and the work was enough' [Ex. xxxvi. 7] is of the number, and the former verse is to be explained 'he came in to do his business,' or whether the former is of the number and the latter is to be explained 'the task was completed.'" (Both verses cannot be counted among the thirty-nine, because if they are there will be forty in all.) This question remains unanswered.

It is proven by a Boraitha that the adduction of the thirty-nine acts is made from the acts performed at the Tabernacle, for we were taught: One is culpable only for the performance of such work as was done at the building of the Tabernacle. They have sown, but ye must not sow; they have harvested, but ye must not; they have loaded the boards from the ground upon wagons, but ye must remove nothing from public into private ground; they have unloaded from the wagons to the ground, but ye must not remove from private into public ground; they have transferred from one wagon into another, but ye must transfer nothing from private into private ground.

"From private into private ground;" what wrong is committed by that?

Abayi and Rabha answered (and according to others R. Addi bar Ahabha): "From private into private ground by way of public ground."

"In shorn wool and may not be handled."

Rabha and Rabhin in the name of Rabbi (Jehuda Hanassi) said: "It is only taught, when not designated for the purpose of depositing in them, but if designated for that purpose they may be handled." Rabhina says that the teaching of the Mishna is applicable to shorn wool taken from stock (of a store).

The following Boraitha is in support of this: Shorn wool taken

from stock is not to be handled, but if prepared by a private man for a purpose it may be handled.

Rabba bar-bar Hana taught before Rabh: Palm branches, if cut off for use as fuel and finally intended for sitting purposes, must be tied together (before the Sabbath). R. Simeon ben Gamaliel said, it needs no tying. The same Rabba bar-bar Hana himself taught this in the name of R. Simeon ben Gamaliel and said that the decision of the latter prevails.

We have learned elsewhere: (In relation to sitting on palm branches cut off for use as fuel) Rabh said (it must be) tied (before the Sabbath). Samuel said: The intention (alone) to sit on them (is sufficient) and R. Assi said, sitting (on them before the Sabbath) even if not tied nor previously intended for sitting purposes on the Sabbath, is sufficient. It is clear that Rabh holds with the first teacher and Samuel holds with R. Simeon ben Gamaliel, but whom does R. Assi's opinion agree with? He is of the opinion of the following Boraitha: It is permitted to go out (on Sabbath) with a flax or wool plaster (on a wound) when dipped in oil and tied with a string, but it is not permitted when the plaster is not dipped in oil or tied with a string; but if one went out with it only a little before the Sabbath, even if not dipped in oil and tied, it is permissible. Said R. Ashi: "We were also taught in a Mishna in support of this; but who is the teacher that does not agree with R. Simeon ben Gamaliel?" It is R. Hanina ben Aqiba; for when R. Dimi came from Palestine he said in the name of R. Zera: R. Hanina bar Aqiba once went with his disciples to a place and found some palm branches tied together to be used as fuel; he said to his disciples: "Make up your minds to sit on them to-morrow." I do not know whether there was to be a wedding or a funeral that following day, but the inference from this narration is: Only in the case of a wedding or funeral, when people are busy (and could not tie them up), the intention is sufficient, but otherwise tying together is necessary.

R. Jehudah said: "One is permitted to carry in a box of sand on the Sabbath for the purpose (of covering up an unclean place) and use the remainder for any purpose whatever. Mar Zutra, in the name of Mar Zutra the great, interpreted this—providing he singled out a corner for it. Said the Rabbis before R. Papa: "This teaching (of the great Mar Zutra) is in accord only with the opinion of R. Simeon ben Gamaliel, but not with that of the

Rabbis who require action rather than intention." R. Papa answered: "It may even be in accord with the Rabbis, who require action only where it is possible, and this action (tying together or sitting on sand) is impossible."

R. Jehudah permits the use of the dust of incense on the Sabbath. R. Joseph permits poppy-seed waste. Rabha permits pepper dust and R. Shesheth "Barda," to wash the face with. What is Barda? Said R. Joseph, a powder of one-third aloe, one-third myrrh, and one-third violet. R. Nehemiah bar Joseph also permits Barda, provided it does not contain more than a third part of aloe.

R. Shesheth was asked if it was permitted to crush olives on Sabbath? He answered: "Is it permitted on week days?" He is of the opinion that the spoiling of food is not allowed.

Barda was brought to Ameimar, Mar Zutra, and R. Ashi. Ameimar and R. Ashi washed themselves with it, but Mar Zutra did not. They asked him: "Do you, Master, not hold with R. Shesheth, who permits the use of it?" Said R. Mordecai to them: "Leave out the Master in this question, for he does not even use Barda on week-days. He holds, as we were taught: "One is permitted to scratch off crust of excrement and of wounds only for the purpose of relieving pain, but not for the purpose of beautifying the person." And they (Ameimar and R. Ashi)? They agree with the teaching in another Boraitha, viz.: A man should wash his face, hands, and feet daily out of respect for his Creator, as it is written in Prov. xvi. 4.

R. Elazar ben Azarya says: "The vessel is bent sideways, etc." Said R. Aba in the name of R. Hyya b. Ashi, who spoke in the name of Rabh, that if the cavity formed by the vessel got out of shape it is not permitted to replace (the vessel).

We were taught: "And the sages say it may be taken out and replaced." How shall this be understood? If the cavity remained intact the Rabbis did well by telling us that the replacing of the vessel was allowed; but if the cavity got out of shape is it not self-evident that replacing is not permitted? Nay; they still maintain that the cavity did not get out of shape, and the controversy (in the case) is as regards precaution. One is of the opinion we must use precaution (lest we replace the vessel when the cavity is out of shape), while the others contend this is not necessary.

MISHNA: (A vessel) not covered during daylight must not be covered after dark. If, after having been covered, it became uncovered, it is permitted to cover it again (even on the Sabbath). A pitcher may be filled with cold victuals and put under a pillow (to keep it cool).

GEMARA: R. Jehudah in the name of Samuel said: "It is permitted to store cold victuals (to protect them from the sun)." Said R. Joseph: "Have we not learned this in the above Mishna? What information does he give us?" Abayi answered: "A great deal! From the Mishna I would infer that only such things as are not usually stored are permissible (for in that case no precaution lest one put warm victuals under a pillow or bolster for the purpose of generating heat is necessary); he informs us, however, that even such things as are usually stored are permissible also."

R. Huna in the name of Rabbi however says: It is forbidden to store cold victuals. Were we not taught that Rabbi has permitted this? This presents no difficulty; in the former instance he was not aware of the decision of R. Ishmael ben Jossi and in the latter he was. This is the instance: Rabbi at one time decided that it is forbidden to store cold victuals. Said R. Ishmael ben Jossi in his presence: "My father permitted it," whereupon Rabbi said: "The Elder once having pronounced the decree it must prevail." Said R. Papa: Come ye and note the mutual respect: Had R. Jossi been alive, he would have had to show respect to Rabbi; R. Ishmael, who succeeded his father and was of no lesser rank, also had to acknowledge Rabbi's superiority. Still Rabbi said: "The Elder long ago decreed it."

R. Nahman said to his slave Doru: "Store some cold victuals for me and bring me warm water from a Gentile cook-shop." R. Ami heard this and was angry. Said R. Joseph: "What was the reason of his anger? Did not R. Nahman act in accordance with the teachings of the great masters, Rabh and Samuel?" R. Jehudah in the name of Samuel said: It is permitted to store cold victuals, and R. Samuel b. R. Itzhak said in the name of Raph: Anything that may be consumed raw is not included in the prohibition relating to cooking by a Gentile; he (R. Ami) however was of the opinion that, although it is allowed, a man of note should not practise it (because the layman seeing such things of the scholar he might allow himself still more).

The Rabbis taught: "Although they (the sages) said it is not allowed to deposit (warm victuals) after dark, even in such receptacles as do not increase the heat, still, if already deposited, it is permitted to add more cover (even if the heat is increased). How can this be done? R. Simeon ben Gamaliel says: "In cold weather a sheet (used as a cover) may be taken off and a blanket substituted; in warm weather the blanket may be taken off and a sheet substituted." Moreover, R. Simeon ben Gamaliel said: "They (the sages) prohibited (to deposit warm victuals) only in the same pan in which they were cooked, but if emptied to another pan it is permitted; and there is no fear of one coming to cook (on the Sabbath); for (the act of) emptying (the victuals) from the cooking-pan (into another) proves (that there is no such intention).

If one deposited a pot (containing victuals) in material that may be handled on the Sabbath, and covered it with the same, or even deposited it in non-permissible material, but covered it with permissible, he may take out the pot and replace it; but if he deposited it in non-permissible material and covered it with the same, or even deposited it in permissible, but covered it with non-permissible material, he *may* take *out* the pot, but can replace it only if the pot was but partly covered. Otherwise, he must not replace it at all.

It is permitted to put one cooking-pan upon another and also one earthen pot upon another, but not an earthen pot upon a cooking-pan, or a cooking-pan upon an earthen pot. (Even on Sabbath) the cover of a pot may be fastened down with dough (kneaded on Friday before dusk). In the case of putting one pan or pot upon another, this may be done only to preserve the heat, but not for the purpose of heating the upper pot by means of the lower one.

The same as it is forbidden to store warm (victuals), so it is also forbidden to store cold (victuals) on the Sabbath; but Rabbi permitted the latter to be done. Even so is it prohibited to chop ice on Sabbath in order to obtain cold water, but ice may be put into a vessel or a pitcher without fear of the consequences.

CHAPTER V.

REGULATIONS CONCERNING GEAR WHICH MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH.

MISHNA: What gear may we let animals go about in (on the Sabbath) and what not?* The male camel in a bridle; the female camel with a nose-ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).

GEMARA: R. Jehudah in the name of Samuel said: "Rabbi was asked, How is it when the reverse is the case? *i.e.*, when the female camel is bridled and the male camel is invested with a nose-ring? May they be allowed to go about? There is no question as to a bridle on a female camel. Not being for the purpose of guarding her, it is considered a burden and is not allowed; as to a nose-ring on a male camel: shall we assume that it is merely an additional safeguard, and thus becomes permissible, or is it an unnecessary safeguard and hence not allowed?"

R. Ishmael ben Jossi answered: "Thus my father said: Four animals may go about with a bridle on—the horse, the mule, the camel, and the ass."

We were taught in a Boraitha: Lydda asses and camels may go about with a bridle on. There is a difference of opinion among the Tana'im (teachers) (whether a superfluous safeguard is a burden or not); one maintains that no animal may go about burdened with a chain; but Hananya says a chain or anything else, that is intended as a safeguard, though superfluous, is permitted.

Said R. Huna bar Hyya in the name of Samuel: "The decision of Hananya prevails."

Levi, the son of R. Huna bar Hyya and Rabba bar R. Huna once travelled together; arriving at an entrance the former's ass

* See Exodus xx. 10 and Deut. v. 14, where it is prohibited to have cattle perform work on the Sabbath. The Mishna considers the carrying of burdens work and defines what gear constitutes a burden for cattle and what does not.

ran ahead of the latter's. Rabba bar R. Huna became uneasy (at the lack of respect shown him, supposing it to have been done intentionally). Thought Levi to himself: "I see Rabba is uneasy. I will pacify him with a question." So he asked; "Is it permitted to put a halter on an unmanageable ass like mine on the Sabbath?" Rejoined Rabba: "Thus said your father in the name of Samuel: 'The decision of Hananya prevails.'"

At the school of Menashyah it was taught: A goat with a bridle fastened (riveted) to his horns is permitted to go about on Sabbath (but not if the bridle was simply tied to the horns, as it may slip off and a man may be forced to carry the bridle).

An objection was interposed: "Were we not taught in a Mishna that it is not allowed to let a cow go about with a strap tied between her horns?"

Said R. Irmya bar Aba: There is a difference of opinion between Rabh and Samuel; the one holds that it is prohibited when the strap serves either as an ornament or as a safeguard, and the other holds that it is prohibited when intended for an ornament, but as a safeguard it is permitted. Said R. Joseph: "It has been ascertained that it was Samuel who said 'forbidden as an ornament, but permitted as a safeguard, for R. Huna bar Hyya said in the name of Samuel, the decision of Hananya prevails.'" Said Abayi to R. Joseph: "It can be proved to the contrary, namely, that it is Samuel who said, 'It is forbidden either as an ornament or as a safeguard,' for R. Jehudah said in his name: Rabbi was asked, how is it when the reverse is the case, etc. The answer was, four animals may go out, etc. Did this answer intend to exclude a male camel with a ring (for the reason that an additional safeguard is prohibited as a burden)? Nay; we must say that the intention was to exclude the female camel with a bridle (because it is considered an ornament), as it was reported: "R. Hyya b. Ashi said in the name of Rabh that either as an ornament or as a safeguard it is forbidden; and R. Hyya bar Abhin in the name of Samuel said, It is forbidden as an ornament but permitted as a safeguard."

An objection was made to Samuel's opinion: If the owner tied the (red) heifer with a halter, she may nevertheless be used. Should you assume that this (halter) is a burden (how could she be used)? (Do not) the Scriptures say [Numbers xix. 2]: "Upon which there was no yoke"? Answered Abayi: "(It is to be un-

derstood) when the owner leads her from one town to another, (the halter is a necessary safeguard, hence no burden)." Rabh said: "There is quite a difference in the case of the red heifer," as she is very valuable (and must be guarded). Rabhina said: "She must have a halter on account of her stubbornness."

"The horse with a collar." What is meant by "go about" or led?" R. Huna said: "It makes no difference whether the strap hangs loose on the animal's neck or is used as a rein; but Samuel said they may go about if led (by the strap) but not (with the strap) hanging loose.

A Boraitha teaches: "They may go about with the halter tied round their necks in order that they may be led whenever necessary." Said R. Joseph: "I have seen the calves of R. Huna going out on a Sabbath with their halters round their necks." R. Samuel ben Jehuda, when coming from Palestine, said in the name of R. Hanina that Rabbi's mules also went out on a Sabbath with their halters tied around their necks.

"And are sprinkled," etc. Is this to say that they are subject to defilement? Were we not taught that only rings (worn by human beings) are subject to becoming defiled, but harness rings, rings of utensils, and all other rings are not? Said R. Isaac of Naph'ha: * The collar-ring, having at one time been used by men for personal purposes and become defiled, still retains its defiled character; but R. Joseph argues it is not necessary to claim this. The fact that the collar-ring is used by man for the purpose of guiding the animal lays it subject to becoming defiled, as we have learned in the Boraitha which taught us: A metal whip is subject to defilement; for the reason that man uses it to manage the animal with; so also in the case of the collar-ring, because man guides the animal with it.

"And submerged without removing it from its place." Would this not constitute a case of "Chatzitzah" (intervention). † Said R. Ami: "(Intervention of the bridle between the neck and the water) is avoided by loosening the bridle." A Boraitha teaches: "Intervention is avoided by the size of the bridle."

* Naph'ha is Aramaic for "smith." According to the opinion of Dr. I. M. Wise, the reviser of this Tract, Naph'ha refers to the city whence R. Isaac came.

† When any article of apparel, worn by a person or animal while bathing, intervenes between the body and the water, *i. e.*, bars the admission of the water to the body, it constitutes a case of "Chatzitzah."

MISHNA: The ass may go out with a rug fastened around him; rams may go out with leather bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve its fine wool); she-goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehuda says: She-goats may go out with their udders tied up to stop the lactation, but not to save the milk.

GEMARA: Said Samuel: The Mishna means; "Only when the (rug) is fastened before the Sabbath eve." Said R. Nahman: It is proven also by the following Mishna that an ass may not go out with a rug unless fastened. How should this be understood? Shall we say that (the rug) is not fastened? Then it would be self-evident (that it is forbidden), lest it fall off and will have to be carried by a man. Consequently we must assume that the Mishna's meaning of "not fastened" signifies "not fastened before the Sabbath." Hence it is conclusive that where the Mishna says "fastened" it means fastened before the Sabbath.

This is supported by the Boraitha: "The ass may go out with a rug fastened before the Sabbath eve, but not with a saddle, even though fastened before the Sabbath eve." R. Simeon ben Gamaliel says: "(The ass may go out) even with a saddle, if fastened before the Sabbath eve, provided, however, no stirrups are attached to the saddle, and a crupper under the tail."

R. Assi ben Nathan asked of R. Hyya bar R. Ashi: Is it permitted to put a rug on an ass on the Sabbath?" "It is," was the answer. He then inquired: "What is the difference (in the Law) between a rug and a saddle?" No answer was given. (Misinterpreting the silence) R. Assi objected: "A Boraitha teaches, it is not allowed to remove the saddle from the ass directly, but one may move it to and fro until it falls off; if you say it is forbidden to handle the saddle, is there any question as to putting it on?" Said R. Zera to him: "Let him be! He is of the opinion of his teacher (Rabh), in whose name R. Hyya bar R. Ashi related that he (Rabh) permitted putting a feed-bag on an animal on Sabbath." A feed-bag, which is nothing but an accommodation, is permitted; so much the more a rug, which is a relief! Samuel however permitted a rug but prohibited a feed-bag. R. Hyya bar Joseph reported the opinion of Rabh to Samuel, whereupon the latter said: "If thus holds my colleague, he knows nothing of the laws of Sabbath."

When R. Zera came (to Palestine) he heard R. Benjamin ben Japheth stating in the name of R. Johanan that it is permitted to put a rug (but not a feed-bag on an ass on Sabbath). He thanked him for it and, continuing, remarked: "Thus has the Arioch (King of Laws) in Babylon decided." Who is meant by the title (Arioch)? Samuel.

From the foregoing it is evident that all agree that it is permitted to cover an ass with a rug on Sabbath. Why should the saddle differ (in Law) from the rug? It differs therein, that a saddle may drop off (and involve the necessity of handling). R. Papa gave another reason: "To cover an ass with a rug is an act of relief, for it is said that an ass feels cold even in summer, but to remove a saddle from an ass's back in order to cool off the ass is not necessarily an act of relief."

An objection was raised. We have learned: "The horse shall not go out with a fox-tail (for a pompon) and calves with the feed bags on public ground." Shall we not assume that (in the case of the calves) they may not go out on public ground, but they may on private ground, and it refers even to large calves (whose necks are long enough to reach the ground with their mouths easily); thus feed-bags are merely an accommodation? Nay; the permission to carry feed-bags applies only to small calves (whose necks are short and legs long, and to whom reaching down to the ground with their mouths would entail a hardship) and must be considered as a necessary relief.

A Boraitha taught: "She-goats must not go out with a bag attached to their udders." Were we not taught in a Boraitha that they *may* go out in this manner? Said R. Jehuda: "This presents no difficulty; in the former case the bag is *not* tied fast, in the latter the bag *is* tied fast (and there is no reason for apprehension lest it drop off and will have to be carried)." Said R. Joseph: "Why, you have entirely done away with the teachers of our Mishna! There *is* a difference of opinion between the teachers in this very Mishna (and the teachers of the two preceding Boraithoth each hold in accordance with the respective opinions of the teachers of the Mishna): 'She goats may go out with a bag tied to their udders.'" R. Jossi forbids all except sheep with covers on to protect the wool. R. Jehudah says: "She-goats may go out with their udders tied up for the purpose of preventing lactation, but not for the purpose of saving the milk."

We have learned: R. Jehuda related the case of she-goats which he saw in Antioch. Their udders were so large that bags had to be made for them in order to prevent their dragging on the ground and becoming mutilated. (These bags were worn also on the Sabbath.)

The Rabbis taught: "It happened with one man whose wife died and left him a nursing child, he was so poor that he could not pay a wet-nurse. A miracle happened to him; his breasts opened and he nursed his child." Said R. Joseph: Come and see how great the man must have been that such a miracle was wrought for him. Said Abayi to him: On the contrary, Behold how bad the man must have been that the nature of mankind changed in him and nothing occurred to enable him to earn enough money to pay a nurse. Says R. Nachman: Aye, it is so. From this you can see that a miracle can easier happen, than for a man to earn a livelihood.

The Rabbis taught: "It happened once that a man wedded a woman with a mutilated hand and did not discover it until she died." Said Rabh: "Behold how chaste this woman must have been, for even her husband did not discover it." R. Hyya retorted: "This is nothing! It is natural with women to hide their defects, but note the modesty of the man, who did not discover it in his wife."

"Rams may go out with (leather) bands around their privates." What kind of bands? Said R. Huna, "hobbles." Ulla said they were leather bands tied around their breasts to prevent them from the attack of wolves. Do wolves attack only the males and never the females? It is because the males always go ahead of the flocks. Do wolves attack only the advance of a flock and never the rear? It is because the males are usually fat. Are there no fat sheep among the females? moreover, how can the wolves know which is which? It is because the males generally lift their heads and look around cautiously. R. Nahman bar Itz'hak said they wore leather bands tied around their privates to prevent them from having coition with the females. Whence this inference? From the last clause of the Mishna, "The sheep may go out with their tails tied up," in order that the males may have coition with them; hence we infer that the first clause is for the purpose of preventing them.

"She-goats may go out with a bag tied around their udders."

It was said that Rabh held the ordinance to be in accordance with the opinion of R. Jehudah and Samuel held it to be in accordance with the opinion of R. Jossi. Others taught: Rabh and Samuel did not directly cite the opinions of R. Jehudah, respectively R. Jossi, but they themselves decreed as follows: Rabh held that she-goats may go out with their udders tied up for the purpose of preventing lactation but not to save the milk. Samuel, however, prohibited this in both cases. Others again say: R. Jehuda ben Bathyra long ago decided the same as Rabh, but added that on account of the impossibility of determining what purpose the tying up of the udders would serve, it is entirely prohibited. Thereupon Samuel decided that the decree of R. Jehuda ben Bathyar prevails. Rabhin upon his arrival in Babylon reported that in Palestine the ordinance of the case was decided by R. Johanan in accordance with the opinion of the first Tana (Rabh or R. Jehuda).

MISHNA: And what gear must (animals) not go about in? The camel must not go about with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.

GEMARA: We have learned in a Boraitha: "Must not go out with a crupper." If the crupper is fastened to the hump as well as to the tail of the camel, the camel may go about. Rabba bar R. Huna says: A camel may go about with a pad under its tail (to prevent friction).

"One is not to tie camels." What is the reason? It looks like leading them to market.

"But one is permitted to hold in his hand." Said R. Ashi: "This law they (the Rabbis) taught only concerning (Kilaim) a mixture of different cords (viz., woollen and flaxen), and hence the teacher means to say, provided he does not tie or twist them. Samuel said: "And provided the cords do not protrude from his hand as much as a hand's width. Was it not taught at the school of Samuel, two hands' width? Said Abayi: "From the existing difference, namely: Samuel teaching one hand's width only, while his school two hands' width, we infer that Samuel taught the practice of the law (to be one hand's width, although two hands' width is permissible). Were we not taught: "Provided

he lifts (the cords) from the ground one hand's width (but there is no restriction as to the quantity protruding from his hands)? The non-restriction of the quantity of cord applies only to the amount of cord used for the distance between the animal and the man's hand. (In that case the quantity is unlimited. The quantity of cord, however, protruding from the man's hand must not exceed one hand's width; so also the distance from the ground to the cords must be at least one hand's width.)

MISHNA: The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle-boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails, nor sheep with sneezing-wood. The calf is not to go out with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar ben Azarya went out with a strap between the horns against the approval of the Rabbis.

GEMARA: "Neither with a bell that has been muffled." For it looks like bringing it to market.

"Nor with a collar on his neck." Said R. Huna: With a collar underneath his jowls. What was the collar intended for? To prevent irritation of any wounds that may have been on the neck.

"Nor with ankle-boots." To prevent injury from kicking one foot against the other.

"The hens with cords." As a distinguishing mark.

"Nor with straps on their feet." To prevent damage arising from jumping.

"The rams with carts." To prevent their tails from damage through trailing on the ground.

"Nor sheep with sneezing-wood." (What is it?) Said R. Huna: "In seaports there is to be found a kind of tree called 'Hanun, which produces sneezing-wood, which, when held under a sheep's nose, produces sneezing, and while sneezing such vermin as may have lodged in the sheep's head are expectorated. If such be the case, may rams not go out with it either? For rams sneezing-wood is not used at all. They butt with their heads; therefore vermin drops out of its own accord.

"Nor the cow with the skin of the hedgehog," etc. To prevent leeches from sticking to the udder.

“Nor with the strap between the horns.” Why not? Neither in accordance with the opinion of Rabh, who forbids it both as an ornament and safeguard, nor in accordance with the opinion of Samuel, who forbids it as an ornament, but permits it as a safeguard.

“The cow of R. Elazar ben Azarya,” etc. Had he only one cow? Did not Rabh, or R. Jehuda in the name of Rabh, say that R. Elazar ben Azarya gave yearly as tithes from his herds as many as twelve thousand calves? We have learned (in a Boraitha): The cow in question was not his, but a neighboring woman's. It is only ascribed to him because he did not protest against it.

Rabh, R. Hanina, R. Johanan, and R. Habiba (some say R. Jonathan instead of R. Johanan), all four taught in all the sections of Moed (Festivals): He who has the power to protest against wrong in his house and does not do so, is punished for (the sins of) every one in his house. In the city (where his protest would be recognized), he is punished for the sins of every one of the inhabitants of the city; and if he is such a great man that his word would be respected in the whole world, he is punished for (all the sins of) mankind. Said R. Papa: “And the Exilarchs are punished for the sins of all Israel.” In this same sense taught R. Hanina, who said: “How is the following passage to be explained: ‘The Eternal will enter into judgment with the Elders of his people and with the princes thereof’ [Isaiah iii. 14]. If the princes sinned, what have the Elders to do with it? The intent is to say: Because the Elders did not protest against the princes.

R. Jehudah sat before Samuel, when a woman came in complaining and Samuel paid no attention to her. Said R. Jehudah to him: “Is Master unaware of the passage: Whosoever stops his ears at cry of the poor, he also shall cry himself and not be heard”? [Prov. xxi. 13]. Samuel retorted: “Ingenious scholar! Your head-master (meaning himself) is on safe ground, but our Chief is responsible.” Mar Ukba, being at that time Chief of the Judges (it was his affair), for it is written [Jerem. xxi. 12]: “O House of David! Thus hath said the Lord: Exercise justice on (every) morning, and deliver him that is robbed out of the hand of the oppressor; lest my fury go forth like fire, and burn so that none can quench it, because of the evil of your doings.”

Said R. Zera to R. Simon: “Let Master reprove the Exilarch's

retainers." He answered: "They care not for me." Rejoined R. Zera: "Even if they do not care, reprove them anyhow; for R. Aha b. Hanina said: The Holy One, blessed be He, never issued a benevolent decree, which He subsequently reversed into malevolence, except in this sole instance, which is written [in Ezekiel ix. 4:] "And the Lord said unto him, Pass through the midst of the city, through the midst of Jerusalem, and inscribe a mark upon the foreheads," etc. Thus said the Eternal to Gabriel: "Go and set the mark (the Hebrew letter Tabh) in ink upon the foreheads of the righteous, that the angels of destruction have no power over them; and the same mark in blood upon the foreheads of the wicked, that the angels of destruction may have power over them." Justice pleaded before the Eternal, blessed be He, in these terms: "Sovereign of the Universe, what is the difference between the two?" He answered: "The ones are perfectly righteous and the others completely wicked." Again Justice pleaded: "Sovereign of the Universe! It was in their power to protest (against wickedness) and they did not." And the Lord answered: "It is known to me, that had they protested their protest would have been of no avail." Once more Justice pleaded: "It is known to Thee; but was it known to them?" (Therefore) thus it is written (further): "Slay utterly old and young, both maids, little children, and women [Ezek. ix. 17]; and it is written (further): "Then they began with the old men who were before the house" [ibid., ibid.].

"And behold, six men came from the direction of the upper gate" [Ezek. ix. 2]. Who are the six men (messengers)? Said R. Hisda: "Anger, wrath, rage, destruction, devastation, and ruin."

Why just the letter Tabh? Said R. Simeon ben Lakish: "The Tabh is the last letter on the seal of the Holy One, blessed be He; for R. Hanina said (the inscription on) the seal of the Holy One, blessed be He, is Emet (truth) (and the last letter of the Hebrew word Emeth is a Tabh).

It being evident from the verse [Ezek. ix. 2] that Sechuth Aboth* no longer existed, at what time shall we assume that it ceased?

* Sechuth Abot his a term implying the benefits bestowed upon men in consideration of the virtues and righteousness of their ancestors, and is based upon the passage in the Bible: "Keeping kindness unto the thousandth generation," etc. (Ex. xxxiv. 7), and also upon the verse Ex. xxxii. 13.

Said Rabh: From the time of the prophet Hosea ben Beëri, as it is written [Hosea ii. 12]: "And no man will deliver her out of my hand," meaning that even the righteousness of the ancestors will be of no avail.

Samuel said: From the time of the King Chazael of Syria, as it is written [Kings xiii. 23]: "And the Lord became gracious unto them, and had mercy on them, and turned His regard unto them, because of His covenant with Abraham, Isaac, and Jacob, and would not destroy them, and He cast them not off from His presence until now." Thus, He will remember His covenant only "until now," but not after that.

R. Jehoshua ben Levi said: From the time of Elijah the prophet: as it is written [Kings xviii. 36] "Elijah the prophet came near and said, O Lord, God of Abraham, of Isaac, and of Israel, *this day* let it be known that Thou art God in Israel," etc., and means to infer that only "this day" the Lord will remember Sechuth Aboth and not after this day.

R. Johanan says: From the time of Hezekiah the King, as it is written [Isaiah ix. 6]: "To establish it and to support it through justice and righteousness, from henceforth and unto eternity: the zeal of the Lord of Hosts will do this," implying that after that the favors of the Lord will not be bestowed by virtue of Sechuth Aboth, *but through* His zeal.

R. Ami said: Death is the result of sin, and affliction the result of transgression; death the result of sin, for it is written [Ezekiel xviii. 20], "The soul that sins, it shall die," etc.; affliction the result of transgression, for it is written [Psalms lxxxix. 33], "And I will visit their transgressions with a lash and their iniquity with stripes."

An objection was made: One of the teachers said: The angels (once) said to the Holy One, blessed be His Name: "Sovereign of the Universe! Why didst Thou punish Adam with death?" The Lord answered: "Because I gave him a light commandment, and he failed to observe it." The angels again said unto him: "Why did Moses and Aaron die, did they not observe all the laws of the Torah (Pentateuch)?" And He answered [Eccl. ix. 2]: "The same fate befalls the righteous as the wicked." Hence death is not the result of sin! He (R. Ami) is of the opinion of the teacher who taught: "R. Simeon ben Elazar said: Even the death of Moses and Aaron was the result of their sins, for it is

written [Num. xx. 12]: "Because you had no faith in Me," (and the inference thereof is) if they had faith, they would not have died.

Another objection was made: (There is a tradition) Four men only died in consequence of original sin. They are: Benjamin, the son of Jacob; Amram, the father of Moses; Jesse, the father of David; and Kilab, the son of David. Whose opinion does this Boraitha agree with? The Tana who related the legend of the angels holds that Moses and Aaron also died in consequence of original sin. We must assume then that the Boraitha agrees with R. Simeon b. Elazar, who says that Moses and Aaron died on account of their own sins. Thus we see that although Moses and Aaron died on account of their own sins, still death without sin is possible and consequently affliction without transgression; hence R. Ami's theory is hereby refuted.

R. Samuel bar Nahmeni in the name of R. Jonathan said: "Whoever says that Reuben (the patriarch Jacob's son) sinned with his father's wife is in error, because it is written [Gen. xxxv. 22], "Now the sons of Jacob were twelve." This proves to us that they were all equal (in righteousness); but what does the verse [ibid. ibid), which states that he *did* lie with Bilha, his father's concubine, signify? It signifies that he (Reuben) de-ranked his father's bed, and this the verse holds as being equal to lying with his father's wife. This may be supported by a Boraitha in the name of R. Simeon ben Elazar: That righteous man (Reuben) is innocent of the crime. The act with his father's wife was never consummated; because is it possible that a man, whose descendants will stand on the Mount Ebol and proclaim: "Cursed be he who lies with his father's wife" (Deut. xxvii. 20), would commit such a crime? What explanation, however, can I attach to the verse accusing him? He (Reuben) resented the injustice done his mother and said: "When my mother's sister lived and proved a vexation to my mother, it was bearable; but to have my mother's servant prove a vexation to her, this is unbearable!" Therefore he removed the bed of Bilha from his father's bedroom (which the verse holds tantamount to lying with her).

Rabh said: Pin'chas (son of Eli) is not guilty of adultery, for it is written: "And Ahiya, the son of Ahitub, Ichabad's brother, the son of Pinchas, son of Eli, was priest to the Eternal at Shilah" [I Samuel xiv. 3]. Is it possible that the Scriptures would

describe minutely the (progeny) or pedigree of an adulterer? Is it not written: "The Eternal will destroy the man that does this, the master and the scholar out of the Tabernacles of Israel, and him that offers an offering to the God of Hosts"? [Mal. ii. 12.] That was explained to mean, if he be simply an Israelite, he shall have here no master among the teachers and no scholar among disciples, and if he is a descendant of priests, he shall have no son who may offer the offering. From this we must conclude that Pinchas is innocent of guilt. Is it not written, however, "sons of Belial" (and thus Pinchas is included)? Aye; because he should have protested against it and did not, the Scriptures considers it as if done by himself.

The above Samuel ben Nahmeni says again: He who thinks the sons of Samuel sinned, is also in error. It is written: "And they (his sons) did not walk in his ways" [Sam. viii. 3]. True; they did not walk in his ways, but they sinned not. How then is the passage to be upheld: "And they but turned aside after lucre and took bribes"? [ibid. ibid.]. They did not act as their father; for Samuel, the righteous, travelled through all Israel and dispensed justice in every city, as it is written: "And he went from year to year in circuit to Beth-El and Gilgal and Mizpah and judged Israel" (ibid., vii. 6); but they did not act in this way. They dwelt in their respective places in order to increase the fees of their messengers and scribes.

There is a difference of opinion among the teachers (as to the nature of the sins whereof they, the sons of Samuel, are accused). R. Meir says they (who were Levites themselves) claimed their priestly allowance personally (and thereby deprived the poor priests and Levites of their shares; for being also judges they were never refused). R. Jehuda says: They had commercial relations with private people (and were sometimes compelled to pervert justice). R. Aqiba says: They took tithes (to a greater extent than they were allowed to do) by force. R. Jossi says: They took by force the (priests') portions (shoulder-blades, jowls, and stomachs of a slaughtered animal) to which they had no right.

"The same error is made concerning David," said the above Rabbi. Said Rabh: (R. Jehudah Hanassi) Rabbi, a descendant of the house of David, endeavored to interpret favorably the passage: "Wherefor hast thou despised the word of the Eternal *to do* what is evil in His sight?" [2 Samuel xii. 9]. He said: This

evil deed is different (in words and language from other evil deeds, whereof mention is made in the Scriptures). In all other instances it says, "and *he has* done," but here it says, "*to do*." This implies that he "wanted to do" (but did not do). "Uriah the Hittite thou hast slain with the sword" [ibid. ibid.]. (As a rebel) he should have had him "*tried*" by the Synhedrion, which he did not. "And his wife thou hast taken to thee for a wife." He had a right to her, for R. Samuel ben Nahmeni in the name of R. Jonathan said: Whoever went to war with David divorced his wife previously. "Him thou hast slain with the sword (used) for the children of Amon." As he will not be punished on account of the children of Amon, so will he also not be punished for the death of Uriah. What is the reason? He (Uriah) was a rebel.

Said Rabb: "Note well the life of David, and you find nothing blamable save the affair of Uriah; as it is written [1 Kings xv. 5], "Save only in the matter of Uriah the Hittite."

Abayi the elder offered a contradictory question: "Did Rabb say this? Did he not say also that David lent an ear to slander?" This difficulty remains.

The text says: Rabb asserted that David *did* lend ear to slander, for it is written [2. Samuel ix. 4]: "And the King said unto him, Where is he? And Ziba said unto the King, Behold, he is in the house of Machir, the son of 'Ammiël, in (*b'*) Lo-debar;" further on it is written [ibid., 5]: "And the King David sent, and had him taken out of the house of Machir, the son of 'Ammiël, from (*m'*) Lo-debar."* (Thus, when David found him "doing something (good)" whereas Ziba informed the King that he was "doing nothing (good)," of a necessity Ziba must have been lying to David; why, then, did David give heed to his information, for it is written [ibid. xvi. 3]: "And the King said, And where is thy master's son? And Ziba said unto the King, Behold, he remaineth at Jerusalem; for he said, To-day will the house of Israel restore unto me the kingdom of my father." But whence the adduction that David lent an ear to slander? From what is written further [ibid. 4]: "Then said the King to Ziba, Behold, thine shall be all that pertaineth to Mephibosheth. And

* The literal translation of the Hebrew word Blo-debar is: he does nothing (good); of Mlo-debar: he is very busy (doing something good). Upon the difference in the two literal meanings of the two words Rabb bases the untruth of Ziba's statement.

Ziba said, I prostrate myself; let me but find grace in thy eyes, my lord, O King."

Samuel said: David did not lend ear to slander. He (himself) saw in Mephibosheth's conduct that which corroborated Ziba's calumny; as it is written [ibid. xix. 25]: "And Mephibosheth the (grand-)son of Saul came down to meet the King, and he had not dressed his feet, nor trimmed his beard, nor washed his clothes." (This was considered disrespect); further it is written [ibid. 28]: "And he slandered thy servant unto my lord the King," etc., and further [ibid., 31]: "And Mephibosheth said unto the King, Yea, let him take the whole, since that my lord the King is come (back) in peace unto his own house." Now, this last verse (read between the lines) really means: "I have anticipated your safe arrival home with anxiety, and since you act toward me in such a manner, I have nothing to complain of to you but to Him (God) who brought you safely back."

R. Jehuda in the name of Rabh said: "Had David not given heed to slander, the kingdom of the house of David would never have been divided, neither would Israel have practised idolatry, nor would we have been exiled from our land."

The same Rabbi said: He who believes Solomon guilty of idolatry is in error. Whence does he adduce this? He agrees with R. Nathan, who points to a contradiction between the two following passages: It is written [1 Kings xi. 4]: "And it came to pass, at the time when Solomon was old, that his wives turned away his heart," etc., and further on [ibid. ibid.] it says: "Like the heart of David his father." While his heart was not as perfect as that of his father David, still he did not sin. The passage means, his wives turned away his heart toward idolatry, but still he did not practise it. This is supported by a Boraitha: Said R. Jossi. It is written [2 Kings iii. 13]: "And the high places, that were before Jerusalem, which were to the right of the mount of destruction, which Solomon the King of Israel had built for Ashtoreth, the abomination of the Zidonians," etc. Is it possible that neither Assa nor Jehosaphath had cleared them out before Josiah? Did not Assa and Jehosaphath abolish idolatry in Judea? It follows then, that as Josiah is given credit by the verse in the Scriptures for having abolished the worship of Ashtoreth, the abomination of the Zidonians, although at his time it had been out of existence for a long time, this was done merely because he

(Josiah) had abolished other later forms of idolatry; the same rule is followed in the case of Solomon; while he himself did not build the Ashthoreth of the Zidonians, the fact that he did not prevent his wives from doing so makes him responsible in the same measure as if he had committed the deed himself. Is it not written [1 Kings xi. 6]: "And Solomon did what is evil in the eyes of the Lord." This is also written merely because it was in his power to protest against the actions of his wives, and he did not do so; hence the Scriptures ascribe the deed to him, as if he himself had committed it.

Said R. Jehudah in the name of Samuel: It would have been better for him (Solomon) to have been an actual hireling to idolatry, than to be accused of doing what is evil in the eyes of the Lord.

Again R. Jehudah said in Samuel's name: At the time Solomon took in wedlock the daughter of Pharaoh, she brought to him about a thousand different musical instruments. Each of these was used for separate idols, which she named to him, and still he did not protest against it.

The same Rabbi, quoting the same teacher, said: At the time Solomon took in wedlock Pharaoh's daughter (the angel) Gabriel came down and planted a cane in the sea; on the sand, that accumulated around the cane, a great city was afterward built; but in a Boraitha we were taught that the miracle occurred on the day that Jeroboam introduced the two golden calves, one each in Beth-El and Dan, and that great city was Italia of Greece.

R. Samuel said: Whoever says Josiah sinned is also in error. It is written [2 Kings xxii. 2]: "And he did what was right in the eyes of the Lord and walked in the ways of David his father and turned not aside to the right or to the left." Is this not contradictory to the verse [2 Kings xiii. 25], "that returned to the Lord with all his heart." How is the "returned" to be understood? He must have sinned in order to return? Nay; from this it must be inferred that after Josiah attained the age of eighteen, he refunded from his private purse all amounts paid by such as he had declared guilty (bound to pay) from the time he was eight years old (when he became King). This is the interpretation of "returned to the Lord."

The above differs from Rabh's statement: "None is greater among repenters than Josiah in his time and one in our own time.

Who is *he* (the latter)? Aba, the father of Jeremiah b. Aba. Others say Aha, the brother of Aba, father of Jeremiah b. Aba, for the aforesaid teacher said Aba and Aha were brothers. R. Joseph said: There is yet another in our own time. Who is he? Ukban b. Ne'hemiah, the Exilarch. "Once while studying," said R. Joseph, "I dozed off and saw in a dream an angel stretching out his hands and accepting his (Ukban's) repentance.

CHAPTER VI.

REGULATIONS CONCERNING WHAT GARMENTS (SERVING AS ORNAMENTS) WOMEN MAY GO OUT WITH ON THE SABBATH.

MISHNA: In what (ornamental) apparel may a woman go out and in what may she not go out? A woman is not allowed to go out (even in private ground) either with woollen or linen bands or with straps on her head to keep her hair in tresses, (as a precaution lest she enter public ground and take off the bands to show to her friends, thereby becoming guilty of carrying movable property for a distance of four ells or more). Nor is she to bathe herself with the bands on unless loosened. Nor is she to go out with either Totaphoth or Sarbitin on, unless they are fastened.* Nor with a hood in public ground, nor with gold ornaments, nor with nose-rings, nor with finger-rings that have no seal, nor with pins. But if she did go out with these things, she is not bound to bring a sin-offering (as they are ornaments and not burdens).

GEMARA: "Bathing." Where is bathing referred to (and what has it to do with the Sabbath)? Said R. Nahman b. Itz'hak in the name of Rabba b. Abuha: The Mishna means to say: What is the reason that a woman is not allowed to go out with either woollen or linen bands? Because the sages have decided that she is not to bathe herself with them on, even on week-days, unless loosened; therefore she shall not (go out with them on) on the Sabbath at all, lest it happen that she become in duty bound to bathe herself, † and, while untying her hair, be forced to carry the bands in public ground for a distance of four ells or more.

R. Kahana propounded a question to Rabh: "What about a

* In the Mishna the Hebrew word for "fastened" is "Tephurim," literally meaning "sewed" or "embroidered" *i.e.*, the Totaphoth and Sarbitin as worn by the wealthy were ornaments made of gold or silver with inscriptions engraved on them, but the poor made them of various colored materials (as explained in the Gemara further on) and embroidered the inscriptions on them. The prohibition of the Mishna therefore refers only to the wearing of such ornaments before the inscriptions were either engraved or embroidered on them. Such is our explanation in our "History of Amulets," pp. 11-15.

† See Leviticus xv. Duties of women to bathe after menstruation.

hair-net?" Answered Rabh: "You mean to say a woven one? Everything woven has not been restricted." This was also taught in the name of R. Huna, son of R. Joshua.

An objection was made: "We have been taught in a Mishna that when a person bathes the following objects cause 'intervention' (Chatzitzah): Woollen and linen bands and headstraps (used by maidens)?" R. Jehudah says woollen and hair bands do not cause "intervention," because water soaks through them. "(Now we see that although woollen and linen bands are woven and yet *are* an intervention.) Said R. Huna: "All this concerns only maidens." (And they are an intervention only because they are particular about it.)

R. Joseph in the name of R. Jehuda said that Samuel asserted: "The law according to R. Jehudah holds good only in the case of hair-bands." Rejoined Abayi: "Thou sayest the law according to R. Jehudah holds good. Is there any controversy between R. Jehudah and the Tana of the above Boraitha? (The Tana said nothing about hair-bands)." Shall we assume that because R. Jehudah declares hair-bands not to be objects of "intervention," he must have heard the previous Tana mention them? Even if such be the case, it is not probable that R. Jehudah heard that the Tana agrees with him on that point and hence he says: "If he agrees with me on this point why not in the other instances also?"

Said R. Nahman in the name of Samuel: Let us say the sages agree with R. Jehuda with respect to hair-bands.

This is supported by a Boraitha. Woollen bands cause intervention, but hair-bands do not. Said R. Jehuda: "Neither cause intervention."

Said R. Nahman b. Itz'hak: This can be proven by a Mishna further on, which teaches that a woman may go out with hair-bands, be they her own or her friends'. Whose opinion does this Mishna represent? Can we say R. Jehudah's? He permits even woollen bands! We must say it represents the opinion of the other teachers also; hence it is conclusive that they do not differ as regards hair-bands.

"Nor with Totaphoth." What are "Totaphoth"? Said R. Joseph: "A balm bandage for sanitary use (Humrate diqetiphta)."

Said Abayi to him: "Then let it be permitted as an amulet made by a reliable expert." (During Abayi's time this difficulty was not solved.)

R. Jehudah said in the name of Abayi: * "It is an Absayim" (a gold ornament). This is supported by a Boraitha: A woman may go out with a gilded hair-net and Totaphoth or Sarbitin when fastened to the hair-net. What are Totaphoth and what Sarbitin? Said R. Abuha: "The former are bands that reach from ear to ear and the latter bands that reach from temple to temple." R. Huna said: "The poor make them of all kinds of colored material and the rich make them of gold or silver."

"Nor with a hood," said R. Yanai: "I cannot understand what kind of a hood the Mishna means; is it a slave's hood that it prohibits and permits a woollen hood, or does it prohibit woollen hoods and so much more slave's hoods? Said R. Abuha: It is reasonable to hold that a woollen hood is meant. This is also proven by the following Boraitha: A woman may go out with a hood and head ornament in her yard. R. Simeon ben Elazar says, with a hood even in a public ground. "It is a rule," said he, "that anything below the 'Shebha'ha' (hair-net) is permitted to be worn, but anything above it is not. Samuel, however, said the Mishna alludes to the slave's hood.

This was objected to. Did Samuel indeed say so? Did he not say the slave may go out with the mark (he wears) around his neck, but not with the mark on his clothes? This presents no difficulty. The former applies to the mark made for him by his master (in which case there is no fear of the slave removing and carrying it), while the latter applies to the mark made by himself. What meaning do you attach to Samuel's statement? If he permits the wearing of the mark on the slave's neck because the master made it and the slave will fear to remove it; could not the master also make the mark on the slave's clothes? Yea; but the slave might lose the mark and for fear of his master he will fold up his coat and carry it on his shoulders (in public ground). This is also supported by a Boraitha, which teaches us distinctly that the slave may go out with the mark on his neck but not on his clothes. In like manner Samuel once said to R. Hinna bar Shila: "None of the Rabbis that call on the Exilarch should go out with their insignia on their clothes (on the Sabbath) save you. He would not be angry with you were you to go to him without them (hence, not being a necessary burden, you may wear them or not, as you choose).

* This R. Jehudah is probably R. Jehudah of Diphta, for the R. Jehudah generally cited died on the day of Abayi's birth. See our "History of Amulets," etc.

The former teacher said "Not with a bell (mark on his neck, but with a bell (mark) attached to his clothes." Why not with a bell on his neck? Lest it break off and he may carry it. Why not apprehend the same in regard to a bell attached to his clothes? Here a bell is treated of that was made by an expert and was woven right in with the cloth. This is also in accord with what R. Huna, son of R. Joshua, said: "Everything that is woven they did not restrict."

"Nor with a golden ornament." What was this golden ornament? Said Rabba bar bar Hana: "A golden (ornament with an engraving of the city of) Jerusalem on it," such as R. Aqiba made for his wife.

The Rabbis taught: A woman shall not go out wearing a golden ornament; but if she did so, she becomes liable to bring a sin-offering. This is the opinion of R. Meir, but the sages say: She must not go out wearing it; if she did, however, she is not culpable; but R. Eliezer said: A woman may go out wearing a golden ornament to commence with. Wherein do they differ? R. Meir holds it to be a burden and the Rabbis hold it to be an ornament; then why should she not wear it to commence with? Lest she take it off to show it to her friends and thus happen to carry it; but R. Eliezer reasons differently. Who generally go out with such valuable golden ornaments? Prominent women; and prominent women will not remove them for the purpose of exhibiting them to friends.

Rabh prohibits the wearing of a crown-shaped ornament and Samuel permits it. Both agree that the wearing of a crown-shaped ornament is permissible, as there is no fear that the woman will remove it; where they do differ, however, is as to a golden and jewelled ornament. The former holds, that there is fear of her removing it in order to exhibit it, and thus probably happen to carry it, while the latter contends that as prominent women only wear such costly ornaments no fear need be entertained on that score.

Said R. Samuel bar bar Hana to R. Joseph: You distinctly told us in the name of Rabh that an ornament in the shape of a crown may be worn.*

* R. Joseph passed through a severe illness and at times forgot his own teachings; hence it sometimes occurred that he was reminded of them by his disciples.

Levi taught in Neherdai that a crown-shaped ornament may be worn; whereupon twenty-four women in Neherdai went out with crown-shaped ornaments on.

Rabba bar Abuha taught the same in Mehutza, and eighteen women went out of one lane wearing those ornaments.

R. Jehudah in the name of Samuel said: "A belt may be worn." Some one said a leather belt (even if jewelled). Said R. Saphra: "Why! Even a golden belt jewelled, for is it not equal to a golden garment?"

Said Rabbina to R. Ashi: "How is it with a belt worn over a sash?" Answered R. Ashi: "By this you mean two belts" (and this is prohibited).

R. Ashi said: "A sash may be worn only when it is securely fastened, but not otherwise."

"Nor with a nose-ring." What is a nose-ring? It is a nose-band.

"Nor with finger-rings that have no seal;" but if the ring have a seal does the woman who wears it become culpable? This presents a contradiction. We have learned elsewhere: The following ornaments of women are subject to becoming defiled: Chains, nose-rings, rings, finger-rings, either with or without a seal, and nose-bands. Said R. Nahman bar Itz'hak: "You quote a contradiction in the laws of defilement as against the laws of Sabbath. As for defilement the Thora (law) requires an utensil [Numbers xxxi. 20], and such it is, but as for Sabbath it refers to a burden; hence a ring without a seal is an ornament, with a seal it is a burden (for women)."

"Nor with a pin." For what purpose can a pin be used? R. Ada from Narsha explained it before R. Joseph: Women part their hair with it. Of what use is it on Sabbath? Said Rabba: On week days they wear a golden plate on their heads; the pin is used for parting the hair and holding down the plate; but on Sabbath the pin is put against the forehead.

MISHNA: A man is not to go out with iron-riveted sandals nor with one (iron-riveted shoe) unless he has a sore on his foot, nor with phylacteries, nor yet with an amulet, unless made by a reliable expert, nor with a shield, helmet, or armor for the legs; but if he has gone out (with either of these) he is not culpable of a sin (that requires a sin-offering).

GEMARA: "Iron-riveted sandal." What is the reason of

its being prohibited? Said Samuel: It happened toward the close of the persecutions (of the Jews) that a party of men hid themselves in a cave with the understanding that after once entering no one was to go out. Suddenly they heard a voice on the outside of the cave, and thinking the enemies were upon them, they began crowding each other into the farthest recesses of the cave. During the panic that ensued more men were trampled to death by the iron-riveted sandals worn by the party than the enemies would have killed. At that time it was enacted that a man must not go out (on Sabbath) with iron-riveted sandals." If this be the reason, let it also be prohibited on week-days! Nay; the reason is that the disaster occurred on a Sabbath.

Said R. Jehudah in the name of Samuel: This (the prohibition of the use of iron-riveted sandals) is taught only with regard to such as are riveted for the sake of durability, but not with regard to such as are riveted for the sake of decoration. How many (rivets are considered to be for the purpose) of decoration? R. Johanan said, five in each. R. Hanina said, seven in each. Said R. Johanan to R. Samon b. Aba: "I will explain to you the difference between my opinion and that of R. Hanina. I mean two rivets on each side of the sandal and one in the centre, while he means three on each side and one in the centre. A certain shoemaker asked of R. Ami: "How is it if the sandal is sewed from the inside?" He answered: "I have heard that it is permitted to be worn, but I can give you no reason." Said R. Ashi: "Does master not know the reason? Being sewed from the inside it is no longer a sandal but a shoe; and the Rabbis decreed against the riveted sandal but not in regard to shoes."

We have learned: A man must not go out with iron-riveted sandals and shall not walk in them from one room to another, not even from one bed to another (in the same room); but such sandals may be handled to cover vessels with or to support one of the bed-stands with them. R. Elazar b. Simeon prohibits even this, unless the majority of rivets fell out and but four or five remain. Rabbi limits the permission to seven (rivets). If the soles are made of leather and the uppers are riveted, it is permitted. If the rivets are made like hooks, or are flat-headed, or pointed, or pierce through the sandal to protect the sole, it is permitted.

Said R. Massna, others say R. Ahadboy b. Massna, in the

name of R. Massna: "The decision of R. Elazar b. Simeon does not hold good." Is this not self-evident? When one individual opinion conflicts with a majority, the opinion of the majority prevails. The statement of R. Massna, however, was made lest one might suppose that it would be reasonable to accept in this case the decision of R. Elazar b. Simeon (because handling it, he might wear it) and he informs us (that it is not so).

Said R. Hyya: "Were I not called a Babylonian, who permits what is prohibited, I would permit considerably more. How *many* rivets are permissible? In Pumbeditha they say twenty-four, and in Sura they say twenty-two." Said R. Nahman b. Itz'hak: "It seems by your remark that on the road from Pumbeditha to Sura you lost two."

"Nor with one iron-bound shoe, unless his foot is sore." But if his foot is sore he may go out. On which foot may he wear the shoe? On the foot that is sore (for protection).

The Rabbis taught: When one puts on his shoes he should commence with the right shoe; when he takes them off he should commence with the left. When one bathes he should wash the right side first; when he anoints himself he should anoint the right side first, and whoever anoints the whole body should commence with the head, for the head is the king of all the members (of the body).

"Nor with phylacteries;" but if he went out with them on, he is not culpable of a sin (that requires a sin-offering). Said R. Saphra: This is not only in accordance with the opinion of the teacher who says Sabbath is a day for (wearing) phylacteries, but it is even in accordance with the opinion of the teacher who says Sabbath is not a day for it; yet it is not a sin (requiring a sin-offering). What is the reason? Because phylacteries are put on in the same manner as a garment.

"And not with an amulet unless made by a reliable expert." Said R. Papa: "Do not presume that both the maker and the amulet must be reliable; it is sufficient if the maker only is reliable." This is corroborated by the teaching of the Mishna: "And not with an amulet that was not made by a reliable expert." It does not say with a reliable amulet.

The Rabbis taught: Which may be called reliable amulets? Such as have cured three times, no matter whether they contained inscriptions (of mystic forms) or (certain) medicaments. If the amulet is for a sickness, be it serious or not, or if it is for one

afflicted with epilepsy, or only serves as a preventative, one may fasten or unfasten it even in public ground; but he must not fasten the amulet to a bracelet or a finger-ring, and then go out with it in public ground, lest those who see it think that it is being worn as an ornament (and not for sanitary reasons). But were we not taught in a Boraitha that only such amulets as cured three different parties are reliable? This presents no difficulty. Here we are taught as to the reliability of the expert who made the amulet, while in the latter Boraitha we are taught as to the reliability of the amulet itself.

Said R. Papa: It is certain to me that where three different amulets were given to three different (human) sufferers at three different times (and a cure was effected), both the amulets and the expert who made them are reliable. Where three different amulets were given to three different sufferers only once, the expert is reliable but not the amulets. Where one and the same amulet was given to three different sufferers, the amulet is reliable, but not the expert; but how is it with three different amulets given to *one* man for three different diseases? Certainly, the amulets are not reliable (for each cured only once), but how is it with the expert? Should he be considered reliable or not? If we say that the expert cured him, perhaps it was only the good fortune of the sufferer that the amulets cured him? This question was not decided.

A question was propounded: Is there any sanctity in an amulet or not? For what purpose are we to know this? In order to enter a privy; if there is any sanctity in the amulet this would not be allowed, otherwise it would.

Come and hear: We have learned in a Mishna: "Not with an amulet unless made by a reliable expert." From this we see that if made by a reliable expert one may go out with it. Now, if we say that there is sanctity in the amulet, how can we say that one may go out with it? Perhaps he shall be compelled to enter a privy, he will have to take it off, and thus be forced to carry it four ells or more in public ground (hence we see that there is no sanctity in an amulet).

MISHNA: A woman shall not go out with a pin, nor with a ring that has a seal, nor with a Kulear, nor with a Kabeleth, nor with a perfume bottle. If she goes out with these things, she becomes liable (to bring a sin-offering). Such is the opinion of

R. Meir. The sages say, for a Kabeleth and perfume bottle she does not become liable to bring a sin-offering.

GEMARA: Said Ulla: "With men it is (concerning a finger-ring) just the reverse." That is to say, Ulla is of the opinion that what is right for women is not right for men, and what is right for men is not right for women. Said R. Joseph: "Ulla is of the opinion that women form a class of their own (where a finger-ring is concerned.*)" Rabha, however, says it often happens that a man gives his wife a ring with a seal on, to put away in a box, and she puts it on her finger until she comes to the box; again it happens that a wife gives her husband a ring without a seal for the purpose of having him give it to a jeweller to repair, and until he comes to the jeweller he puts it on his finger. Thus it happens that a woman may wear a man's ring and a man a woman's (temporarily).

What is Kabeleth? Cachous (for purifying the breath). The Rabbis taught: A woman must not go out with a box of cachous, and if she did so she becomes liable (for a sin-offering). This is the opinion of R. Meir, but the sages say she should not go out with it, but if she does she does not become liable. R. Eliezer, however, says she may go out with it to commence with. Wherein do they differ? R. Meir is of the opinion that it is a burden; the sages, that it is an ornament; and the reason that she should not go out with it is lest she take it off to show to her friends, and thus perchance carry it in her hand. R. Eliezer, however, permits it to be carried to commence with, because, said he, who generally carries cachou boxes? Women whose breath emits a bad odor, and surely they will not take them off to show them; hence, there is no apprehension that they will carry them four ells or more on public ground.

We were taught in a Boraitha that a woman must not go out with a key in her hand, nor with a box of cachous, nor with a perfume bottle, and if she goes out with them, she is liable (for a sin-offering). Such is the opinion of R. Meir, but R. Eliezer says that with a box of cachous and a perfume bottle she does not become liable; he says this, however, only when the box *contains* cachous and the bottle perfume, but if they are empty, she is liable (for then it is a burden). Said R. Ada b. Ahaba: "From this Boraitha it is to be adduced that any one carrying less than the prescribed amount of food in a vessel on public ground is cul-

pable (of a sin requiring a sin-offering), for the Boraitha teaches that a woman becomes liable for going out with an empty cachou box or perfume bottle, which is equal to a vessel containing less than the prescribed amount of food (and that is according to the Boraitha a sin requiring a sin-offering). Said R. Ashi: Generally I can tell you that in such a case one is not culpable, but here it is different; the box and the bottle being empty are considered a burden.

(We read in the Scripture, Amos vi. 6:) "And anoint themselves with the costliest of ointments." Said R. Jehudah in the name of Samuel: "This signifies perfumery."

R. Joseph objected: "R. Jehudah b. Baba said that after the destruction of the Temple at Jerusalem the sages prohibited even the use of perfumes, but the Rabbis did not concur in the decree. If we say perfume used only for pleasure, why did not the Rabbis concur?" Abayi answered: According to your mode of reasoning, even drinking wine from bowls (pocals) is prohibited, for it is written further (ibid., ibid.): "Those that drink wine from bowls." R. Ami said, *that* certainly means pocals, but R. Assi claimed that it means they clinked glasses one with another. Still Rabba b. R. Huna once happened to be at the house of the Exilarch and drank wine out of a pocal, but was not rebuked. It is, therefore, thus to be understood: The Rabbis restricted only such pleasures as were combined with rejoicing, but not pleasures unaccompanied with rejoicing.

Said R. Abuha, (others say we were taught in a Boraitha:) "Three things bring man to poverty: Urinating in front of one's bed when naked; carelessness in washing one's hands; and permitting one's wife to curse him in his presence." Said Rabha: "Urinating in front of one's bed should be understood to signify, 'turning around so as to face the bed and then urinating,' but not turning in the opposite direction and urinating, and even when facing the bed it signifies only 'urinating on the *floor* in front of the bed and not in a urinal.' Carelessness in washing one's hands signifies 'not washing one's hands at all,' but not insufficient washing, for R. Hisda said: "I washed my hands well and plentifully and am plentifully rewarded." Permitting one's wife to curse him in his presence implies 'for not bringing her jewelry,' and *then* only when one is able to do so but does not.

Rahava said in the name of R. Jehudah: The trees of Jerusa-

lem were cinnamon trees, and when used for fuel the odor extended over all the land of Israel; ever since the destruction of the second Temple the cinnamon trees disappeared; but a morsel as big as a barley-corn is still to be found in the treasury of the Kingdom of Zimzimai.

MISHNA: A man must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he went out with them, he becomes liable (to bring a sin-offering). R. Eliezer says they are ornaments to him but the sages say they are nothing but a stigma, for it is written [Isaiah ii. 4]: "They shall beat their swords into ploughshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn any more war." Knee-buckles are clean and a man may go out with them on the Sabbath. Stride chains are liable to become unclean; a man must not go out with them on the Sabbath.

GEMARA: "R. Eliezer says they are ornaments." We were taught in a Boraitha: They (the sages) said unto R. Eliezer, if they (the weapons) are ornaments to man, why will they cease to exist in the post-messianic period? He answered: "They will exist then also." This is in accordance with the opinion of Samuel, who said there will be no difference between the present time and the post-messianic period save the obedience to temporal potentates, for it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

Said Abayi to R. Dimi, and others say to R. Joseph: What is the reason of R. Eliezer, who says (weapons) are ornaments? It is written [Psalms xlv. 4]: "Gird thy sword upon thy thighs, O Most Mighty, with thy glory and thy majesty."

Said R. Kahana to Mar, the son of R. Huna: Is not this passage applied to the study of the Law (Thora)? and he answered: "Anything may be inferred from a passage, at the same time the passage must not be deprived of its plain interpretation." Said R. Kahana: "I am fourscore years old and have studied the six sections of the Mishna with their explanations through, and did not know until now that a scriptural passage has first to be interpreted in its plainest form!" What information does he mean to convey to us by this assertion? That man has to study the Law through first, and then reason upon it.

R. Kahana said: Two scholars who debate in the Law (not for

controversy's sake), the Holy One, blessed be He, causes them to prosper; moreover they become exalted, for it is written [Psalms xlv. 5], "be prosperous." One might say that this would be the case even if they (debate) not for the purpose (of studying the Law). Therefore it says further [ibid., ibid.], "because of truth." Again, one might say that the same would be the case even if one became arrogant and conceited. Therefore it says further [ibid., ibid.], "and meekness and righteousness." If they act thus (humbly) they will be rewarded with (the knowledge of) the Law, which was given with the right hand (of God), as it is further written [ibid.], "and thy right hand shall teach thee fearful things."

R. Nahman says, they will be rewarded with the knowledge of what is said of the right hand of the Law, for Rabha bar R. Shila, according to others R. Joseph b. Hama in the name of R. Shesheth, said: How is to be explained the passage [Proverbs iii. 16]: "Length of days is in her right hand; and in her left richness and honor"? Shall one say that in the right hand is only length of days, but not richness and honor? It is thus to be understood: For those who study the Thora in the right way there is long life and *a fortiori* richness and honor, but for those who study it *not* in the right way, richness and honor only may be given them, but not long life.

Said R. Jeremiah in the name of R. Simeon ben Lakish: Two scholars who quietly discourse on the Thora among themselves, the Holy One, blessed be He, hearkens unto them and listens to their desires; for it is written [Malachi iii. 16]: "Then conversed they that fear the Lord one with the other," etc.; conversed means conversed quietly, as it is written (in Psalms xlvii. 4:) "He will subdue (quiet) people under us." (Subdue and converse are expressed by the same terms in the two passages, hence the similitude.)* What should be understood by the words: "that thought upon His name?" Said R. Ami: "Even when one intended to observe a commandment, but was accidentally prevented and could not accomplish it, it is credited to him, as if he had actually observed it." Thus the passage "thought upon His name" is interpreted.

* The words conversed and subdue in the two passages are expressed in Hebrew by "Nidberu" and "Yadber." Both are derived from the root Dibur = to speak quietly.

Said R. Hanina b. Ide : "Whosoever observes a commandment as prescribed, will not be the recipient of bad tidings; for it is written [Eccl. viii. 5] "Whoso keepeth the commandment will experience no evil thing." R. Assi, others say R. Hanina, said: "Even if the Holy One, blessed be He, has so decreed it (that he shall experience evil things) the decree is annulled through the prayers of this man, as it is written [ibid. 4]: 'Because the word of a king is powerful, and who may say unto him, what doest thou? and this immediately followed by the passage: 'Whoso keepeth the commandment will experience no evil thing.'"

Said R. Aba in the name of R. Simeon ben Lakish: Two scholars who mutually instruct themselves in the Law, the Holy One, blessed be He, hearkens to their voices, for it is written [Song of Solomon, viii. 13]: "Thou that dwellest in the gardens, the companions listen for Thy voice, Oh, let me hear it;" but if they do not do so, they cause the Shekhina (glory of God) to move away from Israel, for further it is written [ibid. 14]: "Flee away, my beloved," etc.

The same teacher said in the name of the same authority: "The Holy One, blessed be He, *loves* two scholars who combine to study the Law, for it is written [Solomon's Song, ii. 4]: "And his banner over me was love." Said Rabha: "This is only meant when they know something of Law, but have no instructor to teach them at the place where they reside."

The same teacher said again: "The man who lends his money is more deserving than the charitable man, and the most deserving of all is he who gives charity surreptitiously or invests money in partnership (with the poor)." Furthermore he said: "If thy teacher is jealous (for thy welfare) and as spiteful as a serpent (if thou neglect thy studies), carry him on thy shoulders (because from him thou wilt learn), and if an ignoramus plays the pious, do not live in his neighborhood."

R. Kahana said in the name of R. Simeon b. Lakish, according to others R. Assi in the name of the same said: Whoso raises a vicious dog in his house prevents charity to go out therefrom (for the poor are afraid to go in), as it is written [Job vi. 14]: "As though I were one who refuseth kindness to a friend." ("As though *I* were one who refuseth" is expressed in Hebrew by one word, viz., *lamos*; in Greek *λαμος* means dog, and hence R.

* R. Simeon ben Lakish was a Palestinian and knew the Greek language.

Simeon's * inference.) Said R. Nahman: "He even forsaketh the fear of the Lord," for it is written at the end of the verse [ibid. ibid.]: "And forsaketh the fear of the Lord."

Once a woman went into a certain house to bake, and a dog, through barking at her, caused her to have a miscarriage. Said the landlord of the house: "Fear him not, I have deprived him of his teeth and claws;" but the woman answered: "Throw thy favors to the dogs, the child is already gone!"

Said R. Huna: How is to be explained the passage [Eccl. xi. 9]: "Rejoice, O young man, in thy childhood, and let thy heart cheer thee in the days of thy youthful vigor, and walk firmly in the ways of thy heart and in the direction in which thy eyes see; but know thou that concerning all these things God will bring thee into judgment." Up to the words "and know" are words of the misleader, and from there on are words of the good leader. Resh Lakish said up to "(and) know" the theoretical part of the law is meant, and from there the good deeds.

"Knee-buckles are clean," etc.

Said R. Jehudah, this (Birith) means arm-bandages. To this R. Joseph objected: "We have learned that a birith is (virtually) clean and one may go out with it on the Sabbath. If it is an arm-band how can that be? The latter is subject to defilement." He (the teacher) means to say that the birith is worn on the same part of the leg as the arm-bandage on the arm.

Rabbin and R. Huna sat before R. Jeremiah, who slumbered, and Rabbin said: "A birith is worn on one of the thighs and kebalim on both shins;" but R. Huna said both are worn on both shins, but the chain attached to the birith on both shins is called kebalim, and the chain makes them a perfect vessel. At this point of the argument R. Jeremiah awoke and said: "I thank you. Even so I heard R. Johanan say." Whence the adduction that any ornament is subject to becoming defiled? From the Tzitz, the golden plate on the forehead of the High Priest. And whence the adduction that textile fabrics are also subject to becoming defiled? From the passage (Lev. xi. 32), "or" raiment, which includes any textile fabrics whatsoever.

The Rabbis taught: "Any piece of textile fabric or any trifle of an ornament is subject to becoming defiled;" but how is it with an article which is half texture and half ornament? It is also subject to defilement. As for an ornament which is carried in a

bag, the bag being of woven material becomes defiled and with it the ornament, but if the ornament was carried in a piece of cloth, the cloth remains undefiled. Is a piece of cloth not a textile fabric? Yea; but by that it is meant that the bag, even if not made of a textile fabric, becomes defiled, because it is attached to the garment. What is a bag used for? Said R. Johanan: Poor people use them for the purpose of putting some trifles in them and then hang them on the necks of their daughters.

It is written: "And Moses was wroth with the officers of the host" [Numb. xxxi. 14]. Said R. Nahman in the name of Rabba b. Abu'ha: "Thus said Moses unto Israel: "Have ye then returned to your first sin (that ye have let the females live)?" They answered him [ibid. 49]: "Thy servants have taken the sum of the men of war who have been under our command, and there lacketh not one man of us" (implying that none had sinned). Said Moses again: "If such be the case why need ye forgiveness?" They answered: "Nay! We truly have not sinned, but we could not keep our minds from being bent upon sinning! We have therefore [ibid. 50] brought an oblation unto the Lord." From this the school of Ishmael adduces the following teaching: Why did the Israelites of that generation require forgiveness? Because they had feasted their eyes on strange women.

MISHNA: A woman may go out with plaits of hair, be they made of her own hair or of another woman or of an animal; with Totaphoth or Sarbitin if fastened.* With a hood or with a wig in her yard (private ground); with cotton wadding in her ear or in her shoe; or with cotton wadding prepared for her menstruation; with a grain of pepper or of salt, or with whatever else she may be accustomed to keep in her mouth, provided she does not put it in her mouth on the Sabbath to commence with; if it fell out of her mouth she must not replace it. As for a metal or golden tooth Rabbi permits a woman to go out with it, but the sages prohibit it.

GEMARA: It has been taught: "Provided a young woman does not go out with (plaits of hair belonging to) an old woman; nor an old woman with plaits of hair belonging to a young woman." So far as an old woman is concerned, it would be nothing but right, for the plaits of a young woman would be a source of pride

* See note to preceding Mishna.

to her (and there is fear of her taking them off to show to others); but why should a young woman be prohibited to go out with plaits belonging to an old woman? They are a disgrace to her (and surely she would not take them off for exhibition)! The teacher while treating on plaits with respect to an old woman also makes mention of the case of a young woman (for the sake of antithesis).

“With a hood or a wig in her yard.” Said Rabh: “Everything prohibited by the sages to be worn on public ground must not be worn in the yard save a hood and a wig.” R. Anani b. Sasson in the name of R. Ishmael said: “Everything may be worn in the yard like a hood. But why does Rabh discriminate in favor of these objects?” Said Ulla: “In order that she may not become repulsive to her husband.”

“And with cotton in her ears or in her shoes.” Romi ben Ezekiel taught only when tied to her ears or her shoes.

“And cotton wadding prepared for her menstruation.” “In this case,” said Rabh, “even if it is not tied it may be worn, because, being disgusting, it will not be handled.”

R. Johanon went to the Academy with cotton wadding in his ears on Sabbath, and his colleagues objected to it. R. Jossi went into unclaimed ground with cotton wadding in his ears, and all of his contemporaries objected.

“With a grain of pepper or a grain of salt.” The former to take away any bad odor of the breath and the latter as a remedy for toothache.

“Or with whatever else she is accustomed to keep in her mouth,” meaning ginger or cinnamon.

“A metal or a gilt tooth.” Rabbi permits and the sages prohibit it. Said R. Zera: The difference of opinion only concerns a gilt tooth, for a silvered tooth is unanimously permitted. This is also proven by the following Boraitha: A silvered tooth is permitted by all, while as to a gilt one Rabbi permits it; the sages however prohibit it.

Said Abayi: Rabbi, R. Eliczer, and R. Simeon ben Elazar, all three agree to the opinion that anything provoking disgust (or ridicule) a woman will not wear for show. Rabbi's opinion was just cited. R. Eliczer's is according to his own teaching, that a woman going out with a box of cachous or a perfume bottle is not liable (for a sin-offering). R. Simeon ben Elazar's opinion is also

according to his own teaching, that anything below the hair-net is permitted to be worn outside.

MISHNA: Women may go out with a coin fastened to a swelling on their feet; little girls may go out with laces on and even with screws in their ears. Arabian women may go out in their long veils and Median women in their mantillas; so, may even all women go out, but the sages spoke of existing customs. A woman may fold her mantilla around a stone, nut, or a coin (used as buttons), provided she does it not especially on the Sabbath.

GEMARA: "Little girls may go out with laces." The father of Samuel did not permit his daughters to go out with laces nor to sleep together; he made bathing-places for them during the month of Nissan and curtains during the month of Tishri. "He did not permit them to go out with laces?" Were we not taught that girls may go out with laces? The daughters of Samuel's father wore colored (fancy) laces and (lest they take them off to show to others) he did not permit them to go out with them.

"Fold her mantilla around a stone, etc." But did not the first part (of the Mishna) say that she may fold it, etc.? Said Abayi, the last part of the Mishna has reference to a coin (which is not permitted).

MISHNA: The cripple may go out with his wooden leg; such is the decision of R. Meir, but R. Jossi prohibits it. If the wooden leg has a receptacle for pads it is subject to becoming defiled. Crutches are subject to defilement by being sat or trodden upon (by a person suffering with venereal diseases);* but he may go out with them on Sabbath and enter the outer court (of the Temple). The chair and crutches of a paralytic are subject to becoming defiled from being sat or trodden upon, and he must not go out with them on the Sabbath nor enter the outer court (of the Temple). Stilts are clean (not subject to becoming defiled), but one must not go out with them on Sabbath.

GEMARA: Rabha said to R. Nahman: "How are we to accept the teaching of the Mishna? Did R. Meir permit the cripple to go out with a wooden leg on the Sabbath and R. Jossi pro-

* Wherever the expression "becomes defiled by being sat or trodden upon" occurs in the Talmud it refers to being sat or trodden upon by a person afflicted with venereal diseases.

hibit his doing so, or vice versa? Answered R. Nahman: "I know not." "Which ordinance should prevail?" Answered R. Nahman again: "I know not."

"And if it has a receptacle for pads it is subject to becoming defiled." Abayi said it becomes defiled by coming in contact with a corpse, but not by being sat or trodden upon; but Rabba said, it becomes defiled even by being sat or trodden upon, and he adduced it from what we were taught elsewhere, that a baby-carriage is subject to defilement by being sat or trodden upon. Answered Abayi: "In the case of the baby-carriage (the person who defiles it by sitting or treading upon it) leans upon it, but in the case of the crutches he does *not* lean on them. I adduce it from the case of the staff of an old man, that is not subject to any defilement whatever." Rabba, however, rejoined, the staff of the old man can only be used to facilitate walking, while the crutches can also be leaned upon.

"The chair and crutches of a paralytic are subject to becoming defiled by being sat or trodden upon, and he must not go out with them nor enter the outer court (of the Temple)." A teacher taught before R. Johanan that one may go in with them in the outer court. Said R. Johanan to him: I teach that a woman may perform the "Chalitzah"* with them (hence they are considered shoes), and you say he may go in with them to the outer court. Go and teach the contrary.

MISHNA: Boys may go out with bands and princes with golden belts; so may every one else, but the sages adduce their instances from existing customs.

GEMARA: What kinds of bands? Said Ada Mari in the name of R. Nahman b. Baruch, who said in the name of R. Ashi b. Abhin, who said in the name of R. Jehudah: "Wreaths of Puah roots." Said Abayi: "My mother told me that three of such wreaths give relief (in sickness), five of them produce a complete cure, and seven of them are even proof against witchcraft."

Said R. Aha b. Jacob: "And this only if they (the wreaths) have never seen sun, moon, or rain; never heard a hammer fall or a cock crow or the fall of footsteps."

Said R. Nahman b. Itz'hak: "Thy bread is cast upon the deep" (meaning the remedy is an impossibility).

* See the law of Chalitzah (Deut. xxv. 9).

The Rabbis taught: (Women) may go out with a Kutana stone (to prevent miscarriage) on the Sabbath. It was said in the name of R. Meir that they may even go out with the counterpoise of a Kutana stone, and not only such (women) as have already once miscarried, but even as a preventive to miscarriage, and not only when a woman is pregnant, but lest she become pregnant and miscarry. Said R. Jemar b. Shalmia in the name of Abayi: But the counterpoise must be an exact one and made in one piece.

MISHNA: It is permitted to go out with eggs of grasshoppers or with the tooth of a fox or a nail from the gallows where a man was hanged, as medical remedies. Such is the decision of R. Meir, but the sages prohibit the using of these things even on week-days, for fear of imitating the Amorites.*

GEMARA: The eggs of grasshoppers as a remedy for toothache; the tooth of a fox as a remedy for sleep, viz., the tooth of a live fox to prevent sleep and of a dead one to cause sleep; the nail from the gallows where a man was hanged as a remedy for swelling.

“As medical remedies; such is the decision of R. Meir.” Abayi and Rabha both said: “Anything (intended) for a medical remedy, there is no apprehension of imitating the Amorites; hence, if not intended as a remedy there *is* apprehension of imitating the Amorites? But were we not taught that a tree which throws off its fruit, it is permitted to paint it and lay stones around it? It is right only to lay stones around it in order to weaken its strength, but what remedy is painting it? Is it not imitating the Amorites? (Nay) it is only that people may see it and pray for misericord. This is proven by the Boraitha: (We adduce) from [Leviticus xiii. 45:] “Unclean, unclean, shall he call out,” that one must make his troubles known to his fellow-men, that they may pray for his relief.

Rabhina said: The hanging up of a cluster of dates on a date tree (as a sign that the tree throws off its fruit) is in accordance with the above-mentioned teacher.

If one says, “Kill this cock, for he crowed at night; or kill this hen, for she crowed like a cock; or I will drink and leave a little over,” because of superstition, there is apprehension that he imi-

* See Leviticus xviii. 3 and 30, where the imitating of the customs of the Canaanites and Amorites is forbidden.

tate the Amorites; but one may put a splinter of "Tuth" or a piece of glass in a pot, that it may boil the quicker. The sages, however, prohibited pieces of glass as being dangerous. The Rabbis taught: One may throw a handful of salt in a lamp that it may burn the brighter, or loam and fragments of earthenware that it may burn more slowly. The saying "to your health" at wine-drinking is no imitation of the customs of the Amorites. It happened that R. Aqiba gave a banquet in honor of his son, and at every cup that he drank he said: "To the wine in the mouth and to the health of the sages and their disciples."

CHAPTER VII.

THE GENERAL RULE CONCERNING THE PRINCIPAL ACTS OF LABOR ON SABBATH.

MISHNA: A general rule was laid down concerning the Sabbath. One who has entirely forgotten the principle of (keeping) the Sabbath and performed many kinds of work on many Sabbath days, is not liable to bring but *one* sin-offering. One who knew the principle of Sabbath, but (forgetting the day) committed many acts of labor on Sabbath days, is bound to bring a separate sin-offering for each and every Sabbath day, (which he has violated). One who knew that it was Sabbath and performed many kinds of work on different Sabbath days (not knowing that such work was prohibited), is bound to bring a separate sin-offering for every principal act of labor committed. One who committed many acts all emanating from one principal act is not bound to bring but one sin-offering.

GEMARA: What is the reason that the Mishna uses the expression "a general rule"? Shall we assume that it means to teach us a subordinate rule in the succeeding Mishna, and the same is the case with the Mishna concerning the Sabbatical year, where at first a general rule is taught and the subsequent Mishnas teach a subordinate rule? Why does the Mishna relating to tithes teach *one rule* and the succeeding Mishna *another* rule, but does not call the first rule a "general rule"? Said R. Josiri b. Abhim: In the Mishnas on Sabbath and the Sabbatical years *principal* and *minor* acts of labor are treated of, but in those relating to tithes no principal or minor subjects are discussed and hence no general rule was laid down.

Rabh and Samuel both said: "Even a child that was taken prisoner by idolators or a proselyte who remained among idolaters is regarded as one who knew the principle (of keeping) the Sabbath, but forgot it, and in case of a transgression (of the laws of Sabbath) is not bound to bring but one sin-offering (for all the Sabbaths); but R. Johanan and Resh Lakish both said that such is the case only when one was cognizant of the (principle of) Sab-

bath and forgot about it; a child in captivity or a proselyte among idolaters is exempt.

To this an objection was made: We have learned in a Boraitha: "A general rule was laid down concerning the observation of the Sabbath. One who had entirely forgotten the principle of keeping the Sabbath and had performed many kinds of work on many Sabbath days, is not bound to bring but *one* sin-offering. How is (forgetting the Sabbath) to be understood? A child in captivity among idolaters and a proselyte remaining with idolaters who had performed many acts of labor on different Sabbaths are not in duty bound to bring but one sin-offering. This is even the case when they had eaten blood or (prohibited) fats, or had practised idolatry; only one sin-offering need be brought for the entire time (of the captivity or the sojourn respectively) for each of the three sins (enumerated). Munbaz, however, exempts them entirely, for thus he decreed before R. Aqiba: Since the intentional transgressor and the unintentional are both called sinners, the conclusion is that both are cognizant of their guilt (but the child and the proselyte, never having been in a position to know the principle of Sabbath, cannot be called sinners). Said R. Aqiba to him: "I will make an amendment to your decree; say, even as the intentional transgressor is cognizant of his guilt *at the time of action*, so also is the unintentional transgressor cognizant of his guilt *at the time of action*." Answered Munbaz: "So it is and the more so after your amendment." Thereupon R. Aqiba replied: "According to *your* reasoning, one could not be called an unintentional transgressor but an intentional" (yet the Scriptures speak of an unintentional transgressor).

Now, we see from the Boraitha that a child and a proselyte are (bound to bring a sin-offering). This is only right in the opinion of Rabh and Samuel, but not according to the opinion of R. Johanan and R. Simeon ben Lakish! (This presents no difficulty, for) it can be said that the two latter hold with Munbaz. For what reason, however, does Munbaz exempt them? It is written [Numb. xv. 29]: "A law shall be for you, for him that acteth through ignorance," and the next verse says [ibid. 30], "but the person that doeth aught with a high hand." He (Munbaz) compares the unintentional transgressor to the intentional; even as the intentional transgressor is cognizant (of guilt), so also must the unintentional transgressor be cognizant (of some guilt).

Another objection was made: We were taught in a Mishna: Forty less one are the principal acts of labor (prohibited on the Sabbath). We then ask of what good is the (mentioning) of the number? (Are they not enumerated?) R. Johanan answered, if one performed them *all* through forgetfulness, he is in duty bound to bring a separate sin-offering for each act performed. How is such a thing (as utter forgetfulness) to be imagined? We must assume that although cognizant of the (day being) Sabbath, one forgot which acts of labor (were prohibited). This would only be in accord with R. Johanan, whose decree reads: "If one is ignorant of what acts of labor constitute (sin punishable with) *Koroth* (being 'cut off'), and commits one of those acts even intentionally, he is only bound to bring a sin-offering." Hence we must imagine the above-cited instance to be a case of one, who knew that those acts of labor were prohibited on the Sabbath, at the same time not knowing that they were acts which involved the punishment of *Koroth*. But how shall we understand the opinion of R. Simcon ben Lakish, who holds that one must be totally ignorant, both of the acts involving the punishment of *Koroth* as well as of what acts are prohibited on Sabbath, in order to be bound to bring only a sin-offering? What *then* did he know of the principle of Sabbath? He only knew of the law governing the going outside of the boundaries of the city.

But who is the Tana that holds with the following Boraitha? The Scriptural passage, "Him that acteth through ignorance," refers to one who was ignorant both of the (principle of) Sabbath and the prohibition of the acts of labor. One who was cognizant of both is referred to by the Scriptures as "the person that doeth aught with a high hand." If one, however, was cognizant of the (principle of) Sabbath, but not of the prohibition of the acts of labor, or vice versa, or even if he knew that the acts of labor were prohibited, but did not know that they involved culpability requiring a sin-offering, (while he is not the Scriptural man "that acteth through ignorance") still he is culpable of a transgression requiring a sin-offering. That Tana's opinion agrees with Munbaz's teaching of the preceding Boraitha.

Said R. Huna: One who has been travelling in a desert and does not know what day is Sabbath must count six days from the day (on which he realizes) that he has missed the Sabbath, and observe the seventh. Hyya b. Rabh said, he must observe that very

day and then continue his counting from that day. What is the cause of the dissension between the two teachers? The former holds that one must act in accordance with the creation (which commenced six days before the Sabbath), while the latter holds that one must be guided by Adam's creation (on the eve of Sabbath). An objection was made: "If a man while travelling in a desert forgot when the Sabbath arrives, he must count 'one day to six' and then observe the seventh, does this not mean he must count six days and then observe the seventh?" Nay; he must observe that very day and continue his counting from that day. If this be the case, why are we taught "he must count one to six"? Let it be taught (plainly) he must observe a day and continue counting from that day! Moreover, we were taught in a Boraitha: "If one while travelling in the desert forgot when the Sabbath arrives, he must count six days and observe the seventh." The objection to R. Hyya b. Rabh is sustained.

Rabha said (referring to the traveller who forgot the Sabbath): "On every day, except the one on which he realizes that he has missed the Sabbath, he may perform enough labor to sustain himself." But on that should do nothing! and die (of hunger)? Nay; only in case he provided himself with his necessaries on the preceding day. Perhaps the preceding day was Sabbath. In that event he may labor even on that day to sustain himself. In what respects is that day then to be distinguished from other days? By means of Kiddush and Habhdalah.*

Said Rabha again: "If he only recollects the number of days he has been travelling, he may labor all day on the eighth day of his journey, at all events" (for he surely did not start on his journey on a Sabbath). Is this not self-evident? Nay; it might be said that one would not only not start out on the Sabbath, but also not on the day before Sabbath; hence, if he went out on the fifth day of the week, he is permitted to work on both the eighth and ninth days of his journey. We are informed, however, that only on the eighth day of his journey would he be permitted to work, for frequently one comes upon a caravan on Friday and starts out even on that day.

"One who has entirely forgotten the principle of (keeping) the

* Kiddush and Habhdalah are the benedictions recited at the commencement and termination of the Sabbath, the former over wine or bread and the latter only over some beverage.

Sabbath." Whence the adduction? Said R. Nahman in the name of Rabba b. Abuha: "From two passages in the Scriptures, viz. [Exod. xxxi. 16]: And the children of Israel shall keep the Sabbath,' and [Lev. xix. 3]: 'And my Sabbaths shall ye keep.' How is this to be explained?" "And the children of Israel shall keep the Sabbath" means the observance of the commandment of Sabbath generally, and "My Sabbaths shall ye keep" means one observance of the commandment for each Sabbath.

"One who knew (the principle of) Sabbath." What is the reason of a difference between the former and the latter part of the Mishna? Said R. Nahman: For what transgression do the Scriptures bind one to bring a sin-offering? For what is done through ignorance? In the former part of the Mishna the case of one who was not aware that it was Sabbath is dealt with, and hence only one sin-offering is imposed, while in the latter the case dealt with is of one who was aware that it was Sabbath but ignorant as to the acts of labor, hence a sin-offering for each act is prescribed.

"Bound to bring a sin-offering for every principal act of labor committed." Whence the adduction for the distinction between acts of labor? Said Samuel: From the passage [Exod. xxxi. 14]: "Every one that defileth it shall be surely put to death," and the Scriptures have provided many deaths * for defiling the Sabbath. But this passage refers to one who defileth the Sabbath wantonly. There is no use to apply it to a wanton defiler of the Sabbath, for it is written in another passage [Exod. xxxv. 2]: "Whosoever doth work thereon shall be put to death;" therefore apply it to an unintentional sinner! How then will you explain the words "put to death"? That is only the pecuniary equivalent (of being put to death) (viz. he shall bring a sin-offering which costs money.) Why not advance the distinction between the acts of labor, as R. Nathan (does elsewhere)? Samuel is not of the opinion of R. Nathan but of R. Jossi, who says that the additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who does kindle a fire is not to be punished either with Koroth or stoning; for we were taught in a Boraitha: The additional com-

* The literal translation of the passage Exod. xxxi. 14 is: "Every one that defileth it [the Sabbath] many deaths shall he die."

mandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who kindles a fire on the Sabbath is not to be punished either with Koroth or stoning. Such is the opinion of R. Jossi. R. Nathan says it is written for the sake of separation (from other acts). Let then the separation of acts of labor be adduced whence R. Jossi adduces them; for we were taught in a Boraitha: R. Jossi explains the passage [Lev. iv. 2], "And do (of) any (one) of them," as follows: Sometimes one is only bound to bring one sin-offering for all transgressions, and sometimes one is bound to bring a sin-offering for each and every transgression separately.

Said R. Jossi b. Hanina: "Why does R. Jossi explain that passage thus? The verse should read 'one of them' (Achath mehenoh), but in reality it reads 'of one of them' (Meachath mehenoh), or it should read 'of one them' (Meachath henoh), but it reads 'of one of them.' Therefore he explains that 'sometimes one is equal to many and sometimes many equal one.'" *

Rabha asked of R. Nahman: "How is it if one is ignorant of both (of the day being Sabbath and the prohibition of the acts of labor on that day)? Answered R. Nahman: "Take one instance at a time. You say he was ignorant of the day being Sabbath; then he is bound to bring a sin-offering. How would it be if on the contrary I had said that he was ignorant of the prohibition of the acts of labor *first*? Would you say that he becomes liable to bring a sin-offering for each and every act performed?" Said R. Ashi: "Let us see from the man's actions. How would it be if one came to him and reminded him of its being Sabbath (without calling his attention to the fact that he was working)? If the man *immediately* stopped his work, it is clear that he had actually forgotten that it was Sabbath. If, however, the man was reminded by a third party that he was working (without having his attention called to the fact that it was Sabbath) and he immediately quit his work, it is evident that he was not cognizant of the prohibition of the acts of labor; hence he would become liable to bring a sin-offering for each and every act performed. Said Rabbina to R. Ashi: "What difference does it make? If one is reminded that it is Sabbath and he quits work, he becomes aware that it is Sabbath,

* In that passage there is a superfluous Mem (the Hebrew prefix meaning of or from). Hence its literal translation is "of one of them."

and if he is reminded of his working he also becomes aware that the day is Sabbath; hence it makes no difference."

Rabha said (supposing the following case happened): "One reaped and ground the equivalent (in size) of a fig on a Sabbath, without knowing that it was Sabbath, and on another Sabbath did the same thing, knowing it was Sabbath, but not knowing that such acts of labor were prohibited; then remembered that he had committed a transgression on the Sabbath through ignorance of the day being Sabbath, and took a sheep and set it aside for a sin-offering. Suddenly he recollected that he had also committed a transgression on the other Sabbath, through his ignorance of the prohibition of the acts of labor. What would the law be in such a case? I can say that the sheep set aside for a sin-offering for the first transgression suffices also for the second, although in reality two sin-offerings were required to atone for the second transgression. The one sin-offering would suffice, because it is in truth not brought for forgetting the Sabbath, but for reaping and grinding; the reaping in the first instance carries with it the reaping in the second, as also the grinding in the first instance carries with it the grinding in the second, and one sin-offering atones for all.

Assuming, however, that in the second instance (when he forgot about the prohibition of the acts of labor) he (at some later time) recollected only having reaped (but forgot that he also ground), and having set aside the sin-offering he became liable for on account of his transgression in the first instance (when he forgot about the Sabbath), he atones for the reaping and grinding on the first Sabbath and for the reaping on the second Sabbath, but not for the grinding on the second Sabbath; hence (after also recollecting that he had ground) he must bring an additional sin-offering." Abayi, however, says: The one sin-offering atones for all, because the grinding, which he atones for in the first instance, also carries with it the grinding in the second instance. Why so? For the reason that in both instances the acts atoned for are analogous. (When a sin-offering was brought, a confession was made. In citing the sin committed in the first instance grinding was mentioned and applies also to the grinding in the second instance. Therefore no additional sin-offering is necessary.

We have learned: If one has eaten tallow (which is prohibited) on two different occasions, and at both times the tallow was the equivalent (in size) of an olive (or larger); and afterward he was

reminded of the first occasion and later on of the second occasion also, what is the law in his case? R. Johanan says, he must bring two sin-offerings. Why so? Because he recollected the transgressions at different times. Resh Lakish says, he need bring only one sin-offering. What is R. Johanan's reason? Because it is written [Lev. iv. 28], "For his sin, which he hath committed," and he adduces therefrom that for every sin committed one must bring a separate sin-offering, but Resh Lakish holds according to the passage [ibid. 26], "Concerning his sin and it shall be forgiven him," and claims that it being one and the same sin, only one sin-offering is sufficient. But what will Resh Lakish do with the verse, "For his sin which he hath committed"? That refers to the sin-offering which had already been brought and therefore could not apply to a later sin. And what about R. Johanan and the passage "Concerning his sin and it shall be forgiven"? R. Johanan explains this as follows: If a man ate tallow equivalent (in size) to an olive and a half, and later ate another piece the size of half an olive. Afterward he recollected having eaten tallow but thought that it was the size of one olive, might some not say that the remaining piece eaten in the first instance should be added to the piece eaten in the second instance, and thus constitute another piece the equivalent (in size) to an olive, and one thus becomes liable to bring another sin-offering? Therefore the passage says: "Concerning his sin and it was forgiven him." After once having obtained forgiveness for the transgression on the first occasion the second cannot be counted in with the first.

We have learned: If one intended to pick up something not attached to the ground (for instance, a knife, that had fallen in a row of vegetables), and while doing so (accidentally) cut off one of the growing vegetables, he is not culpable.* If one intended to cut

* In the Tract Kritoth the reason of the man's non-culpability is explained as follows: It is written [Lev. iv. 23], "If now his sin *wherein* he has sinned come to his knowledge," and this should be supplemented with "but not the sin which he had not in mind to commit at all." Whence we see plainly that the Scriptures designate as an unintentional sinner only one who knows *wherein* he has sinned, for instance, if he became aware that it was Sabbath, or that the acts performed by him were prohibited. In our case, however, where a man intended to pick up a thing but accidentally *cut* a thing, it is evident that no intention to cut existed in the man's mind, and the intent of the "*wherein* he has sinned" in the Scriptures does not apply to him. Rabba goes further and says that even if one actually accomplished an act he had in mind and which was permissible on the Sabbath, but at the same time accidentally committed a prohibited act (as illustrated in the above instance), even in such a case the

something lying on (but not attached to) the ground, and instead cut off something growing out of (attached to) the ground, Rabha declares him not culpable, because no intention to cut off the growing object existed in the mind of the man; but Abayi declares him culpable for the reason that, while the man did not intend to cut off what he really did, still the intention to cut was prevalent in the man's mind and he really did cut; hence he is what the Scriptures refer to as "one who acteth unintentionally."

Again we have learned: One who intended to throw (from private ground into public) only for a distance of two ells, but threw four, is held by Rabha to be *not* culpable, for the reason that the original intention was to throw within a permissible distance (throwing for a distance of two ells only was permitted); but Abayi held him culpable, for the reason that the act originally intended was accomplished. If one threw in public ground mistaking it for private, Rabh holds him not culpable (for the same reason as before), and Abayi holds him culpable (also for the same reason as he gave in the previous case). Both instances though analogous are necessary: In the first instance (of cutting) where Rabh holds the offender not culpable, the intention to cut off what was prohibited did not exist, but in the second instance (throwing four ells) it could not be accomplished without (carrying out the intention of) throwing for two ells, and passing the two ells (the object landing at a distance of four). Now, lest one might say that Rabha coincides with the opinion of Abayi and from the latter instance it might be assumed that the offender intended to throw two but threw four ells, hence Rabha holds him not culpable, for the intention to throw four ells did not exist; but if one threw four ells in what he thought was private ground, and which turned out to be public ground, the intention was carried out, for the object thrown reached its desired destination, and therefore lest one say that in *this* case Rabha coincides with Abayi, the two instances are illustrated, and we are informed that not even in this case does Rabha agree with Abayi.

MISHNA: The principal acts of labor (prohibited on the Sabbath) are forty less one, viz.: Sowing, ploughing, reaping, binding into sheaves, threshing, winnowing, fruit-cleaning, grinding, sift-

scriptural "*wherem* he has sinned" cannot apply, nor can he be accounted the scriptural unintentional sinner who is liable for a sin-offering. Abayi, however, differs with him, as will be seen further on.

ing, kneading, baking, wool-shearing, bleaching, combing, dyeing, spinning, warping, making two spindle-trees, weaving two threads, separating two threads (in the warp), tying a knot, untying a knot, sewing on with two stitches, tearing in order to sew together with two stitches, hunting deer, slaughtering the same, skinning them, salting them, preparing the hide, scraping the hair off, cutting it, writing two (single) letters (characters), erasing in order to write two letters, building, demolishing (in order to rebuild), kindling, extinguishing (fire), hammering, transferring from one place into another. These are the principal acts of labor—forty less one.

GEMARA: For what purpose is the number (so distinctly) given? (They are enumerated!) Said R. Johanan: If one labored through total ignorance of the (laws governing the) Sabbath, he must bring a sin-offering for every act of labor performed.

“Sowing, ploughing.” Let us see: Ploughing being always done before sowing, let it be taught: Ploughing, sowing! The teacher (who taught as in Mishna) is a Palestinian, and in his country they sow first and then plough. Some one taught that sowing, pruning, planting, transplanting, and grafting is all one and the same kind of labor. What would he inform us thereby? That if one performs many acts of labor, all of the same class, he becomes liable to bring only one sin-offering.

Said R. Aha in the name of R. Hyya b. Ashi, who said in the name of R. Ami: “One who prunes is guilty of planting, and one who plants, transplants, or grafts is guilty of sowing.” Of sowing and not of planting? I mean to say of sowing also.

Said R. Kahana: One who prunes and used the branches for fuel is bound to bring two sin-offerings, one for reaping and one for planting. Said R. Joseph; One who mows alfalfa (hay) is guilty of mowing and planting both. Said Abayi: One who mows clover hay (which sheds its seed when mowed) is liable (for a sin-offering) or mowing and sowing.

“Ploughing.” It was taught: Ploughing, digging, furrowing is one and the same kind of labor. Said R. Shesheth: One who removes a knoll of earth in a house becomes liable for building, and if in a field he is liable for ploughing. Rabba said: Filling up a hole in the house makes one liable for building and in the field for ploughing. R. Aba said: Digging (the same hole) on Sabbath for the purpose of making use of the earth alone, does not make one

liable for digging. This is so even according to the opinion of R. Jehuda, who holds that even the performance of an unnecessary act of labor makes one culpable. He refers to labor that improves an object and not to that which spoils it.

“Mowing.” Some one taught: Reaping, vintaging, selecting dates, olives, and figs are all one and the same kind of labor.

“Binding into sheaves.” Rabh said: One who gathers salt from salt works is guilty of the act of binding into sheaves. Abayi, however, said that binding into sheaves applies only to produce of the soil.

“Threshing.” We were taught: Threshing, carding, and hucking belong to one and the same class of labor.

“Threshing, winnowing, fruit-cleaning, grinding, and sifting.” Is not winnowing, fruit-cleaning, and sifting one and the same class of labor? Abayi and Rabha both answered: “Acts of labor executed during the construction of the Tabernacle are enumerated separately, though they are of an analogous nature.” Let pounding then also be included (as labor, being that the spices for incense had to be pounded). Answered Abayi: “(It is true! This is also one of the acts of labor performed at the construction of the Tabernacle.) But as the poor people do not pound their grain, generally using it in its natural state, it is not included in the principal acts of labor. Rabha, however, said: “The Mishna should be understood in the sense Rabbi expounded it: The principal acts of labor are forty less one. Should pounding be included there would be forty even.” Let then one of the principal acts (enumerated in the Mishna) be stricken out and substituted by pounding! Hence it is best to accept Abayi’s reason.

The rabbis taught: If there are several kinds of food before a man on the Sabbath, he may select such as he desires and even set it aside, but he must not separate the good from the spoilt. If he does this, he becomes liable to bring a sin-offering. How is this to be understood? R. Hamnuna explained it thus: “One may select the good from the spoilt for immediate or later consumption, but he must not pick out the spoilt, leaving the good for later consumption. If he does this, he becomes liable (for a sin-offering).” To this Abayi opposed: “Is there anything mentioned (in the Mishna) about separating the good from the spoilt?” He therefore explained the Boraitha as follows: “Food may be

selected for immediate consumption and setting aside, but not for later consumption. If this is done, it is considered the same as storing it and involves the liability of bringing a sin-offering." This was reported to Rabha by the rabbis and he said: Na'hmeni (Abayi) has explained it correctly.

When two kinds of food were before a man and he selected part of one kind and ate it, then selected part of the other kind and set it aside, R. Ashi learned in the Boraitha that the man is not culpable, but R. Jeremiah, of Diphta, learned that he *is* culpable. How can R. Ashi learn that he is not culpable, when the Boraitha teaches that he is? This presents no difficulty. R. Ashi refers to food served in a basket or a bowl, but R. Jeremiah learned that the man sifted the food in a sieve.

When R. Dimi came to Babylon he related: It happened on a Sabbath, when R. Bibhi's turn came to entertain the disciples, that R. Ami and R. Assi arrived. R. Bibhi placed before them a basket filled with fruit (together with the leaves and sprigs). What was his reason? Was he of the opinion that it is forbidden to separate food from trash, or was it his liberality? I can not tell.

'Hezkyah said: "One who shells pressed lupines (on the Sabbath) is culpable." Does this mean to say that it is forbidden to separate food from trash? Nay; there is quite a difference where pressed lupines are concerned; they must be scalded just seven times and immediately shelled, for if they are not immediately shelled they become putrid; therefore to shell them is equal to separating trash from good food.

"Grinding." Said R. Papa: To chop beets is the same as to grind. Splitting wood for kindling is the same as grinding. Said R. Ashi: Splitting leather is the same class of work as cutting by measure (if he is particular about it).

"Kneading, baking." R. Pappa said: "The Tana of the Mishna omitted the cooking of spices that took place in the Tabernacle and instead of that taught about baking." It is because the Tana follows the order of baking (first comes kneading, then baking, and cooking is included in the latter).

"Wool-shearing, bleaching." Said Rabba bar bar Hana in the name of R. Johanan: Spinning wool from a live animal on the Sabbath is a (transgression) involving the liability of three sin-offerings; one for shearing, one for carding, and one for spinning.

R. Kahana said, however, this is not the way shearing, carding and spinning is done (hence he is not at all culpable).

If one plucked quills, cut off their tops, and singed them on both sides, the rabbis taught that he is guilty of a transgression requiring three sin-offerings.

“Tying, untying.” What kind of tying and untying was done at the construction of the Tabernacle? Rabba, others say R. Ilayi, said: This is the way of the (snail) fishers; to untie their nets from one load and tie them on another.

“Sewing on with two stitches.” But two stitches do not hold (hence it can not be called work)? Said Rabba bar bar Hana in the name of R. Johanan, Provided two knots are made, one at each end.

“Tearing in order to sew together with two stitches.” Was there any tearing done at the Tabernacle? Both Rabba and R. Zera said: When a curtain became moth-eaten, they tore out the moth-eaten part and sewed it together.

R. Zutra b. Tobiah in the name of Rabh said: “To rip a seam on the Sabbath is (a transgression) requiring a sin-offering; to learn from a magician is a sin involving capital punishment; one who knows the science of astronomy and does not make use of it, is not worth being spoken of.” What is a magician? Rabh says a “wizard.” Samuel says a “blasphemer.” R. Simeon ben Pazi in the name of R. Joshua ben Levi said: Whoever knows the science of astronomy and does not practise it is the party alluded to in Isaiah v. 12: “But the deeds of the Lord they regard not and the works of his hands they behold not.” Said Samuel bar Na’hmeni in the name of R. Jonathan: “Whence the adduction that we are bound to learn astronomy?” From the passage (Deut. iv. 6:) “Keep, therefore, and do them, for this is your wisdom and your understanding before the eyes of the nations.” What kind of wisdom is before the eyes of the nations? You must say that is astronomy.

“Hunting deer.” The rabbis taught: To catch a snail and squeeze it so that it bleed is a transgression involving only a sin offering. R. Jehuda says, involving two sin-offerings, for R. Jehuda holds that squeezing comes in the class of threshing, but the rabbis told him that squeezing is not threshing. What reason do the rabbis give for their opinion? Said Rabba, Their reason is that threshing can only be applied to produce of the soil.

“Slaughtering.” What sin is committed by slaughtering? Rabh said, “dyeing the throat,” and Samuel said, “taking life.” Said Rabh: “I said something which may seem absurd, and so as to prevent future generations from deriding me I will give a reason for what I said: Butchers are in the habit of coloring the throat of the carcasses with blood, in order that people may see (that the meat is still fresh) and be induced to buy.”

“Salting the hide, preparing the hide.” Is not salting a hide preparing it? Both R. Johanan and Resh Lakish said: “Strike out one of them in the Mishna and substitute it with ‘marking.’”

“Scraping the hair off, cutting the hide.” Said R. Aha bar Hanina: To polish a floor on the Sabbath is a transgression of the same order as scraping off the hair of the hide. Said R. Hyya bar Abba: R. Ashi told me three things in the name of R. Joshua ben Levy: Sawing rafters on the Sabbath (that they may be equal in size and pointed) makes one guilty the same as “cutting.” Daubing a plaster on a piece of cloth makes one liable the same as “scraping hair off.” Smoothing a stone makes one culpable of “hammering.” R. Simeon ben Kisma in the name of R. Simeon ben Lakish, said: Painting pictures on vessels or blowing out glassware makes one culpable the same as hammering. R. Jehudah said: Removing a border from cloth also makes one as culpable as hammering; but only in case one is particular about having the border remain on his cloth.

“Writing two letters.” The rabbis taught: “If one wrote one large letter instead of two small ones, he is not guilty of any transgression; but to erase a large letter, in the place of which two small letters can be written, is a transgression involving the liability of a sin-offering (for the erasing is done with the intent to write and two small letters are evidently needed).” Said R. Mena’hem b. Jossi: “This is the only case where the law is stricter with erasing than with writing.

“Building, demolishing, extinguishing, kindling a fire, hammering.” Both Rabba and R. Zera said: All work which is done in the last stages is considered the same as hammering (which is generally the finishing work).

“These are the principal acts of labor.” “These” to exclude those which R. Eliezer taught involve the liability of a sin-offering, even if coming within the class of a principal act of labor.

Less one to exclude the work mentioned by R. Jehudah in the following Boraitha: R. Jehudah adds to the chief acts of labor also the extension of the warp or the woof; but the rabbis said, extending the warp is included in warping and extending the woof is included in weaving.

MISHNA: Another rule they (the sages) laid down: Whosoever carries out on the Sabbath such things as are fit and proper to be stored and in such quantity as is usually stored, becomes liable to bring a sin-offering; but whatever is not fit and proper to be stored, nor in such a quantity as is generally stored, only *he* who would also store *this* becomes liable to bring a sin-offering for carrying it about.

GEMARA: "Whatever is not fit and proper." Said R. Elazar: The latter part of the Mishna is not in accordance with the opinion of R. Simeon b. Elazar, for we were taught in a Boraitha: "A rule was laid down by R. Simeon b. Elazar, that all which is *not* fit and proper to be stored nor in such a quantity as is generally stored, if held by one man *to be* fit and proper for storage and in a sufficient quantity, should be carried out by another man; the latter becomes liable to bring a sin-offering, for in the former man's mind it is a thing of value."

MISHNA: It is forbidden to carry about chopped straw in quantities of a cow's mouthful, stalks in quantities of a camel's mouthful, stubble in quantities of a lamb's mouthful, herbs in quantities of a kid's mouthful, leek and onion leaves, if fresh, equal in size to a dried fig and if dry in quantities of a kid's mouthful. The different kinds of fodder are, however, not to be counted together, as the fixed quantities are not equal for all.

GEMARA: "Chopped straw." What kind of chopped straw? Pease stalks. When Rabhin came to Babylon he said thus: There is no diversity of opinion concerning the carrying out of straw in quantities of a cow's mouthful for a camel. One doing this is bound to bring a sin-offering, it being more than the prescribed quantity; but there is a diversity of opinion concerning the carrying out of stalks (which is not fit food for a cow) in quantities of a cow's mouthful for a cow. R. Johanan says it is no transgression, but Resh Lakish says it is and involves the liability of a sin-offering. R. Johanan is of the opinion that unfit food cannot be regarded as nutrition; therefore (no work being accomplished) it constitutes no transgression. Resh Lakish, how-

ever, is of the opinion that even unfit food is nutrition and hence a transgression is committed.

“Stubble in quantities of a lamb's mouthful.” But were we not taught elsewhere equal in size to a dried fig? Both quantities are equal.

“Leek and onion leaves if fresh, etc.” Said R. Jossi b. Hanina: Inferior food is not to be counted in with superior (in order to make out the prescribed quantity). Superior food, however, may be counted with the inferior (in order to complete the prescribed quantity).

MISHNA: The carrying out of an article of food equal in size to a dried fig constitutes a transgression involving the liability of a sin-offering. Different kinds of food may be counted together, for the prescribed quantity is the same for all kinds, with the exception of husks, kernels, and stalks; likewise bran, both coarse and fine. R. Jehudah says that the husks of lentils are not excepted, because they are boiled with the lentils and are counted in the same (as food).

GEMARA: “Except bran both fine and coarse.” Is not fine as well as coarse bran to be counted in (the same as food)? Were we not taught concerning the separation of the first dough, that one is bound to separate the first dough made of flour mixed with its fine or coarse bran? Answered Abayi: “This is no contradiction. Poor people only generally use such mixed flour, (when Sabbath is concerned something possessing real value is always spoken of).”

“R. Jehudah says, that the husks of lentils are not excepted, because they are boiled with the lentils.” Husks of lentils only and not of beans? Were we not taught in a Boraitha that R. Jehudah said, “husks of beans and lentils”? This presents no difficulty. The Mishna refers to husks of new lentils and the Boraitha refers to old lentils and beans. R. Abuha said: Because they (the husks of lentils and beans) are black and when dished up look like flies in a bowl (they are *not* eaten with the food and therefore are not counted in).

CHAPTER VIII.

REGULATIONS CONCERNING THE PRESCRIBED QUANTITIES OF VICTUALS AND BEVERAGES WHICH MUST NOT BE CARRIED ABOUT ON THE SABBATH.

MISHNA: The prescribed quantities (of victuals and beverages) prohibited to be carried about on the Sabbath (are as follows): Sufficient wine in a goblet, which with the addition of a certain quantity of water would make a full goblet of wine (fit to drink);* milk to the quantity of a mouthful, honey sufficient to cover a wound with, oil sufficient to anoint a small limb with, and water in quantities sufficient for a medical bath for the eyes. For all other liquids the prescribed quantity is a quarter of a lug (unknown measure, probably a quart). R. Simeon says, the prescribed quantities for the liquids enumerated in this Mishna are also a quarter of a lug, and the various prescribed quantities specified apply only to those who store such liquids.

GEMARA: We were taught in a Boraitha: "Carrying about wine sufficient to fill a proper goblet by addition of a certain quantity of water (is prohibited)." What kind of a goblet may be called a proper goblet. The goblet used in benediction† after meals.

R. Nahman in the name of R. Abuha said: "A goblet used at benediction after meals must contain no less than a fourth of a quarter lug (of pure wine), so that when mixed with water the prescribed quantity (a quarter lug) will be made." Said Rabha: We have also been taught this in the Mishna: "Sufficient wine in a goblet, which with addition of water would make a full goblet" —commented on by the Boraitha to mean "which would make a proper goblet." From the close of the Mishna we learn: "For all other liquids the prescribed quantity is a quarter of a lug."

*The wines used in Palestine were so strong that they had to be mixed with water in order to make them fit to drink.

† At the benediction after meals a goblet possessing certain qualities and which is called a goblet of benediction must be used, as ordained in the Tract Benedictions.

Rabha's reason for this is, that, according to his principle, wine which is not strong enough to be mixed with three parts of water (to one of the wine) cannot be called wine at all. Said Abayi: "There are two objections to this: Firstly, we have taught in a Mishna, that wine fit to drink is such as has been mixed with two thirds water, like the wine of Sharon; secondly, water in the pitcher (intended for mixing with the wine) must be counted in (with the wine and is not permitted to be carried about)." Why should this be forbidden? (The mixture has not yet taken place, hence there is as yet no prescribed quantity?) Rabha answered: The objection raised concerning "two-thirds water to one-third of Sharon wine" does not hold good. Sharon wine is not a very strong wine, or should I assume that the Mishna (cited) has reference to color (then two-thirds is right), but wine for consumption must be mixed with three-fourths water. As to the second objection, concerning "water in the pitcher must be counted in," it must be assumed that (where acts of carrying on the Sabbath are considered) the quality or value of a thing is the more important consideration than the quantity, and in this case the quantity of the wine in the goblet, though only in fact a quarter of the goblet, is equal in quantity to a full goblet of ordinary wine, on account of its quality, and it makes no difference whether the water in the pitcher had already been added or not.

We were taught in a Boraitha that the prescribed quantity for the extract of wine is the size of an olive. So said R. Nathan.

The rabbis taught: The prescribed quantity for animal milk is the equivalent of a mouthful; for human milk and the white of an egg, as much as is used for the preparation of a salve for a sore eye, when mixed with water, the prescribed quantity is as much as is used to bathe both eyes with.

"Honey sufficient to cover a wound with." We were taught in a Boraitha: "Sufficient to cover the mouth of a wound with."

Said R. Jehudah in the name of Rabb: The Holy One, blessed be He, has created nothing useless in the world. He created the snail as a remedy for a sore, the fly for the sting of a wasp, the mosquito for the bite of a serpent, the serpent for the mange, and the lizard for the bite of a scorpion.

The rabbis taught: There are five terrors through which the

strong succumb to the weak. The Maphgia terrorizes the lion,* the mosquito the elephant, the lizard the scorpion, the swallow the eagle, and the kilbith (a small fish) the whale. Said R. Jehudah in the name of Rabh: Where is the passage in the Scriptures in support of this teaching? [Amos v. 9]: "That causeth wasting to prevail against the strong."

R. Zera once met R. Jehudah standing at the door of his (R. Jehudah's) father-in-law in a very cheerful mood, and disposed to answer a whole world full of questions. He asked him: "What is the reason that (in a flock) the she-goats generally go ahead of the sheep?" Answered R. Jehudah: "In accordance with the Creation: At first darkness, then light" (she-goats are generally dark and lambs [or sheep] white). R. Zera asked again: "Why are she-goats not covered with a tail like sheep?" R. Jehudah answered: "Those who cover us are (in turn) covered, and those that do not cover us are not covered." (Because sheep provide us with wool, they are also provided with cover.) "Why has a camel a short tail?" "Because it feeds on thorns (in order that the thorns may not catch in its tail)." "Why has an ox a long tail?" "Because he grazes in plains and must protect himself from the gnats." "Why are the feelers of a locust soft?" "Because the locusts swarm in fields; were their feelers hard, the locusts would be blinded by losing them in knocking against trees, for Samuel said, all that is necessary to blind a locust is to tear off his feelers." "What is the reason that the lower eyelids of a hen are turned up (and cover the upper eyelids)?" "Because a hen soars to her roost and (in a house full of smoke) she might be blinded by the smoke from below."

The rabbis taught: Three creatures grow stronger as they grow older, viz.: Fishes, serpents, and swine.

"Oil sufficient to anoint a small limb with," *i.e.*, a little finger. At the school of R. Janai it was thus explained: "It means the smallest limb of a one-day-old infant." This is also the opinion of R. Simeon b. Elazar: *Oil sufficient to anoint the small limb of a one-day-old infant.*"

Water sufficient for a medical bath for the eyes. Said Abayi: Let us see! Of an article which is very often used for one pur-

* Maphgia is a species of insect, unknown to us at the present day, of which it was said that its excrement was deadly poison to a lion.

pose and seldom for another, the rabbis always leniently permitted the maximum quantity to be used, as the prescribed quantity, of the article much in use. Again, when an article is used alike for several purposes, the rabbis restrict the prescribed quantity to its minimum; (to be more explicit) wine is frequently used as a beverage and only at times as a medicament; hence the rabbis regard it solely as a beverage (and determine the maximum quantity); the same is the case with milk; honey, however, which is used to a greater extent as a medicine than for nutritive purposes, is regarded as medicine and therefore restricted to the prescribed quantity for medicines (which is a smaller quantity than a beverage). What is the reason, then, that the rabbis restrict water, which is certainly more of a beverage than a medicament, to the minimum quantity? Rabha answered: They hold with the opinion of Samuel, who declared that all liquids used as medicine for the eyes inflame and blind, except water, which soothes and does not blind (and in this case the Mishna has reference to one who carried about water on the Sabbath as a medicament for the eyes).

“For all other liquids, the prescribed quantity is a quarter of a lug.” The rabbis taught: For blood and all other liquids the prescribed quantity is a quarter of a lug. R. Simeon b. Elazar said the prescribed quantity for blood is as much as is used to apply to one eye; because that quantity is used when the eye is afflicted with a star.

All these prescribed quantities apply only to those who carry (the victuals or beverages) about. To those, however, who store them (the victuals or beverages) the carrying of even the least imaginable quantity is prohibited (because from his storing them we see that he considers them valuable); but R. Simeon says all these prescribed quantities apply to such as stored (victuals and beverages and hence considered them valuable), but as for persons who only carried them out, all beverages (whether used also for medical purposes or not) if carried out in any quantities less than a quarter of a lug there is no culpability.

The former teacher said that “those prescribed quantities only refer to those who carry out,” but to “those who store them the carrying of even the least imaginable quantity is prohibited.” Is the one who stores not also a carrier (he is culpable for carrying and not for storing)?

Answered Abayi: The Boraitha treats of a case where a master ordered his retainer to clear off the table. If the retainer removed something of value to everybody from the table it constituted a quantity which must not be carried about on the Sabbath. If the thing was of value only to the master and the retainer carried it out, he (the retainer) is culpable, in spite of the fact that the thing was of value to his master alone. (Hence he is called one who stores, and not a carrier) for it signifies that the thing is worth storing.

Again, the former teacher said: "And the sages agree with R. Simeon, that the prescribed quantity for slops is a quarter of a lug." Of what use are slops? Said R. Jehuda: "To prepare mortar with." But were we not taught that the prescribed quantity for mortar is only as much as suffices to make the mouth of a bellows-pipe with? Aye, but for the purpose of preparing mortar, a man would not trouble himself to carry out so small a quantity as is sufficient to make a mouth of a bellows-pipe, hence a quarter of a lug would be the least that would be carried out to make mortar with.

MISHNA: The prescribed quantity for rope is as much as suffices to make a handle for a basket; for reeds, as much as suffices to hang a fine or coarse sieve thereon; R. Jehuda says (for reeds) as much as is sufficient to take the measure of a child's shoe; for paper, as much as suffices to write a toll-bill on, a toll-bill itself must *not* be carried out; the prescribed quantity for paper that has been erased is as much as will wrap the top of a perfume bottle. The prescribed quantity for vellum is as much as suffices for the covering of an amulet; for parchment, as much as suffices for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel;" for ink, as much as is necessary for the writing of two letters (characters); for paint, as much as will paint one eye. The prescribed quantity for (bird) lime is as much as will suffice to put on a lime twig; for pitch or sulphur, as much as will cover a hole (in a quicksilver tube); for wax, as much as will fill up a small leakage (in a utensil); for loam, as much as suffices to make an orifice for a pair of bellows used by goldsmiths; R. Jehuda says the prescribed quantity for loam is as much as will make a stand for a goldsmith's crucible; for clay, as much as will cover the mouth of a goldsmith's crucible; for lime, as much as will cover the small finger of a maiden; R. Jehudah

says for lime the prescribed quantity is as much as will cover the temple of a maiden; R. Nehemiah says as much as will cover the nether part of a maiden's temple.

GEMARA: "For paper as much as suffices to write a toll bill on." We were taught in a Boraitha: "The legal size of a toll bill is a piece of paper large enough to contain two letters." Is this not contradictory to the Boraitha which says that the carrying out of a piece of blank paper large enough for two letters of ordinary size to be written on, constitutes a sin, requiring the bringing of a sin-offering? Answered R. Shesheth: "The two letters referred to by the Mishna are the letters used by the toll-master (usually extra large letters)." Rabha, however, said that the piece of paper referred to is large enough for two letters and has a margin by which it can be held.

The rabbis taught: If one carry out on the Sabbath an unpaid promissory note he is liable to bring a sin-offering, but not so for a paid one. But R. Jehudah said, the same is the case with a paid-up note, for its value lies therein, that the owner may show it to a prospective creditor in order to prove promptness of former payments.

"For vellum is as much as suffices to make a cover for an amulet." Asked Rabha of R. Hanina: "Of what size?" and the latter answered: "As we were taught in the Mishna, as much as will suffice to make a cover for an amulet." And what is the size in regard to tanning? The same quantity.

"Parchment as much as suffices to write thereon the smallest portion," etc. Is this not a contradiction to the Boraitha which teaches that the prescribed quantity for parchment and double parchment ($\delta\alpha\text{-}\xi\text{-}\sigma\text{-}\alpha\text{-}\varsigma$) is as much as suffices to write a Mezuzah (inscription on the door-posts) on? The Mezuzah mentioned in the Boraitha refers to the Mezuzah contained in the phylacteries. Does the Boraitha call phylacteries Mezuzah? Yea, it does. But since the latter part of the Boraitha teaches explicitly that the prescribed quantity for parchment is as much as is required for writing the smallest portion of the phylacteries, which is "Hear, O Israel," is it not to be assumed that in the former part of the Boraitha which mentions that for double parchment, where a Mezuzah is mentioned, it really means a Mezuzah proper and not the Mezuzah of the phylacteries? Say: What is the prescribed quantity for parchment and double parchment? For the latter as

much as is required for the writing of a Mezuzah, and the former for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel."

Rabh said: "Double parchment is the same as parchment. The same as we may write the portions of the phylacteries on parchment, so may we also write them on double parchment." Were we not taught that only parchment sufficient to write the small portion of the phylacteries on, must we not assume, but not double parchment? Nay, it is only a better observance to write on parchment than on double parchment.

"For ink, etc." We were taught: The prescribed quantity for dry ink is as much as will suffice for the writing of two letters; for prepared ink as much as a quill or stub will require to write the two letters with. Said Rabha: For carrying out sufficient ink for two letters and writing the two letters while carrying the ink, one is culpable; for the writing is equivalent to depositing a thing in a place. But for carrying out sufficient ink for one letter only, and writing that letter while carrying the ink, afterward carrying out another quantity of ink sufficient for one letter and writing the other letter while carrying the ink, one is not culpable; for by the time the second letter was written (the ink of the first letter dried out and) the prescribed quantity of ink was not visible. Again Rabha said: For carrying out food to the size of one half of a dried fig, laying it down, and then carrying out another quantity of like size (one is not culpable), for it is considered as if the first quantity had been consumed by fire. But why should it be thus considered? Is it not lying there yet? Rabha's saying is thus to be explained: If one picked up the first before he laid down the second, the first is to be considered as if consumed by fire and hence one is not culpable.

"For paint, etc." Is it not a fact that people never dye one eye only? Said R. Huna: Modest women veil one eye and only paint the other. To this explanation some one objected, viz.: For paint as a remedy the prescribed quantity is as much as will dye one eye, said R. Simeon b. Elazar, but as a means for beautifying the prescribed quantity is as much as will dye two eyes. Hillel, the son of R. Samuel b. Nahmeni, explained it by saying that R. Simeon b. Elazar referred to country damsels who dye both eyes.

"For bird lime as much as is sufficient to put on a lime twig."

We were taught in a Boraitha as much as was sufficient to put on a twig for the purpose of catching birds.

“For pitch and sulphur,” etc. We were taught in a Boraitha, sufficient to fill up a hole in a quicksilver tube.

“For loam,” etc. We were taught in a Boraitha, sufficient to fill up the cracks in a small stove.

“For clay,” etc. The rabbis taught: It is prohibited to carry out hair for the purpose of mixing it with clay used to cover a goldsmith’s bellows-pipe with.

“For lime,” etc. We were taught in a Boraitha, to cover the smallest finger of a damsel.

R. Jehudah says as much as is sufficient to cover a maiden’s “Kalkub.” What is meant by “Kalkub” and Andiphi? Rabh answered: The upper and lower temples. Are we to understand from the Mishna that the prescribed quantity permitted by R. Jehudah is larger than that of the rabbis? Is it not a fact that the rabbis allow the larger prescribed quantity? Aye; R. Jehudah allows a larger quantity than R. Nehemiah, but a smaller quantity than the rabbis. Or it is possible than an Andiphi means a forehead, from the following narration: “It happened that a Galilean once came to Babylon and was requested to lecture on metaphysics. The Galilean consented and began: I will interpret to you something in the style of R. Nehemiah. Meanwhile a wasp flew out of the wall, stung him on the Andiphi (forehead) and the Galilean died on the spot. It was said that he died a merited death.” *

MISHNA: For sealing-wax the prescribed quantity is as much as is required for the sealing of a bale of goods, is the opinion of R. Aqiba. The sages, however, say, for the sealing of a letter. For dung or fine sand as much as is required to fertilize (the soil around) a cabbage stalk, according to R. Aqiba, but the sages say as much as is required to fertilize (the soil around) a leek stalk. For coarse sand as much as is required to fill a trowel, for reed as much as is required to make a writing-pen from, or should it be thick or split, as much as is required to fry the softest beaten egg with, (which) mixed with oil, (lies) in a hot shell.

GEMARA: “Sufficient to fill a trowel.” We were taught

* A Mishna teaches elsewhere that it is a sin to lecture on metaphysics, outside of the University.

in a Boraitha: (For coarse sand the prescribed quantity is) as much as is required to fill the trowel of a plasterer. Who is the teacher who holds that sand is an improvement on plaster? Said R. Jehudah, R. Hisda; but Rabha said it is even possible that this is according to rabbis' opinion, as they hold that the spoiling (of the whiteness) of the plaster (through the admixture of sand) is an improvement (to the durability of the plaster).

"For reed as much as is required to make a writing-pen." A Boraitha teaches: A pen that reaches the joints of the fingers.

"Or should it be thick." A Boraitha teaches: To fry a beaten egg mixed with oil. Said Mar, the son of Rabhina, to his son: "Didst thou ever hear what is understood by the softest egg?" He answered that R. Shesheth said it was a hen's egg. Why does the Mishna call it a light (soft) egg? Because the sages found that no eggs are cooked as quickly as chicken's eggs. Why is it that all other prescribed quantities prohibited to be carried out on the Sabbath are of the size of a dried fig, and here the quantity is of the size of an egg? Answered R. Nahman: "Even here the prescribed quantity is of the size of a dried fig, which is equal to a small egg."

MISHNA: It is not permitted to carry out a bone large enough to be made into a spoon. R. Jehudah says large enough to be made into a key; glass of sufficient size to be used for scraping off the points of a weaver's spindles; a splinter or a stone large enough to throw at a bird. R. Elazar b. Jacob says to throw at an animal.

GEMARA: Are we to understand from the Mishna that the prescribed quantity allowed by R. Jehudah is larger than that allowed by the rabbis? Is it not a fact that the rabbis allow the larger? Ulla answered: (R. Jehudah refers to) the tooth of a key.

"Glass of sufficient size to be used for scraping off," etc. A Boraitha teaches, sufficient glass to cut two threads at once.

"A splinter or stone large enough to throw at a bird, but R. Elazar," etc. Said R. Nahman in the name of R. Johanan: "Provided it is large enough to hurt." But how large should it be? R. Elazar b. Jacob teaches in a Boraitha: the weight of ten Zuz.

Zunin once came to a schoolhouse and questioned the teachers. "What is the prescribed quantity for gravel used in privy for toilet purposes?" He was answered: "The equivalent in quantity to the size of an olive, a nut, or an egg." Said he: "It would then

be necessary to carry along a measure." Thereupon it was decided that the quantity should be a handful.

Rabba b. R. Shilla asked of R. Hisda: "Is it permitted to carry up gravel to the roof (for the purpose cited above, as it is extra trouble, which is prohibited on the Sabbath)? He answered: "Precious is the honor of man. For honor's sake, even a direct scriptural commandment may be circumvented!"

Said R. Johanan: It is forbidden to use fragments of earthenware for toilet purposes (after doing one's necessities) on the Sabbath. What is the reason? Is it to say, because it is dangerous, then it is forbidden also on week days, or is it to say, because of witchcraft, it would also be prohibited on week-days? What then is the reason? Is it because it may remove the hair (from the posterior)? Would this not be an act performed without intention (and work done unintentionally, he is of the opinion is permissible)? R. Nathan b. Ashia answered: "A great man made the assertion and we *must* find a reason for it. There is no doubt whatever that fragments of earthenware are prohibited to be used on week days, when some other things can easily be obtained, but on Sabbath, if nothing else happens to be on hand, nor may be brought, the fragments might be considered as utensils, and, lest one might be inclined to think that for this reason they would be permitted to be used, he informs us that they are not. Can witchcraft be exercised through the agency of fragments? Aye; for the following story proves it:

"R. Hisda and Rabba b. R. Hana once travelled in a ship, and a prominent (Gentile) lady who wanted to go on the same ship asked their permission to sit down near them, which they refused. She pronounced a certain word and the ship stood still, but they in turn pronounced a certain word and the ship moved on. She then said: 'It grieves me sorely that I cannot inflict some punishment on you, being that you use no fragments for toilet purposes, nor do you kill vermin in the garments, nor do you pull out vegetables from a bundle (but cut the bundle first).' (Hence it may be seen, that fragments can be used as a means for the exercise of witchcraft.)

R. Huna said to his son Rabba: Why do you not go more frequently to R. Hisda, who expounds the law so pointedly. Answered the son: "Of what use would it be. He never taught me but mere worldly knowledge, such as for instance: Not to sit down

to excrete with a jerk nor to force myself too much, lest the intestines come out and endanger life." R. Huna then rejoined: "Thou sayest 'mere, worldly knowledge.' He is interested in the life of the people, and you call it mere, worldly knowledge. (Is not that also useful?) Those laws you learned are of great sanitary importance and thou shouldst by all means go to him.

R. Hisda and Rabhina differ as to the consequences of one withholding to perform his necessities. One is of the opinion that foul breath is the result, while the other holds that the entire body assumes a bad odor. The opinion of the latter is supported by a Boraitha which teaches: "He who takes nourishment while in need of performing his necessities is compared to a stove in which a fire was built without previously removing the ashes, which is invariably the cause of a bad smell. One who feels like performing his necessities, but cannot do so, R. Hisda advises, that he keep on sitting down and getting up until able. R. Hanan from Neherdai advises him to look for another place, but the rabbis say the sole remedy is to think of nothing else."

The rabbis taught: One who is about to eat a hearty meal should walk ten times four ells or four times ten ells, then perform a (natural) necessity, and after that go in and sit down to the meal.

MISHNA: The prescribed quantity for fragments (of earthenware) is the size of such as are placed between two boards, is the opinion of R. Jehuda. R. Meir says of a size sufficient to stir a fire with. R. Jossi, of a size to receive (hold) a quarter of a lug. Said R. Meir, although no positive proof for my assertion can be found in the Scriptures, still a vague reference can be deduced from the passage [Isaiah xxx. 14]: "So that there cannot be found among their fragments a sherd to rake fire from a hearth." R. Jossi, however, answered him: "Therefrom you would adduce your proof? It says immediately after that (ibid. ibid.) 'and to draw water from a pit.'"

GEMARA: We must assume that the prescribed quantity allowed by R. Jossi is larger than that allowed by R. Meir; but the Scriptural text shows that R. Meir allows the larger; because, is it possible that the prophet will curse them with a larger object after having cursed them with a smaller? Said Abayi: R. Meir also means a fragment used to stir a big fire with; hence his fragment is larger than R. Jossi's.

"R. Jossi, however, answered him," etc. R. Jossi answered

R. Meir very correctly. What could R. Meir rejoin? R. Meir might say that the prophet intends to convey that not only shall they not have anything of the least value left, but they shall not even have anything that is as valueless as a piece of fragment big enough to contain a drop of water.

CHAPTER IX.

RABBI AQIBA'S REGULATIONS OF DIFFERENT SUBJECTS.

MISHNA: R. Aqiba said: Whence the adduction that one who carries an idol is as unclean (ritually) as a woman suffering from menstruation? From the passage [Isaiah xxx. 23]: "Thou wilt cast them away as a filthy thing.* " 'Get thee hence!' wilt thou say unto them." Thus, in the same manner as a woman suffering from menstruation causes (ritual) uncleanness, so does also an idol.

GEMARA: Rabba said: The passage mentioned in the Mishna should be interpreted thus: "Estrange † them from thyself as a stranger; get thee hence, say unto him, but tell him not to come in!" Further Rabba said: It is unanimously conceded that the carrying of idols causes (ritual) uncleanness and hence it is compared to menstruation, but there is a dissenting opinion among the rabbis concerning a stone (used as a pedestal for an idol or upon which a woman suffering with menstruation chanced to sit) beneath which there were utensils. R. Aqiba holds that idols are regarded the same as menstruating women and the vessels beneath the stone become defiled (for the reason that the stone is the basis of the idol and, the former becomes part of the idol, and hence everything beneath it becomes defiled), but the rabbis regard an idol as a reptile, *i.e.*, as a reptile lying upon a large stone (in which case any utensils chancing to be beneath the stone do not become defiled). This decree is unanimously conceded.

R. Ahadbou ben Ami asked: What about an idol smaller in size than an olive? R. Joseph objected to this question: "What is the purpose of the query? Does it refer to the prohibition of idolatry? Even an idol the size of a fly, like the idol of the

* The Hebrew term used for "filthy thing" in the passage is "Davah," and in Leviticus xx. 18 Davah is translated, "a woman suffering from her separation (menstruation)."

† The word "Tizrom" (cast them away) Rabba holds to be a derivation of the word "Zar" (strange) and not from "Zarah" (cast away).

Ekronites, which was called Zebub* (fly) is also prohibited; for we are taught it is written in the passage [Judges viii. 33]: "And they made themselves Baal-berith for a god;" by Baal-berith is meant the Zebub (fly) idol of Ekron, and every idolater (at that time) made an image of his idol in miniature in order to keep it constantly at hand and to be able at any time to take it out, embrace, and kiss it; hence there is no question as to size. Nay the query of R. Ahadbou is in regard to causing defilement? Either it is regarded as a reptile and defiles, even if only of the size of a lentil, or it is considered as a corpse and causes defilement if it is the size of an olive. (A part of a corpse the size of an olive causes the person touching it to become defiled.) Answered R. Ivia, and according to others Rabba b. Ulla: "Come and hear! We were taught in a Boraitha that no defilement is caused by idols smaller than olives, for it is written [2 Kings xxiii. 6]: "And cast its powder upon the graves of the children of the people." (The adduction is) that as a corpse can cause defilement only if a part the size of an olive is come in contact with, so is it also with idols, which are regarded as corpses.

MISHNA: (R. Aqiba says again:) Whence the adduction that a ship, though a wooden vessel, is not subject to defilement? From the passage [Prov. xxx. 19]: "The way of a ship is in the heart of the sea."

GEMARA: It is certain † that R. Aqiba intends to convey to us that the reason the passage cited in the above Mishna informs us of a fact known to all is because the sense is to be construed thus: In the same manner as the sea itself cannot become defiled, so also a ship can never become defiled.

We were taught in a Boraitha: Hananyah said: We make the adduction from a sack (which is subject to defilement) that everything which can be carried after the manner of a sack, sometimes full and at other times empty, is subject to defilement, except a ship, which cannot be carried at all, full or empty. What are the points of difference in the two adductions (of R. Aqiba and Hananyah)? They are concerning a small (river) boat. One holds that all boats (ships) must be regarded as the sea itself (hence not

* See 2 Kings i. 2.

† The term "it is certain" (peshitah) is generally used by the Gemara in the sense of the question, "Is it not self-evident?" In the above case, however, it is intended for an explanation of the reason for R. Aqiba's adduction. See Rashi.

subject to defilement), while the other is of the opinion that a small (river) boat must be regarded as a sack because it is carried to the place whence it is launched and hence is subject to defilement; as R. Hanina b. Aqa'bhia said: "Why did the rabbis say that a small (river) boat is subject to defilement? Because it is usually loaded in the dry dock and then carried into the river.

Rabbi Johanan in the name of Rabh said: "Man should not absent himself from the house of learning even for one hour. Behold this teaching (concerning a river boat) has been taught in the schools for many years and no one knew the reason for it until R. Hanina b. Aqa'bhia came and explained it.

R. Jonathan said: Man should never absent himself from the house of learning or abstain from learning the law, even when at the point of death, for it is written [Num. xix. 14]: "This is the law, when a man dieth in his tent;" (*i.e.*) even at the point of death man must occupy himself with the study of the law. Resh Lakish however adduces from the same verse that man does not retain (in memory) the law, unless he is ready to die for it.

MISHNA: (R. Aqiba said): Whence do we adduce that in a patch of ground six spans long by six spans wide five different kinds of seed may be planted,—one kind each in each of the four corners and one in the centre of the patch? From the passage [Isaiah lxi. 11]: "For as the earth bringeth forth her growth, and as a garden causeth what is sown therein to spring forth." (We see then) it is not written "as a garden causeth *its seed* to spring forth," but *what is sown therein*.

GEMARA: What does R. Aqiba adduce from that passage? Said R. Jehuda: The passage cited in the above Mishna is to be thus explained: "The earth *bringeth forth* her growth." "Bringeth forth" (which is in the singular) can be counted for "one" (kind of seed). Her "growth" (also singular) can also be counted for "one" (kind of seed). (Now we have two.) "What is grown therein" (evidently plural) can be counted for two more (making four), and "to spring forth" (in the singular again) can be counted as one, making five in all; and (as far as the six spans square are concerned) the rabbis are quite certain (through tradition) that five different kinds of seed in a patch six by six spans square do not interfere with each other. But whence do we know that the assurance of the rabbis can be depended upon? Answered R. Hyya b. Aba in the name of R. Johanan, from the passage in Deut. xlx.

14: "Thou shalt not remove the landmark of thy neighbor, which they of old time have set" which is to be explained: "Thou shalt not go beyond what is limited by those of old." But what have those of old limited? Answered R. Samuel bar Na'hmeni in the name of R. Jonathan: "It is written [Gen. xxxvi. 20]: "These are the sons of Seir the Chorite, who inhabited the land." Only they inhabited the land? Did the rest of mankind inhabit heaven? It simply means to state that they made the earth inhabitable by their knowledge of agriculture and their experience as to what ground is adapted for the planting of olive trees, vines, date trees, etc.

R. Assi said: "The teaching of R. Aqiba in the Mishna refers to a patch of ground six by six spans square, excluding the corners."

Rabh said: "The above Mishna has reference only to an isolated patch (or furrow) of ground, but in a furrow surrounded by others one can *not* sow five kinds of grain, (as it is necessary to have a space of three spans dividing one kind from the other.) Are there not corners, however, (to the furrow)?" The school of Rabh explained, in the name of Rabh, that reference is made to furrows into the corners of which grain had been sown.

Samuel, however, said even in a furrow surrounded by other furrows. But will not the seeds interfere one with another? Samuel refers to furrows which are planted alternately from north to east and from south to west.†

MISHNA: (R. Aqiba says again): Whence the adduction that a woman, from whom seed of copulation † escapes only on the third day (after lying with her husband), is unclean? From the passage [Exodus xix. 15]: "And he said unto the people, Be ready against the third day. Approach not unto a woman." Whence the adduction that a child may be bathed on the third day of its circumcision, even if that day fall on a Sabbath? From the passage [Gen. xxxiv. 25]: "And it came to pass on the third day, when they were sore." Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away.‡ From the passage [Isaiah i. 18]: "Though they

* Rashi declares this to be the best possible explanation of Samuel's opinion, and says that many others offered many different explanations, none of which are comprehensible.

† See Leviticus xv. 16, 17, 18, and *ibid.* xxii. 4.

‡ See Lev. xvi. 21.

should be red like crimson, they shall become (white) like wool." Whence do we adduce that anointing one's self on the Day of Atonement is equal to drinking? Although no positive proof is apparent, still a reference can be adduced from the passage [Psalms cix. 18]: "And it cometh like water on his body and oil into his bones."

GEMARA: The first part of the Mishna (treating of a woman) is not in accordance with the opinion of R. Elazar b. Azaryah, who declares her (the woman) clean in that case; the second part of the Mishna, however, (treating of bathing on the third day after circumcision) is in direct accord with his own words, (as will be seen in Chapter XIX.) Therefore some rabbis claim that the first part of the Mishna reads clean instead of unclean, *i.e.*, that the whole Mishna is according to the opinion of R. Elazar b. Azaryah, but other rabbis claim that the first part of the Mishna is according to the opinion of other Tanaim, who differ with Elazar b. Azaryah (and the word unclean is correct).

"And they shall be ready against the third day" [Ex. xix. 11]. R. Ada bar Ahbha said: "Moses went up (to the Mount Sinai) at daybreak, and descended the following break of day." He went up at break of day; as it is written [Ex. xxxiv. 4]. And Moses rose up early in the morning and went up unto Mount Sinai, he descended on the following daybreak, as it is written [ibid. xix. 24]: "Go get thee *down*, and then shalt thou come *up*, thou, and Aaron with thee." We see that the Scripture compares the descending to the ascending, and as the ascending was early in the morning, so was also the descending early in the morning.

The rabbis taught: The decalogue was given to Israel on the sixth day of the (third) month, but R. Jossi said on the seventh day.

Said Rabba: All agree that on the first day of the (third) month the Israelites arrived at the wilderness of Sinai. It is adduced from the analogy of the word "this" in Ex. xix. 1, "on *this* day they arrived at the wilderness of Sinai," and in Ex. xii. 2, "*this* month to be to you the first of months." So as in the latter instance the "this" referred to the first, so does it also in the former; furthermore (he said), all agree that the law was given to Israel on a Sabbath; this is to be adduced from the analogy of the word "remember" in [Ex. xx. 8]: "*Remember* the Sabbath day to keep it holy;" and [in ibid. iii. 3]: "*Remember* this

day on which ye came out from Egypt." As in the latter instance the very day of their coming out of Egypt is referred to, so is it also in the former instance. Where the rabbis do differ is what day was the first of the month. R. Jossi holds that the first of the month was set on the first of the week, and on that day no commandments were given, because the children of Israel were tired from their long journey. On the second day (of the week) the Lord said to them: "Ye shall be unto me a kingdom of priests" [Ex. xix. 1]. On the third of the week He commanded them to keep away from the mountain. On the fourth to separate themselves from their wives. The rabbis, however, hold that the first of the month was set on the second of the week; that on that day nothing was commanded the Israelites, they being tired; on the third the cited passage [Ex. xix. 1] was said; on the fourth day they were to keep away from the mountain, and on the fifth to separate themselves from their wives.

An objection was made: It is written [Ex. xix. 10]: "Go unto the people, and sanctify them to-day and to-morrow." Is this not contradictory to the statement of R. Jossi (in whose opinion the sanctification lasted three days)? R. Jossi may explain this thus: "Moses added one day upon his own authority," as we have learned in a Boraitha: "Three things were done by Moses upon his own authority and the Holy One, blessed be He, agreed thereto. They are: He added one day (to the period of sanctification), he separated himself from a woman, and he broke the tablets into pieces." "He added one day upon his own authority." What was his object? The Lord said unto him: "To-day and to-morrow," and he construed the words as follows: "To-day must be equal (in duration) to to-morrow; to-morrow also including the night, to-day must also include night; the night, however, having already passed, another day must be added in order to make up for the lost night." Whence do we know that the Lord agreed to this? Because the Shekhina did not appear on Mount Sinai until the Sabbath morn. What was the object of Moses in separating himself from a woman? He applied the order given the Israelites (to separate themselves from their wives) to himself in a so much larger degree (*i.e.*, the order having been issued to the Israelites for the reason that they would shortly hear the word of the Lord, it would be so much more proper for him, who frequently was spoken to by the Lord, to separate him-

self *entirely* from a woman.) Whence do we know that the Lord agreed to this also? It is written [in Deut. v. 27 and 28]: "Go, say to them, Return you unto your tents. But as for thee, remain thou here by Me." "He broke the tablets." What was his object? He thought: "Concerning the Passover sacrifice, which is only one of the six hundred and thirteen commandments, it is written [Ex. xii. 43]: 'No stranger shall eat thereof,' how can I give the tablets, which contain all the commandments to the children of Israel, who are now all renegades?" Whence do we know that the Holy One, blessed be He, agreed even to this? It is written [Ex. xxxiv. 1]: "And the Lord said unto Moses, Hew thyself two tables of stone like unto the first; and I will write upon these tables the words which were on the first tables which thou didst break." Said Resh Lakish: "'Which thou didst break,' really means 'which thou didst break rightfully.'"

Another objection was made: It is written [Ex. xix. 11]: "And they shall be ready against the third day." According to R. Jossi it would be the fourth day. This is no objection! We have just learned that Moses added another day upon his own authority. Again, come and hear: We have learned in a Boraitha: "The sixth means the sixth of the week and of the month." Is this not contradictory to the statement of the rabbis, who say: "The first of the month was the second day of the week?" Yea, (it may be that) this Boraitha holds to the opinion of R. Jossi.

Come and hear: On the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice and on the fifteenth day they went out. On the night before that the first-born of the Egyptians were slain. That day (the fifteenth) was the fifth of the week. Now, if the fifteenth of Nissan was the fifth of the week, we must certainly say that the first of the next month (Iar) was Sabbath and the first day of the following month (Sivan) was the first day of the week. Is this not contradictory to the statement of the rabbis, that the first day of the month was the second day of the week? The rabbis might have assumed that the month of Iar was an intercalary month.

Said R. 'Havivi of 'Huzunah to R. Ashi: Come and hear: It is written [Ex. xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up," and a Boraitha teaches that this day was crowned

tenfold, viz. : "That day was the first of the six days of the creation; the first of the days on which the first prince presented his offering before the altar; the first of the days on which the priests (Aaron and sons) did their work in the sanctuary; the first day on which the children of Israel brought their sacrifices in the tabernacle; the first of the days on which the heavenly fire descended upon the altar; the first of the days on which the priests were permitted to eat the sacrifices in the tabernacle; the first of the days on which the Shekhina appeared in the tabernacle; the first day on which Aaron the High Priest blessed the Israelites in the tabernacle; the first of the days on which sacrifices were no more permitted to be brought on the high places outside of the tabernacle, and the first day of the first of the months." Now, if the first day of this year was the first day of the week, we must say the first of Nissan of the preceding year fell on the fourth day of the week, because we have learned in another Boraitha: Anonymous teachers say that there can be not more than four days' difference between one New Year's day and another. If a leap year intervened then there may be a difference of five days. Is this not contradictory to the opinion of both the rabbis and R. Jossi? According to R. Jossi there were seven short months (of twenty-nine days) in that year, but according to the rabbis there were eight such months, (consequently the difference from the last year was only in two days), as this year was an extraordinary one. (And the first day of the month Iar of the last year was on Friday).

Another objection was made: We have learned in the Tract Seder Aulim that on the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice; on the fifteenth they went out, and that day was Friday. Now, if the first of the month of Nissan of that year was Friday, we must say that the first day of the following (Iar) month was on the first day of the week and the first of the succeeding month (Sivan) was on Monday. Is this not contradictory with R. Jossi? R. Jossi will then say that this Boraitha is in accordance with the opinion of the rabbis.

One more objection was made: Come and hear: R. Jossi says, "On the second day Moses went up on the Mount Sinai and came back. The same he did on the third day, but on the fourth day, when he came back, he remained." Came back and remained?

Whence did he come back—it does not say that he went up at all? Say, then, on the fourth day he went up, came back, and remained. On the fifth he built an altar and offered a sacrifice. On the sixth he had no time. Shall we assume that he had no time because on that day the Israelites received the Thorah? (If we say that the second refers to the second day of the week, it must be a fact that the Thorah was given on Friday, and would this not be contradictory to his [R. Jossi's] own opinion?) Nay; he had no time because the Sabbath was at hand.

A Galilean lectured in the presence of R. Hisda: Praised be the merciful God, who gave a triple law (the Pentateuch, Prophets, and Proverbs) to a triple people (Kahanites, Levites, and Israelites) through a man who was the third child of his parents (Miriam, Aaron, and Moses), on the third day of sanctification and in the third month. We see from this that the Galilean held in accordance with the teachings of the rabbis.

It is written [Ex. xix. 17]: "And they placed themselves at the foot of the mount." Said R. Abhdimi bar Hama bar Hassa: "It appears from this passage that the Holy One, blessed be He, inclined the mountain toward the children of Israel and gave them the choice of either accepting the Thorah or being buried right under the mountain." Said R. Aha b. Jacob: "This would accord us the right to protest against any punishment inflicted upon us for violating the law. (For we were compelled to accept it.)" Said Rabha: Although (at that time they were compelled to accept it), at the time of Ahasuerus (King of Persia) they accepted it voluntarily. For it is written [Esther ix. 27]: "The Jews confirmed it as a duty, and took upon themselves and upon their seed." This must be explained: "They took upon themselves voluntarily what at one time they were compelled to accept."

R. Elazar said: At the time the Israelites said, "We will do" and afterward "We will obey" a heavenly voice (Bath-kol) was heard, which said unto them: "Who unfolded unto my children this mystery known only to the angels?" For it is written [Psalm ciii. 20]: "Bless the Lord, ye his angels, mighty in strength, that execute his word, hearkening unto the voice of his word," and from this we see that only angels can execute first and then obey.

A Sadducee once noticed Rabha studying and observed that he in his absent-mindedness held his (Rabha's) finger underneath his knee and pressed it so hard that blood spurted from the finger.

Said the Sadducee to him: "Impetuous people! Whose mouths precedes your ears! Ye are still of the same vehemence! Ye must first hear the Torah before you accept it and not accept without knowing its prescriptions!" Answered Rabha: We who are upright men trusted Him, as it is said of us in [Proverbs xi. 3]: "The integrity of the upright guideth them," but to those men who are continually fault-finding the latter part of the same verse (*ibid. ibid.*) can be applied, viz.: "But the cunning of the treacherous destroyeth them."

R. Samuel b. Na'hmeni in the name of R. Jonathan said: It is written (Solomon's Song iv. 9): "Thou hast ravished my heart, O my sister, (my) bride! thou hast ravished my heart with one of thy eyes." This means: When thou didst but receive the Thora, it was with one of thy eyes. When thou wilt obey it, it will be with both of thy eyes.

R. Johanan said: It is written [Psalms lxxviii. 12]: "The Lord gave (happy) tidings; they are published by female messengers, a numerous host." This implies, that every word emanating from the mighty God was heralded in seventy languages. The school of R. Ishmael, however, (adduced the same from another passage): It is written [Jeremiah xxiii. 29]: "Is not thus my word like the fire? saith the Lord, and like a hammer that shivereth the rock?" As the hammer that strikes emits a multitude of sparks, so is every word emanating from the Holy One, blessed be He, heralded in seventy different languages.

R. Hananel b. Papa said: It is written [Proverbs viii. 6]: "Hear! for of noble things will I speak." Why are the words of the Torah compared to a noble? To inform us that inasmuch as a noble has in his power the disposal over life and death, so have also the words of the Torah. This is the same as Rabha said: To those who walk in the right ways of the law, it is an elixir of life, but to those who pursue not the right way, it is the poison of death.

R. Jehoshua ben Levi said: It is written [Solomon's Song i. 12]: "A bundle of myrrh is my friend unto me, that resteth on my bosom." Said the Congregation of Israel: "Creator of the Universe! Although my friend chastiseth* me, still he resteth on my bosom!"

* The Hebrew term for bundle is *Tzror*, and for oppressor is *Tzoror*; hence R. Johanan interprets *Tzror* as if it were *Tzoror*.

The same rabbi said: "It is written [Solomon's Song v. 13]: "His cheeks are as a bed of spices, as turrets of sweet perfumes." Every word emanating from the Holy One, blessed be He, fills the whole world with the aroma of spices. If the world was filled with the aroma arising from the first word, where could the second word go? The Holy One, blessed be He, sent forth a wind from His supply, which cleared off the aroma of each word, as it is written (ibid.): "His lips like lilies, dropping with fluid myrrh." Do not read *Shoshanim* (lilies) but *Sheshonim* (learned men).

The same said again: When Moses ascended into Heaven, said the angels before the Holy One, blessed be He, "Creator of the Universe! What has one born of a woman to do among us?"

The Lord answered: "He came to receive the Thorah." Said the angels again: "Wouldst Thou give a precious thing that Thou hast preserved since nine hundred and seventy-four generations before the creation of the world to a being of flesh and blood? (It is written, [Psalms viii. 5]): What is the mortal that thou rememberest him? and the son of man that thou thinkest of him?" Said the Holy One, blessed be He, unto Moses: "Give thou them an answer!" Answered Moses before the Lord: "Creator of the Universe! What is written in the law, which Thou givest unto me?" [Ex. xx. 2.] "I am the Lord thy God, who have brought thee out of the land of Egypt." Moses then said to the angels: Were ye in Egypt? Have ye served Pharaoh? Of what use can the Thorah be unto you? Further, what is written in the Thorah [ibid. 3]: "Thou shalt have no other gods before me." Are ye among the nations that worship idols? And furthermore, what is written in the Thorah? [ibid. 8]: "Remember the Sabbath day to keep it holy." Do ye any labor on the week-days? [ibid. 7]: "Thou shalt not take the name of the Lord thy God in vain." Are ye merchants that ye must swear? [ibid. 13]: "Honor thy father and thy mother;" have ye fathers and mothers to honor? [ibid. 12]: "Thou shalt not kill," etc. Is there any jealousy among you? Have ye any evil intent?

Then the angels confessed and praised the Holy One, blessed be He; as it is written [Psalms viii. 10]: "O Eternal One, our Lord, how excellent is thy name on all the earth!" but the ending of the verse [ibid. 2], "Thou who hast set Thy majesty above the heavens," is not cited in this verse. Then every one of the angels befriended Moses and each of them disclosed some mystery to

him, as it is written [Psalms lxxviii. 19]: "Thou didst ascend on high, lead away captives, receive gifts among men," which means that because at first the angels called Moses one born of a woman (man), they at the close gave him gifts and even the Angel of Death disclosed a mystery to him, as it is written [Num. xvii. 12 and 13]: "And he put on the incense, and made an atonement for the people. And he stood between the dead and the living." Now if the Angel of Death had not disclosed unto Moses this mystery, how could he have imparted it to Aaron?

Said R. Jehoshua b. Levi again: When Moses descended from Heaven, Satan came before the Holy One, blessed be He, and said: "Creator of the universe! Where is the Torah?" And the Lord answered: "I have given it to the earth." Satan descended to earth and said to it: "Where is the Torah?" And the earth answered [Job xxviii. 23]: "God (alone) understandeth her way, and he knoweth her place." Satan then went to the sea and the sea said: "She is not with me." He then went to the deep, and the deep answered: "Not in me is she," as it is written [ibid. 14]: The deep saith, "Not in me is she"; and the sea, saith, "She is not with me" [ibid. 22]. "Perdition and death say: With our ears have we heard a report of her." Satan then ascended before the Holy One, blessed be He, and said: "Creator of the universe! I have looked for the Torah on the whole earth and could not find it." Then said the Lord unto him: "Go unto the son of Amram." And Satan went to Moses and said to him: "Where is the Torah which the Holy One, blessed be He, gave unto thee?" And Moses answered: "Who am I, that the Holy One, blessed be He, should give me the Torah?" Said the Lord unto Moses: "Moses, art thou a liar?" Said Moses before the Lord: "Creator of the universe! Shall I claim that Thou hast given unto me a precious thing which Thou didst fondle every day?" Said the Holy One, blessed be He, unto Moses: "Because thou hast humbled thyself, the Torah shall bear thy name," as it is written [Malachi iii. 22]: "Remember ye the law of Moses, my servant."

The same rabbi said again: When Moses ascended unto Heaven (and he was silent), the Lord said unto him: "Moses, is there no peace in thy city?" And Moses answered: "Is it then proper that a slave should salute his Master?" Said the Lord: "Still thou shouldst have wished me well." Then said Moses

before the Lord [Numbers xiv. 17]: "And now, I beseech Thee, let the greatness of the power of the Lord be made manifest as thou hast spoken."

"Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away." Did not the passage say (Kashanim)* "like years" and not like crimson, for were it like crimson it would read (Kashani)? Said R. Itz'hak: "The passage is thus to be explained: "The Lord said unto Israel: If your sins all lie before me as the years that have passed since the creation, they shall nevertheless become white as snow."

Rabha reasoned: It is written [Isaiah i. 18]: "Go† now, and let us reason together, saith the Lord." It should not read "go now" but "come now," and not "saith the Lord" but "said the Lord." The passage should be explained: In the future the Lord will say unto Israel: Go to your ancestors and they shall rebuke you; and Israel will say before the Lord: Creator of the universe, to whom shall we go? Shall we go to Abraham, to whom Thou hast said: "Know of a surety that thy seed shall be a stranger in a land which is not theirs, and they will make them serve," and he did not pray for us? Shall we go to Isaac, who, when blessing Esau, said [Gen. xxvii. 40]: "And it shall come to pass that when thou shalt have the dominion thou canst break his yoke from off thy neck," and he also did not pray for us? Shall we go to Jacob, to whom Thou didst say [Gen. xlvi. 4]: "I will go down with thee into Egypt," and not even he prayed for us? To whom shall we go now? Then the Lord will say unto Israel: "Inasmuch as ye have attached yourselves to me, though your sins should be as scarlet, they shall become white as snow."

Said R. Samuel b. Na'hmeni in the name of R. Jonathan: "It is written [Isaiah lxiii. 16]: "For Thou art our Father; for Abraham knoweth nothing of us, and Israel recognizeth us not; Thou, O Lord, art our Father, our Redeemer from everlasting is thy name." In the future the Holy One, blessed be He, will say to Abraham: Thy children have sinned before me," and Abraham will answer: "Let them be wiped off (the face of the earth) for the sake

**Shanah* in Hebrew means year (*Shanim*, plural, years). *Shany* means crimson, but the latter is used only once (Prov. xxxi. 21) in plural; the former, however, is generally used in plural, as, for many years. As here it is in plural (*Kashanim*) he declares it *like years*.

† In Isaac Lesser's translation of the Bible, which we use in all biblical citations, this passage is rendered "Come now," but the literal translation is "Go now."

of the holiness of thy name." The Holy One, blessed be He, will then say: "I shall tell this to Jacob, who had trouble in rearing his own children; perhaps he will pray for the present generation." The Lord said to Jacob: "Thy children have sinned before me," and Jacob gave the same reply as Abraham. Then said the Lord: "Not with the aged can feeling be found, nor with the young wise counsel." The Lord then said to Isaac: "Thy children have sinned before me." Then said Isaac before the Lord: "Creator of the universe! Thou sayest my children, are they not Thine? When they answered before Thee, 'We will do,' and (then) 'obey,' Thou calledst them 'My son, my first born,' and now they are my children and not thine! And furthermore, how long a time have they sinned before Thee? Let us see; what is the duration of a man's life? Only seventy years. Take off the twenty years that Thou dost not punish for sin, and only fifty remain. Take off the nights and only twenty-five full years remain. Deduct again twelve years and six months spent in praying, eating, and in the performance of other necessities, only twelve and one-half years remain. If Thou wilt bear the whole it is well, but if not let me bear half and Thou the other half. If Thou wilt say that I must bear the whole, did I not sacrifice myself for Thee?" Then Israel said (unto Isaac): "For thou (alone) art our father." Said Isaac unto them: "Instead of praising me, praise ye the Holy One, blessed be He," and he pointed on high to them with his finger. Here is the Lord! Then they lifted up their eyes unto Heaven and said: Thou, O Lord, art our Father, our Redeemer from everlasting is thy name.

R. Hyya b. Aba said in the name of R. Johanan: "Jacob deserved to go down into Egypt in iron shackles (because that is the usual way of going into exile), but his merits precluded such a thing, as it is written: "With human cords I ever drew them forward, with leading strings of love; and I was to them as those that lift off the yoke from their jaws, and I held out unto them food" [Hosea xi. 4].

MISHNA: The prescribed quantity for wood is as much as suffices to cook an (easily boiled) egg; for spices as much as would suffice to spice such an egg; and the different spices are counted together; nut-shells, pomegranate peel, isatis, and cochineal as much as suffices to dye the edge of a small piece of cloth; alum, alkali, Cimolia chalk, vegetable soap, as much as suffices to

wash the edge of a small piece of cloth. R. Jehuda says as much as will suffice to remove a blood stain.

GEMARA: Have we not learned this already? Reeds, split, as much as will suffice to cook an egg? In that case we must assume that the reeds could not be used for any other purpose, but wood which can be put to a multitude of uses, as for instance, to make the handle for a key, (should be limited to a smaller quantity.) We are informed that the same quantity also applies in this case.

"Nut-shells," etc. Is this not a contradiction to what we have learned elsewhere, that dyes may not be carried in quantities sufficient to exhibit a sample of the color in the market? Said R. Na'hman in the name of Rabba b. Abuha: "Nobody will take the trouble to make dye sufficient only for a sample."

"Vegetable soap" (Ashleg). Said Samuel: "I have inquired of a number of seafaring men and they told me that the name for it is Ashalgeh; it is found in the shells of a pearl-oyster and it is extracted with iron needles."

MISHNA: The prescribed quantity for (aromatic) pepper (pimento) is the least possible amount; for tar it is the same; for different kinds of spices and metals it is also the same; for the stone and the earth of the altar, torn pieces of the scroll of laws, or its cover it is also the same, because such things are generally preserved by men. R. Jehudah said: The same quantity applies to everything pertaining to the worship of idols, because it is written [Deut. xiii. 18]: "And there shall not cleave to thy hand aught of the devoted things."

GEMARA: To what use can such a small quantity of pepper be put? It may be used by one whose breath is foul.

"For tar." For what purpose can tar in so small a quantity be used? It may be used by one who has the sickness Tzilchathah (an illness where only one-half of the head aches).

"For different kinds of spices." The rabbis taught: The prescribed quantity both for aromatic spices as well as for ill-smelling oils is the same (least possible quantity); for purple dye also the same, and for roses only one rosebud.

"And metals." Of what use are they? We have learned, R. Simon b. Elazar said: They can be used to make a goad.

"The torn pieces of the scroll of laws." Said R. Jehudah: Book-worms, silk-worms, vine-worms, date-worms, and pomegranate-

worms are all dangerous to human life. There was a disciple sitting before R. Johanan eating dates, and the disciple said to him: "Rabbi, there are thorns in the dates." Said the rabbi: "The date-worm (Pah) has killed this man."

MISHNA: One who carries the chest of a spice dealer becomes liable for one sin-offering only, although there may be many spices in the chest. The prescribed quantity for garden seeds is the equivalent in size to a dried fig. R. Jehudah b. Bathyra said: Five different seeds. The prescribed quantity for cucumber seeds are two, for pumpkin seeds the same, for Egyptian beans the same; a living locust (which may be eaten), be it ever so small, must not be carried, but dead locusts may be carried in quantities less than a dried fig. The prescribed quantity for vineyard birds* living or dead is the smallest possible quantity, because they were preserved for medicinal purposes. R. Jehudah said: One must not carry out a living locust, (which must *not* be eaten), be it ever so small, because such locusts were kept as playthings for small children.

GEMARA: "Cucumber seeds." The rabbis taught: The prescribed quantity for seeds used for planting is two, but for seeds used for food it is the equivalent of a pig's mouthful. How much is a pig's mouthful? The seeds of one cucumber. For cucumber seeds used as fuel the prescribed quantity is as much as will suffice to cook an egg; for cucumber seeds used as counters (for figures) only two. Anonymous teachers say five.

The rabbis taught: One who carries two hairs from the tail of a horse or a cow is culpable, because the hairs are always preserved for making nets. The prescribed quantity for hog bristles is only one; for willows (used for wickerwork) two; for tree-bark † one strip.

"R. Jehuda says: A locust (which must not be eaten)," etc. Why did not the first Tana of the Mishna mention this? Because in his opinion it is forbidden to carry it even on week-days, lest one eat it. If such is the case, why should an eatable locust be allowed to be carried? Did not R. Kahana stand before Rabh and a small locust lighted on his lips: Rabh said to him (R.

* None of the commentators can explain what kind of birds are meant.

† Rashi declares in his commentary that he does not know what it is nor for what purpose it is used. See Aruch.

Kahana), Take it away lest people say that thou hast eaten it and thou hast violated the commandment (in Leviticus xi. 43): "Ye shall not make yourselves abominable with any creeping thing that creepeth"? Nay; there was no fear that the locust would be eaten alive, but they apprehended lest it die and then be eaten. (An eatable locust would not matter, but an uneatable locust would be a violation of the law.) If that is the case, why does R. Jehudah permit this? R. Jehudah holds that there is no fear of the locust being eaten when dead, as the child will mourn its death.

CHAPTER X.

FURTHER REGULATIONS CONCERNING THE PRESCRIBED QUANTITY OF THINGS TO BE STORED.

MISHNA: One who had stored anything for planting, sampling, or medicinal purposes (before the Sabbath) and carried some of it out (into public ground) on the Sabbath, be it ever so small a quantity, becomes liable for a sin-offering. Any one else, however, is culpable only then if (he carried out) the prescribed quantity. Even the one who had stored is culpable only for the prescribed quantity, if he brought the thing carried out by him back (to private ground).

GEMARA: For what purpose is it said in the Mishna, "one who stored anything"? Would it not be sufficient to say, "one who carried out things intended for planting, sampling, or medicinal purposes, be the quantity ever so small, is culpable"? Said Abayi: The Mishna treats of the case of a man, who, after storing the thing, forgot for what purpose he had stored it, and then carried it out into the street for any purpose whatever. We might say that the original intention (to store it) is void, and now the thing carried out has for him only the same value as for others, and he would be culpable only for carrying out the regularly prescribed quantity; we are therefore informed (by the Mishna) that one who commits a deed executes his original intention.

R. Jehudah said in the name of Samuel: R. Meir declares one who carried out only a single wheat grain, intended for sowing, culpable. Is this not self-evident? The Mishna taught "be it ever so small." One might presume that the term "be it ever so small" denotes something smaller than a dried fig but not smaller than an olive. R. Meir therefore informs us (that it refers even to one wheat grain). R. Itz'hak, the son of R. Jehudah, opposed this: "(We see that) the Mishna declares one culpable for an act originally intended to be performed, but now, supposing a man intended to carry out his entire household at once; is he then not

culpable until he had accomplished the entire task, even if he had carried out part of it?" The answer was: If a man has an absurd intention it is void, and he is culpable for carrying out the prescribed quantity.

"Any one else, however, is culpable only then if (he carried out) the prescribed quantity." The teaching in the Mishna is not in accordance with that of R. Simeon b. Elazar (on page 145).

Rabba said in the name of R. Na'hman: "If one carried out a thing the size of a dried fig with the intention of eating it, but changed his mind in the mean time and then intended to sow it, or on the contrary, first intended to sow it and then to eat it, he is culpable. Is this not self-evident? The prescribed quantity for both eating and sowing was carried. We might say that the removing and the depositing of a thing must be done with an original intention in order to make one culpable, and as in this case the intention was changed the man is not culpable at all; therefore we are informed (that *he is* culpable).

"If he brought the thing carried out by him back (into private ground)," etc. Is this not self-evident? (for he did not sow it, we then see that his original intention is void). Said Abayi: "The Mishna speaks of a case where the man took the thing brought from his house, and threw it into the place where his full supply was kept, and the place where he threw it remained conspicuous. One might say, if the place is conspicuous, his original intention is not yet void, because he took the same thing again. We are therefore informed that the throwing of the thing among his other supplies annulled his original intention.

MISHNA: If one intended to carry out victuals and deposited them on the doorstep, whether he afterward carried them out (into the street) himself, or this was done by some one else, he is not culpable, because he did not accomplish the deed at one time. If one deposited a basket of fruit on the outside doorstep, even if the majority of the fruit was on the outside (in the street), he is not culpable, unless he carried out the entire basket (into the street).

GEMARA: What kind of a doorstep does the Mishna have reference to? Shall we assume that the doorstep was public ground, how can the man be not culpable? He carried out from private into public ground. Shall we assume that the doorstep was private ground, why does the Mishna teach that if *he* carried

it out (into the street), or any one else, he is not culpable? It is again a case of carrying out from private into public ground? We must therefore assume that the doorstep was unclaimed ground, and we are informed that only when the victuals were deposited on the unclaimed ground the man is not culpable, but if they had been carried out from private into public ground, even by way of unclaimed ground, he is culpable. And the Mishna does not agree with the opinion of Ben Azai, as we have learned before in a Boraitha: "One who carries out from his store into the market by way of the alley is culpable, but Ben Azai says he is not."

"If one deposited a basket of fruit," etc. Said Hezkyah: The case in question treats only of a basket filled with cucumbers and beets, but if full of mustard seeds he is culpable. From this we see that Hezkyah considers a vessel no support* (*i.e.*, the cucumbers are encircled by the basket and need no support, but the mustard seeds, which are heaped up, are outside of the basket proper and not supported by it; therefore, when the basket with mustard seeds is carried outside, part of the mustard seeds are already on the outside and the carrier is culpable. R. Johanan, however, says, even if the basket contained mustard seeds, he is also not culpable. Thence we see that R. Johanan *does* consider a vessel a support. Said R. Zera: "How is it with the Mishna? It is neither of the opinion of Hezkyah nor of R. Johanan." Hezkyah learned the Mishna in accordance with his own views and R. Johanan with *his* own. Hezkyah explains the Mishna which said "unless he carries out the entire basket." This is the case if the basket is filled with cucumbers and beets, but if filled with mustard seeds it is equal to putting out the entire basket into the street, and he is culpable, but R. Johanan explained the Mishna thus: Although the majority of the fruit is on the outside, even if all the fruit were on the outside, the man would not be culpable, unless the entire basket was put on the outside. So also said Rabha: The Mishna treats only of a basket filled with cucumbers and beets, but if filled with mustard seeds the man is culpable. Whence we see that he does not consider a vessel a support. Abayi, however, said even if the basket contained mustard seeds the man is also not culpable. Whence we see that he

* The Talmudical term for "support" is "Agad," literally "bind." In the above the sense demands its rendition by "support."

does consider a vessel a support. Shall we say that Abayi adopted the system of Rabha and Rabha of Abayi, or Abayi contradicts himself and Rabha does the same? For we have learned as follows: One who carried out fruit into public ground, Abayi said, is culpable only if he carried it out with his hand (although the body remained in public ground), but if in a vessel, he is not culpable. (Why? Because Abayi does not consider the body a support to the hand, in spite of the fact that the hand is attached to the body, but if he carried out the fruit in a vessel and part of the vessel still remained in private ground, he is not culpable). And Rabha says on the contrary: If he carried the fruit out in his hand he is not culpable (because he considers the body a support and the hand is part of the body), but if he carried it out in a vessel he is culpable (because, although the vessel is still in private ground some of the fruit is in public ground). The answer is: Reverse the case. (Say Abayi's statement should be Rabha's and Rabha's Abayi's).

MISHNA: One who carries out anything in the right or in the left hand or in his bosom or on his shoulder is culpable. This was the manner in which the sons of Kehath carried (their burdens).* But one who carries out a thing on the back of his hand or with his foot, with his mouth, with his elbow, with his ear, with his hair, with his waist bag, the opening of which is at the bottom, or between his belt and his shirt, with the edge of his shirt, with his shoe or sandal, is not culpable, because he carries it in an unusual manner.

GEMARA: R. Elazar said: "One who carries out a burden ten spans above the ground [not on his shoulder, but in the air] is culpable, because in this manner the sons of Kehath carried their burdens." Whence do we know that the sons of Kehath carried their burdens in this way? It is written [Numb. iii. 26] "Which is by the tabernacle and by the altar round about." The tabernacle is compared to the altar. As the tabernacle was ten ells, so was also the altar ten ells, and whence do we know that the tabernacle itself was ten ells? Because it is written [Ex. xxvi. 16] "Ten ells shall be the length of the boards." Or we may say that we know that the sons of Kehath carried their burdens in this manner from the ark. The Master said: The ark

* Numb. iv.

was nine spans high, and with the cover, which was one span high, it was ten. The experience is to the effect that when a burden was carried on the shoulders by means of poles, one-third of the burden was above the poles and two-thirds below; then as the ark was ten spans high and one-third of it was carried above the shoulders, it was certainly more than ten spans above the ground.

We have learned: One who carries a burden on his head is not culpable. And if one will say that the inhabitants of the city of Hutzal do so, we may assume that their deed is void for the rest of mankind, who do not carry burdens on their heads.

MISHNA: One who intends to carry something in front, but the thing moved to his back, is not culpable, but if he intends to carry it on his back and it moves to the front he is culpable. Of a truth it was said: A woman who wears a girdle, whether she carries something in the front or in the back of it, is culpable, because the girdle invariably turns around. R. Jehuda says the same rule applies to letter-carriers.

GEMARA: Where is the difference? The main object (here is the intention). In either case his intention was not carried out; why is he not culpable if the thing moved from the front to the back and culpable if it moved from the back to the front? Said R. Elazar: "Divide the Mishna into two parts. The second part was not taught by the same Tana as the first." Said R. Ashi: "This is no question at all. Perhaps the Mishna may be explained thus: Not only did the man intend to carry it on his back and did so, which would make him culpable, because his intention was carried out, but even if he intended to carry it on his back and it moved to the front, in which case his intention was not carried out, he is also culpable, because his intention was to carry it on his back, which is only of little safety, and the thing moved to the front, which made it perfectly safe and he would be benefited by it; hence he is culpable."

"Of a truth it was said." It was taught in a Boraitha: Whenever it is said "Of a truth it was said," it remains as an ordinance.

"R. Jehuda says the same rule applies to letter-carriers." We were taught in a Boraitha that this was done by the clerks of the government.

MISHNA: One who carries out a large loaf of bread into public ground is culpable. If two persons do this together they

are both innocent; but if the one could not do it himself and both carried it, they are both culpable. R. Simeon, however, declares them not culpable.

GEMARA: Said R. Jehudah in the name of Rabh, according to others Abayi said, and others say that it was taught in a Boraita: "If of both men who carried the loaf, either was able to carry it himself, R. Meir makes them both culpable, but R. Jehudah and R. Simeon declare them both innocent. If of the two, neither was able (to do it himself,) R. Jehuda and R. Meir declare them culpable and R. Simeon declares them innocent. If one of the two, however, was able, and the other unable, all agree that the able man is culpable." Whence do we know this? From what the rabbis taught: It is written [Lev. iv. 2]: "If any person sin," etc., *i.e.*, if he committed the whole deed but not a part of it. How so? If two persons held one pitchfork and threw grain with it, or a weaver's spindle and wove with it, or a quill and wrote with it, or a reed and carried it into public ground, one might say that they are culpable. It is written [*ibid.*]: "If any person sin," etc. But if two persons held a date-press, or a log, and carried them out into public ground, R. Jehudah says, if one of the two was not able to carry it himself and they both carried it, they are both culpable, but if either of them was able, both are not culpable. R. Simeon says, even if one alone is not able to carry it and they carried it out together, they are also free. For only referring to such an instance the Scriptures say: "If *any* person," etc., and it is plain that one is culpable if he performs work alone, but if two persons did one thing they are both free.

The master said: If one of the two was able to perform the work alone and the other unable, all agree that he is culpable. Which of them was culpable? R. Hisda said, the one who was able. Then shall we assume that the one who was unable is culpable? Why? What did he? Said R. Hammuna to R. Hisda: "Why not? Did he not assist the one who was able?" Answered R. Hisda: Assisting is not of consequence (because if he alone is not able to perform the work himself, his assistance is of no value). Said R. Zbbid in the name of Rabha: "We have also learned in a Boraita in support of this argument: If one suffering from a venereal disease rides an animal, the feet of which are encased in four pieces of cloth, the pieces of cloth are not subject to defilement, for the reason that the animal is able to stand on three

feet." Why are they not subject to defilement? Was not one foot a help to the other three? Hence we must assume that one of the feet must be regarded as a help to the other three; a mere help, however, not having any legal consequence cannot become defiled, and as it is impossible to determine which one of the three feet is to be regarded as a help, all four pieces of cloth encasing them are not subject to defilement.

Again the master said: If either of the two were able, R. Meir holds them both to be culpable. The school-men asked: "Must the object carried out by them be of double the prescribed size, *i.e.*, a prescribed size for each of them, in order to make them culpable, or does the prescribed size for one man suffice to make them both culpable? R. Hisda and R. Hammuna (both answered): One of them held that one prescribed size suffices, and the other that it must be double in order to make them culpable, (and it is known which of them held to the former opinion and which to the latter). Said R. Ashi: "We have also learned in a Boraitha: "Two men who carried out a reed used by a weaver (into the street) are both culpable." Why so? Was not double the prescribed quantity necessary in order to make both culpable? Hence we must assume that the Boraitha holds one prescribed quantity to be sufficient." Said R. Aha, the son of Rabba, to R. Ashi: "What proof do you derive from this Boraitha? Perhaps it refers to a reed that was of sufficient size to cook an egg for one and another for the other?" R. Ashi answered: If such were the case, the Boraitha would say merely a "reed" and not a "reed used by a weaver." Said R. Aha again: "Perhaps the Boraitha refers to a reed of sufficient size to weave a napkin each for both of them? Therefore it were better to say that from this Boraitha we can derive no support either for one opinion or the other."

A certain scholar taught in the presence of R. Na'hman: "Two men who carried out a reed used by a weaver (into the street) are both not culpable." R. Simeon, however, declares them culpable. How can this be? (Is this not contrary to R. Simeon's usage?) Say then (on the contrary), the scholars said they are culpable and R. Simeon said they are not.

MISHNA: If one carry victuals of less than the prescribed quantity in a vessel (out into the street) he is not culpable even of (carrying) the vessel, for the vessel is of no consequence to the victuals. If he carried a person on a litter he is not culpable even

of (carrying) the litter, because the litter is of no consequence to the person. If he carried a corpse on a cot he is culpable. The same is the case if (he carries) a part of the corpse of the size of an olive or of a carcass the size of an olive and of a reptile the size of a lentil. R. Simeon, however, declares him not culpable.

GEMARA: The rabbis taught: "If a man carry out victuals of the prescribed quantity in a vessel, he is culpable of carrying the victuals, but not of (carrying) the vessel, because the vessel is of no consequence to the victuals, but if the victuals are such that they cannot be carried otherwise than in a vessel, he is culpable of (carrying) the vessel also." Shall we assume from this teaching that if one ate two pieces of tallow each the size of an olive at different times through forgetfulness (and was not reminded of his sin between both times of eating), he is bound to bring two sin-offerings? Said R. Ashi: In the case of the man who is culpable of (carrying) both the victuals and the vessel, it must be assumed that he carried them through forgetfulness and was subsequently reminded of having carried only one of them (but forgot about the other); later he was reminded of having carried the other also, and according to the opinion of the teacher of this Boraitha, he is culpable and bound to bring two sin-offerings, one for each time he was reminded. The same difference of opinion exists here as we have seen existed between R. Johanan and R. Simeon ben Lakish (in the chapter concerning the general rule of Sabbath).

"If he carried a person in a litter, he is not culpable even of (carrying) the litter." Shall we assume that the Mishna is of the opinion of R. Nathan and not of the rabbis? We have learned in the following Boraitha: "If one carried out an animal or a bird (into the street), whether alive or slaughtered, he is bound to bring a sin-offering. R. Nathan, however, says: "For (carrying out) a slaughtered (animal or bird) he is culpable, but not for one that is alive, because a live creature carries itself." Said Rabha: "We can also say that the rabbis agree with the teaching of the Mishna concerning the (carrying) of a person, because while in the case of of (carrying) a live animal they hold a man to be culpable, it is because an animal or bird always struggles to get loose and thus become a burden; but a person who is carried agrees to being carried, and virtually carries himself."

Said R. Ada b. Ahbha to Rabha: How will, in your opinion, the following teachings be made plain: We have learned in a

Mishna: "Ben Bathyra permits the selling of a horse to a Gentile, and a Boraitha says the reason that Ben Bathyra permits this is because the Gentile will not perform any work with the horse on a Sabbath that would involve the liability of a sin-offering (for a horse is used for riding only, and when a person rides a horse the person virtually carries himself, and hence is no burden to the horse), and R. Johanan says that Ben Bathyra and R. Nathan said (practically) the same thing." Now, if in your opinion the rabbis differ with R. Nathan only in the matter of animals and birds, because when carried they struggle for freedom, but agree with him in the matter of a person, why does R. Johanan say that only Ben Bathyra and R. Nathan say the same thing. Did not the rabbis also hold to the same opinion? (The answer was) R. Johanan said that Ben Bathyra in permitting a horse to be sold to a Gentile referred to one who was used only for carrying falcons. Are there then such horses? Yea; they are to be found in Be-Vaidon.*

R. Johanan said: Even R. Nathan holds a man culpable if he carries a person, animal or bird that is bound.

"If he carried a corpse on a cot he is culpable." Said Rabba bar bar Hana in the name of R. Johanan, and the same was said by R. Joseph in the name of R. Simeon ben Lakish: R. Simeon does not hold a man culpable, even if the man carries out a corpse for burial. Said Rabba: "Even R. Simeon concedes that if a man carry out a spade to dig a grave with, or a scroll to read from, he is culpable." Is this not self-evident? Should we then assume that according to R. Simeon's opinion even this kind of labor is not labor for its own sake, how can we find any labor for its own sake which in the opinion of R. Simeon would involve the liability of a sin-offering? One might think that R. Simeon does not hold a man culpable of carrying a thing unless the work done with the thing is both for the man's sake and also for the sake of the thing itself; for instance, if the spade was needed for digging and also had to be sharpened, or the scroll had to be examined and used for reading; hence he informs us that such is not the case.

There was a corpse in Drokra † and R. Na'hman bar Itz'hak permitted it to be carried out into unclaimed ground. Said R.

* A city where falconers plied their trade.

† Name of a city.

Johanán, the brother of Mar, son of Rabbína, to R. Na'hman b. Itz'hak: "According to which Tana's opinion do you act? According to R. Simeon? Did R. Simeon allow this? He only stated that the act does not involve the liability of a sin-offering, but he did not permit it to start with?" R. Na'hman answered: By the Lord! You yourself, and even R. Jehuda, would allow this to be done the same as I did; did I say that it was to be carried into public ground? I said unclaimed ground! Do not forget, that this was also for the sake of the honor due a human being. *Precious is the honor of man, and for its sake even a direct commandment of the Scriptures may be circumvented!*

MISHNA: One who pares his finger-nails, either by means of his fingers or by means of his teeth; also one who plucks hair from his head, beard, or lip; also a woman who braids her hair, or paints her eyebrows, or parts her hair, is, according to R. Eliezer, culpable. The sages, however, declare this to be (prohibited only by rabbinical law) as a precautionary measure.

GEMARA: Said R. Elazar: "The difference of opinion exists only in the case of paring the finger-nails by means of the fingers, but if taken off with an instrument (all agree) that he is culpable." Is this not self-evident? Is it not plainly written in the Mishna, if he pares his finger-nails by means of his fingers? One might think that the difference of opinion is also concerning an instrument, and the reason the Mishna does not mention an instrument is only to show the firmness of R. Eliezer in prohibiting the paring of finger-nails even with one's own fingers. He informs us that the difference of opinion is concerning the fingers only. R. Elazar said furthermore: The difference of opinion is only concerning a man's paring his own finger-nails, but if he pared another's all agree that he is not culpable. (The reason for this is because when paring one's own finger-nails a man can make them look as if trimmed with an instrument, but when trimming another's this not possible). Is this not self-evident? Did not the Mishna say plainly: "His own finger-nails"? Nay. One might think that according to the opinion of R. Eliezer the trimming of another's finger-nails also makes one culpable, but the Mishna, stating plainly "his own finger-nails," intends only to show the firmness of the rabbis in making not culpable even those who pare their own nails; therefore he informs that such is not the case.

"Also one who plucks hair from his head," etc. We have learned: "One who cuts off a scissorsful of hair from his head on the Sabbath is culpable. How much is a scissorsful supposed to be? Two hairs. R. Eliezer says: "One." The rabbis agree with R. Eliezer that in case one gray hair is plucked from a number of black hairs a man is culpable even for one, and not only on Sabbath but even on week-days this is prohibited, as it is written (Deut. xxii. 5): "And a man shall not put on a woman's garment."

We have learned in a Boraitha R. Simeon b. Elazar said: "If a finger-nail became separated from the finger of its own accord, a man may remove the adhering part, providing the greater part of the nail was separated. He may do this with his fingers, but not with an instrument. If he did it, however, with an instrument, he is not liable for a sin-offering. If the smaller part only was separated, he may not remove it. If he did so, however, with his fingers, he is not culpable, but with an instrument he is. Said R. Jehuda, The ordinance according to R. Simeon ben Elazar prevails. Said Rabba bar bar Huna in the name of R. Johanan. This is the case if the nail was bent upward and was troublesome.

"Also a woman who braids her hair," etc. In what category can her work be counted? Said R. Abuha: It was explained to me by R. Jossi bar 'Hanina: Painting the eyebrows comes in the class of work enumerated as dyeing, braiding and parting the hair in the class of building. Is this the manner of building? Yea; as R. Simeon b. Menassia taught: It is written (Gen. ii. 22): "And the Lord God formed* the rib which he had taken from the man." From this may be adduced that the Holy One, blessed be He, braided the hair of Eve and brought her to Adam. For in the seaports hair braiding and dressing is called building.

We have learned in a Boraitha R. Simeon b. Elazar said: "Braiding the hair, painting the eyebrows and parting the hair, if done for herself, does not make her culpable (because it cannot be termed properly building); but if done for another it does make her culpable." Furthermore, R. Simeon b. Elazar said in the name of R. Eliezer: "A woman shall not put red dye on her face, because that constitutes painting."

* The Hebrew word for "formed" is "Vayiven," literally "built."

The rabbis taught: If one milked a cow and then made cheese of the milk to the size of a dried fig; if he swept a floor or dampened a floor (to lay the dust); or if he removed honeycombs from a bee hive, his case is as follows: If he performed these acts unintentionally on Sabbath, he is bound to bring a sin-offering, and if he did all this intentionally on a biblical feast-day, he shall receive forty stripes. Such is the opinion of R. Eliezer, but the sages said: "All this is only prohibited by rabbinical law as a precautionary measure." (Says the Gemara:) Now the ordinance having prevailed according to the opinion of R. Simeon, all these acts are not prohibited at all.

MISHNA: One who plucks something from a perforated flower-pot is culpable; from a flower-pot that is not perforated he is not culpable. R. Simeon held him not culpable in both cases.

Abayi put a contradictory question to Rabba, according to others R. Hyya bar Rabh to his father Rabh: "The Mishna states that R. Simeon holds one not culpable in either case. From this we see well that to R. Simeon a perforated or a solid flower-pot is one and the same thing. We have learned in another Boraitha: R. Simeon said that there is no difference between a perforated and a solid flower-pot except to make the seeds grown in the flower-pot subject to defilement (*i.e.*, in a solid flower-pot the seeds are not accounted as seeds). Hence there is a difference between the pots in the opinion of R. Simeon." The answer was: In all cases except defilement R. Simeon regards seeds in either a perforated or a solid flower-pot as loose (*i.e.*, detached from the ground). In the case of defilement, however, it is different, because the Scriptures themselves added a special provision regarding defilement of seeds, as it is written (Lev. xi. 37): "And if any part of their carcass fall upon any sowing-seeds which hath been sown, it shall be clean."

