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Talmud.  
New edition of the  
Babylonian Talmud

v.2









Talmud - English.

NEW EDITION

OF THE

# BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and  
Translated into English

BY

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SECTION MOED (FESTIVALS), TRACT SABBATH

Volume II.

NEW YORK

NEW TALMUD PUBLISHING COMPANY

54 EAST 106TH STREET

## EXPLANATORY REMARKS.

In our translation we adopted these principles :

1. *Tenan* of the original—We have learned in a Mishna ; *Tania*—We have learned in a Boraitha ; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* (literally, “ otherwise interpreted ”), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.



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\* We would call the attention of the reader to the appendix of this volume, which will prove interesting to the general reader and present something heretofore unpublished to the student of the Talmud.



# TRACT SABBATH.

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## CHAPTER XI.

### REGULATIONS CONCERNING THROWING FROM ONE GROUND INTO ANOTHER.

MISHNA: One who throws a thing from private into public or from public into private ground is culpable. From private into private ground, by way of public ground, R. Aqiba holds him to be culpable, but the sages declare him free. How so? If two balconies face each other across a street, one who transfers or throws something from one into the other is free; if the two balconies, however, are in the same building, he who transfers a thing from one into the other is culpable, but he who throws is free; because the work of the Levites (in the tabernacle) was as follows: From two wagons facing each other in public ground boards were transferred, but not thrown from one into the other.

GEMARA: Let us see! Throwing is but the offspring of transferring. Where is transfer itself mentioned in the Scriptures? Said R. Johanan: "It is written [Ex. xxxvi. 6]: 'And Moses gave the command and they caused it to be proclaimed throughout the camp,' etc. Where was Moses sitting? In the quarters of the Levites. The quarters of the Levites was public ground (because all the people were received there by Moses). And Moses said unto Israel: 'Ye shall not transfer anything from your quarters (which was private ground) into these quarters.'" We have found, then, transfer from within, but where do we find transfer from without? It is a logical conclusion, that transfer from within is the same as transfer from without. Still he calls transfer from within the principal act and transfer from without but the offspring. Now, if transferring from within and transferring from without involve the same degree of culpability, why does he call the one

a principal and the other an offspring? For the following reason: If one commit two principal acts of labor, or two offsprings of two different acts of labor, he becomes bound to bring two sin-offerings; but if he commits one principal act and one offspring of the same act of labor, he becomes bound to bring only one sin-offering.

Whence do we know that if one throw a thing four ells in public ground he is culpable? All that is said about four ells in public ground is traditional.

R. Jehudah said in the name of Samuel: The wood-gatherer's sin [mentioned in Numbers xv. 32-35] consisted in carrying four ells in public ground. We learned in a Boraitha, however, that he pulled out sticks growing in the ground. R. Aha b. R. Jacob said: He gathered the sticks and bound them into bundles. What difference is there in the acts? (Why this dissension?) The difference is, as we were taught in the name of Rabh, who says: "I found a mysterious paper in the possession of my uncle, R. Hyya, upon which was written: 'Aissi ben Jehudah said: The principal acts of labor are forty less one. One of them does not involve culpability. R. Jehudah holds, that carrying in public ground is not this one act and the Boraitha holds that pulling out of the ground is not that one, and R. Aha b. R. Jacob holds that binding into bundles is not the act which involves culpability.'" Each one of these three was certain that if a man committed any of the acts mentioned by each he was undoubtedly culpable."

The rabbis taught: The name of the wood-gatherer was Zelophchad, and so it is written [Numb. xv. 32]: "And while the children of Israel were in the *wilderness* they found a man," etc., and further on [ibid. xxvii. 3] it is written: "Our father died in the *wilderness*," etc., etc., "but in his own sin he died," etc., an analogy of the word *wilderness*. As by "our father" is meant Zelophchad, so also the name of the wood-gatherer was Zelophchad. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the time of the divine judgment; for if it be true, you disclosed the name of the man whom the Scriptures desired to shield, and thus you brought him into infamy, and if it be false you slandered a man who was upright." The same case occurred in the following: It is written [Numb. xii. 9]: "And the anger of the Lord was kindled against them," etc. From this we learn that Aaron also became

leprous. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the divine judgment; for if it be true, you disclosed a thing the Scriptures desired to conceal, and thus you brought infamy upon Aaron, and if it be false, you slandered a man who was upright." But the Scriptures say: "And the anger of the Lord was kindled against *them*." This signifies *only* that Aaron was included among those against whom the anger of the Lord was kindled.

We have learned in a Boraita according to the opinion of R. Aqiba: "Aaron also became leprous, as it is written: 'And Aaron turned toward Miriam, and behold she was leprous,' which implies that at the moment when he turned toward Miriam he was cured of *his* leprosy and perceived it in Miriam."

Said Resh Lakish: He who suspects an innocent man is punished in the flesh, as it is written [Ex. iv. 1]: "But behold, they will not believe me," and it was known to the Holy One, blessed be He, that Israel will believe, and the Lord said unto Moses: "They are believers and they are children of believers, but thou, I know, wilt finally not believe." They are believers, as it is written [ibid. iv. 31]: "And the people believed." They are children of believers, as it is written [Gen. xv. 6]: "And he believed in the Lord." Thou wilt finally not believe, as it is written [Numb. xx. 12]: "Moses and Aaron, because ye have not confided in me;" and whence do we know that he was punished in the flesh, as it is written [Ex. iv. 6]: "And the Lord said furthermore unto him, Do put thy hand into thy bosom; and he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow."

Rabha said, according to others, R. Jose b. Hanina: Reward for merit, destined for a man, comes to him more quickly and in a greater degree than retribution for wickedness, for in the case of Moses we see it written [Exod. iv. 6]: "And he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow." But the reward was, as it is written [ibid. 7], "And when he pulled it out of his bosom, behold, it was turned again as his other flesh." The reason that the verse repeats "pulled it *out of his bosom*," is to show, that the hand had become cured while in the bosom (and thus the reward was given more quickly and effectively). It is written [Ex. vii. 12]: "Aaron's staff swallowed up their staves." Said R. Elazar: "This was a miracle within a miracle, for Aaron's staff

did not swallow up the staves (of the Egyptian magicians), which had become serpents, while it was itself a serpent, but after it was become a staff again."

"*From private ground into private ground,*" etc. Rabha propounded a question: "Shall we assume that the point of difference is in the opinion relating to whether the surrounding of a thing by the atmosphere of a certain place makes the thing equal to being deposited in that place or not?" And if this is the point of difference, it must follow that the Mishna treats of a case where the object thrown was at no time above ten spans from the ground (because above ten spans no public ground exists). Those who deem it a culpable act, do so, because they hold that the object, being surrounded by the air of the public ground, through which it passed, makes it equal to being deposited therein, while those who do not deem it a culpable act are not of this opinion; but if the object thrown was above ten spans from the ground, do both sides agree that the thrower is not culpable? Or shall we assume that both sides do not differ as to the object thrown being equal to being deposited in the place, the atmosphere of which surrounded it, agreeing that such is the case; but their point of difference is as to whether throwing is equal to transfer or not? He who holds that the thrower is culpable does so because he considers throwing equal to transfer by hand, and as transfer makes a man culpable, even if it was accomplished above ten spans from the ground, it also applies to throwing; but he who holds that the thrower is not culpable, does so because he does not consider throwing equal to transfer by hand. And the case treated of by the Mishna is one where the throwing was done above ten spans from the ground? Said R. Joseph: This question was also propounded by R. Hisda, and R. Hamnuna decided it from the following Boraitha: "From private into private ground, by way of public ground *itself*, R. Aqiba makes him culpable, but the sages declare him free." Now, if he says, "by way of public ground *itself*," it implies that it was below ten spans from the ground. Let us then see wherein was the difference of opinion. Shall we say that it was a case of transfer by hand and still the one who holds him culpable does so because it was below ten spans, but if it was above ten spans he would concede that he was not culpable? How can this be? Did not R. Elazar say: "He who transfers a burden above ten spans from the ground is culpable, because thus were burdens transferred by the sons of

Keahth" ? Therefore we must assume that the Boraitha treats of a case of throwing and not of transfer by hand, and hence one holds, that an object surrounded by the atmosphere of a certain place below ten spans from the ground is equal to an object deposited in that place, while the other holds that such is not the case. Conclude then from this that the Mishna treats of a case where the throwing was done below ten spans from the ground.

The above teaching, however, is not in accord with the opinion of R. Elazar, for he said: R. Aqiba makes the thrower culpable even when the throwing was done above ten spans from the ground; but for what purpose does the Boraitha state "public ground *itself*" ? Merely to show the firmness of the rabbis in declaring one free, even when he transferred a thing by hand through public ground.

All that was said above is contrary to the opinion of R. Helkiah b. Tubhi, because *he* said: "If the throwing was below three spans from the ground, all agree that the thrower is culpable; if above ten spans, all agree that he is not culpable; but if the throwing was done between three and ten spans above the ground, then the difference of opinion between R. Aqiba and the sages arises." We have learned in a Boraitha in support of R. Helkiah: "Below three all agree that one is culpable; above ten all agree (that only a rabbinical prohibition exists) as a precautionary measure (because no Erubh was made).<sup>\*</sup> If the two premises belonged to the thrower, he may throw to start with. From three to ten spans is where the point of difference between R. Aqiba and the sages arises.

It is certain, that if it is one's intention to throw eight ells and he throws only four, one is culpable; because it is equivalent to the case where one intends to write the name Simeon and only writes Sim (for Sim alone is also a name, and four ells is the prescribed distance for throwing); but what is not certain is, if one intended to throw only four ells and threw eight, what is his case? Shall we assume that he threw the prescribed distance and is thus culpable, or, because the object did not reach the desired destination, he is not culpable? The answer was, that according to this question Rabhina asked R. Ashi, and the latter answered that no culpability can exist unless he intended that the object should remain wherever it happened to alight, *i.e.*, if

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\* The law concerning Erubhin will be explained in Tract Erubhin.

the man intended to throw eight ells and threw only four he is also not culpable, and the assertion that the last-named act is equivalent to writing Sim when the intention was to write Simeon, which according to the succeeding Mishna is an act involving culpability, does not hold good; for he cannot write Simeon without first writing Sim, but surely he can throw eight ells without previously throwing four ells.

The rabbis taught: If one threw from public into public ground and private ground was in between, and the four ells commenced and ended in the two public grounds, including the private ground, he is culpable; but if he threw less than four ells he is not culpable. What news does this convey to us? It is to inform us, that the different premises are counted together and that the culpability arises not from the fact that the atmosphere of the private ground, having surrounded the object thrown, makes that object equal to having been deposited in that private ground; because that ordinance does not hold good, and the culpability arises merely from throwing four ells in public ground.

R. Samuel b. Jehudah, quoting R. Abba, who quoted R. Huna in the name of Rabh, said: If one transferred an object for four ells in a roofed public ground, he is not culpable. Why so? Because this public ground is not equal to the public ground under the standards in the desert traversed by the Israelites. This is not so! We know that the wagons which carried the boards of the tabernacle were roofed, and Rabh said in the name of R. Hyya that the ground beneath the wagons, between them, or alongside of them, was all public. Rabh means to state that the wagons were not actually covered, but that the boards were placed crossways on them in layers, and between every layer there was uncovered space, and that space was, in the opinion of Rabh, public ground.

The rabbis taught: The boards used at the tabernacle were one ell thick and sloped gradually until they attained the thickness of one finger at one end, as it is written [Ex. xxvi. 24]: "And they shall be closely joined together on top by means of one ring," and in another passage [Joshua iii. 16] it is written, "failed, were cut off."\* So said R. Jehuda. Hence it is evident that on top the boards were only one finger thick. R. Nehemiah says: "They were also one ell thick on top, as it is

\* The Hebrew term for "cut off" in that passage is *Tamu*, and for "joined" in the previous passage it is "*Tamim*"; hence the comparison by analogy.



written [ibid. ibid.], 'joined *together*,' and the 'together' means that they were to be the same on top and on the bottom. But it says "joined" (Tamim)! The Tamim here signifies that they must be whole, unbroken.

The school of R. Ishmael taught: To what can the tabernacle be compared? To a woman going to market, whose dress hangs down and drags on the ground (*i.e.*, the curtains were hanging down and dragging on the ground).

The rabbis taught: The boards of the tabernacle came to a point and the thresholds contained sockets on which the boards were fitted. The hooks and fillets of the curtains appeared like stars in the sky.

The rabbis taught: The lower curtains were of blue, purple, and scarlet yarn and of twisted linen thread, and the upper curtains were of goats' hair, and more skill was necessary to make the curtains of goats' hair than of the first-named materials, for concerning the lower curtains it is written: "And all the women that were wise-hearted spun with their hands, and they brought that which they had spun of the blue, and of the purple, and of the scarlet yarn, and of the linen thread"; but concerning the upper curtains it is written [ibid. 26]: "And all the women whose hearts stirred them up in wisdom spun the goats' hair." And we have learned in the name of R. Nehemiah, "The goats' hair was woven right from the goats' backs without being shorn."

"*If the two balconies*," etc. Said Rabh in the name of R. Hyya: "The space between the wagons, beneath the wagons, and alongside of them is public ground." Said Abayi: "The space between two wagons was the length of another wagon? What is the length of a wagon? Five ells. Rabha said the sides of the wagon (*i.e.*, the width between the sides) was the width of a wagon. What is that width? Two and one-half ells. Now, we know that the width of a way in public ground is sixteen ells. Whence do we adduce this? If we adduce this from the case of the tabernacle, it should only be fifteen ells; (for the width of two wagons together with the space between them was fifteen ells). The answer is: There was another ell additional between the two wagons where the Levite walked in order that he might watch the wagons and adjust anything that might come out of place."

MISHNA: One who takes anything from, or places anything upon a sand-heap, dug out of a pit or a stone that is ten spans

high and four spans wide, is culpable. If the sand-heap or the stone is below that height, he is free.

GEMARA: Why does the Mishna say a sand-heap, dug out of a pit, or a stone? Why not the pit or the stone itself? (Then we would know both the height and depth which must not be used for the placing of a thing.) This was said in support of the statement of R. Johanan, viz.: That the sand-heap dug out of a pit is counted in with the depth of the pit as to height to complete the ten spans. We have also learned thus in a Boraitha: One must not draw water from a pit in public ground which is ten spans deep and four spans wide, unless he has made a railing round the pit that is ten spans high. He must also not drink from the pit unless he put his head and the larger portion of his body into it. The pit and the sand-heap dug out of the pit are counted in with it to complete the ten spans.

R. Mordecai asked of Rabha: What is the law regarding one who threw a thing on a post ten spans high and four spans wide, standing in public ground? Shall we assume that he is culpable because he removed the thing unlawfully and also deposited it unlawfully (*i.e.*, from public ground into private), or that he is not culpable because the object which lighted on the post came from ground which is under no jurisdiction, being above ten spans from the ground? (If the man had the intention to throw the object on top of the post, he must have thrown it high up into the air, and before lighting on the post it passed through space above ten spans from the ground, and that space is regarded as ground under no jurisdiction, therefore he is not culpable?) Rabha answered: "This is explained in the Mishna." R. Mordecai then went to R. Joseph and asked the same question. He received the same answer: "It is explained in the Mishna." Thereupon he came to Abayi with the same question, and again received the same answer. Said R. Mordecai to Abayi: "Do ye all spit with the same spittle?" Answered Abayi: Dost not *thou* think that the Mishna explains it? Did not the Mishna say, "One who takes from or places upon"? Rejoined R. Mordecai: "Perhaps the Mishna treats of a needle which can be placed on a level with the ten spans height." Said Abayi: "A needle must also be lifted above the level." Said R. Mordecai again: "It *can* be placed without being lifted above the level, because every stone has some crevices that are lower than the surface of the stone and the needle can be placed in one of the crevices."

R. Johanan propounded a question: "What is the law regarding a man who throws a cake of earth (four spans square and one span deep) into a pit exactly ten spans deep and four spans square? Shall we say, that he is culpable because he threw the cake of earth into the pit, which was still ten spans deep and therefore private ground, or that he is not culpable because as soon as the cake reached the bottom of the pit it lessened the pit's height to nine spans, and thus made the pit unclaimed ground?" Let R. Johanan decide this question himself by what he said in the following Mishna: "If one throw a thing from a distance of four ells against the wall, and it strikes the wall at a height of over ten spans from the ground, he is free, but if below ten spans from the ground he is culpable, because one who throws a thing to the ground at a distance of four ells is culpable." We have investigated the case; how can he be culpable if the object thrown did not adhere to the wall? And R. Johanan answered: "The case was one of a soft date, which *did* adhere to the wall." Now, if the conclusion is that the cake of earth lessened the depth of the pit, the date which adhered to the wall also lessened the distance of four ells from where the date was thrown, and he says that the man is culpable? The answer was: In the case of the date the thrower did not intend that the date should adhere to the wall permanently, while in the case of the pit the cake of earth remained in the pit permanently, as intended by the thrower.

Abayi said: If a man throw a mat into a pit ten spans deep and eight spans wide in public ground he is culpable. If he, however, placed the mat into the pit so that the pit was divided into two equal parts, he is not culpable. (The latter decree informs us of two facts: Firstly, that although the mat was placed in the pit, while the pit was still of sufficient size to constitute it private ground and was only diminished at the time the mat was placed into it, the man is not culpable, and secondly, that the mat takes up sufficient space to make the two pits caused by division less than four spans wide each.) Now, if, according to Abayi, it is a certainty that the mat is sufficient to nullify the enclosures necessary for the designation of private ground, so much the more is this the case with the cake of earth previously mentioned, but according to R. Johanan, to whom it is even questionable whether the cake of earth can produce that effect, surely a mat cannot.

Abayi said again: If a man throw an object into a pit ten

spans deep and four spans wide, filled with water and standing in public ground, he is culpable, but if the pit was filled with fruit, he is not culpable; because water does not annul the enclosures necessary for the designation of private ground, while fruit does (the reason is that an object thrown into a pit of water falls to the ground in spite of the water [viz. : a stone or iron], while in a pit filled with fruit it rests on top).\* We also learned the same in a Boraitha, in the name of R. Simeon: "Water does not annul the enclosures necessary for the designation of private ground."

MISHNA: If one throw a thing (a soft date) from a distance of four ells against the wall, and it strike the wall at a height of over ten spans from the ground, he is free; but if it strike the wall below ten spans from the ground, he is culpable; because one who throws a thing to the ground at a distance of four ells is culpable.

GEMARA: Said R. Jehudah, quoting Rabh in the name of R. Hyya: If one throw a thing at a distance of four ells against a wall, and the thing rested in a hole in the wall above ten spans from the ground, the law in his case is decided differently by R. Meir and the sages, viz. : R. Meir holds, that any object (like a hole) capable of being enlarged, must be looked upon as having been already enlarged, and therefore the man is culpable. The sages, however, hold that such is not the case; everything must be regarded in its actual condition.

R. Jehudah said in the name of Rabh: If a man throw a thing upon a sand-heap four ells wide and sloping up to a height of ten spans, he is culpable, provided the thing rested on the highest point of the heap, because the heap is regarded as being ten spans high in its entire length. The same we have learned in a Boraitha in the name of R. Hanina ben Gamaliel.

MISHNA: If one threw an object within four ells (in public ground) and the object rolled to a greater distance, he is free; if he threw a thing outside of four ells and it rolled back within four ells, he is culpable.

GEMARA: Why should a man be culpable in the latter clause of the Mishna; the object thrown did not rest outside of four ells if it rolled back within the prescribed limit? Said

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\* So explains Rashi (Isaakides); we think, however, the reason that water does not annul the enclosures is, because water belongs to the public and any one can draw it out, and therefore it is equal to not being there; but, fruits must belong to a private individual and this makes it private ground.

R. Johanan: The Mishna treats of a case where the object thrown came in contact with an obstacle by means of which it rolled back, and therefore it rested for a moment outside of four ells.

Rabha said: "In the opinion of the sages, who differ with R. Aqiba concerning his decree, that an object surrounded by the atmosphere of a certain place makes the object equal to having been deposited in that place, a man who threw a thing from private into private ground by way of public ground, even below three spans from the ground, is not culpable unless the thing thrown rested for a moment at least on the public ground." Mareimar sat and repeated the above decree. Said Rabhina: "Does not our Mishna say the same, through the declaration of R. Johanan, who decrees that the Mishna holds a man culpable only if the object thrown by the man rests at its destination for a moment?" Answered Mareimar: Thou speakest of a rolling thing (which is carried along by the wind and it is not known when it will stand still). Such a thing cannot be regarded as resting, although it is below three spans from the ground, but in our case it is different. The thing was thrown (and was not rolled by the wind); so we might assume that when it reached a distance of less than three spans from the ground, it must be considered as resting on the ground; he informs us (that such is not the case).

MISHNA: If one throw a distance of four ells on the sea, he is free; if there happen to be shallow water, through which a public thoroughfare leads, where he threw the four ells, he is culpable. What must be the maximum depth of such shallow water? Less than ten spans; for one who throws four ells in shallow water, through which only occasionally a public thoroughfare leads, is culpable.

GEMARA: Said one of the schoolmen to Rabha: "The Mishna mentioning a public thoroughfare twice is justified in doing so, because we might presume that a thoroughfare used only in cases of necessity cannot be regarded as a *public* thoroughfare, and hence the Mishna informs us that while in other cases use from necessity is not to be regarded as customary, in this case it is different. But why is shallow water mentioned twice?" Answered Abayi: We might presume that the shallow water was *not* four ells wide, in which case it would be used as a thoroughfare; but if it was four ells, people would circumvene it, and thus it would not be considered a public thoroughfare;

therefore it is repeated to inform us that there is no difference between shallow water less than four ells wide or more.

MISHNA: One who throws from the sea into land, from land into the sea, from the sea into a ship, from a ship into the sea, or from one ship into another, is free. If ships are bound together, one may transfer an object from one into the other; but if the ships are not bound together, even though they lie alongside of one another (and meet), one must not transfer a thing from one into the other.

GEMARA: We have learned: If one desires to draw water from the sea into the ship, he must make a small (board) attachment to the side of the ship, and then he can draw the water. So said R. Huna, because he holds that unclaimed ground commences from the bottom of the sea and ends with the surface. The atmosphere above the sea is considered as ground under no jurisdiction, and hence the making of the attachment was really not necessary; but it being Sabbath, this should be done to distinguish the Sabbath from week-days. R. Hisda and Rabba bar R. Huna said: "The attachment made should be four ells wide," because they hold that the unclaimed ground commences from the surface of the water, and the water itself is considered as ground, and if the attachment were not made, it would constitute carrying from unclaimed ground into private ground, and this is not allowed to commence with.

R. Huna said: "On the small boats, that are not four spans wide down their entire depth, a man must not carry anything only for four ells (because it cannot be considered private ground), unless at a distance of three spans from the ground the boat is four spans wide. If there be sticks or refuse at the bottom of the boat, the bottom of the boat commences from the top of such sticks or refuse, and if the boat be ten spans high, according to that calculation one may carry in it." R. Na'hman opposed this: "Why should a man not be permitted to carry in a boat the bottom of which is not strewn with sticks and refuse?" Have we not learned in a Boraita that R. Jose b. R. Jehudah said: "If one placed in public ground a stick (ten spans high), on top of which was a trough, which was four spans wide, a person throwing anything on top of the trough is culpable, because, while the trough was not ten spans high itself, the height of the stick upon which it rests is considered as included in its own." Why should this not also refer to the case of the boat, and the place where it *is* four spans wide be considered

as if it reached down to the bottom? R. Joseph opposed R. Na'hman as follows: "Did not R. Na'hman hear that R. Jehudah, in the name of Rabh, according to others, in the name of R. Hyya, said, that the sages did not agree with Jose b. R. Jehudah and exonerated the man?" Hence we see that the Boraitha, treating of the boat, holds with the opinion of the rabbis.

"If ships are bound together," etc. Is this not self-evident? Said Rabha: "The Mishna wishes to inform us, that one is permitted to carry from one ship into another, even if a small boat is between them, *i.e.*, one may carry from one ship into the boat and thence into the other ship, even though the small boat is not tied to either ship." Said R. Saphra to him: "Moses!\* How canst thou say such a thing? Does not the Mishna state explicitly that one may carry from one ship into another? No boat between them (was mentioned)." R. Saphra, however, explained the Mishna thus: The Mishna, by saying one may carry from one ship into another, means to say that an Erubh may be made between the two ships, just as between two houses, and then things may be carried from one into the other, as we have learned in a Boraitha: An Erubh may be made between ships that are tied together and things may be carried from one into the other. If the rope by means of which the ships were lashed to each other became torn, carrying to and from one ship to the other is not allowed; but if the ships were lashed together again, either intentionally or unintentionally, through compulsion or through an error, the original permission again holds good.

The same is the case with mats of which tents were made, whereby the ground enclosed by the mats becomes private; and if many such tents were made, carrying from one tent into another is permitted, provided an Erubh is made. If the mats were rolled up, however, such carrying is not permitted. Were the mats rolled down again, intentionally or unintentionally, through compulsion or through error, the original permission again holds good.

It was reported in the name of Samuel: If the ships were tied together with a mere thread, permission to carry from one into the other holds good.

MISHNA: If one threw a thing, and after the thing had

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\* The word Moses was used as a title to a great teacher.

passed out of his hand, he recollected that it was Sabbath; if another person caught the thing thrown; if a dog caught it or if the thing thrown was consumed by fire (before reaching its destination), the man is free. If one threw a thing for the purpose of injuring a man or a beast, and before such injury was inflicted recollected (that it was Sabbath), he is free. (For) this is the rule: Only such are culpable and bound to bring a sin-offering as commit an act through error from beginning to end; if the act, however, was committed through error only at the start, and at the close was committed consciously, or *vice versa*, the perpetrator is free until the beginning as well as the end of the act is committed through error.

GEMARA: What would be the case, if the thing, after passing out of the thrower's hand, had rested (outside of four ells in public ground)? Would he be culpable? Why! Did he not recollect (that it was Sabbath) before the thing rested? And our Mishna (distinctly) states that one cannot be culpable unless an act were committed through error from beginning to end! Said Rabha: The Mishna teaches us two facts: Firstly, if one threw a thing, and after the thing had passed out of his hand he recollected (that it was Sabbath); or secondly, even if he did not recollect (that it was Sabbath), but another man, or a dog, caught the thing, or it was consumed by fire before it rested, he is not culpable.

"*This is the rule.*" We have learned: If one threw a distance of six ells, two ells through error, the next two consciously, and the last again through error, Rabba declares him free. (How can that occur? As soon as the object had passed out of his hand and had not yet reached farther than two ells, he became conscious that it was Sabbath, and before it had passed the next two ells he forgot again that it was Sabbath.) Rabha, however, declares him culpable. Rabba declares him free, even according to the opinion of R. Gamaliel (in the last Mishna of Chapter XII.), who does not consider the consciousness during the time intervening between the perpetration of the two acts (each of which only executed one-half the prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). For what reason? Because in the case treated of in the cited Mishna nothing was done during the period of consciousness (of the Sabbath) intervening between the two unfinished acts to neutralize the erroneous character of



the two unfinished acts, and thus they became one finished act and made the perpetrator culpable. In this case, however, Rabba assumes that during the time intervening between the passing of the first two ells and the last two ells, the man carried the thing, and did so fully conscious (of the Sabbath), and thus neutralized the erroneous character surrounding the throwing for the first two and last two ells. Rabba, however, declares him culpable, even according to the rabbis, who hold contrary to the opinion of R. Gamaliel (in the cited Mishna) and consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts, thus making the perpetrator not culpable. In this case, however, the man is culpable. (Why so?) Because in the case cited in the same Mishna the entire act could have been committed, but was not, for after the man became conscious (of its being Sabbath) he stopped; hence the unfinished act was not counted. Later he again forgot that it was Sabbath, but again recollected, before the entire act was committed; so the second unfinished act was not counted, and the man is free. In this case, however, the thing having been thrown could not be stopped when the man became conscious of its being Sabbath before it reached its destination! Thus the act was committed, and the fact that the thrower became conscious (of its being Sabbath) in the mean time is of no consequence. (Now, the conclusion is that there is really no difference between the rabbis and R. Gamaliel or between Rabba and Rabba, because all agree that if the thing was thrown the man is culpable, but if carried by hand he is not.)

Rabba said: If one threw a thing and it rested in the mouth of a dog or in the opening of an oven, he is culpable. Did we not learn in the Mishna that if a dog caught it, or if it was consumed by fire, he is not culpable? Yea; but the Mishna refers to a case where the intention was to throw it elsewhere and accidentally a dog caught it or it was consumed by fire; but Rabba means to say that a man is culpable if he intentionally throw it into the dog's mouth or into the oven. Said R. Bibhi b. Abayi: We have also learned elsewhere that the intention to have a thing rest in a place makes that place a fit one for the thing.

## CHAPTER XII.

### REGULATIONS CONCERNING BUILDING, PLOUGHING, ETC., ON THE SABBATH.

MISHNA: (Among the forty, less one, principal acts of labor, building was enumerated.) What is the least amount of building which will make a man culpable? The least possible amount. The same applies to stone-masonry, smoothing with a hammer (at the close of the work); as for planing, he who planes the least bit, and for drilling, he who drills ever so little, is culpable. For this is the rule: He who performs any act of labor which is of permanent value is culpable. R. Simeon ben Gamaliel said: He who during his work strikes the anvil with his sledge is culpable, because he virtually brings about labor.

GEMARA: Of what use is so small an amount of building? Said R. Aha bar Jacob: "So small an amount of building is usually done by a householder who discovers a hole in the wall of one of his rooms and fills it up (with wood or cement). And the instance of such work having been performed at the (construction of the) Tabernacle is: When one of the boards contained a hole produced by worms, a little molten lead was poured into it and it was thus filled."

Samuel said: "One who places a stone in the street for the purpose of paving the walk is culpable." An objection was made. We have learned elsewhere: If one furnish the stone for paving and another furnish the mortar, the latter is culpable? [Says the Gemara:] If you base your objection to Samuel's decree upon this Boraitha, why do you not also cite the latter decree of the Boraitha which reads: R. Jose says: "One who picks up a stone and places it upon a row of stones is also culpable"? Hence we see that there are three different kinds of building. Building at the base, in the centre, and on the top. Building at the base only requires a solid foundation in the earth. Building in the centre requires mortar. Building on top needs only proper placing without the use of mortar.

"Stone-masonry." In what category of labor can stone-

masonry be placed, that its performance should make one culpable? Rabh said it comes under the category of building, and Samuel said under the category of smoothing with a hammer. The same difference of opinion exists between Rabh and Samuel in the case of one who bores a hole in a chicken-coop that was not previously perforated. The former holds this to be building, while the latter regards it the same as smoothing with a hammer. (It makes no difference to one who performs such labor unintentionally, for in either event he must bring a sin-offering, regardless of what class of labor he performed, if he does only *one* act; but when he performs two acts there is a difference. If they are both of *one* category, he is bound to bring only *one* sin-offering, but if they are of different categories, he must bring *two*; but in the case of one who performed such work with intention, even if he does only *one* act it does make a difference. The witnesses to his deed when warning him—of his wrong-doing—must inform him just what class of labor he is engaged in executing. Should they tell him incorrectly, he cannot be held guilty. This applies to all cases where the Gemara asks as to the category of labor performed.) The same difference of opinion also exists in the case of one who affixed a handle to a pickaxe, Rabh classing such work as building, and Samuel as smoothing with a hammer.

A question was propounded by R. Nathan bar Oshiya to R. Johanan: "Under what category of labor is stone-masonry to be placed?" R. Johanan answered him by making the sign of hammering with his hand.

"*For this is the rule.*" What additional significance does the statement "for this is the rule" contain? It applies to the hollowing out of a block of wood capable of holding a Kabh (about four lugs), a cavity a good deal smaller.

"*R. Simeon ben Gamaliel said,*" etc. What labor is performed by striking an anvil with a sledge? The Tosephta in this chapter explains it as follows: "Said R. Simeon ben Gamaliel: He who during his work strikes the anvil with the sledge is culpable; because at the construction of the Tabernacle those that covered the boards with metal-plate would strike the plates with their hammers."

MISHNA: One who ploughs, grubs, weeds, or prunes ever so little is culpable. One who gathers wood for the purpose of using the space occupied by the wood is culpable if he gathers ever so little; but if he gathers it for the purpose of lighting a

fire with it, he is culpable only if he gathered as much as is required to cook (an easily boiled egg). If one gathered grass for the sake of the space occupied by it, he is culpable for gathering even ever so little; if for the purpose of feeding cattle, he does not become liable unless he gathered as much as a goat's mouthful.

GEMARA: Of what use is a place where a man ploughed ever so little? It may be used to plant one seed of a cucumber in. This was also done at the Tabernacle, where one root was all that was necessary (for dyeing) and was pulled out of the ground, thereby making a hole. (This is not contradictory to what we have learned previously, that the minimum prescribed quantity for cucumber seeds was two, because a man will not take one cucumber seed out for sowing; but when sowing a separate hole is made for each seed and thus the prescribed quantity in this case is limited to one.)

"*One who ploughs, grubs, weeds, or prunes.*" The rabbis taught: One who tears out herbs (which when damp are good for human food) for the purpose of eating them is culpable if the quantity equals or exceeds the size of a dried fig. For cattle the prescribed quantity is that of a goat's mouthful. If for the purpose of using for fuel, the prescribed quantity is as much as is used to cook an easily boiled egg with; if for the purpose of cleaning (weeding) his place, he is culpable even for ever so little. Is all this kind of work not done for the sake of cleaning the place? \* Said Rabba and R. Joseph: The Mishna treats of a case where even if the man was not standing in a garden belonging to an individual, but even if he did it in a public field (if his intention is to clean the place he is culpable). Abayi said: (The same is the case) even if he did it in a private field and had no intention to clean the place, as it did not belong to him but to some one else.

MISHNA: One who writes two letters, with the right or with the left hand, be they of one denomination or of different denominations, or be they written with different inks or be they letters of different languages (alphabets), is culpable. R. Jose said: The only reason that one is declared culpable for writing two letters, is because they can serve as marks; for thus the boards used at the Tabernacle were marked in order to be able to tell which fit together. Rabbi (Jehuda Hanassi) said: We

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\* This means that taking the things away cleans the place even unintentionally.

also often find a short name which forms part of a long name, as Sam for Simeon and Samuel, Noah for Nahor, Dan for Daniel, Gad for Gadiel.

GEMARA: It would be right if the Mishna were to say that if one write with his right hand he is culpable, because writing with the right hand is the general way; but writing with the left is entirely out of the ordinary. Why should he be culpable? Said R. Jeremiah: "The Mishna also refers to a left-handed man." A left-handed man? His left is his right and his right his left hand. Let him then not be culpable if he use his right hand! Said Abayi: In the case of the Mishna a man is referred to who has equal strength in both hands; but R. Jacob, son of the daughter of Jacob, said: The Mishna stands according to the decree of R. Jose that the reason of a man's culpability is because of the letters standing for marks, and the making of marks with either the right or the left hand is prohibited. How can the first part of the Mishna be according to the opinion of R. Jose—it teaches further, "R. Jose said"? If the latter part is explicitly attributed to R. Jose, the first part cannot be in accord with him. Nay; the entire Mishna is in accord with R. Jose (say then *because* R. Jose said).

"*Rabbi said: We also often find a short name,*" etc. What does Rabbi mean by this teaching? Shall we assume that one is culpable only if he wrote two letters representing two different names, but if the two were merely an abbreviation of one name he is not culpable? Did we not learn in a Boraitha: "It is written [Lev. iv. 2]: And do (of) any (one) of them." One might assume from this verse that the man is not culpable unless he wrote the entire name, or wove the entire cloth, or he finished the whole length of the seam, therefore it is written "of any (one) of them." Now, if we take "of any (one) of them" literally, the writing of even one letter or the weaving of even one thread should make one culpable! Therefore it is written: "Of any (*one*) of them." How should this be understood? One is not culpable until he writes a short name which forms part of a long name, like Sam for Simeon or Samuel, Noah for Nahor, etc., etc. Rabbi (Jehudah) said: The two letters need not be part of a long name, but even if the two form a name (of a thing) in themselves like: Shesh, teth, red, gag, choch. (shesh—lion, teth—to give, red—go below, gag—roof, choch—nose band.) Said R. Jose: Is then the man culpable because of writing? It is only because of making a mark, for thus were

the boards of the Tabernacle marked in order that one might tell which fit together. Therefore if one made but one scratch on two boards or two scratches on one board, he is culpable. R. Simeon quotes the same verse: "And do (of) any (one) of them." One might assume that the man is not culpable unless he wrote the entire name, etc. How should this be understood? One is not culpable until he has performed labor which is permanently fixed. Now in the Boraitha we see that R. Jehudah said the two letters need not be part of a name, but even if the two form a name. (Does not R. Jehudah contradict himself?) This presents no difficulty. In the above Mishna he gives his own opinion, while in the Boraitha he cites his master's opinion, because we have learned in another Boraitha: R. Jehudah said in the name of R. Gamaliel: "Even if the two letters are not part of a long name, but form a name in themselves, he is culpable. For instance: shesh, teth, etc."

Did not R. Simeon say the very same thing as the first Tana? Perhaps one might say that R. Simeon refers to one who wrote two letters that have no meaning and are part of a long word. For instance, Aa from Aazreko (I assisted you). In such a case R. Simeon would be the stricter and the first Tana the more lenient. Is this not contrary to R. Simeon's wont, as we have learned in a Tosephta further on: "If one bore a hole with a drill, be the hole ever so small, he is culpable," etc.? R. Simeon however declares him free until the hole made was as large as it was originally intended to be. Answer and interpret R. Simeon's words thus: One might say that one is not culpable until he writes the whole verse; therefore it is written "of any one," signifying that one word is sufficient.

"*Rabbi said: We also often find,*" etc. How can the name of Sam be equal to Simeon? The (letter) Mem in Sam is an end (closed) letter, while the Mem in Simeon is an open (middle) Mem.\* Said R. Hisda: From this we may infer that if one write by mistake an open Mem instead of a closed Mem in the scroll of laws, the scroll may be used.

The rabbis said to R. Jehoshua ben Levi: There were some young men at the schoolhouse to-day, and they related such wonderful things as were never taught before even in the time of Joshua the son of Nun. These are they: Aleph, Beth

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\* The five Hebrew letters Khaf, Mem, Nun, Peh, and Tzadi are written differently at the end and in the centre of words.

means Oliph Bino (go and teach knowledge). Gimmel, Daled means Gmol (be bountiful) Dalim (to the poor). Why is the foot of the Gimmel pointed toward the Daled? Because so should be the feet of those who are bountiful—ever ready to seek beneficiaries. Why is the foot of the Daled pointed back toward the Gimmel? In order that the poor man may know that he must not conceal himself from his benefactor. Why does the Daled turn its face from the Gimmel? In order to teach us that the benefactor should give to the poor without ostentation and that the poor man be not abashed. Hey, Vav, Zayin, Cheth, Teth, Iod, Khaf, Lamad means: Hey Vav, which is the name of the Holy One, blessed be He; (Zayin) Zon—He will feed thee; (Cheth) Cheyn—will be gracious unto thee; (Teth) Tov—will be good to thee; (Iod) Ierushah—He will make thee inherit in the world to come; (Khaf) Khesser—He will give thee a crown; (Lamad) Leaulim haboh—in the world to come.

Mem open (middle) and Mem closed (end) means Meimar (sayings) Pathuach (open) [implying that there are such sayings of God as are open to every one]; but Meimar (sayings) Sathum (closed) [implying that there are sayings of God which are hidden to most men]. Noon curved (middle) and Noon straight (end) means Neamon (an upright man); Khaph (curved) [should be (curved) bowed down, modest in this life, and in the life hereafter he will become a Neamon] (an upright man) Pashut (straight). Samach means Smohch (assist). Ayin means aniiim (the poor). Peh round (middle) and Peh straight (end) means Peh (a mouth) Pasuach (shall be open [to teach]); and Peh (mouth) Sasum (shall be closed [to slander]). Tzadi round (middle) and Tzadi straight (end) means Tzadik (a righteous man) should be modest and fearless (straight). Quph means Qodosh (holy), implying who does all, that has been mentioned, is holy. Resh means Roshoh (wicked), implying, who does the contrary is wicked. Why does the crown of the Quph look down upon the Resh? Just as the Qodosh (Holy One, blessed be He) looks down upon the Roshoh (the wicked), saying: Turn from thy ways and I shall also give thee a crown. Why does the foot of the Quph hang unsupported? In order to admit of the wicked entering into the Qudoshim (holiness) if he turn from his ways. Shin means Sheqer (a lie) and Thaph means Emeth (truth). Why are the letters of Sheqer so near to one another (the order of sequence in the alphabet is Resh, Quph, Shin) and

Emeth so far from one another (being the first, middle, and last letters of the alphabet)? Because lies are very frequent, while truth is very scarce. Why have the letters in Sheqer but one foot while those in Emeth have so many? Because lies will finally totter, while truth will stand supreme.

MISHNA: One who through forgetfulness at one time wrote two letters is culpable. He may have written with ink, paint, dye, gum, or vitriol, or with anything making a permanent mark. Further, one who wrote on two walls forming a corner, or on two covers of an arithmetical book, so that the two letters can be read together, is culpable. One who writes on his own body is culpable. One who tattoos letters in his flesh R. Eliezer holds him culpable for a sin-offering, and R. Jehoshua holds him to be free. If one write with dark liquids, with fruit-juice, or in road-dust, in fine sand, or in anything that does not retain the writing, he is free. If one write with the back of his hand, with his feet, with his mouth, with his elbow; or if one write one letter to another letter (that had already been written), or writes over letters that had been written before; or when one's intention was to write a Cheth and wrote two Zayins; or if one write one letter on the ground and another on the wall, or on two separate walls, or on two separate pages of a book, when the two letters cannot be read together, he is free. If one wrote one abbreviated letter, R. Jehudah ben Bethyra holds him culpable and the sages hold him free.

GEMARA: "*Or with anything making a permanent mark,*" etc. What other additional things does the Mishna mean to express by this? R. Hananyah taught: It means if one wrote with berry-juice or with gall-nuts, he is also culpable. R. Hyya taught: "If one wrote with graphite, soot, or black ink, he is culpable."

"*One who tattoos two letters on his flesh,*" etc. We have learned in a Boraitha: Said R. Eliezer to the sages: "Did not the son of Sattadai\* bring witchcraft out of Egypt, through tattooing on his flesh?" Answered the sages: "He was a fool and we do not cite single instances of fools."

"*If one write one letter to another letter,*" etc. According to which Tana's opinion is this? Said Rabba bar R. Huna: "This is not according to the opinion of R. Eliezer, for R. Eliezer said that if one add another thread to one already

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\* As to who Ben Sattadai was, see the works of Prof. Derenbourg.



woven, he is culpable." We have learned in a Boraitha: "If one wrote one letter at the end of any scriptural book, thereby finishing that particular book, or if one added another thread to one already woven, he is culpable." According to which Tana's opinion is *this*? Said Rabba bar R. Huna: "This is in accordance with the opinion of R. Eliezer, who said that if one add another thread to one already woven he is culpable." R. Ashi said: We may assume that the opinion of the sages does not conflict with this opinion, because the case of finishing a book differs from that of adding another thread; hence, according to their opinion, one is also culpable (for finishing a book by adding one letter).

We have learned in a Boraitha: "If one corrected one letter in the Scroll of laws, he is culpable." How can this be? One is not held culpable for writing one letter; how can the Boraitha hold one culpable for merely correcting one letter? Said R. Shesheth: "Here a special case is treated of; *i.e.*, if one take off the top bar of the Cheth and make two Zayins out of it." Rabha said: The same is the case if, for instance, one remove the square portion of a Daled and form a Resh therefrom.

"*If one wrote one abbreviated letter,*" etc. R. Johanan said in the name of R. Jose ben Zimra: "Whence do we know that there are abbreviated letters in the Scriptures? As it is written [in Gen. xvii. 5]: Khi Ab Hamaun Goyim Nsathicha (For the father of a multitude of nations have I made thee). In the word Ab the Aleph is the abbreviation of Ab—father, and the Beth stands for bachur—selected; Hamaun stands for haviv—lovely, Melech—king, vathig—modest, neamon—upright. All this I have made thee among the nations." R. Johanan declares of his own accord: "The ten commandments commence with Anauchi when it could be Ani (meaning I am). The Anauchi is an abbreviation for Ano (I), Naphshi (my soul), Kthovith (I have written), Yehovith (and have given)."

MISHNA: If one, through forgetfulness at two different times, write two letters, say one in the morning and the other toward evening, R. Gamaliel holds him to be culpable and the sages declare him free.

GEMARA: On what point do R. Gamaliel and the sages differ? R. Gamaliel does not consider the consciousness (of its being Sabbath) during the time intervening between the perpetration of the two acts (each of which executed only half the

prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). The sages, however, consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts and thus make the perpetrator not culpable.

## CHAPTER XIII.

### REGULATIONS CONCERNING WEAVING, TEARING, HUNTING, ETC., ON THE SABBATH.

MISHNA: R. Eliezer said: One who weaves (on the Sabbath) is culpable, as soon as he has woven three threads at the beginning of the web, and with a web already begun the addition of one thread suffices to make him culpable. The sages said: Both at the commencement of a new web, as well as at the continuation of one already begun, the prescribed quantity (making one culpable) is two threads. One who attaches two threads to the web, either to the warp or to the shoot, to the fine or to the coarse sieve, or to the basket, is culpable. Also one who sews two stitches, or tears asunder, in order to sew (together with) two stitches.

GEMARA: When R. Itz'hak came to Babylon, he taught that R. Eliezer said "two threads and not three," as stated in the Mishna. But we learned three! This is no contradiction. R. Itz'hak refers to thick threads and the Mishna to thin.

"*One who attaches two threads,*" etc. Said Abayi: This means, one who attached two threads *to* the web and one *in* the web.

"*One who sews two stitches,*" etc. Was this not taught in the Mishna treating of the principal acts of labor? Because in the succeeding Mishna the rule is taught concerning one, who tears while in a rage, or through grief at the death of a near relative, sewing and tearing is repeated in this Mishna.

"*Or tears asunder in order to sew together with two stitches.*" How is this to be imagined? (If by tearing the thing one means to spoil it, he may tear even as much as will require any number of stitches and not be culpable, but if he tears in order to sew together with two stitches and thus improve the thing, how can that be done?) This can be done in the case of a piece of cloth protruding from a garment, which one would tear off, and then sew up the remaining rent.

MISHNA: One who tears a thing while enraged, or through

grief on account of his dead, and, in general, all who spoil a thing are *not* culpable. If, however, one destroy a thing with the intention to mend it, the prescribed quantity (making him culpable) is determined according to the prescribed quantity of the act by which it is mended. The prescribed quantity of wool when being washed, carded, dyed or spun is a thread the length of a double sit; \* in the weaving the prescribed quantity for wool is the breadth of one sit.

GEMARA: There is a contradiction: We have learned in a Boraitha: One who tears a thing while in a rage, or through grief, or through mourning for the dead, is culpable, and although he desecrates the Sabbath, the duty of tearing (ordained in cases of mourners for the dead) is fulfilled. This presents no difficulty. The Boraitha treats of the case of a man who tore his garment on account of the death of one on whose account it was his duty to tear his garment, while the Mishna treats of the case of a man who did not do so for duty's sake, but on account of a death of a stranger, and this not being his duty, he merely spoiled his garment. How can you say, that the Mishna treats of a man who tore his garment on account of the death of a stranger; it says distinctly *his* dead? Yea, it says his dead, but he has such relatives, on whose account he need not tear his garment; (though it may be his duty to bury them, he being the nearest living relative; and tearing one's garment becomes a duty only in the event of the death of a father, mother, son, daughter, brother, or sister). Now, there is no contradiction then as far as mourning for the dead is concerned, but there surely is as regards one who is enraged? In the Boraitha he is held culpable and in the Mishna he is not? Here also there is no difficulty: The Mishna's statement is in accord with R. Simeon's decree, who holds, that one is not culpable of performing a deed not for its own sake, while the Boraitha is in accord with the opinion of R. Jehudah, who holds one culpable of performing work even *not* for its own sake. But you have heard that R. Jehudah's opinion only applied to an act by which a thing was mended? Did you also hear that he decreed thus in the case of where a thing was destroyed? Said R. Abhin: "This is also a case of mending, because it relieves the man's

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\* The length of a sit is the distance between the first and middle finger of the hand when stretched taut. A double sit is the distance between the thumb and forefinger when stretched farthest apart.

mind; and while he may spoil the garment at the same time he abates his fury." Is such action permitted? Have we not learned that R. Simeon ben Elazar said in the name of 'Hilpha bar Agra, quoting R. Johanan ben Nuri: "He who tears his garments in his fury, or he who breaks his vessels, or he who throws away his money while in a rage, shall be regarded in your eyes as a worshipper of idols, because such is the custom of the misleader: To-day he says to one, 'Do so,' to-morrow 'Do something else,' until he tells one to go and worship idols and the man does so." R. Abhin added to this: "Where can a Scriptural passage be found prohibiting this? [Psalms lxxxii. 10]: 'There shall not be among thee a foreign god; nor shalt thou bow thyself down to any strange god.' This means that no foreign god (misleader) shall be in thy heart, because it says Becho (in thee). The latter part of the verse infers, that if he allows the misleader to dwell in his heart it will bring him to bowing down to idols." Such action is permitted only when a man is not in an actual fury, but wishes to appear as if enraged in order to command obedience (from his family), as R. A'ha bar Jacob used to do; viz.: "When he wanted to show displeasure at the deeds of his family, he would take up a broken vessel and shatter it, making his family believe that he was furious and was breaking whole vessels."

Said R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara:\* The tears shed by a man on account of the death of an upright man are counted by the Holy One, blessed be He, and stored in His treasury, as it is written [Psalms lvi. 9]: "My wanderings hast Thou well numbered: put Thou my tears into Thy bottle, behold they are numbered by Thee." R. Jehudah in the name of Rabh said: "One who is slow to mourn the death of a scholar deserves being buried alive, as it is written [Joshua xxiv. 30]: 'And they buried him on the border of his inheritance at Thimnah-serach, which is on the mountain of Ephraim, on the north side of Mount Ga'ash.' Ga'ash signifies storm, and from this it is inferred, that because the people did not mourn the death of Joshua the mount stormed and tried to bury them alive."

Said R. Hyya bar Aba in the name of R. Johanan: "One

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\* Because mourning for one's dead is treated of in the last paragraph, the following discussions relating to mourning for upright men in general are held and the opinions of the different teachers cited.

who is slow to mourn the death of a scholar will not have long life. This is in retaliation; (because he did not mourn the death of the scholar, his own death will be hastened), as it is written [Isaiah xxvi. 8]: 'In measure, by driving him forth, thou strivest with him.'" R. Hyya bar Aba objected and said to R. Johanan: How canst thou say, that one who is slow to mourn the death of a scholar will not have long life? Is it not written [Judges ii. 7]: "And the people served the Lord all the days of Joshua, and all the days of the elders, that lived many days after Joshua, who had seen all the great deeds of the Lord, which he had done for Israel"? R. Johanan answered: "Thou Babylonite! Does the verse say, that lived many years? It only says many days!" Now, according to R. Johanan's argument, does the verse [Deut. xi. 21]: "In order that your days may be multiplied, and the days of your children," etc., also mean days and not years? In this verse it is different. Where a blessing is conferred days *and* years are meant.

R. Hyya bar Aba said again in the name of R. Johanan: "If one brother die, let the remaining brothers take care that *they* do not die. Or if a member of a society die, let the other members take care that *they* die not." This means: if the best one among them die; another says, on the contrary, if the least one among them die.

"*The prescribed quantity of wool,*" etc. R. Joseph showed the extent of a double sit as being twice the distance between the fore and the middle finger when spread out, and R. Hyya bar Ama showed its extent as being the distance between the thumb and the forefinger when spread out.

MISHNA: R. Jehudah said: "One who chases a bird into a bird-tower or a deer into a house is culpable." The sages said: "One who chases a bird into a bird-tower, a deer into a house, yard, or into a menagerie, is culpable." Said R. Simeon ben Gamaliel: "Not all menageries are equal. Following is the rule: Where another chase would be necessary (to catch the deer) one is not culpable; where no further chase is necessary, one *is* culpable."

GEMARA: The rabbis taught: One who caught a blind or a sleeping deer is culpable, but if the deer is lame, sick or old he is not culpable. Said Abayi to R. Joseph: "What difference is there between the two?" Answered R. Joseph: "A blind or a sleeping deer, as soon as touched, would attempt to escape, whereas a lame or a sick animal could not do this." Have we

not learned in a Boraitha, that one who caught a sick deer is culpable? This presents no difficulty. The rabbis refer to a deer sick with fever (when it was impossible for it to move), while the Boraitha refers to sickness arising from over-exertion.

MISHNA: If a deer run into a house and one lock (the doors) behind the deer, he (the man) is culpable. If two men lock (the doors) both are free. If one of them could not lock (them) himself and *both* did so, they are both culpable. R. Simeon declares them free. If one sit down at the entrance of the house without filling it up and another sit down beside him, thus filling up the gap, the latter is guilty. If the former sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable, and the latter free; for this is the same as if one locked his house to preserve its contents and a deer were on the inside.

GEMARA: R. Jeremiah bar Aba in the name of Samuel said: One who catches a lion on the Sabbath is not culpable until he brings him into his cage.

R. Aba said in the name of R. Hyya b. Ashi, quoting Rabh: "If a bird flew under a man's coat-skirt, the man may keep it there until dark." R. Na'hman b. Itz'hak objected: From the above Mishna, "If a man sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable and the latter is free," would we not assume, that the man is free (*i.e.*, he need bring no sin-offering) but he should not have done it in the first place? Nay; it means he is free and may do so to commence with. This seems to be borne out by the latter part of the Mishna, viz.: "For this is the same as if one locked his house to preserve its contents and a deer were on the inside." It is certainly allowed to close the house on a Sabbath and hence, being the same as locking the house, it is allowed in the first place.

Said Samuel: "At all times when it is taught, that one is not culpable of performing work on the Sabbath, it is meant that, while he is not culpable, he must not perform such work to commence with, excepting in the three following instances: One of the three has just been mentioned (concerning the deer); the second is, when one lances a wound on the Sabbath; if the intention is to extract the pus contained in the wound, he is not

culpable, and may do so in the first place; as we have learned in a following Mishna, that a sewing needle may be used to remove a splinter from the flesh; the third is, when one catches a snake on the Sabbath and he did so in order to escape being bitten, he is not culpable and may do so to commence with, as we have learned in a preceding Mishna, that one may put a vessel over a serpent, in order to escape being bitten."



## CHAPTER XIV.

### REGULATIONS CONCERNING THE CATCHING OF REPTILES, ANIMALS AND BIRDS.

**MISHNA:** One who catches or wounds any one of the eight kinds of reptiles enumerated in the Scriptures (Lev. xi. 29-30, viz.: the weasel, the mouse, the tortoise, the hedgehog, the chameleon, the lizard, the snail and the mole) is culpable; one who wounds worms or any other kind of reptiles (not enumerated above) is free. One who catches them for a purpose is culpable; he who does so without the intention (to use them) is free. He who catches such animals or birds as are within his domain is free, he who wounds them is culpable.

**GEMARA:** From the teaching of the Mishna that the reptiles (enumerated above) must not be wounded, it is evident that such reptiles must be possessed of a skin (which can be wounded). According to whose opinion is this? Said Samuel: "This is according to the opinion of R. Johanan ben Nuri; for he so stated (in Tract Chulin). Rabba bar R. Huna, however, in the name of Rabh said: It may also be assumed that the Mishna is in accord with the rabbis, who disagree with R. Johanan ben Nuri only where defilement is concerned, but who agree with him as to Sabbath. And as regards the Sabbath they (the rabbis) do not disagree with R. Johanan. Have we not learned in a Boraitha, that one who caught one of the eight kinds of reptiles enumerated in the Scriptures, or who wounds them, is culpable and that this applies only to such reptiles as have skins, and only such a wound is called incurable which has been produced by the blood clotting in the skin and remaining there, even when no blood came to the surface? R. Johanan ben Nuri, however, states, that all the eight reptiles enumerated in the Scriptures have skins (and therefore one who wounds any of them is culpable; hence we see that they disagree even as regards the Sabbath). Said R. Ashi: The first Tana of the mentioned Boraitha, at variance with R. Johanan, is R. Jehudah, who stated, that there are among the eight such as have no

skin; but the other rabbis, who differ with R. Johanan, where defilement is concerned, do *not* disagree with him in regard to Sabbath. Then why is it stated, that "R. Johanan ben Nuri, however, states, etc.," as if he opposed the rabbis? Read: "Thus states R. Johanan ben Nuri and his opponents."

"*Or any other reptiles.*" How is it, if one kills them? Is he culpable? The Mishna must be understood that if one only wounds them he is *not* culpable, but if he kills them he *is* culpable? According to whose opinion is this? Said R. Jeremiah: "This is according to the opinion of R. Eliezer, as stated in the first chapter" (page 22). R. Joseph opposed this: "Thou sayest, according to the opinion of R. Eliezer? The rabbis only differ with R. Eliezer when such reptiles as are incapable of breeding are concerned (for then they are not considered as actual living beings); but as to reptiles that are capable of breeding, they also agree, that one who kills them (on the Sabbath) is culpable (because that would be taking life, and taking life is prohibited on the Sabbath).

"*One who catches them for a purpose is culpable; he who does so without any intention (to use them) is free.*" According to whose opinion is this teaching? Said R. Jehudah in the name of Rabb: It is according to the opinion of R. Simeon, who states, that any work not committed for its own sake does not make one culpable.

Samuel said: "One who takes a live fish out of the water, is culpable as soon as a part of the fish as large as a Sela has become dry (because then the fish cannot live)." Said R. Jose bar Abhin: Samuel means to say, that he is not culpable unless a place as big as a Sela become dry under its fins, and not on its body.

Mar bar Hamduri in the name of Samuel said: "If one thrust his hand into the entrails of an animal and displaced a fœtus, that may have been there, he is culpable." Why so? Said Rabha: Mar bar Hamduri explained this to me as follows: Did not R. Shesheth say, that if a man tore out flax from among the thorns surrounding it, he is culpable, because he removed a thing whence it grew? So also in this case he is culpable because he displaced the fœtus whence it grew. Said Abayi: The same is the case with one who tore out a mushroom which grows near a vessel filled with water, because he removed an object whence it grew. R. Oshiyah objected: Did we not learn that one who tears out a thing from a flower-pot, which is

not perforated, is not culpable, but from a perforated flower-pot he is culpable. Why should he be culpable in this case? Because a thing does not grow in a flower-pot which is not perforated, as a rule; but in this case it grows in its usual way.

*"He who catches such animals or birds as are within his domain,"* etc. R. Huna said: "It is allowed to write Tephillin on the skin of a bird which is ritually clean." Said R. Joseph: "What would he inform us? That a bird has a skin? This is taught in the Mishna, for it says, he who wounds a bird is culpable." Said Abayi to R. Joseph: "He informs us of a very important matter. From the Mishna we would simply know that the bird, having a skin, must not be wounded, but we might think, that such a skin, being porous, must not be used for Tephillin. Hence he informs us, that it may also be used for Tephillin, as it was said in Palestine that pores which do not permit of ink soaking through cannot be considered as pores."

Mar the son of Rabhina asked of R. Na'hman bar Itz'hak: "Is it allowed to write Tephillin on the skin of a fish which is ritually clean?" R. Na'hman answered: "This can only be decided by Elijah; when he comes again, he will decide whether it is allowed or not."

Samuel and Qarna were sitting on the banks of Lake Malka. Samuel noticed that a ship was struggling with the rough waters and a man was suffering in consequence. Said Samuel to Qarna: "It seems to me, that a great man is coming from Palestine and that he is sick at the stomach. Go and see what ails him." He went and found Rabh on the ship, and asked him: "Whence do we know that Tephillin may be written only upon the skin of a ritually clean animal?" Rabh answered: "It is written [Exod. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as thou mayest take into thy mouth." Qarna asked him again: "How do we know that blood is red?" Rabh answered again: "Because it is written [II Kings iii. 22]: 'The Moabites saw the water at a distance as red as blood.'" (In the meantime Rabh felt that Qarna was quizzing him.) He asked him, "What is thy name?" He answered: "Qarna." Said Rabh: "A Qarna (thorn) be in thy eyes!" Finally Samuel took Rabh to his own house, gave him barley-bread, small fishes, milk and such things as tend to produce looseness of the bowels, but did not show him the place to excrementize in. So

Rabh cursed him and said: "May the one who wishes to make me suffer, not be able to rear his children." So it was.

The rabbis taught: It is allowed to write Tephillin on the skins of (ritually) clean animals and creatures, also upon the skins of such as died a natural death and were not slaughtered, and it is an ordinance (instituted) by Moses at Sinai, that the Tephillin are wound in the hairy hide of such animals, whence the skin may be taken, and are sewed with the veins of such animals; but it is not allowed to write Tephillin on the skins of (ritually) unclean animals and creatures, whether such animals were slaughtered or naturally expired. This question was asked by a Bathusee of R. Joshua of the city of Garsi. "Whence do we know that Tephillin must not be written on the skin of an unclean animal?" "From the passage [Lev. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as a man may put into his mouth." "According to thy argument," said the Bathusee, "Tephillin should not be written on the skin of a (ritually) clean animal, that died a natural death (because it must not be eaten also)." Answered R. Joshua: "I will give thee an instance of two men, who incurred the death penalty. One was duly executed, while the other died at the moment that he reached the gallows. Which is preferable? Certainly the natural death. In this case also, why should the skin of the animal that died a natural death not be used for writing the Tephillin thereon?" "According to that, then," said the Bathusee, "why should it not be eaten also?" Answered R. Joshua: "It is written [Deut. xiv. 21]: 'Ye shall not eat anything that dieth of itself,' and thou wouldst that it should be eaten." Answered the Bathusee: "*Kalos*" (Greek *Κάλος* = nice, well).

MISHNA: It is prohibited to prepare brine on Sabbath, but the making of salt water, in order to dip one's bread into it, or to use for seasoning other dishes is permitted. Said R. Jose: Is this not brine? (What is the difference?) be it more or less salted? Only the following kind of salt water may be made: If oil is first put into the water or into the salt.

GEMARA: How should the Mishna be understood? Said R. Jehudah in the name of Samuel: "It is not permitted to make a great deal of salt water, but a little may be made."

"Said R. Jose: Is this not brine? Be it more or less salted." The schoolmen asked: "Does R. Jose, by making that state-

ment, mean to say that both should be prohibited or that both be allowed?" Said R. Rabba and also R. Johanan: "R. Jose meant to say, that both should be prohibited." We have also learned this in a Boraitha: "One shall not make a great deal of salt water in order to put it into a Gistar (a large vessel) filled with things requiring a soaking; but he may make a little salt water to dip his bread into it or use it for seasoning other dishes. Said R. Jose: 'Because one is more and the other less salted the former should be prohibited and the latter should be permitted; then one might say that a greater act of labor should be prohibited and a smaller one permitted? Therefore, I say, both are not allowed, but it becomes permissible, if oil is put into the water or into the salt, the main thing is that one should not mix water and salt to commence with.'"

R. Judah bar Haviva taught: "One shall not make salt water very strong." What does he mean by "very strong"? Rabba and R. Joseph bar Aba both said: "If one put an egg into the water and the egg float it is strong salt water." How much salt must be used for such water? Said Abayi: "Two-thirds salt and one-third water." For what purpose can that be used? For fish-brine.

The same Judah b. Haviva taught: "One must not salt pieces of radishes and eggs on the Sabbath." R. Hizkyah in the name of Abayi said: "Salting radishes is not allowed, but salting eggs is."

The same Judah b. Haviva taught: "If citrons, radishes and eggs are eaten without the peel (in the case of an egg, the yolk without the white), they remain in the stomach."

Rabhin walked behind R. Jeremiah on the banks of the sea of Zidon. Rabhin asked R. Jeremiah: "Is it allowed to wash one's self in this water on Sabbath?" R. Jeremiah said: "Yes, it is." Asked Rabhin again: "How is it if a man who is bathing in this water, opens and closes his eyes, so that the water has access to the eyes?" Answered R. Jeremiah: "I never heard of just such a case, but of one similar to it. I heard R. Zera say at one time in the name of R. Mathne, another time in the name of Mar Uqba, both of whom said, that the father of Samuel differed with Levi and that one of them said, that pouring wine *on* the eyes as a remedy is allowed but pouring wine *into* the eyes is not allowed, while the other said that the saliva of a man who had not broken his fast is a remedy for the eyes and must not even be put on the eyes; but Mar Uqba in the name

of Samuel said: A man may soak a medicament for the eyes on Friday in water and may then use the water on Sabbath with impunity."

Bar Levayi was standing before Mar Uqba, and saw the latter opening and closing his eyes, so that the medicinal water may have access to them. Said he to Mar Uqba: "So much Mar Samuel did *certainly* not permit!"

R. Yanai sent to Mar Uqba a request: "Let master send us the eye-salve prescribed by Samuel for sore eyes." Mar Uqba answered: "I send it to you, so that you do not think me parsimonious, but Samuel said, that bathing the eye in cold water in the morning and bathing the hands and feet in warm water at night is better than any medicine for the eye in the world." The same we have learned in a Boraitha: by R. Muna in the name of R. Jehudah.

The same R. Muna used to say: "As soon as a man rises and his hand touches his eye, nose, mouth, ear or a vein, it had better be chopped off. The same should be done with a hand that touches a pitcher used for beer, before it (the hand) is washed, because such a hand causes blindness, deafness and bad odors."

We have learned: R. Nathan said: "The eye is (like) a princess and it hurts her to be touched by a hand that has not been washed three times." R. Johanan says: "Puch (a precious stone or a certain kind of paint \*) applied to the eye, stills its wrath, dries its tears and causes its lashes to grow."

Mar Uqba said: "One who (accidentally) injured his hand or foot so that blood flowed (on the Sabbath) may steep them in wine in order to stop the flow, with impunity." The schoolmen asked: "May he do this in vinegar also?" Said R. Hillel to R. Ashi: "When I attended the school of R. Kahana, it was said, that it is not allowed in vinegar." Said Rabha: "And the men of the city of Me'hutza, who are very delicate, are generally cured by wine the same as other people are by vinegar."

It happened, that Rabhina came to the house of R. Ashi and saw the latter, having had his foot trodden upon by an ass, soaking it in vinegar. Said Rabhina to him: "Does not the Master coincide with R. Hillel, who said, that soaking in vinegar is not allowed?" R. Ashi answered: "With a wound on the instep

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\* See II Kings ix. 30, Isaiah liv. 11 and I Chronicles xxix. 2.

of the foot and the back of the hand it is different, because R. Ada b. Mathne said in the name of Rabh, that a wound on the back of the hand and on the instep of the foot is equal to an internal wound and the Sabbath may be desecrated on its account."

The rabbis taught: "One may wash his body in the waters of Gzor, Chamtan, Essia and Tiberias (all of which are salt waters), but it is not allowed to bathe one's self in the Great Sea and not in water used for soaking flax, also not in the sea of Sodom." Is this not contradictory to what we have learned in the Boraitha, viz.: "One may bathe in the Tiberias and in the Great Sea, but not in water used for soaking flax and in the sea of Sodom." This presents a difficulty; for in the Boraitha bathing in the Great Sea is permitted, while the rabbis prohibit it. Said R. Johanan: There is *no* difficulty. One Boraitha is in accordance with the opinion of R. Meir, while the other is in accord with the opinion of R. Jehudah (who differ in Tract Mikva'ath, Chapter V., Mishna 6). R. Na'hman bar Itz'hak opposed this, and said: "They differ only as regards defilement, but have ye heard that they also differ concerning the Sabbath?" Hence R. Na'hman bar Itz'hak explained this otherwise. He said, that the Boraitha which does not permit bathing in the Great Sea refers to one who stays in the water some length of time (and it is obvious that this is done on account of his health). Now, if we say, that the one Boraitha refers to a man who stays in the water for some time, we must assume, that the other Boraitha refers to one who does not stay long, and if this is so, why should not the one (who does not stay long) be permitted to bathe even in the water used for soaking flax? Have we not learned in another Boraitha: "One may bathe in the Tiberias, in flax-water or in the sea of Sodom, even if his head be scrofulous, provided he does not stay long in the water"? Therefore we must explain, that the difficulty existing between the two former Boraithas concerning the Great Sea is: that the one prohibiting bathing in the Great Sea refers to bad water which is not usually used for bathing, while the other refers to the good water generally used by bathers and in both the case refers to one who stays in the water for some time.

MISHNA: It is not allowed to eat Greek hyssop (a remedy for worms) on the Sabbath, because it is not food for healthy people. It is allowed, however, to eat yoeser (wild rosemary) and to drink shepherd-blossom (tea, an antidote for poisonous

beverages). It is permitted to partake of all usual eatables and beverages on the Sabbath as medicaments with the exception of tree-water (water of a certain spring) and root-tea (a compound of gum, herbs, and powdered roots), because the two latter serve only as a remedy for jaundice. At the same time it is permitted to drink tree-water to quench one's thirst, and one may anoint himself with root-oil but not as a remedy.

GEMARA: "*It is allowed, however, to eat wild rosemary,*" etc. For what purpose is it eaten? To drive out worms in one's liver. What is it eaten with? With seven white dates. What does the illness (requiring this remedy) arise from? From the eating of meat broiled over live coals and the drinking of water immediately after the eating on an empty stomach or from eating fat meat, beef, nuts or Rapa-twigs when eaten on an empty stomach and immediately washed down with water.

The mother of R. A'hadboy b. Ami made a remedy for a man who had imbibed poison of an adder by cooking laurel leaves in a cupful of beer, giving it to the man to drink, then clearing out the coals from a burning hearth, placing a brick on the hearth and making him sit on that brick until the poison left the man in the shape of a green fern. R. Ivia said, that she did not cook the laurel leaves in beer but in a quarter lug of milk of a white goat.

One who swallowed a (small) snake should eat kostos (an Indian root of which a precious salve was made, called in the Bible *onycha*) in salt and should run three miles. R. Simeon b. Ashi once saw a man who had swallowed a snake, so he disguised himself as a Persian horseman, called to the man, compelled him to eat kostos with salt, then chased him for three miles. In consequence of fright the man then vomited the snake piece by piece.

One who was bitten by a snake should get a bearing (female) ass, tear her open, take out the foetus, and apply it to the wound.

One who was encircled by a snake should run to the water, take a basket, place it over the snake's head, and as soon as the snake winds itself around the basket, throw it into the water and escape.

One who is pursued by a snake should, if he is in company of a friend, jump on the friend's back and have the friend carry him at least four ells so as to hide the scent of his footsteps, or, if alone, should jump over a stream or pond of water. At



night he should place his bed on four empty casks, then tie four cats to the casks, and sleep in an unroofed space. He should also place a lot of twigs and dry branches in front of his bed, so that if the snake glide among them they will rustle, in which event the cats will hear the noise and devour the snake. If one is pursued by a snake, he should run to a sandy place, where it is hard for a snake to glide.

“*It is permitted to partake of all usual catables,*” etc. What does the Mishna mean to add by the word “all”? A milt, which is good for the teeth (although it is bad for a weak stomach), or bran, which is good for the stomach (but bad for the teeth). What does the Mishna mean to add by the word “all,” referring to beverages? Water of Izlat (Kaffir-corn) boiled with vinegar.

“*With the exception of tree-water.*” We have learned in a Boraitha: “With the exception of prickly water.” One who teaches prickly water does so because the water pricks the gall, and one who teaches tree-water refers to water running out of two trees? What does he mean by this? Said Rabba bar Brona: “There are two date-trees in Palestine that are called Thalai, and between them is a spring of water; the first cup of this water produces a weak sensation in the stomach, the second cup purges and the third leaves the stomach as clear as when imbibed.” Said Ula: “I drank the Babylonian beer with better effects than that tree-water, but it is only then effective if drunk for the first time in forty days. R. Joseph said: “The water called prickly water above is Egyptian beer, which is one third barley, one third wild saffron, and one third salt.” R. Papa said: It is one third wheat, one third wild saffron, and one third salt, and it should be drunk between Passover and Pentecost, when it will relieve constipation and stop diarrhœa.

“*And root-tea.*” What is root-tea? Said R. Johanan: It is made of Alexandrian gum, alum, and garden saffron, each the weight of one Zuz, and ground together. To one who suffers with too frequent menstruation, three cups of this tea should be given in wine, and she will not be barren. For jaundice two cups are to be administered, in beer, but the patient will be barren ever after. May this be done? Have we not learned in a Boraitha: Whence do we know that castrating a man is prohibited? From the passage [Lev. xxii. 24]: “And in your land shall ye not make the like.” Which means, ye shall not do this on your own bodies. So said R. Hanina?

This is said only in reference to one who has the intention of making one a eunuch, but not with reference to one who administers the remedy for jaundice, and incidentally makes one impotent; as R. Johanan said: "One who wishes to castrate a cock shall cut his comb, and thus the cock will become impotent." Did not R. Ashi say, that a cock whose comb is cut off is not rendered impotent thereby, but, being very proud, will have no more coition with hens on that account? Were he actually rendered impotent, it would not be allowed to remove his comb, for it is written [ibid.]: "And in your land shall ye not make the like." It is allowed to give a man two cups of root-tea for jaundice, providing he was already impotent. But even this is prohibited (in Menachoth 56)! Say rather it may be given to a woman who is not subject to the command of bearing children.

MISHNA: One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved thereby, he need have no fear of the consequences. One who has pains in his loins must not rub them with wine or vinegar, but may anoint them with oil; not with rose-oil, however. Children of princes may anoint their wounds even with rose-oil, because it is their wont even on week-days to anoint themselves with rose-oil. R. Simeon said: "All Israelites must be considered as children of princes."

GEMARA: R. Aha bar Papa asked R. Abuha concerning the following contradiction: "The Mishna teaches, that one who has a toothache must not gargle with vinegar, implying thereby, that vinegar is a remedy for toothache, and still we find in the passage [Proverbs x. 26]: 'As vinegar is to the teeth, and as smoke is to the eyes.'" This presents no difficulty. The Mishna refers to an injured tooth, whereas the passage refers to sound teeth, which are put on edge by vinegar.

"*Must not gargle vinegar.*" Have we not learned in a Boraitha, that it is not allowed to gargle vinegar and then spit it out, but if swallowed afterwards gargling is allowed? Said Abayi: Such is also the intent of the Mishna, meaning, if he spit out after gargling.

"*One who has pains in his loins,*" etc. Said R. Aba b. Zabhdha in the name of Rabh: The law according to the opinion of R. Simeon prevails. Shall we assume that Rabh holds with R. Simeon? Did not R. Simi bar Hyya say in the name of Rabh, that a bung-head tied around with a piece of cloth must not be hammered into a barrel on a festival (because the barrel being

full of wine, the cloth will absorb some, and by being pressed into the hole the wine absorbed will run out, and wringing a thing is not allowed), although the wine runs out of its own accord, and not through the intention of the man; but according to R. Simeon this would be permitted? Where an act is concerned which will most certainly be consummated, even without the agency of man, as the head of a creature being removed, death must surely follow, R. Simeon also admits, that it is not allowed. We have learned elsewhere, however, explicitly, that Hyya bar Ashi said, that Rabh holds according to R. Jehudah, and Samuel according to R. Simeon? (How can it be said that Rabh holds with R. Simeon?) Said Rabha: I and the lion of our society (*i.e.*, R. Hyya bar Abhin) explained this as follows: The ordinance prevails according to R. Simeon, that (rose-oil) is allowed, but not for the reason advanced by R. Simeon. R. Simeon says, that all Israelites are considered as princes, and therefore, even in such places where rose-oil is very costly, one may also anoint himself with it; but Rabh says it is allowed, because, where *he* (Rabh) resided, rose-oil was very cheap (but where it is costly it is not allowed).

## CHAPTER XV.

### REGULATIONS CONCERNING THE TYING AND UNTYING OF KNOTS ON THE SABBATH.

MISHNA: Following are the knots for the tying of which one becomes culpable. The knot of the camel-drivers (made on the guiding-ring) and the knot of the seamen (made on the bow of a ship); just as one becomes culpable for tying them, so also one becomes culpable for untying them. R. Meir said: "One does not become culpable for any knots that can be untied with one hand."

GEMARA: What is the meaning of a knot of the camel-drivers and a knot of seamen? Shall we assume, that by such a knot is meant the one that is tied in attaching the guiding-line suspended from the nose-ring of a camel to something else, and also the knot made in attaching the hawser of a ship to a capstan on the dock? (Such knots are not permanent, why should the tying of them be prohibited?) Nay; by that knot is meant the one made in attaching the guiding-line to the nose-ring and the hawser to the ship itself (both of which are permanent knots).

MISHNA: There are knots on account of which one does not become culpable, as in the case of a camel-driver's or seaman's knot. A woman may tie the slit of her chemise, the bands of her hood, the bands of her girdle, the straps of her shoes and sandals; also the bands of leather flasks (filled) with wine or oil, and of a pot of meat. R. Eliezer, the son of Jacob, says: "One may tie a rope in front of cattle, in order that they may not escape." One may tie a bucket (over the well) with his girdle, but not with a rope. R. Jehudah permits this to be done with a rope also. For a rule was laid down by R. Jehudah: One is not culpable for any knot which is not permanently fastened.

GEMARA: Is there not a difficulty in understanding the Mishna itself? The first part states, that there are knots on account of which one does not become culpable, etc., imply-

ing, therefore, that, while one who ties them does not become liable for a sin-offering, at the same time he must not do it to commence with. The latter part, however, says, that a woman *may* tie the slit of her chemise, etc., implying, then, that she may do it in the first place? The Mishna means: There are some knots for the tying of which one does not become culpable, as in the case of the knots of the camel-drivers, etc., and they are: The knots by means of which the guiding-line is attached to the nose-ring, and the knots by means of which the hawsers are attached to the ship itself. For tying such knots one does not become liable for a sin-offering, but he must not make them to commence with (because at times the knot is left on the nose-ring or on the ship for some time), and there are other knots which *may* be tied in the first place, such as the slit of a woman's chemise, etc.; what would he inform us? Is it not self-evident, that a woman must tie the slit in her chemise. The case treated of is where a chemise has two slits, an upper and a lower, and it can be put on (over the head) even if the lower one is tied. We might assume, then, that only the upper one of the slits would be permitted to be tied; he therefore informs us, that both the upper and the lower may be tied and untied.

“*The bands of her hood.*” Is this not self-evident? The case is, that the bands of the hood are always tied, and the woman slips on the hood without untying or tying the bands, and we might assume that for this reason the knot is considered permanent; he therefore informs us, that if a hair become entangled in the hood, the woman may tie and untie the bands.

“*The straps of her shoes and sandals,*” etc. R. Jehudah, the brother of R. Sala the Pious, had a pair of sandals, which were sometimes worn by him and sometimes by his child. He came to Abayi and asked him whether he might tie and untie them (on Sabbath). Said Abayi: “He who does this unintentionally becomes liable for a sin-offering.” Said R. Jehudah to him: “If thou hadst said, that one is not culpable for doing this, but that it must not be done to commence with, it would seem strange to me; thou sayest now, that one is liable for a sin-offering.” Asked Abayi: “Why so?” Answered R. Jehudah: “Because on week-days I sometimes also wear the sandals, and (if my child wishes to use them) I untie them and adjust them to the child's foot.” Answered Abayi: “If such be the case, they may be tied or untied (on the Sabbath) to commence with.”

R. Jeremiah was walking behind R. Abuha on unclaimed ground, and the band of his sandal having been torn off, he asked R. Abuha what to do. R. Abuha told him to take damp seaweeds, which an animal can eat (and which may therefore be handled on Sabbath), and tie his sandal.

Abayi stood before R. Joseph in private ground, and the band of one of his sandals becoming torn off, he asked R. Joseph what to do. Said R. Joseph: "Leave thy sandal here and walk without it." Asked Abayi: "Wherein does my case differ from that of R. Jeremiah?" Answered R. Joseph: "R. Jeremiah's sandal was torn off in unclaimed ground, where, had he left it, it would have been lost, but thine is in my yard and will be safe." Said Abayi: "But the sandal is a perfect vessel; for I can put it on my other foot and then it will not fall off. Why should I not be permitted to handle it?" R. Joseph answered: "Because we learned elsewhere in regard to Chalitza that R. Johanan interpreted a Boraita in accordance with R. Jehudah, who says, that if the band of a sandal was torn off, the sandal cannot be regarded as a vessel. We must assume, therefore, that the ordinance according to R. Jehudah prevails."

"*Also the bands of leather flasks filled with oil or wine,*" etc. Is this not self-evident? The case treated of is where the flasks had two mouths, and lest we assume that only one of them may be tied and untied, he informs us that both may be tied.

"*And of a pot of meat.*" Is this not self-evident? The Mishna means to state, that even if the pot have an opening at the bottom it might be assumed that the knot tied around the mouth of the pot is permanent and should not be untied. We are informed that it may be untied, nevertheless.

"*R. Eliezer, the son of Jacob, said,*" etc. Is *this* not self-evident? The case treated of is where there were two ropes, one tied higher up and the other lower. We might assume, that because the lower one is tied permanently one may not untie it; therefore he informs us that both may be tied and untied. Said R. Jehudah in the name of Samuel: "The Halakha prevails according to R. Eliezer ben Jacob."

"*One may tie a bucket with his girdle, but not with a rope,*" etc. What kind of a rope is not permitted? Is it an ordinary rope? Why does R. Jehudah permit it? It remains permanently tied? Shall we assume that it refers to the rope of a weaver? Why is it not permitted? It will surely be removed, because the weaver will need it? Or is it prohibited simply as a precau-

tionary measure, lest some one tie the bucket with an ordinary rope, and R. Jehudah does not entertain this apprehension? Then it is contradictory to the following Boraitha: "A rope fastened to a bucket which became torn, should not be tied into a firm knot, but simply tied into a loop." R. Jehudah says: "It should be joined together with the owner's girdle, but it must not be tied into a loop." This would be a case of where both the rabbis and R. Jehudah contradict themselves. There is no contradiction at all. As for the rabbis, they hold, that an ordinary rope may be mistaken for the rope of a weaver, because both are called ropes, but a loop cannot be mistaken for a knot, because they have different names. As for R. Jehudah, he prohibits a loop to be made, not because he holds that a loop may be mistaken for a knot, but because the loop in this case is equal to a knot.

R. Aba in the name of R. Hyya b. Ashi, quoting Rabh, said: "One may bring a rope from his house and can tie it to the cow, and then fasten it to the crib."

R. Johanan asked of R. Jehudah bar Levayi: "May weaving utensils, either upper or lower, be handled on the Sabbath?" Answered R. Jehudah: "Nay; they may not." "Why so?" "Because on week-days they are also never used for any other purpose (being too heavy); hence they are always used for weaving alone (and therefore must not be handled on Sabbath)."

MISHNA: One may fold his clothes (just removed) even four or five times (on the Sabbath). On the eve of Sabbath one may prepare his beds for use on the Sabbath, but not at the close of Sabbath for use after the Sabbath is gone. R. Ishmael says: "One may arrange his clothes and prepare his beds on the Day of Atonement for the Sabbath; further, the sacrificial tallow left over from the Sabbath may be offered up on the Day of Atonement (if the two succeed one another, before the Jewish calendar was arranged); but not such as is left over from the Day of Atonement on the Sabbath." R. Aqiba said: "Neither that (tallow) left over from the Sabbath may be offered up on the Day of Atonement, nor that of the Day of Atonement on the Sabbath."

GEMARA: The school of R. Yanai said: The Mishna only permits the folding of clothes by one man, but not by two, and also only in case the clothes are new, but not if they are old (because old clothes are better preserved by folding). New clothes must only be folded if they are white clothes, but not if

they are colored. White clothes may be folded only if they constitute all the garments possessed by the man; but if he had others, he must not fold even those, as we have learned in a Tosephta: "The family of R. Gamaliel did not even fold white clothes, because they had others for a change."

R. Huna said: "If one have a change of clothes for the Sabbath, he should change them; if not, he should at least let them down." \* R. Saphra opposed this: "If one let down his garments, he will be considered as a vain man." If he does this only on the Sabbath and not on week-days, he will not be considered vain but simply as one desirous of keeping the Sabbath with due respect, as it is written [Isaiah lviii. 13]: "And honor it by not doing thy usual pursuits." "Honor it" is meant to imply that, by wearing different clothes on the Sabbath, the Sabbath should be honored, for R. Johanan calls clothes signs of honor, and through clothes a man is honored. "By not doing thy usual pursuits" means that the walk on the Sabbath should not be as on week-days [ibid. ibid.]: "By not following thy own business," means to say, that only thy own business is not allowed, but heavenly business is. "And speaking (vain) words": the mode of speaking on Sabbath should not be like that on week-days. Speaking is not allowed, but thinking is. (All this is perfectly proper, not to dress as on week-days, nor to speak as on week-days); but what does a different walk on the Sabbath signify? It signifies, that one should not make long strides on the Sabbath, as Rabbi asked of R. Ishmael b. R. Jose: "May one make long strides on the Sabbath?" Answered he: "May one do so even on week-days? For I say, that a long stride deprives a man of a five hundredth part of the light of his eyes. A remedy for this is, however, the drinking of the wine over which the benediction is made on the eve before the Sabbath."

It is written [Ruth iii. 3]: "Therefore bathe and anoint thyself, and put thy garments upon thee," by which, said R. Elazar, is meant the Sabbath garments.

It is written [Proverbs ix. 9]: "Give to the wise (instruction), and he will become yet wiser." Said R. Elazar: By that is meant Ruth the Moabite and the Prophet Samuel of

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\* The poor of those days, when at work—*i.e.*, on week days—used to roll up their long garments in order not to be hindered by them while at work. The rich used to wear long garments at all times; hence the above decree of R. Huna.



Ramah. Naomi said to Ruth: "Therefore bathe and anoint thyself, and put thy garments upon thee, and go down to the threshing-floor," but Ruth did as it is written further [ibid. 6]: "And she went down unto the threshing-floor, and did in accordance with all that her mother-in-law had commanded her," which means, that she first went down to the threshing-floor and then dressed herself, in order not to soil her clothes. As for Samuel, when Eli said unto him [I Samuel iii. 9]: "Go, lie down; and it shall be, if he call thee, that thou shalt say, Speak, Lord; for thy servant heareth," he did at the time as it is written [ibid. 10]: "And the Lord came, and placed himself, and called as at previous times, Samuel, Samuel. And Samuel said, Speak, for thy servant heareth," but did not say, "Speak, Jehovah," as he was told to do by Eli (because, not knowing who was speaking, he did not want to speak the Lord's name in vain).

It is written [Ruth ii. 3]: "And she went, and came, and gleaned in the field after the reapers." Said R. Elazar: She went and came to and fro until she found such men as were fit company for her. "Then said Boaz unto his young man that was appointed over the reapers, Whose maiden is this?" [ibid. 5]. Was it proper for Boaz to inquire whose maiden she was? We have learned in a Boraitha: He (Boaz) noticed that she was very modest, for when gleaned from the sheaves, she did so standing if the sheaves were also standing, and if the sheaves were on the ground, she did not stoop, lest she reveal some of her form, but sat down and gleaned in that position.

"But keep close company with my own maidens" [ibid. 8]. Was it proper for Boaz to say "my own maidens"? Was it his custom to mingle with the women? Said R. Elazar: "Because Boaz saw that Orpah kissed her mother-in-law; but Ruth cleaved unto her" [ibid. i. 14], he thought, that if she were such a woman it would be proper for him to associate with her."

"And Boaz said unto her, At mealtime come near hither (halom)" [ibid. ii. 14]. Said R. Elazar: "By the word 'halom' (near hither) Boaz hinted to her that from her would spring the kingdom of David, who used the expression 'halom,' as it is written in [II Samuel vii. 18]: 'Then went King David in and sat down before the Lord, and he said, Who am I, O Lord Eternal? and what is my house, that thou hast brought me as far as hitherward (halom)?'"

"And eat of the bread, and dip thy morsel in the vinegar"

[Ruth ii. 14]. "From this it can be inferred, that vinegar is good for (relieving excessive) heat," said R. Elazar. But R. Samuel ben Na'hmeni said: "This was also a hint to Ruth, that from her would spring forth a son, whose deeds would be sour as vinegar, and that was King Menasseh."

"And she seated herself beside the reapers" [ibid. ibid.]. Said R. Elazar: "Beside the reapers and not between them, was also a hint that the kingdom of David would eventually be divided."

"And he reached her parched corn, and she ate, and was satisfied, and had some left." Said R. Elazar: (This is a reference to the kingdom of David) "Ate at the time of David, was satisfied in the time of Solomon, and had some left in the time of King Chizkyah." Others say: "Ate during the days of David and Solomon, was satisfied during the days of Chizkyah, and had some left in the time of R. Jehudah Hanassi (a descendant of David), whose coachman even, according to the teaching of the Master, was said to be richer than the Shahur (king, shah) of Persia." In a Boraitha, however, we have learned: (This passage does not refer to the kingdom of David but to Israel in general). It means: "Israel ate in this life, will be satisfied in the times of the Messiah, and shall have some left in the world to come."

R. Hyya bar Aba said in the name of R. Johanan: "Whence do we know that a change of clothes is a biblical prescription?" Because it is written [Lev. vi. 4]: "And he shall take off his garments, and put on other garments, and carry forth the ashes to without the camp, unto a clean place." This was commented upon by the school of R. Ishmael to mean, that the clothes worn while cooking for one's master should not be worn when serving the master at table.

The same teacher said again: A scholar (Talmud-Chacham), upon whose clothes a stain can be found, deserves to be put to death, for it is written [Proverbs viii. 36]: "All those that hate me love death." Do not read, "those that hate me" (mesanai), but "those that cause others to hate me" (masnii) (implying that if a stain is noticed on a scholar's clothes, the whole law is held lightly). Rabhina said: "In the Boraitha was taught not 'upon whose clothes a stain can be found,' but 'upon whose clothes *grease* (Rebhad)\* is found.'" They do not differ, how-

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\* Rashi interprets the word Rebhad to mean "semen."

ever. The former refers to an over-garment, while the latter to an under-garment.

R. Johanan said: Who can be called a scholar trustworthy enough to be believed when claiming a lost article, without identification, but simply by seeing the article lost and claiming it as his own? A scholar who is so particular that, if he happen to put on his night-robe wrong side out, he will take the trouble to take it off again and adjust it properly.

R. Johanan said again: "Who is the scholar worthy of being made the president of a congregation?" The one who, when asked concerning an ordinance bearing on any subject, knows exactly what to answer, even such ordinances as are contained in the Tract Kalah (Kalah is a supplement to the Talmud, which is not generally read, and treats of a bride).

He said again: "Who is the scholar that is deserving of having his work performed by his fellow-citizens? The one who neglects his own affairs to attend to religious affairs." This refers, however, only to one who has lost his subsistence on account of his congregational duties.

Again, R. Johanan said: "Who can be called a scholar (Talmud-Chacham)? One who can give the interpretation of any ordinance in whichever chapter (or tract) that may be shown him." What difference does that make? The difference is this: If a man is familiar only with the ordinances of a certain tract, he may only be competent to be the presiding officer of one community, but if he understand them all, he may be made the chief of the house of learning in a whole district.

"R. Ishmael says: 'One may arrange his clothes,' " etc. The rabbis taught: It is written [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath." From this we learn, that we may offer up the tallow left over from the Sabbath on the Day of Atonement; but one might say, that the fat left over on the Day of Atonement may be offered up on the Sabbath also; therefore the passage says [ibid. ibid.]: "on every Sabbath." So says R. Ishmael, but R. Aqiba says, "'This is the burnt-offering of the Sabbath on every Sabbath,' implies, that the fat left over from the Sabbath may be sacrificed on a biblical feast-day; but one might say, that it may be done also on the day of Atonement; therefore the passage says 'on every Sabbath.'"

The point of difference between R. Ishmael and R. Aqiba is as follows: R. Ishmael contends that vow-offerings and voluntary offerings may be brought on feast-days, and therefore the

term "every Sabbath" cannot refer to feast-days, but *does* refer to the Day of Atonement, whereas R. Aqiba contends that such offerings must not be brought on feast-days, and hence "every Sabbath" implies that the fat left over from the Sabbath may be offered up on a feast-day.

R. Zera or R. Aba said in the name of R. Huna: "If the Day of Atonement fall on a Sabbath, herbs for cooking must not be selected on that day." Said R. Mana: This we have learned in a Boraitha as follows: "Whence do we know that if the Day of Atonement fall on a Sabbath herbs must not be selected? Because it is written [Exod. xvi. 23]: 'A rest, a holy rest is unto the Lord to-morrow.'" Why is the word "rest" repeated? Shall we assume, that no other labor must be performed? This is ordained (in Chapter xx. 10): "Thou shalt not do any work." It must therefore refer to such work as is not really labor, as "selecting herbs" (and the passage must refer to a Sabbath on which the Day of Atonement happens to fall, because on ordinary Sabbaths no additional prescription is necessary; but it being the Day of Atonement, on which, were it not also Sabbath, such work would be permissible, on account of alleviating the sufferings caused by fasting, we might assume that it would be allowed also on a Day of Atonement, which occurs on a Sabbath; therefore the passage refers to a Sabbath upon which the Day of Atonement happens to fall). R. Hyya bar Aba, however, in the name of R. Johanan said: Selecting herbs on a Sabbath concurrent with the Day of Atonement is permissible, and the repetition of the word "rest" is on account of the prohibition of actual labor, and as for there being another ordinance to that effect, it is for the purpose of signifying that the transgressor of this commandment will be punished for the violation of both the positive and the negative commandments.

We have learned in a Boraitha in support of R. Johanan: Selecting herbs on a Day of Atonement concurrent with a Sabbath is permissible. Nuts may be cracked and pomegranates cleaned after the afternoon prayer, for the purpose of alleviating the suffering of the fasting. In the house of R. Jehudah, cabbage was prepared, and in Rabba's house, pumpkins were cleaned. Later on Rabba noticed that this was being done even before the afternoon prayer; so he told them that a message was received from R. Johanan of Palestine that this was prohibited.

## CHAPTER XVI.

### REGULATIONS CONCERNING ARTICLES WHICH MAY BE SAVED FROM A CONFLAGRATION ON SABBATH.

MISHNA: All sacred scriptures may be saved from a conflagration (on the Sabbath); be such scriptures allowed or not allowed to be read on Sabbath. The Scriptures written in any language whatsoever must be considered sacred, and brought to a safe place, even on a week-day. Why are some (sacred scriptures) not allowed to be read (on Sabbath)? In order that one might not miss the sermons at the school-house. One may save the case of the book with the book, the case of the Tephillin with the Tephillin, even if money is contained therein. Where must such things be taken (for safety)? In a closed space surrounded by walks. Ben Bathyra says: "Even in a space that has one side open."

GEMARA: It was taught: If the Scriptures were written in Aramaic (Targum), or in any other language, they need not be saved from a conflagration. So says R. Huna. But R. Hisda says: "They must be saved." According to the Tana who holds, that all of the scriptures may be read on Sabbath, there is no difference of opinion between R. Huna and R. Hisda, for the Scriptures must be saved. But, according to the Tana who holds, that some scriptures may and others may not be read on the Sabbath, R. Huna says, that the latter need not be saved, while R. Hisda says they must, in order not to disgrace the Scriptures. An objection was made: "Our Mishna says, that all scriptures, whether allowed to be read on the Sabbath or not, or even if written in whatever language, must be saved. We must assume, that the readable part of the Scriptures is the Prophets and the non-readable part is the Hagiographa, and if written in other languages, which are naturally non-readable, they must nevertheless be saved. How, then, can R. Huna say, that the non-readable need not be saved?" R. Huna might say: How can this explanation of the Mishna correspond with the further ordinance that they "should be brought to a safe

place" ? If it says that they must be saved from the conflagration, it is self-evident that they must be brought to a safe place ? What is the correct interpretation of the Mishna ? R. Huna interprets it according to his understanding thus: " The readable part of the Scriptures is the Prophets, the non-readable part is the Hagiographa, providing they are written in the holy language (Hebrew), but if written in other languages they need *not* be saved ; but although they need not be saved on the Sabbath, if they lie in an unfit place even on week-days, they must be brought into a safe place." R. Hisda interprets the Mishna according to his understanding thus: " The readable part is the Prophets, the non-readable part is the Hagiographa, and although written in other languages they must also be saved, and the term ' should be brought to a safe place ' refers even to torn pieces of such Scriptures although written in other languages."

Another objection was made: We have learned in a Boraitha: " If they (the Scriptures) are written in Aramaic or any other language, they must be saved from a conflagration ? Is this not contradictory to R. Huna's opinion ? Nay ; R. Huna may say that the Tana of the Boraitha holds the Scriptures written in other languages to be readable. Come and hear: Scriptures written in Coptic, Median, old Hebrew, Elamite or Greek, although not permitted to be read, must be saved from a conflagration." This is surely a contradiction to R. Huna ? R. Huna might say: There is a difference of opinion among the different Tanaim, as we have learned in the following Tosephta: If the Scriptures are written in Aramaic or in any other language, they must be saved from a conflagration, but R. Jose says, that they must not. Said R. Jose: It happened that Aba 'Halafta went to R. Gamaliel the Great in Tiberias, who sat at the table of Johanan the Nazuph (also called Ben Nazuph), and held in his hand the book of Job in Aramaic, which he was reading. Said Aba 'Halafta to R. Gamaliel: " I remember having at one time come to thy grandfather R. Gamaliel, who stood on the steps of the corridor of the Temple when a Book of Job in Aramaic was brought to him. He told the mason to take the book and immure it underneath the stairway." Whereupon the later R. Gamaliel also ordered the book he was reading to be immured.

The rabbis taught: The benedictions, which are written in Hebrew, or amulets although containing letters of the Holy Name and many passages of the Scriptures, must not be saved

from a conflagration, but may be burned up together with such letters and passages. From this it was said, that one who writes benedictions commits an act equal to burning up the Scriptures, as it happened in Zidon: One wrote benedictions, and it was told to R. Ishmael. R. Ishmael set forth to investigate the matter. As soon as the man saw R. Ishmael approach, he threw the writings into a bowl of water. Said R. Ishmael to him the following words: "The punishment thou wilt receive for this latter deed will be greater than that for writing the benedictions."

The Exilarch asked of Rabba bar R. Huna: If the Scriptures were written with paint or with dyes and in the holy language, may they be saved from a conflagration or not? I ask thee, taking in consideration the differences of opinion existing between the different Tanaim, for those who hold that Scriptures written in Aramaic or any other language must not be saved, what is their opinion regarding such as are written in the holy language and not with ink? Whereas those who hold that the Scriptures in any language must be saved, do they not refer to such as are written in ink only, but those written with paint or dye, even if written in Hebrew, should also not be saved? Answered Rabba bar R. Huna: "No, they must not be saved." Rejoined the Exilarch: "R. Hamnuna taught, in a Boraitha, that they may?" Answered Rabba: "If such was taught in a Boraitha, it must be so!"

The rabbis taught: Before the passage [Numb. x. 35]: "And it came to pass when the ark set forward, that Moses said, etc.," and at the close of the next verse, the Holy One, blessed be He, made signs (the inverted letter Nun, which must be inserted in the Scroll) in order to signify that this is not the proper place for the two passages; but Rabbi says, that this is out of the question, and that the two verses form a valuable book in themselves. We have heard from R. Samuel ben Na'hmeni in the name of R. Jonathan, that we have not a Pentateuch but a Septateuch\* (*i.e.*, we have not five books of Moses, but seven). Would this imply that R. Samuel holds with Rabbi and declares that there are seven (because the two verses, which form a book in themselves, divide Numbers into two books)? Who is the Tana, however, that differs with Rabbi? He is R. Simeon ben Gamaliel, for we have learned in a Bora-

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\* In the Hebrew introduction to Tract Rosh Hashana this entire argument is explained, and we do not deem it advisable to translate it at present.

itha: R. Simeon ben Gamaliel says, that these two passages will in the future be removed and put in their proper place. Why were they put here, then? In order to make a separation between the two scourges that befell the Israelites. Which was the second scourge? The one that follows immediately afterwards [Numb. xi. 1]: "And it came to pass, that, as the people complained in a manner displeasing to the Lord," etc., etc. And which was the first? The first was as it is written [ibid. x. 33]: "And they set forward from the mount of the Lord," which, according to R. Hama b. Hanina, means "and they departed from the ways of the Lord." Which is the proper place for the two passages? Said R. Ashi: In Numbers ii. (where it is decreed how every man should walk in the wilderness, and the end of the chapter stating that every man did as he was commanded, should be followed by those two verses).

The schoolmen asked: May the blank pieces of the Scroll of Laws which had become detached from the Scroll be saved from a conflagration on Sabbath or not? Come and hear: The Gilyonim (blank pieces of the Scroll) and the Sadducean books need not be saved from the conflagration. They, together with the holy names contained in them. Does not the word Gilyonim have reference to the blank pieces of the Scroll? Nay; the blank pages of the Sadducean books. How can it mean the blank pages of the Sadducean books. Why, it is not even allowed to save the Sadducean books themselves? Perhaps the Boraitha means, that the Sadducean books are considered as blank pages, and hence must not be saved.

The text of the Boraitha says further: The Gilyonim and the Sadducean books must not be saved from a conflagration; R. Jose says, that on week-days the Holy Name must be torn out wherever it appears and preserved, and the remainder must be burned; but R. Tarphon says: May I bury my children, if I would not burn such books together with the Holy Name, whenever they reached my hands; for when a man is pursued by murderers or by a snake, it were better for him to seek refuge in the temple of an idol than to enter the houses of such people; for the idolaters serve their idols because they know not God, but the others know God and deny him; they (the latter) are referred to by the verse [Isaiah lvii. 8]: "And behind the doors and the doorposts hast thou placed thy remembrance" (implying that they remember the Lord very well, but nevertheless place their memory behind the doors and doorposts).



Said R. Ishmael: In the Scriptures it is even allowed to erase with bitter water the Holy Name of God, which was written in a holy cause in order to bring about peace between man and wife, *a fortiori* it should be allowed in the case of those people who cause discord and enmity between Israel and the Heavenly Father. To them David had reference [in Psalms cxxxix. 21, 22]: "Behold those that hate thee, I ever hate, O Lord! and for those that rise up against thee do I feel loathing. With the utmost hatred do I hate them: enemies are they become unto me." So, as they must not be saved from a conflagration, they must also not be saved from the waters, or anything that might destroy them.

Joseph bar Hanin asked of R. Abuha: "May the books of Be Abhidon be saved?" Answered R. Abuha: Yea, nay, I really cannot tell. Rabh never went to the Be Abhidon, and all the more not to the Be Nitzrephe.\* Samuel, however, never went to the Be Nitzrephe, but did go to the Be Abhidon. Mar bar Joseph said: "I am of their society and do not fear them." Still it happened at one time that he was in danger on their account.

Ema Shalom, the wife of R. Eliezer, who was also a sister of R. Gamaliel the Second, encountered a philosopher in her neighborhood who was a judge, and had the reputation of being inaccessible to bribery. R. Gamaliel and his sister wished to ridicule him and prove that he *was* accessible to bribery. Ema Shalom brought him a golden candle. He asked her what she wanted, so she answered: "My father is dead, and I wish to inherit some of his possessions." The judge said: "Go, I will order that you be given your share." Said she: "Thou canst not order it so, because our law decrees, that wherever there is a son a daughter cannot inherit." Answered the judge: "Since you Israelites are in exile, your law given you by Moses has been revoked, and a new law was given you by which daughters may inherit equally with sons." On the morrow came R. Gamaliel and brought him a Libyan ass, and told him that he did not wish to let his sister inherit. Said the judge: "After thy sister left I consulted the law again, and found that the new law said: 'I did not come to abolish the Mosaic law, neither to increase nor

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\* We render these names without translations, as we also do in the case of Gilyonim, because of the incessant discussions concerning them among Hebrew theologians, and we do not desire to decide the definite meaning.

to diminish it.' Hence it must remain as in the old law, that where a son is left a sister must not inherit." Said Ema Shalom to the judge: "May God make thy light as bright as a candle." Said R. Gamaliel to her (in the presence of the judge): "An ass came along and extinguished thy candle."

"*Why are some (sacred Scriptures) not allowed to be read (on the Sabbath)?*" etc. Said Rabh: "It is not allowed to read such Scriptures only during the time of the sermons at the school-house, but at any other they may be read." Samuel, however, said, that even at any other time they must not be read, because he holds with R. Nehemiah as we have learned in the following Boraitha: "Although it was said that the Hagiographa should not be read, still they may be discussed and lectured upon, and when a quotation must be made, the book may be referred to and the quotation read." Said R. Nehemiah: "Why was it prohibited to read the Hagiographa on the Sabbath? In order that it might be said: As it is forbidden to read the Hagiographa, it is all the more so forbidden to read ordinary papers."

"*In a closed space surrounded by walls.*" What is to be understood by the term "closed space"? Said R. Hisda: "This refers to a lane surrounded on three sides by walls and having on the fourth side two beams. If the lane have three walls and two beams it is a closed space, if it have only one beam on the fourth side it is an open place, and the Tana of the Mishna as well as Ben Bathyra hold in accordance with the opinion of R. Eliezer, who decided to that effect elsewhere." Said Rabba to R. Hisda: "Dost thou call a space surrounded by three walls and one beam an open place? If this be so, according to the sages, why cannot victuals and beverages also be brought there, not alone Scriptures? In *my* opinion, two walls and two beams, one on each side, form a closed space, and two walls with only one beam constitute an open space. And the two Tanaim of the Mishna are not in accord with R. Eliezer, but with R. Jehudah, who opposes him (in Tract Erubin)."

Said Abayi to Rabba: "And why should not, according to thy explanation, victuals and beverages be brought there (for safety) in conformity with the opinion of the sages?" Said R. Ashi, however, "The two Tanaim of the Mishna are of the opinion of R. Eliezer, and a closed place is formed by three walls and one beam, while an open place is made by three walls without any beam at all; and even according to R. Eliezer, who

requires two beams, it is only for the bringing thither of victuals; but for the safe keeping of the Scriptures, R. Eliezer holds even one beam to be sufficient."

MISHNA: One may save enough victuals to last for three meals (on the Sabbath in the event of a conflagration). Such food as is fit for human beings may be saved for the use of human beings, and such as is fit for cattle may be saved for cattle. How so? If a conflagration happen on the eve of Sabbath, one may save enough victuals for three meals. If it occur in the forenoon of Sabbath, one may save enough for two meals, and if it occur in the afternoon of Sabbath one may only save enough for one meal. R. Jose, however, says: "One may at all times save enough for three meals."

GEMARA: Let us see! Why should it only be allowed to save three meals, or two, or one? (It says, further on, that the victuals for the meals are to be brought into such a place as is covered by an Erub. In such a place things may be carried, and the things themselves may also be handled, then why should one not be allowed to save more than enough for three meals?) Said Rabha: Because a man is anxious for his possessions, he might, if allowed to save as much as possible, forget about the Sabbath and extinguish the fire altogether. Said Abayi to him: "We have learned previously, that a man upon whose roof a barrel filled with victuals becomes broken, may bring another vessel and put it underneath the barrel in order that the contents of the barrel fall into the vessel, but may not bring another barrel and transfer the contents of the broken one into the new, nor may he place a new barrel alongside of the other and remove the contents of the broken one into the new one by keeling over the former and letting its contents drop into the latter. Why should he not be allowed to do this? (He is on private ground, and the barrel with its contents may be handled?) If it is prohibited as a precautionary measure in the manner of the previous case, where does the precaution arise?" This latter case is also a precautionary measure; for were he allowed to remove the contents from one barrel into another, there is fear of his carrying it through public ground. The text of the Boraita, however, teaches further, that if the man had guests in his house, he may remove the contents of the broken barrel into a new one, etc. But he may not first remove the contents and then call guests, but first call guests and then remove the things; nor may he pretend (to call guests), but must actually desire their

company. In the name of R. Jose bar R. Jehudah it was said, that even calling guests as a pretext is also allowed.

The rabbis taught: If one had saved (from the fire) fine bread, he must not return and save coarse bread, but if he first saved the coarse he may return and save the fine. One may also save enough on the Day of Atonement in the event of a fire (when that day is succeeded by Sabbath) to last him through the Sabbath also, but on a Sabbath it is not permitted to save enough for the Day of Atonement (if the Sabbath falls on the day before), and all the more so is it not allowed if the Sabbath precedes a feast-day; nor is it allowed to save on one Sabbath for the following Sabbath.

The rabbis taught: If one forgets bread in an oven, and in the meantime the Sabbath sets in, it is allowed to save enough bread to last for three meals; and one may say to bystanders, "Come and take out as much as ye need"; and when taking out the bread it should not be done with a baker's shovel, but with some other utensil. R. Hisda said: A man should see that everything should be prepared on Friday for the Sabbath as early as possible, as it is written [Exodus xvi. 5]: "And it shall come to pass, on the sixth day, when they prepare what they shall have brought in," etc., and this means, that as soon as the sixth day sets in, preparations for the Sabbath should be begun.

R. Aba said: "A man must pronounce the benediction over two loaves on the Sabbath," for it is written [ibid. xvi. 5]: "Double bread." Said R. Ashi: "I noticed the manner in which R. Kahana did this: He would hold two loaves, but would cut only one, because it is written [ibid. xvi. 18]: 'Every man according to his eating had he gathered.'" R. Zera used to cut off the loaf sufficient to last him for the entire meal. Asked Rabbina of R. Ashi: "Does this not seem gluttonous, to hold so large a piece in one's hand?" Answered R. Ashi: "Because on week-days such was not his wont, it does not appear gluttonous on Sabbath, and R. Zera did this only in honor of the day." R. Ami and R. Assi, if happening to have the same bread used in making an Erub, for use on Sabbath, would pronounce the benediction over the bread, for they said that because one religious duty had been fulfilled with that bread, it should be used to fulfil another religious duty."

"*How so: If a conflagration,*" etc. The rabbis taught: How many meals should a man eat on the Sabbath? Three. R. 'Hidka said four. Said R. Johanan: Both the rabbis and R.

'Hidka adduced their opinions from the same passage, as follows [Exodus xvi. 25]: "And Moses said, Eat it to-day; for a Sabbath is this day unto the Lord: to-day ye will not find it in the field." R. 'Hidka holds that, day being mentioned three times, three meals should be eaten during the day and one at night, and the rabbis hold that the day includes the night and only *three* meals are required. Our Mishna, however, which decrees that only enough for three meals should be saved, does therefore not agree with R. 'Hidka. According to whose opinion, however, will the following Mishna be? (Tract Peah): "If a poor man have sufficient for two meals, he must not apply for another at the public kitchen (where food is distributed), but he may apply to the general charity fund. If he have, however, sufficient for fourteen meals (for the week) he must not even apply to the general charity fund!" If the Mishna were of the opinion of R. 'Hidka, he should have had sufficient for sixteen meals, so as to afford him four meals on the Sabbath, and, according to the rabbis, for fifteen meals in order to have three meals on the Sabbath? It is therefore neither in accord with R. 'Hidka nor with the rabbis. Nay; it is in accord with the rabbis, and the poor man should eat his Sabbath-night meal on the Sabbath day, so with his Friday-night meal it will make three meals on the Sabbath. It may also be said that the Mishna holds with R. 'Hidka, and that the poor man should leave his Friday meal for the Sabbath. Shall we make the poor man then fast on Friday? It would therefore be better to hold the Mishna's opinion to be in accord with R. Aqiba, who says, that the poor man should make Sabbath equal to a weekday in order not to be forced to rely upon charity. Thus fourteen meals are sufficient, and he may eat only two on Sabbath.

But according to whose opinion is the Mishna (Tract Peah): "If a wandering mendicant come to a town, he must be given a loaf which can be bought for a Pundian (one forty-eighth of a Sela) when the price of flour is one Sela for four Saahs (and the sages calculated that such a loaf is sufficient for two meals). If he remain over night he must be given lodging, and if he remain over Sabbath he must be given three meals for Sabbath." Shall we assume, that this Mishna holds with the rabbis and not with R. 'Hidka? It might also be in accord with R. 'Hidka if the mendicant happen to have one meal with him, he is told to eat the one he has and is given three more. Should the mendicant then depart empty-handed? Nay; he is also given a meal

to take along on the way. What must he be given for lodging? Said R. Papa: Enough to hire a bed and a pillow.

The rabbis taught: The dishes used on the eve of Sabbath may be cleansed for the Sabbath-morning meal. The dishes used in the morning may be cleansed for the mid-day meal, and those of the mid-day meal for the afternoon; but those of the afternoon must not be cleansed until the Sabbath is over. All this is said concerning dishes; but glasses, cups, and all drinking utensils may be cleansed at any time, because there are no fixed times for drinking.

R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara, said: One who keeps the commandment to eat three times on the Sabbath will be rid of three punishments, viz.: "The tribulations (at the time) of Messiah; the punishment of Gehenna, and the war of Gog and Magog." From the tribulations of Messiah, because the Sabbath is always mentioned as the day, and it is written [Malachi iii. 23]: "Behold, I send unto you Elijah the prophet before the coming of the day of the Lord, the great and the dreadful." From the punishment of Gehenna, because it is written [Zephaniah i. 15]: "A day of wrath is that day," etc., meaning the Gehenna. From the war of Gog and Magog, because it is written [Ezekiel xxxviii. 18]: "On the day of Gog's coming."

R. Johanan said in the name of R. Jose: One who makes the Sabbath pleasant will be rewarded with a boundless inheritance, as it is written [in Isaiah lviii. 14]: "Then shalt thou find delight in the Lord; and I will cause thee to tread upon the high places of the earth, and I will cause thee to enjoy the inheritance of Jacob thy father; for the mouth of the Lord hath spoken it." Not the inheritance of Abraham, concerning whom it is written [Genesis xiii. 17]: "Arise, walk through the land in the length of it and in the breadth of it," etc., and not as in the case of Isaac, as it is written [ibid. xxvi. 4]: "And I will give unto thy seed all these countries," but as it is written of Jacob [ibid. xxviii. 14]: "And thy seed shall be as the dust of the earth, and thou shalt spread abroad to the west and to the east, and to the north and to the south."

R. Na'hman bar Itz'hak said: (The man who makes the Sabbath pleasant) will also be saved the pain of exile, because it is written [Isaiah lviii. 14]: "And I will cause thee to ride upon the high places of the earth," and [Deut. xxxiii. 29]: "And thou shalt tread upon their high places." Said R. Jehudah in the

name of Rabh, "He who makes the Sabbath pleasant is given everything his heart desires," because it is written [Psalms xxxvii. 4]: "And delight thyself in the Lord, and he will give thee the wishes of thy heart." What is meant by "delight"? From the passage [Isaiah lviii. 13]: "If thou call the Sabbath a delight," we can adduce that the delight means Sabbath.

Wherewith should the Sabbath be made pleasant? Said R. Jehudah, the son of R. Samuel bar Shilath, in the name of Rabh: "With a mess of beets, large fish, and garlic-heads." But R. Hyya bar Ashi said in the name of Rabh: "Even with any dish whatever prepared especially for the Sabbath." What does "any dish whatever" mean? Said R. Papa: "Even small fish fried in oil."

R. Jehudah said in the name of Rabh: "If the Israelites had kept the first Sabbath (after the commandments were given) properly, no nation or race on earth could have harmed them. For it is written [Exodus xvi. 27]: 'And it came to pass on the seventh day that there went out some of the people to gather; but they found nothing.' And not long afterwards Amalek attacked the Israelites."

R. Johanan said in the name of R. Simeon ben Jochai: "If the Israelites were to keep two Sabbaths in succession as they should, they would immediately be released from exile, for it is written [Isaiah lvi. 6]: 'Also the sons of the stranger, that join themselves unto the Lord, to serve him, and to love the name of the Lord, to be unto him as servants, every one that keepeth the Sabbath by not violating it, and those who take hold of my covenant,' and immediately afterwards it is written [ibid. ibid. 7]: 'Even these will I bring to my holy mountain.'"

R. Jose said: "May my share in the world to come be with those who eat three meals on the Sabbath." Again he said: "May my share in the world to come be with those who recite Hallel\* every day." This is not so. The Master says, that he who recites Hallel every day is a blasphemer. Nay; R. Jose does not mean Hallel, but Hallelujah.

R. Jose said again: "May my share in the world to come be with those who perform their morning devotion as soon as the sun begins to rise." Again said he: "May my share be with those who die of abdominal disease, for the Master said, that most of the righteous die of bowel troubles." He also said:

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\* Hallel is called the section of the Psalms from Chapter cxliii. to cxix.

“ May my share be with those who die when about to fulfil a commandment ; also with those who receive the Sabbath in Tiberias and see it out in Zipporias (Tiberias was in a valley and Zipporias on a hill); also with those who remain in the houses of learning, and not with those who attempt to draw scholars away from their studies; also with those who solicit alms but not with those who dispense alms; also with those who are suspected but are not guilty.” Said R. Papa: “ I have been suspected but was not guilty.” Said R. Jose: “ I have gone in unto my wife five times and have planted five cedars in Israel.” Who are they? R. Ishmael, R. Eliezer, R. 'Halaftha, R. Aftiles, and R. Mena'hem, all sons of R. Jose. But he also had a son called Vradimos? Nay; Vradimos is the same as R. Mena'hem, and the reason he was called Vradimos was because his face was as beautiful as a rose (Vrad is Aramaic for rose).

Said R. Jose again: “ In all my days the ceiling of my house never saw the seam of my undershirt.” Again said he: “ I never acted contrary to the advice of my colleagues. I know well that I am not a descendant of priests, but when my colleagues asked me to pronounce a benediction usually said by priests, I did so.” Again he said: “ I never said a thing that I afterwards repented having said.”

R. Na'hman said: “ May it be accounted to me (for my reward), that I have observed the three meals (in honor of the Sabbath.” R. Jehudah said: “ May it be accounted to me, that I have given my prayers preliminary consideration.”\* R. Huna, the son of R. Jehoshua, said: “ May it be accounted to me, that I have never walked four ells with uncovered head.” R. Shesheth said: “ May it be accounted to me, that I have observed the commandment of Tephillin,” and R. Na'hman said again: “ May it be accounted to me, that I have observed the commandment of Tzitzith (showthreads).”

Said R. Joseph to R. Joseph the son of Rabha: “ Canst thou tell me which commandment thy father observed most punctually?” The answer was: “ The commandment of Tzitzith. For it happened one day that my father was ascending the stairway, and a thread of his Tzitzith becoming torn off, he would not leave his place until a new thread had been brought to him and the Tzitzith were mended.”

Said Abayi: “ May it be accounted to me, that whenever I

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\* It is stated elsewhere (in Tract Rosh Hashana) that R. Jehudah prayed only once in every thirty days.



noticed a young scholar (of my college) had finished a Tract of the Talmud, I gave a feast to all the sages of the day." Said Rabha: "May it be accounted to me, that whenever a young scholar and another man came before me for judgment, I did not put my head on the pillow (rest) until I exhausted every means to find the scholar's words prove the justice of his claim." Said Mar, the son of R. Ashi: "I am unfit to judge a young scholar because I love him as well as I do myself, and no man can see himself unjust."

R. Hanina used to wrap himself in a cloak on the eve of Sabbath and say: "Come with me, and let us go toward Sabbath the queen." R. Yanai used to clothe himself in his holiday clothes on the eve of Sabbath and say: "Come, bride; come, bride."

Rabba, the son of R. Huna, came as a guest to the house of Rabba the son of R. Na'hman. At the table three cakes steeped in the fat of the ram (which were only served on special occasions) were placed before him. Said he to his host: "Didst thou know that I would come to visit thee?" Answered the host: "Art thou then better than the Sabbath? (We prepare it usually for every Sabbath, as it is written: 'And thou shalt call the Sabbath a pleasure.')

R. Aba used to buy on the eve of every Sabbath thirteen Isteris' (six and a half Dinars) worth of meat from thirteen different butchers, and would hand them the money immediately upon their entering his door\* and delivering the meat, saying to them: "Make haste, make haste and deliver your orders to others." R. Abuha used to sit on an ivory stool and make fire in honor of the Sabbath. R. Anan used to don a black apron in order to show that this day (the eve of the Sabbath) was a day of preparation, and that work had to be performed for the Sabbath. R. Safra used to singe a cow's head himself for the Sabbath, and Rabha would salt fish himself. R. Huna would light candles himself. R. Papa would prepare the wicks for the lamps. R. Hisda would cut herbs himself. Rabba and R. Joseph would chop wood for Sabbath. R. Zera would light the kindling wood. R. Na'hman bar Itz'hak would shoulder all bur-

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\* Rashi interprets this passage somewhat differently, namely: R. Aba did not hand the money to the butchers immediately upon their entering the door, but would hand the meat to his servants at the door, saying: "Make haste and cook this while I go and bring more," showing that he went himself for the meat and brought each piece from each butcher home separately.

dens to be carried in and out of the house himself on the eve of Sabbath, saying: "If R. Ami or R. Assi would come to visit me, would I not do the same for them?" Others say that R. Ami and Assi did this on the eve of every Sabbath, saying: "If it should happen that R. Johanan were to visit us, would we not do the same for him?"

Joseph, who honored the Sabbath, had a rich Gentile for a neighbor. The astrologers told the Gentile that all his goods and possessions would eventually be eaten up by Joseph, his neighbor. He went and sold out all his goods, and with the proceeds bought a precious pearl. This pearl he had set in his turban. While crossing a lake one day, the wind blew off his turban and it fell into the water. A fish swallowed it. Subsequently the fish was caught by fishermen late on the eve of Sabbath. Said the fishermen: "Who will buy this so late in the evening?" They were told by some people to go to Joseph, who honored the Sabbath, and that he usually bought such things. They carried it to Joseph, who bought it, and upon opening the fish he found the pearl, which he sold for thirteen\* boxes of golden Dinars. A certain old man met this Joseph, and said to him: "He who lends to the Sabbath is repaid by the Sabbath itself."

Rabbi (Jehudah Hanassi) asked of R. Ishmael the son of R. Jose: "By what acts did the rich men of Palestine, so wealthy, merit their wealth?"

He answered: "Because they gave tithes, as it is written [Deut. xiv. 22]: 'Thou shalt truly give tithes.'"† "By what acts did the rich men of Babylon merit their wealth?" asked Rabbi again. "Because they keep the law honorably," was the reply. "And what about the rich men of other lands?" "Because *they* honor the Sabbath," as R. Hyya bar Aba related: "It happened that I was a guest in the house of a man in the city of Ludkai and a golden table was brought for me, which required sixteen men to carry, and sixteen silver chains were fastened to it, and bowls, pitchers, goblets, and glasses were hung on those chains, and on the table were all kinds of food and

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\* Rashi explains that his teacher Levi taught, that the number thirteen was usually used by the sages for a general sum and must not be taken literally as the above thirteen butchers, etc.

† The literal verse reads: "Asser teasher," which is here applied in the sense, that thou shalt give tithes in order that thou mayst become rich, the word "osher" also meaning riches.

beverages and spices, and when the table was set down they said: 'Unto the Lord belongeth the earth, with what filleth it' [Psalms xxiv. 1], and when the table was taken away, they said: 'The heavens are the heavens of the Lord; but the earth hath he given unto the children of men.' [Psalms xcv. 16.] I said to my host, 'My son, how didst thou merit all this?' Said he, 'I used to be a butcher, and whenever I came across a good animal, I would keep it for Sabbath.' Said I to him: 'Well is unto thee, that thou hast merited this, and praise be to God, who hath rewarded thee.' "

Said the Exilarch to R. Hamnuna: "It is written [Isaiah lviii. 13]: 'The holy day of the Lord, honorable.' What does this 'honorable' signify?" R. Hamnuna answered: "It means the Day of Atonement, on which day there is no eating and no drinking, and hence the Thora says, thou shalt honor it with clean clothes." Further, it says [ibid.]: "Thou shalt honor it" (this evidently does not refer to the Day of Atonement, which is called honorable, but must again refer to the Sabbath; how, then, should it be honored?) Said Rabh: "Thou shalt make the usual time of thy meals earlier," and Samuel said, "Thou shalt postpone the ordinary meal-hour." The children of R. Papa bar Aba asked R. Papa: "How shall we, who have meat and wine every day, distinguish the Sabbath day?" He answered: "If ye usually have your meals at a late hour, have them earlier, and if at an early hour, have them later."

R. Shesheth (who was blind) in the summer used to seat his pupils, who came to hear him lecture on Sabbath, in a place where the sun shone earliest, in order that they might become warm and leave, and in the winter used to seat them where the sun could not reach them, that they might become cold and leave the sooner.

R. Zera, when seeing his pupils standing in pairs and discussing the Thora on the Sabbath, used to say to them: "I pray ye, go home, eat, drink, and be merry. Do not violate the Sabbath! (It is made for pleasure and not for learning.)"

Rabha, according to others R. Jehoshua ben Levi, said: "Even a man who prays singly on the Sabbath eve must recite the prayer commencing with 'Thus were finished,' etc. [Genesis ii. 1-3]; for R. Hamnuna said, that he who prays on the Sabbath eve and recites that prayer is considered by the verse as being a collaborator in the creation of the world."

R. Eliezer said: "Whence do we know that speaking is

equal to acting, as it is written [Psalms xxxiii. 6]: 'By the word of the Lord were the heavens made.'"

R. Hisda in the name of Mar Uqba said: "He who on the Sabbath recites the prayer commencing with, 'Thus were finished,' etc., has the hands of the two angels who accompany each man laid on his head, and they say to him [Isaiah vi. 7]: 'And thy iniquity is departed and thy sin is forgiven.'"

We have learned in a Boraitha: R. Jose bar Jehudah said: "Two angels accompany a man on the Sabbath eve on his way home from the house of prayer; one is a good angel and the other an evil one; and when the man comes home and finds the candles lit, the table set, and his bed made up, the good angel says: 'May it be the will of God that the next Sabbath shall be the same,' and the evil angel answers 'Amen' involuntarily. If, however, the man does not find everything in order, the evil angel says: 'Mayst thou find it so on the next Sabbath also,' and the good angel answers against his own will: 'Amen.'"

R. Elazar said: "A man should set his table on the Sabbath eve, although he may not be hungry and can eat not more than the size of an olive." R. Hanina said: "A man should set his table on the eve following the Sabbath, though he may not be hungry and can eat but the size of one olive. (This is also in honor of the Sabbath and is like the accompanying of a king at his departure.) Warm water at the close of the Sabbath day is wholesome. Warm bread at that time is also wholesome."

R. Abuha used to have a calf which was the third calf of its mother (and hence the best) killed for him at the close of the Sabbath day, and he ate only one of the entrails of the calf. When his son Abhimi grew up, he (Abhimi) said, "Why kill a whole calf for the sake of one of its entrails? Let us leave one of the entrails of the calf killed for the Sabbath for father, that he may eat it at the close of the Sabbath." This was done, but a lion came and killed the calf that was spared.

R. Jehoshua ben Levi said: "He who answers 'Amen. The Name of the Eternal be blessed,' with all his heart, has any ill fate which has been predestined for him nullified in heaven, as it is written [Judges v. 2]: 'When depravity had broken out in Israel, then did the people offer themselves willingly; (therefore) praise ye the Lord.' Why had depravity broken out in Israel? Because they had not praised the Lord."

R. Hyya bar Abba in the name of R. Johanan said: "Even if

that man have amongst his sins aught of idolatry, he is also forgiven."

Said Resh Lakish: "He who answers 'Amen,' etc., with all his might has the gates of Paradise opened for him, as it is written [Isaiah xxvi. 2]: 'Open ye the gates, that there may enter in the righteous nation that guardeth the truth.'" (The truth in Hebrew is called "Emunim," and Resh Lakish said, "Do not read Emunim but Amenim, the plural for Amen.") What is Amen? Said R. Hanina: "Amen is the abbreviation for El (God), Melech (king), Neamon (truth)." (Meaning that by saying Amen a man certifies that his Creator is the God and king of truth.)

R. Jehudah, the son of R. Samuel, in the name of Rabh said: "A fire seldom occurs in a place unless there is a violation of the Sabbath, as it is written [Jeremiah xvii. 27]: 'But if ye will not hearken unto me to hallow the Sabbath day, and not to bear a burden, and to enter in at the gates of Jerusalem on the Sabbath day; then will I kindle a fire in its gates, and it shall devour the palaces of Jerusalem, and it shall not be quenched.'" What does "it shall not be quenched" signify? Said R. Na'hman bar Itz'hak: "The fire shall occur at a time when men are not around, as a rule."

Abayi said: "Jerusalem was destroyed solely on account of the violation of the Sabbath, as it is written [Ezekiel xxii. 26]: 'And from (the violations of) my Sabbaths do they turn away their eyes, so that I am profaned among them.'" R. Abuha said: "Jerusalem was not destroyed until they had abolished the reading of the Shema in the morning and in the evening, as it is written [Isaiah v. 11-13]: 'Wo unto those that rise up early in the morning, that they may run after strong drink, that continue until late in the twilight, till wine inflame them! And there are harp and psaltery, tambourine and flute, and wine, at their drinking feasts; but the deeds of the Lord they regard not, and the works of his hands they behold not. Therefore are my people led into exile, for want of knowledge.'" R. Hamnuna said: "Jerusalem was not destroyed until the children were kept away from school, as it is written [Jeremiah vi. 11]: '(I must) pour it out over the child in the street'; and it may be explained thus: Why must I pour it out? Because the child is in the street and not at school."

Ula said: "Jerusalem was destroyed because the people were devoid of shame, as it is written [ibid. 15]: 'They should

have been ashamed because they committed an abomination; but they neither felt the least shame, nor did they know how to blush; therefore shall they fall among those that fall.' ”

R. Itz'hak said: “ Jerusalem was destroyed only because no distinction was made between great and small, as it is written [Isaiah xxiv. 2, 3]: ‘ And it shall be the same with the people as with the priest, etc. Empty, emptied out shall be the land.’ ” R. Amram, the son of R. Simeon bar Aba, in the name of his father, quoting R. Hanina, said: “ Jerusalem was destroyed only because the people did not admonish one another, as it is written (Lamentations i. 6): ‘ Her princes have become like harts that have found no pasture.’ As the harts in a herd travel head to rump, so would the men of Jerusalem not dare face each other with admonitions, but followed from behind in silence.”

R. Jehudah said: “ Jerusalem was destroyed because they insulted men of learning, as it is written [II Chronicles xxxvii. 16]: “ But they mocked at the messengers of God, and despised his words, and scorned his prophets, until the fury of the Lord arose against his people, till there was no remedy.” What does “ till there was no remedy ” signify? Said R. Jehudah in the name of Rabh: “ He who insults a man of learning, can find no panacea for his affliction.”

R. Jehudah in the name of Rabh said again: “ It is written [I Chronicles xvi. 22]: ‘ Touch not my anointed, and do my prophets no harm.’ ” By “ touch not my anointed ” is meant the children of the school (for children are usually anointed), and “ do my prophets no harm ” refers to the scholars.\*

Resh Lakish said in the name of R. Jehudah the Second: “ The world is sustained solely through the exhalation of the children ” (because they are pure and without sin). Said R. Papa to Abayi: “ What about thy and my exhalation? ” Answered Abayi: “ The difference lies therein, that thou and I might have sinned, but children are incapable of committing sin.” Resh Lakish said again in the name of the same authority: “ The children should not be withheld from attending school, even while the new temple shall be in process of construction.”

Said Resh Lakish to R. Jehudah the Second: “ I have heard

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\* Rashi justifies this reference by basing it on the verse in Psalms xc. 12, which he interprets: “ A prophet has a heart endowed with wisdom ”; although Isaac Leiser translates the verse, “ That we may obtain a heart endowed with wisdom,” the Hebrew word *Navi* meaning both “ prophet ” and also “ we may obtain.”

a tradition coming from thy parents which says, that the city which has no school for children shall be destroyed; but Rabhina says, the tradition is to the effect that the high court shall put the city under a ban (until a school is built for children)."

Rabha said: Jerusalem was destroyed solely because there were no more trustworthy men there, as it is written [Jeremiah v. 1]: "Roam about through the streets of Jerusalem, and see now, and notice, and search in its broad places, if ye can find one man, if there be one that executeth justice, that searcheth for truth: and I will pardon it." What is meant by trustworthy men? Such as can be trusted in business.

MISHNA: Further, one may save a basket full of loaves (of bread), be it even enough for a hundred meals, a fig-cake, and a cask of wine; and one may also call to others: "Come ye and save for yourselves!" If those who do so understand their advantage, they make a settlement with the owner after the Sabbath is over. Where may such articles be taken to (for safety)? To a court that is joined to the other (court of the house burning) by an Erub. Ben Bathyra says: "Even to one that is not joined by an Erub."

There all utensils (dishes) may be brought, that are used on the same day; one may (in the event of a conflagration on the Sabbath) put on as many clothes as possible, and may wrap himself in whatever is possible. R. Jose says: "One may only put on eighteen pieces of ordinary apparel, but he can come back as often as he chooses and put on the same quantity and carry them off." One may also call to others: "Come ye and save with me (whatever ye can)!"

GEMARA: Have we not learned, in the preceding Mishna [page 245], that only (enough victuals for) three meals may be saved (and in the above Mishna sufficient for a hundred meals is permitted)? Said R. Huna: "This presents no difficulty. Our Mishna refers to one who comes to save the food with only one basket (when he may fill it with any quantity, whereas the preceding Mishna refers to one who brings several baskets, and in such a case it is not permitted to put in each basket more than sufficient for three meals)." But R. Aba bar Zavda in the name of Rabh said: "Both Mishnas refer to one who comes even with several baskets, but still no difficulty arises. This Mishna speaks of one who does not carry the food beyond the same court, while the other refers to one who carries it into another court."

"*A fig-cake,*" etc. Why does the Mishna say, that if those who save for themselves know their advantage they will make a settlement with the owner after having saved the things from the conflagration? Are they not entitled to it under any circumstances, by virtue of the owner having made it public property when saying, "Come ye and save for yourselves"? Said R. Hisda: "This refers to pious people who would not take advantage of a man who is compelled to sacrifice his property." Said Rabha: "Can they be called pious, who accept remuneration for their time on the Sabbath? Nay; the Mishna does not refer to pious men, but to God-fearing men, who, while they would not take anything not belonging to them, would not care to trouble themselves gratuitously. By stating, therefore, that those who know their advantage will settle accounts with the owner afterwards, the Mishna means to say that their prudence consists in their knowing that they will not receive any remuneration for their time on Sabbath, but will only receive their own property as their due."

"*Come ye and save with me.*" Why does the first part of the Mishna permit the saying of "Come and save for yourselves," and in the last part the permission is given to say: "Come and save with me"? Because the first part of the Mishna refers to victuals, and a man cannot save more than sufficient for three meals, while the last part of the Mishna refers to clothing; and as a man can change his clothing as often as he pleases, he may call to others to come and help him save whatever is possible.

"*One may put on as many clothes as possible.*" The rabbis taught: One may dress himself, go out and undress, come back and dress again, and so on as often as he chooses. So said R. Meir. R. Jose, however, said, that one may put on only eighteen pieces of ordinary apparel. These were: 1 and 2. *Macturen* and *Ungly*, a mantle with a head-hold; 3. *Funda*, pocket for money; 4. *Kalbus*, a dress without sleeves; 5. *Chaluk*, a kind of shirt; 6. *Apiliute*, cover or overcoat; 7. *Maopareth*; 8 and 9. Drawers and pantaloons and cap for the head; 10 and 11. Shoes; 12 and 13. Socks; 14 and 15. *Pargud*, striped suit; 16. Girdle; 17. Hat; 18. Neckties.

MISHNA: R. Simeon, the son of Nanas, says: "One may spread a goat-skin over a chest, a box, or a cupboard, which has caught fire, so that they only become singed. One may also form a partition with any utensil (or vessel), be it full of water



or not, in order to keep the fire from spreading. R. Jose forbids the making of such a partition with new earthenware vessels filled with water, because such vessels cannot stand heat, but burst and extinguish the fire."

GEMARA: R. Jehudah said in the name of Rabh: "When one side of a garment has caught fire, the other side may be put in water, and if thereby the fire is extinguished it makes no difference." An objection was made: We have learned in a Tosephta, that if a garment has caught fire one may wrap it around him, and it makes no difference if the fire is thereby extinguished. One may also unroll the Sacred Scrolls, if the covering has caught fire on one side, and it does not matter if thus the fire is quenched. (This Tosephta then simply permits the unfolding or the folding of a garment that has caught fire, but says nothing about soaking the undamaged part in water.) Rabh holds with R. Simeon, the son of Nanas, in the above Mishna (who permits the prevention of the fire). R. Simeon, however, restricts his permission so that, while preventing the fire, it is not extinguished, but simply singes the objects (when the article, however, is soaked in water the fire will certainly be quenched, and did R. Simeon permit this also?) Yea, he did; for the last part of the Mishna relates, that R. Jose forbids the making of a partition with new pottery filled with water, because such vessels are liable to burst and extinguish the fire; and if R. Jose forbids this, surely R. Simeon (the first Tana) must have permitted it in the first part of the Mishna.

The rabbis taught: If a candle fall on the table, the table board may be raised and the candle dropped to the floor, and if it become extinguished, it matters not. Another Boraitha taught, that if a candle burn behind a door, the door may be opened and closed as usual, regardless of whether the candle is thus extinguished. Rabh scolded the one that thus decreed. Said Rabhina to R. A'ha the son of Rabha, according to others R. A'ha the son of Rabha to R. Ashi: "Why did Rabh scold the one who made that decree? Shall we say that it was because he holds with R. Jehudah (who says that an indirect act is also prohibited), and the Boraitha holds with R. Simeon, who permits the performance of an indirect act; is it possible that Rabh will scold every one who holds with R. Simeon?" He answered: "In this matter R. Simeon would also agree that this is prohibited, as it would be like decapitating a man without killing him."

R. Jehudah said: "One may open a door opposite a hearth-fire." Abayi scolded the one that decreed thus. Of what circumstances do we treat here? If the door is opened when there is an ordinary wind blowing, what reason had the one to prohibit it; and if there be an extraordinary wind blowing, why did the other permit it? The case here treated of is that of an ordinary wind, and the one prohibits the door being opened as a precautionary measure, lest this be done when a high wind is blowing, while the other does not regard a precautionary measure necessary.

"*One may also form a partition,*" etc. Shall we say that the rabbis hold the indirect bringing about of an extinction to be permissible and R. Jose holds to the contrary? Have we not heard the case to be the reverse? We have learned in a Boraitha: One may make a partition with empty vessels, and with vessels filled with water that are not liable to burst, and such are iron vessels. R. Jose, however, says, that the vessels made of pottery in the villages of Shihin and Hananiah are also proof against bursting. Thus we see that R. Jose is even more lenient than the rabbis? This presents no difficulty, for the above Boraitha is altogether in accordance with R. Jose; but it is incomplete, and should read thus: "One may make a partition with empty vessels, and with such as are filled with water but are not liable to burst; and such vessels are iron vessels and vessels made of pottery in the villages of Shihin and Hananiah," as R. Jose says that the vessels made of pottery in these villages are proof against heat.

MISHNA: If a non-Israelite comes near to extinguish (the fire), one must neither say to him: "Extinguish (it)," nor "Do not extinguish it," and for the reason, that one is not obliged to make him rest (on Sabbath). If a minor, however, desires to extinguish the fire, one must not allow him to do so, because one is obliged to see that he (the minor) rests (on Sabbath).

GEMARA: R. Ami said: "During a conflagration one may proclaim: 'Whoever will come and extinguish the fire, will lose nothing by it.'"

The rabbis taught: It happened that a fire broke out in the court of Joseph ben Simai in the town of Shihin, and the men of the fortress of Sepphoris came to extinguish the fire, because Joseph was an official of the government; but he would not allow them to do so, in honor of the Sabbath. A miracle occurred, and it commenced to rain, and the fire was extinguished. That

evening he sent to each man in the fortress two selah and to their officer fifty selah. When the sages heard this, they said: "It was not at all necessary to do this, because the Mishna says, that when a Gentile comes to extinguish a fire on Sabbath, one need not tell him to do it, or not to do it."

"*If a minor, however, desires to extinguish the fire,*" etc. Could we conclude from this, that if a minor is detected eating forbidden food it is the duty of the court of justice to prevent his doing so (and we know such is not the case)? Said R. Johanan: "Yea; if the minor does this with his father's knowledge. We must say, then, that the same case applies to the Gentile, who does the work with the knowledge of the Israelite whose house is burning. Is this permitted? Yea, it is; for the Gentile does it of his own volition, and it makes no difference whether the Israelite knows it or not (because he, the Gentile, knows he will be rewarded)."

MISHNA: One may cover the top of a lamp with a vessel in order that the ceiling may not catch fire, and also cover the ordure (of poultry\*) on account of the children (in the house). (One may also place a vessel) over a scorpion in order to prevent him from biting. R. Jehudah said: "A case of this kind happened once in the presence of R. Johanan ben Zakai in Arab, and he said, 'I am not certain whether (the man) is not culpable (and bound to bring a sin-offering).'"

GEMARA: R. Jehudah, R. Jeremiah b. Aba, and R. Hanon b. Ram happened to be the guests of Abin of Nishikia. The two former were furnished with beds, and the last one was not. At the same time, he noticed him teaching his son that the ordure of a child is to be covered, in order that the child should not touch it; and he said, "Abin the fool is teaching foolishness to his children. Is not the ordure of a child useful for dogs? What can you say? It was not prepared from yesterday. But this makes no difference; for we have learned in a Boraitha, that running rivers and springing wells are to be considered as the feet of every man." And Abin asked, "How, then, shall we teach?" And Hanon answered, "Over the ordure of poultry, that the child shall not touch it."

"*Over a scorpion in order to prevent him from biting.*" R. Jehoshua ben Levi said: "All dangerous creatures may be killed on Sabbath." R. Joseph raised an objection: "We have

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\* According to the explanation of the Gemara. See also translation of the Mishna by De Sola and Raphall.

learned in a Boraitha, that five creatures may be killed on Sabbath, and they are: the fly of Egypt, the wasp of Nineveh, and the serpent of Hadaiev, and the snake of Palestine, and a mad dog from any region." According to whose opinion is this Boraitha? It is not according to the opinion of R. Jehudah, who holds, that the performance of an act not in itself necessary makes one culpable? We must say, then, that the Boraitha agrees with R. Simeon. If this is so, is it allowed to kill only these five, and not others? Said R. Jeremiah: "Who can tell us that this Boraitha is a correct one? It may be erroneous." Said R. Joseph: "I have studied the Boraitha. The same objection was made before me, and I defended it by stating, that the Boraitha refers to the case where the creatures pursued the man in order to harm him, and under these circumstances even R. Jehudah permits the killing of these creatures."

A certain disciple related before Rabha, the son of R. Huna, quoting a Boraitha: "One who kills serpents and snakes on the Sabbath does not find favor in the eyes of the pious." Answered Rabha: "And these pious men do not find favor in the eyes of our sages." Thus he differs with R. Huna, for it happened that R. Huna, seeing a man killing a snake on Sabbath, said to him: Hast thou killed the last of them (if thou hast only killed one, of what use is it to violate the Sabbath? From this we see that R. Huna differs from the opinion of his son.)

The rabbis taught: If a man met snakes on the road and killed them, it was decreed above that he should kill them (thus removing danger for others, because a good deed is performed through a righteous man); if, however, he did not kill them, it was decreed above that he should be killed by them (that is, he is a sinner and deserving of death), but through the mercy of the Lord a miracle was performed, and he was saved. Said Ula, according to others Rabba bar bar Hana, in the name of R. Johanan: "Only in case the snakes prepared to strike at the man, can it be said that it was decreed that the man should be killed."

R. Aba bar Kahana said: "It happened that a snake was found in the school-house, and a man of the city of Neiety killed it." Said Rabbi: "He met his equal." The schoolman asked: "Did Rabbi mean, that the man was right in his deed, or on the contrary?" Come and hear: R. Aba, the son of Hyya b. Aba, and R. Zera were sitting in the hut of R. Janai, and they resolved to ask R. Janai if one might kill snakes and

serpents on the Sabbath. And he answered: "If a bee should annoy me, I would kill it; *a fortiori*, snakes and serpents."

Aba the son of Marta, who is Aba the son of Minyumi, was indebted in a sum of money to the Exilarch's house. He was brought there and was worried. While standing in the room, Aba spat on the floor. This happened on the Sabbath, and the Exilarch ordered his servants to bring a dish and cover up the spittle. Said Aba to him: "This is not necessary, for R. Jehudah says, that one may put his foot on spittle and thus clear it off." Thereupon the Exilarch remarked: "This proves to me that the man is a young scholar; let him go in peace."

Aba bar Kahana said in the name of R. Hanina: "The lamps of the house of Rabbi may be handled on the Sabbath." R. Zera asked him: "Which lamps do you refer to, the lamps that can be handled with one hand, or those that require both hands?" and he answered: "The same as can be found in your father's house (those were small lamps)." The same Aba said in the name of the same authority, that the carriages of the house of Rabbi might also be handled on the Sabbath. R. Zera asked him which he referred to, those that one man can pull, or those that require two men, and the answer was: "The same that your father possesses." Aba bar Kahana said again, that the same R. Hanina permitted the house of Rabbi to drink wine that was sealed with but one seal, in the markets of the heathens, and he states, that he does not know whether R. Hanina holds with R. Eliezer (who held that one seal only was necessary) or whether he permitted this out of respect to the house of the Nassi (for fear that if he prohibited this, they would become angry \*).

MISHNA: If a non-Israelite lit a lamp on the Sabbath, the Israelite might make use of the light. If he (the non-Israelite) did so (especially) for the Israelite, the latter must *not* use it. If the non-Israelite filled up (a trough) with water, to water his (own) cattle, the Israelite may water his cattle after him; if he did so for the Israelite (especially), the latter must not water his cattle with it. If a non-Israelite made a stairway in order to descend upon it from a ship, the Israelite might descend after him; if he made it (especially) for the Israelite, the latter must not descend. Once R. Gamaliel and several elders arrived on a ship (on Sabbath) and a non-Israelite made a stairway upon which

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\* Rashi gives this a different explanation, but the above seems correct to us.

to descend (from the ship), whereupon R. Gamaliel and the elders also descended.

GEMARA: And it is necessary for the Mishna to mention the above cases separately, because if we were taught only concerning a lamp, we would say, that a lamp only may be used because a lamp will give light for a hundred men as well as for one; but as for water, we might say, that the water should not be used, in precaution lest the non-Israelite replenish the trough especially for the Israelite. For what purpose, however, is the stairway mentioned? That was only for the purpose of relating what happened to R. Gamaliel and the elders.

The rabbis taught: With grass which a Gentile mowed for his own cattle, an Israelite may feed his cattle, but if the grass was mowed especially for the Israelite, he may not. The same rule applies to water for watering the cattle. This applies only where the Gentile and the Israelite are not acquainted; but if they are, it is not allowed, under any circumstances. This is not so! For R. Huna said in the name of R. Hanina, that a man may allow his cattle to graze on the Sabbath, but must not feed them on grass which he designated previously for some other purpose (it matters not whether the grass is still uncut or cut). (Now, we see that things which have been designated for another purpose must not be fed to cattle on the Sabbath; how then is it allowed to feed one's cattle on the Gentile's grass which was cut on the Sabbath, and surely designated for some express purpose?) This presents no difficulty; for the permission to feed one's cattle on the Gentile's grass only holds good if the cattle feed themselves, and the man may stand by and prevent them from invading another pasture (but does not allow the man to feed them by hand).

It is said above: "This applies only where the Gentile and the Israelite are not acquainted," etc. Is this so? Did not R. Gamaliel descend on the stairway, although he and the Gentile were acquainted? Said Abayi: "The Gentile made the stairway when R. Gamaliel did not see him." But Rabha said: "It may be that the stairway was made in the presence of R. Gamaliel, but this case would be the same as that of a lamp. A lamp for one is a lamp for a hundred."

An objection was made to the teaching of Rabha: We have learned in a Tosephta: R. Gamaliel said to the elders: "As the Gentile made the stairway while we were not looking, we may descend on it." Answered Rabha: "Read simply, that R.

Gamaliel said, ' because the Gentile had already made it, we may use it.' "

Samuel happened to arrive at the house of Abin in Tournon on a Sabbath. A Gentile came and lit a candle. Samuel turned his face away from the light; but after seeing that the Gentile brought a paper and commenced to read by the light of that candle, he said: " I see now that the Gentile lit the candle for his own use," and he then made use of it himself.

## CHAPTER XVII.

### REGULATIONS CONCERNING THE HANDLING OF UTENSILS AND FURNITURE ON THE SABBATH.

MISHNA: All utensils (and furniture) which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed; for such lids cannot be considered as house-doors, which are not intended to be removed. One may take a hammer on the Sabbath for the purpose of cracking nuts, an axe to chop fig-cake, a hand-saw to saw cheese, a shovel to gather up dried figs, a fan and a fork to place a thing (food) before a child, a spindle and a shuttle to pick fruit, a sewing-needle to remove a splinter (from the flesh), and a packing needle to open a door.

GEMARA: "*All utensils which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed.*" Removed when, on Sabbath? and if removed on a week-day they certainly may be handled? Why, on the contrary. On Sabbath the lids being attached to the utensils, they were intended for use with the utensils; but if removed on week-days, they did not form part of the utensils on the Sabbath, hence not intended for simultaneous use, and should not be handled! Said Abayi: The Mishna means to say, that the lids may be handled with the utensils on the Sabbath *even* if the lids had been removed *on a week-day*.

The rabbis taught: "The doors (lids) of a drawer, chest, or cage, may be taken down on the Sabbath, but not replaced. The door of a chicken-coop (which is built in the ground) must not be removed nor replaced on the Sabbath." It may be right to prohibit the removing or replacing of the door of a chicken-coop (built in the ground), because removing it would constitute the act of tearing down, and replacing it would constitute building, but as for the doors of a drawer, chest, or cage, what is the opinion of the rabbis? Do they hold that the acts of building and tearing down apply also to utensils? If so, why do they permit the removing of the doors (lids); and if not, why do they



prohibit replacing them? Said Rabba: "The act of building does not apply to utensils, but replacing is prohibited more as a precautionary measure, lest one drive the door in with a stick (and this would constitute the act of hammering)."

"*One may take a hammer,*" etc. Said R. Jehudah: This refers to a hammer intended only for nut-cracking, and such a hammer may be used to crack nuts, but a smith's hammer must not be used for that purpose; [for R. Jehudah holds, that a thing which is intended only for an act prohibited on the Sabbath, must not be used even for a permissible act]. Rabba, however, says, that a smith's hammer may be used to crack nuts [for he holds that a thing which is intended only for a prohibited act, *may* be used for a permissible act].

It was taught: R. Hyya bar Aba in the name of R. Johanan said: "We have learned, that a hammer which is intended for hammering gold may also be used for cracking nuts." R. Shoman bar Aba said: "We have learned, that the hammer referred to is intended to be used for spices."

The one who teaches that a spice-hammer may be used certainly permits a gold-hammer; but the one permitting a gold-hammer to be used, does not allow a spice-hammer, because a spice-hammer must be kept perfectly clean, and is usually laid away for non-use during the Sabbath.

"*A spindle and a shuttle to pick fruit,*" etc. The rabbis taught: A date which was not quite ripe, and was put in straw which was intended for use in clay-making, might be taken out, providing it was not completely covered by the straw, but enough to take hold of was left uncovered. The same applies to a cake which was taken out of the oven not quite done, and was put in glowing cinders to be cooked; but R. Eliezer ben Tadaï said, that both the date and the cake might be taken out even when completely covered, providing this is done with a prong, and then the straw or the ashes respectively fall off of themselves. Said R. Na'hman: "The Halakha prevails according to R. Eliezer ben Tadaï."

From this we see that R. Na'hman holds, that handling in an unusual manner is not considered handling at all; but did not R. Na'hman say, that if a radish is deposited in earth with its roots downwards and its head upwards and protruding from the earth, it may be taken out; but if deposited head downwards, it must not be taken out (and thus we see that R. Na'hman regards handling in an unusual manner the same as handling

proper)? The answer is, that R. Na'hman afterward retracted his decision concerning the radish.

“*A sewing-needle to remove a splinter.*” Rabha the son of Rabba sent a request to R. Joseph: “Let the master teach us the law regarding a needle, the eyelet or the point of which had been broken off.” R. Joseph answered: “We have learned this in our Mishna: ‘A sewing-needle to remove a splinter.’ What difference would it make to the splinter whether the needle has an eyelet or not?” Rabha objected: “We have learned, that a needle, the eye or the point of which had been broken off, is not subject to defilement.” Said Abayi: “Thou confusest Sabbath with defilement? As for defilement, a vessel must be complete in order to be subject to defilement; but for Sabbath use, anything which can be used in itself sufficient, and with this needle I can remove a splinter.”

R. Na'hman forbids the straightening of the limbs of a child at birth on the Sabbath, and R. Shesheth permits it.

MISHNA: The hollow olive-cane is subject to defilement if it has a knot; if not, it is not subject to defilement. In any event, it may be handled on the Sabbath.

R. Jose\* saith: “Any utensil may be handled on the Sabbath, with the exception of the large wood-saw and the plough-share.”

GEMARA: The rabbis taught: Previously only three utensils were permitted to be handled on the Sabbath, and they were: a knife to chop pressed dates, a skimmer, and a small table-knife. Subsequently more was allowed, and then still more, and then more again, until finally any utensil was allowed with the exception of the wood-saw and the ploughshare.

What is meant by “subsequently more was allowed, and then still more,” etc.? Said Rabha: They allowed a thing which was intended for use in a permissible act, whether it was needed for another purpose, or whether the room it occupied was needed; then still more was allowed, namely: to shift a thing out of the sunshine to a shady place; then more *again* was allowed, namely: a thing that was intended for use in a prohibited act (*e.g.*, a smith's hammer) was permitted to be used for another purpose or when its room was needed; but it was not permitted to be moved from the sunshine into the shade, and all this was

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\* In the Mishna of Yost and De Sola and Raphall, R. Jehudah was credited with the saying, but in our original R. Jose is named, as is proven in Erubhin 35 a.

allowed to be done by only one person, but not by two, until finally all utensils might be handled even by two persons.

Abayi raised an objection to this: "We have learned, that a mortar which contained garlic may be handled, but if it did not contain garlic it must not be handled." The answer was this: It is meant, to remove from the sunshine to the shade. R. Hanina said: This Mishna was taught in the times of R. Nehemiah ben Hahalyah, as it is written [Nehemiah xiii. 15]: "In those days I saw in Judah some treading wine-presses on the Sabbath, and bringing in sheaves, etc." (and because in those times there was great laxity in keeping the Sabbath, strict laws were made as a precaution, and even a mortar was not allowed to be handled unless it contained some eatables). Said R. Elazar: The Mishnas relating to the pieces of wood for the showbreads in Tract Menahoth, the sticks used by the priests for the Passover sacrifice in the Tract Pesachim, the bolts in the Tract Kelim, and the above Mishna relating to the mortar (all of which prohibit the handling of such things on Sabbath) were all taught *before* it was allowed to handle all vessels.

MISHNA: The utensils may also be handled with intent to use them or without such intent. R. Nehemiah saith: "They may be handled only if intended for use."

GEMARA: What is meant by "with intent to use them," etc.? Said Rabha: "'With intent to use them' means to use a thing which was intended for use in a permissible act, whether it was needed for its intended use, or whether the room it occupied was needed; and 'without such intent' means even to shift a thing from the sunshine into the shade, and a thing that was intended for use in a prohibited act was permitted to be used for its intended use or when its room was needed, but it was not permitted to move it from the sunshine into the shade. Now R. Nehemiah comes to say, that even if a thing was intended for a permissible act, it may be used only for its intended use and if the room occupied by it were needed, but it was *not* permitted to shift it from the sunshine into the shade.

R. Sapa, R. Aha b. Huna, and R. Huna bar Hanina were sitting together. The latter asked R. Sapa, according to Rabha, who explains Nehemiah's teaching (that even a permissible thing must not be removed for the purpose of occupying its place): "How can we remove dishes after eating?" Said R. Sapa: "It is equal to a dirty thing (standing on a clean place), which may be removed at any time."

R. Mari bar Rahel had several leather bolsters that lay in the sun (on a Sabbath). He came to Rabha and asked him if he might move them. Rabha told him it was allowed. Said R. Mari again: "I have other bolsters besides these." Answered Rabha: "This makes no difference. Thou mightst need those too if guests should call." Said R. Mari again: "I have sufficient for guests also." Said Rabha to him: "This proves to me, then, that thou art of the opinion of Rabba, who prohibits the moving of things from the sunshine into the shade on Sabbath. Hence everybody else may do this, but thou must not."

Said R. Aba in the name of R. Hyya bar Ashi, quoting Rabh: Whisks may be handled on the Sabbath to sweep the tables, but the brooms made of date-palms (which are only intended for floor-sweeping) must not be used for sweeping the tables. This was also stated by R. Elazar.

MISHNA: Of all utensils which may be handled on the Sabbath, fragments may also be handled, but it must be with a purpose, viz.: the pieces of a kneading-trough to cover the bung-hole of a cask, the pieces of a glass to cover the mouth of a pitcher. R. Jehudah says: "They must be fit for the same use (as the whole utensil), viz.: the parts of a kneading-trough to hold a brew, and the pieces of a glass to hold oil."

GEMARA: Said R. Jehudah in the name of Samuel: "The first Tana of the Mishna and R. Jehudah differ only as to fragments which were broken off on the Sabbath; for the former holds that the fragment is part and parcel of the utensil, and fit for the same use, while R. Jehudah holds, that the fragment is a newly created thing; but if the fragments were broken off before the Sabbath set in, all agree that they may be handled: because they were prepared for use while it was yet (week) day."

We have learned, in one Boraitha, that fire may be made with utensils, but not with fragments; and in another Boraitha we have learned, that as we may make fire with utensils, so we may also use fragments for the same purpose. In a third Boraitha, however, we were taught, that we must not make fire with either utensils or fragments. We must say, then, that the first Boraitha is in accordance with the opinion of R. Jehudah (who holds to the theory of "Muktza" and Noled (a newly ceated thing), the second Boraitha is in accordance with the opinion of R. Simeon (who holds to neither of the two theories), and the third Boraitha is in accordance with R. Nehemiah (who holds that

every utensil must be used for its particular purpose and not for other purposes).

R. Na'hman said: "Bricks left over from a building may be handled, because they can be used as seats; but if the bricks were piled up one on top of the other, they were evidently designated for building, and must not be handled." R. Na'hman said in the name of Samuel: A fragment of a piece of pottery may be handled in private ground, but not in unclaimed ground (because in private ground other vessels can generally be found and the fragment may be used as a lid or cover, but in unclaimed ground there are no other vessels and the fragment cannot be used in that manner); but R. Na'hman himself declares, that the fragment may be handled in unclaimed ground also (because in unclaimed ground there may also be some things which can be covered), but not in public ground; and Rabha, however, says, it may be handled even in public ground (because having been once regarded as a utensil in private ground it remains such everywhere).

This theory of Rabha's is borne out by his action; for it happened that he was walking on the street Ritka in the city of Mehuza on a Sabbath, when his shoe became soiled with dirt. His servant came and cleaned it off with a fragment of a piece of pottery. The rabbis who went behind him scolded his servant for this act, whereupon he (Rabha) remarked: "It is not enough that they have not learned (what is permissible and what is not), but they also want to teach others. If this fragment were in private ground, it would have been a useful article because a vessel could be covered with it, and here in public ground it is useful to me."

R. Jehudah in the name of Samuel said: "The bung-head of a broken barrel may be handled on Sabbath." We have also learned this in the following Boraitha: "The bung-head and the pieces of a broken barrel may be handled on Sabbath, but it is not allowed to break off a piece of the fragments and cover a vessel with it or put it under the legs of a bedstead." If the bung-head and pieces, however, were thrown away among the garbage before the Sabbath, they must not be handled at all.

R. Hamdura said in the name of Samuel: "The waste of a mat may be used on the Sabbath." Why so? For what purpose can it be used? Said Rabha: "Bar Hamdura explained this to me as follows: What is a mat used for? To prevent the dust from settling upon an object, and the waste can also be used

for covering up dirt." R. Zera said in the name of Rabh: "Remnants of silken togas must not be handled on the Sabbath." Said Abayi: "This is said of remnants that measure less than three fingers square and are of no value to either rich or poor."

The rabbis taught: Fragments of an old oven are equal to any other vessels that may be handled on Sabbath. So said R. Meir; but R. Jehudah said they may not be handled. R. Jose testified in the name of R. Eliezer ben Jacob, that fragments of an oven may be handled on the Sabbath and the covers of an oven may be handled even if their handles are broken off. Said Rabhina: "According to whose opinion do we handle to-day the covers of the ovens used in the city of Mahassia, which have no handles? It must be according to the opinion of R. Eliezer ben Jacob."

MISHNA: One may dip water with a hollow pumpkin to which a stone is fastened, providing the stone will not fall off; otherwise, one must not dip water with it. One may dip water with a jug to which a vine branch is fastened.

"For a window-blind," says R. Eliezer, "a thing may only then be put up, if it be fastened and hang down; otherwise, it must not." The sages say it may be put up in any manner.

GEMARA: We have learned in another Mishna: "If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down." Said Rabba in the name of R. Ami, quoting R. Johanan: "The case applies only when the stone lying at the opening of the barrel was left there unintentionally; but if placed there on purpose, the barrel becomes a base for a prohibited thing (and must not be moved)." R. Joseph in the name of R. Assi, quoting R. Johanan, said, on the contrary: "If the stone was left there unintentionally the barrel must be bent over, so that the stone fall down; but if placed there intentionally, it serves as a lid to the barrel, and may be removed." On what points do R. Ami and R. Assi differ? One holds, that an act must be accomplished in order to be an act, while the other holds the intention to be equivalent to the deed, and their respective theories are borne out by their opinions which follow:

For when R. Dimi, and according to others R. Zera, came from Palestine, he related in the name of R. Hanina: It happened that Rabbi once went to a certain place on a Friday, and finding a pile of stones said to his disciples: "Go and have it in your minds that we intend to sit on these to-morrow." Thus

Rabbi did not order them to act, but merely to think. R. Johanan, however, said, that Rabbi ordered his disciples to act. And what, according to R. Johanan's opinion, were the disciples to do? R. Ami said, that Rabbi ordered them to place the stones in position for them to sit on, but R. Assi said, that Rabbi ordered them not only to place the stones in position, but also to clean them (because, in the latter's opinion, changing the position of an object does not constitute an actual deed).

It was taught: R. Jose b. Saul said it was not stones but a pile of building wood. R. Johanan b. Saul, however, said it was not building wood but poles with which the depth of the water is sounded.

"*One may dip water with a hollow pumpkin to which a vine-branch is fastened.*" If it is fastened one may, and if not, one may not. Shall we assume that our Mishna is not in accordance with the opinion of R. Simeon ben Gamaliel? as we have learned in a Boraitha: Branches of a tree which were intended for kindling, if subsequently used for sitting purposes, must be tied together, but R. Simeon ben Gamaliel said, they need not be tied together.\* Said R. Ashi: It may be said, that this Mishna is not at variance with the opinion of R. Simeon ben Gamaliel, but is merely a precautionary measure, for fear that a branch, being brittle, might be broken by the man if not tied together.

"*For a window-blind,*" etc. Rabba bar bar Hana in the name of R. Johanan said: All agree that it is not permitted to put up even a temporary tent † to begin with on a biblical festival, and decidedly not on the Sabbath, but as for adding (that is, if part of the blind was already up) a blind to a temporary tent that had already been put up, R. Eliezer said, that it is not permissible on a festival and much less so on the Sabbath, and the sages declare, that it is permitted on the Sabbath and so much the more on a festival.

"*The sages say it may be put up in any manner.*" What is meant by "in any manner"? Said R. Aba in the name of R. Kahana: "By that is meant, that it makes no difference whether the blind was fastened or not, providing it was prepared for its purpose since the day before." Said R. Jeremiah to him:

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Compare page 90, in this tract.

† By a temporary tent, says Rashi, is meant principally a sheet put up on four poles to serve as a roof, but screens on the sides are not considered a tent. The putting up of a window-blind in a building, however, is regarded by R. Eliezer as an addition to the building.

“Why wouldst thou assume that the sages would be more lenient in this matter? Say rather that they meant to state, that it made no difference whether the blind hung down or not, providing it had been previously fastened.” R. Aba answered: “Because I hold with the Tana of the following Tosephta: A stick, prepared by the master of a house for the opening and locking of a door, may be used on Sabbath, providing it was fastened and hung to the door; otherwise, it must not be used. R. Simeon ben Gamaliel, however, declared, that as long as it was prepared for that purpose, it was of no consequence whether it was fastened and hung to the door.” (Thus it may be seen that R. Aba held with R. Simeon ben Gamaliel.)

R. Jehudah bar Silas in the name of R. Assi, quoting R. Johanan, said: “The Halakha according to R. Simeon ben Gamaliel prevails.” Did R. Johanan say this in reality? Have we not learned in a Mishna, that all covers of vessels having handles attached may be handled on Sabbath? Referring to this, R. Jehudah b. Shila in the name of R. Assi, quoting R. Johanan, said, that such would be the case only if the covers could be made use of as independent vessels. (How, then, can R. Johanan hold with R. Simeon ben Gamaliel, who says, that the stick which was not fastened to the door may be used on Sabbath, surely it is not an independent vessel?) Shall we assume, that R. Johanan holds with R. Simeon ben Gamaliel only in the case where the stick could also be used for other purposes and thus could be called an independent vessel? Then how can it be said that R. Johanan holds with R. Simeon ben Gamaliel, for the latter does not require the stick to be an independent vessel, as we have learned above in the matter of the branches (see page 273), where R. Simeon ben Gamaliel declares, that they need not be tied together? R. Johanan is in accordance with him only in the matter of the stick being prepared for its particular purpose without being fastened to the door, but disagrees with him as regards an independent vessel.

R. Itz'hak of Naph'ha\* proclaimed at the door of the Exilarch's house, that the Halakha according to R. Eliezer prevailed. R. Amram raised an objection: “We have learned in the last Mishna of this Tract as follows: ‘Thence we learn that it is permitted to put up a window-blind, to measure and to tie on the Sabbath.’” (How, then, could R. Itz'hak say, that the

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\* See note to page 96, in this tract.



Halakha according to R. Eliezer prevailed?) Said Abayi to him: Upon what is thy objection concerning R. Itz'hak based? The Mishna just mentioned gives the opinion of the sages only, who are at variance with R. Eliezer in our Mishna, and thou mightst say, that because no contention is mentioned, the Halakha according to the sages prevails; then thou knowest of another Mishna (in Erubin), concerning the hinge of a cupboard door, no name is mentioned, and still the Mishna appears to be in accordance with the opinion of R. Eliezer only (thus R. Itz'hak can accept R. Eliezer's opinion). Saith the Gemara: (Although Abayi justified R. Itz'hak) an *act* of the sages (as is related in the last-mentioned Mishna) is sufficiently decisive to establish the Halakha.

MISHNA: All lids of utensils may be removed (on the Sabbath), provided they have handles. Said R. Jose: What does this apply to? To lids of vessels fastened in the ground, but lids of vessels in general may be removed at all events.

GEMARA: Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "The lids of utensils may be handled only if they can be made use of for other purposes as independent vessels." Saith the Gemara: "All agree, that covers of utensils (fixtures) fixed in the ground must be handled only if they have handles attached, and lids of other utensils not fixed in the ground may be handled even if they have no handles, but the point of the divergent opinions is as regards the covers of ovens, the one side contending, that ovens must be regarded as fixtures in the ground and the other side contending that they are ordinary utensils."

## CHAPTER XVIII.

REGULATIONS REGARDING THE CLEARING OFF OF REQUIRED SPACE,  
THE ASSISTANCE TO BE GIVEN CATTLE WHEN GIVING BIRTH TO  
THEIR YOUNG AND TO WOMEN ABOUT TO BE CONFINED.

MISHNA: One may even clear off four or five chests of straw or grain, in order to provide room for guests, and to remove obstacles to instruction; but one must not clear out a whole barn. Further, one may clear off: heave-offerings, grain (of which it is not certain that the tithes have been set apart), first tithes of which the heave-offering has been taken off, second tithes and consecrated things which have been redeemed, and dried broad-beans, which serve the poor (others say, the goats) for food. But one must not clear off mixed grain (of which tithes have not yet been separated), nor first tithes of which the heave-offering had not yet been taken off, nor second tithes nor consecrated things which had not yet been redeemed, nor arum (wake-robin) nor mustard. R. Simeon ben Gamaliel permits arum (wake-robin) to be cleared off, because it serves the (house) raven for food.

Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder, otherwise they must not be handled.

GEMARA: The Mishna says, "four or five chests." Why say four or five? If five may be cleared off, surely four may! Said Samuel: This is said only as a customary saying; but in reality it means to say that any number may be cleared off; but by saying "one must not clear off a whole barn," the Mishna means to state, that all the straw should not be removed for fear lest pits be noticed in the ground, and the man might fill them up. Even if the whole barn be full and as yet untouched, one may commence to remove as much as is necessary, and the Mishna is in accordance with the opinion of R. Simeon, who disregards the law of Muktzah.

The rabbis taught: One may not commence on a full barn, but one may remove enough, when entering, with his feet, to

provide an entrance, and when going out to make a way of egress.

The rabbis taught: A sheaf of grain, if commenced prior to the Sabbath, may be used on the Sabbath; but if not, it must not be used on Sabbath, so saith R. A'ha, but R. Simeon permits this to be done. How large should the sheaf be? We have learned in a Boraitha that it should measure one Lethach.\*

The schoolmen propounded a question (not having heard Samuel's explanation): "How is the term 'four or five chests' to be understood? Should a man clear off only four or five chests, even if that be not room enough for his guests; or should he do so in proportion to the number of his guests? If according to the number of his guests, does it mean to say, that one man should clear off sufficient for all, or every man for himself?" Come and hear: Rabba told in the name of R. Hyya: It once happened that Rabbi went out on a Sabbath to a certain place, and saw that the place assigned to him for lecturing was too small; so he went out into the field, and found the whole field full of sheaves. He cleared off the field, and provided sufficient room." Thence we see that he did so in proportion to the number of his guests; but this narration decides only one part of the schoolmen's question, viz.: the one relating to the number of sheaves to be cleared off, but not the one relating to whether one man may clear off sufficient for all, or every man for himself. Come and hear: "Rabbi cleared off the field," etc. (that is, one man for all). And what think you, that Rabbi did this himself? he certainly must have ordered this to be done, so it is not known whether one man did it, or each man for himself.

"*For guests,*" etc. R. Johanan said: "The reward for hospitality is equal to that for visiting the house of learning, for the Mishna saith for guests and for obstacles to instruction, thus putting the two causes on a par." Said R. Dimi: "Hospitality is even a greater virtue, for it is given the precedence over instruction."

R. Jehudah said in the name of Rabh: Hospitality is even a greater merit than receiving the Shekhina, as it is written [Genesis xviii. 3]: "And he said, My Lord, if now I have found favor in thy eyes, pass not away," etc. (showing that Abraham let the Lord wait while he went to receive his guests). Said R. Elazar: Come and see how the custom of the Holy One,

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\*A measure of grain spoken of in Hosea iii. 2, and presumably a half of a Kur.

blessed be He, is unlike that of human beings. An insignificant man cannot say to a great man: "Stay here until I come back again," whereas to the Holy One, blessed be He, Abraham said as mentioned above.

Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "There are six things, the interest on which a man consumes on earth, while the principal is given him in the world to come. They are: Hospitality, visiting the sick, contemplation before prayer, attending the house of learning, educating children in the Law, and charity in judging others." Is this so? Have we not learned in a Mishna: These are the things the interest of which a man consumes on earth and the principal of which is given him in the world to come? "Honoring father and mother, doing favors to neighbors, peace-making among men, and, above all, the study of the Law." Now, if the Mishna says "these are the things," it means no others! Nay; the six things previously mentioned are included in those subsequently enumerated (hospitality and visiting the sick are included in doing favors to neighbors; contemplation before prayer is a favor to one's self, as it is written [Proverbs xi. 17]: "The man of kindness doth good to his own soul"; attending the house of learning and educating children in the Law is included in the study of the Law; charity in judging others is included in peace-making among men, and R. Johanan does not dispute the Mishna, but merely expounds it).

The rabbis taught: One who exercises charity in judging others is charitably dealt with when judged above. It once happened that a man came from upper Galilee and hired out to a master in southern Palestine for three years. On the last eve of the Day of Atonement (when his term was up) he asked his master for his wages, so that he could return to his wife and children. The master replied that he had no money. Said the man: "Then give me my money's worth in grain." And the master answered: "I have it not." Said the man again: "Give me my money's worth in land," and again the master replied: "I have it not." "Then give me my money's worth in cattle." "I have it not," was the reply. "I will take my money's worth in bolsters or bed-clothes," pleaded the man, but the answer was still the same. The poor man shouldered his bundle and sorrowfully went away. After the holidays the master took the hired man's wages and, besides, three asses; one laden with victuals, the second with beverages, and the third

with spices, and went to his hired man's house in Galilee. After having partaken of a meal together, the master paid him his wages, and asked him: "When I told thee that I had not the money to pay thee thy wages, what didst thou suspect me of?" The man answered: "I thought that perhaps thou hadst come across a bargain and hadst paid out all thy ready money." "And when thou askedst me for cattle and I refused thee, what didst thou think then?" "I thought that thou hadst hired out thy cattle on some other farm, and thou couldst not give me any at the time." "And when thou askedst me for grain and I refused?" "I thought perhaps thou hadst not yet paid thy tithes and hence thou couldst not give me any." "And when I refused thee land?" "I thought perhaps thou hadst rented it out." "And when I refused thee bed-clothes?" "Then I thought that thou hadst devoted all thy possessions in honor of the Lord." "I swear to thee, then, that such was really the case. I had made a vow to give away all my possessions for charitable purposes, because my son Hurkenes did not want to study the Law. Afterwards, when I came to my comrades in the South they released me from my vow, and as thou didst judge me in kindness, so may God judge thee in kindness."

The rabbis taught: A pious man once ransomed a Jewish maiden from captivity. When they came to a lodging-place at night, he laid her down at his feet. On the morrow he bathed, and then went out to teach his disciples. During the lesson, he asked his disciples: "When I laid the damsel down at my feet last night, what did you suspect me of?" And they answered: "Perhaps there may be one among us who has not yet been tried and thou couldst not trust him, so thou laidst her near thee." "And when I went in the morning and bathed, what did you suspect?" "Perhaps, on account of the hardships on the way, thy seed of copulation ran out from thee and thou wert compelled to bathe." "By the Lord," said the master, "so it was; and as ye have judged me in kindness, so may the Lord judge you in kindness."

The rabbis taught: It happened that the sages had business with a Roman matron to whom all the great men of Rome came for advice, and they could not decide who should go to her. Finally R. Jehoshua volunteered to go, and so he and his disciples went to her. Four ells from the door of her house, R. Jehoshua removed his phylacteries and went in, locking the door behind him. When he came back he bathed, and then went

back and taught his disciples. During the lesson he asked: "When I removed my phylacteries, what did ye suspect?" And they answered: "The phylacteries are holy, and thou didst not wish to bring them into a profane place." "And when I locked the door behind me, what did ye suspect?" "We thought perhaps thou hadst a secret political affair to transact and didst not wish us to enter." "And when I came out and bathed, what did you suspect?" And they replied: "We thought perhaps some of the matron's spittle had accidentally dropped on thy garments and thou hadst to bathe." "By the Lord," said R. Jehoshua, "so it happened; and as ye judged me in kindness, so may the Lord also judge you in kindness."

"*Further, one may clear off heave-offerings,*" etc. Is this not self-evident? It might be assumed that the heave-offerings being in possession of a plebeian who is not allowed to partake of them, they must not be handled; but the Mishna comes to teach us, that because a priest is allowed to eat them, they may be handled by everybody.\*

"*And dried broad-beans.*" The rabbis taught: Hatzav (a certain plant the roots of which grow deep into the ground but do not spread) may be handled on the Sabbath, because it is food for deer. Mustard may be handled, because it is food for doves. R. Simeon ben Gamaliel said that pieces of glass may be handled, because ostriches eat them. Said R. Nathan: "In this case twigs may be handled, because they serve elephants for food." What did R. Simeon answer R. Nathan? Ostriches are more frequently owned by men than elephants. Said Ameimar: "R. Simeon ben Gamaliel means to say, that only one who possesses ostriches may handle pieces of glass?" Said R. Ashi to Ameimar: "If this is so, what did R. Nathan question? If one possesses elephants, he may surely handle twigs. So R. Nathan means to say, that because twigs serve as food for elephants, anybody may handle them; and the same applies to pieces of glass, because they serve ostriches for food, everybody may handle them (on the Sabbath)."

"*Bundles of straw,*" etc. The rabbis taught: "Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder; otherwise, they must not be handled." R. Simeon ben Gamaliel said: "If the

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\* The discussions concerning the mixed grain and all the other subjects enumerated in the above Mishna appear again in Tract Berachoth, where we shall render them in the course of our work.

bundles can be lifted with one hand they may be handled, but if not they must not be handled."

Bundles of saturcia, abrotanum, and thyme, if prepared for fuel, must not be used on Sabbath, but if prepared for cattle-food may be used. Grain from an ear (of wheat, etc.) may be taken by hand only, but not with a vessel. One may even take a few grains from growing ears with his fingers, and eat them, but must not take them with a vessel, so saith R. Jehudah; but the sages say, that one may do this with his fingers, but not with both hands, as usually done on week-days. The same ordinance holds good for any other spices.

It was taught: Salt meat may be handled on Sabbath, but fresh meat must not be handled, according to R. Hisda; but R. Huna permits this.

The rabbis taught: Salt fish may be handled, but not stale unsalted fish, and meat may be handled, be it fresh or salt.

The rabbis taught: Bones may be handled, because dogs eat them; putrid meat may be handled, because beasts of prey eat it. Uncovered water\* may be handled, because cats drink it. R. Simeon ben Gamaliel, however, said, that all these things should not be kept in the house even on week-days, because they are dangerous.

MISHNA: One may set a basket on end for chickens, in order that they may climb up or down upon it. A runaway hen may be chased until she goes back again. One may lead about calves or young asses to exercise them. A woman may lead her son about to give him exercise. R. Jehudah says: "When (may she do) this? If the child lifts one foot and sets down the other; but if it trails (its leg) behind, she must not."

GEMARA: Said R. Jehudah in the name of Rabb: "If a cow fall into a lake, it is allowed to throw into the lake bolsters, bundles, vessels, etc., in order to give the cow a foothold and enable her to get out." An objection was made: We have learned in a Boraitha: "If a cow fall into a lake, food may be brought to her in order that she may not starve to death." So it refers only to food, but nothing is said in reference to bolsters, etc. This presents no difficulty. Where food can be brought it may be done, but when the cow cannot be reached, bolsters, etc., may be brought. But a vessel that is prepared for other

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\*Water was never kept uncovered in the Orient for fear of snakes, and any water that was found uncovered was immediately thrown out.

purposes is thereby destroyed? That is simply a rabbinical ordinance, but pity for creatures is a Mosaic law and has precedence.

“*A runaway hen may be chased,*” etc. The hen may be chased, but not led. This is a similar teaching to that of another Boraitha, wherein we have learned, that all animals and birds may be led about in private ground with the exception of a hen. Why not a hen. Said Abayi: “Because a hen, when led, will not walk, but will jump and fly, and the man leading her will be forced to carry her.”

MISHNA: On a feast-day one must not deliver cattle, about to give birth, of their young, but may be of assistance to them in any other manner. One may give a woman (about to give birth to a child) all assistance possible, even call a midwife from a distance; one may violate the Sabbath on her account and tie the navel-string. R. Jose says: One may also cut the string. Lastly, one may accomplish anything necessary for the circumcision on the Sabbath.

GEMARA: What is meant by “being of assistance”? Said R. Jehudah: “To hold up the young, that it may not fall,” and R. Na’hman said: “To pull out the young by pressing the sides.” R. Jehudah’s explanation is supported by the following Boraitha: “How is an animal assisted in giving birth to her young? By holding up the young, blowing air into its nostrils, and leading it to its mother’s breast, so that it may suck.”

R. Simeon ben Gamaliel said: “When a clean animal (one that may be eaten) gave birth to her young on a festival and would not take to it, we would coerce her into taking to her offspring.” How would this be done? Said Abayi: “They would bring a handful of salt, lay it in the mother’s womb, and the pain that would be caused thereby would remind the mother of her young, and she would immediately take to them, and they would pour the water discharged by the mother on the young, so that the mother would scent it and seek her young. This was done, however, only with a clean animal, but not with an unclean animal. Why so? Because usually an unclean animal will not cast off her young, and should she do so, she will never take to them again.”

“*One may give a woman (about to give birth to a child) all assistance possible.*” Let us see! The Mishna says, that one may call a midwife even from a distance, and then, that one may violate the Sabbath on her account. What is the object in



particularizing what may be done? The Mishna means to tell us, what the rabbis taught, viz.: "If a woman lying in is in need of a light, another woman may light a candle for her; and if she needs oil, the waitress may bring her oil through public ground in her hands; should that not be sufficient she may bring it in her hair, and if that does not suffice she may bring it in a vessel."

The master said: "If a woman lying in is in need of a candle, another woman may light it for her." Is this not self-evident? He means to tell us, that even if the woman lying in be blind, and one might say, that being blind she needs no candle, hence it should not be lit; the candle should be lit for her at all events, for she may need a thing that others could not see without a light, while, by aid of the light, they would find it and hand it to her.

Further, it says, that a woman may bring her oil in her hair. This would be worse still, for the hair would have to be wrung, and that would make the woman (who brought the oil) guilty of wringing (on Sabbath). Rabba and R. Joseph both said, that wringing hair does not constitute wringing within the meaning of the law. R. Ashi said: "Even if wringing the hair would constitute wringing within the meaning of the law, the woman should bring the oil in a vessel which should be placed on the hair (head); for any work which must of a necessity be performed on a Sabbath, should be performed in as far different a manner from that done on a week-day as possible."

R. Jehudah said in the name of Samuel: "As long as the womb of a woman lying in is still open, whether she says she must have it done or not, the Sabbath may be violated for her. As soon, however, as the womb is closed, the Sabbath may be violated only if she says she must have it done; otherwise, it must not be violated, so taught Mar Zutra." R. Ashi, however, taught in the name of the preceding authority, that as soon as the womb is closed, even if the woman says she must have it done, the Sabbath must not be violated on her account.

Said Rabhina to Mareimar: "Mar Zutra is more lenient in his teaching, and R. Ashi the stricter; according to whom does the Halakha prevail?" Answered Mareimar: "The Halakha according to Mar Zutra prevails, for it is the general rule, that wherever human lives are concerned, the more lenient teaching is always accepted as final."

At what time is the womb considered to be open? Abayi

said: "From the time the woman commences to give birth." R. Huna the son of R. Jehoshua said: "From the time blood commences to flow"; and others say, from the time that she becomes helpless and her attendants lay her on the bed.

How long is the womb considered to be open? Abayi said, for three days after birth, and Rabha in the name of R. Jehudah said, for seven days, and others say for thirty days. The scholars of Neherdai divide the time of a woman lying in into three periods of three, seven, and thirty days each. During the first period, whether the woman says she must have it done or whether she says it need not be done, the Sabbath may be violated for her. During the second period, if she says it must be done, the Sabbath may be violated; but if she says it need not be done, it must not be violated; and during the third period, even if she says she must have it done, the Sabbath must not be violated by Israelites, but it may be done by Gentiles. This is according to R. Ula the son of R. Ilai, who says, that everything which must be done for a sick person on the Sabbath should be done by Gentiles, and also according to R. Hamnuna, who said, that all things which are to be done for a person who is not dangerously ill, should be ordered done by a Gentile. As it happened with the daughter of R. Hisda (the wife of Rabba), who took a bath in her husband's absence, before the thirty days were up, and caught cold, and friends were compelled to bring her, still lying in bed, to Rabba in Pumbaditha.

Said R. Jehudah in the name of Samuel: "A woman lying in should be given thirty days." For what law should she be given thirty days? The men of Neherdai said, for bathing (that is, she should not bathe for thirty days, in order that she may not catch cold). Said Rabha: This rule applies to women whose husbands are not at home, for when the husband is at home, he can take care of his wife and prevent any bad consequences.

R. Jehudah in the name of Samuel said again: One may kindle a fire for a woman lying in, on the Sabbath, and not only for a woman lying in, but also for a sick person; not only in the winter but also in the summer-time, as R. Hyya bar Abhin said in the name of Samuel, that one, who was bled and caught cold, may have a fire made for him on Sabbath not only in the winter, but also in the summer-time. Samuel once was bled and caught cold, so a chair made of elm-wood was chopped up and a fire made for him (on Sabbath). The same thing happened to

R. Jehudah; so a table of cedar-wood was chopped up and a fire made for him. Rabba had the same experience and a stool was used to make a fire, and when told by Abayi that he was guilty of destroying a useful article said: "My personal welfare is dearer to me than the article."

Said R. Jehudah in the name of Rabh: "A man should sell even the roof of his house and buy shoes for himself if in need of them; but if he had recently been bled and feels hungry, he should sell even these shoes and buy food with the proceeds." What kind of food should he purchase? Rabh said meat, and Samuel, wine. Rabh said meat, as being a substitute for flesh lost through bleeding, and Samuel said (red) wine, as a substitute for (red) blood.

When Samuel had himself bled, a dish made of milt was prepared for him, and R. Johanan would drink wine until it could be smelt through his ears. R. Na'hman would drink wine until his spleen would float in wine. R. Joseph would drink wine until his veins would swell so that the lancet would be forced out, and Rabha would drink only wine that was three years old.

Said R. Na'hman bar Itz'hak to his disciples: I beg of you, that on the day on which you have yourselves bled, you should go home and say that Na'hman will come to visit you. (In consequence a good meal and wine will be prepared, and you can partake of it.) Deceit is not permitted under any circumstances, but those mentioned as follows:

One who is bled, and has not the money to buy wine, should take a mutilated Zuz and go to seven wine-dealers. When asking for wine he will be given some to taste, and when offering his money, it will be rejected. He will then proceed to another dealer, and keep on until he will have drunk a quarter of a lug. One who cannot even do this, should eat at least seven black dates and should put oil on his temples, then lie down in the sun and go to sleep.

Abhlat (a Persian official) found Samuel sleeping in the sun and said to him: "Thou leader of Jews! Can a good thing emanate from a bad one?" Samuel answered: "This is my bleeding-day." In reality this was not so, but there are days when sleeping in the sun is healthful; for instance, on the day when the Tamuz (July) equinox falls, but Samuel, who was a physician, would not tell this to Abhlat.

Rabh and Samuel both said: "The man who eats a light

meal on the day when he is bled, has light earnings decreed for him in heaven for the following year, because if he himself has no pity for his own body, he is not worthy of being pitied by the heavenly host." The same two authorities also said, that one who was bled should not sit where the wind blows; for it may be that the surgeon who bled him allowed too much blood to escape, and the wind might force still more blood from him, and thus become dangerous. Samuel was always bled in a house the walls of which were of seven bricks' thickness, and at one time it happened that he felt weak; he looked up, and noticed that a brick was missing from the wall.

Rabh and Samuel also said, that a man who was bled should not go out into the street without having partaken of something. If he does and meets a corpse, his face turns yellow, and if he should happen to meet a murderer he will die himself, and if he meets a pig he will become scabby. They also said, that after bleeding a man should not rise immediately, but should rest a while and then get up; for the master said, that five things are more conducive to death than to life. They are: Eating and arising immediately, drinking and arising, sleeping and arising, being bled and arising, and having sexual intercourse and arising immediately afterwards.

Samuel said: "A young man should be bled every thirty days until he is forty years of age. From forty to sixty he should be bled every two months, and after sixty he should be bled every three or four months."

Samuel said again: The fourth day of the week, if falling on the fourth, fourteenth, or twenty-fourth day of the month, or if it is a Wednesday after which there are less than four days to the end of the month, is a dangerous day for bleeding. Bleeding on the first and second of every month produces weakness, and on the third day it is dangerous. Bleeding on the eve of any biblical festival produces weakness, and on the eve of Pentecost it is dangerous, in consequence of which the rabbis instituted the precautionary measure, that no man should be bled on the eve of a festival, for fear that he might have it done on the eve of Pentecost.

Again Samuel said: "One who had eaten heartily of wheaten food is not wholly benefited by being bled, but is simply eased for the time being." This means to say, then, that one who has a heavy feeling can ease himself *temporarily* by being bled after a meal, but is not permanently benefited thereby. After being

bled one may drink immediately, but should not eat until the time in which he could walk half a mile had elapsed.

(On a day when nothing profitable had been performed) Rabh used to proclaim (the following simile): If one bled a hundred persons, he earned a Zuz for each; if he cut the hair of a hundred persons, he earned a Zuz for each; but if he trimmed the mustaches of a hundred men, he labored in vain.\* (There was no charge made for trimming mustaches when done in conjunction with hair-cutting or bleeding.) Said R. Joseph: We learned at the college of R. Huna, that a day on which the disciples did not study was called a mustache-day, and I did not understand the meaning of the term; but now I can see the significance of the expression, for it means to say that the day was lost.

*"And tie the navel-string."* The rabbis taught: "One may tie the navel-string," and R. Jose said: "One may cut it also on the Sabbath and deposit the afterbirth, which is supposed to be a remedy to keep the child warm." R. Simeon ben Gamaliel said: "Daughters of kings would deposit the afterbirth in a bowl of oil and rich men's daughters would deposit it in carded wool. Poor people would deposit it in feathers." Said R. Na'hman in the name of Rabba bar Abuha, quoting Rabh: "The Halakha according to R. Jose prevails."

R. Na'hman said again, quoting the same authorities: "The rabbis agree with R. Jose, that when two children were born, both attached to one navel-string, the latter may be cut, because otherwise it would be dangerous." He also said again, in the name of the same authorities: All that is contained in the sermon of Ezekiel may be done for a woman lying in on Sabbath, as it is written [Ezekiel xvi. 4]: "And as for thy birth, on the day thou wast born thy navel was not cut, nor wast thou washed in water to be cleansed; and thou wast not rubbed with salt, nor wrapped in swaddling clothes." "And as for thy birth," from this we may infer, that one may assist in the birth of a child on Sabbath. "Thy navel was not cut," from this we infer, that the navel may be cut on Sabbath. "Nor wast thou washed in water to be cleansed." This teaches us that the child may be washed on Sabbath. "Thou wast not rubbed with salt." From this we know, that a child may be rubbed with salt on Sabbath. "Nor wrapped in swaddling clothes." This teaches us, that we may wrap a child in clothes on the Sabbath.

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\* This explanation is the one given by the commentary of Tospath, which seems to us to be more to the point than the one given by Rashi.

## CHAPTER XIX.

### REGULATIONS ORDAINED BY R. ELIEZER CONCERNING CIRCUMCISION ON THE SABBATH.

MISHNA: R. Eliezer saith: If the knife used for circumcision was not brought on the day preceding the Sabbath, one is to bring it publicly on the Sabbath; in times of danger (during persecutions) one may conceal it (about the person) before witnesses. Further, R. Eliezer saith: One may even cut wood to be burnt into charcoal, in order to forge an iron instrument (knife for circumcision). The following rule was laid down by R. Aqiba: All work (necessary in aid of circumcision) which *could* have been performed on the day before (Sabbath) does not supersede (the observance of) the Sabbath, but such work as could *not* have been performed on the day before, *does* supersede (the observance of) the Sabbath.

GEMARA: A question was propounded by the schoolmen: "What does R. Eliezer mean by saying, 'one is to bring it *publicly* on the Sabbath'? Does she mean to say, that the man thereby demonstrates how dear a commandment (of the Lord) is to him, that he is ready to violate the Sabbath for its sake, or is it rather, because the man would be suspected of carrying a prohibited thing on the Sabbath, if he did so surreptitiously?" What difference does it make what R. Eliezer meant? The difference is this: "If the man does it in order to allay suspicion, it would be sufficient to have two witnesses see him conceal the knife about his person and then carry it even in times of peace; but if the man does it in order to demonstrate his love of God's commandments, he must carry it publicly even if he have two witnesses." What is the conclusion? It was taught that R. Levi said: "R. Eliezer meant only for the man to demonstrate his veneration of God's commandments." This is supported by a Boraitha, which plainly states, that a man should carry it publicly, and not have it concealed, such are the words of R. Eliezer. Said R. Ashi: All this is unnecessary. Our Mishna plainly teaches us the same, for it says, that only in

times of danger the knife should be concealed, and it is easily understood that only in times of danger is this to be done, but not under ordinary circumstances, and for what purpose? Only to show that a commandment should be venerated. It follows, therefrom, that the argument is accepted.

We have learned in another Boraitha: "One is to bring it publicly," and not have it concealed, such are the words of R. Eliezer; and R. Jehudah said in the name of R. Eliezer, that in times of danger the custom was to conceal it about the person before two witnesses.

"Further, saith R. Eliezer," etc. The rabbis taught: In the place where R. Eliezer resided, wood was cut and burnt into charcoal, in order to forge an instrument (knife for circumcision) on Sabbath. In the place where R. Jose of Galilee lived, fowls were eaten with milk. R. Itz'hak said: There was a city in Palestine where R. Eliezer's teaching was carried out, and there were no premature deaths in that city; and not only this, but at one time when the government prohibited circumcision in the entire land, that city was not included in the decree.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "Every commandment of the Lord which was received by the children of Israel with joy, for instance circumcision, concerning which it is written [Psalms cxix. 162]: 'I am rejoiced over thy promise,\* as one that findeth great spoil,' is even now observed with joy; but every commandment which was received with protest, for instance the law of incestuous marriages, concerning which it is written [Numbers xi. 10]: 'And Moses heard the people weep according to their families,' meaning the case (of intermarriage) among the families, is even now observed reluctantly, for there are no marriages celebrated without some discord among the families."

We have learned, that R. Simeon ben Elazar said: "Every commandment for the observance of which the Israelites were ready to lay down their lives, as for that prohibiting idolatry and commanding circumcision, is observed punctually even to this day; but such commandments as they would not sacrifice themselves for are even now lightly regarded, as is the case with the commandment concerning Tephillin." As R. Yanai said:

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\* Promise stands for the Hebrew "Imrothecho," literally "thy word," and the word here referred to signifies the first commandment given to Abraham, which was the commandment of circumcision. Hence the deduction, that the commandment of circumcision was received with joy.—*Rashi*.

“Tephillin require a clean body, such as Elisha the man of doves possessed.” What is meant by a clean body? Abayi said: “A body that emits no odor when clothed with Tephillin,” and Rabha said: “A body that will never become drowsy while wearing Tephillin.” Why was Elisha called “the man of wings”? It once happened that the government promulgated a decree by which all Israelites who would use Tephillin (phylacteries) were to be decapitated. This Elisha donned his phylacteries and went out into the market. He was seen by a *quæstor* (quæstor), and the latter pursued him. Seeing that he could not escape, Elisha took the phylacteries from his head and carried them in his hand. When questioned by the *quæstor* what he carried in his hand, he replied: “Wings of doves.” When opening his hand, he really found doves’ wings,\* and was therefore called the man of wings ever afterwards.

R. Aba the son of R. Ada said in the name of R. Itz’hak: “It once happened, that having forgotten to bring the knife for circumcision on the day before Sabbath, a man brought it on Sabbath, by way of the roof and private ground, against the will of R. Eliezer.” R. Joseph opposed this: “How canst thou say, that this occurred against the will of R. Eliezer? It was R. Eliezer himself who permitted bringing the knife on Sabbath? Thou wouldst infer, then, that bringing the knife by way of private ground, and not publicly, was against his will, because he

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\* This seeming miracle is explained at length in our *History of Amulets*, pp. 24-26, and the gist of the explanation is as follows: The government referred to above and in power at the time of Elisha was Greek and not Roman, a fact demonstrated by the late Dr. Krochmal in his “*Eyon tephilah*.” The Greeks, being at that time at war with the Egyptians, sought to destroy any ties of affinity existing between the Jews and the Egyptians, and to that end promulgated the decree prohibiting the wearing of Tephillin by the Jews, for those Tephillin bore close resemblance to the *totaphoth* (amulets) worn by the Egyptians. As a matter of fact, all amulets worn at that time by the different nations bore a symbol of their gods or idols, and was also a mark of nationality; hence the government in power desired that all its vassals wear its own amulets. The Talmud elsewhere relates that the Samaritans worshipped as their idol the form of a dove, for on Mount Gerizim, which is in Samaritan territory, an idol of that kind was found, which had been worshipped by them. Elisha knew of this, and, mindful of the fact that the Greeks were at peace with the Samaritans, carried along with him amulets in the form of doves’ wings (which was the amulet of the Samaritans) in order to substitute them for his Tephillin, whenever the necessity for the deception arose. When closely pressed by the *quæstor*, and not considering the commandment of wearing Tephillin sufficiently important to sacrifice his life on their account, he, while endeavoring to escape, changed his Tephillin for the doves’ wings, to which the *quæstor* could raise no objection.



insists that the knife should be brought publicly through public ground only. In accordance with whose will was it done? If thou wilt say, it was done in accordance with the decree of the rabbis, who prohibit bringing the knife through public ground, and permit it through private ground and roofs, did the rabbis indeed permit this? Have we not learned in a Boraitha, that in the same measure as it is not allowed to bring the knife through public ground, it must also not be brought through roofs and private ground?" Therefore R. Ashi supplemented the statement of R. Aba by adding, that the knife was brought against the will of R. Eliezer and *his opponents*; but in accordance with the decree of R. Simeon, who permits the carrying of everything through private ground and roofs, even if they were not combined by an Erub (in Tract Erubim).

R. Zera once found R. Assi sitting and saying: R. Simeon ben Lakish said in the name of R. Jehudah Hanassi as follows: It once happened that they forgot to bring a knife for circumcision on the eve of Sabbath, so they brought it on Sabbath. This angered the sages very much, for the reason, that the decree of the former sages had been set aside and that they had acted according to the decree of R. Eliezer. Firstly, because R. Eliezer was an adherent of the school of Shamai; and secondly, because where one man is opposed to a number the majority should prevail, and the majority was against R. Eliezer; and R. Osiah answered the sages, who were angered, that the case was not as it appeared to them. "For," said he, "I asked R. Jehudah the circumciser, and he told me, that the knife was brought through an alley which was not combined by an Erub, from one end to the other, but not through public ground."

R. Zera then said to R. Assi: "Does the master hold, that things may be removed in an alley which was not combined by an Erub?" R. Assi answered, that they might. Said R. Zera again: "Did I not ask thee once before and thou gavest me another answer? Was it because thou wast engaged in other matters and this Halakha escaped thee?" and the answer was: "Such was the case."

R. Hyya bar Aba said in the name of R. Johanan: "The rule laid down by R. Eliezer, that for everything pertaining to circumcision the Sabbath may be violated, does not apply also to other duties of the day which should happen to fall on the Sabbath; because, where the preparations necessary for the

bringing of the two loaves on Pentecost are concerned, R. Eliezer permitted them to be made on Sabbath merely through deduction by analogy, although this was also a duty of the day based on a biblical ordinance." Which other duties of the day does R. Johanan intend to except from this rule? We know, that in preparing the booth, the palm-branch, and all their accessories (for the feast of Booths) the Sabbath may be violated. The same is the case with Lulab, with Matza, and with Shofar, as it is stated in other Boraithas. Such is the dictum of R. Eliezer. Said R. Ada bar Ahabha: "R. Johanan intended to except Tzitzith (show-threads) for a garment and a Mezuzah (door-post inscription) for a house (although both of these are duties of the day, for if a man wear a garment he must have Tzitzith, and if he enter a house he must have a Mezuzah.)" This we have also learned in a Boraitha: "They all agree (even R. Eliezer), that if one made a show-thread for his garment, or a Mezuzah for his door, on the Sabbath, he is liable for a sin-offering." Why so? Said R. Joseph: "Because no specified time is set for the accomplishment of these duties." Said Abayi to him: "On the contrary, just because no specified time was set for the accomplishment of that duty, every moment is the time for performing it (so, if he have the garment on Sabbath, or enter the house on that day, he should perform those duties, and hence it must be considered a duty of the day)." Therefore said R. Na'hman in the name of R. Itz'hak, and according to others R. Huna the son of R. Jehoshua: "The reason is, because one is enabled to abandon these things for the time being (and hence the duty does not devolve upon him for that day)."

From what we have learned above, we see, that for the circumcision itself and all its necessary accessories the Sabbath may be violated, according to the dictum of R. Eliezer. Whence does he deduce this? This is the reasoning of R. Eliezer: It is written [Leviticus xii. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Thus, as it says distinctly the eighth day, it makes no difference what day the eighth falls on, whether it be Sabbath or not. Let us see: The rabbis and R. Eliezer differ only as far as the preparations for circumcision on the Sabbath are concerned, but not as to the circumcision itself. If, then, they do not regard the text quoted as does R. Eliezer, they should not even permit the violation of the Sabbath on account of circumcision itself. What source

do they base their permission on? Said Ula, and also R. Itz'hak: "This is traditional."

An objection was raised: We have learned that the Sabbath may be violated in order to save life. Whence do we know this? Said R. Elazar ben Azariah: "Why! if it be permitted when circumcision is concerned to violate the Sabbath, where but one of the many members of the body is concerned, it should certainly be permitted in so much greater a degree when the whole body is to be saved. If thou sayest, then, that the permission to perform circumcision on the Sabbath is only traditional, how is it possible that thou shouldst derive an *a fortiori* assumption from a traditional institution?" Therefore R. Johanan saith, that the permission to perform the rite of circumcision on Sabbath is not based upon tradition, but is derived from the word "day," as the verse quoted above reads: "And on the eighth day," etc.; whereas it could read simply, "And on the eighth"; for in the preceding verse we read "seven days," etc.

Said Resh Lakish to R. Johanan: "The word 'day,' however, is also necessary, that we may know that the rite must be performed during the day and not at night!" This can be inferred from another passage [Genesis xvii. 12], where it expressly says: "And at eight *days* old shall every man-child in your generations be circumcised," etc.

R. A'ha bar Jacob said: As far as the rite of circumcision itself is concerned, the rabbis also hold that the permission to perform it is based on the passage quoted, "and on the *eighth* day"; but as for the preparations necessary for circumcision, they claim to find no justification for violating the Sabbath on that account. But it is absolutely necessary that "the eighth" be mentioned, for otherwise how would we know that the rite should not be performed on the seventh? That is also definitely settled by the other passage, as stated above: "And at eight days old," etc. Still, both passages are necessary, in order to prove that the eighth day is the day for circumcision; because, if it did not state expressly "on the eighth day," it might be presumed that the seventh day would do, and if it did not state "at eight days old," it might be presumed that after the child is eight days old any other later day, *e.g.*, the ninth, would do. Hence R. Johanan's explanation is the most acceptable; and we have learned in a Boraitha in support of R. Johanan's explanation, and not of that of R. A'ha bar Jacob, as follows: "On

the eighth day shall he be circumcised, even though it be Sabbath." How, then, is it possible to keep the commandment in Exodus xxxi. 14? "And ye shall keep the Sabbath, for it is holy unto you: every one that defileth it shall surely be put to death." This refers to other labor, but not to that of circumcision. How, then, do we know that circumcision is not included in the prohibited labor, and that the eighth day does not refer to all other days except Sabbath? To this end it reads "the eighth *day*," and "day" means, even on Sabbath.

The rabbis taught: Although it is written [Deut. xxiv. 8]: "Take heed in the plague of leprosy," which signifies, that the leprous spot must not be cut; but if the white spot (the symptom of leprosy) show itself on the member to be circumcised, it may be cut off, whether the member be circumcised at the prescribed time or afterwards.

A biblical festival must not be violated on account of circumcision, unless it happen to be the eighth day (precisely the prescribed time). Whence do we adduce these two ordinances? From the teaching of the rabbis, as follows: The first one is based on the verse [Leviticus xii. 3]: "And on the eighth day shall the *flesh of his foreskin* be circumcised." The order is imperative, regardless of whether the member be leprous or not. Whence do we know this? Perhaps it means to say, that only the healthy flesh of the foreskin be circumcised? Nay; it could say merely the foreskin, but it says expressly the *flesh* of the foreskin, meaning that even if the flesh be leprous it should also be circumcised. What need is there of a special verse for this purpose? During circumcision no intention to cut leprous flesh exists; hence, if it be done, it is done unintentionally, and an unintentional act does not involve culpability? Said Abayi: "The verse is used here to counteract the opinion of R. Jehudah, who holds, that an act committed unintentionally also involves culpability." Rabha said: "The verse must be used, even if the opinion of R. Simeon be adhered to, who holds, that an act committed unintentionally does not involve culpability. For in this case it is different; the act committed here is like the one where a man would behead another and still claim no intention to kill him (and when circumcising the flesh of the foreskin, if there be a leprous sore, one cannot help but cut it). This, even R. Simeon admits, would involve culpability, were it not for that exonerating verse." Does Rabha alone hold thus? Have we not learned elsewhere that Abayi and Rabha both

agree, that R. Simeon declares even an unintentional act, which is, however, like the case of one beheading another without the intention to kill him, to be prohibited? After Abayi had heard Rabha's explanation, he accepted it.

The second ordinance mentioned is, according to Rabha, based upon the verse [Exodus xii. 16]: "No manner of work shall be done on them, save what is eaten by every man; *that only* may be prepared by you." "That" stands for circumcision only in its prescribed time, but not for the preparation for it; and "only" stands as a prohibition not to perform the rite unless it be the prescribed time. R. Ashi, however, said: "No special verse is needed for this, for a festival is referred to [in Leviticus xxiii. 32] as "a sabbath of rest shall it be unto you." Hence it is a positive commandment, and the verse stated (immediately before this) is a negative commandment; thus a festival is covered by both a positive and negative commandment, while circumcision is covered by a positive commandment only, and one positive commandment cannot supersede a joint positive and negative commandment.

"*A rule was laid down by R. Aqiba.*" Said R. Jehudah in the name of Rabh: "The Halakha according to R. Aqiba prevails." We have learned also in the matter of Passover sacrifices to the same effect, that every act of labor that can be performed on the day before Sabbath must not supersede the (due observance of) Sabbath, but the killing of the sacrifice, which cannot be done on the day before Sabbath, *does* supersede (the due observance of) Sabbath; and R. Jehudah declared also, in the name of Rabh, that the Halakha according to R. Aqiba prevails. It is necessary that he should so instruct us at both times, because, if he instructed only as concerns circumcision, we might assume that where sacrifices for the Passover are concerned, the preparations which could have been made on the day before Sabbath, but were not, would supersede the due observance of the Sabbath; because failure to bring that sacrifice would involve the punishment of Karath (being cut off), while failure in circumcision would not involve Karath, if not performed at the right time; and, on the other hand, had he instructed us only as concerns sacrifices for the Passover, we might assume that the Sabbath could be violated if the acts necessary for circumcision which could have been performed on the day before, were not; for the reason, that the covenant regarding circumcision is mentioned thirteen times in the Thora,

and is in consequence regarded as a thirteenfold commandment, which must under all circumstances be observed. Hence the necessity for the twofold instruction.

MISHNA: One may perform everything necessary for circumcision on the Sabbath, as circumcising, tearing open, sucking out the blood, applying a plaster or caraway seed. If the latter had not been ground before the Sabbath, one may masticate it with the teeth and then apply it. If one had not mixed wine with oil before the Sabbath, he may apply each separately. One must not prepare an actual bandage (on the Sabbath), but may apply an old piece of linen; and if such had not been prepared before the Sabbath, the circumciser may bring it with him tied around his finger and even from another court (yard).

GEMARA: Let us see: The Mishna enumerates all the acts necessary for the performance of the rite of circumcision; why, then, does it commence by saying, "everything necessary" for circumcision, and then proceed to detail "everything"? What act is there that has not been enumerated? The Mishna means to include what was taught us by the rabbis, as follows: "The circumciser, while engaged in finishing the circumcision, if noticing that excrescences still remain on the gland, whether they are of a nature which make the circumcision invalid or such as do not make it invalid, may remove them. But if he had already finished (and put up his instruments), if excrescences which make the circumcision invalid remain, he may remove them; but if they do not make the circumcision invalid, he must not remove them." (Hence by stating "everything that is necessary," etc., the Mishna means to include, that it is permitted even to remove excrescences which do not make the circumcision invalid, provided the operator had not already finished and put up his instruments.) Who is the Tana who holds, that if the circumciser had already finished he must not return and remove the excrescences? Said Rabha bar bar Hana in the name of R. Johanan, it was R. Ishmael the son of R. Johanan ben Berokah, as we have learned in a Boraitha: "If the fourteenth of Nissan fall on a Sabbath, the animal used for the Passover sacrifice may be skinned only as far as the breast, so saith R. Ishmael the son of R. Johanan ben Berokah; but the sages say, that the whole animal may be skinned." (Now, we see that R. Ishmael holds, that after the work had been completed as far as was necessary no more may be done; hence he is the one who says, that the circumciser must not return to remove the excrescences.) This

is not conclusive evidence! It may be that R. Ishmael in the case of the sacrifice holds, that because it is not necessary that the commandment be beautified.\* But in the case of circumcision, where the beautifying of the commandment is necessary (as is taught in Tract Sakkah), we might say, that R. Ishmael is of a different opinion; therefore the sages of Neherdai say, that the Tanas who hold, that after having finished the circumcision the operator must not commence anew, are in reality the rabbis who differ with R. Jose in Tract Menachoth concerning the law of the showbreads.†

The rabbis taught: "If excrescences remain on the gland after circumcision, and are such as make the circumcision invalid, they must be removed; and failure to do so involves the punishment of Karath." Who becomes liable to be punished by Karath? Said R. Kahana: "The circumciser." (If he performed the circumcision on Sabbath and did not finish it, he simply made a wound and did not perform a commandment; hence he becomes amenable to Karath. R. Papa opposed this: "The circumciser might say, 'I have performed one half of a commandment; come ye and complete the other half. Why should I be punished by Karath?' Therefore if the circumcision was performed on an adult who, excrescences which make it invalid having remained, will not permit them to be removed, he becomes amenable to Karath." This was opposed by R. Ashi: "As for an adult, what news does that impart to us? It is expressly stated [Genesis xvii. 14]: 'And any uncircumcised male, who circumciseth not the flesh of his foreskin, that soul shall be cut off from his people'? Therefore *he* says nay; it really refers to the circumciser, and only then if he came late on Sabbath, near twilight, and was told that it would be impossible to finish the operation before night, but persisted in performing it. If in consequence he left excrescences which make the circumcision invalid, he simply made a wound without performing a commandment, and thus he becomes amenable to Karath."

"*Sucking out the blood.*" R. Papa said: "The circumciser who does not suck out the wound places the child in danger, and should be discharged from office." Is this not self-evident?

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\*The Hebrew word "Veanvehu" is interpreted by the Talmud to signify "and I will beautify him," while in the translation of the Bible, by I. Leaser, it is translated, "I will sing his praise," and the reference made to the verse by the Talmud accepts the term in its Talmudical sense.

† This will be explained in the Tract Menachoth.

It certainly must be dangerous not to do this, or the Sabbath would not be violated in order to perform that duty! We might assume, that the blood having already come to the surface it would run out of itself, and hence by sucking it out the Sabbath is not violated; hence we are given to understand that this is not so: the blood is moved only by the suction, and the Sabbath is violated; but failure to do this would involve danger for the child and hence it is permitted, and is regarded the same as applying a plaster or caraway seeds (mentioned further on in the Mishna), the omission of which would also involve danger to the child.

“ *Applying a plaster or caraway seeds.*” Abayi said: “ My mother told me, that the most effective plaster for all ills is made of seven different kinds of fat and one kind of wax ”; and Rabha said: “ The best plaster for all ills is one made of wax and resin.” Rabha stated this publicly in a lecture in the city of Mehuzza, and two brothers the sons of Minyumi, who were physicians, tore their clothes in anger; for they had known of it and made capital out of the secret, until Rabha came and revealed it. Said Rabha to them: “ I will tell you of something that I shall not proclaim publicly, and that is, Samuel said, that one who washes his face and does not dry it thoroughly, becomes afflicted with scabs, and the remedy for such is the fluid extract of mangold.”

“ *If the latter (caraway seeds) had not been ground before the Sabbath,*” etc. The rabbis taught: “ In preparing for circumcision, such things as must not be done on Sabbath, may be done on a festival. One may grind the seeds and mix wine with oil.” Asked Abayi of R. Joseph: Why may the caraway seeds be ground on a festival? because they may be utilized for cooking: then why should it not be permitted to mix wine with oil on Sabbath? It *may* be utilized for a sick person who is not dangerously ill. As we have learned in a Boraita: “ Wine and oil must not be mixed for a sick person on the Sabbath,” but R. Simeon ben Elazar in the name of R. Meir said, that it may be. Said R. Simeon ben Elazar: It once happened, that R. Meir was sick with stomach trouble, and we wanted to mix wine with oil for him (on the Sabbath), but he would not permit us to do this. So we asked him whether he wished his own words to be made void during his lifetime, and he answered: “ Nay; it is allowed to mix wine with oil on Sabbath, but I cannot bring it over me to act contrary to the decree of my colleagues.”



Thus we see, that it is at all events allowed to mix wine with oil on the Sabbath. Why, then, does the Mishna say, that if this was not done on the day before the Sabbath, each should be applied separately? The difference lies therein, that when giving it to a sick person, it is merely mixed, but when used for a balm (at circumcision) it must be thoroughly stirred and requires a good deal of labor. Let it be given (applied) just mixed. That is just what the Mishna prescribes, each to be applied separately; *i.e.*, it should not be stirred.

Abayi said: "My mother told me, that if a child appears red all over it is a sign that the circulation is imperfect, and hence circumcision should be postponed until the circulation is perfect. If a child has a greenish cast it is a sign that the blood is impoverished, and circumcision should then be postponed until the blood is richer." This we have also learned in a Boraitha, as follows: "R. Nathan said: 'I once went to a city by the sea, and there met a woman whose first and second child both died in consequence of circumcision. The third child she brought to me, and I noticed that it was quite red. I told her to wait until the blood had settled and then circumcise it. She did so and then circumcised it, and the child lived. The child was then named after me, Nathan the Babylonian. At another time I came to the country of Cappadocia, and a woman came to me telling me that she had had two children circumcised, both of whom had died in consequence of circumcision. The third she brought to me, and I noticed that it had a greenish cast. I also noticed, that if it were circumcised no blood would flow; so I told her to wait until the circulation of the blood was in order. She did so, and the child was circumcised, and lived. She named it also after me, and called it Nathan the Babylonian.'"

MISHNA: One may bathe the child both before the circumcision as well as after (on Sabbath), by sprinkling water over it with the hand, but not by pouring water over it from a vessel. R. Eliezer ben Azariah says: One may bathe a child on the third day (after the circumcision), even if it fall on a Sabbath; for it is written [Genesis xxxiv. 25]: "And it came to pass on the third day, when they were sore." On account of a doubtful child (a child about which there is a doubt whether it was born in the eighth month of its gestation, and is therefore not expected to live) or an hermaphrodite, the Sabbath (-rest) must not be desecrated. R. Jehudah permits this in the case of an hermaphrodite.

GEMARA: The Mishna commences by saying: "One may bathe the child," and then goes on to say that it may only be sprinkled by hand. *That* is not bathing! Said Rabha: "The Mishna means to state, that a child may be bathed as usual on the day of circumcision, either before or after the performance of the rite; but on the third day after circumcision, if that day should be a Sabbath, one may only sprinkle the child by hand, and not bathe it in a vessel." R. Elazar ben Azariah, however, said, that even if the third day fall on a Sabbath the child may be bathed as usual, as it is written [Gen. xxxiv. 15]: "And it came to pass on the third day, when they were sore."

When R. Dimi came from Palestine, he said in the name of R. Elazar, that the Halakha prevails according to R. Elazar ben Azariah. In the West the question was discussed whether R. Elazar ben Azariah meant that the whole body of the child might be bathed, or whether the part circumcised only might be bathed. Said one of the rabbis, whose name was R. Jacob: "It seems to me that the whole body is meant, because if the wound only was meant, wherein does the wound caused by circumcision differ from any other wound? Any wound may be bathed on the Sabbath in water and oil, according to Rabh's opinion." This was opposed by R. Joseph: "Is it immaterial whether the water was warmed on the Sabbath or before the Sabbath?" This was again opposed by R. Dimi: "Whence dost thou know that the Mishna refers to water that was warmed on Sabbath, perhaps they (the sages and R. Elazar) differ even as to water warmed before the Sabbath set in?" Said Abayi: "I was prepared to answer this question myself, but R. Joseph preceded me and said, that of a necessity the water must have been warmed on Sabbath, because the precariousness of the child demanded it."

We were also taught, that when Rabhin came from Palestine, he said in the name of R. Abuha quoting R. Elazar, and according to another version, in the name of R. Abuha quoting R. Johanan, that the Halakha prevails according to R. Elazar ben Azariah, whether it be with water that was warmed on the Sabbath or before the Sabbath, or whether the whole body or only the circumcised part is concerned, because it would be dangerous not to bathe the child on that day.

It was said above in the name of Rabh, that every wound may be bathed on the Sabbath with water or oil; but Samuel said that water may be poured to one side of the wound and it may

run down into the wound. An objection was made: "We have learned, that oil or water must not be put on a piece of cotton to place on a wound?" This is prohibited on account of the necessity to wring the piece of cotton. We have been taught by a Boraitha in accordance with Samuel's opinion; viz.: "Water must not be placed directly on the wound, but near it, that it may run down into the wound."

The rabbis taught: "Dry cotton and dry sponge, but not dry papyrus or dry cloth, may be placed on a wound." This presents a contradiction. Is not dry cotton the same as dry cloth? This is no difficulty. By cloth is meant new cloth, which must not be used, whereas old cloth may be. Said Abayi: "From this we see, that pieces of cloth heal a wound."

"*On account of a doubtful child or an hermaphrodite,*" etc. The rabbis taught: It is written [Leviticus xii. 3], "*his foreskin*"; so, on account of a foreskin which *must* be circumcised, the Sabbath may be violated, but on account of one which is doubtful the Sabbath must not be desecrated. Such also is the case with the circumcision of the foreskin of a true male, but not with that of an hermaphrodite. R. Jehudah, however, says, that the Sabbath may be violated on account of an hermaphrodite, and if the latter is not circumcised he becomes amenable to Karath. The Sabbath may also be violated on account of a child who was born at a certain time, but not on account of one who was born at twilight (and it is not known whether it was born on Sabbath or on the following day). It is not allowed to violate the Sabbath on account of a child who was born without a foreskin, because the school of Shamai (only) contends, that even if a child is born without a foreskin, some blood must be drawn in commemoration of the covenant. The school of Hillel, however, says, "That is not necessary." Said R. Simon ben Elazar: "The school of Hillel and the school of Shamai did not differ as to a child born without a foreskin; both agree that blood must be drawn from it, because the foreskin is not wholly missing, but is merely ingrown. They differ only as regards a proselyte who was born without a foreskin. When seeking conversion, the school of Shamai contends that blood of the covenant must be drawn from his gland, whereas the school of Hillel does not require this to be done."

The Master said: "On account of a doubtful child, the Sabbath must not be desecrated." What does he mean by "doubtful"? He means to say, what we learned from the rabbis;

viz.: A child born in the seventh month may have the Sabbath violated for it, but if born in the eighth it must not. If it is doubtful whether it was born in the seventh or in the eighth month, the Sabbath must not be violated on its account. Not only this, but a child born in the eighth month must not even be carried on the Sabbath, because it is like a stone (and cannot live). It is allowed, however, for the mother to stoop down and suckle the child, because it is dangerous for the mother to carry too much milk.

We were taught that Rabh said (referring to a child born without a foreskin): The Halakha prevails according to the unknown Tana, while Samuel said, the Halakha prevails according to R. Simeon ben Elazar. R. Ada bar Ahabha had a child that was born without a foreskin; so he carried him to thirteen circumcisers, until the child was maimed and made impotent. Said he: "I deserve this fate, because I did not follow the dictum of Rabh." Said R. Na'hman to him: "Thou hast not only disobeyed Rabh, but also Samuel, for Samuel said, that a child born without a foreskin should be bled only if it was born on a week-day, but not on a Sabbath; and thy child was born on a Sabbath." R. Ada bar Ahabha, however, held, that he had only disobeyed Rabh, because, he was certain that the foreskin of a child is never wholly missing, but is merely ingrown and should be lanced even on Sabbath, as we were taught: Rabba said, that there is fear lest it be an ingrown foreskin; but R. Joseph said, that we were certain that it is so. Said R. Joseph: "Whence do I know this? From the following Boraita: R. Elazar Hakappar said, that the school of Shamai and Hillel do not differ as to a child that is born without a foreskin. Both agree that the blood of the covenant must be drawn from the gland. The school of Shamai, however, contends that this may be done on the Sabbath, while the other holds that the Sabbath must not be desecrated on that account. If, then, R. Eliezer Hakappar holds, that they differ only as to the desecration of the Sabbath, the first Tana must hold, that both schools agree that the Sabbath may be desecrated on that account, and in consequence must also hold, that the foreskin is not wholly missing but is merely ingrown (hence I am certain that it is so)."

Whence do we know that the first Tana holds, as above, and not that both schools agree to the contrary; viz.: that the Sabbath must *not* be desecrated? If such would be the case, for what reason would Hakappar tell us that Beth Shamai holds

that the Sabbath *should* be violated? The Halakha would not prevail thus? Nay! Perhaps R. Eliezer means to tell us, principally, that both schools hold, that if a child is born without a foreskin on a week-day he must have his gland lanced (and incidentally mentions that if a difference existed, it was concerning the Sabbath).

R. Assi said: If a child be born of a woman who, after giving birth, must keep the law mentioned in Leviticus xii. 2, the child must be circumcised on the eighth day; but in a case where the woman need not keep the law mentioned (for instance, if the child was taken out through the sides by means of instruments), or if the woman was a Gentile on the day of giving birth to the child and became a convert to Judaism on the day following (and hence need not observe that law), the child need not be circumcised just on the eighth day (but at any time), as it is written [ibid. ibid.]: "If a woman have conceived seed, and born a male child: then shall she be unclean seven days," etc., etc.; [ibid. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Said Abayi to him: "What about the generations before the Law was given? The women knew nothing of the law of uncleanness, and still the children had to be circumcised on the eighth day?" Answered R. Assi: "Since the Law was given, a new Halakha has been in force." Nay; this is not so! Have we not learned, that if a child was taken through the side of a woman, or if it had two foreskins, R. Huna and R. Hya bar Rabh entertained different opinions as to whether it should be circumcised on the Sabbath or not? one claimed that it should, and the other that it should not. Now we see that they differed only as to a desecration of the Sabbath, but nothing is said about the non-necessity of the child's being circumcised on the eighth day? One is dependent upon the other. (He who holds that the Sabbath should be violated, does so because he also holds that the child must be circumcised on the eighth day; while he who holds that the Sabbath must *not* be violated, does so because he holds that such a child need not be circumcised on the eighth day.)

We have learned in a Boraitha: Rabbon Simeon ben Gamaliel said: Every human child that has lived for thirty days cannot be called a miscarriage, as it is written [Numbers xviii. 16]: "And those that are to be redeemed from a month old shalt thou redeem"; and any young of an animal that has attained the age of eight days, cannot be called a miscarriage, as it is written

[Leviticus xxii. 27]: "When a bullock, or a sheep, or a goat is brought forth, then shall it remain seven days by its mother; and from the eighth day and henceforth shall it be favorably received," etc. And how is it, if the child has not yet attained the age of thirty days, is it still a doubtful child? How then is it allowed to circumcise any child on the Sabbath? (perhaps it is a miscarriage, and in that event it would be wrongful to inflict a wound in vain). Said R. Ada bar Ahabha: "We may do so at all events. If it is a regularly born child, the commandment is fulfilled; and if not, no wound is inflicted, but merely a piece of flesh is cut."

Now, then, we have learned in the above Boraitha, that if it be doubtful whether the child was born in the eighth or in the seventh month the Sabbath must not be violated on its account. Why should this be so? Let it be circumcised at all events. If then it proves to be a regularly born child, it was right to circumcise it; and if not, no labor was performed, but merely an incision in the flesh was made. Said Mar the son of Rabhina: "I and R. Nehumi bar Zacharias have explained it thus: 'The child should be circumcised, but the injunction of the above Boraitha not to violate the Sabbath refers to the preparations which are necessary for circumcision, and this is in accordance with the decree of R. Eliezer.'"

The schoolmen propounded a question: Do the rabbis differ with R. Simeon ben Gamaliel, or do they not? If they do, does the Halakha remain according to R. Simeon, or not? Come and hear: R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Simeon ben Gamaliel. Now if he says that the Halakha prevails according to R. Simeon, there must be some who differ with R. Simeon.

Abayi said: "If a child was killed by accident, either through falling off a roof or through being killed by a lion before it had lived thirty days, all agree, that it must be presumed that it was a regularly born child. A point of difference arises concerning a child that had lived less than thirty days and during its lifetime was very weak and merely breathing. Some say that it was a miscarriage and others that it was a regularly born child." What difference does it make? It makes a difference where the levirate marriage\* is concerned. (If the child is presumed to be a regularly born child, it exempts a man from the levirate

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\* Concerning the law of levirate marriage, see Deut. xxv. 5-11.

marriage; but if it is presumed to be a miscarriage, it does not exempt a man.)

Let us see! It is said above, that if the child die by accident, all agree, that it is a regularly born child; yet we know that it happened to R. Papa, and R. Huna the son of R. Jehoshua, who were the guests of R. Idi bar Abin, that the latter prepared for them a calf, which was the third in birth of its mother, in the seventh day of its life, and they said to him: "If ye had waited to kill this calf until evening we would eat of it (because it would then have been in its eighth day); but now we will not eat of it." Hence we see, that although this was a healthy calf and met its death violently, they regarded it as doubtful whether it was a miscarriage or not. Hence say, rather, that on the contrary, if the child was weak and barely breathing prior to its death, all agree, that it must be presumed to be a miscarriage; but they differ as to a child which had met its death by accident. Some say, that it must be regarded as a regularly born child, and others, that it was a miscarriage.

The son of R. Dimi bar Joseph had a child born to him which died inside of thirty days, so he went into mourning for it. Said his father to him: "What wouldst thou? Eat delicacies\* (that thou sittest in mourning)?" And he answered: "I am positive that the child was a regularly born child."

"*R. Jehudah permits this in the case of an hermaphrodite.*" Said R. Shezbi in the name of R. Hisda: "Not in every case does R. Jehudah hold an hermaphrodite to be a male; for if we would say that in all cases he considers him to be a male, the hermaphrodite would come under the law of estimations [Leviticus xxvii. 2-15], and in the Tract Erachim (estimations) we may learn, that according to R. Jehudah he is exempt. Why is he considered a male as concerns circumcision? because it is written [Genesis xvii. 10]: "Every man child among you shall be circumcised" (and "*every*" includes also hermaphrodites).

MISHNA: If one have two children to be circumcised, one after the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on the Sabbath, he is culpable. If one of the children, however, was to be circumcised on the day before Sabbath and the other on the Sabbath, and through forgetfulness one had the former circumcised on the

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\* It is a custom amongst Jews, that the first meal eaten by a mourner after the burial of his dead must be given him by friends or strangers, and usually some delicacy is brought to him.

Sabbath, R. Eliezer declares him liable for a sin-offering and R. Jehoshua declares him free.

GEMARA: R. Huna learns the Mishna literally; in the first case, "he is culpable." R. Jehudah, however, learns to the contrary, that "he is *not* culpable." R. Huna learns "he is culpable," from what we have learned in a Boraitha; viz.: Said R. Simeon ben Elazar: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one *after* the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him culpable. Their point of difference is, if one of the children was to have been circumcised on the day *before* Sabbath and the other on the Sabbath, and through forgetfulness the former was circumcised on the Sabbath, the former declares him culpable and the latter free. Both of them derived their decrees from the law concerning idolatry (all sin-offerings are based upon the sin-offerings incidental to the laws of idolatry). R. Eliezer holds, that as in idolatry so also it is with the Sabbath. If the commandment is, "Thou shalt not do so," and the man did so, he is liable for a sin-offering; and R. Jehoshua says: "Here it is different. The intention was to fulfil a commandment, and if accidentally it was not done he should be free."

And R. Jehudah learns the Mishna "not culpable," deriving his support from the following Boraitha: R. Meir said: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one before the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him not culpable. Their point of difference is, if one of the children was to be circumcised on the day after Sabbath and the other on Sabbath, and through forgetfulness the former was circumcised on the Sabbath, R. Eliezer declares him culpable and R. Jehoshua declares him free. Both of them derived their decrees from the law concerning idolatry, as is said above."

MISHNA: A child may be (legally) circumcised on the eighth, ninth, tenth, eleventh, or twelfth day (after its birth), but neither before nor after. How so? Usually (it may be circumcised) on the eighth; one born at (the evening) twilight, on the ninth; one born at (the evening) twilight before Sabbath, on the tenth; if a feast day follows that Sabbath (it may be circumcised) on the eleventh; if both New Year feast-days follow that



Sabbath, on the twelfth. A sick child must not be circumcised until it is thoroughly recovered.

GEMARA: Said Samuel: "After the fever has left the child, seven days should be allowed to elapse until the child get well, before the circumcision is performed." The schoolmen propounded a question: Must every day be of twenty-four hours' duration, or may the last of the seven days be counted if only a few hours have passed? Come and hear: Luda taught, the last day of the child's convalescence is more important than the day of its birth; for a child may be circumcised on the eighth day after its birth, even if only one hour of that day be passed; but the seventh day of its convalescence after a sickness must be one of fully twenty-four hours, before circumcision is permitted.

MISHNA: The following principal excrescences (knobs) make the circumcision invalid: Flesh that covers the larger part of the gland (of the organ). A man so circumcised must not (if he be a priest) partake of Terumah (heave-offerings). If the child be very fleshy and (such imperfect circumcision) is caused thereby, the knobs must, for appearances' sake, be cut away. One who was circumcised without having had the skin torn open, is considered as uncircumcised.

GEMARA: R. Abbina in the name of R. Jeremiah bar Aba, quoting Rabh, said: "By stating 'flesh, that covers the larger part of the gland,' the Mishna means to say the 'upper part of the gland.'"

"*If the child be very fleshy.*" We have learned in a Boraitha: "R. Simeon ben Gamaliel said: 'If the gland of the child be surrounded by a fleshy coating, and when erect the gland appears to be circumcised, the coating need not be cut away; but if it does not appear to be circumcised, the coating should be cut away.'"

"*One who was circumcised without having had the skin torn open,*" etc. The rabbis taught: The benediction to be pronounced by the circumciser (before performing the rite) should be as follows: "Praised art Thou, Lord, our God, King of the Universe, who hast sanctified us with Thy commandments and hast commanded us the circumcision." The father of the child should pronounce the following benediction (in the interval between the circumcision and the tearing open of the skin): "Who hast sanctified us with Thy commandments and hast commanded us to enter the child into the covenant of Abraham our father." The

bystanders must respond: "As he hath been entered into the covenant, so may he also be entered into the Law, into the bridal canopy, and into good deeds." The man who makes the benediction (over the goblet of wine) should say as follows: "Blessed art Thou, etc., who hast sanctified Thy favored one (meaning the patriarch Isaac, see Genesis xxii. 2) even in the womb (as it is written in Genesis xvii. 19: 'And I will establish my covenant with him'), who hath made a sign in his body, and hath sealed his children with the sign of the holy covenant. Therefore as a reward for this we pray Thee, Thou living God, to command that our children be saved from the grave because of the covenant that is sealed in our flesh. Blessed art Thou, O Lord, who hast made the covenant." One who circumcises proselytes must say: "Blessed art Thou, etc., and hast commanded us the circumcision." The one who pronounces the benediction (over the goblet) must say: "Blessed art Thou, etc., and hast commanded us to circumcise the proselytes, and to draw from them blood of the covenant. For were it not for the blood of the covenant, heavens and earth would not exist, as it is written [Jeremiah xxxiii. 25]: 'If not my covenant by day and night, I would not have instituted the ordinances of heaven and earth.' Blessed be Thou, O Lord, who didst make the covenant." One who circumcises slaves pronounces the same prayer as is used for proselytes, inserting "slaves" where "proselytes" is used; and the one making the benediction does likewise.

## CHAPTER XX.

REGULATIONS CONCERNING CERTAIN ACTS OF LABOR WHICH MUST BE PERFORMED DIFFERENTLY ON A SABBATH AND ON A FESTIVAL.

MISHNA: R. Eliezer says: One may stretch a wine-filter (of cloth) over a vessel on a feast-day, and on the Sabbath one may pour wine into it, if it was already fastened (to the vessel). The sages say: One must *not* stretch it (over a vessel) on a feast-day, and on Sabbath one must not pour (wine) into it, but the latter act is allowed on a feast-day.

GEMARA: How is it possible that R. Eliezer should decide, that one may stretch a wine-filter, etc., on a festival, if he does not even allow a window-blind to be added to a temporary tent, as is explained by Rabba bar bar Hana in the name of R. Johanan [Chapter XVII., p. 272]. In that case he does not even allow the addition of a blind, and here he permits the stretching of a filter to commence with? R. Eliezer holds as R. Jehudah, as we have learned in a Boraitha: There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter. R. Jehudah, however, even permits the arrangements for the preparation of food. What arrangements for the preparation of food are we aware of, that R. Jehudah permits? Such as cannot be made at any time before the festival; but did we hear of his permitting the arrangements for the preparation of food that could be made *before* the festival, to be made on the feast-day? In this respect R. Eliezer is more lenient than R. Jehudah, for he permits all arrangements for the preparation of food to be made on the festival.

“*The sages say: One must not stretch it,*” etc. The schoolmen propounded a question: What if a man *did* stretch the filter over a vessel on a festival? Is he culpable? Said Abayi: “This is only a rabbinical prohibition, that one should not do on a festival such things as one does on a week-day.”

Abayi collected all the rabbinical prohibitions to be found in the Boraithas, and taught as follows: A leather bag, a wine-filter,

a baldachin, and a folding-chair as used in the city of Galin, must not be spread; but if one does so, he is not culpable. Tents, however, which are permanent, must not be put up, and if a man does this he is culpable. One *may*, however, set up an ordinary bed, a chair, a tripod, and a stool with impunity.

“*One must not pour wine into it,*” etc. The schoolmen asked: “What if a man *did* pour wine into it? Is he culpable?” Said R. Kahana: “Yea; he is liable to bring a sin-offering.” R. Shesheth opposed this: “Have ye ever seen that R. Eliezer should permit a certain thing to be done to commence with, which the rabbis hold would make one liable for a sin-offering?” R. Joseph interposed: “Why not? Have we not learned (p. 114), in the case of a woman who went out with a golden ornament, that R. Meir held her liable for a sin-offering and R. Eliezer permitted her to go out with it to commence with?” Said Abayi to him: “Dost thou think that R. Eliezer opposes *R. Meir* in the above passage? Nay; he merely opposes the sages, who said that a woman must not go out wearing the ornament, but if she do so, she is not culpable; whereas he says, that she may do so to commence with.”

How should a man be warned not to pour wine into the filter? (*i.e.*, in what category of labor is that act to be classed, so that the man can be warned that he is performing a certain prohibited principal act of labor? \*). Rabba said: “He is to be warned against fruit-cleaning.” R. Zera said: “Against sifting.” Said Rabba: “It seems to me that my decision is more in conformity with reason, for as in fruit-cleaning the good fruit is separated from the bad, so it is also in this case: he separates the clean wine from the lees.” Said R. Zera: “It seems to me that my decision is more in conformity with reason, because as in sifting the good falls to the bottom and the bad remains in the sieve, so it is also in this case: the good wine falls into the vessel, while the lees remain in the filter.”

Rami the son of Ezekiel taught: “A folded garment should not be spread on poles to serve as a sun-shade; but if a man do this, he is free. If, however, a string or a hanger was already attached to the garment with which it could be fastened to the poles, this may be done to commence with.”

R. Kahana asked of Rabh: “What is the law regarding a baldachin?” and he answered: “Even a bed is not permitted.”

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\* See Chapter VII., note to page 138.

R. Kahana then inquired: "What is the law regarding a bed?" and Rabh answered: "Even a baldachin is allowed." "What is the law regarding a bed and a baldachin?" "A bed is allowed but a baldachin is not allowed." In spite of this, there is no difficulty. In not permitting even a bed, Rabh had reference to a folding-bed as used by the Karmanites, and where he said, "Even a baldachin is allowed," he had reference to a baldachin as described by Rami bar Ezekiel; *i.e.*, one which had strings attached to it. In saying, "A bed is allowed and a baldachin is not allowed," he meant to say, that an ordinary bed, such as is generally used, may be set up, but a baldachin, that had no strings or hangers attached, must not be set up. Said R. Joseph: "I have seen the baldachins in the house of R. Huna; at night (on Sabbath eve) they were folded up and in the morning they were all set up."

Rami bar Ezekiel sent to R. Huna and asked him to impart to him some of the good sayings of Rabh, two concerning the Sabbath and one concerning the Law. So R. Huna sent him the following sayings: Concerning what we have learned in a Boraitha, that a leather-bag which had strings already attached may be spread on poles on Sabbath, Rabh said, that this may be done jointly by two men but not by one.\* Said Abayi: "A baldachin which must not be set up must not even be set up by the joint efforts of ten men." What was the other good saying of Rabh concerning Sabbath? Concerning what we have learned in a Boraitha, that if an iron stove had one leg missing it may be handled, but if two legs were missing it must not be handled, Rabh said, that it must not be handled even if one leg was missing, as a precaution lest one might be tempted to fasten the missing leg, and that would constitute building. What was the good saying of Rabh concerning the Law? Rabh said: There will be a time when the Law will be forgotten by Israel, as it is written [Deut. xxviii. 59]: "Then will the Lord render wonderful thy plagues," etc., and I could not understand what is meant by "wonderful plagues"; but it is written [Isaiah xxix. 14]: "Therefore, behold, I will do yet farther a marvellous work, doing wonder on wonder, so that the wisdom of their wise men shall be lost, and the understanding of their prudent men shall be hidden."

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\* Rashi remarks that, although some explanation for this passage was ventured upon by the Gaonim, still he does not understand it himself, and hence can give no satisfactory explanation.

The rabbis taught: When our teachers went into the vineyard at Jamnia, they said that the Law would be forgotten by Israel, as it is written [Amos viii. 11]: "Behold, days are coming, saith the Lord Eternal, when I will send a famine in the land, not a famine for bread, nor a thirst for water, but to hear the words of the Lord"; and [ibid. 12]: "And they will wander about from sea to sea, and from the north even to the east, they will roam about to seek the word of the Lord; but they shall not find it." By the word of the Lord is meant: Halakha, the end of exile (*i.e.*, the coming of the Messiah), and also the prophecies.\*

In another Boraitha we have learned: R. Simeon ben Jo'hai said: "May God forbid that the Law be forgotten by Israel. It is written [Deut. xxxi. 21]: 'For it shall not be forgotten out of the mouth of their seed.' How then can the previous passage, 'And they will roam about to seek the word of the Lord, but they shall not find it,' be verified? It means they shall not find a perfect Halakha (which shall be incontestable), nor a Mishna (which shall be beyond refutation) anywhere on earth."

We have learned in a Boraitha: If thou shouldst live in a generation in which there is much trouble (persecution), go and investigate amongst the judges of Israel; for most of the trouble that happens in this world happens only on account (of the corruption) of the judges, as it is written [Micah iii. 9-11]: "Hear this, I pray you, ye heads of the house of Jacob and ye princes of the house of Israel, that abhor justice and make crooked all that is straight. They build up Zion with blood-guiltiness and Jerusalem with wrong; her heads judge for bribes, and her priests teach for reward, and her prophets divine for money, and yet will they lean upon the Lord," etc. They are all wicked, and yet they all lean upon the One who spoke and the world was created; and therefore the Lord will bring upon them three troubles for the three sins of which they were guilty as mentioned above (judging for bribes, teaching for reward, and divining for money), as it is written [ibid. 12]: "Therefore for your sake shall Zion be ploughed up as a field, and Jerusalem shall

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\* Rashi explains the above passage as follows: That by the word of the Lord is meant Halakha, may be derived from the verse [Deut. v. 5], "To announce to you the word of the Lord," which is synonymous with Halakha. As for the end of exile also being part of the word of the Lord, I do not know what verse that can be based on. That by the word of the Lord is also meant the prophecies, can be inferred from the verse [Hosea i. 1]: "The word of the Lord that came unto Hosea."

become ruinous heaps, and the mount of the house, forest-covered high-places"; and the Holy One, blessed be He, will not permit his Shekhina to rest again amongst Israel until the corrupt judges shall be removed and the guardians of the peace shall be abolished from Israel, as it is written [Isaiah i. 25 and 26]: "And I will turn my hand against thee, and purge away as with lye thy dross, and remove all thy tin. And (then) I will restore thy judges as at the first, and thy counsellors as at the beginning."

Ula said: "Jerusalem will not be redeemed except through charity (righteousness), as it is written [Isaiah i. 27]: 'Zion shall be redeemed through justice, and her converts through righteousness.'" R. Papa said: When the proud men will be destroyed, then also will the men who slander and cause us to be hated be destroyed, as it is written: "and purge away as with lye thy dross." And when the corrupt judges will be removed, the bailiffs will also become extinct, as it is written [Zephaniah iii. 15]: "The Lord hath removed thy punishment; he hath cleared away thy enemy."

Melai in the name of R. Eliezer ben R. Simeon said: "It is written [Isaiah xiv. 5]: 'Broken hath the Lord the staff of the wicked, the sceptre of the rulers.' The staff of the wicked refers to the judges who made of themselves a staff upon which their servants (scribes) should lean (*i.e.*, they gave them all the opportunities to extort money, of which they took a share). The sceptre of rulers refers to the judges who made their relatives rulers."

Mar Zutra said: "The above verse refers to the teachers who turn out ignorant men and allow them licenses to be judges (and through ignorance they were incapable of judging rightfully)."

R. Elazar ben Melai said in the name of Resh Lakish: "It is written [Isaiah lix. 3]: 'For your hands are defiled with blood, and your fingers with iniquity: your lips have spoken falsehood, your tongue uttereth deception.' 'Your hands are defiled with blood' refers to the judges, 'your fingers with iniquity' refers to the scribes of the judges, 'your lips have spoken falsehood' refers to the lawyers, 'and your tongue uttereth deception' refers to the litigants themselves."

R. Melai said again in the name of R. Itz'hak of Magdala: "From the day that Joseph left his brethren, he tasted not wine, as it is written [Genesis xlix. 26]: 'These shall be on the

head of Joseph, on the crown of the head of him that was separated\* from his brothers.' ” R. Jose bar Hanina said, that the brothers of Joseph also did not taste wine, because it is written [ibid. xl. 34]: “ And they drank, and were merry with him ” (because it says “ with him,” the inference is, that without him they did not drink).

R. Melai said again: “ The reward due Aaron for what is written [Exod. iv. 14]: ‘ And when he seeth, he will be glad in his heart,’ was given him in the breastplate of judgment ” [see ibid. xxviii. 15].

The inhabitants of the city of Bashkar sent a query to Levi, as follows: “ What is the law concerning a baldachin, what is the law concerning flax sown in a vineyard, does it come under the head of Kelaim or not, and what is the law concerning one who dies on a festival ? ” While the messenger was on his way, Levi died. Said Samuel to R. Menasseh: “ If thou wouldst be wise, answer thou these queries. ” So R. Menasseh answered as follows: “ As for a baldachin, we have investigated on all sides and found no permission (for setting it up). As for flax sown in a vineyard, it constitutes a case of Kelaim. As for a man that had died on a festival, the corpse should be kept until after the second day of the festival, and it should not be interred, neither by Israelites nor by Gentiles. ” This is not so! Rami bar Ezekiel found permission for a baldachin as previously said! R. Tarphon decided that flax sown in a vineyard does not constitute Kelaim, and Rabha decreed, that a corpse may be interred on the first day of a festival by Gentiles and on the second day even by Jews? However, because the men of Bashkar were ignorant, R. Menasseh gave them the stricter decrees, lest they take advantage of the more lenient.

R. Abin bar R. Huna said in the name of R. Hama bar Gurya: “ A man can wrap himself in the canopy that has not been fastened to the poles, together with its fringes, and go out into public ground with impunity. ” In what respect does this decision differ from that of R. Huna, who said in the name of Rabh, that one who went out into public ground wearing a Talith (toga) without Tzitzith (show-threads) is culpable and liable for a sin-offering? In the case of a Talith, the show-threads, being the most important part of that garment, are

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\* “ Separated ” is expressed by the word Nazir, which means also one who has vowed to drink no wine.



valuable, and without them the Talith is simply a burden; whereas the fringes of a canopy are not an essential part of the canopy, and having used the latter for a garment it may be worn even with fringes.

Rabba bar R. Huna said: "A man may with cunning stretch a wine-filter over a vessel and say, that he intends to use it as a receptacle for pomegranates, but when it is already stretched he may filter wine through it." Said R. Ashi: "He may do this only if he had previously placed pomegranates in the filter." In what respect does this decision differ from the following Boraitha: During the intermediate days of a festival (either Pass-over or the Feast of Tabernacles) a man may brew beer for consumption on those days but not for use on other days, be it beer made of dates or of barley; and although he have stale beer still on hand, he may with cunning brew new beer and drink it. (Should he have any left over he may keep it for other days; hence we see that it is not necessary to dissemble by doing something else before performing the act really intended.) In the latter case it is not known whether the man have any stale beer on hand or not, and hence it might be presumed that he has none and must brew more; but in the former case, when the wine-filter is stretched and wine is being immediately filtered through it, the presumption would be that it was stretched for that purpose only.

Said the disciples to R. Ashi: "We would call the attention of the master to this young scholar, R. Huna bar Hyvan or Heluvan by name, who takes the clove of garlic and stops up a hole in a wine-barrel with it, saying, that he intends merely to preserve the clove of garlic. He also goes and lies down on a ferry, presumably to sleep; in the meantime he is ferried across the river, and on the other side he watches his fields, saying, however, that he merely intended to sleep." Answered R. Ashi: "Ye speak of cunning (trickery). All the acts mentioned by you are prohibited by rabbinical laws only, and in the case of a scholar, there is no danger that he will commit them publicly (without resorting to cunning)."

MISHNA: One may pour water on yeast in order to thin the latter; and one may filter wine through a cloth or an Egyptian wine-basket. One may put a beaten egg in a mustard sieve. One may also make honey-wine on Sabbath. R. Jehudah says: "On Sabbath this may be done only in a cup, on feast-days even in a lug (pitcher), and on the intermediate days

even in a barrel." R. Zadok says: "At all times it should be made according to the number of guests."

GEMARA: Zera said: "A man may pour clear wine or clear water into a filter with impunity." May clear wine only, and not dimmed wine, be poured into a filter? Have we not learned, that R. Simeon ben Gamaliel said: "A man may stir up a cask of wine, with the lees, on the Sabbath and pour it through a filter with impunity"? Zera explained the decree of R. Simeon ben Gamaliel to the effect, that the latter spoke of wine that was just being pressed, when it is customary to drink the wine with the lees (hence the wine is not improved, as it can be drunk without filtering).

"*One may filter wine through a cloth.*" R. Simi b. Hyya said: "Providing the cloth is not turned into a funnel (that the cloth should not subsequently be wrung)."

"*An Egyptian wine-basket.*" Said R. Hyya bar Ashi in the name of Rabh: "Providing the wine-basket is not lifted above the bottom of the vessel to the height of one span."

"*One may put a beaten egg in a mustard sieve.*" R. Jacob Kar'hah explained this as follows: "Because the yolk is used only for coloring; the white of the egg is nevertheless as much an article of food as the yolk (hence no sifting takes place)."

It was taught: Mustard which had been prepared before Sabbath may be ground on the Sabbath, either by hand or with a vessel. Honey may also be placed in the mustard on Sabbath; it must not be thoroughly mixed, however, but merely stirred. Cresses which had been cut up before the Sabbath may be mixed with oil and vinegar on the Sabbath, and one may also add mint; it must not be thoroughly mixed, however, but merely stirred. Garlic which had been ground before the Sabbath may be mixed with broad-beans and peas, but must not be ground together; mint may also be added. Said Abayi: "We see, that mint is good for the spleen."

"*One may make honey-wine on the Sabbath.*" The rabbis taught: "One may make honey-wine on the Sabbath, but not an oil-wine salve." The difference between honey-wine and oil-wine salve is that the former is made of honey, wine, and pepper, while the latter is made of old wine, clear water, and aromatic balsam to be used as a lotion after a bath.

Said R. Joseph: "Once I went with Mar Uqba to a bath-house. When we came out, he gave me a cup of wine which, when drinking, I felt all over from the roots of my hair to the

nails of my feet; and had he given me another, I am afraid that the reward due me in the world to come would have been lessened in proportion." Mar Uqba drank this wine every day? He was accustomed to it.

MISHNA: One must not put laserpitium in tepid water for the purpose of softening the former, but one may put it in vinegar. One must not soak bran nor grind it, but may put it in a sieve or in a basket. One must not sift feed-straw through a winnow, nor lay it in a high place so that the chaff fall out, but one may take it up in a winnow and then pour it into the crib.

GEMARA: The schoolmen asked: "What if one did put laserpitium in tepid water?" Said Abayi: "This is only a rabbinical prohibition, that it should not be done as on a week-day."

R. Johanan asked of R. Yanai: "Is it allowed to put laserpitium in cold water (on Sabbath)?" and he answered: "It is not." Said R. Johanan: "We have learned in the Mishna, that it is not allowed to put it in tepid water, but in cold water it should be allowed." Answered R. Yanai: (If thou askest me concerning a Mishna) what difference is there between me and thee? The Mishna is according to the opinion of one man, and the Halakha does not prevail according to his opinion, as we have learned in a Tosephta: Laserpitium must not be put in either cold or tepid water. R. Jose said: "It is not allowed to put it in tepid water, but it may be put in cold water." For what purpose is it used? For a heavy feeling in the chest.

R. Aha bar Joseph had a heavy feeling in the chest, so he came to Mar Uqba, and was told to drink laserpitium to the weight of three shekels in three days. He drank some on Thursday and Friday, and on Sabbath he came to the house of learning to inquire whether he might drink it. He was told, that the disciples of Ada, others say of Mar bar R. Ada, taught, that one may drink even a Kabh or two Kabhs with impunity. He then said to them: "I am not asking whether I may drink it. That I know is allowed, but I should like to know whether I may put the laserpitium in water in order to drink it. How shall I do?" Said R. Hyya bar Abin to them: "The same thing happened to me, so I went to R. Ada bar Ahabha and asked him, but he did not know; so I asked R. Huna, who said, that Rabh decided that first it should be put in cold water and then it may be put in warm water."

R. A'ha bar Joseph leaned on the shoulders of his nephew, R. Na'hman bar Itz'hak, and went out into the street, and told him, when they came to the house of R. Safra, to lead him in. When they got there, they went in, and R. A'ha asked of R. Safra: "May a shirt that had been laundered too stiffly be rubbed and softened by hand on the Sabbath? Shall we assume, that it is only intended to soften the shirt and is therefore permissible, or that it is intended also to bleach it and is hence prohibited?" R. Safra answered, that it might be done, and asked him: "Why dost thou ask about a shirt, why not ask also about a turban?" "I have already asked concerning a turban of R. Huna, and he said, that it is not permitted." "Why, then, didst thou come to ask about a shirt? Thou couldst have inferred, from the turban, that the other was also not permitted?" Answered R. A'ha: "A turban is bleached by unfolding and rubbing, but a shirt is not."

R. Hisda said: "If a shirt had been hung up to dry by means of a stick drawn through the armholes, it should be taken down from the stick, but the stick should not be taken down alone (because the stick is not a vessel and hence must not be handled)." Said Rabha: "If the stick was one that may be used by a weaver, it may be taken down (because it is regarded as a vessel)."

R. Hisda said again: "A bundle of herbs, if suitable for cattle-food, may be handled on the Sabbath. If not, it must not be handled." Said R. Hyya bar Ashi in the name of Rabh: "Dried salt meat may be handled on Sabbath (because it can be eaten uncooked), but dried salt fish must not (because it cannot be eaten uncooked)."

R. Hisda said again: "A man who attends school, and has not sufficient bread, should not eat herbs, because it creates hunger. I myself have never eaten herbs, neither when I was poor nor when I was rich. When I was poor I did not want to stimulate my appetite, and when I was rich I rather ate meat and fish in place of herbs." Again he said: "A young pupil who lacks food should not eat a little at a time. He should wait until he can accumulate sufficient for a hearty meal, and then eat. When I was poor I never ate until I could put my hand in the basket and find sufficient to satisfy my hunger."

The same R. Hisda said to his daughters: "Be chaste in the eyes of your husbands. Do not go about eating in the presence of your husbands. Do not eat herbs at night (for fear of bad

breath). Do not eat dates at night. Do not drink beer at night, and use not the same toilet that men do. When some one knocks at your door, do not ask 'Who is it?' in the masculine, but in the feminine."

"*One must not sift feed-straw through a winnow.*" This Mishna is not in accordance with the opinion of the Tana of the following Boraitha: R. Eliezer ben Jacob said: "A winnow must not be touched at all."

MISHNA: One may clean out (the crib) for the (stalled) ox and throw (the superfluous fodder) over the side, so that it does not become unclean, so says R. Dosa. The sages declare this to be prohibited. One may remove the fodder in front of one animal and place it before another, on the Sabbath.

GEMARA: The schoolmen propounded a question: Do the sages dissent from the first part of R. Dosa's decree, from the last part, or from both? Come and hear: "We have learned in a Boraitha: 'The sages said: "Neither one nor the other may be thrown over the side."'" Said R. Hisda: "The sages differ with R. Dosa only when the crib was a separate vessel, but if it was part of the stall and fixed to the ground, all agree that it is prohibited to clean it out."

"*One may remove the fodder from in front of one animal,*" etc. In one Boraitha we learned, that one may remove the fodder from cattle with healthy snouts and place it before cattle with diseased snouts; and in another Boraitha we learned the contrary, that fodder may be removed from cattle with diseased snouts and placed before cattle with healthy snouts. Said Abayi: "According to both Boraithas, the fodder of an ass may be placed before an ox, but the fodder of an ox must not be placed before an ass. The first Boraitha refers to fodder placed before an ass who does not emit phlegm from the mouth, and which may be placed before a cow who does emit phlegm; and the other Boraitha, which permits the placing of fodder of animals with bad snouts, also refers to an ass, and calls the snout of an ass bad (diseased) because he feeds on all manner of things, like thistles, etc. The cow is referred to as having a healthy snout because she is very particular as to what she feeds on (hence the two Boraithas do not differ)."

MISHNA: Straw on a bed must not be shaken up with the hand, but it may be moved with the body. If it be designed for fodder, or a pillow or cloth lie over it, it may be shaken up by hand. A clothes-press which is kept in the house may be

opened, but must not be used for pressing. The clothes-presses of the professional washers must not be touched. R. Jehudah says: "If the press was partly open before the Sabbath, it may be entirely opened and drawn out (others say, the clothes may be drawn out)."

GEMARA: R. Jehudah said: "It is permitted to triturate pepper seed with the handle of a knife one by one, but not two together (on Sabbath)." But Rabha said, that as a man usually triturates pepper in a mortar on a week-day, he may on Sabbath triturate as many together as he chooses with the handle of a knife.

R. Jehudah said again: "(On the Sabbath) a man who bathes should first dry himself standing in the water and then go out; otherwise he carries water into unclaimed ground for four ells." If that is so, what about the man going into the water? By entering he pushes the water forward four ells (into the lake or river) by mere motion? Motion has not been provided for in the prohibitions of unclaimed ground.

Said Abayi, according to another version R. Jehudah: "If a man stepped into loam, he should wipe his feet on the ground and not on a wall." But Rabha said: "Why should he not do that, because it might be presumed that he plasters the wall and is engaged in building? Nay; this is not ordinary building (but more like field-work). On the contrary: If he wipe his feet on the ground he may perchance smoothen out an incavation, hence he should rather wipe his feet on the wall. For the same reason, he should not wipe his feet on the side of an incavation, lest he smoothen it out."

Rabha said again: "One should not cork a bottle with a piece of cotton or cloth, lest he wring it." R. Kahana said: "The dirt on a garment should be removed by rubbing the cloth on the inside and not on the outside, lest it seem like washing." R. Abuha in the name of R. Elazar, quoting R. Yanai, said: "One may scrape off dirt on an old shoe, but not a new one. With what should it be scraped off? With the back of a knife," said R. Abuha. Said a certain old man to him: "Withdraw thy teaching before that of R. Hyya: One must not scrape off dirt on an old nor on a new shoe. One must also not rub his foot with oil, while it is still in the shoe. He may, however, rub his foot with oil and then put on his shoe or his sandal. He may also anoint his whole body with oil and lie down on a skin, although the skin is benefited by the oil." Said R. Hisda:

“ Providing the oil dripping from the body on to the skin is only sufficient to polish the skin, but if there is enough to soften the skin one must not lie down on it.”

The rabbis taught: A small man should not wear a large shoe (lest it fall off and he be forced to carry it on the Sabbath). He may, however, wear a large shirt (as there is no fear of his taking that off and carrying it). A woman should not go out with a torn shoe on the Sabbath (lest she be laughed at and carry the shoe). She also must not accept Chalitza in such a shoe; but if she did so, the Chalitza is valid. She also should not wear a new shoe, that she had not tried on before the Sabbath (lest it be too large and she take it off and carry it). Such is the explanation of Bar Qappara.

In one Boraitha we have learned, that one may remove the shoe of a statue, while in another we were taught that it must not be removed. This presents no difficulty. The one Boraitha is in accordance with the opinion of the rabbis, who differ with R. Eliezer, while the other is in accordance with the opinion of R. Eliezer; as we have learned in another Boraitha: R. Jehudah said in the name of R. Eliezer, that if the shoe was loose and easily removed it might be taken off.

## CHAPTER XXI.

REGULATIONS CONCERNING THE POURING OUT OF WINE FROM VESSELS COVERED WITH A STONE (WHICH MUST NOT BE LIFTED), AND THE CLEARING OFF OF CRUMBS, ETC., FROM THE TABLE.

MISHNA: One may lift up a (petted) child, that has a stone in its hand, also a basket in which there is a stone; one may also handle unclean Therumah (heave-offerings), together with clean and with ordinary grain. R. Jehudah saith: "One may also take out Therumah from mixed grain in proportion of one to the hundred."

GEMARA: Rabha said: "If a man carried out a child to whose neck a purse of money was fastened, he is culpable of carrying the purse; but if he carried out the corpse of a child which had a purse of money fastened to it, he is free." Why is the man culpable in the first instance, for the carrying of the purse and not for carrying the child? He holds with R. Nathan, who said, that a living thing carries itself. Why not say, that the purse is an accessory to the child? Have we not learned in a Mishna (p. 182), that if a man carried out a person on a litter he is not culpable of carrying even the litter, because it is of no consequence to the person? A litter is regarded as of no consequence to the person, but a purse is not held to be part of a child. Why, in the second instance, is the man not culpable for carrying the corpse of the child? Rabha holds, with R. Simeon, that every labor which is not performed for its own sake does not make a person culpable (and he is not culpable for carrying the purse, because in his sorrow he does not think of the purse that the child was wont to play with).

An objection was made (to Rabha's teaching by virtue of the above Mishna): One *may* lift up a child with a stone in its hand? The disciples of R. Yanai explained this as follows: "A child is referred to that yearns for its father, and if it were not carried it would become sick." The stone is no hindrance to its being carried. If that is the case, why is a stone mentioned? why not money? Did not Rabha say, that the child may be carried if it



have a stone in its hand, but not money? That is simple. If the stone fall to the ground the father will not pick it up, but if money falls he will pick it up. We have been taught by a Boraitha in support of Rabha: If one carry his clothes, folded, on his back, or his sandals or his rings in his hand, he is culpable; if he wear them, however, he is free. If he carry out a man dressed in clothes, sandals, and rings, he is also free; but if he carried the clothes, sandals, or rings alone, he would be culpable.

“*A basket in which there is a stone,*” etc. Why should a man not be culpable for carrying it? Is not the basket a basis for a prohibited thing? Said R. Hyya bar Ashi in the name of Rabha: “Here a basket is spoken of which is broken, and where the stone fills in the gap, making the basket whole.”

“*One may also handle unclean heave-offerings.*” Said R. Hisda: “When may unclean heave-offerings be handled? If the clean heave-offering be at the bottom and the unclean on top, the unclean may be removed; but if the clean be on top, it may be removed, and the unclean must remain untouched.” If the unclean *be* on top, let it be thrown off until the clean is reached! Answered R. Ilai, Rabh said: “Here fruit is spoken of, that would be spoiled by being thrown off.”

An objection was made: We have learned in a Boraitha: “Unclean heave-offerings may be handled with clean and with ordinary grain; it makes no difference where it lies: on the top or at the bottom.” This is a refutation of R. Hisda? R. Hisda might say, that our Mishna treats of a heave-offering that is needed for food, while the Boraitha treats of a heave-offering when the space it occupies is needed. What impels R. Hisda to explain the Mishna in that manner? Said Rabha: “From the latter part of the Mishna it seems to be in the sense explained by him, for that part of the Mishna says, that if money lie on a bolster, the bolster may be turned so that the money shall fall down; and Rabba bar bar Hana in the name of R. Johanan explained, that such is the case only if the bolster itself be needed; but if the space occupied by the bolster is required, one may lift the bolster, with the money, and deposit it elsewhere. Now, if this part of the Mishna refers to the demand for the object itself, the first part does likewise.”

“*R. Jehudah saith: ‘One may take Therumah from mixed grain in proportion of one to the hundred.’*” How can this be done? In doing it, one would make a useless thing useful, and that is not permitted? R. Jehudah holds with R. Simeon ben

Elazar, who declares, that one may look upon one side of a mixed-grain pile and consider it Therumah, and eat from the other. How can it be said, however, that R. Jehudah holds with R. Simeon ben Elazar, for have we not learned in a Boraita, that they differ on this question, the former holding that one may take a measure of grain from the pile, of one to the hundred, set it aside as Therumah, and use the remainder, while the other says, that one should look upon one side of it and eat from the other? R. Jehudah is even more lenient; for he permits all of it to be used after a measure had been set aside, while R. Simeon permits only part of it to be used.

MISHNA: If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down. If the barrel stand amongst other barrels, it may be lifted and then bent over, in order that the stone fall down. If money lie on a bolster, the bolster may be turned, so that the money fall down. If dirt be found on the bolster, it may be cleaned off with a rag; and if the bolster be of leather, water may be poured on it until the dirt is removed.

GEMARA: Said R. Huna in the name of Rabh: "The Mishna refers to a case where the stone lying at the opening of the barrel was left there by accident. If it was placed there purposely, the barrel becomes a basis to a prohibited thing and must not be handled."

"*If the barrel stand amongst other barrels,*" etc. Who is the Tana who holds, that where there are both a permissible and a prohibited thing we must engage ourselves only with the permissible thing and not with the prohibited? Said Rabba bar bar Hana in the name of R. Johanan: "That is R. Simeon ben Gamaliel, who said in Tract Betza, that if the waste was in a larger quantity than the eatable portion, the eatable portion might be taken, but the waste must not be touched. In the case of the barrel, the useful portion is certainly in a larger quantity than the useless (why, then, should he not remove the stone?). If a man should wish to remove the wine, it would necessitate his lifting the barrel at all events; with the barrel the stone would also be lifted, and in that case the useless would surpass in quantity the useful."

We have learned in a Boraita: R. Jose said: "If a barrel stood in a cellar amongst other barrels, or among glassware (and there is danger that if the barrel is lifted and bent over the stone covering it will fall upon another barrel, or upon some of

the glassware and break it), it may be lifted, carried to another place, bent over so that the stone roll off, its contents removed to the quantity required, and returned to its former place."

"*If money lie on a bolster,*" etc. Said R. Hyya bar Ashi in the name of Rabh: "The Mishna here refers to a case where the money was accidentally left on the bolster; but if it is laid there on purpose, the bolster becomes a basis to a prohibited thing and must not be handled."

Hyya the son of Rabh of Diphti taught the same as Rabba bar bar Hana in the name of R. Johanan, viz. (page 323), that if the space occupied by the bolster is required, the bolster together with the money may be moved.

R. Oshea said: "If a purse of money was accidentally left in private ground, one may put a loaf of bread or a child on it and take it back to the house." R. Itz'hak said: "This rule applies not only to a purse of money, but also to a brick that is needed for any purpose."

Said R. Jehudah bar Shila in the name of R. Assi, that a box of money was once forgotten in the market and R. Johanan was asked what was to be done. He ordered them to place a loaf of bread or a child on it, and take it in. Said Mar Zutra: "All these rules are laid down in the case of where the things referred to were left by accident." But R. Ashi said, that such is not the case, and that a child or a loaf of bread can be used to move a corpse only.

When Abayi had to bring in stalks of grain, he would put on them some article of food (or some vessel) and bring it into the house; and when Rabha had to bring in (an uncooked) dove, he would put a knife on it and bring it into the house. When R. Joseph heard of this, he said: "How sagacious are the minds of these young scholars! When did the rabbis permit this to be done? When the things to be brought were forgotten on the outside; but they did not permit their being moved to commence with." Abayi answered: "(I have done right.) For were I not a trustworthy man, I would not have used those means to bring in the grain at all. Stalks of grain are a useful thing to sit on, and may be handled." And Rabha said: "(I have also done right.) For were I not a trustworthy man, I would not have placed a knife on the dove at all, as there are some people who eat it raw (hence it may be handled on the Sabbath)." Shall we say, that Rabha holds that the raw dove may be handled only because it is eaten (raw) by some people,

and were it not so it could not be handled (on Sabbath), hence he holds as R. Jehudah in Tract Betza? Did not Rabba say to his servant on a festival: "Fry a duck for me and throw the entrails to the cat"; and we see thence that he permitted his servant to handle the entrails because they were food for a cat? The entrails would have spoiled if left over for the next day, and we must assume therefore that they were designed as food for the cat from the day preceding.

MISHNA: The school of Shamai teaches: "Bones and husks may be removed from the table." The school of Hillel, however, teaches: "One may only lift the whole table board (or cloth), and shake off what is left over." All crumbs smaller than an olive may be removed from the table; also the hulls of beans and lentils, because they may serve for fodder. It is allowed to use a sponge for wiping, providing it has a handle made of leather; otherwise, it is not allowed. At all events, one may handle a sponge on the Sabbath, and it is not subject to defilement.

GEMARA: Said R. Na'hman: We know that the school of Shamai holds to the opinion of R. Jehudah (who accepts the theory of Muktzá), and that the school of Hillel holds to the opinion of R. Simeon (who disregards the law of Muktzá). (Hence the order of the Mishna should be reversed.) The dictum of the school of Shamai should be credited to the school of Hillel, and *vice versa*.

"Hulls of beans," etc. The permission to remove the hulls of beans, etc., is certainly in accordance with R. Simeon, who disregards the law of Muktzá; and the latter clause of the Mishna referring to a sponge, which must not be used for wiping off the table unless it have a handle (because without the handle it would be wrung and that is prohibited, although the intention to wring it did not exist), is in accordance with the opinion of R. Jehudah, who holds, that one must not perform an act even unintentionally. In this case R. Simeon also agrees with R. Jehudah, because it again presents a parallel case to the beheading of a creature where no intention to kill it exists.

The pits of dates (Armiassa) to which some of the meat adheres may be handled, and those of Parsiassa\* must not be handled. Samuel used to handle the latter with bread, holding to his opinion that anything at all may be done with bread (while

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\* For explanation of the terms Armiassa and Parsiassa, see Vol. I., p. 45.

others hold that bread should not be put to any uses except for food). Rabba would hold them with a pitcher of water. R. Shesheth would throw them out by means of his tongue, and R. Papa would throw them underneath the bed. It was told of R. Zacharias ben Abkulos, that he would turn his face towards the back of the bed and throw them out with his tongue.

## CHAPTER XXII.

### REGULATIONS CONCERNING PREPARATION OF FOOD AND BEVERAGES.

MISHNA: Should a cask break open, sufficient may be saved for three meals. The owner may also call to others: "Come and save for yourselves (whatever you can)." No portion of the leakage, however, may be sponged up (soaked up with a sponge). One must not press fruit in order to extract the juice; and if it ooze out by itself, it must not be used. R. Jehudah said: "If the fruit is for eating, the juice which oozes out may be used; but if it is for beverage, it must not be used. If honeycombs be broken on the eve of Sabbath and the honey ooze out, the honey must not be used." R. Eliezer, however, permits this.

GEMARA: We have learned, that wine must not be soaked up with a sponge, and oil must not be dipped with a spoon, in the same manner as it is done on week-days (there must be a slight change).

The rabbis taught: If fruit becomes scattered in a courtyard (private ground) it may be gathered up and eaten, but this must not be done as on a week-day; *i. e.*, gathered in a basket.

"*One must not press fruit,*" etc. Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) agrees with the sages in the case of olives and grapes." Why so? Because this class of fruit is intended only for pressing, and the juice which must of a necessity ooze out might be calculated upon by the owner for a beverage. Ula said, that R. Jehudah differed with the sages even in the case of olives and grapes. R. Johanan said, that the Halakha prevails according to R. Jehudah as far as other fruit is concerned, but not as regards olives and grapes.

Said R. Aba in the name of R. Jehudah, quoting Samuel: "R. Jehudah subsequently agreed with the sages as regards olives and grapes, and the sages also agreed with him later concerning other fruit." Said R. Jeremiah to R. Aba: "Wherein *do* they differ?" and R. Aba answered: "Go and seek, and thou wilt find it!" Said R. Na'hman bar Itz'hak: "It seems to me

that they differ concerning berries and pomegranates, for we have learned in a Boraitha: The juice of olives or grapes, which after having been pressed and brought into the house had oozed out by itself, must not be used, whether the fruit had been brought in for eating or beverage. If a man squeezed out the juice of berries and pomegranates and brought the pressed fruit into the house to eat, if any more juice oozed out, he might drink it; but if he brought the fruit expressly for eating purposes or for beverage, or without any express design, he must not drink the juice that had oozed out, so said R. Jehudah. The sages, however, prohibit the use of the juice under any circumstances."

Said R. Jehudah in the name of Samuel: "A man may squeeze out a bunch of grapes directly into a pot, but not into a bowl. (Why not? Because if he squeezed it into the pot it is proof positive that it will be used for food, but if squeezed into the bowl it might be used as a beverage.) Said R. Hisda: "From the decree of our master we can learn, that a man may milk a goat right into the pot, but not into a bowl." Thus we see that Samuel holds, that beverages when mixed with eatables are also regarded as eatables.

Said R. Zera in the name of R. Hyya bar Ashi, quoting Rabh: "A bunch of grapes must be squeezed directly into the pot, but not into a bowl, but the oil of fish may be pressed out even into a bowl." R. Dimi repeated this decree. Said Abayi to him: "Ye teach this in the name of Rabh, hence ye have no objection; but we learn this in the name of Samuel, hence we have the following objection: 'Can Samuel say that the oil of a fish may be squeezed out even in a bowl? Were we not taught, that if a man squeezed out herbs which were soaked in wine and vinegar, it is, according to Rabh, permitted to commence with, if the herbs were to be eaten; but if the juice only was to be used, the man would not be liable for a sin-offering, but he should not do it to start with? If the herbs, however, were cooked, whether the man wished to eat them or only use the juice, he might squeeze them out into a bowl. Samuel, however, decreed, that be the herbs cooked or raw, one may do this only if he intends to eat the herbs, but not if he only intends to use the juice; if he does, however, he is not liable for a sin-offering.'"

R. Dimi answered: "By the Lord! My eyes have seen it, and not as a stranger, that I heard this decree from R. Jeremiah,

he from R. Zera, he again from R. Hyya bar Ashi, and the latter from Rabh's mouth."

In regard to the quoted Boraitha concerning the herbs that one had squeezed out (we have heard the opinion of Rabh and Samuel), R. Johanan said: "Be they cooked or raw herbs, he may do so to commence with, if he intends to eat the herbs; but if he only desires the juice he must not do so, and if he does he is liable for a sin-offering." All this, however, is opposed by the following Boraitha: "One may squeeze out herbs which were soaked in wine and vinegar on the Sabbath for use on the same day, but not for later use; but one must not press olives or grapes, and if he does, he is liable for a sin-offering." Now, this is in opposition to all three: Rabh, Samuel, and R. Johanan. Rabh could explain this in accordance with his teaching; viz.: The herbs may be pressed on the Sabbath, for use on that day and not later, providing he uses the herbs for eating; but if he wishes to use the juice he must not do so, but if he does he is not liable for a sin-offering; and cooked herbs he may squeeze out, whether he requires the herbs or the juice; olives and grapes he should not press: if he does, he is liable for a sin-offering. Samuel could explain it according to his own opinion: A man may squeeze out herbs on Sabbath for that same day, but not for later use; and the same law applies to cooked herbs, provided they are used for eating, but if the juice is wanted they must not be pressed, *etc.* R. Johanan could explain the Boraitha in accordance with his teaching, as follows: Be the herbs cooked or soaked, they may be squeezed out if intended for eating; but if the juice is required he must not, and if he did so it is equal to pressing olives or grapes, and he is liable for a sin-offering.

Said R. Hyya bar Ashi in the name of Rabh: "According to biblical law one cannot be culpable except for pressing olives and grapes. So have taught the disciples of Menasseh. Also according to biblical law, a witness that testifies from hearsay must not be accredited, with the exception of a case where he testifies to having heard that a woman's husband had died."

"*If honeycombs be broken on the eve of Sabbath.*" When R. Hosea came from Neherdai he brought a new Boraitha; viz.: "If olives and grapes were crushed before the Sabbath, and the juice oozed out, it must not be drunk; but R. Eliezer and R. Simeon both permit it." Said R. Joseph: "He just tells us of another man in addition to R. Eliezer!" Said Abayi to him:



“ He taught us a great deal; for from our Mishna I would say, that honeycombs were eatables before being crushed and also afterwards; therefore R. Eliezer permits the use of the honey, but in the case of olives and grapes which were previously eatables and subsequently became beverages, it might be presumed that even R. Eliezer would not permit their use. Hence we were instructed by R. Hosea to the contrary.”

MISHNA: Whatever has been dressed with hot water on the eve of Sabbath, may be soaked in hot water on the Sabbath; and whatever has not been dressed with hot water on the eve of Sabbath, must only be passed through hot water on the Sabbath: excepting only stale salt fish and Spanish kolias (a kind of fish which was generally cured to make it eatable), for passing these through hot water is all the dressing required for them.

GEMARA: What does the Mishna refer to? For instance, the hen of R. Aba! He would cook a hen, then soak it in water, and when it would fall to pieces he would eat it. Said R. Safra: “ I was there at one time and R. Aba served me with some of that dish, and had he not given three-year-old wine immediately after it, I would have been forced to vomit.”

R. Johanan would spit every time he was reminded of Babylonian Kutach (a dish made of small salt fish boiled in milk). Said R. Joseph: “ Yea, and let us spit when we think of R. Aba’s hen.” And R. Gaza said: “ I was in Palestine at one time, and made that same dish (kutach); so they begged me to give them some for all the sick in Palestine.”

“ *And whatever has not been dressed with hot water,*” etc. What is the law concerning one who had passed kolias or stale salt fish through hot water? Said R. Joseph: “ He is liable for a sin-offering.” Said Mar the son of Rabhina: “ We have understood it so from the Mishna, because the last clause is ‘ for passing these through hot water is all the dressing required for them,’ and the finishing of a certain kind of labor is equivalent to hammering.”

R. Hyya bar Aba and R. Assi once sat in the presence of R. Johanan, and R. Johanan dozed off. So R. Hyya bar Aba asked R. Assi why the fowls of Babylon were so fat. R. Assi answered: “ Go to the desert of Aza in Palestine, and I will show thee fatter ones.” “ Why are the Babylonians so merry during the festivals?” asked R. Hyya again. “ Because they are poor (and during the entire year they have no pleasures, so they take

advantage of the festivals),” was the answer. “Why are the scholars of Babylon so well dressed?” queried R. Hyya. “Because they are ignorami” (and must wear good clothes in order to command respect), answered R. Assi. At that moment R. Johanan awoke, and said to them: “Youngsters! Did I not tell you, that it is written [Proverbs vii. 4]: ‘Say unto wisdom, Thou art my sister,’ which means: If a thing is as certain to thee as the fact that thou canst not marry thy own sister, then say it? Otherwise, thou shalt not say it. (Then why speak such foolishness?)” Then said they: “Let Master tell some things (which would benefit us)!” Said R. Johanan: “The fowls of Babylon are fat because they were never driven away from home, as it is written [Jeremiah xlvi. 11]: ‘Moab was ever at ease from his youth, and he was resting on his lees, and was not emptied from vessel to vessel, and had not gone into exile: therefore had his taste remained in him and his scent was not changed.’ Whence do we know that the fowls of Palestine were driven from home? It is written [ibid. ix. 9]: ‘Both the fowls of the heavens and the beasts are fled; they are gone away.’—[R. Jacob said in the name of R. Johanan, that the fowls and the beasts and all else came back to Palestine with the exception of the Spanish kolias (the reason will be explained in Tract Bechorath.)—‘Why are the Babylonians merry during the festivals?’ Because they were not included in the curse of [Hosea ii. 13]: ‘And I will cause to cease all her mirth, her festival, her new moon, and her Sabbath, and all her appointed feasts.’”

Said R. Itz’hak: “(Indeed it was so.) There was not a single feast in Palestine, that the military did not come to Sefhoris”; and R. Hanina said: “There was not a single feast in Palestine, that captains, guards, and supervisors did not come to Tiberias.”—“Why are the scholars of Babylon so well dressed?” “Because they are all strangers. As the saying goes: In a city where a man is known, he may wear whatever he chooses; but where he is not sufficiently known he should dress well.”

R. Joseph taught: It is written [Isaiah xxvii. 6]: “In the future shall Jacob yet take root: Israel shall bud and blossom; and shall fill the face of the world with fruit.” What is meant by “bud and blossom”? The scholars of Babylon, who wind blossoms and wreaths around the Thorah.

MISHNA: A man may break open a cask, to eat dry figs therefrom; provided, he does not intend using the cask afterwards

as a vessel. He must not pierce the bung-hole of a cask, such is the decree of R. Jehudah (or R. Jose); the sages permit this to be done. And one must not bore a hole in the side of it; but if it was already perforated, he must not fill it up with wax, because he would smoothen the wax thereby. Said R. Jehudah: "Such a case was brought before R. Johanan ben Sachai, at Arab, and he observed: 'I doubt whether that act does not involve liability to bring a sin-offering.'"

GEMARA: Said R. Oshea: "When may a man hold a dirk to open a cask of figs? If the figs are very tightly packed, for then he would have to use a knife or a dirk to get the figs out; but if they were packed loose he must not use a knife to open the cask."

An objection was raised: We have learned, that R. Simeon ben Gamaliel said: "A man may bring in a cask of wine, cut off the bung-head with a knife, and serve it to the guests with impunity." This Boraitha is in accordance with the opinion of the sages, while our Mishna is in accordance with the decree of R. Nehemiah (who holds that no vessel may be used for any other purpose but that for which it was originally intended). What impelled R. Oshea to make the entire Mishna conform with the dictum of R. Nehemiah? Let him say, that the cask may be opened with a knife even if the figs are loose, and thus be in accord with the sages? Answered Rabha: "The reason is, that R. Oshea could not quite comprehend why the Mishna specified figs: it could have said fruit, and on that account he reasoned as stated."

In one Boraitha we have learned: Palm-leaf baskets containing dried figs and dates may be untied, taken apart, or cut; and in another Boraitha we were taught, that they may be untied, but not taken apart or tied. This presents no difficulty; for one Boraitha is in accordance with the opinion of the sages, and the other is in accord with R. Nehemiah.

A question was asked of R. Shesheth: "May a cask be bored with an auger on the Sabbath? Shall we assume, that one intended to make an opening in the cask and hence it is prohibited, or that he intended merely to make a larger space for the flow of the wine and it is therefore permitted?" The answer was: "The intention was to make an opening, and it is prohibited." An objection based upon the teaching of R. Simeon ben Gamaliel previously mentioned was raised, and the answer was: "There the intention certainly was to make the space

larger, while here it is obvious that the intention was to make an opening; otherwise, he would have broken open the cask with a knife."

"*One must not pierce the bunghole of a cask.*" Said R. Huna: "They differ only in reference to the top of a bunghole of a cask; but as for the side, all agree that it is not allowed, and this is carried out by the later clause in the Mishna; viz.: 'And he must not bore a hole in the side of it.'" R. Hisda, however, said: "They differ only as far as boring a hole in the side of the bunghole is concerned, but as for the top, all agree that it is permitted; and the later clause of the Mishna means to state that one must not bore a hole in the side of the cask itself."

The rabbis taught: One must not bore a new hole on Sabbath, but if it was already made he may enlarge it; and others say, that he must not enlarge it; but all agree, that if the hole was merely stopped it may be reopened. The first Tana prohibits the boring of a new hole, because thereby an opening is made. Does not enlarging a hole improve the opening? Said Rabba: According to biblical law, an opening through which one cannot enter or go out is not considered a door, but the rabbis made this a precaution on account of chicken-coops, the holes of which are made for the purpose of admitting fresh air and emitting the foul. (Therefore making a hole in a coop is equivalent to making a whole coop, for without holes it is of no value.) Enlarging a hole, however, is permitted, because one would enlarge a hole in a chicken-coop, lest an ichneumon should enter and kill a chicken. Why do some say, then, that holes should not even be enlarged? Because it might be that one did *not* make the hole in a chicken-coop large enough, and *would* enlarge it. R. Na'hman taught in the name of R. Johanan, that the Halakha remains according to the last dictum.

All agree, that a hole which had been stopped up may be reopened. Said R. Jehudah in the name of Samuel: This was said only in the case of where a hole had been stopped to preserve the aroma of the wine. If, however, the hole was stopped up in order to strengthen the cask, it must not be reopened. What is meant by preserving the aroma and by strengthening the cask? Said R. Hisda: "If the hole was on top of the cask and was stopped up, it was for the purpose of preserving the aroma; but if at the bottom, it was for the purpose of strengthening the cask." Rabha said: "If it was at the bottom, it was also only for the purpose of preserving the aroma; and only if

the hole was stopped up right underneath the lees of the wine, it was for the purpose of strengthening the cask."

Rabh prohibits the inserting of a faucet into a cask, and Samuel permits it. All agree, that cutting a hole in the cask for the purpose of inserting a faucet is prohibited, and that replacing the faucet, if once removed, is permitted. They differ, however, only when a hole had already been made in the cask before the Sabbath, but it was not quite fit for the faucet. Those who say, that it is prohibited, do so as a precaution lest one cut a fresh hole, while those that permit this to be done say no precautionary measure is necessary.

This is like the following difference between Tanaim: We have learned that a screw must not be fitted on a festival, much less on a Sabbath; but if it fall out it may be replaced on Sabbath, and so much more on a festival; and R. Yashia makes the ordinance more lenient. What does R. Yashia make more lenient? Shall we assume, that he refers to the first part and permits a screw to be cut? In that event, he would be improving a vessel, and that is certainly not allowed! Shall we assume, on the other hand, that he refers to the second part; the first Tana alone permits this? We must say, therefore, that the screw was already cut, but did not quite fit, and he permits the fitting of it. (Hence the same difference exists here as between the previous Tanaim.) R. Shesheth the son of R. Idi in the name of R. Johanan said: "The Halakha prevails according to R. Yashia."

"*But if it was already perforated,*" etc. To fill it up with oil is, according to Rabh, prohibited, as a precaution lest he fill it with wax; and according to Samuel it is permitted, as the latter does not deem a precautionary measure necessary. Said R. Samuel bar bar Hana to R. Joseph: "Thou hast said distinctly in the name of Rabh, that oil is permitted." Answered R. Joseph: "Thou hast caught me in a trap."\*

Said Samuel: "The leaf of myrtle must not be put in the bung-hole of a cask, so that the wine flow over it." Why so? R. Yimar of Diphti said: "As a precaution lest a groove (channel) be made." R. Ashi said: "As a precaution lest the leaf be broken off (from its stem)." What difference is there? The difference is in the case of a leaf that had already been broken off (from its stem). (The precautionary measure of R. Yimar remains, while that of R. Ashi falls to the ground of itself.)

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\* See note to page 114 of this tract.

Is it permitted to wrap one's self in a bolster in public ground and bring it into private ground? Rabh prohibits this and Samuel permits it. If the bolster were soft and could be folded, they do not differ, all agreeing that it is permitted. If it were hard and could not be folded, all agree that it is prohibited. They differ only concerning a bolster that was neither soft nor hard, but a medium between the two. One says, that it appears like a burden and should not be carried, while the other holds that it is not a burden and may be carried; and the opinion just ascribed to Rabh was not stated by him expressly, but was merely inferred from the following incident: "Rabh came to a certain place and found that he lacked room; so he went out into a lane (unclaimed ground), and when a bolster was brought to him he would not sit down on it. Those who saw this inferred therefore that he did not hold it to be permissible." As a matter of fact, this was not so. Rabh had it proclaimed that a bolster was allowed to be used, but in honor of the masters who were with him he would not sit down on that bolster. Who were those masters? R. Kahana and R. Assi.

MISHNA: One may put cooked victuals into a cave (or cellar) for the purpose of preserving them; also put clean water (contained in a vessel) into water that is not drinkable, in order to keep it (the former) cool; likewise cold water (in a vessel) into hot water, in order to warm the former. One whose clothes have dropped into the water while on the road, may unhesitatingly go on with them. As soon as he arrives at the outmost court (of the city or village), he may spread his clothes in the sun to dry, but he must not do this publicly.

GEMARA: Is this not self-evident? One might say, that there should be a precaution against grading (smoothing) any incavations that might be in the cave; hence we are told that such is not the case.

"*Clean water into water that is not drinkable,*" etc. Is this not self-evident? Yea; but this is taught on account of the later clause in the Mishna, *i.e.*, putting cold water into hot. Is this also not self-evident? One might say, that this should be prohibited, as a precaution lest one also put a vessel containing cold water into glowing cinders to warm; so we are told, that such a precaution is not necessary.

"*One whose clothes have dropped into the water,*" etc. Said R. Jehudah in the name of Rabh: "All things which were forbidden on account of causing suspicion among the people (that

one is committing a wrongful act) should not be done, not only publicly, but even in the innermost recesses of one's rooms." Is this not contradictory to our Mishna, which says, that one may spread his clothes in the sun, but *not publicly*? This is a difference between Tanaim, for in reference to this Mishna we have learned in a Boraitha, that both R. Eliezer and R. Simeon hold, that it is prohibited even when *not* done publicly.

Said R. Huna: "He who dusts his clothes on a Sabbath is liable for a sin-offering. This refers only, however, to a new garment, but not to an old one, and the new garment only when it is black; but garments of other colors *may* be dusted. Referring to a black garment, it is only then prohibited to be dusted if its possessor is particular about it (to such a degree, that he never puts it on without dusting it)."

Ula once came to Pumbaditha and he saw the rabbis dusting their clothes on a Sabbath, so he said: "The rabbis are violating the Sabbath!" So R. Jehudah said to his disciples: "Dust your clothes right before his eyes: we are not particular."

Abayi stood before R. Joseph. R. Joseph said to him: "Give me my hat." And seeing that the hat was very dusty, Abayi hesitated to give it to him. So R. Joseph said: "Take hold of it and dust it: we are not particular."

We have learned in a Boraitha: Those who deal in clothes, and carry them folded on their shoulders on Sabbath, are liable for a sin-offering; this refers not only to clothes-dealers, but also to others; clothes-dealers, however, are mentioned, because that is their usual custom. The same is the case with a merchant who carries out a bag of money. He is liable for a sin-offering; and not only a merchant, but also others; but merchants are mentioned because it is their wont to carry money in that manner.

Said R. Jehudah: "It once happened that Hyrcanos the son of R. Eliezer ben Hyrcanos went out on Sabbath with a kerchief folded on his shoulder and tied to one of his fingers with a piece of twine (in order that it might not fall down); and when the sages heard this, they said that the twine was unnecessary, for he could have carried the kerchief without it."

It happened that Ula came to the house of Assi bar Hini, and he was asked whether it was allowed to make a groove of the clothes on Sabbath. (The Babylonians wore long garments, and by turning them up at the bottom a quasi-groove was made.) Ula answered: "So said R. Ilai: It is prohibited to make a

groove on Sabbath." What is a groove? Said R. Zera: "A groove made of the clothes of the Babylonians." Said R. Papa: "Bear this rule in mind: If the clothes are turned up for the purpose of preventing their becoming soiled, it is prohibited; but if they are turned up to improve their appearance, it is allowed, as R. Shesha the son of R. Idi would always arrange his cloak (toga) tastefully (on a week-day, hence it is customary and may also be done on Sabbath)."

When R. Dimi came from Palestine, he related: It once happened that Rabbi went out into the field, and both ends of his toga hung on his shoulders. Said Jehoshua the son of Ziruz, the son of R. Meir's father-in-law before Rabbi: "Did not R. Meir say, that in a case of this kind one is liable for a sin-offering?" Said Rabbi: "Was R. Meir so particular, that he determined just how far down the ends of one's toga should reach?" Still he (Rabbi) let down his toga; and when Rabhin came from Palestine he said, that it was not Jehoshua ben Ziruz who made that remark, but Jehoshua ben Bepusai the son-in-law of R. Aqiba; and not that R. Meir said what has just been cited, but that R. Aqiba had said that. Also, that Rabbi had inquired whether R. Aqiba was so particular; and lastly, that Rabbi let down his toga. When R. Samuel ben R. Jehudah came from Palestine he said, that Rabbi was only asked concerning such a case (but not that he himself was the party referred to).

**MISHNA:** One who bathes in the water of a cavern or in the hot springs of Tiberias, though he wipe himself with ten towels, must not carry them off in his hand; but if ten persons wiped themselves, their faces, their hands, and their feet, with one towel, they might carry it off in their hands.

One may anoint and rub the stomach with the hands, but not so as to cause fatigue. One must not brush the body with a flesh-brush or descend into a kurdima.\* One must not take an emetic, or stretch the limbs of an infant, or put back a rupture; one who has strained his hand or foot must not pour cold water on it, but he may wash it in the usual way: if he thereby becomes cured, it is well.

**GEMARA:** The Mishna teaches, "the water of a cavern," in connection with the hot springs of Tiberias; hence it must be, that the water of a cavern is also hot. And again it says, "one

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\* A bathing place with a loamy bottom, into which it is easy to descend, but from which it is quite an exertion to ascend.



who bathes," and not "one may bathe," from which we see, that to commence with, bathing in those waters is not allowed; but merely to rinse one's self is permitted, even to commence with. This is according to the opinion of R. Simeon.

"*Though he wipe himself with ten towels,*" etc. The first part of this clause in the Mishna imparts something new and unexpected in that it teaches, that, although if one man wipe himself with ten towels, there will be very little water contained in the towels, still he might through thoughtlessness wring them; and the latter part of the clause also imparts something new and unexpected, stating, as it does, that if ten men wipe themselves with one towel, although the towel will contain a great deal of water, they will mutually remind each other that it must not be wrung.

The rabbis taught: "A man may wipe himself with a towel and leave it at the window of a house that is nearest to the wall of the bathhouse; but he must not give it to the bathhouse employees, because they are suspected of wringing it on the Sabbath." R. Simeon, however, says: "A man may wipe himself with one towel and carry it in his hand to his house." Said Abayi to R. Joseph: "How is the law?" and he answered: "Did not R. Hyya bar Aba in the name of R. Johanan say, that the law prevails according to R. Simeon?" Did R. Johanan say this indeed? Did he not say elsewhere, that the Halakha prevails according to the anonymous teachers in the Mishna, and the Mishna teaches, that even if one man wiped himself with ten towels he must not carry them off in his hand? R. Johanan teaches, that the Mishna concludes with, "So said the son of Hakhinai" (hence it is the teaching of one individual).

R. Hyya bar Aba in the name of R. Johanan said: "The bathhouse employees may carry the sheets with which the women wipe themselves in the bathhouse on the street by wrapping them around their bodies; provided they wrap them over their heads and the greater part of their body."

R. Hyya bar Aba said in the name of R. Johanan: "A large veil which is worn by women should have the two ends that hang down in the back tied." And he said again, that they should be tied underneath the shoulders.

Rabha said to the inhabitants of Mehuza: "If ye must carry clothes for the military on Sabbath, wrap them around you underneath the shoulders."

"*One may anoint and rub his stomach.*" The rabbis taught:

“The stomach may be rubbed and anointed on the Sabbath, provided it is not done the same as on week-days.” How should it be done? R. Hama bar Hanina said: “He should first anoint it and then rub it”; but R. Johanan said, that he might do both at the same time.

“*But so as not to cause fatigue,*” etc. Said R. Hyya bar Aba in the name of R. Johanan: “It is not allowed to stand on the bed of Lake Deumseth, because the loam at the bottom is saline and immersion in the lake causes fatigue.” Said R. Jehudah in the name of Rabh: “The days on which a cure in that lake (for bodily ills) may be effected are only twenty-one, and Pentecost occurs during those twenty-one days.” The school-men asked: “Does Pentecost fall at the beginning of the twenty-one days or at the end?” Come and hear: Samuel said, that all waters taken for a cure are effective only from Passover to Pentecost. As for waters taken internally, Samuel may be right (because during cool weather one takes more exercise and thus the waters are effective), but for bathing it would seem that Pentecost should be the commencement.

Said R. Helbo: “The wine of the land of Purgaita and the waters of the lake Deumseth robbed Israel of ten tribes (because indulgence in these pleasures are detrimental to spiritual welfare).” R. Elazar ben Aroch happened to be there, and indulged in those luxuries to such an extent that he forgot his learning, and afterwards the sages had to pray for his return unto the Law. This is as we have learned elsewhere (Aboth): R. Nehurai said: “Go into exile only in a place of learning and think not that the Law will follow thee, or that thy comrades will preserve it in thy hands, and do not depend upon thy acquired knowledge.” This R. Nehurai is, according to some, the same Elazar ben Aroch, and he was called Nehurai, because this signifies (in Hebrew) “light of the eyes”; for he enlightened the eyes of many scholars with his interpretations.

“*One must not brush the body,*” etc. The rabbis taught: One must not brush the body with a flesh-brush on Sabbath. R. Simeon ben Gamaliel said: “If one’s feet were soiled, he might brush them the same as on week-days unhesitatingly.” The mother of Samuel the son of Jehudah made her son a silver brush.

“*Or descend into a kurdima.*” Why so? Because the bottom of a kurdima is slippery (and one might fall and wet his clothes, and thus be tempted to wring them).

“ *One must not take an emetic.*” Said Rabba bar bar Hana in the name of R. Johanan: “ One must not take a medicament as an emetic, but may thrust his finger down his throat and thus cause vomiting.”

“ *Or stretch the limbs of an infant.*” Said Rabba bar bar Hana in the name of R. Johanan: “ To swathe a child on Sabbath *is* allowed.”

“ *Or put back a rupture.*” Said R. Hana of Bagdad in the name of Samuel: “ The Halakha prevails, that it may be done.” (Samuel learns in the Mishna, instead of “ it is *not* allowed,” “ it *is* allowed.”)

Rabba bar bar Hana once came to Pumbaditha, but did not go into the college of R. Jehudah. So R. Jehudah sent for Ada, the officer of the college, and said to him: “ Go and take a pledge of Rabba bar bar Hana.” The officer went and did so. Afterwards Rabba bar bar Hana came to the college. When he came he heard R. Jehudah teach, that a rupture must not be put back on the Sabbath. Said he to him: “ So said R. Hana of Bagdad in the name of Samuel, that the Halakha prevails permitting this to be done.” Answered R. Jehudah: “ It is our Hana and our Samuel. Yet we never heard of this before. Now thou canst see that I was right in demanding a pledge for thy appearance. Hadst thou not come, we would never have heard this.”

“ *One who has strained his hand or foot,*” etc. R. Ivia sat in the presence of R. Joseph, and he dislocated his hand. Said he to R. Joseph, making a motion to replace it: “ May I replace it thus ?” “ Nay,” said R. Joseph. “ And thus may I ?” asked R. Ivia, making another motion. “ Nay,” was the answer again. Thus questioning, he finally succeeded in replacing his hand. Said R. Joseph to him: “ What didst thou ask me for ? It is expressly stated in our Mishna, that if one strained his hand or his foot, he must not pour cold water on it, but he may bathe it in the usual way. If he thereby becomes cured, it is well.”

“ Did we not learn in the same Mishna that a rupture must not be put back, and still Samuel permitted it to be done ?” asked R. Ivia. Answered R. Joseph: “ Canst thou weave everything into one garment ? What we have learned, we may follow ; but what we have not learned, we cannot.”

## CHAPTER XXIII.

### REGULATIONS CONCERNING BORROWING, CASTING LOTS, WAITING FOR THE CLOSE OF THE SABBATH, AND ATTENDING TO A CORPSE.

MISHNA: A man may borrow of an acquaintance jugs of wine or oil (on Sabbath), provided he does not say to him: "Lend (them to) me." A woman may also borrow bread from her acquaintance. If the man is refused (by his acquaintance), he may leave his upper garment (as a pledge) with the lender, and settle his account after Sabbath. Thus, also, in Jerusalem, the custom was, if the eve of Passover fell on a Sabbath, a man might leave his upper garment with the vender, take his paschal lamb, and settle his account after the holiday.

GEMARA: Rabha bar R. Hanan said to Abayi: "What is the difference between saying: 'I want to borrow' and 'Lend me'?" Answered Abayi: "The difference is, if a man says, 'I want to borrow,' he usually returns what he has borrowed and the lender will not be compelled to write it down; but if he says, 'Lend (trust) me,' the lender generally writes down what he has lent." Said Rabha again: "During the week it makes no difference, the lender is not particular whether one says, 'I want to borrow,' or 'Lend me.' He writes it down just the same; then why should a distinction be made on Sabbath?" And Abayi answered: "The saying of 'I want to borrow,' on Sabbath, is a reminder to the lender that the sages said, that one must not say 'lend me,' and thus prevents him from writing it down."

The same said again to Abayi: "Let us see! The sages said, that everything done on a festival which can be done in a different manner from that on a week-day should so be done. Now, why do we not see women, who go for water with jugs, perform that work differently from their manner on a week-day?" He answered: "Because that would be impossible! For how should they do? Shall we say, that one who carries a large jug should carry a small one? That would necessitate her going twice. Or that one who carries a small jug should carry a larger

one? Then she would have a heavier burden to carry. Should she cover it with a cloth? Then she might wring it. Should she cover it with a lid? Then she might have to untie it. Hence it is impossible."\*

"*A woman may also borrow bread from an acquaintance,*" etc. From the Mishna we see, that only on Sabbath a woman must not say, "Lend me," when borrowing bread, and on week-days that would be permitted. Would this not be against the decree of Hillel, who prohibits this on account of possible usury (as explained in Tract Baba Metzia)? Nay; we can say that the Mishna is in accordance with Hillel's decree, but here it refers to such places where bread has a fixed value, while Hillel refers to places where bread has not a fixed value.

"*If the man be refused,*" etc. It was taught: "A loan on a festival is, according to R. Joseph, uncollectable by law, and Rabba say it *is collectable.*" R. Joseph says, that it is uncollectable, because otherwise the lender will write it down; and Rabba says, if we say that it is uncollectable, the lender will not trust the borrower and the latter will not have the means of celebrating the festival. Is this not a contradiction to our Mishna, which teaches, that if the man be refused trust, he may pledge his garment, etc.? If the loan be uncollectable, the pledging is quite right; but if it be collectable by law, why should the borrower pledge his garment? The lender can sue him by law? The lender might say, that he does not care to be troubled by law-suits and judges. R. Ivia would take pledges, and Rabba bar Ula would trick the borrower (by in turn borrowing something from him after the holiday and holding that for a pledge).

MISHNA: A man may count the number of his guests and also of his extra dishes verbally, but not from a written list. He may let his children and household draw lots at table (as to who is to have one dish, and who is to have another), provided he does not intentionally stake a larger portion against a smaller one. They may also draw lots for the holy sacrifices on a festival (as to which priest is to have one sacrifice and which is to have another), but not for the eatable portions of the sacrifices (to whom one piece belongs, and to whom another piece belongs).

GEMARA: Why should a man *not* read from a written list?

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\* The additional quotations of Rabba bar Hanan to Abayi concerning festivals will appear in Tract "Festivals," where they properly belong.

Said R. Bibhi: "Lest he might strike out a guest's name or an extra dish from the list." Abayi said: "This is a precautionary measure against reading of business papers on Sabbath." What is the point of difference between them? If the list is engraved on the wall! In that case there is no fear of striking out a name, but the precaution against reading business papers still remains, and the Amoraim differ in this case with the Tanaim in the following Tosephta, as we have learned: "A man must not look into a mirror on Sabbath (lest he trim his hair with scissors), but R. Meir permits looking into a mirror which is attached to a wall." Now, why may a man look into a stationary mirror; because by the time he goes to fetch scissors, he will be reminded that it is Sabbath? Why not say, that the same is the case with another mirror, which he holds in his hand? By the time he lays down the mirror and goes for scissors, he will also be reminded that it is Sabbath? The mirror prohibited to be used by the first Tana of the Tosephta is one that is attached to an instrument which can be used to trim hair, and that is in accordance with the dictum of R. Na'hman as stated by Rabba bar Abuha in his name: "Why did the sages prohibit the use of an iron mirror? Because a man might use it to trim his superfluous hair."

The rabbis taught: An inscription at the foot of pictures of beasts or men must not be read on the Sabbath; and gazing on the picture of a man is prohibited even on week-days, because it is written [Leviticus xix. 4]: "Ye shall not turn unto the idols." With what tradition do you supplement this verse, that you may infer therefrom the prohibition to gaze at a picture? Said R. Hanin: "Ye shall not turn to the idols which your imagination alone hath created."

"*He may let his children and household draw lots,*" etc. It says, "his children and household": we must assume, that strangers are not to be included; if not, why not? As R. Jehudah said in the name of Samuel: A party of men eating on a festival, where the portions distributed to each are exactly alike in size and quantity, are guilty of the following prohibited acts; viz.: measuring, weighing, counting, borrowing and lending\* (all of which acts are prohibited on a festival). According to Hillel's opinion, they are guilty of usury also. If that is so, why

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\* Guilty of borrowing and lending can only be explained by presuming that, if one received a smaller portion than another, the host would promise to make up for the deficiency on another day.

should it be allowed for his children and household? Here the reason is as related by R. Jehudah in the name of Rabh, who said: "It is allowed to borrow or lend from and to one's children and household and charge interest, in order to exemplify the evils of usury." If that is so, why is it not allowed, according to the Mishna, to stake a larger portion against a smaller? As a matter of fact, it is allowed; but the Mishna is defective and should read: "He may let his children and household draw lots at table, and *even* stake a larger portion against a smaller." Why so? As R. Jehudah said in the name of Rabh above: He may let his children and household draw lots, but not strangers. Why so? As R. Jehudah said in the name of Samuel above: A larger portion must not be staked against a smaller one even on week-days for strangers. Why so? On account of Kubeia.\*

"*They may also draw lots for the holy sacrifices,*" etc. What is meant by "but not for the eatable portions"? (Why should that not be done? The eatable portions of the sacrifices must be eaten on a festival.) Said R. Jacob the son of the daughter of Jacob: "That prohibition is only applicable to the eatable portions of the sacrifices left over from the preceding day. Is this not self-evident? I would say, that because it is written [Hosea iv. 4]: 'And thy people are contentious equally with the priests,' that the priests are contentious, and hence they should be permitted to cast lots for the eatable portions of the sacrifices (for the sake of peace); therefore we are taught, that the sacrifices of the day may be drawn for, but not those of the preceding day."

The same R. Jacob said: "A man on whose account another man has been punished, either through divine or human judgment, is not admitted into the abode of the Holy One, blessed be He." Whence is this adduced? Shall we assume that it is from the verses [I Kings xxii. 20-22]: "And the Lord said, Who will persuade Achab, that he may go up and fall at Ramoth-gil'ad? And one said, In this manner, and another said, In that manner. And there came forth a spirit, and placed himself before the Lord and said, I will persuade him. And the Lord said unto him, Wherewith? And he said, I will go forth, and I will be a lying spirit in the mouth of all his prophets. And He said, Thou wilt persuade him, and also prevail: go forth and

\* From the Greek *κυβηται* = dice. The above prohibition is a precautionary measure against the possibility of casting lots degenerating into a game of hazard.

do so." And it was asked who the spirit was, and R. Johanan said, it was the spirit of Naboth; and Rabh said that by saying, "Go forth," the Lord meant to expel the spirit from within His abode. Perhaps the reason for expelling the spirit was because it is written [Psalms ci. 7]: "He that speaketh falsehoods shall not succeed before my eyes." Therefore we must say that the basis for R. Jacob is the following. It is written [Proverbs xvii. 26]: "To punish the just with a fine even is not good." (This is explained to signify, that even punishment through a just man is not good.) What is not good is certainly evil, and it is written [Psalms v. 5]: "For thou art not a God that hath pleasure in wickedness: evil cannot abide with thee"; and this means, that "because Thou, God, art righteous, evil cannot remain in Thy abode."

"*They may draw lots,*" etc. How do we know that the word "Choloshim" \* means lots? It is written [Isaiah xiv. 12]: "How art thou fallen from heaven, O morning-star, son of the dawn! how art thou hewn down to the ground, crusher of nations!" ("Crusher" is expressed by the word "*Cholesh*," and the inference is made from the supposition that lots were cast which nation was to be crushed first.)

It is written [Daniel iv. 33]: "And additional greatness was added unto me." What was that additional greatness? Said R. Jehudah in the name of R. Jeremiah bar Aba: "From this we can infer, that he (Nebuchadnezzar) rode a male lion and twisted a snake round the lion's head, to verify what is written [Jeremiah xxvii. 6]: 'And also the beasts of the field have I given him to serve him.'"

MISHNA: One must not hire laborers on the Sabbath, nor may he commission another man to hire them for him. One must not stand at the extreme limit of the "techoom" † and wait for dusk (the end of Sabbath), in order to hire laborers (beyond the techoom), or gather fruit beyond it; but if watching fruit beyond the techoom, he may await the dusk at its extreme limit, and in that case bring the fruit back with him. Abba Saul laid down the rule: "Whatever I am permitted to prepare for the day following the Sabbath, *on* the Sabbath, I may get ready for at dusk."

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\* The term "casting lots" is expressed in the Mishna by the word "*Choloshim*," and the root of the word "Choloshim" is "Cholosh," and has a variety of meanings.

† By "techoom" is meant the distance of 2,000 ells which a man may traverse on the Sabbath, and refers to the limits of that distance.



GEMARA: What is the difference between a man and his neighbor? The Mishna teaches he should not hire laborers on Sabbath nor commission another man to hire them for him? Is this not self-evident? His neighbor is also a Jew. Said R. Papa: "That refers to a Gentile neighbor." R. Ashi opposed this, and said: "The prohibition to commission a Gentile to do something on a Sabbath is merely rabbinical, for the sake of the Sabbath rest (Shbhuth),\* and to hire laborers on the Sabbath is also prohibited only by rabbinical law. How then can one rabbinical law be supplemented by another of the same character? Hence I may say, that the Mishna refers to a Jewish neighbor and should be explained thus: A man must not commission him to hire laborers on Sabbath, but he may say to him, 'Come to me after dusk and we will do something together.' The Mishna is in accordance with the opinion of R. Jehoshua ben Kar'ha, as we have learned elsewhere: A man must not say to his neighbor, 'I would like to see thee after dusk for the purpose of talking business,' and R. Jehoshua ben Kar'ha says he may do so, and Rabba bar bar Hana in the name of R. Johanan taught, that the Halakha prevails according to R. Jeshoshua ben Kar'ha."

Rabba bar bar Hana in the name of R. Johanan said again: "What reason did R. Jehoshua ben Kar'ha have for saying so? Because it is written [Isaiah lviii. 13]: 'By not following thy own business, and speaking vain words.' It is not allowed to speak, but surely thinking is permitted!"

R. A'ha bar R. Huna asked Rabha concerning the following contradiction: "How can we say, R. Johanan states, that though it is not allowed to speak it is allowed to think; did not Rabba bar bar Hana say in the name of R. Johanan, that everywhere it *is* allowed to think, excepting in a bathhouse and a toilet-room, for where it is not allowed to speak of the Law it is also not allowed to think of it?" "In that case it is different, for it is written [Deuteronomy xxiii. 15]: 'Therefore shall thy camp be holy,' and a bathhouse and a toilet-room cannot be holy; hence thinking of the Law in those places is not allowed." Speaking of other things except the Law is not permitted (on Sabbath). Did not R. Hisda and R. Hamnuna both say, that it is allowed to count up charitable disbursements on Sabbath; and R. Elazar say, that one may figure out amounts to be distributed among the poor (on Sabbath); and R. Jacob bar Idi say

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\* See Introduction to Tract Sabbath, p. xxii.

in the name of R. Johanan, that all things pertaining to the saving of human beings or the affairs of the community may be discussed on Sabbath, and that it is allowed to go to the school-houses and call meetings for deliberation upon the community's business; and R. Samuel bar Nahmeni say in the name of R. Johanan, that even halls may be visited for the purpose of calling business meetings together; and the disciples of Menasseh say, that betrothal of daughters may be discussed and the advisability of choosing a profession for a child may be deliberated upon, on the Sabbath? The passage cited in the Law states, that "following thy business" is prohibited, but affairs sanctioned by Heaven may be discussed (and all the above affairs are pleasing to the Lord).

R. Jehudah said in the name of Samuel: "Accounts concerning which advice is requested by others and which have no bearing upon one's own business may be figured on the Sabbath." The following Boraitha is cited in support of this: "Accounts of disbursements in the past and of future expenditures must not be calculated on the Sabbath; but such as are of no importance, and concerning which advice was asked, may be calculated." Is the following Boraitha not contradictory to the one cited? "Accounts which are of no importance at all may be calculated on Sabbath, but not such as are of importance." How so? A man may say to his neighbor, "I have hired so much labor to cultivate a certain field," or "I have expended so many Dinars on such a dwelling," but he must not say, "I have expended so much and must expend so much more." (The contradiction arises from the fact that in the previous Boraitha it is prohibited to calculate disbursements made in the past, while in the last Boraitha it is permitted.) But according to your opinion, why not cite the contradiction occurring in the previous Boraitha itself; viz.: Firstly, it is said that disbursements of the past must not be calculated, and then, that accounts of no value may be figured? This presents no contradiction at all (neither in the previous Boraitha itself, nor from one to the other). If the disbursements of the past have already been made and nothing is owing, then the accounts of same are of no value and may be spoken of on the Sabbath; but if any amount of such expenditures is still due, then it becomes an important account and must not be discussed.

"*One must not stand at the extreme limit of the 'techoom,'*" etc. The rabbis taught: It once happened that the fence of the

field belonging to a pious man was broken, and noticing it on a Sabbath, he was about to mend it, when he recollected that it was Sabbath; so he left it. A miracle occurred, and kaffir-corn began to sprout in the place of the broken fence and furnished him and his family with their sustenance. R. Jehudah said in the name of Samuel: "A man may say to his neighbor, 'Tomorrow I intend to go to a certain town.' Why may he say this? Because, if there are huts on the road to that town at distances of seventy ells apart, he may even go on Sabbath; hence, though there be no huts on the road, he may say that he intends going on the morrow."

An objection was made, based upon our Mishna; viz.: "One must not stand at the extreme limit of the techoom and wait for dusk in order to hire laborers or gather fruit." It would be quite right, if the hiring of laborers only was concerned; for a thing which must not be done on Sabbath must not be waited for at the techoom; but as for gathering fruit, if there were walls around the town, that would be permitted? Why, then, should it be prohibited to wait at the techoom until dusk? This may refer to fruit which was still attached to the ground (and could not be gathered on Sabbath even if the town had walls). How can this be said? Have we not learned that R. Oshea taught: "One must not wait at the techoom to bring straw and chaff." It would be correct concerning straw which is still attached to the ground; but how can this apply to chaff? This may refer to chaff which is used to mix with loam, and hence was designated for building purposes.

Another objection was made! Come and hear: We have learned in the succeeding Mishna, that nightfall may be awaited at the techoom in the case of a bride and corpse; hence for other purposes one must not await nightfall at the techoom. It would be quite right if it said, in the case of things pertaining to a bride, for instance to cut off a myrtle-branch; but what things can be done pertaining to a corpse? Only the bringing of the coffin and the shroud? Why, then, should a man not be allowed to bring things which are the equivalent of the necessities pertaining to a corpse? for if there were walls surrounding the town, he would be allowed to bring them. Why, then, should he not be permitted to wait at the techoom for the purpose of bringing them? Because the case may be, that things (as shrouds) pertaining to the corpse were not already prepared, but must be cut.

“ *But if watching fruit beyond the techoom, he may await the dusk,*” etc. May he do this even if he had not yet recited the Habhdalah prayer? Why! R. Elazar ben Antignous said in the name of R. Elazar ben Jacob, that a man must not transact his business at the close of Sabbath, before reciting the Habhdalah prayer. And if it be that he said the Habhdalah prayer while reciting the evening prayer, did not R. Jehudah in the name of Samuel say, that even if a man included the Habhdalah prayer in the evening prayer, he must say it again over the goblet of wine? Should it then be said, that he said the prayer over the goblet also; how could he have done that in a field? This case refers to the time of wine-pressing (when it is possible to obtain a goblet of wine even in the field); such is the explanation of R. Nathan bar Ami to Rabh. Said R. Aba to R. Ashi: “ In the West (Palestine) we simply say the benediction, ‘ Blessed be he, etc., who distinguishes between holy and ordinary days,’ and go right to work.” And R. Ashi said: “ When we were in the house of R. Kahana, he would pronounce the same benediction, and we would go and chop wood.”

“ *Abba Saul laid down the rule,*” etc. Concerning what clause of the Mishna does Abba Saul lay down this rule? Shall we assume that he refers to the first clause of the Mishna, which decrees, that one must not stand at the extreme limit of the techoom and wait for dusk, and thus applies his rule? Then, instead of saying, “ Whatever I am permitted to prepare,” etc., he should have said in the negative, “ Whatever I am not permitted to say to another man he should do for me, I must not wait at the techoom to do myself.” If we assume, however, that the rule refers to the latter clause of the Mishna, namely, “ but if watching fruit, he may await the dusk,” etc., then Abba should have applied his rule to the contrary; viz.: “ Whatever I am permitted to wait for at the techoom, I may tell another man to do for me.” Abba Saul applies his rule to the latter clause of the Mishna, and he refers to the following dictum of R. Jehudah in the name of Samuel, viz.: “ A man may say to his neighbor: ‘ Watch my fruit which is in your vicinity, and I will watch such of yours as is in my vicinity.’ ” This is commented upon by Abba Saul, addressing the first Tana as follows: “ You certainly admit that a man may say to his neighbor, ‘ Watch my fruit in thy vicinity and I will watch thine in my vicinity.’ Now, say, ‘ Whatever I am permitted to tell my neighbor to do, I am also permitted to wait for at the techoom

to do it myself.''' What does Abba Saul intend to supplement by laying down a rule? He means to add what was taught by the rabbis, as follows:

One must not wait at the techoom to bring home a stray animal; but if it is seen from the limits of the techoom, it may be called, so that it will come to within the techoom by itself. To this Abba Saul applied the rule, that if one may call to the animal, he may also wait at the techoom limits until dusk and bring it in himself. A man may also wait at the techoom limits to forward what is necessary for a bride; and also what is necessary for a corpse, to bring a coffin and shrouds for him; and we may say to him: "Go to a certain place and take it; and if thou dost not find it in that place, go to another place; and if thou canst not buy it for one hundred Zuz, buy it for two hundred." R. Jose the son of R. Jehudah said: "One must not specify the amount the necessaries are to be bought for, but merely say, 'If thou canst not get it for little money, get it for more.'"

MISHNA: One may await the dusk at the limits of the techoom, to furnish what is necessary for a bride and for a corpse, and to bring a coffin and shrouds for the latter. If a Gentile brought mourning fifes on the Sabbath, an Israelite must not play (mourn) on them, unless they be brought from the vicinity. If a coffin had been made and a grave dug for him (on the Sabbath), an Israelite may be buried therein; but if it was done on purpose for an Israelite, he must not at any time be buried therein.

GEMARA: What does the Mishna mean by saying, "unless they be brought from the vicinity"? Rabh said: "By that is meant a place within sight, where one is positive that it was within the limits of the techoom." Samuel said: "Even if it is not positively known that they came from within the limits of the techoom, but where it is presumed that such is the case, the fifes may be used." Our Mishna seems to be in accord with Samuel's explanation, because it says in the next clause, "If a coffin had been made and a grave dug for him, an Israelite may be buried therein," and it does not say positively that the two things were done for a Gentile; hence we see, that where an object is doubtful, we may presume that it is allowed. Thus in the case of the fifes, if there *is* a doubt as to whence they were brought, they may nevertheless be used by an Israelite. We have learned in a Boraita, however, a support to Rabh's opinion; viz.:

A city which contains both Israelites and Gentiles, and there is a bathhouse there which is heated on the Sabbath, if the majority of the inhabitants are Gentiles an Israelite may go there immediately after sunset on the Sabbath. If there are more Israelites than Gentiles there, the Israelite must wait the length of time required to heat water afresh before going to the bathhouse; and the same is the case in a city where there is an equal number of Jews and Gentiles. (This is a support to Rabh, because, though it is doubtful whether the bath was heated for a Jew or a Gentile, still, the Israelite must wait.) R. Jehudah said: "If the capacity of the bath be limited (so that water be heated quickly) and a notable man be present, the Israelite need not wait." What is meant by a notable man? Said R. Jehudah in the name of R. Itz'hak the son of R. Jehudah: "If there was a man present who had ten servants, who could heat ten jars of water at the same time, an Israelite might go and bathe himself." \*

"If a coffin had been made and a grave dug for him," etc. Why should we not wait until the length of time in which a new grave can be dug elapses? Said Ula: "This refers to a paved way, where a grave is seldom dug for an Israelite (hence it must have been dug for a Gentile)." What can be said in reference to the coffin? Said R. Abuha: "If the coffin lie on the same grave."

MISHNA: One may do all that is necessary for a corpse (on Sabbath), anoint and wash it, provided he does not dislocate its limbs. The pillow may be moved from under its head; the corpse may be put on sand, in order to keep it (from putrefying) the longer; its jaws may be tied, not for the sake of bringing them together more closely, but to prevent them from dropping lower. In like manner, a beam that had been broken may be upheld by a stool or bedstead, not in order to make it erect again, but to keep it from breaking still more.

GEMARA: Did not R. Jehudah in the name of Samuel say, that it once happened that a disciple of R. Meir, while entering behind his master into the bathhouse, wished to rinse off a place for his master to sit down, and his master would not permit it; so he wanted to grease the steps with oil, but the master said that the floor must not be oiled? Hence we see, that a thing which must not be handled must not be anointed or

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\* Others say that this above Boraitha really supports Samuel on account of R. Jehudah, and Rashi remarks that he finds that the more plausible supposition.

washed. How then is it permitted to wash and anoint a corpse? If the floor of a bathhouse be allowed to be washed, there is fear lest another floor will be washed also (and thus smoothen any holes which may be in the floor); but a corpse and a floor cannot be confounded, and it is allowed to wash and anoint a corpse out of respect to the dead.

What is meant to be supplemented by "all that is necessary for a corpse"? They meant to add what was taught by the rabbis; viz.: "One may bring vessels for cooling the corpse, or iron vessels may be put on the belly of the corpse to keep it from swelling, and one may stop up any holes in the corpse to keep the air from entering."

MISHNA: One must not close the eyes of the dead on the Sabbath, nor (even) on the week-day, while he is expiring. Whoever closes the eyes of a dying person the instant he expires, is equal to the man who sheds blood (like a murderer).

GEMARA: The rabbis taught: Who closes the eyes of a dying man is like a murderer, for it is the same as a candle which is about to go out. If a man lays a finger on the flame, it immediately becomes extinguished, but if left alone would still burn for a little time. The same can be applied to the case of an expiring man; if his eyes were not closed, he would live a little longer, and hence it is like murder.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "One who wishes that the eyes of a corpse should close, should inject wine into the nostrils of the corpse and anoint the eyelids with a little oil, and then pull the big toes of the feet, when the eyelids will close of themselves."

We have learned in another Boraitha: "One should violate the Sabbath even for a child of one day, if it still have life; but for a corpse, even be it that of David, King of Israel, the Sabbath must not be violated." The reason for this is: For a child of even one day, the Sabbath should be violated, saith the Thorah, in order that it may keep many Sabbaths in the future; but David, King of Israel, when dead, can keep no more commandments. This is in accord with the saying of R. Johanan; viz.: It is written [Psalms lxxxviii. 6]: "Free among the dead," etc.; which means, that when a man is dead, he is free from keeping any commandments.

We have also learned in a Boraitha: R. Simeon ben Elazar said: A child of a day need not be guarded from the attacks of cats and dogs, but even when Og the King of Bashan is dead he

must be guarded, as it is written [Genesis ix. 2]: "And the fear of you and the dread of you shall be upon every beast of the earth," etc. Hence, as long as a man lives, the beasts are in dread of him; but as soon as he is dead, the fear is destroyed.

We have learned in another Boraitha: R. Simeon ben Elazar said: As long as thou canst, practise charity: as long as thou hast the opportunity and as long as it is in thy hands. For Solomon said in his wisdom [Ecclesiastes xii. 1]: "But remember also thy Creator in the days of thy youthful vigor, while the evil days (meaning old age) are not yet come, nor those years draw nigh of which thou wilt say, I have no pleasure in them." By that is meant, the days of the Messiah, because at that time there will be neither rich nor poor: all will be rich (and no opportunity for charity will present itself). This differs with the teaching of Samuel, who says, that there is no difference between the present time and the days of Messiah, only that one is subject to the government at the present time, while then it will not be so, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

We have learned in a Boraitha: R. Elazar Hakappar said: A man should always pray for deliverance from poverty, although if he himself will not eventually come to poverty, his children or his grandchildren will, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land, *therefore* do I command thee," etc. (The Hebrew term for "therefore" is "Biglal," and the school of Ishmael taught that Biglal is the equivalent of Galgal, meaning a "wheel," thus inferring, from that word, that poverty is like a wheel, always turning from one to the other.)

R. Joseph said: "There is a tradition extant, that a diligent young scholar will never become poor." But we see that he sometimes does become poor? Still, we have never seen one so poor that he had to beg his bread from house to house.

Said R. Hyya to his wife: "If thou seest a man about to beg bread from thee, hasten to give it to him, that he might at some other time do likewise for thy children." Said she to him: "Art thou cursing thy children?" "Nay; I am simply quoting the verse above, as interpreted by the school of Ishmael, that poverty is a wheel continually turning."

We have learned in a Boraitha: Rabbon Gamaliel the Great \*

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\* This means Gamaliel the Second, who was the Nassi in Jamnia, and he is entitled "the Great" in many places.



said thus: "It is written [Deut. xvii. 18]: "And grant thee mercy and have mercy upon thee, and multiply thee," etc. This means to say, that one who hath mercy upon creatures will be granted mercy from above, but one who hath not mercy upon other creatures will not be granted mercy from above.

It is written [Ecclesiastes xii. 2]: "While the sun, and the light, and the moon, and the stars are not yet darkened." The sun and the light are compared to the brow and the nose, the moon to the soul, the stars to the cheeks; and further, the verse reads: "And the clouds return not again after the rain," which means, that after weeping the eyes become dim. (The entire verse is, according to this interpretation, not applicable to the end of the world but to a human life.)

Samuel said: "Up to forty years of age, the eyes of a man which have become dim through tears may yet be restored by different remedies, but beyond that age there is no remedy for them"; and R. Na'hman said: "The dye used for the eyes makes them brighter until a man is forty years of age; after that age, however, it may preserve the eyes, but does not help them, even if the eyes are filled with dye." What are we given to understand by this statement? We are told that, the larger the brush used for applying the dye to the eye, the better it is for the eyes.

One of R. Hanina's daughters died, and he did not weep over her death. Said his wife to him: "Was a hen carried out of thy house?" "Is it not sufficient that our child died; wouldst thou have me lose my eyes through weeping?" replied R. Hanina; and he is of the opinion of R. Johanan, who said in the name of R. Jose ben Katzartha: "There are six kinds of tears in the eyes, three of which are good for the eyes and three bad. Tears generated by smoke, weeping, or disorder of the bowels are bad for the eyes; but those that are caused through laughing, acrid fruits (such as mustard), and medicaments which are applied to produce tears, are good for the eyes."

It is written [Ecclesiastes xii. 3]: "On the day when the watchmen of the house will tremble": this refers to the bowels and the sides which protect the bowels; "the men of might will bend themselves," meaning the legs of the man; "and those be darkened that look through the windows," refers to the eyes.

Cæsar asked of R. Jehoshua ben Hananiah: "Why didst thou not come to the debating rooms?" and he answered: "The mountain is covered with snow" (meaning his head was

gray), "the surrounding paths are icy" (meaning his beard was gray), "the dogs do not bark any more" (meaning his voice was inaudible), "and the millstones grind no more" (meaning his teeth were decayed).

The school of Rabh would say of an old man: "He hath lost nothing and is constantly seeking" (meaning that he was always bowed down).

We have learned in a Boraitha: R. Jose bar Kisma said: "Two are better than three" (referring to two legs, instead of two legs and a stick). "Woe is to the one who goeth away and doth not return," so said he. What does he mean by it? Said R. Hisda: "Youth."

When R. Dimi came from Palestine, he said: "Youth is a crown of roses, and old age a crown of thorns."

We have learned in the name of R. Meir: Be heedful of thy teeth and thou wilt show it in thy step, as it is written [Jeremiah xlv. 17]: "When we had plenty of food and fared well and saw no evil." Said Samuel to his disciple R. Jehudah: "Thou sagacious man! When thou goest to eat, untie thy stomacher and bring in thy bread! Before the age of forty, eating is more wholesome; but after that, drinking is better."

A eunuch (who was a Sadducee) said to R. Jehoshua, who was bald-headed, with the intent to tease him: "How far is it from here to Bald city?" and he answered: "Just as far as from here to Castrate city." The eunuch said again: "I noticed that a bald goat only cost four Zuz"; and R. Jehoshua said: "Yea! and I noticed that the privates which were cut away from a he-goat cost eight Zuz." The eunuch noticed that R. Jehoshua did not wear shoes, and said: "He who rides a horse is a king, he who rides an ass is a nobleman, he who wears shoes is at least a man, but he who does not even wear shoes is worse off than a corpse in his grave." Said R. Jehoshua: "Thou eunuch! Thou hast told me three things, and three things thou shalt presently hear from me: The beauty of the face is a beard, the joy of the heart is a wife, and God's inheritance is children. Blessed be the place that has kept thee from all these joys." The eunuch retorted: "Thou bald-head! Wouldst thou quarrel with me!" and R. Jehoshua replied: "Thou eunuch! Thou camest to tease *me*."

Rabbi said to R. Simeon the son of Halaphta: "Why did we not have the pleasure of thy company on the festivals, as our parents had the pleasure of thy parents' company?" and he

answered: "The hills have become mountains, those who were near have become distant, two have become three, and the peacemaker of the house is gone" (meaning, "I have become old, can make but short steps, must have a cane to lean on, and my teeth are gone").

It is written [Ecclesiastes xii. 4]: "And when the two doors on the streets will be locked, while the sound of the mill becometh dull, and man riseth up at the voice of the bird"; and means, that in old age a man's stomach refuses to digest and he cannot excrementize, and he becomes so weak that the least sound, such as piping of a bird, will awaken him from his slumbers. Even so said Barzillai the Gileadite to King David [II Samuel xix. 36]: "I am eighty years old this day; can I discern between good and evil?" which proves to us that the mind of an old man changes; and further, it says: "Or can thy servant taste what I eat or what I drink?" From this we see that an old man's sense of taste is lost; and further, again: "Or can I listen yet to the voice of singing men and singing women?" which proves to us that old men become hard of hearing. Said Rabh: "Barzillai the Gileadite was a liar; for the servant who was in the house of Rabbi was ninety-two years old, and she would taste all the dishes that were being cooked." Said Rabha: "Barzillai was a lascivious man, and a man of that kind ages very rapidly and loses all his senses."

We have learned in a Boraitha: R. Ishmael bar R. Jose said: "The older scholars become, the more wisdom comes to them, as it is written [Job xii. 12]: 'So is with the ancients wisdom, and with those of length of days understanding.' With ignorant men, however, it is different. The older they become, the more ignorant they are, as it is written [ibid. 20]: 'He removeth the speech from trusty speakers and taketh away the intelligence of the aged.'"

It is written [Ecclesiastes xii. 5]: "Also when men will be afraid of every elevation." To an aged man, even a little hillock appears as a high mountain; "and are terrified on every way," and they are afraid of everything on their way; "and the almond-tree will refuse (its blossom)," meaning that the joints of the limbs will refuse to do their duty; "and the locust will drag itself slowly along, and the desire will gainsay compliance," means that the desires of old men wane.

Said R. Kahana: "What is written [Psalms xxxiii. 9]: 'For

he spoke, and it came into being,' refers to a woman; and 'he commanded, and it stood fast,' refers to children."

It is written [Ecclesiastes xii. 5]: "Because man goeth to his eternal home." Said R. Itz'hak: "This proves that every righteous man is given a dwelling in the world to come according to his merit, and this is like a king with his slaves entering a city. They all enter through one gate, but when night comes every man is given a berth in accordance with his rank."

R. Itz'hak said again: "It is written [Ecclesiastes xi. 10]: 'For childhood and the time when the head is black\* are vanity,' and means to say, that the deeds committed in youth blacken the reputation in old age."

R. Itz'hak said again: The worms are as disagreeable to a corpse as pricks of needles are to a man, even if an excrescence only is pricked, as it is written [Job xiv. 22]: "But his body on him feeleth pain, and his soul will mourn for him." R. Hisda said: "The soul of a man mourns for him the first seven days after his death, and that is based upon an analogy of expression; viz.: It is written [Genesis i. 10]: 'And he made for his father a mourning of seven days'; and the verse in Job previously quoted also contains the word 'mourn,' hence the analogy."

R. Jehudah said: "If a corpse has left none to mourn him, ten men should go to the place where he died and mourn his death." A stranger, who had none to mourn him, died in the neighborhood of R. Jehudah; so every day R. Jehudah took ten men, went to the place where the stranger died, and mourned for him. After seven days, the spirit of the stranger appeared to R. Jehudah in a dream, and said to him: "May thy heart be as light as thou hast made mine."

Said R. Abuha: "All that is said in the presence of a corpse is known to the latter, until he is buried and the earth is thrown on top of him." R. Hyya and R. Simeon bar Rabbi differ concerning this: One says, until the corpse is buried, and the other, until the flesh is decomposed. He who says until the flesh is decomposed, bases his assertion on the previously cited verse: "But his body on him feeleth pain, and his soul will mourn him." The other, who says "only until he is buried," bases his assertion upon the verse [Ecclesiastes xii. 7]: "When the

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\* The Hebrew expression for "the time when the head is black" is "Shachrus," meaning blackness.

dust will return to the earth as it was, and the spirit will return unto God who gave it."

The rabbis taught: "Return the soul to the Lord as clean as He gave it to thee." This is illustrated by a parable of a king who once gave to his attendants suits of clothes. The wise among them took care of them, kept them clean and folded, and used them on special occasions only. The fools put them on and performed their work in them. Naturally, the clothes became dirty. All at once, the king demanded the clothes back again. The wise men returned them clean and whole, but the fools returned them in a dirty and dilapidated condition. The king was well pleased with the wise men, and told them to depart in peace, and had their clothes stored; but the clothes of the fools he ordered to be sent to the washers, and the fools were sent to prison. So does also the Holy One, blessed be He. Concerning the bodies of the righteous men, He saith [Isaiah lvii. 2]: "He shall come in peace: they shall repose in their resting-place"; and concerning the souls he saith [I Samuel xxv. 29]: "Yet will the soul of my lord be bound in the bond of life with the Lord thy God." Concerning the bodies of the wicked, He saith [Isaiah lxviii. 22]: "There is no peace, saith the Lord, unto the wicked"; and concerning the souls of the wicked, He saith [I Samuel xxv. 29]: "And the soul of thy enemies will he hurl away, as out of the middle of the sling."

We have learned: R. Eliezer said: "The souls of righteous men are deposited underneath the throne of honor, as it is written: 'Yet will the soul of my lord be bound in the bond of life'; and the souls of the wicked are crowded together until they are crushed, as it is written: 'The souls of thy enemies will he hurl away.'" "How is it with the souls of men who are neither righteous nor wicked?" asked Rabba of R. Na'hman. He answered: "If I were dead, ye would not know it." Samuel said: The souls of the righteous, of the ordinary men, and of the wicked are given over to the angel whose name is Domah, who has charge of all souls. The souls of the righteous are given their resting-place soon; the others are not given rest until they come before the divine judgment.

Said R. Mari: "The bodies of righteous men also decompose, as it is written: 'When the dust will return to the earth, as it was.'"

Diggers were digging some earth belonging to R. Na'hman. They came to the grave where R. Achai bar Yashia was buried,

and the corpse scolded them. The diggers came to R. Na'hman, and told him that a man who was buried on his ground had scolded them. So R. Na'hman went himself to the grave, and asked: "Who art thou, Master?" and the man in the grave answered: "I am called Achai bar Yashia." Said R. Na'hman to him: "Did not R. Mari say, that the bodies of the righteous shall turn to dust?" and the corpse replied: "Who is this Mari? I know him not." But R. Na'hman persisted: "It is written: 'When the dust shall return to the earth, as it was.'" And the corpse retorted: "He who taught thee Ecclesiastes, did not teach thee Proverbs, where it is written [Ch. xiv. 30]: 'Jealousy is the rottenness of the bones'; and if thy teacher had explained this to thee, thou wouldst have known, that he who hath jealousy in his heart, his bones shall rot after death, but he who hath no jealousy in his heart, his bones shall not rot." Thereupon R. Na'hman felt the dead man's bones, and truly they were sound. So he said to him: "Let the Master arise and go home with me for a while." And the dead man answered: "By this remark thou hast proven to me that thou hast not even studied the prophets, for it is written [Ezekiel xxxvii. 13]: 'And ye shall know that I am the Lord, when I open your graves, and when I cause you to come up out of your graves' (for this would tell thee, that only the Lord can make me arise, and still thou askest me to go with thee)." "Yea," quoth R. Na'hman; "but there is another passage [Genesis iii. 19]: 'For dust thou art, and to dust thou shalt return.'" "This will, however, be only one hour before the final resurrection," answered the corpse.

A certain Sadducee said to R. Abuha: "Ye say that the souls of the righteous are deposited underneath the throne of honor. How, then, could the woman of the familiar spirit whom King Saul consulted,\* bring up the soul of Samuel?" R. Abuha answered: "That happened during the first twelvemonth after the death of Samuel, as we have learned in a Boraitha, that during the first twelvemonth the souls of the deceased come up and down; but after that period the soul ascends to heaven and does not return."

Said R. Jehudah, the son of R. Samuel bar Shila, in the name of Rabh: "From the funeral sermon held over the remains of the deceased, it may be observed whether they will enter the

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\* See I Samuel xxviii.

kingdom of Heaven or not." (If the funeral sermon is in the form of a eulogy and the deceased was much beloved, it can be presumed that he will have a happy time in the beyond.) This is not so! For did not Rabh say to R. Samuel bar Shila: "See that thou makest my funeral oration exceeding touching, for I shall be there." R. Jehudah meant to say, that when the sermon is touching, and elicits a responsive chord in the breasts of the audience; for some orations may be made ever so touching, but if the deceased was not deserving, it will produce no effect whatever. Said Abayi to Rabba: "Thou, Master, who hast not a single friend in Pumbaditha, who will mourn thy death?" "Thou and Rabba bar R. Hana will suffice," answered Rabba.

R. A'ha asked Rabh: "Who is the man that will live in the world to come?" He answered by quoting the verse [Isaiah xxx. 21]: "And thy ears shall hear the word behind thee, saying, This is the way; walk ye in it, when ye turn to the right hand and when ye turn to the left."\* R. Hanina said: "The man who gives satisfaction to our masters."

It is written [Ecclesiastes xii. 5]: "And the mourners go about the streets." The Galileans said: "Do such things as will be spoken of to thy credit in thy funeral sermon"; and the Judæans said: "Do such things as will be spoken of after thy burial." There is no difference in the two statements, for in Galilee the funeral sermon was held before burial, and in Judæa after burial.

We have learned (in the Mishna Abhoth): "One day before thy death, thou shalt repent of thy sins," said R. Eliezer; and his disciples asked him, "Can a man know on which day he will die?" and he answered: "For just that reason, he should repent to-day, lest he die to-morrow. Thus all his days will be spent in repentance. So also hath Solomon said in his wisdom [Ecclesiastes ix. 8]: 'At all times let thy garments be white, and let not oil be wanting on thy head.'" Commenting upon this, R. Johanan ben Zakkai said: "This is illustrated by a parable about a king who invited his retainers to a banquet, but did not state the time; the wise among them dressed and were ready, standing in front of the palace, for they said: 'In a king's house nothing is wanting. Perhaps the banquet takes place to-day.' The fools, however, went about their business,

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\* The significance of the verse is explained by Rashi as follows: When we hear of a man who has died, and we are told to walk in his ways and to do as he did, such a man will live in the world to come.

saying: 'Can a banquet be given without preparation?' Suddenly the king called in his retainers to the banquet. The wise went in becomingly attired, while the fools went in in their working clothes. The king was well pleased with the wise, and angry with the fools, and said: 'Those that are prepared and attired for the banquet shall sit down, eat, drink, and be merry; but those that are not, shall stand and look on, but shall receive nothing.' " Said the son-in-law of R. Meir, in the latter's name: Then it would appear as if those standing were waiting upon those who were sitting (and they would not be ashamed). They were also to sit down, but while the others ate they would be hungry, and while the others drank they would remain thirsty, as it is written [Isaiah lxxv. 13 and 14]: "Therefore, thus hath said the Lord Eternal, Behold, my servants shall eat, but ye shall be hungry; behold, my servants shall drink, but ye shall be thirsty; behold, my servants shall rejoice, but ye shall be made ashamed; behold, my servants shall sing for joy of heart, but ye shall cry out from pain of heart, and from a broken spirit shall ye howl"; and on this account it is written: "At all times let thy garments be white," etc.



## CHAPTER XXIV.

REGULATIONS CONCERNING A MAN WHO IS OVERTAKEN BY DUSK ON THE EVE OF SABBATH WHILE TRAVELLING, AND CONCERNING FEEDING OF CATTLE.

MISHNA: One who (on the eve of Sabbath) is overtaken by the dusk on the road must give his purse to a Gentile (while it is yet day). If there is no Gentile with him, he must put it on the ass. As soon as he arrives at the outmost court (dwelling of the first town or village he reaches), he must take off all such things as may be handled on the Sabbath; and as for the things which must not be handled he must loosen the cords, so that they fall off themselves.

GEMARA: Why was it allowed for a man to give his purse to the Gentile accompanying him [he (the Gentile) acts for him]? Because it was known to the rabbis that a man is anxious about his money, and if it were not allowed, he might carry it himself in public ground. Said Rabha: "He may do this with his own purse; but if he found something, he must not have it carried for him." Is this not self-evident? Did we not learn in the Mishna, "his purse"? We might assume that the same would apply to something found, and the Mishna says only "his purse," because that is the usual occurrence; hence Rabha teaches us as mentioned. Even in the case of something which was found, the prohibition applies only if the man had not yet had it in his hand; but if he had, it is regarded the same as his purse.

"*If there is no Gentile with him,*" etc. If there *is* a Gentile with him, he must give his purse to the Gentile. Why not put it on the ass in the first place? Because concerning the ass there is a commandment to let it rest, but no such commandment exists for a Gentile. How is the case if the man had accompanying him an ass, a deaf-mute,\* an idiot, and a minor? To whom must he give his purse in that event? He must put it on

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\* A deaf-mute is exempt by law from keeping any commandments.

the ass. Why so? Because the deaf-mute and the minor are human beings, and he might by accident give it to an Israelite who was not a deaf-mute or a minor. How is it if he had with him a deaf-mute and an idiot only? He must give it to the idiot (because a deaf-mute has more sense than an idiot). How is it with an idiot and a minor? He must give it to the idiot. All this has been finally decided, but the question that presented itself to the schoolmen was, to whom the purse must be given if the man had with him a deaf-mute and a minor. Some say he should give it to the deaf-mute, and others, to the minor.

How is it if the man have nobody along, no Gentile, no ass, no deaf-mute, no idiot, and no minor? What should he do then? Said R. Itz'hak: "There was another mode of procedure, which the sages would not reveal." What was that? He should carry it less than four ells at a time (*i.e.*, carry it a little less than four ells and stop, then start and carry it on again for less than four ells, and so on). Why would the sages not reveal this? Because it is written [Proverbs xxv. 2]: "It is the honor of God to conceal a thing; but the honor of kings is to search out a matter." Where is the honor of God concerned in this matter? Perhaps the man will not stop, but go on and carry it over four ells.

We have learned in a Boraitha: R. Eliezer said: "On the day when the eighteen precautionary measures were instituted in the attic of Hananiah ben Hizkyah ben Garon (this measure concerning the purse of the traveller was also instituted, viz., that he should not carry it but give it to the Gentile), and the measure of laws was made heaping full." R. Jehoshua, however, says, that the measure was smoothened in too great a degree,\* and we have learned that R. Eliezer meant to say what his simile illustrates; viz.: There was a basket filled with cucumbers and beets to the brim; and if a man put in mustard-seed, there is an addition, without, however, forcing out anything else. Thus the measure was full, but not overflowing. R. Jehoshua, however, compares it as follows: There was a tub filled with honey, and nuts were thrown into it, in consequence of which the honey overflowed and some was spilled. (This means, that by the institution of those precautionary measures the Mosaic laws were undermined.)

The Master said: "If there was no Gentile with him, he

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\* See Appendix.

should put it on the ass?" How is it that he may do this? If he put it on the ass, he will be compelled to drive the ass, and surely this is also labor, which is prohibited on the Sabbath, as it is written [Exod. xx. 10]: "On it thou shalt not do any work." Said R. Ada bar Abha: The man must put the purse on the ass, while the latter is walking along; in that case, no transfer from one fixed point takes place (because while both are walking it cannot be said that the purse is resting in one particular place). It is, however, impossible that the ass should not rest at some place for a little while? When the ass rests, the man removes the purse; and when it commences to walk again, he puts it back. If that is so, it would be the same if he would transfer his purse to a fellow-Israelite while walking, and he would never be guilty of the act of transferring from one (fixed) place and depositing in another? Said R. Papa: An act which, if committed by one man unassisted, would make him liable for a sin-offering (*e.g.*, if he, while running or walking, should pick up something off the ground even without stopping, he would become liable for a sin-offering), he must not commit *with* the assistance of a companion; but if he did so, he is not liable for a sin-offering (*e.g.*, if he picked up a thing and placed it on his companion while the latter was walking, in that event neither is culpable, for the one did not deposit it in a fixed place, and the other did not remove it from a fixed place). Such acts, however, as must not be committed with the aid of a companion may be done with the assistance of an ass in the first place.

R. Ada bar Abha said again: "If a man has a bundle on his shoulders before dusk on the Sabbath while on the road, he may run with the burden until he reaches home, but he must not walk his usual gait." Why so? Because, if he walks in the usual manner, he might stop (and by stopping carry out the prohibited transfer from one fixed point and depositing in another). When he reaches home, however, he must stop for some time, and thus he would bring a thing from public ground into private ground? The remedy for this is, to throw the bundle from his shoulders backwards, and not in the usual manner.

Rabha the brother of R. Mari bar Rachel taught the following decree in the name of R. Johanan: "One who drives cattle on the Sabbath (even if they are burdened) is free." Why so? If he did so unintentionally, he cannot be liable for a sin-offering, because Sabbath laws are identical with those of idolatry. In like manner, as a man cannot be guilty of idolatry unless he

worship with his own body, so it is with the Sabbatical law. If he perform labor through the medium of his cattle, without doing any himself, he cannot be guilty. Even if he did it intentionally, he is also not guilty. Why so? Because we have learned in a Mishna (Tract Sanhedrin): "Among those who are subject to capital punishment (by stoning) is he who violates the Sabbath by an act which, if done intentionally, carries with it such punishment (stoning), and which, if done unintentionally, makes one liable for a sin-offering." Hence, if the unintentional performance of such an act does not carry with it liability to bring a sin-offering, its intentional performance cannot carry with it the punishment of stoning, nor the punishment of stripes; because, where the penalty for the violation of a negative commandment is death, stripes cannot be inflicted; and even according to the Tana who holds that stripes can be inflicted for such violation, in this case it could not be done, because, were the verse to be read, "Thou shalt not do any labor, nor thy cattle," it would be right; but the verse distinctly says, "Thou shalt not do any labor, neither thou, etc., nor thy cattle." Hence, when the work was not done jointly by the man and his cattle, he cannot be punished in any manner for a violation of the Sabbath.

"*As soon as he arrives at the outmost court,*" etc. Said R. Huna: "If the ass was laden with glassware, he may bring cushions and place them on the ground, so that when he loosens the cords the glassware may fall on the cushions and escape being broken." We have learned, however, that such vessels as may be handled on the Sabbath may be removed from the ass; and why may not the glassware be handled? R. Huna refers to glassware which belongs to a surgeon, and being dirty (bloody) is unfit for use in a household. In that case, then, the man would render the cushions which he places on the ground to receive the falling glassware unfit for their proper use, and this is prohibited on the Sabbath? The cushions are only to be used in order to break the fall of the glassware, and after the glassware rolls off on to the ground, the cushions can be used as before.

We have learned in a Boraitha: R. Simeon ben Jochai said: "If a sheaf of grain (the tithes of which had not yet been separated) is on the back of the ass, the man may push it off with his head, so that it fall to the ground." The ass of R. Gamaliel was once laden with honey, and, the Sabbath having set in, R. Gamaliel would not allow the ass to be unloaded until the Sab-

bath was over. This proved too much for the animal and it dropped dead.

We have learned in the Mishna, that such things as may be handled on Sabbath *may* be removed from the animal; why was not the honey removed? The honey had become spoiled. If the honey was spoiled, why was it brought? It was intended to be used for the bruises on camels. Then the cords should have been loosened and the honey allowed to fall off? The honey was in (inflated) skins, and would have burst if allowed to fall. Then cushions should have been placed on the ground to receive them? The cushions would have become soiled, and thus rendered unfit for use. Pity should have been taken on the animal, and it should not have been allowed to stand laden all day? Pity for animals is only a rabbinical institution according to R. Gamaliel, and thus he could not observe it lest he violate the Sabbath.

Abayi once saw Rabba playing with his little son, and setting him on the back of an ass, so he said to him: "Why! Does Master use an animal on Sabbath!" and Rabba answered: "This cannot be called using an animal in the regular manner, but just incidental use, and that was not prohibited by the rabbis."

Abayi objected: "Have we not learned that if two walls of a booth (to be used on the Feast of Tabernacles) were made by hand, and the third wall was already made by a tree, the booth might be used for ritual purposes; but it is not allowed to ascend to the roof of the booth on a festival, because the tree serves as a support to the roof, and by ascending the roof the tree would be used, which is prohibited? Hence we see that, although that would be incidental and not direct use, still it is prohibited?" Rabba answered: "In the case cited by thee, a tree is referred to, the branches of which were also part of the roof." The Mishna seems to have this meaning attributed to it by Rabba, for in a later clause it is stated, that should the tree (which partly supports the booth) be removed, and the booth can stand by itself, one may ascend it; hence the tree is regarded as an independent wall.

MISHNA: One may untie bundles of straw for cattle, also strew stalks for them, but one must not undo tied bundles of Zirin.\* Herbs used as fodder, and carob-pods, must not be cut

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\* This term will be explained in the Gemara farther on.

up for cattle, large or small. R. Jehudah permits the cutting up of carob-pods for small cattle.

GEMARA: Said R. Huna: "There is no difference between bundles of straw and stalks, except that the former are tied twice while the latter are trebly tied, and by Zirin is meant the young branches of a cedar-tree (which when young are still tender and are eaten by cattle); and the Mishna should be explained thus: One may untie bundles of straw for cattle, and also strew them, and the same may be done with stalks, but not with Zirin; the latter must neither be untied nor strewn." Said R. Hisda: "What reason has R. Huna for explaining the Mishna in this manner? He means to say, that on account of such things as are already proper fodder for cattle one may trouble himself on Sabbath, but on account of such as must first be prepared as fodder, one should not trouble himself." R. Jehudah, however, says, that bundles of straw and Zirin are identical, except that the former were tied twice and the latter trebly, but stalks signify cedar boughs; and he explains the Mishna thus: "We may untie bundles of straw for cattle, but not strew them; stalks may also be strewn; the Zirin, however, may be untied, but not strewn." Said Rabha: "What is the reason for R. Jehudah's explanation? He holds, that we may prepare things for the use of cattle, but we must not trouble ourselves on account of such things as are already fit fodder for cattle."

An objection was made to the foregoing (based on the latter clause of the Mishna): "Herbs used for fodder and carob-pods must not be cut up for cattle." As herbs are mentioned in conjunction with carob-pods, we must assume, that as the herbs were soft, so were also the carob-pods; and, it being prohibited to cut them up, we see that with such things as are already proper fodder we must not trouble ourselves, and this is contrary to the dictum of R. Huna? R. Huna might say to the contrary, that as the carob-pods are hard, so also are the herbs. Where do we find that herbs should be cut up for cattle, they generally eat them as they are? This refers to young calves and mule-colts.

(Another objection was raised.) Come and hear: One may cut up pumpkins for cattle and carrion for dogs. Then we may say, that as carrion is soft, so also are the pumpkins; and hence we see, that we may trouble ourselves even with such articles as are already fit fodder for cattle, and this is contradictory to R. Jehudah's opinion? R. Jehudah might say to the contrary, that as the pumpkins were hard, so was also the carrion. How

can that be? Supposing it was the carcass of an elephant, or the dogs were young and could not eat carrion without having it cut up for them.

MISHNA: A camel must not be crammed (to fatten it), nor may it be forced to eat: but the food may be put into its mouth. Calves must not be crammed, but the food may be put into their mouths. Poultry may be fed and crammed; water may be poured on bran, but the bran must not be kneaded. One must not put water before bees, or before doves in a dove-cot; but one may put it before geese, before poultry, and before house-pigeons.

GEMARA: What is meant by "must not be crammed"? Said R. Jehudah: "By that is meant, that the stomach of the camel should not be turned into a feed-bag." Can such a thing be done? Said R. Jeremiah of Diphti: "Yea; I saw with my own eyes, that an itinerant merchant fed his camel a measure of grain, and when it had consumed that, he forced another measure down its throat."

"*Calves must not be crammed, but the food may be put into their mouths,*" etc. What is the difference between cramming and putting food into the calf's mouth? R. Jehudah said, that cramming is accomplished when the food is stuffed down into the calf's mouth so that it cannot eject it, and putting food into its mouth is merely as is implied by the term; and R. Hisda said, that in both cases the food is forced down so far that the calf cannot eject it; but in cramming, some instrument is used, and the other is done by hand.

R. Joseph objected: We have learned in a Boraitha, that poultry may be crammed, and so much the more food may be given to the poultry a little at a time. The contrary is the case with doves. Food must not be given them even a little at a time, and much less may they be crammed. Now what is the difference between cramming and forcing them to eat a little at a time? Shall we assume that by cramming is meant, forcing the food down by hand, and by giving them food a little at a time is meant, throwing it to them? If so, why should doves not be fed in that manner? Is it then prohibited to throw them food? We must therefore say, that in both cases the food is given by hand, but in cramming the food is forced down so that it cannot be ejected, while in the other case it can be ejected. If this applies to poultry, then we must certainly assume that, as for calves, cramming is done by forcing the food down with an in-

strument, and this would be contradictory to R. Jehudah? R. Jehudah might say, that by feeding poultry is meant, throwing food to them; and the reason that one must not feed doves is because they do not belong to him, whereas poultry belongs to him and must be fed by him, as we have learned in a Boraitha, that one may give food to a dog but not to a pig; and the reason is, that a man is in duty bound to feed his dog, but a pig that he does not own he need not feed. Said R. Ashi: "This we also learn from our Mishna: 'One must not put it before bees, or before doves in a dove-cot; but we may put it before geese, poultry, and house-pigeons.'" We must assume the reason of the Mishna to be because one is not obliged to take care of the bees and doves, but must take care of those which he owns. According to this, then, why is water only spoken of, why not wheat or barley? We must say that water is easily obtainable, and hence there is no necessity to trouble one's self on that account.

R. Jonah taught at the door of Nassi: It is written [Proverbs xxix. 7]: "The righteous considereth the cause of the indigent." The righteous, synonymous with the Holy One, blessed be He, knoweth that a dog hath not much food, and hath thus ordained, that the food in his stomach remains undigested for three days, as we have learned in a Mishna: How long must the food (carrion) remain in the stomach, that it may still be considered unclean? In the stomach of a dog three days, but in the stomach of a bird or a fish only as long as it would take it to burn up if thrown into the fire.

Said R. Hamnuna: "From what was said above, it may be implied that one may throw food before a dog." How much? Said R. Mari: "A small piece, and the dog should immediately be driven off." This refers to a dog in the field, but within the city a strange dog should not be fed at all, lest he run after the man; however, a dog belonging to him may be fed.

Said R. Papa: "There is nothing poorer than a dog, and nothing richer than a pig (meaning that a dog is very fastidious about food, while a pig will eat anything)."

We have learned in a Boraitha, in support of the dictum of R. Jehudah: What is the difference between cramming and putting food into the mouth of a calf? Cramming is accomplished by laying the calf down, forcing open its mouth, and stuffing it with soaked grain; and putting food into its mouth is merely feeding and watering it separately, while the calf is standing.



"*Poultry may be fed and crammed,*" etc. Said Abayi: "I asked my master, with whose opinion was the Mishna in conformity, and he told me with that of R. Jose bar Jehudah, as we have learned: Water must not be poured on bran, said Rabbi, but R. Jose bar Jehudah said that it may be done."

The rabbis taught: "When water is poured on parched corn the corn must not be kneaded on Sabbath, but others say that it may be kneaded." Who is meant by "others"? Said R. Hisda: "R. Jose bar Jehudah." Such is the case, however, only when it is done differently than on a week-day. How can it be done differently? By kneading a little at a time and not in a lump. All agree, however, that *Sthitha*\* may be kneaded on the Sabbath, and that Egyptian beer may be drunk. Was it not said, that kneading was not allowed on Sabbath? This presents no difficulty. Fine corn may be kneaded, but coarse must not; and even then it must be kneaded differently than on a week-day. How can this be done? On week-days the vinegar is first put in and then the *Sthitha*, and on Sabbath the latter should be put in first.

Levi the son of R. Huna bar Hyya once found the herder of his father's cattle pouring water on bran and giving it to the cattle. He scolded him. Afterwards R. Huna met his son, and said to him: Thus said the father of thy mother in the name of Rabh (meaning R. Jeremiah bar Aba): "It is allowed to pour water on bran but not to put the mixed bran into the mouth of the cattle (but young cattle, that cannot eat themselves, may be fed by hand)." And this may be done, providing it is done differently than on a week-day. How should that be done? The bran should only be stirred once lengthwise and once crosswise. It will not mix well, however, in this manner. Said R. Jehudah: "Then it should be poured into another vessel."

We found in the diary of Zera: "I asked of my Master R. Hyya, whether kneading was permitted on the Sabbath, and he said, 'No.' I asked him whether transferring from one vessel to another was permitted, and he said it was." Said R. Menasseh: "It is allowed to give one animal a measure of grain, and two measures for two animals, but one must not give three measures for two animals." R. Joseph, however, said that a whole Kabh, or even two Kabhs, may be given for one or two or three animals, and Ula said that even a Kur or more may be given.

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\* *Sthitha* is the name of a dish prepared from parched corn.

It was written in the diary of Levi: "I related in the presence of my master, who was Rabbi the Holy (Jehudah Hanassi), that in Babylon they were kneading Sthitha on Sabbath and Rabbi protested against it; but no one paid attention to it, and he had no power to prohibit it, because R. Jose bar Jehudah once permitted it (as mentioned previously)."

It was written in the diary of R. Jehoshua ben Levi: "One who is born on the first day of the week will be a man, and not one thing will be in him." What does that mean? That there will not be any one good thing in him? Did not R. Assi say that he was born on the first day of the week? Shall we say, that not one bad thing will be in him? R. Assi said: "I and Dimi bar Kakusta were both born on the first day of the week, and, behold! I am a prince and he is a leader of robbers!" What, then, is meant by "not one thing will be in him"? This means, that he will be either wholly bad or wholly good. "A man who was born on the second day of the week will be a man of violent passion." Why so? Because on the second day the water was separated. "A man born on the third day will be rich and lascivious." Why so? Because grass was created on the third day. "A man born on the fourth day will be wise and have a good memory." Why so? Because on the fourth day the lights were created. "A man born on the fifth day will be a charitable man." Why so? Because on that day the fishes and fowls were created. "A man born on the sixth day will be a very devout man." [R. Na'hman bar Itz'hak said: "He will be zealous in the fulfilment of commandments."] "A man born on the Sabbath will also die on the Sabbath, because on his account the great day of Sabbath was violated." Said Rabba bar R. Shila: "He will, however, be called a great and pious man."

Said R. Hanina to the men who related what was written in the diary above: "Go and tell the son of Levi, that the fortune of a man does not depend upon the day, but upon the hour he was born in. One who is born in the hour of sunrise will be a bright man; he will eat and drink of his own, but he will not be able to keep secrets and will not be successful in stealing. One who is born under Venus will be a rich man, but will be lascivious, because fire is generated under Venus. One who is born under Mercury will be bright and wise, because that star is the scribe of the Sun. One who is born under the Moon will be sickly or troubled. He will build and demolish, will not eat and

drink his own, but will keep secrets, and will be successful in stealing. One who is born under Saturn will have all his thoughts and aims come to naught; and others say, to the contrary, all aims against him will come to naught. One who is born under Jupiter will be a righteous man, and R. Na'hman bar Itz'hak said he will be very devout. One who is born under Mars will be a man who will shed blood. He will either be a surgeon or a robber, a butcher or a circumciser, said R. Ashi. Rabba said that he was born under Mars. Said Abayi to him: "Thou, Master, reprovest men, and whom thou reprovest, he dieth; hence thou, also, sheddest blood."

It was taught: R. Hanina said: "One who is born under a lucky star may be either rich or wise, and the same thing applies to Israelites also." R. Johanan said: "An Israelite does not come under this fate"; and R. Johanan says this in accordance with his dictum elsewhere; viz.: Whence do we know that the Israelites are not subject to fate? Because it is written [Jeremiah x. 2]: "Thus hath said the Lord, Do not habituate yourselves in the way of the nations, and at the signs of the heavens be ye not dismayed, although the nations should be dismayed at them." So the nations may be dismayed at the signs of the heavens, but not the Israelites; and Rabh holds likewise, that the Israelites are not subject to fate. R. Jehudah said in the name of Rabh: Whence do we know that the Israelites are not subject to fate? Because it is written [Genesis xv. 5]: "And he brought him forth abroad." Abraham said before the Holy One, blessed be He: "Creator of the Universe, lo, one born in my house will be my heir"; and the Lord answered: "He that shall come forth out of thy own bowels shall be thy heir" [Gen. xv. 4]. And Abraham said again: "Creator of the Universe! I have consulted my horoscope, and have found that I am not capable of having a son"; so the Lord said to him: "Away with thy horoscope! An Israelite hath no fate!"

Of Samuel it is also known, that he thought the Israelites had no destiny, for Samuel and Ablat were once sitting together, and some men went past a meadow. Ablat (who was an astrologer) said to Samuel, pointing to one of the men: "That man will not return. A snake will bite him and he will die." Said Samuel: "If he is an Israelite, he will come back." While they were talking, the man came back; so Ablat arose and examined him, and he found a snake cut in two on the man's clothes.

Said Samuel to the man: "What didst thou do to-day, that thou hast escaped death?" The man answered: "It is our custom, when going out with a party of men, that we all contribute our share of victuals, and then have our meal in common. I knew that one of our party had no (bread) victuals, and not wishing to make him ashamed, I secured the basket to gather the food; and when coming up to him I pretended to put in his share, but in reality put in mine, and thus he was not ashamed." "Then thou hast committed an act of charity," said Samuel; and when he went out he preached that charity may be the cause of saving a man's life, and not only from a violent death, but also from death which otherwise would have overtaken a man naturally.

Of R. Aqiba it is also known, that he did not believe the Israelites to be subject to fate, for R. Aqiba had a daughter, and the soothsayers predicted that on the day on which she should enter the garden a snake would bite her and she would die. He was very much troubled on that account. One day his daughter took off her headdress in the garden, and the needle protruding from it stuck on the side of the fence where a snake happened to be, and piercing the eye of the snake, the latter was killed. When R. Aqiba's daughter went back to the house the snake dragged after her. Asked R. Aqiba: "What didst thou do to-day, to escape death?" and she answered: "At dawn a man came to the door begging bread. Everybody, however, was at the table, and no one heard him but myself. I took my own meal, that thou gavest me, and gave it to him." Said R. Aqiba: "Thou didst an act of charity, and this saved thee from death." He then went forth and preached, that charity may be the cause of saving a man's life, and not only from a violent death, but also from one that was to have come naturally.

R. Na'hman bar Itz'hak is also known to discountenance the theory of the Israelites being subject to fate; for the mother of R. Na'hman was told by astrologers that her son would turn out to be a thief, so she would not let him go out bare-headed, saying: "Always keep thy head covered, that thou mayest fear the Lord, and pray to Him for mercy"; and he did not know why she always told him this. One day he sat underneath a tree studying, when his head-wear fell off, and looking up, he saw the tree filled with delicious dates. He was very much tempted to take some of the fruit, although the tree did not belong to him, and accordingly climbed the tree, and bit off a branch with his teeth.

MISHNA: Pumpkins may be cut up for cattle, and carrion for dogs. R. Jehudah saith: "If the carrion was not yet carrion (if the beast had not yet died) before the Sabbath, it must not be cut up; because, in that case, it is not part of what had been provided (for consumption on Sabbath)."

GEMARA: It was taught: Ula said, the Halakha prevails according to R. Jehudah, and of Rabh it is also known that he agrees with R. Jehudah, as may be seen from his decree concerning covers of a vessel (on page 29). Levi also admits, that the Halakha prevails according to R. Jehudah; for when a carcass was brought to him for decision as to its fitness for use, or unfitness, on a festival, he would not inspect it unless it had lain in the dirt; because, should he hold it to be fit, it would forthwith become carrion and not even be fit for dogs, by reason of its turning into carrion on the festival (and thus not having been provided on the day before for consumption on the festival).

Samuel, however, said, that the Halakha prevails according to R. Simeon, as also does Zera, because a Mishna elsewhere, which teaches, that if an animal died (on Sabbath or on a festival) it must not be removed, was explained by Zera to refer only to such an animal as was designated for a sacrifice and which must not be made use of at all; but any ordinary carcass may be removed. R. Johanan also said, that the Halakha according to R. Simeon prevails.

Is it possible that R. Johanan said this? Have we not learned that R. Johanan always holds Halakhas to be in accordance with the abstract decrees of the Mishna, and in another Mishna we have learned that the wood of a beam that had been broken on a festival must not be used on the festival? R. Johanan claims, that the Mishna above was taught in the name of R. Jose bar Jehudah.

Come and hear (another objection): "It is permitted to commence taking from a heap of straw on a festival for use as fuel, but not from wood designated for another purpose." This is also taught abstractly (and is certainly contrary to the opinion of R. Simeon). This above teaching refers to cedar beams intended for building purposes, and being very expensive should not be used as fuel, even according to R. Simeon.

Come and hear (another objection based upon another abstract Mishna): "It is not permitted to water or to slaughter animals living in their wild natural state, but it is allowed as regards domestic animals." (This is also contrary to R. Simeon?)

R. Johanan, however, found an abstract Mishna that was in accord with R. Simeon; viz.: That Mishna concerning bones and husks which may be removed from the table (page 326), and R. Johanan holds as R. Na'hman (did later), that all decisions rendered by the school of Shamai are in accordance with the opinion of R. Jehudah, while those rendered by the school of Hillel agree with those of R. Simeon.

It is related of R. A'ha and Rabhina, that one said that all laws pertaining to Sabbath remain as decreed by R. Simeon, with the exception of one thing, that had been set aside on account of causing disgust, namely, an old candlestick that had become soiled with the dripping tallow; and the other said, that even in this instance the Halakha prevails according to R. Simeon, but the one thing that does not remain as decreed by R. Simeon is the case of a candlestick which had been used on the same Sabbath. (Both admit, however,) that as for the theory of designation where expensive articles are concerned, R. Simeon accepts it in that case, and declares, that they may not be used on Sabbath, as we have learned in a Mishna (page 268) concerning the large wood-saw and the ploughshare, which, according to R. Simeon, also must not be handled, because they are expensive (and being used only by mechanics should not be handled by others).

**MISHNA:** A man may annul vows (of his wife or daughter)\* on the Sabbath, and consult (a sage) as to vows (relating to objects) required for the Sabbath. Window-light may be shut out by blinds; a piece of stuff may be measured, and also a Mikvah (plunge-bath), to ascertain whether it be of legal size. It happened in the days of R. Zadock's father, and in the days of Abba Saul ben Botnith, that they closed a window with an earthen jar, and then tied another vessel to a pole with papyrus, in order to ascertain whether, in a covered vessel, there was an opening one span high or not. From them we learn, that (in certain cases) it may be permitted to close, to measure, and to tie on the Sabbath.

**GEMARA:** The schoolmen propounded a question: Does the term, "required for the Sabbath," in connection with vows, apply to both clauses of that sentence; and if it does not, neither may be done on the Sabbath, whence we shall learn, that the time in which a man may annul the vow of his wife

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\* See Numbers xxx. 2.

or daughter does not expire with the day, but continues for twenty-four hours; because, if the vows do not relate to the Sabbath and neither of the above two clauses may be executed, the man can annul the vow at night after the Sabbath; or shall we say that the term, "required for the Sabbath," applies only to the latter clause, that of consulting as to vows, and not to the first clause, that of annulling the vow, which would establish the fact that the time for annulment expires with the day and does not continue for twenty-four hours? Come and hear: R. Zoti, one of the disciples of R. Papi, taught, that only such vows as relate to the Sabbath may be annulled on the Sabbath; thence we may learn, that the time for annulment of vows does not expire for twenty-four hours? Said R. Ashi: "Did we not learn (in a Mishna of Tract Nedarim), that the time for annulment of vows continues for one day only?" Concerning this, there is a difference of opinion among the Tanaim (as will be explained in Tract Nedarim).

"*And consult as to vows,*" etc. The schoolmen propounded a question: "Does this mean to say, that the man had not time before Sabbath (*i.e.*, that he made the vow on the Sabbath), or even if he had time before Sabbath, but wishes to be released from his vow at once?" Come and hear: The rabbis complied with the wish of R. Zutra the son of R. Zera, and released him from his vow on a Sabbath, although he had plenty of time to have this done before Sabbath.\*

R. Jose wished to state, that, as to vows, a man may consult on Sabbath only a man who is a competent authority (Chacham), but he must not consult three ordinary men, because that would appear as a judgment on business affairs. Abayi said to him: "Whereas three men may be consulted standing, or even if they are of kin, or even at night, it will not appear as an ordinary judgment."

When a man wishes to annul the vow of his wife on the Sabbath, he must not say to her, as on a week-day: "Thy vow is annulled," or, "I release thee from thy vow"; but merely: "Go and eat," or, "Go and drink," and this releases her from her vow. Said R. Johanan: "The man must, however, think at the time that he is annulling her vow."

We have learned in a Boraitha: The school of Shamai said:

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\* All this is originally part of Tract Nedarim. We have in consequence omitted it, but a part of that passage being necessary for the elucidation of the above text, we have incorporated it in the Tract Sabbath.

“ On Sabbath a man must annul the vow in his mind only, but on a week-day he must proclaim it by word of mouth.” The school of Hillel said, however, that be it Sabbath or a week-day, it is sufficient if the man annul the vow in his mind without proclaiming it.

“ *They closed a window with an earthen jar,*” etc. Said R. Jehudah in the name of Rabb: “ There was a small bridge between two houses, and underneath the bridge lay a part of a corpse, and a cracked tub stood on top of the two houses; but it was not known whether the crack in the tub was large enough to admit of the penetration of the uncleanness arising from the corpse. So, first of all, all holes which were in the walls of the two houses were stopped up with towels; then another vessel (a small jar) was tied with papyrus to a pole and laid on the tub, in order to see whether the crack was one span deep or not.” \*

“ *From them we learn that (in certain cases) one may close, measure,*” etc. Ula once came into the house of the Exilarch on Sabbath, and saw Rabba bar R. Huna sitting in a tub of water and measuring it. Said Ula to him: “ The rabbis only permitted the measuring of a plunge-bath for ritual purposes; but did they permit it to be done for no purpose ?” Rabba bar R. Huna answered: “ I am doing this merely to while away the time (I have nothing else to do, and must not think of the Law while bathing, so it makes no difference).”

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\* This explanation is taken from Rashi. The other commentary by Tospath differs with Rashi, but the explanation is even more complicated than the above. Hence we have chosen the former.



## THE PRAYER AT THE CONCLUSION OF A TRACT.

*Abayi said: "May it be reckoned to me (for my reward in the world to come), that whenever I noticed a young scholar (of my college) had finished a tract of the Talmud, I gave a feast to all the sages of the day."* (Pages 250 and 251 of this tract.)

[Bearing the above motto in mind and as a matter of peculiar interest, we shall translate below the laudatory prayer published in every edition of the ancient Talmud at the conclusion of each tract, and in justification of this our digression from the actual text would state the following :

With all pious Israelites who were exclusively engaged in the study of the Talmud, and even with those who made it an incidental feature of their lives, it has since time immemorial been the custom to celebrate as a happy event the completion of the study of each tract. So marked was the degree of gratification at this frequent occurrence, that it became customary for the first-born sons in Israel, who in commemoration of one of the plagues sent by the Lord upon the Egyptians were in the habit of fasting on the eve of Passover, to complete the study of a tract of the Talmud on that day, and, thanks to the feast given in honor of the occasion, escape the rather onerous duty of fasting ; and even in the nine days of penance occurring before the Fast of the Ninth of Abh, when the Temple was destroyed, when meat was not to be eaten and wine was not to be drunk, the same subterfuge would be resorted to, in order that a feast might be given and thus break the fast of the nine days. Apart from this, the prayer is rich in sentiment, and deserves to be rendered at the end of this volume once for all.]

We shall return to thee, Tract Sabbath,\* and mayest thou return to us! We shall bear thee in mind, Tract Sabbath, and mayest thou bear us in mind! May we not be forgotten by thee, Tract Sabbath! and thou shalt not be forgotten by us on this earth nor in the world to come!

[This is to be repeated three times, when the following is to be recited:]

May it be Thy will, O Lord, our God and God of our fathers, that Thy Law may be our pursuit in this world and in the world to come! May there be together with us, in the world to come, Haninah bar Papa, Rami bar Papa, Na'hman bar Papa, Ahayi bar Papa, Abba Mari bar Papa, Raphram bar Papa, Rakhesh bar Papa, Sur'hab bar Papa, Ada bar Papa, and Doro bar Papa.†

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\* At the conclusion of another tract, name it instead of Tract Sabbath.

† At the close of a learned work, entitled "Answers and Questions," by Rabbi Moses Iserles, and also in the work entitled "Sea of Solomon," by Solomon Lurie, Tract Baba Kamah, may be found the reasons why the above ten names must be mentioned in the prayer.

Make sweet, O Lord, our God, the words of Thy Law in our mouths, and in the mouth of Thy people the house of Israel; and may we, our children, and the children of Thy people the house of Israel, all know Thy Name and learn Thy Law.

Wiser than my enemy doth Thy commandment make me; for it is perpetually with me. Let my heart be entire in the statutes, that I may not be put to shame. Never will I forget Thy precepts; for with them Thou hast kept me alive. Blessed art Thou, O Lord! teach me Thy statutes. Amen, Amen, Amen. Selah, Vaed (Forever)!

We thank Thee, O Lord, our God and God of our fathers, that thou hast cast our lot amongst those that dwell in the houses of learning, and not amongst the occupants of the markets. For we arise early, and they arise early. We arise to the words of Law, and they arise to words of vanity. We strive, and they strive. We strive and receive our reward, while they strive in vain. We run, and they run. We run towards everlasting life, and they run towards death, as it is written: "But Thou, O God! Thou wilt bring them down into the pit of destruction; let not the men of blood and deceit live out half their days; but I will indeed trust in Thee!"

May it be Thy will, O Lord my God, that as Thou hast assisted me in the conclusion of Tract Sabbath, so mayest Thou assist me in the commencement of other tracts and books of Law, and in their conclusion: that I may live to learn and teach, to observe and to do and to keep all the words of the teachings of Thy Law with affection. And may the merits of all the Tanaim and Amoraim and other scholars uphold me and my children, in order that the Law may not escape from my mouth, from the mouths of my children and children's children forever, and may it be verified in me (all that is written): "When thou walkest, it shall lead thee; when thou liest down, it shall watch over thee; and when thou art awake, it shall converse with thee. For through me shall thy days be multiplied and the years of thy life shall be increased unto thee. Length of days are in her right hand, in her left are riches and honor. The Lord shall give strength unto His people; the Lord will bless His people with peace."

## APPENDIX.

PAGE 24 of Volume I. of this tract contains a Mishna commencing with the statement: "And these are some of the regulations enacted in the attic of Hananiah ben Hizkyah ben Garon," and concluding, "they enforced eighteen regulations on that day." At the same time, the Mishna fails to enumerate in the place mentioned, or elsewhere, these eighteen regulations. The Gemara, however, conjectures upon their character and cites them in a scattered and incoherent manner. As a matter of course, this is not done without the adduction of numerous and varied opinions; but the conclusion is, that the eighteen regulations are those which we shall enumerate farther on.

In another section of the Gemara it is related, that three hundred jars of wine and a like number of jars of oil were taken up into that attic in order to afford the sages no opportunity to leave their places until their deliberations concerning the regulations were finally concluded.

Among these regulations there are, however, only two or three concerning Sabbath, the rest being dispersed throughout the Talmud in their proper departments and merely mentioned as regulations enacted during that session, but they are not enumerated in regular order either of sequence or time of enactment. Hence we, in consistency with our method of translation—viz., to place everything in its proper department—have omitted in this tract the enumeration of these regulations, together with the diverse opinions concerning the reasons for their institution, which reasons as cited by the Gemara are very abstruse and for the most part untenable.

In the last chapter of this tract, however, mention is again made of the eighteen regulations, and it is declared, that their measure was made "heaping full," while elsewhere in the Gemara the assertion is made, that the day on which they were enacted was as grave in its consequences for Israel as the day on which the golden calf was made. It is these two statements that have impelled us at the last moment to embody these eigh-

teen regulations in an appendix at the end of this volume, and state as best we can, after careful study and consideration of the subject, the most potent reasons for their enactment.

With this purpose in view, we shall divide the eighteen regulations into five classes, as follows: Those pertaining to Therumah (heave-offerings), Tumah (uncleanness), Chithon (mingling with other nations), Mikvah (legal bath), and Sabbath.

Therumah is rendered useless when brought into contact with any one of the following ten subjects: First: With a man who eats a thing that had been contaminated by a parent of uncleanness\* and had thus become unclean in the first degree. Second: With a man who had eaten a thing unclean in the second degree (*i.e.*, had been touched by a thing unclean in the first degree). Third: With a man who had drunk unclean beverages. Fourth: With a man who had bathed his head and the larger portion of his body in water that had been pumped up (drawn or scooped), and not in a legal bath. Fifth: With a clean person (*i.e.*, one who had already taken a legal bath, but was subsequently drenched with three lugs of drawn water). Sixth: With the sacred scrolls of the Holy Writ, either in part or in its entire form.† Seventh: With hands of which one was not quite certain that they had been kept clean the whole day. Eighth: With one who had taken a legal bath, if the Therumah was touched before sunset. Ninth: With eatables and utensils which had become unclean through beverages (as will be explained in Tract Yodaim). When brought in contact with any one of these nine subjects, Therumah is rendered useless. Tenth: The crop raised from Therumah (seed) is of the same character as the seed; if the latter was clean when planted the crop is clean, but if the seed was unclean the crop is the same. Nevertheless, it is still considered Therumah, and subject to the

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\* By a "parent of uncleanness" is meant any object that had come in direct contact with a corpse. See explanation in Tract Shekalim.

† Why contact with the Holy Writ should render Therumah unclean can in our opinion be explained only as follows: When the priests came to demand their share of the Therumah, it is highly probable that they did this with a correspondingly impressive ceremony and read the part of the Law referring to the Therumah before the donors. If such was really the case, they no doubt carried the scrolls with them wherever they went, and in consequence the regulation was enacted which rendered the Therumah unclean when brought into contact with the scrolls or book containing the Holy Writ. Our basis for this assertion is the ordinance to be found in Tract Yodaim, which proclaims that the scrolls or books containing the Holy Writ render hands unclean when coming in contact with them, and doubtless the hands of the priests, which were afterwards to handle Therumah, are meant.

laws of Therumah. Thus we have ten regulations concerning Therumah.

Concerning uncleanness, there were four regulations enacted: First: All movable things bring uncleanness on a man by means of a tent, not larger even than a span, covering a corpse, even if the space between the corpse and the tent was but an awl's width. (For explanation, see Tract Ahaloth.) Second: The daughters of the Samaritans are considered unclean (as women suffering from their menstruation) from the day of their birth. Third: A child of a heathen is considered unclean, because it is considered as one afflicted with venereal disease. Fourth: One who presses grapes or olives renders the vessels used to receive the must or the oil susceptible to uncleanness. (This is explained in detail in Tract Kelim.)

Concerning Chithon, but one regulation was enacted, covering four subjects: It was prohibited to partake of the bread, oil, or wine of other nations in order to prevent intermarriage with their daughters.

Concerning Mikvah, one regulation only was enacted; viz.: If the water running out of a rain-gutter flow directly into a Mikvah, the Mikvah is not invalidated; but if the water was intercepted by a vessel from which it flowed into the Mikvah, the latter becomes invalid; or even if three lugs of drawn water were poured into the Mikvah, they render it useless (see Tract Mikvaoth).

Concerning Sabbath, two regulations were enacted: First: One shall not search for vermin or read before lamplight (on Friday night).\* Second: One who was overtaken by dusk on the Sabbath eve while on the road must give his purse to a Gentile.

The learned reader who is not familiar with the intricate teachings of the Talmud, and even the student of the Talmud who has delved in its labyrinths of lore for the sake of probing into the ordinances and discussions contained in its volumes, will be quite amazed at the seeming unimportance and triviality of the above regulations, unless thoroughly comprehensive of the spirit of the Talmud and the object of the sages in their day.

At the time when these regulations were enacted and enforced,

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\* There are differences of opinion in the Gemara as to the division of the regulations. Some hold that they should be grouped, while others would count them separately. The matter is of no importance, however, and hence we have grouped them in conformity with the number stated by the Mishna.

there appeared no reasonable grounds for their enactment; and even the reasons advanced by the Gemara itself in a faltering, groping manner are in many instances quite absurd. Entirely contrary to their usual custom, the sages themselves did not base these regulations upon any inference, analogy, passage, or ordinance contained in the Holy Writ, a very remarkable occurrence indeed. Furthermore, at a casual glance, the student will not find in any one of the regulations a motive based even on common sense.

Strange to say, it has also occurred that our excellent Hebrew poet L. Gordon, in a poem pungent with deepest sarcasm and pointed ridicule, commented upon these eighteen regulations, saying, amongst other things: "Not for political purposes, not for the improvement of the government moral or material, did our sages seclude themselves in their attic, but merely to prohibit matters as trivial and absurd as that of reading by lamp-light on the eve of Sabbath," etc.

Had the poet, however, devoted deeper study and closer research to the environments, influences, and conditions prevailing in the days of these sages, he would readily have discovered that the greatest political import, the gravest questions of government both moral and material, actuated the institution of these apparently ridiculous regulations, all culminating and leaning towards the accomplishment of one great object; viz., that of keeping the small nation of Jews intact and guarding it from the dangers menacing it not only from the exterior world but from its interior vampires and oppressors.

It should not be overlooked that when the deliberations anent these regulations were about to be commenced, the hall used for the session was closely guarded by men armed with keen-edged swords, under instructions to permit all who desired to enter to do so, but to instantly thrust their swords through any one endeavoring to retreat; and what was the discussion commenced with? Merely an argument determining the uncleanness of certain vessels, which the priests could not approach (as will be seen farther on). Still, Hillel the Prince, the mighty sage, sat before his old-time opponent Shamai, and listened to him with the most profound attention and reverence, just as if he were the least among his disciples.

This historical fact was but another item in inducing us to digress from our established method and insert the eighteen regulations, together with the explanation of their importance; for

had we not done so, it is highly probable that we would have called down the criticism of many scholars who could not overlook such an omission.

At no period in the history of the Jewish race do we find so much deliberation, profundity of thought, and depth of calculation in evidence as at the time when the sages secluded themselves in the attic of Hananiah ben Hizkyah. *There* it was, that means were devised to keep the nation of the Jews—whose friends were always in the minority, and whose enemies, not only abroad but in their very midst, were as the sands of the sea—intact and proof against annihilation.

All of the literature current among the masses was carefully scanned and revised. The ethical code was reënfined, and wherever necessary purged of objectionable matter. This censorship was carried to such an extent that it was attempted to reject even Proverbs, Ecclesiastes, and Ezekiel as undesirable; and it was only with great difficulty that those in authority were prevailed upon to let them remain. The records of ancestry, however, tracing the descent of every existing family, which were the pride of the people, as well as all works treating of medical science and the art of healing, were buried and hidden beyond recovery. Even the Apocrypha were eliminated from the Holy Writ and declared ordinary literature, and many other writings unknown to us even in this day, as well as all secret scripts, were thoroughly revised and made adaptable to the existing times and circumstances. All this, and more, was done with the sole purpose of preserving the integrity of the Jewish race and preventing its absorption by other nations.

Thus it was commenced to accustom the Jew to study and thought, and as an outcome of this period of virtual renaissance the eighteen regulations were enacted with two prime objects in view, as follows:

Firstly, to diminish as far as possible the constantly growing domination of the priests; for the high-priestdom, with which the supreme governing power was identical, could be purchased with money, and more especially because the number of priests in the last century prior to the destruction of the Temple had grown to such a vast proportion that those in actual service alone numbered little short of twenty thousand. Apart from these were those who did not perform actual service, while enjoying all the immunities and privileges of their rank as priests, and they were: Priests who had the least blemish on their bodies;

those whose descent or even whose wives' descent left the least room for doubt; and the wealthy and influential priests who would not perform the menial duties of priests, but left them to the less fortunate and more insignificant of their number. (See "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895.)

Of such men was the party in power composed, and they made but too free a use of their authority. As a matter of course, restrictions had to be provided wherewith to relieve the oppressed.

Secondly, the object was to prevent the amalgamation of the Jews with the other nations with whom they were in daily and constant association.

Now for the manner in which the first object was about to be accomplished.

Quite some time previous to the time of which we are treating, the laymen had, after a hard struggle, succeeded in divesting the priests of their spiritual power (*i.e.*, the right to decide all questions pertaining to religious and ritual matters, whether a thing was allowed or forbidden, clean or unclean, etc.), by proving that the priests were far too ignorant to be competent judges.\* This struggle had been going on since the days of Nehemiah, for prior to his day the priests were the sole judges both in spiritual and in temporal affairs, claiming their privilege in accordance with the passage [Deut. xxi. 5]: "And after their (the priests') decision shall be done at every controversy and every injury." Having wrested the spiritual power from the priests, the supervision of all religious and ritual matters was conferred upon the Pharisees, who henceforth were the recognized authorities in the interpretation of the Law. This accomplished, the next step decided upon was to limit as much as possible the temporal power of the priests: it was decided not to do this in too precipitate a manner, but cautiously and unostentatiously, using as a medium regulations seemingly unimportant, but the hidden motives of which were far-reaching in their consequences.

The time of Hananiah ben Hizkyah was the more opportune for such a *coup d'état*, as by that time the Pharisees had obtained the upper hand of all other existing sects, notably the Sadducees.

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\* See Haggai ii. 13 and 14.



Now, inasmuch as it proved to be an easy matter to enact laws by means of which the Jews would be prevented from amalgamating with other nations, such as the prohibition of partaking the bread, oil, etc., of Gentiles, the proclamation declaring the children of heathens unclean (to prevent the children of Jews from joining them at play and thus forming attachments), and the women of the Samaritans, the deadliest enemies of the Jews, unclean (in order to prevent their employment as servants by Jews), it was but little more difficult to devise laws which would forever break the oppressive domination of the priests in a mild but nevertheless effective manner.

The first step necessary for the accomplishment of this desirable end was to completely destroy the system of espionage practised by the priests, and which was carried on to such an extent that spies were constantly prying into actions and even utterances in the houses of the laymen. This was, however, by no means an easy task, from the very fact that the priests were virtual shareholders in all the possessions of the laymen. One fiftieth of all grain raised by the peasants was their share as *Therumah*; one tenth of such grain comprised the tithe, and one tenth of the tithe belonged to the priests individually; the first of the dough, the first of shorn wool, the parts of slaughtered cattle, the firstlings of cattle, the firstfruits of trees and produce, all belonged to the priests; and it was but natural that they were to be found in the houses of the laymen at all times, whither they would come not to humbly ask for their donations, but to demand it as the rightful possessors and shareholders. Nor were they at all backward about taking a hand in the management of all other affairs of the layman, under the plea of guarding their own interests; and thus at times willingly, sometimes unwillingly, they were the spies of the higher authorities of the government.

The question then arose how to find a place where the deliberations for the suppression of this constantly growing evil could be held without the presence of the spying priests; and to meet the exigencies of the case, an old decree that had been promulgated in the early days of the existence of the Temple was again called into being and made effective. The decree was the one enacted in the time of Jose ben Joezer Ish Izreda and Jose ben Johanan the Jerusalemite, and read: "All the lands outside of Judæa are unclean" (*i.e.*, all eatables and beverages containing any degree of sanctity whatever are rendered unclean by coming

in contact with the soil of those lands outside of Judæa, but aside from such eatables and beverages nothing was rendered unclean). Now, the only eatables and beverages containing any sanctity whatever, which could be found outside of Jerusalem, where the sacrifices and other sanctified articles were brought, were the gifts and the Therumah set aside for the priests. Thus we see that the declaration of uncleanness, ostensibly directed against all eatables containing any degree of sanctity, was in reality directed against the Therumah of the priests, while the priests themselves were flattered by the elevation of the Therumah to the degree of highest sanctity, and its object will be apparent from the following argument:

The Therumah is invested with sanctity only when it is separated from the bulk, but while still a part of the entire crop it is regarded as ordinary grain. If the Therumah were separated from the bulk in any land outside of Judæa, the moment it comes in contact with the soil it becomes unclean and unfit for use. This fact made it necessary to separate the Therumah in Judæa. The transportation of the entire crop to Judæa for such a purpose involving too much labor and expense, part of the crop was set aside in the field, and from that part a sufficient quantity was separated and sent to the holy land. There the quantity of the Therumah (which according to biblical ordinance could have been only one grain, but according to established custom amounted to one fiftieth of the entire crop) was separated from the quantity sent. The consequence of this mode of procedure was, that the presence of the priest at the place where the crop was harvested was no longer required, as he could not demand his share outside of Judæa. Thus it was rendered possible to hold a convocation where the presence of the priest was no longer to be dreaded.\* It seems that up to the time of Hananiah ben Hizkyah this decree had been evidently disregarded or not sufficiently effective,† for we see that eighty years

\* At the same time that the decree declaring all lands outside of Judæa unclean was promulgated, glassware was also declared unclean, while prior to that time glassware had not even been susceptible to uncleanness. We cannot state positively whether this was done in order to render the first decree less conspicuous or to prevent the priests from being present at the places where glassware was manufactured, which were all outside of Judæa. Be that as it may, it can safely be assumed that the measure was another political ruse.

† It was not sufficiently effective because, in order to circumvent the decree, the priests brought chests to the lands outside of Judæa in which to store the bulk of the grain before separating the Therumah, and thus prevent the contact of the latter with the soil. This we presume from a hint of Rashi to that effect.

prior to the destruction of the Temple it was again promulgated, and this time reënforced with the declaration that even the atmosphere of all lands outside of Judæa was unclean and all articles containing any degree of sanctity were rendered unclean by contact with such atmosphere.

The eighty years before the destruction of the Temple correspond with the time of Hananiah ben Hizkyah, and it is quite possible that the sages called by the Talmud "the sages of the eighty years" were the same that took part in the deliberations in the attic, and that, in order to secure at least one place where they could hold a convocation undisturbed by the priests, they declared even the atmosphere of the lands outside of Judæa unclean.

The Talmud relates, also, that in the city of Usha the decree was reënforced for the third time with the declaration that all articles rendered unclean by the atmosphere of such lands were not only to be rendered useless, but were to be immediately burned, as a precaution lest a priest might accidentally make use of them.

Still, the decree was not as effective as it should have been, as long as the priest could come and announce that he would use his share of the Therumah for seed or dispose of it as seed, and to meet this exigency the sages of the attic first of all decreed that the crops raised from clean or unclean Therumah, used as seed, were clean or unclean respectively.

Again, means had to be devised to rid the laymen residing in Judæa proper from the obnoxious presence of the priests at all times; for at harvest-time, or when the grain was brought from the lands outside of Judæa, the ever-watchful priest was on hand. To this end the subsequent regulations concerning Therumah were enacted and gradually reënforced. Thus at first a man who had eaten a thing unclean in the first degree rendered Therumah useless; then a man who had eaten a thing of the second degree of uncleanness, until finally even a sacred scroll, or even a hand that had come in contact with a sacred scroll, and last of all a hand that was not known to be positively clean, rendered Therumah useless. All this was done with the sole object of keeping the priests out of the houses of the laymen, and rather bring the Therumah to them than have them come to demand it. Should they come in spite of this, it was not difficult to find a pretext for calling the Therumah unclean. In order, however, not to make the purpose of these regulations

too apparent, and thus give offence to the priests, other regulations were enacted in conjunction with these, which, while of no value whatever in themselves, acted as screens for the actual intentions.

It is now not difficult to explain the historical sensation caused by the deference shown by Hillel to Shamai at the commencement of these deliberations, and the reasons which prompted the posting of an armed guard at the entrance of the hall. Hillel, in his capacity as a prince of Israel, was somewhat too timid to proceed against the priests in too harsh a manner; but the masses were so much incensed against their oppressors, and so deeply conscious of their grievances, that he could not stem the popular tide against them. In this emergency it was Shamai, under ordinary circumstances of lesser consequence than Hillel, that proved to be the champion of the popular cause; and in order to insure for him a telling majority when the question came up for a final vote, the doors of the hall were guarded so that none could leave, while all were allowed to enter. Seeing the patriotism and popularity of Shamai, the prince could not help bowing to popular sentiment and showing respect to the favorite of the hour.

It would require a volume of many, many pages to demonstrate how each one of the regulations instituted was directed against the priests, how deeply it injured them, and in what measure it curtailed their previous unlimited sphere of action; also, especially, how the dispute between Hillel and Shamai concerning the susceptibility to uncleanness of vessels used at grape and olive pressing concerned the priests. Even then, a person not thoroughly imbued with the spirit of those times could scarcely understand it; but we would request that the eighteen regulations be again carefully perused, and it will readily be observed by even the casual reader, from the hints given, that the ten ordinances\* relating to Therumah were directed entirely against the priests, and the four concerning uncleanness were in part against the priests and in part against mingling with other nations; as for the regulation against mingling, that goes without saying, while the regulations concerning the Mikvah and Sabbath were but incidental and trivial matters intended as a screen for the grave importance of those mentioned.

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\* We have not enumerated the ordinances in their regular order of sequence as to the time, for they are scattered in the Talmud without any order, but arranged them more in accordance with their importance and severity, according to the commentary of Rashi.







