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## THE <br> RITUAL OF ELDAD HA-DANI

RECONSTRUCTED AND EDITED FROM MANUSCRIPTS AND A GENIZAH FRAGMENT • WITH NOTES, AN INTRODUCTION AND AN APPENDIX ON THE ELDAD LEGENDS BY

MAX SCHLOESSINGER, Ph. D.

RUDOLF HAUPT. VERLAG
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## TO THE MEMORY <br> OF

MORITZ STEINSCHNEIDER

## PREFACE.

In January, 1904, Professor S. Schechter, President of the Jewish Theological Seminary of America, kindly drew my attention to some Genizah fragments which bore on Eldad ha-Dani, knowing my interest in that peculiar and much maligned character of Jewish history. Whilst preparing the fragments for publication, I found that the material grew unproportionately large and warrented a new edition of the entire Eldad Halakah. The execution of this more comprehensive idea involved fresh difficulties and confronted me with new problems. As a result of my investigation I publish this pamphlet which, I hope, will contribute to the solution of the difficult Eldad problem.

I take pleasure in expressing my obligation to those who have furthered me in my work. I am indebted to Professor S. Schechter for his kindness in placing the Genizah fragments at my disposal; to Dr. Eduard Baneth, my former teacher, for undertaking the weary task of correcting proofs, as well as, for numerous valuable corrections; and to my friends Dr. Louis Ginzberg, Dr. Henry Malter and Dr. Alexander Marx for useful information and stimulating suggestions. Dr. A. Cowley kindly provided me with photographic copies of the Oxford texts used. Dr. A. Christman and Dr. M. C. Schaar gave me valuable explanations of some anatomic and pathologic discussions in the Ritual of Eldad. To them also my sincere thanks are due.

Berlin, January $29^{\text {th }} 1908$.

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## LIS'I OF ABBREVIATIONS.

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A Recension A.
B Recension B.
G Risâlat al Burhôn etc. by Samuel ibn Ǵama`, MS. Oxford, Catalogue,
        by Neubaner no. 793!.
P IIS. Parma, de Rossi cod. 327, 22.
T-S Genizah Fragment T-S Loan 110., University Library of Cambridge.
O Glosses on the Mordecai, MS. Oxtord, Catalogue, by Nembaner no. 678.
Je. Jellinek:s copy of O.
M Mordecai, Hullin beg., quotation taken from Rabbenu Baruch.
MS Ms. of M, in the Limary of the Jewish Theological Seminary of America.
R Recpmsum, editio princeps [Mantua 1480].
Oxf Cod. Oxford MS. Hebr. d. 11., Catalogue, by Neubauer and Cowley, II
        no. 2797, 1,n.
T-S Genizah Fragment T-S Loan 94. University Library of Cambridge.
ecl. pr. Responsum, editio princeps [Mantua 1480].
Sh. Shalshelet ha-Kabbalah of Gedaljah ibn Yahya, ed. Venice 1587 p. 37%.
Pet. Corl. Petersburg II, Collection Firkowitsch 1261.
E. A. Epstein, Eldad ha-Dani, Pressburg 1891.
Fi. H. Filipowski, Liber Juchassin, London 1857, p. 207-208.
Go. D. B. Goldberg, Epistola R. Jehouda Ben Koreisch, Paris 1857, p. XIX-XXI.
Mï. D. H. Müller, Die Recensionen und Versionen des Eldad Had-Dân̂̂, Wien 1892, in Denkschriften der Kaiserlichen Akademie der Wissenschaften in Wien, Philologisch-Historische Classe. Baur XLI.
Reif. Jacob Reifmann, דברים אחדים על ספר אלדד דרני, in Ha-Karmel, 1870 vol. VIII, pp. 254 et seq.
St. M. Steinschneider, Schlachtregeln in arabischer Sprache in Geiger's Jüdische Zeitschrift II, pp. 76 et seq., 297 et seq.
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Gl. Glossary.
no. sections in B.
s. sections in $A$.
end of a line in T-S Luan 110 .
4 begiming or end of a text or Ms.

1. line.

Capital letter in left margin indicates MSS. and texts used.
The first letter indicates MS. on which the text is based.
The number of the section given in parenthesis in $B$, refers to the corresponding paragraph in A.

## CHAPTER I.

## INTRODUCTION.

More than a thousand years have elapsed since Eldad ha-Dani appeared in Kairwan, and stirred the community by a remarkable account of four lost tribes of Israel, and by an equally remarkable Ritual on Slaughtering which he represented as "the Talmud of the Four Tribes". An interesting phenomenon in the Jewry of the ninth century, Eldad has not ceased to interest historical study of the present. In spite of this long lapse of time, however, there is still the utmost diversity of opinion among writers concerning the personality of Eldad and the authenticity and significance of the writings that bear his name.

Such extreme diversity of opinion among writers, as exists with regard to Eldad, is a rarity in Jewish history. Thus Steinschneider, writing in 1850,1 thought that the work ascribed to Eldad had an apologetic purpose. In telling of the existence of a Jewish state his object was to refute the Christian theory, that the disappearance of Jewish temporal power was a proof of God's rejection of Israel. ${ }^{2}$ I. B. Levinsohn and Jellinek regarded the Eldad writings as a polemic against the Karaites. ${ }^{3}$ Pinsker adopted the opposite view. 4 He argued that Eldad was a Karaitic emissary from Eastern Babylonia, who invented a fabulous tale as to his origin in order to conceal his true mission, which was to

[^0]propagate Karaitic doctrines among the Rabbanite Jews of the Maghrib. These writers agree at least to the extent of attributing serious motives to Eldad. Graetz, on the other hand, considered him "a braggart and a secret Karaite", "an adventurer and charlatan". ${ }^{5}$ This opinion was also shared by Chwolson, although he disagreed with Graetz in regard to Eldad's Karaism. ${ }^{6}$ P. F. Frankl went even further and described Eldad as "a rogue and a swindler", "devoid of any higher purpose", and as a man "whose deception was an indisputable psychological fact", and as "a compatriot and counterpart of Ulysses".: Neubauer took a similar view and characterized him as "a cunning emissary of the Karaites", and as "a daring impostor, crowned with an unexpected success". 8

In Reifmann, however, we find an entirely different attitude. He denyed the authenticity of most of the current Eldad literature, and held that the real personality of Eldad was unknown to us. 9 Metz suggested that Eldad's Ritual on Slaughtering represented the religious practices of the Falashas. ${ }^{10}$ Epstein, following this suggestion, regarded the writings of Eldad as a description of the conditions of the Falashas in Abyssinia, or of a Jewish community somewhere in Southern Arabia. ${ }^{11}$

This diversity of opinion among writers is to be attributed to two causes. The anomalous character of the literature ascribed to Eldad naturally aroused the ill-will of writers who found themselves baffled in the attempt to fit it into known literary categories. The character of Eldad himself added no little difficulty to the task of the historian. His personality offered itself as a fertile field for folk lore, and legends soon clustered thick around him, until the original became scarcely recognizable.

[^1]A more important cause for this lack of unanimity is to be found in the greater readiness of writers to pronounce judgments than to investigate critically the grounds for their judgments. Without entering upon a careful study of existing sources they accept uncritically all the literature attributed to Eldad, in the form in which we possess it, ${ }^{12}$ and hasten to make categoric decisions. In the case of Reifmann we have a scarcely less summary rejection of most of the Eldad literature, and the adoption of a rather agnostic attitude towards Eldad's person.

In view of this confusion of opinion it is clear that judgment on Eldad's personality and place in history must be based on a less superficial and a more discriminating examination of the literature ascribed to him. This literature is both Halakic and Haggadic. The more important is unquestionably the Halakic. Eldad appears in Kairwan bringing with him a Halakic work on Slaughtering, which he termed "the Talmud of the Four Tribes". ${ }^{13}$ This was made the subject of an interpellation addressed to the Gaon Zemah [ben Hayyim (898-905)], ${ }^{14}$ and is preserved in epi-
${ }^{12}$ Cf. e. g. Frankl's words in $M G W J .1874$ p. 555 that Eldad „im Wesentlichen dasselbe in derselben Weise erzählt hat, was und wie es unter seinem Namen, sei es als Halachah der zehn Stämme, sei es als Erzählung noch heute kursiert".
${ }^{13}$ V. Responsum ed. Epstein p. 5 no. 6 ..... התלמוד שלהם בלשון הקדש מצוהצו לות והוצרכנו לפרש לפני מעלת אדונינו שכתבנו במקצת התלמוד שלהם וכו'. Too much importance is not to be attributed to the word in this context, which is otherwise also obscure. It seems that the Ritual on Slaughtering constituted the entire "Talmud of the Four Tribes". The citations in the Kairwan Epistle are taken from this Ritual exclusively. If there had been anything more to this "Talmud", it is inconceivable that nothing in the part outside of the Rules on Slaughtering should have been thought of sufficient consequence to communicate to the Gaon. The original text of the Responsum probably was 'מה שכתבו בתלמוד שלהם לפי שיש בו תמיה גדולה ובו, and not, as the reading is in the ed.pr. 'במקצת .מה שכתבנו במקצת התלמוד וכו may be the interpolation of a scribe who concluded from 'ואומר ר' אלדד שדנין בד'מיתות וכו (ed. Epstein p. 7 no.13) that this "Talmud" dealt also with other matters than slaughtering. If a word like במקצת was in the original text at all, this was probably ממקצת. This is the reading which is given by Jellinek, BH. II p. 108; cf. also Weiss, Dor IV ${ }^{4}$ p. 112 line 2.
${ }^{14}$ According to Rapoport, Toledot R. Natan, note 11; cf. also Steinschneider, Geschichtsliteratur p. 15, Epstein pp. 9 et seq. The period of his office is variously given as $889-895$ by Graetz, Geschichte V3 pp. 243, 456; as 882-887 by Epstein in The Jewish Encyclopedia VI p. 571 s. v. Gaon; as 884-891 by Halevy in his Dorot ha-Rishonim III p. 282.
tome in his Responsum. ${ }^{15}$ The Ritual itself, no longer extant in its complete form, has recently come to light in a number of manuscript fragments, so that it is now possible to reconstruct it almost in its entirety. ${ }^{16}$

The other part of the Eldad literature is concerned with the lost tribes of Israel, (ten tribes in one version and four in another), ${ }^{17}$ and with the adventures of Eldad. This Eldad Haggadah, or legend, is found in the same Gaonic Responsum. A much more elaborate form is preserved in the various Recensions of the Sefer Eldad. ${ }^{18}$ It is the Haggadic material, mainly the Sefer Eldad, which until recently formed the basis on which opinions were founded. The Halakic material has been rather neglected, probably because the Ritual in its more complete form was not available until recently. Yet, because of its unquestionable authenticity, ${ }^{18 \text { a }}$ the Halakic work of Eldad is of greater
${ }^{15}$ T. infra, chapter II. Recension B. p. 17.
${ }^{16}$ V. infra Recension A. pp. 9 et seq.
${ }^{17}$ The Responsum speaks of only four tribes, the Sefer Eldad gives an account of ten tribes. This discrepancy should have sufficed to arouse suspicion in regard to the authenticity of the Sefer Eldad. If Eldad had indeed brought such astounding news as that of the rediscovery of the ten tribes, we may be sure that the Jews of Kairwan would undoubtedly have been as much interested in this information, as in the divergences and peculiarities of Eldad's Ritual and that they would not have failed to report to the Gaon in their Epistle that ten tribes had been rediscovered, if Eldad's account had not restricted itself to four tribes.

18 The latest study of this part of the Eldad literature is D. H. Müller's, Die Rezensionen und Versionen des Eldad Had-Dani, Wien 1892, published in Denkschriften der Kaiserlichen Akademie der Wissenschaften in Wien, Phil.-Hist. Classe vol. XLI.
${ }^{18 a}$ Eldad himself wrote only Halakah, that is he wrote the Ritual on Slaughtering. The older rabbinic authorities never mention any work of Eldad, other than this Ritual. It is this Ritual (שחת (שת חולן) to which Abraham Maimuni (d. 1237) refers in a reply to an inquiry as to the home of the ten tribes. The passage is contained in MS. Halberstam 56 and was first published in Geiger's JZ. X p. 127. It has since been published also by Neubauer in Kobez 'al Yad IV p. 62 and by Hirschfeld in Berliner's Festschrift (Hebrew part) p. 54. A Hebrew translation of the Arabic original is to be found in Kobez ‘al Yad l. c. and in Epstein's Eldad p. 71. It reads וקצّה אלדני ואלרסאלה

 פי מי דלך: held here mentioned, refers to the Gaonic
importance than the other, namely the Haggadic, for determining his character and significance. Moreover it is of interest for the history of the development of the Halakah in general. These considerations have led the present author to devote his work primarily to the study of the Eldad Halakah.

By way of introduction to the examination of the Eldad Halakah, I trace here briefly the progress of critical study and opinion of the Eldad Ritual. As early as 1873 P. F. Frankl held out the promise of "an analysis of the confused Halakot of Eldad",19 but this promise was never fulfilled. Jellinek's study led him to the conclusion that Eldad was not the author of the Halakot attributed to him. ${ }^{20}$ Pinsker found evidence in style and subject-matter for a theory that the bulk of the Halakot were of Karaitic origin. The rest, he thought, could be traced to the Samaritans. He ventured the suggestion, however, that Eldad might perhaps be the representative of an independent sect. 21 Without naming Pinsker, Graetz adopted unreservedly his views and arguments in favour of the Karaite origin of the Ritual. ${ }^{22}$ The Rabbinic elements he explained as additions "shrewdly adopted to avoid giving offence to the Rabbanites". ${ }^{23}$ The weakness of the pro-Karaitic theory of Pinsker was exposed by Schorr, ${ }^{24}$ and the anti-Karaitic arguments presented by Gottlober in criticism of the view of Graetz were sound. ${ }^{25}$ I. H. Weiss similarly laid stress on the Rabbinic-Talmudic character of these

Responsum, and not, as Epstein thinks (v. REJ. XXV p. 31 note 4), to "the epistle of Eldad to the Jews of Kairwan and Spain".

From a passage in a manuscript of the Midrash Bereshit Rabbati which opens with the formula used in Eldad's Ritual כמר יהושע בן בון . . . . . . . צמשר יתן ממון בלא עדים ובלא שמר יקרא אל ד'ולא יענהו Eldad had written a treatise on "loans" (v. Magazin 1888 p. 82). It seems, however, that Epstein himself later abandoned this view, as there is no mention of this in his Eldad.

The Responsum of Abraham Maimuni cited above shows that at least as early as the thirteenth century Eldad was credited with an account of ten tribes in place of his original four tribes; $v$. note 17.
${ }^{19}$ V. MGWJ. 1873 p. 493 note 1.
20 V. Bet ha-Midrasch II p. XXVIII note 3.
${ }^{21}$ V. Likkute Kadnoniyot pp. 108, 180.
${ }_{22}$ V. Geschichte V note $19 . \quad{ }_{23}$ L. c. p. 452.
${ }_{24}$ V. He-Haluz VI (1861) pp. 62-63.
25 V. Bikkoret Letolodot Hakkaraim pp. 64 et seq. 105 et seq.; Chwolson and Fünn also rejected the Karaitic theory, v. ib. pp. 112 et seq.

Halakot, although he agreed with Graetz in his general verdict on Eldad. In Weiss' opinion the elements in these Halakot, which are in harmony with Karaism, had been borrowed from Eldad. ${ }^{26}$ Neubauer adopted Graetz' views and again gave prominence to the Karaitic theory. ${ }^{27}$

The controversy centering mainly about the origin of this Halakic compendium thus lasted for forty years without making any progress. The appearance of Epstein's thorough work, in 1891, marked a great step in advance. 28 Here for the first time the Halakic elements of the Eldad literature received as careful study as the Haggadic elements. Epstein published all the Halakic texts, then known, with an introduction and copious notes, and made a comparative study of the Halakot of Eldad with the Rabbinic, Karaitic, and Samaritan Halakot. His main theory was that Eldad's Ritual constituted a collection of the Halakot of the Falashas. This view has not, however, been accepted by the critics. ${ }^{29}$ It is to his credit none the less that he made the first thorough and scientific examination of the Halakic part of the Eldad literature.

In the mean time, a most important addition was made to our extant texts for the study of Eldad. Among the valuable Genizah finds which now form part of the University Library of Cambridge, Doctor Schechter discovered two important ancient fragments, one of which he identified as part of Eldad's Ritual, and the other as part of the Responsum, mentioned above. These fragments have thrown a new light on the character of the original text of the Eldad literature. For the Halakah the discovery of the Genizah fragment meant the discovery of an older and more perfect text of the Ritual than any we have hitherto possessed. It has also made possible the reconstruction of the Ritual in a

[^2]much completer form, the preparation of a more exact text, and a more accurate determination of the interrelation of the other manuscript fragments of the Ritual.

Both, on the basis of the Genizah fragments, which are here published for the first time, and a careful examination of all existing texts, the present work seeks to present, a text-critical study of the Eldad Halakah. I have attempted to reconstruct the Ritual of Eldad and to restore it, as nearly as possible to its original form (Chap. III). Furthermore, it has been my endeavor to show the relation of the text of the Ritual to the epitome of it preserved in the Responsum (Chap. II). A special chapter has been devoted to the peculiarities of Eldad's Hebrew, and a Glossary presented explaining the unusual words and idioms employed in the Ritual (Chap. IV). And finally the attempt has been made to indicate the place of the Ritual in the earlier Halakic literature (Chap. V).

The utmost reverence has been shown for the readings of the manuscripts. The endeavor was to retain them in their original form, wherever it was possible. In editing a text so old and so peculiar from a linguistic point of view as that of the Ritual, we cannot expect accuracy and elegance of style, but must content ourselves with a merely intelligible text. Numerous emendations of Epstein have been gratefully adopted. These are indicated in the notes by the letter E. Many emendations of his, however, had to be disregarded, because they were deemed either inadequate or superfluous. Variant readings have been preserved in the notes on the text.

In Recension $\mathbf{A}$ the more difficult Halakot are given in translation, because this was found to be the simplest and briefest way of indicating my conception of the meaning of the text. In the notes in Recension B, special attention has been given to the interpolations in the text, and detailed study has been made of the development of the original text into its present form.

Incidental to my study of the Halakah, I publish in the Appendix (I) the recently discovered Genizah fragment of two non-Halakic sections of the Responsum. This fragment is of importance for the history of the Eldad legend. The comparative study here made of the Genizah fragment and the parallel texts throws light on the process of accretion and interpolation through which the present text of the Responsum was developed. At
the same time it corroborates the results obtained from the consideration of the Halakic texts, that our text in the editio princeps is full of interpolations and alterations, and is by no means authentic throughout. Incidentally, the comparison of the various texts with one another brings out the place and importance of the recension of the Responsum preserved in the historical work Shalshelet ha-Kabbalah, a recension which has been hitherto neglected. A comparison of its text with that of the editio princeps also reveals a number of significant interpolations in the latter.

The text of another and less important Genizah fragment which originally formed the introduction to Eldad's Ritual in a Halakic code belonging probably to the Gaonic period, is printed here (Appendix II). The part preserved in this fragment, however, deals with the Eldad legend only. The texts of both Genizah fragments have been annotated, not only from the point of view of text criticism, but also from the point of view of the relation of the parallel texts.

Attention is here called to the points in which the present edition of the Eldad Halakah differs from that of Epstein. To the texts published by Epstein in his work on Eldad the Genizah fragment has been added. Instead of parallel texts one continuous text is presented, the basis being the Genizah fragment where it is available, and the oldest extant manuscript where the Genizah fragment fails us. The author is glad to acknowledge his deep appreciation of Epstein's studies and to express his indebtedness to them.

In closing this chapter, I wish to sum up here briefly the results of my study of the Eldad literature. Investigation reveals that Eldad himself wrote Halakah only. The study of this material points to the conclusion that the Halakot contained therein are, in substance, the dietary ritual observed by the Jews of a particular country. Though this country cannot at present be definitely located, it can be shown, nevertheless, that it was within the sphere of influence of the Palestinian Talmud and of the Arabic language. The form, however, in which we have the Ritual can, properly, be attributed to Eldad. The task of the future student of the Eldad Halakah will be to determine from the evidences of language, content, and relation to other Halakic codes of the Gaonic period, the country in which this dietary ritual had its origin.


#### Abstract

With regard to the personality of Eldad, the conclusion is that the only authentic source of information is the account of him and of his reports preserved in the Responsum. Here again the recently recovered text of the Genizah fragment proves clearly that the narrative in the editio princeps and in current texts has suffered much from later interpolations and alterations. The narratives found in the Sefer Eldad, which exists in various recensions, and is ascribed to him, cannot be trusted. Eldad is the hero, not the author, of the Sefer Eldad. The legends contained in this work should be traced to their sources and studied in their relation to the older Midrashim, before the Sefer Eldud can be used as a source of information on Eldad. At present, we must rely exclusively on the Responsum for our knowledge of this anomalous figure in Jewish history. Moreover, in view of the character of the text preserved, we must take no little caution in the use of even this Responsum.


## CHAPTER II.

## RECENSIONS OF THE TEXT.

The Ritual on Slaughtering of Eldad ha-Dani exists in two recensions. One of these, which we shall designate by $A$, is either the original, or a version very close to the original. The other, which we shall designate by $B$, is merely an epitome of the Ritual, prepared in Kairwan and sent to the Gaon of Sura, Zemah [ben Hayyim], for his opinion of it.

## I. RECENSION A.

That recension A was known to the older Rabbinic authorities, is proved by citations from Rabbinic works which Epstein and others before him traced out (v. Epstein's Eldad, p. 137). It was known to the older Rabbinic authors as הלמות אמר יהושע, a title derived from the opening words אמר יהושע בן נון. An erroneous interpretation of $>s$, the abbreviation of this title, gave rise to the designation הלכות ארץ ישראל, by which name it is
referred to in the works of later glossators and commentators. ${ }^{30}$ We do not possess it in any single complete manuscript. We are obliged to have recourse to a number of manuscript fragments, in order to obtain a clear idea of its structure and content. The manuscript material on the basis of which we reconstruct it, is as follows:
I. G. Citations from Eldad's Ritual in רסאלה אלברהאן פי פי תרֹביד אלחיואן ("The clear treatise on the ritual slaughtering of animals"), MS. Bodl. Neub. no. 793 ${ }^{1}$, the author of which, according to a conjecture of Halberstam's, ${ }^{31}$ subsequently confirmed by another manuscript, 32 was Samuel ben Jacob ibn Gama (קאבם (10 of a supplement to the 'Aruk.33 This רוֹ, which is very valuable in the history of literature, has been described in detail by Steinschneider. ${ }^{34}$ One of Ibn Ǵama's chief sources was Hananeel ben Hushiel of Kairwan. ${ }^{35}$ The citations from Eldad, Ibn Gama probably took either directly from a copy of the Eldad Ritual made by Hananeel ${ }^{36}$ or from quotations in Hananeel's works, perhaps from the latter's commentary on Hullin. ${ }^{37}$ Ibn Gama assures us in one place in his רואלוֹ (MS. p. 100 b) that he is quoting the manuscript of Hananeel literally. ${ }^{3 S}$ Hananeel lived in Kairwan, the scene of Eldad's activity, one hundred years earlier. It is, therefore, probable that this scholar had utilized
${ }^{30}$ Azulai was the first, as far as I know, to maintain that the הלבות אלכות ארץ was the work of Eldad, v. Shem ha-Gedolim s. v. אלשראל צישרא. Graetz was the first to suggest that the title הלכות ארץ ישראל was due to the misreading of the abreviation הלכות אמר יהושע in (v. (veschichte V (1860) p. 452). This was proved conclusivly by Reifmann, who does not seem to have known of Graetz's suggestion, (v. Ha-Karmel l. c. p. 280).
${ }^{31}$ V. Ha-Karmel III (1863) p. 215.
32 V. Neubauer, Catalogue, Additions to no. $793^{1}$ on p. 1154, and idem, The Literature of the Jews in Yemen in JQR. III p. 619.
${ }^{33}$ For this author $v$. Steinschneider, Die Arabische Literatur $\S 105$ and Buber, in Graetz' Jubelschrift (Hebrew part) p. 6, where the existing portions of Ibn Gama's Supplement are published; for the name $c f$. Steinschneider in $J Q R . \mathrm{X} 514$.
${ }^{34}$ V. his article Schlachtregeln in arabischer Sprache in Geiger's JZ.I-IV; $c f$. also $J Q R$. XIII pp. 457 et seq.
${ }^{35} C f$. Steinschneider in $J Z$. I p. 314.
${ }^{36}$ This is Steinschneider's view l. c. pp. 240, 311.
${ }^{37}$ V. on this commentary Berliner, Migdal Chananel p. XVII.
38 V. A. note 30.

Eldad's Ritual in its original form. This assumption is in a measure confirmed by the fact, that the few quotations from Eldad occurring in Ibn Ǵama ${ }^{\text {c }}$ which may be examined by a comparison with parallel texts, can be proved to be considerably older than $P$ (see below), and cannot be much later, if at all later, than the Genizah fragment $T-S$ (see below p. 12). ${ }^{39}$

The quotations from Eldad in Ibn Gama's work were marked in the manuscript by Steinschneider in $1851 .{ }^{40}$ Goldberg in 1857 published these quotations, as indicated by Steinschneider, in an inaccurate and incomplete form, however, in the 'רםאלוֹ יהודה בן קרישי, edited by Goldberg and Bargès, p. xix et seq. In the same year Filipowski also printed them in no more accurate form in his Liber Juchassin, p. 207 et seq. ${ }^{41}$ A better edition is to be found in Epstein's Eldad, pp. 99-104. This also is not entirely free from errors, as it is based on an inaccurate copy made by Neubauer. ${ }^{42}$ In preparing this edition I have used a photographic copy of the respective parts of the manuscript itself. Ibn Ǵama's quotations embrace

1. Part I of the Ritual (הלבות שחיטה, $\S$ § 1-6), in its entirety.
2. Part II (הלמות טרפות), several regulations concerning the lungs (§ $9 \mathrm{~d}, \mathrm{e}, \mathrm{f}, \mathrm{h}$ ) and the kidneys (§ 20).
3. Part IV (הלפות חיוה), a regulation governing the slaughtering of עיה and (§ 36).
II. $P$. The longest continuous fragment of the Ritual known; MS. Parma, de Rossi, cod. 327, 22. Steinschneider ${ }^{43}$ was the first to point out the relation of this fragment to the Ritual of Eldad. This codex was completed in 1290 C. E., by Samuel ben Joseph ben Samuel ben Joseph in Uncastillo (הון קשתיל), a place in Aragon. ${ }^{44}$ This fragment contains
4. Part II (הלכות טרפּות), complete (§§ 7-25).

[^3]2. Part III (פגולים), almost complete (§§ 26-33e).45

The whole of this text has been published by Epstein (pp. 111-121). I reprint it with emendations and correction. Unfortunately I did not have access to the manuscript. Whenever the manuscript is referred to in the notes, the reference is to the reading of the MS., as given by Epstein in contradistinction to the emendations which he proposes.
III. T-S. A Genizah fragment T-S. Loan 110, University Library of Cambridge, 2 leaves of vellum, $20 \times 18 \mathrm{~cm}$., 29 lines on each page, in old Oriental square script, belonging at the latest to the eleventh century. ${ }^{46}$ The handwriting is quite legible, $T$ and $\urcorner$, however, cannot be distinguished. The leaves are much damaged, and for this reason the text contains many lacunae. The fragment contains

1. Part II (הלבות טרפות), about nine paragraphs (middle of $\S 17-\S 24$; middle of $\S 33 \mathrm{~b}-\S 33 \mathrm{e}$ ) and
2. Part IV (הלבות חיה), almost complete (§ $34-\S 38$ ). The two leaves that belong in between ( $=\S 24$ end $-\S 33 \mathrm{~b}$ middle) are unfortunately missing.

I have used this Genizah fragment as the text of my edition, wherever it was available, for the reason that this text is as yet unpublished, and also, for the more important reason, that it is older than $P$ and $O$, and probably older than even $G$. The variant readings of the parallel texts have been given a place in the notes. I have indicated the end of the line in the Genizah manuscript by a vertical line $\mid$. Wherever the text of the Genizah fragment is defective, and readings from parallel texts are adopted, it is indicated by brackets. Where the inserted word or phrase rests on mere conjecture, it is indicated by a star.
IV. O. An extended quotation from Eldad in Glosses on

Jews in Castile and Leon, and the extortion of an enormous sum for ransom, $v$. Graetz, Geschichte VII pp. 40 et seq.

For the identification of with Uncastillo, for which I am indebted to Dr. A. Freimann, v. Zunz, Zeitschrift p. 134, Jacobs, An Inquiry into the Sources of the History of the Jews in Spain, Index locorum s. v. I cannot share Horowitz's view (l.c. p. 1) that באון קשתיל is Castel Buono in Sicily.

45 The heading הלתות שתיטה ובדיקה ליהושע בן נון ובו' indicates that part I (הלכות שחיטה) was at one time part of $P$.

40 The handwriting is of the same character as that in the autograph letter of Hushiel ben Elhanan (end of the tenth century), published by Schechter in $J Q R$. XI p. 643.
the Mordecai by a German Rabbi, MS. Oxford, Neub. no. 678"a veritable mine for the Halakic literature of the middle ages". ${ }^{47}$ Attention was first called to this quotation by Dukes, 48 and later by Steinschneider. 49 A part of this quotation ( $\S \S 32$ and 33 ) was first printed by P. F. Frankl, ${ }^{50}$ and all of it by Epstein (pp. 132-134). Both used a copy made by Jellinek. I have used a copy of the quotation made by Edelmann ${ }^{51}$ which is in the Library of the Jewish Theological Seminary of America. From this copy it is not possible to make any important corrections in the text given by Epstein. This quotation from Eldad contains:

1. Part III (פגולים), beginning with § 32c and
2. Part IV (הלבות חיה), § 34 and the beginning of § 35 . It is evident that the original, from which $O$ was copied, did not extend beyond this point. The scribe therefore supplied the missing conclusion of the Ritual (Epstein p. 134 no. 5-7) from the Responsum (Recension B). Moreover, there is even some indication in $\S \S 34$ and 35 that the text which he followed was incomplete, and he was therefore obliged to take one passage in § 34 (v. A, note 528) verbatim from B.
V. M. A brief quotation in Mordecai, in the beginning of Hullin, cited from רבצו ברוך. At first sight, this quotation would seem to have been taken from the Sefer ha-Terumah of Baruch ben Isaac of Regensburg, but it does not occur there. Presumably it comes from the no longer extant Sefer ha-Hokmah of Baruch ben Samuel of Mayence (d. 1221).52 Whe quotation, in its present form, contains only the first half of $\S 1$ of part I (הלמות שחיטה), and proceeds at once to part III, where, after the introductory sentence of $\S 26$, it reproduces the פגולים enumerated in $\S 31$, but in a rather condensed form. In its original form in Mordecai the quotation from Baruch must have been very much more extensive, for it appears from Shilte ha-Gibborim at the beginning of Hullin that Mordecai had quoted, in the

[^4]name of 7 , "the entire Ritual of Eldad". ${ }^{53}$ This statement must, however, in all probability be taken to refer to parts I and II only, which precede part III, dealing with פגולים (v. A, note 2).

The quotation from $M$ is too brief to be given a place in the text. I have, however, inserted it in the notes $(v . \mathrm{A}$, notes 2 , $289,303,332$ ) correcting the text on the basis of ed. Alfasi, Constantinople 1509, and a parchment MS. of the fourteenth century in the Library of the Jewish Theological Seminary of America.

The four texts, $G, P, T-S$, and $O$, supplement one another in a way that makes the reconstruction of the entire Ritual of Eldad, with the exception of the conclusion, possible. Moreover, for $\S \S 9 \mathrm{~d}, \mathrm{e}, \mathrm{f} ; \S 17$ middle - § 24 middle; $\S 33 \mathrm{~b}$ middle—§ 35 and for $\S 36$ we have two parallel texts, and for $\S 20, \S 33 \mathrm{~b}$, middle-e, even three texts. In the present edition the text which serves as the basis is designated by the initial letter in the left margin; where parallel texts exist these are indicated by the other letters. The beginning and the end of a text are indicated by two parallel lines $\|$.

Of these texts the nearest the original is, in all probability, the Genizah fragment. ${ }^{54}$ That the Genizah fragment has a more original text than $G$, can be established with some degree of certainty, although only one section (§36) is to be found in both texts. In $G$, Eldad's terms are replaced by the more usual later terms. Thus in place of טמא and כשר -the latter is in itself a later substitute for
 קשורת ידים ורגלים (ve simpler phrase מותרות (vote 562), instead of the curious phrase כי עוף הוא, the simpler reading וכל עוק (v. note 564). Likewise we have in $G$ in $\S 9 e$ the Rabbinic-Talmudic form סירכז, where Eldad must have used (v. note 74). It seems, however, that both $T-S$ and $G$ go back to one earlier text, for $\S 36$ in both texts contains the characteristic mistake תקשור, where the sense requires the reading אם תקשור (v. note 555).

That $T$-S is more original than $P$ can be readily and conclusively proved, for here we have parallel texts for considerable

והמרדםי בשם רבנו ברוך האריך בתחלה להביא כל דברי הלמות ארץ ישראל שכתב 53 .אלדו הדני.
${ }^{54}$ Among the peculiarities of $T-S$ is the affixing of pronominal plural endings to singular forms of nouns and verbs. So $\S 17$ (note 125) והבהמה תשא


portions of the Ritual. In place of the constantly recurring formula in the fragment כששר הוא ויאכל or טרפה הוא ולא יאכל $P$ reads in most cases simply טרפה or עשר . The prolix enumeration of domestic animals in $\S 20$ of the Genizah fragment אם שור הוא ילך אל שור פמותו אשר נשחת ביום ההוא ואם פרוה ילך אל פרה כמות ואם עגל אל עגל כמותו ואם גדי עים אל גדי עים כמותו ואם איל אל איל כל כמותו ואם תייש אל תייש כמותו ואם עיזה אל עעיזה כמותה ואם רחילה אל רחילה כמותה is abridged, by substituting the phrase פמל after וכן כל הבהמות כולם (v. note 183). A similar abridgment is adopted in an analogous case in $\S 23$ ( $v$. note 238a). Biblical forms of the Genizah fragment frequently give way in $P$ to Rabbinic-Talmudic forms; thus ולד (v. T-S used instead of 23 note 249), (T-S $\S 20$ note 176), the Mishnaic כלייד instead of
 265), the participial ending $\varphi$ instead of $\square$. The characteristic vulgar Arabic construction אמור עליו יאכל (v. Glossary s. v. הם ה) הרים) is abandoned for the simpler infinitive construction אסור לאכול ( $T-S \S 33 \mathrm{c}$ note 465). Similarly כשהר replaces the term טהור, which Eldad used (cf. T-S § 17 note 127, § 18 note 137, § 19 note $173, \S 20$ note 202 , § 21 note 210 , § 22 note 222 ). Instead of ( $T-S \S 35$ ) the more usual אכובה occurs in $P$ (§ 17). In addition, the numerous corruptions of the text, omissions, ${ }^{55}$ and misplacing of passages which a comparison with $T-S$ reveals, show clearly that the text of $P$ is considerably later than the more perfect text of the Genizah fragment. No direct relation between the two can, however, be established. Here again certain errors ${ }^{56}$ and peculiarities ${ }^{57}$, common to both, would seem to indicate that the two texts are to be traced back to an earlier text.
$O$ shows in turn a much later form of the text than $P$. In it the original style is still further obliterated. Thus ( ודבר $P$ § 33a

[^5] חטא גדול בא על ידינו ;לאחר ששחחוו (Pib. note 432) לאחר זאת השחיטה (Pib. note 439) הרועה אשר הוא בצאן; ;חטא עשינו (T-S § 33 e note 503)
 general usage of the neo-Hebrew requires it $(v . \S 32 \mathrm{c}$ note 364
 ib. note 523 ומה etc.). Moreover $O$ tends to improve upon the text in several instances, thus substituting כמח for רשות in § 32 c (note 358) and omitting the superfluous word בהמה מעוברת in נקבז (§ 33a note 415). O also takes other liberties with the original text, abridging it in places for the sake of simplicity, thus e. g. instead of שחטנוי היום מן המקנה בשר שחטגו בנים it reads מרובה מרוב שמחהה שכחנו ושחחטו בנים ואמהות שעבר על מצות לאו, להו מה שעבר על מצות להו דלא it reads simply הוֹא לא תשחטו ביום אחד ת תשהטו $P$ ( § 32d note 476). Similarly in § 33 fewer examples are given than in the original text ( $v$. note 431) and again the collective term והעופות is used instead of the rather extended list of fowl mentioned in the original text ( $P \S 32 \mathrm{c}$ note 345 ). In the same spirit the unimportant sentence והיתה עת שוחזטתה עת (P§32c note 339) is omitted, and a Halakic discussion occupying four lines that is not essential to the thought is left out ( $\S 33 \mathrm{~b}$ note 444). Furthermore, the substitution of the Talmudic phrase והיה (§32c note 343) for Eldad's plainer words is evidence that this text is to be assigned to a later date.

There are indications that $O$ may be traced to $P$ or a group of manuscripts going back to $P$. These indications are to be found in certain errors, such as (T-S § 33d note 467) and omissions such as is (ib. note 469) and (ib. note 472) common to both texts, also in the fact that both alike use certain forms which differ from those employed in $T-S$ as
 (ib. note 489). This does not preclude the possibility that $O$ was influenced by a manuscript closely related to T-S. Evidence of this is to be found in certain forms common to both $O$ and $T-S$ in the use of which both differ alike from $P$. Compare e. g. $O$ (§33d note 468) with האם ובנה of $P$, and מענישטים or or $T-S, O$ (ib. note 483) with מענשין of $P$.

## II. RECENSION B.

During the stay of Eldad in Kairwan an epitome was made of his Ritual, in order that it might be submitted to the Gaon for his opinion on points in which Eldad's Ritual differed from their own. The oldest source for this epitome thus far known is the epistle of the community of Kairwan to the Gaon Zemah [ben Hayyim]. This epistle in its present form is, however, not older than the second half of the fifteenth century. It was first published together with the decision of the Gaon by Abraham Conat [Mantua, 1480].58 Our text is based on a photographic reproduction of the copy of this editio princeps in the Bodleian Library in Oxford.

As this Responsum was the only continuous text known before the discovery of manuscript $P$ (see above p. 11), it naturally formed the basis of all opinions of Eldad's ritual. Frankl, never suspecting the genuineness of the text in its present form, was troubled by some of its discrepancies. In his prejudice against Eldad, he attributed these inconsistencies to the character of the author. To cite an instance: in no. 10 several sections have been lost from the text ( $v . \mathrm{B}$, note 28). As a result a question is followed by an absolutely incongruous answer. Frankl's comment is that Eldad "has here given a decision quite unequalled in folly". ${ }^{59}$

A much more exhaustive examination of this Responsum was undertaken by Jacob Reifmann. He was the first to subject the Halakot of the Responsum to a critical and perhaps even hypercritical analysis. He found no less than nineteen passages taken, as he thought, from Talmud Babli, Hullin, some of them

[^6]verbatim. ${ }^{60}$ In the same way he thought he had found passages paralleled in the older Rabbinic literature. His general conclusion, therefore, was that the author, or compiler (מסדר), of this ritual was an ancient impostor (אחד מזייפני קדם) who had gathered his material from our Talmudic and Gaonic writings and other Halakic works no longer extant.61 These he used either verbatim or in a slightly modified form. For some of the Halakot he claimed the authority of Moses or Joshua. He ascribed the whole collection to Eldad ha-Dani, and styled it "Halakah of the Ten Tribes". The citations from the הלכות א" which we find in the older rabbinic authors, Reifmann thought, were not quotations from Eldad's ritual, but rather sources from which this impostor drew. The latter, Reifmann implies, must have lived at least before Jacob ben Asher, the author of the Turim, who died in 1340. He bases this view on the fact that in four instances there is complete agreement-verbatim et lite-ratim-between the Responsum and the Tur and he therefore concludes that Jacob ben Asher made use of the Responsum. ${ }^{62}$ This interpretation of Reifmann, as we shall soon see, is erroneous. It is, however, to his credit that he overthrew the view which had enjoyed universal acceptance before him, namely "whatever is ascribed to Eldad is authentic, i.e. was actually written by him". 63 Reifmann pronounced the entire Responsum spurious. In this he went too far, for, as we shall presently establish, the passages which led him to regard the Responsum as a forgery, are interpolations.

Reifmann's investigation was followed by Epstein's study of the Responsum. Epstein scarcely took any notice of Reifmann's results. Confronted by the patent contradictions in the Responsum itself, such as the existence of two totally different decisions on the same Halakah, and the glaring discrepancies between the Responsum and Recension A, he sought to bring about harmony by means of slight textual emendations or forced explanations. He attempted to maintain the genuineness of even the most palpable Talmudic interpolations in the Responsum-some of which Steinschneider had already pointed out-and resorted to the hypothesis that Eldad had become acquainted with the

[^7]Talmud in Kairwan and, therefore, incorporated several Talmudic Halakot in his Ritual.

Epstein thus left the critical study of the Responsum where it had stood before Reifmann's essay appeared. Neither did I. H. Weiss make any advance. He did, indeed, point out an additional discrepancy between the Responsum and Recension A, but this was. to him, only further evidence that Eldad was a mere impostor. ${ }^{64}$

There is, therefore, no need of an apology for undertaking anew a critical examination of the text. To sum up the results of our investigation:

1. The form of the Responsum has undergone extensive alteration under Talmudic and Rabbinic influence. Frequently the less familiar words, phrases, and constructions of the original have been replaced by the more usual terminology of TalmudicRabbinic literature. Thus there is substituted in the Responsum




2. The original Halakot of Eldad have been changed completely in a number of instances, so as to make them agree with the Talmudic or Rabbinic Halakah. Thus, e. g., where the original text read עיקב הטחול בעביו . . . . עהור דוא (A, § 21), the Responsum now reads ניקב הטחול בעביו טרפה, the very opposite, the change having been made to bring about conformity with Hullin, 55 b , and the current Halakah (v. B, note 33). Similarly the ant ימצא בלייה אחת גדולה ואחתה קמנה כחרדל או כעדשה אין עליו בדיקה טהור דוא ויאכל of A (§ 20) is changed in the Reponsum to the of Hullin. l. c., and the Halakic codes (v. B, note 36). For בי ישאר במטפםר של in A (§ 16), which deals with the decision concerning fractured ribs, we find substituted ,מצאת בהמה שנשתברו צלעותיה הגדולות ברובן טרפה, in accordance with Hullin, 52 a , and our Halakah ( $v . \mathrm{B}$, note 38) ; for the Halakah of Eldad concerning an ox that has fallen into a pit (A, § 24), the corresponding Halakah, taken from the Tur, Yoreh Déah, § 58 has been substituted; compare also B, no. 21 b, with A §32, and B, note 51 .
3. The Responsum has been enlarged through mumerous later additions, some of which are altogether inconsistent with the preceding Halakot of Eldad, and even with the corresponding Halakot in A. Of these interpolations some were suggested by the Ritual itself (comp. קלמוםיה in no. 1, v. note 3; בהמה in no. 24, v. note 80). Others were taken from the Talmud (cf. . ( no. 22, $v$. note 58) or from some early Halakic code (cf. no. 2, v. note 6). Thus, at least in six instances passages are taken verbatim from Tur, Yoreh Déah. It is, of course, evident that these interpolations were taken from the Țur, and not, as Reifmann thought, that the TYur took these passages from the Responsum.

Interpolations from the Tur in the Responsum are most frequent in two places. At the close of no. 9 there occur in succession three interpolations taken literally from Tur, Yoreh Déah, $\S \S 53,55$ and 56 ( $v$. note 26). Again, at the close of no. 17 there are likewise three successive interpolations from the Tur, $\S \S 59,58$ and $60(v$. notes $45-47)$. The interpolations following no. 17 may be very readily explained. A reader or a copyist who missed the Halakot on flaying (הגלודה, no. $18^{*}=$ Tur § 59) and on apoplexy etc. (אהוזת הדם והמעושנת והמצוננת, no. 19* = Țur $\S 60$ ) supplied the deficiency from the Tur ( $(\S 59,60$ ). The third passage (no. 19) represents a substitution of the Halakah of the Tur (§58) for the Halakah of Eldad on the case of an ox that has fallen into a pit $(=\mathrm{A}, \S 24)$. The adoption of $\S \S 59$ and 60 from the Tur suggested also the adoption of the Halakah of the preceding paragraph of the Tur (§58) in place of Eldad's Halakah.

The position of the interpolations after no. $9\left(9^{*}, 1, \stackrel{2}{ }, 3\right)$ is inexplicable to me. They very plainly interrupt the continuity, for the discussion on the trachea and the œsophagus (no. 9) is properly followed by the discussion on the lungs (no. 10). This sequence is also indicated in no. 8 נקב קרום הושט נקבה . . . 'הגרגרת בין כנפי הראה נקבה הראה וכו. It is remotely possible that in the original text of the Responsum there occurred a passage corresponding to the נשבר העצם or the נשתבר בראש עצם of, $\S 8 b, d$. The word נשתבר suggested another Halakah beginning with נשתחברו (no. $9^{*}, 1$ ) and led to its introduction into the text at this point.

There can be no doubt, however, that these passages are
later interpolations, taken verbatim from the Tur. The first and third ( $9^{*}, 1,3$ ) absolutely contradict nos. 16 and 17 in the Responsum, passages the authenticity of which is vouched for by Recension A. The second passage (no. 9*, 2) does not occur in Recension A, and it is incomplete. The conclusion of the paragraph in the TTur (§55) from which this interpolation is taken, occurs as an interpolation between nos. 16 and 17 ( $v . \mathrm{B}$, note 41 ).

Other disturbing interpolations from the Tur are found in no. $10=$ Țur $\S 35$ ( $v$. note 27 ), in no. $12=$ Tur $§ 36$ ( $v$. note 30 ) and in no. $14=$ Tur $\S 44$ ( $v$. note 36 ). These also may be explained as the insertions of a reader or copyist. The absence of a Halakah on the in the description of the lung in no. 10, suggested the interpolation of the appropriate passage from the Tur (§ 35). The meagerness of the Responsum at this point, even as compared with A, may have afforded special motive for this insertion (v. B, note 27). The interpolations in nos. 12 and 14 are similarly due to the absence of the usual Rabbinic Halakot on these subjects in the Responsum. The passages are likewise taken from the Tur $\S \S 36$ and 44 respectively ( $v$. notes 30 and 36).

It is thus obvious that the text of the Responsum has been worked over repeatedly before it assumed its present form. The steps in the process can not well be traced now. Stripped of its most patent Rabbinic and Talmudic interpolations, and of alterations in style and substance, what remains is an approximation to the original epitome of Eldad's Ritual. As such, aside from its intrinsic value, it is highly important as a means of controlling Recension A.

In our text of the Responsum passages or single words which have undergone alterations either in style or in substance are printed in smaller type. Interpolations, taken from the Talmud, the TYu or some other code, are printed in Rashi script.

Comparing the Responsum with Recension A, it will be seen that in the Responsum sections are missing to correspond with $\S \S 7,8 \mathrm{a}, 9 \mathrm{a}, \mathrm{c}, \mathrm{d}, \mathrm{e}, \mathrm{f}, \mathrm{g}, \mathrm{h}, 12,14,18,22,25,26$ to 31,33 in A. (On § 13 and § $19 v . \mathrm{B}$, notes 20 and 29 , and on $\S 27 v . \mathrm{B}$, note 80 .)

An examination of the sections omitted shows that in general these passages are the non-Halakic parts, transitional and introductory remarks, and other more or less unessential state-
ments that would naturally be omitted in an epitome. The Responsum is practical. It seeks primarily to give a succinct statement of the Halakot that differ from the generally accepted Ritual. This accounts for the omission of passages like § 7, which is merely introductory to part II, and of $\S 25$ which forms a transition to part III and does not add anything to the information contained in $\S 24=\mathrm{B}$, no. 19. In no. 21 c , which corresponds to $A, \S 32 \mathrm{c}$, the stories of miracles and the purely academic discussions are likewise discarded and only the Halakah is given. The frequency of purely academic discussions in part III ${ }^{64 a}$ may, perhaps, account for the omission of a great deal of this section of the Ritual. It is not clear, however, why only $\S 32$ has been retained of the entire part III, and the long, purely Halakic $\S 33$ is missing. Especially strange is the absence of regulations so characteristic of this Ritual and so strongly emphasized by Rabbinic authorities as those contained in $\S \S 26$ and $31 .{ }^{65}$

Other omissions can be explained as due to the fact that the text has been mutilated and parts of it have been lost. In no. 10 the incongruity of the answer to the question, referred to above is a clear instance of this ( $v . \mathrm{B}$, note 28). In the same way the absence of Halakot, such as would correspond to $\S \S 8 \mathrm{a}$, $12,14,18$ in A, may be accounted for. It is not unreasonable to assume that what now remains of the Responsum, after the interpolations are removed, is less comprehensive than it was in its original form.

One other point to be noted, in comparing the Responsum and Recension A , is the condensation of the material in the Responsum. In one instance, three sections of Recension A (§§ 35, 36 and 38) are condensed into one section of the Responsum (no. 23), the topics being merely indicated. In another instance
${ }^{64}$ Cf.e.g. the argument that the (§ 26), and the distinction drawn between שחה and שחיטת המזבת אבילה.

65 This section treats of cases in which the act of slaughtering is performed by a person, who is naked, unclean, blind or leprous, or by a mourner, a woman, a youth (i. e. one who is not yet 18 years of age), or an intoxicated person. Further there are here cases dealt with in which the act is performed by one who does not face in the proper direction or in which the act is performed at night i.e. in the dark.
 Iע]) are combined into one section of the Responsum (no. 25, (סימני חיה ועוף.

While the comparison of $\mathbf{B}$ with A reveals many gaps in the Responsum B, B, on the other hand, supplies two Halakot which are missing in $\mathbf{A}$. One of these is found in no. 13 of the Responsum treating of a case in which the spleen and the ribs, or the spleen and the reticulum, have grown together ( $v . \mathbf{B}$, note 33 ). The other occurs in no. 17 of the Responsum, and treats of a case in which the קבוץ הגידים is missing ( $v . \mathrm{B}$, note 43). Another Halakah missing in A is perhaps contained in no. 9. This deals with the case of a tumor that has formed between the œesophagus and the trachea ( $v$. ib. note 25).

Obviously it is not always easy to determine, with accuracy, which sections in $B$ correspond to given sections in $A$. In $B$ I have given in parenthesis the number of the equivalent section in $A$.

We must next consider the relation of the concluding section of $O$ ( $v$. supra p. 12) containing the closing chapters of the Responsum with the corresponding part of the text in the editio princeps. The parallel arrangement of the topics dealt with in A, the editio princeps of the Responsum, and in $O$ in the following table makes evident that the editio princeps has preserved the original order much better than $O$.

## IV. הלכות חיה [ועוף].

| A | B |  |
| :---: | :---: | :---: |
| T-S. O. סימני חיה 34 <br> שבירת עצם 35 § <br> " - " שבירת <br> הצלעים <br> וניקוב קרומו <br> של מחד | Editio Princeps of the Responsum | 0. |
| ועגרמה |  |  |
| ״ | no. 22 ביםוי הדם | חיה שיש לה שני ראשים |
| " - | no. 23 הגיקור טרות | וצרפות החיה |
|  | $=\mathrm{A} \S \S 35+36+38$. | A $\S \S 35+38$. |


|  |
| :---: |
|  |  |
|  |  |

B

So far as the sources admit of comparison, it is evident that the editio princeps follows the arrangement of the material in Recension A. Both A and the editio princeps preserve the same order of arrangement, $\S \S 37,38$ corresponding respectively to nos. 22 and 23. Moreover no. 23 of the editio princeps enumerates the topics in the same order in which they are discussed in Recension A, ובשבירת העצם =A A 38. This is further proof that the editio princeps, at this point. follows the arrangement of Recention A.

From the fact that the arrangement of the material in A and the order of topics given in the editio princeps coincide for the sections for which we can control the one by the other ( $\S$ $35-38$ corresponding to nos. 22 and 23 ), we may infer that the order of treatment was the same also for the subsequent sections. On the basis of the editio princeps we can thus indicate the topics, in the order in which they were treated, in the part of Recension A no longer extant.

Apart from the fact that the Responsum retains an arrangement of the subject-matter closer to the original than the arrangement in $O$, there is also internal evidence to indicate that $O$ is of later origin. Thus, in the section of $O$, which would correspond to no. 25 in the Responsum (סימני חיה ועון), the סימני חיה are eliminated, because they had already been treated in the earlier section (§34) of Recension A. Similarly, the omission of הגרמה in the section of $O$, which corresponds to no. 23 of the Responsum, may be accounted for by supposing that the topic הגרמה had already been treated at length in that part of $O$ which would have corresponded with $\S 36$ of Recension A. This part of $O$ has, however, not been preserved. Why $O$ deviates so widely from both Recension A and the Responsum in the arrangement of the subject-matter, I have not been able to determine.

Linguistic evidence would also tend to confirm the view that $O$ is of later origin than the text of the editio princeps.

Thus in a number of instances $O$ uses the neo-Hebraic in place of the Biblical idiom. So e.g. instead of ( $R$ no. 23), note 75); instead of לבדו (ib.), בלבד ( $v$. note 76); instead of $R$
 אמר לו ( $v$ ואמר $v$. notes 91 and 99) etc. $O$ is valuable, however, in as much as it checks the text of the editio princeps ( $v$. especially notes 57 and 58), and preserves for us, in some instances, ( $v$. notes 80,82 and 84) a better, and even older version of the Responsum than the one represented in the text of the editio princeps. It would seem probable, therefore, that $O$ is based on a text that represents an independent development of the original text of the Responsum, and although, as a whole, it is to be dated later than the text preserved in the editio princeps, it does, nevertheless, retain, in some instances, more original readings.

## CHAPTER III.

## PLAN AND CONTENTS.

The Ritual is divided into four or five distinct parts. Each part opens with the introductory phrase אמר ידושע בן נון מפי משה מפּ הגבורה. This phrase is found only at the beginning of a part or division, and serves to mark off one part from another. Throughout this work there is a definite schematic arrangement of the subject-matter which is unique in Halakic literature.

The first part of the Ritual (I) is here designated by תלכות בהלבות שחיטה שלהם אומרים שחהיטה by which this part of the Eldad Halakot is introduced in the Responsum. The second part(II) I have styled הלפות טרפות in accordance with the introductory words occurring in the Responsum, and the caption, זה המעשה נמצת בהלפות טרפות של ר' אלדד הדני, used in $O$. In the absence of any descriptive terms in the references to part III, I have used the word Eגולים which describes the subject-matter. Over the fourth part (IV) I have put the heading הלכות חיה, warranted by the words, וקאל אויצֹא פי אחפצם אלחיה with which Ibn Ǵama introduces his citation of $\S 36$ from this part. Owing to the incomplete state of the
text of the sections on עיף in A, it is impossible to determine whether the originally formed a distinct division in the Ritual (V) or only a part of the הלמות חיה.

The arrangement of the subject-matter in the Ritual can best be shown by the following summary of its contents:

## I.

§ 1. Introductory statement regarding the five rules of ${ }^{\circ}$ slaughtering and an enumeration of the rules.
$\$ \S 2-6$. The five rules of slaughtering discussed.

## II.

§ 7. Introduction to the subject of Terefot.
§ 8a. Perforation of meninges.
b. Fracture of the skull, involving no injury to the meninges.
c. Fracture of the skull involving the injury of the meninges.
d. Paralysis of central origin-gid ( $v$. note 57).
§ 9a. Color of the lungs, in disease.
b. Anatomy of the lungs, normal and anomalous formations.
c. Atrophy of a lobe of the lungs.
d. Partial union of the minor lobes.
e. Complete union of the minor lobes.
f. Union of a minor lobe with a major lobe.
g. Union of a minor lobe with the trachea or oesophagus.
h. Union of a lobe of the lung with the heart.
§ 10. The [other] organs, the perforation of which renders the animal unfit for food.
§ 11. Perforation of the œesophagus.
§ 12. Perforation of the trachea.
§ 13. Perforation of the heart; swelling of the heart (due to traumatic pericarditis).
§ 14. Adhesion of the gall-bladder to the peritoneum; cholecystitis; healed perforation of the gall-bladder.
$\S 15$. Union of the lobes of the lungs with the dorsal wall deformities of the thorax.
$\S 16$. The ribs.
§ 17. Fractures of the extremities.
$\S$ 18. Injuries of the spinal cord.
§ 19. Formation of a blood clot on the omentum of the liver ("two livers"); absence or atrophy of the liver.
$\S$ 20. Absence or atrophy of a kidney.
$\S$ 21. Absence or perforation of the spleen.
$\S$ 22. Perforation of the intestines.
$\S$ 23. Domestic animals that have been attacked by beasts of prey.
§ 24. Domestic animals that have fallen into a pit.
§ 25. Domestic animals that have fallen into a stream; remarks introductory to Part Three.

## III.

§ 26. Requirement to face northward during the act of slaughtering and the reason therefore; disqualifications for the act of slaughtering; animals that may be slaughtered for food, but not for sacrifice (illustrated by $\S \S 27-30$ ).
§ 27. Two-headed animals.
$\S$ 28. Animals having deformed extremities.
§ 29. Animals afflicted with congenital arthritis.
$\S$ 30. An animal with one of its extremities shorter than the others (as the result of a fracture).
$\S 31$. Persons disqualified for slaughtering (continued from $\S 26)$ and conditions which vitiate the act of slaughtering.
$\S 32$. Cases in which the act of slaughtering is not required in order to make the animal fit for food ( $a, b$ and $c$ below)
a. The young born while the parent animal is being slaughtered.
b. Foetus, which has only half emerged from the vagina at the time the parent animal is slaughtered.
c. Miraculous story illustrative of a.
$\S 33 \mathrm{a}$. Ben Peku'ah, and evasions of the prohibition of אותו ואת בנו (Lev. XXII, 28).
b. Prohibition of אותו ואת בנו.
c. Prohibition of בשר בחלב (Ex. XXIII, 19).
d. Disposition of the carcases in a case of אותו ואת בנו; intentional violation of this prohibition.
e. A method of determining the relation of the young to the parent animal.

## IV.

§ 34. Distinguishing marks of clean and unclean game.
$\S$ 35. Applicability to game animals of the regulations con-
cerning domestic animals that have suffered fractures of bones or injuries of the brain.
$\S 36$. Applicability of the Hagramah and the other regulations for slaughtering except 'Tliur to game animals and fowl; permissibility of 'Tliur in the case of game animals and fowl.
§ 37. Covering of the blood (כמוי הדם) (Lev. XVII, 13).
§ 38. Applicability of the regulations concerning inspection (בדיקה) to game animals [except as regards Nilikur].
[§ 39. Slaughtering of double-headed game animals].
[ $\$ 40$. Distinguishing characteristics of clean and unclean fowl].
Owing to the incomplete state of the text of A, the contents of $\S \S 39$ and 40 and of the the concluding part of $\$ 38$ must be inferred from the Responsum (nos. 23-25, $v$. supra pp. 23-24). The Responsum is likewise our source for restoring the Halakah on the union of the spleen with the ribs or with the reticulum ( B, no. 13) in $\mathrm{A}, \S 21$; and likewise for restoring the Halakah on the absence of the קיבוץ דגידים (B, no. 17) at the end of § 17 or between $\S 17$ and § 18 ( $v$. supra p. 23). The reference of Rabbenu Nissim ${ }^{65 a}$ (Alfasi, on Ḥullin III s. v. שמוטת גף בעוף מרפה, cited by Epstein p. 138) to a Halakah of Eldad concerning fractures of the legs or wings of fowl, indicates that $\S 40$ was followed by at least one more section dealing in a manner analogous with $\S 35$, with fractures of the legs and wings of fowl, and, most likely, also with other Terefot in fowl. Similarly, the reference in Sefer ha-Terumah (no. 8 cited by Reifmann p. 103, Epstein, ib.) and in Haggahot Maimuniyot (הלכות שחיטה II, letter 'ב) to a passage in the בתב רבי אלדד הדני, which does not occur in any of our texts, affords further evidence that even the הלכות שחיטה of Eldad, in the form in which we possess them, are incomplete. We are therefore not yet in a position to reconstruct the Ritual of Eldad in its entirety.

In conclusion, a few words should be said of the arrangement of the subject-matter in the Responsum. The Responsum contains the same general divisions as $\mathbf{A}$, and on the whole adheres to the arrangement of $A$ in detail. In the Responsum, parts I and II are, moreover, distinctly indicated by introductory phrases descriptive of the contents. In part I we find the same sequence

[^8]in the presentation of rules of slaughtering as in A. Part II, however, does not always retain the order of A. Passing over part III which preserves only a single section of A, we note that part IV again follows the arrangement of A rather closely.

The following are the sections of A preserved in the Responsum. The numbers of the sections in $A$ and $B$ indicate the extent to which the two texts coincide in arrangement, and also the extent to which $B$ reproduces $A$. It will be observed that part I is complete, and that part II is relatively full. Part III is remarkably short, part IV on the other hand is relatively complete, except for the conclusion, where the Halakah on עוף cited by Rabbenu Nissim (v. supra p. 28) is missing in the Responsum as well as in A.
I. nos. $1-6=\S \S 1-6$.
II. no. $7 \mathrm{a}=\S 8 \mathrm{~b}$, no. $7 \mathrm{~b}=\S 8 \mathrm{c}$, no. $8=\S 10$, no. $9=$ $\S 11(?)$, no. $10=\S 9$ b, no. $11=\S 19(?)$, no. $12=\S 15$, no. $13=$ $\S 21$, no. $14=\S 20$, no. $15=\S 16$, no. $16=\S 17$, no. 17 , no. 19 $=\S 24$, no. $20=\S 23$.
III. no. $21 \mathrm{a}=\S 32 \mathrm{~b}$, no. $21 \mathrm{~b}=\S 32 \mathrm{a}$, no. $21 \mathrm{c}=\S 32 \mathrm{c}$.
IV. no. $22=\S 37$, no. $23=\S \S 35+36+38$; no. $24=\S 27$ $+[\S 39]$, no. $25=\S 34+[\S 40] .65 \mathrm{~b}$

## CHAPTER IV.

## THE LANGUAGE OF THE RITUAL.

The language used by Eldad presents one of the most difficult problems. If we could determine, accurately, the character of his Hebrew, we would possess a very important clue to the country from which Eldad came. The material for solving the problem is, however, most meagre. It is limited to the Ritual and to the few fragments preserved by the community of Kairwan in their Epistle to the Gaon, and by the older lexicographers. In the remarks that follow, the aim is not to set up a new hypothesis as to the home of Eldad's Hebrew, but only to give a

65b We need scarcely point out that such phrases as ועוד ,ועוד אמר לנו שאלנו אותו are part of the form of the Responsum, serving merely to introduce the material taken from the Ritual.
brief characterization of the language of the Ritual. A glossary is added in which the derivation and meaning of the peculiar words and idioms, used by Eldad, are explained. On the whole, I am in agreement with Epstein (p. IX et seq.) in his views on the language of Eldad.

The general characteristics of the language of Eldad may be summarized as follows:

1. The Hebrew, viewed from the standpoint of the Gaonic idiom, is of an archaic type. It approaches more nearly the Hebrew of the Bible than that of the Mishnaic or of the Tal-mudic-Gaonic literature. Nevertheless it manifests certain dialectic peculiarities of its own. It bears the impress of a language spoken or written by Jews at some time and in some country and of an independent development there, similar to that of the Halakah written in it. The language in itself does not give evidence of having been created ad hoc. The old lexicographers never suspected its genuineness, or they would not have cited it as authority for their explanation of Hebrew words. Thus Jehuda ibn Koreish seems to refer to this idiom as authority for the explanation of the word in Psalm VII, 1, claiming to have learned the particular usage from "a Danite" ( $c f$. Glossary infru s.v. and Steinschneider, Die Arabische Literatur § 35). Dunash ibn Tamim, who lived in the middle of the tenth century ( $\boldsymbol{l}$. Steinschneider l. c. § 36), presumably the author of an ancient commentary on the Sefer Yezirah, had a theory that "Hebrew is a pure Arabic", and he asserts that he derived it from "the Danites". (v. Steinschneider, Introduction to the Arabic Literature of the Jews in J. Q. R. XIII pp. 306 and 315 et scq.) Ibn Gama made a detailed study of Eldad's vocabulary, and arrived at new conclusions, which he asks the reader to examine thoroughly. 66 Even as late as the second half of the thirteenth century Tanḥum Yerushalmi, who lived in Asia, referred his explanation of Lam. IV, 8 to the usage of "a Hebrew, living in the desert, known as the Danite, on account of his relation to the tribe of Dan". (cf. Glossary infra s. v. צמ and Pinsker, Liklaute Kadmoniyot p. 180.) ${ }^{67}$
${ }^{66}$ In the Risâle itself, as far as I can see, Ibn G'ama explains only the etymology of (v.Gl.s.v.) and the use of דתם (vanstead of סרובה (v.p. 66 note 104).
${ }^{67}$ Cf. also Hasdai Ibn Shapruṭ's remarks on Eldad's Hebrew: היה מדבר: בצחות וקורא שמות לכל דבר בלהי"ק וכל דבר לא נעלם ממנו (v. Epstein p. 70).

The following may be regarded as dialectic peculiarities in the language of Eldad:
a) His preference for the Hiphil form: הבין, העטיט, יגריר יצביצו ; (v. Glossary, s. vv.) ילקיש, נהכםו, העקירה, תלפיש, תמטיט (§ 33 e ), instead of etc.
b) Unusual formations derived from Hebrew roots: העטיט
 רוטש: ;פתאם from the adverb פתם and שתאם ;פרט from ; פריטה ;פג from תחשת for ; תחת ; (v. Glossary s.vv.).
c) The use of Hebrew words in a sense in which they do not occur elsewhere: זרם, "sinew"; גטם, "span"; "עמק, "skin"; "interference with the free movement of an animal's legs during the act of slaughtering"; קרב, "reticulum"; (v. Glossary s. vv.).
d) The use of words of Syriac origin (sometimes in Hebrew formations), which are not found elsewhere in Hebrew. Examples of this are תמב; = , (v. Glossary s. vv.).

Epstein (p. x) has collected some of the archaisms which Eldad uses. His list may be supplemented by the words given on p. 15 supra. Attention should also be called to Eldad's use of poetic expressions in the Bible, such as to denote "to kick, to trample", and pדקד "the pate" for "head" (v. Glossary s. vv.).
2. Eldad's Hebrew abounds in Arabisms. The influence of Arabic is undeniable. Epstein concludes, therefore, the testimony of the people of Kairwan to the contrary notwithstanding ${ }^{68}$, that Eldad knew Arabic and could speak it. This conclusion does not follow inevitably, for there are other instances of Jewish writers who did not know Arabic, but who, nevertheless, used a Hebrew style which showed Arabic influence. The language of Eldad contains moreover Syriac as well as Arabic elements, although the influence of Syriac is not very marked. It would, therefore, be logical to assume that Eldad knew also Syriac. It is, however, possible that the language of the country in which Eldad lived, was influenced by the Arabic.

The influence of the Arabic is shown in the adoption of
a) Arabic words, some of which are given a Hebrew form:

[^9]

b) Arabic idioms which, at a subsequent time, became rather

 to the use of حرّ cum personae; hence in place of Hebrew אסור לנו; compare, however, Mishnah, Erubin VIII. 4 (v. Glossary s. vv.).
c) Arabic constructions in grammar and syntax. The placing of the demonstrative pronoun before its noun is one
 (§ $33 \mathrm{~b}, \mathrm{P}$ ); בה היום (§ 23 T-S); בואת הלילדה70, no. 21).

Other instances are the use of the Sifa (indeterminate relative clause): אם יש מנמע בין בשר לעור ירעיף המים בבשר כולו, טרפה in $\$ 29$ ( $P$ ), the use of the Tamŷz (accusative of specification): ואם דיו ה in $\S 15(P)$, the omission of the conjunction $\ddot{\sim}=$ as in vulgar Arabic: וֹ §33b (T-S), in §33c (T-S), the elliptic use of עד in the same way as רتّى is used in neo-Arabic, particularly in the African dialects, ( $c f$. hatta 'qul, je vais parler, J. Oestrup, Contes de Damas, 1897. Glossaire p. 157 s. v. Hatta).

The evidences for the genuineness of the Hebrew of Eldad noted under no. 1 make it impossible to regard our text of Eldad's Ritual as a translation from an Arabic original. As Epstein has successfully shown in his criticism of Rapoport (Malberet he-'Arul. ed. Stern p. xi column a), such an assumption is entirely out of the question in the case of the Responsum, the text of which is free from Arabisms, with the single exception of בזאת הלילה.

The following Glossary gives the words and phrases of the Ritual which are either obscure in meaning or are used in a peculiar sense.

## GLOSSARY.

1. (§ 23) ואם שועל קטן או דסום קטן . . . הגח אותו - דםום (2L). Assuming דםום to be the correct reading (v. A, note 237), we may perhaps account for it as a mutilation of דסיפום = Greek


[^10](Lev. XI, 6, Deut. XIV, 7; cf. de Lagarde, Librorum Veteris Testamenti Canonicorum Pars Prior Graece, Göttingen 1883 l. c.). Of the same origin is the Ethiopic Dâsîpôdâ, species leporis vel cuniculi, v. Dillmann, Lexicon s. v. col. 1098. If the reading רום is the correct one, this name of the animal may be derived from $\sqrt{\text { ロา, "to break." }}$

Epsteins's emendation (p.115) is impossible in the context.
2. a) "to notice, to perceive". (In Biblical Hebrew the Qal is preferred) in this sense : ואם לא הבין מקום דצלע (no.12); (no. 6). והעקיר' רגליה לתוכם ולה הבין אליה ומתה ()
b) "to understand" (as in Biblical Hebrew): דבר וה דהבין יהושע בן נון ואמר (no. 22), or "to explain, to interpret", as in 'Abodah Zarah 45 אמר רבי עקיבא אsי אובין לפניך (cf. Weiss in Ha-Hoker I p. 160 and Bacher, Die exegetische Terminologie, Leipzig 1905, I p. 8-9).
c) "to investigate, to examine": נבין (no.13); no. 4 cf. B. note 11).

 of a subordinate clause with the main clause without the con-
 in (§33c) follows the usage of the vulgar Arabic. Cf. Spitta-Bey, Grammatik des Arabischen Vulgärdialektes von Ägypten, Leipzig 1880, pp. 424 et. seq.


 expression, "to smite, to shatter". If the text is not corrupt, the reading is

Epstein (p. 108 note 17) traces it to the Arabic $ص 5^{0}$ Jactavit pedem suam animal jugulatum (v. Freytag s. $v$. IV. p. 154). But the Arabic equivalent of Hebrew is is , both phonetically and according to the meaning (cf. also Assyrian maluâsu, Delitzsch, Handwörterbuch p. 398), not $\cos ^{\circ}$. In view of the biblical usage of מחץ it is not necessary to seek an Arabic derivation for this word.
4. ובי העטיטה ; (5 §) ואם העטיטה מתחת הטבעת הגדולה :העטים


הגדילה ולא תעטיט מהור הוא (ib., v. note 23), a verb (Hiphil), denominated from the biblical 0.2 , which Eldad uses in place of the Greek derivatve pולמום, commonly used in Talmud, Targumim and Midrashim (v. Blau, „Studien zum althebräischen Buchwesen", p. 170, note 5). Neubauer, Journal Asiatique 1862 p. 206 note 1, wrongly traces it to the Arabic ch" "to slit"".
6. ונחתך הזרם ממנו ;(30 §) והזרמים נתרפקו על יד כהוגן :זר
 ניבה "sinew", is evidently a Hebrew translation of Aramaic (from $\sqrt{V} \overline{ב ו}=$ ). Dr. Ginzberg informs me that in the writings of the middle ages denotes "the circulation of the blood."
7. ותחרב [= ותחרבשש] ; ידיה ורגליה (§ 36, G), where T-S has ותחרכש. The context indicates that the meaning is: "the animal kicks with its feet". $C f$. Neo-Syriac بَذْ agitavit (Smith, Thesaurus s. v. p. 1366). This word is rare. Perhaps the reading in both places should be שת \% a reading which is actually found in T-S § 35 ; v. next article.

According to Steinschneider, J. Z. II p. 300 וחרבשה is a mutilated form of Talmudic כשכשה or כירכשה. Neubauer, l. c., compares Arabic حربظ "to bend a bow". Epstein is misled by the corrupt reading ויחרם of $P$ in $\S 24$ which he emends to
 to obtain the meaning required here by the context he would have to emend to in $\S 6$ and וֹירפשׁה in $\S 35$.


 mann, Lexicon Syr. p. 124, Smith s. v. col. 1373). According to Sachs (Beiträge I p. 175) חרכש is = Talmudic ברבש, derived from the Greek xépxos (which is impossible; see, also Kohut, 'Aruk IV p. 328a and Jastrow, Dictionary I p. 670). Here, too, Epstein would emend to ותיהרפשע and ותרפש.
9. כי פעמים יגריר ;(§34) אבל אין אני רואד אות etc. (in Biblical Hebrew the Qal or Niphal is used) = cud".

I find the Hiphil of גרר in the sense of "to smart" in Joseph [Benveniste] Vidal's Hebrew translation of Joshua Lorki's medical
work (v. Steinschneider, Hebr. Übersetzungen p. 762): המליחות הוא טעם ימרק הלשון ויגרירה גרירה קלה בלא שעירות (quoted in Kaufmann's Die Sinne p. 166 note 9).
10. התחיל שֶׁיְקִישׁ קרומו של מוח :ילקיש (§ 8d): "The meninges begin to seeth or bubble i.e. to form gas" (v. A note 57). If שילקיש is not a mere scribal error for שישליק (Epstein p. 112 no. 3: שילוק), the root may perhaps be related to the Arabic لَكِث "the camel has her mouth covered with postules" (v. Lane s. v. p. 2671), the postules looking like bubbling water. The more probable derivation of ילקיש from the Hebrew noun מלקוש, "bubbles of the rain", is suggested by Dr. Ginzberg.
11. ויםחםחיהו מן הבגד :יםחםחיהו (37): "Make the blood flow
 above, to pour fourth", (v. Lane s.v. p. 1313), Ethiopic zâhhžha (v. Dillmann, col. 1039). It is, however, possible that יםחפחיהו' is
 to clean." Cf. 'Aruk s. v.
12. (§ (§5), = Arabic تجبوز الشیء على , a thing passes or takes effect or is applicable", (v. Lane s.v. p. 484). Cf. Cuzari ed. Hirschfeld p. 24 (I. 50) וֹבר מן פהן אליום תק עאם לא יגִוֹ צלכזב עלי משהוראת and Hebrew translation, ed. Cassel p. 43 : זדבר [וספור rather מי שיהיז [read Pseudo-
 (v. Steinschneider, Hebr. Übers. p. 448 line 8). Jeshuca ben Jehuda's Commentary on the Decalogue יעבור (arab. יגוּ) לקצר (v. Steinschneider ib. p. 144 note 282). Al-Ghazzali ed. H. Malter, (Frankfurt 1896) I p. XXIX: لأن ثلاسفل لو كان

 .שיתנועע אל מקום העליון כמו שיעבור בחלקי האויר והמים שיתנועעו also ib. p. XXXVI line 11, Part II p. LXVIII line 8 etc. In later philosophical literature the Hebrew עבר is frequently used in the sense of the Arabic $\underset{\text { a }}{ }$ جا.
13. שיתחתה הבהמה לשחטה :יתחתה (§ 6), "he tries to throw the animal to the ground". The verb תחתה seems to be denominative from תחת, just as the Syriac $-\mathrm{L}^{x} \mathrm{~L}$ (v. Smith, Thesaurus s.v. p. 4424), from $-\mathrm{L}^{\circ} \mathrm{L}$; cf. also Ethiopic
athata, humiliare; athatta, dejicere, submittere (v. Dillmann, p. 553) and ומתחתיה לרישא of Hal. Ged., ed. Venice 1548 p. 129 b , ed. Hildesheimer p. 512, [which Sefer ve-Hizhir, II p. 27 (ומתח את (ומתחזה (ראשה ) evidently misread for

According to Epstein (p. 107 note 13): מן לחתות צש מיקוד (ישעיה ל' צ"ד) ורצה לומר שהבהמה תחגרר על פני האדמה מסבת השחיטה .ותנעץ רגליד באבן או בוּ ביתד!
 (§ 8d), is unintelligible. I emend to כרתינונות or כרתינות, "leekcolored, green", (v. Jastrow, I p. 675, and A, note 57).

According to Epstein (p. 122 note 5) כרתום is an Arabic word, meaning "highland, hill". I cannot find such an Arabic word.
15. (13), אם יצא מהשחין צים צהולים כתותים ולی הבאישו :כתותים (1) "If there is exuded from the boil a light-colored (= straw colored), thin liquid, which is odorless". פתית = כתות in Biblical Hebrew, used of thin, fine oil, is here applied to another liquid. Epstein (p. 123 note 12) would emend to ברורים.
 in the same sense in which קולשא is used in Hutlin 55 b (antonym of (םומכא). Epstein (p. 115 no. 20) suggests בקולשו as a possible reading.
17. ואם בהמה שנשתברו ידיה או רגליה למתרפתה :למתרפה (30), "If an animal has [at one time] fractured [one of] its hind legs or fore legs" (owing to the excessive weight of its body, $v$. A. note 329): למתרפתה perhaps the Arabic ترفس V rebondi, arrondi par un bon point, (v. Dozy, Supplement p. 145).

According to Epstein (p. 119 no. 29) למתרפתה is equivalent
 ונתרפהתה.
18. ונעשה קדומו של מוח החתהו מבודק :מבודק (§ 8 c. ), "If the
 Cf. also Assyrian bataku, durchreissen, zerveissen (v. Delitzsch, p. 191).
 ואם המגמע הזה מן הכתף אל הידים ;) (ib.) ואם המגמע מתחת העצד וכו (ib.): "If there is a collection [of pus] (i.e. an abscess forms) between the flesh and the skin causing the pus to spread

and the like" (v. Lane s. v. p. 459; according to Dozy, p. 217 "a medical term"; v. also Epstein, p. 127 note 40).
20. (§8d. P), according to Epstein (p. 122 note 4) מוחל or "fluid" (v. Levy N. H. Wb. III p. 39 and Nachträge $i b$. p. 305). The MS. vocalises ומַהלוֹתיה. The author may nevertheless have intended ומוֹתלותיה (Cf. also Barth, Beiträge zur Erklärung des Jesaia, Berlin 1884, p. 4).
21. (\$ 11), literally "a
 p. 448), a quaint tautology. Perhaps מחהט מחוטמש,
 the "iron instrument [awl], used by sewers of boots, with which they figure or decorate the leather, or an instrument with a pointed extremity, used by binders of books and by others" (v. Lane s. v. حר p. 593; cf. also Fraenkel, Die Aramäischen Fremdwörter im Arabischen, p. 257).
22. (\$ 5) ובעבור המסריגות ישחוט מתהת הטבעת הגרולה :מסריגות (\$) מאשר יפתחו דגידים הללו ויצא הדם כולו
 Proben des Syrischen Textes con Galenus "De Simplicibus" in Z. D. M. G. XXXIX pp. 242, 249; Brockelmann s. v. p. 238; Smith s.v. p. 2727).
 , ודעתו לא היא מקובצת עליו, "his mind is not concentrated" etc. קבץ is used in a figurative sense in Psalm XLI., לבו יקבץ צון לו 7 , $c f$. Rashi ad loc. and also Weiss in Ha-Hoker I p. 160. קבק is used in the sense of "attaining to consciousness" in the Midrash Bereshit Rabbati of Moses Ha-Darshan, quoted in Pugio Fidei

 also Epstein p. 68.

Epstein (p. 127 note 34) derives the figurative meaning of
 an Arabic equivalent for this use of $\gamma \geq p$, the more probable

 s.v.p. 2482), which corresponds phonetically to מקובצת.

ק is also used in a literal sense in $\S 15(P)$ of this Ritual: .
24. ואם תראה הראט מתרפש רפישוּ :מתר (§ 8d), "But if you see the brain swarming with worms (Parasites)" etc. רפש $=$ Syriac $\Lambda_{\Delta} ;$, se movit, redundavit, corrosus est (vermibus), ( $v$. Brockelmann s.v.p. 359) : = Syriac 1 |Â\% reptilia, vermes ( $v$. Brockelmann ib.). It is, however, also possible and perhaps even more correct to interpret מתרפש רפּשוֹת as "soiled with dirt", from the Hebrew noun שֶׁ שֶׁ which is a synonym for (cf. Ps. LVII, 20 and ועושה אותן טםם ומיני רפש Midrash Tehillin to Psalm XVIII, 8 ed. Buber p. 72a). A plural רפשוֹ, according to Kohut's emendation, is cited in the 'Aruk (v.s. v. שפּ). The verb מתרצ could without any difficulty be taken to be denominated from the noun.

According to Epstein (p, 122 note 5) רפישׂה means "morement".
 Imperfect Piel of a secondary stem הַכֵּ Hiphil of נכם, but it is here treated as an original stem.

Epstein (p. 108 note 16) would emend to נהכיםו.
26. (§), literally "while a span of the knife at the end has not been used", i. e. not all of the knife has been used in slaughtering, a span of the knife being left unused. נטיה usually "the act of spanning, extending" (בנטית המוֹלי, Mishnah Oholot VII, 2, Tosefta ib. VIII, 2). Here it is obviously used as a measure, "a span".

Goldberg's incorrect reading (p. XIX) ודאונטיה obscured the meaning of the word. Of Filipowski's more correct reading
 p. 298: vielleicht zwei Wörter, vielleicht eine vox hybrida von נטה Frankl (M. G. W. J. 1873 p. 492) says sicherlich von gebildet. Epstein (p. 105 note 3) also takes והא נטיה to be one word and emends it to $\boldsymbol{i}$, which he takes to be the Hiphil Perfect of גמו.

If והאנטיז should be read as one word, an emendation would not be necessary; אַנְטָּיָה might be a form like derived from the Hiphil of צמהד.
 mals and birds are full of life" i.e. they are very active. נפש is here perhaps an elliptical expression for בעלי נפשט or it is used
 of Prov. XXIII, 2.

ספק אחד לבן ואחד אדום ;(11 §) בין טפק לםפק הושט :ספק (ib.) = Arabic مِغَاق, plural $\underset{\text {, }}{\text {, }}$, "the inferior skin, the skin beneath the upper skin and above the flesh" (v. Lane s.v. p. 1701, Epstein p. 123 note 9).
 (ib.), evidently meaning in both places"thick, stout", cf. עוכלו (v. Levy N. T. Wb. I p. 74, III p. 646; Assyrian akalûtu, Delitzsch p. 56), a small, dry measure (v. Zuckermann, Das Jiudische Maassystem p. 41).

Frankl (l. c.) explains עמול as meaning so viel wie מדוד, viel messend - vgl. in Graetz, Geschichte (Hebrew edition) III p. 460 note 153. So far as I know, however, מדוד does not occur, being the only derivative from מדז which is to be found, v. Kohut s.v.I p. 114. Steinschneider, l. c. would emend to עפול angeschwollen, aufgeblasen. Neubauer, l. c. says probablement le mot عكوّل, court et gras. I can find no such Arabic word. Epstein (p. 105 note 4) would emend from Arabic עבול", "to be thick or dense",
29. עיקור describes:
I. The condition of the animal when its feet are bound, and is synonymous with עקידה עקוד , עקד (which is a technical term used to denote the binding of the animal for sacrifice, cf.
 מעוקדת כשיר הוא למה אתה אומר עיקור בצהן ובבקר טמה ובחיות פשיר
 (§ לפי אם תעוב אותה בלא קשורת ידים ורגלים וכו'. 36 T-S, G).
II. More generally, the condition of an animal which is prevented from using its legs freely through any cause. Thus the term is used in the text to refer to an animal which is in such a position that it is prevented from moving its legs by a beam, or a wall, or because it has dug its hoofs into the ground, or because it is lying in a narrow hole in the ground. In these senses the denominative verb, derived from עיקור is found in the
a) Qal: בהמה שתעקור את רגליה צמור (§ 24 P), where the reference is to the slaughtering of an ox that has fallen into a narrow pit.
b) Pual: ורגליה מעוקרות (§ 6 G, no. 6 R ).
c) Hiphil: (no.6 6 ).
d) Hitpael: ונתעקדה רגליה באבן או ביתד או בקירה (§ 6 (§) מושלכת בארץ . . . . . . . . ולא ראה עיקור רגליה במה הן מתעקרין.

In Biblical Hebrew there occurs the verb פְשִׁרִ, "to take
 same way Eldad seems to use the verb as a denominative from accordingly be: "to take root, to be attached to the ground" ( $c f$. the German festgewurzelt), and the more general meaning would be: "to be prevented from the free movement of the feet in any way". The different stems of yen used to denote various ways or conditions in which the movement of the feet may be impeded. ( $C f$. also the Arabic I. "to detain" and II. "to cleave, to cling, to hold fast to something", v. Lane s.v. p. 2108).

Babli Shabbat 128b (quoted also in Hal. Pes. p. 142, Hal. Ged. p. 513) expresses a caution against allowing a hen to touch the ground during the act of slaughtering, lest it may fix its claws in the ground and thus cause עיקור. The passage reads אמר אפי"
 דדילמא מנח להו לטופריה בארעא ועקר להו לםימנים.

At the end of 'Ilkur (§6) Ibn Gama' adds the observation that this chapter should be called 'Tkkud and not 'Ilkur, for Eldad uses עיקור in the sense of binding (العقة والربط). He seems to imply that Eldad uses the verb עקקד in place of In proof of this he cites עקר 36, where is used precisely in the sense of עקד (v. above sub I). This view of Ibn Ǵama is, however, mistaken, for עקר does not in every case mean "to bind", as may be seen from the instances noted under II, c, d.

Epstein (p. 108 note 18) seeks to justify the remark of Ibn Gama by referring it exclusively to the passage cited from the
 עץّ קולה וכצّ מענאה עלי אן הֹֹא אלבאב ענדה אנמא יסמי עיקוד בדל לים is impossible. The closing words here indicate beyond a doubt that Ibn Gama refers to the entire chapter on עיקור, i.e. $\S 6$ as well as $\S 36$. Steinschneider (J. Z. II, p. 300) understood Ibn Gama to mean that the original text actually read throughout and that the form עקר is due to the error of a scribe who regularly wrote
the more familiar word עקר, until he met with Ibn Gama"s note. Epstein (l. c.) has clearly shown that Steinschneider was mistaken. A mere reference to his argument must suffice here.
31. (\$ 6). "On ground full of holes", from $\sqrt{209}$ (v. Levy N. H. Wb. IV p. 68 and Epstein, p. 107 note 14). Epstein's other explanation (ib.) פסגד = פסונה, "a high place" seems less acceptable.
32. ויש בראשיהן פריטה כרוחב אצבע :פריטה (§ 9d), "If there is a cleft on the top, of the width of a finger", a genuine Hebrew
 mann p. 286). There is no need for the emendation פריקח (Epstein p. 103).
 (§ 32a). According to Ibn Ǵama's explanation (v. note 1) it means "to take by surprise" (cf. Pinsker l.c. p. 108).
34. אם ישתי"ר מטבעת : 1) In the sense of "cord, thread" (no. 5, R) (The parallel text A §5 has פמוט השער instead of מלז פתיל
2) In the sense of a "garment", most likely a "cloak" or "mantle" in בקח הפתיל אשר עליו או בגד וישחטהו בתוכו" (no. $22 R, O$ ); ומוליך הדם אשר בפתיל אל העפר ; (ib. $R$ (isוּל את הפתיל ומבסה בו את הדם (ib. $R, O$ ). Cf. Targum Onkelos to Gen. XXXVIII, 18, 25; Targum Yerushalmi to $i b .25$, where פתושיפא א is rendered by, "coarse cloak, mantle" (v. Jastrow p. 1543 and Rashi ad. loc, . שמלתך שאתה מתכסה בה

If, with Reifmann, we read סנדלו for in the parallel passage in the Or Zaru'a and Mordecai (v. p. 87 note 572), we would have a further confirmation of the correctness of the meaning here given for פתיל.

Following RaMBaN to Gen. XXXVIII, 18, Epstein (p. 96
 the head". In view of the fact, however, that Recension A in the parallel passage ( $§$ § 37 ) speaks of two "cloak" appears to be the more probable meaning of לתיל. Epstein's other suggestion (ib.) that means פתיל, which he bases on RaSHBaM to Gen. XXXVIII 25, is even less satisfactory.

תתן ; (§ 27) ויקבץ הקדקדים יחדיו קדקד על קדקד :קדקד no. 24 הקדקדים קדקד על קדקד . . . . . . . . . וישחוט שניהם בשחיטה אהת $R$ ). Here pדקד cannot mean "pate, crown of the head". It is
used for "head" in general as a synonym of שרא occurs in poetical passages of the Bible (e.g. Gen. XLIX, $26=$ Deut. XXXIII, 16; Psalm VII, 17, all parallel with $ש$ ); cf. also Assyrian lakliadu, Kopf, Haupt (v. Delitzsch p. 592).
36. ואם ברביעית שחט ;(3) ומן השלישית [עשחמהה] בקצותיה :קצות
 Epstein (p. 105 note 5) = עד גמר and. Cf. also Arabic إنتضاء "end, accomplishment".
 במעעים או בקיבה או בקרב . . . . . . צי נוקבו של מעיים והקרב והקיבה Here קרב is used not in the general meaning of "intestines", but most probably in the specific meaning of [פרם [פנימצית, Faltenmagen, reticulum (cf. Lewysohn l.c. p. 38). From an anatomical point of riew, too, this is the meaning of pequired also in


ומצאת בו פמות הדם או כמות רוטש השחפת (השחין P) :רועש (§ $22 T-S, P$ ), "If you find therein a fluid that resembles blood or the expectoration (saliva ejecta) in the case of consumption".


Possibly in both MSS. $\begin{gathered}\text { qומש } \\ \text { is to }\end{gathered}$ to be read; $v$. next article.
 $P$ ), "But if there is exuded matter, whether it be odorless or not, the animal can not be used for food". רומעש = Arabic "óm, "filth or foul matter - that collects or concretes in the inner corner of the eye" ( $v$. Lane $s . v$. p. 1156). There is, however, also this possibility to be considered, namely that רומם = רומש is derived from $\sqrt{ }$, "to tread", and that it has the same meaning as מרמם which is almost a synonym for (cf. Micah VII 10).

Epstein (p. 113 no. 13) suggests that the proper reading may perhaps be רוטש.

## 40. מתרפש

 ולא ירדה הרוח לשמוש דהאונות ; (§ 9 g, v. note 103) בה הרוח בבדיקה (§ 12); (§ 15); "to serve i. e. to supply the lungs with air, to blow air into the lungs, or rather into an obstructed lobe i.e. to inflate it". Cf. Hal. Pes. p. 143: ריאה שאין משמש בה הרוח בה הרוה תישינו ; שמא יבשה ; Hal. Ged. p. 525 . . . . . (cf. Epstein in Ha-

Hoker I p. 328). Comp. also Hagigah 12b וילון אינו משמש, and Leviticus Rabba IX 2, ששמשמשות בו שתי רוחות. V. also S. Fleischer, Nachträgliches zu Levy's Chald. Wb. II p. 578 a.


 inferioritas.
43. (§ 33c), "He shall rinse his mouth with water and spit it out". לפש = לפש "he ejected or cast forth his spittle from his mouth" (v. Lane s. r. p. 2666); cf. also Ethiopic aflasa (II, 1), expellere, ejicere ( $v$. Dillmann s.v.). In view of the fact, however, that Arabic b, as a rule, corresponds to Hebrew $\Delta$ or $צ$, the emendation תלפים suggests itself. Dr. Ginzberg calls my attention to Talmudic פלט, "to discharge, to vomit", which is frequently used, cf. e. g. Jer. Berakot VI. $10^{\text {b }}$.
44. (\$36), "She tosses her head about" etc., from $\sqrt{\text { טाt }}$ (Epstein p. 109 note 19); cf. also Ethiopic mêta, vertere, revertere (v. Dillmann s.v. p. 214).

We add here the three words, which are cited in the Responsum, as specimens of the peculiarities of Eldad's vocabulary (Epstein p. 5 no. 5). The text of the ed. pr. at this point is particularly unreliable, two entirely different readings beeing found for two of the words in codex British Museum Ad. 27129 (Müller p. 18).
 p. 491) durchdringend, scharf, bei späteren auch vom Geschmack beissend, pikant, v. Ducange s. v. See, however, Neubauer in $J . Q . R$. I p. 110 note 1. Dr. Ginzberg, in a letter to the author, suggests that the word is formed from by the insertion of a s and that it means: "dialectics, explanation" (פּפוֹ). Codex British Museum has an entirely different reading at this point. Instead of the words of the ed. pr. the reading is לאושפבא קורין מרםים, "a saddler (or shoemaker) is called by them "מַpִים", from $\sqrt{009}$, "to cut, to crush, to break into small pieces".
2. ציפוּ, according to Frankl (l. c.) = רקות = the name of a place in Naphtali (Joshua XIX, 35). The use of (sor is due to Eldad's misunderstanding of Megillah

6a צand consequent identification of רקת with רקת This explanation is ingenious rather than plausible. Reifmann would read here דביקות instead of for according to Tanhum Yerushalmi (v. infra p. 44) דבק is used in Eldad's vocabulary as a synonym of צפצ. To be consistent Reifmann should also emend
 that according to Flad "Kurze Schilderung der Abessynischen Juden", 1869, p. 23, rekius among the Falashas corresponds to uur טרפ. This meaning, however, would not throw any light on the word here used. Herr I. I. Kahan, in a letter to the author, suggests the Arabic or oَ مُغُورُ which means "to be empty", as a possible basis for Eldad's use of in the sense of ריקות. Dr. Ginzberg, on the other hand, considers an artificial name for צעיפ which, according to Hullin 27 b b. is created out of עווּ שנברא מן הרקק) רקא. Here again Codex British Museum has the totally different reading לכפור קורין לור רקות.
 $=\tau o v \vartheta \rho \dot{\zeta} \zeta \omega$ or $\tau 0 v \vartheta p i \zeta \omega$, muirren, murmeln, von der unartikulierten Stimme der Tiere gebraucht. Der Nebengedanke an mochte Eldad vielleicht bestimmen, bei dem Worte wie תינתר an die girrende Taube zu denlien. See, however, Neubauer's criticism of this explanation (ib.). Reifmann (l. c.) simply emends to תור. Halévy in Revue Critique d'Histoire et de Littérature vol. XXXI p. 462 connects תיתורא אתרא, gith tion: תיתורא is used in connection with תפלין (Men. 35a. תיתורא a תפתלין in another place, are spoken of in connection with the wings of a dove [viz. Shab.130a [צריכין גוף נקי כאלישע בעל פנפים , hence Eldad's identification of !יונה with תינתר"

In conclusion we give here two words which do not occur in our present texts of Eldad, but which are traced to him by the older Hebrew lexicographers.

1. צבקן = צפר: In the commentary of Tanhum Yerushalmi on Lament. IV, 8 the meaning of צפם as a synonym of דבק is given on the authority of the usage of Eldad. צהד עורם על עצמם עה


(نسبه (read). (Tanchumi Hierosolymitani Comment. Arab. in Lamentationes, ed. Gul. Cureton, London 1843 p. 37; cf. also Pinsker l. c. p. 180, Frankl l. c. p. 483, Epstein p. 73).

David ben Abraham Alfasi, a Karaite of the tenth century (v. Steinschneider, Die Arab. Literatur § 47) in his dictionary called Agron, s. v. צפם likewise gives דבד as the meaning of in Lament. IV, 8. He claims the authority of the Mishnah for this usage. We may surmise, however, that he takes this explanation from Eldad, in all probability, indirectly, through Ibn Koreish.
 suggestion going back to the Arabic ساجی, "traiter une affaire". In his Dictionary, Abulwalid explains שנגיון of Psalm VII. 1 to mean "occupation, pursuit", quoting as his authority Ibn Koreish who claimed that he had heard Eldad use the word in this


 (v. Kitâb al-Usûl p. 702, Sefer ha-Shorashim ed. Bacher, p. 497;
 p. XXIX, where, according to Neubauer (l. c.), the correct reading of the MS. is الرجال الدانی- plural, not singular. Cf. also S. Eppenstein in M.G.W.J. XLIV. (1900) p. 487 note 3.

David Alfasi in his Agron gives the same meaning for שגיה, probably taking this explanation likewise from Ibn Koreish. Frankl, l. c. pp. 494 et seq. points out that in the extant fragment of his Risale, Ibn Koreish (p. 99) discusses the meaning of the root without any reference to Eldad. Perhaps the reason is that Ibn Koreish had mentioned Eldad already s. $v$. 75 , in the part of his work which we do not possess. ${ }^{71}$

It is to be noted that the plural is used in the same meaning of "occupation, pursuit" by Maimonides, Yad, Tephillin, VI, 13 ויעור משנתו ושגיותיו בהבלי הומן (v. Bacher, Aus dem Wörterbuch des Tanchum Jeruschalmi p. 138). Cf. also Rashi on Prov. V, 20, and Epstein pp. 71 et seq.

[^11]
## CHAPTER V.

## PLACE IN THE EARLIER HALAKIC LITERATURE.

The Ritual of Eldad has been declared by many to be a fabrication, a system of Halakot which Eldad invented from motives unknown to us, constructing it in eclectic fashion, borrowing his material arbitrarily from Rabbinic and Karaitic sources alike, and embellishing the medley with a few phantastic Halakot of his own invention, in order to give the whole the semblance of originality. This view arises from the difficulty of explaining the sudden appearance of a system of Halakah, the origin and source of which cannot be discovered. It is, however, to my mind an even greater difficulty to comprehend the psychology which would account for the "invention" of a system of Halakot-a phenomerion, so far as I am aware, without a parallel in Jewish literature. The invention theory is thus a lucus a non lucendo. The description of gid in A §8d-a very frequent disease among sheep-and the explanation of it as caused by parasites in the brain (Taenia coenurus); the account of the swelling of the heart in $\S 13$; the fine distinction drawn between simple and purulent pericarditis, and likewise the description of cholecystitis to be found in § 14; the suggestion in $\S 19$, that it is the formation of a blood clot on the omentum of the liver, which makes it seem as if the animal had two livers; and likewise the suggestion in $\S 20$ that in the case where only one kidney is found, it should be weighed, in order to determine whether it is sufficiently large to perform the function of excretion normally carried on by two kidneys; the method suggested by him in $\S 32 \mathrm{e}$ for identifying the young of an animal; the observation that all species of doves are distinguished from all other species of birds by the possession of a double crop (B. no 25)-all this, of which no trace can be found in our Halakah, cannot well be the product of an individual's fancy. It registers the careful observation of facts in the course of generations, and rests on the long experience of a people in its practical life.

Internal evidence of this character would go far to prove
that this Ritual represents a body of laws and practices actually observed at some time or other and in some country or other, though we cannot at present determine when and where. At a distance from the Babylonian and Palestinian centres of the Jewish Diaspora, an independent system of Halakot could readily have developed. Even in the absence of all schismatic tendencies, ${ }^{72}$ such a system, though basing itself on the Mishnah, would nevertheless develop features of its own, having their origin in an independent observation of animal life and in the distinctive customs of a given country. ${ }^{72 a}$ In the course of time the need would be felt for the codification of the body of Halakot thus developed.

It is important to note here that in the period of the Geonim, or at least as early as the time of Yehudaï Gaon (760-764 C. E.), the work of systematizing religious observances and setting them forth in short manuals, for the purpose of giving definiteness to religious practice, and facilitating instruction began..$^{73}$ The Ritual of Eldad, who lived towards the end of the ninth century, may, therefore, be regarded as a Halakic manual compiled under the influence of the tendency toward codification.

The divergence between Eldad's Halakot and ours seems less peculiar if we bear in mind the period to which Eldad belongs. The Halakah, particularly in regard to שהחוטה and תוּות, had not yet become entirely fixed and rigid in the period of the Geonim. It was still in the process of development. In Gaonic literature there are Halakic regulations met with nowhere else, having found no place in the subsequent codes. ${ }^{74}$ The sudden appearance of Halakot at such a time and their subse-

[^12]quent disappearance, without any abiding influence on the general Halakic movement, is therefore not altogether incomprehensible. It is still more intelligible, if we assume, as there is ample reason for it, that this system of Halakot represents the divergent practices of a country or district somewhat removed from the highroad of Jewish life and Jewish religious practice, and therefore not lending itself to the ready acceptance of the Halakot based on the practices of the Palestinian or Babylonian Jewish community.

Though we cannot say what country was the home of Eldad's Halakot, there is evidence that the place of origin was within the sphere of influence of the Palestinian, rather than the Babylonian, Talmud. I. H. Weiss ${ }^{75}$ pointed out that the Halakah, which provides that every animal slaughtered must be subjected to inspection for each of the eighteen Terefot, is in accord with the Halakah of the Palestinian Talmud and not of the Babylonian Talmud. ${ }^{76}$ The recently discovered Seder Kodashim of the Palestinian Talmud ${ }^{77}$ affords additional material enabling us to show the extent of its influence. We note here the following parallels between the Palestinian Talmud and Eldad's Ritual:

Eldad
Yerushalmi Hulllin
1.

יהושע בן לוי ואמר צא וראה האי באיך
הצבור נוהג, רבי הבון בשם רבי יהושע
בן לוי ולא דבר הלפה זו אלה כל
הלכה שהיא רופפת בבית דין ואי

[^13]

While the subject-matter of the Ritual represents the religious practices of the Jews of a particular country, the form, the
remarkable systematic and schematic arrangement, is doubtless the work of an individual ( $v$. supra p. 25). There is no reason to doubt that this individual is Eldad. To what an extent Eldad followed earlier models in the work of compilation is the next topic for consideration.

The relation of the Halakot of Eldad to the Halakot Pesukiot and the Halakot Gedolot has been treated exhaustively by Epstein. 78 He did not, however, reach any definite conclusion. There are striking similarities, both in form and in substance, between the Halakot Pesukot and Eldad's Halakot. The determination of the exact relation between these two Halakic compilations is a very difficult problem. In the first place, the manner in which the decisions of the blind Yehudai Gaon were transmitted, makes it impossible to determine accurately which of the Halakot originated directly with the Gaon and his immediate disciples, and which of these are of a later date. In the second place it is still uncertain whether the present Hebrew text of the Halakot Pesuliot is original or represents a translation from the Aramaic. ${ }^{79}$ It is, therefore, scarcely possible to do more than to point out in detail the remarkable identity that exists between the two in subject-matter and arrangement.

The comparison of Eldad's Ritual with the Halakot Gedolot is equally difficult. Here the parallel passages are usually widely separated by quotations from the Talmud and by Halakic discussions. Moreover, the original character of the compilation is obscured and the language is Aramaic. In general, the similarity between the Eldad Halakot and the Halakot Pesukot is far more striking than between them and the Halakot Gedolot. This may be readily seen in the parallel arrangement of the passages from the three works given below.

The similarity of Eldad's Ritual and the Halakot Pesuliot is particularly striking in הלכות שחימה (v. infra p. 51), both in subject-matter and in form. It is not, however, possible to prove the dependence of one work on the other. Therefore, we must

[^14]either conclude with Epstein, 80 that both are to be traced back to a common origin, or, as it seems to me, we must assume that the arrangement, which is common to both works, had already become stereotyped.

## Eldad <br> Hal. Pesukot ed. Hal. Gedolot ed. Hil-

הלכות שחיטה
א § 1.
יהושע בן נון מפי משה (בן עמרם) מפי הגבורה: כל הזובח לישראל ואינו יודע הלכות שהיטה אפור לאכול משחיםתו. ואילו הן הלכות שחיטה: שהיותיה, דריםותיה, חלידותיה, הגרמותיה, ועקוריה. Schlossberg p. 135 desheimer p. 508 et seq. הלמות שתיטה

צמר רב יהודה אמר

1) שמואל

כל טל טבח שלאינו יודע הילכות שחיטה מה אםור לוכל משחיטתו ואי זו היא הילבות שחיטה: שהייה, דרםה, חלדה, הגרמה ועיקור. שהיה כיצ7. כגון שהתחיל בשחיטה ובא אונם ואנם והעלה ידו מצואר בהמה או' שהבעיתו ונפלה הסבין מידו או שנפל סודר על פל ציו או שבאת צירעה עישבה על פניו צו שנפלה סבין מידו וגטלה או שעמדה סכין ״או שיגע ובא חבירו ושחט אם שתה ושה ושח כשיעור שחיטת בהמה צהתת(2 דקה לדקה וגםה אחריתי דקה לדקה וגםה לגםה ואהחר כך גמר לגר שחיטתו אםור לוכל מאותה בהמה . . . . .

1) Hullin 9a. ${ }^{2}$ ) read אחרת.

אמר p. p. 510. יהודה אמר שמואל
et seq.

הלכות שחיםת חולין

שה $i b$.
דאמי כגון דאתחיל בשחיטה ואתא הונסה ואנםיה ודלי ידיה מן צואר בהמה אי צי נמי בעתיה שליטא ונפל סכינא מן ידיה(1 אי ני נמי אתא ציבורא ויתיב ליה על ידיה א׳ נמי נפל סכינא מן ידיה ושקלה אי נמי קמא סכינה ושהה אי נמי אתחמם ואתה חבריה ושחט אי שהא כשעעור משחם חיותז לגסה וכו'

[^15]| Eldad | Hal. Pes. | Hal. Ged. |
| :---: | :---: | :---: |
| § 3. | דרםה כיצד. כגון | p. 510. The same |
| היאי שתה | שהיה טבח עומד ושוחט | in Aramaic |
| חדה מאד והבהמה רכד | בהמהוםכיןשל שחיטה |  |
| והשוחט בן בח וֹ ושת | היתהדקה הרבה וטבח |  |
| וחתך הפימנין בפעם אחת | היה גיבור ודחה ידו על |  |
| דרוםה היא | הסבין וקודם שיוליך |  |
| . . . . | ויביא צת הצואר נפסק |  |
|  | צואר בהמה בפעם אחת |  |
|  | כמי שחותך צת הן |  |
|  | הו שהיתה בהמה רכה |  |
|  | הרבה ונפםק צוארה קודם |  |
|  | שיוליך (1 ויביא לסבין | צי נמי אנבייה לחיותה |
|  | שהרביע בהמה לשוחטה | ל'1 ${ }^{1}$ 1-1 |
|  | ונפלה טכיןעל צואר בהמה |  |
|  | ונשחה בכל |  |
|  | דרטה ואםור לוכל מאותה |  |
|  | בדמה. |  | בדמה.

 in Aramaïc
ראשׁ סכין בין עור נכין נכנסה המאכלת בין הושט בהמה לםימנין או בין לקנה הו בין הקנה לושט סימן לםימן או שיער ולגידים שבין העור ולבשר או צמר על צואר בהמה או בין העצם לצואר לושט
 או מטלת שיש בה רבב למעלה טרפה היא לוא ואם
 ודבקה צותה מטלת על ואולם במה יכשרהו ....

צואר בהמה ונבנם טבין
תחת אותה מטלת ושחט
בפלאילו הוה חלדה• עאי
תקנתה ישליך סבין על
רוחבה ויוציאה מעט מעט
ולא יגביה ידו ממצואר
. . . . . . '


| Eldad | Hal．Pes． | Hal．Ged． |
| :---: | :---: | :---: |
| 5. היא מטבעת גדולה | הגרמה p． 136. <br> כיצד כנון שהיה שוחט | p．512．The same in Aramaïc． |
| ולמעלה טרפה מעתעת | בטבעת תחת חוטי הרא |  |
| גדולה ולה ולה טהורה， | กニレו．．．． |  |
| והשודט עליו שיתן ארבע |  |  |
| אצצבעותיו מתחת טבעת |  |  |
| גדולה וישחוט לתהת |  |  |
|  |  |  |
| על ארבע אלא אפלו על | הגרמה מי p． 141. |  |
| שלש או אפ על של |  | חיותא ועגרים להר להת |
| כשרה ．．．．．．וֹל | לה לקנה בקול |  |
| שרחיטה העשויה בעי |  | לה בהדי וושט טר טרדי |
| טרפה． | הוושט טר פה ועשם לה לה בקולמום מן מטה למעלה |  |
|  | טריפה． | לעילא טרפה． |
| § 6. | דצ゙コ | ib．The same in |
| היא שיתחתה הבהמה | כגון שהיה עומד טבח | Aramaïc |
| לשחטה ונתערה רגליזי | ושוחט בהמה ועה |  |
| בטבן או ביתד או בקירה |  |  |
| מושלכת בארץ או בארץ פמוגה שחם השוחם ולא | סימגין של בהמה גתערי |  |
|  | טימניה ועתם |  |
| נפנה לאחור ולר ראה | קודם שים（\％） |  |
| עיקור רגליה במה הן הן מתעקרין שפך הדם פולו | היה גיבוֹ）（5） | ואקהיתנהי לכרעה |
|  |  |  |
| כהוגן ויצתה רוח בשר | למקום געוך והיקתהת | 2）וֹתתחתיה לרישא וֹו＇ |
| ורגליה מעוקרות טרי | רגל |  |
| היא． |  |  |
|  | שאוחז טימני בהד |  |
|  |  |  |
|  | ${ }^{2}$ ）This entire section of הגרמה is quoted in Ara－ | $\begin{aligned} & \text { 2) Sefer we-Hizhir II } \\ & \text { p. } 14^{\text {a }} \text {. } \end{aligned}$ |
|  | maïc，in Samuel ibn Ǵa－ |  |
|  | ma＇s Risale publ．by |  |
|  | St．JZ．II p． 77 e ． |  |
|  | ${ }^{3}$ ）ed．אם．${ }^{\text {¢ }}$（）ed． |  |
|  | ${ }^{5}$ ）This passage，occurring |  |
|  | later in the right con－ |  |
|  | text，is quite out of place |  |
|  | here． |  |

## Hal. Pes.

נתעקרו טימניה קודם שיׁשחוט ואפילו אחד מהן או קנה או ושט בכל אילו הוי עיקור ואםור לוכל מאותה בהמה.
In addition to the parallel passages noted in the Glossary s. v. שמש attention is called to the following parallel passages that occur outside of הלכות שחיטה. This list could, no doubt, be greatly added to, if we had the original text of the Halakot Pesukot or of the Halakot Gedolot.

Eldad
§ 9a.
בשדה טרפה הּאו
§ 15.
הדופן דבוק לאון הריאה .... . .
§ 21.
ולא הבזיע כי אם בצד אחד טהור
דוֹה
友 36. . . . . .
עיקור בצהן ובבקר טמא ובחיות כשיר לפי שהחייה והעוף נפשש הוא אם תקשור ידיה ורגליה ותשחט ותמטים ראשיה ותעלה הירכיים ותחרכש ידיה ורגליה והם קשורות לפי אם תעזוב אותה בלא קשורת ידים ורגלים ותשחוט תעמוד על רגליה וכוי.
§ 32.
והיו יוצאין הילדים ממעידם חיים והיו מגדלים הותם על שדי מקנה אחר אם יפתמם אותם המות וימותו שחיטת אמו מטזרתה . . . . .

Hal. Pes., Hal. Ged.
Hal. Pes. p. 143.
לכשות . . . . . . . . . . או להריעאה כל אלו טרפה.

הודנה של ריאה ib. p. 140. שׂמחוזה בדופן טרפה.

אבל אששתייר Hal. Ged.p. 536.
בטומכיה כעובי דינר ולא בויע
כשרה.
Hal. Pes. p. 141.
תרגגול או כל ציפור כל כנף שקשין רגליהן כשמותר רגליהן, יאח יאחו רגליהן בין [אצבעותיו] ולארץ לה יג יגיע מפני שרוב עיקור בציפור בנף הווה ובתייש והיושנא ועו שאין לה קרגים.

הצותה דכד Hal. Ged. p. 561.
שחים לה ילדה אי י ידע ודאי דלבתר דגמרה לשחתיטה נפק התוּת ולו לוּ ודאי בר נכיסתה הוא ושרי בשחיטת . . . . . אמוּ

1) Read לחריעה; comp. Hullin 47 b . האי ריאה דדמיא ככשותה כמוריקה וכגון ביעתה and Yer. Kilaim II 8, p. 28a, where מוריקא is explained as מוריע.

TEXT OF RECENSION A.

## I.

## הלכות שחיטה

 כל הוובח לישראל ואינו יודע הילכות שחיטה אסור לאפל משתיטתום 2 ואילו הן הילכות שתיטה: שהתיותיה דריםותיה חלידותיה הגרמותיה ועקוריה, 3

1 The original form of the introductory clause which recurs at the beginning of every chief part of this ritual, probably read originally ידושע מפי משה מפי הגבורה, as is clearly stated in the Responsum, ed E. p. 4 no. 3:
 further ib.p. 5 no. 6 : (sic ed.pr.) מאינו מוציר בו שום חכם לא מבעלי משנה ולא מבעלי משנה ולא מבעלי תלמור אלא בך אוֹ בכל הלבה כך למדנו מפי יהושע מפי משה
 אמר יהושע and the Letter of Ḥasdai Ibn Shapruṭ, quoted by Epstein p. 70: ובעמדו לדרוש בהלבות כך היה אומר עתניאל בן קנו קבל מפי יהושע מפי משה מפי

 Such is, in fact, the reading in Recension H., ed. Mü. p. 65, $8^{e}$ and in Midrash Bereshit Rabbati, quoted by Epstein p. 68; cf. also Recension D. ed. Mü. p. $64,8^{e}$, if 1 is not itself to be considered a later insertion.

It is from this introductory clause, that the whole ritual was cited as "אלכותות. As an old interpolation in this formula, we must regard the title , רבנו, found in our present texts, before at the beginning of each part A as well as in B (nos. 1 and 15); further in $M$, beg. ( $v$. note 2 ); in Recension $J$. (ed. Mü. p. 65, $8^{e}$ ), and also in two quotations from the Responsum, contained in the manuscript fragments of St. Petersburg and of the British Museum which Müller published on pp. 17 and 18 of his work. The later stages of this tendency, to enlarge the formula may be seen in the still more expanded forms: אמר רבנו יהושע בן צון מפי משה בן עמרם מפי הגבורה (A I G.); . מפי אביצו משה ; ........ (A. II. Pecension B ed. Mü. p. 64 no. 17).

2 M: בתב רבינו ברוך ראיתי כתוב בהלכות שחיםה שהביא רי אלדד בן מחלי (MS. omits this name in the text, supplying ר' ר' ואדד הדני in the margine)
 a misreading for 'לישראל= כיל לי' cf. also MS. Petersburg, Firk. 1261, [Mü. p. 48]: מפי הגבורה בל הובח לישראל [וא]ינו יודע הלבות שחיטה אסו' [לא]בול משחיטתו)

שהיותיה מהז האוּ התחיל הטבח לטבוח הבהמה ואנסהו אונם או. צ2 נפלה המאכלת מידו או נפל הסודר על עיניו או נפלה צירעה על ידו או או בתמהן5 אדם בדברים ושהה בידו עד כשיעור שחימת בהמה אחרת והלך הדם בכל הבשר נבלה משיעור הראשון שלא שומך 53 הדם כולו ולֹת בתורה כי נפש [כל] בשר דמו בנפשו הוא.6 ולֹת ולא תאכל הנפש עם הבשר. דריםותיה מה היאו שתהּ המאמלת חדה מאד והבהמה רכה והשוחט. 3

 ולמה דומה בשרה כי פתאמיה ושחט בפעם אחתת דומה לבהמה שטרפה בפיר התאום והלך כל הדם בבשרה ולפיבך היאי [פסולה].ס ואם המאכלת ארוכה כצואר הבהמה פעמים ושחם בפעם אחת והא נטיה9 למאבלת לאחר שחר שהיטה כשרה היא ותאכל. ואם המאכלת קצרה ודצוואר עכול10 הרבה ושחה אותה פעמים
 ועורו עבול10 עד למאד ועליו שער גדול ונפלה המאכלת על השער ולא היתה המאכלת חדה כהוגן ושחם פעם אחת ושניה ושלישית ולא נשחט ואם ברביעית שחם ער קצות12 השחיטה חניקה הוא ולא תאבלי. ואם איל הוא ועל צוארו צמר רב ונפלה המאכלת על הצמר והצמר קשה הית הוכו על הברול עד דסבר הוא כי שחטה והעלה המאבלת ועמדה הבהמה פסולה היא ולא תאכל בשנה ההיאט ואם הפריע 12 הצמר ומן 13 המאכלת הל על עורו ושחם וחתך בשלשה פעמים ונחתך לקצות12 השחימה טהור ויאכל.14
(The text of $M$ is continued in note 289.)
${ }^{3}$ MS. .עיקיותיה, evidently a false analogy with the feminine plurals of the other nouns, but correctly עיקוריה in §6. In MS. p. 77b. (E. p. 99) the quotation is introduced as follows ומקל אלדי בן מחלי שמשבט דן עמוא דלרסטה, דרסוח sאלשבטים פי תלמודהם are dotted, to indicate deletion; the correct reading follows.
${ }^{4}$ MS. Arabic s.
${ }_{5} \mathrm{~V}$. Gl. s. $v$.
${ }^{52}$ St. (p. 297) emends be read as such.
${ }^{6}$ Lev. XVII, 14. MS. omits בל and reads הששר instead of E.
${ }^{7}$ Deut. XII, 23. In MS. p. 78b-79a (E. p. 99-100) the question is
 and is followed by the remark: ותפםיר פתמהו בגתה מן פתאם ואנת תרי הרֹה אלעלה .אלמדבורה מפני הבלעת דם באיבוים והוא מעני חקן

8 Supplied by E.; Go. p. XIX and Fi. p. 208a 1. 10 supply טרפה.
${ }^{9}$ V. Gl.s.v. $\quad 10$ V. Gl. s. v.
${ }^{11}$ Supplied by E.; St.p. 298 proposed ששחט ; Fi. supplied בשצותיה after נשחהה.
${ }^{12}$ V. Gl. s. v.
${ }^{123}$ St. p. 298 הפחיש, MS. clearly הפריע.
${ }^{13}$ Probably corrupted from ונתן or ושם be taken as

חלידותיה מה היא שיתחיל שוהט 15 הבהמה נכנסה המאכלת בין הושט לקגה או בין הקנה לושט ולגידים שביץ16 העור ולבשר או בין העצם לצו לואר לושם לקנה ולגידים17 ושחת למעלה טרפה היא ואם ישחוט למטה טרפה היא,17a ואולם במה יכשרהול17b יקח המאכלת ממקום כניםתה ויברך ברכה
a verb, in accordance with Dan. I, 11. This is unsatisfactory, unless the text be emended to ומִנְה.

14 In MS. p. 82a-83a the quotation is introducend as follows: ור' אלדו .הרגי נקל פי הרא אלמצני.

15 E's emendation שחוע (p. 101) is unnecessary. התחתל, followed by a participial construction, is not uncommon; cf.e. g. Abot de R. Nathan, ed. Schechter, Text A. p. 2 a: התחילו עכשיו פל בואי עולם אומרים (v. Brüll, Jahrbücher. IX [1889], p. 135) ; Lev. Rab. XI. התהתל מקטף מזנב 75.
 and או בין העצם לצואר.

17 The meaning of this passage is not quite clear. עצם seems to correspond to מפרקת (Hullin 113a), while , that part of the neck, which is in front of the מפםקת, seems to be designated by לושם לקנה ולגידים. I would translate the passage: "If, as he began to slaughter the animal, the knife slid in between the oesophagus and the trachea, or between the trachea and oesophagus on the one side and the jugular veins on the other, or between the skin and the flesh ( $v$. note 16) or between the collarbone and the front part of the neck, be it the oesophagus, trachea, or veins etc."
$17 a$ is omitted in E. p. 101, Go. p. XX 1.8. (V. St. p. 298, d).
${ }^{17 b}$ In the MS. the words שבין העור ולבשר או בין העצם לצואר לושם לקגה are inserted between במה and ואולם. A repetition of במה in the margine as a catchword under לקנה clearly indicates that the insertion is to stand between ואואלם במה and ואמה (Fi. p. 208 col. a. 1. 30).-This interpolation must, however, be rejected, both because it destroys the unity of the phrase ואולם במה יכשרהו which has its parallel in B no. 4. אולם במה and also because the remedy given after 'ואולם במה יכש, is most probably meant to apply to all cases of חלזה, and not only to those enumerated in the interpolation. The latter is plainly a repetition of the words (1.4) ,שבין זעור ולבשר או בין העצם לצואר לושט לקגה, omitting, however, the last word .ולגידים. The purpose of this repetition which, to be complete, should begin with 'בין הושט לקנה או בין ובו, seems to be to restate the condition, described in the beginning, in order to recall it to the reader, before giving the remedy .ואולם במה, יכשרחו וכו'. In the MS. a long line is drawn over the words (1. 4) שעבין העור ולבשף או בין העצם לצואר לושם לקנה ולגידים first time in the text. This is probably a sign of deletion made by one who considered the interpolation an improvement of the text.

Go. p. XX is very inaccurate omitting the interpolation (and much more) without any comment. E. p. 101 gives both passages in parenthesis and (having been misinformed by Neub.) adds an incorrect note (p. 105) on them; St. p. 298,d suggests a radical emendation: ;לבשי או בין העצם לצואר

שניה וישחוט, ואחר שישחוט יראה צת18 המצבלת נכנםה במקום השחיטד טהור הוא ויאכל ואם הכנים המאכלת למעלה ממקום השחיטה טרפה הוא ואם למטה ממקום השחיטה הכנים טרפה. ומה החלדה טרפה כי תיפנם המאכלת בין העור לבשר ואינה במקום שחיטה הריגה הּא ודיא נבלה וכת לא תאכלו18a כל נבלה19 הטרפה19a מאליה ודנבלד משחיטתה. 20 הגרמותיה [מה]21 היא מטבעת גדולה ולמעלה טרפה מטבעת גדולה 5 א ולמטה טהורח,22 והשוחט עליו שיתן ארבע אצבעותיו מתחת טבעת גדולה וישחוט מתחת האצבעות ואם לא שחט על ארבע אלא אפלו על על שלש או אפ על שתים כשרה. ואם הגיעה מאכלת לטבעת הגדולה ולא נשארחה בלתי חותמת אחת מן הקנה שלריאהם 23a טהור הוא. ואם התך בחותמת צשׁר מתחת הטבעת הגדולה כחוט השער טרפה. וכל שחיטה העשויה כעֵּט 22a טרפה. ואם העטיטה23 מתחת ארבע חותמות החבוקות 24 צל הטבעת הגדולה טהור הואֵ. ${ }^{25}$ ואם העטיטד 23 מתחת הטבעת הגדולה בשלשה חותמות טרפה היא, ${ }^{26}$ וכי תאמר על ההגרמה טרפה היא למה דע שהגידין שהדםם יוצא מהן הם27 נגד הטבעת הגדולה ואם על הטבעת הגדולה תשחוט חתכתהב27a שורש שלגידי23 הדם ולא יצה הדם ובעבור המסריגות 28 ישחוט מתחת הטבעת


ובושט לקנה ולגידים ושחט למעלה טריפה האא ואם ישחוט למטה בטה שביץ העציר ולבשי או בין היעצם לצואר ובושש לקנה ערפה היא ואולם במה יכשרהו וםל'
${ }^{18}$ E. unnecessarily emends
18 MS . and E תאת.
19 Deut. XIV, 21.
${ }^{192}$ המשמהת is probably more correct, cf. Hullin 128 b.
${ }^{20}$ MS. fol. $84^{\mathrm{b}}-85^{3}$, introduced by the words: ור אלדד אלדני רי פי הרא מלונִה.
${ }^{22}$ MS. had originally בשרח, as in $\S 36$ beg. ומטבעת גרולה מלמטה בשירה, but on top of it, as a correction, , so also Fi. col. a line 3 from bottom, Go. p. XX 1. 18 [נ"א בשירח].
${ }^{22 a}$ So MS., the being mater lectionis. ${ }^{23}$ V. Gl. s. v. ${ }^{23 a}$ So MS.
${ }^{24}$ St. JZ. II, 298 suggests the reading הדבוקית; followed by E. p. 107 note 10 , who would also read על for
${ }^{25}$ E. l. c. would emend טרפה היא.
${ }^{26}$ E. l.c. would emend טמור דוא, in both cases his reasons for the change are not convincing. A manuscript of the Montefiore Library (Cat. Hirschfeld cod. 108 § 483 fol. 48 b ) contains the following reference. . מקימות שחיטתו כשרה ואפי" בשאלתות בגון בטבעת אחתי אבל בשני טבע' פסולה• וכ"ב רבינו .אלדו הרני עב"ל . This Halakah does not agree, however, with that of Eldad.
${ }^{27}$ MS. m , not n , as E. reads; his emendation a is satisfactory.
${ }^{27 a}$ So MIS. ${ }^{28}$ MS. המסריגית; v. Gl. s. v.
$28^{3}$ MS. העטיפה E. או ביתד או בקירה33 מושלכת בארץ או בארץ פטוגה34 שחם השוחם ולא נפנה לאחור ולא ראה עיקור רגליה במה הן מתעקרין שפך הדם כולו כהוגן ${ }^{3}$ ולק ויצתה רוח נשמתה ורגליה מעוקרות טרפה היא. לאתר36 ששחה וראה עיקור

29 MS. בקנה E.<br>$29 a$ So correctly MS., not as E. has ${ }^{29}$.

 . The quotation is followed by the words:
הדא בּץ מא (. E., מה not) וגִדתה בכט רבנו חננאל הרב נקלתה חרפא בחרף והרה אלאלפאט



 לגִמעהא ואנא ראִִב למן וקף עלי כלאמי אלֵא יקתנע מנה באלתצפֵח אלֹא מע מקאבלה אלגמר .פיעלם אמّא אסתנבשנאה אן שא אללה manuscript of Rabbenu Hananeel. I copied it literatim. The expressions which Eldad uses, are [not] known to us, etymologically, on account of our imperfect knowledge of the (Hebrew) language. God in his goodness and on account of the merit of our sacred fathers, however, has revealed (for us) that over which we have meditated and we have explained it. And not in this place only, but in many places of Eldad's ritual, we have found pleasant original ways and new important interpretations, (which are better) than those of our predecessors.
And perhaps He who gave them (to us), will grant us (MS. vocalises ${ }_{j p}^{\mu}{ }^{\prime}$; I read 品) a postponement of death because (the problems) are so many. And I request the reader who wishes to understand me, to satisfy himself with such an examination only which is the result of his thorough study of the subject. Then only will he understand that which we have brought to light, if it so please God."
${ }^{31}$ V. Gl.s. $v . \quad 32$ V. Gl. s. $v$.
${ }^{33}$ So clearly MS.; perhaps a fem. sing., based on the regular plural pירות of קיר, "wall", or nomen unitatis of "a piece of a wall". Go. p. XXI 1. 7, Fi., col. b. l. 18 read בקורה; E. reads בקידה and emends בקורה.

34 V. Gl. s. v.
${ }^{35}$ MS. בוהזגין or possibly the former being the reading of Go. l. 9, the latter of Fi., l. 21. St. p. 300 emends 2 as in § 5, end, (s. note 29a); E. has the far fetched emendation בעב = בעוּ, v. p. 107 note $14^{*}$.

36 So Go. l. 10, E. p. 102 no. 6; MS. לאחור לאחוֹר; evidently the writer forgot to cross out the first לאחור. He intended to write as is shown

רגליה ומשך אותה מן המקום ההוא וחירבשה37 רגליה טרם תמות ומרב ישפוך הדם טולו והתבעטה בידיה ורגליה יחדו טהור הוא. והשור שאימינ
 לאחר שתשחטחו וישבות דמו ויתוש כוחו טרם תצה נשמתו התיר החבלים מרגלו עד אשר יבעט בידיי ורגליו. ואם ימות ולא המחצו39 ידיו ורגליו40 עיקור הוא וטרפה||41
by the fact that in the second he dots the superfluous , to indicate deletion.
${ }^{37}$ So MS., Fi. 1. 23, Go. 1. 12, E. 1. c. ויהורבשה; St. 1. e. וחידבשה; v. G1. s.v.
${ }_{3}$ V. Gl. s. v.
${ }^{39} \mathrm{MS}$. ${ }^{\text {M }}$; the dot over the , seems to indicate deletion; possibly Hiph. המחתוּ was intended; if is read, it must be taken as Hophal. $v$. Gl. s. v. Go. 1. 17 Timp Fi. 1. 29, E. l. c. (misinformed by Neubauer $v$. Eldad p. 108 note 17) erroneously give as reading of MS. The $n$ of in MS. is indeed far from clear. It might be taken for $n$; so St. l. c. reads המיתוצו, the meaning of which is doubtful. ${ }^{40}$ MS. ${ }^{41}$ MS. p. 103b—104a, introduced by the words: וֹ אלדד אלדני רוי פּ הרא אלבאב מאו הדא בץ קולה ובל : After the quotation from Eldad, Ibn Gama ${ }^{\text {a }}$, remarks
 אפתעמל פיה מעני אלעקידה נעני אלעקד ואלרבם ועלל קולה בעד באנחצאר אלים פי אלבדו i.e. in Hebrew, more accurately than
 עיקוד בדל"ת לא בר"יש יעו כי השתמש בו במובן העקידה נרצה [במוב] הקשור וההדוק .והביא טעם לדבויי אזר וה מעצירות הדם בגוף• ודאל יודע ואמר גם בן בהלבות חיה. Then follows a quotation from the (§ צחכאם אלחיה (\$3) and another remark of Ibn Ġamac, (MS. p. 104b) which reads: פדלך אקואלה (not פדלך אקולה E. p. 103; nor בדלך, Go. p. XXI 1. 22) Correct E's Hebrew
 השער הוה אמלו שער עקידה (cf. St. p. 300).
 (§3) and (§5), but not in the case of (§ 8 ). For the meaning of Itikur v. Gl. s. v. For the parallels in Hal. Pes. and Hal. Ged. v. pp. 53 et seq. Eldad and our halakic Codes agree that may be caused by an impediment, which hinders the animal in the normal use of its feet. The essential difference between Eldad and the Codes, however, lies in their divergent conceptions of the nature of עיקור. According to Eldad עיקור does not depend upon the manner of slaughtering the animal, but upon the fact that the animal's feet are not free to move about during or after the act of slaughtering.

## II.

## הלכות טרפות








 b.





${ }^{41 a} P$ has the following heading הלבות שחיטה ובדיקה ליהושע בן בון שקיבל מפי משה רבצו מפי הגבורה הלבה למשה מסיצי:
${ }_{42} V$. note 1.
43 MS. ומפּ, but correctly in introductory formula to III § 26.
${ }^{44}$ MS. ישי , E. ישים .יצר is preferable, as it is nearer to the reading of MS.
${ }^{45} P$ in several places erroneously $י \pi$, יהלך , but Piel undoubtedly intended by Eldad, as appears from $\S 23$ (T-S).
${ }^{46}$ Added for clearness. 47 S 3 . 47 .
48 So MS. The text is very obscure. The possible emendations are: 1. Delete הקרן, treating it as an error of a copyist, who made the correction זקרום, but failed to erase תקקרן. The difficulty is that נשתבו הקרום is an anomalous expression. 2. Transfer the copula from ומשם to reading , ומקרום , reat
 course, is still more difficult. 3. Read שבר instead of נשתבר on the supposition that the latter is due to the analogy with נששתבר of $\S 8 \mathrm{~d}$. ואם שבר הקרן הקרום may mean: "If the horn [sc. of a bull] pierced the membrane [sc. of the brain of another bull"]. §8c seems to speak of the goring of a bull, hence the resume at the beg. of §8d: ואם לא נשתבר בראש עצם ולא הכה רועה referring back to §8b, referring back to §8c. A fourth emendation is suggested by Dr. Ginzberg. He would read: ואם נשתבר באבן דקרום, with reference to §8b. beg.: דכמה רועה צאן את הבהמה באבן, although good Hebrew style—which Eldad does not write—would require ואם נשתבר הקרום באבן.

49 E. separates תחתהת and explains מבודק as אם .אם צופל למשה
a. perforation of the meninges,
d. ואם לא נשתבר בראש עצם ולא הכה רועה ולא נגחה51 בהמה אחרת וראית אותה תהלך על צדה אחת ושתעת אותה עליך שתבדק הראש. כי יהיה הראש בשלום ומהלותיה,52 היאה בשלום,53 ואם תראה הראש מתרפש רפישות54 זו כרתומות כרתומות55 ונמצה על קרומו של מוח כמים של בשר כי פתן עליו המלח, התחיל שילקיש56 קרומו של מוח, 57 טרפה.

ואם לא ניקבה הריאה במה אתה בודק: כי הריאה ההיא נקרא שמה
b. fracture of the skull, in consequence of a blow, where, however, the membrane is not pierced,
c. fracture of the skull, where the animal has been gored and the membrane is pierced.
E. sees in this section five different cases which he states (p. 122 note 3), not אה אם גשתבר הקרן. ב) אם נעשה בשחין. ג) אם קרומו של מוח : אינו עומד במקומו ונעשה תחתהה, הייצו נופל למטה. ד) אם יש בו בדק או צקב. ה) אם הוא משונה ממקום אחר.

50 Pregnant for ממקומו למקום אהר. $\quad 51$ MS. $\quad 52 \mathrm{~V}$. Gl. s. v.
53 Possibly כשר is to be supplied, viz. כי ליזו הראש בשלום ומהלותיה היא [כשר], בשלום in the sense of בשלום does not occur elsewhere in this Ritual.

54 V. Gl. s. $v . \quad 55$ V. Gl. s. $v$.

57 The text of $\S 8 \mathrm{~d}$ is badly preserved. The following is a mere attempt to make it intelligible. כרתינונות or ואם תראה הראש מתרפש רפישות כרתינות

 .מוח, טרפה.

If the reading, suggested, is correct, Eldad speaks here of paralysis of central origin or gid, a disease very common among sheep and due to Taenia coenurus (v. Müller's Veterinary Surgery, translated by John A. W. Dollar, London 1903 p. 111). Translate: "But if the cranium is intact (not broken), the animal not having been injured either by the shepherd or by another animal, but you nevertheless see the animal turning to one side, you must examine its head after it has been slaughtered. If the head (Arachnoid) and its fluids are normal, the animal may be eaten. If, however, you find, that the brain is swarming with leek colored worms (parasites, or, according to another interpretation, given in $G$. no. 24: that the brain is soiled with dirt), and there is to be seen on the meninges something that has the appearance of meat, when cooked in water (fibrinous exudate, literally like water cooked with meat) and when you put salt upon it, gas begins to generate on the meninges (lit.: the meninges begin to to seeth, bubble), then the animal is not to be eaten".

So far as I know, this case of paralysis which is accurately observed and described here, is mentioned nowhere else in rabbinical literature.

ריאה כי בה יראה רהשון לכל הטריפות. אם תמצא ריאה אדמונית דמות הדם או דמות השחורה אפּילו אם ישמש58 בה רוה טריפה היאו ואו ואם תמצא
 ישמש58 בה רוה טרפה היאו. ואם60 תמצא על דמות הוהב מבוררת אפילו אם ישמש58 בה רוח טריפח. b. השלש מימין לשמאל או הששתים משמהל לימין טרפה היאו. ואם ימצה שלשה מיצין ושלשה משמאהל טהור הוא ויאפל. ואם ימצה צרבעהה מימין ושלשה משמצאל טריפה היא.
c. הזית או בירק ההדם טהור הוא ויאכל.
 ואם האזנים68 הקטגות טמובות69 אוזן על אוחן0 הפיחה7 בהן בון רוח e. ונפרעו מאיליהן72 ונתפרדו73 כשר הוא ואם טירבהא4 ביניה ביהן בין הואן לאוחן
 ונברע81 אחד מאהד82 ולא היה ביניהן83 כמו החוט טהור הוא ואם ביניהן 84 במו אריגית עכבישל5 85 במאכלת ונמצאו88 החוטות דבוקות89 באזנים90 טרפה.91

[^16]
#  וסרך96 קשה או כאוטם97 או כאריגת עבשוב 98 אין עליה בדיקחה וטרפה99 היא לעולם,100 

 מאיליה טהור ויאכל. ואם [לא] שמש103 בה הרוח בבדיקה טריפה היא.
h. G.
. . . . The 'Aruk (ed. Venice 1553 p. 10b) s.v. אוני also quotes this view of Hananeel as follows: : פידש ר"ח שלא כםדרן קבלה רב מפי רב אפילו בריכי [סרובי read] אוני באמצע ועיקרן מפרק׳ מהרדי טרפה (according to Shittah Mekubbezet on Hullin 46b) וכל שכן אם דבוקות זו על גבי זו [או] הראשונה עם השלישית דודאי ערפה הראשנה עם השניה הו : אבל כסדרן השניה עם השלישית

The quotation from Eldad closes, with the following remark of Ibn
 ל באן משאבה לקול רבינו חננאל. Ibn Ǵamac means to say that there is no traditional basis for the view, set forth by Eldad, although it does agree with that of R. Hananeel, in as much as both agree that if two lobes of the lung have grown together in any way, the animal may not be eaten. Ibn G'ama's last remark is perfectly clear, any emendation would by superfluous (against E. p. 110 note 24).

 ${ }_{100} P$ omits לעולם; G MS. p. 127 a, St. p. 301 h , E. p. 103, 8. The passage is introduced by: ור אלדד אלדאגי נקל מא הרזא נצה קאל and is followed by this remark: וימכן אנה אראד בה מעני אכר מן תנסיקה (נזקה תנסקה .MS) ללאלתזאק אלכאין ביץ אלורדתין .ולם יבק בין ראסיהמא אלא בקרר אצבע 101 MS. and E. שומה, 102 MS. E.

103 MS. and E. ואם שמש בה הרוח בבדיקה טרפה היא. E. supplies [ולא נפרעה] after בבדיקה. The reading of the text seems simpler.
$104 G$ MS. p. 129b (E. p. 104, 9), introduced by the words ופי נקל אלדאני
 .פעאדתה טא יקוי תחרירנא פי חכם אלגִשאין ואלתרפּיץ פי אתדהמא "We mean that when he uses דבובה instead of he merely follows his habit which corroborates our assertion concerning the doctrine of belching and suppuration in either of them (i.e. in the heart or the lung)". I do not have, at hand, the passages of the MS., to which Ibn Gama refers. ${ }^{c}$ ( $v$. Lane $s . v$.) is probably the condition, described in Ḥullin 46 b as more clearly ${ }^{\text {l }}$, said of the flowing of thick, purulent matter (v. Lane s.v.)
§11. נקובת הוושט ההוא והושט 106 שני טפקות107 טפק אחד לבן ואחד אדום. אם נקב התהתהני108 אשר הוא לבן מאוכליה קוץ או או אכלה מחט מחוטטת109 ברזל או אכלה זבוכית עם תבן או בין העשבים ברבץ110 אכלה עץ ותבזיע111 בושט וגקב הספק112 הלבן כי תגריר113 יצאה אוכליה בין ספק לספק הושטמ ונעשה כמו שחין טריפה היא לא תאבל. ואם נקב בספק הלבץ ולא נקב באדמוני כשר הוא ויאכל. 12. טריפד.
§ 13.
 , בפולאא, and $i b$. 48a 8 a . 9 h is missing in $P$.
${ }^{104 a}$ The beginning of $\S 10$ is missing. It must have read in substance, that, if certain organs are perforated, the animal is טרפה.

105 Cf. Mishnah Hullin 42a a נקיבת הושט . . . . . לבית חללו . .... הריאה שניקבה . .... ניקבה הקבה גיקבוז המרה ניקבו הדקין המום .הפנימית שציקבה . . . המסם ובית המוסות שניקבו לחיץ the pierced organs, mentioned in the Mishnah (מקבים אלו מה דמ), are enumerated by Eldad in $\S 10$ with the exception of הריאה שניקבה, and ניקב קרום של מוח. These are omitted because they had already been treated at length in $\S \S 8$ and 9. In B, however, only ניקוב קרום של מוח is omitted from the enumeration (v. B no. 8), this case being the only one, treated earlier (viz. in no. 7). הכום , of the Mishnah, designating parts of the stomach ( $v$. Lewysohn, Zoologie § 62), are here referred to collectively in ביקבה הקיבה (assuming this reading to be correct, v.infra). E., supposing that Eldad wishes to enumerate at this point all the טמוּ, concludes that the enumeration in $\S 10$ is very incomplete (p. 92 note 12). In this he is mistaken; Eldad treats here only cases of pierced organs (נקבים).

In spite of the striking coincidence of the phrases ניקבה הקבד: ציקבה המרז
 נis, in my opinion, the original reading. In support of this view I call attention to the following: 1. B no. 8 has after ביקב קרום הוששט the parallel expression ניקבה הגרגרת בין בנמּ הריאת, substituting, as usual, נרגר for (v. B note 21); 2. B likewise omits קמקה (although it actually has נבקבה המרה, נקבו הרקן. 3. In A itself the discussion of (§ (11) is immediately followed by that of גקובת הקנה (§).

106 E. unnecessarily emends לזושט. 107 V. G1. s.v.
108 Probably an analogous form to אדמוגי (end of § 11). Or is it possible
that the writer should be influenced by the Arabic التّهتانيّ
109 V. Gl. s. v. $\quad 110$ MS. זהרבה; E. suggests תרבים.
${ }_{111} \mathrm{E}$. emends
112 MS. הושט, E. $\quad 113$ MS. ת: E.

קל חלב הלב כמות שחין תפתח אותה אם יצא מהשחחין עים צהולים כתותים114 ולא הבאישו כשר הוא ואם רומש115 יצה116 ממנו הבאיש ואם

נקבה המרה נפל מן המים אשר במרה ונפל על יותרת 116 B הבבד אמ17 נקב בו עד שירשיף ממנו לאחור טרפה. אם נשתנה דמותו כדמות הבשר שרפה. ואם נמצאת נקב במרה והתרפה לאחר כשר הוא ויאכל. כי גופו של בהמה כגופו של אדם118 חולה היא ויתרפאו
 מקום שיכנים ידו או היתה הריאה גדולה (?)120 או היו הצלעות מקובצות

114 V. Gl. s.v. 115 V. Gl. s. v.
116 MS. ויצא, E.
${ }^{116 a}$ Eldad speaks here of a swelling of the heart, due to traumatic pericarditis. He distinguishes between a simple or serous pericarditis on the one hand (אם יצה מהשחין מים צהולים פתותים ולא דבאישי, "If there come forth from the swelling [tumor] lightcolored [strawcolored], thin liquid, having no odor", v. Gl. s. vv. nos. 15 and 39) and purulent pericarditis on the other (an "צא ממנו הבאיש ואם לא הבאיש ובו', "If there come forth matter [pus], whether it be odorless or not").

117 Neither the context nor the pathological condition, described in § 14 beg., enables us to determine, whether יותרה דבּ means "the caudate lobe of the liver", as Moore (in Noeldeke's Orientalische Studien vol. II pp. 761) would interpret this term in the Bible and in Rabbinic literature, or whether it means "the lesser omentum of the peritoneum" (reticulum jecoris), as the Vulgate and some commentators would have it (v. Hoffmann, Das Buch Leviticus, I. p. 165). Either interpretation is anatomically possible. The context, in which recurs later, in § 19, does not throw any light on the question, since there, too, either interpretation is admissible. The real difficulty in our § 14 beg., however, lies in the obscurity of the relation of the passage אם נקב בו ער שירעיף ממנו לאחור in its context. It seems that in these words the condition already described, is again repeated by way of resumé. E. rightly supplies inefore ind in this sense I venture to translate the passage as follows: "If the gall-bladder is pierced so that it drops the liquid contained therein upon the caudate lobe of the liver (or upon the lesser omentum)-[now, I repeat], if there is a hole in the gall-bladder so that the liquid flows back through it-then the animal may not be eaten." The condition, thus described, would be biliary fistula.

The second case, mentioned in $\S 14$ (אם נשתנה דמותו כדמות הבשר), is a case of cholecystitis. This likewise makes the animal unfit for food. The third case (אם נמצאת נקב במרח והתרפה לאחר) is the case of an animal in which the gall-bladder had been pierced, but the perforation had been healed.

118 MS. בי גופו של ארם בגופו של בהמה. 119 MS. יבנם.
120 MS. הגדול. E's emendation גדולה is given in the text for want of a better one.

מדופן אל הדוםן ינתח צותה דוםן מדוםן ויראה אם לא היה שם סמך 121 ולא היתה דבוקה הריאה אל הצלעות כשר. ואם היו הצלעות משונה דמותם כמות הריאה טריפה היא. ואם הריאה לא נשתנה דמותה ושמש58 בה דרוח טהור הוא ויאכל. § 1 § והצלעות האלו שלש עשרה מימין ושנים עשר משמאל. אם ישבר ט מימין וח'122 משמאל כשר. ואם ישבר ח' מימין ו' משמאל בשר. ואב ישברו עשרה מימין וי' משמצל טרפה. כי ישצאר במספר של ימין מימין כמות בשמאל בשוה כשר הוצ. שבירת הצלעות האלו לא הוּו כמות שבירת העצמות כולם. העצמות מארבובה ולמעלה טרפה מארטובה ולמטה כשרה. ואם נשבר העצם ונחתך
 בהמה נגחה אל בהמה. ונצתחה העצם| |במקום נתחו ולא נשבר והוֹרמות

 מחותנות טריפד היצא ולא תאבל. 130
18 § ואם נגחה בהמה לבהמה על מותנצה"131 ונתחתכון | מותניה132 ולא נחתך חוט השדרה ושחטוה133 ובדקו134 ומצאו חום השדרה135 עומקד **לא*)| נחתך136 טהור הוא ויאבל, 137 ואם במקל היכה138 אותה הרועה



 על אלוּן ומו. E's emendation on is unnecessary.

122 MS. חת מימין ומ' משמאל, E.
${ }^{122 a}$ Here begins T-S. Loan 110, p. 1 recto.
${ }_{123} P$ וגמס.
${ }_{125} P$ נפשטה; the meaning of the phrase is: as long as the animal is able to raise itself without any assistance, cf. Shabbat 94 a, עצמו= גפשו ;חי נושא את עצמו.

129 P $P$ התהאולא
${ }^{131} T-S$ מותניה in two places (see following note), but המתנים in the third place.

$$
132 \text { T-S למותניה. ושחווהו } .133 \text { P } 134 \text { P omits }{ }^{134} .
$$

${ }_{135} P$ ששורה in three places, but twice שרוה in the same § 18.


140 P $P$ P4
${ }_{141} P$ עימד ולא נחתך which destroys the sense of the whole passage.
$142 P$ omits יברקי השדרה הוה.
143 is not expected, in fact it is somewhat out of place here. Possibly דוא is a scribal error for a substitute for ההוא, either being correct. Note that $P$ also has (ולא נחתך הוא מן הראש) הוא (ו).

הראשׁ אל ויא*|כל144 ואם מן הכתף אל העצה|באיה145 מקום נחתך טריפה היא ולא תאפל,146 ואם תחתיות147 העצד, אל הרכובות יתנתח | עצם אחצד ונחתך*; הזרם147a ממנו טריפה היאו ולא תאכל.148
 ומצה152 בה שני כבדים במה הוא יבדוק153 לראות154 אם טהור הוֹא | אמם

 על שני הכבדים בכלי נחושת158 אם ינצמסו162 שצניהם טריפה | ואםם ישאחו שניהם טריפה ואם ינמם163 אחד וישאר לאחדן טהצור הוא ויאכל וצם אתה



 ואם נטלה הכב\{ | כל עיקר ולא נמצ׳א כבד טרפה היא ולא תאתכל170 ואםם171 פזיית 172 או כעדשה מצאת דכבד | טהור 173 הוּ ויאבל. 174
§20.1766


 ציל כמותו ואם תייש אל תיישׁ במותו ואם עיזהו182 צל עיזח כמותה ואם


${ }_{148} P$ omits the entire concluding phrase from ואם תחתיות.







168 One letter after שנים and two or three letters after illegible; the meaning of the passage is obscure.

169 In $P$ the whole passage, beginning with $\begin{aligned} & \text { ויאל ואם ישארו בבדים etc. is }\end{aligned}$ missing.

$$
\begin{aligned}
& { }^{170} P \text { omits }
\end{aligned}
$$

${ }_{176} P$ בוליא (2)
$177 O$ substitutes the short phrase $\begin{aligned} & \text { for the whole passage } \\ & \text { אין אלא אחת } \\ & \text { אח }\end{aligned}$ from the beginning.
${ }_{178} P$ omits לראות.
179 $P$ omits אעל $P$ הוא. 180 .
181 P omits במות.
182 MS. עיה.

רחילה אל |רחילה פמותה183 ויקח184 שתי הכלי|ֶתו185 המצויות בב\{המה186 אשרו היא187 כמות188 בהמתו ויתן189 שתי | הכליות190 בכף מאזניים


 קטנה בחתרדל או בעדשה200 אין 201 עליו בדיקה טהוד202 הוא ויאכל. 203 \$21. ואם ניקב הטחול בלקשו208| פריפהּ היא ולא יאכל, 209 וצם ניקב צהטחול בעבי ולs הבויע פי אם בצדל אחד טהור 210 הוא |


$183 P$ shortens to אצל ברה פמוחה after וכן בל הבהמות כולם. There can be no doubt, however, that $T-S$ contains the original reading, for, in the first place, the diffuseness of style is quite in keeping with that of Eldad and in the second place the Responsum has still preserved a part of the enumeration (cf. B no.14: בלייה אחת (עגל לעגל ,גדי לגדי ,עתוד לעתוד and ויקח.

184 G היק
$186 G$ instead of $G$ מבהמה
187 G שהשר
 190 G omits שתי הבליות.
$192 P$ omits the second 19 . This, although it is intelligible, as it stands, may be a mere dittography; $G$, to make the text clearer has the


193 P omits הת
195 T-S MS. in both places against $P$, $\mathcal{A}$ (השניים (התים).
196 P, G omit הוא ויאבל.
198 P, G omit וֹיאו ולא תאפל. 193 G omits 193.

$200 G$ substitutes | אפיל |
| :---: |
| for |


${ }_{203} P, G$ omit הוא אויאב; G, MS. p. $149 \mathrm{a}-\mathrm{b}$ (E. p. 104, 10), intro-
 קיל בעיד ענדנא. Ibn Ǵamá does not quote literally here; he gives merely a condensed paraphrase of the original. He even departs from the arrangement of his original, quoting the second case of abnormities in the kidneys before the first: 'אחת נדולה ואחת קטנה אפלו כערשה טהור ואם אין אלא אחת יקחה שתי כליאת ובוּ. 204 P נטל 20 בלו 205.
${ }_{206}$ There is room for one or two words in the lacuna. I am, however, unable to restore them.

210 Reading in $T$-S uncertain; $P$ כשר.
${ }^{2103}$ T-S Loan 110 p. 1 verso. 211 V. Gl. s. v.
$212 P$ ומצואת. $212^{a} P$ omits $\quad{ }^{213}$ V. Gl. s. v.
 חשחהן, which E. failed to recognize as such.
 אמםa 215 אוכלו הבאיש במעיים או בקיבה הו בקרב216 טרפה האה ולא

 ממנו דם221 כי אם מים צהולים ולא הבציש |טהור 222 הוא ויאמל223 כי

נוקבו24 22 של מעיים והקרב225 והקיבה הוצ5225a בנוקבון225 שלמרה.
 על פי יהושע בן נון. היי צומרים|כל בהמה השר תבוא עליה הלןה רעהא

 משה |רבינו כי כשר הוהו. כי יבוא האהב והיא הייה231 קטגה על עגל





${ }^{2143}$ P $P$ 中
 . הלב במות שחנן תפתח אותחה. V. also p. 15 note 57.

2152 $P$ וא
217 $P$ omits
${ }^{218} P$ omits the entire clause, beginning with 1 .אם ימצא במות הרם.

${ }^{221} T$-S omits 8 . $222 P$ 222 $P$.
${ }^{223} P$ omits
${ }^{2255^{2}} P$ P $P$ before sir, which makes the passage unintelligible. Eldad clearly refers to מרו (\$ 14) as a parallel case, which reads: ואם נמצאת נקב במרה והתרפא לאתר, בשר הוא ויאבל. כי גנוּ של בהמה כנוּם של אדם, , cr. note 118.
${ }^{225 b} P$ בנקי.


228 Pomits איא.

${ }^{232 b} P$ Pהוי.
233 P $P$ לשחום. 230 P.
232 T-S 23 T-S ${ }^{234} P$ ל לאחר.
${ }^{2342} P$ P $P$.
 either reading, דסוס , is possible in T-S. T. T., however, Gl. s. v.
 (Prov. V, 19).
${ }^{2383}$ The lacuna must have contained the name of one or two animals. Pomits this series of animals and proceeds from directly to רסוס קטן ${ }^{239} P$ omits 2.

240 P נגח.


 והגנְריר | גרה ביום התהוּ מותר לשוחשו בכל עת\}. אם 345 פרה חלושה היא
 אכלה הת 247 היום ולצ הגרירה אפור לשוחםה | עד שתמלה שנה. ואם היא מעוברת ויש במעיה248 ילד 249 וילדה הילד 249 לאתר9249 חודש250 |ימים או
 לשוחטה עד שתמלה254 שנה. וצם נתעברה לאזר 255 זהת וילדה לאחר
 הוה על הירחילות, 258

 שתעקאוּ צת רגליה צמורן לאבול את בשרה263 והבא צתה | הומר ירדו אל
 טהצֶר לאבלו היו מורידים כבלים266 צקושושרים אותו טרןם שחיטתו ואחר

 \}

[^17] P לאחר שיפשיטוןההן277 | ${ }^{271}$ אם לא נשבר לו עצם ולא יתנתח נתח278 ולא נחתך בו חוט השדרה אפילו279 אם נשתברו קרניו כשר, אבל אם נמצוֹ בו עצם שבור או נתח מנותח טרפה. אם שור נפל בנחל ונטבע280 ברגליו אל הירכים או בידים אל הבתף .
 יהושע בן נון ושאלו עליו והיו סבורין תלמידיו שיתן להם רשות לשחום במים
 תלמידיי אצל משה רבנו דברו לו אדוננו באנו לשאול הו אותך על שגי שוורים צמחד נפל לבור ואחד נטבע בטים הנחל. שאל צות לותם משה רבנו השור שנפל לבור צדו הימין היה למעלה או צדו השמאל היה למעלה ? דברו לו אדוננו צדו השמאל מלמעלה והימין מלמטה וידיי ורגליי כפוצות תחתתי.
 למערב אוּ לצפון או לדרום? דברו284 לו על זה אתה שואל אותגו מדוע?
 שהיי ישראל במדבר בימים הדם286 הי משׁתחוים לצפון. והא אתה אומר הששחיטה בתפלה אמת השחתיטה כתפלה שנ' ושחם אותו על ירך המובח 287,

276 P $P$ בודקין. 277 P $P$ שיפעטהוּ. Here ends T-S Loan 110 p. 1 verso. 278 MS. נתח נתח.
279 The text has אבל, which destroys the continuity of the sentence. Evidently the copyist was misled by the אבל, which occurs four words later. 280 MS. תטבב, E. ${ }^{280 a}$ Probably with omission of the $s=1$
281 Subj. of
${ }_{282}$ To harmonize the Halakah of $\S 25$ with the Halakah of $\S 24$ we must here suppose that the is full of water, in order to make this correspond to the into which the ox sank. Another solution is offered by E. (p. 125 note 27). He takes the words in the sense of ולשחוט בבור ששוחטים .בור, and he adds by way of explanation כי בהור טימן שקדם התיר לשחוט בבור,
$282^{23}$ For the elliptic use of $7 \boldsymbol{y}$ see p. 32.
${ }_{283}$ MS. אלא איזה אל של זוה. The emendation in the text is based upon the , לאי זוה צד, which occurs three lines below.

284 MS. דבר, E.
 שיקרה.

286 MS. בומן שוּדי ישראל בימים ההם במדבר.
${ }_{287}$ Lev. I, 11. Our paragraph is incomplete, for the decision in the Halakic question submitted to Joshua or Moses, is not given. The information at the end, however, forms a very appropriate transition to the third Part of this Ritual. In the absence of a parallel text, this fact alone, that no Halakah is given, does not seem sufficient warrant for the conclusion that the text in its present form is corrupt or that it has been shortened.

## III.

## [8גולים]

אמר רבנו288 יהושע בן נון מפי משה מםי הגבורה: כל טבח של ישראל ושחם שחתיטה שאינה הגונה מן הבהמות הו מן החיות פגול הואה 259 ואבל שמעו ולמדו290 בית ישראל אם אם אתם בארץץ מזרח291 מן הקדש תפנו בשחחיטה אל אריץ מערב ושחהו ואם אתם בארץ מערב וחקדשש למורח [שחטו למזרח]292 ואם התם293 בדרום והקדש בצפון שחםו לצפון294 ואם אתם בצפון והקדש בדרום שחמו לדרום. כי התפםלה


 הוהא שנ' המזבח299 [עץץ] ${ }^{30}$ שלש אמות גבוה וארבו שתים המות ומקצעותי
 במזבח ומםיים בשולחן לפי" שלחנו של אדםם בעולם הוה במוקום מזבח הואו.
 ציגול הואם ואם ישחה והוא ערום פיגול. וצם שחה בלו בלא טודר פיגול. ואם שחת והוא שפור פיגול. ואם שחם בלא רחיצה משכבת זרע ושכח לרחוץ
$288 V$. note 1.
${ }^{289}$ ד (continued from note 2): $M S$. השוחט שחיטה) שאינה הגונה, בין בבהמה או חיה או עוף (בין בחתה בין בעוף .MS) פגול הוא לת לא של ישראל which $M$ omits, may be part of the original
 missing in $P$.
${ }_{290}$ MS. ולמדום, E. $\quad 291$ MS. E. 292 E.
293 MS. באתם. 294 MS. בצפון.
295 Perhaps to be emended באחד. 2.296 MS. Eמעבה, E.
297 E. unnecessarily emends ומעריך.
29s The words ופי יערוך לפניכם מובח which sound like a quotation(?), are unintelligible in their present place and form and disturb the context. E. suggests the reading of ${ }^{\top}$ ', with reference to Berakot 55 a a, which seems to form the basis of our passage: דמאריך על שלחנו דלמא אתי עניא וידיב ליה דכתיב המזי תלת
 יחחנ' ור' אלעזר דאמרי תרוייהו פל זמן שבההמ"ק קיים מזבח מכפר על ישראל ועכשיו שלחנו .של ארם מבפר עליי

300 E. $\quad 301$ MS. E. $\quad 302$ Ez. XLI, 22.
303 MS. שיפנו 30 , but in all the following verbs the singular forms are used; likewise in $M$, which reads: ללא (לא (MS (
 ואם ישחוט ערום פגול ואם שחט ולא [היה] עליו םודר פגול ואם לא הורחץ משבבת זרע ושבח לוח .ושהט פגול אבל אסור לשחוט בימי אבלו.
 ימי אבלו. כי השחיטה ההיא תבקשׁ שיהיה דעתתו של צדם מקובצת 306 עליי
 ושמחת לפגי י"י אלהיך 307 לפי" ידיה יודע אמיך יפרך על השחתיטה ואם לאו

 ובמה היו מבדילין בין שהזיטת דמזבח ובין שתיטת אבילה. שחיטת
 כי אם בעת הקרבן. אבל לאצילה מותר לשחהוט בפל עת מלבד יום השבתת כבת' בכל צות נפשׁך, 311 אבל השוחט לישראל לאבילה312 תבוא על ידו בהמה משונה. ומה בדמהה. משומה בהמה שישל לה שני ראשים, 312a צי וה מה לה ישחוט. אם הבהמה

 השמהל למטה ודימין למעלה ויקבץ הקדקדים יחדיו קדקד על קדקד 314 ויתן ידו על שניהם יחדו ויברך וישחוט ויפנה אל רא רצ הל הימין העליון. ואם
 העליון פהוגן בשר הוא. ואם השמאל התחתחוגי גרם315a אותו או העטיט316
 לבדו שצני י"ו שמרך יצ"י צלך על יד ימינך. 318 אבל אם הוא ירעה בשמאל פסול לפי שלא זכר הקב"ה השמאל לנפשו שלצ' ימינך י"וי נאדרי בפח319
 לפי בהמה שיש להל 321 שיני ראשים רהש ימין וראש שמאל ותרעה בשמאל ותגריר בשמאל פסולה לא תשחמ ולא תאכל, 321a

| 304 MS. שימצית האבו, E. $\quad 305$ MS. $\quad 306$ V. Gl. s.v. <br> ${ }^{307}$ Deut. XXVII, 7. Cf. Pesalimi 109 a. ${ }^{308}$ Exod. XXII, 19. 309 E. <br> 310 MS. ממקרין. ${ }^{312}$ MS. Deut. XII, $15 . \quad 31$ <br> ${ }^{312 a}$ Cf. Targum Pseudo-Jonathan on Deut. XVII, 7, Menahot 37 a. <br> ${ }_{313}$ MS. ישחים. $\quad 314$ V. Gl. s. v. <br> ${ }_{315}$ Probably to be read ad, Piel. <br>  <br> ${ }_{318}$ Ps. CXXI, 5. <br> ${ }^{319}$ Exod. XV, 6. <br> ${ }_{320}$ Ps. XCI, 7. <br> ${ }^{321}$ MS. $\boldsymbol{T}^{2}$, E. <br> ${ }^{3212}$ The ritual distinction, drawn between the left and the right side the preference given to the former over the latter, which is unexplicable Epstein (p. 125 note 28), is closely connected with the mooncult or the ncycle. (Cf. A. Jeremias, Das Alte Testament im Lichte des Alten Orients², pzig 1906, pp. 29 et seq.). In the mooncult the West is considered as lah. In accordance with this Kiblah the Temple in Jerusalem was concted. Even as late as R. Joshua ben Levi, who lived in the first half of third century (C. E.) it was believed that the Shekinah was in the West Batra 25 b) and the $\quad$ was generally considered in the Midrash |
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אבל בהמה שיש לה שלש ידים ושתי רגלים פםול לקרבן וכשר לאכילה.

 מותר לשחיטה כי עודף שיהיה ברגלים323 כשר, ואם בהמה יולדה324 ממעי אמה ויש לה שני רגלים ויד אחד פסול.
§29. אל תחת בטנה מותר לשחיטה לאחר שמונה ימים. ולאחר שישחהטנה תפשיט את עורה תבדוק אותו הבשר אם יש מגמע325 בין בשר לעור ירעיף המים 326 בבשר כולו טרפה. ואם המגמע מתחתת העצה אל הרגלים טרפה. ואם המגמע הוה מן הכתף אל הידים כשר.
as the permanent dwelling place of the Shekinah (cf. Bischoff, BabylonischAstrales im Weltbilde des Talmud und Midrasch, Leipzig 1907, p. 106 note 3). Now then since the West is Kiblah, the right or upper side, i. e. the North is favorable, while the left or lower side, i. e. the South as also the East where the Shekinah does not dwell (B. Batra l. c.), are unfavorable. Eldad bases his theory concerning the favorableness of the right side or the North upon the fact that in the Bible always the right side is mentioned in connection with God and the righteous. (Similarly Plato [Leges IV. 8] connects the right side with the Gods and the left side with the demons.). The same view is found expressed in the Talmud as $e . g$. where it refers to the placing of the pillow-end of the bed facing to ward the North as a remedy against miscarriage or as a means of bringing about male birth. (Berakot 5 a.)

The right $i$. $e$. the favorable side should during the act of slaughtering be upward. This represents not only the view of Eldad (cf. also § 25), but also that of the Shi‘itic ritual (v. Van den Berg, Minhadj at-Talibin, III. p. 298). Now since the right side of the animal should be upward during the act of slaughtering and since a Miblah is required by both ( $v$. Van den Berg l. c. p. 299 and S. Keijzer, Précis de Jurisprudence Musulmane selon le rite Châfeite par Abou Chodjấ, Leyde 1859 p. 55), it follows that only the West can be considered here as the Kiblah.

In an older form of the mooncult the North had the same significance as the West had later (v. Jeremias, l.c.). Just as e. g. the Temple of Nippur was facing the North and just as the North was the direction of worship for the Mandeans, so was the North according to Eldad (§ 25 end) the Kiblah for the Israelites in the Desert (לזמן שהיו ישראל במדבר בימים ההם דיו משתחוים (לצפ).

322 MS. בוארץ, later correctly לארץ.
323 MS. בידים; the change to ברגלים is the only possible way of retaining the clause 'עי עידף ובים in its present place. If בידם is retained, the whole
 לקרבן וכשר לאבילה.

324 Text ילדה, E. נולדה. 325 T. Gl. s. v.
326 MS. במעים, v. Gl. s.v. מנמע. The disease of which Eldad speaks here, is congenital arthritis, caused by an encysted abscess which, in turn, may bring about a generalized infection.
 הארץ על גי די לא תדרך על הארץ אם היא יד ימין פסולה היא ואם רגל הימין פטול אבל אם רגל השמאל כשר לשחיטה. ואחר השחיטה בודקין את העצם היקפא במקומו ולא התעידה [י]הזרמים328 נתרפקו על יד בהוגן טהור הוא.329 אבל לקרבן כל המומים האלו פטול.
והשחיטה הזאת פסולה בסומא פסולה בגידם פסולה במצורע פסולה. §31 בחשך • אבל בחמה330 ובלבנה ובהעלות הנר מותר לשחום •ואם היתה השחיטה מיד אשה מיד סרים חמה מיד הגער לא ישחחוט עד שימלא שמונה עשר שנה ומיד זקן לאחר שעברו עליו שמונים שנה לפי כי כחו הלך ממנו ודעתו לא היא מקובצת331 עליו וידיו יתרעשו והמאכלת בידו מתנענעת וכי תנוע המאכלת מידו לא תבוא השחיטה הגונה כי לא יהתוך הושט. 332

a. מנדלים הותם על שדי מקנה אחר. ${ }^{335}$ אם יפתמם336 צותם המות וימותו שחיטת אמו מטהרתה.
b.אבל כי יתן המאכלת לשחוט יצצ חציתו ונשאר חתציתו ברחם תקח
${ }^{327}$ V. Gl. s. $v$.
${ }^{328}$ MS. דזרמים; v. G1. s. v.
${ }^{329}$ The Halakah of $\S 30$ is very difficult. It treats of an animal, one of whose legs has become shorter than the others, as a result of a fracture. I take it to mean the following: If an animal has [at one time] fractured [one of] its hind or fore legs, the fracture having been caused by its fatness [i. e. the excessive weight of the body had occasioned fracture, in consequence of a violent contraction of the muscles after some sudden or too vigorous action], so that the animal walks on three feet, one foot not touching the ground, then if it [the injured limb] is the right fore-leg or the right hind leg, the animal is pasul. But if it is a left leg, the auimal may be slaughtered. After it has been slaughtered, the leg must be examined in order to determine whether a firm, bony union has taken place (בורקין את העצםם דָיקְפָּ במקומו) and the fragments of the bone have not moved from their proper place,
 whether the sinews occupy their proper position on the leg. [If this is so], then the animal is כנשר, [for the case is one in which the fracture has healed properly]. $\quad{ }^{330}$ In E. חמה is marked as doubtful. $\quad{ }^{331}$ V. Gl. s.v.
 שעברו עליו פ' שנה ומנער ער שימלא י"ח שנה וחומרא בעלמא [הוא . Const. . הדברים ולא נהגינן כותיה. $C f$. also the anonymous quotation from our Ritual in Jacob (ben Samuel) Zausmer's, Bet Yáakob (1696) p. 25b, Resp. no 25: אבל ראיתי במנדגי מהר״ך אברדם קלויאנער כתוב בקלף ישן שנת ק"ע לפ״ק שכתב וֹ״ל האבל וה it is worth mentioning that the heathen Bulgarians considered it a crime to eat the meat of an animal that had been killed by a Eunuch, $c f$. Haberland, Über Gebräuche und Aberglauben beim Essen, in Zeitschrift für Völkerpsychologie XVII (1887) p. 356.

$$
\begin{aligned}
& { }^{333} \text { Supplied by E. } \\
& 335 \mathrm{MS} . \mathrm{k} .
\end{aligned} \quad 336 \mathrm{~V} . \mathrm{Gl} \text {. s. v. }
$$ עת שתיםתה עת אששר בקשה ללדת אותם ויצאו שניהם חיים ונתגדלו העגלים האלו339 ונעשו צמד בקר והיה חורש עליהם ימים רבים מתו340 שניהם והוא יהרוש עליהם341 עזב אותם מדאוגתו342 והלך וישן ראה את344 הנשרים והפרםים ובת היענה345 באו ויאכלוֹ מנבלתם, 346 והי בכל עת צשר יגיעו לאכול מבשרם347 היו העגלים מרברים כאשר ידבר

 ההוא שכח350 כי ממעי פרה351 שחוטה352 הוציה אותם353 שניהם באו אליו354 תלמידיו אשר היו דורשים355 עמו בבית המדרש באו בלם וראו העגלים והנשרים סביבם. 356 ואין357 להם כח358 לאכל מהם359 ושמע אחד מן הצדיקים הנשר שהיה360 מדבר אל העופות שבצאו ואמר להם361 אין לכם רשות לאכול מהם362 כי העגלים363 הללו קדושים הם הם טהורים364 המבי 365 לישראל. דבר 366 דצדיק צשר שמע הדבר 367 ראו כמה נםי נםים עשה לנו
${ }^{337}$ Beg. of $O$. The heading reads: זה המעשה נמצא בהלכות טרפות של ר .אלדר הדני 338 O omits ודית

340 O ומחו. Cf. Misnah, H̛ullin 74b: ר"ש שוורי אומר אפילו בן חמש שנים 'וחורש בשדוה ועו. See Frankl, MGWJ, 1874 p. 414.
$341 O$ omits 3420 omits 342 מדאוs יחרוש עליהם.
$343 O$ והיה נים ולא נים, a quotation from b. Megillah 18b (=Tacanit 12a, Yebamot 54 a , Niddah 63a) מתנמנם היבי דמי אמר רב אשי נים ולא נים תיר ולא תיר ובוּ. $344 O$ omits K.
$345 O$ omits 3 והעופות and has instead briefly והפרם ובת היענה. Our passage makes a carnivorous animal of the ostrich, the food of which is principally herbs, seeds and fruits, although it eats also birds, reptiles and insects and even small mammals (v. A. H. Evans, Birds, London 1900 p. 29). This information is, however, no more startling than the report in the Midrash Shemuel ed. Buber p. 51 a (= Yalkut Shim'oni ib. § 123, 'Aruk s. v. נעמה) that ostriches (גיעימות) were fed on the body of king Agag (I Sam. XV, 33).

346 O באים אצל נבלתם (Jellinek's copy ובשהחיו (כשהיו 0 (I)
$347 O$ omits from מבשםם to והיה.
 ידבר האיש איש אל רעהו bably the proper emendation. עהרתגו ממעי אמנו $\quad 349$ עלינו (? 0 (?


הקב"ה368 היום שנודע369 לדורי370 דורות כי371 תורת אמת בידנו כי נשחט בהמה יצוֹ ממנה ולד חי וימות לאהר372 אמו373 ימים374 רבים מותר לני לאכלו ונם השני הזה375 שלא נתן הקב"ד לאלו הנשרים376 שיאפלי 377 מן הבשר שלא378 היה בשר העגלים כמו בשר בשדה שהיא379 טרפה. ואם אתה אומ' מת הוא אמת הדבר כי מת הוא ולאז הוא מת 380 וכל381 אשׁר החרים 382 הותו353 הקב"ה לישראל334 התיר הותו385 להם במקום אחר354 385 אסר לנו366 הדם ודתיר לנו387 הטחול 38זa צמר לנו388 חלב הכליות התיר לנו חלב שעל389 הלב אםר לנו390 המת והתיר לנו וה הוא אשׁר כמת-הולד כמו שנאמר אל נא תהי כמת אשר בצאתתו מרחם אמו. 391 וה שהוא כמת 392 שאתה393 משליך אותו לכלב394 בעבור ניסך395 דמו עם דם אמו396 בעת 393 שחיטתה. ואם אישש שחט398 נקבה ויצה ממנה399 ולד400 חי אין401 לו מקנה. 33 § a.
${ }_{368} P$ omits הקב"ה.
370 O omits לדורי.
$372 P$ אחר, but
373 P אחר ימיו לימים רבים.
375 Probably to be read הוא; $O$ omits it altogether.

878 O 0 בעבור before 0 שלא.
379 O שהבשר בשדה זיא; Frankl (MGWJ 1874 p. 550 ) sees a reminiscence of the תרי תמיהי of Abaya (Hullin 75 b) in this story with its two miracles.


$383 O$ omits
3850 omits 3.
${ }^{3853}$ Cf. Midrash Deut. Rab. IV רבנו אומרים הרבה דברים אפר אותן הקב״ה והזר ודתירן במקום אחר.

386 להם עלימו על 3 , in accordance with the following forms; cf. also § 33 c , end.

387 ל ל-3 3 O
${ }^{387 a}$ Cf. התרתי לך את הטחול, Midrash Tanhuma, section Shemini, ed. Buber, p. 15b; Yalliut ha-Machiri on Ps. CXLVI, 7, ed. Buber p. 142a; Yalliut Shim' ${ }^{\prime}$ ni on Ps.l. c.; Lev. Rab. chapter XXII, 10; Frankl, MGWJ, 1874 p. 414 would erroneously substitute here 7 of B.

388 P עלינו. $O$ להם. $O$ שעל $O$ omits. 389
390 Pagain עליגו, $O$ לנו, 0 לנו. 391 Num. XII, 12.
${ }^{392} P$ omits שהוה ; שוא כמת
משרחם אמו to משר במת הולד
393 Oאשר אתה $O$ אתה.
395 P ניסק, P , נוסך, Frankl l. c. ננסך,
${ }_{396} P$ omits ins, E.
397 P 3.
398 O 0 שישחום
400 O
399 O omits ממנה.
401 O

שיגד4024 [אותי] עמהם403 ובקש: לאכול ממנ4404 ולא יגדל הותו405 ולא יוכל406 לשחטו בעבור אשר שחט 40 אמו שנ'408 ושור 409 או שה אות בנו410 בא האיש ההוא411 אל תלמידי412 יהושע בן נון413 ודבר414 להם בהמה מעוברת נקבה415 היתה לי ושחטתי אותה416 יצאה47 ממנה ולד חת ואיץ אני418 מבקש לגדל אותו ואולם419 אבקש לאכול ממנו420 והייתי ירא421 לשחוט422 והתתורה אומרת לא תשחטו ביום אחד.4223 הגידו לו ששמעו423 מפי משה ומפי הגבורה424 לשחטהו425 לא 426 לאוא הוא427 מותר אלא425 תכה אותו429 על קדקדו במקל ותאכלהו כי שחיטת אמו מטהרתו.
 ושחחטו עגל ואמו הו גדי ואמו או כבש ואממ431 לאחר זאת השחיטה432 ומברו ובאו433 אל434 יהושע ואל תלמידי' לשאל הותם, 435 דברו436 להם437

402 Oיגדל; Jell's copy ויגמל, which E. emends to ויגדל, Frankl, (l. c. p. 551, note 1) to לגדל.

403 O אותי עליהם.
$404 O$ ובקשש לאכלו מהם $P$, לאבול בשרו, which E. emends to מהר, The scribe intended to write לאפול ממול, as is evident from the same phrase: ואולם אבקש , לאפול ממנו, where $O$ again has $v$, note 420). He was misled to



410 Lev. XXII, 28; O omits אותו ואת בנו.
$411 O$ omits s.

$415 O$ omits 3 נקבה.

${ }_{420} O$ בשרו, $v$, note 404. This seems to be the reading of 0 's source and differs from $P$.
${ }_{421} O$ והתיראתי = והתיר אותו, not, as E. suggests, =המתירים אתם, or as Frankl, (l. c., note 2), המתיר אתה.

422 O לשחעו.
4223 $O$ omits from אחד to והתורה אומרת.
 מתלמידי יהושע ליהושע ואמר לו - Frankl (l. c. note 3) emends: ששממעתם מפי טשה . הגד - ששמעת.

424 O omits ומפי הגבורה, but inserts the words משרה after ממר לו; subject either תלמיר אחר or Moses himself. In either case we would have to read . אמר להם instead of אמר

425 ל לשחטו.
${ }^{426} P$ ולא,


באו.


רבותיגו438 חטא גדול בא על ידינוב 439 היום. שُשחטנו היום440 מן המקנה בשר מרובה מרוב שמחה שכחנו44 ושחטנו בנים ואמהות, 442 תלמיד אחד אומ' פסול הוא הבשר ולא יאכל ותלמיד אחד אומר פסולים הבנים וכשרות האמהות ותלמיד שלישי אומ' פםולות האימהות וכשרים הבנים. העלו הדבר ||

 ובעים447 בבת אחת הא447a אתה אומר לא לתשחטוֹ | ביום אחד 448 אבל אבילה449 לא דיבר לא תאכלו ביום אחד אבל אסור לבשלו יחדיו ואסור יאכל450 על שלחן אחד ולא יאכלו אותם אנשים451 יחדיו מפגי452 שדיבר הקذה לא |תבשל גדי בחלב אמו، 452a וה החלב לא יתבשל בבשר בן453 מחלב אמו אבל בשר הבן והאם | יחדיו על אהת כמה וכמה. 453
 תתחיל בגבינה455 ותרחץ456 את פיך ותקקניחהו בלהם קשה ואחה ואח ואת 457
 ואחר זאת יאכל בשר 459 מותר |לו. אבל דאוכל בשר וגבינה ${ }^{4}$ אם אם ובניה461
${ }^{435} 0$ in consonance with the omission of תבינו 0 תלמידים.
439 O 0 O
440 O omits from שמחתו to bחמנו, but
441 adds בשבחה after ואמהות
442a Here begins T-S Loan 110 leaf 2 verso. $\quad{ }^{443}$ P omits $444 O$ omits the whole discourse from מפי הגבורה to תלמיד אחד and inserts F (Jell.'s copy

444a $O$ אוחגו.
${ }^{444 \mathrm{~b}} \mathrm{O}$ omits משה.
446 T-S אימות but in all other places אימהת.

447a $O$ omits $\pi$.
${ }^{448} \mathrm{Lev}$. XXII, 28. In $O$ the quotation begins with ושור או שדה (the rest is missing), in $P$ with אותו ואת בנו, in $T-S$ with לא תשחטו, לות לו

449 T-S אבולה ; 45 אבל לא דבר תורה לא אבילה לא תאבלו ביום אהחר

452 O omits from אנשים יחדיו to ואפור יאכל.
452a Exod. XXIII, $19 . \quad 453$ Pין
${ }^{453 a} O$ omits from to the end of the paragraph. The meaning of the clause is: It is not permitted to boil the meat of a suckling (בן מחלב אמו) in the milk of its mother; how much less is it permitted to boil such meat together with the meat of the mother.

453b $P$ אבל.

${ }^{455}$ P omits from תחתיל בגבינזי to ובשר יאכל.
$456 T$ T-S ותרח ${ }^{4}$. ותרחוץ $P$ but in all other places, the Qal form is used
${ }^{457}$ Pテュ. ${ }^{458}$ V. Gl. s. $v$.
459 P omits from ואם to

 פיהו | אםור עליו יאכל465 צותם בעת אחת.4664 ואם בא ושחהן467 האם| ובניה468 ביום אחד ונתערב הבשר לצה עם

 קול | ככה יעשה לאישש שעבר על מצות 474 לאו. לאו475 מה הוא476 לא477 תשחטו ביום אחד478 אםם479 | המקנה לו480 לנפשו הואה אין עליו בי אם מלקות ואם לאיש אחר 481 ישחה482 ומעשה פיגול | מענישין483 אותו4484 דמים של בהמות ואם ישׁ לו בהמות מענישׁי485 אותו486 מבהמות 487 בהמות 488 | נגד בהמות 489 עיתנו490 העונש4 491 ההוא ל\}בעל הבשר הפצּמול 492 והבשר הפיגול493 יותן לשוחט | והשוחם אם494 ימצא גוי ימבור \אותו לו ואם אלמר יאמר השוחט השר שחט 490|הבנים והאימהות בזדון אמשלחם לישראל פעם שני乡ת פסול הוא לשחיטה ואפילו | לעידות.| 496
 ומבדילים499 בין האימהות ובין הבנים לשלא יבוא על ידי*הם*500 דוך פיגוןל ואם 501 | היה502 הרועה אשר הוא בצאן503 | בימים \}*ההם *לא היה

462 P א אותם

466 Pאחז; $O$ omits the entire $\S 33 \mathrm{c}$.

${ }^{469} P, O$ omit 2.
468 P ובנה.
472 4, 0 ולא יאנל 0 omit
4730 omits אותו בזוּ.
473a $P, O$ מלקין.
474 מידת. E. questions the correctness of the reading מצות without sufficient reason.
${ }^{475} P$ omits the second לא.

${ }_{478}$ Lev. XXII, 28; $P$ again quotes from אותו ואת בנו on: cf. note 448.
479 . $4, O$.
$480 T-S$ and $P$ have לא; $O$ paraphrases, as follows: ואם היה ממקנהו ושחמ.
481 T-S איש לאחר.
482 שעח
${ }^{483} P$ מענישים $O$; מענשין $O$.
484 P $P$ אותו אותו.
 486 T-S omits אות.
487 O omits מבהמות.
488 T-S מבהמות, a dittography.
${ }^{489} P$ and $O$ יתמה בנגד בהמה.



$496 O$ omits from והשוחם אם ימצצא גוי to the end of d.



 בין האימהות* ובין* הבנים*? הרועים* עוזבים* הבהמות*507؛ ער אשׁר |תשעינה תחתיות508 העצים וכו\}*לם ירביצו סביבות אימותיה*צם. הרחלה והעות 510 פביבות | אימותיהם511 ירביצו פולם 512 והבקר צהפרה וכל עגלותיה؛ ירביצו יחדיון513 והיה . . . . . בנים לאה516 יקח אם517 ואם יקח אם517 לא יקח בנים.

## IV.

## דתלכות חידה




 ומפרים פרסה | אתה אומר מפריץשם פרםה ומעלה גירה אבל צאן אני


504 In $T$-S there are visible after the lacuna the letters shich I take for the end of the word תולדוהיהן, the s being a copyist's error for D or $\mathfrak{j}$. ${ }_{505}^{505} 0$, במה, according to Frankl, l. c. במה.
מנבין $O 06$ מנםין, E.
507 The lacuna has been filled in on the basis of the inferior text $O$ which reads: בין האמהות והבנים הם עוזבים כצאן (In Jell's copy, according to E.,
 emends תחת, the reading of Frankl, l. c.

509 A mere attempt to fill the lacuna. $\quad 510 O$ הרחלים והעים.
511 O אמותיהן 0.
512 O לא ירבוצו כלום, which rendered the entire § unintelligible.
$513 O$ יחד ירבצו
514 Three letters ימוי (?), are still visible after והיה.



522 Deut. XIV, 5; 0 abbreviates the whole list by a 'יחממור after וגו.
523 O ומה.
524 According to $O$ the lacuna should contain the words בהיות להכירם , הת את את טת , . , which addition to the words suggested by the following $\quad$ ה אומר... However, there is space in the lacuna for only four words.
${ }^{525} T$-S leaf 2, verso.
 סימן מיודע הוא בצאן ובבקר |ואפילו בדיקת כל חיות אשר תראה לה שיניים מלמעלה527a טמאה528 היא529 אבל ניבים530 | מלמעלה ומלמטה יש לה ואם אתה אומר הנה הגמל והארנבת והשמן מעלים גרה|הם ולהם שיניים מלמעלה5303 פרסם531 אינן מופרםת 531 וה בריאה 532 משונה היא אבל533 הצצן | והבקר כמותם כמות הצבי והאיל והיחמור אין לאילו שיניים מלמעלה ואין לאילו | שיניים מלמעלה, 534 §35 ואפילו שבע535 החיות האילו אם ישבר בהן536 שבירת עצם537 T-S. מרכובה538 | ולמעלה בו הצלעים כשבירתו | בצאן ובבקר עשרה מימין ותשע משמאל כשיר אבל540 אם השמאל יוםיך שבירות|הצלעים על הימין54 | טרפה דיא ולא יאכל.
${ }^{526}$ I do not know, how to restore the text, as the whole passage יגריר כי והא יגריר is very obscure.

527 O omits from אשטר תראה לה to בתיוה *האילו *להבירם and introduces the words שיגיים למעלה by the phrase אם יש לו לו לו

527a למעלה 0 למל.
528 טמזה 0 seems to be taken literally from $R(v, \mathrm{~B}$, no. 25) and substituted here as an epitome of Eldad's text.
$529 O$ omits ${ }^{2}$ ואם אין לו שינים למעלח טהור $O$ alone inserts the words after טמם. The rest of this paragraph is missing in $O$.

530 T-S נבים. Eldad seems to be of the opinion that all game animals have tusks. In Rabbinic literature we find ניבין ascribed to the camel (Hullin 59a), the dog (Shab. 63b, B. Kamma 23 b ), the bear (Gen. Rab. chap. LXXXVI, 3, 4) and the lion (Targum on Psalm LVIII, 7, Joel I, 6. Hebr. מלתעות; cf. also on Job XXIX, 17, Prov. XXX, 14)

530а Cf. Hullin l. c. 531 Sic. ${ }^{532}$ T-S ミֵ.
${ }_{533}$ The $\dot{s}$ is suspended in MS.
534 It is possible to retain the second מלמעלה, if we take the whole clause to mean that neither sheep nor cattle and the like nor gazelles, rams etc. have upper teeth. As simpler reading would be מלמטה.

538 T-S מרוכבה, in all other places correctly מרבובה. The copyist may have thought of Arabic $\ddot{a}{ }^{\circ}{ }^{\prime} \mathbf{S}^{\prime}$; ; cf., however, Tosefta, Kelim B. M. IV, 15. מפתיח של רוכבה שנשבר מתוך רכובת: where Levy (IV, p. 451) and Kohut (VII, p. 275) emend רכובה.

539 End of $O$. We have rejected the words אם מצינו משובר וסימן העצם עומד במקומו. If we accept E's emendation of ושומן to וםימן , they seem to refer to § 17: 'ואם בשבר העצם ונחתך המומן אשר בתוכו ונימם בו דם טרפה וכוּ

540 T-S אפילו, a repetition of the preceding ואפילו, which destroys the sense of the phrase and contradicts $\S 16$.

541 משממאל 5 מת

ואם ניקב קורמו של מוח בחיות|האילו כאשר יבוא נוקבו בצאן ובבקר542 כן יעבור על החיות. 543 ואפילו בגרמה | מטבעת גרולה ולמעלה טרפה ומטבעת גדולה מלמטה . T-S, G.



 ורגלים562 ותשחוט תעמוד 563 על רגליה | כי עוף דל היא וכל בהמה564 אשר



 וישאר 568 ערום | וערום \} . . . . . . . . . . . . . . . . . . . . . . . . . .
 הבגד האחר \}. . . . . . . . . .. . . כיםוי הדם ויתן חצי הבגד על הדם | ויאכל
${ }_{542}$ V. § 8. $\quad{ }^{543}$ V. Gl. s. v. $\quad{ }^{544}$ Cf. § 5 a.
${ }^{545}$ Begimning of $G$.
 never be certain, as MS. does not distinguish 7 from 9 . I follow here the somewhat clearer reading of MS. G., v. Gl. no. 30 .

547 G בשרה.
${ }_{549} G$ is.
${ }^{551 a}$ G ובתיה.
$550 G$ omits ובבקר.
$551 G$ אטור.
${ }_{553 \mathrm{a}} \mathrm{V}$. Gl. s. v. $\quad{ }_{554} \mathrm{G}$ more correctly F .
$555 T-S$ and $G$, both אם לא תקשור; the negation, however, contradicts the following ודם קשורות


560 E. emends ולפי. More correctly might be taken = in the sense of לפיפּ. The meaning of this paragraph seems to be as follows: Since game animals turn their heads around and rear on their haunches, when they are slaughtered, in spite of the fact that they are bound, it is certain that they would rise up, if they were left unbound, while they are being slaughtered.
${ }^{561}$ G תעת
${ }_{562}$ G מותרות, instead of בלא קשורת ידים ורגלים.
${ }^{563}$ T-S ותעמיד.
${ }^{566} G_{G}$ MS. pp. 104 a -b. For the introductory and closing remarks of Ibn Gama ${ }^{c}$ to this passage $v$. note 41.
${ }^{567}$ In the lacuna some thing like $a:$ is visible; probably the text read




569 MS. כהגִון.
570 V. Gl. s. v.
 עליו את הכלי תלמוד לומר בעםר; cf. also, Hal. Ged. p. 569 (הלבות כיטוי הרם).

The sense of this paragraph is clear, in spite of the fragmentary condition of the text: If a man wishes to slaughter a game animal on a stony piece of ground, where he cannot find a handful of dust, he may take his garment, burn it and cover the blood with its ashes. If he has two garments, viz. a coat (בגד) and a mantle (D, v. Gl. s. v.) he may burn one. If he has only one, what is he to do, since he is not allowed to pronounce the blessing, if his body is naked? Let him tear his garment and let him slaughter the animal upon one part of the garment, while he covers his body with the other part and pronounces the blessing. The meat of the animal is then fit for food. Afterwards, however, he must take the garment to a sandy place and squeeze the blood out of the garment and cover the blood with earth. He must also wash the garment and cover with earth even that water, in which he washed the garment. Under no circumstances, however, is he permitted, to cover the blood with stones, for the Bible makes no provision for such an expedient (cf. Hullin l. c.).

It is more than probable that this Halakah on פיסוי הדם, as it is found here in Eldad, is the one referred to as "gaonic" by Isaac of Vienna in his





 במיא ומכםה בלא ברכה והבי תקינו רבנן לעגין כיסוי חדם בין במדבר בין בים. ע"כ לשון הגגוגים
The passage is also quoted by Mordecai on Ḥullin IV (ביסוי הדם), beginning ועוד כתוב בהלכתא הגאונים; cf. Epstein p. 96, note 41. Reifmann l.c., on the contrary, considers Mordecai as the source from which the "old forger" drew.
$572 \S 38$ is incomplete. It must have originally stated that are treated like בהמות in regard to all מרפות, with the exception of גיקור. For the content of the rest of the ritual, which is missing, $v$. Chapter II, pp. 23 et seq, Chapter III p. 28.

TEXT OF RECENSION B.

## (RESPONSUM)

## I.

אמר רבינג² יהושע מפּי משה מפי הגבורה:
 משחיטתו, ואלו הן הלכות שחיטה: שהיזתיה דרםותיד2a חלדותיה דגרמותיה קלמוקיה3 עקוריד והיה והבי פתרונם.
 מידו או נפל םודר על פניון 4 ושהה כדי 5 שאחיםה אחרת פםולה ואס המעיע

[^18]דריםותיה מהו אם יהיה המאכלת חדה מאר והכרית אותה בפעם אחת (§) 3 נפלה המאכלת על העצם7 תהלך ותבא תבא ותהלך ואת היא הדריםה. דריםתה מנבלתהצ היא הנבלה אששר לא תאכלו.
חלדותיה מהו אם מהרה הבהמה והעלתה ראיאה טרם תפול המאכלת (§) 4 עליה ותבא המאכלת במהרה בין הושט וביץ הגרגרת ${ }^{21}$ אם שחטה מלמעלה טרפה9 ואם שחטה מתחת טרפה, אולם כמה הגון10 אם יקח המאכלת ממקומה וישחוט על אופן השחיטה ויבין מקום למאכלת. אס בקכה הגנגרמ21

 ישתייר מטבעת גדולה מלא פתיל13 על פניה כשרה. הגרמה בלה14 וכל שחיםה העשויה בקולמום15 פסולה.
the "Sefer ha-Oreh" (sic, not ha-Orah, v. ZfHB. X (1906), p. 169) Hilkot Shehitah, § 116 ed. Buber p. 155 ( = Pardes § 212 ed. Warsaw 1870). It is noteworthy that the entire $\S 116$ of the Sefer ha-Oreh, found only in Azulai's MS. (v. Buber, ib. note 1) is taken word for word from Maimonides, Yad l. c. III 1-19. This fact has been overlooked by Buber. The passage is poorly edited both in Buber's edition and in the Pardes and should be revised on the basis of an early MS. or of the ed. pr. of Maimonides 'Yad.
${ }^{7}$ The text would become clearer, if were supplied before . על הצם ry meaning of the whole phrase being: "..... or if the knife be applied to a bone of the spine." E's copy reads which would destroy the sense of the passage.
 animal "s."."
${ }^{9}$ Ed. pr. עשרה, which E., according to A § 4, rightly emends to טרפ.
10 So ed. pr., perhaps במה for is not satisfactory.

11 אם נקבה הגרגרת שלא במקום שהיטה has been pronounced an interpolation by St. (p. 300 note 2). In ed. pr. this clause is separated from the preceding paragraph on חלזה by a space, extending over an entire line. The Halakah,
 with that of no. 8 (=A § 10 ( $=$ ( E. p. 90 note 5 seeks to harmonize the two passages by limiting the applicability of the first halakah to the time of slaughtering. In order to retain this questionable clause it would be better to adopt an emendation which introduces only a slight change in the obscure words. Emend ויבין מקום למאבלת to ויבין מקום המאכלת. In this form the clause אם נקבה הגרגרת שלא במקום שחיטה ויבין מקום .המאכלת. For the meaning of which occurs frequently in this Ritual $v$. Gl. $s . v$.
${ }^{12}$ Eld. pr. גורטיה. $\quad 13 \mathrm{~V}$. Gl. s. v.
${ }_{14}$ The passage is obscure. In ed. pr. there is a large space between the words הגרמה הער, indicating the beginning of a new thought. Read:

# עיקוריה מהו אם שחטה לבהמה אצל אבן או יתד או קיר והעקיוֹ רגליה 

לֹתוכם ולא הבין אליה ומתה ורגליה מעוקרות זאת היא הנבלה השו הו לא לא
 המקום אל מקום רחוק כשרה ואס כעקיו הסמכיס ערשה. ${ }^{16}$

## II.

## הלכות טרפוּת ${ }^{17}$

is 7a (§8b)
ממקוֹמו18 בשר
(§8c.) עומר במקומו כשר ואם הדם נכנם במוה ממנו או משחין שיצמח שם פטולה. 19 8 (§10) נקבה המרה נקבו הדקין נקב קרום הושט נקבה הגרגרה 20 בין כנפי
 העשויה בקולמום פטולה

15 Talmudic-rabbinic עקולמום (Hullin 301 ) and Codes) is a later substitute for Eldad's כעיט (cf. A § 5). Already St. (p. 298 note 2) had suggested that in B no. 24 (note 84) תקולמוסהו be a substitute for [תעמימה]

16 ואם נעקרו הסמנים טרפה 16. The Talmudic use of from that of Eldad (v. Gl. s. v.). Steinschneider (p. 300 note 2), has properly pronounced the word an interpolation, wherever it is found in the Talmudic sense. In this Epstein has followed him, v. Ha-Hoker I p. 328; cf. however, his Eldad, p. 92.
17. This section of $R$ is introduced by the words : והבין דרך הלבות טרפות שלהם.

19 I do not think that 7 b represents a new-case, not mentioned in A.
While A §8c explains the formation of what appears like a tumour on the meninges tracing it to its pathological basis (v. A note 48), B is satisfied with a mere description of its appearance (אם שחין יצה בראש כנגד המוחו). Furtheron $R$ distinguishes two cases ( $a$ : $a$ : and b: ואם הדם נכנם במוח ממנו או משחין ש׳צמח שם פסולה). These, it is true, are not treated as separate case in A, for וגעשה קרומו של מוח . . .משונה ממקום אחם בוק of A $\S 8 \mathrm{c}$ is rendered here in B positively וקרומו של מוח עומד במקומום.
${ }_{20}$ The relation of the two Recensions to Mishnah Hullin 42 a is shown most clearly in the following, where the texts are arranged in parallel columns.

Mishnah Hullin 42a נקובת הושם ופטוקת הגרגרת ניקב קרום של מוח ניקב

הלב לבית חללו . . . . .
הריאה שניקבה או שחסרזי... ניקבה הקבה ניקבה המרה ניקבו הדקן . . . . . הברם הפנימית שניקבה .... . המסם ובית הבוסות שניקבו.

For the omission of ציקוב הברם הפנימית ,ניקוב קרום של מוח etc. in both Recensions and the additional omission of ציקוב הריאו in A $v$. A note 105. Whether נקב חלב לבית חללו should be regarded as one of the pierced organs, that are enumerated here, or whether it forms a paragraph by itself, as in ed. pr. and E. ( $r$. p. 84 no. 11), corresponding to A § 13, the Halakah on the heart is open to doubt. I am inclined to accept the former view, for the following reasons: 1. A $\S 10$ likewise closes with 2. B follows the arrangement of A also in that it takes up the discussion of immediately after completing the enumeration.
${ }^{21} \mathrm{~B}$ uses out, where A always has קניה.
${ }^{21 a}$ Comp. Hal. Pes. p. 140: ניקב קגה למטה מן החהח תיון בריאה.
${ }^{22}$ Recension A has only ניקוב הלב; the words למית חללו are inserted from the Mishnah ib.
${ }^{23}$ Exod. XXII, 30.
${ }^{24}$ Deut. XIV, 21. Hullin 114b. Possibly both quotations are a gloss
 correspond.
${ }^{25}$ The Halakah contained in this section is very remarkable. As the text stands, it treats of a swelling between the trachea and oesophagus which may result in one or both of these organs being perforated. The general proposition is made that a perforation in either the oesophagus alone or in the trachea alone does not suffice to render the animal unfit for food. This assertion is in utter contradiction with A $\S \S 11$ and 12 , where a perforation of only the trachea between the lobes of the lung or of the oesophagus only, so long as both of the membranes of which it is made up are pierced, suffices to render the animal unfit for food. I am, therefore, very much inclined to suspect the genuineness of this Halakah B no. 9. Perhaps the idea of a swelling rests upon a misinterpretation of the words A § 11: ונעישה במו שחין and trachea and oesophagus were substituted for the white and red layers of the oesophagus. Even such a solution, however, is unsatisfactory.
${ }^{26}$ There appear already in the ed. pr. three Halakot between nos. 9 and 10. Of these the first, 9* $9^{*} 1$ 'נשתברו ידי הבתמה וכו flatly contradicts no. 16 (=A § 17). The second, 9* 2 , נחתבו רגליה טרפה ופוֹ without a parallel in A and the third, $9^{*} 3$ נטל קבוץ הגידים וצוי contradicts no. 17. The three Halakot have been interpolated here. They are taken literatim from Tiur, Yoreh Déah. Compare

חמשה אונין לראה שלשה מימינה ושנים משמאלה ויז לם עוד צלד ימּן
 מימין ושלשה בשמאל טרפה, וע אמר לנו אומרים אנחנו אמר רבינו יהושע למשה רבינו אם נמצא שלשה משמאל וארבעה בימין אמר לו משה רבינו. יום אחד הייתי במקדש אהל מועד ובחנתי ראה אחת לראות ומצאתי רביעית דבוקה לקנה, 28
(§ (19?) 11 (ועוד מצאתי לה שני כבדים אחד מעל הלב ואחד מתחתית הלב ושניהם דבוקין בטופם. צוה להביא כלי מים חמים מאד ונתן שני הכבדים בכלי הנחשת וישפוך עליהם המים החמים ואמר אם יעמוד האחד ויתפשר האחר כשרה ואם שניהם יעמדו או שניהם יתפשרו פםולה. 29

Thur
§3. § נשתברו ידי הבהמה או אפּלו נחתםו.
לנמרי «ו שנשמם מעקרן או שיש לה שלשה
ידים כשר והעצם עצמו אסור כשנשברה אם צאיך עור ובשר חופּי את רובו.
. 5.
אלא מקומות מקומות יש.
§ 56 נטלו צומת הנידין או עוּנפסקי טרפד.

## B

no. 9* 1.
לנמרי או שנעקרו מעקרן או שיש לה שלשה ידים כשרה ;העצם הנשבר אמור אם אין עור

ובשר חופין את הרב.
no. 9*2.
מקום אלא מקומות מקומות יש.
no. 9*3. 3 נםל קבוץ הגידי' או שנפסק טרפד.

The similarity between $9^{*}$ 1, 2 and Tur $\S 53,55$ had been noticed by Reif., (p. 279). Why the copyist, compositor or reader should have inserted these three halakot at this most unsuitable place, is incomprehensible to me.

27 The words ויש לה עוד בצד ימין אחת קטנה ואינ' עומדת בסדר האוניز אלא מרוחקת ; עינוניתא דוורדא refer to the little rose lobe of the lung, called מהם לצד פני' this lobe, however, is not mentioned at all in A § 9 b , although the structure of the lung is there fully described and all possible variations in the position of the lobes are enumerated. Nor is the rose lobe taken into account in the following sections by $R$ itself. Furthermore the passage ויש לה עוד וכו interrupts the continuity of the first and last part of no. 10, the authenticity of which is vouched for by the parallel text A §9b חמש אונין לריאה שלוש על ימינה .ושתים על שמאלה אם יתחלף השלוש מימין לשמאל או השתים משמאל לימין טרפה היא . For these reasons 'ויש לה עוד וכו must be eliminated as a gloss. It is, no doubt, also an interpolation, taken from Ṭur $i b$ § 35 : ויש לה עוד בצר ימין אונה אחת .קטנה ונקראת עינוניתא דוורדא ואינה עומדת בסדר האונות אלא מרוחקת מהם לצד פנים.

28 It is self-evident that the answer has absolutely nothing to do with the question. The latter states a condition which has its parallel in A § 9 b : ואם ימצא ארבעה מימין ושלשה משמאל עם' היא. The answer, in our present text however, would correspond to a question involving a condition like that described in A § 9 g 'ואם און קטנה דבוקה לקנה או לושט ובו; or in § 9c where the atrophy of a lobe is treated. Here we have a scribal confusion which can be readily accounted for; a question, pertaining to $\S 9 \mathrm{~b}$ had been combined with an answer, suited to $\S 9 \mathrm{c}$, the intervening passages having been lost.
${ }^{29}$ The text of this Halakah agrees with that of A § 19 treating of a ויצא עם הראה ביצ׳אתה ויקח מאכלת ויםיר הצלע מן הראה ויפח בראה אם עמד הרוח כשרה ואם יצא הרוח ממגה פסולה.
 (ואם עולה בנפיחה ויעמוד הרוח ואם לאו פםולה).30 ואם לא הבין מקום הצלע31 יתן מן הרוק שלו על אותו מקום אם יצה הרוח פסולה ואם לאו
case in which two livers [i. e. a clot on the omentum of the liver] are found in an animal. The method prescribed for ascertaining whether the second liver is only a blood clot, is the same as that given in $\S 19$. The difficulty, however, in attempting to identify the two halakot, arises from the fact that according to our text (no. 11) one of the livers is "above the heart, and the other beneath the heart", an anatomical impossibility (cf. also Frankl, l. c. 1873 p. 489). To make the two halakot agree, it would therefore be necessary to make the radical emendation יותרת הפבד.

A possible way of retaining the present text presents itself, if we take פבדים to mean "blood clots, looking like a liver", an interpretation which is not improbable in view of $\mathrm{A} \S 19$. Two such blood clots might easily form on the pericardium in a case of sudden death. Against this, however, it must be urged that $A$ has nothing to correspond to such a condition of the heart and that in B itself the entire discussion on the Halakah of the heart is concluded in no. 8. The former emendation is therefore preferable. E., aware of the difficulty, emends פבדים in two places to ורדים. This is inadmissible, for ורדא does not occur in Eldad's ritual at all, the reference to it in no. 10 being an interpolation ( $v$. note 27 ).
${ }^{30}$ The words הראה יש לה שני קרומים גקב וה בלא זה בשרה וכן אם נגלד הקרום העליין have no place here and no parallel in A. They are inserted as a quotation from TTur, Yoreh Déah § $\begin{gathered}\text { הריאה ישׁ לה שני קרומים ניקב וה בלא זה בשרה } 36\end{gathered}$ ער שינקבו שניהם ואפילו נגלד קרום העליון כולו כשירה , ואם עולה בנפיחה ויעמוד הרוח ואם לאו פטולה preceding phrase אם עמד הרוח כשרה ואם יצא הצוח ממנה פסולה. Their purpose is to reestablish the connection with the preceding part, which has been interrupted by the interpolation from the code.
${ }^{31}$ So E., ed. pr. הסלע.
32 The logical connection between ואם לא הבין מקום הצלע ובו and that part of the paragraph which precedes the interpolation, has already been established by E. (p. 94 note 23), who says: וכונתו שאם לא נבר בהריאה המקום ששם נדבקד אל הצלע ולא ידע לבדוק שם ולראות אם יצא שם הרוח או לא יתן רוק על הותו דהמקום וידיה לו לםימן לבדוק היטב אחר כך באותו המקום Although A § 15 treats of a number of cases of coalescences, and of other conditions which are not taken into account in our recension, nevertheless no. 12, in its entirety seems to me to be merely a variant recension of $\mathrm{A} \S 15$. The present juxtaposition is sufficiently vouched for by parallels. Compare A § 15: היה הדומן דבוק לאון הריאה . . . . . ואם יכנים ידו לבדוק . . . . . ינתח אותה דופן מדופן . . . . ושמש בה הרוה טהור . . . . הוא ויאכל. The end of no. 12 יתן מן הרוק שלו על אותו מקום וכו seems to be based on Hullin 46 b.

טרפה מן הטחול מהו נבין אם יש בש בו בזיעה אחת ויצה ממנו רוטבו
פטול ואם לאו כשר. נדבק הטחול לצלעים אם באת להפריעהו ולא יתפרע עד שנשאר ממנו דבוקה לצלעים פסול הוא ולא יאכל. נדבק הטחול לקרב ולא יתפרד חתוך אותו במאבלת אם הקרב לקח מהטחול כשר ואם ואם הטחול

 הוא תקח שתת כליות מעגל אחר ותתן אותן34 בכף מאזנים על עם הכליא אם תעמוד כנגד שתי, הכליוֹ עגל לעגל גדי לגדי עתוד לעתוד35 כשר ואם לאו
 וכופל כזתאקוז צו טכפט. וכן פליא שהקטינה עד כפו בדקה ועד כענב בגסה. 36
${ }^{33}$ The first part of no. 13 , with its distinction between ruptures of the milt, accompanied by the emission of its fluids and ruptures without such an emission, is more specific than A $\S 21$. The latter simply states: ואם גיקב .הטחול בעביו ולא הבויע כי אם בצד אחד. The union of the milt with the (floating) ribs and the reticulum (concerning pup $v$. Gl. s. $v$.) is genuinely Eldadic and has evidently been lost in A. Both recensions have in common ניםל המחול b. But while A (§21), contrary to Hullin 55a and the current Halakah clearly states: ניקב הטחול בעביו טהור הוא, B unmistakably says just the opposite, in agreement with Hullin l. c. גיקב הטחול בעביו טרפה. Unless we adopt some pilpulistic harmonization, we must assume that the text in B has been worked over under the influence of our Halakah.
${ }^{34} \mathrm{Ed}$. pr. את. $\quad{ }^{35} \mathrm{~V}$. A note 183.
${ }^{36}$ The two halakot ואם הכליות מלאים מים עכוצים טרפה: לקתה באחת מהם are both lacking in A § 20, although we now possess this paragraph on in no less than three texts. It is, therefore, more than probable that the two halakot quoted, form another interpolation, taken from Trur, Joreh Déah § 44, where we read ואם הם [הכליות] מלאים מים זכים כשרה אבל אם הם עכורים או אפּלי זכים וסרוחים טרפה. לקתה אפילו באחד מהן טרפה ואי זה הוא לקי כל שנתמטמם הבשר עד שאםם יאחוי אדם במקצתו מתמםמם ונופל והוא שיגיע הליקוי ומים העבורין עד הלובן שבה כוליא שהקטיגה טרפה ובמה תקטץ ותטרף בבהמה דקה עד כבול ופול בכלל טרפה יתר מכאן כשרוה ובגם עד כענבה בינונית. The closing words וכן בליא שהקטינה וכו flatly contradict the parallel halakah of A $\S 20$, according to which the atrophy of a kidney to the size of a mustard seed (חרדש) (ערשה), or a lentile does not render the animal unfit for food, whereas in our text such a condition is not permissible. Furthermore, the measures in A $\S 20$ are and ancm, while here we find the Talmudic measures כענב and. There can, therefore, be no doubt that our text is worked over either directly on the basis of Hullin 555 b : or, what is more likely, according to Tour l. c. In general no. 14 follows the Ṭur very closely in the arrangement of its subject matter (cf. TTur, l. c.).

If the above suggestion is correct,--that the words לקתה באחת מהם do not go back to Eldad, but originate in an interpolation from the Tur, then the agreement of Eldad with Maimonides, (Yad, Hilkot Shehiṭah VIII, 26) in the explanation of לקותא,

ועוד אמר37 לנו לומדי אנחנו אמר רבינו יהושע מפ׳ משה מפי הגבורה (16) 15
אם מצאת בהמה שנשתברו צלעותיה הגדולות ברובן טרפה. 38
שבירת העצמות אשר בידים או ברגלים מארכובה ולמטה כשרה ואפי39 (17 §) 16 נשבר מארכובתה ולמעלה ושומן העצם עומד במקומו כשרה. כמלא זצור ואיטו
 שקיטה טיה וערפה, 41 ועוד אמר לנו בהמה שנטל קבוץ הגידים שלה וחתך מיד רגלה42 למעלה מהם כשרה.43


which Epstein (p. 94 note 27) pointed out, is merely apparent. There is no reason for presupposing a common source for the two in some lost explanation of Hal. Ged.
${ }_{37}$ The subject here is Eldad.
${ }^{38}$ No. 15 again contradicts A § 16, where the strange, but thoroughly Eldadic proposition is set forth that broken ribs do not render the animal unfit for food, if the numbers remaining unbroken, are equal on both sides. The same principle is found with regard to the lungs, A $\S 9$ b. There, in the same way, an equality in the number of lobes, whether there be two or three on each side, is insisted upon. Contrast with this the principle set forth here in no. 15: בהמה שנשתברו צלעותיה הגדולות ברובן טרפה which agrees with our Halakah, Hullin 52b and the Codes. This is, no doubt, due to revision under the influence of Hullin and the Codes. Here too E. makes a farfetched attempt at harmonization, $v$. p. 123 note 14.
${ }^{39}$ Ed. pr. $\quad 40$ Sic ed. pr.
${ }^{41}$ The words 'נמצת שמור וכו, have no parallel in A. Their similarity with Tur l.c. § 55 end-the beginning of that § we have already noted under no. 9*2 (v. note 26)-גמצא שבור ואין ידוע אם נעשה מחיים או לאחר מיתה אas been noted by Reif. l.c. Since this passage is an interpolation from Tur, it can neither be the source of the same Halakah in Sefer ha-Terumah, as E. p. 95 note 31 maintains, nor can it be the source of TTur l.c., as Reif. held.
${ }_{42}$ Ed. pr. 2 , E.
${ }^{43}$ This halakah has no parallel in A. There is, however, no evidence to militate against its genuiness.
${ }^{44}$ Sic ed. pr.
${ }^{45}$ This Halakah, on an animal, whose skin has been abraded, which is nowhere mentioned in A , is given on the basis of Hullin 55 b as represented in one of the codes, probably Tur l.c. § 59 : הגלודה אטורה והוצא שנפשט בל עורה בין בידי אדם בין על ידי חולי ואם גשתירה בה בסלע פשרה is the measure כרצועו for the usual עלע. Nevertheless it seems questionable to me, whether the original Eldad text contained any provision whatsoever on this subject. At least we can find no evidence of it in $A$.

צריך לבדוק מכל הטרפות ואם היא שלמה מכלם כשרה ואם לאו טרפה. 46
47. 19*
(§23) 20 (§גופלת בשדה מהו נפל ואב על שור וחתך מבשרו דבר מועט בשני
 בעת שתשחטהו. ואם יםול דוב או כפיר48 על כבש או עו על עו ובאו הרוע״ם ומלטוהו מידו איצו מותר עד שימלא לו שנהה ועוד אמר לנו לנו לומדים אנחתבו

 הגדי מותר לאבלו והאם איצה מותרת עד שימלא לו49 שמה.

## III.

## [עגולים]

21a(§32b) הדריך אדם על הבקר והיא עוברה או נתן את המאכלת עליה ויצא העובר נשאר חציו בפנים וחציו יצא לחוץ החציו49 שיצא לחו לחו' תחתבהו ותשליכהו והחציו49 הנכנם שחיטת אמו מטהרתו. יצה ממנו עגל חי ועמ על ד'50 והוא דף חצ תשחהחו ותאבלודו. ואם ימות b(§32a) בואת הלילה שחיטת אמו מטהרתו וכשר לאבלו,51
${ }^{46}$ Here again the original text which corresponds to A $\$ 24$ (animals that have suffered a fall) has been replaced by a reading, quite similar to that of Tur l. c. § 58 : בהת שת שנפלה מדבר גבוה או שנפלה לבור . . . . . . . . . . נתרסקו אבריה . . . . . . . ובן הרין בעוף שנחבט על דבר קשה . . . . . . . . וניתרת ע"י בדיקה .שיבדקו אותו בנגד כל החלל, אם היא שלמה מבל י"ח טרפות כשרה ואם לאו טרפה

47 This halakah also, being without a parallel in A, is certainly an interpolation taken rather from Tur, l. c. § 60 than from Misnah Hullin 58b. It is to be remembered that $\S \S 58$ and 58 of the Tur have been used in the two preceding sections (nos. $18^{*}$ and 19) of the Responsum.

48 There follows in ed. $p r$. או כפיר after, evidently a mere dittography of the latter.

51 No. 21 b is not free from difficulties. If $\boldsymbol{5}$ be taken in the sense of a command ("thou must slaughter it, if thou wilt eat it") and if עמד על ד' correspond to the usual technical term חפרים ע"ג קרקע of Hullin 75b, then the text of no. 21 b flatly contradicts that of $A \S 32$ a, for in A $\S 32$ a a is unconditionally exempt from the requirement of שחיטה, while here שחיטה is required for a clause בזאת הלילה which contradicts A §32a, limits the dispensation in the case of a שמחיטה from to the one night in which he was born. The present text of no. 21 b is unquestionably influenced by our halakah.

Of course, it would be easy enough to harmonize the two texts by eliminating the ungrammatical תששחטהו and by taking the sense of "thou mayest slaughter him." But such harmonization is not our task.

## 

בחלל55 החת53 בהמה שתמות ילד שבברםה.

> IV.
> $\left[\begin{array}{c}\text { (ועוף) } \\ \hline \text { (הלכות }\end{array}\right]$

22 (837) R, O.
 השיב ואמר לנו דבר זה הבין יהושע בן נון ואמר59 יקח הפתיל598 השר

52 Hebrew translation of Ḥullin 109b בל דאסר לן רחמנא שרא לן מותיה; A § 32c has ובל sשר החרים אותו הקבוֹ, התיר להם במקום אחר. Cf. also Lev. Rab., Deut. Rab. and Tanhuma, as quoted on p. 76 notes 385 a and 387 a .
${ }^{53}$ Cf. Yalkut Schimioni on Ps. CXLVI, 7 (s. v. (ד' מתיר אסורים) : ר' מנחם ) ור' ל' וד' אחא ור' יוחנן בשם ר' נתן תחתת מה שאסרתי לך התרתי לד, תחת איסור דגים
 A does not have this pregnant form of antithesis with תחת.

54 Hullin 1. c.; Midr. Tanlıuma, Shemini, ed. Buber, p. 15 b (which has also בעד טמד besides $v$. A note 387 a).

55 Hullin l. c.; Yalkut Shimioni l. c.; Lev. Rab. XXII, 10; Yalkut haMachiri. on Ps. CXLVI, 7 ed. Buber p. 142 a. Frankl found in this passage which, as it reads now, is closely patterned after Hullin l.c., an additional proof that Eldad "in his attempt to inculcate the belief that Joshua had received from Moses a remark of Jalta (the wife of R. Nahman), was a mere impostor, playing on the credulity of his contemporaries". (M.G.W.J. 1873 p. 489.) But Frankl failed to remember first, that the same thought appears in A $\S 32 \mathrm{c}$ in a form, independant of the Talmudic version and second, that this form of contrast, although used in Hullin l. c. by Jalta, is not original with her. According to Yalkut ha-Machiri and Yalkut Shimioni l. c., this antithesis was already used by as old an authority as R. Meirr, in whose name R. Aha and R. Bisni transmit it. In Lev. Rab. 1. c. it is ascribed to Jonathan [ben Eleazar, a Palestinian Amora of the third century], and in Deut. Rab. IV. 6 to the $\operatorname{la}$. From what has been said, it is evident that this old form of contrast was not necessarily borrowed by Eldad from Hullin 109 b.
${ }^{56}$ Lev. XVII, 13. $O$ omits the whole clause from beg. to בעפר, which is due to the Responsum form and has instead simply עור אממר יהושע.
 is wanting in $O$, might be the gloss of a reader or copyist who had טעיח סלע, Judges XV, 8.11, in mind. סלע סעיף as it reads now, makes no sense at all.
 case into consideration.
${ }^{59} O$ omits the entire clause, which again is due to the Responsum form: Thus $O$ reads : עוד אמר יהושע אם היה במקים םלע שלא מצא עפר 'קח הפתיל אשר עליו וכו 59 I . G1. $s . r$.

עליו או בגד וישחטהו60 בתוכו61 ויברך על שחיטת העוף ונוטל את הפתיל62 ומכסה63 בו את הדם64 ומברך65 על 65 כסוי הדם כרצונו66 ומוליך הדם אשר67 בפתיל אל העפך68 ומכםה69 בלא ברכה, 69 23 (§35, ובשבירת העצם ובגרמה71 ובכל הטרפות באשר הוא בבהמה כן הוא² (36, §38) בחיה מלב773 הניקור73a שאינו47 בחיה כי75 אם גיד הנשה לבדו76 וחלב77

חיה כשר הוא78 לאכלו.797
24(cf. § 87 and
 או תחלידהו או תגרימהו ותקולמוסהו למעלה שׁאם תגרמהן 85 או86 תמצא בו אחת מאלו87 פסול.88

|  |  |  |
| :---: | :---: | :---: |
| ${ }^{63} \mathrm{O} 0$ ויכם. | ${ }^{64} 0$ omits $\times$ את הרם. | ${ }^{65} 0$ ויבוך. |
| ${ }_{66} 0$ omits |  |  |
| 670 omits אשר. |  |  |
| ${ }^{70}$ In Edelmann's excerpts from cod. Oxford $781^{23}$ our Halakah is |  |  |
|  |  |  |
|  |  |  |
| על ביסוי הדם ואוכל (=O) ומוליך הרם אשר בפתיל למקום העפר ומכה בלא |  |  |
| זה. הדבר שלחו עלרת |  |  |
|  |  |  | the parallel text A § 38 .


${ }^{79} \mathrm{~B}$ condenses the three paragraphs $35,36,38$ of A into one: : בשבירת
 omission of הגרמה in $O$ (v. note 71) may be due to the fact that $O$ had $\S 35$ still in a comparatively complete form before him, but that for some reason he failed to copy it. For a fuller discussion of this point $v$. supra pp. 23 et seq.
${ }^{80} R$ reads: בהמה חיה ועוף שיש להם שני ראשים. This is certainly not the original reading. Part IV of this ritual deals with (עוף (עו (and, and not
 בתמה שיש As the identical with that on (בתיה שיש לה שני ראשים משונה)放 of $\mathrm{A} \S 27$ is not represented in B, it is quite possible that a reader or copyist wished to supply the omission by inserting here the words או עוף . may be part of the original text. It affords a transition

${ }^{82} R$ omits, owing to a homoioteleaton (למטה-למטה), the whole clause וישחוט שניהם בשחיםה אתת הראש השמאל אשר הוא למשה.

${ }^{84} O$, ואקלמסהו, $R$, showing a later revision of the text, $v$. note 15.
${ }^{85}$ Sic $R$, ed. pr., $O$ omits the whole passage from שאם תגרמהו to


25 עוד אמר לנו אחד מבני עמנו 89 בא אל 90 יהושע ודבר 91 לן 92 אדוני 34 צ
 בין הממא ובין הטהור.97 ויגד לו יהושע רבינו אינך מכיר מפרים פרסה ומעלה גרה אמ' לו הצייד מפרים פרסה הוא ואולם אין מעלה גרה לפני כי אני תפּסתים פתאום. דבר לו רבינו יהושע סימן זה יהאה 97a בידך אם יש לו שנים למעלה טמא. דבר לו הצייד אדוני זה בחיה בעופות מהו98 דבר 99 לו רבינו יהושע 100 סימן וה ידא101 בידך כשאתה שוחטו אם שתי מוריאותין101a צחת שופבת לאחת טהור וזאם אין לו אלא אחת טמא. ${ }^{1112}$
$89 O$ omits from the beginning to



$97 a^{97}$ Ed. pr. אב (E.), but later (v. note 101).
$98 O$ consistently omits the entire passage, dealing with סימני חיה, from , בעופות מהו to, since the מימנר לו ידושע have already been dealt with by $O, v$. A § 34 . אמר O $O$.

1012 Sic ed. pr., probably a misprint for מוראותיו.
$102 O$ inverts the order of succession, reading: אם א׳ן לו אלא אחת מונצה (so Jell.; Neubauer reads מותח, v. E. p. 136 note 7) שמא ואם יש לו אחת שופכת על אחה טהור. The doubtful מנצה. ought, most probably, to be read נוצה. The text may be defective and may originally have read as follows: אם אין לו אלא .אחת נוצה [או מוראה] טמה , ,ואם יש לו אחת שופכת על אחת טהור. This emendation is based upon a passage in the Sefer ha-Mizwot of Daniel al-Ḳumsi, published by Harkavy, Studien und Mittheilungen VIII, Zur Geschichte des Karaiswus und der Karäischen Literatur, Petersburg 1903 p. 187, which reads: ואולם אות


 ולא בדעת יאמרו. והם חושבבים כי המראה ונוצה הם שתתי נתחים בי הם חושבים בי מראה .ונוצה היא קאנצה וחוצלה [قَانِصَةٌ وَحَوْمَكَةٌ ולא
are the two crops (the upper and the lower) in certain birds. Such is the view not only of the author whom Daniel al-Kumsi here opposes, but also of Saadia, who renders Lev. I, 16 with the words עועמ חוצלתה מע p (v. his Oeuvres Complètes, ed. Derenbourg, vol. I (1893) p. 144 and Harkavy l. c. note 6), حوصلة being the upper, and the lower crop or the gizzard (cf. also Abba Jose ben Hanan's view in Sifra on Lev. I, 16 and Mishnah Zebalim 64b: קורקבן . מוטלה [את המראה] ונומל קורקבן עמה here may refer to the second crop as well as to the gizzard, v. Jastrow s. v. II, p. 1344; Dalman, Wb. p. 374).

The authority whom Daniel al-Kumsi here controverts, is, most likely, Eldad whose view might have found acceptance by others, hence נהם חושבים 'וכו. For Eldad clearly states that the sign of purity for birds consists in
that they have two crops (not as E. p. 98 arbitrarily interprets the text שתתי מריאתיו אחת שופבת על אחת טהור ואם אין לו אלא אחת טמא and a gizzard) and that the contents of the one, i.e. the upper crop "flow" into the other, i. e. the lower crop.

Among frugiverous birds, only in pigeons is the second enlargement of the oesophagus sufficiently developed to be properly called a "second crop" (v. Gegenbauer, Vergleichende Anatomie II. Theil, Vom Vorderarm). There can, therefore, be no doubt that Eldad believes that pigeons are the only birds or fowl that may be eaten, probably because they were the only fowl offerings, brought in the Temple. The same view is held by the older Karaïtes, such as 'Anan (v. Harkavy l.c. p. 67), to whom the Karaïte Aaron ben Joseph traces the distinguishing characteristics of "clean" birds: שואף המים בלי הבדל וגם מאכיל אפרוחיו, which are taken from pigeons (v. Aaron ben Elijah, Gan 'Eden, 'Inyan Shehitah, chap. II, ed. Goslov p. 82b col. b; Adderet Elijahu, 'Inyan Sheḥiṭah, chap. VII, ed. Odessa (1870) p. 111 b, col. a), Benjamin Nahawendi (Harkavy l. c. p. 179), Daniel al-Kumsi (ib. p. 188) and others). The later Karaites are much more liberal and permit the use for food of all the wild and domestic fowls, not mentioned in the Bible as "unclean", so long as it is possible to identify them on the basis of tradition. Attacks on the validity of the characteristics, accepted by the Talmudists or Rabbinic Jews, for distinguishing clean from unclean fowl, are Karaïtic (cf. 'Adderet Eliahu l.c.; Gan Eden l. c.; Neubauer, Beiträge zur Geschichte des Karäerthums p. 43 (Hebrew Part) no. 6; Emunah Amen ed. Goslov 1846 p. 40 a etc.).

## APPENDIX.

## I.

The most authentic or, more properly, the only authentic account of Eldad and of the Four Tribes is the Kairwan Epistle to Gaon Zemah [ben Hayyim], preserved in the Responsum. The study of the Halakic part of the Responsum has proved conclusively that the text of the editio princeps is considerably removed from the original. Many passages of the original have been changed in substance and in style, and a number of interpolations have been introduced from various sources-notably from the Tur of Jacob ben Asher. Some of the interpolations are as late as the first half of the fourteenth century. In view of the fortunes of the Halakic part of the Responsum text, we may presume that the non-Halakic part ${ }^{1}$ has fared no better. This general presumption is confirmed, wherever we are able to compare the non-Halakic parts of the editio princeps with parallel texts, strikingly so confirmed for the portion of the text contained in the recently discovered Genizah fragment to the examination of which this Appendix ( I ) is devoted.

The Genizah fragment is the T-S Loan 94, University Library of Cambridge. It consists of two leaves of paper, $16,5 \times 12 \mathrm{~cm}$. Leaf 1 contains 16 lines recto and 14 lines verso; leaf 2 contains 12 lines recto, and 13 lines verso. It is written in an early Oriental cursive script. Its date cannot be later than the thirteenth century.

The fragment contains a) the end of the Epistle to the Gaon (leaf 1), and b) a passage of equal length from the middle of

[^19]the Gaon's reply (leaf 2). It thus preserves about one-eighth of the entire Responsum text. The inner quire is unfortunately missing. The text contained in the Genizah fragment corresponds to the following sections in the editio princeps ( $v$. above p. 17 note 58):

1. a) The Epistle to the Gaon, ed. Epstein p. 5 no. 7 l. 2p. 6 no. 9 l. $3=e d$. Müller p. 18 nos. $7-9$. b) The reply of the Gaon, ed. E. p. 7 no. 16 l. 2-p. 8 no. 17 l. $1=e d$. Mü. p. 19 no. 16 -p. 20 no. 18.

The text of the Genizah fragment is further paralleled in two other texts, to be described below (see 2 and 3 ).
2. Codex Oxford MS. Hebr. d. 11 fol. 62 b-63b, Catalogue, by Neubauer and Cowley (Oxford 1906) II No. 2797 1, n, published by Müller (pp. 18-19) ${ }^{2}$. This contains, however, only the end of the epistle to the Gaon, that is only about as much as is

[^20]found on leaf 1 of the Genizah fragment (see above). The other text which is available for comparison is that of the
3. Shalshelet ha-Kabbalah of Gedaliah ibn Yahya (1523-1588), ed. Venice (1587) p. 37 b . Here ll. 4-15 contain about as much of the Epistle to the Gaon as corresponds to leaf 1 of the Genizah fragment. Ll. 25-27 contain only the first half of the part of the Gaon's reply which is preserved on leaf 2 of the fragment, the text breaking off in Shalshelet.

There are, thus, three texts available for comparison with the text of the Epistle preserved in the fragment, and two texts for comparison with the first half of the passage from the Gaon's reply. Only the editio princeps preserves the text corresponding to the second half of this passage.

Although comparatively insignificant in extent, these fragments are nevertheless sufficient to prove that the account of Eldad and of his country which the Gaon received from Kairwan was, as yet, unadorned with many of the most characteristic features of the story, which now form part of the Epistle. Thus, for instance, the Genizah fragment, which has preserved a simpler and much older text than either the Cod. Oxf. or the ed. pr. or the Sh., warrants the doubt that Eldad made any specific mention of the Bene Mosheh. Its version makes it probable that in his story, as in the earlier Midrashim, it had been the Levites and not the "Sons of Moses" who refuse to sing the songs of Zion in a strange land and are saved by the interposition of a cloud from the wrath of their captors $(v$. note on leaf 1 recto, l. 1). ${ }^{3}$

In other points, too, the Genizah version differs from the accounts hitherto known. Here the Levites do not carry out the

[^21]act of self-mutilation upon which they have resolved. The divinely-sent cloud does not bear them through the air, together with their wives, their children, and their belongings, on their journey to ancient Hawilah; it merely conceals them from their persecutors in their flight thither (v. 1 recto 1.7 et seq.). Eldad must, therefore, share the glory of inventing the story of miraculous deliverance through the agency of a cloud ( $v$. Epstein, Bereschit Rabbati in Magazin, 1888, p. 83) with some still more imaginative successor to whom we owe the development of the tale. That the country inhabited by the "Sons of Moses" is free from unclean beasts and reptiles is another feature of the current legend, which is absent from the Genizah version. Similarly, the most marvellous details of the Sambation story are missing. Instead of a river without a drop of water, constantly rolling down a flood of rocks and sand, a river which cannot be crossed so that the inhabitants living on its banks can hold communication only by shouting to one another, the Genizah fragment tells of a stream the flow of which is swift enough to bring down sand and rocks. Whether in the original description given by Eldad this river stops flowing on the Sabbath, cannot be answered with certainty (v. note on 1 verso l. 4), but the words "it rests on the Sabbath" (ובשבת נח) are strangely omitted from the Genizah text.

That interpolations crept into the text of the Responsum is certain. It is highly probable that the source of these additions was the developed Eldad legend. The Recension of the Eldad legend from which these interpolations were drawn, can no longer be discovered. It is, however, significant that the Recension, which Müller designates by H. (E. pp. 55-60, Mü. pp. 13, 30 et seq. 53 et seq.), is found published together with the Responsum in the editio princeps, the text of this Recension preceding that of the Responsum, ( $v$. note on 1 verso 11. 11-12). The mere juxtaposition of these texts makes probable the influence of the one on the other.

The fragment serves to clear up the text of the Responsum at several points. In turn light is thrown on the fragment by the Cod. Oxf., the ed. pr. and the Sh. These three texts constitute one related group. The text of Cod. Oxf. is less trustworthy than that of the ed. pr.

The value of $S h$. as a source has not been sufficiently
appreciated. Epstein (p. 8) did not deem it worthy of a place outside of the notes and he pronounced the text "corrupt". The text of Sh. is, however, more accurate than that of the Cod. Oxf., and in several respects is more closely related to the Genizah text than either the Cod. Oxf. or the ed. pr. (v. note on 1 verso 11. 10-11). Moreover, Sh. contains fewer late interpolations than either the ed.pr. or the Cod. Oxf. On comparison with the Genizah fragment, it is found that the absence of these interpolations cannot be attributed to the intention, or to the carelessness of the copyist. (cf. preceding reference). The significant conclusion is that we may rely on Sh. for the correction of the ed. pr. even where we have no older text for corroboration.

The comparison of the following passages in the $S h$. and the ed. $p r$. will serve to illustrate their mutual relation. Where the agreement is verbatim, this is shown by spreading the type. The numbering of the sections is that used by Epstein, p. 6 nos. 11-16.

Ed. Pr.
10. בעםק ר' אלדד ששלחתם

לפנינו ואשר שמעתם ממנו ספרו לנו
חכמים ששמעו מן רבנה יצחק בן מר ורבנא שמחה שראו ר' אלדד זוּ וה והייו תמהים מדבריו שהיו במקצתו נראים כדברי חכמים שלוּ של ומקצתן היו מופלגין. 11. בדברינו בדבר וה וראינו¹ מקראות שיש בהם טיוע לחכמים שלנו לפי שכשעלה סנחריב והגלה שבטי זבולון ונפתלי בשנת שמנה לאחז המלך (ומן יםוד המקדש עד שמנה לאחז קרוב לס"ד שנה) וכון שרהו בני דן שהיו גבורי חיל שהתחיל מלך אשור לשלוט בישראל יצאו מארץ ישראל לכוש וחנו שם לה להיותה ארץץ גנות ופרדםים שדות וכרמים

1 Text not clear. Read: מופלגין ..... . מרברי רבותינו ז"ל וראינו E. would leave בדברינו and read ראינו instead of וראינו; Reif. (p. 287) emends בדברינו to בהּטּנוּ

## Sh.

דעו כי יש לנו בקבלה מרבינו
יצחק גהוןי שבשנת כמו דתר"מ ראוּ הלדד הנו ותמהו בדבריו להיות במקצתם כדברי חכמי' שלנו ומקצתם מופלגי.

ודעו בשהגלה סנחריב
זבולון ונפתלי בשנת חו לאחו מלך יהודה הלכו לארץ כוש וחנו שם להיותה ארץ רחבת ידים מלהה כל עוב ונתנו בלבם לעבוד ח' והועיל להם בי נכתרו

בתורה ובמצוות.b
a ורבינו שמחה seems to be omitted by mistake, $c f$. the Plural forms: iאר and תמהו. For the name and date, $v$. Rapoport in Mahberet he-'Aruk ed. Stern p. XI col. a.
${ }^{\text {b }}$ Read ובמלבות.

> Ed. Pr.

ארץ רחבת ידים מלאה לעו כל טוב ונתנו לבם לעבוד את י״ יי ביראה ולעשות כל מצותיו מאהבה והועיל כועי להם כי נכתרו בשני כתרים בתורה ומלכות כאשר ספר ר אלדד וד.
12.

גלו ישראל (ד' על ידי סנחריב וד' על ידי נבוכדנצר ואחת על על ידי אםפםינו' ואחת על ידי אנדרינו') ולא לה הוזכר שבט דן בכל הגלייות לפי שמעצמו הלך לכושׁ קודם החורבן קל"ה שנים. נראה לי שאין פגם בדבר זה שמה לא נה נםע דן עד גלות שלישית.
13.

בד' מיתו' (סקילה שריפה הרג וחנק, וצאין בתורה מיתת חנק וחנבמים דרשוהו ואמרו כל מיתה האמורה בתורה סתם אינה אלה חנק). 14 ובי בני משה אצלם ומהר סבטיון מקיף להם אמםת אומ' שמך אומרים רבותינו ק"ל במדרש שהגל לוק נבוכדגצר לויים בני משה שעשים רבוא וכיון שהגיעו לנהרות בבל הם וכנוריהם אירע להם כמו שםפר לכם ר' אלדד.
(15.) וקודם ביאת אבותיגו

לארץ בנען דם נתעםקו במלחמות ושכחו המשנה שלקחו מפי יהושע 2 ואפי" יהושע ע"ה אמרו עליו שנולדו לו טפיקות אחר מיתת משה ובכל השבטים שהיו בכל הארץ שבמי יהודה וצנימין החזיקו בתורה על כלם.) 16.

והחלוף זשר שמעתם מפי אלדד, שהרי חכמי בבל וחכמי ארץ ישראל שונים משנה אחת


Sh.

ואמרו חכמים י' גליות גלו
ישראל ולז נזכר שבם דן בכל הגליות לפי שמעצמו הלך לכוש קודם לחרבן קל"ה שנים ובאולי לא נםע דן עד גלות שלנו.

ומה שאמר ר' אלדד הדני כי
הם דנים ד' מיתות ב"ד

וכי בני משה אצלם ונהר
סבטיון מקיף אותם אמת אומר כנראה במדרש שנבוכדנצר הגלה בני משה

ואל תתמהו על השיעינוי
וחלוף ששמעתם בדבריי שהרי חכמי בבל וחכמי ארץ ישראל שונין משנה א' וכו'

Disregarding such amplifications of the Responsum as are mere embellishments and add nothing of consequence to the contents, we are safe in saying that למן יסוד המקדש עד שמנה לאחו קרוב לס"ד שנה pointed out, these words have no logical connection with the preceding. In no. 12 the words על על ידי סנחריב וד' על ידי נבוכדנצר may be a later interpolation, taken over bodily from 'Eser Galiyyot (v. Jellinek, Bet ha-Midrash, IV, p. 133; Grünhut, Sefer ha-Likkutim III p. 2). The original text may have read merely ושנו רבותינו עשר גליות .גלו ישראל. This reading is preserved in Sh. The source of the interpolator is probably the ancient Seder 'Olam, of which the עשר גליות גלו was as integral part, (v. R. Hillel's Commentary on Sifre II, 43, ed. Friedmann, p. 82 a, note 46; cf. Ratner, Mebo leha-Seder 'Olam Rabbah p. 123 and Marx in Z. f. H. B. IV pp. 98-100 and in Steinschneider, Geschichtsliteratur p. 173). The assumption of Epstein and others, that Gaon Zemah ben Hayyim quoted the Midrash 'Eser Galiyyot, is therefore not beyond doubt (v. Epstein, p. 17, note 15, Ratiner l. c. p. 49, Grünhut l. c. p. 13, p. 'ב note 1).

In no. סקילה שרפה הרג וחנק וכו' 13 may again be a gloss amplifying the term 'ד' מיתו. It is conceivable, however, that these words are genuine and that it was the purpose of the Gaon to demonstrate the truth of tradition by the very fact that those tribes are practicing which is not mentioned in the Bible.

I shall not attempt to decide whether the concluding sentence in no. 14 וכיון שהגיעו לנהרות בבל וכו' is an interpolation or not. On the other hand, Reifmann (l. c.) is fully justified in suspecting the genuineness of no. 15. This section is undoubtedly an interpolation, based on Temurah 16a. Its purpose is to prepare the reader for what follows and to impute to the Gaon an explanation justifying the divergence of Eldad's Ritual from our own. The same motive appears in the other interpolation ויש לומר שאין כלל רחוק שאלדד זה שגג והחליף מרוב צרותיו שעברו עליץ וטורח הדרך המענה גוף האדב ed. E. no. 17 beginning; cf. also note on 2 verso, 1. 3. It likewise seeks to account for or to justify the discrepancies between Eldad's Halakot and the current Halakah. Evidently the reply of the Gaon was later found weak and unsatisfactory on this point and consequently the attempt was made to improve it. The words "ואין נבון לפרש כל דבר שנאמר כבוד sלהז
at the end of the Gaon's reply (ed. E. no. 17 end) may likewise have been added for this purpose (cf. also Reifmann l. c.).

In these instances the existence of parallel texts enables us to prove that the non-Halakic part of the Responsum has undergone alterations and suffered from interpolations in the same way as the text of the Halakic part. There is therefore ample justification for doubting the genuineness of the text of the editio princeps in other places, where this cannot be proved by citing parallel texts, and where the appeal must be to internal evidence alone. For the reasons assigned by Reifmann (p. 261), the following passage, which occurs at the beginning of the Epistle, is of doubtful genuineness: ולא (ed. pr. לנו המפוזרים בלבד אלא ולא לשצטים אשר מעבר לנהרי כוש פי הם מלחם אדונינו אופלים ומימיו הם שותים (E. p. 4 no. 1). In view of Eldad's other utterance it does not seem reasonable to attribute the statement to him that the Danites recognized the supremacy of the Gaon. We must not forget Eldad's explicit statements, that the only source and authority for law recognized by them was God, Moses, and Joshua; that they did not know of our Talmud, and could not acknowledge its authority; that they had a code of their own. and contrary to the injunction of the Talmud (Sanh. 41a) and to tradition they continued to practice capital punishment in accordance with their own law. This would cast suspicion on the genuineness of the words at the end of the Gaon's reply: ושהומר אלדד שהם מתפללים על חפמי בבל בראשונד ואחר על כל הגלות (E. no. 18). The Epistle does not say anywhere that the Danites pray for the scholars of Babylon or for the Jews of the Diaspora. The only place which may possibly be construed as an allusion to such a practice is the passage, cited above: wis לנו המפוזרים בלבד אלא לשבטים צשוֹר מעבר לנהרי כוש כי הם מלחם אדונינו הוכלים ומימיו הם שותים (cf. also E. p. 20 note 1). The authenticity of this passage is, however, doubtful. It is, therefore, not improbable that the entire passage, which at present forms the conclusion of the Gaon's answer (no. 18), is an interpolation. The answer of the Gaon, in the original text, probably ended with the words והתורה אחת היא בין במשנה בין בתלמוד וממעין אחד הכל שותין (E. no. 17).

Further examples can be cited, but these two instances suffice to show that the original story of Eldad is hidden by a thick
overgrowth of later origin. Once this is pruned away, the Responsum will be found to be not "a stupid forgery", as Reifmann thought, but an authentic historical document.

In conclusion a word on Rappoport's view of the Responsum. In discussing the text of the Responsum preserved in Sh. he writes (Mahberet he-Aruk, p. XI, col. a): "There were two Recensions of the Responsum of R. Zemah. The beginning (sic) of one of these is to be found in the Sefer Salshelet ha-Kabbalah, the other recension is to be found complete in our Sefer Eldad. In my opinion both are translations from the Arabic. They are divergent at many points. It is possible, however, to correct many mistakes in one by referring to the text of the other. In several instances the Recension in the Sefer Eldad seems to be more correct etc."

There are, however, serious objections to the view that the ed. $p r$. and Sh. represent different recensions. Comparison with the Genizah fragment reveals characteristic variations and corruptions common to both, the ed. pr. and Sh. There might be more justification for considering the Genizah fragment an independent Recension, for the differences between the text of the fragment, on the one hand, and that of Cod. Oxf., ed. pr. and Sh. on the other are very considerable. Even these differences, however, are not sufficient to warrant such an assumption. The points of divergence admit of explanation along the lines indicated in our discussion of the history of the text.

The other theory of Rappoport that Sh. and the ed. pr. are different translations of an Arabic original, seems to be equally untenable (cf. also Steinschneider, Die Arabische Literatur § 26). There is not a single feature in the language of the Responsum to betray an Arabic original. On the contrary, the language of the fragment is a simple, natural Hebrew, a comparison of which with contemporary style leaves no room for doubting that the Responsum was originally written in Hebrew ( $v$. also supra p. 32).

With these general considerations we turn to the text of the fragment.

HEBREW TEXT.
fol. 1. Recto.
3
לבבם לאל והיו רובם [כ]בולם מבקשיםלכרות אצבעותיהם בשיניהם כי הם4
צאומרים אצבָעעות שהּיינו מכים בהם ..... 5
בשיר במקדש איכה נכה בהם שיר בארץ ..... 6
עמאה נתקבצו ובקשו לנםוע ועשה ..... 7
להם הקֹה נם ועזרם לצאת ונסעו (א) ועה ..... 8
וםיבבם ענן ויצאו הם ובניהם ומקניהם אל ארץ ..... 9
החוילה הקדומה ובאו באותו ..... 10
מקום ונחו בו במקום אשר עמד הענן ..... 11
בלילה ההוא וסיפרו להם אבותיהם ..... 12
כי היה בלילה ההוא רעם ורעש גדול ..... 13
וראו בבקר אור גדול וכבד כי היה (sic) בהם ..... 14
צדיקים וחטידים ותמימים וירהּי ֵי ..... 15
ועובדיו וסיבבם בעת ההוא נהר ..... 16fol. 1. Verso.
שגולל אבן וחול מקום שלא היה שם ..... 1
נהר מעולם פרץ אותו וגלל אבנים הרבה ..... 2
וחול עד אין חקר ויש לו קול גדול ישמע ..... 3
עד למרחוק הרבה ובשבת יתמלה ..... 4
עשן ויםתובב סביבותיו ענן וערפל ..... 5
ולא יכול אדם ליגש אליו ולה יתבונן ..... 6
הדרך ולא מקומו עד מוצמי שבת ..... 7
יחזור כמו שהיה וקורא"ן אותו נהר ..... 8
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1
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חילוף בין החכמים ולא (אלא read) בתלמור
6 7
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## NOTES.

Leaf 1 recto.
L. 1. The conclusion of the preceding page is missing. Restoring it in accordance with the editio princeps it reads כשחרב בית] המקדש עלו ישראל לבבל עמדו הכשדים] עליהם ועל הלוים וכו. Here as well as in l. 2 the text speaks merely of Levites, but the ed. pr. and Sh. both read בגי משה in place of לוים. The version in the Genizah text is the same as that preserved in Pesilita Rabbati on Isaiah XLIX, 14 ed. Friedmann p. 144 a . The Pesikta is the source of the quotation found in Midrash Tehillim on Psalm CXXXVII, ed. Buber p. 262 b or rather in Yalliut ad loc., v. ed. Buber note 1 on Psalm CXXII. In these Midrashim
the act of self-mutilation is attributed to the Levites and not to the Bene Mosheh. There is evidence of direct connection between this passage in the Pesilita and the reading preserved in the text of Cod. Oxf., the words מיד התבו (Mü. p. 18) and the concluding quotation from the Bible אמרו הכה (אמר הבה (read) מם (אם "השבחן ירושלים תשכח ימיני being the same in both. It is, therefore, doubtful, to say the least, whether the original text of the Epistle made any mention of the Bene Mosheh.

This doubt is not removed by citing the reference to the Bene Mosheh in the answer of the Gaon: ובי בני משד אצלם ונהר סבטיון מקיף להם אמת אומי שכך צומערים רבותיגו ז"ל במדרש שהגלה .גבוכדנצר לויים בני משה ששים רבוא וכו'. In the first place the authenticity of the text at this point has not yet been definitely proved. The words בני משה in addition to לויים would seem to be a gloss. Moreover the substitution of the לויים for בגי משה in the reply may perhaps have originated with the Gaon. On the other hand I do not attribute any importance to the omission of the Bene Mosheh episode in the St. Petersburg fragment (pt. II p. 10 l. 3-p. 13 l. 3, Mü., p. 48) which contains a recension of our Responsum. The omission of this story may be explained by assuming that the compiler of the Eldad legends had no interest in the Halakic parts of the work and consequently, stopped at the very point where the Halakah begins, overlooking this legend, which comes after the Halakic part of the Responsum. It is therefore unnecessary to assume, as Müller has done ( $v$. p. 51) that this episode was missing in the copy from which the compilation was made.

For the identification of the "Sons of Moses" with the Levites see my article in the Jewish Encyclopedia s. v. "Moses, Sons of" (vol. IX pp. 59 et seq.). On p. 59 in the first paragraph of the second column the reference "Midrash Eser Galiyyot" ed. Grünhut in Sefer ha-Lilikutim III pp. 13 et seq. should be added.
L. 3 et seq. מבקשים לכרות אצבעותיהם בשנהם; ed. pr., Midrash l. c., Sh. 'וכתתו אצבעותיהם וכו; Cod. Oxf. . . . . . . חתתו. The intention merely, is presupposed in the fragment text; all the other texts, however, assume that the act of self-mutilation is carried out. For an account of the biting off of a finger as a theme in legend see Cassel, Mischle Sindbad p. 18 note 1. For the phrase: אצבעות שהיינו מכים בהם בשיר cf. Mishnah,Bikkurim III. 4 .
L. 6. אימה, ed. pr. האיך not in E. p. 5 no. 7 and in Mü. p. 18.
L. 7-10. ובקשו לנסוע. These words are missing in ed. pr., Sh. and Cod. Oxf. (v. Mü. l. c.). It seems, however, that they form part of the original text. In the ed. pr. and Sh. the episode of the cloud which carries the Levites away, is introduced abruptly. In the Genizah text the Levites are in the act of fleeing and the cloud helps them only to the extent of concealing them from their persecutors (ll. 8-9). This version is the same as the one found in a MS. of Midrash Bereshit Rabbati quoted
 ובנותיהם ובניהם והאיר להם הקב"ה בעמוד איש והוליכם כל הלילה עד אוּ .הבקר וצו'. The Genizah version in the continuation of the legend is also the same as that in the above mentioned Midrash. In both the Levites wander on foot to the ancient Hawilah (1.9-10). The ed. pr., Sh. and Cod. Oxf. add the more miraculous feature that the cloud bears them thither through the air: ובא הענן ונששאם .עם אהליהם וצאנם ובקרם והוליפם לחוילה והורידם שם בלילה

The flight episode seems to be part of the original form of the legend. An echo of it is found in the epithet שבט ינום which is applied to the Bene Mosheh in the various recensions and traditions (v. Mü. p. 35, E. p. 15). The origin is perhaps to be sought in an attempt at an etymology for Sambation: (שבטינום = (שבט ינום). This conjecture of J. Theodor, Bereschit Rabba p. 93. Commentary l. 13, seems to be confirmed by the text of recension H: ועוד שבני משה חבנו חונים אצל הנחל שבטיון ונקרא בן על שם . Compare, however, Neubauer, Where are the Ten Tribes in $J Q R$. I. p. 101 note 2.
L. 11. 'ונחו בו במקום וכו. This detail that they settle in the spot where the cloud rested, is modeled after the Biblical story of Israel's wandering in the wilderness. In this form it is found only in the Genizah text. It may, however, be an interpolation even in $T-S$.
L. 12. וסיפרו להם אבותיהם. This is missing in Sh. and Cod. Oxf. In the ed. pr. it is amplified into ועוד אמר לנו טפרו לנו .אבותינו ואבותינו מאבותיהם.
L. 13. occurs only in this text.
L. 14. וראוּ בבקר אור גדול וכבד-probably an allusion to Isa. IX. 1. What is meant by a great and "heavy" light which they saw in the morning? Is it no more than the dawn? In Sh. כבד
is missing; ed. pr. reads היל (? חור (?); Cod. Oxf. reads ושמעו באותו לילה שם רעש כבד indicate an early corruption of the text at this point.
L. 14-15. ' בי היה (sic) בהם צדיקים וחסידים ותמימים ויראי ה. This passage also occurs only in the Genizah text.
L. 16 et seq. It is interesting to compare the texts here.

| T-S | Cod. Oxf. |
| :---: | :---: |
| הבן וחול. | שסובב את מקום הנהר (בלי טיシת טים) וגולל אבן וחול. |



והתסב or והםיב seems to be an early scribal error for והשיב. This error was, evidently, in the copy from which $S h$. was made, hence the addition of סביבם, to make the text intelligible. בלי טיפת מים in Cod. Oxf. is due to a scribal error. The words occur later in their proper place. In E. and Mü. the reading of the ed. $p r$. is incorrectly given as והשיב להם את הנהר.

## Leaf 1 verso.

L. 1-2. מקום שלא היה שם נהר מעולם פרץ אותו. The river thus created for itself a channel, where none had been before. This thought is contained in the concluding words במקום שלא which are, at present, incomplete and not definitely related to their context in the ed. pr., Sh. and Cod. Oxf.


 ; מים ;od. Oxf. והנהר גולל אבנים וחול בלי טיפת מים. Significant here is the later addition of בלי (טיפת) מים in ed. pr., Sh. and Cod. Oxf. Among the numerous recensions of the Edad legend H. is the only one in which it occurs again (ed. Constantinople 1516-17 etc. v. Mü. p. 12 and p. 68). Our fragment seems to mean no more than, that the river was so swift that its waters brought down stones and sand. The Genizah fragment thus proves that Bacher's conjecture as to the original form of the legend
was correct, v. Bacher, Agadah der Tannaiten I 2. p. 291 note 1. Subsequently, however, legend made of this a river in which rocks and sand took the place of water. This is the idea of the interpolation בלי (עיפת) מים. It is doubtful whether the words עד אין חקר (Job IX, 10), found only in our fragment, form part of the original text.
L. 3-4. וישׁ לו קול גדול ישמע עד למרחוק הרבה (comp. Ezra III, 13). Ed. pr. ברעש גדול וקול גדול; Cod. Oxf. ברעש גדול; Sh. שאלמלא היה פוגע בהר . What follows in the ed. pr ברעש וקולות
 Sh. is manifestly a later insertion.
L. 4-8. ובשבת יתמלא עשן ויפתובב סביבותיו ענן וערפל ולז יצול יצול אדם ליגש אליו ולא יתבונן הדרך ולא מקומו ער מוצאי שבת יחזור כמו
 וזה בכל ימי חול ובשבת .Sh ; ען ואין אדם יכול לינש אליו עד מוצהי שבת . Cod. Oxf. preserves only the concluding words of our passage עד מוצאי שבת. This fact was overlooked by Mü. (p. 18); as a result he reprints here an unintelligible text without any comment. The conclusion of this passage is found in the Cod. Oxf. and in the Recensions of the Eldad legends (Mü. pp. 68 et seq.) after the description of the river Sambation. The text there is very much like the text of our fragment ובשבת נח ובערב שבת תרד עליו ענן ומתמלז עשן ואין אדם יבול ליגש אליי ולה אנו אצלם ולא .הם אצלנו.

A very surprising feature in our fragment is the omission of the characteristic element in the description of the river, namely, that it ceases to flow on the Sabbath. This is particularly surprising inasmuch as this detail is old in the legend. $C f$. Pliny, Hist. Nat. XXXI, 2; b. Sanh. 65b, Gen. Rab. XI, 5 ed. Theodor p. 93, and the literature there referred to, and Krauss, Lehnwörter II p. 369. To the references given by Krauss there should be added 10 -the reading is uncertain-which is found in a Hebrew inscription, cf. Renan, Mission de Phénice pp. 192, 856 and Chwolson, CIH. no. 64 p. 102.
L. 8. וקקוראין אותו נהר סנבטין ובלשונם קוראין אותו סבטינום. The
 ; נהר שבתיין; Cod. Oxf. וההיה נדר סבטיון וקורין לו סרטיבום. The reading of our fragment is, therefore, not novel. In support of Bacher's view (l.c. p. 290, note 2) that $\begin{gathered}\text { opresents the original form }\end{gathered}$
of the name and that ond ona were derived from it, we cite the parallel development in Greek. "In certain districts where Greek is spoken there has been developed since the period of the xown a homogeneous, nasal sound before accented, unaccented and aspirated consonants standing at the end of the syllable. As a result $\sum \alpha \beta \beta a t i s$ has become $\sum \alpha \mu \beta \alpha i \varsigma, \sum \alpha \mu \beta \alpha \tau i s$,
 suchungen zur Geschichte der griechischen Sprache 1898 p. 92 et seq.; comp. also Schürer: Geschichte III ${ }^{3}$ p. 428).

The origin of the word is still uncertain. The most probable etymology is the one which traces it to the Ethiopic "Sanbat", corresponding to the Hebrew תפשׂ; comp. J. Halévy, Te'ezâza Sanbat, 1902, p. III.
L. 10-11. .ויש בנהר הוה מקומות שרהבם ששים אמה. The same reading is found also in Sh. ויש מקומות באותו הנהר שהוא רחב ט אמה. Originally this was meant for the dimension of the widest part of the stream. The insertion of the negative particle in the ed. pr.: (not להם E. p. 6; Mü. ריש מקומות באותו הנהר שאין לו p. 18) and Cod. Oxf. רוחב כששים אמה . . . . . . makes this the measure of the narrowest part of the stream. The other Recensions of the Eldad legend (Mü. p. 66 below) tell that throughout its course the river is "a bow shot" (Gen. XXXI, 16) in width "i.e. 200 yards". H., however, makes the width of the river " 220 yards".

In the ed. pr., after the width of the river has been stated, we have the following: והם עומדים בצד הנהר משם ואנו מכאן מספרים אלו עם אלו והם אסורים מפני שהנהר מקיף עליהם ולא אנו יכולין ליכנם allude to Yer. Sanh. X, 5, (Is. XLIX, 9 etc.) לאמר לאסורים צאו צלו שגלו ללפנים מנהר סנבטיון; comp. also Ekah Rab. on II, 2; Pes. Rab. XXXI ed. Friedmann p. 146 and Recensions in Mü. pp. 66-67. The purpose of the words: 'והם sמורים מפני שהנהר מקיף עליהם וכו is an attempt to explain why it is impossible for the inhabitants of the opposite banks of the river to hold intercourse with one another. These words, however, are not found either in Sh. וישמקומות באותו דנהר) ומר וער (שהוא רחב ט' אמה ולבן אינם יכולים: לבא אלינו ולא אנו אליהם or in our fragment. It is possible that this explanation has crept in here as a gloss from one of the Recensions of the Eldad legends (v. Mü. l. c. D, H, J, $8^{\text {n }}$; G. $3^{\text {d }}$ ). Furthermore the words והם עומדים בצד הנהר משם ואנו מבאן ומספרים אלו עם אלו which occur in
the ed. pr. and in the Cod. Oxf. (והם עומדים מצד אחד ומספרים משם), but which are missing in Sh. and in our fragment, may likewise have their origin in one of these Recensions, ( $v$. Mü. l.c., especially D. $8^{\mathrm{n}}$ and ib. B. $19^{\mathrm{a}}$ ).

If the description of the width of the river was followed in the original text of the Responsum by another sentence,-which is not very probable in view of the reading of the Genizah fragment-such a sentence must have been similar to that of Sh. .ולכן אינם יכולים לבא אלינו ולא אנו אליהם. This was then amplified in the spirit of the later more highly developed legend by the introduction of material taken from the Recensions, until it assumed the form in which it is found in the ed. pr. and Cod. Oxf.

In the ed. pr. and in the Cod. Oxf. another extended passage follows this point:

> Ed. Pr.

וא׳ין ביניהם חיה רעה ולא בהמה
טמאה ולא שקצים ורמשים כי אם כי אם (sic) צאנם ובקרם וחורשים וזורעים ושאלו אלו הת אלו וספרו להם בחורבן הבית ולא היי יודעים בני דן מאומה.

## Cod. Oxf.

ולא בניהם (sic) לא חיה רעה ולא בהמה טמאה ולא שקצים ורמםים בי אם צאנם ובקרם לבד וחורשין וזורעין ושאלו אילו לאילו וספרו להם חורבן בית שני ואתרי בני משה(?) ואין צמו יודעין מה שם.

In Sh. it is much briefer ואין ביניהם אלא בהמות והיות טהורות ולומדים תורת א' שבעל פה אליהם concluding words of this passage $v .1 .11-12$.
L. 11-12. ואלה השבטים אינם יודעין זרבן בית שני שבתרבן ראשון גלו, which makes good sense in connection with the preceding and does not suggest any lacuna. There is reason to believe that the statement that there are no unclean beasts or reptiles in the land of the Bene Mosheh has crept in here from one of the Recensions of the Eldad legend, perhaps from H. (Mü. p. 63 ;
 ולא חיה רעה ולא זבוב ולא פרעוש . . . . . . זולתי צמן ובקר . . . . . . והם . והם .זורעים וקוצרים וכו"

It is probable that Recension $H$ was, at an early date, prefixed to the Responsum; the fact that it is printed in this way in the editio princeps would point to an earlier practice of the kind. This circumstance may have suggested to the copyist or the compiler amplifications of the Responsum. The instance, however, in which the interpolations in the Responsum are more
closely related to Recension H than to any other Recension are not sufficiently numerous, and the agreement, between the interpolations in the Responsum and the text of $H$, is not striking enough, to justify the conclusion that H is the source of the interpolations in the Responsum. It is equally probable that the real source is a Recension which is no longer extant.

In the Recensions the account of the agricultural life of the Bene Mosheh is followed by an account of their study of the Law. This explains the following passage which occurs in Sh. at this point: ולומדים תורת א' שבעל פה אלידם.
L. 11-12. .ואלה השבטים אינם יודעים חרבן בית שני וכו. To whom refers, is not clear. The text in the fragment is nevertheless clearer and simpler than the corresponding text in the ed. pr. or Cod. Oxf., quoted in the preceding note (q.v.). Sh. has an incorrect reading: ובני דן לא היו יודעים מחרבן הבית ראשון.
L. 13. בחרבן בית ראושון. It is to be observed that ed. pr. and Cod. Oxf. both have the incorrect reading לאחר חרבן בית שיש.

## Leaf 2 recto.

L. 1 החכמים שלארץ ישראל והחכמים שלבבל משנה אחת . .ולשון אחתת The verb is evidently missing before משנה אחת; ed. pr. and Sh. read שהרי חבמי בבל וחכמי ארץ ישראל שונים משנה אחת .בתיקון רב means "with the utmost exactness" or "in the recension of Rabbi [Judah ha-Nasi]." is missing in $T-S$ and $S h$. ; it seems to be interpolated in the ed. pr.
L. 4 et seq. אבל לענין תלמוד ויש (יש read) ביניהם חילוף כי ישמ לזה טעם וכו'. What the Gaon meant, is now clear. The reasons which led Reifmann (p. 287) to doubt the authenticity of this part of the text, are now without force. The Gaon means to say that the Babylonian and Palestinian scholars use the one and the same Mishnah. In the exegesis of the Mishnah, that is in the Talmud they at times disagree, just as individuals differ in their interpretation of the Bible. This is the thought behind the obscure words of the ed.pr. זלפעמים תלמידים הללי הומרים טעם החד והללו טעם אחר כמו שני חבמים דיושבין להבין במקרא הו במשנה זה גראה וישו שינו" Sh. reads here only לו טעם אחד וחה גראה לו טעם אחר .תלמודים which is perhaps an old error for בתלמידים
L. 9 et seq. במקרא[ות] אעֹך שהן קבועין בכתב וכו. The MS. reading is במקרא. The plural שהן would however point to the reading במקראות, which is the reading in the ed. pr. Moreover in the latter the connection with the preceding is indicated by "ואמ. In general the text of the ed. pr. is clearer at this point: ואפי' במקראות שהן קבועים בכתוב יש שנוי בהן בין בבל לארץ ישראל בחפרות וביתירות ובפתוחו' ובפתומות ובפיסוקי טעמים ובמםור' בתתוך הפםוקים. Sh. reads: ואפּילו במקראות כנראה בחפרות ויתרות פתוחות וםתומות ובמסורת וחתוך הפסוקים
L. 11. פודרות ויתירות. The reading of the ed. pr. is בחפרות ox is certainly a scribal error for and may possibly be explained as due to the copyist to whom it was suggested by the Talmudic phrase סתומה סדורה (v. Tosafot Menahot 32a s. v. והא אידנא, Müller, Masseket Soferim p. 30), the word וטתומות occurring in the next line (l. 12).

## Leaf 2 verso.

L. 1. ומסורות, ed. pr. abbreviates 'ובמסור, intending the plural and not the singular, the reading adopted by E. p. 7 and Mü. p. 19 and actually found in $S h$.
L. 2. פיםוקים, ed. pr. and Sh. read הפםוקים. The form פיסוקים is found in the Massoretic notes in numerous Yemen manuscripts of the Bible, cf. Ginsburg, Introduction to the Helrew Bible, 1897, pp. 72 note 1, 85, 104 note 2, 106; idem The Massorah, compiled from manuscripts, 1880-1885, II p. 450 nos. 189 et seq.; M. H. Hyvernat, Le Language de la Massore in Revue Biblique Internationale. Nouvelle Série II, p. 519.
L. 3. עמוק עמוק מי ימצאנו (Eccles. VII. 24); ed. pr. עמוק עמוק מי יכילנו (comp. Joel II, 11); Sh. breaks off at this point. In the ed. pr. the connection is here interrupted by the following ויש לומר שאינו כלל רחוק שאלדד זה שגג והחליף מרב צרותיו שעברו עליי .וטורח הדרך המענה גוף האדם. That this passage is a gloss is clearly evident from its position in the text. The style, which is that of later philosophical literature, gives evidence of the lateness of the interpolation. The Gaon has already explained the divergence of the Eldad Halakot from the current Halakah on the ground that there was no absolute uniformity in the exegesis of the Mishnah. In view of this explanation it is superfluous and
almost inconsistent to seek further excuse for this divergence by attributing it to the lapse of Eldad's memory.

In the ed. pr. there follow at this point the words אבל המשנה תורה אהת היא עליי אי' להוסי וממנו אין לגרוע in the text of the fragment. The continuation is again the same in both texts. The words 'אבל המשנה תורה אחת היא וכו are a statement made above that there exists only one Mishnah and that its text is authoritative. The genuineness of this passage is, therefore, questionable.
L. 5. MS. ולא, ed. pr. וארן אתה מוצה חלוף (לא חלוף בדבר גדול .ולא חלוך בדבר קטון) אלא בתלמוד. The words in parenthesis seem to be a later amplification of the text.
L. 7. The text of the ed. pr. is here less clear: ובני sרץ ישראל לשונם לשון תרגום
L. 8-9. . ומה שאמרתם כי השבטים יש להם תלמוד. The style is here that of the Responsum. This passage is missing in the ed. $p r$. and the omission results in obscurity.
L. 11. םידרו, technical term, "to edit" (redigieren, $v$. Bacher, Die Exegetische Terminologie, Vol. II p. 133). The text of the ed. pr. is corrupt, the reading being 19 תล. The last three words in the passage פותרים התלמוד בלשון הקודש שהם מכירים צותו seem to be superfluous and suggest interpolation.
L. 12. The ed. pr. has 'וזה שאין בו שם חכם לפי וכו.

## II.

We publish here another Genizah fragment, belonging to the Eldad legend:

T-S Loan 39, University Library of Cambridge. It consists of one leaf of paper, $19 \times 14 \mathrm{~cm}$., written in Spanish square characters, tending towards the cursive. It belongs to the fourteenth or fifteenth century. The vocalization of some words, some corrections and the completion of some of the abbreviations are, however, in a smaller and different hand. This fragment appears to be a stray leaf of an early ritual code which probably belonged to the Gaonic period.

The subject of discussion on p. A. (recto) is מרפה and נבלה. It concludes with the "catch word" at the bottom of the page

㒸 which indicate the subject dealt with on the following page. I have been unable to identify this part of the fragment, but its pregnant style, suggestive of the decisors (פוסקים), and its use of Aramaic would indicate that it formed a part of a Halakic code belonging probably to the Gaonic period. The superscription ondicates that the ספר הלכות שחיטה שהוציא ר' אלדד בן מחלי שהוא מדן began on p. B (verso). The ritual of Eldad was preceded by a brief introduction, giving a summary of his life and of his stories. It is a part of this introduction which is preserved on p . B and which is published here,

The same account, which serves here to introduce the Ritual of Eldad, is contained in Cod. Firkowitsch 1261 (St. Petersburg) and published by Müller pp. 47 et seq. There it is in the form of an Epistle written by the authorities of Kairwan to the Jewish communities of the Diaspora. The account in this Genizah fragment is, however, intended as an introduction and not as a letter. For this reason there are omitted here such passages and phrases as would be in place only in a letter. Thus there
 ותלמידים [י]שאר העם הדרים במדינת . . . . . . קירואן, נודע לרבותי עםק ושאלנו לר' sלדד זה האיך היתה or passages like [אלד בלד בן מחלי וכו' ביאתו לבאן והגיד לנו זה הדני כך וכך היה המעשה וכו' For the same reason the first person of the epistle is changed to the third person of the narrative. Thus עלימו 1.6 is used for עלינם;
 אייבני etc. This change of person is maintained consistently only in the first part of the letter. That the epistle was the original form of our fragment becomes, however, plainly evident in the
 is a later interpolation, moreover 1. ועליתי 14 and 15 וראיתי 15 , 21 דוּ יקבץ נידוחינו and the conclusion להגיד לנו 22 , בלהודיעינו


Aside from this feature the fragment contains nothing of consequence. It is published here only for the sake of completeness. Brief notes have been added.

1 וסיפר שבח השבטים והם דן ואשר ונפתלי 2
 4 5 6 7 בארץ אויביהם בידי הכושים שהיו אוכלין בני אדם 8 ואיד שדהיה עמן מבני נפתלי נער בעל בשר וַאַכָלוּהּה 9
10 ושללוני גַם אני עמהם והייתי ד' שנים מיד ליד (נע ונד read)
11 בארץ כוש עד שהִיגיעעוּני לגבול ישמעאל ופְפָדאוּנִי
12 ישר' עד שבאתי לשבם יששכר והם בהררי תהום (תהום read)
13 14 וִיראֵי שמים ועָלִיתִי משם להרי פארן והיא מכות 15 שירגיזו עליה ישמעאלים וראיתי שם בני זבולון
16 בעלי אוהלים ואתריהם שבט ראובן ואחריהם 17 שבט מנשה ואפרים ועוד אמיר פי אילו השבטים 18 ישש בהם תורה וחכמה יתירה שגלו משו[מרון?] 19 קודם קָורבן הבית ונשארו בחכמתם ................ 20 מספר וכששמעענו דבר רה 20
 22 זה להגיד לנו. הוא יקבץ נידוחינו מהרה אמ[ן]

## NOTES:

L. 1.-The reading of Pet. indicates that has dropped out of the text after נפתלי.
L. 3-3 is here substituted for the longer phrase found in Pet. 'ושאלנו לר' אלדד וכו v. supra p. 116.
L. 13.-Müller's suggestion that there is something omitted after the words מדי ופרם is not born out by our fragment.
L. 14.-ממות, Pet. has the same reading. "Месca" is evidently meant. מכות occurs for "Mecca" also in Jephet ben Ali's Commentary on Daniel, ed. by Margoliouth, Oxford, 1889, p. 136 1. 21 and 144 l. 17 and in the Oxford MS. of Midrash Rabba deRabba, Catologue Neubauer, no. 2399 fol. 46b, v. Neubauer in $J$. Q. R. I. 114 note.
L. 15.-שירגיזו עליה ישמעאלים, "on account of which—the sanctuary of Mecca-the Mohammedans shall once tremble". This is an allusion to Habakkuk III 7 מדין, ירגוון יריעות אהלי מדין being identical with שמעעאל.
L. 16.-בעהלי אוהלים. This reading would indicate that באלים. in Pet. is due to a misreading of בעלי אהלים = ב' אהלים.
L. 18.-משוּ[מרון](?); Pet. reads 'מארץ ישרו.

## CORRIGENDA

At the close of this book there is printed a list of corrigenda, based on the editio princeps, to the texts of it as printed by Epstein and Müller. These corrigenda are to both (1) the non-Halakic part of the Responsum and to (2) Recension H of the Eldad legend, printed there with the Responsum. The corrections to the part of the text reprinted above which have already been given ( $v$. pp. 111 et seq.) are not repeated here.

## 1. RESPONSUM.

Ed. Epstein
Ed. Müller
Ed. Pr.


Subscription: תם וגשלם תחלה לארון ברא עולם בששה כאולם.

## 2. RECENSION H.

Ed. Epstein
p. 55. no. 1. L. 7. p.53. no. 1. L. 13.

|  | $"$ | $"$ | $"$ | $"$ |  | $"$ | $"$ | $"$ |
| ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | p .54.

Ed. Pr.
יגורחלהים not

Ed. Müller
Ed. pr.

ולא תוםיפו לראותם עוד עד עולם וכתוב לא תשובו בדרך הוה עוד והאיך וגו'.
no. 4. L. 2.

| $"$ | 5. | $"$ | $\mathbf{1 .}$ | p .57. | $"$ | $5^{\mathrm{a}}$. | $"$ | 2. |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| $"$ | $"$ | $"$ | 6. |  |  |  |  |  |
| $"$ | $"$ | $"$ | 7. |  | $"$ | $5^{\mathrm{c}}$. |  |  |

" $6 . \quad n \quad 1$.
" " "3-4. [לקיים נבואת גביא צפניה מעבר לנהרי בוש] עתרי בת פוצי יובילון מנחתי. no. 6. L. 7-8. p. 57. no. 7. L. 2.
6.


לא תשובו בדרך הזה עוד והיאך לא תוםיפו לראותם עוד עד עולם וכתוב לא תשוב בדרך הוה עוד והאיך וגו'. 4.
no. L. 3.

$$
\begin{aligned}
& \text { omits after ונמעלעים a } \\
& \text { א אוריביהי }
\end{aligned}
$$

[לקיים נבואת צפניה מעבר
לנהרי כוש] עתרי בת פוצי
יובילון מנחתי.
no. $6^{\text {c }}$. L. 4-5.

לקיים נבואת הנביא צפניה מעבר לנהרי פוש עתרי בת פוצי יובילו' מנחתי.
שדות ופרדםים גנות ופרטים not שרות וכרמים גנות ופרדסים ותים רגל דגלים ״ דגל לרוב delendum והם גבורי חיל ורל omit מע"ה after מעו м ישוב not יסוב מרובע ״ מרבע טמא ע עמאה וכל מיגי קטנית וקשואים מים בוא וראה not בואו וראו כמו before הרבה omit ויראו not יראו וארבעה ״ ארבעה לאםורים " לאםירים קולו קולו

ברוח ״ ברוח יפרחו ״ ״שרצו שבסביבות not שסביבות הללו האות בטח not בבטחה רומרוס אם " אמי האומה not אומה

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 1. 18.




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 2 14.

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目



[^0]:    ${ }^{1}$ V. Ersch und Gruber, Allgemeine Encyklopädie der Wissenschaften und Künste, Leipzig 1850, Zweite Section XXVII, pp. 390, 393.
    ${ }^{2}$ L. c., v. also idem, Die Geschichtsliteratur der Juden (1905) pp. 14 et seq.
    ${ }^{3}$ V. Bet ha-Midrasch II (1853), p. XXIX. This view was also held by Harkavy, $V$. note 75 in Graetz' Geschichte (Hebrew edition) III p. 267. Cf., however, Harkavy's "Skasanija jewreiskych pisatelej o Chasarach i Chosarskom zarstwe", Petersburg 1874, p. 6. For Levinsohn's view see his Bet ha-Ozar, Wilna 1841, p. 245.
    ${ }^{4}$ V. Likkute K. Kadmoniyot (1860) p. 109.

[^1]:    5 V. Geschichte IV (1860) p. 243.
    ${ }^{6}$ According to Gottlober in his Bikkoret Letolodot Hakkaraim (1865), p. 65 Note 2.

    7 V. Monatsschrift für Geschichte und Wissenschaft des Judentums (MGWJ.) 1873 pp. 489, 484, 491, 1874 p. 555.
    ${ }^{8}$ V. Where Are The Ten Tribes in Jewish? in Quarterly Review (JQR.) I (1889) pp. 109, 110.

    9 V. Debarim Al!adim 'al Sefer Eldad ha-Dani in Ha-Karmel VIII (1870), pp. 254 et seq., reprinted in Ha-Boker Or VI (1881).

    10 Jüdisches Literaturblatt 1877 nos. 40-43; MGWJ. 1878 p. 398, 1879 pp. 135 et seq., 184 et seq.
    ${ }_{11}$ V. Eldad ha-Dani, seine Berichte über die X Stämme und deren Ritus, Pressburg 1891, Introduction.

[^2]:    26 V. Dor IV (1881) p. 111 note 25, p. 112 note 27 ; cf. also his review of Epstein's Eldad in Ha-Hoker I (1891) pp. 158 et seq. There Weiss seems to adopt the view that the Ritual is an independent eclectic system of Halakot.
    ${ }_{27}$ V. JQR. I pp. $105,110$.
    $28 V$. note 11.
    ${ }^{29}$ J. Halévy in Revue Critique d'Histoire et de Littérature N. S. XXXI (1891) p. 463 opposes the Falasha theory. He points out that the ritual of the Falashas is very simple. He argues further that it could not have been written in Hebrew. The Falashas were brought to Abyssinia as captives taken in war by the Ethiopians. They did not understand Hebrew, and in their liturgy they used either the Septuagint or an Aramaic Targum. At a later time they adopted an Ethiopic-Christian translation of the Bible.

[^3]:    ${ }^{39}$ A § 20 which is intentionally reproduced in abridged form by Ibn Gama ${ }^{c}$, cannot be regarded as disproving the view in the text; $v . i b$. note 203.

    40 V. JZ. l. c. p. 310.
    ${ }^{41}$ V. Steinschneider's Corrections in JZ. II p. 297-301.
    42 V. Epstein's Eldad p. L. ${ }^{43}$ L. c. I p. 311.
    ${ }^{44}$ V. Catal. de Rossi I p. 181, Epstein p. 111 note. For a fuller description of this MS. $v$. Horowitz, Bibliotheca Haggadica, I (1881) pp. 16 et seq. The sufferings to which the scribe alludes (והאל ברומיו יצילנו מן הצרות שאנו) $\ldots \ldots \ldots$. . of Castile (1252-1284), or, more specifically, to the imprisonment of many

[^4]:    47 V. Neubauer in $M G W J .1871$ p. 174 note 2.
    ${ }^{4 s}$ V. Literaturblatt des Orients 1850 p. 768. His reference is rather indefinite.
    ${ }^{49}$ V. J. Z. I p. 310 note $13 . \quad 50$ V. MGWJ. 1874 pp. 548 et seq.
    51 V. Edelmann's edition of Caphtor wa-Pherach p. XXIX.
    52 For this author $v$. S. Kohn, Mardochai ben Hillel in MGWJ. 1877 p. 565, 1878 p. 42; reprint pp. 102, 108.

[^5]:    ${ }^{55} \S 9 \mathrm{~h}$ and $\S 10$ beg. are entirely wanting in $P$, $(v$. notes $104,104 \mathrm{a})$.
    56 Thus ל instead of in § 33d (note 480); the negative particle לא before $\boldsymbol{\pi}$ in $\S 22$ (note 225 a ).
    ${ }^{57}$ Thus N הו in $\S 18$ (note 143), which is found in both texts; likewise
     in $\S 22$ (note 215 ; for this spelling in the Bible see Gesenius, Hebr. Grammatik ${ }^{27}$, $\S 44 \mathrm{~g}$, in the Yerushalmi, Schlesinger, Das Aramäische Verbum im jerusalemischen Talmud, p. 13, in the Tosefta, Zuckermandel, Die Erfurter Handschrift der Tosefta, p.9, in the Midrashim, Theodor in M.G.W.J. 1893, p. 208 note 5); the omission of the of in $\S 23$ (note 272); the omission of the article of at the end of $\S 22$, where both texts read in the beginning

[^6]:    58 Small octavo, 14 pages, n. d., n. p.; $v$. Steinschneider, Geschichtsliteratur pp. 16 et seq. Attention was first called to the existence and importance of this text by Luzzatto in Literaturblatt des Orients 1846 p. 481. This editio princeps is to be found in only three libraries (v. Jewish Encyclopedia, s. v. Incunabula VI p. 597 no. 7). It was reprinted several times, $v$. Steinschneider l. c. Of the more recent editions the one by Jellinek in his BH. II p. 108 is reprinted from a poor text appearing in Zolkiev 1772, octavo. Epstein pp. 83 et seq. gives the editio princeps, using a copy made by Moses Gerundi. Another reprint, absolutely uncritical, is to be found in Isidor Zinger's Eldod ha-Doni, Podgorze 1900 pp. 5 et seq., v. Steinschneider l. c. p. 174.
    ${ }^{59} \mathrm{~V} . \mathrm{MG}$ WJ. 1873 p. 489. For a similar example of Frankl's criticism, due to his uncritical use of the text, $v$. infra p. 100.

[^7]:    60 V. Ha-Karmel, vol. VIII pp. 264, 269 et seq.
    ${ }^{61}$ L. c. p. 280.
    ${ }_{62} V$. Recension B., nos. $9^{1}, 9^{2}, 10,16 \|$ Tur, Yoreh Déah §§ 35, 53, 55; $c f$.notes $26,27,41$; Reifmann l.c., p. 286. ${ }^{63}$ V. Frankl in $M G W J .1874$ p. 552.

[^8]:    65a An older source than Rabbenu Nissim, in which this Halakah of Eldad is referred to, is the Sefer ha- Ittur (Lemberg 1860), II p. 13a: שמעתי .שר' אלדר הדני החמיר בפרק שלישי של גף הנשבר שהוא פטול בעוף.

[^9]:    ${ }^{68}$ Responsum (ed. Epstein p. 5 no. 5) וזה אלדר הדני אםּלו דבור אחד אינו .מבין לא מלשון בוש ולא מלשון ישמעאל אלה לשון הקדש לבד

[^10]:    69 occurs as feminine in Job XX, 9; II Sam. XVII, 12.
    70 is here erroneously treated as feminine.

[^11]:    71 The fact that Ibn Koreish quotes Eldad as an authority for the usage of Hebrew words, has led Pinsker (l. c.) in to the errorneous view that Eldad himself was a Hebrew lexicographer; cf. also Schorr in He-Haluz VI (1861) p. 63.

[^12]:    72 To the evidence hitherto adduced in refutation of the theory that Eldad's Ritual is of Karaite origin we must add the polemic of the Karaite author of the ninth century, Daniel al-K.umsi ( $v$. Poznanski in $Z f H B$. VII (1903) p. 108) against one of Eldad's Halakot ( $v$. B. note 102).
    ${ }^{72 \mathrm{a}}$ It is worth mentioning in this connection, that among other reasons in the Or Zarua ${ }^{\text {c }}$, II. $\S 432 \mathrm{p} .177$ the pecularities and divergences of the Halakot of Yehudaï Gaon from the current Halakah are accounted for by the assumption that his halakot originated in a strange land and were brought to Babylonia by captives of war, not earlier than a century after his death.
    ${ }^{73}$ V. Müller, Handschriftliche, Jehudai Gaon zugewiesene Lehrsätze, p. 4.
    ${ }^{74}$ Cf. e. g. the two passages occurring in some Responsa of Sharira, published by Ginzberg in JQR. XVII, p. 270 בבדא וכחלא וכנתא אמור לבשלן 1.21
    

[^13]:    75 V. Ha-Hoker I p. 162, Dor III4, p. 286.
    if $\mathrm{V} . \S 8 \mathrm{a}$. This injunction is old as is evident from the fact that it occurs in Targum Pseulo-Jonathan on Num. XIX, יובדקינה בתמניפרי מרפין 3 ויב.
    ${ }^{77}$ Published by Salomon Friedländer, 1906. It is immaterial for us here to know whether this work presents the original text of the Seder Kodashim of the Palestinian Talmud or whether it is a collection of quotations, gathered from the existing orders of the Yerushalmi, for the purpose of reconstructing the Seder Kodashim, which was lost at an early period. Though scholars of authority have produced weighty arguments against the genuineness of this work, nevertheless, I ventured to point out the parallels, given in the text and if the presentation of these parallels should in any way contribute to the furtherance or advancement of this controversy, the author will feel satisfied.

[^14]:    78 V. Ha-Hoker I pp. 326 et seq. This article of Epstein has been republished in his אגרות בקורת, Cracow 1893 pp. 20 et seq.

    79 This is the view of Halberstam in Halakot Pesukot ed. Schlossberg, p. II. Cf. also Brüll in his Jahrbiucher für jüdische Geschichte, IX. (1889) pp. 129 et seq. (Brüll l.c. p. 130 note 3 gives examples of mistranslations) and Epstein in Ha-Goren III pp. 67 et seq.

[^15]:    1) omits שנפלה סודר על פניו.
[^16]:    
    ${ }_{61} P$ uses the more usual form the Aramaic אומא (Hullin 47a), while G (v. § 9d) and B (v.no. 12) use the
    
    
    
    
    ${ }_{71}$ MS. in the text .
    
     alone is genuine with Eldad.

    | P | . | ${ }^{76}$ P תקחה סכין. |
    | :---: | :---: | :---: |
    | ${ }^{77} P$ P. | ${ }^{78} \mathrm{P}$ omits ${ }^{\text {D/ }}$ | ${ }^{79} P$ inserts ${ }^{\text {after }}$ הוֹ. |
    | 80 P P ולא. | 81 P $P$ ונתשרעו. |  |
    | ${ }^{83} P$ ary | ${ }^{84}$ P $P$ Pיצים. | ${ }^{85} P$ P עבוץ. |
    | ${ }_{86} P$ P $P$ וגתפת. | 87 פרעות | ולם. |
    | 19 P | ${ }^{90} P$ P1 |  |

     is preceded in $G$ by the following citation from R. Hananeel (published, in part, by St. l.c. p. 307e) ורבנו חננאל לל קאל נקלנא בקבליה אנה אוֹא באן אלתעליק באו
     אדצ באנת דבוקות או אלואחדה מע אלתלתה גמיע הדא שלא כסדרן וטרפה ורבותינו הנאונים גיר

[^17]:    241 P צی.
    ${ }^{242}$ There is room for one or two more words in the lacuna.
    אבל to ${ }^{243}$ (ולא נבהל העגל郎, For this reason the text of $P$ has heretofore been unintelligible.
    
    246 Supplied on the basis of E's emendation of ובא
    
    249a $P$ אמר. 250 250 $P$ omits $P$ 251 $P$.
    
    255 א אחר.
    256 E. would omit ילדיה; but the words לאחר שנתעברה are equally superfluous. The whole phrase may be retained as a somewhat prolific repetition of the condition stated. 257 T-S לשוחטיה.
    ${ }^{258} P$ 259 There is space for one word more.
    ${ }_{260} P$ ולא יכול השור.
    
    
    
    270 Space for one word more, possibly גבורים or
    ${ }_{271} P$ inserts after גבוח.
    ${ }_{272}^{27-S}$ T-ישוך $P$ ישן. In spite of this coincidence there can be no doubt that ישמון is to be read; cf. the parallel passage § וטרם ישפוך הדם בולו 6 ש
    ${ }_{273} P$ לארץ.
    274 P ויחרפש; v. Gl. s. v. חרבש.
    275 P $P$ ואת רגל

[^18]:    ${ }^{1}$ The Halakic part of $R$ is introduced by the words : בהלבות שהיטה שלהם אומרים. For the meaning of the various types, used in this text, v. supra p. 21.
    ${ }^{1 a} V$. A note 1.
    
    ${ }^{23} R$ here דרסותיד (cf. also no 24, note 83 ), but in no. 3 regularly דריסתה, הדריסה, דריסותיה.
    ${ }^{3}$ As the text stands, it would appear that phould be considered a special הלכת שחיטה, which would enlarge the traditional number to six. This number, however, would be inconsistent with Eldad's own statement (A § 1), for according to him there are only five הלמות שחיטה. Moreover in $R$ קלתמת שחוטה, but, as in A § 5 it is only a subtitle under קלמרמה. Undoubtedly the word here has been inserted by a reader or copyist, probably the same one who consistently
    
     special 'תלבת של מלמום in this the traditional five. On $v$. note 15.
    
    
    ${ }^{5}$ A § עד כשיעור שחיטת בהמה אחרת 2 ; in B there is substituted the less characteristic כדי of Mishnah, Hullin 32 a and later Codes.
    does not occur in A. It seems to be a later addition, inserted under the influence of some code. Hal. Pes. p. 135 ( = Sefer we-Hizhir, Lev. p. 12a) likewise read ואם לא שחהח כשיעור זח כשרח; Hal. Ged. p. 510 ( = Sefer we-Hizhir ib.) (מחות מיכן כשרה; Maimonides, Yad, Hilkot Shehiṭah III ואם שהה פהות מבדי וֹה שהיטהו פםולה 2. The very same phrase occurs also in

[^19]:    ${ }^{1}$ An English translation of the legendary part of the Responsum was published by Neubauer in $J Q R$ I pp. 104 et seq.

[^20]:    ${ }^{2}$ Professor Müller has used the above mentioned Oxford MS. as a source for, at least, three excerpts. He has, however, failed to indicate the page in the MS., from which he quotes, an omission which is the more serious in view of the bulk of this Oxford codex ( 377 folios). These excerpts are :

    1. Parts of the Responsum. These are reprinted on pp. 16 et seq. of Müller's work. It is surprising that there is no mention of the Responsum in the detailed description of the contents of this MS. in the Catalogue, by Neubauer and Cowley l.c. Can it be that Müller is mistaken in regard to his source?
    2. The legend of the Bene Mosheh, in Müller's work published on pp. 27 et seq. $=$ MS. fol. $62 \mathrm{~b}-64 \mathrm{a}$. Müller's vague reference to "Cod. Oxford 2 " is evidently to our MS. By the equally vague reference to "Cod. Oxford 1" (ib.) he evidently means codex Oxford 2399 which he mentions on the preceding page (26). Here, too, Müller fails to give the page of the MS., from which his quotation is taken and even the number (2399) of his Manuscript seems incorrect, for neither Steinschneider in his detailed description of the contents of this manuscript (in Ha-Mazkir, 1871, p. 37) nor Neubauer in his Catalogue (I p. 842) makes any mention of the passages cited by Müller.

    It is this mysterious "Cod. Oxford 2 " which Müller uses as the basis of his text. Of our MS. Hebr. d. 11 (no. 2729, 1, n) only the variant readings are given in the notes. There is another codex, MS. Oxford 2287, 7 which Müller should have used for the legend of the Bene Mosheh. This codex sometimes follows codex Oxford 2399, sometimes our codex 2729, 1, n.
    3. The so called Elhanan Recension, printed by Müller on pp. 41 et seq. $=$ MS. fol. 64 b . Müller (ib.) speaks of another Oxford MS., which he used, but he does not tell us anything about this MIS.

[^21]:    ${ }^{3}$ Speaking of the Bene Mosheh I would like to call attention to a fragment, published by A. Harkavy in Ha-Gat (Petersburg 1897) p. 65, which relates the travels of Jacob ha-Nasi, a magician who lived in Susa between 1240 and 1276 C. E. Jacob ha-Levi asserts to have visited the Bene Mosheh in the land of Kush and to have received from their prophet the power to do wonders by means of the devine name. The year 1276 C. E. is given by this prophet as the year of redemption for all Israel. Harkavy calls this fragment: ספור מסעות הנשיא משושן הבירה אל הרי חשך או מגלת אלדד השני.

    Herr Kahan informs me that in the Siddur Ashkenazi ed. Venice 1645 a שיר היחוד אשר תקנו בני משה , is printed with the following heading שיר היחוד .מעבר לנהר סמבטיץ ומשם הובא אל ארץ ספרד ע"י סוחר אחד

