The Jerusalem Talmud
Second Order: Mo‘ed
Tractates Šeqalim, Sukkah, Roš Haššanah and Yom Ťov (Bešab)
The Jerusalem Talmud

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Second Order: Mo‘ed

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Tractates Šeqalim, Sukkah, Roś Haśśanah and Yom Ţov (Beḥah)

מסכתות ש calloc סוכה ראש השנה וום טוב (ביצה)

Edition, Translation, and Commentary

by

Heinrich W. Guggenheimer

De Gruyter
Preface

The present volume is the Sixteenth in this series of the Jerusalem Talmud, the third in a four-volume edition, translation, and Commentary of the Second Order of this Talmud. The principles of the edition regarding text, vocalization, and Commentary have been spelled out in detail in the Introduction to the first volume. The text in this volume is based on the manuscript text of the Yerushalmi edited by J. Sussman for the Academy of the Hebrew Language, Jerusalem 2001. The text essentially represents an outline, to be fleshed out by a teacher’s explanation. The translation should mirror this slant; it should not endow the text with literary qualities which the original does not possess. In particular, the translation is not intended to stand separate from the Commentary. In one respect the principles of edition have been changed from the previous volumes. Instead of occasionally remarking about questionable changes of the text by the corrector preparing the Venice editio princeps, in all cases where the corrector changed the text, the scribe’s version is given in (parentheses), the corrector’s in [brackets]. Naturally, the corrector rectifies spelling errors and omissions, mostly sentences left out because of homeoteleuton; but in many cases the corrector’s additions are questionable, as indicated in the Commentary. This is most evident in Tractate Šeqalim as noted in the Introduction to this Tractate. The full text will permit every reader to form his own judgment. Translator’s additions in the English text are put in {braces}.

As in the preceding volumes, for each paragraph the folio and line numbers of the Krotoschin edition are added. It should be remembered that these numbers may differ from the editio princeps by up to three lines. In the Tractates treated in the volume, Mishnah and Halakhah frequently differ widely in numbering. Adapting the headers to both Mishnah and Halakhah would not be satisfactory.
Biblical quotations are given with the masoretic accents, except for words which differ (usually by *plene* spelling) from the masoretic texts. Since the quotes are part of oral tradition, the deviations in spelling are examples of substandard spelling, rather than changes in the text.

Again, I wish to thank my wife, Dr. Eva Guggenheimer, who acted as critic, style editor, proof reader, and expert on the Latin and Greek vocabulary. Her own notes on some possible Latin and Greek etymologies are identified by (E. G.).
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Introduction to Tractate Šeqalím

The Tractate explains the collection of the Temple tax (based in Ex. 30:11-16; Chapters 1-2), the financial controls instituted for the disbursement of the money for the running of the Temple service (Chapters 3-4), the list of the few permanent (salaried) positions in the Temple (Chapter 5), the collection of contributions for dedicated sacrifices, arrears of the Temple tax, and other dedications (Chapter 6), the rights of the Temple to money or animals found on the Temple Mount and in Jerusalem (Chapter 7), and general rules of behavior on the Temple Mount (Chapter 6) and in matters of purity (Chapter 8). The Tractate ends with a list of biblical monetary obligations, separating those bound to the existence of a Temple from those which are independent of it. The accounting is complicated by the tradition that for current expenses only the tax contributed for the year may be used; leftovers and arrears may be used for any needs of the Temple except for the prescribed sacrifices during the year.

The Tractate also exists in a Babylonian version. It is clear from that version that the Tractate was studied in the Babylonian Academies. In addition to a change of technical vocabulary from Yerushalmi to Babli terminology, there occasionally are major deviations in the text. The Babli text (B) used in the versions is that of the Venice edition of 1521; it is not found in the modern Babli editions. The readings of the very much shortened Munich ms. of the Babli (M) are given mainly if they indicate a reading different from that of B. The text of the scribe of the Leiden ms. of the Yerushalmi (S) is largely confirmed by extensive Genizah texts, edited by L. Ginzberg. At places where B deviates from S, both texts are given in full. In most instances the changes introduced in the Yerushalmi by the corrector of Venice editio princeps are unfounded conflations with the Babli text.

Against his declared intention and his practice for other Yerushalmi tractates, Ginzberg did not give the readings of the editio princeps differing from those of the Genizah fragments. He explains in the introduction to his
volume (p. v): “On the bottom of the page I note the differences compared to the editio princeps, Venice about 1522, except for Tractate Șeqalim since this Tractate is printed also in the editions of the Babli, and the differences are numerous, and I did not wish to bewilder the reader’s eye.” This probably means that he would have been forced to compare not single words but entire passages.
Mishnah 1: On the first of Adar one proclaims about *sheqalim*¹ and about *kilaim*², and on the fifteenth of that month one reads the Esther scroll in fortified places³, and one repairs the roads,⁴ and the streets⁵, and water pools⁶, and one looks after all public needs⁷, and marks the graves⁸, and also goes to inspect for *kilaim*⁹.

¹ The yearly Temple tax of half a *sheqel* (Ex. 30:11-16). The expenses of the Temple service had to be paid from the tax collected for the year starting on Nisan 1. Since the tax could be enforced in the Land of Israel, it was sufficient to remind people of their duty and set up collection points one month in advance.

² Since it is the end of the rainy season, farmers are reminded to remove spontaneous *kilaim* growth from their fields, so they should not run the risk that their harvest be forbidden for all use.

³ Greek *γάπαξ*, “palisades”. The expression is used to describe walled cities reputed to have been walled at Joshua’s time, cf. Mishnah Megillah 1:1.

⁴ Rural roads which might have been damaged during the rainy season, to prepare them for the pilgrims going to Jerusalem in the following month.

⁵ Municipal roads.

⁶ Since the term is not discussed in the Halakhah, it is difficult to know whether one refers to religious *miqwaot* or to water supply for the pilgrims. Both kinds of pools may contain dust deposited there by the rains of the winter months.

⁷ Described in the Halakhah.

⁸ Graves not in a cemetery, which must be clearly marked so ritually pure pilgrims will not be contaminated accidentally and then prevented from completing their pilgrimage. The whitewash characterizing these graves may have been damaged during
On the first of Adar one proclaims,” etc. Why on the first of Adar? So that Israel should bring their sheqalim in time and it should be disbursed from the new contributions to the treasury \(^{10}\) on time on the First of Nisan. And Rebbi Samuel ben Rav Isaac said, [the heave of the treasury] \(^{11}\) as at its start, as it is written \(^{12}\), it was in the First month of the Second year, on the first of the month, that the Sanctuary was erected. It was stated hereto, on the day the Sanctuary was erected, on the same day the contribution \(^{13}\) was collected. Rebbi Tabi, Rebbi Yoshia in the name of Cahana. It is said here months, and it is said there, months \(^{14}\). Since months mentioned there are only counted from Nisan, so also months mentioned here are only counted from Nisan. Rebbi Jonah said, Rebbi Tabi left out the start and only quoted the end; this is not done since it was stated \(^{15}\): This is the elevation sacrifice for a month at its New Moon \(^{16}\). I could think that one should collect every month, the verse says at its New Moon for the months; at one New Moon one collects for all months of the year. I could think on any month of his choosing, it is said here months, and it is said there, months. Since months mentioned there are only counted from Nisan, so also months mentioned here are only counted from Nisan.
The technical term for the Temple tax.  
Corrector’s addition from the Babli. From here to the end of the paragraph there is a parallel in Roš Haššanah 1:1 (56d line 4, r).

Ex. 40:17.
The Temple tax required in Ex. 30:11-16.
As shown later, the reference is to Num. 28:14: this is the monthly elevation offering on its day of the New Moon, for the months of the year. This is compared to Ex. 12:2, this month shall be for you the start of months; it is the first of the months of the year. The latter verse designates the month of the spring equinox as start of the year in all matters of sacrificial ritual.

In the way the baraita was stated by R. Tabi, it is impossible to see what it refers to. One has to state the baraita in its entirety for it to make sense. Babli Roš Haššanah 7a.

What means “one lets hear”? Rav Huna said, one proclaims 17, as you are saying 18, they made a proclamation in Jehudah and Jerusalem.

Since the Hebrew expression was no longer understood, it is substituted by the Semitic hif`il of the Greek verb κηρύσσω.

There, we have stated 20: “The only difference between a First Adar and a Second Adar is the reading of the Esther scroll and gifts to the poor”. Rebbi Simon in the name of Rebbi Joshua ben Levi, also proclamations regarding sheqalim and kilaim are between them. Rebbi Helbo and Rav Huna, Rav in the name of the Great Rabbi Hiyya: Everybody may fulfill his obligation on the Fourteenth, which is the time of its reading. Rebbi Yose
said, this\textsuperscript{25} is correct. Did they not say, one proclaims about sheqalim, so that Israel should bring their sheqalim in time? If you would say on the First Adar, there still would be sixty days [left] in the year. Did they not say, also one goes to inspect for kilaim, not that the plants should be recognizable? If you would say in the First Adar, they still would be small.

19 An almost exact parallel is in\textit{ Megillah} 1:7, 71a line 21, \textit{b}.

20 Mishnah\textit{ Megillah} 1:7.

21 In an intercalary year, where a thirteenth month is added preceding the next Nisan, this “Second Adar” is the month where dates scheduled for Adar should be observed.

22 Both in observance of the Purim festivities.

23 Mishnah\textit{ Sheqalim} 1:1 in an intercalary year refers to the first day of Second Adar.

24 This has nothing to do with the topic under discussion. Mishnah Megillah 1:1 gives different dates for the reading of the megillah for different places. It is stated that the dates other than the 14\textsuperscript{th} of Adar are not absolute; the 14\textsuperscript{th} is valid at all places.

25 This refers to the statement of R. Simon.
answered him, it was collected all at one time. And why did they say, “three
times a year”? To make a procession of the occasion.

26 In the version of the ms., Hizqiah points out that the Mishnah applied to
countries outside the Holy Land leads to nonsensical results. In the version printed in
the Babli, his is a declarative sentence, that in Babylonia one proclaims at the start of
winter (about November), so the money may be delivered to Jerusalem in time.

27 Mishnah 3:1.

28 In contrast to the Babli and the text of B, one reads as (Latin) pars, “one half”,
meaning half a month before the holiday indicated (Halakhah 3:1, Tosephta 2:1).

29 Greek , Latin pompa.
Rebbi Haggai in the name of Rebbi Samuel bar Nahman. Three contributions are mentioned in the paragraph, the contribution for the bases, the contribution for sheqalim, and the contribution for the Sanctuary. Speak to the Children of Israel, they shall take for me a contribution, that is the contribution for the bases. From any man of goodwill take my contribution, this refers to the contribution for sheqalim. This is the contribution which you shall take from them, that is the contribution for the Sanctuary. The contribution for the Sanctuary is for the Sanctuary, they may use it in any way they want. The contribution for sheqalim is for sacrifices, they may use it in any way they want, so that everybody’s part of it be the same. The contribution for the bases [is for the bases], the rich may not increase and the poor may not decrease. Rebbi Abun said, also in this paragraph are three contributions mentioned.

40 Ex. 25:2-3, as explained in the text.
41 As noted in Ex. 38:27-28, the silver contributed by half-sheqalim contributed by a head tax according to Ex. 30:11-16 was used to cast the bases, hooks, and covers, for the poles for the posts securing the sanctuary and its gobelins.
42 Since the receipt of the first tax was used for construction purposes, there must have been a second tax (in the amount of the first but collected only in the following years, not the year of construction) to provide for the communal sacrifices.
43 The voluntary contributions of differing values, described in Ex. 35.
44 Addition by the corrector following B.
but probably incorrect; the fact that it is equal for everybody distinguishes it from the contributions to the Sanctuary.

In Ex. 30:11-16. The expression  техקית appears in vv.. 13,14,15 Babli Megillah 29b.

Ex. 30:15.

On the fifteenth of this month one reads the Esther scroll in fortified places.” But did not Rebbi Helbo, Rav Huna, Rav in the name of the Elder Rabbi Hyya, say246: Everybody may fulfill his obligation on the Fourteenth, which is the time of its reading? It only comes to teach you that (the obligations apply to the Second Adar) [all obligations which apply to the Second Adar apply to the First Adar.]47 Rebbi Yose and Rebbi Aha were sitting together. Rebbi Yose said to Rebbi Aha, it only is reasonable for the past, not for the future48; as it was stated, at a place where one is used to read it both days49 one reads it both days. He said to him, also am I of this opinion.
Rebbi Mana said, this is correct. If one read it on the Fourteenth and then wants to read it on the Fifteenth, would one not listen to him? If you are saying otherwise, you would eliminate the time of the fortified places with your hands.

It was stated: Rabban Simeon ben Gamliel says, Obligations which apply to the Second Adar do not apply to the First Adar except for eulogy and for fasting which are equal for both. Rebbi Abba, Rebbi Jeremiah in the name of Rav, Rebbi Simeon in the name of Rebbi Joshua ben Levi: Practice follows Rabban Simeon ben Gamliel. Rebbi Huna, the rabbi of Sepphoris said, Rebbi Hanina made it a custom in Sepphoris following Rabban Simeon ben Gamliel. He only said custom, therefore not as practice.

But in matters of documents one writes the First Adar, the Second Adar, only that for the Second Adar one writes אדר. Rebbi Jehudah says, the Second Adar one writes, and it is enough.

47 The text in parentheses is the scribe’s, the one in brackets the corrector’s adapted to the text of B. The scribe’s text is clear; since only one 14th and one 15th are mentioned, the reading of the scroll happens only once and this is the Second Adar of an intercalary year. In this version, in such a year Purim is not noticed at all in the First Adar. The corrector’s text and B take the opposite opinion, difficult to understand at this moment.

48 The rule of R. Hiyya may only be applied to unforeseen circumstances. If people read on the 14th when according to the rules they should have read on the 15th, one does not tell them to read a second time. But if people from such a place come to ask before the 14th whether they may read on the 14th, one tells them no, they have to read on the 15th.

49 In a city where there is a doubt whether one should read on the 14th or the 15th.

50 Which is practice to be followed, being stated in two Mishnaot.

51 A parallel (original) text for this and the following paragraph is in Megillah 1:7, 71a line 14 (מ). Tosephta Megillah 1:6, Babli Megillah 6b.

52 It is obligatory only in places which adopted the ruling.

53 The rule of R. Hiyya may only be applied to unforeseen circumstances. If people read on the 14th when according to the rules they should have read on the 15th, one does not tell them to read a second time. But if people from such a place come to ask before the 14th whether they may read on the 14th, one tells them no, they have to read on the 15th.

54 This paragraph is thoroughly garbled, and the text of B is worse. The intelligible text is the original in Megillah (and Tosephta Megillah 1:6). In the anonymous opinion (ascribed in B to R. Meir), for both months one writes Adar, but the second one is qualified by “second” (in Aramaic, the language of contracts in both Talmudim.) R. Jehudah agrees that “Adar” alone means the First Adar in an intercalary year, but the Second may be indicated by a single letter ס, first letter of the Aramaic word “second”.
HALAKHAH ONE

“One repairs the roads, and the streets, and water pools, and one looks after all public needs.” The following are the public needs: One judges civil suits, and capital crimes, and cases of flogging, and one redeems valuations, and bans, and dedications, one lets the suspected adulteress drink, and burns the Cow, and one breaks the neck of the calf whose neck was to be broken, and one pierces the ear of a Hebrew slave, and one purifies the sufferer from skin disease, and removes the shoe from the block but one may not return it.”

55 Tosephta Mo`ed Qatan 2:11. From here to the end of the Halakhah the text is from Mo`ed Qatan 1:1 (80b 66), with no or little relevance here. The Mo`ed Qatan text of the ms. is indicated by 'A'; in addition there exist an Ashkenazic text of the Yerushalmi (A) edited by J. Sussman in Kobez al Yad 12 (1994), pp. 62-63.

Most of the activities permitted in the baraita are for the benefit of individuals, not the public, most clearly delivering a new pair of shoes on the semi-holiday, mentioned last in the baraita. The only reason for its inclusion here is the identity of the expression “public needs”, applied both to public works in preparation for the holiday and permitted activities during the intermediate days of an extended holiday.

56 Fixed amounts dedicated to the Temple, Lev. 27:2-6.
57 Dedications reserved for the Cohanim, Num. 18:14.
58 Dedications for the upkeep of the Temple, other than currency.
59 Num. 5:11-31.
60 Num. 19.
62 Ex. 21:6. Since Hebrew slavery is intrinsically connected to the institution of the Jubilee year, and the Jubilee requires the presence of all 12 tribes on their ancestral lands, Hebrew slavery became impossible with the end of the first Commonwealth.
“One marks the graves.” Were they not already marked in Adar? Explain it if there was a flood caused by rain which rinsed it off. This also is copied from Mo`ed Qatan. The question is why one should hire people to mark graves (or in the next paragraph to check for kilaim) on the semi-holidays approximately on the spring and fall equinoxes (Mishnah Mo`ed Qatan 1:2) when they already had been checked in late winter. The reason that one tries to have all public works done on semi-holidays is that at that time most journeymen are without work and ready to work for lower wages. One provides work for the poor and saves taxpayer’s money at the same time. Cf. Babli Mo`ed Qatan 6a.
HALAKHAH ONE

From where about marks? Rebbi Berekiah, Rebbi Jacob the son of the daughter of Jacob, in the name of Rebbi Onias from Hauran. Rebbi Yose said it, Rebbi Jacob bar Aha in the name of Rebbi Onias from Hauran. Rebbi Hizqiah, Rebbi Uziel the son of Rebbi Onias from Hauran in the name of Rebbi Onias from Hauran: impure, impure, he shall call out 67; the impurity itself has to call out and say to you: go away! Rebbi Hila in the name of Rebbi Samuel bar Nahman: The emissaries shall crisscross the land; if one sees a bone of a human he builds a sign near it 68 {A bone} 69, from here that one makes signs for bones. A human, from here that one makes signs for spine and skull. He builds, from here that one makes signs on fixed stones. If you say on loose ones, it would move and make other places impure. Near it, on a place of purity. A sign, from here the marks.

If one found a single marked stone, even though one should not keep it so, if somebody forms a tent over it he is impure; I say a marked corpse 71 was under it. If there were two, he who forms a tent over any one of them is pure; between them he is impure. If between them was a ploughed strip they are single stones, between them the area is pure and around them 62 impure.

It was stated 73: One does not mark flesh, for perhaps it will decompose 74. Rebbi Justus bar Shunem asked before Rebbi Mana: Will that not cause pure food to be retroactively made impure 75? He said to him, it is better that these should become unusable for a limited time than that {the earth} become unusable forever.

65 This text in addition is in Ma`aser Šeni 5:1, :Notes 17-25, ( ) and Sotah 9:1 (Notes 29-31, ). Babli Mo`ed Qatan 6a. The biblical roots for the duty of the authorities to mark the places of graves with taxpayers’ money.

67 Lev. 13:46. An inappropriate reference since the verse refers to the

69 From where about marks? Rebbi Berekiah, Rebbi Jacob the son of the daughter of Jacob, in the name of Rebbi Onias from Hauran. Rebbi Yose said it, Rebbi Jacob bar Aha in the name of Rebbi Onias from Hauran. Rebbi Hizqiah, Rebbi Uziel the son of Rebbi Onias from Hauran in the name of Rebbi Onias from Hauran: impure, impure, he shall call out 67; the impurity itself has to call out and say to you: go away! Rebbi Hila in the name of Rebbi Samuel bar Nahman: The emissaries shall crisscross the land; if one sees a bone of a human he builds a sign near it 68 {A bone} 69, from here that one makes signs for bones. A human, from here that one makes signs for spine and skull. He builds, from here that one makes signs on fixed stones. If you say on loose ones, it would move and make other places impure. Near it, on a place of purity. A sign, from here the marks.

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impurity of the sufferers from skin disease, not of corpses.

68 Ez. 39:15.

69 Quoted from the parallels; in parallel to the following statements the source in the verse should be stated, except for the version of B which quotes the verse only up to a bone.

70 Tosephta Seqalim 1:5.

71 This expression has no explanation; B simply has “a corpse”, probably since the printer did not understand the word to be inserted. Most parallels have “compressed”, a corpse buried with its head between the legs, so it fitted under the stone. This is not a Jewish burial custom. Since the majority of sources reads “impure”, they imply that Gentile corpses cause “tent impurity” (Num. 19; Babli Yebamot 61a); only the texts in Ma’aser Šeni and the Tosephta follow R. Simeon who restricts tent (and any kind of biblical) impurity to Jewish bodies.

72 Any place the whitewash was splashed on the earth around the stone.

73 Tosephta Seqalim 1:5.

74 Then it is no longer impure.

75 If the carrier of pure food learns that he has crossed a place where human flesh (without enough bone to cause tent impurity) was buried.

Mishnah 2: Rebbi Jehudah says, originally they were uprooting and throwing down. When the number of transgressors rose, they were uprooting and throwing on the roadways; they instituted that they were declaring the entire field as ownerless.

76 The public employees checking the fields for kilaim tore out all kilaim growth and left it lying on the fields.

77 The farmers did not check for kilaim themselves since the public employees not only weeded the fields for them but also provided them with animal fodder.

78 Then the uprooted growth was no longer animal feed but at least they got the fields weeded on public expense.

79 Not the real estate but the crop growing on it.
Halakhah 2: “Rebbi Jehudah said.” It was stated: Rebbi Jehudah said, originally they were uprooting and throwing down before them; they were twice happy, first that they weeded their fields and second that they could use (the robbery) [the kilaim]. When the number of transgressors rose, they were throwing it on the roadways, and still they were happy that they weeded their fields. They instituted that they were declaring the entire field as ownerless.

80 The corrector’s [text] clearly is the (text) possibly was caused by a lapse of correct one, supported by B; the scribe’s attention.

15 HALAKHAH TWO

(46a line 48) halakha, two kilaim.
From where that a declaration of forfeiture by a court makes it ownerless?

81 It is written82: Anybody who will not come within three days conforming to the decree of the rulers and the elders, all his property shall be devoted to destruction and he shall be separated from the community of the Diaspora83.

From where that it 84 is free from tithes? Rebbi Jonathan, the son of Rebbi Isaac bar Aha understood it from the following85: “One intercalates86 years neither in the Sabbatical year, nor in the year following the Sabbatical; but if they did intercalate it is intercalated.” The one month he adds, is it not free from tithes87? That refers to the Sabbatical year. What about the year after the Sabbatical? Rebbi Abun said, not to prolong the prohibition of new grain88. 89Rebbi Ze`ira in the name of Rebbi Abbahu: That is only before Rebbi permitted the importation of vegetables from outside the Land. But after Rebbi permitted the importation of vegetables from outside the Land, the Sabbatical year is as any other year90.

It was stated: One does not intercalate in the Sabbatical Year [nor in the year following the Sabbatical:]91 but only in other years of a Sabbatical period, but if they did intercalate it is intercalated. Rebbi Mana said, that refers to earlier times when years were in order, but now that years are not in order92, the Sabbatical year is like any other year. It was stated: The house of Rabban Gamliel intercalated immediately after the end of the Sabbatical year. Rebbi Avin said, from this93 you do not infer anything. watch the spring month94. Watch it that it should come in its renewal.

What text implies this95? “For a grain stack under which gleanings were not collected, all ears that touch the ground are for the poor.”96 Rebbi Immi in the name of Rebbi Simeon ben Laqish: This is from the House of Shammai. Rebbi Yose97 said to him: We understand that according to everybody, this is a fine98. Following the House of Hillel, the poor give tithes and eat.
81 The following text is copied from Peah 5:1 (9). From the middle of the text there are two Genizah sources edited by Ginzberg without noting the readings differing from the editio princeps (Yerushalmi Fragments from the Genizah, New York 1909), one noted G (pp. 120,122,129,131), the other A (pp. 121, 123-128,130,132--139).

83 If the decree of the Court did not make the property abandoned, its destruction would have to be considered theft. Since Ezra was a teacher of the Law, his rulings have to be accepted.
84 Produce declared ownerless by a decree of court. The intricacies of these rules are explained in Peah; they have no relevance here.

85 Tosephta Sanhedrin 2:9, Sanhedrin Yerushalmi 1:2 (Note 207), Babli 12a; Nedarim 6:13 Note 83.
86 Since the Jewish year is both lunar and solar, but 12 lunar months are only approximately 254 days, in 19 years there have to be seven intercalary years of 13 months each. For details see the author's Seder Olam (Jason Aronson, Northvale NJ, 1998).
87 Since the spontaneous growth of the Seventh Year may be taken by everybody, it is not your harvest and, hence, biblically free from heave and tithes even if taken by the owner of the land. If the Supreme Court declared the year intercalary against the rules, it is nevertheless a valid 13 months year and all produce is legally abandoned property.
88 New grain may be eaten only after the Omer sacrifice on the 16th of Nisan, Lev. 23:14. The intercalation of a month, which always falls in Adar, unnecessarily postpones the harvest of new grain.
89 This paragraph is an aside, taken from Ševi`it 6:4, also Nedarim 6:13. It explains why our calendar today does not take the Sabbatical year into consideration when determining intercalary months in the 19 year cycle.
90 The soil outside the Land of Israel is unclean (cf. Amos 7:17). In former times Jews did not use vegetables from outside the Land since it might have particles of soil still clinging to it. But after the last remnants of the ashes of the Red Cow disappeared, these laws became inoperative and it was possible for everybody, even the most scrupulous, to eat imported vegetables. This has to be dated to the times of Rebbi. Cf. commentary to Mishnah Berakhot 1:1.
91 Corrector's addition, unjustified since the words also are missing in A and in Peah.
92 Probably this means that since the Roman (Byzantine) government collects taxes from farmers also in the Sabbatical, they are forced to grow produce also in the Sabbatical; there no longer is any reason to treat the Sabbatical differently.
93 All the previous arguments which prove that the action of the court can free produce from the Biblical obligations of heave and tithes are not relevant since there is a biblical obligation to manipulate the calendar so that Passover should fall in the month of the Spring equinox. Hence, the obligation to intercalate is biblical rather than rabbinic.
94 Deut. 16:1.
95 Which Mishnah text implies that
property decreed ownerless by the court is legally abandoned property?
96 Mishnah Peah 5:1.
97 With the text in Peah one has to read R. Yasa, contemporary of R. Immī, not R. Yose who has to be dated 2 generations later.
98 As explained in Peah 5:1, Note 4. There is no biblical reason why the ears touching the ground should be given to the poor; the farmer is fined since he put his sheaf on a place where the poor could not yet have taken the gleanings. The disagreement between the Houses of Shammai and Hillel is explained in: The House of Shammai hold that things abandoned exclusively for the use of the poor are legally abandoned whereas the House of Hillel hold that only things unconditionally abandoned are legally abandoned and therefore exempt from heave and tithes (Mishnah Peah 6:1).

Mishnah 3: On the Fifteenth, money changers were sitting in the country side; on the Twenty Fifth they were sitting in the Temple. From the date they were sitting in the Temple one started to take pledges. From whom does one take pledges? From Levites, Israel, proselytes, and freed slaves, but not from women, slaves, and minors. Any minor for whom his father started to give the sheqel does not stop any more. However one does not take pledges from Cohanim because of communal peace.

99 Of Adar, in an intercalary year the Second Adar.
100 To exchange coins into silver half-sheqels, half a Roman tetradrachma, which are collected for the Temple.
101 Since nobody is permitted to sit in the sacred domain (except possibly kings of the Davidic dynasty), these money changers had to sit on the Temple Mount, outside the sacred domain.
102 To foreclose on people who did not pay their Temple tax.
103 All these are adult male Jews subject to all commandments.
104 Who are obligated only in cases women are obligated. Since women do not pay, the sheqel being a positive commandment due at a fixed time, slaves cannot be obligated.
As explained in the Halakhah and Mishnah 4.

Halakhah 3: “On the Fifteenth,” etc. But one requests\(^{106}\). This is if he grew two pubic hairs, but it does not apply if he did not grow two pubic hairs. In matters of pledges, one never takes pledges if he did not grow two pubic hairs.

So is the Mishnah: One does not take pledges from Cohanim because one honors their status\(^{107}\).

106 The Mishnah states that one does not take pledges from women, slaves, and minors. It should have stated that these are not obligated to pay, then it would be obvious that nothing can be collected. This argument is valid for women and slaves, but since the Mishnah indicates that fathers are invited to pay the \textit{sheqel} for their minor sons, an informal request may be made earlier, a formal one only if the son reaches the age of adulthood for religious obligations, the onset of puberty indicated by the growth of at least two pubic hairs.

107 Even though they should pay as explained in the next Mishnah. The original text implies a criticism of the Cohanim; one does not enforce the payment because they are quarrelsome.
the Cohanim explain the following verse for their benefit: *Any flour offering of a Cohen shall be totalled, it may not be eaten*\(^{110}\). If the `omer, the two breads, and the shew bread are ours, how may they be eaten?\(^{111}\)

108 Voluntarily, even if they cannot be forced to pay.

109 Since he reads the commandment *Ex*. 30:11-16 as not stating any exemption for Cohanim.


111 If they would pay the *sheqel*, they would be part owners of these offerings, but the consumption of all these offerings is explicitly commanded.

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**Halakhah 4:** “Rebbi Jehudah said; testified” etc. Rebbi Berekhiaoh said, the reason of Rabban Johanan ben Zakkai is\(^ {112}\), this *they shall give*, twelve tribes shall give. Rebbi Tabi in the name of Rav Hamnuna: So answer the Sages to Rebbi Jehudah\(^ {113}\). A private purification sacrifice is let to die; a public purification sacrifice is not let to die\(^ {114}\). A private flour offering\(^ {115}\) is brought totally, but no public flour offering is brought totally. This is difficult, how can one argue with a person about something with which he does not agree\(^ {116}\)? “For no public purification sacrifice is left to die; Rebbi Jehudah says, it shall be left to die.”\(^ {117}\) And he objects to them, are these not private
flour offerings\(^{118}\)? They answer him, from the moment when it is delivered to the public, it is treated as a public offering\(^{119}\). It is written, *everybody being counted*\(^{20}\), Rebbi Jehudah and Rebbi Nehemiah. One said, everyone who crossed the Sea shall give, the other one said, everyone being counted\(^{121}\) shall give. He who said, everyone who crossed the Sea shall give, supports Rabban Johanan ben Zakkai; he who said, everyone being counted shall give, supports Ben Kovri.

112 *Ex. 30:12.*
113 Who reports the opinion of Rabban Johanan ben Zakkai approvingly.
114 Once a sacrifice has been designated as a purification sacrifice it can neither be redeemed nor used for any other sacrifice. If such an animal was lost, another animal was used, and then the original was found again (or a few similar situations), nothing can be done with it, it must be left to die.
115 Of a Cohen, as noted in the Mishnah.
116 \(^{ \text{— reads: “by an argument that can be objected to.”} } \)
117 Mishnah *Yoma* 6:2; see there Halakah 1, Note 33.
118 The argument of Cohanim to which Rabban Johanan ben Zakkai objects implies that the half *sheqel* is not given as a tax but to acquire a minute part of the public sacrifices, which imply that there are no public offerings at all, only those of a private partnership.
119 The argument is impossible since biblical rules for private and public offerings differ in some respects.
120 *Ex. 30:13.*
121 In Numbers where it is made explicit that the tribe of Levi was not counted with the remainder of the tribes. Rabban Johanan ben Zakkai cannot explain this verse, unless he explains that *Ex. 30:11-16* is not the basis of the duty to pay the *sheqel*, but Ben Kovri (Kokhri, Bukhri, Bikhri) cannot explain the inclusion in Mishnah 4.

**Mishnah 5:** Even though they said that one does not take pledges from women, slaves, and minors, but if they gave the *sheqel* one accepts it from them. One does not accept from the Non-Jew and the Samaritan\(^{122}\), and from
them one does not accept nests of male sufferers from gonorrhea, nests of female sufferers from flux, nests of women having given birth, and purification and reparation sacrifices. This is the principle: Anything which can be given as a vow or a gift one does accept from them; anything which can be given neither as a vow nor a gift one does not accept from them. So it is spelled out by Ezra, it is not upon you and us to build our God’s House.

122 This is a statement in dispute as explained in the Halakhah. The argument behind the statement is that since the Temple tax is used for public sacrifices, only people for whom the sacrifices are brought may contribute.

123 This is the list of sacrifices which a Jew may only bring if he is obligated for them. Since a Non-Jew never is obligated to follow any pentateuchal rules other than the Noahide commandments, he never is eligible for these offerings. If a sacrifice is voluntary for Jews, it also is so for Non-Jews.

124 Ezra 4:3. This refers only to the sheqel.
survive after the destruction of the Temple. The Mishnah here reproduces Rebbi’s opinion. The paragraph also is in Berakhot 7:1 (Note 59, b).

Rebbi Eleazar said, the Mishnah is about Gentiles, therefore not about Samaritans. It was stated so126: “A human127, to include the proselytes. From among you128, to exclude the apostates.” The Mishnah disagrees with Rebbi Eleazar: “One does not accept nests of male sufferers from gonorrhea, nests of female sufferers from flux, nests of women having given birth.” Do there exist nests of sufferers from gonorrhea and flux among Gentiles129? But the beginning is about Gentiles, the end about Samaritans130. So it is, the beginning is about Gentiles, the end about Samaritans.

126 Sifra Wayyiqa I (Hovah) Pereq 2(3).
127 Lev. 1:2. This use of human follows R.. Simeon’s interpretation of Ez. 34:30, where he reads קבץ איש as “you are noblemen” (Accadic awelum), a title reserved for members of the Covenant. Since the Samaritans are descendants of proselytes, they are included in all obligations and privileges of the covenant and cannot be excluded from any of these.
128 Reading prefix mem as private; excluding people who removed themselves from the Covenant. It seems that 1 reads “removed from discipline”.
129 These kinds of impurity do not apply to Gentiles who anyhow do not need them since they only are required to permit the healed person to enter the sanctuary or eat sancta, from which Gentiles are excluded.
130 The statement that one does not accept the sheqel from them (but also that one accepts their voluntary sacrifices.) The rest is Rebbi’s formulation to exclude Samaritans from Jewish worship.
Rebbi Johanan said, at the start, one accepts from them neither definite objects nor non-definite objects, and at the end one accepts from them definite objects but not non-definite objects. Rebbi Simeon ben Lakish said, both at the beginning and at the end one accepts from them neither definite objects nor non-definite objects. A baraita disagrees with Rebbi Johanan: “One does not accept from them voluntary gifts for Temple property for the upkeep of the Temple.” He explains it, both at the start and at the end, if it is for non-definite objects. A Mishnah disagrees with Rebbi Simeon ben Lakish: Everybody agrees that they make vows and are objects of vows. He explains it for elevation offerings. One understands that he makes a vow to bring an elevation offering. Can he be the object of a vow for an elevation offering? No, if an Israel says, I undertake to bring an elevation offering, when a Gentile hears him and says, I am undertaking what he says.
not bring libations with it? Is not the excess money given for libations used for vessels of Service? Then it turns out that he brought {money for} a definite object! Rebbi Yose ben Rebbi Abun objected, did we not state that they may offer their value? Are offerings of one’s value not for the upkeep of the Temple? It is as you are saying there, his intent was for Heaven; automatically it will be used for the upkeep of the Temple; so here you are saying, his intent was for Heaven; automatically it will be used for vessels of Service. How does Rebbi Simeon ben Laqish treat this? He explains, it is not upon you and us to build our God’s House. Rebbi Hilkiah said, Rebbi Simon asked: Does this imply that one does not accept from them for an aqueduct, or the city walls, or its towers, because of you have no part, nor rightful claim, nor memorial, in Jerusalem.

Text of B

Rebbi Johanan said, at the start one accepts from them neither definite objects nor non-definite objects, and at the end one accepts from them non-definite objects, but non-definite objects one does not accept from them. A baraita disagrees with Rebbi Johanan: “One does not accept from them Temple property or voluntary gifts for the upkeep of the Temple.” He explains it, if it is for definite objects; then even if they are his coins they should be brought to the Dead Sea. And Rebbi Simeon ben Laqish said, both at the beginning and at the end one accepts from them neither definite objects nor non-definite objects. A baraita disagrees with Rebbi Simeon ben Laqish, as it was stated: Everybody agrees that they make vows and are objects of vows. He explains it for elevation offerings. One understands that he makes a vow to bring an elevation offering. Can he be the object of a vow for an elevation offering? No, if an Israel says, I undertake to bring an elevation offering, when a Gentile hears him and says, I am undertaking what he says. Does he not bring libations with it? Is not the excess money given for libations used for vessels of Service? Then it turns out that he brought {money for} non-definite objects! Rebbi Yose ben Rebbi Abun objected, did we not state that they may offer their value? Are offerings of one’s value not for the upkeep of the Temple? It is as you are saying there, his intent was for Heaven; automatically it will be used for the upkeep of the Temple; similarly here you are saying, his intent was for Heaven. How does Rebbi Simeon ben Laqish treat this? He explains, it is not upon you and us to build the House of the Eternal, our God. Rebbi Hilkiah said, Rebbi Simon asked: Does this imply that one does not accept from them for an aqueduct, or the city walls, or its towers, because you have no part, nor rightful claim, nor memorial, in Jerusalem.
At the start of building the Temple, the situation described in the verse from Ezra.
While the verse refers to Samaritans, the discussion here is about Gentile offerings.

After the building was finished and funds are needed for its continual upkeep.
Since the Torah clearly accepts Gentile sacrifices, Lev. 22:25, one also has to accept vessels or other objects inscribed with the Gentile donor’s name. But unspecified moneys for the continual upkeep of the Temple are reserved for and are a duty upon Jews.

Tosephta 1:7, Sifra Emor Parashah 7(2), Babli Menahot 73b; cf. Nazir 9:1 Note 8.

Mishnah Arakhin 1:3, where R. Meïr and R. Jehudah disagree about the status of a Gentile with respect to the rules detailed in Lev. 27:2-8.

Since a voluntary sacrifice must be vowed to the Temple before it can be offered, Lev. 22:25 clearly implies that a Gentile’s vows are valid in a Jewish setting. It is stated that a Jew may make a vow whose object is a Gentile or which is conditioned on the actions of a Gentile.

These are the only sacrifices which a Gentile unquestionably is able to bring. It is difficult to see how he could bring a well-being offering which as a family sacrifice has to be consumed by the pure family members. The Gentile, being biblically unable to be impure, cannot biblically be pure either.

While the Gentile is not the passive object of a vow, his vow is subsidiary to the Jew’s.

As required by Num. 15:1-15.
Nobody brings his libations to the Temple; he pays for them in the Temple; they are brought from the Temple’s stores, and the net proceeds are used to buy gold and silver vessels for the Temple. These are objects that could be engraved with the donor’s name.

While not mentioned in Lev. 27:2-8, in fact this is what money donations to the Temple are used for.
The person making the vow of his value is intent to give the money to the worship; what actually is done with the money is not of interest to him.
Similarly, the excess money given for libations goes into a big pot where the individual contributions are no longer recognizable; no donor’s plate can be affixed to any vessel bought with such money.
Neh. 2:20.
Mishnah 6: The following are liable for agio: Levites, Israelites, proselytes, and freedmen, but not priests, women, slaves, and minors. He who pays the shekel for a slave, a woman, a priest, or a minor, is not liable. He who paid the shekel for himself and another person is liable for one agio; Rebbi Meïr says, two agios. He who gives a tetradrachma to receive back a shekel is liable for two agios.

145 Latin *collybus, collubus*, Greek κόλλυβος “exchange of coins, rate of exchange”, here used for the money changer’s fee.

146 Since these are obligated for the shekel, they have to give exactly one didrachma piece. If they have other coins, they have to pay the fee for exchange in correct coins. But contributions of priests, women, slaves, and minors, are voluntary and not bound by the exact amount or exact coins and, therefore, do not have to be exchanged.

147 For the rabbis, a person paying for two may pay a tetradrachma, R. Meïr requires two didrachmas.

148 If he pays with a tetradrachma he should get back 2 denar minus the agio, set in Mishnah 7 either as an obolos (1/6 denar) or a semi-obolos. If he pays the money-changer’s fee separately, he has to pay for changing the common 2 denar into the less common didrachma.

Halakhah 6: “The following are liable for agio,” etc. The Mishnah is Rebbi Meïr’s, since Rebbi Meïr said, even though his shekel is not from the Torah, his agio is from the Torah. Rebbi Meïr is of the opinion that one who gives his shekel as a piece is not liable for the agio, Rebbi Meïr said, like a kind of coin made of fire did the Holy One, praise to Him, bring out from under the Throne of Glory and showed it to Moses. He said to him, *this they shall give*, like this they shall give.
The following are liable for agio. It was stated: the following are liable for agio, one agio, Rebbi Meïr says, two agios. The Mishnah is Rebbi Meïr’s, since Rebbi Meïr said, just as his sheqel is from the Torah, his agio is from the Torah, for Rebbi Meïr said, like a kind of coin made of fire did the Holy One, praise to Him, bring out from under the Throne of Glory and showed it to Moses. He said to him, this they shall give, like this they shall give.

149 It seems that one has to accept the reading of B and : “just as his sheqel is from the Torah” (Ex. 30:11-16). The argument of the concluding agгадah is that the obligation is not to give the value of a half-sheqel of silver (5.7 g), but the exact coin which at this moment is called “sheqel” having approximately the historical weight. Then naturally anybody who pays with other coins automatically is required to pay the statutory fee for exchange into the correct coin.

150 In Tosephta 1:8, this is the opinion of the majority, opposed by R. Meïr. This might imply that the Tosephta would concur with the readings of the scribe and G.

151 Tanhuma Ki Tissa 9, end.; Tanhuma Buber Ki Tissa 7 (Note 46); Pesiqta dRav Cahana Šeqalim, ed. Buber Note 164). There also the story is attributed to R. Meïr, supporting the argument of Note 149. That the story is anachronistic is noted by Tosaphot Menahot 29a s. v. ש enfer.

152 Ex. 30:13.

“He who gives a tetradrachma to receive back a sheqel is liable for two agios.” Rebbi Eleazar said, it is Rebbi Meïr’s, as Rebbi Meïr said, one for the sheqel which he gives and one for the tetradrachma which he takes. Rav said, it is everybody’s opinion, one for the sheqel which he [gives, one for the sheqel which he] takes, and one for the words of the Torah. In Rav’s opinion, are there three agios? There came Rebbi Jeremiah, Rebbi Samuel bar Rav Isaac in the name of Rav: There are three agios, one for the sheqel which he gives, one for the sheqel which he takes, and one for the words of the Torah.
153 With the other two sources, read: sheqel.

154 Addition by the corrector following B; this has to be deleted since it makes the question about Rav unnecessary.

155 Rav insists that anybody who pays with any coin other than a didrachma first has to pay the regular fee for the money changer (into the money changer’s pocket) and then an additional agio (into the Temple’s treasury) for not presenting a didrachma; cf. Tosephta 1:8, end. According to him, the κολλοβιστής “agio collector” in the Temple (Matt. 21:12) collected the agio for the Temple treasury and with good reason is not called τραπεζίτης “money changer”.

Mishnah 7: A person who pays the sheqel for a poor person, a neighbor, or a dweller in his town is not liable for the agio, unless it is as a loan, then he is liable.156 Brothers who are partners who are liable for the agio are not liable for animal tithe; if they are liable for animal tithe they are not liable for the agio. How much is the agio? A silver obolos, the words of Rebbi Meïr; but the Sages say, half an obolos.

156 If he pays for himself and from his own money he also pays for others, all is one transaction and incurs one fee. But if he is reimbursed for his expense this is not an act of charity; therefore each payment is a separate transaction and incurs a separate fee.

157 In the Halakhah the reading from a different Mishnah is: “brothers or partners”, but B quoting the Mishnah here reads “brothers as partners”. As long as the father’s estate is not distributed, the surviving brothers are still considered children of their father; if the estate pays for their sheqel it is one transaction and incurs one fee. Calves born to the estate are considered property of one person and the tenth calf automatically becomes a sacrifice. If they distributed the estate but then decided to continue jointly to pursue the agricultural affairs of their father, they form a new partnership and follow the rules of partnerships. They are independent persons, each of whom has to pay his own fee, but all calves born are property of joint owners, not a single person, therefore the tenth calf or lamb (Lev. 27:32) is not sanctified.

158 1/6 of a Roman denar.
Rebbi Eleazar said, only if they counted lambs against rams and rams against
lambs, but if they counted lambs against lambs and rams against rams, it was
his part from the first hour. Rebbi Johanan said, even if they counted lambs
against lambs and rams against rams, they are like buyers, as we have stated
there: “The buyer or recipient of a gift is not liable for animal tithe. Brothers
or partners who are liable for the agio and not liable for animal tithe,” if they
distributed and then formed a partnership; “if they are liable for animal tithe
and not liable for the agio,” if they never distributed. Rebbi
Hizkiah said that Rebbi Jeremiah asked: And why are we not saying that sometimes they are liable for both and sometimes they are not liable for either. How is this done? If they distributed the properties and afterwards distributed the animals they are liable for both. If they distributed the animals and afterwards distributed the properties they are not liable for either. Rebbi Mana said, this holds only if the animals were not a majority, but if the animals were a majority they form the main property. Rebbi Abbin said that Rebbi Shammai asked: Because you made them like one person for animal tithe, you made them not liable for agios? He said to him, no. There is a difference because he is giving a complete tetradrachma. Then even if they distributed and then formed a partnership, they should be liable for animal tithe and not liable for the agio. But we have stated, “they are liable for the agio, not liable for animal tithe.”

Rebbi Abba in the name of Abba bar Rav Huna, it is the same for two brothers inheriting from their father or two brothers-in-law inheriting from their father-in-law.

Text of B

If they counted lambs against rams and rams against lambs, but if they counted lambs against lambs and rams against rams, it was his part from the first hour, but Rebbi Johanan said, even if they counted lambs against lambs and rams against rams, they are like buyers, as we have stated there: “The buyer {or} recipient of a gift is not liable for animal tithe. Brothers or partners who are liable for the agio not liable for animal tithe.”

“Brothers who are partners who are liable for the agio are not liable for animal tithe.” Rebbi Hizkiah said that Rebbi Jeremiah asked: And why are we not saying that sometimes they are liable for both and sometimes they are not liable for either? How is this done? If they distributed the properties and afterwards distributed the animals they are liable for both. If they distributed the animals and afterwards distributed the properties they are not liable for either. Rav Mani said, this holds only if the animals were not a majority, but if the animals were a majority they form the main property. Rebbi Abbin said that Rebbi Shammai asked: Because you made them like one person for animal tithe, you made them not liable for agios? No, there is a difference because he is giving a complete tetradrachma. Then even if they distributed and then formed a partnership; they should be liable for animal tithe, therefore not liable for the agio.

Rebbi Abba in the name of Abba bar Rav Huna: it is the same for two brothers inheriting from their father or two brothers-in-law inheriting from their father-in-law.

159 R. Eleazar accords them the state of partnership only if there was a genuine distribution of the estate before the new partnership was entered into; if the estate was left untouched and each son got a proportional share of everything, it remains an estate. R. Johanan holds that the formal establishment of a partnership is all that is
needed. Here “property” means not only real estate but everything not livestock. Babli Bekhorot 56b.

160 Mishnah Bekhorot 9:3.

161 The reading of יִלְיָהָה "Hilkiah" has to be rejected since the latter was not a student of R. Jeremiah.

162 If the estate was distributed except for livestock and then a partnership formed, they are individually responsible for their sheqels with agio, while the undistributed livestock remains subject to animal tithe even under the new arrangement.

163 If the livestock was distributed but not the real estate and the cash of the estate, they may continue to pay their sheqels together with one agio while the livestock is under the rules of partnership. Babli Bekhorot 56b.

164 The rule of the Mishnah applies even if the cash was never distributed explicitly.

165 If the heirs are adults the status of the estate should have no influence on the duty to pay the agio.

166 Since the estate (here supposed to be property of two brothers) pays for both of them, there is only one transaction and only one fee is due.

167 If the partnership would pay for them.

168 In the Babli he is mentioned as Rabbah bar Rav Huna.

169 Since in the absence of male offsprings the daughters inherit following the rules for males, all rules for brothers dividing the estate of their father apply to brothers-in-law acting as administrators of their wives’ estates.

170 “Where were the agios credited to? Rebbi Meïr says, to the sheqalim. Rebbi Eleazar says, for voluntary offerings. Rebbi Simeon from Shezur says, gold sheeting, cover for the Holiest of Holies. Ben Azzai says, the money changers were taking them as their fees; but some say, for travel expenses.”

170 Tosephta 1:8, end.

171 “Gift,” the separate account kept at the Temple treasury from which sacrifices were bought to occupy the altar in case it otherwise would be idle.

162 This special account in the Temple treasury is not mentioned in any other source.

163 Everybody except Ben Azzai holds that the money changers as tax collectors are salaried employees of the Temple. In the second version of Ben Azzai’s opinion he also agrees that the tax collectors receive a basic salary for the time they are working for the Temple; the income from the agio only covers their travel expenses.
Mishnah 1: One consolidates sheqalim to darics\(^1\) because of the difficulty of transport. Just as there were horns\(^2\) in the Temple, so were in the countryside. If the people of a city sent their sheqalim and these were stolen or lost, if the sums were disbursed\(^3\) they will have to swear to the Temple custodians\(^4\), otherwise they will have to swear to the city dwellers who have to replace them by new sheqalim. If they were found or the thieves returned them\(^5\), both are sheqalim and cannot be credited for the coming year.

1 Δαρέκος, a Persian gold coin; here the name stands for the Roman aureus, commonly worth 25 full weight silver denarii.
2 Boxes in the shape of horns with wide bottoms and narrow slits to deposit the coins.
3 If the new sheqalim were taken from the treasury to be disbursed for the service of the new year, in the computation of the monies available in Nisan the collected but not received sums are taken into account for disbursing on the next two occasions (Chapter 1, Note 26). Therefore the money was stolen from the Temple; the oath which is required either by biblical law or by rabbinic institution from the carrier to be sworn in presence of the owner or his representative, has to be sworn in presence of the Temple treasurers. If the theft or loss was detected earlier, the oath is due to the representatives of the taxpayers. The oaths are different for salaried or unpaid carriers.
4 The administrators of the Temple treasury.
5 If the sheqalim already were Temple property (as explained in the preceding sentence), they would have committed not only larceny but also sacrilege.
One consolidates sheqalim to darics,” etc. Should one exchange them for a pearl? Perhaps the pearl would lose in value and the Temple treasury would suffer damage. As we have stated there, “All can be redeemed by money or monies-worth except for sheqalim” [and one does not redeem by implements;] and Rebbi Samuel bar Rav Isaac said, perhaps the implements would lose in value and the Temple treasury would suffer damage. Also here, perhaps the pearl would lose in value and the Temple treasury would suffer damage.

6 Mishnah Bekhorot 8:7.
7 Any sancta which may be redeemed at all may be redeemed for money’s worth except sheqalim.
8 Addition by the corrector from the Babli, unnecessary as already noted by R. Eliahu of Wilna.

The Mishnah is about new sheqalim, but not about old sheqalim. And it was stated so: Old ones in the Temple, no old ones in the countryside. The Mishnah is about an unpaid trustee, but not about a paid keeper. Rav Abba said, even if you say about a paid keeper, if they were stolen, by an armed robber, if the were lost, as when his ship sank at sea. Rebbi Justus ben Rebbi Simon said, it follows him who said, one disburses on the account of what was collected and what was to be collected, but not following him who said one does not disburse on basis of what was collected nor what was secured by pledges.
9 Only current taxes are collected outside of Jerusalem; taxes due from prior years have to be delivered by the taxpayer, who has to bear the full risk of accidents before delivery, to the Temple in Jerusalem.

10 Mishnah Ševuot 8:1. The unpaid trustee has to swear that he did not take the valuables for himself and that he was not grossly negligent. The paid keeper has to pay for what is lost or stolen; there is no reason he should swear in these circumstances.

11 Since the speaker is a Babylonian, the reading of מ, אמר, may be a true report of his saying and not a babylonized spelling of a Yerushalmi text.

12 Greek λόγῳ. The paid keeper does not have to pay for accidents which clearly were beyond his control. Babli Bava Mesi’a 58a.

13 Babli Ketubot 108a, Bava Mesi’a 58a.

14 But not delivered to the Temple treasury.

15 Rebbi Eleazar said, this is Rebbi Simeon’s, since Rebbi Simeon said, sancta for whose alienation he is responsible are like his own property. Rebbi Johanan said, it is everybody’s opinion, because of an instituted oath. Rebbi
Johanan’s opinion is understandable; “they have to swear to the city dwellers who have to replace them by new sheqalim.” Is that Rebbi Simeon’s? Even though the city dwellers agreed to pay, Temple property cannot be released without an oath.

Corrector’s Text

“If the people of a city sent their sheqalim and these were stolen or lost.” Rebbi Eleazar said, this is Rebbi Simeon’s, since Rebbi Simeon said, sancta for whose alienation he is responsible are like his own property. Rebbi Johanan said, it is everybody’s opinion, because of an instituted oath. Rebbi Johanan’s opinion is understandable; “they have to swear to the Temple custodians, otherwise they have to swear to the city dwellers who have to replace them by new sheqalim.” This is Rebbi Simeon’s, because of an instituted oath. But for Rebbi Eleazar, where are the Temple custodians involved? They have to swear to the city dwellers in the presence of the Temple custodians so they should not be suspected nor be compared to willful delinquents. Even though the city dwellers agreed to pay, Temple property cannot be released without an oath.

Text of B

Rebbi Eliezer said, this is Rebbi Simeon’s, since Rebbi Simeon said, for sancta he is responsible for alienation; they are like his own property. Rebbi Johanan said, it is everybody’s opinion, because of an instituted oath. Rebbi Johanan’s opinion is understandable; they have to swear to the Temple custodians because of an instituted oath. But for Rebbi Eliezer, where are the Temple custodians involved? They have to swear to the city dwellers in the presence of the Temple custodians so they should not be suspected nor be compared to willful delinquents because even though the city dwellers agreed to pay, Temple property cannot be released without an oath.

15 Since a and the Babli version M confirm the text of the original scribe, the corrector’s additions have to be considered as a conflation with the text of B.
16 Mishnah Ševuot 6:7 (Note 97). The majority opinion is that there can be no (biblical) oath for sancta; so it seems that for them the carriers of the sheqalim could not swear.
17 In his opinion the Mishnah Ševuot is irrelevant here. The oath is not biblical, and it is not a question whether the sheqalim are sancta or not; the oath is the general rabbinic oath imposed on all persons who cannot be forced to pay damages and on whom no biblical oath can be imposed.
18 Even if the city dwellers believe the trustees and do not require an oath that they
are innocent of the loss, it is a rabbinic requirement that the Temple trustees insist on such an oath.

19 Since the monies never were delivered, they were not paid and the Temple trustees are not involved in the matter.

Somebody put aside his sheqel\(^{20}\) and it was lost. Rebbi Johanan said, he is responsible for its alienation\(^{21}\) until he delivers to the Temple trustee. Rebbi Simeon ben Laqish said, Temple property is Heaven's at any place where it may be\(^{22}\). A Mishnah disagrees with Rebbi Simeon ben Laqish: “they have to swear to the city dwellers who have to replace them by new sheqalim.” Still\(^{23}\) this is because of a regulation oath\(^{24}\).

20 Before it was delivered to the Temple authorities.

21 He has to pay another sheqel. Babli Hulin 139a.

22 Mishnah Qiddušin 1:6: “A promise to Heaven is like delivery to an individual.”

23 Corrector’s addition, supported by all parallel sources.

24 The oath is only because they lost other people’s property, and the city dwellers pay as a matter of public policy; it does not imply anything about personal liability to replace the lost money.

It was stated\(^{25}\): The first ones fall to the new sheqalim, the second ones to the old sheqalim\(^{26}\). Which ones are first and which ones are second? Rebbi Phineas ben Rebbi Hananiah\(^{27}\) and Rebbi Abba Mari. One said, those that the city dwellers sent first\(^{28}\), but the other one said, those which came in to the hands of the Temple trustees first.
Discussion of the last sentence of the Mishnah. The old sheqalim are the leftover from the previous year, given to the gift fund for supplementary sacrifices (Chapter 1, Note 171.)

Since R. Abba Mari belongs to the last generation of Galilean Amoraim, he also has to be dated in this period. His exact patronymic cannot be determined.

The Babli texts B and M add: “therefore the last”; the sheqalim contributed first are the last to be delivered. This seems to be a gloss incorporated into the text.

Mishnah 2: If one gives his sheqel to another person to deliver it for him but that one uses it for himself, if the sums were disbursed he committed me’ilah. If somebody pays his sheqel from Temple money, if the sums were disbursed and the animal sacrificed he committed me’ilah. From Second Tithe or Sabbatical money, he shall eat correspondingly.

Sacrilegious larceny.

As explained in Note 3, the money used for public sacrifices, disbursed three times a year (Mishnah 3:1) is computed taking into account monies collected but not yet delivered. These therefore are Temple money wherever they be at the moment (Note 22). Dishonest use of these monies therefore is not stealing from a private person but me’ilah from Heaven’s property.

Temple money in general is money intended for the upkeep of the Temple. Sheqalim are mainly used to buy sacrifices. Using one for the other is alienation from the original intent but not me’ilah, which is committed only if sancta are used for profane purposes. If the money which he took from Temple money is actually used to buy a sacrifice, he does not have to take from his profane money to pay the sheqel; using the corresponding profane money makes the act larceny.

Second Tithe is produce to be eaten in Jerusalem in purity. The produce may be redeemed and the money taken to Jerusalem (Deut. 14:22-27). Similarly, Sabbatical produce has to be eaten, not used in industry. If such produce was sold, the proceeds are to be used to buy produce of the Land to be consumed in the Land. If such money was alienated from its original use, the situation can be repaired in replacing it with new money to be used for the original purpose.
Halakhah 2: “He who pays the sheqel,” etc. We have stated, “if the sums were disbursed.” In the House of Rebbi it was stated, “if the animal was sacrificed.” Rebbi Eleazar said, who is the Tanna of “if the animal was sacrificed”? Rebbi Simeon, since Rebbi Simeon said, he receives his money immediately, the priests are quick. It is difficult. If somebody stole another’s elevation offering and slaughtered it without special mention, is it not without special mention atoning for the original owner? Rebbi Yudan said, explain it if it was a definite object, like that of the House of Rabban Gamliel who was taking aim throwing it into the chest. Should one not worry that maybe it will become part of the remainder; is there me`ilah for the remainder? But it must follow Rebbi Meïr, since Rebbi Meïr said, there is me`ilah for the remainder. Still if it was a definite object, like that of the House of Rabban Gamliel who was taking aim and disbursed it in his name.

Text of B

We have stated, “if the sums were disbursed.” In the House of Rebbi it was stated, “if the animal was sacrificed.” Rebbi Eleazar said, who is the Tanna of “if the animal was sacrificed”? Rebbi Simeon, who said, the priests are quick. It is difficult. If somebody stole another’s cow and slaughtered it without special mention it without special mention atoning for the original owner? Rebbi Yudan said, explain it if it was a definite object of the House of Rabban Gamliel who was taking aim throwing it into the chest. Should one not worry that maybe it will become part of the remainder; is there me`ilah for the remainder?
No, it follows Rebbi Meïr, since Rebbi Meïr said, there is *me’ilaḥ* for the remainder. Still it is explained as a definite object of the House of Rabban Gamliel who was taking aim and disbursing it in his name.

32 Even in the first sentence of the Mishnah.

33 The statement of R. Simeon is Halakhah 4:11. The Mishnah there states that flour and wine bought by the Temple are bought on condition that they be qualified to be used on the altar. The risk that the flour might have worms or the wine be vinegar has to be carried by the seller; therefore he cannot be paid before the produce is used and found qualified. R. Simeon disagrees since the Cohanim will do the checking immediately. Therefore if we interpret that “the sums were disbursed” not that they were taken from the treasury to the office of the buying agent but that they were actually contracted for sacrificial animals, for R. Simeon there is no practical difference between the two statements. (Tosephta *Me’ilaḥ* 1:21).

34 The entire Mishnah seems to be baseless. Since the *sheqalim* become part of a large sum, it is impossible to know whose *sheqel* pays for what and when his particular *sheqel* is disbursed.

35 Mishnah 3:3. In the House of Rabban Gamliel I they took their *sheqel* and threw it into the box from which sacrifices were bought; they had control over the time when their *sheqel* was used.

36 As explained in Halakhah 4:3, the leftover monies could be used for many needs of the Temple other than sacrifices; therefore larceny of these monies was not *me’ilaḥ* which required a special sacrifice; R. Meïr disagrees and seems to restrict the uses of the money to sacrificial objects enumerated in Mishnah 4:3. Babli *Qiddusin* 54a.

37 There can be *me’ilaḥ* only if the misappropriated *sheqel* can be traced to the moment of its actual use for sacrifices.

How does he profit? Rebbi Abbin said in the name of the rabbis there, since the court could take a pledge from but did not take any pledge he is like one who profited.
It is written⁴⁹, but a firstling which is born first to the Eternal by a domestic animal no person can declare holy. No holiness can fall on anything holy⁵⁰. What does he do? He brings a profane tetradrachma and says, the monies of Second Tithe wherever they be⁴¹ are redeemed by this tetradrachma; this is designated as Second Tithe and the others⁴¹ are declared sheqalim.

38 In order to be guilty of me‘ilah, one not only must use a sacred object illegally but also profit from the action (Mishnah Me‘ilah 5:1).


40 The argument is based on the second part of the verse, not quoted in the text: whether ox or sheep, it [already] is the Eternal’s; cf. Mishnah Arakhin 8:7. The problem addressed is how to rectify the situation that tithe or sabbatical money was taken for the sheqel. Not only is there an obligation to make up for the value taken but the coin given as sheqel, being already holy (of a minor degree) cannot possibly acquire the holiness of monies dedicated to the Temple. Without rectification, the use of the coin by the Temple authorities would be sinful.

41 Meaning the coins given as sheqel.

Mishnah 3: If somebody collects coins and says, “these are for my sheqel,” the House of Shammai say, the excess is gift⁴², but the House of Hillel say, the excess is profane⁴³. “That I shall take from these for my sheqel,” they agree that the excess is profane. “These are for a purification offering,” they agree that the excess is gift, “that I shall take from these for a purification offering,” they agree that the excess is profane.

42 To be given into the gift account of the Temple treasury from which elevation offerings are bought to occupy the altar when otherwise it would be idle.

43 As explained in the Halakhah and Mishnah 4, a sheqel is a fixed sum and it is reasonable to assume that only the amount necessary was dedicated. The price of an animal for a sacrifice is variable; since the person is ready to spend the entire amount, the entire amount is dedicated.
Halakhah: “If somebody collects coins,” etc. 

Rebbi Yose in the name of Rebbi Eleazar, where do they disagree? If he collects small change, everybody agrees that the excess is gift. Rebbi Hizqiah, Rebbi Bevai in the name of Rebbi Eleazar, where do they disagree? If he collects small change. But if he says, these [are for my sheqel], everybody agrees that the excess is gift. Rebbi Hizqiah said, a Mishnah supports Rebbi Bevai, [as we have stated]: “Rebbi Simeon says, what is the difference between sheqalim and purification offerings? It is that sheqalim are a fixed sum but purification offerings have no fixed price.” Where do we hold? If about one who says, “that I shall bring my sheqel from these,” everybody agrees that the excess is profane. If about one who says, “that I shall bring my purification offering from these,” everybody agrees that the excess is gift. But we must deal with the case of one who says “these sheqalim,” since from the Torah they are a fixed amount the excess is profane, “purification offerings have no fixed price.”
offerings”, since their value is not a fixed amount from the Torah the excess is gift. How does Rebbi Simeon ben Laqish treat this? He explains it, if he collects small change following the House of Hillel. But did we not state, “the excess of sheqalim is profane”? He explains it, if he collects small change following the House of Hillel. But did we not state, “the excess of the tenth of an ephah” [is profane]? Still he explains it if he collects small change following the House of Hillel.

43 From here to the end of the Halakhah there is a parallel in Nazir 5:1, Notes 5-27.
44 One does not know what sum was accumulated without counting the copper coins. But since exactly 2 silver denars are needed, if silver coins are collected and the owner says, these are sheqalim, all of them are dedicated according to everybody.
45 Corractor’s addition. The addition is unnecessary as shown by all parallel sources and the following statement of R. Hizqiah. It obscures the main point that the collector of the coins says “these”, not “from these”. In the latter case everybody agrees that the excess is profane; in the first case R. Yose holds that “these” dedicated all coins in the box whereas R. Bevai holds that, in case the amount needed is known beforehand, only the amount needed is dedicated.
46 Mishnah 4.
47 Including the House of Shammai.
48 This name is impossible here; one has to read with the Babli sources “R. Simeon”, denying that the argument of R. Hizqiah is applicable to the reasoning of the House of Shammai. The reading of the text in Nazir, “R. Yose” also is possible; in that case he states that the argument of R. Simeon applies only if the stated intent is to collect monies for the Temple tax, not if the declaration is made on monies already available. In the latter case, R. Simeon may agree that the excess is earmarked for the Temple gift account.
49 Mishnah 5.
50 Addition of the corrector. Mishnah 5 clearly states that excess monies collected for a flour offering of a tenth of an ephah, probably not the daily offering of the rich High Priest (Lev. 6:12-16) but the purification offering of the very poor (Lev. 5:11-13), are dedicated for the gift account. The entire sentence is missing in B. In the reading is “the excess of a tenth of an ephah are sheqalim”. This is acceptable; the excess of coins collected for a sanctum may be used for another sacred purpose. While the sanctity of sheqalim is less than that of a flour offering, the switch will be permitted to the poor following the House of Hillel.
If somebody put aside his sheqel in the belief that he owed it and it turned out that he did not owe, it was not dedicated. If he put aside two in the belief that he owed twice and it turned out that he owed only once, how do you treat the second? As one who believed that he owed it and it turned out that he did not owe, or as one who said “these”?

Scribe’s text

If somebody put aside his sheqel in the belief that he owed it and it turned out that he did not owe, it was not dedicated. If he put aside two in the belief that he owed twice and it turned out that he owed only once, how do you treat the second? As if he believed that he owed it and it turned out that he did not owe, or as if he had said “these”?

Babli and corrector’s text

If somebody put aside his sheqel in the belief that he owed it and it turned out that he did not owe, it was not dedicated. If he put aside two in the belief that he owed twice and it turned out that he owed only once, how do you treat the second? But it must graze. Here also, it must be as gift. How could you say “these”?

51 The entire argument follows the House of Hillel who in Mishnah Nazir 5:1 stated that dedication in error is void, against the opinion of the House of Shammai.

52 Following those who hold that dedicating “these coins” is a full dedication even if the value exceeds that of a sheqel.

53 And text of Nazir.
54 Since a purification sacrifice is an obligatory sacrifice, it cannot be brought voluntarily; the dedication is predicated on testimony that an inadvertent sin had been committed.

55 Since an obligation for a purification sacrifice was established and it was in the hand of the owner to choose either animal for the actual sacrifice, the dedication is valid but not as a purification sacrifice. Therefore it cannot be used for any other purpose, and it is sent to graze until either it develops a defect or becomes too old to be a sacrifice; then it can be sold and the money given to the Temple gift fund.

56 In either case the money goes to the Temple gift fund.

Mishnah 4: Rebbi Simeon said, what is the difference between sheqalim and a purification offering? It is that sheqalim have a fixed value and a purification offering has no fixed value. Rebbi Jehudah said, sheqalim also have no fixed value. When Israel returned from the Babylonian exile they gave as Temple tax darics, they continued to give selaim, they continued to give minted coins, they wanted to give denars. Rebbi Simeon said, anyhow everybody gave the same, but for a purification offering, one brings for a tetradrachma, another for two, and still another for three.

57 As stated in Mishnah 3.
58 A Persian gold coin.
59 In old Babylonian sources the sila is the standard (Sumerian) unit of volume. In the Talmudim, it is the standard expression for the silver tetradrachma (approximately 14g), roughly corresponding to the old Phoenician sheqel. In the context here, a similar Persian coin must be intended. The vocalization 실향 is customary (from the Hebrew word “rock”); probably historically would be more correct.
59 In this context meaning the silver didrachma.
61 But this reduction was never accepted, see the Halakhah.
62 While the value of the shekel was not constant in time, at any given time everybody knew exactly what was required.
Halakhah 4: “When Israel returned from the Babylonian exile they gave as Temple tax *daries,*” denars\(^\text{63}\), “they continued to give *sela’im,*” as their meaning\(^\text{64}\), “they continued to give minted coins,” half tetradrachmas, they wanted to give denars,” quarters\(^\text{65}\), but these were not accepted by the following: *and we accepted for us as commandment to give a sheqel three times\(^\text{66}\) in the year for the service in our God’s House.* Rebbi Hilkiah in the name of Rebbi Aha: From here that a person has to give his *sheqel* three times a year; <from here that a person is responsible for the alienation of his *sheqel* three times a year:> \(^\text{67}\) from here that one does not importune people more than three times a year. Rebbi Abbin said, from here the three *se’ah,* from here the three boxes, from here the three collection times\(^\text{68}\).

\(^{63}\) Aurei, Roman gold *denarii.* The numismatic evidence shows that the *Dareikos* was worth about twice the *aureus.*

\(^{64}\) The Accadic *sila* used in both Talmudim to designate the Roman tetradrachma.

\(^{65}\) With J. Levy reading as Latin *quarta.*

\(^{66}\) *Neh.* 10:33, following the changed wording in B which is understood also in S. The usual translation is “a third of a *sheqel.*” The verse declares the collection of *sheqalim* a post-exilic institution. Babli *Bava batra* 9a.

\(^{67}\) Added from the other two sources. The omission in the text probably is a scribal error.

\(^{68}\) *Mishnah* 3:1-2: *Money was disbursed from the sheqalim* 3 times a year; each disbursement yielded three boxes of *sheqalim,* three *se’ah* each.
It is written\(^69\): This they shall give, everybody who violated the Commandments. Rebbi Jehudah and Rebbi Nehemiah. One said, because they sinned\(^70\) in the middle of the day they shall give half a sheqel; but the other said, because they sinned in the sixth hour they shall give half a sheqel; which is worth six grams\(^71\). Rebbi Joshua the son of Rebbi Nehemiah in the name of Rebbi Johanan ben Zakkai: Because they transgressed the Ten Commandments, each of them shall give ten gerah\(^69\). Rebbi Berekhiah, Rebbi Levi in the name of Rebbi Simeon ben Laqish: Because they sold Rachel’s firstborn for twenty pieces of silver; each of them shall redeem his firstborn with twenty pieces of silver\(^72\). Rebbi Phineas in the name of Rebbi Levi: Because they sold Rachel’s firstborn for twenty pieces of silver and each of them received a minted coin\(^60,73\), each of them shall give a minted coin as his sheqel.

\(^69\) Ex. 30:13, reading הפקדיס as Mishnaic Hebrew הפקדיס “the census” as Mishnaic Hebrew הפקדיס as Mishnaic Hebrew הפקדיס as Mishnaic Hebrew הפקדיס “the Commandments”.

\(^70\) Making the Golden Calf after 12 noon, Babli Šabbat 89a, summarized by Rashi, Ex. 32:1.

\(^71\) An Aramaic plural of Greek γραμμα, το, “gram, scruple (as weight)”. One scruple is two oboloi, a third of a denar, approximately 1.2 metric grams, used here as name of a silver coin.

\(^72\) Num. 3:47. The firstborn is redeemed by 5 sheqalim. Since it is held that the sheqel in the Torah is equal to a Roman tetradrachma, Qiddušin 1:3 Note 339, 5 sheqalim are 20 denarii. The generic expression “pieces of silver” is taken to mean the most common silver coin, the denar.

The homily is mentioned as introduction to the following one.

\(^73\) Since Joseph was sold by 10 of his
brothers. The formulation of the homily shows that in later Amoraic times the word sheqel had lost its meaning denoting either a standard weight or a standard coin but became the label of a religious obligation.

Mishnah 5: The excess of sheqalim is profane. The excess of a tenth of an ephah, the excess of nests of male sufferers from gonorrhea, the nests of female sufferers from flux, the nests of women after childbirth, or purification offerings, or reparation offerings, their excesses are gift. This is the principle: of anything brought for a sin or as reparation the excess is gift.

74 Mishnah 3.
75 Either the daily offering of the High Priest, which is the only obligatory offering by a single person which is neither a purification nor a reparation offering, or the purification offering of the very poor, Lev. 5:11.
76 Couples of pigeons or turtle doves, needed to permit the person access to sancta.
77 Lev. 15:14.
78 Lev. 15:29.
79 Lev. 12:8.

Halakhah 5: “The excess of sheqalim is profane,” etc. Rebbi Yasa said, when I still was there, I heard the voice of Rav Jehudah asking Samuel, if somebody had set his sheqel apart and died? He told him, they shall fall to gift. The excess of his tenth of an ephah, Rebbi Johanan said, one shall bring them to the Dead Sea. Rebbi Eleazar said, it shall fall to gift. The Mishnah disagrees with Rebbi Johanan: “The excess of sheqalim is profane.”
The excess of a tenth of an *ephah*, the excess of nests of male sufferers from gonorrhea, the nests of female sufferers from flux, the nests of women after childbirth, or purification offerings, or reparation offerings, the excesses are gift.” What does Rebbi Johanan do with this? He explains it as excess from the tenth of an *ephah* of the purification offering of any one in Israel.85

81 While all sources have “R. Yose”, the reading must be R. Yasa, a Babylonian early enough to have visited Samuel’s academy. The name is spelled correctly at the end of the Halakhah.

82 Since the monies were set aside for the *sheqel* and “a promise to Heaven is like delivery to an individual” (Mishnah Qiddušin 1:6), they are Temple property. Since they are not *sheqalim* they must be given to the Temple account into which all Temple monies not otherwise specified are collected.

83 If this refers to the daily offering of the High priest and the High priest had died, then the monies cannot be used in the Temple since possibly they were not dedicated; they cannot be used as profane since possibly they were dedicated. They have to be destroyed.

84 The reading of B is “disagrees with both of them”.

85 This seems to be required by the wording of the Mishnah, which decrees that the excess of monies for the tenth of an *ephah* is Temple property but allows only excess of purification or reparation sacrifices to be so taken. The High Priest’s flour offering is neither of these; therefore the Mishnah cannot include it.

The reading of B implies that R. Eleazar identifies that tenth of an *ephah* as the High Priest’s offering.
Rebbi Johanan said, about this Abba bar Abba enlightened me, for they are saying, from where that *Pesah* is changed into the denomination of well-being sacrifices? The verse says, and if his sacrifice be from small cattle as meal well-being offering; anything from small cattle comes as well-being offering. They objected, is there not an elevation offering from small cattle? Anything which only comes from small cattle; this eliminates the elevation offering which even may come from large cattle. They objected, is there not reparation offering? Rebbi Abun bar Cahana said, “from small cattle”. this eliminates the reparation offering, which only comes from rams. Everywhere you are saying that מַעֲשֶׁהָה (is to include) but here you are saying that מַעֲשֶׁהָה (is to exclude) [here also מַעֲשֶׁהָה is to exclude: It excludes in that it may not be brought two years old; it excludes that it cannot be brought female; and for a reparation offering also it excludes] since it only comes from rams. They objected, is there not written, and if his sacrifice be from small cattle, from sheep or goats, as elevation offering; then excess *Pesah* should become elevation offering? Rebbi Abun said, one changes something to be eaten into something to be eaten, but one does not change something to be eaten into something not to be eaten. Rebbi Yose ben Rebbi Abun said, one changes simple sancta into simple sancta, but one does not change simple sancta into most holy sacrifices. Rebbi Johanan said, about what Rebbi Hanina enlightened, that they are saying, *Pesah* is changed into a well-being offering only if he slaughtered it for the purpose of well-being offering; but I am saying, even for the purpose of an elevation offering. Rebbi Illa said, the reason of Rebbi Johanan: And if his sacrifice be from small cattle as meal well-being offering; anything to be consumed as sanctum is a well-being offering. Does it change with respect to disqualifying thoughts? How is this? If he slaughtered it for the purpose of an elevation offering in order to pour its blood the next day. In any case, it is disqualified. If you are saying
that it changes with respect to disqualifying thoughts, it is *piggul*\(^92\). If you are saying that it does not change with respect to disqualifying thoughts, it is disqualified\(^93\).

86 This and the next paragraph also appear in *Pesahim* 5:1, Notes 80-97, where also the readings of B are noted (λ is unreadable or lacunary for the present paragraph.) Only the most necessary notes are given here, the remainder should be consulted there.


88 The text is difficult since it is standard rabbinic interpretation to consider prefix mem or מ as privative, excluding certain categories (cf. *Šabbat* 7 Note 26, *Ševuot* 1:2 Note 75, *Bava Mesia* 4:8 Note 122, *Nazir* 5:4 Note 105). Also in the next sentence, R. Mana gives the interpretation that here מ is privative. On the other hand, the testimony of the scribe’s two texts, the Genizah fragment available for *Pesahim*, and the Munich ms. of *Šeqalim* do not permit emendation. It seems that here “every where” is derogatory, meaning Babylonian. The sequence of arguments leads to a contradiction. Abba bar Abba treats מ as inclusive, R. Abun bar Kahana as exclusive. R. Mana explains that מ always is partitive; automatic switch to well-being offerings is possible only for sacrifices that totally correspond to the declaration מ, i. e., both sheep and goats, male and female.

89 Corrector’s addition from B.

90 *Lev*. 1:10.

91 If the animal dedicated as *Pesah* is used against the rules for something other than a well-being offering, do the rules of the other kind apply or is it disqualified and no rules of intent apply?

92 If the animal still is a sacrifice, now under the rules of elevation sacrifices, the intention to perform any required action out of its prescribed time-frame is *piggul*, a deadly sin causing extirpation.

93 If the animal is disqualified and not under the rule of any kind of sacrifice, the illegitimate intent is inconsequential.
for its purpose in silence and is qualified. They said to him: if it is so, even if he slaughtered for its purpose to pour the blood not for its purpose it should be treated as if from the start he slaughtered for its purpose and not for its purpose in silence and be qualified. Rebbi Abba Mari said, who says that in silence it is qualified? Or may we say, in silence it is disqualified?

93 This also is from *Pesahim 5:2*, Notes 93-97 It is copied because it follows the previous paragraph but as part of an extended discussion about the intent required in all sacrificial acts it has absolutely no connection with the topic of *Seqalim* where one discusses presumed intent in dedications, the precondition for sacrificial acts.

Mishnah 6: The excess\(^94\) of elevation sacrifices is for elevation sacrifices, the excess of flour offerings is for flour offerings, the excess of well-being sacrifices is for well-being sacrifices, the excess of *Pesah* is for well-being sacrifices. The excess of *nezirim* is for *nezirim*, the excess of a *nazir*\(^95\) is for gift.

94 In all these cases the money was saved for the purpose of a certain type of sacrifice. If not all the money was actually used, the excess may be used later for the same purpose. It cannot return to profane status since “a promise to Heaven is like delivery to an individual”.

95 If money was collected in order to help any *nazir* who might apply for a subsidy for the cost of his sacrifices, the money remain in its status even if not used in the time frame originally envisaged. But if money either was set aside by a *nazir* himself or it was given to him personally for his sacrifices and not completely used, the excess goes to the Temple’s gift account.


HALAKHAH FIVE

Rav Hisda said, only if his purification offering was presented last. But if his well-being offering was presented last, what is left over is for a well-being offering.76. Rebbi Ze’ira said, even if his well-being offering was presented last, it is a general rule for a nazir that his leftover be for the gift account. A baraita supports one and a baraita supports the other. A baraita supports Rebbi Ze’ira: “The following are not designated monies: any which contain money for purification offerings should be left to die. Even if he designated money for purification offerings that should be left to die, it remains not designated.” A baraita supports Rav Hisda: “This is for my purification offering and the rest for my nezirut. Then he died. One commits larceny with all of them but not with part of them.” It does not say, when he died it should be given to the gift account.

Rav Hisda said, a nazir's leftover bread shall be left to decay. Rebbi Yose said, that is correct. You cannot sacrifice it by itself since bread cannot be
brought alone. You cannot sacrifice it together with another nazir's since no nazir sacrifices without bread. Therefore, it was necessary to say that a nazir's leftover bread shall be left to decay. They wanted to say, the same rule applies to his leftover bread as to his leftover wine offering. Rebbi Yose ben Rebbi Abun said, his leftover wine offering is most holy; it should be given to the gift account. In the opinion of Rebbi Yose ben Rebbi Abun, Samuel, Rav Hisda, and Rebbi Eleazar, all three said the same. Samuel, as Rebbi Yasa said, when I still was there, I heard the voice of Rav Jehudah asking Samuel: If he designated his sheqel and died? He said, it should be given as gift. Rebbi Eleazar: the leftover of his tenth of an ephah: Rebbi Johanan said, one should bring it to the Dead Sea; Rebbi Eleazar said, it should be given to the gift account.

96 This text also is in Nazir 4:4 (Notes 61-72, 3) which probably was the source. Mishnah Nazir 4:4 deals with the case of a married woman who made a vow of nazir and started putting aside money for her required sacrifices when her husband dissolved her vow. Then she no longer is nezirah and therefore cannot bring the sacrifices, but the monies remain dedicated. The Mishnah states: “If she had money not designated, it should be given to the gift account. If the monies were designated, the value of the purification offering shall be thrown into the Dead Sea; one may not use it but there can be no me’ilah. For the value of the elevation offering, they shall bring an elevation offering; it is subject to the law of me’ilah. For the value of the well-being offering, they shall bring a well-being offering, to be eaten on one day; it does not need bread.” Money not designated is money for which it never was decided for which kind of sacrifice it should be used.

97 If monies were collected to help indigent nezirim with the expenses of their sacrifices but not all was used, the remainder has to be kept in trust to be used in the future for the same purpose. But if a person dedicated his own money for his sacrifices and had money left over, if the last sacrifice bought was of the most holy kind, the leftover money is of the same kind and has to go to the account for elevation offerings. But if the leftovers are of a well-being sacrifice, a “simple sanctum” which may be consumed by lay people, the monies have to be used for a simple sanctum.

98 Mishnah Me’ilah 3:2, overriding the general rule of Mishnah 2:6. In the Babli, Nazir 25a, the statement is attributed to R. Johanan.

99 Here “not designated” simply means that the money has to be given to the gift account. Monies designated for purification offerings cannot become profane except by being spent to buy most holy sacrifices, just as animals designated as purification offerings cannot be used for any other purpose and if not used must be left to die,
any monies of which part was intended for purification offerings cannot become profane except by being spent by the gift account.

100 Since well-being offerings remain the property of the offerer, they cannot be subject to larceny by its owner. Only if it is 100% clear that monies of most holy sacrifices are involved is there possibility of me'ila. This is Rav Hisda’s point. Babli Nazir 26b, Tosephta Me’ilah 1:10.

While several flour offerings are described in Lev. 2, none is authorized for bread alone. Nowhere do we find a procedure to redeem sacrificial bread.

102 Halakhah 5, Note 81.

103 Halakhah 5, Note 83.

Mishnah 6: The excess of monies collected for kidnap victims is for kidnap victims; the excess of monies collected for a particular kidnap victim is for this kidnap victim. The excess of monies collected for the poor is for the poor; the excess of monies collected for a particular poor person is for this poor person. The excess of monies collected for the dead is for the dead; the excess of monies collected for a particular dead is for his heirs; Rebbi Meïr says, the excess of monies collected for a particular dead shall be left until Elijah comes; Rebbi Nathan says, from the excess of monies collected for a particular dead one builds a memorial on his grave.

104 For funeral expenses.

105 Since one does not know what to do with this money, it cannot be touched until Elijah, a member of the Heavenly Court who knows what the rules really should be, comes to announce the Messiah.

Halakhah 7: If they collected for him presuming that he had nothing and it turned out that he had some. Rebbi Jeremiah wanted to say, the excess of
monies collected for a particular dead is for his heirs. Rebbi Idi from Hutra said to him, think of it, did they intend only for [him]\(^{107}\)? He said to him, I did [not] say this; what is your source\(^{108}\)?

106 The reading of א: “had nothing”, has to be rejected as scribal error.
107 Since the intent was to bury a destitute person, should the money not be given to the administrators of welfare for the benefit of future needs?
108 R. Jeremiah realizes that it is a good question but he quoted a Mishnah; R. Idi has no tannaitic source to support him.

It was stated in the name of Rebbi Nathan: From the excess of monies collected for a particular dead he builds a memorial on his grave or perfume\(^{109a}\) his bier. It was stated, one does not redeem a kidnap victim for another kidnap victim\(^{110}\) and one does not collect a stole for a stole\(^{111}\), but one does not restrict the power of the administrators of charity in this.” It was stated, Rabban Simeon ben Gamliel says, one does not build mausoleums for the just; their words are their remembrance\(^{112}\).

109 Tosephta 1:12, Babli Sanhedrin 48a.
109a This is the corrector’s text, following B. The scibe wrote רכז, a root not otherwise recorded in rabbinic Hebrew or Aramaic.
110 Monies collected for a particular prisoner should not be used to redeem another, but in cases of urgent need the hands of the administrators are not tied by this rule.
111 If clothing is collected for a particular person, he should be given exactly what was collected for him.
112 Gen. rabba 82(11).
Rebbi Johan was leaning on Rebbi Hiyya bar Abba when Rebbi Eliezer
saw him and hid himself before him. He said, these two things the Babylonian
does to me: First, that he does not greet me, and second, that he
hides himself. Rebbi Jacob bar Idi said to him, thus they behave among themselves; Rebbi Ze’ira did not greet Rabba since they observe Boys see me and hide themselves; elders rise and stand. He asked him, may one pass by a cursed statue? He said to him, do you want to honor it? Pass it by and blind its eyes! He said to him, Rebbi Eliezer did well that he did not pass before you. The other thing the Babylonian does, that he does not mention my tradition in my name. Rebbi Immi and Rebbi Assi came to him. They said to him, Rabbi, so it happened that it was a synagogue of weavers, about a bolt topped by a lock about which Rebbi Eleazar and Rebbi Yose disagreed until they tore a Torah scroll in their rage. Would you think that they tore a Torah scroll? But that a Torah scroll was torn. There was an old man there, Rebbi Yose ben Qisma, who said, I wonder whether this synagogue will not be a place of foreign worship. He came back and asked, where is the colleague? Rebbi Jacob bar Idi came and said to him, it is written, all that the Eternal commanded to His servant Moses so Joshua commanded. When Joshua explained, did he mention every time “so said Moses”? No, he explained and they knew that it was Moses’s teaching. So also Eleazar sits and explains and everybody knows that it is your teaching. He said to them, why do you not know to pacify like our colleague Ben Idi?

Why did Rebbi Johanan insist to require that traditions should be reported in his name? For also David begged for divine mercy in this respect, as it says, may I dwell in Your tent forever, I shall seek shelter under the cover of Your wings, Selah. Could David think of living forever? Rather, David said before the Holy One, praise to Him: Master of the World, may I have the merit that my words will be mentioned in synagogues and houses of study. What good does that do to him? Simeon, the son of the Nazir said in the name of Rebbi Isaac If a Sage’s pronouncement in matters of practice is mentioned in this world, the latter's lips whisper with him in the grave for it is said, dripping from the lips of the sleeping ones. Like that softened bunch of grapes, if a person puts his finger on it immediately it drips, so also the lips of the just drip, for if one mentions their pronouncements in matters of practice the latter's lips whisper in the grave. What good does that do to them? The
son of the Nazir says, like one who drinks spiced wine; Rebbi Isaac said, like one who drinks old wine, even though he cannot taste it.

122 Giddul said, anybody who quotes somebody should consider it as if the author of the quote stood before him, for it is said123, only in image a man wanders. It is written124 many a man professes good will, this is the rest of mankind; but where will you find one you can trust, that is Rebbi Ze’ira. As Rebbi Ze’ira said, should we take the traditions of Rav Sheshet into account since he is blind? Rebbi Ze’ira said to Rebbi Assi, does the Rabbi know Bar Petaiah that you quote traditions in his name? He said to him, Rebbi Johanan quoted them in his name. Rebbi Ze’ira said to Rebbi Assi116, does the Rabbi know Rav that you quote traditions in his name? He said to him, Rebbi125 Ada bar Ahavah quoted them in his name.

126 There is no generation without scoffers. What did the hooligans of David’s generation do? They went to David's windows and said to him: David, when will the Temple be built, when will we go to the Eternal’s house? David said, even though they intend to enrage me, something should come over me were I not happy, I enjoy it when they say to me: let us go to the Lord's house127. When your days will be complete and you will lie with your forefathers128. The Holy One, praise to Him, said to David: I am counting full days for you, I am not counting missing days for you. Will not your son Solomon build the Temple for public sacrifice? Law and justice that you are upholding is more to my liking than sacrifices, as it is said129, upholding justice and law is preferred by the Eternal to sacrifice.]

113 As the concurrent testimony of 3 and the scribe’s text show, the following text is not part of the original Halakhah. It was added by the corrector from B; both its Aramaic and the names appearing are Babylonian. A somewhat different Yerushalmi text is in Berakhot 2:1 (Notes 53-67) and Mo`ed Qatan 3:7 (83c l. 40 - 83d l. 8).
114 This should read: Eleazar.
115 Job 29:8.
116 He is R. Yasa in Yerushalmi texts.
118 Jos. 11:15.
119 R. Immi (Ammi) and R. Assi (Yasa).
120 Ps. 61:5.
121 Cant. 7:10. Note that in Accadic the root d bb means “to speak”.
122 This paragraph is from Šabbat 1, Notes 188-191.
123 Ps. 39:7.
125 Read: Rav.
126 This again is the Babylonian version of the text in Berakhot and Mo`ed Qatan.
127 Ps. 122:1.  
128 2Sam. 7:12.  
129 Prov. 21:3.
Mishnah 1: Three times a year one disburses from the lodge; half a month before Passover, half a month before Pentecost, and half a month before Tabernacles, and these are threshing floors for animal tithe, the words of Rebbi Aqiba. Ben Azzaí says, on the 29th of Adar, the first of Sivan, and the 29th of Av. Rebbi Eleazar and Rebbi Simon say, on the first of Nisan, the first of Sivan, and the 29th of Elul. Why did they say on the 29th of Elul and did not say on the first of Tishre? Because that is a holiday and it is impossible to tithe on a holiday; therefore they advanced it to the 29th of Elul.

1 The room where the sheqalim were stored, to be disbursed as will be described in Mishnah 2.
2 Tithe from grain is due once the grain has been threshed and the grain kernels collected to form an orderly heap. Therefore “threshing floor” is the technical term for the term when tithe becomes due by biblical standards. All lambs and calves born after one of these terms and before the next become forbidden as food on the next term until they are counted and tithe was given.
3 15 days before Pesah, the festive Passover Eve.
4 6 days before Pentecost in the rabbinic calendar.
5 35 days before Tabernacles.
6 The last day of the year counting from the first of Tishre.
If no numbers are given, the Latin pars "a part" means one part of two; in this case of the month preceding the holiday.
Rebbi Johanan said, because they are the periods of birth. Rebbi Aha, Rebbi Tanhum bar Hyya in the name of Rebbi Joshua ben Levi: That animals be available for the pilgrims on the holidays. Rebbi Yudan said, that he should not come to do not tarry. Rebbi Yose said, anybody who is late with his tevel transgresses. There, we have stated: “Rebbi Meïr says, on the first of Elul is the New Year for animal tithes. Ben Azzai says, those born in Elul are to be tithed separately.” Rebbi Huna said, The reason of Rebbi Meïr: Up to that point they finish to give birth from the old ones; after that they start to give birth from the new ones. Rebbi Yose ben Rebbi Abun in the name of Rav Huna: The reason of Rebbi Eleazar and Rebbi Simeon, the rams are mounting the ewes, these are the early ones, and the valleys are clothed in grain, these are the late ones, they are friends and also are tithed, both enter the corral to be tithed. Ben Azzai said, since these are saying this and those are saying that, those born in Elul should be tithed by themselves. How is this? If there were born in his flock five in Av, five in Elul, and five in Tishre, they do not combine. If there were born in his flock five in Av and five in Tishre, they combine. Could Ben Azzai decide between his students? Rebbi Jeremiah, Rebbi Miasha in the name of Rebbi Samuel bar Rav Isaac: For so disagreed the fathers of the world. Who are the fathers of the world? Rebbi Jonah stated before Rebbi Jeremiah: Rebbi Ismael and Rebbi Aqiba. This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you are saying that he was his teacher, is there anybody who says to his teacher, “since these are saying this and those are saying that”? Rebbi Abun in the name of Rebbi Samuel bar Rav Isaac understood it from the following: “Ben Azzai said to him, we are sorry about their disagreement, and you come to find us disagreement where they are concurring.” This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you are saying that he was his teacher, is there anybody who says to his teacher, “you come to find us disagreement”?
Rebbi Johanan said, because they are the periods of birth. Rebbi Aha and Rebbi Tanhum bar Hiyya: That animals be available for the pilgrims on the holidays. Rebbi Yudan said, that he should not come to do not tarry. Rebbi Yose said, anybody who is late with his tevel transgresses. We have stated: “Rebbi Meir says, on the first of Elul is the New Year for animal tithes, Rebbi Eleazar and Rebbi Simeon say, on the first of Tishre.” Both of them say, up to that point they finish to give birth from the old ones; after that they start to give birth from the new ones. Rebbi Yose ben Bevin in the name of Rav Huna: This is Rebbi Simeon’s: the rams are mounting the ewes, these are the early ones, and the valleys are clothed in grain, these are the late ones, they are friends and also are tithed, these enter the corral to be tithed. Ben Azzai said, since these are saying this and those are saying that, those born in Elul should be tithed by themselves. How? If there were born five in Av and five in Elul, they do not combine. If there were born in his flock five in Elul and five in Tishre, they combine. Ben Azzai decides between his students? Rebbi Jeremiah and Rebbi Miasha in the name of Rebbi Samuel bar Rav Isaac: For so disagreed the fathers of the world. Who are the fathers of the world? Rebbi Jonah before Rebbi Jeremiah: Rebbi Ismael and Rebbi Aqiba. This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you would say that he was his teacher, is there anybody who says to his teacher, “since these are saying this and those are saying that”? Rebbi Abun in the name of Rebbi Samuel bar Rav Isaac understood it from the following: “Ben Azzai said to him, we are sorry about their disagreement, and you come to find us disagreement where they are concurring.” This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you are saying that he was his teacher, is there anybody who says to his teacher, “you come”?

9 Different kinds of livestock produce their young at different times.

10 Babli Bekhorot 57b/58a. It is explained later that the main time for animal tithe is early fall. The other two times are introduced for the convenience of the farmer that he may take his tithe animal to the Temple when he makes his pilgrimage anyhow.

11 It is sinful to give tithes too late (Ex. 22:28). This is interpreted to mean that one disregards a positive commandment if one does not hand over (for produce) or sacrifices (for animals) his tithes on or before the next holiday, and one transgresses the prohibition on the third holiday after the start of the obligation.

12 Tevel is untithed produce for which heave and tithes are due.

13 Mishnah Bekhorot 8:5. The text quoted here is the Mishnah text; nevertheless it seems that the statement from Mishnah Roš Haššanah 1:1, quoted in B, that R. Eleazar (ben Shamua) and R. Simeon fix the date at the first of Tishre, has to be included here. From here on the text is copied in Roš Haššanah 1:1 (Note 148).

14 Since the gestation period for sheep is 5 months, those born in Av were conceived before the start of Nisan, those in Elul after the first of Nisan. If the start of the year is fixed in spring, the natural date for a new
year of animal tithes is the start of Elul.

15  Ps. 65:14. The last word is read as if it were ישך. Babli Ros Hašanah 8a.

16  The tenth lamb is animal tithe. If there are 5 in Av and 5 in Elul, they cannot add up to 10 since practice may follow R. Meïr; 5 in Elul and 5 in Tishre cannot combine since practice may follow R. Simeon.

17  This really should be: 5 in Tishre and 5 in the following Av, so they belong to the same fiscal year (Tosephta Bekhorot 7:9, Babli Bekhorot 58a.)

18  The reference to Ben Azzai in a dispute between R. Aqiba’s last students is anachronistic; Ben Azzai died young, before these became independent scholars.

19  Ben Azzai considers the points of view of R. Aqiba and R. Ismael as equivalent even though he never was R. Ismael’s student. If he does not follow his teacher, he must be an independent authority.

20  Mishnah Bava batra 9:14. The testimony of a Mishnah is preferable to that of a baraita.

20B  B consistently misreads ישים ברב כתיב as ישים בר בטין.
There, we have stated: “Any born from the first of Tishre until the 29th of Elul combine; five before New Year’s day and five after New Year’s day do not combine. Five before the threshing floor and five after the threshing floor do combine.” Rabbi Yose said, this implies that the rules of animal tither are neither like those of germinating nor like those of a third. If you would say like germinating, it should state, all whose pregnancy starts from the 29th of Elul. If you would say like a third, it should state, up to the 22nd. Rabbi Shammai in the name of Rabbi Abun bar Hiyya: Like the third, they made it following Rabbi Simeon, since Rabbi Simeon said, [an animal] before its time enters the corral to be tithed. Rabbi Mana met Rabbi Shammai; he asked him, did you say that? He told him, yes. He answered, but we did not state, “Ben Azzai says, those born in Elul are to be tithed separately.” Not even if it was born up to the 29th of Elul? Could you say that Ben Azzai follows Rabbi Simeon? You have to say, he follows the rabbis. Just as you say following the rabbis, he leaves them for the next year and they will be tithed with the others of their year, so you have to say following ben Azzai, he leaves them for the next threshing floor and they will be tithed with those from Elul. Rabbi Huna said, this implies that the days of a firstling while he is still before its time are counted for its year. Rabbi Mana said, my father Rabbi Jonah understood this from the following: Any male firstling which is born to your cattle and small cattle, etc. How is this? You count its year from the moment it is born.

21 Mishnah Bekhorot 9:5. A general rule for all tithes is that they have to be given separately for each year. This is inferred from Deut. 14:22, referring to agricultural tithe, which has to be given year by year. The tax year for animal tithe is defined as from Tishre 1 to Elul 29.

22 The tax year for tithe from the yield of trees (rabbinic except for olive oil) is defined as from Shevat 15 to Shevat 14; for these purposes a fruit is defined as in existence if it started growing after the flower lost its leaves. The equivalent for animals would be a visible pregnancy.

23 Agricultural produce (Biblically, grain) has to be given if it is harvested when barely edible, one-third ripe. Its year is from Tishre 1 to Elul 29.

24 Since the animal selected as tithe is a sacrifice, it must be available as sacrifice, i.e., more than 7 days old (Lev. 22:27). Then the tax year should be from Elul 23 to Elul 22.

25 He holds that the tithe is not slaughtered at the moment it is selected; at all times it is a prospective sacrifice. Babli
Bekhorot 21b.

26 Since it was explained in the preceding paragraph that Ben Azzai follows neither R. Simeon nor his opponents; his statement has to be acceptable to both parties.

27 An animal born between 23rd and 29th of Elul for Ben Azzai according to the rabbis has to be tithed the following year with the animals born the next year during Elul 1-22.

28 Which is a preferred but not obligatory date for tithing.

29 The first 7 days of its life. The firstling has to be delivered to a Cohen during its first year. Deut. 15:19. Since only its date of birth is mentioned. The firstling automatically is a dedicated sacrifice, and neither may nor can be selected.

Mishnah 2: One disburses from the lodge into three boxes of three seah each, on which is written א β γ. Rabbi Ismael says, it was written in Greek, A, B, Г. The disbursers enters neither in trousers with pockets, nor with shoes, nor with sandals, nor with phylacteries nor with an amulet, lest he become poor and people would say, he became poor because he sinned in the lodge, or he became rich and people would say, he enriched himself from the money lifted from the lodge, for a person needs to be clean before people as he has to be clean before the Omnipresent, as it is said, you have to be blameless before the Eternal and before Israel, and it says, find grace and understanding in the eyes of God and men.

31 The money to be spent in the inverse order of the boxes; then it always is clear how much money is left.

32 Rashi’s interpretation, Latin parasgauad. Another interpretation: a long robe with wide cuffs (sources giben in Levy’s Dictionaty, vol. 4 col. 98b. Cf Arabic كري). The last two are sewn together; the seam could be opened and coins stuffed in there.

33 Rabbinic Hebrew distinguishes between כָּרוֹר “creature” and בָּרֵךְ “creation”.
Halakhah 2: [Rebbi Ze’ira asked Rebbi Joshiah, what is the measure of three baskets? He told him, let us infer the hidden from the explicit. It is stated:] 37 One distributes from the lodge into three boxes of three seah each, which is nine seah, which is 27 seah; it is written on them. Why is written on them? To say that one does not take from the first before one has taken from the second, and not from the second before one has taken from the third.

37 Corrector’s addition from B, originally from Šabbat 10, Notes 35-37.
38 Since the operation was repeated three times per year.
39 The other two sources and the Tosephta (2:1) insist that the money was used in ascending order of the boxes. “Before one has taken” means “before one has finished taking.”

40 [There, we have stated: “One who brings out wine to mix a cup.” Rebbi Ze’ira asked Rebbi Joshiah, what is the measure of a cup? He told him, let us infer the hidden from the explicit since Rebbi Hiyya stated, the Four Cups which they said add up to an Italic quartarius of wine.]
A cup mixed by how much? Rebbi Yose bar Bevin said in the name of Rebbi Johanan, let us hear from the following: “Water. a gulp; Rebbi Jehudah says, for mixing a cup. Wine. a gulp; Rebbi Jehudah says, for mixing a cup.” This implies mixed as cups are mixed. What is the measure of cups? Rebbi Abun said, τέταρτον is a quarter.

May one drink them together? Since Rebbi Meir said,45 Rebbi Johanan said, if he heard Hallel in the synagogue he has fulfilled his obligation, this implies that if he drank them together he fulfilled his obligation. May one drink them with interruptions? They said that he should drink to feel differently, not that he should get drunk. If he drinks them with interruptions, he will not become drunk. May one fulfill his obligation with Sabbatical wine? Rebbi Hoshaia stated, one may fulfill his obligation with Sabbatical wine. May one fulfill his obligation with spiced wine? Since Bar Qappara stated, spiced wine is like wine, which implies that one may fulfill his obligation with spiced wine. May one fulfill his obligation with mixed wine? Since Rebbi Hiyya stated: the Four Cups which they prescribed, one may fulfill his obligation either with unmixed or mixed, on condition that it have the taste and looks of wine. Rebbi Jeremiah said, it is meritorious to fulfill one’s obligation with red wine. What is the reason? Do not see wine when it shows its red color, when put in our cup42. It was stated, cooked for spice. May one fulfill his obligation with cooked wine? Rebbi Jonah said, one may fulfill his obligation with cooked wine. Rebbi Jonah follows his own opinion, since Rebbi Jonah drank his four cups in the Passover night and had a headache until Tabernacles43.
A lady saw that his face was shiny. She said to him, old man, old man, one of three things applies to you. Either you are drunk from wine, or you are lending on interest, or you are raising pigs. He answered her, this woman’s spirit shall be blown away, not one of these three things applies to me, but my learning is ever present with me, as it is written, a man’s wisdom illuminates his face.

Rebbi Abbahu descended to Tiberias. The students of Rebbi Johanan saw that his face was shiny. They said before Rebbi Johanan, Rebbi Abbahu found a treasure. He came to him. He asked him, what new teaching did you hear? He said, an old Tosephta. He recited about him, a man’s wisdom illuminates his face.

Rebbi Hanan said, the log of the Torah is the old Sepphorean eighth of fish sauce. Rebbi Jonah said, I know it. In the House of Shammai they were measuring honey with it. It was stated, half of the old Tiberian eighth. Rebbi Johanan said, this one we used. Why did he call it the old one? Because it was in his days. Some are saying, it was small, then was enlarged. But some are saying, it was diminished more than before. What is the measure of a cup? Rebbi Yose in the name of Rebbi Yose ben Pazi, Rebbi Yose ben Bevin in the name of Samuel: Two fingers by two fingers high a finger and a half
and a third of a finger. The rabbis of Caesarea in the name of Rebbi Yose bar Bevin in the name of Samuel: Rebbi Nathan follows Rebbi Simeon. Just as Rebbi Simeon says, a quartarius, so Rebbi Nathan says, a quartarius, when it jells it will have the volume of an olive.

Rebbi Simon in the name of Rebbi Joshua ben Levi: It happened that a mule of Rebbi’s household died and they declared its blood pure regarding the carcass. Rebbi Eleazar asked Rebbi Simon, how much? He did not take notice of him. He asked Rebbi Joshua ben Levi who told him, it is pure up to a quartarius. More than that is impure. Rebbi Eleazar felt badly that Rebbi Simon had not repeated the tradition to him. Rav Beva was sitting stating this occurrence. Rebbi Isaac bar Bisna asked him, is it pure up to a quartarius; more than that impure? He was unfriendly to him. Rebbi Zeriqa asked him, because he asked you, you were unfriendly to him? He answered him, because my mind was not clear, I was unfriendly to him, as Rebbi Hanan said,

47 your life will hang far from you, that is one who buys a year’s supply of wheat, you will be fearful night and day, that is one who buys from the Saracen, and you will not believe in your survival, that is one who buys from the retail store, and I am dependent on retail stores. What about it? “Rebbi Joshua ben Bathrya testified about blood of carcasses that it is pure.” What means pure? It is pure in the flesh47a, but for impurity it makes impure.
There, we have stated “The blood of a crawling animal is like its flesh, it makes impure but does not prepare. Nothing else is like this,” in the amount needed that its blood makes impure like its flesh. Rav Yose said, two Amoraim disagree, one says impure, and one says pure. He who says “impure” follows Rebbi Jehudah; he of “pure” follows Rebbi Joshua ben Bathya. Rav Abuha of Iman the sister of 48 Rebbi Jehudah was the instructor of the Patriarch.

40 The following text is the corrector’s addition from B; it is neither in the scribe’s text nor in . The entire Babylonian addition is irrelevant for the subject under discussion; it is a somewhat defective copy of a text in Sabbat 8, Notes 25-51, which should be consulted for the meaning of the text. The Notes here are mostly restricted to remarks about deviations of this copy from the original. An appropriate version is in 8:1.

41 A totally impossible anachronistic reading.

42 Prov. 23:31. A hilarious misquote of בְּכָפֶסַי הַקָּרְלֶה as בְּכָפֶסַי מַעֲלֵה, caused by the disappearance of כ as audible sound.

43 Contamination of the story of R. Jonah, who had a headache until Pentecost, with that of R. Jehudah bar Ilai, the subject of the following paragraph, who had a headache until Tabernacles.

44 A post-talmudic diminutive of Latin matrona.

45 Eccl. 8:1.

46 Anachronistic misreading for “House of R. Yannai.”

47 Deut. 28:66.

47a Defective copy from Sabbat: вместо вместо instead of כהש in that it does not prepare for impurity”.

48 Unintelligible misreading of the text in Sabbat.

49 That he might hide some coins in his hair.
50 Tosephta 2:2. Cilician cloth was made from goats' hair. They were checking that he had no coins on his body, and talking with him so that he could not put any coins in his mouth.

51 If he entered with his mouth full of water and left with his mouth full of water it would be clear that he could not have hidden any coins there.

It is absolutely unclear to what R. Tanhumah refers. While the root יָנָכ means "to lift heave", and giving heave needs a benediction, the use of the word cannot make disbursing other people's contributions equal to dedicating from one's own property; the obligation of dedicating heave with a benediction cannot reasonably be extended to the act of disbursing. (against the explanation by R. Eliahu Fulda on the authority of R. David Oppenheim.) It would be unavoidable that the disburser swallow some drops of water, but this does not require any benediction for the water as food.

Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: In the Torah, in Prophets, and in Hagiographs we find that a person had to be innocent in the eyes of people just as he has to be innocent in the eyes of the Omnipresent.

In the Torah from where? As it is written, 35 you have to be blameless before the Eternal and before Israel. In Prophets from where? As it is written 52, The Power, God, Eternal, the Power, God, Eternal, He knows, and Israel has to know. In Hagiographs from where? As it is written 36, find grace and understanding in the eyes of God and man. Gamaliel the twin asked Rebbi Yose ben Rebbi Abun, which one is the clearest 52a of all of these? He answered him, you have to be blameless before the Eternal and before Israel.

52 Jos. 22:22.
52a B: The most stringent.
Mishnah 3: A member of the household of Rabban Gamliel was entering with his sheqel between his fingers and threw it before the disburser\(^{53}\). The disburser was directing it and threw it into the box. The disburser only starts disbursing after he asked, “shall I disburse”? And they\(^{54}\) answer him, “disburse, disburse, disburse,” three times.

\(^{53}\) Chapter 2, Note 35.  
\(^{54}\) The treasurers standing outside.

Halakhah 3: “A member of the household of Rabban Gamliel was,” etc.
If there were two heaps and he gave heave from one for the other, would that not remove the liability from the other\(^{55}\)? It gave them satisfaction that the sacrifice should be brought first from their money\(^{56}\).

\(^{55}\) Since for heave all produce of the same kind is interchangeable, by analogy all sheqalim are interchangeable; there is no reason why the House of Rabban Gamliel should be interested in controlling in which box their sheqel ends up.  
\(^{56}\) While legally the sheqel becomes Temple property and is no longer their own, they derive satisfaction from knowing that their contribution will be used for sacrifices rather than for any of the ancillary uses spelled out later for which the sheqel also could be used.
Mishnah 4: He disburses the first time and covers it with cushions\(^{57}\), the second time and covers it with cushions. The third time he was not covering\(^{58}\). Why did he cover? That he should not forget and disburse from anything which already had been disbursed. The first time he disbursed in the name of the Land of Israel, the second time in the name of nearby walled cities\(^{58a}\), and the third time in the name of Babylonia, in the name of Media, and in the name of distant countries.

\(^{57}\) Greek καρταβόλη “support, cushion”.

\(^{58}\) He covers the coins remaining in the lodge where the receipts for the *sheqalim* are kept. As explained in the Mishnah, the monies taken on the first of Nisan are from the contributions of the Land of Israel, those taken before Pentecost are from neighboring countries and those at the end of Elul from Babylonia, Persia, and other far countries. Monies not used for sacrifices are used for other expenses as explained in the next Chapter. In order to give due credit, the monies should not be mixed even though in an emergency one can have regress on those already labelled as surplus.

\(^{58a}\) Jewish settlements in Syria and Egypt.

Halakhah 4: “He disburses the first time,” etc. It was stated: If he removed the covers, all was made remainder\(^{59}\). It was stated: The third was the richest since it contained golden stateres\(^{60}\) and golden darics.

\(^{59}\) Since no due credit could be given to the contributors of the new *sheqalim*. The monies should be given to the gift account.

\(^{60}\) Tosephta 2:4 reads אַשְׁטָרuctor, half darics.
It was stated⁶¹: He disburses the first time in the name of the Land of Israel and in the name of all of Israel⁶². The second time in the name of fortified cities⁶³ and in the name of all of Israel. The third time in the name of Babylonia and the name of Media and in the name of all of Israel. It was stated: If he took from the first box, even if there was in the first box he shall take from the second⁶⁴. If he took from the second box, even if there was in the second box he shall take from the third. If the third was used up, he returns to the second; if the second was used up he returns to the first. If all three are emptied, one collects new sheqalim; Rebbi Meïr says, he has regress on the remainder⁶⁵, since Rebbi Meïr says, one commits me`ilah with the remainder,⁶⁶ perhaps one needs them at the end.

Text of B⁶⁷

He disburses the first time and covers in the name of all of Israel. The second in the name of fortified cities in the name of all of Israel. The second one Babylon in the name of all of Israel. If he takes from the first batch even though there was in the first batch he returns to the second; if he takes from the second he returns to the third. If the third was used up, he returns to the second; if the second was used up he returns to the first. If the third was emptied, one collects new sheqalim; Rebbi Meïr says, he shall return to the remainder. Rebbi Meïr says, one commits me`ilah with the remainder, perhaps one needs them at the end.

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⁶¹ Even though the excess coins had been declared remainder and property of the gift account, actually they become remainder only at the start of a new tax year. Tosephta 2:5 in the name of R. Simeon ben Eleazar, 2:1 as everybody’s opinion.

⁶² Tosephta 2:3.

⁶³ While each batch is intended to be from one definite region, one cannot be sure whether somebody from another region gave his sheqel with them. Therefore one has to be inclusive in the declaration.

⁶⁴ This does not refer to the three times a year one disburses from the lodge but to the three boxes which are filled with coins, which have to be used in the correct order.

⁶⁵ Even though the excess coins had been declared remainder and property of the gift account, actually they become remainder only at the start of a new tax year. Tosephta 2:5 in the name of R. Simeon ben Eleazar, 2:1 as everybody’s opinion.

⁶⁶ Since the money remains potentially dedicated to be used for public sacrifices.

⁶⁷ A defective text, intelligible only through the Yerushalmi ms.
68 “And so did Rebbi Phineas ben Yair say, promptitude brings to cleanliness, cleanliness brings to purity, purity brings to holiness, holiness brings to meekness, meekness brings to fear of sin, fear of sin brings to piety, piety brings to the Holy Spirit, the Holy Spirit to the Resurrection of the Dead, the Resurrection of the Dead brings to Elijah, may his remembrance be a blessing.”

“Promptitude brings to cleanliness,” as it is written⁶⁹, he finishes, and he atones.

“Cleanliness brings to purity,” as it is written⁷⁰, the Cohen shall atone for her, then she will be pure.

“Purity brings to holiness,” as it is written⁷¹, he shall purify it and sanctify it.

“Holiness brings to meekness,” as it is written⁷², for so says the High and Elevated One, Who thrones eternally, His name is Holy, in sublimity . . . and the oppressed and of meek spirit.

“Meekness brings to fear of sin,” as it is written⁷³, the consequence of meekness is fear of the Eternal.

“Fear of sin brings to piety,” as it is written⁷⁴, the Eternal’s piety is eternally on those who fear Him.
“Piety brings to the Holy Spirit,” as it is written\textsuperscript{75}, \textit{then You spoke in a vision to Your pious ones}.

“The Holy Spirit brings to the Resurrection of the Dead,” as it is written\textsuperscript{76}, \textit{I shall give My Spirit into you and you will live}.

“The Resurrection of the Dead brings to Elijah, may his remembrance be a blessing,” as it is written\textsuperscript{77}, \textit{then you will understand the fear of the Eternal, and the knowledge of God you will find}.

It was stated in the name of Rebbi Meïr: Anybody permanently in the Land of Israel who speaks the holy language, eats its produce in purity, and recites the \textit{Shema} mornings and evenings is assured of his place in the World to Come.]

\textsuperscript{68} This paragraph has been copied by the corrector from B. It is neither in the scribe’s text nor in \textit{a}; it is a Babylonian addition. It is a slight rewrite of a text in \textit{Šabbat} 1, Notes 274-286, based on the Babylonian version of the last Mishnah in \textit{Soțah}.

\textsuperscript{69} \textit{Lev.} 16:20.

\textsuperscript{70} \textit{Lev.} 12:8.

\textsuperscript{71} \textit{Lev.} 16:19.

\textsuperscript{72} \textit{Is.} 57:15.

\textsuperscript{73} \textit{Prov.} 22:4.

\textsuperscript{74} \textit{Ps.} 103:17.

\textsuperscript{75} \textit{Ps.} 89:20.

\textsuperscript{76} \textit{Ez.} 37:14.

\textsuperscript{77} Misquote of \textit{Pr.} 2:5.
Mishnah 1: For what was the disbursement used? One buys from it daily and *musaf* sacrifices and their libations, the *omer*¹, and the Two Breads², and the shew-bread³, and all public offerings⁴. The watchmen for aftergrowth in the sabbatical year⁵ take their wages from the disbursement from the lodge. Rebbi Yose says, he also may volunteer as unpaid trustee⁶. They told him, would you not also say that they only come from the public⁷?

¹ The offering of barley grain on the 16th of Nisan to permit consumption of grain from the new harvest; *Lev*. 23:9-14.
⁴ Including incense and public reparation offerings (*Lev*. 4:13-21.)
⁵ Since the *omer* and the Two Breads have to be produce of the Land, and no sowing is permitted in a Sabbatical, the grains have to be harvested from spontaneous aftergrowth. Fields from which such a yield is expected have to be watched lest the plants be eaten by animals or the grains be taken by humans. In this case the watch is an essential precondition for the possibility of the offering and therefore the expenses have to be borne by the Temple.
⁶ Even though the unpaid trustee acquires rights to what he is watching, R. Yose holds that private property may be donated to the Temple as public offering.
⁷ The Sages deny that private property may be donated to the Temple as public offering. “They” are public offerings. Therefore the argument cannot be intended to convince R. Yose; rather it is a statement clarifying that they insist that only fully paid watchmen are acceptable.

(47d line 48) The pricking of the final Chalav Yakad. If the Rabbis are in the field, the meal is not considered a [Mishneh Torah](https://www.meriamex.org/#/en) Chilul Hashem.
א said, this is Rebbi Yose’s, since Rebbi Yose said, also he may volunteer as unpaid trustee. Rebbi Yose in the name of Rebbi Ila, it is the opinion of everybody. Where do they disagree? About the body of the offerings. But for enablers of the offering everybody agrees that a private offering can be turned into public offering. It was stated, a woman who made a coat for her son has to surrender it to the public. Rebbi Aha said, this is Rebbi Yose’s, since Rebbi Yose said, also he may volunteer as unpaid trustee. Rebbi Yose in the name of Rebbi Ila, it is the opinion of everybody. Where do they disagree? About the body of the

9“For what was the disbursement used,” etc. For what reason were the times of wood by the priests and the people to be counted? Only that at the time when Israel returned from the Diaspora and did not find wood in the chamber, those came forward and volunteered wood from their own, donated it to the public, and used it to offer public sacrifices. The prophets among them stipulated that even if the chamber was full of wood and those came and offered and volunteered wood from their own, that the sacrifice should only be brought first from theirs. Rebbi Aha said, this is Rebbi Yose’s, since Rebbi Yose said, also he may volunteer as unpaid trustee. Rebbi Yose in the name of Rebbi Ila, it is the opinion of everybody. Where do they disagree? About the body of the offerings.
offering. But for enablers of the offering everybody agrees that a private offering can be turned into public offering. A *baraita* disagrees with Rebbi Yose\(^{15}\): \(^{16}\) “Those days are observed at the time of sacrifices and not at the time of sacrifices; Rebbi Yose says, they are observed only at the time of sacrifices.”\(^{17}\) Also from the following\(^{16}\): “Rebbi Eleazar ben Rebbi Şadoq said, we were of the descendants of Sennaah ben Benjamin. When the Ninth of Av fell on a Sabbath, we postponed it to the end of the Sabbath and were fasting but not completing.”\(^{18}\)

10 This paragraph is Halakhah *Ta`aniot* 4:6 (נ), also in *Megillah* 1:2 (70c l. 1 ff.; ד). In fact, א simply notes: “one repeats from *Ta`aniot* up to ‘and were fasting but not completing.’”

11 The reference is to Mishnah *Ta`aniot* 4:6 which lists the dates where certain families volunteered wood for the chamber where firewood for the Temple was stored. The paragraph is inserted here because it is support for R. Yose’s thesis that private property can be turned into a public sacrifice.

12 This is R. Yose the fifth generation Amora. The reading of B (and M), R. Assi (= Yasa), is impossible since R. Ila was a student, not a teacher, of R. Yasa.

13 While holding that the firewood is ancillary, not intrinsic, to the sacrifice, they still would have to require that the two daily logs required before any sacrifices are brought to the altar (*Lev*. 6:5) to be paid for from the public purse.

14 Since the prescribed garments of a priest are part of the establishment of the Tabernacle (*Ex*. 28:40-43), they must be public property. Babli *Yoma* 35b.

15 The Amora, speaking in the name of R. Ila.

16 Tosephta *Ta`aniot* 3:6.

17 The days enumerated on which certain families celebrated their offerings of firewood according to the Tanna R. Yose are treated as days of sacrificing. Therefore at least for him, firewood is part of the sacrifice, not ancillary, and may be given from private property as public sacrifice.

18 Their holiday was on the 10th of Av. Since the 9th of Av is the day of remembering the destruction of the Temple, his story must be dated after the destruction, when there were no longer any sacrifices. If the family holiday is so important that one pushes aside the fasting for the 9th of Av, it must be that even for the majority the offering of firewood was the equivalent of a sacrifice, not an ancillary act. Therefore R. Aha is justified.
The `omer¹, and the Two Breads², and the shew-bread.” The Mishnah³⁹ is Rebbi Ismael’s, since Rebbi Ismael said, the `omer is not brought from Syria⁴⁰.

There, we have stated:⁴¹ “All private and public sacrifices come from the Land and from outside the Land, from new or old [grain], except for `omer and the Two Breads, which only come from new grain⁴² and from the Land.”

Rebbi Huna in the name of Rebbi Jeremiah, this is Rebbi Ismael’s, since Rebbi Ismael said, the `omer is not brought from Syria.

There, we have stated:⁴³ “There are ten levels of holiness. The Land of Israel is holier than other lands; and what is its holiness? That one brings from it the `omer, first fruits, and the Two Breads, which cannot be from other lands.”

Rebbi Huna in the name of Rebbi Jeremiah, this is Rebbi Ismael’s, since Rebbi Ismael said, the `omer is not brought from Syria.

There, we have stated:⁴⁴ “Rebbi Ismael says, since sowing is a voluntary act, also harvesting is a voluntary act. This excludes harvesting the `omer, which is a commandment." Who is the Tanna of “the watchmen for aftergrowth in the sabbatical year take their wages from the disbursement from the lodge”? Rebbi Ismael⁴⁵. Rebbi Yose said, it is everybody’s opinion.
If one would not find in Syria, one would bring from the aftergrowth in the Land of Israel. Could one sow from the start for the `omer? Rebbi Hiyya bar Ada asked before Rebbi Mana, would he not take the fistful for leftovers than cannot be eaten? He said to him, it has a status like the five kinds which can be brought in impurity but may not be eaten in impurity.

The part of the Mishnah which states that the watchmen over grain for the `omer are paid from public funds. If it were possible to import the grain during a sabbatical year, the expense would be unnecessary and therefore forbidden.

Syria in matters of religious law is the area which was part of David’s empire but not permanently settled by one of the Twelve Tribes. The rules of the Land do not apply biblically but the land is not ritually impure. Therefore grain for use in the Temple could be bought from there.

Mishnah Menahot 8:1. The sacrifices referred to are offerings of flour and wine.

This is not obvious since the `omer permits the profane use of new grain also from outside the Land and the Two Breads permit the use of new wheat in the Tabernacle which according to the Mishnah includes wheat imported from Syria. While the Mishnah states that grain is acceptable from outside the Land, this refers to grain from outside the Land on both sides of the Jordan and Syria only if it remained impervious to the impurity of Gentile lands (i.e., if it was guarded from any contact with water or fluids whose status is like water in this respect.)

And certainly not from impure lands.

Mishnah Kelim 1:6.

Mishnah Ševi‘it 1:5.

This refers to Ex. 34:21: Six days you may work but on the Seventh Day you must rest, from ploughing and harvesting you must rest. According to R. Ismael while this forbids any optional harvesting on the Sabbath, it implies that harvesting required by a religious commandment must be performed on the Sabbath. (Cf. Ševi‘it Chapter 1, Notes 43 and 2.)

adds here the one-sentence Halakhah Ševi‘it 1:5 (Note 44).

While not needed every year, in a year of drought in Syria it might be obvious that one has to look for any available grain in the Land.

Since the verse Lev. 25:3 introducing the Sabbatical year combines sowing and harvesting, one could make the point that only voluntary sowing in a Sabbatical is forbidden, therefore obligatory sowing leading to obligatory harvesting is permitted.

Only a fistful of the grain brought for the `omer (a tenth of an ephah, about 3.8 l) is burned on the altar, the leftover has to be consumed by the priests in the Sanctuary. But produce sown in a Sabbatical is forbidden; the leftover of the flour could not be consumed.

The leftover has to be burned. The same would happen if all available grain and all available personnel were impure, Mishnah Pesahim 7:4.
How does he do it?31 He takes coins from the money changer and gives them to the harvesters and the watchmen before the `omer is presented. He brings coins from the disbursement from the lodge and redeems them for it; then it is in order.33 Rebbi Aha in the name of Rebbi Abba: Any which he gives are its coins from the start.34 It was stated: The same is the case with the stone-masons.35 He takes coins from the money changer and gives them to the quarry workers and the stone-cutters before it is fixed in the row. Then he brings coins from the disbursement from the lodge and redeems them for it; then it is in order. Rebbi Yose ben Rebbi Abun in the name of Samuel: Any which he gives are its coins from the start.

31 The problem is that the sheqalim are Temple property which can only be used to buy sacrifices. If the Temple administrator would pay workers with these monies, he would be guilty of me’ilah, larceny of sacred property.

32 The `omer is presented as flour. Therefore the value of the grain and the cost of all labor used in the preparation of the offering can be added and the sheqalim coins redeemed on the total value of the sacrifice. The redeemed coins can then be used to liquidate the debt incurred at the banker’s.

33 The reading of B, Rebbi Tibhi ben Rebbi Yose, seems to be a grotesque misreading.

33 Since everybody knows that many actions of the Temple involve payments to workers, it is presumed that as part of the organization of Jewish worship by Ezra and his successors there is a general stipulation that coins given as wages to workers employed by the Temple were given for that purpose; the expenditure is that of profane money. Using a banker is unnecessary.
Mishnah 2: The Cow\textsuperscript{34}, the he-goat which is sent away\textsuperscript{35}, and the shiny strip\textsuperscript{36} come from the money disbursed from the lodge\textsuperscript{37}. The ramp for the Cow\textsuperscript{38}, the ramp for the he-goat which is sent away\textsuperscript{39}, the strip bound on its horns\textsuperscript{40}, the water canal\textsuperscript{41}, the city wall and its towers\textsuperscript{42}, and all needs of the city, come from the leftovers in the lodge\textsuperscript{43}. Abba Shaul says, the High Priests build the ramp for the Cow at their own expense.

34 The red cow whose ashes purify the impurity of the dead, \textit{Num.} 19.
35 The scapegoat of the day of Atonement.
36 The strip of purple wool, together with a branch of cedar and a hyssop, which the Cohen has to throw into the pyre of the burning Cow, \textit{Num.} 19:6.
37 These are explicitly prescribed by biblical verses.
38 Leading directly from the Temple to the Mount of Olives.
39 The ramp built to shield the scapegoat while it is lead away, \textit{Yoma} 6:4.
40 Mishnah \textit{Yoma} 4:2, 6:6.
41 The aqueduct which supplies water to the Temple. The need for a water supply is implicit in the biblical rules for the Tabernacle but is never explicitly mentioned.
42 By biblical rules, family sacrifices may be consumed “in the camp.” The “camp” of the Temple is the walled city of Jerusalem. Therefore the integrity of the walls are a requirement of the Temple service and the necessary expenditures may be made from the Temple tax.
43 The items mentioned in this sentence are all necessary or customary parts of the Temple establishment, but are not mentioned in biblical verses. They are paid for from monies not directly used for the service of prior years.
Halakhah 2: Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: There are three strips. The one for the he-goat for a tetradrachma, for the sufferer from skin disease for a sheqel, for the Cow for two tetradrachmas. Rebbi Onias from Berat-Hauran in the name of Rebbi Abba bar Zavda in the name of Rebbi Simeon ben Halaphta, for the Cow for two tetradrachmas and a half; but some express it in the formulation ten (zin) [zuz].

44 From Yoma Halakhah 4:2 ().
45 For the purification ceremony of the person healed from skin disease (Lev. 14:4,6).
46 Defined in Terumot 10:7 (Note 80) as 1/100 of a (probably Roman) pound. 2.5 tetradrachma are 10 denarii. Since an Augustean denar was 1/96 of a Roman pound (silver), 10 zin are 9.6 denarii.

Mishnah 3: What did one do with the leftover in the lodge? One buys with it wine, oil, and fine flour, and the gain is the Temple’s, the words of Rebbi Ismael. Rebbi Aqiba says, one gains neither for the Temple nor funds for the poor.

47 What is left from the Temple tax at the end of the fiscal year.
48 For public sacrifices these are paid for from the coins disbursed from the lodge. Wine, oil, and flour for private sacrifices are bought from the Temple as explained in the next Chapter. R. Ismael holds that the original funds for this operation come from the surplus of the Temple tax; R. Aqiba must hold that this is a self-financing non-profit operation.
49 He holds that the Temple may not be involved in commercial transaction. He objects to investing funds destined for the poor not only since avoidance of loss is more important than possible gain but also that money for the poor must be available at all times for possible emergencies.
HALAKHAH THREE

87

Rebbi Tanhuma in the name of Rebbi Simlai: Those who correct the scroll of the Temple courtyard take their wages from the disbursement from the lodge. Rebbi Isaac bar Redifa in the name of Immi: The inspectors of defects of sancta take their wages from the disbursement from the lodge. Rebbi Aha, Rebbi Tanhum bar Hyya in the name of Rebbi Simlai: Those who correct the scroll of the Temple courtyard take their wages from the disbursement from the lodge. Giddul bar Benjamin in the name of Assi: The two judges of robberies take their wages from the disbursement from the lodge. Samuel said, women who are weaving the gobelins take their wages from the disbursement from the lodge; Rav Huna said, from disbursements for repair of the House. How do they disagree? Samuel makes it a sacrifice, Rav Huna makes it part of the building. Rebbi Hizqiah said that Rebbi Jehudah Dried Figs stated: The incense and all public sacrifices come from the disbursement from the lodge. The golden altar and vessels for the Service come from the excess of libations. The altar for elevation sacrifices, the building, and the courtyards come from the leftover in the lodge. The outside of the courtyards come from

Rav Jehudah in the name of Samuel: The scholars who teach the priests the rules of slaughter, rules of receiving, rules of sprinkling, take their wages from the disbursement from the lodge. Rebbi Isaac bar Redifa in the name of Immi: The inspectors of defects of sancta take their wages from the disbursement from the lodge. Rebbi Aha, Rebbi Tanhum bar Hyya in the name of Rebbi Simlai: Those who correct the scroll of the Temple courtyard take their wages from the disbursement from the lodge. Giddul bar Benjamin in the name of Assi: The two judges of robberies take their wages from the disbursement from the lodge. Samuel said, women who are weaving the gobelins take their wages from the disbursement from the lodge; Rav Huna said, from disbursements for repair of the House. How do they disagree? Samuel makes it a sacrifice, Rav Huna makes it part of the building. Rebbi Hizqiah said that Rebbi Jehudah Dried Figs stated: The incense and all public sacrifices come from the disbursement from the lodge. The golden altar and vessels for the Service come from the excess of libations. The altar for elevation sacrifices, the building, and the courtyards come from the leftover in the lodge. The outside of the courtyards come from

Rebbi tanhum bar Hyya in the name of Rebbi Simlai: Those who correct the scroll of the Temple courtyard take their wages from the disbursement from the lodge. Rebbi Isaac bar Redifa in the name of Immi: The inspectors of defects of sancta take their wages from the disbursement from the lodge. Rebbi Aha, Rebbi Tanhum bar Hyya in the name of Rebbi Simlai: Those who correct the scroll of the Temple courtyard take their wages from the disbursement from the lodge. Giddul bar Benjamin in the name of Assi: The two judges of robberies take their wages from the disbursement from the lodge. Samuel said, women who are weaving the gobelins take their wages from the disbursement from the lodge; Rav Huna said, from disbursements for repair of the House. How do they disagree? Samuel makes it a sacrifice, Rav Huna makes it part of the building. Rebbi Hizqiah said that Rebbi Jehudah Dried Figs stated: The incense and all public sacrifices come from the disbursement from the lodge. The golden altar and vessels for the Service come from the excess of libations. The altar for elevation sacrifices, the building, and the courtyards come from the leftover in the lodge. The outside of the courtyards come from
the lodge for maintenance of the House. But was it not stated: One commits *me’ilaḥ* with stones of the Temple or the courtyards. How can one commit *me’ilaḥ* with leftovers? But it must follow Rebbi Meir, for Rebbi Meir said, one commits *me’ilaḥ* with leftovers. Rebbi Hinena said, Rebbi Meir said this only during its year. But here we are after its year.

50 If the reading of B were “Rav Huna in the name of Samuel”, it would need consideration as *lectio difficilior*. But since it is the impossible “Rav Huna in the name of Rebbi Samuel”, it has to be disregarded. ∆ is defective at this place. In the Babli *Ketubot* 106a the statement is attributed to Rav Giddul in the name of Rav.

51 Since every week another group of Cohanim comes to serve, which may bring with them young inexperienced members of the group, they are permanently occupied. Babli *Ketubot* 106a.

52 Since the animals chosen for the daily sacrifice have to be without defects (*Num.* 28:3), there have to be competent daily inspections. Babli *Ketubot* 106a.

53 From which the High Priest reads on the Day of Atonement and which is used to standardize the texts of copies of the Torah. The reading of B, “Ezra’s scroll”, has to be rejected. Babli *Ketubot* 106a.

54 This is the translation of the text here and in Mishnah *Ketubot* 13:1. But it seems that the meaning of the term is that of the reading of ∆ and most Babylonian sources here and in *Ketubot* 13, הרוןֵי הדם נֵינֵי קָפָק “judges of decisions,” i. e., appeals judges. The reading here is the result of an exchange of liquids. The legal principles attributed to these judges in *Ketubot* Chapter 13 all refer to matters of civil, mostly matrimonial, law. Babli *Ketubot* 105a.

55 For use in the Temple Hall, to separate between the holy and the holiest of holies.

56 It is impossible to determine his time of activity.

57 This statement endorses the position of R. Ismael in the Mishnah, that the operation to provide wine, oil, and flour to those who bring private sacrifices, routinely provides a surplus to the Temple.

58 The stone walls enclosing the Temple precinct and the stone floor.

59 The place where the funds are kept which were given as vows to the Temple.

60 *Me’ilaḥ* is defined (*Lev.* 5:15) as “larceny committed on the Eternal’s sancta”, where the usual interpretation is that sancta are only sacrifices and their appurtenances; cf. Halakhah 3:4, Note 66.

61 Money is a sanctum whose misuse is *me’ilaḥ* only if there is the possibility that it will be used to buy sacrifices. As explained earlier, any leftovers after disbursement still must be kept together since they might be needed if the money disbursed later was not sufficient for the Temple’s needs. But once a new year started, the old *sheqalim* cannot be used to buy sacrifices of any kind; they cannot cause *me’ilaḥ*. The baraita is rejected. Babli *Qiddusin* 54a.
Rebbi Hizqiah said that Rebbi Jehudah Dried Figs stated: The table, the candelabrum, the altars, and the gobelins obstruct the sacrifice, the words of Rebbi Meïr. But the Sages say, the sacrifice is only obstructed by the wash basin and its base. Otherwise, Rebbi Eleazar and Rebbi Yose ben Hanina both say, everywhere “opposite” is written it is obstructive, “on the side” is not obstructive, but Rebbi Samuel bar Nahman in the name of Rebbi Jonathan said, even “on the side” is obstructive, and Rebbi Ila in the name of Rebbi Jonathan said, even “putting” is obstructive. Rebbi Hananiah said, here for service inside, there for service outside.

62 Since obviously in the absence of an altar there can be no sacrifice, the reference is to the golden incense altar in the Sanctuary, not the large altar outside. Babli Zevahim 62a.

63 Since the priests are forbidden to officiate unless they wash hands and feet from the Temple wash basin on its base, Ex. 30:17-21, 40:30-32.

64 The following refers to the commandment how the Tabernacle had to be organized (Ex. 26:32-37; 40:1-16) and the report how this was executed ((Ex. 40:1-17-33.) The candelabrum was put “opposite the table”. (Ex. 40:24).

65 The table has to be put “on the North side”, the candelabrum “on the South side”; (Ex. 26:35).

66 Moses “put” all the furniture of the Tabernacle at its correct places (Ex. 40:18 ff.)

67 Since one may bring sacrifices on the altar without a Temple (Mishnah Idiut 8:6), for any offering on the large altar one only needs the wash basin and its base. But for any offering inside the Sanctuary, e. g., the daily incense burning, all pieces have to be available at the correct places.
Rebbi Hanina said, there was much arrogance among the sons of the High Priests, for more than 60 talents of gold [did they spend on it.] If the ramp for the Cow was still standing, no one was leading out his cow on the other’s ramp, but he tore it down and was building it anew. Rebbi Ulla objected before Rebbi Mana: Was it not stated that Simeon the Just made two Cows; on the ramp on which he took out one he did not take out the other. Could you say that Simeon the Just was arrogant? What about it? Because they gave eminence to the Cow, ornaments they made for the Cow. It was stated: Ledges and walls were on both sides so that the priests could not look down and become impure.

68 Discussion of the statement of Abba Shaul in Mishnah 2, that the ramp for the Cow (including a bridge over the Kidron valley) was made new every time on the High Priest’s expense. It is implied that the High Priest either oversaw the ceremony himself or appointed one of his sons.

69 That would be 180’000 sheqel or 360’000 denar. One should take note of the reading of B, “silver” instead of “gold”.

70 Addition by the corrector, an adaptation to the formulation in B; not supported by any Genizah fragment.

71 Since he was in office for 40 years, after about 35 years probably not much of the first ramp was still in existence.

72 Since the Kidron valley was used as burial ground at least from First Temple times, if the Cohen was not protected by the wooden floor of the ramp which separated him from the “tent impurity” emanating from the graves, the Cohen would become severely impure and not able to conduct the ceremony. Therefore one made it impossible for the Cohen to lean out over the railings. The scribe’s reading. “could not look down” is preferable over that of the other sources, “leave”. Tosephta Parah 3:7.
Mishnah 4: What did they use the leftover of the disbursement\(^{73}\) for? Gold sheets coating for the Holiest of Holies. Rebbi Ismael said, the leftover of produce\(^{74}\) is for adornment of the altar\(^{75}\), the leftover of the disbursement is for Service vessels\(^{76}\). Rebbi Aqiba says, the leftover of the disbursement is for adornment of the altar, the leftover of the libations\(^{77}\) is for Service vessels. Rebbi Hanania the executive officer of the Cohanim says, the leftover of the libations is for adornment of the altar, the leftover of the disbursement is for Service vessels. Neither of them did agree about produce\(^{78}\).

73 If money was left in the boxes into which it was taken from the lodge at the time when new money was disbursed, the amount of new money was not reduced but the old money was put into a separate account to be used for other needs of the Temple.

74 The gain made by the Temple in providing flour, oil, and wine, for private sacrifices.

75 It is given to the gift account to buy elevation sacrifices in times when the altar otherwise would have been idle.

76 The vessels used in sacrificial acts.

77 As explained in Halakhah 5, the income from the trading arrangements with the suppliers to the Temple.

78 R. Hanania agrees with R. Aqiba that the Temple has to provide the produce at cost and cannot make a gain on this service.
loss be yours and the gain be split among you it is permitted. Rebbi Hiyya bar Ada was appointed for property of orphans and acted in this way.

Text of B

Only if he wants that the loss be his and the gain for the endowment it is permitted. As the following: Bar Zemina was appointed for merchandise of orphans and acted in this way.

79 This does not belong to Mishnah 4 but is the discussion of the statement of Rebbi Aqiba that one does not invest capital of funds for the poor.

80 While originally this means “property of the Temple”, it is used in the sense common in the Middle Ages, “endowment of a fund for the poor”, “welfare fund.” The text shows that this includes property administered by a guardian for the benefit of underage orphans.

81 As agreement between adults, that the risk of investments is borne solely by the agent but any gain split between agent and investor, it is forbidden as hidden payment of interest. But if the investment is for a charitable fund for minor orphans it is permitted. Babli Bava mešia` 70a.

Mishnah 5: What did one do with the excess of incense? One sets apart the artisans’ wages and redeems them on the artisan’s money; one gives them to the artisans as their wages and then buys them back from them from the new disbursement. If the new money is available at its time one takes them from the new disbursement, otherwise from the old.

82 Which from the start was intended to be sufficient for an intercalary year and therefore had guaranteed leftovers in a regular year.

83 Since the expenses of the Temple service each year have to be paid by the sheqalim of that year, one cannot simply take the leftover as incense for the next year. On the other hand, since profane use of incense prepared in the proportions prescribed for Temple service is a deadly sin (Ex. 30:38), the incense cannot be used outside of the Temple. One takes money from the sheqalim to pay the artisans who prepare the next year’s batch of incense, then uses this money in order to redeem the incense and make it profane, a possible object of trade. Then one pays the artisans in kind with the incense, and since they could do nothing with it one buys the
Halakhah 5: It is all Rebbi Ismael’s. Rebbi Hyya bar Joseph explains the Mishnah: The leftover of produce the gain of the Temple; the leftover of libations is the fourth seah. Rebbi Johanan explains the Mishnah, the leftover of produce is the fourth seah; the leftover of libations is the overflow. Does Rebbi Hyya bar Joseph not have overflow? Rebbi Hizqiah said, what is counted for the fourth seah is overflow. The opinion of Rebbi Hyya bar Joseph is understandable. “one does not gain neither for the Temple nor funds for the poor,” therefore “neither of them did agree about produce.” The opinion of Rebbi Johanan is difficult. We have stated: “if the going rate was three, he has to deliver for four” and we have stated, “neither of them did
agree about produce.” They did not agree about produce to adorn the altar; they did agree for Service vessels. So far overflow of public sacrifices. Even overflow for private sacrifices. Would then not Service vessels come from private donations? It is as it was stated, “a woman who made a coat for her son has to surrender it to the public.” So far the overflow of fluids; even the overflow of dry goods; as that which we stated, “in case libations were sanctified in a vessel when the sacrifice was found disqualified, if there is another sacrifice they should be brought with it; otherwise they will become disqualified by staying overnight.”

Text of B

93 It is all Rebbi Simeon’s, for Rebbi Hyya bar Joseph explains the Mishnah: The leftover of produce is the gain of the Temple; the leftover of libations is for the fourth seah. Rebbi Johanan explains the Mishnah, the leftover of produce is for the fourth seah; the leftover of libations is for overflow. Does Rebbi Hyya bar Joseph not have overflow? Rebbi Hizqiah said, what is counted for the overflow is fourth seah. The opinion of Rebbi Hyya bar Joseph is understandable, since it was stated “neither of them did agree about produce.” The opinion of Rebbi Johanan is difficult since we have stated “if the providers have to deliver four”, and have we not stated, “neither of them did agree about produce to adorn the altar;” but they did agree about produce for Service vessels. So far overflow of public sacrifices. But overflow for private sacrifices. as it was stated, “a woman who made a coat for her son has to surrender it to the public. So far the overflow of fluids; even the overflow of dry goods; as that which we stated, “in case libations” until “were sanctified.”

85 The statement in Mishnah 4 about the leftover of produce, whose existence is denied by R. Aqiba and R. Hanina.
86 The money made by the Temple in selling for a profit flour, oil, and wine, for flour offerings and libations.
87 As explained in Mishnah 11, the Temple does not have to hedge its purchases of produce because it is protected against changes in the market place at all times. If the Temple contracted for flour at the rate of 3 seah per tetradrachma and at the time of delivery it was 4 seah per tetradrachma, the provider has to deliver 4. But if the contract was for 4 and the price went up and now stands at 3 for a tetradrachma, the provider has to deliver 4 while the Temple will sell at the going rate.
88 In order to avoid the sin of me’alah, the suppliers of produce of all kinds to the Temple have to deliver slightly more than the measure which was contracted for, while the Temple will distribute this product for private libations and flour offerings at the exact measure. The small differences will add up to a considerable amount during a full year; this kind of gain is approved also by the opponents of R. Ismael.
89 He holds that the reason that the Temple always is the beneficiary of changes
in the market place also is to serve as a precaution against me’ilah infractions; both kinds of additions have the same status.

90 Since Mishnah 11 is unanimous opinion, the opponents of R. Ismael cannot deny that the Temple always makes money which has to be used for definite purposes.

91 This was discussed earlier, Note 14.

92 Mishnah Menahot 7:4. This is not directly overflow but a third way in which the Temple accumulates a surplus. If a sacrifice was brought and the offerer bought the libations including the flour offering from the Temple, if then these flour offerings could not be used because the sacrifice was disqualified, the priests in charge may use the flour, etc., for the next sacrifice. In this case the Temple is paid twice for the same produce; Tosephta Menahot 10:8 states that the money accumulated in this way is given to the gift account to buy elevation offerings for the idle altar.

93 A text unintelligible except as abbreviation of the Yerushalmi text. For the remainder of this Chapter there are no Genizah texts.

94 Would not Temple property be redeemed by Temple property? What does he do? Rebbi Simeon bar Carsana said, he brings coins and redeems them for the building; brings incense and redeems it, and gives it to the artisans as their wages. What should be done with those coins? Rebbi says, I am saying that they should be given to the family Garmu and the family Eutinos who were experts in compounding the incense and in making the shew-bread. Rebbi Samuel bar Rav <Isaac> said, only if they were due to them beforehand. Rebbi Hiyya bar Aba asked, if they were not due
beforehand? There came Rebbi Abba in the name of Rebbi Hyya in the name of Rebbi Johanan: One uses them to adorn the altar. Rebbi Abba bar Cohen asked before Rebbi Yose: The opinion of Rebbi Hyya bar Abba seems inverted. Here it is questionable for him; there it is obvious for him. He told him, where it is questionable for him, for Service vessels; where it is obvious for him, to adorn the altar.

Text of B

93 By Temple property? Rebbi Simeon ben Rebbi Bisna: he brings coins and redeems them for an animal; brings incense and redeems it for them, and gives it to the artisans as their wages. What should be done with those coins? Rebbi says, I am saying that they should be given to the family Garmu and the family Eutinos who were experts in compounding the incense and in making the shew-bread. Rebbi Samuel bar Rav Isaac said: Only if they were due to them beforehand. There came Rebbi Vivus and Rebbi Hyya in the name of Rebbi Johanan: One uses them to adorn the altar. Habiba bar Cohen asked before Rebbi Yose: The opinion of Rebbi Hyya bar Abba seems inverted. Here it is questionable for him; there it is obvious for him. Where it is questionable for him, to adorn the altar; where it is obvious for him, for Service vessels.

94 Here starts the discussion of Mishnah 5. What is gained by redeeming incense with Temple money, which is not profane?

95 Both the scribe’s text and that of B are difficult to understand. While it is accepted that the Temple is built as profane building and only sanctified when completed (Babli Me’ilah 14a), once it is sacred it cannot be redeemed. If the money is legitimately paid for a sacrificial animal, it belongs to the owner of the animal and is no longer available for Temple use. Tosephta Me’ilah 1:23 reads: “A worker who did work for the Temple for a mina or two may not say, give me this cow for a mina or this garment for 50 {denar} since Temple property cannot be redeemed for work but only for coins. What does one do? One takes the wages of the artisans {from the sheqalim} and redeems them on the artisans’ money, gives them to the artisans as their wages; then buys them back from the disbursement of the lodge to pay back the workers for the coins they earlier gave to the Temple.” A similar text seems to be intended here.

96 The incense.

97 Cf. Mishnah Yoma 3:11.

98 Name added from B.

99 Since Temple money can only become profane for actual debts incurred by the Temple. Advance payments are not possible.

100 How can he ask when he himself teaches the answer which his teacher had given? He does not question that a possible use is to give the money to the gift account; he questions whether this is the only possible use.

The inverse order in B must be a scribal error.
Hanina said, it is disqualified; Rebbi Joshua ben Levi said, it is qualified.

Rebbi Joshua ben Levi's reason?

Rebbi Bun said, Rebbi Yose ben Hanina's parallels Samuel and Rebbi Joshua ben Levi's Rebbi Johanan, as we have stated, “if one dedicated his property to the Temple and there were objects appropriate as public offerings,” Rebbi Johanan said, incense. Rebbi Hosaia said, explain it about an artisan of the family Eutinos who took incense as his wages. And Rebbi Joshua ben Levi’s is like Samuel, as Rav Huna said in the name of Samuel, they made the mortar
a vessel to sanctify. Rebbi Yose ben Rebbi Abun said, Rebbi Huna said this before Rebbi Yose: something sanctified in a vessel may be redeemed. He said to him, is that not Samuel’s? Since Samuel said, one is lenient in the case of leftovers. As they disagreed: If unblemished animals were left over, Samuel says, they are redeemed unblemished. Rebbi Johanan said, they are redeemed as disqualified sancta. Leftover he-goats, in Samuel’s opinion if elevation sacrifices are redeemed, a purification sacrifice so much more. In Rebbi Johanan’s opinion? Rebbi Ze’ira said, they shall graze. Rebbi Samuel bar Rav Isaac said, one uses them to adorn the altar. This is difficult. May a purification sacrifice be brought as elevation sacrifice? Rebbi Yose said, there is a difference, for public sacrifices are determined only by slaughter. Rebbi Hananiah said, it is a stipulation of the Court that all leftovers should be brought as elevation sacrifices.

Text of B

What did they do with leftover incense? As they disagreed: If it was compounded as profane, Rebbi Yose ben Hanina said, it is disqualified; Rebbi Joshua ben Levi said, it is qualified. In Rebbi Yose ben Hanina’s opinion, it is holy, that it shall be made in the Sanctuary from the disbursement from the lodge. In Rebbi Joshua ben Levi’s opinion, it is holy, that it shall be brought into the Sanctuary. Rebbi Yose ben Hanina’s parallels Samuel and Rebbi Joshua ben Levi’s Rebbi Johanan, as we have stated, “if one dedicated his property to the Temple and there were objects appropriate as public offerings.” Rebbi Johanan said, incense. Rebbi Oshaia said, explain it about an artisan of the family Eutinos who took incense as his wages. Rebbi Joshua ben Levi’s parallels Samuel, as Rav Huna said in the name of Samuel, they did not make the mortar a vessel of sacred service. Rebbi Yose ben Rebbi Abbin said, Rebbi Ze’ira said this before Rebbi Huna: something sanctified in a vessel may be redeemed. Is that not Samuel’s? Since Samuel said, one is lenient in the case of leftovers. As they disagreed: If daily sacrifices were left over, Samuel says, they are redeemed unblemished. Rebbi Johanan said, they are redeemed as disqualified sancta. Leftover he-goats, in Samuel’s opinion if elevation sacrifices are redeemed, a purification sacrifice so much more. In Rebbi Johanan’s opinion? Rebbi Ze’ira said, they shall graze. This is difficult. Does there exist a purification sacrifice which is brought as elevation sacrifice? Rebbi Yose said, there is a difference, for public sacrifices are determined only by slaughter. Rebbi Hananiah said, it is a stipulation of the Court that all leftovers should be brought as elevation sacrifices.

100 This is a copy from Yoma 5:1, explained there in Notes 12-30. The introductory sentence is missing, but is partially present in B. The question is, why does the Mishnah prescribe that leftover incense should be redeemed and used as payment of the artisans. Since it is a biblical decree (Lev. 27:10) that unblemished animals dedicated as sacrifices cannot be redeemed, would it not be reasonable to assume that sacrificial objects sanctified in a Service vessel cannot be redeemed? If one
accepts this, a second question arises. Was the incense prepared in a Service vessel and therefore is sanctified from the start, or does only the daily portion become sanctified when it is filled into a Service vessel, and the leftovers are intrinsically redeemable as Temple property?

Mishnah 6: If somebody gives his property to the Temple and in it there were items usable for public sacrifices, they shall be given to the artisans as their wages, the words of Rebbi Aqiba. Ben Azzai said to him, this is not the way, but from it one sets apart the artisans’ wages and redeems it on the artisan’s money; one gives it to the artisans as their wages and then buys it back from them from the new disbursement.

101 The incense.
102 There is no such verse; similar verses about incense would be Ex. 30:36, *most holy it shall be for you*, Ex. 30:37, *holy it shall be for you*. Babli *Keritut* 6a.
103 Mishnah 6.

Halakhah 6: “If somebody gives his property to the Temple and in it there were items usable for any public sacrifices.” Rebbi Johanan said, incense. Rebbi Hoshiaia said, explain it about an artisan of the family Eutinos who took
incense as his wages. What is Ben Azzai’s reason? For Temple property cannot be redeemed by work, only by coins.

Mishnah 7: If somebody gives his property to the Temple and in it there was an animal fit for the altar, males or females. Rebbi Eliezer says, males should be sold to those who need an elevation offering, and females be sold to those who need well-being offerings, and the revenue together with the remainder be for upkeep of the Temple.

107 An unblemished bovine, sheep, or goat, which may not be redeemed, Lev. 27:10. Since they were given to the Temple to be sold, the easiest way to satisfy the will of the donor and the rules is to sell the animals as sacrifices to those who have vowed a sacrifice.
108 Who in contrast to well-being offerings must be male (Lev. 1:3,10).

Halakhah 7: There we have stated: “There is about gifts for the upkeep of the Temple that unspecified gifts to the Temple are for the upkeep of the Temple. Sanctification for the upkeep of the Temple falls on everything, and me’ilah applies to what grows from it, and priests have no usufruct from it.” Rebbi Hanania said, this is Rebbi Eliezer’s, as we have stated: “If
somebody gives his property to the Temple and in it there was an animal fit for the altar, males or females. Rebbi Eliezer says, males should be sold to those who need an elevation offering, and females be sold to those who need well-being offerings, and the revenue together with the remainder be for upkeep of the Temple. Rebbi Johanan said, the reason of Rebbi Eliezer: If a man dedicate his house holy to the Eternal. How do we hold? If for a dwelling, it already is written, if the dedicator redeem his house. Therefore we hold that he dedicates his property. From here that unspecified dedications to the Temple are for the upkeep of the Temple.

109 Mishnah Temurah 7:2.  
110 Anything of value can be donated to the Temple.  
111 Not only growth from seeds donated but all income from the principal are protected by me’ila laws as is the original donation.  
112 Since the Mishnah starts “if somebody gives his property,” thismeans it is unspecified, given to the Temple to use it as it sees fit, and R. Eliezer says that all proceeds go to the upkeep of the Temple.

113 Lev. 27:14.  
114 Lev. 27:15.  
115 Verse 14 states that if a person dedicates his house, a priest has to determine its value. V. 15 the notes that if the donor wants to regain his house, he has to pay 125% of the value. Since it is assumed that a dwelling is always needed, the donation of a house could have been described in one sentence, combining valuation and redemption. Since the verses are split, it is understood that also property not used as dwelling is included and is given to produce money for the Temple, not the priests (in contrast to agricultural property, vv.21.)
Rebbi Ze`ira, Rav Huna in the name of Rav: They disagree\(^{116}\) about one who gives his property to the Temple. But if he gives his flock to the Temple, everybody agrees that it is for the altar\(^{117}\). Rebbi Abba, Rav Huna in the name of Rav: Where do they disagree? About one who gives his flock to the Temple, but if he gave his property to the Temple, everybody agrees that it is for the upkeep of the Temple\(^{118}\). The opinion of Rebbi Ze`ira can be understood\(^{119}\). It is difficult for Rebbi Abba. Is an animal not for the altar? An animal is for the altar. But why did this man not specify? It is as if he said, it only should be for the upkeep of the Temple. Rebbi Johanan said, there is no difference. The disagreement is both about one who gives his property to the Temple as about one who gives his flock to the Temple\(^{119}\).

Rav Huna in the name of Rav, Rebbi Abbahu in the name of Rebbi Johanan: *Sancta* given for the upkeep of the Temple which were redeemed unblemished become profane\(^{120}\). A Mishnah says so\(^{121}\), “their offspring and their milk are permitted after their redemption.” Rebbi Hizqiah in the name of Rav Hisda: Explain it if they were redeemed unblemished and then became defective. Rebbi Yose in the name of Rav Hisda: Does the Mishnah say so\(^{121}\)? “Their offspring and their milk are forbidden after their redemption.” Rebbi Hizqiah in the name of Rebbi Yose: *Sancta* given for the upkeep of the Temple which were redeemed unblemished become profane. If you are saying they did not become profane, how could the sanctity of the altar fall on *sancta* given for the upkeep of the Temple?\(^{123}\)

Rebbi Johanan said, Ze`ira and Rav Huna in the name of Rav: Where do they disagree? About one who gives his property to the Temple. But if he gives his flock to the Temple, everybody agrees that it is for the upkeep of the Temple. In the opinion of Rebbi Johanan there is no difference. The disagreement is both about one who gives his property to the Temple as about one who gives his flock to the Temple.

Rebbi Abba in the name of Rebbi Abbahu in the name of Rebbi Aha: *Sancta* given for the upkeep of the Temple which one redeemed unblemished become profane. If you are saying they did not become profane, how could the sanctity of the altar fall on *sancta* given for the upkeep of the Temple? And also from the following: “If unblemished animals were
left over, they shall be sold for altar purposes.” If you are saying they did not become profane, how could the sanctity of the altar fall on sancta given for the upkeep of the Temple?  

116 R. Eliezer in Mishnah 7 and R. Joshua in Mishnah 8.

117 The animals should not be sold for the benefit of the Temple to people who need sacrificial animals but be directly used as elevation offerings of the Temple in times of need. The only animals to be sold are the blemished ones.

118 As explained in the preceding paragraph.

119 Since an animal becomes a sacrifice only by a dedication, the animals given to the Temple in a will, while becoming subject to the laws of me’ilah as Temple property, are not sacrifices and Lev. 27:9-10 does not apply to them. The disagreement between RR. Eliezer and Joshua is purely about rabbinic rules and these apply equally to both cases.

120 While dedicated unblemished animals cannot be redeemed and cannot revert to profane status, animals willed to the Temple are not in this category as explained in the preceding Note. While selling the animals to be used as sacrifice is the prescribed proceeding, if the rules are not followed and they are sold for profane use the sale is valid on condition that the Temple receive its money.

121 Mishnah Hulin 10:2. The Mishnah states that blemished animals which were dedicated as sacrifices never become intrinsically holy; if they are redeemed they are fully profane, their offspring and their milk is profane (first quote). If they were validly dedicated and later developed a blemish, they have to be redeemed and used as profane food, but cannot totally lose their sacred status; they cannot be used for work nor are their offspring and their milk permitted (second quote, also Temurah 7:1.)

122 If willing one’s property to the Temple were a genuine dedication, the animal which was unblemished at the time of donation but later developed a defect never could regain full profane status. Therefore the rule only is possible if the position of R. Johanan (Note 119) is adopted.

123 Since what is dedicated for one category of sancta cannot be changed to another, both R. Eliezer and R. Joshua must agree that the sale of the animal by the Temple makes it profane; the dedication of the buyer is the valid dedication of a profane animal.

124 This sentence added to the truncated text of B repeats the prior argument. Animals which are leftovers are animals bought with sheqel money but not used at the end of the tax year. Since these animals become dedicated only at the moment they are used (end of the text for Note 100), their status as far as dedication goes is identical to that of animals willed to the Temple.
The sanctity of the altar falls on defective animals. In which respect? For shearing and work. If somebody dedicated a female for his elevation offering, or his Pesah, or his reparation offering, it effects substitution. Rebbi Simeon says, for his elevation offering it effects substitution; for his Pesah or his reparation offering it does not effect substitution. Rebbi Simeon ben Jehudah says in the name of Rebbi Simeon, neither for his elevation offering, nor his Pesah, nor his reparation offering, does it effect substitution. Rebbi Johanan said, the reason of Rebbi Simeon is that we find that a female is qualified as elevation offering of a bird. And Rebbi Johanan said, the reason of Rebbi Simeon is, if there are differences in its own kind, so much more if it is not its own kind. What are differences in its own kind? As it was stated, a yearling as reparation offering, and he brought one of two years, he satisfied his obligation; a two-year old as reparation offering, and he brought one of three years, he did not satisfy his obligation. Rebbi Johanan said, Rebbi Simeon and Rebbi Joshua said the same. As Rebbi Joshua said, a female as elevation offering is sanctified only for its money’s worth, so Rebbi Simeon said, a female as elevation offering is sanctified only for its...
money’s worth. If you would say that they are sancta as to their body, they should graze. “Rebbi said, I agree with Rebbi Simeon about the Pesah; could the Pesah be brought as a well being offering? But I do not agree with the words of Rebbi Simeon for reparation offerings; could a reparation offering be brought as an elevation offering?" Rebbi Abbin said, in case a Pesah be brought as a well being offering, its body is brought as well-being offering; in case a reparation offering be brought as an elevation offering, its body cannot be brought as elevation offering. What about it? In one case one says, it is sanctified for its money’s worth; in one case one says, it is sanctified in its body.

125 It is sinful to dedicate a defective animal to the altar. The question is whether such a dedication is effective at all. The statement here shows that the animal has to be treated according to the rules of an animal dedicated unblemished which later developed a defect (Note 121). B correctly adds prohibition of its offspring or its milk.

126 Tosephta Pesahim 9:19, Temurah 2:5; Babli Temurah 19b/20a. The text of B in the anonymous statement, “does not effect substitution”, is a scribal error as shown by the later text in B.

The reference is to Lev. 27:10, that it is forbidden to make a substitution for a dedicated animal, but if such a substitution was made, both the original animal and its substitute are sancta. Therefore “to effect substitution” implies “the original dedication is valid.” Everybody agrees that even if the dedication is void as dedication for the altar, it is valid as a gift of the animal or its value for the upkeep of the Temple.

127 This is known only as a quote in the Babli, Temurah 20b.

128 Male animals are prescribed for four-legged elevation sacrifices, Lev. 1:3,10, but not for birds, 1:14 (Sifra Wayyigra I Parshata 6(2,5). Argument missing in B.

129 Corrector’s addition, unwarranted.

130 This refers to the interpretation of R. Simeon ben Jehudah, that R. Simeon declares the dedication of a female as elevation sacrifice as void.

131 We have three different readings. The ms. text, if a yearling is required (as for the impure nazir, Num. 6:12) and he brings a two year old, it is acceptable, but a three-year old for a two-year old is not. The text of B, if one vowed a yearling as reparation sacrifice and brought one of two years it is acceptable, but one of three years is not. (This must refer to reparation sacrifices where the age is not prescribed.) Then there is the text of the Babli sources, Tosephta Zevahim 1:2, Menahot 48b, Temurah 19b, that in every case where the year is wrong the animal is disqualified. The Babli text is the most rational but this can be no reason to emend the Yerushalmi according to the Babli.

132 Since in the next Mishnah he requires that male animals in an estate willed to the Temple be taken as elevation offerings, but
females be sold and the monies used to buy elevation sacrifices. The same dedication which makes the males sacrifices only gives the females' money’s worth to the Temple.

133 In the interpretation of R. Simeon ben Jehudah.

134 As all animals dedicated as a sacrifice for which they cannot be used they should be put out to graze until they develop a defect and then be sold.

135 End of the Tosephta (Note 126), referring to the first version of R. Simeon’s statement.

Since the Pesah sacrifice after Passover automatically becomes a well-being offering, which may be female, the statement of R. Simeon must refer to Pesah before the 14th of Nisan, where no change is possible. (After Passover, R. Simeon holds that the unused Pesah itself is a well-being offering.) But for reparation sacrifices, the unused animals have to graze until they develop a defect and be sold and the proceeds used for elevation offerings, as explained by R. Abbin. Therefore the value of the reparation offering from the start is potential for elevation offerings.

136 Pesah before and after Passover is a sanctum destined for the altar; reparation sacrifice in case it is not used is from the start destined to be used for its money-worth (explanation of R. Eliahu Fulda.)

Mishnah 8: Rebbi Joshua says, the males themselves should be brought as elevation sacrifices, and the females be sold to those who need well-being offerings, and the remaining property be used for upkeep of the Temple.

Halakhah 8: Rebbi Ze’ira in the name of Rebbi Simeon ben Laqish. The reason of Rebbi Joshua 137: 138 Speak to Aaron, and his sons, and to all Children of Israel, and say to them: each single man from Israel, etc. who will
offer an elevation sacrifice to the Eternal, anything could be elevation sacrifice, voluntarily from you, unblemished, male. From where even females? The verse says, in cattle, to include females. Rebbi Isaac ben Rebbi Eleazar. It says male, and you are saying in cattle, to include females. Then similarly it is written unblemished, and you are saying in cattle, to include the blemished?

137 Since R. Joshua requires that the male animals be used as elevation offerings, why does he not require that the females be used directly as well-being offerings, but sold and the proceeds used for elevation offerings?


139 In contrast to Lev. 1:3, where clearly is partitive, only the select from the cattle, here , “in the herd”, is inclusive.

While females cannot be elevation sacrifices, they can be dedicated that their proceeds be used for elevation sacrifices.

140 B adds, probably correctly, “asked”.

141 Since Mishnah 7 starts “if there was an animal fit for the altar,” clearly excluding defective animals also according to R. Joshua, the argument is invalid and so is the prior statement of R. Ze’ira.

Mishnah 9: Rebbi Aqiba says, I agree with the words of Rebbi Eliezer against the words of Rebbi Joshua, since Rebbi Eliezer is uniform in his rules but Rebbi Joshua splits. Rebbi Pappaeus said, I heard according to the words of both of them. If somebody dedicates explicitly, following the words of Rebbi Eliezer; if the dedication is unspecified, following the words of Rebbi Joshua.

142 According to R. Eliezer the entire property is for the upkeep of the Temple; R. Joshua excludes male unblemished animals. Also R. Eliezer treats male and female animals by the same rules.

143 He says, the animals are to be sacrifices.

144 He simply hands over his property to the Temple.
**Halakhah 9:** What is between them? The stick of a weaver’s shuttle is between them.\(^{145}\)

There is very little between them since R. Aqiba only says that R. Eliezer is more logically consistent; he does not decide that practice has to follow R. Eliezer. The weaver’s shuttle is Greek κηρκίς, -οῖος. The reading of B, “the statement of Bar Pada” does not seem to make any sense; probably it is a misreading of the version of M, “a matter of invention”, i. e., of formulation.

**Mishnah 10:** If somebody gives his property to the Temple\(^{104}\) and in it there were things fit for the altar, wines, oils, or birds. Rebbi Eleazar says, they shall be sold to people needing these kinds and from the proceeds one shall bring elevation sacrifices\(^{146}\), but the remainder of the property shall be used for the upkeep of the Temple.

Four-legged animals. Even though four-legged animals can be brought “to adorn the altar.”

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\(^{145}\) See Halakhah 9: What is between them? The stick of a weaver’s shuttle is between them.

\(^{104}\) See Mishnah 10: If somebody gives his property to the Temple.

\(^{146}\) See Mishnah 10: If somebody gives his property to the Temple.
Halakhah 10: Rebbi Abbahu in the name of Rebbi Simeon ben Lakish.

The reason of Rebbi Eleazar: speak to Aaron and to his sons, etc., who would sacrifice to the Eternal as elevation sacrifice; everything may be brought as elevation sacrifice, by your volition, unblemished, male. I could think that this includes birds. The verse says, in cattle, not birds. Rebbi Jeremiah and Rebbi Abun bar Hiyya were sitting and saying, there said Rebbi Johanan said, the reason of Rebbi Simeon is that we find that a female is qualified as elevation offering of a bird. And here, he says so? Rebbi Yose said, I confirmed it following what Rebbi Samuel said in the name of Rebbi Ze’ira: Anything which could be sacrificed neither itself nor its money’s worth is sanctified only as money’s worth. And you are saying, this is correct. You cannot sacrifice it, for it is written in cattle. You cannot redeem it since birds cannot be redeemed.

The colleagues in the name of Rebbi Johanan; Rebbi Ayvo bar Nagari said before Rebbi Ila in the name of Rebbi Johanan. The reason of this Tanna: But if any impure animal from which no sacrifice to the Eternal may be offered. Why does the verse say, impure? But even impure for this denomination. This is difficult; about this is written, he shall stand, he shall appraise? Rebbi Ze’ira in the name of Rebbi Eleazar did not say so but, but if any impure animal from which no sacrifice to the Eternal may be offered; anything which could be sacrificed neither here nor at any other place does...
not effect substitution\textsuperscript{157}. This excludes the female of a bird which even though it cannot be sacrificed here is fit to be sacrificed at another place. Rebbi Abbin and Rebbi Abun asked before Rebbi Ze'ira: Are there not the animals used for active or passive bestiality, which can be sacrificed neither here nor at any other place, and they effect substitution\textsuperscript{158}? He said to them, also I did speak only about really impure ones\textsuperscript{159}. This is difficult; about this is written, \textit{he shall stand, he shall appraise}\textsuperscript{156}?

148 Since the verse restricts elevation offerings from four-legged animals to unblemished males, it is inferred that the restriction does not apply to birds [\textit{Sifrah Emor Parashah} 7(20), \textit{Wayyiqra} I \textit{Parshata} 6(3)]. In addition, since \textit{Lev.} 1:14-17 is addressed to the individual, but \textit{Lev.} 22:18-19 to the public, it is inferred that birds as elevation offerings are possible only to the individual; the public is restricted to four-legged animals. Since a gift to the Temple is a gift to the public, birds given to the Temple as part of an estate may not be sacrificed.

149 Even though the statement is transmitted in the name of R. Simeon ben Lakish, we do not hear that R. Johanan disagrees; the statement is coming from R. Johanan’s Academy.

150 If an animal is not dedicated as sacrifice and if sold, the money cannot be used to buy an animal which can validly be dedicated (Note 119), the animal is given for the upkeep of the Temple, not to the gift account.

151 And the public to whom the bird was given may not dedicate it as sacrifice.

152 Mishnah \textit{Menahot} 12:1. Not only birds, but also dedicated wine and flour cannot be redeemed since the rules of redemption in \textit{Lev.} 27 are formulated referring to four-legged animals only.

153 \textit{Lev.} 27:11.

154 Since no impure animal can be sacrificed, either the mention of “impure” or that of “cannot be sacrificed” seems to be superfluous.

155 If an animal was dedicated in a category for which it was not appropriate, and it never could be sacrificed in that category, it never was dedicated to the altar and therefore can be redeemed.

156 \textit{Lev.} 27:12.

157 If “impure” really means “unfit”, e.g. cattle or sheep with a broken leg, it is not dedicated to the altar and must be redeemed with the money going for the upkeep of the Temple. However, it cannot be made to stand as required by the verse.

158 Tosephta \textit{Temurah} 1:12 states that dedicating such an animal, while sinful, is equivalent to dedicating an unblemished animal which after dedication becomes blemished; all rules of \textit{me'ilah} do apply and it may be redeemed only after it develops a permanent bodily defect.

159 B reads: “defective ones.”
Mishnah 11: Once every thirty days one sets the prices for the office. Anyone who accepts to supply fine flour at a rate of four, if the going rate goes up to three he has to supply at the rate of four; if at the rate of three and the going rate went down to four he has to supply at four since the hand of the sanctuary is privileged. If the flour turned out worm-infected, it was infected in his possession; and if the wine turned into vinegar it was vinegar in his possession. He is not paid until the altar did atone.

160 One lets contracts to supply the Temple with wine and flour to accompany the sacrifices. This lets the Temple set the prices for these items as explained in the next Chapter.

161 The contract is to supply 4 seah of flour for one tetradrachma.

162 During the month one could buy flour on the wholesale market only at a rate of 3 seah per tetradrachma.

163 Even if the worms were not detected at the time of delivery, only at the time of use.

164 When at the time of use the items were found to be in good order.

Halakhah 11: It was stated in the name of Rebbi Simeon: he receives his money immediately, for the priests are quick.
Mishnah 1: These are the appointees who were in the Sanctuary:\footnote{1}
Johanan ben Phineas of the seals\footnote{2}, Ahiyya of the libations, Mathew ben Samuel of the lotteries\footnote{3}, Petahiah of the nests\footnote{4}. Petahiah is Mordecai. Why was he called Petahiah? For he had original ideas\footnote{5} and explained them, and he knew seventy languages\footnote{6}.

1 The permanent officers of the Temple who organized the service which was executed by the families of the clans of Cohanim, who came to serve in turn for one week. Different in Tosephta 2:14-15.

2 As explained in Mishnah 4, a person who brings an animal as sacrifice to the Temple buys from the Temple the appropriate flour and wine offerings (as detailed in Num. 15:1-12). The “seal” (or “signature”) is a ticket stamped with one of different stamps. The worshipper buys the ticket from the keeper of seals and delivers it to the keeper of libations who then gives him the correct amount to give to the officiating priests.

3 The lotteries which distribute the different duties to the priests who came to serve for one week, as explained in Yoma Chapter 2.

4 He organizes the sale of “nests”, couples of pigeons or turtle doves, needed for several purification rites.

5 In the interpretation of biblical verses.

6 In Ezra 2:2 and Nehemiah 7:7 in the list of returnees from Babylonia one finds Mordecai Bilshan, where the traditional interpretation is to consider the second name not as an independent (Babylonian) name but an epithet “linguist” of Mordecai. (In modern Hebrew, by mispronunciation “linguist” is balshan.) A linguist is a person who knows the languages of all of the 70 peoples enumerated in Gen. 7.
7. “These are the appointees who were in the Sanctuary.” Rebbi Hizqiah said, Rebbi Simon and the rabbis. One said, he comes to enumerate the qualified ones of every generation. But the other said, he who was in a generation enumerated what was in his generation. He who said, he comes to enumerate the qualified ones of every generation, about all of them he says, the remembrance of the just is for blessing. He who said, he who was in a generation enumerated what was in his generation, about all of them he says, but the name of evildoers shall rot. About whom was said, the remembrance of the just is for blessing? About Ben Qat in and his kind.

7 This text is from the end of Chapter 3 in Yoma (Notes 238, 239), where all textual variants are noted.

8 Prov. 10:3.

9 As mentioned in Mishnah Yoma 3:11.

Rebbi Jonah said, it is written: Therefore, I shall distribute to him in public, and with the powerful he shall have part in booty, that is Rebbi Aqiba who organized interpretation of Scripture, practice, and homiletics. But some say, this refers to the men of the Great Assembly, who organized principles and details.

Rebbi Abbahu said, it is written: The families of counters, dwellers of Yabes. Why does the verse say, counters? Because they formulated the teaching numbers, numbers. “Five shall not lift heave.”
free their co-wives. "Thirty-six extirpations in the Torah. "Thirteen matters about the carcass of a pure bird." Four main categories of torts." Thirty-nine categories of work."

Rebbi Aha said, for Ezra the priest, the counter. But just as he was counting in the Torah so he was counting in the words of the Sages.

10 Is. 53:12. The verse continues: For he offered himself to death and counted the sinners. This applies to R. Aqiba who was a martyr and organized religious tradition in a systematic corpus.

11 The reading of B: Mishnah, interpretation of Scripture, and practice, seems preferable since R. Aqiba had no reputation in homiletics and as a matter of principle homiletics about biblical verses is not to be systematized.

12 They find in the work of the Great Assembly the essence of Second Temple and later rabbinic Judaism, the effort to turn the mostly disjointed statements of the Torah into a systematic code of laws.

Rebbi Hagga in the name of Rebbi Samuel bar Nahman. The earlier generations ploughed, and sowed, and weeded, and trimmed, and hoed, cut, made sheaves, threshed, winnowed, milled, sifted, made dough, kneaded, and baked. But we do not even have a mouth to eat. Rebbi Abba bar Zemina said in the name of Rebbi Ze`ira: If the earlier generations were angels, we are men; if they were men, we are donkeys. Rebbi Mana said, at that
Robbers stole the she-ass of Rebbi Phineas ben Yair at night. She was hidden with them for three days during which she did not eat anything. After three days, they took counsel to return her. They said, remove her lest she die with us. They let her out; she returned to her master's door and started braying. He said to them, open to that poor creature because for three days now she did not taste anything. They opened for her and she entered. He said to them, give her something to eat. They put oats before her but she did not eat. They said to him, rabbi, she does not want to eat. He asked them, did you put it in order? They said: Yes. He asked them, did you remove its demay? They said, did the rabbi not teach us: “He who buys seeds for animals, flour for tanning, oil for lighting, is free from demay”? He said to them, what can we do with this poor creature since she is very restrictive for herself? They removed the demay and she ate.
For robbers stole the she-ass of Rebbi Phineas ben Yair at night. She was hidden with them for three days during which she did not eat anything. They said, abandon her lest she die with us. They abandoned her; she returned to her master’s door and started braying. Rebbi Phineas ben Yair said to them, open to that poor creature because for three days now she did not taste anything. They opened for her and she entered. They put oats before her but she did not eat. They said to him, rabbi, she does not want to eat. He asked them, did you put it in order? They said, yes. Did you remove its demay? Did you not teach us: “He who gives seeds to animals is free from demay”? He said, what can we do with this poor creature since she is very restrictive for herself? They removed the demay and she ate.

22 Even though the earlier generation organized the study of religious texts in a systematic way, still we have difficulty following them.

23 From here to the end of the next paragraph the text is from Demay 1:3, Notes 131-137 (ד).

24 When a great scholar ate tevel without suspecting that it was not tithed.
Petahiah of the nests. Come and see how great the power of this man was, for he “had original ideas and explained them, and he knew seventy languages.” It was stated: A Synhedrion of which two know how to speak and all of them are able to hear is acceptable as Synhedrion. Three is average, four is wise, and in Jabneḥ there were four, Ben Azzai and Ben Zoma, Ben Hanikai and Rebbi Eleazar ben Matthew.

Rav Hisda said, once the Land of Israel was dry (and they collected from Gaggot-Serifin) [and they did not know from where to bring. There was there a mute person who put one hand on roofs and another on a shed. They brought him before Petahiah, who told them, is there a place called Gaggot-Serifin or Serifin-Gaggot? They went there and found.] Rebbi Yose ben Rebbi Abun said, once the entire world was burned and they did not know from where to bring. There was there a mute person who put one of his hands over his eyes and one hand on a door lock. They brought him before Petahiah, who told them, is there a place called `Ein-Sokher or Sokher-Ayin. They went there and found.

Three women brought their nests. One said, and one said, and one said. About the one who said, they wanted to say, her menstrual flow is like a well. He said, she was dangerously sick in her eye. About the one who said, they wanted to say, her menstrual flow is like the sea. He said, she was in danger on the sea. About the one who said, they wanted to say, she was really a zavah. He told them, a wolf came to snatch her son.

25 As a minimum two members of the Synhedrion have to be able to interrogate any witness in his own language and the rest of them have to be able to understand the answer. The Court may not use interpreters. In the Babli, Sanhedrin 17b, the reference is not to the Synhedrion as Supreme Court but to any court of criminal jurisdiction.
26 As a minimal requirement.
27 Mishnah Menahot 10:2. Serifin probably is Serafand in the plain NE of Jerusalem.
28 As spelled out in the Mishnah (and B), the problem was to find barley grain for the `omer which must be brought from the produce of the Land. Babli Menahot 64b.
29 In B: The Land of Israel. The Mishnah refers to wheat grain for the Two Breads.
30 A place near Sichem (Nablus.)
31 Since Petahiah was in charge of these, it was his duty to instruct the officiating
Cohanim in the correct way to sacrifice the birds. As obligatory offerings of a woman after prolonged menstruation as zavah, one bird is to be an elevation offering and the other a purification offering. As thanksgiving offerings both birds are elevation offerings.

32 Since עינ means both “eye” and “wellhead, spring”.

33 While in Mishnaic Hebrew עין means the state of a zavah it is asserted here that after the alef became silent it also could not carry a separate vowel. Therefore עין “wolf” became עיין and since the עי was pronounced as עי, it sounded like עין. More than 70 languages, the administrator of nests had to know all local dialects.

Mishnah 2: Ben Ahiyah for indigestion; Onias the digger of ditches, Gabinius the herald, Ben Gever for locking the doors, Ben Bevai for the oakum. Ben Arza for the cymbal, Hugdas ben Levi for the song. The family Garmu for the shew-bread, the family Eutinos for producing the incense. Eleazar for the gobelins, and Phineas the clothier.

Halakhah 2: “Ben Ahiyah for indigestion.” Since the Cohanim were walking barefoot on the floor, and were eating meat, and drinking water, they got indigestion. He knew which wine was good for the intestines and which was noxious for intestines.

34 The stone floor, which was unhealthy in winter.

35 Since the priests are obligated to eat the meat of all purification and reparation offerings in the Temple on the day of the sacrifice and the following night, and in addition to the meat they have only baked goods made from flour offerings and water, for the week of their service their diet is very unbalanced and unhealthy.
The translation is tentative. Brill reading of B, “eliminates intestines” is proposes to read “massages”. The difficult to understand.

Rebbi Aha said, but (he) [his son]38 died of thirst. 39 Rebbi a said, it is written 40 ,

anybody who says that the All-Merciful is indulgent, his fear on those near Him is greater than those far away.

To create migwaot for pilgrims to the Temple. 39 The text also is in Yom Tov 3:9 (Note 124. 3).

Reading of B and the corrector, to be deleted. 40 Ps. 50:3. 41 Ps. 89:8.

“Onias the digger of ditches.” He was digging ditches and caves37 and knew which rock cools the water and which rock was dry and how far its dryness extended. Rebbi Aha said, but (he) [his son]38 died of thirst. 39 Rebbi Hanina said, anybody who says that the All-Merciful is indulgent, his intestines shall dissolve themselves; for He is forbearing and then collects His due. Rebbi Aha said, it is written40, His surroundings are very hairy. He is exact with them like a hair’s width. Rebbi Yose said, not because of this reason, but because what is written41, He is awesome on His surroundings, His fear on those near Him is greater than those far away.

36 The translation is tentative. Brill reading of B, “eliminates intestines” is proposes to read “massages”. The difficult to understand.

37 To create migwaot for pilgrims to the Temple.

38 Reading of B and the corrector, to be deleted.
Rebbi Haggai in the name of Rebbi Samuel bar Nahman: It happened that a pious person used to dig cisterns, ditches, and caves for travellers. Once, his daughter travelled to marry and she was swept away by a river. All the people came to him and wanted to console him, but he refused to be consoled. Rebbi Phineas ben Yair came to him and wanted to console him, but he refused to be consoled. He told them, is that your pious man? They said to him: Rabbi, such and such he did, such and such happened to him. He replied: It is impossible that he would honor his Creator by water and He hurts him by water! Immediately, there started a rumor in the town that the man's daughter had returned. Some say, she got trapped in a hedge of thorns, others say that an angel came in the appearance of Rebbi Phineas ben Yair and saved her.

42 This also is from Demay 1:3 (Note 150) and similarly in Deut. rabba 3.

43 Missing in B.

Gabinius the herald." He was announcing in the Temple. What did he say? “The Cohanim to the service, and the Levites to the podium, and Israel to stand by.” King Agrippas heard his voice at a distance of eight parasangs and gave him rich gifts.

44 To sing at the daily sacrifices.

45 Representing the entire people for whom the sacrifices were brought, in later Second Temple times a delegation of the people from the district of the week’s Cohanim was present during the offering of the daily sacrifices.

46 Using Egyptian measures this would be about 36 km. B (but not M) reads “one parasang”, about 4.5 km.
“Ben Gever for locking the doors.” Rav explained for the House of Rebbi Shila, “when gever called” as “when the herald proclaimed.” They said to him, “when the rooster called.” He said to them, “did we not state ‘Ben Gever’? Could you say, ‘the son of the rooster’?”

47  Mishnah Yoma 1:8.

“Ben Bevay for the oakum, he was threading the wicks.” Rebbi Yose went up to Kufra and wanted to appoint providers there, but they did not accept. He came and said before them: “Ben Bavai over the oakum.” If this one had been appointed over the wicks and therefore merited to be counted with the leaders of his generation, you who are being appointed over the lives of people, so much more.

48  This is from Yoma 2:2, Note 106.
49  This text is from Peah 8:7, Notes (א). 50 Overseers of charity.
“Ben Arza for the cymbal;” as we have stated there\textsuperscript{51}, “the executive officer waves a sheet and Ben Arza plays the cymbal.”

“Hugdas ben Levi for the song.” Rebbi Aha said, he knew a special melody. When he put his thumb in his mouth he produced all kinds of sounds and the heads of his fellow Levites were taken aback.

The family Garmu were experts in preparing the shew-bread and its removal from the oven, but they did not want to teach. They sent and brought craftsmen from Alexandria who were experts in preparing the shew-bread but were not experts in its removal from the oven. The family Garmu were heating from within and removing from the outside, and it did not become moldy. But those were heating from the inside and removing from the inside, and it became moldy. When the Sages realized this situation, they said, everything which the Holy One, praise to Him, created, he created to His glory; \textit{all work of the Eternal is for Himself}\textsuperscript{63}. They sent after them, but they refused to come until they doubled their wages. They used to take twelve mina, so they gave them twenty-four. Rebbi Jehudah says, they used to take 24, so they gave them 48. They asked them, why do you not want to teach? They answered them, there is a tradition among us from our forefathers that this Temple will be destroyed in the future. Others should not learn and prepare the same before their foreign worship. In the following matter one mentions them for praise, that in the hands of their children white bread was never found, so people should not say, from the preparation of shew-bread they are eating.
“The family Eutinos were experts in preparing the incense and the smoke-creating herb, but they did not want to teach. They sent and brought craftsmen from Alexandria who were experts in preparing the incense but were not experts in the smoke-creating herb. The family Eutinos’s was going straight up, and spread, and descended. But theirs was immediately spreading. When the Sages realized the situation, they said, everything which the Holy One, praise to Him, created, he created to His glory; as it is said⁵⁴, all which is called by My Name, etc. They sent after them, but they refused to come until they doubled their wages. They used to take twelve mina, so they gave them twenty-four. Rebbi Jehudah says, they used to take 24, so they gave them 48. They asked them, why do you not want to teach? They
answered them, there is a tradition among us from our forefathers that this Temple will be destroyed in the future. Others should not learn and prepare the same before their foreign worship. In the following matter one mentions them for praise, that no woman of any of them ever went out perfumed. Not only that, but if one of them married a woman from outside, he contracted with her that she should not use perfume, [that one should not say, they perfume themselves from the compounding of incense, to confirm what is said, you shall be innocent in the eyes of the Eternal and of Israel.]

Rebbi Yose said, I found a child of the family Eutinos. I said to him, my son, from which family are you? he told me, from family X. I said to him, my son, because your forefathers intended to increase their prestige and to decrease Heaven’s prestige, therefore their prestige was diminished and Heaven’s prestige increased. Rebbi Aqiba said, Simeon ben Lagos told me, I was collecting herbs, I and a youth from the family Eutinos, when I saw him crying and laughing. I said to him, my son, why did you cry? He said to me, about the prestige of my family which is diminished. And why did you laugh? About the glory prepared for the Just in the future world. [What did you see?] There is smoke-creating herb before me! I said to him, my son, show it to me. He answered me, I have a tradition from my ancestors not to show it to any creature.’ Rebbi Johanan ben Nuri said, I met an old man from the family Eutinos [who held a scroll about chemicals.]. He said to me, ‘Rabbi. In the past my family were humble, and transmitting this scroll one to the other. But now they are not trustworthy; here the scroll is yours and take care of it.’ When I came and repeated these words before Rebbi Aqiba, his tears flowed and he said, from now on we do not have to mention them for shame.

51 Mishnah Tamid 7:3.
52 This and the next paragraphs are from Yoma 3:8, Notes 225-235, where also the differences in readings are noted. The additions of the corrector in the story of the family Eutinos are from B.
53 Prov. 16:4.
54 Is. 43:7.
Eleazar for the gobelins,” he was appointed to oversee the weavers of the gobelins. “Phineas the clothier.” He clothed the garments of the High Priesthood. It happened that a Cohen dressed a general who gave him 8 pieces of gold, and some say, he gave him twelve.

Mishnah 3: One does not appoint less than seven overseers and three treasurers, and one does not appoint less than two persons to an executive office spending money, except Ben Ahiyah for indigestion and Eleazar for the gobelins, for these the public accepted.

Greek στρατιωτικός.

55 Greek στρατιωτικός.

56 In the Temple. The etymology of the word seems to be “he commands everything.”

57 In the Temple.

58 This includes treasurers of public funds outside the Temple.

59 The Temple had to pay for Ben Ahiyah’s prescriptions and Eleazar’s assignments for work delivered on their signature alone, without co-signer.
Halakhah 3: “One does not appoint less than three treasurers and seven overseers.” It was stated: And two katholikoi. That is what is written, and Yehiel, and Uzziahu, and Mahat, treasurers; and Asael, and Yerimot, and Yozavad, and Eliel, and Samkhiahu, and Mahat, and Conaiahu, overseers, officers supervised by Konaniahu and his brother Simei, katholikoi; appointed by King Yehizkiahu and Azariahu the governor of God’s House, King and High Priest.

When he seals, the treasurer seals and gives it to the overseer. The overseer seals and gives it to the katholikos. The katholikos seals and gives it to the High Priest. The High Priest seals and gives it to the King. And if the break the seals, the King sees his seal and breaks it. The High Priest sees his seal and breaks it. The katholikos sees his seal and breaks it. The overseer sees his seal and breaks it. The treasurer sees his seal and breaks it.

60 In imitation of the financial administration of the Roman Empire which at the Emperor’s court was directed by the katholikoi.

61 2Chr. 31:13, misquoted (but less badly than in B.) Description of Ezekias’s Temple organization.

62 Money bags.

62a In all cases, B reads “recognizes” instead of “breaks.”

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60 In imitation of the financial administration of the Roman Empire which at the Emperor’s court was directed by the katholikoi.

61 2Chr. 31:13, misquoted (but less badly than in B.) Description of Ezekias’s Temple organization.
“One does not appoint less than two persons to an executive office spending money.” Rebbi Nahman in the name of Rebbi Mana: Following\textsuperscript{63} they should take\textsuperscript{64} the gold, and the blue wool, and the purple wool.

\textsuperscript{65}Rebbi Hama ben Rebbi Hanina said, Moses got rich from the refuse of the tablets. That is what is written\textsuperscript{66}, cut for yourself two stone tablets. \textit{Cut for yourself}\textsuperscript{667}, the refuse shall be yours. Rebbi Hanin said, The Holy One, praise to Him, created\textsuperscript{68} a quarry of precious stones and pearls in his tent, and from this Moses got rich.

\textsuperscript{69}It is written\textsuperscript{70}, they looked after Moses until he reached the Tent. Two Amoraim, one says for shame, the other one says for praise. He who says for shame, “look at the thigh, look at the feet, look at his flesh. He eats from the Jews, and drinks from the Jews, everything he has is from the Jews.” He who says for praise, to see the just ones is meritorious [great for one who was worthy to see him.]

\textsuperscript{63} Ex. 28:5.

\textsuperscript{64} Formulated in the plural; one never lets public property be used by a single person. Babli \textit{Bava Batra} 8b.

\textsuperscript{65} Babli \textit{Nedarim} 38a, \textit{Tanhumah Eqev} (9), \textit{Ex. rabba} 46(2).

\textsuperscript{66} Ex. 34:1.

\textsuperscript{67} Identifying the biblical Hebrew root פסס “to cut stone” with the Mishnaic Hebrew “to disqualify” (Arabic ﺔﺊ ﺔ “to be of bad quality.”) The parallel sources indicate that the tablets were of sapphire.

\textsuperscript{68} B: uncovered.

\textsuperscript{69} \textit{Tanhumah Ki Tissa} 26, Babli \textit{Qiddushin} 33b. A slightly differently arranged text is \textit{Bikkurim} 3:3. This text shows that the corrector’s addition [in brackets] is from B; it is missing in the Yerushalmi sources and M.

\textsuperscript{70} Ex. 33:8.
Mishnah 4: Four stamps were in the Temple; on them was written calf, ram, lamb, sinner. Ben Azzai says, there were five, and Aramaic was written on them, calf, ram, lamb, poor sinner, rich sinner. “Calf” serves for the libations of cattle, large or small, male or female. “Lamb” serves for the libations of sheep and goats, large or small, male or female, except for rams. “Ram” only serves for the libations with a ram. “Sinner” serves for the three animals of the sufferer from skin disease.

61 As explained in the next Mishnah, with these tickets one bought the prescribed amounts of flour, oil, and wine, prescribed for each kind of sacrifice (Num. 15:1-16.)

62 3/10 of an ephah of flour, half a hin of olive oil and half a hin wine. An ephah is 3 seah; in the Roman system (Mishnah Kelim 17:11) a cadus of about 38 l. A hin is half a seah; half a hin is a Roman congius of about 3.2 l. The basic fluid measure is the log (sextarius) of about .53 l; half a hin are 6 log.

63 1/10 ephah of flour, 1/4 hin of oil and wine.

64 2/10 ephah of flour, 1/3 hin (4 log) each of oil and wine. A ram is a male sheep older than 13 months (Mishnah Parah 1:3)

65 The rich healed sufferer from skin disease had to bring 3 sheep and an extra log of oil, in total 3/10 of an ephah of flour, 10 log of oil, and 9 log of wine. As explained in the Halakhah, the anonymous majority holds that the poor healed sufferer from skin disease, who had to bring only one sheep, buys the ticket for the sheep and brings the extra log of oil with him. Since skin disease led to social ostracism, it is not mentioned on the ticket.
Halakhah 4: And following Ben Azzai, why the [poor] sinner? He brought his log with him, and following the rabbis he brings a lamb. What are the libations for a mother sheep? Since we stated, “‘lamb’ serves for the libations of sheep and goats, large or small, male or female,” this implies that the libations of a mother sheep are like the libations of a lamb. It is written, so you shall do for one bull, or for one ram, or an animal from sheep or goats.

This tells that He did not differentiate between libations for a calf and libations for a bull. Since one could argue, an animal from the flock needs libations, a bovine animal needs libations. Since we find that He distinguished between the libations for a sheep and the libations for a ram, so we should differentiate between libations for a calf and libations for a bull. The verse says, so you shall do for one bull; this implies that He did not distinguish between libations for a calf and libations for a bull. Why was it said, or for a ram? Since one could argue, if we find that He differentiated between libations for a yearling and libations for a two-year old, so we should differentiate between libations for a two-years old and a three-years old. The verse says, or for one ram. Why was it said, or for an animal from sheep? Since one could argue, if we find that He differentiated between libations for a sheep and libations for a ram, so we should differentiate between libations for a young female sheep and libations for a mother sheep. The verse says, or for an animal from sheep. Why was it said, or a goat? Since one could argue, if we find that He differentiated between libations for a sheep and libations for a ram, so we should differentiate between libations for a kid goat and libations for a bellwether. The verse says, or for a goat, it compared the smallest kid...
goat to the largest bellwether. Since one needs three \( \text{log} \), so the other needs three \( \text{log} \).

Text of B
And following Ben Azzai, why the poor sinner? He brings the libations of three sheep, he brings a lamb. The libations for a mother sheep? Since it is written, \textit{so you shall do for one bull, or for one ram, or an animal from sheep}. Why is it written, \textit{so you shall do for one bull}? Since one could argue, an animal from the flock needs libations, a bovine animal needs libations. We find that the verse distinguished between the libations for a calf and the libations for a sheep, so we should differentiate between libations for a yearling and a two-year old. The verse says, \textit{or for one ram}. Why was it said, \textit{or for an animal from sheep}? Since one could argue, if we find that He differentiated between libations for a calf and the libations for a sheep, so we should differentiate between libations for a young female sheep and libations for a mother sheep. Why was it said, \textit{or an animal from sheep or goat}? Since one could argue, if we find that He differentiated between libations for a calf and libations for a sheep, so we should differentiate between libations for a kid goat and libations for a bellwether. The verse says, \textit{or for a goat}, the largest kid goat is like the smallest bellwether. Since one needs three \( \text{log} \), so the other needs three \( \text{log} \).

76 Corrector’s addition from B.
77 As explained in Note 75.
78 Since there is a difference between the libations needed for a young male sheep and those for an adult male, why does one not make the same distinction for females?
79 Num. 15:11.
80 Sifry Num. 107.
81 The distinction by age applicable to sheep is not applicable to goats.
82 According to the rabbis, why does the rich healed sufferer from skin disease not buy tickets for three sheep and brings the additional \( \text{log} \) of olive oil from home? Then only three stamps would be necessary. Ben Azzai’s position is more logical.
83 The following is a shortened version of the Yerushalmi text, confirmed by M.

Mishnah 5: If somebody needs libations he goes to Johanan who is overseeing the stamps, gives him the money, and receives a ticket from him. He goes to Ahiiyya who is overseeing the libations, gives him the ticket, and receives the libations from him. In the evening they come together, Ahiiyya
produces the tickets and receives money correspondingly. If there was a deficit, it is his deficit and Johanan has to pay from his own. But if there was excess it belongs to the Temple since the hand of the Temple is privileged.

Mishnah 6: If somebody lost his ticket, one lets him wait until the evening. If they find for him corresponding to his ticket one gives to him; otherwise one does not give to him. The date was written on it because of the tricksters.

84 Johanan and Ahiya.
85 Since he not only handed out the materials but also bought them for the Temple from wholesalers.
86 Johanan’s.
87 If more money was taken in than the value of the libations handed out.
88 If a person notified the authorities that he had lost his ticket and the daily accounting at the end of the day showed that libations in the value of what he claimed was his ticket remains after the other claims had been paid, the difference is not declared as excess but is used to provide him with his libations. Otherwise he has lost his money.
89 The ticket was valid only one day so nobody could claim that he had lost his ticket, and if he was lucky got his libations without paying, and then presented the ticket on another day.

Halakkhah 5: Think of it, if he matched it with that day! The name of the watch was written on it. Think of it, if he matched the watch. The name of the day, the week, and the month was written on them; then it is impossible to match.

90 Writing the day of the week on the ticket will not defeat the trickster who will wait just one week to cash in on his ticket.
91 The name of the one of 24 priestly watches which serves in the week of this particular sacrifice.
92 The ticket will be valid again in another 24 weeks.
93 The week is named after the portion to be read from the Torah on the following
Sabbath.

94 Since the length of the lunar/solar year varies between 50 and 55 weeks, even with a computed calendar it will take very many years before the same watch will officiate again in the same week, and without a computed one it is totally impossible to predict the recurrence of this match.

Mishnah 7: Two lodges were in the Temple, one the silence lodge and one the vessel lodge. The silence lodge: Silently did sin-fearing people contribute there and poor people from good families were supported from there in silence. The vessel lodge: Anybody who vowed a vessel throws it in there. Once in 30 days the treasurers open it. Any vessel which they deem is needed for the upkeep of the Temple they keep, but the remainder is sold and their proceeds belong to the lodge of upkeep of the Temple.

Halakhah 6: Rebbi Jacob bar Idi and Rebbi Isaac bar Nahman were providers and gave a denar to Rebbi Hama the father of Rabbi Oshaia, but he gave it away to others. All were saying evil things about Rebbi Zachariah, the son-in-law of Rebbi Levi; they said that he was taking while he did not need it. When he died, they checked and found that he was splitting it up for others.
Rebbi Hinnen bar Pappos used to distribute his charity in the night. Once the prince of spirits encountered him. He said to him, did not our teacher teach us: *Do not displace your neighbor’s boundaries*? He said to him, but is it not written, *a gift in secret appeases anger*? He was afraid of him and fled from him.

Rebbi Jonah said, it is not written, “hail to him who gives to the needy,” but: *hail to him who is considerate to the needy*; this refers to him who fulfills this commandment intelligently. How did Rebbi Jonah do it? When he saw a son of a prominent family who had lost his property, he used to say: My son, since I heard that an inheritance fell to you at another place, take and you will pay back. When he had taken it, he said to him, it is a gift.

Rebbi Hiyya bar Ada said, in our days there were old people who used to take if somebody gave to them between New Year’s Day and the Great Fastday. After that, they were not taking. They said, there is permission for us.
Nehemiah from Shihin met a Jerusalemite who said to him, acquire merit by giving me a chicken. He said to him, here is its value, go buy red meat; he bought, ate and died. He said, come and eulogize him whom Nehemiah killed.

Nahum from Gimzo was carrying a gift to the house of his father-in-law when he met a person afflicted with boils who asked him, acquire merit from what you have on you. He said to him, when I shall return. He returned and found him dead. He said before him, his eyes which saw you and did not give to you shall go blind, his hands which did not stretch out to give to you shall be cut off, his feet which did not run to give to you shall be broken. This happened to him. Rebbi Aqiba came to visit him and said, woe to me that I see you in this state. He answered, woe to me that I do not see you in this state. He asked, why do you curse me? He answered, why are you contemptuous of suffering?
Sir, do not be angry with me. Since I had guests, I did not want to risk inviting him to eat with me every day. One day there were guests and he did not see; He Who sees but is not seen may be appeased by you and do good for him the following prayer: You did a good deed for one who is seen but does not see; may He be appeased by you Who sees but is not seen. He asked him, from where do you have this? He said, from Rebbi Eliezer ben Jacob. For there came a blind man to Rebbi Eliezer ben Jacob's town; Rebbi Eliezer ben Jacob sat below him so that they should say if he were not a great person, Rebbi Eliezer ben Jacob would not sit below him. They provided for him in honor. He asked them, what is this? They told him, because Rebbi Eliezer ben Jacob sat below you. He prayed for the following prayer: You did a good deed for one who is seen but does not see; may He be appeased by you Who sees but is not seen.
Rebbi Hama bar Hanina and Rebbi Hoshiaiah were strolling through the synagogue of Lod. Rebbi Hama bar Hanina said to Rebbi Hoshiaiah: How much money did my forefathers invest here? He answered him: How many souls did your forefathers invest here, there is no one in here who studies Torah!  

Rebbi Abun made doors for the main house of study. Rebbi Mana came to him; he said to him, look what I did. He told him, Israel forgot its Creator  

Clarification. Rebbi Hama bar Hanina and Rebbi Hoshiaiah were strolling through the synagogue of Lod. Rebbi Hama bar Hanina said to Rebbi Hoshiaiah: How much money did my forefathers invest here? He answered him: How many souls did your forefathers invest here, there is no one in here who studies Torah!  

The following text (except the last paragraph) also is found in Peah 8:9, Notes 149-167 (א). Also there exists a Genizah text from here to Chapter 7 (א). Administrators of the welfare fund. Deut. 19:14. Prov. 21:14. Ps. 41:2.  

The corrector’s addition in this paragraph is necessary as shown by the parallels.  

In B: How many souls did your forefathers lose here, are there no ones here who study Torah?  

Support of needy students is more important than great buildings on campus.
It was stated: Altar *sancta* take what is appropriate for them from *sancta* of upkeep of the Temple. *Sancta* of upkeep of the Temple do not take what is appropriate for them from altar *sancta*. But did we not state, “any vessel which they deem is needed for the upkeep of the Temple they keep, but the remainder is sold and their proceeds fall into the lodge of upkeep of the Temple”? Rebbi Hizqiah said, so is the Mishnah: in case of need from the lodge of upkeep of the Temple.

**Text of B**

It was stated there: Altar *sancta* take what is appropriate for them from Temple *sancta*. Rebbi Hyya said, so is the baraita: Altar *sancta* take what is appropriate for them from *sancta* of upkeep of the Temple, *sancta* of upkeep of the Temple take what is appropriate for them from altar *sancta*. But did we not state, “any vessel which they deem is needed for the upkeep of the Temple”? So is the Mishnah, for the upkeep of the Temple they keep, but the remainder is sold. Rebbi Hizqiah said, for the lodge of upkeep of the Temple.

106 As stated in Mishnah 4:7, if unblemished animals are donated for the upkeep of the Temple, the animals themselves are taken as sacrifices. But if animals dedicated to the altar develop a blemish, they have to be sold and the money given for the upkeep of the Temple; they cannot be used directly. The same holds. e.g., for stones donated for the upkeep of the Temple but needed to repair the altar, which can be used directly, but stones donated to repair the altar and not needed, which cannot be used at other places in the Temple domain but must be sold; the money then may be used to buy replacement stones.

107 This implies that vessels needed for the service of the altar cannot be used directly but must be sold and other vessels bought in their stead.

108 For any need, including the altar.

109 This terminology introduces a quote from a Mishnah, but there is no such Mishnah. It is seen that the text is a rather badly mutilated copy of the Leiden text.

110 In M: R. Aha.
Mishnah 1: Thirteen horns, thirteen tables, and thirteen prostrations were in the Temple. The family of Rabban Gamliel and of Rebbi Hanania the Second in Command of the priests were prostrating themselves fourteen times. And where was the additional one? In front of the storage room of the wood since they had a tradition from their forefathers that there the Ark was hidden.

Mishnah 2: It happened that a Cohen was occupied when he saw that a floor tile was different from the others. He went to tell it to a comrade but could not finish speaking before his soul left him; then they knew with certainty the the Ark was hidden there.

“Thirteen horns,” etc. It was stated: these horns were curved; narrow on top and wide on the bottom because of the tricksters¹.

¹ The “horns” were chests for the money given to the Temple for various reasons, as detailed in Mishnah 7. A person putting money into one of the chests could not put his hand into it, he had to let the coins drop in from the top.
It was stated in the name of Rebbi Eliezer: "The Ark was deported with them to Babylon. What is the reason? There will not remain a word. Word refers only to what contains the Words. And so it says, at the turn of the year king Nebuchadnezzar sent and brought him to Babylon with the desirable vessels of the Eternal’s House. What are the desirables of the Eternal’s House? This is the Ark. Rebbi Simeon ben Laqish said, at its place it was hidden. That is what is written, the poles were long; the tips of the poles were seen in the Sanctuary, in front of the Hall, but were not seen outside, and were there until this day." It is written, were seen, and you are saying, but were not seen. They protrude and stick out like a woman’s breasts. But the rabbis say, the Ark was hidden in the storage room of the wood.

2 Tosephta 2:18; Babli Yoma 53b.
3 2K. 20:17.
4 2Chr. 36:10. In the Tosephta this is the reason given by R. Simeon (ben Yohay) in support of R. Eliezer.
5 This name of an Amora is impossible in a Tosephta. B has R. Jehudah bar Ilay; the Tosephta R. Jehudah ben Laqish (a fifth generation Tanna). Also quoted in Sefer Wehizhir p. 92a.
6 1K. 8:8.
7 The additional words are only in 1 and the Tosephta; they are the reason for ben Laqish’s statement.
8 This argument only explains the wording of the verse, explaining that the ends of the poles with which the Ark was carried were noticed on the gobelin between the Sanctuary and the Holiest of Holies. Babli Yoma 54a in the name of Rav Jehudah.
It happened that a blemished Cohen was splitting wood in the storage room of the wood and saw a floor plate different from the others. He came and said to a colleague, come and see this floor plate which is different from the others. They did not finish the matter before his soul left him; then they knew that there the Ark was hidden. Rebbi Hosaia stated: He hit on it with a sledgehammer; fire erupted and burned him.

9 This and the next sentences are missing in B and M; the full text is quoted by Sefer Wehizhir (p. הד); a slightly different full version is in Babli Yoma 54a.

10 B and M: It was stated in R. Hosaia’s name.

It was stated: “Rebbi Jehudah ben Laqish says, two arks were travelling with Israel in the desert; one in which the Torah was deposited and one in which the broken pieces of the tablets were deposited. The one in which the Torah was deposited was put into the Tent of Meeting; that is what is
written: Moses and the Ark of the Eternal's covenant did not move from the camp. The one in which the broken pieces of the tablets were deposited was going out and coming in with them. But the Rabbis say, it was only one, and once it went out in the days of Eli and was taken prisoner. A verse supports the Rabbis: Woe to us, who will save us from this mighty god? A word which shows that they never had seen it before. A verse supports Rebbi Jehudah ben Laqish: Saul said to Ahiya: present God's Ark. But was the Ark not at Qiryat Ye'arim? What do the rabbis do with it? 'Present to me the High Priest's diadem' Another verse supports Rebbi Jehudah ben Laqish: The Ark, Israel, and Jehudah, dwell in huts. Was the Ark not in Zion? What do the rabbis with it? The straw roof cover that was in the walls, since the Temple was not yet built.

11 From here to the end of the Halakhah the text is from Sotah 8:3 (Notes 43-130, S), where all references to the Babli are given.
12 Num. 14:44.
13 Sifry Num. #82, referring to Num. 10.33.
14 IS. 5:8.
15 IS. 14:18.
16 This is the correct interpretation, as explained at the end of Yoma Chapter 7, not "ephod" following LXX and many moderns.
17 2S. 11:11.
neither you nor your fathers had known, he started and hid it. That is what is written: *He said to the Levites, who instruct all of Israel, the ones holy to the Eternal, put the Ark into the House that Salomon, son of David, King of Israel, built; you do not have to carry it on your shoulder.\"* He said, if it is exiled with you to Babylonia, you will never return it to its place. **But now, serve the Eternal, your God, and his people Israel.**

The preparation of the anointing oil. *Take for yourself select spices, etc.* and *cassia 500, etc., altogether 1500 parts.* **And olive oil one hin,** that is twelve log, in which the roots were cooked, the words of Rebbi Meir. Rebbi Jehudah says, he cooked them in water, then poured the oil on them, and when it had absorbed the fragrance one removed it, just as the perfumers do. That is what is written: *holy anointing oil, etc.*

\[18\]Rebbi Jehudah bar Ilay stated: The anointing oil made by Moses in the desert was from the start to the end a work of wonders, since there were only...
twelve log to start with, as it was said, *and olive oil one hin*. It would not have been enough to rub the wooden planks with it; so much more since the fire swallows, wood absorbs, and the kettle absorbs! From it the Tabernacles and all its vessels were anointed, the table and its vessels, the candelabrum and all its vessels. From it Aaron and his sons were anointed all of the seven days of induction, from it all high priests and kings were anointed. A king who is first needs anointing, a king who is a king’s son does not need anointing. [What is the reason? *Do anoint him, for this one is it*][19], this one needs anointing but his son does not need anointing.] But a High Priest who is the son of a High Priest needs anointing, even for ten generations. Nevertheless, it is all there for the future; that is what is written, *a holy anointing oil will this be for Me, for all your generations*.
One anoints kings only at a spring, as it was said: Let Solomon, my son, ride on my mule and take him down to the Gihon; there Šadoq the priest and Nathan the prophet shall anoint him as king over Israel. One anoints kings only because of disputes. Why was Solomon anointed? Because of the dispute of Adoniahu, Joash because of Athaliah, Jehu because of Joram. Is it not written, do anoint him, for this one is it, this one needs anointing, but the kings of Israel do not need anointing? But Joahaz because of his brother Joiakim who was two years his elder. But did not Josiah hide it? That means that they anointed with balsamum. One anoints kings only from a horn. Saul and Jehu were anointed from a can because their kingdom was temporary; David and Solomon were anointed from a horn because their kingdom was permanent. One does not anoint priests as kings. Rebbi Jehudah Antordiya said, because the scepter shall not be removed from Jehudah. Rebbi Hiyya bar Ada said, because he shall have many days of his kingdom, he and his sons in the midst of Israel. What is written after that? The levitic Cohanim should not.

Rebbi Johanan said, Johanan is Joahaz. But is it not written: The first born Johanan, the first in kingdom. Rebbi Johanan said, Shallum is Sedekiah. But is it not written, the third Sedekiah, the fourth Shallum? Sedekiah, the third in birth, the fourth in kingdom. Sedekiah, because he accepted the judgment on himself, Shallum, because in his days the dynasty of David was completed. His name was neither Shallum nor Sedekiah but Mattaniah. That is what is written: The king of Babylon made his uncle Mattaniah king in his stead and changed his name into Sedekiah.

22 1K. 1:33-34.
23 Corrector’s addition from B, not found in Yerushalmi sources. The mention of Jehu shows that the scribe’s text is the correct one.
24 The anointing oil. Therefore none of Josia’s sons could be anointed with the anointing oil.
25 Text missing in B but implied by R. Hiyya bar Ada.
Who stated “a cubit of six hand-breaths“? This is Rebbi Meïr’s. [As we have stated\(^\text{33}\): “Rebbi Meïr says, all cubits were of buildings; Rebbi Jehudah says, the cubit of buildings six, of vessels five.”] According to Rebbi Meïr who says that the Ark was made with a cubit of six hand-breaths, the length
of the Ark was fifteen cubits, as it is written:\textsuperscript{34} \textit{Its length two cubits and a half.} Each cubit was six and half a cubit three. Four tablets were in it, two whole ones and two broken ones, as it is written:\textsuperscript{35} \textit{Which you broke and put into the Ark.} Each of the tablets was six hand-breadths in length and three in width. Put the widths of the tablets in the length of the Ark, there were three hand-breadths left. Apply them to the cylinder:\textsuperscript{36} [On each side half a hand-breadth to have a handle, and two hand-breadths as place to put there the Torah scroll.]\textsuperscript{37} The width of the Ark was nine hand-breadths, as it is written: \textit{A cubit and half a cubit.} A cubit six and half a cubit three. Four tablets were in it, two whole ones and two broken ones. Each of the tablets was six hand-breadths in length and three in width. Put the lengths of the tablets in the length of the Ark, there were three hand-breadths left. On each side half a hand-breadth to have a handle, and two hand-breadths as a place to put there the Torah scroll.

Text of B
Rebbi Johanan said, the Ark was made with a cubit of six hand-breadths. This is Rebbi Meïr’s as we have stated: “Rebbi Meïr says, all cubits were average; Rebbi Jehudah says, the cubit of buildings six, of vessels five.” According to Rebbi Meïr who says that the Ark was made with a cubit of six hand-breadths, the length of the Ark was fifteen cubits, as it is written: \textit{Its length two cubits and a half.} Each cubit was six and half a cubit three. Four tablets were in it, two whole ones and two broken ones, as it is written: \textit{Which you broke and put into the Ark.} Each of the tablets was six hand-breadths in length and six in width:\textsuperscript{38} Put the lengths of the tablets in the length of the Ark, there were three hand-breadths left. On each side half a hand-breadth to have a handle, and two hand-breadths as a place to put there the Torah scroll. The width of the Ark was nine hand-breadths, as it is written: \textit{A cubit and half a cubit.} A cubit six and half a cubit three. Four tablets were in it, two whole ones and two broken ones, as it is written: \textit{Which you broke and put into the Ark.} Each of the tablets was six hand-breadths in length and six in width. Put the widths of the tablets in the width of the Ark, there were three hand-breadths left. On each side half a hand-breadth to have a handle, and two hand-breadths as a place to put there the Torah scroll.

33 Mishnah \textit{Kelim} 17:10. 34 \textit{Ex.} 25:10. 35 \textit{Deut.} 10:2. 36 The Torah scroll. 37 Corrector’s addition from B, to be deleted. 38 This is the Babli teaching; \textit{Bava batra} 14a, \textit{Nedarim} 38a, \textit{Menahot} 99a, mentioned in the Yerushalmi text later, that the tablets were rectangular solids with square base.
Ark is seven and a half hand-breadths, as it is written, each of the tablets was six hand-breadths in length and three in width. Put the lengths of the tablets in the width of the Ark, there was and put into the Ark...

Rebbi Simeon ben Laqish said, the Ark was made using a cubit of five hand-breadths. Who stated “a cubit of five hand-breadths”? This is Rebbi Jehudah. As we have stated there: “Rebbi Jehudah says, the builders' cubit was of six hand-breadths, but that of vessels five hand-breadths.” And the Ark is a vessel. According to Rebbi Jehudah who says that the Ark was made with a cubit of five hand-breadths, the length of the Ark was twelve and one half cubits, as it is written: Its length two cubits and a half. Each cubit was five and half a cubit two and one half. Four tablets were in it, two whole ones and two broken ones, as it is written: Which you broke and put into the Ark. Each of the tablets was six hand-breadths in length and three in width. Put the lengths of the tablets in the length of the Ark, there remains there half a hand-breadth. One finger’s thickness for the wall on either side. The width of the Ark was seven and a half hand-breadths, as it is written, Its width a cubit and half a cubit. A cubit five and half a cubit two and a half. Four tablets were in it, two whole ones and two broken ones, as it is written: Which you broke and put into the Ark. Each of the tablets was six hand-breadths in length and three in width. Put the lengths of the tablets in the width of the Ark, there was...
one and a half hand-breadths left. 39 One finger's thickness for the wall on either side and on each side half a hand-breadth to have a handle.

Text of B
Rebbi Simeon ben Laqish said, the Ark was made using a cubit of five hand-breadths. Who stated "a cubit of five hand-breadths"? This is Rebbi Jehudah’s. According to Rebbi Jehudah, the length of the Ark was twelve and one half cubits, as it is said: Its length two cubits and a half. Each cubit was five and half a cubit two and one half. Four tablets were in it, two whole ones and two broken ones, as it is said: Which you broke and put into the Ark. Each of the tablets was six hand-breadths in length and six in width. Put the lengths of the tablets in the length of the Ark, there was half a hand-breadth left. One finger's thickness for the wall on either side. The width of the Ark was seven and one half hand-breadths, as it is said: A cubit and half a cubit. The tablets were of width six. Put the width of the tablets in the width of the Ark, there were one and a half hand-breadths left. Take from there one and a half finger's thickness for the wall on either side, then on each side half a hand-breadth is left to have a handle.

39 This sentence is not a continuation of the preceding text but the conclusion of an additional argument about the width of the Ark, reproduced in B and Sotah.

How did Besalel make the Ark? Rebbi Hanina said, he made three boxes, two of gold and one of wood. He put (the one of wood inside one of gold and) one of gold inside the one of wood, [and the one of wood inside the other one of gold] and covered it, as is written: You shall cover it with pure gold inside and out. Why does the verse say, you shall cover it? To include the upper rim. Rebbi Simeon ben Laqish said, he made one box and gilded it, as is written: You shall cover it with pure gold inside and out. Why does the verse say, you shall cover it? Rebbi Phineas said, also between the planks.
How were the tablets written? Rebbi Hanania ben Gamliel says, five on one tablet each. But the rabbis say, ten on each tablet, as it is written:

*He informed you of His covenant which He had commanded you to do, the ten words, ten on each tablet.*

Rebbi Simeon ben Yoḥai said, twenty on each tablet:

*He informed you of His covenant which He had commanded you to do, the ten words, twenty on each tablet.*

Rebbi Simai says, forty on each tablet:

*He informed you of His covenant which He had commanded you to do, the ten words, twenty on each tablet.*

Hananiah, the son of Rebbi Joshua’s brother, says: Between every two commandments, the details and the letters of the Torah were written.

*Filled with tarsis,* like the Great Sea. When Rebbi Simeon ben Laqish had occasion to discuss this verse, he said, Hananiah, the son of Rebbi Joshua’s brother, did teach us correctly. Just as in the sea there are small waves between a large wave and the next, so between any two commandments there are the details and the letters of the Torah.

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40 Ex. 25:11. As usual, the proof is by the part of the verse not quoted: *You shall cover it, with pure gold inside and out you shall cover it,* implying separate covers.

41 This minority opinion is everywhere accepted in depictions of the tablets.

42 Deut. 4:13.

43 The name tradition here is very varied.

44 Ten on the top, ten on the bottom.

45 Ex. 32:15.

46 Greek τετράγωνον. He holds that the tablets were cubes, top and bottom empty and identical writing on each of the faces.

47 Cant. 5:14. *His hands are golden cylinders, inlaid with tarsis,* the cylinders being Torah scrolls (*Cant. rabba* 5:12). The Palestinian Targum to Ex. 28:20, 39:13 translates *taršiš* by "the color..."
of the Great Sea.” One may assume that the scrib of the Yerushalmi did not understand the Greek χρώμα “color” and shortened it to צ. The Targum to Cant. translates taršiš by the Syriac/Pahlevi word Farsi (فارسی) “turquoise”. The sentence is missing in the Genizah text and in B.

Rebbi Tanhumah said, I asked before Rebbi Phineas: It is acceptable following Rebbi Jehudah⁴⁹, it is not acceptable following Rebbi Meïr. What is the reason of Rebbi Jehudah? To take this Torah scroll and put it next to the side of the Ark of the Eternal’s covenant⁵⁰, etc. In the opinion of Rebbi Jehudah, who said, where the Torah scroll was put? They made for it a kind of case⁵¹ outside and the Torah scroll was put into it. What is the reason of Rebbi Meïr? You should put the cover on top of the Ark⁵². In the opinion of Rebbi Meïr who says that there is no earlier and later in the Torah, in the Ark you shall put the testimony that I shall give to you⁵³, and after that, you should put the cover on top of the Ark. Rebbi Phineas in the name of Rebbi Simeon ben Laqish: The Torah which the Holy One, Praise to Him, gave to Moses, was white fire engraved in black fire. It was fire mixed with fire; hewn from fire, given from fire: That is what is written⁵⁵: From His right hand, the fiery law to them.
49 The verse quoted next which implies that the Torah scroll was not in the Ark.

50 Deut. 31:26.

51 Greek γῆς σωσικείμενον, τό.

52 Ex. 25:21.

53 Ex. 25:16.

54 Text of B: The Torah which He gave to Moses was white fire engraved in black fire; it is of fire quarried from fire, born from fire, given into the right hand of the Holy One, praise to Him, at it is said, From His right hand, the fiery law to them.

55 Deut 33:2.

Mishnah 3: Where were these prostrations? Four in the North, four in the South, three in the East, and two in the West, corresponding to the thirteen gates.

Mishnah 4: The Southern gates close to the West: the Upper Gate, the Fuel Gate, the Firstborns’ Gate, the Water gate. And why was it called Water Gate? For there they bring in the phial of water for the water libation on Tabernacles. Rebbi Eliezer ben Jacob said, the water will drizzle in the future from under the threshold.

56 The gates of the Temple courtyard were not symmetrical in the wall but more to East. 57 As predicted in Ez. 47:1-5.
**Halakhah 2:** The Mishnah is Abba Yose ben Hanin’s, since Abba Yose ben Hanin said, corresponding to the thirteen gates. But according to the Rabbis there were seven gates. In the Rabbis’ opinion, where were the thirteen prostrations? As we have stated there, “There were thirteen breaches, were the Greek kings breached it; they came back and closed them and decided correspondingly thirteen prostrations.”

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58 As described in Mishnah Middot 1:4. 59 Mishnah Middot 2:3.
locusts. From the golden altar to the courtyards like a shut-thread, from the courtyards to the threshold of the Temple like woof-thread, from there onwards like the pouring from a jug: behold, water drizzled from the right hand side. It is written, when the man left towards the East, with a measuring rod in his hand, he measured a thousand cubits and made me cross the water, ankle water. Up to his ankles. Then he measured another thousand cubits and made me cross the water, knee water. Up to his knees. Then he measured another thousand cubits and made me cross the water, hip water. Up to his hips. From there on, then he measured another thousand, a river which cannot be crossed. Even a large Liburnian could not cross it.

What is the reason? No mighty ship may cross it; why? The water was high, swimming water. What is “swimming water”? Where one swims. Rebbi Huna said, in our place one calls the swimmer sehuna. He moves his hands in himself, as a swimmer would move to swim. What means “to swim”? Rebbi Yose ben Rebbi Abun said, in unruly water. It is written: On this day, a water-source will be opened for the House of David and the dwellers in Jerusalem, for purification and impurity. Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: From the House of David to the dwellers in Jerusalem it is qualified for impurity and purification. Farther away it is mixed water, qualified for impurity but disqualified for purification. Rebbi Eleazar said, from the House of David to the dwellers in Jerusalem it is qualified for impurity and purification. Farther away it is water running down, disqualified for impurity and purification.

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60 Sach. 14:8.
61 These seem to be tiny insects, not further identified.
62 Ez. 47:2. (Yoma 77b-78a).
63 Ez. 47:3-5. Tosephta Sukkah 3:3-7.
64 Latin liburna (sc. navis), the standard fast commercial sail ship.
65 Is. 33:21.
66 Ez. 47:5. The word has to be explained since in common usage שׁן, not שׁן, was used for “to swim”.
67 Is. 25:11.
68 Explanation of the verse; the movements referred to are those of a desperate person.
69 Sach. 13:1. It is presumed that the prophesies of Ezechiel and Sachariah refer to the same matter and one may be used to explain to other.
70 The Temple.
71 “Purification” here means water with ashes of the Red Cow, used to purify from the impurity of the dead, which in Num. 19:9 is called “purification”.

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SEQUALIM CHAPTER SIX

72 Only spring water is qualified as "purification," Num. 19:17. All other impurities are removed by immersion in a *miqweh*, which may contain any kind of water, including rain water.

73 Greek κατάφερῃς, -ες adj. "inclines downwards", used in the sense of "rapidly flowing water".

74 Since a *miqweh* is a "collection" of water, it cannot be a waterfall (or any shower). The same holds for rapidly flowing water; Mishnah Tahorot 8:9.

Greek κατάφερῃς, -ες adj. "inclines downwards", used in the sense of "rapidly flowing water".
It is written: He said to me, these waters flow out to the Eastern district, this is Lake Samchonitis, and descends to the lowlands, this is the Salt Sea, the sea of outgoing water, this is the Great Sea. And why is it called the sea of outgoing water? For the two times it came out, once in the generation of Enosh, and once in the generation of the Dispersal. Rebbi Eleazar in the name of Rebbi Hanina: The first time it went out up to Calabria, the second time it went to the Capes of Barbary. Rebbi Aha in the name of Rebbi Hanina: The first time it went out to the Capes of Barbary, the second time it came to Acco and Jaffa. Up to here you shall come but no more; up to Acco you shall come but not add. And there you stop the might of your waves, at Jaffa you stop the might of your waves. One understands the Great Sea and the Salt Sea, to make them sweet. Lake Tiberias and Lake Samchonitis? To increase their fish; their fish shall be in kinds; in great number shall be the kinds of their fish. It was stated: Rabban Simeon ben Gamliel said, it happened that I went to Sidon and they brought before me more than 300 kinds of fish on one tray.

The waters will be healed. Its ponds and its puddles will not be healed, they will be given for salt. It is written, the waters will be healed, and you are saying, they will not be healed? There is a place called “will not be healed.”

It is written, on the banks of the river on both sides all kinds of fruit tree will grow; its leaf shall not wilt, and its fruit not stop; in its months it shall produce first fruits. It was stated: Rebbi Jehudah said, in the present world grain grows in six months and trees produce every twelve months, but in the future grain will grow in a month and trees will produce in two months. Rebbi Yose said, in the present world grain grows in six months and trees produce every twelve months, but in the future grain will grow in fifteen days
and trees will produce in a month, for so we find that grain grew in the days of Joel in fifteen days, and the ‘Omer was brought from it. What is the reason? The people of Zion shall enjoy and be happy in the Eternal, your God, for He in truth gave you strong rain, early rain and late rain in the first month. How does Rebbi Yose satisfy in its months it shall produce first fruits? Every month it shall produce first fruits. And its leaf as medicine. Rebbi Johanan said, its healing is that one looks at it and food is turned into medicine. Rav and Samuel, one says, to open the upper mouth, but the other one says, to open the lower mouth. Rebbi Hanina and Rebbi Joshua ben Levi, one says, to open the mouth of sterile women, but the other one says, to open the mouth of the dumb.

Mishnah 5: Opposite them in the North, close to the West, the Jechoniah gate, the Sacrifice gate, the Women’s gate, the Song’s gate. And
why was it called the Jechoniah gate? For through it Jechoniah left in his deportation\textsuperscript{94}. In the East the Nikanor gate\textsuperscript{95}, which had two small entrances\textsuperscript{96}, one to the right and one to the left. And two in the West which had no names.

92 Continued enumeration of the 13 gates of the Temple compound.

93 He is called Jehoiachin in \textit{Kings} and \textit{Chronicles}, Koniahu in \textit{Jeremiah}, Jechoniah in \textit{Esther}.

94 \textit{Middot} 35b.

95 Cf. \textit{Yoma} 3:8, Notes 317 ff.

96 Where the people charged with opening the large doors to the public could enter with a key.

\textit{Halakhah 3}: \textsuperscript{97}You are finding that when Nebuchadnezzar campaigned here, he came and sat in Daphne of Antiochia. The Great Synhedrion went to him and said to him, did the time come that this House be destroyed? He said to them, give me the one which I made king over you and I will depart. They came and said to Jehoiachin, the king of Judea, Nebuchadnezzar wants you. \textsuperscript{98}

When he heard this from them, he took the keys of the Temple and climbed to the roof of the Temple. He said before Him: Master of the world! In the past we were trustworthy for You and Your keys were handed to us. Now that we are not trustworthy for You, Your keys are handed to You. Two Amoraim, One said, he threw them upwards and they never returned. The other said, He saw that something like a hand came and took them from him.
When all the freeholders of Jehudah heard this, they climbed to the tops of their roofs, fell down, and died. That is what is written\textsuperscript{99}, \textit{Saying about the valley of vision: Why are you doing this, that you climbed on all roofs, the noisy, full, humming city.}

97 A shortened version of a text in \textit{Lev. rabba} 19(6). For the first part, cf. also \textit{Gen. rabba} 94, end. The text cannot be considered as historical reconstruction; it is part of an attempt to project the rabbinic establishment of the time as dominating factor inherited from Moses, prophets, and kings.

98 This is better read as a story about the destruction of the Temple, Babli \textit{Ta`anit} 29a, where the two Amoraic statements are combined into one (and the language of B is adjusted to fit the language there.)


Mishnah 6: There were thirteen tables in the Temple\textsuperscript{100}. Eight marble ones in the slaughterhouse on which one was soaking the intestines\textsuperscript{101}. Two West of the ramp, one of marble and one of silver. On the marble one they put the limbs, on the silver one the vessels of service\textsuperscript{102}. And two in the vestibule\textsuperscript{103} inside, near the entrance to the Temple Hall, one of marble and one of gold. On the marble one they put the shew-bread when it was brought in, and on the golden one when it was brought out, for one increases in holiness and does not decrease\textsuperscript{104}. And a golden one inside on which the shew-bread was permanently\textsuperscript{105}.

100 For the sacred service. There were more tables in the back part of the Temple domain, between the walls of the Temple and the walls of the enclosure, where the Cohanim had to eat their part of the most holy sacrifices. Thirteen, as the number of the Divine attributes of mercy, is a most lucky number in religious matters.

101 Which must be washed before being sacrifices, \textit{Lev.} 1:9,13.

102 Where the flour and wine sacrifices were deposited before being brought up to the altar.

103 The small hall in front of the main Temple hall in the Temples of Solomon and Herod, in contrast to the Tabernacle.
104 The bread was brought in on Friday, but was exchanged for the old bread in the main Temple hall only on the Sabbath. The removed bread was deposited in the vestibule until it could be distributed to the Cohanim at the end of the musaf service. Since it was laying during the week on the golden table inside, it could not be deposited on a table of lesser value. Babli Menahot 99b.

105 Ex. 25:30.

Halakhah 4: It was stated, “on the silver one”. Rebbi Yose in the name of Rebbi Samuel bar Rav Isaac; Rebbi Hananiah brought it in the name of Rebbi Johanan: There was none of silver because it heats. But did we not state, this is one of the wonders which happened in the Temple, that just as they were putting it down hot, so they were removing it hot, as it is written: to put hot bread as on the day it was removed. Rebbi Joshua ben Levi said, one does not mention wonders. They asked before Rebbi Ila: If they did not have bread, may they leave it for the coming week? He said to them, it is written: you shall put on the table the shew-bread before Me permanently. The shew-bread, even disqualified.
106 It is not perfectly clear to what this baraita refers. In the Babli version, there were no marble tables, only silver ones. In the Yerushalmi version, it either can mean that in the vestibule there was a silver table instead of the marble one mentioned in the Mishnah, or that the sentence is not from a baraita, but a quote from the Mishnah, implying that according to R. Johanan there was no silver table at all in the Temple, and that wine and flour of offerings also had to be kept cool.

107 Assuming one speaks about the silver table mentioned in the Mishnah, one has to be careful to keep the flour offering cool lest it become leavened and forbidden in the Temple. If it is indicated that the table in the vestibule was of silver, the question is whether putting the new shew-bread on a warm table would spoil it. \textit{Tamid} 31b.

108 Babli \textit{Yoma} 21a, in the name of R. Joshua ben Levi.

109 Corrector’s addition from B, missing in \( \text{a} \) and deleted by the scribe himself in the Leiden ms.

110 \textit{Is.} 21:7. The implication is that a warm silver table would be more appropriate for the shew bread than a cold marble one.

111 One may not act trusting that a wonder will occur in one’s behalf. Babli \textit{Berakhot} 60a, \textit{Yebamot} 121b, \textit{Hulin} 43a.

112 Since the shew-bread has to be exchanged every Sabbath (\textit{Lev.} 24:8), if there was no replacement available is it better to leave the table empty or leave the old bread in its place.

113 \textit{Ex.} 25:30.

114 Since the shew-bread removed from the sanctuary had to be eaten by the Cohanim as most holy sacrifice (\textit{Lev.} 24:9), it must be eaten on the day it becomes available and will be disqualified the next morning, to be burned. But this rule does not apply to bread never removed from the Sanctuary.
Solomon made ten tables: Solomon made ten tables and deposited them in the Temple Hall, five to the right and five to the left. If you would say, five to the North and five to the South, but the table is only qualified in the North, as it is said, and the table put on the North side. Why does the verse say, five to the right and five to the left? Five to the right of Moses’s table, and five to its left. Nevertheless, only Moses’s alone was used, as it is said, the table on which is the shew-bread. Rebbi Yose ben Rebbi Jehudah says, all of them were used, for it is said, the tables on which the shew-bread is. It was stated: They were put East and West, the words of Rebbi. Rebbi Eleazar ben Rebbi Simeon says, they were put North and South. He who says East and West is understandable; all of them are proper for Service. He who says, North and South, would then not the table be in the South and the candelabrum in the North? But was it not stated, the table was in the middle of the Temple, more to the inside, about two cubits away from the wall to the North, and opposite it the candelabrum in the South. The golden altar was in the middle of the Temple, dividing the Temple, inside, a little bit drawn to the North. All were put inside of a third of the Temple.

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115 2Chr. 4:8.
116 Ex. 26:35.
117 1K. 7:49.
118 2Chr. 4:19.
119 As prescribed in Ex. 40:22., the table at the North side of the Tabernacle, and Ex. 40:24, the candelabrum at the South side, standing East-West, opposite the table.
120 If they are all in one line, at the North side of the Temple, the long side oriented East-West, all pentateuchal requirements are satisfied. Babli Menahot 99a.
121 While the center of the golden altar exactly determines the middle of the Temple hall for distances measured East-West, i.e., between the entrance and the gobelins shielding the Holiest of Holies, it does not exactly determine the middle of the center of the distance of North to South walls.
122 The first third of the distance between entrance and the Holiest of Holies was empty.
SEQALIM CHAPTER SIX

If you would say, five to the North and five to the South, but the candelabrum is only qualified in the South, as it is said, and the candelabrum opposite the table on the South side. Why does the verse say, five to the right and five to the left? Five to the right of Moses’s candelabrum, and five to its left. Nevertheless, only Moses’s alone was kindled, as it is said, and the golden candelabrum and its lights to kindle evening by evening. Rebbi Yose ben Rebbi Jehudah says, all of them were kindled, for it is said, the candelabrum and their lights, to kindle them regularly in the Temple Hall, closed gold, and the flower, and the lights, and the pincers of gold, this uses up the gold. These used up Solomon’s gold. Rav Jehudah in the name of Assi: Solomon took 1’000 talents of silver, put them repeatedly into the (fire) smelting furnace until they were reduced to one, to fulfill what is written, It was stated, Rebbi Yose ben Rebbi Jehudah said, it happened that the golden...
candelabrum which Moses made in the desert was in excess of one gold denar, and they returned it to the fire eighty times and it did not lose anything\textsuperscript{133}. This is correct. Before it is refined it loses a lot, once it is refined it will not miss anything.

\textsuperscript{123} Corrector’s insert following B.
\textsuperscript{124} 2 Chr. 4:7. In the other two sources correctly “their rules”, and they add the end of the verse, to which the next argument refers: \textit{and put them in the Temple Hall, five to the right and five to the left}. Cf. Babli \textit{Menahot} 98b-99a.
\textsuperscript{125} 2 Chr. 13:11, showing actual practice.
\textsuperscript{126} 2 Chr. 4:20-21.
\textsuperscript{127} Cf. Yoma 4:4, Note 101.
\textsuperscript{128} According to Rashi, the ornament of the candelabrum mentioned in Num. 8:4 but not in the original instructions, \textit{Ex.} 25:31-40.
\textsuperscript{129} In B a Tannaitic text, a statement of R. Jehudah in the name of Issy.
\textsuperscript{130} The scribe’s text (in parentheses) is confirmed by the Genizah text; the corrector’s [in brackets] is from B.
\textsuperscript{131} \textit{Ex.} 37:24.
\textsuperscript{132} The following is from \textit{Yoma} 4:4, Notes 107-108.
\textsuperscript{133} This seems to contradict the preceding story of Solomon’s refining smelter.

\textbf{Mishnah 7:} Thirteen horns\textsuperscript{1} were in the Temple, and it was written on them: New \textit{sheqalim}, and old \textit{sheqalim}, nests\textsuperscript{134}, young birds for elevation sacrifices\textsuperscript{135}, wood\textsuperscript{136}, and incense, gold for the cover\textsuperscript{137}, and six for voluntary gifts\textsuperscript{138}. New \textit{sheqalim} for the current year, and old ones, one who did not bring the past year, gives it for the next one\textsuperscript{139}.

\textsuperscript{134} Obligatory purification or reparation offerings, as prescribed in \textit{Lev.} In all cases, two birds are required, one as purification and one as elevation offering, following different rules.
\textsuperscript{135} Voluntary offerings which may be for a single bird.
\textsuperscript{136} A person vowing firewood for the Temple does not bring wood but the money for it.
\textsuperscript{137} To cover the Holiest of Holies in the absence of the Ark; Mishnah 4:4.
\textsuperscript{138} As explained in the Halakhah and in Tosephta 3:7.
\textsuperscript{139} New \textit{sheqalim} are given for current use; \textit{sheqalim} for past years are treated directly as remainders from that year (Mishnah 4:3).
Halakhah 5: It was stated\textsuperscript{140}: “Rebbi Jehudah said, there was no horn for nests in Jerusalem because of mix-up.\textsuperscript{141}” Maybe one of them would die and it turn out that moneys of dying purification sacrifices were mixed up in them\textsuperscript{142}. [But did we not state] (It was stated): A woman who said, I have to bring a nest, brings the money for the nest and puts it in the horn, and eats from sancta without worry. And the Cohen does not worry that maybe moneys of dying purification sacrifices are mixed up in them\textsuperscript{143}. [For what we are saying is about purification sacrifices whose owner certainly died\textsuperscript{144}. We could say, let us choose two zuz and throw them into the River\textsuperscript{145}, then the remainder should be permitted, but do we not say in general that Rebbi Jehudah does not accept retroactive choices\textsuperscript{146,7}]

\textsuperscript{140} Babli \textit{Yoma} 55a. This paragraph is two texts in one. The Yerushalmi text is that of the scribe of the Leiden manuscript; the Babli text (\textit{Yoma} 55b) is reproduced in Babylonian Aramaic in B and the corrector’s text given in brackets here.

\textsuperscript{141} Tosephta 3:3.

\textsuperscript{142} This is the Yerushalmi’s explanation for R. Jehudah’s statement, as noted in \textit{Yoma} 55b. An animal dedicated as a purification sacrifice whose owner died between dedication and sacrifice cannot be used for anything, but it has to be let to die (\textit{Mishnah Temurah} 4:1). Moneys dedicated for a purification sacrifice under the same circumstances have to be destroyed; in Israel this means to be thrown into the Dead Sea. R. Jehudah holds that such money mixed up with other moneys makes everything unusable and worthless.

\textsuperscript{143} The woman is recovering from childbirth or from flux; she may not eat sancta unless a sundown was preceded by her sacrifice. (Therefore \textit{B} reads “gets up in the morning and eats.”) The statement implies that the horn for nests was emptied several times every hour and any money deposited there immediately used for the required sacrifice. This makes R. Jehudah’s objection moot; practice follows the \textit{Mishnah}.

In Babylonia, the Galilean explanation
was rejected (*Yoma* 55b); therefore, the *baraita* is read as a question, and an objection to R. Jehudah.


144 Everybody agrees that the requirement to destroy the money is rabbinical, restricted to cases of certainty. R. Jehudah’s statement is rejected as a matter of principle.

145 The River is the Euphrates, which here appears as Babylonian equivalent of the Dead Sea. The argument is that even in case it is known that a woman died after paying her fee into the horn and the next sacrifices of nests, could not the amount of the Temple’s charge for the nest be taken from the horn, designated as this woman’s contribution, and eliminated?

146 It is generally agreed that a later choice can retroactively eliminate rabbinic prohibitions but not biblical ones. R. Jehudah represents a minority opinion which rejects retroactivity in all cases. Therefore the remedy proposed according to R. Jehudah cannot be applied; for the majority, whom practice follows, there is a horn for nests, but for R. Jehudah this is an impossibility.

Mishnah 8: “Nests” are turtle doves and “young birds as elevation offerings” are pigeons, all for elevation offerings, the words of Rebbi Jehudah. But the Sages say, of “nests” one is a purification offering and one an elevation offering; “young birds as elevation offerings” are all elevation offerings. If one says, “I am obligated for wood logs”, he may not give less than for two logs; “incense”, he may not give less than for a fistful; “gold”, he may not give less than for a gold denar. “Six for voluntary gifts.” What did they do with this? One buys with it elevation offerings; the flesh is for the Eternal and the skins are for the Cohanim. This explanation did Jehoyada the High Priest explain: *It is a reparation offering, repairing, a reparation offering for the Eternal*; this is the principle:
Elevation offerings should be bought from anything coming because of sin or reparation; the flesh is for the Eternal and the skins are for the Cohanim. It turns out that both parts of the verse are fulfilled, a reparation offering for the Eternal and reparation for the Cohanim. And it says, money for reparation offerings and money for purification offerings are not to be brought to the Eternal’s House, it shall be for the Cohanim.

147 It was explained in the preceding Halakhah that R. Jehudah cannot accept the explanation of Mishnah 7 given in Note 134, but must require that a person offering two birds to be able to partake in sancta, the woman after childbirth (Lev. 12:8), the poor person healed from skin disease (Lev. 14:22), the male healed from gonorrhea (Lev. 15:14) and the female from flux (Lev. 15:29), personally deliver the birds to the Cohen who thereby is assured that the person is alive. As a consequence, for him the money deposited for “nests” is for elevation sacrifices; the distinction from “young birds for elevation offerings” only is in the amount of money required and the kind of birds bought. Mishnah 7 was explained following the Sages in Mishnah 8.

148 25 silver denars, or their equivalent in small change.

149 As with any money delivered to the gift account.

150 Lev. 5:19.

151 It is obvious that money given to the Temple for purification or reparation offerings must be used for the kind of offering specified. Money “coming from” these kinds of offerings are excess monies, not used for the obligatory offerings. Since obligatory offerings cannot be brought voluntarily, nor can monies dedicated to the Temple be returned, the excess has to be deposited in the gift account and used for elevation offerings.

152 2K. 12:17. The money is not for the Cohanim but the Cohanim receive the skins of the animals bought with the excess monies.

Halakhah 6: Rebbi Yose ben Rebbi Abun said, Rebbi Abba bar Mamal asked: If he said, I am obligated [to offer] a log, does he bring one log? Rebbi Eleazar said, a Mishnah says that each one is a separate sacrifice, as we have stated, “two, holding in their hands two wooden logs.” This adds single logs.
153 A copy of this text, except for the last sentence, is in Shevi’it 9:7, Notes 95-97.

154 Mishnah Yoma 2:5.

Rebbi Joshua ben Levi said, their width was (like an engraver’s cubit\textsuperscript{156}) [in an expansive cubit\textsuperscript{157}], and its width (a dwarf) [an excessive] cubit. Rebbi Onias in the name of Rebbi Immi: Like scales\textsuperscript{158}. Rebbi Samuel bar Rav Isaac said, because the place of the fire was only one cubit square, therefore they only could be a (dwarf) [excessive] cubit. It was stated thus\textsuperscript{159}: One cubit the basis, one cubit the walkway, one cubit the enclosure, and one cubit the horns, and one cubit the fire place.

\textsuperscript{155}The version of B and the corrector’s, derived from B, have to be understood from the parallel in the Babli Zevahim 62a/b, which, however, can better be read as supporting the readings of the scribe of the Leiden ms.

\textsuperscript{156}A short cubit, of five hand-breadths, based on small hands.

\textsuperscript{157}A long cubit, of seven hand-breadths, based on large hands. Only two dimensions are given. In the Babli more correctly the logs were hewn as rectangular solids with a base of one cubit square and small height. A similar statement is required here by the \textit{baraita} quoted at the end.

\textsuperscript{158}Latin \textit{trutina}, Greek τρυφανής. Since it is specified later that the fire place on Moses’s altar was only one cubit square, the two logs put on the altar at the beginning of each day’s service had to be half a regular cubit’s height and lying strictly parallel, as are the scales on a balance.

\textsuperscript{159}Cf. Zevahim 62a. The altar was five-by-five cubits (Ex. 27:1). This included the basis where most of the blood had to be spilled onto, a walkway at half height for the Cohen to sprinkle blood on the horns, the copper enclosure delineating the upper part. In the description given here, the place of the fire is given a full cubit; all the other items are half a cubit since there is one of them on each side. This is too much for the copper enclosure and too little for the walkway, but is possible if both together are taken to be 2 cubits. In these enumerations, very frequently “hand-breadth” means “not more than a hand-breadth” and “cubit” “more than a hand-breadth but not more than a cubit”.
“Incense”, he may not give less than for a fistful. It is said here “remembrance” and it is said there, “remembrance”. Since “remembrance” there means two fistfuls, does “remembrance” here mean two fistfuls? Rebbi Ila said, they inferred fistfuls only from the sinner’s purification offering. Since there a deficient fistful is disqualified, also here a deficient fistful is disqualified. Rebbi Yose said, the word of Rebbi Ila implies what was stated about a flour offering, one brings it according to the High Priest’s fistful. Rebbi Hizqiah in the name of Rebbi Jeremiah: even according to the owner’s fistful.

“Gold”, he may not give less than for a gold denar. Rebbi Eleazar said, only if he mentioned minting. But if he did not mention a coin he may even bring a hook.

Text of B

“Incense”, he may not give less than for a fistful. It is said here “remembrance” and it is said there, “remembrance”. Since “remembrance” there means two fistfuls, does “remembrance” here mean two fistfuls? Rebbi Ila said, they inferred fistfuls only from the sinner’s purification offering. Since there a deficient fistful is disqualified, also here a deficient fistful is disqualified. Rebbi Yose said, the word of Rebbi Ila implies that one who volunteers a flour offering brings it according to the High Priest’s fistful. Rebbi Hizqiah in the name of Rebbi Jeremiah: even according to the owner’s fistful.

“Gold”, he may not give less than for a gold denar. Rebbi Eleazar said, only if he mentioned minting. But if he did not mention a coin he may even bring a hook.

160 “Here” means the rules of voluntary flour offerings, described in Lev. Chapter 2. “There” means either the rules of the shew bread, Lev. 24:7 or that of the obligatory
flour offering of the poor sinner, *Lev*. 5:12. In the first case, there are two rows of bread; each one with a portion of incense which at the end has to be entirely burned on the altar. In the second case, it is stressed that the entire fistful has to be burned. In both cases it can be inferred that for voluntary flour offerings, where “entire” is not mentioned, only an entire fistful is qualified. 161 This can apply only to the shew bread.

In B: From the poor sinner’s flour offering. 162

It seems that one refers not to a High Priest, but to a large priest, whose fistful can be enormous. Since the donor does not know which Cohen will present his offering to the altar, he must prepare for the largest possible fistful.

Rebbi Johanan said, because the gifts were many, they added many horns for it. [As it is said]167, *when they were finished they brought before the king and Jehoyada*168 etc. Rebbi Samuel ben Nahman in the name of Rebbi Jonathan [said], two voluntary gifts169. Rebbi Ismael stated, one gift. But is it not written170, *the king commanded and they made a chest and put it at the outside of the gate of the Eternal’s House*. Rav Huna said, because of those impure. Rebbi Huna in the name of Rav Joseph:
Because of *but silver cups would not be made in the Eternal’s House*\textsuperscript{171}. Things similar to silver cups would not be made in the Eternal’s House\textsuperscript{172}.

165 During the week of service of a “watch” of Cohanim, each of the six workdays another clan would serve, whose members then had claim to all hides of elevation offerings of that day.

In B, the statement is ascribed to Rav, Hizqiah’s cousin, and fellow student of the Elder R. Hiyya, Rav’s uncle and Hizqiah’s father.

166 This list has 7 items. The corresponding list in B has only six, but the selection in unconvincing. Probably the correct list is Tosephta 3:7: The excesses of money for 1) purification sacrifices, 2) reparation sacrifices, 3) nests of sufferers from gonorrhoea or flux, 4) nests of a woman after childbirth, 5) offerings of a nazir, 6) of a healed sufferer from skin disease.

167 This addition by the corrector, taken from B, has to be deleted, since it hides the fact that the following quote is the start of a question. The remaining additions by the corrector, while unnecessary, are not in conflict with the line of thought.

168 2 Chr. 24:14. The problem is that the remaining part of the verse, quoted in full in A and B, notes that the excess money donated for the renovation of the Temple under King Joash was used to make silver and gold vessels for the Temple, while the corresponding verse in 2K. 12:14 declares the opposite.

169 The two verses refer to two separate collections.

170 2 Chr. 24:8, while in 2K. 12:10 it is reported that the chest was deposited in the priests’ courtyard, to the right (East) of the altar.


172 Either there were two different calls for gifts to the Temple, or for the same collection period there were two chests, one inside and one outside, and vessels were made only from the money which never entered the sacred domain.
Mishnah 1: Coins which are found between the *sheqalim* and the voluntary gifts, if closer to *sheqalim* they have to be given to *sheqalim*, closer to voluntary gifts to voluntary gifts; in the middle they have to be given to voluntary gifts\(^1\). Between wood and incense, if closer to wood they have to be given to wood, closer to incense to incense; in the middle they have to be given to incense\(^2\). Between nests and young birds for elevation sacrifices, if closer to nests they have to be given to nests, closer to young birds for elevation sacrifices to young birds for elevation sacrifices; in the middle they have to be given to young birds for elevation sacrifices\(^3\). Between profane money and Second Tithe\(^4\), if closer to profane money they have to be given to profane money, closer to Second Tithe to Second Tithe; in the middle they have to be given to Second Tithe. This is the principle: one follows proximity; in the middle one is stringent.

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1 As explained at the end of the Mishnah, in general coins found are assigned to the box closest to the place where the coins were found. Only if the coins are strictly in the middle between two boxes they are assigned to the more holy use. Since voluntary gifts are strictly for elevation offerings but *sheqalim* are used for all needs of the Temple, voluntary gifts represent the more holy use.

2 Incense is an offering in itself, whereas wood is only an auxiliary to offerings on the altar; incense is more holy.

3 According to the rabbis, nests contain one bird as purification offering and one as elevation offering, whereas young birds for elevation sacrifices are all elevation sacrifices; the latter are more holy.

4 In a private home, dedicated and non-dedicated monies follow the same rule.
“Coins which are found between the sheqalim and the voluntary gifts,” etc. It would only be necessary between sheqalim and nests. They were arranged like a snail. Would it not be necessary that it be given to sheqalim?

Some want to say, maybe they would remain with the excess of the lodge. Some want to say, in the middle it is as if he died. Rebbi Yasa said, when I still was there, I heard the voice of Rav Jehudah asking Samuel, if somebody had set his sheqel apart and died? He told him, they shall fall to the gift account. The excess of his tenth of an ephah, Rebbi Johanan said, one shall bring them to the Dead Sea. Rebbi Eleazar said, it shall fall to the gift account.

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5 Since Mishnah 6:7 states that the horn for nests is next to the two for sheqalim, how can coins be found between sheqalim and gifts?

6 Greek κοχλῖας, “snail with a spiral shell”. If the horns are arranged almost in a circle, the box for new sheqalim is next to the last box for gifts. If they would be in a straight line then the box near to “nests” is that for “old sheqalim”, which are never used for sacrifices and therefore the coins found halfway should be given to “nests”.

7 Since “gifts” provide private sacrifices but sheqalim public ones, the sanctity of sheqalim should be greater than that of “gifts”.

8 Which are not used for sacrifices.

9 This text to the end of the paragraph is from Halakhah 2:5, Notes 81-83. The origin of the text is there, since the last two sentences, about the High Priest’s flour offering, have no connection with the topic under discussion here.
And it is difficult. May purification offering be brought as elevation offering\(^{10}\)? Rebbi Hizqiah (brother)\(^ {11}\) in the name of Rebbi Simeon ben Laqish: It is a stipulation of the Court that the excesses be brought as elevation sacrifices\(^ {12}\). By what is that woman atoned for\(^ {13}\)? Rebbi Isaac said, it is a stipulation of the Court that the providers of nests also provide the disqualified ones\(^ {14}\). Would it not also be necessary between incense and wood, and frankincense, and gold for the cover\(^ {15}\)? As it is stated at the end, “one follows nearness; in the middle one is stringent.”

\(^{10}\) If coins lie in the middle between nests and young birds for elevation sacrifices, there is a 50% chance that the money was brought by a woman for her obligatory nests. How can one justify a rabbinical rule that assigns the money to elevation sacrifices against a possibly biblical injunction against doing this?

\(^{11}\) The correct reading is preserved in B, (קאמר) “said”.

\(^{12}\) Everybody bringing a gift to the Temple knows that these will be evaluated by Temple rules and the donor accepts these rules by giving. Therefore the money never was absolutely dedicated for purification offerings.

\(^{13}\) Since the money may have been given by a woman needing purification, if it happens that her monies were used as elevation offering, how can she ever eat sancta? The sentence and the next are reproduced at the end of the Chapter (7).

\(^{14}\) The provider has to provide a few extra birds which are treated as possible purification offerings (a situation impossible for four-legged animals) but are not eaten.

\(^{15}\) The Mishnah does not treat a number of other possible cases.
Most kosher animals sold in Jerusalem are sold to pilgrims who use their tithe money for their living expenses in Jerusalem. If not all this money is spent during their visit, the remaining coins used to be given to their hosts, to be used to buy food consumed in purity according to the rules of second Tithe. Therefore the presumption is that money in the hand of resident Jerusalemites found near vendors of animals for slaughter is Second Tithe money. The finder will have to use the coins according to Tithe standards.

Halakhah 2: Would it not be necessarily holy on the Temple Mount? Rebbi Abba, Rebbi Hiyya in the name of Rebbi Johanan: There is a presumption that no Cohen will remove money from the lodge unless it is redeemed by an animal.

Since it is forbidden to enter the Temple Mount in private business (Mishnah Berakhot 9:8), how can there be a presumption that monies lost there are profane?

The money legitimately in the hands of private persons on the Temple Mount is money received from the Temple for delivery of goods or services. While the origin of the money is from the Temple, it is legitimately profane in the hands of its owner.

Mishnah 3: Of meat found in the Temple courtyard, limbs are elevation sacrifices and cuts purification sacrifices; in Jerusalem well-being sacrifices. In either case it has to lose its shape and be taken out to be disposed of by burning.

Elevation sacrifices have to be dissected into limbs (Lev. 1:6,12) before being brought to the altar, but purification sacrifices have to be eaten by the Cohanim in the holy precinct and for this purpose have to be cut into portions.
The meat can neither be eaten nor brought to the altar since it might be impure or otherwise disqualified; it cannot be disposed of immediately since it might be pure and qualified. One has to wait until the time allotted for each kind having passed and the meat automatically becoming disqualified; this is the remainder of the day for elevation sacrifices, the remainder of the day plus the following night for purification sacrifices, and the following day for well-being sacrifices.

Halakhah 3: Rebbi Eleazar in the name of Rebbi Hoshia: Diversion of attention requires {loss of} shape\textsuperscript{22}. Rav Hoshia said, the Mishnah says so, “it has to lose its shape and be taken out to be disposed of by burning.”\textsuperscript{23}

Rebbi Yose says, this is correct. You may not eat it for maybe its shape already is lost. <You may not burn it\textsuperscript{24} for maybe its shape is not lost>\textsuperscript{25} Therefore it had to say, “it has to lose its shape and be taken out to be disposed of by burning”.

22 Sacrificial meat which is left unattended even for a moment cannot be used any more; it has to be kept as is until the time of its sacrificial use has elapsed and then disposed of by burning outside the sacred domain. Babli Pesahim 34a.

23 The rest of this Halakhah is missing in B.

24 On the altar.

25 Missing in the Leiden text, added from \textsuperscript{5}. Cf. Note 21.

Mishnah 4: If it was found in the countryside\textsuperscript{26}, limbs are carrion\textsuperscript{27}, cuts are permitted\textsuperscript{28}. On holidays, when meat is abundant, even limbs are permitted\textsuperscript{29}.

26 Palestine outside of Jerusalem and its surroundings.

27 Since the butcher did not care to cut it into slices, one must assume that it was not...
kosher and thrown away for the dogs.

29 Since for big family meals one may buy whole limbs and cut them after cooking.

If there are no sources of non-kosher meat in the neighborhood.

28 If there are no sources of non-kosher meat in the neighborhood.

29 Since for big family meals one may buy whole limbs and cut them after cooking.

Halakhah 4: "Limbs are carrion, cuts are permitted." Are cuts not really permitted? And similarly, one flogs for carrion limbs because of carrion.

30 This Halakhah is missing in B.

31 Since the declaration that whole limbs found somewhere have the status of carrion, one could think that this is a declaration of probable but not certain status and therefore it would be impossible to sanction its use as food by the biblically ordained punishment, flogging. But since meat can be rabbinically permitted as food only if it is biblically kosher, the Mishnah implies that found limbs are biblically carrion.

Halakhah 5: If they were strung they are permitted. Ten stores, nine sell carrion and one sells kosher slaughtered meat, if it was switched, he worries.

32 If all butcher shops in the neighborhood are kosher and all households eat kosher, nobody expends the work to string pieces (or sausages) together if they are not kosher and have to be fed to the dogs.

33 This sentence is missing in B but there is no reason to doubt its authenticity.

34 In the language of the Babli (Ketubot 15a), “anything whose provenience is from
known fixed sources is considered as 50 - 50", and therefore one has to consider the switched package as coming from the store which sells carrion, whether this is one in

35 If a package of meat is found and provenience and buyer are unknown.

Rebbi Johanan said, what is in the hand of a Gentile is as found on a thoroughfare36. Rebbi Eleazar ben Rebbi Haggai was supporting Rebbi Mana. He saw an Aramean cutting from his horse and feeding his son. He said to him, that is what Rebbi Johanan said, what is in the hand of a Gentile is as found on a thoroughfare 37. He answered him, so said the great Rebbi Yose 38:

Only39 if they saw him leaving a Jewish butcher shop 40. A man in Sepphoris went and wanted to buy red meat from a butcher, but he did not give to him. He told a Roman, who brought him. He said to him, did I not buy against your will? He retorted, did I not give carrion to him 41? Rebbi Jeremiah in the name of Rebbi Hanina: A case came before Rebbi who said, it is not believable to forbid the butcher shop of Sepphoris 42.

36 Greek πλατεία (sc. ὀδός) “a wide (road)”. On a thoroughfare the traffic is not local; even if all local shops are kosher, the majority of travelers come from places which are not kosher, and meat found there automatically is forbidden.

37 Meat at the disposal of a Gentile automatically is forbidden.

38 R. Yose ben Halafta, the Tanna.

39 That meat in the possession of the Gentile possibly is kosher.

40 Latin macellum.

41 Disproving R. Yose’s statement. The butcher is happy to sell his non-kosher meat
to a Gentile since it is worthless for his
story. Since Rebbi Johanan lived a
generation after Rebbi, his ruling has to be
42 He doubts the genuineness of the followed.

Rav returned there and saw them taking things lightly and was restrictive with them. A man went to wash a piece of meat in the river. He forgot it and left. Then he went and wanted to sell it. Rav told him, it is forbidden to you, for I am saying the other one was carried away by the river and it brought another piece of carcass meat in its place. A man was carrying meat while walking on the market. There came a vulture, seized it from his hand, and dropped it off. He came back and wanted to sell it. Rav told him, it is forbidden to you, for I am saying that it was carrying carcass meat, dropped it and took the other instead.

42 This paragraph, accepting the Babylonian opinion that “meat which was out of sight”, out of control for a moment, is prohibited, annulling the Mishnah here, appears in a different order of the cases in Avodah zarah 2:9, Notes 393-395. The Genizah text here follows the arrangement of Avodah zarah.
came before Rebbi Jeremiah who said, may the butchers recognize their knots.

As a find, as it was stated: If one saves from before a lion, from before an army, from a surge of the sea, or the surge of a river, from a wide road, or a wide plaza, it belongs to him, since the owners give up on them. Because of the majority of passers-by, because of a Gentile’s slaughter. It turned out that it was from the House of Rebbi.
A wheel of cheese was found in the hostelry of Levi. They permitted it because of two things, as a find, and because of the majority of passers-by. As a find, as it was stated: If one saves from before a lion, from before an army, from a surge of the sea, or the surge of a river, from a wide road, or a wide plaza, it belongs to him, since the owners give up on them. Because of the majority of passers-by, because of Gentile’s cheese. It turned out that it was from Rebbi Eleazar ben Rebbi Yose.

Rebbi Mana said before Rebbi Yose, but do we not see that the rabbis publicize⁴⁹? He told him, if you had been there, you would not have taken it. Your father, Rebbi Jonah, did not say so, but he said, if only I would find it inside from the circular road⁵⁰. Even so, he found and did not take⁵¹.

43 A river not otherwise identified (also mentioned in Demay 1:3 (Note 144), Babli Hulin 7a. Since both known authorities called R. Isaac ben Eleazar were Galilean, the river must be a Galilean brook. The statement made here is that even though wineskins may have been used for non-kosher wine, if they were swept away by a brook but then recovered, identification confirms not only ownership but also possibility of use for kosher wine.

44 Since the sausage was whole, the problem of meat out of sight does not arise if the maker recognizes it.

45 The meaning of this word is not clear. It seems to denote the Jewish part of Sepphoris.

46 Because it was found on a thoroughfare it is ownerless and the finder may take possession without trying to find the owner.

47 Since the place was Jewish, the meat is presumed to be kosher.

48 Nevertheless, nobody tried to eat from the meat before its kosher state was ascertained and certified.

49 This refers to the monetary aspect, Note 46. Rabbis will advertise to find the prior owner even if the find was laying on a well-travelled road.

50 Cf. Eruvin Chapter 8, Note 102; the access road to and from a town along a long-distance road. “Inside” is the major road in the town, where many people are passing by at all times.

51 In practice he did not follow his own permissive ruling which therefore cannot be practice.
Mishnah 4: Any animal found between Jerusalem and Migdal Eder, or in this distance in any direction, if male is an elevation offering, if female a well-being offering. Rebbi Jehudah says, thirty days before the holiday what is possibly a Pesah is a Pesah sacrifice. At the start they were taking pledges from the finder until he paid for its libations. Since people abandoned them and fled, they instituted that their libations would be brought from public money.

52 A place near Jerusalem not identifiable today.
53 While male animals (bovine, sheep, or goats) may be used for both elevation and well-being offerings, females may not be used for elevation offerings.
54 A one year old male sheep or goat, found 30 days or less before Passover.
55 Since the animal was considered the finder’s sacrifice, he was made to pay for the accompanying flour and wine offerings. As a consequence, nobody picked up stray animals of the kinds used for sacrifices.

Halakhah 6: The elder Rebbi Hoshaia said (more) to his son: this was taught for their monetary value. Rebbi Johanan said to him, does one say to a person, go and commit larceny with sacrifices? But they followed the majority of cases: If most are male, they are elevation offerings, if most are female, well-being offerings. But do not well-being offerings come from males and females? What does he do? He redeems them as profane and then
turns them into elevation offerings\textsuperscript{61}. Rebbi Ze`ira said, it is a stipulation by the court that all redundant animals should be brought as elevation offerings, so it is a stipulation by the court that lost animals should be brought as elevation offerings\textsuperscript{62}. Rebbi Yose said to Rebbi Jacob bar Aha\textsuperscript{63}, is that not intentional misuse? He said to him, since it is a stipulation by the court, it is not intentional misuse.

56 The present paragraph has a parallel in \textit{Qiddušin} 2:8 (Notes 202-210) of which, however, it is not a direct copy.

57 Of the three readings given by the three parallel sources, the one \textit{א} is supported by the parallel in \textit{Qiddušin} and making sense. In the translation, the texts in parentheses should be disregarded.

58 It is impossible to say that a male animal which was found ownerless should be taken as elevation offering since it might have been dedicated as well-being offering. The animal should be redeemed and the redemption money used for an elevation offering. The same argument is given in the Babli, \textit{Qiddušin} 55a.

59 It is impossible to redeem an unblemished dedicated animal (Lev. 27:10.) Any redemption is both sinful and ineffective. R. Hoshia'h's rule seems to be impossible.

60 The animal itself should be used for what was its most probable dedication.

61 One follows both R. Hoshia'h and R. Johanan. The animal is first redeemed and then rededicated; this precludes the sin of freeing a dedicated animal and removes the prior specific dedication. In the Babli, \textit{Qiddušin} 55b, R. Johanan holds that the redemption of unblemished animals is never possible. He requires that the animal be put out to graze until it develops a blemish; then it can be redeemed and the proceeds used for another sacrifice. In any case, the answer is unsatisfactory. Since the Mishnah states that people were refraining from picking up stray animals because they did not want to pay for its flour offerings, they certainly do not want to take upon themselves the much greater expense of redemption.

62 Therefore, it is part of every dedication of any male animal that, if not needed for its original purpose, it should be used as an elevation offering. It is also part of every dedication of any male animal that, if lost and then found by another person, it should become an elevation offering.

63 Since R. Jacob bar Aha lived two generations before R. Yose, the reading of B, R. Assi (= Yasa) has to be accepted.
Halakhah 7: Rebbi Yasa said, when I still was there, I heard the voice of Rav Jehudah asking Samuel, if somebody had set his sheqel apart and died? He told him, they shall fall to gift. The excess of his tenth of an ephah, Rebbi Johanan said, one shall bring them to the Dead Sea. Rebbi Eleazar said, it shall fall to gift.

Chapter 2, Notes 81-83.
The tenth of an *ephah* from the High Priest. [Rebbi Johanan said,]  he splits it and then dedicates. Rebbi Simeon ben Laqish said, he dedicates and afterwards splits it. A Mishnah disagrees with Rebbi Johanan: “He brings half of it; the other half is lost.” He explains it, because even the money has to be brought to the Dead Sea. A Mishnah disagrees with Rebbi Simeon ben Laqish: “It turns out that two halves are brought and two halves are lost.” And it was stated on this: “If the first one’s, the second half should lose its shape and be brought to the place of burning.” He explains it following Rebbi Ismael, for Rebbi Ismael said, the *issaron* dedicates. “If a Cohen comes first to serve, he brings his Tenth and officiates himself.” The officiating of both a High Priest and a common priest who officiated before they brought their tenth of an *ephah* is valid. Rebbi Mana wanted to say, if on that very day he was appointed High Priest he brings two, one for his initiation and one as daily obligation.

Text of B

The tenth of an *ephah* from the High Priest. Rebbi Johanan said, he splits it and then dedicates. Rebbi Simeon ben Laqish says, he dedicates and afterwards splits it. A Mishnah disagrees with Rebbi Johanan: “He brings half of it; the other half is lost.” He explains it, because even the money has to be brought to the Dead Sea. A Mishnah disagrees with Rebbi
Johanan: “It turns out that two halves are lost.” He explains it following Rebbi Simeon, for Rebbi Simeon said, the *issaron* which a Cohen brings when he comes first to serve, he brings his Tenth and breaks it himself. The officiating of both a High Priest and a common priest who officiated before their tenth of an *ephah* is valid. Rebbi Muna asked, if on that very day he was appointed High Priest, does he bring two, one for his initiation and one as daily obligation?

71 *Lev.* 6:12-16.
72 Correct addition by the corrector.
73 The requirement is a tenth of an *ephah* daily, half in the morning and half in the evening. Since the volume of the flour is prescribed, it must be measured. R. Johanan must hold that the measuring vessel is not a Temple vessel which automatically dedicates anything poured into it; otherwise there would be no possibility of dedicating the two parts separately.
74 Mishnah *Menahot* 4:5.
75 If a High Priest died after he had brought his morning offering and another was appointed before the evening, the second part of the first’s offering cannot be used anymore, but has to be kept to the next day and then burned outside the sacred compound as disqualified sacrifice. The second one must bring a tenth of an *ephah,* but only the second half may be used.
76 Since R. Johanan holds that even money set aside for the Tenth but not used has to be destroyed (Note 70), he will agree that the second half cannot be used even if not dedicated.
77 Tosephta *Menahot* 7:10.
78 This text is difficult for R. Johanan (reading of B) and R. Simeon ben Laqish. For R. Johanan, why should the flour become unusable if it was not yet dedicated? The answer is given in Note 76. For R. Simeon ben Laqish, the entire flour is dedicated as sacrifice from the start; if it becomes disqualified in any way, it should be burned immediately and not need waiting for the next day.
79 Since the dedication is automatic, not by his conscious act, it does not have the status of a directly dedicated animal and needs waiting for the next day.
80 *Sifra* *Saw* Parashah 3 (3). He has to bring the tenth of an *ephah* once in his lifetime, when he officiates in the Temple the first time. *Lev.* 6:13.
81 A Cohen was appointed as High Priest on the day he first came to officiate in the Temple. Confirmed Babli *Menahot* 78a.
It has to be brought when it is brought, it does not have to be early in the morning. But did we not state, “they place him who bakes the baked goods to make the baked goods”? Rebbi Hyya bar Ada said, to make the hot water to soften them. Rebbi Yasa in the name of Rebbi Hanina, he fries them and after that bakes them. Rebbi Aha in the name of Rebbi Hanina, he bakes them and after that fries them. They shall be baked cooked. Rebbi said, they shall be baked softly; Rebbi Dosa said, they shall be baked beautifully. This disagreement is parallel to the other disagreement. He who says, they shall be baked beautifully, is like him who says, he fries them and after that bakes them. He who says, they shall be baked softly is like him who says, he bakes them and after that fries them.

Text of B

It is said to be theft when it is brought, it does not have to be early in the morning. But did we not state, “they place those who bake the baked goods to make the baked goods”? Rebbi Yose said, to make the hot water to soften them. Rebbi Yasa in the name of Rebbi Hanina, he fries them and after that bakes them. Rebbi Hyya in the name of Rebbi Hanina, he bakes them and after that fries them. They shall be baked cooked. Rebbi said, they shall be baked softly; Rebbi Dosa said, they shall be baked beautifully. This disagreement comes parallel to the other disagreement. He who says, they shall be baked beautifully, is like him who says, he fries them and after that bakes them. He who says, they shall be baked softly is like him who says, he bakes them and after that fries them.

82 Lev. 6:14, a word of unknown etymology.
83 Since the verse states, in a pan in oil, mixed it shall be brought, as a gift of small breads, offer it as pleasant smell to the Eternal. Therefore this word must denote a property of the completed flour offering, not the flour itself. The verse makes it clear that the flour must be fried in oil, but breads implies that it must be baked.
84 Mishnah Tamid 1:4, describing the early morning activities in the Temple.
85 An attempt to explain the word מדרפק as contraction of מדרפקה. The following two statements have to be explained in a similar way. Babli Menahot 50b.
86 Since if baked and then fried swimming in oil will make the bread dark and difficult to handle.
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(50d line 33) If one died, he may come to those who are alive, and then a Halacha from Rabbi Joel ben Pazi who said from Rabbi Deloia: If he became disabled by a defect. 89 From where that if a High Priest dies and no other was appointed in his stead that his flour offering is brought from the heirs? The verse says, from his sons he shall make. 90 I could think that he should bring it in halves, the verse says, it, entire I said, the words of Rabbi Joel. Rabbi Simeon says, it only comes from the public, for it says, an eternal law, (to whom the creatures belong.) 91 Totally it shall be burned, all is for burning. Rabbi Abba bar Mamal asked, the system of Rabbi Simeon seems inverted. There he says, from the heirs, but here he says, from the public. 92 Rebbi Hyya bar Abba said, is that not a pertinent question? There came Rebbi Jacob bar Aha, Rebbi Abbahu in the name of Rebbi Johanan: It is a word from the Torah that it should be brought from the public. I could say, one should tax for it; they instituted that it should come from what is taken from the lodge. 93

Text of B

Rebbi Abba bar Mamal asked, the system of Rebbi Simeon seems inverted. There he says, from the public, but here he says, from the heirs. Rebbi Hyya bar Abba said, is that not a pertinent question? There came Rebbi Jacob bar Aha, Rebbi Abbahu in the name of Rebbi Johanan: It is a word from the Torah that it should be brought from the public. I could say, one should collect it from the heirs; they instituted that it should come from what is taken from the lodge.
87 Since Lev. 6:13 reads: this is the offering of Aaron and his sons which they have to offer to the Eternal, the daily flour sacrifice should be offered by the High Priest himself. While the service can be delegated to a common priest, the High Priest must be able to do it himself. If somehow he is disabled, it is as if there were no High Priest.

88 A Second Temple source.

89 Babli Menahot 51b; Sifra Saw Pereq 5(3).

90 Lev. 6:15.

91 This text does not make any sense. It seems necessary to adopt the reading of Sifra, "covenant", instead of "creatures". Then, as Ravad explains, the expression מֵעַבְּדוּ תּוֹרָתֵהוּ is compared to the same expression used for the shew-bread (Lev. 24:9) where in v. 8 יְהִי יִשְׂרָאֵל reads as in rabinic Hebrew "public".

92 In the Mishnah he qualifies the rule that the daily flour offering in the absence of a High Priest is charged to the public as a Court stipulation, implying that by biblical law it should be charged to the High Priest’s heirs. In Sifra he deduces the rule from a biblical verse.

93 It seems that one should read with B: collect it from the heirs.

Rebbi Yose⁹⁴ said, Rebbi Johanan asked: Entire in the morning and entire in the evening, or half in the morning and half in the evening, [or entire in the morning and nothing in the evening]⁹⁵? Then it should be obvious to him, what about three log⁹⁶? Three log in the morning and three log in the afternoon, or a log and a half in the morning and a log and a half in the afternoon? Rebbi Hizqiah said, also the following was a problem for him:
Two handful\textsuperscript{97} in the morning and two handful in the evening or one handful in the morning and one handful in the evening? Rebbi Yose said, did they not the two handful infer from the sinner’s flour offering\textsuperscript{98}? Just as there two handful, also here two handful. Just as there it was problematic for him, so here it is problematic for him\textsuperscript{99}. Rebbi Hizqiah said, did one not infer the three log from the daily afternoon sacrifice\textsuperscript{96}? Since there {are} three log, so also here three log. [Just as] there it was problematic for him, [so] here it is (obvious) [problematic] for him\textsuperscript{100}.

94 With B read: Yasa (Assi).
95 The High Priest has to bring a flour offering mornings and evenings (Lev. 6:13). If the High Priest is dead or disabled and according to the Mishnah his flour offering has to be brought entire, does that mean two offerings per day, or only one in the morning? It is clear that the sentence about bringing two halves has to be deleted and the corrector’s addition from B accepted.
96 The text about the High Priest’s offering only mentions oil but does not specify its quantity. It is deduced either from the libations required in general for a sheep (Num. 15:4) or from the specifics indicated for the daily sacrifice (Num. 28:5) that a tenth of an ephah of flour requires a quarter of a hin, 3 log, of olive oil. This therefore is the quantity of oil required here, even though it is used for frying, not for mixing as in the cases where the quantities are specified. Sifra Saw Pereq 4:1-5; cf. Babli Menahot 52b.
97 In the Babli, Menahot 52a, R. Johanan reports that the Tenth of the High Priest also requires addition of a handful of incense like other flour offerings. He also reports that there is a dispute whether the living High Priest has to bring one handful, which is split into two, or two separate handfuls for morning and evening services. But since here the question is about the Tenth for the absent or incapacitated High Priest, one infers that the Yerushalmi holds that the living High Priest only brings one handful.
98 This reading is impossible since the sinner’s flour offering (Lev. 5:11) is brought without oil and incense. The commentators conjecture an emendation “from the shew bread” which is put onto the table in two rows, each one with a cup of incense.
99 Missing in B and M, probably correctly.
100 The text in brackets is copied from B.
Mishnah 6: About salt and wood that the Cohanim may use them\textsuperscript{102}, and about the Cow that one does not commit larceny with its ashes\textsuperscript{103}. And about disqualified nests\textsuperscript{104} that they be charged to the public; Rebbi Yose says, he who provides the nests provides the disqualified ones.

101 Continuation of the Court stipulations from Mishnah 5.
102 The Cohanim who have to consume most holy sacrifices in the sacred compound may use salt and wood bought with sheqalim to cook the meat and bake massot.
103 Even though the ashes of the Red Cow are called "purification sacrifice" but only "(means of) purification." Even though the Cow was bought with sheqel money, the ashes are no sancta.
104 If a woman put money for a "nest" in the corresponding box, and the birds given to the Cohen for the corresponding sum turned out to be disqualified, they must immediately be replaced since the woman trusts that she may eat sancta after sundown. Since her identity is unknown, she cannot be asked to pay a second time; therefore her nest has to be paid by the public. R. Yose disagrees and holds that the contract with the supplier of birds stipulates that the birds supplied must be qualified. Therefore disqualified birds have to be replaced by the supplier at no cost to the Temple.

Halakhah 8: Rebbi Samuel ben Nahman in the name of Rebbi Jonathan: It would have been logical\textsuperscript{105} that one commit larceny with them, but they decided that one does not commit larceny with them. But did we not state\textsuperscript{106}: "it is hattat, this teaches that one commits larceny with it. [With it one commits larceny,]\textsuperscript{107} with its ashes one does not commit larceny." Rebbi Abbahu said, at the beginning they were using it as a disinfectant\textsuperscript{108} and were putting it on their wounds and therefore they decided that one would commit...
larceny with it\(^{109}\). When they were fenced in\(^{110}\), they decided that one does not commit larceny with it.

By what is that woman atoned for\(^{13}\)? Rebbi Isaac said, it is a stipulation of the Court that the providers of nests also provide the disqualified and the lost ones\(^{14}\).

105 Since the Cow is treated as a sanctum, it is clear that until its ashes are collected as required in Num. 19:9, any action not in accordance with the procedure prescribed in vv. 2-9 will invalidate the procedure and usufruct of correct procedure will be larceny of sacra. According to the general principle that once the required procedures are executed, there can be no longer larceny of sacra, the problem is to decide whether the correct preparation of the ashes is the final step in this regard, or the sprinkling on a person impure in the impurity of the dead, as described in the verses following. To say that it would be logical is tantamount to a statement that one could argue the second position but, since the answer is not clear from the biblical text, it is up to the Court overseeing the Temple to decide which opinion to follow.

106 Babli Menahot 51b/52a.

107 Corrector’s addition following B and M, correct but not absolutely necessary.

108 Reading as Arabic ﮥﮣ玥 “to rinse”.

109 But biblically the ashes never could lead to larceny of sacra.

110 It was certain that no illegitimate use would be tolerated.
Mishnah 1: All spittle\(^1\) found in Jerusalem is pure except on the Upper Market\(^2\), the words of Rebbi Meïr. Rebbi Yose says, on all other days of the year, those in the middle of the road are impure, and those on the sides pure. On holidays, those in the middle of the road are pure and those on the sides impure since the minority will remove themselves to the sides.

\(^1\) Any impurity caused by a human body itself, such as in a person afflicted by gonorrhea, is a source of severe impurity, and all his body fluids are sources of severe impurity. In any place other than Jerusalem, one must assume that spittle was ejected by an impure person whose impurity was caused by his body (cf. Mishnah Tahorot 4:5). By rabbinic usage, all Gentiles are considered to be in this category. In Jerusalem, where people are used to eat sancta the entire year according to R. Meïr, or on the holidays according to R. Yose, one may assume that impure people are careful not to contaminate their pure neighbors. This is a reconstruction by authors living two generations after the destruction of the Temple.

\(^2\) A Gentile neighborhood.
Rebbi Bebin in the name of Rebbi Joshua ben Levi: A laundry for sufferers from gonorrhea was there. Rebbi Hanina said, lions were killing wild donkeys in Jerusalem and the feet of the pilgrims were immersed in blood up to their knee joints. They came before the Sages who did not tell them anything.

51a line 36 (3 Reading)

3 Reading, “their castra”. The Babli text reads “their laundry”.

4 As explained in the next paragraph, while carcasses of four-legged animals are a source of impurity (Lev. 11:26-28), this does not extend to their blood, which does not cause impurity. Gentile circus games have no impact on purity in Jerusalem (except for the removal of the carcasses which must be done by Gentiles.) Babli Menahot 103b.

5 Corrector’s addition from B, correct but unnecessary.

Rebbi Simon in the name of Rebbi Joshua ben Levi: It happened that a mule of Rebbi’s household died and they declared its blood pure regarding the carcass. Rebbi Eleazar asked Rebbi Simon, how much? He did not take notice of him. He asked Rebbi Joshua ben Levi who told him, it is pure up to a quartarius. More than that is impure. Rebbi Eleazar felt badly that Rebbi...
Simon had not repeated the tradition to him. Rav Bevai was sitting stating this occurrence. Rebbi Isaac bar Bisna asked him, is it pure up to a *quartarius*; more than that impure? He was unfriendly to him. Rebbi Zeriqa asked him, because he asked you, you were unfriendly to him? He answered him, because my mind was not clear, as Rebbi Hanin said, *your life will hang far from you*, that is one who buys a year’s supply of wheat, *you will be fearful night and day*, that is one who buys from the Saracen, *and you will not believe in your survival*, that is one who buys from the retail store, and I am dependent on retail stores. What about it? “Rebbi Joshua ben Batharya testified about blood of carcasses that it is pure.” What means pure? It is pure in that it does not prepare, but for impurity it makes impure. There, we have stated “The blood of a crawling animal is like its flesh, it makes impure but does not prepare. Nothing else is like this,” in the amount needed for impurity but its blood makes impure like its flesh. Rav Joseph said, he who says “impure” follows Rebbi Jehudah; he who said “pure” follows Rebbi Joshua ben Batharya. Rav Eudaimon the emigrant said to him, this is correct. Rebbi Jehudah was the instructor of the Patriarch.

*Text of B*

6 The text was copied more or less in Chapter 3:2, Notes 40 ff. The full explanation is given in *Šabbat* 8, Notes 51-62.

Did not Rebbi Abbahu say in the name of Rebbi Yose ben Hanina, they did not decide about spittle in Jerusalem? [Was it not said] about this, Rebbi Abbin in the name of Rebbi Joshua ben Levi: A Gentile fortification.
was there\textsuperscript{12}? In the remainder of the days of a year the impure ones are walking on the path\textsuperscript{13} and the pure ones are walking on the shoulder. The pure ones walk without saying anything, the impure ones tell them, keep apart. During a holiday\textsuperscript{14} the pure ones are walking on the path and the impure ones are walking on the shoulder. The impure ones walk without saying anything, the pure ones tell them, keep apart.

**Text of B**
Did not Rebbi Jacob bar Aha say in the name of Rebbi Yose ben Hanina, they did not decide about spittle in Jerusalem\textsuperscript{10}? Was it not said about this, Rebbi Abbin in the name of Rebbi Joshua ben Levi: A laundry of sufferers from gonorrhea was there. In the remainder of the days of a year the impure ones are walking on the path and the pure ones walk on the shoulder; the impure ones walk without saying anything, the pure ones tell them, keep apart. During a holiday the pure ones are walking on the path and the impure ones are walking on the shoulder. The pure ones walk without saying anything, the impure ones tell them, keep apart.

10 Nobody required that heave and other sancta be considered potentially impure because they touched spittle of unknown provenience, in contrast to all places in the Holy Land outside of Jerusalem (Mishnah Tahorot 4:5), since the number of people whose impurity is caused by their own body is minuscule. Then why is the Upper Market in Jerusalem excluded? Babli Pesahim 19b.

11 Corrector’s addition from B, in Babli terminology.

12 One must assume that the spittle is a Gentile’s, automatically impure by rabbinic standards.

13 A form of שֶׁבֶת “path”, not “ear of grain”.

14 When practically everybody was pure as long as the Temple existed.

\textbf{Mishnah 2:} All implements which are found in Jerusalem on the road descending to the place of immersion are impure, on the way ascending they are pure since they were brought down on a way different from that on which they were brought up, the words of Rebbi Meïr. Rebbi Yose says, all are pure except the bag and the rake\textsuperscript{15} set apart for graves.
15 As the Halakhah shows, a word “the hoe” is missing here, found in B and the independent Mishnah mss.

**Halakhah 2:** But did not Rebbi Abbahu say in the name of Rebbi Johanan, they did not decide about vessels in Jerusalem? Since they were found on the road descending to the place of immersion, it is proof.

16 Missing in B.
17 In contrast to all other places in the Holy Land, one does not have to presume that vessels found in Jerusalem be impure.
18 These must be presumed impure unless the opposite is proven.

Abba Shaul used to call it “fingernail” since it is shaped like a fingernail. He who said because it quickly dispatches the stone [to the cemetery.]

19 The word for “hoe” missing in the Mishnah. The word is a *hapax* and according to the second opinion used exclusively for the gravedigger’s (or burial cave excavator’s) hoe.

20 Corrector’s addition from B; questionable since the text seems to refer to excavating burial caves (impossible in the Iraqi plain.)

**Mishnah 3:** If a knife was found on the Fourteenth, one may slaughter with it immediately; on the Thirteenth one has to repeat and immerse. A dagger in either case one has to repeat and immerse. If the Fourteenth falls on a Sabbath, one may slaughter with it immediately; on the Fifteenth one...
may slaughter with it immediately\(^25\). If it\(^26\) was tied to a knife its status is that of the knife.

21 The 14\(^{th}\) of Nisan, the day of slaughter of the \textit{Pesah} sacrifice. Even though the previous Mishnah stated that all implements found in Jerusalem are presumed to be pure, for use on \textit{sancta} one is restrictive and requires immersion in a \textit{miqweh} and waiting for the following sundown. The only time this requirement is waived is the 14\(^{th}\) of Nisan, the day of mass slaughter, where it is presumed that every knife which is qualified to be used for ritual slaughter was immersed in a \textit{miqweh} the previous day.

22 Since all knives are immersed on the 13\(^{th}\) of Nisan, one has to assume that this particular knife was lost on the way to the \textit{miqweh}.

23 Which is not usable for slaughter and therefore not necessarily immersed in a \textit{miqweh}.

24 Since one may not immerse on that day, certainly the knife had been immersed on the 13\(^{th}\).

25 Since the 15th of Nisan is a holiday where immersion is not done, and the knife was purified for the 14th, the presumption of purity extends to this case.

26 The dagger.

Halakhah 3: It was stated: If the knife was tied to it\(^26\) its status is that of the knife\(^27\).

27 It seems that the last sentence in the Yerushalmi Mishnah; therefore it is quoted as a \textit{baraita}; cf. Note 43.

Mishnah 4: If a gobelin\(^28\) became impure by derivative impurity\(^29\), one immersed it inside and brought it back immediately. But if by original impurity, one immersed it outside and spread it out in the ante-court\(^30\) because it requires sundown. If it was new, one spreads it out on the roof of the stoa\(^31\) so the people could see its workmanship, which was beautiful.
Mishnah 5: Rabban Simeon ben Gamliel says in the name of Rebbi Simeon, the son of the Executive Officer of the Temple: The thickness of a gobelin was a hand-width. It was woven on 72 strings and each string was composed of 24 threads. Its length 40 cubits and its width 20 cubits; it was made for 820,000 {denar}. Two were made every year and 300 Cohanim were immersing it.

In the Temple, separating the Holiest of Holies from the Temple Hall. Since it is an implement, not a fixed part of the building, it may become impure.

A rabbinic impurity. By biblical standards, implements may become impure only by contact with original impurity.

The enclosed plaza in front of the entrance to the Temple courtyard.

The double stoa built by Herod as enclosure of the Temple district.

Who credibly could inform about details of the Temple some 80 years after its destruction.

Of the warp.

Since the gobelin had to be made from blue, purple, and crimson wool, and byssus (Ex. 26:31), and each kind was twined of six threads.

According to the Tosephta (3:15), one was hung new on the Eve of the Day of Atonement and the other kept in reserve if some impurity should occur on one of the two which were in use.

For purification; see end of Halakhah 4.
Halakhah 4: If it had said “thread”, one, “double”, two, “twisted”, three, “entwined”, six. There are four kinds, this makes 24. It was stated 32. If it had said “thread”, one, “double”, two, “twisted”, four, “entwined”, eight. There are four kinds, this makes 32. It was stated 48. If it had said “thread”, one, “double”, two, “plaited” three, “twisted”, six, “entwined”, twelve. There are four kinds, this makes 48.

38 One verse says embroidered work, and one verse says, intelligent work. Embroidered work, one face, intelligent work, two faces.” Rebbi Jehudah and Rebbi Nehemiah, one said embroidered work, a lion on each side, intelligent work, a lion on one side and nothing on the other side. The other one said, embroidered work, a lion on one side and nothing on the other side, intelligent work, a lion on one side and an eagle on the other side.

Text of B


One verse says embroidered work, and one verse says, intelligent work. Embroidered work, one face, intelligent work, two faces. Rebbi Jehudah and Rebbi Nehemiah, one said embroidered work, a lion on one side and nothing on the other side, intelligent work, a lion on each side. The other one said, embroidered work, a lion on one side and nothing on the other side, intelligent work, a lion on one side and an eagle on the other side.

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37 One tries to explain why the expression entwined used in the biblical text for all woven textiles used in the Temple (except the garments of the simple priests) means a multiply twisted string. Since there are other words available for small numbers of threads, entwined must designate heavy strings.

38 Tosephta 3:14; explained differently in Babli Yoma 72b.

39 Ex. 26:36.

40 Ex. 26:31.

41 Greek προσόπον, τό. The scribe originally wrote correctly פרסכן.

42 Babli Yoma 71b. This is a play on words, since the (Egyptian) word for “byssus” also is the (Semitic) one for “six”. In the Babli Yoma it is pointed out that in the verses which report the making of the priestly garments, Ex. 39:27-29, the word בשׁ appears six times. This addition to the text has to be qualified as Babylonian.
It was stated:43 “It was made for 820’000 {denar}.” Rebbi Isaac bar Bisna in the name of Samuel: exaggerated44. There, we have stated45: “Sometimes there was on it about 300 kor46.” Rebbi Yose ben Rebbi Abun in the name of Samuel: exaggerated.

This was written by the scribe but then deleted. S. Liebermann (Tarbiz 5, p. 261) also sees here a sign that the statement was not part of the original Galilean Mishnah.

In the Babli, as also in B, always the noun “exaggeration” is used.

Mishnah Tamid 2:2, describing the amount of ashes accumulated on the altar at the end of a night. B quotes the entire Mishnah.

About 114m³, a volume impossible for the surface area of 174.5m² of the fire on the altar. Babli Tamid 29a, Hulin 90b.

Mishnah 6: Flesh of most holy sacrifices47 which became impure either by original impurity or by derivative impurity48, whether inside or outside, the House of Shammai are saying that everything has to be burned inside except what became impure outside by original impurity49. The House of Hillel are saying that everything has to be burned outside except what became impure inside by derivative impurity50.

Mishnah 7: Rebbi Eliezer says, what became impure by original impurity, whether inside or outside, shall be burned outside. But what became impure by derivative impurity, whether inside or outside, shall be burned
inside. Rebbi Aqiba said, the place of its impurity is the place of its burning.

47 Elevation, purification, and reparation sacrifices, whose flesh never should leave the sacred precinct.

48 Derivative impurity is rabbinic impurity; according to biblical standards the flesh could be eaten.

49 Since most holy sacrifices may not leave the sacred precinct, flesh disqualified for the altar must be burned in the courtyard. Only if the flesh was taken outside and became biblically impure can it not be returned and must be disposed of by being burnt outside.

50 They hold that flesh impure by biblical standards has to be removed as quickly as possible from the sacred precinct; then it can be burned outside in leisurely fashion. Flesh inside which is considered impure only by common usage, not biblical decree, may be burned in the courtyard. No flesh impure in any way may be introduced into the sacred precinct.

51 In the matter of burning, he considers rabbinic impurity as nonexistent.

52 This is his interpretation of the hidden meaning of Lev. 6:23, as explained in Sifra Saw Pereq 8(5-6), where also additional opinions of RR. Meir and Jehudah are reported.
Halakhah 5: Bar Qappara said, original impurity is a word from the Torah, derivative impurity is of their words. Rebbi Johanan said, both these and those are words of the Torah. The House of Shammai is difficult for Rebbi Johanan, since the House of Shammai said, “everything has to be burned inside except what became impure outside by original impurity.” What is the difference between [original] impurity and derivative impurity outside, are not both of them words of the Torah? And even the House of Hillel is difficult for him, since the House of Hillel say, “everything has to be burned outside except what became impure inside by derivative impurity.” What is the difference between derivative impurity inside and original impurity inside, are not both of them words of the Torah? The rabbis only discuss Bar Qappara’s opinion. The House of Shammai is difficult for Bar Qappara, since the House of Shammai said, “everything has to be burned inside except what became impure outside by original impurity.” What is the difference between original impurity outside or inside, are not both of them words of the Torah? Because of Rebbi Aqiba, who said “the place of its impurity shall be the place of its burning.” Would not the House of Hillel also be difficult for him, since the House of Hillel say, “everything has to be burned outside except what became impure inside by derivative impurity.” What is the difference for derivative impurity inside or outside, are not both of them their words? Because of Rebbi Simeon, since Rebbi Simeon said, food and drink of a person afflicted with skin disease are sent outside the three camps.
of its impurity is the place of its burning.” Would not the House of Hillel also be difficult for him, since the House of Hillel say, “everything has to be burned outside except what became impure inside by derivative impurity.” What is the difference for derivative impurity inside or outside, are not both of them their words? Because of Rebbi Simeon, since Rebbi Simeon said, food and drink of a person afflicted with skin disease are sent outside the three camps.

53 The same statement is found in Ma’aser Šeni 3:8 (Note 103) and Pesahim 1:7, Notes 166,167.

54 In Lev. 7:19 one reads: *Any meat which touches anything impure may not be eaten, in fire it shall be burned.* Since it is not stated “touches any impure person”, one has to conclude that *anything impure* refers to implements or similar things which became impure from the touch of an impure person. Therefore it is clear that by biblical standards there exist derivative impurities. Bar Qappara holds that anything which makes something else impure is called original impurity. Since the verse does not refer to the meat as impure, he will hold that it is disqualified but its touch will not make the implement touched impure. He restricts the term “impure” to matter able to transmit impurity; matter disqualified is classified as “derivative impurity”. R. Johanan will hold that the meat, two touches distant from original impurity, still is impure by biblical standards (even though it is not called so in the text.) Everybody will agree that further impurities, 3 and 4 touches separated from original impurity, are rabbinic (or customary) categories of impurity.

55 Similar discussions, referring to other Mishnaicot, are in Ma’aser Šeni 3:8 (Note 103) and Pesahim 1:7, Notes 166,167.

56 Correct addition by the corrector.

57 Since the objections to R. Johanan’s opinion cannot be answered, his statement cannot be valid in rabbinic tradition.

58 The House of Shammai will accept R. Aqiba’s interpretation of Lev. 6:23; this explains their position without reference to Bar Qappara’s statement.

59 This is a complicated formulation of the simple statement of Note 50. It is inferred from Num. 5:2-4 (Sifry Num. 1) that there were three encampments in the desert, the holy precinct of the Tent of Meeting, the encampment of the Levites, and that of the Israelites. These are represented by the Temple enclosure, the Temple Mount, and Jerusalem (or any walled city in the Holy Land). Then it is stated that from the categories of people excluded from the holy sites, people impure in the impurity of the dead are excluded from the Temple precinct, those suffering from gonorrhea (or anybody whose impurity is caused by his own body) is excluded from the Temple Mount, and the sufferer from skin disease is excluded from the city. R. Simeon explains that the sufferers from skin disease under no circumstance can enter the city; this is a paradigm for the statement that anything impure never may be brought into a place from which it is excluded.
Mishnah 8: The limbs of the daily sacrifice are deposited on the lower part of the ramp to the West, those of the musaf sacrifices on the lower part of the altar. Those of the days of the New Moon on the rim on the top of the altar. Sheqalim and First Fruits apply only if there is a Temple, but tithes of grain, and tithes of animals, and firstlings, apply whether there is a Temple or there is no Temple. If somebody dedicates sheqalim or First Fruits, they are sanctified. Rebbi Simeon says, even if somebody designates First Fruits as holy, they are not holy.

60 As explained in Yoma Chapter 2, the sacrifices were slaughtered and cut into pieces which immediately were carried to the ramp leading up to the altar, but then were taken up one by one to be burned on the relatively small area of the fire on the altar.

61 Of the Sabbaths and holidays.

62 As explained in the Halakhah, on top of the altar, between its horns, on the place usually reserved for the Cohanim serving at the altar.

63 Sheqalim are dedicated for the Temple service; if there is no Temple there are no sheqalim. Of First Fruits it says (Ex. 23:19): Bring the First Fruits of your land to the Eternal’s House; if there is no House they cannot be brought (Tosephta 3:24).

64 Of all these, the verse (Num. 18:12-19) says that these are given to the Eternal; therefore they are obligations independent of the Temple.

65 Today, in the absence of a Temple. R. Simeon holds that a dedication as First Fruits is a vow in error which does not need annulment.

Halakhah 6: “What is ‘the rim of the altar’? A cubit between two horns, on the place reserved for the feet of the Cohanim walking.”

66 The word is a hapax in the Bible, Ex. 27:5. The explanation is intended also as applicable to the biblical word. Tosephta 3:19; Babli Zevahim 62a.
Which of the musaf sacrifices of the Sabbath and of the New Moon has precedence? Rebbi Jeremiah wanted to say, between the musaf sacrifices of the Sabbath and of the New Month, the musaf sacrifices of the New Month have precedence. The strength of Rebbi Jeremiah is from the following:

Between the song of the Sabbath and the song of the New Month, the song of the New Month has precedence. Rebbi Yose said, there is a difference there since Rebbi Hyya said in the name of Rebbi Johanan: To make a proclamation to publicize that it is the start of a new month. How does one do it? One slaughters the musaf sacrifices of the Sabbath and says for them the song of the New Month. But here, between the musaf sacrifices of the Sabbath and of the New Month, the musaf sacrifices of the Sabbath have precedence, under the category: what is more frequent than another precedes the other.

This paragraph is copied in Sukkah 5:6 (Note 124).

The question may be asked here since the limbs of the sacrifices of the New Month are stored much closer to the fire on the altar than those of the Sabbath sacrifices.

A general principle, Yoma 2:3 (Note 127), Ta`anit 4:5 (68b l.30), Babli Berakhot 51b, Pesahim 114a, Zevahim 91a.
Did sheqalim therefore become holy? Rebbi Simeon ben Jehudah in the name of Rebbi Simeon: Both these and those did not become holy. It was stated: A proselyte today has to bring for his nest a quarter of a silver denar. Rebbi Simeon said, Rabban Johanan ben Zakkai already disestablished this because of the mishap. What is “because of the mishap”? As was stated, today one does neither dedicate as sacrifice, nor dedicate one’s value, nor dedicate as herem, nor does one collect heave and tithes. If somebody dedicates as sacrifice, or dedicated one’s value, or dedicated as herem, or collected, cloth must be burned, an animal castrated. [How? One locks it in and it dies by itself.] Monies shall go to the Dead Sea. If he transgressed and dedicated, since Rebbi Simeon said, Rabban Johanan ben Zakkai already disestablished this because of the mishap, this implies if he transgressed and dedicated, it became sanctified. Rebbi Yudan from Antodria asked before Rebbi Yose: here you are saying it became sanctified, and there you are saying, it did not become sanctified. He said to him, there because of the following one may not dedicate from the start because it is an obligation to bring from the new contribution, and this would be from the old one. Here, what can you say? That one is old. But in respect to other dedications, the proselyte’s nest does not have to be from new money; if he dedicated it is holy;] maybe the Temple will be built like earlier and the heave of the lodge will be lifted on time on the first of Nisan. But here, what do you have? Rav Ada and Rav Hannuna, Rav Ada bar Ahawa in the name of Rav: Practice follows Rebbi Simeon.
Since in the Mishnah R. Simon only states that dedications of First Fruits are ineffective; he is silent about sheqalim.

Is a sheqel dedicated today reserved for use in the Temple; in absence of a Temple any use of it would be larceny of sacra.

First fruits and sheqalim.

Cf. Tosephta 3:22; Babli Roš Haššanah 31b (in the name of R. Simeon ben Eleazar), Keritut 9a. Sifry zuta Šelah explains the sacrifice as necessary before the proselyte will be permitted to partake of sancta, since every person whose body was the cause of his impurity, once he is pure he needs such a sacrifice to be admitted to sancta (cf. Note 1).

Corrector’s addition from B, totally erroneous since heave and tithes are applicable today. Probably the addition “and tithes” is a scribal error in the ms. underlying B, since “heave and tithes” is a common expression. If “and tithes” is deleted, then the reference is not to heave from agricultural produce but to the money taken from the depository of sheqalim for use in the Temple. Therefore, this “lifting” is dedication as sheqalim.

Corrector’s addition from B, inappropriate here. It is possible to be careful not to use an animal, but it must be prevented from producing offspring (even though castrating is sinful.)

Babli Yoma 66a, Bekhorot 23a, Avodah zarah 13a.

A person dedicating sheqalim does not sanctify his money according to R. Simeon; a proselyte dedicating money for his sacrifice in case the Temple will be rebuilt does sanctify the money set apart.

Corrector’s addition from B, best deleted as a wordy paraphrase of the text obtained by deletion.

Then any moneys set apart before the First of Adar are not admissible as new sheqalim; dedicating them before the Temple was rebuilt would be a self-defeating act.

Babli Keritut 9a. The ruling refers to all of R. Simeon’s statements in this paragraph.
Introduction to Tractate Sukkah

The Tractate covers all rules special to the festival of Tabernacles (Lev. 23:33-44). The first two Chapters cover all the rules of the hut (sukkah) which replaces the house for the duration of the festival (vv. 41-42). Chapter Three details “four kinds” of fruits and twigs to be carried on the festival (v. 40). The description of these plants in the verse is not very specific; the actual identities are a matter of tradition, as are the way and the time of their use. By biblical standards, the use of these plants is restricted to one day except as part of the Temple service. The extension to synagogal use for seven days is a rabbinic institution in remembrance of the Temple by authorities of time of the destruction of the Second Temple. Chapter Four first notes the rules of those rites which apply to the seven days of Tabernacles proper (v. 34), and those which extend to the concluding Eighth Day (v. 36) which is separate from Tabernacles. Then it notes different rules concerning willow branches traditionally used in the Temple and outside, as well as the uniquely pharisaic ceremony of water libations, not traceable to any biblical source. The Fifth and last Chapter treats the pharisaic nightly festivities accompanying the drawing of the water from the Gihon spring and its introduction into the Temple compound. At these festivities wind instruments also were used; the Tractate ends by first describing the use of trumpets and horns in the Temple service during the year and then noting the way the priestly prebends were distributed to the officiating priests during the holidays.

Since in the Land of Israel only the biblical one-day festivals are observed, the complications introduced by the observation of a second day in Babylonia and from there in every diaspora are not mentioned in Mishnah and Jerusalem Talmud. In particular, the additional Ninth Day observed in the diaspora is not mentioned; its celebration (and in Israel the celebration of the Eighth Day) as concluding the reading of the Torah in the Babylonian yearly cycle is not traceable before Gaonic times. The reading in the Galilean cycle
was completed twice in a Sabbatical period, once every three and one half years.
Mishnah 1: A sukkah which is higher than twenty cubits is disqualified; Rebbi Jehudah qualifies it. It is disqualified if it is not ten hand-breadths high, or does not have three walls, or where the sunshine is larger than the shade.

Mishnah 2: The House of Shammai disqualify an old sukkah, but the House of Hillel qualify it. What is an old sukkah? Any which he made thirty days before the holiday. But if he made it for the holiday it is qualified even from the beginning of the year.

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1 Since the essence of a sukkah is its roofing, which has to be temporary and made from vegetable material, giving little protection from the rain, the roofing always should be visible to any person inside the sukkah.

2 Since nobody could dwell inside.

3 Even though Isaias (Is. 1:8) gives the name of sukkah to a watchman’s shelter from the sun, a roof over 4 poles without any walls, this does not apply to the holiday hut which must be a dwelling place.

4 I. e., putting up the roofing.

5 Since the festival of Tabernacles starts on Tishre 15, two weeks after New Year’s day, this “beginning of the year” refers to the preceding year.
“An alley which is higher than twenty,” etc.  Rebbi Yose said it without attribution, Rebbi Aḥa in the name of Rav: The rabbis inferred it from the door of the Sanctuary, but Rebbi Jehudah inferred it from the door of the Hall. An argument from the door of the Hall is sufficient only up to forty cubits, as we have stated there⁶: “The door of the Hall was forty cubits high and twenty cubits wide.” Rebbi Hiyya stated, even forty or fifty cubits; Bar Qappara stated, even a hundred cubits. Rebbi Abin said, Rebbi Jehudah follows his opinion and the rabbis follow their opinion, as we have stated there⁸, “and similarly one carries under panelled bridges on the Sabbath, the words of Rebbi Jehudah, but the Sages forbid it.” As you are saying there, one considers the roof as if it came down and closed, here also one considers the cross-beam¹⁶⁷ as if it came down and closed. This is the opinion of Rebbi Jehudah in the case of a sukkah, this is his opinion in the case of an alley. Also the opinion of the rabbis in the case of a sukkah is their opinion in the case of an alley. But they are not comparable. There are items qualified for a sukkah which are disqualified for an alley and those qualified for an alley but disqualified for a sukkah. Double pointed poles⁹ are qualified for a sukkah but disqualified for an alley, and it was stated thus: If he brought four double pointed stakes and thatched over them it is qualified as a sukkah but disqualified for an alley. That is, if they are higher by more than three
{hand-breadths} than the walls of the alley. But if they are not higher by more than three {hand-breadths} than the walls of the alley it is qualified. If they are not, but if they are four {hand-breadths} wide they are qualified even if arbitrarily high. Walls may be qualified for a sukkah but disqualified for an alley, and it was stated thus: Two regular and the third even one hand-breadth is qualified.” Rebbi Hiyya in the name of Rebbi Johanan: Two of four hand-breadths each and the third even one hand-breadth is qualified. But for an alley only if it is closed in its four directions. Wider than ten cubits is qualified for a sukkah but disqualified for an alley. “If he drew a vine, or squash, or ivy, and used it as roofing it is disqualified.” That means, up to an area of two bet se’ah. But more than an area of two bet se’ah it is a partition made for agriculture where one may transport only four cubits. If its sunshine is more than its shade it is disqualified as sukkah but qualified for an alley. A roofed sukkah is disqualified, a roofed alley is qualified. Rebbi Immi in the name of Rebbi Hoshaia: Not only roofed, but if he put there a cross beam four hand-breadths wide, it makes the alley permitted.

6 This text was copied at the beginning of Eruvin Chapter 1, explained there in Notes 31-57. A dead-end alley can be turned into the private domain of its dwellers for the rules of the Sabbath by turning its entrance into a symbolic gate. For the cross-beam which designates the gate the same measurements as for a sukkah are required for the rabbis and R. Jehudah.

7 Mishnah Middot 3:4.

8 Mishnah Eruvin 9:5.

9 Greek διπατον, τό.

10 Tosephta Sukkah 1:13.

11 Mishnah Sukkah 1:4.
Now is a house which is very high not obligated to have a parapet, or to have a mezuzah\(^\text{12}\)? But a house is roofed, a sukkah is not roofed\(^\text{13}\). We find that thatching is like roofing, as we have stated there\(^\text{14}\), “if the thatching was three hand-breadths distant from the walls it is disqualified.” But a house is completely enclosed, a sukkah is not completely enclosed. If a porch\(^\text{15}\) was totally open to the public domain, do not Rebbi Ila \[in the name of\]\(^\text{16}\) Rav and Rebbi Johanan both say, one may carry in its entirety\(^\text{17}\)? What about it? Rebbi Abbahu in the name of Rebbi Johanan: The Torah said, in sukkot you shall dwell\(^\text{18}\). Up to twenty cubits a person sits in the shade of the thatching; from twenty cubits and higher he sits in the shade of the walls. Rebbi Jonah said, that is, if you are saying, if it\(^\text{19}\) is put higher than twenty cubits on the walls. But if it was put lower than twenty cubits inside the walls it is qualified. Rebbi Yose said to him, in your opinion, since you are saying that it is depending on the walls, it should state that “a sukkah which is higher than twenty cubits on the walls is disqualified.”\(^\text{20}\) Rebbi Abba in the name of Rav, if it only holds a person’s head, most of his body, and his table\(^\text{21}\). But if it holds more it is qualified. Rebbi Jacob bar Ah\(\text{a}\) in the name of Rebbi Joshia, only if its walls do not reach up all the way, but if its walls reach up all the way it is qualified. But does not a baraita disagree\(^\text{22}\)? “Rebbi Jehudah said, it happened that the sukkah of Queen Helena\(^\text{23}\) in Lydda was higher than twenty cubits and the Sages were coming and going there and nobody was saying a word. They said to him, because she was a woman, and a woman is not obligated\(^\text{24}\). He said to them, is that a proof? Did she not have seven learned sons?\(^\text{25}\)” Could you say that the sukkah of Queen Helena only held a person’s head, most of his body, and his table? But it must be that the walls do not reach up all the way. What Rebbi Josia said is reasonable and the baraita...
does not disagree, since it is the way of rich people to make their walls airy so that cool air may enter\textsuperscript{26}.

12 Since a sukkah is a temporary house, one has to understand why the rules for a sukkah should be different from those for a house; in particular why a sukkah can be called by this name only up to a height of 20 cubits (11m). Naturally, a sukkah needs no parapet (Deut. 22:8) since nobody can walk on its roof, and it needs no mezuzah (Deut. 6:9) since it is used only for 7 days and the obligation of mezuzah starts only with 30 days’ use.

13 A house must be a permanent shelter which also protects against winter rains; this does not apply to the thin thatching covering a sukkah.

14 Mishnah 1:10. Everywhere an empty space up to 3 hand-breaths width is disregarded (cf. Eruvin Chapter 1, Note 248). This also applies to houses.

15 Greek ’εξχώρον, η, a covered walkway. Cf. Eruvin Chapter 1, Note 88.

16 Corrector’s addition. A comparison with the text in Eruvin (Chapter 1, Note 92) shows that it is unnecessary, and could have been replaced by a comma.

17 While this is a well-defined space, it has no walls. In order to treat it by the rules of an alley one has to hold that the beams which form the frame for the roofing (which may be either a complete roof or simply lattice work) define virtual walls around the walkway. For the rules of the Sabbath, one should compare the porch to an enclosed alley, whose entry beam also cannot be higher than 20 cubits. The rule is waved for the porch.

18 Lev. 23:42.

19 The thatching. For him a low thatching in very high walls creates a qualified sukkah.

20 R. Jonah’s explanation is rejected; the thatching must be on top of the walls.

21 A minimal sukkah has space for one person. Since they were taking dinner lying on couches, there must be room inside for that part of the couch on which his head and body rest; the legs may be outside. In addition there must be a small table for the food. For any sukkah larger than this, the restriction in height is not valid. Accepted in the Babli, 2b.

22 Tosephta 1:1, Babli 2b.

23 Of Adiabene, who moved to Jerusalem as a widow.

24 As a positive commandment tied to a specified time it does not apply to women, Mishnah Qiddušin 1:7.

25 It is spelled out in the Tosephta that they were sitting with their mother in her sukkah.

26 Therefore it is accepted practice that the height restriction does not apply to a sukkah which is not minimal and whose thatching rests on the walls.
Rav Hoshia asked: If he brought a plank 27 and put it protruding on top of a pillar. It is obvious that if he measures from the plank there are twenty cubits, if he measures from the ground it is not twenty cubits 28 . How do you treat this? As disqualified space, as disqualified thatching? If you are treating it as disqualified space, it disqualifies by three hand-breadths 29 . If you are treating it as disqualified thatching, it only disqualifies by four cubits 30 . Rebbi Yose ben Rebbi Abun in the name of Hizqiah: Disqualified thatching only disqualifies by four cubits, since it serves only to permit the sukkah 31 . Rebbi Miasha said, I am wondering what was Rav Hoshia’s problem? Why does he not infer from the statement of Rebbi Abba bar Mamal, since we stated there 32 : “If one makes the wall hanging from top to bottom, if it is more than three hand-breadths higher than the ground it is disqualified;” and Rebbi Abba bar Mamal said, if he does not sit and eats in the shade of the walls, but if he was sitting and eating in the shade of the walls it is qualified 34 . Rebbi Yose said, that of Rebbi Abba bar Mamal is not an inference since Rebbi Abba bar Mamal learned it from another Mishnah, as we have stated there 35 : “From a balcony above the sea one may not draw water on the Sabbath unless one made a partition ten hand-breadths high either above or below.” And Rebbi Ze’ira said, Rav Jehudah in the name of Rav: Only if the partition is lowered into the water the full length of a pail 37 . But one cannot compare it. The sea is karmelit, neither private nor public domain 38 . But here the Torah
said, *in sukkot you shall dwell*. From the floor of the *sukkah* you measure twenty cubits.  

27 A solid wooden plank. While it is of vegetable origin, it cannot be used for thatching if it is too wide since it is impermeable by both light and rain. The pillar is standing in the middle of the *sukkah*. One may either sit under the protruding plank or on top of it.  

28 But more than that.  

29 If it cannot be used for thatching, cf. Note 13; Halakhah 10.  

30 If the roof is made of solid material, only in the center there is a skylight which can be covered by thatching; this may be a qualified *sukkah* if the solid material does not extend 4 cubits from the walls. The solid roof then simply is considered a horizontal part of the vertical walls.  

31 Babli 4a.  

32 Mishnah 1:10.  

33 Up to three hand-breadths of empty space are disregarded both on top (Note 13) or on the bottom of a wall. The wall is considered as if standing on the ground.  

34 If he sits on the ground in such a *sukkah*, it is as if he sits in the open. But if he lies on a couch or sits on a chair higher that 3 hand-breadths, he is surrounded by walls and is under a thatched roof, fulfilling the commandment to sit in the *sukkah*. Similarly, in the case of Rav Hoshia, one should say that if he sits on the ground, the *sukkah* is disqualified, but not if he sits on the plank.  

35 *Eruvin* Mishnah 8:9.  

36 The house is on a lakeshore, the balcony is built over the lake, and there is a hole in the balcony through which a pail may be lowered to draw water. While obviously water is always moving and it cannot be asserted that water drops found under the balcony on the Sabbath were there at sundown, and the water could have come from outside the house’s Sabbath domain, since the restriction is purely rabbinic it is enough that under the balcony one make a symbolic wall whose extension would enclose the water.  

37 A quote from *Eruvin* Chapter 8 (Notes 73-80). Since water is always moving, it is impossible to know which molecules will be where at a given time. The answer is that this is irrelevant; at the time the pail is lowered it will draw water only from water on the house’s side of the partition lowered into the lake.  

38 A technical term defined in this sentence. Cf. *Šabbat* 1, Note 73.  

39 In all cases. R. Abba bar Mamal’s statement is disproved.
If it was (higher) \[lower\] than ten, and he hung there decorations which could be used for thatching; these reduce it to disqualify. Otherwise they reduce it but qualify. If it was higher than twenty cubits and he hung there decorations which could be used for thatching they reduce it to (disqualify) [qualify]. Otherwise they reduce it to qualify [disqualify]. Rebbi Shammai said, what they said about above they said about below. Straw and provender do not diminish in it; dust and pebbles do diminish in it. Rebbi Yose ben Rebbi Abun said, if grasses grew in it, they would not diminish it.

40 The text in parentheses is the scribe’s, the one in brackets the corrector’s. The numeral in the masculine means that the reference is to a sukkah 10 hand-breadths high, and therefore one has to accept the scribe’s text and reject the corrector’s.

41 If the decorations could serve as thatching, the sukkah does not have the minimum height and is disqualified. Otherwise they are disregarded and the sukkah is qualified.

42 By the same argument as in the previous Note, here one has to accept the corrector’s text, provided that decorations which can count as thatching are hanging down below 20 cubits. Cf. Babli 4a.

43 This text is from Eruvin Chapter 7 (Note 24). There it is noted that a ditch 10 hand-breadths deep or a wall 10 hand-breadths high separate domains for the rules of the Sabbath. If the ditch is filled with material that is easily blown away, it remains a separator; if it is filled with pebbles it disappears as Sabbath boundary. Similarly, if walls of a sukkah end higher than 3 hand-breadths from the ground, the sukkah cannot be qualified by filling the distance with straw, provender, or grasses; it is qualified if the hole is filled with dust and pebbles. Babli 4a.
44 From where that higher than ten [hand-breadths] is a different domain? Rebbi Abbahu in the name of Rebbi Simeon ben Laqish: There I shall make My Appearance to you, and I shall speak to you from above the cover. And it is written, you have seen that from Heaven I spoke to you. Since speech mentioned there is from another domain, also speech mentioned here is from another domain. But is the Ark not nine hand-breadths? In the House of Rebbi Yannai they said, the cover was one hand-breadth. Rebbi Ze’ira asked, from where that the cover was one hand-breadth? Rebbi Hananiah bar Samuel stated, for all the vessels in the Sanctuary the Torah gave the measure of length and width, and gave the measure of its height. Except for the cover where the Torah gave the measure of length and width, but did not give the measure of its height. Therefore we shall learn it from the smallest vessel in the Sanctuary, you shall make for it a frame of one hand-breadth all around. Since there it was one hand-breadth, so also here one hand-breadth. But maybe it refers only to: make a golden wreath as its frame all around? Since there it is a minimal size, so here also a minimal size. What about it? Rav Aha bar Jacob said, face. There is no face less than a hand-breadth.

Rebbi Yose asked, if there were a very high chest standing in a house, would it not be permitted to move anything from in it into the house or from the house into it? But we are dealing with the case when it was indicating to them the geographic directions. This is understandable for him who said, a cubit of six {hand-breadths}. But for him who said, a cubit of five hand-breadths? Would the Ark not be seven and one half hand-breadths? Rebbi Jacob bar Aha said, the House of Rebbi Yannai and Rebbi Simeon ben
Yosadaq. One learns it from the Ark, but the other learns it from the wagons. [We do not know who learned it from the Ark and who learned in from the wagons.] It is reasonable that the House of Rebbi Yannai learned it from the Ark since the House of Rebbi Yannai said, [the ark was nine and] the cover was one hand-breadth. Rebbi Simeon ben Yoṣadaq learns if from the Wagons. Rebbi Ze`ira asked, from where that the Wagons were ten {hand-breadths} high? Rebbi Yose said, and even if you said that they were ten high, did not Rebbi Nehemiah state that the Freight Wagons were like a cupola? If there was a hole in the public domain ten deep and four wide, would it no be forbidden to move anything from in it into the public domain or from the public domain into it? But when they were transferring the planks from one to the other they were straight.

44 This paragraph is from Šabbat Chapter 1, Notes 118 ff. While here the problem is that a roof less than 10 hand-breadths from the ground does not have the status of a cover, for the rules of the Sabbath public domain reaches only from the ground to a height of 10 hand-breadths, while private domain extends to an indefinite height. The parallel discussion in the Babli is Sukkah 5a. Since the entire discussion is Amoraic, one must conclude that for earlier times the limitation of the public domain to 10 hand-breadths from the ground and the minimal height required for a sukkah was tradition not subject to verification from biblical sources.

45 Ex. 25:6.

46 Ex. 20:22.

47 1.5 cubits (Ex. 25:10).

48 In the Babli 5b, this is questioned but in the end accepted. The biblical data do not fit the assertion. The cover was square of surface area 3.75(cubit)² (Ex. 25:17). The hand-breadth and the cubit are not well defined. If we take a small hand-breadth of 8.5 cm, cubit 51 cm, then a cover 2 cubits long, 1.5 cubits wide, and one hand-breadth height would have a volume of 108(hand-breadths)³ = 66 (dm)³. Since the cover was of pure gold, of specific weight about 19, the total weight would have been 1260 kg. But the total weight of gold contributed for the Tabernacle (Ex. 38:24) was 29.25 talents or, on a basis of 12.5 g for the sheqel, about 1097 kg, not to speak of the fact that a weight of 1.26 tons would have crushed the wooden ark. All these data were well within the knowledge of antiquity. One has to conclude that they imagined the cover to be hollow.

49 This cryptic statement is explained in the Babli (in the name of Rav Aha bar Jacob’s teacher Rav Huna) as referring to Lev. 16:2 where Aaron is warned not to appear before the face of the cover except on the day of Atonement. This implies that the cover was not simply a sheet lying over the Ark but had a face, a vertical dimension which is not negligible.

50 It is impossible to say that in general a
new domain starts at 10 hand-breadths since it is commonly accepted that a private domain remains private to an indeterminate height. The Ark was standing in the private domain of the Sanctuary; a reference to it seems to be irrelevant.

51 In the desert, the Ark was travelling in front of the people (Num. 10:33) while the Sanctuary was carried in the middle (v. 17). At the resting place, the Ark automatically assumed a West-East direction so that the Sanctuary could be placed around it and the tribes camped correctly in the four directions of the compass (Num. 2). The Ark had functions outside the Sanctuary; the reference is legitimate.

52 In Mishnaic times, the building cubit was a standard 6, the vessel cubit 5 hand-breathths. If the Ark was built to vessel standards, it cannot be used to define domains. Whether the vessel standard was used in the Temple is a matter of controversy in the Babli, Menahot 98a.

53 In Ex. 31:12-18 and 35:1-3 the observation of the Sabbath is emphasized in the instructions for the building of the Tabernacle. One concludes that the work forbidden on the Sabbath is exactly work needed in building or transporting the Tabernacle. The wagons mentioned here are the 6 wagons donated by the tribal chiefs for the transport of the Sanctuary (Num. 7:3).

54 Nine hand-breathths of the Ark and one of the cover.

55 Corrector’s addition from Sabbath.

56 Corrector’s addition.

57 There are no biblical indications about the height of the wagons’ platforms above ground.

58 Greek καμάρα, Latin camera, -ae, f. (also camera) “arched or vaulted roof or ceiling, distinct from an outer roof”.

The wagons are called כַּ֤וּבָּהּ֙. Now כַּ֤וּבָּהּ֙ means “turtle”; from this comes the usual translation “covered wagon”, using the image of the domed back of the turtle. The expression really is a technical term “freight-wagon”, Accadiec sūbum, sūbum.

59 This is a side remark. A hole in the public domain 10 hand-breathths deep and 4 by 4 wide creates a new domain for the rules of the Sabbath and is considered a private domain from which nothing may be transported to the public domain. This cannot be derived by comparison either to the Ark or to the wagons.

60 Whether the wagons were covered with a convex covering or not is irrelevant since at the moment of loading the planks and the gobelins of the Sanctuary they were uncovered and certainly had flat loading areas. For the meaning of “straight” cf. Mishnah Middot 2:5.
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It was stated: Rebbi says, four cubits even though there are not four walls. Rebbi Simeon says, four walls even though there are not four cubits. Rebbi Jehudah says, four walls and four cubits. Similarly, Rebbi Jehudah requires it to have a mezuzah [even though it has neither four cubits nor four walls.]

It is reasonable that Rebbi Jehudah agrees with these rabbis, but these rabbis will not agree with Rebbi Jehudah, for even if it has four cubits and four walls it is not required to have a mezuzah and it does not create tevel for tithes.

61 The paragraph is copied from Ma’serot 3:8 (Notes 126-129, ). It is a general rule that agricultural produce is subject to tithe at the latest when it is brought into a house for use or storage. R. Jehudah stated that a sukkah qualifies as a house for the rules of tithes while the other authorities disagree.

62 For him a minimal sukkah must have a thatched roof of at least 4-by-4 cubits surface area but may have less than 4 walls.

63 This paragraph explains why R. Jehudah holds that a sukkah counts as a house for the rules of tithes; for him a sukkah must be a complete house since one is required to dwell in it. Rebbi’s standpoint is quoted in the Babli 3b, Yoma 10a, Tosephta 2:2.

64 Corrector’s addition, to be deleted.

65 He does not agree but he requires everything any other authority requires.

66 Since it must be temporary.

67 Tevel is the state of agricultural produce from which heave and/or tithes are required but which were not yet taken.

Rebbi Simeon says four, but the rabbis say three. What is the rabbis’ reason? These are three, one for the top, and two for the bottom, and the third from their words. What is Rebbi Simeon’s reason?
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These are four. One for the top, and three for the bottom, and the fourth from their words. Rebbi Hyya bar Ada said, two Amoraim. One explained the rabbis’ reason, the other explained Rebbi Simeon’s reason. What is the rabbis’ reason? A sukkah shall be for shade during daytime against dryness, that is one for the top. These are three. What is Rebbi Simeon’s reason? A sukkah shall be for shade during daytime against dryness, that is one for the top. From stream and rain. The rabbis consider from stream and rain as one, Rebbi Simeon considers from stream and rain as two.

68 Since it was established that according to the majority opinion a sukkah does not have to be a complete dwelling, the problem remains to find biblical support for a decision about the number of walls the sukkah must have.

69 In Lev. 23:42,43 the word is used three times.

70 Since the verses define the obligation to live in huts, the first mention is needed to establish the fact that the essence of a sukkah is its roofing, which has to be temporary and thatched from vegetable material. Since then only two occurrences of the word are remaining, in this opinion only two complete walls are required by biblical standards; the third wall is rabbinic or conventional usage.

71 In fact, in v. 42 one reads twice ספות, in v. 43 once ספהת. The first two follow the spelling standards of Moses’s time, the second one that of Ezra who copied the Torah from Hebrew into Aramaic letters (Babli Sanhedrin 21b, cf. Sotah 7:3 Note 57, Megillah 1:11). It is presumed that Ezra incorporated here an oral tradition from earlier times. Babli 6b.

72 Is. 4:6. A verse from prophets or hagiographs never can prove a commandment but is valid to verify common usage. Babli 6b.

73 In all three derivations, the requirement of 3 or 4 walls is “rabbinic”, i.e., an old common usage.
And it was stated thus 10: “Two regular and the third even one hand-breadth is qualified.” Rebbi Hyya in the name of Rebbi Johanan: Two of four hand-breadths each and the third even one hand-breadth is qualified. Rav Hosaia asked, what if the one hand-breadth one is put in the middle 74? He came back and asked, if one of the four hand-breadths ones was put in the middle 75, how is it? Rebbi Jacob bar Aha: Such a case came before Rebbi Yasa and he qualified it. And it was stated thus 76: “If a courtyard is enclosed by pillars, the pillars are like walls.” Does not a baraita disagree? If they are made according to the rules they are qualified, not according to the rules disqualified. They wanted to say, in the middle 77. Rebbi Samuel bar Rav Isaac said, if these are not opposite those 78. Rav said, that one of one hand-breadth must be removed from the wall by one hand-breadth 79. Samuel said, even if it is arbitrarily close, one considers it as if distant 80. Rebbi Abba, Hinena bar Shelemiah, Rav Jeremiah in the name of Rav: even if it is arbitrarily close, one considers it as if distant. Rebbi Jacob bar Aha said, Rebbi Johanan and Rebbi Simeon ben Laqish, one follows this one, the other one the other. Cahana and Assi came and asked before Rav following that of Samuel 81. Rebbi Jehudah bar Pazi in the name of Rebbi Joshua ben Levi: Only if it is within three hand-breadths like a lathe 82.

74 Normally one would expect that the two large walls form a right angle $\Gamma$ with the third (rabbinic) rudimentary wall parallel to one of the larger ones. He asks whether the two large ones may be parallel and the third at right angles to them: $\perp$. Since up to three hand-breadths open space are disregarded, the distance between the two parallel walls can be up to 7 hand-breadths, qualified according to everybody. Therefore the answer has to be positive.

75 That the shape is $\perp$. In this case there are three walls of 4 cubits each but the missing part is larger than 3 hand-breadths.

76 Tosephta 1:8. Since later the rule is compared to those for eruvin and kilaim, one has to assume that on each side the total length of the open space is less than the sum.
of the diameters of the columns (cf. *Eruvin* Chapter 1, Note 246.)

77 That “not according to the rules” means the small (rabbinic) wall in the middle.

78 A configuration like \_  is disqualified.

79 As explained in Note 74, with the permitted empty spaces the theoretical space covered by the one hand-breadth wall must be 7 hand-breadths.

80 It is enough if one has one hand-breadth and adjacent three empty ones.

81 Since the answer is not given, we do not know Rav’s real position.

82 In order to be able to carry in a dead-end street (bordered by the walls of houses) with an *eruv*, the dead-end street must be separated from the public domain by a visible entrance. This can be effected either by making a symbolic door by putting a horizontal beam over the entrance (Note 6) or creating a symbolic entrance post by putting up a vertical lathe. As door-post it has to be on the wall bordering the street. According to our rules, “on” always means “within three hand-breadths.”

83 Rebbi Simeon ben Laqish in the name of Rebbi Yose ben Haninah: If one put in four poles at the four corners of a vineyard and connected them with a bast string on top, this saves as a symbolic fence. Rebbi Johanan said, the rules of separation walls for the Sabbath are the rules for *kilaim*. Rebbi Johanan said, it happened that Rebbi Joshua ben Qorhah went to Rebbi Johanan ben Nuri at Nagnigar; he showed him a field called *Bet Rata* whose wall had parts torn down more than ten [cubits] wide. He took wood to insert, forked poles to insert, until he reduced to less than ten. He said, just like that is a dividing wall for the Sabbath. Rebbi Ze`ira said, Rebbi Simeon ben Laqish agrees that on the Sabbath, a symbolic fence does not save more than ten. Rebbi Haggai said, the Mishnah says so: “One may surround by three ropes one higher than the other.” If you say that the string saves, one rope would be sufficient.
Rebbi Jonah said: Rebbi Hoshia asked, what do you say about that symbolic fence, on top or at the sides? If you say on top, so much more on the sides. If you say on the sides, then not on the top. If you say on the top, Rebbi Haggai said it correctly. If you say from the sides, Rebbi Haggai did not say anything. The rabbis of Caesarea in the name of Rebbi Jeremiah: Explain it if they were strung on forked poles.

Rebbi Ze`ira, Rebbi Eudaimon of Haifa in the name of Rebbi Simeon ben Laqish: In height even one hundred cubits. Rebbi Judan said, that is, for kilaim, but as regards (Peah), a symbolic fence should not be better than a beam. Rebbi Yose said, it is the same for kilaim and Sabbath. According to Rebbi Yose, what is the difference between a beam and a symbolic fence? A beam saves in one direction; a symbolic fence does not save from one side unless it is used to close all four sides. This follows what Rebbi Ze`ira said in the name of Rav Hamnuna: A symbolic fence does not save unless it seals all four sides.
It is forbidden to carry under the four-gated bowers in vineyards since they form the end of the roof and the end of a roof cannot save as a symbolic fence. Rebbi Phineas said, a case came before Rebbi Jeremiah of four pillars and on them four beams; he permitted to carry under them because of a symbolic fence. Rebbi Abun and Rebbi Abun asked before Rebbi Zeira, does a symbolic fence save in a sukkah? He said to them, a symbolic fence saves in a sukkah. Does the end of the roofing save in a sukkah? He said to them, the end of the roofing does not save in a sukkah. What is the difference between them? One is made for the purpose, the other one is not made for the purpose. Rebbi Abbahu said, all these things are for discussion’s sake, but as far as teaching, it is forbidden to teach it. If this is forbidden for the minor commandment of sukkah, so much more for the strict commandment of Sabbath! Rebbi Abun bar Hiyya asked before Rebbi Zeira: Is not the Tanna, according to whom a symbolic fence saves, Rebbi Johanan ben Nuri? He said to him, that is the Tanna.

83 The following text is both in Kilaim 4:4 (Notes 51-81) and in Eruvin Chapter 1 (Notes 256-283). Cf. Babli Eruvin 11a.
84 In Tractates Kilaim and Eruvin the word נצק does not mean “corner” as in biblical Hebrew and in Tractate Peah but a wire or string strung as a symbolic fence around a field or a vineyard to separate it from the neighboring one, or around a town to make it a “walled” town for the rules of the Sabbath. The imaginary fence represented by the string “saves” from the prohibition of kilaim.
85 In the Babli Eruvin 11a/b, the statement of R. Simeon ben Laqish in the name of R. Jehudah (not Yose) ben Haninah explicitly excludes the expedient of the bast rope as peah for the Sabbath, but R. Johanan excludes it also for kilaim. R. Simeon ben Laqish is reported there to accept for himself the statement attributed here to R Johanan, that the rules for Sabbath and kilaim are identical, whereas R. Johanan rejects this in general. The position of the Babli is that R. Simeon ben Laqish only reports the opinion of R. Judah ben Haninah without accepting it himself, and that R. Johanan prohibits the use of a rope for openings wider than 10 cubits. The Yerushalmi accepts R. Simeon ben Laqish’s statement as describing his own position.
86 A place in lower Galilee of unknown location.
87 The string represents a gate, not a wall. The maximum size of a gate accepted for the rules of the Sabbath is 10 cubits wide.
88 This refers to Mishnah Eruvin 1:9. A
caravan which is preparing to rest for the Sabbath marks a rectangular domain by putting camel loads at four corners and drawing ropes around it. There must be three ropes, distant not more than 3 hand-breadths one from the next, which together constitute a wall of 10 hand-breadths high. The caravan clearly wants more space for animals and people than 10 by 10 cubits; they need a surrounding wall, not a surrounding gate. If it is possible to symbolize a wall with one rope, why does one need three?

89 If four poles are put up at the four sides of the vineyard, does the string have to go from top to top, to create the impression of a gate, or is it strung at half height between the poles, to give the impression of a wall?

90 Since Mishnah Eruvin 1:9 does not require the lowest rope to be within three hand-breadths of the ground, it is clear that even if the rows are strung high one needs three ropes rather than just one.

91 If the rope must be low, the case of ἄνδρα is different from that of the Mishnah.

92 If the poles have separate hooks so that each side has a complete arrangement of poles and rope, then even R. Ze’ira will admit that the rope forms a valid enclosure for the Sabbath. In this case, by necessity the rope is only on top. In this, the Yerushalmi parallels the final explanation of the Babli 11b, rejecting symbolic walls but accepting symbolic gates.

93 If a rope is drawn from the top of one pole to the next, there are no height limitations (except, naturally, that it cannot be lower than 10 hand-breadths.)

94 For “peah” read with the parallels: “the Sabbath”.

95 Beam or lath are needed only at the entrance to the alley.

96 The problem is not discussed in the Babli.

97 Greek τετράπωλον, τό, “archway entered from four sides.” Bowers erected at the crossing of two paths, with only the posts and the connecting beams built, and the roof formed by plants climbing on the poles. Rebfi Abba bar Mamal considers these beams as cross beams under which one may not carry in a dead-end street on the Sabbath.

98 The vineyard in question is not enclosed by a wall, or it is enclosed but too large (larger than 5000 square cubits) to be considered a courtyard for the rules of Sabbath; hence, one may carry under the roof of the bower but not outside.

99 Greek ἐπιστόλον, τό, “architrave.”

100 In Kilaim “R. Bun and the rabbis.” S. Liebermann points out that in Terumot 11:4 (Note 88) for the Leiden text “R. Abun asked (verb in plural)” the Rome ms. reads: “R. Abun and R. Abbin asked”. This probably should be read here also, as it is later in this Chapter.

101 The sukkah must have roofing of plant material. The walls may be made of any material. The question is whether a virtual wall is permitted.

102 Since the roofing must have some support, the four corner posts of the sukkah must have some connection on which the roofing may rest. Can these connections be considered as peah, following R. Jeremiah in the preceding case?
The rulings of R. Ze’ira. Building a sukkah is a positive commandment but neglecting it is not punishable in court. But desecrating the Sabbath is a capital crime.

Hence, in regard to the Sabbath this is the opinion of a minority of one, which cannot be operational practice.

It turns out that concerning kilaim everything less than three (hand-breadths) is considered closed. From three to four, if what is standing is more than what is torn down it is permitted, but if what is torn down is more than what is standing, it is forbidden. From four (hand-breadths) to ten (cubits), if what is standing is more than what is torn down, it is permitted; but if what is torn down is more than what is standing it is permitted where it is standing, forbidden where it is torn down.

Concerning the Sabbath, everything less than three (hand-breadths) is considered closed. From three to four, and from four (hand-breadths) to ten (cubits), it is permitted if what is standing is more than what is torn down, but forbidden if what is torn down is more than what is standing. More than ten, it is forbidden even though what is standing is more than what is torn down. Rebbi Hananiah, Rebbi Judah bar Pazi, in the name of Rebbi Johanan: There is no “from three to four.” There is a hole of three and no place of four! Rebbi Mana objected: Did we not state: “One surrounds with sticks,” does a stick form a place? He said to him, do not object to me from a breach less than three hand-breadths, since anything less than three is considered closed!
Rebbi Yose ben Rebbi Abun in the name of Rav: In any case, since what is standing is more than what is torn down, it is permitted\textsuperscript{111}.

105 This paragraph from \textit{Kilaim} 4:4 (Notes 82-87) also is found in \textit{Eruvin} Chapter 1 Notes 246-251. The \textit{baraita} is similar to Tosephta \textit{Kilaim} 4:6 quoted also in Babli \textit{Eruvin} 16a. The main difference between Yerushalmi and Babli-Tosephta is that in the latter source, each breach has to be smaller than the surrounding wall whereas in the Yerushalmi only the total length of standing wall has to be larger than the total length of the missing parts.

The problem of \textit{kilaim} addressed here is that grain must be separated from vines by at least 4 cubits. If the farmer wants to sow grain close to his vineyard, he has to fence off the vineyard by a wall. The question is, what is called a wall?

106 As noted before, an opening of less than three hand-breadths in a wall is disregarded; in computing the total length of the torn-down parts, breaches smaller than three hand-breadths in width are disregarded.

107 The Babli notes that not only are breaches up to three hand-breadths long disregarded as holes, but also standing pieces of wall up to three hand-breadths wide are disregarded as walls. This is the background of the discussion later in this paragraph.

108 R. Johanan wants to eliminate the middle part of the \textit{baraita}, the one dealing with breaches of between three and four hand-breadths, in case that the standing walls also are in pieces less than four hand-breadths wide. While a hole wider than three hand-breadths is considered a breach, a wall narrower than four hand-breadths is not a wall. In that case, there are only holes and no wall at all; the entire wall should be considered as non-existent! He requires in this case that any sown field should be at least four cubits distant from the vineyard.

109 Mishnah \textit{Eruvin} 1:10. The caravan instead of using horizontal ropes may use vertical sticks on condition that the distance between two sticks not be larger than 3 hand-breadths.

110 Since the sticks are counted and no stick is even one hand-breadth wide, any piece of wall should be considered a wall. The answer is that as long as no two sticks are three hand-breadths distant from each other, the entire dividing fence is considered one solid wall.

111 This explicitly rejects the text of Babli/Tosephta, that no single hole may be wider than both adjacent pieces of standing wall; the wall is valid as long as the combined length of standing wall (of at least 4 hand-breadths length) is larger than the combined length of the breaches.
Excess sticks that exceed the *sukkah* are considered part of the *sukkah*\(^\text{112}\). Rebbi Huna in the name of the rabbis there: Only if it is on the entire front\(^\text{113}\). Rebbi Jacob bar Aha, Rebbi Yasa, Rebbi Johanan in the name of Rebbi Hoshiaia: Even at a wall. Rebbi Jacob bar Aha, Rebbi Hiyya, Rebbi Johanan in the name of Rebbi Hoshiaia: Even not at a wall\(^\text{114}\). In the opinion of Rebbi Yasa it is understandable\(^\text{115}\). In the opinion of Rebbi Hiyya bar Abba, how could you be lenient in this if its sunshine is more than its shade\(^\text{116}\)?

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112 Babli 19a.
113 The *sukkah* has three regular walls, \(\Pi\); the fourth side forms the entrance door with a rod on top supporting the thatching. Sticks forming the roof stick out over this rod in a uniform way. Sitting under the rods outside the rod is counted as sitting in the *sukkah*.
114 If the *sukkah* does not have parallel walls of equal length, \(L\) and the sticks complete the rectangle.
115 This is the case discussed earlier, Note 74.
116 The people sitting outside are not sheltered by any walls and may be exposed to the sun.

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כשקתיה מרגב בתמח פוסלת. יא מתחתת להמחיה כשירה. סוכת מחודבלת (52 line 17) נ.presenterה מרחבת ממקתת כשירה. חכא את אמר כשירה. וחכא את אמר פוסולת. דבנה
כשקיטין ירי מתקי בר חומם בוש רמי וושעתה. שבינה הי אצolley שקדמי לפשת.

“Or where the sunshine is larger than the shade is disqualified;” therefore half and half is qualified. “A wilted *sukkah*\(^\text{117}\) whose shade is more than its sunshine is qualified.\(^\text{118}\)” Here you are saying it is qualified, there you are saying it is disqualified. The rabbis of Caesarea, Rebbi Isaac bar Nahman in the name of Rebbi Hoshiaia: It is different for a tree which usually is spreading\(^\text{119}\).

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117 Arabic בְּדַל “wiling”. Probably it does not mean actually wilting but apt to wilt.
118 Mishnah 2:3. If it only is qualified if the shade is more than the sunshine, half and half is disqualified.
119 If the material used for the thatching is apt to wilt, one has to be restrictive from the start.
The House of Shammai disqualify an old sukkah, but the House of Hillel qualify it. It was stated: One has to renew something in it. The colleagues say, one hand-breadth; Rebbi Yose says, anything. He who says anything, but along the entire length. Is it the same with an old mazzah? Is an old mazzah a disagreement between the House of Shammai and the House of Hillel? Rebbi Yose said, it is everybody’s opinion; since he did not make it for Passover it is certain that he was not careful about it. A sukkah of shepherds, a sukkah of potters is qualified. A sukkah of Samaritans, if it is made according to the rules is qualified, not according to the rules is disqualified.

120 An old mazzah is one baked before Passover. Tosephta Pesahim 2:21 permits the use of old mazzah if it was baked for Passover use. Cf. Pesahim 2:4, Note 240.

121 Is disqualified in Tosephta 1:4, but as the Babli 8b explains for potter’s sukkah, if the thatching of the roof was made expressly for the holiday, every kind of sukkah is qualified.

122 For the thatching of the roof. Babli 8b.

One who makes a sukkah for himself, says: “He Who sanctified us by His commandments and commanded us to make a sukkah.” For others: “to make a sukkah in that one’s name.” If he enters it, he says: “Praise to Him Who sanctified us by His commandments and commanded us to dwell in a sukkah.” After he recited the benediction in the first night of the holiday he does not have to recite it again. Hanin bar Abba in the name of Rav: Does one have to mention the time after nightfall? Rav Hoshaia said, one has to mention the time. Rebbi Ila said, one has to mention the time. Rebbi Zevida said, one has to mention the time. Rebbi Hyya bar Ada formulated it as a
tradition: Rebbi Ze’ira, Rebbi Isaac bar Nahman, Rebbi Hoshia, Rebbi Jehudah bar Pazi in the name of Rebbi Hama the father of Rebbi Oshaia: After nightfall one has to mention the time.

123 The first sentences are also in Berakhot 9:3 (Notes 182-184). There is a similar statement in Tosephta Berakhot 6:9 which is quoted in Babli Sukkah 46a; the note about the benediction when making a sukkah for somebody else is found only here. Hence, the source here is not the Tosephta which also starts with a general declaration that: “A person performing any commandment recites a benediction over it.” The practice of the Babli does not follow the discussion in Sukkah 46a but a statement in Menahot 42b that no benediction is due for a preparatory action, such as making the sukkah, but only for the required act itself such as living in the sukkah.

124 One has to pronounce the recipient’s name at the place reserved for “that one’s name.”

125 In the Babli (loc. cit.), this is the opinion of the Babylonian Samuel, supported by the Tosephta. In the name of the Galilean R. Johanan, it is reported that one has to recite the benediction every day. Since R. Johanan is a higher authority than Samuel, Babylonian practice followed what there is declared to be Galilean.

126 The benediction required on all holidays, “Who has kept us alive, maintained us, and enabled us to reach this festive time.”

Mishnah 3: If one makes his sukkah under a tree it is as if he made it in the house127. One sukkah on top of the other, the upper one is qualified and the lower one disqualified. Rebbi Jehudah says, if there are no dwellers in the upper one the lower is qualified.

127 It is disqualified since part of the shade comes from the leaves of the tree which still are connected to the ground and vegetal matter connected to the ground is disqualified (Mishnah 5.)
Halakhah 2: Two thatched roofs one on top of the other, the upper one has more sunshine than shade, the lower one has not more sunshine than shade\textsuperscript{128}. Together, their shade is more than their sunshine. How much may be between them so that they combine? Two Amoraim, one said, ten, the other one said, four\textsuperscript{129}. The one who said ten objected to the one who said four: because of a tent? We find a tent which is one hand-breadth\textsuperscript{130}.

128 This is not the case of the Mishnah, since there one must presume that both roofs are qualified with more shade than sun. Here the question is when thatching in layers is considered to constitute one roof.

129 Since the numerals are in the masculine, all measures are hand-breadths.

130 Mishnah Ahilut 3:7. In matters of impurity of the dead, one cubic hand-breadth is considered a tent. The minimum height of a sukkah is ten hand-breadths. Therefore we find 1 or 10 units as legitimate requirements, but not 4. Babli 10a.

“Rebbi Jehudah says, if there are no dwellers in the upper one the lower is qualified.” What? Really dwellers or even appropriate for dwellers\textsuperscript{131}? Since an old man stated before Rebbi Ze’ira, “even the lower one is qualified,” there is nobody who says “even” if he does not agree with the preceding. This implies really dwellers\textsuperscript{132}.

131 Does R. Jehudah disqualify the lower sukkah only if there are people in the upper one or even if there are none but they could be (i. e., if somehow the upper one has a floor)?

132 Rejected by the Babli 10a.
**Mishnah 4:** If he spread a sheet over it because of the sun, or under it because of fallen leaves, or if he spread it over the posts of a four-post bed, it is disqualified. But one may spread it over single posts of the bed.

133 Nothing which may become impure can be used as material for thatching the roof, Mishnah 1:12. Therefore a textile sheet spread either on top or below the thatched roof disqualifies.

134 Greek κονοπείων, τό, Latin conopium, a bed with mosquito curtains. The ceiling of a four-post bed is horizontal; it creates a ceiling below the roof and disqualifies all space below it.

135 Greek 'ανάκλατα “things to lean on”. Poles in the middle of headboard and foot-end of the bed with a rod connecting them. The mosquito net spread over them forms on both sides a slanting roof which is disregarded since for the majority a slanting roof is not qualified for the sukkah, Mishnah 1:12.

**Halakhah 3:** It was stated: if he hung there quilts it is qualified. Rebbi Hanina said, that you are saying on the sides, but on top it is disqualified.

“Or under it because of fallen leaves.” Rebbi Yose said, they only said, “because of fallen leaves.” Therefore if not because of fallen leaves it is qualified.

“But one may spread it over single posts of the bed.” Rebbi Bevai in the name of Rebbi Johanan: Since so he makes space with the extremities of his hands.

136 Sheets sewn together from rectangular pieces of cloth.
137 Decorating the walls, not under the roofing. Babli 10b.
138 For decoration, not utility. He disagrees with R. Hanina. Explained otherwise Babli 10a.
139 Since when he sleeps in the sukkah he may lift the sheet, or the mosquito net, with his fingers, it is not different from the net hanging down in an incline.
Mishnah 5: If he drew over it a vine, or squash, or ivy, and used it as roofing, it is disqualified. But if the roofing was more than these or he cut them off from their roots it is qualified. This is the principle: One does not thatch with anything which may become impure or is not grown from the earth. But with anything which may not become impure and is grown from the earth one does thatch.

140 Greek κισσός, ‘o.
141 If cut vegetal material was more than 50% of the thatching and the remainder still connected to the ground.
142 Even after the roof is finished.

Halakhah 4: Rebbi Abba in the name of Rav: Only if he drew them (on the spot) [for this purpose]. Rebbi Jacob bar Aha in the name of Rebbi Ze`ira: He needs to move it. Rebbi Yose said, both of them are for leniency. If he drew them (on the spot) [for this purpose] even if he did not move it; if he moved it even if he did not draw them (on the spot) [for this purpose].

Rebbi Abba, Hinena bar Shelemia, Rav Jeremiah in the name of Rav: If he used steps of ladders for roofing it is (qualified) [disqualified]. Male parts, it is qualified. Female parts, it is disqualified. If he roofed with bundles of flax, it is disqualified, with raw flax it is qualified. If he roofed it with ropes, there are Tannaim who state, qualified, and there are Tannaim who state, disqualified. He who said qualified, with bast ropes; but he who said disqualified, with linen ropes.
143 Creepers used for roofing become qualified after being cut from their roots only if either they were put there for this purpose or were moved after cutting.

144 Wooden ladders are implements and as such subject to impurity. Steps are shaped at the ends; while they have no concavity which would make them susceptible to impurity, they are implements not to be used.

145 Wooden parts which are straight rods are impervious to impurity.

146 Wooden parts with cavities are subject to impurity.

147 Bleached flax is subject to impurity as textile.

148 Made from palm bast which is not considered textile.

Halakhah 5: Rebbi Johanan said, *when you collect from your threshing floor and your wine press*. From the waste of the threshing floor and the wine press you make your thatching. Rebbi Simeon ben Laqish said, *and mist rose from the earth*. Rebbi Tanhuma said, each of them follows his own opinion. Rebbi Johanan who said that the clouds were above infers it from *when you collect*. Rebbi Simeon ben Laqish who said that the clouds were below infers it from the clouds. Rebbi Abbin said, each of them follows his own opinion. Rebbi Johanan compares it to one who sends to another an amphora and its pitcher. Rebbi Simeon ben Laqish compares it to one who says to another, bring your box and take wheat for yourself.

149 Deut. 16:13.

150 The verse in Deut. describes the festival of Tabernacles which, as the name indicates, is characterized by the obligation to dwell in a *sukkah*. The verse hints at the rule of the Mishnah that the roof of the *sukkah* has to be made from agricultural waste (which is grown from the earth but as waste is not subject to impurity even if cut and wetted. It is possible that R. Johanan reads *כַּלְכָּל* like Arabic “to have regret” to have waste rather than usable produce.) Babli 12a.

151 Gen. 2:6. This refers to the standard interpretation of Lev. 23:43 that the Children of Israel dwelt in huts in the desert, when in reality they dwelt in tents. Therefore the “huts” are taken as the Divine cloud cover which shielded the encampment (as spelled out in the Targumim to Lev. 23:43), which R. Simeon ben Laqish takes as formed by
mist from the earth; thatching has to imitate the cloud cover arising from the earth. Babli 11b.

152 R. Johanan also agrees that the roof of the sukkah has to symbolize clouds. He does not agree that clouds are generated by mist from the earth but are sent by God to give rain to the farmers. Both agree that the sukkah is a charm to assure abundant rain in the coming wet season. Detailed argument Gen. rabba 13(10).

Mishnah 6: One does not thatch with bundles of straw, and bundles of wood, and bundles of shoots; but all of them are qualified if untied. All of them are qualified as walls.

153 The soft shoots of vines which are edible, in contrast to wood which is hard and inedible.

Halakhah 6: Rebbi Hiyya in the name of Rebbi Johanan: Because it looks like storage.

154 Tied straw and wood is as impervious to impurity as is untied. The reason one may not use bundles is that this is the way the materials are stored; the prohibition is rabbinic because it makes the roof look like a depository and not like a roof or, as the Babli 12a explains, one might use the space as depository and later change one’s mind and make it the roof of a sukkah; then the roof was not made for the holiday and as such is disqualified.
Rebbi Jacob bar Abbaya, Rav Sheshet in the name of the Great Rebbi Hyya: There is no bundle with less than twenty-five\textsuperscript{155}. Hinena bar Shelemia in the name of Rav: If he cut for roofing it has no handles\textsuperscript{156}. If he cut as roofing and then intended it as food it follows his thought\textsuperscript{157}. If he cut for food and then intended it as roofing? Others say, only if the straw is more than the food and the handles\textsuperscript{158}. Rav follows the others. Where do we hold? If he cut for roofing but it became prepared and he said, after they will have fulfilled the commandment I shall bring them back to the threshing floor, do they need preparation a second time or are they already prepared\textsuperscript{159}?

Rebbi Yasa in the name of Rebbi Hama bar Hanina: \textit{You shall cover the Ark with the cover}\textsuperscript{160}. From here that the wall is called cover. From here that one makes walls with matter susceptible to impurity\textsuperscript{161}.

\textsuperscript{155} Therefore small bundles may be used as roofing when still tied.

\textsuperscript{156} In general, only edible produce can become impure. But inedible stems to which produce is attached transmit impurity to the produce; the detailed rules are given in Tractate \textit{Uqesin}. It is stated here that if grain is cut as roofing, the straw only has to be more than the grain kernels. No inedible part of the stalk has to be compensated for. Babli 13b.

\textsuperscript{157} And become disqualified as roofing by his thought.

\textsuperscript{158} The shells and the ends of the stalk also have to be compensated for by straw. Babli 13b.

\textsuperscript{159} In general, produce becomes susceptible to impurity only by contact with fluid desired by or desirable for the owner. This is called “preparation for impurity”, cf. \textit{Demay} 2:3, Note 141.

\textsuperscript{160} Misquote of Ex. 40:3; scribal error. Instead of “cover” it must be “gobelin”.

\textsuperscript{161} Since the root \texttt{$\overline{573}$} is used, it follows that all that is acceptable as roofing a \textit{sukkah} is acceptable as wall. Since the gobelin is mentioned which is susceptible to impurity, walls may be made from matter susceptible to impurity. Babli 7b.
Mishnah 7: One may use planks as roofing, the words of Rebbi Jehudah, but Rebbi Meïr forbids. If he put there a plank four hand-breadths wide it is qualified on condition that he not sleep under it\(^{162}\).

162 Everybody agrees that a plank 4 hand-breadths wide, while impervious to impurity, is regularly used in roofing permanent housing, should not be used for the sukkah. But if it is put on the sides, along a wall, it is considered extension of the wall and not part of the roof and therefore disqualifies the roof only if 4 cubits wide (Note 30). The sukkah is qualified but sitting under the plank is not counted as sitting in it.

Rebbi\(^{163}\) Jeremiah in the name of Rav: They disagree if it is [four]\(^{164}\) wide. Rebbi Yasa in the name of Rebbi Johanan: They disagree if they have been polished for implements\(^{165}\). But was not Rebbi Jeremiah {saying} in the name of Rav: They disagree if it is four wide? Therefore if they have been polished for implements everybody agrees that it is permitted. Since Rebbi Jeremiah said in the name of Rav, if he used steps of ladders for roofing it is disqualified\(^{144}\), and they are saying that he ruled according to Rebbi Meïr, this implies that both cases are the same\(^{166}\). Since Rebbi Yasa said in the name of...
Rebbi Johanan: They disagree if they have been polished for implements, therefore if it is four {hand-breadths} wide everybody agrees that it is forbidden. Now Rebbi Yasa ruled at the big assembly that one may use a cross-beam\textsuperscript{167} for the thatched roof, and they said that he ruled following Rebbi Jehudah, this implies that both cases are the same\textsuperscript{168}.

Samuel said, this\textsuperscript{169} you only are saying lengthwise; but crosswise it is qualified. Rebbi Johanan and Rebbi Simeon ben Laqish both are saying, both lengthwise and crosswise are qualified\textsuperscript{170}. Rebbi Zeriqan in the name of Rav Hamnuna: Following the words of him who disqualified here it disqualifies there\textsuperscript{171}. Rebbi Abbin and Rebbi Abun asked before Rebbi Ze`ira: Why are Rebbi Johanan and Rebbi Simeon ben Laqish both saying? He told them, because disqualified roofing disqualifies only in four cubits\textsuperscript{172}. A baraita disagrees with Rav Hamnuna: A sukkah which only contains his head, most of his body, and his table. If he brought a plank and added from it three hand-breadths. If you would say crosswise, this is impossible since Rebbi Zeriqan said in the name of Rav Hamnuna: Following the words of him who disqualified here it disqualifies there\textsuperscript{173}. So we have to hold lengthwise, but it is impossible\textsuperscript{174} not to sleep under it.

\textsuperscript{163} As the quote later in the paragraph (Note 144) and chronology imply, everywhere one has to read Rav Jeremiah (the first generation Babylonian colleague of Rav) instead of Rebbi Jeremiah (the fourth generation head of the Academy of Tiberias.)

\textsuperscript{164} Corrector’s addition, rectifying a scribal omission. In the argument later the numeral is in the masculine (hand-breadths); it seems necessary to consider the feminine form here as sloppy spelling, not referring to cubits.

\textsuperscript{165} Even if they qualify as יִשׁ וֳנָלָּאָבָּה “wooden implements without concavities” which are impervious to impurity. These are excluded by tradition, as they could be seen as finished implements, not by any biblical standard. Babli 15a.

\textsuperscript{166} Since Rav stated that planks four {hand-breadths} wide are disqualified but also that non-concave wooden parts turned into parts of implements do disqualify, for him both his and R. Johanan’s statements are operative.

\textsuperscript{167} Greek μέλαθρον, τό, a substantial load-bearing beam, not simply a thin plank. Cf. Eruvin Chapter 1, Note 41.

\textsuperscript{168} Since the beam need not be polished, the ruling cannot be based on his statement in the name of R. Johanan. He also admits Rav’s description of the description of the disagreement between RR. Jehudah and Meïr.

\textsuperscript{169} The last statement in the Mishnah, that one may not sleep under a plank four

170 If the plank is on the side along a wall it becomes part of the walls, not of the roofing. But if it lies crosswise it is disqualified roofing. If on both sides there is qualified roofing of more than 4 hand-breadths, the 4 hand-breadths wide plank is disregarded and the entire roofing is qualified. The last sentence of the Mishnah is undisputed.

171 In his opinion, the last sentence of the Mishnah follows R. Jehudah and is denied by R. Meïr.

172 In the Babli 17b this is Rav’s opinion, disputed by Samuel.

173 Even if only 3 hand-breadths were used, the plank is four wide and therefore disqualified.

174 The usual Yerushalmi meaning of אָסָפָה. Since in such a minimal sukkah it is impossible to lie down without part of one’s body being under the plank.

Mishnah 8: A roof without insulation\(^{175}\), Rebbi Jehudah says in the name of the House of Hillel either he moves or he lifts one in the middle\(^{176}\), but the House of Shammai say, he moves and lifts one in the middle. Rebbi Meïr says, he lifts one in the middle and does not need to move.

175 The roof is formed by wooden logs without mortar or any insulation against the rains from non-vegetal sources.

176 Either one re-arranges the logs or one lifts the middle one of any three parallel logs and fills the space by qualified thatching.

But if he moved he does not have to lift one in the middle\(^{177}\).

177 Following Rebbi Meïr.
Mishnah 9: If one is roofing his sukkah with spits or with girders from the bed frame, if the distance between them is equal to their diameter it is qualified. If somebody hollows out a grain stack for a sukkah, it is no sukkah.

178 Which are metal and therefore disqualified.
179 Which are susceptible to impurity even if wooden.
180 If the space between the girders is filled with qualified vegetal material, the sukkah is qualified.
181 As explained in the Halakhah.

Halakhah 8: It was stated, more than their diameter. The colleagues say, because no hand-breadth enters into a hand-breadth. Rebbi Abba bar Mamal objected, is not for glass vessels one hand-breadth equal to another hand-breadth? Rebbi Yose said, there it enters and leaves, here it enters and does not leave.

182 The only way one can be sure that the diameters of the disqualified girders are not larger than the intervals covered by qualified thatching is if the qualified intervals actually are somewhat larger than the measured diameters of the girders. Babli 15b.
183 Since hand-breadth is not an objectively defined measure, there is no way of making sure that two hand-breadths applied to two different places are absolutely equal.
184 It is difficult to make sense of this statement. But if it refers to the glass maker, Tosephta Kelim Bava Mesia 3:11 states that the glass-maker’s container (καλύβη) is pure if split exactly in the middle. If it were impossible to exactly compare measurements then a statement requiring a 50-50 split never would be applicable.
185 It is easy to check equality of length of solid objects that can be superimposed on one another; it is impossible to do so for unrelated distances.

Rebbi Abbahu in the name of Rebbi Johanan: Because it looks like a storage. Rebbi Hiyya stated, you shall make for yourself, not from what already was made for you. What is the difference between them? If it is in
it\textsuperscript{188}. In Rebbi Hiyya’s opinion it is disqualified, in Rebbi Johanan’s opinion it is qualified.

186 And not like a sukkah made expressly for the holiday. In his opinion the prohibition is purely rabbinic.

187 The sukkah is invalid by biblical standards.

188 There is a hollow in the stack before he starts making a sukkah (Babli 17a). Carving out the sukkah means making walls. Since the essence of the sukkah is its roofing, being preexisting it is disqualified for R. Hiyya. It may be qualified for R. Johanan since one does not remove parts in the middle from a stack used as storage.

Mishnah 10: If one drops walls down from top to bottom, if they remain higher than three hand-breadths it is disqualified\textsuperscript{189}. From bottom to top\textsuperscript{190}, if it reaches ten hand-breadths it is qualified. Rebbi Yose said, just as from bottom to top ten hand-breadths so from top to bottom ten hand-breadths\textsuperscript{191}. If the roofing is three hand-breadths distant from the walls it is disqualified\textsuperscript{192}.

189 But walls starting less than 3 hand-breadths from the ground are equivalent to walls standing on the ground.

190 Standing on the ground, even if the roofing is less than 10 hand-breadths from the ground.

191 For him a wall 10 hand-breadths high always is qualified, irrespective of vertical distances from ground or roof.

192 The sukkah is disqualified if along any wall the roofing is not within 3 horizontal hand-breadths.
Rebbi Johanan said, Rebbi Yose said it only for Tabernacles, but in the matter of the Sabbath even Rebbi Yose agrees. The word of Rebbi Hanina implies that it is even for the Sabbath, as Rebbi Hanina said, a ruler came to Sepphoris and they suspended quilts; Rebbi Ismael ben Rebbi Yose permitted carrying under them following his father’s argument. Rebbi Yose ben Rebbi Abun in the name of Rebbi Samuel ben Rav Isaac: Rebbi Yose ben Rebbi Hanina comes like Rebbi Hanania and both disagree with Rebbi Johanan’s argument, as Rebbi Johanan said, Rebbi Jehudah, and Rebbi Yose, and Hanania bar Aqabia all three said the same. Rebbi Jehudah of the open bridges, Rebbi Yose that of tabernacles, Rebbi Hanania ben Aqabia as it was stated. Rebbi Hanania permitted three things, he permitted a balcony, and seaweed, and bringing bathtowels.

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193 A parallel text is Eruvin 8, Notes 110-117. Since the reference to the rules of Sukkah is formulated there differently from here, the texts in their second parts are different versions, rather than straight copies.

194 For the Sabbath and Eruvin, R. Yose will not admit cleavages wider than 3 hand-breaths.

195 It seems that one should read: R. Yose ben Hanina but both texts have “R. Johanan.”

196 Mishnah Eruvin 9:5, where R. Jehudah defines the space under a bridge as private domain if the underpinning of the bridge structure extends 10 hand-breaths below the roadway.

197 Šabbat 3, Notes 101-103; Babli 87b.


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Mishnah 11: If a house partially collapsed and he thatched over it, it is disqualified if from the walls to the thatching it is four cubits. The same holds for a courtyard which is surrounded by a walkway. A large sukkah
is disqualified if it was surrounded by material which cannot be used for thatching covering four cubits.

199 A one story building of which part of the roof collapsed while all of the walls are standing. The only part of a sukkah for which R. Hiyya biblically requires new material expressly for the holiday is the roof. Therefore the remaining house may be used as a sukkah if the hole in the middle of the roof is patched over.

200 As was stated earlier, a solid roof adjacent or connected to the walls is considered part of the wall, not of the roof. But this is accepted only up to a distance of 4 cubits from the nearest wall. Empty space is acceptable only up to 3 hand-breadths, disqualified material up to 4 cubits.

201 The entire courtyard may be turned into a sukkah using qualified thatching, with the walls of the houses bordering the courtyard forming its walls, on condition that the roof of the walkway be less than 4 cubits wide.

202 The qualified roofing. The makers of the sukkah did not have sufficient material to extend the qualified roof from wall to wall. Then it is much better to fill the remaining space to the walls by disqualified material which disqualifies only by 4 cubits than to leave it empty which disqualifies by 3 hand-breadths.

203 The sukkah is qualified only if no place 4 cubits away from the nearest wall is directly below disqualified material.
Therefore less is qualified. Rebbi Isaac ben Elyashiv answered: pourable mud completes a *miqweh* but one may not immerse in it, here also it completes the *sukkah* but one may not sleep under it. Hizqiah said, because it looks like a bent wall. Rebbi Hoshiaia stated, because it looks like a bent wall. Rebbi Abba, Rebbi Hiyya in the name of Rebbi Johanan, because it looks like a bent wall. Rebbi Ze`ira, Rebbi Yasa in the name of Cahana, because it looks like a bent wall. Rebbi Jonah said to Rebbi Yose, why do we not say, because disqualified roofing only disqualifies in four cubits?

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204 The answer is to a question asked not here but in *Berakhot* 7:1 (Notes 19-29) about the interconnection between rules referring to distinct domains. *A miqweh* can be used to remove impurities only if it contains 40 *se`ah* of water, about 135 gallons. If there is not enough clear water, the required volume can be obtained by adding mud which is so moist that it can be poured from a bucket (*Mishnah Miqwaot* 7:1.) R. Eliezer forbids to immerse oneself in mud (*Mishnah Miqwaot* 2:10) but R. Joshua permits. The argument has to be rejected here since R. Joshua will agree that disqualified roofing adjacent to a wall is considered wall, not roofing. Babli 19a.

205 In his opinion the ruling is a later rabbinic one based on an explicit argument.

206 In his opinion, this belongs to the traditional rules of *sukkah*, predating any rabbinic establishment.

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**Mishnah 12:** If one makes his *sukkah* as a shed or that he supported it on a wall, Rebbi Eliezer disqualifies because it has no roof but the Sages qualify it. A large reed mat made to lie on is susceptible to impurity and one may not use it as roofing; if made as roofing it is not susceptible to impurity and one may use it as roofing. Rebbi Eliezer says either large or small if made to lie on it is susceptible to impurity and one may not use it as
roofing; if made as roofing one may use it as roofing and it is not susceptible to impurity.

207 More like a tent in that it has no solid walls but the walls are slanting and serve as a roof.

208 The roof is rectangular, one end is supported by a wall, the other on the ground. The Sages hold that walls are not required by the biblical text; they accept a sukkah which is all roof.

209 Any implement of any kind made to sit or lie on is biblically susceptible to severe impurity; this includes reed and bast mats (Mishnah Kelim 20:7). The majority holds that small mats always are made to lie on; these are always disqualified from being used as roofing; only mats too large to be used as mattresses are possible candidates for roofing materials of a sukkah which must be impervious to impurity.

Halakhah 11: Rebbi Eliezer agrees with the Sages that it is qualified if it is built on four stones or otherwise elevated from the ground at least one hand-breadth. It was stated: If one builds his sukkah like the house of the Lebanon Forest it is qualified. For whom is this needed? For Rebbi Eliezer.

210 Babli 19b; Tosephta 1:10. slanting transparent roof.

211 1K. 7:2-5, built on cedar pillars with a

Abba bar bar Hana in the name of Rebbi Johanan: They formulated this for Usha mats. Rebbi Eliezer said, [normally] Usha mats are impure unless made for tents. Normally Tiberian mats are pure unless made for sitting. Rebbi Isaac bar Haqula, Rebbi Simeon ben Rebbi instructed about those on the doors of stores that they are pure. Rebbi Immi instructed that
woven ones are impure. May one use them for roofing? The disagreement of Rebbi Eliezer and the Sages\textsuperscript{218}. Rebbi Isaac ben Rebbi Eleazar instructed in distress to untie the knots\textsuperscript{219} and use them as roofing. We have stated\textsuperscript{220}: “And similarly if one unties the knots it is pure,” and you are saying so\textsuperscript{221}?

212 His father was Abba bar Hana. One refrains from calling a posthumous child by his real name, A ben A, not to publicize his unlucky fate.

213 The Mishnah is formulated only for mats which may be presumed to be made for sitting or lying on, which may become impure even before being used. In all statements about implements being pure or impure, “impure” means susceptible to impurity, “pure” means impervious to impurity.

214 Probably one should read “R. Eleazar.”

215 Corrector’s addition from the following sentence. The word is missing in the Babli, 19a/b.

216 Usha mats were made to sit on, Tiberias mats were made to be used on walls or as door fillers.

217 Since they are used as part of a building, they must be impervious to impurity irrespective of the way they are made.

218 The disagreement about small mats mentioned in Note 209.

219 Woven mats whose loose ends are tied together instead of a seam. If these are untied, the entire mat will slowly disintegrate; therefore it is considered no longer usable for its original purpose, and susceptibility to impurity induced by this intended use is eliminated.


221 There is no reason to forbid these mats as roofing even if there is no emergency situation.
Mishnah 1: One who sleeps under the bed did not fulfill his duty. Rebbi Jehudah said, we used to sleep under the beds in the presence of the Elders and they did not say a word. Rebbi Simeon said, it happened that Tabi, Rabban Gamliel’s slave, slept under the bed. Rabban Gamliel said to the Elders, did you see my slave Tabi, who is learned and knows that slaves are free from the obligation of sukkah, and is sleeping under the bed. According to our method we infer that one who sleeps under the bed did not fulfill his duty.

1. The duty to dwell in the sukkah for 7 days, since he does not sleep under the thatched roof.
2. It seems that in Rabban Gamliel’s house all male slaves were called Tabi “boy”, and all female ones Tabita “girl”.
3. Since the obligation of sukkah is a positive commandment restricted in time it does not apply to women (Mishnah Qiddusin 1:7) and therefore not to slaves since the obligations of male slaves cannot be greater than those of free women.
4. Since R. Simeon and Rabban Gamliel form a majority against R. Jehudah.

“One who sleeps under the bed,” etc. There, we have stated: “But one may spread it over single posts of the bed.” And here he says so? Rebbi
Eliezer said, there he and his toga are under the *sukkah*, but here he and his (bed) [toga] are under the (*sukkah*) [bed]. The argument of Rebbi Jehudah seems inverted. There he said, action has precedence over study, and here he says so? Rebbi Jehudah thinks that one sleeping under the bed is like the one sleeping under the *sukkah*. So much more is Rebbi Jehudah’s argument inverted, as we have stated there, “[Rebbi Jehudah says,] if there are no dwellers in the upper one the lower is qualified.” Therefore if there are dwellers in the upper one the lower is disqualified. Rebbi Yose said, there is another space, but here there is no other space.

5 Mishnah 1:4.
6 What is the difference between sleeping under a mosquito net and sleeping under a bed?
7 For R. Eliezer read R. Eleazar.

There are two versions here. The scribe’s sentence is: but here he and his bed are under the *sukkah*, the corrector’s sentence is: but here he and his toga are under the bed. The scribe’s version notes that the mosquito net is no different from a nightgown, but the bed represents a flat roof of the space under it and therefore the person sleeping under the bed is under the bed which is under the *sukkah*, not under the *sukkah*. The corrector’s version expresses the same idea in a more complicated way.

8 We do not know where R. Jehudah said this explicitly but it is generally accepted as doctrine of R. Tarphon (*Pesahim* 3:7, Note 142, *Hagigah* 1:7; Babli *Qiddushin* 40b, *Bava Qamma* 17a; *Sifry Deut*. 41, Cant. rabba 2:14, *Mekhila* dR. Simeon ben Johai 19:17 p. 100), a teacher of R. Jehudah.

9 The question presupposes that R. Jehudah agreed that one may not sleep under a bed, only he was taught that listening to the Elders in order to learn from them was so meritorious that it overrides the biblical obligation. This is wrong; R. Jehudah holds that one satisfies the obligation to live in the *sukkah* by staying there, even under the bed.

10 Mishnah 1:3. The people sleeping on the bed are compared to those occupying the upper *sukkah*.

11 Since there is only one roofing, the argument of the preceding Note is invalid.

The argument of Rabban Gamliel is inverted. As it was stated, Tabi, Rabban Gamliel’s slave, put on *tefillin* and the Sages did not object to him. And here they objected? In order not to push aside the Sages. If in order not...
to push aside the Sages, he could sit outside the sukkah. Tabi, Rabban Gamliel’s slave, wanted to hear the words of the Sages.

12 *Eruvin* Chapter 10, Note 59. sukkah, he simply reserved the couches for

13 Nobody forbade him to be in the Rabban Gamliel’s guests.

Mishnah 2: If one supports his sukkah by the frame of the couch it is qualified. Rebbi Jehudah says, if it cannot stand by itself it is disqualified.

Halakha 2: Rebbi Immi said, because 14 from the middle of the couch it is less than ten hand-breadths. Rebbi Abba said, because one does not base it on what is impure 15. But was it not stated, it happened that the people of Jerusalem were lowering their couches through their windows and putting thatching over them 16? If you are saying, because one does not base it on what is impure, here it is put on what is impure. Therefore the reason only is because from the middle of the couch it is less than ten hand-breadths.

14 The reason that R. Jehudah declares a sukkah disqualified if made from a couch with 4 poles and a thatched roof as canopy is that usually the canopy is not 10 hand-breadths higher than the couch on which one rests. Therefore, if this distance is clearly larger than 10 hand-breadths, also R. Jehudah accepts it as qualified.

15 “Is impure” as always means “is susceptible to impurity”; in the case of a couch the severe impurity induced by people whose body is the source of their impurity.

16 Tosephta 2:3, Babli 21b. The Tosephta states explicitly that the roofing was fastened to the windows which were 10 hand-breadths high.

In the last sentence the difference between (scribe) and [corrector] is between Galilean and Babylonian styles.
Mishnah 3: A wilted sukkah whose shade is more than its sunshine is qualified17. A stiff one like a house18, even though the stars are not visible from inside, is qualified.

17 Cf. Chapter 1, Notes 117-119.
18 The thatched roof is waterproof as one of a house is supposed to be; as long as it is from vegetal material impervious to impurity, it is qualified.

Halakhah 3: Rav and Samuel, one said “thinned out”, and one said “wilted”. He who said “thinned out”, if it had much shade19; but he who said “wilted,” if it does not have much shade20.

19 If a thick thatched roof is thinned out, one has to be careful that shade should still be more than sunlight; it is not enough that sunlight should not be more than shade.
20 If from the start one has to worry that the roof will not stay for 8 days but will wilt before that time, one has to add enough material that in all situations there is more shade than sunlight. Cf. Babli 22a,b.

This implies21, that the stars should be seen from inside. Rebbi Levi in the name of Rebbi Hama bar Hanina, they stated this about the sun star22.

21 The statement in the Mishnah that a thatched roof is qualified even if the stars are not visible implies that usually they should be visible; a requirement for the House of Shammai, Babli 22b.
22 But in the night no stars need be seen for the most pious interpretation.
Mishnah 4: One who made his sukkah on top of a cart or a ship is qualified and one may enter it on the holiday; on top of a tree or on a camel is qualified but one may not enter it on the holiday. Two human-made {walls} and one a tree, or two by trees and one human-made are qualified but one may not enter it on the holiday. Three human-made and one a tree is qualified and one may enter it on the holiday. This is the principle: In any case where it can stand by itself when the tree is removed, it is qualified and one may enter it on the holiday.

23 Even while these are movable there is no problem on the holiday.
24 Since biblically one is forbidden to cut or pluck anything from a tree on a holiday, rabbinically one is forbidden to climb on it. The Mishnah permits the use of the trunks as walls on the intermediate days of Tabernacles but not on the holiday.
25 To ride on a camel is biblically forbidden on the Sabbath and rabbinically on the holiday.
26 Since a sukkah is qualified by three walls, the man-made walls make it qualified in all circumstances.

Halakhah 4: Where do we hold? If put on the ground, everybody agrees that it is permitted. If it sails, there is the disagreement between Rebbi Eleazar ben Azariah and Rebbi Aqiba. But we must hold when it is in port.
Azariah, as it was stated: It happened that Rebbi Eleazar ben Azariah and Rebbi Aqiba came in a ship, and Rebbi Aqiba made himself a sukkah on the ship’s deck. There came a wind which blew it away. Rebbi Eleazar ben Azariah said to him, Aqiba, where is your sukha?

When may a sukkah on a ship be qualified?

Greek λυμήν.

This paragraph also is in Erubin Chapter 1.

Corrector’s addition, not in Erubin.

Mishnah Erubin 1:7. R. Meïr does not accept the use of an animal in place of a stone in any way, including as a gravestone, since an animal may run away and therefore is not possibly under the rules of a stone.

Mishnah Ahilut 8:2. Since the house on a ship is moving all the time it does not qualify as “tent” and the rules of “tent impurity” do not apply to it.

R. Eleazar ben Azariah did not make a sukha on the ship since he holds that since such a sukha is not guaranteed to stay for the 8 days of Tabernacles it is not qualified even if the wind does not blow it away.

Babli 23a.

34 “If he deposited it in a tree higher than ten hand-breadths it is not an eruv; below ten hand-breadths it is an eruv but it is forbidden to move it; below three it is permitted. 35 This is difficult. If his eruv is a {valid} eruv one should be permitted to move it. If one is forbidden to move it his eruv should not be a {valid} eruv. He might transgress the rabbinic prohibition and eat. Then also higher than ten {hand-breadths} 36? Rav Jehudah in the name of Samuel, explain it if its stem was four {hand-breadths} 37. Rebbi Mana said, only if the public domain surrounds it on all sides; he says my Sabbath rest
shall be below it. It was stated: If he put it in a basket and hung it on a tree, higher than ten hand-breadths high it is not an eruv; below ten hand-breadths it is an eruv but it is forbidden to move it; below three it is permitted. This is difficult. If his eruv is a valid eruv one should be permitted to move it. If one is forbidden to move it his eruv should not be a valid eruv. Rebbi Aḥa in the name of Rebbi Hina: He might turn it upside down and annul the private domain created by it. Rebbi Yose said, this implies that a bench in the public domain high ten and wide four hand-breadths, since one may tilt it and annul the public domain of it, it implies that his eruv is a valid eruv and it is permitted to move it.

34 This paragraph and the next also are in Eruvin Chapter 2 (Notes 91-101).
35 The topic here is eruv tehumin. Since there is a biblical prohibition, nobody shall leave his place on the Seventh Day (Ex. 16:29), “place” is rabbinically defined as a rectangle, oriented EW,NS, extending 2’000 cubits from the built-up area one is in on Friday evening. It is possible to move this boundary by depositing food at the limits reachable on the Sabbath as eruv, symbolic dwelling place, before the Sabbath; then one may walk 2’000 cubits from this place but loses the same amount in the opposite direction. The prohibitions to use a tree on the Sabbath here are rabbinic (“forbidden” but not “liable”); similarly those regarding the sukkah in the next paragraph.
36 If one entertains the possibility that people would disregard rabbinic prohibitions, why would an eruv placed higher than 10 hand-breadths be invalid since one could climb the tree in violation of the rabbinic prohibition.
37 Then the top of the tree is a private domain and biblically one may not eat the eruv while standing in the public domain.
38 Not all eruvim placed 10 hand-breadths high are invalid; only if the tree is in the public domain, the place of the eruv forms a separate private domain of 4-by-4 hand-breadths, and the person making the eruv does not intend to climb the tree at sundown (which would be permitted).
39 Since the basket can be turned and emptied while hanging on the tree it is not moved from its place, the food is accessible, and the eruv valid. Babli Eruvin 33a,b.
40 With the text in Eruvin read: “private”.

[There, we have stated] 41: “Two human-made and one a tree, or two as trees and one human-made is valid but one may not enter it on the holiday.”

Here you are saying it is valid but one may not enter it on the holiday but there you are saying his eruv is a {valid} eruv and it is permitted to move it. Rebbi Jeremiah said, one from the top, the other from the bottom 42. This learns from that and that learns from this. This learns from that, if he put it on the side of a tree his eruv is a {valid} eruv and it is (prohibited) [permitted] 43 to move it. That learns from this, if there were two pegs protruding and he thatched over them it is valid and one uses it on the holiday 44. Rebbi Yose said, in both cases it is at the side. How is that? As Rebbi Jacob bar Aha said in the name of Rebbi Ze’ira: This is Rebbi Eleazar ben Simon’s, as Rebbi Eleazar ben Simon says, one is permitted to use the sides of an animal on the Sabbath. There is no difference between sides of an animal and sides of a tree 45.

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41 Corrector’s addition from Eruvin; senseless here since the quote is from Sukkah.
42 With the text of Eruvin read: “from the side” (in the case of the sukkah.)
43 With the scribe and the text of Eruvin read: “prohibited.”
44 Since the roof must be on top of the walls, in the case of the Mishnah it must rest on the top of the trees (or top of branches) which is rabbinically forbidden. But the basket is on the side of the trunk and the statement follows the opinion that the sides of tree trunks may be used on Sabbaths and holidays.
persons and their caregivers are not liable in matters of sukkah. One eats and drinks casually outside the sukkah.

46 One may use the tree trunks as walls of the sukkah but the roofing must lie on a frame supported by separate poles, not on the trees.

47 However, it is forbidden to leave one’s family on a holiday even for religious reasons, Tosephta 2:1.

Halakhah 5: Rav Huna went to Eintab for the indication⁴⁹. While coming he became thirsty but did not accept tasting anything before he went to the sukkah of Rebbi Johanan the scribe of Gufta⁵⁰.

48 Read “Rebbi”.

49 The indication is the proclamation of the New Moon, held at Eintab (Hammat Gader) when the Academies were in Galilee.

50 While he was going to fulfill a religious obligation, and drinking water falls under the exemption of casual consumption, he did not want to take advantage of either dispensation. Since the text is formulated in Galilean Aramaic, it is a popular tradition about holy men and not practice to be obligatory.

Rebbi Mana said, not only persons dangerously sick⁵¹ but even sick persons not dangerously sick. It was stated:⁵² “Rabban Simeon ben Gamliel said, it happened that my eye was hurting in Caesarea and the great Rebbi Yose⁵³ permitted me and all my caregivers to sleep outside the sukkah.” Rebbi Abba bar Zavda said, the best men at a wedding and all participants in the wedding are not liable for sukkah⁵⁴.
It was stated: “Daytime watchmen of a city are not liable for the sukkah during daytime but are liable during nighttime. Nighttime watchmen of a city are not liable for the sukkah during nighttime but are liable during daytime. Watchmen during day and night are not liable for sukkah day and night.” This you are saying, about watchmen about troops. But watchmen about money they treated like watchmen of gardens and orchards.

51 The sick persons referred to in the Mishnah. Babli 26a.
52 Tosephta 2:2, Babli 26a.
53 He seems to be R. Yose ben Halafta.
54 Disputed in the Halakhah and the Babli, 26a.
55 Tosephta 2:3.
56 Gangs of robbers. Regular police who watch against nonviolent thieves are not freed.

Eudaimon the salt-dealer slept in front of his store. Rebbi Hyya bar Abba passed by and told him, go and sleep in your sukkah. Rebbi Mana was best man for Rebbi Jacob bar Yafliti. He went and asked Rebbi Yose, who told him, go and sleep in your sukkah. Rebbi Isaac bar Marion was best man for somebody. He asked Rebbi Eleazar who told him, go and sleep in your sukkah.

57 “It happened that Rebbi Ilai went to Rebbi Eliezer in Lydda. He said to him, are you not one of those who rest on the holiday? Did they not say that it is not praiseworthy for a scholar to abandon his house on the holiday and go somewhere else.” As the following: Rebbi Ze’ira went to a circumcision of Rebbi Ilia and did not accept any food. If it was because he never ate anything before the end of musaf prayers, or we do not know whether it was
because it is not praiseworthy for a scholar to abandon his house on the holiday [and go somewhere else; this] we do not know.

57 Tosephta 2:1.
58 His wife.
59 The circumcision of a son of R. Ilai.
60 This remark is the source of the common usage that a circumcision on a holiday is performed after the Torah reading but before the musaf prayers. Then R. Ze`ira went home and ate with his wife.

The Babli Berakhot 28b rejects the rule not to eat before musaf.

61 Corrector’s addition, problematic since R. Ze`ira did not leave town and therefore could not be said to have “gone somewhere else.”

Rebbi Eleazar said, eating may be casual, sleep cannot be casual. The colleagues say, because a person is enveloped in his sleep. Rebbi Ila said, because a person may sleep a little and it is enough. What is the difference between them? If he let another person control his sleep. In the opinion of the (rabbis) [colleagues] it is permitted, in Rebbi Ila’s opinion forbidden.

63 On Tabernacles, even a short nap has to be done in the sukkah.
64 Once a person sleeps he lost control over the length of his sleep.
65 The texts of the (scribe) and the [corrector] mean the same.
66 Even if another person is charged with waking the sleeper after a short time, it may have been enough for the whole day.

Mishnah 6: It happened that one brought Rabban Johanan ben Zakkai a dish to taste, and Rabban Gamliel two dates and a pail of water and they said, bring them to the sukkah. But when one gave Rebbi Sadoq food in the volume of less than an egg he took it with a napkin, ate it outside of the sukkah, and did not recite a benediction afterwards.

משנה א פסחא והביאו לרבנן קצבי חתנים קב וlayın ו_lift)>מיכליאל בקע רעש של תומ든 ולגויי שער Chỉ כהנתן ומקיז יזרו אכל פישות מסבירה בקע כהנתן יקיז זכרו אכל פישות מסבירה

בשלא כמותת יסכלת והש השנים ולא בונים אבות

Mishnah 6: It happened that one brought Rabban Johanan ben Zakkai a dish to taste, and Rabban Gamliel two dates and a pail of water and they said, bring them to the sukkah. But when one gave Rebbi Sadoq food in the volume of less than an egg he took it with a napkin, ate it outside of the sukkah, and did not recite a benediction afterwards.
67 They did not want to avail themselves of the leniency of Mishnah 5.  
68 Including bread.  
69 He covered his hands with the towel so he did not have to wash them before touching the bread.  
70 He did not say Grace for volumes less than a chicken egg.  

Halakhah 6: We were thinking to say that he did not say three benedictions but one benediction he did say\(^71\). It was found stated, neither one benediction nor three benedictions\(^72\).

\(^{71}\) Three benedictions are the full text of Grace, used after the consumption of bread. A single benediction is the short form of Grace, after consumption of cereal in forms other than bread.

\(^{72}\) Since he holds that these benedictions are appropriate only after a satisfying meal, of a volume greater than a chicken egg.

\(^{73}\) It was stated\(^74\): “On everything that needs three benedictions at the end one says ‘Who produces bread from the earth’ at the start, but on everything that does not need three benedictions at the end one does not say ‘Who produces bread from the earth’ at the start.” They objected: But if it is less than the size of an olive, one does not say three benedictions at the end. Does this mean that one should not say “Who produces bread from the earth” at the start? Rebbi Jacob bar Aṭa said, it is needed for other kinds\(^75\).

\(^{74}\) The first half of this statement is Tosephta Berakhot 4:7.

\(^{75}\) The statement does not refer to volume, but to kinds of food; if it is not bread it does not receive the benediction for bread. Hence, no conclusion as to the correct practice can be drawn.
Mishnah 7: Rebbi Eliezer said, a person is obligated to eat fourteen meals in the sukkah, one during daytime and one in the night. But the Sages are saying, there is no fixed amount except only for the night of the first day of the holiday. In addition, Rebbi Eliezer said, one who did not eat on the first day of the holiday makes it up in the night of the last day of the holiday. But the Sages are saying, this cannot be made up, and on this it was said, what is distorted cannot be fixed, and a deficiency cannot be filled.

The eighth day is a separate holiday (Lev. 23:36, Num. 29:35). R. Eliezer counts the meal in the evening of the Eighth Day as making up for the missed one on the First day even though it cannot be valid in the sukkah.

Halakham 7: What is Rebbi Eliezer’s reason? It says here, you shall sit, and it says there, at the door of the Tent of Meeting they shall sit day and night. Since for the sitting mentioned there He made nights like days, so also for the sitting mentioned here we shall make nights like days. Rebbi Johanan in the name of Rebbi Ismael: It is said fifteenth for Passover and it is said fifteenth for Tabernacles. Since for fifteenth said for Passover the first
night is obligatory and the remaining days are optional\textsuperscript{83}, so also for fifteenth
said for Tabernacles the first night is obligatory and the remaining days are
optional. The colleagues asked, since there only that one comes to eat mazzah
with an appetite\textsuperscript{84}, so also here only they come to eat in the sukkah with
appetite? Rebbi Ze`ira asked: Since there only one has to eat mazzah in the
volume of an olive\textsuperscript{85}, so also here only one has to eat grain [in the sukkah] in
the volume of an olive? Rebbi Hoshiaia said, the sukkah is obligatory all
seven days. Rebbi Berekhiah said, they\textsuperscript{86} disagree. Rebbi Abuna said, they
do not disagree. What Rebbi Johanan said, if he put his mind to it; what
Rebbi Hoshiaia said, if he did not put his mind to it\textsuperscript{87}.

79 Lev. 23:42.
80 Lev. 8:35, misquoted.
81 “Day and night” is interpreted as “some
time during the day and some time during
the night” (Yoma 1:1, Note 81); the same
applies here.
82 In the Babli 27a: in the name of R.
Simeon ben Yosadaq (R. Johanan’s
teacher); in the Munich ms. of the Babli R.
Sadoq.
83 This is an application of one of R.
Ismael’s hermeneutical rules. It is written
(Ex. 13:6) seven days you shall eat mazzot,
and (Deut. 16:8) six days you shall eat
mazzot. R. Ismael’s rule reads: Anything
that was in a set and was taken out from the
set implies the same for the whole set.”
Since the last mentioned verse implies that
on the seventh day one need not eat
unleavened bread (one may not eat leavened
bread, however), the same is true for all
seven days of Passover with the only
exception of the first night of which it is said
explicitly (Ex. 12:18): In the evening you
shall eat mazzot.
84 Mishnah Pesahim 10:1: “On Passover
eve, starting close to afternoon prayers, a
person may not eat until nightfall” (so he
shall eat the first mazzah with a good
appetite.) There is no similar rule spelled
out for Tabernacles; R. Johanan’s argument
is homiletic but cannot be legal.
85 The biblical obligation contained in Ex.
12:18 can only be fulfilled by eating a
mazzah in an amount that triggers a biblical
obligation to say Grace. But for the sukkah,
sitting is prescribed but not eating; the same
standards cannot apply.
86 R. Johanan, who requires a meal only
the first night, and R. Hoshiaia, who requires
it for 7 days.
87 R. Hoshiaia really does not require to eat
in the sukkah for 7 days; he is more lenient
than R. Johanan and requires that once one
must come to the sukkah to recite the
appropriate benedictions (Halakhah 1:1,
Notes 123-126) but this does not necessarily
be the first night.
It was stated in Rebbi Eliezer’s name: He who did not make his sukkah before the holiday may not make it on the holiday\(^88\). But did not Bar Qappara state, if his sukkah collapsed on the holiday, he shall rebuild it on the holiday. Rebbi Aha in the name of Rebbi Hinena: Rebbi Eliezer punished him because he did not make his sukkah before the holiday\(^89\).

Rebbi Eliezer’s opinion seems inverted. There, he says, a person is obligated to eat fourteen meals in the sukkah, and here he says so\(^90\)? Rebbi Aha said, they were compared as commandments\(^91\).

88 Babli 27a/b.
89 But he agrees with Bar Qappara to rebuild a sukkah on the intermediary days of the holiday week.
90 He seems to contradict himself in the Mishnah since he requires a make-up only for the meal in the first night but not for the remaining 13 meals.
91 In the sukkah and at the consecration of Tent of Meeting the commandment is to sit; while in both cases eating there is implied, it is not spelled out as biblical commandment.

Mishnah 8: If a person’s head and most of his body was in the sukkah but his table inside the house, the House of Shammai declare it disqualified but the House of Hillel qualified. The House of Hillel said to the House of Shammai, it happened that the elders of the House of Shammai and the House of Hillel went to visit Johanan from Hauran and found him with his head and most of his body in the sukkah but his table inside the house. The House of Shammai answered them, is this a proof? They said to him, if you are used to do this, you never in your life did fulfill the obligation of sukkah.
Halakhah 8: Not only his table, but even a place for his table. How much is a place for his table? A hand-breath.

92 It is implied by the Mishnah that the House of Shamai require a sukkah which accommodates most of a person's body and a table. This does not imply that a table must actually be put into the sukkah; all that is needed is space for a table.

93 A hand-breath square. It is one of the peculiarities of the idioms of both Talmudim that linear and volume measures are clearly named, but area measures (other than agricultural ones determined by the amount of seeds used for a unit) are subsumed under the names of the corresponding linear measures.

94 Rebbi Yudan bar Pazi and Rebbi Ayvo bar Naggari were sitting and saying: We did state “after they conceded”; who conceded to whom? The House of Shamai to the House of Hillel or the House of Hillel to the House of Shamai? They said, let us go out and study. They went out and heard Rebbi Hizqiah, Rebbi Aha in the name of Rebbi Jehudah ben Levi. We never find the House of (Hillel) [Shammai] conceding to the House of (Shammai) [Hillel] except in this matter. Rebbi Huna in the name of Rav Abbaia: The Mishnah says so. “If someone pours from vessel to vessel and a tevul yom touches it, it should be lifted by 101.” If you say that the House of Hillel conceded to the House of Shamai that it cannot be lifted, who is the Tanna here, neither the House of Shamai nor the House of Hillel! Rebbi Idi said,
we might say that the House of Hillel stated this before they conceded. Rebbi Yose said, the Mishnah said so⁹⁶: “After they conceded, Rebbi Eliezer said it should be lifted and burned,” and is Rebbi Eliezer not a follower of Shammai? Rebbi Hina said, the Mishnah said so, after they conceded one to another that it should be lifted, the House of Shammai recused themselves and the others agree with us. Rebbi Abun says, there is another answer⁹⁷, following what Rebbi Hosaia stated: Since pure {heave}, which for outsiders is forbidden as deadly sin, can be lifted, certainly also impure {heave} which is {prohibited} as positive commandment⁹⁸ for Cohanim.

⁹⁴ This paragraph, introductory to the discussion why practice in this case follows the House of Shammai, essentially is from Terumot 5:4 (Notes 65-71). Mishnah Terumot 5:1 states that impure heave which was mixed with other produce must be destroyed (burned) as long as the impure heave constitutes at least 1% of the total. If the amount of impure heave is < 1%, an amount equal to that of the impure heave can be removed from the total, “lifted”, with the impurity transferred to the lifted amount, and the remainder used for its original purpose. Mishnah 4 reports a dispute between the Houses of Hillel and Shammai about impure heave which fell into 100 times its volume of pure heave, where the House of Shammai forbid everything but the House of Hillel permit. At the conclusion of the argument, R. Eliezer holds that 1 part of 101 has to be lifted and burned, but the Sages say that the impure was lost in its minority, i.e., since everything is heave all 101 parts may be eaten by a Cohen as pure heave.

⁹⁵ Mishnah Tevul Yom 2:7. A Tevul Yom is a person who had been impure, is no longer impure after immersion in a miqweh, but is prevented from touching or consuming sancta until he becomes pure at the following nightfall (Lev. 22:7). If in the period between his immersion and sundown he touches heave, it becomes unusable; this is classified as “impure in the third degree”. If the tevul yom touches a stream of heave fluid (wine or oil) poured from one vessel to the other, in the opinion of the Sadducees the entire fluid in both vessels becomes unusable (MMT lines 55-58). In rabbinic tradition, only the part touched by the tevul yom becomes unusable; the fluid cannot be used because unusable heave is contained in it, but it can be repaired by the usual lifting of one out of 101.

⁹⁶ Mishnah Terumot 5:4.

⁹⁷ Which the House of Hillel could have given to the House of Shammai, in addition to the argument presented in the Mishnah.

⁹⁸ Which is classified as a misdemeanor, rather than a felony.
From where did the House of Hillel merit that practice should be fixed following their words? Rebbi Jehudah bar Pazi said, because they quoted the words of the House of Shammai before their own words. Not only that, but if they were convinced by the words of the House of Shammai they changed their opinions. Rebbi Simon bar Zeved objected before Rebbi Ila: Or could we say that the Tanna saw that they were older and quoted them first? But did we not state, “it happened that the elders of the House of Shammai and the House of Hillel went to visit Johanan from Hauran”? We could have said, our elders and your elders. Rebbi Ze’ira said, Rav Huna in the name of Rav: Practice follows the House of Shammai. Rebbi Jeremiah, Rebbi Samuel bar Rav Isaac in the name of Rav: Since the House of Shammai dismissed the House of Hillel, this implies that practice follows their words.

99 Babli Eruvin 13b. Historically one has to note that no renowned scholar of the House of Shammai is known born after the destruction of the Temple.

100 The formulation “elders of the House of Shammai and elders of the House of Hillel” is original, not a formulation of the editor of the Mishnah.

101 In the case of Mishnah 2:8. Babli 3a.

102 No answer from the House of Hillel is noted.

Mishnah 9: Women, slaves, and minors are not obligated for the sukkah. Any minor who does not need his mother is obligated for the sukkah. It happened that the Elder Shammai’s daughter-in-law gave birth and he removed the roof insulation and thatched the roof over the bed for the minor.

103 As a minor he cannot be responsible for anything. His parents are obligated to bring him to the sukkah as part of his religious training.
Halakhah 9: What is a minor? In the house of Rebbi Yannai they said, any who needs his mother to cleanse him. Rebbi Johanan said, any who awakes from his sleep and cries “Mamma”. Rebbi Hoshia stated: Any minor who does not need his mother is obligated for the sukkah but goes out with his mother’s eruv.

104 Whose parents do not have to bring him to the sukkah.
105 Babli 28b.
106 If his mother made an eruv to move her Sabbath boundary on a Sabbath or holiday, it is not necessary to make a separate eruv for the child. Since the mother is not obligated in matters of sukkah, her status there cannot influence his status in matters of eruv tehumin.

Mishnah 10: All seven days a person makes his sukkah permanent and his house casual. If it started to rain when is one permitted to leave? When the cereal becomes smelly. One has for this a parable, to what does this compare? To a slave who comes to mix a cup for his owner and the latter throws the pitcher in his face.

Halakhah 10: It is written, in sukkot you shall sit. But sitting means dwelling, as you are saying, you shall inherit it and sit in it; that he eats in the sukkah, and rests in the sukkah, and brings his utensils to the sukkah.

107 Lev. 23:42.
108 Babli 28b.
Halakhah 10: ["If it started to rain when is one permitted to leave,: etc.,]

Not only if it gets smelly but even if it could get smelly. Not only a cereal of groats but any dish\(^{110}\). Just as one evacuates because of rain one evacuates because of a hot wind and because of mosquitoes. Rabban Gamliel entered and left the entire night; Rebbi Eliezer entered and left the entire night. One of Rebbi Mana’s students instructed a relative of the Patriarch: If he left, one does not importune him to return\(^{110}\). He had not heard that Rabban Gamliel entered and left the entire night; Rebbi Eliezer entered and left the entire night.

\(^{110}\) Babli 29a.
Mishnah 1: A robbed or dried up *lulav* is disqualified. Of an *ashera* or a seduced city, it is disqualified. If it was truncated, its leaves broken out, it is disqualified. If its leaves were spread out, it is qualified; Rebbi Jehudah says, he shall tie them at the top. The stone palms of Iron Mountain are qualified. Any *lulav* three hand-breadths long to shake it is qualified.

1 Lev. 23:40: *You shall take for yourselves on the First Day a fruit of the splendor tree, date-tree palms, a branch of the rope tree, and brook-willows.* The *lulav* is the young palm branch. While in the verse it is called “palm”, because the leaves of the palm-tree spread out from the spine of the branch like fingers of a hand, it is traditional to take a young branch with the leaves still tightly clinging to its spine. From this the name מְלָל “tube” (cf. Note 27).

2 A tree worshipped as a pagan deity, forbidden for all use.

3 An apostate city practicing idolatry which has to be destroyed and all its property burned, forbidden for all usufruct, Deut 13:13-18.

4 As long as the leaves are connected they can be tied together to produce the desired shape of a solid tube.

5 As explained in Mishniaiot 8 ff., the main use of the “four kinds” mentioned in the verse is to shake them during the recitation of Hallel, Ps. 113-118.

“A robbed or dried up *lulav* is disqualified,” etc. Rebbi Hyya stated: *You shall take for yourselves*, from what is your own. Rebbi Levi said, to what is one compared who takes a robbed *lulav*? To one who honored the ruler with a basket and it turned out that it belonged to the latter. One says, woe to this one whose defender became his prosecutor.

6 Babli 29b; Sifra Emor Pereq 17(2). The paragraph is a much shortened version of Lev. r. 30(6), starting with R. Hyya’s statement and ending with the lesson “woe
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to this one . . .”

Greek κατήγορος.

7 Greek σωτήρος.

9 A ram’s horn of idolatry or a seduced city. Rebbi Eleazar said, it is qualified. Rebbi Hiyya stated, it is qualified. Rebbi Hoshaia stated, it is disqualified. Everybody agrees about a lulav that it is disqualified. What is the difference between a ram’s horn and a lulav? Rebbi Yose said, about a lulav it is written: You shall take for yourselves, from what is your own. Not from what is forbidden for usufruct. But here, a day of horn blowing it shall be for you. Rebbi Eleazar said, there he fulfills his obligation by the thing itself. But here he fulfills his obligation by the sound. Is there a sound which is forbidden for usufruct?

9 This paragraph is part of a text in Yebamot 12:2 (Notes 50-59).

10 The ram’s horn used on New Year’s Day.

11 The usufruct of any implements of idolatrous worship is forbidden. The horn is only permitted since Divine Commandments are not for enjoyment or use. The Babli, Roš Haššanah 28a, agrees.

13 Num. 29:1.

12 The Babli, Roš Haššanah 28a, disagrees in this case since a ram’s horn in a “seduced city” must be burned and therefore is considered to be ashes even if not burned. Arguments of this kind are absent in the Yerushalmi.
Where do they disagree\(^\text{13}\)? If he robbed it smoothed. But if he robbed it and smoothed it, he owes him money\(^\text{14}\). If he robbed a *lulav* from one, a myrtle branch from another, and a willow branch from a third and tied them together\(^\text{15}\)? Let us hear from the following: A robbed *sukkah*, there are Tannaim who stated, it is qualified; there are Tannaim who stated, it is disqualified. Rebbi Simon in the name of Rebbi Joshua ben Levi: He who said, it is qualified, if he robbed the real estate\(^\text{16}\). He who said, it is disqualified, if he robbed the agricultural waste. It is impossible that he not tie them together\(^\text{17}\). If he places it from the top. The rabbis of Caesarea in the name of Rebbi Johanan: In every case it is disqualified\(^\text{18}\). What is the robbed one which is disqualified\(^\text{19}\)? Any time a person enters another’s *sukkah* without his knowledge\(^\text{20}\). As the following. Gamliel the twin made himself a *sukkah* on the market\(^\text{21}\). Rebbi Simeon ben Laqish passed by and told him, who gave you permission?

\(^{13}\) About qualification of a ram’s horn.

\(^{14}\) It is a general rule that a stolen or robbed object has to be returned in kind to its owner only if it is unchanged. Once the thief or robber has changed it so its original shape cannot be restored, it becomes the property of its current holder and the original owner only has a claim for its money’s worth and eventual fines (*Or zarua* § 274). Therefore it is the robber’s property and even in the case of a *lulav* could be used on the holiday.

\(^{15}\) The Babli 30a holds that this case certainly is disqualified since the tie is reversible and a reversible change does not transfer ownership.

\(^{16}\) Since he changed the real estate by building a *sukkah* on it. The Babli 31a disagrees since (1) real estate cannot be robbed since the owners eventually will be able to reclaim their property by proving their title in court (a principle accepted in the Yerushalmi, *Peah* 2:7 Note 132, *Kilaim* 7:5 Note 72, *Bava qamma* 10:6 Note 66) and (2) the *sukkah* is only a temporary building.

\(^{17}\) Therefore even if he robbed the material for the roof it should become the robber’s property.

\(^{18}\) They hold that only permanent change can effect a transfer of ownership, the doctrine of the Babli.

\(^{19}\) This question does not contradict the statement of the rabbis from Caesarea. Accepting their reasoning, what are the limits of “robbing a *sukkah*”?

\(^{20}\) The Babli 31a characterized this as R. Eliezer’s minority opinion.

\(^{21}\) Using public property for a *sukkah* without proper authorization is robbing the public.
“Dried up is disqualified.” Rebbi Abbin in the name of Rebbi Jehudah bar Pazi: The dried-up is disqualified because the dead ones cannot praise the Eternal. It was stated in the name of Rebbi Jehudah, “the dried up one is qualified. Rebbi Jehudah told them, do they not have their sons inherit their lulavim in the port cities overseas? They told him, one does not make inferences from emergency situations.” They asked before Rebbi Avinna, if its fringe was dried up, what? What is the difference to when its head was chopped off? He told them, the first is splendor, the second is not splendor.

Ps. 115:17.
Northern ports in countries without palm trees, where it may be impossible to get a new lulav every year.areth is Greek χάραξ “palisade”. Tosephta 2:9, Babli 31a/b.

Rebbi Maluk in the name of Rebbi Joshua ben Levi: If the spine is split it is as if the leaves were spread out. Date-palm palms. Rebbi Tarphon says, tied date-palms. Rebbi Aqiba says, palms of date palms as they are called. Rebbi Jehudah says, if they are spread out he shall tie them together.

In this case, the Mishnah states that it is qualified. In the Babli 32a R. Matun in the name of R. Johua ben Levi is reported to state that it is disqualified.

While in biblical Hebrew כף is the plural of כף “palm, hand”, in rabbinic Hebrew (and Aramaic) there exists a verb כף “to tie down”. R. Tarphon reads the verse in rabbinic Hebrew and disqualifies palm branches which are not tied tightly, a position attributed to R. Jehudah in Tosephta 2:10.

He reads the verse in biblical Hebrew and accepts the palm branch even if its leaves are spread out.

In principle he agrees with R. Tarphon (Babli 31a, 32a) but he requires actual tying only if otherwise the leaves would be spread
The following are the stone palms of Iron Mountain which are qualified:

Any of which the top of one reaches the root of the next. It was stated:

Burned is disqualified, looking like burned is qualified.

There is no lower limit on the length of the leaves, but the spine of the branch has to be completely covered by leaves. Babli 32a.

“Burned” means not really burned but stone dry and dark. As long as there is moisture in the spine, the color is irrelevant. Babli 32a.
and some are saying, also the third wall a hand-breath\(^3\). Rebbi Ze‘ira asked, the *lulav* a hand-breath except the spine\(^4\)? The hyssop a hand-breath except for the stalk? Rebbi Yose, Rebbi Tabi in the name of Rav; Rebbi Hinena, Rebbi Parnakh, Rav Mattanah, Yose bar Manisha in the name of Rav:
The *lulav* a hand-breath except for the spine; the hyssop a hand-breath except for its stalks.

32 The *lulav* must be large enough so that one may hold it in his hand, and it visibly bends somewhat if one shakes it.
33 Since the numerals are in the masculine they denote hand-breaths.
34 The standard is the cubit, \(\frac{1}{8000}\) of an Egyptian parasang. The hand-breath of the vessel standard, 5 to a cubit, is \(\frac{6}{5}\) of the hand-breath of the distance standard, 6 to a cubit.
35 Exceeding the accompanying branches by a hand-breath. The Babli 32b identifies this with Rebbi Johanan’s criterion (Note 32).
36 Needed to sprinkle, e. g., the water to purify a person healed from skin disease.
37 The ram’s horn for New Year’s Day must extend one hand-breath outside the hand which holds it.
38 As sign of a miscarriage.
39 Tosephta 1:13; Chapter 1 Note 10.
40 The excess length of the *lulav* has to be formed by its leaves, not the spine. Similarly, the top of the hyssop dipped in the purifying water is not counted for the minimum length.

Mishnah 2: A robbed or dried up myrtle is disqualified. Of an *ashera\(^2\) or a seduced city\(^3\), it is disqualified. If it was truncated, its leaves broken out, or its berries more than its leaves, it is disqualified; if one reduced their number it is qualified but one may not reduce on the holiday.
Halakhah 2: It is written, and a branch from the rope tree, a tree whose branches cover it and it rises like plaiting. Which one is this? The myrtle. If you would say the olive tree, it rises like plaiting but its branches do not cover it. If you would say the vine, its branches cover it but it does not rise like plaiting. Therefore, which one is this? The myrtle.

Hiyya bar Ada in the name of Rebbi Simeon ben Laqish. They taught about the blackish ones. Why? Because they do not resemble its wood or because its fruit is ripened? What is the difference between these? If it is used to grow green ones. If you are saying, because they do not resemble its wood, they do not resemble its wood. Therefore the reason must be because its fruit is ripened.

Mishnah 3: A robbed or dried up willow twig is disqualified. Of an ashera or a seduced city, it is disqualified. If it was truncated, its leaves broken out, or the osier are disqualified. Wilted, and of which part of the leaves have fallen off, and from an unirrigated place, are qualified.

41 The tops of the leaves look like forming a spiral.
42 Arabic (from the Persian) "gold colored", used for branches of the vine (French sarment).
43 That the berries of the myrtle twig have to be removed.
44 Clearly this has to be deleted.
45 Arabic "osier, willow from whose twigs one makes baskets."
46 A field which gets its water exclusively from the rain, called ba’al.
Halakhah 3: 47 “It is written, and brook-willows⁴. I admit not only from a brook, from where also from an unirrigated place or from mountains? The verse says, and willows⁴⁸. Abba Shaul says, brook-willows, two. A willow twig for the lulav and a willow twig for the Temple⁴⁹.” Then why was it written and brook-willows? To exclude the osier. 50 What is an osier? If its is like a sickle. It was stated: Like a sickle it is disqualified, like a plane it is (qualified) [disqualified] 51. What is a disqualified willow twig? The leaf is round and the stem white. What is a qualified willow twig? The leaf is long and the stem red.”

47 Sifra Emor Pereq 16(6), Babli 34a.
48 The plural and the prefixed “and” indicate the inclusion of two additional kinds of willow twig.
49 He disputes the admission of willow twigs from trees growing far from water by pointing out that willow twigs were needed not only for the “4 kinds” tied to the lulav but also to surround the altar (Mishnah 4:4). This explains both the plural and the prefixed “and”.
50 Babli 34a, Tosephta 2:7.
51 The correct text is the (scribe’s); the [corrector’s] clearly is erroneous.

Mishnah 4: Rebbi Ismael says, three myrtle branches and two willow twigs, one lulav and one etrog; even two truncated and one not chopped off. Rebbi Tarphon says, even all three truncated. Rebbi Aqiba says, just as there is one lulav and one etrog so there is one myrtle branch and one willow twig.
Halakhah 4: Rebbi Ismael explained, “a fruit of the splendor tree, one. Date-palm roped, one. A branch of the rope tree, three. And brook-willows, two. And two lifted ones; one which is not truncated. Rebbi Tarphon says, even if all three are truncated.” Rebbi Abba bar Mamal asked before Rebbi Immi: Since Rebbi Ismael adds for the myrtle, should he not add for the other kinds? He answered, you are thinking that Rebbi Ismael thinks that truncated is splendor, and we have stated, “Rebbi Tarphon says, even if all three are truncated.” Nobody says “even” if he does not accept the preceding statement. Rebbi Haggai asked before Rebbi Jose: What does Rebbi Tarphon add to the words of Rebbi Ismael? He answered him, Rebbi Ismael does not think that truncated is splendor, but Rebbi Tarphon thinks that truncated is splendor. When Rebbi Yasa came up here he saw them being selective about myrtle branches. He said, why are the Westerners selective about myrtle branches? He had not heard that Rebbi Simon said in the name of Rebbi Joshua ben Levi: And they made known and proclaimed in all cities etc. Myrtle is not the same as rope tree, but myrtle is for the sukkah, and rope tree for the lulav. Rebbi Ze’ira blew it.

52 Sifra Emor Pereq 15(7), Babli 34b.
53 He reads the verse in accordance with R. Tarphon, Note 27. The clause is in the singular.
54 While “branch” is in the singular, there are three words to describe the myrtle branch.
55 As always, an unspecified plural means “2”, the smallest number > 1.
56 While R. Ismael seems to accept that only one myrtle branch is really needed since is a singular, the additional two being inferred from the additional words used in his characterization requiring two additional branches, it is difficult to understand why he requires only one lulav and only one etrog instead of two each.
57 Since R. Tarphon and R. Ismael agree in the interpretation of the verse, the requirement that one branch be not truncated for R. Ismael is a rabbinic requirement, not derived from the verse.
58 That they should not be truncated and tightly cover the stem of the branch.
59 Neh. 8:15. In the verse, myrtle and branches of the ‘avot tree are mentioned separately. How can they be identified?
60 Since the rope tree was mentioned in the Torah as part of the “four kinds” to be taken on the first day, “myrtle” must refer to a kind not satisfying the criteria specified in Halakhah 2 which only may be used for
He who makes a *lulav* for himself says, praise to Him who sanctified us by His commandments and commanded us to make a *lulav*. For another, to make a *lulav* in his name. When he takes it he says, praise to Him who sanctified us by His commandments and commanded us about taking the *lulav*. If he prayed with it he says, praise to Him Who let us live, and kept us, and let us reach this time. He says the benediction every time when he takes it. How does one recite the benediction for the *Hanukkah* light? Rav said, praised to Him who sanctified us by His commandments and commanded us the commandment [to kindle] the light of *Hanukkah*. Everybody agrees that on the first day he says, about taking the *lulav*. What do they disagree about? The remaining days. Rebbi Johanan said, about taking the *lulav*. Rebbi Joshua ben Levi said, about commandments of the Elders. What did Rav say for the *lulav*? Since for *Hanukkah* which is from their words he is saying, about the commandment of the light of *Hanukkah*, for *lulav* which is from the Torah not so much more? What did Rebbi Joshua ben Levi say on *Hanukkah*? Since for *lulav* which is from the Torah he is saying, about commandments of the Elders, for *Hanukkah* which is from their words not so much more? The only problem is, what did Rebbi Johanan say on *Hanukkah*?
Hiyya the son of Rav was reciting the benediction every single time\textsuperscript{67}. Rav Ḥuna recited it only once. Rebbi Ḥuna in the name of Rav Joseph: The reason of Rav Ḥuna. \textit{Demay}\textsuperscript{68} is from their words and the remaining days are from their words. Since for \textit{demay} one does not recite a benediction\textsuperscript{69}, also for the remaining days one does not recite a benediction.

\textsuperscript{62} The first sentences of this paragraph are in Tosephta \textit{Berakhot} 6:10, \textit{Yerushalmi} \textit{Berakhot} 9:3, Note 185; Babli \textit{Sukkah} 46a.

\textsuperscript{63} Cf. Chapter 1, Note 124.

\textsuperscript{64} Corrector’s addition, to be deleted as shown by the quote later in the paragraph. The mention of “kindling” is Babylonian, Babli \textit{Šabbat} 23a.

\textsuperscript{65} Since, as explained in Mishnah 3:12, the biblical commandment to take the “four kinds” for seven days is restricted to “before the Eternal”, i. e., at the Temple. Without a Temple the obligation at other places is purely rabbinical except for the first day mentioned in \textit{Lev.} 23:40.

\textsuperscript{66} Everywhere, at least for the first day of the festival.

\textsuperscript{67} Accepted as general practice \textit{Berakhot} 3:3, Note 131.

\textsuperscript{68} Produce of the Land of which one may be sure that heave was taken but probably not tithes (nor heave of the tithe). Cf Introduction to Tractate \textit{Demay}.

\textsuperscript{69} When separating heave of the tithe. Rejected by the Babli, \textit{Šabbat} 23a.

\textbf{Mishnah 8:} A robbed or dried up \textit{etrog}\textsuperscript{70} is disqualified. Of an \textit{asher}\textsuperscript{2} or a seduced city\textsuperscript{3}, it is disqualified. Of \textit{orlah}\textsuperscript{71}, it is disqualified. Of impure heave\textsuperscript{72}, it is disqualified; of pure one should not take\textsuperscript{73} but if he took it is qualified. Of \textit{demay}\textsuperscript{68}, the House of Shammai disqualify\textsuperscript{74} but the House of Hillel qualify; of Second Tithe in Jerusalem\textsuperscript{73} one should not take but if he took it is qualified.

\textsuperscript{70} The Persian name of cedrat, \textit{citrus medica}, identified as “fruit of the Hadar tree”.

\textsuperscript{71} An edible fruit produced during the first three years of the tree’s planting, forbidden for all usufruct.

\textsuperscript{72} Forbidden as fruit, must be burned.

\textsuperscript{73} Since by biblical commandment heave and Second Tithe in Jerusalem have to be consumed.
Since they do not permit *demay* to be given even to the poor without separating the heave of the tithe, it is not edible at this moment.

Halakhah 5: It is written, *a fruit of the splendor tree*, a tree whose fruit is splendor and its wood is splendor. Which one is that? This is the *etrog*. If you would say, the pomegranate, its (wood) [fruit] is splendor but its (fruit) [wood] is not splendor. If you would say, the carob, its wood is splendor but its fruit is not splendor. Which one is it? The *etrog*. 

Rebbi Jacob the Southerner asked, is our Mishnah not following the House of Shamai? As we have stated, “of *demay*, the House of Shamai disqualify but the House of Hillel qualify. Of Second Tithe in Jerusalem one should not take but if he took it is valid.”

74 It is difficult to decide whether the text of the (scribe) or that of the [corrector] is the correct one. The corrector’s is preferable since (1) it is not parallel to the next sentence and (2) the pomegranate, while not easy to eat, is on the list of preferred fruits of the Holy Land (Deut. 8:8) and certainly tastes much better than carob pods.

76 His Hebrew must pronounce ژ as /a/ and make no difference between ژ and ژ since he reads דקפ “splendor” as דקפ “who dwells”.

77 “Water.” This again makes no difference between ژ and ژ but reads ژ either as /ol/ or as Polish /oł/. 

79 ‘ולדים’ by ‘אדריכו’; a tree which grows on the water. “Rebbi Simeon ben Iohai stated: You shall take for yourselves . . . a fruit of the splendor tree, a tree whose fruit is splendor and its wood is splendor; the smell of its fruit is the smell of its wood, the smell of its wood is the smell of its fruit; its fruit looks like its wood, its wood looks like its fruit. Which one is it? The *etrog*. “
Babli 35a; Sifra Emor Pereq 16(4), with different name traditions.

This paragraph does not belong here; it is copied from Erubin Chapter 3, Notes 76-78. If the text is read as relevant to the discussion here, the question must be why the use of Second Tithe in Jerusalem, while disapproved of, is accepted by everybody when it should be disqualified by the House of Shammai.

Mishnah 6: If scabs covered most of it, or its protuberance was removed, or it was perforated, or peeled, or cracked, if anything was missing it is disqualified. If scabs covered a smaller part, or the stem was removed, or it was perforated but nothing was missing, it is qualified. A black etrog is disqualified, and the green like leeks Rebbi Meïr qualifies but Rebbi Jehudah disqualifies.

Halakhah 6: Rebbi Isaac bar Nahman in the name of Samuel: All disqualifications only disqualify on the first day of the holiday. There, they are saying, most of it on one side; its protuberance is disqualifying like most of it.

“If its protuberance was removed.” There, they say: its lily. Rebbi Isaac bar Haqula said, the peak. If it was perforated but not pierced inside it is
qualified, as we have stated there, “if the stem was removed, or it was perforated but nothing was missing, it is qualified.”

“A black etrog is disqualified.” What comes from the black one is qualified

“The green like leeks.” Rebbi Ze’ira asked before Rebbi Immi: Leek-colored or like leek-colored? He told him, leek-colored. What is the deepest תור? Rebbi Eleazar said, like wax and like the flower of the qarmal tree; Symmachos says, like a peacock’s wings. What is the deepest red? That is deep crimson. And here, he says so Rebbi Phineas said, there is a difference there because it says, deepest green.

81 When the standards have to be biblical. Quoted by Tosaphot 35b s. v. עתמה.
82 The etrog is disqualified if either on one side most of it is covered by scab, as noted here, or if all around it has infected spots, as noted in the next Halakhah. Therefore if the top was covered by scab it is covered on all sides and therefore disqualified.
83 Arabic מחפף “acme”. The etrog has to be held so that the protuberance is the top.
84 The black etrog is infected and probably inedible; its seeds may produce normal trees and normal fruit.
85 Somewhat less dark.
87 Yellow colored. In biblical Hebrew both green and yellow are subsumed under כנף. The word used in modern Hebrew for yellow, צהוב, biblically means “shiny, shiny red.”
88 Why is it green for the etrog but yellow for skin disease?

Mishnah 7: The measure of a small etrog, Rebbi MeIr says, like a walnut, Rebbi Jehudah says, like an egg. And a large one, so that he is able to hold the two of them in one hand, the words of Rebbi Jehudah; Rebbi Yose says, even one in both of his hands.

89 A chicken egg.
90 The etrog and the lulav together.
Rebbi Aqiba says an unripe cedrat is not a fruit, but the Sages say it is a fruit. Rebbi Hila, Rebbi Yasa, in the name of Rebbi Eleazar: It follows that Rebbi Simeon follows the argument of his teacher, Rebbi Aqiba. Just as Rebbi Aqiba said it is not a fruit, so Rebbi Simeon said it is not a fruit. Rebbi Yose said, is everything qualified for lulav subject to tithes and everything disqualified for lulav not subject to tithes? Did they not object, there is the spotted one, one that grew in a form, or one shaped like a ball, which are disqualified for lulav but subject to tithes! It is reasonable {to hold that} Rebbi Simeon agrees with Rebbi Aqiba but Rebbi Aqiba does not agree with Rebbi Simeon. Rebbi Simeon agrees with Rebbi Aqiba since it is written fruit and it is not a fruit. Rebbi Aqiba does not agree with Rebbi Simeon since it is written fruit and it is not a fruit. Rebbi Aqiba does not agree with Rebbi Simeon, there is the spotted one, one that grew in a form, or one shaped like a ball, which are disqualified for lulav but subject to tithes.

91 The origin of the paragraph is in Ma`serot 1:4, Notes 99-106. A parallel but different discussion is in the Babli 36a/b. 92 In Mishnah Ma`serot 1:4 he frees unripe etrog from tithes. 93 Greek τύπος. 94 Lev. 23:40.
**Halakhah 8:** We have stated, “like a walnut.” There are Tannaim who state, “up to a walnut.” He who says “like a walnut”, as a walnut itself is qualified. He who says “up to a walnut”, as a walnut itself is disqualified.

Rebbi Yose⁹⁵ said, if there were written *and date-palm palms*, it would be correct. Only *date-palm palms* is written, even one in one hand and the other in the other hand. They said about Rebbi Aqiba that he entered the synagogue with an *etrog* on his shoulders⁹⁶.

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95 This possibly might refer to R. Yose the Tanna. The argument that the omission of the connective “and” in the list indicates that the *etrog* must be kept separate from the other items is ascribed to R. Eleazar (the Tanna) in *Sifra Emor Pereq* 15(7).

96 Babli 36b.

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**Mishnah 8:** One ties the *lulav* only with its own kind⁹⁷, the words of Rebbi Jehudah. Rebbi Meïr says, even with a string⁹⁸. Rebbi Meïr said, it happened that the people of Jerusalem did tie their *lulavim* with golden jewels⁹⁹. They told him, under these they tied it with its own kind. Where did they move¹⁰⁰? At *thank the Eternal*¹⁰¹ beginning and end, and also at *please, Eternal, please save*¹⁰², following the words of the House of Hillel. The House of Shammai say, also at *please, Eternal, please give success*¹⁰². Rebbi Aqiba said, I was watching Rabban Gamliel and Rebbi Joshua, when all the people were shaking their *lulavim* but they moved them only at *please, Eternal, please save*.

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97 One ties myrtle and willow branches to the palm branch only with palm leaves, myrtle or willow branches, in order not to add an unauthorized kind to the 4 authorized ones.

98 In his opinion the tying of myrtle and willow branches to the palm branch is common usage, not biblical commandment,
and the string never is counted as another kind.

99 Arabic ственный “jewels”.

100 In the synagogue the main service involving the lulav is the recitation of Hallel, Pss. 113-118, where the lulav is moved at the recitation or repetition of designated verses.

101 Ps. 118:1,29.

102 Ps. 118:25.

Halakhah 9: Therefore not at thank. To exclude also at please, Eternal, please give success.

103 Does R. Aqiba imply that Rabban Gamliel and R. Joshua did not move their lulav at the beginning and the end of Ps. 118, which is accepted by all traditions and was never in doubt? The answer is that he only excludes action following the House of Shammai.

Mishnah 9: If somebody returns from a trip where he had no lulav, when he enters his house he can take it at his table. If he did not take it in the morning he may take it in the afternoon since the entire day is qualified for the lulav.

104 And make the benediction (Note 67).

Halakhah 10: Rav Hiiya bar Ashi in the name of Rav: If one rises early to go on a trip, he takes a lulav and moves it, or the shofar and blows it. When the time arrives to read the shema, he reads and prays. It was stated, he was to move three times. Rebbi Ze`ira asked, so one and so one, or so and so one and so one? There, we have stated: “He has to rub each kind three times.” Rebbi Ze`ira asked, so one and so one, or so and so one?
HALAKHAH ELEVEN

105 Babli Berakhot 30a.
106 At dawn.
107 The movement of the lulav is to move it away and return it near one’s body. The question is whether this counts as one or as two motions.
108 Mishnah Niddah 9:7. In a test of a stain whether it is from blood or not one has to move each chemical three times over the stain. The same question arises, are forth and back counted as two or one motions? Babli Niddah 63a; also Menahot 76a, Bava qamma 119b, in the name of R. Ze’ira’s student R. Jeremiah.

Mishnah 10: A person to whom a slave, or a woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him. If a male adult reads for him, he answers halleluja after him. An illiterate who does not know the Hallel by heart, must have the psalms recited to him to make the movements prescribed in Mishnah 8. If a person who is not obligated to recite the Hallel and to move the lulav (a slave, woman, or minor) recites for him, he does not fulfill his duty by listening to them; he must repeat word for word. He is cursed for being an adult illiterate. If an obligated person reads for him, he is not different from people listening to the reader in the synagogue and answers halleluja 123 times (cf. Šabbat Chapter 16, Note 59).

Halakhah 11: It is stated: In truth, they said a woman may say Grace for her husband, a slave for his master, and a minor for his father. One understands a woman for her husband, a slave for his master. A minor for his father? Did not Rebbi Aha say in the name of Rebbi Yose bar Nahora: All they said about a minor is for the latter's education? Explain it that he recites after him, as we stated there: “A person to whom a slave, or a
woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him.” [Also they said,] there should be a curse on the man of twenty years who needs the child of ten.

110 This Halakhah is copied from Berakhot 3:3, Notes 153-157. It also is copied in Roš Haššanah 3:10, נ. 111 Babli 38a, Berakhot 20b; Tosephta Berakhot 5:11.
112 Since they are obligated to say Grace after a meal. The Yerushalmi has no problem with women or slaves but for the Babli the question remains whether women may in fact recite Grace for males who have an obligation from the Torah, i.e., who actually ate their fill.

113 The minor must be educated; there is an obligation on the father to teach him all religious obligations but the minor himself is not obligated and therefore cannot perform any religious duty for others.

Mishnah 11: At a place where there is the custom to repeat, one repeats 114 , to recite a blessing afterwards, one recites a blessing afterwards 115 ; everything follows local custom. If one buys a lulav from another in the Sabbatical year he has to give him the etrog as a gift since one is not permitted to buy it in the Sabbatical year 116 .

114 Verses Ps. 118:21-29 are customarily recited twice; either everybody recites them twice or the reader sings them first and the congregation repeats after him; cf. the author’s The Scholar’s Haggadah, p.368. In the Yemenite rite, also the starting clauses of Pss. 114, 116, 117, 118 are repeated by the congregation.
115 At the conclusion of the recitation of Pss. 113-118.

116 Edible fruits of the Land in the Sabbatical year are not the private property of the owner of the land; they cannot be objects of trade. But the branches of palm, myrtle, and willow are not edible and therefore can be objects of trade. In the Sabbatical year the etrog may not be sold separately; one sells the 4 kinds together and declares that payment is taken only for the three inedible kinds.
Halakhah 12: 117 Rav and Samuel. One said hallelu yah, and the other one said hallelujah. For him who said hallelu yah it is split but cannot be erased 118. For him who said hallelujah it may be erased but cannot be split 119. We do not know who said what. Since Rav said, I heard from my uncle 120, if somebody would give me a book of Psalms written by Rebbi Meïr I could erase all hallelujah in it since he did not intend to sanctify them. This implies that he said hallelujah. The words of the rabbis disagree, as Rebbi Simon said in the name of Rebbi Joshua ben Levi, the book of Psalms was said with ten expressions of praise, with “hail” 121, with “excellence” 122, with melody, with song, with chant, with instruction, 123 with shout, with thanksgiving, with prayer, with blessing. The most beatific of all of them is hallelujah since both the Name and praise are contained in it 124.

117 The source of the text for this and the next paragraphs is Megillah 1:11 (fol. 72a). Cf. Babli Pesahim 117a.
118 Since the name of God may not be erased (Deut. 12:4, referring to vv. 2,3.)
119 Biblical spelling does not admit splitting of words.
120 R. Hiyya the elder.
121 Psalms starting with אָשֵׁר.
122 Psalms starting with לְמִיקָם
123 Psalms starting with מְשַׁלֵּל
124 Therefore hallelujah cannot be erased since it contains the Name.
Rebbi Ze`ira asked before Rebbi Abbahu: He told him, (as it comes in the mouth before you) [Rebbi Abba is on top before you.] Rebbi Jonah answered both ways. Rebbi Eliezer 126 did not answer any way.127 Rav in the name of Rav Abba bar Hana128 in the name of Rav: Only if he answered at the start of the Chapters. Rebbi Ze`ira asked, what are the starts of Chapters?

Hallelujah, praise, servants of the Eternal, praise the Name of the Eternal129. They asked before Rebbi Hyya bar Abba: From where that he who heard but did not answer has fulfilled his obligation? He told them, since we are seeing great rabbis standing among the public when these say praised be he who comes and the others say in the name of the Eternal130, and both have fulfilled their obligation.

125 The scribe’s text, supported by the text in Megillah, is the only one which makes sense. One may answer either hallelu yah or hallelujah.

126 With the text in Megillah read: Eleazar.

127 Here is a sentence missing, which is found in the origin in Megillah: “As it was stated: if he heard but did not answer he fulfilled his obligation, if he answered but did not hear he did not fulfill his obligation.”

128 Again a clause missing from the parallel sources: {Some say, Rav Abba bar Hama} in the name of Rav. Both statements are possible; the authors were cousins. Here starts a parallel in Berakhot 8:9, Notes 177-182, Babli 38b.

129 Ps. 113:1. In Yemenite prayer books the instructions for the recitation are, with the responses added in brackets: Hallelujah [hallelujah], praise, servants of the Eternal, praise the Name of the Eternal. Babli 38b.

Rebbi Hoshaya stated: One answers Amen even if he did not eat\(^{132}\), but he may not say: “Let us praise Him, of Whose bounty we ate,” except if he did eat. It is stated\(^{133}\): “One answers neither an orphan Amen, nor a plucked\(^{134}\) Amen. What is an orphan Amen? Rebbi Huna said, that is one who is obligated to recite a blessing, he answers Amen, and is not conscious for what he answered Amen. It is stated: One answers Amen after a Gentile who recited a benediction for the Eternal, but if he recited a benediction with the Name one does not answer\(^{135}\). Rebbi Tanhuma said, if a Gentile blesses you, answer after him Amen since it is written\(^{136}\) *You shall be blessed by all peoples*. A Gentile met Rebbi Ismael and blessed him. He answered: The word about you has already been said. He met a second one who cursed him; he answered: The word about you has already been said. His students said to him: Rebbi, did you say to the one what you said to the other? He said to them, so it is written\(^{137}\) *Those who curse you are cursed, but those who bless you are blessed.*

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\(^{131}\) It seems that the original of this paragraph is in *Berakhot* 8:9.

\(^{132}\) A person hearing other people reciting Grace has to say Amen; obviously he cannot participate in reciting part of the text; cf. *Berakhot* 7:2.

\(^{133}\) Tosephta *Megillah* 3:27, Babli *Berakhot* 47a.

\(^{134}\) Amen not completely pronounced.

The other sources have here an addition: “Ben Azai said, if one answered an orphan Amen, may his children be orphans; hurried, may the end of his days be hurried; plucked, may his soul be plucked off. For a long Amen, they lengthen his days and years in a good way.”

\(^{135}\) Since the Gentile is not subject to our rules, if he praises the Eternal, one answers after him Amen. But if he uses a Jewish formula one may not answer after him Amen unless one has ascertained that he conformed with our rules (S. Liebermann.)

\(^{136}\) *Deut.* 7:14.

\(^{137}\) *Gen.* 27:29.

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Rebbi used to repeat things in it; Rebbi Eleazar ben Proteus recited simply in it\(^{138}\).

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\(^{138}\) In Mishnaic times the order of recital of Hallel was not uniform; uniformity was not intended.
Rebbi Eleazar said, this follows the Elders of Galilea, for the Elders of Galilea say, it is forbidden to hand over food for two meals to a person suspect in matters of Sabbatical\(^{139}\). Rebbi Mattaniah said, explain it as opinion of everybody, in case that \textit{etrogim} are sold at an elevated price\(^{140}\).\(^{141}\) As the following: The cedrats\(^{142}\) were scarce there when Rav Nahman bar Jacob gave an \textit{etrog} as gift to his son and told him, if you have acquired it and fulfilled its obligation, return it to me\(^{143}\).

139 This refers to the last part of the Mishnah, where one has to be careful in a Sabbatical year not to buy the edible \textit{etrog} from a person trading in Sabbatical produce. The Elders of Galilee do not permit to deal with such a person except for the absolute necessities of sustenance.

140 In this case there are great incentives to trade in \textit{etrogim} in the Sabbatical year. The only way not to “put a stone before a blind man”, in this case to prevent the non-observant from trading in \textit{etrogim}, is to eliminate all considerations of money from the transfer of possession of the \textit{etrog}.

141 \textit{Gittin} 2:3, Note 68.

142 Persian \textit{turung}, Farsi \textit{toranj}, used for all citrus fruits.

143 This proves that the requirement that the \textit{etrog} must be the personal property of the user may be satisfied even by a gift given on condition that it be returned; therefore certainly a permanent gift as described in the Mishnah.

\textbf{Mishnah 12:} Originally the \textit{lulav} was taken in the Temple for seven {days} and in the country\(^{144}\) one day. After the destruction of the Temple, Rabban Johanan ben Zakkai instituted that the \textit{lulav} be taken in the country for seven {days} as remembrance of the Temple, and that the day of waving be entirely forbidden\(^{145}\).
Anywhere in the world outside of the Temple Mount.

New flour is permitted for consumption by the `omer sacrifice of newly cut barley, by pharisaic tradition on the 16th of Nisan; Lev. 23:14. In the Temple the sacrifice was brought early in the morning; therefore new grain was permitted on that day. Rabban Johanan ben Zakkaı instituted that new grain should not be used until it automatically became permitted on the 17th.

Halakhah 13: It is written: and you shall enjoy before the Eternal, your God, for seven days. There are Tannaim who state, the verse speaks of the enjoyment of well-being sacrifices. There are Tannaim who state, the verse speaks of the enjoyment of the lulav. For him who is saying, the verse speaks of the enjoyment of well-being sacrifices, the first day is from a word of the Torah and the other days are from a word of the Torah, and Rabban Johanan ben Zakkaı instituted on basis of a word from the Torah. For him who is saying, the verse speaks of the enjoyment of lulav, the first day is from a word of the Torah and the other days are from their words, and Rabban Johanan ben Zakkaı instituted on basis of their words. But is there institution after institution?

146 Lev. 23:40, the verse about the lulav and the 4 kinds.
147 The general exhortation to enjoy the holidays (Deut. 16:11,15) is read as referring to the joyous family meals connected with the holiday pilgrimage to the Temple. This interpretation would read the verse as duplicate of the same exhortation in Deut. 16:15.
148 This interpretation reads Lev. 23:40 separate from Deut. 16:15, commanding a lulav festivity in the Temple, “before the Eternal”, in addition to the requirement of taking the lulav on the first day, independent of location. Babli 43a.
149 It is obvious that instead of “well-being sacrifices” one has to read “lulav”. Since in this case there is a biblical requirement to take the lulav for seven days in the Temple, taking the lulav for seven days has biblical roots, and the statement about Rabban Johanan ben Zakkaı makes sense.
150 Here one has to read “well-being sacrifices”. If the verse does not force a
7-day observation of *lulav* anywhere, Rabban Johanan ben Zakkai would have extended a purely customary observation from the Temple to the outside world. Since rabbinic extensions of Biblical prescriptions are legitimate only as “fences around the law”, extending any of these is unnecessary. Therefore Rabban Johanan ben Zakkai must have held that Lev. 23:40 refers to *lulav* (Note 149). Babli Šabbat 11a.

Mishnah 13: If the first day of Tabernacles is a Sabbath, everybody brings their *lulav* to the synagogue¹⁵¹. The next day they come in the morning and everybody recognizes his own and takes it, since they said that nobody can fulfill his obligation with another person’s *lulav*¹⁵².

¹⁵¹ On Friday afternoon since the *lulav* may not be carried in the public domain on the Sabbath. As Mishnah 4:3 shows, this refers to any place outside the Temple Mount, where the obligation to take the *lulav* is biblical only on the first day.

¹⁵² Since the verse says: *You shall take for yourselves on the First Day*, implying it need not be yours on any other day.

The colleagues asked before Rebbi Jonah: Since you are saying there, *and you shall offer a gift to the Eternal seven days*¹⁵³, there are no seven without a Sabbath¹⁵⁴, why not similarly *and you shall enjoy before the Eternal, your God, for seven days*, there are no seven without a Sabbath¹⁵⁵? He answered
them, there is a difference, for it is written *You shall take for yourselves on the First Day*, He separated the first from them\(^{156}\). Then it should push aside in the Temple, it should not push aside in the country\(^{157}\). Rebbi Jonah said, if it had said, “you shall take before the Eternal, your God,” I would have said, here he excluded and at another place included\(^{158}\). But *you shall take for yourselves everywhere, and you shall enjoy before the Eternal, your God, for seven days*, in Jerusalem\(^{159}\).


\(^{154}\) In the detailed list of the holiday sacrifices, *Num*. 28-29, it is written in v. 28:24 that on the Holiday of unleavened bread there have to be sacrifices for seven days. Therefore the mention of the seven days of sacrifices in *Lev*. 23:8, in the holiday list whose emphasis is not on the sacrifices, can be read as emphasizing that these sacrifices have to be offered also on the Sabbath, the Sabbath prohibition being not applicable in this regard.

\(^{155}\) By the argument of the preceding note, it should follow that the Sabbath prohibitions are nonexistent for taking the *lulav* on a Sabbath which is the first day of the holiday, since it was established in the preceding paragraph that the second part of *Lev*. 23:40 also refers to *lulav*.

\(^{156}\) Since there is no direct evidence that the second part of *Lev*. 23:40 must refer to *lulav*.

\(^{157}\) Since both *Lev*. 23:8 and *Num*. 28:24 refer to the Temple service, the argument should be transferable to *Lev*. 23:40.

\(^{158}\) It would be reasonable to restrict the rules of *lulav* to the Temple.

\(^{159}\) Since the first part of 23:40 is addressed to everybody everywhere, it excludes differentiating between Temple and outside for the rules of the first day. Since the rules “before the Eternal” refer either to the Temple, as in matters of sacrifices, or to the place of the Temple, as in the rules of Second Tithe (*Deut*. 14:26); by the previous argument this cannot apply to lifting the Sabbath rules on the first day, and, therefore, not to any other day.

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**Mishnah 14:** Rebbi Yose says, if somebody forgot and took the *lulav* into the public domain on the first day of Tabernacles which is a Sabbath he is not liable\(^ {160}\) since he took it out with permission\(^ {161}\).
A woman may receive from her son’s hand or her husband’s hand and return it to the water on the Sabbath. Rebbi Jehudah says, on the Sabbath one returns, on the holiday one adds, on the intermediate days one exchanges.

A minor who knows how to move is obligated for the lulav.

The lulav when the men have performed the prescribed motions, since if it is not muqseh for one person it cannot be muqseh for another.

The water which keeps lulav and twigs fresh.

The obligation is not the minor’s but his father’s; cf. Note 113.

Halakhah 14: The colleagues say, the words of Rebbi Yose are that a positive commandment pushes aside a prohibition. Rebbi Yose told them, it is not from this but as Rebbi Ila said and as is stated there: “This was the usage in Jerusalem, a person goes to the synagogue with his lulav in his hand, goes to visit the sick with his lulav in his hand. He recites the shema and prays with his lulav in his hand. To lift his hands or to read in the Torah, he hands it to another person. If he put it down on the floor it is forbidden to move it.” Rebbi Abun said, this implies that it is forbidden for usufruct. It was stated: One moves fragrant wood to let a sick person smell it on the Sabbath. The rabbis of Caesarea are saying, one may wave the myrtle branch for a sick person on the Sabbath.

Does the same hold for a knife for circumcision, the same for unleavened bread? Since Rebbi Johanan
said, the words of Rebbi Yose, even if he finished he may return for fibers which do not invalidate the circumcision; this implies the same even for a knife for circumcision, the same for unleavened bread.

166 The Tanna.
167 The obligation to take the *lulav* has precedence over the prohibition of work on the Sabbath.
168 The Amora.
169 Since the Sabbath involves both a prohibition of work and an obligation of rest, the argument of the colleagues is not applicable.
170 Babli 41b, Tosephta 2:10.
171 A Cohen to pronounce the Priestly Blessing.
172 In the Babylonian sources (Note 170): “Puts it down on the floor.”
173 In the Tosephta: Once he has completed his obligation he is forbidden to move it. In both versions of the baraita, if a person takes up the *lulav* and takes it outside when he does not need it any more on that day, he is liable for a Sabbath violation also for R. Yose.
174 Which is neither food nor implement and therefore not anything for which a general permission is given to be moved on the Sabbath.
175 The text from here to the end of the paragraph is from *Shabbat* 19, Notes 140-141; also *Pesahim* 6:7, *Yebamot* 8:1 Notes 106-107.

Halakhah 15: If he knows how to move he is obligated for *lulav*. If he knows how to dress, he is obligated for *sissil* 176. If he knows how to talk, his father teaches him the language of the Torah 177. If he knows how to keep his hands clean, one eats heave on his hands 178. If he knows how to keep his body clean, one eats food in purity on his body 179. But he does not go before the Ark 180, nor lift his hands 171, nor stands on the podium 181, before he grows a beard. Rebbi says, all of them at the age of twenty years, as it is said: *They appointed the Levites, twenty years or older, to direct the work of the Eternal’s House.*

176 To have the tassels at the four corners of his toga. Babli 42a, *Arakhin* 2b; Tosephta *Hagigah* 1:2.
177 Biblical Hebrew.
178 If he washes his hands and then touched heave, the latter is not impaired by his touch and may be eaten by pure Cohanim.

179 If he knows what brings impurity and states that he is pure, the touch of his body does not contaminate food prepared in purity.

180 As an appointed reader to lead the congregation in prayer.

181 A Levite singing in the Temple.

182 Irrespective of whether he grew a beard or not.

183 *Ezra* 3:8. The age limit was established for the second Temple, therefore it is valid for the future. The pentateuchal age limit for Levites was 25 years; *Num.* 8:24.
Mishnah 1: Lulav and willow six and seven\(^1\); Hallel and joy eight\(^2\).
Sukkah and water libation seven\(^3\), and the fife five and six\(^4\).
When is the lulav seven? If the first day of Tabernacles falls on a Sabbath, the lulav is taken seven times; on all other days six\(^5\).

Mishnah 2: How the willow seven? If the seventh day of willow falls on a Sabbath, the willow is seven {days}, on all other days six\(^5\).

1. The entire Chapter only refers to the service in the Temple. The willow twigs referred to here are not those tied to the lulav; these are subsumed under the name of lulav and are not mentioned further, just as the myrtle branches are not mentioned. The willow twigs are large ones used around the altar, as described in Mishnah 4. The numbers mentioned refer to the number of days the corresponding action is required. If the Sabbath of the holiday week was not the first day, the willow twigs to surround the altar were not brought on the Sabbath.

2. These apply both on the seven days of Tabernacles and on the additional final holiday (Num. 29:35) which is separate from Tabernacles.

3. Since no Sabbath violation is possibly connected with these, they are obligatory all seven days of Tabernacles.

4. The fife accompanying the nightly festivities of drawing the water for next day’s libation, impossible both on the full holiday and on the Sabbath.

5. If the first day of the holiday is a Sabbath, the use of the lulav in the Temple is prescribed by Lev. 23:40 and therefore supersedes any possible Sabbath violation. But the Sabbath on any other day of the holiday week has precedence and prevents the taking of the lulav. Similarly, the willows to surround the altar were carried on the seventh day even if it was a Sabbath since one holds that on that day it is a biblical command, as explained in the Halakhah.
“Lulav and willow six and seven,” etc. Rebbi Ze’ira, Rebbi Ila, Rebbi Yasa in the name of Rebbi Johanan: The “willow” is practice going back to Moses on Mount Sinai. This is against Abba Shaul7, since Abba Shaul said, the willow is a word of the Torah: and brook willows, two. One willow for the lulav, the other willow for the Temple. Rebbi Abba, Rebbi Hiyya in the name of Rebbi Johanan: willow and pouring water are practice going back to Moses on Mount Sinai8. This is against Rebbi Aqiba9, since Rebbi Aqiba said the pouring of water is a word of the Torah: On the second day and its libations10. On the sixth say, and its rules11. On the seventh day, and its rules12. מ מ מ spells “water”. Rebbi Hiyya bar Abba asked before Rebbi Johanan, why does one now plough because of old trees13? He said to him, when the practice was established it was given so that when they desired to plough they might plough. Rebbi Abba bar Zavda in the name of Rebbi Onias from Hauran: Willow, water libation, and ten saplings14 are institution of the prophets15. Do they disagree? Rebbi Yose ben Rebbi Abun in the name of Levi: That was the current practice; they forgot it, but the later ones got up and agreed to the opinion of the earlier ones to teach you that everything the
court insists on will come to be in the end just as Moses was told on Sinai, as
Rebbi Mana said, *for it is not an empty word*\(^{16}\), if it is empty it is *from you.*
Why? Because you do not exert yourselves. *Because it is your life; when is it your life?* At the time that you exert yourselves. Rebbi Johanan said to Rebbi Hyya bar Abba: Babylonian, two things came from you\(^{17}\), prostrating oneself on the fast day\(^{18}\), and the willow of the seventh day\(^{19}\). The rabbis of Caesarea say, also the moving\(^{20}\).

Rebbi Simon ordered those who computed\(^{21}\), be careful not to put the *shofar* blowing on the Sabbath nor the willow on the Sabbath. And if you are in trouble, put the *shofar* blowing on the Sabbath but do not put the willow on the Sabbath.

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6 This paragraph is copied in *Ševi‘it* 1:7 (Notes 48-58, \(\psi\)).
7 Halakhah 3:3, Babli 34a.
8 Babli 34a.
9 In *Sifry Num.* 250 the argument is given in the name of R. Jehudah ben Bathya, with different arguments ascribed to R. Aqiba and R. Nathan. The argument notes that in *Num.* 29 the sacrifices for the different days of Tabernacles are given in stereotyped language; the words noted are deviations from the usual *הָעְבוֹדָה הָעָבָדָה מֵאֹהֶלֵּם.* R. Aqiba’s argument is presented differently in the Babli, *Zevahim* 110b.
10 *Num.* 29:19.
12 *Num.* 29:33.
13 This refers to the problem that Mishnah *Ševi‘it* 1:1 prohibits ploughing an orchard in the summer preceding a Sabbatical year, when it is noted immediately that this rule is no longer followed but one ploughs until the New Year. If the prohibition was instituted by Moses, how could a later generation rule against it? (Cf. *Ševi‘it* 1:1, Note 7.)
14 The rule (Mishnah *Ševi‘it* 1:7) that ten tree saplings planted over a surface area of a *bet seah* (5'000 square cubits) may be tended up to New Year’s Day.
15 Babli 44a; *Moed qatan* 3b.
16 *Deut.* 32:47.
17 They are Babylonian customs introduced into Palestine.
18 Prostrating oneself in the re-enactment of the High Priest’s service on the Day of Atonement (*Avodah zarah* 4:1, Note 18).
19 Using separate willow twigs on the seventh day of Tabernacles in the prayers for winter rains. Confirmed in the Babli, 44a.
20 According to J. Levy, the root is הָנָּשׁ ָּשׁ ָּשׁ ָּשׁ “to push aside, to move”. It refers to the calendar rule given by R. Simon in the following. It is established in Mishnah *Roš Haššanah* 2:11-12 that rabbinic Judaism permits a computed calendar which may
deviate from the exact astronomical data. This is used to make sure that the Day of Atonement be neither Friday nor Sunday, since in those cases it would be difficult either to prepare a meal for breaking the fast or one to prepare for the fast. The calendar rules allow for one more condition. One prefers that New Year’s day not be on a Sunday, to make sure that the seventh day of Tabernacles not be on the Sabbath, rather than New Year’s Day (and the first day of Tabernacles) not be on the Sabbath, since outside the Temple the shofar may still be blown on the Second Day of the New Year.

Mishnah 3: How is the order of the lulav? Everybody brings their lulav to the Temple Mount; the beadles accept from them and arrange them on the roof of the stoa; but the Elders deposit theirs in the lodge. One teaches them to say, it should be a gift to anybody into whose hands my lulav will come. They come early and the beadles throw them before them, and they grab and hit one another. When the Court saw that it involves danger they instituted that each person should take it in his house.

22 The way the lulav was taken in the Temple if the first day of Tabernacles was a Sabbath. Then the lulav could be moved anywhere on the Temple Mount, but in the city of Jerusalem it could not be brought from a private into the public domain. Therefore it was necessary to bring the lulavim to the Temple Mount on Friday.

23 The double stoa enclosing the Temple Mount.

24 People who could not be expected to hold their own in the throng of the next morning.

25 Since on the first day nobody can fulfill his obligation with a lulav which is not his own property, and nobody could expect to receive his own lulav on the next day, it was necessary that each single worshipper donate his own lulav to whomever it would reach.

26 The lulavim before the multitude.
Halakhah 2: Rebbi Jacob the Southerner asked, does the Mishnah contradict Rebbi Dosa? For “Rebbi Dosa said, in the morning a person has to say, everything which the poor will collect today between the sheaves is ownerless property. Rebbi Jehudah says, in the evening.” But the Sages say, a declaration of abandonment under duress is not an abandonment, because we are not responsible for cheaters. There you are saying, a declaration of abandonment under duress is not an abandonment, but here you are saying, a declaration of abandonment under duress is abandonment. Rebbi Eleazar said, there he declares ownerless by his own will, here he declares ownerless against his own will. Rebbi Hananiah the son of Rebbi Hillel said, this is correct. You have to know that this is so since already his replacement is in his hand.

Rav commanded to the House of Rav; there came Rav Hamnuna commanding the colleagues, if you are giving a gift on the holiday, only give it fully explicit. As the following: Rav Huna gave an etrog to his son. He told him, if today is holiday it is a gift to you, and if it is tomorrow it is a gift to you.

27 Tosephta Peah 2:5, Yerushalmi Ma`aser Šeni 5:1 (Notes 31-37), Babli Bava qamma 69a/b. R. Dosa and R. Jehudah want to prevent the poor from sinning if they are collecting on the farmer’s field more than they are entitled to; therefore they recommend that the farmer declare anything the poor take against the biblical rules as abandoned. The Mishnah here does not contradict R. Dosa, but the Sages who disagree with R. Dosa. Therefore, “contradict R. Dosa” must be read as “contradict the baraita known as R. Dosa’s.”

28 It is less of an abandonment than an involuntary exchange.
29 The *lulav* which must be the personal property of the worshipper on the first day of the holiday.

30 Because in Babylonia before the publication of the rules of calendar computation one had to observe all holidays as two days since knowledge of the declaration of the first of Tishre and first of Nisan may not have arrived there before the 15th, he had to make it clear that the transfer of property was intended to be valid in any case.

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**Mishnah 4:** How is the order of the willow? There was a place below Jerusalem called Mosa. They descended there to collect willow branches, and come and erect them on the sides of the altar, their heads bent on the altar. They trumpeted straight, treble, and straight. Every day they surround the altar once and say, *please, Eternal, please save; please, Eternal, please let succeed*\(^{31}\). Rebbi Jehudah says, *Ani wahu please save, ani wahu please save*\(^{32}\). On that day\(^{33}\) they surround the altar seven times.\(^{34}\) What are they saying when taking leave? Beauty for you, altar, beauty for you, altar. Rebbi Eliezer says, to the Eternal and you, altar, to the Eternal and you, altar.

31 *Ps.* 118:25.

32 The spelling *אָנִי וָחוּ* is confirmed by Maimonides's autograph Mishnah. In his interpretation the reference is to Deut 32:39: *I, I am He, and no power competes with me*.

33 The seventh day of Tabernacles.

34 This part of the Mishnah is not discussed in the Halakhah; it is not in Maimonides’s autograph of the Mishnah nor in the Babli (45b) it seems to be a *baraita*.

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**Halakhah 3:** What is Moṣa?\(^{35}\) Memsia\(^{36}\). Rebbi Tanhuma said, its name was Colonia\(^{37}\).
35 In the bottom of the valley North of Jerusalem, near the water.
36 This name is unexplained. It cannot be identified with a place מֵעָי (in Galilee) mentioned in versions of the *baraita* about the borders of the Land (*Ševiʿit* 6:1, *Tosephta* *Ševiʿit* 4:11, *Sifry Deut.* 51), but missing in the mosaic from the synagogue of Reḥov.
37 A colony of Roman veterans.

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Bar Qappara said, they are eleven cubits high. Rebbi Yose said, the Mishnah says so, “their heads bent on the altar.” Rebbi Zeʿira sent asking Rebbi Daniel ben Rav Qatina, did you hear from your father that it needs a benediction, is taken alone, and has a minimum? Rebbi Ayvi bar Nagari came in the name of Rav Huna and said with reason that it needs a benediction and is taken alone. Whether it has a minimum I did not hear. There, they are saying Rav Sheshet and Rav Nahman bar Jacob. One says, three leafed branches. But the other said, even one branch.

38 The willow branches taken for the altar, in contrast to those taken with the * lulav*, which are short.
39 Since the altar was 10 cubits high, the willows had to be appreciably larger in order to bend over. Babli 45a.
40 A special benediction, “praise to You, Eternal, King of the Universe, Who sanctified us with His commandments and commanded us to take willow branches.”
41 No * lulav in the hands of the Cohanim circling the altar (as well as in the hands of the congregants during the prayers for rain, cf. Note 19).
42 It is clear that the Galilean authors Bar Qappara and R. Yose speak about the ceremony in the Temple. From the parallel in the Babli, 44b - 45a, it seems that the Babylonian authors, from R. Zeʿira to Rav Nahman, speak about the ceremony in the synagogue, where on the seventh day a separate bunch of willow twigs is taken.
It was stated: Bodily defective ones. Rebbi Simeon ben Laqish asked before Rebbi Johanan, may bodily defective ones enter between the altar and the Temple entrance? He told him, they were qualified.

43 Since nobody but priests are permitted to enter the inner courtyard with the altar, by necessity only priests may circle the altar, and bodily defective priests are excluded from Temple service (Lev. 21:16-24).

44 It is stated in Mishnah Kelim 1:9 that bodily defective priests may not enter the space between altar and Temple entrance.

45 The rule of Mishnah Kelim 1:9 is rabbinic but the rite of the willows is a tradition ascribed to Moses; in this case the defective priests are qualified since the rite is not a sacrificial service. Babli 44a.

Rebbi Abbahu in the name of Rebbi Johanan: So is the Mishnah, please save. [Ani wahu please save.]

Rebbi Abbahu said, for you as help for us. For you is recognized.

Rebbi Abba from Saronga, and the Eternal will first save the tents of Jehudah. It is written “he saved.” Rebbi Zibai explained, for now leave.
the city and dwell in the field\textsuperscript{51}, my Shekhina is in the field\textsuperscript{52}. Hananiah the son of Rebbi Joshua’s brother says, I am the Eternal, your God, Who led you out of the land of Egypt\textsuperscript{53}, it is written “who was led out with you.”\textsuperscript{54}

Rebbi Berekhia, Rebbi Jeremiah in the name of Rebbi Hyya bar Abba: Levi bar Sisi explained in Nahardea: They saw the God of Israel and below His feet like the work of a brick of sapphire, and like the true sky in purity\textsuperscript{56}. That is, before they were freed. But after they were freed, (it was not its way to be put) [where usually the brick is put]\textsuperscript{57} there it is put. Rebbi Berekhia said, it is not written here the work, but like the work, it and all its tools\textsuperscript{58}, (it and the basket and the rake.)\textsuperscript{59} [it and all its merchandise. Rebbi Miasha said, in Babylonia it is written\textsuperscript{60}, like the looks of sapphire stone, but in Egypt it is written, like the work of a brick of sapphire. To teach you that just as the stone is harder than the brick, so the servitude of Babylonia was harder than the servitude of Egypt. Bar Qappara stated, before Israel was rescued from Egypt it\textsuperscript{61} was traced in the sky; after they were rescued it was no longer seen in the sky. What is the reason? and like the true sky in purity, the sky if it is empty of clouds.

It was stated in the name of Rebbi Eliezer, an idol crossed with Israel through the Sea. What is the reason? Before Your people which You redeemed for Yourself, peoples and his god\textsuperscript{63}. Rebbi Aqiba said to him, Heaven beware! If you are saying so it turns out that you profane the holy. Why does the verse say, which You redeemed for Yourself? If it were possible to say, as if You redeemed Yourself.

46 The corrector’s addition in brackets has to be deleted. R. Abbahu notes that the text of the Mishnah, reading חֶלֶף, has to be corrected to חֵלֶף. Both חֶלֶף and חֵלֶף are of the 72 secret names of God which can be derived from Ex. 14:19-21, 3 verses of 72 letters each, which have to be written boustrophedon, the first and last from left to right and the middle one from right to left, and then read from top to bottom. (Rashi 45a on the Mishnah; cf. the author’s The Scholar’s Haggadah, p. 300, Note 244.)

47 Ps. 80:3.

48 The reading of the text is unsafe and its meaning unclear. In line with the following homilies, the presumed meaning is that God liberated Himself by liberating Israel from Egypt.

49 Sach. 12:17.

50 Meaning: He saved Himself.

51 Mica 4:10.

52 A homily on the word עֲשַׂרְתָּן which is revocalized עֲשַׂרְתָּן “My Presence”, the field being a simile for the desert.
53 Ex. 20:2. There is no textual evidence for a missing letter in this word.
54 Most of this paragraph also is in Lev. rabba 23(8), Cant. rabba 4(17).
55 Ex. 24:10.
56 The sapphire brick was at God’s feet as symbol of the enslavement of Israel; after their freeing it was no longer necessary but took its place in the Heavenly Temple. The corrector’s text in brackets is that of the Midrashim.
57 The brick of sapphire.
58 Greek ἑργαλεῖα “tools of trade”.
59 The scribe’s text in parentheses is confirmed by the Midrashim. The remainder of the text up to the statement of Bar Qappara is not in the parallel sources.
60 Ez. 1:26.
61 Mekhilta dR. Ismael Ba 14, Beshallah Wayissa 1; Sifry Num. 84, partially Tanhuma Ki Tissa 14.
62 Mishnah 5: As one does it on a weekday one does it on the Sabbath, only that one collected them on Sabbath Eve and keeps them in golden vats so they should not wilt. Rebbi Johanan ben Beroqa says, they brought palm branches and struck them on top of the altar; the day was called “day of striking palm branches.” Immediately the children untie their lulavim and eat their etrogim.
63 2S. 7:24.
64 The willow branches.
65 Fully open palm branches, in contrast to the tube-like lulav.
66 This is the reading of most Mishnah mss. (including Maimonides’s autograph) and the quote from the Babli by R. Isaiah from Trani. But in the Babli (Munich ms. and editio princeps) the reading is: On the floor near the altar.
67 After the end of services on the morning of the seventh day of Tabernacles.
Halakhah 4: He said only minors, therefore not adults. Did not Rebbi Avinna say in the name of Rav, if an etrog became disqualified on the first day of the holiday one is permitted to eat it? Rebbi Yose said, there while he cannot use it to fulfill his obligation, others might use it to fulfill their obligation. But here neither he nor others can use it to fulfill their obligation.

68 Since only children may eat their etrog after services on the seventh day.

69 The seventh day is the last day lulav and etrog are taken. Since the lulav may be taken all day long, the same lulav could be used by others; it is not food and remains reserved for its religious use. But a disqualified etrog cannot be used for any religious action, it is not reserved for any use other than food.

Mishnah 6: How Hallel and joy eight? This shows that a person is obligated to honor the last day of the festival like all other days of the festival. How the sukkah seven? If he finished eating one may not undo his sukkah but one removes his vessels after afternoon prayers in honor of the last day of the festival.

70 As stated in the Halakhah, Hallel is obligatory on all holidays except the last day of Passover, and an obligatory sign of holiday enjoyment is the consumption of meat; in Jerusalem of the holiday sacrifice.

71 On which there is no obligation of sukkah.
Hanukkah, the holiday of Pentecost, and the first day of the holiday of Pesah and its night.

72 Tosephta 3:2. In the Babli this is an Amoraic tradition by R. Johanan in the name of R. Simeon ben Josadaq [Arakhin 10a, Ta’anit 28b (Soferim 20:9)].

73 Rebbi Ze’ira, Ulla bar Ismael in the name of Rebbi Eleazar: With pilgrimage well-being offerings which were slaughtered on the eve of a festival one does not satisfy his obligation for the pilgrimage. Rebbi Abba objected, was it not stated: With the pilgrimage offering of the Fourteenth one fulfills the obligation of joy but one does not fulfill the one of well-being offerings? Rebbi Ze’ira said, explain it that he slaughtered it on the holiday. Rebbi Abba said, if he slaughtered it on the holiday it is not a festival offering of the Fourteenth. What about it? Rebbi Ze’ira said, when we still were there, we heard stated Ulla bar Ismael in the name of Rebbi Eleazar. When we came up to here we heard stated, Rebbi Hiyya in the name of Rebbi Eleazar: only be joyful, to add the night of the (last) [first] festival day for joy. Or maybe also the nights of the (first) [last] day of the festival? Only split. Rebbi Hiyya in the name of Rebbi Eleazar: and you shall be jowous
on your festival of pilgrimage. When you are obligated for a sacrifice of pilgrimage you are obligated for joy. They objected, did we not state, hallel and joy eight? Think of it, if the first day of the holiday falls on a Sabbath! He cannot slaughter on the eve of the holiday since Rebbi Ze`ira, Ulla bar Ismael in the name of Rebbi Eleazar said, with pilgrimage well-being offerings which were slaughtered on the eve of a festival one does not satisfy his obligation for the pilgrimage. He cannot slaughter on the holiday since we already have learned that the pilgrimage offering does not push aside the Sabbath. When did they say, Hallel and joy eight? Rebbi Yose said, Rav Eudaimon the emigrant explained it for Cohanim and the goat.

73 This paragraph also is *Hagigah* 1:4 (n).
74 A pilgrimage to the Temple on the occasion of one of the three festivals of pilgrimage brings with it the obligation for two kinds of sacrifices. The first is the “elevation offering of appearance”, in response to the commandment (Ex. 34:20): *They shall not appear empty-handed before My presence.* The second is a family sacrifice with the full name תשמישת קהל quantities “pilgrimage well-being offering”, usually shortened to תשמיש קהל “pilgrimage offering”, in response to the commandment to be joyous on the festival of pilgrimage, since when there is a possibility of sacrificing the eating of well-being sacrifices is an act of joy (Deut. 27:7). But this must be a sacrifice on the holiday, not in preparation for the holiday. Babli *Pesahim* 70b, bottom.
75 The pilgrimage offering of the Fourteenth is an additional sacrifice on the 14th of Nisan, together with the *Pesah* sacrifice. Since the *Pesah* is to be eaten after the main meal, the meat for the main course is provided by the additional well-being offering. Since the meal is taken in the night of the holiday, it contributes to the enjoyment of the holiday, but it is not a sacrifice on the holiday. Babli *Pesahim* 70a. (Cf. the author’s *The Scholar’s Haggadah*, pp. 248-249.)
76 Deut. 16:15.
77 The (scribe’s text) is confirmed in *Hagigah*; the [corrector’s] is from *Sifry* Deut. 142. The clause only be joyful seems unnecessary since the preceding verse already commands to enjoy the festival of Tabernacles. It is read to mean that the final day, which no longer belongs to Tabernacles, only has the obligation of joy, but none of the two sacrifices which already were obligatory on Tabernacles. Therefore by the argument presented for the offering of the Fourteenth, the last day may be celebrated with meat from a sacrifice brought on the preceding day. The corrector’s text is irrelevant for the discussion here, it refers the sacrifice of the Fourteenth to the 14th of Tishre, to provide food for the initial meal of the holiday.
78 In *Hagigah*: “or inverse.” The text here is the Babli’s, 48a.
79 Deut. 16:14.
80 Therefore no sacrifice on the eve of a
holiday can be obligatory.

81 Since no fixed date is given in the verse for these sacrifices, they cannot be brought on a Sabbath.

82 If the first day is a Sabbath, all required holiday sacrifices are brought on the altar. They all are holocausts except for the goat as purification offering whose meat is eaten by the Cohanim. But since it is a Sabbath, it may not be cooked or roasted for private use and the meat must be eaten raw. The Babli Pesahim 71a holds that eating raw meat is no joy.

83 "How the sukkah seven? If he finished eating one may not undo his sukkah but one removes his vessels after afternoon prayers in honor of the last day of the festival." Rebbi Abba bar Cahana, Rav Hiyya bar Ashi in the name of Rav: A person must make his sukkah invalid as long as it is still day.

Rebbi Joshua ben Levi said, a person must make Qiddush inside his house.

Rebbi Jacob bar Ahá in the name of Samuel: If one made Qiddush in one house and changed his mind to eat in another house he must make Qiddush.

Rebbi Ahá, Rebbi Hinena in the name of Rav (Hoshaiah): He who loves his sukkah makes Qiddush of the last holiday in his house and eats in his sukkah.

Rebbi Abun said, they do not disagree. What Rav said was, if he did not have the intention to eat in another house. But what Samuel said was if he had the intention to eat in another house. Rebbi Mana said, Samuel comes like Rebbi Hiyya and Rebbi Hosaiah like Rebbi Joshua ben Levi. Rebbi Immi, this implies that they disagree explicitly.
83 A copy of this paragraph is in Berakhot 6:6 (Notes 185-196).

84 In Israel, where holidays are kept only one day, if a person wants to use his sukkah on the last day of the festival he has to make sure not to violate the biblical injunction not to add to the biblical commandments (Deut. 4:2). If the sukkah becomes disqualified, it may be used later. It may not be made disqualified until after the afternoon snack eaten there on the seventh day.

85 The sanctification of Sabbath and holidays (cf. Berakhot Chapter 8; also the author’s The Scholar’s Haggadah, pp. 209-227.)

86 On the last day of the festival, irrespective of the place of the meal.

87 Samuel’s formulation in the Babli Pesahim 101a is: there cannot be Qiddush except at the place of the holiday meal.

88 Scribe’s text, wrongly deleted by the corrector and therefore missing in the printed edition. The author’s note in Berakhot 6:6, Note 191, has to be corrected accordingly.

89 In direct contradiction to Samuel’s statement.

90 Read: Rav.

91 Since Rav Hiyya bar Ashi requires that one disqualify the sukkah for the last day, he must hold that one makes Qiddush for the last day in the sukkah if one desires to use the sukkah, and this follows Samuel.

92 While all sources read the last word as מָעְשִׁי, one has to read מֵעְשִׁי. The error must be an early one, from a region where the distinction between /th/ ת and /sh/ ש was not heard.

Mishnah 7: How was the water libation seven days? He93 was filling a golden flask holding three log94 from the Siloam. When they95 reached the Water Gate they blew the trumpet straight, treble, and straight. He ascended the ramp and turned to his left. There were two silver bowls there; Rebbi Jehudah said that they were of lime but were darkened because of the wine. They had holes like two nostrils, one wide and one narrow so that both should finish at the same time96.

93 The priest selected to pour the water on the altar.

94 About 1.6 l.

95 The procession accompanying the priest. The trumpets were blown by priests in the Temple domain. The Water gate was
the South-Eastern entrance to the Temple Mount.

96 The holes for the water libation were smaller than those for the wine libation since the viscosity of the wine is larger than that of the water. It therefore is presumed that the viscosity of the wine was approximately constant through the years.

Halakhah 6: Rebbi Yose ben Hanina stated, to make a procession\(^97\) on the occasion. Yose ben Hanina in the name of Menahem from Yodfat: *It is Rebbi Aqiba’s Yose ben Hanina*\(^98\), since Rebbi Aqiba said, the water libation is a word from the Torah\(^9\).

97 Latin *pompa*, Greek *σολημνὴ προσκήνια* “solemn procession”.

98 The Mishnah, which on a holiday permits trumpet blowing for something occurring outside the Temple precinct which otherwise would be rabbinically forbidden. Also the amount of 3 *log* is derived from biblical libations; *Zevahim* 110b.

There, we have stated\(^99\): “Rebbi Eleazar\(^100\) says, also one who pours a libation of water on Tabernacles outside of the Temple is liable\(^101\).” Rebbi Johanan said\(^102\), the entire system of Rebbi Eleazar is the system of his teacher Rebbi Aqiba. Just as Rebbi Aqiba said, the water libation is a word from the Torah, so Rebbi Eleazar is saying, the water libation is a word from the Torah. There are Tannaim who state in the name of Rebbi Eleazar, it is necessary that the filling be for the holiday; there are Tannaim who state in the name of Rebbi Eleazar, it is not necessary that the filling be for the
holiday\textsuperscript{103}. He who said, it is necessary that the filling be for the holiday, Rebbi Eleazar following Rebbi Aqiba; he who said, it is not necessary that the filling be for the holiday, Rebbi Eleazar following the rabbis. This you cannot say since Rebbi Johanan said, the entire system of Rebbi Eleazar is the system of his teacher Rebbi Aqiba. Just as Rebbi Aqiba said, the water libation is a word from the Torah, so Rebbi Eleazar is saying, the water libation is a word from the Torah. What is the difference between them? Rebbi Ze`ira said, only if he poured three \textit{log} inside and three \textit{log} outside\textsuperscript{104}.

There are Tannaim who state, there is prescribed measure; there are Tannaim who state, there is no prescribed measure. He who said that there is prescribed measure, not liable\textsuperscript{105}; he who said there is no prescribed measure, liable\textsuperscript{106}.

100 The Tanna, ben Shamua.

101 As a matter of principle, any sacrifice outside the Temple conducted in the way it is biblically prescribed for the Temple is a deadly sin and if performed inadvertently makes the person liable for a purification sacrifice. To state that making a water libation outside the Temple creates such a liability for the performer is stating that the libation in the Temple is biblically prescribed.

102 Babli Zevahim 110b.

103 Since anything sacrificed on the altar needs a dedication, and using Temple vessels for not dedicated contents is sinful, if the water libation is a biblical requirement it needs a Temple vessel and dedication of the water at the moment of filling for the holiday. If the water libation is tradition, it does not have to be drawn for its purpose from the start.

104 This statement is elliptic. It can be read parallel to a statement of R. Simeon ben Laqish in the Babli Zevahim 110b as stating that since in the Temple the libation is only valid if it is of exactly three \textit{log} (a quarter of a \textit{hin}, the smallest admissible libation of wine, Num. 15:4), also outside it creates liability only if it is exactly 3 \textit{log}.

105 If the measure is not exactly 3 \textit{log}, since inside the Temple this is a biblical obligation.

106 In any amount, since inside the ceremony is tradition, not Scripture.
Yose Bar Ashian in the name of Rebbi Simeon ben Laqish: The bowls have to be plugged at the moment of pouring. What is the reason? In the sanctuary pouring a libation of shekhar to the Eternal107.

107 Babli 49b. For the cryptic quote of Num. 28:7 it is explained first in Sifry Num. 143 that the repetition חסכז includes not only libations of wine but also those of water; it is added in the next paragraph that this therefore cannot be interpreted only by the Hebrew connotation of “intoxicating drink” but also (in parallel with the Arabic ( Giriş ) “to be abundantly full (of milk), thanks, gratitude”. [Babli Sotah 49b, Tanhuma Pinhas 12, Pesiqta Rabbi 17 (ed. Ish-Shalom 80 a/b), Pesiqta dRav Cahana et qorbani lah (ed. Buber Note 20).]

Halakhah 7: It was stated108: “Rebbi Yose says, the basis was perforated down to the abyss. What is the reason? 109 He turned it up, removed its stones, planted precious vine, and built a tower in its midst, this is the Temple, and a wine-press he excavated in it, this is the altar. And also an altar, that is the basis.” Rebbi Simeon says, it was work of Heaven. Since it was work of Heaven, maybe it was not beautiful like artist’s work? The verse says, the roundnesses of your hips are like hoops, formed by artist’s hands110; they were more beautiful than those formed by artist’s hands. It was stated108: “Rebbi Eleazar ben Rebbi Sadoq said, a small opening was between the Temple Hall and the altar. Once in seventy years young priests climb down and bring it111 up in sanctity since it was congealed like fig cakes; they come and burn it in sanctity. Just as its pouring was in sanctity, so its burning was in sanctity.” Rebbi said, the Torah let you grasp an expression of love, an expression of
fullness, and an expression of inebriation\(^{112}\). Rebbi Judah bar Laqqara in the name of Rebbi Samuel bar Nahman: Since the Temple was destroyed, congealing wine disappeared, and white glass disappeared. What is white glass? It was flexible.

108 Tosephta 3:15; Babli 49a.  
109 Is. 5:2.  
110 Cant. 7:2.  
111 The congealed remainders of the wine poured on the altar as libations.  
112 Cf. Note 107, explanation of יִבְרָהָא.

Mishnah 8: The Western one\(^{113}\) for the water, and the Eastern one for the wine. If he poured the water into that for the wine or wine into that for the water, he accomplished his duty. Rebbi Jehudah says, one log he was pouring all eight days\(^{114}\). One says to the one pouring, lift your hand, since once he poured on his feet and all the people stoned him with their etrogim.

113 The bowl for the libations.  
114 One log, not three; for eight days, not seven.

Halakah 8: They wanted to say that the large {hole}\(^{116}\) was for water, the small one for wine, for Rebbi Jonah said in the name of Rebbi Immi: A hole which does not let pass water passes wine, what does not let pass wine passes oil, does not let pass oil passes honey. And even if you say it is the
other way around, is that not Rebbi Jehudah’s? And Rebbi Jehudah said, a log he was pouring all eight days. Rebbi Simeon ben Laqish asked before Rebbi Johanan: If he preceded them before the sacrifice, what? If he poured in the night, what? If he did not pour today may he pour the next day? He said to him, let us hear from the following which Rebbi Ila said in the name of Rebbi Yasa: And its libations, the same for libations of water as for libations of wine. This implies that if he preceded them before the sacrifice, it is qualified. If he poured in the night, it is qualified. If he did not pour today he may not pour the next day, because if the day passed, its sacrifice passed.

116 In the bowl mentioned in Mishnah 7.
117 If one confirms by experiment that the more viscous fluid requires a larger hole, Babli 48b.
118 The entire part of Mishnah after R. Jehudah’s statement also is R. Jehudah’s. Since he states that the volume of water is one third of the volume of wine, it is obvious that the hole of the water bowl must be much smaller than that of the wine bowl if both bowls should simultaneously empty. For the Babli 48b his bowl must be smaller.
119 If pouring the water is an independent sacral act it cannot be performed before the morning daily sacrifice nor after the evening daily sacrifice. If it is an appendix to the sacrifices like the libations of wine it can be performed any time, including the night following the day. Babli Ta’anit 2b.
120 Num. 29:31, the text for the sixth day of Tabernacles.
121 Pouring the water follows the rules of pouring wine; it has the status of an accessory action.

The rabbis increase the water and decrease the days; Rebbi Jehudah decreases the water and increases the days.

ברב מיצים בפומ במקוות זמן. ברויה קמעי בפומ מופרה בימי.

(54d line)

.gen
Some want to say, he was the same for the Cow, on Tabernacles, and on the Day of Atonement. Rebbi Simon does not say so, but either the Cow and Tabernacles were one and Atonement one, or Cow and Atonement were one and Tabernacles one. He who said, after a short time he died, he did all three. He who said, his nose gushed out worms and something like a calf’s hoof grew in his brain, follows him who said, either Cow and Tabernacles were one and Atonement one, or Cow and Atonement were one and Tabernacles one. The Courtyard cried about them, get out of here, sons of Eli, you defiled our God’s Temple. “On that day, the corner of the altar was damaged and they put a block of salt there lest it should look deficient since any altar without corner, or walkway, or base is damaged.”

They asked before Rebbi Abbahu: Is it not written, nobody shall be in the Tent of Meeting during his coming to atone in the sanctuary until he leaves, not even those about whom it is written, the shapes of their faces are human shapes shall not be in the Tent of Meeting? He answered them, if he enters following normal rules.

122 This paragraph is from Yoma, Halakhah 1:5, Notes 213-222.

123 Where the Sadducees insisted that the Cohen who burns the Red Cow must be pure from the preceding sundown. However, it is difficult to square what is reported in Tosephta Parah 3:8 with what is presumed here: “It happened that a Sadducee was pure from the preceding sundown when he came to burn the Cow, but Rabban Johanan ben Zakkaï realized it; he came and leaned both of his hands on him and told him, Sir High Priest, how wonderful you are as High Priest, go and immerse yourself. He went down and immersed himself. After he came back he grated his earlobe and said to him, Ben Zakkaï, when I shall be free to deal with you; he answered him, if you will be free. It was not three days before they put him in the grave.”

Biblical impurity is only original impurity and derivative impurity in the first degree. Rabbinic impurity has derivative impurity in the second degree for unwashed hands, third degree impurity for heave, and fourth degree for sacrifices. Therefore, the intrinsically pure Ben Zakkaï (who before the destruction of the Temple was not Rabban), by putting his second degree impure hands on the priest defiled the latter for sacra and forced him to immerse himself in a miqweh. Our sources seem to describe
the Sadducee position correctly; cf. Dead Sea Scrolls fragment 4Q394, lines 16-18.
124 Reported in Yoma 1:5, Note 211. He followed Sadducee doctrine in bringing the incense into the Holiest of Holies, and died soon after.
125 Tosephta Sukkah 3:16; Babli 48b.

Mishnah 9: As it was done on a weekday it was done on the Sabbath, except that on Friday he filled a non-sanctified barrel from the Siloam and deposited it in the lodge. If it was spilled or became uncovered he filled from the basin since water or wine which remained uncovered are disqualified from being put on the altar.

128 The sacrificial day starts in the morning, and all remainders from the previous day become disqualified at that time. The Sabbath starts on the preceding evening; the water must be drawn on Friday. If pouring the water libation were an independent sacrificial action, the water in a Temple vessel would become disqualified at the end of the night. Since it was established (Note 121) that the water libation is an accessory action, the water would not become disqualified even in a Temple vessel; the profane vessel is used to give the water ceremony a boost in status.

129 Wine or water left uncovered and unsupervised becomes forbidden for health reasons lest a snake living in the house drink from it and on this occasion leave some poison in the fluid. The rules about this are given in Terumot 8:5-7. If it becomes unusable for humans it is unbecoming to use it for Heaven.
Halakhah 9: Why non-sanctified? Even if it is sanctified! Did not Rebbi Aha, Rebbi Hinena say in the name of Rebbi Yasa, you shall sanctify the altar; then the altar will be most holy\textsuperscript{130}. Since the altar only sanctifies with intention, so vessels should only sanctify with intention\textsuperscript{131}. Hizqiah said, that they should not say, we saw that water filled for the sanctification of hands and feet become disqualified by staying overnight\textsuperscript{132}. In the House of Rebbi Yannai they said, that they should not say, we saw that water filled for Tabernacles become disqualified by staying overnight\textsuperscript{133}. Rebbi Johanan said, because of the evil impression; but we do not know whether following Hizqiah or according to everybody’s opinion following Rebbi Yannai. Rebbi Pedat in the name of Rebbi Hoshiaia: The water for a deviant wife becomes disqualified by staying overnight\textsuperscript{134}. Rebbi Abuna: anything of whose kind nothing possibly is for the altar cannot become disqualified by staying overnight\textsuperscript{135}.

\textsuperscript{130} Ex. 40:10.
\textsuperscript{131} The verse starts: anoint the altar and all its vessels, which implies that the power of sanctification is the same for the altar and its vessels. Since it is forbidden to bring profane (not dedicated) matter to the altar, profane matter remains profane also on the altar. This proves that the altar and therefore the sanctified vessels only sanctify with dedication.
\textsuperscript{132} Since sanctification of hands and feet must be with water from a Temple vessel, the water becomes disqualified at daybreak. The problem is that people will say that they saw the water becoming disqualified and nevertheless used for libation, they will wrongly conclude that disqualified water may be used on the altar.
\textsuperscript{133} Again, and be used nevertheless.
\textsuperscript{134} Sotah 2:2, Note 114. This is a matter of dispute. There is an opinion that the water has to be taken from the water basin in the Temple. Any water taken from there and sanctified in a Temple vessel belongs to the service of that day and becomes disqualified by the next dawn. But according to the opinion that the water may come from outside sources, this need not be the case.
\textsuperscript{135} Disputing R. Pedat in principle.
They wanted to say, if he transgressed\textsuperscript{136} and brought it is qualified. Rebbi Joshua the Southerner stated before Rebbi Jonah that uncovered water and wine are disqualified\textsuperscript{137} from the altar. What is the reason? \textit{And one sheep from 200, from the drink of Israel}\textsuperscript{138}, from something permitted to Israel\textsuperscript{139}. So far water, wine? Rebbi Sabbatai said, \textit{which gladdens God and men}\textsuperscript{140}.

\begin{enumerate}
\item And brought uncovered wine or water to the altar.  
\item In any case.  
\item \textit{Ez. 45:15}.  
\item While a prophet cannot prescribe, he can present authoritative practice. Since uncovered water is forbidden to Israel, it is absolutely disqualified for the altar.  
\item \textit{Jud. 9:13}, referring to wine. Since drinking uncovered wine, even if filtered to remove the poison, leaves people with fear and does not gladden; it is disqualified for all religious observances.  
\end{enumerate}
Mishnah 1: The fife five and six; this is the fife of the water-drawing festivity which supersedes neither the Sabbath nor the holiday. There is a saying that one who did not see the joy of the water-drawing festivity did never see real joy.
those rabbis why does it not supersede? Because it is not clear⁵. But is it not written⁶, and the people blew fifes? That is written for Solomon’s festivity. Rebbi Jonah in the name of Rebbi Abba bar Mamal: And heartfelt joy like one marching with a fife⁷. Any time one uses a fife one recites the Hallel. Rebbi Yose ben Rebbi Abun in the name of Rebbi Abba bar Mamal: Why does one recite Hallel all seven days of Tabernacles⁸? Corresponding to the lulav which is renewed all seven days⁹. And why a fife for all these things? We have stated, for one is at stated times and the other is at stated times; this is beloved and that is beloved. They attached the beloved to the beloved. “On Pentecost one says to him, here you have massah, here you have leavened.”¹⁰ There are Tannaim who state, here you have leavened, [here you have massah.]¹¹ He who said, here you have massah, because it is beloved; he who said, here you have leavened, because it is frequent¹².

1 Since it is emphasized that at the water-drawing festivity fifes may not be used, it is implied that on other occasions fifes may be played in the Temple on the Sabbath. Babli 51a.
2 Playing a musical instrument on the Sabbath and holidays in general is rabbinically forbidden, so one should not be tempted to tune or repair the instrument, which would be a biblical infraction. Since it is stated in Eruvin Chapter 10 that in general rabbinic Sabbath prohibitions are not to be observed in the Temple, the burden of proof is on those authorities who deny the use of fifes in the Temple on a Sabbath.
3 Mishnah Arakhin 2:3.
4 Since the Mishnah implicitly states that fifes were used on the Sabbath in the week of Tabernacles.
5 There is no biblical indication that fifes be used in Temple worship. A popular usage is no reason to disregard rabbinic prohibitions (i.e., popular restrictions) in the Temple.
6 1K. 1:40, a description of Solomon’s coronation.
7 Is. 30:29. The verse starts with a reference to song of the night starting the holiday, referring to the recital of Hallel in the Passover night, as explained in Jonathan’s paraphrase of the verse. Therefore the verse shows that the combination of playing the fife and reciting the Hallel is traditional.
8 In contrast to Passover, where Hallel is recited (and therefore the fife played) only on the first day. (Later practice to recite a truncated form of Hallel on these days is a Babylonian peculiarity unknown to and irrelevant for Galilean sources.)
9 Because it frequently needs new willow branches and occasionally also new myrtle branches.
10 Mishnah 1:10.
11 Corrector’s addition, unnecessary since the question is which of the breads, the azyme shew-bread or the leavened two extra loaves of Pentecost (Lev. 23:17) are
12 Even though this text is repeated in Halakhah 5:8, it seems that text should read that *massah* is frequent, and therefore leavened bread better liked. In fact the two breads of Pentecost are the only leavened breads permitted in the Temple area during the entire year and it is a general principle that in the Temple service the more frequent must have precedence over the less frequent.
take the two tetradrachmas and go²⁰ assemble the congregation before Rebbi Johanan. He went and said before them, Rebbi Johanan did teach us well, his mother from Asher and his father from Zevulun. And his hip from which he came was from Sidon. And it is written²², he descended to Yafo, when it should have been “he descended to Acco”²³! Rebbi Jonah said, Jonah ben Amittai belonged to the pilgrims²⁴, came to the water-drawing festivity and the holy spirit rested on him, to teach you that the holy spirit only rests on a happy heart²⁵. What is the reason? It was when the musical instrument played, God’s spirit was on him²⁶. Rebbi Benjamin bar Levi said, it is not written here “it was when he played on the musical instrument”, but it was when the musical instrument played, God’s spirit was on him²⁷.

14 The following (up to Note 21) is from Gen. rabba 98(16) (M. Sokoloff, The Genizah fragments of Bereshit Rabba, Jerusalem 1982, p. 187 l. 21-30). There the statements of RR. Levi and Johanan are interchangend.
15 Jud. 1:31.
16 IK. 17:9. This quote presupposes that Jonah ben Amittai was the son of the widow from Sarepta.
17 Jos. 19:10.
18 Jos. 19:13. The verse shows that Gath-Hefer belonged to Zevulun.
19 2K. 14:25.
20 In Gen. rabba R. Levi gives the money to Jehudah bar Nahman so that the latter lets him go and give the sermon, to harmonize his statement with R. Johanan’s.
21 Gen. 49:13, from Jabob’s blessing of Zevulun. The one prophet from the tribe of Zevulun came from a mother from Sidonian territory, which was Asher territory.
22 Jonah 1:3. The following argument is the reason the preceding Midrash was quoted here, in connection with the water-drawing festivities.
23 As a Galilean he could have used the nearest port.
24 Who came to Jerusalem in Jehudah, avoiding the Northern sanctuaries in Bethel and Dan.
25 Babli Šabbat 30b.
26 2K. 3:15.
27 This refers to a statement of R. Levi in Berakhot 1:1 (Note 97), that Elisha used David’s Aeolian lyre which played by itself in the wind.
It was stated\(^{28}\): “Rebbi Jehudah said, anybody who did not see the double stoa\(^{29}\) of Alexandria did not ever see the glory of Israel. It was like a large basilica\(^{30}\) with a stoa inside a stoa. Sometime there were there twice as many as left Egypt. Seventy golden chairs were there, inlaid with precious stones and pearls, corresponding to the Seventy Elders; each of them costing 250’000 gold denars. A wooden platform was at the center and the congregation’s beadle stood on it. If one of the congregation came to read in the Torah the official waved cloths and they answered after him “amen”. For every benediction which he said, the official waved cloths and they answered after him “amen”. Nevertheless they were not sitting mixed but those of each single profession were sitting separately, so that a stranger could associate with those of his profession, and from there he could find support.” And who destroyed it? Trajanus the evil one.

\(^{28}\) Babli 51b, Tosephta 4:6.

\(^{29}\) Greek \(βασιλική\).

\(^{30}\) Greek \(βασιλικά\), \(βασιλική\).
Rebbi Simeon ben Yohai said, at three places were Israel warned not to return to the land of Egypt, [as it is written:] for as you saw Egypt today you shall nevermore see them for ever\. And the Eternal said to you, you shall never again return on this way\. And the Eternal will bring you back to Egypt on ships\. In all three cases they returned and in all three cases they fell. One in the days of Sanherib the king of Assyria, [as it is written]: woe on those who descend to Egypt for help\. What is written after this? But Egypt is human and not god, and their horses are flesh, etc\. And one in the days of Johanan the son of the bald; it shall be that the sword which you are fearing, there will reach you\. And once in the days of the evil Trajanus.

A son was born to him on the Ninth of Ave and they did fast. His daughter died on Hanukkah and they lit lights. His wife sent and told him, instead that you conquer the barbarians come and conquer the Jews who revolted against you. He intended to come in ten days and came and found them occupied [in the Torah with the verse:] He will carry against you a people from far away, from the ends of the earth, etc\. He asked them, with what were you occupied. They answered him, with such-and-such. He said to them, this man is he since he intended to come in ten days but came in five. He surrounded them by legions and killed them. He said to their wives, if you listen to my legions I shall not kill you. They told him, what you did to those on the ground floor do to those on the gallery\. He mixed their blood with their blood and the blood flowed in the sea up to Cyprus. At that moment the horn of Israel was trimmed and will not be restituted until the Son of David will come.

31 Ex. 14:14.
32 Deut. 17:10.
33 Deut. 28:68.
34 Is. 31:3.
35 Is. 31:3.
36 In slightly different versions this is in Thr. rabba 1(48), 4(23). This is the only Talmudic reference to the great Jewish revolt in Egypt, Cyrenaica, and Cyprus which erupted when Trajanus attacked and temporarily occupied Mesopotamia, the home of the main body of Jews outside the Roman empire.
37 Deut. 28:49.
38 Since the action of Trajanus earlier was characterized as directed against the great
synagogue in Alexandria, “those on the ground floor” are the men sitting in the synagogue, whereas the women are “those on the gallery”, probably the roof of the double stoa.

Mishnah 2: After the end of the first day of Tabernacles they descended to the women’s courtyard⁴³ and instituted there a great alteration⁴⁰. Golden candelabra were there with golden bowls on top⁴¹ and four ladders for each candelabrum. Four children⁴² of the young Cohanim, in their hands oil carafes of 120 log, filled each bowl.

39 The one nearest to the entrance to the Temple compound and the largest one.
40 The alteration, as described in the Halakhah, was that the courtyard was reserved for men but the women were relegated to a balcony erected for the occasion.
41 In the Babli version, each candelabrum carried four separate bowls which therefore required four separate ladders to be filled.
42 These cannot have been minors but must have been older teenagers since the weight of the oil, not counting the vessels, either was about 12 kg or 48 kg per person.

Haklakhah 2: ⁴³ “Rebbi Joshua ben Hanania said, all during the water-drawing festivity they did not at all taste the taste of sleep. At the start they went to sacrifice the daily morning sacrifice; from there they went to sacrifice the musaf sacrifices; from there they went [to sacrifice vows and voluntary offerings⁴⁴; from there they went]⁴⁵ to eat and drink. From there they went to study Torah; and from there they went to sacrifice the daily
evening sacrifice; and from there they went to the water-drawing festivity.”

But was it not stated⁴⁶, “an oath that I shall not sleep for three days,” one whips him⁴⁷ and he sleeps immediately? They were dozing⁴⁸.

43 Babli 53a, Tosephta 4:5. In Babli and Tosephta the statement is formulated in the first person, “we did not taste.” This is appropriate since he was a Levite involved in the Temple service.

44 A vow expresses an obligation to bring a certain kind of sacrifice, whereas a voluntary offering is a dedication of a certain animal as sacrifice. If the animal becomes disqualified after dedication, in the case of a vow the owner has to procure a replacement, but not in the case of the voluntary offering.

45 Corrector’s addition; unknown source.

46 Babli 53a; *Nedarim* 2:1 Note 20 (Babli *Nedarim* 15a). Both Babli sources are Amoraic in the name of R. Johanan.

47 For a vain oath since nobody can go without sleep for three days.

48 As the Babli explains, R. Joshua did not say that they did not sleep but that they did not taste the taste of sleep.

⁴⁹“And instituted there a great alteration.” What alteration did they make there? They caused the men to be for themselves and the women to be for themselves, following what we have stated there⁵⁰: “Originally it⁵¹ was smooth but they surrounded it with ledges standing out⁵² that the women could see from above and the men below, so they should not be mixed. From where did they learn? From the words of the Torah: *The Land will be lamenting, all families separately*⁵³. Two Amoraim, one said, this is the eulogy of the Messiah, but the other one said, this is the eulogy of evil inclinations⁵⁴. He who said, this is the eulogy of the Messiah, if at the moment they are mourning you are saying the men to be for themselves and the women to be for themselves, when they are merry not so much more? He who says, this is the eulogy of evil inclinations, if there are no evil inclinations you are saying
the men to be for themselves and the women to be for themselves, when evil inclinations exist not so much more!

49 Babli 51b/52a.
50 Mishnah Middot 2:5.
51 The wall of the women’s courtyard.
52 Greek ‘ἐξωστήρ’ “what is standing out”, beams standing out from the wall which for the water-drawing festivities could be covered with planks to create a balcony for the women. This dates the (pharisaic) festivities clearly at a date later than the return from Babylon.
53 Sach. 12:12(-14). The essence of the proof is from the part of the verses not quoted in the text, ending with v. 14: each family separately and their women separately.

49 According to the Babli, the Messiah referred to here is the Messiah from the tribe of Joseph who will be killed in the war of Gog (Ez. 39). When evil inclinations will be abolished, it will appear to the just ones like a big mountain and they will cry because they could not believe they overcame such a big obstacle, but to the sinners it will appear as a small lump and they will cry because they could not overcome such a little obstacle.

In the Babli 52b, “50 cubits”.
56 Mishnah Middot 5:1. If good architectural practice requires that a brick wall 100 high not be steeper than about 72°, then two brick candelabra side by side will fill 132=4x33 cubits; with two ladders it more than fills the entire width of the courtyard, crowding out the people.

57 Or the candelabra were mounted on metal poles.
58 This refers to the amount of oil used for the illumination; see Note 42. Babli 52b.
Mishnah 3: They tore apart the worn-out trousers of the Cohanim and their belts\(^{59}\), and from these were lighting\(^{60}\). No courtyard was in Jerusalem which was not illuminated by the light of the water-drawing festivity.

59 Which are biblically prescribed and therefore Temple property, not personal property of the priests.

60 Making the wicks to light the candelabra.

Halakhah 3: It was stated: From the worn-out trousers of the High Priest they lit the inner lights, and from the worn-out trousers of common priests they lit the outer lights\(^{61}\). Rebbi Samuel bar Rav Isaac said, it is written, to elevate the permanent light\(^{62}\). They estimated to say that nothing produces a flare but flax\(^{63}\).

What means “tore apart”? Rebbi Haggai explained before Rebbi Yose, “made wicks”.

61 The inner lights are those on the candelabrum in the sanctuary; the outer lights are those used in the Temple courtyard.

62 Ex. 27:20.

63 Less restrictive in the Babli, Šabbat 21a.
It was stated: “No courtyard was in Jerusalem which was not illuminated by the light of the water-drawing festivity.” It was stated: A woman could check her wheat by the light of the fire on the altar. Would they not commit larceny? No, as Rebbi Joshua ben Levi said, taste, looks, and sound are not subject to larceny. Six sounds were heard in Jericho. In Jericho one heard the sound of the opening of the main gate. In Jericho one heard the sound of the organ. In Jericho one heard the sound of the wooden mechanical device for the basin which Ben Qat made. In Jericho one heard the voice of Gabinius the herald. In Jericho one heard the sound of the fife. In Jericho one heard the sound of the cymbal, and some are saying, also the voice of the High Priest when he mentioned the Name on the day of Atonement. In Jericho one smelled the compounding of the incense. Rebbi Eliezer ben Dalgai said, my family had goats in the Akhwar Mountains which were sneezing from the smell of compounding the incense.”

64 Since using Temple property for private affairs is the crime of me’ilah which requires restitution, payment of a fine, and a reparation offering. Babli 52b/53a.
65 Since they are not money’s worth.
66 Mishnah Tamid 3:8.
67 Of the Temple courtyards.
68 Described in Halakhah 6.
69 When at dawn the basin was lifted from the cistern; Yoma 3:10, Note 192.
70 Not the ones of the water-drawing festivities but the ones played before the altar, Note 3.
71 Which signals the start of the Levites’ song for the daily morning sacrifice.
72 An unidentified locality; in Babli sources מסייר.

Mishnah 4: The pious ones and people of good deeds were dancing in public with torches and reciting words of praise. And the Levites with lutes, with harps, and with cymbals and all kinds of innumerable musical instruments on the fifteen steps which descend from the courtyard of Israel to
the women’s courtyard corresponding to the fifteen songs of ascent in Psalms\(^{74}\) on which the Levites were standing for song.

73 As defined in the Halakhah. \(^{74}\) Pss. 120-134.

Halakhah 4: “The pious ones and people of good deeds.” Some of them were saying, blessed be my youth which did not shame my old age; these are the people of good deeds. But others were saying, blessed be my old age which atoned for my youth. Both of these were saying, blessed be who never sinned; and he who sinned may be forgiven. Hillel the Elder, if he saw them wantonly transgressing said to them, even though I am here, who is here? Does He need acclamations? Is it not written\(^{75}\), thousands upon thousands serve Him, and myriads of myriads stand before Him? If he saw them acting correctly he was saying, if I am not here who is here? Even though there are many acclaims before Him, the acclaim of Israel is beloved more than anything else. What is the reason? And the pleasantness of the songs of Israel\(^{76}\); enthroned on the praises of Israel\(^{77}\).

75 Dan. 7:10. 77 Ps. 22:4.
76 28.23:1.

Ben Yehosadaq was priding himself for his vaulting. \(^{78}\) They said about Rabban Simeon ben Gamliel that he was dancing with eight golden torches
and neither of them touched (the ground) [any other.] When he was bowing down to his shinbone he thrust his thumb into the ground, bowed down to his shinbone, and immediately stood up. 79 What is bowing down to one’s shinbone and what is kneeling? The great Rebbi Hyya showed bowing down to his shinbone before Rebbi, [became lame] and was healed. Levi ben Sisi showed kneeling before Rebbi, became lame and was not healed.

78 Babli 53a. The corrector’s change [in brackets] follows the Babli and should be deleted. In the Babli the torches are lit.

79 Parallels are in Berakhot 1:8 (Note 249), Gen. rabba 39(18). The text in Berakhot editio princeps is the corrector’s, quite different from the scribe’s which is consistent with the text here.

80 It is written: David returned to bless his house when Mikhal, Saul’s daughter, came towards him81, etc. Who is one of the empty ones? Abba bar Cahana said, the most empty one, that is the dancer82. She told him, today the honor of my father’s house became obvious. One said about the family of Saul that one never saw a heel or a thumb of them. That is what is written: He came to the sheep fences along the road and there was a cave83. Rebbi Abun in the name of Rebbi Eleazar: That was a fence inside a fence84. Saul came to spread his feet83. He saw him how he lifted a little and covered a little. [David] said, how could one touch such a righteous body. That is what he told him, behold, what your eyes saw today which today gave me in your hand in the cave and I could have killed you85, etc. Is it not written “I had mercy on you” but it had mercy on you85, your modesty had mercy on you.
David told Michal, before the Eternal Who chose me over your father\textsuperscript{86}, etc. And I was still humbler than this and I was lowly in my eyes, and with the servant girls you mentioned, with them I shall be honored\textsuperscript{87}, for they are not servant girls but mothers. How was she punished? Michal, Saul’s daughter, had no child until the day of her death\textsuperscript{88}. But is it not written: The sixth Yitre'am, of his wife Calf\textsuperscript{89}. She mooed like a calf and died.

80 A slightly shortened version is in Sanhedrin 2:4. Notes 129-139. A different version is found in the last part of Num. rabba 4.

81 2S. 6:20, where Michal criticizes David for dancing in the street.

82 Greek ', where .

83 1S. 24:3.

84 This explains the plural used in the verse and shows that Saul went to relieve himself in the cave guarded from the outside by a double fence. In the Babli, Berakhot 62b, this is quoted as tannaitic text.

85 IS. 24:10.

86 2S. 6:21.

87 2S. 6:22.

88 2S. 6:23, implying that she died in childbirth.

89 2S. 3:5. Only Michal is called “David’s wife” (IS. 25:44). The problem that Yitre’am was born in Hebron is not addressed; it is discussed in the Babli, 21a.

Mishnah 5: Two Cohanim were standing in the upper gate which leads from the courtyard of Israel to the courtyard of women with two trumpets in their hands. At the rooster’s call they blew straight, modulated, and straight\textsuperscript{90}. When they arrived at the tenth step they blew straight, modulated, and straight. When they arrived in the courtyard they blew straight, modulated, and straight. They continued blowing until they arrived at the gate which was the exit to the East\textsuperscript{91}. When they arrived at the gate which was the exit to the East they turned their faces to the West and said, our forefathers who were at this place, their backs to the Eternal’s Temple and their faces to the East,
prostrating themselves eastwards to the sun\textsuperscript{92}, but we, to Yah are our eyes. Rebbi Jehudah says, they were repeating and saying, “we are to Yah; and to Yah are our eyes.”

90 The standard way of blowing either metal trumpet or ram’s horn, an extended single tone, followed by a repetition of high and low sounds, followed again by an extended single tone; cf. \textit{Roš Haššanah} 3:5.

91 From where they then went to draw the water from the Siloam pool.

92 Ez. 8:16.

93 While unnecessary repetitions in public prayers are forbidden (\textit{Berakhot} 5:4, Note 128), and for the Babli all unnecessary repetitions in prayer are forbidden also in private, this does not apply to the Divine Name where there is a biblical source (Ex. 34:6) or in the case here, where the repetition refers to two different sentences with two different subjects (Babli 53b).

Halakhah 5: \textsuperscript{94}Rav explained for the House of Rebbi Shila, “when \textit{gever} called\textsuperscript{95}” as “when the herald proclaimed.” They said to him, “when the rooster called.” He said to them, did we not state “Ben Gever”? Could you say, “the son of the rooster”?

94 \textit{Sheqalim} 5:2, Note 47. Since all sources of the Mishnah here have “the rooster” with definite article, not fitting for a person, the quote is not quite appropriate and the source certainly is in \textit{Sheqalim}.

95 \textit{Mishnah} \textit{Yoma} 1:8.

Rebbi Hiyya bar Abba said, it is not written “and they were prostrating themselves,” but \textit{they are prostrating you}\textsuperscript{92,97}, that they were bowing down to the sun and prostrating to the Temple. Rebbi Abba bar Cahana said, \textit{for two evils did my people do}\textsuperscript{98}. Did my people only commit two evils? Did He not
forgive in thousands? Only that they were bowing down to the sun and prostrating to the Temple

96 It is not clear in which direction the steps are counted. Babli 53b.

97 A form looking ungrammatical (which most moderns classify as scribal error), here read as indicating induced contortion, where people lie down flat first with face to the East and then to the West.

99 As example how one can do two evils in one action, idolatry and also blasphemy by equating bowing to the Temple with bowing to the sun.

Mishnah 6: There are no less than 21 fanfares in the Temple and one does not exceed 48. Every day there were 21 fanfares, three at the opening of the gates, nine at the daily morning sacrifice, nine for the daily evening sacrifice, and for musaf sacrifices they added another nine. On Friday afternoon one adds another six, three to make people leave work and three to distinguish between holy and profane.

Mishnah 7: Friday afternoon during Tabernacles there were 48: three at the opening of the gates, three at the upper gate, three at the lower gate, three at the drawing of water, three on the altar, nine at the daily morning sacrifice, and nine for the daily evening sacrifice, nine for musaf sacrifices, three to make people leave work, and three to distinguish between holy and profane.

100 By blowing metal trumpets, Num. 10:1-10.
101 On Sabbath and holidays, Num. 10:10.
103 As described in Mishnah 5.
104 At the moment of the water libation.
Halakhah 6: It was stated: No less than seven and no more than sixteen. This Tanna considers blowing straight, modulated, and straight as one unit; the other Tanna considers each single one of them as a unit. You find to say, three for each tribe; Rebbi Jehudah says, three for each standard. But it was stated, and nine at the tenth step. That is another one. He who has “three on top of the altar” does not have “at the tenth step;” he who has “at the tenth step” does not have “three on top of the altar.” Rebbi Ze’ira said, this implies that they only blew the trumpet at the water libation. If you are saying, for the drawings, one should state, three for drawing water today, and three for drawing water for tomorrow. Are these it? Are there not others, nine for musaf on the Sabbath, nine for the musaf on a New Moon, and nine for the musaf of the New Year’s day holiday? But it must follow him who said, they shall blow, in the course of the musaf sacrifices. The rabbis of Caesarea in the name of Rebbi Jacob bar Aha: Even following him who said they shall blow, in the course of the musaf sacrifices, they were adding modulated sounds, they were not adding straight tones.

105 Tosephta 4:10 in the name of R. Jehudah.
106 This refers to Num. 10:5-6 (Sifry Num. 73), that the trumpets blown by Cohanim in the Sanctuary also were used to give the signals for departure of the tribes in the desert. The tribes were organized into standards, three tribes for each standard. Since for R. Jehudah three blowings form a unit, the question arises whether there were three or nine sounds heard for each standard.
107 Mishnah 7, which does not mention the tenth step, contradicts Mishnah 5.
108 Since Mishnah 5 does not mention that...
the actual pouring of the water on the altar was accompanied by trumpet sounds, the total number of units is equal in Mishnaot 5 and 7; that number can be taken as a trustworthy tradition. The only difference in traditions refers to the place where the additional sounds were produced. Babli 54a.

109 But not on the tenth step.

110 Parallel to the trumpet blowing on the occasion of the daily wine libation; Mishnah Tamid 7:3.

111 Since blowing at musaf was mentioned in the Mishnah, the question arises whether separate musaf offerings require separate trumpet blowings.

112 Num. 10:8. Since the ram’s horn on New Year’s Day may be blown by any one of Israel, it follows that the trumpet blowing on Sabbath, holiday, and new Moon mentioned in 10:10, since it may be done only by Cohanim, refers to musaf. Since the days are enumerated separately it follows that on a New Year’s Day which is a Sabbath (and automatically a day of New Moon), three sets of musaf require three separate blowings. Babli 54a.

113 In the scribe’s text reading תרשפה תקועת. Since R. Jehudah considers any sequence of sounds preceded and followed by an extended single tone as a single unit, there may be many modulated sounds within one musaf unit. The corrector’s correction of the non-word תקועת to תקועת makes little sense in the context.

Rebbi Hiyya bar Abba said, harp and lute are the same114, extra strings115 make the difference between one and the other. Rebbi Hiyya bar Abba said, why is it called בַּכֶל? Because it whitens many kinds of musical instruments116. Rebbi Huna in the name of Rav Joseph: By untanned leather and an abundance of strings it whitens many kinds of musical instruments. Rebbi Simeon ben Laqish says, 117 שְׁעֶבֶךְ is a water organ118. Rabban Simeon ben Gamliel stated, there was no water organ in Jerusalem because its sound overhangs the melody119.

114 Denied by the Babli, Arakhin 13b.
115 Greek νήμα.
116 “Whiten” means making pale by embarrassment. The word בַּכֶל of unknown etymology is explained by metathesis as בבל.
117 Ps. 150:4.
118 Greek ὀὐδροτόλαις.
119 It drowns out subtleties. Babli Arakhin
The fife of the Temple was from Moses and was made from reed. It broke and was repaired but its sound was not as sweet as originally. They undid and removed, and it returned to its prior state. The cymbal of the Temple was from Moses and was made from brass. It broke and was repaired but its sound was not clangorous as originally. They undid and removed, and it returned to its prior state. The mortar of the Temple was from Moses and was made from brass. It broke and was repaired but it did not compound as originally. They undid and removed, and it returned to its prior state. These are two implements which broke in the first Temple and could not be mended. About these it says, polished brass; scrubbed brass. And two brass vessels, beautiful gold colored, valued like gold. Two Armoraim. One said, one of them valued like two of gold. But the other said, two [of them] like two of gold.

It was stated: Rabban Simeon ben Gamliel says, the Siloam was giving water like an as. They said, let us enlarge it to increase its flow. They enlarged it and its flow was diminished. They fenced it in again and it returned to its prior state.

The organ. Rav and Samuel. One said, it had ten holes and each one produced a hundred different sounds. But the other said, it had a hundred
holes and each of them produced ten different sounds. According to both of them it produced a thousand different sounds.

120 Babli Arakhin 10b. 121 2Chr. 4:16. 122 Ezra 8:27.

123 A Roman copper coin, Greek 

124 Which of the musaf sacrifices of the Sabbath and of the New Moon has precedence? Rebbi Jeremiah wanted to say, between the musaf sacrifices of the Sabbath and of the New Month, the musaf sacrifices of the New Month have precedence. The strength of Rebbi Jeremiah is from the following: Between the song of the Sabbath and the song of the New Month, the song of the New Month has precedence. Rebbi Yose said, there is a difference there since Rebbi Hiyya said in the name of Rebbi Johanan: To make a proclamation to make known that it is the start of a new month. How does one do it? One slaughters the musaf sacrifices of the Sabbath and says for them the song of the New Month. But here, between the musaf sacrifices of the Sabbath and of the New Month, the musaf sacrifices of the Sabbath have precedence, under the category: what is more frequent than another precedes the other.

124 This paragraph is from Sheqalim 8:5, Note 67.

Mishnah 8: On the first holiday of Tabernacles there were thirteen bulls, and two rams, and one goat. There remained there fourteen sheep for eight watches.
Mishnah 9: On the first day, six were sacrificing two each, and the
remaining, one each. On the second day, five were sacrificing two each, and
the remaining, one each. On the third day, four were sacrificing two each, and
the remaining, one each. On the fourth day, three were sacrificing two each,
and the remaining, one each. On the fifth day, two were sacrificing two each,
and the remaining, one each. On the sixth day, one was sacrificing two, and
the remaining, one each

126 On the seventh day, all were equal. On the eighth
day they returned to the lottery as on holidays

125 The families of Cohanim were divided
into 24 “watches” enumerated in 1Chr.
24:7-18. As stated in Halakhah 8, in
principle each watch was serving for one
week in the Temple, the succession being
determined by the order fixed in Chronicles;
after watch 24 a new cycle is started with
watch 1. But on holidays, all watches are
equal, since all their members are obligated
to appear in the Temple with the rest of
Israel. On the first day there were 16
animals other than sheep; if each animal was
given to a separate watch, there remained 14
sheep for the remaining 8 watches.

126 The number of bulls decreased by one
every day (Num. 29:12-31); therefore the
number of watches available for the sheep
increased by one every day, the number of
watches getting two sheep decreased by one
every day.

127 The lottery, to determine which Cohen
received which office in the service, as
described in Yoma Chapter 2, open to all
Cohanim irrespective of their watches.

128 There were 70 bulls in all during the
week of Tabernacles. Therefore 22 watches
had the occasion to work on 3 bulls each,
but 2 watches received only two.
Halakhah 7: It was stated: All watches in the Temple doubled and tripled with bulls, except for the two last ones who doubled but did not triple. Rebbi Eleazar asked, would one start with them on the next holiday? Rebbi Yose said, the Mishnah says this, “on the eighth day they returned to the lottery as on holidays.” It only is a problem following what was stated in the name of Rebbi Nathan: On the eighth day there was no lottery. In Rebbi Nathan’s opinion, would one start with them on the next holiday?

Rebbi Johanan said, it was stated so that the eighth day was a separate holiday, a separate lottery, a separate benediction, a separate sacrifice. Holiday, as Rebbi Abbin said in the name of Rebbi Aha, for all of them is written and on day, but here is written on day, to teach you that it is a separate holiday. Lottery, Rebbi Yose said, the Mishnah says this, “on the eighth day they returned to the lottery as on holidays.” Benediction, Illa said, time. Sacrifice, one bull and one ram.

129 Tosephta 4:15, Babli 55b.
130 Since on all other holidays, when there are only one or two bulls, the lottery is among individual Cohanim, not watches, it is clear that the remaining two watches are not given preferential treatment on the separate holiday following Tabernacles.
131 This is copied in Hagigah 1:6 (76c 1. 23,ה).
132 Tosephta 4:17.
133 In the list of sacrifices for days 2-7 of Tabernacles the first words always are and on day, Num. 29:17,20,23,26,29,32, but the listing for the eighth day starts on the eighth day without connective (Num. 29:35).
134 He is R. La as noted in Hagigah.
135 “Who let us live, and supported us, and let us reach this time.”
135* Num. 29:36. These numbers are characteristic of the High Holidays.
Mishnah 10: On three occasions in a year were all watches equal in the parts\(^{136}\) of the holiday and in the distribution of the shew-bread\(^{137}\); on Pentecost one says to him, here you have massah, here you have leavened\(^{10}\).

The watch whose time is fixed\(^{138}\) brings daily sacrifices, vows and voluntary gifts, and all sacrifices of the public, and sacrifices everything\(^{139}\). If the holiday is next to the Sabbath either before or after\(^{140}\), all watches were equal in the distribution of the shew-bread.

Mishnah 11: If one day fell between them\(^{141}\), the watch whose time is fixed takes ten loaves and the one remaining takes two\(^{142}\). On all other days of the year the incoming one takes six\(^{143}\); Rebbi Jehudah says that the incoming takes seven and the outgoing takes five. The incoming ones\(^{144}\) distribute in the North and the outgoing in the South. Bilgah\(^{145}\) always distributes in the South; its ring was fixed and its window closed.

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136 Greek α’ μούραν [τῶο θεοῦ], the fat which is forbidden for human consumption, including the entire animals of elevation offerings. All Cohanim of all watches equally participate in the service on the altar.

137 While the removal of the shew-bread from the table in the Sanctuary is reserved for the watch serving in the week preceding the Sabbath and the bringing of the new bread for the following week is reserved for the watch serving normally in the following week, the removed bread is distributed among all Cohanim present for the holiday.

138 Who serves in the regular sequence of watches as given in Chr. They perform the service and receive the remainders of all sacrifices not explicitly prescribed for the holiday. This means that if one of the public comes to the Temple, his obligatory elevation offering on the occasion of his pilgrimage and the family hagigah offering are serviced by all watches, but additional sacrifices vowed during the year and brought on the occasion of his pilgrimage are serviced only by the watch on regular service.

139 Anything not explicitly connected to the
holiday by biblical decree.

140 If Friday or Sunday are holidays, the Cohanim coming for the holiday are forced to be at the Temple on the Sabbath and participate in the distribution of the shewbread, but not in any service on that day.

141 The holiday is Thursday or Monday. In this case only the Cohanim living in walking distance from Jerusalem would not have to be in Jerusalem for the Sabbath.

142 This really means that the watch whose office terminates on the Sabbath (the outgoing) takes 5 breads, the one whose service starts on the Sabbath (the incoming) takes 5, and the remaining 22 watches together take two.

143 And therefore the outgoing also takes six.

144 The plural refers to the members of the watch; the singular in the preceding sentence refers to the watch as collective.

145 No. 15 in the list of Chronicles.  

Halakhah 8: It is written, equal portions they shall eat. I could think also on the remaining days of the year it should be so, the verse says, except what was sold by the fathers, except what fathers sold for the sons; you on your week and I on my week.

146 Deut. 18:8. The verse stipulates that all priestly prebends have to be equally available to all priests but then permits inter-priestly trade offs. This is interpreted to mean that on holidays all are equal but for the remainder of the year by general agreement (or, as stated later in the Halakhah, by institution of Samuel and David) all income of one week is reserved for the week’s watch. Babli 56a; Sifry Deut. 169.

On Pentecost one says to him, here you have massah, here you have leavened. There are Tannaim who state, here you have leavened, [here you have massah.]

He who said, here you have massah, because it is beloved; he who said, here you have leavened, because it is frequent.
Rebbi Levi said, all watches were given in the South. Rebbi Yose said, the Mishnah says so, “if one day fell between them.” Rebbi Judah ben Titus in the name of Rebbi Aha, the verse supports this Tanna: *and now what do you have ready, give in my hands five breads or what is available*. But was Ahimelekh from the outgoing watch?

147 Since the remaining watches together get two loaves, they must stand together at one place. North of the altar is the preferred place since it is the place prescribed for the slaughter of most holy sacrifices. Since the remaining watches are not better than is the outgoing watch, their place is South of the altar.


149 In verse 7 it is noted that the bread given was the shew-bread (which is most holy and forbidden for all except pure Cohanim.) But in v. 4 David had asked for any bread, preferably profane. At the same time by emphasizing five breads he intimated that he was dangerously hungry, in danger of his life, and therefore even shew bread was permitted to him (as understood in *Luke* 6:4). The number 5 refers either to Ahimelekh being High Priest and taking 5 of the 12 loaves (*Yoma* 1:2, Note 167) or, since his name does not appear on any list of High Priests, he was head of the outgoing watch, having 5 loaves to distribute following R. Jehudah. The argument then is rejected since there is no support for the statement that Ahimelekh belonged to the outgoing watch; it rather seems that he was the organizer of the service at the Tabernacle. (S. Abramson, *Sinai* 63, 5768, 193-197.) The medieval commentators of Samuel reject any reference to shew-breads and refer to bread accompanying thanksgiving sacrifices permitted to any pure person.

“The incoming ones” distribute in the North and the outgoing in the South.” Rebbi Hanania the son of Rebbi Hillel said, to honor the incoming ones. Rebbi Yose ben Rebbi Abun said, not for this reason but because we have stated: “All who enter the Temple Mount enter to the right, and turn, and leave to the left.”

150 Mishnah *Middot* 2:2. One enters the priest’s courtyard from the East. If then one turns to the right one is on the North side of the altar. The incoming watch divide the
bread at their place of entry, turning to the left, through the gate in the South; afterwards they may leave East.

Correspondingly, the outgoing ones divide in the South; afterwards they may leave turning to the left, through the gate in the East.

160a Bilgah always distributes in the South. Because of Miriam from Bilgah who apostasied and went to marry a general of the Greek government. She came and patted on the top of the altar and said to it, אָפָא, אָפָא, you destroyed Israel's property and did not support them at the time of their distress. But some are saying that its time arrived to serve but it did not appear; so Yeshevav served in its stead in the High Priesthood.” Therefore Bilgah always is with the outgoing and Yeshevav withy the incoming. Should it not have been eliminated from its place? You cannot do this, as Rebbi Simon said in the name of Rebbi Joshua ben Levi: It is hard before the Omnipresent to eliminate the chain of descent from its place. Could they not be made twenty-three? You cannot do this, as it is written, these are the foundations of David and Samuel the Seer in their faithfulness. In their professionalism. It was a great feat of professionalism that no watch was taking and repeating in inheritance fields before the other could take.

Rebbi Abbahu said, I computed it that no watch was taking and repeating in inheritance fields before the other could take.

Its ring was fixed.” Rebbi Abba in the name of Rebbi Jehudah: They made the rings wide on top and narrow at the bottom.
And its window closed.” That they could not use it for their knives, as we have stated there 169: “this was called the place of the sharp knives since there they hid the knives.”

160 Babli 56b, Tosephta 4:28.
161 Greek στατιώτης.
162 “Wolf”.
163 Her objection was to the excessive cost of Israelite worship. (While in Deut. the worship is restricted to “the place which the Eternal will choose,” it never is said that there can only be one such place. However the cost of the service detailed in Lev. makes it clear that only one such place was there at any given time.)
164 The preceding watch in the list of Chr. 9:22.
165 The word “High” has to be deleted. It simply is stated that Yeshevav served for two consecutive weeks.
166 1Chr. 9:22.
167 It is prescribed in Lev. 27:21 that real estate dedicated to the Temple by a person whose ancestor received this land in the original distribution under Joshua and which is not redeemed by the next Jubilee becomes property of the Cohanim. This is read to mean that it becomes property of the watch which regularly is on duty on the day of Atonement in the Jubilee year (Lev. 25:9).
168 In the parallels, Ma`aser Šeni 5:9 (Note 184), Sotah 9:11), the reading is: wide below and narrow on the top. The rings were used to immobilize the animals before slaughter. Bilgah’s ring was not usable for the purpose.
169 Mishnah Middot 4:7. The window being closed meant that there was no hollow space in the wall. Just as with the rings, the Cohanim from Bilgah had to use spaces dedicated to other watches to store their knives.
Introduction to Tractate Roš Haššanah

The Tractate has two topics. The first is the definition of the notion of “year” both for administrative purposes (regnal years) and for tax years for different dues imposed by Biblical decree, such as the different kinds of tithes. A difficulty is introduced by the discrepancy between the biblical (Canaanite) definition of the month of the spring equinox as “first month of the year”, Ex. 12:2, and the customary (Babylonian) start of the year in the month of Tishre (“beginning” in Accadic) of the fall equinox, and the Biblical Jubilee to be executed on the Day of Atonement (Tishre 10) of the Fiftieth year (Ex. 25:9). The second and main topic is the “Day of Sound” instituted in Lev. 23:23-25, Num. 29:1-6, which in contrast to all other holidays has no clearly defined meaning in the liturgical year and, since it is placed on the first of a month, in absence of a computed lunar calendar is difficult to observe at a distance from any center of worship whose priesthood is competent to fix exact dates for the phases of the moon.

The first Chapter starts with a definition of the different accounting years, followed by a Mishnah which ties the biblical holidays to heavenly decrees regarding the agricultural year. Since Roš Haššanah has no special purpose in the Biblical calendar but clearly seems intended to serve as a prologue of the Day of Atonement following Nine days later, it is characterized as day of Heaven judging each person, independent of the agricultural year. The next Mishnaiot describe the system of messengers sent out to inform the public about the fixation of the holidays; a Third Century complication introduced by the rabbinic rejection of Samaritans as Jews. The remainder of the Chapter contains the rules governing the determination of the New Moon by testimony of its sighting, essentially following the rules of criminal procedure as
described in Tractate Sanhedrin, with special attention to the case that the New Moon is first seen on a Sabbath.

The Second Chapter first describes the light signals which were used to quickly inform the public in the Land of Israel, Syria, and Babylonia, of the fixation of the start of liturgical months, before the introduction of the system of messengers. The remainder of the Chapter and the first Mishnah of the next Chapter continue the description of the procedures of the Court of the Synhedrion empowered to interview the witnesses and to declare the New Month.

The Third Chapter then gives the rules of the shofar, the ram’s horn, traditionally used to produce the sounds which give its name to the day. Since such a sound also is prescribed for the proclamation of the Jubilee, the rules of the latter are included. After a homiletic interlude, the principle is established that religious obligations may validly be performed only by persons obligated for them.

The Fourth and Last Chapter first notes the special Temple observations which after the destruction of the Temple were extended to be performed everywhere by Rabban Johanan ben Zakkai, the creator of Rabbinic Judaism. Then it describes the special prayers instituted for this day in parallel to those required for the proclamation of the Jubilee, and the sounds which have to be produced by the ram’s horn described earlier.
ארבעת ראשים שונים פרק ראשים ראשונה

משנה א: וארבעת ראשים שונים. כל בנוğ אתה ראשים למלכים וקרילות.
באוול בניווג אתה ראשים למלכים את קרילות.

רבי יהודה ורבי שמעון אומרים. רבי בנווג ורבי יצחק בנווג.

Mishnah 1: There are four New Year’s Days. On the first of Nisan is New Year for kings¹ and for holidays². On the first of Elul is New Year for animal tithe³; Rebbi Eleazar and Rebbi Simeon say, on the first of Tishre.

1 The first year of a king’s reign terminates at the end of Adar, irrespective of when he gained the throne. This is important for the dating of documents by regnal years and represents the practice in Mishnaic times and the early Israelite monarchic period. Mesopotamian practice uses the first of Tishre (“beginning”) for the same purpose.

2 In all biblical holiday lists the sequence is Passover-Pentecost-Tabernacles. Since the holidays always are described in terms of months, the statement is equivalent to saying that Nisan is the first month.

3 Lev. 27:32-33. For determining animal tithe, all calves born in the same tithing year are counted together, but not those of any other year.

(56a line 44) ארבעת ראשים שונים מכם כל. כניב בחודש בחודש לכב ראשית.

רבי יהודה ורבי שמעון אומרים. רבי בנווע ורבי יצחק בנווע.

In all biblical holiday lists the sequence is Passover-Pentecost-Tabernacles. Since the holidays always are described in terms of months, the statement is equivalent to saying that Nisan is the first month.
There are four New Year’s Days,” etc. It is written,

There are four New Year’s Days,” etc. It is written, *this month shall be for you the head of the months.* For you it is the head of the months but it is head neither for years nor for Sabbatical periods nor for Jubilees nor for planting nor for vegetables. And I could say, for you it is the head of the months but it is head neither for kings nor for holidays. Rebbi Jacob bar Aha, Rebbi Yasa in the name of Rebbi Johanan: It is written, *he started to build in the second month, in the second,* in the fourth year of his reign. It bracketed the fourth year of his reign with the second of the months. Since the second of the months is only counted from Nisan, also the second in the fourth year of his reign is only counted from Nisan. Or is it only the second in the month? Any place where the second day in the month is intended it is explicit. Or is it only the second in the week? We do not find this count in the Torah. But is it not written, *it was evening and it was morning, the second day?* One makes no inferences from the Creation of the World. Which one is the second of the months and which one is the second of the years? Rebbi Hanania and Rebbi Mana. One said, *he started to build in the second month,* that is the second of the months; *in the second,* that is the second in the year. But the other one, even if you switch it does not change anything. Rebbi Simeon bar Karsana in the name of Rebbi Aha understood it from the
following: This month is for you, an exclusion. The first it be for you, [an exclusion.] An exclusion after an exclusion is to include\textsuperscript{15} for kings and holidays. Could one include for years, or for Sabbatical periods, or for Jubilees, or for planting, or for vegetables? Following what Rebbi Jacob bar Aḥa, Rebbi Yasa in the name of Rebbi Joḥanan said: It is written, he started to build in the second month, in the second, in the fourth year of his reign. It bracketed the fourth year of his reign with the second of the months. Since the second of the months is only counted from Nisan, also the second in the fourth year of his reign is only counted from Nisan. Rebbi Jonah, Rebbi Isaac bar Nahman in the name of Rebbi Hiyya bar Joseph: He started to build in the second month, that is the second of the months; in the second, that is the second in the year. And when he says, in the fourth year of his reign, it bracketed the fourth year of his reign with the second of the months. Since the second of the months is only counted from Nisan, also the second in the fourth year of his reign is only counted from Nisan. Samuel stated and disagreed\textsuperscript{16}: In the third month of the Israelites’ exodus from Egypt\textsuperscript{17}. From here that one counts months from the exodus from Egypt. Not only months, from where years? The Eternal spoke to Moses in the wilderness of Sinai in the second year\textsuperscript{18}. Not only at that time, from where later? In the fortieth year of the Israelites’ exodus from Egypt\textsuperscript{19}. Not only temporarily, from where for later generations? It was in the 480th year of the Israelites’ exodus from Egypt\textsuperscript{20}, etc. After the Temple had been built they started to count from its building: It was at the end of twenty years after Salomon built the two houses\textsuperscript{21}. They did not merit to count from its building, they started counting from its destruction: In the twenty-fifth year of our exile, on New Year’s Day, on the tenth of the month\textsuperscript{22}, etc. They did not merit to count for themselves, they started counting regnal years, [as it is written,] in year two of Darius\textsuperscript{23}; in year three of Cyrus, king of Persia\textsuperscript{24}. And I am saying, he started to build in the second month, in the second, in the fourth year of his reign. It bracketed the fourth year of his reign with the second of the months. Since the second of the months is only counted from Nisan, also the second in the fourth year of his reign is only counted from Nisan.
4 Ex. 12:2. The verse establishes that months are counted from the month of the spring equinox, post-exilic (Accadic) called Nisan.

5 It is clear from Lev. 25 that Sabbaticals and Jubilees are counted from the end of the agricultural year in the month of the fall equinox.

6 To determine the years of `orlah, when no fruit may be taken.

7 To determine the year for purposes of the tithe since inferred from Deut. 14:22, which requires agricultural tithe being given year by year, that no tithe may be given from produce of one year for produce grown in another.

8 2Chr. 3:2.

9 The text is ambiguous. The later derivations read it as a repetition: He started to build in the second month, the second month of the fourth year; in the style of Gen. 8:5. If the same number is used to describe the month in the sequence of months and the month in the year, it follows that the year must start with month one.

10 This is how the unofficial Targum of 2Chr. 3:2 reads it: He started to build on the second day of the second month of the fourth year; a reading also rejected in the Babli 3a since it always is stated as “day n in the month.”

11 Babli 3a.

12 Gen. 1:8.

13 Since they are God’s days, not human days.

14 In 2Chr. 3:2.


16 He holds that the count of years depends on the political circumstances.
Rebbi Eleazar in the name of Rebbi Hanina: Also for the kings of the peoples of the world one only counts from Nisan\textsuperscript{25}. \textit{In the sixth, in year two of Darius}\textsuperscript{26}. \textit{In the eighth, [in year] two of Darius}\textsuperscript{27}. Should we not say, “in the eighth in year three”? Heipha said, the eighth was said first but there is no earlier and later in the Torah\textsuperscript{28}. Rebbi Jonah said, it is written: \textit{and now take notice, starting with this day, before a stone is set upon stone in the Temple of the Eternal}\textsuperscript{29}. How is this? In the sixth the foundation stone was laid. In the eighth\textsuperscript{30} this verse was said. If you are saying, they already laid, Heipha is correct. If you are saying, they did not lay, Heipha did not say anything\textsuperscript{31}. Rebbi Isaac objected: Is it not written\textsuperscript{32}, \textit{it was in the 601-st year, in the first, on the first day of the month}? And it was stated on this, the year of the Flood is not counted\textsuperscript{33}. Explain it following Rebbi Eliezer, as Rebbi Eliezer said, in Tishre was the world created\textsuperscript{34}. But is it not written, \textit{it was in the month of Nisan of year twenty}\textsuperscript{35}; \textit{it was in the month of Kislev of year twenty}\textsuperscript{36}? Explain it following Rebbi Eliezer, as Rebbi Eliezer said, any year of which 30 days have not elapsed is not counted as a full year. But is it not written\textsuperscript{37}, \textit{It was in the first month of the second year, on the first of the month, when the Sanctuary was erected}? If you are saying that it was the third year and because 30 days had not elapsed it is not counted as a full year, is it not written\textsuperscript{38}, \textit{it was in the second year in the second month, on the twentieth of the month}? There are 50 days in the year, and it would not be counted as a whole year? That is one of Rebbi Isaac’s answers which are difficult\textsuperscript{39}.

\textsuperscript{25} He holds that Jewish documents, in particular biblical reports, always start regnal years in Nisan, irrespective of the official calendar of the kingdom to which it refers. The Babli 3b admits this only for good kings.

\textsuperscript{26} \textit{Haggai} 1:15. He reports that they started to build the Second Temple on 6/24 of year 2 of Darius.

\textsuperscript{27} \textit{Sach.} 1:1. If the regnal year of Darius were counted from the start of the 7th Month, Tishre, the eighth month would have to be in year three.

\textsuperscript{28} Since Sacharia scolds the people for not building the Temple in the eighth Month of year 2 of Darius, this must precede the date
given by Haggai. Therefore the regnal year cannot be counted from Nisan, but it runs from the 1st of Tishre to the end of the following sixth month, against R. Hanina. That Sacharia is written after Haggai in the minor prophets has no chronological relevance. “Torah” here includes the entire Hebrew Bible (and Mishnah, Note 318) and is not restricted to the Pentateuch. Cf. Megillah 1:2 (70d l.59); also Sheqalim 6:1 (49d l. 70) and Sotah 8:3 (Note 127) as minority opinion of R. Meïr. Babli Pesahim 6b (Num. rabba 9(44)).

29 Haggai 2:15. The prophecy is dated 9/2 of year 2 of Darius.

30 This must read: “ninth”.

31 If the prophet says that while they are building the Temple they already notice that God’s blessing of Judean agriculture started before they actually started building, the statement cannot be used to determine the start of regnal years.

32 Gen. 9:13.

33 This argument presupposes that Noe’s years are treated as regnal years. This is not the position of Seder Olam (of Babylonian redaction) which asserts that the numbers given in Gen. may be added, which means that overlapping parts of years have been eliminated. If the year started in Tishre, in the middle of the Flood, the statement is acceptable, but not if it started in Nisan, since the flood started only on 2/17 of that year. This problem is treated in detail by the 16th Cent. Rabbi Moses Almosnino (published in Moriah 30, part 5-7, pp. 19-21, 2010.)

34 And therefore Noe’s years are not treated as regnal years; all years mentioned in the early history in Gen. start in Tishre. Babli 10b.

35 Neh. 2:1.

36 Neh. 1:1. Nehemiah was informed in Kislew of year 20 of Artaxerxes of the sorry state of Jerusalem; in Nisan of the same year he asked permission to leave Susa and go to Jerusalem. The regnal year must have started in the fall.

37 Ex. 40:17.

38 Num. 10:11 (misquoted). Since this verse refers to the service in the Tabernacle, it must refer to a time posterior to that quoted in the preceding verse; the statement in the name of R. Eliezer must be rejected. (In the Babli 10b the statement is formulated in a way which makes it not relevant to the case discussed here.)

39 And the statement of R. Eleazar in the name of R. Hanina has to be rejected. The entire text of R. Isaac is copied by Tosaphot 3b, s. v. מַעִיָּה.

What is the difference whether one says that one counts from Nisan or one counts from Tishre? Rebbi Jonah says, the difference is the proof power of
If he took a loan in Iyar and wrote in it, the second year of government; he sold real estate in Marheshwan and wrote in it, the second year of government. For him who says that one counts from Nisan, the loan preceded. For him who said that one counts from Tishre, the sale preceded.

40 Babli Avodah zarah 10a.
41 The standard document of indebtedness creates a mortgage lien on all of the debtor’s real estate, which is not removed if the real estate is sold later.
42 The sale deed.
43 In this case the buyer bought encumbered property; he is in danger of losing his buy if the seller defaults on his loan obligation.
44 The property is free of encumbrances.

documents. If he took a loan in Iyar and wrote in it, the second year of government; he sold real estate in Marheshwan and wrote in it, the second year of government. For him who says that one counts from Nisan, the loan preceded. For him who said that one counts from Tishre, the sale preceded.

How for kings? If he died in Adar and a king took office in Adar it is counted as a year for both of them. Rebbi Jonah said, only if he reached Nisan. Otherwise like the following, he ruled one month in Samaria. You can determine the years of the kings of Israel only through the years of the kings of Jehudah, and you can determine the years of the kings of Jehudah only through the years of the kings of Israel. It is written:

And the time that David ruled over Israel was forty years,
etc.

And it is written, in Hebron he ruled over Jehudah seven years and six months, etc. In total they are deficient and in detail excessive. Rebbi Isaac bar Qasasata in the name of Rebbi Jonah:
they were thirty-two and a half years, but to honor Jerusalem he counts them as entire. The great Jehudah says, the greater number absorbs the lesser.\(^49\). Rebbi Samuel bar Nahman said, *when your days will be complete*\(^51\). The Holy One, praise to Him, said to David: I am counting full days for you, I am not counting missing days for you.\(^52\)[Will not your son Solomon build the Temple to sacrifice? Law and justice that you are upholding is more to my liking than sacrifices, as it is said, *upholding justice and law is preferred by the Eternal to sacrifice.*] Rav Huna said, the entire six months during which David was in flight before his son Absalom, his sins would have been atoned for by a female goat as for a commoner.\(^54\) Rebbi Yudan ben Rebbi Shalom said, it is written, *for six months dwelt there Joab and all of Israel.* The Holy One, praise to Him, said to him: I did tell you, do not attack them.\(^56\) But according to our rules, the numbers should have been rounded up, not down.\(^57\)

45 2K. 15:13. If he had ruled longer, it would have counted for a year.
46 Since there were overlapping years at the start and end of each reign, and there might have been shifts between Western counting from Nisan and Eastern counting from Tishre, the correspondences given in *Kings* are necessary to establish the correct correspondences. This leaves uncertainty for the days of the united monarchy.
47 1K. 2:11.
48 2S. 5:4. Then according to the rules given earlier, the reign should have been counted as 41 years. Cf. Babli *Sanhedrin* 107a/b.
49 But according to our rules, the numbers should have been rounded up, not down.
50 The following sentence is from *Berakhot* 2:1 (Notes 66-67), also *Mo`ed qatan* 3:7 (83d l.4). As answer to the problem of the excess 6 months it is unsatisfactory.
51 2S. 7:12.
52 Corrector’s addition from the parallels, where the added text represents the main argument. Here the addition is irrelevant.
53 Prov. 21:3.
54 This statement is from *Horaiot* 3:3, Note 111. Since during Absalom’s revolt David was not ruling as a king, the 40½ years of his reign actually were only 40 years of rule.
55 1K. 11:16.
56 Deut. 2:5.
57 Therefore the 41 years are recorded as 40.
Who stated “holidays”? Rebbi Simeon, since Rebbi Simeon said, “three holidays in order starting with the holiday of unleavened bread.” You find to say sometimes five, sometimes four, sometimes three. Before Pentecost five, before Tabernacles four, before Passover three. “Rebbi Eleazar ben Rebbi Simeon said, only that the holiday of unleavened bread be the last one.” You find to say sometimes three, sometimes two, sometimes one. But the Sages say, the holiday which happens to be first, on condition that the holidays of one full year have passed.

58 Why is it necessary to state that the holidays start in Nisan? If somebody makes a vow he incurs the obligation to fulfill his vow (Deut. 23:24). If he fails to fulfill his vow he not only transgressed this positive commandment but also the prohibition to delay its fulfillment (Deut. 23:22.). The usual vow is to bring a sacrifice in the Temple; the natural time to fulfill such a vow is on a festival of sacrifice. As established in the next paragraphs the positive commandment requires that the vow be fulfilled on a holiday (according to the Babli on the first possible occasion, on the next holiday of pilgrimage); the prohibition is violated only if the vow is not fulfilled after three such holidays have passed. For R. Simeon this means 3 holidays in their canonical order, starting with Passover. Babli 4a, Tosephta Arakhin 3:18.

59 In the Babli 4b and Tosephta Arakhin 3:18: Tabernacles.

60 Babli 4b, Tosephta Arakhin 3:17.
It is written\textsuperscript{61}, \textit{in addition to the Sabbaths of the Eternal, and in addition to your gifts, etc., which you will give to the Eternal}. For I could think that on a holiday\textsuperscript{62} one brings only the holiday sacrifices\textsuperscript{63}; from where that sacrifices by a single person or by a community which were dedicated for the holiday shall be brought on the holiday? The verse says, \textit{in addition to the Sabbaths of the Eternal, . . . which you will give to the Eternal}\textsuperscript{64}. This refers to birds and flour offerings\textsuperscript{65}, to add all of them to be brought on the holiday. “I could think that this is voluntary; the verse says,\textsuperscript{66} \textit{these you shall do on your festive occasions}, ‘these’ are established as duty, that all of them be brought on the holiday. I could think on any holiday of his choosing; the verse says\textsuperscript{67}, \textit{you shall come there and bring there}. If to permit, it already was permitted. If to establish, it already was established. Then why is it said, \textit{you shall come there and bring there}? This refers to the first holiday which happens to come his way. I could think that one of these passed, he transgressed because ‘do not delay’? The verse says, \textit{these you shall do on your festive occasions}; he does not transgress because of ‘do not delay’ until the holidays of a full year have passed by him\textsuperscript{68}. Rebbi Simeon says three holidays in order. How is this? If he vowed before Passover, only if Passover, and Pentecost, and Tabernacles passed by him. If he vowed before Pentecost, only if Pentecost, and Tabernacles, and Passover, and Pentecost, and Tabernacles passed by him. If he vowed before Tabernacles, only if Tabernacles, and Passover, and Pentecost, and Tabernacles passed by him.”\textsuperscript{69}

\textsuperscript{61} Lev. 23:38.
\textsuperscript{62} “Holiday” here always means “holiday of pilgrimage”, to exclude the High Holidays.
\textsuperscript{63} Since in general everything forbidden on the Sabbath is forbidden on a holiday except preparation of food.
\textsuperscript{64} “. . .” refers to \textit{your donations, all your vows, and all your voluntary gifts}.
\textsuperscript{65} Which may be obligatory as reparation or purification offerings; for persons far from the Sanctuary they do not require an additional trip. \textit{Sifry Num.} 152.
\textsuperscript{66} Num. 29:39. “These” refer to \textit{in addition to your vows, and your voluntary gifts, your elevation offerings, and your flour offerings, and your libations, and your well-being offerings}. The plural “your festive occasions” shows that for missing one holiday one cannot transgress “do not delay”; Babli 4b.
\textsuperscript{67} Deut. 12:5-6.
\textsuperscript{68} The sentence is the last in the list of holiday sacrifices for the entire year. \textit{Sifry Deut.} 63.
\textsuperscript{69} \textit{Sifra Emor Pereq} 15(1-4).
They asked before Rebbi Ila, so far for a commandment. From where a prohibition? The verse says 67, you shall come there and bring there. Where do we hold? If for a commandment, it already had been said 66. But if it cannot refer to a commandment, refer it to a prohibition. *Does one transgress about a Pesah sacrifice at its proper time 70? It was found stated, about Pesah sacrifice at its proper time one transgresses. If it were otherwise, what would we say? Rebbi Samuel, the son of Rebbi Yose ben Rebbi Abun said, that you should not say that since if it was lost and found after the owner was exculpated, its body is brought as well-being of offering 71, therefore it was a question whether one transgresses about a Pesah sacrifice at its proper time 72. They asked before Rebbi Ze`ira, does one transgress between one holiday and the next 73? Rebbi Abba objected, was it not stated, a holiday offering which was not brought on the first shall be brought on the second; does one permit him to transgress 74? In addition from the following: You shall do 75, a positive commandment. Guard 75, a prohibition. Does he not transgress a positive commandment and a prohibition only after three holidays 76? Rebbi Abun in the name of the rabbis there: If one said, I take upon me the obligation to bring an elevation offering on Monday. Once Monday has passed and he did

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בך. שעקל השלח ברל אחר מעשה לא אתי אלוהים.

בך. לא כלל מעשה ממקי. כלל מעשה לפני.

They asked before Rebbi Ila, so far for a commandment. From where a prohibition? The verse says 67, you shall come there and bring there. Where do we hold? If for a commandment, it already had been said 66. But if it cannot refer to a commandment, refer it to a prohibition. *Does one transgress about a Pesah sacrifice at its proper time 70? It was found stated, about Pesah sacrifice at its proper time one transgresses. If it were otherwise, what would we say? Rebbi Samuel, the son of Rebbi Yose ben Rebbi Abun said, that you should not say that since if it was lost and found after the owner was exculpated, its body is brought as well-being of offering 71, therefore it was a question whether one transgresses about a Pesah sacrifice at its proper time 72. They asked before Rebbi Ze`ira, does one transgress between one holiday and the next 73? Rebbi Abba objected, was it not stated, a holiday offering which was not brought on the first shall be brought on the second; does one permit him to transgress 74? In addition from the following: You shall do 75, a positive commandment. Guard 75, a prohibition. Does he not transgress a positive commandment and a prohibition only after three holidays 76? Rebbi Abun in the name of the rabbis there: If one said, I take upon me the obligation to bring an elevation offering on Monday. Once Monday has passed and he did
not bring it, he transgresses\textsuperscript{77}. If its year is complete you cast down the last
day and he transgresses every single day\textsuperscript{78}. If it is so, if three holidays have
passed you cast down the last holiday and he transgresses every single
holiday. Rebbi Abun bar Hiyya asked, if its year was completed on Pentecost,
is it possible to say it is not qualified and he transgresses\textsuperscript{79}?

* Here starts an extensive Genizah
fragment edited by L. Ginzberg (G).

70 If an animal was dedicated to be used as
Pesah and intentionally it was not used, it
cannot be used the next year since it will be
too old. It cannot be used as well-being
sacrifice since it does not qualify under the
rules spelled out in Pesahim. Therefore the
three-holiday rule is not applicable in this
case, and the three-holiday rule is not
applicable in all cases. (The animal could
be sold immediately for a sacrifice and the
money used to buy an animal as well-being
sacrifice to which the three-holiday rule
would apply.)

71 Mishnah Pesahim 9:5, Note 82.

72 Since if the omission is not intentional
the three-holiday rule would apply.

73 Since the obligation of actually bringing
the sacrifice is restricted to the holiday week
(in the case of Pentecost, which has no
week, the holiday and the following six
days.)

74 Therefore the question asked before R.

Ze`ira has to be answered in the negative.

75 Deut. 23:24; the source about vows in
general.

76 As established in the preceding
paragraph.

77 This is another case in which the three-
holiday rule is inoperative. If a specific date
was mentioned in the vow, once the date is
passed the vow is not fulfilled.

78 This is a different case, similar to that
of Pesah. All animals destined for the altar
have age limits. If an animal was vowed to
the altar but its age limit was reached before
it was sacrificed, the vow cannot be fulfilled
anymore and is broken irrespective of the
three-holiday rule.

79 Since on the holiday itself only the
holiday offerings may be slaughtered, and
on the following days the animal already
would be too old, the animal would have to
be offered on the day preceding the holiday.
(The same statement could have been made
for any other holiday.)
As this: \(^{80}\) *The fat of my holiday offering shall not stay until the morning* \(^{81}\). But could parts from weekday be brought on a holiday? \(^{82}\) Rebbi Abbahu said, I confirmed it, if the Fourteenth fell on a Sabbath. <Rebbi Yose asked, if the Fourteenth fell on a Sabbath,> \(^{83}\) no holiday offering comes with it, that the Torah has to say, bring it to the altar when it is still daylight lest it come to “not stay” \(^{84}\)? And here, bring it to the altar when it is still daylight lest it come to “not tarry” \(^{79}\). Rebbi Hinenena said, if he transgressed and brought, is it not qualified? \(^{85}\) Since it is qualified if he transgressed and brought, he would transgress \(^{86}\).

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80 This paragraph also appears word for word in *Pesahim* 6:5, Notes 42-48.

81 Ex. 23:18. The first part of the verse is about slaughtering the *Pesah*. The second part quoted here explicitly mentions the holiday offering, the required family sacrifice on the occasion of the holiday pilgrimage, but is interpreted to include the fat of the *Pesah*.

82 Since the 15th of Nisan is a holiday, it seems obvious that parts of a sacrifice brought on the 14th have to be burned before the start of the holiday; the verse seems to be meaningless.

83 Missing in the ms., added from G. In *Pesahim* the name is R. Jonah.

84 Even if we restrict the meaning of the sentence to holiday offerings, since there is none if the 14th falls on a Sabbath, the explanation of R. Abbahu seems pointless.

85 This argument that a holiday offering, brought in error on the 14th which is a Sabbath, is qualified and the person who brought it is not liable for a Sabbath infraction, is not found in the Babli and the surviving Tosephta mss.; it is quoted as R. Meïr’s opinion in the Tosephta of the Bomberg Babli, *Pesahim* 5:4.

86 If one brings a holiday offering on a 14th which is a Sabbath, the explanation of R. Abbahu applies. The verse is not meaningless.
It is written 87: *Before the Eternal, your God, you shall eat it year by year*. A year for itself, and a year for its substitution 88. A year for the unblemished and a year for the blemished 89. A year for the firstling and a year for sancta 90. *Year by year*, this teaches that the firstling is eaten for two days 91 and two years. How is this? If he slaughtered it on the eve of New Year’s day and ate it on the eve of New Year’s day and on New Year’s Day. Rebbi Ismael stated: If it developed [a blemish] on the fifteenth day of its year, he is permitted to keep it after its year another fifteen days. Rebbi Ila said, this implies that a year for the blemished one is not clear 92. Rebbi Yose said, a baraita supports Rebbi Ila: Today 93 one is permitted to keep a firstling for four or five years before one shows it to an expert. Where do we hold? If for an unblemished one, it already has been said 94. But if it cannot refer to the unblemished one, let it refer to the blemished. Both for the firstling and for any sancta one transgresses because of holidays without a year, and because of a year without holidays. One understands holidays without year 95. Year without holidays? There 96, they said, explain it if it was too young for Passover 97. As you are saying there, what is suitable for part of the year is suitable for the year 98, so say here also, what is suitable for part of Passover is suitable for Passover 99. Rebbi Abba Mari said, explain it that the coming Pentecost was on the fifth, it was born on the sixth, and the next Pentecost was on the seventh. 100

87 Deut. 15:20, referring to the firstling of animals acceptable on the altar.

88 While it is prohibited to substitute another animal for one that either was dedicated or is automatically dedicated (such as the firstling or the tithe animal), the substitution is not invalid but the substituted animal becomes dedicated under the rules applying to the original one (Lev. 27:10), but for the substitute the year is counted only from its dedication.

89 Since the defective firstling also may not be used for work but must be consumed as profane food, the time limit imposed on the unblemished firstling, one year, also applies to the blemished one. *Sifry Deut.*
124.  
90 A dedicated animal must be sacrificed within one year, even if this year does not comprise three holidays, as explained in the sequel.
91 While for all sacrifices detailed in Lev. the maximum time allowed for consumption is indicated, nothing is stated in this respect for the firstling, whose rules are given in Ex. and Deut. From the double mention of “years” it is inferred that the firstling can be eaten in two different years and therefore also on two different days. Accordingly, it may be eaten on 2 consecutive days and this therefore also is the maximum. Sifri Deut. 125; Babli Bekhorot 27b, Temurah 21b.
92 The deduction from the verse is informal support for common practice, not an explicit biblical rule.
93 In the absence of a Temple. Babli Bekhorot 28a.
94 Since nothing can be done with a male firstling of cattle and sheep than to bring it as a sacrifice and eat it in purity, in the absence of a Temple, by the simple meaning of the verse it has to be kept indefinitely until it develops a blemish. Therefore the only new information of the baraita is that even as blemished animal it can be kept indefinitely, and need not immediately to be certified by a competent authority as blemished and permitted to be slaughtered and consumed.
95 Following the Sages, the sequence of three holidays always is less than a year. Babli 6b.
96 In Babylonia.
97 No animal may be sacrificed younger than 8 days old (Lev. 22:27). If the animal was born shortly before Pesah it becomes a possible sacrifice only later. By the time of the next Pesah, more than a year will have elapsed.
98 As will be shown in the next paragraph, the year of the firstling is counted from the date of its birth, not the date of its becoming an acceptable sacrifice; disputed by the Babli, 6b/7a.
99 Since the additional sacrifices of a pilgrim to the Temple must be brought during the holiday week, not on the first day, there is no reason to count Passover as valid first holiday in the sequence. Therefore the Babylonian argument is incorrect.
100 This presupposes a variable calendar, based on observation of the new moon. Pentecost is the 50th day after the first day of Passover. In the current calendar, where Nisan always has 30 days and Iyar 29, Pentecost is on the 6th of Siwan. If both months have 29 days, it will be on the 7th; if both have 30 days, it will be on the 5th. Babli 6b; cf. Halakhah 4.
Rebbe Abun bar Hiyya asked before Rebbi Ze`ira: It is written, do not investigate between good or bad. If he transgressed and investigated, does he transgress? He told him, for anything which comes to permit one does not transgress. What does it come to permit? Here the Torah permitted to dedicate deficient animals. There, we have stated: “On the eighth day he brings three animals, purification sacrifice, reparation sacrifice, and elevation sacrifice. But the poor man brought birds as reparation and elevation offerings.” Is not the bird as reparation offering deficient in time next to the reparation offering? Rebbi Eleazar said, here the Torah did permit to dedicate those deficient in time. Rebbi Abba bar Mamal asked before Rebbi Immi: It is written, on the eighth he shall bring. If he transgressed and did not bring, does he transgress? He told him, for anything which comes to permit one does not transgress. What does it come to permit? As Rebbi Eleazar said, here the Torah did permit to dedicate those deficient in time. Rebbi Yose ben Rebbi Abun said, all seven days one does not tell him, bring. Afterwards one tells him, bring. A baraita disagrees with Rebbi Yose ben Rebbi Abun: Everybody plans and brings his sacrifices on the holiday. One understands a nazir. Is the sufferer from skin disease not missing atonement? And did we not state, Hallel and joy eight? Explain it for a nazir. Rebbi Sachariah the son-in-law of Rebbi Levi asked, the beginning one explains for a nazir and the end for a sufferer from skin disease? Rebbi Hanania the son of Rebbi Hillel said, was this not already objected there? And Rebbi Yose said, Rav
Eudaimon the emigrant explained it for Cohanim and the goat. Here also, Cohanim and the goat.

101 *Lev.* 27:33. When one counts the calves or lambs born in one tax year, the tenth must be consumed, if unblemished as a sacrifice (of which the altar gets the blood but the Cohanim nothing); if blemished as profane food.

102 If one transgressed the biblical injunction and substituted an unblemished animal for a blemished one, both animals are dedicated (*Lev.* 27:34). The question now is whether he transgresses the commandment “do not tarry” unless the substituted animal was sacrificed within one year or before three holidays have elapsed.

103 Since the sanctity of the tithe is conferred on the substituted animal even if it is blemished and the original unblemished.

104 *Mishnah* Nega’im 14:7; the purification ritual of the healed sufferer from skin disease (*Lev.* 14:1-32.)

105 This word is missing in G and it seems that it should be deleted. It is stated in *Lev.* 14:10 that the rich sufferer from skin disease brings two undifferentiated male sheep and one female. The female automatically is the purification offering; of the males one will be designated by the Cohen as reparation offering and the other as elevation offering. Therefore the dedication of the purification offering precedes that of the reparation offering. Now Mishnah Zevahim 10:5 notes that while in general purification offerings precede reparation ones, for the healed sufferer from skin disease this is not so since the ritual described in vv.14-18 is the prerequisite for the other two sacrifices. Therefore the dedication of the purification offering which is not a bird happens at a time when the animal cannot be sacrificed. In the case of the poor man, the birds for purification and elevation offerings are dedicated after the lamb of the reparation offering; the argument is not applicable.

106 *Num.* 6:10, sacrifices of the impure nazir.

107 As before, if the impure nazir does not bring his sacrifices on the eighth day, would he transgress “do not tarry” if he waited more than 3 holidays or one year to bring them?

108 As for the healed sufferer from skin disease.

109 He disagrees and holds that both the healed sufferer from skin disease and the impure nazir transgress the prohibition “do not tarry” immediately at the end of the eighth day.

110 It is presumed that anybody making a vow to offer a sacrifice from the start intends to fulfill his vow on a holiday of pilgrimage; the same holds for obligatory sacrifices whose obligations arise in the meantime.

111 The nazir who was impure by the impurity of the dead is purified by sprinkling with water containing ashes of the Red Cow and immersion in a *miqveh*; his sacrifice on the eighth day is the start of his new period of nezirut. He may bring his holiday offering on the holiday itself and later his nazir offering during the holiday week. But for the sufferer from skin disease the reparation offering is required to permit him access to the Temple domain; by
necessity this would have to occur before the holiday for him to make a valid pilgrimage.

112 Mishnah Sukkah 4:1. As explained there in Halakhah 4, if the first day of the holiday is a Sabbath, the festival offering which is the symbol of joy may be brought only on the second day, and there would only be 7 days of joy.

113 This refers to Mishnah Sukkah 4:6. Eight days of joy are possible for the nazir (if the first day of the holiday is not a Sabbath), but the last day also is accessible to the sufferer from skin disease who brings his enabling sacrifice during the holiday week.

114 As explained in Sukkah 4:5, Note 82. Eight days of joy (i.e., eating sacrificial meat) always is possible for the Cohanim in the Temple. Since it is not implied that everybody is required to have 8 days of access to sacrificial meat, there is no problem with the healed sufferer from skin disease: he may bring his enabling sacrifice during the holiday week and the holiday is counted for him.
necessary to say, *do not tarry to fulfill it*, but not its substitute\textsuperscript{121}. Rebbi Yose said, if he said, upon me is the obligation, he transgresses immediately\textsuperscript{122}. But we must hold about one who says, this one shall be an elevation offering\textsuperscript{123}. There passed two holidays and he brought another one [in its stead but did not sacrifice it immediately]\textsuperscript{124} and there passed by another holiday for it. I would say that it combines with its replacement for three holidays. Therefore it was necessary to say, *do not tarry to fulfill it*, but not its substitute\textsuperscript{125}.

\textsuperscript{115}Lev. 12:3.

\textsuperscript{116}Deut. 23:22.

\textsuperscript{117}The root סלש not only means “to fulfill, to pay” but also “to give in replacement”. This is read to mean that the prohibition to tarry in fulfilling a vow is restricted to cases where the way of fulfilling depends on the person making the vow. In contrast the obligation to circumcise one’s sons is fixed and not given to the discretion of the circumciser; the obligation not to tarry does not apply.

\textsuperscript{118}Since the verse says *do not tarry to fulfill it*, not simply *do not tarry to fulfill*. Sifry Deut. 264.

\textsuperscript{119}Lev. 17:4; same argument as before.

\textsuperscript{120}The text is elliptic. First it is stated that he makes the vow “to bring an מטרה” without specifying a particular animal. Then is stated “another”, which implies that in the meantime he had dedicated an animal for his vow, but did not use it for the sacrifice.

\textsuperscript{121}After one animal is dedicated for the vow, any other animal is an unrelated sacrifice.

\textsuperscript{122}After three holidays.

\textsuperscript{123}Which now is not a vow but a voluntary offering, also subject to the three-holiday rule.

\textsuperscript{124}Corrector’s addition; to be deleted as shown by G.

\textsuperscript{125}The substitute being a separate offering, its term of 3 holidays only starts with its dedication. Differently Babli 5b.
For demanding will demand\textsuperscript{127}, these are purification and reparation offerings\textsuperscript{128}. The Eternal, your God, this is dedication for the upkeep of the Temple. From with you, this is collecting single stalks, forgotten sheaves, and peah\textsuperscript{129}. Or there would be sin in you, but no sin in your sacrifice\textsuperscript{130}.” For otherwise what would we say? Rebbi Samuel the son of Rebbi Yose ben Rebbi Abun said, that you should not say, maybe the sacrifice will be found disqualified; therefore it was necessary to say, (do not tarry to fulfill it, and not its substitute) [there would be sin in you, but no sin in your sacrifice.\textsuperscript{131}]

The pronouncement of your lips you shall guard and execute\textsuperscript{132}. “You shall guard and execute, to alert the court that they should force you.\textsuperscript{133}” The rabbis of Caesarea in the name of Rebbi Avuna: From here the pledge\textsuperscript{134}. As you vowed to the Eternal, your God, a voluntary gift. Is there a vow which is called voluntary gift\textsuperscript{135}? But to make him liable for each single vow and every single voluntary gift. “What is the vow about which they spoke? He who says, on me is the obligation for an elevation offering\textsuperscript{136}. What is the voluntary gift about which they spoke? He who says, this one is for an elevation offering.”\textsuperscript{138} Rebbi Hama the colleague of the rabbis asked, if he said, “on me is the obligation”, and came back and said, “this one is”\textsuperscript{139}? Rebbi Hinena asked, would it not be reasonable if he said, “this one is”, and came back and said, “on me is the obligation”? A severe prohibition falls one a simple prohibition but a simple prohibition does not fall on a severe prohibition\textsuperscript{140}.

\textsuperscript{126} Babli 5b, Sifry Deut. 164.
\textsuperscript{127} Deut. 23:22.
\textsuperscript{128} Which are obligations demanded by God and cannot be objects of vows. Once the obligation is incurred, it has to be discharged within 3 holidays or one year.
\textsuperscript{129} Since it is an obligation to support the poor with you (Ex. 22:24); explanation of Rashi.
\textsuperscript{130} As explained in the text, the sacrifice remains qualified even if brought too late.
\textsuperscript{131} As shown by G, the (scribe’s text) is correct, [the corrector’s text] has to be deleted.
\textsuperscript{132} Deut. 23:24; Sifry Deut. 165. Babli 6a.
\textsuperscript{133} A vow is an obligation enforceable in court.
\textsuperscript{134} Sheqalim and other obligations to the Temple can be enforced by forcibly taking pledges from the debtor’s property.
In rabbinic legal terminology, the sentence is self-contradictory since it equated vows with voluntary donations, which have different legal status.

His obligation is extinguished only by the offering of a qualified animal as sacrifice, irrespective of other circumstances.

His obligation is limited to this particular animal. If it dies or develops a disqualifying blemish, his obligation is terminated.

Mishnah Qinnim 1:1. Babli 6a, Megillah 8a, Hulin 139a.

Is this a new obligation or is it a dedication of a specific animal intended to fulfill its prior general obligation? It is presumed that the second statement immediately follows the first.

In the second case, the voluntary gift is transformed into a vow. In the first case, the vow is not transformed into a voluntary gift.

“They added to them the lease of houses and the heave of sheqalim.”

The lease of houses. Rebbi Jonah said, only if he said, this year. But if he said, one year, he pays from date to date. The heave of sheqalim, as Rebbi Samuel ben Isaac said, as at its start: It was in the First month of the Second year, on the first of the month, that the Sanctuary was erected. It was stated hereto, on the day the Sanctuary was erected, on the same day the contribution was collected. Rebbi Tabi, Rebbi Yoshia in the name of Cahana. It is said here months, and it is said there, months. Since months mentioned there are only counted from Nisan, so also months mentioned here are only counted from Nisan. Rebbi Jonah said, Rebbi Tabi left out the start and only quoted the end; this is not done since it was stated: This is the
elevation sacrifice for a month at its New Moon. I could think that one should collect every month, the verse says at its New Moon for the months; at one New Moon one collects for all months of the year. I could think, on any month of his choosing, it is said here months, and it is said there months. Since months mentioned there are only counted from Nisan, so also months mentioned here are only counted from Nisan.

141 To the list of items for which the first of Nisan is the beginning of a new year.

142 Tosephta 1:1, Babli 7a.

143 If the lease is for “this year” it means a calendar year. Since rent usually is paid monthly, the next year starts with the first month. But if the lease is for “one year”, it runs from one date to the same date the next year starts with the same date the following year. Tosephta 1:5, Babli 7b.

144 From here to the end of the paragraph the text is from Sheqalim 1:1, Notes 11-16.

145 Ex. 40:17.

146 Num. 28:14.

148 There, we have stated: “Rebbi Meïr says, on the first of Elul is the New Year for animal tithes. Ben Azzai says, those born in Elul are to be tithed separately.” Rebbi Huna said, The reason of Rebbi Meïr: Up to that point they finish to give birth from the old ones; after that they start to give birth...
from the new ones. Rebbi Yose ben Rebbi Abun in the name of Rav Huna: The reason of Rebbi Eleazar and Rebbi Simeon, *the rams are mounting the ewes,* these are the early ones, *and the valleys are clothed in grain,* these are the late ones, *they are friends and also are tithed,* both enter the corral to be tithed. Ben Azzai said, since these are saying this and those are saying that, those born in Elul should be tithed by themselves. How is this? If there were born in his flock five in Av, five in Elul, and five in Tishre, they do not combine. If there were born in his flock five in Av and five in Tishre, they combine. [This implies that Ben Azzai was colleague and student of Rebbi Aqiba] and Ben Azzai decides between his students. Rebbi Jeremiah, Rebbi Miasha in the name of Rebbi Samuel bar Rav Isaac: For so disagreed the fathers of the world. Who are the fathers of the world? Rebbi Jonah stated before Rebbi Jeremiah: Rebbi Ismael and Rebbi Aqiba. This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you are saying that he was his teacher, is there anybody who says to his teacher, [“since these are saying this and those are saying that”]? Rebbi Abun in the name of Rebbi Samuel bar Rav Isaac understood it from the following: “Ben Azzai said to him, we are sorry about their disagreement, and you come to find us disagreement where they are concurring.” This implies that Ben Azzai was colleague and student of Rebbi Aqiba. If you are saying that he was his teacher, is there anybody who says to his teacher,] “you come to find us disagreement”, etc?

147 Here ends the first Genizah fragment.

148 This text is from *Sheqalim* 3:1, Notes 13-20, q. v.

149 Corrector’s addition, erroneous as shown by the text in *Sheqalim.*

150 Added by the corrector from *Sheqalim.* The “etc.” at the end shows that the scribe from the start did not intend to copy the entire argument.
There, we have stated: “Any born from the first of Tishre until the 29th of Elul combine; five before New Year’s day and five after New Year’s day do not combine. Five before the threshing floor and five after the threshing floor do combine.” “Then why did they say, there are three threshing floors for animal tithe? Because up to the time of the threshing floor one is permitted to sell or slaughter. From the time of the threshing floor he may not slaughter, but if he slaughtered he is not liable.”

Rebbi Yose said, this implies that the rules of animal tithe are neither like those of germinating nor like those of a third. If you would say like germinating, it should state, all whose pregnancy starts from the 29th of Elul. If you would say like a third, it should state, up to the 22nd. Rebbi Shammai in the name of Rebbi Abun bar Hiyya: Like the third, they made it following Rebbi Simeon, since Rebbi Simeon said, {an animal} before its time enters the corral to be tithed. Rebbi Mana met Rebbi Shammai; he asked him, did you say that? But did we not state, “Ben Azzai says, those born in Elul are to be tithed separately.” Not even if it was born up to the 29th of Elul? Could you say that Ben Azzai follows Rebbi Simeon? You have to say, he follows the rabbis. Just as you say following the rabbis, he leaves them for the next year and they will be tithed with the others of their year, so you have to say following ben Azzai, he leaves them for the next threshing floor and they will be tithed with those from Elul. Rebbi Huna said, this implies that the days of a firstling while he still is before its time are counted for its year. Rebbi Mana said, my father Rebbi Jonah understood this from the following: Any male firstling which is
born to your cattle and small cattle dedicate to the Eternal, your God. How is this? You count its year from the moment it is born.

151 This also is from Sheqalim 3:1, Notes Bekhorot.

Mishnah 2: On the first of Tishre is New Year for years\(^{153}\), and remission of debts, and Jubilee periods\(^{154}\), and for planting\(^{155}\), and vegetables\(^{156}\). On the first of Shevat is New Year for trees\(^{157}\) following the House of Shammai; the House of Hillel say, on the fifteenth of it.

153 For dating contracts.
154 In Lev. 25, Sabbatical periods are called years, and the Jubilee is tied to Sabbatical periods and is proclaimed in Tishre, the seventh month.
155 The years of orlah when tree fruits may not be harvested. Three years, ending and starting on the First of Tishre.
156 For (rabbinic) tithing of vegetables. Produce of Elul and of Tishre may not be tithed together.
157 For tithing fruits of trees, including the biblical tithes for olive oil and grape juice (wine).
Halakhah 2: From where years\textsuperscript{158}\? One verse says\textsuperscript{159}, the festival of gathering at the end of the year, and another verse says\textsuperscript{160}, the festival of gathering at the turn of the year. Which month contains a festival, and a turning point, and the year starts from it? Which one is this? It is Tishre. If you would say Ṭevet, there is a turning point\textsuperscript{161} but neither festival nor gathering. If you would say Nisan, there is a turning point\textsuperscript{162} and a festival, but no gathering. If you would say Tamuz, there is a turning point\textsuperscript{163} but no festival. So which one is this? It is Tishre. The colleagues said before Rebbi Jonah: should it not be Tamuz? He told them, it is written, in the seventh month\textsuperscript{164}, and your are saying so? They said to him, should it not be Tamuz\textsuperscript{165}? He said to them, from here on you are quarrelling with me about names of months? As Rebbi Hanina said, the names of the months ascended with them from Babylonia. Originally, in the month of Ethanim\textsuperscript{166}, in which the Patriarchs were born, and the Patriarchs died, and the Mothers were remembered\textsuperscript{167}. Originally, in the month of Bul\textsuperscript{168}, where the leaves are falling, and the earth is made into lumps; where one mixes for domestic animals in the house\textsuperscript{169}. Originally, in the month of Ziw\textsuperscript{170}, which is the splendor of the world, when plants are recognized and trees recognized\textsuperscript{171}. From then onwards\textsuperscript{172}, it was in the month of Nisan of year twenty\textsuperscript{173}; it was in the month of Kislev of year twenty\textsuperscript{174}; in the tenth month, this is the month of Ṭevet\textsuperscript{175}. Rebbi Simeon ben Laqish said, also the names of angels were in their hands from Babylonia. Originally, there flew to me one of the Seraphim\textsuperscript{176}; Seraphim standing over Him\textsuperscript{177}. From then on, but the man Gabriel\textsuperscript{178}; but your lord Michael\textsuperscript{179}.

\textsuperscript{158} That the Pentateuch counts years from the Fall equinox.
\textsuperscript{159} Ex. 23:16.
\textsuperscript{160} Ex. 34:22.
\textsuperscript{161} The winter solsticce.
\textsuperscript{162} The spring equinox.
\textsuperscript{163} The summer solsticce.
\textsuperscript{164} Num. 28:24.
\textsuperscript{165} Maybe the month of the fall equinox should be called “Tamuz”.
\textsuperscript{166} 1K. 8:2.
\textsuperscript{167} One cannot say that Sarah and Rebecca became pregnant in Tishre, this would contradict the statement that Abraham, Isaac, and Jacob were born in Tishre. So one has to say that in that month the Divine decree was passed that the mothers should become pregnant. The language is taken from Gen. 21:1. Babli Berakhhot 29a.
\textsuperscript{168} 1K. 6:37.
169 Because in November there is little food to be found in the fields.  
170 *IK.* 6:2, misquoted.  
171 In Nisan the growth on newly sown fields is recognizable and fruit trees are blossoming.  
172 After the Babylonian exile.  
173 *Neh.* 2:1.  
174 *Neh.* 1:1.  
175 *Esth.* 2:16.  
177 *Is.* 6:2.  

From where for remission of debts? *At the end of seven years make remission of debts*\(^{180}\). Since years are counted from Tishre, also remission of debts is counted from Tishre. For Jubilee periods\(^{181}\) from where? *You shall count for yourselves seven Sabbatical periods of year, seven years seven times*\(^{182}\). Since years and Sabbaticals are counted from Tishre, also Jubilee periods are counted from Tishre. They objected, is it not written\(^ {183}\), *you shall sound the shofar of cheer in the seventh month*, etc. Rebbi Jonah and Rebbi Yose, both in the name of Rebbi Samuel bar Rav Isaac: So that all months of the year be equal and no month be divided into two years\(^ {184}\). They objected, did we not state, “on the first of Shevat is New Year for trees following the House of Shammai; the House of Hillel say, on the fifteenth of it”? Then not all months of the year are equal and a month is divided into two years\(^ {185}\).

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169 *Neh.* 2:1.  
170 *Neh.* 1:1.  
171 *Esth.* 2:16.  

\(^{180}\) *Deut.* 15:1. Different Babli 8b. \(^{184}\) Since months follow the moon and years the sun, there is no intrinsic reason to adapt months to years.  
\(^{181}\) Note the spelling which indicates a pronunciation *yubilot*. \(^{185}\) For the House of Hillel the reason given to prefer New Year’s day to the Day of Atonement does not hold. In effect the first 10 days of the Jubilee are somewhat in limbo; the laws of the Jubilee are...
enforceable only after the Day of Atonement. Babli 8b.

How for saplings? It was stated186: “If somebody planted, sank187, or grafted 30 days before the New Year, it counts for him as a full year188 and he is permitted to keep it in the Sabbatical year. Less than 30 days before the New Year, it does not count as a full year and he is not permitted to keep it in the Sabbatical year. Truly, they said, the fruits of this planting are forbidden until the fifteenth of Shevat.” What is the reason? Rebbi Yasa in the name of Rebbi Johanan: And in year [the fourth]189. How do you understand this? Rebbi Ze`ira said, three years they shall be uncircumcised190, and in year. Rebbi Abba bar Mamal said before Rebbi Ze`ira: It is understandable if he planted it 30 days before the New Year191. But if it was not planted 30 days before the New Year? Come and see: Is not a full year being counted for him, and you say so192? He said to him: If it is so, even if he planted 30 days before the New Year, should it not be forbidden until 30 days before the New Year193? What about it? Rebbi Mana said, since it stands in the middle of its year194, it has to finish its year.

186 Tosephta Ševi`it 2:3. The following text essentially is from Ševi`it 2:6, Notes 49-57; Babli 9b.
187 One takes a branch of a vine, buries must of it in the ground, only the end is above ground. This will develop into a new vine; the buried branch will develop roots. The new vine is counted as newly planted; its fruits are forbidden during the first three years.
188 For the prohibition of orlah and the obligation to redeem the fruits in the fourth year; Lev. 19:23-24.
189 The text in brackets was added by the corrector in order to make clear which verse is quoted; it is not in Ševi`it. Since the next
sentence makes it clear which verse is intended, it is unnecessary.

190 *Lev.* 19:23-24. The fourth year may be, or must be, included in the three years of *orlah*. This applies only to the special case considered here (interpretation of Maimonides) or in all cases (R. Zerahia Hallevi, R. Nissim Gerondi).

191 The question is about mixing the rules of the Sabbatical with those of *orlah*. Either the 15th of Shevat should not apply to trees planted less than 30 days before New Year’s Day or one should not have to wait more than one year, to the following New Year’s Day, to count year 2 of the sapling planted less than 30 days before the end of the current year.

192 Even though the fourth year of the tree starts on Tishre 1, one has to wait another 4½ months to use its fruit.

193 If the 15th of Shevat is not a universal date, should not any fruit be forbidden for three full years, counted from date to date?

194 Since “middle of the year” excludes the last 30 days, one will have to wait until the fourth New Year to use the fruit since the years have to be completed; then one does not have to wait for the 15th of Shevat (interpretation of Maimonides.) In his opinion, if a sapling was planted 44 days before New Year’s day, 14 days for the roots to take hold and 30 days to grow, one does not have to wait for the 15th of Shevat but may use the fruit on New Year’s day.

195 Since one vegetable was harvested in one fiscal year and the other in the next, the Jew will have to give extra tithe for the Gentile’s harvest (taken from Jewish property in the Holy Land). Babli 12a.

How for vegetables? If a Jew collected on the eve of New Year’s day before it became dark, and a Gentile after dark, he gives tithe for each by itself.
Rebbi Ze`ira, Rebbi Ila, Rebbi Eleazar in the name of Rebbi Hossaia. [One said,] already most of the rains of the entire year have passed, and also most of the season is gone. But we do not know who said what. Since Rebbi Yasa, Rebbi Ila, Rebbi Eleazar in the name of Rebbi Hossaia said, already most of the rains of the entire year have passed, and also most of the season is gone, it follows that Rebbi Ze`ira said, up to then they live from the rains of the past year, from then on they live from the water of the next year. 196 "It happened that Rebbi Aqiba picked an etrog 199 and observed for it the stringencies of the House of Shammai and those of the House of Hillel." Why about a citron and not about any tree 200? It was stated 201 “the stringencies of Rabban Gamliel and those of Rebbi Eliezer.” But do Rabban Gamliel and Rebbi Eliezer not refer to the House of Hillel 202? Rebbi Yose ben Rebbi Abun said, explain it that it budded before the 15th of Shevat of the second year, and the third year came 203. In the opinion of Rabban Gamliel it is subject to tithe of the poor; in the opinion of Rebbi Eliezer it is subject to second tithe. How did he handle this? He gave a name to the tithe in it, redeemed it, and gave it to the poor.

196 From here on there exists a parallel text edited by J. Sussman (Kobez al Yad 12 (22), Jerusalem 1994, pp. 34 ff., A), from Ashkenazic mss., mostly recovered from book bindings. The text in general does not reproduce the text between arguments; it is not clear whether it is intended as Yerushalmi or the “Book Yerushalmi” referred to by early Medieval authors and whose existence was postulated by Aptowitzer. The paragraph refers to the New Year of Trees, either Shevat 1 or Shevat 15.

197 Corrector’s addition, required by the text.

198 The remainder of the paragraph also is in Bikkurim 2:5 (Notes -142), א. The quote is from Tosephta Ševi`it 4:21.

199 For which in Mishnah Bikkurim 2:5 it was stated that for R. Eliezer it is treated as
fruit of a tree, but Rabban Gamliel says that while it is the fruit of a tree it is tithed like vegetable, that the time of harvest is determining, not the time of budding, since an etrog may stay on the tree for many seasons.

200 If it is a matter of dates, why is it mentioned that it was an etrog?

201 In the Tosephta this is the tradition of R. Yose ben R. Jehudah. In this case the reference to etrog is essential.

202 After the destruction of the Temple, the authorities who developed rabbinic Judaism were all students of Rabban Johanan ben Zakkai of the House of Hillel, irrespective of their prior affiliations. The wholehearted support both of Rabban Gamliel and of R. Eliezer for the doctrines of the former House of Hillel may be questioned but not their adherence to the rules adopted by Rabban Johanan ben Zakkai.

203 In any Sabbatical cycle, in addition to the First Tithe given to the Levite, a Second Tithe (property of the farmer, to be eaten in purity at the place of the Temple) is due in years 1,2,4,5; but in years 3,6 the second tithe is to be given to the poor. Therefore an etrog grown in year 2 but harvested in year 3 is subject to Second Tithe for R. Eliezer but to the tithe of the poor for Rabban Gamliel. Babli 14a.

Mishnah 3: On four times the world is judged. On Passover about grain, on Pentecost on tree fruits, and on New Year’s Day all in the world pass before Him like bene maron, as it is said, Who creates together their hearts, Who understands all their deeds. And on Tabernacles they are judged about water.

205 In particular wine and olive oil.

206 S. Liebermann follows J. Levy to read one word, Latin numerus, Greek νομισμον, “legion” on parade (the rabbis’ interpretation in the Halakhah and Samuel’s in the Babli 18a, bottom). A. M. Haberman prefers to read פִּיזִים as “heavenly beings”, noting that the Targum to Job translates Job 1:6: “It was on the day of judgment, on New Year’s Day, that groups of angels came to stand in judgment before the Eternal, and there came the Satan alone among them;” referred to by Rashi and Ibn Ezra ad loc.

207 Ps. 33:15.
Halakhah 3: There are Tannaim who state, all \(^{208}\) is judged on New Year’s Day and judgment is passed for every item on New Year’s Day. There are Tannaim who state, all is judged on New Year’s Day and judgment is passed for every item on the Day of Atonement\(^ {209}\). There are Tannaim who state, all is judged on New Year’s Day and judgment is passed for every item on its proper time\(^ {210}\). There are Tannaim who state, every item is judged on its proper time and judgment is passed for every item on its proper time. Our Mishnah follows him who said, all is judged on New Year’s Day and judgment is passed for every item on New Year’s Day, since it is stated in the blowing prayer \(^ {211}\) of Rav: “This is the day, the beginning of Your works, remembrance of the First Day, for it is a decree for Israel, a law for the God of Jacob. On it will be proclaimed for countries which one will be for war, and which one for peace, which one for
famine, and which one for plenty\textsuperscript{213}. And creatures will be counted on it, to remember them for life or for death.” This does not follow Rebbi Yose\textsuperscript{214}, since Rebbi Yose said, an individual is judged every moment. What is the reason? \textit{You are counting him in the mornings; in moments You are examining him}\textsuperscript{215}. \textit{You are counting him in the mornings}, this refers to his provisions\textsuperscript{216}; \textit{in moments You are examining him}, this refers to his food. The Elder Rebbi Isaac in the name of Rebbi: \textit{King and public are judged every day}. What is the reason? To look after the right of His servant and of His people Israel; each day’s affairs on each day\textsuperscript{217}. Rebbi Levi said, \textit{He will judge the dry land in equity, will pass judgment over peoples in straightness}\textsuperscript{218}. The Holy One, praise to Him, judges Israel during daytime when they are occupied earning merit, and the nations during the night, when they are resting from evil deeds. Samuel said, as He judges Israel so he judges the nations. How does Samuel confirm that \textit{He will pass judgment over peoples in straightness}? He judges them according to the qualified among them\textsuperscript{219}; He remembers for them the deeds of Jethro, he remembers for them the deeds of Rahab the prostitute.

208 The items mentioned in the Mishnah, grain, tree fruits, water.

209 Opinion of R. Meïr (Tosephta 1:13, Babli 16a.) Here starts a new Genizah fragment (G).

210 As stated in the Mishnah. Opinion of R. Jehudah (Tosephta 1:13, Babli 16a.)

211 The text adopted by all Jewish rites for the middle section of the \textit{musaf} prayer on New Year’s Day.

212 He identifies the First Day of Creation (or probably the Sixth Day, creation of Man) with New Year’s Day.

213 Since plenty means abundance of grain, wine, and oil, he adopted the first opinion in the Halakhah (which has no support in the Tosephta.)

214 Tosephta 1:13, Babli 16a.

215 \textit{Job} 7:18.

216 All essential needs other than food.

217 \textit{IK} 8:59. Babli 16b.

218 \textit{Ps} 9:9.

219 In A is added: “observes the proselytes who will come from them, and . . .”

(57a line 52) רב יוחנן בר ינא ברן. הבדאשה של çıkış בריכב מצפה מביא לה דרי לוח. איה טתם

משחק לצלת. דוד דיי לצלת. איה טתם משלחתו כדיקפת בכר מצפה כלשא מלקי

cדור. אליהם שמותיהם מראויו חפשו עד ישראל המפורים מאי זה דרי מי מתי. איה טתם משלחתו

דצילת. דודי דיי לצלת. איה טתם שמותיה כדיקפת בכר חמות מזכירה לכלשה ממטת כול

לייא שמיים אמת בר מי קורישפא בפש רבי ויתן. לשל פיקסיסטה מכם. אמת שלזלאדיקיסים זומארי.
Rebbi Hiyya bar Abba asked, from which judgment was grain hit which was hit on Passover eve? If you want to say, from the coming year, up to then it did not come. If you want to say from the past year, it was weak the entire year to be hit in this way. From which judgment are those dying who die between New Year’s day and the Day of Atonement? If you want to say, from the coming year, up to then it did not come. If you want to say from the past year, he was weak the entire year to die in this way. He had not heard what Rebbi Crispus said in the name of Rebbi Johanan, there are three ledgers. One for perfectly just people, one for perfectly evil people, and one for average ones. Those of the one for the perfectly just already took judgment of life from New Year’s Day. Those of the one for the perfectly evil already took their verdict from New Year’s Day. Those of the average ones already were given the ten days of repentance between New Year’s day and the Day of Atonement. If they repented, they were inscribed with the just ones; otherwise they are inscribed with the evil ones. What is the reason?

May they be erased from the book, these are the evil ones; of life, these are the just ones; and with the just ones not being inscribed, these are the average ones.

220 Babli 16b. The word for ‘ledger’ is a Hebraized form of Greek πίναξ, “writing tablet of pine wood.”

221 Following the reading of G, Greek "ἀπόφασις, “judgment”. The readings of the scribe of the manuscript אָפִיקָי, and of A and א, are unexplained.

222 Ps. 69:29.
Rebbe Hananiah the colleague of the rabbis asked, does the Holy One, praise to Him, not see what is going to be? He did not hear what Rebbi Simon said in the name of Rebbi Joshua ben Levi: The Holy One, praise to Him, only judges a person according to his present state. What is the reason: Do not fear, for God heard the lad’s voice as he is there.223 Rebbi Levi said, it is written, rakes will not stand before Him224. Why? You hated all evil-doers224. Rebbi Issachar from Kefar-Mendi preached: For He knows lying people, he saw wickedness, would He not understand? He will watch over you, bring peace into your virtuous home.226>227 Rebbi Joshua ben Levi said, it is not written, “if you were pure and straight”, but if you are pure and straight226,229. Rebbi Hiyya bar Abba said, the strong of loins and the bellwether; the king, there is no standing with him229. Usually every one tried to win over the other’s strength, but the Holy One, praise to Him, is not so but the King, there is no standing with him, He does not insist on His standing. [For] not eternally He will fight231, He will not fight to be victorious.

223 Gen. 21:17, the main point of the Torah reading of the first day of the New Year.
224 Ps. 5:6.
225 Job 11:11. A adds (p. 37 l. 16): The Holy One, praise to Him, knows that criminals will be sinning but He does not consider their bad deeds up to the time they are acting on them and then He judges them.
226 Job 8:6.
227 The bracketed text was added from G; it is the introduction to R. Joshua ben Levi’s statement.
228 A adds as explanation: The Holy One, praise to Him, judges a person neither for merit nor for guilt on his future actions but only on basis of what he did in the past.
229 Prov. 30:31.
prefers people to become virtuous so He does not have to judge them. Babli Pesahim 119a.

nor in Psalms.

388
Rebbi Eleazar said, παρά βασιλέως ὁ νόμος ἀγάλματος. Usually in the world a king of flesh and blood decides a decision. If he desires it, he keeps it. If he desires it, others keep it. But the Holy One, praise to Him, is not so but if He decides a decision He keeps it first. What is the reason? They have to keep My watch, I am the Eternal, I am He Who keeps the commandments of the Torah first. Rebbi Simon said, it is written, before white hairs you have to stand, and honor the presence of an elderly person, and to fear your God, I am the Eternal. I am He Who first stood before an elderly person. Rebbi Simon said, it is written: for who is a great people which has just laws and ordinances, etc. <For who is this great people that has God close to it.> Rebbi Hama ben Rebbi Hanina and Rebbi Hosaia. One said, is there a people like this people? Usually in the world a person who knows that he will stand in trial dresses in black, wears black headdress, and lets his beard grow, since he does not know how his trial will end. But Israel are not so, but they wear white, wear white headdress, cut their beard, eat, and drink, and are happy. They know that the Holy One, praise to Him, will perform wonders for them. But the other one said, is there a people like this people? Usually in the world if the ruler says, the trial is today, but the robber says, tomorrow is the trial, whom does one listen to, not the ruler? But the Holy One, praise to Him, is not like this. If the Court said, today is New Year’s Day, the Holy One, praise to Him, says to the angels of service, put up the dais, [summon defenders, summon accusers, for My children said that today is New Year’s Day.] If the Court took counsel to transfer it to the next day, the Holy One, praise to Him, says to the angels of service, remove the dais, remove the defenders, remove the accusers, for My children took counsel to transfer to tomorrow. What is the reason? Certainly, it is a rule for Israel, a law of the God of Jacob. If it is not a rule for Israel, so to speak it is not a law for the God of Jacob. Rebbi Crispus in the name of Rebbi Johanan: In the past, the festive times of the Eternal, from then and onwards which You shall declare. Rebbi Ila said, if you declare them they are My festive times, otherwise they are not My festive times. Rebbi Simon said, it is written, great things You did, You, Eternal my God, Your wonders and intentions regarding
us. In the past, great things You did; from then onwards, Your wonders and intentions regarding us. Rebbi Joshua ben Levi said, a parable of a king who had a watch; when his son came of age, he handed it to him. Rebbi Yose ben Hanina said, a parable of a king who had a watch-box; when his son came of age, he handed it to him. Rebbi Aha said, a parable of a king who had a ring; when his son came of age, he handed it to him. Rebbi Hyya bar Abba said, a parable of a carpenter who had carpenter’s tools; when his son came of age, he handed them to him. Rebbi Isaac said, a parable of a king who had treasures; when his son came of age, he handed them to him. But the rabbis say, a parable of a healer who had a box of medicines; when his son came of age, he handed it to him.

232 “For the king the law is unwritten.”
233 Translated following G and A. In the text: “if they want”.
235 Lev. 19:32.
236 Gen. 18:2.
237 Deut. 4:8, misquoted.
238 Deut. 4:7, text of G. A only quotes the first words of the verse, but clearly this indicates v. 7, not v. 8. Since in the ms. the start of v. 7 is grafted on the text of v. 8 it is reasonable to assume that the original quote is v. 7.
239 On New Year’s Day.
240 Greek ληστής.
241 Greek συνήγορος.
242 Greek κατήγορ. A instead reads σπεικτρια which probably is shortened from σπεικτριωτες, Semitic plural of Latin speculator “examiner.”
243 Corrector’s addition, confirmed by G.
244 Ps. 81:5.
245 The customary expression to excuse anthropomorphisms. Babli 8b.
246 Lev. 23:2. While the holidays are declared to be “the Eternal’s holidays”, since they depend on calendar dates, the actual dates are fixed not by God but by the calendar authorities. Cf. Shevi`it 10:2 Notes 53-54.
247 Ps. 40:6.
248 This passage is explained in A: “From the creation of the world up to Moses did the Holy One, praise to Him, compute the motions of the stars, and New Moons, and turning points (Note 161). When Moses was appointed, He handed over to him the secret of the calendar as it is said, this month is for you the head of months. Up to this time it was Mine, from now on it is delivered to you.” The following parables have to be explained as exploring the meaning of this handing over the sacred calendar to human interpretation.
249 Added from G and A. This attribution is most likely correct even though the Yerushalmi, in contrast to the Babli, does not in general follow a chronological sequence of the quotes. R. Joshua ben Levi, great authority of the first generation of Amoraim, can precede the second generation authority R. Yose ben Hanina.
better than the third generation preacher (but not halakhic authority) R. Levi.

And on New Year’s Day all in the world pass before Him like bene maron\(^{206}\). Rebbi Aha said, like those led into the corral\(^{250}\). But the rabbis are saying, like (in a legion.)\(^{251}\) What is the reason?\(^{207}\) Who creates together their hearts, Who understands all their deeds?\(^{252}\) Rebbi Levi said, He Who created together their hearts already understood all their deeds. Rebbi Eleazar said, usually in the world what is easier for the potter, to make a hundred flasks or to look at them? Not to look at them? Rebbi Berekiah said, their creator wants that their hearts be alone to him. Rebbi Abun said, the One Who is unique in His world already understood all their deeds.

250 The sheep to be counted.

251 In Mekhilta Beshallah 1 (ed. Horovitz-Rabin p. 89 l. 11) a Roman legion is called מקלת עד הלם which in Yalqut ed. princeps is reproduced as מקלת עד הלם קפלאва תחפושת קפלאנה which can reasonably be identified with the spellings here by the scribe and G. The words substituted by the corrector (read by Pene Mosheh as “magnifying lens”) and that of A: ימסחי are to be considered as corruptions.

252 Sermons to explain the verse; Babli 18a.
“And on Tabernacles they are judged about water.” The Mishnah is Rebbi Aqiba’s, since Rebbi Aqiba said the pouring of water is a word of the Torah: On the second day and their libations. On the sixth say, and its libations. On the seventh day, and its rules. The Torah said, bring first-fruit barley on Passover that your grain be blessed; bring first-fruit wheat on Pentecost that your tree fruits be blessed. Therefore say, water libation on Tabernacles that your water be blessed. Rebbi Simeon ben Yohai stated: If Israel were acceptable on New Year’s Day and ample rain was decided for them, but in the end they sinned. To reduce it is impossible [since the decision had been rendered.] What does the Holy One, praise to Him, do? He disperses it into oceans, deserts, and rivers, so that the earth have no benefit from it. What is the reason? To let rain on manless earth, desert no human in it. If Israel were not acceptable on New Year’s Day and scarce rain was decided for them, but in the end they repented. To augment it is impossible [since the decision had been rendered.] What does the Holy One, praise to Him, do? He brings it down appropriately for the land and blows dew and winds so that the earth benefit from it. What is the reason? Its furrows make fertile, bring down its bundles, make it fat by soft rains, bless its growth. Aridity, also heat, will steal the snow waters; they sinned to the pit. The sins which they committed during the summer robbed them of the snow waters. It is written: Always the eyes of the Eternal, your God, are on it, from the start of the year. Cahana said, it is written “from poverty.” He lets it suffer at the beginning and gives it a good future at the end.
The next sentences are from *Sukkah* 4:1, Notes 10-12.

It can be asserted that Heaven determines the water supply only if there is a biblical connection between Tabernacles and water.

This seems to follow R. Jehudah who asserts (Babli *Sanhedrin* 70b) that the Tree of Knowledge Good and Bad was wheat (Rashi to Babli 16a.).

Corrector’s addition, unsupported by G (but its meaning understood.)

*Job* 38:26.

*Ps. 65:11.*

*Job* 24:19. Introduction to the next sentence.

*Deut. 11:12.*

Sparse rains at the start of the rainy period lead people to repentance.

Mishnah 4: For six months messengers are going out. For Nisan because of Passover, and for Av because of the fast day, and for Elul because of New Year’s Day, and for Tishre to fix the holidays, and for Kislew because of Hanukkah, and for Adar because of Purim. And when the Temple existed they also went for Iyar because of the minor *Pesah*.

To inform the people about the start of a new lunar month in the absence of a computed calendar. This is a late development which in the Mishnah is placed in Second Temple times whereas in Halakhah 2:1 (Note 39) it is placed later.

The 9th of Av, anniversary of the destruction of the Temple; obviously a later development.

Since New Year’s Day is also the first of a month, it could not be determined in advance. If the first of Elul was known, the 30th of Elul could be observed everywhere as 1st of Tishre, since traditionally Elul was 29 days (Halakah 3:1 Note 14, Babli 19b; *Shevi`it* 10:2 Note 41, *Sanhedrin* 1:2 Note 213); a second day had to be observed for the rare possibility that Elul was found to have 30 days.

To avoid that the fast of the Day of Atonement had to be observed for two days.

On the 14th of Iyar; *Pesahim* 9:1.
Halakhah 4: Should they not also go for Pentecost? Pentecost is cut out. You find to say sometimes five, sometimes six, sometimes seven. Full months five, regular six, deficient seven\textsuperscript{267}.

267 Since as the Greek name indicates, Pentecost is 50 days after Passover, once Passover is fixed, Pentecost also is fixed. In the pharisaic-rabbinic system, where the count starts on the second day of Passover, Pentecost is the 5th of Sivan if both Nisan and Iyar are 30 days, it is the 6th if one of them (in the computed calendar, Nisan) is 30 days and the other month 29, it is the 7th if both months have 29 days. The lengths of these months are irrelevant for the fixation of Pentecost. Babli 6b; cf. Note 100.

Did they not already go for Elul\textsuperscript{268}? But to announce that the new Moon has been sanctified. Rebbi Joshua ben Levi said, I am a guarantor for those who go to Nemurin that none of them will die when going. There\textsuperscript{269} they were concerned about the Great Fast two days. Rav Hisda\textsuperscript{269a} told them, why do you bring yourselves into this serious doubt? The presumption is that the Court will not tarry in this matter\textsuperscript{270}. The father of Rebbi Samuel bar Rav Isaac was concerned for himself and fasted two days. His intestine split and he died.

268 Therefore it should not be necessary to send messengers for Tishre.

269 From here on the paragraph is copied in H'allah 1:1, Notes 83-86. “There” means Babylonia. It could mean Nimurin, whose location would have to be on the road to Iraq since it was within the jurisdiction of Rav Hisda, and R, Joshua ben Levi was encouraging people to spread the news about the correct date of the Day of Atonement, here called the Great Fast.

269a In A: Hizqiah.

270 Even without a computed calendar one may be sure that New Year’s Day is the 30th of Elul and according to all biblical rules only fast one day on Tishre 10.
Mishnah 5: For two months one\(^{271}\) desecrates the Sabbath, for Nisan and for Tishre, when messengers go out into Syria and which fix the holidays. When the Temple existed one did desecrate for all of them because of the regulation of the sacrifice\(^{272}\).

Mishnah 6: Whether it was seen clearly or not seen clearly one desecrates the Sabbath for it. Rebbi Yose said, if it was seen clearly one does not desecrate the Sabbath for it\(^{273}\).

\(^{271}\) Potential witnesses to testify before the High Court that the New Moon was seen and they may declare the day as one of the New Moon.

\(^{272}\) The sacrifice for the day of New Moon, Num. 28:1-8.

\(^{273}\) Since there is no doubt that two persons at the place of the Court have seen the moon.

Halakhah 5: What means בֻּנְלֵל? “Generally known”. As you are saying\(^{274}\), Molten silver open on earth\(^{275}\), refined sevenfold.

\(^{274}\) Ps. 12:7. Babli 21b.

\(^{275}\) The usual translation is “in an earthenware crucible.” For several ways to translate the expression cf. Rashi Ps. 12:7.
276 On a Sabbath which was the first day the New Moon was seen.

277 On the way to testify at Jabneh.

Halakhah 6: “It happened that more than 40 couples passed by and Rebbi Aqiba held them back in Lydda.” Because they are 40 couples. But if it had been a single couple he would not have held them back.

278 Since these 40 pairs of witnesses, together 80 men, travelled in a group on the Sabbath, and the testimony of 40 pairs is not more valid than the testimony of a single pair, they clearly abused the rabbinic rule permitting Sabbath travel in this case. If there had been 40 couples of witnesses passing on the via maris at different times he would not have interfered.

“Rabban Gamliel sent to him, if you hinder the public you will make them stumble in the future.” Would you not hinder the public from performing a meritorious act? And any who would hinder the public from performing a meritorious act must be excommunicated. Rebbi Jehudah the baker said, Heaven forbid that Rebbi Aqiba was excommunicated; but it was the head of Gader; Rabban Gamliel sent and removed him from his headship.

280 This attribution seems to be correct and the quote in the Babli 22a has to be corrected accordingly.
281 This name was introduced into the text by the corrector from the Babli. In the ms. נור was written by the scribe; the middle letter was erased by the corrector and replaced by ו. Therefore the name certainly is incorrect, also because talmudic Gadara is on the East side of Lake Genezareth, far from the road to Jabneh. Therefore most likely the name is Gezer, a district capital on the road from Lydda to Jabneh. In the Babli one has to read גזר, with dh indistinguishable in sound from z. (Places Hagedera, Gederotaim, Gederot mentioned Jos. 15:37.41.)
Mishnah 8: A father and son who saw the new moon should go; not that they could combine one with the other but that if one of them should be found disqualified the second one could team up with another person. Rebbi Simeon says, a father and his son and all relatives are qualified for the testimony of the new moon.

292 Since in formal testimonies close relatives to one of the parties, or one of the judges, or another witness are not permitted; these include close relatives of the other party.

Halakhah 7: Rebbi Simeon’s reason: As at its start. The Eternal said to Moses and Aaron ... This month be for you the first of months.

293 Since the determination of the first New Moon was to be made by two brothers, one cannot be more restrictive in all later cases. Babli 22a.

Mishnah 9: Rebbi Yose said, it happened that that Tobias the healer saw the new moon in Jerusalem, he and his son and his freed slave. The Cohanim accepted him and his son and disqualified his slave; but when he came to the Court they accepted him and his slave but disqualified his son.

294 To determine that the sacrifices of the New Moon were due on this day.

295 To determine the date of the holidays.
Halakhah 8: “The Cohanim accepted him and his son and disqualified his slave,” because of disqualification\textsuperscript{296}, “but when he came to the Court they accepted him and his slave but disqualified his son,” because of relative\textsuperscript{297}.

294 Since slaves have no legal \textit{persona} different from their owner, they are not prosecutable for perjury, and testimony not prosecutable for perjury is worthless. Therefore in most cases the testimony of slaves has no legal consequences. But there is no reason to disqualify a freedman.

295 Following the majority in Mishnah 8.

Mishnah 10: The following are disqualified\textsuperscript{296}: The dice-player, the lender on interest, participants in pigeon contests, dealers in sabbatical produce, and slaves. This is the principle: any testimony for which a woman is not qualified\textsuperscript{297}, they are not qualified.

296 These are disqualified by rabbinic standards, Mishnah \textit{Sanhedrin} 3:6, Notes 44-50. By biblical standards, only close relatives and criminals are disqualified.

297 In criminal cases and civil cases decided by judicial ruling, not arbitration.

Halakhah 9: “The following are disqualified.” \textsuperscript{298} The dice player is the one who plays with small stones\textsuperscript{299}. \textsuperscript{300} “Not only the player with stones, even one who plays with shells of nuts or pomegranates. When is he accepted? After he breaks his stones, and is checked out, and repents in complete repentance.”

298 Parallels are found in \textit{Sanhedrin} 3:6 Notes 51-68 and \textit{Ševuot} 7:4.

299 Greek \textit{ζηφρός} “pebble, cube; the stones used for mosaics and tokens used in elections.” Rashi defines as “marbles”.

300 Similar texts are in \textit{Sanhedrin}, Babli 25b, Tosephta 5:2.
HALAKHAI NINE

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The lender on interest.” This is one who lends on interest. "When is he accepted? After he tears up his IOU’s, and is checked out, and repents in complete repentance." 300

Participants in pigeon contests. This is one who bets on pigeons. Whether one bets on pigeons or bets on any other domesticated animal, wild animal, or bird. “When is he accepted? After he tears up his tools of the catch, and is checked out, and repents in complete repentance.” 300

Dealers in sabbatical produce.” 300: "Who is a dealer in sabbatical produce? One who sits idle all the years of a sabbatical cycle. As soon as the sabbatical year starts, he becomes active and trades in forbidden produce. One does not accept them before another sabbatical year starts and he can be checked out that he repented in complete repentance.” It was stated: Rebbi Yose says, two sabbatical periods. 300: "Rebbi Nehemiah says, repentance in money, not repentance in words; that he say to them, here are 200 denars, distribute them to the poor, for I earned them from forbidden produce.” 303 They added shepherds, extortioners, and any who are suspect in money matters, that their testimony be invalid. Rebbi Abbahu said, only shepherds of small animals. 304

301 Who takes interest from Jewish borrowers.
302 Organizing pigeon contests is not dishonest, but making a living by betting on animal contests would be impossible for honest betterers.
303 A similar text in the Babli, Sanhedrin 25b.
Sheep and goats which are destructive of vegetation in agricultural areas. Herders of sheep and goats are acceptable only in regions devoid of agriculture. The Babli notes that robbers and other felons are excluded by biblical law (Ex. 23:2). It concludes that Mishnah and baraitot refer to actions classified as extortion or robbery only by rabbinical standards.

Rav Huna said: Who is the Tanna of “participants in pigeon contests”? Rebbi Eliezer, as we have stated there 305: “Two in the name of Rebbi Eliezer. A woman may go out with a city of gold 306, and participants in pigeon contests are disqualified from testimony.” Rebbi Mana said before Rebbi Yose: Is the entire statement in Sanhedrin Rebbi Eliezer’s 307? He told him, it is everybody’s opinion. What means “it is everybody’s opinion”? 308 So said Rebbi Yose: We knew that he was disqualified for testimony in money matters. What does he 309 come to testify about? For as he is disqualified in money matters, so he is disqualified to testify in criminal trials. The witnesses for the New Moon are held to the standards of criminal trials, as we have stated: “any testimony for which a woman is not qualified, they are not qualified.” Who stated this? The rabbis 310! Do the rabbis follow Rebbi Eliezer? They agree with him and disagree with him. Rebbi Jonah in the name of Rav Huna: It follows Rebbi Eliezer in everything. It turns out that this disagreement 311 parallels another disagreement, as it was stated 312: “A perjured witness is disqualified for any and all testimony required by the Torah, the words of Rebbi Meïr. Rebbi Yose said, when? If he was found perjured in criminal matters. But if he was found perjured in money matters,
he is suspect in money matters and disqualified in money matters.” It turns out that Rebbi Yose parallels the rabbis and Rebbi Meïr Rebbi Eliezer.

305 Mishnah *Idiut* 2:7, formulated as testimony in R. Aqiba’s court in the name of R. Eliezer.

306 On the Sabbath a woman may go into the public domain wearing a golden diadem depicting the walls of a city. This is classified as jewelry which is standard clothing for a woman.

307 If Mishnah *Sanhedrin* 3:6 represents a minority opinion, it should have been labelled as such.

308 Here starts the discussion of the Mishnah in *Roš Haššanah*.

309 One of the witnesses mentioned in the Mishnah *Roš Haššanah*.

310 Since the Mishnah is anonymous.

311 R. Eliezer and the rabbis, R. Meïr and R. Yose (the Tanna).

312 Tosephta *Makkot* 1:11, in the name of R. Jehudah (student of R. Eliezer’s student.)

### Mishnah 11:

If one who cannot walk saw the new moon one transports him on a donkey, even on a litter. If they are fearful, they take sticks with them. If the distance was great they take with them food, for on a distance of walking a night and a day one desecrates the Sabbath and goes for testimony of the new moon, as it is said, *these are the festive times of the Eternal, proclaimed as holy.*

313 On a Sabbath.

314 Of wild animals or any other form of attack.


### Halakhah 10:

Rebbi Isaac said, the Torah uses any expression. *And the man looked confidently at her.* “Any amphora which contains two seah.”


317 Mishnah *Terumot* 10:8.
Both Bible and Mishnah are finite texts and do not exhaust the entire Hebrew vocabulary known at their times. Therefore it is not astonishing that occasionally one finds hapax legomena or at least uncommon expressions used in these texts. The use of מָדַע in the biblical text is hapax. In later texts, the root means “destruction”. The word usually is interpreted as a collateral form of מָדֶשׁ, but since the linguistic background of Genesis is the Accadic of the Patriarchs it may be Accadic šeu “to see” read as מָדֶשׁ instead of מָדַע, and therefore represents archaic Hebrew. A clay amphora as mentioned in Mishnah Terumot usually is מָמְלָל. The root of the uncommon word מַקְלָט is the same as the biblical word (Lev. 21:20) “to be bone dry”, but the meaning is totally different. Similarly, in our Mishnah the expression מַקְלָט does not mean “to hunt” but “to be afraid of an ambush”, comparable to Biblical מִלָּת (Ex. 21:12, 1S 24:12) “to intend murder”, Arabic ﻞُر“to corrode (metal)”. Cf. Responsa Rashba, vol. 1, #523.

I could think that just as one desecrates the Sabbath to testify about them, so one desecrates the Sabbath to proclaim that they were fixed. The verse says, which you shall call out. About its being called you desecrate the Sabbath, you do not desecrate the Sabbath to proclaim that they were fixed.

The messengers sent out to inform the people about the fixation of the holidays must keep the Sabbath, in contrast to the people who go to testify about a new moon on the Sabbath. Babli 21b; Sifra Emor Pereq 10(7).
Rebbi Simeon ben Laqish asked, does cutting the `omer during daytime push aside the Sabbath? Rebbi Abbai objected, did we not state, “its obligation is to harvest during nighttime. If it was cut during daytime it is qualified and pushes the Sabbath aside.” But he did not accept it. Rebbi Aha said, Rebbi Simeon ben Laqish changed his opinion about this. “After nightfall he says to them, did the sun set? They say, yes. Did the sun set? They say, yes.” Where do we hold? If about nighttime, that already was said. But if it does not refer to nighttime, let it refer to daytime; it is a matter that pushes aside the Sabbath during daytime. Do the preparations push aside the Sabbath during nighttime? Did we not state, “they made the maker of pan-baked breads make pan-baked breads.” Explain it, on a weekday. Rebbi Hyya bar Ada stated, “this is the daily order of service of our God’s Temple,” whether on a weekday or a Sabbath. But did we not state, “they harvested it and put it in boxes, brought it to the Temple courtyard, and were parching it in fire to fulfill the commandment of roasting, [the words of Rebbi Meir. Rebbi Yose says], since he started the meritorious work, one tells him to complete it.” Rebbi Judah from Kappadokia objected before Rebbi Yose: Think of it, if it came from storage. Since he started the meritorious work, there is no reason to tell him to complete it. Rebbi Jacob bar Sosai objected, did we not state, “for on a distance of walking a night and a day one desecrates the Sabbath and goes for testimony of the new moon?” He said to them, since the daytime needs the nighttime and the nighttime needs the daytime, it is as if it were all daytime. Rebbi Yose ben Rebbi Abun said, is it not sanctified retroactively? Since it is sanctified retroactively there is no difference between day and night.

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320 Since the `omer, the offering of new barley in the Temple, must be brought at a fixed time, in pharisaic-rabbinic tradition on the 16th of Nisan (in the standard Sadducee tradition of the Book of Jubilees on Nisan 22, in Boethusian tradition on the Sunday of the Passover week), the fixed date overrules any Sabbath prohibition. Since the grain has to be parched (Lev. 2:14), the offering involves a Sabbath violation. It is
prescribed that the grain be newly cut (Lev. 23:10). By tradition this has to be done in the night of Nisan 16. The question is whether it may be done the next morning if the 16th of Nisan is a Sabbath, since in this case the commandment would not be executed in the best manner.


322 He interprets the clause “and pushes the Sabbath aside” only as referring to cutting during nighttime.

323 The clause must refer to the entire statement of the Mishnah.

324 Mishnah Menahot 10:3, describing the cutting of the barley for the ‘omer on a Sabbath.

325 Why does the priest charged with the cutting have to ask the attending crowd twice whether this is the right time to do the cutting? (The Babli takes it as an anti-Sadducee-Boethusian demonstration.)

326 Transporting the scythe and the storage boxes to the place of harvesting.

327 Mishnah Tamid 1:3. The pan-baked breads are for the daily offering of the High Priest (cf. Yoma 1:1, Note 26.) Baking the breads only is a preparation for the offering.

328 Mishnah Tamid 7:3, covering all the preceding rules, without distinction between Sabbath and weekday.

329 Mishnah Menahot 10:4, again about the ‘omer. Parching the grain usually is done during nighttime but there are no rules prohibiting doing it early in the morning.

330 The Amora. He notes that the Mishnah has no relevance for the question about preparations. Since cutting the grain in the night was a Sabbath violation, it is clear that there is authorization to finish the entire ceremony on the Sabbath. This implies nothing if there was no action during the night.

331 If no new grain was growing by Passover and grain from storage was used, there seems to be no authorization to parch it on the Sabbath.

332 As a matter of principle testimony may be received only during daytime. If people leave their Sabbath domain during nighttime in order to testify during daytime, the action in the night has the status of preparation for the main event during daytime.

333 Otherwise they could not appear in Court during daytime.

334 If the day is determined to be one of the New Moon (or in Tishre New Year’s day) it receives this status from the preceding evening. Therefore every year one has to observe the restrictions of the holiday starting with the evening of the 30th of Elul even if no witnesses of the New Moon are yet known.
Mishnah 1: If they do not know him, one sends another one with him to testify about him. Originally one accepted testimony about the new moon from anybody. After the sectarians spoiled they instituted that one would accept only from known persons. Originally they were lighting beacons. After the Samaritans spoiled they instituted that messengers went out.

1 The High Court which decides the calendar.
2 The local rabbinate, to certify the witness to be as qualified rabbinic Jew.
3 The Boethusian sect of Sadducees who were interested in seeing the 15th of Nisan celebrated on a Sabbath so that the `omer and Pentecost would be on a Sunday.
4 To quickly announce from Jerusalem to Nahardea in Babylonia that the New Moon had been declared.

“If they do not know him,” etc. Rebbi Jonah said, so should the Mishnah be stated: Originally one accepted testimony about the new moon from everybody. If they do not know him, one sends another one with him to testify about him. Rebbi Yose said, even as in the Mishnah it is acceptable: If they do not know him, one sends another one with him to testify about him. Why? Because originally one accepted testimony about the new moon from anybody. May a single witness be believed? They gave you from your own. It should be logical that no witnesses should be needed. But they said that witnesses were needed, and they said that a single witness may be believed.
It is presumed that the quote of this sentence includes the next one about the spoiling by the sectarians.

It was stated in the previous Chapter (Halakhah 9, after Note 309) that the qualifications for a witness of the new moon are those of witnesses in criminal cases and as a consequence single witnesses are barred by biblical decree (Deut. 17:6).

Since the appearance of the new moon is a natural phenomenon observable by the Court as well as by any other person.

The entire set-up is rabbinic; there can be no objections from biblical standards.

Could one witness be believed as two⁹? How is this? If there were two, one whom everybody knows and one whom nobody knows, except that his partner knows him. May his partner team up with one from the street to testify about him¹⁰? ¹¹Rebbi Ze’ira, Rav Huna in the name of Rav: he¹² and another cannot team up about the signature of the second witness. This is needed in case there were two, one whose signature everybody knows and one whom nobody knows, except that his partner knows him. May his partner be like anybody from the street to testify about him? In that case the entire testimony is confirmed by one witness. Rebbi Yudan said, this is correct. For example, two who came from a town most of whose inhabitants are Gentiles, like Hippos. One of whom everybody knows that he is Jewish and one whom nobody knows¹³, except that his partner knows him. May his partner be like one from the street to testify about him? If you are saying yes, the entire testimony is confirmed by one witness. Also here the entire testimony is confirmed by one witness.

⁹ The testimony of two witnesses is as good as the testimony of 100. If the testimony of two witnesses is contradicted by the testimony of 100, neither testimony is
acceptable. But the testimony of a single witness is nothing if contradicted by two witnesses. In the case here, where one witness is accepted as two in a case purely rabbinical, does this also eliminate the biblical rule that the testimony of a single witness is nothing if contradicted by two witnesses?

10 That he is a qualified witness.
11 The following is essentially from Ketubot 2:4, Notes 77-83. The problem is the certification of signatures to prove that a document of indebtedness is genuine and may be used for foreclosure. In that case certainly two independent witnesses are required.
12 One of the witnesses signed on the document.
13 Whether he is Jewish or Gentile. While in general the assertion by a person that he is Jewish is believed, if this is questioned it needs two witnesses since it involves Torah prohibitions. A document signed by a Jew and a Gentile cannot be enforced in a Jewish court.

Here starts a new Genizah fragment (G).

There, we stated 14: “The overseer said to them, go and see whether the time of slaughter has arrived. When it arrived, the lookout says, it is radiant.” What means borqi? Barqat15. There16, they are saying, ברק ברכה, getting bright, radiant.

14 Yoma 3:1. This paragraph and the next are from Yoma 3:1, Notes 5-13.
15 Radiant, from ברק “lightning”.
16 In Babylonia; in the formulation of the Rabli Yoma 28b ברק ברכה.
this male was born on a Sabbath, one circumcises him on his word. It is
dark at the end of the Sabbath, one carries (him) on his word. Rebbi Immi
was carrying on the result of elapsed time. Rebbi Mattaniah was carrying on
the saying of the moon shining. Rebbi Immi was circumcising on the
saying of women, the sun was over Hippos.

17 The Babli holds in general that a single witness can be believed in matters of
prohibitions; the biblical requirement of two witnesses is binding only in criminal cases
and matters that may have implications in criminal law. From the present paragraph it
seems that the Yerushalmi does not accept this in general but that in cases where one
witness is sufficient there is no difference between male or female witnesses.

18 While the time indicated must be approximately correct, since one asks only
at the end of the night, and by the time somebody climbs up to check it clearly will
be dawn, this does not prove that at the time of the assertion dawn was really visible.
The text cannot be amended and the “not” deleted since it is confirmed by both
sources.

19 Even though circumcising on the Sabbath a child not born on the Sabbath is a
deadly sin.

20 This is a new item. One may believe a single witness that it is no longer Sabbath
and all Sabbath prohibitions are no longer relevant. The word in parentheses has to be
disregarded with G.

21 Arabic  “interval of time”. He
computed the end of the Sabbath astronomically, for a smooth terrestrial
globe; a severe restriction for Tiberias situated on a steep Eastern slope.

21* The translation of  is
conjectural. The direction of the shining
part of the moon indicates the position of the
sun, from which its position below the
horizon (of a smooth terrestrial globe) can
be inferred without complicated
computations.

22 Since circumcision has to be
performed during daytime, R. Immi is
consistently restrictive; in this case he does
not rely on astronomical computations of
sunrise but on the much later observation of
the sun appearing over the mountains to the
East since Hippos was on a mountain over
the Eastern shore of the Lake of Galilee.

May people who know those who know him desecrate the Sabbath for
him? Let us hear from the following: “[Rebbi] Noharai (here) <ben>
Shanai said, it happened that I descended to Usha to testify for one witness. They did not need me but I looked for a pretext to see my colleagues."

23 The translation and the reading of G follows Liebermann’s correction of Ginzberg’s text (Tosephta kiFshutahMo’ed p. 1028). There is nobody known to the Court who knows the witness personally, but there is one known to the court who knows a reliable person who can testify that the witness is not a Boethusian. If the new moon is seen on a Sabbath, may the person known to the court go with this acquaintance to certify the witness?

24 Tosephta 1:16; Babli 22b.
25 Corrector’s addition from the Tosephta, not in G.
26 The Genizah text is to be accepted.
27 The place where the successor to the Synhedrion was constituted in the aftermath of the Bar Kochba uprising.
28 The witness not of seeing the new moon but the reliability of the witness for the new moon.

What spoiling was there? Because they were saying, Pentecost is after the Sabbath; one always was going out in the evening on the presumption that it would be sanctified. Then for Nisan they should not accept, for the other months they should accept. Rebbi Yose ben Rebbi Abun said, the main spoiling was in Adar. Then if it conforms with ours they should accept, if it does not conform with ours they should not accept. One because of the other.

34 It happened that the Boethusian hired two false witnesses to testify on the new moon that it be sanctified. The first came, delivered his testimony, and left. The other one said, I was climbing Maaleh Adumim when I saw it lying
down between two rocks, its head resembling a calf, its ears resembling a kid goat. I saw it, was taken aback, and stepped backward, and there were 200 denar tied in my money belt. They told him, the 200 denar are given to you as a gift, but those who sent you should come and be flogged. Why did you put yourself in this questionable situation? He said to them, I saw them trying to trip up the Sages. I said, it is better that I should go and inform the Sages."

29 This refers to the sectarian mentioned first in the Mishnah.
30 In G correctly: the Boethusians.
31 While in theory the day of the New Moon was determined only by observation, most months followed a regular pattern, alternation between 29 and 30 days. Since the Sanctification of the Month as judicial act could be done only during daytime, one nevertheless could be reasonably assured on the preceding evening that the day would be one of the New Moon.
32 Since this was the only one of importance for the Boethusians. The majority of the people supported the Pharisees, so the other sects had no chance of seeing their adherents gaining control of the Temple.
33 This refers to the sectarians mentioned first in the Mishnah.
34 In G correctly: the Boethusians.
35 While in theory the day of the New Moon was determined only by observation, most months followed a regular pattern, alternation between 29 and 30 days. Since the Sanctification of the Month as judicial act could be done only during daytime, one nevertheless could be reasonably assured on the preceding evening that the day would be one of the New Moon.
36 Since it is forbidden to take bribes for false testimony, the witness could not legally have acquired the money given to him as bribe; he needed a court decision to keep it.
And what spoiling was there? These were kindling this day and those were kindling the next day; they were thinking that the Court was reconsidering and were spoiled. Who disestablished the beacons? Rebbi disestablished the beacons, and permitted the murderer, and permitted hearsay, and permitted that one was departing in the evening trusting that it would be sanctified. Rebbi Abbahu said, even though you are saying that the beacons were disestablished, they were not disestablished from the Sea of Galilee. Rebbi Ze’ira asked before Rebbi Abbahu, should those who see Safed light a beacon? He said to him, Rebbi disestablished the beacons. Why would Safed light a beacon? To communicate that they know. One does not light a beacon in the night of its regular time, but in the night of its extension. In the night of its regular time one cannot kindle because of the holiday, but one kindles in the night of its extension. One kindles only for months settled on time because of the holiday which might fall on a Friday. In the night of its regular time one cannot kindle because of the holiday, in the night of its extension one cannot kindle because of the honor of the Sabbath. For if you are saying, one kindles both for months settled on time [and for months not settled on time]; if you are saying this, they will say that maybe the Court was reconsidering and would be spoiled.

37 Referring to the Samaritans mentioned later in the Mishnah.
38 Since the people in Babylonia had no way of determining the origin of the signals, they kept the Day of Atonement on the 11th of Tishre according to the rabbinic calendar.
39 This cannot refer to the beacons described in Mishnah 3, since these start from Jerusalem, and Rebbi’s beacons must have started in lower Galilee, according to Tosephta 1:17 on Mount Tabor. One has to conclude that the beacons were in use all during Temple times and were in some kind re-established by Rabban Simeon ben Gamliel. If the interference of the Samaritans had been dated before the destruction of the Temple, it would be reasonable to infer that they started their beacon near Sartaba. In the scenario described here, the origin must have been in Samaritan communities in Galilee, of which we otherwise have no knowledge.
40 A person known to be a murderer but for whose deed there are no proofs which would hold in court, is admitted as witness.
41 Testimony otherwise not admissible in court permitted for testimony about a New Moon (since anyhow this testimony can be controlled by astronomical computation.)
42 If a month was not started on day 30 of the preceding month, it certainly started on day 31. Therefore the messengers for the
New Moon may safely depart after the end of day 30.
43 Where local bonfires were lit to keep the remembrance of the prior custom alive.
44 As answer to the bonfires below which were visible from Safed.
45 If beacons are lit, they are lit in the night of day 31 of the preceding month.
46 The problem in all this is New Year’s Day which is both a holiday and a New Moon. One cannot light the beacon in the night of the 30th day because this is part of the holiday where starting a fire is forbidden (and anyhow it would show that the fixation of the new moon by observation was a pretense.) The next night is no longer a holiday and beacons can be lit without restriction.
47 Months which need a declaration by the court. If day 30 of a month is not declared the first of the next month then automatically day 31 will be the start of the next month. Beacons are lit after the end of day 30 to signal that this day was declared the first of the new month. If no beacon was lit it is a sign that the court did not act and therefore day 31 must be the first of the new month.
48 Which the Court should avoid since it places the day of Atonement on a Sunday and on the preceding day, a Sabbath, one could not cook.
49 One could light the beacon only in the night of Sunday, which would give a wrong information in every case. Since one does not light beacons for an extended month, even if on New Year’s Day the beacons are lit a day late nothing can go wrong since the beacon itself is proof that Elul was only 29 days.
50 Corrector’s addition supported by G. Tosephta 1:17, Babli 22b, Pesahim 2b.
51 Since the beacon cannot be used to distinguish between months of 29 and 30 days.

Mishnah 2: How were they lighting the beacons? One brings long logs of cedar, and reed, and oil wood, and linen tow, and ties them with rope. He climbs to the top of the mountain, kindles the fire, moves forward and backward, up and down, until he sees his colleague on the second mountain doing the same, and so on top of the third mountain.
Mishnah 3: Where did one light beacons? From the Mount of Olives to Sartaba, and from Sartaba to Grippina, and from Grippina to Hauran, and from Hauran to Bet Biltin. From Bet Biltin they did not move but he moves up and down until he sees the Diaspora like one fire place.

52 Of these mountain tops only Sartaba, overlooking the Jordan valley East of Nablus, and Hauran (Djebel Drouz) are identified. Since the distance from Hauran to Nahardea and Pumbedita on the lower Euphrates (known as “Diaspora”) is about 500 km, some intermediate stations between Hauran in Syria and Bet Biltin in Mesopotamia must have been omitted.

53 As the Babi reports, 23b, the people of Pumbedita climbed on the flat roofs of their houses and waved their torches in reply.

Halakhah 2: What is oil wood? Rebbi Jonah said, like maqazna.

Rebbi Ze`ura said, that they should not think it was a star. Rebbi Yose said, did we see a star going up and down? Did we see a star going to and fro?

It was stated: The mountains of Machaerus and Gadara. Rav Huna said, when we ascended here, we climbed to the top of Bet Biltin and saw the [date palms of] Babylonia like thistles.

54 Krauss conjectures that this is δζδιον “pine torch”.
55 An unidentified tree.
56 They moved a torch rather than starting a stationary bonfire so it should be recognized as human signal.
roh 2: retrograde motion of planets takes months or years to observe.

58 It is not totally clear whether these are intermediate stations between Sartaba and Hauran or stations to pick up the signal originating in Galilee (cf. Note 39). Most probably they served in both functions.

58* Read: Rebbi Huna.

59 Corrector’s addition confirmed by G.

Mishnah 4: A large courtyard was in Jerusalem called Bet Ya`zeq; there all witnesses assembled and there the Court examined them. A big meal one prepared for them so they should get used to come.

Halakhah 3: “A large courtyard was in Jerusalem called Bet Ya`zeq.” What is Bet Ya`zeq? There practice was hoed, as you say, he hoed it and removed its stones.

60 For witnesses who came on a Sabbath. 61 Is. 5:2. Cf. Babli 23b.
62 If they came from outside the Sabbath boundary. Since they left their own Sabbath domain, according to the later authorities Rabban Gamliel (the younger) and R. Eleazar ben Azariah they may move in the courtyard which they entered with permission or according to R. Joshua and R. Aqiba only within 4 cubits. Mishnah Eruvin 4:1.

63 The grandfather of Rabban Gamliel of Jabneh (the younger). Since the eruv restrictions are rabbinic, they can be modified by rabbinic decree. (The biblical Sabbath domain has a diameter of 12 mil; Eruvin Chapter 3, Notes 134-136.)

64 Which means that they can move in the entire city which is counted as 4 cubits, and outside another 1996 cubits.

65 And she leaves her Sabbath domain to help.

66 A unit of the Roman army, used to steal anything not hidden away.

68 A building collapse.

Halakhah 4: “Originally they did not move from there the entire day.” They changed and made them like a vessel which was brought from outside the Sabbath domain after nightfall which one is permitted to move within four cubits. They changed and made them like vessels which started Sabbath in a courtyard which one is permitted to move within the courtyard, until the elder Rabban Gamliel came and instituted that they could walk 2,000 cubits in every direction. It was stated, this also applies to one who comes to circumcise a baby. The baraita follows Rebbi Eliezer, since we have stated there, “in addition, Rebbi Eliezar said, one cuts down trees to make charcoal to make iron.”

69 This implies that at the very beginning of the Second Temple witnesses who came on a Sabbath could not move at all after testifying.

70 And without an eruv cannot be taken out of the courtyard.

71 If nobody at the place is able to perform the circumcision and the baby has to be circumcised on the Sabbath by biblical decree, the circumciser comes from outside the Sabbath domain with permission and therefore is included in Rabban Gamliel’s decree.

72 Mishnah Šabbat 19:1.

73 Since R. Eliezer permits all preparation to be made on the Sabbath, including
manufacturing the knife, he must permit the circumciser to come from outside the Sabbath domain and carry his surgical instruments with him.

Mishnah 6: How does one check the witnesses? The couple who comes first one checks first. One brings the more senior in and tells him to say, how did you see the moon? Before the sun or behind the sun? To its North or its South? How high was it, to where did it point, and how wide was it? If he said, before the sun, he did not say anything 74.

Mishnah 7: One brings the second one in and examines him. If their words are found coherent, their testimony holds up. All other couples one asks main points, not that one needs them but that they should not leave dissatisfied so they would come in the future.

74 As explained in the Halakah, this refers to the concavity of the visible moon.

Halakah 5: Rebbi Johanan said, even the most error-prone person would not err in this matter, before the sun, after the sun 75? It only is needed for its concavity; the concavity towards the sun, or the concavity away from the sun 74? Bar Qappara stated both: Before the sun or behind the sun, the
concavity towards the sun or the concavity away from the sun? Rebbi Johanan said, it is written\textsuperscript{76}: \textit{Rule and fear are with Him, Who makes peace in His heights}. During the existence of the sun it never saw the defect of the moon.

75 Whether the moon was seen closer to the earth than the sun or farther away.


\textit{77 Rebbi Simeon ben Yohai stated: Since the sky is made of water and the stars of fire and they dwell one with the other without damaging one another, therefore He makes peace in His heights}. Rebbi Abun said, the angel himself is half water and half fire and composed of five kinds: \textit{His body is like chrysolite, and his face like the looks of lightning, and his eyes like torches of fire}\textsuperscript{78}, etc. Rebbi Levi said, a constellation\textsuperscript{79} never sees what precedes it; but all of them rise like those who rise on an inverted ladder. The Holy One, praise to Him, created 365 windows for use in the world\textsuperscript{80}, 182 in the East, 182 in the West, and one in the middle of the sky from where it appeared first at the creation. The sun covers in thirty days, the moon covers in two and a half days\textsuperscript{81}. The sun measures in twelve months, the moon measures in thirty days. What the sun covers in three months, the moon covers in seven and a half days. What the sun covers in six months, the moon covers in fifteen days.

Rebbi Jonah said, this is not the measure; it could be less\textsuperscript{82} than this\textsuperscript{83}.
77 Cf. Num. rabba 12(10), Deut. rabba 5(12).
78 Dan. 10:6. The verse continues: and his arms and legs like shining brass, and the sound of his voice like the sound of a multitude.
79 Of the Zodiac.
80 For the sun to use during the year.
81 This is the approximate difference between the sidereal (or nodal) and synodic months.
83 Since the (average) difference between the sidereal and synodic months is only 2 d 5 h, and even between nodal and synodic months it only is 2d 7h.

It was stated: If it was seen in a glass or in the water one may not testify about it. Rebbi Hiyya bar Abba said, if one saw it exiting from one cloud and entering another cloud one testifies about it. As the following. Rebbi Hanina went to Eintab to be counted and the air was cloudy. He said, now they will say, how bad is the air for this elder. The Holy, praise to Him, drilled for him like a sieve and it was seen through it. The elder Rebbi Hiyya went by the light of the old one four mil. Rebbi Abun threw pebbles on it and told it, do not frighten your master’s children; in the evening we need that you be seen on that side and you are seen from this side. Immediately it disappeared from before him.

84 Only direct observation of the new moon can be counted. Babli 24a, Tosephta 1:17.
85 There is no minimum time when it must be visible.
86 The place where one declared the new moon.
87 For the first time after he was appointed to the calendar panel.
88 Through the clouds.
89 On the day one expected to see the new moon.
90 Since the new month starts at the moment the moon as seen from the earth is behind the sun it is clear that the new moon must be seen on the other side from that where the old moon was seen.
“To its North or its South?” There are Tannaim who state, “to its North” his words are accepted. There are Tannaim who state, “to its South” his words are accepted. He who said, “to its North” his words are accepted, from Tevet to Tamuz; he who said, “to its South” his words are accepted, from Tamuz to Tevet.  

91 The Babli 24a makes the changeover at the equinoxes, not the solstices. Ptolemy’s solar and lunar tables make such general statements unnecessary.  

“How high was it?” One says, one ox goad, but the other says, two ox goads. There are Tannaim who state, their statements are coherent, and there are Tannaim who state, their statements are incoherent. He who says, their statements are coherent, if one was standing above and one was standing below. But he who says, their statements are incoherent, if they were standing on equal elevations.  

“How wide was it? A barley corn’s width or less than a barley corn?  
“If he said, before the sun, he did not say anything.

92 Babli 24a, Babli version also in Tosephta 1:17.
Mishnah 8: The president of the Court says, sanctified\(^93\), and all people repeat after him, sanctified, sanctified. One sanctifies it whether it was seen in its time or not seen in its time\(^94\). Rebbi Eleazar ben Rebbi Sadoq says, if it was not seen in its time one does not sanctify it\(^95\) since Heaven already sanctified it.

93 To declare the day as Day of New Moon.

94 “In its time” is the night of day 30 of the preceding month. If the new moon is not seen in that night and the Court does not declare day 30 as New Moon of the next month, the next day automatically is the Day of New Moon since no month is longer than 30 days.

95 In every case the discussion about when to declare a New Moon can only be held on day 30.

Rebbi Simeon ben Yohai stated: You shall sanctify the Fiftieth Year\(^97\). You shall sanctify years, [but] one does not sanctify months. But did we not state: “The president of the court says: sanctified”? What means sanctified? Confirmed. It was stated: For sanctifying months one starts\(^98\) with the most senior person. Rebbi Hiyya bar Ada said, the Mishnah says this: “The president of the Court says: sanctified.” It was stated, for intercalation of the year one starts from the side. Rebbi Zebida said, but this lower house do not
proceed in this way, for they did not hear what Rebbi Hiyya bar Marius and Rebbi Jonah, Rebbi Abba, Rebbi Hiyya said in the name of Rebbi Johanan: For lengthening the month one starts with the most senior person, for intercalating the year one starts from the side. When Rebbi Johanan was participating as the most junior person, they told him, say: “this year is sanctified in its intercalation.” He said, “this year is sanctified in intercalation.” Rebbi Jonathan said, look at the language which the smith’s son taught us. If he had said, “in its intercalation,” I would have said that this refers to the eleven days by which the solar year exceeds the lunar one, but “in intercalation”, that the Sages added thirty days to it [and intercalated it.]

Rebbi Jacob bar Aha, Rebbi Yasa in the name of Rebbi Johanan: For intercalation one follows the date of ordination. In the Academy one follows usage; each one gives his opinion at his place and sums up. For example, Rebbi Hanina started, Rebbi Johanan and Rebbi Simeon ben Laqisch summed up. Rebbi Abba bar Zavda started, Rebbi Hiyya, Rebbi Yasa and Rebbi Immi summed up. Rebbi Haggai started, Rebbi Jonah and Rebbi Yose summed up. Rebbi Cahana was ordained before Rebbi Jacob bar Aha, but Rebbi Jacob bar Aha participated in intercalation before Rebbi Cahana was invited. He said, the person who formulated the tradition does not respect it for himself.

96 The entire Halakhah was copied in Sanhedrin 1:2, completely explained there in Notes 138-171.


98 Corrector’s (unnecessary) addition.

Rebbi Hiyya bar Abba was standing praying. Rebbi Cahana came and stood behind him in prayer. When Rebbi Hiyya had finished, he sat down in order not to walk by him. [Rav Cahana spent a long time praying.] After he finished, he told him, is that your way to make your superiors suffer? He
told him, I am a descendant of the House of Eli, of whom it is written: if the sin of the House of Eli would forever be atoned for by sacrifice and offering. By sacrifice and offering it cannot be atoned for, [but] it can be atoned for by prayer. He prayed for him, he reached old age while his fingernails remained red like those of a small child.

100 In this paragraph, the corrector’s additions are from Sanhedrin.
Why was Rebbi Simeon ben Laqish offended by this? He was worried about what Rebbi Eleazar said, since Rebbi Eleazar said: 

*My hand will be against the prophets who see vain things and who conjure lies, in my people’s council they shall not be; that is the secret of intercalation; in the documents of the House of Israel they will not be inscribed; that is ordination; and to the earth of Israel they shall not come; that is the Land of Israel. Rebbi Eleazar said, when I came here, I said, I have one. When they ordained me, I said, I have two. When I was asked to participate in the intercalation, I said, I have all three with me.*

Rebbi Abba bar Zavda in the name of Rav: The reason of Rebbi Eleazar ben Rebbi Sadoq: When the Heavenly Court sees that the earthly Court did not sanctify it, they sanctify it.

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102 Babli *Sanhedrin* 18b.


104 Identifying biblical דת “council” with rabbinic דת “secret”.

105 When the Heavenly Court sees that the Earthly Court did not sanctify the 30th day, they automatically sanctify the 31st day.

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Mishnah 9: Rabban Gamliel had pictures of the moon phases on a tablet and on the wall on his upper floor which he showed to the common people and asked, did you see it like this or like that? It happened that two came and said, we saw it in the morning in the East and in the evening in the West. Rebbi Johanan (ben Nuri) said, they are false witnesses. Rabban Gamliel accepted them when they came to Jabneh.
Mishnah 10: Another time two came and said, we saw it on time, and in the night of the addition\(^ {109} \) it was not seen, but Rabban Gamliel accepted them. Rebbi Dosa ben Hyrkanos said, they are false witnesses. How can one testify about a woman that she gave birth and the next day she is in labor pains? Rebbi Joshua said to him, I am agreeing with your words.

106 Latin *tabula*.

107 Who are not trained in astronomy but come to testify. Greek 'οἱ ἀστρονομοὶ.

108 Since the new moon appears from behind the sun, the entire period near a new moon it must be close to the sun, in the East in the morning and the West in the evening.

109 The night of the 31st of the old month.

Halakhah 7: Rebbi Simlai said, the reason of Rebbi Johanan ben Nuri is that for any month which starts before noontime the eye is not able to see the old moon. And it was stated thus: If the old moon was seen in the morning, the new moon is not seen in the evening\(^ {110} \). If the new moon was seen in the evening the old moon was not seen in the morning. Rebbi Hiyya bar Abba said, why did Rabban Gamliel accept them? Because he had a tradition from his forefathers that sometimes it moves in a shortcut, sometimes it moves on an extended path\(^ {111} \).

110 Cf. Babli 20b.

111 Babli 25a. The deviation of the actual from the mean month may be up to ±12 hours.
HALAKHAH EIGHT

Mishnah 11: Rabban Gamliel sent to him, I am decreeing about you that you shall come to me with your staff and your money purse on the day when the Day of Atonement should be according to your computation. Rebbi Aqiba went and found him afflicted. He said to him, I have to infer that all which Rabban Gamliel does is valid, as it is said, these are the festive times of the Eternal which you have to proclaim. Whether on the correct time or not the correct time, I only have these as festive times.

112 When it is forbidden to carry in the public domain since all the rules of the Sabbath are applicable to the Day of Atonement. As the sequel shows, the disagreement must have been about the determination of Elul.

113 Lev. 23:2.

114 Those which are proclaimed by the court entrusted with the regulation of the calendar.

115 But did we not state, “it happened that more than 40 couples passed by and Rebbi Aqiba held them back in Lydda”? Because they are 40 couples. But if it had been a single couple he would not have held them back.
is not testimony that is simply false but one that is impossible, in that the witnesses were proven not to have been at a place where they could have seen the matter to be testified about. Since the testimony was not simply false but the witnesses were no witnesses, the Tosephta proves that declaration of the new month without any supporting testimony is valid.

Chapter 1:6, Note 278. The Mishnah is no proof that witnesses are not really needed; he held the witnesses back since he considered their group travel an abuse of the permission granted to travel on the Sabbath.

Mishnah 12: He came to Rebbi Dosa ben Hyrkanos, who said to him, if we came to investigate the Court of Rabban Gamliel, we would have to investigate every single Court which was formed since the times of our teacher Moses up to today, as it is said, Moses and Aaron, Adav and Avihu, and seventy of the Elders of Israel ascended. Why were the names of the seventy Elders not given? To teach that any three who formed a Court for Israel are equivalent to the Court of Moses. He took his staff and his money in his hands and went to Rabban Gamliel at Jabneh on the day that was the day of Atonement according to his computation. Rabban Gamliel rose, kissed him on his head, and said to him, come in peace, my teacher and my student. My teacher in wisdom, and my student since you accepted my words.

114 Babli 25a.
115 Tosephta 2:1.
116 Chapter 1:6, Note 278. The Mishnah is no proof that witnesses are not really needed; he held the witnesses back since he considered their group travel an abuse of the permission granted to travel on the Sabbath.
Halakhah 9: It is written\(^{120}\), the Eternal Who made Moses and Aaron and Who brought up etc. \(^{121}\)Then the Eternal sent Yerubbaal, and Bedan, and Yephtah, and Samuel. Yerubbaal is Gideon\(^{122}\). Bedan is Simson\(^{123}\). Yephtah is Yephtah the Gileadite. He combined the three most lightweight of the world\(^{124}\) with the three most powerful of the world, to teach you that the Courts of Gideon, and Yephtah, and Simson are of equal consideration as those of Moses, Aaron, and Samuel. Not only this but He mentioned the great ones on both sides and the little ones in the middle\(^{125}\).

\(^{120}\) IS. 12:6.

\(^{121}\) IS. 12:11.

\(^{122}\) Jud. 6:32.

\(^{123}\) The name Bedan appears again in 1Chr. 7:17, as name of a Gileadite. Since nothing is otherwise known of this person and he is not mentioned as a Judge, the word is not read as a proper name but as a statement, “in Dan”; referring to Simson, the only Judge of the tribe of Dan.

\(^{124}\) Gideon is suspected of introducing aspects of paganism into Jewish worship with his ephod. Simson is depicted as rather dumb, and Yephtah, judged by the standard of rabbinic law, showed his incompetence in the case of his daughter’s vow.

\(^{125}\) Babli 25a.

\(^{58b\ line\ 55}\) טעמ רב גמליאל הנשק על ראש אמא ולע зуб כלים בר קתומיד. רב בכתומיד

תוכלתי בר פראי. רב בכתומיד תוכלתי שפלתי שאתי גוז על זה-legged. קותב

אלפתאו מוסכימל. רב מתן בר שמועת בר ליתן. רב מתן אפור. ([אלפתאון מוסכימל] bàn שמעות ו眭ים א taraf [ Elves ] ו眭ים א taraf [ Elves ])

והוא נאות בר חרובתיות: רב שמעון בר ליתן מקריא ([אלפתאון] [エルフ]) מוסכימל אני חוץ כא אלפתאון מוסכימל. באה שמעות ו眭ים א taraf [ Elves ] ו眭ים א taraf [ Elves ]

“Rabban Gamliel rose, kissed him on his head, and said to him, come in peace, my teacher and my student.” My teacher in wisdom and my student in the fear of sin. My teacher in wisdom and my student since all that I am deciding about him he fulfills. It is written\(^{126}\), our chiefs are patient. Rebbi Johanan and Rebbi Simeon ben Laqish. Rebbi Johanan said, [it is not written our bulls are carrying but]\(^{127}\) our chiefs are patient. When the great ones
suffer the smaller ones then there is neither breach, nor tumult, nor crying in our streets. Rebbi Simeon ben Laqish inverts this verse. It is not written (our bulls) [the bulls] are carrying but our chiefs are tolerated. When the smaller ones tolerate the greater ones then there is neither breach, nor tumult, nor crying in our streets.

126 Ps. 144:14. The verse can be translated as: our bulls are carrying, there is neither a breach, nor an escape, nor crying in our streets.

127 Corrector’s addition from R. Simeon ben Laqish’s interpretation; unnecessary.

128 Here also the corrector’s change of the biblical text is not warranted; without changing the letters of the text the meaning is changed from cattle breeding to politics. Cf. Babli Berakhot 17a/b.
Simeon ben Laqish had not made his statement, we would have said that he only said that all might be from the new one\textsuperscript{137}. Therefore it is necessary that Rebbi Simeon ben Laqish made his statement. Or if Rebbi Simeon ben Laqish had stated his but Rebbi Johanan had not made his statement, we would have said that he stated day, therefore not night\textsuperscript{138}. Therefore what Rebbi Johanan said is necessary and what Rebbi Simeon ben Laqish said is necessary.

129 Parallel sources are \textit{Gen. rabba} 6(1), \textit{Pesiqta dRav Cahana Hahodesh}, \textit{Pesiqta rabbati} 15 (Hahodesh).

130 \textit{Ps.} 104.19.

131 Since the motion of the sun through the seasons is almost not perceptible, holidays are defined by phases of the moon.

132 \textit{Num.} 33:3. The argument is about the statement in the verse, \textit{on the 15\textsuperscript{th} day of the month}.

133 This implies that the time of sunset on the first of Nisan must already be part of the new month.

134 \textit{Gen.} 1:14. At the creation it is stated that sun and moon together determine the holidays.

135 \textit{Gen.} 1:5. Without the preceding evening the day is not complete and is not counted.

136 \textit{Ex.} 12:2. Since “month” is written defective, it may be read “new”.

137 The verse in \textit{Gen.} does not indicate any relationship with the declaration of the new moon; therefore the verse in \textit{Ex.} is needed.

138 The verse in \textit{Ex.} does not indicate how a day is defined. Without the verse in \textit{Gen.} we could split a day between two months. Babli 20b.
ראותה בראת דין פרק שליש ראש השנה

Mishnah 1: If the Court and all of Israel saw it, the witnesses were interrogated but they did not manage to say “sanctified” before nightfall, it is prolonged\(^1\). If the Court alone saw it, two of them shall stand and testify before them, and they shall say “sanctified, sanctified”. If three who form a court\(^2\) saw it, two of them shall stand up, let two of their colleagues sit with the single one, testify before them, so they can say “sanctified, sanctified”, since no single individual is empowered by himself\(^3\).

1 Even though everybody knows that day 30 of the preceding month should have been declared as first of the new month, if it is not declared so by the Court empowered to establish the calendar then automatically day 31 will be the first of the next month.
2 Three duly ordained members of the Calendar Court.
3 Mishnah Sanhedrin 1:2.
Rebbi Ze’ira, Rebbi Immi in the name of Rebbi Joshua ben Levi: One entangles one who was seen to prolong it; one does entangle one who was not seen to sanctify it. Rebbi Abba and Rebbi Hyya in the name of Rebbi Joshua ben Levi: One entangles one who was not seen to sanctify it, one does not entangle one who was seen to prolong it. The Mishnah disagrees with Rebbi Ze’ira: “If the Court and all of Israel saw it, the witnesses were interrogated but they did not manage to say “sanctified” before nightfall, it is sanctified.” Because of nightfall. Therefore not if there was no nightfall. This implies that one does not entangle one who was seen to prolong it. A baraita disagrees with Rebbi Abba: “I could think that if two days were needed, one adds two days. The verse says, it. There is authorization only for one day.” This implies that one does not entangle one who was not seen to sanctify it. A baraita disagrees with Rebbi Abba: “I could think that just as one intercalates a year according to necessity so one would sanctify the month according to necessity. The verse says, the new moon, one follows the new moon.” This implies that one does not entangle one which was not seen to sanctify it. A baraita disagrees with Rebbi Abba: “I could think that if the moon was not seen for two days, they should sanctify the next month for two days. The verse says, they, there are, those would not be My festive seasons”. Because it was not seen; therefore not if it had been seen. This implies that one does not entangle one who was not seen to sanctify it. They wanted to say that they do not disagree. What Rebbi Ze’ira said, about all other months; what Rebbi Abba said, about Nisan and Tishre.

4 The statement that the day is not consecrated as New Moon unless the authorized Court pronounces it sanctified applies to all cases, whether there are outside witnesses or not.
5 Babli 20a. “Entangle” in this case means that one conducts the cross-examination of the witnesses in such a way that they get confused and confess that they cannot exactly testify to the appearance of the new moon, leaving the Court without witnesses. In this version, one may confound witnesses about what they saw, but not about what they did not see.
6 In this version one may not interfere with true testimony, but the court always may declare the 30th day as belonging to the next month.

7 As noted at the end of Halakhah 2:6, the 31st day is automatically sanctified at sundown after the 30th.

8 The Mishnah implies that the 31st day becomes consecrated only because of the slowness of the Court; no intentional dragging of feet.

9 Sifra Emor Pereq 10(6); The verse referred to should be Lev. 23:4, where one reads שמות. There does not exist a verse referring to the first of a month using the expression ייחן.

10 Sifra Emor Pereq 10(5). There never can be a month of 28 or 31 days.

11 Tosephta 2:3, the verse referred to in the Tosephta is Lev 23:34 but here it is Lev. 23:4.

12 If it was not seen one could not retroactively declare the month to start from day 30.

13 Babli 20a, minority opinion of Abbai.

14 Rebbi says, Nisan was never lengthened. But did we not state15: “If the New Moon appeared in time”? If it would appear; it did not appear. Rav said, Tishre was never lengthened. But did we not state16: “If the month was long”? If it would be; it never was.

17 When they sanctified the year at Usha, on the first day Rebbi Ismael, the son of Rebbi Johanan ben Beroqa, led and recited following the opinion of Rebbi Johanan ben Nuri. Rabban Simeon ben Gamliel said, we did not follow this at Jabneh. On the second day, Rebbi Hananiah, the son of Rebbi Yose the Galilean, led and recited following Rebbi Aqiba. Rabban Simeon ben Gamliel said, this we did follow at Jabneh.” But does this not mean that they sanctified it on the first and the second day? Rebbi Ze`ira in the name of Rav Hisda: That year was disorganized. What is “on the first, on the second”?
Rebbi Abba in the name of Rav: The first year, the second year! But was it not stated: the first day, the second day?

“If they sanctified it before its time or after its lengthening, should I assume it was lengthened? The verse says, ‘them, them; not these are My holidays?’ Before its time, the 29th day; after its lengthening, the 32nd day.”

From where that one intercalates for the year because of the diaspora who set out but did not yet arrive? The verse says, the Children of Israel. Make the holidays so they can be observed by all of Israel. Rebbi Samuel bar Nahman said, only if they had reached the river Euphrates.

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14 This and the following paragraphs also are found in Ṣevi’it 10:2 (Notes 41-55) and Sanhedrin 1:2 (Notes 213-215).
15 Mishnah Ṣeqalim 4:5.
16 Mishnah Ṣevi’it 10:2.
17 Tosephta Roš Haḥšanah 3:11, Sifra Emor Parashah 11(5); Babli 32a.
18 Sifra Emor Parashah 9(3). Lev. 23:2

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20 Rebbe Jacob bar Aha, Rebbe Immi in the name of Rebbe Jehudah bar Pazi: “If they sanctified it and after this the witnesses were found perjured, it remains sanctified.” Rebbi Yose met Rebbe Jehudah bar Pazi. He asked him, did your hear this from your father? He answered him, so said my father in the name of Rebbe Johanan, one is not fussy with testimony of the new moon.

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20 Ṣevi’it 10:2, Note 56. 21 Tosephta 2:1, Sifra Emor Pereq 10(2).
22 The text here is closely parallel to one in Sotah 9:1 (Notes 18-19), and a reformulation in Sanhedrin 1:1, Notes 127-138. The first sentence deals with the ceremony of breaking the neck of a calf to atone for an unsolved murder (Deut. 21:1-9), whose rules are in Sotah 9:1.

23 Deut. 21:7.

24 They hold that a witness is automatically disqualified as a judge since he has an opinion about the case before the start of the proceedings.

25 Whether members of the Synhedrion who saw the New Moon may act as witnesses before their colleagues.

26 This now refers to the Mishnah here which prescribes that if three members of the Court saw the New Moon, one of them...
may sit with two others as a court and the other two who saw the New Moon appear as witnesses before them. The question arises, why does one have to call two others; would one not be sufficient if alternatingly one stands up as a witness and one sits down as a judge.

27 Even if one does not hold that a potential witness be automatically disqualified as a judge, he must hold that once a person acted as a witness he is disqualified as a judge.

28 Rav Huna knew testimony for a creditor. The debtor required that the suit be heard in Rav Huna’s court. He knew that Rav Huna, as judge, could not act as witness and was prevented from using his knowledge in his judgment. He thought it was safe to deny any debt.

29 As Rav’s successor, he was Chief Judge of all courts under the jurisdiction of the Academy of Sura. The debtor assumed that a Chief Judge could not appear in a lower court.

30 This decides practice. A judge who knows of the case has to disqualify himself and appear as a witness in another court not under his jurisdiction. The Babli agrees, Roš Haššanah 25b, Bava qamma 90b.

If a doubt was raised about the signature of the witnesses, about the signature of the judges. Rebbi Abba in the name of Rav Jehudah: If he wants to confirm by handwriting of the witnesses he may so confirm, by the handwriting of the judges he may so confirm; but I am saying, he may confirm even by one witness, even by one judge. In the days of Rebbi Abbahu they intended to say but said, and he accepted them. In the days of Rebbi Berekhiah they became paralyzed. He asked them, did you hear that the New Moon was sanctified? They bowed their heads and he accepted them.

31 If it was claimed that a document or a judgment was falsified because the signatures on the documents were fake, it is not necessary to have the signatures verified by two witnesses each but one may present uncontested documents to the court from which by comparison the genuineness of the signatures may be inferred.

32 Since this is not new testimony, but affirmation of a prior one, a single witness may be believed.

33 It is not clear what happened there; in
any case it referred to testimony about the consecration of a New Moon and the usual standards of cross examination were waved.

34 As testimony that the Patriarch’s Court had declared a New Moon. Since R. Berekhiah is slightly younger than R. Yose who published the rules of calendar computation, it shows that with the publication of the rules the prior way of consecrating the day of the New Moon did not cease; that only happened when the Patriarchate was abolished by the Byzantine government.

Mishnah 2: All shofarot are qualified except from bovines because this is a horn. Rebbi Yose said, are not all shofarot called horn, as it is said, when the ram’s horn sounds, when you hear the sound of the shofar. The shofar of New Year’s Day is a straight one from a mountain goat, around its mouthpiece covered with gold, and two trumpets by its sides. The shofar is long and the trumpets short because the obligation of the day is by the shofar.

35 In rabbinic terminology all horns of animal origin are called shofar, even though etymologically the word means “ram’s horn.”

36 Jos. 6:5.

37 In the Temple; at all other places the shofar has no mouthpiece and is not accompanied by trumpets.

38 The trumpets give a short introductory sound, followed by the full sequence of the prescribed shofar sounds.
Halakhah 2: They wanted to say that they do not disagree. It was found stated, Rebbi Yose qualifies one from cattle but the Sages disqualify. What is the reason (of the rabbis) [of Rebbi Yose]? It will be when the ram’s horn sounds. What is the reason (of Rebbi Yose) [of the rabbis]? Better than a cattle bull, sporting a horn, split-hoofed. It is written “of horn”. And the rabbis? All shofarot are called horn and are called shofar except from cattle which is called horn but is not called shofar. They objected, there is that from mountain goat which is called neither horn nor shofar. What about it? Following what Rebbi Levi said, there is a difference because no accuser becomes a defense attorney.

39 That the rabbis and R. Yose disagree about the meaning of the word but not about practice. This is shown to be false.
40 The text in (parentheses) is the scribe’s, the one in [brackets] the corrector’s. The corrector’s text should be deleted since the scribe’s text is supported by the Babli, 26a. The rabbis note that in the verse from Jos, the ram’s horn explicitly is called shofar.
41 Ps. 69:32. In the Babli, R. Yose argues that the pleonasm “cattle bull” contains the letters of shofar.
42 In the masoretic text, the word is written defectively, with the y of hiph’l missing; so it should be read as noun, <made> of horn. The plene spelled word is incorrect (wrongly spelled in this way in the quote), could be read as “radiating”.
43 The argument that in Scripture cattle horns are never called shofar does not prove anything since horns from mountain goats likewise are never mentioned but used in the Temple service.
44 For the Greek words cf. Chapter 1, Notes 241,242. Babli 26a. The meaning is that since the Golden Calf had the shape of a bovine, it is inappropriate to use any bovine part in connection with prayers for the remission of sins.

Halakhah 3: Rebbi Jonah said, so they should straighten out their thoughts in repentance.

“Around its mouthpiece covered with gold.” If it was gilded inside it is disqualified, outside it is qualified. If he gilded it at the mouthpiece or if its sound became heavy because of the gilding it is disqualified.
Discussion of the second half of Mishnah 2 which in the separate Mishnah mss. is a separate Mishnah or is combined as one with the following Mishnah 3.

Aggadic explanation why the shofar has to be straight. Babli 26b.

Babli 27a.

Rebbi Yose said, this implies that one who heard part of a straight sound from one who was practicing did not fulfill his obligation. And where is this said? “If he blew straight for the first set and continued a double length for the second he has only one in his hand.” Rebbi Abba bar Zamina in the name of Rebbi Ze’ira: Not even one is in his hand. Why? The beginning combines with the end and the end combines with the beginning. The first part has no end and the second part has no beginning.

Corrector’s addition, to be deleted.

It is stated in Mishnah 4:10 that one who heard the shofar from a person practicing, i.e., not intending to blow in fulfillment of a biblical command either for himself or for others, did not fulfill his obligation. Now the Mishnah does not say that in the Temple the trumpets blow alone to alert people to listen to the coming shofar sounds, but they blow a short sound, implying that the person who blows the shofar started with them and then continues alone. By necessity what he blows is the straight sound with which any shofar sequence starts, and the sound which is mixed with the sound of trumpets cannot be counted as fulfilling the commandment to listen to the shofar on New Year’s Day. Since it is clear that no commandment could have been satisfied if the trumpets had sounded all the time the straight shofar sound was produced, the sound produced during the trumpet blowing may well be compared to a sound produced by a person practicing his shofar blowing.

The minimum prescribed sounds are three sets of first a straight sound, then a modulated sound, followed by a straight sound, of approximately equal durations. If there is no interruption between the final straight sound of one set and the starting one of the next, there is only one straight sound. The double duration does not make it two sounds. Instead of having two sets: monotone, modulated, monotone; monotone, modulated, monotone, one has monotone, modulated, monotone, modulated, monotone, which does not correspond to any prescribed sequence.

When Mishnah 4:11 states that “he has only one in his hand,” this means one
monotone sound; it does not imply one set of the required sequence.

Mishnah 3: On fast days\(^{52}\) it was from bent ram’s horns, around the mouthpiece covered with silver, and two trumpets in the middle\(^{53}\). The shofar is short and the trumpets drawn out because the obligation of the day is by the trumpets\(^{54}\).

\(^{52}\) Either because of a drought or a public calamity.

\(^{53}\) This implies that there were two shofarot.

\(^{54}\) Num. 10:9.

Halakhah 4: Rebbi Jonah said, so they should bend their thoughts in prayer\(^ {55}\).

They were blowing before Rebbi Joshua ben Levi on a fast day\(^ {56}\). Rebbi Yose asked, should they not blow before him with trumpets? He had not heard what was stated, trumpets in the Temple, no trumpets in the countryside\(^ {57}\). Should they not pray 24\(^ {58}\) before him? As the following, Rebbi Johanan on the Ninth of Av was praying 24 but ordered his students, do not learn this action from me; because it was a problem for him whether it was mourning or a public fast day\(^ {59}\). Rebbi Yose in the name of Rebbi Joshua ben Levi: It is not a public fast day. Rebbi Jonah, Rebbi Isaac bar Nahman in the name of Rebbi Joshua ben Levi: It is mourning, it is not a public fast day.
Rebbi Ze`ira said, the case of Rebbi Johanan implies that a person prays four [times] of the Ninth of Av. He only said four, but not 24.

55. Same argument as Note 46, applied to fast days.
56. As the sequel shows, these are not the days of fasting for rain discussed in Tractate Ta`anit, but the historical fast days connected with the destruction of the Temple, such as the 17th of Tammuz and the 9th of Av, for which obviously there is no Temple precedent.
57. Since trumpets are prescribed for the Temple service (Note 54), they are prohibited for religious observances outside. Babli 27a.
58. The 24 parts of the Amidah prayer on fast days for rain, as described in Mishnah Ta`anit 2:2.
59. While in the Babli Ta`anit 12b it is stated that the 9th of Av is a public fast day, the meaning of the statement is the same as the statement here that it is not a public fast day. The Babli states that it is like a public fast day in that it includes the preceding night in the fast, unlike the other historical fast days, the Yerushalmi states that it is not a public fast day in that all the rituals spelled out in Ta`anit Chapters 2, 3 do not apply. Both statements are true in actual practice.
60. He prescribes prayers in the evening, morning, afternoon (Minhah), and shortly before the end of the fast (ne`ilah.) This is prescribed for public fasts in Mishnah Ta`anit 4:1 and contradicts the statement of R. Joshua ben Levi which is accepted practice.

Mishnah 4: The Jubilee is equal to New Year’s Day in blowing and prayer. Rebbi Jehudah says, on New Year’s Day one blows from rams, on the Jubilee from mountain goats.

61. The Day of Atonement in the Jubilee year when blowing the shofar sets Hebrew slaves free and returns land to its hereditary owners (Lev. 25:9).
62. On the Day of Atonement of the Jubilee year also the musaf prayer is supposed to consist of 9 benedictions and after each of the three middle ones one blows the shofar (Mishnah 4:6-7).
Halakhah 5:  *I am the Eternal, your God*, these are Malkhiot. *Remembrance of trumpet sounds*, these are Zikhronot. *The shofar of trumpet sound*, these are Shofarot. So far New Year’s Day. “The Jubilee? You shall convey the shofar of sounds in the seventh month, on the tenth of the month, on the Day of Atonement. The verse did not have to say, *in the seventh month*. Why did the verse say, *in the seventh month*? Only that everything you are doing on New Year’s Day do on the Tenth of the Month. Since here there are Malkhiot, Zikhronot, and Shofarot, also there are Malkhiot, Zikhronot, and Shofarot.

62 This text seems slightly inconsistent; it is best to explain it following the parallel in *Sifra Emor Parashah* 11(1) (Babli 32a). The problem is to explain that the three sets of blowing the shofar should not be done in isolation but that the first should follow a celebration of God as King (Malkhiot), the second after a text which declares that on that day all creatures are remembered and their fate decreed for the next year (Zikhronot), the last one after celebration of the shofar as the sound associated with the proclamation of the Ten Commandments (Shofarot). As detailed in the next Chapter, the core of each of these celebrations has to be the recitation of at least 10 relevant biblical verses. In *Sifra*, R. Aqiba is reported to explain the verse (*Lev*. 23:24) describing New Year’s day as *remembrance of trumpet sounds*, that “remembrance” refers to Zikhronot, “trumpet sounds” to Shofarot, declared as holy requires a declaration of the holiness of the day (the fourth benediction in the musaf prayer) combined with the celebration of God as King because the sentence *I am the Eternal, your God* (*Lev*. 23:23) immediately precedes the mention of the Seventh Month. In the text, the reference adduced for Shofarot is *Lev*. 25:9, referring to the day of Atonement of the Jubilee year.

63 *Sifra Behar Parashah* 2(3), even though there the rules for the Day of Atonement of the Jubilee are taken for granted and those for New Year’s Day are derived. The argument is that the determination of the date in *Lev*. 25:9 is unnecessarily complicated since everybody knows that the day of Atonement is the 10th of the 7th month. Therefore it is implied that the 7th month only is mentioned to indicate that the rules for all shofar blowings in the 7th month must be equal.
From where that there is a single sound preceding? The verse says, you shall convey the shofar. And from where that there is a single sound afterwards, the verse says, you shall convey the shofar. So far the Jubilee, New Year’s day? You shall convey the shofar of sounds in the seventh month, on the tenth of the month, on the Day of Atonement. The verse did not have to say, in the seventh month. Why did the verse say, in the seventh month? Only that everything you are doing in the Seventh Month do as on the Tenth of the Month. Since here he blows, modulates, and blows, so also there he blows, modulates, and blows.”

64 Sifra Emor Parashah 11(7), Behar Parashah 2(4); Babli 33b/34a.
65 Lev. 25:9 reads: You shall convey the shofar of sounds in the seventh month, on the tenth of the month; on the Day of Atonement you shall convey the shofar in all of your land. It seems that they interpret “convey” as conveying a single sound.

66 From where that there are three sets of three sounds each? The verse says, a day of sound, a remembrance of sound, shofar of sound.” So far following Rebbi Aqiba. Following Rebbi Ismael? “You shall blow sounding; and you shall blow sounding a second time; sounding you shall blow for your travels. If you would say that blowing is sounding, is it not written, to assemble the people you shall blow but not sound.”

66 Sifra Emor Parashah 11(9), Sifry Num. 73.
67 Num. 29:1
68 Lev. 23:24.
69 Lev. 25:9.
A Jubilee [it is], even though they did not observe the Sabbatical, even though they did not blow the shofar. Or maybe even though they did not manumit slaves? The verse says it is, the words of Rebbi Jehudah. Rebbi Yose says, a Jubilee, even though they did not observe the Sabbatical, even though they did not manumit slaves. Or maybe even though they did not blow the shofar? The verse says it is. Rebbi Yose said, since the verse makes it dependent on blowing the shofar, and another verse makes it dependent on manumitting slaves, why am I saying, Jubilee even though they did not manumit slaves? For it is (impossible) [possible] for a Jubilee without manumitting slaves but (possible) [impossible] for the Jubilee without sounding the shofar. Another explanation: The blowing of the shofar depends on the Court but manumission of slaves depends on everybody. And it follows what Rebbi Samuel ben Rav Isaac said, the Eternal spoke to Moses and Aaron and commanded them to the Children of Israel. About what did he command them? About the chapter on manumission of slaves. This parallels what Rebbi Ila said, Israel was only punished because of the Chapter about manumission of slaves; that is what is written, at the end of...
seven years everyone has to set free his Hebrew brother, etc. It was stated in the name of Rebbi Neḥemiah, she was like a trading vessel, from far she brings her bread. The words of the Torah are poor in their proper place but rich at another place. Rebbi Johanan said, these are the words of Rebbi Jehudah and Rebbi Yose, but the words of the Sages are, consecration by the High Court, and blowing the shofar, and remission of debts cause it to be Sabbatical. One understands consecration by the High Court, and blowing the shofar, but is remission of debts not at the end? Rebbi Ze’ira understood it from the following: He said to me, do not fear, Daniel, since your words were heard from the first day when you concentrated to understand and fast before your God. Your words already were heard.

74 Sifra Behar Pereq 2(4); a similar text Babli 9b.
75 Corrector’s addition from the Babli; out of place as shown by R. Yose’s statement.
76 As Rashi explains in the Babli, in Lev. 25:8ff. it first is stated that the calendar authorities have to count 49 years, then organize the blowing of the shofar as consecration of the 50th year as Jubilee and return of land to the hereditary owners. Then in vv. 11,12 it is emphasized it is Jubilee, meaning that all rules spelled out subsequently do apply whether or not the preliminary actions required in vv. 8-10 have been executed or not.
77 The verse quoted from Jer. later on. In Lev. the freeing of Hebrew slaves is a law depending on the declaration of the Jubilee, 25:40.
78 The (scribe’s text) has to be preferred to the [corrector’s]; they more or less mean the same. The scribe’s text means that a slave not freed in the Jubilee is held illegally; in law he cannot be considered a slave. Therefore the Jubilee without manumission is a legal impossibility; a disregard of the duty to manumit is a sin for the individual, and a sin of the Court which does not enforce the law, but has no relevance for whether or not there is a Jubilee. On the other hand, the blowing of the shofar is a duty imposed on the Court; it is not intrinsic to the notion of Jubilee.
79 Essentially a succinct reformulation of the previous argument.
80 Ex. 6:13.
81 Since at that point the Israelites were not yet freed, no commandments could be given to them. It is asserted that they were told that they would be freed on condition that they would in the future manumit their own Hebrew slaves on the Jubilee.
82 Jer. 34:14. The argument is from the preceding verse: I concluded a covenant with your forefathers, on the day when I took them out of the land of Egypt, as follows:
83 Prov. 31:14. The “valiant woman” is identified with the Torah (Midrash Mishleh 31[10].)
84 Since in Ex. it is not spelled out what was the first commandment given to the
Israelites, but in Jer. it is spelled out.

85 As noted in Note 76, these are given in the biblical texts as establishing the Jubilee.

86 While it is not stated explicitly in the Mishnah, it clearly follows from the rules of Ševi`it Chapter 10 that debts are cancelled by the end of the Sabbatical year. Since the Jubilee is a Sabbatical, how can its validity be dependent on what happens after it ends?

87 Dan. 10:12. The courts must be ready to enforce the cancellation of debts after the end of the Jubilee.

Rebbi Johanan said, the reason of Rebbi Jehudah: to associate the frequent with the frequent, and the infrequent with the infrequent. 88 The shofar of New Year’s Day, which is a yearly event, is a ram’s horn, easily available coming from a domesticated animal. The one for the Jubilee, used once in 50 years, comes from a wild animal and is rare.

Mishnah 5: A shofar which was split and glued together is disqualified. If one glued together pieces of shofarot it is disqualified. If it was pierced and he plugged it, if it obstructs blowing it is disqualified, otherwise it is qualified.

Halakhah 6: “A shofar which was split and glued together is disqualified.” For whom is this needed? For Rebbi Nathan. “If one glued together pieces of shofarot it is disqualified.” This also is Rebbi Nathan’s. “If it was pierced and he plugged it,” Rebbi Hyya in the name of Rebbi
Johanan, it is Rebbi Nathan’s, as it was stated⁹⁰, if it was pierced and then repaired, whether with its own kind or another kind, if it obstructs blowing it is disqualified, otherwise it is qualified; Rebbi Nathan says, with its own kind⁹¹ it is qualified, not with its own kind it is disqualified. Rebbi Hiyya in the name of Rebbi Johanan: so is the Mishnah: “if it was obstructing blowing it is disqualified⁹², otherwise it is qualified.” Rebbi Abba bar Zemina in the name of Rebbi Ze’ira: Only if he plugged it. But if he did not plug it it is qualified since all sounds of a shofar are qualified.

Rebbi Jacob bar Aha said, Abba bar Abba⁹³ asked Rebbi, what are the rules for a drilled shofar? He said, with one of this kind [one blows at Jabneh. Rebbi Abba asked before Rav, what are the rules for a drilled shofar? He said, with one of this kind]⁹⁴ one blows at Eintab⁹⁵.

89 The entire Mishnah must follow R. Nathan since in the baraita quoted in the Halakhah the opponents of R. Nathan disqualify even a repaired hole.
90 Babli 27b.
91 He considers a horn repaired using only material from similar horns as the natural product and qualified.
92 If the shofar was unusable when not repaired, it remains unusable when repaired.
93 He is the father of Samuel.
94 Corrector’s addition, correctly deleted in Krotoschin ed., even though endorsed by R. Joseph Karo (Bet Yosef Orah Hayyim §586.)
95 The place chosen for determining the calendar.

Mishnah 6: If somebody blows into a cistern, or into a cellar, or into a barrel⁹⁶, if he heard the sound of the shofar he fulfilled his obligation, if he heard the sound of the echo he did not fulfill his obligation. Similarly⁹⁷, if somebody was passing by a synagogue or his house was near the synagogue and he heard the sound of the shofar or the reading of the Esther scroll, if he listened purposefully he fulfilled his obligation, otherwise he did not fulfill his
obligation. Even though both heard, one listened purposefully, but the other did not listen purposefully.

96 Greek πίθος.
97 The two cases are not quite comparable. In the first case, two people hear similar sounds, one the original and the other the echo. In the second case both hear the same sound, but one intended to fulfill his religious obligation and the other did not.

Halakhah 7: Rebbi Yose ben Hanina said, it only said “somebody was passing by.” Therefore if he stood still, the presumption is that he listened purposefully.98 99 “If he put one shofar inside another shofar (,we shall say) [and blew]100, if one heard the sound of the inner one, he has fulfilled his obligation, if one heard the sound of the outer one, he has not fulfilled his obligation.” Rebbi Abinna asked, what if he turned it inside out? Let us hear from the following101: “If he scratched it inside it is disqualified, outside it is qualified.” He only said, he scratched; therefore if he turned it inside out it is disqualified. What is the difference between the two? One eliminated the inner space, the other did not eliminate the inner space.

98 The Babli, 29a, has a problem whether the person who blew the shofar intended to benefit also the casual listener.
100 The corrector’s text in brackets follows the Babli and the Tosephta.
101 In the Babli sources (Note 99) the reading is: “inside or outside it is qualified.” The Yerushalmi text should not be adapted to the Babli since roughing the surface inside changed the sound chamber.
Mishnah 7: It was when Moses lifted his hands then Israel had the upper hand\textsuperscript{102}, etc. Do Moses’s hands conduct war or break war? But any time that Israel looked up high and directed their thoughts\textsuperscript{103} to their Father in Heaven they were dominating, otherwise they were falling.

102 Ex. 17:11. connecting this Mishnah to the preceding.

Halakhah 8: Rebbi Joshua ben Levi said, Amaleq was a sorcerer. What did he do? He put people up on their birthday, implying that no man easily falls on his birthday\textsuperscript{104}. What did Moses do? He mixed planets\textsuperscript{105}. That is what is written\textsuperscript{106}, sun, moon stood in the sky, etc. And it is written\textsuperscript{107}, the abyss sounded, the elevated lifted his hands. Since the elevated lifted his hands, the abyss sounded. Samuel said, and the host will be given against the daily sacrifice by vice\textsuperscript{108}, the vice of the Torah\textsuperscript{109}. And truth will be thrown to the ground; anytime that Israel throws the words of the Torah to the ground, this evil government decides and succeeds. What is the reason? It threw truth to the ground, did, and succeeded. And there is no truth like Torah, as you are saying\textsuperscript{110}, buy truth and do not sell, wisdom, ethics, and insight. Rebbi Jehudah bar Pazi said, Israel has neglected the good, an enemy will pursue it\textsuperscript{111}, and there is no good but the Torah, as you are saying, for a good acquisition I gave to you, do not abandon my Torah\textsuperscript{112}.

104 On the theory that warriors are less vulnerable on their birthday, γενέσεως, because the stars of his birth will protect him (and astrology is legitimate for Gentiles.)

105 He assured Joshua’s victory by deviating the stars from their regular course (agreeing that the stars did for Moses what
they did for Joshua, Yalqut Joshua 22).

106 Hab. 3:11.
107 Hab. 3:10.
108 Dan. 8:12.
109 The vice of neglecting the Torah.
110 Prov. 23:23.
111 Hos. 8:3.
112 Prov. 4:2.

Mishnah 8: Similarly, the Eternal said to Moses, yourself make a poisonous snake and put it on a pole, etc. Does the snake kill or the snake make live? But in times when Israel look upwards and make their thought subservient to their Father in Heaven they were healed, otherwise they were rotting.

113 Num. 21:8.

Halakhah 9: Rebbi Yasa said, in four places it is said “make for yourself.” In three it is explicit, one is not explicit. Make yourself an ark of gopher wood. Make yourself two silver trumpets. Make yourself flintstone knives. He did not make explicit. Moses said, is its root not nhš? Therefore, Moses made a brass snake. From there, Rebbi Meïr interpreted names. There was a man called Kidor. Rebbi Meïr told them, guard yourselves from him, he is a bad person; for a generation of perverts they are.

114 A somewhat extended version is Gen. rabba 31(8).
115 Gen. 6:14.
116 Num. 10:2.
117 Jos. 5:2.
118 The words for “brass” and “snake” both use the root nhš whose meaning seems to be unrelated to both.
119 Num. 21:9.

120 Slightly differently Babli Yoma 83b.

Rebbi Levi in the name of Rebbi Hama bar Hanina. It is not written, “and one bitten”, but *and anyone bitten*, even bitten by a dog, even bitten by a snake. But they do not compare. A dog bite, *and he sees*; a snake bite, *and he gazes*. Rebbi Jehudah the circumcizer in the name of Rebbi Aha, A dog bite which is not of its kind, *and he sees*; a snake bite which is of its kind, *and he gazes*. But the rabbis say, A dog bite which does not make tremble, *and he sees*; a snake bite which makes tremble, *and he gazes*.

122 Gazing needs intent, seeing may be unintentional.

Mishnah 9: A deaf-and-dumb person, an insane person, or a minor, may not free the public from their obligation. This is the principle: Anybody not obligated for something may not free the public from their obligation.

123 If anybody hears the shofar blown by a person not obligated has not fulfilled his obligation of hearing the sound of the shofar. The three categories mentioned here are those of males not under any religious obligation. The deaf-and-dumb because he has no connection with civilization and therefore cannot learn his obligations. Therefore a deaf-and-dumb person trained in sign language no longer is legally deaf-and-dumb. The insane cannot be responsible for anything. The minor is his parent’s obligation, not his own, until he reaches adulthood, fixed at 13 years and 1 day.

124 For example women, who are exempted from all religious obligations tied to a fixed date.
Halakhah 10: It is stated: In truth, they said a woman may say Grace for her husband, a slave for his master, and a (son) [minor] for his father. [One understands a woman for her husband, a slave for his master. A minor for his father?] Did not Rebbi Aha say in the name of Rebbi Yose ben Nahorai: All they said about a minor is for the latter's education? Explain it that he recites after him (Amen), as we stated there: “A person to whom a slave, or a woman, or a minor, read for him, repeats after them what they say, and it should be a curse for him.” There should be a curse on the man of twenty years who needs the child of ten.

125 This Halakhah is copied from Sukkah 3:11, Notes 110-113. Its origin is Berakhot 3:3, Notes 153-157.
126 Babli 38a, Berakhot 20b; Tosephta 127 Texts of (scribe) and [corrector].
128 Corrector’s addition from the parallels.
If the holiday of the New Year falls on a Sabbath, in the Temple they were blowing but not in the countryside\(^1\). After the destruction of the Temple, Rabban Johanan ben Zakkai instituted that one should blow at any place where there is a Court\(^2\). Rebbi Eleazar said, Rebbi Johanan ben Zakkai instituted this only at Jabneh. They said to him, it is the same at Jabneh and at any place where there is a Court\(^3\).

\(^1\) Outside of the Temple.

\(^2\) Competent to fix the calendar.

\(^3\) While Rabban Johanan ben Zakkai instituted this at Jabneh, and he died while the Court was at Jabneh, the accepted interpretation was that this institution together with his other regulations for a reconstituted Synhedrion was transferred to the Galilean places where his institutions were re-established after the Bar Kochba war.
“If the holiday of the New Year,” etc. Rebbi Abba bar Pappos said, Rebbi Johanan and Rebbi Simeon ben Laqish were sitting and questioning. They said, we have stated: “if the holiday of the New Year falls on a Sabbath, at the Temple they were blowing but not in the countryside.” If it is a word of the Torah, in the countryside it also should push aside⁴; if it is not a word of the Torah also in the Temple it should not push aside. Cahana passed by. They said, this is a [an important]⁵ man whom we may ask. They went and asked him. He said to them, one verse says, a day of sounding; another verse says, a remembrance of sounding⁶. How is that? If it falls on a weekday, a day of sounding. If it falls on a Sabbath, a remembrance of sounding, one mentions it but does not blow⁷. Then also in the Temple it should not push aside⁸. It was stated, on the first of the month⁹. Then also anywhere they know that it is the first of the month it should push aside¹⁰. Rebbi Simeon ben Yohai stated, and you shall sacrifice¹¹, at the place where the sacrifices are offered. The colleagues said before Rebbi Jonah. Is it not written, you shall convey a sounding shofar in the seventh month¹², etc? He said to them, this one you convey in all your Land, therefore not another one¹³. They said to him, or we might say, this one you convey in your Land, therefore another one both in your Land and outside the Land. Rebbi Jonah said, if it were written “convey a shofar in your Land”, I would have said that here he restricted and at another place he extended. But in all your Land, here he extended and at another place he restricted¹³.
4 Since any positive commandment which must be performed at a fixed date pushes the Sabbath aside, such as the daily and Sabbath sacrifices in the Temple and circumcision on the eighth day.
5 Corrector’s addition.
6 In Num. 29:1, New Year’s Day is called a day of sounding, but in Lev. 23:24 it is remembrance of sounding.
7 That this argument is treated as a novelty a full generation after R. Johanan shows that Cahana’s explanation was not disseminated.
8 The Babli 29b accepts this as proof that the prohibition of blowing the shofar outside the Temple on the Sabbath must be purely rabbinic.
9 Both in Num. 29:1 and Lev. 23:24 this is the definition of the day.
10 Since it is known with certainty which day is a Sabbath, but the exact date of New Year’s day depends on a declaration from the calendar court, it should be clear that at a distance from the court, in Temple times at a distance from Jerusalem, one cannot blow the shofar on a 30th of Elul which is a Sabbath. (This argument is disputed in the Babli 29b).
11 Lev. 23:24.
12 Lev. 25:9. The verse continues, on the tenth of the month, on the Day of Atonement, you shall convey a shofar in all your Land. There can be no doubt that on a day of Atonement in a Jubilee year which is a Sabbath the shofar has to be sounded in all the Land of Israel, not just at the Temple. Since it was established in Halakhah 3:5 that the rules of New Year’s Day and Day of Atonement in a Jubilee year are identical, there seems to be no reason not to blow the shofar on a Sabbath outside the Temple.
13 While this argument is attributed here to an Amora of the generation before the last, it is given in Sifra Behar Parashah 2(5): “Why does the verse say, on the tenth of the month, on the Day of Atonement? Since it says, on the Day of Atonement, would I not know that it is on the tenth of the month? But to tell you that on the tenth of the month it pushes the Sabbath aside in all of your Land, but the sound of New Year’s day does not push the Sabbath aside in all of your Land, only at the place of the Court.” This argument justifies Rabban Johanan ben Zakkai’s decision to have the shofar blown at Jabneh.

Mishnah 2: And also in the following Jerusalem was more than Jabneh, that one blows in any village which sees, and hears, and is near, and is able to come; but in Jabneh one only blew in the Court.
Halakham 2: But only if all conditions are satisfied\(^{14}\). It sees but does not hear; for example Jerusalem up high and it below. Hears but does not see; a mountain interrupts. Sees and hears but cannot come; outside the Sabbath domain. Sees, and hears, and is near, but is unable to come; a river separates\(^{15}\). Rebbi Jonah asked, if it were able to come by an \textit{eruv}\(^{16}\)? Just as you are saying in Jerusalem, that one blows in any village which sees, and hears, and is near, and is able to come, should we not say the same at Jabneh? Jerusalem is by word of the Torah and the nearby villages by word of the Torah, and Rabban Johanan would institute according to the words of the Torah\(^{17}\). Jabneh is by their words, and the close by villages would be by their words, and Rabban Johanan ben Zakkai would institute by their words\(^{18}\). Does there exist institution after institution\(^{19}\)?

\(^{14}\) All conditions enumerated in Mishnah 2 are necessary conditions for blowing the \textit{shofar} on a New Year’s day which is a Sabbath.

\(^{15}\) Babli 30a.

\(^{16}\) The village is outside the Sabbath domain of Jerusalem. If people from there may go to Jerusalem by making an \textit{eruv} before the Sabbath, they seem to be excluded not by a condition spelled out in the Mishnah but by the interpretation in the Halakham of such a condition. Since the question is not practical before the time of the Messiah, the latter will be able to give the answer.

\(^{17}\) This does not imply that villages near Jerusalem did blow the \textit{shofar} on a Sabbath by an ordinance of Rabban Johanan ben Zakkai, but is purely hypothetical, that he had biblical authority to do so had it not been an age-old custom.

\(^{18}\) Since there is biblical authority (cf. Note 13) for a rabbinical decree establishing \textit{shofar} blowing at the place of the Calendar Court, there also should be authorization for blowing at all places where the decision of the Court to declare the Sabbath as New Year’s Day could be heard on the same day.

\(^{19}\) Since as a matter of principle, rabbinic decrees should not be piled one on top of the other, Rabban Johanan ben Zakka was justified in instituting a very narrowly defined exception to the rule that one does not blow on the Sabbath. In the Babli, the
rule is not applied to these circumstances, but to biblical prohibitions which can be safeguarded by a rabbinic “fence”, extending the prohibition to make it unlikely that the biblical prohibition be accidentally violated. But rabbinic fences need no fences. Yerushalmi Hallah 1:1 (Note 79), Terumot 9:1 (Note 10), Sukkah 3:13 (Note 150); Babli Besah 3a and 13 other references noted there on the margin of the Wilna Babli.

Rebbi Simon in the name of Rebbi Joshua ben Levi: If the Court moved from place to place they were not blowing. Rebbi Yose asked before Rebbi Simon, even from house to house, from dining room to bedroom? He told him: Personality, so far I heard.

20 In the interpretation of Tosaphot (30a s. v. יא), shofar blowing on the Sabbath was possible only when the Court was in session (which implies, not during musaf prayers.)
21 Latin triclinium.
22 Greek κόρτιον.
23 If the interpretation of his statement is as given in Note 20, the answer obviously is that then the court was not in session. If the interpretation is that practice follows R. Eleazar in Mishnah 1, that shofar blowing was not continued in the Galilean Calendar Courts (which seems to be the historical fact), the question is irrelevant.

Mishnah 3: Originally the lulav was taken at the Temple for seven days and in the country one day. After the destruction of the Temple, Rabban Johanan ben Zakkai instituted that the lulav be taken in the country for seven days as a remembrance of the Temple, and that the day of waving be entirely forbidden.

24 Sukkah Chapter 3, Notes 144-145.
Halakhah 3: It is written: and you shall enjoy before the Eternal, your God, for seven days. There are Tannaim who state, the verse speaks of the enjoyment of well-being sacrifices. There are Tannaim who state, the verse speaks of the enjoyment of the lulav. For him who is saying, the verse speaks of the enjoyment of well-being sacrifices, the first day is from a word of the Torah and the other days are from a word of the Torah, and Rabban Johanan ben Zakkai instituted on the basis of a word from the Torah. For him who is saying, the verse speaks of the enjoyment of lulav, the first day is from a word of the Torah and the other days are from their words, and Rabban Johanan ben Zakkai instituted on the basis of their words. But is there institution after institution?

25 Sukkah 3:13, Notes 146-150. and the 4 kinds.
26 Lev. 23:40, the verse about the lulav

The colleagues asked before Rebbi Jonah: Since you are saying there, and you shall offer a gift to the Eternal seven days, there are no seven without a Sabbath, why not similarly and you shall enjoy before the Eternal, your God, for seven days, there are no seven without a Sabbath? He answered them, there is a difference, for it is written You shall take for yourselves on the First Day, He separated the first from them. Then it should push aside in the Temple, it should not push aside in the country.
Rebbi Jonah said, if it had said, “you shall take before the Eternal, your God,”
I would have said, here he excluded and elsewhere included\textsuperscript{158}. But \textit{you shall take for yourselves everywhere, and you shall enjoy before the Eternal, your God, for seven days, in Jerusalem.}

\textsuperscript{27} \textit{Sukkah} 3:14, Notes 153-159.  \textsuperscript{28} \textit{Lev.} 23:8.  \textsuperscript{29} \textit{Lev.} 23:40.

\textbf{Mishnah 4:} Originally they were accepting testimony about the new moon during the entire day\textsuperscript{30}. Once the witnesses tarried to come and the Levites erred in the song\textsuperscript{31}. They instituted that one would accept only up to the afternoon prayers\textsuperscript{32}; if witnesses came after afternoon prayers one kept the day holy and the next day holy\textsuperscript{33}. After the Temple was destroyed, Rabban Johanan ben Zakkai instituted that one accepted testimony about the new moon during the entire day\textsuperscript{34}.

\textsuperscript{30} The 30\textsuperscript{th} of Elul. Since the witnesses were expected on that day, one had to treat it as holiday from sundown the preceding evening; but the holiday sacrifices could only be brought upon instruction from the Calendar Court.

\textsuperscript{31} The problem was the song required at the daily evening sacrifice. In the morning when no witnesses were expected, they always sang the weekday song. In the afternoon they were expected to sing the holiday song. The weekday psalm never was sung on a holiday.

\textsuperscript{32} Which is the time of the daily afternoon sacrifice.

\textsuperscript{33} Since the witnesses were available, it is clear that the 30\textsuperscript{th} of Elul was New Year’s Day and correctly treated as holiday. But since they came late, the weekday song was recited at the daily sacrifice, the \textit{musaf} sacrifices could not be brought on that day, and the next day was the day of the holiday sacrifices.

\textsuperscript{34} Since there were no sacrifices there was no problem with which Psalm be recited.
Halakhah 4: Rebbi Samuel bar Nahman said, because of what had happened. Once there was a rumor in the city that Saracens had come and took them, and the Levites spoiled the song. Rebbi Aha bar Pappus said before Rebbi Ze’ira that the colleagues asked before Rebbi Samuel bar Nahman, in whose name does the rabbi say this? He said to them, that is like you who have many teachers! In the name of Rebbi Joshua ben Levi did he say it. But Rebbi La brought the reason for the practice, as it was stated: They were saying the song of Thursday, shout with joy for our mighty God. But on New Year’s Day they were saying, I removed his shoulder from hardship. If the holiday fell on Thursday, in the morning they did say, shout with joy for our mighty God. In the afternoon they did say, I removed his shoulder from hardship; if they came after the afternoon prayers, they would say, shout with joy for our mighty God. Would they not say the song twice?

35 This expression is difficult to explain. What it seems to imply is that on the rumor of a marauding band of Saracens, bent on plunder, everybody stayed in his house to defend his property; so nobody dared to go to be a witness for the new moon.
36 Since they have many teachers they must be careful to keep the different traditions separate in order not to run into inconsistencies in their pronouncements. But the only teacher of R. Samuel bar Nahman was R. Joshua ben Levi; he does not have to mention the tradition to which he adheres.
37 Ps. 81:2.
38 Ps. 81:8. Even though blowing the shofar is mentioned in v. 4, the holiday song in the Temple started with v. 8, based on the midrash that Joseph was freed from jail on New Year’s Day (Babli 10b, Midrash Tehillim 81[7]).
39 The entire weekday song.
40 While they kept the day as holiday, when only the second part of the song would have been appropriate. Differently in the Babli 30b.
Rebbi Ada from Caesarea in the name of Rebbi Johanan: Already most of the day did pass in holiness\(^{41}\).

Rebbi Hiyya bar Abba said, Rebbi Johanan commanded those of the Kifra synagogue\(^{42}\), trade so that you come home when it is still daytime and you should mention its time and its addition\(^{43}\).

41 This explains the statement in the Mishnah that when witnesses came late one treated both the 30th and the 31st of Elul as holidays.
42 A synagogue in Tiberias.
43 This defines current practice. Since Elul is presumed to have only 29 days, one must stop all commercial activity in the afternoon of the 29th, and in the evening prayers one uses the text for holidays and mentions that the day is New Year’s Day, and continues the same for a second day the next evening and the following day.

Mishnah 5: Rebbi Joshua ben Qorha said: In addition, Rabban Johanan ben Zakkai instituted that even if the head of the court be anywhere, the witnesses should only go to the seat of the council.

Halakhah 5: So is the Mishnah: To the seat of the Calendar Council\(^{44}\).

44 Since the declaration of the new moon is a collective enterprise of the court, the presence or absence of one member is irrelevant. Since in later times the Patriarch’s court was at Sepphoris or Tiberias, but the Calendar Court was sitting at Eintab, it is necessary to clarify that witnesses who violate Sabbath or holiday rules in order to testify may do so only when they are going to appear before the Calendar Court.
Mishnah 6: The order of benedictions\textsuperscript{45}: One recites “fathers”, “mightiness”, and “Sanctification of the Name”\textsuperscript{46} and includes \textit{Malkhiot}\textsuperscript{47} but does not blow, “Sanctification of the Day”\textsuperscript{48} and blows, \textit{Zikhronot} and blows, \textit{Shofarot} and blows, and recites “Service”, “Thanks”, and Priestly Blessing\textsuperscript{49}, the words of Rebbi Johanan ben Nuri.

Mishnah 7: Rebbi Aqiba said to him, if he does not blow for \textit{Malkhiot}, why does he recite? But one recites “fathers”, “mightiness”, and “Sanctification of the Name”, includes \textit{Malkhiot} with “Sanctification of the Day” and blows, \textit{Zikhronot} and blows, \textit{Shofarot} and blows, and recites “Service”, “Thanks”, and Priestly Blessing\textsuperscript{50}.

\textsuperscript{45} For the \textit{musaf} prayer on New Year’s Day.

\textsuperscript{46} All \textit{Amidah} prayers, weekday, Sabbath, and holidays, start with the same three benedictions of praise. The first mentions the merit of the fathers Abraham, Isaac, and Jacob, and ends with “Praise to You, Eternal, Abraham’s shield.” The second benediction mentions the equivalent divine powers of giving rain and resurrecting the dead, ending with “Praise to You, Eternal, Who returns life to the dead.” The third, which exists in a short private and an elaborate public (centered on the Trishagion) forms, ends with “Praise to You, Eternal, the Holy Power.” As the Halakhah explains, this may be changed for New Year’s Day (and, in practice, all through the day of Atonement.)

\textsuperscript{47} The three additions of New Year’s Day, \textit{Malkhiot}, \textit{Zikhronot}, \textit{Shofarot}, are explained in Halakhah 3:5, Note 62.

\textsuperscript{48} The middle section of the \textit{musaf Amidah} for Sabbath and holidays, ending with “Praise to You, Eternal, Who sanctifies . . .”.

\textsuperscript{49} The last three benedictions also are common to all \textit{Amidah} prayers. The first one not only is a prayer for the restoration of the Temple service, but also that “the gifts of Israel and their prayers may be received with pleasure.” The Babylonian doxology is “Praise to You, Eternal, Who will return His Presence to Zion”, whereas the Palestinian was “for You alone in fear we worship” (\textit{Sotah} 7:6, Note 206). The second one gives praise to “the Benevolent One to Whom thanks are due.” The last one started
in public service with the Priestly Blessing (which for some reason has disappeared from Ashkenazic service except on holidays) but always includes the prayer for peace following the last word “peace” of the Priestly Blessing. The Babylonian doxology is “Praise to You, Eternal, Who blesses His people Israel with peace”, whereas the Palestinian form was “Maker of peace”, retained in the Ashkenazic ritual for the Days of Repentance.

50 As the Halakhah notes, this is practice to be followed.

Halakhah 6: In Judea one used to follow Rebbi Aqiba and in Galilee Rebbi Johanan ben Nuri. If he changed and in Judea acted as in Galilee or in Galilee as in Judea he discharged his obligation.

52 “When they sanctified the year at Usha, on the first day Rebbi Ismael, the son of Rebbi Johanan ben Beroqa, led and recited following the opinion of Rebbi Johanan ben Nuri. Rabban Simeon ben Gamliel said, we did not follow this at Jabneh. On the second day, Rebbi Hananiah, the son of Rebbi Yose the Galilean, led and recited following Rebbi Aqiba. Rabban Simeon ben Gamliel said, this we did follow at Jabneh.”

51 Pesahim 4:1 Note 57, 10:1 Note 95. 52 This paragraph also is in Halakhah 3:1, Tosephta 2:11, Babli 32a. Note 17.

Rebbi Abbahu in the name of Rebbi Eleazar: Everywhere if he acts as reader and says “Mighty in Kingdom” he did not fulfill his obligation except as a substitute for “Holy Power” on New Year’s Day, and only for musaf53.
This follows Rebbi Johanan ben Nuri\textsuperscript{54}. Rabban Simeon ben Gamliel says, one recites the Sanctification of the Day together with Zikhronot; this follows Rebbi Aqiba\textsuperscript{56}. Rabban Simeon ben Gamliel said, since we find everywhere that one says it in the middle, here also one says it in the middle. Rebbi says, since we find everywhere that one says it as fourth, here also one says it as fourth\textsuperscript{57}.

\textsuperscript{53} Since the celebration of God’s Kingdom is a central theme of the musaf prayer of the day of Atonement. Cf. the author’s *The Scholar’s Haggadah*, pp. 385-386. In a Genizah text published by J. Mann (HUCA II(1925) p. 329), the formula is used for the fourth benediction.

\textsuperscript{54} Who holds that Malkhiot is part of the “Sanctification of the Name”, and therefore may be mentioned in the final doxology.

\textsuperscript{55} In the Babli 32a the text is as it is here, but in Tosephta 2:11, Sifra Emor Parashah 11(4), the arguments of Rebbi and Rabban Simeon ben Gamliel are switched.

\textsuperscript{56} While R. Aqiba requires to recite Malkhiot with the Sanctification of the Day, his argument is that shofar blowing must accompany each of Malkhiot, Zikhronot, and Shofarot, and this is taken care of in Rabban Simeon’s arrangement.

\textsuperscript{57} Both arguments are correct. Since the Amidah of Sabbath and holidays (other than the musaf of New Year’s Day) has seven benedictions, the fourth is the middle one. In formulating the Mishnah as it stands, Rebbi implicitly declared that practice has to follow his opinion.

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Rebbi Jacob bar Aha, Rebbi Ze‘ira, Hanin bar Abba in the name of Rav: one is obligated to say, the Holy Power\textsuperscript{58}. Rebbi Abba in the name of Abba bar Rav Huna: the Holy Power Who forgives much. Rabbi Abba in the name of Abba bar Jeremiah: In prayer\textsuperscript{59} he says, David’s God and Builder of Jerusalem. For Prophets\textsuperscript{60} he says, David’s God Who causes help to blossom. On the holiday of New Year’s Day which falls on a Sabbath, there are Tannaim who state, he starts with the holiday and closes with the Sabbath\textsuperscript{61}. [There are Tannaim who state, he starts with the Sabbath and closes with the
holiday.\(^{62}\) Rebbi says, he starts with the Sabbath and closes with the Sabbath with the holiday in between\(^{63}\). Rebbi Jehudah bar Pazi in the name of Rebbi Joshua ben Levi: Practice follows Rebbi.

58 Cf. Babli Berakhot 12b.
59 In the weekday Amidah, where in the Palestinian text the prayer for the Davidic dynasty and that for the rebuilding of Jerusalem are combined.
60 In the benedictions recited after the reading from Prophets. (The Babylonian version is “David’s shield”.)
61 It seems reasonable to follow S. Liebermann’s interpretation (Tosephta kiFshutah 1, p. 42) that the text refers only to the text of the “Sanctification of the Day”, and not to the formulation of the final doxology of that benediction, against Rashi (Yom Tov 17a, s. v. מMethodName). In this interpretation, the fourth benediction starts with the prayer of the holiday, followed by that of the Sabbath, against our rule that the more frequently used text has to be recited first. Therefore one has to restrict the statement to the musaf of New Year’s Day where one argues with the House of Shammai that the more holy text has precedence.
62 Corrector’s addition, not supported by parallel evidence. The addition is suspect since it would describe current practice in the interpretation of Rashi: Both in the body of the text and in the final doxology one mentions the Sabbath before the holiday; therefore overall one starts the benediction by mentioning the Sabbath and ends with mentioning the holiday.
63 In the Tosephta (Berakhot 3:13, Babli Yom Tov 17a) this is the opinion of the House of Hillel and describes current practice in Liebermann’s interpretation: One first mentions the Sabbath, then the holiday with the holiday prayer, and ends with the Sabbath prayer celebrating the Sabbath as “remembrance of the Creation.”

Mishnah 8: One does not reduce to less than ten verses of Kingdom, ten verses of Remembrance, ten verses of Shofar. Rebbi Johanan ben Nuri says, if he said three of each he fulfilled his obligation. One does not mention verses of Kingdom, Remembrance, or Shofar of calamity. One starts with Torah and ends with Prophets; Rebbi Yose says, if he finished with Torah he fulfilled his obligation\(^{64}\).
Therefore the general practice is to recite of each kind 3 verses from the Torah, followed by three of Hagiographs, followed by three of Prophets, and the tenth verse again from the Torah (as prescribed by R. Johanan in the Halakhah.)

Halakhah 7: “One does not reduce to less than ten verses of Kingdom,” corresponding to the ten praises which David formulated, *Hallelujah, praise God in his Sanctuary, praise Him in His mighty heaven*, etc., up to *every soul praise Jah, hallelujah* 65. Ten verses of Remembrance, corresponding to the ten confessions formulated by Isaiah, *wash, cleanse, remove*, etc., *learn to do good, seek justice*, etc. What is written after this? *Come and let us argue, says the Eternal*, 66 etc. Ten verses of Shofar, corresponding to the seven sheep, one ox, one ram, and one goat 67.

65 Ps. 150. Babli 32a.  
66 Is. 1:16-18.  
67 The *musaf* sacrifices of the day.

“Powers” are counted as verses of kingdom, the words of Rebbi Jehudah; Rebbi Yose says, they do not count 68. “Powers” and “kingdoms” are counted as two, the words of Rebbi Yose; Rebbi Jehudah says, they do not. *Sing to God, sing; sing to our King, sing* 69, are counted as two, the words of Rebbi Jehudah; Rebbi Yose says, they are not. Rebbi Ze`ira asked, do they disagree about it and the sequel, or do they disagree about this text itself? 70 Since it was stated, everybody agrees about *God is King over nations* 71 that it is one,
This implies that they disagree about it and the sequel. *Lift, o gates, your heads, and be raised, eternal doors;* etc., *Lift, o gates, your heads, and rise, eternal doors,* etc. The first is counted as one and the second as two, the words of Rabbi Jehudah; Rabbi Yose said, the first as two and the second as three.\(^72\)

The meaning of the root *el* is “power”. This fits a description of the executive power of a king, appropriate for a prayer celebrating the Eternal as King of the universe. On the other hand, the word routinely means “God”, not specifically adapted to the intended meaning.

\(^68\) Ps. 47:7. Since R. Yose does not accept the invocation of “God” as a celebration of Kingdom, he has only one reference.

\(^69\) The question is whether the next verse, *Because God is King of all the Earth, sing intelligently,* is a separate statement or not.

\(^71\) Ps. 47:9: *God is King over nations, God sits on His holy throne.* There is only one mention of Kingdom. Babli 32b.

\(^72\) Ps. 24:7-10. Here again, vv. 7-8 are considered one unit, vv. 9-10 the other. In v. 8, R. Jehudah considers *who is the King of Glory* as question, not an assertion of God’s kingship. R. Yose counts the number of mentions of “King” which are 2 in vv. 7-8, 3 in vv. 9-10. Babli 32b.

“Rebbi Johanan ben Nuri says, if he said three he fulfilled his obligation.” We wanted to say, three of each kind. It was found stated, even with three of all of them he fulfilled his obligation.\(^73\)

The question is whether R. Johanan ben Nuri requires at least 9 verses for each of the three categories, and his difference with the anonymous Tanna is only about the tenth verse, or whether he only requires 3 verses for Malkhiot, 3 for Zikronot, 3 for Shofarot, with a total of 9 verses for all three sections together. The second version is accepted. Babli 32a.

*One does not mention verses of Remembrance, or Kingdom, or Shofar of calamity.* Remembrance as it is written, *those the Eternal remembered* etc. Kingdom as it is written, *by My Life, says the Master, the Eternal, if not with*
a Strong Hand, etc. Shofar as it is written, for my soul hears the sound of shofar, the shout of war.

74 Jer. 44:21. 76 Jer. 4:19.
75 Ez. 20:33. Babli 32b.

“There is a strong hand, etc. Shofar as it is written, for my soul hears the sound of shofar, the shout of war.”

“One starts with Torah and ends with Prophets.” What, in the past? Therefore not from the start? Rebbi Johanan said, so is the Mishnah: It is necessary that one finish with a verse from the Torah.

The question is not about the text quoted, but about R. Yose’s statement: “if he finished with Torah.” This seems to say that it is tolerated, but not desirable, contradicting practice. Babli 32b.

Mishnah 9: Of those who stand before the Ark on New Year’s Day the second one leads the shofar blowing, but at the time of Hallel the first one reads the Hallel.

The reader.

The reader of the musaf prayers. The reader of the morning prayers.

Israel is ready to hear the sound of calm, to hear the sound of righteousness. Peace be with you. (59c line 46)

A Strong Hand, etc. Shofar as it is written, for my soul hears the sound of shofar, the shout of war.

Jer. 44:21.

Ez. 20:33. Babli 32b.
Halakhah 8:  Rebbi Jacob bar Aha in the name of Rebbi Johanan:  
Because of what had happened\(^{82}\).  Once they blew early and the haters thought that maybe they want to go against us\(^{83}\), they attacked them and killed them.  
Since they are seeing that they read the shema\(^{\prime}\), and pray, and read in the Torah, and pray while blowing, they are saying, they are occupied with their secret rites.  

Should one not say the same for Hallel?  Not all people are there\(^{84}\).  Then should one not say the same for blowing, not all people are there\(^{85}\)?  Rebbi Jonah said, it is written, day, day they will seek\(^{86}\), that is shofar blowing and willow twigs.  Rebbi Joshua ben Levi in the name of Rebbi Alexander heard it from the following: \(^{87}\)Eternal, listen to sincerity, this is the reading of the shema\(^{\prime}\).  Take note of my song, this is the song of Torah\(^{88}\).  Listen to my prayer, this is prayer.  Disregard swindling lips, this is musaf.  What is written afterwards?  From before You may my judgment come\(^{89}\).  Rebbi Aha bar Pappus said before Rebbi Ze`ira, there is a difference, since the obligation of the day is in musaf\(^{90}\).  Rebbi Tahlifa from Caesarea said, the verse says so: A day of shofar blowing, and you shall make\(^{91}\).  Rebbi Eleazar ben Rebbi Yose in the name of Rebbi Yose bar Qasarta: For all sacrifices it is written and you shall offer, but here is written, you shall make\(^{92}\).  The Holy One, praise to Him, said to them, since you came before Me in judgment on New Year’s day and left in peace, I consider it as if you were newly created\(^{93}\).  

Rebbi Mesharshia in the name of Rebbi Idi: For all sacrifices it is written “sin”, but on Pentecost it is not written “sin.\(^{94}\) The Holy One, praise to Him, said to them, since you accepted the yoke of the Torah on you, I consider it as if you never sinned.
82 The time of shofar blowing on New Year’s Day is in musaf for historical reasons. It is asserted that since one should try to fulfill biblical commandments as quickly as possible, originally the nine-part Amidah and the blowing of the shofar were part of the early morning service. Also in the Babli 32b, R. Johanan asserts that the times were switched because of intervention of the Roman government. It is to be noted that the Babylonian way of combining early blowing with the musaf service prescribed by the Mishnah by blowing immediately after the Torah reading (or, as in the Yemenite ritual, immediately after sunrise) and then a second (or third) time for musaf is totally unknown to Yerushalmi sources.

83 Since the shofar historically was a trumpet to be used to give military signals.

84 Since Hallel draws large crowds and they respond in chorus “hallelujah” to the reader’s words (cf. Šabbat 16, Note 59), the service also could be mistaken as start of an insurrection.

85 This makes R. Johanan’s explanation unlikely.

86 Is. 58:2, read as asserting that on two days of the year everybody comes (early) to the synagogue, New Year’s day and the Seventh day of Tabernacles.

87 Ps. 17:2.

88 The recitation of the Torah following musical accents.

89 Ps. 17:3. This makes blowing at musaf a Davidic institution, contradicting R. Johanan’s explanation.

90 The biblical obligations of the day are all expressed in terms of the musaf sacrifice.

91 Num. 29:1-2.

92 New Year’s Day’s musaf is the only one characterized as doing, not offering. This is taken as a hint that some other activity besides sacrificing is involved, referring to blowing the shofar.

93 One could vocalize אבזיוו “a new creature”.

94 This homily is appended because it parallels the preceding one. On all holidays a goat is sacrificed as purification sacrifice. On all holidays except Pentecost, it is described as סכין, interpreted here as sin (offering).
a tree\textsuperscript{98}, nor ride on an animal\textsuperscript{99}, nor swim in the water\textsuperscript{98}, nor cut it in any way\textsuperscript{99}, whether it be rabbinically or biblically forbidden. But if one wants to put wine or water into it\textsuperscript{100}, he may do so. One does not prevent children from blowing but teaches them until they have learned\textsuperscript{101}. The teacher does not fulfill his obligation\textsuperscript{102}, nor did one who heard from a teacher fulfill his obligation.

95 Since blowing the \textit{shofar} on Sabbath or holiday does not violate any biblical prohibition, neither biblical nor rabbinic holiday prohibitions may be violated in preparing the \textit{shofar}.

96 The Sabbath boundary may not be crossed either to bring a \textit{shofar} to a place or by a person to go to a place where he may hear the blowing.

97 If a building collapsed and buried the \textit{shofar}, the debris is \textit{muqseh} and may not be moved.

98 A rabbinic prohibition.

99 A horn still attached to an animal (a biblical violation) or a carcass (a rabbinic violation) may not be cut on the holiday to create a \textit{shofar}.

100 To make the \textit{shofar} easier to blow.

101 Since in blowing no biblical violation may possibly occur.

102 Since he has no intent of fulfilling his obligation, the obligation is not fulfilled either for him or any listener.

103 Biblically forbidden would be making the horn into a musical instrument (by removing it from the carcass and drilling a hole at the other end); everything else is rabbinic. The Mishnah singles out to exclude biblically prohibited actions performed in a way (“with the back of one’s hand”) which only is a rabbinic infraction.

104 The one about teaching how to blow the \textit{shofar} originally extended to blowing on a Sabbath at a place where the \textit{shofar} was blown in the Calendar Court. Even there a grown-up could not blow except the one appointed by the court.

105 Even a place where the \textit{shofar} was blown in the Calendar Court.
106 All kinds of minors, from toddlers to almost adults.

Mishnah 11: The order of shofar blowing is three times three each 107. The measure of a straight sound is that of three modulated sounds 108. The measure of a modulated sound are three whimpers 109. If he blew straight for the first set and continued a double length for the second he has only one in his hand 110. If somebody prayed 111 and later has access to a shofar, he blows straight, modulated, and straight three times 112. A private person is obligated 113 just as the public reader is obligated; Rabban Gamliel says, the public reader absolves the public from their obligation 114.

107 While for each of Malkhiot, Zikhronot, and Shofarot one has to blow a straight tone, a modulated one, followed by a straight tone, the obligation is the combination of the three, Note 111.

108 Since the obligation of the modulated sound are three variations in tone, the duration of each straight sound has to be equal to that of the modulated one.

109 The time used for one modulation of sound is that needed for three very short sounds; this makes the full modulated sound the equivalent of 9 very short sounds.

110 Two consecutive straight sounds must be separated by an audible pause, otherwise it is a single sound.

111 The 9 part musaf without a shofar.

112 He blows 3 times the 3 sounds one after the other with an audible pause between the sets.

113 To pray the lengthy 9 part musaf of the day.

114 Since this prayer is recited only once a year one cannot assume that most people are conversant with the text (and only the very rich could afford a manuscript prayer book), by listening to the reader from beginning to end and answering “Amen” where required, the public has satisfied its obligation.
Halakhah 10: If he said them in one breath? It was found stated, if he said them in one breath he fulfilled his obligation. But did we not state, “the order of shofar blowing is three times three each”? That he do not less. Rebbi Ze’ira, Rebbi Abba bar Ilai in the name of Rav: One has to blow the modulation continuing the straight one. Rebbi Abba in the name of Abba bar Rav Huna: One does not have to blow the modulation continuing the straight one. What is the modulated? Rebbi Hanania and Rebbi Mana, One said, [trembling]. But the other one said, three short ones. Rebbi Hanania was concerned about that of Rebbi Mana and ours.

114 There has to be an audible pause between straight sounds but otherwise nothing is prescribed.
115 This seems to prescribe 9 different sounds with 9 breaths.
116 Only the minimal numbers are prescribed.
117 He requires that the modulated sound follow the straight one without audible pause.
118 Text of the corrector, Greek τρομετρός, “trembling”, used in Galen VI, 769, to describe a soft boiled egg with solid egg white but soft yolk which trembles if shelled; Mishnah Nedarim 6:1, Note 4. The original text, erased by the corrector, was the word preserved in the Genizah text, عرض، Arabic عرض “to put on a multitude of garments”, here meaning “producing plenty of different notes.”
119 Instead of 3 times 3 sounds he blew 6 times 3, 3 for each kind of modulated sound.
Cf. Babli 34a.

And where is this said? “If he blew straight for the first set and continued at double length for the second he has only one in his hand.” Rebbi Abba bar Zamina in the name of Rebbi Ze’ira: Not even one is in his hand. Why? The beginning combines with the end and the end combines with the beginning. The first part has no end and the second part has no beginning.
At one place one blows, at one place one says musaf. There are Tannaim who state, he goes to the one who blows; there are Tannaim who state, to the one who says musaf. He who said, he goes to the one who blows, if there is no time left to blow; he who said, he goes to the one who says musaf, if there is time left to blow. Let us hear from the following, what Rebbi Jacob bar Idi said in the name of Rebbi Joshua ben Levi: At one place one blows, at one place one says musaf; he goes to the one who blows and does not go to the one who says musaf. And who said the following? On a New Year’s Day which falls on a Sabbath, at one place one blows, at one place one says musaf and does not go to the one who blows. Why? Because everybody knows how to blow but not everybody known how to say musaf. Another explanation: A person frees another from his obligation in blowing; a person does not free another from his obligation in prayer. And is a New Year’s Day which falls on a Sabbath not a day where there is no time left to blow? And you are saying, he goes to the one who says musaf? This implies that they disagree.

In principle, the biblical obligation to hear the shofar should have precedence over the rabbinic obligation of any kind of prayer. But since it is easy to find people who blow the shofar but few who know the 9 benedictions of New Year’s Day, and in addition according to Rabban Gamliel only listening to the public reader absolves the public from its obligation. In the morning one has to go to the prayers but in the
afternoon after prayers one goes to the person who blows.

122 If at the person’s own place one neither blows nor prays *musaf* and he has to decide to make an *eruv* either to the place with a known blower or a place with an organized synagogue and a known public reader, one has to choose to fulfill the biblical obligation of *shofar* rather than the rabbinic 9 benedictions. Babli 34b.

123 Since there is no general obligation of *shofar*, restricted to the Calendar Court.

124 Anybody may blow for another with the intent of have him fulfill his biblical obligation, but only the public reader can absolve the public from its obligation. Therefore going to the synagogue creates a strong possibility to find a *shofar* blower even if there is no official one.

125 Since one blows only once in the Court, whereas on a weekday the entire day is a valid occasion for blowing.

126 There is a genuine disagreement in the matter; one cannot say that the different Tannaim address different situations but follow the same rules.

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“Rabban Gamliel says, the public reader absolves the public from their obligation.” The great Rabbi Huna of Sepphoris in the name of Rabbi Johanan: Practice follows Rabban Gamliel in this prayer combined with *shofar* blowing.ⁱ²⁷⁰ Rebbi Ze`iraⁱ²⁸ and Rav Hisda were sitting there during the prayer combined with *shofar* blowing. After they finished praying the prayer, Rav Hisda got up and prepared to pray. Rebbi Ze`ira said to him, did we not pray already? He said to him, we prayed and I am going back to pray, for Westerners came down and said (there) in the name of Rebbi Johanan, practice follows Rabban Gamliel in this prayer combined with *shofar* blowing; but I did not concentrate. If I had concentrated I would have
fulfilled my obligation. Rebbi Ze`ira said, this is correct. All Tannaim state this in the name of Rabban Gamliel, but Rebbi Hoshia states it in the name of the Sages. Rebbi Ada from Caesarea in the name of Rebbi Johanan: But only if he is present from the start of the prayer. Rebbi Tanhum ben Rebbi Jeremiah said, the Mishnah implies this: “The order of benedictions. One recites “fathers”, “mightiness”, and “Sanctification of the name.”

127 Babli 34b. While Rabban Gamliel made his statement in general, that any obligation of prayer can be fulfilled by attentively listening to the public reader reciting the relevant prayer, in practice this is accepted only for the musaf of New Year’s Day (and in the Babli 35a also for prayers of the Day of Atonement containing the recital of the High Priest’s service of the day.)

128 According to G this was a Rabbi Ze`ira distinct from Ze`ura, the Tiberian head of Academy.

129 In Babylonia.

130 To be deleted with G.

131 Cf. Tosephta 2:18.

132 And listens to the entire prayer without missing a word.

133 Mishnah 6.

134 Since the prayer during which shofar is blown is quoted in the Mishnah with three sections for which no blowing is ordained, it is clear that these are indispensable parts of the obligation.
Introduction to Tractate Yom Ṭov (Besah)

The name Besah “egg” customarily is given to Tractate Yom Ṭov “holiday” as a quote from its first word. The topic of the Tractate are the rules of holidays identical for all of them. In all references to the Sabbath in the Pentateuch, the statement is that all work is forbidden. The parallel statement for holidays is that laboring work is forbidden. In addition, preparation of food is explicitly permitted, Ex. 12:16. From this the rabbinic guiding principle is that “what is forbidden on the Sabbath is forbidden on a holiday except for work needed for the preparation of food.” This implies that as far as biblical prohibitions are involved, the main topics for the rules of holidays separate from those of the Sabbath are first the distinction between permitted preparation of food and prohibited work preliminary to the preparation of food, and second the question whether the biblical permission of preparation of food is restricted to this end or describes the kinds of activities (such as carrying or lighting a flame) generally permitted by biblical standards. This is formulated as a topic in dispute between the Houses of Shamai and Hillel.

The main topic of the Tractate are distinctions made in the rabbinic restrictions which are more pronounced and variegated in the case of holidays compared with the Sabbath. In addition, the permission to prepare food on the holiday is interpreted as given only for food used on the holiday itself, not for weekdays following after the holidays. This requires special treatment of preparation of food for a Sabbath following a Friday which is a holiday, giving rise to the rabbinic eruv tavšilin.

The First Chapter, devoted to rabbinic aspects of holiday observation starts with two Mishnaiot which also are reported in Tractate Idiut (4:1-2) as cases where the House of Shamai is more lenient than the House of Hillel. The Chapter first illustrates the rabbinic principle that implements or raw materials for food to be prepared on the the holiday must be available at the start of the holiday; any of these not available from the start are muqseh. Then the dispute between the Houses is mentioned to what extent carrying not
for the preparation of food is permitted, and the way in which Sabbath prohibitions may be violated for the preparation of food on holidays.

The Second Chapter starts with eruv tavštîn and then brings the differences between the Houses in matters of private sacrifices to be brought on a holiday proper and matters of purity, followed by rules about the extent Sabbath prohibitions other than carrying which are lifted for the preparation of food and non-food. This is continued in the Third Chapter where it is stated that while animals can be slaughtered for food on a holiday they cannot be caught from the wild, followed by other rules about slaughtering on holidays and how to legally get needed provisions from a store, continued in Chapter Four about rules to get the provision, as well as firewood, from storage not directly accessible. It is rules that while fire must be used for cooking and therefore may also be used otherwise, it must be lit from existing fire and may not be started anew.

Most of the Fifth and last Chapter is dedicated to the rules of eruv from Tractate Eruvin. While carrying in the public domain is forbidden on the Sabbath, it is permitted on the holiday and, therefore, the problem arises of extending the changes of a Sabbath domain, instituted on the Sabbath for persons, to the person’s possessions. This becomes problematic if at the start of the holiday the possessions were outside his Sabbath domain and therefore could not be reached by him on the holiday.
Mishnah 1: An egg was laid on a holiday. The House of Shamay say that it may be eaten\(^1\), but the House of Hillel say that it may not be eaten\(^2\). The House of Shamay say that sour dough {causes liability} by the size of an olive and leavened matter by the size of a date\(^3\), but the House of Hillel say that both are by the size of an olive.

1 The preparation of food is permitted on a holiday (Ex. 12:16), but this is restricted to foodstuffs which were available before the start of the holiday. The House of Shammai hold that an entire chicken is food since slaughter for food is permitted on the holiday, and since everybody agrees that an egg found inside a slaughtered chicken on a holiday is permitted food, there is no reason to consider a laid egg as something different.

2 The House of Hillel consider the laid egg as a new entity which did not exist before the holiday and which therefore is muqsheh and may not be moved.

3 This refers to the prohibition of leavened matter on Passover. While the smallest amount of leavened matter is forbidden, only the possession of a minimal amount triggers the liability for a purification sacrifice if found to be unintentional. The House of Shammai hold that this amount is smaller for actively leavening material than for passive leavened material, whereas the House of Hillel do not differentiate between the two. It will be stated in Halakhah 2 that the disagreement only refers to possession; in matters of eating there is no disagreement. The reason this disagreement is mentioned here is that in the first case the House of Shammai is more lenient than the House of Hillel; the same is true in the second case.
“An egg was laid on a holiday,” etc. What is the reason of the House of Shammai? It is prepared in its mother’s body⁴. What is the reason of the House of Hillel? It is like muqseh which dried without him realizing it⁵, and is muqseh which dried without him realizing it not forbidden? But was it not stated⁶, “if one slaughters a chicken and found eggs inside it, even if they are complete⁷ they are permitted”? Rebbi Hananiah and Rebbi Mana. One said, its taste when eaten from its inside is not comparable to its taste when eaten from the outside. But the other said, it is not completed for a chick⁸ until it comes outside. What are they with milk⁹? Let us say, if they are connected to blood vessels they are forbidden, otherwise permitted¹⁰.

⁴ Since a chicken may be slaughtered as food on a holiday, it was available all the time and therefore its eggs should not be treated differently.

For most of Chapter 1 there exist one or two parallel Genizah fragments edited by L. Ginzberg in his Yerushalmi Fragments, pp. 154-172, noted G and G, 302-303 (G).

⁵ While muqseh is the technical term for anything which is not available to be moved on the holiday or Sabbath, the original meaning is “cut-up”, viz., a heap of cut-up figs lying on the flat roof to ferment and to be made into fig cakes. During the fermentation process the mass is inedible; therefore it has become the paradigm of anything not currently available for use. Here the original meaning is intended. If the owner had inspected his roof on the eve of the holiday he would have realized that the figs were ready food for the holiday and therefore falling under the category of “prepared food” permitted on Sabbath and holiday. But since at sundown of the holiday he had no knowledge of the situation, the figs were not available to him at the start of the holiday and therefore remain forbidden for the rest of the holiday. Similarly, since the owner of the chicken does not know that the egg (which is completely formed with its hard shell) will be laid on the holiday, since it was not available at the start it cannot become available later.

⁶ Tosephta 1:2, Babli 2b, 6b.

⁷ With shell.

⁸ It cannot be used for hatching a new chick. The Yerushalmi presumes that every egg potentially is either food or material for hatching, disputed by the Babli, 2a.

⁹ Meat is forbidden to be used with milk. A laid egg may be used with either milk or meat. What is the status of a complete egg found inside a slaughtered chicken?

¹⁰ Cf. Babli 6b.
"Everybody agrees that an egg of which a major part was laid before the start of the holiday may be eaten on the holiday\textsuperscript{11}. Where do they disagree? If a minor part came out, where the House of Shamai say that it may be eaten, but the House of Hillel say that it may not be eaten\textsuperscript{12}. \textsuperscript{13} Just as it is forbidden as food so it is forbidden to be moved. If one was mixed with a hundred or a thousand, they are all forbidden\textsuperscript{14}. How? Following him who said, if the preparation is in doubt it is forbidden; but him who said, if the preparation is in doubt it is permitted, here he agrees that it is forbidden. For wind-fall there is a doubt where it fell today or fell yesterday, but here one is forbidden and it is proof for all of them\textsuperscript{15}.

11 Tosephta 1:3; in one version in the Babli 7a (Bekhorot 8a) this holds true even if the egg in the meantime had again disappeared into the body of the chicken.

12 This is a logical consequence of the preceding statement. Since we consider an egg of which more than half is visible as completely laid, an egg of which less that half is visible is not laid at all and therefore is an egg totally laid on the holiday and not food available earlier.

13 Tosephta 1:3; Babli 3b,4a, Šabbat 43a.

14 In general, if prohibited material is a small minority in permitted material, it may be disregarded. For example, passive non-kosher ingredients in food may be disregarded if they constitute less than \( \frac{1}{60} \) of the permitted food. But if the prohibition either will disappear by itself (as in the case of an egg laid on the holiday which is permitted food on the next day) or may be removed by some action, no such disregard is permitted; the entire mixture is prohibited until the prohibition disappears.

15 If fruit is found under a fruit tree on the holiday, there is a doubt whether it is forbidden as fallen on the holiday or whether it is permitted as fallen before the holiday. Therefore if this fruit is put into a basket with many other fruits, there is a
doubt whether any of this is forbidden. If we hold that the requirement to use only food available before the holiday is biblical (cf. Ex. 16:23) the wind-fall is forbidden, but if the requirement is rabbinic and traditional, the wind-fall is permitted cf. Babli 24a. There is nothing clearly forbidden and the rule spelled out at the end of the preceding note cannot be applied. But if an egg was laid on the holiday, for the House of Hillel it certainly is forbidden and therefore the rule which forbids the mixture for the day can be applied.

Others say in the name of Rebbi Eliezer: It may be eaten together with its mother. [What means, “it may be eaten together with its mother”?] If its mother was prepared for slaughter. But are not all chickens prepared for slaughter? Rebbi Abba said, it may be eaten based on its mother’s preparation.

16 Even a follower of the House of Hillel may eat the egg laid on the holiday if he also eats its mother since then the egg was food at the start of the holiday (Note 6).
17 Corrector’s addition, justified by G.
18 This is an objection to R. Eliezer’s statement. If the chicken is raised to produce eggs, it is not food and therefore not prepared for the holiday, nor can be its egg before it is laid.
19 Since a chicken which does not lay eggs anymore also is eaten, every chicken is potential food.
20 Even a follower of the House of Hillel may eat the egg laid by a chicken raised for its meat. Babli 2a.
A calf born on a holiday is permitted since it permits itself by slaughter\(^\text{21}\). Rebbi Ze`ira asked, in that case an animal kept outside should be permitted since it permits itself by slaughter\(^\text{22}\), deer should be permitted since it permits itself by slaughter\(^\text{23}\). Rebbi Ze`ira came back and said, a calf is fully formed the day before, but here\(^\text{24}\) it was born on the day it was fully formed. Rebbi Abba said, this follows him who said that an animal gives birth after split months; but what is for him who said, an animal gives birth after a fixed number of months\(^\text{25}\)? Think of it, that he knew when a male had mounted it\(^\text{26}\).

A pigeon chick born on a holiday is permitted since it permits itself by slaughter\(^\text{27}\); did we not state, an egg which had started to develop, and chicks which do not yet have wings are forbidden as abomination, but one does not whip because of carcass meat? And Rebbi Haggai said, even if he slaughtered them\(^\text{28}\). Rebbi Abun said, explain it about those born with wings\(^\text{29}\).

21 An unborn calf inside its mother does not need separate slaughter; its mother’s slaughter also permits the calf which is considered part of its mother’s body. But once it is born, it must be slaughtered to become food. Since the birth on the holiday introduces the duty of slaughtering, an action to satisfy this duty removes also the rabbinic prohibition of moving the animal.

22 A domestic animal kept all year outside, far from permanent human dwellings, may not be cared for on the holiday (Mishnah 5:7), therefore certainly it is not prepared to be food of the holiday. This seems to contradict the earlier statement.

23 Since one is prohibited from catching deer, it cannot possibly be holiday food unless caught before the holiday.

24 In the case of the chicken egg.

25 Babli *Bekhorot* 21a, a disagreement whether cattle gives birth after a full 9 months or not. If the number of days of gestation is not fixed, the owner of the pregnant animal cannot have the intention to use the unborn calf as food on the holiday since he could not know the prospective date of birth.

26 In this case it might be possible to compute the day of birth in advance and the calf would be food if that day is a holiday.

27 Babli 6a. By an argument similar to that of Note 21 since an egg in which a chick started to develop is forbidden as food until the complete chick is hatched.

28 An egg is permitted only if no chick developed. A fully formed chick in an egg still is not considered a chick but a forbidden egg; even if a human takes away the shell and slaughters the chick it is the slaughter of an egg which cannot possibly
permit any food which was forbidden. It applies.

For these the argument of Note 21

29 Any which has sexual relations during daytime gives birth during daytime, during nighttime gives birth during nighttime. Rebbi Abun said, there is a difference, since it gives birth without a male.

Rebbi Abba in the name of Rebbi Yose ben Rebbi Hanina (asked):

30 Delete with G.G.
31 Babli 7a, Bekhorot 8a.
32 Denied by the Babli 7a which holds that chicken eggs are laid only during daytime and therefore an egg found in the nest at early dawn of a holiday is permitted as laid the day before.
33 It may lay several eggs from one fertilization by a male.
34 In both Genizah texts, Ze`ur (distinct from Ze`urah = Ze`ira).

35 An animal which cannot be expected to live for another 12 month; practically an animal injured or missing a limb or organ enumerated in Hulin Chapter 3. The meat from such an animal is biblically prohibited.
36 As food for the holiday. The calf is permitted food, the mother is not. Before the birth the calf was forbidden as terefa, now it is permitted and permits itself by slaughter.

Note 21

YOM TOV (BESAH) CHAPTER ONE
38 Rebbi Hiyya in the name of Rebbi Johanan: At first they were saying, one curdles neither with the stomach content of the carcass nor with the stomach contents of the Gentile. They changed to say, one curdles with the stomach content of the carcass but not with the stomach contents of the Gentile. Rebbi Yose ben Abun said, Samuel bar Abba asked: Does this follow Rebbi Eliezer, since Rebbi Eliezer said, the thoughts of the Non-Jew are about pagan worship? Rebbi Yasa in the name of Rebbi Johanan: Originally, they said, one does curdle neither with carcass stomach contents nor with Gentile’s stomach contents. They changed to say, one does curdle with carcass stomach contents and with Gentile’s stomach contents. Rebbi Yose said, the language of a baraita supports Rebbi Hiyya bar Abba: Stomach contents of a Gentile or a carcass is forbidden following the original teaching. The stomach contents of a qualified animal which suckled from a terefa are forbidden following the former teaching, and the stomach contents of a terefa which suckled from a qualified one are permitted following the later teaching. And even if the House of Shammai would argue like the House of Hillel in the first teaching, an egg is a growth of its body; the contents of the stomach come from the outside. It parallels what Rebbi Yose ben Rebbi Abun said in the name of Rebbi Johanan: It happened to the sons of Jehudah ben Shamuai that wolves tore more than 300 of their flock. The
case came before the Sages who permitted their stomach contents\(^45\). They said, an egg is a growth of its body; the contents of the stomach come from the outside.

37 The scribe’s text (in parentheses) is confirmed by \(G\), against the corrector’s text [in brackets].

38 A slightly corrupt parallel to this text is in Avodah zarah 2:7, Notes 293-302.

39 To make cheese. Babli Hulin 116a.

40 An animal which was not slaughtered following the rules of ritual slaughter. whose flesh therefore is forbidden as meat.

41 “Gentile’s stomach content” naturally means “stomach content of animal slaughtered by a Gentile.”

42 Does this follow R. Eliezer (whom practice does not follow in general) since it treats Gentile rennet as more problematic than the one derived from a carcass? Since here practice is said to follow R. Eliezer, the tradition seems questionable; one has to search for parallel traditions either to confirm or to reject.

43 The first version which keeps the prohibition of rennet from Gentile sources.

44 This now connects the discussion with the Mishnah here. The problem is to understand the position of the House of Hillel since the preparation of food is permitted on a holiday (Ex. 12:16). According to the Babli and one opinion in the Yerushalmi the prohibition applies only to eggs laid by chickens raised to produce eggs. Then the mother was not food at the start of the holiday. While the egg is food according to everybody, for the House of Hillel it cannot change its character from non-food to food on the holiday. Then the question is raised why milk which is prohibited as food before being ingested by a ruminant becomes permitted by the animal’s stomach. In this question, the revised ruling in matters of rennet would agree with the stance of the House of Shammai. But the answer is that the two cases cannot be compared; the stomach contents of an animal never were part of the animal and do not have the latter’s status.

45 The latter teaching which permits rennet from animals prohibited as meat is confirmed by a ruling in an actual case.
“If it was laid on the holiday it may be eaten on the Sabbath, on the Sabbath it may be eaten on the holiday.” Rebbi Jehudah said in the name of Rebbi Eliezer, this is the disagreement. The house of Shammai say that it may be eaten, but the House of Hillel say that it may not be eaten. Rebbi Hanina instructed the Sephoreans about spontaneous growth of mustard and about the egg following Rebbi Jehudah. Rebbi Johanan came and preached to them following the rabbis here and the rabbis there. Rebbi Abba bar Zemina in the name of Rebbi Josadaq: Because of these two things did Rebbi Johanan descend from Sepphoris to Tiberias. He said, why did you bring me this old man, what I am permitting he prohibits, what I am prohibiting he permits. Rebbi Abba said, there came a case before Rebbi Yasa and he wanted to act following Rebbi Johanan but when he heard that Rav and Rebbi Hanina disagreed he refrained.

46 An egg laid on a holiday which is a Friday may be eaten on the following Sabbath; and an egg laid on a Sabbath may be eaten on a holiday which is on the following Sunday.

47 Tosephta 1:3, Babli 4a. According to R. Eliezer, the House of Hillel hold that the prohibition of newly available food on Sabbath and holiday is biblical; therefore since the egg was unavailable one moment before the start of the Sabbath it is unavailable on the Sabbath. For the anonymous majority and the House of Shamai the prohibition is rabbinical; since holiday and Sabbath represent two different kinds of holiness, the prohibition on one day has no influence on the other day.

48 In the Sabbatical year, as exception to R. Simeon’s rule that all spontaneous growth of cultivated plants are forbidden in the Sabbatical.

49 That spontaneous growth of mustard is forbidden as object of trade, and that an egg laid on the holiday was permitted on the Sabbath. From here on to the end of the next paragraph the text also is in Ševiʿit 9:1 (Notes 22-30).

50 The historicity of this remark is doubtful since R. Johanan was R. Hanina’s student in Sepphoris (at least in Aggadah). It is reasonable to accept the fact that R. Johanan went to Tiberias to become there Chief Rabbi.
Because they disagreed: May the remainders of a wick, a fire, or oil that burned out on the Sabbath be lit on the holiday? Rav and Rebbi Hanina both say it is forbidden, but Rebbi Johanan says, it is permitted. Rebbi Mana said before Rebbi Yudan, is it the reverse regarding an egg? He said to him, since the rabbis compare it, it means that the two cases are identical.

51 This paragraph also is copied in Eruvin 3, Notes 169-176, where the readings of Besah and Ševi’it are compared.

52 This refers to Mishnah Eruvin 3:9 where it is stated that if a holiday precedes or follows a Sabbath one may make two eruvin to move one’s Sabbath domain in two different directions for the two days. This clearly presupposes that the restriction of one’s Sabbath domain to 2’000 cubits outside of town is rabbinical. (It is agreed that the limit of 12 mil, 3 parasang, is biblical.) In the case here, it is agreed that the remainders of spent fuel are muqseh on the Sabbath, when lighting a fire was prohibited. If this is a biblical prohibition then it is muqseh also on the holiday which is on Sunday, but if it is rabbinic then it will be permitted on the holiday, when lighting a fire is permitted.

53 Since the dispute between the Houses of Hillel and Shammai was described earlier as whether a chicken automatically is food on a holiday or only if it was raised for its meat,
not for producing eggs.

54 At least for the House of Hillel, cf. Note 47.

55 According to the Babli *Eruvin* 38b the Elders are Rabban Simeon ben Gamliel, R. Ismael ben R. Johanan ben Beroqa, R. Eleazar ben R. Simeon, and R. Yose ben R. Jehudah. In Tosephta *Eruvin* 4:2 the statement is R. Meïr’s.

56 Essentially stated in Mishnah *Eruvin* 3:9.

57 Babli *Eruvin* 38b.

58 Instead of the last four sentences the source G simply states that one repeats from the start of the paragraph. Rav Hisda’s question really is not answered. The Babli gives several tentative explanations of Rav’s position. The one consistent with the Yerushalmi is that only weekdays can prepare for holidays but the Sabbath cannot prepare for a holiday. Since the reason for Rav’s ruling in the case of fuel is not based on the number of sanctities involved, his decisions are consistent.
Rebbi Jeremiah asked, what is the status of decorations of a sukkah? Rebbi Jeremiah turned around and said, all seven days they are insignificant in the sukkah, afterwards they are prepared. Rebbi Yose said, all seven days the holiness of (seven) sukkah falls on them, afterwards the holiness of the holiday falls on them. What did he come to question? If the holiday falls on a Friday according to him who says, they are two kinds of holiness.

59 Fruit that fell from its tree on a holiday.
60 The tree. Since fruit hanging on a tree must be harvested before it can be moved, it is biblically forbidden.
61 If the egg only is permitted because it may be eaten in its mother, on a Sabbath when slaughter is prohibited the egg should be prohibited according to everybody if the holiday was on a Friday.
62 Since we had concluded earlier that also for the House of Hillel it is a matter of preparation, not harvest or a similar biblical injunction, there is no reason to pile rabbinic restrictions on rabbinic restrictions.
63 Edible decorations. Since the sukkah may not be demolished during the week of Tabernacles, any decorations are part of the sukkah and may not be taken. The question is about the Eighth Day which is a holiday but not part of Tabernacles and not a time when the sukkah is used. Cf. Šabbat 3, Note 170.
64 This is a position denied by R. Jeremiah in Šabbat 3 but accepted by R. Yose’s brother. After the holiday the decorations are simply fruits hanging on the wall which can be taken at any moment.
65 The best readings are those of the Genizah texts, “the holiness of sukkah is”.
66 Since the holiness of the sukkah is biblical, and so is the holiness of holiday, it is consistent to extend the holiness of the decorations to the holiday, but it is not necessary to extend it to a following Sabbath.
Hizqiah; he said to him, from where did the rabbi hear this? He told him, from Rebbi Abbahu. He answered, we also are saying, Rebbi Abbahu in the name of Rebbi Johanan, whether for elimination or eating, the volume of an olive\(^15\), for otherwise one would have to state “37 extirpations in the Torah”\(^70\).

67 Corrector’s addition, to be deleted. He designated the discussion of the second part of Mishnah 1 as separate Halakhah. Therefore his count of Halakhot in this Chapter deviates systematically from the scribe’s.

68 Even the House of Shammai agree that eating leavened matter in the volume of an olive on Passover creates liability.

69 This statement refers only to the opinion of the House of Hillel. While leavened matter is forbidden on Passover in the most minute amount, liability is created only by the volume of an olive, whether active leavening or passive leavened matter.

70 If there were different standards for leavening and leavened matter, Mishnah Keritut 1:1 which enumerates the 36 transgressions causing extirpation should have enumerated them separately and arrived at a total of 37.

Mishnah 2: If somebody slaughtered a wild animal or a bird\(^71\) on the holiday, the House of Shammasi say that he shall dig with a picket\(^72\) and cover, but the House of Hillel say that he should not slaughter unless he had dust prepared. But they agree that if he slaughtered that he may dig with a picket and cover, <and> that the ashes of the cooking stove are prepared\(^73\).

71 Whose blood has to be covered by dust, Lev. 17:13.

72 Even though digging is an activity forbidden on the holiday, since slaughter for food is permitted without restriction there is biblical authorization to provide the ‘necessary dust. The House of Hillel agree that by biblical standards this is true; they say that rabbinically one has to refrain from digging if possible.

73 The ashes produced from the firewood in the stove are qualified as dust to cover the blood of birds. Therefore they are useful for activities permitted on the holiday and cannot be muqsheh. In this context, “prepared” means “available for the preparation of food on the holiday.”
Rebbi Hiyya in the name of Rebbi Johanan: He who cooks carcass meat on a holiday is not flogged, because the category of cooking is permitted on a holiday.75 Rebbi Simeon ben Laqish said, he is flogged, for the category of cooking is permitted on a holiday.77 Rebbi Yose in the name of Rebbi Ilia: ordinary ploughing was not permitted.78 Rebbi Shammai said before Rebbi Yose: Rebbi Aha in the name of Rebbi Ila, this is Rebbi Simeon’s, for Rebbi Simeon said, only if he needs the essence of the matter.80 Rebbi Yose met Rebbi Aha. He said to him, did you say this? But did not Rebbi Johanan say, the words of Rebbi Meir are that in 24 matters the House of Shamai are lenient and the House of Hillel...
restrictive, and this is one of them. Should we say 23\(^8\)\(^1\)? But Rebbi Meïr and Rebbi Simeon both said the same\(^8\)\(^2\). But were we not of the opinion that Rebbi Yose and Rebbi Simeon both said the same\(^8\)\(^3\)? Should we say, Rebbi Meïr, Rebbi Yose, and Rebbi Simeon all three said the same\(^8\)\(^4\)? But matters which are problematic for the rabbis are obvious for you; are those which are obvious for the rabbis problematic for you? If one harvested for grasses\(^8\)\(^5\) he is liable for harvesting but is not liable for improving the soil. There is only the problem if he harvested in order to improve the soil. Is he liable for harvesting and for improving the soil? Even if you say it follows Rebbi Simeon, but for the rabbis in any case he ploughed, in any case he harvested\(^8\)\(^6\). Rebbi Mana said, the words of the rabbis support my teacher Rebbi Yose, for Rebbi Hyya said in the name of Rebbi Johanan, if one compressed a fish\(^8\)\(^7\), if for its body he is not liable, but if to produce fish sauce he is liable. Even if you say that he said this following Rebbi Simeon, but for the rabbis in any case he compressed, in any case he produced fish sauce\(^8\)\(^8\).

74 This paragraph is from Šabbat 7, Notes 239-254.
75 It is presumed that carcass meat, which is forbidden as human food, is not prepared as animal feed. For R. Johanan (Babli 12b) since making fire and cooking is permitted for preparing food on the holiday (Ex. 12:16) it is permitted for any purpose.
76 He disputes that cooking be permitted for anything that is not food.
77 This refers to Mishnah 1:2. Now digging is a derivative of ploughing, therefore some kind of ploughing is biblically permitted on a holiday.
78 Since no plough is authorized, the work is not professional and, since the intent is not to prepare the soil for agriculture, the prohibition is rabbinical; the Houses of Shamai and Hillel do not disagree about the interpretation of a biblical commandment.
79 Both the Houses of Shamai and of Hillel do permit to use a professional tool; they must hold that the intent determines liability.
80 There is liability only if the prohibited action is the object of his intent, not a by-product. Cf. Šabbat 2, Note 19.
81 Since in this interpretation both Houses agree that the digging does not create liability and the biblical commandment to cover the blood overrides the rabbinic “fence around the law”.
82 Mishnah 1:2 is anonymous and therefore presumed to be R. Meïr’s. If it implies the position of R. Simeon then both must agree in this matter. The opponent of R. Simeon in this matter is Rebbi Jehudah, student of his father R. Ilai, who was a student of the Shammaite R. Eliezer. It is intrinsically unlikely that the House of Shamai should accept what later was
formulated by R. Simeon.

84 Then we should hold that this is their (direct or indirect) teacher R. Aqiba’s position and it is difficult to fathom who would disagree; but we see that this opinion is not generally accepted in tannaitic sources.
85 He was weeding and using the uprooted weeds as fodder. This is forbidden on a holiday as it is forbidden on the Sabbath.
86 In the Babli, these rabbis are identified with R. Jehudah.
87 A pickled herring. Since the preparation of food is permitted on a holiday, this sentence and the next are copied in error from Sabbath, since the activities are only forbidden on Sabbath. Babli Sabbath 145a.
88 This is all one Sabbath liability.

Rav Abun in the name of the rabbis there: this implies that the ashes of the stove are prepared only for the commandment. Rebbi Mana said, if he did not prepare it. But if he prepared it, one covers with it (excrement) and commandment. This parallels what Rebbi Shammai said, Rebbi AhA preached in the name of Rav Jehudah: If he prepared it for the commandment one covers with it for the commandment, for excrement one covers with it excrement and commandment. Rebbi Yose ben Rebbi Abun said, Rav Zera and Rebbi Abba bar Joseph disagreed. One said, there is preparation for excrement, but the other said, there is no preparation for excrement. The one who said that there is no preparation objected to the one who said that there is
preparation, could he not use it to cover [the blood of] the Koy\textsuperscript{93}? He answered him, people are apt to err about the Koy\textsuperscript{94}, people are not apt to err about excrement. He said to him, if you would say so, he would take the picket and cover\textsuperscript{95}. And it was stated so\textsuperscript{96}: “If one brought dust to plaster his roof, lime to whitewash his house, one uses it to cover.” There are Tannaim who state, one does not use it to cover. Rebbi Yose ben Rebbi Abun in the name of Rav Hisda, he who said, one uses it to cover, after the deed; he who said, one does not use it to cover, one who comes to ask before he starts\textsuperscript{97}.

89 If the Mishnah was to be understood that ashes from the cooking stove may be used without restriction on the holiday, it should have indicated that it may be used for some mundane action. Since the remark about the ashes is appended to the discussion of a religious act, one infers that it may be used for religious acts only.

90 The \textsuperscript{6} prefixed by the corrector to the word \textit{משנה} is standard Babli syntax; as the following text shows clearly it has to be deleted.

91 Ashes which existed before the holiday may be designated before the holiday for any use intended on the holiday.

92 Scribe’s text deleted by the corrector who did not understand the text. As noted already by \textit{Qorban ha’Edah}, this has to be undeleted.

93 The blood of kosher wild animals has to be covered and all their fat may be consumed. The blood of domesticated kosher animals is not covered and their visceral fat is forbidden as food. Mishnah \textit{Bikkurim} 2:8-9 states that the Koy is possibly a wild animal or possibly a domesticated animal; therefore his blood has to be covered but its fat may not be eaten. It may not be slaughtered on the holiday; if slaughtered anyhow its blood may not be covered on the holiday.

In \textit{Bikkurim} 2:7 (Note 154) R. Eleazar says the Koy is the result of the mating of a he-goat with a hind or a stag mating with a she-goat; but the rabbis say, it is a separate kind and the Sages could not determine its classification.

In the Babli 8b this is a declarative sentence, not an interrogation.

94 And infer that its fat is permitted since its blood is covered.

95 A possible (not prosecutable) holiday violation. Babli 8a.

96 Tosephta 1:5.

97 The restrictions on using building materials to cover blood or excrement are rabbinic in nature.
It was stated: “Rebbi Yose says, one does not cover the Koy’s blood because it is a doubtful case.” Since circumcision whose certainty pushes aside the Sabbath, in doubt does not push aside the holiday, then for covering the blood which in case of certainty does not push aside the Sabbath it only is logical that in a case of doubt it not push aside the holiday. But is it permitted to slaughter on a Sabbath? Rebbi Yose said it without attribution, Rebbi Yose ben Rebbi Abun in the name of Rebbi Johanan: If he slaughtered for a sick person. They told him, does not the shofar in the countryside disprove it? For in case of certainty it does not push aside the Sabbath, but in a case of doubt it pushes aside the holiday. What kind of doubt is there? If it is a weekday, he may blow, if it is a holiday, he may blow. Rebbi Hanina in the name of Rebbi Aha: In case of a hermaphrodite who blew. And it was stated so: “The hermaphrodite frees his own kind [but does not free persons not of his own kind.] The sexless frees neither his kind nor not his kind.” Rebbi Yose asked, if in the case of a hermaphrodite who blew, is that where we stated, it has no counter-argument? Rebbi (Abbaye) [Abbin] said, that is one of four cases when the Great Rebbi Hiiya said, there is no counter-argument. But Rebbi Eleazar the son of Rebbi Eleazar the caper grower found a counter-argument. Since circumcision which in a case of doubt does not push aside the holiday, in a
case of certainty pushes aside holiday night\textsuperscript{113}, you can say about covering the blood where in case of certainly it pushes aside holiday night, since in case of certainly it pushes aside holiday night, in a case of doubt it should push aside the holiday\textsuperscript{114}. This establishes that what was problematic to the earlier rabbis and was difficult for them, so it is problematic to the later rabbis and is a difficulty for them. In the opinion of Rebbi Aha, the hermaphrodite frees his own kind \textit{a priori}, in the opinion of Rebbi Yose, \textit{a posteriori}\textsuperscript{115}.

98 Tosephta 1:5, \textit{Hulin} 6:1; Babli 8a, \textit{Hulin} 84b.
99 If a baby is born on a Sabbath it is circumcised the next Sabbath. If he is born during twilight, when it was not clear on which calendar date the birth actually was, then it cannot be circumcised before the eighth day counting from the second possible date. If that should be a holiday, the circumcision has to be delayed for another day since violating the holiday for what may be a ninth, not an eighth, day would be desecrating the holiday. Mishnah \textit{Šabbat} 19:5.
100 Since according to Mishnah \textit{Megillah} 1:8 the only activity forbidden on the Sabbath and permitted on a holiday is the preparation of food. Covering the blood is an activity occurring after what is a preparation of food, and only preparations are permitted.
101 Since slaughter is forbidden on the Sabbath, covering the blood cannot occur and the premise of the argument is vacuous.
102 If freshly cooked meat is prescribed by a competent medical authority to a dangerously sick person, it has to be provided on the Sabbath. The obligation to violate the Sabbath extends to slaughter but not to covering the blood.
103 Since outside the Temple the \textit{shofar} is not blown on a Sabbath (Mishnah \textit{Roš Haššanah} 4:1), but on the holiday falling on a weekday it is blown everywhere even when it is not known whether the 1\textsuperscript{st} of Tishre is the 30\textsuperscript{th} or the 31\textsuperscript{st} of Elul.
104 Since on New Year’s Day the blowing is a biblical obligation, it certainly is permitted on that day. On a workday one may blow anyhow.
105 With the Genizah sources, read “Hananiah” the late Amora, for Hanina, the early one.
106 Greek \textit{ανδρόγυνος} “man-woman”, a person having both male and female sex organs. He is considered a probable male and therefore probably required to hear the \textit{shofar} sound; therefore he may perform the blowing for similar probable males.
107 \textit{Roš Haššanah} Tosephta 2:5, Babli 29a.
108 Corrector’s addition, is found in the Tosephta text but not in the Genizah sources; to be deleted.
109 The person with neither male nor female sex characteristics may be a male or a female. As a female he would not be obliged by a religious obligation to be performed at a set time; therefore his blowing cannot free even another sexless person since the blower might be a genetic female and the hearer a genetic male.
110 The late Amora.
111 The corrector’s “Abbin” is a distortion of the text. The scribe’s “Abbaye” is confirmed by a Genizah source. While in old and modern lists of Amoraim no Galilean “R. Abbaye” is listed, he appears as an early Amora in Roš Haššanah 1:10, Note 321, not to be confused with the Babylonian Abbaye who never has a title.

112 He is the person usually known as Ben Qappara.

113 This argument does not make any sense. Since the text is confirmed by the Genizah sources, the loss of a “not” must have happened at a very early stage of transmission. One must read: “in a case of certainty it does not push aside holiday night”, since circumcision is prescribed for the day (Lev. 12:3).

114 This is not a proof but a possibility, and does not exclude an opposite opinion.

115 Since R. Ah’a asserts that the hermaphrodite has the right to blow, he must hold that if such a person comes to ask whether he may blow for others, the answer must be positive. But since R. Yose the Amora questions whether the argument about the hermaphrodite can be used against R. Yose the Tanna, he must hold that the Tosephta does not forbid him to blow but does not authorized it a priori.
saying that a positive commandment pushes aside a prohibition\textsuperscript{118}. This is understandable following the opinion of Rebbi Jonah who said, a positive commandment pushes aside a prohibition even if they are not written side by side\textsuperscript{119}. Following the opinion of Rebbi Yose who said, a positive commandment pushes aside a prohibition only if they were written side-by-side, since he started the meritorious deed one tells him to clean it up\textsuperscript{120}. Rebbi Ze`ira asked, if a monkey formed a bowl, what\textsuperscript{121}? Rebbi Yose ben Rebbi Abun said, Rebbi Ze`ira\textsuperscript{122} and Rav Hamnuna disagreed. One said, it is forbidden, but the other said, it is permitted. For him who said that it is forbidden it is like cut-up fig cake which dried out without his knowledge\textsuperscript{5}. For him who said that it is permitted it is as if he put it in order erroneously\textsuperscript{123}. For him who said that it is permitted, may one use its place\textsuperscript{124}? Would we say that soil may not be used?

\textsuperscript{116} Since the wood has been turned into ashes on the holiday, this is non-food material in a state different from what it was at the start of the holiday and therefore is \textit{muqseh}.

\textsuperscript{117} Since \textit{muqseh} is a rabbinic prohibition but digging a biblical violation, it is better to disregard the rabbinic prohibition even though there is biblical permission to disregard the biblical prohibition. (For \textit{muqseh} as rabbinic institution cf. Introduction to Tractates \textit{Šabbat} and \textit{`Eruvin}, p. 3, Note 4.)

\textsuperscript{118} And therefore one may dig to obtain dust to cover the blood.

\textsuperscript{119} The dispute between RR. Jonah and Yose is also in \textit{Hallah} 2:1, Note 10. It is not mentioned in the Babli (which nevertheless holds that the principle does not apply to holidays since the rules of holidays are both positive commandments and prohibitions.)

\textsuperscript{120} He must agree that if slaughter is biblically permitted on a holiday, with the consumption of meat a positive commandment, there can be no biblical prohibition to deal with all consequences of the slaughter.

\textsuperscript{121} The monkey formed a bowl out of clay on the holiday. If a human made the bowl it clearly would have been \textit{muqseh}, and also forbidden as the result of biblically forbidden work. But the monkey is not a human.

\textsuperscript{122} In one of the Genizah sources this is a purely Babylonian dispute involving a Rav Ze`ura.

\textsuperscript{123} “Putting in order” means separating heave and tithes, to make the harvest totally profane and generally usable. This is a mental act not dependent of material action, rabbinically prohibited on a holiday but valid.

\textsuperscript{124} The hole created by the monkey could be considered as not-existent before the holiday. But the prohibition of newly created things cannot apply to soil.
Mishnah 3 [4]: The House of Shammmay say, one does not move the ladder\(^{125}\) from dovecote to dovecote, but one may bend it\(^{126}\) from window to window; and the House of Hillel permit it\(^{127}\). The House of Shammmay say, one may not take\(^{128}\) unless one had moved when it was still daylight, but the House of Hillel say, he may stand there and say, this and that I shall take.

125 A ladder used only to service dovecotes.

126 One may move it from one opening in the dovecote to another by keeping the top of the ladder in contact with the dovecote.

127 While the ladder is necessary to use the dovecote it is not part of the building and taking the ladder away from one is not demolishing part of the building.

128 On the holiday one may not take a pigeon to slaughter as food unless he took the bird in his hand and reserved it for that purpose before the start of the holiday. But for the House of Hillel a timely declaration of intent is enough.

Halakhah 3 [4]: Jehudah the son of Rebbi Hiyya\(^{129}\) went out. They asked him, what are the rules for a ladder to the upper floor? He told them, it is permitted\(^{130}\). When he returned to his father, he asked him, what case came to your hands? He said, I permitted them the ladder to the upper floor. He appointed his Tanna before him, who stated\(^{131}\), “when was this said, about a
ladder for a dovecote. But a ladder for the upper floor is forbidden.” What is the difference between a ladder for a dovecote and a ladder for the upper floor? Rebbi Jacob bar Aha said, a ladder for a dovecote if he had used it the day before for work it would be weak; a ladder for the upper floor may be used for work the day before\textsuperscript{132}. Rebbi Yose ben Rebbi Abun said, on the ladder for a dovecote he may stand and use it for his purpose; on the ladder for the upper floor he may not stand and use it for his purpose\textsuperscript{133}. A ladder for a dovecote even if it is used to climb to the upper floor; a ladder for the upper floor even if it used to climb to the dovecote\textsuperscript{134}.

129 A son of the Elder Rebbi Hiyya. His twin sons, Jehudah and Hizqiah, never held a rabbinic title and never served as rabbis of one place, but made it their business to teach Torah at places not served by the rabbinical establishment.

130 To move it on the holiday.

131 Tosephta 1:8.

132 The ladder of the dovecote, because it is intended to be moved from one opening to another, is built as light as possible; moving it is no exertion. But the ladder used to access the upper floor, or the roof from the upper floor, essentially is part of the building and is made as heavy as possible.

The ladder for the dovecote cannot be used for heavy work without danger that it might break.

133 Since the ladder for the dovecote is so flimsy, anybody who sees him standing on the ladder knows that he does so for a use permitted on the holiday, to take some pigeons as food. But if he is seen moving the heavy ladder in the building to some other place, people will suspect him of using the ladder for work forbidden on the holiday.

134 A flimsy ladder may be moved everywhere, a sturdy one nowhere.

“The House of Shammai say, one may not take\textsuperscript{128} unless one had moved when it was still daylight.” The argument of the House of Shammai seems inverted, as we have stated there\textsuperscript{135}: “In addition, Rebbi Eliezer said, a person stands near the drying figs Friday afternoon in a Sabbatical year\textsuperscript{136} and says,
from here I shall eat tomorrow.” Is Rebbi Eliezer not a Shammaite\textsuperscript{137}? One is restrictive if living things are involved.

\textsuperscript{135} Mishnah 4:7.

\textsuperscript{136} Since produce is ownerless in the Sabbatical year, no tithes do apply. The same statement would apply in a regular year if tithes had been given from the drying figs. But since the obligation of tithes applies only to produce ready to be used, fig cakes (and raisins) usually are tithed only if they are fully dry. Since no tithes are due, a declaration of intent is all that is needed to make the food usable on Sabbath or holiday; no physical action is required.

\textsuperscript{137} And therefore his statement should be logically consistent with the Mishnah of the House of Shammai. A parallel to this paragraph is in Halakhah 4:7.

“\textit{The House of Hillel say, he may stand there and say, this and that I shall take.}” The argument of the House of Hillel seems inverted, as we have stated there\textsuperscript{135}: “But the Sages say, only if he delineates and says, from here to there;” and here they are saying so? Still they hold that one is restrictive if living things are involved\textsuperscript{138}. Rebbi Yose ben Rebbi Abun said, Levi was knocking on his dovecote and saying, my dovecote shall provide me tomorrow\textsuperscript{139}.

\textsuperscript{138} While for fig cake the delineation of the heap from which one may take on the holiday is enough, for living birds one requires a declaration which individual birds are selected for the holiday.

\textsuperscript{139} Levi (ben Sisi) holds that for the House of Hillel the entire dovecote is selected, one does not need separate identification of the birds and Mishnaiot 1:3 and 4:7 are totally parallel. Cf. Halakhah 4:7.
Mishnah 4: If he prepared\textsuperscript{140} black ones and found white ones, white ones and found black ones, two and found three, they are forbidden\textsuperscript{141}. Three and found two, they are permitted\textsuperscript{142}. Inside the nest and he found outside the nest they are forbidden, but if there are no others around they are permitted\textsuperscript{143}.

\textsuperscript{140} This Mishnah is a continuation of the preceding one. If he designated certain pigeons but the ones available clearly are different, the new birds are *muqs*eh.

\textsuperscript{141} If he designated two and found three, if the third is not clearly distinct from the other two it is impossible to know which is available and which is not.

\textsuperscript{142} We argue that one left, not that all three left and two new ones took up residence there.

\textsuperscript{143} If the designated birds were chicks unable to fly and only these chicks were around, it does not matter where they are found in the neighborhood of the dovecote, even if other dovecotes are not too far away.

Halakhah 4 [5]: The Mishnah is Rebbi’s\textsuperscript{144}, as it was stated\textsuperscript{145}: “200 and he found a mina, (the mina was taken away) \textsuperscript{[a mina was deposited and a mina taken away]}\textsuperscript{146}, the words of Rebbi. But the Sages are saying, it is profane.\textsuperscript{147}” There, we have stated\textsuperscript{148}: “If somebody said to his son, ‘Second Tithe is in that corner’ but he found it in another corner, that is profane.” Rebbi Jacob bar Aha in the name of Rebbi Assi, this is Rebbi’s, as we have stated\textsuperscript{145}: “Two hundred and he found a talent, a talent was taken, the word of Rebbi, but the Sages say, it is profane.” He turned around and said, this is everybody’s opinion since pigeon chicks usually start to fly\textsuperscript{149}. But did not Rebbi Halaphta ben Shaul state, the same rule applies to pigeon chicks and to eggs?\textsuperscript{150} Therefore, it is Rebbi’s. There, his father put it there and he found, here, his
he put it there and he found it\textsuperscript{151}. Rebbi Abba bar Cohen said before Rebbi Yose in the name of Rebbi Ahā: Rebbi Abba bar Zavda instructed according to Rebbi for Second Tithe\textsuperscript{152}.

144 The statement that if three chicks are selected but only two found, that we presume that one flew away, but not that all three flew away and these are new ones.

145 Tosephta \textit{Ma`aser Šeni} 5:7, Babli 10b. The entire paragraph is in \textit{Ma`aser Šeni} 4:9 (Notes 160-166) with the quotes changed as appropriate.

146 The corrector’s text is the Babli’s and the Tosephta’s; it should be deleted. The scribe’s text in parentheses is confirmed by G and the parallel in \textit{Ma`aser Šeni}.

147 Rebbi holds that if a smaller amount is found it is the remainder of the original dedicated amount. The Sages hold that if money was set aside for Second Tithe and the exact amount was not recovered, it is different money and never dedicated. They must hold that if three chicks were selected but only two found, these are forbidden as never selected.

148 Mishnah \textit{Ma`aser Šeni} 4:12 (Note 146).

149 Babli 10b, as final opinion. In this opinion, the two cases are not comparable.

150 If on the eve of the holiday he found a number of eggs and instead of taking them away he declared them food for the holiday, but then the next morning he found a different number.

151 This would be a different reason to find the two cases not comparable.

152 While the two cases are not comparable, they follow parallel rules.

Rebbi Yudan said, this\textsuperscript{153} is only if there were there two broods. But if only one brood is there it does not apply\textsuperscript{154}. But did we not state, “if there are no others around they are permitted”\textsuperscript{155}? [Rebbi Yose bar Abun said,]\textsuperscript{156} if there only is a single chick available\textsuperscript{157}. [Only one brood of black ones.]\textsuperscript{156}

153 Discussion of the statement in the Mishnah that if chicks are forbidden who could not fly when designated in the dovecote and then found in front if the dovecote.

154 If there is no probability that these may be from another place.

155 Is not R. Yudan’s statement that of the Mishnah?

156 The corrector’s additions in parentheses are without bases in the sources and have to be deleted.

157 One might interpret the Mishnah as permitting the use only if there is only one chick and the identity is guaranteed. But following R. Yudan it is sufficient if there is
only one brood, even if only part of the chicks are designated as food. Differently in

Mishnah 5: The House of Shammai say that one may not take the pestle\(^{158}\) to cut meat on it, but the House of Hillel permit. The House of Shammai say that one may not give the hide to be trampled on\(^{159}\) nor lift it\(^{160}\) unless meat was left on it, but the House of Hillel permit. The House of Shammai say that one may not remove the shutters\(^{161}\) but the House of Hillel permit even to return them.

158 Or any other implement whose common use is not for the preparation of food.
159 Hides of animals slaughtered as food on the holiday are raw material for the manufacture of leather. The House of Shammai hold that hides stripped of all the meat are industrial material and \textit{muqseh} on the holiday. The House of Hillel hold that (almost) nothing becomes \textit{muqseh} it it was not so at the start of the holiday. In this version of the Mishnah the hides may not be brought to the workplace.
160 Or otherwise move them while \textit{muqseh}.
161 Grocery stores usually were shuttered by iron plated movable on hinges; opening the store meant turning the shutters into horizontal sale platforms. Since the grocer may give on credit spices or other food items to housewives whose supply did run out on the holiday, the House of Hillel encourage this by letting the grocer lock his store on the holiday.

In the Babli, the independent Mishnah mss., and as quote in \textit{G}, the sentence about the shutters is first in the Mishnah. Since this sentence is discussed first in the Halakhah, it seems clear that the order of the items in the Mishnah of the \textit{editio princeps}, which is not from the ms., is an aberration.
Halakhah 5: Samuel said, anybody who tightly closes the shutters on the holiday is liable because of building. This is difficult. Something which if it was done on the Sabbath makes him liable for a purification sacrifice the House of Hillel permit to restore Rebbi Hanania in the name of Rebbi Johanan: They permitted the end because of the start. For if you say that he cannot put them back he will not open. Don’t let him open! Then he detracts from the enjoyment of the holiday. Rebbi Aha said, he may put them back on condition that he not restore completely. Rebbi Yose ben Rebbi Abun said, if there is no door there. But if there is a door he uses the door.

162 While this text belongs here it also is found in Šabbat 12, Notes 39-44.
163 Greek ὑσίας “shield, armor”.
164 Following Samuel.
165 On the holiday.
166 Then the work is not professional and comparable to writing with the back of one’s hand.
167 If customers can have access to the store without the owner removing the shutters, the House of Hillel will agree that the emergency permit is not valid.

[“The House of Shammai say that one may not take the pestle to cut meat on it, but the House of Hillel permit.”] Therefore, not to cut meat on it is forbidden. This is what Rebbi (Abba,) Hinena bar Shelemiah in the name of Rav said: The Sages agree with Rebbi Nehemiah about the press, the plank, and the mace; the press with which he presses, the plank on which one beats them, the mace with which he smashes them.

168 Work tools may be used on the holiday only for preparation of food; otherwise they remain muqseh.
169 The remainder of the text here is from Šabbat 17, Notes 48-50. R. Nehemiah states there that while the general rule is that implements may be moved and used on Sabbath and holiday, tools of trade may be...
used only for a direct need of the day.

170 Unjustified deletion by the corrector; the name is confirmed by both parallel sources.

171 The items mentioned all belong to the wine press and represent considerable investment. The mace is used to mash grapes on the plank put over the vat in the wine press.

172 Hide which becomes available on the holiday may not be scraped clean from meat fibers; this would be professional preparation for tanning.

173 When the House of Shammai ask that a piece of meat be on the hide, they could not mean that the meat be still fully connected to the hide since then their statement would be obvious.

174 This statement is from Šabbat 16, Notes 79-80.

175 Greek δισάκκιον. Literally “double bag”.

176 While the saddle bag is muqsēh,
anything *muqseh* may be moved if it serves as a basis for something which may be moved. Babli *Sabbat* 142b.

177 Since cooking is forbidden on the Sabbath, a cooking vessel may not be moved unless the intention is for some use which is legitimate on the Sabbath.

178 Salting the hide is the first step in the tanning process; as such it is forbidden on the holiday. But since cooking is permitted, the hide may be used as table on which meat is salted before it is roasted. Babli 11a.

179 The cunning is that one spreads out the salting process and moves from place to place on the hide until every place has been salted. This is an approved circumvention of the holiday rules to encourage people to eat meat on the holiday, which in absence of refrigeration has to be fresh. Babli 11b.

### Mishnah 6:

The House of Shammai say, one may bring neither a small child, nor a *lulav*, nor a Torah scroll into the public domain, but the House of Hillel permit it.  

180 Since in principle everything forbidden on the Sabbath is forbidden on the holiday except the preparation of food, the House of Shammai forbid carrying in the public domain of anything which is not food nor needed for the preparation of food. The House of Hillel hold that since carrying is permitted for the purpose of preparing or serving food, it is permitted for any purpose legitimate on the holiday.
Halakhah 6: Therefore not an adult\textsuperscript{181}? Rebbi Samuel, the son of Rebbi Yose ben Rebbi Abun said, even an adult is permitted. For what purpose was stated “a small child”? It comes to inform you of the strength of the House of Shammai, how far they are restrictive. Samuel was carried from bed to bed\textsuperscript{182}. Rebbi Ze`ira said before Rebbi Yasa, let us say that he was asthenic\textsuperscript{183}. He told him, he was healthier than I and you. It was stated, Rebbi Ismael ben Rebbi \textlt{Yose}\textsuperscript{184} says, the stones on which we sat on in our youth make war against us in our old age. Rebbi Jonah ordered the colleagues, do not sit on the [outside]\textsuperscript{185} stone benches of the assembly\textsuperscript{186} of Bar Ulla because they are cold. Rav commanded his students, do not sit on the outside table of the assembly of Issy because it is cold. Rebbi Abba went down to bathe in the public baths of Tiberias, leaning on two Goths\textsuperscript{187}. They fell down and he lifted them up, they fell down and he lifted them up. One asked him, what is this? He said to them, I preserved my strength for my old age. Rav Huna did not come to the house of assembly. Rav Qatina asked, was it not stated that one carries the asthenics?

181 Since the Mishnah could be read that the House of Hillel only permit to carry a baby but not anybody able to walk by himself.

182 It is not clear whether these were his own beds or, since he was a medical man, whether he was carried in a litter on his visits to the sick, as explicitly endorsed in the next paragraph.

183 Greek 'ασθενής.

184 Added from G. Here starts a fragment of an Ashkenazic text edited by J. Sussman in \textit{Kobez al Yad} xii (xxii) 1994 (A).

185 Corrector’s addition, unsupported by any source, to be deleted.

186 The house of study.

187 Babli \textit{Ketubot} 62a, \textit{Berakhot} 60a.
Rav Huna instructed the Head of the Dispersion\(^{188}\) to go out in a chair\(^{189}\).

Rav Hisda asked, was it not stated, one does not go out in a chair, whether men or women? Even a student of the Sages does not err in this matter, and Rebbi Huna erred\(^{190}\)? Rebbi Jeremiah instructed Bar Gerontios the healer to be carried on a sheet when going visiting the sick on the Sabbath\(^{191}\). Miasha the grandson of Rebbi Joshua ben Levi was carried on a sheet when going preaching in public on the Sabbath. Rebbi Zeriqan said to Rebbi Ze`ira, when you go to the South, ask about this. It was asked from Rebbi Simon. Rebbi Simon told them in the name of Rebbi Joshua ben Levi, not only for the needs of the public but also for a possible need of the public\(^{192}\). Example: Rebbi Eliezer, Rebbi Abba Mari, and Rebbi Mattaniah instructed {to bring}\(^{193}\) bread to Ursicinus\(^{194}\) on the Sabbath, for a possible need of the public.

\(^{188}\) A: “the wife of the Head of the Diaspora.” Since it is not clear whether this text is a source or a compilation, and the statement contradicts the following discussion, it should not be accepted.

\(^{189}\) To be carried on the holiday. Since the Head of the Diaspora was the quasi-king of the Jews of Babylonia, his actions can be classified as public needs.

\(^{190}\) But certainly for public needs it is permitted to use a chair. Babli 25b.

\(^{191}\) If he is carried on an improvised contraption he can take his medical equipment with him, which he could not do were he walking. Since the way of transportation is not a common one, it is only rabbinically forbidden. Since the carrying needs several carriers, it is a Sabbath infraction depending on the action of several persons and neither prosecutable nor generating liability in the sense of the Sabbath laws.

\(^{192}\) A general instruction that for urgent public needs the Sabbath (and holiday) restrictions on transportation may be circumvented as described in the previous Note.

\(^{192}\) Ginzberg’s reading in G; the edition of the Jerusalem Talmud by the Academy of the Hebrew Language, 2001, reads “to bake”. This is the expression used by the Yerushalmi in Ševi`it 4:2 (Note 28) and its
copy in *Sanhedrin* 3:6, where it is reported that R. Jonah and R. Yose, greater authorities than the three rabbis mentioned here, permitted baking bread for the army of Ursicinus (the legate of the Emperor Gallus in Syria starting 351 C. E.) Since the paragraph deals with transport, Ginzberg’s reading seems to be more appropriate. The rabbis instructed the people to bring bread to the Roman army on the Sabbath, probably by having several people doing the carrying, and to prepare for it even though no request was made before the start of the Sabbath.

It was stated: And not the key; the House of Hillel permit. And Rav Hoshia the son of Rav Isaac said, this refers to a key of edibles, but not to a key of implements. But did not Rebbi Abbahu sit and teach, and a key of a jewel box in his hand? He had pepper inside.

193 In Tosephta 1:11 there is a statement that any key may be carried in one’s hand (but not tied to the belt, which is the usual weekday dress.)

194 No such sage is known otherwise. Read with G: “Rav Hoshia in the name of Rebbi Isaac.”

195 Greek δισπλωματίαν.

Mishnah 7: The House of Shammai are saying, one may not bring hallah and priests’ parts to a Cohen on the holiday, whether they have been separated the day before or on the day itself, but the House of Hillel permit. The House of Shammai said to the House of Hillel, it is an equal cut. Hallah and priests’ parts are a gift to the Cohen, and heave is a gift
to the Cohen. Just as one may not bring heave to the Cohen, so one may not bring these parts. The House of Hillel said to them, no. If you mention heave where he has no right to separate, what can you say about the gifts which he may separate?  

196 The priest’s part of bread dough (Num. 15:20).

197 The priest’s part of profane slaughter, Deut. 18:3.

199 The priest’s part in agricultural harvest, Num. 18:12.

200 Since harvest is forbidden on the holiday, clearly it must be finished before the holiday. Since it is a deadly sin to eat from grain, wine, or olive oil from which heave was not taken, separating heave is an indispensable part of the harvest and must be finished before the holiday. Therefore one may ask that the priests’ parts in agricultural produce must be delivered before the holiday. But since baking and slaughtering for meat is permitted on the holiday, hallah and priest’s parts may be separated on the holiday and there is no reason to forbid their delivery.

Halakhah 7: It was stated: “Rebbi Jehudah said, the House of Shamai and the House of Hillel did not disagree that one may bring parts which were separated on the holiday, as well as parts which were separated before the start of the holiday with parts separated on the holiday. Where did they disagree? About parts which were separated before the start of the holiday by themselves, where the House of Shamai forbid and the House of Hillel permit.”

201 Tosephta 1:12, Babli 12b.
Halakhah 8: It is difficult for the House of Hillel, could he not have the right to separate heave? Think of it, if he made a stipulation? One because of the other. And why was hallah stated? Because of hallah which was separated on the holiday. As it was stated: “if one kneads dough on a holiday, he separates its hallah on the holiday. If he kneaded it before the holiday but forgot to take its hallah, it is forbidden to move it; it is unnecessary to say, to take hallah from it.” If he mixed water and flour? He only mentioned “kneaded”, so not when he mixed? Rebbi Samuel, brother of Rebbi Berekhiah, said: explain it if the dough was impure where he takes hallah only at the end. Rebbi Yose ben Rebbi Abun said, it should have been the rule that for pure dough one should take hallah only at the end. They instituted that one should take it at the start, lest the dough become impure. The Mishnah is about the holiday of Passover; therefore on Pentecost and Tabernacles it is permitted. Rebbi Yose ben Rebbi Abun, Rebbi Huna in the name of Rebbi Aha, even on Pentecost and Tabernacles it is prohibited, because of no work shall be done on them.

202 Demai 7:5: “R. Isaac ben Eleazar said, a person can say on Friday, this shall be heave tomorrow, but nobody can say on the Sabbath, this shall be heave tomorrow.” Therefore it is possible to actually separate heave on the Sabbath or a holiday if the modality of separation was stipulated the day before.

203 Since in general heave may not be delivered to the Cohen on the holiday, one makes no exemption for the rare case in which delivery would be possible.

204 Tosephta 1:14. The text from here to the end of the Halakhah also is in Pesahim 3:3, Notes 68-72.

205 Even though Mishnah Hallah 3:1 permits separating hallah immediately after mixing the flour with water.

206 Since then only the hallah has to be guarded from impurity but not the dough itself.

207 The remark applies both to Tosephta Yom Tov 1:14 and Mishnah Pesahim 3:3.

208 Ex. 12:16. Since impure hallah may not be eaten, it may not be baked on a holiday.
Mishnah 8: The House of Shammai say that spices are pounded in a wooden mortar, and salt in a container or with a cooking spoon. But the House of Hillel say that spices are pounded normally in a stone mortar and salt in a wooden mortar.

209 The House of Shammai hold that since pounding spices and salt could have been done the day before, the general permission to cook cannot be extended to these preparations; they must be done in a way different from working day usage to avoid a biblical transgression. The House of Hillel hold that pounded spices quickly use their taste (in the absence of containers which can be tightly closed); therefore pounding spices is an integral part of the cooking process and may be done as on a weekday, but for taking salt from a block they agree with the reasoning of the House of Shammai.

Halakhah 9: Could he not pound the day before? The colleagues in the name of Rebbi Johanan, because they taste bitter; Rebbi Ze’ira in the name of Rebbi Johanan, because they lose their taste.

210 Babli 14a.
Samuel pounded on the side of the mortar. Rav said, anything that is pounded may be pounded in its ordinary way. Rav Huna, Rebbi Jeremiah, Rebbi Immi in the name of Rebbi Johanan: Garlic, and cress, and mustard seed are pounded in their ordinary way. Rebbi Abbahu in the name of Rebbi Johanan: He who makes oenanthium on a Sabbath is liable because of compounding. Is it therefore permitted on a holiday? Rebbi Hizqiah in the name of Rebbi Jeremiah: Making oenanthium on a holiday is forbidden because of compounding. Isaac Gold asked Rebbi Johanan, may one pound for spice wine on a holiday? He said to him, it is permitted. <Rebbi Isaac from Atosha asked Rebbi Simeon ben Laqish, may one pound to make spice wine on a holiday? He said to him, it is permitted;> give it to me and I shall drink. Rebbi Ze`ira asked before Rebbi Abbahu: Would one not act well in pounding it the day before? He said to him, yes. The argument of Rebbi Abbahu is inverted. Here he says permitted, and there he says forbidden. But since Rebbi Abbahu knew that Rebbi Ze`ira was restrictive, and that they are restrictive, therefore he agreed with them. Some want to say that so he said to him: If one wants that it be good he will not pound it the day before. Rebbi Ze`ira asked Kallidromos, the slave of Rebbi Judah the Prince, does your master pound to make spice wine on a holiday? He said to him, yes; and all kinds of cuts of meat.

Rebbi Isaac ben Rebbi Elazar in the name of Rebbi Immi, the father of Rebbi Eudaimon of Sepphoris. Where do they disagree? For grilling. Put
for the pot it is permitted. Rebbi Nahum said, Rebbi Samuel bar Abba asked about noodle dough. To let it dry is forbidden, for the pot it is permitted, part and part is questionable.  

211 If he had to grind some spices he turned the mortar on its side to make it different from weekday pounding. Since this is a statement of what he did, not what he taught, it seems that this was a personal precaution since in his medical practice he might also pound some materials for compounding a medicine which if done in the ordinary way would be a biblical infraction, as mentioned later in this paragraph.

212 If it may be ground into fine particles at all, it may be done the way it is done on weekdays. Babli 14a in the name of Samuel.

213 If this name belongs to the chain of transmission it would have to be Rebbi Huna. But since G also has the title “Rav”, and Rav Huna was the leader of the second generation of Amoraim in Babylonia, one has to read the statement as indicating two sources. Both Rav Huna and R. Jeremiah quoting R. Immi in the name of R. Johanan state . . . .

214 A wine-based medicine (Galen 13. 540). In the Babli Šabbat 140a defined as a suspension of balsamum in old wine.

215 Since it is stated to be forbidden only on a Sabbath and at least the wine base of the medicine is food.

216 The way it is formulated for the Sabbath it cannot be formulated for the holiday. Compounding (spices or medicines) is one of the 39 categories of work forbidden on the Sabbath, an unintended infraction makes the person liable for a purification sacrifice since the intentional infraction is a capital crime or deadly sin. But work on holidays is a simple prohibition which never can trigger liability for a purification sacrifice, and intentional infraction is not a deadly sin. Therefore “liable” fits for the Sabbath and “forbidden” for the holiday.

217 Latin conditum (vinum), usually used for the finished product, here used for the spices to be put into the wine. Even though spice wine might be used for medical purposes it also is a drink for healthy people and therefore its preparation is permitted on the holiday.

218 Sentence missing in the ms. and printed edition. Since the sentence is both in G and A, it belongs to the text, and was dropped by the scribe because of homeoteleuton.

219 While R. Abbahu did not explicitly say that pounding spices for spice wine is forbidden on the holiday, he agreed with R. Ze’ira that it was better to pound the day before, implying that on the holiday it must be done in a way different from weekday action, against Rav’s ruling at the start of the paragraph.

220 The Babylonians, including R. Ze’ira the immigrant from Babylonia.

221 Reading of S. Liebermann, Tarbiz 3, p. 209.

222 Mincing the meat with the knife, sica. Probably this means to make sausage on the holiday.

223 The disagreement of the Houses of Shammai and Hillel about pounding salt.
When it is used sparingly, both agree that it may be pounded in a wooden mortar in the regular way. If great quantities are needed the House of Shammai is restrictive. Babli 14a.

224 Making noodle dough for use after the holiday clearly is a biblical violation and forbidden. Making soup noodles for immediate use clearly is permitted. Making both cannot be biblically forbidden; whether it is rabbinically forbidden is left undecided.

Mishnah 9: If one selects out legumes\(^\text{225}\) on the holiday, the House of Shammai say he picks out the food\(^\text{226}\) and eats. But the House of Hillel say, he picks out normally into his chest or a basket, but not on a tablet, not with a fine sieve nor with a coarse sieve\(^\text{227}\). Rabban Gamliel says, also he drenches and scoops off\(^\text{228}\).

\(^{225}\) He separates the edible from the inedible parts of peas, beans, or lentils.

\(^{226}\) Since separating the chaff from the grain is a biblical Sabbath violation, and on the holiday may be classified as preliminary to the preparation of food, the House of Shammai require that on the holiday one follows the Sabbath rules, which let you pick out the food but not the chaff.

\(^{227}\) They hold that the activity is included in the permitted preparation of food but require that it be done in a way which does not resemble commercial preparation of the harvest for sale.

\(^{228}\) He proposes to dump the entire material into a vat or barrel filled with water. The chaff will float on the surface and can easily be swept out. Since the legumes will be wet, it is not a commercial procedure.

\(^{229}\) Rebbi Jonah asked, if he did this on the Sabbath, in the opinion of the House of Shammai would he be liable? Rebbi Yose said to him, why not? If he did it on the Sabbath would he not be liable according to the House of...
Hillel? And here he is liable. Rebbi Mana said, my father Rebbi Jonah said it correctly. It is a problem only for the House of Shamai. Why? Because the category of selecting was permitted on the holiday, nothing of the category of selecting was permitted on the Sabbath 230.

229 This and the following paragraphs are from Sabbath 7, Notes 314-342. The Genizah text ends here; the text A brings only the first few lines.

230 The objection of R. Yose is pointless. There is no problem for the House of Hillel since they hold that selecting as a category is permitted on the holiday but forbidden on the Sabbath. But we do not know whether the House of Shammai hold the same and are rabbinically restrictive on the holiday more than the House of Hillel or whether they hold that selecting does not belong to the preparation of food but to preliminaries to preparation which are not exempted on the holiday and for which, therefore, the rules are identical on Sabbath and holiday. Since in his days, in the middle of the Fourth Century, the House of Shammai had disappeared for 250 years, no answer can be given.

231 If one selected food out of food, Hizqiah said, one is liable; Rebbi Johanan said, one is not liable 232. A baraita disagrees with Hizqiah: He selects and eats, he selects and puts on the table 233. Rebbi Abun bar Hiyya in the name of Rebbi Samuel bar Rav Isaac: explain it if guests were eating what was served. But was it not stated: On condition that he did not select all of its kind? In the opinion of Hizqiah, because one who selects on the Sabbath is liable. In the opinion of Rebbi Johanan, because one who selects normally at another place 234 is liable. In the opinion of Hizqiah, even rings among rings 235, even pomegranates among pomegranates. Or is it so, even people among people 236? How is this? Everybody agrees with that of Rebbi Immi. For
Rebbi Immi had guests; he brought before them lupines\(^{237}\) and beans\(^{238}\). He told them, be careful to eat the artichokes\(^{239}\) at the end.

231 The paragraph has a parallel in the Babli, \textit{Shabbat} 74a/b.

232 It is somewhat difficult to understand Hizqiah’s position. What is biblically forbidden on the Sabbath is removing chaff from food, not food from chaff (except, as mentioned later in this paragraph, if the entire batch was cleaned, when there is no difference what was taken from where.) Biblically Hizqiah would have to forbid to remove the food one does not want to eat from the food one wants to eat; the other way would only be rabbinically forbidden.

233 For immediate consumption. There is no difference whether one puts food in his own mouth or in others’.

234 The “other place” is the Sabbath.

235 String figs from a heap of string figs. Then it would be forbidden on the Sabbath to call people to read the Torah unless they had been selected beforehand. This we never heard.

237 Greek .

238 Greek .

239 Greek κανάρα. On a holiday it is permitted to select anything for immediate consumption, even if there are no remainders, and eat a different dessert at the end.

Liability on the Sabbath can always be avoided by doing things in a decidedly unprofessional way; the mention of doing things “normally” is appropriate here.

235 String figs from a heap of string figs.

236 Then it would be forbidden on the Sabbath to call people to read the Torah unless they had been selected beforehand. This we never heard.

237 Greek .

238 Greek .

239 Greek κανάρα. On a holiday it is permitted to select anything for immediate consumption, even if there are no remainders, and eat a different dessert at the end.

It was stated: One does neither select, nor grind, nor sift\(^{240}\). He who selects, or grinds, or sifts, on the Sabbath is stoned. On a holiday he absorbs the 40\(^{241}\). But did we not state: “he picks out normally into his chest or a basket”? Rebbi Hanina from Antonia said, this is Rabban Gamliel’s, for “Rabban Gamliel says, also he drenches and scoops off.” And was it not stated, in the household of Rabban Gamliel they were grinding pepper in their...
mills? It is permitted to grind but forbidden to select. Rebbi Yose ben Rebbi Abun: Normal grinding was not permitted243. And from where that one may neither select, nor grind, nor sift? Rebbi Aha in the name of Rebbi Simeon ben Laqish: *No work shall be done on them up to* and you shall guard the unleavened bread244. Rebbi Yose asked, but did one not infer cooking only from there? Rebbi Yose did not say so, but Rebbi Yose in the name of Rebbi Simeon ben Laqish: *Only what can be eaten by every person this alone may be made by you*, up to *and you shall guard the unleavened bread*245. Hizqiah stated in disagreement246: *only, every, person, are diminutions, not to select, nor to grind, nor to sift on a holiday.*

240 Translation of the corrector’s text and the text in Ṣabbat. The scribe’s text “one is not pedantic” would leave open the possibility that coarse selection and grinding was not prosecutable.

241 The 39 lashes which are the standard punishment for breaking biblical prohibitions for which no other biblical punishment is specified. The Babli disagrees and declares these activities only rabbincally prohibited on a holiday, cf. Tosaphot Ṣabbat 95a, s. v. וֹרָדֵד.

While preparing food is biblically permitted on a holiday as shown later in the paragraph, there is a dispute between the anonymous majority and R. Jehudah whether this includes preparations which could have been made the day before without impairing the quality of the food, which the majority prohibits and R. Jehudah and Rabban Gamliel permit. It is stated here that for the majority the prohibition is biblical, at least concerning preparations for baking.

242 Rabban Gamliel will agree that milling flour is biblically forbidden on a holiday; he will hold that grinding pepper in a peppermill is not professionally grinding and not something which may be done the day before without impairing the quality of the spice.

244 Ex. 12:16-17. The text omitted by the quote “up to” permits preparation of food on a holiday, as quoted later in the paragraph.

245 There is nothing missing between the two quotes, so that the note “up to” seems to be superfluous. The meaning is explained in Tosaphot Besaḥ 3a s.v. וֹרָדֵד (at the end): vv. 16,17 form a unit: what can be eaten by every person this alone may be made by you, and you shall guard the unleavened bread. Any preparation of mazzah which requires guarding against possible leavening is permitted on the holiday, anything preceding this, i. e., mixing flour with water to make dough, is forbidden.

246 Against the Mishnah where the House of Hillel permit selecting.
Rebbi Ze`ira, Rav Hiyya bar Ashi in the name of Samuel: One who filters is liable because of selecting. Rebbi Ze`ira said, it is more reasonable that it should be because of sifting. Rebbi Jonah and Rebbi Yose both said, at the start we were saying that Rebbi Ze`ira said it correctly, since as in sifting the flour is below and the farina on top, so in filtering wine the wine is at the bottom and the yeast on top; but we were not saying anything. Why? Because the category of selecting was permitted, the category of filtering was permitted249. The category of selecting was permitted: “he selects normally, on his chest, or from a pot”. Also the category of filtering was permitted, “on a holiday one puts into one which was hanging250”. But the category of sifting was not permitted. As Rebbi Hanina bar Yaqe said in the name of Rav Jehudah, One does not re-sift the flour but one may pass it through the back of the sieve252. If you say it is because of sifting, it should be forbidden. Rebbi Yose ben Rebbi Abun said, it does not follow Rebbi Jehudah, for it was stated in the name of Rebbi Jehudah, also preparations for making food are permitted253. There is a question about the following: following the rabbis, may one re-sift the flour through the back of the sieve?

247 This text also appears in Šabbat Chapter 20 (17c line 35). The parallel in the Babli is in Šabbat 138a where the argument of R. Ze`ira is quoted in his name but the introductory statement is in the name of Rav Kahana. In Šabbat, the original author is Samuel, not Rav. This may be a lectio difficilior since Rav Hiyya bar Ashi was a companion of Rav; but if Rav Kahana is Cahana, the stepson of Rav, it would...
represent a Babylonian tradition.
248 The coarser pieces.
249 On a holiday, as shown later from Mishnaiot.
250 Mishnah Šabbat 20:1. According to the anonymous majority on a holiday one may not put a filter on top of a barrel because this is an activity not covered by the general permission to prepare food, but if the filter already was in place one may filter wine on a holiday.
251 This sentence, while it is at this place in all sources, does not belong here but at the very end of the paragraph where it answers to a question raised there. If flour had been sifted before but the housewife wants to sift it again on the holiday before using it, she may turn the sieve upside down and use it with the sieve instead of being concave downwards being convex upwards. This is unprofessional and therefore not biblically forbidden even according to the opinion stated in the preceding paragraph that all preparations preceding making dough are forbidden on the holiday. Cf. Babli 29b.
252 Filtering.
253 Tosephta Megillah 1:7.

Mishnah 10: The House of Shamai say, on a holiday one sends only portions254, but the House of Hillel say one sends domestic animals, wild animals, and birds, whether alive or slaughtered. One sends wines, oils, and flour, and legumes, but no grains255. Rebbi Simeon permits grains256.

254 Either a prepared meal or a single piece of meat which can be cooked as is.
255 Since it was stated in the previous Halakhah that grinding grains is forbidden on the holiday; therefore grains are not food available on the holiday.
256 Grains can be used as cold or hot cereal and also as animal feed without being ground. There is no reason not to treat them as ready food on the holiday.
Halakhah 11: It is difficult for the House of Shammai. A large thigh one is permitted to send, a small kid goat one is not permitted to send. Rebbi Yudan said, it only is understood if he carries it\(^{256}\). But if he draws it and it walks, what is the difference if he draws it to deliver it or he draws it to let it drink? The Great Rebbi Hoshaia asked Rebbi Jehudah the Prince, did you hear from your father whether one is permitted to move a chicken\(^{257}\)? Certainly if it was ready for slaughter it is permitted, otherwise it is forbidden. But are not all chickens ready for slaughter? The question is, maybe even if it is not ready\(^{258}\). He told him in a whisper\(^{259}\). He asked him, why are you telling me in a whisper? He said to him, just I heard it in a whisper, so I am telling you in a whisper.

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256 The House of Shammai can forbid to deliver a whole animal only if it is carried, not if the animal walks.

257 If the House of Hillel do not allow an egg laid on the holiday to be moved, would it not be reasonable to conclude that a chicken raised to produce eggs cannot be moved either.

258 If the chicken explicitly is raised to lay eggs, not to be used as meat.

259 If it is to be a private ruling, not to be made public, it must be a permission to move such a chicken for which the prior argument was made that it may not be moved. The permission to deliver live animals on a holiday spelled out in the House of Hillel’s Mishnah is not restricted.

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It was stated\(^{260}\): “One sends wheat because when crushed it is food, beans because when wet they are food, barley because it is animal feed.” Did we not state so in the name of Rebbi Simeon? For all breathing\(^{261}\), also breathing animals are included. The argument of Rebbi Simeon parallels that of his teacher Rebbi Aqiba. Just as Rebbi Aqiba said\(^{262}\), for all breathing, also breathing animals are included, so Rebbi Simeon said, for all breathing, also breathing animals are included.
YOM TOV (BESAH) CHAPTER ONE

260 Tosephta 1:23, a different text Babli 14b. In the Tosephta, (and the quote in Or Zarua II 341) instead of דֹּ֖לִית one reads "from Lydda". This also would make תְּסַסְּתָה (Tosephta spelling) a toponymic. But since the Genizah text confirms the scribe's, it is impossible here to emend the text, in particular because the Tosephta is not certain as a Palestinian text. Here it is tentatively interpreted as from Arabic  "to be moist, covered with dew".

261 Ex. 12:16. The verse permits preparing food "for all breathing things" on the holiday. Mekhilta Bo Pisha 9.

262 Babli 21b.

Mishnah 11: One may send garments whether sewn or not sewn 263, and even if they do not respond to a holiday need 264. But not a sandal with nails 265 nor a shoe which is not sown. Rebbi Jehudah says, also no white shoe 266 because it needs a craftsman. This is the principle: Anything which one may use on the holiday one may send.

263 The sewn garments may be worn, the unsewn pieces of cloth may be used to cover items, in particular food.
264 Not for a specified need of the holiday, only a possibility of legitimate use.
265 Nails in the soles, which are forbidden to wear on the Sabbath (Mishnah Šabbat 6:2) and holidays.
266 Not colored white but undyed leather, which needs expert dying.

Halakhah 12: So is the Mishnah: Because it needs the shoe-maker’s form 267. Is the Mishnah Rebbi Eliezer’s? As we have stated there 268, "the shoe on the shoe-maker’s last, Rebbi Eliezer declares pure but the Sages declare impure 269." It is the opinion of everybody. It is different here since he is like finishing an implement on the holiday 270. It was stated 271: One does not
dismantle a shoe from the last on the holiday, but one dismantles a shoe from the last on the intermediate days of the holiday.\footnote{271}

267 Blackening a shoe is not really professional work; it can be done by everybody, but it needs professional tools. Babli \textit{Shabbat} 15a.

268 Mishnah \textit{Kelim} 26:4.

269 In this context, “pure” means “impervious to impurity”, “impure” means “possibly impure”. For R. Eliezer a shoe still on the last is not an implement, therefore it does not fall under any of the categories of things that may become impure. For the Sages, the moment the shoe is fully sewn and may be worn immediately after being removed from the last, it is a shoe and therefore subject to impurity. Babli \textit{Shabbat} 141b.

270 In the case of the Mishnah, while a person may be embarrassed when wearing a shoe with leather in its natural color, the shoe is not less wearable than a regularly dyed one. Therefore blackening the shoe is not really “hitting with a hammer”, the biblically prohibited action on the Sabbath and holidays of turning a work-piece into an implement, but it looks like it and therefore must be rabbinically forbidden.

271 Since on the intermediate days one may prepare clothing for immediate use.

May one make cheese from milk on the holiday? If you are saying so, he will milk and make cheese on the holiday for the workday.

272 There can be no biblical prohibition to make soft cheese which can be used on the same day it is made, since this is no different from cooking a dish, presuming the milk was available from before the holiday. The prohibition is purely rabbinical. Babli \textit{Shabbat} 95a.
Rebbi Halaphta ben Shaul stated: It is forbidden to send jewelry. Rebbi Mana said, they said only to send, therefore to wear is permitted. It was stated: “One may move the shofar to let a child drink, the writing tablet, and the bell, and the mirror, to cover vessels.” Rebbi Abun said, a Mishnah says that it is forbidden to wear it, as we have stated: “Anything which one may use on the holiday one may send.” If you say that it is permitted to wear it should be permitted to send. And what is that which was stated: “One may move the shofar to let a child drink, the writing tablet, and the bell, and the mirror, to cover vessels”? If they are called implements so far gold jewelry. Also even silver jewelry? They said in the name of Rebbi Jeremiah forbidden, and they said in the name of Rebbi Jeremiah permitted. Rebbi Hizqiah said, I know the beginning and the end. Small girls were growing up in Rebbi Jeremiah’s dwelling. He went and asked Rebbi Ze`ira, who told him: do not forbid and do not permit.

273 This text is copied in Šabbat 6 (Notes 60-65).
274 Tosephta Šabbat (13:16 ed. Liebermann) The ram’s horn. As a musical instrument it cannot be used on a holiday other than New Year’s Day. Since writing is forbidden on the holiday, a writing tablet cannot be used. The mirror is discussed in Šabbat 6. The Tosephta applies to the Sabbath as well as to holidays since one speaks of moving in a private domain (Babli Šabbat 35b/36a).
275 They must have permitted use. For example, the shofar must have been used on a preceding weekday as bottle for a toddler; the other things mentioned must have been used as covers.
276 Since in principle silver jewelry is forbidden to wear on a holiday as much as gold jewelry, he cannot permit. But since the girls would not listen to him if he would forbid, he should not prohibit. Since this is a rabbinic prohibition only, it is better that people should be ignorant of the prohibition than violate it knowingly.
Mishnah 1: If the holiday falls on a Friday a person may not cook on the holiday especially for the Sabbath 1 but he may cook for the holiday and if he left over he left over; or 2 he cooks a dish before the holiday and relies on it for the Sabbath. The House of Shammai say two dishes, but the House of Hillel say one dish.

Mishnah 2: But they agree about a fish and the egg on it 3 that they are two dishes. If he ate it or it was lost, he may not start cooking based on it, but if even a minute amount was left 4 , he relies on it for the Sabbath.

1 Since the sanctity of the holiday is distinct from that of the Sabbath, the permission to prepare food on a holiday does not imply to prepare food for a different day.

2 This is the preferred way and is called eruv tavshilin, “and eruv for dishes.” One cooks for the Sabbath on Wednesday or Thursday, and declares that the dish is cooked especially for the Sabbath. Since the preceding sentence had implied that even without the eruv there is a possibility to cook for the Sabbath on the holiday, the prohibition can be only rabbinic in character and can be removed by the rabbinic institution of the eruv.

3 According to most early commentators, this refers to a raw egg smeared on the outside of the fish as coating and then fried. Since this takes only a short time, it is the preferred dish for eruv tavshilin to the extent that “fish with egg” may be used as synonym for eruv tavshilin.

4 This implies that no minimal amount for the validity of eruv tavshilin is established. (But cf. Note 34.)
YOM TOV (BESAH) CHAPTER TWO

“If the holiday falls on a Friday,” etc. It is written⁵, *what you baked bake, and what you cooked cook*. Rebbi Eliezer says, one bakes on the basis of the baked, and one cooks on the basis of the cooked⁶. Rebbi Joshua says, one bakes and cooks on the basis of the cooked. What is the reason of Rebbi Eliezer? What you baked bake, and what you cooked cook. What is the reason of Rebbi Joshua? *What you will bake and what you will cook cook*. Rebbi Eliezer⁷ said, this follows him who said that the Sabbath was given at Mara. But following him who said that at Alush⁸ the Sabbath was given, they are at Alush and the warning is given at Alush⁹. Come and look, from the Torah it is forbidden and an *eruv tavshilin* makes it permitted¹⁰? Rebbi Abbahu said, it would be logical that one should bake and cook on the holiday for the Sabbath¹¹. If you would say so, one would bake and cook on the holiday for a weekday¹². Come and look, one makes the beds on the holiday for the Sabbath, but one does not bake and cook on the holiday for the Sabbath. Rebbi Ila said, why may one make the beds on the holiday for the Sabbath? Since one may make the beds on Friday night for the Sabbath day¹³. Could one bake and cook on the holiday for the Sabbath? One may not bake and cook on the night of the Sabbath for the Sabbath day¹².

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⁵ *Ex. 16:23*. The simple translation of the verse would be: *Bake what you want to bake, and cook what you want to cook.*


As explained later, the argument presupposes that the basic rules of the Sabbath had not been explained on the occasion of the Manna but earlier at Mara where it is said (*Ex. 15:25*): *There He gave him law and rules and there He tried him* (Babli *Sanhedrin* 56b). In that case the rules given on the first Sabbath with the manna may apply to a special case, which is interpreted that of a holiday falling on a
Friday, and R. Eliezer reads the verse as “if you baked for the Sabbath before the holiday, you may bake on the holiday for the Sabbath; if you cooked for the Sabbath before the holiday, you may cook on the holiday for the Sabbath;” explaining the position of the House of Shammai. R. Joshua, the exponent of the House of Hillel, reads, “if either you baked or cooked for the Sabbath before the start of the holiday, you may bake or cook on the holiday for the Sabbath.”

Either “R. Eliezer” is a misreading for “R. Eleazar” (the Amora) or, more likely, a word is missing and one has to understand “the argument of R. Eliezer (and R. Joshua) presupposes that the rules of the Sabbath were given at Mara.”

Which according to Num. 33:13 was the station just preceding Rephidim which in Ex. is mentioned as the next resting place after the introduction of the manna.

If Ex. 16:23 is the first explanation of the rules of the Sabbath, it must refer to a common Sabbath and not the rare case of a Sabbath preceded by a holiday. In that case the verse must be read as in Note 3.

If the rules of the Sabbath were given at Alush and one accepts that the holiness of the holiday precludes preparing for the Sabbath on the holiday by biblical standards, there cannot be any basis for a rabbinic eruv tavshilin.

If one accepts that the rules of the Sabbath were given at Alush one is forced to accept that one may not prepare on any day something for a day of lesser holiness, but may prepare for a day of greater holiness. Then by biblical standards one is forbidden on a holiday to prepare for a weekday but is permitted to prepare for the Sabbath, and the requirement of an eruv tavshilin is a restriction, not a leniency. Babli Pesahim 46b.

The eruv tavshilin is a rabbinic “fence around the Law.”

Mishnah Šabbat 15:3. An action permitted on the Sabbath itself then cannot be forbidden in preparation for the Sabbath.

Since it is not obvious that preparing food on the holiday for the Sabbath is permitted, the institution of the eruv tavshilin is justified.
Rebbi Cahana the son of Rebbi Hiyya bar Abba said, on condition that he not act craftily. The Mishnah follows Rebbi Simeon ben Eleazar as it was stated: “One does not make {food} on a holiday for use after the holiday.” Also, it was stated: “A woman may fill a pot with meat even if one eats only one piece from it, a kettle with hot water even if one drinks only one cup from it. But baking, she should bake only what she needs.” For it is stated: “Rebbi Simeon ben Eleazar says, a woman may fill the entire oven with bread because the bread turns out well if the oven is filled.” Rav Huna preached following Rebbi Simeon ben Eleazar. Rebbi Johanan preached to the Tiberians following that of Rebbi Simeon ben Eleazar. He preached this as practice but they took it as to act on. Some wanted to say that he preached to act on. They came and asked him and he preached as practice, and they preached again but we do not know whether as practice or to act on. Rebbi Abba bar Zavdi said, Rebbi Abbahu instructed following Rebbi Simeon ben Eleazar.

14 This does not refer to the discussion of the eruv tavshilin but to the statement in the Mishnah that a person without an eruv may cook more than his immediate needs are may keep the excess for the Sabbath. It is required that in that case the meal be cooked for an actual need of the holiday; when the quantities may be increased. One may not invent an imaginary need for this purpose.

15 The following text is also in Hallah 1:9, Notes 215-217.

16 Tosephta 2:5, Babli 17a.

17 Latin cocuma, -ae.

18 Since neither the Mishnah nor R. Cahana in his interpretation of the Mishnah exclude baking bread from the general permission; it must follow R. Simeon ben Eleazar. Since the Mishnah is anonymous, it must be presumed to be teaching to be followed.

19 In this context, “practice” means a valid opinion in the sense that anybody who follows it cannot be accused of acting illegally. “To act on” is the same as the expression “to instruct”, representing best practice, and one which should be recommended by the rabbi to anybody asking about such a situation.

20 While we do not know R. Johanan’s exact position, the endorsements by Rav Huna and R. Abbahu are enough to validate the opinion of R. Simeon ben Eleazar as practice to be recommended. Babli 17a.
Rebbi Hyya in the name of Rebbi Johanan: He has to say, for me and for him who made no eruv\(^\text{21}\). If somebody made no eruv, others who made an eruv are allowed to prepare for him from his own provisions. Rebbi Zeriqan in the name of Rebbi Ze`ura: Only if he transfers his property to them, for otherwise it would turn out that they prepare for him from his own. If somebody did not make an eruv and neither did others, he may fry a fish\(^\text{22}\). Rav Huna said, he may heat hot water. Samuel said, he may light a candle\(^\text{23}\). Rebbi Hyya stated\(^\text{24}\), “he fills an amphora of (wine) [water] and lights his candle”. “It happened that somebody put a vow on his son to study Torah\(^\text{25}\). The case came before Rebbi Yose ben Halaphta who permitted him to fill him an amphora with water and to light the candle for him\(^\text{26}\).”

21 It is not quite clear what this means. In the Babli 16b it is spelled out that the rabbi of a congregation makes his eruv and invites every member of his congregation to prepare food based on his eruv. But the following discussion indicates that the Yerushalmi disagrees with the Babli, that nobody may cook for the Sabbath on a holiday which falls on a Friday without his own eruv. The statement of R. Hyya (bar Abba) then means that one makes the eruv for himself and for permission to cook another person’s meal in preparation for the Sabbath.

22 Which is done very quickly. Babli 22a.

23 In theory, if we hold that the sanctity of the holiday implies that one may not prepare from the holiday to the next day, even if that be a Sabbath, one could not light a candle for Friday evening and would have to sit in the dark for the Friday evening meal. This in itself may be taken as proof that by biblical standards one may prepare and that the requirement of eruv is a rabbinic restriction.

24 Tosephta 2:3. All parallel sources confirm that the corrector’s version is a required correction of a scribal error.

25 He made a vow not to profit from anything his son does until the latter receives a rabbinic degree.

26 Tosephta Bekhorot 6:11, Bikkurim 3:7 Note 102, Babli Nedarim 38b. These are not considered work subject to separate remuneration.
Rebbi Hyya the Elder came to his house. They told him, we forgot to make eruv. He asked them, are there peas left from yesterday? They said to him, yes. Does this imply, even one kind? It contained spinach. Does this imply even if it is less than the volume of an olive? It was a full measure. Does that imply that it does not need a declaration? Rav Hisda said, the Great Rebbi Hyya had made a stipulation.

27 He came back from evening service in the synagogue on a Thursday evening which was the start of a holiday. 28 Since the dish could be eaten on the Sabbath, he permitted it to be used as eruv.

Since he had planned to come home only in the evening, he already made the declaration for the future eruv before he left. The only implication one can draw from this story is that such a stipulation is valid.

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It was stated: Rebbi Simeon ben Eleazar said, the House of Shammai and the House of Hillel agree that there are two dishes. Where do they disagree? About the fish and the egg on it, where the House of Shammai are saying it is one dish while the House of Hillel are saying they are two dishes. Everybody agrees that if he applied the egg on salted fish, or cut leeks under the fish, or cooked two kinds in a pot, that they are counted as two dishes.” And practice follows the student.

30 Tosephta 2:4, Babli 17b.
31 Cf. Note 3.
32 A boiled egg is used to fill a salted herring. This is easily recognized as two dishes.

The expression נפד is that of the corrector, following Babli and the Tosephta. It is no longer recognizable what was the original word written by the scribe.

33 In the Babli 17b practice is decided as following the Mishnah according to the House of Hillel, i. e., that only one dish is needed for eruv. Since the anonymous Mishnah is supposed to be Rebbi Meïr’s, and R. Simeon ben Eleazar everywhere appears as student of Rebbi Meïr (and colleague of Rebbi), the Yerushalmi decides that practice follows the Tosephta against the Mishnah.
Rav said, I am saying not less than the volume of an olive. Does this not disagree with Rebbi Johanan, since Rebbi Johanan said, for me and for him who did not make eruv? A baraita supports Rebbi Johanan: An eruv needs a measure neither at the start nor at the end. On a holiday which falls on a Friday one makes eruv neither for courtyards nor for domains, the words of Rebbi Meïr. But the Sages are saying, one makes eruv for courtyards but does not make eruv for domains. One makes eruv for courtyards, because it allows something which is allowed to him, but does not make eruv for domains, because you would permit him something which is prohibited to him. There are Tannaim who switch. Rebbi Eleazar said, since there are Tannaim who switch, we have to take notice. Rebbi Jeremiah in the name of Rebbi Ze’ura: He who wants to do it right makes the eruv the day before. Rebbi Yudan said, what you are saying is when he did not make eruv tavshilin, but if he made eruv tavshilin it is permitted. Rebbi Yose ben Rebbi Abun asked, does eruv tavshilin permit dividers?
carrying from courtyard to courtyard in a dead-end alley.

40 Since on the holiday one is not permitted to leave his Sabbath domain, the definition of that domain may not be changed on the holiday.

41 And in effect follow R. Meïr even according to the Sages.

42 Everybody agrees that making all kinds of eruv on a weekday is preferred and unproblematic.

43 If there is no eruv tavshilin, everybody agrees that no other eruv can be made on the holiday. If there is an eruv tavshilin, the argument of Note 39 will permit making eruv hassetot on a holiday. What R. Yudan said, cannot possibly include eruv tehumin, since an eruv tavshilin cannot move boundaries. R. Yudan’s statement only confirms the statement of the Sages in the formulation given in the text.

Mishnah 3: If it falls after the Sabbath, the House of Shamai say that one immerses everything before the start of the Sabbath, but the House of Hillel say implements before the Sabbath and humans on the Sabbath.

44 Since the essence of a holiday is the pilgrimage to the Temple, even in absence of the Temple there is an obligation to be pure on the holiday. This includes household implements to be used on the holiday; in Temple times obligatory for everything connected with the preparation and consumption of food.

45 Since in principle immersion in a miqweh is permitted on the Sabbath, it is permitted in this particular case.
Halakhah 2: The Mishnah is about large implements, but for small implements one may use a trick and immerse them. Rebbi Hoshaya stated, a person may fill an impure vessel from the cistern, and be tricky about it and immerse it\(^{46}\). If his pail fell into the cistern, his vessel fell into the cistern, he may be tricky about it and immerse it. Two Amoraim, one said about implements impure in original purity\(^{47}\); the other said, about implements impure in derivative impurity. The one who said impure in derivative impurity objected to the one who said impure in original purity, even on a weekday would it not need sundown\(^{48}\)? He said to him, about one who wants to eat his profane food in purity\(^{49}\).

All who are obligated to immerse themselves immerse themselves normally on the Ninth of Av and on the Day of Atonement\(^{50}\). Rebbi Hanina the second-in-command of the Cohanim said, Our God’s House is worth that the Cohanim should lose one immersion because of it. Rebbi Levi preached according to the statement of Rebbi Hanina the second-in-command of the Cohanim\(^{51}\).

46 The problem is not the immersion; if a vessel is used to draw water from the cistern and is totally immersed in the water, the technical aspects of the immersion are satisfied without any infringement of Sabbath or holiday rules. The problem is that a purifying immersion needs intent, and this is possible on the Sabbath or holiday only by treating the purification as an after-thought. One may not immerse the pail in water in order to purify it, but one may immerse it to draw water and when it is immersed say, since already it is immersed it also shall be purified by this immersion. Babli 18b.

47 Purity by biblical standards.

49 By biblical standards, while after immersion in water an implement is no longer impure, it becomes ritually pure only after the next sundown (Lev. 22:6.). Since sundown marks the end of the holiday, the immersion would be too late to make the vessel usable on the holiday.

49 Then the vessel cannot not be impure, but it does not have to be pure.

50 Babli 18b, Ta’anit 13a. In most other Yerushalmi sources one reads; “Those who are obliged to immerse themselves immerse themselves normally in secret on the Day of Atonement” (Berakhot 3:4 Note 167, Yoma 8:1 Note 44, Ta’anit 1:6 64d.l.4). For the Day of Atonement (without the remark “in secret”) the statement is in Tosephta Yoma 4:5, Babli Yoma 88a.

51 Cohanim are forbidden to immerse themselves on the 9th of Av, and therefore are unable to eat heave at the end of the fast, but women who are obligated have to immerse themselves.
And humans on the Sabbath. Since a man after an emission of semen immerses himself on the Sabbath.

Mishnah 5: Also they agree that one lets the water in a stone vessel touch but not immerse. One immerses from stage to stage and from group to group on the holiday. 

51* If one has impure water one may put it into a stone vessel which is impervious to impurity and immerse it in a miqweh. When the surface of the water in the vessel comes into contact with the water of the miqweh, it becomes part of the miqweh (of at least 40 seah of water) and therefore is pure. If then the vessel is removed from the miqweh it is filled with pure water even though it practically is unchanged. One cannot do that with a ceramics vessel since ceramics are not purified by immersion in a miqweh; the water after removal from the miqweh would be made impure by the vessel as before. One is not permitted to use a wooden or metal vessel, since then the dipping of the vessel into the miqweh would not be for touching the water but for immersion of the vessel and this is forbidden by the Mishnah.

52 Since immersion for purification needs intent (Note 46), the effect of the purification depends on the intent. If he immersed his vessel with the intent to eat profane food in purity and then changed his mind to eat heave, he has to re-immers his vessel for the newly intended use (since profane food admits two stages of derivative impurity but heave three.) Since the vessel was pure at the start and will be pure at the end, the procedure of purifying “from stage to stage” is possible on the holiday. Similarly, if he wanted to eat with a group eating profane food in purity but then changed his mind to eat with a group consuming Second Tithe, profane food to be consumed under the rules of purity applying to heave and hallah, a new immersion “from group to group” is needed as in the previous case.

In the independent Mishnah mss. this is Mishnah 3, in Maimonides’s autograph Mishnah part of Mishnah 2.
Halakhah 3: The Mishnah does not follow Rebbi, as it was stated: “One does not immerse from stage to stage on the holiday and one does not let the water touch in a stone vessel to purify it on the Sabbath, the word of Rebbi. But the Sages say one immerses from stage to stage on the holiday and one lets the water touch in a stone vessel in purity on the Sabbath.” It only said, in a stone vessel. Therefore not in a wooden vessel.

How is from stage to stage? If he wants to work his dough but then his wine press, or his wine press and then his dough; he has to immerse his implements.

How is from group to group? He was eating with one group and then changed his mind to eat with another group, then he has to immerse.

53 Tosephta 2:9, Sabbath 16:11 (ed. Liebermann). Babli 18b. 54 If he first intended the vessels for his dough to separate hallah in purity but then changed his mind to press his grapes in the purity of sacrifices, he has to re-immense his vessels. The same holds if he wanted his wine to be pure and profane and then decided to use his vessels for dough made in the purity of hallah.

Mishnah 4: The House of Shammai say, one brings well-being offerings without leaning on them, but not elevation offerings; but the House of Hillel say one brings both well-being and elevation offerings and one leans on them.

55 The pilgrimage to the Temple requires that the worshipper bring both an elevation offering for his appearance in the Temple and a well-being offering for the family celebration (Mishnah Hagigah 1:2). Both an elevation offering (Lev. 1:4) and a well-being offering (Lev. 3:2) require that the offerer lean on the head of the sacrifice. The House of Shammai say that on the holiday one may bring a well-being offering
since it is the basis of a family meal and therefore appropriate for the holiday, but do not allow for the leaning since the leaning has to be done as hard as possible, which they declare is using the animal comparable to riding it, which is rabbinically forbidden on the holiday. Since by biblical standards the sacrifice cannot be brought without being leaned on, they require the leaning being done before the holiday (after the dedication of the animal as sacrifice and in the Temple precinct.) They do not permit elevation offerings on the holiday itself since it is completely burned and does not represent food. The House of Hillel hold that both kinds of sacrifices are biblically required for holidays of pilgrimage and therefore cannot be excluded on the holiday itself. For them the biblical requirement of leaning-on overrides rabbinical restrictions.

Halakhah 4: 56 The House of Shammai say, irregular leaning-on was permitted. But the House of Hillel say, irregular leaning-on was not permitted. What is irregular leaning-on? From the day before. Rebbi Ze`ira said, everybody agrees that he did not fulfill his obligation regarding the reparation offering of a sufferer from skin disease  if he leaned on the day before 57 ; he fulfilled his obligation with voluntary well-being offerings for which he leaned on the day before 58 . Where do they disagree? The festival well-being offerings 59 . The House of Shammai treat them like voluntary well-being offerings; the House of Hillel treat the m like the reparation offering of a sufferer from skin disease. Rebbi Yasa said, that what you are saying, he did not fulfill his obligation regarding the reparation offering of a sufferer from skin disease if he leaned on the day before, {only} on time. If its time has passed it becomes like voluntary well-being offerings 60 .

56 This Halakhah also appears as Hagigah 2:3 (n).
57 While the ritual of rehabilitating the healed sufferer from skin disease nowhere explicitly requires leaning on the sacrifice, it is written there (Lev. 14:13) that “the reparation sacrifice follows the rules of the purification sacrifice”, and for the latter (Lev. 4) it is written repeatedly “he leans-on and he slaughters”, implying first that
leaning on is required and second that the two actions have to be close in time.

58 Since these are sacrifices in satisfaction of a voluntary vow, no fixed time table is given here.

59 These are religious obligations, not voluntary vows. As well-being offerings they have no fixed time table (but they cannot be brought before the holiday), as obligatory offerings at fixed times, on the holidays of pilgrimage, they are more like the offering of the healed sufferer from skin disease whose sacrifice is required on the eighth day of his procedure.

60 If the eighth day has passed, the sacrifice can be brought at any time. This emphasizes that the essential point in the disagreement is the role of the fixed time frame for the festival offerings.

61 "The House of Hillel said to the House of Shamai: Since at a time when I forbid to the private person I am permitting it for Heaven, when it is permitted for the private person is it not logical that it be permitted for Heaven? The House of Shamai said to them, vows and voluntary gifts are proof, since they are permitted to the private person but forbidden to Heaven. The House of Hillel said to them, no. If you are speaking about vows and voluntary gifts which have no fixed time, what does this imply for the festival offering which has a fixed time? The House of Shamai answered them, the festival offering has no fixed time since if he did not offer it on the first day, he may offer it on the second day, if he did not offer it on the second day, he may offer it on the third day. The House of Hillel told them, the festival offering has a fixed time, for if he did not offer it on the holiday of pilgrimage he may not offer it after the holiday. The House of Shamai said to them, is
it not already said: only what can be eaten by any person this alone may be made for you? The House of Hillel answered them, is that a proof? For you it may not be made, [but] it is made for Heaven. Abba Shaul says it was based on another reason: Since when your stove is closed down, your Master’s stove is open, when your stove is open it only is logical that your Master’s stove should be open. Another explanation: It is not in order that your table should be full but the table of your Creator be empty.

61 Tosephta Hagigah 2:10; Babli Hagigah 20b.
62 Greek τι δύνατης.
63 Ex. 12:16.
64 While there are two disputes between the Houses of Hillel and Shammai, about leaning on animals and about bringing elevation offerings on a holiday proper, it is clear that once it is decided that elevation offerings can be brought with the required leaning-on, well-being offerings also may be brought with all required ceremonies. Therefore the argument reduces to one about the possibility of offering private elevation offerings on a full holiday. The first argument of the House of Hillel is that on the Sabbath, when all cooking or other use of fire is forbidden to humans, the Temple altar is in full action, burning two daily and two 

musaf

offerings. Therefore on a holiday when cooking is permitted, it must be possible for private persons to offer sacrifices to be burned on the altar. The argument is refuted by the House of Shammai since it is agreed that sacrifices not brought as festival offerings but in fulfillment of a vow (either as “vow”, i.e., a promise of an animal, or as “voluntary offering”, a promise of this animal) cannot be brought on the full holiday but only on the intermediate days (or for Pentecost, the week following.) The House of Hillel then point out that vows may be brought any time during the year, it only is a convenience to bring them when one has to visit the Temple anyhow; but festival offerings which are tied to the festival must be brought on the festival. The House of Shamai answer that the festival offerings may be brought on the intermediate days (Mishnah Hagigah 1:6), when all work is permitted; but the House of Hillel retort that still after the end of the holiday period there is no possibility of making up for a missed holiday sacrifice. The inconclusive discussion is cut short by Abba Shaul and the “other explanation”, that the position of the House of Shammai leads to the Temple being empty of people on full holidays, crowded on the intermediate days, whereas Pentateuch, Prophets, and Psalms all indicate that the essence of a holiday of pilgrimage is that the Temple precinct be filled to capacity, and that therefore practice must follow the House of Hillel, as explained in the last paragraph of the Halakhah.
Rebbi Yose ben Rebbi Abun said, Rebbi Simeon ben Laqish was passing by the school when he heard them reciting the verse 65, they sacrificed animal sacrifices and brought elevation sacrifices the next day. He said, he who interrupts follows the House of Shammai 66; he who reads it as one sentence follows the House of Hillel 67. One understands elevation sacrifices the next day; but well-being sacrifices the next day? Are not well-being sacrifices brought following the House of Shammai 68? Rebbi Yose ben Rebbi Abun said, David died on Pentecost 69; all of Israel were deep mourners 70 and they brought the next day.

65 1Chr. 29:21.
66 If one reads they sacrificed animal sacrifices, but they brought elevation sacrifices the next day, one implies that the day when Solomon was definitively installed as King in an assembly of all of Israel was a holiday, a natural assumption. While מְסֹּכֶ֑ת simply means “slaughtered offering“, in the Talmudim the expression always is interpreted to refer to family sacrifices, well-being or thanksgiving offerings. The verse then implies that it was permitted to bring well-being sacrifices on the same day, but not elevation offerings, which seems to follow the House of Shammai. (Since the House of Shammai require that the leaning-on ceremony be performed the day before, this interpretation presupposes that everybody knew in advance what David was going to do; unlikely but not impossible.)
67 If one reads the verse following the masoretic accents it is one unit and implies that well-being and elevation offerings were brought on the same day, but since the next day was supposed to be a workday, what one should formulate that the verse describe a situation equally acceptable to both Houses.
68 This is an objection to the first statement, that the verse may be read supporting the House of Shammai. As usual, the argument refers to the part of the verse not quoted. In the second part of the verse it first is stated that the official offerings were 1’000 bulls, 1’000 rams, 1’000 sheep and their libation, in addition to animal sacrifices (i. e., well-being sacrifices) of all of Israel. This implies that all elevation sacrifices were State sacrifices; following the House of Shammai the well-being sacrifices of all of Israel would have to be mentioned before, not after, the elevation sacrifices.
Since the obituary notice for David is immediately following (vv. 26-28), it is implied that he died immediately after handing over to Salomon the blueprint for the Temple and the money to cover the expenses.

People who are obligated to take care of the burial of any Jew are barred from sacral acts. It is difficult but not totally impossible to combine R. Yose ben R. Abun’s statement with v. 22, that on that day they ate and drank in great joy.

“It happened that Hillel the Elder brought his elevation offering to the Temple courtyard and leaned on it. The students of Shammai ganged up on him. He started to wag its tail, said to them, look, it is a female and I brought it as well-being sacrifice, and kept them talking about other matters until they left. After some time the House of Shammai became strong and they wanted to fix practice following their words. There was there Bava ben Bitay from the students of the House of Shammai who realized that practice followed the House of Hillel. Once he entered the Temple courtyard and found it desolate. He said, the house of those who make our God’s House desolate shall be desolate. What did he do? He sent and brought 3’000 sheep from Qedar sheep, checked them for defects, and displayed them on the Temple Mount. He said to them, listen to me my brothers, the House of Israel. Anybody who wants to bring an elevation sacrifice may bring it and lean on it, to bring a well-being sacrifice may bring it and lean on it. At that moment,
practice was fixed following the House of Hillel; and nobody said anything\textsuperscript{79}.”\textsuperscript{80} 

Rebbi Isaac ben Rebbi Eleazar said, (this implies) <this cup> for breakfast has to be full\textsuperscript{81}; the (poison) <worm> in the wood comes from itself\textsuperscript{82}; any coal which does not cause a burn at the start will not cause one\textsuperscript{83}. \textsuperscript{84}“Again it happened that a student of Hillel brought his elevation offering to the Temple courtyard and leaned on it. A student of Shammai saw him and said to him, what is this leaning-on? He said to him, what about being silent? He silenced him by a reprimand and he left.”

71 Tosephta \textit{Hagigah} 2:11, Babli \textit{Hagigah} 20a.
72 Which has to be a male.
73 On a holiday where the House of Shammai forbid offering private elevation offerings.
74 At other places he is called ben Buta; he can be dated to Herod’s time.
75 Not in theory but by the experience mentioned in the sequel. He accepts the ruling of the House of Hillel in this particular case only.
76 Since nobody wanted to bring his festival well-being offering without the equally required elevation offering. In addition nobody wanted to forgo the leaning on the animal just preceding the slaughter.
78 For defects which would disqualify them as sacrifices.
79 The other followers of the House of Shammai were silenced by the evidence. “Practice” here means Temple usage which the serving priests were instructed to follow.
80 This comment by popular sayings appears not only here and in \textit{Hagigah} but also in \textit{Ma`aser Šeni} 5:6 (Note 108). The text here (in parentheses) is obviously corrupt; the reasonable text is that of \textit{Hagigah} <in brackets>.
81 A controversy arouses passions only at the start. Since by the time it was settled by Bava ben Bitay it was an old matter, one had to expect that nobody was interested anymore.
82 Practice was decided against the House of Shammai by one of their own students.
83 Nobody is excited if a matter not of intense current interest is decided one way or the other.
84 Tosephta \textit{Hagigah} 2:12, Babli \textit{Hagigah} 20a.
Mishnah 6: The House of Shammai are saying that a person may prepare hot water for his feet only if it is drinkable\(^{85}\), but the House of Hillel permit\(^{86}\). One may make a pyre and warm himself by it\(^{87}\).

85 Since only the preparation of food is permitted on the holiday.
86 Since cooking was permitted for the purpose of preparing food it is permitted for any purpose similar to preparing food. (For understanding the Babli the last four words are deleted.)
87 In the Halakhah interpreted differently for the Houses of Shammai and Hillel.

Halakhah 5: One explains this by two explanations: in the opinion of the House of Shammai if he drank from it; in the opinion of the House of Hillel if it is drinkable\(^{88}\).

88 The House of Shammai only permit the use of hot water if some of it was used as a drink; the House of Hillel permit heating if the water is drinkable, according to their principle (Note 86). This seems incompatible with the language of the Mishnah since it seems to put the words of the House of Shammai into the mouth of the House of Hillel, but is a necessary interpretation if we hold that the House of Shammai permit heating only for the purpose of preparing food. The Babli ignores the problem, Tosaphot 21b, s. v. י.

לכלannel הtfoot (61c line 27)

דף על חיר פותר. על דיתות דבש שמי וההוא ישאיה מתכ.

הหนנה (61c line 28)

כבר לכל. וההוא ישאיה קוטוסים ט куд מפורד. פמר חפ יפרת אוחור. על דיתות דבש שמי וההוא קוטוסים ט куд מפורד. על דיתות כל בוטיל יתיק קוטוסים ט куд מפורד.

חפמט ש交通大学 ביס טוק ובו הפוס ש交通枢纽 עערים שיב שבחצ. רא ואירוא. ד. א. קו.

פוריחי בוק פאי דיו הרלט. וחזרה אפור. פוריחי בוק גוף אקרב אביבים. איל דועין ולא אפור אפור רצין אפר. ומי הז קורא אפר. פוריחי בוק גוף אקרב אביבים. כה פילוסופים ראלב לב קפרה. והלאו קולו סטירא. ממור לשלחן אושרי קולו. זמר קולו. זו קרא חכמים מתרחב ערשף. זמר קולו. זכר בא. זקר בא. שלא אוקרא. פיק נשקא אוקרא על אלקסי. זמר קולו. זה קרא חכמים. זמר קולו. זכר בא. זכר בא. שבל אלקסי. פיק נשקא אוקרא על אלקסי. זמר קולו. זה קרא חכמים. זמר קולו. זכר בא. זכר בא. שבל אלקסי.
One may make a pyre and warm himself by it.” This is everybody’s opinion on condition that there be a kettle by the pyre. One may explain it by another explanation: In the opinion of the House of Shammai, on condition that there be a kettle by the pyre. In the opinion of the House of Hillel, even if there is no kettle by the pyre.

Hot water heated on a holiday and similarly hot water heated on Friday for the Sabbath, Rav and Samuel, one said, one uses it to wash his face, hands, and feet, while the other said, one uses it to wash his body limb by limb. We did not know who said what but since Samuel stated, one uses it to wash his face, hands, and feet, it follows that it was [Rav] who said, one uses it to wash his entire body limb by limb. A philosopher asked Bar Qappara; Ablat asked Levi the eunuch: Is it permitted for drinking but forbidden for taking a bath? He told him, if you saw an eunuch embracing your wife, would you not feel badly about it? He said, yes. He asked him, can he squeeze her in any way? He said, that she should not get loose morals. He told him, here also that they should not get loose morals. After he left, his students told him, this one you pushed away with a stick; what do you answer us? He said to them: Is there not already written only what is being eaten by everybody, this alone may be made by you.

Mishnah 7: In three matters Rabban Gamliel is restrictive following the words of the House of Shammai: One does not store away hot water from the
holiday to the Sabbath\textsuperscript{92}, one does not raise the candelabrum on the holiday\textsuperscript{93}, and one does not bake his bread as large loaves but as thin cakes\textsuperscript{94}. Rabban Gamliel said, never in my father’s house did they bake their bread as large loaves but as thin cakes\textsuperscript{95}. They said to him, what can we do about your father’s house who were restrictive for themselves but permissive for all of Israel\textsuperscript{96} to bake their bread as large loaves and on charcoal\textsuperscript{970}.

92 In their times, hot water was not often used as drink. Therefore on one hand it is questionable whether one may not store hot water from the holiday which falls on a Friday to the Sabbath without eruv tavshilin (Note 2); on the other hand if water is considered food under all circumstances whether hot water can be stored even with an eruv tavshilin since its nature is not changed by cooking.

93 If the candelabrum came apart one may not put it together again.

94 Those are eaten quickly and there is no danger that one may bake on a holiday also for the following weekday.

95 He infers that this is practice to be followed by everybody.

96 Restrictive practices by outstanding religious authorities cannot be taken as rules for everybody. Since the majority objected to his statement about baked goods, only that statement is not practice.

97 Gen. 40:16, the story of Pharao’s baker. It is not clear whether the root is רדי “to be roasted on coals”, or (Aramaic, Arabic) רד “white”, baked goods made from very white flour. In any case it seems to designate baked goods made in larger quantities, of which therefore some may be left over for the next day which is not a holiday.

98 I n the Babli 21b in the name of Rav Huna\textsuperscript{98} said, [this is]\textsuperscript{99} if he did not make an eruv tavshilin for himself. But if he made an eruv tavshilin for himself it is permitted. What is the difference between a dish and hot water? From a dish one usually eats, from hot water one usually does not drink.

99 Corrector’s (unnecessary) addition.
“One does not raise the candelabrum on the holiday.” What you are saying is about a composite candelabrum, but not about a candelabrum which is not composite. As the following: Rebbi Yose’s students were sitting together. The candelabrum fell down before them; each single one slipped off by himself and went away.

"One does not bake his bread as large loaves but as thin cakes." Since you tire him he bakes only what is needed. Rebbi Ahara understood it from the following: **what is this great burning rage**. The Sages understand it from the following, and behold, **three bags of white-flour baked goods on my head**.

100 Since making single small loaves is more work that making one large loaf. 101 Deut. 29:23, root . 102 Gen. 40:16, root .

Mishnah 8: He also said three matters of leniency: On the holiday one sweeps between the couches and puts down incense; and one makes a helmeted kid-goat in the Passover night, but the Sages forbid.

103 The couches are in the dining hall, *triclinium*, which may be swept after the meal to collect the morsels of food which fell down during the dinner. If the dining hall has a dirt floor, sweeping with a broom will have the side effect of filling uneven spots in the floor, which is a building activity and therefore forbidden. There would be no problem on a stone floor. 104 One puts spices on burning charcoal to cover any bad smell. This cannot be considered cooking food, and even for the House of Hillel it is forbidden since it is available only to the rich and the verse Ex. 12:16 only permits work for things available to everybody.
A kid-goat roasted whole. Since this is sacrifice in Temple times, it is forbidden in the way the pascal lamb has to be roasted as absence of a Temple.

Halakhah 7: In Rabban Gamliel’s house one used to sweep between the couches. Rebbi Eleazar ben Rebbi Sadoq said, I ate many times at Rabban Gamliel’s and they did not sweep between the couches, but they had spread sheets on the ground and when the guest left they were folding them. They said to him, this he is permitted to do even on the Sabbath. In Rabban Gamliel’s house one used to put down incense in a barrel. Rebbi Eleazar ben Rebbi Sadoq said, I ate many times at Rabban Gamliel’s and they did not put down incense in a barrel, but they were burning incense on holiday eve, and when the guests arrived they were opening them. They said to him, this he is permitted to do even on the Sabbath.”

106 Tosephta 2:13-14, Babli 22b. from Greek πυργίσκος. The sources are given by Liebermann, Tosephta kiFshutah Moed p. 957.

107 “On the earth”. This proves that one speaks of a dirt floor.

108 Late vulgar Latin pyrdiscos “chest”,
“And one makes a helmeted kid-goat in the Passover night, but the Sages forbid.” 109. “What is a helmeted kid-goat? Entirely roasted, *its head, on its hooves, and on its innards*. If he parboiled part of it, or cooked part of it, this is not a helmeted kid-goat. One serves helmeted kid-goat in the evening of the first day of Tabernacles, (and on the first day of) [and in the night of the last day of] Passover.110. One serves helmeted calf on the first night of Passover but not helmeted kid-goat. 111.”  112 It was stated: Rebbi Yose said, Theudas of Rome led the people of Rome to eat helmeted kid-goat in the Passover nights. The Sages sent and said to him, if you were not Theudas, would we not put you in the ban? Who was Theudas? Rebbi Hananiah said, because he was providing for the rabbis. Are you not causing the public to eat sancta outside the Temple? And anybody causing the public to eat sancta outside the Temple has to be put in the ban.

109 Tosephta 2:15. The same text in *Pesahim* 7:1 (Notes 21-24); Babli *Pesahim* 74a.

110 The scribe’s text in parentheses and the corrector’s in brackets are both acceptable; the roasted kid-goat is forbidden only during the first night. Therefore the corrector’s change of the text is unwarranted, but cf. *Pesahim* Note 22.

111 Roast meat is acceptable as long as it is not sheep or goat.

112 In addition to the *Pesahim* text, this paragraph also is in *Mo’ed qatan* 3:1 (81d line 27,). Babli 23a, *Berakhot* 19a, *Pesahim* 53a.

**Mishnah 9**: Three things did Rebbi Eleazar ben Azariah permit but the Sages forbid. His cow was going out with a strip between her horns113, and one grooms an animal with combs with small teeth on a holiday114, and one grinds peppers in their proper mill115. Rebbi Jehudah says, one does not groom an animal on the holiday with a comb with small teeth because it
produces bruises, but one may groom with a comb with large teeth. But the Sages are saying one uses a comb with small teeth but not with large teeth.

113 On a Sabbath, when the owner of an animal is biblically required to let his animals rest.

114 To remove parasites from the animal’s skin.

115 While biblically it is permitted (even desirable) to prepare food on the holiday, the permission does not extend to the preparation of ingredients; cf. Chapter 1, Notes 241-242. R. Eleazar must hold that ground pepper loses much of its strength if kept overnight; for him the grinding is part of the preparation of the meal while for the majority is it preparation of an ingredient.

116 This text is obvious nonsense and has to be replaced by the text quoted in the Halakhah: But the Sages are saying that one may comb neither with small teeth nor with large teeth.

117 This paragraph and the next are also in Sabbath 5, Notes 73-83.

118 If the horns are dangerously sharp and the strips are not a decoration but a necessary precaution they do not have to be removed.

119 Anything which is only for control of the animal must be of the kind mentioned in

118 Rav and Samuel are saying, the words of the Sages are that even pulling her with them is forbidden. Rebbi Abba in the name of Samuel: If its horns were drilling it is permitted. Rebbi Yose said, I pointed out the difficulty before Rebbi Abba and he said, we only stated: “the female camel with a nose ring.” Rebbi Ze’ira in the name of Samuel: A badly behaved ox goes out with his bridle; our teachers in the Diaspora do this. Rebbi Aha, Rebbi Jacob bar Idi in the name of Rebbi Jonathan, Rebbi Tanhum bar Hiyya: A badly behaved donkey goes out with his bridle. Rebbi Illa, Rav Jehudah in the name of Rebbi Simeon ben Rebbi Hiyya: A dog goes out with his muzzle. If to punish him it is forbidden, if so he should not eat his bridle it is permitted.
Mishnah Sabbath Chapter 5; the only other permitted loads are those to protect the lives of humans and animals. Babli Sabbath 52a.

Babli Sabbath 51b.

Ganiva said, he was continuing teaching as ruling. Rebbi Jonah from Bostra asked, if he was continuing teaching as ruling, is that what we were stating: “against the will of the Sages”? Rebbi Jehudah bar Pazi: Bar Delaya stated, they told him, either remove yourself from between us or remove the strip from between its horns. Rebbi Yose ben Rebbi Abun said, he was shielding himself against them. Rebbi Hananiah said, it went out once and his teeth became black from the fasts and mortification. Rebbi Idi from Hotra said, it was his wife. And from where that his wife is called “calf”? “Had you not ploughed with my calf you would not have solved my riddle.”

There, they are saying, it was his neighbor. Is anybody punished for his neighbor’s behavior? Rebbi Qiris from Irma: To teach you that if anybody has the possibility to protest and he does not protest, the damage is attached to him.

122 A theoretical disagreement is an everyday occurrence; as long as the teacher does not advocate acting against the received majority opinion he should be commended, not rebuked.

123 He actively indicated that the majority opinion was wrong.

124 This explains why “his cow” is mentioned in the singular when he was very rich and the owner of large herds.

125 Jud. 14:18.

126 In Babylonia; Babli 23a, Sabbath 54b.

127 Irma possibly is Urmia in Armenia.
Halakhah 9: \(^{117}\) What is קְרַשְׁךְ? \{Combs\} with small \{teeth\} which cause bruises. קְרַשְׁךְ, \{combs\} with large \{teeth\} which do not cause bruises\(^{128}\).

The Sages agreed that one should not use a comb with small teeth, as it might cause bruises. Nor should one use a comb with large teeth, as it might pull out hair.

“But the Sages are saying one uses neither a comb with small teeth nor one with large teeth.”\(^{116}\) Not one with small teeth, that one not come to make a bruise, nor with large teeth, that one not come to tear out hair.

128 Tosephta 2:17, Babli 23a.

Halakhah 10: \(^{129}\)“In the household of Rabban Gamliel they were grinding pepper in their mills. Rebbi Eleazar ben Rebbi Sadoq said, my father once ate at Rabban Gamliel’s when they brought before him only fish sauces containing ground pepper. When he tasted this, he put it away. They said to him, do not worry, they were ground the day before.” But would not Rebbi Sadoq be as in error with Rabban Gamliel and could eat\(^{131}\)? But not to permit work by the example of Rabban Gamliel\(^{132}\).

129 Tosephta 2:16, cf. Chapter 1 Note 242. This argument refers to the statement of R. Eleazar ben Azariah in the Mishnah who agrees with Rabban Gamliel.

130 Greek ’ελατόγαρον; cf. Ševi’it 8:2, Note 24.

131 It is implied here that food prepared in violation of an implied holiday prohibition is permitted to persons not involved in the preparation of this food. This is stated explicitly only in the Babli 25a.

132 It is agreed that R. Sadoq could have eaten Rabban Gamliel’s sauce, and he might have eaten had he not been a respected rabbinical authority. He did not want to endorse Rabban Gamliel’s action by eating his food in a semi-public place since the common authority of Rabban Gamliel and R. Sadoq would have permitted the routine grinding of pepper on the holiday, which for him is biblically forbidden.
Mishnah 10: The pepper mill is impure because of three vessels, because of a container, and as a metal vessel, and as sieve. A baby carriage is impure as support, may be used on the Sabbath, but is drawn on implements. Rabbi Jehudah said, no vessels are drawn except a carriage because it compresses her ten mattresses, the entire bedstead is severely impure.

133 This statement is an appendix to the previous Mishnah where a pepper mill was mentioned. In all statements about purity, “impure” means “susceptible to impurity”; “pure” means “impervious to impurity”.

134 As the Halakhah explains, the mill is composed of three parts. Each of the parts may become impure for a different reason but since they are connected the impurity of one part causes the impurity of the whole. Any metal vessel can become impure since metal vessels are mentioned as impure in Lev. 6:21. Implements which can be used as containers are impure (unless made of stone which is impervious to impurity) on basis of Lev. 11:33. A sieve is an implement made for work and is susceptible to impurity by Lev. 11:32.

135 Any implement used to sit or lay on becomes biblically impure if it supports a person impure by gonorrhea (Lev. 15:9,26) or menstruation (Lev. 20). This impurity is transmitted by the load; no direct contact is necessary. If the princess has her period, even if she touched only the uppermost of her ten mattresses, the entire bedstead is severely impure.

136 As the parallels in the Babli and the independent Mishnah mss. as well as logical necessity show, there is a word missing and one must read “but it is only drawn on implements.” As the Halakhah explains, the Mishnah follows Rabbi Jehudah who holds that on the Sabbath and holidays one is liable also for unintended or undesirable effects of his action, in contrast to R. Simeon who holds liable only for prohibited actions whose prohibited effect was intended. The problem here is that drawing anything on a dirt floor will make a groove. Since pieces of dirt are moved to the side of the groove, this is forbidden digging. Therefore for R. Jehudah and his followers one may drag things on a floor only if the dirt is covered.

140 Under a wheel the dirt is moved only vertically, not horizontally, and this is missing an essential ingredient of biblically forbidden digging.
The lowest part as container, the uppermost as metal vessel, and the middle part as sieve.  

We have stated "A person may not drag a bed, or a chair, or a footstool, or a fauteuil, because he makes a groove, but Rebbi Simeon permits." Rebbi Abba in the name of Rav Huna, Rebbi Haggai in the name of Rebbi Ze'ira, Rebbi Yose in the name of Rebbi Ilia: The Sages admit to Rebbi Simeon that a chair whose legs are stuck in mud one is permitted to move on the Sabbath. Similarly it is permitted to return it. Rebbi Yose said, we also have stated: "and they may be removed on the Sabbath." Rebbi Yose ben Rebbi Abun said, this is Rebbi Simeon's. Rebbi Yose said, a Mishnah says so, “one may not drag any implement except a carriage because it compresses.”

138 In the Babli version (Tosephta Yom Tov 2:18; Babli Šabbat 22a, 29b, 46a, Pesahim 101a, Menahot 41b) only R. Simeon's opinion is quoted.
139 Latin *subsellium*.
140 Greek *καθέδρα*, ‘η.
141 This text also is in Šabbat Chapter 3, Notes 74-78; *Kilaim* 1:9 (Notes 167-178).
142 Since the mud is soft, the groove will disappear by itself; it was not “made”.
143 Mishnah *Kilaim* 1:9 referring to turnips and radishes partially hidden after harvest.
144 Mishnah 10. The wheels of the carriage will press the dust down, not move it sideways as would be the case if one drags anything without wheels. The Sages opposing R. Simeon forbid moving the “unprepared” dust even if this was not the intention of the person acting. This Mishnah cannot follow R. Simeon; it contradicts R. Simeon’s Mishnah in *Kilaim*.
Mishnah 1: One does not catch fish from vivaria and one does not feed them. But one catches wild animals and fowl from vivaria and feeds them. Rabban Simeon ben Gamliel says, not all vivaria are equal. This is the principle: any which still requires catching is forbidden, but any which does not require catching is permitted.

1 This vivarium is not a container kept in the house but a pond in which fish are grown. Since the pond is rather large, the fish cannot simply be taken out; they must be caught and this is forbidden on the holiday. On the other hand, the fish can feed from the vegetation that grows in the pond and do not have to be fed every day; feeding is forbidden since the fish will congregate at the spot of feeding where they can easily be taken out; but taking a fish out still would be considered catching it.

2 This vivarium is an enclosure in which the animals are kept and must be fed every day.

3 Taking the animal is not catching if and only if the enclosure is small enough that one does not have to run after an animal.
“One does not catch fish,” etc. Rebbi Hinena said, our Mishnah does not follow Rebbi Jehudah, as we have stated there: “one who catches a bird for a cage or a deer for a house is liable;” therefore for a garden or a vivarium he is not liable. The argument of Rebbi Jehudah is inverted since we have stated: “one does not catch fish from vivaria and one does not feed them,” therefore for a garden or a vivarium he is not liable? The argument of the rabbis is inverted, as we have stated there: “but the Sages say, a bird for a cage and a deer for a garden, or a courtyard, or a vivarium,” and we have stated, “but one catches wild animals and fowl from vivaria and feeds them,” therefore not for a garden or a vivarium? One for a covered courtyard, the other for a courtyard which is not covered. But did we not state “a garden”? Can you say a covered garden? But here a large one, there a small one. Rebbi Ulla said, they asked before Rebbi Aha, how should one state? In any case where catching is still missing one is liable, but if catching is not missing one is not liable. He answered them, do we not deal with the case that he corrals them into it? But “in any case where catching is still missing it is forbidden, but if catching is not missing it is permitted”. Rebbi Samuel, Rebbi Berekhiah’s brother, said: any which needs nets needs catching, what does not need nets does not need catching.

“One may slaughter from containers, one may not slaughter from fishermen’s nets or from traps.” Rebbi Yose bar Abun in the name of Rebbi Immi: a net of warp. Samuel said, one may catch with a barrel. Rav said, the sluice of a water canal is permitted. Rebbi Yudan said, those between the plates.

4 The Halakhah is copied in Šabbat Chapter 13 (Notes 60-74), referring to Mishnah Šabbat 13:5.
5 Mishnah Šabbat 13:5, a statement of R. Jehudah.
6 But the animals still can run around in the enclosure and need to be caught another time. It seems that the anonymous (generally accepted) Mishnah 3:1 is incompatible with R. Jehudah’s statement in Šabbat.
8 How can the rabbis forbid catching a deer in a vegetable garden as a Sabbath violation but allow it on a holiday? This
contradicts the statement (Mishnah Megillah 1:5) that the only difference between prohibited work on Sabbath and Holiday refers to the preparation of food. It is explained in Yom Tov that preparation of meat starts with slaughter; anything preceding this is not exempt from the prohibition of work.

9 A courtyard covered by a roof is a house. The Babli 24a, Sabbath 106b, restricts this answer to vivaria.

10 Nothing would grow in a vegetable garden devoid of sunlight. The answer cannot be correct.

11 A small garden is one where the deer can be taken without effort, a large one where one has to use tools to catch the deer; Babli 24a, Sabbath 106b. The question now arises how to define "small" and "large" for practical application.

12 This discussion refers to the last statement in Mishnah 1. Should one say that for large vivaria, taking animals on a holiday is a biblical violation even though this seems to contradict the formulation of the first part of Mishnah 1?

13 This is the traditional formulation of the last statement in Mishnah Besah 3:1 in the name of Rabban Simeon ben Gamliel, in contrast to the formulation in Sabbath 13:5. The prohibition is rabbinic since animals in a corral are no longer wild. The next statement translates the criterion into a practical rule. The Babli 24a has a different rule.

14 Tosephta 3:1; Babli 24b.

15 It does not have to be a real net with threads knotted crosswise; even a net of parallel threads or wires spanned between two rods is a tool whose use on a holiday is forbidden.

16 Greek πιθος, ‘o. Scooping up fish from an aquarium using a wide-belly clay vessel is not catching.

17 While one may not take fish from an open water canal, if part of it is closed off by planks on either side it was transformed into an aquarium from which fish may be taken.

Mishnah 2: One may not take from traps for wild animals, or fowl, or fish which he set before the holiday unless it was known\textsuperscript{18} that they were caught before nightfall. It happened that a Gentile brought fish to Rabban Gamliel who said they are permitted\textsuperscript{19}, but I do not want to accept from him\textsuperscript{20}.

18 This implies that if there is a doubt whether the catch was available for consumption on the holiday before the start of the holiday, the use is forbidden.

19 He disagrees and holds that as a rule if there is a possibility that the catch was
available for consumption on the holiday before the start of the holiday, the use is permitted.

20 He personally follows the ruling of

Note 18 but he gave his public declaration to the contrary that practice not be following the restrictive rule.

21 Who informs? If the trap was sprung, it is certain that they were caught when it still was daytime. But if the trap was not sprung, it is certain that they were not caught when it still was daytime. And even if the trap was sprung, in worry one may say that they were not caught when it still was day.  

Rebbi Yose ben Rebbi Abun said, if it was set in a forest. You should know that it is so since we have stated “fish”. Are fish not there where they are found? Also here at a place where game and birds are found.

Rebbi Ze`ira in the name of Rav, they wanted to say, they are permitted the next day.  

Rebbi Hizqiah and Rebbi Uziel the son of Rebbi Onias of Barat Hauran: They are really permitted. They wanted to say, its doubt made it permitted. Rebbi Hanina and Rebbi Jonathan both say, if in doubt whether it was prepared it is forbidden. But Rebbi Johanan said, if in doubt whether it was prepared it is permitted.
The Elder Rebbi Hyya and Rebbi Simeon ben Rebbi, one said a Gentile needs preparation, the other said, a Gentile does not need preparation. We did not know who said this and who said that. Since Rav once refrained from coming before the Elder Rebbi Hyya who asked him, where have you been? He told him: a caravan passed by and I ate figs from them; this implies that he said, a Gentile does not need preparation.

A student of Rebbi Simai went to Antipatris; they brought him Morocco-plums and he ate. A student of Rebbi Joshua ben Levi went there; they brought him Morocco-plums and he did not eat. He came and told it to his teacher who said to him, this one follows the argument of Rebbi Simai, as Rebbi Simai said, a Gentile does not need preparation. Rebbi Abbahu in the name of Rebbi Joshua ben Levi: The red grapes in a vineyard are forbidden. Rav Huna in the name of Rav: The hard dates on palm leaves are permitted.

21 The entire Halakhah was copied in Šabbat 1 (Notes 369-379) relating to Mishnah Šabbat 1:10.
22 The Mishnah requires that it be known that an animal was trapped before the start of the holiday. How can this be ascertained unless one go there and take it out before the holiday? Does the first part of the Mishnah have any practical application? The answer is that by observation from afar one may determine what happened.

If an animal is trapped before the onset of the holiday it is prepared to be food on the holiday and may be taken and processed on the holiday. Another question then is whether the extension of Ex. 16:5 to holidays is considered biblical (when cases of doubt have to be resolved restrictively) or rabbinic (when cases of doubt have to be resolved leniently).
23 The rules prescribed are a legal fiction (in the Babli, 24b, ascribed to the last generation of Tannaïm). They can be relied on only in situations where the probability of correctness is significantly larger than 50%. (Quoted by Tosaphot Šabbat 17b s.v. ↩️)

24 This now refers to the fish brought by a Gentile to Rabban Gamliel. Did he want to say that they can be handled by Jews on the holiday but not eaten on that day or are they as if prepared by a Jew beforehand (Babli Besah 24a)?
25 As explained earlier, the disagreement is whether the requirement of prior preparation is biblical or rabbinic.
27 The Gentile caravan arriving on the holiday.
28 This is generally accepted as explanation of the otherwise unexplained and diverse names reported for the place.
29 According to H. L. Fleischer, New Greek δαμάσκηνος “Damascus plum”; δαμάσκηνα “Damascus plum tree”.
30 Grapes which still are hard at harvest time and left to ripen in late autumn do not
fall down by themselves; one must assume that they were plucked from the vine on the day they were brought; one may not accept them from a Gentile who brings them on a holiday. But dates in a similar case will fall down, one may assume that they were collected from the ground and may be accepted.

 Mishnah 3: A dangerously sick animal\(^{31}\) one should not slaughter unless it be known that one may eat from it a roasted piece in the size of an olive during daytime. Rebbi Aqiba says, even raw in its slaughter house. If he slaughtered in the fields he should not bring it by a yoke or a small yoke\(^{32}\), but brings limb by limb in his hands.

31 One is afraid the animal might die and be lost as food. The animal can be slaughtered only if it is possible to use it as food on the holiday.

32 A yoke is carried by two people, a small yoke by a single person. Both are commercially used and therefore not appropriate for the holiday.

Halakakh 3: Rebbi Abba in the name of the rabbis there: If he slaughtered it and wolves ate its intestines it is qualified\(^{33}\), for the presumption of intestines is qualification\(^{34}\). Should one not worry that maybe they were punctured? The presumption of intestines is that they are qualified.

It was stated: But one may bring it on its hide. What does he do? He leaves one limb on it and brings it together with it\(^{35}\).

33 Even though punctured intestines make the animal terefa and forbidden for consumption, this is when the defect has been noted. The only organ which must be checked is the lung.

34 Babli Hulin 9a.

35 While in Chapter 1 it was permitted to give the hides to the tanner, this refers to
hides of animals destined from the start as food on the holiday and therefore prepared for the holiday. But the animal in question here was not prepared and the raw hide is not an implement; there is no reason to permit its movement on the holiday. The expedient to use is not to skin the animal completely but leave one piece of meat on the hide. Then this meat is potential food and may be moved; the hide is moved as an appendix of that meat.

Mishnah 4: If a firstling fell into a cistern, Rebbi Jehudah says, the expert should go down and inspect; if it has a defect he may lift it and slaughter; Rebbi Simeon says, any whose defect was not recognizable on the eve of the holiday is not prepared.

36 The unblemished firstling has to be given to a Cohen who has to sacrifice it in the Temple. In the absence of a Temple no use can be had of an unblemished firstling; if it develops a defect it may be slaughtered and its meat consumed by everybody, pure or impure (Deut. 15:22). Since the development of a defect by a firstling is an eagerly awaited event, by rabbinic usage the existence of a defect must be verified by an expert. If no defect is found, the firstling is not food and may not be moved from the cistern before the end of the holiday.

37 He holds that what was not food before the holiday cannot become food on the holiday; therefore the firstling may be inspected by the expert only after the end of the holiday.
Halakhah 4: The argument of Rebbi Jehudah seems inverted since we stated there\textsuperscript{38}, “Rebbi Jehudah says, if it was not a cadaver before the Sabbath it is forbidden since it is not prepared\textsuperscript{39}.” And here he says so? Rebbi Jehudah follows his own opinion since Rebbi Jehudah said, the expert is not from the Torah\textsuperscript{40}. Rebbi Huna in the name of Rebbi Abba: It is Rebbi Jehudah’s since Rebbi Jehudah gives the same rules for inspecting a firstling as inspecting tereifah. As you are saying there, one inspects for tereifah on a holiday\textsuperscript{41}, similarly one inspects a firstling on the holiday. Rebbi Yudan asked: Demay\textsuperscript{42} is from their words. and inspecting for tereifah is from their words. Since you are saying that one inspects for tereifah on a holiday, does one separate demay on a holiday\textsuperscript{43}? Rebbi Abbahu in the name of Rebbi Yose ben Hanina: Any whose defect was visible on the eve of a holiday but the expert permitted it only on the holiday is not prepared\textsuperscript{44}. But was it not stated, a [firstling]\textsuperscript{45} calf which was born from a tereifah animal on the holiday is permitted. Rav Hisda said, explain it if the expert transgressed and saw it\textsuperscript{46}. There came a case\textsuperscript{47} before Rebbi Immi who wanted to say, between Rebbi Jehudah and Rebbi Simeon, practice follows Rebbi Jehudah\textsuperscript{48}. Rav Hoshaia brought a baraita of Bar Qappara from the South and stated: But the Sages say, any whose defect was visible on the eve of a holiday but the expert permitted it only on the holiday is not prepared\textsuperscript{49}. He\textsuperscript{50} changed his opinion.

\textsuperscript{38} Mishnah Šabbat 24:4.
\textsuperscript{39} He does not permit dog food if it was not available before the start of the Sabbath, how can he permit human food which was not available on the eve of the holiday?
\textsuperscript{40} In Mishnah Bekhorot 4:3, R. Jehudah permits to slaughter a damaged firstling without prior certification by an expert. He must hold that by biblical standards it is only the fact of the blemish that counts, not its certification by an expert. In addition, any kosher animal is potential food at all times.
\textsuperscript{41} An animal suffering from a life-threatening defect is prohibited as food. While there is a long list of such defects, these disqualify as food only if they are found, but one does not have to examine every slaughtered animal for all of these defects except for the lung for which it is obligatory to check for tubercular lesions which would make the animal unfit for human consumption. Since slaughter is permitted on the holiday, inspection for
It and its young fell into a cistern. Rebbi Eliezer said, he should lift the first one for the purpose of slaughtering it and slaughter it. The second one has to be provided for at its place so it should not die. Rebbi Joshua says, he should lift the first one for the purpose of slaughtering it and not slaughter it, and be cunning and lift the second one. Even though he had no intention of slaughtering either of them, he is permitted. Rebbi Abun bar Hiyya asked: Is the argument of Rebbi Eliezer not inverted? Here he says,
one is prohibited from cunning but there he says, one is permitted to be cunning\textsuperscript{54}. There it is because “not to be seen nor found”; here, what do you have\textsuperscript{55}? Is the argument of Rebbi Joshua not inverted? Here he says, one is permitted to be cunning, but there he says, one is prohibited from cunning\textsuperscript{56}. Rebbi Idi said, here it is a rabbinic Sabbath prohibition, but there liability for a purification offering\textsuperscript{57}. Rebbi Yose ben Rebbi Bun said, here it is to protect Jews’ money; there what do you have\textsuperscript{58}? Rebbi Isaac and Rebbi Joshua, one like one of them, the other like the other\textsuperscript{59}.

51 The Halakhah also appears in Pesahim 3:3 (Notes 90-97) with the references to “here” and “there” switched correctly.

\textit{Lev. 22:28} states that it is prohibited to slaughter an animal and its young on the same day. Therefore, if both an animal and its young fell into a cistern on a holiday, only one of them can be potential food. The other one is \textit{muqseh} and cannot be moved by humans. Babli 37a, Pesahim 117b, Tosephta 3:2.

52 As long as it is not determined which animal is to be turned into food, both are potential food and can be moved.

53 He is permitted to declare both animals as potential food even though he had no intention of slaughtering either one.

54 In the matter of an animal and its young he requires strict adherence to the rules. By the biblical rules, a piece of bread dough has to be given to the Cohen under the rules of heave (cf. Introduction to Tractate Hallah). Impure \textit{hallah} must be burned but unusable \textit{sancta} may not be burned on the holiday and dough kneaded on the holiday would become leavened if stored for the next day. Therefore R. Eliezer instructs the baker to bake the \textit{mazzah} completely and then remove a small part as \textit{hallah}, a method frowned upon on any other day of the year. R. Joshua instructs to follow all the usual rules of \textit{hallah} and burn the dough after the holiday since he holds that leavened matter is forbidden only to Jews, not to Heaven, and \textit{hallah} is Heaven’s property.

55 In matters of dough on Passover there is no other way out (short of not making food on the holiday); in the matters of animals it is possible to follow all the rules.

56 For the animals in the cistern he allows a fake declaration which permits their rescue; for impure \textit{hallah} he removes the prohibition by declaring it inapplicable.

57 \textit{Muqseh} is rabbinic; eating bread without taking \textit{hallah} is a deadly sin.

58 The animals in the cistern are valuable; impure \textit{hallah} is worthless.

59 Since R. Isaac and R. Josia are last generation Tannaim, their disagreement must refer to the difference between the first generation RR. Eliezer and Joshua.
Mishnah 5: An animal which dies one may not move from its place. It happened that Rebbi Tarphon was asked about this and about hallah which became impure. He entered the study hall and asked. They told him that one may not move them from their place.

60 And no longer is food; it became muqseh and may not be moved on the holiday.

61 Which may not be eaten anymore but cannot be burned on the holiday (Note 74); therefore it is muqseh.

62 He must have been young, that he needed the instruction from elders. Therefore this decision has to be dated to Temple times.

Halakhah 6: Samuel said, the five Elders who instructed Rebbi Tarphon in Lydda erred. Rav Mattanah said, the case concerned a firstling. Rebbi Abbin said, the Mishnah says so: “about this and about hallah which became impure.” Since that one was holy, so also this one was holy. They asked before Levi, may one inspect a torn animal in a dark house? He said, bring it outside. Rebbi Immi asked, we heard that one does not inspect cases of skin disease in a dark house? Did we hear that one does not inspect a torn animal in a dark house? Rebbi Yose ben Rebbi Abun said, it is not because of this reason, but lest it would be found terefah and be forbidden to be moved. It turns out that Rav Mattanah follows Samuel, and Levi Rav. Rebbi Abba, Rav Jehudah in the name of Samuel said, practice follows Rebbi Jehudah.

63 Since in Mishnah Šabbat 24:4 the anonymous majority (following R. Simeon) permits to use the carcass of an animal which died on the Sabbath as dog food, while R. Jehudah permits that only for animals having died before the Sabbath, it is established that on the Sabbath practice follows R. Simeon who in most cases denies
that the rules of muqseh apply. He holds in this statement that therefore on the holiday also one has to follow R. Simeon and treat the animal carcass as permitted dog food.

64 He holds that the Elders ruled correctly but that the case says nothing about the disagreement between RR. Jehudah and Simeon since a firstling, as sanctum, may not be used as dog food but must be buried (after the holiday). Babli 27b.

65 Impure hallah cannot be used for any profane purpose; in this it is equal to a dead firstling. Babli 27b.

66 Whether the injuries make the animal unfit for human consumption.

67 Mishnah Nega`im 2:3. This rule is biblical since it is required that the Cohen see the diseased skin with his unaided eyes (Lev. 12:12).

68 Levi’s rule has no biblical root; it is not comparable to the inspection of skin disease. It is a practical advice to remove the animal from the house before it is declared unfit for human consumption and therefore muqseh for R. Jehudah.

69 Since R. Mattanah restricts the Mishnah to the case of a firstling, he holds that for profane animals one follows R. Simeon; which is Samuel’s position. But Levi who recommends that one take precautions that the animal not become disqualified as food must follow R. Jehudah.

70 Either Samuel changed his opinion, or one should read “Rav” instead of “Samuel”. In the Babli a statement of Rav Hisda, 28a.

Mishnah 6: One does not subscribe to an animal on the holiday but one subscribes to it on the eve of the holiday and then slaughters and distributes among them71. Rebbi Jehudah says a person may weigh against a vessel or against a dagger72, but the Sages are saying that one does not use scales at all.

71 One may not say to the butcher on the holiday that he is willing to take so-and-so much meat from an animal which he slaughters on the holiday, but one may do so before the holiday for meat to be freshly slaughtered on the holiday.

72 The weight of the meat cut for one person may not be determined professionally by scales and weight-stones but semi-professional by scales where instead of certified weights one uses articles of known weight. The Sages require that all distribution of the holiday be by estimate.
Halakhah 7: Therefore adding one adds. If there were five they could be turned into ten.  

It was stated: “A person may not say to another, I participate with you for a tetradrachma, I participate with you for a shekel; but he may say to him, I am standing for half, third, or quarter.” The great Rebbi Hiyya and Rebbi Simeon ben Rebbi did weigh a firstling piece against piece. When was this said? On a weekday. Therefore on a holiday it is forbidden because “one does not use scales at all.” Rav Avun, Rav Jehudah in the name of Samuel: Even to hang it on the scales because of the rats is forbidden. Rebbi Yose ben Rebbi Abun said, not because of this reason but because we did state, “Rebbi Jehudah says a person may weigh against a vessel or against a dagger, but the Sages are saying that one does not use scales at all.” Therefore a first Tanna is of the opinion that one may use them, and therefore to hang it on the scales because of the rats is permitted.

It was stated: Rabban Simeon ben Gamliel says, a person may calm himself by pounds, to know what he got. As the following: Rebbi Mana bought Sabbatical carob fruit. He asked Rebbi Hizqiah, who answered him, the rabbis use to follow that of Rabban Simeon ben Gamliel.
It was stated83: “The butcher should not weigh in his hand and put down since his hand is like an lb. weight, but he may cut with a knife and give to each one84.”

73 It only is forbidden on the holiday to start lining up people to make it possible to slaughter an animal which is too much for one family to eat on the holiday; but if a group was formed to assure the butcher that all his meat will be taken on the holiday the subscribers may give of their part to others and so inform the butcher.

74 Tosephta 3:5, Babli 27b.
75 No exact amounts may be mentioned on the holiday. Since “one half, a third, a quarter” of an animal or part of an animal are approximations, these expressions may be used.

76 As sanctum the firstling, slaughtered because it developed a defect and now permitted to everybody, may not be an object of trade. Therefore its meat may not be sold by weight. But after the meat was distributed, the parties may use scales to compare the weights of the pieces. Babli 28a.

77 Since scales are tools of trade.

78 In his interpretation, any use of scales, even in a non-professional way, is forbidden. Babli 28a.
79 He argues that the interpretation of Rav Jehudah in the name of Samuel is untenable. Since R. Jehudah finds it necessary to say that one may use scales to weigh in a non-professional way, the Sages say that one does not weigh using scales at all. Their statement says nothing about using scales for a use totally unconnected with weighing.

80 Greek λίρα, equivalent of Latin libra, “lb.”. While the use of scales in trade is forbidden, their use in private is permitted.
81 Sabbatical produce may not be sold by measure, weight, or count (Mishnah Ševi`it 8:3), similar to the rules of holidays.
82 The produce may be weighed in private, as long as no trade is involved. Babli 28a.
83 Tosephta 3:5, an Amoraic statement in Babli 28a.
84 He may give equal portions by sight but not by weighing even with his hands.

85 One does not strip by the feet on the holiday86, nor on a weekday of a firstling or disqualified sancta87. Rebbi Abun said, so he should not be like one who uses it for work when it is still living. Rebbi Justus bar Shunem said, they decided that one should not form herds from them88. Rebbi
Mana said, everybody agrees that to make bellows is permitted, to beat them\textsuperscript{89}, the Elder Rebbi Hiyya and Rebbi Simeon ben Rebbi, one said it is forbidden, the other said it is permitted. Rebbi Yose ben Rebbi Abun said, everybody agrees that to beat them is permitted, to make bellows, the Elder Rebbi Hiyya and Rebbi Simeon ben Rebbi, one said it is forbidden, the other said it is permitted\textsuperscript{90}.

85 Babli \textit{Bekhorot} 33a.
86 To keep the hide intact so it can be used after the holiday either to make bellows (or bagpipes) or to make them into water-, wine-, or oil skins.
87 Neither a disqualified firstling nor any other disqualified sacrificial animal may be used for work or trade. Using the skin is permitted since it is permitted even for qualified sacrifices (\textit{Lev}. 7:8), but for the disqualified extra care has to be taken to treat them with respect.

88 For if these are raised in quantity they are done so with the idea of using their hides for commercial purposes and this is objectionable. Babli \textit{Bekhorot} 33b.
89 To make sure that all remaining particles of flesh can be removed before the entire hide is made into a container for water, wine, or oil.
90 Since there are two contradicting opinions, both actions are forbidden on the holiday.

\textbf{Mishnah 7}: One does not sharpen the knife\textsuperscript{91} but he cleanses it\textsuperscript{92} on another. A person may not say to the butcher, weigh me meat for a denar, but he slaughters and they distribute among themselves\textsuperscript{93}.

91 Using a special grindstone to sharpen the butcher’s knife is workday procedure. Sharpening one knife by drawing it along another is not professional and therefore permitted. As noted in the Halakhah, this method also has the advantage of cleansing the knife from fat clinging to it which is a help in preparing new food and therefore permitted without question. Babli 28a.
92 Deriving the word not from Hebrew \textit{משנה} “to lift” but Arabic \textit{مسح} “to draw, to extract”, \textit{مسح} “to touch”.
93 The butcher gets paid for the entire animal (before or after the holiday); the distribution among the subscribers is not his business.
Halakhah 8: “One does not sharpen the knife on the holiday but he cleanses it on another.” Rav Hisda said, this is Rebbi Jehudah’s. Rav Jehudah in the name of Samuel said, it is everybody’s opinion, to remove the fat on it.

114 Rav Hisda considers sharpening the knife not an action necessary to prepare food, but only an action preparatory to the preparation of food, and therefore for the opponents of Rebbi Jehudah not covered by the biblical instruction to prepare food on the holiday. He must understand the text not as “he cleanses it” but “he draws it” (Note 112).

115 And therefore is action necessary for the preparation of food.

Mishnah 8: A person may say to the grocer, fill me this vessel, but he may not specify the measure. Rebbi Jehudah says, if it was a measuring cup he shall not fill it. It happened that Shaul ben Botnit filled his measures on the eve of the holiday and gave it to the customers on the holiday. Abba Shaul says, that is what one does on a holiday, but the Sages say one acts thus also on a weekday because of the emptying of the measuring vessels.

96 In the absence of refrigerators, replenishing supplies from the grocery store on a holiday is permitted but it must be done in a non-professional way.

97 He had vessels filled exactly to measures before the holiday when this was permitted, gave to his customers on the holiday, and was sure that he was not over- or undercharging them when settling the accounts after the holiday.

98 Abba Shaul the Sage is Shaul ben Botnit the grocer.

99 It is business practice recommended always to sell fluids in pre-filled containers since all fluids, even wine or milk, are somewhat viscous, and when the customer’s vessel is filled from the grocer’s measuring cup some drops for which the customer is
charged will remain in the grocer’s possession. In a large business, these drops may add up to sizeable amounts as noted in the Halakhah (in particular for olive oil.)

Halakhah 9: Rav Huna said, either less or more. Rebbi Eleazar said to Zeura bar Hama, fill me this vessel and tomorrow we shall measure it.

It was stated: “Rebbi Eleazar ben Rebbi Sadoq and Abba Shaul ben Botnit were grocers in Jerusalem. They used to fill their measuring vessels on the eve of a holiday and give them to the customers on the holiday. Rebbi Hananiah ben Aqabiah says, they also acted in the same way on the intermediate days of the holiday because of the emptying of the measuring vessels. Also he collected 300 amphoras, and his colleague collected 300 amphoras. The Sages said to them, you did not have to do this, but since you were stringent with yourselves, they should be used for public needs.”

Once he was sick and our teachers went to visit him. He said to them, you are seeing this right hand which was measuring in truth.

Rebbi Hanina said, anybody who says that the All-Merciful is indulgent, his intestines shall dissolve themselves; for He is forbearing and then collects His due. Rebbi Aha said, it is written, His surroundings are very hairy. He is exact with them like a hair’s width. Rebbi Yose said, not because of this reason, but because what is written, He is awesome on His surroundings, His fear on those near Him is greater than those far away.
100 Rav Huna forbids filling a vessel to the rim so that on the next day the amount given on the holiday can be exactly determined, with volume and price determined by estimation. R. Eleazar disagreed and instructed his grocer to fill to the rim.

101 Tosephta 3:8

102 In the Tosephta (by an other tradent, Babli 29a) “not to miss the study house.” The meaning here seems to be the same, that they did not want to wait the long time until the last drop was fallen from their measuring vessel into the customer’s container.

103 Of olive oil remaining in the measuring cup.

104 This text is from Šeqalim 5:2, Notes 39-41.

105 Ps. 50:3.

106 Ps. 89:8.

Mishnah 9: A person may say to another, give me eggs or walnuts by the count since it is the way of private persons to count these in his household.

107 Therefore mentioning the count in this case is not an act peculiar to trade and may be used on the holiday.

Mishnaiot 8 and 9 are different from those quoted in the Babli but agree with Maimonides’s autograph Mishnah.

Halakha 10: It was stated: A person may say to another, give me a kelah of spices since it is the way of private persons to give a kelah of spices into his dish.

108 A measure of volume which is permitted to be used on the holiday since it is normal cooking practice to be very careful in the amount of spices used. This measure is not mentioned otherwise in the Talmudim but is defined in Kalir’s as the difference between an omer (or issaron, the tenth of an ephah) and 7, of a qab or alternatively as a little less than one hundredth of a dry seah which is 7, of a fluid seah.
Mishnah 1: He who transports wine jugs from place to place may not transport them in a basket or box\(^1\), but he may transport on his shoulder in front of him\(^2\). He who transports straw may not tie the box and throw it over his shoulder but has to take it into his hand\(^1\). One may start from a pile of straw\(^3\) but not from wood in storage\(^4\).

Mishnah 2: One does not take wood from a hut\(^5\) but only from what is leaning on it\(^6\). One brings wood from the field from what was collected\(^7\), but from a corral even what is strewn about. What is a corral\(^8\)? Any close to the village, the words of Rebbi Jehudah. Rebbi Yose says, any into which one enters with a key\(^9\), even inside the Sabbath domain\(^10\).

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\(^1\) On the holiday one may not transport the way it is done on a working day.

\(^2\) In the other sources of this Mishnah: on his shoulder or in front of him. The sentence is not discussed in the Halakakh but it seems that here also this has to be understood.

\(^3\) Straw stored in an orderly way not particularly prepared for the holiday nevertheless always is considered prepared for the holiday, clean straw as animal feed, straw mixed with dirt and pebbles as fuel.

\(^4\) This storage is not the original \(muqseh\), the place on the flat roof where cut-up figs are spread out to dry, but a separate storage facility for wood, either building material or object of trade.

\(^5\) Any hut, not necessarily the \(sukkah\) of Tabernacles. A hut is a building and removing logs from it is wrecking it, a biblical violation both on the Sabbath and a holiday.

\(^6\) Logs not permanently attached to the hut are not part of it and may be removed if needed.

\(^7\) Logs arranged in orderly heaps are arranged by humans for use by humans and therefore prepared for use on a holiday. Logs strewn around in disorderly fashion on meadows or in forests are not arranged by
humans and therefore may not be collected on the holiday.
8 From which wood may be taken even if strewn around.
9 Everything in such a space is there for some use and may be used on the holiday without restriction.
10 Even if the corral is close to 2’000 cubits from the village and few people would venture so far on a holiday.

“He who transports wine jugs,” etc. Rebbi Hanin bar Levi said, the Mishnah is about these little flasks\(^\text{11}\) of which one carries two or three in a hand. If it is one big one, in front of him it is usual, on the back it is usual\(^\text{12}\). Just as you are saying, he brings it with its hide, similarly he brings it with its jar\(^\text{13}\). Just as you are saying, he brings it limb by limb, similarly he brings it vial by vial\(^\text{14}\).

11 A word of unknown etymology. Brüll reads Latin calfar, “wine container”.
12 Since the Mishnah prohibits transporting wine jars the way it is done on working days, it seems impossible to transport a large wine receptacle on the holiday. The Babli disagrees, \(30a\).
13 Since in Halakhah 3:3 it was stated that one may transport the hide because of the meat left on it, so one may add to the large wine receptacle a small serving pitcher, put both into a basket or chest, and transport them together.
14 Since it was stated in Mishnah 3:3 that one may transport an entire carcass limb by limb, so one is permitted to distribute the wine in the amphora into several small pitchers and transport these. The remark is not trivial since it states that it is better to increase the exertion on the holiday (by repeating the trip many times) than to transport one time in the way it is done on weekdays.

Rebbi Yudan asked, may one move straw from a private domain to the public domain\(^\text{15}\)? Is that not the Mishnah, “he who transports straw may not
tie the box and throw it over his shoulder”? The Mishnah follows him who says, for all breathing, also animal’s breathing is included\(^{16}\). What is his problem? Following him who says, animal’s breathing is not included. Also for him who says, animal’s breathing is included, the Mishnah is about transporting as feed. What is his problem? If he transports as fuel\(^{17}\).

15 Since on the Sabbath transporting from a private to a public domain is a biblical Sabbath violation, on a holiday only transporting between domains for the purposes of preparing or serving food is permitted. (The Babli disagrees and holds that transporting for any legitimate purpose is permitted.)

16 Chapter 1, Note 262. Babli 21a/b.

17 Since we follow the opinion that animal feed is equal to human food on the holiday, the first answer cannot be correct. If straw is transported as fuel for cooking food or feed, is the transporting preparation of food or only preliminary to the preparation of food? If it is transported to sustain an existing fire for warmth, is the fire eventually usable for cooking?

Rebbe Jacob bar Aha in the name of Rebbi Yasa: It is forbidden to touch dried Muqseh\(^{18}\). Rebbi said to his son Rebbi Simeon, climb up and bring us dried figs from the upper floor. He said to him, is it not forbidden because of muqseh? He retorted, are you still holding that? Nothing but figs and grapes can be forbidden because of muqseh\(^{20}\)! Rebbi Samuel bar Sosartai: Because they stink in between. Rebbi Ze’ira asked before Rebbi Yasa: Is it not reasonable to hold that the case involved split dates\(^{21}\)? He said to him, that is my opinion...
also. Rebbi Yose ben Rebbi Abun, Rebbi Isaac bar Bisna in the name of Rebbi Johanan: The case involved split dates.

“He said to him, nothing but figs and grapes can be forbidden because of muqseh!” Rebbi Jacob bar Zavdi in the name of Rebbi Abbahu: that is, concerning the Sabbath. But concerning tithes, everything may pass through a stage of muqseh. Rebbi Yose said, the Mishnah said so: “Dried figs when he presses them and in a bin if he planes with a roller.”

18 This Muqseh is the original meaning of the word, cut-up figs lying on the roof to ferment and dry. If their status was not checked before the holiday they are not “prepared” and cannot be checked on the holiday.

19 The text also is in Ma’aserot 1:7, Notes 192-197 (g).

20 All other produce in drying becomes edible and permitted. Babli Shabbat 45a, a statement of Samuel in the name of R. Simeon.

21 The original story involved figs which as stated become inedible in the process of drying and whose status therefore has to be checked. But unripe (or never ripe) dates which are spread out on the roof to mature and become sweet never pass through a phase during which they are inedible. They would be a prime example for food left to dry which is never muqseh.

22 Mishnah Ma’aserot 1:8. While dried figs can be used as soon as they are edible again, if he had the intention from the start to store the finished produce in an amphora or a bin, the drying process is irrelevant for tithes since any produce put out to dry is free from tithes until it is brought to its final storage.

“One does not take wood from a hut but only from what is leaning on it.”

Samuel said, if he did not intend to fortify it. But if he intended to fortify it it is forbidden, unless he stipulated about it. Therefore if he stipulated it is permitted. Rav Nahman bar Jacob asked, may a person stipulate to tear down tents? One said before Samuel, if it was pasted on it, and Rav Nahman bar Jacob was wondering about it.

23 The additional logs were not part of the plan in making the hut. But if e.g. the logs were needed to protect the hut from strong winds they become part of the building.
although they are not fastened to the walls. Babli 30b.

24 Even if the logs are needed to protect the walls, as long as they are not fastened to them they may be removed if they were put in place with the explicit stipulation that they may be removed on the holiday since then they do not become part of the building.

25 Since tearing down a building is a biblical Sabbath violation and therefore also a biblical holiday desecration; no stipulation should be possible.

26 Usually ספל is used for make-up or medicinal applications. Here it must mean that the logs may be removed even if they are lightly glued together or to the wall, if they may be removed without effort. In that case Rav Nahman has a valid point; the additional statement has to be rejected.

It was stated 27: “Rebbi Eleazar ben Rebbi Simeon said, the Houses of Shammai and Hillel did not disagree that one brings wood from the field from what was collected, but from a corral even what was strewn about. Where did they disagree? About what is strewn about in a field, where the House of Shammai forbid but the House of Hillel permit.

28 Rebbi Nathan said, The House of Shammai agrees with the House of Hillel that one brings wood from the field from what was collected, and from a corral what was collected. Where did they disagree? About what is strewn about in a corral, where the House of Shammai forbid but the House of Hillel permit.” Rebbi Yose in the name of Rav Jeremiah, Rebbi Haninah brings it in the name of Rav: practice follows the person who restricts, [including] what was strewn about in a corral. 31 The opinion of Rebbi Jehudah seems inverted, as we have stated there, “[Rebbi Jehudah says] even if it only
contains a cistern, or an irrigation ditch, or a cave, one carries in it. And here he says so? Rebbi Mana said, Rebbi Jehudah treated it as a house.

27 Tosephta 3:10, Babli 31a. There the name is R. Simeon ben Eleazar.
28 From here on there exists a Genizah text edited by L. Ginzberg (G, pp. 304-305).
29 Corrector’s addition, confirmed by G.
30 One follows the Mishnah. The Babli 31a disagrees in the name of Rebbi Jeremiah.
31 This parallels Eruvin Chapter 1, Notes 193-194, Chapter 2 Note 93.
33 The cistern or cave is treated as a house and the corral as the house’s yard where carrying is permitted.

Mishnah 3: One does not split logs nor a log which broke on the holiday. Also one does split neither with a hatchet, nor with a sickle, nor with a plane, but with a dagger. From a room full of produce which was blocked but became accessible one takes from the opening. Rebbi Meir says, also one freshly makes accessible and takes.

34 Building materials which are not intended to be used as fire wood and therefore are muqsah.
35 Since the log was whole and therefore muqsah at the start of the holiday, it remains in that state during the holiday even if the reason for it disappears.
36 He holds that on a holiday one needs food, one may open the storage facility in any way one sees fit.

Halakhah 2: “One does not split logs nor a log which broke.” That is, a log which broke on the holiday. But a log which broke on the eve of a
holiday is permitted if it cannot be called an implement. But if it can be called an implement even if it broke on the eve of a holiday it is forbidden.  

37 Building material which broke before the holiday and cannot be used any more automatically is classified as fuel. Since preparing food on the holiday is permitted, fuel is needed and the broken log is usable on the holiday. But if the broken log still may be used in any way as an implement, it is worth more as an implement than as fuel and may be used as the latter only if it was designated as such before the start of the holiday.

It was stated: “Branches of a fig tree and on them figs, broomsticks (from a date palm) and on them dates, which he collected for food, he eats from them on the holiday. If he collected them as wood, he may not eat from them on the holiday.”

Rav said, one heats with implements, one does not heat with broken pieces of implements. That is, vessels which broke on the holiday. But vessels which broke on the eve of the holiday are permitted if they cannot be called implements. But if they can be called implements even if they broke on the holiday they are permitted.

38 Tosephta 4:2.
39 Added from G, not in the Tosephta. Palm branches with open leaves are called “broomsticks” since that is what they always are used for.
40 Then in his mind the fruits are not food at the start of the holiday and this status cannot change on the holiday.
41 Since implements are never muqseh (except expensive tools of trade, Mishnah Šabbat 17:4-5), they can be used for any purpose on the holiday. Broken pieces usually are muqseh. Babli Šabbat 124b.
42 Same argument as in Note 37.
43 As long as the broken piece is still usable in some way, it is an implement and cannot be muqseh.
Rebbi Hiyya stated: One may heat with edibles, but not with their shells or pits. Rav was sitting before the Elder Rebbi Hiyya and was eating. He was seen throwing into the stove and in front of the stove. The Elder Rebbi Hiyya said to him, throw in this way. He asked him, what is the difference between this way and that way? He said to him, pasha's son, behind them, behind them. Rebbi Hanina said, he was throwing food. The Babylonian Rebbi Immi said, he was sick. He said to him, in this way it would be forbidden on the holiday.

44 Since food is not muqseh it may be used in any way one desires. But shells and pits are waste and have the same status as broken logs.

45 The pits and shells of the fruits he ate.

46 He required that all waste be thrown into the oven.

47 Since food waste is unpleasant it has to be disposed of so it is not seen.

48 He only sucked the sap of the fruit and disposed of the dry pulp.

49 He is R. Immi mentioned elsewhere without the predicate “Babylonian”.

50 And therefore could use the fruit only partially what for a healthy person would have been prohibited waste.

51 Even if some pulp was left on the fruit, since it could be used neither by the eater nor by any other person its status on the holiday would not be different from shells and pits. The story is an illustration of R. Hiyya’s baraita.

“Neither with a hatchet.” In the House of Rebbi Yannai they are saying, one splits with a hatchet. Rebbi Hoshia stated, one splits with a hatchet. Samuel said, practice follows him who said, one splits with a hatchet. It was
stated: Rebbi Yose ben Kipper said in the name of Rebbi Eleazar ben Shamua, the House of Shammai forbid but the House of Hillel permit.

52 Here practice is decided against the Mishnah. In the Babli 31b using a hatchet is unprofessional way.

“Nor with a sickle.” There are Tannaim who state that one splits, and [there are Tannaim who state that one does not split. Rav Hisda said,] he who said one splits, with a hand-held sickle; he who says one does not split, with a scythe.

54 There are Tannaim who state that one separates with Cilician cloth, and there are Tannaim who state that one does not separate. Rav Hisda said, he who said one separates, for healthy {hair}; he who said one does not separate, for weak {hair}.

There are Tannaim who state that one rubs aromatic wood; there are Tannaim who state that one does not rub. He who said one rubs, moist ones; he who said one does not rub, dry ones.

There are Tannaim who state that one sweetens mustard seed on glowing coals; there are Tannaim who state that one does not sweeten. He who said one sweetens, if he puts it on the coals; he who said one does not sweeten, if he puts the coals on it.
There are Tannaim who state that one rubs silver with chalk; there are Tannaim who state that one does not rub. He who said one rubs, if he puts it on before the start of the holiday; he who said one does not rub, if he puts it on during the holiday.

53 Any tool which also is used by the non-professional may be used, but not a tool only used by professionals.

54 This paragraph, the only one in the present series, does not refer to the rules of holidays but to those of a nazir (Nazir 6:3 Note 169). One of the obligations of the nazir is to let his hair grow; he is forbidden to tear out a single hair. Therefore it is a question whether he may rub his hair with coarse cloth (in this case Cilician, καλίκιον). It is permitted only for persons with healthy hair.

55 Aromatic wood is not food; therefore it may not be processed on a holiday. But if it is possible to produce perfume simply by rubbing aromatic wood in one’s hand without applying pressure, it is permitted.

Babli 33b.

56 A similar statement is in the Babli Šabbat 134a but the explanation given there should not be applied to the statement here. It seems that putting coals on mustard seed will extinguish the coals while burning the mustard seed, not sweetening it.

57 This is the modern interpretation starting with Musaphia (Greek ρητυρκόν). The Geonic interpretation is “potash”.

58 Still one is obligated to minimize the amount of work expended for providing the food.

59 Tosephta 3:12; Yerusalmi 5:2, Šabbat 15 (Note 22), 20 (Note 66), Megillah 1:8. Babli 31b.

60 If produce is stored in the ground and the door tied by a rope, the knot (“cachet”) is not permanent since produce is stored to be used eventually. If on a holiday one
needs food, one may open the storage facility in any way one sees fit. In a similar case on the Sabbath one may push the rope to open a cleft through which one can take out some produce but rabbinically one may not otherwise remove the knot even though it is not permanent and removing it from an installation in the ground is not building or tearing down by biblical standards.

61 Since the notions of building and tearing down buildings does not apply to implements by biblical standards, there is no place for rabbinic restrictions.

Mishnah 4: One does not open the candle because he would make it a vessel nor does one make charcoal, and one does not cut a wick into two. Rebbi Jehudah says, one may cut it in the fire for two candles.

62 This candle is a clay vessel to be put on the top of a candelabrum. It consists of a container for oil and a neck through which the wick is drawn to burn at a safe distance from the oil. If it is new and the opening for the wick is not excavated it cannot be made to work on the holiday since this would be “hitting with hammer”, the formal end of a production process, and therefore a biblical violation both on the holiday and the Sabbath (Mishnah Šabbat 7:4). Since making fire is necessary to prepare food and therefore permitted, for the House of Hillel it is permitted on the holiday for any legitimate reason.

63 Not even for use on the same day (Tosephta 3:14) since preparation of fuel is not included in the permission to use fuel.

64 As explained in the Halakhah one may take a long wick, put each end into such a candle and light then in the middle. Then this one action creates two separate burning candles.
Halakhah 3: It was stated: Closed pans 66, if he made them before the holiday he may not open them on the holiday since he would be like one who makes a vessel usable on the holiday 67.

There, we have stated 68: “About rural pans 69, that they are pure in a tent with a corpse 70 but impure if carried by a person afflicted with gonorrhrea 71. Rebbi Eleazar ben Rebbi Sadoq says, even if carried by a person afflicted with gonorrhrea they are pure since their production was not finished 72.” It turns out that the minority opinion here corresponds to the majority opinion there and the minority opinion there corresponds to the majority opinion here 73.

65 The text from G ends here.
66 Greek λοπαί “pan, plate”.
67 The pan is a flat vessel made of clay. It is made together with its cover. It is not fired in a kiln but it is expected to become a permanent vessel by being used over the fire in the kitchen. Before it is used it is completely closed, the cover being connected to the pan by a very thin strip of clay which can be easily cut with a kitchen knife. For this Tanna, cutting the strip is a prime example of “hitting with hammer” and forbidden both on the holiday and on the Sabbath. In the slightly differently worded Tosephta 3:13 (and Tosephta Sabbath, ed. Liebermann 16:13, in Liebermann’s opinion referring only to holiday) it is reported that Rabban Simeon ben Gamliel permits to separate the cover from the pan. R. Hananel (Besah 32a, 5 lines from bottom) and Sefer Ha`ittur (vol. 2, fol. 150a) read this also in the Yerushalmi text. The statement must have fallen out of our text by scribal error since in the next paragraph a minority opinion in this baraita is mentioned, referring to Rabban Simeon ben Gamliel’s opinion, who holds that the pan with its cover form a completed vessel and the separation of cover from pan is to be compared to opening a tightly closed door (explanation of S. Liebermann.)
68 Mishnah Idiut 2:5, missing the introduction, that R. Ismael did not indicate his position regarding the difference between the anonymous Tanna and R. Eleazar ben R. Sadoq.
69 Pans made of unfired clay with cover attached.
70 A clay vessel cannot become impure from the outside. A clay vessel which does not have a cavity is immune to impurity (Mishnah Kelim 2:7). Since the unused rural pan is totally closed, it is immune to the impurity of the dead by biblical decree, Num. 19:15.
71 Any implement moved by a sufferer from gonorrhrea is severely impure, Lev. 15:10, even if the sufferer never touches the implement and moves it on a flat piece of wood (or clay) impervious to impurity.
72 He holds that as long as the cover is not separated from the pan the manufacturing process is not finished and therefore the composite is not an implement to which the rules of impurity may apply.
73 R. Eleazar ben R. Sadoq must agree that
separating cover from pot is “hitting with hammer”. Rabban Simeon ben Gamliel must agree that the unopened clay vessel is an implement and subject to impurity by being moved.

Rebbi Abba in the name of Rav Jehudah: A splinter one leans on the wall lest it scratches. It was stated: One does not extinguish a splinter to save it; if to prevent it filling the house or the pot with smoke it is permitted. Rebbi Hanania said, if there is no empty space there. But if there is empty space there one throws it into the empty space and this is enough. Rebbi Nasa said, is this correct? Are we saying so, salve one is permitted to rub on to use kohl on the holiday? Rebbi Mana said, one is to guard, the other for healing.

74 If a splinter of wood constitutes a danger it can be moved even though it is muqseh.
75 If the splinter is burning and represents a nuisance or a danger it may be extinguished even though in general extinguishing a fire is forbidden on the holiday (unless needed in a cooking process). Babli 22a.
76 Greek ἀγρ.
77 If the fire can safely be left to burn out by itself, extinguishing it is forbidden.
78 Greek κολλόριον.
79 Since this is forbidden on the Sabbath and is not connected with food it must be forbidden on the holiday.
80 The argument should not even have started. Since making a fire is required in the preparation of food, measures to guard against the dangers of fire must be permitted. But medical procedures other than those necessary to save lives are prohibited on Sabbath and holidays. Babli 22a.
81 "About a wick three things were said as restrictions and three as leniencies. The following three were said as restrictions: One does not make it new on the holiday, nor does one cut one into two pieces, nor does one singe it by fire 82. The following three were said as leniencies: One softens it 83, and soaks it in oil, and divides it into two lights by fire.” Rebbi HInena said, if he needs both of them. It was stated, Rebbi Jehudah bar Pazi in the name of Bar Delaia: He brings two candles, introduces it into both of them, and separates them by fire into two candles 64. Rebbi Jacob bar Aha, Hinena bar Idi in the name of Rav: One cleans the wick 84 on a holiday.

81 Tosephta 3:21, Babli 32b.  
82 To make it easier to be lit.  
83 By working it with his fingers.  
84 Cutting off the burned-out part.

Mishnah 5: One does not break earthenware nor cut paper to grill on them salted fish 85. One does not clean out stove or cooking range but one smooths 86. One does not arrange two amphoras to cook a pot on them 87. One does not support a pot by a splinter, nor the door 88. One does not drive an animal with a stick on the holiday 89.

85 One does not break a potsherd in two to use part of it on a grill to protect the fish from being burned by the irons of the grill. According to Maimonides, for the same purpose one uses a special kind of paper impregnated with oil which will not burn as long as it is still moist.

86 One may not clean out all ashes from a stove but one may smooth the surface of the ashes to have a level place to put in new wood or charcoal.

87 If one does not have a stove, one may not on the holiday create one by placing two amphoras side by side with space between them for fire wood and then put the pot between them to be cooked by the fire started between the amphoras.

88 This statement is valid only for those who hold that pieces of wood are prepared only to be fuel but nothing else.
89 Since this is herders’ practice on working days.

Halakhah 4: The sausage maker cannot do it on the holiday since he is cutting bast.

90 Šabbat 7, Note 292.

91 The daughter of the Elder Rebbi Hiyya went to bake in the stove. She found a heap in it. She came and asked her father who said to her, go and empty it. She said, I cannot do it. He said to her, go and smoothen it. She had known this but she wanted to hear it from her father.

92 Since it is forbidden in the Mishnah.

93 If she knew the Mishnah, she must have known that smoothing the ashes is permitted.

94 Whether he had any modifications of the Mishnah.

95 The oven is a clay vessel in the form of a truncated cone. In the draft generated from the fire, the temperature is higher than that on top of an open stove. One may transfer completely cooked meals on a lesser fire to keep them hot. No reason is given why the inverse transfer is not permitted.

96 Rav’s second cousin. The entire discussion is about their family’s common usage.
97 It is generally accepted that the permission (or obligation) to cook on the holiday refers only to holiday food. It is forbidden to intentionally cook on the holiday for a following weekday.

“One does not arrange two amphoras to cook a pot on them.” Because of building. It was stated: “A blind person may not go out with his stick, nor the shepherd with his bag, but Rebbi Simeon permits.” So was Rebbi Simeon saying: Since one thing is permitted to him, let him be permitted everything.

98 Not building a permanent structure but fabricating an implement, violating “hitting with hammer”.

99 Tosephta 3:17, Babli 25b.

100 The anonymous author forbids to the blind and the shepherd to go in public the same way they do on weekdays. R. Simeon objects since the blind man and the shepherd can freely move their implements in the house; there is no reason to forbid the same in public.

Mishnah 6: Rebbi Eliezer says, a person takes a chip to use as a toothpick and collects from the courtyard and ignites since anything in the courtyard is prepared, but the Sages are saying one collects from what is in front of him and ignites.

101 Even though the chip either was intended as fuel or was regarded as waste. One may not take a chip from any wood connected to the ground.

102 Uses as firewood to start a fire. R. Eliezer permits to sweep the entire courtyard to collect the little pieces of wood which are useful to start fires.

103 They agree that slivers of wood in house or courtyard are never muqseh but they do not authorize sweeping large areas to collect them. Babli 33b.
Halakhah 5: What is between them? To make a heap. In Rebbi Eliezer’s opinion one may make a heap, in the rabbis’ opinion one may not make a heap.

Mishnah 7: One makes fire neither with stones, nor with wood, nor with water, and one does not heat tiles to fry on them. In addition, Rebbi Eliezer says, a person stands by the Muqseh on a Sabbath eve in a sabbatical year and says, from here I shall eat tomorrow, but the Sages say, only if he delineates and says, from here to here.

106 One may not generate sparks by hitting flintstones one on the other or on a metal surface. It could have said that one does not start a new fire in any way since this is not included in the permission to prepare food.

107 By turning a wooden stick rapidly in a hole in a wooden log.

108 By filling a round glass vessel with water and using it as a magnifying glass concentrating the sun’s rays to start a fire.

109 The place on the roof where fig cakes are spread out to ferment and dry. This presumes that there are parts which already are edible again.

110 When there are no tithes. The same holds on every Sabbath in a common year if one tithes the drying figs even before they become subject to obligatory tithe. Since food for the Sabbath has to be prepared in advance it cannot be consumed on the Sabbath as a snack for which the rules of tithe do not apply.

Halakhah 6: “One does not heat tiles to fry on them.” There are Tannaim who state, one may heat. [And there are Tannaim who state, one
may not heat.]\(^{111}\) Rav Hisda said, he who said one may heat, by those already checked out. And he who said one may not heat, by those not checked out\(^{112}\).

\(^{111}\) Addition by the corrector, not absolutely necessary.

\(^{112}\) The tiles are roof tiles. If they are new and not hardened in a kiln they will be hardened by the procedure which is a prohibited side effect. Since the effect is automatic, the procedure is forbidden even for R. Simeon who forbids procedures only if the Sabbath or holiday infraction is intended. Babli 33b/34a.

\(^{113}\)“In addition, Rebbi Eliezer says, a person stands by the Muqseh on a Sabbath eve in a sabbatical year and says, from here I shall eat tomorrow.” The argument of Rebbi Eliezer seems inverted, as we have stated there\(^{114}\), “the House of Shammai say, one may not take unless one had moved when it was still daylight,” and is Rebbi Eliezer not a Shammaite\(^{115}\)? One is restrictive if living things are involved. “But the Sages say, only if he delineates and says, from here to here.” The argument of the Sages seems inverted, since we have stated there\(^{114}\) “the House of Hillel say, he may stand there and say, this and that I shall take,” and here they are saying so? Still they hold that one is restrictive if living things are involved.

\(^{113}\) This paragraph is a reformulation of a passage in Halakhah 1:3, Notes 128-138.

\(^{114}\) Mishnah 1:3.

\(^{115}\) This is a very common argument but one may question whether a student of the Hillelite Rabban Johanan ben Zakka can be called a Shammaite even if he was sympathetic to Shammaite rules.
Mishnah 1: One lowers produce through a skylight on the holiday. Also one covers produce by vessels because of leaks; the same holds for jugs of wine and jugs of oil. On the Sabbath one may put a vessel under a leak.

1 If there is danger of rain one may remove the produce stored on the flat roof through the skylight.

2 To collect the rain water leaking through the roof.

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Mishnah 2: Mishnah 1: One lowers produce through a skylight on the holiday. Also one covers produce by vessels because of leaks; the same holds for jugs of wine and jugs of oil. On the Sabbath one may put a vessel under a leak. 

1 If there is danger of rain one may remove the produce stored on the flat roof through the skylight.

2 To collect the rain water leaking through the roof.

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Mishnah 3: One lowers produce through a skylight on the holiday. Also one covers produce by vessels because of leaks; the same holds for jugs of wine and jugs of oil. On the Sabbath one may put a vessel under a leak.

1 If there is danger of rain one may remove the produce stored on the flat roof through the skylight.

2 To collect the rain water leaking through the roof.

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Rav Jeremiah in the name of Rav: One spreads a mat over rows of bricks on the Sabbath.

Rebbi Simeon ben Rebbi Yannai said: I did not hear from my father; my sister told me in his name. An egg which was laid on a holiday one props up against a vessel so it should not roll off. But one does not cover it with a...
vessel\textsuperscript{8}. But Samuel says, one may cover it with a vessel. Rebbi Mana said, only if the vessel not touch the body of the egg\textsuperscript{9}.

Rebbi Hossaia stated: One may spread a sheet over a swarm of bees\textsuperscript{10} in the summer because of the sun, in the rainy season because of the rain. Is this following Rav? Following Samuel? Here on top, there below\textsuperscript{11}.

Rebbi Bisna in the name of Rebbi Yose bar Hanina: It is forbidden to move the weaver’s beam weaving fine cloth\textsuperscript{12}. The hunters were spreading traps and these were damaged by the sun. They came to ask Rav, may one move them? He told them, [it is forbidden to touch them.]\textsuperscript{13} Intend to put them under your heads and it is permitted for you to move them\textsuperscript{14}.

3 All roofs of contiguous houses of equal height are considered as one roof. But if the roof of some house is of a different height, moving the produce from one roof to the other would be seen as workday exertion and is rabbinically forbidden on the holiday. Contradicted in Babli 36a.

4 Contradicted in Tosephta 4:3

5 מֶשֶׁרְיוֹן is the correct original form of מֶשֶׁרְיָל.

6 The following text is copied from here in \textit{Šabbat} 4, Notes 38-46.

7 Even though the bricks are there as building materials one may turn them into seats if needed since they are not moved. In the Babli’s theory, \textit{muqseh} items may not be moved, but they may be touched. It does not seem that this is the Yerushalmi’s attitude, as expressed by Rav in the question of the hunters. Nevertheless here the bricks are not touched; people sit on the mat. Babli 36a, \textit{Šabbat} 43a. In the reading of the Babli this is a Tannaitic statement and the bricks are not there for a future building project but are leftovers from a finished one.

9 He holds that a vessel may be moved only for something that itself may be moved. Since the egg was not laid before the holiday it is not prepared and may not be moved.

9 Samuel holds that a vessel may be moved for any legitimate purpose. Babli \textit{Šabbat} 42b. R. Mana requires that the vessel be moved in a way which certainly avoids moving the egg.

10 The real reason naturally is to catch the bees when they are swarming on a Sabbath or holiday. If it can be done in a way which also protects the bees it may be done; Babli \textit{Šabbat} 43a.

11 Since Rav permits to cover the bricks he also will permit to cover the bees. But since Samuel prohibits touching the egg he might forbid here since the cloth necessarily will touch bees. Samuel also will agree here since the swarm is hanging on the branch of a tree, not lying on the ground and supported by it as in the case of the egg.

12 The translation is tentative. In \textit{Is}. Chapter 6 appears ח庶ת as Aramaic translation of Hebrew יִדְרָה, a fancy outer garment of women. The identification of חָסֵף as “weaver’s beam” follows a suggestion of Kohut (\textit{Arukh completum s.v.})
It was stated: If an amphora of tevel \(^{15}\) became defective one brings another vessel and puts it under it. If it is filled, it is forbidden to move it \(^{16}\). Rebbi Ze’ira said, this implies that one makes an uncommon arrangement \(^{17}\) for muqseh to save it. But did we not state, from the vat of grapes, from the load of olives [which drew fluid] one may not take on the holiday, and is it not necessary to say on the Sabbath \(^{18}\)? Rav Hisda said, even though both of them are tevel, this is muqseh and that is not muqseh \(^{19}\). The following implies that one makes an uncommon arrangement for muqseh to save it. [It was stated.] If a light burned out, one saves its oil \(^{20}\). Rebbi Jacob bar Aha said, it is Rebbi Simeon’s since Rebbi Simeon said, if it burned out it is permitted to move it \(^{21}\). Rebbi Samuel ben Rav Isaac said, he mentioned only “to move it,” therefore one is permitted to save it \(^{22}\).

It was stated \(^{23}\): “One puts a vessel under a leak on the Sabbath. If it was filled, one pours out and repeats without hesitation.” Rebbi Hanania said, they made this like rivers and sources coming from outside the Sabbath domain, as it was stated: from rivers and sources coming from outside the Sabbath domain one fills on the Sabbath and it is not necessary to say on a holiday \(^{24}\).
15 *Tevel* is produce subject to heave and tithe from which heave had not been taken. Since eating untithed produce is sinful, on a holiday *tevel* is *muqseh*. Since the produce is stored in an amphora, one speaks of wine or oil.

16 Since now the vessel is filled with *muqseh* produce.

17 One proceeds in a way which is not what one would have done on a working day, where one would have brought another amphora and poured the entire contents into the new vessel.

18 A vat with newly harvested grapes or a vessel with olives whose cover was loaded down with weights in order to start extracting the oil from the olives. If the grapes were harvested to make wine, any fluid in the vat oozing out of grapes will be loaded into the wine press. In both cases, the fluids are not intended for consumption on the holiday and therefore not “prepared”. (On a Sabbath, fluid oozing out of a fruit is *muqseh* in all cases.)

19 In the case of vat and olive vessel the fluid is *muqseh* without question. In the case of *tevel* the produce is forbidden and it is forbidden to tithe on Sabbath and holiday. But this is a purely rabbinic prohibition; if tithe is given against the rules the produce is unquestionably food prepared for the holiday and permitted for consumption.

20 Even though while the light was burning the oil was not available for other uses since extinguishing a light is a biblical violation.

21 Mishnah *Šabbat* 3:6, Tosephta *Šabbat* 3:13. Since for R. Simeon there is no *muqseh*, the quote proves nothing.

22 Since Mishnah and Tosephta were formulated to show the difference between R. Simeon and the anonymous Tanna (presumed to be R. Meïr), the restriction to moving in the sources shows that R. Jacob bar Aha’s argument is not conclusive and the quote may be used to support R. Ze’ira,

23 Babli 36b, Tosephta *Šabbat* 3:11.

24 Cf. Babli 39a, *Šabbat* 121b, *Eruvin* 46a, 48a. The language of the Babli sources states that these waters are “according to everybody’s feet”, see Mishnah 3.
Halakhah Two: Sabbath rest which is voluntary, and obligation which is meritorious. What is Sabbath rest which is voluntary? One does not climb on a tree, nor ride on an animal, nor sail on water, [nor clap his hands in anger, nor clap his hands in joy, nor dance.] What is obligation which is meritorious? One does not judge, nor contract preliminary marriage, nor give halisah, nor enter levirate marriage.

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25 All the prohibitions listed in the Mishnah are rabbinic; therefore the expression “one is liable” is difficult to understand since usually it is reserved for severe biblical infractions. The activities classified as Sabbath rest are rabbinic restrictions, mostly to avoid possible biblical infractions. Those classified as obligatory may also be meritorious, nevertheless they are rabbinically forbidden on the holiday (cf. S. Liebermann, Tarbiz 5, p. 96-99). Those classified as meritorious are deeds to the Temple. Most of the items are discussed in detail in the Halakhah. The reasons for the prohibitions given in the Babli cannot be presumed for the Yerushalmi.

26 Animals as sacrifices or property to be given to the Temple.

27 As described in Lev. 27:2-8 and Tractate Arakhin.

28 Gifts to the priests, Num. 18:14.

29 Repeated in Mishnah Megillah 1:5.

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30 Corrector’s addition.

31 The paragraph makes clear that in the Mishnah תרש המעשׂים means “acts which may be obligatory and in that case are meritorious”, as discussed in detail by Liebermann (l. c. Note 25).
It was stated: One does not climb on a tree whether moist\(^{32}\) or dried-up\(^{33}\). One understands moist; dried-up? So we are saying, it is forbidden to step on a twig on the Sabbath\(^{34}\)? Or does it follow Rebbi Meïr, as Rebbi Meïr said\(^{35}\), “a dried-up vine is forbidden but does not sanctify\(^{36}\)? It is everybody’s opinion; they forbade the dried-up tree because of a moist tree. Rav Hyya bar Ashi came running before Rav. He asked him, how did you come? He told him, [by] the warped date palm\(^{37}\). He said to him, who permitted you? Rebbi <<Aha>>\(^{38}\) in the name of Rav: It is forbidden to trample on a twig on the Sabbath. There is no difference between the roots of a tree or the leaves of cabbage. If they are three {hand-breadths} high\(^{39}\). But if they are not three {hand-breadths} high they are like the ground.

Why did they say that one does not climb on a tree? Is it lest he forget and eat, or maybe lest he forget and shake it? Let us hear from the following: If he was riding on an animal one tells him, descend. This implies, lest he forget and shake it\(^{40}\).

32 Fruit bearing.
33 Including trees without fruits. Babli Eruvin 100b.
34 Even dry twigs; this is a minority opinion.
35 Mishnah Kilaim 7:2.
36 It is forbidden to grow vegetables in a vineyard. This applies also to dry vines, but in contrast to active vines the vegetables do not become forbidden for usufruct.
37 Implying that he stepped over the trunk, which for Rav is forbidden.
38 The name is missing here. The entire paragraph is copied from Eruvin 10 (Note 116) and the name is supplied from there.
39 Any growth three hand-breadths high is a tree for the laws of Sabbath and holiday.
40 It will be shown in the sequel that riding on an animal is a biblical infraction. Since riding on an animal is quoted in the same sentence as climbing on a tree, the prohibition of climbing must be to avoid a biblical infraction. Shaking a tree to have its fruit fall down is the regular way of harvesting olives; therefore for all trees shaking is harvesting and a biblical transgression.
HALAKHAH TWO

Why did they say, if he was riding on an animal one tells him, descend? The colleagues say, maybe the animal will (be girded, be nursing) [be damaged] 41. Rebbi Yose said to them, think of it, if it was a large camel! Rebbi Aha bar Pappus stated before Rebbi Ze’ira: There is a difference, because he is commanded about the rest of his animals like his own: That your ox and your donkey rest 42; like you 43. There are Tannaim who state, one may lean on an animal. There are Tannaim who state, one may not lean on an animal. Rav Hisdai said, he who said one may lean on, if he is healthy; he who said one may not lean on, if he is weak 44. Rebbi Yose says, Rebbi Abba bar Mamal and the colleagues disagreed. One said, one may lean on, but the other said, one may not lean on. He who said one may lean on, if he leans a little bit; he who said one may not lean on, if he puts on his full weight. We do not know who said what. Since Rebbi Yose did not say anything in the name of Rebbi Abba bar Mamal, this implies 45 that a healthy person may lean on, a weak one may not lean on.

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41 The text is not clear, nor is its meaning. The scribe’s text is פיך מ פ אestate but the letter פ is damaged and was read as ב by the Venice printer and ב by the corrector. There is no Hebrew root ב כ (or כ ב) on record; the Arabic root כ ב means “to gird”. In the Babli 36b the reason is purely rabbinic, lest one cut a twig from a tree to drive the animal. The reader’s own conjecture as to the meaning will be as good as any other proposed interpretation.

42 Ex. 23:12.

43 Deut. 5:14.

44 A healthy person leans on an animal as he would lean on a human; this must be permitted. A sickly person might use the animal to support his entire weight; this is counted as a biblical infraction.

45 Since R. Yose reported the disagreement between Amoraim without further discussion he indicated that this
disagreement was unimportant since the apparent disagreement between Tannaim already was explained away by Rav Hisda; the latter’s explanation was accepted also in the Galilean Academy. In the Babli (Šabbat 155a, Hagigah 16b) any leaning on animals is forbidden.

“Nor sail on water

Rebbi Jacob bar Zavdi in the name of Rebbi Abbahu: This implies that it is forbidden to set something under sail to send it away from him. And similarly, it is forbidden to set something under sail to bring it to him. Rebbi Abba Mari and Rebbi Mattaniah were sitting. They saw a person splitting the water to both sides and drinking. Rebbi Abba Mari said to Rebbi Mattaniah, this is what Rebbi Jacob bar Zavdi in the name of Rebbi Abbahu, a person is forbidden to set something under sail to send it away from him. He answered, it is what we have stated, "a person may break open an amphora to eat dried figs from it.”

46 The person sailing does not do anything; the wind provides the power which pushes the water away on both sides of the boat.
47 On a weekday; therefore they did not have to actually intervene.
48 Since the sailboat splits the water and the man observed did split the water.
49 If the amphora is tightly closed with clay that sticks to its walls, one may open it by damaging the vessel even though the intent is for a positive action. Therefore one certainly may split the water in order to drink.

“Nor clap the hands in anger.” Rebbi Abba in the name of Rebbi Abbahu: This means in anger, as you are saying, Balaq got angry about Bileam and he clapped his hands in anger.

Nor clap the hands in anger.
“Nor clap the hands in joy.” This is by his desire. Rebbi Jonah and the colleagues, one said this way it is permitted, the other way it is forbidden, but the other said, both ways it is forbidden. We did not know who said what, but since Rebbi Jonah said, in our days there were old men who were clapping the backs of their hands on the Sabbath; this implies that he said, this way it is permitted, the other way it is forbidden. Rebbi was marrying off his son Rebbi Simeon where they were clapping the backs of their hands on the Sabbath. Rebbi Meïr passed by and heard their sound. He said, our teachers, is the Sabbath permitted? Rebbi heard his voice; he said, who is that who comes to trouble us in our home? [There are those who are saying that he said so: who is the one who comes to hide us in our home?] Rebbi Meïr heard his voice and fled. They went out and ran after him running. The wind blew his turban from Rebbi Meïr’s neck. Rebbi peeked from the window and saw the neck of Rebbi Meïr from behind. He said, I attained learning only because I saw Rebbi Meïr’s neck from behind. Rebbi Johanan and Rebbi Simeon ben Laqish both said, we attained learning only because we saw Rebbi’s finger from [the back of his sleeve].

50 Num. 24:10.
51 As explained in the sequel, it means clapping his palms is forbidden but the backs of the hands is permitted.
52 But he could not see how they clapped.
53 Are Sabbath prohibitions lifted?
54 Corrector’s addition, not found in the quotes of this passage in Rif, Ravan, Rosh (on Berah Chapter 5.)
55 The guests of the Sabbath post-wedding meal.
56 According to H. L. Fleischer, Greek
The scribe’s text is no longer legible. The word printed in the *editio princeps*, should be deleted from the dictionaries.

“Nor dance.” Rebbi Jeremiah, Rebbi Ze’ira in the name of Rav Huna: Jumping: one lifts both legs simultaneously. Dancing: one lifts one and keeps the other down. Rebbi Eleazar said, all sound making is forbidden on the Sabbath58. Rebbi Samuel bar Rav Isaac was of the opinion to knock for a new synagogue59. Rebbi Jeremiah explained Scripture with Rebbi Immi’s son. He went and wanted to wake him up in the morning of the Sabbath. He started knocking on the door. His father told him, who did permit this to you? Rebbi Abba bar Cahana asked before Rebbi Yasa, may one knock on a belly on the Sabbath? He said to him, who permitted that on a weekday60? Rebbi Samuel ben Eudaimon said, the rabbis are accustomed on a weekday from the navel upwards, through his clothing from the navel downwards61.

58 Babli *Eruvin* 104a.
59 He disagrees with R. Eliezer and holds that some noise making by knocking on doors is permitted. The text is quoted differently by Raviah (§795) and Mordochai (§696): “Rebbi Samuel bar Rav Isaac: My grandfather was knocking for the synagogue,” finding in this passage the justification for the German usage of the “Schulklopf” who in the morning knocked at the doors of Jewish houses to call people to the synagogue. Therefore practice has to follow R. Samuel bar Rav Isaac against R. Eleazar.
60 Since it could injure the person.
61 As current practice in medical massage. Differently Babli *Niddah* 13b.
“One does not judge.” 62 Rebbi Hizqiah, Rebbi Aha, said in the name of Rebbi Abbahu: It is forbidden to judge money matters on Friday. Does not a Mishnah object: “Therefore one does not judge <criminal matters> on Sabbath eve or holiday eve” 63? Hence, one judges money matters! Also, Rebbi Hiyya stated thus: One judges money matters on Friday but not criminal matters. One is for practice, the other for words of the Torah 64.

62 The same text is found in Ketubot 1:1 (Notes 43-46) and Sanhedrin 4:7 (Notes 53-53a).
63 Mishnah Sanhedrin 4:7.
64 In theory it would be possible to judge on a Friday but in practice it is not done. Babli Bava Qamma 113a, Sanhedrin 32a.

Rebbi Abba bar Cohen said before Rebbi Yose: Rebbi Aha in the name of Rebbi Jacob bar Idi: A man may not preliminarily marry on a Friday. That means, to make an engagement feast 66. This implies that the preliminary marriage itself is permitted. Samuel says, even on the Ninth of Ab 67 a preliminary marriage is permitted, lest another forestall him. The argument of Samuel seems inverted. There 68, he says, God puts singles in a house; To rise on scales; they all are of vapor! 69 And here, he says so 70? That means, that he should not forestall him in prayer. Even so, it would not be permanent.

65 The parallels are in Ketubot 1:1 (Notes 34-42.c, Ta`anit 4:9 (69b l. 40.1), 66 Since this would impinge on the Sabbath meal. It is in order to make the preliminary marriage on Friday and arrange the festive meal as Sabbath meal.
67 The anniversary of the destruction of both Temples.
68 A similar argument is in the Babli, Mo`ed qatan 18b.
69 Ps. 68:6, 62:10. This means that marriages are pre-ordained in Heaven. (Lev. rabba 29(5).)
70 If marriages are pre-ordained, why
should anybody be afraid that another man could snatch the bride preselected for him? Another man might by his prayer cause the Heavenly decree to be changed, but this would lead to the early death of one of the partners of the marriage. Babli Sota 2a, Sanhedrin 22a.

Rebbi Jacob bar Ah in the name of Rebbi Immi: Rebbi Johanan and Rebbi Simeon ben Laqish disagreed. One said, one dedicates; the other said, one does not dedicate. The rabbis of Caesarea make it explicit: Rebbi Johanan said, one dedicates without problems on a holiday; Rebbi Simeon ben Laqish said, one does not dedicate without problems on a holiday. There are Tannaim who state, he goes to sellers of lambs; there are Tannaim who state, he goes to sellers of Pesahim. He who says, he goes to sellers of lambs, follows him who says, one dedicates. He who says, he goes to sellers of Pesahim, follows him who says, one does not dedicate. This implies that it does not become profane and then dedicated again. If you would say that it becomes profane and then dedicated again, it should be forbidden [because of dedicating], and we have stated, “one does [not] dedicate.” Rebbi Hananiah and Rebbi Mana, one said, if he dedicates for the next day; but the other said, if he dedicated for the upkeep of the Temple. Rebbi Shammai said, even for him who said that one dedicates, in the Temple Court because rabbinic Sabbath prohibitions were permitted in the Temple.

This paragraph also is in Pesahim 8:3. There is no doubt that biblically one is permitted to dedicate animals as sacrifices on a holiday; the question is whether there is a rabbinic prohibition.

If the 14th of Nisan is a Sabbath. In the first formulation, the lambs are profane and have to be dedicated on the Sabbath to be
permitted into the Temple court; in the second version they already are dedicated (cf. Babiš Sabbath 148b).

74 It seems that one has to read with the corrector “that one does not dedicate”. Since our Mishnah explicitly declares that the prohibition of dedication of sacrifices is rabbinical, it implies that inside the Temple precinct proper the prohibition does not apply. In this situation there is no disagreement between R. Johanan and R. Simeon ben Laqish and no inference may be drawn about the status of monies dedicated for Pesah.

75 Dedication of a sacrifice to be eaten on the holiday has to be considered part of the preparation of food and is permitted; what the Mishnah forbids are dedications either not for use on the holiday or not for food at all.

76 As explained in the last sentence of Mishnah Eruvin.

77 “All these were said on a holiday, so much more on the Sabbath...” Are these it? Are there no others? There is stoning on the Sabbath, there is no stoning on a holiday. There is extirpation on the Sabbath, there is no extirpation on a holiday. There is flogging on a holiday, there is no flogging on the Sabbath. If you would say, we are coming to state cases connected with food, did we not state: “one lowers produce through a skylight on the holiday but not on the Sabbath”? In addition from the following, one grinds aromatic wood for a circumcision on a holiday but not on the Sabbath. Rebbi Yose said, only if he circumcised. In addition from what was stated, “The Sages agree with Rebbi Meïr about seals in the ground that one pushes aside, and removes, and unties, and cuts. On the Sabbath one pushes aside but one does not remove nor untie nor cut. For implements on the Sabbath it is permitted; it is not necessary to mention on a holiday.”

77 The paragraph also appears in Megillah 1:8 (71a l. 36-45,מ).

78 One proves that the list is incomplete.

79 Desecrating the Sabbath is a capital
crime, intentional desecration being punishable by stoning if there are witnesses, by divine extirpation otherwise. Desecration of a holiday is a simple transgression, intentional desecration before witnesses is punishable by flogging.

80 Babli Ṣabbat 134a.

81 Since grinding aromatic wood is not preparation of food it may be done if the necessity is clearly established, not in advance of an expected event.

81 The following is copied from Chapter 4, Notes 60-61.

“...”"The only difference between holiday and Sabbath is preparation of food.” 82 What is between them? 83 Ra Ḥisda said, to sharpen the tip of the spit is between them. 84 Rebbi Hanania the son of Rebbi Abbahu said, to make fire from wood is between them. 85 Rebbi Jehudah bar Pazi stated from Bar Delaiah: what is the matter? 86 Is the matter to sharpen the tip of the spit? You only have the following: “One does not sharpen the knife but he cleanses it on another.” Ra Ḥisda said, this is Rebbi Jehudah’s. Ra Jehudah in the name of Samuel said, it is everybody’s opinion, to remove the fat on it.

82 The paragraph appears in Megillah 1:8 as an addition by the corrector.

83 This refers to a text like Tosephta Megillah 1:7: “The only difference between holiday and Sabbath is preparation of food; Rebbi Jehudah says, also actions preparatory to the preparation of food.” The question is, what are the actions which the rabbis forbid but R. Jehudah permits.

84 The rabbis hold that preparing utensils for use on the holiday is not included in the permission to prepare food. Rebbi Jehudah permits, but according to Ra Ḥisda he only permits what on the Sabbath would not be a clear completion of one of the 39 forbidden kinds of work. He permits sharpening the tip, not making a tip which would turn a stick into a spit and therefore violate “hitting with hammer”.

85 Starting a new fire on firewood is clearly a complete action forbidden on the Sabbath, and in his opinion permitted by R. Jehudah.

86 He quotes a Tanna who confesses his inability to decide between Ra Ḥisda and R. Abbahu’s son.

87 Quoted from Chapter 3, Halakhah 8.

88 If Ra Ḥisda inferred his interpretation
of R. Jehudah’s position from Mishnah 3:7, his argument has to be rejected since Samuel explained it as action necessary for the actual preparation of food, not a preparatory one. Since practice does not follow R. Jehudah, no conclusive answer is needed.

May one light an idle candle? Hizqiah said, it is forbidden. A baraita disagreed with Hizqiah: “Do not make fire in all of your dwelling places on Sabbath day.” If you would say, we deal with cases connected with food, is there not written, only what can be eaten by any breathing being, that alone may be made by you. Therefore what we are dealing with an idle candle. Rebbi Avuna said, it was stated there, the House of Shammai forbid but the House of Hillel permit. Rebbi Nahum the brother of Rebbi Ila asked before Rebbi Johanan. He said to him, do neither forbid nor permit.

89 A candle lit for no particular purpose.
90 Ex. 35:3.
91 The last baraita in Mekhila dR. Ismael.
92 Ex. 12:16.
93 The argument goes as follows. From the verse quoted first we infer that making a fire is forbidden only on the Sabbath, therefore not on the holiday. The verse quoted second implies that one has to cook, and therefore make fire, on a holiday. If the permission to make fire were restricted to the preparation of food, the inference from the first verse would not be needed. Therefore the permission to make fire extends to fire not needed for the preparation of food; e. g., for lighting. This still does not cover permission for candles lit for no particular purpose.
94 The reference is to Mishnai 1:6, where the House of Hillel argue that carrying from a private into the public domain is permitted for any purpose since it is permitted to transport food. Similarly they must argue that making a fire is permitted for any purpose since it is permitted for making food. This still requires an argument that a candle lit for no particular purpose still increases the enjoyment of the holiday.
95 One cannot forbid since one follows the teachings of the House of Hillel. One cannot permit since there is no proof that a candle lit for no particular purpose increases the enjoyment of the holiday. (As noted earlier, the permission to make fire does not
include permission to generate new fire,
Note 85.)

Mishnah 3: Animals and vessels are like the feet of their owner.96 If he hands over his animal to his son or to a shepherd they are like his own feet. Vessels particular to one of the brothers in a common household are like his feet, but those not particular are like they place where they walk.97

Mishnah 4: If one borrows vessels from another person, on holiday eve they are like the feet of the borrower, on the holiday like the feet of the lender. If a woman borrowed from another spices, water, and salt, for her dough, they are like the feet of both of them.98 Rebbi Jehudah excludes water since it lacks stability.99

96 On a holiday a person may not leave his Sabbath domain. As on a Sabbath, on a holiday he may make an eruv tehumin to move his Sabbath domain. Since on a holiday one may carry in the public domain, the eruv extends to all movable property of the person who makes it. That a thing is “like the feet of a person” means that it may be carried to any place accessible to that person but no other place.

Note that the grammatical plural בצליח means a single owner.

97 If some of the members of the household made eruvin, the common vessels can be transported only in a domain accessible to all of them.

98 Both the ingredients and the dough may be moved only to a place accessible to both women.

99 Since water may be taken from a river or an aqueduct bringing water from outside the Sabbath domain, the domain restrictions cannot apply to it.
Halakhah 3: The Mishnah if he handed it over on the holiday; but if he handed it over to him on holiday eve it is like the shepherd’s feet. If there is there one shepherd, but if there is not one shepherd there, like the feet of the cow hand. And it was stated thus: “If he hands his animal to the cow hand even though he did not inform the cow hand it is like the cow hand’s feet.” 100

100 An animal is like the feet of its owner only if the shepherd was not informed before the start of the holiday. This applies if there is a choice of shepherds (that there is at least one other shepherd available to compete for his business) and the owner did not make up his mind before the holiday. But if there is only one cow hand, the owner already knows that if he does not want to slaughter the animal that it will be given to that cow hand, it is as if delivered before the holiday and may be moved only to places accessible to the cow hand. Babli 37b.

Rebbi Abba said, for eruv they went according to the logical rule 102. You should know that this is so since they say there in the name of Rav Hisda, but they do not know whether from a tradition or a Mishnah, ‘even logs.’ Did we want to say that logs have no stability?

“Rebbi Jehudah excludes water since it lacks stability.” What is the difference between them?104 Hot water. He who said, because it lacks stability, it has stability.105 He who says because they are absorbed in the dough, it is not absorbed in the dish.106

101 This paragraph also is in Ma`aser šeni 2:1 (Notes 52-54). 102 Since the dough contains contributions from both women, one does not have to try to allocate parts. This is quite obvious here; the argument refers to the difference between the rules of eruv and those of Second Tithe.
103 In Babylonia. In this version the dough can be moved in the common domain even if only the firewood came from a person with a different Sabbath domain. Firewood cannot be bought with Second Tithe money and therefore cannot acquire the holiness of tithe. This shows that the rules of eruv and those of Second Tithe are not comparable.

104 The easiest interpretation of this statement presumes that a quote of Tosephta 4:6 is missing here, “Rebbi Jehudah excludes water since it is absorbed in the dough” (and therefore not recognizable anymore, nor can it be tasted like spices.) Since we have one statement of R. Jehudah but two reasons given, the question arises whether there are practical implications resulting from the adoption of either the Mishnah’s or the Tosephta’s versions.

105 Hot water is heated in a pot, it is never flowing (except in hot water springs which are not considered here.)

106 Bread or cake is dry even if the dough absorbed much water; in a cooked dish the water produces sauce and still is visible. The Tosephta implies that a dish cooked with borrowed hot water may be transported only within the domain common to giver and recipient. Babli 39a, Eruvin 97b.

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Mishnah 5: A burning charcoal is like the feet of its owner but a flame may be everywhere. One does not commit larceny with burning charcoals of the Temple; one may not use its flame but one does not commit larceny.

107 A person who made an eruv may light his candle on a fire belonging to another person having made a different eruv. The vessel containing the burning flame still can be moved in the entire Sabbath domain of its owner.

108 Using anything valuable from the Sanctuary triggers the obligation of a reparation sacrifice and restitution of 125% of the value used (Lev. 5:15-16). Therefore with all other sources of the Mishnah one has to read: “one commits”. But the flame has no monetary value and using it does not require restitution and therefore not a sacrifice. But it still is illicit use and forbidden.
Halakhah 4: “Five things were said about burning charcoal and five about the flame. One commits larceny with the burning charcoal of the Temple; one may not use its flame but one cannot commit larceny with the latter. Burning charcoal of idolatry is forbidden, its flame is allowed. He who makes a vow not to use anything of another person may not use his burning charcoal but is allowed his flame. He who carries burning charcoal into the public domain is liable but for the flame he is free of punishment. One makes the benediction over the flame but not over glowing charcoal.” Rav Hyya bar Ashi in the name of Rav: If the charcoal was crackling one makes the benediction. Rebbi Johanan from Karsion in the name of Rebbi Naḥum bar Simai: Only if {the flame} is jumping off.

Mishnah 6: A private cistern is like the feet of the individual, but one of the townspeople is like the feet of the people of this town, and of the pilgrims from Babylonia like the feet of the person filling.

Mishnah 7: If somebody had produce in another village and the people of that village made an eruv to come to him, they should not bring him his produce. But if he made an eruv, his produce has his status.
Mishnah 8: If he invited guests they may not carry away their parts unless through another person he gave them the right to their parts on the eve of the holiday. One does not water or slaughter prairie animals but one waters and slaughters domestic animals. What are domestic animals? Those that stay overnight in the village, prairie animals that stay overnight in the dust.

114 Each town dweller according to his own Sabbath domain.
115 Cisterns established on the route from Babylonia to Jerusalem; cf. Eruvin Chapter 2, Note 24.
116 Since produce has the status of its owner, an eruv made by other people has no influence on his produce, which may not be moved at all if stored outside of his Sabbath domain. But he himself may make an eruv which includes the storage facility of his produce in his Sabbath domain.
117 Who may reach his place only by making an eruv.
118 He must give them ownership of their parts before the start of the holiday. But ownership of a gift is transferred only by acceptance by the recipient or his representative. On the other hand, one may act to the benefit of another person without the latter’s knowledge. Therefore the person who invites can ask a third party to formally accept the gifts to his guests for them without their knowledge before the start of the holiday.
119 is not “desert” but, based on the Aramaic meaning of דֶּרֶךְ “to lead”, it is the place where animals are lead to graze, i.e., any place unfit for agriculture.

Halakhah 5: [A well] between two Sabbath domains. Rebbi Johanan said, one makes an iron wall for it. Rebbi Yose ben Hanina said, even a partition made of reeds, on condition that the water not flow in both directions. Rebbi Yudan said, they were more strict with their words than with words of the Torah. Rebbi Hanina said, is it not {mixture of} kind in its own kind? But they were strict with their words as with words of the Torah.
This implies that if one finds a vessel on the road it is like the feet of the finder\[^{125}\].

120 Corrector’s text; the scribe’s cannot be read. Probably it was כְּפַסֵּק (cistern), which does not fit the sequel.

121 To separate the waters of the different domains. Babli Eruvin 48a.

122 A porous symbolic fence used as a token of separation, in the spirit of R. Jehudah (Note 99).

123 Since by the argument of Note 99 there should be no necessity for a separator of any kind. While rejected in the Yerushalmi, the fact that in certain rabbinic ordinances one is more restrictive than in the interpretation of biblical precepts is accepted in the Babli, Ketubot 83b.

124 Which cannot be disregarded in the most minute amounts, cf. Terumot 10:8, Note 107.

125 This refers to the statement that water drawn from a well prepared for the pilgrims from Babylonia acquires the status of the person drawing it.
What is the status of things held in deposit for another person on the holiday? The problem is not solved by the Mishnaiot of the Chapter since by depositing the owner renounces temporarily his ability to dispose of the deposit. Since the discussion refers only to the opinion that the holder of the deposit is the one able to move it on the holiday, the Yerushalmi intimates that this is practice to be followed. The Babli concurs, 40a.

“The following are the prairie animals, those who leave on Passover and return with the rains. The following are the domestic ones, those who stay in the village overnight. Rebbi says, it is permitted to slaughter these and those which entered the Sabbath domain after dark. What are prairie animals? Those who grow up in the dust. Rebbi Ze’ira said, this implies, it is permitted to move a vessel which entered the Sabbath domain from outside the Sabbath domain. Rebbi Simeon bar Karsana in the name of Rebbi Aha: But only within four cubits. As this, a Saracen honored Gamliel the Twin with truffles. He came and asked Rebbi Mana who said to him, receive them in your kitchen and eat them within four cubits.

Rebbi considers the two categories enumerated in the Mishnah as domestic animals and therefore prepared as food; the only animals not in this category are those who never see a barn but stay outside also in winter.

Tosephta 4:11, Babli 40a, Sabbath 45b. While there is no problem with muqseh according to R. Ze’irah, there still remains the rule that persons and things having been outside a Sabbath domain any time during Sabbath or holiday, upon (re-)entry may move or be moved only within 4 cubits. This rule is not waived.

On a holiday, and truffles are not found in town.

Greek μαγείρειον.
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