THE JERUSALEM TALMUD
FIRST ORDER: ZERAĪM
TRACTATES KILAĪM AND ŠEVĪĪT
THE JERUSALEM TALMUD
הלומד ירושלים
FIRST ORDER: ZERAĪM
סדר זרעים
TRACTATES KILAĪM AND ŠEVIĪṬ
מסכת קלאים ושביעית

EDITION, TRANSLATION, AND COMMENTARY

BY
HEINRICH W. GUGGENHEIMER

WALTER DE GRYTER • BERLIN • NEW YORK
2001
The Jerusalem Talmud: first order Zera'im / ed., transl., and commentary by Heinrich W. Guggenheimer. — Berlin ; New York : de Gruyter
Einheitssacht.: Talmûd yerûšalmî <engl.>
Tractates Kilaim and Ševüit. — 2001
(Studia Judaica ; Bd. 20)
ISBN 3-11-017122-8

ISSN 0934-2575

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Printed in Germany
Cover Design: Christopher Schneider
Printing and Binding: Hubert & Co., Göttingen
Preface

The present volume is the third in a projected series of five volumes covering the entire first order of the Jerusalem 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 is based on the editio princeps and, where that text is manifestly corrupt, on manuscript readings. There are no emendations. For ease of study, the text in the present edition has been subdivided into paragraphs and vocalized following the rules of Sephardic rabbinic Hebrew. In contrast to the Babylonian Talmud whose language is Aramaic with Hebrew quotes, the Jerusalem Talmud is composed in Aramaized Hebrew with Aramaic inserts.

The extensive commentary is not based on emendations. Biographical notes have been attached to the names of those personalities not already mentioned in the previous volumes.

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 Kilaim

The Tractate deals with the rules implied by three Biblical verses. (Lev. 19:19) "You should not breed your animals kilaim; you should not sow your field kilaim; and kilaim cloth, ש crossorigin, should not be worn by you." (Deut. 22:9-10) "Do not sow kilaim in your vineyard, lest the fullness of the seed you are sowing become sanctified, the yield of your vineyard. Do not plough with an ox and a donkey together."

The word כלאים (כלאים) כלאים has no cognate in Hebrew but occurs in other Semitic languages. In Arabic, כלאים (כלאים) כלאים means "two; two kinds". The same holds for Amharic כלאים (כלאים) כלאים. It is one of the restrictions put on fields in the Holy Land that different crops may not be planted on one field without recognizable separation. This includes the prohibition to graft unrelated trees on one another. In addition, produce that grows in a vineyard is "sanctified"; any use of it is forbidden. This Biblical use of "sanctified" parallels Rabbinic Hebrew "sacrifice" (קרבן, קרבן) קרבן for an object that may not be used at all (Mishnah Nedarim 1:2, Matthew 15:5); cf. Demay Chapter 5, Note 141.

The other two rules do not depend on the Land and have to be obeyed worldwide. They are the prohibition of actively breeding two different animal species together and to wear שאתנץ cloth. The unexplained word שאתנץ is defined in Deut. 22:11: "Do not wear שאתנץ, wool and linen together." Other mixtures of textiles are permitted.
The first three chapters deal with *kilaim* relating to all plants except vines. Chapter One defines related and unrelated varieties; Chapter Two classifies fields by size and shape and their rules; Chapter Three deals similarly with garden plots. Chapters Four to Seven contain the stricter rules for vineyards. Since good viticultural practice demands that vineyards be kept clean of weeds and other growths, many of these rules seem to be purely theoretical. Chapter Eight gives the rules for permitted and forbidden cross breeding of animals and the final Chapter Nine deals with *ša'atnez*. Since shrouds for burials are permitted to contain *kilaim*, the chapter contains a long digression on death and burial, important for Jewish burial customs.

A number of Halakhot in the early chapters are more interesting for their mathematics, mainly combinatorial geometry, than their practical value.

The determination of plant names uses Gaonic sources, Maimonides and the *Arukh* whenever possible. Modern attempts to identify the plants are in E. Ben Yehudah’s *Thesaurus* and in the books by I. Felix (הלוח, Dvir: Tel Aviv, 1967, and *The Plant World of the Bible*, Massadah: Jerusalem, 1953).

For the interpretation, the main guides are Maimonides and R. Simson of Sens. Of the Eighteenth Century commentators, the most useful is R. Eliahu Fulda; the least useful are R. Moses Margalit (יוחנן המאיר), R. Eliahu Wilna and R. H. Kanievski who tend to emend away the difficult portions. Similarly, the preliminary translation and explanation by Irving J. Mandelbaum (Chicago 1991) heavily depends on emendations and readings by R. S. Cirillo. The manuscript evidence, while meager, definitely excludes most emendations. Of modern commentaries, those by R. Saul Lieberman (*Tosefta ki-fshutah*, New York, 1955) and R. Y.
Qafeh’s commented edition of Maimonides’s Commentary are most useful. Other sources are quoted by name where used.

Mishnah 1: Wheat and *zēwānin*¹ are not *kilaim* one with the other. Barley and fox tail², spelt and oats³, beans⁴ and Indian peas⁵ and grass peas⁶ and chick peas⁷ and fava beans and green beans⁸ are not *kilaim* one with the other⁹.

¹ Arabic *זאנוין* defined in the dictionaries as "*Lolium temulentum L.*, tare, darnel grass." E. and H. Hareubeni, in a memoir dedicated to *זאנוין* (Tarbiz 10, 1939, 172-189), indicate that the same name is also used in many places for *Cephalaria Syriaca L.*, the common denominator of the two very different plants is that they are weeds and their seeds spoil the flour if they are ground with it. The grains produced by *Lolium* are light gray; if infected by a fungus they become dark and poisonous. *Lolium* belongs to the same family as most grains. It is used as fodder for chickens. *Cephalaria* is a grass from the family of dipsaceas. Its grains are almost black, about the size of a wheat kernel, and are poisonous to humans but eagerly eaten by pigeons. One has to wonder whether the word could also designate grain blight, whose poison is generated by a fungus just as that of *Lolium*.

Maimonides defines מְזִיָּן as a kind of inedible wheat; this could indicate blight. *Arukh* explains by Italian *niella*, "black kernels." This translation would fit both *Cephalaria* and grain blight. The Hareubenis report that in the Arabic of Galilee and Syria, the same word מְזִיָּן denotes *Lolium*, *Cephalaria*, and blight.

² Maimonides defines this as...
"prairie barley," R. Asher and R. Obadia from Bertinoro as (Spanish and Italian) avena "oats."

R. Asher defines as French seigle, "rye," following Rashi and Rabbenu Gershon to Babli Pesahim 35a. Maimonides: "prairie wheat." Arukh: espelda (modern Italian spelta) "spelt." The Babli Menahot 70b defines שמן by Aramaic יר זארa which can be compared either to Syriac/Arabic 눡וש, "aegilops, barley darnel" (which would parallel ויז for wheat) or to Accadid dișarru "a kind of grain, oats, or rye."

In Hebrew and Arabic used only for beans not eaten with their pods, mostly vicia faba.


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Maimonides: Arabic גלפאא Lathyrus sativus or Lathyrus cicera, Arukh: Italian piso "pea."

Maimonides: A kind of peas that are spherical and hard, resembling oat grains. Arukh: Arabic גלפאא Lathyrus sativus.

Eaten for their pods. Maimonides: Arabic קאא Lathyrus sativus or Lathyrus cicera. Arukh: Italian piso "pea."

This refers separately to each group of two plants connected by "and".

Halakhah 1: It is written: (Lev. 19:19) "you should not sow your field kilaim;" I could think, even two kinds of wheat or two kinds of barley. "You should not breed your animals kilaim;" I could think, even black on white cattle, or white on black cattle. "And kilaim cloth, should not be worn by you;" I could think, even two kinds of wool or two kinds of linen. It was made explicit about garments, (Deut. 22:11) "do not wear..."
"Wheat and zewānin are not kilaim one with the other." Hence, with barley they would constitute kilaim\(^{11}\). "Wheat and zewānin are not kilaim one with the other," could anybody err about something that is not food and state it as kilaim\(^{12}\)? Rebbi Abba bar Zavda said, because there are places where they are collected as food for pigeons\(^{13}\). Rebbi Abba bar Zavda said, this follows Rebbi Eliezer, as we have stated there\(^{14}\): "If somebody lets thorns grow in his vineyard, they become ‘sanctified’, the words of Rebbi Eliezer. But the Sages say, they do not become ‘sanctified’." Rabbi Abbahu said, the reason of Rebbi Eliezer is that at
some places in Arabia one stores them for camels\textsuperscript{15}. Does this imply that the Sages think that there are no places in Arabia where one stores them for the camels? Let them check it out! The Sages say, where one stores them they are forbidden, but at places where one does not store them they are permitted. But Rebbi Abba bar Zavda cannot follow Rebbi Eliezer\textsuperscript{16}! There, people do not transport horns\textsuperscript{17} from place to place. But here, people do transport \textit{zewānin} from place to place\textsuperscript{18}.

11 The Hareubenis note that neither \textit{Cephalaria} nor \textit{Lolium} grow in barley fields since the larger leaves of the barley obstruct the sunlight they need for growth. Hence, the question is theoretical.

12 Since one may not sow one’s field \textit{kilaim}, the prohibition refers only to crops that are raised by the farmer and excludes weeds.

13 This applies only to \textit{Cephalaria}, not to \textit{Lolium}. It might apply to blighted wheat.

14 Mishnah 5:8. That text reads: "But the Sages say, nothing becomes forbidden unless it is allowed to grow."

15 There, thorns may represent a cash crop. (One might wonder why Arabia, not a place where \textit{kilaim} are forbidden, should be of interest here.

16 Since practice does not follow R. Eliezer in his disputes with the Sages, and our Mishnah is anonymous, the Mishnah cannot be explained as being R. Eliezer’s.

17 R. Simson reads קרשים "thorns;" this is appropriate here. The two manuscripts of the Yerushalmi read קריס "horns," which is difficult but not impossible since most points of thorns are horn-shaped.

18 At places in the Holy Land, \textit{zewānin} are an object of trade and, hence, a cash crop subject to the rules of \textit{kilaim}. This was still found true by the Hareubenis in the early 1930’s.
If so\(^9\), should they not be *kilaim* with wheat? Rebbi Jonah said, they are a kind of wheat but the fruits went astray\(^{20}\). As it was stated: (Lev. 19:29) "The Land should not go whoring," from here that produce may go astray.

If *zewdnin* can be a cash crop, they should be *kilaim* with anything that is not their own kind. Lolium also belongs to the same family (gramineae) as wheat and rye.

Rebbi Jacob bar Zavdi asked before Rebbi Jeremiah: Is our Mishnah from Rebbi Ismael ben Rebbi Yose? As it was stated\(^{21}\): "Rebbi Ismael ben Rebbi Yose says in the name of his father that one may take heave from wine on vinegar but not from vinegar on wine. If somebody transgressed, his heave is heave. Rebbi says that wine and vinegar are two distinct kinds and one does not give heave nor does one tithe from one on the other." He\(^{22}\) was looking at him. He said to him, what are you staring at me? Bring a lash for yourself\(^{23}\); there it is for tithing\(^{24}\), here it is for *kilaim*\(^{25}\). Rebbi Jonah said, he should not have stared at him since the earlier rabbis wanted to understand this matter and understood that there it refers to tithing but here to *kilaim*. 
21 In Tosephta Terumot 4:6,7, this appears in a different formulation: “Rebbi Ismael ben Rebbi Yose says in the name of his father that one may take heave from wine on vinegar but not from vinegar on wine. Even if one gives heave, one gives only in proportion. (That means, one gives enough vinegar that it would equal in value the wine which should have been given.) If somebody gives an amphora of wine as heave and it turns out to be vinegar, when it was known that it was vinegar before he gave the heave, it is not heave. But if it turned into vinegar after it was given, it is heave. In case of doubt it is heave and he should give heave a second time, the words of Rebbi, who says that wine and vinegar are two distinct kinds, but the Sages say, it is one kind.”

22 Rebbi Jeremiah looked at R. Jacob to indicate that he found the question stupid and a waste of time.

23 That you can be whipped for asking such a stupid question.

24 An obligation on the finished product.

25 An obligation on the fruit growing on the field. It was implied in the first paragraph that wine grapes and grapes used for producing vinegar should not be treated as two separate kinds.

26 Rebbi Yosa in the name of Rebbi Johanan: All of these form pairs. Has that been said for the entire Chapter, or only for this Halakhah? From what Rav said, that the five vegetables with which one may satisfy one’s obligation at Passover time can all be sown in one vegetable bed, and one says that the statement of Rav disagrees with Rebbi Johanan, it
follows that it has been said for the entire Chapter. Rav Abba in the name of Rav: All have been stated in pairs. The reasoning of Rav is inverted; there he says that they all constitute one kind, and here, he says so? No, Rav did not say that they all constitute one kind, but rather that they all are kinds of vegetables that may be sown in one vegetable bed.

26 The five vegetables which may be used for bitter herbs on Passover are enumerated in Mishnah Pesahim 2:5; cf. the author’s The Scholar’s Haggadah, pp. 332-333. The parallel discussion to the one given here is in Babli Pesahim 39a, also in the name of Rav. The statement of Rav was understood to mean that the five kinds may be sown together.

27 Since some of the bitter herbs are mentioned in Mishnah 2, dividing them into groups seems to contradict the opinion of Rav.

28 Referring to the Chapter here, identical with the previous statement of R. Johanan that only pairs of plants enumerated with a connecting i may be planted together.

29 In Mishnah 3:1 it will be stated that in planting vegetable beds one may not mix vegetables but one may plant different kinds so that they almost touch at corners, whereas grain and legume fields need much greater distances between different crops. All Rav wanted to state was that they can be sown under the lenient rules for vegetable beds, for intensive cultivation, in contrast to produce that can only be sown in fields, for extensive cultivation. Rav did not mean to say that they all were one kind.

Rebbi Yose in the name of Rebbi Hiiyya bar Abba, they found written in the notebook of Rebbi Hillel ben Rebbi Vales; Rebbi Jonah in the name of Rebbi Hiiyya bar Abba, they found written on the wall of Rebbi
KILAIM CHAPTER ONE

Hillel ben Rebbi Vales: Beans, πάσους, chick peas, mlwr, krpwnh, climbing beans.

30 A companion of Rebbi Jehudah Nesia, the grandson of Rebbi, reputed to have been very rich.
31 Reading of R. Simson: רחסיה, of Rome ms. מרשנת. These are all explanations in the vernacular of the different kinds of beans and peas mentioned in the Mishnah. Here, the Greek for "peas" is the explanation of רחסיה.
32 The Aramaic word is identical with the Arabic קדישא mentioned in Note 6. Readings of R. Simson: השלמה of Rome ms. סלמה.
33 An unexplained word for the Mishnah word מלת. R. Simson reads as our text, Rome ms. מלתה (which in Syriac would be a plural, "pitchers.") The attempt by Jastrow to explain the word as describing peas grown by hydroponics is impossible, since aquatic plants are not subject to the laws of kilaim. Arukh reads מיליתא א. Löw proves that all proposed identifications are impossible (Flora der Juden 2, p. 437.)
34 Another unexplained word. R. Simson reads מרשיה, the Rome ms. מרשיה.
35 R. Simson reads מרשיה, Greek φάσηλος, Latin phaselus “bean”.

כיבי מחקניאת Caleb לארשי עירא. אמר רבי יוניה למא רבה שמה פלאה שünchen סחריא.
משעשעת או נבלה ומקלקת או בפי מימי.

So is the Mishnah: Fava beans and string beans. Rebbi Jonah said, why is it called שמעות? Because if makes the heart happy and the intestines going.

36 These are two different kinds and not one long name. In the Rome ms., מיליתא ומשעולית.
Mishnah 2: Green melon and sweet melon are not kilaim one with the other. Rebbi Jehudah says, they are kilaim. Lettuce and garden lettuce, endives and field endives, leeks, field leeks, coriander and field coriander, mustard and Egyptian mustard, Egyptian pumpkin and ash-gourd, Egyptian beans and carob beans are not kilaim one with the other.

37 Vocalization by no from ms. In one manuscript of the text, and in the ms. of a Gaonic commentary, 

38 The word is etymologically equivalent with Arabic قيل "cucumber, cucumis sativus L." This is Maimonides's definition, in Yemenite mss., for all three occurrences of the word in Mishnah Zeraim. However, in Mishnah Uqezin 2:1 and apparently in the Zera'im ms. before Alharizi, he defines it as Arabic فقوس, in classical Arabic "green melon" (possibly water melon?). In modern Hebrew, meaning "zucchini." XIX (23)] defines melopepon as "golden melon, cucumis melo L." The Yerushalmi Targum to Num. 11:5 translates Hebrew מלשון as Arabic فقوس (in contrast to modern Hebrew where means "water melon."). Maimonides translates كيير as Arabic "cucumber." This is the meaning of the word in Modern Hebrew, vocalized קייר.

40 The wild form of Romaine lettuce and its cultivated variety. [In Modern Hebrew, following Ashkenazic Medieval usage, the word is used for horseradish.]

41 Here, the cultivated form is mentioned first and the wild one second; one might conclude that in the days of the Mishnah, wild Romaine lettuce was still collected for sale but
endives were mostly produced in the vegetable garden.

42 Also 'IVD, Arabic ግ kurrat.

43 The difference between these two plants can no longer be determined.

44 Maimonides defines Egyptian gourd as ע"אל dalā', which in Moroccan means "watermelon". He defines ash-gourd as a naturally bitter pumpkin which becomes edible only when roasted for some time in hot ashes (רמצ). In the Babli, Nedarim 51a, Samuel defines the fruit as "Caucasian gourd."

45 Arabic also  חו ful "large flat greenish beans," the main ingredient of falafel. He means "carob, carob tree," but here it means elongated black beans that imitate the looks and shape of carob.

Halakhah 2: Rebbi Yudan bar Menasheh said: The opinion of the Sages is that one takes a small piece from the pericarp of a green melon and plants it and it grows to a water melon. One takes a small piece from the pericarp of a water melon and plants it and it grows to a sweet melon. Rebbi Jehudah says, it in itself is kilaim. One takes a small piece from the pericarp of a water melon and a small piece from the pericarp of an apple and puts them into one cavity where they unite and become kilaim. Therefore it is called "apple melon" in the Greek language.

46 A third generation Galilean Amora; his surviving statements are all aggadic.
What does Rebbi Jehudah say about green melon and water melon? Let us hear from the following:

"Green melon, water melon, and sweet melon are not kilaim [if combined] one with the other; Rebbi Jehudah says, they are kilaim." It has been said that green melon and water melon are not kilaim one with the other, and water melon and sweet melon are not kilaim one with the other; Rebbi Jehudah says they are kilaim. Green melon and water melon are questionable.

48 *Tosephta Kilaim* 1:1: "Green melon and squash, water melon and *melopepon*, are not kilaim one with the other, and one may tithe from one on the other; these are the words of R. Meir. R. Jehudah and R. Simeon say, they are kilaim one with the other, and one may not tithe from one on the other."

49 Since in the entire chapter we are dealing with comparisons of pairs, it is assumed that the teacher of the *baraita* only compares pairs. Hence, it is questionable whether the *baraita* teaches anything new. We know from the Mishnah about the comparison of green melon and sweet melon, also from the *Tosephta* about water melon and sweet melon (cf. Notes 39, 48). Since Rebbi Jehudah is only quoted as reacting to the statements of the first teacher, nothing can be inferred about his opinion if the reference to sweet melon is omitted. In any case, the argument teaches that the absence of kilaim is not a transitive notion: If A is not kilaim with B, and B not with C, it does not follow that A is not kilaim with C.
"Lettuce and garden lettuce." Rebbi Hananiah said, roof lettuce. Simeon, the son of Rebbi Avi, said, Antiochian (lettuce\textsuperscript{52}) Rebbi Yose ben Rebbi Abun said, sweet yase\textsuperscript{53}. Endives may be eaten raw\textsuperscript{54}, field endives are 'ulthin\textsuperscript{55}. Leeks. Fields leeks are κεφαλωτόν\textsuperscript{56}.

50 Reading of R. Simson. In the Rome ms. conflated σιρινθός, in the Leyden ms. σιρινθ. The identifications in Kilaim and Pesahim 5:2 refer to different plants.

51 Reading of the Rome ms. Leyden: י"ל חי, but in Pesahim 2:5, fol. 29c, the reading is also י"ה חבי as explanation of הרחביה, one of the bitter herbs used for the Passover seder.

52 Musaphia, in his additions to Arukh, reads אינשביון "endives."

53 An unidentified plant. Kohut's identification as jacea is unconvincing.

54 Τρωξίμα, τα "what is eaten raw, vegetable", from τρωγόω "to nibble, eat raw"; in Jewish sources only used for endives.

55 Arabic "bitter vegetable".

56 Meaning "with big head" (allium capitatum), found also in Syriac and Arabic.

"Egyptian gourd.\textsuperscript{59}" Our Mishnah does not follow Rebbi Nehemiah. In the name of Rebbi Nehemiah\textsuperscript{60}: Aramean gourd is Egyptian gourd; it is kilaim with Greek gourd, kilaim with ash-gourd.

57 Reading of Rome ms. Leyden: הלהי. This and the following items are quoted from the Mishnah.

58 Reading of R. Simson: י"ת חבי רבי ובש רבי נחמיה ילשא אמרית.
In Tosephta 1:5: "Rebbi Nehemiah said, Aramean and Egyptian gourds are *kila'im* with ash-gourd." In that Tosephta, the identification of Aramean with Egyptian gourds is missing. The Yerushalmi text is quoted in Babli *Nedarim* 51a. See also below, Mishnah 5.

"Ash gourd." Rebbi Hinenah said, it is a kind of bitter gourd and they sweeten it in hot ashes.

"And carob beans." Rebbi Jonah said, they are a kind of Egyptian - Persian beans and their pods look like carob.

From all these explanations one may infer that many of the kinds mentioned in the Mishnah either were no longer known in the Fourth Century or were known under different names.

Mishnah 3: Turnips and naphew, cabbage and cauliflower, beets and orach, are not *kila'im* one with the other. Rebbi Aqiba added that garlic and dwarf garlic, onion and dwarf onion, lupine and wild lupine are not *kila'im* one with the other.

Latin *napus*. In most Mishnah manuscripts, the word is *צוף* with emphatic ס. [Maimonides defines as *raphanus* of the Holy Land.] Definition of *Arukh*, Arabic *qarnabî†*. [Jellinek wants to
derive the Hebrew word from Arabic "nann," name of a plant, from 3in "to be dusty". This might be combined with 3in "fat", as a fat plant whose surface looks as if dusty."

Defined by Maimonides as Arabic silq, modern Hebrew קַלַּמּ (from Babylonian Aramaic, Babli Berakhot 35b.)

Definition of Maimonides, Arabic qataf.

According to Maimonides, this is a medicinal variety of garlic whose root is not separated into cloves as is kitchen garlic.

R. Isaac Simponti refers to Greek ἰδιαίθησις, a kind not recorded in Byzantine Greek botanical lists. In the opinion of J. Löw, the word is a Semitic diminutive and designates probably Lupinus luteus L. The Gaonic commentary to the Mishnah published by S. Asaph (שהמת אוונימ, מקלי דרימים) explains the word as Arabic نَارِس qurrās "stinging nettle, urtica."


"Rebbe Aqibah added garlic and dwarf garlic," little garlic. "Onion and dwarf onion," little "radish."

"Lupine and wild lupine," pdmw'h, are not kilaim one with the other.

Reading of Rome ms. and Arukh. A diminutive of Aramaic ראובן, "radish," applied to some kind of small radish.

This is the same word as in the Mishnah, except for a dialectal change l - m of liquids. In ms. Rome: יָרְבּ, an otherwise undocumented form.

This word is unexplained. R. Saul Lieberman is correct in rejecting all explanations based on emendations since the text is corroborated by the Rome ms.

This seems to be the statement of the Talmud, not of the Mishnah, deciding practice following R. Aqiba, against the opinion of Maimonides.
Mishnah 4: Among trees, pears and golden apples, quince and sorbs are not kilaim one with the other. Apple and hizrar, peaches and almonds, jujubes and lotus fruit, even though they resemble one another, they are kilaim one with the other.

72 In Mishnah manuscripts also אָוָרָה, זָוְדוֹר,
73 Χρυσόμηλον, chrysomelium, "a kind of quince also known as κυσμυλον κρισσέλιον." Maimonides definesうま as "pears" and אָוָרָה by an Arabic word having many meanings depending on local dialects (including apricots and prunes.) R. Y. Qafeh notes that in Yemen, the standard Arabic word for pear means apricot and that for apricot pear.
74 Definition of Alharizi on basis of Maimonides's Arabic family. Maimonides gives the Arabic equivalent מְלֶאכֶת רָעִי means in classical literary Arabic anything (plant, flock, earth) yielding abundantly. R. Isaac ben Malkizedeq Simponti translates by Italian mele forcaroli "fork apples" [possibly apple trees with forked support (espaliers)? (E. G.)]
75 Zizyphus vulgaris L. The Greek form exists also as ζήζυφος; in I. Löw's opinion, the word is originally Semitic. (In modern Hebrew, the word means "plum.")
Halakhah 4: "Quince." Rebbi Jonah said, quince. Why are they called "prepared", because there is no tree only producing for the pot except that kind.

In Syriac safarjāl, in Arabic safarjal.

78 No other edible fruit requires cooking under all circumstances.

80 This applies only to the positive first part of the Mishnah. The opinion of R. Joshua ben Levi parallels that of R. Johanan in Halakhah 1.

81 All four trees mentioned as not being kilaim. This statement can draw support from the fact that the names of all trees mentioned are connected by.

82 A bush of the balsam family, not really a tree. Hence, such a plant cannot be in one family with pears etc., and not all are one kind.

83 Oregano is a small bush, much less of a tree than the baka-bush. Since no answer is given, Rav's position is rejected.
"84 They used to graft quince onto pears in the markets of Sepphoris. A student saw them and said to them, you are forbidden [to do so.] They went and cut them down. Then they went and asked at Jabneh. They said to them, the one who hit you was from the students of the House of Shammai. It says only, quince on a pear tree. Hence, not a pear tree on a hizrar.

84 Tosephta 1:4, with slight changes in spelling and better attention to number; on the other hand, the spelling of endings here fits the period of Jabneh better than the Tosephta. The Court sat at Jabneh only from 70–138 C.E.

85 The practice to be followed is that of the House of Hillel, not that of the House of Shammai.

86 Which is a kind of wild apple, not of the family of pears.

87 In the region of Ariaḥ they grafted apple on hizrar. A student came and told them, this is forbidden to you. They went, cut them down, and came to ask at Jabneh. They said to them, that student said correctly.

87 Tosephta 1:3. Ariaḥ was a town of priests of the family Ma'aziyah, in the neighborhood of Tiberias. In the Kalirian qinnah, the place is called "the hot springs of Ariaḥ."

88 Since apple and hizrar are declared kilaim in the Mishnah.

89 That student mentioned only the prohibition of grafting hizrar on an apple tree. Does it follow that grafting hizrar on a pear tree would be
permitted? In that case, this Tosephta would contradict the conclusions we had drawn from the preceding Tosephta.

Neither Tosephta can be used for logical inferences; they report only what happened. They are not theoretical statements.

It was stated: If a Gentile grafted walnut on a peach stump, a Jew, even though he is not permitted to do this, may take a shoot and go and plant it at another location. What results from them? Persian qdryh. If he crosses beet and purslain, a Jew, even though he is not permitted to do this, may take a seed and go and plant it at another location. What results from them? Groundsel. Zargun and turnips, what results from them? Parsley. Almonds and terebinths, what results from them? Pistachios. Olive trees and pomegranate trees, what results from them? Zizyphus.

91 Reading of R. Simson. Yerushalmi mss: דרקון, רעוכו, Arukh ("dragon").
92 Reading of Rome ms. Kaphtor waperah reads בירסילובץ. Leyden has "Lebanese cabbage," which is impossible; R. Simson reads "white innards."

95 As spelled out in Tosephta Kilaim 1:11. There, the spelling of the second plant is חניך, in accordance with the Arabic.

96 Reading with Löw χρυσολάχανον, atriplex agrestis. In Syrian Arabic, the plant is identified with חניך, "orach."

97 From Persian زرغון zargūn "gold colored." In Arabic, this is a common name for shoots of the vine. The identification does not fit here at all. It is much better to derive the word from Persian زرزبة zarčūbēh "turmeric." (The problem is the pronunciation of а, which may represent g, gh as in Syrian Judeo-Arabic, or g, j as in Yemenite Judeo-Arabic.)

98 Προσεόλινων. The Venice text has dittography μαροβιον R. Simson: μαροβίον, "carrot," daucus carota. This seems to be the better reading by far.

Mishnah 5: Radish and naphew, mustard and hoar-hound; Greek gourd with the Egyptian and ash ones, even though they look similar, are kilaim one with the other.

99 Greek λαψάνη (also λαμψάνη, "charlock", brassica arvensis), defined by Arukh as Italian marrobo, "white hoar-hound."
**Halakhah 5:** Rebbi Jonathan said, there are some where they considered the fruit\(^{100}\), and there are some where they considered the leaves. Turnips and radish\(^{101}\), they went in their regard after the fruit. Turnips and naphew, they considered after the leaves. They objected: But radish and naphew have similar fruits and similar leaves, and you say, they are *kilaim*? Rebbi Jonah said, in that case, they considered the taste of the produce.

100 "Considering" means establishing a criterion for close relationship which excludes *kilaim*. "Fruit", as with the benedictions over vegetables, does not mean the fruit in the botanical sense but the edible part. In the examples here, "fruit" is always the root.

101 Any radish mentioned here has a large white root, quite similar to turnips, not small and red. It is exemplified by the German *Bierrettich*, and the Chinese radish sold in New York.

**Mishnah 6:** Wolf and dog, rural dog\(^{102}\) and fox, goat and deer, mountain goats and sheep, horse and mule, mule and donkey, donkey and wild donkey, even though they look similar, they are *kilaim* one with the other.

102 According to *Arukh* these are small dogs barking at night in the deserted places surrounding villages; according to Maimonides and a Gaonic source they are hunting dogs. The Halakhah is only intelligible through the definition of *Arukh*. 
Halakhah 6: Hence, dog and rural dog are not *kilaim*\textsuperscript{103}. This is not following Rebbi Meir, since Rebbi Meir says that they are *kilaim*. Even though Rebbi Meir says that the dog is a domesticated animal, he agrees that the rural dog is a wild animal\textsuperscript{104}. Hence, according to Rebbi Meir, dog and rural dog are *kilaim*.

\textsuperscript{103} Since they are not mentioned as a pair that cannot be mated. An anonymous Mishnah is supposed to follow R. Meir's opinion unless the opposite is proven.

\textsuperscript{104} Domesticated and wild animals, even though they might belong to the same family, cannot be treated as kindred since the fat of domesticated *kasher* animals is forbidden (Lev. 3:17) but the fat of *kasher* wild animals is permitted; the blood of *kasher* wild animals has to be spilled, the blood of *kasher* domesticated animals may be used for industrial purposes.

Birds are not mentioned in the Mishnah. Rebbi Johanan said, it is inferred from [the statement of] Bar Dalaiah\textsuperscript{105}: "Chicken with pheasant, chicken with peacock, even though they look similar, are *kilaim* one with
the other." Rebbi Simeon ben Laqish said that Rebbi stated for us a complete Mishnah: "The same applies to wild animals and birds." Rebbi Jonah said, we need that of Rebbi Johanan, we state here "wild animal" and explain it there. We state here "domesticated animal" and explain it there. Birds, we stated there and explain it here. Rebbi Jose said, is that correct? It comes to tell you that birds are forbidden in kilaim!

105 Reading of Rome ms. and R. Simson. Leyden: προ ἁ. The latter reading is impossible since in talmudic theory an author cannot himself declare that his statement is necessary.

106 His statement parallels a Tosephta (1:7). In the parallel in Babli Baba Qama 55a, R. Simeon ben Laqish is quoted to the effect that in the Mishnah, Rebbi taught that chicken, pheasant, and peacock are kilaim one with the other. The language of the Babli is close to that of the Tosephta. R. Simeon ben Laqish's position in the Babli is that of R. Yose (the Amora, colleague of R. Jonah) later in the present paragraph.

107 Mishnah Baba Qama 5:7. The Mishnah notes that the Biblical precept regarding the responsibility of somebody who digs a hole in the public domain and "an ox or a donkey" falls into it (Ex. 21:33) extends to all domesticated animals, to damages assessed on a thief, to the requirement of returning stray animals to their owners, to unload animals in distress, to the prohibition of muzzling an animal used for threshing, to kilaim, and to Sabbath rest. Then the Mishnah adds, "The same applies to wild animals and birds." Hence, the applicability of all rules of kilaim to birds is spelled out there.

108 We give here cases involving domesticated and wild animals but the underlying principle is given there, in Baba Qama.

109 We really do not explain anything here but the statements of the Tosephta and Bar Dalaiah show that the detailed rules imply that birds from the same family are kilaim one with the other if one is domesticated (chicken) and the other is wild (pheasant) or semi-wild (peacock).

110 Since the Mishnah states that "the same applies," it is implied that all
rules apply uniformly. Hence, the proclaimed rules. examples of birds are unnecessary as

Rebbi Jeremiah said, Cahana asked R. Simeon ben Laqish: What is the rule for someone who mates sea animals? He said to him, it is written about them (Gen. 1:21): "By their kinds." Rebbi Aha did not say so, but Rebbi Aha used to say in the name of Rebbi Simeon ben Laqish, wherever "by their kinds" is written, kilaim applies to it. Rebbi Cahana objected, it is written about the animals of the sea "by their kinds;" kilaim should apply to them! Rebbi Yose ben Rebbi Abun said, here did Cahana spread his net over Rebbi Simeon ben Laqish and caught him. Rebbi Jonah said, I can explain it, because of one who leads. He brings a string and binds it to the gills of a white fish and a green fish; they rub one another and spawn.

111 The abbreviation נלכט is Babylonian. The entire paragraph has a parallel in Gen. rabba 7(6); it is mentioned in Babli Baba Qama 55a.
112 In this version, one speaks about aquatic mammals who do copulate.
113 As explained in the next version, "by their kinds" is written to forbid cross-mating.
114 In Gen. rabba, one reads "fish." The verse speaks of all sea creatures, including fish, sea reptiles, and sea mammals. It is difficult to see how copulation could apply to fish.
115 Since R. Simeon had no answer to his objection.

116 Mishnah Kilaim 8:2 states that any two kinds of animals that are kilaim with one another may not be driven or led when harnessed together and may not be used for plowing together.

117 Greek λευκός, name of a fish; cf. also λευκός 'white'.

118 Hence, while copulation is a notion not applicable to fish, any actions to induce cross-breeding are still forbidden. (The Babli, Baba Qama 55a, does not consider the crossing of fish species, only that of marine mammals.)

Mishnah 7: One does not bring a tree on a tree, a vegetable on a vegetable, and neither a tree on a vegetable nor a vegetable on a tree. Rebbi Jehudah permits vegetable on tree.

119 This general expression covers an array of agricultural techniques, not just grafting. The details are explained in the following Halakhot.

120 Because the tree stump is only a kind of soil for the vegetable.

Halakhah 7: The opinion of Rebbi Jehudah seems inverted. There, he says that a man takes a small piece from the pericarp of a water melon...
and a small piece from the pericarp of an apple, places them into one cavity where they unite and become *kilaim*, and here he says so? There, because he places them so that they touch one another, unite and become *kilaim*, but here it is vegetable on tree.

It was stated: From where that one may not graft a tree bearing no edible fruit onto a fruit-bearing tree, or a fruit-bearing tree onto another fruit-bearing tree of a kind that is not his own kind, from where? The verse says (Lev. 19:19): "You must keep My basic Laws." Rebbi Jonah, Rebbi Eleazar, in the name of Cahana: This is Rebbi Eleazar's, "because of the basic Laws I gave." If this is so, it was forbidden to Adam, the first man! Rebbi Yose in the name of Rebbi La, it is the opinion of everybody, because of the basic Laws that I gave to My world. If it is so, is should be forbidden to graft a black fig tree on a white fig tree. Rebbi Avin said, did you not infer the rules from *kilaim* of textiles? Just as for *kilaim* of textiles two kinds, not one from this kind and the other from the other kind, also any other *kilaim* that I forbade you, not one from this kind and the other from the other kind.
122 The verse reads: "You must keep My basic Laws, your animals you shall not breed *kilaim*, your field you shall not sow *kilaim*, and *kilaim* cloth, *št’nz*, shall not come onto you." It is concluded (*Sifra Qedašîm* 4:13-18) that the rules of all three cases are parallel to one another.

123 The Amora. R. Eleazar mentioned next is R. Eleazar ben Shamua, the Tanna.

124 The Tanna R. Eleazar states in *Tosephta Avodah Zarah* 8:8 and *Babli Sanhedrin* 56b that mating two different kinds or grafting two different kinds are activities forbidden in the Law of Nature given to Adam and Noah. He holds that the reference to *pin*, "basic law," here is to the Law of Creation, where all living things were created "in their kinds." In the *Tosephta* and the *Babli*, he is alone in his opinion.

125 This is the opinion of R. Eleazar; why is he alone in that opinion? The Sages hold that the laws of *kilaim* were given at Sinai only to the Jewish people. It is not sinful for a Gentile to cross-breed species.

126 This is the position of the anonymous Tanna in *Sifra Qedašîm* 4:14: "Not only your animals with your animals, your animals with the animals of a Gentile, the animals of a Gentile with your animals, Gentile animals with Gentile animals; the verse reads: You must keep my basic Laws." If Gentiles were exempt, their animals could not be included in the prohibition. R. Eleazar will agree that sowing a field with two different kinds, and wearing clothing made from wool and linen together are prohibitions addressed only to Jews. Only *kilaim* connected to the story of Creation are obligations of Gentiles.

127 Not really white, but rather light green.

128 But yarns of different color, or from different strains of flax, may be made into one garment. Similarly, different varieties of the same species may be mated or grafted.
It was stated in the name of Rebbi Eleazar\textsuperscript{129}: "The Gentile may sow and wear kilaim, but he may not mate his animals as kilaim or graft his tree kilaim." Why? Because about these, it is written "by their kinds." But is it not also written for grasses "by their kinds?\textsuperscript{130}" It is not written for the commandment, only at the realization. If this is so, why was Earth cursed\textsuperscript{131}? Rebbi Judan bar Shalom said, because it transgressed the orders of the Holy One, praise to Him! (Gen. 1:11) "The earth should produce lawns, grasses producing seed," but it produced only (Gen. 1:12) "lawns, grasses producing seed by their kinds.\textsuperscript{132}" Rebbi Phineas said, it enjoyed the commandment and added shade trees. In the opinion of Rebbi Yudan bar Shalom, Earth was justly cursed. In the opinion of Rebbi Phineas, why was Earth cursed? Like a man who said: The breastnipples should be cursed that this one\textsuperscript{133} suckled from. This follows Rebbi Nathan: Three stood in judgment and four went out cursed, (Gen. 3:17) "Earth is cursed because of you."

\textsuperscript{129} Tosephta \textit{Avodah Zarah} 8:8.

\textsuperscript{130} Why may one graft grasses; they are never mentioned in the Mishnah.

\textsuperscript{131} From here on, an expanded version is in \textit{Gen. rabba} 5(9).

\textsuperscript{132} As explained in \textit{Gen. rabba}, the difference is about trees, for which Earth was commanded to produce "fruit trees" but bore "trees producing fruit." In the opinion of R. Yudan bar Shalom, this is disobedience since the entire tree should have been edible, not only
In all cases, only the first words of the verse are quoted, as is customary in both Talmudim. The inference is from the other parts of the verses.

A criminal; in that case, Adam.

So far it only is written, "do not mate your animals kilaim." Birds from where? Some Tannaim state from (Lev. 19:19): "You must keep My basic Laws, some state from: "your animals you shall not mate kilaim." If somebody grafted a tree and mated birds, following him who says "you must keep My basic Laws," he is guilty of two offenses, according to him who says, "your animals you shall not mate kilaim," he is guilty only of one offense. When he mated animals and birds, following him who says "you must keep My basic Laws," he is guilty only of one offense; according to him who says, "your animals you shall not mate kilaim," he is guilty of two offenses.

How do we know that they fall under the prohibition of kilaim?

As explained above, birds were also created לְמִיתָם and hence may not be artificially crossed with other kinds.

It was established earlier (Note 107) that for the Sabbath, kilaim, etc., "animal" includes wildlife and birds.

Simultaneously. Sins committed at different times are certainly
punishable separately. It is always understood that breeding of birds and grafting of trees, etc., refer to forbidden acts and not to legitimate breeding or grafting.

138 In this paragraph, "him" refers to one of the Tannaim just quoted.

All commentators emend the text and switch "one offense" and "two offenses" between the two cases in order to make sense of the statement. However, since the Rome ms. confirms the text, such an emendation is unacceptable.

The verse, "you must keep My basic Laws; your animals you shall not mate kilaim, your field you shall not sow kilaim, and kilaim cloth, ša'atnez, shall not come onto you," contains three separate prohibitions (mating, sowing, cloth) and one general one. The introductory clause is a general statement which expresses a general prohibition, but since it expresses a general principle (נִנְנָאֵהַ קָנָא) it does not define a prosecutable criminal offense. The count of offenses in our text does not refer to morality or to the view of Heaven unknown to us, but to human jurisdiction. If birds are included because of the legal importance of the story of Creation, the perpetrator committed two crimes simultaneously, transgressing the first two of the prohibitions, and has to be punished accordingly. If birds are included only because of an extensive interpretation of המנה, the prohibition is not explicitly Biblical and not punishable in court. Hence, for the second position, while two sins were committed, only one of them is subject to sanction by the court.

139 Since he simultaneously transgressed the same prohibition in two instances.

140 An original one, mating domestic animals in a forbidden way, and a secondary one for birds. Since he transgressed the Biblical commandment, the secondary transgression is also punishable.
It was stated\textsuperscript{141}: "One does not graft olives on the stem\textsuperscript{142} of a date palm because that would be tree on tree." Rebbi Yudan asked, does that not disagree with Rebbi Levi\textsuperscript{143}? "(Ps. 128:3) ‘Your wife be like a fruitful vine on the sides of your house, your sons like saplings of olive trees around your table.’ Just as olive trees are not subject to grafting\textsuperscript{144}, thus in your sons shall not be found any flaws\textsuperscript{145}.” But here it follows that there are flaws in them\textsuperscript{146}. There is a difference here, because in the end it\textsuperscript{147} will sweeten its fruit. Similar to that, Rebbi Simeon, the son of Rebbi\textsuperscript{148}, used to water his peach tree with cooked wine\textsuperscript{149} in order to sweeten its fruit.

\begin{itemize}
\item \textsuperscript{141} Tosephta \textit{Kilaim} 1:10.
\item \textsuperscript{142} Explanation of Rashbam to \textit{Babli Baba Batra} 62b. Explanations of the Mayence commentary, "a row of date palms," and of R. Saul Lieberman, "branch of a date palm." Literally: "One does not make an olive tree ride on the vehicle of a date palm."
\item \textsuperscript{143} The sermon is brought in \textit{Midrash Tehillim} 128(4), in the name of R. Joshua ben Levi. Since R. Levi was a professional preacher, the attribution to him is more convincing. The objection here is not to the sermon but to its underlying hypothesis; one cannot object to sermons.
\item \textsuperscript{144} Meaning that one does not graft olive trees since nothing could be gained by it.
\item \textsuperscript{145} Neither should your sons be of uncertain paternity, or from an unlawful wife, nor should they have such problems in their families.
\item \textsuperscript{146} If olive trees can be grafted onto something else, your sons could be grafted on you.
\item \textsuperscript{147} The sap from the date palm stump.
\item \textsuperscript{148} The second son of Rebbi, colleague of R. Hiyya. In his will, Rebbi appointed his older son, Gamliel, as political head, and his younger son as \textit{hakham}, the final halakhic authority.
\item \textsuperscript{149} Pasteurized grape juice without alcohol.
\end{itemize}
Mishnah 8: One does not plant vegetables in the stump\textsuperscript{150} of a Sycamore tree, one does not graft rue on white cassia, because that would be vegetable on tree. One does not plant a fig tree shoot into rue\textsuperscript{151} so that the latter should cool it\textsuperscript{152}; one does not put a shoot of a vine into a watermelon so that it should supply the shoot with its fluid, because that would be tree on vegetable. One does not put a pumpkin seed into a mallow\textsuperscript{153} so that it should protect it, because that would be vegetable on vegetable\textsuperscript{154}.

\textsuperscript{150} "Anvil." Sycamores were mainly planted for their wood and cut down regularly. Their stumps do regenerate.

\textsuperscript{151} For the determination of עֶזוֹן, cf. Peah 2:1, Note 26.

\textsuperscript{152} Interpretation of Maimonides and R. Isaac Simponti. R. Simson suggests either this translation or "that it serve as a wall around it."

\textsuperscript{153} Identification of Arukh and R. Isaac Simponti. The Italian malva given by these authors means either mallow or marshmallow. I. Löw identifies the plant as bugloss (Anchusa officinalis L.).

\textsuperscript{154} One has to assume that all combinations forbidden here were taken from contemporary agricultural practice.
Halakhah 8: Rebbi Zachariah, son-in-law of Rebbi Levy, asked: Apart from that, is it not forbidden because of seeds under a vine? Rebbi Yose said, explain it if he sets its root down more than three handbreadths, distant more than six hand-breadths [from the vine], following what was stated: "roots of madder that enter within four cubits of a vineyard are permitted below three hand-breadths."

As indicated in the Introduction, vineyards have particularly strict rules, based on Deut. 22:9. These rules are spelled out in later Chapters of the Tractate. The questioner is of the opinion that planting a shoot of vine in a water melon would be forbidden even if in general trees on vegetables were permitted.

Meaning the watermelon, that the root of the new vine will grow down there, not that the shoot is set into a watermelon.

A hand-breadth is one sixth of a cubit.

Tosephta Kilaim 4:11.

Following the reading of R. Solomon Adani in manuscripts: Rubia tinctorum L., an industrial plant whose roots were used to produce dye. Hence, the roots of the plant are more important for than the parts above ground. This is the reading of R. Saul Lieberman; it is offered for ease of translation.

However, the few manuscript sources at our disposal all read , and one must explain the text with this reading. (As Lieberman correctly notes, the attempt by R. Moses Margalit is incomprehensible.) In Tractates Kilaim and Eruvin, the word does not have the meaning "corner" as in Tractate Peah, but means a wire or string strung as a symbolic fence around a field to separate it from the next one, or around a town to make it a "walled" town for the rules of Sabbath. Now, it is stated in Mishnah and Tosephta of Chapter 4 that a solid wall permits one to plant vegetables on one side and vines on the other. This clearly is inadmissible for a fence; one may not plant vines within four cubits of such a symbolic fence. Then the Tosephta states that even in this case the roots that enter from the outside do not cause if they are at a depth of at least half a cubit.
Mishnah 9: If someone hides turnips and radishes under a vine and some of the leaves were showing he does not have to worry either because of kilaim, or because of the Sabbatical year, or because of tithes, and they may be removed on the Sabbath. If someone sows wheat and barley together, that is kilaim. Rebbi Jehudah says, it is not kilaim unless there are two wheat kernels and a barley kernel, or a wheat kernel and two barley kernels, or one each of wheat, barley, and spelt.

160 These turnips and radishes have been harvested and tithed; now they are put into a hole dug in the earth and covered with earth in order to be preserved over the summer. Since the plants were taken out of the ground, they have lost the capillary roots that fed them in the ground, and if put again into a hole, they will not grow again. In the opinion of R. Simson and R. Abraham ben David of Posquières, it is necessary that some leaves are showing only if one desires to take them out on the Sabbath, since on that day one may neither dig nor harvest. For the other rules, turnips or radishes may be completely covered. In the interpretation of Maimonides and R. Joseph Caro, the leniencies of the Mishnah apply only if some leaves are uncovered (Maimonides, Hilkhot Kilaim 2:11, 3:6). The Babli (Eruvin 77b, Sabbath 50b, 113a) supports the interpretation of R. Simson since it forbids the taking on the Sabbath only if the turnips cannot be pulled by hand. The scenario is difficult to understand since the leaves of harvested plants will soon wilt or rot.

161 Since the produce will not grow, there is no planting and no hint of kilaim. Similarly, if the turnips were put into the ground before the start of the Sabbatical year, they do not
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become Sabbatical produce while in the ground. If they were tithed, they need not be tithed again when taken out.

In this case, the radishes have to be pulled out by their leaves. Since radishes are eaten raw, they are permitted food on the Sabbath and may be taken. Earth by itself may not be moved, but if earth falls by the side when the food is moved, its motion is unintentional and not forbidden.

Obviously, the minimum number of different kinds for kilaim is 2. Rebbi Jehudah requires uniform rules for all kinds of kilaim and, since Deut. 22:9 states that one may not sow kilaim in one's vineyard, the minimum is the vine plus kilaim, i.e., three components. (The Babli does not accept the Mishnah as practice but requires at least one seed each from three different species.)

Halakhah 9: Hizqiah said, they stated only turnips and radishes, nothing else. Rebbi Johanan said, there is no difference whether turnips, radishes, or any other plants. What are we talking about? If because of the rules of vegetables and trees, why do I need vine and radishes, even any other plants? If because he does not want them to take root, why turnips and radishes, even any other species also? From what Rebbi Hiiya stated, "for example bunches of turnips and bunches of radishes," it follows that the reason is only because he does not want them to take root.
164 According to R. Johanan, why does the Mishnah give only one example and not establish a principle, as in Mishnah 7?

165 If the reason is to say that in such a situation the prohibition to sow vegetables too close to a tree does not apply, then the particular example is irrelevant. The same question is asked for the alternative reason in the next sentence.

166 If we accept R. Hiyya as authoritative, then all our questions are resolved. First, since he says "for example," it is clear that he is of R. Johanan's opinion and opposes his own son, Hizqiah. Second, the Mishnah mentions turnips and radishes, because they are bound in bunches after the harvest. Hence, not all produce may be stored but only produce one can store in such a way that the formation of new roots is prevented (e.g., storing cabbage after the roots have been cut away.) This means, in the end we accept neither Hizqiah nor R. Johanan, but we allow only produce which certainly will not grow new roots, similar to turnips and radishes. (For the requirement that the leaves be uncovered, see Note 160.) Vines are mentioned because they follow the most restrictive rules; what is permissible for vines is a fortiori permissible for all other fruit trees.
It was stated\textsuperscript{167}: "If unripe figs that one hid in \textit{tevel}\textsuperscript{168} or a flat pita that one hid in glowing charcoal\textsuperscript{169} were partially uncovered they may be taken on the Sabbath, otherwise they may not be taken on the Sabbath\textsuperscript{170}. Rebbi Eleazar ben Taddeus\textsuperscript{171} said, in either case he pushes in a spear or a knife and lifts them out\textsuperscript{172}." The statement of Rebbi Eleazar ben Taddeus turns out following Rebbi Simeon, as we have stated\textsuperscript{173}: "One should not drag\textsuperscript{174} a chair, or a bed, or an easy chair because one makes a groove, but Rebbi Simeon permits it." Rebbi Abba in the name of Rav Huna, Rebbi Ḥaggai in the name of Rebbi Zeïra, Rebbi Yose in the name of Rebbi Illaï: The Sages admit to Rebbi Simeon that a chair whose legs are stuck in mud one is permitted to move\textsuperscript{175}. And just as you say that one is permitted to move it, so one is permitted to bring it back. Rebbi Yose said, we also have stated\textsuperscript{176}: "They may be taken on the Sabbath." Rebbi Yose ben Rebbi Abun said, that is from Rebbi Simeon. But we have stated\textsuperscript{177}: "The Sabbatical year!" Can you say that "the Sabbatical year" follows Rebbi Simeon? Explain "the Sabbatical year!" For Rebbi Simeon permits the aftergrowth of the Sabbatical year, and here he says so? Even though Rebbi Simeon permits aftergrowth of the Sabbatical year, he still holds it subject to the holiness of the Sabbatical year\textsuperscript{178}. Here also, he worries neither about the Sabbatical year nor about the holiness of the Sabbatical year!

\textsuperscript{167} Also quoted in Babli \textit{Eruvin} 77a, \textit{Sabbath} 123a. The opinion of R. Eleazar ben Taddeus is not found in \textit{Eruvin}.

\textsuperscript{168} Since \textit{tevel}, produce from which no heave was taken, may not be consumed on the Sabbath, it may not be moved on the Sabbath. (Cf. \textit{Peah}, Chapter 1, Note 303. The Babli reads ופר, "straw"; cf. \textit{Sabbat} 123a.) The figs are covered by grain to hasten the ripening process.
169 As Rashi points out in the Babli, the charcoal was glowing Friday evening at the start of the Sabbath but now it is cold. Otherwise, moving the coals would increase the flow of oxygen to the coals and stir the fire; this would be a transgression of a Biblical commandment and R. Simeon could not permit it. Since the coals could not be moved when Sabbath started, they cannot be moved during the entire Sabbath.

170 If the desired piece is not visible, one must intentionally move the material serving as cover, and this is forbidden. But if some pieces are uncovered, they may be taken; tevel or coals fall into the void by gravity, not by intentional moving.

171 A Tanna of whom only this baraita is known.

172 If one uses a knife, he has the intention only to move what is permitted; in contrast, if one has to remove the cover to get to the figs, he would have to move things which he is forbidden to move. Rebbi Simeon always holds that unintended side effects of an action are not forbidden on the Sabbath since only deliberative action (Ex. 35:33) is forbidden.

173 A slightly different version appears in Babli Šabbat 22a (and 5 other places); a shorter version is in Tosephta Yom Tov 2:18.

174 On a dirt floor or outside. In the Babli, the meaning is made clearer: "One may drag . . . if he does not intend to make a groove." In practical terms, this means that one may not drag the chair on the ground if the resulting groove is of any use.

175 In this case, the groove will disappear by itself in the soft mud; it was not "made" since it has no permanence.

176 In our Mishnah. (The language is slightly different from that of the Mishnah; it is influenced by Mishnah Šabbat 17:1: "All vessels may be taken on the Sabbath.")

177 Again in the Mishnah. The problem is that R. Simeon declares in Mishnah Ševiit 9:1 that "all aftergrowth of the Sabbatical year is permitted except for that of cabbage," because the aftergrowth is not usually harvested. This means that aftergrowth may be traded and unlike food harvested in the Sabbatical year, it does not have to be disposed of once there is no more food for the wild animals on the fields. Since any growth of the hidden turnips and radishes can be compared to aftergrowth, there is
no way one could possibly worry about the growth in the Sabbatical year, according to R. Simeon. If one cannot worry, then it would be superfluous for R. Simeon to mention that one does not have to worry and he cannot be the author of the Mishnah.

Babli *Pesahim* 51b and a few Mishnah sources have R. Simeon stating that "all aftergrowth of the Sabbatical year is forbidden except for that of cabbage." This reading contradicts the position of the Yerushalmi and will be discussed in Mishnah *Sevi'it* 9:1.

178 The Biblical precept is that the produce of the Sabbatical year is to be eaten by man or animal (Lev. 25:6) but may not be used for industrial purposes, nor may it be left to decay. Holdover turnips and radishes from the previous year may be used for industrial purposes in the Sabbatical year.

One sowed two kinds in a valley, two kinds in a dry spot, or two kinds that he separated by a fence. Rebbi Johanan said, he is free from sanction. Rebbi Simeon ben Laqish said, he is guilty. Rebbi Simeon ben Laqish agrees that one who sows on the sea, on a stone, on a rock, on hard stones cannot be sanctioned. Rebbi Simeon ben Laqish agrees that one who sows with the intention of erecting a fence cannot be sanctioned. Rebbi Abba from Carthage said, Rebbi Simeon ben Laqish agrees that on the Sabbath it must come to rest. Our Mishnah disagrees.
with Rebbi Johanan: "If someone sows wheat and barley together, that is *kilaim*." He explains it, if they are put inside a six [hand-breadths] by six [hand-breadths] spot, since Rebbi Johanan said, he is not guilty unless there is a bare spot of six by six inside a grain field or enclosed by a fence.

179 "Valley" is a technical term for an agricultural area not accessible by a public road.

180 In the context of agriculture, "to be dry, unfit for agriculture," not from "to be ruined."

181 Only after they started growing.

182 denotes an action that, while forbidden, is not punishable.

183 He can be found guilty in court for violating the prohibition of *kilaim*.

184 The "sea" is a stone tub in the building of the olive press in which the harvested olives are stored before pressing, cf. Mishnah Baba Batra 4:5. However, it is possible that "sea" here really means "lake" (since Hebrew means both sea and lake, as in "Lake Genezareth," and one excludes hydroponics from the rules of *kilaim*).

185 Greek *πέτρα"rock by the sea, rocky peak". "On a *petra* or on a rock" expresses the same thing in two languages.

186 One has to assume that there is a thin layer of earth on the stone, otherwise nothing would grow. But if the layer is thin, roots cannot spread and the kinds cannot mix.

187 Before he started sowing, even if he erected the fence only afterwards. Since sowing vegetables on either side of a fence is permitted, sowing with the intention of putting up a fence is forbidden but not sanctionable. This contrasts with the next statement about R. Simeon ben Laqish's position.

188 On the Sabbath, moving something from a private to the public domain or vice versa is a desecration. Moving is defined as 1) taking up, 2) changing its place, and 3) putting down. R. Johanan is quoted in Tractate *Sabbat* 1:1 (fol. 2b) that this is punishable only if all three actions have been completed. (This means that if one
for two adjacent fields of different crops are detailed in Mishnah 2:11; they are different for grains and vegetables. Rebbi Johanan asserts that infringing on these minimal distances is sinful but not punishable unless the grain field contains at least a surface area of one square cubit bare of the main crop. Then anything sown there is a punishable transgression, but an unavoidable occasional strange seed among the seed grain does not cause a punishable offense.

189 There are no qualifications in the Mishnah.

190 Since the measure is given by a number in the masculine, it must refer to hand-breadths (שכית). A square of six by six cubits would be noted as ש ש.

191 The minimal distances required...
Does Rebbi Judah say that in this case it is not *kilaim*? Rebbi Zeira said, Rebbi Jehudah follows his own opinion, since Rebbi Jehudah said, in the case of a vegetable field one hand-breadth. Rebbi Yose said, he who wants to question this statement of Rebbi Zeira might deduce the opinion of Rebbi Jehudah from that of the rabbis. Just as the rabbis say, in the case of the prohibition of *bet rova* one needs six-by-six to whip, so Rebbi Judah said in the case of the prohibition of six-by-six that one needs a hand-breadth to whip. But did we not state, Rebbi Judah permits it? Then it is difficult: what is the reason of Rebbi Simeon ben Laqish? Since he threw it out from his hand as seed, he is guilty. But did we not state, "Rebbi Jehudah says, it is not *kilaim"? Explain it, until the moment that it comes to rest. But was it not stated that Rebbi Judah permits it? Even if it came to rest, Rebbi Jehudah permits it. Rebbi Illai said, Rebbi Simeon ben Laqish follows his own opinion, since Rebbi Simeon ben Laqish said in the name of Hizqiah: A vertex from a dry spot is permitted. Then it also should be thus in the case of two wheat grains and one of barley? That is correct. But did we not state, "unless there are two wheat kernels and one barley kernel, or one wheat kernel and two barley kernels, or one each of wheat, barley, and spelt?" Explain it if there is a grain of wheat on each side, a fence on each side, and the grain of barley caught in the middle. Rebbi Mattaniah said, that is only if there is no dry spot, but if there is a dry spot there, it is permitted.
193 The case indicated by R. Johanan, that there was a bald spot of six-by-six in a field, and another kind was planted there. Does R. Jehudah accept this as *kilaim* or not?

194 In Mishnah 3:3. If one has vegetables planted in orderly rows and he desires to plant different vegetables in different rows, R. Jehudah requires that the rows be separated by "a foot width," which is the same as a hand-breadth.

195 The area in which a quarter kab, or one twenty-fourth of a seah, can be sown. Since the *bet seah* is standardized as 2500 square cubits, the *bet rova* is 104.16 square cubits. A square of area of a *bet rova* has edge length 10.20621 cubits. It is explained in Mishnah 2:11 that two fields of different kinds of grain have to be separated by a fallow *bet rova*. However, an infringement of this rule is not necessarily punishable in court by whipping since more narrow criteria apply in criminal cases where the rule of R. Johanan holds as explained in the previous paragraph.

196 In the same Mishnah 2:11 it is explained that the required space between two beds of different vegetables is only 36 square cubits. This is the criterion of what is permitted outright but R. Jehudah holds that a criminal infraction only occurs if the linear distance between two rows of vegetables is less than a hand-breadth.

197 A *baraita* which parallels the Mishnah states flatly that R. Jehudah permits this kind of sowing outright, not, as assumed here, forbidden but not punishable.

198 He declares any illegal sowing punishable.

199 Since the verse reads, "do not sow your field *kilaim*," the act of sowing is forbidden, not its consequence in the soil. This explains why one had to state earlier that in respect of the laws of Sabbath, even R. Simeon ben Laqish requires that the seed come to rest on the ground.

200 R. Simeon ben Laqish states his rule according to the rabbis. He will agree that R. Jehudah requires that the seeds actually fall to the ground, since it says "do not sow your field *kilaim*;" even if he had the intention of sowing *kilaim* but the wind carried the seeds away, there is no criminal act committed. Hence, in this interpretation intent alone cannot be the determining factor.

201 The previous interpretation is contradicted; R. Simeon ben Laqish
only expresses his opinion according to
the rules of the rabbis, not at all
following R. Jehudah.

202 **ראשת חור וור** "ox head, trapezoid,
vertex" describes the configuration in
which two fields are not parallel but
are at an angle to each other, so that a
vertex of one field touches the other
field in the middle of a side.
(Musaphia wants to derive the
expression from the Greek adjective
tοφος, ἀ, ὄν "sharp, piercing," but
probably it means **ראשת חור וור** "head of the
line.") It is spelled out in Mishnah 3:3
that in this case, no minimal distance
has to be observed since the fields
appear distinct by their neat
geometrical form. Hizqiah adds that
even if one of the fields does not have
a regular shape, e.g., if it ends in a dry
spot, if in the neighborhood of the
other field it forms a triangle with a
vertex touching the other field the
leniency of **ראשת חור וור** applies.

Cf. the discussion of **ראשת חור וור** in
Chapter 2, Note 101.

203 The one barley grain should be
between the row of two wheat
grains!

204 In this case, the configuration of
**ראשת חור וור** is excluded since the field
represented by the barley grain enters
the field represented by the wheat
grains, and the minimal distances of
separation will have to be observed. If
the three grains are sown together in a
straight line, the separation
requirements are certainly violated.

205 Since Hizqiah admitted a
**ראשת חור וור** pointing to a dry spot, if the three
kernels were sown in the neighborhood
of a dry spot, R. Jehudah will recognize
the barley grain as **ראשת חור וור**. But in
other circumstances, **ראשת חור וор** is only
admitted for rectangular fields. In the
absence of a dry spot, the barley grain
cannot possibly count as **ראשת חור וור** and is
forbidden.
Mishnah 1: Every seah that contains a quarter\(^1\) of seeds from another kind should be diminished\(^2\); Rebbi Yose says, he must pick it out, whether it be from one kind or from two kinds\(^3\). Rebbi Simeon said, they said it only for one kind, but the Sages say, everything that is kilaim with the seah counts together for a quarter.

1 A quarter qab which is \(\frac{1}{24}\) seah. Here one speaks about seeds. Since seeds usually come mixed with weeds and other seeds, some sowing of different kinds together is unavoidable. In Baba Batra, Mishnah 6:2, up to a quarter qab of foreign material in a seah of grain is established as the standard accepted in any trading contract unless otherwise specified. From the Biblical requirement, it is only necessary that the farmer have no intention of sowing the undesirable seeds with his crop. But in order to avoid the appearance of intentional kilaim, the rabbis gave an upper limit also of one qab in 24 before requiring action.

2 Some of the foreign seeds have to be taken out, so that the entire contamination is brought below the limit. R. Yose requires that once one has started cleaning up the seeds, all foreign seeds should be eliminated.

3 Kinds of weeds and contamination with other crops. Rebbi Simeon says that each kind of contamination has its own limit, Rebbi Yose says that all those are counted together which are kilaim in any way; the Sages say that everything which is kilaim with the main crop is added together. So if
wheat seed is contaminated with barley, zewanin, and peas, and together they are more than one in 24 but any two of them together are less than that amount, then for the Sages one does not have to act since zewanin are not kilaim with wheat, but R. Yose would require that the entire seed grain be sifted since zewanin are kilaim with peas.

Halakhah 1: We have stated, "which contains." Some Tannaim state5, "into which fell." Rebbi Mana said, he who says "which contains" means one in 24,6 he who says "into which fell" means one in 25.7 Rebbi Yose ben Rebbi Abun said, both for him who says "which contains" and for him who says "into which fell," it means one in 24.8 How is that? "Which contains," if it is cut, "into which fell," if it is standing.9

5 In a parallel baraita. The Tosephta (Kilaim 1:16) has the same language as the Mishnah.
6 If 24 quarters contain 1 quarter of foreign material, that is 1 in 24 of the total, 1 in 23 of useful grain.
7 Since a seah is 24 quarters, if an additional quarter fell in, then the total adds up to 25 quarters, and we have 1 quarter of rejects in 24 good ones.
8 Since this is the commercial standard, there is no reason to change the standard here. This is also the position of the Babli, Baba Batra 94a.
9 The first case deals with grain bought as grain. In the second case, the contamination of the seed grain is detected after sowing, when the grain already is growing. This proves that the standard applies also to growing produce, not only to seed grain, supporting the position of Tosaphtot (Baba Batra 94a, s. v. נפני) against R. Samuel ben Meir.
What are we talking about? If he intended it for seed, then even one grain of wheat is forbidden. If to mix, it is forbidden to mix.

Rebbi Jacob bar Aḥa, Abba bar Ḥiyya in the name of Rav: He who takes out impurities from his neighbor’s heap has to give him good grain in their stead. Rebbi Yose said, this implies that one is forbidden to mix in; if you say that one is permitted to mix them back in, why require good grain instead?

10 How can the case of the Mishnah appear legitimate?
11 If he recognizes the impurities in the seeds and intends to grow them for themselves, then it is *kilaim* and the standards of Mishnah 1:9 apply. The implication is that the yield from these impurities may not be selected out after harvest and sold separately, because that would make the entire harvest *kilaim* and forbidden.
12 Since no farmer may sell grain with more than the permitted impurities, at harvest time he and the grain wholesalers will see to it that the impurities are not more than 1 in 24. In order to get illegitimate seed, he would have to mix in impurities; this is forbidden and we are not concerned here with intentional lawbreakers.
13 In the parallel in the Babli (*Baba Batra* 93b), the name is Rav Abba bar Ḥiyya from Ktesiphon (on the Tigris) in the name of Rabba (Rav Abba bar Nahmani, of the third generation after Rav.) In any case, it is clear that the author here is Babylonian and not identical with Rebbi Abba bar Rebbi Ḥiyya bar Abba.
14 Since the neighbor could have sold his grain with the impurities under a standard contract, the one who sifts the grain causes him to lose the value of the volume of the impurities he
removes. (The word הָרֹס translated here as "impurity" is not the biblical word (I. money pouch, II. flintstone), but is connected with Hebrew הָרֹס (to be hostile), more directly with the corresponding Arabic فِرَصّ (to be noxious, pernicious).)

If one sold wheat as [standard] good quality and it turned out to be sifted, may he take out the value of that quarter? The words of the rabbis say that he cannot take out the value of that quarter, for Rebbi Jacob bar Aha, Abba bar Hyyya said in the name of Rav: He who takes out impurities from his neighbor's grain has to give him good grain in their stead. If he removed one and one half quarters, may he take out the value of that quarter? Rebbi Ḥinena and Rebbi Mana. Rebbi Ḥinena said, he takes it out. Rebbi Mana said, he does not take it out, because he can say to him, if you had returned it to me, I would have bundled it for the Saracens who would have bought it; what that buyer sees is what he buys.

15 Since the standard contract allows for impurities, may the seller deliver only the \( \frac{23}{24} \) seah of seeds guaranteed by the standard contract or does the buyer have to pay extra for the good grain he receives instead of the standard impurities? This problem belongs to Baba Batra; it is treated here because the problem comes up naturally from the statement of Rav
which belongs to *Baba Batra*.

16 The buyer noticed that the grain he bought contained more impurities than those allowed by the standard contract. He has the right to return the merchandise for a full refund (Mishnah *Baba Batra* 6:2). He chose instead to clean up the grain. Everybody agrees that he does not have to pay for the volume of the half quarter which exceeds the standard. The question is, since he started cleaning and took all impurities out, does he pay only for the remaining grain or may the seller insist to be paid also for the quarter of impurities which would have been legal and is reflected in the price charged for a unit of volume?

17 He pays only for the sifted grain, at the rate of standard grain.

18 Saracens, Arab traders without fixed residence, buy and sell "as is", without warranties. The buyer would have inspected the grain before buying and offered a price based on his inspection.

19 But when they were mixed up during transport. But did we not state: "In truth, they said that garden seeds which are not eaten add up together for one in 24 when they fall on a *bet seah*." And we stated on that, this is a *qab* or half a *qab*22. What could one do with the twenty-fourth part of half a *qab*23? For that, they are worried because of the bad impression24. They were not worried because of the bad impression from a lesser amount.

19 In Halakhah 2, גכ, גכ.

20 After the interruption by the theme from *Baba Batra*, one returns to the original question and answers that more than one in 24 may contaminate the harvest by accidents during transport from the field to the storage facility. From here on to the end of
the Halakhah one deals exclusively with seed grain.

21 Next Mishnah, dealing with the details of the rule of Mishnah 1. "Garden seeds which are not eaten" are seeds of kitchen greens which in themselves are not food. They are usually very small and the resulting contamination will be more than 1 in 24 at harvest time. Any statement introduced by "in truth" is unquestioned practice.

22 The standard of maximal contamination for seeds of kitchen greens is a qab for the larger seeds and half a qab for the smaller seeds. Since these seeds are so much smaller than seed grain, they cannot be 1 in 24 of the full seah since that would overwhelm all the grain, but only 1 in 144 or 1 in 288, depending on the size of the seeds. The standard is a contamination of 1 in 24 of the harvest, not the seeds.

23 About 0.09 liter.

24 The entire rule is rabbinical so people should not think the contamination was intentional. One forbids only accidental weeds or strange admixtures which exceed the commercial standard.

"Should be diminished." How does he diminish? Either he removes from the quarter or he adds to the seah. But did not Rebbi Johanan say (Rebbi Abbahu in the name of Rebbi Johanan), for all prohibitions, if one added in error, it is permitted, if intentionally, it is forbidden.

25 Quote from the Mishnah.

26 For example, if some dairy product fell into a meat dish, if the meat dish by volume is more than 60 times that of the dairy product, the contamination is declared minimal and the dish is permitted to be eaten. (This is the rabbinical standard.) If the ratio
was less at the time of the accident but later some more of the meat dish was added inadvertently or unknowingly, the measure at the end is determining. But if the addition was made in the knowledge of the prior prohibited contamination, then the measure at the time of the accident is determining and the later addition must be disregarded.

How can the Mishnah here permit intentionally adding to legalize the prohibited mixture?

Rebi Yose says, he must pick it out." What is the reason of Rebbi Yose? Because he started with the quarter, he must finish the entire quarter. Rebbi Yose agrees that if there was less than a quarter when he started, he does not need to attend to it. How is that done? If there was a quarter composed of two kinds, does he pick out one kind and that is sufficient, or does he have to pick out everything?

27 If he started to remove the foreign seeds when he did not have to he may stop in the middle, before removing all of it. We do not say that the fact of his removing impurities shows that he is bothered by their presence and, therefore, any sowing would be intentional sowing of kilaim and forbidden.

28 The question is not answered since practice does not follow R. Yose.
"Rebbi Simeon said, they said it only for one kind," not two kinds. How far? Up to the greater part of the seah. If he added afterwards, the grain returned to its permitted status. Just as Rebbi Simeon said, two kinds do not combine for prohibition, so he says that they do not combine for permission. How is that done? If there were twenty-three and one half quarters of wheat and half a quarter of barley, and into that fell less than a quarter of lentils, even so the two kinds would not combine for permission.

29 As long as the total of foreign seeds is less than 50% and each single contamination is less than 1 in 24, the seeds remain permitted. (Up to 12 contaminants of maximum volume are possible.)

30 R. Simeon accepts the earlier interpretation that adding of the main seedstock makes everything permitted again.

31 It is supposed here that the volume of the lentils is at least \( \frac{23.5}{24} \) = 0.9792 quarters but less than one quarter. In that case, if the lentils were judged against the combined volume into which they fell, it would be less than 1 in 24. But since the barley is not counted at all, the contamination is at least a full twenty-fourth of the volume of wheat grain and the mixture is forbidden.
Mishnah 2: When is this said? Grain with grain, legumes with legumes, grain with legumes, legumes with grain. In truth, they said that garden seeds which are not eaten add up together for one in 24 when they fall on a bet seah. Rebbi Simeon said, that which they said to restrict, they also said for leniency. Flax seeds in grain add up together for one in 24 when they fall on a bet seah.

32 That a quarter kab of foreign seeds makes a seah of seeds unusable.
33 All these need approximately one seah for a field of 2500 square cubits (a bet seah). But if seeds need appreciably less than that, the amount which makes seed grain unusable is 1/24 of the amount used for the contaminant. It was already explained in Halakhah 1, Note 22, that for kitchen greens whose seeds are not edible, the amount of seed used for one bet seah is only one sixth or one twelfth of a seah. The amount of these seeds sufficient to make a seah of seed grain unusable is 1/24 of either a qab or half a qab.
34 This is explained in the Halakhah, text following Note 44.

Halakhah 2: We have stated about this, "three or four qab," hence two qab go by one in 24. "In truth;" Rebbi Eleazar said that every place where they stated "in truth," it is practice going back to Moses on Mount Sinai. And we stated about this, for example a qab or half a qab.
Hence, two qab go by a quarter. Here you say, two qab by a quarter, and there you say, two qab by one in 24. Rebbi Zeïra and Rebbi Abun in the name of Rav Huna; one says, nine qab, the other says, eight qab.

35 The rule of the first Mishnah covers all seeds which need between four and three qab, i.e., between \( \frac{3}{2} \) and \( \frac{1}{2} \) seah per bet seah. Hence, seeds that need less volume are considered kitchen vegetables and go by \( \frac{1}{24} \). In slightly different language, this is explicitly stated in Tosephta Kilaim 1:16.

36 This principle is also accepted in the Babli, Baba Mezia' 60a.

37 Halakhah 1, Notes 22-24.

38 If one only needs 2 qab, \( \frac{1}{3} \) seah, for seeding, then the contamination is by a quarter, as expressed in the Tosephta, not for 1 seah but for \( 1\frac{1}{3} \) to \( 1\frac{1}{2} \) seah (8 to 9 qab). For smaller quantities, one goes by the \( \frac{1}{24} \) rule; the two statements are complementary, not contradictory.

39 It was stated that seeds which need 8 or 9 qab are contaminated by a quarter of seeds which need two qab. Does this rule extend to seeds that need 10 qab? The answer is, since 3 qab go by the quarter rule, and 9 qab go by the same rule, the difference between 9 and 10, a mere 10% from above, is not large enough to change the rules.

Hence, if seeds which need 9 or 10 qab contaminate seeds which need one seah, they are measured by \( \frac{9}{24} = \frac{3}{8} \) qab per seah of the main seed. In the opinion of R. Simson, if half of the contamination is by seeds which need 9 qab, this half is measured by \( \frac{9}{24} \), the other half by \( \frac{10}{24} \). (Maimonides does not mention these rules in his Code.)
Rebbi Abin and Rebbi Hanina both say that a split seah is between them. A quarter seah may prohibit three qab, and a quarter of three qab may prohibit a seah. A quarter seah may prohibit nine qab, and a quarter of nine qab may prohibit a seah. Three quarters of flax seed prohibit a seah. How is this? On a plot on which one sows one quarter of wheat, one sows three quarters of flax seed.

40 The difference between the Sages and Rebbi Simeon is whether wheat grain is the standard by which everything is measured or whether every kind has its own standard. The examples given all go by the rule of R. Simeon.

41 A quarter seah is half of three qab, not 1 in 24. The explanation is that if some plants need 6 seah of seeds for a bet seah, then they contaminate in 6+24 = .25 seah, even if the main seed is one that needs only half a seah to cover a bet seah. All other examples follow the same pattern and are really superfluous.

42 Here the contaminating seed needs 18 qab = 3 seah per bet seah.

43 The contaminating seed needs 4 seah per bet seah, the contaminated seed is standard.

44 The contaminating seed needs 6 seah per bet seah.
Mishnah 3: If his field was sown with wheat and he changes his mind to sow it with barley, he should wait until it gets wormy\textsuperscript{45}, then\textsuperscript{46} he turns it over\textsuperscript{46} and after that he may sow. If it is sprouting, he should not say, I am going to sow and then turn it over, but he turns it over and then he sows. How deep does he have to plough? Like furrows for the rainy season\textsuperscript{48}. Abba Shaul says, so that there should not remain a quarter for a bet seah\textsuperscript{49}.

\textsuperscript{45} The seeds, or the grain fallen to the ground, are seen to attract worms. If the grains are from the harvest in the dry season, one has to wait longer. Maimonides (\textit{Kilaim} 2:13) applies the Mishnah only to freshly sown grain, but the mention of dry fields in the Halakhah does not seem to support that position.

\textsuperscript{46} R. Abraham ben David (Maimonides, \textit{Kilaim} 2:13) interprets "IDi'i to mean "or he turns it over." His argument seems to be that waiting until the worms eat the grain is not mentioned in the later parts of the Mishnah.

\textsuperscript{47} I. e., he ploughs the seeds or the sprouting wheat under.

\textsuperscript{48} Coarse furrows made so that the autumn rains should penetrate the soil, not the second ploughing of straight and parallel furrows for sowing.

\textsuperscript{49} He may leave 1/24 of the surface area unploughed, following the rule established in the first two Mishnaiot.
"How long can it remain sprouting? That it should remain in the ground three days in a muddy place, but in a dry place it needs more [time]." We have stated on that: Part of the day is like an entire day in a muddy place, and if it started growing but he brought his animals and they browsed it clean it is permitted.

50 Tosephta Kilaim 1:16. 51 In the Babli, that is an accepted principle in most cases, not only in this particular case. 52 Biblical Hebrew מַדְלֵי, Arabic مَدْلِيْ.

What is the reason of the rabbis? Because he intended to plough, even if it is not covering. Abba Shaul said, "one does not oblige him to plough finely, only like the furrows of the rainy season. Rabban Simeon ben Gamliel says, it used to be called ‘horse tail,’ so that the end of dust of any one furrow touch that of the next one." What is the reason of Abba Shaul? Since he started, it is enough up to a quarter. Does Abba Shaul hold with Rebbi Yose? He is with the rabbis, for the rabbis said, because he intended to plough, even if it is not covering. Abba Shaul says, because he started intentionally to plough, it is enough up to a quarter. Rebbi Yose said, he must finish that entire quarter.
53 In modern Hebrew, one would translate "not continuous." However, the image here is that of a floor tiling that does not cover the entire floor (a stone-covered floor is נֵטָן, "tiled.")

54 Tosephta Kilaim 1:17. The position of Abba Shaul here is that of the anonymous Tanna there. Rabban Gamliel notes that one has to plough only half the ground; the other half then is covered by the earth thrown up in ploughing.

55 A quarter qab of contamination is acceptable by Mishnah 1.

56 Since R. Yose held in Mishnah 1 that once you start to sift, you have to finish sifting, here he must hold that once you start ploughing you have to finish ploughing. Abba Shaul only objects to Rabban Gamliel's interpretation of the position of the rabbis, that one may leave half of the field unploughed as long as the rest is covered by overturned ground. He holds that less than a quarter bet kab (104.167 square cubits) per bet seah (2500 square cubits) may remain unploughed but, in principle, his position is that of the rabbis.

Mishnah 4: [If the field was] sown and he decided to plant, he should not say, I shall plant and then I shall turn over, but he shall turn over and then plant. [If it was] planted and he decided to sow, he should not say, I shall sow and then I shall uproot, but he should uproot and then sow. If he wishes, he cuts down to less than a hand-breadth, plants, and then takes out the roots.
Halakhah 4: It was stated: One may put sheaves next to dried-up vines. Rebbi Yose said, that means that one may not plant a dry vine next to dry standing grain. May one sow next to dry vines? Let us hear from the following: "A dried-up vine is forbidden but does not sanctify." Rebbi Eleazar said, this is the opinion of Rebbi Meir, since Rebbi Meir said, even cotton is forbidden but does not sanctify.

57 The meaning of "to lean on" was studied by J. N. Epstein, מונה להטשת, 2nd ed. (Jerusalem/Tel Aviv 1964) p. 446.

58 Since only sheaves, bundles of cut grain, may lean on dry vines, it follows that dry, standing grain must be separated even from dried-up vines.

59 Mishnah 7:2.

60 Deut. 22:9 declares that grain growing in a vineyard sanctifies both the grain and the vines. This means that it acquires a status similar to sacrifices; all profane use of it is forbidden. But since it is not a sacrifice, it has to be burned. In tractate Kilaim, "sanctified" means "it must be destroyed by burning." Kilaim not involving vines are sinful but not sanctified.

61 Determination of Maimonides and R. Simson, see Mishnah 7:2. Cotton is not food but cottonseed is.
That means that one may sow next to dry vines and "when they produce leaves again, the past is permitted and the future prohibited." Like that of Rebbi Simeon ben Jehudah who cut down his vines and told his sharecropper, go and sow! After he had sown, they started to grow leaves. He said to him, go and cut! After he had cut, they rotted; he said to him, go and sow close up. Rebbi Zeira asked: Is that only for Rebbi Simeon ben Jehudah, for he said it in full knowledge; what about common people who do not have full knowledge? He returned and said, even Rebbi Simeon ben Jehudah said it only because of the bad appearance.

62 The last sentence of the Mishnah, that one may cut down, plant, and only then uproot.

63 Tosephta Kilaim 1:18. There is added: "If he reduced the stumps to less than a hand-breadth in height, but when he returned he found new vine leaves over the growing grain, the past is permitted but the future forbidden. He removes any kind he chooses and keeps the other kind."

64 A Tanna of the Fifth generation, student of R. Simeon ben Iohai, from Kefar Akko.

65 The stumps of the vines.

66 Harvest the unripe grain for fodder.

67 Rotting vine stumps are certain not to produce fruit; they can be disregarded.

68 As long as the vine stumps do not produce blossoms, the prohibition is purely rabbinical and not universally accepted.
Mishnah 5: If his field was sown with hemp or arum\(^{69}\), one should not sow on it because they produce all of three years\(^{70}\).

One is not required to weed grain in which there appeared aftergrowth of indigo, or the threshing floor on which many kinds are appearing\(^{71}\), or fenugreek in which grasses appeared\(^{72}\). But if he weeded or cut, one says to him, uproot everything except one kind.

\(^{69}\) See Peah, Mishnah 6:9.

\(^{70}\) The next paragraph (next Mishnah in the Mishnah part of the Yerushalmi) will explain that, in general, aftergrowth may be disregarded. But if a kind is known to produce commercially valuable aftergrowth, even if no new seeds were provided, then this is to be considered as a continued crop and any other kind on that field is *kilaim*. A field of hemp cannot be used for another crop the next year unless all hemp roots are taken out.

\(^{71}\) They never were sown; this is growth from the grains which remained from the different kinds that were threshed at that floor.

\(^{72}\) Fenugreek is an expensive spice and medicinal plant with tiny seeds which is cultivated only on plots the size of a garden bed. Since the plants are of such high value, weeding has to be done with the utmost care.
Halakhah 5: It is a condition of Joshua\textsuperscript{73} that one may collect grasses everywhere except in a field of fenugreek. Rebbi Jacob bar Aha in the name of Rebbi Isaac bar Nahman: The Mishnah deals with him who sowed for sheaves\textsuperscript{74}. But did we not state: "One is not required to weed ... fenugreek in which grasses appeared?\textsuperscript{75}" Rebbi Jacob bar Aha in his own name: "When it grew for seeds\textsuperscript{76}." Rebbi Yose said, did Joshua come only to help sinners?\textsuperscript{77} If he committed a sin, it is forbidden as robbery\textsuperscript{78}, if he did not commit a sin it is permitted in respect to robbery. Hence, there is
no difference whether he sowed for seeds or for sheaves. But did we not state: "One is not required to weed ... fenugreek in which grasses appeared?" If he intends to use the grasses, one should oblige him to weed! Rebbi Aḥa in the name of Rebbi Miasha: He would be happy if they were torn out and lying before him. Rebbi Yose did not say so, but in the end he approves that they should be torn out and lying before him. But then, if somebody found kilaim in a vineyard, they should be forbidden as robbery since in the end he desires that they should be torn out and lie before him! There, he has the means to bring it in, here he does not have the means to bring it in. Rav Naḥman said that Rebbi Mana asked: Think about it, if he had another field of fenugreek close by, then he has the means to bring it in! The words of the rabbis disagree, since Rebbi Zeriqan said in the name of the House of Yannai: All aftergrowth is forbidden except for that which appears on a fallow field, a field ready to be ploughed under, and a vineyard. He should have added, except for a field of fenugreek sown for the production of seeds! Rebbi Yose said, the words of Rebbi Johanan support me. It happened that somebody bought a garden plot of vegetables from a Gentile. He came and asked Rebbi Johanan, who said to him, go, harvest and sell at the going rate. Rebbi Abbahu objected before Rebbi Johanan: Did we not state: "or the threshing place on which many kinds are appearing?" He said to him, that place proves that he does not want them to exist. Could he not have answered, the one is like robbery, the other is permitted with respect to robbery? How can you object based on a scenario where it is forbidden as robbery to a decision in a case which is permitted with respect to robbery? It is as Rebbi Immi said, they were
rich in answers. Or it is as Rebbi Nasa said, like a person who has two reasons but he answers only with one of them.

Ten categories of public use of private property are attributed to Biblical Joshua, attached as liens to the original distribution of land. The detailed discussion is in Babli Baba Qama 80b-82a, Yerushalmi Baba Batra 5:1 (fol. 15a). Since tractate Neziqin in the Yerushalmi was edited differently from the rest of the Yerushalmi, the text in Yerushalmi Baba Batra is similar to but not identical with the text here.

He wants to sell fenugreek in retail bundles. The buyer can take the seeds as spices anytime he wants and in the meantime store the plants so they will not be lost.

If he grows fenugreek for sheaves, he can use the grasses to bind the "sheaves" that in reality are thin bundles. The grasses represent a value for him, he wants them there, and the entire crop should be forbidden because of kilaim! How can the Mishnah exempt fenugreek from an obligation of weeding?

In that case, the grasses are really weeds; they have to be removed before the fenugreek seeds can be taken from the stems.

Why should one be prohibited to take grasses which should have been weeded and whose existence is proof of a sin?

Since then the owner is deprived of his material to bind the bundles.

The Mishnah applies to both cases.

The entire previous argument is untenable; even if the farmer wants to sell fenugreek in small bundles, the loss because of weeds is much larger than the money or work saved in having the grasses ready as material for tying the bundles.

Even if he wants to sell fenugreek in bundles, he would first have to remove the grasses from the field before harvesting, in order to have a commercially usable crop. However, he wants to preserve them in order to use them to tie the bundles; he does not want to have them treated as ownerless.

There will be some use for weeds, probably as animal feed, even though without the religious obligation
of *kilaim* the vineyard must be weeded to ensure the growth of the grapes.

83 The grape harvest is transported in vessels; fenugreek bundles are tied on the "field," i. e., the garden plot.

84 The grasses growing on one plot could also be used for the other.

85 Vocalization and translation follows the parallel in *Baba Batra*, instead of "the leaves." There, the three cases are explained. The farmer does not care what grows on a fallow field in crop rotation since everything will be ploughed under. If a field is being prepared for ploughing, after-growth will be removed as a matter of priority. In a vineyard, the owner will take out everything that could make his vineyard forbidden.

86 What to do with the various garden vegetables growing together on the plot in violation of the laws of *kilaim*. R. Johanan told him that only the future growth is forbidden. Any possible profit from plants growing as *kilaim* is forbidden, but in this case, the buyer could sell the undesirable produce for the full market value.

87 The objection is not really from this sentence but from the following, that if one starts to remove some of the growth, everything has to be treated as *kilaim* except for one (main) crop. How could R. Johanan declare all kinds of produce equally acceptable?

88 This is R. Yose’s argument, that R. Johanan would support his position. If taking grasses from the field of fenugreek were not a case of robbery, the situation here would be totally different since the garden plot certainly is protected by the laws of robbery against taking from it (not grasses, but valuable produce!)

89 The argument of R. Yose is invalid; if there are several possible explanations, one is never required to give an exhaustive list of all possibilities; one satisfactory answer is enough.
Mishnah 6: If someone wants to make his field into separate garden beds of different kinds, the House of Shammai say, three furrows of the ploughshare, and the House of Hillel say, the width of a Sharon yoke. Both criteria are close to one another.

90 Borrowed from Aramaic מֵשֶׁר, parallel Arabic نَحْرُ "plant life". According to Maimonides in his Code (Kilaim 3:8), מֵשֶׁר applies only to a rectangular garden bed that is not square. A square garden bed is called הָרֹקֶחַ יִשְׂרָאֵל if it is isolated and הָרֹקֶחַ הָיִשְׂרָאֵל if it is part of a field. The latter assertion is difficult to accept, cf. Note 150. One might accept that הָרֹקֶחַ יִשְׂרָאֵל applies to congruent rectangular patches but מֵשֶׁר to rectangular patches of differing sizes. This seems to be the position of R. Abraham ben David of Posquières.

91 According to Maimonides, the criterion is that of the minimal distance between beds. According to R. Isaac Simponti, the criterion is that of the minimal size of a garden bed, with only a minimal but orderly separation. The Halakhah can be interpreted both ways; this is the position of R. Simson.

Halakhah 6: Rebbi Zeira, Rebbi Eleazar, in the name of Rebbi Hiyya the Elder: He makes it two by two cubits, but decreases continuously to
an arbitrarily small distance. Rebbi Jonah said, that is, if it is subdivided into garden beds, but if all is one bed, it does not apply. This parallels what Rebbi Yannai said: I may sow my field with fifty kinds, twenty-five here and twenty-five there; this is in two rows. If that is so, would it be permitted even between himself and his neighbor? Or in a dry spot? Then it parallels what Rebbi Simeon ben Laqish said in the name of Hizqiah: A vertex from a dry spot is permitted! Rebbi said, he starts with an area of bet rova' and narrows it down to three furrows of the ploughshare. Does Rebbi not accept that between grains one needs a bet rova'? That is for a square field, here for a garden bed. Do the rabbis not recognize garden beds? Rebbi Yudan said, the minimal distance for Rebbi is the maximal distance for the rabbis.

92 The total area must be four square cubits, but the division into strips is left to the farmer. This interpretation seems required by the question of R. Eleazar in the next paragraph.

R. Simson thinks that somewhere there must be an empty space of two by two cubits, otherwise the border strips can be as narrow as one desires. Maimonides in his Commentary and Hilkhot Kilaim 4:6 explains: "He makes it two by two cubits, but the border can be minimal;" i. e., if the field is subdivided into garden beds, inside between any two beds must be 4 square cubits of fallow land. At the border of the entire field, a border strip must be left empty. That strip has no minimal size (but presumably it must be wide enough to allow the farmer to walk there on his own property.) This interpretation takes מער as a noun, "border strip," a word otherwise documented only in the Babli. The translation and R. Simson take the word as a verb, "to narrow," a usage that is required later in the statement of Rebbi. In addition, the phrase ו豳ל רע "doing something continuously," is only used in conjunction with transitive verbs.

93 The standard field understood in all these Mishnaiot, a bet seah of 50
by 50 cubits. Rebbi Yannay splits the field into two strips, each of length 50 and width 25-ε cubits (ε being a small positive quantity) and reserving two cubits in length for each crop and its border.

94 This is the case of Mishnah 6.

95 This was discussed in Chapter 1, Halakhah 9 (Note 203), as a matter of dispute between Rebbi Johanan and R. Simeon ben Laqish.

96 Stated in Rebbi’s own Mishnah 2:9; it is extremely rare to find Rebbi accepting into the Mishnah anonymous opinions conflicting with his own basic positions.

97 Of a minimum size of 2500 square cubits.

98 For Rebbi, the width of three furrows is the lower limit of what is acceptable; for the rabbis, the width of three furrows is the upper limit of what is required. So everybody agrees that the separation by three furrows is acceptable under all circumstances.

Rebbi Eleazar asked: What are the rules for a small field? Let us hear from the following: "Rebbi Eleazar ben Simeon: Abba Yose ben Johanan from Yanoah said for a large field 50 cubits, for a small field along most of it." Since those who specified a measure for a large field did not do so for a small one, the Sages who did not specify a measure for a large field certainly would not specify a measure for a small field.

99 Since for a standard field (50 by 50 cubits), the total area of the strips between the garden beds must be four square cubits, what is the required minimum for a field that does not contain the required 2500 square cubits?

100 Parallel statements appear in Tosephta Kilaim 2:1, 2:4, about the border strips, or furrows, that are required between two fields, either in the situation of the preceding or the
present Mishnah. For fields longer than 50 cubits, they do not require that the separation of the fields, by empty strip or by planted flax, be longer than 50 cubits. (Probably, this means that in designating the border by one row of flax, one may not use a furrow longer than 50 cubits, in order to avoid commercially usable flax that would be forbidden.)

The statement about a small field is not in the Tosephta concerned only with fields having at least the standard size.

Abba Yose bar Johanan (Hanana) from Yanoah in Upper Galilee, a Tanna of the fifth generation, was a student of R. Meir and Abba Cohen Bar Dalaiah.

Mishnah 7: A vertex of wheat coming close to a field of barley is permitted since it visibly is the end of its field. If someone’s field was sown with wheat and that of his neighbor with another kind, he may have of that kind adjacent to it. If both his and his neighbor’s fields were growing wheat, it is permitted that he have one row of flax adjacent to his, but no other kind. Rebbi Simeon says, either flax or any other kind. Rebbi Yose says, even in the middle of his field he may test a row for flax.

101 See Chapter 1, Note 202. "Vertex" is the interpretation of "וְקִלָּאִים" by Maimonides, who translates מַשָּׁה (fol. 27c) שֵׁרָה כְּשָׁרָה: שֵׁלֵל הַחֲטִים וְשֵׁלֶל הֲבִירִים מִיּוֹן אָחָר מֵתוֹר לְסָמָךְ: לִפָּרָה לָא נֶלֶס של מִיּוֹן. רַבִּי שְׁמוּאֵל אָמַר אֲחָר גָּזָר פָּשֵׁתָה אֵין פָּשֵׁתָה כָּל-כְּפִּינָיִין.

רַבִּי יָסֵי אָמַר אֲחָר בְּבָאָמִית שֵׁדַר מֵתוֹר לְבָדָךְ בַּכְלָם של פָּשֵׁתָה.
"golden triangular earrings," and אָחַר by "vertex of a triangle." R. Simson and R. Isaac Simponti explain that אָחַר really is a Hebrew/Aramaic hybrid and means "ox head", "trapezoid" as schematical approximation to the shape of an ox head. In the technical sense, אָחַר is applied to any trapezoidal or pentagonal field in which the furrows are not parallel, in particular if the last furrow in a field is not parallel to the other furrows and certainly not to the furrows in the adjacent field. The two explanations are probably identical; usually אָחַר is created if the outermost furrow of a field is not straight but approximately forms the legs of an obtuse triangle, with its vertex touching the other field. (In Targum Yerushalmi to Ex. 39:10, a direction is called אֵיבֶּטִיטָב "triangle," meaning an arrowhead pointing in a direction. The identification of directions with triangular features is traditional.)

On the basis of both the usage of the Babli and Modern Hebrew, it would seem that one has to translate אָכַב by: "enters into." This cannot be the meaning of the expression here because, at the end of the first paragraph of the Halakhah, a furrow entering into another field is characterized by מְבִינָה "absorbed into." Hence, אָכַב must mean: "coming closer than permitted by the separation rules but not actually entering the row of growing barley."

He may sow in his own field of the kind his neighbor grows and not separate it from his neighbor's crop by the distance required by the Mishnaiot of this Chapter but only by a minimal strip that would designate the border between two fields of separate owners.

Instead of having an empty strip as boundary marker, he may plant one row of flax to indicate the border. Since one row is much too little to serve as commercial crop, nobody will think that he is raising kilaim; everybody will know that this is a boundary marker.

Probably, this applies only to kinds routinely sown on fields, not garden beds, since for the latter one row may yield worthwhile produce.

While the grain is growing, he may test in a short row whether flax will grow there. Since everybody knows that such a small quantity can only be a test, not production for use, it never will look like kilaim.
Halakha 7: Rebbi Simeon ben Laqish in the name of Hizqiah: A vertex from a dry spot is permitted! Rebbi Johanan said, they stated only: "A vertex of wheat," hence, a vertex that comes from a dry spot is forbidden.

107 Meaning the case of a well defined field, not an irregularly shaped plot resulting from sowing near a dry spot. (This paragraph may be used to support the interpretation by R. Simson and R. Isaac Simponti of ר"ה והר).
had a *bet rova* and a half, he may sow half a *bet rova* from either side and the last half *bet rova* is valid for both sides\(^\text{109}\). A *baraita* disagrees with Rebbi Johanan: "\(^\text{110}\)If he had fields, one sown with wheat and the other sown with barley, he may bring straw\(^\text{111}\) in between and sow one side\(^\text{112}\) with wheat and the other with barley because the wheat looks like the end of the wheat field, and the barley like the end of the barley field."

What does Rebbi Johanan do with that? He explains it\(^\text{113}\) following Rebbi Eliezer ben Jacob, for Rebbi Eliezer ben Jacob said\(^\text{114}\): "Even if wheat after wheat comes close to barley\(^\text{115}\), barley after barley comes close to wheat, it is permitted." For wheat after wheat only comes close to barley (wheat), barley after barley comes close to (barley) (wheat)\(^\text{116}\), but if only one wheat stalk is absorbed into the barley, or one stalk of barley is absorbed into the wheat, then that is forbidden.

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108 Assuming one has a small strip along which the kinds can be sown in linear order, each kind being separated from the other. The discussion here follows the previous disagreement between Hiziqiah and R. Johanan.

109 The middle half is enough of a separation; one does need a full *bet rova* of separation only for a standard field.

110 A similar text is found in Tosephta *Kilaim* 2:1.

111 All commentators replace סנ "straw" by סנה "a furrow." But that substitution is not supported by any manuscript. It is induced by a mis-reading of the Tosephta, where one reads: "He ploughs and brings wheat into the barley field, or barley into the wheat field; this is permitted since the wheat looks like part of the wheat field, the barley like part of the barley field." Similarly, the statements of R. Eliezer ben Jacob are close to the quote here but not identical. "Ploughing" here certainly means ploughing at least two furrows; so the substitution is not supported.

112 Of the straw-covered middle strip. One certainly cannot permit sowing the two slopes of one and the same furrow with two different kinds;
that would constitute *kilaim* according to all definitions.

113 The *baraita* and the corresponding Tosephta follow R. Eliezer ben Jacob; he follows the Sages of the Mishnah.

114 Tosephta *Kilaim* 2:2-3, language close to the quote here.

115 If the second field is not triangular in shape but trapezoidal (or, maybe, even rectangular) there still is no *kilaim* as long as the visual impression of the two fields is one of separation.

116 This now is the explanation of the interpretation of R. Johanan. The words in parentheses are in the text and do not make sense, even though they appear in both manuscripts. The word in brackets is inserted as conjecture. The main point is the difference in meaning between "coming close to" and "being absorbed in." The way Hizqiah lets one sow a narrow strip would be classified as one kind being absorbed in the other, at least if the excess area forms a thin strip all around the bet rova' square.

117 This refers to the last sentence in the Mishnah, the statement of Rebbi Yose. If somebody plants with the intention of not harvesting, but only to test the soil, why should the rabbis disagree (on condition that the test plot be clearly delineated)? The answer is that the rabbis are afraid that the neighbors either will suspect the farmer of sowing *kilaim*, or they might conclude from his action that one may sow flax in a grain field even as a commercial crop.

118 Nevertheless, he will never
allow testing for another kind of food, an industrial crop.

crop in a field growing food, only an

Rebbi Samuel said in the name of Rebbi Zeira, it is Rebbi Simeon's, for Rebbi Simeon said, nobody can sanctify property that is not his own. Rav said, nobody can jail property that is not his own. Rebbi Jonah said, Rav comes out like Rebbi Simeon; just as Rebbi Simeon said, nobody can sanctify property that is not his own; so Rav said, nobody can jail property that is not his own. But it cannot be explained following the Sages.

119 R. Simeon's (and R. Yose's) statement is in Mishnah 7:4: "Somebody who draws his vine over another person's grain, sanctifies the latter and has to pay for it. R. Simeon and R. Yose say, nobody can sanctify property that is not his own." Similarly, any influence on that of the passive farmer B, then farmer A's crop itself cannot be forbidden. R. Simeon's statement is an explanation of the Mishnah, not a disagreement. But the anonymous rabbis of 7:4 will not agree.

120 I. e., make it forbidden to be used. Here and in the following, "to jail" means to have it enclosed from all sides by other produce.
Mishnah 8: One does not sow mustard or saffron close\textsuperscript{121} to a grain field, but one may sow mustard or saffron close to a vegetable field. One does sow close to a fallow field, a ploughed\textsuperscript{122} field, a closure, a foot path, a fence ten hand-breadths high, a ditch ten\textsuperscript{123} deep and four wide, a tree giving shade on the ground\textsuperscript{124}, and a rock ten high and four wide.

\textsuperscript{121} Without any bare strip between one crop and the other. As R. Simson notes, the reason for this Mishnah is not explained. The explanation of Maimonides in his Mishnah Commentary is contradicted by the Halakhah. Probably the correct explanation is given by Maimonides in his Code, \textit{Kilaim} 2:18, that a crop of mustard or saffron surrounding a field of fifty by fifty (i. e., from a single furrow 200 cubits in length) is enough for a domestic crop (a commercial crop of mustard seed is defined in the next Mishnah as needing three \textit{bate rova}). Maimonides define it as safflower (\textit{carthamus tinctorius}), a red dye. In the Halakah, \textit{רַעִיש} is defined as "yellow dye."

\textsuperscript{122} A field on which the stubs of the previous harvest have been ploughed under but which has not been sown with a new crop.

\textsuperscript{123} All measurements given in the masculine are hand-breadths.

\textsuperscript{124} The place under the tree free of superficial roots is not the tree’s domain; hence, it may be used. This excludes vines which go under specially stringent rules because they cause \textit{kilaim} to become sanctified and forbidden. For any other crop, it is only necessary that fields or garden beds be clearly distinguished.
Halakhah 8: What is brn? Yellow dye.

So is the Mishnah: "One does not surround," hence one may sow close up\(^{125}\). Our Mishnah is Rebbi Jehudah's, as it was stated: "One may surround by mustard or saffron only bulbous vegetables\(^{126}\), the words of Rebbi Meir. Rebbi Jehudah said, any field one may surround by mustard or saffron except a grain field. Rebbi Simeon said, any field one may surround by mustard or saffron\(^{127}\). Rabban Simeon ben Gamliel said, one may surround small vegetable beds by mustard or saffron."

\(^{125}\) For the meaning of "משך to sow close to another crop", cf. Note 57. The language of the Mishnah is corrected by a text close to Tosephta Kilaim 2.5, quoted in the following. On the basis of that correction, J. N. Epstein, and S. Lieberman who follows him, want to explain משך by "coming really close, closer than leaning to." However, since they have to admit that in the statement of Rabban Simeon ben Gamliel משך means "surround," it is irrational to accept any other meaning for the other parts of the Tosephta.

\(^{126}\) So defined in Tosephta Terumot 9:5. Etymologically, n'on or n'oin is related to Syriac Koion "bulbous."

\(^{127}\) This sentence is not in the Tosephta.
It was stated\textsuperscript{128}: "One may sow a row of mustard or saffron in the middle of one's field on condition to make the row long, a length of 10.5 cubits the entire width." Rebbi Eleazar said, that applies only to a small field, not to a large one. What is large and what is small? If there is between the two ends a \textit{bet rova}', that is large, otherwise it is small. Does this not disagree with Rebbi Johanan, for Rebbi Johanan said that a vertex that comes from a dry spot is forbidden\textsuperscript{129}? There it is for grain, here for vegetables\textsuperscript{130}. Even though Rebbi Johanan disagrees for grain, he will agree here with respect to vegetables.

\textsuperscript{128} A similar text, but without the condition, is in Tosephta \textit{Kilaim} 2:4 in the name of R. Yose.

\textsuperscript{129} Hence, in the middle of a field.

\textsuperscript{130} Whose plants are much larger than the grasses grown for grain.

On dry soil\textsuperscript{131} one may sow any kind he desires. Rebbi Johanan said, only if he uses three of six [hand-breadths]\textsuperscript{132}. Three that are close to a
fence are like dry land\textsuperscript{133}. If there were three inside six and one outside six\textsuperscript{134}, since the former ones were saved, that one also is saved. If only two were inside six and one outside six\textsuperscript{135}, since the first ones were not saved, neither is that one. If there was one row dry, one row fence, and another row, one jails the row\textsuperscript{136} by the fence on fields\textsuperscript{137}. Two fields\textsuperscript{138}, one above the other, the upper one is close to a ditch, the lower one close to a fence.

\textsuperscript{131} Hard soil which cannot be ploughed to the depth required for grain and vegetables. Only a few adapted species grow there. Since the ground is different from the surrounding agricultural soil, a different crop is not \textit{kilaim} but visibly forms another field.

\textsuperscript{132} To make the other crop stand out, a minimal width of the cultivated area is required.

\textsuperscript{133} The three hand-breadths close to a fence are not usable in a regular way. If they can be added to another three hand-breadths of irregular soil, the conditions for their use for other crops are given.

\textsuperscript{134} Adjacent to the dry spot but outside it. Then the special crop introduced on the dry soil does not have to stop exactly at the border of the dry spot but can exceed it, up to a hand-breadth, presumably to give a more regular shape to the plot sown or planted with the dry crop.

\textsuperscript{135} If the dry soil itself is not used for at least 50\%, it cannot be used at all for crops differing from the surrounding one. Hence, even good adjacent soil cannot be used to make up for the deficiency on the dry soil.

\textsuperscript{136} If there was a narrow strip of good soil between the less usable strip along the fence and the less usable strip of dry soil, the good soil is caught in between ("jailed", cf. Note 120) and cannot be sown with the regular crop but must be used for the same crop planted on the dry strip and along the fence. In addition, the three hand-breadths each along the fence and of dry soil add up to the required minimum of six hand-breadths for separate use, even though they are separated by three hand-breadths of good soil. The good soil is added to
the strip along the fence.

137 The language is very difficult. Ms. Rome is completely different: "the roof of a fence is permitted," meaning that on the soil forming the top of a stone fence one may plant anything, irrespective of what is growing below. In the Leyden version of the Yerushalmi, the rule is restricted to fields, i.e., to plots that measure at least 50 by 50 cubits.

138 The fields are terraced, the upper one bounded at the upside by a ditch, either an irrigation ditch or one to catch rain water, the lower field is bounded below by a stone fence. In that case, both the upper and the lower borders have the status of fences.

The House of Yannai said, on the fence one may sow all kinds of mixtures\(^{139}\). A fence implies leniencies and stringencies. How is this? Less than a bet rova' shaven\(^ {140}\) in a grain field may not be sown\(^ {141}\); if surrounded with a fence it may be sown. A bet rova' in open country may be sown with two kinds\(^ {142}\); if surrounded with a fence this is forbidden.

139 Root רכמ "to mix" (also in Accadic and Arabic.) The statement seems to mean that on top of a stone fence one may sow anything he wants, irrespective of the crops on either side of the fence.

140 Not empty, but shaven of the surrounding crop. The next Mishnaiot will elaborate this notion. Cf. also Note 150.

141 Sown with a kind different from the one growing around it.

142 If the clear separation rules established earlier are followed. If the bet rova' is enclosed, it does not qualify as a field and must follow the rules of מושר.
KILAIM CHAPTER TWO

Does a fence save grains? Does sown dry land save vegetables? Rebbi Samuel in the name of Rebbi Zeira understood it from the following: "One sows close to dried-up tree roots." This mentions only dry ones; hence, if they are moist, it is forbidden. Rebbi Yose understood it from the following: "One does sow close to a fallow field, a ploughed field, a closure, a foot path, a fence ten hand-breadths high." That implies that a sown fence saves grains! Even if you accept "fence ten hand-breadths high," a sown fence does not have to save grains. There is a difference here because the fence is sown and no sown fence saves grains.

143 The question as it stands makes no sense since the Mishnah states clearly that a fence absolutely separates crops. One has to say that one does not speak of a (wooden) fence but of a stone wall and the question is whether the stone wall loses its status if it is used as a field in itself. (R. Moses Margalit wants to emend the following to דָּרִי and take the next sentence as explaining the meaning of the present one. This is impossible since the text is also supported by the Rome ms. and, as R. Eliahu Fulda notes, dry land is only mentioned to separate vegetables, whose rules are not as strict as those for grains.) One has to take the text here parallel to the following one and interpret "fence" as "stone wall topped by soil on which produce is growing."

144 Tosephta Kilaim 2:5. There it is
added that the roots have to be 10 hand-breadths high, corresponding to the minimal size of a separating stone wall. Hence, living roots are not different from a stone wall on which some crop was planted.

145 Quote from the current Mishnah. Here, "fence" (and also, "closure") is used without qualification and includes stone walls on which produce is grown.

146 Since the stone wall carries produce, all separation rules for fields apply; there is no longer any wall in the legal sense once it became a field.

Rebbi Judan asked: Do dry land and length add together? How is that? If there was space ten and a half cubits long and six hand-breadths wide$^{147}$, one does not have to have dry land$^{148}$. If dry land was added on both sides, one may sow close on both sides.

147 On separate ground in a grain field one may sow a row of vegetables since, as was just stated, dry land only helps for vegetables.

148 In order to permit the planting. But if dry land is added, one can sow grain close to it. Since the row of vegetables also takes up space, without the dry strip there would not be the required separation of at least three hand-breadths from the grain.

It was stated: Rebbi Jonathan ben Yose$^{149}$ said, one may sow close to a rock ten hand-breadths long and four hand-breadths wide on both of its...
sides. If it was ten by ten hand-breadths, one may sow close to it on all four sides.

149 A Tanna of the fourth generation, student of R. Aqiba, and perhaps also of R. Ismael. He is mentioned only in Tosephta and baraitot. His statement here refers to the Mishnah, that one may plant different crops at the sides of a rock outcropping that is at least ten hand-breadths high (about a yard). He states that any side of the outcropping at least one yard long forms an absolute barrier for kilaim.

Mishnah 9: He who wants to turn his field into patches for all different kinds makes 24 patches per bet seah, each patch one bet rova', and sows in each one any kind that he desires. If there were one or two patches, he may sow them with mustard; three he should not sow because that would look like a mustard field, the words of Rebbi Meir. But the Sages say, nine patches are permitted, ten are forbidden. Rebbi Eliezer ben Jacob says, even if its field is a bet kor, he should not make in it more than one patch.
Arabic ṭarîqא "terrain appropriate for being sown," used here for equal patches all sown or planted with different kinds. Clearly, R. Meîr cannot require the patches all to be square and equal, since 24 is not a square number. Since a seah contains 24 rova', each plot will have just the minimal size that allows different seeds to be sown. Since the patches have to be rectangular and equal in shape, on a field of 50 by 50 cubits the sides of the rectangles are 50/4=12.5 by 50/6=8.3 cubits (or 50/3=16.6 by 50/8=6.25 cubits.)

A new statement. If an otherwise continuous field has two square excisions of a bet rova' each, separated from one another, he may sow both of them with mustard because that is still less than a commercial crop. Three he may not sow because the yield would be enough for a commercial crop and would make the remainder kilaim.

The entire Mishnah up to here is R. Meîr's.

This is explained in the Halakhah. Maimonides, who insists that a ṭarîqא must be square, takes as model of the 50 by 50 cubits field a five-by-five square checkerboard. All white fields in the first, third, and fifth rows are squares of a bet rova' each (squares of \( \sqrt{2500/24} = 10.207 \) cubits edge length) while the black fields in these rows are rectangles of edge lengths 10.207 and 9.69 cubits. In rows 2 and 4, the black fields are squares of a bet rova', the white fields are rectangles of edge lengths 9.69 and 10.207 cubits. Together, they fill the large square, but only the nine fields selected first may be sown and all others must lie fallow.

According to Maimonides, the number 9 as maximum of patches is a mathematical fact. In the interpretation of R. Simson who admits rectangular patches, 10 patches would be possible but are forbidden. In a 4-by-6 checkerboard, a valid centrally symmetric configuration of 10 patches might contain \((1,1) (1,4) (2,2) (3,1) (3,3) (4,2) (4,4) (5,3) (6,1) (6,4)\). The expression "ten are forbidden" supports R. Simson.

1 kor = 30 seah. 1 bet kor = 75'000 square cubits, larger than the bet kor appearing in cuneiform documents.
Halakhah 9: Rebbi Hizqiah, Rebbi Yasa, in the name of Rebbi Johanan: For the first part, Rebbi Meïr says, even jailed, even adjacent, but the rabbis say, on condition that they were neither jailed nor adjacent\textsuperscript{155}. How is that done? 3,2,1,2\textsuperscript{156}.

\textsuperscript{155} Two rectangular fields may meet one another at a vertex, since each one is \textit{שורש רוח} for the other. "Jailed" means here that a rectangular field forms \textit{שורש רוח} at all four of its vertices. Rebbi Meïr permits to sow rectangular fields, each of the minimum size of \textit{بت אב}, even if they are adjacent, i.e., they are joined at an edge, and even if they are jailed at all corners, which means that he permits to use the entire field. The Sages do not disagree that a \textit{_vectorship} must have a minimum size of \textit{بت אב}. If the field is divided into equal rectangles, one may imagine that the different rectangles are alternately black and white in checkerboard fashion. Since the rabbis do not permit adjacent rectangles to be sown, the first condition is that only rectangles of the same color are chosen. The second condition is that no chosen rectangle can be surrounded by 4 chosen rectangles. The opinion of Maimonides about the position of the rabbis was explained in the Mishnah. His opinion is difficult to accept, since he does not permit any two fields to touch at all, so the mention of "jailing" is totally redundant. It is therefore better to look for a partition of the 50 by 50 field into 24 equal parts. The rabbis cannot speak about division of the field into squares since their number would have to be either 16 (with 7 chosen squares) or 25 (where 12 chosen squares are possible.) Also, the squares in the second case would be smaller than a \textit{بت אב}. If the Sages would follow the division of R. Meïr and cover the field by a 4-by-6 checkerboard, they could accommodate 10 chosen rectangles (fields 1,3,5 in the first row, 2,4,6 in the second, 1,5 in the third, 2,4 in the fourth.) Hence, it
seems that the rabbis insist that the area for מערת should be strictly larger than a bet rova', and on a 5-by-4 board one may select at most nine (e.g., fields 1,3,5 in row 1; 2,4 in row 2; 1,5 in row 3; 2,4 in row 4.) The area of each plot is then 125 sq. cubits. (Explanation of R. Eliahu Fulda.)

This statement fails in two respects. First, the underlying checkerboard is 5-by-5, allowing only 100 sq. cubits per plot, and second, on such a checkerboard that has 13 white and 12 black fields, one may choose all white fields with the exception of the central one (#3 in row 3), for a total of 12 admissible fields. Hence, this sentence (choosing 3 plots in the first row, 2 in the second, 1 in the third, 2 in the fourth, 1 in the fifth) must be a later addition. Even if one chooses the central element in row three, one still could accommodate 10 plots (1,3,5 in the first row, 2,4 in the second, 3 in the third, 1,5 in the fourth, 2,4 in the fifth).

The argument is not part of R. Johanan’s statement since it is in Aramaic. R. I. J. Kanievski proposes to read תהלת אפרים ותרתא וה_semaphore אתנא אחדא eliminating two conjunctions and translating “three [times] two and one each.” The syntax is very unusual.

Mishnah 10: Anything that is inside the bet rova' counts for the measurement of bet rova'. The surroundings of a vine, a grave, or a rock count for the measurement of bet rova'. Grain and grain need a bet rova', vegetable and vegetable six hand-breadths. Grain and vegetables, vegetables and grain need a bet rova'. Rebbi Eliezer says, vegetable and grain six hand-breadths.
157 The bet rova' which must be left uncultivated between two fields. The separating space need not be fallow agricultural land; land which cannot be used for agriculture may be counted since all that is needed is a separation.

158 The space around a vine that must be left free for tending it. This space must also be kept free of weeds.

159 A rock outcropping less than 10 hand-breadths high; otherwise it would separate by itself. The same will hold for the space of a fence which does not have the required height.

160 Between two grain fields, the empty space is determined by a surface area of one bet rova'. Between two vegetable fields, the space is 1 cubit in linear distance. This adds up to a bet rova' only if the fields are longer than 100 cubits.

161 Irrespective of which field was there first. These rules apply only to distances between fields; as noted earlier, for a single row of vegetables even the rabbis only ask for a distance of six hand-breadths.

Halakhah 10: Rebbi Abun bar Hiyya in the name of Rebbi Ze'ira: They taught only the surroundings of the vine, hence, not the vine itself. Why? Because it is forbidden for usufruct. But is not the grave also forbidden for usufruct? A grave is not recognizable as forbidden. And is the working space of a vine forbidden for usufruct? This follows Rebbi Ismael, since Rebbi Ismael said that a single vine does not have working space. But is not the grave forbidden for usufruct? A grave is not recognizable as forbidden.
This must be a dried-up vine; a fruit-bearing vine certainly makes kilaim forbidden.

While the remains of the dead are forbidden for any use, the status of the surrounding grave as forbidden is only rabbinical, and if the grave is covered only by a flat stone, as is usual in the Middle East, it is not directly recognizable.

One does not have to give a single vine six hand-breadths outside of the area shadowed by its branches and leaves, in which any kilaim would be "sanctified" and forbidden by Biblical decree. This goes against Mishnah 3:8. It follows that for a vineyard the surrounding working area cannot count as separation, since that would allow planting grain in the neighborhood of the vineyard.

"Grain and grain need a bet rova!" But only if it is not jailed on all four sides. Rebbi Zeira asked before Rebbi Yasa: Does this mean that we say that in the ravine of Simonia one may sow only one kind?

A wheat field may not be surrounded by four other grain fields, none of them wheat.

The Biblical Shimron, Semunieh, West of Nazareth. Since in a narrow ravine, the field is surrounded ("jailed") from all sides, do the walls of the ravine play the role of fields in flat country? The question is not answered.
Rebbi Eliezer objected to the rabbis: Are you not lenient for one row and restrictive for rectangles? It is so, we find that the rabbis are lenient for one row and restrictive for rectangles, as it was stated: He who wants to make one row of vegetables in a grain field makes a row 10.5 cubits long and six hand-breadths wide. Rebbi Johanan said, therein he sows only one kind. Rebbi Zeira said, Rebbi Johanan agrees that if it is seven wide he sows one hand-breadth on one side, one on the other side, and the remaining five count for both sides, just as Rebbi Zeira had explained Rebbi Johanan’s opinion there.

167 The Rome ms. here has quite a different reading, ... that seems to be based on a misunderstanding of the text.
168 To require a bet rova’ for rectangles when you require only three or six hand-breadths for rows, as above in Halakhah 7?
169 He sows in the middle and has half a cubit distance from the field in both directions. The value 10.5 is a practical upper estimate of the edge length of a square containing a bet rova’ (Note 153). R. Simson wants to take the 10 cubits as standard cubits of 6 hand-breadths each and .5 cubits as half a small cubit of 5 hand-breadths only, in order to get a better approximation. But such an exactness is illusory in agriculture; it is better to err a little on the upside.
170 So that each row of vegetables has six hand-breadths for itself.
171 Halakhah 7, in which R. Zeira asserted that R. Johanan permits the sowing of two rectangles in 1.5 bet rova’.
Somebody planted half a row, stopped, and wanted to start a second row. Rav Hisda said, this is forbidden. One tells him, either tear out that row or finish it.

Rebbi Judan said: Rebbi Hyya bar Abba and Rebbi Samuel bar Rav Isaac disagree. One says, even three in a width of six, the other said, one on one side, the other on the other side, and the third in the middle. We do not know who said what. Since Rebbi Yose said, Rebbi Hyya in the name of Rebbi Johanan, only if there is no dry patch, that means that Rebbi Samuel bar Rav Isaac said: One on one side, the other on the other side, and the third in the middle. If the sides were more than the dry patch, it is permitted.

172 Missing in the Venice print, but appearing in the quote a few lines later and in mss.

173 One may not sow anything that does not belong to the field unless one carves out a patch 10.5 by 1 cubits, but once one has that size, and the minimal width of 6 hand-breadths, one may plant there three rows of vegetables, if only one has orderly rows. The other opinion is that the rows must be equally spaced and there must be three hand-breadths between any two rows.

174 R. Hyya bar Abba. Since he has to say that the rule does not apply if there is a dry patch in the rectangle, he cannot otherwise require that the rows be equally spaced since then the statement would be superfluous. Since he puts the distances between the rows at the discretion of the farmer, he has to add that one may not plan close-up
rows in order to avoid a dry patch.  
175 If the strip is wider than six hand-breadths, so that there are six hand-breadths of good soil on any perpendicular to the length of the rows of vegetables, the dry patch is no obstacle.

Mishnah 11: Grain leaning over grain, vegetable over vegetable, grain over vegetable, vegetable over grain, all is permitted except Greek gourd. Rebbi says, also green melon and Egyptian beans, but I prefer their words over my words.

176 If oats with their soft stalks lean over straight wheat at the border between two fields, that is not bad, as long as the sowing was done correctly. The same is true for all other annual plants grown from seeds, except for Greek gourd having wide leaves and long, crawling stems which enter neighboring fields and appear as kilaim even if sown strictly separately. These must be confined to their own field.  
177 The Halakhah will explain Rebbi's argument. One must assume that his statement expresses a family tradition.
Halakhah 11: It was stated\(^{178}\): "Five things were said about Greek gourd: One may not allow it to cover grains\(^{179}\), it brings impurity and stops impurity\(^{180}\), its stalk is one hand-breadth\(^{181}\), the tiniest amount of it makes forbidden\(^{182}\), and to him who makes a vow not to use pumpkins, only Greek gourd is forbidden." Rebbi Jonah asked, why do we not count "it brings impurity and stops impurity" as two? Bar Qappara stated seven: "One may not allow it to cover grains, it brings impurity, it stops impurity, its stalk is one hand-breadth, one gives it its working space\(^{183}\), it is kilaim with Aramean [pumpkin], and kilaim with ash pumpkin\(^{184}\)." He did not state that it makes forbidden or anything about making a vow\(^{185}\).

178 Tosephta Kilaim 1:5.
179 As explained in the previous Halakhah, its leaves cannot be allowed to grow over other plants because it would look like kilaim.
180 If the leaves of Greek gourd are growing on a trellis, they act as roof. A human corpse in a house ("a tent," Num. 19:14) brings impurity on everything in the house. On the other hand, the roof of the house and anything above it are free from impurity. If the corpse is not in a house, anybody who would step over it would create a temporary tent and hence would become impure. The leaves of the pumpkin act as roof, so that a dead body under part of it would bring impurity to all vessels or people found under any other leaves extending from the same vine. Consequently, a person being above these leaves would not become impure because the roof under him protects him from impurity.
181 Food can become impure, the plant on which it grows cannot. The connection of the fruit to the stem is the stalk; this can still become impure. This rule is found in Mishnah 'Uqezin 1:6.
182 If the pumpkin is forbidden for any reason, then even the smallest
amount mixed with other food makes all the food forbidden because of its importance. The complete list of vegetables with this property is given in Mishnah 'Orlah 3:7.

In this respect it is like vines, since the working space around it is not counted as empty for the minimum separation of different species.

See Mishnah 1:5.

He disagreed with the statements about these topics.

Rebbi Yose said, Rebbi Gamliel, the son of Rebbi, went to the market. They came and asked him whether the roofing they mentioned referred to touching. He went and asked his father, who told him that the roofing they mentioned referred to touching. Rebbi Jonah said, Rebbi Hillel ben Rebbi Vales went to the market. They came and asked him whether the roofing they mentioned referred to touching. He went and asked his father, who told him that the roofing they mentioned referred to touching.

This paragraph is partially in Aramaic since it involves the unlearned.

For Greek gourd, whether it forms kilaim only if the leaves actually touch the other produce, or whether it is also kilaim if the plant stretches out on a high trellis. The answer is, kilaim only applies in the first case.
What means "but I prefer their words over my words?" Rebbi Hinena said, if Egyptian pumpkin whose leaves form roofs is permitted, green melon and Egyptian beans so much more. Rebbi Abba Mari said, Rebbi Mana did not say so. Rebbi said, all those about which we did state "green melon and Egyptian beans," also include Egyptian pumpkin. What means "but I prefer their words over my words?" That none of these form roofs like Greek gourd\(^\text{188}\).

\(^{188}\) Their leaves are not as large as those of Greek gourd.
Mishnah 1: In a garden bed that is six by six hand-breaths\(^1\) one may sow five kinds of seeds, four at its four sides and one in the middle\(^2\). If it has a wall around it at least one hand-breath high, one may sow in it thirteen kinds: three on each of the three sides of the wall, and one in the middle\(^3\). One should not plant a head of turnip in that wall because it fills it\(^4\). Rebbi Jehudah says, six kinds may be in the middle\(^5\).

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\(^1\) This is the minimal size (about 0.3 m\(^2\)) of a plot that can be planted with different kinds. The rules for garden beds are different from those of fields. If no trees are involved, then the only requirements are that the different kinds not be sown together and that they form distinct smaller beds (with straight boundaries), so that they should not appear continuous. It will be stated in later Mishnaiot that two different patches either may come together as the vertex of a triangle, touching a straight side, or that the two patches meet in a pair of vertical angles, or that the patch boundaries are parallel and separated, either by a ditch one hand-breath deep and wide and six long, or by an earthwall one hand-breath high and one wide, or by a strip of flat empty ground 1\(^1/2\) hand-breaths wide. The Halakhah will explain that under most circumstances, one must leave the corners of the nans-square empty. The problem of interpretation of the
Mishnah is to find a way that gives the farmer maximum use of his soil. The maximum problem was solved by Maimonides, whose interpretation we follow here. A similar explanation is given by Rashi, Babli Sabbath 84b; Rashi's explanation is identical with one by an unnamed Gaon, Ozar Hageonim Sabbath p. 83-86. [In all these discussions, "six hand-breadths" is used, not "one cubit," since there is an opinion (Toseptah Kelim Baba Mezia' 6:13) that in all that concerns kilaim, a cubit is only five hand-breadths. For the metric equivalents of these measurements, cf. Chapter 4, Note 2.]

2 Divide the 6x6 plot into 36 squares of one hand-breadth edge length each. Along the four edges, the corner squares are left fallow. Then on each edge, a rectangle, 4 long and 1 wide, can be planted. These 4 rectangles can be planted with 4 different kinds since they meet only at a pair of vertical angles. Together, they contain 16 of the 1-by-1 squares. The interior edges of the rectangles enclose a 4x4 square. In this square, a square can be planted in the shape of a diamond, having its vertices at the midpoints of the inner edges of the rectangles. This is permitted as רהו promptly since the rules of "jailing" do not apply to flower beds. The diagonals of the diamond have length 4; it covers exactly half of the internal square of 16 square hand-breadths. Hence, the entire cultivated area is $8 + 4 \times 4 = 24$ hand-breadths square.

If we assume that the fallow squares at the corners have edge length $a$, then the total cultivated area, in square hand-breadths, is

$$f(a) = 4a(6 - 2a) + 0.5(6 - 2a)^2.$$  

A simple computation then shows that the maximum is attained for $a = 1$, $f(1) = 24$. R. Obadiah of Bertinoro objects to the use of diamonds in farming; his optimal solution has 4 1.5-by-3 rectangles along the sides and a single plant in the center of the square, total area 18+ε. A different approach by R. Hananel, based on the Halakhah here, leads only to a cultivated area of 13, and a more detailed analysis of the Halakhah by R. Simson to 15.04. R. Simson's explanation is given in the
Halakhah; the statement it refers to proves the existence of an arrangement of five different kinds, not the optimal arrangement.

3 Since now the entire plot is 8-by-8 hand-breadths, if on the elevated border one leaves the corner 1-by-1 square empty, one may plant on the border three different 1-by-1 patches separated by the required 1.5 hand-breadths. Then in the middle one may plant one large diamond that touches the sides of the הָרַע at their midpoints. The total area is 64 square hand-breadths, the cultivated area is

\[4 \times 3 + 18 = 30.\]

4 The leaves of the turnip will grow into the empty spaces between the different kinds and no separation will be visible.

5 If 12 little patches are sown on the border wall, the internal 6-by-6 bed may be planted in two rows of three rhombs each. Each rhomb is three high and two wide. (The edge length of each rhomb is \(l = \sqrt{3.25}\), half the acute vertex angle is given by \(\sin \alpha = 2/3\). Hence, the distance between two parallel edges of two parallel rhombs is \(d = l \sin 2\alpha = 1.792 > 1.5\), and the arrangement is legitimate. If the inner שָׁדַי would be filled by 9 1-by-1 diamonds, the distance between parallel patches would be only 1; this is too small. Hence, for regular patterns, 6 is the maximum number.)

This arrangement increases the number of kinds that can be sown but it does not change the total cultivated area. (According to R. Obadiah of Bertinoro, R. Jehudah refers only to the שָׁדַי that is surrounded by an earth wall, so that the corners can also be sown. His configuration is of six 2.25-
Halakhah 1: (Is. 61:11) "Its sown seeds," the minimum of seeds are two. Rebbi Samuel bar Sisarța said, from two you infer four. Just as for two you start at the beginning of six and reduce continuously, so for four you start at the beginning of six and reduce continuously. It is impossible that there should not be a free space to plant in the middle. Rebbi Jonah said, working space joins working space but a kind does not meet another kind to jail it. Rebbi Joshua ben Levi: "Its seed, its seeds, its sown seeds." That follows Rebbi Jehudah, since Rebbi Jehudah said six, "seed, its seed, its seeds, its sown seeds." Rebbi Haggai said, يربع såyy has five letters; everywhere I find י I delete them. This was asked of Rav Huna, the scribe of the assembly, and he said, דיני is written plene. Rebbi Johanan in the name of Rebbi Yannai: All inside of six. Cahana in the name of Rebbi Simeon ben Laqish: All at the outside of six. Then we
should state "nine!" Rebbi Tanhum from Bostra\textsuperscript{17} said, that is true. But our Mishnah speaks of a garden bed in the middle of garden beds\textsuperscript{18}.

6 Reading of the parallel in \textit{Sabbat} 9:2, which has better readings. The word is missing in the Leyden/Venice texts here.

7 Reading of the text in \textit{Sabbat}. Here \textit{טנורא}.

8 The entire paragraph appears in \textit{Sabbat} 9:2 as commentary on the Mishnah: "(R. Aqiba said,) from where do we know that one may sow five different kinds in a garden bed that is six-by-six hand-breadths, four at the four edges and one in the middle? For it is said: For as earth will produce its plants, and as a garden will make its seedlings germinate . . . It does not say, 'it will make germinate its seedling' but 'its seedlings.'" The verse uses a plural for the seedlings in a garden (interpreted as one garden bed); this proves only that it is possible to sow more than one kind.

9 He appears elsewhere as R. Samuel bar Sosarta, bar Sotar (\textit{Berakhot} p. 63).

10 The argument as explained by R. Simson: At the end of the paragraph, it is stated that one deals with a vegetable bed surrounded by other vegetable beds. The rules of "jailing" require that at the corners squares of one hand-breadth each must be empty. In order to grow two kinds of plants, one may sow two strips, each 4 hand-breadths long, along parallel edges, each one 2.25 hand-breadths wide, so that the required separation of 1.5 hand-breadths be observed in the middle. But then the argument may be used also for the other two edges. That means that one sows four triangular patches; each one has a base of 4 hand-breadths on an edge of the garden bed, with base angles of 45°. These triangles must be separated by strips 1.5 hand-breadths wide. This means that at the edges, we must leave a square of edge length \(a\) empty, whose diagonal is 1.5 = \(a\sqrt{2}\). Hence, \(a = 1.061\); the bases of the triangle can only be 3.878 hand-breadths. In that case, the distance of the third vertex of the triangle from its base is equal to half the base on the edge, or 1.939 hand-breadths. The distance from the center is \(a = 1.061 < 1.5\). In order to plant a single seed in the middle, it is therefore necessary to cut off the
triangles at distance 1.5 from center and edge, creating four congruent trapezoids. The height of a trapezoid is $h=1.5$, its base $2b=3.878$. By similar triangles, the length $t$ of its top is given by $2b/b = t/(b-h)$ or $t = 0.878$. That makes it possible to plant a single fifth kind in a small space in the middle. The total area planted amounts to four times the area of the trapezoids, 15.044 square hand-breadths, plus the area of the small space in the middle. The word גרעין appears only twice in the Bible, Is. 61:11 and in a description of grain (Lev. 11:37): "seeds of seedlings that may be sown." In contrast to modern dictionaries which take יָעֵץ as a word different from יָעָץ, the authors here take it as expansion of יָעָץ "seed." The root is expanded three times, by taking the plural, adding a possessive suffix, and adding the letter ר. Each change is taken as a plural, hence three plurals are added for a total of six.

13 R. Haggai assumes that originally all Hebrew spelling was what is called defective. Hence, any י or ר that is neither part of the root nor required by grammatical rules is considered an addition by later scribes and therefore is disregarded. That eliminates the ר but leaves the ר which is required as sign of plural. One ends up with five letters, following the anonymous opinion in the Mishnah.

14 The spelling ידורים is certainly wrong since the expression of ר by ר is standard only in Mishnaic and later texts, not in Biblical ones. Hence, the plene writing refers to the masoretic spelling of the word; one has six letters supporting Rebbi Jehudah.

15 All seeds are sown in the interior of the bed, away from the
corners.

16 The corners at the boundary, which are at the outside, are sown. Then one may sow four 1-by-1 corner patches, four 1-by-1 patches at the center of each edge, and a center diamond, for a total of nine patches.

17 A student of R. Jeremiah and teacher of R. Eliezer ben R. Yose, from the town of Bostra, at the Southern border of the province of Trachonitis, on the road from Damascus to Edrei.

18 Since the rules of "jailing" apply to garden beds as a whole, not to smaller patches, the corners cannot be sown. This is the opinion of Samuel in the Babli (Sabbat 86b). Otherwise, it really is possible to sow 9 kinds, as the Babli puts it (Sabbat 86a), in the case of a garden bed planted on land otherwise dry, with no other beds nearby. Rav in the Babli still admits only five kinds even on dry land.

Rebbi Isaac and Rebbi Immi were sitting and asking, did we not state: "If it had a wall around it at least one hand-breadth high, one may sow in it thirteen kinds: three at each of the three sides of the wall, and one in the middle." Should we not state, 'six in the middle'? Explain it if the walls diminish six. If the walls diminish six, is it that about which we stated: "Rebbi Jehudah says, six kinds may be in the middle?" We upheld it, but we do not know whether the colleagues upheld it or Rebbi Immi did; it refers to the beginning. And if it refers to the beginning, it is that about which Rebbi Hiyya stated: Rebbi Jehudah says, 18.
19 As was shown in the Mishnah, a six-by-six plot may be sown in six rhombs.

20 The leaves of the three patches on the border wall hang down and leave less than a 6-by-6 plot in the middle.

21 Rebbi Jehudah disagrees with the anonymous Tanna of the first statement in the Mishnah and asserts that one may sow 6 distinct kinds in a garden bed.

22 This can only refer to the case of the garden bed with 12 little patches on the surrounding elevated wall and 6 rhombs in the middle, for a total of 18. This is possible since the outer patches are a hand-breadth higher than the planted rhombs which, therefore, do not have to be 1.5 hand-breadths distant from the border patches (the actual horizontal distance is only $1.5/\sqrt{3.25} = .832$.)

23 May one raze a bet rova' and sow in it five different kinds of grain? If about a six-by-six, for whose infringement one is whipped by Biblical decree, you say it is permitted, then so much more here where you are not whipped by Biblical decree. May one raze at the corners of a bet rova' to make a continuously narrowing patch? If about a six-by-six, for...
whose infringement one is whipped by Biblical decree, you say it is permitted, then so much more here where you are not whipped by Biblical decree\textsuperscript{29}.

\textbf{23} The usual technical term is אַל זָרָה אַל.

\textbf{24} In one of the patterns established for a garden bed, homothetically amplified. The side of a square containing a \textit{bet rova'} is 10.206 cubits (\textit{Peak}, Chapter 2, Note 78).

The Arabic verb ṣārī has many disparate meanings. One of them in the first conjugation is: "to dig a well", another one in the eighth, "to improvise". As noted in Chapter 2, Note 150, the derived noun ṣārī means "plot prepared for sowing". Since Arabic terms for agriculture are mostly taken from the languages of sedentary people living near Arabia, it might be that ṣārī is an unrecognized Hebrew verb meaning "to prepare for agricultural use".

\textbf{25} As given in Mishnah 2:10, a violation of the requirement of a six-by-six empty space is punishable, but the six-by-six plot itself may be sown in different patches. Hence, the \textit{bet rova'}, which for separation is only a rabbinical requirement, cannot have more stringent rules.

\textbf{26} Is the construction of the trapezoids described in the first paragraph of the Halakhah legitimate?

\textbf{27} In the case of the arrangement described in the Mishnah (following Maimonides and Rashi) there is no space reserved for working the patches; they cannot be shared. In the case of the trapezoids there is space reserved and the spaces are shared.

Translation and explanation follow the Rome ms. in which the word ṣārī is missing. If the word is read, with the Leyden ms. and the Venice print, the argument following has no basis.

\textbf{28} The entire question, since the triangular-trapezoidal configuration described in the Halakhah is far from optimal as far as utilization of the soil is concerned.

\textbf{29} For a \textit{bet rova'} one proposes to make trapezoids with sides inclined 45°, starting out at a distance of 1.061 from the vertex and narrowing to a distance of 1.5 from the center; see Note 10, fig. 3-4. In that case, the base is 8.084 cubits, the vertex of the isosceles triangle of angle 45° is again
at distance \( a = 1.061 \) from the center and the length of the top of the trapezoid is again \( t = 0.878 \). Since in the trapezoidal configuration the plots do not touch, there is no question of "jailing", which is permitted for garden beds and forbidden for larger fields; hence, what is permitted for garden beds in this case is also permitted for a bet rova'. (The configuration of Maimonides cannot be carried over to larger fields.)

Rebbi Nassa asked: Is it not reasonable that, if the top of the surrounding wall is two hand-breadths wide, one is permitted to sow on it two kinds\(^{30}\)? Rebbi Nassa asked: If he drew a string\(^{31}\) in the middle\(^{32}\), sowed in half of it, how far can he draw it? From what Rebbi Isaac and Rebbi Immi said\(^{33}\), "explain it if the walls diminish six," that means that it may be even less\(^{34}\) than that. Let us hear from the following\(^{35}\): "In depressions that are one hand-breadth deep one may sow three seeds, one on each side and one in the middle." That means, down to one hand-breadth\(^{36}\). Rebbi Abba bar Cahana, Simeon from Nerash\(^{37}\) in the name of Rebbi Simeon ben Laqish: They taught "leaning towards a dry spot"\(^{38}\).

\(^{30}\) Leave the outermost one hand-breadth square at the outer edge empty, then plant one hand-breadth square at the inner part of the 2-by-2 corner and then four times 1-by-1.5 of different kinds alternatingly on both
sidelines of the wall along an edge, and so on all around the bed.

31 For this meaning of קילאيم cf. Chapter 1, Note 159. Since in the absence of vines all that is demanded to avoid קילאים is that the patches in which different kinds are sown be divided by clear dividing lines and, as a rabbinic requirement, that the kinds be visibly separated, the erection of a symbolic wall satisfies the rabbinic requirement. The question is, how narrow is the minimum domain cordoned off by the קילאים?

32 Greek μέσος, η, ov "middle-, in the middle". (Rome ms: יומש)

33 Earlier in this Halakhah.


35 Tosephta Kilaim 2:9, with slightly changed language, "little furrows," instead of "little holes."

36 Any strip one hand-breadth wide may be cordoned off and sown in its entire length, irrespective of anything surrounding it.

37 Nothing is known about him. Nerash is a town on the Euphrates (in the Babli its reputation is bad.) The word ר is missing in the Rome ms.

38 The main point of this remark is in Halakhah 5. R. Simeon ben Laqish rejects the Tosephta quoted earlier which asserts that "a man may make little furrows in his field," and asserts that seeds of three different species, planted along the diagonal of a unit square, are permitted only if the surroundings are dry spots, nothing is planted there, and one will be able to turn the leaves of the plants growing in the corners to the outside in opposite directions and the leaves of the plant growing in the middle in the direction of the other (perpendicular) diagonal. (This is the position of Rav in the Babli, Sabbat 85a. It is rejected there by Samuel, loc. cit. 85b.)
Rebbi Ze'ira said, they made every single hand-breadth on the border wall a domain for itself. Then there should be 25, six on each side of the border wall and one in the middle! Is that so? Rebbi Abun bar Hiyya in the name of Rebbi Samuel bar Rav Isaac objected: Did we not state that "in a furrow or a water canal one hand-breadth deep one may sow (two) kinds of seeds, one on each side and one in the middle." Should one not state five, two on each side and one in the middle? That is impossible; the two sides jail the middle one.

39 Each 1-by-1 square on the elevated wall.
40 Mishnah 3:2.
41 Obviously, it should read "three" as in the Mishnah, but the same mistake "two" is found in both mss.
42 One at the bottom and one at the top, separated by a vertical distance of at least one hand-breadth.

Rebbi Abun bar Hiyya in the name of Rebbi Samuel bar Rav Isaac asked: Does the border wall save vegetables from melons? If the border wall does not save different kinds of grains that are saved by 10.5
cubits, does this not apply *a fortiori* to melons that are saved only by twelve cubits? Does planting melon save on top of the border wall? If different kinds of grains that are saved by 10.5 cubits are not saved on top of the border wall, does this not apply *a fortiori* to melons that are saved by eight cubits? Rebbi Judan, the father of Rebbi Mattaniah, said, is that a reasoning *a fortiori*? It must be as follows: If different kinds of grains that are saved by 12.5 cubits are not saved on top of the border wall, does this not apply *a fortiori* to melons that are saved only by twelve cubits?

43 Reading of the Rome ms. Venice has י"ה by a change of liquids ל - ע. Everywhere else the authority quoted is the father of Rebbi Mattaniah.

44 Melons and squash whose stems grow meandering over large areas and whose leaves are broad are subject to special rules expressed in Mishnaiot 3:3 ff. Since they also can be counted as vegetables, do the leniencies of the border wall extend to these plants?

45 Grains sown in fields must be separated by a *bet rova*, 10.21 cubits square (here rounded upwards to 10.5), and no border wall is ever mentioned in the rules that govern these fields. Squash and melon for whom we require a separation of 12 cubits along the entire length of the field cannot possibly have more lenient rules.

46 If a melon or squash is planted on top of the wall, may one sow other vegetables in the garden bed, immediately adjacent to that melon but one hand-breadth lower?

47 Opinion of R. Aqiba in Mishnah 6, opposed by the Sages. If this is chosen, the argument goes the wrong way!

48 This is clearly a scribal error; it must be 10.5 as above. The error must be an old one since it appears in both manuscripts.
Mishnah 2: One does not sow any kind of seed-plants in a garden bed\(^49\); but one may sow any kind of vegetables in a garden bed. Mustard and smooth peas are counted as seed-plants, large peas are vegetables. A border wall that was one hand-breadth high and shrank is in order because it was in order at the start\(^50\). In a furrow or a water canal one hand-breadth deep one may sow three kinds of seeds, one on each side and one in the middle.

49 "Seed-plants" are plants whose seeds are used as food, such as grains and legumes. (Sometimes, מים denotes only grains.) "Vegetables" are plants whose edible parts are leaves and/or roots (e.g. cabbage or turnips) or the fruit is distinct from the seeds (e.g. cucumbers or melons.) Since it is not customary to sow such little quantities of seeds, one may not sow grains and similar produce in garden beds that contain multiple kinds of plants since it would look like קילאיים. What one does with a small plot planted only with one kind is not regulated here.

50 The "start" is planting or sowing time when the full height is required.
Halakhah 2: "Any kind of seeds, etc." Mustard and smooth peas are counted as seed-plants; if one sowed them for use as vegetables he may not put them in a garden bed. Large peas and Egyptian beans sown to produce seeds one may not put in a garden bed. If one sowed them for use as vegetables he may put them in a garden bed. All other garden seeds that are not eaten, even though one sowed to produce seeds, he may put them in a garden bed.

51 A similar text, likewise not free from corruption, is in Tosephta Kilaim 2:8: "Mustard, beans, and oats, even if sown for use as vegetables, may be put in a garden bed. Large peas and Egyptian beans sown to produce seeds may be put in a garden bed; if one sowed them for use as vegetables he may not put them in a garden bed. All field or garden vegetables, even though one sowed to produce seeds, he may not put in one garden bed." R. S. Lieberman prefers to read instead of "oats" "smooth ones," referring to beans, parallel to "peas" of the Mishnah. But the manuscripts of the Tosephta are too corrupt here to be of any value.
were uprooted, the earlier ones are permitted. If the earlier ones were uprooted, what is the status of the later ones? Let us hear from the following\textsuperscript{52}: "If the two long boards of a bed were removed and one made two new ones in their stead but did not change the holes, if the new boards were broken, it is impure, if the old ones, it is pure, since all goes after the prior status." That means, if the later ones were uprooted, the earlier ones are permitted. If the earlier ones were uprooted, the later ones are forbidden.

\textbf{52 Mishnah Kelim 19:6. One has to read mam instead of mam One speaks of a bed that has a wooden frame, consisting of two short (head- and foot-) boards and two long ones on the sides. The mattress lies on strings that are strung from one long board to the opposite one. The bed has become impure. It is a utensil, and any utensil can become pure either by immersion in a ritual bath (which is a problem for a large bed) or by becoming unusable. The Mishnah states that if the two long boards are broken we no longer have a bed and the remainder becomes pure, even if the boards are later replaced by new ones. But if the long boards are simply removed and replaced by new ones, the impurity is not removed, even if the replacement boards break, since the old ones could be returned to their place.}
Rebbi Jonah said, Rebbi Zeïra and Rebbi Immi, both in the name of Rebbi Johanan, one said one plants near a fence but not near a border wall, and the other said, a border wall which lost height is in order, hence a fence which lost height is invalid. But we do not know who said what. Since Rebbi Yose said, Rebbi Zeïra in the name of Rebbi Johanan: One plants near a fence but not near a border wall, this means Rebbi Immi is the one who said that a border wall that lost height is in order, hence a fence which lost height is invalid. Rebbi Yose said, we also did make both statements, that a border wall that lost height is in order, hence a fence that lost height is invalid. One plants near a fence, as we have stated (Mishnah 2:8): "One does sow close to a fallow field, a plowed field, a stone wall, a foot path, a fence ten hand-breadths high." One does not plant near a border wall, as we have stated (Mishnah 3:2): "In a furrow or a water canal that are one hand-breadth deep one may sow three kinds of seeds, one on each side and one in the middle." If you say that one may sow close to a border wall, he should sow several rows down in the ditch. The colleagues said before Rebbi Samuel bar Abin: Explain it if the top of the border wall was sown. He said to them, if it is so, let him uproot that stem and sow several rows down in the ditch. Is it not better to uproot one stem and sow several rows down in the ditch?

54 However, everybody agrees that one may sow אַרְשָׁנָא meaning under all circumstances. This shows that the explanation of Maimonides in Mishnah 3:1, using a diamond-shaped field in the center רַעְשָׁנָא is consistent with the Halakah here, while R. Obadiah of Bertinoro’s explanation of the position of R. Jehudah is not.

The statement means that one may sow close to the fence on both sides of the fence, even if the thickness of the fence is less than 1.5 hand-breadths, but sowing near a border wall that is 1 hand-breadth high requires one to leave half a hand-breadth empty in the wall or on top of the wall adjacent to the wall, for a total separation of 1.5 hand-breadths.

55 To less than 10 hand-breadths, unless the fence itself was 1.5 hand-breadths wide.

56 One may not sow parallel to it in the ditch unless the total distance was 1.5 hand-breadths. But a single seed acts as מִדֶן wàł and is permitted.

Mishnah 3: It is permitted that a vertex of vegetables enter מָשְׁנָה (fol. 28b) a field of other vegetables, since it is visibly the end of its field מָשְׁנָה. If one’s field was sown with vegetables and he wants to plant in it a row of a different vegetable, Rebbi Ismael says, not unless he has an open furrow from one end of the field to the other מָשְׁנָה. Rebbi Aqiba says, a length of six hand-breadths for a full width מָשְׁנָה. Rebbi Jehudah says, the width must be the width of the sole of a foot מָשְׁנָה.
57 As before, "enter" means that it touches the last row of vegetables, not that there should be a straight line on which the last plant of the row is bordered on both sides by plants of the field.

58 Visual separation is all that is needed.

59 If the new vegetable is inside the field, there must be an empty open furrow on each side of the new vegetable. The six hand-breadths given as minimum separating distance in Mishnah 2:10 apply only to the distance between two vegetable fields, not to one row inside a field.

60 "Full width" according to R. Simson means six hand-breadths; according to Maimonides it means the full depth of the furrow. Both explanations collide with parts of the Halakhah.

61 Exactly one hand-breadth. The language of R. Jehudah refers to the verse Deut. 11:10: "You did irrigate it with your foot like a vegetable garden."

Halakhah 3: "A vertex, etc." Bar Qappara stated: He sows in it only one kind.

62 A quote from the Mishnah. However, the discussion is not about that sentence at all. In the opinion of R. Moses Margalit, the statement of Bar Qappara is out of place here and belongs to the Mishnah quoted last in the preceding Halakhah, about the ditch that is one hand-breadth deep. According to the more likely opinion of R. Eliahu Fulda, the statement refers to the one row of vegetables that one plants in a field of other vegetables.
What did Rebbi Ismael say about the width? Now if Rebbi Aqiba, who encloses it from three sides, requires a full width, Rebbi Ismael who encloses it by two rows, not so much more? What does Rebbi Ismael say about a row of vegetables in a grain field? Now if Rebbi Aqiba, who is more lenient here, is restrictive there, Rebbi Ismael, who is more restrictive here, certainly will be restrictive there! No, this is not necessarily so. What does Rebbi Ismael say there about width? As we say there, there is no difference between Rebbi Aqiba and Rebbi Ismael in matters of width.

63 In the Rome ms: "encloses by two rows." R. Aqiba permits the insert to be enclosed even from three sides. R. Ismael insists that strictly only two sides are permitted; therefore, he must require that the dividing empty furrow extend from one end of the field to the other.

64 For an argument a fortiori, R. Aqiba must be less restrictive than R. Ismael. This is the case since R. Aqiba requires only a separation along six hand-breadths. But then, in order for the argument to make sense, "a full width" must mean the maximum separation mentioned in the Mishnah, i.e., six hand-breadths. Otherwise, R. Ismael could be more restrictive than R. Aqiba even in regard to width. Hence, the explanation of Maimonides of the Mishnah cannot be accepted.

65 This is the topic of Mishnah 7; there a separation of six hand-breadths is quoted as universally accepted opinion.

66 Since the relevant statement is anonymous. The corresponding statement of the Tosephta, Kilaim 2:13, reads: "Whether there be a row of melon or a row of any other vegetable in a grain field, a length of 10.5 cubits by a width of six hand-breadths."
Samuel said, they taught only one row, hence two are forbidden. Rebbi Johanan and Rebbi Simeon ben Laqish both say that there is no difference between one and two rows.

"A row" mentioned in the Mishnah may mean "one row." In Samuel’s opinion, two rows form a field and are subject to the rules of Mishnah 2:10.

Rebbi Simeon ben Laqish said, it is permitted to split four rows in an open field. Rebbi Johanan said, only if the two outer rows be treated as garden beds. Rebbi Zeira said, only if three are within six.

Rome ms.: вера, вера, вера, вера, вера, вера. Arabic كَفَّارتُ (Kafartu) everywhere is agricultural land accessible only by footpaths, not by public road. At such a place not visited by non-farmers, R. Simeon ben Laqish permits an insert of up to four rows in a field growing other kinds.

Version of the Rome ms: "That they cannot be treated." This reading seems to be the original one. Four rows are permitted only if those adjacent to the other crops are single rows, not garden beds, since otherwise no clean separation of the vegetable rows and the rest of the crop is possible.

The rows must be compact, not more than two hand-breadths allotted to each row. Together with a separation of six hand-breadths from the rest of the crop, this makes for a neat insert.
Rebbi Huna said, what is the reason of Rebbi Jehudah? (Deut. 11:10)

"That you irrigated with your feet as in a vegetable garden." What is the measure of a foot sole? A hand-breadth.

72 In the Babli (Šabbat 85a), this is the opinion of R. Zeira (Zera). It would appear that the author here is not the Galilean Rebbi Huna but the Babylonian Rav Huna, teacher of R. Zeira. This paragraph can be added to the list of parallels given in the Yerushalmi in the name of a Babylonian and in the Babli in the name of a Galilean.

We have stated the opinion of Rebbi Jehudah here, and we have stated it there. If it had been stated here but not there, we would have said that just as Rebbi Jehudah who is restrictive here is permissive there, the rabbis who are permissive here certainly will be permissive there. Hence, it is necessary to state there. Or if it was stated there but not here, we would have said that just as the rabbis who are restrictive there are permissive here, Rebbi Jehudah who is permissive there certainly will be permissive here. Hence, it is necessary to state both here and there.

73 In Mishnah 3:1, where the rabbis permit only five kinds in a garden bed but Rebbi Jehudah permits six.
74 Rebbi Jehudah requires a full...
hand-breadth of empty space as walk-

way between the two parts of the field. The rabbis require less, according to
the argument here. The problem is that the rabbis are not mentioned here, nor are they in any parallel Tosephta.

By the rules of decision accepted in the Babli, practice follows R. Aqiba against any one of his colleagues. If we accept this here, then the explanation of R. Aqiba's statement in the Mishnah must follow Maimonides and the opinion of R. Simson becomes unacceptable!

There is no indication that the Yerushalmi accepts that rule; in addition, R. Aqiba here disagrees with two of his colleagues, so that there is a two to one majority which rejects his position. We must assume that in the opinion of the Yerushalmi, the rabbis will be ready to accept any furrow as separation, without prescribing any minimal width.

Mishnah 4: If someone plants two rows of green melons, two rows of pumpkin, two rows of Egyptian beans, this is permitted. One row of melons, one row of pumpkin, one row of Egyptian beans is forbidden. One row each of melons, pumpkin, Egyptian beans, and one row of melons, Rebbi Eliezer permits but the Sages forbid.

We are now talking about one field on which several kinds of vegetables are planted. If there are two rows, each of them appears as a separate planting if a certain amount of separation is kept between rows of different kinds; this is permitted. The plants enumerated here are those with...
meandering stems and very broad leaves; in that case, single rows are not easily kept apart and the field looks like *kilaim*. The restrictions apply only to these kinds of vegetables.

Halakhah 4: "If one plants two rows", etc. Hizqiah said, there is disagreement. He who says there 12 [cubits], here also 12 [cubits]⁷⁷. He who says there eight, here also eight. Rebbi Johanan said, this Mishnah is according to everybody. A strip of melon is good enough among strips of melons to be saved by eight⁷⁸.

⁷⁶ Reading of Rome ms. Venice and Leyden: יִנ "protection". In the next paragraph, all sources read יִנ.

⁷⁷ The reference is to the next Mishnah, where planting onions (with no spreading leaves at all) and melons (with very large, spreading leaves) in one field is discussed. It is established there that one row of melons or pumpkins needs a strip four cubits wide. Hence, two rows create a strip eight cubits wide. The distance between the two adjacent kinds, melon on one side and Egyptian beans on the other, therefore is eight cubits (plus two hand-breadths for an empty furrow on each side.) This corresponds to the opinion of R. Aqiba in the next Mishnah. However, the Sages in the next Mishnah require a swath 12 cubits wide between the two outer kinds, that is three rows of each kind. Hence, Hizqiah is of the opinion that the Mishnah here follows R. Aqiba and not the anonymous Sages, even though it is formulated as an anonymous statement.

⁷⁸ In R. Johanan’s opinion, the sages require 12 cubits only between squash and onion, completely different plants. But melon and pumpkin grow in the same fashion (and, it seems, also Egyptian beans, which might not be beans in the botanical sense). In that case, the Sages also will require only
strips 8 cubits wide and the Mishnah R. Aqiba does not indicate that practice follows

How long does it have to be to jail? Rebbi Zeira said, let us infer it from a vineyard. Just as you say in regard to a vineyard that there is no difference between length and separation, so here also there is no difference between length and separation. That is fine according to the opinion of Hizqiah; there eight and here also eight. According to Rebbi Johanan, with how much will it jail? If you say with eight, is there an argument a fortiori that a strip of melons among onions will jail only with twelve? But a melon strip, which you empowered among melon strips to save by a mere eight, will be jailed by eight, melon strips among onions, which you weakened to save only by twelve, certainly will be jailed only by eight. If you say that a melon strip among onions will be jailed only by twelve, then an argument a fortiori shows that a melon strip among melons should be jailed only by twelve.

79 How long do the rows of "jailing" do apply, that one kind cannot vegetables have to be that the rules of be surrounded on all four sides by
other kinds of vegetables.

80 Width is called here "separation" since all assertions about separations are formulated by the number of rows, i.e., by width. For vineyards, the main rule prescribes the same separation in all directions, i.e., in a circle centered in the offending growth (Mishnah 5:5).

81 Eight cubits of separation are indicated both in Mishnah 3:6 for the planting of broad-leaved vegetables with other vegetables, as also in Mishnah 4:8 for the vineyard. (For single plantings in a vineyard, one needs a separation of 16 cubits, Mishnah 5:5).

82 Eight cubits length of the planted row.

83 Given two predicate functions $A(x,y,z,\ldots)$, $B(x,y,z,\ldots)$ and a partial ordering $< \text{by severity. I.e., if } A(x)$ expresses an action that is legal and $B(x)$ one that is illegal, we note $A(x) < B(x)$. Similarly, if both actions are illegal but the punishment for $A(x)$ is less than that for $B(x)$, then $A(x) < B(x)$. The rule now is: if it is known that $A(x_1,\ldots,x_n) < B(x_1,\ldots,x_n)$, but nothing is known about $A(x_1,\ldots,x_n,u)$ and $B(x_1,\ldots,x_n,u)$, then the consistency of the logical system requires the assertion $A(x_1,\ldots,x_n,u) \leq B(x_1,\ldots,x_n,u)$ meaning that $B(x_1,\ldots,x_n,u)$ cannot be strictly less severe than $A(x_1,\ldots,x_n,u)$; but if in all other respects $B$ is strictly more severe than $A$, it cannot be asserted that with respect to $u$ $B$ must be more severe than $A$. (Cf. H. Guggenheimer, Logical Problems in Jewish Tradition, in: Confrontations with Judaism, ed. Ph. Longworth, London, 1967, pp. 171-196.)

So far if [the planting] is covering [the entire area]. What about producing single stalks? Just as you say of a vineyard that there is no difference between covering or producing [single stalks], so here also there is no difference between continuous planting or producing single stalks.
Rebbi Yannai said, it is a controversy whether two kinds join together to save but do not join together to prohibit\(^84\). Rav said, it is everybody’s opinion that just as two kinds join together to save so they do join together to prohibit. Our Mishnah supports Rebbi Yannai, as we have stated: "Rebbi Eliezer permits it." Our Mishnah differs with Rav: "One row of melons, one row of pumpkin, one row of Egyptian beans, and one row of melons." Before he started the fourth one, was it not already forbidden? Explain it that he planted the four rows simultaneously\(^85\).  

\(^84\) According to R. Yannai, when R. Eliezer permits four rows with the two middle ones of different kinds, he cannot forbid three rows of different kinds, and the previous statement about three single rows follows the Sages but not R. Eliezer, as noted later in this paragraph, since otherwise three are already forbidden and the fourth row, which makes matters worse, could not make the first three permitted again. According to Rav, everybody agrees that if between two rows of the same kind there are at least eight cubits distance, then R. Eliezer permits the planting, but in the case of only three rows he will join his colleagues in forbidding it.  

\(^85\) This tortured explanation is needed only for Rav.
Mishnah 5: One may plant melon and pumpkin in the same hole on condition that one of them points to one side, the other to the other side. (One plants so that the hair of one be here, the hair of the other one there, for what the Sages forbade is only because of the misleading impression.)

86 They have to grow out of their common hole in two opposite directions. The hole presumably is square and the two plants are planted in opposite corners.

87 In the Leyden ms., the text in parentheses is written on the margin. In many Mishnah mss., the text is missing. It must be an old gloss that entered the text; cf. Mishnah with Variant Readings, Institute of the Complete Israeli Talmud, Jerusalem 1972. If the text were original, the Halakhah would discuss it. In addition, the verb מ in the acceptation "to decree" is Babylonian only (cf. Demay Chapter 1, Note 89).

Halakha 5: "One may plant melon", etc. It was stated: "One may make a small hole in one's field, one hand-breadth deep, sow in it four seeds, and turn them to the four directions of the compass." Rebbi Abba bar Cahana, Simeon of Nerash in the name of Rebbi Simeon ben Laqish: That was taught regarding those which lean towards a dry spot.
Mana asked, if we deal with those that lean towards a dry spot, should we not state "eight," two on each of the edges?  

88 Tosephta Kilaim 2:9. There, the text reads "four kinds," somewhat more explicit and less restrictive than the wording given here.  

89 See above, Halakhah 1. One can turn each growing plant away from the others only if outside there is space, not in a field. Hence, the Mishnah, if interpreted according to this statement, disagrees with the Tosephta.  

90 The hole is square. An "edge" of the square is a semi-open interval which contains one of its endpoints but not the other. Then one may plant one seed at the endpoint and one at the midpoint of the edge, let the seed in the corner grow in the opposite direction of the diagonal, and the one planted in the middle of the edge perpendicular to the edge towards the outside. The question is not answered, but for broad-leaved plants the scenario is impossible.

Mishnah 6: If one's field was sown with onions and he desired to plant there rows of pumpkin, Rebbi Ismael says, he uproots two rows, plants one row, and leaves two rows of onion standing, uproots two rows, plants one row. Rebbi Aqiba says, he uproots two rows, plants two rows, and
leaves two rows of onion standing, uproots two rows, plants two rows. But the Sages say, if between one row and the next is less than twelve cubits, he should not keep the seeds in between.

91 A row of vegetables together with its surroundings is four cubits wide. In the interpretation of Maimonides, R. Ismael requires that a swath eight cubits wide be cleared, in which a row of pumpkin four cubits wide is planted. Hence, in the interpretation given in the Halakhah, he envisages a field with a regular pattern: Eight cubits wide onions, two cubits fallow, four cubits pumpkins, two cubits fallow, eight cubits onions, etc. (R. Simson takes the Mishnah to mean that eight cubits have to be fallow between any two beds of onion.)

Since onions usually are planted, not sown, either the language of the Mishnah is imprecise or one speaks of a field in which onions were sown and then thinned to produce straight rows.

92 R. Aqiba requires only one furrow between different kinds. He has parallel strips of equal width, alternatingly pumpkins and onions. Then the farmer has to watch closely lest the pumpkins expand into the domain of the onions. (R. Simson holds also in this case that eight cubits have to be fallow between any two beds of onions; R. Aqiba holds that four of these eight are for tending the onions, four for tending pumpkins, and that for a single row of pumpkins one does not have to provide space around them. He holds that for a single row of pumpkins, R. Aqiba requires only four cubits to be fallow between any two beds of onions.)

93 In the interpretation of Maimonides, the Sages require only that between any two strips of pumpkin there be 12 cubits distance, but they do not require any fallow land between pumpkins and onions, except for the obligatory single furrow. In the interpretation of R. Simson, the total fallow land between two such rows must be 12 cubits, or six cubits between any two strips of differing kinds.
Halakhah 6: (He who plants his vineyard, etc.) 94. Cahana said, according to the words of Rebbi Ismael sometimes there are 16, sometimes 12, sometimes 8 95. When he gives all the working space in the interior, 16. Part interior and part exterior, 12. All exterior, 8. Samuel says, it always must be 12 96. We have stated thus: "It is determined according to the statements of both of them: Rebbi Ismael says 12, Rebbi Aqiba says 8." Now, Rebbi Ismael says 12, and the rabbis say 12; in what do they disagree? Closing up! In the opinion of Rebbi Ismael one may not close up, but the rabbis say he may 97.

94 This should be a quote from the Mishnah but is from Mishnah 4:9 and should be disregarded.

95 According to Rav Cahana, all R. Ismael requires is an empty swath four cubits wide, but its placement is arbitrary. Hence, if the pattern is 4 cubits pumpkin, 4 cubits empty, 8 cubits onions, 4 cubits empty, 4 cubits pumpkin, the distance from the last row of the first set of pumpkins to the first row of the second set of pumpkins is 4+8+4 = 16 cubits. If the pattern is regular, as explained in the Mishnah, the distance is 2+8+2 = 12. If the empty spaces are all at the far side of the pumpkins, away from the onions, then the space is only 8 cubits (+ the space of the required furrows, half of which can be accounted for by the rows of pumpkins, leaving one hand-breadth empty from the space of the onions.)

96 This is the pattern explained in Note 92, regular empty spaces two cubits wide between any two different species. This interpretation is accepted because it is supported by the following baraita.

97 R. Ismael requires empty strips
two cubits wide but the rabbis would accept an onion patch 12 cubits wide, separated from the pumpkins only by an empty furrow.

Mishnah 7: Pumpkin in the middle of vegetables goes by the rules of vegetables\(^{98}\), in the middle of grain it needs a *bet rova*. If one’s field was sown with grain and he desired to plant there one row of pumpkin\(^{99}\), he must allow six hand-breadths to tend it.\(^{100}\) If it grows, he has to uproot it before it. Rebbi Yose said, he allows four cubits to tend it.

\(^{98}\) In this last Mishnah dealing with *kilaim* on fields, we are back to considering fields, not garden plots. The rule referred to is Mishnah 2:10 which prescribes an empty space of six by six hand-breadths square.

\(^{99}\) Adhering to the minimal length of a row as given in Chapter 2.

\(^{100}\) Even though pumpkin plants spread widely, to start out one needs only a separating strip six hand-breadths wide for access. However, if the pumpkin should spread to the fallow strip, one must remove additional grain to maintain an access strip to the pumpkins that is one cubit wide. [This is the interpretation of Maimonides in his Commentary; in his Code (*Kilaim* 3:13), following the Gaonim, he requires only that grain be removed if the leaves of the pumpkin grow over the entire strip. R. Abraham ben David also adheres to the Gaonic interpretation. R. Simson is silent in the matter.]
Halakhah 7: Rebbi Johanan said: The words of Rebbi Ismael imply that one allows space for tending even for a single row.\textsuperscript{101}

\textsuperscript{101} This sentence seems to indicate that the Mishnah follows R. Ismael. This is convincing, as R. Aqiba in the previous Mishnah requires only one furrow of separation. (Commentary by R. Eliahu Fulda.)

Does one allow space for tending the first plant? Just as you say in regard of a vineyard that one gives space for tending the first plant, so here also one allows space for tending the first plant\textsuperscript{102}. May one sow between the holes\textsuperscript{103}? Just as you say in regard of a vineyard that one may not sow between the vines, so here also one may not sow between the holes.

\textsuperscript{102} This is an explicit Tosephta, Kilaim 2:13. Since it is formulated as an Amoraic argument, that Tosephta was not known to the editors of the Yerushalmi.

\textsuperscript{103} This refers to pumpkins that are not sown but planted, transferred as saplings from another plot where many seeds were grown. The saplings are put into separate depressions, very widely spaced. Does one have the right to sow plants between these depressions as long as the pumpkin has not spread into the cubit adjacent to the seeds? (If the pumpkin spreads, then the Mishnah has stated that one must clear the ground before it.)
Mishnah 8: They said to him, are you making this more restrictive than for a vine? He said to them, we find that this case is more restrictive than that of a vine. For a single vine one allows six hand-breadths to tend it, but for a single pumpkin a bet rova’. Rebbi Meir says in the name of Rebbi Ismael, if there are three pumpkin plants in a bet seah one should not sow in that bet seah. Rebbi Yose, the son of the Snatcher from Efrat, says in the name of Rebbi Ismael, if there are three pumpkin plants in a bet kor one should not sow in that bet kor.

104 The anonymous Sages to R. Yose. This Mishnah is the continuation of the previous one.

105 Not only a single vine, but up to five vines in a single row; cf. Mishnah 4:5 according to the House of Hillel.

106 Sowing grain, the topic discussed in the Mishnah. R. Ismael, in this version, expects a single pumpkin plant to spread over 2500/3 = 833.3 square cubits.

107 This personage is mentioned only here; nothing is known about him.

108 In this version, a single pumpkin occupies 10 bet seah = 25’000 square cubits.

Rebbi Jonah asked: If somebody planted five pumpkins and trained them to grow on a fence, does one give it the rules of a trellis?
It is explained in Mishnah 6:1 that five vines in a row growing on a trellis form a vineyard and, therefore, require the full space of four cubits for tending. The question is whether pumpkins climbing a fence as trellis also are considered a full row and need separation on both sides. The question is not answered.

Does one estimate so for all kinds of pumpkins? Every place at which you made green melon and Egyptian beans equal to Greek gourd, you make Egyptian pumpkin equal to Greek gourd. Here, where you did not make melon and Egyptian beans equal to Greek gourd, you do not make Egyptian pumpkin equal to Greek gourd.

Is "pumpkin" in the Mishnah a generic name, or does it apply only to Greek gourd that has the most expansive leaves? The Mishnah applies only to Greek gourd. Melon and Egyptian beans are treated in parallel with pumpkin in Halakhah 2:11.
Why did they not object to him: If someone keeps single fresh stalks growing to produce seeds, must he not clear around them a bet rova' or fence them in by a fence of ten hand-breadths? For a row one is more lenient. Since they did not object to him, it follows that Rebbi Yose thinks that row and square are the same. For Rebbi Jonah and Rebbi Yose the Galilean said in the name of Rebbi Yose ben Rebbi Hanina: He who keeps a single fresh stalk growing to produce seeds must clear around it a bet rova' or fence it in by a fence of ten hand-breadths, even if it is the same kind. Rebbi Abun bar Hiyya objected before Rebbi Zeïra, did we not state: "If coriander was sown for its seeds, its greens are exempt?" He answered him, coriander is a special case since both the plant and its seeds are eaten.

111 Why did the Sages not find an answer to the argument of R. Yose in the Mishnah?
112 If a plant is grown for its greens and the seeds are not edible, then, as will be stated, plants grown for seeds are considered a kind different from those grown for food and, on a field, are subject to all rules of separation for kilaim. Nevertheless, if the plants raised for seeds form a row, they are under the general rules for rows. This is all according to the anonymous majority opinion in the Mishnah. Hence, for them, the argument of R. Yose is totally irrelevant, since his argument is about single plants!

113 One plant in the middle of a square as in Mishnah 5:5.
114 The third generation Amora, not the third generation Tanna whose title is always given in Hebrew.
115 If a vegetable is grown for its edible parts then the same vegetable grown to produce seeds has the status of a different crop.
116 Mishnah Ma'aserot 4:5: "If coriander was sown for its seeds, the greens of it are exempt; if it is sown for greens, both greens and seeds must be tithed." The question is really about the second part of the sentence, not quoted in the text: If it is sown for greens, the seeds also must be tithed.
Hence, the seeds cannot be considered a different crop. Why should plants grown for seeds have to be fenced off from the rest of the field? The answer is that they do not have to be fenced off but that the rule of R. Yose ben R. Hanina refers only to plants whose seeds are not eaten with the rest of the plant.

Rebbi Yose ben Rebbi Abun said, come and see the difference between the early and the late statements of Rebbi Ismael! He started out with a bet kor and ended up with a bet seah\(^{117}\)!

\(^{117}\) Since it is known that Rebbi Meir went to study with R. Ismael after the death of R. Aqiba, the opinion first quoted in the Mishnah in the name of R. Ismael is in fact the opinion of R. Ismael in his old age. It follows that the second opinion in the Mishnah is earlier in time; it may be ascribed to R. Ismael in his earlier years. (This is the explanation of R. Moses Margalit, supported by the mss. R. Simson switches bet kor and bet seah in the statement to adapt them to the order of the Mishnah.)
Mishnah 1: A bald spot in a vineyard: the House of Shammai say 24 cubits but the House of Hillel say 16 cubits. The circumference of a vineyard: the House of Shammai say 16 cubits but the House of Hillel say 12 cubits. What is a bald spot in a vineyard? A vineyard that dried up in the middle; if there are less than 16 cubits one should not bring seeds there. If there are 16 cubits, one allows it space to be tended and the rest one may sow.

1 Here start the rules for kilaim in a vineyard, where the rules have to be more strict than for fields since other crops in a vineyard make everything "sanctified". For a biblical basis of the treatment of a partially dead vineyard, cf. Chapter 7, Note 44.

A dried-up vineyard cannot be successfully replanted unless lupines and other nitrogen-enriching plants grow there for a few years. The vintner will want to sow these plants as soon as possible.

Instead of interpreting קרהת חכמה as bald spot in a vineyard one might think of "agricultural area in a vineyard", cf. Chapter 2, Note 150.

2 The cubit used to measure vessels can be determined from Mishnah Kelim 17:11 which states that some authorities define liquid measures as Roman. The Roman quartarius,
equivalent to the Jewish revi'it, is 133 cm$^3$. The Yerushalmi states in Pesahim 10:1 (fol. 37c) that the revi'it is $7\frac{1}{3}$ cubic digits [the Babli (Pesahim 109a) defines it as 10.8 cubic digits.] The Yerushalmi digit is therefore the cube root of (133/7.3333) cm$^3$ or 2.63 cm. Then the cubit of 24 digits is 63 cm. (The corresponding Babylonian cubit would be only 55.5 cm.) On the other hand, Rashi (Erubin 60b) defines the cubit used for measuring terrain as half a pace, 2000 cubits being 1000 paces or one mile. If one uses the Roman mile (1000 passus) of 1473 m, one obtains 73.7 cm for the cubit. If Rashi would define the half-step as two Parisian feet, one would obtain 65 cm, in reasonable correspondence with the Yerushalmi cubit derived earlier, but if he would refer to half an aune, his cubit would be 59 cm, closer to the Babylonian standard.

In Tosephta Kelim Baba Mez’i’a 6:13, R. Meir states that all cubits referred to in the laws of a vineyard are cubits of five hand-breadths. This makes the Palestinian vineyard cubit 20 digits or 52.6 cm, close to the standard Babylonian cubit.

3 From the root הַשָּׁם "to turn in a circle," from which also the Biblical homonym הַשָּׁם "fife." The rules of bald spots at the outer edge of a vineyard are given in Mishnah 2.

4 The rules given here apply if the bald spot contains a circle of 16 cubits diameter (for the House of Hillel), i. e., if there is a point in the bald spot from which the minimal distance to any living vine is at least 8 cubits.

5 The space needed to tend a vineyard is a path 4 cubits wide so that the ox-drawn cart of the vintner may move there. Even though the House of Hillel forbid sowing if the minimal width is less than eight cubits, if somebody sowed illegally on a smaller patch neither the seeds nor the vines become "sanctified" as long as a minimal distance of 4 cubits is observed everywhere (Mishnah 7:3).
Halakhah 1: "A bald spot in a vineyard." Rebbi Johanan said that the rules for a bald spot in a vineyard and a dried-up vineyard are the same. A bald spot is cleared in its middle, a dried-up vineyard is cleared on all four sides. Rebbi Yose said, this applies to a large vineyard but if it comes from the plants of a small vineyard, the rules of a bald spot in a vineyard do not apply. Also, we have stated: "What is a bald spot in a vineyard? A vineyard that dried up in its middle but enough for a vineyard remained, whether it be from all four sides, or from three, or from two opposite sides." How is that? Five rows of seven each, one took out one row of vineyard, that leaves four vineyards and three intervals. One takes out another one, that leaves three vineyards and two intervals. One takes out another one, that leaves two vineyards and one interval.

5 R. Eliahu Fulda and R. S. Lieberman want to read "in the form of a χ" instead of "in the form of a χ" as read by R. Eliahu Wilna deletes כְּמַיִם כְּמַיִם and also takes χ as the name of the Greek letter χ. However, if one continues to take χ-shaped groups of vines, one will not diminish the number of intervals. It will be seen later that vines planted in the shape of a χ never form a vineyard.

6 Reading of the Rome ms. Most older commentators emend the text to this reading since two parallel rows generate only one space between them.
Kilaim 3:1: "What is a bald spot in a vineyard? A vineyard that dried up in its middle but four or five vines remained, whether it be from all four sides, or from three, or from two opposite sides." [R. Saul Lieberman has an ingenious explanation to harmonize Mishnah, Tosephta, and Yerushalmi, (noUiBD xnsoin, p. 621) which, however, contradicts both the definition of נִמְנָא (loc. cit., a few lines earlier) and the fact that in all sources of the Tosephta the numerals are spelled out and not abbreviated. Similarly, R. Moses Margalit presents an extremely elegant solution but it seems contradicted by Rebbi Johanan in the next paragraph.]

11 The commentators want to change "7" into "5" but this is not warranted. The large vineyard of five rows of seven vines each contains 35 vines. A minimal vineyard has five vines. If three minimal vineyards are removed, 20 vines remain along the edges.

12FIELD is a vineyard, בּוּרָן (a word not recognized by the dictionaries) is not quite a vineyard. It is a row of five vines which according to the Mishnah do not form a vineyard for the House of Hillel, but will form one if the vines are drawn on a trellis as explained in Mishnah 6:1 and at the end of the Halakhah, Note 22. In our case, one takes out one row, given in the figure as o. Then one takes out two more minimal vineyards (see Note 9), indicated by c and e. The vines left standing are indicated by x. One cannot do a similar construction with less than a 5-by-7 vineyard. The distance between two vines usually is four cubits; then between first and last row the empty space is a required 16 cubits.

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\begin{align*}
\text{fig. 4-1}
\end{align*}
\]
Cahana said, they made it like the start of its planting. The House of Shammai say, 24 at the start of planting, 24 at its destruction\textsuperscript{13}. Rebbi Johanan said, the House of Shammai are more restrictive in its destruction than at the start of its planting. At the start of its planting 16, at its destruction 24. In every case, the House of Shammai add one third\textsuperscript{14}: The circumference of a vineyard, according to the House of Shammai 18, according to the House of Hillel 12\textsuperscript{15}. But did we not state: “The circumference of a vineyard, the House of Shammai say 16 cubits, the House of Hillel say 12 cubits.”\textsuperscript{16} Some want to say, deduct from this four cubits for tending, there remain 12 cubits according to the House of Shammai and 8 following the House of Hillel\textsuperscript{17}.

\textsuperscript{13} It is stated in Mishnah 4:9 that if a vineyard consists of two rows distant 16 cubits, then it is not legally a vineyard and a field may be sown in between, 14 cubits wide for the entire length of the rows of vines. In the opinion of Cahana, that Mishnah belongs only to the House of Hillel, and by analogy we infer that the House of Shammai require 24 cubits between the two rows to permit sowing in between. In the opinion of R. Johanan, Mishnah 4:9 is generally accepted, even by the House of Shammai.

\textsuperscript{14} This third is taken from the top, one third of 24, which is one half of 16.

\textsuperscript{15} This belongs to the statement of R. Johanan that in all these measurements, the measure of the House of Shammai relates to that of the House of Hillel as 3 to 2.

\textsuperscript{16} This baraita is not otherwise preserved.

\textsuperscript{17} And again, 12+8 = 3+2. However, there is an inconsistency here because the same argument applied to the bald spot in a vineyard would lead to 20+12 = 5+3.
But for tending a vineyard\textsuperscript{18}, according to the House of Shammai 8 cubits, according to the House of Hillel 6\textsuperscript{19} cubits. But did we not state\textsuperscript{20}: "Therefore, he who sows four cubits in a vineyard, the House of Shammai say that he sanctified one row, but the House of Hillel say that he sanctified two rows." Let us say that it\textsuperscript{21} was stated because of the House of Hillel. But did we not state\textsuperscript{22}: "What is a trellis? He who plants a row of five vines." There is a difference, since Rebbi Simeon ben Laqish said, this was taught about a curved trellis. By its curving, two are absorbed\textsuperscript{23}.

\textsuperscript{18} This discussion is independent of the previous paragraph, since an inconsistency was shown in the position of R. Johanan. Since the Mishnah does not define how much space is needed for tending a vineyard, this has to be established here.

\textsuperscript{19} This is the mss. text, but it is unacceptable since the following discussion clearly indicates that the reading is "4". The entire sentence is questionable since the contraction of \textit{אידנשיהו} to \textit{ירשיה} is Babylonian Aramaic.

\textsuperscript{20} Mishnah 4:5: "If somebody plants five vines in a row, the House of Shammai say it is a vineyard, the House of Hillel say that there is no vineyard unless there are two rows. Therefore, he who \textit{sows four cubits} in a vineyard, the House of Shammai say that he \textit{sanctified} one row, but the House of Hillel say he \textit{sanctified} two rows." Since the verse declares that sowing (grains or vegetables) in a vineyard \textit{sanctifies} "the vineyard", the sown plants \textit{sanctify} the nearest vineyard; for the House of Hillel this involves two rows. In any case, the House of Shammai is also mentioned in the Mishnah that puts the minimal distance of seeds from vines at slightly greater than 4 cubits.
21 "4 cubits."

22 Mishnah 6:1: "What is a trellis? If one plants a row of five vines near a fence 10 hand-breaths high or next to a ditch 10 hand-breaths deep and four wide, one gives it four cubits for tending. The House of Shammai say, one measures four cubits from the stem of the vines into the field, but the house of Hillel say, from the fence towards the field." The fact that the trellis makes a single row into a vineyard is needed only for the House of Hillel, since Mishnah 4:5 already had stated that five vines in a row are a vineyard for the House of Shammai.

23 Hence, for the House of Shammai the five vines would not form a vineyard were it not for the trellis; no conclusion can be drawn for the position of the House of Shammai on the measure of space for tending of a vineyard planted in a straight line.

Mishnah 2: What is the circumference of a vineyard? Between the vineyard and the fence. If less than 12 cubits are there, one should not introduce seeds there. If 12 cubits are there, one gives it space for tending and sows the remaining area.

24 The vineyard. One leaves four cubits near the vines empty.

halakah 2141
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Mishnah 2: What is the circumference of a vineyard? Between the vineyard and the fence. If less than 12 cubits are there, one should not introduce seeds there. If 12 cubits are there, one gives it space for tending and sows the remaining area.

24 The vineyard. One leaves four cubits near the vines empty.
Halakhah 2: Not only a fence, but even if he puts up laths, if between one lath and the next there is less than three hand-breadths it is considered a fence. Even standing grain and straw? Or does it agree with what Rebbi Hanina said: Nothing forbidden may form a separation to save? They are of the opinion that what is forbidden does form a separation to forbid.

25 The minimal width of a lath (as distinct from a pole) is given in Mishnah Eruvin 2:1.

26 Mishnah 4 explains that an opening less than three hand-breadths wide is still an effective barrier for goats. The Babli (e. g., Sukkah 7a, Sabbath 97a) considers openings of less than three hand-breadths as legally nonexisting. This theory is not found in the Yerushalmi.

27 Does a field on which the plants are higher than 10 hand-breadths act as a fence?

28 It is forbidden to sow grain in a vineyard, because this "sanctifies" the vineyard. Hence, grain of any kind cannot form a fence. One might think that, therefore, a vineyard surrounded by grain fields has no fence, and one may sow grain four cubits away from the vines. The rabbis infer from the statement of R. Hanina that standing grain ten hand-breadths high acts as a fence to forbid, i.e., the domain between vineyard and grain has the status of a bald spot around the vineyard and one needs 12 cubits minimum space to sow there.

Mishnah 3: Rebbi Jehudah says, that is only the fence of a vineyard. What is the circumference of a vineyard? A vineyard between two
vineyards. What is a fence? If it is ten hand-breadths high, and a ditch is ten deep and four wide.

29 In his opinion, one may sow at a distance of four cubits from any vine between the vineyard and the fence.

30 From here to the end of the Mishnah the statement is generally accepted; this is no longer R. Jehudah's statement. The question is not what is a fence or a ditch materially but what legally counts as fence or ditch.

31 In the interpretation of Maimonides (Kilaim 7:14), "four handbreadths wide" applies equally to the fence (presumably, a stone fence) and a ditch.

Halakhah 3: In the opinion of Rebbi Jehudah, it is as in the interior of a vineyard. Then 16 should be forbidden! Rebbi Jonah said, it means that the trunks are not aligned. But if the trunks are aligned, they forbid 16.

32 The status of the circumference of a vineyard.

33 In this Chapter, "trunk" is always spelled מ Araştırma. The spelling is always מ khảo in the parallel Tosephta it is מ כר in the Vienna ms., מ זרה in the Erfurt ms. The Vienna reading is to be rejected, since מ זרה (Arabic kuwwara) is a big basket, also used as beehive. Levy compares מ זרה כר to שור "log." But "trunk" means leeks, not trunk. Hence, the vocalization כר is used here.

34 If the rows of the two vineyards are parallel, the space between them is a bald spot in one vineyard and 16 cubits are the minimum distance for sowing there. But if the two vineyards are planted so that the parallel rows of one vineyard are at a fixed non-zero angle to those of the other, then only 12 cubits of separation are needed.
Only if it is surrounded by a fence on all four sides? From what we have stated: "Between two vineyards," that means even from one side only. Only if the fence encloses all of that side? Let us hear from the following that Rebbi Zeira, Rebbi Yasa, said in the name of Rav Mattanah: There is no tail for a large vineyard and no circumference for a small vineyard. There is no tail for a large vineyard because one does not need it. Neither a circumference for a small vineyard to forbid more outside than inside; inside eight and outside twelve. What is a small vineyard? Three parallel three. Hence, three parallel three parallel three, [the vineyard] has a circumference. Rebbi Zeira said, that means that if he made laths along three vines then [the vineyard] has a circumference.

35 Since הֵנָּה implies turning around in a full circle, does the rule of "circumference" apply only to a vineyard that is totally fenced in?

36 Otherwise, R. Jehudah would have to say "five vineyards," one in the middle and four around it.

37 Since we have established that the rule of הֵנָּה applies even if there is a fence only along one side, does this fence have to be extended for the entire length of the vineyard?

38 A minimal vineyard is defined by the House of Hillel in Mishnah 4:6 as five vines, four of which form a rectangle and the fifth is on the prolongation of one of the edges of the rectangle. This fifth vine is the "tail" of that vineyard. Once all rows contain at least three vines, the "tail" no longer...
has any function. A minimal vineyard which loses some vines is no longer a vineyard; it cannot have a "circumference".

39 In all cases, one may sow at a distance of 4 cubits from any vine. Hence, if two parallel rows in a vineyard are farther apart than 8 cubits, one may sow in the middle, unless he is in the situation of a bald spot or a circumference of a vineyard.

40 "Small" means one vine more than the minimal number.

41 Nine vines grown in three straight rows form a large vineyard.

42 Now one may answer the question asked at the start: Since three rows of three vines each form a large vineyard, if one makes a fence on one side of such a subvineyard of a larger vineyard the rules of circumference apply and he may not sow unless there is a distance of 12 cubits from the last vine to the fence. If the laths accompany only two vines one may sow at a distance of four cubits.

Rebbi Judan asked: What if he made a fence inside a fence? He said

43, if there are three hand-breadths one may sow there, otherwise one may not sow there. Rebbi Jacob bar Idi in the name of Rebbi Simeon ben Laqish: If there was a place of twelve cubits there, the circumference would be eliminated.

44 Rebbi Hizqiah said, only if it is twelve by twelve. Rebbi Mana said, even if it continuously narrows.

45 He answered his own question. If the outer fence, the one outside of which one sows other kinds, is 12 cubits away from any vine one may sow at a distance of 4 cubits from the vines.
It is not clear whether R. Mana disagrees with R. Hizqiah and accepts that one may sow in a circumference at a distance of 4 cubits if at one spot at least the distance to the fence was 12 cubits, or if he adds to R. Hizqiah's statement that beyond a length of 12 cubits the strip forming the circumference may get narrower. Maimonides does not quote either of these opinions in his Code.

Mishnah 4: If there are less than three hand-breadths of distance between the sticks of a partition fence made from sticks, so that a kid goat cannot enter, then that is a valid partition wall. Also, if a wall was torn down up to a length of ten cubits, that acts as a gate. If more than that, it is forbidden along the torn-down part. If it is torn down in many places, if what is standing is more than what is torn down, it is permitted, but if the torn-down part is more than the standing one, it is forbidden at the torn-down places.

In this case, one may plant the vineyard up to the partition fence and on the other side one may sow his field up to the partition fence. One speaks here of a partition fence rather than a stone wall because one does not plant vines too close to a stone wall since the roots of the vines would damage the foundations of such a wall.

At such a place, the outside field must be separated from the vines by a minimum of four cubits. The same rule applies to the situation described in the next sentence. (The same rules apply for carrying on the Sabbath; a fenced-in domain is private only if a) the torn-down parts do not exceed 10 cubits at any one place and b) the sum
of the lengths of the standing walls overall must be more than the sum of the lengths of the breaches in the wall.

HALAKHAH 4

Ten laths at the in-betweens and what is standing is four hand-breadths wide, and what is standing is more than what is torn down: where it is standing it is permitted, where it is torn down it is forbidden. If one made laths in front of the vines, and what is standing is less than four hand-breadths, and what is torn down is more than what is standing, it is obvious that where it is standing it is permitted, where it is torn down it is forbidden.

48 Here one speaks of the situation described at the end of the Mishnah, viz., a wall with many breaches. If a standing segment of wall is less than four hand-breadths long, it is not regarded as a partner with the two other standing pieces to its left and right. The laths one discusses here are not put into the torn-down parts but close to them, either before the front or behind the back part of the wall; therefore, they cannot be considered parts of the wall. Hence, one may plant vines up to the wall and sow produce on the other side only where an actual wall provides the separation; everywhere else the minimal distance must be 4 cubits.

49 This shields the vines from being seen through the holes in the wall but the laths are separated from the wall.

50 It is obvious that one is forbidden to sow near the open spaces but it is not obvious at all that one is permitted to sow near the standing wall since both for the Sabbath (Eruvin 1:9, fol. 19c) and for making a Sukkah (Sukkah 1:1, fol. 52a) a piece of wall is disregarded if it is not at least four hand-breadths wide. The statement then also contradicts the assertion of the next paragraph, that the rules of kilaim and Sabbath are identical. One has to assume that, originally, instead of ש"י one read ש"י.
Rebbi Simeon ben Laqish in the name of Rebbi Judah 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 *kila'im*. 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 haverata* whose wall had parts torn down more than ten 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 Zeira 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 surrounds it with three ropes, one above the other." If you say that the string saves, one rope would be sufficient.

51 In the Venice print: המי"ר but in the two parallels in *Eruvin* and *Sukkah* since the statement is bracketed by statements of R. Simeon ben Laqish and R. Johanan, the reading would be an anachronism. The Babli in *Eruvin* 11a reports the statement in the name of R. Simeon ben Laqish. It cannot belong to an Amora two generations younger.

52 Reading of the Rome ms. and the Venice parallels in *Eruvin* and *Sukkah*.
This paragraph and the following ones are found also in Eruvin 1:9 (fol. 19c), Sukkah 1:1 (fol. 52a).

A Galilean Amora of the first generation.

The rope of bast connects one pole to the other, all around the vineyard. In the Babli (Eruvin 11a/b), the expression is וְפְּרָעָה, "shoot of a vine." The "string" used here may be a natural product; it does not have to be manufactured.

Cf. Chapter 1, Note 159.

The rules for Sabbath, the definition of walls that enclose a domain to make it private, are discussed in detail in tractate Eruvin, Chapters 1 and 2. In Babli Eruvin 11a/b, the statement of R. Simeon ben Laqish in the name of R. Judah ben Haninah explicitly excludes the expedient of the bast rope 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.

A place in lower Galilee; the name is spelled נְגֵד גַּנְיָר, and, in the Babli, נְגֵד גַּנְיָר. The report in the Babli is quite different, but the essence is the same, viz., that both for Sabbath and kilaim an opening may not be wider than 10 cubits, in the opinion of R. Johanan even with ראש.

Ten cubits, making the wall invalid as separation.

Greek δίκηρανον "pitchfork". The "woods" were planks put on the ground and connected to the wall; the poles were stuck into the ground. They were forked so that on each side a rope could be attached forming אֵיל "hatchets" to the next pole. Cf. Latin furcilla; its use in vineyards is described by Varro I.8. This explanation from Musaphia is accepted by most Semitic linguists. [Symmachus uses δίκηρανα to translate "hatchets" (Ps. 74:6).]

H. L. Fleischer derives the word from Semitic רְקִם "to pierce". Arabic "treliss made for vines" might be an Aramaic loanword (S. Fränkel) or have a common root רֶק "to bolt a door with a piece of wood" with בֹּל "bolt, lock", רֶק "arid plain between mountains", רֶק "to open a door with a piece of wood".
"prosperous garden".

61 A string strung from one pole to the next creates the impression of a gate and a gate cannot be wider than 10 cubits.

62 Mishnah Eruvin 1:9: If a caravan camps in the desert during the Sabbath, in order to create a space where one is permitted to carry, one puts bags at the corners of the domain and connects them with three parallel rows of ropes so that no two ropes are more than 3 hand-breadths distant from each other. If the diameters of the three ropes add another hand-breadth, the upper rim of this symbolic wall is 10 hand-breadths above ground, one has created a valid separation, and the enclosed space is a private domain. (This speaks against Maimonides’s interpretation of Mishnah 3 in this Chapter.) For kilaim, a wall made in this way by three ropes strung one above the other is accepted in Tosephta Kilaim 4:3.

63 The caravan clearly wants more space for animals and people than 10 by 10 cubits; if they park some camel loads at the four corners of their camp, 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?

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. What do you want to say, if on top, it must be on top. Or from the sides, it is on the sides. The rabbis of Caesarea in the name of Rebbi Jeremiah: Explain it if they were strung on forked poles.
64 In both parallels: רבי יהושע
65 This is the text of the Rome ms. and of the Venice parallels in Eruvin and Sukkah. The Venice text here is defective: יד תור שלשלת יא אמרים רבי יהושע
66 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?
67 At least for kilaim, a wall is more of a separation than a gate.
68 Since the Mishnah in Eruvin 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 and not just one.
69 If the rope must be low, the case of קילאם is different from that of the Mishnah.
70 A technical term, indicating that the desired result can be obtained from both hypotheses. The inference here is that R. Haggai is correct in both cases, since the Mishnah is formulated to apply to both of them.
71 If the poles have separate hooks so that each side has a complete arrangement of poles and rope, then even R. Zeira will admit that the rope forms a valid enclosure for the Sabbath. In this case, by necessity the rope is on top only. In this, the Yerushalmi parallels the final explanation of the Babli, Eruvin 11b, rejecting symbolic walls but accepting symbolic gates.

Rebbi Zeira, Rebbi Eudaimon of Haifa, in the name of Rebbi Simeon ben Laqish: In height even one hundred cubits. Rebbi Judah said, that is, for kilaim, but as regards the Sabbath, 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 symbolic fence does not save from one side unless it is used to close all four sides; a beam saves in one direction. This may be compared to what Rebbi Zeira said in the name of Rav Hamnuna: A symbolic fence does not save unless it seals all four sides.

If a rope is drawn from the top of one pole to the next, there are no height limitations (except, naturally, than it cannot be lower than 10 handbreadths.)

If the inhabitants of a dead-end street want to turn that dead-end street into a private domain in which one may carry on the Sabbath, they have to put in a visible border either in the form of a beam at the entrance of the dead-end street, going from the wall of one house to the wall of the opposite house, or they may put up a symbolic doorpost. Mishnah Eruvin 1:1 declares that the beam cannot be higher than 20 cubits to be valid.

The problem is not discussed in the Babli.

Rebbi Abba bar Mamal said, 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 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 Abba bar Mamal considers these beams as if the under which one may not carry...
in a dead-end street. 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.

76 Greek ἐξιστρώλιον, τὸ "architrave." (In Eruvin, the spelling is מעשייה with emphatic s.)

77 He disagrees with R. Abba bar Mamal.

Rebbi Abun and the rabbis 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!

78 The hut one must build to live in on the festival of Tabernacles. The main requirement for such a hut is that the roofing must be plant material. The walls can be made of any material. The question is whether a virtual wall is permitted. (The Babli does not consider this problem but states that two full walls and part of a third must be actual walls.)

79 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?

80 The rulings of R. Zeira. Build
ing a *sukkah* is a positive commandment but neglecting it is not punishable in court. But desecrating the Sabbath is a capital crime.

Rebbi Abun bar Hyya 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 Tanna⁸¹.

Hence, in regard to the Sabbath this is the opinion of a minority of one, which cannot be operational practice.

"⁸²It turns out that concerning *kilaim* everything less than three hand-breathths 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-breathths 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 reeds," does a reed 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.

82 This paragraph is also in Eruvin 1:8, fol. 19b/c. The baraita is similar to Tosephta Kilaim 4:6 quoted also in Babli 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.

83 An opening of less than three hand-breadths in a wall is disregarded.

84 The context and all corroborating evidence show that instead of (fem.) one has to read שבעה (masc.), referring to hand-breadths, not cubits. In computing the total length of the torn-down parts, breaches smaller than three hand-breadths in width are disregarded.

85 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.

86 R. Johanan wants to eliminate the middle part of the 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.

87 Mishnah *Eruvin* 1:9. Since the reeds are counted and no reed is even one hand-breadth wide, any piece of wall should be considered a wall. The answer is that as long as no two reeds are three hand-breadths distant from each other, the entire dividing fence is considered a solid wall.

88 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.

Mishnah 5: If somebody plants one row of five vines, the House of Shammai say that this is a vineyard. But the House of Hillel say, [a planting] is not a vineyard unless it has two rows. Therefore, if somebody sows within four cubits of a vineyard, the House of Shammai say that he sanctifies one row, but the House of Hillel say, two rows.

89 Less than 5 vines are single vines and one has to leave only 6 hand-breadths of free space around them. But a vineyard needs 4 free cubits on all four sides. In addition, while *kilaim* is forbidden to be sown near a vine, only for a vineyard both vines and seeds become sanctified and forbidden for any use; for single vines the usufruct is not forbidden.
It will be clear from Mishnah 6 that the House of Hillel also put the minimal number of vines in a vineyard at 5 but require them to be planted in two rows.

The extent of what becomes forbidden to use is detailed in the Halakhah.

Halakhah 5: That is, if sown in the middle. If he sowed in front of a middle vine, in the opinion of the House of Shamai he makes the entire row forbidden. In the opinion of the House of Hillel, he forbids three parallel three. If he sowed in front of an interval in the middle, in the opinion of the House of Shamai, he forbids two on each side. What is said about the fifth? If the seeds were close to one vine, those are forbidden; if not, they are permitted. In the opinion of the House of Hillel, four parallel two are forbidden. If he sowed opposite the corner, which row is forbidden in the opinion of the House of Shamai? Both of them! In the opinion of the House of Hillel, two parallel two and one forming a tail on each side are forbidden. If one sowed in an interval at the corner, in the opinion of the House of Shamai he makes the entire row forbidden. In the opinion of the House of Hillel, two parallel...
two and one forming a tail are forbidden. What is the sixth? The third in
the first row, the second in the third row.

92 Reading of Rome ms. and R. Simson. Venice: πηψ.
93 This explains what is forbidden if somebody sowed too close to a
vineyard. The situation is simple unless one sows at a corner of the vineyard.
In the entire discussion, the seeds are
sown outside the vineyard but less than
4 cubits distant from the next vine.
94 Not the entire row in a large
vineyard, but the nearest row that
forms a vineyard, which is 5 vines in
one row. In this case, the vine in front
of which the seed was sown becomes
sanctified and with it two vines on
each side in the front row.
95 The House of Hillel define a
minimal vineyard as five vines planted
in two rows. So in the first row, the
vine in front of which the kilaim was
sown, and one vine on each side are
sanctified. In the second row, the vine
behind the middle one in the first row
certainly is forbidden, as well as one
vine adjacent to it. But since there is
no way of deciding between left and
right in this case, both are forbidden.
96 If the seed in the middle were a
mathematical point, we would have a
problem. But in reality, if the
perimeter of the growing plant is
closer to one adjacent vine than to the
other, the fifth is added at the closer
side. If the growing plant is right in
the middle, six vines become forbidden,
three on each side.
97 In the next Mishnah, the House
of Hillel state that a minimal vineyard
consists of five vines in two rows,
forming a rectangle and a "tail." In the
interpretation of Maimonides, based on
Gaonic sources, the "tail" is formed by
a fifth vine forming an isosceles
triangle with two of the other vines,
together giving the vertices of a
pentagon. In the interpretation of R.
Simson, the minimal vineyard consists
of two rows, three vines in one and two
in the other, where two vines in each
row are the vertices of a rectangle.
According to Maimonides, both in his
Commentary and his Code, the
configuration of R. Simson is explicitly
excluded in the next Mishnah.
However, the Halakhah here seems to
support R. Simson; I fail to see how the
rest of the Halakhah can be interpreted
by Maimonides. According to R.
Simson, three vines in the first row and
two in the second become sanctified;
since we cannot intrinsically distinguish
here between left and right, we have to
choose four vines in the first row in the case where according to the House of Shammai one would have to choose six.

98 Since the seed is supposed to be exactly on the extension of the diagonal pointing to the corner, both edges coming together at the corner are equal candidates, and one has the corner vine and four others on each edge, for a total of nine that become sanctified.

99 The vines that become sanctified are the corner vine, two adjacent ones on each of the edges, and the vine next to the corner one on the diagonal. Then in any way one looks at the configuration, one has three vines in the first and two in the second rows, and four vines form a rectangle ("two parallel two.") The total number of forbidden vines is six. (It has to be noted that, since the vines in a vineyard are planted in orderly rows, a "tail" in the sense of Maimonides is impossible here, but not a "tail" in the sense of R. Simson.)

100 He sows between the corner vine and one of the adjacent vines. According to the House of Shammai there is no problem; he sanctifies the first five vines defined by the corner and the adjacent vine. According to the House of Hillel there is a problem, whether to take three vines in that row and two in the next, or to consider the seed to be placed between two rows, in which case we have to take three vines in the other edge starting from the corner, and the first two vines in the next row parallel to that edge, for a total of six vines. Another possible configuration, chosen in the next sentence, is to take three vines in the row in front of which the seed is sown, and perpendicular to it one vine in the outer and two in the next row perpendicular to it. Again, four vines form the rectangle at the corner and the other vines form minimal vineyards both in the direction of the edge in front of which was sown, and perpendicular to it.
Mishnah 6: If somebody plants two parallel two and one which protrudes as tail\textsuperscript{101}, that is a vineyard. Two parallel two and one between them\textsuperscript{102}, or two parallel two and one in the middle\textsuperscript{103}, are not a vineyard, but two parallel two and one which protrudes as tail are.

101 As explained in the preceding Halakhah, four vines are planted in a rectangle and the fifth is in a straight line with two of these, on the extension of one of the edges of the rectangle, following the interpretation of R. Simson.

102 Four vines forming a rectangle with the fifth at the center of the rectangle.

103 The fifth is at the midpoint of one of the sides of the rectangle. Maimonides switches the interpretations of the last two cases.

Halakhah 6: Rebbi Hиyya bar Abba in the name of Rebbi Hиyya bar Joseph: (Num. 34:2) "The land of Canaan according to its domains." Domains that the Canaanites invented\textsuperscript{104}. Rebbi Immi asked, does one learn from the Canaanites\textsuperscript{105}?

104 The queer shape of a vineyard, consisting of 3 + 2 vines, does not originate from abstract reasoning but is a definition inherited from the Canaanites. The inference is drawn from the verse using the rare feminine form "domain" instead of the usual masculine "border", even though the description is not of the land but of its borders.

105 There are many verses in the Pentateuch warning the Jewish people not to learn from the Canaanites. The derivation is alluded to in Babli Sabbath 85a.
Samuel said, one measures along the oblique line\textsuperscript{106}. Rebbi Yose bar Zemina in the name of Rebbi Johanan: You consider it as if one were planted there\textsuperscript{107}.

\textsuperscript{106} Greek \textit{ξοξ}, -η, -ον "slanting, crosswise, oblique."

\textsuperscript{107} Since we have a vineyard, one may not plant within four cubits of it. According to Samuel, the form of the vineyard is that of a trapezoid with two right angles, and one may not sow in a larger trapezoid. According to R. Johanan, the shape of the vineyard is that of the smallest rectangle containing the trapezoid formed by the vines; i.e., one imagines that a vine be planted in the second row parallel to the fifth vine forming the tail. Then the forbidden domain is that of a larger rectangle.

Rebbi Jonah asked: If somebody planted two parallel two and one which protrudes as tail, and another two parallel two and one which protrudes as tail, you consider it as if an additional one was planted here and another one there\textsuperscript{108}. If one planted three parallel three and one added on the middle line, do you consider that an additional one was planted on either side to make it a large vineyard\textsuperscript{109}? Did we not say that a large vineyard has no tail\textsuperscript{110}? That is if it is large; the question is to admit the tail for a small one to make it large!

\textsuperscript{108} We have two rows, the first one with 6 vines, the second one with 4 (places 3 and 6 empty.) Then, according to R. Johanan, the entire vineyard is considered as if there were 6 and 6 vines.

\textsuperscript{109} Here there are three rows; the first two have vines in places 1, 2, 3,
but the third has only one in place 2. If the first number indicates the row, the second the place in the row, the vines are labelled (1,1), (1,2), (1,3), (2,1), (2,2), (2,3), (3,2). In the first two rows, there are four corner vines. If one of them is not counted, there are four minimal vineyards that can be chosen from the first two rows. In addition, there are two minimal vineyards involving row three, either ((1,1), (2,1), (1,2), (2,2), (3,2)) or ((1,3), (2,3), (1,2), (2,2), (3,2)). If we add the two virtual vines (3,1), (3,3) in row three, we have three rows of three vines, and that is a large vineyard to which the rules of bald spot and surroundings apply, rather than the 4-cubit rule; see Halakhah 4:3, 5:1.

If there are at least three rows with three vines each, the tail is not needed; it has no influence on the rules. In this opinion, the question does not even arise and one does not add the theoretical vines. The answer is that the statement applies only to a vineyard that was planted as a large vineyard, not to our question here. The final answer is given only in Halakhah 5:1.

Mishnah 7: If somebody plants one row on his own property and another row is on his neighbor’s property, and a private or a public road or a fence lower than ten hand-breadths are between them, they are counted together; if it is higher than ten hand-breadths, they are not counted together. Rebbi Jehudah says, if he lined them up on a common trellis, they are counted together.

111 Reading of the Rome and the Mishnah mss. Leyden: שרשרא וoubles his statement.כבר מועדה ספיחון אינן מסכירות. רבי יהודה אמר אם ערס קאלעשלו Hari אלימם旻ית.

112 The two rows have two different owners but if they are less than
eight cubits apart and not separated by a wall at least ten hand-breadths high, they look like one vineyard and are treated as such. No sowing is permitted within four cubits of any vine.

113 A public access path less than 8 cubits wide; cf. Peah Chapter 2, Note 4.

114 Even over the wall. In Peah 2:3, even the rest of the Sages agree that a wall does not separate for peah if the crowns of the trees are intermeshed over the wall. However, peah is determined by the crowns of the trees which are the places of the fruits, but kilaim by the stems that control the growth of the trees. This is the interpretation of all old commentators except Maimonides who translates "if he intermeshed them on top"; cf. Chapter Six, Note 1.

Halakhah 7: Rebbi Ahai said, does this not disagree with Rebbi Simeon, for Rebbi Simeon said, nobody can sanctify property that is not his own? There, he said that nobody can sanctify property that is not his own, but here, his and his neighbor's property are counted together to forbid the ground in the middle. Rebbi Mana did not say so, but did not Rebbi Samuel say in the name of Rebbi Zeira: Rebbi Simeon follows his own opinion; just as Rebbi Simeon said that nobody can sanctify property that is not his own, so he said that nobody can jail property that is not his own, but here, his and his neighbor's property are counted together to forbid the ground in the middle.
R. Simeon’s statement is in Mishnah 7:4: “Somebody who draws his vine over another person’s grain sanctifies the latter and has to pay for it. R. Simeon and R. Yose say, nobody can sanctify property that is not his own.” Cf. also Halakhah 2:7.

Since both rows were planted legally, they together forbid anything to be sown between them.

Mishnah 8: If somebody plants two rows, he should not sow there unless there are eight cubits between them. If there were three rows, he should not sow there unless there are sixteen cubits between one row and the next. Rebbi Eliezer said in the name of Hananiah ben Hakhinai: He should not sow there unless there are sixteen cubits between one row and the next, even if the middle row dried up. But if he planted new [vines], it would be permitted with eight cubits.

Rows of vines less than 8 cubits apart are considered vineyard-forming, and one has to separate seeds from vines by a minimum of four cubits. Hence, between two rows one may not sow unless there is a distance of more than 8 cubits.

The opinion of the anonymous Sages is that a large vineyard (at least three rows of three vines each) needs 8
HALAKHAH 8

This should be R. Eliezer ben Jacob II, one of the last students of R. Aqiba. His name is spelled out in full in most Mishnah mss. and in the Rome ms. R. Eliezer (ben Hyrcanus) was a teacher of Rebbi Aqiba.

In most sources, he is given the title Rebbi. He was among the early students of R. Aqiba, almost one generation older than R. Eliezer ben Jacob II.

Then there would be only two rows and the vineyard never would be "large."

Rebbi Zeira said, eight except for the space of the trunks. Just as you say, eight except for the space of the trunks, so also four except for the space of the trunks.

If one has 16 cubits distance between two rows in a vineyard, it still is not enough since one needs 8 cubits of fallow land on each side, not counting the vines. This discussion is referred to in Halakhah 5:5.

If there are only two rows and one may sow with eight cubits distance, one still has to have four cubits of empty space on each side, not counting the space of the vines.

Rebbi Eleazar said, they were more restrictive inside than outside.

Rebbi Zeira said, when I was still there, I explained it that inside eight [are required], outside sixteen: From four cubits to eight, it is forbidden and sanctifies, from eight to sixteen it is forbidden but does not sanctify.

Except for the case of a distant wall ("the circumference of the vineyard"), outside one never has to be farther away than four cubits.
126 In Babylonia. He explains the statement of R. Eleazar, not that "outside" means outside of the vineyard (where in the most restrictive case one only needs 12 cubits) but "inside" is the empty ground that is only eight cubits wide, where any sowing will sanctify both crop and vines, so that no use whatsoever will be permitted, but for a strip wider than 8 and less than 16, when there is no vineyard but only single rows and, hence, the planting does not create an "inside" of any vineyard, anything sown at a distance greater than 6 hand-breathds from any vine is still forbidden but it will not become impossible to use it.

Rebbi Yose in the name of Rebbi Johanan: It turns out that the statement of Rebbi Eliezer ben Jacob is like that of the House of Shammai. Just as the House of Shammai say that one row constitutes a vineyard, so Rebbi Eliezer ben Jacob says that one row constitutes a vineyard. What do you want to say? A large vineyard is forbidden by eight, a small vineyard is forbidden by eight! Rebbi Judan did not say so but taught that eight cubits is forbidden, eight cubits plus any length is permitted. Some want to state: "But if someone newly planted sixteen by sixteen, it would be permitted with eight cubits." Rebbi Jehudah ben Pazi in the name of Rebbi Johanan: It turns out that the statement of Rebbi Eliezer ben Jacob is like that of the House of Shammai. Just as the House of Shammai are more restrictive when it is dried up than when it is...
planted, so Rebbi Eliezer ben Jacob is more restrictive when it is dried up
than when it is planted.

127 The one that in the Mishnah is attributed to "R. Eliezer."

128 The implication is that the opinion of R. Eliezer ben Jacob cannot
possibly be the actual practice.

129 Since plants sanctify a vineyard only up to a distance of four cubits,
how does one ever come to forbid sixteen?

130 The added width is defined in the Tosephta (*Kilaim* 4:9) either as one
hand-breadth, or \( \frac{5}{6} \) of a hand-breadth; see the discussion of the sources in
*Tosefta Ki-fšutah*, p. 642. In the first opinion, that there is no difference
between the widths admitted in large or small vineyards, any planting in
which the vines are up to (but not including) eight cubits apart is a
vineyard and protected by the laws of a vineyard. In the second opinion,
exactly eight cubits still form a large vineyard (possibly not a small one), and
only distances of more than eight turn the vines into single trees that have
only six hand-breadths as protected area around them.

131 This is an extraordinary restriction. It implies that R. Eliezer
ben Jacob considers vines as vineyard-forming if between any two vines the
distance is up to sixteen cubits, not, as supposed in our version of the Mishnah,
that the distance between vines in a row is up to eight cubits, only that
between rows it is sixteen cubits! The question now arises whether this is a
legitimate interpretation of the position of the House of Shammai. R. Johanan
answers that R. Eliezer ben Jacob may well agree that vines farther than eight
cubits apart are not vineyard-forming, only he holds that once it was a
vineyard, it does not lose its properties automatically when it dries up unless
the vines are actually removed.
Mishnah 9: If somebody plants his vineyard sixteen by sixteen cubits, he may bring seeds there. Rebbi Jehudah said, it happened that somebody in Salmon planted his vineyard sixteen by sixteen cubits. He turned the growth of two rows towards one another and sowed the ploughed area. The next year, he turned the growth to the side that had been sown and sowed what was fallow. This came before the Sages and they permitted it. Rebbi Simeon and Rebbi Meir say that this is permitted even for someone who plants his vineyard spaced eight cubits.

132 If between any two vines there is a 16 cubits space, the vines are isolated and one may sow everywhere except in the six hand-breadths close to any vine.

133 An unidentified place in the Land of Israel.

134 He worked in a two-year cycle, one year planting and one year letting lie fallow. Each of his rows bordered one strip that was sown and one that lay fallow. He did not want even the leaves of his vines to grow over the grains or vegetables he planted, so each year after trimming he trained them to grow over the fallow field.

135 Vines spaced eight cubits or more apart (according to R. Meir, 40 hand-breadths) are not vineyard-forming.
Halakhah 9: Rebbi Jonah in the name of Rav: The seed is permitted but one is forbidden to sow. Rebbi Yose in the name of Rav: The practice is that one is permitted to sow. Rav Hyya bar Ashi in the name of Rav: Practice follows Rebbi Meir and Rebbi Simeon. Does it mean that the seed is permitted and one is permitted to sow, or that the seed is permitted but one is forbidden to sow? Since Rebbi Abba said: Rav Hyya bar Ashi measured the layout of my vineyard eight by eight; that means that the seed is permitted and one is permitted to sow. Rav Huna sowed leeks in his vineyard. Is that not forbidden because of kilaim? They were mixed up and a single vine needs no place to tend it, following the words of Rebbi Ismael; as Rebbi Ismael said, the words of the Sages are that a single vine needs no place to tend it. Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: Practice outside the Land follows the lenient opinion. Rebbi Jacob bar Aha said, there they stated: Practice outside the Land follows the lenient opinion.

135 The entire discussion is about the statement of Rebbis Meir and Simeon which presents practice as was explained in the preceding Halakhot. The problem is, what did they permit? Is it only that the produce is not sanctified once the distance between two vines is greater than eight cubits, or would they tell the vintner to sow in such a vineyard were he to ask them about it?

136 Since we have two conflicting statements, both in the name of Rav.

137 He means that Rav Hyya bar Ashi, companion of Rav in the latter’s Academy, provided him with a layout for his vineyard so that he could sow grain between the vines. There is no more compelling evidence than the action of a respected authority.
138 That vineyard must have been one in which not every vine was planted eight cubits from its nearest neighbor.

139 The vines were planted, or spontaneously growing, in an irregular pattern and nowhere in the vineyard was it possible to identify even a minimal vineyard (3 + 2 vines, 4 forming a rectangle) as required by the House of Hillel. Mishnah 5:1 shows that in such a case, there is an opinion that the planting represents a collection of vines, not a vineyard, and that each vine needs only 6 hand-breadths of empty space around it. Since Rav Huna lived in Babylonia, he had the right to follow the lenient ruling.

140 In Babylonia. The "Land" everywhere is the Land of Israel.
Mishnah 1: A dried-up vineyard, if it contains ten producing vines per bet seah and they are planted regularly, is called vineyard. A poor vineyard, one that is planted irregularly, if in it one can ascertain three parallel to two is a vineyard, otherwise it is not a vineyard. Rebbi Meir said, since it has the appearance of vineyards, it is a vineyard.

1. If the surviving vines are equally spaced in one direction.
2. If somewhere in the vineyard one can identify a minimal vineyard following the House of Hillel.

Halakhah 1: Rebbi Johanan said: A bald spot in a vineyard is like a vineyard that dried up. One clears the ground of a bald spot in a vineyard in its interior, one clears the ground of a dried-up vineyard on all sides.

3. Not that it is the same thing but that the same rules apply, and one may sow only at a distance of 16 cubits from the nearest vine. Clearing the ground means tearing out the dead vines.
Rebbi Zeira showed to the colleagues: Nine rows of seven each. Take away one next to another for the warp and one next to another for the woof. There remain 20 vines. Take away two from each side in one direction, one from each side in the other direction. There remain 10 vines. That is what we have stated: "Ten vines per bet seah". It turns out that there are four times two parallel two and one protrudes as tail.

4 Reading of Rome ms. and R. Simson. The reading of the Leyden ms. and Venice print, Ḥaṭa, is impossible since 20 - 10 = 10.

5 He explains the Mishnah by an example. We have a vineyard whose vines are planted 8 cubits apart from one another. This follows from the discussion later (Notes 17,18), but it is understood that one wants to construct a vineyard in which the 16-cubit rules forbid one to sow with a minimum number (10) of vines standing. Hence, the vines must be spaced as far apart as possible and still form a vineyard. In modern language, we make a model of that vineyard by drawing an (x,y)-coordinate system in the plane and indicating the vines by the points with integer coordinates, where in each row ("woof") x = 1, 2, . . . , 7, and the rows are numbered by ("warp") y = 1, 2, . . . , 9. In all, we have 63 vines. Now, we cross out alternate rows and columns, i.e., we cross out all points with coordinates x = 2, 4, 6 and y = 2, 4, 6, 8.

There remain 5 y-coordinates (1,3,5,7,9) for each of the remaining 4 x-coordinates (1,3,5,7). Hence, there remain 5×4 = 20 vines.

6 Greek παρά.

7 On the long sides, one removes the two vines at the corners and the two adjacent ones, leaving only those in positions (1,5) and (7,5). On the short sides, one removes one additional vine each, leaving those in positions (5,1) and (5,9). That means that for x =
1, one has only \( y = 5 \), for \( x = 3 \), \( y = 5,7 \), for \( x = 5 \), \( y = 1,3,5,7,9 \), for \( x = 7 \), \( y = 5 \); the total of standing vines is \( 1 + 3 + 5 + 1 = 10 \).

\[ \text{fig. 5-1} \]

8 From any angle one looks at it, one can always find a minimal vineyard contained in the standing pattern. For example, the standing vines \( \{(1,5) (3,5) (5,5) (3,7) (5,7)\} \) form such a vineyard, as do \( \{(1,5) (3,5) (5,5) (3,3) (5,3)\} \) or \( \{(5,9) (5,7) (5,5) (3,7) (3,5)\} \) or even \( \{(1,5) (3,7) (5,9) (3,5) (5,7)\} \). In all, one may identify 8 minimal vineyards. Hence, from all angles, the pattern describes a valid vineyard. (One certainly cannot simply create one large vineyard, three times three vines plus one additional, since the maximum area covered by such a vineyard is only 1532 square cubits.)

One assumes that\(^9\) another [vine] was planted there, for all four sides\(^10\). One cannot actually plant on any of the four sides because it would form a tail and there is no tail for a tail. This implies that there is no tail for a large vineyard, which gives a simple answer to the question of Rebbi Yose ben Zabida in the name of Rebbi Johanan: one considers as if another [vine] was planted there\(^11\).

\(^9\) *יָדוֹ* is a contracted form of *יָדוֹ*.

\(^10\) Since R. Zeira explains the Mishnah according to R. Johanan, one has to follow the latter’s opinion in Halakhah 4:6 that the area covered by a minimal vineyard is not the trapezoid defined by the segments containing, respectively, two and three vines, but the smallest rectangle containing the trapezoid, adding an imaginary third...
vines in the second row. In our case, one cannot actually have these vines added, because that would immediately generate three rows of three vines each, which define a large vineyard for which the rule of tail does not apply. Then the question arises of how to compute the area of the remaining vineyard. This will be dealt with in the next paragraph where it is shown that one cannot have exactly a bet seah (2500 square cubits) as required by the Mishnah unless one reduces the distances between the vines.

In Halakhah 4:6, R. Yose bar Zemina in the name of R. Johanan had a statement, about which R. Jonah asked whether minimal vineyards can be combined to form a large vineyard. The answer given here is that one does not add the imaginary vines to form a theoretical large vineyard.

It turns out to be 64 by 48. Take two from here and put them there, that turns out to be 48 by 48. Take out one in between, one in between, and make a bald spot 16 by 16 that can be tended by eight cubits. How do you treat it? Itself and the area to tend it within a bet seah, or without the area to tend it? If you take it with the area to tend it within the bet seah, then 348 are missing. If you take it without the area to tend it, there is an excess of 452. You might say, they are separated as single ones. You might say, they are closer together: we have stated only "10 per bet seah;" you could not state that.
12 The last three words are the reading of the Rome ms. Venice: ריכה.
13 One has to take the stems of the vines included in the eight cubits distance from one to the next, otherwise one could sow a row of vegetables between the rows of vines. Then the row of originally nine vines has a total length of 64 cubits and that of seven vines one of 48 cubits (Note 5). Since $64 \times 48 = 3072$, the area is 572 square cubits larger than the 2500 square cubits of a bet seah. Since we have removed the corners, we have to remove some of the area; the problem is to do it in a uniform way to end up with 2500 square cubits. (According to Samuel in Halakhah 4:6, the kite-shaped quadrilateral defined by the extremal vines in R. Zeîra's design has an area of only 1536 square cubits. Hence, Samuel's opinion may be disregarded.)

14 If, for example, one moves the vine at position (5,1) to (1,3), (7,3) to (1,7), and completes the rectangle, one has an area that falls 196 square cubits short of the required 2500.

15 The distance between two vines now is 16 cubits since every second vine was removed. Even according to him who in the preceding Mishnah treated a dried-up vineyard more severely than a newly planted one, one could think of removing two squares of 16 by 16 in the interior of the vineyard. But that would leave one with $3072 - 2 \times 256 = 2560$ square cubits, an area that is still too large.

16 Before continuing to compute, we have to settle the question whether the bet seah is the area defined by the standing vines or whether it includes the strip of 4 cubits all around the vineyard for tending the vineyard.

17 This number is difficult to explain. All commentators change the numerical value to agree with their computation. All we can do is understand the problem. The basis of the argument is the computation underlying the next sentence. There it is established that the area of the vineyard in R. Zeîra's example is cross-shaped (fig. 2), formed from the rectangle of sides 64 and 48 by excising corner squares of area $16 \times 16$, of area 2048 square cubits.

\[
\begin{array}{cccccc}
\text{x} & \cdot & \text{x} \\
\text{x} & \cdot & \cdot & \cdot & \cdot & \cdot \\
\cdot & \cdot & \cdot & \cdot & \cdot & \cdot \\
\cdot & \cdot & \cdot & \cdot & \cdot \\
\text{x} & \cdot & \\text{x}
\end{array}
\]

fig. 5-2

The strip of width 4 around it, not counting the corners, has area $(64+48) \times 2 \times 4 = 896$ square cubits. Of these four are concave corners that are
counted twice, hence, one has to remove 4 times 16, for a total area of 832 square cubits. It is questionable whether one has to fill out the 90° circular sectors around the virtual vines but one has to add two 90° circular sectors of radius 4 at the two vines on the border of the vineyard. Hence, the total area in question here is 

\[ A = 2048 + 832 + 8\pi = 2880 + 8\pi. \]

Even if one uses the approximation \( \pi \approx 3 \), \( A = 2500 + 404 \) and not \( A = 2500 + 348 \) as asserted. It is impossible to account for the missing 56 square cubits.

On the other hand, the number 452 in the next sentence is certainly correct and both mss. have 348 here; emendation is impossible. All we can do is discover a possible way of computing the area, keeping in mind that in computations of this kind one suppresses fractions at the end. It seems that here the boundary strip is only three cubits wide except near where real vines are standing. Let \( h \) be the width of the boundary strip. Then the computation of the area of the boundary strip is done in five steps.

1. Since the perimeter of the figure is 224 (all measures in cubits), the strip along the sides except for the convex corners is \( A_1 = 224h - 4h^2 \) since the convex corners are counted twice in the first term.

2. On the top and bottom edges in fig. 2 are two real vines, both of which have to be enclosed in a circular domain of radius 4. Let

\[ q = (16 - h^2)^{1/2} \]

and

\[ \alpha = \arctan h/q. \]

Then the center angle of the sector outside the strip is

\[ \varphi = \pi - 2\alpha; \]

the area to be added is

\[ A_2 = 32\varphi - 2hq. \]

fig. 5-3

3. At the two vines in position (5,1) and (5,5), one adds two semicircles of radius 4 minus two isosceles right triangles of sides \( h \), for

\[ A_3 = 32\pi - 2h^2. \]

fig. 5-4

4. At the four concave corners with real vines, one has to add quarter disks
and subtract the parts covered by the strip wide \( h \). The half-angle of the sector outside the strip is \( \beta = \pi/4 - \alpha \).

This yields

\[
A_4 = 128\beta - 64\sin \alpha (\cos \alpha - \sin \alpha).
\]

5. Finally, at the six convex corners occupied by virtual vines, one adds quarter discs of radius \( h \), or \( A_5 = 3\pi h^2 \).

The total area is the sum of these five. The entire computation is within the level of difficulty of Euclid's *Data*.

The next problem is the determination of \( \pi \). Mishnaiot *Eruvin* 3:1, *Ahilut* 12:6 state that \( \pi = 3 \). Maimonides writes that they adopted this raw approximation since in the opinion of Aristotle, the straight and the curved are original opposites and it is impossible to express curved quantities precisely in terms of linear measures. (In the framework of Archimedean mathematics, the falsity of this assertion was shown only in the Seventeenth Century by John Wallis.) Since we tend to disregard fractions in Talmudic computations, it seems reasonable to take \( \pi = 3 \). We do not have access to the table of chords used by the Talmudists to compute the contribution of \( A_4 \) unless we want to take Ptolemy's table (Ptolemaüs, *Handbuch der Astronomie*, transl. K. Manitius, ed. O. Neugebauer. Leipzig 1963, pp. 37-40). This means all our computations here are only an approximate reconstruction. If we take modern values for the trigonometric functions in step 4 the total area is 800 for \( h = 2.94 \). (For \( h = 3 \), the deviation of the modern value from Ptolemy's is negligible, about 0.001, much less than the precision of our computation.) It is reasonable to assume that in talmudic approximation, this means \( h = 3 \).

[Better values of \( \pi \) known from Antiquity, \( 3^{1/8} \) or \( 3^{1/7} \), yield smaller values of \( h \) which have no reasonable explanation.]

18 According to R. Johanan, we have to add to the standing vines the ones that complete the minimal vines, i.e., the vines at positions (1,3), (1,7), (3,1), (3,9), (7,3), (7,7). This means that from the original 64x48, at each corner we excise a square of edge length 16.

The remaining area is 3072 - 4x16x16 = 3072 - 1024 = 2048 = 2500 - 452 cubits.

19 Since the scheme of R. Zeira does not work out to produce 10 vines on exactly 2500 square cubits, we have
to conclude that the 10 vines are isolated in the field. Then, each vine has 250 square cubits around it, which means that it is situated in the center of a square of edge $\sqrt{250} = 15.81$ cubits. This length is also the distance of two vines (or better, the distance of the centers of any two vines) from one another, and this is just below the 16 cubits that would disqualify the field from being a "vineyard".

20 Than 15.811 cubits.

The trunk is aligned but the top is not aligned, that is a vineyard. The top is aligned but the trunk is not aligned, that is not a vineyard. If they were thin, but when they grow thick they will be aligned, that is a vineyard. How does one know that they are aligned? One brings a rope and stretches it." Some Tannaim state: "From within." But some Tannaim state: "From without." Rebbi Jonah said, he who says "from within," within a hand-breadth, but he who says "from without" requires that it touches. "If the outer row is not aligned in its trunks, one reserves for it the space to tend it and one may sow the rest." Rebbi Yose says, if one sows within six hand-breadths all is forbidden; outside of six hand-breadths single vines are permitted but a vineyard is forbidden.

21 Tosephta *Kilaim* 3:4; the text is almost identical with the one given here, including the queer use of the singular in the first two statements that make sense only if applied to at least three vines. The later statement, commented on by R. Yose, is from a source other than the Tosephta.
22 This Tanna requires that the centers of the trunks be aligned. That obviously is not directly measurable; hence, one has to measure from the outside and determine that the centers are within one hand-breadth of the stretched rope. The second version, that one puts the rope along the outsides of the vines, is that of the Tosephta.

23 Since the vines in this case do not form a vineyard and do not belong to the vineyard, they are treated as single vines and have only six hand-breadths reserved for tending. The language of the Tosephta is: "If one [vine] deviates to the inside and one to the outside (i.e., the straight segments connecting the vines form a zig-zag line), that is not a vineyard."

24 Since a vineyard needs four cubits for tending.

What means "a poor vineyard?" Rebbi Jonah said, it is poor in vines but rich in tending areas.

25 The one mentioned in the Mishnah. It needs a large tending area since the imaginary vines also belong to the tending area.

Mishnah 2: A vineyard that is planted less that four cubits apart, Rebbi Simeon says that it is no vineyard. But the Sages say that it is a vineyard and one disregards the ones in the middle as if nonexistent.

26 This violates standard agricultural practice.

27 If every second vine is disregarded the remaining vines still are less than eight cubits apart and, hence, still form a vineyard. The argument of the Sages (made explicit in Babli Baba Batra 102b) is that vines planted too close to one another will not bear the best or the most fruit; hence, the
vintner might plant too many vines at the start and then, when it becomes clear which vines grow best, he will take out the rest and use as wood and replant the best ones as a regular vineyard. Rebbi Simeon is of the opinion that a vineyard is planted for its yield, so he waits until the vineyard is thinned before he imposes the restrictions of a vineyard. (In the Babli, R. Simeon is interpreted to mean that nobody plants a vineyard with the intention of thinning.) The Sages think that planting for a vineyard makes a vineyard from the start.

It is not quite clear what the minimum distance is; cf. Chapter 4, Note 2. The cubit of 52.6 cm would give 210.4 cm as minimal distance of two vines. R. A. H. Naeh defines the hand-breadth as 8.5 cm, which implies that 4 cubits of five hand-breadths each are 170 cm. Modern viticulture works with distances of 135 to 150 cm; one is best off by adopting the minimal interpretation of cubits.

Halakhah 2: Rebbi Simeon said to them: Those about which you say that one disregards the ones in the middle as if nonexistent, are the essence of the vineyard! Rebbi Hananiah said, that applies in the case where there are six parallel six. But if there are five parallel five, everybody agrees that one disregards the ones in the middle as if nonexistent. Rebbi Mana said, that means if there are five parallel five. But if there are six parallel six, if you disregard the ones in the middle as if
nonexistent, these are like those! What does that mean which we have stated: One disregards the ones in the middle as if nonexistent? Rebbi Huna said, that one is permitted to draw them over his seeds. Rebbi Mana said, that supports what Rebbi Yose had said, that if one sows within six hand-breadths all is forbidden, outside of six hand-breadths single vines are permitted and a vineyard is forbidden.

Reading of the Rome ms. Venice and Leyden: "לא וביב плитיך..."

R. Hananiah and R. Mana disagree about the meaning of the last statement of R. Simeon. According to R. Hananiah, in the case of two rows of five vines each, if one disregards any vines numbered 2 and 4 in their rows, one retains two rows of three vines each forming a legal vineyard. But if one has two rows of 6 each, one eliminates either the even or the odd numbered vines; the ones eliminated would also form a vineyard and that is unacceptable in the opinion of R. Simeon. R. Mana has essentially the same argument, only he says that the disagreement concerns the first case, when one would have a vineyard in case one eliminates vines 2 and 4, but not if one eliminates 1, 3, 5. However, in the case of 6 or more vines, one always retains a valid vineyard (and the vines considered nonexistent do not give the possibility of sowing there since the distance from vine to remaining vines is less than 8 cubits.)

If the domain at the border of the vineyard is sown with other produce, the shoots of the vines destined to be taken out can be drawn on a trellis that goes sideways over the produce, since the vines will be eliminated before they bear fruit.

In this interpretation, "single vines" are those planted too close and destined to be removed, even if initially planted in a vineyard pattern.
Simeon bar Abba in the name of Rebbi Johanan\textsuperscript{32}: Just as they disagree here, they disagree about a graveyard\textsuperscript{33}. Rebbi Jonah said, one cannot compare these. There, if graves were spaced apart and one moved them together, they would form a graveyard\textsuperscript{34}. When they were close together and one spaces them apart, that does not make a graveyard\textsuperscript{35}. But here, if they were spaced apart and one moved them closer, that is the disagreement\textsuperscript{36}. If they were close and one moved them apart, everybody would agree\textsuperscript{37}. But here\textsuperscript{38}, what is their disagreement? When one found them close together. Rebbi Simeon said, a landslide fell on them and compressed them. But the Sages say, were they spaced apart and somebody brought them close together\textsuperscript{40}?

\textsuperscript{32} This discussion is referred to in Babli Baba Batra 102b. A parallel to the text here is found in Yerushalmi Nazir 9:3, fol. 57b. The text there is slightly different from the text here. Since the Rome ms. here supports the text from Nazir, and the last sentences here show that both times the paragraphs are a confluence from texts from both sources, it is appropriate to give the full text of the paragraph there:

תַּמָּן תַּנְיָה כֶּרֶם שָׁאוּר נִמַּעְלָה מְלֶא מַאֲשׂוֹת רָשׁוֹת בֵּין אֶפְּרִיס כֶּרֶם. שְׁמוֹם אָמוּר אֵין כֶּרֶם. הָוֹאָמִים אֵמוּרִים כֶּרֶם. רָבָּא אֲנָהּ שָׁאוּר אֵין כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם רָבָּא שָׁאוּר שָׁאוּר אֵין כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמוֹם רָבָּא אֲנָהּ כֶּרֶם. שְׁמ

There, we have stated: ‘A vineyard which is planted less than four cubits apart, Rebbi Simeon says it is no vineyard. But the Sages say it is a vineyard and one disregards the ones in the middle as if nonexistent.’ Simeon bar Abba in the name of Rebbi Johanan: Just as they disagree here, they disagree about a graveyard. Rebbi Jonah said, one cannot compare these. There, they form a graveyard, here, they do not form a graveyard. Rebbi Yose said, one cannot compare these. There, if they were spaced apart and one moved them closer together, that is the disagreement. If they were close and one moved them apart, everybody would agree. But here,
what is their disagreement? When one found them close together. Rebbi Simeon said, a landslide fell on them and compressed them. But the Sages say, were they spaced apart and somebody brought them close together?"

33 This refers to Mishnah Nazir 9:3: "If somebody stumbles upon a grave (on his property; he did not know that the grave was there), he removes it and its surroundings (the earth that absorbed the decomposed flesh of the deceased, for reburial.) If he found two, he takes them and their surroundings. If he found three and between any two graves is a distance from 4 to 8 cubits, space for the bier and its carriers, that is a graveyard (and cannot be disturbed) and one has to check another adjacent 20 cubits."

In a baraita, quoted only in Babli Bava Batra 102a, but presupposed in the Yerushalmi, there is a discussion about a group of several graves that are found closer than 4 cubits together. The Sages think that these indicate haphazard burials which do not constitute a graveyard, but R. Simeon holds that one disregards alternate graves and the rest form a graveyard that may not be disturbed. The Babli explains the obvious switch of opinions between R. Simeon and the Sages in that R. Simeon holds that nobody plants vines for thinning, but that in graveyard there sometimes are emergency burials when one cannot observe all necessary distances, whereas the Sages hold that one plants a vineyard with the idea of selecting the best vines, but in a graveyard one never violates common decency by piling grave upon grave.

34 While it is forbidden to do so, if it is done, then according to everybody the sanctity of a graveyard will not be impaired.

35 This sentence, missing in Nazir and the Rome ms., is difficult to accept, since one always may make a new graveyard. What is meant is that the reburial does not retroactively make the burial place a graveyard. In a graveyard, the soil cannot be used for anything but burial. In a row of single graves, any soil that does not belong to the immediate surroundings of the graves may be used for any private purpose.

36 While this is not mentioned in the Mishnah, it is assumed that the Sages expect the new plantings to be thinned and R. Simeon does not.

37 This will create a vineyard.

38 "Here" is the Mishnah in Nazir. This shows that the text in Nazir is the original one.

39 Hence, they formed a graveyard
whose sanctity cannot be lost.

40 This is a most unlikely scenario and can be disregarded. The setting of the Mishnah is the Land of Israel where every grave is expected to be Jewish.

[Mishnah 3: A ditch that crosses a vineyard, ten hand-breadths deep and four wide. Rebbi Eliezer ben Jacob said, if it is open from one side of the vineyard to the opposite side it appears to be between two vineyards; one sows in it. Otherwise, it is like a vat. If a vat in the vineyard is ten deep and four wide, one sows in it, the words of Rebbi Eliezer; but the Sages forbid it. On a watchman’s mound in a vineyard that is ten hand-breadths high and four wide one may sow; but if hair was pressing down, it is forbidden.

41 In Biblical Hebrew, נא denotes the winepress. In Mishnaic Hebrew, it may denote a winepress, the time of wine making, and the big vat into which the grape juice flows from the press, as well as any vat of similar size. Here, נא denotes the depression in which grapes are temporarily stored before being transported to the winepress.

42 As a matter of principle, a vertical distance of 10 hand-breadths creates a separate domain. If the domain is at least 4 hand-breadths wide, it can stand on its own (Mishnah Eruvin 7:2-5.) The Sages forbid planting if the separate low domain is "jailed" by the surrounding vines. In
the case of an elevated mound, they consider it "jailed" only if branches of vines reach the top of the mound (R. David ben Zimra on Maimonides, Kilaim 7:20).

If vine leaves touch the ground on the hill; cf. Mishnah and Halakhah Peah 2:3.

Halakhah 3: Unless it separates it and the area needed to tend it, since we have stated: "The Sages agree with Rebbi Eliezer ben Jacob in the case of a ditch that separates it and the area needed to tend it." Hence, Rebbi Eliezer thinks that even if it does not separate it from the area needed to tend it. When do they disagree? If there are two rows on each side. But if there was only one row on either side, once it reaches three vines there no longer is a vineyard.

44 Reading מברך as equivalent of Biblical and Babylonian מברך "dis-assembles."

45 The Sages require either six hand-breadths or four cubits free of growth on either side of the ditch, to separate the vines and their working spaces from other growth.

46 Then on each side, there is a vineyard. But if the ditch separates two single rows, none of which is a vineyard on its own, even the Sages will agree that the ditch deep 10 is enough to separate them.

47 If the two (parallel) rows did form a vineyard, if afterwards the ditch is dug and separates six vines, three in each row, they no longer form a vineyard.
It was stated\textsuperscript{48}: "Less than that is forbidden." Without it, would we not have said that ten is forbidden, so much more nine? But what does it mean that "less is forbidden?" Would we not say that it becomes as if closed and would be permitted? It should become as if closed and be permitted; was it not stated\textsuperscript{49}: "Roots crossing a symbolic fence and entering within four cubits of a vineyard are permitted if they are deeper than three hand-breadths?" There is a difference, because the air\textsuperscript{50} of the vineyard surrounds\textsuperscript{51}. Rebbi Eliezer ben Jacob said to them: Do you not agree that depth is like height?\textsuperscript{52} Only that the air of the vineyard surrounds. It is reasonable to think that Rebbi Eliezer agrees with Rebbi Eliezer ben Jacob but Rebbi Eliezer ben Jacob does not agree with Rebbi Eliezer. Rebbi Eliezer agrees with Rebbi Eliezer ben Jacob that depth is like height. Rebbi Eliezer ben Jacob does not agree with Rebbi Eliezer because the air of the vineyard surrounds.

\textsuperscript{48} In a \textit{baraita} stating the position of the Sages as opposed to R. Eliezer ben Jacob.

\textsuperscript{49} Tosephta \textit{Kilaim} 4:11. The passage already was quoted in Halakhah 1:8, cf. Chapter 1, Note 159.

\textsuperscript{50} Greek ἀνά.

\textsuperscript{51} The Tosephta deals with plants outside the vineyard whose roots penetrate the area reserved for tending the vineyard. Here we are dealing with a ditch inside the vineyard where the rules are stricter.

\textsuperscript{52} Why do the Sages agree that the
mound may be sown but the ditch may not? R. Eliezer ben Jacob will forbid sowing on the mound unless it extends from one side of the vineyard to the other. He also disagrees with R. Eliezer (ben Hyrkanos) because the vat does not divide the entire vineyard.

Rebbi Hiyya in the name of Rebbi Johanan: It is necessary that there be an empty space of four hand-breadths. Rebbi Samuel bar Rav Isaac said, that is, if it is round. But if it is square, it does not need an empty space of four hand-breadths. Rebbi Halaphta ben Shaul said, it needs three hand-breadths of dirt on top. Rebbi Yose said, that is, if it is round. But if it is square, it does not need three hand-breadths of dirt on top.

53 It is clear from the context that one must read רבי וייה. This is the reading of Maimonides (Kilaim 7:22) but not that of the two manuscripts.
54 As Maimonides explains, given the direction of the rows of vines, a round mound has the required size only at its diameter, but the lengths of the parallel chords go to zero and there is no separation at the circumference. For the same reason, a circular mound needs a dirt wall around the seeds.
55 The Rome ms. reads: "R. Halaphta ben Shaul stated." Since the author belongs to the generation between Tannaim and Amoraim, both readings are acceptable.
Mishnah 4: For a vine planted in a depression or in a cleft one allows the area needed for tending it and one sows the rest. Rebbi Yose said, if there are less than four cubits one should not bring seeds there\(^{56}\). A house in a vineyard may be sown\(^ {57}\).

\(^{56}\) Any area that does not contain a square of four by four cubits is not considered a separate domain; it would remain part of the vineyard.

\(^{57}\) A place surrounded by four walls and having a dirt floor. The walls separate between anything growing inside and the vines outside; no minimal distance has to be kept between vines and walls.

Halakhah 4: The Mishnah deals with the case from three to four [hand-breadths]. With less than three it is closed; from three to four one has to complete, four one may sow immediately\(^ {58}\).

\(^{58}\) The depression or cleft has to be at least three hand-breadths wide, otherwise one may easily step over it and it can be disregarded. If the width \(w\) is between three and four hand-breadths, one has to leave on either side an empty strip \((4-w)/2\) hand-breadths wide. If the cleft is four wide, one may sow in it up to the wall; the six hand-breadths used to tend the seeds are only needed as lengthwise separation between the vine and the seeds (R. Simson).

Rebbi Abin in the name of Samuel (\(Is.\) 42:22): "They were hidden in jail houses," where one hides from \(kilaim\)^{59}. 
This refers to the last sentence of the Mishnah, that a house protects from *kilaim*. The Talmud identifies the roots אַל הֵבֵכֶם "to restrain, keep back" (Arabic لا) and אַל הָעֶבְרָה (Arabic لا) "double". (R. Simson reads: "R. Samuel in the name of R. Abin"; but then it would have to read: R. Samuel R. Abba-hu.)

Mishnah 5: He who plants vegetables in a vineyard or who lets them grow sanctifies 45 vines. When is this? In case they are planted four or five apart. If they were planted six or seven apart, he sanctifies sixteen cubits in every direction, circular but not square.

If the edible vegetable grew from wind-borne seeds.

The language of this Mishnah is so involved because of the special rule for a vineyard planted in spaces of five cubits. In general, vegetables can be planted in a vineyard only in a bald spot; according to Mishnah 4:1 that means at a distance of 16 cubits from the next vine. The rule of the Mishnah for vines planted more than 5 apart is just that: In the interior of the circle of radius 16 and centered at the vegetable there may not be any vine.

The application of that principle to vines planted 4 apart leads to 45 sanctified vines. One assumes that the vegetable is sown closely around a vine. One takes the stem of that vine as center of a Cartesian coordinate system and takes the x-axis in the direction of the rows of vines, the y-axis perpendicular. The unit of measurement is the cubit. Points with coordinates \((4m,4n)\) with integer \(m, n\) represent vines. According to Pythagoras, the distance from the origin is \(<16\) if and only if \(m^2+n^2 < 16\). This means that for \(m = 0, \pm 1, \pm 2, n = 0, \pm 1, \pm 2, \pm 3\), and for \(m = \pm 3, n = 0, \pm 1, \pm 2\).
In all, there are $5 \cdot 7 + 2 \cdot 5 = 45$ admissible couples $(m,n)$. This is explained in the Halakhah. There the language is that all acceptable couples are $m, n = 0, \pm 1, \pm 2, \pm 3$ except for couples $(\pm 3, \pm 3)$. The case of vines planted 5 apart is not treated; one has to assume that one excludes the vines at points $(5m,5n)$ for $m^2 + n^2 < 25$ because vineyards planted 5 apart look similar to those planted 4 apart. (For an opposing opinion in the Tosephta cf. Tosefta ki-fśutah p. 629.)

All this was explained in Note 61. There are 49 couples $(m,n)$ for $|m|, |n| < 3$. The inadmissible ones are plants with coordinates $(\pm 3, \pm 3)$ at the corners of a 56 by 56 square. $|m| \leq 3$.

Halakhah 5: Rebbi Yose ben Hanina said, only if he sowed near the middle vine. Rebbi Abin in the name of Samuel: Only if the middle vine is surrounded by vegetables. How is it computed? Seven rows by seven rows. Subtract from them four vines at the four corners; there are 45 vines remaining. That is what we stated: "He sanctifies 45 vines".

"When is this? In case they are planted four or five five apart." This supports Rebbi Zeira, since Rebbi Eleazar said: Eight except for the place of the trunks. "If they were planted six six or seven seven apart",...
that supports Rebbi Eleazar, since Rebbi Eleazar*64 said: From four cubits to eight, it is forbidden and "sanctifies", from eight to sixteen it is forbidden but does not "sanctify".

63 This has to be "R. Zeira", cf. Chapter 4, Note 122. If the trunks were counted in the distances, the four vines at distance 16 from the center on the axes would also be forbidden, for a total of 49, not 45.

64 In Chapter 4, Halakhah 8 (Note 125), this also is a statement of R. Zeira. The argument here is that "eight eight" is not mentioned, which implies that vegetables in a vineyard planted eight cubits apart do not "sanctify".

Mishnah 6: If somebody sees a vegetable in his vineyard and says, when I get to it I shall remove it, that is permitted; when I return I shall remove it, if in the meantime it increased by one twohundredth it is forbidden.

Halakhah 6: Rebbi Yose ben Hanina said, they taught about the worker*65.

65 "Somebody" mentioned in the Mishnah is not the owner, whose negligence would sanctify vines and vegetable and not just make the vegetable forbidden. It cannot be a stranger whose actions cannot influence the status of the farmer's goods. Hence, it must refer to the farm hand who works in the vineyard for the proprietor.
They gave the owner occupied with his work the status of a farmhand. If the owner kept field vegetables [growing] in his vineyard, they are forbidden to him and to others. If a farmhand kept field vegetables [growing] in the vineyard, they are forbidden to him but are permitted to everybody else. This is difficult. If they are forbidden to him, they should be forbidden to everybody. If they are permitted to everybody else, they should be permitted to him. It must follow Rebbi Simeon who says that nobody may sanctify anything that is not his own property. Even though Rebbi Simeon says that nobody may sanctify anything that is not his own property, he agrees here that it is forbidden to him if another person harvested it; but if he himself harvested, it is forbidden to him and to everybody else.
"If it increased by one twohundredth it is forbidden." Those of the house of Rebbi Yannai estimate by purslain. How does one check? Rav Vivian in the name of Rebbi Haninah: He takes one out and leaves one in [the ground]; what the first one is less, the other did increase.

**Mishnah 7:** If somebody was passing through a vineyard and accidentally dropped some seeds, or that seeds were brought there by manure or water, or someone sowed and the wind carried the seeds behind him, all this is permitted. If the wind carried the seeds before him, Rebbi Aqiba says, if they produce greenery it should be plowed under, if they are green stalks, they should be broken, if they produced grain it must be burned.

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70 Unintentional contamination has no effect on the status of the vines.
71 Since the seeds fall on ground to be worked on in the future, he has to clear the ground. If he is derelict in his duties, the growth will be sanctified.
Halakhah 7: Rebbi Eleazar said, our Mishnah speaks of one standing in a grain field while the wind carried the seeds into a vineyard. Rebbi Zeira inquired: Was [the Mishnah] speaking about one standing in [a grain field] or even one standing [in a vineyard]? If you say in a grain field, then not in a vineyard. If you say even one standing [in a vineyard] there is no difference. Let us hear from the following: "Rebbi Simeon ben Jehudah said in the name of Rebbi Simeon: If one was sowing and the wind carried the seeds behind him, this is permitted, since it happened by accident." What are we dealing with? If he stands in the vineyard he is tending it, and you say it is permitted? But we must deal with the case of one standing in a grain field and the wind carried the seeds into a vineyard.

72 R. Zeira shows that the statement of R. Eleazar about the part of the Mishnah dealing with windswept seeds is a logical necessity.

73 Tosephta Kilaim 3:12. The arguments of R. Zeira and R. Eleazar are accepted by Maimonides, Kilaim 5:17.
they are green stalks, they should be broken:" the straw is permitted but the grains are forbidden. "If they produced grain it must be burned:" all is forbidden. Rebbi Johanan said, all is forbidden. What does our statement mean, "if they produce greenery it should be plowed under, if they are green stalks, they should be broken, if they produced grain it must be burned"? It parallels what we have stated there: "Orlah and kilaim of a vineyard. Anything that usually is buried should be buried. Anything that usually is burned should be burned."

74 Mishnah Temurah 7:5. There, Rashi in the Babli explains that "what usually is buried" is fluids, "what usually is burned" is produce. This cannot be the position of R. Johanan here. Maimonides in his Commentary explains the Mishnah following R. Hoshaia, whose position is easily squared with the Mishnah in Temurah, but in his Code (loc. cit.) he follows R. Johanan since it is the position of the Babli that in a disagreement between R. Johanan and R. Simeon ben Laqish, practice almost always follows R. Johanan. (For orlah cf. Note 94).

Rebbi Jacob bar Idi in the name of Rebbi Simeon ben Laqish: Sometimes, the straw is permitted but the grain is forbidden, and sometimes the straw is forbidden and the grain is permitted. How is that? If his sowing was permitted but later he trained the leaves of a vine over it, the straw is permitted but the grain is forbidden. If he sowed where it
was forbidden and then removed the overhanging growth, the straw is forbidden but the grain is permitted\textsuperscript{75}. Rebbi Zeïra inquired: It is understandable that the straw would be permitted but the grain forbidden. If the straw should be forbidden and the grain permitted, it grew while forbidden and you say is is permitted? Rebbi Zeïra follows his own opinion, as Rebbi Zeïra said in the name of Rebbi Jonathan: An onion from \textit{kilaim} in a vineyard that he removed from the soil and planted anew is forbidden even if it increases manifold, since growth of what is forbidden can never justify forbidden produce\textsuperscript{76}.

\textsuperscript{75} It is assumed that the grain developed only after the \textit{kilaim} were removed. Then the grain is permitted. Similarly, in the first case it is assumed that the vines were drawn over the grain only after the stalks reached their full height, then the stalks grew while permitted and are permitted.

\textsuperscript{76} Since the onion is a root bulb, the root determines the growth of the plant. Since the root is forbidden, its growth will always be forbidden, even if the greens grow only after the \textit{kilaim} were removed. "Justify" here means that there is enough of permitted produce (60, 100, or 200 times the amount of other produce, as the case may be) so that the prohibited produce should be considered negligible. It is asserted here that growth from a forbidden root is never permitted.

\textbf{Mishnah 8}: If somebody keeps thistles growing in a vineyard, Rebbi Eliezer says he sanctified, but the Sages say only produce apt to be stored...
sanctifies. Iris\textsuperscript{78}, ivy\textsuperscript{79}, king's lily, and all kinds of seed-plants\textsuperscript{80} are not \textit{kilaim} in a vineyard. Hemp\textsuperscript{81}, Rebbi Tarphon says it is not \textit{kilaim} but the Sages say it is \textit{kilaim}. Artichokes\textsuperscript{82} are \textit{kilaim} in a vineyard.

77 Reading of all sources, including the Rome ms., except the Leyden ms. and the Venice print.
78 Greek ἰρις, -τος, ἤ, "iris, orris root"; the root was used to produce an ointment.
79 Greek κισσός. One would not expect a plant holy to Osiris and Bacchus in a Jewish vineyard, but its leaves were sometimes used as spice (and possibly in medicine) and the name might also be applied to related kinds of angelica of which both roots and berries were used. [Cf. κίσσινον, τὸ, name of a plaster (E. G.)]
80 Producing inedible seeds. The Babli (Menahot 15b) declares them to be \textit{kilaim} by rabbinic decree.
81 Greek κάνναβις, Latin \textit{cannabis}.
82 Greek κινάρα, Modern Greek κινάρας (H. L. Fleischer). Since artichoke is an edible thistle, it has to be mentioned as \textit{kilaim}.

83 See Chapter 1, Note 15.
84 Reading of R. Isaac Simponti. In the Leyden and Rome mss., possibly Greek κήρινθος "bee-bread". As noted by the gloss in the Krotoszyn edition, κρίνον, τὸ, "white lily, \textit{Lilium candidum}" is used in Sirach (39:14) for Hebrew \textit{sawnas}, in the Syriac translation \textit{sawnas} Melca. In Herodotus, κρίνον means "Egyptian bean" (\textit{Nelubium speciosum}), cf. Chapter 1, Note 45. Maimonides translates \textit{sawnas} Melca \textit{anemone}. "White lily" by Hebrew \textit{k'minut} and Arabic \textit{šekhak al-lemese}. 

Halakhah 8: Rabbi Abbahu said, the reason of Rebbi Eliezer is that at some places in Arabia one lets them grow for camels\textsuperscript{83}.

84 Reading of R. Isaac Simponti. In the Leyden and Rome mss., possibly Greek κήρινθος "bee-bread". As noted by the gloss in the Krotoszyn edition, κρίνον, τὸ, "white lily, \textit{Lilium candidum}" is used in Sirach (39:14) for Hebrew \textit{sawnas}, in the Syriac translation \textit{sawnas} Melca. In Herodotus, κρίνον means "Egyptian bean" (\textit{Nelubium speciosum}), cf. Chapter 1, Note 45. Maimonides translates \textit{sawnas} Melca \textit{anemone}. "White lily" by Hebrew \textit{k'minut} and Arabic \textit{šekhak al-lemese}.
Reeds, spiny bushes, roses, and way-thorn are trees and not *kilaim* in a vineyard. Reed-mace, rush, and bulrush, and all other plants growing in ashes are kinds of grasses and not *kilaim* in a vineyard. But did Rebbi Hoshiaia not state: "The following are the kinds of grasses: artichoke, halimah, demua, and lycium." There for benedictions, here for *kilaim*. Rebbi Yose said, this means that while one says the benediction "Creator of the fruit of the tree" for an etrog, one says the benediction "Creator of kinds of grasses" for its *tmrez*.

85 Reading of Rome ms. Venice: שesium.
87 In the Tosepha mss. קַלָּיָּמָה, Arabic "spiny bush".
88 In the Tosephta and Mishnah Makkhîrin 5:5 מַעַשְׂרִין, in Mishnah Kelim 9:8 מַעַשְׂרִין. A kind of reed, in the opinion of I. Löw *Typha angustata*. Rashi in Babli Sukkah 20a translates *paille* "straw".
89 The Gaonic commentary to Mishnah Kelim (9:8) defines this as equivalent of Arabic إِسْلَ "reeds used to make lances"; the corresponding Arabic verb means "to pierce".
90 In the opinion of Maimonides (Kilaim 5:19), these are not *kilaim* because they are grasses. In the opinion of R. Abraham ben David they are not *kilaim* because they are not collected as staples, but there are kinds of grasses subject to the laws of *kilaim*. The difference seems to be that Maimonides reads here and in the Mishnah ואין but R. Abraham ben David reads ואין. There is no doubt that trees cannot be *kilaim* in a vineyard since they are not sown.
91 Berakhot 6:1; see there Notes 111-114 for the determination of the
92 His statement belongs to *Berakhot* 6:1; one has to wonder why it was not placed there after the statement of R. Hoshaiyah. R. Yose refers to the statement in *Berakhot* of R. Joshua that the appropriate benediction for edible young palm shoots is "Creator of kinds of grasses" (*loc. cit.*). On this R. Yose notes that the same argument might apply to the soft sprouting parts of citrus that have just formed after the flower has fallen off.

93 The word is a *hapax* unless the א is deleted. There are two possible translations of אדר: 1. "A new shoot growing straight up like a date palm"; 2. "A bud looking like a date", as in *Mishnah* *Ma'serot* 4:6. The second definition is preferred by R. Eliahu Fulda and all later commentators; both definitions are consistent with the parallel passage in *Berakhot*. The second meaning might be expressed in the Arabic root "to bear fruit".

The caper bush. The House of Shammai say, it is *kilaim* in a vineyard but not with grains. The House of Hillel say, it is never *kilaim*, neither in a vineyard nor with grains. Both agree that it is subject to *orlah*. Rebbi Hinena bar Papa stated: Any plant that branches out from its stem is a tree; from its roots it is a vegetable. They objected: But cabbage forms its leaves from its stem! Here when it is sure, there when it is doubtful.

94 A shortened version, not mentioning grains, is in Tosephta *Kilaim* 3:17 and Babli *Berakhot* 36a. The main place of the paragraph is *Ma'serot* 4:6, in a discussion of the caper bush.

95 The House of Shammai are unsure whether capers are trees or vegetables and therefore apply the stringency of vegetables for *kilaim* and those of fruit trees for *orlah*, so that its fruit is forbidden the first three years...
after planting (Lev. 19:23).

96 He is R. Ḥanina bar Pappai. His statement appears in another version (another redaction) in Baba Batra 5:5: "R. Ḥama bar 'Uqba in the name of R. Yose. Anything that grows from both root and stem is a root (a vegetable); from its stem but not from its root it is a tree." In that formulation, cabbage presents no problem since there is no piece of stem free of leaves.

97 The caper bush. Since for cabbage, the lower end of the stem is the lower end of the leaves, it is questionable whether the lowest leaves come from stem or root.
Mishnah 1: What is a trellis? If somebody plants a row of five vines along a fence ten hand-breadths high or a ditch ten hand-breadths deep and four wide, one gives it four cubits working space. The House of Shammmai say one measures four cubits between the stems of the vines and the field. The House of Hillel say, between fence and field. Rebbi Johanan ben Nuri said, anybody who affirms this is in error; if there are four cubits between the stems of the vines and the fence one gives it its working space and he may sow the rest. What is the working space of a vine? Six hand-breadths in every direction; Rabbi Aqiba says three.

1 This is the interpretation of most commentaries, from Hebrew קריב, Arabic قرب "crib", of a trellis near a fence, not if the fence is used as a trellis. This is the only possible explanation in Idiut, but in his Commentary on this Mishnah, Maimonides explains that vines lean on or upon the (stone) fence. He gives the same interpretation in his Code (Kilaim...
8:2) but then has to come to the conclusion (loc. cit. 8:3) that the four cubits to be measured from the fence are on the side pointing away from the vines. R. Abraham ben David protests against this interpretation which "never entered the mind of any commentator." Maimonides's interpretation is difficult to accept, the tortured justifications of R. David ben Zimra and R. Joseph Caro in their commentaries on the Code notwithstanding, since the vines according to the Mishnah can be up to three cubits distant from the fence.

For them, the trellis (or plantation) is not quite a vineyard; it is irrelevant where in the strip near the fence the vines are planted.

3 A single vine. For R. Ismael, five vines in a row are never a vineyard; they are a collection of single vines; the restrictions of the Mishnah apply only because the trellis is too close to the fence. But as soon as the vines are a full four cubits distant from the fence, the vines are treated as isolated. For R. Aqiba, the working space must have a diameter of six hand-breadths.

It is difficult. Is it not forbidden anyhow for the House of Shamai as a vineyard⁴? Rebbi Simeon ben Laqish said, this was taught about a curved trellis⁵. In that case, it would not be forbidden as a vineyard without a fence. Rebbi Jonah inquired⁶: May one sow in between? Is it in a straight line, that you say it is forbidden to sow in between? May one sow between the vines? As you say in the case of a row of gourds that it is forbidden to sow in between the pits, so here also it is forbidden to sow in between the vines.
4 Five vines in a row constitute a vineyard for the House of Shammai, Mishnah 4:5.

5 According to R. Simson, the trellis is in a straight line but the vines are planted alternatingly on both sides of the trellis; they are not in a straight line. According to R. Isaac Simponti, the trellis is built as arc of circle, to provide wider spacing for the branches of the vines exposed to the sun.

6 The interpretation of this paragraph and the next follows R. Iehiel Michel Halevi Epstein in his notes published as *Mēkhal Hammayīm*, Wilna 1928. The question is addressed to the House of Hillel in the interpretation of R. Simeon ben Laqish. For them, two parts of the definition of a vineyard are missing; there is only one row and the vines are not planted in a straight line. The Mishnah declares a trellis in front of a fence to have a status similar to a vineyard but it is not clear whether the rules of a vineyard are valid without change. Since in Mishnah 7, the space required to separate two trellises is only half the space required to separate two vineyards, it is clear that the rules of vineyards cannot be applied without change to trellises.

We have to assume that also along the trellis the vines are planted at least four cubits apart. Since the vines are planted in a zig-zag pattern, between two vines in the same row the distance is almost eight cubits. Rebbi Jonah now asks, according to R. Simeon ben Laqish does the forbidden area cover the union of circular disks of radius 4 centered at the vines or is the entire convex hull of that domain (the smallest convex set containing the disks) forbidden? In the first case, between the vines the minimal distance from the trellis is less than 4 cubits; this is "in between". The answer is that only in the case of vines planted in a straight line can one say that the interior of the parallel figure to the trellis in distance 4 is forbidden; here it seems that not even the entire parallel figure to the zig-zag line connecting the vines is forbidden but only the union of the five circular disks.

The second question then asks whether maybe not even the entire disks are forbidden but only the union of five polygons, each centered at a vine. Let \( v \) denote the center of a vine, \( a \) the point at distance 4 from \( v \) on the perpendicular from \( v \) to the fence, \( a' \) the reflection of \( a \) in \( v \). On both sides of the line \( a'va \) draw parallels in distance 1. They intersect the parallels to the zig-zag line through \( a \) and \( a' \) at \( b, b'; c, c' \). The polygon attached to \( v \) is
then _abb'a'c'ca_. The forbidden area around a now is 8, not 16π > 50, and even on the zig-zag line there is an interval of almost 2 cubits that might be sown. The answer is negative, with reference to Halakhah 3:7.

Rebbi Johanan said, the Mishnah was taught about a straight trellis. In that case, would it not be forbidden as a vineyard without a fence? Let us say, it was stated because of the House of Hillel. Rebbi Hananiah said, it is reasonable to assume that Rebbi Simeon ben Laqish agrees with Rebbi Johanan that it was taught about a straight trellis because of the House of Hillel, and Rebbi Johanan agrees with Rebbi Simeon [ben Laqish] that it was taught about a curved trellis because of Rebbi Johanan ben Nuri, since Rebbi Johanan ben Nuri said that anybody who affirms...
this is in error. If you say it was taught about a straight trellis, what can be in error? What is the difference between him who says one measures from the roots of the vines and him who says one measures from the bottom of the fence? Rebbi Yose said, explain it if the stems were partially inside four cubits and partially outside of four cubits. For him who says one measures from the roots of the vine, all is in order. For him who says one measures from the bottom of the fence, where the string drawn from the fence ends it is forbidden, the rest is permitted. If there were two cubits, only two cubits are forbidden for him who says one measures from the roots of the vines, but for him who says one measures from the bottom of the fence, another two cubits are forbidden.

7 Reading of both mss. and the Venice print. This reading is impossible since "R. Hanina" here is R. Hanania, the fifth generation Amora and colleague of R. Mana, R. Jonah's son. R. Hanina cannot possibly be the first generation Amora, a generation before Rebbis Johanan and Simeon ben Laqish. Therefore, one has to read כְּפֶּרֶן.

8 For the House of Shammai.

9 In the opinion of R. Johanan, the presence of a trellis has no legal consequences for the House of Shammai; else he would have stated that for the House of Hillel a straight row on a trellis, for the House of Shammai even a curved trellis, would form a vineyard.

10 This rhetorical question is difficult to accept, since for R. Johanan ben Nuri only one cubit around a vine has to be left empty, but for the House of Shammai four cubits along the trellis are required. The question seems to be that in a normal case, if the trellis is parallel to the fence at a distance of three cubits there is no difference since one may not sow between the trellis and the fence (R. Yose in Mishnah 5:4) and the next cubit away from the fence is forbidden according to both Houses and R. Johanan ben Nuri. If the fence is a stone fence belonging in part to a neighbor, three cubits distance is the legal minimum (Mishnah Baba Batra 2:1).

11 The trellis is straight but not parallel to the fence; at one end one cubit from the trellis is more than
three cubits from the fence. If one measures from the vines, everything on this side of the fence is forbidden up to a distance of four cubits from the trellis; there is no difference between the House of Shammai and R. Johanan ben Nuri. But if one measures from the fence and the last vines are 4\(\varepsilon\) cubits from the fence, then the House of Hillel forbid only a strip four cubits wide from the fence and R. Johanan ben Nuri will forbid up to 5\(\varepsilon\) cubits from the fence.

12 This is a different situation and refers to the disagreement between the Houses of Shammai and Hillel, but not to R. Johanan ben Nuri. Here the trellis is only two cubits from the fence; the fence must be the sole property of the vintner. According to Maimonides (loc. cit.), the House of Shammai will forbid only strips of two cubits each on both sides of the trellis but the House of Hillel will forbid an additional two cubits on the other side of the fence. According to R. Abraham ben David, the explanation of Maimonides defies all logic since a fence separates in all respects. R. Abraham explains that for the House of Shammai, a strip of width 2 is forbidden on each side of the vines. If the vines are \(d\) cubits wide, the total width of the forbidden strip is \(4+d\). But for the House of Hillel, the width is only 4, less than the width required by the House of Shammai.
Rebbi Johanan said, Rebbi Yose, Rebbi Ismael and Rebbi Johanan ben Nuri, all three said the same thing.

Rebbi Ismael, as we have stated: "About a small garden surrounded by a trellis, if there is room for the vintner and his basket on each side one may sow there, if not, it may not be sown." Rebbi Jonah said, the vintner requires one cubit, his basket one cubit on each side. They wanted to say, for him who says one measures from the roots of the vine, all is in order. For him who says one measures from the bottom of the fence, do the stems not diminish the measure of four cubits? Explain it if they were clinging to the wall. But are there not only four and the rules of the trellis start with five? Rebbi Hananiah said, explain it that two vines are planted at a corner; if one stretches a rope one sees four intervals.

Rebbi Yose, as we have stated: "If there are less than four cubits one should not bring seeds there." For him who says one measures from the roots of the vine, all is in order. For him who says one measures from the bottom of the fence, does the stem not decrease the measure of four cubits? Explain it if it was clinging to the wall. And similarly Rebbi Johanan ben Nuri here.

It is reasonable to assume that Rebbi Yose and Rebbi Ismael will agree with Rebbi Johanan ben Nuri, but Rebbi Johanan ben Nuri will not agree with Rebbi Yose and Rebbi Ismael. Rebbi Yose will agree with Rebbi Ismael but Rebbi Ismael will not agree with Rebbi Yose.

13 Mishnah Idiut 2:4, of the statements about accepted practices collected when Rabban Gamliel was deposed and R. Eleazar ben Azariah
was installed as patriarch. The garden is a small plot, on each side a vine is planted and their branches are trained over a trellis. For a situation comparable to the one here one has to assume that plot and trellis are enclosed by a fence ten hand-breadths high.

14 If one measures two cubits from each side of the stem of thickness \( t \), the distance of the end of the forbidden domain from the fence will be \( 4 + t > 4 \) and R. Ismael cannot agree with R. Johanan ben Nuri that as soon as the distance is \( > 4 \) there are only isolated vines.

15 There are two possible interpretations of this statement. The traditional one is that there is a single vine on each side and an additional one planted at one corner for a total of six. But in that case, there are five intervals; in addition, the comparison between the opinions of R. Jose and R. Ismael would not work! R. Hananiah must insist that the rules of trellis do not depend on the number of vines but on the number of spaces between them. In a linear order, for four spaces one needs five vines. But in a circular arrangement, four vines define four intervals. I prefer to read the statement as: "Any two vines form a corner, for a total of four intervals."

16 Mishnah 5:4.

17 R. Johanan ben Nuri might not agree that vines not planted in a straight line, even if strung on a trellis, ever need four cubits. But R. Yose and R. Ismael must agree that in the case of the Mishnah, the first four cubits are forbidden. R. Yose has to agree with R. Ismael since he requires four cubits even if the vines do not form a regular pattern, but we have no statement of R. Ismael if the stems of the vines do not form a square or at least a parallelogram.

Rebbi Jehudah in the name of Rav: Practice follows Rebbi Aqiba.

Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: Practice outside the Land follows him who is lenient. Rebbi Jacob bar Aha said, there they stated: Practice outside the Land follows him who is lenient.
This must be Rav Jehudah. The following statement of R. Jacob bar Idi, taken from the end of Chapter 4, restricts the opinion of Rav to vineyards outside the Holy Land. The Babli (Qiddušin 39a) disagrees and holds that *kilaim* is forbidden only in the Holy Land; elsewhere only sowing grain directly under a vine is forbidden by rabbinic decree since in the Holy Land this would sanctify.

Mishnah 2: A trellis coming from a terrace. Rebbi Eliezer ben Jacob says, if someone standing on the ground can harvest all [vines] then it forbids four cubits in the field; otherwise it only forbids around it.\(^{19}\) Rebbi Eliezer says,\(^{20}\) also if one plants one row on the ground and one on a terrace, if the latter is ten cubits higher they do not combine; otherwise, they do combine.

The rules of the trellis apply only if the harvest can be conducted in one plane; otherwise, the different parts planted on different levels are considered separate and its vines will have the status of isolated ones unless on each level there is a full trellis.\(^{19}\)

In the opinion of R. David ben Zimra, the name should be deleted and the statement taken as anonymous Mishnah, since, in the discussion in the second paragraph of the Halakhah, the second statement is accepted as practice while the first one is rejected. A vineyard needs at least two rows; if the rows are ten hand-breadths apart in elevation no vineyard is formed.\(^{20}\)
Halakhah 2: Rebbi Samuel bar Nahman, Rebbi Jonathan, in the name of Rebbi Eliezer: He who prunes his vineyard down to less than a hand-breadth subjects it to orlah because of the bad appearance. The Sages say, only if he prunes down to the ground. Rebbi Samuel bar Nahman in the name of Rebbi Jonathan, in the name of Rebbi Eliezer ben Jacob: He who forms a heap from gleanings, forgotten sheaves, and peah, is subject to the Great Heave because of the bad appearance. Rebbi Samuel bar Nahman in the name of Rebbi Jonathan, Rebbi Eliezer ben Jacob in the name of the House of Shammai: A corpse in the public domain induces impurity four cubits around it, to sustain its dignity. Rebbi Mana said, this last statement is in the name of the House of Shammai; Rebbi Yose ben Rebbi Abun said, all are in the name of the House of Shammai. Rebbi Jonah said, also that which we stated here is because of the bad appearance. If it were not so, what would be the difference whether one stands on the ground or on the terrace?

21 Reading of the Rome ms. here and all sources in the parallel Sevi’it 1:9, fol. 33c.

22 This is R. Eliezer ben Jacob, as in the next statement, the parallel in Sevi’it, and the corresponding text in Babli Sotah 43b. The traditions of the Babli are in the name of R. Johanan,
not R. Jonathan, and are not identical with the statements here.

23 The person who sees vine stumps less than a hand-breadth high might think of them as new growth whose yield is forbidden as orlah the first three years after planting (cf. Chapter 5, Note 93). The Sages apply orlah only if all growth above ground is cut off, and not as a matter of bad impressions. The Babli deals with a minimal vineyard of dwarf vines that never grow a hand-breadth tall and declares them to be permanent orlah.

24 This is the regular heave, called "great" in contrast to the heave of the tithe (cf. Peah Chapter 1, Note 127). The Babli requires full tithing once a heap is formed on the field from exempt gifts to the poor (but the townspeople know the poor who have no land).

25 A person standing over a corpse is forming a "tent" by his body and becomes impure (Num. 19). The House of Shammai extend this impurity by rabbinic decree to anybody within four cubits of the corpse, so that only those occupied with the burial will come near the corpse.

26 None of the statements in this paragraph are practice to be followed.

27 The statement of R. Eliezer ben Jacob in the Mishnah. If vines growing on two different levels did form a vineyard or a trellis in any Biblical sense, the rabbis could not make the definition dependent on whether all grapes can be harvested from the lower level. The other statements of R. Eliezer ben Jacob in this paragraph were introduced as background for R. Jonah's statement.

28 "Higher." Is the row higher or is the terrace higher? If you say that the row is higher, the declivity of the terrace is counted as "below". If you say the terrace is higher, the declivity of the row is counted as "above". But did we not state: "Two rows on a terrace?" Can you say that the row is higher? No, the terrace has to be higher. Rebbi Mana said, they declared the entire ten hand-breadths of the terrace a domain by itself.
28 Here starts the discussion of the second sentence of the Mishnah, of a row which is "higher than 10 hand-breadths" than the other row. In the entire discussion, "higher" means "higher than 10 hand-breadths". The question is whether the terrace wall has to be 10 hand-breadths high or whether it might be less if only the vines appear on the surface at an elevation "higher than 10 hand-breadths".

29 This must be from an otherwise unknown baraita, stating that one row below and two above do not form a "large vineyard" (cf. Halakhah 4:6) but a small vineyard on the top and an isolated row at the bottom. Since the two upper rows may be at slightly different heights but are counted together, their position cannot be the deciding factor.

30 R. Mana rejects the entire discussion and declares the (vertical) declivity to be a separate domain, not counted either way, so anything sown there is not impacted by anything planted below or above.

We have stated there: "If somebody throws from four cubits [distance] to a wall, if [the projectile hits] higher than ten hand-breadths, he is like one throwing into the air, if lower than ten hand-breadths, he is like one throwing onto the ground." Rav Hisda said, if it extends slanting. But will it not finally descend? Rebbi Hyya in the name of Rebbi Johanan, explain it that it was a soft fig cake and it stuck. Rebbi Haggai asked before Rebbi Yose, does this not imply that the declivity of a terrace belongs to the level below?
vegetables profit from the terrace but here people rub it and it falls down. If it would say, if there is a hole [in the wall] and it profits from the hole just as vegetables profit from the terrace, you would be justified.

31 Mishnah Šabbat 11:4. It is forbidden to transport anything in the public domain on the Sabbath a distance of more than four cubits. "Transporting" in the legal sense includes taking up, moving, and depositing. If one of these elements is missing, no offense occurred. "Public domain" in this context extends only to ten hand-breadths above ground. Anything higher is free space to which the prohibition of transporting does not extend. Hence, if something was taken up from the public domain, thrown, and came to rest in free space, it is as if it was thrown and never came to rest; no offense occurred. But if it came to rest within ten hand-breadths of the ground, the Sabbath was desecrated.

32 Taking מֵעָרֵר not as Biblical Hebrew "to measure", but from Arabic "to extend, to rise". R. Hisda's problem is that nothing can stop on a vertical wall. The same answer is given by R. Hisda's student and son-in-law Rava in Babli Šabbat 5b, the material there being sheets of paper or parchment. In the Yerushalmi, the discussion here is reproduced in Šabbat 11:3 (fol. 14a).

33 The same answer is given by R. Johanan himself in Babli Šabbat 7b, 100 a.

34 R. Haggai assumes that the reason one insists on a separation of 10 hand-breadths is the same for the rules of the Sabbath and of kilaim. In that case, the Mishnah seems to extend the reach of any "bottom" upwards to 10 hand-breadths. He is answered that plants may grow on a slanted wall but anything sticking to the lower part of any wall bordering the public domain will be rubbed off; the fig cake cannot be considered to be at rest at such a place. The Babli (Šabbat 100a) disagrees with R. Yose and points out that even if a Tannaitic statement such as suggested by him did exist, it would not prove anything since R. Meîr [Yerushalmi Šabbat 11:3 (fol. 13a), Eruvin 10:8 (fol. 26b); Babli Šabbat 7b, 100 a, Eruvin 11b, 33b, 101b, Yoma 11b] considers any depression a separate domain excluded from "free space".
Two gardens, one above the other, the lower one is made into a vineyard, the upper one is not made into a vineyard. One may sow the upper one until one reaches the airspace of ten. Rebbi Abun bar Hiyya asked before Rebbi Zeira, does this not imply that the declivity of a terrace belongs to the below? He said to him, because plants will bend into the airspace of the vineyard. "If the upper one is made into a vineyard but the lower one is not made into a vineyard, one may sow the lower one and the declivity until one reaches the roots of the vines." Rebbi Yose said, one does not have here "the roots of the vines" but "below three [hand-breadths]," following that which was stated: "roots of madder that enter within four cubits of a vineyard are permitted below three hand-breadths."

35 Tosephta Kilaim 3:9, in a slightly different text. Instead of "the airspace of ten", the Tosephta has: "the stems of the lower one." The text is missing in the Vienna ms.; the language is probably influenced by the second sentence. The version in the Jerusalem permits sowing on the declivity above 10 hand-breadths from the bottom. The question of R. Abun bar Hiyya refers to these lower 10 hand-breadths.

36 This part of the statement does not prove anything; since we speak about sowing on an incline, the growing plants will bend over the vines.

37 The depth of the "roots of the vines" would be different for different strains of grapes. R. Yose insists that
the three-hand-breathths rule pro-
claimed in Halakhah 1:8 (Notes 158 ff.) and quoted by him is valid for all
plants, even vines.

Mishnah 3: If somebody trains a vine over part of a papyrus, he
should not sow under the rest, but if he did, it does not become
sanctified. If the new growth expands it becomes forbidden. The same
applies to one who trains over parts of a futile tree.

Mishnah 4: If somebody trains a vine over part of a fruit tree he may
sow under the rest. If new grows expands, he must move it.

Mishnah 5: It happened that Rebbi Joshua visited Rebbi Ismael from
Kefar Aziz. He showed him a vine trained over parts of a fig tree and
asked, may I sow under the rest? He told him, it is permitted. He took
him from there to the armory and showed him a vine trained over part of
a beam and a sycamore stump on which were many beams. He said to
him, under that one beam it is forbidden, the rest is permitted.
38 Definition of the Gaonic commentary to Kelim 17.3. Some sources here and in Kelim have קיילימ, a medieval commentator writes קיילימ. The latter reading, seeing in the prothetic ק the definite article היא, is supported by the Halakhah which uses היא and the similar reading of most commentaries in Kelim. Most moderns see in the word a form of Greek παπύρος (but this fits better with Tosephta Kelim b. m. 5:15, "paper vessels"). According to the Geonim, one takes rope from papyrus leaves (according to Maimonides, the reeds themselves) and puts them crosswise into a frame in order to form a platform that will be supported by posts. Sources confirming the use of papyrus rope in Antiquity are adduced by Loew in Krauss's Dictionary, s. v. מִיָּרָה.

(In view of the formal parallelism between "part of a papyrus" and "part of a futile tree", "part of a fig tree", one might also take papyrus as a living plant, rather than a rope or mat of papyrus fibers. Papyrus antiquorum, mostly perennial grassy plants cultivated throughout the ancient world, had multiple commercial uses: e.g., Cyperus esculentus with edible, oil-rich bulbs (Bulbula Trasi, Dulcinia), Cyperus officinalis, used medically, Cyperus textilis, used in basket-weaving and paper manufacture. A papyrus plant growing near a vine would therefore also make sense in a discussion of kilaim. (E. G.))

39 It is clear from the last sentence in the Mishnah that one speaks here of a single vine, not a vineyard or a trellis of five vines. Therefore, only a minimal distance has to be kept from the stem of the vine. Since the vine will expand, and the area below the part of the papyrus not covered by the branches and leaves of the vine is certainly more than a cubit away from the stem and can be used for other crops. However, if either the sown plants or the vine expand so that now parts of the plants are directly under the vine, the plants become forbidden. A prudent farmer, therefore, will not even start sowing close to the vine.

40 In modern Hebrew, the term means "non-fruit-bearing tree" and קרפי (2) has the general connotation of "useless, abortive". קרפי (1) means "to comb".] The word may be derived from the root that appears as Arabic קרפי, Assyrian קרפי, "to rob" (as in Saracen), a tree which robs the farmer of his labor if he would tend it. It is clear from the next Mishnah that a tree bearing cheap fruit is also קרפי קרפי.
Because it does not bear high quality fruit, it has the same status as a rope or a beam.

41 He must move the vine to reestablish the required separation.

42 This is the reading of the Leyden ms. and the texts dependent on it. All other Mishnah texts have: "Rebbi Joshua visited Rebbi Ismael at Kefar Aziz", instead of המר לארש instead of רמ. In that case, the host is R. Ismael (ben Elisha), the student of R. Joshua, who should have known his teacher's opinion. It therefore seems likely that the Yerushalmi version is superior and the host is a minor figure mentioned only here. The paragraph establishes the previous Mishnah as R. Joshua's.

Halakhah 3: Hizqiah said, the Mishnah speaks about distances from three to four hand-breadths. Less than three is close up, up to four one has to complete, four is easy for it. How far? Rebbi Jacob bar Idi in the name of Rebbi Simeon ben Laqish, up to four cubits. Rebbi Aḥa, Rebbi Ḥinena in the name of Rebbi Simeon ben Laqish, up to six cubits. Rebbi Mana said: I went to Caesarea and heard Rebbi Hoshiah bar Shammai in the name of Rebbi Isaac ben Eleazar: If there were two papyri, it is permitted. Rebbi Ḥinena said, a statement disagrees: If he usually oversteps, it is forbidden. It was stated thus: Rebbi Simeon ben Eleazar says, if he usually oversteps between lattices, it is treated as a single lattice.
43 In all respects, a distance of up to three hand-breadths is neglected, cf. Mishnah 4:4, Eruvin 1:9, Sukkah 1:9. Hence, sowing within three hand-breadths of a vine certainly sanctifies. If the distance is more than three but less than four, one tells the farmer to complete the four hand-breadths. More than four, while still forbidden, does not sanctify and even if the vine leaves grow they do not interfere as long as the distance is more than three hand-breadths.

44 How much does one have to separate from the place shaded by the vine leaves that it should not be forbidden to sow there? R. Jacob bar Idi applies the rules of a trellis to the vine trained over a lattice. It is difficult to find a reason for the second opinion given in the name of R. Simeon ben Laqish and probably difficult to find a papyrus mat wide enough that away from the vine there should still be six unoccupied cubits. [It seems, therefore, that R. Simeon ben Laqish takes שֵיפֶר as name of the plant; cf. Note 38.]

45 If two papyrus mats (or ropes, or plants) are laid out parallel over poles and a vine is trained over one of them, the other one is not affected. The opposing opinion states that if the vintner in the ordinary care of the vineyard usually steps from under one mat to under the other, they are considered as one and subject to the 4 cubits/6 cubits rule.

Mishnah 6: What is a futile tree? One which does not bear fruit. Rebbi Meir says, every tree is futile except olive and fig trees. Rebbi Yose says, a futile tree is one of which one does not plant entire orchards.

Halakham 4: What is the difference between a futile and a fruit tree?
A person will disregard a futile tree relative to his vine but nobody will disregard a fruit tree relative to his vine\textsuperscript{46}.

There\textsuperscript{47}, we have stated: "All tied-up water skins are pure except those of Arabs. Rebbi Meïr says, temporarily tied ones are pure, permanently tied ones are impure. Rebbi Yose says, all tied ones are pure." Some Tannaim state it inverted\textsuperscript{48}. Rebbi Jacob bar Aha in the name of Rebbi Yasa: Like our Mishnah. Rebbi Yudan said, the indicator of \textit{Kelim} is \textit{Kilaim}\textsuperscript{49}, for if it were not so, what would be the difference between permanent and temporary tie? In the House of Rebbi Yannai they said: A permanent tie must be cut, a temporary tie does not have to be cut\textsuperscript{50}.

\textsuperscript{46} The "futile" tree will not be considered as more than the support of the vine and will not receive attention for its own sake.

\textsuperscript{47} Mishnah \textit{Kelim} 26:4. The only things that may be impure are living humans, dead humans and animals, vessels and garments, food and drink, and houses. Tractate \textit{Kelim} deals with the impurity of vessels and textiles. In that tractate, "pure" means that the vessel in question cannot possibly become impure; "impure" means that it may become impure if exposed to impurity.

If a vessel is used as a container, it can become impure as long as it can be used as container. If an impure vessel springs a leak large enough to make it unusable for its primary purpose, it becomes pure. Animal hides used as containers for water or wine are obtained by skinning slaughtered lambs or sheep. The skin then is open at the
neck, the tail, and the four feet. If the feet and tail end are sown tight, there is no doubt that a permanent container was formed which may become impure. If the feet are only tied with rope, they also can become untied; the vessel so created is temporary and cannot become impure. The anonymous Tanna states that Arabs never sow their skins; they have developed a technique to tie the skins with rope to create permanent vessels. R. Meïr extends the rule to all skins whose knots are not supposed to be opened. R. Yose notes that any knot can be untied without damaging the skin; hence, no knot is permanent.

48 They switch the statements attached to the names of R. Meïr and R. Yose. This invites comparison with the Mishnah here.

49 In Kilaim, a "futile" tree is turned into a prop for the vine and loses its character of tree by the vintner's intention as stated in the preceding paragraph; so likewise the knots with which the skin is tied are temporary or permanent according to the intention of the owner. If we do not change the names in Kelim, the arguments of R. Meïr become consistent; the Mishnah Kelim should not be changed.

50 The House of Yannai disagree with R. Yasa: The difference between temporary and permanent knots is not one of intent but of fact. A temporary knot is one that may be untied by hand, even if it is intended to be permanent. A permanent knot is one that cannot be untied with one's fingers; it is so tight that it can be removed only by cutting the rope. In that case, a tool was needed to create the openings; this action is as if one used a drill to make a hole in a pot, which destroys the vessel and makes it pure. As a consequence, the permanently tied skin is a vessel and can become impure; there are parallel arguments in Kelim and Kilaim.
Mishnah 7: An interrupted trellis is more than eight cubits. No linear measurement stated by the Sages requires "more than" except an interrupted trellis. What is an interrupted trellis? A trellis [whose vines are] dried up in its middle, but there remained five vines on each side. If between them are eight cubits, one should not sow there. If there are more than eight cubits, one gives each side its working space and he may sow the rest.

51 One vine in the middle died. 52 The usual six hand-breadths. The original large trellis is now split around the trellises in each direction, into two small legal trellises.

Halakhah 5: Does this not disagree with Rebbi Zeira since Rebbi Zeira said, eight except for the place of the trunks? Explain that as eight cubits and a little more. And why has this not been stated? Are you not concurring with Rebbi Johanan that in all linear measurements stated by the Sages, "more than" means [more by] a hand-breadth? But what he added is little, therefore it was not stated.

53 Halakhah 4:8, speaking of the parallel rules for vineyards. 54 Less than a hand-breadth. As explained here, the minimal length of which formal cognizance is taken is a hand-breadth, one sixth of a cubit; smaller distances are not enumerated in the Mishnah. If the Mishnah (Eruvin 1:3, Ahilut 12:6) states that the circumference of a circle of diameter 1
is \(3 \leq \pi \leq \frac{19}{6}\) (\(3 \leq \pi \leq \frac{16}{5}\)).

55 The Tosephta (Kilaim 4:9) explains: "How much is 'more than'? One of six hand-breadths per cubit." The correct interpretation has been given by R. S. Lieberman: In Tosephta Kelim, Baba Mezia' 6:13, R. Meir declares the cubits used in a vineyard to be cubits of five hand-breadths (cf. Chapter 5, Note 27). The Tosephta here redefines the hand-breadth to be added as one new hand-breadth, when 6 new hand-breadths are 5 common hand-breadths or one vine cubit. According to the Tosephta, "more than" means at least \(\frac{5}{6}\) of a common cubit. This Tosephta text is in the manuscript and the editio princeps. R. Isaac Simponti, R. Simson and R. Abraham ben David read "one sixth of a cubit", leaving open the possibility that hand-breadth and cubit are the standard ones. Maimonides has another reading, "\(\frac{1}{60}\) cubit", supported by Caphtor Waperah and R. Bezalel Ashkenazi. However, as R. Abraham ben David points out, such a text would contradict the Yerushalmi here; the length added by R. Ze'ira is certainly more than a tenth of a hand-breadth.

Rebbi Jonah asked: Why do we say: "No linear measurements stated by the Sages require 'more' except an interrupted trellis?" Did we not state\(^\text{56}\): "Ten Jerusalem qab which equal six esronim and excess"? There about volumes, here about linear measures. But did we not state\(^\text{57}\): "Rebbi Yose ben Meshullam said, 'more' is a qab per one hundred seah, a sixth of the amount that causes dema"? There about volumes, here about linear measures. But did we not state\(^\text{58}\): "Rebbi Jehudah ben Baba said, the garden and the corral which are seventy and a remainder by seventy and a remainder"? Samuel said, they taught two thirds of a cubit\(^\text{59}\).
56 Mishnah Menahot 7:2: "The flour sacrifice of a Nazir came in two parts, loaves and flatbreads, but no paste (from flour and oil). It turns out that these are 10 Jerusalem qab which equal six esronim and excess." Mishnah 7:1 had stated that the three kinds of bread for a thanksgiving sacrifice came from 10 esronim which were 15 Jerusalem qab. Hence, the breads of the Nazir are 6⅓ esronim. The "excess" (in the Hebrew, an otherwise nonexistent plural of "more") is ⅓ issaron. We use the expression "more" in a domain other than vineyards.

57 Mishnah Terumot 4:7: "R. Eliezer says, heave can be lifted by one in 101. Rebbi Joshua says, by one in more than 100; that 'more' has no measure. Rebbi Yose ben Meshullam said, 'more' is a qab per one hundred seah, a sixth of the amount that causes dema". Dema, the mixture of profane food and heave, was discussed in Demay, Chapter 4, Note 27. If the amount of heave is small, it is possible to remove an amount equal to the heave and transfer the holiness to that food; the remainder of the food then returns to profane status. R. Eliezer states that in this respect "small" means at most 1 in 100 (1 part heave in 101 overall). R. Joshua requires that the amount be at most 1 in 99+ε; ε>0 being arbitrarily small. R. Yose ben Meshullam requires that the amount of heave be at most 1 in 99.1666; if the amount of heave is one seah, the amount of profane grain has to be 99 seah plus one sixth of the amount causing the trouble, i.e., 99⅓ seah. (In Babli Eruvin 83a, "and more" is defined as one twenty-fourth of the volume of an egg.)

58 Mishnah Eruvin 2:5: "Additionally, R. Jehudah ben Baba said, one may carry (on the Sabbath) in a garden or a corral which measure seventy and a remainder by seventy and a remainder and are enclosed by a fence ten hand-breadths high on condition that they contain a watchman's place." On the Sabbath, one may carry his utensils in his house and in any enclosed space containing a human dwelling. Enclosed spaces no part of which is used as a human dwelling, such as vegetable plots and corrals, are accepted as private domain only if their surface area is not more that 5000 square cubits, the surface area of the enclosed space of the tabernacle (cf. Peah Chapter 2, Note 31). Since √5000 = 70.71068, R. Jehudah ben Baba's remainder is 0.71068 cubits, a linear measure.

59 Samuel notes that for non-mathematicians the domain is limited
to 70 cubits 4 hand-breadths square, 70.666 cubits square. The excess over 70 is a genuine remainder, less than one cubit, but it is not a "more" which by definition can be at most one hand-breadth, the smallest unit of length accepted in these tractates of the Mishnah.

There is no difference whether one built a fence and then planted eleven vines or he planted eleven vines and then built a fence. If the middle vine is destroyed we have trellis and interrupted trellis. If the fence is destroyed, there is no trellis and no interrupted trellis. Rebbi Eudaimon, brother of Rebbi Yose, inquired: If he then rebuilt the fence, since the trellis was reconstituted, do you say that the interrupted trellis also was reconstituted?

60 Cf. Note 1 for a discussion of the role of the fence.
61 There now are two legal trellises that form one interrupted trellis.
62 Since growing other crops in a vineyard is a potential transgression of a biblical prohibition, in doubt one has to take the more severe position. The absence of an answer therefore implies a positive answer.
Rebbi Yose in the name of Rebbi Johanan: Once Rebbi Johanan ben Nuri burned in Nagnegar. What did he burn? He burned an interrupted trellis. Rebbi Hiyya in the name of Rebbi Johanan: Once Rebbi Johanan ben Nuri burned in Nagnegar. What did he burn? He burned between the trellis and the fence. Rebbi Yose said, I pointed out a difficulty before Rebbi Jacob bar Aha: It is understandable, if he burned an interrupted trellis then the words of the Sages disagree with his. But if he burned between the trellis and the fence, are there words of the Sages which disagree with his? He had not heard what Rebbi Jacob bar Aha said: Rebbi Johanan and Rebbi Simeon ben Laqish disagree about the trellis itself: Rebbi Johanan said, it is forbidden and sanctifies. Rebbi Simeon ben Laqish said, it is forbidden but does not sanctify.

63 Cf. Chapter 4, Note 58.
64 He considered the growth illegal and sanctified; therefore, he destroyed it by burning. Since this is recorded as a memorable event, it cannot be accepted as common practice; one does not make a statement every time an accepted law has been executed.
65 The majority follows Mishnah 7:3 that the prohibition of an interrupted trellis is rabbinical, not biblical. A crop growing there does not sanctify and should not be burned.
66 According to R. Johanan, five vines on a trellis form a vineyard in the biblical sense; according to R. Simeon ben Laqish there is never a vineyard in the biblical sense unless it contains at least two parallel rows.

All this applies if in the corner there are four hand-breadths of empty space.67.
The Mishnah is valid only if between any vine and any fence there are at least four hand-breadths of empty space; otherwise, six hand-breadths are forbidden around every vine, cf. Mishnah 5:4.

Mishnah 8: A trellis which starts from a wall in a corner and ends there, one gives it its working space and he may sow the rest. Rebbi Yose said, if there are less than four cubits one should not bring seeds there. Sticks that stand out from the trellis, if he worries whether to remove them, then under them it is permitted, but if he made them so that the new growth can expand on them, it is forbidden.

According to Maimonides, the trellis itself is built parallel to the walls, forming an angle. According to R. Simson (and apparently R. Abraham ben David), the five vines are in a straight line from one wall to the other, forming the base of a right triangle of which parts of the two walls form the legs. Then six hand-breadths from the base in the triangle are forbidden, the remainder may be sown even if the altitude of the triangle is less than four cubits.

Cf. Mishnah 5:4, Note 56.

The trellis has irregular cross beams. If he would like to cut them to one size but for some reason (e.g., not to touch a shaky trellis) does not do it, the excess width does not interfere with sowing. But if he intends to use the beams to support extending branches and leaves then they are part of the trellis and forbidden.
Halakhah 6: We stated here the opinion of Rebbi Yose and stated it there\(^{71}\). If we had stated it here but not there, we would have said he says it is forbidden here because of the laws of the trellis, but there where one does not deal with the laws of the trellis he would say it is permitted. Hence, it is necessary to state it there. Or if we had stated it there but not here, we would have said there he says it is forbidden because it is enclosed on all four sides, but here where it is not enclosed on all four sides he would say it is permitted. Hence, it is necessary to state it both here and there.

\(^{71}\) Mishnah 5:4. True duplicate statements are not admitted in the Mishnah (except in collections of stated historical character, e.g., Tractate Idiut.) Therefore, if a duplicate statement does occur, one has to find reasons to explain the necessity of the duplication.

Mishnah 9: One looks at a blossom that comes out from the trellis as if a plumb-line were hanging down from it; under it is forbidden\(^{72}\). The
same holds for a branch\textsuperscript{73}. Under a shoot of vine drawn from one tree to another, it is forbidden\textsuperscript{74}. If he binds them together with a rope or bast, under the binding it is permitted\textsuperscript{75}. But if he did that to accommodate future growth, it is forbidden.

\textsuperscript{72} Any growth expanding over the sides of the trellis extends the area under which nothing can be sown (plus its six hand-breadths of working space).

\textsuperscript{73} A branch of a single vine. The forbidden space is the interior of the parallel figure in distance 6 of the orthogonal projection of the entire vine into the ground.

\textsuperscript{74} Naturally plus six hand-breadths on each side.

\textsuperscript{75} The vine is not long enough to reach from one tree to the next; the vintner tied a rope around the end of the shoot and the tree. Then the rope is not a vine and not subject to the laws of \textit{kilaim}. But if the rope was drawn to support future growth of the vine or other shoots that will appear in the growing season, it becomes subject to the laws of vines.

Halakhah 7: There\textsuperscript{76} one says, one considers as if a metal spit was stuck there. Simeon bar Abba in the name of Rebbi Johanan: As far as was intended\textsuperscript{77}.

Rebbi Hama bar Uqba\textsuperscript{78} in the name of Rebbi Yose ben Hanina: Under the grapes it is forbidden and sanctifies but not under the leaves. Rebbi Yose said, even under the leaves it is forbidden and sanctifies\textsuperscript{79}.

\textsuperscript{81} In Babylonia.

\textsuperscript{82} The translation is tentative. Medieval authors do not comment on this sentence. R. Eliahu Fulda and almost everybody else identify \textit{pjw}. R. Eliahu Wilna
explains as "bent". These explanations have no basis and make little sense. I am taking מַשָּׁל in the sense of Arabic "to intend". Then this paragraph belongs to the preceding Halakhah: Under an irregular trellis, the width is forbidden as far as the vintner intended to let the vines grow. At the end of this space, it is as if a metal spit subtended the bars; the wood sticking out farther is not counted.

83 Galilean Amora of the third generation. He quotes R. Simeon ben Laqish and is reported as teacher of R. Yasa (Assi).

84 Vine leaves are also a commercial crop.
Mishnah 1: If one sinks a vine into the ground he should not bring seeds over it unless there are three hand-breadths of earth above it, even if he sank it in a gourd or in a pipe. If he sank it in a rock it is permitted to bring seeds there even if it is covered only by three fingers depth of earth. For a knee-shaped vine one measures only from the second stem.

1 He takes a branch of a vine, bends it down into a ditch, covers the ditch with earth, and lets it come out again. Then the branch will grow roots in the earth and one has a new vine.

2 A dried-up gourd used as ditch.

3 A wooden or clay pipe.

4 It cannot really be a rock but must be ground hard as rock.

5 A finger is one fourth of a hand-breadth.

6 If a vine is bent back while growing and enters the ground again in a kind of natural sinking, the six hand-breadths for its working space are measured only from the point where it reappears above ground. (R. Simson explains: "a grafted vine" but this does not fit either language or context.)
Halakhah 1: "He should not bring seeds over it," therefore it is permitted on the side. What are we dealing with? If it is because of seeds in a tree, why are we dealing with a vine and not any tree? If it is because of working space, they should mention six. It might follow Rebbi Aqiba since Rebbi Aqiba says three. If it were following Rebbi Aqiba, it should mention three on the side. Rebbi Jeremiah in the name of Rebbi Hiyya bar Abba: It is because of seeds on top of a vine.

In the Babli, Baba Batra 19b, this is stated as a baraita. The Mishnah should state that six hand-breadths on each side of the buried shoot are forbidden as working space, or at least three hand-breadths following Rebbi Aqiba (Mishnah 6:1). This confirms the original statement that the only forbidden space is on top of the buried shoot.

There, we have stated: "One keeps seeds, the plough, and urine three hand-breadths away from a wall." Rebbi Jeremiah said that Rebbi Hama bar Uqba raised a question: There, you say that the roots do not expand sideways and here you say, the roots do expand sideways! Rebbi Yose said, in both cases the roots do not expand sideways but they create soft earth and undermine the base of the wall. You can see that because we
also stated "urine". Does urine expand sideways? Rebbi Yose the son of Rebbi Abun explained, did we not also state "the plough"? Does the plough expand sideways?

10 Mishnah Baba Batra 2:1. The adobe wall is either common property of the landlord and his neighbor or totally the neighbor's; the landlord is required to take all necessary precautions to avoid damage to his fellow man's property.

11 "There" means Kilaim and "here" refers to Baba Batra. It is possible that this paragraph is copied here from a Tiberian version of Baba Batra that has not come down to us. In the transmitted Caesarean version of Baba Batra (2:1, fol. 13b), the statement of R. Yose refers to the prohibition of storing salt or quick lime near somebody else's wall. R. Simson reads "here" for "there" but it is not clear whether this is a genuine reading or an adaptation for the purposes of his commentary.

12 In Babli Baba Batra 19b, the printed editions quote the statement of R. Yose as "R. Haga in the name of R. Yose." This version is impossible since R. Haga (Haggai) was older than R. Yose and a greater authority in his lifetime. One has to prefer the reading of all mss. (Diqduqe Soferim Baba Bathra p. no) "R. Hana". In that case, "R. Yose" would probably be R. Yasa (Assi).

אפילו הברה בדרשה ואבניו. כנע דרימא הביהלו של חרס איבל בסיולו.

"Even if he sank it in a gourd or in a pipe." That means, in a clay pipe; but in a lead pipe it does not need three hand-breathths of earth on top.

"If he sank it in a rock." That means, in hard [earth], but in soft [earth] it cleaves it.
HALAKHAH 2

13 R. Simson reads מְמַשֵּׁה "it [the root] can develop".

That is only if the first stem is not visible, but if the first stem is visible one allows six hand-breadths from either stem. You can see that because we also stated afterwards: "If one sinks three vines and their stems are visible," and we have stated on this: When has this been said? For a vineyard. But concerning the working space one allows six hand-breadths for either one.

14 Here starts the discussion of the last part of the Mishnah, regarding the knee-shaped vine.

15 Mishnah 7:2.

16 Regarding the conditions under which three vines can be extended to form a legal vineyard. If they are too close to or too far from one another, each one of the six vines so created is given its own working space.

If one sinks three vines and their stems are visible, Rebbi Eleazar bar Rebbi Zadoq says if there are between them from four to eight cubits, they go together; otherwise, they do not go together. A dried-up vine is
forbidden but does not sanctify. Rebbi Meir says, cotton also is forbidden but does not sanctify. Rebbi Eleazar bar Rebbi Zadoq says in his name, even on top of the vine it is forbidden but does not sanctify.

17 Reading of the Genizah fragment and R. Eliahu Fulda. The other texts have בְּרֵכַת, the Babylonian term for cotton. Since the plant is called "vine" it must be a potentially perennial plant from the family of Malvaceae, cotton, a linden-tree grown for its bast, or jute from a kind of Corchorus.

18 If one has three vines in a row and sinks a shoot from each one to get another row of three vines, if the distance between the rows and between the vines in one row is between four and eight cubits then one has a legal vineyard since five of the six vines would be enough (Halakhah 4:6). If the distances are too small, one has six single vines.

19 If one sows within six hand-breadths from a dead vine it does not sanctify.

20 In R. Meir's name. This attribution is missing in the Genizah ms., probably correctly; cf. Note 23.

21 The meaning of this sentence will be clarified in the Halakhah.

Halakhah 2: Rebbi Eleazar said, the Mishnah is Rebbi Meir's.

22 This word is missing in the Rome ms.

23 The Halakhah discusses only the second part of the Mishnah, listing the plants near which it is forbidden to sow but which do not sanctify. Since part of the Mishnah is attributed to R. Meir, all of it belongs to R. Meir. The statement makes more sense if the Mishnah follows the reading of the Genizah text, Note 20.

One understands in winter, but in summer? There are places where they lose their leaves even in summer.
This refers to the statement that it is forbidden to sow next to a dead vine. The only reason for such a rule is bad appearance, that passers-by will not notice that the vine is dead and will think that the farmer sows forbidden seeds. One understands that this is a concern in late fall and early winter, after the old leaves have been shed and the new ones did not grow yet, but in summer when the leaves cover the ripening grapes there should be no problem. The answer is that there is a problem with varieties whose grapes ripen in June and will have lost their leaves by mid-July.

Rebbi Samuel in the name of Rebbi Zeira: The Mishnah speaks of the space above the shoot. Rebbi Abun bar Hiyya in the name of Rebbi Samuel bar Rav Isaac: The Mishnah speaks about the air space of ten. Rebbi Yose said, we were of the opinion that a vineyard has air space; a single vine has no air space. Since Rebbi Abun bar Hiyya said in the name of Rebbi Samuel bar Rav Isaac: The Mishnah speaks about the air space of ten, that means that even a single vine has air space.

This refers to the last sentence in the Mishnah, "even on top of the vine it is forbidden but does not sanctify." Rebbi Zeira refers this to the shoot of vine sunk under less than three hand-breadths of earth.

If the vines are on a terraced hill and the next terrace is at least ten hand-breadths higher, the wall of the terrace terminates the working space (for vineyard or single vine); planting inside six hand-breadths or four cubits, as the case may be, is forbidden but does not sanctify if the vertical distance is at least ten hand-breadths. [R. Simson thinks that one speaks about plants in flower pots hanging over the vines; Maimonides might agree with this interpretation.]
 Mishnah 3: The following are forbidden but do not sanctify: The excess of a dried-up vineyard\(^{27}\), the excess of the circumference of a vineyard\(^{28}\), the excess of an interrupted trellis\(^{29}\), and the excess of a papyrus\(^{30}\). But under a vine, the working space of a vine, and the four cubits of a vineyard do sanctify.

27 By Mishnah 4:1, if a vineyard dried up in the middle, a space of 16 cubits square cannot be sown. But only four cubits on each side are needed for working the vineyard. If the dried-up space contains a square of sides 16-\(\varepsilon\), the inner (8-\(\varepsilon\))-by-(8-\(\varepsilon\)) space cannot be worked on as a rabbinic, rather than a biblical prohibition. Working that inner space is forbidden but a transgression does not sanctify either growth or vineyard.

28 By Mishnah 4:2, 12 cubits have to be left empty between a vineyard whose outer rows have died and the fence. Again, if there are 12-\(\varepsilon\) cubits, of these only four are biblical, the remaining 8-\(\varepsilon\) have rabbinic status only.

29 Since the constituent parts of an interrupted trellis do not form vineyards by themselves, of the eight cubits between the inner vines only one cubit on each side (six hand-breadths) will sanctify, the remaining six cubits represent rabbinic prohibition.

30 If vines that do not form a vineyard are drawn over papyrus, only the space under any part of any vine is biblically forbidden; the rest is a rabbinic prohibition (Halakhah 6:3).

Halakkah 3: The excess of the circumference of a vineyard is four cubits\(^{31}\), the excess of a dried-up vineyard is four cubits, the excess of an interrupted trellis is six hand-breadths, and the excess of papyrus is six hand-breadths.
31 The language is elliptic: the excess of the circumference of a vineyard is defined as excess of the distance over and above 4 cubits, as explained in the Notes to the Mishnah. The other statements have a corresponding interpretation.

What is the status of the intermediate spaces\(^{32}\)? Rebbi Johanan said, they are forbidden and sanctify. Rebbi Simeon ben Laqish said, they are forbidden and do not sanctify. What can you say\(^{33}\)? If it is a large vineyard, what about its dry spot, even where it is planted\(^{34}\)? If it is a small vineyard, it has no circumference\(^{35}\). But we must deal with a large vineyard planted in the manner of a small one\(^{36}\). Rebbi Zeira said, this implies that a large vineyard planted eight by eight has no circumference\(^{37}\). If you say that the inside is forbidden and sanctifies if it is planted 16 by 16, the outside not so much more\(^{38}\)?

32 This refers to Mishnaiot 4:8-9, that if a vineyard is planted in such a way that the distance from one vine to the next in both directions is more than eight but less than 16 cubits, one may not sow there. This situation really should have been dealt with in our Mishnah since in that configuration there are points distant more than four cubits from any vine. Since it is not mentioned in our Mishnah, R. Johanan concludes that sowing there must sanctify. [The explanation of this paragraph follows an idea of R. Eliahu Wilna who, however, feels compelled to rewrite the text.]

33 Here follows the argument of R. Johanan against R. Simeon ben Laqish.

34 Since for R. Simeon ben Laqish any spot distant more than eight but
less than 16 cubits is forbidden but does not sanctify, why does the Mishnah speak about a dry spot?  

Chapter 4, Note 37. The Mishnah cannot speak about a "small" vineyard.  

The distances from one vine to the other and between two rows of vines are at least four but definitely less than eight cubits. In that case, the objections do not apply.  

Since the Mishnah declares that outside of eight it does not sanctify; dried-up vines cannot make the situation worse.  

This is R. Simeon ben Laqish's argument against all the preceding. If inside it sanctifies up to 16 cubits there would be no reason to require only 12 on the outside.

Rebbi Yose said, one whips only for the main vineyard.

Even though the Mishnah establishes the cases in which the new growth sanctifies, the biblical commandment that can be enforced by the criminal court only refers to grain sown in a vineyard.

Mishnah 4: If somebody draws his vine over somebody else's grain it sanctifies and he is responsible for its alienation. Rebbi Yose and Rebbi Simeon say, nobody can sanctify anything that is not his.

Mishnah 5: Rebbi Yose said, it happened that someone sowed in his vineyard in the Sabbatical year. When this came before Rebbi Aqiba, he said nobody can sanctify anything that is not his.
40 The neighbor’s grain has to be burned but the neighbor has a claim enforceable in court against the offender. This position of the anonymous Tanna is accepted as practice in Babli Menahot 15b.

41 While the farmer remains the owner of the land in the Sabbatical year, the yield of that year is common property of all people. That means that while the vines remain private property (except for the grapes hanging on them), the grain never was the private property of the person sowing it.

Halakhah 4: It is written (Deut. 22:9): "Do not sow kilaim in your vineyard." This refers to your own vineyard. From where about another person’s vineyard? The verse says, kilaim, no vineyard and no kilaim. Rebbi Eleazar said, this is Rebbi Meir’s, for Rebbi Meir said that a Gentile cannot acquire real estate in the Land of Israel to free it from tithes. Rebbi Johanan said, it is the opinion of everybody, explain it by a Gentile who sowed his vineyard kilaim and a Jew bought it from him.

42 Reading of the Rome ms. and one ms. quoted by R. Solomon Adani in his Mishnah commentary. Venice: 43 The argument is slightly more clear in the version of Sifry Deut. 230 on the verse: "Do not sow kilaim in your vineyard, lest the fulness of the seed you are sowing be sanctified together with the yield of the vineyard." The Sifry reads: "I understand not only a fruit-bearing vineyard, from where a vineyard that is not fruit-bearing? The verse says 'the vineyard', any vineyard. I understand not only your own vineyard, from where other persons' vineyard? The verse says 'do not sow kilaim', in any way." R. S. Adani argues that in contrast to Lev. 19:19, where the direct object precedes the predicate, in Deut. 22:9 the predicate precedes the direct object.
and this is always taken as indicating that the prohibition stated at the beginning of the verse covers all situations the verse refers to. Hence, the operative word is not "your vineyard" but the last word of the sentence, "any vineyard."

44 Since the Mishnah makes no difference whether the neighbor is Jewish or Gentile, its author must hold that the laws of the Land are not abrogated by Gentile ownership.

45 Even in the scenario envisaged by R. Eleazar, one cannot infer anything since the Gentile is not required to follow the obligations which in Jewish opinion are a lien on the Land. They are only activated in case a Jew buys the real estate from the Gentile; then the neighbor is a Jew and nobody holds that the obligations are not in force.

Rebbi Jonah and Rebbi Yose, both of them say that it is Rebbi Meir's.  

[An animal] which was worshipped: Some Tannaim state that it is forbidden whether it is his own or somebody else's; some Tannaim state that his own is forbidden, somebody else's is permitted. They wanted to say, the opinion that it is forbidden whether it is his own or somebody else's is Rebbi Meir's and Rebbi Jehudah's; the opinion that his own is forbidden, somebody else's is permitted, is Rebbi Yose's and Rebbi Simeon's. Rebbi Yose in the name of Rebbi La: It is everybody's opinion. Just as you say there that a living thing is forbidden for Heaven even though it is permitted for the private person, so anything that is not yours may be forbidden for Heaven even though it is permitted for the private person.
46 The anonymous Tanna of the Mishnah cannot be either R. Yose or R. Simeon; anonymous statements of the Mishnah are attributed to R. Meir unless an argument can be given to the contrary.

47 An animal used for idolatrous practices is unfit as a sacrifice (Mishnah Temurah 6:1). The Mishnah states that such an animal is forbidden as a sacrifice but its meat may be eaten by private persons since usufruct of living things cannot become forbidden.

48 Since R. Yose and R. Simeon do not disagree with Mishnah Temurah 6:1 that an animal used for idolatrous purposes (or for sodomy) is forbidden as sacrifice under all circumstances. The argument about sacrifices is irrelevant for the rules of kilaim.

Rebbi Simeon ben Laqish said, this is a fine imposed by Rebbi Meir49. Did he act on that, "if somebody draws his vine over somebody else's grain . . ."? But what did that person do? When it grows, it grows according to his intention50. One person showed his tetradrachma to Rebbi Eleazar who told him that it was good51. It turned out to be worthless. This case came before Rebbi Simeon ben Laqish who fined him according to the following: If somebody shows a denar to the money-changer and it turns out to be bad, [the money-changer] has to pay because he takes a fee52. Does Rebbi Eleazar take a fee? Rebbi Jacob bar
Aha in the name of Rebbi Abuna: One who takes it into his hand has the status of one who takes a fee. Rebbi Yose ben Rebbi Abun does not say so, but Rebbi Eleazar says that this fine is imposed by the rabbis; Rebbi Simeon ben Laqish says the fine is imposed by Rebbi Meir. When the case came before Rebbi Simeon ben Laqish, he asked Rebbi Eleazar, who imposed this fine? He [Rebbi Eleazar] said, the rabbis. He [Rebbi Simeon ben Laqish] answered him, go and pay.

50 The anonymous Tanna does not dispute that in principle nobody can sanctify anything that does not belong to him, parallel to the position of R. Yose in the preceding paragraph. The order to destroy the growth under the vine is purely rabbinical and intended to punish the mischievous vintner. In contrast to the Babli which always accepts R. Meir's decrees of fines, the Yerushalmi will accept only a fine imposed by a majority of the Synhedrion.

51 What could be the reason to impose the fine? When a person draws a vine over somebody else's grain, both the vine and the grain are permitted and legitimate. Since later he does not do anything further, of what could he be guilty? The answer is that the grain will continue to grow and that increase under the vine is a necessary consequence of the earlier action and covered by the responsibility for the prior action. In the language of the Babli, nobody can claim missing intent by stating that he wanted only to cut off his victim's head, not to kill him. The Babli (Baba Qama 100b) extends the liability to the case when a stone fence between a vineyard and a grain field developed a hole and the owner after being apprised of the problem did nothing to repair it.

52 In the Babli, Baba Qama 100a, R. Simeon ben Laqish showed the coin to R. Eleazar and told him that he would hold him responsible if he gave the wrong appraisal.

53 A similar statement appears in the Babli (Baba Qama 59b). There, a distinction is made between a professional money-changer and an amateur, no mention of a difference between giving an opinion for a fee or for free. Some authors (Meiri and R. Asher ben Yehiel ad loc.) want to read the ruling of the Yerushalmi into the text of the Babli but their arguments are thoroughly refuted by R. Salomo.
It seems that this argument is an echo of the rule that a single judge who is shown to be in error has to pay the money he erroneously took from one party if he actually handled the money himself (*Gittin* 5:4, fol. 47a). The argument is not accepted.

R. Simeon ben Lakish required R. Eleazar to pay not because the law was that he had to pay, but because R. Eleazar thought the law was that he had to pay. It follows that the Yerushalmi rejects the decrees of R. Mei'ir not supported by a majority of Sages.

In a similar case in the Babli (*Baba Qama* 99b), R. Hyya paid up not because he had to, but because, in his opinion, a rabbinc authority is held to higher moral standards.

Rebbi Johanan said, everybody agrees that the grapes will be forbidden. Rebbi Eleazar said to him, what makes forbidden is not forbidden and what is not forbidden will be forbidden? They disagree if somebody draws his vine over somebody else's grain. But if somebody draws a neighbor's vine over his own grain, everybody agrees that what makes forbidden is forbidden. If somebody draws a neighbor's vine over his neighbor's grain we can understand from the following: "Rebbi Yose said, it happened that someone sowed in his vineyard in the Sabbatical year. When this came before Rebbi Aqiba, he said nobody can sanctify anything that is not his." This was given as answer!
55. They belong to the offending party.

56. If the vine is drawn in a state in which it does not expand any further, only the growth of the grain under it makes the configuration forbidden, as stated earlier. Since the active grain is not forbidden, how can the passive grapes be forbidden?

57. The grain of the guilty party.

58. The anonymous first Tanna will hold also in the case under discussion that vines and grain have to be burned and the guilty party charged for all expenses and loss; Rebbis Yose and Simeon hold that nothing has happened.

Mishnah 6: The rapist who sowed in a vineyard and it was taken from him, one cuts it even during a holiday. How much does he have to give to the workers? Up to one third. More than that he cuts normally, even after the holiday. When is the property called the rapist's? From the moment it is sunk.

Mishnah 7: If a storm broke vines over grain, one should fix it immediately, but in an emergency it is permitted. Grain leaning under vines, and also vegetables, one turns back and it does not sanctify. When does grain start to sanctify? When it is a third grown, and grapes once they have grown to the size of white beans. Completely dry grain and grapes completely ripe do not become sanctified.
59 A robber who terrorizes the farmer and illegally uses his land.
60 Law enforcement returned the use of the land to its owners.
61 The intermediate days of Passover or Tabernacles, when agricultural work is permitted only if its omission would cause great harm. In our case, one has to prevent the grain from growing in its owner's possession to avoid sanctifying the vineyard.
62 Since usually agricultural work cannot be done on the intermediate days of a holiday, the workers will know that the farmer is in a bind and raise their wage demands. The Halakhah will discuss what is meant by "a third" for the computation of the upper limit of wages the farmer must be ready to pay. If the workers overcharge, he may do without them and cut the grain after the holiday for regular wages.
63 If the name of the original owners disappears; if local people start referring to the property by the name of the person in possession who now becomes the owner (explanation of R. Simson). If the owner runs away for fear of the rapist (explanation of Maimonides).
64 The Mishnah mss. in the Maimonides tradition read "shave them off" instead of "fence them off". The hurricane did not completely break the vines; now parts of the still living vine lie over grain.
65 As long as the roots are outside of the working space of a vine, if the plants turn towards the vine one has to turn them away. Only roots of plants can sanctify.
66 This may not be the intended meaning, cf. the Halakhah.

HALAKHAH 5

59 A robber who terrorizes the farmer and illegally uses his land.
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66 This may not be the intended meaning, cf. the Halakhah.

Halakhah 5: Rebbi Abba bar Jacob in the name of Rebbi Johanan: So is the Mishnah: One may harvest it even on a holiday.67

67 One should not think that the Mishnah prescribes that the illegal grain must be harvested on a holiday if the field reverts to its rightful owner on a holiday. All that is stated is that one may harvest it because it looks badly (if the workers are not too expensive) even though nobody can sanctify anything that is not his and harvesting on the intermediate days of a holiday is forbidden (cf. Tosaphot Sukkah 30b).
"How much does he have to give to the workers? Up to one third."

Rav Huna and Rav Sheshet: One of them says, a third of the wages, the other says, a third of the value.

-Maimonides follows the opinion of Rav Huna who has precedence over Rav Sheshet in matters of ritual.

Text of the Mishnah. In the Yerushalmi mss.: רבד "ט"ב השם משלים ארא נחלא שסייחו חכמים ארא שמיים ורא שמיים ורא קרא שמיים ורא קרא שמיים איסורה מובכרים. אמר רבי אחא לא של פל שמאו קרא נוכל יוש ורא קרא נוכל יוש.

"When is the property called the rapist's? From the moment it is sunk." Rebbi Aha said: If the owners were forgotten but did not give up hope, the prohibition of the field is biblical. If the owners did give up hope but they were not forgotten, the prohibition of the field is rabbinic. But can real estate be robbed? Rebbi La said, even though real estate cannot be robbed, one can give up hope on real estate.

Since the Mishnah declares the property to be the rapist's once the names of the original owners have been forgotten, he sows on his own and sanctifies the crop. But if the names of the original owners are still known, even if these have given up hope to recover the field through legal action, the rapist is not the owner and should not be able to sanctify anything that is not his. In that case, the prohibition has the status of a rabbinic fine.

Since real estate is documented, it always should be recoverable once...
Establishment of law enforcement has been re-established, cf. *Peah* Chapter 2, Note 132. In the opinion of the Babli, one may never legally give up hope on real estate, cf. *Tosaphot Sukkah* 30b. In Babylonia one never witnessed the prolonged abrogation of property rights by Jewish owners as in Palestine after the war of Bar Kokhba.

Following Ben Azai, one should shave them off. One found it stated: Rebbi Aqiba said, one should return them, Ben Azai said, one should shave them off.  

73 This belongs to the second Mishnah, the case when a storm broke branches which now are spread over grain. R. Aqiba says one should adjust the broken branches and fasten them to the vine; Ben Azai said, one should cut them off.

"When does grain start to sanctify? When it is a third grown." Some Tannaim state: When it grew roots. He who says when it is a third grown supports Rebbi Johanan. He who says when it grew roots supports Rebbi Hoshaiya.  

74 This refers to Chapter 5, Halakhah 7 (Note 74). The names must be switched because in 5:7 it is R. Johanan who asserts that all becomes sanctified once full roots are grown. While there is no manuscript evidence for this, it must have been the reading of Maimonides (*Kilaim* 5:13) who follows R. Johanan and formulates "when it grew roots".
"And grapes once they have grown to the size of white beans." Rebbi Hananiah the son of Rebbi Hillel said, because it is written (Deut. 22:9): "And the produce of the vineyard." So is the Mishnah: "They do not become sanctified".

75 The verse defines what is sanctified. Since it is called "produce", some kind of produce must be visible.

76 This refers to the last sentence in the Mishnah, "completely dry grain and grapes completely ripe do not become sanctified." The Mishnah is formulated in the passive: completely dry produce cannot itself become sanctified because it no longer grows but produce still growing in its vicinity can become sanctified by its presence (R. S. Adani.)

Mishnah 8: A flower pot with a hole sanctifies in a vineyard, but one without a hole does not sanctify. Rebbi Simeon says, both are forbidden but neither one sanctifies. If a flower pot with a hole is temporarily put in a vineyard, if it grew by one twohundreth it is forbidden.

77 (Mishnah 8 in the separate Mishnah). A flower pot with a hole is part of the earth, Mishnah Demay 5:10.

78 The Halakhah will explain that R. Simeon does not recognize any difference between flower pots with or without holes, except that he treats food grown in a pot with a hole like food grown on a field with respect to the laws of ritual impurities.

Halakha 6: It was stated: "The only difference between a flower pot without a hole and one with a hole regards preparation for impurity." That is for Rebbi Simeon, but for the rabbis there are others: A flower pot with a hole sanctifies in a vineyard, one without a hole does not. He who plucks from a flower pot with a hole is guilty, from one without a hole he is free from punishment. A flower pot with a hole cannot prepare plants, one without a hole prepares. Rebbi Yose referred to it as an anonymous statement, Rebbi Hanina quoted it in the name of Rebbi Samuel bar Rav Isaac: The Torah extended the purity of growing plants (Lev. 11:37): "If any of their cadavers falls on any sown seed apt to be sown, it is pure."

80 In the Babli, Sabbath 95a/b, this is a statement explicitly attributed to R. Simeon.

81 Mishnah Sabbath 10:7. Harvesting on the Sabbath is a criminal offense but one cannot harvest plants that do not grow on the earth. Plucking a plant from a pot without a hole is forbidden but cannot be cause for criminal prosecution. The Mishnah states that R. Simeon excludes prosecution in both cases.

82 Food can become impure only after the harvest and only after having been wetted, cf. Demay Chapter 2, Note 141. A plant in a pot with hole is a plant in the earth and nothing can make it prepared for impurity at this stage. A plant in a pot without hole is already harvested since it can be plucked on the Sabbath without fear of prosecution; if it is watered, it becomes subject to possible impurity.

83 This explains why R. Simeon agrees with the rabbis that a flower pot with hole is immune from impurity and is not comparable to a pot with hole: The verse insists that anything sown in any way acceptable in agriculture is pure.
It was stated: "The tithes from a flower pot without hole are of practice\(^84\), its heave does not create *dema'\(^9\) and one does not owe a fifth for it." Rebbi Yose asked: May one say "He Who created bread from the earth" for it\(^85\)? Rebbi Jonah asked: Is a gourd considered plucked that one may use it as the cover [of a *sukkah*]\(^86\)? Rebbi Judah bar Pazi asked: If somebody planted five vines in five pots without holes and arranged them two parallel two and one as tail, can you say this is a vineyard? He may rearrange, does there exist a movable vineyard\(^87\)?

84 Rabbinic practice, not biblical commandment. If symbolic heave from such a pot is mixed with profane food, it does not create *dema'\(^9\) (cf. *Demay* Chap. 4, Note 27) and if it is eaten in error by a non-Cohen, only 100%, not 125%, has to be returned (*Lev. 22:14*).

85 What is the appropriate benediction for bread made from flour from grain not grown "on the earth"?\(^86\)

86 A hut for the feast of Tabernacles has to be covered by material "not subject to impurity and grown from the earth" (*Mishnah Sukkah 1:4*). As noted in the preceding paragraph, the majority opinion is that plants growing in a pot without a hole are subject to impurity; the question can be asked only according to R. Simeon.

87 Since the vines can be rearranged, they cannot be considered a vineyard. This is the only question that is answered.
Samuel said, put under any vine. Rebbi Joḥanan said, the Mishnah deals within ten [hand-breath]s\(^{88}\).

This starts the discussion of the last sentence in the Mishnah, about a flower pot temporarily put into a vineyard. Samuel said there is a potential for sanctification only if the flower pot is directly under a vine. If the pot is moved from one vine to the other but all the time is under one of them, there is sanctification if the plants in the pot grew by one half of one percent.

If one put five flower pots without holes under one vine, one has the disagreement between Rebbi Eleazar and Rebbi Joḥanan\(^{89}\): what makes forbidden is not forbidden and what is not forbidden will be forbidden? But if a single pot was placed temporarily under five different vines, everybody agrees that what makes forbidden will be forbidden\(^{88}\).

\(^{88}\) Halakhah 4, Notes 56 ff. The argument is not as simple as represented here: If the plants in the aggregate of five pots increase by 0.5% then at least in one pot the increase must be \(\geq 0.5\%\). That pot will certainly be forbidden. The only question is whether the five are considered as a unit or not. In the latter case, the grapes will be forbidden but part of the grain will be permitted, still a paradoxical situation.
Mishnah 1: Kilaim in a vineyard are forbidden to be sown or kept and are forbidden for any use. Kilaim of grains are forbidden to be sown or kept but are permitted for eating and certainly for use. Kilaim of textiles are permitted for everything; they are only forbidden to be worn. Kilaim of animals may be raised and kept; they are only forbidden to be mated. Kilaim of animals are forbidden [to be mated] with one another\(^1\).

\(^1\) Since a mule is part horse and part donkey, mating of two mules implies double mating of parts of horse and donkey, and is forbidden for human intervention.

Halakhah 1: "Kilaim in a vineyard are forbidden," etc. It is written (Deut. 22:9): "Do not sow kilaim in your vineyard." Not only sowing, how about keeping? The verse says, vineyard and no kilaim\(^2\). Does this
follow Rebbi Aqiba, for Rebbi Aqiba said that he who keeps [kilaim] transgresses a prohibition. Rebbi Yose said, it is the word of everybody. Everybody agrees that what is forbidden is forbidden if he did not preserve through an action, but if he preserved through an action he is whipped, as it is stated: He who covers kilaim is whipped.

2 Cf. Chapter 7, Note 44. The parallel to this argument is in Sifra Qedošim 2(18) [Babli Mo'ed Qatan 2b, Avodah Zarah 64a, Makkot 21b]: (Lev. 19:19): "Your field you should sow no kilaim." Not only sowing, how about keeping? The verse says, no kilaim, I told you only because of kilaim." This argument covers grains, vegetables, and vines. However, the same verse also mentions kilaim of animals and textiles in similar language and these may be kept in the opinion of the Mishnah. It follows that a derivation based on the verse Lev. 19:19 has to be rejected and only an argument parallel to that in Chapter 7 is acceptable.

3 "Prohibition" usually refers to a criminal offense. "Forbidden" refers to a moral obligation. Since the statement of R. Aqiba in Tosephta Kilaim 1:15 deals with kilaim of seeds (grains and vegetables), he cannot imply that passively keeping kilaim is prosecutable as a criminal offense. However, in the Babli (Mo'ed Qatan 2b, Avodah Zarah 64a), R. Aqiba is quoted in a baraita to the effect that keeping kilaim is a criminal offense. This forces Rashi and the other commentators to conclude that "keeping" here means "fencing in" or a similar activity. (Rashi to Mo'ed Qatan 2 is lost; the commentary is in Avodah Zarah.) The Yerushalmi has no such difficulty.
From where is it forbidden for any use? It is said here (Deut. 22:9) "lest you sanctify it" and it is said elsewhere (lest it become sanctified by it). Since "lest" there means it is forbidden for any use, "lest" here means it is forbidden for all use. Some want to say, it is said here "lest you sanctify it" and it is said at another place "there shall be no qadeš among the Israelites." Since qadeš there means forbidden for any use, so qadeš here must mean forbidden for any use. Rebbi Huna said, his sex act is forbidden for all use. Some want to understand it from the following, as Rebbi Hanina said, "lest you sanctify it", lest fire should be kindled.

4 There is no such verse in the entire Hebrew Bible. It is the consensus of the commentators that it should read יֹעֵש (Deut. 12:30) "lest you be caught", speaking of idolatrous objects that must be destroyed and every use of which is explicitly forbidden. One applies the principle that words in the Pentateuch have one invariable meaning; if that meaning is spelled out at one place, it can be transferred to any other occurrence of the same word.

5 The qadeš is the Semitic male temple prostitute. In the Talmudim, the notion which had become obsolete at that time was extended to all sexual relations of persons who could not legally marry one another, such as the relation between a slave and a free woman, or of a free Jew and a slave girl or a Gentile. Since the woman could not hope to be married, she could have no gain from the sex act; any pleasure she might have is strictly forbidden.

6 The same argument is in Babli Qiddusin 56b, Hulin 115a in the name of Hizqiah. No Tannaite source proposes to change the text from unpn to m npn.
It is written (Deut. 22:9): "Do not sow *kilaim* in your vineyard." This teaches us that one is not guilty unless he sows two kinds in the vineyard, the words of Rebbi Josia. Rebbi Jonathan said, even one kind. In the opinion of Rebbi Jonathan it is written (Lev. 19:19) "in your field do not sow *kilaim*", why does it say "do not sow *kilaim* in your vineyard"? The colleagues say, to make it sinful even with one kind. In the opinion of Rebbi Josia, "in your field do not sow *kilaim*"; why does it say "do not sow *kilaim* in your vineyard"? The colleagues say, as a warning. If he was warned about "your field", he is whipped, if he was warned about "your vineyard", he is whipped. Rebbi Abun bar Ḥiyya said, to give another measure besides six hand-breadths; here it is four cubits. What are we talking about? If he made a fence on the inside, the vineyard is abolished. If he made a fence on the outside, that is the circumference. But we deal with a field that was a grain field and he cleared four cubits in its midst. This agrees with what Rebbi Hanina said, nothing forbidden may form a separation to save. They were of the opinion that what is forbidden does form a separation to prohibit. In the opinion of Rebbi Jonathan it is written (Lev. 19:19): "In your field do not sow *kilaim*", why
does it say: "Do not sow kilaim in your vineyard"? For that which Rebbi Hila said, if you would say [the Torah] did not say it, what would you say? Or following what Rebbi Zeïra said, "do not sow your vineyard kilaim," creating your vineyard do not sow kilaim.

7 Reading of the Rome ms. Venice: לא תזרע זרעים
8 The Hebrew text is somewhat ambiguous. One may translate "do not sow kilaim in your vineyard" or "do not sow your vineyard as kilaim." R. Josia chooses the first possibility, R. Jonathan the second. There is no question that the verse of Deut. contains the rule of sanctification that does not apply to the situation of the verse in Lev.; the question is why the second verse does not refer to the first.

9 In talmudic legal theory, a verdict of guilty cannot be pronounced unless criminal intent was shown by the testimony of two witnesses. The standard way of proving intent is the testimony that the perpetrator was warned not to commit such and such an act because it is forbidden in the Torah and that therefore he committed the act in the knowledge of its illegality. The prohibition must be specified. In our case, since sowing something in a vineyard turns the vineyard into a field, either of the verses may be used. This almost impossible standard of proof is needed only in order to convict somebody under biblical law which knows only flogging and the death penalty; it does not have to be strictly adhered to for convictions under police powers for which the punishment is jailtime.

10 Conviction for sowing kilaim in an enclosed field (and single vines considered as fields) is possible only if a minimal distance of six hand-breadths was not observed; cf. Halakhah 1:9. Four cubits is the minimum distance for an enclosed vineyard. The existence of two different verses is a precondition to the establishment of two different legal standards.

11 One tries to clarify the statement of R. Abun bar Hiyya. If the field is not enclosed, no minimum separation is required but only clear geometric shapes. If the field is enclosed either the enclosure passes through the vineyard, in which case there is no legal vineyard, or it encloses the vineyard, in which case the more stringent rules of the circumference apply (Mishnah 4:1).
The only possibility is that the field itself is the enclosure, that a spot was cleared inside the field containing a four-by-four square, to be used for planting an illegal vineyard.

12 This is explained in Chapter Four, Note 28.

13 According to R. Abun bar Hiyya, why does R. Jonathan use the verse to declare that somebody can be convicted of a biblical crime by sowing one foreign kind in a vineyard since the verses are needed to establish two different standards? This question is not a repetition of the one asked at the start of this paragraph.

14 Since the verse is needed first for the more stringent standard and then for the problem of sanctification, it is impossible to think that it should not have been written.

15 He takes the verse literally, "do not sow your vineyard as *kilaim*", not, as we would think, that "do not sow" refers to a preexisting vineyard which usually is planted, not sown. The only transgression that can be punished by biblical standards, i.e., whipping, is creating a vineyard as *kilaim*, sowing while the planted vines take root.

Rebbi Yudan from Kappadokia asked before Rebbi Yose: There they say that tree seeds are called seeds but here you say that tree seeds are not called seeds. He said to him: There the verse excluded them since usually people do not call them "seeds," but here the verse added (Lev. 11:37) "any sown seed that may be sown."16

16 The text is from Tractate *Peah*, Halakhah 1:4, and is explained there in Notes 252-253. "There" is here, Tractate *Kilaim*, "here" is in *Peah*. No tree seeds form *kilaim* with grain and vegetables except grape seeds.
Rebbi Johanan said in the name of Rebbi Yannai: He who covers *kilaim* is whipped. Rebbi Johanan said to him: Is that not a Mishnah? "*Kilaim in a vineyard." How are *kilaim* possible by ploughing? It must be by covering! Rebbi Yannai praised him (Is. 46:6) "Those who pour out gold from the wallet, etc." (Prov. 3:21) "My son, they should not be removed from your eyes," (Prov. 9:9) "give to the wise that he shall become wiser," let the wise listen "that he increase in knowledge." Rebbi Simeon ben Laqish said, after all these praises I can explain it following Rebbi Aqiba since Rebbi Aqiba said that he who keeps [*kilaim*] transgresses a prohibition. Rebbi Aqiba said only that he transgresses, did he say to whip? Here we are dealing with whipping. Further, from what we have stated "Sabbatical year." Can you say that the Sabbatical year...
follows Rebbi Aqiba? Explain the Sabbatical year following Rebbi Eleazar, as Rebbi Eleazar said, one whips because of ploughing in the Sabbatical. Rebbi Johanan said, one does not whip because of ploughing in the Sabbatical. What is the reason of Rebbi Eleazar? (Lev. 25:2) "The Land should keep a Sabbath for the Eternal," a general statement. (Lev. 25:4) "Your field you should not sow, your vineyard you should not prune," detail. Sowing and trimming were in the general statement, why were they detailed? To trap with them and to tell you that just as sowing and pruning are particular as agricultural work on the earth or on a tree, so everything that is agricultural work on the earth or on a tree [is forbidden]. How does Rebbi Johanan deal with this? They are two things and two things that are specified from a general notion divide. Does Rebbi Eleazar not hold that they divide? He holds that they do not divide but instruct. Does Rebbi Johanan not hold that they instruct? It is different here because the general statement is a positive commandment and the details are prohibitions; no positive commandment implies anything for a prohibition and no prohibition implies anything for a positive commandment.

17 Since a standard vineyard is planted with four cubits between vines and rows, there is no space for a plough which needs four cubits on each side. Hence, anything sown has to be sown on the unploughed earth and then covered; the verse calls covering seeds with earth "sowing".

18 In the verse: "inform the just".

19 According to R. Eleazar, everybody agrees that ploughing in the Sabbatical year is a criminal offense, while according to R. Johanan everybody agrees that ploughing in the Sabbatical year is not a criminal offense. There is no way to single out R. Aqiba's opinion.

20 The Babylonian version of this argument is in Babli Mo'ed Qatan 3a, a tannaitic version in Sifra Behar 1. A comparison with the Babli should use only manuscripts or early editions; the
current versions have been corrupted by editors, cf. Diqduqe Sopherim ad loc. The relevant verses are Lev. 25:2-5: "(2) Speak to the Children of Israel and tell them, when you shall come to the Land which I am giving you, the Land shall rest for a Sabbath of the Eternal. (3) Six years you shall sow your field, six years you shall prune your vineyard and eat its yield. (4) But in the Seventh year, the Land shall have a Sabbath of rest; do not sow your field, do not prune your vineyard. (5) Your harvest's aftergrowth you shall not harvest, the grapes of your wild growth you shall not gather, a year of rest shall be for the Land." One's first impulse would be to consider verses (4) and (5) as a unit, following the rule known as כלל המשות לאלל (the seventh rule of R. Ismael, Sifra introduction) that details flanked by general statements have to be taken as examples, rather than for themselves, and that all activities forbidden are those described by the intersection of the intensional definitions of the examples. This interpretation led the later editors of the Babli astray. The problem is that verse 4 by itself seems to have the structure לולו יבש והלאל, a general statement followed by a particular one, which would imply that the particular statement is to be taken literally; nothing is covered by the general statement that is not covered by the particular one. This forces the Babli to conclude that even R. Eleazar agrees with the principle [anonymous in the Yerushalmi, attributed to R. Ilaï (Hila, La) in the Babli] that a positive general statement and a negative particular one cannot form a unit. [The inverse statement, that a negative general statement and a positive particular one must be considered as unrelated, is an anonymous remark in Babli Yeabamot 7a.]

If the first and the second parts of verse 4 have no direct connection, the question arises (in the formulation of Sifra Behar) whether one could think that all work is forbidden in the Seventh Year, including building roads and repairing aqueducts. The second part of the verse describes what is really forbidden. The second rule invoked here by R. Eleazar is heqqēš "trapping", meaning that a rule exemplified by different cases applies to all cases subsumed under the intersection of the intensional definitions of the examples. Everybody agrees that a rule exemplified by three different examples only applies to these three and nothing else, and a rule exemplified by one example applies to everything similar unless restricted, e.

21 The examples are separate; they cannot be used in *heqqēṣ*.

According to R. Johanan it is obvious that one is permitted to dig in it in cisterns, ditches, and caves. According to R. Eleazar, may one dig in it cisterns, ditches, and caves? If the verses have no implication for prohibition they cannot have implications for permission.

22 The Sabbatical year. If ploughing is permitted, digging certainly is.

23 The question is asked the wrong way: If R. Johanan asserts that two examples together do not prove anything, they cannot prove that something is permitted. On the other hand, R. Eleazar (following *Sifra Behar*) only prohibits work on the field and in the vineyard, certainly not digging ditches.

Rebbi Abba from Carthage said, the reason of Rebbi Johanan is (Lev. 25:3): "Six years you shall sow your field", not in the Seventh, "six years..."
you shall prune your vineyard," not in the Seventh. Every prohibition derived from a positive commandment is a positive commandment; he transgresses a positive commandment. Rebbi Jeremiah said, he transgresses a positive commandment. Rebbi Yasa said, there is not even a positive commandment! Why is it written (Lev. 25:2): "the Land shall rest for a Sabbath of the Eternal?" For the prohibitions in it.

24 In the opinion of R. Abba from Carthage, R. Johanan only asserted that ploughing is not overstepping a formal prohibition. For him, ploughing is still forbidden but the prohibition is not one of criminal law since it is formulated in a positive way.

25 He (R. Assi) sticks with the prior explanation that two simultaneous examples do not imply heqqaq; "the prohibitions in it" are the two prohibitions spelled out in the verse.

"I could think one would whip because of the additions." Rebbi Johanan explains the baraita, I could think that one would whip because of ploughing in the Sabbatical. Rebbi Eleazar explains the baraita, I could think that one would whip because of the prohibition of the first two terms. Some Tannaim state (Lev. 25:3): "Six years you shall sow your field, six years you shall prune your vineyard." Some Tanna'im state (Lev. 25:4) "Your field you should not sow, your vineyard you should not prune." He who states: "Six years you shall sow your field, six years you shall prune your vineyard," supports Rebbi Johanan. He who states: "Your
field you should not sow, your vineyard you should not prune," supports Rebbi Eleazar²⁸.

26 This is a quote from a *baraita*; a similar one, also quoted in two separate pieces, is in Babli *Mo'ed Qatan* 3b. A *baraita* starting with "I could think that . . ." always ends with showing that it is not so. The "additions" are prohibitions not explicitly stated in the Pentateuch.

27 The prohibition to work after the harvest of the year preceding the Sabbatical, two different terms, one for fields and one for orchards (*Sevi'it* 1:1,2:1). These regulations have purely rabbinical character; the Biblical prohibition extends only to a short time before New Year's Day. R. Eleazar will agree that even transgression of the latter prohibition is not punishable in court but the expression "two terms" is inappropriate since it refers to rabbinical extensions.

28 The implications of these verses for the positions of the authors have been explained in the previous paragraphs.

A *baraita* disagrees with Rebbi Eleazar²⁹. "Guard yourself" means a prohibition. And it is written: There you should present, there you should perform." Because that is written, otherwise I would have said it is a positive commandment³⁰. But that you should not say as you say regarding the Sabbath that if somebody dug a hole, made a ditch, and dug to put in a pole, he is guilty only of one offense, so similarly, if somebody slaughtered, sprinkled the blood, and presented he should be guilty only of one offense³¹. Therefore, it is necessary to say that he is guilty for each action separately.
29 The *baraita* is preserved in *Sifry Deut.* 70-71, on the verses (Deut. 12-13): "Guard yourself not to present your burnt offerings at every place you see. Only at the place which the Eternal will choose from one of your tribes, there you should present your burnt offerings and there you should perform all that I am commanding you." The first verse contains a prohibition, the second a positive commandment and because of this difference, the verses cannot be taken together in the way R. Eleazar interpreted a similar situation regarding the Sabbatical year. Hence, R. Eleazar seems to contradict tannaitic attitudes. Since in our sources R. Eleazar's interpretation of the verses *Lev.* 25:2-5 is found in *Sifra*, one may take this as an indication that *Sifra* was unknown to the compilers of the Yerushalmi, and that *Sifra* is a Babylonian compilation of tannaitic material as is traditionally asserted.

30 Verses 13-14 show that sacrificing outside the precincts of the Tabernacle or the Temple is a criminal offense (v. 13) and a disregard of a positive injunction (v. 14). The two verses are parallel, not logically consecutive as R. Eleazar would require.

31 An argument is given that R. Eleazar could justify the different treatment of an apparently similar situation.

The Sabbath prohibitions are classified under 39 categories of "main works". An action similar to one of the main works is called a derivative. For example, ploughing as a preparation for sowing and digging a hole for the planting of a tree are main work and derivative respectively. If somebody performed both a main work and one of its derivatives in error, he has to bring one sacrifice of atonement. But if he transgressed prohibitions belonging to two distinct categories, he has to bring two sacrifices. In the case of sacrifices outside the Temple, presenting the sacrifice on the altar is really the last action; it is preceded first by the slaughter of the sacrificial animal and second by the sprinkling of its blood on the walls of the altar. These actions are classified as "performing". Since the order of the actions is inverted, first "presenting" then "acting", it follows that they are distinct and that slaughter and sprinkling are not legally derivatives of presenting. (In the *Sifry*, the interpretation is that the prohibition covers only those actions that are simultaneously a criminal offense and a disregard of a positive injunction.)
Rebbi Zeira, Rav Hiyya bar Ashi in the name of Cahana: He who is planting on the Sabbath is guilty because of sowing. Rebbi Zeira said, he who prunes is like one who plants. If he planted and pruned on the Sabbath, according to Cahana he is guilty on two counts, according to Rebbi Zeira only on one count. Did not Rebbi Zeira say the pruner is like the planter, did he say the planter is like the pruner? All was included in the notion of sowing; pruning was singled out for particular stringency. Because pruning was singled out for particular stringency you want to exempt it because of sowing? There is no difference, both according to Cahana and according to Rebbi Zeira he is guilty on two counts.

32 Reading of the mss. Venice print: יטפ
33 Since Rav Hiyya bar Ashi was among the older students of Rav, Cahana mentioned here cannot be the one who went to study under R. Johanan but must be an older Sage (Cahana I) who already was a recognized authority when Rav returned from Galilee to Babylonia.
34 Sowing is the category, planting a derivative.
35 Pruning is a subcategory of sowing concerning the Sabbath just as planting is, but planting is not like pruning for the Sabbatical year since planting belongs to sowing.
36 Following the argument made for the Sabbath, it would not have been necessary to have pruning singled out in the laws of the Sabbatical. Since it is obvious that for the Sabbatical, pruning is a separate offense, pruning can be a subcategory of sowing for the Sabbath only as a stringency, not a leniency.
Mishnah 2: Domestic animal with [different] domestic animal and wild with [different] wild animal, domesticated with wild and wild with domesticated animal, unclean with [different] unclean and clean with [different] clean animal, unclean with clean and clean with unclean animal, all these are [combinations] forbidden for ploughing, drawing, and leading.37

37 The source of this Mishnah is Deut. 22:10: "Do not plough with an ox and a donkey together." It is forbidden to take animals of two different species under a common yoke either for work (ploughing or drawing a cart) or to lead them. The Mishnah mss. of the Maimonides tradition start with: "When was this said", referring to the end of the previous Mishnah that "Kilaim of animals may be raised and kept; they are only forbidden to be mated"; this is only for "domestic animal with domestic animal, wild with wild animal, domesticated with wild and wild with domesticated animal, unclean with unclean and clean with clean animal." For Maimonides, the prohibition of ploughing, etc., refers only to combinations of unclean (i.e. animals that may not be eaten) and clean (animals that may be eaten) animals. The text of the Halakhah gives some support for such a reading since it starts with a discussion of mating different species.

Halakhah 2: "Domestic animal with domestic animal, etc." I might think one cannot put a male next to a female nor a female next to a male; the verse says (Lev. 19:19) "do not cause your domestic animals to
You are only forbidden to cause to copulate but you may put a male next to a female or a female next to a male. But what did he actually do? When it ejaculates it does so by itself.

In order to commit a crime, the perpetrator has to perform a forbidden action. But if the male animal acts by itself, is not put on the female by a human, nothing has been perpetrated.

(Explanation by R. Eliahu Fulda, following the Babli Baba Mezi'a 91a. R. Moses Margalit and R. Eliahu Wilna explain: What is the crime committed by a person who causes animals to copulate by bringing the male bodily onto the female? The answer is that while ejaculation by the male is an automatic reaction, it fulfills the expectations of the human and therefore is induced by the human's action.)

Issi ben Aqabia says: It is forbidden to ride on a mule by an argument of analogy. If garments which you may wear one upon the other are forbidden in mixture, you are certainly forbidden to ride on [a mixture of] animals you may not lead together. But is it not written (2Sam. 13:29): "Each one rode on his mule and they fled"? One does not learn from a king's family. But is it not written (IK. 1:33): "Let my son Solomon ride on my she-mule"? That was a creature from Creation.

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Tosephta Kilaim 5:6. The Tosephta rejects Issi's argument since it is written about David that he did all that was right in the eyes of the Eternal (IK. 15:5).
Gur Arieh, Issi ben Jehudah, Issi ben Gamliel, Joseph the Babylonian, Joseph from Hutsal, and maybe Rav Assi.

It might be permitted to wear a woolen coat over a linen garment but it is forbidden to wear any garment containing both wool and linen; cf. Chapter Nine, end of Halakhah 7.

They will not listen to religious authority.

A wild animal, spontaneous offspring of a wild horse and a wild ass.

Rebbi Hama bar Uqba said in the name of Rebbi Yose ben Rebbi Hanina, he who leads kilaim by voice will be whipped. We have stated so: "If he led it, if he made it draw, if he called it and it came, he is responsible to pay like a borrower." But did not Samuel state: "If it was standing outside the Sabbath domain, he called it and it came after him, he is free." There it comes of its own volition, here it is forced to walk. But did we not state: "If he clapped before his [a slave’s] eye and blinded it, before his [a slave’s] ear and made it deaf, he [the slave] does not attain freedom." Rebbi Eliezer ben Rebbi Yose said before Rebbi Yose, there is a difference because he [the slave] could have fled. Know that it is so because we have stated: "If he grabbed him he is guilty."

44 A student of R. Yose ben Hanina and teacher of Rebbis Jeremiah, Jonah, Yose.

45 In the Babli, Baba Mezi’a 90b, this is a disagreement between R. Johanan and R. Simeon ben Laqish.
The argument there is only whether speaking is considered an action, not as in the Yerushalmi that the yoking together of two animals of different species prepares the transgression.

46 If a person takes an animal which is not his in any of the ways indicated, he becomes responsible for all damages incurred as if he had borrowed the animal, until he formally returns it to its owner. In the Babli (Qiddusin 22b) and the Tosephta (Qiddusin 1:7), a parallel statement is given referring to acquisition of movables. In talmudic theory, payment alone does not transfer property; the property bought must be acquired by actually taking possession of at least some of it. If somebody bought a herd of cattle and then called one of them and it came, he has acquired the herd.

47 If his cattle was standing outside the domain he could walk in on the Sabbath (2000 cubits from the edge of his town) and he called it back, he has not infringed on the laws of the Sabbath since he did not actually step outside his domain. Hence, calling cannot be the same as actually leading.

48 Since leading two animals of different species is forbidden only if they are somehow bound together, which restricts the freedom of each animal to walk according to its own volition and makes the human the overpowering influence. The Babli (Baba Mezi'a 90b) seems to reject this argument by noting that if somebody bound two animals together and then another person came and drove them, or if somebody muzzled the mouth of an ox far away from grain and another person then led it to thresh grain, only the second person is guilty in either case. This rule is accepted in Yerushalmi Terumot 9:4 (fol. 46d); it is considered irrelevant as argument here.

49 A slave gains his freedom if he is severely injured by his master (Ex. 21:26-27). If the master hits the slave on his body, the slave goes free; near the body only if the slave could not move away. Similarly, for kilaim the rancher is responsible only if he restricts the freedom of movement of his animals.

The parallel discussion is in Babli Qiddusin 24b.
Mishnah 3: The driver absorbs the forty and the one sitting in the cart absorbs the forty. Rebbi Meir frees him from prosecution. A third animal tied to their harness is forbidden.

50 This Mishnah deals with a cart (Greek κάρρον, τό, "car, cart"; cf. κάρρος, ó, Latin carrus, carrum, "two-wheeled cart") drawn by two animals of different species. "Absorbing the forty" means being punished by 39 lashes.

51 This reading is supported by Sifry Deut. 231, Babli Baba Mezi'a 8b, against the opinion of Samuel who exchanges the positions of R. Meir and the rabbis.

52 If a cart is drawn by two animals of the same species and a third animal is tied not to the cart but to the harness of the other two, it is forbidden but not criminally prosecutable. [According to Maimonides, a qaron is not a cart but a train of two carts, from Arabic קָרֹן "to bind two things together". If one sits in the first of two carts one is criminally liable; if a third cart is added at the end one is forbidden to sit there.]

Halakhah 3: He who sits in a cart, the rabbis say he is a weight, Rebbi Meir says, he is no weight.

53 In the Venice print and Leyden ms, this is still part of Halakhah 2.

54 The rabbis assert that the animal tied to the cart absorbs the forty.
Originally there were only two as it is written (Gen. 41:43): "He made him ride in his two-horse carriage." Pharaoh came and made them three, as it is written (Ex. 14:7): "three-horse over everything." The evil kingdom\(^55\) arose and made it four.

\(^55\) A standard name for the Roman government.

Mishnah 4: One does not tie a horse to the sides or the back of a cart, or a Libyan donkey to camels. Rebbi Jehudah says, all animals born from a horse are permitted one with the other even if their father was a donkey, all animals born from a donkey are permitted one with the other even if their father was a horse, but those born from a horse are forbidden with those from a donkey.

Halakhah 4\(^56\): "One does not tie a horse to the sides or the back of a cart." It is stated\(^57\): Rebbi Meir frees from prosecution. If it supported, whether in ascent or in descent, everybody agrees that it is forbidden.
Rebbi Johanan said, because either one carries the laziness of the other. Rav says, because the rope is carried between them.

56 In the Venice text, Halakhah 3.
57 In both Sifry Deut. 231, Tosephta Kilaim 5:4, it is stated that R. Meir permits it; in his opinion it is not a non-prosecutable misdemeanor but is unquestionably permitted. The reason is stated in Sifry: Since it says, "do not plough with ox and donkey together", any use that is not together is permitted.

58 Since the ox before the cart and the horse tied to the cart do not walk with the same speed, they both influence the movement of the cart and are "together". In antiquity, horses were used for riding and drawing chariots but never civilian carts.

Rebbi Jeremiah asked: If he bound them by their hair, Where do we hold? In case he bound them together by their hair, should we say that it is forbidden to let one animal ride on another? If he tied them by a rope, we say because they carry the rope between them. Rebbi Jonah said, Rav and Rebbi Johanan disagree, Rebbi Johanan said, because either one carries the laziness of the other. Rav says, because they carry the rope between them. What is the difference? Both according to Rav as also according to Rebbi Johanan, if he bound them by their hair he is not punishable!

59 Is this permitted or forbidden? 60 In this case, they cannot draw anything.
If no rope is used, the argument of Rav does not apply. Since the animals will not be able to draw if the cart is attached to their hair, the argument of R. Johanan does not apply.

And not a Libyan donkey." Some Tannaim state: "Not a nybrqvs." He who says libdēqēs on the name of Libyan and (Dan. 11:43) "Lybians and Nubians in His train." He who says nybrqvs 'bhts, What is 'bhts? A mounting donkey. Rebbi Jonah: Rav Hoshaia asked: Do proselytes from Libya have to wait three generations? Rebbi Jonah from Bostra said, from what we see that they call a green Egyptian bean Libyan but a dry one Egyptian, that means a proselyte from Libya has to wait three generations, it means that Libya is identical with Egypt.

Reading of the Rome ms. The word is missing in the Leyden ms. and Venice print.

A parallel text is in Šabbat 5:1. A very detailed study of the first six sentences here and in Šabbat was done by J. N. Epstein, מונע לארח ימשנה 2, Jerusalem 1964, pp. 97-99, where all variant readings of the names here, in Šabbat, and Gen. rabba are collected and commented on. The vocalization of ליבדיקס is from the Kaufmann ms. of the Mishnah.

Perhaps the ending םידע refers to Latin equus "horse", "Libyan animal of the horse family" (E. G.).

An unexplained word that was unknown even to the rabbis of the Yerushalmi. The Arukh reads יברקיס, explainable by a change of liquids, l - n. Perhaps also a composite of equus, "Nubian animal of the horse family" (E.
The parallel in "Sabbat" reads קֶבֶרָבָתָה, poetic for קֶבֶרָבָתָה "stallion". J. N. Epstein points out that because of the nasal pronunciation of מ in Galilean speech, an m can easily be inserted or disappear, so that קֶבֶרָבָתָה and קֶבֶרָבָתָא are really one and the same and the text in "Kilaim" is not necessarily a corruption of the text in "Sabbat".

Amora of the third generation, Babylonian student of Rav Jehudah and Rav Huna, who went to Galilee with his brother and became prominent in the academies of the successors of R. Johanan. The two brothers earned their livelihood as shoemakers; their main customers were prostitutes who used to swear by the lives of these holy rabbis who never even looked at them.

Deut. 23:8-9 prescribes that an Egyptian proselyte and his direct offspring may not marry anyone born to Jewish parents. (The discussion is purely theoretical since one holds that the political upheavals already from the time of Sanherib did displace all peoples originally mentioned in the Pentateuch, Mishnah Yadayim 4:4; cf. Sulhan "Arukh Even Ha'ezer 4:10.)

Amora of the fifth generation, mentioned in connection with R. Mana and Rebbi Huna.

A bean is لوبیا lubia in Arabic and Farsi; according to N. Brüll, the name is originally Coptic.

Rebbi Isaac bar Nahman in the name of Rebbi Hoshaiah: Practice follows the student. The words of the Sages are that all kinds of mules are the same.

The "student" here is Rebbi Jehudah. It is implied that the opinion of the "Sages", that all kinds of mules are the same and may be mated with one another, is the opinion of R. Jehudah's teacher R. Aqiba. The ruling is also reported in the Babli (Ketubot 111b). In the generally accepted opinion of Maimonides, based on the Babli but which can be supported by the position of the "Sages" here, R. Jehudah is restrictive: Only mules of the same kind of mother can be mated, not different kinds of mules nor mules with the pure species of their mother ("Kilaim" 9:6-7). R. Jehudah holds that among animals the father counts; the Sages take the opposite position.
These are its signs: Rebbi Jonah says, if it has small ears, its mother is a horse and its father a donkey; if it has large ears its mother is a donkey and its father a horse. Rebbi Mana ordered those of the patriarch's estate: If you want to buy a mule, you should buy one with small ears whose mother is a horse and whose father is a donkey.

An almost identical text is in a practical criterion of how to have a practical criterion of how to distinguish between the two kinds of mule that cannot be mated.

The white is from the male, from him are brain, bones, and sinews. The red is from the female, from her are skin, flesh, and blood. But breath, life force, and soul are from the Holy One, may He be praised; all three are partners in him.

"Him" is the child. A much more detailed explanation of the talmudic theory of heredity is in Babli Niddah 31a. Since the text here deals with animals, the paragraph is somewhat out of place since animals are said not to have "soul" but only "the animal force of life."
Rebbi Abba, Rav Jehudah in the name of Rav: The Sages agree with Rebbi Jehudah in the case of a horse from a horse from a donkey with a donkey from a donkey from a horse. Rebbi Haggai, Rebbi Zeïra in the name of Rebbi Issy: descendants of she-goats and ewes are forbidden one with the other. If it were not so, why do we say "a goat from a goat from a ewe with a ewe from a ewe from a goat."

74 Reading of the Rome ms. Venice: p p kVi.
75 The Sages hold that any two animals half horse and half donkey can be mated, but not an animal \( \frac{1}{2} \) horse with an animal \( \frac{1}{2} \) donkey.
76 The otherwise unknown must be 'CR (Issy, Assi, Yasa), one of the known teachers of R. Zeïra.

Mishnah 5: Perotiot are forbidden and wild horses are permitted. A great ape is a wild animal; Rebbi Yose says they cause impurity in a tent like a human. The hedgehog and a squirrel mole are wild animals. About the squirrel mole, Rebbi Yose says that the House of Shamai say it defiles in the amount of the volume of an olive in carrying, but in the volume of a lentil by touch.

77 All commentaries depending on gaonic sources declare these to be mules about which it is unknown whether their mother was a horse or a donkey and whose ears do not allow to determine the species of their mother. This implies that the opinion of R. Jehudah in the preceding Mishnah is accepted here as opinion of the anonymous majority and, therefore,
practice to be followed. This would make superfluous the statement of R. Isaac bar Nahman in the preceding halakhah. Now in Arabic, يُرُدُّ من غير or "a horse which outruns all others" (from the root نُرُدُ "to surpass"). It might be that the entire sentence speaks of horses and that thoroughbreds are considered a separate species created by what today would be called genetic engineering, while wild horses are the same as a standard domesticated horse. (Cf. also Medieval Latin paraveredus, parifredus "horse" (E. G.).)

77 Definition of Maimonides.

79 Maimonides explains by Arabic كَتَرٍ يُمَتّ "a fabled animal having only one foot," in accordance with the halakhah here, but in his commentary to Mishnah Yadayim 1:5 he notes that an ape يُمَتّ in Egypt is called نَمْسَة (in modern Farsi, it means Orang Utan). Rebbi Yose holds in Yadaim 1:5 that a great ape is not a human but the Sages there disagree.


81 Biblical רַעַץ. The Arabic quoted by Maimonides, مَأَرَى, means either "rat" or "hedgehog."

82 Biblical וֹויֹו, the Biblical יָלַד, means "mole" (Hagigah 1:5, fol. 80c). In Lev. 11:29, the mole is classified with the "crawling things". The problem is with the qualifier נַעַץ (or סִינָא), which the older commentaries derive from סְמָנָא "small bush, tree producing fruit every second year", but it is difficult to see a mole living in a bush. Maimonides describes the animal as "a kind of fox looking like a mole". If this animal is classified as "wild animal", its carcass or parts of it will make impure if touched or carried (even without touching) but only if there is at least the volume of an average olive; if it is classified as a "crawling thing" it does not make impure by being carried, but by touch it makes impure already by the volume of a small lentil.

Halakkhah 5: "Perotiot are forbidden and wild horses are permitted."

Rebbi Ammi in the name of Rebbi Eleazar: Ramak is without χαλινος "bit". As one says (Est. 8:10): "the sons of wild horses".

(fol. 31c) רקא מְלַאּ כל（笑. כָּפַה לְהִימָר בֶּן קְרֵמָא).

Halakkhah 5: "Perotiot are forbidden and wild horses are permitted."

Rebbi Ammi in the name of Rebbi Eleazar: Ramak is without χαλινος "bit". As one says (Est. 8:10): "the sons of wild horses".
While in Arabic, \( \text{Ramāk} \) is a mare, R. Ammi insists that in the verse the masculine ending is appropriate and the horses used by the Persian imperial mail were born to domesticated mares but sired by wild (unbridled) horses.

"Field Stones" \(^84\) is an animal. Yassi from Arke: It is a mountain man and lives from its navel. If its umbilical cord is cut, it cannot live. Rebbi Hama bar Uqba in the name of Rebbi Yose ben Hanina: The reason of Rebbi Yose (\( \text{Num. 19:16} \)): "All that touches [a slain person] on the surface of the field", when it grows on the field.

\(^84\) Reading of the Venice print; the Leyden ms. has two dots over the \( \text{ב} \). But also in \( \text{Sifra Šemini 41615} \) it is stated on \( \text{Lev. 11:27} \): "All that walks on its soles' that is the monkey, 'all that walks' includes hedgehog and squirrel mole, field stones and seals." for \( \text{אובני השדה} \) refers to \( \text{Job 5:23} \): "Your covenant is with 'field stones'."

\( \text{Yaror}^{85} \) and ostrich are like birds in all respects. The snake is like a wild animal.

In Tosephta \( \text{Kilaim 5:8} \). From the context, the name must refer to a walking bird, with a voice resembling that of a jackal. The word was used for birds both in Symmachos and the Peshitto, cf. R. S. Lieberman, \( \text{Hosattefim hir'am ha-Sha'ar} \) (New York 1956) p. 652. The determinations here refer to the rules of defilement by dead animals. The rule for the snake is given in \( \text{Lev. 11:42} \) which states that "all that walk on their bellies and all that walk on four legs" follow the same rules.
Rebbi Ḥiyya in the name of Rebbi Johanan: There are six unresolved doubts. The caper-bush among trees following the House of Shammai, clay vessels like potash vessels following the House of Shammai, the squirrel mole among the crawling things following the House of Shammai; the Egyptian bean among seed-vegetables, the hermaphrodite among humans; the koi among wild animals according to everybody. Rebbi Hama bar Uqba said, also the trīqsīn cubit. What is the trīqsīn cubit? Rebbi Jonah from Bostra said, confusion, "what is inside-outside?" Rebbi Yose said, since it is written (IK. 6:17) "forty cubits was the House, that is the inner Temple," it means it is counted inside. Rebbi Mana said to him, but it is written (2Chr. 3:8) "He made the holiest of holies twenty cubits long and ten wide," that means it is counted outside.

86 In Halakhah 5:6, the House of Shammai make the caper-bush subject to the restrictions both of vegetables and of trees (Note 92).

87 Tosephta Kelim Baba Qama 2:1: "Vessels made of potash, the House of Shammai say they may become impure from the inside and their airspace like clay vessels and from the outside like metal vessels." Clay vessels cannot become impure if an impurity touches their outside, cf. Berakhot Chapter Eight, Note 51.

88 In the Mishnah here.

89 Halakhah 3:2.

90 Whether he is treated as a male...
or a female. This is detailed in Tosephta Bikkurim 2.

91 Tosephta Bikkurim 2:1. Ḥulin 80a: "Koi is the wild goat; some people say it comes from a male goat and a female deer. Rebbi Yose said, koi is a separate species and the Sages were unable to decide whether it follows the rules of domesticated animals or those of wild animals." The difference between domesticated and wild kasher animals is explained in Chapter 1, Note 104.

92 The space in the Temple between the holy and the holiest of holies parts. The problem is whether it is part of the Temple hall or of the holiest of holies.

93 Jastrow's explanation is Greek τάραξιν, accusative of τάραξις "confusion". [Maimonides (Commentary to Middot 4:7) declares the word to be the name of the dividing wall in the first Temple.] A Gaonic commentary to Yoma explains by an Arabic word דאשנה of unknown meaning. Arukh and Rashi declare (spelling of Mishnah Middot 4:7) to be a Greek word and "inside-outside" its meaning. Compare Latin intro, adv. "inside" and extra, adv. "outside" for composite inTREXtra (E. G.).

94 Since no provision is made for the wall, the wall is not part of the main part of the main room of the Temple but must be under the rules of the holiest of holies.

95 That verse is badly misquoted: יתב אמתו ושעריו וה뚱 אמות ושעריו. It makes no difference for the objection.

Mishnah 6: The bison is a domesticated animal; Rebbi Yose says a wild animal96. The dog is a wild animal; Rebbi Meïr says a domesticated animal. The pig is a domesticated animal, the wild donkey a wild animal.
Elephant and monkey are wild animals. A human is permitted to plough and draw with all of them.

96 For the Sages one is permitted with an ox and a bison yoked together; to mate bison and cattle and to plough for R. Yose it is forbidden.

Halakhah 6: "The bison is a domesticated animal." The rabbis say it was from here and escaped there. Rebbi Yose says, its roots were from there. Hence an ox and a bison are not *kilaim*, not following Rebbi Yose, since Rebbi Yose says it is *kilaim*. But those who translate "wild oxen and antelopes" follow Rebbi Yose.

97 "Here" is agricultural society, "there" is the wild. The rabbis consider bison as cattle that became wild.

98 Targum Pseudo-Jonathan translates *Deut. 14:5* as *אֶין גַּלַּאְלֵי בְּרֵי אֲשֶׁר חָרְגָּהוּ הָאָרֶץ לְאֵת נַפְעָלָם נֶפֶשׁ כָּלָּאֵם*.

Rebbi Abba in the name of Rebbi Samuel: Goose and desert goose are *kilaim* one with the other. About goose and sea goose, Rebbi Judah ben Pazi stated in the name of Bar Dalaiah and we do not know what he stated. It is a conclusion *a minori ad majus*: If you say they are forbidden when both of them are on dry land, so much more if one is on dry land and one at sea.
"A person is permitted to plough and draw with all of them." It is written (Deut. 22:10): "Do not plough with an ox and a donkey together." (Sifri Deut. 231) You may not plough with an ox and a donkey but you may plough with an ox and a human, a donkey with a human.
Mishnah 1: Only wool and linen are forbidden as *kilaim*. Only wool and linen can become impure by mold disease. Only wool and linen are worn by priests for their service in the temple. If one mixed camel wool and sheep wool, if most is camel wool it is permitted, if most is sheep wool it is forbidden, half and half is forbidden. The same applies if hemp and linen are mixed.

1 This chapter deals with *ša'atnez* (Lev. 19:19, Deut. 22:11) defined as mixing of linen and wool.

2 *Lev.* 13:47-59. Wool and linen are the only textiles mentioned there but leather is under the same rules.

3 The materials decribed in Ex. 28:5 are interpreted to be gold, wool died dark blue, purple, crimson, and fine linen. Gold was used only for the garments of the High Priest.

4 Since the prohibition is biblical, in case of doubt the prohibition prevails.

5 Latin *cannabis*, also *cannabum*; Greek *kάνναβις*, *kάνναβος*.
Halakhah 1: "Only [wool and linen] are forbidden as kilaim". It is written (Deut. 22:11): "Do not wear ša'atnez, wool and linen together." I would say one is only forbidden to wear it; the verse says (Lev. 19:19): "It shall not come on you." If it shall not come on you I would say one may not carry a chest on his back; the verse says "do not wear." Since a garment is specifically useful to the body, [included are] only things useful to the body. Why was it said that "it shall not come on you?" Rebbi Niḥa bar Sava, Rebbi Johanan in the name of Rebbi Zeira, if there was a large piece of cloth, in a part of which was kilaim and that part was lying on the ground, one cannot cover himself with the other part. I would say, it includes even sea flax, even hemp; the verse says "wool and linen"; just as wool cannot have an epithet so nothing else can have an epithet. From where that [wool] has no epithet? Rebbi Joshua ben Levi said, it is written (2K. 3:4) "Mesha', the king of Moab, was a nōqēd;" what is a nōqēd? A shepherd! "He delivered to the king of Israel 100'000 lambs and 100'000 wool rams." Only ram's wool is called "wool".

6 Reading of the Rome and all 7 In Sifry Deut. 232, the text is Sifry mss. Venice: "I would say somewhat more complete: "I would say
one is only forbidden to wear it; from where do we know that one may not cover oneself with it (in a blanket)?"

8 A peddler's chest full of textiles to peddle to Gentiles.
9 A Galilean Amora of the fifth generation, student of R. Jonah. Since R. Zeira was R. Johanan's student, it is clear that the second name in the list must be "R. Jonah". In the Babylonian tradition, this is a Tannaitic statement (Tosephta Kilaim 5:13).

10 Shell silk, also called "byssus", from threads, excreted by shells under water, which harden when exposed to air, used already in antiquity.

11 All others carry the name of the animal from which they come as an epithet.

"Only wool and linen can become impure by mold disease," for it is written (Lev. 13:47) "on woolen cloth or on linen cloth." I could think they can become impure whether dyed or natural; the verse says "woolen cloth or linen cloth." Just as linen is in its natural state so wool must also be in its natural state. I might exclude what was dyed by humans but not what was dyed by nature; the verse says (Lev. 13:48): "For the linen and for the wool", just as linen is white so wool has to be white.

12 Sifra Paršat Nega'im 13(3-4). It seems that the name of was used only for undyed linen cloth; dyed cloth had other names.
13 The implied definite article restricts this to what is certainly called linen and woolen cloth, not ולשש ששת, כפירות, etc. The Babli (Bekhorot 17a) quotes a baraita using the same verse to exclude wool from kilaim of sheep and goats.
We have stated two rules and they do not resemble one another. We have stated: Only wool and linen are forbidden as *kilaim*, whether dyed or white. We have stated: Only wool and linen can become impure by mold disease, but only white. Rebbi Jonah from Bostra asked before Rebbi Mana: There, you say "whether dyed or white", but here you say "but only white"? He said to him, there is a difference because the verse repeated twice "wool, wool"; just as linen is in its natural state so also wool must be in its natural state.

14Rebbi Zeira said: It is written (Lev. 16:4) "He shall wear a garment of holy *bad,*" growing singly. But wool also grows in single strands. It is explained in tradition (Ez. 44:17): "There should be no wool on them when they officiate inside the inner doors." Therefore, on the outside...
wool may be on them. From where that they may wear kilaim? As it says (Ex. 39:28): "The cap of byssus, the hat-turbans of byssus, the cloth trousers of spun byssus, and the belt of spun byssus, blue, purple, and crimson." And it is written (Ez. 44:18): "Linen turbans shall be on their heads, linen trousers shall be on their hips, they shall not belt with sweat." You infer "byssus" from "byssus", "byssus" from "turbans", "turbans" from "turbans". Just as crimson is made from a living being, so the rest is made from a living being. Just as wool cannot have an epithet so linen cannot have an epithet.

14 This refers to the priestly garments mentioned in the Mishnah. A parallel is in Babli Yoma 71b.

15 Since רֶב can mean (1) single strand, connected with Hebrew וֶרֶב, Arabic א, "to separate", or (2) linen cloth. It is not explicit in the text that the garments of the High priest for the service of the Day of Atonement have to be of white linen. The meaning (2) of רֶב is established in this paragraph. In Sifra Ahare 1(3) רֶב is taken to mean "double cloth".

16 Nothing here proves that ر means linen cloth, not woolen cloth; this shows that the modern acceptation of ר "cloth (of any kind)" was current in the times of the Yerushalmi.

17 In order to make the point clear, the verse is slightly misquoted, "inner doors" instead of "the gates of the inner courtyard". Since the courtyard served for the priests had no gates, the sentence is taken as referring to the triqsin cubit (Chapter 8, Note 93).

18 One has to prove that "blue, purple, and crimson" mentioned in the description of the priestly garments and the gobelins of the Tabernacle always refers to blue, purple, and crimson wool.

19 This proves that שֶש means "linen cloth". שֶש is defined by its use as material for the priests' turbans, which are described as made of linen by Ezechiel. [The Babli (Note 14) interprets שֶש to mean "spun six-fold"; this is not known to the Yerushalmi.]

20 Since the red color of crimson is made from insects [Sifra Mezora' (14)], so the material of the series in which crimson appears should be of animal origin. (In Hebrew, the terms וְסִיסו and וַיְסִיס only apply to animals, never to
plants.) Therefore, it should be some kind of wool. The next sentence then refers back to the discussion that only sheep’s wool and linen do not need a qualifier in their descriptions.

Rebbi Jonah, Ulla bar Ismael in the name of Rebbi Eleazar: Blended wool and flax are forbidden. What can one do? One adds more than a pound of camel’s hair and makes it insignificant. Abba bar Rav Huna in the name of Rebbi Jeremiah: Blended wool and flax are neutral. Rav said, they are forbidden in mixture. Do they disagree? Rav speaks about the case when he made the material itself into a garment, Rebbi Jeremiah speaks about the case where he wants to mix it with other things.

21 It is a general principle in Jewish law that one may not neutralize a prohibited substance by mixing it with a large quantity of permitted material. R. Eleazar notes that the Mishnah here decrees a remarkable exception in that wool and flax blended before spinning can be made acceptable by using for every pound of

neutral material. This does not apply to woolen or linen threads which together in one garment always constitute kilaim.

22 He is Rav Jeremiah in the Babli. Since R. Jeremiah already was an authority in Babylonia before the title "Rav" was introduced, the title "Rebbi" is more correct.

"רבי חלול וב רביה תלס קוה על בַּבֶּד בַּשָּׁלֵשׁוֹם ריבא דינר (יְהוֹהָהוֹ לְרָבִי)" (מָעָא) בְּכַלָּאֶמֶס בַּשִּׁרְפָּא. רָבִי מַגְּא קוה על בַּבֶּד בַּשָּׁלֵשׁוֹם ריבא דינר יְיֹכְבָּהוֹ לְרָבִי קוה בַּבֶּד בַּשָּׁלֵשׁוֹם. אֵם רָבִי
Rebbi Hillel ben Rebbi Vales had a garment worth 30'000 denar, (he gave it to Rebbi who) found *kilaim* in it and burnt it. Rebbi Mana had a garment worth 30'000 denar. He gave it to Rebbi Hiyya bar Ada and told him that he had bought it for the dead. He kept it until he was wrapped in it. Rebbi Ḥaggai said, Rebbi Samuel bar Isaac brought a garment from the cleaner; there were on it ten threads and he rubbed them off. Rebbi Ḥaggai said, Rebbi Samuel bar Isaac commanded his house not to put a bale of wool next to a bale of flax because of the fibers.

23 Missing in the Rome ms.
24 Cf. Chapter 1, note 30. Probably Rebbi (Jehudah Nesia) suspected the garment to contain the very expensive Egyptian byssus, used to make transparent garments. The denars here are the worthless money of the military anarchy.
25 Shrouds for the dead may contain *kilaim*, cf. Mishnah 4 and Halakhah 4.
26 When he had died.
27 The threads might be *kilaim*. Even though they were only clinging to the garment, were not sown on or otherwise permanently affixed and never could be legal *kilaim*, he insisted of removing all potential *kilaim*.
28 The fibers that might be blown from one bale to the next. Latin *fibra*, *ae*, "fiber, filament", but also cf. Note 153.
Mishnah 2: Raw silk and kalak silk are not subject to kilaim but are forbidden because of the bad impression\textsuperscript{29}. Mattresses and pillows are not subject to kilaim but one's skin should not touch them. There is no provisional kilaim\textsuperscript{30}. One may not wear kilaim over ten other garments\textsuperscript{31}, not even to trick the customs.

\textsuperscript{29} Since raw silk looks like flax and kalak silk (cf. Note 33) like wool.

\textsuperscript{30} One may not wear kilaim even temporarily as explained in the next sentence.

\textsuperscript{31} In this case one does not need the kilaim garment as such and derives no bodily comfort from it. Since customs officials are dishonest and charge more than the legal amounts, one does not have to be honest with them, cf. Demay 2:3.

Halakhah 2: "Raw silk and silk noil". Raw silk is μεταξα\textsuperscript{32}. Kalak silk is imperial 'gbyn\textsuperscript{33}. Rabban Simeon ben Gamliel said, I went around among all sea-faring men and they told me that it was called kalka.

\textsuperscript{32} Greek "raw silk", early Latin form mataxa. The Babli, \textit{Sabbat} 20b translates "כָּלָם קַלָּק" or שְׁרִיּוֹת קָלָק, i.e. sera "silk" (Syriac, Aramaic), מַדָּא (parand, Arabic firind) "silk" (Persian, Arabic). Also compare sera with Latin sericum "Chinese stuff, silk."

\textsuperscript{33} The Rome ms. here has קָלַלָק the mss. in Mishnah \textit{Sabbat} 2:1 have קָלַלָק. R. Simson and R. Isaac Simponti read קָלַלָק. In \textit{Sabbat}, Maimonides explains "כָּלָם כְּלָלָם by "silk"; the expression there is usually taken to mean "silk noil". Rabban Simeon ben Gamliel explains that the current trade name in the Eastern Mediterranean was kalka, cf. Greek κάλαχη, ה "murex, purple dye". The reading קָלַלָק is possibly a
contraction from הערן "purple"; the determination of צל as "imperial purple" parallels חלף. The Yerushalmi seems to define צל as "purple silk (E. G.)."

"But they are forbidden because of the bad impression." Rav said that everything forbidden because of a bad impression is forbidden even in the most private room. A baraita contradicts Rav: "One should not make a visible fringe of linen dyed with soot, but for mattresses and pillows it is permitted." A baraita contradicts Rav: "If one's coins were strewn before an idol he should not bow down to collect them lest he look as if he was prostrating himself before the idol. But if it occurred at a hidden place it is permitted." A baraita contradicts Rav: "In a fortified place one should not put his face on gargoyles in the form of faces lest he look as if he was kissing an idol. But if it occurred at a hidden place it is permitted." A Mishnah contradicts Rav: "One does not slaughter into a..."
pit in the ground but he may dig a pit in his house so that the blood may be collected there. In public, he should not do it so as not to imitate the sectarians.37" A baraita contradicts Rav: "Once he arrived at the outermost courtyard he may spread them out in the sun but not where it is generally visible.38" A baraita contradicts Rav: "One does not pour water on the Sabbath into a sewage pipe covered the length of four cubits.39" We have stated on this: If water was flowing in it it is permitted, in the winter it is permitted. If aquaeduct pipes spout it is forbidden. Bar Qappara stated that if it occurred at a hidden place it is permitted40. All these statements contradict Rav and he cannot explain them.

34 In Babli Sabbath 64b, 146b, Bezah 9a, Avodah Zarah 12a this is accepted practice while it is rejected in the Yerushalmi, cf. Roš Sabbath 22:9.
35 Since linen usually is bleached, not dyed, this will look like wool. Nevertheless, such decorations are permitted in the bedroom and only forbidden where others may see them and suspect the owner of wearing kilaim.
36 This and the following baraita are found also in Tosephta Avodah Zarah 6:4,6 and Babli Avodah Zarah 12a. Instead of "if it occurred at a hidden place it is permitted", these Babylonian sources read: "If it cannot be seen it is permitted." This is reinterpreted in the Babli to mean: "If he can arrange it so that he will not be seen bowing down to (or kissing) the idol, it is permitted," for example by collecting the coins kneeling with his back to the idol. Such a reinterpretation is impossible in the Yerushalmi's version.
37 Hulin 2:9, Babli 41a. It is not known to which sect the Mishnah refers. The Babli does not count the Mishnah as contradicting Rav.
38 Babli Sabbath 146b, speaking of a man whose clothes got wet on the Sabbath who might be suspected of having washed them that day. In the version of the Babli, Rebbi Eliezer and Rebbi Simeon prohibit spreading out any clothes at all.
39 A similar text in Mishnah Eruvin 8:10, a baraita permitting to pour the water in wintertime Babli
Eruvin 88b; a parallel text Eruvin 8:10 (fol. 25b). The situation referred to is a sewage pipe leading away from a courtyard. The water poured out in the courtyard will run into the pipe and flow away into the public domain. While no Sabbath prohibition has been violated by pouring out water in one's own private courtyard, the water flowing in the pipe will give the impression that it was poured into the public domain, a desecration of the Sabbath. The rabbinic prohibition of pouring water does not apply if either the pipe is covered all the way or if the pipe was carrying water before anything was poured out into the courtyard.

Against the opinion of Rav. This statement is not in the Babli.

מפעתת אבר בכותל על גם המקיים אמיתת ריקי אסורה.

"It is permitted for mattresses and pillows." That means if they are empty but if stuffed they are forbidden. When they are put on a stone bench, but on a bed they are forbidden even empty.

41 Quote from the baraita in the preceding paragraph. The reasons are Halakhah.

הרי שקיה ממקל בושק (גמרא לבוש كلمים חרות מקום תמורים זה אפור אסור)
והנה אמר מוכתר מאי אם אبحر חרות ומאן אםím מוכתר קמה
ואמר רביעי עדן כלב קרביס שוחה דרכוה אמת ממצתה על מועשיה ששת

If somebody was walking in public and discovered that he was wearing kilaim. Two Amoraim, one said he is forbidden, the other one said he is permitted. The one who said he is forbidden, because it is a word of the Torah. The one who said he is permitted follows what R. Zeira said: The dignity of the public is important enough to temporarily override a prohibition.

43
42 He has to strip off the garment immediately.
43 In the Babli, *Berakhot* 19b, *Megillah* 3b this statement is anonymous, possibly tannaitic, and unopposed. In the Babylonian version, the reason is self-esteem (כבוד האדם) rather than the dignity of the public.

It was stated: One does not investigate for a dead person nor in the house of study. Rebbi Yose was sitting and teaching where a dead body was present. He did not say anything either to those who left or to those who remained sitting. Rebbi Immi was sitting and teaching when one said to his neighbor: you are wearing kilaim. Rebbi Immi told him: strip yourself of your garment and give it to him.

44 A place of public assembly.
45 Cf. *Berakhot* Halakhah 3:1 (Notes 68,69). The story is inserted here to emphasize the statement of R. Zeira, that in the house of study one tolerates not only temporary transgression of the law of kilaim but also of the prohibition of defilement of Cohanim.

It was stated: There is no provisional kilaim in the Temple. But did we not state: A Cohen who stepped outside to talk with somebody, if it was for any length of time he needs immersion, if it was for a moment he needs to wash hands and feet? One for the golden garments, the other for the linen garments.
46 Since the belt of the Cohen was kilaim, he was not permitted to wear priestly garb outside the Temple precinct even for a second. In the Babli, *Tamid* 27b, there is a dispute whether the belt of a simple priest was kilaim.

47 *Tosephta Kippurim* 1:16, formulated only for the High Priest. A parallel in Babli *Zebahim* 20b is formulated for a common priest: "If he stepped outside the wall of the courtyard, if it was for any length of time . . ." It is explained that he stepped outside to relieve himself. Since the lavatory for priests was subterranean (*Mishnah Tamid* 1:1), not holy and not profane, the prohibition of kilaim does not apply there.

48 If the Cohen is forbidden to leave the Temple precinct in his priestly garment, how could the case of the *baraita* ever arise? The answer is that this was possible only for the High Priest on the Day of Atonement when he wore linen garments; he might not leave the precinct if he wore his "golden" garments that were all kilaim except for his hat. It is reported in *Mishnah Yoma* that sometimes the High Priest spoke to the king (or a visiting foreign king) during the few breaks he had on the day of Atonement.

(Lev. 19:19) "[Kilaim cloth] shall not come upon you." You are permitted to spread it out under you but the Sages said one should not do it lest one thread should be over his flesh.

49 *Sifra Qdeošim Pereq* 4(18), Babli *Bezah* 14b. The Babli is much more restrictive and decrees that one may not sit on a kilaim carpet even if the latter is covered by ten layers of unobjectionable material.
Mishnah 3: Hand towels, scroll wraps\(^{50}\), towels of the bath attendant\(^{51}\) are not subject to \textit{kilaim}. Rebbi Eliezer forbids. Barber's towels are forbidden for \textit{kilaim}\(^{52}\).

\(^{50}\) The covers of Torah scrolls. Wrappers of other book scrolls are not subject to \textit{kilaim} even for R. Eliezer.

\(^{51}\) The גַּלְגָּלָה is the bath attendant using the מָשֵּׁשׁ, Greek σφόνγκροος "sponge". These are put on the client's shoulders and breast, they are "on him".

\(^{52}\) These are put on the client's shoulders and breast, they are "on him".

Halakhah 3: "Hand towels, etc." There\(^{53}\), we have stated: "There are three kinds of towels. Hand towels may become impure by load; scroll wraps may become impure by the dead; the wrappings of the Levites' harps\(^{54}\) are always pure." Rebbi La in the name of Rebbi Johanan, because one may put them on the pillow and sleep on them. Rav said, because he puts them under his upper arms\(^{55}\).

\(^{53}\) Mishnah \textit{Kelim} 24:12. The entire chapter deals with classification of the types of impurity of כליים, i.e., vessels, tools, and garments. Vessels can only acquire original impurity if they are made to be sat on; they become actually impure if a person with gonorrhea sits on them, if they carry his "load". In all other cases, vessels can only acquire derivative impurity; this is exemplified by a vessel standing in the same tent with a corpse. Hence, "impure by the dead" in these Mishnaiot simply means "may acquire derivative impurity." Vessels or textiles that are only used to serve other vessels, not humans directly, cannot become impure (Mishnah \textit{Kelim} 16:7). Cf. also \textit{Demay}, Chapter 2, Note 136, and above Chapter 2, Note 180.

\(^{54}\) The mss. of the Maimonides tradition read "wrappings (of the dead) and covers of Levites' harps." 

\(^{55}\) A reason has to be found why
hand towels are considered manufactured for the purpose that either one should sit or lie on them or exert pressure ("load") on them, for only this can make them susceptible to the impurity of "load".

Rav said they are forbidden and practice follows him who forbids. Why does he not say one follows Rebbi Eliezer. There are Tannaim who switch their statements.

The three kinds mentioned as not under the laws of kilaim. Jehudah switches the names and says that the Sages forbid. In a dispute between R. Meir and R. Jehudah, practice as a rule follows R. Jehudah.

Rabbi Johanan put a cloth on his garment. Is that not forbidden because of kilaim? [He did it] so that his garments should not wear out. Rabbi Zeriqan said, they gave Rabbi Avina an egg on a towel containing kilaim, but he did not accept it because of "they should not intend to use them as protection from the sun in summer and from the rains in winter."

He never wore them as garment. the heat of the egg.

Mishnah 5; he did not want to use kilaim to protect his hands from sellers of kilaim garments.
"Scroll wraps." Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: Because he makes them into a kind of container and puts his Torah scroll on them. Rebbi Abba Rebbi Hyya bar Joseph in the name of Rav: Because he uses it to warm his hands. Rebbi Abun bar Hyya said to Rebbi Abba: Without that would it not be forbidden because of kilaim? He said to him, is not Rav the author? And Rav said they are forbidden and practice follows him who forbids. Rebbi Jonah said to Rebbi Abba, and why did you not say to him that he removes it full. If he had said to him, would it not be forbidden for usufruct, what could you have said to him?

61 Greek θήκη. R. Jonathan follows the text of our Mishnah that scroll wraps are not subject to kilaim. However, the reason is not that they are only to serve other vessels (cf. Note 51) because in that case there would not have been any need to specify them in the Mishnah.

62 In Babli Bezah 14b, this reason is given for the requirement that curtains may not contain kilaim.

63 Rav gives the reason why he rules following R. Eliezer in the Mishnah.

64 The Torah scroll is put into its ark or chest wrapped in its wrapper. Since the wrapper is dedicated to a holy object, it should become forbidden for all profane use and the reason given by Rav could not possibly apply. The prohibition of the use of ancillaries to holy objects is explicit in a Babylonian baraita (Babli Megillah 26b); R. Abba points out that adoption of that Babylonian standard would invalidate Rav's reason to apply the standard of kilaim to wrappers of Torah scrolls.
Towels of the bath attendant," sometimes seeing his teacher he wraps himself in them. Rebbi Abbahu in the name of Rebbi Johanan: women's bath towels are not subject to kilaim. Women's bath towels are the same as men's bath towels. What are men's bath towels? The rabbis of Caesarea say, נד"ה אומרים הבגדים הם מלבושABL b'אולמא תחת פנים." Towels of the bath attendant, that means if he intends them as clothing, but if he does not intend them as clothing, not about that.

65 Hence, we follow Rav in his ruling that Kilaim is forbidden for bath towels.
66 R. Johanan's statement is a Tosephta (Kilaim 5:16); there the term is לבריה balnearia, ium, n. "bathing utensils." The Tosephta adds that these are not subject to Kilaim only if they are pieces of cloth, not sewn.
67 In Mo'ed Qatan 3:2 (fol. 82a) the reading is קיסריים. One might derive the word from Syrian Arabic كا "to be wet"; the meaning would be wet towels. Another possible derivation is from Latin natatorius (adj.) "belonging to a swimmer" (E. G.).
68 The prohibition of Kilaim does not apply. Since the reason for following Rav here applies only to men, even Rav has to agree that women's towels may contain Kilaim.

Mishnah 4: Shrouds of the dead and the pack-saddle of the donkey do not fall under Kilaim. One should never carry a pack-saddle on his shoulder even to transport garbage.
"Shrouds of the dead, etc." It is written (Ps. 88:6): "Among the dead is freedom." When a person dies he becomes free from the Commandments.

Rebbi commanded three things on his death-bed\(^70\): My widow should not move from my house; do not eulogize me in small towns; and he who served me during my lifetime should serve me in my death. "My widow should not move from my house," is that not a Mishnah? "The widow who said, I cannot possibly move from my husband's house..." \(^71\) Rebbi Dositheos\(^69\) said, that they should not say, this is the house of the patriarchate and must serve the patriarchate\(^72\). Rebbi Eleazar bar Yose said, as we have stated\(^73\): "She lives in the houses just as she lived while
her husband was overseas, she uses silver and golden vessels just as she used to while her husband was overseas, she is fed just as she was fed while her husband was overseas." "Do not eulogize me in small towns" because of the quarrels. "He who served me during my lifetime should serve me in my death;" Rebbi Hananiah from Sepphoris said, for example Yose Ephrati and Joseph from Haifa. Rebbi Hizqiah added, do not use many shrouds on me and let my coffin have holes at the bottom. These words say that Rebbi was buried in a single shroud since Rebbi said, not as a man left, he will come. But the rabbis say, just as a man left, he will come. It was stated in the name of Rebbi Nathan: The garment that went with a person to the grave will come back with him. What is the reason? (Job 38:14) "The seal turns itself around like clay, they appear in dress." Antoninus asked Rebbi, what is the meaning of "The seal turns itself around like clay?" He said to him, He Who brings the generation clothes it.

69 In the parallel in Ketubot 12:3 (fol. 35a), דוד "ר. In the parallel Gen. rabba 100(3), יאכז והר, Dositheos. The text in Gen. rabba seems to be the original text from which the one here is an abbreviation.

70 In addition to the two Yerushalmi sources mentioned in the previous Note, there is a Babylonian source Ketubot 103. Since the Mishnah mentions shrouds, there follows a lengthy insertion about burials.

71 Mishnah Ketubot 12:3: "If a widow said, I cannot possibly move from my husband’s house, the heirs may not say, go to your father’s house and we shall support you there, but they support her and give her an apartment corresponding to her standard of living." The Mishnah does not require that the widow keep the identical apartment she occupied during her marriage, only an equivalent one. In the tradition of the Babli, Rebbi’s widow was not the mother of his children, his heirs.

72 In the opinion of Gen. rabba, the argument would have been valid if the house of the patriarch had been built with public money. But since Rebbi
built his house with his own money, his successor could not occupy this house.  

73 The Babylonian version is in Babli Ketubot 103a and, in shortened form, in Tosephta Ketubot 11:5: The woman whose husband died lives in the houses she lived in during her husband’s lifetime, uses slaves and handmaidens, silver and gold vessels she used during her husband’s lifetime, for so he writes to her (in the marriage document): You shall live in my house and be supported by my property as long as you are a widow in my house. 

74 That there should not be competition among places which were not really able to provide decent eulogizers. The Babli (loc. cit. 103b) explains that in small villages the crowds are too small to give the honor due. 

75 (Cf. Šulḥan ‘arūkh Yōrē Dē’ā f362.) In Gen. rabba, the explanation is that the body should decompose rapidly. It is talmudic doctrine that the soul suffers during decomposition of the body and, except for those sinners whose place is in hell, the suffering stops when only the bones are left (Babli Berakhot 18b). 

76 At Resurrection. 

77 The quote in Yalqut Sim’oni Job 924 reads: R. Jonathan. 

78 The “seal” of a person are the characteristics differentiating him from all others: voice, looks, and thinking [Sanhedrin Yerushalmi 3:13 (fol. 22b), Babli 38a]. 

79 A Roman emperor of the Severan dynasty who reputedly was a crypto-Jew. Since all emperors of that dynasty adopted the name of Antoninus together with that of Augustus, speculations about the identity of this Antoninus are rather futile. 

80 God will not only create the flesh as described in Ezechiel’s vision of the dry bones but the clothing with it, as He did for Adam. An echo of this discussion is in Babli Sanhedrin 90b, bottom.
Rebbi Johanan commanded: Dress me in beige, not white and not black. If I rise among the just I shall not be ashamed, if I rise among the wicked I shall not be ashamed. Rebbi Joshia commanded: Dress me in clean white. They said to him, in what are you better than your teacher? He said to them, why should I be ashamed of my deeds? Rebbi Jeremiah commanded: Dress me in clean white, dress me in my socks, put my shoes on my feet and a walking stick in my hand, lay me on my side, when the Messiah comes I shall be ready.

81 In the parallel Babli Sabbath 114a, R. Yannai. The reading here is confirmed by the second sentence, since R. Joshia was a student of R. Johanan.

82 In the parallel Ketubot 12:3 (fol. 35a), הברייאם. This cannot mean "pink" since "rose colored" in the Yerushalmi is יירש, ורדנץ, which means pus, since "pus colored" is taken to mean "pus colored".

83 The word גנס is not in the dictionaries. The Rome ms. has here לא למשן י דריס "do not dress me in worn-out (shoes)" but Gen. rabba 100(3) has אלبرشוניא רדנסיא "dress me in my socks," which may be the best reading. If גנס is a genuine word, it should be Arabic سرخ, "cord, rope".

The messianic idea of bodily resurrection with the dead fully clothed and equipped is not part of actual Jewish burial customs. (But a strange echo of these discussions appears in Heine's poem about a dying veteran of Napoleon's failed Russian campaign, who wants to be buried in his native France, wearing his military decorations, gun in hand, sword by his side. He plans to rise from his grave fully armed, ready to protect his Emperor, who at the time was widely regarded as a messianic figure:

Das Ehrenkreuz am rothen Band
Sollst du aufs Herz mir legen;
Die Flinte gieb mir in die Hand,
Und gürt mir um den Degen.

Dann steig' ich gewaffnet hervor
aus dem Grab,
Den Kaiser, den Kaiser zu schützen!

(H. Heine, Romanzen, Die Grenadiere.)
(E. G.)
KILAIM CHAPTER NINE

The people from Sepphoris said: We shall kill anybody who tells us that Rebbi died. Bar Qappara associated with them, his head covered and his garments torn. He said to them: Earthlings and angels held the Tablets of the Covenant; the angels were stronger and they took away the Tablets. They said to him: Rebbi died. He said to them: You said it. They tore their clothes and the sound of the tearing was heard at Goffta at a distance of three mil.

84 Parallels Ketubot Yerushalmi
12:3 (fol. 35a), Babli 104a. An unidentified place which had a synagogue (Nazir 7:1).

Rebbi Nahman in the name of Rebbi Mana: Miracles happened that day. It was Sabbath eve and all the surrounding towns came together to eulogize him. They made him [Rebbi] rest in eighteen synagogues until they brought him to his resting place but the day extended for them until each one had time to get to his house, fill an amphora of water, and light the candles. When the sun set, the rooster crowed. They were anxious and said, maybe we did desecrate the Sabbath? There came a voice and
said to them, every one who was not lazy for the eulogies of Rebbi shall be announced for the life of the Future World, except the fuller. When the latter heard this, he ascended the roof, threw himself down, and died. There came a voice and said, including the fuller.

To announce the following morning. This clause is missing in the Rome ms. In the parallel in the Babli, only the last two sentences of this paragraph appear.

In the Babli it is explained that during Rebbi’s stay in Sepphoris, the fuller appeared every day in his court but on the day Rebbi died, the fuller was absent for some reason.

Rebbi dwelt in Sepphoris seventeen years and applied to himself (Gen. 47:28): "Jacob lived in Egypt seventeen years," Jehudah lived in Sepphoris seventeen years. Of these he suffered from toothache for thirteen years. (Rebbi Yose ben Rebbi Abun said, all these thirteen years no woman lying-in died in the Land of Israel and no pregnant woman had a miscarriage in the Land of Israel.) Why did he have a toothache? Once he saw a calf to be slaughtered when it bellowed and said to him, Rebbi, save me! He said to it, for that you were created. At the end, how was he healed? He saw them killing a burrow of rats. He said to them, let them live, it is written (Ps. 145:9) "His mercy extends to all His creatures."
Rebbi\textsuperscript{92} was very meek and said, all a man might ask from me I am ready to do, except what the elders of Bathyra did for my ancestor: they divested themselves of their presidency and appointed him\textsuperscript{93}. If Rav Huna, the Head of the Diaspora, would come here I would let him sit higher than myself since he is from the tribe of Judah and I am from
Benjamin, he is from the male line and I am from the female. Once, the elder Rebbi Hiyya visited him and said, Rav Huna is outside. The face of Rebbi became saffron-colored. He [R. Hiyya] said to him, his coffin arrived. He [Rebbi] said to him, go outside and look who wants you there. He stepped outside and did not find anybody; he understood that he [Rebbi] was angry with him. He did not visit him again for thirty days. (Rebbi Yose bar Abun said, in those thirty days did Rav learn from him [R. Hiyya] the principles of Torah.) At the end of thirteen years and thirty days, Elijah visited him [Rebbi] in the likeness of the older Rebbi Hiyya. He said to him, how does my lord feel? He said to him, one tooth hurts me. He said to him, show it to me. He showed it to him, he put his finger on it and it was healed. The next day, the older Rebbi Hiyya came to him and asked him, how does Rebbi feel, what is with that tooth? He said to him, from the moment that you put your finger on it, it was healed. At that moment, he said, woe on you, lying-in women of the Land of Israel, woe on you, pregnant women of the Land of Israel! He [R. Hiyya] said to him, that was not me. From that moment on, he [Rebbi] treated him with honor.

When he [Rebbi] went to the assembly hall, he said, may the older Rebbi Hiyya come inside. Rebbi Ismael ben Rebbi Yose asked, closer than me? He said, beware! The older Rebbi Hiyya inside, and Rebbi Ismael ben Rebbi Yose innermost. Rebbi used to state the praises of the older Rebbi Hiyya before Rebbi Ismael ben Rebbi Yose. Once, he [R. Ismael ben R. Yose] saw him [R. Hiyya] in the bathhouse and he did not show him reverence. He [R. Ismael ben R. Yose] said to him [Rebbi], is that the one of whom you state praises? He said, what did he do to you? He said, I saw him in the bathhouse and he did not show me reverence. He [Rebbi] said to him [R. Hiyya], why did you do that? He said to him, so
much should come over me if I realized that I was washing myself, at that
time my eyes were occupied with the allegorical interpretation of the
entire book of Psalms. From that moment on, he [Rebbi] appointed two
students to accompany him [R. Hiyya] to watch out for him.

88 In the parallel Ketubot 12:3 (fol.
35a) Ṭ TableRow This word has been
translated. The word used here ("their
hills") is probably a misspelling
explained as writing from the spoken
word.
89 Reading of the Rome ms.
Venice: ייזעל.
90 Reading of the Leyden ms.
סנה is Onqelos's translation of Hebr-
eous (Num. 23:14). The printed
editions have here and in Ketubot
"danger". In the parallel [Gen. rabba
33(3)], the students are appointed to go
with him to the שן so he should not
stay too long and endanger himself.
שנה is shown by L. Ginzburg (Notes to
Kohut's Arukh, p. 436) to be Syriac
"calidarium, sauna"; Lieberman
(Hebrew and Targum Yerushalmi) translates
עינתערײן (unctuarium).
91 Parallel in Babli Baba Mezi'a
85a. There, the calf ran to hide itself
in Rebbi's garment but did not talk to
Rebbi. In the parallel Gen. rabba 33(3),
the calf is said to have been bellowing
"as if to say, save me!"
92 Gen. rabba 33(3).
93 The ancestor is Hillel, Pesahim
6:1, Babli 66a; Babli Baba Mezi'a 85a.
The family of Hillel traces its origins
to a woman of Davidic origin. The
Heads of the Diaspora are the
descendants of King Joiachin.
94 In the Babli, Mo'ed Qatan 16b,
the reason for R. Hiyya's disgrace is
that he disregarded Rebbi's injunction
not to teach Torah in a public place
(market or street). As noted in the
next paragraph, R. Hiyya (and his sons)
spent most of their time in outreach
programs to the unlearned.
95 In Gen. rabba, it is added that he
taught Rav all the rules in which
Babylonian tradition differs from the
Galilean, things he could not teach in
Rebbi's academy. In Yerushalmi
sources, Rav is always called "son of R.
Hiyya's sister." In Babylonian sources,
Rav is called "son of R. Hiyya's half-
brother and half-sister." In Mo'ed
Qatan it is added that R. Hiyya taught
not only Rav but also R. Abba bar
Hana, nephew from a full brother.
96 In Gen. rabba: At the end of
these thirty days (when R. Hiyya could
appear again before Rebbi following
the rules of temporary bans).
Rebbi Assi\textsuperscript{97} fasted eighty days to see the old Rebbi Hiyyya. In the end, he saw him, his hands trembled and his eyes were dimmed\textsuperscript{98}. If you say that Rebbi Assi was an insignificant person, one weaver came to Rebbi Johanan and said, I saw the sky falling but one of your students supported it. He asked him, could you recognize him? He said, if I would see him, I would recognize him. He made all his students pass before him [the weaver], and he recognized Rebbi Assi. Rebbi Simeon ben Laqish fasted three hundred fasts to see the old Rebbi Hiyyya but did not see him. In the end, he stopped feeling bad and said, maybe he did study Torah more than I did. They said to him, he spread Torah more than you did\textsuperscript{99} and in addition he went into exile. He said to them, did I not also go into exile? They said to him, you went into exile to study, he went into exile to teach\textsuperscript{100}.

\textsuperscript{97} Since he is a student of R. Johanan, he must be the Amora usually called Yasa, Assi in the Babli.

\textsuperscript{98} In the parallel \textit{Ketubot} 12:3 (fol. 35a), "he saw one of his court, and a Cohen was lying next to him."

\textsuperscript{99} In the Babli, \textit{Baba Mezi'a} 85b, R. Simeon ben Laqish was not able to find the cave in which R. Hiyyya was buried; there it is explicit that "they" who argue with him are heavenly voices.

\textsuperscript{100} He was a Babylonian, emigrat-
ing from rich Babylonia to poor education in Galilee (Baba Mezi'a 85b). Galilee. He reorganized elementary

When Rav Huna, the Head of the Diaspora\textsuperscript{101}, died they brought him here. They said, where shall we put him? They said, let us put him next to Rebbi Ḥiyya the elder for he is one of them\textsuperscript{102}. They said, who might want to bring him there? Rebbi Ḥaggai said, I shall go up to put him there. They said to him, you are looking for a pretext, for you are an old man and you want to go to rest there yourself. He said to them, put some string on my feet and when I shall be weak\textsuperscript{103} you pull. He went in and found the three arguing. "Jehudah my son, after you, and no more. Hizqiah my son, after you, and no more. Joseph ben Israel, after you, and no more."\textsuperscript{104} He [R. Ḥaggai] lifted his eyes to look, it was said to him turn around, turn around. He heard the voice of Rebbi Ḥiyya the elder who said to his son Rav\textsuperscript{105} Jehudah, make space for Rav Huna that he may rest there. But [Rav Ḥuna] did not accept this. They said, since he did not accept that one made space for him, so his descendants will never end. He [R. Ḥaggai] exited from there and his years were doubled\textsuperscript{106}. 
101 He obviously cannot be identical with the Rav Huna in the story of Rebbi. The Babylonian traditions about the Heads of the Diaspora are quite confusing. In the Babli, Mo'ed Qatan 25a, the story is told only about "Rav Huna" without a title, but in all versions of Seder Olam zuta, the person whose coffin (i.e., the ossuary) was buried next to Rebbi Hyya is Rav Huna, Head of the Diaspora. In one of the versions, this Rav Huna has a great-great-grandfather Rav Huna. In R. Sherira Gaon's letter (ed. Neubauer, p. 30), the second Rav Huna buried in Israel is called "from the family of the heads of the Diaspora"; he died in 608 Sel. = 296 C. E.

102 R. Hyya was related to the Davidic dynasty.

103 In the parallel Ketuvot 12:3 (fol. 35a), cf. Arabic "if I become blind", cf. Arabic "to be blind".

104 This implies that R. Hyya had been buried in the burial cave of Joseph, near Sichem. They seem to imply that there is no place for Rav Huna there.

105 The sons of R. Hyya, Jehudah and Hizqiah, while leaders of their generation, usually are mentioned without title. In the Babli, Eruvin 103b, Zevahim 19a, many mss. give Jehudah the title "Rebbi".

106 In the version of the Babli, R. Hagga (Hagga) ran into a wall of fire and left the ossuary of R. Huna standing at the entrance to the cave.
It is written (Gen. 47:30): "You shall carry me from Egypt and bury me in their burial place." What would Jacob lose at any place he would be? Rebbi Eleazar gave an inner reason, Rebbi Hanina gave an inner reason, Rebbi Joshua ben Levi gave an inner reason\(^{108}\). What is the inner reason? Rebbi Simeon ben Laqish said, (Ps. 116:9) "I will walk before the Eternal in the Land of Life." But the lands of life are only Tyre and its surroundings and Caesarea (maritima) and its surroundings\(^{109}\); there is cheap (food), there is satiety. Rebbi Simeon ben Laqish in the name of Bar Qappara, the Land whose dead will live again in the days of the Messiah. What is the reason? (Is. 42:9) "He gives soul to the people on it." That would mean that our teachers in the diaspora would lose out! Rebbi Simai said, the Holy One, praised be He, makes the earth erode before them and they roll like wine barrels\(^{110}\). When they arrive at the Land of Israel their souls return to them. What is the reason? (Ez. 37:12) "I shall deposit you on the territory of Israel\(^{111}\)," (v. 14) "give My spirit into you, and you will live."

\(^{107}\) There are many parallel treatments of the topic of this paragraph. Uncharacteristically, the different sources of the Yerushalmi tradition all have their own formulation; they borrow the idea but not the language: Gen. rabba 96(7), Tanhuma Wayehi 3, Tanhuma Buber Wayehi 6, Pesiqta rabbati 1, fol. 2b. Only Ketubot 12:3 (fol. 35b) has the same language as here. Babylonian sources Ketubot 111a, Yoma 71a.

\(^{108}\) Note that the chronological order is inverted. In most other sources, the argument of R. Simeon ben Laqish is attributed to R. Eleazar.

\(^{109}\) These are not part of the Land of Israel, at least not in the geography of the Second Commonwealth. Hence, the verse cannot apply to this world but must apply to the Future World which in the Yerushalmi is identified with the Days of the Messiah.

\(^{110}\) In Gen. rabba: "He makes cavities in which they move".

\(^{111}\) In the verse: "I shall bring you
to the territory of Israel." The return of the body precedes the return of life.

Rebbi Berekhiah asked Rebbi Helbo. Rebbi Helbo asked Rebbi Immi. Rebbi Immi asked Rebbi Eleazar. Rebbi Eleazar asked Rebbi Hanina, some say Rebbi Hanina asked Rebbi Joshua ben Levi: Even those like Jeroboam ben Nabat and his kind? He said to him, (Deut. 29:22) "Sulphur and salt, conflagration throughout the country." Rebbi Berekhiah said, one asked the other and we understand nothing from it. What does it mean? Since the Land of Israel was burned, judgment was executed on it. We have stated in the name of Rebbi Jehudah: Seven years was the Land of Israel burned; that is what is written (Dan. 9:27) "The Covenant overtook the public for one week." What did the Samaritans in it do? Pieces, pieces and it was burned.

112 Once judgment is executed, the sinner is free from his sin. This opinion, spelled out in detail in Pesiqta rabbati (cf. Note 105), contradicts Mishnah Sanhedrin 10:2 which excludes three kings (Jeroboam, Ahab, Manasseh) from the Future World; it is in line with the Babli's conclusion in the name of "those looking for hints", Sanhedrin 104b-105a.

113 In the Babli, Yoma 54a (Seder Olam 27), this statement is attributed to R. Yose. In the old Yerushalmi source, Ekhah rabbati, Petihah (towards the
end), the name is R. Jehudah. In *Pesiqta deRav Cahana* (Buber) p. 114a, it is R. Simeon bar lohai.

114 Since the Samaritans were settled in Samaria by the Assyrian kings and were there when the Jews returned from Babylonia, they must somehow have survived in the meantime. The answer is shortened here [and *Ketubot* 12:3 (fol. 35b)] to incomprehensibility. The full text is preserved in *Ekhah rabbati* and *Pesiqta deRav Cahana*: "They sow it pieces by pieces. They were sowing here and it was burned, they were sowing there and it was burned."

It is written\(^{113}\) (*Jer. 20:6-7*): "But you, Pashhur, and all inhabitants of your house will go into captivity. You will come to Babylon, die there, and be buried there\(^{116}\)." Rebbi Abba bar Zemina said, Rebbi Helbo and Rebbi Ḥama bar Ḥanina. One of them said, if somebody dies there and is buried there, he has two [detriments] in hand. If he dies there and is buried here, he has one [detriment] in hand. The other one said, burial here atones for death there.

115 *Ketubot* 12:3 (fol. 35b), also *Pesiqta rabbati* 1. In the second source, the first opinion is explicitly attributed to R. Ḥelbo, the second to R. Ḥama bar Ḥanina. The topic begun here is taken up again in the last paragraph of this Halakhah; it is interrupted only to accomodate a homily of R. Ḥama bar Ḥanina.

116 Since the passage is a curse upon Pashhur, dying in Babylon and being buried there are two separate curses.
Rebbi Jonah in the name of Rebbi Hama bar Hanina: A human's feet guarantee to put him where he is wanted. It is written (IK. 22:20) "Who will seduce Ahab that he should go and fall in Ramot Gilead?" Might he not die in his house rather than there? Elihoref and Aḥiah were two of Solomon's secretaries. He [Solomon] saw the Angel of Death looking at them and grinding his teeth. He said a word and put them into space. He [the Angel of Death] went and took them from there. Then he came laughing before him. He said to him, just before you were grinding your teeth and now you are laughing at us? He said to him, the Merciful told me to take Elihoref and Aḥiah from space and I was wondering who would put them there where I was sent to take them; He put it into your mind to do so that I could complete my mission. I went and dealt with them there. The two sons of Rebbi Reuben ben Strobilos were students of Rebbi. He [Rebbi] saw the Angel of Death looking at them and grinding his teeth and said, let us exile them to the South, maybe the exile atones. He [the angel of death] went and took them from there.
Reading in *Ketubot*. The reading here is "•voapCK.

Reading in *Ketubot* and Rome ms. The two words are missing in the Venice text.

Reading in *Ketubot*. The reading here is "mabimim.

Reading in *Ketubot* and Rome ms. Venice: "mam.

A parallel in Babli *Sukkah* 53a quotes the statement in the name of R. Johanan.

Elihoref and Ahiah the sons of Shisha were *Soferim* (*IK.* 4:4). In rabbinic Hebrew, "scriba" means "scribe"; late Latin *secretarius*.

In the parallel in the Babli, Solomon sends them to the mythical city of Luz whose inhabitants never die, but the Angel of Death takes them at the entrance gate.

A Tanna of the fourth generation, reputed to speak Latin like a Roman. Late Hellenistic Greek στροβιλάς, α, "dealer in pine cones" but, since pine cones were used in pagan worship, it might be better to derive the name from Greek ὁστραβηλάτης, ou, "muleteer".

The doctrine that exile atones is found in Babli *Berakhot* 56a, *Sanhedrin* 37b. It is based on the biblical law of exile for the homicide.

Ulla was an emigrant. He was dying there and started to cry. They said to him, why are you crying? We shall bring you to the Land of Israel. He said to them, how does this help me? I am losing my pearl in an impure land. One cannot compare one who expires in the bosom of his mother to one who expires in the bosom of a strange woman. Rebbi Meir was dying in Assos. He said, tell the people of the Land of Israel, there is your Messiah. With all that, he said to put his bier on the sea-
cape since it is written (Ps. 24:2): "For He founded it on seas, based it on rivers."

126 Ulla seems to hold that dying outside the Land of Israel is detrimental only for an inhabitant of the Land.

127 It is not clear what the sentence means. The consensus of the commentators is that he sent there so a delegation should come and return the bones of the most famous teacher of his time to the Land, and that his burial on the sea shore was only a temporary measure.

128 Since Assos (Behramkoi) is on a high cliff, he probably wanted to be buried in a place from which the sea could be seen. יִנְח is the same as Syriac כְּרִיך "rock." The verse given as the reason leads to the digression about the seas and lakes of the Land of Israel.

"Seven seas surround the Land of Israel: The ocean, lake Tiberias, lake Samkho, the salt sea, lake Holata, lake Sheliat, lake Apamea." But does there not also exist the lake of Homs? Diocletian dammed up rivers and created it. It is written (Num. 21:20): "Looking down on the desert." Rebbi Hiyya from Biria said, if one ascends the desert mountain one finds the likeness of a sieve in lake Tiberias, that is the well of Miryam. Rebbi Johanan said, the rabbis estimated it and it is assessed opposite the middle gate of the old synagogue of Sarongin.

129 The list is not only in the parallel in Ketubot but also in Babli Baba Batra 74b, Midrash Psalms 24, and, as a secondary source, Yalqut.
Psalms 24. The latter source and the Munich, Rome and Hamburg mss. of Baba Batra have "lake Paneas" (Banias) instead of "lake of Apamea". The pool of the Jordan source at Banias is in the Land of Israel, Apamea is in Northern Syria (but Ḫoms is also in Syria). The ocean is the Mediterranean, Lake Tiberias is Lake Genezareth, the salt sea is the Dead Sea. Lake Ḥuleh in Greek sources is lake Samokhonites. What is missing in the list is Birket Ram on the Golan heights and possibly a pool at Ḥamat Gader, mentioned in Babli Sabbath 109a. Since lake Samkho is lake Ḥuleh, מים דרחה cannot be Lake Ḥuleh but might have been a swamp in the plain between Haifa and Acco since in Yalqut it is called "the lake of Acco".

130 An otherwise unknown Amora.

131 The well accompanying the tribes of Israel during their forty years in the desert (Seder Olam, Chap. 5). The version in the Rome ms., instead of Ḥawah, is an intrusion of Babylonian traditions. The parallel in Babli Sabbath 35a identifies the mountain as Mount Carmel. As noted by the editor of Kaftor waPerah (p. 67), this is an intrusion from the preceding mention of Mt. Carmel (cf. Yerushalmi Berakhot p. 54) since the Munich ms. of the Babli identifies the sea as Lake Tiberias. The original name of the mountain in the Babylonian tradition is lost.

The place of Balaam's vision must have been near the Dead Sea, not Lake Tiberias.

132 In Ketubot, יסהתרין. The place is unidentified.

Rebbi Bar Qiria and Rebbi Eleazar were talking a walk on the road when they saw coffins being brought into the Land from abroad. Rebbi Bar Qiria said to Rebbi Eleazar: What good is that going to do them? I am reading for them (Jer. 2:7) "My inheritance your considered an abomination during your lifetime, "you came and made My Land
impure\(^{135}\) in your death. He said to him, when they arrive in the Land, one takes a lump of earth and puts it on the coffin, as it is written (Deut. 32:43) "His earth atones for His people.\(^{136}\)"

133 An otherwise unknown Amora.

The name tradition of this paragraph is thoroughly unsatisfactory. In Gen. rabba 97 as well as Tanhuma Wayehi it is Rebbi (R. Jehuda II Nesia) and R. Eleazar. In Pesiqa rabbati 1 it is (a likewise unknown) R. Beroqia and R. Eleazar.

134 Since you did not live in the Land.

135 By the impurity of the dead.

136 Therefore, one puts earth from the Holy Land into or on a coffin even for burial outside the Land. Yalqut Psalms 116 directly connects Deut. 32:43 with the earlier statement that even Jeroboam and people like him have a part in the Future World.

Mishnah 5: Sellers of clothing sell in the professional way\(^{137}\), but they should not intend in summer because of the sun and in winter because of the rains. But the religious ones\(^{138}\) let them hang over their shoulder on a stick.

Mishnah 6: Taylors sew in the professional way, but they should not intend in summer because of the sun and in winter because of the rains. But the religious ones sew on the ground.
Mishnah 7: Birsim, Burdesim, and Dalmatian garb as well as pinon shoes one should not wear unless one checks them. Rebbi Yose says, those coming from the sea shore in maritime countries do not have to be checked because usually they are made from hemp. Padded shoes have no problem with kilaim.

137 They may put kilaim cloth over their arms to present it to Gentile buyers. They may not use that cloth to shield themselves from the sun.

138 For this meaning of cf. Demay Halakhah 6:8.

139 In the Leyden ms., the Rome ms., the Cambridge ms. of the Yerushalmi Mishnah, some Genizah fragments in Sifry Deut. 234 the readings are in most sources, but also in Tosephta Kelim Baba batra 5:11 Arukh reads אֶלֶב. Since the word itself was no longer understood by the Amoraim, the explanation is given in the Halakhah.

140 Reading of most Mishnah mss.; the only variant is בַּרְדִּיסִי. In Sifry בַּרְדִּיסִי, בַּרְדִּיסִי, בַּרְדִּיסִי, בַּרְדִּיסִי. In Tosephta ברדסי.

141 Mishnah readings שְׁמוֹנָה, סְבָטִי, אִבֵּרֶים. Some ms. אֵיבֵרִים. The common explanation is from Greek παλαιός, ὀ, "felt (as lining of helmets, shoes, etc.); felt cloth", but felt is commonly called לֶנֶר in Mishnah and Tosephta; the Halakhah defines these "shoes" as socks.

142 The Mishnah mss. of the Malmonides tradition, the Rome ms., and the Leyden text in the Halakhah, all read יבר, this has been taken as the basis of the translation.

143 Reading of the Rome ms., supported by the other occurrences of this word. Leyden and Venice: קַבְּרֶסִי בָּרִינָה. מְבָרֹסִי יִילַם. מְלַמְסִיקוֹ קְולָבּוֹ. Cf. Greek κολόβιον "short sleeved tunic".

144 Latin birrus, i, m., also birrum, i, n. raincoat of silk or wool, mentioned in Ed. Diocl; garments in the style of

Bursin are birri. Burdesin are delma. Dalmatian garb are short sleeved tunics and overcoats. Pinon shoes are socks.
the Gallic tribe of the Burri. In *Sifry* (loc. cit. 137) the garments are described as "not rectangular"; the Gallic tribes wore trousers and jackets, rather than togas.

145 The Rome ms. has אָֽדָמָּה but this is the Rome scribe's usual style for the rhetorical אָדָמָּה. The dictionaries explain the word from Byzantine δουλάμα "loose garment, wrapping garment"; this would fit the context but H. L. Fleischer has shown that δουλάμα is derived from Turkish *dolamak*, "to wrap around", cf. Turk. *dolman* "fur-trimmed military jacket"; the dictionary explanation looks like an anachronism.

146 Maimonides, while declaring his ignorance as to the meaning of these words, declares all four pieces of garment to be woollen *calze* "stockings".

Rebbi Yose says, those coming from the sea shore in maritime countries." Does this mean "from the sea shore and from overseas countries" or "from the seashore of maritime countries"? Since it was stated: For example, Tyre and its surroundings, Caesarea (maritima) and its surroundings, it means "from the seashore of maritime countries".

"They do not have to be checked." That means in earlier times when flax was not found everywhere. But today, when flax is found everywhere, they need to be checked.
"Padded shoes". There are places where they are padded from the outside. As Rebbi Zeïra said to Rebbi Abba bar Zemina to tell Bar Rishon not to sew his shoes with flax but with [leather] strips. Rebbi Zeïra agrees that if one bound a woolen belt over a linen garment that would be permitted, for if he makes himself thin, it will fall down.

147 Reading of the Rome ms: הב This is a Babylonism.

148 Reading of the Rome ms. Venice: ינן "the seller", otherwise unknown.

149 So that it should be clear that the shoes are not wholly made of leather.

150 Probably the shoemaker's father was called רבם, Primus, or Protos.

They asked before Rebbi Illai: May one sew one's shoes with flax? He said to them, because of Rebbi Zeïra, for Rebbi Zeïra said it is forbidden. Rebbi Illai will agree that it is forbidden to wear woolen socks over linen socks since he cannot take off the inner ones unless he first takes off the outer ones. The father of Rav Safra asked Rebbi Zeïra: May one put coins in a woolen bag and tie it with a linen thread, or put coins on a linen cloth and tie it with a woolen thread? He said to him, does the rabbi not know Rav Huna? For Rav Huna said, it is forbidden. Rebbi Avina said, it is forbidden. Samuel said, it is permitted. Rebbi Jacob bar Ada in the name of Rebbi Yasa said, it is permitted.
Mishnah 8: Only spun and woven cloth is forbidden because of *kilaim* since it is said (Deut. 22:11): "Do not wear *sa'atnez*, anything carded, spun, or woven. Rebbi Simeon ben Eleazar said, he has turned aside and turned his Father in Heaven against him.

Mishnah 9: Felt is forbidden because it is carded. A woolen border on a linen garment is forbidden because it goes around like the woven part. Rebbi Yose says, woven ropes are forbidden because he stitches them before he ties them. One should not bind a strip of wool on one of linen to gird his hips even if a leather belt is in between.

151 The word שטשת of unknown etymology is taken as an abbreviation and split into three: ש. השכט. מaimonides declares ש to weave" as Armenian. The Halakhah will show that the conjunction ש has to be understood as "or", not as "and".

152 This homily takes ש as shorthand for ששת.

153 This meaning of ש is attested to by all Gaonic sources and the commentaries dependent on them; cf. Note 28. Musaphia's derivation from the Greek (derived from R. Simson's interpretation of ש as "fringes") "woof" and accepted by the dictionaries makes no sense, as recognized by I. Löw.

154 One may not make a belt out of two strips, one of wool and one of linen, even if they are not permanently sewn together since one will loosely stitch them together so that they should not separate when worn. About stitching see Mishnah 10.

155 One may not permanently sew wool on one side and linen on the other side of a leather belt since the stitches,
even when made of a neutral material together. like cotton, will bind wool and linen

Halakhah 5: It\textsuperscript{156} could have stated \textit{כשה} and not \textit{כשה}. If it had stated \textit{כשה} but not \textit{כשה} we would have said that spinning is permitted. But the Mishnah does not say so, but "only spun and woven cloth is forbidden because of \textit{kilaim}." It could have stated \textit{כשה} and not \textit{כשה}. If it had stated \textit{כשה} but not \textit{כשה} we would have said that weaving is permitted. But the Mishnah does not say so, but "a woolen border on a linen garment is forbidden because it goes around like the woven part." It could have stated \textit{כשה} and not \textit{כשה}. If it had stated \textit{כשה} but not \textit{כשה} we would have said that carding is permitted. But the Mishnah does not say so, but "felt is forbidden because it is carded."

\textsuperscript{156} Instead of "it", i. e., the Torah, one might translate "He", God as Giver of the Torah.

The five letter root \textit{כשה} is declared non-Semitic. One investigates whether some three-letter combination would do. Since it does not, one concludes that the word is shorthand, cf. Note 151.

משיהתר \textit{כשה} אברכים אסורה. אйт \textit{כשה} תני ממחירה. כמא \textit{כשה} אברכים חכמים אברכים. כאורה \textit{כשה} תני ממחירה. כמא \textit{כשה} תני ממחירה. כמא \textit{כשה} תני ממחירה. כמא \textit{כשה} תני ממחירה. כמא \textit{כשה} תני ממחירה. כמא \textit{כשה} תני ממחירה.
Ropes of purple wool are forbidden\textsuperscript{157}. Some Tannaim state, they are permitted. He who says they are forbidden, for example those of embroiderers who tie them on\textsuperscript{158}. He who says they are permitted, for if he makes himself thin, it will fall down.

\textsuperscript{157} To be used on a linen garment. \textsuperscript{158} They use wool to embroider a linen garment. The next sentence states that a woolen belt is forbidden on linen trousers if the belt passes through waistband loops.

\textbf{Mishnah 10:} Tags of weavers and washermen\textsuperscript{159} are forbidden because of \textit{kilaim}. If one stitches one pin-stitch there is no connection, it does not fall under \textit{kilaim}, and if he removes it on the Sabbath he is not prosecutable\textsuperscript{160}. If the two ends appear on the same side it is a connection, it falls under \textit{kilaim}, and if he removes it on the Sabbath he is guilty. Rebbi Jehudah says, only if there are three pin-stitches. A sack or a chest bring together for \textit{kilaim}\textsuperscript{161}.

\textsuperscript{159} Little bits of cloth with the name of the client stitched to cloth or garment. They may not be from a material making \textit{kilaim} with cloth or garment.

\textsuperscript{160} If a woolen and a linen garment are stitched together by one needle-stitch only, there is no connection because the thread can be removed by simply drawing it. But if there are at least two needle-stitches, so that the two ends of the thread are on the same side, this is a connection as for \textit{kilaim}, impurity, and the Sabbath.
161 One may not carry a sack or a chest containing both woolen and linen clothing. All Sifry mss. (Deut. 232) as well as the Mishnah and Maimonides mss. in the family of Rabbi Qafeḥ read מתפיש, but there can be no doubt that in the language of the Mishnah, the t-passive מתפיש has the meaning of active מתפיש. The Sifry, in the understanding of Maimonides, reads: "Together in any way, this forces you to state that sack and chest bring together."

162 For him, woolen and linen cloth create kilaim only if a full seam was sown. This clearly contradicts the Mishnah which requires only two or three needle-stitches. The Halakhah does not decide whether one follows the anonymous Tanna or R. Jehudah. [This paragraph and the next are also in Sabbath 7 (fol. 10c)].

163 Either one follows the rabbis of R. Jehudah; in no case does one need more than three stitches.
A thread drawn through by means of a needle, even if it has a knot on each side, is no connection for cloth\textsuperscript{164}. The thread is a connection for cloth but not for the needle. Rebbi Jonah and Rebbi Yose both say, only if it is knotted on both sides. The words of the rabbis disagree since Rebbi Abba, Rebbi Jeremiah\textsuperscript{165} said in the name of Rav: He who straightens out the sides on the Sabbath\textsuperscript{166} is guilty because of sewing\textsuperscript{167}. He should have said "because of sewing and making knots."

\textsuperscript{164} If one stitch has been made and now the needle is sticking in the cloth, this does not count since the needle will eventually be removed. In order to create \textit{kilaim}, the thread alone must cross the cloth two times, for one regular stitch. The next sentence is the justification for the rule.

\textsuperscript{165} Rav Jeremiah in the Babli.

\textsuperscript{166} According to Maimonides (\textit{Sabbat} 10:9), it is the regular procedure in sewing a garment that when a seam is sewn the two sides are stretched to be equal before the thread is knotted. According to Rashi in Babli \textit{Sabbat} 95a, it refers to a garment ready to wear or already worn, of which a seam became loose. The explanation of Maimonides is the only one compatible with the Yerushalmi.

\textsuperscript{167} The parallel in Babli \textit{Sabbat} 95a simply says, "is guilty" without stating the reason. Then the argument of the Yerushalmi is impossible. The Babli supports R. Jonah and R. Yose in the name of R. Johanan, that a double stitch is counted as permanent connection only if knotted at both ends.

Rebbi Simon said, the reason of Rebbi Yose\textsuperscript{168} is that by the third his work becomes permanent. Does Rebbi Jehudah hold with Rebbi Eliezer? As we have stated there\textsuperscript{169}, "Rebbi Eliezer says that he who weaves three threads at the start or one thread on a piece of weaving already begun is
guilty." Rebbi Ulla said, the reason of Rebbi Eliezer is that by the third his work becomes permanent. But here, might less than that be undone? 

168 It seems that this should be "R. Jehudah". Maybe the manuscript before the scribes simply had ר pornography. 
169 Sabbath Mishnah 13:1. The parallel in Halakhah 13:1 is all in the name of R. Ulla and has the names of R. Eliezer and R. Jehudah switched. Maybe "R. Simon" here is an intrusion from the next paragraph. 
170 If the weaver made three passes with his shuttle, he can leave his work for the next day without fear that it will unravel by itself. That does not mean that in the case of the Mishnah R. Eliezer requires three needle-stitches; maybe two needle-stitches only, and R. Eliezer may disagree with R. Jehudah about sewing. The question cannot be asked in the Babli since two stitches knotted at both ends are at least as good as three unsecured ones. 

Rebbi Simon in the name of Rebbi Joshua ben Levi: They stated only "sack". Hence not a basket. It was found stated: The basket, the sack, and the chest bring together for kilaim. Tents have nothing to do with kilaim. 

171 Tent cloth may contain linen stored in the same tent do not produce and wool; linen and woolen garments kilaim.
Rebbi Jeremiah asked, can he and his son combine for *kilaim*? How may this be? He wears woolen clothes but his son wears linen clothes. He takes a woolen belt and winds it around both of them. Rebbi Yose said, where is it bitten\(^{172}\)? Rebbi Haggai asked, can he himself bring together for *kilaim*? How may this be? He wears a woolen sock on one foot and a linen one on the other foot. Rebbi Yose said, where is it bitten? No, it is needed if he had the ends of wounds, put a plaster\(^{173}\) of a woolen patch on one end and a linen patch on the other end. Rebbi Yose said, where is it bitten? Nothing is forbidden unless there is biting.

\(^{172}\) "Biting" means a direct connection, that one piece of cloth is inside the other or a thread is physically in both. Mere touching means nothing. \(ו\) is a contraction of \(וַיֹּבְּךָ;\) "he, it".

\(^{173}\) Latin *splenium*, Greek *σπλένιον*. The word usually appears as \(ָּפֶלֶןִין\) in both Galilean and Babylonian texts.
Introduction to Tractate Ševi'it

The Tractate deals with the rules of the Sabbatical year, based on Ex. 23:10-11, Lev. 25:1-7, and Deut. 15:1-11. The first two groups of verses concern the agricultural aspects of the Sabbatical year, which are discussed in the first nine chapters of the Tractate. The last group of verses, on the remission of debts in the Sabbatical year, is the subject of the last chapter. In Leviticus, the institution of the Sabbatical year is tied to that of the Jubilee year, in which all prior sales of agricultural land were annulled. Since the Jubilee was tied to the land distribution under Joshua, it disappeared with the deportation of the Northern tribes and was never re-instituted in the Second Commonwealth. As a consequence, the Jubilee is not treated in this Tractate (except for a short notice in Chapter 10). The few aspects of the Jubilee of importance for the Second Commonwealth are treated in Mishnah 'Arakhin.

A few topics of general interest are treated in the text. Since the borders of the Jewish State of the Second Commonwealth were not those of the First, the domain of applicability of the laws of the Land is a major topic of Chapter Six. The description of the border exists not only in the Talmud Yerushalmi but also in two versions of the Tosephta and a mosaic floor in the Beth Shean valley. The sources are parallel in general; the implications of the small variations of the text for the study of Jewish
history in the Eastern Roman empire have been examined by Samuel Klein.

A connected topic, taken up several times in the Tractate, is the status of the biblical agricultural laws during and after the Second Commonwealth. A common theme of all chapters of the treatise is the statement that the observation of the rules of the Sabbatical is rabbinical convention as long as the Jubilee cannot be observed.

Chapters 1 and 2 deal with the preparation for the Sabbatical, Chapters 3 to 5 with agricultural work permitted or prohibited during the Sabbatical. Chapter 6 is devoted to the domain of applicability of the rules as indicated above. Chapters 7-9 deal with Sabbatical produce, its sanctity, and the restrictions imposed on its use. Chapter 10 finally deals with the remission of debts and the non-remission of mortgages.

For the interpretation, the main guides are Maimonides and R. Simson of Sens. Of the Eighteenth Century commentators, the most useful is R. Eliahu Fulda; the least useful are R. Moses Margalit (כוהן משמא), R. Eliahu Wilna and, from the twentieth century, R. H. Kanievski all of whom tend to emend away the difficult portions. Similarly, the preliminary translation and explanation by Allan J. Avery-Peck (Chicago 1991) heavily depends on the emended Wilna text. The manuscript evidence, while meager, definitely excludes most emendations. Of modern commentaries, that by R. Saul Lieberman (Tosefta ki-fshutah, New York, 1955) and R. Y. Qafeh's commented edition of Maimonides's Commentary are most useful. Other sources are quoted by name when used.
Mishnah 1: Until when may one plough an orchard in the year preceding the Sabbatical? The House of Shammai say, as long as it helps the fruits, the House of Hillel say, until Pentecost. Their words do not differ by much.

Halakhah 1: "Until when may one plough, etc." It is written (Ex. 23:12): "Six days you shall do your work but on the Seventh Day you shall rest." And it is written (Ex. 34:21): "You shall rest from ploughing and harvesting." Where do we hold? If one speaks about the Sabbath of Creation, was it not already said (Ex. 20:9): "Six days you shall labor and
do all your work?" If one speaks about Sabbatical years, was it not already said (Lev. 25:3): "Six years you shall sow your field and six years you shall prune your vineyard?" If it cannot refer to the Sabbath of Creation nor to Sabbatical years, let it refer to the prohibition of the first two terms. "You shall rest from ploughing and harvesting," from ploughing when harvesting is forbidden; what is this? This is ploughing in the year preceding the Sabbatical in preparation of the Sabbatical. And from harvesting when ploughing is forbidden, what is this? That is the harvest of Sabbatical growth after the Sabbatical.

1 Shortened versions of this discussion are in the Babli, Roš Haššanah 9b, Makkot 8b. In both places, the argument is attributed to the school of R. Aqiba. In Mekhila deR. Simeon bar Iohai to 34:22, it is attributed to R. Jehudah. Practice noted in the next paragraph follows the school of R. Ismael as explained in Mishnah 5.

2 The argument is somewhat elliptic. Ex. 23:12 reads: "Six days you shall do your work but on the Seventh Day you shall cease, so that your donkey and your ox may rest and the son of your bondsmaid and the stranger may recuperate." Ex. 34:21: "Six days you shall work; on the Seventh day you shall rest, from ploughing and harvesting you shall rest." It would seem more natural to quote the second verse in toto; this is the approach of the commentaries which emend the first quote away but such an approach is impossible since our text clearly quotes two different verses. The explanation is in the Mekhlitot (deR. Ismael, Massekta dekhaspa, p. 331; deR. Simeon bar Iohai, Mishpatim, p. 217): It says in the Ten Commandments, that "six days you shall labor and do all your work." Hence, one could think that the Sabbath has to be kept only if all work is permitted on weekdays. This would exclude the Sabbath days of the Sabbatical year since most agricultural work is forbidden in the Sabbatical. Hence, the verse Ex. 23:12 is necessary to include the Sabbath days of the Sabbatical years; this only makes sure that Ex. 34:21 is redundant as far as both Sabbath day and Sabbatical year are concerned.
3 The Sabbath day.  
4 The "two terms" are the two periods during which agricultural work has to cease before the onset of the Sabbatical year, one for orchards and one for fields.

If it is so, why was it said: One ploughs until the New Year\(^5\)? Rebbi Crispus in the name of Rebbi Johanan: Rabban Gamliel and his court abolished the prohibition of the first two terms. Rebbi Johanan asked: Did we not state: No court may annul the words of another court unless it is greater in wisdom and numbers\(^6\)? Rebbi Crispus in the name of Rebbi Johanan: If they wanted to plough, they may plough\(^7\). Then it should have been eliminated from the Mishnah! Rebbi Crispus in the name of Rebbi Johanan: If they wanted to re-establish it, they may do so.

5 From some baraita. The statement of R. Johanan is a Tosephta (Sevi'it 1:1). In the Babli (Mo'ed qatan 3b) the statement is attributed to R. Joshua ben Levi; in neither Talmud is it presented as a tannaitic statement.

6 Mishnah Idiot 1:5. Rabban Gamliel and his court are inferior to the Men of the Great Assembly both in stature and in numbers.

7 Since the institution of the Sabbatical year is interwoven with that of the Jubilee year and the Jubilee is possible only if the Twelve Tribes are living on their ancestral lands, the Sabbatical in the times of the Second Commonwealth is not a biblical but a rabbinic institution. It is a general rule in dealing with institutions of the Men of the Great Assembly that one is restrictive in interpretation while the Temple exists and lenient when the
Temple does not exist. Since one hopes that the Temple will be re-established, the rules have to be stated in the Mishnah for future generations (Interpretation of Rav Ashi in Babli Mo'ed Qatan 4a).

Rebbi Jonah objected: There is the chapter on the induction and the chapter on the generation of the deluge which will have no future use. Should they have been eliminated from what is studied? They are there to inform you. So here also to inform you. Rebbi Mana said, as we stated there: "If a person says, so is my tradition, one will say to him, you heard the opinion of Rebbi X." And so, if somebody should say, I heard that it is forbidden to plough until the New Year, they will say to him, you heard the prohibition of the first two terms.

8 The induction of Aaron and his sons into the priesthood is described twice in the Torah, once as commandment (Ex. 29) and once in its execution (Lev. 8-9). The rules given there have no future application since the priesthood of the descendants of Aaron is permanent. Similarly, since God has sworn that there will be no more global deluge (Gen. 9:11), the story of the deluge has no future applications.

9 Mishnah Idiut 1:6, explaining why the Mishnah also transmits opinions which are rejected in practice. The information about rejected opinions is necessary for the future.
Rebbi Aha in the name of Rebbi Johanan: When they forbade it, they were inspired by Scripture\(^{10}\), and when they permitted it, they were inspired by Scripture. When they forbade it, they were inspired by Scripture, (Lev. 25:3): "You shall rest from ploughing and harvesting," from ploughing when harvesting is forbidden; what is this? This is ploughing in the year preceding the Sabbatical in preparation of the Sabbatical. And from harvesting when ploughing is forbidden, what is this? That is the harvest of Sabbatical growth after the Sabbatical. When they permitted it, they were inspired by Scripture, (Ex. 20:9): "Six days you shall labor and do all your work," just as on the eve of the Sabbath of Creation\(^3\) one may do work until sundown, also before the start of the Sabbatical year one may work until sundown\(^{11}\).

\(^{10}\) It is not claimed that the rules of the Sabbatical year in the Second Commonwealth are biblical, only that they are inspired by the interpretation of biblical verses.

\(^{11}\) Sundown of the eve of New Year's Day.

The Babli (Mo'ed qatan 3b-4a) has another interpretation, based on R. Ismael's opinion in Mishnah 1:5. It cannot accept the interpretation here since in the theory of the Babli one is obliged by biblical decree to start Sabbath and holidays some time before sundown (Yoma 82b, Roš Haššanah 9a).
Why until Pentecost? Until then it is good for the fruits, from there on he degrades his fruits. But did we not state: Both for a useless tree and a fruit tree, until then it fortifies the stem, from there on it weakens its force. Let him plough! Because he knows that he will weaken the tree, he does not intend to work the ground.

For the definition of "useless ploughing makes sense only as tree", cf. Kilaim Chapter 6, Note 40.

Pentecost. After that time, any preparation for the next season, the Sabbatical.

Why did we not state this with the leniencies of the House of Shammai and the stringencies of the House of Hillel? Sometimes there is no rain and no moisture and he would plough only before Pentecost following the House of Shammai. The House of Hillel say, until Pentecost.

Ploughing in a time of draught case, the House of Shamai is more restrictive than the House of Hillel.
Mishnah 2: What is an orchard? Any three trees on a bet seah\textsuperscript{15}; if they may produce a fig cake in the weight of a talent of 60 Italic minas\textsuperscript{16} one ploughs the entire bet seah because of them. If it is less, one ploughs for them only to accommodate the harvester and his basket beside him.

15 2500 square cubits, cf. Kilaim Chapter 1, Note 195.
16 Since an Italic denar weighed $\frac{1}{96}$ of a Roman pound, or 3.59 g, 60 minas or 6000 denar are approximately 21.5 kg. Maimonides estimates this as 62.48 rotl. He declares (Terumot 4:10) a rotl to be a Roman pound (the common apothecary’s weight in the Middle Ages); in Roman measures, 60 minas are 62.5 Roman pounds.

Halakhah 2: Rav Jehudah in the name of Samuel, Rebbi Abbahu in the name of Rebbi Johanan\textsuperscript{17}: If somebody buys three trees on another person’s property, spaced so that ten trees could be planted in a bet seah\textsuperscript{18} and that the ox and its harness could pass between them\textsuperscript{19}, then he acquired the ground under them, the ground between them, and outside the space for the harvester and his basket. Rav said, if they form a group\textsuperscript{20}. Samuel says, also if they are in a straight line. Rebbi Yose said, this refers to there but not to here\textsuperscript{21}. Rebbi Jonah said, it refers even to
here, if they are close\textsuperscript{22}. Rebbi Mana said to him, did we not state "that the ox and its harness could pass between them"? Come and see, if the ox and its harness can pass between them, the roots can expand laterally, but if the ox and its harness cannot pass between them, the roots cannot expand laterally.

17 A very shortened version of this statement is in \textit{Baba Batra} 5:5 (fol. 15a), a parallel is in Babli \textit{Baba Batra} 82b-83a, where the allowable distances are determined in a lengthy discussion. Probably the statement in (Caesarean) Yerushalmi \textit{Baba Batra} is the original one; the extended (Tiberian) version here must be the result of a derivation parallel to the arguments of the Babli. The rules established in \textit{Baba Batra} deal with transactions without special stipulations; the parties in a sale are free to specify exactly what is sold and what is not sold but if the details are not mentioned in the contract of sale then the rules given here are valid by default.

18 This is the minimum of trees in a \textit{bet seah} that constitutes an orchard. If the trees are planted in a regular pattern, each tree is the center of a square of 250 square cubits. Hence, the distance of two trees is $250^{1/2} = 15.811$ cubits. (In the Babli, the distance is required to be "less than 16 cubits.")

19 This is defined as "working space" of 4 cubits in \textit{Kilaim}, Halakhah 5:3. In all cases, the stems of the trees are not included in the measurements, cf. \textit{Kilaim}, Halakhah 4:8.

20 If the trees form a triangle. The correct version is in a Genizah fragment, referring to " tripod". The Venice text has the word in \textit{Eruvin} 5:2, in a rule concerning three villages close one to another, where Rav requires them to be built "like a tripod" and Samuel allows them to be aligned.

21 The minimal and maximal distances apply to civil contracts, not to the laws of the Sabbatical.

22 Fruit trees planted less than four cubits apart cannot grow; they are planted either in a tree nursery to be transferred later to genuine agricultural use or they are grown for their wood and will be cut down. In no case is ploughing the field for them justified.
Rebbi Eliezer asked, from one to the other sixteen and on the sides twenty five? Rebbi Samuel ben Rav Isaac asked: If they were next to a fence, does one plough the entire bet seah because of them? Rebbi Yose said, if you want that, we should give them their four bate seah, two bate seah here, two bate seah there. Rebbi Jeremiah asked, if there was one vine drawn over two seah, do you plough the ground under it and outside it for the harvester and his basket?

23 Reading of a Genizah fragment.

24 If the three trees are planted in a straight line (following Samuel), almost 16 cubits apart (Note 18), is it necessary to assume that the trees are exactly in the middle of the field and that in the perpendicular direction there are 25 cubits on both sides? One has to assume that the question also is whether there have to be 9 cubits between any extremal tree and the border of the field. It seems that instead of "R. Eliezer" one should read "R. Eleazar", but there is no ms. evidence to back this up.

25 A question in opposition to R. Eliezer's. If the three trees are close to a fence, if one may plough a field even if the trees are not in the center, may one then plough both sides of the fence to a distance of 50 cubits if the fields on opposite sides belong to the same owner?

26 If it is possible to plough a bet seah because of a row of trees somewhere on it, one would be able to define a cross-shaped area to be ploughed, four partially overlapping bate seah. If the distance between two trees is $a$, one has two fields 50 wide and 50 long on each side of the trees and two fields 50 wide and 25-$a$ long on each side straddling the line on...
which the trees are planted. One has to assume that in each direction there is a *bet seah*, a 50-by-50 field, but the four fields have a considerable area in common so that the total area is $< 4 bate seah$. This interpretation is necessary because even the two lateral fields must have in common the strip carrying the trees and be wide $(8 + \text{width of the stems})$; it agrees with the very careful formulation of the sentence that lead those copyists astray who understood what they were copying. The argument shows that the question must be answered in the negative.

27 In this case, one ploughs much more that a *bet seah* but there is no reason to see in this situation a contradiction to our Mishnah.

Regarding the prohibition of the first two terms, those above plough downwards and those below plough upwards\textsuperscript{28}. It seems reasonable that those above plough downwards but not that those below plough upwards. Let us hear from the following\textsuperscript{29}: "One removes a tree 25 cubits from a cistern." We have stated on that: Both higher and lower. Or let us say both if the tree is higher and the cistern lower or if tree and cistern are on the same level. In this sense, we stated\textsuperscript{30}: "Whether the tree is higher and
the cistern lower or the tree lower and the cistern higher"; is that reasonable? If the tree is higher and the cistern lower; but the tree lower and the cistern higher, do roots climb? Rebbi Hanina said not because of the roots [climbing], but they loosen the earth and damage the bottom of the cistern. A case came before Rebbi Yose ben Abun; he said that is a single opinion and we do not rely on it, for we have stated on this: "Rebbi Simeon says, just as they said higher so they said lower."

28 Following R. Eliezer, one ploughs 25 cubits on both sides of a row of trees, even if the trees are planted on a slope. The problem is that one may plough the entire field because the roots of the trees have the entire field to expand in, but we do not expect the roots to expand upwards as much as they expand downwards.

29 Mishnah Baba Batra 2:11. The chapter deals with the obligation of every citizen to avoid damaging his neighbor's property. If a tree is planted too close to a cistern, the roots might penetrate the wall of the cistern. The full Mishnah reads: "One removes a tree 25 cubits from a cistern, and a sycomore tree fifty cubits, both higher or on the same level." In some Mishnah mss. one reads "both higher and lower", cf. Diqduqe Soferim Baba Batra p. 112. Note א.

30 This baraita is quoted in Babli Baba Batra 25b as current practice.

31 This is understandable.

32 In the Babli, this reason is given by R. Haga (Haggai).

33 About a tree planted near a cistern; he rejects the argument of R. Hanina and decides following R. Yose.

34 Tosephta Baba Batra 1:12. The opponent of R. Simeon is R. Yose (ben Halaphta) who insists that agricultural land is meant for agricultural use and the owner of the cistern should not have built it too close to the border of his domain. In general, R. Yose is a higher authority than R. Simeon. In the Babli, R. Yose's opinion is not mentioned; practice follows R. Simeon. In Yerushalmi Baba Batra, Halakhah 2:11/12, no position is taken between R. Yose and the rabbis.
Mishnah 3: Any useless or fruit trees are considered as if they were fig trees. If they would produce a fig cake in the weight of a talent of 60 Italic minas one ploughs the entire bet seah because of them. If less, one ploughs for them only as necessary.

Halakhah 3: "Any useless tree, etc." Why did they mention fig trees? Because their fruits are large and they produce many. The Etrog tree has large fruits but it produces few of them. Olive trees produce much but its fruits are not large. But these produce much and its fruits are large. Rebbi Hyya bar Ada said, all trees produce one year less than another year but the fig tree produces every year.

35 A fig tree of the size of the tree 36 Space for the harvester and his basket.

Mishnah 4: If one tree yields a "fig cake" but two do not, or two do and one does not, one only ploughs for them as necessary, unless there are three, and so from three to nine\(^39\). If there are ten or more than ten one ploughs the entire bet seah because of them, whether they produce or not, since it is said (Ex. 34:21): "You shall rest from ploughing and harvesting."\(^{40}\)

\(^{39}\) The tree must yield at least 20 minas in weight, its share in the 60 minas expected from three trees. The Halakhah will explain the meaning of "from three to nine".

\(^{40}\) Without good reason, one may not plough.

Halakhah 4: "If one tree yields, etc." Rebbi Vivian in the name of Rebbi Hanina: Only he should not diminish from the computation of triads. Zeira bar Hinena said, only he should not diminish from the computation of nonads\(^41\).

\(^{41}\) According to the first opinion, it must be possible to split the trees into groups of trees, each of which produces a talent. According to the second opinion, all nine trees together have to produce three talents.
If there were four and the ox may pass between them with its harness and two where the ox cannot pass with its harness, you consider it as if there were five. If there are five, we have the disagreement of Rebbi Simeon and the rabbis, as we have stated there: "A vineyard planted less than four cubits apart, Rebbi Simeon says that it is no vineyard. But the Sages say that it is a vineyard and one disregards the ones in the middle as if nonexistent."

42 Mishnah Kilaim 5:2, cf. there, Note 27. Here also, the ox and its harness need four cubits. The rabbis disregard the additional trees and only require one group yielding a talent. R. Simeon forbids ploughing unless one group produces a talent and the remaining three trees (of which two are planted too close together) produce \( \frac{2}{3} \) of a talent.

"One ploughs the entire bet seah because of them since it is said (Ex. 34:21): 'You shall rest from ploughing and harvesting.'" That refers only to the first part, "one ploughs for them only as necessary because it is said 'you shall rest from ploughing and harvesting.'"
Mishnah 5: One does not have to mention ploughing and harvesting of the Sabbatical, but it refers to ploughing in the year preceding the Sabbatical in preparation of the Sabbatical, and harvesting of Sabbatical growth after the Sabbatical. Rebbi Ismael says, just as ploughing is voluntary so harvesting is voluntary; this excludes the harvest of the 'omer^43.

This belongs to the discussion of the verse (Ex. 34:21): "You shall rest from ploughing and harvesting," as given in Halakhah 1, Notes 1-4. The only addition is the statement of R. Ismael, that the verse refers to the Sabbath day, on which all ploughing is forbidden; this has no definite date assigned to it. For him, while the verse is formulated as a prohibition, it implies the commandment to cut the sheaf of barley "on the day after the day of rest" following Passover (Lev. 23:15), even if that day should be a Sabbath (the 16th of Nissan for Pharisees, the 22nd of Nissan for the author of the book of Jubilees.) Cf. Mekhilta deR. Simeon bar Iohai to Ex. 34:22.

Halakhah 5: "One does not have to mention, etc." Rebbi Ismael is consistent since Rebbi Ismael said the 'omer may not come from Syria; the harvesting of the 'omer is different, it is a commandment^44.

The main place of this argument is in Seqalim 4:1. For the definition of Syria cf. Peah Chapter 7, Note 119. Since R. Ismael holds that the barley of
the ’omer is intrinsically holy, he holds that the cutting of the barley is an action of the Temple and paid for by the yearly Temple tax, hence relative to the Sabbath it has the status of a sacrifice and must be performed on the Sabbath if necessary. For him, the prohibition of ploughing before the Sabbatical has no scriptural base.

Mishnah 6: Three trees belonging to three different owners are counted together and one may plough the entire bet seah for them. How much space must be between them? Rabban Simeon ben Gamliel says, so that the ox and its harness can pass.

Halakhah 6: "Three trees, etc." Rebbi Hyya stated: Trees belonging to one owner and ground belonging to a second owner are counted together and one may plough the entire bet seah for them. Rebbi Yose said, we have stated more: Three trees belonging to three different owners are counted together and one may plough the entire bet seah until the New Year.
The clearest formulation is in Tosephta Sevi'it 1:1: "Three trees belonging to three different owners and the field belonging to a forth."

Even though the field's owner ploughs for his own needs, the field is permitted [to be ploughed]."

Mishnah 7: Ten saplings distributed on a bet seah, one ploughs the entire bet seah for them until the new year. If they formed a row or were surrounded by a grate one ploughs only what is necessary for them.

Ten saplings have the same status as three fully grown trees. As R. Simson points out, all these rules became moot with the elimination of the first two periods.

This is the interpretation of R. Simson, based on the similar meaning of מַשָ'רֶה in Mishnah Ahilut 14:1, Middot 3:8. Maimonides explains "planted in an arc of circle", but the expression "מַשָ'רֶה" in Mishnaic Hebrew only means "surrounded by".
Halakhah 7: "Ten saplings, etc." Rebbi Zeira, Rebbi La, Rebbi Yasa in the name of Rebbi Johanan: The "willow" is practice going back to Moses on Mount Sinai. This is against Abba Shaul, since Abba Shaul said the willow is a word of the Torah (Lev. 23:40): "Brook willows," two. One willow for the lulab, the other willow for the Temple. Rebbi Abba, Rebbi Hiyya in the name of Rebbi Johanan, willow and pouring of water are practice going back to Moses on Mount Sinai. This is against Rebbi Aqiba, since Rebbi Aqiba said the pouring of water is a word of the Torah. On the second day, (Num. 29:19) "and their libations." On the sixth day, (Num. 29:31) "and its libations." On the seventh day, (Num. 29:33) "and its rules." spells "water". Rebbi Hiyya bar Abba asked before Rebbi Johanan, why does one now plough because of old trees? He said to him, when the practice was established it was given so that when they desired to plough they might plough.

48 This paragraph (from Sukkah 4:1, fol. 54b) is an introduction to the next one which will mention the ten saplings. It deals with the laws of the feast of Tabernacles when in addition to the ceremonies prescribed by the Torah the altar was adorned by long willow twigs and water was poured as libation on the altar, against the opposition of the Sadducees.

49 Babli Sukkah 34a. In the Babli, it is not implied that taking the willows in the Temple is a separate biblical commandment. (In the opinion of I. Löw, denotes not the willow but the Euphrates poplar but in Arabic means "willow").

50 The three kinds of branches taken together on Tabernacles, Lev. 23:40.

51 Babli Zebahim 110b. There, the derivation of R. Aqiba parallels the argument of Abba Shaul here, that (Num. 29:31) "and its libations" implies two libations, one of wine and one of water.

52 In Sifry Num. 150, the argument is given in the name of R. Jehudah ben Batyra. In Num. 29:17-34, the sacrifices for the intermediate days of Taber
nacles are given in identical language after the mention of the number of animals required. The only deviations from the identical patterns are, instead of גנוכות and instead of במשה The additional letters are taken to form the word for "water." Rabbenu Hillel notes in his commentary that ומכות תומכת so that the word to be formed would be מים, in the time of the Yerushalmi the standard spelling of מים.

Rebbi Abba bar Zabdi in the name of Rebbi Onias from Hauran:
Willow, water libation, and ten saplings are institutions of the early prophets. 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 (Deut. 32:47): "For it is not an empty word, from you," if it is empty it is from you because you do not exert yourself about it. "Because it is your life," when is it your life? At the time that you exert yourself!

In the parallel, Babli Sukkah 44a, he is called Nehoniah from the valley of Bet Ḥoron; the name in the Yerushalmi is correct since he was a first generation Amora from the Golan heights and an authority on the
halakhic boundaries of the Land of Israel in that region.

54 Samuel and David. Were they never promulgated by Moses?

55 Do they assert that these rules are never promulgated by Moses?

The rest of the paragraph is also in *Peah* 1:1, Notes 74-75.

Rebbi Johanan said to Rebbi Hyya bar Abba: Babylonian, two things came from you, prostrating oneself on fast days and the willow of the seventh day. The rabbis of Caesarea say, and the moving.

56 On fast days, the silent prayer after the *Amidah* was said lying on the floor (*Avoda zarah* 4:1, fol. 43d). In the parallel in *Avodah zarah* it is added that in prostrating oneself outside the Temple one may not have one's face downward but must turn it sideways.

From the Yerushalmi it seems that the Sephardic custom to prostrate oneself only on Yom Kippur is the original one; the Ashkenazic custom which permits prostrating also on New Year's Day is secondary.

57 On the seventh day of Tabernacles, one uses willow twigs in the prayers for winter rains. In Babli *Sukkah* 44a, R. Johanan states that this is a Babylonian custom, instituted by the prophets of the exile, in remembrance of the procession in the Temple around the altar surrounded by willow twigs.

58 According to J. Levy, the word is derived from ריפ "to push aside, to move". The commentaries take the word to be derived from ריפי "to bleed". Bleeding was no Babylonian medical specialty and Levy's interpretation is supported by the text in *Sukkah* which adds that in computing the calendar one may move New Year's Day to protect the ceremony of the willow (which is impossible on a Sabbath) in preference to enabling the blowing of the *shofar* on New Year's day.
It was stated:\(^{59}\): "A sapling by the rule of ten and an old tree by the rule of three." Come and see, a sapling appearing like an old tree\(^{60}\) you consider as an old tree; and you say a sapling by the rule of ten? Rebbi Huna said, what means "by the rule of ten"? That a sapling does not follow the rule of three\(^{61}\). That you should not say, three producing saplings are like ten non-producing ones\(^{62}\) and, similarly, three producing old ones\(^{63}\) are like ten non-producing ones. Therefore, it is necessary to say: "A sapling by the rule of ten."

\(^{59}\) Tosephta \(\text{Sevi'it} \) 1:2: "An old tree appearing like a sapling is a sapling, a sapling appearing like an old tree is an old tree. What is the difference between a sapling and an old tree? An old tree until Pentecost, a sapling until the New Year. An old tree by the rule of three, a sapling by the rule of ten." An old tree looking like a sapling is one which was cut down and now new growth rises from the stump. The rule of three is one requiring a talent of yield, the rule of ten requires ten saplings on a \(\text{bet seah}\) but no yield at all.

\(^{60}\) A sapling yielding a third of a talent of fruit.

\(^{61}\) The next sentence explains what is meant.

\(^{62}\) That one may plough the \(\text{bet seah}\) until New Year's Day following the rule of saplings.

\(^{63}\) These "old ones" are the saplings producing adult yield; one should not say that since the entire \(\text{bet seah}\) may be ploughed because of these three, one applies to them the leniencies of old trees (3 trees per \(\text{bet seah}\) ) and saplings (ploughing until New Year's day.) Explanation of this paragraph follows R. Eliahu Fulda and R. Saul Lieberman.
A field of reeds is judged like a field of grain. Rebbi Abbahu in the name of Rebbi Yose ben Hanina: This was taught about dispersed ones.

"A field of reeds is judged like a field of grain." Rebbi Abbahu in the name of Rebbi Yose ben Hanina: This was taught about dispersed ones.

64 Probably one should read דריית instead of דריית

65 In Tosephta 1:2: "A field of reeds is judged like saplings." For reeds grown as commercial crops, cf. Demay Chapter 6, Notes 100-101. R. Abbahu has to explain the difference between the baraita quoted in the text and the Tosephta by restricting the baraita to a very special case. Fields of grain can be ploughed only until Passover (Mishnah 2:1).

66 The translation (and the vocalization of "פשיט") are offered tentatively. The classical commentators read ד"וקו "two seah" which they take unidiomatically to mean "two batte seah" and give widely divergent interpretations, none of which is convincing. R. S. Lieberman recognized that must describe some special kind of reeds used commercially; R. Abbahu recognizes that in general reeds follow the rules of the Tosephta. Lieberman tentatively suggests to derive the word from Syriac "vine, stem, branch" (Payne-Smith p. 2754). I am suggesting, equally tentatively, to derive the word from Arabic "to be dispersed, strewn about", meaning that the reeds in question do not grow tightly packed.

Does this not contradict Samuel, since Samuel said, even when they form a line. There, since they are dispersed in a bet seah you consider it as if it were full, but here they are all at one place.
In Halakhah 2 (Note 20), Samuel declares that three trees free the entire bet seah if they are planted in a straight line. In Mishnah 7, ten saplings in a straight line do not free the entire bet seah but only four cubits around them. It was shown in Halakhah 2 that the rule of Samuel applies only if the trees are planted in the middle of the field and one has half a bet seah on each side. It is now asserted that Mishnah 7 presupposes that the saplings are not planted in a regular pattern.

Mishnah 8: Saplings and gourds go together in a bet seah. Rabban Gamliel says, if there are ten gourds in a bet seah, one ploughs the entire bet seah until New Year's Day.

Halakhah 8: "Saplings and gourds, etc." That is only if there are more saplings than gourds. Rebbi Hananiah ben Rebbi Hillel asked, is that not reasonable only for Greek gourd? Rebbi Mana objected, did we not state: "Three green melons, three gourds, and four saplings go together
and one ploughs the entire bet seah because of them." It fits only for the last sentence: Rabban Gamliel says, if there are ten gourds in a bet seah, one ploughs the entire bet seah until New Year's Day. Rebbi Hananiah ben Rebbi Hillel asked, is that not reasonable only for Greek gourd?  

68 For the anonymous Tanna, against Rabban Gamliel.  
69 Galilean Amora of the fifth generation, a student of R. Mana's father R. Jonah.  
70 A similar statement in Tosephta Sevi'it 1:2. For "green melon" (in modern Hebrew: "zucchini") and "Greek gourd", cf. Kilaim 1:2 (Notes 38,59). Greek gourd is described as needing the most space among all gourd varieties.  
71 For other varieties, Rabban Gamliel will not disagree with the anonymous Tanna.

Mishnah 9: How long are they called saplings? Rebbi Eleazar ben Azariah said, until they become profane. Rebbi Joshua said, seven years. Rebbi Aqiba said, tree saplings when they are called so. A tree which was cut down and grows anew, if it was cut lower than one hand-breadth it is like a sapling, higher than a hand-breadth it is a tree, the words of Rebbi Simeon.
Halakhah 9: "How long are they called saplings?" What means "until they become profane"? Until they are redeemed or until they become profane by themselves. Rebbi Abba bar Jacob in the name of Rebbi Johanan: The Mishnah means "until they become profane by themselves." Rebbi Yudan said, a baraita supports Rebbi Joshua: "Rebbi says, when they said five, six, or seven years old, for vines five years old, for figs six years old, for olives seven years old." But do we not see the growth of the fig tree come with fruits? Rebbi Yudan said, according to Rebbi we throw it on its width.

72 Reading of the parallel, Orlah 1:3 (fol. 61a), here: "תאתא רבי יחושש כותמי רבי יחושש אמר.
73 Reading of the parallel in Orlah, instead of הבורי here.
74 Reading of the parallel in Orlah. Venice: "when they are torn".
75 This is important both for the Sabbatical year and orlah since around trees one may plough until the New Year but elsewhere only until 30 days before the New Year, and years for orlah are also counted from the New Year.
76 A fruit tree is orlah for three years, must be redeemed in the fourth, and becomes fully profane in its fifth year; cf. Lev. 19:24.
77 Only in this way can the definition be consistent.
78 In Tosephta 1:2, R. Joshua says "five, six, and seven years", and Rebbi explains "five for vines, etc." In that version, the comment of R. Yudan would be superfluous. Hence, the text here is from an independent baraita.
79 In growing olive trees, the thickness of the stem counts, not the bearing of fruit.
Rebbi Simeon and Rebbi Eliezer ben Jacob said the same thing since Rebbi Samuel bar Nahman, Rebbi Jonathan, said in the name of Rebbi Eliezer ben Jacob: He who prunes his vineyard down to less than a hand-breadth is subject to the rules of orlah because of the bad appearance. The Sages say, only if he prunes down to the ground.

80 Kilaim 6:2, Note 23. Since R. Eliezer ben Jacob states that a trunk sticking out from the ground less than a hand-breadth is forbidden as orlah only by rabbinic decree, it follows that R. Simeon in the Mishnah also treats the prohibition of ploughing before the Sabbatical year as rabbinic. Otherwise, he and R. Eliezer ben Jacob would not say the same thing.
Mishnah 1: Until when may one plough a shadeless field in the year preceding the Sabbatical? After the humidity stops, as long as people plough to plant melon and gourd fields. Rebbi Simeon said, you put the instruction for every individual in his own hand! But a shadeless field until Passover, a field with trees until Pentecost.

1 "White field", bright in the sunshine.

2 After the surface of the unirrigated field becomes dry after the spring rains. An irrigated field may be ploughed until the New Year, as explained in Mishnah 2. The reading מְשִׁיבַת is that of the Yerushalmi Mishnah (ed. Low) and of the Leyden ms.; the Babylonian Mishnah, Rome ms., and a Genizah fragment of the Yerushalmi read "until it stops". Since the operative sentence is the following, "as long as people plough to plant melon and gourd fields", the difference is purely stylistic.

3 The opinion of the House of Hillel in Mishnah 1:1.
Halakhah 1: "Until when may one plough," etc. Who is the Tanna who considers humidity? He is Rebbi Meir⁴. Then Rebbi Meir follows the House of Shammai and Rebbi Simeon the House of Hillel. Could we conclude that in our Mishnah Rebbi Meir follows the House of Shammai and Rebbi Simeon the House of Hillel⁵? It must be that Rebbi Meir follows the first Mishnah and Rebbi Simeon the later Mishnah⁶. Could we conclude that in our Mishnah Rebbi Meir follows the first Mishnah and Rebbi Simeon the later Mishnah⁷? But for Rebbi Meir it is taught as a disagreement⁸ and for Rebbi Simeon it is the opinion of everybody. Hence, the author of "until when may one plough a shadeless field in the year preceding the Sabbatical" is Rebbi Meir, but following Rebbi Simeon everybody agrees to "until Pentecost."  

⁴ An anonymous Mishnah is supposed to be R. Mei'r's unless proven to have a different author. The Mishnah makes ploughing dependent on the state of the field; in Mishnah 1:1 the House of Shammai permit ploughing according to the individual circumstances of every orchard.  

⁵ Since practice has to follow the House of Hillel, R. Mei'r's opinion is to be superseded by that of R. Simeon. The Yerushalmi holds that R. Simeon is a higher authority than R. Mei'r if R. Mei'r is mentioned by name (cf. below, Halakhah 8:7); cf. also Demay Chapter 5, Notes 117-120.  

⁶ The previous answer is unsatisfactory. If Rebbi wanted to indicate that practice does not follow R. Mei'r, he would not formulate his as the anonymous (operative) opinion. Hence, while practice follows R. Simeon, we have to assume that practice will follow R. Mei'r if the two periods
before the Sabbatical year, abolished by Rabban Gamliel, will be re-instituted.

7 There would be an internal inconsistency in the Mishnah; the two authors would then talk about two different subjects and the formulation as a disagreement would be wrong.

8 There is a disagreement in the interpretation of the House of Hillel for shadeless fields if it rains after Passover, when the House of Hillel will permit continued ploughing, while for R. Simeon the stated limits are absolute. In this interpretation, the opinion of the House of Shammai is disregarded, and the later statement "following R. Simeon everybody agrees to 'until Pentecost'" is shorthand for the entire statement of R. Simeon in the Mishnah.

Not only a field planted with melons and gourds but even when people intend to plant melons and gourds in the future it is permitted.

9 This text is redundant with the Mishnah text given here (and in the Leyden ms. as well as the Munich ms. of the Babli.) It refers to the Mishnah text in most of the remaining mss: "as long as people plough to plant in melon and gourd fields." Then it is stated that the field does not have to be a melon or gourd field at the time of ploughing.

"Rebbi Simeon said, you put the instruction for every individual in his own hand!" One will say, the moisture of my field is gone; the other one will say, the moisture of my field is not yet gone. "But a shadeless field until Passover, a field with trees until Pentecost."
What explains the difference between a shadeless field and an orchard? Since a shadeless field will be newly sown it needs existing superficial moisture but an orchard which already is planted does not need superficial moisture.

The difference in rules applying to the different kinds of fields.

Mishnah 2: One fertilizes and hoes in melon and gourd fields until the New Year; the same applies to irrigated fields. One trims, removes, dusts, and smokes until the New Year. Rebbi Simeon said, one may even remove a leaf from a bunch in the Sabbatical year.

Reading of most Mishnah mss., the Yerushalmi from the Genizah and the Rome ms.; Leyden ms. and Munich ms. of the Babli. However, in the Halakhah the Leyden ms. also has (as a correction.)

The leaves, as explained in the Halakhah. According to Maimonides, R. Simeon permits this particular activity also in the Sabbatical year. However, it seems that R. Simeon permits only the removal of leaves from bunches of grapes if otherwise the grapes would rot; see the Halakhah.
Halakhah 2: "One gives manure and one hoes in melon fields", etc.

May one plough for these? It was stated: "As long as one may plough one may fertilize and hoe; if one may not plough then one may neither fertilize nor hoe." Rebbi Yose said, the Mishnah implies this: "One fertilizes and hoes in melon and gourd fields until the New Year; the same applies to irrigated fields," and we have stated on this: "One ploughs irrigated fields until the New Year; Rebbi says until three days before the New Year so that one may sow and it starts to form roots, or one plants and it starts to form roots." If it would grow roots in three days! "Rebbi says, until three months before the New Year so that one may sow rice, have it form roots, transplant it and have the roots take hold."

13 Plough the manure under; otherwise the fertilizer would not be effective.

14 Tosephta 1:12: "One ploughs an irrigated field and irrigates them [the plants growing there] 30 days before the New Year. Rebbi says, until [Vienna ms. thirty days] [Erfurt ms. and printed text: three days] before the New Year, so that one may sow and it starts to form roots, or one plants and it starts to form roots." The first hand of the Leyden ms. has only the quote of the Mishnah and the reformulated statement of Rebbi. R. S. Lieberman (Tosefta ki-fshutah Zera'im p. 494)
wants to prove from this that the reading "three days" is found only in the corrector's text, but this is contradicted by the majority of the Tosephta sources. The "30 days" reading in the Tosephta is unsubstantiated.

15 Since rice usually is transplanted, this corrected version makes more sense.

One trims to remove outgrowths. One removes leaves. One dusts, puts dust over it. One smokes, one makes smoke under it. It was stated:

"One straightens them, one makes them grow sidewise." One straightens for it. One makes it grow sidewise: The colleagues say, one makes a forked support for it; Rebbi Yose says, one weighs it down by a stone.

16 The technical terms used in the Mishnah are explained. All the terms refer to trees, not to sown plants.

17 A Tosephta (1:11) also uses the term "משדריר". It seems that this refers to training fruit trees on an espalier. The translation of "משדריר" as "make it grow sidewise" is adequate only for the explanation of R. Yose, that one weighs the branches down so they cannot grow upwards. In the interpretation of the colleagues, one supports branches growing sideways by putting forked supports (cf. Kilaim Chapter 4, Note 60) under branches heavy with fruit. The disagreement shows that the expression was no longer in use in Amoraic times.

It was stated: "One strings and spreads." So is the baraita: One strings vines and spreads them on the poles. "At a place where one
usually strings and spreads before Sukkot; after Sukkot, one strings and spreads after Sukkot. Rebbi Simeon says, only higher than the notch."

18 Tosephta 1:7. Since the text deals with the care of trees, it is impossible to derive the verbs from Rabbinic Hebrew "to be indulgent, forgo one's rights", "to loosen, cause release" or Biblical Hebrew "to renounce". One has to derive the first term from Arabic (Hebrew רוח) "to string, stretch, draw tight" (the branches of the vine on the espaliers) which somehow may be connected with רוח "to increase, make more bountiful" (also found in Accadid). The verb שמש in classical Arabic means "to spread out the foliage (of a tree)". There is an Arabic technical term מַשֵּׂם "vine prop" fitting the context. [R. S. Lieberman (Tosefta ki-fshutah p. 490) wants to explain (from rabbinic Hebrew) that one slips the vines off the supporting poles. The derivation from the Arabic technical term seems preferable.]

19 In non-Sabbatical years. Any work belonging to the produce of the sixth year is permitted if it is customary.

20 It is difficult to see what kind of stringing or propping up could be done lower than the first notch from which the stem branches out.

Rebbi Jeremiah in the name of Rebbi Hosaia, Rebbi Jacob bar Aha, Rebbi Yose bar Hanina in the name of Rebbi Hama, father of Rebbi Hosaia: He takes all accumulations with it. "Rebbi Simeon said, one may even remove a leaf from a bunch in the Sabbatical year." The position of Rebbi Simeon is inverted: We have stated there (Mishnah
2:10): "One may tear off\(^{22}\) rice in the Sabbatical year; the words of Rebbi Simeon are that one may not trim\(^{23}\)." And here, he says so? There is a difference here, he is like one who saves from a fire\(^{24}\).

21 This refers to the statement of R. Simeon in the Mishnah, quoted in the next sentence. When one removes leaves to expose the grape bunches, he may also remove anything needed to be removed, even other bunches, and is not guilty of harvesting for his own use in the Sabbatical year.

22 This follows R. Y. Qafeḥ in his translation of Maimonides's Mishnah Commentary; he notes that Maimonides's Arabic expression מָרָשׁ may mean (1) "to macerate in water" and (2) "to tear off in irregular fashion, mutilate"; in the dictionaries (2) is given as translation of מָרָשׁ. All halakhic commentaries (R. Simson, R. Isaac Simponti, and the commentators to Maimonides's Šemittah weYovel 1:15) give the root the meaning "to water"; this does not fit the sense of Rabbinic מָרָשׁ which elsewhere means either (1) "to stir" or (2) "to crush, quash". Arabic and Hebrew meanings (2) may be supported by Accadic marasu "to get into bad shape".

23 In his translation of Maimonides's Mishnah Commentary, Alharizi translates מָרָשׁ as "to hoe".

24 He is only permitted to remove the leaves if otherwise the bunches would be ruined, not as regular tending.

Mishnah 3: One may remove stones\(^{25}\) until the New Year. One cuts\(^{26}\), prunes, and shapes until the New Year. Rebbi Joshua says, like the pruning and shaping of the fifth year\(^{27}\), so is that of the sixth. Rebbi Simeon says, any time that I may work the tree I may shape it.
25 From his field.
26 Really "nibbles", in an unsystematic way. "Pruning" means eliminating unwanted new shoots, "shaping" means eliminating dead wood.
27 When there are no time limits on any agricultural work.

Halakhah 3: "One may remove stones until the New Year", etc. There, we have stated: "He who removes stones takes the upper ones and leaves those lying on the ground." And here you say so? Rebbi Jonah said, there when they are loose, here when they are connected to the ground.

Mishnah 3:7, dealing with work permitted during the Sabbatical year. If one may remove stones during the Sabbatical year, there seems to be no reason why removing the stones should be restricted to the time before the New Year.

Rebbi Yose said, we were of the opinion to say that Rebbi Simeon holds with Rebbi Joshua in cutting, that there are two tannaitic positions: "One may remove stones until the New Year, one cuts, prunes, and shapes until..."
the New Year" following the rabbis. "Rebbi Joshua says, like the pruning and shaping of the fifth year, so is that of the sixth." But there are three Tannaim. "One may remove stones until the New Year, one cuts, prunes, and shapes until the New Year" following the rabbis. "Rebbi Joshua says, like the pruning and shaping of the fifth year, so is that of the sixth," even after that. "Rebbi Simeon says, any time that I may work the tree I may shape it," until Pentecost.

Mishnah 4: One dirties saplings, ties them, clips them, builds them shelter, and waters them until the New Year. Rebbi Eleazar ben Rebbi Zadoq says, one may water the leaves in the Sabbatical year but not the stem.

29 One treats saplings with evil smelling chemicals if necessary (according to Maimonides, with a mixture of meat sauce and vinegar, to keep worms and insects away.)

The notion of "sapling" was defined in Halakhah 1:9.

30 One ties the branches to the stem.
Halakhah 4: "One dirties saplings" etc. The Mishnah follows Rebbi, but according to the rabbis one dirties, one removes worms in the Sabbatical year but not on [the intermediate days of] holidays. In neither case does one cup but one may remove what one sees.

31 When all non-urgent agricultural work is forbidden, as detailed in Tractate Mo'ed Qatan.

32 This baraita is quoted in Babli Avodah Zarah 50b by R. Abba bar Jeremiah. Rashi explains there that "cupping" means cutting branches so as to create new notches from which multiple branches will sprout. The corresponding Arabic word is ṣawī "to cut". A somewhat parallel version in the Tosephta (1:11), referring only to the Sabbatical year, has metathesis.

33 "Removing worms" means drilling into a tree to remove worms from inside the tree. This one may not do on a holiday but worms or moths visible from the outside may be removed.

Rebbi Yose said that Rebbi Abuna asked: What is the difference between dirtying and making a shelter? Dirtying is like appointing a watchman, a shelter creates shadow [for the plant] and it grows because of that.

34 Why do the rabbis permit dirtying during the Sabbatical year but not building a shelter. Dirtying is a prophylactic against damage but building a greenhouse around a plant helps in promoting growth.
There (Mishnah 4:5), we have stated: "He who breaks off [branches] from an olive tree should not cover with dust but he may cover with stones or straw." Rebbi Jonah said that Rebbi Abuna asked: What is the difference between straw and dust? Straw may only be compared to appointing a watchman, dust creates clay and [the plant] grows because of that.

It was stated\(^{35}\): "Rebbi Yose ben Kippar said in the name of Rebbi Eleazar ben Shammai' that the House of Shammai say, one waters the leaves and it trickles down to the root, but the House of Hillel say, one waters both on the leaves and on the root." In the House of Rebbi Yannai one watered with a basket\(^ {36}\). Rebbi Isaac ben Tevele said, one waters with a basket. Rebbi Hiyya bar Abba: Rebbi Yudan bar Guria \(^ {37}\) watered with a basket and hoed. Did he intend to work the land? In the days of Rebbi Hiyya bar Abba they watered date palms with new brooms and dried branches.

35 Tosephta 1:5. There, the tradition is in the name of R. Eliezer, and the House of Hillel argue that either watering is permitted or it is forbidden; there can be no partial permission. Since R. Yose ben Kippar, Tanna of the fifth generation, was a student of R. Eleazar ben Shammai', the text here is the better one.

36 In order not to water in a
professional way.

37 An Amora mentioned only here, in a disapproving way. He loosened the earth around the stem so the water should reach the root. It is objected that this is professional tending of the tree. If it is necessary to loosen the earth around the stem, it should be done in a non-professional way, using a hard broom or dried branches.

Mishnah 5: One rubs unripe figs and pricks them until the New Year. One may not rub or prick unripe figs entering the Sabbatical year, or those of the Sabbatical year leaving it. Rebbi Jehudah says, at a place where people usually rub them, one may not rub them because that is agricultural work, but in a place where one does not usually rub, he may do so. Rebbi Simeon permits it for a tree since one may work a tree.

38 Commentary of Maimonides: "At some places here figs do not ripen unless one takes a toothpick, rubs it with oil, and uses it to prick each single fruit." If a fig is still unripe shortly before New Year's day, chances are it would not ripen without human intervention. In Babli Avodah Zarah 50b, the Mishnah is quoted in the form: "One rubs unripe figs [with oil], pricks and fattens them until the New Year". All rubbing is done with olive oil.

39 Since R. Simeon in Mishnah 2 forbade all work on a tree after Pentecost, his statement here can apply only to a tree full of unripe figs at the
end of the Sabbatical year when one never were edible in the Sabbatical year.

Halakhah 4: "One rubs unripe figs," etc. We have stated: "One rubs unripe figs." In the House of Rebbi they stated: "These are the unripe figs from the year before the Sabbatical which enter the Sabbatical." Rebbi Eleazar follows our Mishnah. Rebbi Johanan follows those who stated in the House of Rebbi. In the opinion of Rebbi Eleazar, Rebbi Jehudah comes only to make things easy. In the opinion of Rebbi Johanan, Rebbi Jehudah comes only to make things harder.

40 Tosephta 1:8. This Tosephta cannot be the source of the Yerushalmi since it does not mention the opinion of the anonymous Tanna. The Tosephta makes clear that, in its opinion, nobody permits treating the unripe figs in the year following the Sabbatical.

41 Since the anonymous Tanna permits only until the New Year, R. Jehudah permits where the anonymous Tanna forbids. Since in the Tosephta, the first Tanna is not mentioned but R. Jehudah is mentioned by name, it follows that for the Tosephta the unnamed majority will allow unrestricted oiling of unripe figs left over from the preceding year's harvest.
Mishnah 6: One does not plant, sink, or graft in the year preceding a Sabbatical year later than thirty days before the New Year; if he planted, sank, or grafted he has to uproot it. Rebbi Jehudah said, any graft that does not take hold within three days will never take hold; Rebbi Yose and Rebbi Simeon say, within two weeks.

42 This was defined in Mishnah Kilaim 7:1, Note 1.

43 According to Rashi, in the opinion of the Babli (Roš Haššanah 10b) Rebbis Jehudah, Yose, and Simon are restrictive and require that the graft take hold thirty days before the New Year. According to Rabbenu Tam, it is permitted to plant up to three days (or two weeks) before New Year’s day. Which opinion is supported by the Yerushalmi depends on the interpretation of the sources discussed above, Note 12.

Halakhah 6: "One does not plant ... or graft", etc. Rebbi Eleazar in the name of Rebbi Yose bar Zimra: Our Mishnah [deals with the] unadvertised [case], but if it is clear [e. g. when] he ploughed, it is permitted.

44 The prohibition of the Mishnah is not biblical but rabbinic, because people could think the planting, etc. was done during the Sabbatical year. If it is made clear to everybody that the ground was prepared before New Year’s day, one may plant until the New Year.
"One does not plant, sink, or graft in the year preceding a Sabbatical year later than thirty days before the New Year; if he planted, sank, or grafted he has to uproot it." If one did not uproot, what is with its yield? Rebbi Abba and Rebbi La were sitting in Tyre when a case came before them. Rebbi La taught that the fruits should be thrown away. Rebbi Abba said, I was not counted with them on the upper floor. They said, let us go out and study. They went out and heard Rebbi Jonah, Rebbi Isaac bar Tevele in the name of Rebbi Eleazar: One does not make a new restriction. Rebbi Yose, Rebbi Isaac bar Tevele in the name of Rebbi Eleazar: One does not add to a restriction.

45 Since a newly planted or grafted tree is forbidden for three years as orlah, the question is the status of a forbidden tree after three years. A parallel to this text is in Ma'aser Šeni 1:1 (fol. 52c).

46 Most cases in which the Mishnah reports on the circumstances in which a rabbinic restriction was decreed, it is said that the Sages assembled on the upper floor (e.g., Sabbath 1:2). Rebbi Abba wants to say that he was no party to the tannaic deliberations in the matter; he objects to R. La's statement that the fruits produced by a tree planted in the Sabbatical are permanently forbidden.

47 Since the Mishnah does not state that the fruits are permanently forbidden, no Amora has the power to decree that they should be forbidden.

It seems that in the text, "restriction" should be replaced by "practice". This is the reading of the Rome ms. here in both instances, and of the Venice text in Ma'aser Šeni in the
second statement. נדיר is a Babylonian form for Galilean נדיר, cf. Demay, Chapter 1, Note 89. Intrusions of Babylonian spelling and terminology are infrequent but found in almost all tractates of the Yerushalmi; they probably were introduced by scribes learned in the Babli. This increases the importance of the testimony of the Rome ms. in these cases; the scribe of that ms. was, in the words of R. S. Lieberman, "uncivilized and uneducated."

הכש遺 mất הנה משאת מהר ל’כימיה. סנה רבי יעץברר בר אביאל דליה
הכש遺 mất הנה אשמר ל’כימיה. רחניה כמיא אחר מכם שמקמר אכל מקמי
מביניים עבר בן בנה.

If he planted and died, may his son keep it? Rebbi Jacob bar Abbai stated from Bar Delaiah: If he planted and died, his son may not keep it. This follows the one who says because of the suspicion⁴⁴, but because of the building of the father, his son may build⁴⁸.

⁴⁸ This phrase is close to being unintelligible. The translation here follows R. Moses Margalit who explains that if the reason is not because of what other people could think but is a fine imposed on the perpetrator, there would be no reason to fine the heir. R. Eliahu Fulda and some others want to correct מנה, מימי, ממה, בטמא, בןיני; this has no support in the sources. As B. Ratner notes, it seems that the entire clause was missing in the Yerushalmi before R. David ben Zimra (Maimonides, Ṣemittah weYovel 2:11) who writes: "The heir may not keep it"; the Yerushalmi notes that this is obviously because of the suspicion. The Rome ms. has אאיכי ממיי התיבייקיא אא אימ מקמי "but because of building, I also can build," worse than the Venice text.
It was stated⁴⁹: "If somebody planted, sank, or grafted 30 days before the New Year, it counts for him as a full year⁵⁰ and he is permitted to keep it in the Sabbatical year. Less than 30 days before the New Year, it does not count for him as a full year and he is not permitted to keep it in the Sabbatical year. Truly, they said⁵¹, the fruits from this planting are forbidden until the fifteenth of Shevat.⁵² What is the reason? Rebbi Yasa in the name of Rebbi Johanan (Lev. 19:24): "And in the year." How do you understand this? Rebbi Zeira said (Lev. 19:23): "Three years they shall be uncircumcised for you, and in the [fourth] year."⁵³

⁴⁹ Tosephta 2:3, Babli Roš Haš-šanah 9b, Masekhet Semahot end of Chap. 2. A parallel of this and the following paragraph is in Roš Haššanah 1:2 (fol. 57a).

⁵⁰ For the prohibition of orlah the first three years and the obligation to redeem the fruits in the fourth year, Lev. 19:23-24. This is spelled out in the Tosephta-Babli version. Mishnah Roš Haššanah declares the first of Tishre to be the start of a new year for saplings, i.e., for the rules of orlah.

⁵¹ This clause, which makes the statement unchangeable practice, is not in the Tosephta-Babli version.

⁵² The New Year for tithes from trees, Mishnah Roš Haššanah 1:2.

⁵³ 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. Zeraḥiah Halevi, R. Nissim Gerondi). The text in Roš Haššanah 1:2 mentions the fourth year explicitly.
Rebbi Abba bar Mamal said before Rebbi Zeira: It is understandable if they were planted thirty days before the New Year. But if they were not planted thirty days before the New Year? Come and see: A full year is counted for him, and you say so? He said to him: If it is so, even if they were planted thirty days before the New Year, should it not be forbidden until thirty days before the New Year? What about it? Rebbi Mana said, since it stands in the middle of its year, it has to finish its year.

54 The question is about the mixing of the rules of the Sabbatical with those of orlah. Either the 15th of Shevat (cf. Note 52) 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.

55 Even though the second year of the tree starts on Tishre 1, one has to wait another 41/2 months to use its fruit.

56 If the 15th of Shevat is not a universal date, should not any fruit be forbidden for three full years, counted individually?

57 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). According to Maimonides, if a sapling was planted earlier than 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 (Ma’aser Seni 9:9).
Mishnah 7: Rice, millet, poppies, and sesame that took root before the New Year are tithed for the past year and are permitted in the Sabbatical year. Otherwise they are forbidden in the Sabbatical and tithed for the coming year.

58 They may be treated as private property of the farmer and be harvested during the Sabbatical year. If tithes are given for this crop from another place, it must be from produce of the preceding year.

59 Forbidden to be harvested and stored as seeds but permitted to be taken by everybody.

60 In a year not Sabbatical.

Halakhah 7: "Rice, millet," etc. For produce they went after its being a third [ripe], for rice after roots taking hold, and for vegetables the collection is the time of its tithing. From where that they could go after its being a third [ripe] for produce? (Deut. 16:16) "From your threshing-floor and from your wine-press." "From your threshing-floor", not all your threshing-floor, "from your wine-press", not all your wine-press.
Then also if it is less than a third [ripe]? Rebbi Zeira said, it is written (Deut. 14:22): "Tithe! You should tithe all produce of your seed," something which may be sown and will sprout; this excludes produce less than a third [ripe] which when sown will not sprout\(^64\). Then one should tithe the first third for the past and the other two thirds for the future\(^65\). Rebbi Johanan said, from the holiday of Tabernacles\(^66\). Just as Tabernacles belongs to the next year but you celebrate it for the past, so this one is for the future and you celebrate it for the past.

61 Any agricultural produce not under the following two categories. The argument does not refer to the Sabbatical year but to tithes. The details are given in Ma'serot Chapter 1.

The argument is based on (Deut. 14:22): "Tithe! You should tithe all produce of your seed which comes out of your field year by year." This implies that all produce must be tithed in the year of its growth. It is not necessary that tithes be given separately from each harvested batch, but it is necessary that only this year's produce be used to fulfill the obligations pertaining to any of this year's growth. Since produce is described as coming out of the field, it is the growth rather than the harvest which is the determining factor.

62 Since the verse only gives the outline of the obligation, it is up to the religious authorities to spell out the details. For this, the verse has to give them authority.

63 In talmudic interpretation, the prefix א means "part of". Here it is taken to subject to tithes produce not really ready for the threshing-floor or the wine-press. The Sifry (Deut. 140) has a different approach of interpretation, see below Note 76. The rule for the Sabbatical is treated in Sifra Behar (9): R. Jonathan says, from where that if produce is one-third ripe before the New Year you may bring it into storage in the Sabbatical year, the verse says (Lev. 25:3): "[Six years you shall sow your field] and harvest its harvest," if it is one-third ripe.

64 This proves that "one-third ripe" does not mean one-third of the growing period but one-third of the ripening time of the fully formed fruit or grain (cf. Peah Chapter 4, Note 86).
65 Since the effects of the growing periods are indistinguishable in the ripe fruit, tithing could never be accomplished.

66 (Deut. 16:16) "Make for yourself a festival of Tabernacles when you gather from your threshing-floor and from your wine-press." Since Tabernacles is 15 days after the New Year, it clearly belongs to the next year but celebrates the harvest of the preceding year. Therefore, one can harvest this year and tithe it as growth of the preceding year. This argument also appears in the name of R. Johanan in the Babli, *Roš Haššanah* 12b; the rabbinic character there is made clear by R. Zeira and Rav Assi.

One might say, this similarly applies to rice, millet, poppy seeds, and sesame. Rebbi Ḥuna bar Hiyya said, there it is impossible to recognize. They objected to Ḥuna bar Hiyya, was it not stated: He collects it together with his threshing, it turns out that he tithes from his seeds for his vegetable and from his vegetable for his fruits? Rebbi Yose said, Ḥuna bar Hiyya confirmed it; Rebbi Jonah, Ḥuna bar Hiyya in
the name of Samuel\textsuperscript{71}: It is written (\textit{Deut.} 14:22): "Tithe! You should tithe all produce of your seed," you give one tithe in one year but not two tithes in one year\textsuperscript{72}. They objected, does not Egyptian bean require two tithes in one year\textsuperscript{73}? Was it not stated: He collects it together with his threshing, it turns out that he tithes from his seeds for his vegetable and from his vegetable for his fruits? Rebbi Zeira said, it is written (\textit{Lev.} 25:3): "Six years you shall sow your field and harvest." Six sowings and six harvests, not six sowings and seven harvests\textsuperscript{74}. Rebbi Jonah said, we cannot hold with six but instead hold with seven; so it is: Six sowings and seven harvests, not six sowings and five harvests. They objected, does not Egyptian bean have six sowings and five harvests\textsuperscript{75}? As it was stated: He collects it together with his threshing, it turns out that he tithes from his seeds for his vegetable and from his vegetable for his fruits.

\textsuperscript{67} Reading of the Rome ms. Venice and Leyden: \textit{הָנָךְ} No Rav or Rebbi Huna bar Ḥama is known from the Talmudim.

\textsuperscript{68} There seems to be no reason why the kinds enumerated in the Mishnah should be treated differently from produce in general. R. Huna bar Ḥiyya explains that the principle of "one-third ripe" is not practical for these kinds. This answer would be impossible if prohibitions of the Sabbatical year were biblical since then in a questionable case one could not be more lenient than in a certain one. A biblical justification is given in the next paragraph, but see the last paragraph in Chapter 9. There is no problem with the rules of tithing since biblical law requires tithing only of פָּרָה חֲלִיָּה "grain, olive oil, and wine". All quotes of biblical verses in this Halakhah have to be taken as establishing guidelines for rabbinic decrees, not as giving hard biblical rules (R. Abraham ben David, Commentary to \textit{Sifra, Behar Pereq} 1.)

\textsuperscript{69} One of the original members of the Yeshivah of Rav in Babylonia. In the Babli, his title always is "Rav". It is not impossible that he exercised rabbinic functions before the title of
"Rav" was introduced; then either he should have no title or the title of "Rebbi". He became rich as a tax farmer; for this he was shunned by some of his colleagues and could not attain the status of a major figure in either of the Talmudim.

70 This refers to the next Mishnah, that according to some opinions, Egyptian beans (cf. Kilaim Chapter 1, Note 45) follow the rules of rice. Now beans can be planted either as produce for their beans or as vegetable for their pods. The obligations of a field of beans therefore are determined by the intentions of the farmer. If the farmer changes his mind during the growing season then, as it is stated in Tosephta 2:5, R. Simeon from Shezur, whose opinion is reported in Mishnah 8, is of the opinion that now produce and vegetable are inseparably mixed in the ripe bean pod and that after "threshing", separating the beans from their pods, beans and pods have to be mixed for the purpose of taking common heave. The baraita quoted here explains the same in different wording; for the full text see Note 84. The objection here already implies the ruling given in Halakhah 8 that practice follows R. Simeon from Shezur. (In the Babli, Roš Haššanah 13b, a baraita is quoted closer to the Tosephta.)

71 R. Yose and R. Jonah disagree about who is the first author of the following statement.

72 Cf. Note 61. The argument is about the last part of the verse which was not quoted, year by year.

73 One for produce and one as vegetable.

74 R. Zeira reinforces the attack against R. Huna bar Hiyya; in the case of R. Simeon from Shezur, only tithing in common may permit six harvests for the purpose of tithing; otherwise one would have to admit seven. Rebbi Jonah supports R. Huna bar Hiyya and notes that one must admit "seven" harvests (which for two harvests every year adds up to 12 harvests in six years.) The Sifra (Behar 7-8) has a different (Babylonian?) approach to the verses quoted: "From where that you may store in the Sabbatical year rice, millet, poppy seeds, and sesame that took root before the New Year? The verse says (Lev. 25:3): 'you should harvest its yield', even in the Sabbatical. I could think [this applies] even if they did not take root, the verse says (Lev. 25:3): 'six years you shall sow your field and harvest.' Six sowings and six harvests, not six
sowings and seven harvests."

75 If the planting is late, there may be no harvest in either year. Hence, any number of harvests are possible, and the entire argument started by R. Zeira is moot. The reason of R. Ḥuna bar Ḥiyya remains unproven and uncontradicted.

On which basis did they rule that for vegetables their collection is the time of tithing? (Deut. 16:16) "From your threshing-floor and from your wine-press." Threshing-floor and wine-press are sustained by the waters of the preceding year, you go for them after the past. These live from the waters of the coming year, you go for them to the future. They objected, but Egyptian beans, if one sowed them for the beans, are tithed for the past, but if he sowed for vegetable, they are tithed for the future. Does it hold a charm [to know that] if one sowed them for the beans, they drink from the past year, but if he sowed them as vegetable, they drink from the future year?

76 In the Babli (Roš Haššanah 14a) and in Sifry Deut. 140, this argument is given in the name of the Tanna R. Yose the Galilean. According to R. Aqiba (in Sifry) vegetables are grown by irrigation; they do not depend on the seasons and, therefore, must be tithed independent from the agricultural year at harvest time.

77 The reason given above is rejected and, except for grain one-third ripe, all time limits given are rabbinic in character. The expression וכסמה רחתי is inspired by Num. 22:7.
Mishnah 8: Rebbi Simeon from Shezur says, Egyptian bean which one sowed originally for its beans has the same rules. Rebbi Simeon says, large peas have the same rules. Rebbi Eleazar says, [only] large peas when they formed pods before the New Year.

What means יבש? They produced pockets.

78 R. S. Lieberman (Tosefta ki-fshutah p. 502) explains as Greek "small calyx, pod, seed pouch", with an exchange of liquids n-l.

Rebbi Abba bar Zavda in the name of Rebbi Simeon ben Laqish: Practice follows Rebbi Simeon from Shezur. Rebbi Yosa said, Rebbi Eleazar instructed Rebbi Sabbatai Zadoq’s, following Rebbi Simeon from Shezur.

79 An Amora of the second generation, usually associated with R. Eleazar. He is the only Amora whose patronymic is given in Greek form (A B’s instead of the usual A son of B.)
It was stated: The Sages enumerated six cases for Egyptian bean. If one sowed it for seeds it is tithed for the past; if he sowed it as vegetable it is tithed for the future. If he sowed it for both seeds and vegetable, or if he sowed for seeds and then wanted it as vegetable, one may tithe from its seed on vegetable and from vegetable on seeds, on condition that it was one-third ripe before the New Year. But if it was only ripe one-third after the New Year, its seed is tithed for the past and its vegetable is tithed at the moment of its being plucked if it was collected before the New Year. But if some of it was collected after the New Year, both seed and vegetable are tithed for the future.

80 In that case the beans are left on the field until the pods are hard and no longer usable as vegetable. In that case, beans fall under the rules of produce. If the green pods are sold as vegetable, it must be tithed at the moment of harvest. "Tithed for the past" means "tithed as part of last year's harvest."

81 The Tosephta (2:7) has a similar rule for dill and coriander.
If he sowed it for seeds and then thought about it for vegetable, it follows his thought\(^{82}\). If he sowed it as vegetable, the thought of seeds cannot take hold on it unless he withheld three *morbiot\(^{83}\). That is, if it was one-third ripe before the New Year, but if it was not one-third ripe before the New Year, even if he did not withhold three *morbiot. If he sowed for seeds and all [plants] formed complete pods before the New Year, its seeds are tithed for the past year, its greens are tithed at the time of their harvest. If some [plants] had formed complete pods but some did not, that is the case of\(^{84}\): "He collects it together with his threshing, it turns out that he tithes from his seeds for his vegetable and from his vegetable for his fruits". Rebbi Eudaimon from Haifa stated: Even if not all [plants] formed complete pods before the New Year, its seeds are tithed for the past year, its greens are tithed at the time of their harvest. Rebbi Yose said, that is if it was one-third ripe for the intention of seeds. But if it was one-third ripe for the intention of vegetables, it is impossible to say that its seeds are tithed for the past year and its greens are tithed at the time of their harvest, since you say that "he collects it together with his threshing; it turns out that he tithes from his seeds for his vegetable and from his vegetable for his seeds\(^{85}\)".

82 Maimonides (*Ma'aser Šeni* 1:10) reads יאכז ומיי , which is identical with Mishnah 9, except that in the case of *ba'ali* fields, the Tosephta reads יאכז ומיי; this is the basis of the translation.

83 Tosephta 2:4 is practically identical with Mishnah 9, except that in the case of *ba'ali* fields, the Tosephta
states that for the field to qualify as seed field, one must withhold two (or three) niirna, instead of maw in the Mishnah. The Tosephta is partially quoted in Ma'aserot 4:5 (fol. 51b), where the reading is maw, instead of modii.

R. Abraham ben David (Ma'aser Seni 1:10) deduces from the Mishnah that maw are instances of irrigation; R. S. Lieberman reads the words as derived from "fertilizations," but it might be better to take the word from "waterings". Israel fields of produce other than grains, while not irrigated permanently, are watered occasionally (Mishnah 9).

Maimonides, followed by the commentators of his Code and J. Levy, translates מברית מחורי (or מברית מחורי in the Rome ms.) as "trimmings"; that meaning is found in the Babli (Sukkah 45a, Tamid 29a). R. Abraham ben David wonders why Maimonides in his Code follows an unclear Tosephta instead of a clear Mishnah.

84 Cf. Note 70.
85 In the Babli, Roš Haššanah 13b, this is accepted since Samuel decrees that "all goes by the time the fruit is ripe".

If one sowed it for seeds before the Sabbatical New Year86, then in the Sabbatical year both seeds and vegetables are permitted. If one sowed it
as vegetable before the Sabbatical New Year, then in the Sabbatical year both seeds and vegetables are forbidden. If one sowed it both for seeds and vegetable before the Sabbatical New Year, then in the Sabbatical year clearly seeds are permitted. What is the status of vegetables? Rebbi Hiyya stated "forbidden", Rebbi Halaphta ben Shaul stated "permitted". He who says "permitted" follows the word of the Torah. He who says "forbidden", because of the bad impression. Rebbi Simeon bar Zevida asked before Rebbi Yose: Then it should be forbidden even to use it to feed one's animals, because of the bad impression. He said to him, one should not give to his son or to his agent, nor should he harvest in a row. Rebbi Yose ben Rebbi Abun said, if a hole was torn out it is permitted. Even according to him who says it is forbidden, if he harvested and found vegetable in it, it is permitted. Similarly, when a man came carrying ten bundles of Lybian [beans] as tithe to Rebbi Jeremiah, he said that this should not be done; do not harvest more than what is needed for the pan.

86 Assuming that the roots are well formed before the New Year. As vegetable all is forbidden since both tithes and the Sabbatical status are determined by the time of the harvest.

87 Since the goal of the planting is purely in the mind of the farmer, other people will suspect that he planted for vegetables and now illegally takes the growth of the Sabbatical year for himself.

88 Cf. Kilaim 9:2, Notes 32 ff. The questioner follows Rav in his opinion that any prohibition because of a bad impression is absolute. The answer is that reasonable behavior will prevent gossip. The rest of the paragraph defines reasonable behavior.

89 This is unprofessional harvesting and certainly permitted in the Sabbatical year.

90 A few pods that still can be eaten as vegetable. If the harvest is for the white beans, most pods will be
inedible and the few green ones will not cause gossip.

91 See Kilaim, Note 67; green Egyptian beans are called Lybian.

92 A Greek word, cf. Peah, pp. 239, 335.

If one sowed it [for seeds] before the New Year of the eighth year, then in the eighth year both seeds and vegetables are forbidden. If one sowed it as vegetable before the New Year of the eighth year, then in the eighth year both seeds and vegetables are permitted. If one sowed it both for seeds and vegetable before the New Year of the eighth year, then in the eighth year seeds are forbidden and the vegetable is permitted.

93 Missing in the mss. and the print but clearly necessary by the context. "permitted" means "permitted to be treated as private property and to be stored as seeds." The reasons are the same as for the Sabbatical year and do not have to be spelled out.
Mishnah 9: Sterile onions and Egyptian beans from which water was withheld thirty days before the New Year are tithed for the past [year] and may be kept in the Sabbatical year\(^{58}\); otherwise they are forbidden in the Sabbatical year\(^{59}\) and are tithed for the coming year. For those from a ba'al field\(^{94}\), if one withheld water for two periods\(^{83}\), the words of Rebbi Meir, but the Sages say three.

94 An unirrigated field that must be watered by hand if used for vegetables. The term seems to be taken from pagan neighbors since Ba'al is the Semitic rain god, equivalent of the Greek Zeus. The Tosephta (Note 83) makes it explicit that the first rule speaks of fields irrigated by a permanent installation.

Halakhah 9: What are sterile onions? Those rural onions which do not form seeds.

Rebbi Mana said, since he withheld water for thirty days before New Year's Day, they are as on a ba'al [field].

Rebbi Jonah asked: Do they become seed-plants retroactively [or are] they seed-plants for the future? What would be the difference? If he took some within the thirty days and some afterwards, if you say that they become seed-plants retroactively, he tithes from one for the other; if you say, only in the future, he may not tithe from one for the other.
Mishnah 10: If gourds kept for seeds became hard before the New Year and unusable as food, one may keep them in the Sabbatical year; otherwise, it is forbidden to keep them in the Sabbatical year. Their buds are forbidden in the Sabbatical year. One may sprinkle with water on white dust, the words of Rebbi Simeon; Rebbi Eliezer ben Jacob forbids it. One may tear off rice in the Sabbatical year; the words of Rebbi Simeon are that one may not trim.

95 Technical term for earth in an orchard whose trees are standing sufficiently apart (not more than 10 trees per bet seah.)

Halakhah 10: Why do I need that they became hard? Even if they did not become hard! If they became hard they fall under the rules of kitchen seed plants that are not eaten.

96 Non-food is not subject to the "kitchen seed plants" cf. Kilaim Chapter 2, Note 22 and Mishnah 2.

How does one check? He pricks it; if it heals, it is forbidden, otherwise it is permitted.
97 Whether the gourd has hardened.

Rebbi Jonah from Bostra said: *qarmals*\(^{98}\) are free from tithes. That is, as long as they did not form gourds; but when they formed gourds they are like vegetables.

98 This plant has not been identified; the explanations of the dictionaries are based on misprints in the traditional Tosephta texts, as pointed out by R. S. Lieberman. Tosephta 4:19 states that one may import saplings and *qarmal* into Israel during the Sabbatical. In the Erfurt ms. of the Tosephta, the reading is *qarmi*. In Arabic, *qarmi* is "an insignificant spineless tree".

99 Reading of the text in *Nedarim* 7:1 (fol. 40b) and of a Genizah fragment here. Venice: 13 inn.

100 *Colocasia antiquorum*, a tropical plant with edible roots.

101 Since it says (*Lev. 25:6*): "For your domestic animals and the wild animals in your Land shall all its yield serve as food", Sabbatical growth that is animal fodder is forbidden for any other use. One may not use the leaves as cups.

"ברב יין בתריה אامر קרמלין פטוריין מ טפישר. תדא דחימר עד שלא księg נלעתיי אכל אסursively וילעיי קריק ויה."

Rebbi Yose taught that it is forbidden to sip water from colocasia\(^{100}\) leaves because they are food for deer\(^{101}\).
"One may sprinkle with water on white dust, the words of Rebbi Simeon; Rebbi Eliezer ben Jacob forbids it." Rebbi Simeon follows the rabbis and Rebbi Eliezer ben Jacob is consistent, as we have stated there:\(^{102}\) "One may continue [to draw] water from tree to tree on condition not to water the entire field." Rebbi Mana said it anonymously, Rebbi Abin in the name of Samuel: They disagree anonymously:\(^{103}\). Where are we holding? If they are widely spaced, it is forbidden according to everybody, if they are tightly planted, it is permitted according to everybody. But we deal with the case that they are planted ten to a bet seah:\(^{104}\). Rebbi Eliezer ben Jacob makes them widely spaced, the rabbis make them tightly planted. So the rabbis said, if they are widely spaced, it is forbidden to irrigate:\(^{105}\). May one continue? Let us learn the opinion of the rabbis from that of Rebbi Eliezer ben Jacob. Just as Rebbi Eliezer ben Jacob says, it is forbidden to irrigate but permitted to continue, so the rabbis say it is permitted to continue but forbidden to irrigate. Did we not think that according to everybody if they are widely spaced, it is forbidden; but is white dust not when they are widely spaced?\(^{95}\) But here it is the Sabbath, there the holiday:\(^{106}\).
102 Mishnah *Mo'ed Qatan* 1:3, in the name of R. Eliezer ben Jacob. During the intermediate days of a holiday, only agricultural work necessary to avoid losses is permitted. R. Eliezer ben Jacob does not permit to water a field but, if necessary, he allows one to water the depression around a tree and then to make a shallow channel from one tree to the next, on condition that the water be confined to trees and channels and not cover the entire field.

103 Since the Mishnah is in the name of R. Eliezer ben Jacob, not anonymous, it follows that the rabbis, whose opinion is ignored in the Mishnah, must disagree. From here to the end of the Chapter, the text is found also in *Mo'ed Qatan* 1:3 (fol. 80c).

104 Cf. Mishnah *Kilaim* 5:1. Everywhere, ten trees planted on a *bet seah* are a model orchard. "Widely spaced" means less than ten to a *bet seah*, "tightly planted" more than ten.

105 Irrigate the entire field at the same time.

106 R. Eliezer ben Jacob may agree with the rabbis about the rules of a widely spaced orchard on a holiday and still disagree in matters of the Sabbatical year.

What is the difference between Sabbatical and holiday? In the Sabbatical year, because work is permitted they permitted work needing effort as well as work not needing much effort. On a holiday, because work is forbidden they only permitted work to prevent loss and only if it does not need much effort. Some want to understand it from this: During the Sabbatical year, which lasts for a long time, they permitted;
during holiday, which is a short time, they forbade. But would it not be reasonable to make these other seven days equal to the seven days of the holiday, and should they not be forbidden? It was found stated: "One may sprinkle with water on white dust during the Sabbatical year but not during the holiday, the words of Rebbi Simeon; Rebbi Eliezer ben Jacob forbids it."

107 All unnecessary work is forbidden during the intermediate days of a 7 or 8 day holiday. The work permitted is work needed for the enjoyment of the holiday and work to prevent a possible loss. [In addition, public works are permitted if this will save taxpayers' money.]

108 Probably, one should read "the last seven days [of the Sabbatical year]" but there is no manuscript evidence for this.

109 There is no exception made for the last seven days. It follows that the first explanation is correct but the second one is not. In Mo'ed Qatan, the quote reads only: "One may sprinkle with water on white dust during the Sabbatical year but not during the holiday."
Mishnah 1: When may one bring out manure to form dungheaps? From the moment the agricultural workers\(^1\) stop, the words of Rebbi Meir. Rebbi Jehudah says, when the colocynth\(^2\) dried up. Rebbi Yose says, when it forms its fruit\(^3\). How much manure may one use? Up to three dungheaps for a bet seah, each one containing ten boxes of a letekh\(^4\) each. One may add boxes but not dungheaps; Rebbi Simeon says, also dungheaps.

1 Some Mishnah mss. of the Maimonides tradition have: שכרו יעביד ומכ "the sinners". The meaning of both versions is the same: One may make dungheaps on his field only after those who work their fields in the regular manner have stopped doing so, when it is too late to fertilize for this year’s crop. One may not spread out the manure on the field but it should be stored in heaps of 150 seah.

2 Definition of the Halakhah. Colocynth (citrullus colocynthis, in Pliny cucumis colocynthis) is a gourd used as laxative; [פין סוח "sweet" is a euphemism.]

3 Interpretation of Maimonides. An exact translation would be "when it forms nodes." The colocynth, a relative of the cucumber, has no thickened
parts except the fruit developing from 4 15 seah. A bet seah is 2500 square cubits, cf. Peah p. 89.

Halakhah 1: "When may one bring out," etc. Is it permitted to assemble a dungheap at the door of one's courtyard before the agricultural workers stop? Silanus asked Rebbi Hyya bar Abba and he forbade it to him. Rebbi Hanina⁵ said, he permitted it, and they were gossiping about him that he was taking the tithe⁶. He instructed himself to leave the Land, so that he could not take the tithe. Then should it be forbidden even after the agricultural workers did stop because of the bad impression, that they would not say, he brings it out to his irrigated field? The people of one's town know whether he has an irrigated field or not. Rebbi Yose said, this means that they did not worry about a bad impression on passers-by⁷.

5 He is the fifth generation Amora R. Hananiah, not the first generation Amora R. Hanina. There is no need to amend the text for reasons of chronology.

6 R. Hyya bar Abba was a Cohen and Silanus, a rich land owner, used to give him his tithes. The people gossiped that R. Hyya was bending the law to please his benefactor. R. Hyya, a Babylonian, returned to Babylonia the following year, in order not to profit from the yield that his ruling produced. We know from the
Babylonian Talmud that R. Ḥiyya bar Abba sometimes argued in person with Baby-Ionian Sages. This is in line with the position of the Yerushalmi in Kilaim, Chapter 9, Notes 32 ff.

May one do that during the prohibition of the first two terms? Let us hear from the following: "One may sell and transport manure with those who work during the Sabbatical year until the New Year, with a Gentile and a Samaritan even during the Sabbatical year on condition that he not unload the boxes." It said only, "on condition that he not unload the boxes," hence he is permitted to transport. That means it is permitted.

If you say it is forbidden, he should be forbidden to transport.

8 Chapter 1, Note 4.
9 A different text is in Tosephta 1:4: "One sells and transports manure from a Jew suspected of violating the Sabbatical before the Sabbatical year; from a Gentile or a Samaritan it is permitted even during the Sabbatical. How long may one fertilize? Anytime one may plough one may fertilize."

Since the agricultural Sabbatical is certainly rabbinic, if there is no Jubilee year and no Temple the Samaritans are not bound by its rules. The language of the Tosephta binds the prohibition of fertilizing to that of ploughing; when the two terms were abolished for ploughing they automatically were abolished for fertilizing.

10 Since the condition that one may not unload is stipulated only for working with a Gentile during the Sabbatical but does not apply to working with a Jew suspected of violating the rules of the Sabbatical. Then certainly he is permitted to transport and unload for himself.
"When the colocynth dried up." *Citrullus colocynthis.* Rebbi Mana said, that means the colocynth of the open field. Not the colocynth of a watered garden plot which may grow throughout the entire year.

"When it forms its fruit." When it forms many fruits. Rebbi Hananiah said, when its uppermost fruit is fully formed, it immediately dries up. About this we have stated: Their statements are close to each other.

Rebbis Jehudah and Yose.

Rebbi Jeremiah said, if he uses fewer boxes; hence, two are permitted. Rebbi Yose questioned, if he uses fewer boxes, then two should be forbidden. But where do we hold? If he exceeds the measure, as we have stated: "Rebbi Meir says, one may not add boxes or dungheaps, but the Sages say, one may add boxes but not dungheaps." If one adds boxes, are they not of full measure? Similarly, one brings out to the dungheap even full measures.
Since the Mishnah discusses the number of dungheaps and their size and then discusses whether one may add to the numbers stated, but does not discuss whether one may make smaller dungheaps, it follows that one may not make dungheaps of smaller size because that would look like fertilizing one's field. It seems that the Mishnah insists only on a minimal size, not on a minimal number of dungheaps.

A possible interpretation of the Mishnah is that one may not start dungheaps on the field (for next year's use) unless the total amount is 30 letekh, 450 seah. Then making only two standard sized dungheaps would be forbidden.

If he uses boxes holding more than 10 letekh each.

Tosephta 2:14. The opinion of the Sages is there attributed to R. Jehudah; R. Simeon permits more, but not fewer, dungheaps.

Since a dungheap may contain more than 150 seah, one may make two dungheaps only on condition that together they contain at least 450 seah.

This refers to the next Mishnah where it is stated that one may gradually build up one's dungheap after the agricultural season. Even though the Mishnah speaks of "a little", it may be as much as a full single basket at one time and still people will not think that he is going to fertilize his field in the Sabbatical year.

Mishnah 2: A person may fill his entire field with dungheaps, three each per bet seah; more is forbidden, the words of Rebbi Simeon. But
the Sages say\textsuperscript{21}, only if he raises or lowers it by three [hand-breadths]\textsuperscript{22}. A person may store his entire manure together\textsuperscript{22}; Rebbi Meir says only if he raises or lowers it by three [hand-breadths]. If he had little\textsuperscript{18}, he may continuously add to it; Rebbi Eleazar ben Azariah says only if he raises or lowers it by three [hand-breadths] or puts it on a rock.

The manuscript tradition here is thoroughly unsatisfactory. The text is that of the Leyden ms. In the Rome ms., some Mishnah mss., and the standard printed Mishnah the text reads "more than that he chisels, the words of R. Simeon"; that text makes no sense at all. Most Mishnah mss. read simply ירי מככ מנצח ברי ר 넘어נו; one Genizah fragment reads רוחני, which seems to be the reading underlying the Yerushalmi Halakhah and the commentaries of Maimonides, R. Simson of Sens and R. Isaac Simponti: "even more, the words of R. Simeon." This is the only text compatible with the opinion of R. Simeon as given in the Tosephta (Note 16).

In all Mishnah mss. except the Leyden ms. (and that of R. S. Cirillo), the reading is "(the Sages) forbid it." This is also the Leyden text in the Halakhah.

One may not put more than three dungheaps on one field, even one much larger than a \textit{bet seah}, unless it is shown that the intent is for dungheaps, not for a fraudulent fertilizing of the field by making as many dungheaps as possible that automatically will fertilize the soil beneath. The dungheaps are only permitted if the soil beneath them is visibly higher or lower than the surrounding field.

In one large heap.

Halakhah 2: Why is this stated twice\textsuperscript{23}? Rebbi Jeremiah said, there if he used fewer boxes, but here if he makes it according to the measure.
We have stated thus about Rebbi Simeon: "On condition that he use no less than three boxes per dungheap."

Since R. Jeremiah inferred from the preceding Mishnah that the Sages will not permit more than three dungheaps, why does this have to be stated here explicitly? The answer is that the Sages will not permit any dungheap of less than 150 seah; the Mishnah is needed to give the background of R. Simeon's statement.

Even R. Simeon will not permit any dungheap to contain less than 45 seah.

"But the Sages forbid." When he brings more than the measure. But if the full measure is permitted in three places, so much more in one place.

Quote from the correct Mishnah, cf. Note 21. The Sages will permit field (of at least one bet seah surface area) in one, two, or three places.

450 seah of manure directly on one
26 One may give two explanations: If he had little [manure] on his field, he may continuously add to it after the agricultural workers stopped; Rebbi Eleazar ben Azariah forbids it. What is the reason of Rebbi Eleazar ben Azariah? Maybe there will be manure and it will turn out that he fertilizes that place. One may give another explanation: If he had little [manure] in his house before the Sabbatical year and he wants to transport it to his field during the Sabbatical, he may continuously add to it after the agricultural workers stopped; Rebbi Eleazar ben Azariah forbids it. What is the reason of Rebbi Eleazar ben Azariah? Maybe there will be no more manure and it will turn out that he fertilizes that place. Has it not been fertilized before the Sabbatical year? Rebbi Abba, Rebbi Jeremiah, Rebbi Abun bar Hiyya in the name of Rebbi Abba bar Mamal: Because of the bad impression [it is forbidden] unless he transports ten boxes together. Do the rabbis not care for a bad impression? Rebbi Idi said his stick, his basket, and his shovel prove that he intends to make a dungheap.

26 This paragraph and the next with major variations are also in Mo'ed Qatan 1:2 (fol. 83a). The paragraphs refer to the last part of the Mishnah (indicated in Mo'ed Qatan but not here), the disagreement between the Sages and R. Eleazar ben Azariah.

27 In Mo'ed Qatan: If he had little [manure] in his house before the Sabbatical year and he wants to transport it to his field during the Sabbatical, he may continuously add to it after the agricultural workers stopped; Rebbi Eleazar ben Azariah forbids it. What is the reason of Rebbi Eleazar ben Azariah? Maybe there will be no more manure and it will turn out that he fertilizes that place. [This is identical with the second scenario both here and in Mo'ed Qatan. The only difference in both explanations is that in the first case, R. Eleazar ben Azariah is said to accept the opinion of R. Yose (Mishnah Baba Mezi'a 5:8) who
forbids short sales of manure because manure always is in short supply.

28 If the manure is added in small portions, the soil under the dungheap will be thoroughly fertilized next year when the manure is spread out over the entire field.

29 This objection assumes that the dungheap was started before the Sabbatical year.

30 R. Eleazar ben Azariah forbids adding small increments only because people could think he was going to fertilize his field.

Rebbi Yose ben Rebbi Abun applied these traditions from here, as we have stated: "Rebbi Eleazar ben Azariah said, one does not build a new water canal during the intermediate days of holidays or during the Sabbatical year." Rebbi Zeïra said, because he would prepare its banks to be sown. Rebbi Jeremiah, Rebbi Abun bar Hiyya in the name of Rebbi Abba bar Mamal: Because of the bad impression. They wanted to say, the one who says there "because of the bad impression" says here "because of the bad impression"; the one who says "because he would prepare its banks to be sown", what can he say here? The only answer
would be "maybe there will be no more manure and it will turn out that he fertilizes that place." What would be the difference between them?

If he dug to build a water canal for a building. They wanted to say, the one who says there "because of the bad impression" will say in this case "because of the bad impression," but the one who says there "because he would prepare its banks to be sown," here its banks will not be prepared to be sown. Everybody agrees that if he built there with lime, pebbles, stones, or cement it would be permitted.

31 Mishnah Mo'ed Qatan 1:2. Nonessential agricultural work is forbidden during the intermediate days of a holiday; construction work is permitted. The Sages consider building a new water canal as construction and permitted; the question is the rationale of the prohibition by R. Eleazar ben Azariah.

32 This reason would be valid both for the holidays and the Sabbatical year.

33 In the previous paragraph.

34 The second explanation offered in the previous paragraph is valid since it extends to the case of Mo'ed Qatan; the first explanation has to be rejected.

35 Is there a practical difference where the ruling would allow one to choose between the two arguments proffered for the position of R. Eleazar ben Azariah?

36 Greek γυψος. If the banks of a water canal are of stone or mortar, it is obviously not an agricultural construction.
Mishnah 3: He who wants his field to be fertilized makes a corral enclosing two bet seah. He may remove the walls in three directions and leave the middle one; then he may fertilize four bet seah; Rabban Simeon ben Gamliel says eight bet seah. If his entire field was only four bet seah, he leaves out part of it because of the bad impression. He may take manure out from the corral and put it on his field the way professionals do it.

37 He lets his animals stay in a temporary corral on the field to collect their dung on the field.

38 If the corral has the form of a rectangle, he removes three walls and puts them on the other side of the remaining wall.

39 Repeating the operation three times, covering a rectangle homothetic to the first one by a factor of two.

40 That people would not say that he intends to fertilize his field in the Sabbath year.

41 Making three dungheaps per bet seah.

Halakhah 3: There, we have stated: "A field cleared of thistles may be sown after the Sabbath year. If it was improved or manured, it may not be sown after the Sabbath year." Rebbi Jonah said, so is the Mishnah: He who wants to put his flock on his field makes a corral enclosing two bet seah.
42 Mishnah 4:2. That Mishnah intends to legally use his field in the Sabbatical year instead of abandoning it. It seems to forbid what the present Mishnah permits. The current Mishnah is re-interpreted to mean that the owner

בכל עושריו סותרים בצלאל.peksh overbanim. איפילל שלושה חלבים זה

למעלה מעזה.

With everything one makes [walls of] corrals, with bast mats, straw, or stones, or even three ropes one above the other\(^43\).

43 Tosephta 2:19: "With everything one makes [walls of] corrals, with stones, bast mats, straw, sticks, stalks, or even three ropes one above the other on condition that between one rope and the next there be less than three hand-breadths where a kid goat could pass through," cf. Mishnah \textit{Eruvin} 1:9; \textit{Kilaim} 4:4, Note 61.

בלבד שאל כלא בר סח פליסר מתוח סחורה. אהיה מפקות זהב בו. גוז גוז.

ומוליכי ומקרא yat חמא בר בר עלייה.

On condition\(^44\) that between one corral and the next there be less than a full corral. In that place he milks, shears, and through it leads his flock in and out.

44 This does not refer to our Mishnah which requires that consecutive corrals be adjacent but to a text similar to Tosephta Chapter 2: "15. He who wants his field to be manured makes a corral enclosing two \textit{bet seah}. If it is filled, he removes the corral, makes dungheaps on his field in the way people treat dung, and makes a new corral... 16. He removes [the walls] from the old corral and uses them for the new one, on condition that between one corral and the next be less than eight \textit{bet seah}, the words of R. Dositheos ben Rebbi Jehudah; Rebbi Yose ben Kipper said in the name of R. Eliezer, two \textit{bet seah}. In these two \textit{bet seah} he milks..." It is clear that the Tosephta is not the source of the Yerushalmi.
It was stated\(^45\): "Rebbi Simeon ben Eleazar says, if he wishes he sticks a peg into the ground and makes four corrals in the four cardinal directions for a total of eight bet seah."

45 A similar statement appears in Tosephta 2:15. In fig. 3-1, the position of the peg is indicated by a small circle. R. Simeon ben Eleazar permits to make several corrals at the same time, Rabban Simeon ben Gamliel only one after the other.

"\(^45\)One does not fertilize on the Sabbath\(^46\), on holidays, or on the intermediate days of holidays, even if only for goodwill\(^47\). One is not permitted to put a watchman there, nor to have the flock relieve themselves\(^48\), and if they came by themselves one may not help them. But if they were working with him over the Sabbaths and holidays\(^49\), he is permitted to put a watchman there, to have the flock relieve themselves, and if they came by themselves he may help them." It was stated: "Rabban Simeon ben Gamliel says, on the Sabbath [workers] fertilize for goodwill, on the holidays for meals, and on the intermediate days of holidays even for wages."
45 A similar text appears in Tosephta 2:20 and, restricted to the intermediate days of a holiday, in Babli Mo'ed Qatan 12a. The statement of Rabban Simeon ben Gamliel is ascribed to Rebbi in Tosephta and Babli. The Yerushalmi source, which separates the statement of Rabban Simeon ben Gamliel from the other text, clearly indicates that the latter disagrees with the entire prior statement.

46 From the following it becomes clear that one speaks of Gentile workers, or neighbors, who come to lead the Jewish owner's flock on the Sabbath. Even though leading the flock is not prohibited on the Sabbath, one may not charge a Gentile to do it.

47 The Gentile neighbor does it only so the Jew will do him a favor sometime in the future.

48 One leads the animals around to speed up their evacuations.

49 If the Gentile is hired by the month or for longer periods, one may indicate to him to care for the flock in his usual way on the Sabbath and the holidays.

50 It was stated 51: "He who rents a flock may not help them to relieve themselves 48." What means to help them to relieve themselves? He moves the animals from place to place. That is, if he rented them for a short time. But if he rented it for a longer period it is permitted; only the last day is forbidden.

50 Here starts Halakhah 4 in the Venice text.

51 The baraita belongs to Baba Mezi'a; probably it was not usual to rent flocks, in contrast to the widespread custom of renting cattle. The renter may not deprive the owner of manure.
Rebbi Ḥuna in the name of Rab Nahman bar Jacob: He who goes to do his needs and cannot relieve himself should walk around and he will be able to relieve himself.52 Rebbi Ḥuna in the name of Mar Uqba: Hafrita root is good for the intestines.

52 Since the previous paragraph dealt with evacuations of animals, one discusses here the human aspect. In the Babli, Sabbath 62a, Rav Hisda recommends gymnastics.

53 An unidentified plant. Elsewhere, phía is a grass or grain. But the plant here must have a root used for medicinal purposes. The best hypothesis is H. L. Fleischer’s, to explain the name by metathesis from שרי "to be spicy, hot", as in Arabic hurf "Lepidium sativum L., common garden pepper cress."

Rebbi Hiyya bar Abba asked: Before the agricultural workers stopped, may one be permitted to take from the corral and put on his field in the way people treat dung?54

54 Since the Mishnah does not mention agricultural workers in this connection. Maimonides (Semittah weYovel 2:6) answers the question in the affirmative.
**Mishnah 4:** Nobody should start a quarry inside his field unless there were three heaps of three by three standard stones, 27 stones in all.

If he has a rock inside his field and wants to quarry it to level it so its place can be covered with earth and used for agriculture the next year, he should not do it in the Sabbatical year unless he started to quarry in the preceding year. A heap consists of three rows of three stones each.

**Mishnah 5:** A stone wall containing ten stones, each a load for two carriers, may be taken away. The measure of a stone wall is ten hand-breadths. Less than that is a quarry; he may cut it down to a distance of less than a hand-breadth from the soil.

Halakhah 5: How is this? Three times nine, nine times three, 27.

It was stated: If there was a quarry between him and his neighbor and the neighbor had started to quarry it when it was permitted, this is permitted. But if it was empty of stones it is forbidden.

If the neighbor already had cleaned out his part, there is no pre-flattened his part of the rock and existing quarry.
There, we have stated: "Any moulding brings impurity, the frieze [and] the Giblean frieze [only] when they are open one hand-breadth." Rebbi Hyya said, that means that anybody who receives a row of building stones from another person must prepare for it a space of four hand-breadths. Rebbi Yose said, the Mishnah says so: "When did they say that any moulding brings impurity? For a moulding higher than the door by three rows of stones which is twelve hand-breadths." Why did they state "rows of stones?" For the legal standard.

58 Mishnah Ahilut 14:1. Tractate Ahilut deals with the impurity brought on anything in a "tent" by a corpse in that tent (Num. 19). Any person or vessel under one roof with the corpse becomes impure; cf. Kilaim Chapter 6, Note 25.

59 A moulding is defined as a frieze along the outer wall of a house which is u-shaped downwards. The outer rim of the frieze points downward; its prolongation is considered a virtual wall closing off the house; anything between this virtual wall and the house itself is considered as part of the "tent".

60 The "frieze" is u-shaped upwards; the bottom of the frieze contributes to the "tent" only if it is substantial, if it extends at least one hand-breadth outside the wall of the house.

61 In the style of the city of Byblos, Hebrew בֵּית Arabic الجبيل The Tosephta Ahilut defines this as a frieze u-shaped upwards at its ends and flat in the middle; this definition is accepted by the Gaonic commentary to Ahilut.

62 The proof is from the part of the Mishnah quoted by R. Yose. The 12 hand-breadths mentioned are a maximum height; friezes higher than 12
hand-breaths above the door (according to Maimonides, above the doorstep) are disregarded. 

For the rules of impurity, the mention of the rows of stones is superfluous.

Rebbi Hiyya bar Abba asked, are these standards like those standards? Rebbi Hizqiah, Rebbi Jacob bar Aha in the name of Rebbi Yose ben Hanina: These standards are like those standards. Here you say "the measure of a stone wall is ten hand-breaths, less than that is a quarry;" and there you say so? Where do we stand? If there were two rows of stones, one should state "eight hand-breaths"; if there were three one should state "twelve hand-breaths!" Rebbi Yose said, deduct half a hand-breath for hewing top and bottom and so for the next row, one finds three rows of ten hand-breaths. Less than that is neither a stone wall nor a quarry.

Reading of the Rome ms. Venice: רב

May the commercial standard of stones indicated in Ahilut 14:1 be applied to Seviit?

The height of four hand-breaths is required in a standard contract only for unhewn stones.

Unless the conditions of Mishnah 3 are satisfied.
Mishnah 6: That is, from his own\textsuperscript{68}. But from another person’s, he may take what he wants. That is, if he did not start it before the Sabbatical year. But if he started it before the Sabbatical year, he may take what he wants.

\textsuperscript{68} In the Mishnah codices, this is part of Mishnah 5 and refers to it.

Stones are not abandoned in the Sabbatical, and one must pay for the stones he takes from another’s property.

\textsuperscript{69} Dismantling the stone wall.

Halakhah 6: We have stated\textsuperscript{70}: "Rebbi Jehudah said that is if he did not intend to improve his field; but if he intended to improve his field even more is permitted. Rabban Simeon ben Gamliel said, that is if he did not intend to improve his field; but if he intended to improve his field even less is forbidden." Rebbi Vivian said, Rebbi Assi taught following the Tanna who is lenient.

\textsuperscript{70} Tosephta 3:1-2: "Rebbi Jehudah said that is if he intended to improve his field; but if he did not intend to improve his field even more is permitted. Rabban Simeon ben Gamliel said, that is if he did not intend to improve his field; but if he intended to improve his field anything is for
From Maimonides's Code (Sevi'it weYovel 2:8) it seems that he read in the Yerushalmi as in the Tosephta; R. Isaac Simponti quotes the Yerushalmi as in the Tosephta. From the silence of all Medieval commentators one may conclude that they all read the text of the Tosephta in the Yerushalmi. In the early Sixteenth Century, R. Joseph Caro had the text of the Yerushalmi as given here, as can be seen from his commentary to Maimonides (loc. cit.) Cf. Tosefta ki-fshtuah p. 512.

Mishnah 7: Stones which the plough displaced or which were hidden and became uncovered may be taken if among them there are two which are a load for two carriers71. He who clears his field from stones takes the upper ones72 and leaves those which touch the soil. And so from a round heap73 of pebbles or a stone heap, he takes the upper ones and leaves those which touch the soil; if beneath them is rock or straw they may be taken.

71 The size of the stones indicates that he is not engaged in agricultural work.
72 Since they do not touch the ground, taking them is not working the soil.
73 This is the dictionary's guess of a secondary meaning of גרגיר "kernel." The better reading is that of the Maimonides tradition of the Mishnah and the Kaufmann ms. יגריר "lump". The rule refers to lumps of stones on...
agricultural soil, but if the pebbles lie from the soil by a layer of straw they may be taken.

Halakhah 7: Not only if the plough displaced them, but even if the plough might displace them in the future. Rebbi Yose said, a *baraita* says so: "They may be taken if among all of them there are two which are a two-person load".

74 Probably the reference is to some text similar to Tosephta 3:4 "Sitting stones which the plough displaces may be taken if among them there are two which are a load for two carriers". Sitting stones have not yet been moved. The expression "all of them" is difficult to understand.

75 Rebbi Jacob bar Abun in the name of Rebbi Simeon ben Laqish: This means that it is forbidden to collect pebbles from another person’s field, for if he weeds, he will put his grasses there. That is, in an agricultural area, but on mountains and rocks it is permitted and he will think of it as a kindness.

75 In the Venice print, here starts Halakhah 8.

76 Since the stones have not been taken in the course of the regular tending of the field.
Mishnah 8: One does not build steps before the Sabbatical year after the rains stopped because that is preparation for the Sabbatical. But he may build during the Sabbatical year after the rains stopped because that is preparation for the year after the Sabbatical. One should not fill with earth but he may use it for a divider. Any stone may be taken if he can stretch out his hand and take it.

77 This is the standard meaning of the word; Maimonides explains it by Arabic ימד "staircase". The explanation given by the classical commentaries is that hewn stairs down the ravine make it easier to draw water for manual irrigation. It seems to me that a better interpretation would be: "One does not build terraces out of ravines." There is nothing in the Halakhah that would contradict this interpretation. If the Mishnah permits building terraces during the dry season of the Sabbatical year, it makes sense that one may not fill the terraces with earth since that clearly would be agricultural work. If one speaks of stairs, it is difficult to see why one would want to fill up with earth what will be washed away by next winter's rains.

78 Translation of Maimonides, Arabic א"א ימד.

79 Without a tool.
Halakhah 8: Rebbi Crispus in the name of Rebbi Johanan, Hananiah ben Gamliel80: The Mishnah refers to the prohibition of the two terms81. It was stated: "Rebbi Jehudah and Rebbi Nehemiah forbid it." Does this not refer to the prohibition of the two terms, so here also about the prohibition of the two terms. Rebbi Shammai inquired: If this is about the prohibition of the two terms, did we state that one is permitted to plough83 but forbidden to build? So it must refer to the permission of the two terms. If it refers to the permission of the two terms, we have stated: "But he may build during the Sabbatical year after the rains stopped because that is preparation for the year after the Sabbatical." Rebbi Mana said, is Rebbi Shammai correct? In the first case, one is permitted to plough because that prepares for the year after the Sabbatical84. It is forbidden to build since that prepares for the Sabbatical. The Mishnah does not say so, "but he may build during the Sabbatical year after the rains stopped because that is preparation for the year after the Sabbatical."85

80 He might be R. Hananiah ben Gamliel, oldest son of Rabban Gamliel, brother of Rabban Simeon ben Gamliel, Tanna of the fourth generation. In that case, it would be difficult to disagree with his determination, since he would have heard from his father that with the two terms he also abolished the prohibition of building.

81 Cf. Chapter 1, Note 5. Since the prohibition was lifted, the Mishnah would no longer be operative.

82 This fragment of a baraita contradicts Tosephta 3:4: "Rebbi
Nehemiah says one builds steps out of ravines in the year before the Sabbatical and fills them with earth during the Sabbatical down to the ravine." If there is a text by R. Nehemiah that forbids building, that text would refer to the prohibition of the two terms and the Tosephta to the permission.

83 After the rains stopped, some time before Passover, it is possible to plough until Pentecost at least, but it would be forbidden to build. This does not make sense since ploughing is a direct agricultural activity but building is only an indirect one.

84 It is good practice to plough a field with large furrows before letting it lay fallow.

85 Hence R. Crispus in the name of Rebbi Johanan is justified and practice should follow R. Nehemiah in the Tosephta.

"He should not cover it with earth but he may use it for a divider."

What is a divider? It divides, as it is said (Ez. 13:10): "He is building a dividing wall."

86 This reading in the Mishnah, is only in the Leyden ms. The Arukh and the Tosafists' tradition read "scramble". Some late mss. have "dam up".

Mishnah 9: Shoulder stones come from anywhere. The contractor may bring them from anywhere. These are shoulder stones: Any which
cannot be taken up with one hand, the words of Rebbi Meïr. Rebbi Yose says shoulder stones are what their name indicates; all that can be carried on the shoulder by three's or two's.

87 Used for building, not for agriculture.
88 According to Maimonides, a person who contracts for the upkeep of fields. According to R. Simson of Sens, a building contractor. According to R. Isaac Simponti, a contractor for building materials. The interpretations of RR. Simson and Isaac are preferable since all people in the contractor's town know that he does not collect the stones to clean out a field.

Halakhah 9: "Shoulder stones come from anywhere," even from his own [property] and "the contractor may bring from anywhere," even smaller than shoulder stones.

Mishnah 10: Somebody building a fence between his property and the public domain may dig down to the bedrock. What should he do with the soil? He makes heaps in the public domain and then uses it to improve [the public domain], the words of Rebbi Joshua. Rebbi Aqiba says, just as one may not damage the public domain, so one may not improve it.
What should he do with the soil? He makes heaps on his own property in the way of those who manure. The same rule applies to somebody digging a cistern, a ditch, or a cave.

Three heaps of 150 seah each per bet seah.

Halakhah 10: Rebbi Hiyya in the name of Rebbi Johanan: They stated only "between his property and the public domain"; hence, between his own and his neighbor's properties [building] is forbidden in the Sabbatical year. But on the intermediate days of a holiday, even between his property and the public domain it is forbidden. About a breach that fences soil; but a breach that does not fence soil may be repaired in the Sabbatical year. We have stated so: "Any breach that fences soil one is forbidden to repair in the Sabbatical year; any breach that does not fence soil one may repair in the Sabbatical year." That is, if it does not endanger the public, but if it endangers the public one may repair even if it does fence soil.

90 Reading of the parallel in Mo'ed Qatan 1:4. Here: הביאו. 91 From here to the end of the paragraph, the text is also in Mo'ed Qatan 1:4 (fol. 80c). 92 If the wall between two private
properties does not divide agricultural soil but stony ground or a road, it may be repaired in the Sabbatical year because this is not agricultural work.

While in general one does not sow too close to a public road, if a solid stone fence separates the field from the road, all land inside may be used for crops and repairing the fence is an agricultural activity unless the breach in the wall constitutes a danger for those on the public road.

It is written (Ps. 50:23): "To him who makes a road I shall show the help of God." There is a difference here, because this is an improvement which becomes a defect. Since Rebbi Simeon ben Laqish said, Saul merited the kingship only because his grandfather lit lights for the public; for that he was called "Ner". One verse (IChr. 8:33) says "Ner begot Qish." Another verse (Is. 9:1) says "Qish the son of Abi'el." Was not his name Abi'el? But his name became Ner because his grandfather lit lights for the public.

This refers to the opinion of R. Aqiba that a private person may not make improvements in the public domain. The verse is explained in Lev. rabba 9(2), Tanhuma Tezawweh 9, to refer to those who install lighting on public roads at their own expense. Hence, improving the public domain is a meritorious deed. The text which proves this, from "Since R. Simeon . . . " to the end of the paragraph, is a slightly shortened version of the Midrash text.

Filling potholes with earth alone is only a temporary expedient that will lead to larger potholes the next rainy season.
Rebbi Abun asked: Before the agricultural workers stop, may one make heaps on his own property in the way of those who spread manure? Since "in the way of those who spread manure" implies that the work is done only after the end of the agricultural season, does this condition carry over to the case here where it makes no direct sense? Maimonides does not take up the problem.
Mishnah 1: In earlier times they said a person may collect wood, stones, and grasses on his own property in the way he may collect on somebody else's property, but only large pieces. But after transgressors became numerous they decreed that everybody only collect from somebody else's without reciprocity and it goes without saying that he does not have to allot him food.

1 Since agricultural land is accessible to everybody in the Sabbatical year, one may collect not only food but also weeds, etc. But it is forbidden to weed and to improve one's property in the Sabbatical; therefore, the owner only is permitted to remove large pieces from his field, not small weeds and small stones whose removal requires the most effort.

2 They said that they were taking large pieces when in effect they were weeding and clearing their fields from stones.

3 He arranges to clear a friend's field and the friend will clear his.

4 The last clause is unnecessary. If a person removing weeds and pebbles from another person's field cannot expect that the other person will do the same for him, he cannot expect the other person to feed him while he is cleaning his field.
Halakhah 1: "In earlier times they said," etc. Rebbi Jonah said, the Mishnah has to be stated as follows⁵: In earlier times they said, a person may collect wood, stones, and grasses on his own property, but only large pieces, in the way he may collect on somebody else's property both large and small pieces. When they suspected that people were collecting but were saying, we took only large pieces, they decreed that everybody only collect from somebody else's property without reciprocity. When they suspected that people were collecting in reciprocity but saying, we collected without reciprocity, they decreed that one may collect only from close by and from what is in ample supply⁶.

⁵ A much shortened version of this is in Tosephta 3:8.

⁶ The commentators, from R. Eliahu Fulda to R. Saul Lieberman, translate יאעף by "ownerless property", but this acceptation is not supported by any parallels.

Rebbi Zeira said, first and first are supported⁷.

⁷ Of the three restrictions indicated by R. Jonah and the Tosephta, only the first two, that one may not collect from one's own other than coarse matter and that one may not collect in reciprocity, are valid. The third one, not mentioned in the Mishnah, is not practice.
If his animal was there, his animal is proof for him. If his cooking stove was there, his cooking stove proves for him. If he collected the coarse pieces, may he come back and collect the coarsest of the smaller ones? If you say so, he will collect his entire field.

8 He collects weeds as animal fodder, not to weed his field. Fragment has "his basket" instead of "his cooking stove"; this might be the better reading.

9 He collects fallen wood as fuel, not to clean his field. A Genizah fragment has "his basket" instead of "his cooking stove"; this might be the better reading.

If his field was full of coarse pieces, there are two Mishnaiot; one said, it is permitted, one said, it is forbidden. (Mishnah 3:7) "He who clears his field from stones takes the upper ones and leaves those which touch the ground;" that means it is permitted. (Mishnah 4:4) "Who is the one who thins out? He takes one or two;" that means it is forbidden.

10 If he takes all the coarse pieces, his field is weeded and cleaned.

11 There is no limit on the number of stones he may remove; even if his entire property is covered with stones he may remove them. Since the Mishnah here does not indicate any limit on what one may take, there is no limit.

12 The Mishnah deals with a person pruning olive trees. One may thin but one may not clean out. The one who thins cuts one or two branches; more is cleaning. This Mishnah stipulates that one may not clean his olive tree completely; by analogy one may not clean out his field.
Is it the same on the intermediate days of a holiday? A Tanna was found who stated: "A person may collect wood, stones, and grasses on his own property, but only large pieces, in the way he may collect on somebody else’s property both large and small pieces, in a Sabbatical year but not during he intermediate days of a holiday.” Is it the same for stones\textsuperscript{13}? It was found stated "including stones". "The heart knows whether it is straight or crooked.\textsuperscript{14}" Rebbi Yosah in the name of Menahem: Rebbi Aqiba followed his own rule. He saw a person pruning his vineyard. He said to him, is that not forbidden? He said to him, I need it to make basket weave. The heart knows whether it is for basket weave or for crookedness.

\textsuperscript{13} Since stones were mentioned in the preceding baraita, the question seems to be out of place. One has to assume that the baraita before the editors of the Yerushalmi did not mention stones. Tosephta 3:8 in all sources has "olives" instead of "wood, stones, and grasses"; this must be an old corruption.

\textsuperscript{14} Tosephta 3:8. R. S. Lieberman notes that the saying, traced to R. Aqiba in the next sentences, is an untranslatable pun on עֵסֵיק (noun) "basket weave" and עֵסֵיק (verb) "to straighten what is curved". As a hint, both meanings are used in the translation, one here and one at the end of the paragraph.
Mishnah 2: A field that had been cleared of thistles may be sown at the end of the Sabbatical year. [A field] improved or fertilized should not be sown at the end of the Sabbatical year. A field that was improved, the House of Shammai say one does not eat its produce in the Sabbatical year, but the House of Hillel say one does. The House of Shammai say one does not eat Sabbatical produce in reciprocity, but the House of Hillel say in reciprocity and without reciprocity. Rebbi Jehudah says it the other way around; this is one of the leniencies of the House of Shammai and stringencies of the House of Hillel.

This is the position of the anonymous Tanna of Tosephta 3:10 who reports that Shammai himself wanted to forbid eating in reciprocity but only a later Court really forbade it.

Halakhah 2: "A field that had been cleared of thistles", etc. There they say, when its thistles were removed, but the rabbis here say, when they were ploughed under. What is improvement in the opinion of the rabbis here? Everybody ploughs once and he ploughs twice. How can
that be? Rebbi Yose ben Rebbi Abun said, there the government does not oppress, but here the government oppresses.  

16 In Babylonia, in the Persian empire. 
17 This implies that ploughing one's field in the Sabbatical year is permitted, against all principles stated in Mishnaiot 1:1, 2:1. 
18 In Tosephta 3:10, "if everybody ploughs five and he ploughs six", meaning he ploughs narrower furrows to turn the earth over more thoroughly. 
19 Start of an extensive description of the oppression by the Roman government and its legal consequences. 

When the government was oppressing the first time Rebbi Yannai instructed to plough a single ploughing. An apostate was passing by, he saw them putting up the harrow. He said to them, hey you! Is it permitted for you to plough? Is it permitted for you to put up the harrow? 

20 Reading of the parallel in Sanhedrin 3:6, fol. 21b, where this and the following paragraphs are found. Venice: רומא. 
21 Reading of the parallel in Sanhedrin; Venice רומא. 
22 One has to assume that under the Severan dynasty, Jewish farmers did not have to deliver provisions (annona) to the army during the Sabbatical year. R. Yannai can be dated to the early military anarchy in the third Century. In the Babli (Sanhedrin 26a) it is stated that R. Yannai proclaimed: Go and sow in the Sabbatical year because of the annona. 
Rebbi Jacob bar Zabdi said before Rebbi Abbahu: Did not Rebbi Zeira and Rebbi Johanan in the name of Rebbi Yannai, Rebbi Jeremiah, Rebbi Johanan in the name of Rebbi Simeon ben Yozadaq, say that they voted on the upper floor of the Libzah house in Lydda: About all the Torah, if a Gentile tells a Jew to transgress any commandment of the Torah except those concerning idolatry, incest and adultery, and murder he should transgress and not be killed. That is in private, but in public he should not follow him even for the slightest commandment, as exemplified by Julianus and his brother Pappos whom they gave water in a colored glass and they did not accept.

He said, they do not intend to lead you to apostasy, they only want to collect annona.

What means "in public"? The rabbis of Caesarea say ten, as it is written (Lev. 22:32): "I shall be sanctified in the midst of the Children of Israel."

24 In the Babli, Sanhedrin 74a, this is called the Nitzah house. 25 Julianus and Pappos were famous martyrs from the time of
Trajan. It is not clear which commandment they were ordered to transgress. (A change of consonant from J to L also occurs in Italian Luglio ("month of July") from Latin Julius.

26 In the Babli, Sanhedrin 74b, it is noted that the verse in itself does not prove anything but that one has to compare the wording "I shall be sanctified in the midst of the Children of Israel," with Num. 16:21 "separate yourselves from the midst of this congregation", where Qorah and his adherents were 10. The main inference from the verse is that the public has to be Jewish; a single Jew with many Gentiles is not in public.

They saw the young Rebbe Abuna collecting donkey’s dung on the Sabbath. Rebbe Jonah and Rebbe Yose permitted baking for Ursicinus on the Sabbath. Rebbe Mana said, I asked before my father Rebbe Jonah, did not Rebbe Zeira and Rebbe Johanan in the name of Rebbe Yannai, Rebbe Jeremiah, Rebbe Johanan in the name of Rebbe Simeon ben Yozadaq, say that they voted on the upper floor of the Libzah house in Lydda: About all the Torah, if a Gentile tells a Jew to transgress any commandment of the Torah except those concerning idolatry, incest and
adultery, and murder he should transgress and not be killed. That is in private, but in public he should not follow him even for the slightest commandment, as exemplified by Julianus and his brother Pappos whom they gave water in a colored glass and they did not accept. He said, he does not intend to lead you to apostasy, he only wants to eat warm bread. What means "in public"? The rabbis of Caesarea say ten, as it is written (Lev. 22:32): "I shall be sanctified in the midst of the Children of Israel."

27 Nothing is known about him and about the circumstances under which he was forced to collect dung.

28 Legate in Syria (351-354) of the emperor Gallus. At that time, the Roman government already was Christian and, while they did not yet try to convert the Jews by force, they certainly welcomed an opportunity to force the Jews to break their law. The argument of the rabbis implies that martyrdom is required only if the Gentile wants to force his religion on the Jew, not if he wants to force him to transgress the laws of the Torah. The Babli (Sanhedrin 74b) comes to the same conclusion in the case of fire worshippers who take fire for their temple where everybody comes to warm themselves.

Rebbi Abuna asked before Rebbi Ammi: Are Gentiles required to sanctify the Name? He said to him (Lev. 22:32): "I shall be sanctified in the midst of the Children of Israel." Israel are required to sanctify the Name; the Gentiles are not required to sanctify the Name. Rebbi Nasa in the name of Rebbi Lazar understood it from the following (2K. 5:18):
"May the Eternal forgive His servant for this\textsuperscript{30}, etc." Israel are required to sanctify the Name; the Gentiles are not required to sanctify the Name.

29 "To sanctify the Name" means to suffer martyrdom for one's faith (under the conditions spelled out before.)
30 Elisha permitted Naaman to accompany his king to a pagan temple and to bow down there; for a Jew that would be unthinkable. Same argument in Babli Sanhedrin 74b, in the name of the school of Rav.

Rebbi Abba bar Zemina was working as a tailor in Rome at the place of an Aramean\textsuperscript{31}. He\textsuperscript{32} brought him\textsuperscript{33} meat of a carcass and told him\textsuperscript{33} to eat. He\textsuperscript{33} said to him, I will not eat. He said to him\textsuperscript{33} eat! Otherwise I shall kill you. He\textsuperscript{33} said to him, if you have to kill, kill, for I shall not eat meat of a carcass. He said to him\textsuperscript{33}, certainly you should know that I would have killed you, had you eaten. Either one is a Jewish Jew or an Aramean Aramean. Rebbi Mana said, if Rebbi Abba bar Zemina had understood the words of the rabbis, he would have eaten\textsuperscript{34}.

\begin{itemize}
\item 31 An Aramaic speaking Gentile.
\item 32 The Gentile.
\item 33 R. Abba bar Zemina.
\item 34 Since R. Abba then would have been killed, it follows that the statement from the Libzah house must be modified according to circumstances.
\end{itemize}
If somebody improved [his field] and died, may his son sow? Rebbi Jacob bar Aha, Rebbi Immi in the name of Rebbi Yose ben Rebbi Hanina: If somebody improved [his field] and died, his son may sow; if he improved [his field] and sold it, it is forbidden to be sown. If [the buyer] transgressed and sowed, it is permitted since they did decide only on a fence\(^{35}\) that one may live with.

\(^{35}\) The "fence" around the Law which is the basis of all rabbinic decrees, Mishnah Avot 1:1. In many cases, it would be impossible for the buyer to verify that the field had been improved during the Sabbatical year. The expression ננד instead of מ is Babylonian spelling; in a series of parallel Tosephtot (3:13) the language is ננד Alef ד לוע.

What are the rules if somebody improved today? Rebbi Jeremiah wanted to say, it is permitted. Rebbi Yose said, did Rebbi Jeremiah not hear that he would be whipped? Did he not hear that he would be unacceptable for testimony\(^{36}\)? He turned around and said, certainly he

\(^{36}\) אע項 בות דע ובסוס. כמא דהים מתק לא אע項 בות דע וביסול אמא בות דע ובסוס.
had heard! But he is like someone who hears a statement and questions it. Rebbi Hizqiah said, it was objected before Rebbi Jeremiah, there seems not to have been a court which disestablished\(^{37}\) The force of Rebbi Jeremiah is from the following\(^{38}\): "An Israel woman who comes to a priestly woman\(^{39}\) to get fire dips the wick into oil to burn and lights." Rebbi Huna in the name of the house of Rebbi Yannai: It was a time of wolf packs\(^{40}\); there was no court which disestablished\(^{41}\). As you say there, there was no court which disestablished, so here there was no court which disestablished\(^{42}\)

36 Both whipping and the exclusion from being a witness are rabbinic decrees since only activities mentioned in the verse are biblical prohibitions.

37 A rabbinic decree passed by a competent court can only be lifted by a court of higher standing. Since the rabbinic restrictions of the Sabbatical year go back to the Men of the Great Assembly, the minimum standing such a court would have to have is that of Rabban Gamliel who disestablished the prohibition of the first two terms (Halakhah 1:1). No court of later times has that standing.

38 *Terumot* 11:10. "Oil to burn" is olive oil of the heave that became impure and can no longer be consumed. It is the Cohen's property and must be burned either for heat or for light. By rabbinic decree, the burning also must be for the benefit of the Cohen or his family. The *baraita* permits some use of the oil by non-Cohanim.

39 The wife or unmarried daughter of a Cohen.

40 A time of emergency when people tried to be out on the street as little as possible.

41 The short-cut described was never endorsed by a court but was tolerated by the rabbis of the time. Since the *baraita* is an unconditional statement, it follows that a rabbinic decree that fell into general disuse because of special circumstances remains in disuse even in normal times; no court is needed to lift the decree. In this case, the power of the people is greater than the power of the court.

42 No court was needed once permission was given to work for the Roman government.
A similar case: When does a man acquire Sabbatical fruit? Rebbi Jeremiah wanted to say, when he puts them in his vessels. Rebbi Yose wanted to say, even if he puts them into his vessels he did not acquire them; he thinks that they are his but they are not his. Compare the following: Rebbi Tarphon went to eat single figs from somebody’s property without reciprocity, following the House of Shamai. The watchmen saw him and started whipping him. When he saw himself in danger, he said to them, by your lives, tell in Tarphon’s house to have his burial shrouds ready. When they heard this, they prostrated themselves before him and said, Rebbi, forgive us. He said to them, so and so should come upon me if I did not forgive you beforehand every stick that was coming down on me. In these two instances did Rebbi Tarphon follow the House of Shamai and endangered himself, in the case here and in the recitation of Shema. Rebbi Abbahu in the name of Rebbi Hanina ben Gamliel: All his life did Rebbi Tarphon repent about this happening and said, woe to me that I used the Crown of the Torah.
43 If the fruits had a human owner, they would become property of the person who takes them. If somebody steals fruit from a farmer, once the fruit is in his vessel he is the owner but owes the farmer the value of the fruit he took. However, Sabbatical fruit are God’s property; even after they have been harvested they retain the holiness of the Sabbatical. They may be eaten but not used for industrial purposes. Hence, they cannot be acquired as property.

44 Different versions of the story are in Massekhet Kallah: Babli Nedarim 62a.

45 Jastrow takes the word as saf’el of mesh "to guard". (In Arabic, the word means "cymbal").

46 Berakhot, Mishnah 1:7.

47 Mishnah Avot 1:13: "He who uses the Crown disappears."

Mishnah 3: One rents ploughed fields48 from Gentiles in the Sabbatical year but not from Jews. One encourages49 Gentiles in the Sabbatical year but not Jews. One greets them for communal peace.

48 Fields ploughed after the harvest, to sow them after the end of the Sabbatical year.

49 A Gentile working his field in the Sabbatical year may be praised for his work, but not a Jew in the same situation.

Mishnah 3 (fol. 34d)
מְשַׁמְשָׁה הַחֲכָרִים נַכְרִים מֹשֶׁגָּמֶת בֵּשַׁבָּכְיָנֵיהָ אֶבֶל לָא מִישְׁרְיָא.
מְחַאֲקֵי נַכְרִים גִּבּוֹת בְּשַׁבָּכְיָנֵיהָ אֶבֶל לָא עִלַּיִן שֶׁרַאַל. יוֹשֵׁבַל בְּשַׁבָּכְיָנֵיהָ מָכוּן.
בריג שלום.

Mishnah 3 (fol. 35b)
הַחֲכָרִים נַכְרִים כֵּן. רָבָּה חִיהוּ רְבָּי אָאוֹמֶר חָד אָמֶר חָד. חָד אָמֶר חָד עָבַּר חָד לָא נִסְבּ לָא מְקִיסָה. נַקְרָא אָמֶר אָמֶר. כֵּן אָמֶר כֵּן עָבַּר כֵּן לָא נִסְבּ לָא מְקִיסָה. נָחָה שִׁוְּאָלָי בְּשַׁבָּכְיָנֵיהָ אָמֶר. כֵּן אָמֶר כֵּן שִׁוְּאָלָי בְּשַׁבָּכְיָנֵיהָ עָבַּר כֵּן שִׁוְּאָלָי עָבַּר.
Halakhah 3: "One rents ploughed fields," etc. Rebbi Hyya, Rebbi Ammi. One said: "Plough it well; then I will rent it after the Sabbatical." The other one said: "May you succeed." For him who says plough it well, then I will rent it after the Sabbatical, what means "one greets them"? "May you succeed." For him who says may you succeed, what means "one greets them"? Jewish greeting, "Peace upon you."

50 This does not refer to the quote from the Mishnah but discusses the meaning of the second sentence, one supports Gentiles. The entire Halakhah is also in Avodah Zarah 4:10 (fol. 44b);

51 Short for 아ב ויהי "may your effort be lucky."

Explanation: Rebbi Hinena bar Pappa and Rebbi Samuel bar Nahman passed by one of the ploughmen in the Sabbatical. Rebbi Samuel bar Nahman said to him, may you succeed. Rebbi Hinena bar Pappa said to him, did not Rebbi teach us (Ps. 129:8): "The passers-by did not say," this implies that it is forbidden to say "may you succeed" to one who ploughs in the Sabbatical. He told him, you know how to read but you do not
know how to make a homily. "The passers-by did not say," refers to the nations of the world who pass out of the world, they did not say to Israel "the blessing of the Eternal is on you." What does Israel say to them, "we bless you in the Name of the Eternal." All blessings that come into the world because of us are not enough for you, you do not say, come and take from the blessing for yourselves, but you roll over us pro-rated contributions and fines, head taxes and annonaes.

52 The word is missing in the Venice print.
53 It seems that he is the R. Hinena who usually is quoted without patronymic.
54 A Jew.
55 In contrast to Israel, these nations have only a limited life span.
56 The material blessing given by God because the Jews keep the laws of the Torah. [Cf. H. Guggenheimer, The Scholar's Haggadah (Northvale 1995), pp. 205-208.]
57 Greek ζημία, η.

Rebbi Ammi taught that one may not take out together with him.

58 The last word is only in the parallel in Avodah Zarah fol. 44b. The sentence has no place here but refers to Mishnah Avodah Zarah 4:10: "One does not make dough or form breads with a baker who works in impurity but one may bring bread with him to the retail store." On this, R. Ammi notes that a Jew following the rules of purity may not take pitta breads out of the oven together with someone who does not follow these rules.
Mishnah 4: If somebody thins out olive trees, the House of Shammai say he should cut them off, the House of Hillel say he may take out the roots, but they agree that one who levels may only cut off. What is thinning? One or two. Levelling are three adjacent to one another. When has this been said? On his own property. But from another's property, even one who flattens may take out the roots.

He takes out entire trees to give the remaining ones more space to grow. The House of Shammai require him to cut the stems near the ground but to leave the roots in because removing the roots is intensive agricultural work.

Halakhah 4: "If somebody thins out olive trees," etc. What is thinning? He removes one and leaves two, or removes two and leaves one. It was stated by the House of Rebbi: He removes one and leaves two. But did we not state: If somebody levels among vines, three adjacent to one another. Therefore, thinning must mean that one removes two and leaves one. Rebbi Jonah said, the baraita when he thins out the first time, and what was stated by the House of Rebbi when he already had thinned.
"61 One does not start a fire in reed thickets\(^{62}\) because that is [agricultural] work. Rabban Simeon ben Gamliel permits it. Similarly, Rabban Simeon ben Gamliel said, one may plant a useless tree\(^{63}\) in the Sabbatical year. One teaches a cow to plough only in dunes; Rabban Simeon ben Gamliel says, it is permitted also in somebody else’s field on condition that one not make parallel furrows.\(^{64}\)

60 Word missing in Venice print. 62 In the Tosephta: הבישה
61 A similar text in Tosephta 3:14. 63 Cf. Chapter 1, Note 12.
64 It should not look like professional work.

It was stated\(^{66}\): "Abba Shaul says one clears groves by cutting near the ground on condition that one should not fell with an axe. One does not try out seeds in soil in a flower pot but one tries them out in dung in a flower pot; one puts them in water in the Sabbatical year for the year after the Sabbatical\(^{67}\). One keeps aloe on the roof but does not water it. One\(^{68}\) does not put wild figs onto fig trees." What does one do? One brings a branch of a wild fig, hangs it onto it, and tells it: That one produced and you did not produce! Did we not state\(^{69}\): "If a tree sheds its
fruits, one colors it red with vermilion, loads it with stones, and frightens it into producing." They said, there that it should not loosen its fruits, here that it should start to produce.

65 Reading of the parallel in Ma'aser Šeni 5:1; the text here reads שַׁנָּה. 66 Tosephta 3:20; the first sentence only. 67 The seeds may be caused to sprout in the water for planting in the next year.


לֹאִים מַעַרְכֹּבִים קַלְלֵי מַסְפִּין שְׁחָיָה עֵרַדָּה. שֵׁלֶא הָעָמֶר הֹאָמֶר הָיָה לְחָצַר רַבָּה שְׁרֵי

לָפוּס כָּנַּו אֲרִיך מִמְּרָפְס. 70 One does not graft date palms because that is [agricultural] work. That you should not say because it could bear it is permitted; therefore it is necessary to say that it is forbidden.

70 One cannot graft date palms. The paragraph refers to the technique of putting bunches of male flowers into the crown of a female tree to insure fertilization by the wind. One could think that this is permitted because a similar technique was approved in the preceding paragraph for fig trees (which, however, have both male and female flowers) and because without help the date palm might still produce some fruit. This "grafting" is forbidden in the Sabbatical because it is the standard agricultural technique.

מלָשָׁהְוָה צַדְּשׁהְוָה הָיוָה מַחֲמִינָה. 71 "Levelling" in the Mishnah is permitted (under the restrictions given there) if one removes not more than nine trees.
Mishnah 5: If somebody cuts down an olive tree, he should not cover [the stump] with dust but cover it with stones or straw. If somebody cuts down a sycamore trunk, he should not cover [the stump] with dust but cover it with stones or straw. One does not cut a virgin sycamore in the Sabbatical year because that is [agricultural] work. Rebbi Jehudah says, in a normal way it is forbidden but he [may] cut higher than ten hand-breadths or cut it down level with the ground.

Sycamores regenerate; it is possible to cut the same plant many times. In order to obtain larger logs it is necessary to first cut down the first "virgin" growth.

"If somebody cuts down an olive tree," etc. It was stated: "If somebody cuts reeds, Rebbi Jehudah says at a place where one is used to cut, he should tear out; at a place where one is used to tear out, he should cut. In any case, he should cut higher than a hand-breadth. If somebody cuts down for logs, he should not plane and cut in steps, cut in steps to create joints, but he should try to cut them straight." It was stated: "Rabban Simeon ben Gamliel said, at a place where one usually planes, he
should cut in steps, in steps he should plane and cut down at the ground, but he should not cut with an axe.”

72 Tosephta 3:19, in the name of Rabban Simeon ben Gamliel instead of R. Jehudah. For reeds as a commercial crop, cf. Demay Chapter 6, Note 100.

73 To cut unprofessionally.

74 He should not treat the logs in public as objects of trade. Since one may cut wood in the Sabbatical year as fuel, the act of cutting in itself does not create a bad appearance.

75 Tosephta 3:19, in the name of Abba Shaul, restricts to cutting in tree groves.

Mishnah 6: If somebody cuts shoots of vines or cuts reeds, Rebbi Yose the Galilean says he leaves a hand-breadth but Rebbi Aqiba says he cuts as he is used to, with an axe, a sickle, or a saw, or anything he wants. In the Sabbatical year one may bind a tree that was split, not to heal it but to stop [the split] from widening.

76 Cutting of the green new shoots as forbidden trimming as long as no wood is taken.
Halakhah 6: Rebbi Yose the Galilean follows the House of Shammai, Rebbi Aqiba follows the House of Hillel. Can we come to state that Rebbi Yose the Galilean follows the House of Shammai, Rebbi Aqiba follows the House of Hillel? But Rebbi Yose the Galilean worries about agricultural work.  

77 In the Venice print, this is still part of Halakhah 5.  
78 We have no statements of the Houses of Shammai and Hillel on this point, but in Mishnah 4 the House of Shammai was more restrictive than the House of Hillel as far as cutting for wood is concerned.  
79 Since R. Yose the Galilean was a student of Rabban Yohanan ben Zakkai at Yabneh, when the House of Shammai already was no longer a dominant force in Jewish thought, the hypothesis seems to be illogical.  
80 Cutting is too close to biblically prohibited trimming.

Mishnah 7: When does one start to eat tree fruits in the Sabbatical year? Unripe figs when they started to be radiant one eats with his bread in the field; when they became large one takes them into his house and in this state in other years of the Sabbatical cycle they must be tithed. Unripe grapes when they contain fluid one eats them with his bread on the field; when their skin became transparent one takes them into his house and in this state in other years of the Sabbatical cycle they must be tithed.
81 When their skin becomes smooth enough to reflect sunlight. food acting as a laxative.
These unripe figs might be eaten as food acting as a laxative.

82 In this state, they are potential commercial product.

Halakhah 7:

If somebody cuts shoots of vines," etc. What means
in this state, they are potential commercial product.

Rebbi Hiyya bar Abba said, if it comes alive, as you say (Zach. 11:8): "And their souls were too much for me."

83 In the Venice print, Halakhah 6. The quote from Mishnah 6 is induced by this error in numeration.

84 This incomprehensible Biblical verse is also quoted in Babli Niddah 47a by Rabba bar bar Hana for the etymology given here (and in Ma'aserot 1:2 (fol. 48d)) by R. Hiyya bar Abba.

From the Arabic "to be stingy" one might translate in the Mishnah "If they are barely ripe."

It is written (Lev. 25:7): "For your domestic animals and the wild animals of your Land shall all its yield be food." Rebbi Hiyya bar Abba said, two kinds of yield, one from the house and one from the field, and it is written (Lev. 25:12): "From the field you shall eat its yield."

85 This explains why the Mishnah has to give two terms for each kind of produce. As will be explained in the following paragraph, the edible produce of the Sabbatical year may be used only as unaltered food to be eaten.
86 Rebbi Yose ben Hanina asked: May one make a plaster (emollient)\(^86\) of unripe figs? After he can eat his bread with them in the field it will be forbidden. Or since he may bring them into his house it might be permitted\(^87\).

86 Greek μαλαγμα, cf. Berakhot p. 385. Once growth of the Sabbatical year is food, it cannot be used for anything else as stated in Mishnah 8:1. 

87 Since unripe figs are not food in the usual sense; it might be permitted to treat unripe figs like, e. g., mint leaves, and use them for medical purposes.

Rebbi Yose ben Hanina asked: May one make a plaster (emollient) of unripe figs? After he can eat his bread with them in the field it will be forbidden. Or since he may bring them into his house it might be permitted.

There, we have stated (Mishnah ‘Uqezin 3:6): "Unripe figs and grapes, Rebbi Aqiba said they may become impure by the impurity of food; Rebbi Johanan ben Nuri said only after they come to the period of tithing\(^88\)."

We have stated here "immediately" but is it "not immediately"\(^89\)? Rebbi Hananiah in the name of Rebbi Simeon ben Laqish: The Mishnah speaks only about unripe figs, but unripe fruit of any other kind may not become impure by the impurity of food until it reaches the period of tithing.
Rebbi Yose said, our Mishnah implies this: "Unripe figs\(^{90}\) when they started to be radiant one eats them with his bread in the field." Rebbi Pedat\(^{91}\) in the name of Rebbi Johanan: Everybody agrees about the Sabbatical year. "Everybody agrees," the colleagues said that the figs do not become impure by the impurity of food\(^{92}\).

88 Earlier, they are considered as pieces of wood that cannot become impure.

89 R. Aqiba assumes that anything edible under circumstances of need is food; does he hold this as a general principle or only in this special case?

90 ג"כ without qualifier means only "unripe fig." Since the Mishnah gives no qualifier, it can apply only to figs.

91 Son of the Amora R. Eleazar (ben Pedat).

92 Even R. Aqiba will agree that unripe figs and grapes in the Sabbatical year are not yet food since legal restrictions prevent their being used as food except by the worker on the field.

93 The palm pith\(^{94}\) is wood in every respect except that it may be bought with tithe money\(^{95}\). Palm spathe\(^{96}\) used as food is free from tithes." Rebbi Judah ben Pazi explained in the study house: Palm pith is not subject to the holiness of the Sabbatical year\(^{97}\). But Rebbi Yose commanded about those who were asking\(^{98}\); they said that it was said from his part. He made them say that Rebbi Yose told them, a baraita
disagrees with Rebbi Judah ben Pazi and supports us, as it was stated:
"One may not cook unripe figs of the Sabbatical year but it is permitted
for the late ones because that is their treatment."

93 Mishnah 'Uqezin 3:7. The paragraph is a follow-up to the Mishnah
'Uqezin quoted earlier.

94 The new growth on top of the
date palm in the spring which may be
eaten as a vegetable as long as it is
soft. If not removed, it becomes wood.

95 Money from the Second Tithe
that, in the times of the Temple, must
be used for food in Jerusalem.

96 Explanation of the Gaonic com-
mentary to Tahorot and Maimonides.
Arukh and Rashi explain: Dates which
never ripen. I. Löw: The male flower
of the date palm. (The Arabic word
used by the Gaonim and Maimonides,
(span, means mainly "spathe" in classical
Arabic, but also "palm frond" (meaning
chosen by Al-Ḥarizi), and "pollen"; as
Span the latter is the only meaning in
Iraqi dialect. It does not seem reasonable to replace "pollen" by "male
flower.")

97 Since it is a kind of wood, it
may be used otherwise than as food.

98 They were checking with him
whether the statement of R. Judah ben
Pazi was true. He had them reveal the
source of their statement.

99 Tosephta 3:21, and there the
language is: "One may not split (?)
unripe figs of the Sabbatical year but it
is permitted for the late ones because
that is their treatment; it is permitted
for palm pith and palm spathe." Late
figs do not ripen on the tree; if one
wants to use them as food one makes
them into preserves. Similarly, palm
pith and palm spathe are food only if
cooked. Since everybody will agree
that late figs are food, one also has to
agree that palm pith and spathe are
food under the rules of the Sabbatical.
The argument is valid only if one
assumes that R. Yose was quoting the
entire Tosephta or an equivalent text.
(The commentators of the Tosephta
replace "split" by "cook" on the basis of
the Yerushalmi but this reading has no
support in the Tosephta mss.)
When does one start to eat fruits", etc. Since we say that palm pith and spathe are like wood, is wood forbidden to be cooked? But because the holiness of the Sabbatical falls on them one has to say that it is forbidden.\(^{100}\)

However, since this paragraph still belongs to R. Yose’s argument against R. Jehudah ben Pazi, "forbidden" here is appropriate since it implies that even for palm pith and spathe, once they have been taken from the tree any use conflicting with the holiness of the Sabbatical is forbidden.

Unripe grapes when they contain fluid", etc. What argument can you give for unripe grapes? Rebbi Abun said, because at that stage usually the owls eat it.\(^{102}\)

By Lev. 25:7, food for wild animals is legal food in the Sabbatical year; cf. Mishnah 8:1.
Mishnah 8: Olives containing a quarter log [of oil] per seah one may break open and eat in the field. When they contain half a log, one may pound them and [use the oil to] anoint oneself in the field. When they contain a third, one may pound them on the field and bring them to the house; in a similar circumstance in the other years of the Sabbatical cycle they are subject to tithes. For all other tree fruits, as their time for tithes so is their time for the Sabbatical year.

103 Given in Ma'aserot Chapter 1.

Halakhah 9: "Olives containing a quarter log per seah," etc. What is "a third"? Of a log. The Mishnah for those which produce three log per seah.

104 A quarter log therefore simply means that the olives already contain \(\frac{1}{12}\) of the oil a ripe olive yields on the average. For the definition of log and seah, cf. Berakhot Chapter 3, Note 164.

It is written (Lev. 25:12): "Because it is yovel, holy should it be for you, etc." Just as [the year] is holy, so its yield is holy.
105 The full verse reads: "Because it is yovel, holy should it be for you; from the field you should eat its yield." The yield of Sabbatical and Jubilee years has to be treated as holy and may not be used for industrial purposes. On the other hand, as explained in Note 85, lenient rules are valid for eating in the field.

Rebbi Yose ben Hanina kissed the cliffs of Acco and said, up to here is the Land of Israel. Rebbi Zeïra crossed the Jordan in his clothing. Rebbi Hiyya bar Abba rolled himself in the step of Tiberias. The elder Rebbi Hiyya weighed rocks. Rebbi Hananiah weighed earth lumps to fulfill what was said (Ps. 102:19): "For Your servants desired its stones and they loved its dust."

106 The parallels are in Babli Ketubbot 112a.

107 According to the Babli he did not find a ferry when he came to Israel from Babylonia, only a rope stretched over the ford; he walked along the rope in his garments to enter the Land as quickly as possible.

108 Cf. Greek ἔλευσις, ἐως, ἡ, "coming, arrival".
Mishnah 9: When may one not cut down a tree in the Sabbatical year? The House of Shammai say, every tree when it starts. But the House of Hillel say, carob trees when they form clusters, vines when they produce fluid, olive trees when they have flower buds, all other trees when they start. Any tree may be cut down once its fruit has reached the stage of tithes. How much should be on an olive tree so one should not cut it down? A quarter [qab]. Rabban Simeon ben Gamliel says, all according to the olive tree.

109 One may not cut down a fruit tree as long as it is valuable (Deut. 20:19). This is discussed at the end of this Mishnah. In the Sabbatical year, when the fruit is public property, one may not cut down a tree once it has started to bear fruit until all fruit has been harvested from it.

110 According to Maimonides, when its fruit has started to develop; according to Rashi (Pesahim 52b/53a) when it started to grow new leaves. "Forming chains" refers to developing clusters of pods containing seeds.

111 Cf. Arabic "to drink".

112 After the fruits have been harvested from the tree.

113 If the value of the olive wood is greater than the value of the olive harvest from the tree.

"When may one not cut down", etc. Rebbi Hinena bar Pappa stated, for carob trees their forming clusters means their sprouting. "Vines when..."
they produce fluid," Rebbi Jonah said when they flow with water, as you say (Job 36:27): "He draws the waterdrops that distill rain from their mist."

"Olive trees when they have flower buds", Rebbi Jonah said, when they bring a quarter [qab]. A quarter [qab] of flower buds or a quarter [qab] of olives? Rebbi Jonah said, that means, flower buds which will yield a quarter [qab] of olives.

Reading of a Genizah fragment.  

Rebbi Jonah said (Deut. 28:40): "Your olives will fall off," one in 340 were kept. Rebbi Jonah said (Joel 2:22): "For the tree will bear its fruit" means that the tree is not bearing its fruit in this world, "and fig tree and vine will give their strength" means that they are not giving their strength in this world.

Since R. Jonah was mentioned in the preceding paragraph, his homilies are appended here.

The numerical value of שִׁבְתָּה is 340.

"This world" in the Yerushalmi means the world before the coming of the Messiah. The implication is that in the days of the Messiah produce will be so abundant that the rabbinic rules governing the details of tithing and Sabbatical will have to be changed.
Rebbi Jonah said in the name of Rebbi Hama bar Hanina: He who dies in the seven years of Gog \(^{119}\) has no part in the Future World. Its sign is, he who ate at the preliminary wedding feast \(^{120}\) shall eat at the wedding feast. Rebbi Yose heard this and said, is that true? So far there is repentance for the Future World \(^{121}\). Rebbi Jonah in the name of Rebbi Hiyya bar Ashi \(^{122}\): In the future, fellows will exert themselves from synagogues to houses of study. What is the reason? (Ps. 84:8) "They will go from strength to strength, he will see the Power, God, in Zion," until he will see the Power, God, in Zion \(^{123}\).

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118 The last five words are only in the Leyden ms.
120 Cf. Demay p. 484.
121 Everybody has his chance at the Future World.
122 He is Rav Hiyya bar Ashi. In the Babli, Berakhot 64a, his statement is quoted as originating with Rav.
123 This Zion is the Heavenly Zion, place of the resurrection, since in this world, God cannot be seen. This leads to the next paragraph on those who have part in the resurrection.
The rabbis of Caesarea say, Gentile minors¹²⁴ and the armies of Nebucadnezzar will not live and will not be judged; about them it says (Jer. 51:39,57): "They will sleep an eternal sleep and never wake up."

From when do Jewish minors live? The elder Rebbi Hiyya and Rebbi Simeon ben Rebbi, one said from when they are born, the other said from when they talk¹²⁵. He who says from when they are born (Ps. 22:32): "they shall come and tell His justice to the born people He made." He who says from when they talk (Ps. 22:31): "Seed will worship Him, it will by told to the Master by the generation." It was stated in the name of Rebbi Meir: From the time [the child] knows to answer Amen in the synagogue. What is the reason? (Is. 26:2) "Open the gates, let the just people come who keep trust." There they say, from when they are circumcised (Ps. 88:16): "I carried your fear, I cease." But the rabbis from here say, from when they are born (Ps. 87:5): "He will say to Zion, everybody [who] was born [is] in it." Rebbi Eleazar says, even the still-born, what is the reason? (Is. 49:6) "The watched ones of Israel to return", the created ones of Israel to return¹²⁹.

¹²⁴ In the Babli, Sanhedrin 110b, this is restricted to minor children of evil Gentiles. Cf. Berakhot Chapter Nine, Notes 71 ff.
¹²⁵ Also in the Babli, Sanhedrin 110b.
¹²⁶ In the Babli, Sanhedrin 110b and Sabbath 119b, it is explained that those who keep trust are those who respond Amen, "trustworthy".
¹²⁷ For the translation, cf. Arabic
¹²⁸ For the translation, cf. Arabic
"to cease". Once the baby carries the fear of the Eternal, being circumcised, even if it ceases to exist it has part of the salvation expressed in the Psalm.

128 The Heavenly Zion.

29 "The watched ones" נצואים is qere (read), "the created ones" נוצרים ketib (written).
Mishnah 1: The Sabbatical of white figs is the second year since they produce after three years. Rebbi Jehudah says, the Sabbatical of Persian figs is the year after the Sabbatical since they need two years to produce. One said to him, they mentioned only white figs.

1 Cf. Demay Chapter 1, Note 5.
2 The second year of the new Sabbatical cycle. Maimonides (Sevi'it 4:16) notes that it is possible that the fruits are edible and subject to the laws of tithes already at the end of the first year of the cycle. The trees mentioned here carry both ripened fruit and flowers at the same time.

Halakhah 1: "White figs", etc. What are white figs? Stonies. Do they bear every year or only once in three years? They bear every year but their fruits ripen only after three years. How does one know? Rebbi Jonah said, from when he binds a string around them. Samuel stated, one sticks a splint into them.
Greek adj. πετραῖος, a, ov, 4 Presumably a different kind of Latin petraeus, a, um, "stony, of stone". string every year.

It was stated: "Rabban Simeon ben Gamliel says, a tree that buds before the fifteenth of Sevat is tithed for the past [year]; after the fifteenth of Sevat it is tithed for the coming [year]." It was stated: "Rebbi Nehemiah said, when has this been said? For a tree producing two threshing floors a year. But trees making only one threshing floor per year, such as olive trees, date palms and carob trees, even if they budded before this day, belong to the future." Rebbi Johanan said, people use to follow Rebbi Nehemiah for carobs. Rebbi Simeon objected before Rebbi Johanan: Did we not state that "the Sabbatical of white figs is the second year since they produce after three years"? According to you, those ripened in the Sabbatical year should be Sabbatical! He accepted that. Rebbi Abun bar Cahana said, I wonder how Rebbi Simeon ben Laqish
could bring this objection before Rebbi Johanan and he accepted it. Could he not object: I am speaking about carobs and you about white figs, I am speaking about custom and you about practice\textsuperscript{10}, I am speaking about Rebbi Nehemiah and you about the rabbis\textsuperscript{11}! It follows that the rules are equal for carobs and white figs, custom and practice, Rebbi Nehemiah and the rabbis\textsuperscript{12}.

5 In the Babylonian sources (\textit{Roş Haššanah} 15b, \textit{Tosephta Ševi'it} 4:20), the statement is anonymous, representing the opinion of the majority of Sages.

6 New Year's Day for trees (Mishnah \textit{Roş Haššanah} 1:1), cf. Chapter 2, Note 52.

7 Fruits of trees are not threshed; "threshing floor" means here "harvest of all the fruits of a tree at one time", to exclude figs and similar fruits that ripen and are harvested over a long period of time. The Babylonian sources use "דָּרֶכֶם" "brood (of pigeons)" for the same meaning.

8 In the opinion of the Babli, if R. Johanan did not find an answer to the objection it does not imply that he accepted its inference as practice to be followed, in disagreement with the Yerushalmi.

9 In the Babli, R. Abba Cohen; in other places of the Yerushalmi, R. Abba bar Cohen.

10 Practice is the generally accepted ruling of the rabbis; custom is what the people do, without explicit rabbinic endorsement.

11 Of the anonymous Mishnah which, according to R. Johanan, should always guide practice.

12 Hence, the Babylonian text which omits the mention of Rabban Simeon ben Gamliel is justified; the statement is generally accepted and R. Nehemiah explains it but does not disagree.
There, they say: A tree which buds before the New Year’s Day of the World is tithed for the past; after the New Year’s Day of the World it is tithed for the future. Rebbi Yudan bar Pedaiah objected before Rebbi Jonah: But carob trees form buds before New Year’s Day and are tithed for the future! He had not heard what Rebbi Hinena bar Pappos said, for carob trees the forming of clusters is [counted as] their forming buds.

13 In Babylonia. This opinion is not mentioned in the Babylonian Talmud.

14 The First of Tishre, usually

Rebbi Assi said, if it was one-third ripe before the New Year’s Day of the World it is tithed for the past, after the New Year’s Day of the World it is tithed for the future. Rebbi Zeira objected before Rebbi Assi: Some years are late and dates start to have sap after the New Year’s Day of the World but they are tithed for the past! Rebbi Zeira said, Rebbi Assi did not say this on his own but following Rebbi Johanan, Rebbi Simeon ben Laqish. Rebbi Jacob bar Aha in the name of Samuel bar Abba: "If it was one-third ripe before the Fifteenth of Sevat it is tithed for the past,
after the Fifteenth of Sevat for the future." Rebbi Zeira said, that is correct; for an etrog, did one not eliminate its budding but not its year; but here did one eliminate its year but not its budding?

16 That means, New Year's Day is early in the solar year.

17 Since R. Johanan, following the objection of R. Simeon ben Laqish, decided that practice had to follow R. Nehemiah and tithing for trees with only one harvest did not depend on the Fifteenth of Sevat. Hence, it must depend on the First of Tishre, following the teachers from "there".

18 This is identical with the opinion of the Sages there, except that the New Year of trees substitutes for the New Year of the World.

19 Mishnah Bikkurim 2:4 states the opinion of Rabban Gamliel (which is practice to be followed) that an etrog (citrus medica) is not like a tree fruit in that it is tithed in the year it is harvested, not the year it is formed. Hence, all other tree fruits have to be tithed in the year of their formation.
"Rabban Simeon ben Gamliel said, from the appearance of leaves to the
bud fifty days, from the bud to the wind-fall twenty-two fifty days, from wind-fall
to figs fifty days. Rebbi says, all of them by forty days." If somebody
harvested figs and does not know when their buds were formed, Rebbi
Jonah said he counts a hundred days backwards; if the Fifteenth of Sevat
falls in this period he knows when they budded.

Should one-third of the tithes
be counted for the past year and two
thirds for the coming one? The
question would arise if a farmer tithes
all his yield from one source, not each
batch singly. The answer is that
growth of the first third of the time
between flowering and ripening of the
fruit does not count since the volume
produced is negligible.

They said to him, but they are with you in Tiberias and they produce
in one year. He said to them, but there they are with you in Sepphoris
and they need two years!

This refers to the dispute in the
Mishnah between R. Jehudah and the
Sages regarding Persian figs.

Sepphoris is on a cool mountain
top, Tiberias in a hot depression below
sea level.
Mishnah 2: If somebody stores arum in the Sabbatical year, Rebbi Meir says it should not be less than two seah and [in a hole] three hand-breadths deep, with a hand-breadth of earth on top. But the Sages say, it should not be less than four qab, one hand-breadth deep, with a hand-breadth of earth on top, and should be stored where people step on it.

25 See Mishnah Peah 6:9. "Storing" is done in a hole in the ground covered with earth. Since arum is planted, not sown, one has to store it in a way that is clearly different from planting.

26 12 qab, cf. Berakhot Chapter 3, Note 164.

27 So nothing will grow there.

Halakhah 2: "If somebody stores arum". This takes care of arum. Onions? Rebbi Jonah said, arum and onions follow the same rules. Rebbi Yose said, it is reasonable that a lesser quantity be permitted for onions for they are smoothed.

28 The commentators from Maimonides to Lieberman, except Arukh and R. Isaac Simponti, take this sentence to mean that arum is onion. This does violence to the style of the Yerushalmi, cf. the text at Note 12.

29 The roots are removed before storage. There is no danger that the stored onions could grow out of the earth.
Mishnah 3: Arum after the Sabbatical. Rebbi Eliezer says, if the poor collected the leaves, they collected; otherwise, he should settle with the poor. Rebbi Joshua says, if the poor collected the leaves, they collected; otherwise, the poor have nothing to settle with him. This Mishnah is explained in the first paragraph of the Halakhah.

30 This Mishnah is explained in the first paragraph of the Halakhah.

Halakhah 3: "Arum after the Sabbatical", etc. Rebbi Abbahu in the name of Rebbi Johanan: It turns out that Rebbi Jehudah follows Rebbi Eliezer and Rebbi Yose follows Rebbi Joshua. As we have stated there: "Poor persons eat after the removal but not rich ones, the words of Rebbi Jehudah. Rebbi Yose says poor and rich persons may eat after the removal."
immediate consumption; this is called removal.

32 Since R. Jehudah’s father, R. Illai, was one of the few known students of R. Eliezer, it is reasonable to assume that R. Eliezer’s opinion here underlies the later statement of R. Jehudah. It will be stated in Mishnah 7:1 that only the leaves of arum are subject to removal; the roots are hidden from the wild animals and not subject to removal. Since the poor have the right to harvest the leaves (as vegetables) after the time of removal, any leaves remaining after the Sabbatical are the property of the poor. If the leaves grow again in the following rainy season, the farmer who harvests the leaves as vegetable during that year has to compute the share of the poor and separate it from his harvest.

33 Since everybody may take the leaves after the time of removal, the poor have no claim to anything the next year. Cf. also Chapter 9, Note 116. One has to assume that the Mishnah deals with minute amounts since there would be no removal if considerable amounts were available on the fields.

רבבי אמי דעא קומם רביהו הכהנים עד שלא גזור על השפיגים. אמר ליה
וכי בבעליה היה. אמר רבכי אמי מום איסור שפיגים תורה.

Rebbi Ammi asked before Rebbi Johanan: Does our Mishnah go back to the time before they decreed about spontaneous growth?34 He said to him, where you there on the upper floor?35 Rebbi Ammi inferred that the prohibition of spontaneous growth is from the Torah.36

34 Lev. 25:5 reads: “The spontaneous growth of your grain you should not harvest . . .” On this, Sifra Behar 1(3) comments: From here the Sages found support to forbid spontaneous growth in the Sabbatical. The verse forbids only commercial harvest of grain. R. Ammi notes that the leaves of Arum whose roots were in the earth long before the Sabbatical must have the status of spontaneous growth of vegetable.

35 In all cases where details of the enactment of rabbinical prohibitions have come down to us, the vote was taken on the upper floor of some
house. R. Johanan notes that no record of such a vote is available.

36 The different positions in this

A plant looking like arum but without a bulb. Its leaves are pure vegetable (if they are young and not bitter, Mishnah *Uqezin* 3:4).

38 Bar Qappara's version of the Mishnah supports R. Jonah, that arum and onion follow the same rules. False onions do not exist.

39 R. Jeremiah does not want to apply the rules of the Mishnah to genuine arum; he must be of the opinion that the entire arum plant is subject to removal since its leaves, being sold as leaf vegetables, are subject to removal. This would contradict the statement of the Mishnah which explicitly excludes the roots and speaks only of the leaves.

40 Since no non-bulbous plant has leaves like onions, he must explain that the onion leaves in the baraita of Bar Qappara had been trampled down before the start of the Sabbatical and, therefore, do not grow any longer from the bulb.
Rebbi Yose explains the Mishnah before the New Year of the Sabbatical: If one planted before the New Year of the Sabbatical, it formed a bulb before the Sabbatical; he pressed [the leaves] down during the Sabbatical and tore them out after the Sabbatical. If you say that pressing down is like tearing out\(^1\), everything is for the poor. If you say that pressing down is not like tearing out, not everything is for the poor. Because of this doubt, he should settle with the poor.

41 Since breaking petioles of the leaves in bending them will stop the growth. R. Yose explains only the position of R. Eliezer. It is implied that R. Joshua is sure that pressing down is not like tearing out.

Rebbi Hizqiah explains the Mishnah as referring to the eve of New Year's Day of the Sabbatical. If he planted on the eve of New Year’s Day of the Sabbatical, it grew a bulb at the start of the Sabbatical; then he pressed [the leaves] down during the Sabbatical and tore them out after the Sabbatical. If you say that pressing down is like tearing out, everything belongs to the farmer\(^2\). If you say that pressing down is not like tearing out, not everything belongs to the farmer\(^3\); therefore, the poor have no settlement with the farmer.
42 Since there will be no more growth, the farmer is under no obligation.

43 That means, nothing is for the farmer; the poor take all without computation, even that which grew in the sixth year of the Sabbatical cycle.

44 Rebbi Yose explains the baraita before New Year's Day of the Sabbatical, Rebbi Hizqiah explains the Mishnah [as dealing with] the eve of New Year's Day of the Sabbatical.

44 Tosephta 4:3, explaining the position of R. Eliezer. He assumes that the growth rate is constant from year to year. Hence, the poor's part in a plant that started growing at the beginning of the Sabbatical and grew \( n \) full years after the Sabbatical is \( \frac{1}{n+1} \).

45 Arum of the year before the Sabbatical entering the Sabbatical, as well as summer onions and madder growing on choice land, the House of Shammai say, one takes them out with wooden shovels but the House
of Hillel say with iron spades. They agree that one takes out madder growing on slopes with iron spades.

45 Since it stopped growing during the dry season, it is legitimate to harvest it commercially even during the Sabbatical. The House of Shammai require that in the Sabbatical the harvest not be done in a professional way.

46 Maimonides explains "madder of best quality", but this does not fit the usual meaning of יריב. Also, in the next sentence, the problem is not the quality of madder but the difficulty of access to the land.

47 The last word is only in the Rome ms.

48 The argument seems to refer not to our Mishnah here but to the explanations of Rebbis Yose and Hoshaiia of the difference between R. Eliezer and R. Joshua in Mishnah 3, cf. Note 41.

49 Tosephta 2:10.

50 If it does not grow any more after New Year's Day, the Second Tithe is all the farmer's and the poor have no claim whatsoever. Years 3 and 6 are...
years of the tithe of the poor; in these years the farmer has no part in the second tithe.  
51 This contradicts the prior statement that the question is unsettled.  
52 He did not only bend the plants down but lifted them a little bit to separate the roots from the ground. In that case, the plants will certainly grow no longer and there is no room for any doubt.

"Summer onions", summer ones. They agree that one takes out madder growing on rocky slopes. We have stated on that: "At a place where one is used to plough, he may plough, to harrow, he may harrow."

53 The Aramaic trade name for the kind described in Hebrew in the Mishnah.  
54 Greek πέτρα "rock".  
55 A similar statement is in Tosephta 5:23: "On does not tear out spontaneous growth of the Sabbatical with his hand but one ploughs as usual, as animals graze as usual."

56 Under a regime of crop rotation, ploughing under the remains of the previous crop is only a preliminary step; it is not yet ploughing for a new crop and not under the prohibition of the Sabbatical. If it is a usual procedure, no bad impression will be created.

Mishnah 5: When may a person buy arum after the end of the Sabbatical?  Rebbi Jehudah says, immediately. But the Sages say, after the new [crop] is dominant.
Halakhah 5: "When may a person buy" etc. What is the reason of Rebbi Jehudah? They made a decree regarding arum but not regarding vegetables\(^{57}\). Then it should be permitted even during the Sabbatical! We deal with what was stored, that one should not go and bring from the forbidden crop and say, I brought from storage\(^{58}\).

\(^{57}\) Mishnah 4 requires that arum be harvested during the Sabbatical with inadequate tools. This rabbinic decree does not extend to vegetables. Therefore one may assume that vegetables offered for sale during the Sabbatical or immediately after its end are grown during the Sabbatical but one may assume that arum offered for sale is from the stored produce of the sixth year.

\(^{58}\) This is the reason for the Sages who require that one wait until there is a new crop.

It was stated\(^{59}\): "Rebbi Jehudah said, it happened that we were at Ein Kushin\(^{60}\) and ate arum at the end of the holiday at the end of the Sabbatical\(^{61}\) following instructions by Rebbi Tarphon. Rebbi Yose told him, I was with you but it was only the end of Passover."

\(^{59}\) Tosephta 4:4, with slightly different wording.

\(^{60}\) A place which according to the Yerushalmi [Avodah Zarah 5:4 (fol. 44d)] is near Kefar Shalem and according to the Babli (Avodah Zarah 31a) near Birat Sareqa (fortification of the Saracens). None of these places has been convincingly identified.

\(^{61}\) The 23rd of Tishre, soon after
the end of the Sabbatical. An instruction given by a major authority must represent practice.

Mishnah 6: These are the implements which the professional may not sell during the Sabbatical: A plough and all its implements, a yoke, a winnowing fork and an axe. But he may sell a hand sickle, a grain sickle, a carriage and all its implements. This is the principle: Everything that is used only for its work is forbidden; [if it is usable] for both forbidden and permitted [work] it is permitted.

62 In most Mishnah mss: י"ע יבירה "for sinful activity".

Halakhah 6: "These are the implements", etc. Rebbi Jonah said: So is the Mishnah: "These are the implements which the professional may not sell during the Sabbatical to a person suspected of violating the Sabbatical." If one does not know, what is the rule? Since it was stated "[if it is usable] for both forbidden and permitted [work] it is permitted", that means that it is permitted if one does not know.
63 The interpretation of the Mishnah given in his time.

64 The seller does not know the extent of religious observation of the prospective buyer.

Mishnah 7: The seller may sell five oil amphoras and fifteen wine amphoras because so much one brings from ownerless property. If he brought more than that amount, it is permitted. He may sell to Gentiles in the Land and to Jews outside of the Land.

65 This text is only found in the Leyden ms. and the Venice print. All other sources have "the potter". The quote in the Halakhah shows that this should be the text here also.

66 Since all produce in the Sabbatical is ownerless, this is what one usually collects under Sabbatical rules.

Halakhah 7: "The potter may sell". Should we not worry and say, maybe he will switch? Rebbi Jonah said, one recognizes, these are for wine and those for oil. Rebbi Ulla said, the material of these is known and the material of those is known.

67 According to R. Jonah, the amphoras are distinguished by their shapes, according to R. Ulla by their material. In the translation, אתद"י material, earth" is read for אתד"י skin", following R. E. D. Lapp.
"He may sell to Gentiles in the Land" even a larger quantity "and to Jews outside of the Land" even for what was bought in the Land.

Mishnah 8: The House of Shammai say, one may not sell to him a ploughing cow during the Sabbatical but the House of Hillel permit it because he might slaughter it. One may sell him produce even during the sowing season and lend him one's measuring device even though one knows that he has workers, and one may exchange coins for him even though one knows that he has workers. In all cases it is forbidden if specified.

The person known to flout the laws of the Sabbatical.
Halakhah 8: "The House of Shammai say", etc. It was stated\(^69\): If somebody sells an ox and it turns out be a goring one, Rav said it is an erroneous transaction\(^70\) but Samuel says, he can tell him: I sold it to you for slaughtering. What are we talking about? If he sold it to a sharecropper, he sold it for ploughing. If he sold it to a butcher, he sold it for slaughter. But we are considering that he sold it to a broker\(^71\). Rav said it is an erroneous transaction but Samuel says, he can tell him I sold it to you for slaughtering. The reasoning of Rav is inverted, the reasoning of Samuel is inverted. For they disagreed\(^72\): If he sold it\(^73\) during the Jubilee year itself, Rav said he acquired it and it leaves his hand in the Jubilee year; Samuel says he did not acquire. The reasoning of Rav is inverted: there he said he acquired and here he said he did not acquire. There the Jubilee is public knowledge\(^74\) but here there is an erroneous transaction. The reasoning of Samuel is inverted: there he said he did not acquire and here he said he acquired. For what purpose did he sell it to him if not for sowing?\(^75\) But here he can tell him I sold it to you for slaughtering.

\(^69\) The expression usually is reserved for Tannaitic statements; this Amoraic statement is found in Babli Baba Qama 46a, Baba Batra 92a. The statement is identical but the interpretation is radically different: Samuel is interpreted to hold that probabilities are not admitted in suits about monetary claims while Rav will admit probabilistic arguments in civil suits.
70 The buyer may return what he bought for a full refund.

71 The Babli notes that usually an ox trained for ploughing is much more valuable than one sold for slaughter and we are forced to conclude that we are dealing with the unlikely case that the two prices are about equal and one cannot determine the use of the ox by the price paid. This argument is discussed in the next paragraph.

72 Babli Arakhin 29b. The argument is purely theoretical since the institution of the Jubilee, in which all agricultural land reverts to the family who received it under Joshua, was not (and could not have been) revived during the Second Commonwealth.

73 A field. Since the Jubilee is also a Sabbatical, the buyer could never have any benefit from his buy.

74 Nobody can claim ignorance of the basic rules of the Jubilee; hence, the transaction was entered upon in the full knowledge of its futility. But in the case of the ox, the buyer has no advance knowledge of its dangerous behavior.

75 It is stated in Lev. 25:15 that fields are sold for future harvests. Therefore, a transaction that cannot lead to a harvest is illegal.

Does Rav follow the House of Shammai and Samuel the House of Hillel? Rav follows the House of Shammai and Samuel the House of Hillel. Rav follows the House of Shammai, but even if he would follow the thinking of the House of Hillel, people do not usually keep for thirty days. If he keeps it for thirty days would it not be an erroneous transaction? Samuel follows the House of Hillel, but even if he would follow the thinking of the House of Shammai, people do not usually slaughter ploughing cattle.
Cattle bought for slaughter. Even for Samuel.

In the case of the Mishnah, he would agree with the House of Shammai that a cow bought explicitly for ploughing is not to be slaughtered. But in the case of the goring ox it is a matter of monetary claim and in suits over money it is incumbent on the claimant to prove his claim; he cannot have recourse to an argument about probabilities. For Rav and Samuel the case of the goring ox has no parallel in the Mishnah here.

Rebbi Aḥa, Rebbi Tanhum bar Ḥiyya in the name of Rebbi Johanan: If somebody lent his measuring cup and found him using it, he does not have to say anything; much less if he rented it out.

The lender found the borrower using his measuring vessel for a Sabbatical crop, in violation of the rules.

Mishnah 9: A woman may lend to her neighbor whom she suspects in matters of the Sabbatical a coarse sieve, a fine sieve, grindstones and an oven but she should neither cull nor grind with her. The wife of a...
fellow may lend to the wife of a vulgar a coarse sieve and a fine sieve, she may cull, grind and sift with her, but she may not touch hers once water has been put in because one does not support transgressors. All this has only been said for communal peace. One encourages Gentiles in the Sabbatical year but not Jews. One greets them for communal peace.

According to Maimonides, "fellow" are given in the Introduction to Tractate Demay. The vulgar may be assumed to be impure and to impart impurity to prepared food. Food becomes susceptible to impurity by contact with water, cf. Demay, Chapter 2, Note 141. Since one may not cause hallah to be impure if one can help it, but the hallah of a vulgar is always impure and may not be eaten.

This is repeated from Mishnah 4:3 (Note 49). The entire Mishnah and Halakhah is repeated in Gittin, 5:9.

Halakhah 9: Rebbi Zeira asked before Rebbi Mana: Does our Mishnah deal with the implicit case, rather than the explicit? He said to him, is the implicit case not explicit? I can say a coarse sieve to count coins, a sieve to sift sand, grindstones to grind spices, a stove to put in flax bundles.
If the borrower does not specify for which purpose she needs the implements. Since the borrower must be assumed to transgress the laws of the Sabbatical, does one not give his implements in the knowledge that they will be used for sinful activity?

Rebbi Phineas asked: For what did they impose a fine? At a place where they sow and eat or at a place where they sow but do not eat? What is the difference? If one saw him buying from Saracens. If you say at a place where they sow and eat, if one saw him buying from Saracens it is forbidden; if you say at a place where they sow but do not eat, if one saw him buying from Saracens it is permitted.

That one may not sift or grind with the borrower.

The farmers transgress in raising cash crops in the Sabbatical but they themselves would not eat commercial Sabbatical produce. [Most commentators explain that "eating" refers to the time when wild animals would no longer find any food on the fields, when the consumption of stored Sabbatical yield, in a way stolen from the wild animals, is forbidden. But then the mention of sowing would be meaningless.]

Saracen traders do not bring their merchandise long distance so that their produce might be imported and permitted.
Rebbi Yose bar Hanina asked: Has this\(^91\) been said for all of this chapter or only for this Mishnah? The rabbis of Caesarea in the name of Rebbi Judah bar Titus: From the fact that we state only this Mishnah in \textit{Gittin}\(^85\) it follows that it was said only for this Mishnah.

\(^91\) That collaboration with the sake of communal peace.

unobservant is permitted only for the

There\(^92\), we have stated: One\(^93\) does not knead or form bread with a baker working in impurity. And it was stated additionally: One should neither cull nor grind nor sift with him. And here, it says so\(^94\)? Rebbi La said, Here for profane [bread], there for heave. Can you say heave at a baker's?\(^95\) The colleagues\(^96\) say, one if he washes, there if he does not wash. The Mishnah supports the colleagues: "But she may not touch hers once water has been put in because one does not support transgressors. All this has only been said for communal peace."

\(^92\) An extended form of this \textit{baraita} is in Babli \textit{Avodah Zarah} 55b.

\(^93\) A fellow as long as it was possible to prepare food in ritual purity.

\(^94\) To perform the same actions

with the wife of a vulgar.

\(^95\) Heave is given to the Cohen who is responsible to keep it in purity and may not hand it over to a baker.

\(^96\) R. Hanaiah and R. Oshaia the colleagues of the rabbis.
97 If the baker washes the grain the flour is prepared for impurity, before grinding to eliminate impurities.

98 Rebbi Hyya, Rebbi Ammi. One said: "Plough it well then I will rent it from you after the Sabbatical." The other one said: "May you succeed." For him who says plough it well, what means "one greets them"? "May you succeed." For him who says may you succeed, what means "one greets them"? Jewish greeting, "Peace upon you."

98 From here to the end of the chapter the text is identical (except for Chapter 4, Halakhah 3)

Explanation: Rebbi Hinena bar Pappa and Rebbi Samuel bar Nahman passed by one of the ploughmen in the Sabbatical. Rebbi Samuel bar
Nahman said to him, may you succeed. Rebbi Hinena bar Pappa said to him, did not Rebbi teach us (Ps. 129:8): "The passers-by did not say, the blessing of the Eternal be on you," that it is forbidden to say "may you succeed" to one who ploughs in the Sabbatical. He told him, you know to read but you do not know to make a homily. "The passers-by did not say," these are the nations of the world who pass out of the world, they did not say to Israel "the blessing of the Eternal is on you." What does Israel say to them, "we bless you in the Name of the Eternal." All blessings that come into the world because of us are not enough for you, you do not say, come and take from these blessings for yourselves, but you roll over us pro-rated contributions and fines, head taxes and annonae.
Mishnah 1: There are three territories regarding the Sabbatical. Every place held by the immigrants from Babylonia from Akhzib\(^1\) inside the Land of Israel cannot be eaten from\(^2\) or worked. Every place held by the immigrants from Egypt between Akhzib and Euphrates and Amanus\(^3\) can be eaten from but not worked. From Euphrates or Amanus to their side they can be eaten from and worked.

1. A *tell* between Nahariah and the Tyrian Ladder.
2. There are three essentially different interpretations of this expression. It is stated in the Torah (Lev. 25:6): "The Sabbatical yield shall be food for you." Therefore, it is a positive obligation to eat Sabbatical fruits; they may not be used for industrial purposes or intentionally wasted (Mishnah 8:2). In the opinion of R. Isaac ibn Ghiat produce grown by a Jew in violation of the Sabbatical is forbidden for all Jews. In the opinion of R. Simson, the Mishnah refers to the time when no produce is left on the fields for the wild animals; then no Sabbatical produce harvested earlier may be kept or eaten. This is a biblical commandment based on Lev. 25:7 and explained in Mishnah 9:2.

In the opinion of Maimonides in his Code (*Semittah weYovel* 4:26), in the later versions of his Mishnah Commentary (see the edition of R. Y. Qafch), and explained at length in a responsa (ed. Blau #128, *Peër Hador* #15) the Mishnah refers to the rabbinic
prohibition to buy in the Holy Land during the Sabbatical any produce that has to be sown and tended since we are concerned that a ready market for this produce will tempt people to work their fields. Only wild growing vegetables and fruits of trees may be bought. Clearly, any produce collected by one's family from abandoned fields may be eaten (and stored as long as there are fruits left for the wild animals on the field.) The commentary follows the interpretation of Maimonides.

3 The Southernmost chain of the Taurus mountains between Turkey and Syria. Jewish tradition (the Yerushalmi Targumim, Babli Gittin 8a) identifies Mount Hor (Num. 34:7) with Taurus Amanus. The Euphrates as border of the Holy Land is mentioned in Deut. 1:7. Amanus and Euphrates are the borders of promise, not the actual borders. The rules given in this sentence apply only to the territory North of Akhzib described in the book of Joshua as part of the tribal distribution. The rest of the territory is "Syria" (cf. Peah, Chapter 7, Note 119).

Halakhah 1: It is written (Deut. 12:1): "These are the statutes and the rules of law which you will be required to follow in the Land." In the Land you are required to follow them but not outside the Land. Still we say obligations depending on the Land apply only in the Land, but we
might think that obligations not depending on the Land also should apply only in the Land. The verse says (Deut. 11:16-18) "Guard yourselves, lest your heart be seduced . . . And the Eternal’s rage be inflamed against you, etc. Put these words on your hearts, etc." Even if you are exiled. (Deut. 11:18) "Put these words on your hearts and your persons." You have to say, for example tefillin and the study of Torah. Just as tefillin and the study of Torah do not depend on the Land and apply both in the Land and outside the Land, so everything not depending on the Land applies both in the Land and outside the Land.

The argument goes as follows: Deut. 11:16 is a general exhortation against idolatry, a sin not connected with agriculture in the Land. V. 17 then declares that the punishment for idolatry will be exile from the Land. Verses 18,19, which now must be talking about the obligations of a Jew in exile, contain the obligations of tefillin and the study of Torah. Therefore, it is impossible that no obligations at all should be imposed on Jews in exile. It is reasonable to assume that the restriction of obligations to the Land extends only to obligations connected with agriculture in the Land.

A different argument is in Sifri Deut. 59 and Babli Qiddusin 37a: Verse Deut. 12:1 ends: "all the days you are living on the soil." "Soil" is everywhere on earth; it is not restricted to the Land. The details of the argument there for distinguishing between obligations of the Land and others is best understood as depending on the argument here.
If it is so, they should have been freed once they were exiled. It is written (Neh. 8:17): "All the congregation coming from captivity made Sukkot and sat in tabernacles ... something nobody had done since the days of Joshua bin Nun." Why Joshua? Rebbi Hillel, the son of Samuel ben Nahmani: The verse damaged the reputation of the just person in his grave for the reputation of the just person in his time; it compares their coming in the days of Ezra to the coming in the days of Joshua. As at the coming in the days of Joshua they had been free and became obligated, also at the coming in the days of Ezra they had been free and became obligated. How did they become obligated? Rebbi Yose ben Hanina said, they became obligated by the words of the Torah; that is what is written (Deut. 30:5): "The Eternal, your God, will bring you to the Land that your fathers had inherited and you will inherit it." Just as the inheritance of your fathers was by the words of the Torah, so your inheritance is by the words of the Torah. "He will be good to you and give increase to you more than to your forefathers." Your fathers had been free and became obligated, also you had been free and became obligated. On your fathers was no yoke of government, but you even though there is on you the
yoke of government. Your fathers did become obligated only after 14 years, seven they conquered and seven they distributed, but you became obligated immediately when you entered. Your fathers did become obligated only after they had acquired all, you become obligated for every single piece at the moment you acquire it.

5 This sentence, taken out of context, is the basis of the first part of Spinoza’s Politico-Theological Treatise.

6 The wording has not been corrected following the masoretic text.

7 Son of R. Samuel ben Nahmani; no halakhic statements of his are recorded.

8 In this homily, "increase" is interpreted as increase in obligations, not increase in benefits.

9 in both Talmudim means "Gentile government."

10 The universally accepted computation that from the crossing of the Jordan to the assembly at Shilo there passed 14 years is given in Seder Olam, Chap. 11 (in the author’s edition, Northvale NJ 1998, pp. 116-119.)

Rebbi Eleazar said, they accepted the tithes voluntarily. What is the reason? (Neh. 10:1) "In view of all this, we execute a contract and write, signed by our princes, Levites, and priests." How does Rebbi Eleazar uphold (10:37): "The first-born of our cattle and flock? Since they accepted upon themselves matters they were not obligated for, even matters they were obligated for are credited to them as if they were accepted voluntarily."
Neh. 10 contains the contract between the people and God in which they accept the Biblical obligations connected with Land and Temple. If the obligations were Biblical, no contract would have been needed.

Even though Ex. 13:11 explicitly connects the sanctity of the first-born to the conquest of the Land, it is generally accepted that the obligation does not depend on the Land.

The Babli (Qiddusin 31a, Baba Qama 38a, 87a, Avodah Zarah 3a) holds that the person who is obligated receives greater reward than the person who is not obligated. This opinion, quoted in the name of R. Hanina and undisputed in the Babli, clearly is not accepted in the Yerushalmi and is never quoted there. One must assume that the statement was the opinion of R. Hanina when he was still in Babylonia.

How does Rebbi Yose bar Hanina explain "In view of all this"? Since they accepted [the obligations] with good grace, the verse credits it to them as if they had accepted it voluntarily. How does Rebbi Eleazar explain "more than your forefathers?" He explains it for the future since Rebbi Helbo, Simeon bar Abba said in the name of Rebbi Johanan: Your...
forefathers inherited the land of seven peoples\textsuperscript{14}, but you will in the
future inherit the land of ten peoples. The three others are (\textit{Gen.} 15:19)
"the Qenites, the Qenizites and the Qadmonites.\textsuperscript{15}" Rebbi Jehudah said,
[these are] Arabia, Salmaia\textsuperscript{16} and Nabataea. Rebbi Simeon says, Asia,
Spain, and Damascus\textsuperscript{17}. Rebbi Eliezer ben Jacob says, Asia, Cartagena,
and Thrace\textsuperscript{18}. Rebbi says, Edom, Moab, and the best of Ammon\textsuperscript{19}. "More
than your forefathers": Your forefathers, even though they were re-
deemed, were later subjugated again. But you when you are redeemed
will not be subjugated again. What is the reason? (\textit{Jer.} 30:6) "Inquire and
see whether a male gives birth." Just as a male cannot give birth so you,
after you are redeemed, will not be subjugated again\textsuperscript{20}.

14 \textit{Deut.} 7:1: The Hittites, Girga-
sites, Emorites, Canaanites, Perizites,
Hiwwites, Yebusites.
15 These three, promised to Ab-
raham, are never mentioned by Moses.
The list, with minor deviations, also
appears in \textit{Gen. rabba} 44(27) and Babli
\textit{Baba Batra} 56a.
16 A people living in the desert
between Syria and Mesopotamia [Pliny
\textit{Hist. Nat.} vi, 26, 30.] These identifi-
cations are given in the Midrash in
the name of Rebbi, in the Babli in the
name of R. Mei'ir.
17 The same list in \textit{Gen. rabba}; in
the Babli the list contains Asia, Spain,
and an unidentified region variously
written רודוסקם, רודוסקם, רודוסקם, רודוסקם.
18 In \textit{Gen. rabba}. The last
identification is a conjecture by A.
Neubauer. The word cannot mean
Turkey since in Talmudic times the
Turk peoples were still living in the
Altai mountains. This list is not in the
Babli.
19 This is attributed to the rabbis
in \textit{Gen. rabba}, to R. Jehudah in the
Babli.
20 The image of the male as sym-
bol of the sterility of the days of the
Messiah is found in \textit{Yerushalmi}
Midrashim [\textit{Mekhila deR. Ismael, Bešallah} 1 (ed. Horowitz-Rabin p. 118),
\textit{Cant. rabba} 1(37)]. It is discussed at
length in the author's \textit{The Scholar's
314-316.
If one walks from Acco to Akhzib, to one's right hand side and the East the road is pure regarding the land of Gentiles and is subject to tithes and the Sabbatical unless it was known to you to be exempt. To one's left and the West, the road is impure regarding the land of Gentiles and is free from tithes and the Sabbatical unless it was known to you to be obligated, until one arrives at Akhzib; Rebbi Ismael ben Rebbi Yose said in his father's name, as far as Lablab. What is the status of Acco itself? Rebbi Aha bar Jacob in the name of Rebbi Immi: From two actions of Rebbi we learn that Acco is partly of the Land of Israel and partly outside the Land. Rebbi was in Acco when he saw them eating clean bread; he asked them, how did you wash [the grains]? They said to him, a student came here and instructed us that egg water is in order. They thought, we will cook eggs and wash with the cooking water [because] they thought he was talking about cooking water of eggs when he spoke only of egg.
Rebbi Jacob bar Idi said, at that moment they decreed that a student may not render decisions. Rebbi Hiyya in the name of Rebbi Huna: If a student gives instructions even according to practice, his instructions are no instructions.

21 Tosephta Ahilut 18:14, also quoted in Babli Gittin 7b.
22 In the Tosephta (Ms. Vienna). The place is unidentified and the ה might be a preposition "to".
23 People he knew as "fellows" who ate their food in ritual purity. The bread was of the finest white flour, which proved that it was milled from washed grain and, therefore, was liable to impurity (cf. Demay Chapter 2, Note 141) and probably became impure in handling.

24 The fluid contents of a raw egg do not prepare for impurity since only water (including water used for cooking), wine, olive oil and human body fluids can do so. The instruction given by the student was correct but was delivered in a misleading way. The entire story makes sense only if Acco is considered to be of the Land since any other land is impure in itself.
It was stated: A student who gave instructions about practice in front of his teacher has committed a deadly sin\textsuperscript{25}. It was stated in the name of Rebbi Eliezer: Nadab and Abihu died only because they determined practice in the presence of their teacher Moses\textsuperscript{26}. It happened that a student gave instructions about practice in front of his teacher Rebbi Eliezer. The latter said to his wife Imma Shalom\textsuperscript{27}: That one will not live out his week. The week was not completed when he died. His students said to him: Rebbi, you are a prophet. He said to them (Amos 7:14) "I am neither a prophet nor the disciple of a prophet" but I have received a tradition that any student who gives instructions about practice in front of his teacher has committed a deadly sin. It was stated: A student is forbidden to give instructions about practice during the lifetime of his teacher unless he be at a distance of at least 12 mil from him, [the breadth of] the camp of Israel. What is the reason? (Num. 33:49) "They encamped along the Jordan from Bet Hayyešimot to Abel Haššīṭim"; how far is this? Twelve mil\textsuperscript{28}. Like this: Rebbi Tanhum ben Hiyya was in Hefer\textsuperscript{29}; they asked him repeatedly and he gave instructions about practice. They said to him, did the rabbi not teach us that a student may not give instructions about practice during the lifetime of his teacher unless he be at a distance of at least 12 mil from him, [the breadth of] the camp of Israel; and your teacher Rebbi Mana sits at Sepphoris! He said to them, so it should come over me that I did not know! From that moment on he did no longer give instructions.

\textsuperscript{25} Babli Berakhot 31b, Eruvin 63a, Yerushalmi Git\textsuperscript{t}in 1:2. This insert takes up the theme of unauthorized ruling from the previous story. However, in the previous case it was assumed that the student was not ordained; he is
prohibited from giving instructions by a late rabbinic ordinance. In the present paragraph the student is ordained; nevertheless, he may not issue instructions at his teacher's place by a Biblical injunction. (The story of Rebbi at Acco is continued in the next paragraph.)

26 They died because they presented "a strange fire that was not commanded to them." Since they must have had some rationale for their actions, it follows that they acted on their own judgment, not consulting their teacher Moses. Since Moses was not with them at that moment, it also follows that "in front of his teacher" means "while his teacher is alive", in that case, in the encampment of the Israelites in the desert. Their argument is hinted at in Babli Yoma 53a.

27 The sister of Rabban Gamliel. The parallel is in Babli Eruvin 63a; there R. Eliezer speaks of a year, not a week.

28 In the Babli (Eruvin 55b, Yoma 75b) this is a determination of Rabba bar bar Hana. The text here shows that in the Babli the reading "3 parasangs" (12 mil) of the mss. is to be preferred over "3 parasangs square" of the Venice edition, against the opinion of R. Rabbinovicz (Diqduqe Soferim Eruvin p. 224, Note a) A mil is 2000 cubits, cf. Kilaim Chapter 5, Note 25.

29 The Biblical Gat Hefer, possibly the village El-Mesad near Kafr Kanna, not far from Sepphoris.

Rebbi was in Acco when he saw a man going up over the rock. He said to him, "are you not the son of the Cohen X, was your father not a Cohen?" He said to him, "the eyes of my father were high, but he married a woman unfit for him and profaned this man."

30 Since a Cohen may not defile himself willingly, in Rebbi's time a Cohen was forbidden to leave the Land (even though the impurity of the airspace of land outside the Holy Land is only a rabbinical ordinance). Since
Rebbi assumed that the man was a Cohen violating the prohibition, he spoke to him in Aramaic as to an uneducated vulgar. The man answered in learned Hebrew that his father had married a woman forbidden to him as a Cohen (a divorcee or a prostitute) and, therefore, he himself was no Cohen and was permitted to be outside the Land. This story proves that parts of Acco were outside the Land.

It is standard Talmudic style that a person who has to deprecate himself refers to himself as 'this man'; cf. Berakhot Chapter 3, Notes 195-199.

S. Klein points out that Caesarea Maritima is mentioned under its pre-Herodian name of Straton's Tower, which shows the old roots of the baraita. But the differences between the sources may derive not only from scribal errors but, in particular in the detailed description of the border between Acco and Caesarea Philippi, from changes in the actual border of Jewish settlement from Mishnaic to Byzantine times.
Text from Rehov.

The boundaries of the Land of Israel, the domain acquired by the returnees from Babylonia: The road-crossing of Ascalon, the wall of Straton's Tower, the road-crossing of Dor, the wall of Acco, the head of the waters of Gaaton, Gaaton itself, Kabarata and Bet Zenita, the castrum of Galilee, the waterholes of Aita, the best of Yorkata, the wall of Koraim, the corral of Yattir, the brook Bešal, Bet Ayit, Barshata, great Uleh, the water source of Iyun, the surroundings of Sepanžah, the fortification of Bar Sangura, the upper cock of Caesarea, Bet Sabbal, Qanat, Reqam of Trachonitis, Zimra which borders on Bostra, Yabboq, Hesban, the brook Zered, Yegar Sahaduta, Nimrin, the salt flat of Raziza, Reqam of Geia, the gardens of Ascalon and the main road which leads to the desert.

32 Caesarea Maritima.
33 Nahr Mafšukh, flowing into the Sea at Nahariyya. Gaaton is Khirbet Jaʿṭun.
34 Khirbet Al-Kabari, 5 km SE of Akhzib.
35 Khirbet Zuënita, NE of Al-Kabari.
36 Khirbet Jelil, 13 km NE of Akhzib.
37 Kafr 'Aita, 30 km NE of Khirbet Jelil. For the translation of Ḥavdīyit see...
Tosefta ki-fshutah, p. 535.

38 Khirbet al-Koriyya, 8 km NE of Kafr ‘Aita.

39 Kafr Yaṭir, N. of al-Koriyya.

40 Unidentified.

41 Bir ‘Asit, E. of Yaṭir.

42 The conjectures about this place are collected by Lieberman, p. 536. Sussmann reads: Huleh, but this does not fit the geography of the description which moves from about Nahariyya to Banias without enclaves or exclaves. The reading of the Yerushalmi, אולת ובש רהב, would lead to ‘Almon on Nahr Khasimiyye.

43 Merj ‘Ayyoun.

44 Unidentified, in Tosephta and Sifri והנה.

45 Cf. Demay Chapter 2, Note 74.

46 All other sources read מיב סמל or מיב סמל. While it is true that the mosaic shows a dark stone at the right hand side bottom of the letter, it is not impossible that this designates י; then this and the next two places are SW of Damascus.

47 nip is Al-Qonut NW of the Hauran, רש is Ar-Raqim near Damascus. ( רש "heap of stones").

48 Cf. Demay Chapter 2, Note 8.

49 Biblical names from Transjordan; the Mishnaic tradition of identification of these places is lost.

50 If this Nimrin is the place mentioned in Yerushalmi Ketubot 2:8 (fol. 26d) it must be in Trachonitis (Jebel Druz) since the last place mentioned in that region is Bostra. Maybe it is Bet-Nimra (Jos. 13:27).

51 Petra. In the Targumim, קדש is the translation of Qadeš Barnea'.

םשקל אצמא רבי יתקב בור אהת ובש רבי יחירא פות חכמים קדשים. רבי סימול בוש חקליפין. כריב רגNich קדשי אשם קדשים כלחרא. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדشو רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדشو רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדشو רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדشو רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשו רבי יתקב בוש חקליפין עלא אשם קדשים. קדשO

תורה. כלא פטירתו מברך תוהרה.
Ashqelon itself? Rebbi Jacob bar Aha in the name of Rebbi Zeira: Since we have stated "the gardens of Ascalon" it follows that Ascalon is outside. Rebbi Simon in the name of Hilfai: The House of Rebbi Ismael ben Rebbi Yose and Ben Qappara voted on the airspace of Ascalon and declared it pure from the testimony of Rebbi Phineas ben Ya‘ār who said, we were descending to the Saracen [market] at Ascalon where we bought wheat, returned to our town, immersed ourselves and ate our heave. The next day they voted to free it from tithes. Rebbi Ismael ben Rebbi Yose removed his hand that was leaning on Ben Qappara. He said to him, my son, why did you not say to me: why did you remove your hand? I would have told you that yesterday I was he who declared it impure, I am he who declared it pure. But now I am saying, maybe it was conquered within the meaning of the Torah, how can I free it from the meaning of the Torah?

52 Since he was eating heave, he must have been a Cohen and forbidden to leave the Land.
54 This ruling would contradict the previous one and declare Ascalon outside the Land.
55 Not really he personally, but he is like one of the rabbis who decreed impurity on the airspace outside the Holy Land.
56 He must follow R. Yose bar Hanina and hold that the obligation of tithes in the Second Commonwealth was biblical.
When is it impure because of territory of Gentiles? Rabbi Simeon said, if the decision stands for forty days. Rabbi Jeremiah said, did we not hold it by error? Certainly it is immediately impure because of territory of the Gentiles! Rabbi Mana said, did not Rabbi Jacob bar Aha say in the name of Rabbi Zeira: Since we have stated "the gardens of Ascalon" it follows that Ascalon is outside. Is it not forbidden to go to Tyre and is the one who buys there not obligated? They voted to exempt it from tithes that you should not say the same in this case.

57 This refers to the rabbinic decree that Gentile settlements, even in the Land of Israel, are impure since Gentiles bury their still-born babies anywhere, even under dirt floors of houses or under dirt roads. Anybody walking through such a settlement might become impure by the impurity of the "tent" (cf. Kilaim Chapter 2, Note 180.)

58 Ascalon was erroneously held to be pure by R. Phineas ben Ya'ir; the decree is not new.

59 In the time of Rabbi, when a Cohen was forbidden to leave the Land, he might not go to Tyre since this is far to the North of Akhzib. In the time of R. Mana this rule apparently was disregarded since it is reported (Berakhot 3:1, note 94) that R. Hiyya bar Abba, a Cohen, went to Tyre to see the emperor Diocletian.

60 Cf. Demay Chap. 1, Note 168.

Rebbe Simon and Rebbe Abbahu were sitting. He said, is it not written (Jud. 1:18) "Jehudah conquered Gaza and its territory"? Include Gaza.
"Ascalon and its territory", include Ascalon. If it is so, what about the brook of Egypt? Include the brook of Egypt.

61 This refers to the question of tithes due from the territory conquered by the twelve tribes under Joshua even if they could not hold onto their conquests, as argued by R. Ismael ben R. Yose. For this opinion, all that is described in the Torah and the book of Joshua is subject to tithes. The commentators translate נרי' תיב by "this is not Gaza", meaning that Gaza town is not the Gaza mentioned in the verse. But the Yerushalmi uses נרי' only as "no; not", never as "not being"; the latter is always spelled out לא значит as verbal form can be derived only from נרי' "to come", not from לא значит "to be".

62 Jos. 15:4. Num. 34.9, identified by R. Saadia Gaon as Wadi el-'Arish.

אמר רבי יהודה בן צבי: "ולא ידיב נברת הפך מחסף עמחים יشبه בראה סוב ויהי שסיפכת. ולקא הנקרא שמה טוב_SPIGומאלımı משין חכ..Stdout רבי יהודה מי משלל מחסף כמי שעילובבשו.猷אמר רבי שמויך בר חמא פלוש פֶּספמיות שלא יהושע לארץ ישראל דע שיא יכנוע להארה מי שראו חומת הפך.להשלים שישלח.לעשות מלקחת יעשיה.ברקש פותם האמנים לא לפתרים בורוכי היא כלכל קל לאפריק.Јע בבוא權利킨 אאכטר ואור אחצנוכ.וז חפסדרק.בעוניגים השלמים ויכ השלמים. ושיבי בעוזי והיקל.שלושו איה כלכל והשל DataView מלקחת הכהל.

Rebbi Joshua ben Levi said it is written (Jud. 11:3): "Jephtah fled because of his brothers and dwelled in the land Good," that is Hippos. Why is it called "Good", because it frees from tithes. [Rebbi Immi asked: Are these not of the taxpayers? Rebbi Immi is of the opinion that taxpayers count as if they were conquered.] For Rebbi Samuel bar Nahman said, Joshua sent three orders to the Land of Israel before they entered the Land: Those who want to evacuate should evacuate, those who want to make peace should make peace, those who want to go to
war should go to war. The Girgasites\textsuperscript{65} evacuated, believed in the Holy One, praised be He, and went to Africa\textsuperscript{66}. \((2K. 18:32, Is. 36:17)\) "Until I come and take you to a land like your Land," that is Africa. The people of Gibeon made peace, \((Jos. 10:1)\) "... that the inhabitants of Gibeon had made peace with Israel." Thirty-one kings went to war and fell.

\textsuperscript{63} The passage in brackets is from \textit{Demay}, Chapter 2 (at Note 97); it refers to Kefar Zemah, a place within the municipality of Hippos with a Jewish quarter, in contrast to Gentile Hippos. It has no connection with the theme of this paragraph other than the mention of Hippos.

\textsuperscript{64} The word in the Yerushalmi (both mss.) seems to be corrupt. In the parallel \textit{Lev. rabba} 17(6) the reading is \textit{hurutzim} in the printed editions and \textit{rashtim} in \textit{Arukh}. Compare Greek \textit{πρόσταγμα} "command, edict".

\textsuperscript{65} Even though the Girgasites are mentioned in \textit{Jos.} 24:11 as having fought against Israel, they are not mentioned anywhere in the report on the conquest.

\textsuperscript{66} The Roman province of Africa on the Southern shore of the Mediterranean. In the Babli \((Sanhedrin 94a)\), the identification is quoted in the name of Mar Zutra, a late Amora known for his quotes of sermons of early authorities.

\textsuperscript{67} Why did they make no decree about the direction of Gerar\textsuperscript{67}? Rebbi Simon in the name of Rebbi Joshua ben Levi: Because its oases are poor.

\textsuperscript{68} Pishpesha said before Rebbi Yose: I asked Rebbi Aha and he permitted.

How far? Rebbi Hanin in the name of Rebbi Samuel ben Rabbi Isaac: Up to the brook of Egypt\textsuperscript{62}. But is not the oasis of Gaza a good one?
67 The desert part of the Negev. 
This is part of the Biblical Holy Land that was not settled by the returnees from Babylon but which is so sparsely inhabited and infrequently visited that no decree was deemed necessary.

68 Name of an otherwise unknown person (or a nickname "inquirer into details") who must have been a Cohen since he was worried about the impurity of Gentile territory.

Rebbi Zeira went to the hot springs of Pella and found himself outside of the "Babylonian date palms". He sent to ask Rebbi Hiyya bar Abba; Rebbi Hiyya bar Abba asked the two sons of Rebbi Eviatar from Dama who said to him, Cohanim are used to go there. The Cohanim asked Rebbi Johanan about that strip around Naveh. Rebbi Johanan said to them in the name of Rebbi Onias from Hauran: Cohanim are used to go there up to Edrei, and in the region of Bostra up to the orchard.

69 In Perea, South of Naveh. Since this place is West of Bostra, there should not have been any question that it is within the Land of Israel. But since a group of date palms was called "Babylonian", there arose a question whether their place followed the rules of Babylonia.

70 Nothing is known about this person. He is referred to by his place (Dameh in the plane of Hattin) to distinguish him from the (originally Babylonian) R. Eviatar quoted elsewhere.
Rebbi Abbahu said: There are Samaritan places permitted since the days of Joshua bin Nun and they remain permitted. Rebbi Yose inquired: If that is so, Cohanim should not worry about their hallah. But we see that rabbis worry! Rebbi Judah ben Pazi said, it is not because of what you said, but because it never was absolutely under government control.

The entire Land of Israel was permitted from the time of the conquest under Joshua. R. Abbahu notes that there were places held by the returnees from Babylonia that in his time were occupied by Samaritans. Since the territory acquired the status of holiness with their return, it cannot lose it again even if the place is occupied by people who cannot be trusted in matters of ritual purity and Cohanim may go there.

They do treat Samaritan hallah as impure.

The places were never included in the Persian province of Yehud nor consolidated into the Hasmonean kingdom.

Rebbi Yasa heard that his mother had come to Bostra. He went and asked Rebbi Yohanan, may I leave? He said to him, if it is because of danger on the road, leave. If it is in order to honor father and mother, I do not know. Rebbi Samuel bar Rav Isaac said, Rebbi Yohanan still needs to answer. He importuned him, so he said: If you decided to go, return in peace. Rebbi Eleazar heard this and said: there is no greater permission than that.
Rebbi Simeon ben Laqish asked Rebbi Ḥaninah: What is the status of one who buys in Ammon and Moab? He said to him, I heard from the great Rebbi Ḣiyya only "outside the crossroads of Ascalon." That is difficult, he asked him this and he answered that? But since Rebbi Haninah never said anything he had not heard and because he did not want to send him away empty-handed, he [R. Simeon] asked him one topic and he [R. Ḥanina] answered another.

What is the status for Sabbatical and tithes? From the discussion in the paragraph after the next it will be clear that "Ammon and Moab" does not refer to the Biblical states but to the domain of the former tribes Reuben and Gad in Transjordan.

He asked him about Northern Transjordan and the answer was given for Southern Cisjordan.
Rebbi Simeon ben Laqish went to Bostra; they came to him and said to him: Select for us a man as preacher, judge, scribe, reader; one who will do everything we need. He selected a Babylonian and said to him, I have a good place for you. He went to Rebbi Johanan who said to him, from Babylonia to Babylonia. Rebbi Jacob bar Abba said, since Rebbi Johanan said from Babylonia to Babylonia, that means one who buys there is not obligated. But is it not forbidden to go to Tyre, and if one buys there is he not obligated? It was found stated: A sign for Ammon, Moab, and the Land of Egypt: There are two regions. From the first one eats and it may be worked, from the other one eats and it may not be worked. Rebbi Johanan wanted to refer to (Deut. 4:43): "Bešer in the prairie". He asked Rebbi Simeon ben Laqish: Is Bešer Bostra?

77 Full job description of a paid practicing rabbi.

78 You came from Babylonia to be in the Holy Land; do not leave the Land. This ruling contradicts the one given to R. Assi.

79 Since Tyre is North of Akhzib, it is not in the Holy Land. Nevertheless, the rules of the Sabbatical are kept there.

80 Each country contains two regions. It is stated in Mishnah Yadayim 4:3 that a "new decree", enacted after the destruction of the Temple, requires Jewish farmers in these regions to give tithes of the poor. It is stated here that these obligations apply only to those parts of these countries which border on the Holy Land.

81 One eats under the rules of the holiness of the Sabbatical; one works (or may not work) the land in the Sabbatical.

82 One of the cities of refuge, in the territory of Reuben. If Bostra is Bešer then it belonged to the Biblical land of Israel and to the land held by the returnees from Babylonia, and must be obligated for all duties upon the Land. This was R. Johanan's opinion when he told R. Assi (a Cohen) to go there to meet his mother. But then he asked R. Simeon ben Laqish, changed his mind and placed Bostra just outside
the borders of the Land. In the Babli (Avodah Zarah 58b), the identification is R. Simeon's and R. Johanan insists that these are different places. (Bostra is in the North, at the Eastern end of the Bashan highlands; Beser is in the South, in the low plain near the Dead Sea.)

Rebbi Isaac bar Nahman: Did not Rebbi Simeon ben Laqish ask Rebbi Haninah: What is the status of one who buys in Ammon and Moab? Rebbi Zeira said, I asked this question before Rebbi Assi: Are not Ammon and Moab from Moses? Rebbi Mana asked this question before Rebbi Haggai: Are not Ammon and Moab from Moses? Ammon and Moab are not from Rebbi Eleazar ben Azariah! Rebbi Yose ben Rebbi Abun said, it is written (Num. 22:26): "For Ḥebron is the city of Sihon, the king of the Amorites." Rebbi Simeon was not sure whether it was purified from the hand of Sihon and Og or not. If you say it was purified it is obligated, if you say it was not purified it is free. Rebbi Tanhumah said (Deut. 2:31): "Make profane for inheritance, to inherit his land." I made his land profane before you.

83 Reading of Rome ms. Venice text: כְּכָלָה (i. e., כְּכָלָה).
84 In Mishnah Yadayim 4 there is a list of decrees enacted on the day R. Eleazar ben Azariah was made head of the Synhedrion. On the authority of R.
Joshua it was decreed that "Ammon and Moab" (i.e., the domains of the former tribes Reuben and Gad) must give tithe of the poor in the Sabbath. This implies that the land there is cultivated during the Sabbath. Therefore, Transjordan cannot be part of the Holy Land where work is forbidden.

Even in the times of Moses and Joshua, Transjordan did not have the status of a Holy Land. The opposite conclusion is drawn from the same verses in Babli Hulin 60b.

Rebbi Ḥuna wanted to permit the Gebalitis. He came to Rebbi Mana and said to him: This is for you to sign. He did not agree to sign. The next day, Rebbi Hiyya bar Madia came to him and said, you did well that you did not sign, for your father, Rebbi Jonah, used to say that Antoninus gave there to Rebbi two thousand gifts for sharecropping. Therefore it may be eaten but not worked like Syria and is free from tithes since one deals with Gentile fields.

For a discussion of the cases of substitution of  ש for  צ see Y. F. Gumpertz, Mivtā'e Šefatenu (Jerusalem 1953), pp. 51-86. Gebalitis was the name of the region of Petra.

Elsewhere, his name is R. Hiyya bar Maria; a student of rabbis Jonah and Yose.

Cf. Kilaim Chapter 9, Note 79.

This word is missing in the Rome ms. The text is elliptic; it seems that Rebbi received the income from two imperial properties in that region but never obtained title to the parcels. Since Gebalitis was not part of the Idumea absorbed into the Hasmonean state, the rules of the Holy Land certainly did not apply.
Rav Huna said: So is the Mishnah: "Between Akhzib and Euphrates, between Akhzib and Amanus." It was stated: What is the Land and what is outside the Land? From the slopes of Taurus Amanus inwards is the Land of Israel, from Taurus Amanus to the outside is outside the Land. About the islands in the sea, one looks at them as if a string were drawn from Taurus Amanus to the brook of Egypt; from the string to the inside is the Land of Israel, from the string to the outside is outside the Land. Rebbi Jehudah said, all that lies before the Land of Israel is like the Land of Israel since it is said (Num. 34:6): "The Eastern border shall be for you the Great Sea as border." Assuming that a string were drawn from Cephalaria to the Ocean, inside the string is the Land of Israel, outside is outside the Land.

90 Reading of the Rome ms. Venice: מָשָׁרָא אֲמַתָּה
91 It is not "between Akhzib and (Taurus Amanus and Euphrates)"; one does not speak about the point at which the Euphrates breaks through the Taurus range.
92 Tosephta Terumot 2:12, Hallah 2:11, Yerushalmi Hallah 4:8, Babli Gitin 8a.
93 The Mediterranean. The entire width of the sea is the border. The tradition of R. Jehudah is an old one; Josephus (Antiquities 1.130) in his
The description of the list of peoples (Gen. 10) writes that the domain of the Canaanites did extend "to the Ocean". The commentators to Josephus take this as a reference to the Indian Ocean; the text here shows that the Ocean is, as always in Greek literature, the Atlantic Ocean (at the straits of Gibraltar).

According to R. Jehudah, Crete (and possibly Sicily) was first settled by Canaanite tribes and promised to Abraham.

94 Called by Pliny (Hist. nat. V (18) 21) promunturium Syriæ Antiochiae.

Rebbi Justus bar Shunem said, when the people of the Diaspora arrive at Taurus Amanus95 they will sing. What is the reason? (Cant. 4:8) "Sing from the top of Amanah".

95 In the times of the Messiah, when all of Israel will be gathered in the Land of Israel in its Biblical borders. The same text (slightly shortened) is in Hallah 4:8, Midrash Sir rabba 4(18).

Mishnah 2: One works in Syria what is plucked but not what is standing96. One threshes, winnows, treads, and makes sheaves, but one harvests neither grain, nor grapes or olives. Rebbi Aqiba stated a rule: Everything that is permitted in the Land of Israel one does in Syria.
A worker can hire himself out to a Jew who is not observing the Sabbath if the produce is already harvested. The rule of R. Aqiba means: Everything that in the Land of Israel the farmer may do for himself, a hired hand may do in Syria for any employer.

חֲלָקָה ב': "עָשָׁי בֵּיתְכָּלָשׁ בֵּיתְכְּרִיתָא כָּרָא. אָמַר רַבִּי אֲבִיבָה שָלָא אֶלָּה תַּחְלָקָה (ולא בֵּיתְכָּלָשׁ בֵּיתְכָּרִיתָא) (ף. 36ד)

בֵּיתְכָּלָשׁ בֵּיתְכָּרִיתָא כָּרָא. בֵּיתְכָּלָשׁ בֵּיתְכָּרִיתָא כָּרָא מִי דְרָמָא דְרָמָא קַרְבּ קַרְבּ. "

**Halakhah 2:** "One works in Syria what is plucked" etc. Rebbi Abbahu said, so that they should not go and stay there permanently\(^97\). Then why may he work what is plucked? Since he sees only small gain he will not leave\(^98\).

\(^97\) Since Syria was not conquered by all of Israel, from the Torah all work is permitted in Syria. The prohibition of harvesting is purely rabbinical, with the intention that Syria should not have too much of an economic advantage over the Land of Israel.

\(^98\) The monetary advantage one gets from agriculture when harvest is forbidden is too small to induce people to leave the Land.

Rebbi Yose ben Rebbi Abun asked before Rebbi Mana: May one mill with a Gentile in the Land? He said to him, the Mishnah tells us that it is forbidden, as it is stated: "One works in Syria what is plucked but not what is standing;" therefore in the Land it should be forbidden even when it was plucked.
At a place where one may eat but not work, may one rent out one's animals there? Rebbi Levi from Sennabarish asked Rebbis Isaac and Immi and they forbade it. Rebbi Hoshia gave money to the Gentiles, not because it would have been forbidden but so as not to leave his animal alone with a Gentile.

99 There is no obligation to give one's animals rest during the Sabbatical year, in contrast to the Sabbath day. There is no doubt that renting out one's animals is permitted under biblical law; the only question is whether it is prohibited by rabbinic ordinance to avoid helping sinners who disregard the Sabbatical prohibitions.

100 He is mentioned only here. His place, mentioned by Josephus (Jewish War III ix 7) is at the Southern end of Lake Genezareth.

101 He hired Gentiles to work with their animals. He disagrees with Rebbis Isaac and Immi: From the point of view of Sabbatical law it would be proper to rent out one's animals to Gentiles who are not subject to the Sabbatical but still one may not do this since (Mishnah Avodah Zarah 2:1) "one may not put an animal into a Gentile's stable because they are suspected of sodomy."

What are we dealing with? If about produce of the sixth year held over to the Sabbatical, even in the Land it is permitted. If produce of the Sabbatical is held over to the year after the Sabbatical, one is
permitted to plough but forbidden to harvest. But one deals with produce
of the Sabbatical in the Sabbatical.

102 Here starts the discussion of the Mishnah. Under which circumstances
are the activities described in the Mishnah permitted in Syria and forbidden in
the Land?

103 In this case, even commercial harvesting is permitted in the Land.

104 Spontaneous growth which even
in the Land is forbidden only by rabbinic decree.

Rebbi Huna went to Tyre and forbade them a kind of irrigation. Rebbi
Yose heard this and said, this is correct, is this not about [plants] connected
to the ground? But did we not state (Mishnah Mo‘ed Qatan 1:1): "One
irrigates a field in intensive agriculture both during the intermediate days
of a holiday and during the Sabbatical year?" Rebbi Yudan said, only
for the vegetables there. Rebbi Mana said, then it should also be
permitted to plough for them!

105 When normal agricultural work
is forbidden.

106 R. Ḥuna would have permitted
irrigation of plots planted with delicate
plants which would die if deprived of
water for any length of time. But the
"kind of irrigation" he forbade was one
to improve the soil.

107 To plough not for new seeds but
to loosen the earth for irrigation. This
is the opinion of R. Me‘ir in Mo‘ed
Qatan 1:1; one is at a loss to understand
the position of the rabbis who forbid it.
Mishnah 3: Onions growing after it rained on them, if the leaves are black they are forbidden, becoming green they are permitted. Rebbi Hanina ben Antigonus says, if they cannot be drawn out by their leaves they are forbidden; in the same case in the year after the Sabbatical they are permitted.

108 Onions planted in the sixth year on which rain descended after New Year’s day of the Sabbatical.
109 Dark green. The dark color is taken as a sign that the onions ripened during the Sabbatical year; this makes the added part forbidden as after-growth.
110 Light green, color of the leaves of young onions.
111 Tanna of the third generation, specialist for the rules of the Temple.

Halakhah 3: So is the Mishnah: Black are forbidden, green are permitted.

112 The expression "becoming green" in the Mishnah is misleading. Young onions have light green leaves; as long as the leaves are light green the onions are permitted. (The Rome ms. reads here "black are permitted and green forbidden". Since the Halakhah does not discuss the statement, the Rome reading must be a scribal error.)
Rebbi Yose in the name of Rebbi Johanan: An onion taken out of the ground and replanted once it darkened has to be tithed completely.113 Rebbi Hiyya in the name of Rebbi Johanan: An onion taken out of the ground and replanted once it developed new roots has to be tithed completely. There is no difference whether it was taken out in the Sabbatical year and replanted in the year after or was taken out in the Sabbatical year.

113 As explained in the last sentence of this paragraph, one speaks of an onion growing in the Sabbatical and replanted in the following year. The Sabbatical produce is exempt from tithes but the growth of the following year is obligated. Since the new growth takes over, the entire onion plant is subject to tithes. The statement is quoted in the name of Rebbi Johanan in the Babli (Nedarim 59a) and rejected there.
Rebbi Zeira said, once the new growth is the majority it is permitted\textsuperscript{114}; Rebbi Hila and Rebbi Immi both say it is forbidden\textsuperscript{115}. A bar\textsuperscript{a}it\textsuperscript{a} disagrees with Rebbi Hila and Rebbi Immi, as it was stated\textsuperscript{116}: "This is the rule Rebbi Simeon proclaimed in the name of Rebbi Joshua: For everything that may become permitted through some action, such as tevel\textsuperscript{117}, Second Tithe\textsuperscript{118}, donations to the Temple\textsuperscript{119}, and new grain\textsuperscript{120}, the Sages did not fix any limits, but a kind with its own is forbidden in the minutest amount, a kind with a different kind if it can be tasted\textsuperscript{121}. But for everything that cannot become permitted through any action, such as heave\textsuperscript{122}, hallah, and orlah\textsuperscript{123}, the Sages did fix as limit both a kind with itself or with a different kind if it can be tasted. They objected\textsuperscript{124}: but there is the Sabbatical that admits no act to permit it and the Sages did not fix a limit! He said to them, no. When you mention the Sabbatical, its produce is forbidden in the minutest amount only after it must be destroyed\textsuperscript{125}, but for food if it can be tasted." What do they do with it? Rebbi Hila and Rebbi Immi explain it in mixtures, but as far as growing plants are concerned, this is more severe since Rebbi Zeira said in the name of Rebbi Jonathan\textsuperscript{126}: An onion of kilaim in a vineyard, taken out of the ground and replanted, stays forbidden even if it grows enormously because growth of something forbidden cannot neutralize the prohibition. A Mishnah disagrees with Rebbi Zeira as we have stated (Terumot 9:4): "A growth from heave is heave but the growth from its growth is profane.
But the growth from tevel, First Tithe, aftergrowth of the Sabbatical, heave of the tithe, dema', and First Fruits is profane." We have stated on this: "When is this true? If the seed disappears. But if the seed does not disappear even growth from growth is forbidden. How does Rebbi Zeïra deal with this? He explains it that the sanctity of the Sabbatical applies when it must be destroyed, but for food once the new growth is the majority it is permitted.

114 If a plant was forbidden as aftergrowth of the Sabbatical, if it grew after the Sabbatical by more than 100% everything will be permitted.
115 In the Babli (Nedarim 57b), Rebbi Immi (Ammi) is quoted as having no answer.
116 Parallels in Babli Nedarim 58a, Yerushalmi Nedarim 6:8 (fol. 39d). The principle stated by R. Simeon is generally accepted.
117 Cf. Peah Chapter 1, Note 303. Tevel is forbidden but taking heave and tithes turns tevel into profane food.
118 Second tithe can be redeemed; the sanctity is transferred from the vegetables to the coins used for redemption (cf. Introduction to Tractate Demay, p. 348).
119 Not sacrifices but donations of valuables to the Temple. As long as these are the property of the Temple, any private use is larceny. Upon sale of the property by the Temple officials, the sold object is totally profane.
120 The grain crop of a year becomes permitted only upon presentation of the ’Omer sacrifice on the 16th of Nisan (or, in the absence of a Temple, after the 16th of Nisan automatically). Therefore, early grain becomes permitted simply by waiting. [Summer grain that develops roots only after the 16th of Nisan is forbidden until the 16th of Nisan the following year. The climatic conditions in Israel do not permit the planting of summer wheat. Cf. Orlah 3:8, Philo The Special Laws II.125.]
121 In most cases, Babylonian authorities fixed the limit of something that can be tasted in foreign food at 1.667%.
122 Heave (and Hallah which is a kind of heave) must be eaten in purity by a Cohen or burned if impure. It can
never become profane food; cf. Berakhot Chapter 1, note 3.

123 Tree fruits during the first three years after planting are forbidden for all use (Lev. 19:23).

124 Even though נוח is Galilean Aramaic, it takes the place of נח in the Babylonian version and is part of the baraita.

125 Cf. Mishnah 7:10 and Note 2. Since it is written (Lev. 25:7) "For your domestic animals and the wild animals on your Land shall be all its produce for food." One concludes from this that produce taken during the Sabbatical may be eaten by humans only as long as there is similar produce for the wild animals in the fields. If there is nothing left for the wild animals, produce taken for humans must be destroyed.

126 In the Rome ms., this statement is in the name of a long and garbled list of tradents ending with R. Johanan. This name seems more likely since R. Zeira often quotes R. Johanan and a similar statement in the Babli (Nedarim 57b) is also attributed to R. Johanan. The case discussed there is one of 'orlah, but both 'orlah and kilaim in a vineyard are forbidden for all usufruct and follow the same principles. "Enormously" is quantified in the Babli as "200 fold."

127 Neither Yerushalmi nor Babli (Nedarim 60a) give an example of a new plant growing from seeds that remain recognizable.

Rebbi Abbahu went up to Arbel and was received by Abba bar Benjamin. They came and asked him about these onions; he taught them the statement of Rebbi Zeira "once the new growth is the majority it is permitted." He saw them relying on him; then he said to them: I was referring only to those that are bent down Rebbi Jehudah bar Pazi
said, I know beginning and end; when he heard that Rebbi Hila and Rebbi Ammi disagreed, he shrank from it.

128 Even though R. Abbahu was from Caesarea Philippi (Banias), on his way to Arbel he had to pass through low lying Tiberias and then climb up to the plane of Hittim.

129 Since R. Abbahu was much older than R. Zeira, one cannot translate "following R. Zeira".

130 The unlikely case that the leaves of the onions arched down, rather than go straight up. This practically annulled his former ruling. [The Babli, *Nedarim* 58a, reads "broken ones"][7]

131 Of the story. He asserts that R. Abbahu formally rescinded his former ruling and did not simply restrict it to an improbable case.

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Mishnah 4: When may one buy vegetables in the year following the Sabbatical? After similar ones are ready. When the early ripe one is ready, the late is permitted. Rebbi permitted to buy vegetables immediately after the end of the Sabbatical[8].

132 For another version of the story, last sentence is also in Tosephta *Seviit* see *Peah* Chapter 7, Notes 80-81. The 5:1.
Halakhah 4: Originally, vegetable was forbidden at border settlements of the Land of Israel. They decreed that vegetable should be permitted at border settlements of the Land of Israel but it would still be forbidden to import vegetables from outside into the Land. Then they decreed that it was permitted to import vegetables from outside into the Land but it would still be forbidden to buy vegetables immediately after the end of the Sabbatical. Rebbi permitted to buy vegetables immediately after the end of the Sabbatical except for leeks. What did the Sepphorians do? They clothed one specimen in sack and ashes and brought it before Rebbi, saying what sin did this one commit among all vegetables? He permitted it to them.\(^{133}\)

\(^{133}\) It will be clear from the next two paragraphs that the entire development, from permitting vegetables at border settlements to the general permission (a) to import vegetables into the Land of Israel, (b) to buy vegetables immediately after New Year's Day of the following year, happened during Rebbi's presidency.

As long as the rules of impurity can be kept strictly, one would forbid importation at least of vegetables since (a) some soil might cling to vegetables transported with their roots (Babli \textit{Nedarim} 53b) and (b) the vegetables will be moistened for the transport and, therefore, be impure (cf. \textit{Demay}, Chapter 2, Notes 136-137).
Ulla bar Ismael in the name of Rebbi Hanina: Rebbi and Rebbi Yose ben Rebbi Jehudah descended into Acco and were received by Rebbi Mana. Rebbi said to them, make us a dish of vegetables; he made him red meat. The next day, he said again make us a dish of vegetables; he made him chicken. Rebbi said, this one is recognizable as coming from the door of Samael. Rebbi Yose ben Rebbi Jehudah said to him, he is not even coming from the door of Samael. Why did he do this? Because he is a student from the students of Rebbi Jehudah, and Rebbi Jehudah said vegetables are forbidden in the border settlements of the Land of Israel. When he met him, he told him the facts. He said to him, you should have acted following us.

134 Reading of the Rome ms. Venice text: לֹא שִׂפְתָּה.
135 Since this R. Mana is a Tanna, he precedes the Amora R. Mana I by at least one generation. He is not mentioned again in the Talmudim. As noted in Halakhah 1, Acco was a border town since the domain between the Roman road leading North from Acco and the sea was Gentile territory.
136 Cf. Peah p. 279.
137 The angel ruling over hell.
138 Rebbi Mana confirmed that he served meat only because he followed the teachings of R. Jehudah of the previous generation.
139 This implies that Rebbi's decree permitting buying vegetables was not a private ruling but an official pronouncement by Rebbi's Academy acting as a kind of Synhedrion.
There\textsuperscript{140}, we have stated: "From vegetables", he is permitted field vegetables because these have an additional name. We have stated on that: "He who makes a vow to abstain from vegetables in the Sabbatical is also forbidden field vegetables\textsuperscript{141.}" Rebbi Crispus stated the reason in the name of Rebbi Hananiah ben Gamliel\textsuperscript{142}: That means, as long as Rebbi did not permit to import vegetables into the Land. But since Rebbi permitted to import vegetables into the Land there is no difference between the Sabbatical and the remaining years of the Sabbatical cycle. Rebbi Yose bar Hanina says, endives\textsuperscript{143} are important enough to become impure as food in the Seventh year. That means, as long as Rebbi did not permit. But since he permitted, there is no difference between the Sabbatical and the remaining years of the Sabbatical cycle\textsuperscript{144}.

\textsuperscript{140} Mishnah \textit{Nedarim} 6:13. "He who vows to abstain from vegetables ..." The paragraph is copied in \textit{Nedarim} 6:13, fol. 39d; a parallel is in the Babli (\textit{Nedarim} 53a-b).

\textsuperscript{141} According to the commentary to \textit{Nedarim} from the school of Rashi, usually one means by "vegetables" those grown in irrigated garden beds. But in the Sabbatical year, all garden beds also are abandoned to the poor and even well-to-do persons will use field vegetables. According to R. Nissim Gerondi, garden beds will not yield anything in the Sabbatical since nothing is planted and, usually, garden...
beds are carefully harvested, so there will be no spontaneous growth.

142 In the Babli (Nedarim 53b), R. Hananiah ben Gamliel states that one imports vegetables into the Land. This refers to the aftermath of the war of Bar Kokhba, about 60 years prior to Rebbi’s activity, and does not imply official sanctioning.

143 One of the bitter herbs admissible for Passover; the implication here is that endives were not grown in extensive agriculture but considered as a weed. Hence, in regular years they are not food and cannot become impure.

144 Since garden vegetables are available year round during the Sabbatical.

They wanted to say that there is no disagreement145. It was found stated: Rebbi Judah said, up to Akhzib. Rebbi Simeon is saying, up to Amanus.

145 The definition of the Land, important for this Halakah and the next, was assumed to be given by the Tosephta quoted in Halakah 1 according to everybody. Here, it is stated that R. Simeon disagrees and does not restrict the laws of the Holy Land to the territory settled by the returnees from Babylonia. In the next two Mishniaot, Rebbi agrees with R. Simeon. This seems to indicate that for the Yerushalmi, practice should follow the majority, R. Simeon and Rebbi. In the Babli, only R. Jehudah’s position is ever mentioned and practice follows him.
Mishnah 5: One does not export oil to be burned and produce of the Sabbatical from the Land to outside the Land. Rebbi said, I heard explicitly that one exports to Syria but not to outside the Land.

146 Olive oil given for heave that became impure and must be burned. It may be used as fuel but must still be treated as holy and cannot be contaminated with the impurity of Gentile soil. [In *Sifra Behar Pereq* 1(9), the statement of Rebbi is attributed to R. Simeon.]

Halakhah 5: It was stated: "Produce of the Land that was exported is removed at its place, the words of Rebbi Simeon. Rebbi Simeon ben Eleazar says, one returns it to the Land and removes it, as it is written (Lev. 25:7): 'In your Land shall all its produce be food.'" Rebbi Jacob bar Aha said, Rebbi Immi taught following the first Tanna for leniency. Rebbi Hila said, but he should not move it from place to place.

147 Tosephta 5:1. In the Tosephta, the opinion of R. Simeon is attributed to Rebbi, in the Babli (*Pesahim* 52b) it is anonymous. In the Land, the produce has to be removed (e.g., by being given away to the poor to be eaten) if nothing of its kind is left on the fields for wild animals.

148 In the Babli, this ruling is attributed to R. Abbahu.

149 When the time of removal comes, the produce should be destroyed.
at its place since Sabbatical fruit must be eaten in the Land. According to Rashi in Pesahim, everybody will agree that the produce may be returned to the Land to be given to the local poor.

Mishnah 6: One does not bring heave from outside the Land into the Land. Rabbi said, I heard explicitly that one may bring from Syria but not from outside the Land. Even though heave can be given outside the Land in a way that leaves it ritually pure, since heave is a duty on the Land its status should not be diminished by accepting outside heave into the Land. The only problem is Syria according to Rabbi Simeon and Rabbi; they declare heave of Syria to be genuine.

Halakhah 5: There, we have stated: "Ariston brought First Fruits from Apamea and they received them from him." Why could he not bring heave? Rabbi Hoshia said, First Fruits are the responsibility of the owners, heave is not the responsibility of the owners. If you would say so, they would run after it there.
151 Mishnah *Hallah* 4:12. There, the text is better, אַפָּמֵא Apamea in Syria. In the Babli in particular, Apamea is usually given as אַפָּמֵאִית which occasionally means "Spain".

152 *Deut.* 26:1-11. The text makes it quite clear that the obligation of bringing First Fruits is discharged only upon delivery of the fruits in the Temple courtyard. Heave is given to the Cohen from the barn; the transport is at the Cohen's expense. If heave from Syria were acceptable, a Cohen might be tempted to leave the Land for Syria to collect heave from the Jews there.
Mishnah 1: They established a comprehensive principle\(^1\) for the Sabbatical: Everything that is food for humans or animals or material for dye and cannot be preserved in the ground\(^2\) is subject to the Sabbatical and its proceeds are subject to the Sabbatical\(^3\); it is subject to removal and its proceeds are subject to removal\(^4\).

1 A discussion of the notion "comprehensive principle" is in *Sabbat* 7:1 (Babli *Sabbat* 68a).
2 Roots that stay edible in the ground until after the Sabbatical are not subject to removal since they are always available to wild animals.
3 If Sabbatical produce is sold, its proceeds become Sabbatical and must be used to buy other produce that has to be eaten in the Land under the rules of the Sabbatical.
4 If nothing of the kind for which the money was obtained is left on the fields for wild animals, the money must be spent for food that has to be distributed to the poor. In the unlikely case that there are no poor, the money has to be thrown into the Dead Sea.
Halakhah 1: Does the sanctity of the Sabbatical fall on dyes for humans? Let us hear from the following (Lev. 25:6): "For you", all that is needed by you. We have stated on that: For example eating, drinking, anointing, and coloring. This excludes wound dressing which is only for the sick. This excludes olentia which are only for the malodorous. Rebbi Jonah asked: Why does one exclude wound dressing because the sanctity of the Sabbatical cannot fall on it? But did we not state: "Sanctity of the Sabbatical falls on din, sad, and indigo seed that one sows after the end of the Sabbatical." What is that? "For you", for all of you equally. Rebbi Yose in the name of Rebbi Hila understood it from the following (Lev. 25:7): "Shall be", even to kindle the light and to dye. Does this not destroy animal feed? Rebbi Mana said, explain it if animal feed is used for human needs and you cannot infer anything from it.

5 Cosmetics.

6 "The Sabbath of the Land shall be for you (plural) to eat, for you (singular), your slave, and your handmaiden, your hired hand and your (Gentile) resident who dwell with you." The first "for you" seems to be superfluous. Since the verse gives permission to a slave owner to eat Sabbatical produce, it follows that the rich may eat. The poor are given permission to eat in Ex. 23:11: "The Seventh Year you shall let lie fallow and abandon it so that the needy of your people may eat; the remainder the wild animals of the field shall eat." It is inferred that "for you" means all legitimate human needs that apply to all equally.

7 See Berakhot, pp. 87, 501.
A related text is in Tosephta 5:7: "Din, Bsr, and indigo usually are sown after the end of the Sabbatical." As R. S. Lieberman notes, the identity of the first two plants can no longer be established. The isatis plant is used as dye (indigo) but the seeds are good only for sowing. Hence, seeds harvested in the Sabbatical retain their Sabbatical quality even after the end of the year. (For ע"ץ cf. Arabic "to be of inferior quality", for ראין Arabic "rust".)

The argument goes as follows: It is stated in Mishnah 8:1 that animal feed may be used to make wound dressing; only Sabbatical human food may not be used. In itself, animal feed has the sanctity of the Sabbatical and cannot be used for industrial purposes. Then one cannot understand why dyestuff seeds retain their sanctity but wound dressing does not. The answer is that the next argument will show that human needs have precedence over animal needs but once the product is no longer available for all of mankind it cannot have sanctity attached.

9 Sifra Behar Pereq 1(10). "For your domestic animal and the beast in your Land shall be all its yield as feed." It is clear from the preceding verse that not all growth of the Sabbatical is for animals since humans were given prior permission to eat it. Therefore, the expression "shall be" is interpreted as: All that is not used for humans shall be animal feed.

10 For potential human food.

Mishnah 2: What are these? This is the leaf of wild arum¹¹, mint¹², endives¹³, leeks¹⁴, purslain¹⁵ and milk bud¹⁶. Animal feed, thistles and thorns. Dyestuffs, the wild growth of isatis and safflower¹⁷. These are
subject to the Sabbatical and their proceeds are subject to the Sabbatical; both they and their proceeds are subject to removal.

11 Cf. Kilaim 2:5, Note 69.
12 Definition of Maimonides and Arukh (הצביעה). All sources except the Leyden ms. read הסנהדרין
13 Cf. Kilaim 1:2, Note 41.
14 Cf. Kilaim 1:2, Note 42.
15 Definition of Maimonides and Arukh, Arabic הצביעה
16 Definition of Maimonides in the majority of mss.: "parsley". Some Maimonides mss.: "Mahaleb." Arukh: White flowers, some say a grass pro-
ducing wolf’s milk. The Gaonic commentary to Uqeziņ: Arabic קזרת "artichoke; anything rough and hard". Since artichokes for human food are קזרת, the thistles referred to here are animal feed.
17 Maimonides notes that "some commentators explain קזרת as saf-
flower;" he expresses no opinion. Arukh defines as "madder", but madder appears in Mishnah 4 as מדה under a different legal category.

Halakhah 2: Does the sanctity of the Sabbatical fall on dyes for animals? Let us hear from the following: "Roots of rose, thornbush, and sumac have no sanctity of the Sabbatical." Does the sanctity of the Sabbatical fall on cleansing materials? Let us hear from the following: Asphodel, potash, and aloe fall under the sanctity of the Sabbatical.
Does the sanctity of the Sabbatical fall on perfumes? Let us hear from the following: Parhalabin and laurel trees have no sanctity of the Sabbatical. The colleagues: This is by Rebbi Simeon, since Rebbi Simeon said: Balsamum has no sanctity of the Sabbatical since it is no fruit. Rebbi Samuel in the name of Rebbi Abbahu: Explain it according to everybody referring to jonquil. What about fuel, for example oakum?

18 Reading of the Rome ms. Leyden: רוח "rice".
19 In Tosephta 5:3, rose root is mentioned together with pine roots; in Tosephta 5:6, thornbush root is mentioned with carob tree root. The Tosephta agrees that these have no sanctity in the Sabbatical. Perhaps these roots were used as dye for animals (to designate the owner?). For sumac, cf. Peah, Chapter 1 Note 243.
20 Reading נאכ"ות "cleaning agents" instead of ניסות "entrances" with all commentators. Rome ms: נאכשנה "glasses".
21 A plant used by Palestinian Bedouin to clean their hands [E. Hare-ubeni, מסמך יהודא, Sinai 4(1939) 622-624.]
22 Potash obtained by burning salty plants.
23 The identity of this plant has not been determined. In the Tosephta (5:6): It is possible to read in the Leyden ms. לשעים which Kohut takes as "flower of the styrax (ג'י)". This fits the context but not the grammar, since it would have to be מְזֵח קִנּוֹ.
24 Mishnah 7:9.
25 Persian and Arabic תּוֹת, a very aromatic flower.
26 The answer to this question, from the Tosephta, is given at the end of the Halakhah.
About roses, three things were stated: Their leaves are subject to the Sabbatical and so are their proceeds; they are subject to removal and so are their proceeds. Their spine\(^\text{27}\) is subject to the Sabbatical and so are its proceeds; it is not subject to removal, neither are its proceeds. Its root is not subject to the Sabbatical nor are its proceeds; it is not subject to removal, neither are its proceeds\(^\text{28}\). Rebbi Jeremiah asked before Rebbi Abbahu: May one make preserves from roses\(^\text{29}\)? He said to him, do they have any other use? Rebbi Hiyya stated that it is human food.

\(^{27}\) Translation by Musaphia. Usually, וסجزيرة means "small globe". Rose wood may be used industrially and is subject to the Sabbatical. The plant is a perennial and need not be removed.

\(^{28}\) Tosephta 5:3.

\(^{29}\) In Mishnah 7:10, it is stated that rose leaves were preserved in olive oil. In general, Sabbatical produce may not be cooked if it can be eaten raw. R. Abbahu notes that rose leaves cannot be eaten raw. But as human food they fall under the rules of the Sabbatical; this implies that it must be permitted to make preserves from rose leaves.

Rebbi Mana taught: \textit{orosatin}\(^\text{30}\) is permitted, \textit{kitraton}\(^\text{31}\) is permitted, \textit{myrsinaton}\(^\text{32}\) is permitted, \textit{drmywnn}\(^\text{33}\) is permitted, \textit{hydromyron}\(^\text{34}\) is forbidden, \textit{diomelon}\(^\text{35}\) is forbidden.

\(^{30}\) Probably \textit{rosatum}, \textit{i. n.} "rose wine", also "preserves of roses" (Apicius). The Leyden ms. has a second form (in the Rome ms. אָרָוֶרְסִיטַס which Musaphia has explained as δροφόσατον "rose water", in medical use in his time.

\(^{31}\) Latin \textit{citratus}, \textit{a. um.}, adj., "steeped in citrus oil" (Pliny). Compare also \textit{citreum} "citron"; \textit{citrium} "a kind of gourd."

\(^{32}\) Cf. Latin \textit{myrites}; \textit{ae.}, m., from
Greek μυρίτης σίνος, "myrtle wine".

33 No reasonable explanation of this word has been offered; Musaphia conjectures Greek ὁδόμωσον, ὀδόντων μύρον "rose ointment." [Kohout thinks of absinth, Farsi درنém. But the word cannot mean a plant; it designates food or drink made from the plant whose name would be a composite like in XóIqitu, to "drink of water and μηλόμηλον, honey flavored with quinces". He conjectures that it should be ὑδρόμυρον for "myrrh water" but notes that this word is not found in the dictionaries. (Cf. Greek υγρόμυρον "liquid ointment" (E. G.))

34 The Venice print has ολύμπνον but the Leyden ms. as already conjectured by most Hebrew lexicographers. Kohout notes that the closest word is οὐδόμηλον, τὸ "drink of water and μηλόμηλον, honey flavored with quinces". He conjectures that it should be ὑδρόμυρον for "myrrh water" but notes that this word is not found in the dictionaries. (Cf. Greek υγρόμυρον "liquid ointment" (E. G.))

35 Reading of the Leyden ms. Cf. perhaps Greek δἰα μέλιτον "salve made from honey." (E. G.)

The Venice print and Rome ms. have δὶα Ἰουβίς in which the lexicographers read with Musaphia as Μαγνία (Syriac ܢ郾ܢ, Greek δἰα μόρων "medicine from black mulberry juice and honey"

לְעֹפָרִים שֵׁאלִים לְרֵבִי אֲיִם מַחְוָה לְחַשְו בְּחַהֲרוֹתִיוֹ 36. apoptosis l'eléi māchā hōlāsh bešā. יאמר ל אֲתָנָא אָמְרֵי בּשֶם. רֵבִי תַחַטָה אֵפְיִל קַטָרִיסָא שֶּרִי. יאמר רֵבִי אֲתָנָא לַעֲבָדָה לְסָמֶך אֲלֵי. יאמר רֵבִי אֲתָנָא אֲלֵי כָּל מִיְּתַה לְבַהֲמָה אֲלֵי מַהְר בּוּבּוּבּוּ שֵׁלֵךְ לְחַשְו בּו.

The Sepphorians asked Rebbi Immi: May one keep moist with thistles? He said to them, you say in the name of Rebbi Ḥanina, even leaves of artichokes are permitted. Rebbi Yoshaia said, this is to act on, you may rely on me. Rebbi Yoshaia said, the only food exclusively for animals is green grass; if it was bought to moisturize one may use it to keep moist.

36 Reading of Rome ms. Leyden: "strings".
37 Reading of Rome ms. Leyden: "weaver's thread".
38 This is noted in Mishnah Makhširin 3:5; people used to collect grasses to put on top of their grain heaps to put on top of their grain heaps to
keep the latter from losing moisture.

Since thistles are camel food, the question is about use of Sabbatical animal food for humans. In the Mishnah, and the Tosephta corresponding to the quote in the next paragraph, the spelling is רַעֲשִׁים.

In the Rome ms: R. Yose ben R. Hanina.

Edible thistles.

It was stated: "Green grass and any other vegetables he took to moisturize may be used to moisturize. When he thought about them as human food it is forbidden to use them to moisturize." Bar Qappara stated: One may use them to moisturize but he may not squeeze out from them because the holiness of the Sabbatical is on them. But there is no Sabbatical holiness on animal feed since you say one may use them to make wound dressing for humans. Rebbi Yose said, we understand that one may use them to make wound dressing for humans, and we understand that one may press them to prepare medication for humans.

41 Reading of Rome ms. Leyden: מְנָה "to borrow".

42 Tosephta 5:16 following the Erfurt ms. The traditional text and the Vienna ms. have "permitted" and "forbidden" switched.

43 Vegetables collected or bought as human food. They cannot be squeezed for their moisture because this would destroy the plants so that they would no longer be food.
There, we have stated: "Sprouts of new shoots, [of nasturtium,] and the leaves of wild arum cannot receive impurity of food until they become sweet." Why? Because they are bitter. But are lupines not also bitter? It is different with lupines since they are human food from the start. It is different for these; we would not know that the sanctity of the Sabbatical would not fall on them unless they become sweet.

44 Mishnah Uqezin 3:4. The translation follows the text there: "There is no "of orlah", makes no sense. Orlah is forbidden for any use, certainly for food. Soft new shoots (mainly of vines) can be used as food, but for most people they are simply pieces of wood. Hence, they do not have the status of food unless somebody takes them as such."

45 The question refers to a text close to Tosephta Uqezin 3:9: "Sprouts of new shoots of vines and carob trees cannot receive impurity of food until they become sweet. But arum, mustard, lupines, and all other foods that need to be cooked (before they can be eaten) can receive impurity of food whether they have become sweet or not." (cf. Demay, Chapter 2, Note 141.)

46 They are only cultivated as human food.

47 The kinds mentioned in Mishnah Uqezin.
Did not Rebbi Yose ben Hanina say: Endives are important enough in the Sabbatical to become susceptible to impurity of food? The reason was spelled out: This is, before Rebbi permitted the importation of vegetables from outside the Land into the Land. But after Rebbi permitted the importation of vegetables from outside the Land into the Land, there is no difference between the Sabbatical and the other years of the sabbatical cycle. Then they should not be important unless somebody thinks about them! Do we find anything on which from the start the sanctity of the Sabbatical (falls) [does not fall] but in the end the sanctity of the Sabbatical (does not fall) [may fall] on them? They objected: "The sanctity of the Sabbatical does not fall on calamint, hyssop, and thyme if one collected them as wood. If he considered them as food, the sanctity of the Sabbatical falls on them." Rebbi Hananiah said, if he collected them first as food, the sanctity of the Sabbatical falls on them immediately.

48 Here starts the discussion of the examples given in the Mishnah. Why do these plants have to be singled out?

49 Chapter 5, Note 143.

50 All commentators switch the statements here (and in the following Tosephta) since it is clear that anything that is sanctified cannot lose its status as long as it is in existence. Both mss. have the text as it is given here but R. Simson quotes as his text this is the text translated in brackets.

51 Maimonides defines as מים "wild thyme," this seems to be the
acceptation in Yerushalmi and Tosephta. (In commercial usage today, za'tar is oregano.)

52 In Mishnah 8:1, the three kinds mentioned here are counted as weeds that become food only by the intention of the harvester.

53 While one would expect clear rules what is and what is not covered by the sanctity of the Sabbatical, so that belated switches between profane and holy should be excluded, it is enough that the possibility of such a clear-cut decision exists even if in this particular case it becomes only clear retroactively which possibility was chosen.

Calamint is satra, hyssop is esoba, thyme is qornita. What are halbizin? Eggs of milk bud.

54 These are mentioned in Mishnah 4. Maimonides declares the word to be unexplained. Arukh explains: "Egg shaped seeds developing like ferula (Italian, meaning 'gigantic fennel'). Some people say, eggs of milk buds and that is a white flower." In Syriac, the word means "Bethlehem star" (a flower). Arukh's note, "some people say", indicates that he had two Yerushalmi versions: the one before us from the Leyden ms./Venice print, and the reading of the Rome ms. in Halakhah 4: "mercury" (Mercurialis, a plant); in Löw's opinion Euphorbia tinctoria, a close relative of mercury.
Mishnah 3: They established another principle for the Sabbatical: Everything that is food for humans or animals or dyestuff and is preserved in the ground is subject to the Sabbatical; its proceeds are subject to the Sabbatical; it is not subject to removal nor are its proceeds subject to removal.

Mishnah 4: What are these? These are the root of wild arum, the root of mint, ceterach, halbizin, and wild nard. Kinds of dyestuffs: madder and campeachy-wood. These and their proceeds are subject to the Sabbatical; these and their proceeds are not subject to removal.

Mishnah 5: Rebbi Meir says, their proceeds have to be removed before New Year's Day. They said to him, they do not have to be removed, a fortiori their proceeds.

55 This is the reading of the Leyden ms., many of the best Mishnah mss., and R. Simson but not of Maimonides, the Mishnah mss. in the Maimonides tradition, and the Rome ms. These all read: Everything that is not...; cf. The Mishnah with variant readings, vol. Zeraim II (Jerusalem 1975) p. 57, Note 14.

56 It cannot be subject to removal since there always remains something in the ground.

57 In all manuscript sources except the Leyden ms., the name is ורכי or ורכין. This corresponds to Arabic والبيز. 

58 Latin baccar, baccaris, Greek βάκχαρις, an aromatic root also called nardum rusticum (Pliny), used against evil spells. Arukh: Arabic ואיב "beet". Maimonides: Meaning unclear.

59 Reseda luteola, definition of
Halakhah 3: "61Rebbi Meir said to them: I am more restrictive with the proceeds than with the main [produce]. For one may light with Sabbatical oil but if one sold it and bought oil with it he may not light with it." Rebbi Ammi in the name of Rebbi Johanan: If one exchanged oil for oil, both of them are forbidden. 62 What can he do? Rebbi Hizqiah in the name of Rebbi Jeremiah: He barters both for profane [oil]. If he exchanged wine for oil; just as you say that he may not anoint with wine so he may not light with oil. If he exchanged leaves for sprouts, just as you say that leaves are subject to removal so sprouts are subject to removal. If he exchanged human food for animal feed, just as one may not make a wound dressing from human food so he may not make a wound dressing from animal feed. We also have stated: "One may sell human food and animal feed to buy human food with the proceeds,
animal feed to buy animal feed and certainly human food (to buy animal feed)."

61 A parallel, speaking about other plants, is in Tosephta 5:3-4.

62 Since Sabbatical produce may be traded only as food, Sabbatical olive oil that was food, fuel, and ointment, after the sale is food only. Even if the money was used to buy profane (pre-Sabbatical) oil, the sanctity of the Sabbatical is transferred to the profane oil by the money, which may be used only for food. Therefore, in order to obtain fuel, the Sabbatical oil must be bartered, not sold, against profane oil. The following statements are applications of the same principle.

63 The text as it stands is difficult to accept. A similar text is in Tosephta 5:19. The Vienna ms. of the Tosephta reads: "One may sell human food and animal feed to buy human food with the proceeds; one does not sell animal feed to buy animal feed and certainly human food; it is not necessary to mention that one does not sell human food to buy animal feed." The Erfurt ms. reads: "One may sell human food and animal feed to buy human food with the proceeds; one does not sell animal feed to buy animal feed and one does not sell human food to buy animal feed."

The text of the Venice print of the Tosephta is very close to the Erfurt text. However, the Yerushalmi text cannot be emended following the Tosephta texts (which might represent a Babylonian tradition); there is no reason to believe that the Yerushalmi would forbid trading animal feed for animal feed and human food. The best option is to disregard the clause put in parentheses.

The leaves removed from vegetables one puts on the roof and they dry up by themselves64. Rebbi Johanan in the name of Rebbi Simeon ben Yozadaq: Wine until Passover, oil until Pentecost, dried figs until Purim. Rebbi Bibi in the name of Rebbi Hanina: Dates until Hanukkah65.
64 Wilted leaves and greenery of vegetables that would detract from the value of the vegetables are removed before the vegetables are sold or used. They also have to be removed at the end of the Sabbatical but they may be stored somewhere where they by themselves dry out (or rot) and are no longer human food.

65 The deadline after which Sabbatical produce must be eaten or destroyed after the end of the Sabbatical. The corresponding text in the Babli (Pesahim 53a) is formulated as a baraita: "One eats grapes until Passover, olives until Pentecost, dried figs until Hanukkah, dates until Purim.

Rav Bibi: Rebbi Johanan switches two in the baraita". (Rebbi Johanan follows the text of the Yerushalmi for figs and dates.)

Rebbi Johanan and his colleagues were sitting and discussed the problem whether these are subject to removal or not. Rebbi Yannai was passing by. They said, this is a man worth asking. They asked him and he said to them: Everything that normally falls from the tree is subject to removal, but what does not normally fall is free from removal. Which ones normally fall, or normally do not fall, the Tanna refrained from [stating].

66 Reading of the Rome ms. Leyden: אמר he said, there is".

67 This refers to the second part of the Mishnah and Tosephta 5:3, giving examples of fruits and produce subject to the rules of Mishnah 3.
Mishnah 6: Pomegranate skins and its peduncles, nut shells, and pits are subject to the Sabbatical and so are their proceeds. The dyer dyes for himself; he should not dye for payment because one does not treat the produce of the Sabbatical as merchandise, nor firstlings or heaves, carcasses, torn animals, abominations, and crawling things. One may not buy vegetables to sell them on the market but he may collect and his son sells for him. If he bought for himself and has leftovers, it is permitted to sell them.

68 Tanning material and dyestuff. year.
69 He may work for wages if he has vegetable dyes from the preceding year.
70 E.g., seafood and reptiles.
71 Invertebrates.

Halakkah 4: May one dye for goodwill? Since it was stated: "Milk thistle and halbizin the trader prepares for himself", that means that it is forbidden to dye for goodwill.

72 Not for money but for the prospect of future business.
73 According to I. Löw, Crozophora tinctoria, a plant used to produce dye, mentioned Tosephta 5:5 as subject to the rules of the Sabbatical.
74 Since it does not say, "but not for wages", this implies that all commercial use is forbidden.
It is written (Lev. 11:28): "They are impure for you". Why does it say (Lev. 11:35) "they shall be impure for you"? One is for the prohibition of eating, the other for the prohibition of usufruct. Anything forbidden by the Torah is forbidden for trade but everything whose prohibition is rabbinical is permitted for trade. But is there not the donkey? It is raised for work. Is there not the camel? It is raised for work. Rebbi Yehoshaiah traded in muries, Rebbi Huna traded in asafoetida.

75 The argument is also found in Orlah 3:1 (fol. 63d), Pesahim 2:1 (fol. 28c), Baba Qama 7:10 (fol. 6a), Babli Pesahim 21b, Qiddusin 56b, Baba Qama 41a, Hulin 114b. The formulation in the Babli is: R. Abbahu said, every place where it is stated "it should not be eaten, do not eat" implies both prohibition as food and of usufruct unless the Torah details the permission of usufruct as for cadavers (Deut. 14:21). One has to assume that "anything forbidden" mentioned here also means "anything forbidden as food."

76 Donkey meat is forbidden. The camel should have been mentioned first since it is mentioned explicitly as forbidden animal; donkey meat is forbidden by the general clause permitting only ruminants.

77 Brine possibly made with wine (cf. Demay Chapter 1, Note 156). The nature of the prohibition is discussed in Terumot 11:1 (fol. 47c); it is agreed that the prohibition is rabbinical.

78 It is not clear how and why asafoetida would be prohibited. The best explanation is that of Pene Moshe (Margaliot) that medicines are neither food nor dyestuff and, hence, may be traded in the Sabbatical year.
It was stated\textsuperscript{79}: "There should not be five people collecting and one selling for them, but one may sell his own and that of a colleague. 50 brothers may collect and one sells for them." Rebbi Yose ben Rebbi Abun said, but only should they not have a store\textsuperscript{80}, i.e., that he should not sell at the same place all year round; some say that he should not sell at all hours.

79 Tosephta 6:21-22. There, the text is: "If five people were collecting there should not be one selling for them, but one may sell his own and theirs. Five brothers may collect and one sells for them but they should not open a store." The reading "50" may be an error for "5", but the Yerushalmi definitely does not permit a person to sell more than what he and one other person collects.

80 Greek πατήρ, cf. Demay, Chapter 5, Note 75. The Rome ms. has here an addition: "What means 'that they not have a store'? That he should not sell . . . ."

It was stated\textsuperscript{81}: "The store owner\textsuperscript{82} who was cooking vegetables during the Sabbatical should not compute his profit on the value of Sabbatical [produce] but rather compute it on wine, oil\textsuperscript{83}, and lost time." Rebbi La commanded the makers of fried food\textsuperscript{84}: "Do not compute your gain on the oil but on the wheat."
Tosephta 6:22.
He sells raw and cooked food.
Presumably oil and wine are from the preceding year.

They make dough baked swimming in oil. In this case, one has to assume that the oil is Sabbatical but the wheat is not.

Mishnah 7: If somebody bought a first-born animal\textsuperscript{85} for his son's wedding or for a holiday and now does not need it, he may sell it. Catchers of wild animals, birds, or fish who accidentally caught impure species may sell them. Rebbi Jehudah says, even one who incidentally has such an opportunity\textsuperscript{86} may take and sell them on condition that this not be his profession, but the Sages prohibit it.

A first-born calf or lamb becomes the property of the Cohen. If the first-born develops a defect it may be eaten by everybody (Deut. 15:21); it may be sold by the Cohen to a layman. But since the first-born is a sacrifice from birth, it must be treated with respect and cannot become an object of trade. However, an occasional private sale is permitted under special circumstances.

He is not a professional bird catcher or fisherman. An impure animal or fish crosses his way and he has the opportunity to grab it with the intent to sell it to Gentiles. For professionals it is clear that they may take impure species only if they accidentally catch them in their nets.
Halakhah 5: There, we have stated: "Rebbi Jehudah said, when is that? If he has no other, different profession. But if he has another, different profession it is permitted." How is this implemented? If he was sitting idle all the years of the sabbatical cycle but when the Sabbatical began he became active and traded in forbidden produce, if he has another profession on the side he is acceptable, otherwise he is unacceptable. But if he was working in his profession all the years of the sabbatical cycle and when the Sabbatical began he became active and traded in forbidden produce, even if he has no other profession on the side he is permitted. Rebbi Abba bar Zavda, Rebbi Abbahu in the name of Rebbi Eleazar: Practice follows Rebbi Jehudah of our Mishnah. Rebbi
Abba bar Zavda was publicly praised for presenting a tradition in the name of a younger person. It was stated\textsuperscript{88}: Rebbi Jehudah is restrictive. How is this implemented? If he was working in his profession all the years of the sabbatical cycles but when the Sabbatical began he became active and traded in forbidden produce, if he has another profession on the side he is permitted, otherwise he is forbidden. (But if he was working in his profession all the years of the sabbatical cycles and when the Sabbatical began he became active and traded in forbidden produce, even if he has no other profession on the side he is forbidden.)\textsuperscript{89} With this we are not concerned. Rebbi Abba bar Zavda, Rebbi Abbahu in the name of Rebbi Eleazar\textsuperscript{90}: Practice follows Rebbi Jehudah of our Mishnah. Rebbi Abba bar Zavda was publicly praised for presenting a tradition in the name of a younger person. Here also should it be so\textsuperscript{91}? Rebbi Yose ben Rebbi Abun said, there the government is not oppressive, here the government is oppressive.

\textsuperscript{87} Mishnah Sanhedrin 3:6. The Mishnah gives a list of people whose testimony cannot be trusted in court: Gamblers, usurers, organizers of animal fights, and traders in Sabbatical produce. R. Jehudah says, these are unacceptable as witnesses (since they will sin for monetary gain and, therefore, are open to bribery) only if they make their living from these activities, not if gambling, etc., is done only on the side. The entire discussion appears word by word in Sanhedrin 3:6, fol. 21a-b.

\textsuperscript{88} In Sanhedrin, "R. Hiyya stated".

\textsuperscript{89} The text in parentheses is missing in Sanhedrin and in the quotes of this paragraph by Maimonides, R. Simson, and R. Isaac Simponti. It is dittography and should be disregarded.

\textsuperscript{90} Even though the Babli holds (in the name of the first generation R. Joshua ben Levi) that all statements of R. Jehudah in the Mishnah which start with י:{}םא are explanations of the anonymous text, not disagreements, and
are always practice to be followed (Sanhedrin 24b, Erubin 81b-82a); the Babli (Sanhedrin 26b) states explicitly in the name of R. Abba and R. Eleazar that practice follows R. Jehudah. One has to take that as an echo of the discussion in the Yerushalmi.

91 Do the restrictive rules of R. Jehudah effectively apply to dealers in Sabbatical produce? R. Yannai permitted growing crops in the Sabbatical (Halakha 4:2) because of the tax burden on farmers; the tannaitic rules cannot be enforced as long as the tax is collected whether there is a crop or not.

Mishnah 8: Bundles of new sprouts and carobs are subject to the Sabbatical and so are their proceeds; they are subject to removal and so are their proceeds. Branches of terebinth, pistachio, and thornbushes are subject to the Sabbatical and so are their proceeds; they are not subject to removal nor are their proceeds. But the leaves are subject to removal since they fall from their stems.

92 If nobody took them they would stay on the trees which are perennial. It follows that pine needles, if they could be used as food, would not be subject to removal.
Halakhah 6: At the beginning of the chapter you said that one does not eat because of the roots and here you say one does eat because of the roots? Rebbi Phineas said, there they will not ultimately harden; here they will ultimately harden; after they hardened they become part of the stem.

93 In Mishnah 2, arum, mint, etc., were made subject to removal even though their roots remain in the ground and will produce again the next year. Here the young shoots of vines and carobs are exempted from removal.

It was stated: "And all those which remained from the sixth year into the Sabbatical belong to the sixth except for nasturtium which is like a vegetable." Rebbi Abbahu in the name of Rebbi Johanan: There is no rule that "from the sixth year into the Sabbatical they belong to the sixth" but [they belong] to the Sabbatical. But did we not state: "Calamint, hyssop, and thyme he brought to the courtyard, (but) if it was from the second year into the third they belong to the third; from the sixth year into the Sabbatical they belong to the sixth?" Here, you count the past year, there the coming! Rebbi Yose said, in the third and sixth years, even though there is no second tithe, there are tithes; in the Sabbatical
there is no tithe whatsoever. But did not Rebbi Abbahu say in the name of Rebbi Johanan: There is no "from the sixth year into the Sabbatical they belong to the sixth" but they belong to the Sabbatical? There it is in the possession of the landowners, here it is in the possession of the poor 98. He prefers one which is certain to two which are possible 99.

94 Reading of the Rome ms. Leyden: יִלְּן מִי "I do not have".
95 Tosephta 5:11 has a similar text. The baraita quoted here must have had a beginning similar to the Tosephta: "Branches of terebinth, pistachio, thornbushes, and nasturtium . . ." 96 The status of trees is determined by the time of blossoming, that of vegetables by the time of the harvest.
97 These plants grow as weeds in Galilee, but if they are collected as spices and stored they are subject to tithes (Mishnah Ma'aserot 3:9).
98 Since in the Sabbatical everybody has the right to enter the fields and take the produce.
99 There is little to be taken by the poor in the Sabbatical since nothing is sown, but it is in the poor's hand to take. The tithe of the poor may be larger but it is in the farmer's hand to decide whom to give; a sparrow in the hand is better than a pigeon on the roof.

About leaves preserved with sprouts, some Tannaim state: both of them are subject to removal. Some Tannaim state: neither of them is subject to removal. Leaves are subject to removal, sprouts are not subject to removal. He who says [both] are not subject to removal is Rebbi Joshua; he who says [leaves] are subject to removal but sprouts are not subject to removal is Rabban Gamliel 100.
This refers to Mishnah 9:5: “If somebody preserves three kinds in one barrel, R. Eliezer says, one eats according to the first; R. Joshua says, according to the last; Rabban Gamliel says everything whose kind has disappeared from the field should be removed from the house. Rebbi Simeon says, all kinds of vegetables have the same status; one eats purslain until sinariot disappear from the Bet Netofa valley.” R. Eliezer demands that all be removed if one of the kinds has to be removed. In our case, he requires that the sprouts be removed if the leaves have to be removed. R. Joshua requires that all kinds be removed together when the last has to be removed. Since sprouts do not have to be removed, nothing has to be removed. Rabban Gamliel thinks that the requirement of removal is on the produce, not on its taste. The taste of one absorbed by the other is irrelevant; therefore, each kind has to be removed in its time: Leaves have to be removed but not sprouts.

Mishnah 9: Roses, henna, balsamum, and chestnut are subject to the Sabbatical and so are their proceeds. Rebbi Simeon says, balsamum is not subject to the Sabbatical because it is not a fruit.

101 Definition of Maimonides. 102 But a sap. He implies that no sap falls under sabbatical prohibitions.
Halakhah 7: Rebbi Pedat, Rebbi Assi, in the name of Rebbi Johanan: Rebbi Simeon follows that of Rebbi Joshua, as we have stated there:\footnote{104} "Rebbi Joshua said, I heard that making curds with the sap of leaves or roots is permitted, with the sap of unripe fruits it is forbidden because that is a fruit." Rebbi Zeira said to Rebbi Pedat, since we say there that practice follows Rebbi Joshua, would you have to say here that practice follows Rebbi Simeon? Rebbi Jonah said, are the situations similar? It is the other way:\footnote{107} Balsamum is essentially sap, a tree is essentially in its sap. The holiness of the Sabbatical falls on animal feed, but the holiness of orlah never falls on it. Rebbi Abun said, there is another one: Rebbi Joshua quoted it as a tradition, Rebbi Simeon said it in his own name:\footnote{108}

\footnote{103} Reading of the Rome ms. and the parallel in \textit{Orlah} 1:7 (fol. 61b) In the Leyden ms.: מ"הז ר"י.
\footnote{104} Mishnah \textit{Orlah}: 1:7; its topic is the use of any part of an orlah plant (cf. \textit{Kilaim} Chapter 5, Note 93).
\footnote{105} To make cheese with vegetable rennet.
\footnote{106} The opponent of R. Joshua in Mishnah \textit{Orlah} is R. Eliezer; therefore practice has to follow R. Joshua. In the parallel in the Babli, \textit{Niddah} 8b, the disagreement is explained that for R. Eliezer sap has the status of fruit and for the Sages who oppose R. Simeon in the Mishnah here, sap of a tree which produces no edible fruit has the status of fruit, whereas for R. Joshua no sap has the status of fruit. Therefore, the Babli accepts the position of R. Pedat which here is questioned. The verse (\textit{Lev.} 19:23) restricts the holiness of orlah to fruits only.
\footnote{107} נל רכז corresponds to Babylonian \textit{יודאיאא רכזא}.
\footnote{108} Since he gives a reason, it is his own argument and not one he was taught by his teachers.
SHEVI’IT CHAPTER SEVEN

Sap may be fruit, unripe fruits may be fruit\textsuperscript{111}. If you say that sap has the status of fruit, if he did it with heave it is forbidden\textsuperscript{112}. If you say that unripe fruits are fruit, if he did it with heave it is permitted\textsuperscript{113}. Why? Because usufruct of heave is permitted but usufruct of orlah is forbidden.

\textsuperscript{109} Reading of R. Simson from a ms. Venice print and mss: \textit{una}.
\textsuperscript{110} Reading of the parallel text in \textit{Orlah}.
\textsuperscript{111} This refers to the statement of R. Joshua in Mishnah \textit{Orlah}. Is the cheese forbidden because the sap of unripe fruits is considered fruit or is sap not fruit but for orlah and derivative use of a fruit is also forbidden.
\textsuperscript{112} Cheese made with sap of heave is forbidden to anybody who is not a Cohen since rennet, which turns milk into cheese, cannot be considered nonexistent even if it is only a minute part of the final volume.
\textsuperscript{113} Since only fruit is subject to heave, the sap would be profane.

Mishnah 10: If new roses were preserved in old oil, the roses should be taken out\textsuperscript{114}. Old in new are subject to removal. New carobs preserved in old wine and old ones in new are subject to removal\textsuperscript{115}. This is the principle: Anything that gives flavor to another kind is subject to
removal, in its own kind in the minutest amount\textsuperscript{116}. The Sabbatical makes forbidden in the minutest amount in its own kind, and by giving taste in another kind.

114 If no rose leaves are left for the wild animals, the preserved Sabbatical leaves have to be given to the poor to eat but the oil, pressed from non-Sabbatical olives, may be retained by the owner. But if Sabbatical rose leaves are preserved in post-Sabbatical oil, everything has to be removed since the older leaves, which should have been removed, immediately give taste to the oil. One cannot explain "old in new" by "sixth year roses in Sabbatical oil" since these never would be subject to removal.

115 Since the carobs will quickly leave their taste in the oil. The Tosephta (5:15) states identical rules for carob pods and rose leaves; the author of the Tosephta must hold that the hard carob pods leave taste in the oil only if they are steeped in it a very long time.

116 Since the taste of forbidden and permitted food cannot be distinguished if they are of the same kind, a minute admixture of forbidden food makes permitted food of the same kind also forbidden.

\textbf{Halakah 8:} In the first case, you say "the roses should be taken out", in the second case "all is subject to removal"? Rebbi Abbahu in the name of Rebbi Johanan: This is from two [different] Tannaim. Rebbi Yose said, I can explain those roses by two conditions: "If new roses are preserved in old oil", Sabbatical roses preserved in oil of the sixth year; "old in new", Sabbatical roses preserved in eighth year's [oil].
Mishnah 1: They established a comprehensive principle for the Sabbath: Nothing that is exclusively food for humans may be used for a wound dressing\(^1\) for humans or, it goes without saying, for animals. Anything that is not exclusively food for humans may be used for a wound dressing for humans but not for animals. Anything that is not exclusively food, for humans or for animals, if intended as food for humans or animals one puts on it all restrictions regarding humans or animals; if intended as wood then it is wood. Examples are calamint, hyssop\(^2\), and thyme.

\(^1\) Or any other medical use except

\(^2\) Cf. Chapter 7, Note 51. These medicines that are ingested. plants grow as weeds.
Halakhah 1: "They established a comprehensive principle for the Sabbatical," etc. Rebbi Abun bar Hiyya asked before Rebbi Zeira: Human and animal food is mentioned in the paragraph. What reason do you have to say that from human food one cannot make a wound dressing but from animal feed one may make a wound dressing? He said to him (Lev. 25:6): "The Land's Sabbath shall be for you as food", an exclusion. It excludes human food that cannot be made into wound dressing. It also excludes animal feed! Rebbi Abun bar Hiyya said, any interpretation you give which contradicts the prior interpretation is not valid. Rebbi Yose did not say so, but (Lev. 25:6): "The Land's Sabbath shall be for you as food", an exclusion, "for you, your slave, and your handmaid", an exclusion after an exclusion, to add that human food cannot be made into wound dressing. He added animal feed! As Rebbi Abun bar Hiyya said, any interpretation you give which contradicts the prior interpretation is not valid. Rebbi Mattaniah said, when you did exclude, you excluded from human food; when you included, you included animal feed.

3 Lev. 25:6-7: "The Land’s Sabbath shall be for you (pl.) as food, for you (sing.), your slave, and your handmaid, your hired hand and your sojourner who are dwelling with you. Also for your (sing.) domestic animals,
as well as the wild animals in your land, shall all its yield be food."

4 Here we find an essential difference between the exegesis of Babli and Yerushalmi. In the Babli, a double restriction always means an addition, no restriction at all. For the Yerushalmi, any exclusion remains an exclusion; one adds exclusions that otherwise would not be thought of. The verse really contains more exclusions and inclusions: "The Land's Sabbath shall be for you (pl.)", not for the Gentile (Tosephta 5:21) but for all your needs (Mishnah 8:2), "as food", not for industrial use and not for sacrifices [Sifra Behar 1(10)]. "For you (sing.), your slave, and your handmaid," seems to be an addition since this allows rich people to eat Sabbatical produce [Sifra Behar 1(10)], even though it is written (Ex. 23:11): "Abandon the yield of the Sabbatical, so it may be eaten by the destitute of your people . . ." The verse here permits slaveholders, i.e., people of means, to eat Sabbatical produce. According to Mekhilta Mišpatim 20, still only poor people may eat Sabbatical produce under the obligation of removal. It follows that "you, your slave, and your handmaid," is stated on condition that there be food for the wild animals, and can be considered a restriction. "Your hired hand and your sojourner who are dwelling with you" are Gentile employees hired for a period of time ("dwelling with you"), not hourly workers. They are exempt from the ban to give Sabbatical fruit to Gentiles. "Also for your domestic animals, as well as the wild animals in your land, shall all its yield be food," domestic animals can be fed stored food in the stable only as long as they could find it in the fields by themselves.

The argument in the Halakhah seems to be the following: Since Sabbatical produce is "for you", one could think that this (1) only excludes the Gentile, but a Jew may use Sabbatical produce for anything he needs. It is specified "for you, your slave, and your handmaid," which (2) excludes use of Sabbatical produce for any but human use. Wound dressings (as well as emetics) are used for human needs. If there were only one exclusion, I would include medical uses. But since there are two, one has to give an expansive interpretation of the exclusion; the only uses permitted are those needed equally by master and slave, the healthy and the sick. Therefore, medical (non-food) uses are forbidden, washing and heating is permitted. This
argument is diametrically opposed to any Babylonian argument which treats two consecutive exclusions as inclusion.

5 R. Bun bar Hiyya refutes the arguments of R. Zeïra and R. Yose: Since "for you, your slave, and your handmaid," is a necessary addition, as explained above, to permit the rich person to eat, it cannot be treated as an exclusion. The explanations are invalid.

6 It is enough to have one exclusion mentioned for humans; since there is no similar exclusion for animals, which have the right to Sabbatical produce whether owned by a Jew or not, it is reasonable to have a restrictive tradition for human food but not for animal feed.

May one make dyes for humans from animal feed? Since one may make dyes for humans from human food even though one may not use human food for a wound dressing, one certainly may make dyes for humans from animal feed since one may use animal feed for a wound dressing. May one make dyes for humans from materials for wound dressings? Since one may make dyes for humans from human food even
though one may not use human food for a wound dressing, one certainly may make dyes for humans from wound dressing materials since one may use wound dressing materials for a wound dressing. The only question is:

May one make animal dyes from human food? Just as you say for human food that one may use it to make human dyes even though one may not use it for wound dressing, similarly animal feed, though one may not use it for animal wound dressing, should be usable for animal dyes.

Rebbi Yose said, why may one make dyes from human food? Because human dyes have holiness. Should one be able to make animal dyes from animal feed when animal dyes have no holiness?

7 Cosmetics. They fill a need equal for all humans.
8 The previous argument about wound dressing materials was trivial.
9 Probably to paint owner's marks on animals.
10 Since they fill a genuine human need, they fall under all restrictions of the use of Sabbatical produce and cannot be exported or sold to Gentiles.
11 The answer to the question is negative.
We understand "one puts on it all restrictions regarding humans and animals" that it is forbidden to boil them to a pulp. We have stated: If the seller sells as food and the buyer buys as wood, the latter is not determining. If the seller sells as food and the buyer buys as food and then thinks of them as wood, the latter is not determining. If the seller sells as wood and the buyer buys as food and then thinks of them as wood? Where do we hold? If he gave him the money and afterwards took it up, he paid for wood. If he took it up and afterwards gave him the money, he paid for food. We must hold that he gave him the money and afterwards took it up; this is the disagreement between Rebbi Johanan and Rebbi Simeon ben Laqish. According to Rebbi Johanan, who said that [transfer of] money does not mean acquisition by Torah law, he paid for food. According to Rebbi Simeon ben Laqish who said that [transfer of] money does mean acquisition by Torah law, he paid for wood.

12 Here starts the discussion of the third part of the Mishnah about produce used both as food (human or animal) or as wood.

13 While wood usually costs less than food, the seller has an interest in selling as wood since then the proceeds are not under Sabbatical restrictions and can be used for any purpose (R. H. Kanievski).

14 It is agreed that by rabbinic practice, handing over the money does not transfer property rights to the buyer; only taking possession (either actual or symbolic) can do that. However, the baraita states that the opinion of the seller counts. Since the seller is not a party to the buyer's taking possession, his opinion can be determining only if he is the owner at the moment of payment.

15 According to one opinion, since פיר "to take" also means "to buy", rabbinic practice simply follows the biblical decree. In this case, ownership is vested in the seller until the buyer actually takes possession. The other opinion notes that Abraham bought the field of Makhpela by paying money; it follows that the Torah recognizes pay-
ment as effecting transfer of ownership. According to this opinion, rabbinic practice was introduced to cut down on fraudulent transactions, so that the seller could not sell non-existing goods and later claim that they did exist at the time of payment but before delivery were destroyed in a fire.

The position ascribed here (and in Yerushalmi Erubin 7:11, fol. 24d) to R. Johanan is that of R. Simeon ben Laqish in the Babli (Baba Mezia' 46b-47a, Erubin 81b) and vice-versa. However, the Talmud of Caesarea (Yerushalmi Baba Mezia' 4:2, fol. 9d) states that R. Johanan asked (and followed) R. Yannai's opinion in the matter and the latter stated that payment transfers property rights by Torah law and that rabbinic practice was only instituted to cut down on fraud. Since practice almost always follows R. Johanan against R. Simeon ben Laqish, Tiberian practice followed the opinion of R. Johanan in the text here, Babylonian and Caesarean that of R. Simeon ben Laqish.

If each one keeps to his word, it should be treated as follows: If the seller sues the buyer one follows the buyer, if the buyer sues the seller, one follows the seller. This cryptic text was explained by Maimonides (Hilkhot Mekhirah 20:1): "If somebody wants to buy from another person and the seller says I will sell for 200, the buyer says I shall buy only for 100. They separate without a deal and when they come together again, the buyer takes the article without saying anything. If the seller sues the buyer after he handed over the article, the latter has to pay only 100. If the buyer came and took the article, he has to give 200."
Mishna 2: Sabbatical produce is to be used for food, drink, and anointing; to eat everything commonly eaten, to anoint with what commonly is used for anointing. One should not anoint with wine or vinegar, but with olive oil. The same rules apply for heave and second tithe\(^{18}\), except that the Sabbatical admits the additional leniency that its [oil] may be used for lighting\(^{19}\).

18 First heave of which the heave of the tithe has been taken is totally profane in the hand of the Levite. If the oil becomes impure it must be destroyed by burning; impure heave is used as fuel and for that reason is called "oil for burning". Hence, "heave" in this Mishnah means "pure heave".

19 Pure heave of olive oil must be used for a Cohen's family's food or for anointing on a pure member of a Cohen's family. If the oil becomes impure it must be destroyed by burning; impure heave is used as fuel and for that reason is called "oil for burning". Hence, "heave" in this Mishnah means "pure heave".

Halakhah 2: What means "to eat everything commonly eaten"? "One does not oblige anybody to eat mouldy bread, or discarded leaves of vegetables, or spoiled food\(^{20}\)." On the other hand, if somebody wants to eat raw beets\(^{21}\) or chew raw wheat kernels one does not listen to him.
SHEVI'IT CHAPTER EIGHT

What means "to drink everything one commonly drinks"? One does not oblige anybody to drink oily fish sauce, or sour fish sauce, or wine with yeast. He who has a toothache should not sip vinegar and spit out but he may sip and swallow. He may dip his food in as much [vinegar] as he wants without second thoughts. He who has a throat ache should not gargle with oil but he may load fish sauce with oil and sip it."

Tosephta 6:2, in different order of items.


This clause is in only a few Mishnah mss. It is in Tosephta 6:1.

Tosephta 6:3, in different order.

I. Lów defines as ἔλαιογαρπον, "olive oil with fish sauce" with change of the liquids ν - ι, which fits the spelling better than οἶνογαρπον ("fish in wine sauce") given by earlier authors.

Greek ὄξυγαρπον "fish sauce with vinegar". The Tosephta reads סניינך both here and in Terumot 9:10.

Even if healthy people would not eat their food with as much vinegar.

"One should not anoint with wine or vinegar, but with olive oil." "If somebody has a headache or he has a scab, he may rub with oil but not with wine or vinegar." One does not use Sabbatical oil as base for perfumes but one may buy sweet oil before the Sabbatical without worry. Rebbi Ammi thought, even from one who is suspect. Rebbi Assi told him, they said that only if one does not know whether he is suspect or not. But if it is clear that he is suspect, it is forbidden.
27 Quote from the Mishnah.
28 Tosephta 6:4: "If somebody has a headache or a scab, he may rub with oil but not with wine or vinegar since oil is commonly used for rubbing but wine and oil are not."
30 It does not need a rabbinic endorsement that it was prepared with non-Sabbatical oil since it is denatured and cannot become edible again.
31 A person suspected of illegal trading with Sabbatical produce.
32 Reading ושב for ובש for chronological reasons.

May one spice Sabbatical wine? Let us hear from the following: "The Sabbatical admits the additional leniency that its [oil] may be used for lighting"; that means it is permitted. But did we not state that it is forbidden? Rebbi Eleazar said, it is Rebbi Jehudah's, since Rebbi Jehudah permits it because it enhances its value.

33 Mishnah Ma'aser Šeni 2:1: "One may not use second tithe oil as base for perfume, one may not buy perfumed oil with second tithe money, but one may spice [second tithe] wine." Since the rules of the Sabbatical are declared to be more lenient than those of heave and second tithe, what is permitted for second tithe a fortiori is permitted for the Sabbatical.
34 In some baraita not otherwise preserved.
35 Mishnah Terumot 11:1: "One does not cook wine of heave because this reduces its volume. Rebbi Jehudah permits it because it improves it." If one may thicken wine by boiling (while it then loses its alcohol), one also may make spice wine from heave and, a fortiori, from Sabbatical wine.
The Sabbatical admits the additional leniency that its [oil] may be used for lighting; that means it is permitted. May heave not be used for lighting? Impure heave may be used for lighting; even pure Sabbatical oil may be used for lighting. Rebbi Hizqiah went to the bath. He gave a flask to Zosimos the bath attendant; he said to him: bring that to the inner room for me. He said to him, is that not forbidden? He went to ask Rebbi Jeremiah. He said to him, you yourself taught us, and we stated so: One does not rub in Sabbatical oil in the bath house but he may rub it in outside and enter.

36 Reading of the Rome ms., Orearius for olearius, a form found also in Yerushalmi Baba Batra 4:1 (fol. 14c), Mishnah Tahorot 7:7. Leyden and Venice: גוריאא "fire wood".

37 Reading of Rome ms. Leyden and Venice: אִזְנָלַיָּה לְיֵא, to be read as עליה לְיֵא.

38 The heated inner room where everybody is naked and no holy things are permitted; cf. Berakhot pp. 185-186.

39 Either this is dittoography (as assumed by most commentators) or it means "he" (the messenger urgently dispatched by R. Hizqiah) "reported to him" (R. Hizqiah) that R. Jeremiah came and said that R. Hizqiah himself had taught... (אָמַר מְשֻׁחָה). This explanation is too ingenious to be correct.

 Lair שֵׁמָּה שֵׁרְקֶה לְא בֵבֵטֶה כְּנַשָּׁתָו לְא בֵבֵטֶה מֵדֶרֶשֶׁת מְפֵּי בְּנֵי יִשְׂרָאֵל.

And oil for burning neither in synagogues nor in houses of study because of degradation of sacred things.  

40
R. Simson's text reads: "Impure heave cannot be used for lighting in synagogues and houses of study." This sentence cannot mean that impure heave can never be used for lighting in synagogues and houses of study since Mishnah Terumot 11:10 states explicitly that impure heave is used to illuminate synagogues and houses of study with permission by a Cohen. The statement must mean that such use represents degradation of holy things if done without explicit permission by a Cohen. The sentence cannot belong to the previous paragraph dealing with anointing since one never may anoint himself in a holy place.

Mishnah 3: Sabbatical produce should not be sold\(^{41}\) by measure, weight, or count. Figs may not be sold by count nor vegetables by weight\(^{42}\). The House of Shammai say, not vegetables in bundles. But the House of Hillel say, anything usually stored in bundles in the house may be bundled on the market; for example leeks and milk bud\(^{43}\).

\(^{41}\)Some produce collected in the Sabbatical may be routinely sold since it is collected from the wild, not from cultivated fields; Mishnah 9:1. Other produce may be sold if a surplus has been collected.

\(^{42}\)These are examples illustrating the preceding sentence.

\(^{43}\)Chapter 7, Note 16.
Halakhah 3: Why? So it should be sold cheaply. Why could it not be cheaply sold by the pound? If you say so, he will not treat it as holy.

Vegetables usually sold by the wholesale and therefore cheaper. If you say so, he will not treat it as holy.

It was stated: "Produce from outside the Land that entered the Land should not be sold by measure, weight, or count, but only like produce of the Land." If they are recognizable, it is permitted. Rebbi Yose ben Rebbi Abun said, for example qwrdqy brought up from Hippos and sold to Tiberias.

This fruit has not been identified. One possibility is to derive the word from Persian gardekan "walnut". The language is unclear since produce brought from high-lying Hippos to low-lying Tiberias is brought down, not up, unless one denotes all import into the Holy Land as "bringing up".
Rebbi Hizqiah in the name of Rebbi Abba bar Mamal: If somebody measures with a box in which he made a sign two or three times, he may no longer use it for measuring\(^48\). Rebbi Hoshaiah said, it is forbidden to say, give me your finger's length.

\(^48\) Even though the box was not created for measuring, when he made signs that indicate certain volumes, even if not those desired now, the box now has the status of a measuring device and is forbidden. Similarly, it is assumed that everybody knows the length of his own index finger; measuring by the length of his finger is like measuring by a measuring rod.

If a butcher who is a Cohen gets hold of a first-born\(^49\), may he cut it up into roasts and sell it on the market? Rebbi Jeremiah wanted to say it is permitted, analogous to "anything usually stored in bundles in the house may be bundled on the market"\(^50\). Rebbi Mana said, that statement itself implies that it is forbidden, that he should not treat its body as merchandise.

\(^49\) A first-born calf, lamb, or kid goat is a sacrifice by its birth and must be given to a Cohen. If it develops a defect that invalidates it as a sacrifice, it is the Cohen's profane property \((\text{Deut. 15:21-22})\). However, it may not be treated with disrespect. The details are given in Tractate \textit{Bekhorot}.

\(^50\) If the first-born is slaughtered for home use, in the absence of refrigeration it is either cut into large pieces for festive meals or into smaller pieces to be smoked or pickled; neither of them is the kind of cut one does for the market.
Mishnah 4: Is somebody says to a day-laborer: "Here you have an as\textsuperscript{51} and collect vegetables for me today", these wages are permitted. "For its value collect vegetables for me today", these wages are forbidden. If somebody bought from the baker a loaf in the value of a dupondius\textsuperscript{52} [and says], when I collect vegetables from the field I shall bring to you, that is permitted. If he took from him silently he should not pay with the proceeds of Sabbatical [produce] since one may not pay a debt with proceeds of the Sabbatical.

\textsuperscript{51} A quarter of a drachma. If the laborer is hired for some wages and only afterwards given the task to collect vegetables from Sabbatical growth, his wages are profane and he may spend them in any way he wants. But if the wages are given for the explicit purpose of collecting Sabbatical growth, the wages become Sabbatical and may be used only to buy Sabbatical produce. The Babli (Avodah Zarah 62b) does not accept this fine distinction but declares all limitations imposed on payment for the explicit purpose of working during the Sabbatical as fines. Cf. also Notes 94,95.

\textsuperscript{52} Half a drachma. It is permitted to exchange Sabbatical produce for other produce. But if food was bought on credit one may not pay with Sabbatical produce or its proceeds.

حلכתי י: מה ביניו אמר והלך למה ביניו אמר הלך לבו. רבי ויי בְּשָׁם רבֵּי ציִי בן יָהַנָּה מַהֵיָה מַהֵיָה נֵלֵעַ עֵימָיו לַהֵי. מַמָּהִי לָא יָאָמֵר אַבְּאָס מַבְּרִיכָה מְעַלְּפָּהָה קְרַאָה לִירָשָׁלוֹם לֵהלָך. יָאָמֵר לִעֲלָם שָׁבְאָלֲכָה וְלִשְׁהָמָא בְּיוֹרָשָׁלוֹם. מַה ביניו אמר הלך מה ביניו אמר מעלם.
What is the difference between him who says "collect for me" and him who says "for its value collect for me"? Rebbi Yose in the name of Rebbi Yose ben Hanina, this is one of the practices of obfuscation. There, we have stated: "One should not say to another person, bring these fruits to Jerusalem to distribute, but he should say: bring them that we should eat and drink them there." What is the difference between him who says "to distribute" and him who says "bring them that we should eat and drink them in Jerusalem?" Rebbi Zeira in the name of Rebbi Jonathan, this is one of the practices of obfuscation. There, we have stated: "A person may borrow from another pitchers of wine or oil but he should not say: lend me." What is the difference between him who says "let me borrow" and him who says "lend me"? Rebbi Zeira in the name of Rebbi Jonathan, this is one of the practices of obfuscation.

53 This paragraph and the next appear (with minor changes in the order of subjects) in Ma'aser Šeni 3:1 (fol. 54a), Šabbat 1:6 (fol. 3c), Avodah Zarah 2:9 (fol. 41d). In the Babli (Avodah Zarah 62a/b), all prohibitions are explained as fines.

54 Compare Arabic سمع، Hebrew זומח “to mutter, to stutter”. While the reason was explained in Note 51, the difference in practice is purely semantic and one should not permit an action whose intent is to circumvent the law. The answer is that as a practical necessity, the rabbis found a way to legitimize popular behavior by obscuring the strict interpretation of the law.

55 Mishnah Ma'aser Šeni 3:1. It is forbidden to pay one's debt with Second Tithe. Therefore one has to formulate a transportation contract in
such a way as to give to the transporter a claim to part of the food before the start of the contract.

56 Mishnah Sabbath 23:1. It is forbidden to make commercial transactions on the Sabbath. Exchanges between neighbors are permitted but any mention of monetary values is forbidden. (There is no Yerushalmi extant for the last four chapters of Sabbath. In the Babli (Sabbath 148a) this is not one of the obscure practices; the mention of monetary values is forbidden as rabbinic ordinance to avoid any temptation to write things down. It seems that the Babli considers even monetary transactions between neighbors as friendly exchanges, permitted under biblical law.)

Their bread. Rebbi Jacob bar Aha in the name of Rebbi Jonathan: This also belongs to the practices of obfuscation. Rebbi Yose said, I objected before Rebbi Jacob bar Aha: Why should it belong to the practices of obfuscation? I say that at a place where no Jewish bread is available it is logical that Gentile bread should be permitted, but they obfuscated the matter and forbade it. Rebbi Mana said: Does there exist obfuscation for prohibition? Is bread not like Gentile cooking? So we say: At a place where no Jewish cooking is to be found it is logical that...
Gentile cooking should be permitted, but they obfuscated the matter and forbade it. But so it was: At a place where no Jewish bread is available it is logical that Gentile bread should be forbidden, but they obfuscated the matter and permitted it as a necessity of life. The rabbis of Caesarea in the name of Rebbi Jacob bar Aha [hold] with the one who permits, but only from a store. But one does not follow this.

57 Gentile bread. Anything cooked or baked by a Gentile is forbidden, according to the Yerushalmi ( Sabbath 1:6, fol. 3c) as one of the "eighteen decrees" enacted at the start of the first revolt against the Romans to separate Jews from Gentiles; according to the Babli ( Avodah Zarah 35b) it is an older rabbinic prohibition enacted to cut down on intermarriage. In biblical law, food prepared by Gentiles according to Jewish dietary laws is permitted (Deut. 2:6,28).

58 There do exist prohibitions whose origin is most unclear, such as the prohibition of Gentile cheese made with vegetable rennet. But the technical term "obfuscation" is only used in connection with practices the rabbis had to condone and permit.

59 According to the Mishnah ( Avodah Zarah 2:9), Rebbi and his court permitted Gentile bread.

60 According to the Babli ( loc. cit.), in this case Gentile cooking is certainly forbidden because of the dangers of intermarriage.

61 The Babli ( loc. cit.) agrees that this was the original meaning of Rebbi's ruling, but the people interpreted it to permit any Gentile bread, as implied here by the next sentence.

62 The Babli accepts the original statement of the Yerushalmi that Gentile bread is permitted only in the absence of a store selling bread baked by Jews. ("Baked by Jews" in the Babli means that the oven was lit by a Jew; all other work may be done by Gentiles.) A statement attributed to R. Johanan in the Babli even forbids all Gentile bread in town and allows it only for consumption in the fields.
Rebbi Simeon ben Laqish said, if he shows him the stump; then he pays him only the wages of his feet. Rebbi Johanan said, even if he did not show it to him it is as if he had. A baraita disagrees with Rebbi Simeon ben Laqish, as it was stated: "If somebody hires a worker to bring wine for a sick person, or an apple for a sick person, if he delivered it, he must pay, otherwise he does not have to pay. But if he said to him, wine for a sick person from place X, or an apple for a sick person from place X, he has to pay him whether he delivered or not because he pays him the wages of his feet." What does Rebbi Simeon ben Laqish do with this? He explains that he showed him. A baraita disagrees with Rebbi Johanan, as it was stated: "Nobody should say to his neighbor, here you have a denar and bring me gleanings today, bring me peah today. But he may say to him, for gleanings you will bring today, for peah you will bring today. The same rules apply to a Levite." Here, he did not show him; is it considered as if he showed him? What does Rebbi Johanan do
with this? They were particularly lenient with the Sabbatical because it is rabbinical.

63 This means, if he indicates the places where the worker should go and collect. Most commentators delete the word but it is confirmed by both mss.

64 Since the contract was only for the transport, the wages are not Sabbatical.

65 This baraita is also quoted Avodah Zarah 5:1 (fol. 44c). In the first case, it is a contract for delivery, in the second case a contract for work. Since the expression used by R. Simeon ben Laqish, "wages of his feet", are used in the baraita regarding an unrestricted contract for work, the restrictive use of R. Simeon ben Laqish seems to be unjustified.

66 The rich person says to the poor one that he is willing to pay for the gleanings the poor will collect. Since gleanings and peah become the unrestricted property of the poor, the transaction is legitimate if the poor man is paid for delivery of the produce; it is illegitimate if the poor man is hired to collect as agent for the rich person. The same rules apply for a Levite and First Tithe.

67 Cf. Chapter 1, Note 7.

"If somebody bought from the baker a loaf in the value of a dupondius [and says], when I collect vegetables from the field I shall bring to you, that is permitted." It was stated: "Rebbi Jehudah and Rebbi Nehemiah forbid it." What are we talking about? About one who says, give it to me and it is clear to me [where to find it], I shall bring it to you; Rebbi Jehudah and Rebbi Nehemiah forbid it because vegetables on the field are rare; but the Sages permit it because vegetables on the field are abundant.
Quote from the Mishnah.

Tosephta 6:21. The discussion here is fragmentary; the full text is in Ma'aser Šeni 3:1 (fol. 54a): If the baker says, here it is, bring me later, this is forbidden according to everybody (since one may not pay a debt with Sabbatical produce). If the buyer says, give it to me and I shall give to you (what I already have collected), that is permitted according to everybody. But if the buyer says, give it to me and I know where to find, that is the disagreement between Rebbis Judah and Nehemiah and the Sages, as described here.

One gives neither to the water drawer, nor to the bath attendant, nor to the barber, nor to the ship owner, but one may give to drink to the water drawer. And to all of these one may give free gifts.

As explained in Mishnah 2, Sabbatical produce has to be consumed and may not be given in payment. But it may be given to drink (or to eat). It may be given for goodwill (according to the House of Hillel in Mishnah 4:2).

Halakhah 5: It was stated: "Rebbi Yose says, not even to the water drawer." The opinions of Rebbi Yose are contradictory. There, he says: "One does not use them to buy water and salt," and here he says so?
Rebbi Yose said, they disagree for general usage, but for drinking even Rebbi Yose would agree. Who is the Tanna of "but one may give to drink to the water drawer"? Rebbi Yose! Rebbi Yose said, it is the opinion of everybody; one statement refers to humans, the other to animals.

71 In some baraita it was stated that R. Yose forbids to give drinks made from Sabbatical fruits to the water drawer. Since this seems to contradict Mishnah 2, one has to investigate what this statement means. The Amora.

72 Tosephta 6:25: "One may not use Sabbatical produce to buy water and salt; Rebbi Yose says, one may use Sabbatical produce to buy water and salt." For anything but nourishment.

73 In the Tosephta, he permits using proceeds of Sabbatical fruits to buy water and salt which in themselves are not food, and here he seems to forbid using even drinks made from Sabbatical fruits as drinks!

74 The Amora.

75 For anything but nourishment.

76 The baraita fragment quoted at the start refers to giving Sabbatical drinks to animals. This use would not be sanctioned by Mishnah 2.

It was stated: "A water source belonging to the townspeople, between them and outsiders, they have precedence over outsiders. Between outsiders and their animals, the outsiders have precedence. Their washing and the lives of outsiders, their washing has precedence over the lives of outsiders." Rebbi Johanan said, who is the Tanna who said...
that washing is a necessity for survival? Rebbi Yose! As it was stated: "One may use it neither for steeping nor for washing. But Rebbi Yose permits it for washing." The opinions of Rebbi Yose are contradictory. There he says, washing oneself is not a necessity of life. And here, he says washing one's garments is a necessity of life. Rebbi Mana said, a person might put off washing himself but nobody puts off washing his clothes.

77 Babli *Nedarim* 80b, a text close to the one given here, a different text Tosephta *Baba Mezi'a* 11:33-36. In the Tosephta, R. Yose declares that the animals of the town have precedence over the lives of outsiders. Therefore, the argument given here does not apply to R. Yose's opinion in the Tosephta; the latter represents neither of the two Talmudim. A text close to the paragraph given here is in *Nedarim* 11:1 (fol. 42c). The paragraph is inserted here because it deals with seemingly contradictory opinions of the Tanna R. Yose.

78 Washing their clothes, not themselves.

79 A similar text is in Babli *Sukkah* 40a, *Moed Qatan* 101b, where however steeping and washing clothes are treated equally.

80 Mishnah *Nedarim* 11:1. Rebbi Yose does not consider a vow to stop washing himself a vow of deprivation.

81 In the Babli, Samuel states that sickness caused by a dirty body can be healed but dirty clothing induces insanity which is incurable.
Jehudah from Husi hid himself in a cave for three days because he wanted to find the reason why the necessities of life of one's town have precedence over the necessities of life of another town. He came to Rabbi Yose bar Halaphta who asked him, where have you been? He said, I was hiding in a cave for three days because I wanted to find the reason why the necessities of life of one's town have precedence over the necessities of life of another town. He called his son Rebbi Vardimos and said to him, answer, what is the reason why the necessities of life of one's town have precedence over the necessities of life of another town. He said to him (Num. 35:15): "These [six] cities shall be", each town shall live, and only afterwards their surroundings around them. He [R. Yose] said to him [Jehudah from Husi], what did cause you [this embarrassment]? That you did not search with your companions!

82 An otherwise unknown personage from tannaitic times. Neither the tradition of his name nor that of his place are certain.

83 It seems that this is based on identifying ה and ה which not only where pronounced identically but also written almost identically, with the left leg of ה touching the roof slightly towards the middle, the left leg of ה being at the extreme left end and going up slightly over the roof. Since ה ה indicates permanency, one might also explain the argument that the first duty of the city government is to insure the continued survival of its inhabitants.

84 The surroundings are mentioned in slightly different formulations Num. 35:2,3. In the Babli, Nedarim 81a, verse 3 "their surroundings [of the Levitic town] shall be for its animals and its life-necessities" is explained (following R. Yose) "for its animals and clothes-washing."
Mishnah 6: One does not cut Sabbatical figs with the fig-knife but he may cut with a dagger. One does not tread grapes in the wine press but he may tread in a trough. One does not work olives in the oil press and with a roller but he pounds them and puts them into a hand press. Rebbi Simeon says, one may grind them in the oil press house and put them into the hand press.

85 The reason for the Mishnah, as explained in the Halakhah, is that one may not process the harvest in a professional way.

86 Explanation of Arukh and Gao-nim. (Arukh has a second explanation: "some say" it means a basket. Maimonides explains as "small oil press", as opposed to "very small oil press".)

Halakhah 6: It is written (Lev. 25:5) "The aftergrowth of your harvest you should not reap." That means, not in the way of reapers.
Rebbi La said, if it cannot refer to forbidden aftergrowth, take it to refer to permitted aftergrowth. Rebbi Mana said, it is needed for itself when it grew by itself. You should not say that since it grew by itself it is permitted; therefore it was necessary to say that it is forbidden. "The aftergrowth of your harvest you should not reap and the grapes of your wild growth you should not process into wine." You may not harvest grapes from what is being watched over on the land, but you may gather grapes from what is abandoned. "You should not process into wine," not in the way of vintners. From here, they said that "one does not cut Sabbatical figs with the fig-knife but he may cut with a dagger. One does not tread grapes in the wine press but he may tread in a trough. One does not work olives in the oil press and with a roller." Our teachers permitted to use a roller.

87 *Sifra Behar Pereq* 1(3), in slightly different wording.
88 As Maimonides explains, since Sabbatical produce is for everybody to eat, the verse cannot mean that one may not reap grain or gather grapes at all. Therefore, it must mean that professional harvesting in all its aspects is forbidden.
89 Since aftergrowth is forbidden only by rabbinic ordinance, the verse cannot refer to forbidden aftergrowth.
90 One should not say that the prohibition of professional harvesting applies only to aftergrowth on a field that was planted for the same crop the previous year. If the plants appear at other places, which really is spontaneous growth, they still fall under the same rule.
91 Not only collecting the grapes but the entire processing of the harvest, ending with the production of wine.
92 Since this is used only for small quantities of grapes in the other years of the Sabbatical cycle. The Tosephta (6:27) spells out that "our teachers" are Rabban Gamliel (III, the son of Rebbi) and his academy.
Rebbi Johanan taught those of [the House of] Rebbi Yannai to grind in a mill following Rebbi Simeon, and to work with a roller, following the rabbis. Rebbi Johanan taught those of the House of Rebbi Yannai not to take the rent of their oil presses in wine but in money; he taught them following Rebbi Jehudah and Rebbi Nehemiah.

Most commentators emend "in wine" to "in olive oil" since wine is not made in an oil press. However, the manuscript evidence forbids the emendation. What R. Johanan stated was that for processing Sabbatical produce, no Sabbatical produce at all should be accepted as payment; cf. Note 69.

It was stated: "The wages of donkey drivers, carriers, and all those working with Sabbatical produce are Sabbatical." Rebbi Zeira said, this baraita deals with permitted produce. What is the meaning of "the wages are Sabbatical"? That they may take their wages in the form of Sabbatical produce. Then it must be that, when Rebbi Johanan taught those of [the House of] Rebbi Yannai not to take the wages of their oil presses in wine but in money, he taught them following Rebbi Jehudah and Rebbi Nehemiah. Rebbi Hila: the baraita deals with those who carry...
forbidden produce\textsuperscript{97}. What is the meaning of "the wages are Sabbatical"? As Rebbi Abbahu, Rebbi Johanan said, they fined him with wine of libations\textsuperscript{98}; here also, they fined him.

94 Tosephta 6:26; there camel drivers are mentioned instead of "all those working". The quote in the Babli (Avodah Zarah 62a) mentions only donkey drivers.

95 The \textit{baraita} is taken as the position of the rabbis opposing Rebbis Jehudah and Nehemiah (Note 69). This position is rejected in the Babli (\textit{loc. cit.}) since the text does not include "all those working with produce". It is held that poorly paid workers may be paid in kind following the rules of Mishnah 5 but not highly paid donkey drivers, following Rebbi Abbahu.

96 He is R. La.

97 Produce from guarded fields or harvested in a professional way.

98 This refers to Mishnah Avodah Zarah 5:1 which states that the wages of a Jewish worker earned by a contract which specifies work for wine used, or to be used, for idolatrous libations is forbidden for all usufruct. R. Abbahu (Avodah Zarah Halakhah 5:1) notes that no principle of law requires that the wages be forbidden; it is a rabbinic ordinance imposed to avoid situations in which pagan wine might be sold to Jews, and the same situation applies here.

Mishnah 7: One may not cook Sabbatical vegetables in heave oil because it should not be made unusable\textsuperscript{99}. Rebbi Simeon permits it. Always the last substitute is caught and the fruit remains forbidden\textsuperscript{100}.
Sabbatical produce has a status of holiness. However, in contrast to sacrifices, Sabbatical produce cannot be redeemed and does not have to be kept in purity. The rabbis note that Sabbatical produce cooked in heave oil will become inedible if impure and this should not happen. The sentence "because it should not be made unusable" means "one should not use it in a way by which it might become unusable."

The rules of this Mishnah are deduced in Sifra Behar Pereq 3(3) because the verse equates the rules of the Jubilee year with those of the Sabbatical: "(Lev. 25:12) 'Because a Jubilee it is, holy it should be for you'; just as holy things absorb their redemption money (any sanctified object other than a valid sacrifice can be redeemed and the sanctity transferred to the money), also the Sabbatical produce absorbs its money. Then just as holy things become profane, Sabbatical produce should become profane. But the verse says it is (in a permanent state), it remains in its holiness." The details of the transfer to the last redeemed property are given in the Halakhah. The argument of Sifra is reproduced in Babli Sukkah 40b, Qiddusin 58a; there the permanent state is implied by 'Because a Jubilee it is, holy it should be for you' (in the Babli, scriptural use of the verb היה is always taken to imply permanence.)
Simeon. Rebbi Meir says, he should not add [heave spices], to cause heave to become unusable. It turns out that the anonymous statement here becomes the minority opinion there. Is the anonymous statement here the minority opinion there? But the anonymous statement here is the opinion of Rebbi Meir there and between Rebbi Meir and Rebbi Simeon, practice follows Rebbi Simeon. Rebbi Assi said, I asked those of the House of Rebbi Yannai and they said, we used to cook small portions and eat. How is that? Practice follows Rebbi Meir there for his is the anonymous opinion here.

101 Mishnah Zebahim 10:7, speaking of the way Cohanim ate sacrificial meat in the Temple.
102 Since sacrifices had to be eaten in one or at most two days, one could have thought that a way of cooking usually reserved for vegetable preserves was forbidden.
103 Since the Cohanim might not be able to consume all sacrificial meat in time, the remainder would have to be burned, including the spices from heave.
104 The first clause of Mishnah Zebahim, speaking of the different kinds of preparation of meat, is in fact anonymous. But the part about spices, which we are interested in, is R. Simeon's.
105 Therefore, R. Simeon's opinion should count as an anonymous one. This is a decision of R. Johanan (Terumot 3:1, fol. 42a). In the Babli (Eruvin 46b), the question of precedence between Rebbis Simeon and Meir is declared to be undecidable. (Cf. also Demay, Chapter 5, Note 120, Terumot Chapter 3, Note 25.)
106 R. Meir might agree with the practice to use heave spices in small dishes that will be eaten immediately since then the danger to the heave is minimized. The precaution to cook only small portions would be unnecessary for R. Simeon. This proves that R. Yannai did not follow R. Simeon and his practical decision should be followed.
107 How could this be justified?
"Always the last substitute is caught and the fruit remains forbidden". How is this? If he took meat in exchange for Sabbatical fruits, both are subject to removal in the Sabbatical. If he exchanged the meat for fish, the meat is released and the fish are obligated. If he exchanged fish for oil, the fish are released and the oil enters [into the obligation.] Always the last substitute is obligated and the fruit remains forbidden.

108 Sifra Behar Pereq 3(3), Babli Sukkah 40b.

They asked Rebbi Johanan: May Sabbatical produce become freed by redemption? He said to them, why not? Rebbi Eleazar said, Sabbatical produce cannot become freed by redemption, only by sale. A baraita supports one, a baraita supports the other. A baraita supports Rebbi Johanan: "Anybody who has money that is Sabbatical and he wants to redeem it by his dough may redeem it." A baraita supports Rebbi
Eleazar: "If somebody has a tetradrachma of Sabbatical money and he wants to buy a garment goes to the grocer he usually deals with and says to him, give me fruits for this. He gives them to him. Then he says, these fruits are given to you as a gift and the grocer says, this tetradrachma is given to you as a gift. Then he goes and buys himself a garment."

109 Since the Mishnah and the Tosephta speak only about substitution, the question remains whether Sabbatical produce can be redeemed the way Temple property (other than valid sacrifices) can be, by offering money or money's worth with the explicit intent of transferring sanctity.

A lengthy discussion of this topic is in Babli Sukkah 40b-41a, where it is asserted that R. Johanan also permits redemption only for substitutions, not for Sabbatical produce itself. This can be read also into the Yerushalmi since the latter deals only with Sabbatical money, not with Sabbatical produce.

110 Tosephta 6:25, in a shortened version. Babli Sukkah 41a, a version close to the one quoted here.

Rebbi Johanan drank wine and then gave money. That goes for Rebbi Johanan who is trustworthy; what about other people who are not so trustworthy? Rebbi Jacob bar Aha in the name of Rebbi Avina: He shows him with one [hand] and takes with the other [hand]. Rebbi Hizqiah used to say, "give me for this before you". Since he said, give me that before you, he is one who does not give Sabbatical money.

111 Since one may not pay one's debts with Sabbatical money, the money paid afterwards was in liquidation of a debt and cannot be Sabbat
ical even if the wine was Sabbatical. Then the question of redemption does not even arise.

112 If the seller wants the money before he hands over the merchandise. The answer is that even the untrustworthy buyer will get credit if he shows that he has money in his hand to cover the debt incurred. Then he can take up the buy and acquire it by lifting it up, incur a debt by this act, and then hand over the money to liquidate the debt, not to acquire the produce.

113 This is essentially the same device as that used by R. Jacob bar Aha: The buyer puts up the money required but does not hand it over.

Mishnah 8: One does not buy slaves, real estate, and unclean animals from Sabbatical money\(^{114}\). If he bought them, he has to eat their worth\(^ {115}\). One does not bring nests\(^ {116}\) for men with gonorrhea, women with discharges, or women who had given birth from Sabbatical money. If he bought them, he has to eat their worth. One does not rub vessels with Sabbatical oil\(^ {117}\). If he did, he has to eat its worth.

114 One may only buy food or things necessary to prepare food.

115 He has to set aside an amount equal to the sum spent on illegitimate expenses and use it for food items.

116 "Nest" is a technical term for a couple of pigeons or turtle doves, prescribed as sacrifice for these cases in Lev. 12:8, 15:14, 15:29. There are other situations when "nests" are required (Lev. 5:7, 14:22) but they are infrequent.

117 This is industrial use even if it is necessary to turn the vessel into a finished product ready to be used in cooking or baking.
Halakhah 8: Rebbi Yose said, this means that it is forbidden to acquire a wife with Sabbatical money. In practice, what is the difference between one who acquires a wife and one who acquires a slave girl? 

A wife must first be acquired by a monetary gift before she can be married to the groom (cf. Peah, Chapter 6, Note 46, Demay Chapter 1, Note 185). Since the biblical term סא גיה אשנה "if a man takes a wife" means in the rabbinic vocabulary "if a man acquires a wife", it is inferred (Mishnah Qiddusin Chapter 1) that the rules of acquiring in general can be derived from the rules of acquiring a wife. The fact that the money (or money’s worth) is given to the bride in the case of marriage but to a third party, the seller, in the case of acquisition of slaves and real estate, does not make any difference here since the transfer of bride money is only valid if it would be valid in any other act of acquisition.

It was stated: One may not use Sabbatical oil to caulk an oven or a hearth; one does not use it to rub on shoes and sandals. Nobody should anoint his foot in a shoe or sandal but he may anoint his foot and step into his shoe or his sandal. One may anoint himself and roll on a tarpaulin without worry. One should not put it on a marble slab to roll himself in it, but Rabban Gamliel permits it.
119 Tosephta 6:9-12, in different order.

120 This is the usual definition given by the dictionaries. One also might translate "to finish (to make the vessel workable)", from the meaning of שטן in Arabic.

121 An oven is a clay vessel in the shape of a frustrum of a cone. The fire is at the bottom, the food to be baked hangs in the opening or clings to the sides. A hearth is a portable (usually double) fire place also made from clay.

122 Cf. Greek κατάβλημα, τό, "anything let down; tarpaulin; curtain, outer wrapper, etc." (E. G.). The Gaonic commentary to Kelim 16:4 translates the word by Arabic כשת "leather mat used as tablecloth or gaming board, in former times also during executions."

123 Latin tabula "slab, table," cf. Peah Chapter 7, Note 61. Here some oil is lost by necessity. Rabban Gamliel permits gymnastics as legitimate exercise.

Mishnah 9: Leather oiled with Sabbatical oil, Rebbi Eliezer said, should be burned, but the Sages say, one has to eat its worth. They said before Rebbi Aqiba: Rebbi Eliezer used to say that leather oiled with Sabbatical oil should be burned. He said to them: be silent! I shall not tell you what Rebbi Eliezer said about this.
Halakhah 9: What does Rebbi Eliezer say about him who oiled leather? Rebbi Yose said, that man's bones should be burned. Rebbi Hizqiah in the name of Rebbi Aha: It is permitted. According to R. Yose, using Sabbath oil to oil leather is an unfor-givable sin. According to R. Hizqiah, it is completely permitted and one does not even set money aside in the value of the oil used. [Maimonides accepts the opinion of R. Hizqiah, probably because R. Hizqiah precedes R. Yose in time but his opinion is quoted last for emphasis.] R. Aqiba did not want to communicate R. Eliezer's opinions because they were too lenient.

Mishnah 10: They also said before him: Rebbi Eliezer used to say that one who eats Samaritan bread is like one who eats pork. He said to them: be silent! I shall not tell you what Rebbi Eliezer said about this.

Halakhah 10: "They also said before him." Rebbi Yose said, this implies that a fellow is forbidden to marry the daughter of a vulgar. Rebbi Hizqiah in the name of Rebbi Aha: Rebbi Eliezer used to permit the leavened matter of a Samaritan immediately after Passover.

125 The word appears in both mss. but is missing in the prints. 126 For the definition of these terms, see the Introduction to Tractate...
Demay. Rebbi Yose’s argument is that as the Samaritans, who accept the written Torah but not the oral tradition, while trying to comply with the laws of the Torah will unwittingly transgress many of them, so also the children of the uneducated will not be able to have a kosher household even if they want to. This argument uses the Babylonian definition of “vulgar”.

127 Since the Samaritans reject the oral law, they will completely eliminate their leavened matter before Passover, rather than sell it to a Gentile. Therefore, after Passover they will have no forbidden leavened matter they would not eat but could try to sell to a Jew.

Mishnah 11: One may bathe in a bathhouse heated with Sabbatical straw and chaff. If somebody considers himself an important person, he should not bathe there.

128 Materials unfit as food may be burned without hesitation. But one is afraid that for an important person, the bath attendants will burn fragrant wood or even edibles which cannot legally be burned.

Halakhah 11: This means, in public baths, but in private ones it is forbidden.

129 Greek δημόσιος, α, αν “belonging to the public or the state” [e. g., βαλανεία, “baths”]. Even though straw is animal fodder and as such sanctified in the Sabbatical, the utility of public use overrides the potential abuse of
Sabbatical matter. (baths).".

130 Latin privata (balnea), "private

"If somebody considers himself an important person, he should not bathe there". If somebody is an important person, he should not bathe. For example, Rebbi Joshua ben Levi went from Lod to Bet Gubrin to bathe.

131 This is a case where a show of modesty is inappropriate.

Rebbi Simeon ben Laqish was in Bostra. He saw them sprinkling at that Aphrodite. He said to them, is that not forbidden? He went to ask Rebbi Johanan. Rebbi Johanan told him in the name of Rebbi Simeon ben Yozadaq: Nothing public is forbidden.

132 This paragraph serves as background for the permission to burn potential animal fodder in a public bath. It also deals with public baths in general; in that respect it belongs to Mishnah Avodah Zarah 3:4 which states that a bath, built with public money, even if dedicated to Aphrodite is not forbidden to Jews. Even if a fountain in the form of a statue of Aphrodite was in the hot room, if used to provide water for sprinkling it was an implement and not an object of pagan worship.
Mishnah 1: Rue, wild amaranth, purslain, mountain coriander, river celery, and wild rocket are free from tithes and can be bought from everybody during the Sabbatical since no similar plants are guarded.

Rebbe Jehudah says, spontaneous growth of mustard is permitted because the unobservant are not suspected in this respect. Rebbe Simeon says, all spontaneous growth is permitted except that of cabbage since nothing similar grows wild on the fields. But the Sages say, all spontaneous growth is forbidden.
7 In Arabic also "רערא".
8 Since money paid for Sabbatical produce becomes holy as Sabbatical money which may be spent only on food, one may not buy Sabbatical produce from people who are not trustworthy in this respect. But weeds and other wild plants that usually are not planted commercially are not subject to either tithes or the sanctity of the Sabbatical; payment for these plants does not acquire Sabbatical holiness.

9 To sell mustard seed from cultivated plants during the Sabbatical.

10 Spontaneous growth on cultivated fields may not be harvested commercially (Lev. 25:5). R. Simeon permits buying it from anybody unless it is clear that it comes from a cultivated field; the Sages treat spontaneous growth as regular produce. [The Babli, Pesahim 51b, quotes a version in which R. Simeon forbids all spontaneous growth except cabbage; this cannot be squared with the tradition of the Yerushalmi; cf. N. Sacks, ed., The Mishnah with Variant Readings, Order Zeraim II, Jerusalem 1975, p. 22, Note 13.]

Halakhah 1: "Rue, wild amaranth," etc. Rebbi Haggai said¹¹, the colleagues did not know what מַעַלְמוּת מַעַלְמוּת means and "who is superior, in wisdom or in years." They said, let us go and ask somebody from the house of Rebbi¹². They went to ask; a servant girl from the house of Rebbi came out and told them: enter in pairs. Each one said, that one should enter before me. As a result, they entered is separate groups. She said to them, why do you enter intermittently? One rabbi was carrying
purslain in his overcoat; it fell from him. She said to him: Rabbi, rabbi, your purslain is dispersed.

11 The same text is in Megillah 2:2 (fol. 73a); similar ones in Babli Roš Haššanah 26b, Megillah 18a. The word רמשיון is from the Mishnah here, רמשיון is in Mishnah Megillah 2:1. The last question, whether precedence belongs to one superior in wisdom or in age, refers to Mishnah Sanhedrin 4:2, that in criminal cases the senior judges must be heard last in a discussion so as not to influence the other judges.

12 As the story shows, Rebbi required all members of his household, including his slaves, to speak pure Hebrew. Note that the rabbis speak Aramaic among themselves but the slave girl speaks pure Hebrew.

What is "river celery"? Rebbi Yose bar Hanina said, πετροσέλινον "parsley".

Why did we not state "calamint, hyssop, and thyme" with them? That you should not say, these if guarded in the courtyard are obligated, those if guarded in the courtyard are free. But these and those if guarded in the courtyard are obligated; these if guarded in the garden plot are obligated, those if they are guarded in the garden plot are free! Why did we state only these? That you should not say that since most of these kinds come from...
forbidden growth they all should be forbidden; therefore it is necessary to say they are permitted\textsuperscript{16}.

13 Word missing in the Venice print.
14 Mishnah 8:1 declares these kinds as wood, not subject to the rules of the Sabbatical, if collected as wood. Mishnah Ma'\textit{serot} 3:9 declares them as free from tithes unless grown specifically in a courtyard. This implies that in a garden plot they are exempt.
15 Since the Mishnah seems to connect exemption from tithes with exemption from the rules of the Sabbatical, one should not ask why rue, etc., are exempt in the courtyard while calamint, etc., are subject to tithes and Sabbatical, since in Mishnah 8:1 calamint, etc., raised in a garden plot as food are also subject to tithes and Sabbatical. But the exemption of rue, etc., is general and unconditional.
16 The exemption stated in the Mishnah extends to commercially grown crops of the kinds enumerated.

Are these\textsuperscript{17} forbidden as spontaneous growth? Let us hear from the following: "Rebbi Jehudah says, spontaneous growth of mustard is permitted because the unobservant are not suspected concerning it." They said only "because the unobservant are not suspected concerning it." These, because the unobservant are not suspected concerning them, will be permitted.

17 The plants enumerated in the Mishnah. Since the plants mentioned in the first part of the Mishnah are exempt according to everybody, their status cannot be worse than that of mustard. Since R. Jehudah does not apply the decree about spontaneous growth to mustard, nobody can apply it to the plants enumerated.
So far its greens; its seeds? Is it impossible to say that if its seeds are permitted, its greens not so much more?

18 Probably one has to read: "So far its seeds, what about its greens?" However, there is no manuscript evidence for this. The question is about mustard that is collected, in general, only for its seeds. It should be obvious that R. Jehudah will permit Sabbatical mustard plants as vegetable without any restriction. Since the final decision will go against R. Jehudah, the problem does not have to be discussed in detail.

Rebbi Simeon ben Laqish was in Hiqoq. He saw them dealing with mustard plants. One of these fell down and he [a townsman] did not take it up. He [R. Simeon] said, if somebody will bring a mustard plant to me I shall rule following Rebbi Jehudah. Rebbi Abba bar Zavda said, Rebbi Onias from Hauran ruled in Bet Hauran following Rebbi Jehudah. Rebbi Johanan rose and publicly proclaimed following the rabbis here and there.

19 Reading of Rome ms., as conjectured by all commentators. Venice and Leyden: R. Jonah.
20 This place has not be identified.
21 He considered it a kind of weed; therefore he was ruling following R. Jehudah.
22 It seems that a sentence is missing here, preserved in *Bezah* 1:1 (fol. 60a): "Rebbi Hanina ruled for the Sepphorites following R. Jehudah in matters of mustard and egg." As an answer, R. Johanan ruled in Sepphoris against R. Hanina in both matters (but,
because of R. Hanina's seniority, his ruling was not followed.) The case of the egg is treated in the next two paragraphs whose source is Bezah 1:1.

Rebbi Abba Bar Zemina in the name of Rebbi Isaac: Because of these two things did R. Johanan descend from Sepphoris to Tiberias. He said, you brought this old judge who forbids what I permit and permits what I forbid²³! Rebbi Abba said, there came a case before Rebbi Assi and he wanted to act following Rebbi Johanan but when he heard that Rav and Rebbi Hanina disagreed he refrained. Because they disagree: May the remainders of a wick, a fire, or oil that burned out on the Sabbath be lit on the holiday²⁴? Rav and Rebbi Hanina both say it is forbidden, but Rebbi Johanan says, it is permitted. Rebbi Judan said before Rebbi Mana, is it the reverse regarding an egg²⁵? He said to him, since the rabbis compare it, it means that the cases are identical²⁶.

²³ The historicity of this remark is questionable since R. Johanan was R. Hanina's student in Sepphoris (at least in matters of Aggadah.) It is reasonable to accept the fact that R. Johanan went to Tiberias because there he could be Chief Rabbi.

²⁴ If the holiday falls on a Sunday. It is forbidden to light fire on the Sabbath; therefore, the unburned oil or
wood from a fire that was burning at the beginning of the Sabbath but later burned out or was extinguished by the wind are no longer usable during that Sabbath. For the Sabbath, it is a requirement that (Ex. 16:5) "they have to prepare what they are going to bring (to use)". Therefore, on the Sabbath one may use only what was usable before the Sabbath. This rule, if transferred to the holidays, implies that the wood and oil, not being usable a minute before the start of the holiday, cannot become usable on the holiday. If the rule is not transferred to apply to holidays, the fuel becomes permitted at the end of the Sabbath as if it were a weekday.

25 Mishnah Beẓah 1:1: "An egg laid on the holiday, the House of Shammai say, it may be eaten, the House of Hillel say, it may not be eaten." According to the Yerushalmi, in the opinion of the house of Shammai the egg is prepared since the hen itself is potential food before the holiday and an egg inside a slaughtered hen is permitted food. According to the House of Hillel, the egg becomes something new by being laid and the new egg was not usable before the holiday.

26 At least for the House of Hillel. Tosephta Yom Tob 1:3: "An egg laid on the Sabbath may be eaten on the holiday. Rebbi Jehudah said in the name of Rebbi Eliezer, the dispute is the same;" in the Yerushalmi (Beẓah 1:1): "this is the dispute of the House of Shammai."

משה אברבשא אקינוים אומר כל הגאולים♂ערובא בר kształר זרי 요יא עוגר בר שמחא יפי מחלא שמשהא בר מיק גאולו של שחרית חסרה. זכר חוא עבזר לט שחרית חסרה. זכר חוא עבזר לט שחרית שמה. ואימלגלגיי עייריپתילה שבירי מודרה שבירי שכרו שכרוב בשאבת מהא. וברבי יטחא אומר לברבי יתק網אום סוח. בר רבי חגייא הראיהו אומרי איסור. וברבי יטחא אומר לברבי יתקעאום סוח. בר רבי חגייא הראיהו אומרי איסור. וברבי יטחא אומר לברבי יתקעאום סוח. בר רבי חגייא הראיהו אומרי איסור. וברבי יטחא אומר לברבי יתקעאום סוח. בר רבי חגייא הראיהו אומרי איסור. וברבי יטחא אומר לברבי יתקעאום סוח.

They said in the name of four elders: If somebody's eruv was eaten on the first [day] he is like the people of his town on the second [day]." 

Rav
Huna in the name of Rav: Practice follows the four elders. Rav Ḥisda asked: The arguments of Rav seem to be inverted. There, he makes it two sanctities, but here he makes it one sanctity. Because they disagree: May the remainders of a wick, a fire, or oil that burned out on the Sabbath be lit on the holiday? Rav and Rebbi Ḥanina both say it is forbidden, but Rebbi Joḥanan says it is permitted. Rebbi Mana said before Rebbi Judan, are the rules different for a wick and an egg? He said to him, since the rabbis compare it, it means that the cases are identical.

27 The parallels are Bezah 1:1(fol. 60a), Eruvin 3:9(fol. 21b), Babli Eruvin 38b. In Tosefta Eruvin 4:2, the statement is attributed to R. Meir, in the Babli to Rabban Simeon ben Gamliel, R. Ismael ben R. Joḥanan ben Beroqa, R. Eleazar ben R. Simeon, and R. Yose ben R. Jehudah. The notion of eruv was explained in Peah, Chapter 8, Note 56.

28 In the Babli, Rav states that his ruling is based on the theory that any two consecutive holy days represent two distinct sanctities and, therefore, an eruv valid for one day has no influence on the other. This is the opinion of R. Eliezer in Mishnah Eruvin 38.

29 "There" is Eruvin. "Here" is Bezah, dealing with leftover fuel from fires that burned out on the Sabbath. This shows that the original place of this piece is Bezah. Since the holiday is a new sanctity and one may light fires on the holiday, it is difficult to see how Rav could forbid using the fuel on the second day. The Babli (loc. cit. Note 27) notes that Rav Ḥisda asked the question only after Rav Huna's death so that the latter had no opportunity to explain himself.

30 The Babli gives several tentative explanations of Rav's position. The one consistent with the Yerushalmi is that only weekdays can prepare for holidays (cf. Note 24) 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, there is no inconsistency in his decisions. It is difficult to understand why the Yerushalmi has no answer to R. Ḥisda's question.
"Since nothing similar is growing wild on the fields." And since nothing similar is growing wild on the fields should they be forbidden? Rebbi Hama bar Uqba in the name of Rebbi Yose bar Ḥanina said, because they usually grow layers. And because they usually grow layers should they be forbidden? Rebbi Samuel bar Rebbi Isaac said, for all other vegetables one can recognize whether they are new or old but here one should not go and bring from what is forbidden and say I brought from the layers.

31 There seems to be no reason why R. Simeon should forbid cabbage. It is not subject to the rules restricting the use of spontaneous growth.

32 This is growth from the original plant and not spontaneous growth, so it is not spontaneous growth, so it is not subject to the rules restricting the use of spontaneous growth.

"One does not oblige him to uproot arum in the Sabbatical but he leaves it in place and if it sprouted after the end of the Sabbatical it is permitted. One does not oblige him to uproot artichokes in the Sabbatical but he knocks off its leaves and if it sprouted after the end of the Sabbatical it is permitted." Does he not waste animal food? Automatically they are lost.
The Tosephta starts: "Any vegetables irrigated before New Year's Day may be kept during the Sabbatical. If they were thin, one may not keep them because of the bad impression. One does not oblige..."

Artichokes and artichokes survive several years. For artichokes one has to knock off enough leaves to ruin them as produce for the current year.

The removed artichoke leaves can be given to cattle; if they are left lying to rot and no animal comes to eat them, it is not the owner's problem.

Rebbi Simeon ben Iohai was travelling in the Sabbatical when he saw somebody collecting Sabbatical [produce]. He said to him, is this not forbidden, is that not spontaneous growth? He said to him, are not you the one who permits it? He said to him, are not my colleagues disagreeing with me? He read for him (Eccl. 10:8): "He who tears down a fence will be bitten by a snake." That is what happened to him.

This is explained in Berakhot 1:2, Note 130. Parallels are in Midrash Gen. rabba 79(6), Eccl. rabbati 10(11).

"Making a fence" is the usual metaphor for a rabbinic prohibition.

Even if the Sabbatical is to be observed as biblical commandment, spontaneous growth is forbidden only by rabbinical decree.
Rebbi Simeon ben Iohai was hidden in a cave for thirteen years, in a
carob cave, until his body was covered with rust. At the end of thirteen
years he said, should I not go out and see what voice is in the world? He
went and sat at the entrance to the cave. He saw a catcher out to catch
birds spreading out his net. He heard a heavenly voice saying "acquitted",
and [the bird] was saved. He said, no bird will be adjudicated without
Heaven, so much less a human. When he saw that words of intercession
were given, he said, let us go down and warm ourselves in the public
baths of Tiberias. He said, we need to do something like our forefathers
(Gen. 33:18): "He graced the entrance to the city," they were putting up
duty free shops and selling at wholesale prices. He said, let us purify
Tiberias. He took lupines, cut them up and threw them down in irregular
fashion. Where there was a corpse it was floating and came to the
surface. A Samaritan saw him and said, should I not make fun of this old
Jew? He took a corpse, went, and buried it at a purified place. He came
to Rebbi Simeon bar Iohai and said to him, did you not purify place X?
Come, and I shall take out [a corpse] from there! Rebbi Simeon bar Iohai saw by the Holy Spirit that he had put it there. He said, I decree that the upper ones shall go down and the lower ones come up. So it happenend to him. When he passed by Magdala, he heard the voice of the scribe who said, so bar Iohai purifies Tiberias? He said, it should come upon me if I did not hear that Tiberias once will be purified. Even so, you did not believe me! Immediately he turned into a bone heap.

37 The parallels are in Midrash Gen. rabba 79(6), Eccl. rabbati 10(11), Babli Šabbat 33b-34a. The text here is deficient in several places; the text of the Babli is clearly derivative. The best text is that of Gen. rabba on the verse (Gen. 33:18): "He graced the entrance to the city," which is explained as "they were putting up duty free shops and selling at wholesale prices." Since the verse is given here also as a reason (in a shortened and rather incomprehensible connection), it is best to give the entire text from Gen. rabba, which is explicit where the text here is cryptic:

"R. Simeon ben Iohai and his son R. Eleazar were hidden in a cave for thirteen years during the time of persecution [after the war of Bar Kokhba]. They ate dry carobs until their bodies were covered with rust. At the end of thirteen years he went and sat at the entrance to the cave. He saw a catcher out to catch birds. When he heard a heavenly voice saying *dimissus* [acquitted], it escaped, *when he heard* spicula [arrows], it was caught. He said, no bird will be caught without Heaven, much less a human. He went out and saw that words of intercession were given and the decree had been rescinded. They came and bathed in the hot waters of Tiberias. His son said to him, all this benefit we had from Tiberias and we do not cleanse it from the slain? He said, we need to do something good as our forefathers did when they were putting up duty free shops [ἐξελήφθης] and selling at wholesale prices. What did he do? He took lupines, cut them up and threw the pieces down in irregular fashion. Everywhere there was a slain body, it was floating and they removed it. Everywhere there was no impurity, the
lupines remained unmoved. He put up signs indicating which places were pure and which impure until he had cleansed it completely. A vulgar Samaritan saw him and said, should I not make a fool of this old Jew? He took a corpse (some people say from the cooper’s market, some say from the sackmaker’s), went, and buried it where the ground was purified. The next morning, he came to them and said, did you say that bar Yoḥai purified Tiberias? Come and see this corpse! R. Simeon bar Iohai saw by the Holy Spirit that he had put it there. He said, I decree that the upper one shall go down [die] and the lower one come up [live]. So it happenend to him. He [R. Simeon bar Iohai] went up to spend the Sabbath in his house. When he passed by Magdala of the dyers, he heard the voice of Nikai the scribe who said, did you not say bar Iohai purified Tiberias? They found a corpse! He said, It should come upon me if I did not have traditions in the number of the hairs on my head that Tiberias is pure, except places X and Y. Were you not in the meeting when we declared it pure? You broke down the fence of the Sages; about you it was said (Eccl. 10:8): ‘He who tears down a fence will be bitten by a snake!’ Immediately he turned into a bone heap.

When Herod Antipas built Tiberias on the site of the Biblical Raqqat, he destroyed a cemetery (Josephus, Antiquities, XVIII. 2. 3) so that no priest or anybody keeping the laws of purity could visit there. Therefore, up to the time of R. Simeon ben lohai Tiberias was only a place of the vulgar.
Mishnah 2: There are three regions for removals, Judea, Transjordan, and Galilee. Each of them has three subregions: Upper Galilee, Lower Galilee, and the Valley. From Kefar Hananiah upwards, everywhere no sycamores can grow, is Upper Galilee. From Kefar Hananiah downwards, everywhere sycamores do grow, is Lower Galilee. And the district of Tiberias and the Valley. In Jehudah the hills, the lowland, and the Southland. The lowlands of Lydda are like the Southern lowlands, its hills are like King's Mountain. From Bet Horon to the Sea is one domain.

38 The time when Sabbatical produce stored in one's house must be removed (by being eaten or distributed to the poor) after nothing of the same kind is left on the fields for wildlife, is determined separately for each of the nine regions settled by Jews in the Holy Land. According to the Tosephta Chap. 8, the distribution is a communal action directed by the court and can be a drawn-out affair with nobody getting more than food for three meals at one time. However, it is stated in Halakhah 5 that in Amoraic times the obligation of removal was circumvented by formal abandonment of the produce.

39 In the Pentateuch, can mean either the West or the East bank of the Jordan. According to Maimonides, in this Mishnah "the side of the Jordan" denotes the region between Bet Horon and the Sea. The Halakhah contradicts this determination; also it would call "side of the Jordan" only the parts of Southern Ephraim between the Jordan and the watershed. The Halakhah defines as the Transjordan parts of Jewish Palestine, not included in Jehudah and Galilee; cf. Halakhah 6:1.

40 The center of the pottery industry in Galilee. Its location has not been convincingly determined.

41 The Jordan valley South of the Sea of Galilee. The Jezreel valley is counted as part of Lower Galilee.

42 The entire lowland from Antipatris North of Lydda to the South has the same status even though it is not one domain.

43 Cf. Demay Chapter 5, Note 115, and Note 63 below.

44 The Halakhah will define this as an additional domain.
Halakhah 2: (Lev. 25:7): "For your domesticated animals and the wildlife in your land, etc." Any time a wild animal finds food on the field, your domesticated animal can eat from the house. If it is finished for wildlife on the field, it is finished for the domesticated animal from the house.

45 "... shall all its yield be food." equal rights to Sabbatical produce.

The verse is interpreted to mean that wildlife and domesticated animals have [Sifra Behar Pereq 1(8); Babli Pesahim 52b, Ta'anit 6b.]

Rebbi Hama bar Uqba in the name of Rebbi Yose bar Hanina: They were of the opinion that mountain wildlife does not develop in the valley, nor does valley wildlife develop on the mountains. Diocletian oppressed the people of Paneias; they told him: we are leaving. A Sophist told him, they will not go, and if they go they will return. If you want to check, bring deer and send them to a distant land; in the end they will return to their places. He did so, brought deer, covered their antlers with silver, and sent them to Africa. At the end of thirteen years they returned to their places.
46 If wild animals migrate one could eat at one place until all produce anywhere in the country is used up.

47 Caesarea Philippi, at the Jordan source (today Banias).

48 Greek σοφιστής "Sophist, expert"

49 The story is impossible since deer grow new antlers every year. ("13 years" in the Leyden, "30 years" in the Venice texts.)

50 It was stated: "Rabban Simeon ben Gamliel says, a sign for mountains are ash trees, for valleys dates, for brooks reeds, for the lowland sycamores. Even if it is no proof, there is a sign (IK. 10:27, 2Chr. 1:19, 9:27): 'Cedars he [Solomon] gave as many as sycamores in the lowland.'"

Some people want to say it was said as a legal term, others say it refers to the calf whose neck is to be broken.

51 Greek μελία (Musaphia). Rashi and R. Hananel in Pesahim define as "gall-oak." Lieberman defines as "pine"; in Arabic אָּלִים is "a leafy tree".

52 The sign for brooks, which is not needed for the laws of the Sabbath-ical. The sign is needed either to standardize legal terms (that a contract for sale of a brook which has no reeds is invalid unless their absence is noted in the contract) or as definition of the "abandoned brook" at which an unsolved murder case must be atoned for (Deut. 21). The Babli takes the entire Tosephta as defining legal terms.
"What is the Valley in Galilee? For example, the valley of Genezareth and its companions," and all similar ones. What is the Mountain in Judea? King's Mountain. Its Lowlands are the Southern lowlands. Its Valley from En Gedi to Jericho. What is the Mountain in Transjordan? It was stated: "Rebbi Simeon ben Eleazar said, for example Mount Machaerus and Gadara and all similar ones. Its Lowlands, (Jos. 13:17) 'Hesbon and all its towns in the plain, Dibon, Bamot Ba'al, and Ba'al Me'on' and all similar ones. Its Valley (Jos. 13:27) 'Bet Haran, Bet Nimra, Sukkot, and Saphon, the remainder of the kingdom of Sihon' the Emorite king who ruled in Hesbon." Bet Harim is Bet Ramata, Bet Nimra Bet Nimrin, Sukkot Tar'alā, Saphon Amatēh.

53 All Tosephta texts are from 6:11, a rather badly preserved text. It may be assumed that all sentences starting with "what is" and the answers given come from a baraita.

54 Not the Jordan valley but the side valley pointing towards Safed. Similarly, all deep side valleys of the Jordan valley are "Valley".

55 In Scripture, "Bet Haram", possibly Tell Bet Haran, S. E. of Jericho.

56 Today Nimrein.

57 Eusebius and St. Jerome put Tarāla due East of Bet Shean on the East bank of the Jordan.

58 Mentioned by Josephus (Antiquities XIII v 10), today Amatēh.
Is a depression in the mountains like the mountains, a hill in the lowlands like the lowlands? Since we stated\(^5\): "Mountain and its mountain, Valley and its valley, Lowland and its lowlands," that means that a depression in the mountains is like the mountains, a hill in the lowlands is like the lowlands. Rebbi Yose said, our Mishnah says so: "its hills are like King's Mountain."

\(^5\) Tosephta 7:10: "Why were Mountain, Lowlands, and Valley mentioned? Because one does not eat on the mountain because of what is in the valley, and not in the valley because of what is on the mountain, but Mountain and its mountain, Valley and its valley, Lowland and its lowlands."

"From Bet Horon to the Sea is one domain." Without regions\(^6\)? Rebbi Johanan said, still there is Mountain, Lowland, and Valley. From Bet Horon to Emmaus it is Mountain, from Emmaus to Lydda Lowland, from Lydda to the Sea Valley. Then there should be four stated\(^7\)? They are adjacent.

\(^6\) A word unrecognized by the dictionaries, Arabic \(\ddot{a}\{\text{k}} rash "region, country".

\(^7\) If there are four domains, four should have been stated. The answer is that the region between Bet Horon and the sea is adjacent to Judea (i.e., it is part of Biblical Ephraim but Maccabean Judea.)
It was stated\(^6^2\): "There are not three regions in Syria."

\[^{62}\] Tosephta 7:10: "In Syria, no three regions were declared but one eats from the first produce until the very last has disappeared." Since the obligation of the Sabbatical in Syria was never biblical, one follows the most lenient interpretation.

\[\text{ Mishnah 3: Why did they mention three regions? That in each one may eat until the last produce has vanished. Rebbi Simeon says, they mentioned three regions only for Judea; all other regions follow King's Mountain}\(^6^3\). All regions are one for olives and dates.\]

\[^{63}\] In Tosephta 7:10: "Rebbi Simeon says, they mentioned three regions only for Judea; all other regions continue to eat their produce until it vanishes from Bet El and the periphery of Caesarion." Since King's Mountain is described as the hill region representing Judea, it cannot be the region between Bet El and Caesarion (Caesarea Philippi) as maintained by R. S. Klein and R. S. Lieberman. The farthest reach of King's Mountain is the region extending N. of Jerusalem to the Northern border of Hasmonean Judea.
**Halakhah 3**: Come and see: Those in the valley of Judea cannot eat based on the mountains of Judea but in the valleys of Galilee they eat based on the mountains of Judea64!

64 The opinion of R. Simeon is where outside Judea to eat fruits still paradoxical since he permits every-

كل הערים צאתו לאיזהים ליתומים. נגד או כל הרובאים. טעיג או כל כלקלן על המקורים זע ישכלי מיריה ועל כליתים זע ישכלי ממורז ומגוזו כלב.

"All regions are one for olives and dates." It was stated65: "Also for carobs." It was stated: "One eats dates until they disappear from Jericho66, one eats olives until they disappear from Meron and Giscala67."

65 In Tosephta 7:17: "Rebbi Simeon ben Eleazar says, [all trees are] like carob trees; one eats from them until the winter rains (when there are no fruits left on the trees)."

66 In Tosephta 7:17: "Until the last ones disappear from Zoar."

67 In Tosephta 7:17: "Until the last ones disappear from Tekoa; R. Eliezer ben Jacob says, also at Giscala. It is generally agreed that the best olive region in Palestine is the central upper Galilee, between Meron and Giscala. Tekoa is recognized as the best origin in Judea, but still much inferior to Galilee (Mishnah Menahot 9:3)."

מאתנין קרבי שמעון. כתיבי מרשדה את אוכל ממובץ. כליה מרשדה כליה מсмотреть. كذلك мирיה זע ישכלי מיריה זע ישכלי ממורז ומגוזו כלב.

Our Mishnah follows Rebbi Simeon68. It is written69 (Lev. 25:12): "From the field you should eat its yield." Any time you find food on the field, you can eat from the house. If it is finished on the field, it is finished in the house. What is the reason of Rebbi Simeon? You caused yourself not to eat70.
It seems that this refers to the next Mishnah, that one may no longer eat of any kind if all remaining produce is on guarded fields not abandoned to the public and guarded against intrusion of wildlife.

*Sifra Behar Pereq* 3(4). This derivation is accepted by everybody.

Since you did not obey the injunction to abandon your crop to the public and to wildlife, you cannot use that crop as an excuse to continue eating Sabbatical produce.

Mishnah 4: One eats based on what is abandoned but not on what is guarded. Rebbi Yose says, also on what is guarded. One eats because of swollen fruit and because of a second crop, but not on winter growth. Rebbi Jehudah permits it on condition that they brought first fruits before the end of the summer.

According to Maimonides, in his Commentary and in his Code, "guarded" is only what develops in a walled-in area. If it is not walled in, even if there is a watchman it is not considered "guarded".

Reading of R. Nathan Ab Hayyešibah. Because these are undesirable, they are left on the tree or the field for a long time; cf. Note 76. Following Maimonides, šephasim are fruits or grain that for some reason either do not ripen or ripen extremely slowly; therefore they are on the tree or in the earth for most of the year because nobody takes them. (The explanation of Arukh, in the name of his brother, that šephasim are kernels collected by birds nesting in a šephas, a clay or wooden container, is accepted by the commentators from R. Simson to R. S. Lieberman, but is extremely unlikely.)
Halakhah 4: Our Mishnah is Rebbi Yose's since is is stated: "One does not eat because of swollen fruits in Acco. Rebbi Yose says, one eats because of swollen fruits in Acco." Rebbi Yose said, we were of the opinion that Rebbi Yose and the rabbis disagree about winter fruits, therefore not about double yields. It was found stated: Rebbi Jehudah permits second crop on condition [the tree] produce first fruits before the end of summer.

Tosephta 7:15; there the reading is "the swollen ones" (Arabic سَمَأْنُ رْنُف "to be soft") in the Erfurth mss. (printed edd. אסא"ט). The ms. Tosephta readings probably are no corruptions since they support R. Nathan's reading and explanation. It is difficult to understand what role Acco plays in the discussion unless it stands for all border regions.

The Amora.

Of the second crop.
Mishnah 5: He who preserves three kinds in one barrel, Rebbi Eliezer says one eats because of the first kind, but Rebbi Joshua says, even because of the last. Rabban Gamliel says, anything whose kind has disappeared from the fields must be removed from the house. Rebbi Simeon says, all vegetables are one kind for removal; one eats purslain until there are no more sindiot in the Bet Netofa valley.

79 Three different kinds of Sabbatical produce are preserved by pickling or cooking, and all three kinds are subject to removal.

80 Only as long as all three kinds may be kept. According to R. Joshua, one may keep all three as long as one of them may be kept.

81 In most Mishnah mss., מָן הָעֵבֵית "from the barrel". But the reading of the Leyden ms. and Venice print is supported by מְלַאכְתָּה שֶלֶם as the correct text. Also, most Mishnah mss. add: "and practice follows him."

82 Maimonides declares not to be able to determine this kind of vegetable. The mss. in the Maimonides tradition read מַניְיֵירת, explained by Arukh as "artichokes" (which, however, in talmudic sources is מַפְרָא. ) R. Abraham ben David reads מֵנוֹיֵו in Sifra Behar Pereq 3, but gives no explanation. The Munich ms. of the Babli has מְנַנְנָא which Levy reads as מְנַנְנָא "vetch". Cf. Arabic "holm oak, ilex".

Halakhah 5: What is the reason of Rebbi Eliezer? The first kind gives taste to the last. What is the reason of Rebbi Joshua? The last kind gives taste to the last.
taste to the first. It is difficult for Rebbi Joshua, does not the first kind gives taste to the last? "Rabban Gamliel says, anything whose kind has disappeared from the fields must be removed from the house." 83 It was stated: Practice follows his words 84.

83 Rebbis Eliezer and Joshua consider taste an essential element for Sabbatical removal, R. Eliezer for restriction and R. Joshua for leniency. But Rabban Gamliel considers taste irrelevant; as long as the different kinds are recognizable, each one has its own time for removal.

84 This confirms that the Galilean version of the Mishnah did not have this clause.

Hizqiah said, once he started with his storage it is as if removed 85. A case came before Rebbi Assi and he instructed following Hizqiah, not that I am agreeing with him but since we see that the rabbis do act following him. Rebbi Isaac bar Redifah 86 had a case, he came before Rebbi Jeremiah who said to him, there are lions before you, why do you ask foxes? He went and asked Rebbi Joshia who said to him, look for three people who love you and declare it abandoned before them. The Kappadokians 87 of Sepphoris asked Rebbi Ammi: Since we have nobody...
who loves us or even greets us, what should we do? He said to them, when you see that [the market is] clear from steps, bring it out to the market, declare it abandoned, and acquire it again.

85 It is forbidden to eat one's Sabbatical produce after the time of removal. It is permitted to eat Sabbatical produce after the removal (Mishnah 8) if it is not one's property. Hizqia'h, of the first generation of Amora'im, notes that if Sabbatical produce is removed from storage, it might be considered removed and the owners then can acquire property rights again and continue eating the produce. The teachers of the following generations do agree that the economic situation of the times required a device by which to avoid the consequences of removal but they are opposed to the informality of Hizqia'h's approach and require a formal declaration of abandonment. They therefore counsel to abandon the property in such a way that no other person has the opportunity to take the produce before its previous owners could repossess it. Cf. Tosafot Pesahim 52b, s. v. pinna.

86 A student of Rebbi Ammi, who must have known of R. Ammi's hesitation in the matter. The question must have arisen after R. Ammi's death.

87 The Rome ms. has 'jniop "the amiss-takers"; this might be the better reading.

Rebbi Ḥaggai distributed it pitcher by pitcher. Rebbi Eleazar distributed it pitcher by pitcher.88 Rebbi Hizqiah came to Rebbi Jeremiah and said to him, let me acquire that storage. He said to him, bind these coins together; then he said to him, for these the place is rented to me. He said to him, did you not take it out? Go back and acquire it89!
These two rabbis did not want to avail themselves of the subterfuge to avoid distributing their Sabbatical wine.

R. Hizqiah asked R. Jeremiah to help him legally to keep the Sabbatical produce he had in his barn. R. Jeremiah took some coins, gave them to R. Hizqiah and told him to acquire them by tying them together, as rental payment of the barn. Then he told him, since he had already declared the produce as abandoned property, he could take it back without actually removing it since it was now stored in R. Jeremiah's domain. It may be assumed that at the end of the transaction, R. Jeremiah got his coins back.

(Explanation combined from the commentaries of R. Eliahu Fulda and R. J.I. Kanievski.)

Mishnah 6: One may pluck green grasses until the colocynth dries up, and collect dry ones until the second rainfall, leaves of reeds and vines until they fall off from their stems, and collect dry ones until the second rainfall. But Rebbi Aqiba says, all until the second rainfall.


Halakhah 6: Rebbi Abin in the name of Rebbi Johanan: One does not have here leaves of reeds, only leaves of vines. Leaves of reeds do not
have to be removed. We have stated thus\textsuperscript{92}: Leaves of reeds, sumac, and carob tree have no removal because their kinds never disappear.

\textsuperscript{92} A different formulation is in Tosephta 5:6: "The stems of carob tree, thistles, sumac, laurel, and rice are not subject to removal, neither is money received for them." It is necessary to state this since reeds, sumac, and carob are subject to \textit{peah}.

\textit{Mishnah 7}: Similarly, if one rents out a house until the rains, that is until the second rainfall. If somebody makes a vow not to have any profit from another person until the rains, that is until the second rainfall\textsuperscript{93}. Until when may the poor enter orchards? Until the second rainfall. Until when may one use and burn Sabbatical straw and chaff? Until the second rainfall.

\textsuperscript{93} This sentence is also in Mishnah \textit{Nedarim} 8:5; there Rabban Simeon ben Gamliel disagrees and lets the vow expire not at the actual onset of the rains but at the expected time of the second rainfall, the 23rd of Mar-\textit{heshwan}.

\textit{Halakhah 7}: Rebbi Zeira investigated: If somebody said "until the rain", until the first rain\textsuperscript{94}?
In Babli Nedarim 62b, R. Zeira declares that, while there is disagreement about the meaning of "until the rains", "until the rain" in a vow means until the expected time of the first rainfall, the 7th of Marheshwan.

This paragraph and the next are also in Nedarim 8:6 (fol. 41a). There, the language is: Rebbi Zeira investigated: If somebody said "until the rain", is he forbidden until the rain comes down a second time?

There, we have stated: "If somebody says, I am taking upon me [to offer] logs, he should not bring less than two." Rebbi Yose ben Rebbi Abun said, Rebbi Abba bar Mamal asked: If he said, I am taking upon me [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."

Mishnah Seqalim 6:8, Menahot 13:2. The paragraph is also in Seqalim 6:6 (fol. 50b). It seems that the argument is inserted here because "rain" means second rainfall, and "logs" means at least two logs.

While all mss. have "Eliezer" both here and in Seqalim, the name must be Eleazar since there is no known Galilean Amora called Eliezer.

Mishnah Yoma 2:5, noting that the daily afternoon sacrifice was brought to the altar by 11 Cohanim, 9 for the parts of the sheep and two holding the logs for burning. Each Cohen is responsible for a separate sacrifice since it is written (Lev. 1:8):

"The sons of Aaron, the Cohanim, should put the pieces, the head and the innards, on the logs that are burning on the altar." However, for the morning sacrifice, it says (Lev. 6:5): "The Cohen should burn logs on [the altar] every morning;" this indicates that in the morning two logs together form one obligation. Without that difference
between morning and afternoon service question whether one log alone could be a sacrifice.

It was stated\(^98\): Rebbi Yose says, everything that depends on fertility\(^99\) extends until the second rainfall, if it is not dependent on fertility, until the expected time of the second rainfall. It was stated\(^100\): Rabban Simeon ben Gamliel says, if rains came for seven uninterrupted days, they include the second rainfall. Rebbi Hiyya stated in the name of Rabban Simeon ben Gamliel\(^101\): Why is it called \(\text{שביית} \text{שביית}\)? Because it fertilizes the land.

\(^98\) In Tosephta \(\text{תא'🙋}\) 1:4, the language is the opposite: "Rebbi Yose says, everything that depends on fertility extends until the expected time of the second rainfall, if it is not dependent on fertility, until the second rainfall." This version seems to be corrupted.

\(^99\) In matters of agriculture, only the rain counts. If the rains are mentioned only as a sign, as in a vow, they are mentioned according to the expected schedule.

\(^100\) Tosephta \(\text{שבת} 7:19, \text{תא'🙋}\) 1:4. This is also quoted in Babli \(\text{תא'🙋}\) 6b.

\(^101\) In the Babli, \(\text{תא'Jos}\) 6b, this is an Amoraic statement of R. Abbahu.
Rebbi Hanina said, when [produce] on the field starts to rot, that in the house is permitted\textsuperscript{102}. Rebbi Hoshia stated: Even after three years it is forbidden until it starts to rot\textsuperscript{103}.

102 Here starts the discussion of Sabbatical straw and chaff. The reading of our Mishnah, "Until when may one use and burn Sabbatical straw and chaff," is only found in the Leyden ms. of the Yerushalmi; in all other ms. sources the reading is "From when may one start to use and burn ..." It seems that there were two competing versions; one "until when may one use Sabbatical straw and chaff," until the second rains, and a second one, "from when may one start to use and burn Sabbatical straw and chaff." The first version deals with straw as fodder; this is permitted only as long as straw is fodder for wildlife. The second version deals with straw as industrial raw material; this is permitted only after straw is no longer fodder for wildlife (cf. R. Asher ben Yeḥiel on the Mishnah). The discussion here refers to the second version, not the Mishnah text. (See the discussion in The Mishnah with Variant Readings, Jerusalem 1975, vol. ii, p. 86, Note 63.)

103 R. Hoshia disagrees with the Mishnah (second version) and rules out the use of rain periods as criterion; he requires that Sabbatical straw on the field be decayed before any industrial use is permitted.

One does not steep Sabbatical straw in mud. If one steeped it in mud it would lose its character, on condition that he kneaded it\textsuperscript{104}. One does not fill a pillow with Sabbatical straw. If he put it in a pillow it would lose its character, on condition that he slept on it.

104 Reading of the Rome ms. and R. Eliahu Fulda. Leyden and Venice: "he threw it".

105 Professional use by builders.
Is Sabbatical straw forbidden as aftergrowth? Rebbi Levi from Sennabaris asked Rebbi Abba bar Zavda and he permitted it. Rebbi Zeïra said, since I did not want to rely on myself I asked those from Beit Barsana and they said, we used to collect straw before the start of the Sabbatical and when we are running out, we bring it from the walls.

Rebbi Jeremiah said, a baraita states that it is permitted, as it was stated: "Dyers and cattle feeders may buy coarse bran from everywhere without worry." Rebbi Jeremiah wanted to say, even from one who is suspect. Rebbi Yose said to him, they said that only if he does not know whether he is suspect. Only if he might not be suspect; therefore if it is clear that he is suspect, it is forbidden. Rebbi Shammai said, a Mishnah says that it is forbidden, as we have stated there: "In matters of Sabbatical, kilaim in a vineyard, or dedicated things, if there is enough in both seed and wood to give taste."

106 In the Rome ms. "on him", i.e., R. Abba bar Zavda. It is also possible that the reading of the text is correct and that R. Zeïra, as a native Babylonian, did not want to decide in matters of Galilean agriculture.

107 The location of this place is unknown.
108 It is not clear whether this means from grain growing on a stone wall, not on the ground, and exempt from the laws of the Sabbatical, or from close to the wall, from grain not harvested and not subject to the Sabbatical. In any case, the people rejected the permission given by R. Abba bar Zavda.

109 Tosephta 5:8. Coarse bran is animal feed, not human food.

110 If one might buy grain-based animal feed from everybody, it would prove that there is no rabbinic decree against using grain by-products as animal feed; straw from spontaneous growth would be permitted. But if it is forbidden to buy from people reputed to deal in Sabbatical produce then the Tosephta only proves that most people dealing in Sabbatical produce concentrate on more expensive human food; it has no implication for our question of spontaneous growth.

111 Mishnah Terumot 10:5: "Fenugreek that fell into a cistern, regarding heave or Second Tithe if the seeds give taste, regarding Sabbatical, kilaim in a vineyard, or dedicated things, if there is enough in both seed and wood to give taste." If heave or Second Tithe fenugreek fell into a cistern, it induces the holiness of heave or Second Tithe in the water if the seeds in themselves impart the taste of fenugreek to the water. But if the fenugreek was Sabbatical, "sanctified" kilaim, or Temple property, it induces the holiness already if the seeds together with the branches impart the taste. That means that for the Sabbatical, the holiness of the produce (e. g., grain) extends to the wood (e. g., straw).

Does one not destroy animal feed? Explain it that animal feed is used for humans. Rebbi Mana said, explain it about the sanctity by removal of the Sabbatical, and it does not imply anything.

112 This refers to the statement at the beginning of the Halakhah, that after the second rains one may use Sabbatical straw as building material. The answer is that for human use (e. g., medicinal concoctions), animal fodder
may be denatured. rains is Sabbatical, taken after the
113  Straw taken before the second second rains it is profane.

Mishnah 8: If somebody had Sabbatical produce when the time of removal came, he distributes food for three meals\(^\text{114}\) to everybody. The poor may eat\(^\text{115}\) after removal but not rich persons, the words of Rebbi Jehudah. Rebbi Yose says, both poor and rich persons may eat\(^\text{116}\) after removal.

114  Enough food for one Sabbath. Maimonides and many mss. of the
115  Sabbatical produce. Maimonides tradition: "may not eat".
116  In the autograph Mishnah of

Halakhah 8: What is the reason of Rebbi Jehudah: \((\text{Ex. 23:11})\) "The destitute of your people should eat including the remainder\(^\text{117}\)." What is the reason of Rebbi Yose: \((\text{Ex. 23:11})\) "The destitute of your people should eat with the remainder." It was stated\(^\text{118}\): Rebbi Simeon says, rich
persons may eat from storage. What is the reason of Rebbi Simeon: (Ex. 23:11) "The destitute of your people should eat, and the remainder."

117 "The Seventh year you must let rest and abandon it, so the destitute of your people may eat, the wildlife on the fields should eat the remainder."

118 Tosephta 8:2.

119 The "remainder" are the people who are not poor.

Mishnah 9: If somebody had Sabbatical produce which fell to him as inheritance or was given to him as a gift, Rebbi Eliezer says it should be given to those who eat it. But the Sages say, a sinner should not be rewarded, but it should be sold to those who eat it and the payment distributed to anybody. He who eats from Sabbatical dough of which hallah was not taken commits a deadly sin.

120 This Mishnah will be explained in the Halakhah.

121 Since Sabbatical produce is exempt from heave and tithes, one could think that dough made from Sabbatical grain was exempt from hallah which has to be eaten under the rules of heave. Therefore, it is necessary to spell out that Sabbatical dough is not exempt from hallah. (For the obligation of hallah, cf. Berakhot, Chapter 8, Note 55).
Halakhah 9: Rebbi Simeon ben Laqish said, the Mishnah deals with unlawful produce. But was it not stated: He who finds unlawful produce may not touch it. There is a difference between a find and something that fell to him automatically\(^{122}\).

\(^{122}\) In this interpretation, R. Eliezer seems to hold that produce harvested unlawfully, i.e., from fields or orchards not abandoned to the public, is forbidden only to the person who harvests it or who actively acquired it, but not to any passive recipient.

Rebbi Johanan said, the Mishnah deals with permitted produce. For that we stated: Rebbi Eliezer said, it should be given to those who eat it\(^{123}\). Since Rebbi Eliezer is a Shammaite, did we state: One does eat Sabbatical produce in reciprocity and without reciprocity, following the House of Shammai\(^{124}\)? For that, the rabbis answer him that the sinner should not be rewarded\(^ {125}\). They answered him according to his argument: Against your argument, when you say that it should be given to those who eat it, a sinner should not be rewarded.\(^ {126}\).
The recipient of the inheritance or gift, and his family.

But Mishnah 4:2 states that the House of Shammai forbid to eat Sabbatical produce in reciprocity, if goodwill is extended to the giver. Since the giver of the gift can expect goodwill from the recipient, R. Eliezer would be expected to forbid accepting a gift of Sabbatical produce.

Since they follow the House of Hillel, they permit the use of Sabbatical produce to create goodwill. It is incomprehensible how they could label the recipient of a gift a sinner.

The rabbis hold that the recipient of an inheritance or gift may treat the produce as his own Sabbatical produce without restrictions. They only point out that R. Eliezer should have forbidden the produce to its recipient.

Rebbi Vivian said, Rebbi Assi instructed regarding qwndsy that their proceeds should be thrown into the Dead Sea. Rebbi Mana asked Rebbi Hizqiah, may one eat katán-dates of Ascalon? He said, it is forbidden. Rebbi Hizqiah stood in the market place of Caesarea when he saw a person carrying forbidden produce. He turned away his face in order not to see him and stated: take down! Why all that? That his place should be one of rebuke. Rebbi Jacob bar Aha heard and said, the mother of this one gave birth to a son!

Most commentators and dictionaries read "artichokes". Since artichokes usually are not abandoned to the public, they are forbidden. R. Assi’s ruling shows that practice follows R. Simeon ben Laqish in the interpretation of the Mishnah.

Since Ascalon itself is not in the
Land (Halakhah 6:1), this must be the Sabbatical.

trade name of a fruit not usually abandoned to the public in the expected of him.

Rebbi Joshua ben Levi commanded his student: Do not buy me vegetables except from Sisera’s garden. He, may he be remembered for the good, stood nearby and said to him: Go tell your teacher that this is not Sisera’s garden; it did belong to a Jew but he killed him and took it away from him. If you want to be restrictive for yourself, be made equal to your friend.

This paragraph is from Demay. The better reading is in Demay: 2:1, Notes 56 - 58.

A man was suspected of [trading in] Sabbatical [produce]. He said to his wife, take hallah. She said to him, that man is suspected of Sabbatical [trading], and you say, take hallah? He said to her, hallah is [an obligation] from the Torah, the Sabbatical is from Rabban Gamliel and his colleagues.

This paragraph shows that "suspected of Sabbatical trading" really means "known to be a Sabbatical trader."
133 In the Babli (Ketubot 25a) the prevailing opinion is that hallah is only a rabbinic obligation as long as not all Jews live in the Land.
Mishnah 1: The Sabbatical remits any loan, with or without a document. Store credit is not remitted; if it is transformed into a loan it is remitted. Rebbi Jehudah says, any preceding one is remitted. Wages of a hired hand are not remitted; if they are transformed into a loan they are remitted; Rebbi Yose says, for any work that stops in the Sabbatical they are remitted; if it does not stop they are not remitted.

1 The end of the Sabbatical year.
2 In Talmudic tradition, there are three kinds of loan by document. If there is no surety given in the document, the status of the loan is the same as that of a loan given in front of two witnesses, without a written document. The standard loan contract establishes a lien by the creditor on all real estate the borrower may have. (Some tannaitic authorities hold that the absence of such a lien from a document is an error of the scribe; the existence of a lien may always be assumed.) Since the lien (known as "alienation of property") is not specified, the lender can foreclose on such a loan only by lengthy court proceedings. If the loan is documented and given as a mortgage on a specific parcel of real estate, in the theory of the Yerushalmi it is a loan on a pledge and not remitted, as stated in Mishnah 2.
3 R. Jehudah holds that any new credit given by a store to a customer automatically transforms any previous credit into a loan.

4 It is to be discussed whether the work has to stop because of the Sabbatical or only during the Sabbatical. The hired hand cannot be a day-worker because the wages of a person hired for the day must be paid that same day.

5 We can understand if it is without a document. With a document it should be treated similar to a loan on a pledge and not be remitted. Rebbi Johanan said, explain it for a document from which alienation of property is missing, following Rebbi Meir. A case came before Rebbi Johanan of a document without alienation of property and he instructed that it was remitted. Because we are interpreting the Mishnah, should we act on this?

6 In the Babli, Gittin 37a, Rav and Samuel explain the Mishnah that "with a document" means a document with the alienation clause, "without a document" means either a document without the alienation clause or an oral loan. R. Johanan and R. Simeon ben Lakish explain "with a document" as a loan with a document without the alienation clause, and "without a document" as a loan executed before witnesses but without any written document, but a loan on a correct document, with the alienation clause, is always like a loan on a pledge and never remitted. The opinion of Rav and Samuel is accepted as practice in the Babli; the reports there on the positions of Rav and R. Johanan are not totally in accordance with the Yerushalmi.
remitted in the Sabbath, as stated in Mishnah 2.

7 He states in Mishnah Baba Mezi'a 1:6 that a document without an alienation clause cannot be foreclosed in court.

8 Since we reject R. Meir's opinion and hold that the court will force the borrower to pay for every loan, proven by a valid document, and will even allow the lender to foreclose real estate if the borrower does not pay, we cannot consider the Mishnah here practice to be followed. The same argument is quoted in the Babli, Gittin 37a, referring to a case brought by R. Assi before R. Johanan.

אומר רבי יוסי דריב רבי יוסי של קרקע היא של קרקע אין של קרקע מושמד. אמר רבי נוחי אפומל ישים של קרקע מושמד. אמר נוחי רבי יוסי קרב. אמר רבי יוסי קרב במשם רב נוחי של קרקע מושמד. לא אמר רבי נוחי של קרקע לא לא יימהayan מושמד.

Rebbi Jeremiah said, it is only if he has no real estate. Hence, if he has real estate it is not remitted. Rebbi Yose said, even if he has real estate it is remitted. Rebbi Yose parallels Rav, since Rebbi Abba said in the name of Rav if he singled out real estate it is remitted. They said only "if he singled out"; therefore, if he did not single out it is not remitted.

9 Since the alienation of property clause refers only to real estate, such a clause in a contract with a landless borrower is devoid of meaning and without legal consequences.

10 He takes the Mishnah to apply to all borrowings (except mortgaging a well-defined piece of real estate), following Samuel and Rav in the Babli; cf. Note 5.

11 While this text appears in both mss., in this and the next sentences the expressions "singled out" and "did not single out" must be switched: "Rebbi Yose parallels Rav, since Rebbi Abba said in the name of Rav if he did not single out real estate it is remitted. They said only 'if he did not single out'; therefore, if he singled out it is not remitted." Everybody agrees that a mortgage written on a well-defined piece of real estate is no longer a debt owed by the borrower but a lien on the land.
The statement ascribed to Rav here parallels a baraita in Babli Gittin 37a and in content, but not in the formulation, a Tosephta (8:6, speaking about a document of hypothéke, mortgage, cf. Note 22). (The treatment of mortgages in Yerushalmi and Babli cannot be directly compared since the Babli admits irrevocable mortgages for which the lender obtains the right to all yield of the land for a fixed period, usually 20 years, after which the parcel reverts to the original owner without repayment of the capital. In the Yerushalmi, all mortgages are redeemable.)

"If somebody established a lien on a field for his wife but then went and sold it, if she wishes she collects from this field or she collects from any other property," Rebbi Hila said, Rebbi Eleazar instructed following this baraita. The colleagues asked: Should she not collect only from the properties that are under the lien? Rebbi Yose said to them, there are unencumbered properties and you say, those under the lien? The baraita [applies] if he did not say you shall be paid only from this. But when he said, you shall be paid only from this, she may collect only from this.

12 Reading of the Rome ms., missing in the Leyden ms. The word makes the text much clearer but it might be an intrusion of Babylonian style.
13 The lien is part of the marriage contract and covers the payments due the wife in case of dissolution of the marriage either by divorce or by the husband's death. A parallel baraita in the Babli (Gittin 41a) gives the option both to the wife and to any lienholder.
both of whom have the choice of either going after unincumbered property of the husband or debtor or to choose the more complicated procedure of foreclosing the property from the buyer, letting the buyer then sue the seller to recover his damages. In the Babli, Rabban Simeon ben Gamliel declares the original sale invalid if the lienholder is the wife since women cannot be expected to be willing to go through lengthy and complicated court proceedings.

14 Which the wife can take with a minimum of legal steps.

15 In all these statements, "to say" means "to write into the appropriate document."

16 The piece of real estate on which she holds the lien.

If somebody established a lien for another person on his field and then went and sold it; Rebbi Aha said, it is temporarily sold. Rebbi Yose said, even temporarily it is not sold. The strength of Rebbi Yose is from the following: He may induce his ox to flee; he cannot induce his field to flee. Think about it, if [the field] was sold to a violent person! Rebbi Yudan, the father of Rebbi Mattaniah, said: Violent persons are apt to fall.

17 In the time between the sale and the lienholder’s foreclosure, the buyer is the rightful owner in all respects. This is the unquestioned position of the Babli.

18 Since the sale does not break the lien, the sale is invalid as far as the lienholder is concerned. The lienholder has only to enforce his rights vis-à-vis the debtor but does not have to sue the buyer of the land.

19 This refers to the rule, not otherwise quoted in the Yerushalmi, and brought as a statement of fifth-
generation Amora Rava (Rav Abba bar Joseph bar Ḥama) in the Babli (Baba Qama 11b, Baba Batra 44b), that a mortgage on cattle is not valid, since the disposition of animals is outside the control of the lienholder. This implies that a valid lien puts the mortgaged property at the disposal of the lienholder.

20 The lienholder might be afraid of the consequences if he brings the buyer into court.

21 Even if the lien is temporarily unenforceable, nobody will give up his claim because of this.

It was stated: "If somebody mortgages a field to a woman for her ketubah or a creditor for his claim and then sells it, that is sold and the buyer should beware for himself." This baraita if he said to her: you should be paid from this. They disagree if he says, you should only be paid from this.

22 Greek ἡποθήκη "mortgage".
23 Cf. Peah Chapter 3, Note 155.
24 This baraita seems to support R. Aha only. In Yebamot 7:1 (fol. 8a), Rabban Simeon ben Gamliel disagrees and decrees that in the case of a ketubah the sale is void since we cannot require a woman to sue a third party for her rights.
25 In this case, R. Yose declares the sale invalid, which does not contradict the baraita.

Rav said, if she compromised [her ketubah], even if she did not extend credit, if she extended credit even though she did not compromise. Rebbi Hiyya stated: Unless she would compromise it and extend credit.
26 This refers to Tosephta 8:4: "A woman’s ketubah, if she compromised it and extended credit, is subject to remission. If she compromised it but did not extend credit, if she extended credit but did not compromise, it is not subject to remission." "Compromised" means that she obtained partial payment of the ketubah and now cannot use the original ketubah document for the remaining claim but must produce a new document from the husband (for a divorcée) or the heirs (for a widow) for the remainder. "Extending credit" means that she does not insist on immediate payment but on payment terms as if it were the repayment of a loan. The Tosephta text follows Rebbi Hiyya; Rav makes the ketubah subject to remission in the Sabbatical even if only one of the conditions is met. (In the Babli, Gitit 18a, the position of R. Hiyya is ascribed to Rav and that of Rav to Samuel.)

27 This refers to the Mishnah, where R. Jehudah declares that the exemption of store credit from the laws of the Sabbatical only covers the last credit extended.

28 This statement seems to be obvious since R. Jehudah only restricts the exemption of store credit. But the reference here is to Mishnah 2, where it is stated that store debt incurred on
New Year’s Day may be subject to remission. While this Mishnah is anonymous, it is stated here (and in Halakhah 2) that it also is R. Jehudah’s and refers to a customer who took food from the store on both days of the New Year. For R. Jehudah this implies that the debt incurred the first day is subject to remission (at the end of the Sabbatical year.)

29 Since handling money is forbidden on a holiday, payment cannot be asked for.

30 The prior argument is rejected. If the customer is creditworthy, extending credit is tantamount to asking for payment and extending credit is permitted on the holiday.

31 The storekeeper is implicitly asking for payment by providing the food; cf. Note 36. Hence, non-payment automatically turns the credit into a loan and the farmer has a great incentive to ask for his money during the Sabbatical. The same argument applies to the butcher mentioned in Mishnah 2.

32 Rebbi Johanan says, for ploughing. Rebbi Simeon ben Laqish said, for building. In the opinion of Rebbi Johanan, any work that stops because of the Sabbatical. In the opinion of Rebbi Simeon ben Laqish, any work that stops in any way. Does Rebbi Yose hold with Rebbi Jehudah; does not Rebbi Yose say, for any work that stops in the Sabbatical they are remitted, if it does not stop they are not remitted? But Rebbi Yose does not hold with Rebbi Jehudah; while "Rebbi Jehudah says that it is not the
way of a banker to give an *as* unless he has received a *denar,*" he agrees that the wages of the hired man are due only at the end.\(^{35}\)

32 This refers to the last sentence in the Mishnah, where R. Yose declares that wages for an unfinished job are remitted if not paid during the Sabbatical. R. Johanan holds that this applies only if the Sabbatical is the cause of the interruption; R. Simeon ben Lakish disagrees.

33 Does R. Yose hold that payment for work done is turned into a loan the moment the work is finished and was not paid? This would parallel the opinion of R. Jehudah about store credit.

34 This probably should read: R. Jehudah does not hold with R. Yose. The statement of R. Jehudah is in Mishnah Sebu'ot 7:5, that a banker never can be believed if he claims to have given change before he received the large coin.

35 The payment is due only during the Sabbatical and not subject to remission since only debts incurred before the Sabbatical must be remitted. The argument about store credit is not appropriate here.

Mishnah 2: If somebody slaughters a cow and divides it up on New Year's Day,\(^{36}\) if the month was long it is subject to remission,\(^{37}\) otherwise it is not subject to remission. The rapist, the seducer, the calumniator,\(^{38}\) and all court documents are not subject to remission. If somebody gives loans on pledge,\(^ {39}\) or deposits his documents with the court, they are not subject to remission.
The butcher gives away meat both days of the New Year of the Sabbatical. It is forbidden to transact business on the holiday; therefore, the Mishnah avoids speaking about selling meat; the meat is distributed on the holiday, billed later by estimate.

If the month of Elul was 30 days, the first day of the New Year really was the 30th of Elul, the second day the first of Tishre. The debt incurred on the first day enters the Sabbatical and is subject to remission; the debt of the second day is not subject to remission.

These are all fines, and fines are never remitted. The fine for the rapist is spelled out in Deut. 22:29, the one for the seducer Ex. 22:16, the one for the calumniator who accuses his bride of adultery between the preliminary and actual marriages, Deut. 22:19.

The pledge is in the hand of the lender; the loan is not a claim on another person but the borrower must come and redeem his pledge.

The obligation of remission of debt is one on real persons only.

Halakhah 2: Rebbi says, Nisan never was lengthened. But did we not state: "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 state: "If the month was long"? If it would be, it never was.

This paragraph and the three following ones are from Roš Haššanah 3:1 (fol. 58c). They are included here only because the two days of the New Year are mentioned in the Mishnah.

This means that the start of Nisan (and Tishre) was never delayed when the New Moon was declared only after it had been observed. In these two months, messengers were sent to proclaim the exact dates of the holidays (Roš Haššanah 1:5). [For the details of the Tannaitic calendar, see the author's Seder Olam (Northvale, NJ,
Mishnah Seqalim 4:5: Incense was prepared in one batch for an entire year, starting with the first of Nisan. Then it is stated that on the first of Nisan, "if the New Moon appeared in time, incense was taken from the new batch; otherwise, it was taken from the incense prepared the previous year." This Mishnah implies that the month of Adar preceding Nisan could have either 29 or 30 days. Rebbi implies that this Mishnah is purely hypothetical.

Babli Roš Haṭšanah 19b, also in the name of Rav, stating a tradition going back to the days of Ezra. The same statement is also in Yerushalmi Seqalim 10:2 (fol. 39b), Sanhedrin 1:2 (fol. 18d).

In the Mishnah here.

46 "When they sanctified the year at Usha, on the first day Rebbi Ismael, the son of Rebbi Joḥanan ben Baroqa led and recited following the opinion of Rebbi Joḥanan ben Nuri. Rabban Simeon ben Gamliel said, we did not follow this at Jabneh. On the second day, Rebbi Ḥananiah, the son of Rebbi Yose the Galilean led and recited following the opinion of 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 Zeira in the name of Rav Hisda: That year was disorganized. What is "the first, the second"? Rebbi Abun in the name of Rav: The first year, the second year! But was it not stated: the first day, the second day?
46    Tosephta *Roš Haššanah* 3:11, also quoted in Yerushalmi *Roš Haššanah* 4:6 (59c), *Nedarim* 6:13 (40a), *Sanhedrin* 1:2 (18d); Babli *Roš Haššanah* 32a; *Sifra Emor Parashah* 11(5).

47    When the Synhedrion was reconstituted under a Roman emperor in the later second century. Any recollection that Rabban Simeon could have had of the Synhedrion at Jabneh must have been from his childhood.

48    He was the reader for the *musaph* prayer on New Year’s Day which consists of nine benedictions. The three first and the three last ones are those of everyday prayers; there are three additional ones proclaiming God’s Kingdom, *ni'ni'sh*, His remembering all living creatures, *ni'ni'sh*, and the *shofar* blowing connected with the theophany on Mount Sinai, *ni'ni'sh*, each one followed by blowing the *shofar*. R. Ismael ben R. Johanan ben Beroqa takes *malkhiyot* together with the third benediction, "sanctification of the Name", and has as fourth benediction the usual holiday benediction, without *shofar* blowing. R. Aqiba takes the holiday benediction as part of *malkhiyot*; this is the rule followed today as established by Rabban Simeon ben Gamliel in the Tosephta.

49    The story contradicts the assertion by Rav that Elul was never 30 days because, if it is clear that Elul is only 29 days one observed only one day for the New Year at the place of the Synhedrion.

50    Something happened that made the Synhedrion unsure which day was the right one; in that case, the story must date to the beginning of Rabban Simeon’s presidency when his authority was not yet established. This is confirmed by the fact that Rabban Simeon could not instruct the other rabbis on which rule to follow.

51    Reading with the text in *Roš Haššanah*:

52    Rav insists that his tradition is correct and that the two prayers were said in two different years. It is pointed out that this contradicts the language of the Tosephta; the problem remains unresolved.
If they sanctified it before its time or after its lengthening, should I assume it was lengthened? The verse says (Lev. 23:2) "them", you, "these are My holidays." Before its time, the 29th day, after its lengthening, the 32nd day. From where that one intercalates the year because of the [men of the] diaspora that set out but did not yet arrive? The verse says (Lev. 23:2), "the Children of Israel, my holidays". 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.

53 Since a month can only be either 29 or 30 days, New Year's Day can be only the 30th or the 31st of Elul. If the Synhedrion did not proclaim New Year's on the 30th of Elul, then the 31st is automatically sanctified; whether it needs a proclamation is a matter of controversy (Mishnah Roš Haššanah 2:8).

54 This is explained in Babli Roš Haššanah 25a and Sifra Behar Parashah 9(3). In Lev. 23:2 (Tell the Children of Israel and say to them, the holidays of the Eternal, you have to proclaim them as holy assemblies, these are My holidays), Lev. 22:4 (These are the holidays of the Eternal, holy assemblies; you have to declare them at their times), and Lev. 22:37 (These are the holidays of the Eternal; you have to declare them as holy assemblies) the word "them" is written defective דנה so that it could also be read as דנא "you". This is taken to imply that no holiday is sacred that is not proclaimed by the Synhedrion. Since the Synhedrion is human, it is error prone. The three "them - you" are explained in the Babli as "you, even if unintended, you, even if intentionally wrong, you, even in error." In the Sifra, the three cases are "even if forced by an act of God, unintended, or in error." This interpretation is the basis of the Jewish
computed calendar which, being based on a constant mean synodal month and a base line outside the Land of Israel, is necessarily in error if compared with astronomical computations of the motions of the moon.

55 This argument does not belong to the discussion about one or two days of the New Year since the intercalary month always has to precede Passover. The intercalary month is a necessary feature of any lunar-solar calendar. It is included here probably because it refers to the same verse and appears in Sifra Behar Parashah 9(1). Since both the Children of Israel and God’s holidays are mentioned in Lev. 23:2, it is inferred that the holidays must be appropriate for all Children of Israel. (The rule itself, without Scriptural justification, is in Babli Sanhedrin 11a.)

 Rebbi Jacob bar Aha, Rebbi Ammi, in the name of Rebbi Jehudah bar Pazi: If they sanctified it and afterwards the witnesses turned out to be perjured, it still is sanctified. Rebbi Assi stayed with Rebbi Jehudah bar Pazi and asked him: Did you hear this from your father? He said, yes. Rebbi Abba said in the name of Rebbi Johanan: One does not cross-examine the witnesses of the New Moon.

56 The verses quoted in Note 54 imply that the holidays have to be declared. Since they are defined by the calendar months, it follows that the months have to be declared. Since the declaration is valid even if in error, it is not rescinded if an error is found. In any case, the error can not be of more than one day. The rules given here are implied by Mishnah Roš Haššanah 2:9; they are not explicit in the Babli. The paragraph here is the source of Maimonides, Qidduš Hahodesh 2:2 (not recognized by the commentators ad loc.)
Rebbi Eleazar said, this follows Rebbi Jehudah since he could ask him for payment on New Year's Day. Rebbi Abba bar Mamal, Rav Amram, Rav Mattanah in the name of Rav: If somebody makes a loan to another person stipulating that he will not press for repayment, the Sabbatical will remit it\(^58\). We did state: "If somebody slaughters a cow and divides it up on New Year's Day," and Rebbi Eleazar said, this follows Rebbi Jehudah\(^59\). But can he require payment on New Year's Day? As Rebbi Abba said in the name of Rebbi Zeira: Since he could ask him for payment, he can believe him. And since he could believe him, he could pay him\(^60\). And here, because he could have given him but did not give, the first [debt] is turned into a loan\(^61\).

\(^{57}\) From the parallel in \textit{Makkot} 1:5 (fol. 31a); title missing here. Rav Amram was a Babylonian Amora, probably a student of Rav Sheshet and Rav Hisda.

\(^{58}\) One should assume that the loan is not remitted in the Sabbatical since it can never be claimed and the Sabbatical law applies only to loans that can be claimed (\textit{Deut.} 15:2).

\(^{59}\) Since it is assumed that payment cannot be claimed on New Year's Day since it cannot be given.

\(^{60}\) The case of the butcher cannot be used to support Rav's statement; in practice, Rav's statement is rejected.

\(^{61}\) This sentence does not belong here but to \textit{Mishnah} 1, cf. Note 31.
Rebbi Yose ben Rebbi Abun in the name of Rav: If somebody gives a loan to a person on condition that the Sabbatical not remit it, the Sabbatical does not remit, as we have stated: "Whether he gives it after thirty days or after ten years." Are there ten years without a Sabbatical? Rav Huna said, Rav Nahman bar Jacob and Rav Sheshet disagreed. One of them said, if the loan was given on a pledge, but the other said, if he writes him a prozbol.

62 In the Babli (Makkot 3b), Samuel is reported to have declared that the Sabbatical will remit. In the end, a fine distinction is made in the wording. If the contract reads that the debtor will not enforce the remission, that condition is valid. But if the contract reads that the Sabbatical should have no influence, that would mean abrogating a Torah law and the condition is invalid.

63 Mishnah Makkot 1:2, dealing with witnesses who falsely testify that a debtor has promised to pay within 30 days when in fact he is obligated to pay after ten years, they are sentenced to pay the present value of the debt due in ten years.

64 As noted in the Mishnah. In the Babli, this explanation is attributed to the later Amora Rava.

65 Explained in the next Mishnah, cf. Note 80.
It was stated: "For thirty days he will not come." What means "for thirty days he will not come"? Samuel said, if somebody gives a loan to a person without specifying details, he has no right to ask for payment until after 30 days. Rav Jehudah came and explained (Deut. 15:9): "The Sabbatical year, the remitting year, is close." Is not the Sabbatical year the remitting year? Why does the verse say: "The Sabbatical year, the remitting year, is close"? That you should not say, all six years long his field is before me, his vineyard is before me, but after...
six years the debt is remitted and I cannot collect; therefore, it has to say "the Sabbatical year, the remitting year, is close."  

66 This is a statement of Tosephta Baba Mezi'a 10:1, where however the rule is qualified so that it is superseded by local usage if such usage is determined. This means that for the Tosephta, the 30 day rule is rabbinic in character. In the Babli (Makkot 3b), the rule is quoted by Samuel as a Tannaitic statement and the biblical proof given here by R. Jehudah is attributed there to Rav Mattanah.

67 The entire verse reads: "Guard yourself, lest there be in your heart an unworthy thought saying, behold, the Sabbatical year, the remitting year, is close, and you will be badly disposed towards your needy brother and not give him; when he would appeal against you to the Eternal then sin will be in you." The verse is taken to deal with a case where the Sabbatical will remit without any possibility for the lender to recoup his loan. The only case found is that of an unsecured loan given less than 30 days before the date of remission when repayment cannot be claimed but the debt will be remitted.

68 The statement of R. Ismael gives a different explanation of the verse; therefore, the biblical character of the 30 day rule is not established and the Yerushalmi is in accordance with the Tosephta, against the Babli.

The argument in the baraita goes as follows: If one gives a loan during a regular year, even if it is not a mortgage the lender might recover his loan from the crop of the borrower. But in the Sabbatical, there is no commercial crop, and when the next crop grows, the debt already is remitted. Hence, the verse speaks of any loan given in the sixth year, and nothing can be implied about the 30 day rule. (In Sifry Deut. #117, R. Yose the Galilean points out that the expression "the Seventh year, the remitting year" is needed to show that the Seventh year is not the seventh year after a loan has been granted but the seventh calendar year.)
"The rapist, the seducer, the calumniator." Rav Jehudah said, Rav [said]: This follows Rebbi Meir, since Rebbi Meir said, it depends on the one extending credit.

Since the persons mentioned here have to pay only by order of a court, the question is why these cases have to be mentioned in the Mishnah separately and are not subsumed under the general notion of court judgments. The fines for the rapist and the seducer are spelled out in the Torah only for the min, a minor. The fines have to be paid to the father if at the time of judgment and payment the girl was a minor, to the woman if she was an adult at the time of judgment. The problem is, who receives the fine if she was minor at the time of judgment but an adult at the moment of payment. In Ketubot 4:2, R. Simeon says that the fines are paid as a consequence of a court document, the money goes to the woman, and the obligation is not remitted in the Sabbatical. The rabbis hold that the obligation is a civil one, a "loan", the payment goes to the creditor of the loan, viz., the father, and is remitted in the Sabbatical. The position ascribed to R. Meir in this Mishnah is that the status of the obligation is that of a loan which is not remitted in the Sabbatical. [R. Simson holds that the position of R. Meir is that of the rabbis, that the claims to fines are not remitted in the Sabbatical but that any judgment for fines not collected before the Sabbatical is remitted. If that were true, the position here should be described as that of the rabbis.]

The main differences between loan and court decree is that in a forcible execution, loans are paid from the borrower's real estate of average quality but court judgments covering torts from the best quality.

"And all court judgments," these are court decisions.
This is obvious: A loan that is disputed is not remitted. A loan that was disputed but is now a [confirmed] loan, is remitted. Rebbi Jeremiah asked: Is this also true for judgments? It is not necessary to say that a loan that was disputed can be collected. A disputed loan turned into a [confirmed] loan is collected from property of average quality.

71 Reading of the Rome ms. Leyden and Venice: א"מ
72 The last three words are only here, not in the parallel Gittin 5:1 (fol. 46c).
73 From the text in Gittin; here:
74 From the text in Gittin; missing in the text here.
75 The debtor claims he does not owe the lender. As long as the case is not settled in court, everything is suspended. The loan cannot be remitted in the Sabbatical because it cannot be collected. If judgment is given for the lender, the judgment is a court document which is not subject to remission.
76 If, after the court established the validity of the loan, the lender does not insist on immediate payment, the loan regains its original status.
77 After a court judgment on a disputed loan, the debt can be collected after the Sabbatical.

"If somebody makes a loan on a pledge", Samuel says, even on a needle. (Deut. 15:3): "What you have on your brother you shall release;"
that excludes your brother's [property] in your hand. "What you have on your brother you shall release," which excludes one who hands over his documents to the court.\(^79\).

78 This parallels the statement of Samuel in Babli Šebuot 43b: "If somebody gave a loan of 1000 tetradrachmas and took as pledge the handle of a sickle, if he lost the handle he lost the 1000 tetradrachmas." The Babli disagrees in practice and rules that the sum not remitted in the Sabbatical is equal to the value of the pledge.

79 The last two sentences are also in Sifri Deut. 113.

Mishnah 3: A prozbol\(^80\) does not remit. This is one of the ordinances of Hillel the elder. When he saw that the people refrained from giving loans to one another and transgressed what is written in the Torah, as it is said (Deut. 15:9): "Guard yourself, lest there be in your heart an unworthy thought saying, etc." he instituted the prozbol.

80 A Greek legal term, προσβολή, "document recording the knocking down of a lot to a purchaser", cf. Peah Chapter 3, Note 120. By Mishnah 2, instruments of indebtedness delivered to the court for collection are not subject to remission. Hillel substituted for actual delivery a document declaring the intent of the creditor to transfer his documents to the authority of the court without actually delivering them.
Halakhah 3: From here they supported the notion that *prozbol* is from the Torah. But is *prozbol* from the Torah? When Hillel instituted it, they supported it from words of the Torah.

81 The sentence just preceding the Mishnah, giving biblical support to the rule that instruments of indebtedness in the possession of the court are not subject to remission.

82 Since the documents are not delivered, *prozbol* cannot be biblical.
Rebbi Ḥuna said, I asked before Rebbi Jacob ben Aḥa: Following him who says tithes [are from their words, it is understandable that Hillel instituted prozbol. But following him who says tithes] are from the Torah, does Hillel institute anything against the words of the Torah? Rebbi Yose said, from the moment that Israel was exiled to Babylonia, did they not become free from all commandments connected with the Land, but the remission of debts applies both in the Land and outside the Land from the words of the Torah [because it is an obligation of the person]? Rebbi Yose turned and said, (Deut. 15:2) "this is the word of the abandonment, remit" as long as abandonment is followed as a word of the Torah, remission of debts applies both in the Land and outside the Land from the words of the Torah, but when abandonment is followed as their word, remission of debts applies both in the Land and outside the Land from their word. There, they say that even one who holds that tithes are from the Torah will hold that the Sabbatical is from their word. As we have stated (Deut. 15:2): "this is the word of the remission, remit!" Rebbi says, these two remissions are the Sabbatical and the Jubilee. As long as the Jubilee is operative, the Sabbatical is from words of the Torah. If the Jubilees are abolished, the Sabbatical is operative from their words. When were the Jubilees abolished? (Lev. 25:10) "[All its] inhabitants." In the time when its inhabitants lived on it, not when they went into exile. If they lived on it but intermingled, the tribe of Judah in Benjamin, and the tribe of Benjamin in Judah, I could think that the Jubilee is operative. The verse mentions its inhabitants, "All its inhabitants;" you find that when the tribes of Reuben, Gad, and half the tribe of Manasseh went into exile, the Jubilees were disestablished.
83 The clauses in brackets are from the Rome ms., missing in Leyden ms., Venice and modern prints.
84 The disagreement about tithes is between R. Yose ben R. Hanina and R. Eleazar in Halakhah 6:1 (Note 11). "Their words" are the rabbinic institutions.
85 While this may be the correct reason, the language is Babylonian rabbinic Hebrew; the insert probably is a gloss that found its way into the text. In Sifry Deut. 111, the reason given is not this logical argument but the verse (Deut. 15:2): "this is the word of the remission: every creditor remit what is in his hand, what he loaned to his fellow; he shall not press his fellow because a remission was declared for the Eternal." Since God is Lord over the universe, remission is applicable everywhere in the universe.
86 Agricultural Sabbatical.
87 Babylonia. The Babli (Gititn 36a) quotes only Rebbi's statement below. The commentators of the Babli assume that the majority of rabbis oppose Rebbi. There seems to be no basis for that assumption. The sketchy treatment of the subject in the Babli is explained by Meiri (Magen Avot, ed. Last, London 1909, Chap. 15.).
88 From here to the end of the Halakhah, the argument is also in Babli Arakhin 32b and Sifra Behar Pereq 2(3). The verse reads: "You shall sanctify the fiftieth year and call freedom for all its inhabitants, a Jubilee it shall be for you so that everybody return to his ancestral land, everybody return to his family." "Ancestral land" is the plot given to the family in the original distribution after the conquest. It follows that there can be no Jubilee if the distribution of land by Joshua is no longer known.

Mishnah 4: This is the essence of prozbol: I declare before you, judges X and Y at place Z, that I shall collect any debt due me any time I wish. The judges sign at the bottom or the witnesses.
In addition, all legal formalism that makes a document valid must be incorporated into the prozbol.

Halakhah 4: Rebbi Hizqiah in the name of Rebbi Jeremiah: Even if they are in Rome.

It is possible to write a prozbol on the names of judges at another place (who probably will never know about the existence of this prozbol.) This implies that prozbol and the related documents do not have to be deposited with any court.

Rebbi Abba in the name of the rabbis there: If three sat in judgment and one of them died, two sign and note: Even though we are two who sign, we were three in judging. Rebbi Haggai said, our Mishnah implies this: "The judges sign at the bottom or the witnesses." Does one learn court documents from prozbol? It was found stated: This about court documents was learned from the rules of prozbol.

In the Babli (Ketubot 22a), this is also a statement of Rebbi Abba (in Babylonian Aramaic). A court usually is composed of three judges (Mishnah Sanhedrin 1:1); in the opinion of the majority of authorities, a court of two judges is incompetent. Now the Mishnah mentions only two judges and equates the signatures of judges and witnesses. Since witnesses must always be two, it follows that there is a situation in which the signature of two judges is valid even for those who disallow a court of two judges.
If he has no real estate but his debtors have real estate, one writes a *prozbol* for him. How is that done? Ruben owes Simeon and Levi owes Ruben. Ruben has no real estate, Levi has real estate. One writes for Simeon on the properties of Levi.

92 It is stated in Mishnaiot 6 and *Peah* 3:8 that *prozbol* can be written only on the basis of real estate; the possession of one square inch is enough. In Tosephta 8:9 it is made clear that the debtor must have real estate (to give the *prozbol* a status similar to a mortgage which is not remitted.) In Tosephta 8:8, the anonomous majority holds that in a chain of debtors, only the creditor of a debtor with real estate may write a *prozbol* but Rabban Simeon ben Gamliel asserts that the real estate of one of the debtors is good for all. The Yerushalmi here and a similar Babli (*Giṭṭin* 37a) follow Rabban Simeon ben Gamliel without mentioning his name.

**Mishnah 5:** A predated *prozbol* is valid, postdated it is invalid. Predated documents of indebtedness are invalid, postdated they are valid. If one person borrows from five, one writes a *prozbol* for each single creditor. If five persons borrow from one, he writes only one *prozbol* for all of them.
Halakhah 4: "A predated prozbol is valid" because he diminishes its power, but "postdated it is invalid" because he increases its power\(^\text{93}\). "Predated documents of indebtedness are invalid" because he increases their power, but "postdated they are valid" because he diminishes their power\(^\text{94}\).

93 Since a prozbol is a declaration that all documents in the hand of the creditor have to be considered as delivered to the court, predating the prozbol does not increase the number of documents covered, but postdating may increase their number. In the latter case, the testimony of the witnesses affixed to the document would be perjured.

94 As explained in Note 2, a document of indebtedness creates a lien on the real estate of the debtor. If the debtor sells any of his real estate after the document has been created, the lien is not removed. In case of nonpayment, the creditor can foreclose the parcel that was sold and let the buyer then try to recoup his money from the seller. Predating a document of indebtedness therefore might create a false claim to parcels sold before the document was executed; such a document must be invalid. But postdating the document might protect a buyer from the creditor; this is valid.

Who notifies\(^\text{95}\)? Simeon bar Abba in the name of Rebbi Johanan: the signatories of the document. But did not Rebbi Simeon ben Laqish say,
they treated the statement of the signatories of a document as if their testimony had been cross-examined by the court? There, it is about those who would say: We did not sign at all. But here they say, on this we signed, on that we did not sign.

95 Who may inform that a prozbol or document is pre- or postdated? The Rome ms. reads מודע which might be the more correct form.

96 Since in Jewish law, a witness may not change his testimony without disqualifying himself, a witness to a document is not admitted to testify to the falsity of the document unless he admits to perjury. Hence, testimony that a prozbol was predated or a financial document postdated can never be given by any witness to the document if genuiness of the signature of the witness is established from another source. [The statement of R. Simeon ben Laqish is discussed, in the same sense, in Babli Ketubot 18b, Gittin 3a.]

97 The rule of R. Simeon ben Laqish only applies if the authenticity of the document is in question. But for the prozbol they could assert that they signed for the fact of the prozbol but not the date.

Rebbi Johanan said, they are really invalid. Rebbi Simeon ben Laqish said, he only counts from the time of writing. But did we not state: "A prozbol is valid, whether predated or postdated, but it only counts from the time of writing"? If you assert this for financial documents, what is the difference between a prozbol and a financial document?

98 Predated documents of indebt-edness.

99 Since the Mishnah stated that the rules of prozbol and debt docu-
ments are opposites, it is impossible to for debt documents and probably also accept R. Simeon ben Laqish's position the baraita quoted.

שכר ייצוהו קנות בﺷר או בֶשרא erhalten. רבי גידל מֶכשרי מְרבי מִשוי פוסל. אמר לע רבי גידל מֶכשורה ובֶלפין ובֶלפררי והכשורה. אמר לא ani לא מכשורה_GENERIC מכשורה. חור בעניין מֶכשורה יאמורבוטר פסוד מֶשוי

"A document dated on a Sabbath or on the Tenth of Tishre, Rebbi Jehudah declares it valid and Rebbi Yose invalid. Rebbi Jehudah said to him, a case came before you in Sepphoris and you declared it valid. He said to him, I did not declare it valid, but if I did it, I did it. They wanted to say that he who holds it invalid [does so] because it might be later, and he who holds it valid [does so] because it might be earlier; but he who holds it invalid [does so] because it might be forged.

100 Tosephta Makkot 1:3, a slightly different version Babli Baba Batra 171a. The date normally is written by the day of the month; if one checks one may find that the date given fell on a Sabbath. In the case of the Day of Atonement, one must assume that the date is given in terms of a Gentile calendar.

101 The writing of the document, which makes the document predated. [The commentators all switch "later" and "earlier" in this statement, to adapt the language to that of the Mishnah. But the testimony of the two mss. forbids this emendation.]

102 And the document would be postdated.

103 R. Yose also will agree that a document dated on a Sabbath or Day of Atonement, if genuine, probably is postdated and valid. He only states that the impossible date is prima facie evidence to declare the document forged, but he is open to proof that the document is genuine. This explains his equanimity when confronted with an apparent contradiction between his action and his formal statement. He will hold the document forged unless
presented with evidence to the contrary. (The different interpretation of the Babli does not explain R. Yose's agreement with the statement of R. Jehudah.)

Mishnah 6: One writes *prozbol* only on the basis of real estate. If he has none, [the other party] gives him the right to a minute area of their field. If he had a field mortgaged in town, one writes a *prozbol* on it. Rebbi Hizpit says, one writes for a man on his wife's properties and for orphans on those of the guardians.

104 It was shown in Note 92 that one of his debtors must have real estate for a creditor's *prozbol.*

105 Even if the loan is paid back in instalments, that for a fixed number of terms the creditor works the field and takes all its yield, it remains the property of the debtor.

106 Even if this is separate property, not dowry which becomes the husband's property for the duration of the marriage.

107 Greek ἐκτομος, "guardian, attorney". In the opinion of the Babli (*Giitlin 37a*), documented claims of minor orphans are always under the supervision of the court, have the status of court documents, and do not need *prozbol*. The Babli is therefore obliged to interpret the Mishnah as speaking of debts incurred by the guardians for the living expenses of the orphans. This does not seem to be the position of the Yerushalmi.
Halakhah 6: Rav said, only if both lender and borrower have real estate. But Rebbi Johanan says, if the creditor does but not the borrower, or the borrower but not the lender. If he has no real estate but one who owes him has real estate then one writes him a prozbol. Rebbi Abba in the name of Rav: Even if he has only one stalk in a field, one writes him a prozbol. But did we not state: Partners, sharecroppers, and guardians have no prozbol? They say, there each single stalk is property of the partnership but here it is his.

108 Then the lender can give a borrower a stalk in his field and write the prozbol.

109 This is the original institution of prozbol.

110 Only one of the many debtors for whom the prozbol will be used, cf. Note 92.

111 Neither of them is the sole owner of the property administered by him.

May one write for a guardian based on the orphans’ real estate? Let us hear it from the following: “One writes for a husband on his wife’s properties”. May one write for a woman on her husband’s prop...
Let us hear it from the following: "And for orphans on those of the guardians".

The standard case that the husband administers his wife's separate property is parallel to the guardians administering the orphans' properties. This must refer to a case where the wife gives up her right to be supported by her husband for the right to earn her own separate money. If the guardian administers the property of the landless orphans, then the Mishnah permits a prozbol purely on the basis of his being trustee for others as well as property owner for himself. Similarly, we should admit the possibility of prozbol simply by the marriage of the lender to a property owner.

Mishnah 7: A bee hive. Rebbi Eliezer says, it is like real estate: one may write a prozbol on it, it is not subject to impurity in its place, and somebody who takes honey from it on the Sabbath is guilty. But the Sages say, it is not like real estate, one may not write a prozbol on it, it is subject to impurity in its place, and somebody who takes honey from it on the Sabbath is not sanctionable.
If somebody returns a debt in the Sabbatical, he [the lender] says to him: "I am remitting." If he [the borrower] says "anyway", he [the lender] should accept it, for it is said (Deut. 15:2): "This is the word of remission".

114 No real estate and nothing permanently connected to the ground can become impure.
115 Removing food from the ground is the definition of harvesting.
116 While it is not permitted outright, there is no punishment for the action since no biblical Sabbath prohibition has been violated. The first part of the Mishnah is also in Uqezin 3:10.

117 Once the word "remission" has been uttered, duty has been fulfilled.

Halakhah 7: Rebbi Abbahu in the name of Rebbi Simeon ben Laqish:
The reason of Rebbi Eliezer (IS. 14:26): "The people came to the forest and behold, there was a flow of honey." What do you understand from this? Rebbi Mana said, the thicket produced honey. If he had said from (IS. 14:27): "He dipped it into the forest of honey", it would have been better. Rebbi Yose ben Rebbi Abun said in the name of Rebbi Simeon ben Laqish: He really understood it from (IS. 14:27): "He dipped it into the forest of honey".

118 Since both "forest, bush" and "honeycomb" are based on the root "to have a rough country", the words are identified.
Where do we hold\textsuperscript{119}? If it is connected to the ground, everybody agrees that it belongs to the ground. If it is on two bars, everybody agrees that it is not like ground. But where we hold is if it rests on the ground\textsuperscript{120}. It compares to what Rebbi Zeïra said in the name of Rebbi Jeremiah: One writes a \textit{prozbol} on the space for an oven, also on the space for a hearth\textsuperscript{121}. Rebbi Hiyya bar Ada said, also on the space for a lamp.

\textsuperscript{119} What is the disagreement between R. Eliezer and the Sages?\textsuperscript{120} The beehive sits on the ground but is not fastened to it.\textsuperscript{121} Oven and hearth are movable clay vessels that sit on the ground without being fastened. The Babli (\textit{Gittin} 37a) notes that the statement is needed only if the ground on which the oven sits is rented, not owned.

\textsuperscript{122} This refers to the statement that for Rebbi Eliezer, taking honey from the bee hive on the Sabbath is a desecration of the Sabbath. It is generally accepted that on the Sabbath one may take bread from the oven if it was fully baked before the Sabbath. The question is, does Rebbi Eliezer
agree or does he disagree and for some reason his dissent was not considered in the rules of the Sabbath? He agrees that taking out the bread is not harvesting.

If somebody repays a debt in the Sabbatical even though he [the lender] says to him: "I am remitting," the Sages are pleased with him. Rav Huna said, he says it in a soft voice and his right hand is stretched out to receive.

Mishnah 8: Similarly, a homicide exiled to a city of refuge whom the citizens of the town wanted to honor, should say to them: I am a homicide. If they tell him, anyway, he should accept it, for it is said (Deut. 19:4): "This is the word of a homicide."

Halakhah 8: Rebbi Yose said, this means that if a person who knows one collection goes to a place and they honor him for two, he has to tell them: "I know one collection."
123 He has memorized and understands one collection of Tannaitic statements (usually in the feminine, נוטה נוה),

Mishnah 9: If somebody repays a debt in the Sabbatical, the Sages are pleased with him. If somebody borrows from a convert whose sons converted with him, he does not have to repay the sons but if he repaid, the Sages are pleased with him. Movables are acquired only by being drawn close, but the Sages are pleased with everybody who keeps his word.

124 This is the text in all Mishnah mss., whether Palestinian, Babylonian, or Maimonidean traditions. However, the Babli (Qiddušin 17b/18a) quotes the Mishnah in the form "the Sages are displeased with him," and the text here, "the Sages are pleased with him," is given only as a baraita. The meaning of the distinctions made in the Babli is not clear; therefore, Maimonides omits the rule in his Code. The only coherent explanation of the Mishnah is that given by Rabbi Isaac in Tosaphot (Qiddušin 18a, s. v. ביא) and R. Nissim Gerondi in his commentary to Alfassi (Qiddušin #596): Since a convert is like a newborn for Jewish law, the children converting with him are not legally his Jewish children and the law will not force the debtor to pay after the lender's death. However, the children are his own children and not to pay the sons after their father's death is reprehensible. If the convert has children after his conversion, they are his Jewish children and all laws of inheritance apply. The only problem
arises if his pregnant wife converted with him. The Babli notes that in such a case, the Sages are displeased with any repayment to the child born after conversion. The reason given by the commentators is that the child is Jewish by birth; if the laws of inheritance did apply one would conclude that the child is legally a relative of his father and his older siblings. But the fact is that a Gentile father never can have a legal relationship with his child by a Jewish mother. For example, if a Jewish man marries his late father’s other wife, this relationship is incestuous and the marriage is non-existent; the woman can marry another man without a divorce. But if the child conceived as a Gentile would marry one of his late father’s wives other than his mother, while the marriage is not tolerated it is valid and would need a formal divorce. The Yerushalmi does not consider this unlikely case. [The Sulhan Arukh, Hosan Mišpat §127(2) decides otherwise, following what is reported in the name of Rashi.]

125 The rules of acquisition are spelled out in Mishnah Qiddusin 1:5. The rule is that by rabbinic decree, transfer of movable property can be accomplished only by actual or symbolic possession. This means that if the buyer pays before he takes possession, the seller is legally free to return the money and sell the goods to a higher bidder. However, doing so is morally reprehensible and the tricked buyer may ask the court to declare (Mishnah Baba Mezi’a 4:2): "He Who made the generation of the Deluge and the generation of the Tower of Babylon pay, He will make him pay who does not stand by his word."

Halakhah 9: Rebbi Eleazar said, only to his sons. Rebbi Yose asked, what means "only to his sons?" If he has sons, one should return it to his sons. If he has no sons, one should return it to his daughters. That you
should not say, since the inheritance of the convert is not settled in the Torah\textsuperscript{126}, he should return it to the children. Similarly, if somebody died who was the last of his family and he has no heir\textsuperscript{127} except his mother one does not have to repay, but if the debtor repaid the Sages are pleased with him.

126 The laws of inheritance in Num. 27:6-11 appoint the sons as heirs; daughters are to inherit only if there are no sons. [However, by rabbinic decree unmarried daughters may claim a dowry before the inheritance can be distributed.] In the absence of children, the father’s family inherits in ascending and descending order; the mother’s family never inherits.

127 No relative on his father’s side can be found after diligent search.

The robber who repents and wants to return what he robbed, if somebody accepts it from him, the Sages are displeased with him.

128 Tosephta 8:11 and Babli Baba Qama 94d, speaking of "the robber or one who lends on interest." The Babli restricts the advice only to those robbers and lenders who have no income whatsoever except robbery and interest, and probably refers only to Rebbi’s time.

Rebbi Hiyya in the name of Rebbi Johanan: If somebody trades in promises\textsuperscript{129}, there you say the Sages are displeased with him. But sometimes you say only\textsuperscript{130} that one gives him up to "Him who made pay"\textsuperscript{129}. 
Nothing has been written, no money has yet changed hands, no act of acquisition has been performed. (The text here follows the Rome ms., the Leyden ms. and Venice print have "םימיי ארא") Parallels are in Tosephta Baba Mezi'a 3:14 (quoted in Babli Baba Mezi'a 49a, where Rav disagrees and holds that one is free to change his mind) and Yerushalmi Baba Mezi'a 4:3,4 (fol. 9c-d).

"Only" must be a scribal error since the curse by the court is more of a punishment than the displeasure of the Sages. The case here applies when money has changed hands but no act of acquisition has taken place.

Rebbi Zeira, Rebbi Abbahu in the name of Rebbi Johanan: He who gives a ring as surety and wants to get out of the deal, may get out of the deal. Rebbi Zeira asked before Rebbi Abbahu: A gold coin? He said to him, a ring. What is the difference between a gold coin and a ring? Gold coins are exchanged, a ring remains as it is.

Since the ring is a deposit, taking the ring is not an act of acquisition. The Babli (Baba Mezi'a 48b) disagrees and considers taking a pledge as an act of acquisition. If payment is made, the depositor can reclaim only a gold coin of the same value, not the identical piece.
Rebbi Jacob bar Zavdi, Rebbi Abbahu in the name of Rebbi Johanan:
If somebody wanted to change his mind after he had promised a gift to another person, he may change his mind. Rebbi Yose was with Rebbi Jacob bar Zavdi; he said to him: Is that just no (Lev. 19:36) "and just yes?" He said, when he said it, it was a just yes. Rav disagrees since Rav said, when I tell my family to give a gift to somebody, I never change my mind. A baraita disagrees with Rav: "Where did they say that movables are acquired by being drawn close? In the public domain or in a courtyard which is not their joint property. In the domain of the buyer, when the deal was accepted; in the domain of the seller one never acquires until either he lift it up or he draw and remove everything from the prior owner’s property. In the domain of a depositary he cannot acquire unless he gave permission or rented their place out to him." What does Rav do with this? One is if he was standing with him, the other if he was not standing with him.

Rav disagrees since Rav said, when I tell my family to give a gift to somebody, I never change my mind. You should know because somebody had given surety on salt; it rose in price. He came before Rav who
HALAKHAH 4

said, either he should give corresponding to the surety or he should be given up to "Him who made pay". The arguments of Rav are contradictory. There he says, when I tell my family to give a gift to somebody, I never change my mind and here he says so? There it is for a legal rule; what Rav did himself was a measure of piety.

133 Also in Ma'aser Šeni 4:7 (fol. 55b), Baba Mezi'a 4:2 (fol. 9c-d), Babli Baba Mezi'a 49a. In the Babli, the statement is restricted to large gifts.

134 This cryptic statement is explained in Sifra Qedošim Pereq 8(7), Babli Baba Mezi'a 49a: "Why does the verse mention 'a just epha and a just hin'? Is not a hin a part of an epha, how can one have correct measures for one and not the other? One takes biblical hin as rabbinic hên 'yes'. That your yes should be a yes and your no a no, the same in your mind and your mouth."

135 This is taken as a legal statement; at the end it will be accepted as a moral precept only.

136 Tosephta Qiddušin 1:8, Baba Batra 5:2; Yerushalmi Qiddušin 1:4 (fol. 60b), Giṭṭin 8:1 (fol. 49b); Babli Baba Batra 85a.

137 Things deposited on a person's real estate are his property as soon as he has the right to them.

138 Why should he not change his mind since there was no acquisition and no money given?

139 In this provisional answer, it is only asserted that the promise of a gift to another person is binding. But the question remains, why should it be binding if there was no acquisition, which could only be effected by removing the gift from the donor's property?

140 In the Babli, Baba Mezi'a 48b, the story is told of R. Ḥiyya bar Josef, who appeared before R. Johanan.

141 In the Babli, loc. cit., Rav holds that a surety gives a claim for the value of the surety while R. Johanan holds that a surety establishes a claim for the entire lot in question. The version of the story here implies that Rav was the judge.

142 For his own gifts he establishes the rule that a gift is unchangeable, for commercial transactions he says that they are reversible, even if that would be morally wrong.
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