THE JERUSALEM TALMUD
THIRD ORDER: NAŠIM
TRACTATES SOTAH AND NEDARIM
THE JERUSALEM TALMUD
הלומד ירושלים

THIRD ORDER: NAŠIM
סדר נשים

TRACTATES SOTAH AND NEDARIM
משכתות סותה ונדיר

EDITION, TRANSLATION, AND COMMENTARY

BY
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Preface

The present volume is the seventh in this series of the Jerusalem Talmud, the second in a five volume edition, translation, and Commentary of the Third Order of this Talmud. The principles of the edition regarding text, vocalization, and Commentary have been spelled out in detail in the Introduction to the first volume. The text in this volume is based on the manuscript text of the Yerushalmi edited by the Academy of the Hebrew Language, Jerusalem 2001.

The extensive Commentary is not based on emendations; where there is no evidence from manuscripts or early prints to correct evident scribal errors, the proposed correction is given in the Notes. In response to a suggestion by a reviewer, for each paragraph the folio and line numbers of the text in the Krotoschin edition are added. It should remembered that these numbers may differ from the editio princeps by up to three lines. It seems to be important that a translation of the Yerushalmi be accompanied by the text, to give the reader the possibility to compare the interpretation with other translations.

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 Soṭah

The Tractate received its name from the topic of its first part, the rules concerning the wife suspected of adultery, *Num. 5:11-31*. The title, שֵׁייָ ה "the deviant", is derived from v. 12, "if a man’s wife deviates and is unfaithful to him," when in fact the case treated is one where the wife is not proven to have been unfaithful but only is suspected of adultery. From the biblical formulation the rabbis concluded that for a simple suspicion the husband cannot demand that his wife cleanse herself by undergoing the Temple ceremony, but must present to the local court *prima facie* evidence of adultery so that the court can refer him to the Temple. The evidence required by the rabbis is (1) a formal warning of his wife by the husband delivered before witnesses, and (2) testimony that the wife had a secret rendez-vous with her presumed paramour. The wife cannot be presumed guilty since there are no witnesses to adultery but she cannot be considered innocent either since her indiscretion was proved. Therefore the procedure is a mixture of elements that presume innocence and others which presume guilt. In any case, the biblical procedure is not a medieval ordeal since the procedure is clearly labelled as free of danger for the innocent. In Chapter 9, it is reported that the Temple procedure fell into disuse while the Temple was still standing. Therefore, the discussion is purely theoretical.

The first Chapter discusses the proofs which the husband has to provide to gain the right to bring his wife to the Temple. Since a husband is under the obligation to divorce an adulterous wife, the witnesses to the wife's indiscretion establish the fact that the wife is temporarily forbidden to her husband until she is cleared by the Temple procedure. (Since rabbinic law prohibits testimony for or against a close relative, and a person is closely related to himself, neither husband nor wife nor paramour can testify in court about this matter.) If the wife refuses to undergo the procedure, she must be divorced for cause. In a later Chapter the corollary is established that a husband who has witnesses to his warnings and to his wife's indiscretion but is unwilling or unable to bring his wife to the Temple must divorce her, but for all monetary aspects of the divorce he then is the guilty party. One of the conditions of the Temple procedure is that the husband be free of sin (v. 31). This implies that if the husband has marital relations with his wife while she is temporarily forbidden to him, the procedure becomes inactive and he becomes the guilty party in the divorce. The next topic discussed in the Chapter details the proceedings in the Temple leading up to the core of the procedure. Then both Mishnah and Gemara turn to a series of homilies on the principle "measure for measure" of God's justice.
The second and third Chapters deal with the sacrificial aspects of the Temple procedure, and the rituals to be followed to have the suspected wife swear that she was not unfaithful and drink the water containing dust and the dissolved ink from the scroll on which the officiating priest wrote the oath. Then the Mishnah describes the action of the water on a guilty wife, which in the Talmud is interpreted to mean that the adulteress dies, difficult to read into the Mishnah. (Philo, *The Special Laws III*, 62, holds that the woman becomes chronically ill of dropsy; this may be the Sadducee interpretation. Brichto identifies the sickness as spurious pregnancy.) Connected with this is a discussion whether any merits of the wife's may avert the bad consequences of her actions. Since the procedure involves a flour offering and in biblical law flour offerings of priests are treated differently from the offerings of female members of priestly families, there follows a general discussion of the legal differences in the status of men and women.

The fourth Chapter deals with those cases in which the woman is prevented from undergoing the Temple procedure (even if she would be willing) and the cases in which she is considered the guilty party in the ensuing divorce, as well as the consequences of indiscretions of wives of people disabled from going to court permanently (such as a deaf-mute) or temporarily (such as a prison inmate).

The fifth Chapter contains only one statement regarding the suspected wife, *viz.*, that the action of the water on the wife is identical with the action of the water on the paramour. This is a statement of R. Aqiba derived from Scripture. The rest of the Chapter treats unrelated statements by R. Aqiba derived from Scripture.

The sixth Chapter returns to the topic of the first and discusses in detail the extent of the *prima facie* evidence the husband has to present to the
court or, if the husband prefers to go to divorce court, the evidence necessary to deprive the wife of her divorce settlement.

The seventh Chapter contains only one statement regarding the suspected wife to the effect that the Temple procedure can be conducted in any language the wife understands. The rest of the Chapter discusses which religious procedures may be conducted in the vernacular and which require the use of Hebrew, with most of the Chapter treating the latter case.

The last two Chapters describe two cases in which the Hebrew language is mandatory. Chapter Eight is an extensive exegesis of Deut. 20:1-9; Chapter Nine describes the ceremony of the calf used to expiate an unsolved murder (Deut. 21:1-9). The second part of that chapter notes that during the last decades of the Second Temple, the ceremony of the calf was abolished because of the increase in unsolved murders, and the ceremony of the suspected wife ceased because of the preponderance of misbehaving husbands. This is followed by a litany of evils increasing from Temple times to the wars with the Romans and their aftermath. The last Mishnah probably is a Talmudic addition ending with the statement that the Messiah can only appear if the situation in the world is absolutely unbearable. The other statements of that Mishnah in the two Talmudim are very different, but since the Babli (and Tosephta) versions are quoted in the Yerushalmi, their source must be Galilean.

Chapters Seven and Nine are interesting for a study of the hermeneutical rules, which are given in forms different from the formulation in Sifra and the Babli.

The text of the Yerushalmi Sotah is reasonably well established since we have two manuscripts, the Leiden ms. and the Rome ms. of the first Order. For a few chapters, there also are Genizah fragments which derive
from an archetype different from the two complete mss. A list of manuscript readings and the deviations of the Žitomir-Wilna text from the *editio princeps* appears in the Wilna edition of the early 1920's (Reprint Jerusalem 1969).
Mishnah 1: If a man declares his jealousy\(^1\) to his wife, Rebbi Eliezer says, he declares his jealousy in front of two [witnesses] and takes her to drink\(^2\) by the testimony of one witness or his own testimony\(^3\). Rebbi Joshua says, he declares his jealousy in front of two [witnesses] and takes her to drink by the testimony of two [witnesses]\(^4\).

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1 If a man suspects his wife of infidelity, he may subject her to the ordeal described in *Num. 5*. Since the ordeal involves a sacrifice and it is forbidden to bring profane food into the Temple precinct, the wife has to be warned in due form not to associate with the man the husband suspects to be his wife’s paramour. His right to bring his wife to the Temple can be established only by the testimony of two witnesses of good standing.

2 I. e., he takes her to the Temple precinct for the ordeal.

It will be explained later that from the moment the husband establishes his right to submit his wife to the Temple ordeal, any intercourse with her is forbidden to him until she is cleansed by the ordeal. This means that without a Temple, the wife will be forbidden after the jealousy was declared and the husband has to divorce his wife and can never take her back. If he can establish the fact that she was alone with another man after being duly warned, the divorce would be the wife’s fault and no payments would be due at the time of the divorce.

3 In the interpretation of the Mishnah, R. Eliezer holds that once the wife was warned in due form, the fact
that she had a tête-à-tête with the suspect does not need a formal proof; the husband can declare to the priest in the Temple that he saw the two together.

4. R. Joshua requires that both the warning to the wife and the fact of a subsequent tête-à-tête have to be established in a form acceptable to the priests’ court in the Temple.

Halakhah 1: "If a man declares his jealousy to his wife," etc. It is written⁵: "A spirit of jealousy overcame him and he declared his jealousy to his wife," this implies that he should not declare his jealousy jokingly, or in the middle of a conversation, or lightly, or in a friendly manner⁶ but in a way that inspires fear. If he transgressed and declared his jealousy in one of the aforementioned ways: was this said as an obligation or as a necessity? If you say as an obligation, his declaration of jealousy is valid⁷. If you say as a necessity, his declaration of jealousy is invalid. This is resolved referring to the statement⁸: Anywhere "law" or "teaching" is mentioned, it is an absolute necessity.

5  Num. 5:14.
6  The witnesses to the declaration of jealousy must be able to testify that the wife could not possibly have had the impression that the husband was less than absolutely serious.
7  While he did not do what he was supposed to do, his dereliction would not invalidate his declaration.
8  Accepted also in the Babli, Menahot 19a. Any procedure that is described as מין or מין in the Torah
must be executed to the letter or it is invalid; quoted also in *Sotah* 2:3 (18a), *Pesahim* 7:2 (34b).

It follows that for the *Yerushalmi,*

any declaration of jealousy that is not executed in a spirit of gravity is invalid.

The declaration of jealousy, Rebbi Joshua said in the name of Rebbi Eliezer, is obligatory⁹; but Rebbi Joshua said, it is optional. Rebbi Eleazar ben Rebbi Yose said before Rebbi Yasa, it turns out that Rebbi Eliezer follows the House of Shamai and Rebbi Joshua the House of Hillel¹⁰. As the House of Shamai say, a man may not divorce his wife except if he found in her a matter of nakedness¹¹. If he found her behavior ugly¹², he cannot divorce her since he found no proof of adultery; he cannot keep her since he found her behavior ugly. Therefore, he says, it is obligatory. But was it not stated in the name of the House of Shamai: Not only that the woman must leave because of incest; from where that she must leave if her head’s [hair] is loose, if the side seams of her dress are open, or her arms stripped bare¹³? The verse says, “for he found in her a matter of nakedness.” Rebbi Mana said, I confirmed this if there are witnesses, but not if there are no witnesses¹⁴.
9 If the husband has reason to suspect his wife, he has no choice but is obligated to declare his jealousy. In the Babli, 3a, the position of R. Eliezer is ascribed to R. Aqiba and that of R. Joshua to R. Ismael. Since R. Joshua is the greater authority than R. Eliezer and R. Aqiba is greater than R. Ismael, in practice the Babli takes the position opposite to the Yerushalmi.

10 Mishnah Gittin 9:11; Sifry Deut. #269.

11 Illegitimate nakedness: incest and adultery.

12 "Ugly things" in a moral sense, from which one may presume that she was unfaithful but there is no proof. The Babli uses כשר in the same sense. In Ketubot 7:7 (fol. 31c), Babli Yebamot 24b/25a an example is given, that the husband comes home and sees a pedlar leave the house and his wife getting dressed. Our sources indicate that in such a case the husband may divorce his wife without paying, claiming the divorce is his wife's fault. It is not mentioned that in the absence of witnesses to the presumed sex act, the House of Shammai prohibit the divorce. This may qualify the entire argument as homiletic.

13 In the Babli, Gittin 90a/b, this is a statement of R. Meir, following the House of Hillel.

14 If there are independent witnesses to the indecent behavior (Note 12), the House of Shammai agree that the husband must divorce his wife; but in the case of a declaration of jealousy they might not permit a divorce except if the ordeal proves the wife guilty.

15 And Rebbi Joshua [follows] the House of Hillel. For the House of Hillel say, even if she burned his food. Therefore, he says it is optional. If he wants to declare his jealousy, he declares his jealousy; if he wants to divorce her, he divorces her.
Mishnah Ketubot 7:6 spells out that the husband can divorce his wife for cause (without payment) if he can prove indecent conduct. If he divorces her because she is a bad cook, he has to pay.

What is Rebbi Eliezer’s reason? "For he found in her a word of nakedness." "Nakedness", that is the rendez-vous. "Word", that is the declaration of jealousy. "Word, word"; just as "word" mentioned there requires two witnesses, so "word" mentioned here requires two witnesses. "But he can take her to drink by the testimony of one witness or his own testimony," "she was untrue to him in untruthfulness", about the conditions spelled out to her through the mouth of others.

15 Deut. 24:1.
16 Num. 5:12. The root לאז denotes the sin of embezzlement or fraud (Lev. 5:15, Num. 5:6; cf. Arabic لائنه) or general mischief (Lev. 26:40, Ez. 18:24, Ezr. 9:4; cf. Arabic لائنه).
17 "Meeting in secret" with another man.
18 Deut. 19:15: "By the mouth of two witnesses or three witnesses shall a word (fact, circumstance) be confirmed." The argument is based on the second hermeneutical rule (Sifra Introduction) that the meaning of words is unchanged from one occurrence to the other.

In the Babli, Gittin 90a, this is quoted as the argument of the House of Shammai.
her contract with him is read to mean breach before the Temple priests. That he is empowered to prosecute this

It was stated²¹: "Rebbi Yose ben Rebbi Jehudah says in the name of Rebbi Eliezer, he declares his jealousy by the testimony of one witness or his own testimony; he takes her to drink on the testimony of two witnesses." It is said here: "For he found in her a word of nakedness; "finding" anywhere has to be validated by witnesses²². How does Rebbi Eliezer explain "a word"? A circumstance that brings into the habit of nakedness. May a single witness let him take her to drink? His own testimony can never obligate him to swear in money matters but it will let him take her to drink, a single witness who will obligate him to swear in money matters not so much more? May a relative bring her to drink? Who is a closer relative than her husband? May a hearsay witness bring her to drink? What is the difference between him and a relative? A relative may be disabled today but he might be enabled later, a hearsay witness is not acceptable either today or later²⁸.
case must be heard before a duly constituted court.
23 A "word (or case, matter) of nakedness" is not nakedness itself.
24 This seems to refer to the first version (the Mishnah) of R. Eliezer's position. The earlier argument (Note 20) showed that the husband is empowered to bring his wife to the Temple on his own testimony; one still needs an argument to permit a single witness to a secluded rendez-vous to allow the husband to bring his wife to the Temple.
25 R. David Fraenckel points out that this sentence is ambiguous. It either can mean that a person's own word in money matters can never bring onto him a biblical obligation to swear, for if he agrees that he owes money he pays and if he disputes the [entire] claim and the other party has neither witnesses nor documents, no oath is due. But it also may mean that a statement of a claimant can never obligate the defendant to swear.
26 Num. 35:30: "A single witness should not testify in a death penalty case" is interpreted to mean that in money matters a single witness in support of a claim of money obligates the defendant to swear (Sifry Num. 161; the argument here is hinted at in Sifry Deut. 188).
27 No relative can be a witness in court in any proceeding. Therefore, it is most irregular that the husband's word should carry any weight in any proceedings.
28 While a woman may rely on hearsay testimony about her husband's death (Yebamot 16:5 ff.), this is an extra-judicial proceeding. In judicial proceedings, hearsay testimony is strictly excluded.

What is the reason of Rebbi Joshua? "For he found in her a word of nakedness. 'Word', that is the declaration of jealousy. "For he found"; ''finding" has to be validated by witnesses. ("But he can take her to drink
by the testimony of one witness or his own testimony," "she was untrue to him in untruthfulness".)

How does Rebbi Joshua explain "nakedness"?

[A prohibition of] nakedness that came because of a word.

In the Babli, 2b, the argument attributed to R. Joshua refers to Num. 5:13: "There is no witness against her", meaning that a single witness to her adultery will make the Temple ceremony superfluous and will make her lose the ketubah money otherwise due to her in a divorce, but will not be valid either to prove a declaration of jealousy or a secluded rendez-vous.

The sentence in parentheses has been copied in error from the arguments of R. Eliezer.

Because of his word, the declaration of jealousy, she becomes forbidden to him even though there is no witness to her adultery.

They answered on the words of Rebbi Yose ben Jehudah: If so, there is no end to it. If he is believed, he declares his jealousy (before two) [by himself], brings witnesses that she was in a secluded place and disables her from receiving the ketubah. Rebbi Yose said, what business did she have in a secluded place? But it refers to the statement in the Mishnah. Is he believed to declare formally his jealousy and then say...
that she was in a secluded place and disable her from receiving her ketubah? Rebbi Mana said, even for that other Tanna\textsuperscript{36} it is [a] valid objection, following him who says that he may declare his jealousy in respect to her father or her son. Is he believed to declare his jealousy with respect to her father and her son, can he then bring witnesses that she was in a secluded place with them and disable her from receiving her ketubah? If you ask, what business did she have in a secluded place? The Torah permitted her to be in a secluded place, since Rebbi Johanan said in the name of Rebbi Simeon ben Iohai, it is written\textsuperscript{37}: "If your brother, your mother's son, incites you, etc.," Your daughter, in secret; your mother, in secret; a man may be alone with his mother and dwell with her\textsuperscript{38}, with his daughter and dwell with her, with his sister but may not dwell with her\textsuperscript{39}.

32 The text (in parentheses) is an obvious error but it appears also in the Rome ms. The translation [in brackets] is a conjectured emendation.

The problem is that according to R. Yose ben R. Jehudah's version, the husband may state that he had declared his jealousy without the wife having a possibility of disproving his claim. He may then plant witnesses and trick her into being alone with another man in order to divorce her without payment.

33 The marriage contract specifying the monetary obligations of the husband towards his wife and her children. The same argument is given in the Babli, 2b.

34 Being alone with another man is misbehaving. It is stated in Mishnah Qiddushin 4:12 that a woman, other than his mother or daughter, may not be alone with man to whom she is not married (unless the latter's wife is close by). Why should the husband not be able to divorce her through her fault?

35 The Mishnah's version of R. Eliezer's position. In R. Yose ben R. Jehudah's version, at least the fact of the wife's misbehavior must be established in court by two witnesses subject to cross-examination. But in the Mishnah's version, two witnesses
are needed only to certify the relatively minor fact of the declaration of jealousy but after that, the husband can deprive the wife of her ketubah money simply by stating that she misbehaved. This contradicts all rules of procedure in civil cases. The same argument is given in the Babli, 2b.

36 R. Yose ben R. Jehudah.
37 Deut. 13:7. The verse mentions maternal halfbrother, son, daughter, and wife, as persons who may be in a hidden place with him. In the Babli Qiddushin 80b, R. Johanan is quoted in the name of R. Ismael, in Sanhedrin 21b and Avodah Zarah 36b in the name of R. Johanan's teacher R. Simeon ben Yehosadaq.
38 This is not explicit in the verse but is inferred from the involved description of "your brother, your mother's son"; it is spelled out in the Babli, loc. cit.
39 She is not mentioned in the verse.

Witnesses of a declaration of jealousy who were found to be false 40 are whipped. About witnesses concerning her being in a secluded place who were found to be false, you say that they are whipped; why should they not pay 41? It is not through their action that she loses her ketubah 42.

40 The technical term "scheming witnesses" derives from Deut. 19:19 where it is stated that the penalty inflicted on a false witness shall be the punishment he schemed to inflict on the accused. Tractate Makkot mainly deals with the case of false witnesses on whom the punishment intended for
their victim cannot be inflicted; in that case they are whipped for committing a sin. Since males cannot be subject to declarations of jealousy, the false witnesses must be whipped.

41 On their testimony, the wife loses her ketubah-money
42 Without testimony which confirms the declaration of jealousy, their testimony is worthless. Since the verse makes no provision for partial guilt, no monetary punishment can be imposed.

43 Reading γπιϊρ 3Ί of a parallel quote in Ketubot 2:10. He was Samuel’s most outstanding student.
44 A possible explanation of this sentence, which appears here and in Ketubot 2:10 without discussion, seems to be that one refrains from imposing the punishment of whipping only in cases in which the imposition of another punishment is straightforward.
If she was seen going to a secluded place by one witness in the morning and by one witness in the evening, it is to be treated like the following:  If she was together alone with him by the testimony of two witnesses, she needs a second bill of divorce from him; if there was a single witness she does not need a second bill of divorce from him. With one witness in the morning and one witness in the evening, such a case happened and Rebbi Eleazar ben Thaddeus asked the Sages, who told him that this is not being together alone. If he declared his jealousy before one witness in the morning and before one witness in the evening; since he is a man and she is a woman, his declaration is nothing. Or is it to be treated like the following: One accepts the witnesses' testimony only if they saw it together. Rebbi Joshua ben Qorḥah says, even if they saw it one after the other. Rebbi Jeremiah, Rebbi Samuel bar [Rav] Isaac in the name of Rav: The Sages agree with Rebbi Joshua ben Qorḥah with regard to witnesses of firstlings and witnesses of squatters' rights. Rebbi Abba in the name of Rebbi Jeremiah. The same holds for
testimony regarding signs. In that case, it is obvious if one says, I saw two hairs on his back and the other says, I saw two hairs on his back. If one says, I saw one hair on her back and the other says, I saw one hair on her back, that is nothing; similarly on his back and on his back. If two say, we saw one hair on his back and two others say, we saw one hair on his belly? Rebbi Yose ben Rebbi Abun and Rebbi Hoshia the son of Rebbi Shammai, one said, it is invalid, but the other said, it is valid. He who says it is invalid considers him as one who testifies to half a sign. He who says it is valid? I say, maybe they were rubbed off. Two say, we saw one hair on his back and two others say, we saw one hair on his belly. Rebbi Haggai said, everybody agrees that this is invalid [testimony]. Rebbi Abba said, everybody agrees that this is valid. Rebbi Yudan said, this is in disagreement; Rebbi Yose said, this is in disagreement. Rebbi Yose said, does not Rebbi Yudan follow my opinion? He answered, I am disagreeing with his teacher, so much more with him. Rebbi Mana said, Rebbi Haggai was correct. If a document was signed by four witnesses and it was disputed, if one person verified the signature of two [witnesses] and another that of the other two, is that worth anything? Does not every single signature need two witnesses? And here, every single hair needs two witnesses. Rebbi Hanania learns it from the years of squatting rights. If one [witness] testified that he ate from the property the first, second, and third years and another [witness] testified that he ate from it the fourth, fifth, and sixth, is that worth anything? Does not every single year need two witnesses? And here, ever single hair needs two witnesses.
45 Reading of the Rome ms. and *editio princeps*. Reading of Leiden ms.: "they came".

46 Reading of the parallels Ketubot 2:4, Sanhedrin 3:10. Reading here: "one said, I saw."

47 Reading of the parallel in Sanhedrin. Reading here: "two hairs".

48 Reading of the parallels Ketubot 2:4, Sanhedrin 3:10. Reading here: "on him".

49 Reading of Leiden ms.

50 The corrector wrongly deleted this word.

51 And the same witness saw the suspect man going to the same place.

52 Tosephta Gitin 5:4; quoted also in Halakhah Gitin 7:4.

53 A Tanna whose time cannot be determined with accuracy. He seems to belong to the later Tannaim.

54 In the Tosephta: "That is only one witness per incident." It implies that also in the case of the straying wife there are no two witnesses for any incident.

55 In the interpretation of S. Eisenstein, the statement should be read as: "even though he is the same man and she is the same woman morning and evening, his declaration is worthless." It seems that this author is correct in reading this interpretation into R. Josef Caro's lengthy discussion of this paragraph in *Bet Joseph, Ṭur Ḥošen Mišpat* 30(7). The upshot of the latter's discussion is that since the declaration of jealousy in every case was made in front of only one witness, nobody is expected to take it seriously.

56 From here to the end of the Halakhah the text is found also in the parallels Ketubot 2:4, Sanhedrin 3:10.

57 Tosephta Sanhedrin 5:5, Babli Sanhedrin 30a; Baba Batra 32a,165a; Ketubot 26b, Gitin 33b; Yerushalmi Ketubot 2:4; Sanhedrin 3:10, 4:1. The Babli seems to imply that practice follows R. Joshua ben Qorha and the Yerushalmi text also has to be interpreted in the same way. For R. Joshua ben Qorha the two single witnesses together can testify not to a single misdeed but to a pattern of misbehavior.

58 In the Babli, Sanhedrin 30b, essentially the same ruling.

59 Accoding to Rashi, Sanhedrin 30b, this refers to a firstling born in the herd of a Jew. The firstling must be given to a Cohen who, in the absence of a Temple, may slaughter and eat the firstling only after it has developed a permanent defect which disables it from ever being a sacrifice.
(Deut. 15:21-23). Since the Cohen has a monetary interest in seeing the firstling declared defective, the rabbis decreed that (a) causing a defect in a firstling is sinful and (b) the Cohen is disqualified from testifying that the defect was not induced by humans. The Cohen must find two other witnesses but they do not have to testify on the same thing.

In a society in which title to real estate is not necessarily established by documents, title to a property can be proven in court by testimony of undisturbed possession during three years supported by a claim of lawful acquisition (as purchase, gift, or inheritance).

To testify that the person in question is an adult qualified to transact business. A person is an adult who (a) has reached the age of consent, 12 and 1 day for a female and 13 and 1 day for a male, and (b) shows signs of puberty in the form of two pubic hairs. While the court may have ways of verifying age, it needs testimony about the pubic hair. Growth of hair on any other part of the body is irrelevant. Therefore, in the following, the expression "hair on the back" or "hair on the belly" cannot mean that but must be read as "hair on the extreme right or left of the pelvic area" and "hair at the upper border of the pelvic area [Maimonides, Hilkhot Edut 4:7, Meiri Sanhedrin (ed. A. Sofer, Jerusalem 1971) p. 131].

This is valid testimony even if it is not simultaneous.

Since one pubic hair does not make the person an adult, there is no witness who testifies to the person being an adult.

The first witness testifies that the person is an adult. The second witness cannot testify that the person is an adult. In a criminal case, his testimony would be inadmissible. In the case before us, he only testifies that the person has more pubic hair than indicated in the first testimony; the question is whether the second witness, following R. Joshua ben Qorha, may be admitted to confirm the first testimony. It is obvious that for the rabbis opposing R. Joshua ben Qorha there is no testimony at all.

The argument is accepted in both Talmudim. It says (Deut. 19:15): "By the mouth of two witnesses or three witnesses the matter should be established." It follows that a witness for half the matter has no standing in court.

He testifies that all he saw was one hair, showing that the two hairs
seen by the previous two witnesses were not permanent hair.

67 Since Rebbi Abba had said earlier that the Sages agree with R. Joshua ben Qorha that partial testimony is accepted for signs of puberty, he must hold here that everybody agrees that two partial testimonies can be combined if each part is confirmed by two witnesses.

68 He disagrees with R. Abba and holds that the Sages did not accept R. Joshua ben Qorha’s opinion in this case. In the Babli (Sanhedrin 30b), R. Abba holds that the Sages accepted R. Joshua ben Qorha’s opinion only for questions of real estate.

69 It is claimed that the document is a forgery. In that case, the signatures of the witnesses on the document must be verified by two witnesses (or by comparison with another document signed by the same witness and which had been certified as genuine by some court of law.)

70 That argument seems to be incongruous here. It refers to the reading of the parallels in Ketubot and Sanhedrin: "One [witness] said, I saw one hair on his back and another said, I saw one hair on his belly. Rebbi Abba said, everybody agrees that this is valid. Rebbi Haggai said, everybody agrees that this is invalid [testimony]."

However, the problem with this reading is that this kind of testimony has already been rejected (Note 63). The argument of R. Mana II (a student of R. Yudan) must refer to the text given here.

71 While every witness testifies that the person in possession today was undisturbed in his possession for three years, this is not the testimony required by the court. (This case cannot be compared with that of informal testimony referred to in Mishnah Yebamot 15:5, where concurrent inference from diverging statements is accepted.)
Mishnah 2: How does he declare his jealousy? If he said to her in front of two [witnesses]: Do not speak with the man X, and she spoke with him, she still is permitted to her house\(^{72}\) and to eat heave\(^{73}\). If she enters a hidden room together with him and remains there long enough for impurity\(^{74}\), she is forbidden to her house\(^{72}\) and forbidden to eat heave; if he dies she needs halisah but cannot be married in levirate\(^{75}\).

72 To sleep with her husband.
73 If her husband is a Cohen, she is not desecrated.
74 The minimal time needed to start intercourse, for the genitals to touch; cf. Yebamot Chapter 4, Note 59.
75 If the husband dies childless before the situation is resolved, she cannot be permitted to the levir since she was forbidden to the husband. But since she was not divorced, she cannot be free to marry outside the family without the formality of halisah.

Halakhah 2: "How does he declare his jealousy," etc. Does this mean only, until she talks with him? That would imply, if she went to a secluded place with him without talking, that going to a secluded place would count for nothing\(^{78}\)? It comes to tell you more: Even if she talked to him but was not with him in a secluded place, she still is permitted to her house and to eat heave, since the Mishnah uses chaste language: Do not be alone with Mr. X\(^{79}\).

76 All quotes from the Mishnah in Babylonian Mishnah. This shows that this Halakhah follow the text of the Mishnah in the Yerushalmi was
shortened in transmission.

77 Reading of the Rome ms. Leiden ms: man, induced by the words nearby.

78 Since only talking to Mr. X was forbidden to her. That conclusion seems to be ridiculous.

79 From the start, the husband did not say "do not talk" but "do not be alone". The Babli, 5b, holds that even if the husband says "talking", it is interpreted as meaning "being alone in a hidden room"; cf. Tosafot 5b, s. v. אנה.

May he declare his jealousy with respect to two men together? Rebbi Yudan said, that is in dispute. He who says that he may declare his jealousy with respect to her father and her son, that he may declare his jealousy with respect to two men together. Rebbi Yose asked: May he declare his jealousy with respect to a hundred men? Rebbi Yose ben Rebbi Abun said to him: If he said to her, do not enter the synagogue, she enters.

80 Cf. Note 37.
81 On Mishnah Qiddushin 4:12, which states that a woman may be alone with two other men, the Yerushalmi notes: "That is, if they are decent men. But if they are amoral, she should not be alone even with a hundred simultaneously." R. Yose denies that anybody may hold that a man cannot declare his jealousy simultaneously with regard to two men.
82 It depends on the circumstances. If the husband wants to prohibit any social interaction to his wife, she may force a divorce through his fault (Ketubot 7:5, fol. 31b, line 46; Babli 72a).
"With him.\(^{83}\)" Rebbi Mana said, it only said "with him." Therefore, not one after the other\(^ {84}\). Rebbi Abin said, even one after the other since anyhow it is obvious\(^ {85}\): On a road\(^ {86}\) during the night, in a ruin during daytime, in dark passageways during daytime.

83 This refers to the Mishnah which states "If she enters a hidden room together with him".

84 If they are witnesses that she and her paramour entered at different times, the husband has no case.

85 The Mishnah forbids her to her husband any time she was together with her paramour in any more or less hidden place; examples are given.

86 Greek πλατεία "open place".

87 They asked Ben Zoma: Why is a doubt in a private domain considered impure\(^ {88}\)? He said to them: Where is the suspected wife? In a private domain\(^ {89}\). He said to them, we find that she is forbidden for her house\(^ {90}\)." The words of the rabbis disagree, since Rebbi Ze'ira, Rebbi Yasa said in the name of Rebbi Johanan: An underage girl who whored has no
will to be forbidden to her husband. But did we not state: "In any case where there is no mind to be asked, the doubtful case is pure"? Therefore, if there is a mind to be asked, the doubtful case is impure. But here, even while there is a mind to be asked, the doubtful case is pure! Why is a doubt in a public domain considered pure? He said to them: We find that the public prepare their Passah [as in] purity when most of them are impure. If known impurity was permitted in public, so much more for a case of doubtful impurity.

87 An extended text in Tosephata Taharot 6:17.
88 This is a question about ritual impurity, not the moral impurity of the straying wife. But since adultery is called "impurity" in the paragraph of the straying wife (Num. 5:13,14,19,20, 27,28,29), the rules of ritual impurity and of moral impurity must be identical. The undisputed rule is that if a question arises in matters of ritual impurity it must be resolved by a presumption of impurity in a private domain but of purity in the public domain (cf. Babli, Sota 28a/b, Avodah Zarah 37b, Hulin 9b). The argument presented by the Tosephata is rejected by the Babli in Sota in the name of R. Aqiba; in Avodah Zarah and Hulin the rule is accepted as an old tradition devoid of scriptural basis. Cf. Tosafot Sota 28b, s. v. זאמה.
89 A place adequate for intercourse must by definition be private. As the preceding examples show, the definition of "private place" for all kinds of impurity are different from the rules of "private place" in civil matters and regarding the Sabbath (Shabbat Chapter 1).
90 In her intimate relations with her husband, she is considered an adulteress even though there remains a doubt whether she actually committed adultery in the hidden room.
91 In the Babli, Yebamot 33b, the formulation is: The seduction of a minor girl is rape. The rape victim is explicitly cleared from the guilt of adultery in Num. 5:13.

The Medieval authorities make it difficult to understand the position of the Babli in this matter. According to R. Abraham ben David in his glosses to
the Code of Maimonides (Issure Bi’a 3:2, Sota 2:4), the Babli accepts the opinion of the Yerushalmi. Maimonides holds that the underage girl is forbidden to her husband. As usual, he gives no reason for his decision. In the opinion of Don Vidal de Tolosa, approved by Joseph Caro, this is not because of the girl but because the husband forbade her on himself as stated in Ketubot 9a for any case in which the husband accuses his wife of infidelity. In the case of an underage girl, this refers only to a girl married off by her father, whose marriage in valid by biblical standards, cf. Yebamot 1, Note 118.

93 Even in a private domain.
94 The argument of the Tosephta is rejected since the minor can tell what happened even if she legally has no will (or at least the seducer could in theory be asked.)
95 If most of Israel are impure, the public service in the Temple is performed in impurity. The only private sacrifice which has the status of a public offering is the Passah lamb (Mishnah Pesahim 7:6).
96 This is a matter of dispute in the Babli (e.g. Yoma 6b), whether for public sacrifices the rules of impurity are pushed aside or eliminated. Following the first opinion, the invasion of impurity has to be held to a minimum. This opinion is not found in the Yerushalmi. In the second opinion, the one expressed here, the rules of impurity are disregarded; it is as if impurity were purity. Under the influence of the Babli, the commentators unanimously emend "in purity" to "in impurity" and even J. Sussman here indicates a corruption. The emendation is totally unnecessary.

(16c, line 45)
There, we have stated: "In all matters of incest, He made him who touches equal to him who completes and one is guilty for each single intercourse. He was more stringent with the slave girl since in her case He treated the intentional as unintentional." Rebbi Jeremiah, Rebbi Abba bar Mamal in the name of Rav: "Flow of semen," until he ejaculates. Here is written "flow of semen", and here is written "flow of semen." Here, you say "flow of semen" until he ejaculates. And here, you say so? Rebbi Yose said, there is a difference, for it is written: "She was hidden and became impure." From the moment she was hidden, the Torah calls her "impure". But here, "flow of semen," until he ejaculates. For what reason is written "flow of semen"? For measures, as it is stated: "She was hidden and became impure"; what is counted as hiding? Time to become impure. What is the time for impurity? Time for intercourse. What is the time for intercourse? Time for ‘touching’.

97 Mishnah Keritut 2:4. "Incest" always includes adultery.

98 The man whose genital touches the woman's. This is a technical term, cf. Yebamot Chapter 6, Note 11.

99 This refers to the rules concerning a slave girl (Lev. 19:20-22) who according to some opinions is partially manumitted (cf. Babli Keritut 11a.). The Babli's tradition eliminates the rules from practical importance by restricting them to a girl living with a Hebrew slave. Since the institution of Hebrew slaves was abolished with the Babylonian exile, never to be re-instituted, the frequent discussions of the rules are purely theoretical. However, in Sifra Qedosim Pereq 5(1), at least one opinion describes the slave girl engaged to a free man in the expectation of her manumission.

As a slave, the girl can not marry and therefore she is free to have guiltless sex with any man not a Jew.
Upon manumission, she becomes a free Jewish woman and able to contract a valid marriage with any Jew who is not a priest. She is permitted to live with a Hebrew slave (Ex. 21:4). Since her relationship with the slave is not a marriage, her affair with another man is not adultery. From the man's side, the affair with the slave girl is the only sin which can be atoned for by a sacrifice if committed intentionally. A purification sacrifice is possible only for inadvertent sins; the relation with the semi-free girl can be atoned for by a reparation sacrifice. (An intentional sin can only be cleansed by God's mercy in response to repentance.) For inadvertent sins, a purification sacrifice is due for each single transgression; one reparation sacrifice covers the entire affair.

100 Lev. 19:20: "If a man sleep with a woman by flow of semen..." The intercourse of a free man with the slave girl is not punishable unless there was an ejaculation.

101 In the case of the straying wife, Num. 5:13 reads: "A man slept with her with flow of semen." Nevertheless, the wife becomes impure and forbidden to her husband already if her paramour's penis touches her genitals. This seems to contradict our principle that equal expressions used in different circumstances must have equal meanings.

102 In the case of the slave girl.

103 In the case of the straying wife.

104 Num. 5:13.

105 To measure how long the wife must be hidden together with her paramour to be impure and subject to the ordeal. In another connection this is quoted in the Babli, 2b.

106 Babli 4a. The Babli discusses why all these expressions have to be used.
How long is ‘touching’? Rebbi Eliezer says, [time needed] to walk around a date palm; Rebbi Joshua says, to mix a cup [of wine]; Ben Azai says, to drink it; Rebbi Aqiba says, [time needed] rolling an egg; Rebbi Jehudah ben Bathya says, to sip three rolled eggs one after the other; Rebbi Eleazar ben Phineas says, [time needed] for the weaver to bind a thread; Miniamin says, that she can stretch out her hand and lift a loaf of bread from the basket. And though there is no proof, at least there is a hint: ‘For a whoring woman up to a loaf of bread.’ Rebbi Yose said, all these measurements [of time] are after she removes her underpants. Rebbi Johanan said, each of them judged by his own experience. But did Ben Azai ever marry? Some want to say, he had an erection. But some want to say, he was married and gave it up. Some want to say, "the secret of the Eternal is for those who fear Him, to inform them about His covenant."

107 This baraita exists in several versions: Babli 4a, Sifry Num. 7, Sifry Zuta 13, Tosephta 1:1, Tanḥuma and Tanḥuma Buber Našo; Num. rabba 9(6).

108 In Babli and Sifry, Sifry Zuta: R. Ismael.

109 In Babli and Sifry, Sifry Zuta: R. Eliezer.

110 In Babli and Sifry, Sifry Zuta: R. Joshua. In the Tosefta: Ben Azai says, mixing a cup to drink it.

111 In Babli and Sifry, Sifry Zuta: Ben Azai says, to fry an egg. The Tosephta, which ascribes the statement to R. Aqiba, also has: to fry an egg. The usual explanation of bibi is: To boil an egg softly so it can roll when taken out of its shell. A soft-boiled chicken egg is considered the egg which is most quickly prepared for
human consumption [Rashi in Babli Ṣabbat 80b, cf. Yerushalmi 8:7 (fol. 11b line 70)].

Babli and Sifry, Sifry Zuṭa have an additional entry: R. Aqiba says, to sip one (soft-boiled) egg.

112 In Babli and Tosephta: R. Eleazar ben Jeremiah. This reading is suspect since this name is not reported anywhere else in talmudic literature while R. Eleazar ben Phineas is quoted several times. Because of the dependence of the Tosephta on the Babli [cf. Epilogue in the author's edition of Ma'aser Šeni, Ḥallah, Orlah, Bikkurim (SI 23)], Babli and Tosephta cannot be considered as two independent sources.

This and the following entries are missing in Sifry.

113 A student of R. Aqiba. In Babli, Tanhumas, Tanhumas Buber, Sifry Zuṭa: Polemon. Babli, Tosephta, and the Tanhumas have another entry: Hanin ben Phineas says, that she may extract a splinter from her mouth (in Tanhumas: Rebbi Ḥanin, Tanhumas Buber: Ḥanan)

114 Prov. 6:26.

115 Meaning and etymology of the word ḫes are in doubt. The translation follows Arukh (s. v. ḫes 1) and Rashi (Ṣabbat 92b): "Small pants which she wears for decency". (This meaning may be compared with Arabic سر"armor"). Maimonides (Commentary to Ṣabbat 10:4), following a Gaonic commentary (B. M. Levin Osar HaGeonim Ṣabbat, Osar HaPerushim p. 51): "sash". It is reported in Megillah 4:1 (75a, line 30) that from the time of the return from Babylonia, Jewish women wore a sinār; according to Rashi's tradition they wore gowns and under them pants from the hips to the knees; according to Maimonides they wore long pants and a sash covering their legs front and back down from the hips. Maimonides's interpretation is the source of the acceptation in modern Hebrew: Apron. (Cf. Greek συνωρίς, -ίδος, ἐ, "pair of horses", also "pair of anything (fetters, manacles)", referring to a pair of sashes or pants? (E. G.))

R. Yose's remark makes all the examples given meaningless for practical applications.

116 Babli 4b.

117 What does he know about sex? He is the example of a man studying 24 hours a day, not having time for anything else.

118 This contradicts the story in the Babli, Ketubot 63a, that he was engaged to R. Aqiba's daughter who wanted to marry him after he had become the time's most outstanding
scholar but that he died before he had attained that goal.

It was stated\(^{120}\): Rebbi said, three times is "impurity" said in the paragraph\(^{121}\), one for the husband, one for the paramour\(^{122}\), and one for heave\(^{123}\). For heave? Do we find that a woman is forbidden to her house\(^{72}\) and permitted to eat heave? Why not? If the daughter of a Cohen was married to an Israel and raped, is she not permitted to her house\(^{124}\) but forbidden heave? We never find that a woman is forbidden to her house and permitted to eat heave\(^{125}\)! Rebbi Abin said, it was said: One for the husband, one for the paramour, and one for the levir\(^{126}\). Rebbi Yose ben Rebbi Abun said, the Mishnah says so: "If he dies she needs halisah but cannot be married in levirate."

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120 In the Babli, 28a, and in Sifry Zuta (Našo 14), in the name of R. Aqiba. A complementary version, that three times "if she was not impure" is mentioned to permit her to her husband, presumed paramour (after the husband's death), and heave, is in Sifry Num. 19.

121 According to Rashi, once each in Num. 5:14, 27, 29.

122 That she could not marry him even if divorced or widowed.

123 If she is married to a Cohen or is the childless daughter of a Cohen married to an Israel, who on becoming a widow would otherwise be permitted
heave. Any woman who ever slept with a man whom she could not marry on the spot (even if raped) is desecrated and permanently barred from priestly status since she cannot "return to her father's house as in her youth" (Lev. 22:13). Since a married woman cannot marry another man without a divorce, an adulteress is automatically desecrated.

124 Since the Israel has no sacred status, his relation to his wife is not changed if she is raped.

125 If A implies B it does not follow that B implies A. Therefore, the example given as objection is irrelevant. Since the wife cannot live with her husband until she is cleared from the accusation of adultery, she cannot eat heave until she is cleared.

126 If the husband died childless after his wife was in a hidden place with another man and before she was cleared of the suspicion of adultery.

Rebbi Jacob bar Abin stated before Rebbi Jonathan: "If you deviated from under your husband." 127 This excludes rape." How do you understand this? He said to him: Just as she is "under your husband" by her consent, so also in this case by her consent.

127 Num. 5:20. The baraita is not quoted elsewhere. The other sources point out that the raped wife is expressly excluded by v. 13: "And she was not kidnapped" (Sifry Num. 7).

128 טאָווּנָא לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה לֵאָסִוְּרָה L (16c, line 73)
Just as the woman accused of infidelity is forbidden to her husband, so she is forbidden to her paramour. Just as she is forbidden to her husband’s brother, so she is forbidden to her paramour’s brother. I might think that just as the co-wife of a woman accused of infidelity is forbidden to her husband’s brother, so she should be forbidden to her paramour’s brother. Let us hear from the following: "A woman’s husband went overseas; they came and told her that her husband had died, and she had a levir here; he married her in levirate and died. Then her husband returned. She is forbidden to him but her co-widow is permitted to him; she is forbidden to him but his brother’s wife is permitted to him." Is his brother’s wife not like the co-wife of a woman accused of infidelity? That means that the co-wife of a woman accused of infidelity is permitted to her paramour’s brother. Rebbi Judan said, this follows the rabbis there, as
Rebbi Hila said, one states there, for incestuous relationships no divorce is needed except for a married woman; Rebbi Aqiba says also from his wife's sister. But following the rabbis here? Rebbi Ḥiyya in the name of Rebbi Johanan: everybody agrees that his brother's wife needs a bill of divorce from him because of the rule of a married wife. She is forbidden by the incest rules, and an incest-prohibited woman frees her co-wife. Rebbi Ḥinenah said, it is accepted even according to the rabbis here. They fined her but not her heirs. Rebbi Hananiah, the son of Rebbi Hillel, said, according to the rabbis there, she should be permitted to him. Rebbi Ze'ira in the name of Rebbi Johanan, the co-wife of a woman accused of infidelity is forbidden, the co-wife of a divorcee is permitted. Rebbi Jacob [bar Aha] in the name of Rebbi Johanan: All co-wives are permitted except the co-wife of a woman accused of infidelity. Samuel said, the divorcee herself is permitted to her house. Does he disagree? Since they were discussing co-wives they did not mention divorcees. Why is the co-wife of a woman accused of infidelity forbidden? Rebbi Johanan said, they touched this case because it looks like adultery. Rav said, because impurity is written there parallel to incest prohibitions.

128 Text from Yebamot 10:1, Notes here is preferable.

134 In Yebamot: דאמר ר"ה חייא ותניי.

129 In Yebamot:-parse吃亏 vin, the
130 In Yebamot: The text here cannot be original.
131 In Yebamot: The text here cannot be original.
132 In Yebamot: The text here cannot be original.
133 In Yebamot: The reading here is preferable.
Mishnah 3: The following are prohibited from eating heave\(^{142}\): One who says, I am impure for you\(^{143}\), and where witnesses proved that she is impure\(^{144}\), and one who refuses to drink\(^{145}\), and one whose husband refuses to let her drink\(^{146}\), and one whose husband slept with her on the trip\(^{147}\). What does he have to do: He brings her to the court at his place and they give him two scholars to prevent him from sleeping with her on the trip. Rebbi Jehudah says, her husband is believed about her.

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142 A Cohen's wife (or the Cohen's daughter who is the childless widow of a Non-Cohen) who is desecrated by adultery; cf. also Note 123.
143 I. e., she says that she slept with another man; there is no difference in this respect whether she committed adultery or was raped.
144 Witnesses to the act of adultery.
145 She maintains her innocence, even though two witnesses attested that she met the man against whom she was warned in a secluded place; therefore, she is disabled from eating heave. She can regain her priestly status only by being cleansed by the ordeal. Since it is written (Num. 5:15): "This husband has to bring his wife," without him appearing before the court of the Temple there can be no ordeal and no rehabilitation.
146 Two witnesses attested that she met the man against whom she was warned in a secluded place; therefore, she is disabled from eating heave. She remains permanently forbidden to her husband and is permanently excluded from eating consecrated food.
147 Num. 5:31 is read as meaning: If the husband is blameless, then this woman has to bear her sin. It follows that if the husband is not blameless [in sexual matters of any kind], the ordeal becomes inactive. Since the Sotah is
forbidden to her husband, if he sleeps with her before she is cleansed by the ordeal he is not blameless and the innocence of his wife can never be proven.

Halakhah 3: "The following are prohibited from eating heave," etc. Our Mishnah does not follow the earlier Mishnah, as we have stated there\textsuperscript{148}: "Three [kinds of] women leave\textsuperscript{149} and collect their \textit{ketubah}: One who says, I am impure for you\textsuperscript{150}, [or] Heaven is between you and me\textsuperscript{151}, [or] I am separated from the Jews\textsuperscript{152}." Rebbi Abin said, even if you say following the later Mishnah, does not the affair have likelihood\textsuperscript{153}?

148 Mishnah \textit{Nedarim} 11:12.
149 The court would force the husband to divorce her.
150 A woman married to a Cohen who says that she was raped. Then she is forbidden to him not because of any fault of hers; therefore, she collects the entire amount promised her. The later Mishnah, in a change of practice, requires that the woman prove her case; if she cannot do that, she remains permitted to her husband and permitted to eat heave (because the later authorities suspected that a
151 She claims that he is impotent and unable to have satisfactory intercourse; the truth in these intimate matters is known only to Heaven. In the later practice, the rabbi has to negotiate a settlement between the parties.
152 She made a vow forbidding to herself any sexual relation with any
Jew. In the later practice, this is considered a "vow of deprivation" which the husband may annul (Num. 30:14). He may annul his part, live with her, and let her be forbidden to all other Jews.  

The situation here cannot be compared to the one described in Nedarim. The woman is forbidden to eat heave only after she was warned before witnesses and nevertheless was in a secluded place according to the testimony of two witnesses. It is a credible inference, even if there is no proof, that she had relations with her paramour.

... (16d, line 21) 

It was stated: "Except your husband," which excludes that other semen preceded your husband’s. Rebbi Hila said, parallel what has been said, "except the morning elevation offering." But did we not state: "Just as the water examines her, so the water examines him. Just as she is forbidden to her husband, so she is forbidden to her paramour? Just as she is forbidden to her husband’s brother, so she is forbidden to her paramour’s brother. Just as the water examines her for every intercourse in which she receives her husband after [she had slept with] her paramour, so it examines him? Rebbi Abin in the name of Rebbi Hila: Here, if he knows, there, if he does not know.

The same statement in Babli  Yebamot 58a, Sota 24b. Num. 5:19. If the affair with her paramour
preceded her current marriage, the ordeal will be ineffective.

157 Num. 28:23. While this verse is written at the end of the list of holiday sacrifices, it is obvious that the daily sacrifice precedes all others. Therefore, "after" means really "after". Similarly, מָסָלְעִיר אִישֶׁךָ should be translated: "after your husband". (In Sifry Num. 13, Sifry Zuta 20, the verse is interpreted in two other, much different, ways.)

158 Mishnah 5:1.

159 This sentence is an intrusion from the preceding text, Note 128, induced by the similarly formulated Mishnah.

160 This baraita assumes that the ordeal is effective if the husband slept with his wife after she committed adultery. But the Mishnah excluded this case!

161 The ordeal is effective if she committed adultery before the husband even became aware of a possible affair. He is not free from sin only if he sleeps with his wife after officially charging her and receiving notice that she was alone with her paramour.

162 Rebbi Hiyya bar Yosef sent after his wife. He said, three students should accompany her, so that if one has to absent himself for his needs, she should still be with two of them. But did we not state: "And they give him two scholars to prevent him from sleeping with her on the trip"? Rebbi Abin said, with her husband that makes three. [Also he rented a house for her and looked after her upkeep but was never alone with her except in presence of her children. He applied to himself the verse: "I exercised myself in my worry but found no rest".]
where they refer to Mishnah 2:10, that in a city conquered by an enemy army all women, in absence of testimony to the contrary, are considered raped and, therefore, all wives of Cohanim are prohibited to their husbands. It is reported that R. Zachariah ben Haqqashab, who was a priest, testified that his wife's hand did not leave his own from the moment the Roman army entered Jerusalem until it left, but he was rebuked and told that nobody may testify in his own behalf. The baraita notes that he refused to divorce her.

Jer. 45:3.

It was stated\(^\text{167}\): “Rebbi Jehudah says, her husband is believed about her by an argument \textit{de minore ad majus}. Since he is believed about her when she is menstruating\(^\text{168}\), when he would be subject to extirpation because of her, but for this one\(^\text{169}\) he is not subject to extirpation because of her, is it not logical that he should be believed about her? They said to him, no. If you mention the menstruating, she will be permitted after being forbidden, what can you say about this one who may not be
permitted after being forbidden\textsuperscript{170}? And it says, "stolen waters are sweet"\textsuperscript{171}. Rebbi Jehudah said to them, it is a decree of the verse: "The man shall bring his wife to the priest"\textsuperscript{178}, etc. They said to him, only with witnesses\textsuperscript{179}.

\textsuperscript{167} \textit{Sifry Num.} 8, \textit{Num. Rabba} 9(38); a more elaborate text in Babli 7a, Tosephta 1:1.

\textsuperscript{168} The menstruating woman is forbidden to her husband on penalty of extirpation (\textit{Lev.} 20:18). Nobody requires chaperones during the time the wife is forbidden to her husband.

\textsuperscript{169} A wife suspected of adultery (and even a proven adulteress) is forbidden to her husband but no penalties are specified.

\textsuperscript{170} If she is found guilty, she will be forcibly divorced.

\textsuperscript{171} \textit{Prov.} 9:17. She is more attractive forbidden than permitted.

\textsuperscript{178} \textit{Num.} 5:15.

\textsuperscript{179} General statements in verses are never interpreted to override the general principles of administration of justice. Since relatives cannot testify for or against a person, the husband cannot testify for himself, just as he cannot testify against his bride whom he accuses of prenuptial adultery (\textit{Deut.} 22:14).

\textsuperscript{180} Mishnah 4: They bring her to the Supreme Court in Jerusalem where they try to instill fear in her, as they try to instill fear in witnesses.
in capital cases\textsuperscript{181}, and say to her\textsuperscript{182}: My daughter, much does wine cause, much does joking cause, much does youth cause, much do bad neighbors cause. Do not cause the Great Name, which will be written in holiness, to be erased by water\textsuperscript{183}, and they mention in front of her things that neither she nor any of her paternal family should hear.

180 Galilean Amoraim in the Babli, 7b, try to give a reason to this statement: Every procedure characterized as Torah (\textit{Num.} 5:30) must be supervised by the supreme court, cf. \textit{Deut.} 17:11.

181 Mishnah \textit{Sanhedrin} 4:5.

182 Tosephta 1:6.

183 The Babli text: Do it for the Great Name, Which will be written in holiness, that It should not become erased by water.

The verse requires that the curses contained in the paragraph \textit{Num.} 5:11-31 be written on a scroll and erased by holy water. While the exact text to be written is a matter of controversy among scholars living 2 generations after the destruction of the Temple, all agree that some verses containing the Divine Name must be written.

\textbf{Halakhah 4:} "They bring her to the Supreme Court in Jerusalem," etc. \textsuperscript{184}Just as they instill fear in her that she should change her mind, so they instill fear in her that she should not change her mind, and say to her: My daughter, if you are pure, if it is clear to you that you are pure, insist on what is clear to you, since this draught is only like solid poison which if
given on healthy skin does no harm; only if it finds there a wound it starts
to dissolve and penetrate.

184 Tosephta 1:6, Babli 7b; Num. (minority) statement of R. Ismael.  
rabba 9(42). In Sifry Num. 12, this is a

185 Rebbi Zevadiah, the son-in-law of Rebbi Levi, reported the
following happening. Rebbi Meir used to preach in the synagogue of
Hamata every Friday evening. There was a woman who used to hear
him. Once he extended his sermon. She went and wanted to come to her
house but found the light had gone out. Her husband asked her, where
have you been? She said to him, to hear the preacher's voice. He said to her, so and so\textsuperscript{188}, that this woman will not enter here into her house unless she went and spat into the preacher's face. Rebbi Meir saw this in the holy spirit\textsuperscript{189} and faked pain in his eyes. He said, any woman who knows charms for the eye should come and do the charm. Her neighbors said to her, this answers your needs. Go to your house, represent yourself as a sorceress and spit in his eye. She came to him; he asked her, do you know to make a charm for the eye? In her fear of him, she said no. He said to her, if you spit into it seven times, he will feel better. After she had spat, he said to her: Go, and tell your husband, you said to me once, but she spat seven times! His students said to him, so does one denigrate the Torah? If you had ordered about him\textsuperscript{191}, would we not have brought him, whipped him on the footstool, and make him agree\textsuperscript{191} to make up with his wife? He said to them, the honor of Meir should not be greater than that of his Maker. Since the verse says that the Holy Name, written in holiness, should be erased by the water in order to make peace between husband and wife, the honor of Meir not so much more?

185 A copy of this text in \textit{Num. rabba} 9(19); a retelling in a different Aramaic dialect in \textit{Lev. rabba} 9(9), a short version in Hebrew \textit{Deut. rabba} 5(14).
186 In \textit{Num. rabba} 9(19): R. Zachariah. This is the correct name as attested to by all other quotes of his statements (cf. \textit{Peah} 8, Note 151).
187 The hot springs of Tiberias.
189 In \textit{Lev. rabba} 9(9), he was informed by the Prophet Elijah.
190 In \textit{Num. rabba} 9(19): י"ז ל'ו"ב"ו"כ"ו ד'כ"ו.
191 In \textit{Num. rabba} 9(19) instead of הניצן, "one makes his wife pleasing to him." On the face of it, that might be the better text. However, the text here might be a slightly corrupt pun if one reads הניצן for המזני, "one treats him with leather straps until he asks his wife for forgiveness" since ל' had become silent in Galilean Aramaic.
"And they mention in front of her things that neither she nor any of her paternal family should hear," etc.  

For example, what happened between Reuben and Bilhah, or what happened between Jehudah and Tamar.  

"If Sages tell," these are Reuben and Jehudah, "they do not hide before their fathers." What rewards did they take for this, "to them alone the Land was given; no stranger passes in their midst." When Moses came to bless them, "Reuben may live and not die, and that for Jehudah.

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192 A more detailed homily in the Babli, 7b.
193 Gen. 35:22.
195 Job 15:18-19. These verses are explained as referring to Reuben and Jehudah who confessed their sins, in Gen. rabba 57(3), [Num. rabba 13(6)]; Babli Makkot 11b; Yerushalmi Megillah 4:11 (fol. 75c).
197 Deut. 36:7: "Listen, O Eternal, to Judah's voice."
Rebbi Hizqiah in the name of Rebbi Aha: Rebbi Hyya explains three verses as praise. 198"She sat at the entrance to the source." Is that possible? Even the most depraved prostitute would not do that. 199. But she lifted her eyes to the door to which all eyes are looking. 200. She said before Him: Master of the Universe, let me not leave this family empty-handed. Another explanation, "at the entrance to the eyes", that she opened his eyes saying, I am unmarried and pure.

"And Eli was very old, 201" "they would make them lie" is written. 202. That women would bring them their bird-sacrifices to be purified for their houses but since they were dragging their feet, the Holy One, praise to Him, found them guilty as if they had slept with them. Rebbi Tanhumah said, here, he needles them: 203"why do you disregard my slaughter-sacrifice and my flour-sacrifice?" If you say that they committed a serious crime, why should he absolve them from the serious crime and needle them for a minor one?

206"But his sons did not follow in his ways and turned after lucre." That they took tithe but remained judging. 207. Rebbi Berekhia: A camel-caravan came by, they put aside the needs of Israel and were going and attending to business affairs.
The parallel to the entire section is in *Ketubot* 13:1 (fol. 35b/c). A different version, in the name of other authors, in Babli 10b, *Gen. rabba* 85(8). One of the Babli’s authors identifies the place as שערין (Jos. 15:34).

To try to sleep with a man not in a room.

Usually identified, cf. *Berakhot* 4, Note 234.

The same explanation in Babli *Sabbat* 55b; more in detail *Midrash Samuel* 7(4).

The masoretic text reads [Eli’s sons] would lie [with the women assembled before the Tent]. A sacrifice of birds is required for a woman healed from prolonged flux to be permitted again to her husband (*Lev.* 15:29) and also for a woman after childbirth (*Lev.* 12:8).

Unnecessarily preventing them from sleeping with their husbands.

Greek κεντρόω, cf. *Berakhot* 3, Note 96.

IS. 2:22-23. The same explanation in Babli *Sabbat* 56a.

As Levites, Samuel’s sons were entitled to tithe. The Yerushalmi faults them for creating an appearance of conflict of interest; in the Babli, there is one opinion that they exacted tithes for themselves, when the farmer should have had full freedom to give the tithe to any Levite of his liking.

Greek πραγματεία "business, affairs, work".

Mishnah 5: If she said, I am impure, she breaks her ketubah and leaves. If she said, I am pure, one brings her to the Eastern gate, the
Nikanor gate, for there one lets the suspected wives drink\textsuperscript{210}, and one purifies the woman after childbirth, and the persons healed from skin disease\textsuperscript{211}. A Cohen seizes her garment\textsuperscript{212}, if it tears it tears, if it frays it frays, until he uncovers her breast\textsuperscript{213}, and he destroys her hairdo. Rebbi Jehudah says, if her breast was beautiful, he did not uncover it, if her hair was beautiful, he did not undo it\textsuperscript{214}.

209 The court immediately has a bill of divorce executed for the husband and annuls her husband's obligations towards her as specified in the \textit{ketubah}.

210 It is mentioned repeatedly that the woman has to stand "before the Eternal", i.e., at a place at which the entrance to the Temple can be seen. It follows from Mishnah 3:4 that the procedure is not executed within the gate but in the women's courtyard close to the gate or at least in the sanctified inner part of the gate.

211 Both the woman after childbirth and the person healed from skin disease are forbidden to "enter the Sanctuary" before their sacrifices have been offered. Therefore, all their transactions have to be executed in the profane part of the gate, in view of the Temple entrance.

212 According to Rashi and Maimonides, he seizes her neckline.

213 The next Mishnah shows that this means "until the top of her breasts starts to be uncovered."

214 According to him, only those women can be uncovered who are too ugly to inspire any sexual ideas in men who are watching. In the Babli, 8a, Rava quotes a legal principle that a man aroused by one woman will not attack another woman even though he himself knew that this is untrue in reality (\textit{Ketubot} 65a).
Halakhah 5: "If she said, I am impure, she breaks her ketubah and leaves," etc. It is written: "The Cohen shall put the woman before the Eternal," that is the Nikanor gate. Everywhere it is said "before the Eternal", that means the Nikanor gate. It is written: "If a man sin against a man." Rebbi Hiyya bar Abba and Rebbi Joshua ben Levi. Rebbi Hiyya bar Abba explains the verse about the paramour, Rebbi Joshua ben Levi explains the verse about the woman. Rebbi Hiyya bar Abba explains the verse about the paramour: That one feeds and sustains and you come to enjoy yourself. Rebbi Joshua ben Levi explains the verse about the woman: That one feeds and sustains and you turn your eyes to another.

215 Num. 5:18.
216 In ritual matters, the Nikanor gate is the entrance to the courtyard of the Tent of Meeting. In Sifry Num. 17, the statement is "before the Eternal", which means in the East.
217 An explanation why an ordeal must be performed in the Temple, based on Tosephta 1:4 (S. Lieberman in Tosefta kiFshutah Sota 1, line 19.)
218 Is. 2:25. As R. David Fraenckel has noted, it seems that this verse is out of place and should be replaced by IK. 8:31-32 which is quoted in Tosephta 1:4, combined with Num. 5:27,28 as support that the ordeal of the suspected wife is to be held in the Temple: "If a man sin against his neighbor and causes a curse to be put on him... and You will hear in Heaven and will judge Your servants to declare the criminal guilty to turn his way on him [her belly will extend and her genitals shrink] and to clear the just to reward him for his just behavior [if the woman was not impure but pure, she will be declared innocent and be blessed with seed.]"
Does one shame out of a doubt? Rebbi Simlai said, anywhere one finds whoring, mass destruction comes to the world.

219 If the woman was innocent, she would have been debased without cause.

220 In Midrashic sources, the text reads: "anywhere one finds whoring, mass destruction comes to the world and kills good and bad." Gen. rabba 27:10, Lev. rabba 23:9, Num. rabba 9(41).

221 The etymology of מַּעֲרַדְמוֹת is not known. In Gen. rabba, Arukh reads מַעֲרַדְמוֹת. While here the meaning could be "human plague", which could be *ἀνδρολομός (Levy), there is another series of sayings mentioning a king who makes war on a rebellious province and causes there מערדםות. Jastrow proposes *ἀνδρολομησία "robery of men". (Cf. ἀνδρολόμησια "seizure of foreigners in reprisal for the murder of a citizen abroad" (Lex ap. D 23.82) (E. G.)). In Gen. rabba 32(14): "A parable of a king who ordered his מערדםות in a province and saved his friend by jailing him." (Following Fürst in Tanhuma Buber, vol. 2, p. 67, Note 24, the word מערדםות, found in other Midrashim, is not a shortened form of מערדםות.)

The verse said, one recites and after that one shames. But the Mishnah says, one shames and then one recites? Rebbi Hila said, because the verse says, "he makes stand, he makes her stand"; did she ever sit? But because of the first stand he uncovers her hair.

222 V. 17 indicates that as a first step, the Cohen prepares the curse-draught. After that (v. 18) he uncovers the woman's hair. But in the Mishnah,
the preparation of the draught is late (2:2). The recitation of the curses can start only after the draught is prepared.

223 *Num.* 5:18,16.

224 It is forbidden to sit down in the Temple precinct (for everybody except kings of the Davidic line).

225 The text vv. 17-20 is explanatory, not prescriptive. The uncovering of the hair is a consequence of her coming to the Temple. For a coherent parallel (non-rabbinic) reading of the text, cf. the paper by H. C. Brichto, mentioned in the Introduction.

226 The argument of Rebbi Jehudah seems inverted. There, he says: "One covers a man in front and a woman front and back." And here, he says so? There, she goes to her death anyhow, but here, maybe she will be found to be pure and the young priests would attack her. The argument of the rabbis seems inverted. There, they say: "A man is stoned naked but no woman is stoned naked." And here, they say so? There, "you shall love your neighbor as yourself," choose for him the easiest death. But here, "all women should be taught and not do as your whoring."


227 Mishnah *Sanhedrin* 6:5, speaking about people executed by stoning. According to R. Jehudah, they are
clothed in rectangular sheets of cloth. But the majority holds that a woman is stoned only fully clothed. Therefore, R. Jehudah seems unconcerned that men should get bad ideas in seeing her.

This is an explicit statement of R. Jehudah 1:7.


Since in rabbinic tradition a person is "stoned" by being pushed down from a high cliff (Mishnah Sanhedrin 6:6), his chances of being killed instantly are greater if his fall is not cushioned by clothing. In the Babli, this is not considered a complete answer; the question is whether shame or suffering is worse.

Ez. 23:48.

Mishnah 6: If she was clothed in white, he covers her in black. If she wore gold jewelry, chains, nose rings and finger rings, he removes them from her in order to make her ugly. After that he brings an Egyptian rope and binds it higher than her breasts. Anyone who wants to look may come and see, except for her male and female slaves because she feels superior to them. All women are permitted to see her, as it was said: "all women should be taught and not do as your whoring."

The presiding Cohen.

Semitic plural of Latin catella.

Obviously not after he removed her rings but immediately after he tore her garment (Mishnah 5).
an obligation of all women present in the Temple area to come and see. This is unknown to the Yerushalmi.

Halakhah 6: "If she was clothed in white," etc. Our Mishnah [assumes that] they are not fitting her. But if they are fitting her, it does not apply.

237 If the woman looks better in black than in white clothes, one leaves her in her white ones. The Babli, 8b, in this case requires that she be given a bad looking garment.

"He brings an Egyptian rope." And why an Egyptian rope? Rebbi Isaac said, because she behaved in an Egyptian way. Rebbi Jeremiah asked: Does the Egyptian rope prevent, does the Egyptian basket prevent? Who pays for them? That one follows what Rebbi said, for Rebbi said that the water supply, the city wall and its towers, and all public works in the city are paid with the excess of the Temple treasury.

The same holds here.

238 The chapter on the incest prohibitions, Lev. 18, starts out: "You should not act in the way of the Land of Egypt". Therefore, all infractions of the rules of sexual purity are called "Egyptian ways" even though the prohibition of adultery belongs to the "natural law" obligatory for all of
mankind, even though the latter is formulated as a positive commandment (Gen. 2:24): "Therefore, a man has to abandon his father and his mother (prohibition of incest in direct line) and cling to his wife (but not to another man’s wife nor to a male)."

If her garment was not fastened by a rope or if her flour-offering was not presented in a basket woven from palm leaves, is the ceremony invalid? Since neither of these details is mentioned in the verse, it should be obvious that the answer is no. In the Babli, 8b, this is the explicit deduction, based on the Mishnah, ascribed to Rav Huna, two generations before R. Jeremiah.

239 Mishnah Seqalim 4:2.
240 Mishnah Seqalim 4:2.
241 The open water canal which crosses the Temple yard from North to South.
242 The part bordering on the Temple Mount.
243 On the Temple Mount and its surroundings; e. g., the public migwaot.
244 Any money left on the first of Nisan from the Temple Tax (half a sheqel) of the previous year could no longer be used for the service of the next year. Since it was sanctified public money, it could only be used for the needs of the Temple district other than sacrifices.

Mishnah 7: By the measure a person measures one measures him. She adorned herself for sin, therefore the Omnipresent made her ugly. She bared herself for sin, therefore the Omnipresent laid her bare. The genitals were first in sin and after that the belly; the genitals should be punished first and then the belly, while the remainder of the body does not escape.

Num. 5:21: "When the Eternal will make your genitals shrink and your belly extend." (In the event, v. 27, the order is reversed.) J. C. Brichto (loc. cit. Note 225) identifies the symptoms as pseudocyesis, spurious pregnancy.

Rabbinic tradition (Mishnah 3:4/5) holds that the guilty woman dies from the draught. This is not in the Biblical text.

Halakhah 7: "By the measure a person measures one measures him," etc. 248 It was stated in the name of Rebbi Meir: By the measure a person measures one measures him249. What is the reason? 250, seah for seah. Not only a seah, from where a three-qab251, half a three-qab, half a qab, a quarter [qab], a toman252, half a toman, or an ukla253? The verse says, "for all that is in a seah, breaks the seah noisily254;" he added many seot here. Not only things that can be measured, from where that small coins add up to a large bill? The verse says, "one to one, to find the bill.255" It happens in the world that a person stumbles in a sin for which one would be punished by death by the hands of Heaven. His ox dies, his
hen is lost, his flask breaks, and he hurts his finger, by that the bill is paid in full. Another explanation: One is filled into the next and the bill is established. And what is the fulfillment of the bill? Once²⁵⁶.

248 Tosephta 3:1, Babli 8b. Midrash Tehillim 81(2), Num. rabba 9(23).
249 The maxim "measure for measure" is found many times; e. g. Babli Sabbath 105b, Megillah 12b, Sanhedrin 90a, Sifry Num. 106 (cf. Halakhah 9), Mekhilta dR. Ismael (ed. Horovitz-Rabin) pp. 78,81,131; Gen. rabba 9(13), Ex. rabba 25(13) [shortened 9(9)]; Tanhuma Noah 13, Wa'era 14, Be'shallah 2,4, Tazria' 6; and very frequently in the Gaonic literature.
250 Is. 27:8.
251 A seah is a Roman urna, 12.85 l. The seah contains 6 qab (κάβος); a terqab is half a seah (Gaonic Commentary to Mishnah Kelim 12:3; misinterpreted as "two qab" in Graetz, Geschichte der Judäer vol. 3, p. 443.)
252 A toman is 1/8 qab, identical to a Roman hemina, Greek ἑμίνα, 1/2 sextarius.
253 In the Babli, תחת, a quarter toman, a Roman acetabulum, 6.6 cl. Qalir (Silluq Sabbath Seqalim) calls it הלה and reports that it is slightly less than a hundredth of a seah.
254 Is. 9:4.
255 Eccl. 7:27. This is the end of the Tosephta and the parallel in the Babli.
256 This explanation is the opposite of the first, that many small sins add up to one huge bill presented to a man by the Heavenly court.
It was stated in the name of Rebbi Meir: Just as there are opinions in eating and drinking, so opinions are varied among men. There is a man, if a fly falls into his cup, he takes it out, throws it away and drinks. That is like a normal man who sees his wife talking to her neighbors and relatives. Or you have a man who if a fly flies over his cup, takes it, pours [the contents] out, and does not taste them. That is a bad human attitude because he thinks of divorcing her. Or you have a man who, if a fly sits on his cup, takes it and leaves [the cup] untouched. That is Pappos ben Jehudah who locked his wife in. They said to him, did your forefathers behave like this? Or you have a man who finds a dead fly in his cup, takes it, licks it, and drinks. That is the wicked one who sees that his wife is overbearing with her slaves and slave-girls, where he would be commanded to divorce her, as it is said: "She left his house and went and married another man." The verse called him other because he is not of the class of the first who expelled his wife because of a sexual transgression and the other one stumbled over her. If Heaven gives him credit, he will divorce her; otherwise, at the end she will bury him as it is said, "or if the latter man dies." That man deserves to die since he brought that woman into his house.
257 Parallels in Babli Gittin 90a/b; Tosephta 5:9, Num. rabba 9(8).
258 Males. (In one version of the Tosephta, רְאוֹבוֹת "female relatives" but S. Lieberman comments on it as רְאוֹבּות without remark.) It may be that this refers to the case where the wife talks overly long to her male neighbors.
259 Just as the fly did not touch the cup, the wife did nothing wrong; the husband simply looks for an excuse to divorce her without paying.
260 This Aramaic sentence is a commentary of the Talmud; it is not in the other sources.
261 This argument (not found in the Babli, but found in Tosephta and Midrash) seems to contradict the statement of Mishnah 6 that every woman is supposed to feel superior to her slaves. The meaning here seems to be that she has no inhibitions to appear in undress before her slaves.
262 The other sources have a long list of indecent behavior of the wife that should force the husband to divorce her; cf. Mishnah Ketubot 7:6.
263 In the Babli, 6a, this interpretation is part of the legal argument that a woman formally accused by her husband cannot be married in levirate after the husband’s death.

Samuel said, one separates from the whoring woman but not from her house. This parallels what Rebbi Johanan said: "If a married woman committed adultery, her children are her husband’s since most of the intercourse was with the husband."

264 In the Babli, 27a, Samuel is reported saying that it is better to marry a woman of questionable character born of a woman of good character than to marry the daughter of a possible adulteress. The opinion attributed to Samuel here is that of R. Johanan in the Babli.
265 Tosephta Yebamot 12:8, quoted as tannaïtic text in the Babli, 27a.
One verse says: "For swelling of the belly and shrinking of the genitals," another verse says "her belly will swell and her genitals shrink", and another verse says "when the Eternal will make your genitals shrink and your belly swell." Does one verse weigh more than two verses? Rebbi Mana said, here for the act, there conditional. Rebbi Abin said, you may even say in both cases for the act, in both cases as a condition. "For swelling of the belly and shrinking of the genitals" for the adulterer, "Her belly will swell and her genitals shrink", for the woman. Reason decides, "the genitals were first in sin and after that the belly; the genitals should be punished first and then the belly, while the remainder of the body does not escape." Rebbi Abba the son of Rebbi Pappaeus used this as conclusion of a sermon: Since for [heavenly] punishment, which is meted out sparingly, one limb is smitten and all limbs hurt, in the case of [heavenly] benefices, which are given out in abundance, [may we] not [expect] so much more!

266 In Num. 5:22,27, the belly is mentioned before the genitals but in v. 21 the order is inverted.

267 Num. 5:22,27 is a description of
what will or did happen; v. 21 is a curse formula conditional upon the woman having sinned.

268 The infinitives in the sentence are gender neutral. The ordeal indirectly also affects the presumed adulterer, Mishnah 6:1. In the Babli, 27a, this is a conclusion of Rebbi.

269 Babli 11a; extensive discussion in Tosephta 4:1.

Mishnah 8: Simson followed his eyes, therefore the Philistines pierced his eyes. Absalom beautified himself with his hair, therefore he was hung by his hair. Because he came to his father’s ten concubines, therefore ten lances were put into him, as it was said: "Ten squires, Joab’s weapons carriers, surrounded him." And because he stole three steals, his father’s opinion, the court’s opinion, and Israel’s opinion, therefore three staves were stuck into him, as it was said: "He took three staves in his hand and stuck them into Absalom’s heart."

270 This Mishnah is somewhat extended in the Babli, very much enlarged in Tosephta 3:15-16. It is a direct continuation of the first sentence of the preceding Mishnah.

271 Hebraized plural of Greek λόγχη "lance".

272 2S. 18:15.

273 In Mishnah mss. of the Maimonides tradition: "he stole three minds"; "misleading" is called "stealing the heart" (Gen. 31:20). Cf. also Mekhilta dR. Ismael, Masekhta deShirah, Chap. 6.

274 2S. 18:14.
Halakhah 8: "Simson followed his eyes," etc. 275 It was stated: Rebbi says, because he started going astray at Gaza, therefore his punishment was at Gaza. But is it not written: "Simson descended into Timna"? Rebbi Samuel bar Nahman said, that was a formal marriage.

275 Tosephta 3:15, [Num. rabba 9(24)]; anonymous Babli 9b, Mekhilla dR. Simeon bar Iohai p. 74.
277 Marriage is mentioned in Timna, a prostitute in Gaza. It is presumed that the girl from Timna was converted following the rules so that the marriage was not sinful.

276 Jud. 14:1. Gaza is mentioned only v. 16:1.


One verse says, "Simson descended into Timna", and another verse says, "behold, you father-in-law ascends to Timna." Rav said, there were two Timnot, one of Jehudah and one of Simson. Rebbi Simon said, there was only one Timna(ta). Why does it mention decent and ascent? But in the case of Jehudah, because it was in the name of Heaven, ascent is written. In the case of Simson, because it was not in the name of Heaven, descent is written. Rebbi Ayvu bar Naggari said, for example
like Bet Ma'on\textsuperscript{280} to which one descends from Palatatha and ascends from Tiberias.

278 Babli 10a, with different names. 279 Gen. 38:13.
Num. rabba 9(24), the Yerushalmi 280 Reading of Num. rabba 9(24).

281 It is written: "They came to the vineyards in direction of Timna.\textsuperscript{282}"
Rav\textsuperscript{283} Samuel ben Rav Isaac said, this teaches you that his father and mother were showing him the vineyards in direction of Timna sown in several kinds and saying to him: My son, just as their vineyards are sown with several kinds so their daughters are sown with several kinds\textsuperscript{284}.

"And his father and mother did not know that this was from the Eternal, that he was looking for a pretext from the Philistines." Rebbi Eleazar said, In seven places it is written: "Do not contract marriage with them.\textsuperscript{285}"
Rebbi Abun said, to prohibit seven peoples\textsuperscript{286}. And here, it says so\textsuperscript{287}? Rebbi Isaac said, "if he scoffs about the scoffers.\textsuperscript{288}"

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\textsuperscript{284} Rebbi Abun said, to prohibit seven peoples. And here, it says so? Rebbi Isaac said, "if he scoffs about the scoffers."

\textsuperscript{285} That verse is only in Deut. 7:3. But the prohibition of Canaanite women is also in Ex. 34:16. Outside the Pentateuch, the prohibition is mentioned Mal. 2:11, Ezra 9:2,12,14;
Neh. 10:31.

286 The seven Canaanite tribes enumerated in Gen. 15:20-21. Philistines are not mentioned in that list.

287 It is not obvious what the remark means. According to R. David Fraenkel, since Simson's relations with Philistine women were not forbidden, why was he punished? According to R. Moses Margalit, since all non-Jewish women are forbidden in the interpretation of pentateuchal law in Mal., Ezra, Neh., how can it be said that his first marriage was (Jud. 14:4) "from the Eternal"?

288 Prov. 3:34. According to R. David Fraenkel, since at least Simson's relations with the Gazean prostitute and Dalilah were illegitimate, he deserved punishment.

It is written289: "The spirit of the Eternal started to ring in him in the encampment of Dan, between Sor'a and Eshtaol." Two Amoraim. One said, when the holy spirit was resting on him, his steps were as from Sor'a to Eshtaol. The other said, when the holy spirit was resting on him, his hairs were tolling like a bell and their sound went as from Sor'a to Eshtaol.

"The Eternal blessed him290". Rebbi Huna in the name of Rebbi Yose:
That his sex life was that of anybody.

"I shall revenge one revenge of my two eyes from the Philistines." Rebbi Aha said, he said before Him: Master of the Universe! Give me the reward of one of my eyes in this world and the reward of the other eye be prepared for me in the World to Come.

One verse says: "He judged Israel for forty years." And another verse says: "He had judged Israel for twenty years." Rebbi Aha said, this teaches that the Philistines were afraid of him twenty years after his death as they were afraid of him during his lifetime.

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291 In the Babli, 10a, that his sex organ was of normal size even though otherwise he was a giant.  
292 *Jud.* 16:28. The statement is also in *Num. rabba* 9(24).  
293 This should be *Jud.* 15:20, but, as already Tosaphot (Šabbat 55b, s. v. עם) noted, all texts and versions have "twenty years". David Qimhi, following the reading of the parallel in *Num. rabba* 14(21), in his commentary to *Jud.* 16:31, reads "twenty years" in the text here and quotes R. Aha as explanation of the duplication of the notices in 15:20, 16:31. While our text here is confirmed by the Rome ms., "40 years", Qimhi's reading as supported by *Num. rabba* (whose first part probably is Provençal) can be taken as testimony for the Provençal text.  
295 אבאשלום рассвети беше сер. Реби Хана непер. бкхебнеб чолот тана.  
296 בקכדוע. Реби выбъ шем Реби Нетан. קדש קדרים:?url=8b:296  
"Absalom beautified himself with his hair." Rebbi Hanina said, it was like a large carob tree. Should I think like a javelin? Rebbi Bibi in the name of Rebbi Johanan: It was made like this and like that.
295 Most moderns read הדר ביני "in batches" with Midrash Samuel 13[7],27[5] against the testimony of both mss. and the editio princeps; cf. the commentary of R. David Fraenkel.

296 The hair.

297 That he wore a pigtail.

298 Rebbi Hanina said, when I immigrated here, I took my son’s belt and the belt of my father-in-law to measure around a young carob tree of the Land of Israel and it was not enough. I cut one carob pod and it filled my hand with honey.

299 That is a bad corruption. In the text of Peak, "יבן "my donkey".

Rebbi Johanan said, the second quality fruit we ate in our youth tasted better that the peaches we ate in our old age, because during his lifetime the world changed.

Rebbi Hiyya bar Abba said, one seah of Arbel grain did yield one seah of fine flour, one seah of white flour, one seah of dark flour, one seah of bran, one seah of coarse bran. But today, we do not even get one for one.

298 The following paragraphs are from Peah Chapter 7, Notes 71-75. They are added here only because of the mention of a carob tree. Cf. also Babli Baba Batra 91b, Ketubot 112a.

299 That is a bad corruption. In the text of Peak: יבון "my donkey".
It is written: "No man in Israel was beautiful like Absalom, to be very much praised." I could think, in everything. The verse says, "from his foot sole to the top of his forehead." It is written: "He had a son whose name was Saul, select and good, no one of the Children of Israel was better than he." I could think, in everything. The verse says, "from his shoulder on he was higher than all the people." But about Abner, what is written? "You should know that a leader and great man fell today in Israel." Why was Abner killed? Rebbi Joshua ben Levi, Rebbi Simeon ben Laqish, and the rabbis. Rebbi Joshua ben Levi said, because he made fun of the lives of his squires as it is said (2Sam. 2:14): "Let the squires get up and play before us." R. Simeon ben Laqish said, because he prefaced his name before that of David; that is what is written (2Sam. 3:12) "Abner..."
sent messengers to David the underling, saying: Whose is the land?" He wrote: From Abner to David. The rabbis say, because he did not let Shaul make peace with David. That is what is written (Isam. 24:5): "My father, see, but see the corner of your coat in my hand!" He said to him, what do you want from the prattling of this one, it was torn off by thorns. But when they came to the circle, he said to him (Isam. 26:14): "Can you answer, Abner?" About the corner, you said it was torn off by a thorn; were spear and pitcher cut off by a thorn? But some say, because he had it in his power to intervene for Nob, the city of priests, and he did not intervene.

300 Parallels in Midrash Samuel 13, 27; Num. rabba 9(29); Tanhuma Buber Huzzat 8, Tanhuma Huzzat 4; Babli Sanhedrin 49a.
301 2S. 14:25.
302 But his hair was questionable.
303 IS. 9:92.
304 2S. 3:38.
305 To the end of the paragraph, this is from Peah 1:1, Notes 176-179. The question asked is, why did Providence let Abner lose his usual caution when dealing with Joab. The presumed argument between Saul and Abner is explained in detail in the commentary by R. Hananel (Kairuan, early 11th Cent.) to Sanhedrin 49a, quoted in Arukh (s. v. בורא) as Yerushalmi text; but clearly it is a paraphrase. (Printed on the margin of the Wilna Babli).
And because he stole three steals, his father’s opinion, the court’s opinion, and Israel’s opinion.” His father’s opinion, as it is written: “It was after forty years.” David himself did not rule more than forty years, and here, it says so? But it is from the time that Israel demanded a king. “For your servant made a vow.” He said to him, what else do you want? He said to him, write me a tablet that two men should go with me. He said to him, tell me whom you want and I shall write. He said to him, write it to open and I shall take whom I want. He wrote it open. He went and added two people each until he had added 200 people. That is what is written, “with Absalom went 200 invited people from Jerusalem, going in their simplicity.” Invited, from David. Going in their simplicity, of Absalom. “They did not know anything,” of Ahitophel’s counsel. Rebbi Huna in the name of Rebbi Aha: They all were presiding judges. Then they saw the things. They went to change sides. They said: Master of all universes: Let us fall in David’s hand and do not let fall David in our hands! For if we fall in David’s hand, he will have mercy on us. But if, Heaven forbid, David would fall in our hands, we would not
have mercy on him. That is what David said\textsuperscript{311}, "He saved me in peace from my confidant, for the majority were with me!"

"The court's opinion". "And Absalom said, who would make me the judge of the land\textsuperscript{312}" "So Absalom would act\textsuperscript{313}" "And Israel's opinion." Absalom insinuated himself with the men of Israel\textsuperscript{313}"

306 The text is copied in \textit{Num. rabba} 9(29). \textsuperscript{309} \textsuperscript{307} 25. 15:7. \textsuperscript{308} Babli \textit{Temurah} 14b; ascribed to R. Joshua. The source is \textit{Seder 'Olam} Chapter 14; cf. the extensive commentary in the author's edition \textsuperscript{309} 25. 15:8. \textsuperscript{310} 25. 15:11. \textsuperscript{311} Ps. 55:19; cf. \textit{Midrash Tehillim}\textsuperscript{312} 25. 15:4. \textsuperscript{313} 25. 15:6.

\begin{quote}
משנה ט: כל העינים חסובות מרוכז הָמַחְתִּיحا לְמַשֶּׁה שָׁעיַת אֲחָת שֶׁנֶּאֶפְרָךְ (fol. 16b) התשב אַחֲוִיתוֹ מְרֵחַות. דְּפָרֵךְ גְּתַעֲבָר לָה כֻּל-ישָׂרָאֵל שָׁעיַת נְשָׁעָה בִּמְדֵקָר שְׁנֵאֶפְרָךְ לֹא נָשְׁעָה עַד נָאָשָׁפָן מִרְשָׁם.

\textbf{Mishnah 9:} \textsuperscript{314} Similarly, for good deeds. Miriam waited for Moses one hour as it is said\textsuperscript{315}: "His sister stood by from afar." Therefore, all of Israel stayed put for her for seven days in the prairie as it is said\textsuperscript{316}: "The people did not travel until Miriam was taken in."

314 This Mishnah and the next are reproduced and extended in Tosephta Chap. 4, \textit{Mekhilta}\textsuperscript{315} Ex. 2:4. \textsuperscript{316} \textit{Num.} 12:15.
Halakhah 9: "Similarly, for good deeds. Miriam waited for Moses one hour as it is said\textsuperscript{315}: ‘His sister stood by from afar’ etc. Therefore, Israel stayed put for her for seven days in the prairie as it is said\textsuperscript{316}: ‘The people did not travel until Miriam was taken in.’\textsuperscript{318}Rebbi Johanan said, the entire verse was said in the language of inspiration: ‘His sister stood by,’ "I saw the Eternal standing on the altar,"  "His sister," "say to wisdom: you are my sister,"  "From far,"  "from far away the Eternal appeared to me,"  "To know," "for the earth will be full of the Eternal’s knowledge," "What will be done with him," "because the Eternal will not do anything unless He uncovered His counsel to His servants, the prophets.\textsuperscript{323}"

\textsuperscript{315} This version corresponds to the \textsuperscript{320} Prov. 7:4.
Mishnah in the Babli. \textsuperscript{321} Jer. 31:2.
\textsuperscript{316} Ex. rabba 1:26. A similar \textsuperscript{322} Is. 11:9.
homily is in the Babli, 11a. \textsuperscript{323} Am. 3:7.
\textsuperscript{318} Am. 9:1.
Mishnah 10: Joseph had the merit to bury his father and none of his brothers was greater than he, as it is said: "Joseph ascended to bury his father. Who would be greater than Joseph? Only Moses could occupy himself with him. Moses had the merit to take Joseph's bones and no one in Israel was greater than he, as it is said: "Moses took Joseph's bones with him. Who would be greater than Moses? Only the Holy One, Praise to Him, could occupy himself with him, as it is said: "He buried him in the valley." Not only about Moses was this said but about all the just, as it is said: "Your righteousness will precede you, the glory of the Eternal will gather you in."

324 Gen. 50:7. counts this verse as one of the three instances where לכו does not mean "him" but "himself".
325 Ex. 13:19.
326 Deut. 34:6. Another tradition, Sifry Num. 32, in the name of R. Ismael
327 Is. 58:8.
Halakhah 10: "Joseph had the merit to bury his father and none of his brothers was greater than he," etc. 328 Rebbi Isaac said: The glory of the Lifegiver of the Worlds329 was with them. It is written: "They came to the threshing place of the brambles," 330 Since when does the bramble-bush have a threshing place? Rebbi Samuel ben Nahman said, we checked in all of Scripture and did not find a place called "brambles". What are "brambles"? These are the Canaanites who should have been threshed like brambles. By which merit were they saved? By the merit of: "The inhabitants of the land, the Canaanites, saw the mourning at the threshing place of the brambles." 332 What act of kindness did they do for him? Rebbi Eleazar said, they unbelted 333. Rebbi Simeon ben Laqish said, they undid the knots on their shoulders 334. The rabbis said, they stood up 335. Rebbi Yudan bar Shalom said, they pointed with their fingers and said, "a heavy mourning is that for Egypt". 336 Now these who did no act of kindness with their hands or feet; look what the Holy One, praise to Him, did reward them with; Israel who are used to do acts of kindness with their hands or feet for their great and their little ones, [they deserve] so much more!

328 Gen. rabba 100(7). Hatorah 2:9). Ashkenazic pronunciation follows the Biblical ת pronounce תא in Hilkhot Yesode (Dan. 13:7). The Worlds are this world,
the World to Come, and all other possible worlds He created.

330 Gen. 50:10.

331 The same question, in the framework of a different sermon, in the Babli, 13a.

332 Gen. 50:11.

333 As a sign of mourning, to stay in their houses.

Also a sign of mourning, not to appear in their togas.

They translate "the inhabitants of the land" as: "those sitting on the earth".

The entire paragraph is a sermon in honor of the local burial society.

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The entire paragraph is a sermon in honor of the local burial society.

Rebbi Abbahu said, these seventy days between letters and letters correspond to the seventy days in which the Egyptians performed kindness with our father Jacob.

Letters of Sivan 23 (Esth. 8:9). If the months are alternatingly of 29 and 30 days, there are exactly 70 days between the dates.

Between Haman's letters on Nisan 13 (Esth. 3:12) and Mordokhai's letters of Sivan 23 (Esth. 8:9). If the months are alternatingly of 29 and 30 days, there are exactly 70 days between the dates.

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It is written\(380\): "And David sang this elegy", etc., "and said: To teach the people of Judah archery." Is it reasonable that he had to teach the people of Judah, who was he\(381\)? But David said, when the just have disappeared, the haters come and attack Israel. "Is that not written in the book Yashar?" Two Amoraîm. One says, that is the book of Genesis. But the other said, that is the fifth of Numbers\(382\). The one who said, this is the book of Genesis, is understandable\(383\). But the one who said, that is the fifth of Numbers, what war is reported there? \(384\)"The Children of Israel travelled from the springs of Bene-Ya'aqon to Mosera; there Aaron died\(385\)." Did Aaron die at Mosera? Did he not die on Mount Hor? That is what is written: "Aaron the Cohen ascended Mount Hor and died there\(386\)." But when Aaron died and the clouds of glory disappeared, the Canaanites desired to attack Israel. That is what is written: "The Canaanite, the king of Arad, dweller in the Southland, heard that Israel came by the way of the scouts\(387\)." What is "the way of the scouts"? He
heard that Aaron died, the great scout, who did scout the way for them. They came and attacked them. Then Israel wanted to return to Egypt and travelled eight stations backward. The tribe of Levi ran after them and killed eight families from them. They also killed four of their families. That is what is written: "The Amramite, the Yisharite, the Hebronite, the Uzielite." When were they re-established? In David's time. That is what is written: "In his days, the just will blossom." They said, what caused us all this bloodshed? They said, because we did not perform kindness for that just man. They went and organized a eulogy and performed kindness for that just man. The verse considers it as if he died and was buried there where they performed kindness for that just man.

381 Instead of נְדֵה יָמִים, the Rome ms. reads נְדֵה יָמִים, probably a corruption. The problem is that (1) the mention of Jehudah in a dirge about the slain of Benjamin is somewhat out of place, and (2) that David, who had a magic bow (Ps. 18:35), long ago was a teacher of archery. "He" refers to David.
382 In the Babli, Avodah Zarah 25a, R. Johanan identifies the book Yashar with Genesis, R. Eleazar with Deuteronomy. In the Babli, the book of Yashar is not a book of wars. "Fifth" is the standard rabbinic name for any one of the five books of the Pentateuch.
383 Since it records the victory of Abraham over the kings of the East.
384 From here to the end of the paragraph, the text is also in Yoma 1:1, fol. 38b.
385 Deut. 10:6.
386 Num. 33:38.
387 Num. 33:40. The same interpretation is in the Babli, Roš Haššanah 3a. Cf. also Num. rabba 19(11), Tanhuma Buber Huqqat 42, Tanhuma Huqqat 18; Threni rabbati 1(64); Tosephta 11:1; Sifry Num. 82.
388 Since Aaron was responsible for the Ark which was the pathfinder (Num. 10:33).
389 In the catalog of families in Num. 26, 8 families are missing compared to the enumeration of grandsons of Jacob in Gen. 46: 5 from
Benjamin and 1 each from Simeon, Gad, and Asher.

390  *IChr. 26:23*, an isolated verse seemingly without connection to what comes before and after. This is interpreted to mean that David took care to re-establish these families after they had been decimated. The only levitic family missing in the list of *Num. 26* is *Sim'i*.

391  *Ps. 72:2*.

... (17c, line 25) ...  

"With him*. Rebbi Crispus in the name of Rebbi Johanan: You do it for yourself*. Rebbi Hama bar Hanina: A parable of a king who was marrying off his son. There came a prefect* to carry the litter*, and they did not admit him. The king said, let him; tomorrow he will marry off his daughter and I can honor him the way he honored me. As it is written*: "I shall descend with you to Egypt and I shall bring you up, also ascending." Why does the verse say, "also ascending"? I shall bring you up and the other tribes also I shall bring up. That teaches that every tribe brought the bones of their ancestor with them*.

392 Moses brought Joseph's coffin* for himself*, that God would do for him what he did for Joseph.

393 Greek ἔπαρχος.

394 In which the bride was carried to the wedding ceremony; the organizers thought that being a litter carrier was beneath the dignity of the...
It was stated in the name of Rebbi Jehudah: If it had not been written, it would have been impossible to say: This teaches us that when Moses died, he was lying on the wings of the Shekhina about four miles, from the inheritance of the tribe of Reuben to the inheritance of the tribe of Gad, since he died in the inheritance of the tribe of Reuben and was buried in the inheritance of the tribe of Gad. From where that he died in the inheritance of the tribe of Reuben? Because it was said, "the tribe of Reuben built Hešbon, Elaleh, Qiryatayim, and Nebo." And it is written: "Ascend this ‘Abarim mountain, the Mountain of Nebo, and die on the Mountain up which you will climb." And from where that he was buried in the inheritance of the tribe of Gad? For it was said: "To Gad he said, praised be He Who enlarges Gad, etc. For there the part of the lawgiver is hidden." The Holy One, praise to Him, added: "He came at the head of the people." The angels of the service said, "he executed the..."
justice of the Eternal", and Israel were saying, "and His laws with Israel." All together were saying: "May he come in peace, may they rest on their couches, he goes in His pleasure."

397 Tosephta 4:8; Babli 13b, Sifry Num. 106.
399 Num. 32:38.
400 Deut. 32:49.
402 Since one cannot assume that Moses praised himself.
403 Is. 57:2. A fitting end of a sermon of consolation of mourners.
Mishnah 1: He brought her flour offering in an Egyptian palm-leaf basket and then puts it on her hands to tire her out. All flour offerings are from start to finish in a Temple vessel except this which at the start is in an Egyptian palm-leaf basket and at the end in a Temple vessel. All flour offerings need oil and incense except this one which needs neither oil nor incense. All flour offerings come from wheat except this one which only comes from barley. The ‘omer flour offering, even though it comes from barley, comes as roasted kernels but this one comes as flour. Rabban Gamliel said, since she behaved like an animal so her offering is animal feed.

1 The husband; Num. 5:15. The volume of the offering was $\frac{1}{10}$ of an epha or about one US Gallon. Cf. also Chapter 1, Note 239.

2 All other offerings must be in a Temple vessel when given to a Cohen to be processed. It is true that the sotah-offering also must be in a Temple
vessel once the Cohen takes it, but as long as the Cohen is still occupied with the preliminaries it may not be in a Temple vessel.

3 This is not quite correct; the offering of the poor sinner (Lev. 5:11) is likewise without olive oil and incense.

Halakhah 1: "He brought her flour offering," etc. It is written: "In the Cohen's hand shall be the spell-inducing bitter water." Is that to tire her out? Rather to inspire her with fear.

4 Num. 5:18. The verse requires hands all the time the water is in the Cohen's hand.

"Her flour-offering." Does that mean that it is sanctified in her name? Just as it is sanctified in her name, so it is sanctified in his name. Rebbi Hiyya stated and disagreed: "It cannot be brought completely because of the participation by the wife. It cannot be eaten because of the participation by the husband." He said to him, the handful is brought separately and the remainder is brought separately. And you say, "her flour offering"? But the expression used by the verse is used by the Mishnah: "He shall bring her flour-offering for her."
A flour-offering in order to be valid must be offered by a Cohen in a Temple vessel on behalf of its owner (Mishnah Menahot 1:1). The Mishnah notes that "he (the husband) brings her (the wife's) flour-offering." Does this mean that the offering is to be offered only on her behalf?

6 It must be brought in both their names.

7 He does not disagree here at all; he supports the previous opinion. The text is from Halakhah 3:7 (fol. 19b line 37) where R. Hiyya disagrees. Cf. Tosephta 2:6.

8 If a Cohen suspects his wife of adultery, the flour-offering cannot be burnt as a Cohen's offering (Lev. 6:16) and cannot be eaten as the wife's offering (Lev. 6:9).

9 Of any flour-offering, a handful of the flour (with the incense) has to be burned on the altar and, normally, the rest is eaten by the Cohanim within the Temple enclosure (Lev. 6:7-11).

10 This is a matter of dispute; R. Hiyya disagrees with the opinion that the remainders which cannot be eaten by the Cohanim have to be dispersed on the ashes but holds that they have to be burned as a kind of fuel (Halakhah 3:7, Babli 23a).

11 Num. 5:15.
May her husband dedicate for her without her knowledge? Since he is a partner in the flour offering, may he dedicate for her without her knowledge? May another person dedicate for her without her knowledge? It comes following what Rebbi Johanan said, as Rebbi Johanan said, for the four who need cleansing others may dedicate without their knowledge; these are the following: Man or woman [healed from] genital discharges, one [healed from] scale disease, and the woman after childbirth; since a father may dedicate for his small son who is lying in a crib. One understands man or woman [healed from] genital discharges or [healed from] scale disease, but a woman after childbirth? May a minor give birth? Did not Rebbi Redifa, Rebbi Jonah, say in the name of Rebbi Hila: If a woman became pregnant and gave birth before she grew two hairs, she and her son will die. After she grew two hairs, she and her son will live. If she became pregnant before she grew two hairs and gave birth after she grew two hairs, she will live but her son will die. How is the situation? Since a man may dedicate for his underage daughter. Since she grew [pubic hair] she already left his power. But it must be since a man may dedicate for his deaf-mute wife. Here, in the case of the suspected wife, the case of the minor does not apply since Rebbi Ze'ira, Rebbi Yasa said in the name of Rebbi Johanan: An underage girl who whored has no will to be forbidden to her husband. The case of the deaf-mute does not apply since it is written: "The woman shall say: Amen, amen." Rebbi Abin said, since it is written: "You shall enjoy
together with your house," and he is the cause that he cannot enjoy with her, he may dedicate without her knowledge.

12 From the Rome ms., missing in Leiden ms.
13 From the Rome ms. and the parallel in Yebamot, Chapter 1; Notes 153-154. Missing in Leiden ms.
14 In case the first question is answered in the affirmative, there is a second question to be answered.
15 Anyone whose own body was the source of impurity, when he is pure again cannot enter the Temple precinct unless he first brought a sacrifice of cleansing: The woman after childbirth (Lev. 12:6-8), the person healed from scale disease (Lev. 14:1-32), and the persons healed from genital discharges (Lev. 15:14-15,29-30).
16 Who could have been afflicted with scale disease and, if female, with a discharge at birth mimicking menstruation.
17 Text from Yebamot 1:2, Note 153.
18 Therefore, he should be able to dedicate for his wife who also is dependent upon him.
19 Even without growing pubic hair, if he married her off she is emancipated from him. If she is not married, she cannot be a suspected wife.
20 This statement is from Chapter 1, Note 91.
21 Num. 5:22. The answer of the wife is a requirement that cannot be waved, cf. Chapter 1, Note 8. Therefore, a mute woman cannot undergo the ordeal. The Babli concurs, 27b, quoted in Num. rabba 9(18).
22 Deut. 14:26. "A man's house" always means his wife. For example, since the High Priest must purge his sins and those of his house on the day of Atonement (Lev. 16:17), an unmarried High Priest cannot officiate.
23 Since he cannot enjoy himself if his wife is forbidden to him, she cannot hinder him in the preparations for her rehabilitation. This answers the original question for the husband. At the same time, R. Abin disagrees with R. Johanan and holds that only the husband may dedicate the purgation offering of the woman after childbirth without her knowledge since he has a direct interest in it. While the woman after childbirth is permitted to her husband once she is recovered and
pure, she cannot enjoy the holiday sacrifice has not been handed over to the Temple personnel.

Rebbi Aha in the name of Rebbi Ila: He may not dedicate for her the bird elevation offering, only the bird purification offering because the latter enables her to eat family sacrifices. It was stated: He may dedicate for her only something that enables her to eat family sacrifices. Rebbi Yose said, that is all. It was stated: Just as that disables her from eating family sacrifices, so she disables others from eating family sacrifices; since he is hindered from enjoying with her it is as if he disabled her from eating family sacrifices. It was stated: Even by the shearing of her head she hinders him from eating family sacrifices. Since she is ugly and he is hindered from enjoying with her it is as if he disabled her from eating family sacrifices.

24 This speaks about the woman after childbirth whose husband is poor and can afford only two birds as purgation offering. It is asserted here that the husband on his own can only dedicate a sacrifice in which he has a direct interest, as stated by R. Abin. Mishnah Keritut 6:4 notes that only the purification offering enables her to eat family sacrifices. The elevation sacrifice also may be paid by him but only with his wife’s knowledge.

25 The offerings of the woman after childbirth.
26 In all cases, those whose impurity was produced by their own body and the suspected wife, where the husband cannot enjoy a holiday without having seen to it that her sacrifice has been presented in good order, any dereliction on his part to remove her disability is put on the same level as his hindering her from eating sacrifices. Therefore, it is his duty to bring these sacrifices and he does not need his wife's consent for the dedication.

27 The wife made a vow to be a nazir who may not drink any wine and the husband did not use his right to free her from any vow of self-punishment. As long as she is forbidden to drink wine, he cannot fully enjoy the holiday with her. Therefore, after she has cut her hair, the husband can dedicate the three offerings due from the nazir (Num. 6:14) without the knowledge of his wife (according to R. IIa only the family sacrifice which permits the wife to drink wine.)

28 Because of her long hair.
29 By not having vetoed her vow he is responsible for the problem.

30 It was stated in the name of Rebbi Jehudah: A person brings for his wife any sacrifice she is obligated for, even if she ate suet or desecrated the Sabbath. Also, Rebbi Jehudah says, once he divorces her, he is no longer obligated for her, for he writes to her\(^31\) "any other obligations that come to me because of you from earlier times."

30 From Yebamot 15:3, explained there in Notes 43-45. The words in Italics are changed in gender from the text in Yebamot: The text here refers to the obligations the husband takes upon himself at the time of marriage; the text in Yebamot refers to the receipt the divorcee writes upon delivery of the divorce settlement.

31 While he is married, he is liable
also for sacrifices she was obligated to obligations cease.

Was it not stated\(^\text{32}\): "The order of flour offerings is the following: One brings from his house in silver or gold vessels." These would be acceptable as Temple vessels\(^\text{33}\).

\(^{32}\) The objection is to the Mishnah which states that "all flour offerings are from start to finish in a Temple vessel" when the baraita (Tosephta Menahot 1:16) states that flour offerings are brought in private vessels to the Temple and only there transferred to Temple vessels.

\(^{33}\) If they were dedicated together with the flour, no other vessels would be necessary. But an Egyptian palm leaf basket is never acceptable as a Temple vessel. The same question and answer in the Babli (14b).

\(\text{Tdin rabi 'shme'ur b} \text{r yit} \text{h. me'pri ma amra'} \text{m. kelim eshmatot} \text{et kelim homimot.} \text{sh'mot} \text{aiy t'sonim t'schim. shel'ah khazen she'lahotay craa'ah mahdor. kalbim. hir ahosatta nashmo shel'motur. ain t'mim sha'ani hitot. ha'amr rebi yittak. zamah tohrot kemotur. zamah tohrot homlatah shey rey. amir rebi yittak.} \text{la'az. me'piy asher hekhalah nakhla'ah yahidah l'yunay kemim sha'ani hitot.}

Rebbi Simeon bar Iohai stated\(^\text{35}\): Why did they say that no purification\(^\text{36}\) or reparation sacrifices need wine offerings? That the sacrifice of a sinner should not be magnificent. They objected: There are the purification and the reparation offerings of the scale-diseased\(^\text{15}\). If you say that he is no sinner, did not Rebbi Isaac say: "That shall be the instruction for the scale-diseased," this is the instruction for the slanderer\(^\text{37}\)! Rebbi Hila said, since he was made to suffer and it is
written \(^38\) "that your brother should [not] be contemptible in your eyes," he is as if he had not sinned.

34 Reading of the Rome ms. Leiden: ϊγ "to him".
35 The Babli, 15a, quotes a more detailed statement by R. Simeon bar lohai: Why is the sinner let off cheaply in that he saves the expenses for wine, flour, and oil, required for all other private sacrifices?
36 The idea is that ḥatah should be considered as "sin offering". It seems more likely that the root ḥatah basically means "to cleanse". The noun ḥatah then means "cleansable sin", i.e., inadvertent sin, in contrast to פיש "crime, intentional sin", for which no Temple ritual is available (cf. Babli Temurah 15b). The sacrifices of the persons needing purge from impurity (Note 15) shows that "sin offering" is not a primary meaning of our word. An intentional sin can be expiated only by death or by God's grace following sincere repentance.
37 Taking apart the word עץ-
In the Babli (mentioned 15a, main source Arakhin 16a), R. Johanan holds that scale-disease is a punishment for (1) calumny, (2) homicide, (3) perjury, (4) incest, (4) haughtiness, (5) robbery, (6) envy.
38 Deut. 25:3. It is to be noted that in Arabic one of the meanings of both roots א"ב and ג"ו, corresponding to the Hebrew ג"ו "having scale-disease", is "to humble oneself".
Rebbi Johanan in the name of Rebbi Ismael: 39 "Flour offering of, flour offering of." Since "flour offering of" said there is of barley, here also it is of barley. 40 Rebbi Eliezer said, it says here "milky white" and it says in Egypt "milky white." Since "milky white" mentioned in Egypt refers to barley, here also it refers to barley. Rebbi Aqiba said, it was said to the public, bring first fruits on Passover and bring first fruits on Pentecost.

If we find that from the kind a private person brings his obligatory offering the public bring their first fruits on Pentecost. From which kind does the private person bring his obligatory offering? From barley! Also the public should bring only from barley. If you say from wheat, the Two Breads would not be first fruits.

39 This sentence is also quoted in Halakhah 3:1. The argument refers to Lev. 2:14, where "a flour offering of first fruits" is mentioned which is identified as the 'Omer offering (Lev. 23:9-14), traditionally brought from barley (since early in spring there is no wheat ready). The argument attempts to show that the offering mentioned in Lev. 2:14 must be the 'omer offering of barley. The argument of R. Ismael is quoted only here because it cannot be sustained. The basis of the argument is the position that a word used in the legal parts of the Torah can only have one meaning. Since the construct form "flour offering of" used for the ritual of the suspected wife (Num. 5:15,16,18) refers to barley, it is concluded that the "flour offering of first fruits" also must refer to barley. The problem is that the construct state is also used in Lev. 2:7, 6:14,16; Num. 4:16. 28:8 clearly referring to wheat offerings.

40 A slightly garbled version of a text dealing with the same problem, preserved in Sifra Wayyiqra Parshata 13(4). The reading Liezer for the first Tanna mentioned here, as against Lazar as suggested by the text, follows the reading of Sifra. Since this Tanna is mentioned before R. Aqiba, a reading of Lazar would refer to R. Eleazar ben 'Arakh.

41 Lev. 2:14, a word used in the description of the offering of first

42 Ex. 9:31, referring to barley.

43 During or after the Holiday of Unleavened Bread (depending on the interpretation of the term "after the Sabbath") the 'Omer offering is required as "first harvest" (Lev. 23:9-14).

Rebbi Aqiba says: It was said to the public, bring First Fruits on Passover and bring First Fruits on Pentecost. As we find that, from the kind a private person brings his obligatory offering the public has to bring their First Fruits on Pentecost, also from the kind a private person brings his obligatory offering the public brings their First Fruits on Passover. From which kind does the private person bring his obligatory offering? From barley! Also the public should bring only from barley. If you say, from wheat, the Two Breads are not First Fruits.

44 The text is slightly garbled. A more intelligible text is in *Sifra* (but one cannot exclude the possibility that the text in *Sifra* is Amoraic and has been edited to make it more intelligible) and the Babli, *Menahot* 68b:

45 The only obligatory flour offerings of a private person are the purification offering of the poor (Lev. 5:11) and the offering for the suspected wife. The voluntary offerings of a private person are all high quality wheat.

46 Two wheat breads made from sour dough to be presented to the altar but not burned, Lev. 23:17. These are called "First Fruits". If the 'Omer offering, whose nature is not specified in the verse, were to be brought from wheat, the Two Breads would not be baked from "First Fruits".
There, said by Rebbi Jonah: "Halica\textsuperscript{47}, into two parts. Tragos\textsuperscript{48}, into three. Tisana\textsuperscript{49}, into four." Rebbi Yose ben Rebbi Abun asked: From there on, is it coarse flour\textsuperscript{50}? One does not have to sift out the fine flour from in between\textsuperscript{51}.

\textsuperscript{47} J. Levy, supported by H. L. Fleischer, sees in עלת הלכה Latin alica, halica "groats of spelt". This is confirmed by the (Galilean) spelling הלכה of the Rome ms. The spelling הלכה is Babylonian; cf. S. Lieberman, Tosefta ki-Fshutah Nedarim, p. 456. He explains that R. Jonah derives הלכה from the Hebrew root הָלַכָּה "to split" and הָלִיךְ pronounced 트ראיס from Latin tres or Greek τρεις.

The Mishnah, Makhširin 6:2, mentions "spelt groats, tragos, tisana" as manufactured products; R. Jonah defines these trade names. In the Babli, Mo'ed Qatan 13b, R. Jonah's definition is described as Babylonian; the Galilean definition of גחלת given by Rav Dimi is גחלות, explained by the commentary ascribed to Rashi as "spelt for chewing" and by "Rashi's commentary" edited by E. Kupfer as "shelled spelt", confirming the determination as halica.

\textsuperscript{48} Greek τράγος, "spelt (or other grains); goat". Latin tragos, tragum "porridge".

\textsuperscript{49} Latin "barley groats, pearl barley; barley water"; originally Latin ptisana, Greek πτισάνη, "peeled barley, barley gruel".

\textsuperscript{50} The offering of the suspected wife is defined (Num. 5:15) as "coarse barley flour". Is it enough if the kernels are broken into at least five parts or does there have to be a real grinding process? The question is not answered.

\textsuperscript{51} The presence of a few finely ground pieces of barley does not invalidate the offering if it is recognizable as coarse flour by the naked eye.
Mishnah 2: He \(^{52}\) brought a new \(^{53}\) earthenware bowl \(^{54}\) and filled it with half a log \(^{55}\) of water from the laver; Rebbi Jehudah says, a quarter [log] \(^{56}\). (Just as he \(^{57}\) shortens the writing so he decreases the amount of water.) He \(^{52}\) entered the Temple building and turned right. There was a place there, one cubit square, where a handle was fastened to a marble plate. He lifted it, took dust from under it, and put it so that it was seen on the water, as it was said \(^{58}\): "From the dust which will be on the ground of the Temple the Cohen shall take and put on the water."

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52 The officiating priest.  
53 The text of the Yerushalmi is minimum for any liquid used in any ceremony. The word is missing in the Babli mss. 
54 Greek φιάλη. 
55 A quarter log is the rabbinic minimum for any liquid used in any ceremony. 
56 Rebbi Jehudah; cf. Mishnah 3. 
57 Num. 5:17. 
58 0.27 l. Cf. Mishnah Kelim 17:11.
Halakhah 2: "He brought a bowl," etc. It was stated: "A new one." Our Mishnah follows Rebbi Eliezer, as we have stated there: "He brought a new earthenware bowl." Who stated "a new one"? Rebbi Eliezer! Since he explains: "Into an earthenware vessel on fresh water." Just as the water had no prior use, so the earthenware vessel should not have had any prior use. It is understandable there because he explains: "Into an earthenware vessel on fresh water;" but what may one say here? Rebbi Johanan said, because he agrees with Rebbi Ismael. It was stated: From the wash basin. Rebbi Ismael says, water from a fountain. But the Sages approve of all kinds of water. Therefore, Rebbi Eliezer holds with Rebbi Ismael about the water and Rebbi Ismael with Rebbi Eliezer about the earthenware vessel. It was found stated: Rebbi Ismael says, into a new earthenware vessel. Some Tannaim state: Into an earthenware vessel but not into a maqqēdah. Some Tannaim state: Even into a maqqēdah. They wanted to say, he who says, into an earthenware vessel but not into a maqqēdah, is Rebbi Eliezer but those who say, even into a maqqēdah, are the rabbis. It all is the rabbis'. He who says, into an earthenware vessel but not into a maqqēdah, if most of it was removed but a small part was left; he who says, even into a maqqēdah, if a small part was removed but most of it was left.
59 In the Babli, 15b, this is attributed to R. Ismael. The statement is not mentioned in the Midrashim. The quote seems to imply a Mishnah text similar to that of the Babli.

60 The argument is mentioned in his name in Sifra Me'orah Pereq 1(4).

61 Mishnah Nega'im 14:1, referring to the purification of the person healed from skin disease.

62 Lev. 14:5, speaking of the slaughtering of one of the two birds used in the purification rite. "Live" water is running water from a fountain or natural stream.

63 The argument is irrelevant for the ritual of the suspected wife. In the Babli, the connection is made by R. Ismael's rule of gezerah sawah: If the meaning of "earthenware vessel" was determined to include "new", the same meaning applies everywhere. The Yerushalmi rejects this application to the names of vessels of common use.

64 R. Eliezer.

65 From which the priests draw the water for their ablutions; cf. Ex. 30:17-21. The statement is also anonymous in Sifry Num. 10, Sifry zu'a Na-so, Num. rabba 9(12); cf. Targumim to Num. 5:17. In the Babli, 15b, it is attributed to R. Johanan in the editio princeps, impossible in a Tannaitic text, and to R. Ismael in the Munich ms., contradicting the next statement there. In the Babli text quoted in the 12th Century Sefer Yere'im 460 (ed. S. Z. Halberstam), the statement is missing; this is the only consistent Babli text, defining this baraita as differing from the Mishnah.

66 The last two statements are also in the Babli, 15b. The statement by R. Ismael requires the water to be brought from outside the Temple precinct (the Gihon source); the rabbis permit the water to be drawn also from the water canal crossing the temple courtyard or from one of the miqwaot in the Temple area.

67 From the context (here, and in Sifra, loc. cit.) it follows that the word describes a somehow defective or incomplete clay vessel. Ben Jehudah in his Thesaurus (p. 3662) quotes several proposed interpretations without giving his own opinion. As a Semitic word, the root is ḫṣ, "exhibiting spots", but cf. Greek μαγίς, -ίδος, η, "kneading trough, pan, plate"; Latin magis, -idis, or magida -ae, "dish, platter, kneading trough".

68 Some members of the Academy.

69 Since it may be assumed that "a new vessel" means: not a defective one.

70 A broken vessel is acceptable if it represents the major part of a
complete vessel. This statement is not new vessel (or at least one renewed by firing), it will reject a broken one.

Some Tanna'im state: "In an earthenware vessel", not if it is sooty. Some Tannaim state: "In an earthenware vessel", even if it is sooty. They wanted to say, he who says "in an earthenware vessel", not if it is sooty, is Rebbi Eliezer, but he who says, "in an earthenware vessel", even if it is sooty, follows the rabbis. All is of the rabbis: He who says "in an earthenware vessel", not if it is sooty, follows the rabbis, and he who says, "in an earthenware vessel", even if it is sooty, follows the rabbis.

71 A clean vessel is prescribed but an infraction of this rule does not invalidate the procedure. The Babli disagrees, 15b, and declares a sooty vessel unacceptable under any circumstance as long as the soot has not been removed by firing the vessel. Since the statement in the Babli is attributed to Rava who is described as knowledgeable in the rules of the Yerushalmi, the statement in the Babli is a direct polemic against the Yerushalmi.
There, we have stated: "A hyssop which was used to sprinkle is acceptable [to be used] to purify the sufferer from skin disease." Rebbi Immi in the name of Rebbi Eleazar: That [was stated] to exclude the opinion of Rebbi Eliezer, as it was stated: If he sprinkled with it for purifying, it is disqualified for the sufferer from skin disease. If he sprinkled with it for the sufferer from skin disease, it is disqualified for purifying. Rebbi Yose said, would that not be an argument *de minore ad majus*? Since for the sufferer from skin disease, for whose ceremony use does not disable, if he sprinkled with it for purifying, it is disqualified for the sufferer from skin disease; purifying, for whose ceremony use does disable, if he sprinkled with it for purifying, is it not logical that it should be disqualified for purifying?

Mishnah *Parah* 11:8. The hyssop was used to sprinkle water mixed with ashes of the red cow to cleanse a person defiled by the impurity of the dead. From the biblical expression (*Num.* 19:9), "sprinkling water, it is purifying", the water is called in Talmudic terminology דקוע or simply דקוע "purifying (water)". Cf. also Note 36.

Hyssop alone is required for purifying (from the impurity of the dead) (*Num.* 19:18); for the cleansing from skin disease it is used among other things (*Lev.* 14:6).

The Amora, ben Pedat.

Tosephta *Nega'im* 8:2: "A hyssop acceptable for purifying is acceptable for the sufferer from skin disease. If he used it for sprinkling to purify it is still acceptable for the sufferer from skin disease. Rebbi Eliezer says, the cedar wood, hyssop, and crimson strip mentioned in the Torah (*Lev.* 14:6) cannot have been previously used for any purpose."

The prohibition of prior use is spelled out in the Torah for the red cow only (*Num.* 19:2). By rabbinic tradition, the prohibition is extended to the water used for purifying as explained at length in Mishnah *Parah*. R. Eliezer extends the prohibition to anything used in any ritual of
purification by hyssop and water.

76 This baraita is not quoted in any other source; the Tosephta quoted in the preceding Note shows that the source of the baraita is the school of R. Eliezer.

77 The argument presented here is intended to show an error in the position of R. Eliezer. The argument of R. Yose (ben Halaphta) is not found in any other source.

The argument goes as follows: Everybody agrees that the rules of purification from skin disease are not as stringent as those from the impurity of the dead. If using hyssop for purifying from the impurity of the dead would disqualify it as instrument for purifying from skin disease, one must require that one hyssop cannot be used for several people defiled by contact with a corpse. But it was general practice that the Temple provided a purification service where a person was standing in a window and was sprinkling continuously on the people walking by below, always using the same hyssop (Mishnah Parah 11:4); no dissent by R. Eliezer is recorded. Therefore, practice must follow the Mishnah, not R. Eliezer.

If he used it to sprinkle on the sufferer from skin disease, is it acceptable to use it for another sufferer from skin disease? If somebody said it is acceptable, Rebbi Jehudah and Rebbi Eleazar will agree with him. But with him who said, it is disqualified, Rebbi Jehudah and Rebbi Eleazar will disagree. It was stated: Rebbi Jehudah said, it was my
Sabbath and I followed Rebbi Tarphon to his house. He said to me, Jehudah, my son, give me my sandals. I gave them to him. He reached with his hand to the window and gave me a stick from there. He said to me, Jehudah, my son, with this one I cleansed three sufferers from skin disease and I taught with it seven practices. That it is yabrut, on its head is a leaf, it is one cubit long, its width is about one fourth that of a bed's leg (split one into two and two into four), and one sprinkles and repeats and does it a third time, and one purifies when there is a Temple and when there is no Temple, and one purifies in the countryside.

78 No R. Eleazar (one of the Tannaim, ben Pada or ben Shamua') is mentioned in any of our other sources as joining R. Jehudah in this controversy.

79 Tosephta Nega'im 8:2, Sifra Mesora' (13).

80 It seems that in the Academy of R. Tarphon, the students had to serve their teacher on the Sabbath, taking turns.

81 Hyssop does not grow solid stems. Therefore, this must refer to the cedar branch used in the ceremony. It is to be assumed that cedar and hyssop, mentioned in parallel in the verse (Lev. 14:6), follow parallel rules.

82 In the Tosephta נגעגה, in Sifra בהרה The exact kind of cedar mentioned is not known. Since Mishnah Parah 11:6 states that any kind of hyssop known by a qualifying adjective is invalid (examples given are: blue hyssop, Roman hyssop, desert hyssop), R. Tarphon insists that any tree of the cedar family qualifies even if its trade name does not even contain the word "cedar".

83 A cedar stick without any green needles is invalid.

84 Even a very thin branch will do.

85 This answers our question.

86 Even though the final purification rite which gives access to the Sanctuary presupposes a Sanctuary, the preliminary rite which re-integrates the sufferer from skin disease into society (Lev. 14:1-9), while requiring the services of a Cohen such as R. Tarphon, is independent of the Temple.
service. While R. Tarphon was old R. Jehudah was born after its
enough to have served in the Temple, destruction.

"Water"87, I could think it should look like water. The verse says,
"dust"88. Or "dust", I could think it should look like ink. The verse says,
"water". How is that? The looks of water and the looks of dust89. The
Sages estimated half a log of water from the wash basin. But did we not
state90: "Rebbi Jehudah says, a quarter [log]". Rebbi Jehudah follows his
particular way, as we have stated: "Just as he shortens the writing so he
decreases the amount of water."

87 Num. 5:17: ो'-होक  द'-िन  '•न.
88 A translation (Arabism) of the word ΊΒϊ "dust"; cf. Arabic ܐܪܡ. ܐܪܡ.
89 The dust should be a powder on the clear water.
90 In the Mishnah.
There\textsuperscript{91}, we have stated: "Also she made a golden plate with the paragraph of the suspected wife written on it." When the sun rose, sparks were reflected on it and one knew that the sun had risen\textsuperscript{92}. What was written on it? Rebbi Simeon ben Laqish\textsuperscript{93} said in the name of Rebbi Yannai: Alef-Bet was written on it\textsuperscript{94}. But did we not state: In the script there it was written here, not heavy, not thin, but average\textsuperscript{95}. Explain "the Alef there" by "from the Alef there"\textsuperscript{96}; "the Bet there" by "from the Bet there". Rebbi Hoshia stated: The entire paragraph of the suspected wife was written there, and from it he was reading and explaining all details of the paragraph\textsuperscript{97}: Why water, dust, and writing? Water, from the place she came; dust, the place she goes to; writing, before Whom she will have to be accountable in the future.

\textsuperscript{91} Mishnah \textit{Yoma} 3:10, speaking of Queen Helena of Adiabene.
\textsuperscript{92} The golden tablet was fixed on the Eastern wall of the Temple building.
\textsuperscript{93} The short form \textit{רייש לוכיש} is a Babylonism.
\textsuperscript{94} Single letters were written on the tablet, each letter being the first of its word. (Cf. P. Kahle, Masoreten des Westens, II, pp. 88-95).
\textsuperscript{95} The suspected wife's scroll had to be written in the way the letters were on the queen's tablet, not ornamental and not in \textit{italics}. The questioner thought that the entire tablet had to be copied as it was written; then an abbreviated version would be impossible.
\textsuperscript{96} For each letter one copies the entire word. The first sentence of the scroll would read on the tablet as אֵשׁ לֹא אָלָה וְלֹא שָׁמַע אֵלֹהִים which would be copied as אֵשׁ לֹא שָׁמַע אָלָה וְלֹא אָלָה שָׁמַע אֵלֹהִים where every first letter was copied exactly from the tablet and the rest of the word added in the same style of script.
\textsuperscript{97} While writing, the Cohen explained the text homiletically to the suspected wife, as explained in the next
There, we have stated: "Aqabiah ben Mehallalel says, consider three things and you will not commit any transgression." Rebbi Abba ben Rav Pappaeus and Rebbi Joshua from Sighnin in the name of Rebbi Joshua ben Levi: All three Aqabiah derived from the same verse: "Remember your Creator," your fountain, your cavern, your Creator. Your fountain, from where you came. Your cave, to where you are going. Your Creator, before Whom you will have to be accountable in the future.

98 Lev. rabba 18(1); cf. Abot dR. Natan, A 19, B 32; Derekh Eres 3 in the name of Ben Azai.
98 Mishnah Abot 3:1: Aqabiah ben Mehallalel says, consider three things and you will not commit any transgression: Know from where you came, where you are going, and before Whom you will be held accountable in the future. From where you came, from a stinking drop. Where you are going, to a place of dust, worms, and vermin. Before Whom you will be held accountable in the future, before the King over emperors and kings, the Holy One, praise to Him.
100 Eccl. 12:1.
101 Based on three possible vocalizations of the biblical נשים. The vocalization נשה instead of the masoretic נשה is the manuscript's.
Three things have to be executed in the name [of the woman]102. "He shall write for her."103" "He shall execute for her."104" "Or manumission was not given to her."105" 106

Three things have to be seen: The ashes of the cow107, the dust of the suspected wife108, and the spittle of the sister-in-law109. Rebbi Ismael stated: Also the blood of the bird for the sufferer from skin disease110. Rebbi Ze'ira said, the Sages estimated that the blood of a small bird becomes negligible in a quarter [log] and the blood of a large bird does not render a quarter [log of water] negligible111. As it was stated112: "In the blood113", should that be only blood? The verse says, "fresh water". If fresh water, should that be all fresh water? The verse says, "in the blood". How is this? Fresh water in which the bird's blood is recognizable. The Sages estimated, a quarter [log]. Rebbi Pedat in the name of Rebbi Johanan: The water of a suspected wife becomes disqualified by staying overnight114. Rebbi Aḥa in the name of Rebbi Abina: Nothing of which the altar has no part becomes disqualified by staying overnight115.
A similar text in Tosephta Gittin 2:7.

Deut. 24:1, speaking of a bill of divorce. The document has to be written for her, otherwise it is invalid (Mishnah Gittin 3:2, Sifry Deut. 269, quoted many times in both Talmudim).

Num. 5:30. The Cohen has to conduct the ceremony of the suspected wife for that particular woman, otherwise it is invalid. The Babli (18a) refers this only to the scroll which is to be written for the woman, which has to be written and erased with that particular person in mind.

Lev. 19:20, speaking of a slave girl. The document of manumission has to be executed for the particular slave girl. This requirement is then extended in the Tosephta to the manumission of male slaves.

Babli 16b; Tosephta 1:8; Sifry Num. 11, Sifry Zuṭa Naṣo; Num. rabba 9(13).

Some ash has to be visible on the water used to purify from the impurity of the dead.

As described in the Mishnah.


Lev. 14:5; the healed patient has to be purified by being sprinkled with spring water mixed with the blood of a bird.

Taking exactly one quarter log (135 dl, cf. Note 55) will prevent any problems.

Sifra Mesora' Pereq 1(5); Babli 16b.

Lev. 14:6. The Cohen has to dip the hyssop and a living bird "in the blood of the slaughtered bird on the flowing water". The "fresh water" is in a vessel but was taken from a spring. The blood of the slaughtered bird is on the fresh water in the vessel. The simple meaning of the verse, that the bird's blood must form a layer on the fresh water, obviously cannot be meant.

Following the opinion that the water has to be taken from the water basin in the Temple. Any water taken from there and sanctified in a temple vessel belongs to the service of that day; once the day has passed (which in the Temple is counted from dawn to dawn), its service cannot be made up (cf. Sukkah 4:7). But according to the opinion that the water may come from outside sources, the position of R. Johanan could be explained. However, R. Johanan holds everywhere that practice follows the anonymous Mishnah (Yebamot 4:11, Note 177; Babli Hulin 43a).

R. Johanan will hold that water
in the basin is for the altar in the water offering on Tabernacles (Sukkah 4:7). The problem is not discussed in the Babli; Maimonides (Sotah 4:12) follows R. Johanan as the overriding authority.

And from the dust. One could think, from what lies in a chest. The verse says, "which will be on the floor of the Sanctuary". If "which will be on the floor of the Sanctuary", one could think only that he has to dig with a pick-axe, the verse says "which will be". How is that? If there is nothing there, one brings and puts it there. Rebbi Abin said, "which will be on the floor of the Sanctuary", one could think [the dust] qualified only if he digs with a pick-axe, the verse says "which will be". From anywhere. "The Sanctuary", that includes the Tabernacle, Nob, Gibeon, Shilo, and the Eternal House.

116 Reading of the Rome ms., already noted by R. Moses Margalit. Leiden ms. and editio princeps: מָמְרוֹת לְפַרְנָס "from the altar into a chest".
117 Num. 5:17: "And from the dust which will be on the floor of the Sanctuary, the Cohen has to take and put on the water." The parallel version in the Babli, 15b, (and Num. rabba 9(13)), is formulated differently.
118 This is not Aramaic "date palm" but the equivalent of Mishnaic דֵּקֶר "pick-axe" by a change of liquids.
119 R. Abin reformulates the preceding argument from a slightly different angle. His polemic is directed against a baraita preserved only in the Babli (15b, bottom; variant readings in the critical edition p. עליה which requires the critical edition p. יִזְלָל to be prepared outside, brought inside, and spread on the floor of the Sanctuary.
The order given here is also in the Munich ms. of the Babli. The historic order would be: the Tabernacle, Shilo, Nob, Gibeon, and the Eternal House (the Temple which in rabbinic tradition cannot be replaced by a Sanctuary at any other place, Mishnah Zebahim 14:8.)

Mishnah 3: Then he starts writing the scroll. From where does he start writing? (Num. 5:19) "If no man has lain with you, . . ." (v. 20) "but if you deviated from under your husband," etc. He does not write (v. 21) "the Cohen has to administer the oath of curse to the woman," but he writes "may the Eternal make you a curse and a swear-word among your people when the Eternal will make your hips diminish and your belly inflate." (v. 22) "This curse-water would come into your intestines to inflate belly and diminish hips." He does not write (v. 22) "the woman shall say, Amen, Amen."
Halakhah 3: "Then he starts writing the scroll," etc. Rebbi Crispus said, Rebbi Johanan and Rebbi Simeon ben Lakish disagreement. One said, he administers the oath and then he writes; the other one said, he writes and then he administers the oath. They wanted to say that he who says, he administers the oath and then he writes, follows what is written in the verse but he who says, he writes and then he administers the oath, to join the oath to the drinking. There are Tanna'im who state: The conditions and the oaths impede; there are Tanna'im who state: The oaths impede, the conditions do not impede. They wanted to say that he who says, the conditions and the oaths impede, holds that "law" and "teaching" impedes; but he who says, the oaths impede, the conditions do not impede, does not agree. Certainly he does agree but they are not [written] in order. It turns out that this disagreement is like the previous disagreement. He who says, the conditions and the oaths impede, agrees with him who says, he administers the oath and then he writes; but he who says, the oaths impede, the conditions do not impede, agrees with him who says, he writes and then he administers the oath.

121 Administering the oath is mentioned in verses 19 and 21; writing the curses is only mentioned in v. 23, followed by the commandment to let the woman drink the water in v. 24. But then the ceremony is interrupted by presenting the flour offering and it is stated (vv. 26, 27) that only after that the water is to be given.

122 The Babli [17b, 19b, quoted in Num. rabba 5(45)] solves the problem by requiring that the scroll be written.
after the wife has agreed to the oath but before it is administered.

123 All details of the procedure outlined in the verses. The first opinion holds that the entire procedure is invalid if one detail is wrong. The second opinion holds that the procedure becomes invalid only if the water is given before the oath was administered.

124 It is a generally accepted principle (Babli Menahot 19a) that any biblical precept characterized as נַכְנָה or נְכָנָה is invalid if not executed to the letter. The procedure of the suspected wife is called נַכְנָה in v. 30.

125 Nobody disagrees with the rule expressed in Note 124.

126 The sequence of execution of the ceremony may not follow the sequence of the verses; cf. Mishnah 3:1.

Mishnah 4: Rebbi Yose says, he does not interrupt¹²⁷. Rebbi Jehudah said¹²⁸ he does not write anything but (Num. 5:21): "May the Eternal make you a curse and a swear-word among your people when the Eternal makes your hips diminish and your belly swell." (v. 22) "This curse-water would come into your intestines . . ." He does not write (v. 22) "the woman shall say, Amen, Amen."

¹²⁷ He requires that verses 19-22 be written in their entirety.
¹²⁸ He holds that verses 19-20 indicate a preparatory speech by the Cohen, that the valid curses, designated as such, are only in v. 21 and part of v. 22.
Halakhah 4: "Rebbi Yose says, he does not interrupt," etc. Levi bar Sisi asked before Rebbi: Does the suspected wife’s scroll defile the hands\(^{129}\)? He said to him, that is a question. Rebbi Yose\(^{130}\) said, it is no question. Did they not decree impurity of the hands for books only because of their holiness? And that one has to be erased\(^{131}\)! One only questions because it had to be erased\(^{132}\).

\(^{129\text{ All biblical texts defile the hands by a rabbinic decree, to make it impossible to a fellow of the faithful to study the Bible with food in his hand, to protect the books from mice and other animals found around food; cf. Mishnah Yadaim 3, Babli Sabbath 14a. The decree applies to any text at least 85 letters long. The impurity of hands, being secondary, would not cause any trouble in the Temple. The Cohen simply would have to wash his hands before handling the cup of water from which the woman drinks.}}^{130 \text{ The Amora.}}^{131 \text{ The entire scroll has to be erased, including the two instances of the Divine Name which in any other circumstance may not be erased. How can such a text claim holiness?}}^{132 \text{ R. Yose’s argument is irrelevant. There remain two questions: (1) After the script has been erased, does the sheet retain holiness and must be buried, or may it be re-used for profane purposes? If it retains holiness it induces impurity of the hands. (2) If for some reason the scroll was not erased, for example if the wife admits her infidelity, the scroll has to be buried or otherwise hidden (Mishnah 3:3). The question is whether this is a biblical requirement because of the sanctity of the writing, or rabbinical to make sure the scroll could not be used for any other woman (cf. Note 104). The question remains unanswered; Maimonides (Abot Ha tum’a 9:11) disregards the question and follows R. Yose.}}
How many letters have to be written unnecessarily for him to be guilty? Rebbi Hanin stated: The House of Shammai say, one; the House of Hillel say, two. Rebbi Hilai said, the reason of the House of Hillel: That he could have written Yah. Rebbi Yudan asked, if he wrote from memory, or rubbed it off with dust, or wrote one word and wiped it off immediately? It was stated: Rebbi Eleazar ben Shamua said, one does not write on leather from an unclean animal. Rebbi Simeon said, since you said it is written to be erased, why can he not write? It was stated: Rebbi Eleazar ben Simeon said, I prefer the words of Eleazar ben Shamua over my father’s words. Maybe she will say: I will not drink. Then the Name would be hidden on leather from an unclean animal.

133 From editio princeps, not in the ms.
134 From editio princeps. In the ms: שמעת
135 In a way that makes the text unacceptable; e. g. with one of the proscribed types of ink. Then erasing the Name will be sinful.
136 The shortest divine Name which may not be erased.
137 A Torah scroll written from memory, not from a corrected original.
cannot be used (**Megillah**, Yerushalmi 4:1; Babli 18b). This is a rabbinic requirement.

138 The verse requires erasing with water. The answer to this question is not given; the negative answer is obvious from Note 124.

139 Before the ink has time to dry. That procedure saves much time and work. No answer is given. In the Babli, 18a, the procedure is declared invalid.

140 A Torah scroll must be written on leather or parchement from an animal whose kind could be eaten. This is derived in both Talmudim from the verse Ex. 13:9: "That the Eternal's Torah shall be in your mouth."

141 Mishnah 3:3. The matter is one of good behavior, not of a biblical precept.

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תְּכֵא קִטְּנָן שְׁמַרְתָּם (תְּכֵא קִטְּנָן שְׁמַרְתָּם. תְּכֵא אֲתָךְ אֲמָר. כָּל-דָּבָר

שָׁחֵא קִטְלָשׁ. תְּכֵא [אֲתָךְ] אֲמָר חֵכָל. אֲמָר לַיְהוָה. שְׁקִנָה חֵכָל תְּכֵא דַּקְתִיב.

בְּשָׁקָר.

There is written "book", and here is written "book". There, you say anything which is plucked. And here, you say so? He said to him, it is different here because it is written "in a book".

142 From the Rome ms., missing in the Leiden ms.

143 The divorce document is called "a book of divorce" in Deut. 24:1. Mishnah *Gittin* 2:3 states that one may write on anything, e.g. on a leaf which was plucked from its plant; according to some authorities the husband may even write the bill on the horns of a cow and deliver the cow to his wife. But for the document of the suspected wife one requires regular writing leather.

144 Num. 5:23. This is more explicit in Mishnah 5, quoted in Sifry Num. 16; Num. rabba 5(47).

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קֶתֶב. יִכְלִל בְּדֵי וּבְשֵׁיָּרָה וּבְקַמְמוֹת וּבְקַלְּפְקִיתָהוֹת. תְּלָמוּד לְיַמְרָה

וּפְרוּת. אֵי מַקְחָה יִכְלִל בְּשֵׁיָּרָה אֵי וּפְרוּת. תְּלָמוּד לְיַמְרָה. קֶתֶב אֲתָךְ.

קֶתֶב שְׁוָאָה יִכְלִל לְיַמְרָה. אֵי וּז. אֵי [דּוֹי] שְׁוָאָה בְּקַלְּפְקִיתָהוֹת. הקֹדֶשׁ.
And he writes. I could think [one writes] with ink, or vermilion, or gum, or copper sulfate, the verse says, "he shall wipe off". If he has to erase, I could think [one writes] with drinks or fruit juice; the verse says, "he shall write". How is that? Writing that can be wiped off. What is this? This is ink without vitriol. But did we not state: If he wiped off from a Torah scroll it is valid. Explain it following the Tanna who stated: Rebbi Meir said, all the time we were studying with Rebbi Ismael, we put no vitriol in the ink.

Reading of the Rome ms., missing in Leiden ms. and editio princeps.

This is the commentary on Mishnah 5.

Greek χαλκάνθον. Rashi (Erubin 13a) translates Romance adrement, Latin atramentum. Pliny (Hist. Nat. xxxiv.32) writes that the Greeks call chalcanthum what in Rome is called atramentum sutorium, "blacking for leather".

Num. 5:23.

In the sense of a permanent writing.

The Babli (Erubin 13a) reports that R. Ismael required that a Torah scroll must be written so that it could serve as the suspected wife’s scroll.
Mishnah 5: He does not write on a wooden plank, or on papyrus, or on διφθέρα, only on a scroll, as it is said: "In a book". He does not write with gum or vitriol nor with anything leaving a permanent impression except with ink; it is written "he shall wipe off", writing that can be wiped off.

151 Greek "hide prepared for writing." The traditional interpretation of the Mishnaic word is "rough κόμμα, τὸ "gum".

Mishnah 6: Why does she repeat: "Amen Amen"? Amen on the curse, Amen on the oath, Amen from this man, Amen from any other man. Amen that I was not defiled and if I was defiled it should hurt me. Amen that I did not deviate preliminarily married and married, waiting for the levir and taken in. Rebbi Meir says, Amen that I was not defiled, Amen that I shall not be defiled.

153 In the Babylonian Mishnah: "What does she imply by repeating". The reference is to Num. 5:22.

154 In the Babylonian Mishnah, this sentence comes after the following.

155 Cf. Yebamot, Chapter 1, Note 63; Peah Chapter 6, Note 46.

156 If the first husband had died childless and the levir brings her to the Temple as his wife. Only R. Aqiba considers sexual relations of the not-yet-married widow a crime. All other authorities will remove the mention of the widow "waiting to be married by the levir".
Halakhah 6158: "He does not write on a wooden plank," etc. Rebbi Eleazar in the name of Rebbi Yose ben Zimra159: "Amen" [is said] for acceptance, "Amen" for an oath, "Amen", may the words be confirmed. "Amen" [is said] for acceptance, from the suspected wife160. "Amen" for an oath: "To keep the oath I had sworn to your forefathers", etc161. "Amen", may the words be confirmed162: "Benaiah ben Yehoyada (the priest) answered the king and said Amen", etc. Rebbi Tanhumah said, that does not prove that Amen means an oath, it implies nothing163. But the following says: "that you pass by the covenant of your God and His curse164," because oath means curse, as you say165: "The Cohen has to administer to the woman the oath of the curse."

157 Insert by the corrector and accepted in editio princeps; missing in the first hand of the ms. and the biblical text. It seems that the corrector identified Benaiah’s father with the High Priest Yehoyada who lived 200 years later.

158 In the ms. and editio princeps: Halakhah 5.

159 In the Babli, Sebuot 36a, this is a statement of R. Yose ben R. Hanina, a younger contemporary of R. Yose ben Zimra. In Num. rabba 9(46) the reading is that of the Yerushalmi.

160 Num. 5:22.

161 Jer. 11:5: "To keep the oath I had sworn to your forefathers to give to them the Land flowing with milk and honey as today; I answered and said, Amen, o Eternal."
The verse from Jeremiah only confirms what can be learned from the verse in Kings, that Amen is an affirmation.

Deut. 29:11. The curse is Deut. 28:15-68.

Num. 5:21. In the Babli, Ṣebuot 35b, this is a tannaitic statement. In Sifry Num. 14 the argument is: From the verse one infers that any oath implies a potential curse on the person taking the oath.

From where did they learn rollover of oaths? From the suspected wife: "The woman shall say, Amen, Amen"; Amen from this man, Amen from any other man. That refers to subjects he is able to make her swear about. What about subjects he is not able to make her swear about? Rebbi Yose ben Rebbi Abun said, let us hear from the following: "Amen that I was not deviant preliminarily married and married, waiting for the levir and taken in." Can he make her swear when she is preliminarily married or waiting for the levir? Nevertheless one rolls over.

This paragraph and the next are also in Qiddusin 1:5 (fol. 60d). In the Babli, the parallel is Qiddusin 27b.

If a person is required to swear, the opposing party can add to the contents of the oath any statement similar to the one which causes the oath to be forced. For example, if a person has a monetary claim on another person for which he has partial proof, enough to force the opposing party to swear, he can add to the text of the oath of disclaimer any other financial claim which he might have
but for which the proofs in his hand are not sufficient to force the defendant to swear. This is the topic of *Qiddušin* 1:5. It is seen in Mishnah 7 that some connection of the additions to the original claim is required.

While the husband must specify the name of the man he suspects of an affair with his wife in order to declare his jealousy and bring her to the Temple, he could have named any other man. Therefore, he can add the names of other men to the formula of the oath.

Mishnah 4:1 states that there is no declaration of jealousy admitted in these two cases since the ceremony applies only to "a wife under her husband (Num. 5:19)". Nevertheless, the husband can force her to swear about her behavior when she was his wife but not under him.

Some Tanna'im state: Since this one is subject to curse and oath, so also all who have to swear are under curse and oath. Some Tanna'im state: This one is subject to curse and oath, but no others who have to swear are under curse and oath. They wanted to say, the one who said, since this one is subject to curse and oath, so also all who have to swear are under curse and oath, is understandable. The one who said, this one is subject to curse and oath, but no others who have to swear are under curse and oath,
can you infer for rollover only but not for curse and oath\textsuperscript{174}?

Some Tannaim state: Since this one is subject to Amen, Amen, so also all who have to swear are under Amen, Amen. Some Tannaim state: This one is subject to Amen, Amen, but no others who have to swear are under Amen, Amen. They\textsuperscript{173} wanted to say, the one who said, since this one is subject to Amen, Amen, so also all who have to swear are under Amen, Amen, is understandable. The one who said, this one is subject to Amen, Amen, but no others who have to swear are under Amen, Amen, did one not infer rollover of oaths from the suspected wife? Can you infer for rollover only but not for Amen, Amen\textsuperscript{174}?

\textsuperscript{170} Reading of the Rome ms.
Missing in the Leiden ms. and \textit{editio princeps}

\textsuperscript{171} From the Rome ms. Leiden ms.
and \textit{editio princeps}.

\textsuperscript{172} This is the ninth hermeneutical
rule of R. Ismael: "Anything which was
in a set and was singled out to teach,
was not singled out for itself but to
teach about the entire set." The rules
of oaths derived from the ceremony of
the suspected wife must apply to all
members of the set of oaths. The same
argument in \textit{Sifry Num.} 14, copied in
\textit{Num. rabba} 9(46).

\textsuperscript{173} The members of the Academy
of Tiberias.

\textsuperscript{174} If one negates the 9th
hermeneutical rule, one also has to
negate the possibility of rollover of
oaths in general. It is reported in
Tosephta \textit{Sanhedrin} 7:11 that Hillel,
about 100 years before R. Ismael,
accepted only seven rules (numbers 1-6,
13). The \textit{baraita} may be genuine but it
is not practice.
Rebbi Abba bar Mamal said, who stated "the one waiting for her levir"? Rebbi Aqiba! For Rebbi Aqiba said, there exists a bastard from a sister-in-law. Rebbi Ilai said to him, why should a bastard be relevant for jealousy? The Torah said: "He shall declare his jealousy to his wife", even a partial wife. Rebbi Shammai said, did not Rebbi Yannai say the following: More than 30 Elders voted, from where that qiddushin have no legal effect on a sister-in-law? The verse says, "the wife of the deceased may not belong to any outside unrelated man, her levir shall come to her", that she cannot have any existence with another man. Rebbi Johanan said to him, is that not a Mishnah? "Or after your levir will have performed halisah with you, she is not preliminarily married." And Rebbi Yannai praised him "those who pour out gold from the wallet," "my son, they should not be removed from your eyes," "get wise, my son, and make me happy", "give to the wise that he shall become wiser."
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 there exists a bastard from a sister-in-law! Could he not object: Why should a bastard be relevant for jealousy? The Torah said: "He shall declare his jealousy to his wife", even a partial wife. A woman waiting for her levir who whored, Rebbi Eleazar said she is permitted to her house, Rebbi Joshua ben Levi said she is forbidden to her house. What do the rabbis say? Rebbi Mana said, did not Rebbi Jacob bar Aha say in the name of Rebbi Eleazar, if a woman waiting for her levir died, her mother is permitted to [the levir], since we have stated: "This is the rule: He cannot stipulate about any intercourse she could have had and would not be forbidden to him."

175 Cf. YeBamot, Chapter 1, Note 30; Babli YeBamot 92a. R. Aqiba declares as a bastard any child from a union not explicitly permitted.
176 Since the widow of a childless man cannot possibly marry any man but her levir (unless she is released by the latter), and she can be married by the levir without any ceremony, she may be considered as engaged to be married by him.
177 This text is from YeBamot 1:1, explained there in Notes 93-101.
177n From the text in YeBamot. The text here (in both mss. and the editio princeps) reads רברוש, which clearly is wrong since the child of a preliminarily married woman from another man is a bastard.
178 "Her house" is really her future house, that of her levir. This is the answer to the question asked if we follow R. Eleazar.
179 The opinion of R. Joshua ben Levi is in the Babli ascribed to Rav Hamnuna (YeBamot 81a, 92b, 95a, 96a; Gittin 80b; Sota 18b.) In the last source, the decision that practice does not follow Rav Hamnuna is explicitly attributed to Yerushalmi sources.
180 Since a man is forbidden to marry his deceased wife's mother, even if the wife died while being only preliminarily married to him, it follows
that the one waiting for her levir is unrelated to the levir for R. Eleazar. She is unable to be unfaithful to him and the question of R. Ilai cannot be asked.

181 Mishnah 7. R. Abba bar Mamal

For him, only R. Aqiba could let the levir include a question about the time between the first husband's death and his marriage.

How could one state this Mishnah\(^\text{182}\)? Not the rabbis nor Rebbi Aqiba! But it is as follows. He who says that she is permitted to her house [follows] the rabbis against Rebbi Aqiba\(^\text{183}\). He who says that she is forbidden to her house [follows] Rebbi Aqiba against the rabbis\(^\text{184}\). Rebbi Yannai said, a woman waiting for her levir who whored is permitted to her house\(^\text{185}\). One had stated this: "It was hidden from her husband's eyes\(^\text{186}\)," not from her levir's eyes. Rebbi Jacob bar Zavdi in the name of Rebbi Abbahu: It happened, she was the wife of a Cohen, and they permitted her to her house. Rebbi Yose ben Rebbi Abun said, no whipping is involved.

182 Mishnah 7, just quoted. In the tradition of the Babli and of the independent Mishnah mss., Mishnah 7 is part of Mishnah 6. Then one has a real problem, since in our interpretation Mishnah 6 is R. Aqiba's and Mishnah 7 the rabbi's.

183 Then Mishnah 7 has to be separated from Mishnah 6 as in the Yerushalmi text.
There is no problem; Mishnah 7 is part of Mishnah 6.

R. Yannai is the one who in the preceding paragraph had stated that a woman waiting for her levir is unable to contract a marriage outside the family. He will also hold that contracting such a marriage is a criminal act since that is formulated as a prohibition in Deut. 25:5. As R. Yose bar Abun notes here, the prohibition covers only marriage, not extramarital relations.

Num. 5:13. This baraita is not found in any other source. In a later paragraph, the expression quoted is interpreted to mean that a blind man cannot declare his jealousy and in Sifry Num. 7 that if the husband ever had looked the other way he never again could invoke the procedure of the suspected wife.

Not that Rebbi Meir was saying that the water checks her outside of its time.

This refers to the statement in the Mishnah that the husband may stipulate that the wife swear not to be unfaithful in the future. Tosaphot (18a) has a fuller version: "לע שָׁקַה רְבִּי מֶיר. הַפִּימוּ בְּדוּקֵי אֲוֶמֶר. הַפִּימוּ בְּדוּקֵי אֲוֶמֶר הָעָדָגָה מִפֶּפָּשֵׁי הַפִּימוּ בְּדוּקֵי אֲוֶמֶר. נַעֲשָׁה לְפֹרֵלָה. "Not that Rebbi Meir was saying that the water checks her now but that the water is deposited in her body and if she would be defiled the water would check her retroactively."

This is very close to the text of a baraita in the Babli (18b) and is suspect against the testimony of both mss.

The usual meaning of לְפֹרֵלָה is "retroactively (in time); in inverse order (of an arrangement)." Since, as noted by J. Levy in his Dictionary in the name of H. L. Fleischer, מַסְדָּר seems to be an Arabism and Arabic מַסְדָּר means both ascending and descending, the translation of מַסְדָּר chosen here is "not in time (possibly earlier, possibly later)." Then the longer text would be unnecessary and the meaning is clear: The water will have no effect any time a sin was not committed. In the Tosephta (2:2), the reading is: That even after 20 years the water may reawake and check her out.
The teaching about jealousies\textsuperscript{188}. This is a teaching of the Temple. A woman does not drink and repeat. Rebbi Jehudah said, Nehemiah the ditch-digger testified before Rebbi Aqiba that a woman drinks and repeats. Rebbi Aqiba said, I shall explain. From one husband a woman does not drink and repeat, from two husbands a woman drinks and repeats. But the Sages say she drinks and repeats\textsuperscript{190} whether from one husband or from two husbands. Korkemit shall prove it, who drank and repeated and did it a third time from one husband before Shemaia and Abtalyon\textsuperscript{191}.

\textsuperscript{188} Num. 5:29. The text seems to be a composition of two different texts. In \textit{Sifry zuva} [also similarly in \textit{Num. rabba} 5(51)] one reads: "\textit{This is the teaching about jealousies}"; the jealous husband may express his jealousy in Shiloh and in the Eternal House (cf. Note 120). I could think, also at a local altar? The verse says: \textit{This.} The argument is obsolete since it is generally accepted doctrine that after the building of the Temple no local altar was permitted. The question arose since v. 15 requires the husband to bring his wife to the Cohen, perhaps not necessarily to the Tabernacle. But since the dust has to be taken from the floor of the Sanctuary, an altar without Sanctuary is excluded. The special emphasis of \textit{this} indicates that no substitute for the Tabernacle is acceptable.

\textsuperscript{189} In the Babli, 18b, the text of this \textit{baraita} reads: "\textit{This is the teaching about jealousies}'', which teaches that a woman drinks and repeats [from the several jealousies]. Rebbi Jehudah says
this (a singular), a woman does not drink and repeat. Rebbi Jehudah said, Nehemiah the ditch-digger testified before Rebbi Aqiba that a woman drinks and repeats and we accepted his testimony from two husbands but not from one husband. But the Sages say that a woman does not drink and repeat whether from one husband or from two husbands." The Babli has a complicated explanation to harmonize the anonymous first source (which has to represent the opinion of the majority, the Sages) with the contradictory statement at the end.

The text of Num. rabba 5(51), is clearly an explanation of the position of the Babli.

190 In the Rome ms: "A woman does not drink and repeat." This text, which eliminates the disagreement with the Babli, is in contradiction to the following.

191 In Mishnah Idiut 5:6 she is called Karkemit the libertine (the freedwoman). It is unclear whether at the end there is a difference between the two Talmudim since it is not stated whether Korkemit was repeatedly accused of relations with the same man.

There, we have stated\textsuperscript{192}: "One does not make the proselyte drink, etc. But the Sages say, one makes her drink." Where do we hold? If about an Israel who married a proselyte, it already is written\textsuperscript{193}: "The sons of Israel" (not proselytes)\textsuperscript{194}. If about a proselyte who married a Jewish girl, it already is written\textsuperscript{195}: "The man has to bring his wife to the Cohen." But we must hold about a proselyte who married a proselyte. What is the
reason of Rebbi Aqiba? "The children of Israel", not proselytes. What is the reason of the Sages? "You shall say to them", to add everything written in that paragraph. What is written in that paragraph? "A man slept with her". His lying with her makes her forbidden, then her husband declares his jealousy and makes her drink.

Mishnah *Idiut* 5:6: "He (Aqabia ben Mehallalel) said: One does not make the proselyte or the freedwoman drink, but the Sages say, one makes her drink."

*Num. 5:12.* The text is addressed to all Jewish men.

This text is an intrusion from the later statement but is also found in *Num. rabba* 9(34). The text quoted by R. Abraham ben David of Posquières (Ravad) in his commentary to *Idiut* has the order inverted and then the clause makes sense: "If about a proselyte who married a Jewish girl, it already is written: 'The sons of Israel', not proselytes. If about an Israel who married a proselyte, it already is written: 'The man has to bring his wife to the Cohen.'" Ravad declares his text to be difficult; the Babli, 26a, explicitly rejects the inference from "the sons of Israel".

*Num. 5:15.* Any Jewish man is included, even if he is not the son of an Israel.

This is clearly in error; it must be Aqabia, not Aqiba; correctly in the text quoted by Ravad and in *Num. rabba*. Aqabia had no rabbinic title.

*Num. 5:12;* the text is addressed to everybody who has to hear the commandments, including the proselytes; argument approved in the Babli, 26a.

In Ravad's text: Another man's lying...

"It was hidden from her husband's eyes", that excludes the blind man who has no eyes. It is the same for the blind man and the blind...
woman. This *baraita* follows Rebbi Jehudah who frees him from all obligations in the Torah\(^{201}\).

\(^{199}\) *Num. 5:13.*

\(^{200}\) *Tanhuma Našo* 7, *Tanhuma Buber Našo* 11 (Note 62); *Sifry Num. 7,* *Sifry zuta Našo; Num. rabba* 9(36); Babli 27a (the only other source which also includes the blind wife).

\(^{201}\) Quoted also in Babli *Qiddušin* 31a. Since some of the great Babylonian authorities were blind (Rav Sheshet and Rav Yoseph), practice does not follow R. Jehudah. (Nevertheless, Maimonides disqualifies the blind man from the ceremony of the suspected wife).

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**Mishnah 7:** Everybody agrees that he may not stipulate with her about before she was preliminarily married or about after she was divorced\(^{202}\). If she was secluded after that\(^{203}\), became impure\(^{204}\), and after that he took her back, he cannot stipulate with her. This is the rule: He cannot stipulate about any intercourse she could have had and would not be forbidden to him\(^{181}\).

\(^{202}\) He cannot ask her to swear that she did not have any intercourse while not being married to him.

\(^{203}\) After the divorce. *Deut. 24:2-4* prohibits the first husband from remarrying his divorcee if she had married another man after her divorce (*Deut. 24:2*: "She went and became another's [wife].") Remarrying a wife who was promiscuous after divorce but not otherwise married is not forbidden.

\(^{204}\) Unmarried intercourse is
punishable as harlotry according to some authorities (Yebamot 6:5, Note Perea 1).

Halakhah 7: "Everybody agrees that he may not stipulate with her about before she was preliminarily married or about after she was divorced," etc. Rebbi Yannai said, it is obvious that a man may forgive about his jealousy\(^\text{205}\). If he divorced her it is as if he had forgiven. How is that? If he had declared his jealousy, divorced her, took her back, and then she was at a secluded place. If you say, if he divorced her it is as if he had forgiven, he has to declare his jealousy a second time. But if you say, if he divorced her it is as if he had not forgiven, he does not have to declare his jealousy a second time. But if he had declared his jealousy, she was at a secluded place and he knew it\(^\text{206}\), then he divorced her, took her back, and then she was at a secluded place, if she drank and the water did nothing to her, she is pure. Or maybe that since the water does not check out a woman forbidden to her husband, she might be impure.

\(^{205}\) In the Babli, 25a, this husband may annul his declaration of jealousy only if the wife did not meet her paramour at a secluded place. In the Yerushalmi, Sanhedrin 8:6 (fol. 26b, line 33), he may retract his declaration any time before the scroll is erased. In the paragraph here, the argument is as
From that moment on, she is forbidden to him. If he divorces her instead of taking her to the Temple, there is a question whether the divorce annuls the prohibition or not. If the divorce annuls the prohibition, he may take her back and the water will check her out in the future. If the divorce does not annul the prohibition, it is sinful for him to take her back without having her checked out and therefore the entire procedure is invalid since the water acts only if the husband himself is totally free from any sexual misbehavior (Num. 5:31).
Mishnah 1: He took the flour-offering from the Egyptian palm-leaf basket, put it into a Temple vessel and laid that on her hands. The Cohen puts his hands under hers and performs the weave. He weaved, presented, took a fistful and put it into the fire. The remainder is eaten by the priests.

1 The officiating priest.
2 See Mishnah 2:1.
3 The prescribed movements for the dedication of private offerings. The movements in the six directions (fore and aft, right and left, up and down) are imitated today as the motions of the palm-branch on Tabernacles.
4 Before the altar receives its part, the entire offering in the vessel is presented to the altar at its South-West corner.
5 As are all offerings except those of a priest; cf. Lev. 6:7-11.
Halakhah 1: "He took the flour-offering," etc. It is written: "The Cohen shall take the jealousy-flour-offering from the woman's hand." Does he perform the weave? Does not she perform the weave? But from here [one understands that] he takes it from a profane vessel and puts it into a Temple vessel. "The Cohen puts his hands under hers and performs the weave." Does the Cohen put his hands under hers? Is that not objectionable? He brings a kerchief. Does that not separate? He brings an elderly Cohen. You may even say, a young man, since bad inclinations do not happen at that hour. Rebbi Hyya stated: If the suspected wife has no hands, two priests weave in her stead.

6 Num. 5:25: "The Cohen shall take the jealousy-flour-offering from the woman's hand, weave it before the Eternal and present it to the altar."

7 The verse requires that the Cohen perform the weave. But in the case of an animal sacrifice it is required (Lev. 7:30) that the individual bringing the sacrifice be the actor: "His hands shall bring the Eternal's gift, the fat on the breast he has to bring, to weave it before the Eternal." In the Babli, 19a, the parallel expressions his hands, the woman's hand are taken as proof that the woman has to take part in weaving her gift just as a man has to take part in the weaving of his. The formulation of the Yerushalmi may be interpreted as a question: Since the Mishnah requires the woman to participate and the verse requires the Cohen to perform the weave, how can the Mishnah be justified?

8 The rest of the paragraph is also in Qiddusin 1:8 (fol. 61c).

9 In the Babli, this would be written ריבי חיות. Is the bodily contact between the Cohen and an otherwise married woman not immoral? It is not directly forbidden since the woman has to be pure to enter the Temple but this makes the situation only worse.

10 Between his and her hands, not to touch the woman.
11 It is a general principle that the Temple service has to be by the priest directly. Since the verse requires the priests to serve in the Temple, they may not wear shoes (even in winter) since then the shoes would be in the Temple, not the Cohen directly. If the Cohen has to perform the weave, his hands cannot be separated from the Temple vessel. If, as indicated in the previous Note, the participation of the woman is implicitly required by the verse, her hands do not count as separation.

12 Presumably he is past all sexual feelings.

13 The fear of the Temple will banish all bad thoughts. The commentaries read the sentence to mean that in the short time needed for the weave, bad thoughts cannot develop. This is obviously false.

14 In Qiddusin: R. Hiyya stated, it happens (that the Cohen has sinful thoughts). Maybe he implies that since the weaving can be done by two priests for the handless woman, it can be done by two priests for all women. There is no parallel to this baraita in any other known source.

15 When the Cohen brings the offering to the altar, does he touch the wall of the altar with the Temple vessel or does he have to turn the vessel so that some of the flour touches the wall? The Babli, 14b, states that the vessel is presented, based on Lev. 2:8.
From where that weaves precede presentations? Rebbi Jeremiah in the name of Rebbi Pedat: They learned that from the case of the suspected wife. Rebbi Yose said, the suspected wife is different because of its novelty and one cannot infer from anything that is different because of its novelty. Rebbi Abun bar Hiyya understood it from the following: "This is the teaching about the flour offering, present." Where is the weave? It already preceded. Rebbi Yose said, explain it about flour offerings that do not need weaves; you cannot infer anything. Which [verse] says anything? "You shall bring," to include the 'Omer flour offering in presentations. "He shall present," to include the suspected wife's flour offering in presentations. It is written after that: "He shall lift a fist full"; where is the weave? It already preceded.

16 Mishnah Menahot 5:6 states that weave always precedes presentation. One has to wonder about Rashi's Yerushalmi text since in his commentary to that Mishnah he follows R. Jeremiah.

17 Since Num. 5:25 clearly prescribes first weave and then presentation.

18 While not in the tannaitic rules, this is a generally recognized hermeneutical principle in both Talmudim; cf. Babli Ketubot 45a, Sanhedrin 27a. The novelty status of the suspected wife's offering is explained in Mishnah 2:1; therefore, procedural instructions for this offering cannot imply similar instructions for the other flour offerings.

19 Lev. 6:7. This paragraph deals with technicalities of all flour offerings, whether they need weaving or not. Any special ceremony for certain offerings must precede the ceremonies common to all offerings.
Lev. 2:8: "You shall bring the offering made from these to the Eternal; the Cohen shall bring it and present it to the altar." "These" are flour and olive oil.

The *baraita* is also quoted in the Babli, *Menahot* 60b.

Lev. 2:9.

Which is prescribed for the offering of the suspected wife in Num. 5:25.
There, it was stated: "The following flour offerings have a handful taken and the remainders are eaten." Rebbi Abba bar Mamal and Rebbi Samuel bar Rav Isaac were sitting together. Rebbi Abba bar Mamal asked from Rebbi Samuel bar Rav Isaac: From where [do we know that] the remainders of the 'Omer offering are eaten? He said to him: Did not Rebbi Johanan say in the name of Rebbi Ismael: "Offering of, offering of." Since "offering of" mentioned there is from barley, so also "offering of" mentioned here is from barley. Since the remainders of the offering of the suspected wife are eaten, so the remainders of the 'Omer offering are eaten. Rebbi (Aqiba) said: After they got up, Rebbi Abba bar Mamal was standing with Rebbi Jeremiah. He said to him: Look, how he made your question fly away! From where [do we know that] the remainders of the offering of the suspected wife are eaten? Rebbi Ze'ira brought Rebbi Isaac Atoshiyya, who stated for him: "Any flour offering mixed with oil." Where do we hold? If about mixed wheat flour, it already had been said. So if it does not refer to mixed wheat flour, apply it to mixed barley flour. Another [baraita] states: "Or dry." Where do we hold? If about dry wheat flour, it already had been said. So if it does not refer to dry wheat flour, apply it to dry barley flour. Rebbi Yose said, we deal with mixed wheat flour and dry wheat flour, and it was said for a purpose. "[It] shall belong to all sons of Aaron, to each man as to his brother." A man takes his part even if he is blemished. A minor does not take a part even if he is unblemished. Rebbi Yose ben Rebbi Abun said: Because the Torah added a detail in one case, can you add that in every case? But "remembrance, remembrance." "You shall bring," to include the 'Omer flour offering
in presentations. "He shall present it," to include the suspected wife's flour offering in presentations. It is written after that: "What is left from the offering is most holy for Aaron and his sons."

23 From the Rome ms., missing in the Leiden ms. and editio princeps.
24 Mishnah Menahot 7:1. The list contains the offerings of the 'Omer and the suspected wife. Such a list is necessary since the flour offerings accompanying an animal sacrifice (Num. 15:1-16), as well as the private offerings of a Cohen, are burned completely.
25 This is the correct name. Possibly the name was written וַעֲרֵה in a common source of the mss. and was interpreted wrongly by some intermediate scribe.
26 The paragraph of the 'Omer offering (Lev. 23:9-14) prescribes weaving but is silent about anything done after the weaving. It might be concluded that the general rules of the flour offering specified in Lev. 6:7-11 do apply. These include that a Cohen has to present the offering to the altar, that he take a handful to the altar to be burned, and that the remainder be eaten under the rules of most holy sacrifices. However, those rules presuppose that pieces of incense are put on top of the offering; this does not apply to the 'Omer offering. Therefore, the details of the treatment of the 'Omer offering seem to be undefined.
27 Cf. Chapter 2, Note 39.
28 Num. 5:15, "an offering of jealousy".
29 Lev. 2:14, "an offering of First Fruits," taken to refer to the 'Omer offering. These are the only flour offerings referred to in the construct state; this is taken as indication that they follow parallel rules except as indicated otherwise in the biblical text.
30 This is not prescribed in the biblical text but since a handful must be taken to the altar it is accepted that this offering follows the rules of all offerings of which a handful is burned on the altar; cf. Note 26.
31 This attribution is certainly incorrect. Probably one should read "R. Jacob"; one Amora of this name was known as one of the colleagues of R. Jeremiah.
32 Rebbi Jeremiah said to R. Abba bar Mamal.
33 For that offering also, the
handful for the altar is mentioned but nothing else.

34 R. Jeremiah’s teacher; he called the specialist for baraitot in his academy.

35 *Lev. 7:10:* “Any flour offering mixed with oil or dry shall belong to all sons of Aaron, to each man as to his brother.”

36 The list of private flour offerings from wheat flour is in *Lev. 2:1-10* and there it is emphasized that the remainders have to be eaten by the sons of Aaron.

37 The purification offering of the poor sinner (*Lev. 5:11-13*) is from wheat flour and has to be eaten by the Cohen.

38 The argument of the preceding baraitot, which in the Babli (*Menahot 72b*) is a pseudo-tannaitic statement by Hizqiah, is irrelevant since the verse teaches important new information for all flour offerings that are eaten (also noted in the Babli).

39 He has a bodily defect which disables him from serving in the Temple (*Lev. 21:17-19*).

40 *Sifra Saw Pereq 10(9): Babli Menahot 72b.* In *Zebahim 102a* it is stated more in detail that the right of a blemished Cohen to eat of the holy food is established in *Lev. 21* but his right to take part in the distribution of food in the Temple is derived from *Lev. 6:11* [from *Sifra Saw Pereq 3(5)*]. One really needs *Lev. 7:10* only to show that a minor cannot claim a part in the distribution (cf. *Sitta Mequbeset, Zebahim 102a*).

41 *Lev. 2:9:* "The Cohen has to lift its remembrance" which is the fistful of flour with the incense, to be burned on the altar.

42 *Num. 5:26:* "The Cohen has to lift a fistful for its remembrance," speaking of the flour offering of the suspected wife.

43 While in the preceding paragraph the following verse was from the rules of the suspected wife, here the verse is taken from the general rules of a flour offering, *Lev. 2:10* to imply that every flour offering of which only a fistful is burned on the altar is eaten by the Cohanim.
Mishnah 2: He gives her to drink and after that he presents her offering. Rebbi Simeon says, he sacrifices her offering and afterwards gives her to drink as it is said: "After that he shall give the water to the woman to drink." If he gave her to drink and after that sacrificed her offering, it is valid.

44 As the Babli (19b) points out, sequence.
Mishnah 1 only described all the ritual acts to be performed for the flour offering but did not determine the time...
her \(^{47}\). What is the reason of Rebbi Simeon? "After that he shall give to the woman to drink \(^{45}\)." How does Rebbi Simeon explain the rabbis' reason, "they shall come into her"? All of them, not part only \(^{48}\). How do the rabbis explain Rebbi Simeon's reason, "after that he shall give the water to the woman to drink"? Against her will, without her agreement \(^{49}\). Rebbi Simeon agrees with the rabbis that if he gave her to drink and after that presented her offering, it is valid. The rabbis agree with Rebbi Simeon that if he presented her offering and after that gave her to drink, it is valid \(^{50}\). What is the difference between them? The commandment. The rabbis say that the flour offering checks her out \(^{51}\) but Rebbi Simeon says, the water is \(^{52}\) what checks her out. What is the reason of the Sages? "A flour offering of remembrance remembering iniquity \(^{53}\)." What is the reason of Rebbi Simeon? "They shall come into her \(^{47, 54}\)." How do the rabbis explain Rebbi Simeon's reason, "they shall come into her"? This teaches that it shakes all her limbs \(^{55}\). How does Rebbi Simeon explain the rabbis' reason, "a flour offering of remembrance remembering iniquity"? This teaches that all iniquities she has committed are remembered at that time \(^{56}\).

\(^{47}\) Num. 5:24: "The curse-water shall come into her as a bitter one."

This is written before the description of the presentation of the flour offering in v. 25.

\(^{48}\) She has to drink the rather small amount of water completely.

\(^{49}\) Cf. Mishnah 3. In the Babli, 19b, this is the position of the rabbis.

\(^{50}\) This statement is not in the Babli. As Tosaphot (19a, s. v. ר辗) points out, the Babli does not object.

\(^{51}\) In the Babli, 20b, this is given as R. Simeon's reason to require sacrificing the offering before the drink.

\(^{52}\) Reading אא as א, equivalent of Babylonian רא, "they are". Instead of אא, the Rome ms. has אא. The past tense does not agree with the rest of
The rabbis say, he writes, erases, gives to drink, and sacrifices [the flour offering]. Rebbi Simeon says, he writes, sacrifices, erases, and gives to drink. Everybody agrees that erasing immediately precedes drinking; only that the rabbis say, he writes, erases, gives to drink, and sacrifices, while Rebbi Simeon says, he writes, sacrifices, erases, and gives to drink. It was stated: "She may always change her mind as long as her offering was not sacrificed. If her offering was sacrificed and she said ‘I do not want to drink’ one makes her gargle and forces her to drink". Following Rebbi Simeon. But following the rabbis she already drank. We have stated: "She did not finish drinking". Some Tanna'im state: She did not move from there. He who says, she did not finish drinking, Rebbi Simeon. He who says, she did not move from there, the rabbis.
56 The language is from Mishnah 3:3. Since in general "רֵעַשׁ" means "to protest", it is reasonable to consider the word used here an Arabism, from "גָּרַגְנָה" "to gargle".

57 The baraita can only be from the school of R. Simeon since for the rabbis the offering is sacrificed only after she drank.

58 Mishnah 3:4: The water acted as poison when she was still standing in the courtyard of the Temple.

59 After drinking the water, she had to remain in the courtyard until the fistful of her offering was burned on the altar.

60 Since he was reported to hold that the water is checking her out. In this interpretation, the report in the Mishnah of a disagreement between the rabbis and R. Simeon is followed by an anonymous Mishnah following R. Simeon. This implies (cf. Ye'’amot 4, Note 175, ‘Orlah 2, Note 30) that the Yerushalmi decides that practice follows R. Simeon.

61 Since it was stated in the preceding paragraph that the water is only activated by the burning of the offering on the altar. This reason is given in the Babli for R. Simeon to require the early sacrificing of her offering, cf. Note 51. It shows that the Babli decides that practice does not follow R. Simeon.

62 Mishnah 3: If she said "I shall not drink" before the scroll was erased, her scroll is put away and her offering dispersed on the ashes. Her scroll is not acceptable to be used to make another suspected wife drink. If she said "I am impure" after the scroll was erased, the water is poured...
out and her offering dispersed on the ashes. If she said "I shall not drink" after the scroll was erased, one makes her gargle and forces her to drink against her will.

Since she is forbidden to her husband from the moment she was found to have been in a secluded place with her paramour until after she drank the water, by refusing to drink she accepts to be divorced by her husband without any ketubah money but without explicitly admitting guilt.

Since it was written in holiness and contains the Divine Name, it cannot be destroyed.

Since the offering was already dedicated in a Temple vessel, it cannot be returned to profane status. It is put on the ashes taken from the altar.

Cf. Halakhah 2:2, Note 104.

Since there is no longer any doubt, the water cannot be used, neither can the offering. By her confession of adultery she has to be divorced by her husband, without him having to pay the ketubah. On her confession she cannot be prosecuted for adultery because confessions are not acceptable in a court of law since the testimony of close relatives is not admissible and everybody is a relative to himself.

Since she caused the Divine Name to be erased, if she does not drink she commits blasphemy.

Halakhah 3: "Before the scroll was erased," etc. It was stated: Her scroll is put away under the hinges of a [gate of] the Temple hall. Why? In order to shred it. A small hollow space was where the water was poured out. It was stated: There is no holiness in it. May it be used to moisten mortar? What should be wrong? It is poured out! It was stated: There is holiness in it.
Reading of *editio princeps* and Tosaphot (20a, s. v. מַנְלָלָה). In ms: "its side". In Tosephta 2:2: מַנְלָלָה.

Reading of *editio princeps* and Tosaphot (20a, s. v. מַנְלָלָה). In ms: מַנְלָלָה.

Tosephta 2:2. The scroll has to be destroyed to avoid its being used again, but this must be done in holiness and without anybody touching the Divine Names.

There is no parallel to this statement in any known tannaitic source; one does not know where this hollow space was. In Babli *Pesahim* 34a, the open space between the ramp leading to the top of the altar and the altar is called *lul*; in the parallel Tosephta *Zebahim* 7:6 this is called מְקַלְקָל יִשְׁמַע אֲבוֹ וְיִמְנֹר. The scroll has to be destroyed to avoid its being used again, but this must be done in holiness and without anybody touching the Divine Names.

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"If she said I am impure after the scroll was erased, the water is poured out and her offering dispersed over the ashes." This proves that the suspected wife’s offering is holy before the scroll is written. Rebbi Yose said, there is more: Rebbi Hiyya stated, her offering is holy once she is on her way. Rebbi Yose bar Abun said, our Mishnah states this: "Or if her husband had sexual relations with her on the road."

Since following the rabbis the offering is transferred to the Temple vessel only after she drank the water, if her offering is treated as holy but
invalid by being poured over the ashes of the sacrifices, the question arises when the offering acquires the holiness of a Temple offering. The question is obvious even for R. Simeon since it is forbidden to bring profane food into the Temple precinct even though according to him the case of the Mishnah could not arise.

76 From the moment the husband had dedicated the flour, irrespective of the vessel it was brought in.

77 Mishnah 4:2, detailing the cases in which the procedure becomes inactive. If the husband had relations with his wife while she was forbidden to him, he must divorce her since without the Temple procedure she cannot become permitted to him. But because it is his fault that she cannot rehabilitate herself, he has to pay the full amount of his ketubah obligation.

If she said 'I shall not drink' after the scroll was erased, one makes her gargle and forces her to drink against her will." 78 How many letters have to be erased? Rebbi Hanin stated: The House of Shammai say, one; the House of Hillel say, two. Rebbi Hilai said, the reason of the House of Hillel: That he could have written Yah. 79 Rebbi Aqiba said to him: But why does one make her drink? If it is to check her out, she already is completely checked out! But Rebbi Aqiba must hold that the one who says "I shall not drink" is as the one who says "I am impure for you". But does Rebbi Aqiba not agree that "one makes her gargle until her face
turned yellow and forces her to drink against her will)? He does, if she started to drink. He does, if she started to drink. He does, if she 82.

79 In a discussion between R. Jehudah and R. Aqiba, quoted in full in Babli 19b, Tosephta 2:3.
80 In the Babli, בודקת ונוימה "lawfully checked out"; in the Tosephta בודקת ונוימה "checked out and degraded".
81 One admits her guilt, the other accepts the consequences as if she were guilty; since the proceedings are extra-judicial, there is no reason to treat the two cases differently.
82 In the Tosephta, following the rabbis who make the entire procedure depend on the burning of the flour offering, R. Aqiba holds that she does not have to drink as long as the offering was not burned. Since for the rabbis the offering follows the drinking, he treats the one who says "I am impure" exactly as the one who pays the fine without admitting guilt. In the Babli, R. Aqiba’s argument is explained away: one accepts her statement that she is impure only if made in a self-assured way, when she can be believed; but if she makes the confession while trembling, one suspects that she might be pure but has been intimidated by the procedure and therefore her guilt has not been established. Both sources disagree with the Yerushalmi.
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says "I shall not drink" is as the one who says "I am impure for you"\(^{81}\). But does Rebbi Aqiba not agree that "one makes her gargle until her face turned yellow and forces her to drink against her will"? He does, if she started to drink\(^{82}\).

79 In a discussion between R. Jehudah and R. Aqiba, quoted in full in Babli 19b, Tosephta 2:3.
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Halakhah 4: "She does not finish drinking", etc. But did we not think to say "All of them, not part only"? It is as if somebody said, X did not finish drinking when he started shaking.

Cf. Note 48; it was agreed that the water will not become active until the woman finished drinking.

This is a manner of speech meaning "immediately".

"There is merit which suspends for one year, there is merit which suspends for two years, there is merit which suspends for three years."

There is merit which suspends for one year," from Nabuchadnesar: "At the end of twelve months."

"There is merit which suspends for two years," from Amnon: "It was after two years." "There is merit which suspends for three years," from Ahab: "They sat for three years when there was no war between Aram and Israel."

Rebbi Yose said, it was said that the entire twelve months he occupied himself with deeds of charity. And all these two years he occupied himself with Torah. That is what it says: "They were in a Yeshiva for three years when there was no war between Aram and Israel."
90 Dan. 4:26. It is written in v. 24: Therefore, o king, take my advice: atone for your sins by deeds of charity and for your misdeed by kindness to the poor, then your peace will be prolonged.

In the Babli, 20b, and in Sifry Num. 8, this is attributed to R. Ismael as maximum time lag for the water's action.

91 25. 13:23. Absalom managed to kill Amnon two years after the latter had raped Tamar.

92 1K. 22:1. Everywhere in talmudic literature is the nameless "king of Israel" of Chap. 22:1-38 identified with Ahab mentioned in vv. 39-40. The three years are counted from the judicial murder of Nabot.

93 Probably referring to Nabuchadnessar; but in the current text it refers to the first year of Ahab after Nabot's murder.

94 In Tosaphot, 20b s. v. ל, the reading is "three years." This reading is slightly suspect since the Babli (21a) accepts only the merit of Torah study as a saving device for Jews (works of charity really being the main vehicle of salvation for Gentiles).

95 A talmudic academy.

96 "An offering of remembrance," a general statement; "referring to sin", a detailed statement. If a general statement is followed by a specific one, the general does not mean more than the specific. If you say so, do you not find the argument disadvantaged? If punishment, which is given out sparingly, can refer, then reward, which is given out in abundance, should do so much more! But, "an offering of remembrance," if she has
merit, "referring to sin", if she has no merit. It was stated: Rebbi Tarphon said, all statements of "remembrance" in the Torah have a good meaning except this one which is for punishment. Rebbi Aqiba said to him: If it only said, "referring to sin", and then was silent, I would agree with your statement. But since it says "an offering of remembrance," this must be for a good purpose.

96 In different wording, the following two paragraphs are in Sifry Num. 8, copied in Num. rabba 9(39).
97 The fifth hermeneutical rule of R. Ismael: The only purpose of the offering is to lead to the punishment of the wife should she be found guilty. In the Sifry, the argument is in R. Ismael's name.
98 Cf. Halakhah 1:7, Note 269, Babli 11a. Tosephta 4:1 notes that the second of the Ten Commandments defines the measure of reward as at least 500 times the measure of punishment (since "thousands" are at least 2000, the ratio is ≥ 2000/4).
99 All occurrences of נור in the Pentateuch except Num. 5:15,18. R. Tarphon holds with R. Simeon in the next Mishnah that it is preposterous to assume that the procedure has any value if it is inactive in most cases.

It was stated: Rebbi Jehudah says in the name of Rebbi Eleazar ben Matthias: It says, "but if the woman was not impure but was pure."
Would we not know that if she was not impure she was pure? Why does the verse say, "but she was pure"? Only that at the end the Omnispresent rewards her for the abuse, that if she was sterile she will become pregnant, [if she] was having difficult births she will have easy ones, [if she] had ugly children she will have good looking ones, black ones she will have white ones, short ones she will have tall ones, females she will have males, single children she will have twins. Rebbi Simeon ben Laqish said to him: If it were so then all women should be misbehaving in order to become pregnant! But does Rebbi Simeon not interpret "she will be found innocent and become pregnant with seed"? He does, legitimate seed, not illegitimate.

100 Num. 5:28.
101 In Sifry Num. 19, the double expression is justified: R. Ismael holds that she only is permitted to her husband if the procedure had shown her innocence. An anonymous source notes that if she got a divorce after the procedure or her husband died, she was free to marry the man she was suspected of having an affair with; if she was divorced for adultery, the adulterer would be forbidden to her.

The Yerushalmi text is copied in Num. rabba 9(50).

102 In the Babli, 36a, and Sifry Num. 19, the first clause, about the sterile becoming pregnant, is R. Aqiba's; all the others are attributed to R. Ismael. In the Babli Berakhot 31b, the attributions are switched.
103 This clause is missing in the parallels. In Babylonian historical spelling, it would be שׁוֵרִי.

104 This attribution to a second generation Amora is quite impossible in a tannaitic text; in the Babli and Sifry Num. the argument is R. Ismael's. It seems that the Yerushalmi refers to R. Simeon ben loḥai, quoted in the next sentence.

105 In Halakhah 4:1, a similar (anonymous) argument is quoted to show that a divorcee married to a priest cannot be subjected to the procedure of the suspected wife because even if she was innocent she
could not have legitimate seed from children from the priest are desecrated, the husband forbidden to her; her...

Ben Azai does not follow Rebbi Eleazar ben Azariah\(^{106}\), as it was stated\(^{107}\): It happened that Rebbi Johanan ben Beroqa and Rebbi Eleazar Hasma were walking from Jabneh to Lydda when they were visiting Rebbi Joshua in Beqiin\(^{108}\). He asked them, what was new today in the House of Study? They said to him, we all are your students and drink from your waters. He said to them, even so, it is impossible that there not be a new idea every day in the House of Study. Who stayed there over the Sabbath? They said to him, Rebbi Eleazar ben Azariah. And what was his text? "Assemble the people, men, women, and children."\(^{109}\) What did he say about this? Since the men come to learn and the women to hear, why do the children come? It must be to give a reward to those who bring them. He said to them, the generation is not orphaned which counts Rebbi Eleazar ben Azariah among them.

106 R. Eleazar ben Azariah but not to study it.

107 Hagigah Babli 3a; Yerushalmi obligates women to listen to the Torah
108 In the Babli: •psrpB. The locality is not identified; it cannot be the place.

109 Deut. 31:12.

A lady asked Rebbi Eliezer, why did one sin of the golden calf lead to three different kinds of death? He said to her, the wisdom of a woman is only in her spinning rod, as is written: "All wise women span with their hands." His son Hyrkanos said to him, in order not to give her an answer you made me lose 300 kor of tithes every year. He answered him: May the words of the Torah be burned and not be delivered to women! After she had left, his students said to him, rabbi, this one you pushed away with a stick, what do you explain to us?
Sissi both say: One who sacrificed, burned, and poured out a libation was executed in court. He who clapped his hands, danced, laughed, was checked similar to a suspected wife. If he enjoyed himself silently, he died from a plague.

110 Geniza ms: חיות. Both spellings are most irregular.
111 Missing in Geniza ms.
112 Geniza ms: רמה, better fitted to talmudic style.
113 Geniza ms. always: יי
114 From the Rome and Geniza mss., missing in ms. and editio princeps.
115 Geniza ms: המ "he died".
116 Babli Yoma 66b; Num. rabba 9(53).
117 In the aftermath of the sin of the golden calf, it is stated (1) that the Levites killed about 3000 men (Ex. 32:28), (2) that the people died of a plague (Ex. 32:35), (3) that Moses ground the golden calf into dust, spread it on water and let the people drink, in imitation of the sotah ritual (Ex. 32:20).
118 Ex. 35:25. R. Eliezer intended to insult the woman who had dared to study Torah (In the Babli, she is called "a wise woman" and her question is dealt with at length by Rashi in his commentary on the Pentateuch). It is not clear whether this represents the general teaching of the House of Shammai or that of R. Eliezer alone.
119 Since it is common practice to teach Pentateuch and its interpretation to girls it is impossible to understand how Maimonides and Joseph Caro could have R. Eliezer's statement included in their Codes.
120 In the Babli, this answer and the following one are attributed to "one of Rav or Levi ben Sissi."
121 According to rabbinic theory, nobody can be convicted by biblical standards unless (1) the crime was witnessed by two witnesses of sterling character and (2) criminal intent is proven by two witnesses who testify that the criminal was informed that his intended deed would subject him to prosecution and nevertheless he persisted in his criminal behavior.
122 One has to assume that this procedure was part of the police powers granted to Moses in his position
of king of the Israelites, and that the guilty persons died from the gold water.

123 Since these are acts of Temple worship, as idolatrous practices they are capital crimes (Mishnah Sanhedrin 7:6).

124 These are sinful practices if in idolatrous intent but not criminally prosecutable.

125 Since this sin was known only to God, its punishment was by the Hand of Heaven.

Who is a foolish pious man? He saw a baby struggling in a river. He said, after I take off my phylacteries, I shall save him. By the time he takes off his phylacteries, that one is dead. He saw a prime fig and said, I shall give it to the first person I shall meet. He saw a preliminarily married girl and ran after her. That is what we have stated: "If somebody pursues another to kill him, after a male, or after a preliminarily married girl."

126 Missing in Geniza ms.
127 Geniza ms: הבורית
128 Geniza ms: לול מ
129 Geniza ms: "he started to"
130 Really, "making bubbles", because it is drowning. In the Babli, 21b, it is a woman drowning whom he cannot save because it would hurt his salvation if he looked at a woman.
131 Since the phylacteries contain biblical verses, they are holy. He is too ignorant to realize that the commandment to save a life overrides all other commandments except those involving murder, incest and adultery, and idolatry.
132 Since it is a commandment to keep one’s word, he brings himself into
a situation in which he can be killed. The Mishnah quoted states that if one observes a person bent on committing a murder, a homosexual rape, or the rape of a preliminarily married girl (Deut. 22:23-24), one may kill the attempting murderer or rapist with impunity. If the girl is afraid of him when he presents the fig and runs away, religious law would force him not to run after the girl.

133 Mishnah Sanhedrin 8:7: These are the people one may save [from sinning] by killing them: "If somebody pursues another to kill him, or after a male (for homosexual rape), or after a preliminarily married girl [one may kill the perpetrator]; but one who pursues an animal (for sodomy), desecrates the Sabbath, or commits idolatry one may not save by killing him." A bystander can kill a person bent on committing a capital crime only if thereby he saves another human being.

134 רושע ירא. רבינא דרשו רב בר חנה: " ENUMERATING THOSE WHO MAY BE KILLED 135 על עsembles תאמורים לאחור. אוכלי אוכלים עולים על עsembles תאמורים ביבשת. סומם קסמים ביבשת עם עsembles תאמורים. אוכל ואוכלين ביבשת סומם קסמים. ה IllegalAccessException הוא אוכל ואוכלjectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories מוכרים. על עsembles תאמורים מאוכלים ביבשת. אוכל ואוכל trajectories мочи. אוכל ואוכל trajectories мочи. A sly wicked man." Rebbi Zeriqan in the name of Rav Huna: That is one who chooses leniencies for himself and teaches restrictions to others. 138 In this matter, it was stated: "About anybody who wants to take upon himself the stringencies both of the House of Shammai and the House of Hillel it was said: 'The silly one walks in darkness'. The leniencies of both of them, he is called wicked. Only either following the words of the House of Shammai in their leniencies and stringencies, or
following the words of the House of Hillel in their leniencies and stringencies." That is, before there came the disembodied voice. But after the disembodied voice was heard, "practice follows the House of Hillel forever." And any who transgresses the words of the House of Hillel is deserving of death. It was stated: There came the disembodied voice and said: "Both of them are the words of the Living God, but practice follows the House of Hillel forever." Where was the disembodied voice heard? Rav Bebai in the name of Rebbi Johanan: The disembodied voice was heard at Yabneh.

134 In the Geniza ms: ר"ש רבי זריון בע"מ "Rebbi Zeriqon in the name of Rebbi Ḥuna". Since R. Zeriqa was a student of Rav Huna and lived a generation before Rebbi Ḥuna, the reading of the text, supported by the Babli, is correct.

135 Geniza ms: קטום.

136 The entire clause is replaced in the Geniza ms. by: "he is a boor".

137 Geniza ms: הר"ש "he is".

138 Babli 21b, as one possibility of many.

139 The same text Berakhot Chapter 1, Notes 192-199; Yebamot Chapter 1, Notes 256-261. Cf. Babli Erubin 6b, 13b.

A predatory woman. That is one who sits and makes fun of the words of the Torah: "She said, you shall come to me... and he slept with her that night." Rebbi Abbahu said, one could think that this was the [divine] intention. He only knew that she was doing this only to produce more tribes.
140 Geniza ms.: נוֹנַה יִאָלָה by "her intent", a medieval philosophical term, not likely to be original.

141 The Babli has no parallel explanation since it interprets אָשָׁה to mean "a pious woman".

142 Gen. 30:16, Leah buying a night with Jacob from her sister Rachel. R. Abbahu’s explanation is slightly more elaborate in Gen. rabba 72(4).

143 In the Babli, 21b, this is an opinion of R. Johanan.

144 This is a corruption in the Leiden and Rome mss. (from their common Vorlage). The text is better in the Geniza ms: אָסָר גַּלְגָּל הַנִּקְשֵׁב לְקַרְכִּית אָסָר, אָסָר נִקְשֵׁב מִרְכֶּכֶת אָסָר,，则 נִקְשֵׁב מִרְכֶּכֶת. He said to them, what can I do for you, your charge is a senile mother. When they left, his scribe told them: stay here until I shall explain to you what he meant."

145 Occupational names of the measure pe‘ōlāh have been recognized by L. Ginzburg in the Yerushalmi: קְרִיתָה the liturgical poet, קְרִיתָה the preacher, קְרִיתָה the scribe; all masculine. In the Geniza texts published by M. A.
Friedman, Jewish Marriage in Palestine, Tel Aviv and New York 1981, one finds four כהנה times and three times.

The ketubah was a lien on the deceased's real estate. The crooked counsel was that the heirs should loudly declare their intention to sell the real estate, which would force the widow eventually into lengthy court proceedings to recover her lien. The idea was to force the widow into demanding to be paid her ketubah, which immediately would terminate her right to support but would allow the heirs to somewhat drag their feet before paying up. The honorable thing would have been to offer the widow to pay her the ketubah in a lump sum, in the hope that she would accept the offer. Since then the initiative would be the heirs', the widow's support would have to be paid until the money was delivered in full.

Greek γαμαὶνυ "dowry".

An oath formula, "such and such shall come over me if I intended that".

He disclaimed authorship of the counsel his (?) scribe had given in his name. It is not reported whether he reversed the transaction.

A student of Rebbi had 199 denar; Rebbi used to let him receive the tithe of the poor once every three years. His students cast an evil eye on him and completed for him. The next time, when he wanted to let him receive as usual, he said: My teacher, I have the measure. He said, this one was hit by a beast of prey. He gave a hint to his student who took him to a store, made him spend a carat, then he (Rebbi) let him receive as he was used to do.

The same text Peah 8:8, Notes 112-115; it is referred to in Babli 21b.
They added to these\textsuperscript{150} a fasting virgin\textsuperscript{151}, a neighborly widow, and a child outgrowing his months\textsuperscript{152}. A fasting virgin; she pretends to have lost her hymen by fasting\textsuperscript{153}. A neighborly widow, by running around\textsuperscript{154} she spreads bad reputations. A child outgrowing his months: Rebbi Hilqiah in the name of Rebbi Simon. That is one who is more advanced in his studies than usual for his age and he denigrates those older than him. Rebbi Yose said, that is one nine-years-old who looks like a twelve-years-old. He sleeps with any of the incest prohibitions in the Torah and they are executed because of him but he is free from prosecution\textsuperscript{155}.

\begin{footnotes}
\item[150] To the list of the destroyers of the world.
\item[151] In the Babli (22a): A praying virgin.
\item[152] In the Babli (22a), except the Munich ms.: "a premature baby".
\item[153] But in reality she slept around.
\item[154] The Geniza ms. probably has another reading which, however, is not readable. The translation follows Arukh, s. v. ליה.
\item[155] The sex act of a minor less than 9 years old has no legal consequences. If the boy is 9 years and one day old, his sex act counts: if a married woman sleeps with him, she is criminally liable for adultery but he is not responsible since he is a minor. Cf. Yebamot, Chapter 3, Note 143.
\end{footnotes}
Mishnah 5: Rebbi Simeon says, merit does not suspend in the case of the bitter water. If you say that merit suspends in the case of the curse water, you weaken the water in the eyes of all women who drink it and you smear the reputation of the pure women who drank because one would say that they are impure but that merit suspended for them.

Mishnah 6: Rebbi says, merit suspends in the case of the curse water, but she does not have children, does not get better, but degenerates and in the end she dies that death.

156 Childbirth is a sign of purity, symptoms described in Mishnah 4 indicate that she would die immediately after drinking.

157 Supposing that the (not biblical) symptoms described in Mishnah 4 indicate that she would die immediately after drinking.

Halakhah 6: "Rebbi Simeon says, merit does not suspend in the case of the bitter water," etc. "Rebbi says, merit suspends in the case of the curse water," etc. Rav Hamnuna said, the degenerating woman is permitted to her house. This parallels what was stated: Rebbi Simeon ben Eleazar...
saves, even a pure woman who drank will in the end die in great pain because she brought herself into that great doubt. In the Bable, 26a, this is a comment of Rav Huna on Mishnah 4:4 that even a Cohen’s wife, who would be forbidden to her husband if she was raped, is permitted to her husband after she survived drinking the bitter water. The Babli adds the condition that she not exhibit the features described in the verse, a swollen belly without a pregnancy. That condition is missing in the Yerushalmi. That two witnesses confirmed her being alone with another man. In the Tosephta, 2:3, this is a statement of R. Simeon ben Eleazar in the name of R. Meir.

"And if the woman was not impure but was pure," this refers to the one who is pure, not that there came witnesses declaring her impure. "If the woman was not impure but was pure," this refers to the one who is pure, not one whose merit suspended [punishment] for her. This follows the one who said that merit suspends and it is not recognizable. But following him who said that merit suspends and it is recognizable.
Rebbi Isaac said, here we deal with one who drank and the water did not test her. It comes to tell you that the water will not test a woman who is forbidden to her house. Rebbi Yudan said, this follows the one who said that merit suspends and it is not recognizable. Why was it not recognized? Because merit suspended for her. "The man will be free of sin," he should not worry that maybe merit suspended for her.

Should I think that she also should not worry? The verse said, "but that woman shall carry her sin." [This interpretation] follows the one who said that merit suspends and it is not recognizable.

160 Num. 5:28.
161 "And if the woman was not impure but was pure, then she will be cleansed and bear children." If she is not impure, it should be clear that she is pure. It is explained that if she was not impure, i.e., if there are no proofs available against her sufficient for a conviction in court, then if she is pure the water will cleanse her and make her fertile. But if her case could be adjudicated in a human court, the Temple should not be used and the water will be just drinking water (cf. Babli 6a).

The Geniza text makes this slightly more clear by quoting: "And if the woman was not impure but was pure, then she will be cleansed"

162 The latter will not experience any change in her fertility status.
163 There seems to be no reason for Rav Hamnuna's position.
164 There is no inference possible on Rav Hamnuna's statement.
165 Num. 5:31.
166 The husband who brought his wife to the Temple where the water had no influence on her is free to sleep with her and is told not to worry that she still might be forbidden to him.
Mishnah 7: If her flour offering became impure before it was sanctified in a Temple vessel, it is treated like all other flour offerings and should be redeemed. After it was sanctified in a Temple vessel, it is treated like all other flour offerings and should be burned. The flour offerings are burned in the following cases: One who says, I am impure for you, or that witnesses declared that she was impure; one who refuses to drink, or whose husband does not want to let her drink, or whose husband slept with her on the road. In addition, the flour offerings of women married to Cohanim are burned.

167 Its holiness is transferred to a sum of money which then is used to buy a replacement offering. The original offering then becomes profane (Mishnah Menahot 12:1).

168 Outside of the holy precinct, on the burning place organized for invalid sacrifices.

169 Even if they are pure and still in the palm-leaf basket.

170 Where it has to be burned is a matter of dispute in the Halakhah.
like all other flour offerings and should be redeemed; after it was sanctified in a Temple vessel, it is treated like all other flour offerings and should be burned\textsuperscript{171}.

\textbf{171} This statement is that of the Mishnah (the one missing word, \textit{אָרָה} is also missing in most mss. of the Babli and of the Maimonides tradition of the Mishnah). The quote seems to be in opposition to statements similar to Tosephta 2:4: "After it was sanctified in a Temple vessel, one has to wait until it spoils and then one takes it out to be burned."

"One who says, I am impure" Is it not like a purification offering whose owners died? And for a purification offering whose owners died, the money should be thrown into the Dead Sea\textsuperscript{172}. It is compared to a hung reparation offering\textsuperscript{173}. If it is compared to a hung reparation offering, even if it was sanctified in a Temple vessel\textsuperscript{174}! Rebbi Mattaniah said, it is compared to a hung reparation offering that was slaughtered, as we stated there: "If it became clear to him after it was slaughtered, the blood has to be poured out and the meat has to be taken out to the burning place.\textsuperscript{175}"

\textbf{172} From the Rome ms. Word missing in the Leiden ms. by an oversight.

\textbf{172} The source is found only in parts of the Babli (e. g., Temurah 24a) which have no parallel in the Yerushalmi. Since a purification offering makes sense only if its owner is alive; a purification offering whose owner died cannot be used for anything
else and cannot be redeemed. Therefore, it seems that the offering for the woman who declares herself an adulteress should not be burned on the usual spot (where the ashes were from time to time sold by the Temple authorities as fertilizer) but should be thrown into the Dead Sea to make sure no use whatsoever could be made of it.

173 The sacrifice of a person who worries that possibly he could have sinned, Lev. 5:17-19. Similarly, the offering of the suspected wife is brought for a case of doubt.

174 This is compared to the reparation offering introduced into the Temple courtyard.

175 It became clear either that an inadvertent sin was committed, and then a purification offering is required, not a reparation offering, or that no sin was committed, and then no offering is required. In the latter case, since the offering was brought for peace of mind, it certainly was the intention of the person to have a valid sacrifice even in case he did not sin. This differs from the case of a sacrifice brought in error which is treated according to the rules of profane animals introduced in error into the Temple; Mishnah Keritut 6:1-2. (In the Mishnah, there are dissenting opinions that the hung reparation offering is a valid offering in all cases.)

R. Mattaniah compares transferring the offering into the Temple vessel to slaughtering the animal since the transfer enables the priest to offer a fistful on the alter just as slaughter enables the priest to bring the blood to the altar.

It was stated: If her offering became impure before the fistful was sacrificed; if she died or her husband died, the rest is forbidden because it was brought from the start to resolve a doubt. Her doubt was
atoned for and went away. If there came witnesses declaring that she was impure, in any case her offering is forbidden. What means "in any case"? Whether the fistful was taken or not, whether it was sacrificed or not. Rebbi Hila said, whether the fistful was taken or not as long as it was not sacrificed, but if it was sacrificed the rest is permitted.

Reading of editio princeps and the Rome ms. Leiden ms: "she counted".

It is unclear what this sentence implies here. It is obvious that an impure sacrifice is forbidden as sacrifice and as food. In the Babli (note 178), the entire text of the Mishnah is quoted. Therefore, it seems that the sentence is simply a quote from the Mishnah; the note "etc." is missing.

Tosephta 2:5 and Babli 6b. There, the text reads: "If her husband or she died before the fistful was sacrificed, the rest is forbidden. But if the fistful was sacrificed and then her husband or she died, the rest is permitted because it was brought from the start to resolve a doubt. Her doubt was atoned for and went away." For most flour offerings, a fistful is offered on the altar, the rest is eaten by the Cohanim under the rules of most holy food.

This clause makes more sense in the Tosephta/Babli text, that the rest is permitted to the Cohanim if it became permitted by the rules, i.e., that the fistful was duly put into the fire on top of the altar. It is reasonable that a permitted remainder cannot retroactively become forbidden since the doubt of adultery either was resolved by the procedure or became moot by the death of one of the parties.

Tosephta 2:5. Cf. Note 161; then there no longer is any doubt; the procedure becomes inactive and the offering should not be brought.

Once it was food for the Cohanim it cannot lose that status except by impurity.
We have stated there\textsuperscript{182}: "Rebbi Simeon says, a fistful is taken from the sinner’s flour offering\textsuperscript{183} of a Cohen. The fistful is sacrificed separately and the rest is sacrificed separately." Both of them explained the same verse: "It shall be the Cohen’s as a flour offering\textsuperscript{184}." The rabbis say, it is like his voluntary flour offering. Since his voluntary flour offering is brought entire, that one also is brought entire\textsuperscript{185}. Rebbi Simeon says, the tenth of an \textit{epha}\textsuperscript{186} of a Cohen is like the tenth of an
epha of an Israel. Since a fistful is taken from the tenth of an epha of an Israel, so a fistful is taken from the tenth of an epha of a Cohen. Maybe, since this one is eaten, the other is also eaten? The verse says, "Any flour offering of a Cohen shall be totally burned; it shall not be eaten." The rest, under which category is it brought, under the rules of a fistful or under the rules of remainders? If you want to say, under the rules of a fistful, one cannot bring them during the night, one cannot bring them after death, and he is forbidden to think about them. If you want to say, under the rules of a remainder, one can bring them during the night, one can bring them after death. Is he forbidden to think about them? Let us hear from the following: Rebbi Eleazar ben Rebbi Simeon says, the fistful is sacrificed separately and the rest dispersed over the ashes. Rebbi Johanan asked, where are we holding? If the upper ashes, Rebbi Simeon already said it. If it cannot refer to the upper ashes, let it refer to the lower ashes. That means, one can bring them during the night, one can bring them after death, and he can think about them. Rebbi Yose ben Rebbi Abun said, he is forbidden to think about them since they are not qualified as food either for humans or for the altar. Rebbi Abba bar Mamal asked: Does Rebbi Eleazar ben Rebbi Simeon follow the rules of his father or the rules of the rabbis? According to the rules of his father, it should be brought on top [of the altar]. According to the rules of the rabbis, why should he take a fistful? He follows his father's rules. Rebbi Simeon says, the tenth of an epha of a Cohen is like the tenth of an epha of an Israel. Since a fistful is taken from the tenth of an epha of an Israel, so a fistful is taken from the tenth of an epha of a Cohen. Maybe, since this one is eaten, the other is also eaten? The verse
ays, "Any flour offering of a Cohen shall be totally burned; it shall not be eaten." Then it should be burned totally! You bound it to "it shall not be eaten"; you did not bind it to "it has to be sacrificed in its entirety."

182 Mishnah Menahot 6:1. In that Mishnah, the anonymous rabbis hold that the entire offering is burned on the altar in one piece.
183 The flour offering of the very poor person who either refused to testify, was unmindful of his impurity in dealing with the Temple and its appurtenances, or had forgotten an oath he had imposed on himself, Lev. 5:11-13.
184 Lev. 5:13. Since one speaks of a flour offering, it is difficult to understand why "it should be like a flour offering".
185 Voluntary flour offerings are described in Lev. 2:1-11. It is stipulated in Lev. 6:16 that no part of a priest's flour offering may be eaten. Sifra Saw Pereq 8(5) disagrees with the Yerushalmi; it interprets Lev. 6:16 to deal mainly with the Cohen's obligatory offerings and only in a derivative fashion with voluntary offerings.
186 The amount of flour required for the purification sacrifice, Lev. 5:11. An epha was 3 seah.
187 This shows that the offering of a Cohen cannot simply be compared to that of an Israel since the result would contradict biblical precepts.
188 Lev. 6:16.
189 This question is about the opinion of R. Simeon. For the rabbis, the offering is brought to the altar in one piece and burned as a sacrifice. But for R. Simeon, since the fistful is brought to the altar as a sacrifice, it makes sense to inquire whether the rest is burned under the same rules or not. If the same rules were to apply, it is difficult to see why there should be two distinct offerings.
190 Sacrifices can be offered in the Temple only between the morning and evening daily sacrifices. Remainders of sacrifices for which blood and fat were offered during daytime can be brought to the altar during the night.

A sacrifice can be brought only during one's lifetime.

In talmudic theory (Mishnah Zebahim 2:2), a sacrifice is either valid or invalid from the start. Therefore, the biblical prohibitions of נְתַנְתָּה לְמַעְלָה
(Lev. 19:5-7) are interpreted to mean that the sacrifice becomes permanently prohibited if any of the prescribed actions in the Temple were executed with the idea that the meat should be eaten out of its allotted time or place. This means that the Cohen, by thinking to eat from the rest of the offering the next day or outside the Temple courtyard while dealing with the fistful taken for the altar, will invalidate the offering. This danger is restricted to the fistful, whose correct treatment will permit the rest to be eaten by the Cohanim. What these think while eating the rest is irrelevant; the only actions which are invalidated by wrong thoughts are those on which something else depends, either that part of the sacrifice becomes permitted as food, or that people are purified or otherwise enabled by it.

191 While both mss. read here "R. Simeon ben Eleazar", the continuation of the paragraph shows that the author must be R. Eleazar ben R. Simeon. The Babli, 23a/b, and the Tosephta, 2:6, read: Rebbi Eleazar ben Rebbi Simeon says, the fistful is sacrificed separately and the rest is dispersed.

192 The ashes on the top of the altar are hot and spreading the offering out means burning it on the altar. If that were the meaning, R. Eleazar’s position is that of his father and does not have to be mentioned.

193 The ashes removed from the altar to the floor of the courtyard (Lev. 6:2).

194 Anything not destined for the altar cannot permit anything else. Therefore, any wrong intention the Cohen may have while depositing the rest on the ashes is irrelevant; he may think what he wishes. Similarly, since the burning of the fistful permits the consumption (or dispersion) of the remainder by the Cohanim, if the owner of the offering dies after the burning of the fistful it cannot have any influence on the status of the rest.

195 The argument of the previous Note is valid only for the offering of an Israel, for whom the fistful really permits the remainder to the Cohanim. But for the offering of a Cohen, the offering of the fistful according to R. Eleazar ben R. Simon does not permit anything, not even to bring the rest onto the altar. Therefore, the sacrificing of the fistful cannot lift the rules of לֶאְרֹעַ and רַעֲמָה for the Cohen’s offering.

196 They require that the entire offering be burned, cf. Note 182.

197 R. Eleazar ben R. Simeon
accepts the comparison of the obligatory to the voluntary offering of a Cohen, called "binding (ֶקְשֶׁשֶׁ) of one verse to the other"; it is only to modify the rule of Lev. 6:16, which deals with voluntary offerings, not that of Lev. 6:15, which deals with an obligatory offering of another kind.

Rebbi Yose said, Rebbi accepted the opinion of Rebbi Eleazar ben Rebbi Simeon and taught accordingly. Rebbi Abba bar Cohen asked before Rebbi Yose: Why Rebbi Eleazar ben Rebbi Simeon? Even following his father, Rebbi Simeon! He said to him, "eating" is on the altar, "burning" is not on the altar. Rebbi Hanina objected before Rebbi Mana: Did not Rebbi Ḥiyya disagree: "It cannot be burned completely because of the wife's part; it cannot be eaten because of the husband's part." He said to him, Rebbi accepted the opinion of Rebbi Eleazar ben Rebbi Simeon, the elder Rebbi Ḥiyya accepted the opinion of the latter's father Rebbi Simeon.

198 He holds that the last sentence of the Mishnah can be explained only following R. Eleazar ben R. Simeon.
199 Rabbinic usage follows biblical usage in this case. The burning of sacrifices on the altar is never called "burning", but "eating (by the fire)", cf. Lev. 6:3. On the other hand, the burning outside the Temple is always called "burning", cf. Lev. 4:12,21; 16:27. If the Mishnah uses the expression "burning", it implies that this cannot be
on the altar.

200 The offering for a Cohen's suspected wife. The first clause is in Tosephta, 2:6. For the intelligible full text of this discussion, cf. Chapter 2:1, Note 7 ff.

Mishnah 8: The offering of an Israel's daughter married to a Cohen is burned\(^{201}\), the offering of a Cohen's daughter married to an Israel is not burned\(^{202}\). What is the difference between a Cohen and a Cohen's daughter? The flour offering of a Cohen's daughter is eaten, that of a Cohen is not eaten. A Cohen's daughter is desecrated, a Cohen is not desecrated\(^{203}\). A Cohen's daughter may defile herself for the dead, a Cohen may not defile himself for the dead\(^{204}\). A Cohen eats most holy [food], a Cohen's daughter may not eat most holy [food]\(^{205}\).

201 Since it is the husband's money; cf. Chapter 2:1, Note 7.

202 The woman becomes a member of her husband's clan.

203 This is explained in the Halakhah. An illicit marriage bars the wife and her children from ever marrying into the priesthood; a Cohen who divorces his forbidden wife returns to his priestly status.

204 The prohibition of the impurity of the dead is clearly addressed to the sons of Aaron, Lev. 21:1.

205 This is a clearly biblical precept; spelled out in Lev. 6:11,22; 7:6.
Halakhah 8: "The offering of an Israel's daughter married to a Cohen," etc. What is the difference between a Cohen and a Cohen's daughter? "The flour offering of a Cohen's daughter is eaten, that of a Cohen is not eaten." For it is written, "any flour offering of a Cohen shall be total, it should not be eaten\(^\text{207}\);" not the Cohen's daughter's. Rebbi Abbahu asked before Rebbi Simeon ben Laqish: Is it not written: "If a Cohen acquire a person with his money\(^\text{208}\)," should that apply to a Cohen but not ro a Cohen's daughter? How is that? "The Cohen anointed in his stead, one of his sons;\(^\text{209}\)" one whose son fills his place, that excludes her whose son does not fill her place.

207 Lev. 6:16.

208 Lev. 22:11. The verse states that slaves of a Cohen may eat of his sanctified food and we hold (cf. Yeabamot 7:1) that the slaves of a Cohen's daughter may eat if and only if she can eat. Should the mention of the masculine form "Cohen" not exclude the daughter of a Cohen. Accepted without discussion in Babli 23b; Sifra Saw Pereq 8(4).

209 Lev. 6:15. Verse 16 is an appendix to a paragraph speaking only of the (male) High Priest. The son of a Cohen's daughter belongs to his father's clan, not hers.
"A Cohen’s daughter is desecrated, a Cohen is not desecrated.’ For it is written: ‘He shall not desecrate his seed in his clan.’ Not only that he desecrates his seed; from where [that he desecrates] herself? It is a conclusion of an argument. Since the seed who did not commit any sin is desecrated, she, who committed a sin, is it not logical that she should be desecrated? He himself gives a counter-argument since he sinned and is not desecrated. No. If you talk about the man who is not otherwise desecrated, what can you say about a woman who can be otherwise desecrated? Since she can be otherwise desecrated, it is an argument that she should be desecrated! If you wish, you can say, he shall not desecrate - "he shall not repeatedly desecrate,’ even to desecrate one who is enabled.

210 The entire paragraph is from Sifra Emor Pereq 2(7-8). For the Babli, 23b, it seems obvious that a woman forbidden to a Cohen becomes desecrated; one only needs a verse to free the Cohen from desecration.

211 Lev. 21:15, speaking of the High Priest who married a widow, divorcee, or desecrated woman. The children of such a forbidden union are desecrated in their clan and are permanently barred from any priestly function.

214 He is not permanently desecrated even if he sleeps with a slave girl, a Gentile, or a whore.

215 If you consider the pseudological argument invalid.

216 The root הִלָּל, "to desecrate" appears in the Pentateuch also in Hiph'il. The use of the intensive instead of the causative in *Lev.* 21:15 is taken to imply more than one desecration. The Babli, *Qiddusin* 77a, derives different disabilities from the same argument.

"A Cohen's daughter may defile herself for the dead." Rebbi Dosa from Malhiyya, Rebbi Aha in the name of Rebbi Eleazar: A Cohen's daughter is permitted to leave the Land 217. What is the reason? "Say to the Cohanim." Not to the daughters of Cohanim. If it were not so, what would he say? Because she is included in the decree, she cannot leave. Why should she not be included in the decree and be forbidden to leave 219? If you say so, you push aside the paragraph on impurities 220.

217 A Cohen is prohibited from defiling himself in the impurity of the dead, *Lev.* 21:1-4. By rabbinic decree, a Cohen is forbidden to leave the Land of Israel since the other countries, even disregarding the biblical impurity inherent in them, might be full of unrecognized graves so that the Cohen would automatically incur at least the doubt of contamination by a grave.

218 *Lev.* 21:2: "Say to the Cohanim, the *sons* of Aaron." The prohibitions in this paragraph inherently concern only the males of the family. This is explicit in *Sifra Emor, Introduction*; alluded to in Babli, 23b.

219 Since the prohibition is rabbinic anyhow, how can the extent of the prohibition be measured by biblical standards? It is unlikely that the
prohibition was known before the war of Bar Kokhba. We find king Yannai outside the Land, but he was a Sadducee and opposed to rabbinic prohibitions. But it is reported that R. Eleazar ben Azariah, a Cohen, descendant of Ezra in the tenth generation, went to Rome.

220 Since rabbinic decrees are fences around the Law, they should not prohibit what is explicitly permitted in the Pentateuch.

"A Cohen eats most holy [food], a Cohen’s daughter may not eat most holy [food]." For it is written (Lev. 7:6): "Every male among the Cohanim shall eat it."

Mishnah 9: What is the difference between a man and a woman? A man is dishevelled and with open seams, no woman is dishevelled and with open seams. A man can make his son a nazir, no woman can make her son a nazir. A man can shave using his father’s vow of nazir, no woman can shave using her father’s vow of nazir. A man can betrothe his daughter, no woman can betrothe her daughter. A man can sell his...
daughter, no woman can sell her daughter. A man is stoned naked, no woman is stoned naked. A man is hanged, no woman is hanged. A man is sold for his theft, no woman is sold for her theft.

221 A man afflicted with skin disease must have dishevelled hair and wear clothes open at the seams (Lev. 13:45). It is written in v. 44: He is a man with skin disease.

222 Mishnah Nazir 4:6. The nazir is forbidden all grape products, may not cut any hair, and may not defile himself in the impurity of the dead. A father can decree that his underage son be a nazir as long as neither the child nor the relatives object. He then is responsible for the cost of all sacrifices due at the end of the nezirut period.

223 "Shaving" stands here for the entire ceremony which ends the nezirut period, Num. 6:13-21. If both father and adult son were nezirim, the father had already bought the required sacrifices (one male and one female sheep, and one ram) when he died before using them, the father’s dedication is validly transferred to the son.

224 If a man marries off his underage daughter, the marriage is valid by biblical standards. This is derived from Deut. 22:16, where the father declares: I gave my daughter to this man as a wife. After the father’s death, the widow may only marry off her underage daughter by rabbinic standards. A fully adult daughter must find her own husband.

225 Ex. 21:7: "If a man sell his daughter as a slave". In rabbinic theory, the institution of Hebrew slavery was bound to that of the Jubilee year. The latter is predicated on the clan holdings of land received under Joshua. Therefore, the Jubilee year should have been disestablished with the first Assyrian deportations of the Ten Tribes.

226 Mishnah Sanhedrin 6:3-4.

227 Deut. 21:22: "If a man was guilty of a capital crime and executed, you should hang him on a wooden pole." This refers explicitly to a man.
Halakhah 9: "What is the difference between a man and a woman? A man is dishevelled and with open seams," etc. "A man". This refers not only to a man; from where for a woman? The verse says, "afflicted with skin disease," whether man, or woman, or minor. If it is so, why is "a man" written? For the next theme, "a man is dishevelled and with open seams, no woman is dishevelled and with open seams."

228 Lev. 13:44: "A man afflicted with skin disease is he, impure is he, the Cohen shall certainly declare him impure if his disease is on his head."

A slightly more complete text in Sifra Tazria' Pereq 12(1); a shortened text in Babli 23 a, Keritut 8b, Arakhin 3a.

"A man can make his son a nazir," and "a man can shave". Rebbi Johanan in the name of Rebbi Meir: In twenty-four matters are the House of Shammai lenient while the House of Hillel are restrictive and that is one of them: The House of Shammai say, a man cannot make his son a nazir, but the House of Hillel say, a man can make his son a nazir.

229 The Babli (Sota 23 b; Nazir 25 a/b, 28b, 30a, 61b) and dependent sources [Num. rabba 10 (20] disagree and quote R. Johanan insisting that according to the biblical text, nobody can impose a state of nazir on another person but that it is traditional practice (in the words of the Midrash: "going back to Moses on Mount Sinai") that a father may force his son to be a nazir,
implying that nobody can dissent. Nazir 4:6, fol. 53c.

The same paragraph is found in

"A man can sell his daughter," for it is written\(^{230}\): "If a man sell his daughter as a handmaid. "A man can betrothe his daughter," as it is written\(^{231}\): "I gave my daughter as a wife but he hated her."

\(^{230}\) Ex. 21:7. \(^{231}\) Deut. 22:16.

"A man is stoned naked, no woman is stoned naked." For it is written\(^{232}\), "you shall stone him," not his garment. Rebbi Haggai asked before Rebbi Yose: Is it not written\(^{233}\): "You shall stone them with stones," does that mean "them but not their garments"? How is that? A man is not greatly degraded by this, so he is stoned naked, but a woman who would be greatly degraded by it cannot be stoned naked\(^{234}\).

\(^{232}\) There is no such verse. Probably the reference is to Lev. 24:14: יָשָׁבוּ הָאֲנָשִׁים וְהָאֲנָשָׁתָּהּ מָשָׁבוּ מִיֵּשְׁבָּהוּ, which means "they shall stone him;" this verse is quoted in Sifry zuta Selah 36, Babli Sanhedrin 43a.

\(^{233}\) Deut. 22:24, speaking of the inhabitants of a city whose inhabitants, men and women, turn to idolatry. If the prior argument were correct, the verse would disprove the Mishnah.

\(^{234}\) There is no biblical source for the statement of the Mishnah. Since a
garment would soften the blows of the stones, the agony of the man to be executed would be prolonged if he were clothed; since he probably would not mind being seen naked, it is to his advantage being executed while naked. But for a woman, the mental anguish of being naked in public would be much greater than the increased physical pain; therefore a woman has to be executed fully clothed.

The Babli Sota 23b refers to the argument in a very abbreviated way which presupposes the knowledge of the Yerushalmi's argument. The original argument of the Yerushalmi is accepted in the Babli Sanhedrin 43a; in 45a the inference is attributed to R. Jehudah who requires that a woman be stoned naked. By contrast, in Sifra Qedošim Parašah 10(4), an appropriate verse is quoted, Lev. 20:2: "Every man in Israel or among the sojourners in Israel who gives of his children to the Moloch shall certainly die, the people of the land shall stone him with stone."

“A man is hanged, no woman is hanged.” Because it is written, "one shall hang him", not her.

“A man is sold for his theft," for his theft but not for the double restitution. For his theft but not for his perjury. For his theft he is not sold twice. There is only a monetary claim on him. That means, for one theft, but for two thefts he can be sold a second time. Rebbi Jeremiah asked: If he stole from a partnership, how are you treating this? As one theft or as two thefts? If he stole and removed [things] in the
night, we would say that if the owners realized [the loss] in the meantime, there are two thefts; otherwise, it is one theft.

228 A parallel to the entire paragraph is in Babli Qiddusin 18a. The baraita (including its terminology, treating "theft" as masculine) is also in Mekhilta deR. Simeon bar Iohai, pp. 192-193.

In Ex. 22:1 it is stated that if a male thief is killed while digging a tunnel under a house, his killing is self-defense and not punishable. Then in v. 2 it is noted that if he is seen to be unarmed, he cannot be killed but has to repay what he stole and, if he does not have the money, he is sold as indentured servant (for six years). Only in v. 3 follows the rule that the thief has to pay back double of what he took. The sequence of verses makes it clear that the fine remains the obligation of the thief but that he cannot be sold for inability to pay the fine.

229 The perjurer has to be fined the amount the accused would have had to pay if the testimony were truthful (Deut. 19:19). Since it is possible that the accused would have had the money to pay, the sale could not have been intended and, therefore, is not a punishment to be imposed.

It is to be noted that in matters of civil law, "man" mentioned in the verse means "adult, man or woman", cf. Ex. 21:26, 33; 22:4,9,13. However, in criminal matters one follows the rule נפשי מפנני, one does not impose punishment by logical argument (but one has to follow the biblical text closely).

230 In the Babli (loc. cit.), this is the position of Rava, who often follows the Galilean teaching. Abbai, who represents the Babylonian tradition, allows for at most one sale for multiple thefts from one person. He only permits a second sale for a theft from another victim.

231 The question is not answered since the problem cannot arise before Messianic times (cf. Note 225).
A mishnah: A preliminarily married woman or one who waits for her brother-in-law neither drinks nor collects her ketubah, since it is said, "who will deviate from under her husband," which excludes a preliminarily married woman and one who waits for her brother-in-law.

Mishnah 1: A preliminarily married woman or one who waits for her brother-in-law neither drinks nor collects her ketubah, since it is said, "who will deviate from under her husband," which excludes a preliminarily married woman and one who waits for her brother-in-law.

Mishnah 2: A widow [married to] a High Priest, a divorcee or one who received halishah to a common priest, a female bastard or a Gibeoness to an Israel, or an Israel woman married to a bastard or a Gibeonite, neither drinks nor collects her ketubah.

1 Cf. Demai 4, Note 19.
2 Her husband died childless; she waits to be married by her brother-in-law. In the meantime, the brother-in-law declared his jealousy and brought witnesses that she had an illicit rendezvous. While a woman waiting for her brother-in-law is unable to marry outside the family without halishah, her infidelity in her widowhood is not criminal adultery (cf. Yebamot, Chapter 2, Note 6). Nevertheless, if a brother-in-law "bespoke" her, she is as if preliminarily married to him and if she violates his demand that she not be with a suspected paramour, he cannot marry her unless she is cleared by the Sotah ritual. Since this is impossible and she has brought the situation on herself by her action, she has to receive halishah, be divorced, and cannot claim her ketubah money.
Num. 5:29. "Under her husband" is only a wife living with her husband.

In Sifry Num. 20 (differently in Babli 24a, attributed to the same authors) there is a discussion on which woman is considered living with her husband.

Lev. 21:14.

Lev. 21:7.

She is a divorcee by rabbinic standards; cf. Mishnah Yebamot 2:4.

Cf. Yebamot Chapter 1, Note 176.

Cf. Yebamot Chapter 2, Note 72.

The Halakhah leaves open the possibility that this latter rule may be a rabbinic decree.

Halakhah 1: "A preliminarily married woman or one who waits for her brother-in-law," etc. Why can he not make her drink? It is a decision of the verse: "The man shall bring his wife to the Cohen." Then he should not be able to declare his jealousy! The Torah said, "and he declared his jealousy to his wife," "and he declared his jealousy to his wife," "even if she is only partially his wife.

Lev. 5:15. A man can bring his wife only if he is living with her.

If "his wife" in this paragraph means only the definitively married one, the entire procedure should be impossible for the preliminarily married woman.

Lev. 5:14; if the meaning of "his wife" were constant in this verse, the second clause should have read "and he declared his jealousy to her." The woman who is a wife but not a wife in the first sense is the preliminarily married one. Therefore, the second mention of "wife" adds the preliminarily married one as object of jealousy.
Does our Mishnah follow the House of Shammai, since the House of Shammai say, "she takes her ketubah but does not drink"? Rebbi Yose said, there the reason of the House of Shammai is that she may say, bring me my husband, then I shall drink. But here, she knew that the preliminarily married cannot drink; why did she bring herself into that great doubt? In order to disqualify herself from receiving her ketubah.

13 Mishnah 4:3. If the husband died after she was in a secluded place with her paramour but before she could drink.

14 Since the verse requires the husband to bring his wife to the Temple, she can claim that it is not her fault that she could not cleanse herself.

15 It is clear that the House of Shammai also hold that women have to study all the rules (and texts) of the oral law; cf. Berakhot Chapter 3, Note 181. If R. Eliezer in Halakhah 3:4 excludes women from the study of Torah, he can mean only the study of the Pentateuch, not that of the oral tradition.

16 For the preliminarily married woman, this refers only to pre-talmudic times, when the ketubah was given at the time of qiddusin. But later practice was to deliver the document only at the time of the actual marriage (cf. Ketubot 5:1).
Rebbi Jehudah asked: As you say, "and he declared his jealousy to his wife," "and he declared his jealousy to his wife,"12 even if she is only partially his wife, similarly, "under your husband," even if he is only partially your husband.17 How is that? If he declared his jealousy to her while she was preliminarily married, then he wed her, and she went to a secluded place, he makes her drink on the basis of his declaration of jealousy. If he declared his jealousy to her while she was waiting for her brother-in-law, then he took her in, she went to a secluded place, and after that he had sex with her, she has to leave with her ketubah; otherwise she has to leave without ketubah. [If he declared his jealousy to her while she was waiting for her brother-in-law, then he took her in, she went to a secluded place, and after that he had sex with her, she has to leave with her ketubah; otherwise without ketubah.]23 If her husband declared his jealousy and died, she became destined for her brother-in-law who married her, then she went to a secluded place, he makes her drink on the basis of [the first husband's] declaration of jealousy.24 If her husband did not declare his jealousy and died, she became destined for her brother-in-law who...
declared his jealousy but did not manage to take her in before he died and she became destined for his brother, the latter cannot make her drink since she became destined for him only because of the first brother. But if her brother-in-law declared his jealousy, took her in, and died, then she became destined for a brother-in-law who took her in, when she went to a secluded place he makes her drink on the basis of his declaration of jealousy.

17 R. Jehudah notes that "under your husband" is repeated (vv. 19,20). Therefore, if the repetition of "his wife" (cf. Note 12) also includes a partial wife (preliminarily married or one who waits for her brother-in-law), the repetition here should also give the partial husband the right to bring his partial wife to the Temple. There is no answer given; R. Jehudah's argument is contradicted by the verse he himself quotes, cf. Chapter 1, Notes 154-156.

18 "He took her in", i.e., he brought her to his house in the final wedding ceremony to live with him.

19 The final wedding activates the prior declaration of jealousy. The Babli agrees, 25a.

20 The brother-in-law.

21 As stated in Mishnah 3:6, the ceremony is ineffective for a woman whose husband had slept with her while she was forbidden to him. Since it is his action that (a) keeps his wife permanently forbidden to him and, (b) prevents his wife from proving her innocence, he as the guilty party is forced to divorce her and to pay the full amount of the ketubah.

22 If the husband did not sleep with his wife after she became forbidden to him, he has the choice to divorce her because of her fault, without paying any of his own money.

23 From the Rome ms., probably omitted by the scribe of the Leiden ms. because of the parallel text.

24 Since by biblical standards the brother-in-law's marriage is an automatic consequence of the first husband's death.

25 Since the second brother never became her husband, his declaration is irrelevant to the third brother.
There\textsuperscript{24}, we have stated: "A she-ram\textsuperscript{27}, an old woman\textsuperscript{28}, or a sterile one neither drinks nor collects her ketubah," as it is said\textsuperscript{29}: "She will be declared innocent and bear seed," [this refers to] one able to bear seed; it excludes one who is unable to bear seed. They objected, is there not the widow [married to] the High Priest, is she not able to bear seed\textsuperscript{30}? There is a difference, since it is written\textsuperscript{31}: "He may not desecrate his seed among his people."\textsuperscript{31} There\textsuperscript{32}, we have stated: "A bastard disables and enables to eat. How is this?" And here he says so? Rebbi Tanhuma said, there, "she has no issue" of any kind, but here\textsuperscript{33} one requires enabled seed, not disabled seed. Rebbi Yose ben Rebbi Abun said, the water only serves to permit her to her house; but about this one one tells him to divorce once she went to a secluded place\textsuperscript{34}.

26 Mishnah 4:4; a fuller text in Tosephta 5:4 and Babli 26a as the minority opinion of R. Simeon ben Eleazar; as an alternative explanation in Sifry Num. 19.  
27 A woman lacking secondary female sex characteristics, cf. Yebamot,  
28 A post-menopausal woman.  
29 Num. 5:28.  
30 Why is she excluded from drinking (Mishnah 2)?  
31 Lev. 21:15.  
32 Since any child of the widow
will be desecrated, it is not counted as the High Priest's child. Therefore, as far as he is concerned, his wife is unable to bear children.

33 Mishnah *Yebamot* 7:7. An Israel woman widowed from a Cohen may eat heave as long as *any* Jewish descendant of her husband's is alive; a Cohen woman widowed from an Israel may not eat heave as long as *any* Jewish descendant of her husband's is alive.

34 He rejects the earlier attempt to find a biblical source to the rejection of the widow and explains *Lev.* 21:15 as: "He is forbidden to desecrate his seed." The rule excluding the High Priest's widow is rabbinical. If the Temple court refuses to administer the water, the widow remains permanently forbidden to her husband, who therefore is forced to divorce her.

**Mishnah 3:** The following cannot drink or collect their *ketubah*: One who says, I am impure for you, or one for whom came witnesses declaring her to be impure; one who says "I will not drink." But one whose husband refuses to make her drink, or whose husband copulated with her on the road, collects her *ketubah* but does not drink. About those whose husbands died before she would drink, the House of Shammai say, they collect the *ketubah* but do not drink, but the House of Hillel say, they neither drink nor collect the *ketubah*.
35 They are divorced for adultery; in this case no *ketubah* money is due.
36 She accepts the monetary penalty for adultery without admitting guilt.
37 In both cases the husband prevented her from clearing her name; he has to divorce her but must pay. Cf. Note 2.
38 She cannot drink because she has no husband to bring her to the Temple. But having brought her problem on herself by having had a secret rendez-vous, the husband's heirs can tell her to prove her claim to the *ketubah* money by proving her innocence, following the general principle of monetary claims: "the burden of proof is on the claimant" (Yerushalmi *Sanhedrin* 3:9, fol. 21b; Babli *Baba Qama* 46b).

The reading here is that of all Yerushalmi sources and a number of Mishnah mss.; the reading of the Babli here is "either they drink or they do not collect their *ketubah*," but the text is emended in the Babli, *Yebamot* 38b, to conform to the Yerushalmi reading.

**Halakhah 3:** "The following cannot drink or collect their *ketubah*:
One who says, I am impure for you," etc. Rebbi Joshua said, Ze'i'ra told me in the name of the people of Jerusalem: In three cases, if they want to forgive, they may forgive. These are: The suspect wife, the rebellious son, and the rebellious Elder, etc.

39 In the Babli (25a, *Sanhedrin* 88a): Ze'i'ra the Jerusalemite.
40 The Babli explains: The husband may repeal his declaration of jealousy; then there is no case. However, the Babli (25a) restricts this to the time before the wife had a secret rendez-vous whereas the Yerushalmi (*Sanhedrin* 8:6, fol. 26b) lets the husband rescind his action any time before the scroll was erased.
41 Described in *Deut.* 21:18-21;
Sanhedrin Chapter 8.

42 Deut. 17:8-12. The Babli in the name of "the colleagues in the South" and the Yerushalmi Sanhedrin 8:6 in the name of R. Jehudah ben Bathyra of Nisibis disagree in this case since the authority of the Supreme Court has to be upheld.

Mishnah 4: A woman pregnant by another man or nursing another man’s [child] may neither drink nor collect her ketubah, the words of Rebbi Meir, but the Sages say, he may separate from her and take her back later. A she-ram, an old woman, or a sterile one, neither drinks nor collects her ketubah; Rebbi Eleazar says, he may marry another wife and be fruitful and multiply with her. All other women either drink or cannot collect their ketubah.

43 A pregnant widow or divorcee is (rabbinically) not permitted to remarry until the baby is weaned.

44 The second husband may live separated from his wife until the baby is weaned and there is no risk that the life of the baby be endangered by another pregnancy and a premature stop of nursing.

45 He takes Num. 5:28 as a statement of fact, not a commandment.

46 Since by not drinking they forbid themselves to their husbands; they would have the status of women refusing to live with their husbands who are divorced without payment of the ketubah (Mishnah Ketubot 5:7).
A woman pregnant by another man or nursing another man's [child], etc.

A man should not marry a woman pregnant by another man or nursing another man's [child], but if he did marry her, the verse says about him:

"Do not remove the eternal boundaries and do not enter the orphans' field." He who marries a woman pregnant by another man or nursing another man's [child] has to divorce her and should never retake her, the words of Rebbi Meir, but the Sages say, he may separate from her and take her back later. Does Rebbi Meir always fine people? Let us hear from the following:

"The underage woman who performed halisah should repeat halisah once she becomes of age but if she did not repeat it, the halisah is valid." Rebbi Mana said it without attribution, Rebbi Isaac the son of Rebbi Hiyya the scribe in the name of Rebbi Johanan: It is Rebbi Meir who said that one does not perform halisah or levirate with an underage girl because she might turn out to be a she-ram.

47 A meaningless addition of the corrector (from Deut. 19:14), printed in editio princeps.

48 Prov. 23:10.

49 In the Babli (26a, Yebamot 36b), the Sages require a divorce but permit
a remarriage.

50 Since he has no biblical source for his prohibition of remarriage, it is purely a punitive measure against people who flout rabbinic maxims. Does he always prohibit remediation for actions of that kind?

51 *Yebamot* Chapter 12, Notes 103, 107, 108.

It was stated:

55 In *Tosephta Nidda* 2:2, Babil Ketubot 60b. "A nursing woman whose husband died should not remarry until 24 months later, the words of Rebbi Meir. Rebbi Jehudah says, eighteen months. Rebbi Jonathan ben Yose says, the House of Shamai say 24 months, but the House of Hillel say eighteen months. Rabban Simeon ben Gamliel said, following him who said 24 months, she is permitted to remarry after 21 months; following him who said eighteen months, she is permitted to remarry after fifteen months, since the milk terminates only after three months."
the normal period of nursing a baby is 24 months. Therefore, a normal contract for a wet-nurse is for 24 months.

58 He holds that a baby may be weaned after 18 months without danger to his health even under the sanitary conditions of his time.

59 In the mss. of the Babli, R. Nathan bar Yoseph or R. Nathan bar Yose, but in the Gaonic sources mostly R. Jonathan Bar Yose. In Ma'aserot 5:4, he is called R. Jonathan ben R. Yose and characterized as a student of R. Aqiba.

60 Of a new pregnancy. The baby is not hurt if his mother starts a new pregnancy within three months of the end of his projected nursing period.
immediate remarriage if the baby had suspected to kill their children for a
died since Jewish women are not new husband.

The Sages agree with Rebbi Eleazar that if he had [another] wife and children, she drinks and collects her ketubah. If he had [another] wife and children but they died between the declaration of jealousy and her secret rendez-vous, she already was eligible to drink. If he did not have [another] wife and children but they died between the declaration of jealousy and her secret rendez-vous, she already was barred from drinking.

63 An obvious error but one which appears in both mss.
64 They only hold that the sterile woman cannot be made to drink on the possibility that the husband would at some time in the future marry a child-bearing wife.
65 The status at the time of the declaration of jealousy is determining.
66 This sentence makes no sense. One may conjecture that the original text stated that if the husband acquired a child-bearing wife after declaring his jealousy, it has no influence on the status of his first wife.
Mishnah 5: A Cohen's wife drinks and is permitted to her husband; the wife of a eunuch drinks. One may declare one's jealousy with respect to any incest-prohibited person, except for a minor and a non-man.

67 Since she is cleared, she is permitted to her husband who is forbidden to be married even to a rape victim.

68 As Tosaphot point out (26a, s.v. ראש ושם), the "eunuch" may be either a person born with defective testicles or a person castrated by chemical means. The verse prohibits only a surgically castrated man to marry into the congregation.

69 Even a person who is entitled to be alone with the wife, such as her father, who is forbidden to her by an incest prohibition.

70 An animal, according to the Babli (26b) and the Rome ms.
Halakhah 5: "A Cohen’s wife drinks," etc. Otherwise, what could we say? She drank and the water had no influence on her; she is pure! I could say, merit suspended for her. That is according to him who says that merit suspends and it is not recognizable. But following him who says that merit suspends and it is recognizable? Rebbi Isaac said, really we deal with the case that she drank and the water had no influence on her; that you should not say since the water has no influence on a rape victim, but only on a seduced woman, this one is a rape victim. But a rape victim in the priesthood is like a willing one for an Israel, therefore it is necessary to say that she is permitted to her house. From where that rape disables a married woman in the priesthood? Since in matters of crawling things, which are a trifling matter, He made forced [impurity] equal to intentional [impurity], in the weighty matter of the deviant not so much more? Rebbi Jacob bar Idi stated before Rebbi Jonathan: "If you deviated from under your husband and became defiled," that excludes rape. How do you understand this? He said to him, just as "under your husband" is by consent, so "if you became defiled" is by consent. "She was not raped", she is forbidden. Therefore, if she was raped, she is permitted. But there is a rape victim which is forbidden for an Israel. Who is that? That is one who started by consent and ended up raped. And there is one who is not a rape victim which is permitted to an Israel. Who is that? That is one who started as a rape victim and ended up consenting. Like that woman who came to Rebbi Johanan and said to him, I was raped. He said to her, but was it not sweet to you in the end?
She said to him, if a person dips a finger into honey and puts it into his mouth on the Day of Atonement, does he not feel bad about it and at the end it is sweet? He accepted her.  

71 Reading of the Rome ms., missing in the Leiden ms.; probably a copyist’s mistake.  

72 Cf. Chapter 3, Halakhah 5.  

73 The same argument is anonymous in the Babli, 26a.  

74 For the Babli, the fact that a raped wife is forbidden to a Cohen is immediately obvious from Lev. 21:7 since the definition of a נאנת, usually translated as "prostitute" is (Sifra Emor Pereq 1(7) = Babli Yeabamot 61b) סבתיה יבשיהו "who was the object of an unlawful intercourse". The formulation in the passive clearly implies that a rape victim is included.  

75 This argument is based on the identity of the word "impurity" used both for ritual impurity (in this case, by touching a dead reptile) and guilt; cf. M. Cohen, מונח ממה להמה ולאשה והותר ולשון, יסעור ארסיית יסעור נאנת ישיבת, תקנת ממה כת, [ף ת"כ] ת"כ, 306-289. Touching a dead reptile is a minor impurity which can be repaired immediately by immersion in water before sundown. There is no difference between intentional or unintentional defilements. By contrast, sexual defilement has far-reaching consequences.  

In an elliptic version the argument is in Sifry Num. 7. One needs the detailed argument here to understand the text there.  

76 This second argument is accepted in the Babli (26a, Yeabamot 56b).  

77 She started playing with another man and ended up being raped against her will. The Babli does not consider this case as one of consensual sex.  

78 This case is accepted by the Babli, Ketubot 51b.  

79 He wanted to forbid her to her (Israel) husband, following the opinion of Samuel’s father (Abba bar Abba) who considers rape that in the end is accepted by the victim as consensual sex; Babli Ketubot 51b.  

80 She is permitted to her husband. This argument is reproduced in the Babli by Rava who is known as a frequent mouthpiece of Yerushalmi arguments. The same argument used in the opposite sense in a tannaitic statement is in Babli, Niddah 45a.
"If you deviated from under your husband and became defiled,\(^{82}\) that excludes\(^{83}\) a castrate's wife. "And a man ejaculated into you\(^{82}\), that includes a castrate. "Except for a minor and a non-man," e. g., an ape.

81 From the Rome ms. which has עצב, misreading ב.
82 Num. 5:20.
83 One would have expected "includes" since her husband has a penis if he is permitted to her (Note 68). Babli 26a, Sifry Num. 13 read: "Other than your husband", that includes a eunuch's wife.

Mishnah 6: For the following the court will declare jealousy: One whose husband had become a deaf-mute, or insane, or was confined in a jail; not to make her drink but to make her ineligible for her ketubah\(^{84}\). Rebbi Yose says, also to make her drink: When her husband will be freed from jail he should make her drink.

84 Since Num. 5:14 requires the husband to declare his jealousy in order to bring her to the Temple. R. Yose requires the presence of the husband only for the trip to the Temple and the ceremony (vv. 15 ff.)
Halakhah 6: "For the following the court will declare jealousy," etc.

"The children of Israel.\(^{85}\)"

84 *Num. 5:12.* Why is a law dealing with the private relations between a man and his wife addressed to the people? To make this a part of public law which falls under the purview of the court. The Babli, 24a, derives the power of the court from the expression "איש כל" "every man" in v. 12, which includes the incompetent who are dependent on the court.

85 Why can he not make her drink?\(^{86}\) It is a decision of the verse: "The man shall bring his wife to the Cohen." Then he should not be able to declare his jealousy! The Torah said, "and he declared his jealousy to his wife," "and he declared his jealousy to his wife," even if she is only partially his wife.

86 Why does the majority not empower the freed or healed husband to make his wife drink?

87 *Num. 5:15.*

88 The court as guardian of the incapacitated man should not be able to do what he himself could not do at the moment.

89 *Num. 5:14; the court is empowered even if the man is temporarily disabled from acting as a husband.*
From where that the intercourse of a disabled disables? What are we talking about? If about a married woman, there is a serious [offense]. If about a widow married to the High Priest, it already is written "The man shall bring his wife to the Cohen." What is equal between them is: Everybody's intercourse disqualifies those whose descendant would be disqualified. These are: "A child of nine years and one day, an Ammonite, Moabite, Edomite, or Egyptian proselyte, or a bastard, desecrated, Gibeonite, Samaritan, and Gentile who had intercourse with the daughter of a Cohen, a Levite, or an Israel, disqualified her for the priesthood. Rebbi Yose said, everybody's intercourse disqualifies those whose descendant would be disqualified; his intercourse does not disqualify those whose descendant would not be disqualified. Rabban Simeon ben Gamliel says, in all cases, if his daughter is permitted to you, so is his widow; if his daughter is not permitted to you, neither is his widow."

90 Disables a woman of the priestly clan (a wife or a daughter) from eating sanctified food such as heave; cf. Yebamot 7:5.
91 Adultery is a capital crime.
92 Cf. Note 87. Mishnah 1 already stated that a forbidden wife is not counted as a wife and we just have established that the intercourse with a man who cannot be legally married
bars a woman from priesthood.

93 The child of the otherwise married woman is a bastard, the child of the widow married to the High Priest is desecrated.

94 This text is from Yebamot 7:5, Notes 111-116.
Mishnah 1: Just as the water checks her out so it checks him out, as it is said, "it will come, it will come". Just as she is forbidden to the husband so she is forbidden to her paramour as it is said, "she was impure, she was impure," the words of Rebbi Aqiba. Rebbi Joshua said, that was the inference of Zachariah the butcher's son. Rebbi said, the two times it said, "she became impure, she became impure," once for the husband and once for the paramour.

1 The wife's paramour. It is moreover stated in Halakhah 9:9 (Babli 28a) that the procedure becomes inactive if the husband had ever misbehaved sexually.

2 This will be explained in the Halakhah.

3 An early Tanna, student of Rabban Joḥanan ben Zakkai.

4 In Num. 5:13,14 it is stated twice "she became impure", meaning "she became forbidden"; cf. Chapter 4, Note 75, and the Introduction.
Halakhah 1: "Just as the water checks her out," etc. We stated "they came, they came". Some Tannaim stated "they will come, they will come". He who said "they came, they came" is Rebbi Aqiba, he who said "they will come, they will come" is Rebbi Ismael. We stated "she became impure, she became impure", some Tannaim stated "and she became impure, and she became impure". He who said "she became impure, she became impure" is Rebbi Aqiba, he who said "and she became impure, and she became impure" is Rebbi Ismael.

5 In the Rome ms., הוהי והוהי. This is Babli style.

6 R. Ismael holds that כלשהם ביני אם "the Torah speaks in everyday language" (Yebamot 8:1, Note 72; Nedarim 1:1; Sabbath 19:2; Babli Berakhot 31b and 18 other places). This means that any verse containing no linguistic feature noted as an exception in Gesenius-Kautzsch must be interpreted following the hermeneutical rules detailed in the introduction to Sifra. R. Ismael's argument here is a straightforward application of his rule 3: נכין ע"ה沪深 נומא רחא "meaning established by one verse". Since both ובא (vv. 22,27) and נטפש (v. 29) [correctly in Midrash of the 32 Rules: בתיה נטפש (vv. 13,14)] are well defined by the first occurrence, the second occurrence has the parallel meaning but refers to a different subject. That this second subject is the suspected adulterer is never indicated in the verse but since he is the only other person possibly being impure in this situation, the transfer of the meanings to him makes sense.

R. Aqiba negates absolutely that "the Torah speaks in everyday language". For him, any vaw prefixed to a word has a hidden meaning. [Since his co-student Aquila translated the Torah in this sense "before Rebbis Eliezer and Joshua" (Megillah 1:11 fol. 71c, Babli 3a), one may attribute this
transformation of the Pentateuch into a book of codes to the tradition of their common teacher Rabban Johanan ben Zakkai.] R. Aqiba is not deterred by the fact that in \( \text{vav} \) is both conjunctive and converive; any \( \text{vav} \) that is translated even in the LXX by καὶ must indicate a duplication of meaning. If the duplication of subjects were not intended, then Scripture would have found a way to use only (or imperfect) without the \( \text{vav} \).

The Babli, 28a, takes notice only of the teachings of R. Aqiba.

It was stated\(^7\), מָזָא הָנָה. Is that written? It follows what Rebbi Immi said in the name of Rebbi Johanan: For interpretation, one removes from its beginning to its end\(^9\). Rebbi Hanina in the name of Rebbi Jeremiah: Even a middle word. "You have to pour oil on." You have to pour oil on a flour offering, to subject all flour offerings to pouring\(^10\).

7 In order to prove that the adulterer is punished by the bitter water just as the adulteress is.

8 A copyist's error makes this expression unintelligible. It must read רכזנה רכזנה. Than means that instead of רכזנה רכזנה "they will come into her" (v. 27), the final \( \text{vaw} \) is transferred from the end of the first word to the beginning of the second to read רכזנה רכזנה "it will come, and into her", implying that the water will come into somebody and into her, establishing that the presumed adulterer can also be checked out by the water. The technique of transferring letters is accepted not only by the Yerushalmi (also Nazir 5:1, 43d line 67; Horaiot 1:3, 46a, line 24) but possibly also in the Babli (Yoma 48a, Baba batra 111b, Zebahim 25a, Bekhorot 44b).

(Such an argument is quite impossible in a paleo-Hebrew text where the words are separated by a physical divider. The technique of moving letters from the end of one
word to the beginning of the following, so much in fashion in modern criticism, presupposes that a change occurred at a late time when there were no longer any paleo-Hebrew texts in use.)

9 It really should be "from end to beginning".

10 Lev. 1:6: "You have to break it into little pieces and pour oil over it; [because] it is a flour offering", speaking of a pan-fried offering. For some flour offerings it is only specified that oil has to be included, or that oil has to be put on it. From this verse one concludes that "putting on" or "mixing" means "pouring oil over the flour". The argument here proposes to read רֶבֶן instead of רֶבֶנֶנָא. This is based on the teaching of R. Aqiba who disregards masoretic accents in all cases (cf. H. Guggenheimer, The Scholar's Haggadah, Northvale NJ 1995, pp. 306-307) but in the Babli (cf. Note 8) is strongly opposed by Rava who objects to applying a surgeon's knife to a verse (cf. the explanations of R. Hananel in 'Arukh, s. v. וא, and Rashbam in Baba batra 111b, s. v. סלライン)

11 Tosaphot (27b, s. v. כז) read correctly רכז. The reference is to the (Alexandrinian) custom of using letters as numerals. The count of ד"ח" יפ is 5+40+1+200+200+10+40 = 496 = 2 · 248.

12 Mishnah Ahilat 1:8. A part is either a bone or a vital organ, such as the genitals. No talmudic source, in contrast to medieval rabbinic texts, makes a difference between the number of parts of the male and those of the female.

The implication of the sermon is that the bodies of adulterer and adulteress together bring on the evil spell.
Did we not state: "Just as the water checks her out so it checks him out"?  

Just as she is forbidden to her husband, so she is forbidden to her paramour. Just as she is forbidden to her husband’s brother, so she is forbidden to her paramour’s brother. Just as the water checks her out for every single intercourse for which she receives her husband after
[intercourse with] her paramour, so it checks him out. Since she in general becomes forbidden, whether by him or by another man, she is checked out. But when he makes her drink, he is checked out. If it checked him out but not her, I would say that merit suspends for her. That is according to him who says that merit suspends and it is not recognizable. But following him who says that merit suspends and it is recognizable? Look, she was not recognized! But I could say that she drank uncovered water and it swelled. They should not have her checked out in this way but correctly! But I could say that he was in secret with other women. Did we not think to say, when he makes her drink, he is checked out? Explain it that he had criminal intent but she acted in error; then the water checked him out but not her. If the water checked her out but not him, I would say that merit suspends for (her) him. That is according to him who says that merit suspends and it is not recognizable. But following him who says that merit suspends and it is recognizable? Look, she was not recognized! But I could say that she drank uncovered water and her belly swelled. They should not have her checked out in this way but correctly! But I could say that she was in secret with other men. Then if he divorced her, she would be permitted to him. Explain it that he acted in error but she had criminal intent; then the water checked her out but not him. If he had criminal intent but she acted in error, then it is obvious that she is permitted to her house. If he divorced her, would she be permitted to him? Is it possible to say that he had criminal intent and you say so? If he acted in error but she had criminal intent, it is obvious that she is forbidden to her house. If he divorced her, would she be permitted to him?
possible to say that she left because of him and you say so? From where do we know that all depends on her? Simeon bar Abba in the name of Rebbi Johanan: Is is written: "Do not ejaculate semen into your neighbor's wife to be impure through her." It depends on her; if she had criminal intent, she is forbidden, acted in error she is permitted.

Since Tosaphot in the first Chapter does not quote the Yerushalmi but in the following copies the Yerushalmi frequently, it seems that the printed Tosaphot of the later chapters are from a different author; against E. E. Urbach in the Introduction to Berakhot, medieval authors are not to be considered as ms. sources, even if the passage is quoted. The text before us could be read either as "when he (the paramour) will drink (on the husband's demand)" or, befitting the context, as "if (the husband) will make (the wife) drink". As explained in the Text of Tosaphot (Note 11): it is written: "Do not ejaculate semen into your neighbor's wife to be impure through her." It depends on her; if she had criminal intent, she is forbidden, acted in error she is permitted.
for itself, not in the course of an argument where paraphrases are common. The reading of Tosaphot is not a reason to question the ms. text.

15 The scribe wrote דבוקותית. It seems that the ms. before him had דבוקותית, "to check him out", but the scribe recognized that the masculine was inappropriate and indicated that one should read מבדוקתית, "to check her out".

16 The next few sentences are copied from Chapter 1, Note 128. But see the Tosaphot text in which only one sentence from there (and Yebamot Chapter 10, Notes 49 ff.) appears.

17 Cf. Mishnah 2:5 that the husband may stipulate that the water check her out not only for adultery with the named respondent but with any man whosoever.

18 The husband.

19 The suspected adulterer.

20 The water is presumed to act at a distance, to make the adulterer's belly swell and his waist disappear. (Cf. Note 14).

21 Cf. Chapter 3, Halakhot 4,5.

22 Water which was left standing uncovered and unattended may contain snake poison, cf. Terumot 8:5, in particular Notes 113 ff.

23 Meaning the adulterer's.

24 Reading רכלן "correctly" with Tosaphot, against a nondescript "so" in the text. It would be against all rules if water which was left unattended in a vessel were used in the Temple.

25 The accused boy friend was an adulterer but not with that woman.

26 The water acts at a distance only from a woman with whom he actually committed adultery; the explanation attempted in the previous sentence is impossible.

27 If either it was a case similar to date rape or that the adulterer impersonated the husband.

28 Added from Tosaphot, missing in the mss.

29 From Tosaphot text.

30 The Yerushalmi forbids the wife even to the unintentional adulterer; e. g., if she told him that she was single.

31 Lev. 18:20.

32 Everything depends on her status; since a rape victim is permitted to her husband, the divorced rape victim is permitted to the rapist but the woman who pretended to be single is forbidden to her boyfriend after her divorce.
Mishnah 2: On the same day, Rebbi Aqiba explained: "Any clay vessel into which some of them would fall, all inside shall become impure." It does not say "is impure" but "shall become impure"; this teaches about the secondarily impure loaf that it defiles the tertiary.

Mishnah 3: Rebbi Joshua said, who would remove the dust from your eyes, Rabban Johanan ben Zakkai, since you were saying that a future generation would purify the tertiary loaf since there is nothing about it in the Torah, but behold, your student Aqiba supports it by a verse from the Torah, as it has been said, "everything inside shall become impure."

33 According to the Babli (Berakhot 28a), any Mishnah which starts "on the same day" was formulated on the day Rabban Gamliel was deposed. There is no proof that this ever was a Galilean tradition.  

34 Lev. 11:33, speaking of dead reptiles (which are carriers of original impurity) falling into a clay vessel. In the biblical laws of impurity, no defilement is imparted to a clay vessel touched by impurities from the outside. But if the clay vessel encloses a space that can be covered and something of original impurity enters the space (even before it touches any wall), the entire vessel becomes impure in the first degree. [Degrees of impurity are explained in the commentary to Demay, Chapter 2, Note 137.] Therefore, any food inside the vessel becomes impure in the second degree. If that food touches food susceptible to tertiary impurity, the latter becomes impure in
the third degree. Which food can become impure in the third and fourth degrees is a matter of discussion in the Halakhah.

The same verse states that a clay vessel can be purified only by being broken. The shards become pure writing material.

35 Probably he reads יִפְסָת "it will defile" in place of יִפְסָת: "it shall become impure". Revocalization of the consonantal text is a technique accepted by R. Aqiba, rejected by R. Ismael.

36 He holds that the possibility of tertiary impurity for heave and sacrifices and quaternary for sacrifices is traditional rather than biblical.

The slightly enlarged text is also in Sifra Semni Parasha 7(12).
Rebbi Yose said in the name of Rebbi Jonah, they said, Rav in the name of the elder Rebbi Ḥiyya: The tertiary comes because of the reptile. This implies that he said that Rebbi Aqiba referred to both heave and profane food. A Mishnah disagrees with Rav: "If tithe food was prepared [for impurity] by a fluid and a tevul yom or unclean hands touched it, one may take from it the heave of the tithe in purity because it is tertiary, and the tertiary is pure for profane food." He explains that it is a leniency about hands [whose impurity is rabbinical. But did we not state: "A tevul yom"? Explain it by a tevul yom from [the impurity] of a broken field. Rebbi Zeira said, you may even say a biblical tevul yom. There is a difference since it is written "pure, impure". Pure for profane food during daytime and for heave when it gets dark. Rebbi Haggai objected before Rebbi Yose: May we not say: Pure for touch and impure for eating? He answered him, vessels are mentioned in the paragraph! Can you say about vessels that they are pure for touch and impure for eating?

37 The question is whether profane pure food touched by something impure in the second degree remains pure or becomes impure in the third degree.

38 See Note 34. An additional argument, mentioned in Babli 29b, is needed to clarify the statement of R. Aqiba. An original source of impurity is either a "father of impurity" which in touching a pure vessel, person, or food induces primary impurity, or a "grandfather of impurity" creating a "father of impurity" by contact (cf. Demay, Chapter 2, Note 137). If a piece of "grandfather of impurity" falls into the clay vessel, the vessel becomes "father of impurity" and the loaf lying in it becomes impure in the first degree. In that case, one has ample biblical references that the loaf is still active in transmitting impurity, generating secondary impurity; the tertiary impurity mentioned by R.
Aqiba is not addressed. Therefore, it is important to state that Lev. 11:33 is written in a paragraph dealing with the impurity of dead reptiles which are only "fathers of impurity", inducing impurities that can be washed off by immersion in water. In the entire paragraph, no mention is made of sanctified food. Therefore, the impurity of dead reptiles implies the existence of tertiary impurity of profane food.

39 The Babli, 29a, knows only that Rav holds that tertiary impurity does not exist for profane food. It does not mention any contrary opinion.

40 Mishnah Tevul Yom 4:1.

41 Solid food can become impure only if it was in contact with either water or human body fluids under certain circumstances; cf. Demay Chapter 2, Note 141.

42 A person who was impure and cleansed himself by immersion in water during daytime. It is explained in Lev. 22:6-7 that impurity is removed by immersion in water during daytime "and when the sun disappears he will be pure; afterwards, he may eat sanctified food." (The Babli, Berakhot 2a/b, discusses whether השם יינו means "the sun disappears" or "the sun rises"). The tevul yom therefore is no longer impure but before sundown he is not pure for sanctified food; cf. Demay Chapter 2, Note 138; Terumot Chapter 2, Note 51. Since he is forbidden only sanctified food, one may assume that he is pure for profane food. In rabbinical terms, the tevul yom after immersion but before sundown is treated as impure in the second degree.

43 Unwashed hands, of an otherwise pure person, are always rabbinically impure in the second degree until washed with at least a revi'it (135 cl) of water; cf. Bikkurim Chapter 2, Note 4; Demay Chapter 2, Note 160.

44 Tithe food in the hand of a Levite is totally profane. The Levite is required to give 10% of the tithe to the Cohen as heave of the tithe, which is sanctified food. While the tithe before the separation of the heave is forbidden as tevel, it is not sanctified and any impurity, even secondary, would eliminate the tithe as a source of heave (cf. Hallah, Chapter 3, Notes 43-44). If the tevul yom may touch tithe from which no heave was given it proves that tertiary impurity does not apply to profane food.

45 A "broken field" is agricultural property of which it is known that it once contained a grave. The position
of the grave is unknown; also it is unknown whether bones from the grave have been dispersed on the field by ploughing. Since there are doubts whether any impurity still exists or where it might be, and it is an open field (where a doubt of impurity is inactive, cf. Chapter 1, Notes 87-96), a person walking over the field is only rabbinically impure.

46 Lev. 11:32 has expressions of purity and impurity: "It shall be immersed in water, be impure until evening, and be pure". This implies that a tevul yom vessel is both impure and pure; it is according to tradition that one decides in which domain it is pure and in which impure. In 22:6-7, the tevul yom person is only forbidden sanctified food in his intermediary state.

47 Since the distinction of the influence of a tevul yom on profane or sanctified food is one of interpretation, could one not understand from the verses that the tevul yom contaminates any food but is free to touch?

48 The rules of purification in stages by immersion in water (Lev. 11:32) deal with vessels, which are inedible.

A Mishnah supports Rav: "Profane food which is impure primarily is impure and defiles, secondarily it invalidates but does not defile, but the
tertiary can be eaten in heave broth. This implies that it is forbidden to turn it into heave. And it is said after that: "Heave which is impure primarily or secondarily is impure and defiles, tertiarily impure it invalidates but does not defile, but the fourth degree can be eaten in sacrificial broth." If you say that it is forbidden to turn it into sacrificial food, you would find that Rav's statements are contradictory since Rebbi Abba said in the name of Rav: The tertiary comes because of the reptile but the fourth degree can be turned into sacrificial food, because they spoke about fourth degree [of impurity] for sacrifices only for dedicated sacrifices of the Temple! Rebbi Huna said, are we not talking about heave? But it is forbidden to turn heave into sacrificial food in order to avoid accidents! And it was said after that: "Sacrifices which are impure primarily, secondarily, or tertiarily are impure and defile, impurity in the fourth degree invalidates but does not defile, but the fifth degree can be eaten in sacrificial broth." If you say, it is forbidden to turn it into sacrificial food, is there any impurity of the fifth degree in sacrifices? But you say there is not. So here also, there is not.

49 Tahorot 2:3.
50 Food whose impurity is contagious is called ומ"impure"; if it cannot be used for any purpose but is not contagious it is called מלס"invalid". Secondarily impure profane food invalidates heave by its touch.
51 The Cohen who eats heave can cook his meal with profane spices that have touched secondarily impure food since secondarily impure profane food is inactive if it touches other profane food.
52 Since it is only permitted to spice heave broth with spices that have touched secondarily impure food, it is implied that the potentially tertiary cannot itself be dedicated as heave.
53 In parallel with the later text, א UNSIGNED is read as a misspelling for דדמי, following all commentators.
54 Tahorot 2:4. The Babli, 30a,
quotes Mishnah *Tahorot* 2:2 in which R. Joshua disagrees.

55 Cf. Note 38. It is clear that *Lev.* knows of a status of invalid sacrificial food induced by touching impurity since v. 7:19 requires that sacrificial meat which touched impurity must be burned but is not labelled "impure". In Chapter 11, vessels which touched a dead reptile are called "impure". Therefore, it is established that for sacrifices, anything declared impure in v. 11:33 invalidates sacrifices by its touch. This means that for R. Aqiba in Rav's interpretation, the fourth degree of impurity in the Temple is biblical, but for the rabbis (and for R. Aqiba in Samuel's interpretation) only tertiary invalidity is biblical. (Babli 29b).

56 It is a positive commandment for the Cohen to consume his heave (*Num.* 18:11). Therefore, it is forbidden to expose heave to situations where it could no longer be consumed. But sacrificial food can become invalidated in many ways (such as leaving the Temple precinct, being left overnight, etc.) that would not invalidate heave. Therefore, mixing heave with sacrificial food exposes the Cohen to sinning.

57 *Tahorot* 2:5.

58 Since sacrificial food touching invalid food of the fourth degree remains pure by the definition of invalidity, there can be no reason why profane food prepared by the standards of sacrificial purity could not be dedicated as a valid sacrifice. Therefore, the argument that the Mishnah permits only the addition of profane food one step removed from invalidity to heave but not turning it into heave has no basis in the text and the Mishnah does not support Rav's position.

ンωιδεκχεσίιν εκ μακησμάτων άσεσεν Λαύσεως τέρωμα.

κατά Κόλων· ἀποφέλε σέρυ ἀποκόπτε. ἐντείχε τοία βῆμα βρέκε ἡλία. ἀποφέλε σέρν

ἐκθέτει λῦμα. τερμαί νομισσίν ἔπτιθεν. μὴ διελθείν νομισσίν γαίην πόιξ εις

κατά λαύσων τέρωμα. ἀνύμφειενιν σέρν ἀποκόπτεν ἀπεταλείπτοντες τέρωμα.

κατά τοῖα βῆμα βρέκε ἡλία. σέρν ἀποκόπτεν ἀπεταλείπτοντες τέρωμα κατά λαύσων τέρωμα.

κατά τοῖα βῆμα βρέκε ἡλία. σέρν ἀποκόπτεν ἀπεταλείπτοντες τέρωμα κατά λαύσων τέρωμα.

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κατά τοῖα βῆμα βρέκε ἡλία. σέρν ἀποκόπτεν ἀπεταλείπτοντες τέρωμα κατά λαύσων τέρωμα.
Rebbi Johanan said: The tertiary comes because of the reptile but it is (forbidden) [permitted] to turn it into heave. They asked before him: Even for Rebbi Aqiba? Rebbi Yose in the name of Rebbi Hila: Even following Rebbi Aqiba. And why? The tevul yom makes invalid, secondary impurity makes invalid. Just as the tevul yom does not invalidate profane food that it could not be turned into heave, so secondary impurity does not invalidate profane food that it could not be turned into heave. Rebbi Yose in the name of Rebbi Johanan: The tertiary comes because of the reptile, and it is (forbidden) [permitted] to turn it into heave but (permitted) [forbidden] to turn it into sacrificial food. Rebbi Ze'ira asked before Rebbi Yasa: It defiles sacrifices and you say so? He said to him, because of the distinction. Rebbi Samuel ben Rebbi Isaac said, the source of its impurity is the distinction. Rebbi Yose said, why does it defile sacrifices? Because of the distinction. Rebbi Yudan said, even for the rabbis who say that there is no tertiary in profane food, why is it forbidden? It defiles sacrifices because of the distinction. Rebbi Yose said to him, do we not need to hear this from a great personality?

59 While both mss. read רבי the following argument shows that it must read מורי.
60 If the first term reads "permitted", this one must read "prohibited", against the testimony of both mss. While a point could be made here to read "permitted", it would involve some twisting of the following argument.
Since tertiary impurity induces one of the fourth degree, what is the point in stating that one may not turn tertiary food into sacrifices? It is implied that vegetable sacrifices (flour, wine, oil, and incense) must be prepared by the standards of sacrificial food from the moment they become susceptible to impurity.

Except for R. Aqiba in the interpretation of Rav, invalidity of sacrifices of fourth degree impurity is purely rabbinic, to elevate sacrifices one step over heave which has no connection with the Temple; cf. Note 55.

This student of Rav and Rav Huna agrees with R. Yasa (Assi), student of Samuel and R. Johanan, that impurity of the fourth degree is purely rabbinical.

That two fifth-generation Amoraim have to confirm the consensus of the third generation shows that this purely theoretical statement, almost 300 years after the destruction of the Temple, failed to be accepted popularly. It is defended at length in the Babli, Hagigah 22a/b.

There, they say, because Rebbi Joshua praised Rebbi Aqiba, it implies that practice follows his argument. The rabbis of Caesarea say, he praised...
him for his ingenuity, but in fact practice does not follow his argument, since Rebbi Aha, Rebbi Maisha, in the name of Rebbi Eleazar said, one whips for tertiary [impurity] for tithes, even according to Rebbi Aqiba. Rebbi Yudan in the name of Rebbi Hilai: Even according to Rebbi Aqiba one does not whip. Why? The tevuł yom makes invalid, secondary impurity makes invalid. Since the tevuł yom has no touch for profane food, also secondary impurity has no touch for profane food. Rebbi Eleazar said, as the count for profane food so is the count of tithes. This corresponds to what Rebbi Jonah, Rebbi Immi, said in the name of Rebbi Simeon ben Laqish: We deal with somebody who ate profane food, and that Chapter deals with tithe. Rebbi Yose said, even its primary [impurity] is not clear. Not "I will not eat" is written, but "I did not eat."

Rebbi Abba Mari said, since it is written "following all Your commandments which You commanded me," is it as if it were not clear?  

While this is the text in both mss., one has to read רוש. This refers to the Second Tithe, food that the farmer retains for himself and his family, to be eaten in purity in Jerusalem. On that occasion, he has to declare in the Temple that he "did not separate it while impure" (Deut. 26:14; Bikkurim 2:2). This implies that Second Tithe becomes desecrated by impurity and must be redeemed. The question is whether eating Second Tithe in any state of impurity is a criminal offense, for which the punishment is whipping. The thesis advanced here is that Second Tithe has a status equal to heave, so that tertiary impurity makes that tithe unusable.

The Babli certainly agrees that the statement of R. Joshua is not an endorsement of the practice since it quotes Mishnah Tahorot 2:2 in which R. Joshua disagrees with R. Eliezer whom R. Aqiba follows.

It is always held that first tithe after separation of the heave of the tithe is totally profane in the hand of the Levite, even if consumption is restricted to Levites of good standing.

The meaning of this word is...
unclear; possibly this is a reflection from "even" in the next sentence.

68 This means that as far as the status of purity is concerned, the touch of a *tevuł yom* is totally irrelevant.

69 Since Second Tithe is eaten by the farmer's family, without anything being given to Cohanim or Levites, it cannot have the status of sanctified food.

70 Since for profane food one has only primary and secondary impurity, not tertiary, the same holds for tithes. This contradicts the statement quoted earlier in the name of R. Eleazar.

71 Reading בָּלָה as contraction of בָּלָה.

72 Chapter 2 of *Tahorot*, which was quoted in the previous paragraph and which details the stages of impurity, mentions only profane, heave, and sacrificial foods. Since the tithes are not mentioned and First Tithe is profane, it is clear that tithes are classified with profane food.

73 *Deut.* 26:14. It is clear that if the farmer ate some Second Tithe in impurity, he cannot make the declaration in the Temple. But this does not imply that eating in impurity is forbidden as a criminal act.

74 Since the verse classifies all that is mentioned there as God's commandments, necessarily the infractions which bar the farmer from making the declaration are criminal acts.
Rebbi Abbahu in the name of Rebbi Mana: Why did they say that secondarily impure profane food defiles profane fluids? Because of the hands. Since hands, [whose impurity] is rabbinical, defile profane fluids, secondarily impure food, [whose impurity] is biblical, not so much more? Also, since hands, in a case of doubt whether they defiled, impart impurity, so also secondarily impure fluids, in a case of doubt whether they defiled, impart impurity. Rebbi Hanina objected before Rebbi Mana: Look, if somebody eats secondarily impure food and drinks secondarily impure fluids, in a case of doubt whether they defiled, they impart impurity. But secondarily impure foods by biblical standards, in a case of doubt whether they defiled, leave it pure! Rebbi Hanina said before Rebbi Mana: Do we not deal with heave? He said to him, even if you say that we deal with heave; is the one who argues "is impure", "shall become impure" as word of the Torah not Rebbi Aqiba?

75 From the Rome ms., missing in the Leiden ms.
76 R. Mana I.
77 It is a general principle that impure fluids are always primarily impure (cf. Mishnah Parah 8:7, Berakhot Chapter 5, Note 46; Demay Chapter 2, Note 137). This implies that fluids are never just invalid; if they were in contact with impurity, they are always active polluters. This is a rabbinic rule. The sources are discussed in detail in the author's The Scholar's Haggadah (Northvale 1995), pp. 230-231.
78 By rabbinic rule, unwashed hands are always secondarily impure. Washed hands remain pure as long as one does not forget about them. The argument here is that the rabbinic institution of impure hands would be incomplete and inconsistent if biblically impure foods did not have the same effect. There is no claim that secondarily impure food defiles fluids to be primarily impure by biblical standards.
79 This statement parallels the formulation everywhere in the Babli that impure fluids of any degree act as
if impure in the first degree.

The entire argument is not relevant for practice, as noted at the end of the paragraph, since Mishnah Tahorot 4:2 declares the food that might have been touched by secondarily impure food as pure. This is a sure sign that the argument here follows R. Aqiba.

80 Profane food cannot become impure by secondary impurity. Heave can become impure, but in a public place a doubtful impurity is inactive.

81 He seems to be R. Hanania of Sepphoris arguing before R. Mana II.

82 If secondary impurity is active, it must follow R. Aqiba who equates profane and heave foods in their stages of impurity. For everybody else, the arguments are irrelevant.

There they say: The prophet Haggai asked two questions; one they answered correctly and one incorrectly. Assume a man carries holy meat in the corner of his garment.” The corner is of primary impurity, the holy meat of second degree, bread and soup of third degree, wine, oil, and food of the fourth. Does there exist a fourth degree of impurity for sanctified food? "The Cohanim answered, and said: No." They did not answer correctly, since there is a fourth degree of impurity for sanctified
food\textsuperscript{85}. "Haggai said, if a person impure by the impurity of the dead would touch all of these, would they be impure?" If the corner would be impure by the impurity of the dead\textsuperscript{86} and touched these. Would it be impure? "The Cohanim answered and said, it would be impure." They answered correctly. But Rebbi Jeremiah, Rebbi Hyya said in the name of Rebbi Johanan: He asked them before they decided about fourth degree [impurity] for sanctified food\textsuperscript{87}. Then why did he curse them\textsuperscript{88}? As a person who looks for a pretext against his neighbor. What difference does it make for the House? Is that not what he said: "What they are sacrificing there is impure\textsuperscript{89}"? That is what Rebbi Simon bar Zavdi said, they found the skull of Ornan the Jebusite\textsuperscript{90} under the altar.

\textsuperscript{83} In Babylonia. However, in the Babli, \textit{Pesahim} 17a, only one verse is discussed and Rav thinks that the question was about fourth degree impurity and the Cohen's answer was wrong but Samuel thinks that the question was about fifth degree and the answer was correct. Modern commentaries on \textit{Haggai} 2:12-13 do not contribute to the understanding of the verses.

\textsuperscript{84} \textit{Hag.} 2:12. In the verse, the question is יָלַד "is it going to be forbidden as sanctified food?"; cf. Introduction to Tractate \textit{Kilaim}. Sanctified food can be forbidden only if it is either impure or out of its proper place or time. Since the second type of prohibition is not applicable here, the question must be one of impurity.

\textsuperscript{85} This argument gives biblical status to impurity of the fourth degree but rabbinical to the primary impurity of all impure fluids. Therefore, it belongs to the tradition of R. Aqiba.

\textsuperscript{86} In that case, the garment of the mourner would have original impurity and the sacrificial meat would be impure in the first degree.

\textsuperscript{87} In that case, both answers were correct.

\textsuperscript{88} He really did not curse them but needed the answer "impure" as a starting point of his sermon.

\textsuperscript{89} \textit{Hag.} 2:14.
89 The original owner of the Temple Mount, 1Chr. 21:18-26. In Pesahim 9:1 (fol. 36c), Nedarim 6:13 (fol. 39d), Sanhedrin 1:2 (fol. 18d), the version is that Ezekias had to postpone the celebration of Passover (2Chr. 30:2-3) for a month because Ornan’s skull was found under the altar (quoted by Tosaphot, Sanhedrin 12a). That version sounds more original.

Rebbi Aha in the name of Rebbi Abba bar Cahana: They were expert in pushings

but not expert in slight impurities. Assume a man carries holy meat," he asked them whether someone impure by the impurity of the dead imparts impurity by pushing. "The Cohanim answered, and said: No," they answered him correctly. He asked them whether someone impure by the impurity of the dead imparts slight impurity. "The Cohanim answered and said: It will be impure." They did not answer correctly, for the impurity of the dead does not impart slight impurity.

90 A person with gonorrhea imparts impurity to anything he moves, even if he never touched it and it was lying on a platform that could never become impure (such as a flat wooden plank.) Cf. Demay Chapter 2, Note 163.

91 A person with gonorrhea imparts original impurity to anything he sits on (Lev. 15:10) directly or indirectly. Anything which is above the person becomes impure rabbinically in a "slight impurity"; cf. Mishnah Zavim 4:6, Demay Chapter 2, Note 162 and J. Levy’s long explanation in his Dictionary, vol. 3, s. v. פה, with H. L. Fleischer’s long etymological note, p. 305.
Both kinds of impurity are restricted to persons whose own body

Rebbi Tanḥuma, Rebbi Phineas, in the name of Rebbi Levi: He asked them about the fifth degree of sanctified food. Assume a man carries holy meat in the corner of his garment." The corner is of primary impurity, the holy meat of second degree, bread and soup third, wine and oil fourth, and the food of the fifth degree. Does there exist fifth degree impurity for sanctified food? "The Cohanim answered, and said: No." They did answer correctly, since there is no fifth degree impurity for sanctified food. Then why did he curse them? As a person who looks for a pretext against his neighbor. What difference does it make for the House? Is that not what Rebbi Simon bar Zavdi said, they found the skull of Ornan the Jebusite under the altar.
It was stated: "Rebbi Yose said, from where that the fourth degree is disabled in sanctified food? It is an argument. Since one who lacks expiation is not disabled for heave but disabled for sanctified food, it is only logical that third degree [impurity] which is disabled for heave should disable for sanctified food. That means, we learned third degree from a verse and fourth degree from an argument de minore ad majus." Rebbi Johanan objected: Food that was touched by a tevul yom is a counter-example, because it is disabled in the case of heave but not disabled in the case of sanctified food. Rebbi Hiyya in the name of Rebbi Johanan: Rebbi Yose argues the method of his teacher Rebbi Aqiba. Just as Rebbi Aqiba says "it will be impure", it makes impure by the words of the Torah, so Rebbi Yose says "it will be impure", it makes impure by the words of the Torah. Rebbi Abbahu in the name of Rebbi Yose bar Hanina: Rebbi Yose does not need that argument de minore ad majus. Rebbi Yose explains the verse: "Any meat which would touch", that is second degree food because it touched primary impurity; "anything impure", that is third degree food because it touched second degree impurity; "shall not be eaten", the endstage of impurity cannot be eaten.

93 Reading of the Rome ms. and editio princeps: "food".
94 Sifra Saw Parasha 9:2, quoted in Hagigah 3:2, fol. 79b; Babli 29b, Pesahim 18b/19a, Hagigah 24a.
95 If a person whose body was an original source of impurity is healed, he needs immersion in water to be pure and also a ceremony of expiation to be admitted to the Sanctuary and sacrifices (for the person afflicted with skin disease, Lev, 14:32; for the persons healed from genital discharges 15:14-15, 29-30; for the woman after childbirth 12:6-8). After immersion in water, the person is totally pure at any place other than the Sanctuary.

96 Tosephta Hagigah 3:17.

97 In the Mishnah, following R. Aqiba.

98 Tosephta Hagigah 3:16; Sifra Emor Pereq 4(8).

It is proved that sanctified food is not in all respects more restrictive than sacrificial meat. It is remarkable that the Babli does not argue against the thesis of R. Yose since it clearly violates the rule ה"מ 'וכו 'מ"ח 'יתו "it is enough if inference drawn from an argument be equal to the premiss" (Baba Qama 25a). According to this rule, a passive impurity in the minor cannot become an active one in the major. The Yerushalmi knows no such rule; it needs the counter-example of R. Johanan. The difference between the Talmudim is that for the Yerushalmi, de minore ad majus is a rhetorical device but for the Babli it is part of a meta-logical system (cf. the author's Logical Problems in Jewish Tradition, in: Confrontations with Judaism, Ph. Longworth, ed., London 1966; pp. 171-196.)

99 A similar interpretation is given as an additional baraita in the Babli, cf. Note 94. The authorship of the baraita is not indicated in the Babli. The verse quoted is Lev. 7:19, the subject of Sifra Saw Parasha 9.
So far about solid food that became impure in the air space of a clay vessel which had become impure by a reptile. What about solid food that became impure directly from a reptile? Is that not an argument? Since vessels, which cannot become impure in the air space of a clay vessel that became impure by a reptile, become impure by contact with a reptile to defile solid food, [is it not logical that solid food, which becomes impure in the air space of a clay vessel that became impure by a reptile, should become impure by contact with a reptile to defile solid food.] So far, following Rebbi Aqiba. Following Rebbi Ismael? Rebbi Ismael stated: "Any meat which would touch anything impure", that is first degree food which touched any impurity, "shall not be eaten", to add a second degree of impurity. The third degree from where? It is an argument. Since a tevul yom who is not disabled for profane food disables heave, it is only logical that a person secondarily impure, who disables profane food should disable heave. The fourth degree for sacrifices from where? It is an argument. Since one who lacks expiation who does not disable heave disables sanctified food, it is only logical that third degree [impurity] which disables heave should disable sanctified food. That means, we learned first and second degrees from a verse, the third from an argument and the fourth from an argument de minore ad majus. Can
one pile argument on argument\textsuperscript{105}?

Everything is subject to practice, i.e., that third degree disables heave and fourth degree disables sacrifices\textsuperscript{106}.

100 From the Rome ms., missing in Leiden ms. and editio princeps. The Rome ms. everywhere writes rabbinic שׂא for biblical שׂא.

101 A dead reptile from the 8 kinds enumerated in Lev. 11:29-30.

102 Vessels can become impure only from original impurity (a "father" or "grandfather" of impurity, never from derivative impurity.) There is no verse which would indicate otherwise (but in Pesahim 1:7, fol. 27d, R. Ismael is quoted to the effect that Lev. 11:33 also applies to vessels. It may be a veiled reference to the argument presented here.)

103 Lev. 7:19.

104 Everywhere here, "disables" should read "is disabled", except the second occurrence (which infringes on the rules of הָיֶה, Note 98).

105 It is a principle accepted in both Talmudim that at least for any rules of sacrifices and connected matters, most hermeneutical rules cannot be used one after the other; cf. Yebamot 8:1, Note 19. A detailed table of legal and illegal combinations, derived from Babli Zebahim Chapter 5, appears in the author’s paper Über ein bemerkenswertes logisches System aus der Antike, Methodos 1951, pp. 150-164.

106 Tosephta Hagigah 3:8. "Practice" here corresponds to "Practice of Moses from Mount Sinai" in the Babli, generally accepted practice whose roots can no longer be ascertained. The status of such practice is more than rabbinic and less than biblical.
Mishnah 4: On the same day, Rebbi Aqiba explained: "You shall measure outside the city 2000 cubits to the East," but in another verse it says "outside the city wall, one thousand cubits all around." It is impossible to say 1000 cubits because already it was said 2000 cubits and it is impossible to say 2000 cubits because already it was said 1000 cubits. Why was 1000 said, and why 2000? But 1000 cubits open space and 2000 cubits Sabbath domain. Rebbi Eliezer, the son of Rebbi Yose the Galilean, said: 1000 cubits open space and two thousand fields and vineyards.

107 Num. 35:5, speaking of the cities to be given to the Levites.
108 Num. 35:4.
109 Not for living and not for agriculture.
110 To say that not only for levitic cities but for all cities a belt 2000 cubits wide belongs to the city. Therefore, when it says "Nobody shall leave his place of the Seventh Day" (Ex. 16:29), it is implied that on the Sabbath a city dweller may walk in a belt 2000 cubits wide around the city.
111 He holds that the determination of the Sabbath domain as 2000 cubits outside the city wall is rabbinic, but that the belt 2000 cubits wide was given to the Levites and that the outer 1000 cubits were used for agriculture. [Sadducee practice limited walking on the Sabbath to 1000 cubits outside the city, agreeing with R. Eliezer; CD X:21.]
On the same day, Rebbi Aqiba explained: "You shall measure outside the city", etc. Rebbi Eliezer, the son of Rebbi Yose the Galilean, said, 2000 cubits the domain of the levitic cities. Deduct from them 1000 cubits open space, there results one quarter open space and the remainder fields. Rebbi Jeremiah, Rebbi Samuel bar Rav Isaac in the name of Rav: A quarter of 1000. Rebbi Isaac said, even if you say a quarter from every side, it is a quarter. He who wants to make a square from four amphoras needs sixteen. Rebbi Mana estimated it from a brick, Rebbi Abin estimated it from a strip, Rebbi Oshaiah estimated it from a dish. Rebbi Yose ben Rebbi Abun said, 50 by 50 form a bet se'ah; 100 by 100 are four bet se'ah. As it happened to the Resh Galuta when it was imposed on him to fill a hall of 40 by 40 cubits with wheat. He came to Rav Huna who said to him, negotiate that they should take from you 20 by 20 now and 20 by 20 later; you will earn half.

112 This is difficult to understand. A little geometry is needed here (cf. H. Guggenheimer, Applicable Geometry, Huntington NY 1977.) Given an oval (a plane convex figure) of area $A$ and perimeter $L$, the area of the parallel figure in distance $h$, obtained by adding to the figure every exterior point of distance $\leq h$ is

$$A(h) = A + hL + \pi h^2.$$  

The excess area of the parallel figure over the original oval is

$$E(h) = hL + \pi h^2.$$  

However, if the city has rectangular...
shape, in tractate Erubin the Sabbath domain is determined as the rectangle whose sides are 2000 cubits from the (straight) walls of the city. In that case, the rectangle defined by lines in distance \( h \) has surface area

\[
A(h) = A + hL + 4h^2
\]

with excess \( E(h) = hL + 4h^2 \). Let the unit of \( h \) be 1000 cubits. In both cases, the condition \( E(2) = 4E(1) \) yields \( 2L = 0 \). It follows that \( L = 0 \): the original oval was a point. The open space is one quarter of the area of the fields only if there is no town; it is a limit case. The parallel text of the entire Halakhah is in Erubin 5, fol. 22d; Makkot 2:7, fol. 32a.

The Babli, Eruvin 56b, explains the problem away by replacing the condition \( E(2) = 4E(1) \) by \( A(2) = 4E(1) \), computing \( A(2) \) by the second formula and \( E(1) \) by the first, and assuming \( \pi = 3 \); clearly recognizing the impossibility of the original statement.

113 This is a radical re-interpretation of the verse: The open space is only 250 cubits wide on each side of the town. Then the problems disappear.

114 A row of length \( n \) defines a square of area \( n^2 \). For the problem at hand, the remark is irrelevant.

115 Rebbis Mana and Abin derived the second formula of Note 112 by supposing the town walls to form a rectangle; Rebbi Oshaia supposed the town to be of circular shape and derived the first formula. Neither of them accepted the 1:4 ratio.

116 An equivalent statement in Babli Eruvin 23b.

117 Since \( 2 \times 2 = 4 \).

118 By the government, Parthian or Persan.

119 If the government officials are so ignorant of geometry that they do not realize that only half the surface area will be covered.
Rebbi Abba in the name of Rebbi Jehudah, Rebbi Ze'ira in the name of Rav Uqba: One strip-measures\textsuperscript{120} only with a rope of 50 cubits. Rebbi Ze'ira in the name of Rav Hisda: One strip-measures neither for the levitic cities nor from the distance for breaking the neck in the wadi\textsuperscript{121,122}. This is acceptable for him who says, 1000 cubits of open space and 2000 cubits of Sabbath domain. But for him who says, 1000 cubits of open space and 2000 cubits of fields and vineyards, did they not learn the Sabbath domain from the levitic cities\textsuperscript{123}? For the main thing one does not strip-measure; does one strip-measure for the derivative?

\textsuperscript{120} One determines the distance not on the ground but as if from a plane map of the domain. This means that on an incline one keeps the measuring rope horizontal.

Mishnah \textit{Erubin} 5:4 states that "one measures only with a rope of 50 cubits, no less and no more". The Babli, \textit{Erubin} 58b, disagrees with the Yerushalmi and notes that once one has to strip-measure, i.e. that the rope has to be held horizontally, away from the ground, a rope of 4 cubits is required. From a practical point of view, this seems to be the superior way of measuring. For מַקְדִּיר (cf. Arabic "to make strips"), the Babli has מַקְדִּיר.

\textsuperscript{121} Breaking a calf's neck in a wild place to atone for an unsolved murder, \textit{Deut.} 21:1:9.

\textsuperscript{122} In the Babli \textit{Erubin} 58b this is a statement by Rav Nahman in the name of Rav Abba bar Abuh.

\textsuperscript{123} Since the Mishnah, \textit{Erubin} 5:4, requires that Sabbath domains be measured as one would do on a map, it seems impossible that R. Eliezer ben R. Yose the Galilean accept R. Aqiba's opinion that the extent of the Sabbath domain is fixed in the Torah by the extent of the levitic cities, since the methods of measurement are different in both cases. The Babli, Note 122, gives as reason that for levitic cities and the breaking of the calf's neck one has to measure on the ground, that these are measurements prescribed by the Torah. The obvious inference is that the distance indicated for the Sabbath domain is rabbinic. (The opponents of R. Aqiba hold that the biblical Sabbath distance is the
diameter of the encampment of the Israelites in the plains of Jericho, which in both Talmudim is described as 12 mil, 24,000 cubits; cf. Sebi’it 6:1, Note 28). Therefore, it is permissible to extend the Sabbath domain even of a levitic city further than its political boundaries.

From where that one does not bury in a levitic city? Rebbi Abbahu in the name of Rebbi Yose bar Hanina: "Their open spaces shall be for their animals, their property, and their lives." They were given for their animals and their lives; the were not given for burial.

Mishnah 5: On the same day, Rebbi Aqiba explained: "Then would Moses and the Children of Israel sing the following song to the Eternal to tell." The verse should not have said "to tell"; why does the verse say "to tell"? It was that Israel were repeating after Moses every
word, as one reads the *Hallel*\(^\text{227}\): "I shall sing to the Eternal for He is very highly high;" therefore "saying" was said. Rebbi Nehemiah said, they were reciting it as one recites the *Šema*\(^\text{228}\), not as one reads the *Hallel*.

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The entire recital which starts with "Hear, o Israel," cf. *Berakhot* Chapter I, Note 1.

The way of recital is described in the Tosephta/Halakhah.

126 *Ex. 15:1.*

127 *Ps. 113-118*, the holiday songs.

128 The entire recital which starts with "Hear, o Israel," cf. *Berakhot* Chapter I, Note 1.

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Halakhah 6: "On the same day, Rebbi Aqiba explained: "Then would Moses sing," etc. \(^\text{129}\)Like a minor who recites the *Hallel* in school and all repeat every word after him\(^\text{130}\). Moses said, "I shall sing\(^\text{131}\)," and they
repeat after him: "I shall sing". Moses said: "Strength", and they say: "Strength\(^{132}\)". Rebbi Eliezer the son of Rebbi Yose the Galilean said, like an adult who recites the *Hallel* in the synagogue, and they repeat the first word\(^{133}\). Moses said, "I shall sing", and they repeat: "I shall sing". Moses said: "My strength", and they repeat after him: "I shall sing". Rebbi Yose the Galilean says, when our forefathers were in the sea, the toddler was resting on his mother's knees and the baby was suckling from his mother's breast; but when they saw the Divine Glory, the toddler lifted his head from his mother's knees and the baby took away his mouth from his mother's breast; they opened their mouths in song and praise and said, "that is my God and I shall declare Him Beautiful\(^{132}\)". Rebbi Meir said, even the fetuses were saying a song from their mothers' wombs, as it is said: "\(^{134}\)In choirs praise God, the Eternal from the source of Israel." Rebbi Nehemiah said, when our forefathers rose from the sea they saw the corpses of the sinners who had subjected them to hard, forced labor, all of them dead corpses thrown on the sea shore. They wanted to sing and the holy spirit rested upon them. Even the most insignificant in Israel sang the song just as Moses did. That is what is written: "\(^{135}\)He remembered the days of old, Moses, his people; where is He Who raised them from the sea?" It is not written "the sheeps' shepherd" but "His sheeps' shepherd"; this teaches that He turned all of them into shepherds\(^{136}\).

129 Tosephta *Sotah* 6:2-4; Babli 30b/31a. A small part of the text is in *Mekhilta dR. Ismael, Shirah, Parashah* 1 (*Mekhilta dR. Simeon bar Iohai*, p. 72, cf. Note 137).
130 The entire class, until they know *Hallel* by heart.
131 *Ex. 15:1*.
132 *Ex. 15:2*.
133 This is prescribed by the Babli,
Sukkah 38b, and retained in the Yemenite baladi rite, where the congregation answer hallelujah (the first word of Ps. 113) at each caesura and end of sentence. The Galilean Amoraic way was for several people to recite the Hallel, with each of them saying half a verse (Berakhot 8:9 fol. 12c, Megillah 1:11 fol. 72a).

Ps. 68:27. In Mishnaic Hebrew, lipo means the female womb; cf. Lev. 20:18.

Is. 63:11. The verse ends: "Where is He Who put His Holy Spirit in their midst."

Since the first half of the verse equates Moses and His people, the singular of the second clause is taken as collective.

Why does the verse say, "to tell"? To tell to [future] generations. Rebbi Abbahu in the name of Rebbi Yose ben Rebbi Hanina, the entire verse. Moses said, "I shall sing", and they recite after his lead: "I shall sing to the Eternal for He is very highly high; horse and rider He cast into the sea."

Moses said: "strength and growth", and they recite after his lead: "strength and growth is Yah. It is written: When retribution is retributed for Israel, when the people volunteers;" the heads of the people volunteered. When the Holy One, praise to Him, does wonders for Israel, they should sing a song. They objected: There is the redemption from...
Egypt! That is something else since it was the beginning of their redemption. They objected. There is redemption of Mardocai and Esther! That is something else since they were outside the Land; some want to say that Mardocai and Esther were freed of their enemies, they were not freed from [Gentile] government.

In the Mekhilta, this is attributed to R. Eleazar ben Thaddai, a Tanna whose time is difficult to determine and who is never quoted in Yerushalmi sources. Cf. B.-Z. Wacholder, *The Date of Mekilta de-Rabbi Ishmael*, HUCA 39 (1968), 117-144.

138 *Jud.* 5:2. In rabbinic Hebrew, מְשַׁפַּה means "to pay one's debt".

139 Meaning that the Song of the Sea also covers the Exodus, since the latter was confirmed only at the Sea. In the Babli and midrashic literature, *Ps.* 113 is the song of the Israelites during Passover night [*Pesahim* 117a; cf. *Cant.* 1(37), *Mekhilta deR.* Ismael, *Shirah* 1; *deR.* Simeon bar Iohai p. 71]. Cf. the author’s *The Scholar’s Haggadah*, pp. 314-319.

140 Who instituted a "day of feasting and joy" but not the recitation of *Hallel*, *Esth.* 9:22.

The verse says, "until I die I shall not remove my innocence from me," this teaches that he did it out of love.

His acts represent amor dei, not fear of punishment in the World to Come; cf. Mishnah 7.

Job 13:15. The Ketib is אַלּ אֶאְמִית. The Qere הואָּתָּמַכ. The Qere represents the majority of mss. before the Masoretes. The Mishnah shows that the difference of readings existed many Centuries before the Masoretes.

Between authenticity of Ketib or Qere.

Job 27:5.

Halakhah 7: "On the same day, Joshua ben Hyrcanos explained," etc. It was stated in the name of Rebbi Jehudah: "God lives Who removed my lawsuit, and the Ruler made me bitter; for nobody swears by the King's life unless he loves Him. They said in the name of Rebbi Nathan: "Also He is my help, for insincerity will not come before Him."

Job 27:2. This is an oath formula. Since nobody swears by the life of the king unless he loves the king, the verse supports R. Joshua ben Hyrkanos.

Job 13:16; cf. Note 143. The verse following the one in dispute shows that is the only consistent reading.
One verse says, "you shall love the Eternal, your God," and another verse says, "fear the Eternal, your God, and Him you should serve."

Act from love and act from fear. Act from love, because if you are tempted to hate, know that you must love and a lover is no hater. Act from fear, because if you are tempted to rebel, know that you must fear and one who fears does not rebel.

Deut. 6:5. Halakhah the text, with minor variations, is also in Berakhot 9:6, Notes 241-255.

There are seven kinds of religious people: Religious on the shoulder, religious on credit, religious balancing, religious "what is the deduction," religious "I shall do it when I realize my guilt," religious from fear, religious from love. Religious on the shoulder, he carries his deeds on his shoulder. Religious on credit, "give me credit that I can perform commandments." Religious balancing, he commits one sin and observes one commandment and balances one against the other. Religious "what is the deduction," what I have that is what I am using to deduct for doing a commandment. Religious "I shall do it when I realize my guilt," I committed that sin and therefore I shall do this good deed to counteract...
Religious from fear, like Job. Religious from love, like Abraham. No one is beloved as much as the religious from love, like Abraham.

A slightly different list with completely different interpretations in Babli Sota 22b declares explicitly that the first five are "destroyers of the world." In the Yerushalmi, it is clear that the first five are considered in a negative light but they are still considered better than one who performs no commandments at all.

Our forefather Abraham turned the evil instincts into good ones. What is the reason? (Neh. 9:8): "You found his heart trustworthy before You." Rebbi Aha said, he compromised, from "concluding a covenant with him." But David could not stand it and killed it in his heart. What is the reason? (Ps. 109:22) "But my heart is slain in me."

Rebbi Aqiba was tortured before the evil Tineius Rufus. There came the time for reciting the Shema'. He started to read and laughed. He said to him: Old man, you are either a sorcerer or one contemptuous of
suffering. He said to him: The spirit of this man should be blown away; I am neither a sorcerer nor contemptuous of sufferings. But all my life I read this verse (Deut. 6:5): "You must love the Eternal, your God, with all your heart, all your soul, and all your force." I loved Him with all my heart. I loved Him with all my money. But whether with all my soul I could not test. But now, when "with all your soul" came, the time of reciting the Shema’ has arrived and my mind has not wavered, therefore I am reciting and laughing.

Nehemiah from Emmaus served Rebbi Aqiba for 22 years and he taught him "א and ב mean additions, כ and כ mean exclusions." He asked him: What means that which is written (Deut. 6:13) "א the Eternal, your God, you must fear." He said to him, Him and His Torah.

Mishnah 7: Rebbi Joshua said, who would remove the dust from your eyes, Rabban Johanan ben Zakkai, since all your days you explained that Job served the Omnipresent only out of fear, as it was said: "A man,
artless and straight, fearing God and fleeing from evil\(^{152}\); but behold, Joshua, your student’s student\(^{153}\) deduced that he did it out of love!

152 *Job* 1:1. is not mentioned anywhere else in tannaitic literature.

153 It is not clear whose student Joshua ben Hyrkanos was. He probably
Halakhah 8: "Rebbi Joshua said, who would remove the dust from your eyes, Rabban Johanan ben Zakkai," etc. 154 When was Job? Rebbi Simeon ben Laqish in the name of Bar Qappara: He was in the days of our father Abraham; that is what is written: "155 A man was in the land of Oz, his name was Job." And it is written, "156 Oz his firstborn." Rebbi Abba said, in the days of our father Jacob and Dinah was his wife; that is what is written: "158 You speak like one of the impious ones", and it is written: "159 For an impiety he did in Israel." Rebbi Levi said, he was in the days of the tribes; that is what is written: "160 What Sages would tell, they did not conceal from their fathers." Rebbi Yose ben Halaphta said, he was born when they descended into Egypt and he died when they left. A parable of a shepherd when a wolf came and attacked his flock. What did he do? He put up a ram against him. That is what is written: "163 He delivered me to the evil one, he threw me amongst evildoers." Rebbi Ismael stated: Job was one of Pharao’s servants, a great one in his government. That is what is written: "166 One who feared the word of the Eternal etc.", and it is written about him, "155a man, artless and straight, fearing God and fleeing from evil." Rebbi Yose bar Jehudah says, he was in the days when the Judges judged; that is what is written: "Behold, you all did see, why do you turn all into vapor." You saw what my generation did, that they collect tithes on the threshing floors;
"you loved whore's wages on all grain threshing floors." Rabbi Samuel bar Nahman in the name of Rabbi Jonathan: He was in the days of the queen of Seba, as it is said: "Seba attacked and took them." Rabbi Nathan said, he was in the days of the Chaldeans, as it is said: "The Chaldeans attacked from three sides." Rabbi Joshua ben Qorha said, he was in the days of Asuerus, as it is said: "One shall look for beautiful virgins for the king." And it is written, "no women were found like Job's daughters." Rabbi Joshua ben Levi said, he was of the returnees of the diaspora. Rabbi Johanan said, He was of the returnees from the diaspora and was a Jew. Therefore Rabbi Johanan learned from him the rules of mourning. "Job got up and tore his coat," Rabbi Jehudah ben Pazi in the name of Rabbi Johanan: From here [one learns] that a mourner has to tear [his garment] while standing. Rabbi Hyya stated: In My world I had one just Gentile, I gave him his reward and removed him from My world. Rabbi Simeon ben Lakish said, Job did not exist and will never live. The opinion of Rabbi Simeon ben Lakish is inconsistent: There, Rabbi Simeon ben Lakish said in the name of Bar Qappara: He was in the days of our father Abraham, but here he says so? But he did exist but his suffering did not. Then why is it written about him? To tell you that if it had come upon him, he would have withstood it.

154 The parallel is in Babli, Baba Batra 15a/b.
155 Job 1:1.
156 Gen. 23:21, in the list of Aramean Nahor tribes.
157 In the Babli, this is the opinion of R. Nathan in an alternate version.
158 Job 2:10.
159 Gen. 34:7.
159 Job. 15:18. The previous verse ends: This I have seen, I shall tell it; the verses are interpreted as referring
to Judah and Reuben who confessed their sins; cf. Chapter 1, Note 195.

161 This is an anonymous tannaitic opinion in the Babli. The traditional duration of the tribes' stay in Egypt is 210 years; cf. the author's *The Scholar's Haggadah*, pp. 283-284. Job lived another 140 years after his tribulations (*Job 42:16*). Since God gave double restitution for everything he had lost, it is concluded that he suffered in his 70th year and lived for 210 years.

162 In the Babli, 14b, this is hinted at by the statement that Job's goats were able to attack wolves, being supernaturally safe from predators.

163 *Job* 16:11.

164 In the later Midrash, *Ex. rabba* 1(12), this is extended to include in Pharao's council Bileam, who voted for killing the Jewish children and was killed, Job who abstained from voting and suffered, and Jethro who voted against Pharao's decree and was rewarded in that his descendants sat in the Synhedrion.

165 *Familia* as a term for government is from the time of the principate when the emperor ran the state by his freedmen and slaves, his *familia*.

166 *Ex. 9:20*.

167 In the Babli, R. Eleazar.

168 *Job* 27:12.

169 *Hos. 9:1*. Since it is in the hand of the farmer to whom to give his tithes; the Levite or Cohen who comes to the threshing floor to collect his tithes is an extortionist (Cf. Demay 6:3, Note 69).

170 In the Babli, R. Nathan.

171 *Job* 1:15.

172 In the Babli, the anonymous Sages.

173 *Job* 1:17.

174 Same argument in the Babli.

175 *Esth. 2:2*.

176 *Job* 42:15.

177 In the Babli, R. Johanan and R. Eleazar.

178 *Job* 1:20.

179 In *Mo'ed Qatan* 3:7, Babli 20b, the verse is quoted without asking whether Job was Jewish or not.

180 In the Babli this is an anonymous tannaitic statement.

181 Since Job, in contrast to Jewish saintly persons, received his reward in this world, he seems to be excluded from the World to Come.

182 In the Babli, 14a, this is the opinion of an anonymous author who proves that Scripture in effect contains tales that do not correspond to reality, such as Nathan's tale of the poor man and his sheep.
Rebbi Aqiba explained: "Elihu Ben Barakhel the Buzite from the family Ram got angry." Elihu that is Bileam. Ben Barakhel, who came to curse Israel but blessed them. The Buzite, whose prophecy was degraded, "who falls down open-eyed." From the family Ram, "from Aram did Balaq lead me." Rebbi Eleazar ben Azariah said to him, if he is he, then the Omnipresent already covered it up. If he is not he, in the future [world] he will argue with you. But Elihu that is Isaac. Ben Barakhel, the son whom God blessed, as it was said: "The Eternal had blessed him." The Buzite, who degraded all temples of foreign worship at the moment he was bound on the altar. From the family Ram, the son of Abram.

183  Job 32:2.
184  From the root דידי "to insult, to degrade".
185  Num. 24:4.
186  Num. 23:7.
187  Gen. 26:12. In the Babli, Baba Batra 15b, the consensus it that Elihu was Jewish; cf. Tosaphot s. v. אלוהים Some commentators note that Gen. 25:11 would have been a better quote since it mentions Isaac's status as son and uses the term Elohim, contained in the name, and not YHWH, as in Gen. 26:12.
Moses wrote the five books of the Torah and added the chapters about Balaq and Bileam. He also wrote the book of Job. The same statement in the Babli, Baba Batra 13b; only that the last eight verses of the Torah are attributed to Joshua. The chapter about Balaq and Bileam is a recitation of facts, ostensibly not needed as part of the Law.

A man, artless and straight, fearing God and fleeing from evil. Rebbi Tahlifa from Caesarea said, he was conciliatory. Rebbi Ze'ira said to him, is a person who is not conciliatory not acceptable? But he was conciliatory even if cursed. Since it is forbidden to hate one's neighbor in one's heart (Lev. 19:17), if the verse attests that he was "fleeing from evil", this proves that even that prohibition he did not fail to honor. In the Babli, Baba Batra 15b, Megillah 28a, he is declared to have been conciliatory in money matters.
Mishnah 1: If somebody declared his jealousy to [his wife] and she went to a secluded place\(^1\), even if he heard about it from a bird flying by\(^2\) he has to divorce her\(^3\) and pay the *ketubah*, the words of Rebbi Eliezer. Rebbi Joshua says, from the moment she is the subject of talk of women spinning by moonlight\(^4\).
If somebody declared his jealousy and she went to a secluded place,

etc. Rebbi Johanan in the name of Rebbi Yannai: This entire chapter [deals with the case that] he warned her and said to her, do not be at a secluded place with man X, after he declared his jealousy and she went to a secluded place. Rebbi Simeon ben Laqish said, even if she did not go to a secluded place. Rebbi Ze'ira said before Rebbi Yasa: Not that Rebbi Simeon ben Laqish disagrees, only he is lenient about witnesses to the hiding. We have stated a disagreement. Some state it anonymously. Rebbi Ze'ira said before Rebbi Mana: Rebbi Joshua does not disagree with what Rebbi Eliezer said, only that we have stated: "Rebbi Joshua says, only if she is the subject of talk of women carding by moonlight." Rebbi Abba Mari asked: There, Rebbi Hizqiah, Rebbi Abbahu said in the name of Rebbi Eleazar, everywhere where Rebbi taught a disagreement and returned to the problem later and taught it anonymously, practice follows the anonymous opinion. And here he says so?
5 That the husband had some information that his wife met the man forbidden to her.
6 If there is not even a single witness against her.
7 There is no difference of interpretation between R. Johanan and R. Simeon ben Laqish; the latter only follows the opinion attributed to R. Eliezer in Mishnah 1:1.
8 The opinion attributed to R. Eliezer in Mishnah 6:1.
9 R. Mana I.

This is the reading of the Mishnah in the Babli, which can be read as meaning that if the wife is the talk of the town, even a rumor of unknown origin forces the husband to divorce his wife.

11 ‘Orlah, Chapter 2, Note 30.
12 If Mishnah 6:1 is stated anonymously, it would imply that in Mishnah 1:1 practice follows R. Eliezer. However, it is evident not only that general practice follows R. Joshua against R. Eliezer but also that in the case of the suspected wife, two witnesses of her misbehavior are needed to prohibit her to her husband. Therefore, the argument that R. Joshua only makes an anonymous statement precise is invalid.

We have stated: carders. Some Tannaim state: spinners. He who said carders, they card wool. He who said spinners, they spin flax.

Where do we hold? If about him who heard and did not know from whom he heard, it is like a bird flying by. If about him who heard and knew from whom he heard, it is a witness reporting the words of another witness. But here we deal with the case that X [heard] from Y and Y from Z; a word without foundation.
13 Reading of a Geniza fragment. In the Leiden ms., the reading may be either "in the case of" or "as the case".

14 The information discussed by the women working by moonlight.

15 This is hearsay evidence about which in the case of a suspected wife Rabbis Eliezer and Joshua disagree in Chapter I (Notes 27, 28).

16 Hearsay of hearsay.

17 Reading of a Geniza fragment: which identifies the final letter as $s$. Arukh explains as Greek θεμέλιος "of the foundation"; Krauss suggests θεμελίωσις, ή, -ως "foundation".

Mishnah 2: If a single witness said "I saw her when she became impure", she could not drink\(^\text{18}\). Not only that, but even a slave or a slave-girl are believed to cause her to lose her ketubah. Her mother-in-law, the mother-in-law's daughter, her co-wife, her sister-in-law, and her husband's daughter are trustworthy\(^\text{19}\). They said this not to make her lose her ketubah but that she could not drink\(^\text{20}\).

18 Even though by biblical standards a single witness usually is not considered, here he is accepted by biblical standards as explained in Mishnah 4 to bar the husband from bringing his wife to the Temple. He is not a witness in a criminal case (against the wife and her paramour) but his testimony indirectly forces the husband to divorce his wife and also frees him from payment of the ketubah since, as stated at the end of Halakhah 4, his testimony "has feet", i. e., after two witnesses for the declaration of
jealousy and two witnesses that she went to a secluded place, the testimony that he saw them having sex is credible (if his testimony holds up under cross examination).

19 These women are barred from testifying to her husband's death (Mishnah Yebamot 15:4, Notes 81,82) because they are presumed to hate her.

20 Then the husband has to divorce her and pay the ketubah, which is not in the personal interest of these women.

Halakhah 2: "If a single witness said 'I saw her when she became impure'," etc. "And there is no witness against her"; not only a witness [of good standing], from where even a male or female slave? The verse says, "and there is no witness against her", any one. And following Rebbi Ismael? As Rebbi Ismael said, at any place where the Torah mentions "a witness", in principle that means two witnesses unless the verse makes it clear that he is a single witness. It was found stated: Rebbi Ismael says two witnesses.

21 Num. 5:13.
22 This follows R. Aqiba, who interprets every "and" as an addition [more explicitly Num. rabba 9(6)].
23 In the Babli, 31b and Sanhedrin 30a, and Sifry Num. 7, this is quoted as everybody's opinion.
24 This seems to be the opinion of the Tanna of Sifry Num. 7. The Babli, 31b, explains the problem away by reading the verse "and two witnesses are not against her," meaning that one is. If one does not need two witnesses, one does not need quality witnesses.
Was our Mishnah [formulated] after Rebbi Aqiba agreed with Rebbi Tarphon? As it was stated: Rebbi Tarphon says, a single witness is believed to declare her impure but not to let her lose her *ketubah*. Rebbi Aqiba says, just as a single witness is believed to declare her impure, so he is believed to let her lose her *ketubah*. Rebbi Tarphon said to him: Where do we find that a single witness proves anything in money matters? Rebbi Aqiba answered him, but where do we find that a single witness proves anything in matrimonial matters? But just as a single witness is believed to declare her impure, so he is believed to let her lose her *ketubah*. Rebbi Aqiba changed his mind and taught following Rebbi Tarphon.

25 Since the Mishnah states that the single witness can also deprive the wife of her *ketubah*, the Mishnah follows R. Aqiba before he changed his mind.

26 This follows a general principle formulated in the Babli as: "A single witness is believable in matters of prohibitions." For example, if a single witness shows that some food a person ate was of a forbidden kind, if the eater was unaware of the fact and therefore the sin was unintentional, he is obligated for a purification sacrifice on the testimony of a single witness.

27 Since this needs two witnesses.

28 While a single witness cannot prove anything in court (Deut. 19:15), the same verse is interpreted to mean that the testimony of a single witness in
support of a claim of one of the parties can obligate a defendant to swear that he owes nothing (Sebait 6:1 fol. 36d; Babli Ketubot 87b). In the case here, there is no claim from any of the concerned parties.

29 Since they have implications in criminal law, marriage or divorce are invalid unless executed in front of two witnesses. It is true that a single witness can inform about the dissolution of a marriage by the husband’s death, but this does not have the status of testimony (Yebamot Chap. 15).

30 The rules of testimony for prohibitions (in cases which cannot lead to criminal prosecution) and money matters are distinct and testimony acceptable for one facet of a case may not be acceptable for the rest.

Rebbi Abun bar Hiyya asked: If her mother-in-law said "I saw her when she became impure", [you say that she did not drink. If then somebody else came and said, "I saw her when she became impure"], about what does he testify? If to make her drink, it was clear beforehand that she does not drink. He would come only to deny her ketubah to her, but one cannot make a person lose money on the testimony of one witness33.

Rebbi Yose asked: If he heard from a bird flying by: "I saw her when she became impure", you say that she did not drink. If then somebody came and said, "I saw her when she became impure", about what does he
testify? If to make her drink, it was clear beforehand that she does not
drink. He would come only to deny her ketubah to her, but one cannot
make a person lose money on the testimony of one witness33!

31 Reading of a Geniza fragment; missing in Leiden ms. and editio
princeps.
32 Reading of the Rome ms. and a
Geniza fragment; missing in Leiden ms.
and editio princeps.
33 Even if we agree with the
Mishnah that a single witness is
empowered to forbid the woman to her
husband and as a consequence to make
her forfay her ketubah (Note 18), this
is because the court is biblically
empowered to forbid her to her
husband on the testimony (Note 24).
But if the acceptable testimony is not
needed, it is questionable whether its
consequence should be enforced.

From what Rebbi Yose said, "X ate suet, and they warned him," he is
not whipped37. If one person said to him, that is suet, and two warned
him, he is whipped38. Is not the main testimony given by a single
witness39?

From what Rebbi Jehudah is saying: "X is a nazir40, he became defiled,
and I had warned him," he is not whipped. If one person said to him, you
are a nazir, and based on this testimony he behaved like a nazir, when
then he drank wine or became impure in the impurity of the dead, if two warned him, he is whipped. Is not the main testimony given by a single witness?\(^{41}\)

From what Rebbi Mana said, "X is the wife of a Cohen and whored; her husband, a Cohen, then had relations with her but I had warned him;" he is [not] whipped. If she went to a secluded place in the presence of two, and one said, I saw her that she became impure; when her husband, the Cohen, had relations with her but two had warned him, he is whipped. Is not the main testimony given by a single witness?\(^{41}\)

34 From a *Geniza* ms. Leiden ms. and *editio princeps* "her husband had relations with her and copulated with her as a Cohen".
35 From a *Geniza* ms. Missing in Leiden ms. and *editio princeps*.
36 From a *Geniza* ms. Leiden ms. and *editio princeps* an unidiomatic word order.
37 Eating suet from cattle, sheep, or goats, the part of the fat of sacrificial animals which is burned on the altar, is a crime (*Lev.* 7:23,25). If a single witness comes and accuses somebody of having eaten suet criminally, i.e., after having been duly informed by two adults that eating that suet would be a criminal offense, his testimony is nothing since he is a single witness.

The entire paragraph is also in *Nazir* 8:1, fol. 57a

38 If a single witness (after due examination by the court) testifies that a certain piece of meat is suet, that piece legally has the status of suet (Note 26). If then two people warn a third person that eating the meat would be criminal (thereby establishing intent; cf. Chapter 3, Note 121) and two witnesses testify to the act, this is testimony by two witnesses, valid in court, even though the status of the piece of meat as suet was based on the testimony of only one witness.

39 By analogy, on the questions raised in the preceding paragraph, one might argue that the preceding information given either from a person precluded from being a witness in court or from an unsubstantiated rumor does not impair the validity of the later
testimony.

40 Num. 6. The witness testified that he heard X declaring a vow of nazir (cf. Berakhot Chapter 7, Note 79) but that he did not keep it. Again he is a single witness whose word carries no weight in court.

41 The argument is totally parallel to the first one.

42 After she was desecrated, a felony (cf. Chapter 1, Note 123).

Mishnah 3: It would have been logical: Since the first testimony, which does not forbid her permanently, is not confirmed if not from two witnesses, the last testimony, which forbids her permanently, should reasonably only be confirmed by witnesses. The verse says: "There is no witness about her", any kind of testimony about her, any kind of testimony about her.

43 As the Halakhah explains, the first testimony is the testimony about the wife’s going to a secluded place, where R. Joshua requires two witnesses of good standing. The last testimony is that of adultery, where the preceding Mishnaiot accept even the proverbial "bird flying by". The confirmation is the acceptance of the testimony by a competent court.

44 Num. 5:13.
Halakhah 3: "It would have been logical: Since the first testimony," etc. The first testimony is about being in a secluded place; the last testimony is about impurity. The Mishnah follows Rebbi Joshua, since Rebbi Joshua says, "he declares his jealousy and warns her by the testimony of two [witnesses], and makes her drink by the testimony of two [witnesses]." Rebbi Mana said, it even follows the Tanna, about whom was stated: "Rebbi Yose ben Rebbi Jehudah says in the name of Rebbi Eliezer: He declares his jealousy before one witness or by himself, but makes her drink by the testimony of two [witnesses]."

45 Mishnah 1:1, Note 4. 46 Chapter 1, Note 16.

Mishnah 4: There would now be an argument de minore ad majus for the first testimony! Since the last testimony, which forbids her permanently, is confirmed from a single witness, the first testimony, which does not forbid her permanently, should logically be confirmed from a single witness. The verse says, "for he found out about her a matter of sexual misbehavior," and further, it says, "by the mouth of two witnesses a matter should be confirmed."
Mishnah 5: If one witness says, she became impure, but another witness says, she did not become impure, or one woman says, she became impure, but another woman says, she did not become impure, she would drink. If one [witness] says, she became impure, but two [witnesses] say, she did not become impure, she did drink. If two [witnesses] say, she became impure, but one [witness] says, she did not become impure, she would not drink.

47 This is the second half of Mishnah 3.
48 Deut. 24:1. For the House of Shammai, this is the only reason admitted for a divorce (Mishnah Gittin 9:10); for the House of Hillel, this is a reason why there must be a divorce.
49 Deut. 19:15. The verse proves that in any judicial proceedings, דבר means a proof by two witnesses. Since the husband cannot make his wife drink unless he presents his case to the Temple court, all judicial rules apply here. But a divorce because of the wife’s adultery can be given by the husband on his own (even though to deprive her of her ketubah after the divorce he needs the judgment of a court.)
50 This case has to be treated separately since a woman, while she can point out facts, cannot be a formal witness.
51 Mishnah I stated that in case of certainty, the woman may not be brought to the Temple. In the case here, two contradicting statements cancel one another; there is uncertainty. In all cases, it is supposed that there are two witnesses who attest that the wife met another man in a secluded place.
52 One witness against two witnesses accounts for nothing.
Halakhah 4: "There would now be an argument de minore ad majus for the first testimony," etc. 53Gidul bar Miniamin in the name of Rav: Anywhere they accepted the testimony of a woman parallel to that of a man, a man can contradict a woman and a woman can contradict a man. Then one should state: "A witness says that she became impure, and a woman says that she did not become impure; a woman said that she became impure and a witness said that she did not become impure." In the House of Rebbi they stated it this way. It was stated in the name of Rebbi Nehemiah: One follows the majority of the testimonies. How is that? Two women against one woman they considered as if there were two witnesses against one witness. What you say refers to a woman and women. But if there were a hundred women against one [male] witness, they are like one witness.

53 Essentially the same text, only Yebamot Chapter 15, Notes 135-138 and referring to testimony of the husband's death instead of the wife's infidelity, in
Rav Ada bar Ahawah said, a single witness is believed to declare her impure, but a single witness is not believed to make her lose her *ketubah*. Rav Hisda said, why did they say that a single witness is believed to declare her impure? Because the thing has feet to stand on.

He strictly follows the rule that a single witness is acceptable about prohibitions but not in money matters. The single witness is believed to prohibit her to her husband because there are two other witnesses who accuse her of going to a secluded place with another man. Then he can also be believed, by rabbinic rule, that the husband does not have to pay (certainly for those who hold that the *ketubah* is a rabbinic institution.)
Simeon bar Abba in the name of Rabbi Johanan: Here, she did not drink but in the case of breaking the calf’s neck they did break it. Rav said, she did drink. The Mishnah disagrees with Rav: "If one [witness] says, she became impure, but two [witnesses] say, she did not become impure, she would drink." That implies that if one witness was against another single witness, she would not drink. He explains it for those whose testimony is invalid. But if for those whose testimony is invalid, does not the first statement say: "If two [witnesses] say, she became impure, but one witness says, she did not become impure, she would drink." That implies that if one witness was against another single witness, she would drink.
she would drink. How could Rebbi Johanan say, she would not drink? They said in the name of Rebbi Samuel, the Mishnah talks about those whose testimony is invalid. They said in the name of Rebbi Samuel: The Mishnah speaks about another rendez-vous. Rebbi Ze'ira asked before Rebbi Mana: What does it mean, "the Mishnah speaks about another rendez-vous"? He said to him, so says Rebbi Johanan in the name of Rebbi Yannai: This entire chapter [deals with the case that] he had declared his jealousy and she went to a secluded place. She went to a secluded place by the testimony of two [witnesses]. If one of them said, I saw her that she became impure while in the secluded place, there [is testimony] about the seclusion and about impurity. After the time of seclusion, there [is testimony] about the seclusion but not about impurity. If there were three [witnesses]. One said, I saw her that she became impure while in the secluded place, there [is testimony] about the seclusion but not about impurity. If there were three [witnesses]. One said, I saw that she did not become impure while in the secluded place, how do you treat this? As a testimony which, if part of the testimony is thrown out, the entire testimony is thrown out, or does one accept the remainder of the testimony? They said in the name of Rebbi Abba Mari: Even he who says, if part of it is thrown out, all is thrown out, here one accepts the remainder of the testimony, since the matter has feet to stand on.

56 Reading of the Rome ms. and the Geniza fragment. Leiden ms: יִיָּה "he was".
57 Reading of the Rome ms. and the Geniza fragment; missing in Leiden ms.
58 Missing in Rome ms. and Geniza fragment; is in Leiden ms. but makes no sense.
59 In the Yerushalmi text quoted
by Tosaphot, 32b, s. v. אע, the discussion starts: "A single witness says, she became impure, but another single witness says, she did not become impure, ..."

In the first case treated in Mishnah 5, that there is the word of one witness against the word of another single witness, cf. Note 59. He amends the Mishnah to read: "She does not drink." The reason seems to be the order in which the testimony is described in the Mishnah: The first witness says that she became impure. By rabbinic rules, he is believed. This means that his testimony counts as much as the testimony of two witnesses. In the language of the Babli (Sotah 32b, 47b; Yebamot 88b, 117b; Ketubot 22b): "In any case where the Torah declared that a single witness can be believed, he has the status of two." If the Yerushalmi would accept such a statement, it would have to accept R. Johanan's statement here. One has to assume that the second witness states that he observed the woman and the other man during the entire time they were together in a secluded place and that nothing untoward happened.

Since Rav accepts the text of the Mishnah as is, one attempts to show that that text is self-contradictory.

Since the sentence states that in the presence of a witness who states that she became impure one needs at least two witnesses who state that she did not become impure in order to declare the matter one of doubt, it would follow that there is no scenario in which a single witness can invalidate the testimony of another single witness. This contradicts the first sentence of the Mishnah and Rav's statement.

A witness who cannot testify in money matters because his integrity is in question (Mishnah Sanhedrin 3:3-4), or a woman or a slave. These have no standing against a single believable witness; one needs at least two, following R. Nehemiah in the first paragraph.

In the Babli, 32b, the problem is solved in a first explanation that in the case of the first sentence, the two contradicting witnesses came to court together. Then there never was testimony and the woman is not held to
be an adulteress. For the second case, the single witness came first and his testimony was accepted as fact. Then one needs two witnesses to annul the first testimony. The second explanation follows the Yerushalmi.

65 If the Mishnah would state only the second and third cases, it would be a case of the undistributed middle and could be solved by postulating different scenarios for the different cases. But since the first case is stated apodictically, that way (the first explanation of the Babli) seems to be excluded and neither Rav nor R. Johanan can have a totally coherent position.

66 In the Babli, an anonymous statement in support of R. Hiyya (bar Abba, student of R. Johanan).

67 Cf. Note 5.

68 Since the testimony of this witness about the wife going to a secluded place must be accepted, since it is supported by a second witness, his testimony about her infidelity also must be accepted.

69 There is no difference whether one of two witnesses first testifies together with another that the wife went with another man to a secluded place and then he alone testifies that at the occasion of another rendez-vous she committed adultery, or if the second occasion is mentioned by a third witness. In any case, since it is not claimed that the second witness was present at the second occasion, there are distinct testimonies and the statement about adultery does not have the status of validity conferred by two independent testimonies.

70 This is a separate case. The two witnesses agree about time and place when the wife went to a secluded place with another man. The first witness claims to have witnessed the sexual act, the second witness claims to have observed the couple all the time but that nothing untoward happened. Their testimonies about what happened in seclusion must be thrown out. Does this invalidate the testimony that a secluded rendez-vous took place? In criminal proceedings, the entire testimony would have to be thrown out.

71 That there are two witnesses who testify that the husband formally declared his jealousy before them gives all following testimonies a basis which allows for the relaxation of the rules of criminal proceedings.
Mishnah 1: The following are recited in the vernacular: The verses of the suspect wife, and the declaration of tithes, and the recitation of the Se'ma, and prayer, and grace, and the oath of a witness, and the oath about a deposit.

1 The verses the Cohen has to read to the wife before she drinks. While the scroll has to be written in Hebrew, the wife has to understand them and, therefore, they have to be translated into her vernacular.

2 Deut. 26:12-16.

3 Cf. Berakhot, Chapters 1-2.

4 The eighteen (respectively 7 or 9) benedictions of the 'Amidah; cf. Berakhot, Chapters 1-2.

5 After a meal.

6 If somebody puts an oath on a possible witness that he should come and testify for him; Lev. 5:1. Testimony itself is given without an oath.

7 Ex. 22:6-12.

Halakhah 1: "The following are recited," etc. It is written: "The Cohen shall tell the woman," in any language she understands, the words of Rebbi Joshia. Rebbi Jonathan said to him, if she does not understand,
how could she answer "Amen, Amen"\textsuperscript{9}? But that he should not talk to her through an interpreter.

8 \textit{Num. 5:21}. The argument being that this clause is redundant. The full verse reads: "The Cohen shall make the woman swear by a curse-oath, the Cohen shall tell the woman: . . .".

9 In \textit{Sifry Num. 12}, the objection is attributed to R. Ismael, R. Joshua's teacher, not to R. Jonathan, R. Joshua's student. R. Ismael's interpretation is that the Cohen has to go into all details of the proceedings. The Babli, 32b, is the only source which accepts R. Joshua's derivation. Then the Babli, without mentioning names, follows R. Ismael's interpretation but treats it as purely rabbinic.

Rebbi Johanan in the name of Rebbi Eleazar ben Rebbi Simeon: We do not find that the Omnipresent talked to a woman, except only to Sarah. But is there not written\textsuperscript{11}: "To the woman He said: I shall increase," etc.? Rebbi Jacob of Kefar Hanin\textsuperscript{12} said, through an interpreter\textsuperscript{13}. But is there not written\textsuperscript{14}: "The Eternal said to her, two peoples are in your womb"? Rebbi Abba bar Cahana said, the Word fell to her\textsuperscript{15}. Rebbi Biri said, how many weaver's shuttles! The Holy One, praise to Him, desires to hear the talk of the just women: "He said no, but you laughed."\textsuperscript{16}

\textsuperscript{9} Gen. rabba 20(12), 45(14), 63(8).
\textsuperscript{10} Elsewhere he is called "from Kefar Hanan".
\textsuperscript{11} Gen. 3:16.
Adam is addressed by the Eternal in 3:9, the woman in 3:13, the snake in 3:14. Gen. 25:23.

A word about her fell to a prophet (in the opinion of Gen. rabba, Sem ben Noah.)

The only time we find a mention of God addressing a woman directly it is about an unimportant matter.

"The declaration of tithes, as it is written17: "You should declare and say."

There is no such verse. It really should read (Deut. 26:13): "You should say before the Eternal, your God," Who understands all languages, in contrast to the declaration of First Fruits (v. 3), where it says "you should say to him (the priest)", who is supposed to speak only Hebrew. The quote contradicts Halakhah 2, Notes 43ff; it is correct in Sifry Deut. 303 and in the Babli, 32b, where it is pointed out that "declare and say" always means Hebrew only (as in Deut. 27:14).

"And the recitation of the Šema'." For it is written18: "You shall talk about them." Rebbi says, I say that the Šema' is recited only in the holy
language. What is the reason? "The words shall be". Rebbi Levi bar Haita went to Caesarea. He heard their voices when they were reading the שמאת in Hellenistic manner. He wanted to hinder them, but Rebbi Yose heard of it and was offended. He said, do I say that someone who does not know to read Assyrian letters should not recite it at all? But he fulfills his duty in any language he knows. Rebbi Berekhiah objected: But there is the Esther scroll, where somebody who knows to read both Assyrian script and Greek can fulfill his obligation only from Assyrian script. Rebbi Mana said: About the Esther scroll, somebody who knows to read both Assyrian script and Greek can fulfill his obligation only from Assyrian script; Greek only, he fulfills his obligation in Greek; and so he can fulfill his obligation in any language he understands.

18 Deut. 6:7. Nobody can discuss something he does not understand.
19 Deut. 6:7. It is understood that the verb יְהִי "to be" in general describes a permanent state. In our case, this means that the words, Deut. 6:1-9, should not be changed. Then they cannot be recited in translation. The Babli, 32b, goes into an extended discussion on the relative merits of the two positions.
20 In the Arukh, s. v. יָהֲפוּת, reads מָנַח בַּר but the reading here seems to be original. A Galilean preacher of the fourth/fifth generation.
21 In the Arukh, בַּי "he ascended", to Caesarea Philippi.
22 Greek ἐλληνιστι, adv., "in the Greek language", here probably Judeo-Greek. [The final Τ might indicate a nasal pronunciation]. In Tanhuma texts, the word is always written לֹא תְּפָלָה. [While in the commentary to Gen. 35:8 [Tanhuma Buber Wayyišlah 26 (Note 100)], the word הָלַלְו is Greek and is characterized as such in Gen. rabba 81(5), the identification of the root in מְגַע (Hos. 13:14) as קָרָבָא מָנַח ("go down", imperative, short for קָרֵבָא) with a Semitic suffix [Tanhuma Buber Saw 4 (Note 30), Tanhuma Saw 2] can only be described
as Judeo-Greek.)

23 Hebrew Square letters, which replaced the paleo-Hebrew script. Since the latter was retained by the Samaritans, the rabbinic authorities insisted on the exclusive use of the square alphabet. One might wonder whether the text expressly authorizes, e.g., Judeo-Arabic or Judeo-German translations written in "Assyrian" characters.

24 "barbaric", is used in talmudic literature exclusively for Greek, for which approved translations existed.

25 The Babli, *Megillah* 18a, permits the bilingual person to hear the Esther story in Greek but rules that reading from a Hebrew scroll written in square letters is acceptable for everybody, even for those who do not know Hebrew. (In Halakhah 2, there is a discussion whether square letters are "Assyrian" or "rich" script.)
not according to your understanding. Rebbi Yudan said, it is to be assumed that he makes them swear according to his understanding. Why does he have to spell out this condition to him? Because of the uneducated, lest they say that there may be mental reservations for oaths. Rebbi Hanania stated before Rebbi Mana: Is there not written\(^2^8\): “But with everybody who stands here with us today”? He said to him, the future generations do not have mental reservations\(^2^9\).

26 Nobody is prosecutable for perjury if he was not admonished in his own language by the court before answering the oath read to him. In the Babli, 33a, the rule is derived from verses. The Tosephta, 7:1, has a different version: If the court explained to him five times in any language he understands and he confirms his oath, he is guilty (if he swears falsely).

27 The text is also in Nedarin 3:1; a parallel text in Babli Sebuot 29a, Nedarin 25a.

28 Deut. 29:14. The argument is about what is written before and after the fragment quoted: “Not with you alone am I concluding this covenant and this oath. But with everybody who stands here with us today, and with those who are not with us today.” How can you have an oath with anybody not involved?

29 Since the unborn cannot have mental reservations, so the mental reservations of the living are invalid.
Mishnah 2: But the following must be said in the holy language: The recitation for the first fruits, blessings and curses, the priestly blessing, the benedictions of the High Priest, the portion about the king, the portion about the calf whose neck was broken, the [priest] anointed for war at the time he speaks to the people.

The recitation for the first fruits, how? "You shall begin and say before the Eternal, your God" but further on it says, "the Levites shall begin and say to all the men of Israel in an elevated voice". Since "beginning" further on means in the holy language, so also here in the holy language.

*Halisha* how? "She shall begin and say: So shall be done to the man" but further on it says, "the Levites shall begin and say to all the men of Israel in an elevated voice". Since "beginning" further on means in the holy language, so also here in the holy language. Rebbi Jehudah says, "She shall begin and say so," [it is invalid] unless she says exactly that text.
Elders), 8 (the priests); cf. Chapter 9.

37 Deut. 20:1-9; cf. Chapter 8.

38 Deut. 26:5.

39 Deut. 27:14. The implication of this verse is explained in the Halakhah.

40 This is an application of the third hermeneutical rule of R. Ismael: The meaning of a word is defined by one paradigm. It does not fit the mold of the second rule, "equal cut", preferred by the commentators.

41 Deut. 25:9.

42 He disregards the dividing accent in the sentence and reads: "She shall begin and say so: it will be done to the man who will not build his brother's house" instead of "She shall begin and say: thus will be done..." It gives a different twist to a derivation originating with R. Jehudah's father's teacher R. Eliezer in Mishnah Yebamot 12:4; cf. Babli 33a/b.

Halakhah 2: It was stated in the name of Rebbi Jehudah: Any place where it was said in any of these expressions: you begin and say, thus, and thus43, it means in the holy language. Rebbi Eleazar said, the defining paradigm for all is: "Moses would speak and God would answer him by voice44." Rebbi Haggai objected, is there not written, "Laban and Bethuel began45," if you say because of "beginning" only, is there not written "and said46"? If you want to say, by "saying" only, is there not written "from the Eternal came the word"47? If you want to say, in the holy language, is there not written "the stone heap of testimony48"? If you want to say,
before the Torah was given, is there not the text of the declaration of tithes which may be recited in any language?

43 The first and last expressions were mentioned in the Mishnah. "thus" is the introduction to the priests' blessing, Num. 6:23.

44 Ex. 19:19. This is not a reference to the statement of R. Jehudah, but to the argument of the Mishnah. While in that verse, the root does not have the meaning of "to begin to speak" but "to answer", the mention of "voice", which was in Hebrew, transfers to the recitation of the Levites, who have to speak "in the voice of the High", where High is a Title of God, Is. 56:15; cf. below, Note 61.

45 Gen. 24:50. As noted later, they spoke Aramaic.

46 That verse contains both roots, even if they are separated by the names of the speakers. Therefore, the argument of R. Jehudah is invalid.

47 This is a counter-argument. Since Laban and Bethuel admitted that the betrothal of Rebecca was a word of the Eternal, did they not speak Hebrew at that moment?

48 Gen. 31:47. Since Laban had to translate Jacob's into Aramaic, it follows that he did not speak Hebrew.

49 Deut. 26:16. However, there only the root is used.

Cf. Mishnah 1.
Rebbi Samuel bar Nahman in the name of Rebbi Johanan: The Syriac language should not be unimportant in your eyes, for it is mentioned in the Torah, the Prophets, and the Hagiographs. In the Torah, it is written: "Laban called it the heap of testimony". In Prophets, it is written: "So you shall say to them." In Hagiographs, it is written: "The Chaldeans spoke to the king in Aramaic." Rebbi Jonathan from Bet Gubrin said, four languages are good for use: The foreign language for song, Latin for war, Syriac for elegies, Hebrew for speech. Some people say, also Assyrian for writing. Assyrian has a script but no language, Hebrew has a language but no script. They chose for them Assyrian script and Hebrew language. Why is its name called "םינש"? Because one is made happy in writing it. Rebbi Levi said, because they brought it with them from Assyria.

51 Jer. 10:11.
52 Dan. 2:4.
53 Greek.
54 "Hebrew" square script, which originally is an Aramaic development of paleo-Hebrew.
55 Since it is used for Hebrew, Aramaic, Mandaic etc.
56 Once paleo-Hebrew script was abandoned.
57 This is a shortened version of a Babylonian tradition (by the "Heads of the Diaspora") that Moses wrote the Torah in Hebrew script and language, Ezra wrote the Torah in Aramaic translation and Assyrian script, but the people chose Hebrew text and Assyrian (Aramaic) letters: Sanhedrin 21b; also cf. Megillah 1:11 (fol. 71b, line 67).
58 The meaning of the sentence is not clear. One could translate: Because its writing is plain.
59 Square script is not found before the return from Mesopotamia, where the exiles lived mostly in the Aramaic-speaking Northern parts.
It is written\(^{60}\): "The Levites shall begin and say to all the men of Israel in an elevated voice\(^{61}\), this teaches that the Holy One, praise to Him, associated His voice to theirs. Another explanation, "the best of voices". Rebbi Isaac said, not low, not high, but moderate.

\(^{60}\) Deut. 27:14. cf. Note 44.

\(^{61}\) Or, "the voice of the Most High,"

Mishnah 3: Blessings and curses\(^{32}\), how? When Israel had crossed the Jordan they came to Mount Gerizim and Mount Ebal in Samaria, next to Sichem which is close to the terebinths of guidance, as it is said\(^{62}\): "They are on the other side of the Jordan, etc.", and at another place it says\(^{63}\): "Abram traveled through the Land up to the place of Sichem, up to the terebinth of guidance." Since the terebinth of guidance mentioned there is at Sichem so the the terebinths of guidance mentioned here are at Sichem\(^{64}\).
Deut. 11:30: "They are on the other side of the Jordan, westward, on the road to sunset, in the Land of the Canaanite who dwells in the prairie, opposite Gilgal, near the terebinths of guidance."

Gen. 12:6. The terebinth may have been a holy tree (or in the language of Deut., a holy grove) at the crossing on the North-South route (Damascus) - Ir Gannim - Beër Šeba - (Egypt) and the "road towards sundown" from Adam-the-City to the Mediterranean.


Halakhah 3: 66"62 "They are on the other side of the Jordan." away from the Jordan. "Far away67 from the road towards the sun's coming", the place from where the sun shines. "In the Land of the Canaanite who dwells in the prairie, opposite Gilgal, near the terebinths of guidance." That refers to Mount Gerizim and Mount Ebal among the Samaritans, the words of Rebbi Jehudah. Rebbi Eleazar68 said, this does not refer to Mount Gerizim and Mount Ebal of the Samaritans. "They are on the
other side of the Jordan," by the Jordan. "To the West, on the road to sunset," a place where the sun goes down. "In the Land of the Canaanite," but there is the Hiwwite69. "Who dwells in the prairie," but there it is in the mountains. "Opposite Gilgal," Gilgal is nowhere there70. "Near the terebinths of guidance." The terebinths of guidance are not there71. How does Rebbi Eleazar uphold "Mount Gerizim and Mount Ebal"? They made two elevations and called them Mount Gerizim and Mount Ebal. In the opinion of Rebbi Jehudah, they walked 120 mil on that day72. In the opinion of Rebbi Eleazar, they did not move at all.

65 Reading of the Rome ms. Leiden text and editio princeps: קַלִל "away from".
66 Parallel texts in Babli 33b, Tosephta Chapter 8, Sifry Deut. 56.
67 Rashi, Commentary to Sota 33b, attributes this meaning of רַפְּאָה to Gen. rabba. If one accepts the usual meaning "westward" (adopted by Rashi in his Commentary to Deut.), one would have to read "sunset" in the opinion of R. Jehudah and "sunrise" in that of R. Eleazar, as suggested by L. Finkelstein, Sifry Deut., pp. 123-124.
68 Only in Sifry Deut. the reading is: R. Eliezer. That reading is very unlikely since R. Ilai, R. Jehudah's father, was R. Eliezer's student. (The one reading "R. Eleazar" quoted by Finkelstein in his apparatus comes from a secondary source not necessarily dependent upon Sifry.)
69 In Sichem, Gen. 34:2.
70 East of Jericho, Jos. 4:19.
71 Here one speaks of a grove, in the verse referring to Abraham of a single tree.
72 The distance from Jericho to Sichem is estimated at 60 mil (in the Babli, 36a, and one Tosephta source, "more than 60 mil"). In R. Jehudah's opinion they crossed the Jordan, put up the stones, walked to Sichem, completed the ceremony, and walked back, all in one day. This contradicts Jos. 8:30-35.
It was stated\textsuperscript{74}: "Rebbi Eliezer ben Jacob says, the verse comes only to prepare the road for them and say that they should walk on the road, not in fields, in inhabited regions, not in the desert, in the valley\textsuperscript{75}, not in the mountains.

\textsuperscript{73} Illegible in Leiden ms., from \textit{Sifry Deut.} explains as \textit{editio princeps} and Rome ms. as "plain".

\textsuperscript{74} Babli 33b, \textit{Sifry Deut.} 56.

Rebbi Eleazar ben Rebbi Simeon\textsuperscript{76} said: I told the Samaritan scribes:

You falsified your Torah and did not gain anything, because you cause to be written in your Torah "near the terebinths of guidance, Sichern\textsuperscript{77}". Is it not known that this is Sichern? It is only because you do not explain by "equal cut\textsuperscript{78}", but we explain by "equal cut". \textsuperscript{79}It is written here, "the terebinths of guidance", and it is said there, "the terebinths of guidance."
Since "the terebinths of guidance" there are at Sichern, also "the terebinths of guidance" here are at Sichern; and following Rebbi Ismael. For Rebbi Ismael said, any "comings" which were said in the Torah refer to after fourteen years, seven during which they conquered and seven during which they distributed\(^\text{80}\). Therefore, blessings and curses were recited only after fourteen years. Rebbi Hanania objected before Rebbi Mana: Is it not written\(^\text{81}\), "It shall be when you cross the Jordan you shall erect these stones"? He said to him, they erected the stones immediately\(^\text{82}\) but blessings and curses were said only after fourteen years.

76 In the other sources (Babli 33b, Sifry Deut. 56): R. Eleazar ben R. Yose. This is the Babylonian tradition which attributes the material of Seder Olam to the school of R. Yose.

77 An additional word which is not original.

78 The second hermeneutical rule which stipulates that a word in the Torah can have only one meaning; cf. Berakhot 1:1, Note 70.

79 See the Mishnah.

80 Any commandment in the Torah which is prefaced by "when you come into the Land" is activated only after each tribe has received their portion of land (Seder Olam Chapter 11, pp. 108-109; Babli Zebahim 118b, Arakhin 13a).

81 Deut. 27:4. These stones had to be erected on Mount Ebal.

82 In that case, Jos. 4:8, 8:30-35, support the interpretation of R. Eleazar.
Mishnah 4: Six tribes climbed to the top of Mount Gerizim and six tribes climbed to the top of Mount Ebal\(^3\) while the Cohanim, the Levites, and the ark were below in the middle. The Cohanim were surrounding the ark, the Levites the Cohanim, and all of Israel [were] on both sides, as it was said\(^4\): "And all of Israel, its Elders, its policemen, its judges were standing on both sides of the ark..." They turned their faces towards Mount Gerizim and opened with the blessing: "Blessed be the man who will not make a hewn or molten [image], the Eternal's abomination, made by an artisan, and will not put it up in secret." These and those did answer and say: Amen. They turned their faces towards Mount Ebal and opened with the curse\(^5\): "Cursed be the man who would make a hewn or molten [image], the Eternal's abomination, made by an artisan, and would put it up in secret." These and those did answer and say: Amen, until they finished blessings and curses.

83 Deut. 27:12-13; Jos. 8:33. 85 Deut. 27:15.
84 Jos. 8:33.
Halakhah 4: It was stated: Rebbi says, it is impossible to say that Levi is up because it already was said that Levi is down. It is impossible to say that Levi is down because it already was said that Levi is up. From this you say, the Elders of the Levites and the priests are down and the rest of the tribe are up. Rebbi Simeon says, it is impossible to say that Levi is up because it already was said that Levi is down and it is impossible to say that Levi is down because it already was said that Levi is up. From this you say, anyone able to serve is down and the rest of the tribe is up. Rebbi Simeon says, "Simeon and Levi", since all of Simeon are up, also all of Levi are up. How do I confirm "in face of the Cohanim, the Levites"? As Rebbi Joshua ben Levi said, in 24 places are Cohanim called Levites and this is one of them: "The Cohanim Levites, the descendents of Sadoq."

86 Deut 27:11-14 seems to be self-contradictory. In v. 12, it is stated that the tribes of Simeon, Levi, Jehudah, etc. have to stand on Mount Gerizim but in v. 14 the Levites are in the middle to recite the curses.

87 In the Tosephta, 8:8, and the Babli, 37a, Rebbi is reported to say that all tribes were standing at the foot of the respective mountains (cf. Jos. 8:33).

88 In the Tabernacle, between the ages of 25 and 50 (Num. 8:24-25). In Tosephta and Babli, this opinion is ascribed to R. Joshia.

89 Ma'aser Seni 5:5, Note 90; Babli Yebamot 86b, Hulin 24b.

90 Ez. 44:15.

The opinion given here is there ascribed to R. Eliezer ben Jacob.
One could think that those on Mount Gerizim did recite the blessings and those on Mount Ebal did recite the curses, the verse\textsuperscript{91} says "the blessings and the curses"; both were saying blessings and curses. One could think that after they had recited the blessings they were reciting the curses, the verse\textsuperscript{92} says "the blessing and the curse", one blessing and one curse. One could think that those on Mount Gerizim did answer "Amen" after the blessings and those on Mount Ebal did answer "Amen" after the curses, the verse\textsuperscript{93} says "the entire people will answer and say "Amen"; these and those did answer "Amen" after the blessings and after the curses. How is that? When they were reciting the blessings they were turning their faces towards Mount Gerizim; when they were reciting the curses they were turning their faces towards Mount Ebal.

\textsuperscript{91} There is no such verse; both in Deut. 30:1 and Jos. 8:34 the singular is used. The plural is used for "blessings" in Deut. 28:2, for "curses" in Deut. 28:15.

\textsuperscript{92} Deut. 11:26, Jos. 8:34. From here on, a similar argument is in Sifry Deut. 55; that text is reproduced in the Babli, 37b.

\textsuperscript{93} Deut. 27:15.
Blessed in general and blessed in particular; cursed in general and cursed in particular. Sixteen covenants on every detail, to study, to teach, to keep, and to do; and the same on Sinai and the same in the prairie of Moab. Rebbi Simeon does exclude that of Mount Gerizim and Mount Ebal and instead includes that of the Tent of Meeting. Also Rebbi Simeon did say, there is no single detail in the Torah about which not 576 covenants were concluded. Twelve in blessing, twelve in cursing. Twelve in general, twelve in detail. That makes 48 covenants. To study, to teach, to keep, and to do, that makes 192 covenants. The same on Sinai and the same in the prairie of Moab, that makes 576 covenants. Rebbi Simeon ben Jehudah from the village of Emmaus says in the name of Rebbi Simeon: 603. Rebbi says, if one follows the words of Rebbi Simeon ben Jehudah from the village of Emmaus who said in the name of...
Rebbi Simeon, then there is no single detail in the Torah about which not 48 times 603'550 covenants were concluded.

94 Babli 37 a/b, Tosephta 8:10-11. The explanation follows Rashi in the Babli.
95 Deut. 27:26 is general, referring to "the words of this Torah", but vv. 15-25 refer to particular sins.
96 For each commandment one is obligated to study it (Deut. 6:6), to teach it (Deut. 6:7, 11:19), to keep and execute it (Deut. 4:6,5:1). There are four obligations that bring blessings and four omissions that bring curses, in all 8. Since every commandment is also part of "the words of this Torah", that equals 16 for each single commandment.
97 Lev. 26:46.
98 Deut. 28:69.
99 Since Joshua executed only a commandment of Moses; he did not conclude a new covenant at that moment, but did so later, cf. Jos. 24:25.
100 The Babli, 27b, quotes here a disagreement between R. Aqiba, who holds that the entire Torah was given at Sinai and repeated in the Tent of Meeting, and R. Ismael who holds that the general outline was given at Sinai but the details only in the Tent of Meeting (cf. Lev. 1:1).
101 In the Tosephta, R. Simeon is credited with the statement that a total of 3 times 16 covenants were established for every commandment.
102 One for each verse of Deut. 27:15-26.
103 In the Babylonian sources, the name of the village is איד or איפ or cf. S. Lieberman, Tosefta kiFshutah Na'sim p. 711; A. Liss, ed., The Babylonian Talmud with variant readings, Sotah, vol. 2, p. 148, Notes 33,39*.
104 This is the census of the tribes in Num. 1:46, excluding the Levites. This means that he counts one individual covenant for each Israelite. This is the explicit statement in the Tosephta. In the Babli: 48 covenants for 603'550, attributed to Rebbi in our text. The statement of Rebbi in the Tosephta is: 13 covenants for 603'550.

(21d, line 1) אַמָּר לָיָה. כָּל אָמָר רָבִּי זְמֵהוּ מַשְׁמַשׁ רְאֵי שֵׁמֶעָה. כָּל-שֵׁקְתָה בֵּכָל וַנְאַצָּא מָן
So far subjects which were stated in general and in detail\(^{105}\). Subjects which were stated in general but not in detail\(^{106}\). He said to him: So says Rebbi Johanan in the name of Rebbi Simeon\(^{107}\). Anything which was in a set and left the set to teach, not to teach only about itself did it leave but to teach about the entire set\(^{108}\). He said to him: Is that not about a single subject? Perhaps for two subjects? And here\(^{109}\), we deal with two different subjects. Rebbi Tanhumah said, since at the end is written "Amen", it is as if everything were one subject.

105 Of the twelve blessings and curses (cf. Note 102), one is general and 11 are in detail. The ones in detail are also contained in the last, general, blessing and curse.

106 Any other commandment in the Torah. Are there any covenants that force one to obey those?

107 In all Babli-inspired sources, this is the 9th hermeneutic rule of R. Ismael; *Sifra*, Introduction. In Chapter 9, the authorship is attributed to (tannaitic) rabbis who oppose R. Ismael; Chapter 9, Notes 87-89.

108 The example given in *Sifra* is:

It is written in Lev. 7:20 that eating from a well-being sacrifice that had become impure is a deadly sin. But well-being sacrifices are only one element of the set of all sacrifices. In the absence of a biblical statement to the contrary, it can be asserted that eating from any sacrifice that had become impure is a deadly sin. The set is that of all sacrifices, from which the well-being sacrifice was singled out for a special statement.

109 And in this case there are 11 particular statements and one defining the set as all commandments of the Torah.
It is written: "Cursed be he who would not raise all the words of this Torah." Can the Torah fall down? Simeon ben Yaqim says, that is the hazzan who stands. Rebbi Simeon ben Halaphta says, that is the earthly house, as Rav Huna, Rav Jehudah said in the name of Samuel: Josia tore [his garments] about this verse and said, I have to raise.

reads the hazzan had to see to it that the Torah scroll was lifted and shown to all present.

Nachmanides reads "that is the earthly court" (which has to supervise the moral state of the community.)

He asserts that upon hearing the Torah [which by tradition had been forbidden by his father Amon (cf. Midrash Haggadol Deut. on Deut. 27:26)], Josia tore his garments on hearing Deut. 27:26.

Nachmanides does not read the last two words. It would seem that his reading is correct. In Europe, the word always denoted the reader who stood before the congregation and led it in prayer. However, in the East, the was always the employee of the congregation who functioned as rabbi, reader, ritual slaughterer, and general organizer of the community (cf. Berakhot 3:1, Note 60). At Torah readings, the hazzan had to see to it that the Torah scroll was lifted and shown to all present.
Rebbi Aha in the name of Rebbi Tanhum ben Rebbi Hiyya. If somebody studied and taught, kept and did, and it was in his power to strengthen, but he did not strengthen, that one is in the set of the cursed. Rebbi Jeremiah in the name of Rebbi Hiyya bar Abba: If somebody did not study, did not teach, did not keep and did not do, and it was not in his hand to strengthen but he did strengthen, that one is in the set of the blessed. And Rebbi Hana, Rebbi Jeremiah, said in the name of Rebbi Hiyya bar Abba: In the future [world], the Holy One, praise to Him, will make shadow of those who perform commandments in the shadow of those who study Torah. What is the reason? "For in the shadow of Torah, in the shadow of money." And it is said, "it is a tree of life for those who support it."
Why does the verse\textsuperscript{122} say: "and the half of it"? This teaches that a minority was on Mount Gerizim and a majority on Mount Ebal\textsuperscript{123}. Why? Because the tribe of Levi was not completely there. For if the tribe of Levi had been completely there, they would have been equal. Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: If the tribe of Levi had been completely there, they would not have been equal. Why? Since already 24,000 had fallen at Shittim from the tribe of Simeon\textsuperscript{124}. Rebbi Yose ben Rebbi Abun said, if the tribe of Levi had been completely there, they would have been equal\textsuperscript{125}. Why? Because from the tribes of Reuben and Gad only 40,000 front line troops came there.

\textsuperscript{122} In Jos. 8:33, those who went to Mount Gerizim are יְשִׁרֵי "half", but those on Mount Ebal are צִיּוֹן "and the half". The appearance of the definite article has to be explained.

\textsuperscript{123} Based on the figures of Num. 26, there would be about 20,000 fewer persons on Mount Gerizim than on Mount Ebal, the Levites not counted. Since the Levites were counted separately, as unfit for war, and they were counted from one month of age, the numbers cannot be compared. Including children from the age of one month, there were only 23,000 Levites.

\textsuperscript{124} In the count of Num. 1, the tribe of Simeon had 59,300 warriors, but in Num. 26, that number had shrunk to 22,200. The people who had died at Shittim were 24,000 (Num. 25:9). This is less than the total diminution of the tribe of Simeon.

\textsuperscript{125} This is difficult to understand. Following Jos. 4:13, the Transjordanian tribes together delivered "about 40,000 frontline soldiers". There is no indication that the Transjordanien tribe of Manasse was counted separately. In any case, the data in Scripture are insufficient to express any opinion in the matter.
Cahana said, just as they divide here, so they divide at the beginning of the second book of the Pentateuch. Some Tanna'im state: Just as they divide here, so they divide in the standards. The sons of Leah on one side, the sons of Rachel one on one side, the other one on the other side, and the sons of the handmaidens in the middle. Rebbi Mattania said, the reason of this Tanna is: "Hear me, Jacob my servant, Israel my roofed in." Just as on the roof the thick part of one [beam] is next to the slim part of the other [beam]. Some Tanna'im state: Just as they are split here, so they are split on the stones of the ephod. "In their fulnesses", that there should be 25 on one side and 25 on the other side. But they are only 49! Rebbi Johanan said, "Benjamin" of "and their births" is *plene*. Rebbi Judah bar Zabida said, Jehoseph is *plene*, "He put it up as..."
a testimony in Jehoseph. But they are only 23 on one side and 27 on the other! Rebbi Johanan said, Benjamin was split, Ben on one side, Jamin on the other side! Rebbi Zabida said, this is fine. Does it say "their six names"? No, but, "of their names", not their entire names! The first were written on the right hand side of the High Priest, to the left of the viewer. The last were written on the left hand side of the High Priest, to the right of the viewer. The first ones were not written in order, for Jehudah is king. The last ones were written in order.

126 Ex. 1:2-3. There, the order is quite different: First the sons of the wives, then the sons of the handmaidens. In the Babli, 36a/b, the opinion is attributed to R. Hanina ben Gamliel.


128 The verse indicates which tribes were standing on which mountain but does not indicate how they were standing. The opinion here is that on Mount Gerizim the two Rachel tribes, Joseph and Benjamin, were standing at the right and left extremes and the Leah tribes in the middle; on Mount Ebal the two Leah tribes, Reuben and Zebulun were standing at the right and left extremes and the handmaidens' tribes in the middle. (Explanation of Pene Moshe). In the Babli, 36b.

129 Jes. 48:12. The verse is misquoted; "my servant" is not written. The interpretation of this conceit is based on rabbinic Hebrew נֶפֶר "roof girder"; modern Hebrew נֵפֶר.

130 It seems that their roofs were made from wooden beams of a slightly conical shape so that they could be pressed together to protect against the rains. A similar picture Ex. rabba 1(6).

131 Ex. 28:9-10. The order in which the names of the tribes were to be engraved on the Shoham stones is indicated only obliquely as כללוֹתא in
the order of their birth”; that would be Reuben, Simeon, Levi, Jehudah, Dan, Naftali; Gad, Asher, Issachar, Zebulun, Joseph, Benjamin. In the Babli, 36a, this is the opinion of Rav Cahana.

132 The word is written not for the Shoham stones of the ephod but for the stones representing the tribes on the hoshen (Ex. 28:20), on which the names of the tribes were engraved (v. 21) and which were set to fill the settings prepared for them.

133 As written, the names of the Gerizim tribes add up to 27 letters, those of the Ebal tribes to 22. The same objection in the Babli, 36b.

134 On the stone, the name of Benjamin was written בַּנִּים for a total of 28 letters. This opinion is not quoted in the Babli; it is dismissed in the Yerushalmi.

135 Ps. 81:6. In the Babli, 36b, this is the opinion of R. Isaac.

136 This questioner reads плена but defective and плена in its usual form.

137 R. Johanan cannot follow his own opinion that Benjamin was spelled плена but must follow R. Judah bar Zabida. Then on the right hand side there were 27 + 1 - 3 = 25 letters and on the left hand side 22 + 3 = 25 letters.

138 In Ex. 28:10, the group of the first six names is characterized asمشתמה, "of their names", taking the ב, as usual in rabbinic texts, as partitive. The other six names are "the six other names", to be written in full (and, according to the Babli, 36a, in the order of their births.)

139 That means, not in the order in which they are enumerated in Deut. 27:14.
Mishnah 5: After that they brought the stones, built the altar, whitewashed it with lime, and wrote on it all the words of this Torah in seventy languages, as it is written: "well explained". They took the stones, went and stayed in their place overnight.

140 Which stones they were is a matter of discussion.
141 On Mount Ebal, Deut. 27:4.
142 The standard number of peoples on earth as enumerated in Ber. 10.
143 Deut. 27:8. In Jos. 8:35 this is taken to mean that Joshua had to explain the Torah to men, women, and children.
144 At Gilgal, near Jericho.

Halakhah 5: It was stated: It was written on the stones of the dwelling place, the words of Rebbi Jehudah; Rebbi Yose says, it was written on the stones of the altar. He who says, it was written on the stones of the dwelling place, every day the peoples of the world were sending their stenographers and they carried away the Torah which had been written in seventy languages. He who says, it was written on the stones of the
altar, were they not only for a short time and then were hidden? That was another wonder, that the Holy One, praise to Him, gave insight to every people and they carried away the Torah which had been written in seventy languages. For him who says, it was written on the stones of the dwelling place, it is understandable that "you shall whitewash them with lime." But he who says, it was written on the stones of the altar, how does he uphold "'you shall whitewash them with lime'? Between the stones 149.

Rebbi Samuel bar Nahmani in the name of Rebbi Jonathan: "The peoples will be lime incinerators 150", from the lime they took their death sentence 151. Rebbi Abba bar Cahana in the name of Rebbi Johanan: "But the Gentiles will be totally destroyed 152," from Horeb they took their death sentence.

145 In the interpretation of Rashi, Babli 35b, they took the stones, built with them the altar on Mount Ebal, disassembled the altar, took the stones to Gilgal, inscribed the Torah with 70 translations on the stones and covered everything with whitewash. The text of the Babli is paralleled in the Tosephta, 8:6.

Both in the Babli and in the Tosephta this opinion is that of the anonymous majority.

146 In Babli and Tosephta, this is ascribed to R. Jehudah.

147 Latin notarius, "stenographer".

148 They lifted the whitewash from the stone and had the letters stand out, and transported everything back to its place. In the opinion of R. Simeon, the translations were written on the whitewash where they could be copied.

In talmudic theory, Adam was created literate since he had a book (Gen. 5:1). If at any time in human history, peoples were found who were illiterate, they must have been degenerate [Sanhedrin 38b, Avodah zarah 5a; Gen. rabba 24(7)]. Adam was also created an inventor and engineer (cf. the author's The Scholar's Haggadah, pp. 219-221; A Jewish Fundamentalist Philosophy of Science and Development, Association F. Gonseth, Bulletin 63, 1992, pp. 9-20.)
149 This is not mentioned in Babli-Tosephta.
150 *Is.* 33:12. In Babli and Tosephta, this is attributed to R. Simeon.
151 Greek ἁπόφασις "judgment, sentence".
152 *Is.* 60:12. This sermon is not mentioned in the parallel sources. It is based on the identification of ɜ in *I*, Akkadian harābu "to dry up" and ɜ in *II*, Arabic ɜ "to destroy". The basis of this sermon and entire paragraph is the theory, based on *Deut.* 33:2, that before the epiphany on Horeb/Mount Sinai, God had offered the Torah to all the other peoples of the earth, who refused, and only Israel accepted. Therefore, only Israel reaps the rewards in the Future World (cf. *Sifry Deut.* 343, ed. L. Finkelstein; all the other sources are given there in Note 14.)

You may say that there were three kinds of stones: The stones of the resting place, and the stones which Joshua put under the soles of the feet of the Cohanim, and the steles that Moses had given them. Rebbi Haninan said, it is obvious to us that there were four kinds of stones. Rebbi Simon ben Zebid said, that is correct. If you would say, they were the stones of the resting place; these were temporary and were hidden. If you would say, the steles which Joshua put under the soles of the feet of the Cohanim; these were submerged in the water. If you would say, the steles that Moses had given them; they already had moved with them into the Land. But we must deal with the stones that Joshua put up for them on the banks of the Jordan.
153 Tosephta 8:6, Babli 35b.
154 Jos. 4:3,8,20.
155 Jos. 4:9.
156 Greek στήλη. For the use of steles in ancient synagogues, cf. .
157 This is explained in the Babli, 35b. In Deut. 1:5 it is stated that Moses explained the Torah. In 27:8 it is commanded to copy the Torah on the stones, well explained. Since in the latter cases, "explained" means "engraved in stone", it follows that in the first case "explained" also must mean engraved in stone.
158 That the stones on which the Torah was written translated into 70 languages were none of the above three kinds. This opinion is not mentioned in Babli/Tosephta.
159 This is difficult to understand since the stones should be there as a permanent memorial, Jos. 4:21-24. In any case, the verses make it clear that these stones were not to be used to be written on.
160 Even if they had taken the steles with them, the Torah already was written on them and they could not be those on which the Torah was written anew.
It was stated: Rebbi Jehudah bar Ilai says: Abba Halaphta, Rebbi Eleazar ben Mattia, and Hanina bar Hakhinai stood on those stones and estimated that each one on them was a load of 40 seah. From here you can estimate how big was the bunch of grapes. It is written: "Each one should lift a stone on his shoulder." One cannot compare one who lifts from the ground to his shoulder to one who lifts first from the ground to his knee and then from his knee to his shoulder. One cannot compare one who lifts first from the ground to his knee and then from his knee to his shoulder to one onto whom others hang [the load]. One cannot compare one onto whom others hang [the load] to [a load] carried by two.

It is written: "One man per tribe." In the opinion of Rebbi Aqiba who says these are expressions of additions, there were 24, sixteen for the grape bunch and eight for figs, pomegranates, and their belongings. In the opinion of Rebbi Simeon, who says there are double expressions, there were twelve, eight for the grape bunch and four for figs, pomegranates, and their belongings. In the opinion of Rebbi Ismael a beam; in the opinion of Rebbi Aqiba a beam and beams of beams.

The following sentences, while correct in themselves, seem to be out of proper order. They have been translated in the conjectured correct order indicated by the numerals in the text.

161 The following sentences, while correct in themselves, seem to be out of proper order. They have been translated in the conjectured correct order indicated by the numerals in the text.

162 Babli 34a, Tosephta 8:6.
163 Jos. 4:5.
164 Deut. 1:23. This is the wrong quote; intended is Num. 13:2: "One man, one man per ancestral tribe you shall send." The problem is the interpretation of the duplication.
165 In the Babli, 34a, the verse Num. 13:23: "they carried [the grape bunch] on a pole by two" is interpreted that it was carried by eight people with the grape bunch hanging between two poles. There, one is said to have carried a fig, another a pomegranate;
Joshua and Caleb did not carry anything.

166 This attribution seems to be wrong. R. Simeon is not known to reject R. Aqiba’s interpretations. Probably it should read: R. Ismael, who insists that the Torah is written in the vernacular and who is quoted in the next sentence.

167 This is the traditional interpretation; in the absence of a convincing etymology the meaning is not guaranteed.

In the Babli, 34b, the interpretation given here following R. Aqiba is attributed to R. Isaac; the wording is

שכתי ורсан והלך ו חושב לך

certainly based on Gaonic material, the interpretation of R. Isaac’s statement is that the grape bunch was pictured carried between two poles which at each end were fixed to a cross-beam. Each cross-beam at both extremities had smaller cross beams, giving space for 8 bearers, all marching in the same direction. There is no reason not to accept this interpretation for the Yerushalmi; but for the position of the Yerushalmi following R. Ismael, it seems rather that the image is that of a single pole, with four men preceding the grape bunch and four men following behind it.

It is possible that "scale" here stands for "scale bar". But it is possible that שכתי may be a Babylonian corruption of a Semitic word of pilpel type.

(21d, line 69)
It is written: "The waters descending from higher up stood like a dam, very far, from the town of Adam which is besides Săretăn. Rebbi Johanan said, Adam is a town and Săretăn is a town; there are twelve mil from one to the other. That teaches that the water was stacked up and rose like the citadel of Săretăn. Which one is lighter, water or man? Waters are lighter than man; you know that this is so. This teaches that the waters were stacked up and increased, wave upon wave. Rebbi Levi said, up to the sky's heart. There, they said, as far as Babylon. It says here "far", and it says there "they came from a very far land, from Babylon." It was stated: Rebbi Eliezer ben Jacob said, the waters were stacked and rose, waves on waves, for more than 300 mil until all the peoples of the world saw them. That is what is written: "It happened when all the kings of the Emorite on the other side of the Jordan, and all the Canaanite dwelling on the Sea, heard that the Eternal had dried up the waters of the river Jordan for the children of Israel until they had passed across," etc.

168 Cf. Babli 34a and Tosephta 8:2-3.
169 Jos. 4:16.
170 This refers to a tannaitic discussion quoted in the Babli but not here.
171 In Babylonia. This argument is not in the Babli.
172 2K. 20:14; Is. 39:3.
173 In the Babli, and the Tosephta 8:3, this is attributed to R. Eleazar bar R. Simeon.
174 Jos. 5:1.
Rebbi Simeon ben Laqish said, in the Jordan they accepted the secret matters. Joshua told them, if you do not accept the secret matters, the waters will come and sweep you away. Rebbi Simon bar Zabida said, that is correct. You should know that this is so, for Akhan sinned and the majority of the Synhedrion fell at Ai. Rebbi Levi said, at Jabneh the rope was untied; there came a disembodied voice and said: You have nothing to do with secret matters.

175 That the people as a whole will be punished for secret sins of an individual. Moses had explicitly ruled out responsibility of the public for hidden deeds of the individual, Deut. 29:28.

176 Jos. 7:5; Cf. Babli Sanhedrin 44a. In the opinion of the Babli, Akhan’s sin was not private since his family knew about it.

177 In later rabbinic language, this phrase was used in the sense that mystical sayings should have no standing in matters of religious law or practice.
Mishnah 6: How is the priestly blessing? In the countryside they recited it as three blessings\textsuperscript{178}, but in the Temple as one blessing\textsuperscript{179}. In the Temple one says the Name as it is written, but in the countryside by its circumlocution\textsuperscript{180}. In the countryside the Cohanim lift their hands to the height of their shoulders but in the Temple over their heads except for the High Priest who does not lift his hands over the diadem. Rebbi Jehudah says, the High Priest also lifts his hands over his head, as it is said\textsuperscript{181}: “Aaron lifted his hands towards the people and blessed them.”

How are the blessings of the High Priest\textsuperscript{182}? The organizer of the synagogue\textsuperscript{183} takes a Torah scroll and gives it to the president of the synagogue; the president of the synagogue gives it to the Second\textsuperscript{184}; the Second gives it to the High Priest. The High priest receives it standing, he stands and reads "after the death\textsuperscript{185}" and "but on the tenth\textsuperscript{186}"; he rolls the Torah tight, puts it in his bosom and says: More than what I read before you is written here. "And on the tenth" in Numbers\textsuperscript{187} he recites by heart, and recites eight benedictions\textsuperscript{188}: For the Torah, for the Temple service,
for thanksgiving, for forgiveness of sins, for the Temple, for Israel, for the Cohanim, and the remainder of the prayer.

178 Each one of the verses Num. 6:24-26 to be answered by "Amen".
179 To be answered by the people at the end by "praised be the Name of the glory of His kingdom forever and ever".
180 "The Lord" יְהֹוָה or κύριος.
181 Lev. 9:22; since the ritual of blessing with raised hands is derived from this verse, it would be unreasonable to have the Cohanim not conform to Aaron's, the High Priest's, example.
183 On the Temple Mount. This is a non-scriptural ceremony, purely pharisaic, but followed, at least since Hasmonean times, even by Sadducee High Priests.
184 The second in command in the Temple after the High Priest; in effect his executive officer.
185 Lev. 16:1-34, the description of the Atonement service.
186 Lev. 23:26-32. Winding from Chap. 17 to 23 does not take much time.
187 Num. 29:7-11.
188 These are detailed in Halakhah 7.

Halakhah 6: Rav Hisda said, they had great difficulty; elsewhere you say that one goes to the Torah, and here you say, one brings the Torah to him? But because they are important personalities, the Torah is honored by them. Does one not bring the Torah to the Head of the
Diaspora over there? Rebbi Yose ben Rebbi Abun said, since the seed of David is immersed there one treats him in the ancestral way.

The scholars in his academy. Babylonia.

From here to the end of the Halakhah, the text is also in Yoma 7:1.

In the Babli, Yoma 69a, the ceremony is for the glory of the High Priest.

At solemn occasions in Babylonia.

The family of the Heads of the Diaspora claimed descent from king Yekhoniah (Yoyakhin); the Head of the Diaspora is treated as King (Mishnah 7).

At solemn occasions in Babylonia (22a, line 15)

There, we have stated: "One winds in Prophets but one does not wind in the Pentateuch." One winds in one prophet, but not from one prophet to another, but among prophets of the Twelve it is permitted.

But one does not wind in the Pentateuch; Rebbi Jeremiah in the name of Rebbi Simeon ben Laqish: Because one does not wind the Torah in public.

Rebbi Yose asked, think of it, if it was a small portion? But that Israel should hear it in its order. But did we not state: "He reads 'after the death' and 'but on the tenth'"? It is different here, because that is the
order of the day. Know that it is so since Rebbi Simeon ben Laqish said, one does not recite by heart, and here he recites by heart. Rebbi Yose commanded Bar Ulla, the organizer of the congregation of Babylonians: When the Torah has been brought back, wind it behind the curtain. If there are two, return one and bring the other.

195 Mishnah Megillah 4:5.
196 In the public reading from Prophets after the Sabbath reading from the Torah, it is permissible to piece the reading together from different chapters of one prophet.
197 Since all 12 minor prophets are written together in one scroll, moving from one to the next is like winding in one of the major prophets, each of which is written in his own scroll.
198 In the Palestinian 3½ year cycle, it might be that the portion was too small to be read by seven different persons; may some readers read from another place after the allotted portion was already recited?
199 Even if one reads more than the allotted portion on one Sabbath, it must be a continuous text.
200 The Mishnah here.
201 This is a holiday reading, not a Sabbath reading; it has to concentrate on the texts dealing exclusively with that holiday.
202 From the text too far removed to be wound without inconveniencing the public.
203 In Yoma, the text reads: רְבֵּי אַבּוֹתָם תַּלְמוּדָה הַמָּלָא לְבֵית הַמַּלְוָה. "When you have only one Torah, wind it by the curtain." The text here is preferable since a good organizer will wind the Torah well before it is used the next time. The editors who mishandled the text, replacing the text here by that from Yoma in modern editions, probably never were Torah readers themselves.
204 This is not the common usage where one takes out both scrolls and reads from them one after the other. This shows that in Babylonia already in Talmudic times one read from two different scrolls at special occasions (in particular, holidays). One has to correct the statement by Elbogen (cf. Note 205, p. 127) that this practice is not recorded before Rav Yehudai Gaon.
He recites eight benedictions: For the Torah, "He who chooses the Torah." For the Temple service, "For You alone in fear we worship." For thanksgiving, "the Good One, You one must thank." For forgiveness of sins, "He Who forgives the sins of His people Israel in mercy." For the Temple, "He Who chooses the Temple"; and Rebbi Idi said, "He Who dwells in Zion." For Israel, "He Who chooses Israel." For the Cohanim, "He Who chooses the Cohanim." And the remainder of the prayer, "entreaty and begging, for Your people Israel need to be helped before You; Praise to You, Eternal, Who hears prayer."
In the opinion of Elbogen (loc. cit. p. 16), this is the benediction preceding the recitation of the *Šema*.

It seems that this is the only prayer text of the eight benedictions which applies only to the reading of the High Priest.

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Mishnah 7: How does the reading of the king proceed? At the end of the last day of Tabernacles, on the eighth, at the end of the Sabbatical year, one makes a wooden platform for him and he sits on it, as it is said: "At the end of seven years, at the assembly of the Sabbatical years at the festival of Tabernacles, when all of Israel appears." The organizer of the synagogue takes a Torah scroll and gives it to the president of the synagogue; the president of the synagogue gives it to the Second; the Second gives it to the High Priest, the High Priest gives it to the king. The king stands to receive it, he reads sitting down. King Agrippas stood to receive, he read while standing, and the Sages praised him. When he reached "you cannot put over yourselves a strange man
who is not your brother\textsuperscript{217}, tears flowed from his eyes. They said to him, do not fear Agrippas, you are our brother, you are our brother\textsuperscript{218}.

212 In the Babli, Mishnah and Talmud text, "the first day".
213 In Yerushalmi texts, the eighth day; in Babli texts, the eighth year. Cf. The Babylonian Talmud with Variant Readings, Sotah vol. 2, Jerusalem 1979, p. 196.
214 Greek βιγμα.
215 Deut. 31:10-11.
216 Agrippas I, grandson of the Idumean Herod from his Jewish wife Mariamne, so that he was eligible for every office even according to the most restrictive standards (Mishnah Qiddusin 4:7). It seems that the party who objected to an Idumean king (when he was inoffensive as Agrippas was) did base their opposition on Mishnah Qiddusin 3:12 which states that in any lawful marriage that is not sinful, the child follows his father's status. Therefore, the child of a convert would be a convert, even if his mother is from Jewish stock. This is the opinion opposed by the authoritative R. Yose in Qiddusin 4:7.
217 Deut. 17:15.
219 Halakhah 7: Did not Rebbi Hyya state: Nobody could sit in the Temple courtyard except for kings of the Davidic dynasty, and Rebbi Immi said in the name of Rebbi Simeon ben Laqish, even the kings of the Davidic dynasty could not sit in the Temple courtyard! Explain it, that
he was leaning on the wall in a kind of sitting. But is it not written\(^{221}\): "King David came and sat before the Eternal"? Rebbi Ayvo bar Naggari said, he concentrated on his prayer\(^{222}\). There\(^{223}\), we have stated: The first group left and sat on the Temple Mount, the second in the Hel\(^{224}\), and the third at its place\(^{225}\)!

Rebbi Nahman in the name of Rebbi Mana: Did we state that the third *sat* at its place? It stood at its place!

\(^{219}\) Babli 40b,42b; Sanhedrin 101b, Tamid 27a, Qiddusin 23b,78b, Yoma 25a,69b.

\(^{220}\) Inside the fortification of the Temple Mount but outside the Temple precinct.

\(^{221}\) 2S. 7:18.

\(^{222}\) In rabbinic Hebrew, "concentration" is יָשָׁרֵהוּ "sitting of the mind".

\(^{223}\) Mishnah Pesahim 5:10.

\(^{224}\) From the formulation of the Mishnah, it seems that the third group of people sacrificing the Passover lamb was sitting down in the Temple court while waiting for sundown.

It was stated\(^{226}\): Rebbi Hanina ben Gamliel says, many slain fell on the day they were flattering him.

\(^{226}\) In the Babli, 42b, a similar disapproving statement in the name of R. Nathan.
Mishnah 8: And he reads from the beginning of "These are the words" to Šema', Šema', "And it shall be if you listen, "tithing you shall tithe," when you will have finished tithing," blessings and curses [and the paragraph of the king], until he finishes the entire paragraph. The benedictions which the High Priest recites, the king recites, except that he substitutes "for the holidays of pilgrimage" instead of "forgiving of sins".

227 Reading of the Rome ms., missing in many Mishnah mss., the Leiden ms., and editio princeps. In the Babylonian Talmud, the paragraph of the king is mentioned before "blessings and curses," but that also is irregular since someone reading from the Torah should never scroll backwards. Cf. the variant readings of the Babylonian Talmud (Note 213) p. 198, Notes 98,99.

228 Deut. 1,1.
229 Deut. 6:4-9.
233 Deut. 28.
234 Deut. 17:8-20.
235 The last paragraph of the middle benediction of the Amidah for holidays.
from the Sabbatical year to the eighth, not to have them forget tithes.  
Rebbi Haggai asked before Rebbi Yose, does he not to make havdalah?  
He said to him, one already said havdalah on New Year’s Day.

235 Since no tithes may be given from Sabbatical produce.
236 The required benediction when leaving a sanctified state (such as Sabbath or holidays) to enter into profane status. If such a benediction is required after the Sabbath (cf. Berakhot 5:2, Note 62), it should also be required after the Sabbatical year in order to permit agricultural work.
Mishnah 1: The priest anointed for war\(^1\) was speaking holy language when he was addressing the people, as it is said\(^2\): "It shall be when you approach war, the Cohen shall come near", that is the priest anointed for war, "shall speak to the people", in the holy language, "and say to them: Hear, o Israel, you are approaching today war against your enemies," against your enemies but not against your brothers, not Jehudah against Simeon and not Simeon against Benjamin, for if you would fall in their hands they would have mercy on you\(^3\).

1. Cf. Mishnah 7:2, Note 37.  only tribes of the kingdom of Judea are mentioned since Mishnah 2 speaks of Judahites and Ephraimites.


3. It is probably unintended that only tribes of the kingdom of Judea are mentioned since Mishnah 2 speaks of Judahites and Ephraimites.
Halakhah 1: "The priest anointed for war," etc. Why⁴ the priest anointed for war? Because it is written "he shall speak⁵"? But about the reading of the Šemad it is written: "You shall speak about them," and it may be recited in any language. But because it is written there "saying⁶." But for the declaration of tithes it is written "saying⁷" and it may be recited in any language! Rebbi Haggai said, it says here "to come close⁸" and it says there, "the Levitic Cohanim shall come close⁹;" since "coming close" there implies [recitation in] the holy language⁹, so also "coming close" here implies [recitation in] the holy language¹⁰. That follows Rebbi Aqiba who says, these are expressions of additions¹¹. Following Rebbi Ismael who says, these are double expressions? Rebbi Hiyya bar Abba said, it says here "to come close" and it says there, "Moses shall come close to the mist¹²," since "coming close" there implies [recitation in] the holy language¹³, so also "coming close" here implies [recitation in] the holy language.

4 Why must he speak in Hebrew only? It is not an "equal cut" since there is no transfer of meaning involved; it is what is known as ḥatzaf "tying together". Both in the case of the priest chosen for war and the calf selected to atone for an unsolved murder case, it should be quite clear that the people involved cannot be heard unless they are reasonably close. In both cases, the note that they have to come near is somewhat redundant. Therefore, one
may conclude that the additional expression was used to indicate similar circumstances, which by rabbinic authority is declared to concern the language to be used.

11 This refers to the ceremony for the unsolved murder case, where R. Jehudah in 7:2 states that common use of the roots וַיָּחָס הָעָם and הָעָם implies use of the holy language. That argument is acceptable only following R. Aqiba, not following R. Ismael. For the latter, the argument of R. Haggai does not prove anything.

12 Ex. 20:21; the word order is incorrect in the quote.

13 Since Moses was deputized by the people to speak to God Who obviously spoke to them and him in Hebrew. This reference to the holy language is acceptable to R. Ismael.

Would it not be reasonable that "the commanders should take charge at the head of the people" and then "the Cohen shall come close"? He who directs them should inform them! The text is not in the correct order. At the border, you say that the policeman hears from the Cohen the text and communicates it to the people in any language. But at the battle order (they provide water and food and repair the roads). Rebbi Haggai asked, since at the border the policeman hears from the Cohen the text and communicates it to the people in any language, should it not be the same with the battle order? Rebbi Hiyya bar Ada objected, is it
reasonable that "when the policemen finished talking to the people," after that "the Cohen shall come close and speak to the people"? He said to him, since you say, the text is not in the correct order, you cannot infer anything.

14 From the Rome ms. The Leiden ms. before correction has "as a necessary condition", deleted by the corrector. The Rome text is correct as shown by the repetition in the same paragraph.

15 Deut. 20:9.

16 Deut. 20:2.

17 As the text stands, vv. 2-4 are said by the Cohen when the people are formed in battle order, but vv. 5-9 are said before the army units are formed, before the border is crossed.

18 End of Mishnah 5, speaking of the duties of the men freed from combat duty; a larger text must be missing here in both mss. to the effect that only warriors stood in battle order.

Mishnah 2: 19 As it was said further: "The men who were mentioned by name got up, they took charge of the prisoners and all their naked ones they clothed from the booty." You are going against your enemies and if you should fall into their hands they would not have mercy on you.

19 Continuation of Mishnah 1. The characteristic of Palestinian texts. separate count of this Mishnah is 20 2Chr. 28:15.
Halakhah 2: "As it was said further," etc. Rebbi Johanan said, anybody who is not in the position of those [men] who had the power to object, should not object. Rebbi Aha in the name of Rebbi Jonathan: Just as it is a commandment to speak on things that will be done, so it is a commandment not to talk about things that would not be done. Rebbi Eleazar said, just as it is forbidden to declare the impure pure, so it is forbidden to declare the pure impure. Rebbi Abba bar Jacob in the name of Rebbi Johanan: If a practical case comes before you and you do not know whether to burn or to suspend, always prefer burning to suspension since nothing is more beloved in the Torah than burned oxen and burned rams, and they are burned. Rebbi Yose asked: Does one infer something which is not commanded from something which is commanded?

21 From the Rome ms. The insertion is necessary since "to have power" always is expressed by סומרי ברי.  
22 The "heads of Ephraim", "princes and community" who forbade to the Ephraimite army to treat the Judahite prisoners as prisoners of war, 2Chr. 28:12,14.  
23 The same text Terumot 5:9, Notes 113-115; Hagigah 1:8 (76d, line 50).  
24 In the Babli, this is formulated as: "Let them be in error, do not turn them into intentional sinners" (Beṣah 30a, Baba bathra 60b). A formulation similar to the one given here in Yebamot 65b in the name of R. Eleazar.  
25 Heave that is impure by biblical standards has to be burned, if impure by rabbinical standards it only has to be kept until it rots and is no longer food and therefore pure by all
standards. As a practical matter, it would be preferable to burn heave rabbinically impure in the second degree so that it should not cause third degree disability by inadvertent touching.

Animals whose blood was used for a purification rite inside the Temple building (Lev. 4:12,21; 8:17; 16:27).

R. Johanan's argument does not prove anything for rabbinic decisions.

Mishnah 3: "Your heart should not soften, do not fear, nor become impulsive, do not become impressed before them. Your heart should not soften because of the neighing of horses or the gleam of swords. Do not fear, because of the shaking of shields and the stomping of military boots. Do not become impulsive because of the sound of horns, nor be impressed because of the sound of cries. "For the Eternal, your God, is He Who goes with you to make war on your enemies to save you." They come with victories of flesh and blood, but you come with the victory of the Omnipresent. The Philistines came with the victory of Goliath; how did he end? In the end, he fell by the sword and they fell with him. But you, you are not so but "for the Eternal, your God, is He Who goes with..."
you to make war on your enemies to save you," that is the camp of the Ark.

28 Deut. 20:3. This is the speech of the priest appointed for the war.

29 Greek θυρεός, ὁ; "oblong shield"; shutter, stone put against a door", from where modern Hebrew "shutter".

30 Latin caliga, -ae, f., "military boot; military service."

Halakhah 3: "Your heart should not soften," etc. It is written31: "From the radiation that surrounds Him, His clouds," against their cavalry squads32, "passed," against their cohorts. "Hailstorm," against their missile throwers33. "And embers," against their throwing machines34. "Of fire," against their naphta. "He thundered from Heaven35," against their torches36. "The Most High made His voice heard," against the sound of their horns. "He sent His arrows," against their arrows. "And dispersed them," this teaches that they were dispersing them. Rebbi Abba bar Cahana said, this teaches that they were in rectangular formations, that the arrows dispersed them but the lightnings were bringing them together. "Lightnings," against their swords. "And confused them," He confused them, made them disoriented, and felled their standard37. Rebbi said,38 the
expression "and confounded them" means only pestilence, as it is written:

"He will confuse them in a great confusion until He destroyed them."

31 Ps. 18:13-15.
32 Latin turma "squadron". In similar stories in Yalqut Shimoni 230, 232: שָׁםִיתָם. שֵׁם קְרֵם.
33 Latin ballista, ballistra "military machine, stone-throwing machine". In a Genizah fragment, the word is spelled בָּלַעְתָּה.
34 Latin tormentum, "missile throwing machine".
35 In the verse, "He thundered in Heaven".
36 In a Genizah fragment, הננ ע"ז. One might read סְפַּרְדָּה for Greek σαλπίγξ "heavenly trumpet, thunder". This fits much better to "thunder" than the "torches" of both mss.
37 Latin signum, "standard". In a similar version, Tanhuma Be'Allah 23, "He felled their standard and so made them disoriented." In a Genizah fragment, the word is vocalized יסינום.
38 In a Genizah fragment: וַיְכַלֵו אָרֶץ "another explanation".
39 Deut. 7:23.
"To save you', that is the camp of the Ark." But some say, that is the Name which was given in the Ark, as it was stated: "Rebbi Jehudah ben Laqish says, two arks were travelling with Israel in the desert; one in which the Torah was deposited and one in which the broken pieces of the tablets were deposited. The one in which the Torah was deposited was put into the Tent of Meeting; that is what is written: "Moses and the Ark of the Eternal’s covenant did not move from the camp." The one in which the broken pieces of the tablets were deposited was going out and coming in with them. But the Rabbis say, it was only one, and once it went out in the days of Eli and was taken prisoner. A verse supports the Rabbis: Woe to us, who will save us from this mighty god?" A word [which shows that] they never had seen it before. A verse supports Rebbi Jehudah ben Laqish. "Saul said to Ahiya: present God’s Ark." But was the Ark not at Qiryat Ye'arim? What do the rabbis with it? ‘Present to me the High Priest’s diadem.’ Another verse supports Rebbi Jehudah ben Laqish: "The Ark, Israel, and Jehudah, dwell in huts." Was the Ark not in Zion? What do the rabbis with it? The straw roof cover that was in the walls, since the Temple was not yet built.

The Genizah text adds: "and sometimes it was encamped with them."

In the Genizah fragment: "acted as roof". This is the better reading.

Similarly, the Babli (Sotah 42b/43a, Baba batra 14b) notes that "The Name and all its replacements are deposited in the Ark" (in one of Rashi’s versions, "standing in the Ark"). In the Tosephta (7:17): "For the Eternal, your God, is He Who goes with you, "that is the Name deposited in the Ark". Midrash Num. rabba 4(20) refers to 1Chr. 13:6 which calls the ark Name: "God’s ark, the Eternal, Who resides above the Cherubim, which is called Name.”

From here to the end of the Halakhah the text is in Šegalim 7:1, (49c, line 26 ff.)
44 Tosephta 7:18; Baraita Melekhet Hamishkan 6.

45 The ark mentioned in Deut. 10:1.

46 Num. 14:44; the exact description of the ark implies that another ark went out with the people.

47 Babli Berakhot 8b, Baba batra 14b, Menahot 99a.

48 1Sam. 4:8.

49 1Sam. 14:18.

50 1Sam. 7:1-2.

51 2Sam. 11:11.

52 The legal definition of a "hut" to be used on Tabernacles is any dwelling place whose roof is made from vegetable matter immune to impurity, called בק. The construction of the walls is immaterial.

53 When the ark was hidden, there were hidden with it the flask of Manna, the bottle of anointing oil, Aaron’s staff with its flowers and almonds, and the chest which the Philistines returned as a reparation sacrifice for Israel’s God. Who hid it? Josiah! When he saw that it was written: “The Eternal will lead you and your king whom you will have put above you, to a people whom neither you nor your fathers had known,” he started and hid it. That is what is written: “He said to the Levites, who instruct all of Israel, the ones holy to the Eternal, put the Ark into the House that Salomon, son of David, king of Israel, built; you do not have to carry it on your shoulder.” He said, if it is exiled with you to Babylonia, you will never return it to its place. But "now, serve the Eternal, your God, and his people Israel."
53 In *editio princeps* and the Genizah fragment, not in the Leiden ms.

54 From the Genizah fragment, not in the Leiden ms. or *editio princeps*.

55 In the Genizah fragment: "he said to them" (to the Levites)

56 From the Genizah fragment, not in the Leiden ms. or *editio princeps*.

The word seems to be required by the context.

57 Babli *Yoma* 52b, *Horaiot* 12a, *Keritut* 5b; Tosephta *Kippurim* 2:15,

59 "Ex. 16:33-34.

60 Num. 17:25.

61 *1Sam. 6*.

62 *Deut. 28:36*.

63 *2Chr. 35:3*. The Levites had not carried the Ark since the time of Samuel.
The preparation of the anointing oil. "Take for yourself select spices: Flowing myrrh 500, etc., and casia 500 in Temple sheqel, altogether 1500 parts. "And olive oil one hin," that is twelve log, in which the roots were cooked, the words of Rebbi Meir. Rebbi Jehudah says, they cooked in water, then poured the oil on them, and when it had absorbed the fragrance one removed it, just as the perfumers do. That is what is written: "Make it into holy anointing oil." "That will be for Me for your generations." It was stated, Rebbi Jehudah bar Ilai says: The anointing oil made by Moses in the desert was from the start to the end a work of wonders, since there were only twelve log to start with, as it was said, "and olive oil one hin." It would not have been enough to rub the wooden planks with it; so much more since the fire swallows, wood absorbs, and the kettle absorbs! From it the Tabernacles and all its vessels were anointed, the table and its vessels, the candelabra and all its vessels. From it Aaron and his sons were anointed all of the seven days of induction, from it all high priests and kings were anointed. A king who is first needs anointing, a king who is a king's son does not need anointing, for it is said: "Do anoint him, for this one is it," this one needs anointing but his son does not need anointing. But a High Priest who is the son of a High Priest needs anointing, even for ten generations. Nevertheless, it is all there for the future, as it was said, "a holy anointing oil will this be for Me, for all your generations."
interpretation is as given first. A similar argument must be understood in the Yerushalmi.

It is impossible to translate מנה as "mina" since the holy seqel by archeological evidence was between 13.77 and 14.28 g (Y. Meshorer, Ancient Means of Exchange, Weights and Coins, Haifa 1998), practically equal to the official weight of a tetradrachma. In the tradition of the Babli, the holy seqel was twice the weight of the common seqel; in Babylonian weight this would make it about 18 g. (In any case, spices in the weight of at least 21 kg are a large quantity for only 6.4 liters of oil.) But a mina is defined in the Talmudim as 100 tetradrachmas. This is out of line with the small amount of oil used. It may be that the word "mina", which is missing in the parallel Babli text, is an intrusion from the baraita on the preparation of the holy incense of which 365 portions were prepared for an entire year at once and where all weights, missing in the biblical text, are indicated in minas [Yoma 4:5 (41d line 27), Babli Keritut 6a].

The log is the Roman sextarius, cf. Berakhot 3:4, Note 164. 12 log are three quarters of a modius or about 6.4 liter.

Ex. 30:25.
Ex. 30:24.
1Sam. 16:12.

In the Babli, an amoraic gloss in this baraita of R. Jehudah notes that the numerical value of מ"ה "this" is 12, implying that all 12 log remain for the Lord.
One anoints kings only at a spring, as it was said: "Let Solomon, my son, ride on my mule and take him down to the Gihon; there Sadoq the priest and Nathan the prophet shall anoint him, etc." One anoints kings only because of disputes. Why was Solomon anointed? Because of the dispute of Adoniahu; Joash because of Athaliah, Jehu because of Joram. Is it not written: "Do anoint him, for this one is it," this one needs anointing, but the kings of Israel do not need anointing! But Joaḥaz because of his brother Joakim who was two years his elder. But did not Josiahu hide it? That means, they anointed with balsamum. One anoints kings only from a horn. Saul and Jehu were anointed from a can because their kingdom was temporary; David and Solomon were anointed from a horn because their kingdom was permanent. One does not anoint priests as kings. Rebbi Yudan Antordiyya said, because of "the scepter shall not be removed from Jehudah." Rebbi Ḥiyya bar Ada said, because "he shall have many days of his kingdom, he and his sons in the midst of Israel." What is written after that? "The levitic Cohanim should not."
it is noted that Joahaz was 23 years old in the same year in which Joakim was 25. Cf. Seder 'Olam, Chapter 24 (in the author's edition, pp. 213-215); Babli Arakhin 12a.

As indicated in the previous paragraph. Then Josiah's son could not have been anointed with the oil made by Moses. The explanation given here is in the Babli, Horaiot 11b, in the name of the later Amora Rav Papa.

Quoted in Babli, Megillah 14a, Keritut 6a.

The Maccabean kings were anointed as High Priests, not as kings.

Gen. 49:10.

Deut. 7:20, last verse in the chapter.

Deut. 8:1.

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

The entire paragraph is paralleled in Horaiot (3:3; 47c, line 35 ff.), Babli Horaiot 11b, Keritut 5b.

IChr. 3:15. Joahaz does not appear in the list.

Since Sedekiah was 21 when he became king, 11 or 12 years after his brother Joakim, he was 15 years
younger than Joakim.  
91 From the root ριχ "equity, justice".
90 From the root ד"כ "complete; perfect; paid-up".

Rebbi Johanan said, the Ark was made with a cubit of six handbreadths. Who stated "a cubit of six handbreadths"? This is Rebbi Meir. As we have stated: "Rebbi Meir says, all cubits were average." According to Rebbi Meir who says that the Ark was made with a a cubit of six handbreadths, the length of the Ark was fifteen cubits, as it is written: "Its length two cubits and a half." Each cubit was six and half a cubit three. Four tablets were in it, two broken ones and two whole ones, as it is written: "Which you broke and put into the Ark." Each of the tablets was six handbreadths in length and three in width. If the widths of the tablets were in the length of the Ark, there were three handbreadths left. Apply them to the cylinder. The width of the...
Ark was nine handbreadths, as it is written: "A cubit and half a cubit." A cubit six and half a cubit three. Four tablets were in it, two broken ones and two whole ones. Each of the tablets was six handbreadths in length and three in width. If the lengths of the tablets were in the length of the Ark\textsuperscript{97}, there were three handbreadths left\textsuperscript{107}. On each side half a handbreadth to have a handle, and two handbreadths as place to put there the Torah scroll\textsuperscript{108}.

\textsuperscript{93} A Babylonism, found also in \textit{Seqalim} 6:2.

\textsuperscript{94} In \textit{Seqalim} "their length". But then the original scribe had "the width of the Ark", corrected (probably wrongly) into "the length of the Ark."

\textsuperscript{95} This text was also the original scribe's in \textit{Seqalim}, corrected into: "Take half a handbreadth for each wall, there were two handbreadths left for the Torah scroll."

\textsuperscript{96} The text in \textit{Seqalim} adds: "and their width six handbreadths"; the original scribe had "three". The correction, as also an earlier one (Note 94) is based on the Babli and must be rejected since the uncorrected reading is confirmed as Yerushalmi reading by Tosaphot Menahot 99a, s. v. "

\textsuperscript{97} In \textit{Seqalim}: "If the lengths of the tablets were in the length of the Ark". This text is the correct one since in the text here the second case is identical with the first.

\textsuperscript{98} Mishnah Kelim 17:10.

\textsuperscript{99} There was also a small cubit of 5 handbreadths and a large one of 7.

\textsuperscript{100} Ex. 25:10.

\textsuperscript{101} This Aramaic insert of elementary counting seems to be a gloss.

\textsuperscript{102} In the Babli (\textit{Baba batha} 14b, \textit{Menahot} 99a) attributed to the fourth generation Amora Rav Joseph.

\textsuperscript{103} Deut. 10:2. This explanation of the verse requires the removal of the masoretic dividing accent, and a revocalization \textit{וקים} with \textit{waw} conversive.

\textsuperscript{104} In the Babli (\textit{Baba batha} 14a, \textit{Nedarim} 38a, \textit{Menahot} 99a), the tablets are said to have been six by six handbreadths with a height of three, lying one after the other in the Ark for a total length of 12 and width 6.

\textsuperscript{105} Four tablets lying side by side with their long sides touching one
another fill an area of 12 by 6 handbreadths.

106 Probably the Torah scroll, cf. Note 95. The Torah scroll should have been "next to the Ark", Deut. 31:26.

107 If the tablets were put into the Ark lengthwise in pairs, they fill a rectangle of length 12 and width 6.

108 The first hand in Segalim here also has "for the cylinder" (א מיד המלך), proving the equivalence of "cylinder" and "Torah scroll"; cf. Note 121.

Rebbi Simeon ben Laqish said, the Ark was made using a cubit of five handbreadths. Who stated "a cubit of five handbreadths"? This is Rebbi Jehudah. As we have stated there98: "Rebbi Jehudah says, the builders’ cubit was of six handbreadths, but that of vessels five handbreadths." And the Ark is a vessel. According to Rebbi Jehudah who says that the Ark was made with a cubit of five handbreadths, the length of the Ark was twelve and one half cubits, as it is written100: "Its length two cubits and a
half.” Each cubit was five and half a cubit two and one half. Four tablets were in it, two whole ones and two broken ones, as it is written: "Which you broke and put into the Ark." Each of the tablets was six handbreadths in length and three in width. If the widths of the tablets were in the length of the Ark, there was half a handbreadth left. One finger’s thickness for the wall on either side. The width of the Ark was seven and one half handbreadths, as it is written: "A cubit and half a cubit." A cubit five and half a cubit two and one half. Four tablets were in it, two whole ones and two broken ones, as it is written: "Which you broke and put into the Ark." Each of the tablets was six handbreadths in length and three in width. If the lengths of the tablets were in the width of the Ark, there were one and a half handbreadths left. One finger’s thickness for the wall on either side, and on each side half a handbreadth to have a handle.

109 12.5 - 4.3 = 0.5. by necessity was outside the Ark; cf. Note 106.
110 7.5 - 6 = 1.5. In this opinion, the Torah scroll

How did Besalel make the Ark? Rebbi Hanina said, he made three boxes, two of gold and one of wood. He put one of gold inside the one of wood, and the one of wood inside the other one of gold. That is what is written: "You shall cover it inside and out with pure gold inside and
out." Why does the verse say, "you shall cover it"? To include the upper rim\. Rebbi Simeon ben Laqish said, he made one box and gilded it. That is what is written: "You shall cover it inside and out with pure gold inside and out." Why does the verse say, "you shall cover it"? Rebbi Phineas said, also between the planks.

112 In the Babli, Yoma 72b, this is the opinion of Rav Jehudah, contemporary of R. Hanina. The other opinion is not mentioned there.

113 Ex. 25:11: "You shall cover it with pure gold, inside and out you shall cover it".

114 Which was covered by the gold cover separate from the Ark (Ex. 25:17-21.)

How were the tablets written? Rebbi Hanania ben Gamliel says, five on one tablet each. But the rabbis say, ten on each tablet, as it is written: "He informed you of His covenant which He had commanded you to do, the ten words", ten on each tablet. Rebbi Simeon ben Iohai said, twenty on each tablet, as it is written: "He informed you of His
covenant which He had commanded you to do, the ten words", twenty on each tablet. Rebbi Simai says, forty on each tablet, as it is written, "on each side they were written," a square\textsuperscript{119} Hananiah, the son of Rebbi Joshua’s brother\textsuperscript{120}, says: Between every two commandments, the details and the letters [of the Torah] were written. "Filled with \textit{taršíš}\textsuperscript{121}", like the Great Sea. When Rebbi Simeon ben Laqish had occasion to discuss this verse, he said, Hananiah, the son of Rebbi Joshua’s brother, did teach us correctly. Just as in the sea there are small waves between a large wave and the next, so between any two commandments there are the details and the letters of the Torah\textsuperscript{122}.

\textsuperscript{115} From the Rome ms., confirmed by the end of the paragraph.
\textsuperscript{116} In \textit{Ex. rabba} 47(10) (a somewhat suspect source), the opinions are attributed to R. Jehudah and R. Nehemiah. In Mekhilta dR. Ismael (\textit{Yitro Masekhta dibehodeš} 8), \textit{Cant. rabba} on 5:14, \textit{Tanhuma Eqeb} 9, \textit{Tanhuma Buber Ki Tissa} 20, \textit{Pesiqta rabbati} 21(7), the first two opinions given here.
\textsuperscript{117} \textit{Deut.} 4:13. The verse ends: "He wrote them on two stone tablets." The emphasis on \textit{two} tablets is taken to mean that the Ten Commandments were written twice, once on each of the tablets.
\textsuperscript{118} It is difficult to see what this quote means. A more appropriate quote would have been \textit{Ex.} 32:15: "The tablets were written on both sides, on each side they were written."
\textsuperscript{119} Greek \textit{τετράγωνον} "a square". He seems to think that the tablets were cubes, an opinion not found elsewhere.
\textsuperscript{120} His name was Hananiah ben Hananiah, which shows that he was a posthumous child. Names indicating this kind of bad luck are usually replaced by circumlocutions; cf. E. und H. Guggenheimer, \textit{Etymologisches Lexikon der jüdischen Familienamen}, München 1996, p. xviii; \textit{Jewish Family Names and Their Origins}, Hoboken 1992, p. xviii.
\textsuperscript{121} \textit{Cant.} 5:14. "His hands are golden cylinders, inlaid with \textit{taršíš}," the cylinders being Torah scrolls (\textit{Cant. rabba} 5:12), cf. Note 108. The Palestinian Targum to \textit{Ex.} 28:20, 39:13 translates \textit{taršíš} by לְדוֹרֵי תַּרְשֶׁשׁ "the color of the Great Sea." One may
assume that the scribe of the Yerushalmi did not understand the Greek χρώμα "color" and shortened it to צ. The Targum to Cant.
translates צ by the Syriac/Pahlavi word שירד (Farsi, در) "turquoise".

122 In Cant. rabba 5(12), this is a commentary of R. Johanan.

Rebbi Tanḥuma said, I asked before Rebbi Phineas: It is acceptable following Rebbi Jehudah, it is not acceptable following Rebbi Meir.¹²³

What is the reason of Rebbi Jehudah? "To take this Torah scroll"¹²⁴. In the opinion of Rebbi Jehudah, who said, where the Torah scroll was put? They made for it a kind of case outside and the Torah scroll was put into it. What is the reason of Rebbi Meir? "You should put the cover on top of the Ark."¹²⁶ In the opinion of Rebbi Meir who says that there is no earlier and later in the Torah, "in the Ark you shall put the testimony that I shall give to you,"¹²⁸ and after that, "you should put the cover on top of the Ark." Rebbi Phineas in the name of Rebbi Simeon ben Laqish: The Torah which the Holy One, Praise to Him, gave, its leather was white fire, its inscription was black fire, it was fire mixed with fire; hewn from fire, given from fire: "From His right hand, the fiery law to them."¹³⁰
123 The verses seem to imply that the Torah scroll was not in the ark.
124 Deut. 31:26, "and put it beside the Ark", cf. Note 106.
125 Read χλωσσόκομον for χλωσσήρ, Greek γλωσσόκομον "case, covering, chest".
126 Ex. 25:21.
127 The order of verses in the Torah does not imply either logical or temporal dependency. Accepted in the Babli, Pesahim 6b; Num. rabba 9(44).
128 Ex. 25:16, five verses earlier.
129 Cf. Tanhuma Berešit 1, Cant. rabba 5(12).
130 Deut. 33:2.

Mishnah 4: "The policemen shall speak to the people, saying: Who is the man who built a new house and did not inaugurate it; he should go and return to his house, 131 etc. Not only he who builds a house, but also one who builds a barn, a cow-shed, a wood-shed, a storage facility. Not only he who builds, but also one who buys, or inherits, or who received as a gift.

131 Deut. 20:5. "Lest he should die in the war and another would inaugurate it." He is recruited for auxiliary services (Mishnah 7). The policemen speak after the Cohen whose words were treated in the preceding Mishnaiot. It is not necessary that the original builder inaugurate his house; anybody in legal possession of a not inaugurated house is included.
Halakhah 4: 132 "Who built a house", not only who built; if he bought, inherited, or it was given to him as a gift, from where? The verse says, "the man," "who is the man"133. From where he who builds a barn, a cow-shed, a wood-shed, a storage facility, from where? The verse says, "who builds". I could think that one who builds a portico134, a covered walkway135, and a verandah would return; the verse says "house"; the house is distinguished by the fact that it can be used as a dwelling136. This excludes those items which cannot be dwellings. It also excludes a house which does not enclose four by four cubits. As it was stated137: A house which does not enclose four by four cubits is free from the obligation of a parapet138, or a mezuzah139, or an erub140. It also does not induce tevel for tithes141 and one does not give it four cubits in front of its door142, and it is not counted as a connection to the town143, and one who forsweares any use of a house is permitted to sit in it144, and it does not remain with the buyer in the Jubilee year145, and it cannot become impure by disease146, and its owner does not become exempt from the war because of it.

132 Partial parallels are in the 
7:17. 
Babli, 43a; Sifry Deut. 194; Tosephta 
133 In the interpretation of Rashi,
this means that the verse would have been intelligible if the word שָׁבַע were missing: רְשֵׁר הָעָר "Who built . . . ". Therefore, the additional word must imply an extension of the circle of those who have to go and start using their new property.

134 A formal structure at the entrance to a courtyard common to several houses. It has no walls and confers no privacy.


136 Even if it is used as agricultural facility, a barn etc. could be used as a dwelling, having walls on all sides.

137 Ma’serot 3:7, Notes 114-122.


139 Deut. 6:9, 11:20.

140 If a courtyard belongs to a single owner except that a hut enclosing an area less that four cubits square belongs to another person, that courtyard may be used on the Sabbath by the majority owner without an eruv (cf. Demay 1, Notes 192-193).

141 Freshly harvested produce may be eaten untithed. Once the harvest has been removed to a storage area, it is forbidden as food until heave and tithes were given; cf. Ma’serot 3:5-8. A small shed does not qualify as a storage area.

142 In a courtyard belonging to several owners, the four cubits in front of the entrance to each house are the private domain of this house, to be used to load and unload, and is out of bounds for the other owners. This does not apply to a small hut.

143 On the Sabbath, one may not go outside one’s town more than 2000 cubits (cf. Peah 8, Note 56). Any house which is within 70 cubits of a house or the city wall of the town is also counted as part of the town; the count of 2000 cubits starts only at the outermost house. A small building does not count as a house.

144 In popular language, a small shelter is not called a house. Therefore, a person vowing not to sit in a house may sit in a small shelter.

145 It is agricultural property, not a city dwelling; Lev. 25:30.

146 Lev. 14:34 ff. The rules of diseased structures are explicitly restricted to "a house of the Land of your inheritance".

(22d line 44)
Why does the verse say, "who built"? This excludes him whose house collapsed and he rebuilt it. (Rebbi Yose said, this implies that one who remarries his divorcee does not return.) One could think that somebody who builds a house outside the Land would return; the verse said, "and he did not inaugurate it," meaning where there is an obligation of inauguration; this excludes cases where there is no obligation of inauguration. If he received prepaid rent, it is as if he inaugurated it; if [the rent is payable] only after twelve months, it is as if he had not inaugurated it. If he locked it, if it contains valuables for which one usually stops working, it is as if he inaugurated it; otherwise, it is as if he had not inaugurated it.

147  Deut. 20:5. The quote is only to indicate the verse, not the reason for that deduction. The emphasis is on "who built a new house". Cf. also Halakhah 7.

148  This sentence is paralleled by a tannaitic statement in Halakhah 6, Note 186. The person who had married a woman in preliminary marriage (cf. Demay 4:2, Note 19; Peah 6:2, Note 46; Yebamot 1:1, Note 63) but had not lived with her returns from the war if she is a new wife; i. e., not one previously married to him.

149  It is inferred from here that a formal inauguration of a newly built house is a religious commandment in the Land.

150  If the house was built not for the family of the builder but for rental purposes, receipt of the first rental payment is the inauguration, but only if the payment is made not later than the end of the usual rental period of 12 months.

151  If the value of the things stored is so high that either the owner has to be present to guard against thieves or he has to pay a watchman; that is use equivalent to living in the building.
Mishnah 5: "And who is the man who planted a vineyard and did not redeem it," etc. Not only one who planted a vineyard but also one who planted five fruit trees, even from five different kinds. Not only one who planted but also one who sank or grafted, also one who buys, or inherits, or who received as a gift.

152 Deut. 20:6. The fruit of a newly planted vineyard or orchard cannot be used unless it was redeemed in his fourth year, Lev. 19:23-24.
153 An orchard, whose rules of redemption are identical to those of a vineyard; cf. Ma'aser Šeni 5:4.
154 He produces a new tree by covering a branch of an existing tree with earth; cf. Kilaim 7:1. Note 1.

Halakhah 5: "Who planted". Not only who planted; if he bought, inherited, or it was given to him as a gift, from where? The verse says, "the man," "who is the man". From where about him who planted a vineyard but also who planted five fruit trees, even from five different kinds? The verse says, "who planted", in any circumstance. I could think that one who planted four fruit trees or five futile trees may return? The verse says, "a vineyard." Since a vineyard is special in that it is composed of five vines, this excludes the case where there are not five vines.
The same argument as in Note 133, applied to v. 6, not v. 5. Parallels in Babli 43b; Sifry Deut. 195.

The definition of a futile tree is in dispute (Mishnah Kilaim 6:6); the majority opinion holds that a tree is futile if and only if its fruits are not edible.

The minimal size of a legal vineyard, cf. Kilaim 4:3, Note 38. The vineyard must be planted in orderly rows; in an orchard, the trees must grow at least four and at most $\sqrt{250} (=15.8)$ cubits apart; cf. Ševi‘it 1:2, Notes 18,22.

Or fruit trees.

If the wine is freshly pressed, if the wine is sour? As it was stated: Sour wine may be used to make an eruv and participating, one makes a benediction for it, and one may use it for the preliminary marriage of a bride, for consoling the mourner, and it may be sold in a store as wine. If somebody made an unqualified contract for wine, he did not sell sour wine. One is prohibited from delivering a decision, or to dissolve a vow, or to enter the Temple. Only it is forbidden on the altar. And about the rebellious son it is problematic.

From the Rome ms., missing in Leiden ms. and editio princeps.

In the Rome ms. "if he drank it as..." Since this paragraph is not connected with the preceding or the following ones, it is difficult to decide between the readings.

This is wine for which it is a matter of opinion whether it is sour wine or sweet vinegar. It still must contain some alcohol. The first hand of the Leiden ms. wrote תומך אל מֵּכֶה "wine fermenting". This may be an intrusion from a similar Babylonian baraita, Sanhedrin 70a.
common courtyard, the latter can be turned into common property to be available to all dwellers for use on the Sabbath by everyone donating food for a common meal. This is called eruv, "mixing". If the inhabitants of a dead-end street decide to turn their street into common property for Sabbath purposes, they have to install a symbolic door at the entrance to the street and prepare common food by "participating". Cf. Demay 1:4, Notes 192, 193.

163 Before one drinks sour wine, one has to recite the benediction for wine, not vinegar (Mishnaiot Berakhot 6:1,3).

164 Cf. Demay 4:2, Note 19; Peak 6:2, Note 46; Yebamot 1:1, Note 63.

165 The first meal of a mourner after the burial of a close relative must be given to him by others and it includes wine; cf. Berakhot 3:1, Notes 48,49,54; Babli Ketubot 8b, Sanhedrin 90a.

166 On the wholesale level, sour wine has to be labelled as such. However, if an entire inventory was sold, the buyer must expect 10% of the barrels to contain sour wine (Mishnah Baba batra 6:1).

167 Lev. 10:8-11 forbids entering the Temple, officiating, and delivering any religious instruction to anybody who is still under the influence of any alcoholic beverage. Since sour wine contains alcohol, it disables as wine.

168 Mal. 1:8 declares sinful any offering on the altar which would not be received by the Pasha as a bribe.

169 The rebellious son (Deut. 21:18-21) is not guilty unless he eats and drinks immoderately, including half a log of wine (2.7 dl) in one sip. It is undecided whether drinking almost-vinegar is drinking wine in this case. The Babli (Baba batra 96a) discusses whether smell or taste decide between wine and vinegar. It is obvious (Sanhedrin 70a) that grape juice does not qualify as wine in this respect.
I could think that somebody who redeems a vineyard outside the Land would return, the verse says\textsuperscript{170}: "And he did not redeem it". In case one is commanded to redeem it\textsuperscript{171}; this excludes where there is no commandment to redeem. It was stated\textsuperscript{172}: Rebbi Eliezer ben Jacob says, one only understands "vineyard". And similarly, one only understands "planted". It was stated: "And he did not redeem it\textsuperscript{170}"; that excludes him who sinks or grafts. Rebbi Johanan said, this follows Rebbi Eliezer ben Jacob. Rav Hisda said, this is everybody's opinion if he grafted fruits of sin\textsuperscript{173}. Where do we hold?\textsuperscript{174} If he grafted a fruit tree on another fruit tree of a different kind; these are fruits of sin\textsuperscript{175}. But if he grafted a fruit tree on a futile tree, as if it were its own kind, he is planting anew\textsuperscript{176}. But we hold if he grafted a black fig tree on a white one\textsuperscript{177}.

\textsuperscript{170} Deut. 20:6.
\textsuperscript{171} In Lev. 19:23, the duty of redemption is clearly restricted to the Promised Land.
\textsuperscript{172} Also quoted in the Babli, 43b. R. Eliezer ben Jacob rejects the extension of the exemption from combat duty given in the Mishnah.
\textsuperscript{173} Since reciting a benediction over any forbidden fruit is blasphemy (\textit{Hitballah} 1:9, 58a line 53; Babli \textit{Baba qama} 94a), it is obvious that since an orchard of \textit{kilaim} cannot be redeemed, the person who planted it cannot be exempted.
\textsuperscript{174} What kind of grafting entitles a man to leave the war zone following the Mishnah but not R. Eliezer ben Jacob?
\textsuperscript{175} These are unquestionably forbidden \textit{kilaim}.
\textsuperscript{176} The stump of the futile tree is simply considered as earth; according to everybody grafting on such a stem is the same as planting in the earth.
\textsuperscript{177} This is permitted; the owner returns following the Mishnah but not R. Eliezer ben Jacob. A "black" fig is a purple one; a "white" fig is green.
When does he redeem it\textsuperscript{178}? In the fourth or the fifth [year]? It seems reasonable in the fifth, since in the fourth it costs him money. But the rabbis of Caesarea say, it is only reasonable in the fourth, since it is written\textsuperscript{179}: "And in the fourth year, all its fruit shall be holy for praise to the Eternal."

\footnotesize{
\textsuperscript{178} In \textit{Lev.} 19, v. 24 states that in the fourth year after planting, "all fruit shall be holy" as quoted in this paragraph. This is considered a burden rather than a joy. V. 25 permits the fruits of the fifth and later years without any restriction.

\textsuperscript{179} \textit{Lev.} 19:24. Because of the disappearance of gutturals, the word \( \text{D'}\text{V}^	ext{V} \text{V} \) is interpreted as \( \text{o'V} \text{V} \text{V} \text{V} \), cf. \textit{Peah} 7:6, Notes 112-113; Babli \textit{Berakhot} 35a.
}

\textbf{Mishnah 6:} "\textsuperscript{180}Who is the man who became betrothed\textsuperscript{181} to a woman and did not take her," etc. Not only one betrothed to a virgin, even one betrothed to a widow, even to one who waits for her brother-in-law\textsuperscript{182}. Even if he heard that his brother had died in the war he then returns and leaves. All those who listen to the Cohen in the front lines return and provide food and water and improve the roads\textsuperscript{183}.\
180  *Deut. 20:7.*
181  He married her in the preliminary ceremony (Note 146) but did not take her into his house.
182  The widow of his childless brother. The surviving brother can marry her based on the dead brother's preliminary marriage; but rabbinically one requires a new preliminary "bespeaking", cf. *Yebamot* 2:1, Note 6. The next sentence shows that the Mishnah does not refer to this rabbinic ceremony.
183  They serve the army in the rear.

**Halakhah 6:** "Who became betrothed". Not only a young man who married a young woman. From where even a young man who married a widow, a widower who married a young woman, a widower who married a widow? From where? The verse says, "a woman", of any kind. Why does the verse say, "new"? That excludes him who remarries his divorcee. Rebbi Yose said, this implies that one who marries a she-ran does not return since he has no religious obligation to live with her.

184  The vocalization is from the Leiden ms. In the Genizah ms., one reads רְצַּנָּה, probably correctly. The usual rabbinic pronunciation is רְצַּנָּה.
185  From the Genizah fragment; missing in ms. Leiden, *editio princeps*, *Sifry Deut.* 196 and the Babli, 44a.
186  Babli, 44a.
187  A woman without secondary female sex characteristics who is considered sterile; cf. *Yebamot* 1:1, Note 65. Her marriage has rabbinic status only.
Even one who waits for her brother-in-law with five brothers. Similarly, even one house for five brothers? There not one of them would be able to live in it. But here, each one of them is able to marry in levirate. What would be like it? Somebody who preliminarily married a woman from now on in twelve months and the time is up while he is in the war; he returns and goes.

188 This refers to the statement that a man who hears that his childless brother has died, returns from the army to marry his sister-in-law. This implies that every brother returns in this case. The Babli agrees, 43b.

189 Why does Mishnah 4 not make a proviso that every man who built a house together with his brothers does return?

190 In the language of the Mishnah, רה always means a one-room house, in which only a single family can live.

191 While only one man can marry the widow, each one could be the one taking her away from the others.

192 The prospective groom delivers an object of value to his bride and stipulates that what she receives and acknowledges at that time shall be valid for preliminary marriage in 12 months’ time. This is a valid contract and after 12 months he is preliminarily married and obligated to marry in final form. (If she sleeps with another man during the 12 months it would be criminal if and only if the preliminary husband is alive at the end of the 12 months’ period and the contract is activated.)
Mishnah 7: The following do not return: If somebody builds a portico, a covered walkway, or a verandah, or planted four fruit trees or five futile trees, or remarried his divorcee. [In the case of] a widow for the High Priest, a divorcee or one having received halisah for an ordinary Cohen, a bastard or Gibeonite girl for an Israel, a Jewish girl for a bastard or a Gibeonite, he would not be returning. Rebbi Jehudah says, also he who rebuilt his house on its foundations would not be returning. Rebbi Eleazar said, also one who built a brick house in the Sharon would not return.

These unions are all forbidden, cf. Yebamot, Mishnah 2:4, Notes 68-73.

Rebuilding a collapsed house on the remaining foundations is not the same as building a new house.

Halakhah 7: It was stated: Rebbi Jehudah said, if he changed anything, he would be returning. If he whitewashed it or added windows, he would not return, if it had been great and he made it small he returns, or one room and he made it two.

The original room was not whitewashed or had fewer windows.
It was stated: Rebbi Eleazar said, also the people from the Sharon did not return since they have to rebuild two times in a Sabbatical period. Also the High Priest was praying for them on the Day of Atonement that their houses should not become their graves.

198 Tosephta 7:19.
199 In the Babli in all cases: R. Eliezer. This reading also in the Tosephta, except the Erfurt ms. The reading of the Yerushalmi is superior since R. Eliezer would have to precede R. Jehudah, his student's son.

200 In the Holiest of Holies. This prayer is mentioned in all liturgical compositions for the musaf prayer of the Day of Atonement.

Mishnah 8: But the following do not leave at all: If he built a house and inaugurated it, planted a vineyard and redeemed it, he who married his preliminarily married spouse, he who took in his sister-in-law, for it is said: "Free he shall be for his house for one year". "His house", that is his house; "shall be", that is his vineyard; "and give pleasure to his wife", that is his wife; "whom he took", to include his sister-in-law. These do not provide food and water and do not improve the roads.
201 They do not join the army even to the border, even though the verse mentions only the newly-wed.

Deut. 24:5: If a man take a new wife, he shall not go out with the army, nor should anything be imposed on him;

202 The same text in Sifry Deut. 271.

203 In the opinion of the Babli, 44a, and Sifry Deut. 271, people preliminarily but not finally married, etc. Following the Genizah fragment, this would include people gainfully employed in the first year of their marriage, etc.

204 Added from the Genizah fragment. If d’cb are commercial taxes, following Levy’s interpretation in his Dictionary, then the statement implies that the exemption from military duty applies only to a person not gainfully employed for a year. Therefore, one should hesitate to declare the absence of this text in the Leiden and Rome mss. an omission. In a Babli source, Tosephta 7:24 (Erfurt 23), it is stated that those who return from the front do pay taxes.

205 The statement follows the Genizah fragment, which implies that the exemption applies to all unoccupied in town, not paying city taxes, not providing food and water nor improving the roads, as it is said: "nor should anything be imposed on him," but it may be imposed on others.

Halakhah 8: "If he built a house and inaugurated it," but did not use it for twelve months. "If he planted a vineyard and redeemed it," but did not use it for twelve months. And all are derived from the wife: Since the wife needs twelve months, also all of them need twelve months. It was stated: All those mentioned remain unoccupied in town, [do not pay city taxes], and do not provide food and water nor improve the roads, as it is said: "nor should anything be imposed on him," but it may be imposed on others.
Mishnah 9: "The policemen shall add and say to the people: 'Who is the man fearful and faint-hearted, let him go and return to his house. Rebbi Aqiba says, "fearful and faint-hearted" in its simple meaning, that he cannot stand in military engagements and see a drawn sword. Rebbi Yose the Galilean says, "fearful and faint-hearted" is one who is fearful because of his sins; therefore the Torah appended him to all of these that he should return because of them. Rebbi Yose said, a widow for the High Priest, a divorcee or one having received halisah for an ordinary Cohen, a bastard or Gibeonite girl for an Israel, a Jewish girl for a bastard or a Gibeonite, that is the "fearful and faint-hearted".

206 Reading of the Rome ms., with all Mishnah mss. Leiden ms. and editio princeps: 'העיה "the difficulty (of war)"; but in the Halakah the text agrees with the Mishnah mss.

207 The person betrothed or who had built, etc.

208 That only his officer but not the public would know that he returns as a coward but not as one of the legitimate cases.

In Sifry Deut. 197, R. Yose is quoted to exclude anyone over 40 years old. But in Tosephta 7:22, and Midrash Tannaim Deut. 20:8, the reading is similar to the Mishnah.

209 The Babli considers the cases quoted by R. Yose the Tanna as examples of biblical prohibitions and, therefore, holds that R. Yose the Galilean also recognizes the right of return for one who has overstepped rabbinic decrees. There is no hint in the Yerushalmi that R. Yose includes anything except forbidden but valid marriages.
Halakhah 9: It is written: "The policemen shall add." This expression "shall add" only means an addition. Like a man who says, I am adding to the words of my teacher. It was stated: The latter [words] are additions. Rebbi Yose said, there are two Tannaim. He who said, "I am adding to the words of my teacher," both the first and the later declarations both he and his teacher said. He who said, the later ones are additions, the first [declarations] both he and his teacher said, but the later ones he said but not his teacher. Rebbi Mana said, there is only one Tanna. The first [declarations] both he and his teacher said, but the later ones he said but not his teacher. A baraita disagrees with Rebbi Yose: He hears a sentence from the Cohen and tells it to the people in all languages. But its end disagrees with Rebbi Mana: He adds a final word of his own. If you say so, it does not disagree at all with Rebbi Yose, as it was stated: The first [declarations] both he and his teacher said, but the later ones he said but not his teacher.
210 The last declarations are not said on the authority of the Cohen.

211 The statement explained in Note 210 is also a *baraita*, different from the one quoted last.

212 The first declarations are those attributed to the Cohen, the later ones those put in the mouth of the policemen.

213 The addition is the policemen's explanation in the vernacular.

214 This follows only the first Tanna recognized by R. Yose (the Amora, colleague of R. Mana II).

215 But any text reported in the verses was first spoken by the Cohen.

216 One is free to interpret "the later ones" either as the declaration of the policemen spelled out in the verse or as the additions after the official text.

217

Also, it was stated 218: They all have to bring proof except from this one whose witnesses are with him 219. This follows him who said that he cannot stand in military engagements and see a drawn sword. But following him who says that he is one who is fearful because of his sins, he has to bring proof. Therefore the Torah appended him to all of these 207 that he should return because of them 208, not to publicize the sinners. This comes as Rebbi Levi said in the name of Rebbi Simeon ben Laqish 220: 221 "At the place where the elevation offering is being slaughtered, the purification offering is being slaughtered before the Eternal," not to publicize the sinners 222.
The military instructors realize that they are better off without the coward. But all others have to prove their case.

In the Babil, 32b, a similar statement by R. Johanan in the name of R. Simeon ben Iohai. Cf. Yeḥamot 8:3, Note 198.

Even though elevation offerings are male and purification offerings female, the difference can be seen only by close inspection, so also the sinner could be detected only by inquiry.
war of choice, but in a war of obligation everybody goes out, even a groom from his room and a bride from her bridal chamber. Rebbi Jehudah said, about what have these things been said? About a war of obligation, but in a war of duty everybody goes out, even a groom from his room and a bride from her bridal chamber.

223 Deut. 20:9.  
224 Is. 4:17.  
225 Is. 31:1.  
226 The preceding Mishnaiot which gave permission to a number of people to be excused from military service.

It is written: "When the policemen finish to speak to the people, the officers will have taken up position at the head of the people." Not only in front of the people, from where also behind the people. The verse says, "take up position", "and take up position". That follows Rebbi Aqiba. Following Rebbi Ismael? Rebbi Ismael follows Rebbi Meir, since Rebbi Meir used to call the end of a rope its head.

229 R. Aqiba considers every vaw at the beginning of a word as indication of an addition, even in a case of a vaw conversive when an imperative would need the same number of letters.
Rebbi Meir said: It is written, "the wise man’s eyes are in his head." The stupid one’s are where? In his legs. Rebbi Abba Mari said, the wise man knows what will be the final outcome when he starts something. "Gad, a troop will gang up on him." A troop comes to rob him, and he robs them.

230  Eccl. 2:14.  232 Gen. 49:19. The reference naturally is to the entire verse, "Gad, a troop will gang up on him but he will catch their heel."

So is the Mishnah: "Since flight is the start of falling."  

233 This is the text of the Mishnah mss. The original text reads "since falling is the start of flight." In the Babli, 44b, the text is corrected as it is here.

Rebbi Johanan said, usage is between them; Rebbi Jehudah called a war of choice a war of obligation. "But in a war of duty everybody goes out, even a groom from his room and a bride from her bridal chamber." Rav
Hisda said, they disagree. The rabbis say, a war of obligation was the war of David. A war of duty was the war of Joshua. Rebbi Jehudah called it a war of obligation if we went out against them; a war of duty if they attacked us. It is written: "King Asa proclaimed in all of Jehudah, nobody is free". What means "nobody is free"? Rebbi Simon and the rabbis. Rebbi Simon said, nobody is free to return home even for one hour. But the rabbis say, there is no exemption for a scholar, son of a scholar.

From the Rome and Geniza mss., missing in the Leiden ms.

In the Babli, 44b, this is the opinion of Rav Hisda's son-in-law Rava.

In the Babli, this is restricted to a preventive attack.

IK. 15:22.

He abolished the exemption of the newlywed, Deut. 24:5.

Who claim a general exemption from public works. In the opinion of the Babli, 10a, he abolished the exemptions both of the newlywed and of the scholar.
Mishnah 1: [The portion of] the calf whose neck was broken\(^1\), in the holy language. For it is said\(^2\): "If a murder victim be found on the land, etc. \(^3\)Then your Elders and judges should go out." Three from the High Court in Jerusalem had to go out\(^4\). Rebbi Jehudah says five, since it is written "your Elders", two, "and your judges", two\(^5\). Since no court may have an even number of members\(^6\), one adds another one.

1 To atone for an unsolved murder; cf. Chapter 7:2, Note 36.
2 Deut. 21:1.
3 Deut. 21:2.
4 In Mishnah Sanhedrin 1:3 and Sifry Deut, 205, this opinion is ascribed to R. Simeon.
6 So that an immediate verdict can be rendered in all cases that come before the court.
Halakhah 1: "The calf whose neck was broken," etc. It is reasonable only from "they begin and say"\textsuperscript{10}. He starts from the beginning of the paragraph\textsuperscript{11}. "If there be found," not in a time when they are frequent\textsuperscript{12}. "If there be found," not that you have to search\textsuperscript{13}. "If there be found," finding anywhere is only by witnesses\textsuperscript{14}. "It is not known who killed him", therefore if it was known, even by a male or female slave, one did not break the neck\textsuperscript{15}. There, you say, if it was known, even by a male or female slave, one did not break the neck, and here, you say so? One for the killer, one for the victim\textsuperscript{16}. \textsuperscript{17}And that which you say that if it was known, even by a male or female slave, one did not break the neck, [is it only] if they say that if we see him we will be able to identify him. Even those who say, if we see him we will not be able to identify him, one did not break the neck since it is written: "Our eyes did not see." But somebody did see!

\textsuperscript{7} From the Rome and Genizah mss., missing in Leiden ms. and \textit{editio princeps}.

\textsuperscript{8} From the Genizah ms., missing in Rome and Leiden mss. and \textit{editio princeps}.

\textsuperscript{9} Reading of the Genizah ms., in Rome and Leiden mss. here but correctly in the parallel \textit{Roš Haššanah} 3:1.

\textsuperscript{10} This refers to the discussion which shows that the Levites and the Elders have to recite the verses as written, Chapter 7:2, Notes 43 ff.
11 The Tanna of the Mishnah quotes from v. 1 when the recitation starts only at v. 9, to explain that the rules of the ceremony have to be deduced from the earlier verses.


13 If the body of a missing person is found after a search, this does not qualify for the ceremony.

14 The High Court in Jerusalem will be involved only if two witnesses of good character testify that the corpse was found.

15 To avoid the ceremony, even a single witness of questionable character is sufficient whose testimony could not lead to a conviction.

16 As explained before, to aid the hunt for the killer, one witness is enough. To involve the High Court for the victim, two witnesses are needed.

17 This and the next paragraph are also in *Roš Haššanah* 3:1 (58c l. 73), partially in *Sanhedrin* 1:2 (18c l. 17).

If the court saw the killer. Some Tanna'im state, two of them should stand up and testify before them. There are Tanna'im who state that they all should go and testify at another place. Rebbi Jehudah ben Pazi in the name of Rebbi Ze'ira: As they differ here, so they differ about testimony for the New Moon.

18 The Babli, *Roš Haššanah* 25b, *Baba qama* 90b, makes it clear that a judge who is an accidental witness is disqualified as judge in the case. There, the *baraitot* are interpreted to mean that R. Ţarphon holds that a judge can appear as witness before his colleagues, but R. Aqiba states that a judge as witness has to appear before a different court.

19 And in effect in all court proceedings based on biblical standards. The Babli, *Ketubot* 21b, relaxes these standards in rabbinic cases involving money; accepting that a judge from his own knowledge may recognize a signature on a contract.
Rebbe Jehudah bar Pazi in the name of Rebbe Ze'ira: "A slain one", not one in convulsions; "a slain one", not one in death-throes. If one saw him in convulsions and after some time he came back and did not find him, I say that a miracle occurred and he survived. If one saw him in death-throes here and then found him at another place, one measures from the place where he was found. "Which the Eternal, your God, is giving to you," this excludes places outside the Land. "To inherit it," this excludes Jerusalem which belongs to all tribes, and following Rebbi Ismael. For Rebbi Ismael said, any "comings" which were said in the Torah mean after fourteen years, seven during which they conquered and seven during which they distributed. Rebbi Phineas ben Rebbi Abun said, we may say that all these fourteen years they were not breaking the neck, for it is written "if there be found," not in a time when they are frequent. And all these fourteen years they were frequent.

20 From the Genizah ms., missing princeps. In Leiden ms. an easily corrected mistake.
21 From the Genizah ms. and editio
22 In the Genizah ms.: pa'D ότί It
is difficult to decide between the readings since neither name appears a second time.

23 From the Genizah ms. In the Leiden ms. and editio princeps:"we may say, all these fourteen years they were identified" (the case simply never happened). There are no conclusive arguments for or against either reading.

24 These are tannaitic statements in the Babli, 45b, and Sifry Deut. 205.

25 The same argument in the Babli, 45b, where however one accepts the possibility of an opposing opinion. For the details of the argument for the exclusion of Jerusalem from the rules of inheritance, cf. Orlah 1:2, Note 64.

26 Cf. Chapter 7, Note 80; in detail Orlah 1:2, Note 56 and the sources mentioned there; Babli Qiddusin 37a-38a; Seder ‘Olam Chapter 11.

It was stated: How is it done? The emissaries of the court come out, collect all his signs and bury him. They put up a marker on his grave so that the court who come from the stone hall may measure.

27 From the Genizah ms. Leiden: "they move him"; a reading which seems quite impossible since an unknown corpse has to be buried at the place it was found. In the Tosephta, 9:1(both versions), "they dig and bury". Editio princeps (from the first hand of the Leiden ms): "and they sell", certainly an impossible reading.

28 The local court which has to conduct the burial of persons without local relatives.

29 The place of residence of the High Court in Jerusalem.
From where about marks? Rebbi Berekhiah, Rebbi Jacob the son of
the daughter of Jacob, in the name of Rebbi Onias from Hauran. Rebbi
Yose said it in the name of Rebbi Jacob bar Aha in the name of Rebbi
Onias from Hauran. Rebbi Hizqiah, Rebbi Uziel the son of Rebbi Onias
from Hauran in the name of Rebbi Onias from Hauran (Lev. 13:45):
"impure, impure, he shall call out;" the impurity itself has to call out and
say to you: go away! Rebbi Hila in the name of Rebbi Samuel bar
Naḥman (Ez. 39:15): "The emissaries shall crisscross the land; if one sees a
bone", from here that one makes markers for bones. A human, from here
that one makes markers for spine and skull. He builds, from here that
one makes markers on fixed stones. If you say on loose stones, it would
move and make other places impure. Near it, on a place of purity. A
marker, from here the marks.

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

It was stated\(^{31}\): One does not mark flesh, for perhaps it will decompose. Rebbi Justus bar Shunem asked before Rebbi Mana: Will that not cause pure foods to be retroactively made impure? He said to him, it is better that these should become unusable for a limited time than that [the earth] become unusable forever.

30 This and the following two paragraphs are also in *Ma'aser Šeni* 5:1, explained there in Notes 14-25; *Seqalim* 1:1, fol. 46a; *Mo'ed Qatan* 1:1, fol. 80b/c. Similar arguments, in the name of different authorities, in Babli *Mo'ed Qatan* 5a.

31 Tosephta *Seqalim* 1:5. The Tosephta follows the other Yerushalmi sources which read "pure" in the first sentence, against the mss. here and the Babli, *Moed Qatan* 6a, which read "impure".

\(^{32}\) דביר רבי שמעון. רב ביהודה אמר. בזמניה. מתי טעמא דربي שמואל. טעמא [זבכר].

\(^{33}\) מוסיפין עליה פורים ועניקה בשילושה. דביר רבי שמעון. דאר ביהודה. אמר ביהודה. בזמניה. מתי טעמא דרב ברינה פורים. מוסיפין עליה פורים. דאר ביהודה. אמר ביהודה. בזמניה.
There, we have stated: The leaning of the hands of the Elders and the breaking of the neck of the calf is done by three [judges]; Rebbi Jehudah says, by five. What is the reason of Rebbi Simeon? "The Elders shall lean," two. No court has an even number of members; one adds another one, that makes three. What is the reason of Rebbi Jehudah? "They shall lean," two; "the Elders," two. No court has an even number of members; one adds another one, that makes five. And for the calf whose neck is broken, what is the reason of Rebbi Simeon? "Your Elders, your judges," two. No court has an even number of members; one adds another one, that makes three. What is the reason of Rebbi Jehudah? "Your Elders shall go out," two, "and your judges," two. No court has an even number of members; one adds, that makes five. Rebbi said, the words of Rebbi Simeon are reasonable for the leaning of the hands and those of Rebbi Jehudah for the breaking of the neck. The words of Rebbi Simeon are reasonable for the leaning of the hands, for he does not refer to "they shall lean." And those of Rebbi Jehudah for the breaking of the neck, for he does not refer to "they shall go out." If you would say that the words of Rebbi Jehudah are reasonable for the calf whose neck is broken because he refers to both to "they shall lean" and "they shall go
out," it turns out that you have to say "there shall go out" two, "your Elders" two, "and your judges," two. No court has an even number of members; one adds another one, that makes seven. How do the rabbis explain "your Elders and your judges"? Your Elders who are your judges. It was stated: Rebbi Eliezer ben Jacob says "your Elders," that is the High Court; "and your judges" these are king and High Priest.

32 Added from the Genizah text. While the defective Leiden text is also reproduced in Sanhedrin, the Genizah text is confirmed by Rebbi's argument at the end of this paragraph and Sifra Wayyiqra Pereq 6(2).

33 Text of the Genizah. The Leiden text is fragmentary here. In the parallel Sanhedrin 1:3, the arguments of R. Simeon and R. Jehudah are switched.

34 The parallel text is in Sanhedrin 1:3.

35 Mishnah Sanhedrin 1:3.

36 Lev. 4:15. If the entire community (or their representative, the High Court) have erred, the purification offering requires that the Elders shall lean their hands on the head of the bull.

37 Lev. 4:15; Babli 44b. The quote of the verb is unnecessary. The plural "Elders" means "at least two Elders," cf. Note 5.

38 Deut. 21:2; Sifry Deut. 205.

39 Since the number of the verb is in general determined by the number of the subject, this number cannot be considered independent information.

40 This argument is less clear since R. Simeon likewise does not refer to the verb. The difference between R. Simeon and R. Jehudah is that for R. Jehudah "Elders, judges" represent independent plurals but for R. Simeon one is restricted to "judges who are Elders" (the Babli concurs in this, 34b).

41 Since this number is never mentioned, no author considers the plural form of the verb as information.

42 This is the Leiden editio princeps text here. But in the Genizah ms. and in the Leiden text in Sanhedrin the reading is: R. Simeon. The Leiden ms. reading can be supported since the position of R. Simeon is that of the anonymous majority in the Mishnah.

43 In the Babli, "the select of your
judges", i.e., one disqualifies any judges who are not members of the High Court.

44 Babli 45a, Sanhedrin 14b.

45 He requires the entire High Court to appear (Rashi in Babli 45a). The king (or, in a tribal society, the head of the tribe) is involved since he represents the police powers who alone can determine whether the murderer is unknown. The High Priest is involved since he has to send the priests to conduct the ceremony.

Mishnah 2: If [the corpse] was found hidden in a heap, or hanging from a tree, or floating on the water, one did not break the neck as it is written "on the earth" but not hidden in a heap, "fallen" but not hanging from a tree, "on the field" but not floating on the water. If he was found close to the border, a town in which Gentiles live, or a town without a court, one did measure only from a town with a court. If he was found exactly in the middle between two towns, both bring a total of two calves, the words of Rebbi Eliezer; but the Sages say that one town brings one calf whose neck is broken but two towns do not bring two calves, and Jerusalem does not bring a calf whose neck is broken.
46 Of earth or debris.
47 Deut. 21:1. If there only had been written "if one finds a corpse and the murderer is unknown", one would have had to bring a calf in any case. The added details should be interpreted as necessary conditions in whose absence the rules do not apply.
48 Without a permanent court with authority over the local police. In Mishnaic Hebrew, עליך denotes any cluster of human dwellings, from hamlet to village to town; occasionally it may refer even to a walled city.
49 This is the reading in most mss., including independent Mishnah mss. and those of the Babli. A few mss. and Sifry Deut. 205 show that the clause "one did not measure" does double duty and the meaning of the sentence is: "If it was found close to the border, a town in which Gentiles live, or a town without a court, one did not measure; one did measure only from a town with a court."
50 This sentence is found only in the Leiden ms., a single Mishnah ms., and Sifry Deut. 206; not in the Rome ms. nor in the Babli. Since the Yerushalmi discusses the position of the Sages but the Babli does not, it is clear that the omission in the Babylonian Mishnah is original.
51 Since Jerusalem was not divided as tribal property, cf. Note 24.

Halakhah 2: It was stated: Rebbi Eliezer says, if he was found strangled and hanging from a tree they did not break its neck. Rebbi Yose ben Rebbi Jehudah said, one does not have to say strangled and hanging from a tree, from where even if he was found cast away? The verse says "fallen", why does the verse say "slain"? But even if he was found strangled or hanging from a tree they did not break its neck.
52 In the Genizah ms., the Tosephta (45b) except for Ashkenazic mss.: R. Eleazar.

Rebbi Yose ben Rebbi Abun stated in the name of Rebbi Johanan: "If he was found standing on his bed and the knife was sticking in his heart, one did not break its neck. Rebbi Simeon ben Iohai stated, one did break its neck." But that of Rebbi Simeon ben Iohai is of those which are so-and-so. As Rebbi Johanan said, all those [statements] of Rebbi Simeon ben Iohai which are so-and-so are isolated opinions and one cannot rely on them.

53 The word is missing in the Genizah ms. It can be justified in that R. Yose b. Abun recited a baraita on the authority of R. Johanan. In the version of the Genizah, this is an amoraic statement intended to brand a contradicting tannaitic one as unreliable.

54 The statement is not from a recognized baraita collection, nor does it contain a name of a tradent which would vouchsafe the text for the 100 years between R. Simeon and R. Johanan.

If he was found at the entrance of the city one did break its neck in order to perform the commanded measurement.

55 In the Babli sources (45a, Tosephta 9:1): "one did measure". In all cases one has to measure the distance of the corpse from the nearest city even if it is obvious which city is the nearest one.
When Rav descended there, he declared: I am this place's Ben Azai. There came an old man and asked him, two slain people, one on top of the other? Rav was of the opinion that one breaks its neck. He told him, one does not break its neck. He asked him, why? He said to him, not the lower one for he is hidden, not the upper one because he floats. When he ascended here, he came to Rebbi, who told him: He told you correctly, "if he is found," and not "if they are found." It is reasonable to say "on the land," not floating on the water, "on a field", not hidden in a heap. That is how it was stated in the House of Rebbi.

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56 When Rav descended there, he declared: I am this place’s Ben Azai. There came an old man and asked him, two slain people, one on top of the other? Rav was of the opinion that one breaks its neck. He told him, one does not break its neck. He asked him, why? He said to him, not the lower one for he is hidden, not the upper one because he floats. When he ascended here, he came to Rebbi, who told him: He told you correctly, "if he is found," and not "if they are found." It is reasonable to say "on the land," not floating on the water, "on a field", not hidden in a heap. That is how it was stated in the House of Rebbi.

56 Peah 6:3, Notes 78-80.

57 "There" always means Babylonia; going to Babylonia is "descending," going to the Land of Israel is "ascending." The story appears in the same context in the Babli 45a, the actor being Abbaie, three generations after Rav.

58 Ben Azai, one of the most outstanding students of Rebbi Aqiba, was a walking encyclopedia and used to stroll through the markets of Tiberias, ready to immediately answer any question of Jewish learning. He died during mystical studies before he could marry R. Aqiba’s daughter. In the Talmudim, several Sages are reported to have tried to imitate Ben Azai but all of them were quickly confronted with a question for which they gave the wrong answer or did not know any answer at all. The story is inserted in Peah because a few paragraphs down hidden sheaves will be discussed.

59 The lower body is not "found";
he is only discovered when the body on top is removed. The upper body is not found on the land.

The argument of the rabbis seems inverted; there they say to exclude the hidden things, but here they say to include the hidden things. There, "your field," in the open, to exclude that which is hidden; "your harvest," in the open, to exclude that which is hidden. It is a restriction after a restriction to add the hidden things. But here, "on the land," not floating on the water.

61 Reading of the Genizah ms. The Leiden ms. switches the two expressions. The entire argument is modelled after one in Peah 6:9, Notes 151-154; it is possible that the Leiden text refers to Peah as "here" and Sotah as "there".

62 This refers to Mishnah Peah 6:9, Sifry Deut. 283, interpreting Deut. 24:19: If you cut your harvest on your field and you forget a sheaf on the field, you may not return to take it. R. Jehudah says, this excludes anything hidden, the Sages say this includes everything hidden. But in Deut. 21:1, on your field is interpreted as "not hidden in a heap," excluding any hidden corpse.

63 The principle that a restriction after a restriction is an extension is universally accepted in both Talmudim; in Horaiot 1:1 it is generalized to the statement that any sequence of restrictions of an even number of elements is an extension; for an odd number of elements it is a restriction.
"If he was found close to the border," I say that Saracens killed him. "To a town in which Gentiles live," I say that Gentiles killed him. "Or a town without a court, one did measure only from a town with a court," as it is written: "Our hands did not spill this blood."

64 A clear misspelling, faithfully copied in editio princeps and some medieval authors. Unfortunately, only the letters ו.י. are readable in the Genizah ms. The translation presupposes the reading פ.י.פ. ו.י.פ.

65 Deut. 21:7. Since the members of the local court have to recite the declaration which acknowledges that the crime was perpetrated within the domain of their authority, it is clear that they must come from the seat of the court.

66 Deut. 21:3.

67 Deut. 21:2. The Babli, Bekhorot 16b, which never quotes the Sages, disagrees, and holds that for R. Eliezer it is possible to determine lengths with the utmost precision because if it were possible to measure only with limited precision, the two towns together could bring one calf and stipulate that it should count for that town which really is closest if unlimited precision were possible.
What is the status of cities of refuge? If you say, they were given as distribution, they bring a calf whose neck is broken. If you say, they were given as living quarters, they do not bring a calf whose neck is broken.

68 The levitical cities which served as refuges for the homicide. These cities certainly have a court which has to supervise the trial of the homicide. The problem alluded to here is not mentioned in the Babli; the main reference in the Yerushalmi is Makkot 2:7 (fol. 32a); the statement is alluded to in Ma'aser Šeni 5:8 (fol. 56d, Note 165). If the Levitical cities and the cities of refuge were parcelled out to their inhabitants, they would own land given by God and would be under the obligation of the calf, Deut. 21:1. But if the cities were tribal property and the houses given to the inhabitants as living quarters by the tribal council, not as property, then individual Levites and Cohanim never obtained land and their court cannot participate in the ceremony.

Mishnah 3: From where did they measure? Rebbi Eliezer says, from his navel. Rebbi Aqiba says, from his nose. Rebbi Eliezer ben Jacob said, from the place which makes him slain, from his neck.
Halakah 3: "From where did they measure? Rebbi Eliezer says, from his navel," from the place the child is formed. "Rebbi Aqiba says, from his nose," from the place from which one is identified. This follows what Rav Jehudah said in the name of Rav: "The recognition of their faces testified about them," that is the nose. Rebbi Hiyya bar Abba said, if somebody does not want to be recognized, he should put a patch on his nostrils, then he will not be recognized. As in the following: In the times of king Ursicinus, some people from Sepphoris were under arrest warrants. They put patches on their nostrils and were not recognized. Finally they were denounced and all were caught because of lies.

69 The Babli, 45b, agrees for the reason of R. Eliezer and disagrees for R. Aqiba.
70 The rest of the paragraph is

"Rebbi Eliezer ben Jacob said, from the place which makes him slain, from his neck." What is the reason? Rebbi Simon in the name of Rebbi Joshua ben Levi: "To put you on the throats of the corpses of sinners."
73 From the Genizah ms., required by the historical context, missing in the other sources.

74 The sword, mentioned in the preceding verse; Ez. 21:34. The implication is that V'jn means "slain by the sword" and that most victims of the sword have their throats cut. The Babli agrees, 45b.

Mishnah 4: If his head is found at another place than his body, one brings his head to his body, the words of Rebbi Eliezer; Rebbi Aqiba says, the body to his head.

75 For burial since an unknown slain person must be buried at the place he was found. In the Babli, 45b, and most Mishnah mss., the positions of Mishnaiot 3 and 4 are switched.

Halakhah 4: Rebbi Eleazar said, they disagree about burial. Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: When do they disagree? If the head was higher but the body lower. But if the head was
lower and the body higher everybody agrees that one brings the head to the body\textsuperscript{78}. If there was an incline\textsuperscript{79} on both sides, do I say that the head fell to one side and the body to the other\textsuperscript{80} or does this head have no body and that body no head? If it was level, any distance it is usual to chop it off\textsuperscript{81} is one body; otherwise, the head has no body and the body no head\textsuperscript{82}.

76 Reading of the Rome and Genizah mss., missing in the Leiden ms. (The student of R. Jonathan was R. Samuel bar Nahman; the Amora R. Samuel, student of rabbis Abbahu and Ze'ira, lived two generations later.)

77 In the Babli, 45b, R. Isaac based on tannaitic sources.

78 Because the body fell where he was killed but the head rolled down the incline.

79 The corresponding Babli word is מדריך.

80 If head and body are found at two different sides of a mountain ridge.

81 It is reasonable to assume that a chopped-off head would fall so far away from the body which fell at the place he was killed.

82 And they must be buried separately.

Mishnah 5: When the Elders of Jerusalem had completed their work\textsuperscript{83} and left, the Elders of that town bring "a cattle calf, one which never had been used for work, which never had drawn under a yoke.\textsuperscript{84}" Bodily
defects do not disqualify it. One brings it down to an etan valley; the meaning of etan is "hard". Even if it is not hard it is qualified. One breaks its neck with a stiletto from behind. Its place is forbidden to be used for sowing or agricultural works; it may be used to card flax or to hew stones.

83 To determine which town is responsible for bringing the calf. 84 Deut. 21:3. Not ploughable.

Halakhah 5: "One which never had been used for work," intentionally, "which never had drawn under a yoke," intentionally or unintentionally. Rebbi Jonah explains the Mishnah: "One which never had been used for work," intentionally, "which never had drawn under a yoke," intentionally or unintentionally, if it actually had drawn. Rebbi Yose explained the Mishnah: Intentionally even if it had not drawn, unintentionally if it actually had drawn. It turns out that Rebbi Jonah follows Rebbi Ismael and Rebbi Yose the rabbis. Rebbi Jonah follows Rebbi Ismael, since Rebbi...
Ismael says, anything which was in a set and left the set to teach leaves its set and stands in its new meaning\(^89\). Therefore, he has to spell out "one which never had been used for work," intentionally, "which never had drawn under a yoke," intentionally or unintentionally, if it actually had drawn\(^90\). Rebbi Yose follows the rabbis, since the rabbis say, anything which was in a set and left the set to teach remains in its set and in its new meaning\(^91\). Therefore, he has to spell out: intentionally even if it had not drawn, unintentionally if it actually had drawn.

86 The problem discussed in this paragraph is that if no work ever had been done with the calf, it should be obvious that it never was harnessed under a yoke to draw anything. Therefore the mention of the yoke must give harnessing the animal a status different from any other agricultural work. For the Babli, 46a, imposing a yoke disables the calf whether it was used for work or not, while other agricultural work disables only if it was actually used. This avoids the problem discussed here.

The intention here is that of the farmer who has to decide to use his calf for work. The Babli, Pesahim 26a/b, gives as example that if the farmer lets the calf accompany its mother while she is threshing and by this helps in threshing, it remains acceptable but if the farmer intends that the calf should suckle and thereby help in threshing, it becomes disqualified.

87 Imposing the yoke does not disqualify the calf, only actually drawing (a cart or a plow) does.

88 In that case, imposing the yoke on the calf disqualifies it.

89 This is a version of the hermeneutical rules not found in the Babli or the Sifra; cf. Chapter 7, Note 108. Drawing ploughs or carts was part of the set of works for which cattle are used. If drawing is singled out for separate attention, in this opinion the general rules valid for agricultural works, that the animal has to be made to work, indicated by the passive, are no longer valid. The active mode seems to imply that if the calf drew something on its own initiative, it still will be disabled.
This rule is not to be identified with the 12th rule (Sifra Introduction, Babli Temurah 13b, Šebuot 25b): "Anything which was in a set and was taken out to be judged by different rules you cannot restore into the set unless the verse does this explicitly." Once an animal was dedicated as sacrifice, it is forbidden to exchange it (Lev. 27:10). The same is true for animal tithes (Lev. 27:33), which are sacrifices. The fact that the rules are spelled out again for tithes (whose status of sanctity is automatic) shows that the differences in the rules are intended; one cannot infer from the rules of one for those of the other.

90 Since the verse puts the emphasis on drawing, not on carrying the yoke.

91 This is close to the formulation of rule 9 (Sifra, Introduction): "Anything which was in a set and left the set to teach did not leave to teach about itself alone but to teach about the entire set." The new teaching is that active drawing automatically disables even if not desired by the farmer. This implies that drawing is only an example; the same rule will be valid for any agricultural work.

כְּפָה יַמְשָׁוָה. רָבִּי אָוֶם חֲמָלוֹא. רָבִּי יוֹסֵי בֶּן יְהוֹדָעָא. (23d, line 11)

שְׁלִשׁ אֶשְׁפָּוָה. רָבִּי סִימוֹנָא בֶּן רָבִּי נְחוֹרָא. מֵלָא חֲמָלוֹא קְרָבָא.

How far would it have to draw? Rebbi said, its width. Rebbi Yose ben Rebbi Jehudah said, three finger breadths. Rebbi Simon in the name of Rebbi Yose ben Nehorai said, the entire length of the yoke in its width.

92 To become disqualified.

93 The yoke’s width. In the Babli, 46a, this is defined as one handbreadth (4 thumbbreadths). Rebbi’s opinion is quoted as R. Johanan’s in the Babli.

94 The length of the yoke is measured by the breadth of the animal. This opinion is mentioned as a possibility in the Babli only to be immediately dismissed.
Rebbi Abun bar Hyya asked before Rebbi Ze'ira: "One which never had been used for work," a general statement, "which never had drawn under a yoke," a detailed statement. If a general statement is followed by a detail, the general does not contain more than the detail. He said to him, if it were written "which never had worked, which never had drawn," you would be justified; but it is written "one which never had been used for work." This does not describe general and detail, but the additional reference to "yoke" for an equal cut. Since relative to "yoke" said for the calf He treated all work as a yoke, so for the "yoke" said for the cow we have to treat all work as a yoke. Since relative to "yoke" said for the calf work disables whether intentional or unintentional, so for the "yoke" said for the cow work disables whether intentional or...
unintentional. Since relative to "yoke" said for the cow, the yoke disables, also for the "yoke" said for the calf the yoke disables. Then since for the "yoke" said for the cow blemishes disable, so also for the "yoke" said for the calf blemishes disable? The verse says, "where this one has no blemish." Blemishes disable the cow, blemishes do not disable the calf. Then it also says "one which never had been used for work," for this one work disables, does for the cow work not disable? Can you say there, "where this one has no blemish," this one is disabled by blemishes, sacrifices are not disabled by blemishes?

95 The fifth hermeneutical rule. Since the detail is logically contained in the general, its mention serves as definition for the general statement. The same objection is noted in the Babli, 46a; the short answer given in the Babli is intelligible only in the light of the Yerushalmi.

96 The second hermeneutical rule used in an extended sense, not only that a word has identical meaning in all its occurrences in the Pentateuch but also that all rules connected with it are identical in the two cases being compared. This extended rule requires that the word be free, i.e., not needed to derive other rules. It is difficult to construct the word "yoke" as free in the case of the red cow.

97 The gezerah sawah invoked by R. Ze'ira strictly follows the interpretation of (the later) R. Yose. The interpretation of R. Jonah therefore is rejected implicitly.

98 The red cow whose ashes are used for purification from the impurity of the dead, Num. 19. Verse 19:2 states that the cow (1) must be unblemished and (2) cannot have borne a yoke. Condition (1) is not mentioned for the calf and is explicitly excluded by the Mishnah. (2) implies that the cow is disabled even if no work was ever done or intended. In rabbinic interpretation, the cow had "borne a yoke" if she was mounted by a male.

99 Work is not mentioned in Num. 19:2; its prohibition is inferred from the case of the calf.

100 Following R. Yose, the yoke disables irrespective of intention (with some qualifications). Since R. Yose
extends the rules of the yoke to all work, he will do the same for the red cow.

101 For the cow, Num. 19:2 makes it clear that even if a yoke accidentally fell on the cow, it disables permanently.

102 This would contradict the Mishnah.

103 Num. 19:2.

104 The same argument Babli 46a,

in an expanded version Sifry Num. 123.

105 Deut. 21:3.

106 This is blatantly false, Lev. 22:17-25. Therefore, the only case which the emphatic this one excludes is that of the calf. In Sifry Num. 123, it is concluded that the cow must be unblemished but not the Cohen who burns it in a ceremony outside the sanctuary.

Would missing limbs disable it? That would not be even like sacrifices of the descendants of Noah! Did not Rebbi Yasa say that Rebbi Eleazar explained to the colleagues: "From all living, from all flesh," that they should be complete in their limbs? There, some were for the altar, but here, the altar has no part. Rebbi Huna in the name of Rebbi Jeremiah: Since you say, purgation is written there as for sacrifices, it is as if some of it were for the altar. Does terefa disable it? Since you say, it is as if some of it were for the altar, in that it should be clear to you that
terefa disables it. If its foot was undeveloped, as a donkey's foot\textsuperscript{114}, how do you treat that? If you treat it as if missing a limb, can it be enabled\textsuperscript{115}? If you treat it as a bodily defect, can it be disabled\textsuperscript{116}? Does its blood prepare\textsuperscript{117}? Since Rebbi Hiyya stated that its blood is impure\textsuperscript{118}, its blood prepares.

107 From the Rome ms. Missing in the Leiden ms. and editio princeps. The addition is good style but not absolutely necessary.

108 All of mankind, who have to follow the "natural law" given to Noah. It is accepted both in the Yerushalmi (also Pesahim 9:4 36d line 71, Megillah 1:13 72b line 39) and in the Babli (Avodah zarah 5b, 51a, Zebahim 116a, Temurah 7a) that a Gentile's sacrifice on his own altar is accepted by Heaven if only the animal is of the pure kinds and not missing anything observable from the outside. Only in the Temple are Gentile sacrifices subject to the rules of Lev. 21:21-25. The same verse is quoted in the Babli as in the Yerushalmi.

109 Gen. 6:19. The interpretation of the verse is: From all living creatures, each one with his entire flesh, i. e., a whole body.

110 Since Noah used some of the animals for elevation sacrifices (Gen. 8:20) it is inferred that all pure animals entering his ark were acceptable sacrifices.

111 The calf is buried at the place it is killed.

112 Deut. 21:8; the purpose of the entire ceremony is to purge the Land from the guilt of innocent blood. The goal of purgation is spelled out for all purification and reparation offerings in Lev. 4 ff.

113 Here, the word is used in its original meaning (Ex. 22:30) "Flesh torn on the field you shall not eat," meaning that a carcass torn by a predator is forbidden as food. From this root, the technical term terefa means that any life-threatening injury forbids the afflicted animal as food. There is no difference whether the injury is caused by outside action or sickness. For example, tuberculous lesions of the lung are a main source of terefa. Obviously there are two kinds of terefa; those that can be observed by outward inspection and those which can only be noted when the animal is
cut up after slaughter. Since all animals offered on the altar (except birds) must be offered in pieces, it is clear that all kinds of terefa are forbidden for the altar. But in the case of the calf, only what is verifiable on the living animal is intended. The position of the Babli, Hulin 11a, is that most animals do not have life-threatening internal injuries and, therefore, one may assume that a healthy-looking calf is healthy. (The list of what is considered life-threatening is in Mishnah Hulin 3:1,3).

114 The calf does not have split hooves.

115 It would seem natural to emend the text by switching the places of "enabled" and "disabled" and consider the text as declarative sentences. That is what all commentators and editors do but it is unacceptable since even the Genizah ms., which derives from an archetype different from the Leiden and Rome mss., does have "enabled" and "disabled" in the positions indicated. It seems necessary to treat the sentences as rhetorical questions.

116 Since it was stated in the Mishnah that bodily defects do not disable.

117 If some of the killed calf’s blood comes in touch with fresh food, does it make that food susceptible to ritual impurity. For preparation for impurity, cf. Demay 2, Note 141, Terumot 1, Note 9, Mishnah Makhširin 6:4.

118 Since any impure fluid is impure at least in the first degree, it transmits its impurity and, therefore, does prepare for impurity.

An old man asked the rabbis of Caesarea: Does the breaking of its neck clear its terefa from its impurity? They said to him, is that not a Mishnah: "He who cuts the throat and it turns out to be terefa," He said to them, but I asked about breaking the neck and you answer me
cutting the throat! They said to him, but did not Rebbi Yannai say\textsuperscript{122}, the words of Rebbi Meir, even if it was \textit{terefa} he is guilty? He said to them, you answer me from that of Rebbi Yannai\textsuperscript{123}?

\textsuperscript{119} Reading of the Rome ms. Leiden and \textit{editio princeps}. \יינאי.

\textsuperscript{120} In all cases of ritual slaughter except for the calf, cutting the throat \טש ביא is required. The same is prescribed for profane slaughter of animals intended as food (Deut. 12:21). Any animal which is killed in any other way becomes a carcass whose impurity is original and severe (Lev. 11:39-40). The question arises naturally whether the carcass of the calf is severely impure, not having been slaughtered in the required form, or maybe is pure since its neck was broken by divine decree.

\textsuperscript{121} Mishnah \textit{Hulin} 6:2. This refers to the obligation to cover a wild animal’s blood with earth if it was slaughtered for food (Lev. 17:13). R. Meir holds that the intent is all that counts, even if it should turn out in the end that the animal could not be used as food. The argument here is that the animal was slaughtered in the way prescribed and the fact that it is forbidden for consumption (or for any use) should be irrelevant.

\textsuperscript{122} This is quoted in full in Halakhah 6. The statement refers to Lev. 22:28: "Cattle or sheep, you should not cut their and their calves throats on the same day". There is one opinion which holds that guilt is incurred only if both animals are validly slaughtered as food on the same day. It is generally acknowledged in both Talmudim that R. Meir considers even ineffective cutting the throat as falling under all rules of "cutting the throat." In Halakhah 6, the reading of the mss. is "אלאפא וירדה ייינא even for breaking its neck he is guilty." It seems that this should be the reading here also, but unfortunately the Genizah fragment is illegible at this spot. Since the reading as written is not impossible, it is better not to disturb the text.

\textsuperscript{123} In Halakhah 6, R. Simeon ben \textit{Laqish} disagrees with R. Yannai. Therefore, there is no proof along these lines.

The Babli, \textit{Zebahim} 70b, argues that the dead calf must be pure since "purification is written there as for sacrifices" (Note 110).
The meaning of *etan* is "hard", "Hard is your seat, make your nest in the rock." "Even if it is not hard it is qualified." Similarly, if there is no brook? Rebbi Simeon ben Iohai stated, "they shall bring down, and they shall bring down," even if there is no brook. But that of Rebbi Simeon ben Iohai is of those which are so-and-so. As Rebbi Johanan said, all those statements of Rebbi Simeon ben Iohai which are so-and-so are isolated opinions and one cannot rely on them.

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124 Reading of the Genizah ms. The other mss. and *editio princeps* read as vaw consecutive, R. Simeon wants to construe it as unnecessary addition which enlarges the domain in which the calf could have its neck broken. There are no parallels to this opinion.


126 *Deut.* 21:4. While the vaw starting the sentence is quite necessary...
127 The carotid arteries leading to the brain and the windpipe which must be cut in ritual slaughter.

128 This breaking, נַפְלַיָּה, is done by the finger nail on the neck of a pidgeon used as a purification offering. Since it says "he may not separate (the head from the body)" (Lev. 5:8), it is clear that the Cohen has to cut the arteries and the windpipe. In the absence of an indication to the contrary, this requirement may be transferred to the breaking of the calf's neck.

There\textsuperscript{129}, we have stated: "One might plough one furrow and infringe thereby on eight prohibitions." Rebbi Hoshia asked: Could one not state "one who ploughs the place where the calf's neck was broken," for a total of nine\textsuperscript{130}? The colleagues said before Rebbi Yose: Explain it by the past\textsuperscript{131}. He said to them, since it was for the past, so certainly for the future\textsuperscript{132}.

129 Mishnah Makkot 3:9. A person who is both a Cohen and a Nazir ploughing in a graveyard in which both vines and grain grow, on a holiday of a Sabbatical year, with an ox and a donkey together which both were dedicated to the Temple.

130 The same questions in the Babli, Makkot 22a. The obvious answer is that this could not be a graveyard in which both vines and grain grow.

131 Since verse 21:4 says of the hard valley: "which would not be worked on and would not be sown". The imperfect may be interpreted as a past.

132 The primary meaning of the imperfect is as a future.
The place where it falls down and its surroundings are forbidden. How much are its surroundings? Four cubits. Rebbi says, I am saying that its surroundings are fifty cubits. Rebbi Samuel the son of Rebbi Yose ben Rebbi Abun: "which would not be worked on," a general statement. "And would not be sown," a detail. If a general statement is followed by a detail, the general does not contain more than the detail.

He said to him, if it were written "which would not be worked on, which would not be sown," you would be justified; but it is written "which would not be worked on." This does not describe general statement and detail, but an additional reference.

133 Where the calf falls down. The *hapax* דיס in the opinion of S. Lieberman may be Syriac. In the two Tosephta mss. (9:1) the readings are גישה.{}

134 In the Tosephta: 40 cubits. Since no reason is given for that number and it does not appear in other agricultural contexts, the reading of the Yerushalmi is preferable. The Genizah ms. is not available at this point. The notion that a strip 4 cubits wide is attached to a given domain appears in several contexts, agricultural (as boundary strip between fields) and not agricultural (as private domain on the Sabbath, as reserved domain in front of a house in a multi-family courtyard).

135 Probably one should not read this as forbidding a circle of radius 50 around the burial place of the calf but as the side length of a standard field (bet se'ah) of 50 by 50 cubits centered at the burial place and oriented NS,
EW (cf. Kilaim Chapter 1, Note 195). This agrees with standard rabbinic metrology.

136 That "work" means agricultural use, but that industrial use of the place is permitted.

Mishnah 5: The Elders of that town wash their hands with water at the place where the calf's neck was broken and say: "Our hands did not spill this blood," etc. Did we ever think that the court was spilling blood? But, that he did not come to our attention and we sent him away, or that we did not see him and left him.

137 Deut. 21:7. The Yerushalmi version of this Mishnah is rather shorter than the Babli one. The Yerushalmi version is that of Sifry Deut., 210.

138 The court can perform the ceremony only if it did not tolerate a breakdown of social services.

Halakhah 5: The rabbis here explain the verse about the murderer, the rabbis there explain the verse about the murder victim. The rabbis here explain the verse about the murderer, "he did not come to our
attention and we sent him away," and did not execute him; "or that we did not see him and left him," and muddled his trial. But the rabbis there explain the verse about the murder victim, "he did not come to our attention and we sent him away," without company; "or that we did not see him and left him," without provisions.

139 In all occurrences, the Genizah ms. reads "the Mishnah", which is the more accurate text.

140 Babli 46b; an extended version by R. Joshua ben Levi, insisting that unsolved murder cases exist only if social services are insufficient, Babli 38b.

Mishnah 6: The priests say: "Purge for Your people Israel which You did redeem, o Eternal." They did not have to say that "the blood was purged for them," but the Holy Spirit announces to them that when they follow this procedure the blood will be purged for them. If the killer was found before the calf should have its neck broken, it should leave and graze in the flock. If after the calf's neck was broken it should be buried at its place because if came from the start in a doubtful case; it purged its doubt and left. If the killer was found after the calf's neck was broken, he should be executed.
Deut. 21:8. The calf atones for the community, not the murderer.

Halakhah 6: The Elders wash their hands with water at the place where the calf’s neck was broken and say\(^{138}\): "Our hands did not spill this blood," etc. The priests say\(^{141}\): "Purge for Your people Israel." The Holy Spirit says, "the blood was purged for them." Three verses were said on one topic, what this one said the other did not say, and vice-versa. Similarly, you say\(^{144}\): "She said, please recognize this seal, strings, and
staff," so far Tamar spoke. "Jehudah recognized and said, she is more just than I am because I did not give her to my son Shelah," so far Jehudah spoke. The Holy Spirit said, "he never knew her again." Three verses were said on one topic, what this one said the other did not say, and vice-versa. Similarly, you say: "They told him and said, we came to the land you sent us to; it really is flowing of milk and honey and that is its fruit;" so far Joshua spoke. "But the people are strong who dwell in the land, the cities are very highly fortified, and also the young giants we saw there;" so far said the spies. "Caleb silenced the people to Moses and said, we certainly can mount and inherit it, for certainly we can do it;" so far Caleb spoke. Three verses were said on one topic, what this one said the other did not say, and vice-versa. Similarly, you say: "Sisera's mother looked out and whimpered, etc.;" so far Sisera's mother spoke. "Her wise princesses answered her, . . ., will they not find and distribute booty;" so far said her daughters-in-law. And the Holy Spirit says, "so all enemies of the Eternal will be lost."

145 On could also translate: He never stopped knowing her.
147 Jud. 5:28-31.

Rebbi Phineas said, it is worthy to provide purification all the time back to the Exodus.

148 In Sifry Deut. 210, this is an anonymous tannaitic statement. A comment which there entered the text from the margin explains: "This (the response of the Holy Spirit to the priest's prayer) teaches that the
homicide sins against the Jewish people who left Egypt.

in all generations going back to those

Rebbi Yannai said, the words of Rebbi Meir: Even if one broke its neck he is guilty. Rebbi Jacob bar Aha, Rebbi Immi, in the name of Rebbi Simeon ben Laqish: The words of Rebbi Meir: Even if one broke its neck he is guilty. The words of Rebbi Simeon: Even if he cut its throat, he is not punishable. Rebbi Yannai said, I heard about a boundary, from when it is forbidden: "They shall bring it down," from the time of bringing down following Rebbi Simeon.

Rebbi Samuel bar Rav Isaac said, it is holy while still alive. The Mishnah said so: "it should leave and graze in the flock." What shall it leave? It shall leave its holiness.

Rebbi Mattania said, this is correct. What is written? "The blood shall be purged for them;" then it is silent. Nevertheless, "but you shall eliminate innocent blood from your midst."
149 Text from the Genizah, missing in the other two mss. and editio princeps. The text from the Genizah is required since (1) R. Simeon ben Laqish cannot differ with a Tanna without tannaitic support and (2) R. Ila’s statement makes no sense without it.

150 If a calf has its neck broken the same day its mother was slaughtered for food, cf. Note 120.

151 R. Simeon holds that any use of the verb ס交会 in the Pentateuch refers to slaughter either for the altar or human consumption (Hulin 82a). Since the verse which forbids slaughtering mother and young on the same day uses the word ס交会, it follows that for him only the provision of food either for the altar or humans is forbidden; nothing done with an atoning calf falls under that law.

152 In the Babli, Hulin 82a, R. Yannai stated only that he heard that there is a well defined moment in which the calf becomes sanctified and loses its quality as potential food; the members of his Academy determined that moment to be when the calf enters the unworkable area of the valley.

153 This qualifies the statement of R. Simeon ben Laqish in the name of R. Simeon (ben loḥai). If the mother was slaughtered while her calf was still potential profane food, the calf cannot be slaughtered on the same day. If the mother was slaughtered after the calf had lost its status as potential food, even if the calf was wrongly slaughtered by cutting its throat instead of breaking its neck, the prohibition was not infringed upon. The Babli does not follow this argument.

154 This refers to the statement that if the calf was killed before the murderer was found, the murderer still can be executed.

155 The community, not the murderer.

156 Deut. 21:9. Babylonian sources (Sotah 47b, Ketubot 37b, Tosephta Keritu 4:3) quote an unrelated verse, Num. 35:33.
Mishnah 7: If one witness says, I saw the murderer, and one witness says, I did not see him; or a woman said, I saw, but another woman said, I did not see, they did break the neck. If one witness said I saw, but two said, we did not see, they did break the neck. If two said, we saw, but one said to them, you did not see, they did not break the neck.

157 He could identify the murderer if he was caught.
158 He saw the murder being committed but did not see the murderer and could not identify him in court. Then the murderer cannot be prosecuted under biblical law. (This means that when caught he could not be executed. It does not exclude that under the king’s police powers he could be punished.)

159 Or any other witness who can testify to facts but not in law. (For example, the testimony of gamblers, criminals, women, or slaves cannot be used to impose the death penalty or to notarize documents.)

160 He was with them and testifies that from their position it was impossible to see the murderer. Since he is one against two, his testimony is disregarded.

Halakhah 7: Gidul bar Benjamin in the name of Rav: Anywhere they accepted the testimony of a woman parallel to that of a man, a man can contradict a woman and a woman can contradict a man. One should
state: "A witness says that he saw the murderer, and a woman says that she did not see; a woman said that he saw and a witness said that he did not see," as it was stated in the name of Rebbi Nehemiah: One follows the majority of the testimonies. How is that? Two women against one woman they considered as if there were two witnesses against one witness. What you say refers to a woman and women. But if there were a hundred women against one [male] witness, they are like one witness.

161 Reading of the Rome ms. to the other occurrences of this text. Leiden ms: "the Mishnah". The Genizah ms. has here only a reference to Yebamot 15, Notes 135-138; Sotah 6:4; Babli 47b.

Mishnah 8: When professional murderers prevailed, breaking of the calf’s neck became obsolete, when Eleazar ben Dinai came who was called Tehina ben Perisha. They turned to call him murderous son.

Halakhah 8: "Murderous son," son, professional murderer.

163 Josephus, Antiquities XX, 6,1; Jewish War II, 12,4; 13,6; VII, 8,1. 164 In the Genizah ms: 165 This shows that professional names of the pattern pe'olá were felt to be Aramaic, not Hebrew.
Mishnah 9: When the adulterers prevailed, the spell-inducing water stopped and Rabban Johanan ben Zakkai abolished it, as it is said: "I shall not care if your daughters are whoring," etc.

166 It is unclear when he abolished divorce Judaism from Temple rituals.

167 Hos. 4:14.

Halakhah 9: For it is written, "for they behave like donkeys with the prostitutes," and it is written: "The woman will be a swearword among her people." In times when her people are peaceful, not in times when her people are dissolute. "The man shall be free from sin." When does the woman carry her iniquity? If the man is free from sin will bear her iniquity."

168 Num. 5:27.

169 Num. 5:31. In the Genizah ms., the entire verse is copied, as required by the following homily: "The man shall be free from sin, then this woman will bear her iniquity."

170 A more extended treatment in the Babli, 47b; Num. rabba 9(53); Sifry Num. 21. An opposing opinion Sifry zuṭa Naṣo 31.
When Yose ben Yo'ezer from Sereda and Yose ben Johanan from Jerusalem died\textsuperscript{171}, the grape bunches\textsuperscript{172} disappeared, as it was said\textsuperscript{173}:

"There is no bunch to eat, no early ripe fig that my soul desires."

\textsuperscript{171} The first couple of leaders mentioned in \textit{Abot} (1:4).

\textsuperscript{172} People who united in their personalities knowledge, exemplary behavior, and leadership.

\textsuperscript{173} \textit{Micah} 7:1. The reference is to v. 2: "The devout man has perished from the earth, there is no upright person among humankind."

\textbf{Halakhah 10:} There did not arise another grape bunch until Rebbi Aqiba rose. Were the other couples\textsuperscript{174} not also grape bunches? But these served in a position of leadership\textsuperscript{175}; the others did not serve in a position of leadership.

\textsuperscript{174} Those mentioned in the first Chapter of Mishnah \textit{Abot} after the two Yose.

\textsuperscript{175} They served just before the Maccabean revolt; Yose ben Yo'ezer was killed as an opponent of the Seleucids. It seems that the two were the heads of the ruling council of the province of Judea. After the revolt, the political power was totally divorced from the spiritual leadership and the later couples could not attain the political role played by the first or by R. Aqiba in the Bar Kokhba years.
It was stated: It is possible to raise questions about all couples from the time that Moses died until Yose ben Yoezer from Sereda and Joseph ben Johanan from Jerusalem. It is possible to raise questions about all couples from the time that Yose ben Yoezer from Sereda and Joseph ben Johanan from Jerusalem died until Rebbi Jehudah ben Baba arose. They said about Rebbi Jehudah ben Baba that all he did was in the name of Heaven except that he raised an animal of the flock. This happened the following way. Once he fell sick and the medical men went to visit him. They told him: there is no healing for you except freshly warm milk, because he had angina pectoris. What did he do? He bought a goat and bound it to the legs of his bed and when he had an attack of angina he sucked from it freshly warm milk. But when the Sages wanted to visit him, they said how could we enter when the robber dwells with him in the house? When he died, he said: I did never sin except that in this case I disregarded the words of my colleagues. After his death they checked all he had done and did not find any sin except that goat alone.

176 Text from the Genizah ms., missing in the other mss. and editio princeps.
177 The president (חכם) and executive officer ( rdf בור) of the high court of the nation at any given moment.
178 The text here is the opposite of the tradition of the Babli (Temurah 15b) which states that the couples who held
office between Moses and the two Yoses either taught Torah as well as Moses did or that it was impossible to find anything questionable about them.

178 There exists a rabbinic rule (Babli Temurah 15b, Baba qama 80a) which forbids raising sheep and goats in agricultural lands because their destructive feeding habits.

179 That it could not roam and damage plants.

180 Greek ληστής, "robber".

181 The Babli, Temurah 15b, tells this story about "a pious man" and doubts whether it is about R. Jehudah ben Baba, who was executed by the Roman government in the aftermath of the war of Bar Kokhba, or R. Jehudah bar Ilai, known simply as R. Jehudah.

Rebbi Simeon from Shezur said, my father’s family were landowners in Galilee. Why were they ruined? Because they judged civil matters alone\(^2\) and were raising animals of the flock. And this was so: We had a copse close to the village but a field was between it and us, and the flock entered it going and coming there\(^3\).

\(^2\) While a competent judge may sit alone in judgment, it is bad behavior since only God judges alone (Mishnah Sanhedrin 1:1).

\(^3\) The goats did damage to agriculture while being driven to the woods. He denies that R. Jehudah ben Baba did anything wrong since he was careful to keep his goat from doing damage and holds him a blameless pious man.
Mishnah 11: The High Priest Johanan disestablished the declaration of tithes. He also eliminated the arousers and the hitters. Up to his days the hammer was hitting in Jerusalem and in his days nobody had to ask about demay.

This Mishnah and its Halakhah explained there in Notes 171ff. to the are from Ma'aser Šeni 5, Mishnah 13, end of that Tractate.

Halakhah 9: Rebbi Jeremiah, Rebbi Hyya in the name of Rebbi Simeon ben Laqish: Our Mishnah after the people were suspected of giving tithe to Cohanim. There is support for Rebbi Johanan in one and disagreement with him in one. Disagreement with him as we have stated there: “Similarly, the daughter of a Cohen [married] to a Levite should eat neither heave nor tithe.” We understand that she should not eat heave. But tithe any way you take it, if she is a Cohen’s daughter she should eat, if she is a Levite’s wife she should eat. Rebbi Hila in the name of Rebbi Johanan: [It follows] him who says one does not give tithe to Cohanim. That means, he himself says one gives heave to Cohanim.
It supports him because he says it is all praise, as Rebbi Johanan said, Johanan the High Priest sent and checked in all localities of Israel and found that they separated only Great Heave. But First and Second Tithes some were separating and some did not. He said, since [omitting] First Tithe is a deadly sin and [omitting] Second Tithe [implies] the sin of tevel, a person should give a name to heave and heave of the tithe and give them to the Cohen; Second Tithe he exchanges for coins. About the remaining tithe of the poor, he who has a claim on another person must bring proof.

Why should he not make the declaration? Rebbi Hila said, he causes anger before the Omnipresent by saying "I did" when he did not. If it is so, he who separated should make the declaration, he who did not separate should not make the declaration, as we have stated: "Up to 'Look down' they were saying it in an undertone, from 'Look down' onwards in a high voice."
"The arousers." Those who were saying (Ps. 44:24): "Be roused, why do You sleep, o Eternal, etc." Does there exist sleep before the Omnipresent? Has it not already been said (Ps. 121:4): "Lo, He will not slumber nor sleep, the Guardian of Israel!" Why does the verse say (Ps. 78:65): "Like a sleeper awoke the Eternal, like a hero exhilarated by wine." But in a symbolic way it is as if sleep were before Him when Israel is in trouble and the other peoples are at ease. So it says (Job 17:2): "When they apostasize, My Eye will rest."

"The hitters." Those who were hitting the calf between its horns.

Johanan the High Priest said to them, how long will you feed torn animals to the altar? He went and made them rings. Rebbi Abba in the name of Rebbi Jehudah: He made rings for them, wide below and narrow at the top.
"Up to his days the hammer was hitting in Jerusalem," up to his early days. "And in his days nobody had to ask about demay" because he sent out teams.

The word of Rebbi Joshua ben Levi implies some are censure and some praise. Since Rebbi Yose said in the name of Rebbi Tanhum bar Hiyya, Rebbi Hizqiah, Rebbi Eleazar ben Rebbi Yose, Rebbi Tanhum, Rebbi Hiyya in the name of Rebbi Joshua ben Levi, originally tithe was split into three parts. One third to his acquaintances among Cohanim and Levites, one third to the public treasury, one third to the poor and the fellows in Jerusalem. Rebbi Yose ben Rebbi Abun said, a person who went to court in Jerusalem, up to three letters he paid for himself, from there on from the public treasury. When Eleazar ben Pahora and Judah ben Pakora came, they took it by force and it would have been in his hand to stop this but he did not but disestablished the declaration of tithes, and this is for censure. But the arousers for praise and the hitters for praise.

עד ימי כל הפסוק פствовать על יהודה בניו. רבי חסידא (24a, line 76)
שאמל לעב מחקה לא מצמחא עץ寿 בית. אמר לו אילא אולא ספר כל.
"Up to his days the hammer was hitting in Jerusalem," up to his early days. Rebbi Hasida asked Rebbi Hizqiah, is it not reasonable to the end of his days. He said, I also am of that opinion.

מַעְרֵי רֵי יוֹשֵׁב בַּשָּׁם רַבּי אַבְבָּה רַבּי חָזְקָה בַּשָּׁם רַבּי יְהוֹדָה בֶּן פָּזִי

[What means] demay? Rebbi Yose in the name of Rebbi Abbahu, Rebbi Hizqiah in the name of Rebbi Jehudah ben Pazi: Maybe he put in order, maybe he did not put in order.

185 Missing in the Leiden ms. here; exists in the other mss. and the text in Ma'aser Šeni.

186 Redundant text, not in Ma'aser Šeni.

187 In the Leiden ms.: שִׁי. The text follows the other two mss. here and all sources in Ma'aser Šeni.

188 In the Leiden ms.: The text follows the other two mss. here and all sources in Ma'aser Šeni.

מָשְׁנָה יִבּ: מְשַׁבכָּלָה סְנַהּדוּרֵי בֵּית הַשָּׁיֵר מֵבִית הַמַּשְׁפָּטָה שֵׁנֵאָר

בֵּשַׁי לָא שָׁוָה יִתְנָא.

Mishnah 12: When the Synhedrion was disestablished, the epithalamium stopped at wedding feasts as it was said: "They shall not drink wine in song."

189 Not really disestablished but when criminal jurisdiction was taken away from Jewish courts, transferred to the Roman administration, and only strictly religious matters were left to the High Court which was generally regarded as Synhedrion.

190 Is. 24:9.
Halakhah 12: Abba bar Rav Jeremiah said: "The Elders are no longer at the gate" etc.

Rav Hisda said, in earlier times the fear of the court was on them and they did not include lewd language in song. But now when the fear of the court is no longer on them they include lewd language in song.

In earlier times they required payment only from a person alone. But now they require payment from him and his family. Rebbi Yose ben Rebbi Abun said in the name of Rav Huna: In earlier times, for every trouble that came over the community they have a joyous occasion to make up for it. But after the Synhedrion was abolished, song
disappeared from wedding feasts. After both disappeared, 197"our heart’s joy stopped, our dance turned into mourning." But what was the high court good for? But because it was said 199 "if the people of the Land consistently turn away their eyes from that man when he is giving of his seed to the Moloch, not to kill him," in any death they would choose. They gave a parable, to what can this be compared? To one who was a criminal in a town. They delivered him to the one wielding reeds, who jailed him, but he turned out to be stronger than the one wielding reeds. They delivered him to the one wielding sticks who hit him, but he turned out to be stronger than the one wielding sticks. They delivered him to the wielder of leather straps who whipped him, but he turned out to be stronger than the wielder of leather straps. They delivered him to the ruler who hung him in the kiln. So the later troubles cause the earlier ones to be forgotten.

191 In the Tosephta, רדס "he hit him". This is more fitting for the lictor and this version is used for the translation. (There is no Genizah source any more at this point).
192 From the Rome ms. Leiden and editio princeps והשתיקו "who returned him."
193 Thr. 5:14: "The Elders are no longer at the gate, [therefore not] the young men at their songs." The same in the Babli, 48a, in the name of Rav Huna ben Rav Joshua, 2 generations after Abba bar Rav Jeremiah.
194 Lewd language being a regular feature of the Greek epitaphalamium.
195 In the Tosephta, 15:7, this is combined with the verse Lev. 20:5, alluded to later. A court punishes only the criminal but God’s justice is against "that man (who sacrifices his children to the Moloch) and his family." This proves that if the courts can no longer enforce biblical law, the Heavenly Court will enforce it in a much harsher way.
196 The delivery from trouble was a festive occasion documented in Megillat Ta'anit, the catalogue of days when fasting was forbidden. But now,
in the words of the Tosephta (15:6): Rabban Simeon ben Gamliel says, for every trouble that comes over the community, the court disestablishes another joyous occasion.

197 *Thr.* 5:15.

198 What is the connection between the disestablishment of Jewish criminal jurisdiction and the disappearance of the epithalamium from Jewish weddings? The rest of the paragraph has a close parallel in Tosephta 15:7.

199 *Lev.* 20:4. It is implied that the real reason is the following v. 5.

200 This gives the high court emergency powers to act as a secret, Vehmic, court in case the criminal is too powerful.

201 He might be the Roman lictor since the ruler mentioned is a Roman proconsul.

202 Greek καμινος, ή, "oven, furnace, kiln."

Mishnah 13: After the earlier prophets died, Urim and Tummim stopped. When the Temple was destroyed, the *shamir* and flowing bee’s honey stopped and trusting men disappeared, as it was said: "Help, o Eternal, for the pious man is finished, for the trusting have vanished from mankind."

203 The oracle carried by the High Priest.

204 *Ps.* 12:2.
Halakhah 13: "After the earlier prophets died, Urim and Tummim stopped." Rebbi Samuel bar Nahman in the name of Rebbi Jonathan: These are Samuel and David. Rebbi Abba bar Cahana in the name of Rav: These are Gad and Nathan. Rebbi Jeremiah, Rebbi Samuel bar Isaac in the name of Rav: These are Jeremiah and Barukh. The word of Rebbi Joshua ben Levi implies that these are Jeremiah and Barukh. For Rebbi Joshua ben Levi said, "it was when he asked God in the days of Zacariah who understood God’s visions.”

205 Since there is no explicit reference in Scripture about priestly oracles in books later than Samuel. In the Babli, 48b, this is the opinion of Rav Huna, the most prominent of Rav’s students.

206 David’s court prophets.

207 2Chr. 26:5. The quote proves that oracles were used by kings after David (even though Zacariah is not mentioned in the list of high priests in Ezra 7 and Urim and Tummim were high-priestly oracles), as pointed out in the Babli by Rabba bar Samuel, a slightly younger contemporary of R. Joshua ben Levi. The Tosephta, 13:3, states that the oracle disappeared only with the destruction of the first Temple. In many quotes in Babli and Yerushalmi (e. g., Ta’anit 2:1 65a line 64, Yoma 21b) the oracle is mentioned in the list of five things missing in the second Temple.
After the last prophets, Haggai, Zacariah, and Malachi, died, the Holy Ghost stopped from them, but nevertheless they were using the disembodied voice. If happened that Simeon the Just heard a disembodied voice coming out of the holiest-of-holies saying: Gaius Caligula was killed and his decisions became void. It happened that young men went to fight at Antiochia when Johanan the High Priest heard a disembodied voice coming out of the holiest-of-holies saying: The young people are victorious who fought at Antiochia. At that time they wrote down the exact time and found that it happened exactly at that hour.

In the Leiden ms. (not in editio princeps or the Rome ms.) one finds here an insert, a commentary that entered the text from the margin: "This is a commentary: the translation is echo. An echo in biblical language is called bat. Bat is an echo. For they did not really hear a voice but the echo of a voice."

Tosephta 13:3; Babli 48b. In the Tosephta: "nevertheless they (the Heavenly Court) were communicating the disembodied voice."

At least one of the names mentioned here cannot be correct.

Tosephta 13:5, Babli 33a. It was remarked that the voice spoke Aramaic which is not understood by angels.
It happened that Elders came together in the house Gadia in Jericho, when a disembodied voice came and said to them: There is among you one man who would be worthy that the Holy Spirit should rest on him, only the generation is not worthy. They all looked at Hillel the Elder. When he died, they said about him, o meek, pious student of Ezra. Again it happened that Elders came together in a second floor at Jabne, when a disembodied voice came and said to them: There is among you one man who would be worthy that the Holy Spirit should rest on him, only the generation is not worthy. They all looked at Samuel Minor. Why was he called Minor? Because he effaced himself. Some say, because he was slightly below Samuel from Ramah. When he died, they said about him o meek, pious student of Hillel the Elder. When he was dying he said: Simeon and Ismael to the word, the rest of the people to plunder, immense troubles will be. He said that in Aramaic and they did not understand what he was saying. For Rebbi Jehudah ben Baba they intended to say o meek, pious, but the time was torn.
215 The biblical prophet.

216 It is clear that Samuel Minor lived in the time of Gamliel I, Hillel's grandson, and that there already was an academy at Jabneh at that time.

217 Simeon ben Gamliel, president of the revolutionary government in the war of 68-70, and Ismael, the High Priest during the revolt; both executed after Titus's triumph in Rome. (Late and secondary transformation of this source: Mekhilta dR. Ismael Mišpatim 18, Šemahot 8).

218 He was executed in the aftermath of the war of Bar Kokhba.

It was stated219: Rebbi Jehudah said, what was this shamir? It is a creature that existed from the creation of the world and if one shows it stones those would open themselves like the two boards of a pinax220, and Solomon built the Temple with it. That is what is written221: "During the building of the House, it was built from whole carried stones, and hammers or axe or any iron implement was not heard in the House when it was built." Rebbi Nehemiah says, they were sawed. That is what is
written: "All these were expensive stones, in the measure of ashlars, sawed with a saw inside and out." Say now, at the building site they were not treated at all but they were finished outside and then brought inside. Rebbi says, the words of Rebbi Jehudah are convincing for the stones of the Temple and those of Rebbi Nehemiah for the stones of Solomon's palace. But since nothing can withstand it, and even when it was put on a stone or a box sheet it would split it and fall down, what did they do to restrain it? One was binding it with wool fibers and put it into a lead cylinder filled with barley bran. That is what is written: "He enjoys robbing the strong."

219 Tosephta 15:1 the entire paragraph. The Babli, 48b, quotes only the part referring to R. Jehudah's statement, and that anonymously.

In many places, the shamir is listed as a creature whose existence was part of the plan of Creation but which came into being only at its appointed time (the expression being: it was created Friday evening at dusk): Mishnah Abot 5:6, Babli Pesahim 54a, Sifry Deut. 355, Mekhila Bešallah Wayyissa' 5, Abot dR. Nathan B 37, Pirqe R. Eliezer 19,31, Tanhumah Wayyera 23, Pseudo-Jonathan Num. 22:28, Midraš Ma'asheh Torah (Jellinek vol. 2, p. 100). Cf. also the story of Solomon and the shamir in Babli Gitiin 68b.

220 A writing tablet of two smooth wooden plates hinged together and covered with wax. Greek πίναξ, -ακος, ὁ, "board, plank, anything made of wood; writing tablet, catalogs, etc."

221 1K. 6:7.

222 1K. 7:9.

223 Since iron may not be used in the building of the Temple, Ex. 20:25.

224 Am. 5:9; this is taken as referring to the shamir.
"And flowing bee's honey". Rebbi Eleazar said, honey that comes with floaters. Rebbi Yose ben Rebbi Hanina said, farina which floats on the sieve kneaded with honey and butter. Rebbi Johanan said, the second quality fruit we ate in our youth tasted better that the peaches we ate in our old age, because during his lifetime the world changed. Rebbi Hyya bar Abba said, one seah of Arbel grain did yield one seah of fine flour, one seah of white flour, one seah of dark flour, one seah of bran, one seah of coarse bran. But today, we do not even get one for one.

225 He explains the recipe R. Eleazar had in mind, as a delicacy which lost its taste with the destruction of the first Temple. Babli 48b, in the name of Rav.

226 This is from Chapter 1, Note 298; explained in Peah Chapter 7, Notes 71-75.

"Trusting men disappeared." Rebbi Ze'ira said, men who trusted in Torah, as one teacher who was teaching Bible to his brother in Tyre when they were calling on him for a business deal. He said, I do not push aside my set time. If it is destined to come to me, it will come to me.

227 Greek πραγματεία, ἡ, prosecution of business".

"occupation, business, diligent study, 228 Time set aside for study every
day at the same hour. Mishnah that there are no longer people trusting in God.

229 This essentially disproves the
It is written\(^{233}\): "But God is angry every day." Rebbi Ze’ira said, the earlier ones\(^ {234}\) all continue. What can do away with them? Rebbi Abin in the name of Rebbi Aha: The priestly blessing does away with them.

\(^{236}\)Rabban Simeon ben Gamliel said, you can observe that dew has become cursed. In earlier times, a village abundant in dew was abundant in produce but today, a village abundant in dew is poor in produce\(^ {237}\)!

In earlier times, dew descended on chaff and straw and whitened it, but today it descends on chaff and straw and blackens it.

\(^{233}\) Ps. 7:12.

\(^{234}\) The troubles are cumulative; the new troubles do not eliminate the old ones.

\(^{235}\) The earlier troubles?

\(^{236}\) Tosephta 15:2; there the text of the Mishnah also is repeated.

\(^{237}\) Cf. Peah 7:4, Notes 66 ff.

\(^{238}\) In the Tosephta, his proof is from the manna which was made shiny by the dew on it.

It was stated\(^ {239}\): "Rebbi Simeon ben Eleazar says, purity took away taste and smell, tithes took away the fat of grain." From what was taken most? Rebbi Levi ben Ḥaita said, let us hear from the following\(^ {240}\):
"One thought to come to a heap of twenty and it was ten. He came to the winepress to draw 50 pitchers," it does not say 'and there were 25' but "and there were 20." "But the Sages say, immorality and sorcery killed everything." 

239 Text of the Babylonian Mishnah. In Tosephta 15:2: "tithes took away oils and grain." 

240 Hag. 2:16. Grain shrank from 1 to .5 but wine from 1 to .4, which is 20% less. 

241 This is the version of the Babylonian Mishnah. 

Mishnah 16: During Vespasian's war they decided about grooms' crowns and the erus. During Quietus's war they decided about brides' crowns and that nobody should teach Greek to his son. During the last war they decided that a bride should not be carried in a litter through the city; our teachers permitted that a bride should be carried in a litter through the city. 

242 The Jewish war which resulted in the destruction of the Temple.

243 The rabbinic High Court, reconstituted at Jabneh under Vespasian's protection by the anti-war leader Johanan ben Zakkai forbade grooms to wear crowns as a sign of national mourning. 

244 In the Babli, this is defined as "one-sided percussion instrument;" in the interpretation of the Gaonim and Arukh a tymbal or tambourine. The
Yerushalmi explanation is unintelligible.

245 The Jewish revolt against Trajan, outside the Land of Israel,
instead of סטא is the reading of the Geniza mss. of the Mishnah, of the
Palestinian Mishnah (Cambridge ms.), and the Kaufman ms. of important mss.
Gaonic responsum (Ginze Schechter 2, No. 17, p. 244, 249). That reading has
been chosen for the translation. Cf. H. Graetz, Geschichte der Juden\(^3\), vol. 4,
Note 14.

246 The Babli, 49b, dates the prohibition of Greek to the time of
Pompey.

247 In general, "our teachers" refers either to Rebbi, R. Jchudah I the
Prince, or his grandson, R. Jehudah II the Prince. In any case, the last
sentence is a post-Mishnaic correction of the Mishnah.

Halakhah 16: "Our head's crown fell"; these are the grooms' crowns,
that is gilded woolen strips. Rebbi Abba in the name of Rav: Of salt and
sulfur\(^249\). Rav Jeremiah in the name of Rav: Of salt and olives. Rav
Nahman bar Jacob said, even of willows\(^250\). Rav Jeremiah of Šibšeb wore
a crown of olive branches. Samuel heard this and said, it would have been
to better for him if he had been beheaded but not done this thing. That
happened to him, as "an error coming from before the ruler.\(^251\)"

248 In the parallel *Thren. rabba* 5, the \(\gamma\) is missing. That seems to be
correct since the Rav Jeremiah here
needs a qualifier to his name. He is
not Rav Jeremiah, the elder authority
in Rav's academy.

249 In the Babli, 49b, Rav holds that
crowns of myrrh and roses are
permitted, but of salt and sulfur prohibited. This is the tannaitic position in Tosephta 15:8. Rashi explains that one makes a crown out of a solid rock of salt and uses sulfur to paint ornaments in gold color on the crown.

250 In the Babli, Samuel holds that crowns of salt rock are forbidden, of reeds or willows permitted, but Levi holds that even reeds and willows are forbidden.

251 Eccl. 10:5.

The following are grooms' chambers:\n
252 Ornamented sheets on which hang golden halfmoons. It was stated: But he makes papyrus ropes and hangs on them anything he wants.

252 Here is missing a statement similar to Tosephta 15:9, hinted at in Babli 49b: During the last war, they decided on grooms' chambers (to forbid extravagant decorations of the bridal chamber.)

253 In the Tosephta: golden chambers. In the Babli: golden sheets.

254 The word אפריפה is discussed at length in Kilaim 6:3, Note 38.

Mishnah: "And the erus." resisa\n
255 In biblical Hebrew, this would mean "splinters". Levy in his Dictionary conjectures that it refers to a musical instrument full of holes. Kohout proposes to amend to רכיז, a music instrument. It seems futile to try to explain the Yerushalmi in the light of the Babli. The word erus might be Accadic erēşum "smell, perfume" and good Hebrew ריסמ "spraying (with perfume erēşum tāban)."
The following are brides' crowns, that is a city of gold\textsuperscript{256}. Rebbi Aqiba made for his wife a city of gold\textsuperscript{257}, which made Rabban Gamliel’s wife jealous. He said to her, did you ever do what she did? She sold her braided hair, gave the money to him so he could study Torah\textsuperscript{258}.

\textsuperscript{256} A golden diadem in the shape of a city wall. The same explanation in the Babli, 49b. In the Tosephta, “a golden headband.”

\textsuperscript{257} Reported also in the Babli, Sabbath 86a.

\textsuperscript{258} In the tradition of the Babli, she was a daughter from a very rich house who was disinherited for marrying an ignorant nobody. She had married him on condition that he would study to become a famous Sage.

They asked Rebbi Joshua: May a person teach Greek to his son? He said to them, he may teach him at an hour that is neither day nor night as it is written (Jos. 1:8): “You shall meditate about it day and night.” If it is so, a man would be forbidden to teach a profession to his son since it is written: "You shall meditate about it day and night.” But Rebbi Ismael stated (Deut. 30:19): "Choose life!” That refers to a profession. Rebbi
Abba, son of Rebbi Hiyya bar Abba, Rebbi Hiyya in the name of Rebbi Johanan: Because of informants. Rebbi Abbahu in the name of Rebbi Johanan: A person may teach Greek to his daughter since it is an ornament for her. Simeon bar Abba heard that and said: Because he wants to teach his daughters, he attaches it to Rebbi Johanan. It should come over me that I never heard it from Rebbi Johanan.

259 This word is not in the parallel. 260 This is from *Peah* 1:1, Notes 94- in *Peah*. But since this an oath formula, it is not necessary to delete the word.

Who permits the earlier ones? Rebbi Yose ben Rebbi Bun said, the one who permitted these permitted those. As the following: The Head of the Diaspora sent and asked Rav Ḥisdai: what is the meaning of "taking away the head cover, removing the crown"? He said to him, when the head cover was taken away, the crown was removed. Rebbi Johanan heard this and said, he is grace and his words are gracious.

261 Read יִתְנַשְׁכִּי both times. 262 We find that "our teachers" permitted a prohibition dating from the war of Bar Kokhba. What is the status of the earlier decrees mentioned in the Mishnah.

263 He holds that "our teachers" abolished the entire Mishnah. 264 *Ez.* 21:31. 265 When the Temple was destroyed and the head cover of the High Priest (*Ex.* 28:37) was taken away,
then the grooms' crowns should be removed. He found a biblical reason for the rabbinic decision.

266 A parallel in the Babli, *Gittin* 7a, based on the same etymological pun. A totally different interpretation of the verse, also endorsed by R. Johanan, in *Ruth rabba* 3(1).
Mishnah 17: When Rabban Johanan ben Zakkai died, the splendor of wisdom disappeared. When the elder Rabban Gamliel died, the honor of Torah disappeared, purity and self-discipline died. When Ismael ben Phiabi died, the splendor of priesthood died. When Rebbi died, meekness and fear of sin died. When Rebbi Meir died, the inventors of parables disappeared. When Rebbi Aqiba died, the preachers disappeared. When Ben Azai died, the perseverers disappeared. When Ben Zoma died, the students disappeared. When Rebbi Joshua died, good disappeared from the world. When Rebbi Eleazar ben Azariah died, wealth disappeared from the Sages. When Rabban Gamliel died, locusts came and troubles increased. When Rebbi Hanina ben Dosa and Yose the small died, piety disappeared. Why was he called Yose of the small room? For he was the concentrate of pious men.

Rebbi Phineas ben Yair says, after the Temple was destroyed, fellows and freeborn were ashamed and covered their heads, people of [good] deeds shrivelled, strong-armed people and informers became dominant, nobody explains, nobody desires and nobody asks. On whom can we rely? On our Father in Heaven.

The great Rebbi Eliezer says, from the day the Temple was destroyed, the Sages were diminished to be like scribes, the scribes like community servants, the community servants like common people; the common people go and degenerate, nobody desires and nobody asks. On whom can we rely? On our Father in Heaven.

On the heels of the Messiah impertinence will grow, inflation will lead, the vine will give its fruit but the wine will be expensive, the government will turn heretic, nobody rebukes, the assembly hall will be a brothel,
Galilee will be destroyed and Gaulanitis\textsuperscript{278} become deserted, frontier dwellers will move from city to city and nobody will have mercy on them, the wisdom of scholars will be defective, those who fear sin will be despised, truth will be absent, young men will insult Elders, Elders will stand before the young, "a son will abuse his father, a daughter rebel against her mother and a daughter-in-law against her mother-in-law, the enemies of a person are his family"\textsuperscript{279}, the generation is dog-faced, a son is not ashamed before his father. What do we have to rely on? Our Father in Heaven.

267 The Mishnah in the Babli is quite different in this first paragraph; it is close to the \textit{baraita}/Tosephta quoted in the Halakhah as alternative version. The mention of Rebbi and R. Phineas ben Ya'ir characterizes the entire Mishnah as a late addition.

268 Hillel's grandson, whom the Apostle Paul claimed as his teacher.

269 The last High Priest of good character.

270 It may be that "interpreters of biblical verses" is meant. R. Aqiba is the last authority who systematically derived laws directly from an interpretation of verses.

271 Who study day and night.

272 It is difficult to know what this means. In the Babli, "the preachers disappeared". Ben Zoma is known for his gnostic studies.

273 Had he lived, he probably could have averted the uprising of Bar Kochba.

274 In many independent Mishnah mss. (and the following Tosephta) "Rabban Simeon ben Gamliel"; missing in the Babli. The Yerushalmi reading is preferable since Rabban Gamliel died just before the Bar Kochba revolt but his son died at the beginning of the Severan dynasty which was a good time for the Jewish population of Palestine.

275 \textit{כִּתְרָה} is usually derived from Greek \textit{köttōn} "bedroom", Syriac \textit{k努wτa} "room". In Babli and independent Mishnah he is called \textit{כִּתְרָה} "the little one", because, according to some mss., he was the most insignificant of the pious. It is more than likely that the Yerushalmi \textit{כִּתְרָה} is identical with \textit{כִּתְרָה} except for the addition of a
stray 3. This is accepted in the translation. Other Babli mss. and early medieval authors also call him "the concentrate of piety".

276 R. Eliezer ben Hyrkanos.

277 This Mishnah expected the Messiah to appear when the Roman state turned Christian.

278 Which was densely settled by Jews in talmudic times, cf. *Sevi'it* 6:1, Notes 31-51.


280 "When Rebbi Eliezer died, the book of wisdom was hidden. When Rebbi Joshua died, good counsel and good deeds disappeared from Israel. When Rebbi Aqiba died, the sources of wisdom disappeared. When Rebbi Eleazar ben Azariah died, wealth disappeared from the Sages. When Rebbi Yose died, insight disappeared. When Ben Azai died, the perseverers disappeared. When Ben Zoma died, the preachers disappeared. When Rebbi Joshua died, good disappeared from the world. When Rebbi Hanina ben Dosa died, the workers [of wonders] disappeared. When Rebbi Yose the pious and Rebbi Yose the minor died, pious men disappeared. Why is he called minor? For he was the concentrate of the just and the pious. When Rabban Simeon ben Gamliel died, locusts came and troubles increased. When Rebbi died, troubles were doubled."
A similar version in Tosephta 15:3-5; Babli 49b.

In Tosephta and Babli: The Torah scroll was hidden.

In the Tosephta sources, in the Babylonian baraita, and in a few Mishnah mss., he is called Abba Yose, placing him before the destruction of the Temple. In Baba qama 3:7 (3d, l. 37) he is called Yose the Babylonian or Yose ben Jehudah, without title.

Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: When Rabban Johanan ben Zakkai died, he commanded and said, clear the courtyard because of the impurity and prepare a chair for Hezekiah, the king of Judah. When his student Rebbi Eliezer died, he commanded and said, clear the courtyard because of the impurity and prepare a chair for Rabban Johanan ben Zakkai. But some say, what his teacher saw, he saw. They proposed marriage into the family of the Patriarch to one of the family Pazi, but he did not accept and said that they should not be ashamed. When he was dying, he commanded and said, clear the courtyard because of the impurity and prepare a chair for Josaphat, the king of Judah. They said, the one who ran after honor should come for him who fled before honor.
283 The entire paragraph is in *Avodah zarah* 3:1 (42c, l. 42). The first sentence is also in the Babli, *Berakhot* 28b.

284 While all other Davidic kings married local women, he married a princess from the House of Omri.

285 Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: It happened that Elders came together in the upper floor of the house Gadia in Jericho, when a disembodied voice came and said to them: There are among you two who would be worthy that the Holy Spirit should rest on them, and one of them is Hillel the Elder. They all looked at Samuel Minor. Again it happened that Elders came together in a second floor at Jabne, when a disembodied voice came and said to them: There are among you two who would be worthy that the Holy Spirit should rest on them, and one of them is Samuel Minor. They all looked at Rebbi Eliezer ben Hyrkanos and were happy that their opinion coincided with that of the Omnipresent.

Introduction to Tractate Nedarim

Tractate Nedarim, "vows", is a commentary on *Num.* 30. That chapter speaks of "a vow or an oath to forbid something to oneself" (v. 3) or also "any vow or oath of prohibition for the purpose of mortification" (v. 14). There are other vows, not covered by the rules of that chapter, such as vowing money or valuables to Heaven, and vows by which a person undertakes an obligation toward third persons (including vows imposed by a court or a public authority.) Vows to Heaven constitute irrevocable debts since "accepting an obligation toward Heaven by word of mouth is transfer of property, legally equivalent to handing an object over to a buyer". Obligations toward other persons cannot be abrogated without the consent of the other, since vows cannot be used to abrogate any obligation, as emphasized several times in the Tractate.

The Tractate essentially treats three topics: The definition of "vow", the rules of a possible annulment of a vow by a religious authority, and the dissolution of the vow of a girl by her father and of a wife by her husband. Only the third topic is treated at length in the biblical source. The essential paradigm for a vow is a sacrifice, since a profane animal becomes a sacrifice only by being vowed as a gift to Heaven. Upon dedication, the sacrifice becomes the property of Heaven and no human.

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1  Mishnah *Qiddūsin* 1:6.
may derive any benefit from it. Since a sacrifice is material, is it concluded that in contrast to an oath, a vow always must refer to something material. The usual formula for a "vow of prohibition" is: Something should have the status of sacrifice for me; cf. *Math.* 15:5. Since the Hebrew word for "sacrifice", *qorbān*, was used for sacral purposes, in most cases people substituted other words for profane use, such as the corresponding Phoenician *qônām*, a similar sounding artificial word, or words with similar connotations.

*Num.* 30:2 is interpreted to mean that Moses handed the right to adjudicate matters of vows to the Elders of the tribes, and through them to the Elders of all generations. V. 3 is read to mean that a person himself cannot abrogate his own vow but, by inference, that the Elder can do so. While the verse speaks of both vows and oaths of prohibition, the detailed laws about dissolution of women's vows speak only of vows. Therefore, the *Yerushalmi* holds that in practice only vows can be annulled, not oaths. In general, making vows is frowned upon (*Deut.* 23:23); in Mishnah 1:1 a "vow of evildoers" is a vow, a "vow of the just" is non-existent. The culture of vowing apparent in this Tractate, a popular subject in the fourth Century, was an embarassment to the Babylonian scholars of the tenth

3 Cf. Chapter 1, Note 2.

4 It is difficult to know what the Sadducee position is in this case. While the Damascus Document (CD XVI 7-8) seems to exclude any possibility of abrogation of a vow, that interpretation is not the only one possible, cf. Chapter 3, Note 8. Karaites vehemently deny the possibility of any abrogation of vows. I. Elbogen suggests that the *kol nidre* formula, a disclaimer of vows, recited at the start of the Day of Atonement, is an anti-Karaite demonstration. But Amram Gaon in his *Siddur* disapproves of the formula, Saadya Gaon does not mention it, and Hai Gaon declares it to be the practice of foreign illiterates.
Century, at the height of the intellectual conflict with Karaism, when the Gaon R. Yehudai declared that the Tractate was not studied in his academy and vows not dissolved.

Chapter One describes all the oblique ways in which a vow can be formulated; Chapter Two lists similar expressions which nevertheless do not define vows. Chapter Three starts with a discussion of borderline cases which by rabbinic ruling are not considered to be vows and then turns to the next subject, an analysis of the meaning of certain terms of human relations of Mishnaic Hebrew, used in vows. This analysis is taken up again in Chapters Six and Seven, referring to names of things, and in Chapter Eight, applied to notions of time. In between, Chapters Four and Five deal with the rules of vows in which a person forbids to himself any benefit from another, or forbids his property to another person. Chapter Nine deals with the rabbinic powers to abolish vows; the last two Chapters treat the biblical rules of dissolution of vows of underage or married women.

5. Ozar Hageonim vol. 11, pp. 20, 23.
6. A non-Jewish example of the renunciation of mutual benefits and the complications arising therefrom appears in Gottfried Keller's "Fähnlein der Sieben Aufrechten" (E. G.).
Mishnah 1: All substitute names of vows are like vows, of bans like bans, of oaths like oaths, of nazir vows like nazir vows. If one says to another, I am vowed away from you, I am separated from you, I am distanced from you, that I will not eat from yours, that I will not taste from yours, he is forbidden. I am excommunicated from you, Rabbi Aqiba was stringent in that because of a doubt. As vows of the wicked, he vowed as nazir, a sacrifice, and an oath. As vows of the good ones, he did not say anything. As their freewill gifts, he made a vow of nazir and sacrifice.

1 Since vows and oaths are sacral acts, the invocation of vow or oath is automatically the invocation of God's Name. Just as God's Name should not be invoked in vain, the people shied away from using the expressions "vow, making a vow" or "oath, swearing". As explained in the next Note, one of the oblique references to a vow was the word qorbān and its substitute, as given in Mishnah 2.

2 Making a vow is taking on an obligation. There are three kinds of vows found in talmudic literature. A person may vow to bring a sacrifice or to give a certain sum to the
Temple. This is a relatively simple matter since (Mishnah Qiddusin 1:6) "speaking to Higher Powers is like delivering to a human"; i.e., a promise to God is as final as delivering the merchandise in a commercial transaction. Therefore, these vows are only a minor topic in the present tractate.

A person may make a vow to become a nazir for a certain time; then he is required to abstain from grapes and grape products as well as from becoming impure by the impurity of the dead, and he must let his hair grow. This kind of vow is discussed in Tractate Nazir.

The main topic of Tractate Nedarim is "any vow or oath of prohibition to deprive oneself" (Num. 30:14), i.e., a vow in which a person for any reason prohibits to himself things which otherwise are permitted. One may also make a vow to forbid certain actions to oneself but the actions must be forbidden as things are forbidden. (Self-flagellation is forbidden in Judaism since inflicting any wound on oneself is forbidden except for medical purposes, Mishnah Baba qama 8:5.) Since an animal which was dedicated as a sacrifice is forbidden for any profane use, it became general practice to say about anything of which one wanted to prohibit all use for himself "this is qorbân for me", or simply qorbân "sacrifice". Therefore, if in Math. 15:5 it is noted that a son can say to his parents that all he possesses should be qorbân for them; on the surface it is the height of mistreatment of the parents if the son prohibits them any use whatsoever of his property and even prohibits himself to help his parents in any way. The rabbinic answer would be that if the son goes off to fight as a guerilla against the Romans, or the Herodian government, cutting off all ties might save his parents' property from confiscation. (Cf. Peah 1:1, Note 113, about the unpredictability of the duty to honor father and mother: "Somebody might serve his father fattened meat and go to hell; another might bind his father to the grindstone and go to paradise.") The vow could also be in error, cf. Mishnah 3:2. Chapter 4 shows that a person forbidding his property to another can nevertheless take care of that other person. Cf. also Chapter 9, Note 38.

(In Math. 15:5, Jesus complains that Pharisees declare a person free from prosecution (מוֹש) if he violates the commandment to honor and fear father
and mother by maliciously forbidding his property to them. The pharisaic rule in question is that "a prohibition violated without an action is not prosecutable" (Babli Sanhedrin 63a/b). Speech is not counted as an action in this respect. The rule is opposed by R. Jehudah who in many cases represents older traditions (from his father's teacher R. Eliezer.) The testimony of Math. shows that in this case, the majority opinion is the historic position. R. Jehudah's position is that of the Qumran community in the Manual of Discipline and the Damascus Document.)  

3 "Ban" is the irrevocable gift of property to the Temple, Lev. 27:28.  

4 An oath is subject-related, in contrast to a vow which is object-related. If a person prohibits himself to eat any bread, that is an oath of deprivation. If he prohibits the use of a specified loaf, or even any loaf, on himself, that is a vow of deprivation.  

5 While this is also a vow of deprivation it follows its own rules, Num. 6:1-21.  

6 Here starts the detailed explanation of what substitute names are. All expressions in this sentence are examples of "a vow [to forbid] usufruct", in which A tells B that all of B's property is forbidden to A as if it were a sacrifice or sacred property and A's property to B.  

7 All of B's property, not only his food.  

8 R. Aqiba decided that, while the exact meaning of "excommunicated" in this context is unknown since the use of a judicial term by a private person is inappropriate, the most extensive interpretation must be adopted.  

9 This sentence is very elliptic. Since the nazir prohibits vines and all their products for himself and he needs atonement for his status (Num. 6:11) one concludes (Nedarim 1:1, 36d 1. 50; Babli 10a) that it is essentially sinful to deprive oneself from permitted enjoyments. It follows that just people do not make vows of deprivation or nezirut. They also do not make vows of sacrifices since such a vow implies that the person will be financially responsible until a correct sacrifice has been presented in the Temple. Responsible people offer free-will gifts in which they designate an animal as sacrifice; if anything should happen to that animal before it is sacrificed he is not obligated to offer a replacement.  

Since the wicked do make vows and swear, any expression of vow or oath declared to be in the form used by the
wicked has to be interpreted to imply a maximum obligation. Still, somebody who simply says that he makes a vow of the wicked is not obligated for anything unless some object on which the vow could fall was before him at that moment. For example, if a loaf of bread was before him and he said, this loaf is for me as a vow of the wicked, he is forbidden to eat that loaf. If a long-haired nazir was passing before him and he said, that is for me as a free-will gift of the just, he is a nazir for the standard period of 30 days.

10 Since good people do not make vows nor do they swear.

11 If somebody said, this loaf of bread is to me as a free-will gift of a just person, he means that for him it is *qorbân* and therefore forbidden for all usufruct. Similarly, if a long-haired nazir was passing before him and he said, that is for me as a free-will gift of the just, he is a nazir for the standard period of 30 days.

“All substitute names of vows are like vows,” etc. It is written12 “Any person who vows,” why does the verse say “a vow”? From here that
substitute names of vows are like vows. "Or he swears," why does the verse say "an oath"? From here that substitute names of oaths are like oaths. "But any ban," why does the verse say "which he bans"? From here that substitute names of bans are like bans. "A vow of nazir," why does the verse say "to be a nazir"? From here that substitute names of nazir vows are like nazir vows. So far for Rebbi Aqiba who says that these are expressions of additions. For Rebbi Ismael who said, these are double expressions in the normal style of the Torah, "going you went, desiring you desired, by stealing I was stolen", from where? "Any person who vows a vow to the Eternal or swears an oath to forbid a prohibition on himself shall not profane his word," why does the verse say "he must fulfill anything coming out of his mouth"? From here that substitute names of vows are like vows and substitute names of oaths are like oaths. And from where that substitute names of bans are like bans? "A vow, a vow". Since "a vow" at one place means that substitute names of vows are like vows and substitute names of oaths are like oaths, "a vow" at the other place means that substitute names of bans are like bans. And from where that substitute names of being a nazir are like being a nazir? "A vow, a vow". Since "a vow" at one place means that substitute names of oaths are like oaths, "a vow" at the other place means that substitute names of being a nazir are like being a nazir.

12 Num. 30:3.
13 Lev. 27:28.
14 Num. 6:2.
15 Cf. Yebamot 8:1, Note 72, Babli Avodah zarah 27a (and another 18 times without attribution). The quotes are from speeches of Laban and Joseph in Gen. which have no legal implications. This proves that the repetitions are a matter of style.
16 The second half of the verse is clearly written for emphasis. It implies
(a) that a vow is valid only if pronounced, not if only thought of and (b) that any speech which can be interpreted as a vow is a vow.

The Babli, 3a/b, quotes both the argument in the style of R. Aqiba and that of R. Ismael without mentioning any names.

17 This is an application of the second hermeneutical rule of gezerah šawah “equal cut”. If it was established in Num. 30:3 that “vow” means “anything that implies a vow” and in Lev. 27:2 any dedication to the Temple, including bans, is classified as “vow”, it follows that anything which implies a ban is a ban.

18 Again this is an application of gezerah šawah, but this time the reference quote is Num. 6:2, cf. Note 14.

19 This reference is odd since the argument is about vows, not oaths. One has to assume that the scribe left out the relevant portion of the sentence which should be identical to the one used in the preceding case.

How does Rebbi Aqiba explain "he must fulfill anything coming out of his mouth"? From here that if part of a vow is invalid, all of it is invalid. Does Rebbi Ismael not agree with this? Everything derives from there. It follows from there that substitute names of vows are like vows and substitute names of oaths are like oaths and it follows from there that if part of a vow is invalid, all of it is invalid. How does Rebbi Ismael explain "any person who vows a vow of nazir"? From there that a person can obligate himself as nazir while he currently is a nazir. Does
Rebbi Aqiba not agree with this? He agrees and everything derives from there\textsuperscript{23}. He agrees that from there a person can obligate himself as nazir while he currently is a nazir.

20 If a vow cannot be fulfilled completely, it is not a vow.
21 That conclusion could have been drawn even if the word \textit{לכל, anything} were not written. Therefore, the clause admits two conclusions independent of one another.
22 The pentateuchal state of nazir is always limited in time (when a Temple is in existence. Since a nazir is only permitted to drink wine after he has absolved the required Temple ritual, a person vowing to be a nazir today must remain in that state until the Temple is rebuilt and officiating Cohanim are found who have complete documentary proof of their priestly status going back to the priests officiating in the second Temple.) The prophetic state of nazir, as exemplified by Simson and Samuel, is unlimited but does not include a prohibition of the impurity of the dead. It is noted here that while a person is in the state of a nazir for a fixed period, he can undertake to be a nazir for an additional period, to begin after the Temple procedure for the current nezirut was performed. This statement is needed since the vow of nazir of an unincumbered person makes that person a nazir immediately upon pronouncing his vow.
23 The same verse.

Now estimates\textsuperscript{26}, bans, exchanges\textsuperscript{27}, and dedications\textsuperscript{28} were in the same paragraph\textsuperscript{29}, but we did not state 'substitute names of estimates, substitute
names of exchanges and dedications. But if these were stated, what would we state? ‘Araphin, ‘arasin, ‘araqin? Temupha, temuna, temuqa? Hegder, hegzer, hegres. It is understandable following him who says, unspecified bans are for the support of the Temple. But according to him who says, unspecified bans are for the priests? Why did we not state ‘substitute names for heave’? But if it were stated, what would we state? Terupha, terusa, teruqa?

24 This looks like a slip of the pen for הָעָשָׁה, which is indicated thus in the translation.
25 This looks like a slip of the pen for חָשָׁךְ, which is indicated thus in the translation.
26 A person who offers to pay to the Temple the monetary value of his person, Lev. 27:1-8, which in general is a fixed sum but becomes an estimate for poor persons.
27 Exchanging a dedicated animal for another, Lev. 27:9-10.
28 Giving non-sacrificial animals or any other valuables to the Temple to cover its expenses, Lev. 27:11-25.
29 Lev. 27, where bans are treated in v. 28. Why should bans be treated differently from all other categories of gifts?
30 Recognized substitutes for vows, bans, nazir vows, and oaths are listed in Mishnah 2. The other dedications do not have recognized substitute names. The hypothetical names quoted in the sequel are built on the linguistic pattern of the accepted ones but either they make no sense or they have a sense very far from the intended one. Since they are not part of the current vocabulary as substitute names, they cannot be used.
31 "Disappearances".
32 "Picture".
33 The substitution of  ג for  פ in this series shows that the pronunciation of  ג was close to that of Arabic  ג.
34 If bans are gifts to the Temple they are gifts to God and, as stated in Note 2, they become absolute the moment the intention to give is declared. Therefore, substitute names which are in common use are as effective as the explicit mention of the word "ban". But if an unspecified ban is intended for Cohanim (the majority
opinion in Mishnah 'Arakhin 8:6), the collection of the gift is a money transaction between Cohanim and the giver, subject to the rule that "the proof is on the claimant" (Sanhedrin 3:9, 21b l. 70; Babli Baba qama 46b). The Cohanim would have to prove that the putative giver in his use of the substitute words really did intend to refer to bans. This proof seems almost impossible. Therefore, substitute bans could not be like bans and the Mishnah here must be interpreted as supporting the opinion that unspecified bans are for the Temple.

Rebbi Jacob bar Aha said, Rebbi Johanan and Rebbi Eleazar disagree, for Rebbi Johanan said, one whips for prohibitions and Rebbi Eleazar said, one does not whip. Rebbi Jacob bar Aha said, so did Rebbi Johanan answer Rebbi Eleazar: According to you, who says one does not whip on prohibitions, did we not state: "If somebody has vowed not to have any usufruct from another and he goes to visit him," let him not enter! Rebbi Jeremiah said, there is a difference there because of the ways of peace. Rebbi Yose asked: If it is because of the ways of peace, should he not also be permitted in case of an oath? But we have stated: "Vows are forbidden, oaths permitted."

36 Somebody forbade something for himself without using the language recognized substitute expressions. If he
then breaks his own prohibition this falls under the biblical prohibition of "he shall not profane his word" (Num. 30:3). The question is whether this is a sin or a prosecutable offense. In Nazir 1:1 (51a l. 34), R. Johanan is quoted as holding that it is not a prosecutable offense. Accordingly, one has to read here "one does not whip", and in the opinion of R. Eleazar "one does whip" since this is also required by the argument quoted later by R. Jacob bar Aha. (Alternatively one would have to switch names in that argument, but then the quote in Nazir would remain unexplained.)

37 Mishnah 4:4: "If somebody has vowed not to have any usufruct from another and he goes to visit him (when he is sick), he may stand but not sit down and heal him (but not his animals)." He cannot sit down because he would derive usufruct from the other's possessions. The question makes sense only if R. Eleazar holds that transgressing the prohibition is prosecutable.

38 If transgressing a private prohibition is not prosecutable, one can explain the Mishnah as referring to a prohibition of usufruct, not a formal vow or oath. But if it is prosecutable as a formal vow, why permit to enter since the person entering will find shelter there from the sun in summer and the rain in winter?

39 "Ways of peace" are the obligations of interpersonal relationships necessary in a civilized society; in this case, visiting the sick.

40 Mishnah 2:2: "A vow that I shall not build a tabernacle, that I shall not take a lulab, that I will not wear phylacteries: vows are forbidden, oaths permitted, for one cannot swear to break religious obligations." If somebody makes a vow that religious objects should be forbidden to him (as if they were dedicated sacrifices), he commits a twofold sin in making a frivolous vow and breaking biblical commandments, but what he did is done. But if he swears that he will not fulfill his religious obligations, the oath is invalid since, in the language of the Babli, "he already is under oath from Mount Sinai", and a valid oath cannot be superseded by another oath. Since visiting the sick is a religious obligation, if the prohibition of usufruct is interpreted as an oath it should be nonexistent in the case of a visit to a sick person. No answer is given since practice follows R. Johanan.
"What is a prohibition? This loaf is for me as the day of my father’s death, as the day X was killed, as the day I saw Jerusalem in ruins; that is the prohibition the Torah spoke of."

Rebbi Abba in the name of Rebbi Johanan and Rav: Both say, only if he had made a vow about that day. Rebbi Yose asked: If only he had made a vow about that day, why a separate prohibition? He should say on that day!

41 A similar text in Tosephta 1:4, quoted in Babli 12a, 14a; Sebuot 20a.
42 If he keeps the anniversary of his father’s death as a private fast day. In the Babli sources (including the Tosephta) the reference is not to a loaf but to meat and wine, assuming the person had vowed not to eat meat and drink wine at the anniversary of his father’s death.
43 In the Babli: As the day Gedaliah ben Ahiqam was killed (2K. 25:25, Jer. 41:2), which is a fast day by tradition, not by law, and which therefore needs a declaration to be a binding obligation. (In practice, fasting three consecutive years on a particular date creates the equivalent of a vow to fast.)
44 “A person who vows a vow to the Eternal or swears an oath to forbid a prohibition to deprive oneself” (Num. 30:3). "If in her husband’s house she vowed, or forbade a prohibition on herself by an oath." (Num. 30:11). Since the prohibition can refer both to a vow (tied to a material object that can be vowed to sacrificial use) and an oath (not tied to any object), it creates a category by itself.
45 If the person did not earlier make a vow that food on the anniversary of his father’s death should be forbidden to him like a dedicated sacrifice or had sworn to the same effect, the reference to that day has no effect. In the Babli, the person quoted is Samuel.
46 Since the status of a prohibition is in doubt as to whether it is a vow or
an oath (Note 44), the reference given will determine its status. If the person fasts in consequence of a vow, the additional prohibition is a vow; if it refers to an oath, it is an oath. In no case is a separate category created.

The only case in which one could speak of a separate category is if the additional prohibition is made together with the original one while the status is still undefined.

48"Prohibition", is an oath. 'Expression', is an oath. If you say prohibition is an oath, he is guilty for every single prohibition and for every single oath. If you say prohibition is a kind of oath, he is guilty for this separately and that separately." "Prohibition is an oath", and you say "if you say so"?51 Rebbi Eleazar said, these are two Tannaim. Rebbi
Jeremiah said, it is from one Tanna. If he said it in the language of a vow you catch him in the language of a vow. If he said it in the language of an oath you catch him in the language of an oath. If you say, prohibition is a kind of oath, he is guilty for every single prohibition and for every single oath. Rebbi Yose said, this comes only for five loaves. But for a single loaf, from the moment he mentioned "oath" for it, he made it a cadaver. Furthermore, he may want to have oaths apply to prohibited items, but oaths cannot apply to prohibited items. Rebbi Hananiah said, it applies even to a single loaf. As we have stated, "in that the past is more stringent than the future, if he said I did not eat, I did not eat, he is guilty for every statement; I shall not eat, I shall not eat, he is guilty only once." Rebbi Yudan said, only if he first mentioned "vow" and then mentioned "oath". But if he mentioned oath and then vow, vows can apply to prohibitions but oaths cannot apply to prohibitions.

47 It seems that one should read נק instead of נק, as suggested by the later discussion. The translation uses נק "you".

48 A baraita similar to this one is quoted and explained in the Babli Sebuot 20a.

49 Num. 30:4: "If she be married to a man and her vows are on her or the expression of her lips which she forbade on herself." Since "expression" is opposed to "vows", it must refer to oaths. Similarly, "to express with one's lips" is used for "to swear an oath" in Lev. 5:4; cf. Sebuot 20a.

50 It seems that "not" has fallen out here. The two cases will be explained below.

51 First one states that 'prohibition' is an expression of an oath. Then one argues 'if it is an oath', 'if it is not an oath'. This contradicts the first statement.

52 The first two sentences have one author, the last two a different one.

53 The baraita, as one would
reasonably expect, is from one author. But the implicit verb in the first two sentences should not be read as "is" but as "may be".

54 That he forbids the object for himself.
55 That he forbids himself the use of the object. Since "prohibition" is applied to both vows and oaths, the meaning of the word is determined by the syntax of the sentence in which it is used; cf. Note 4.

56 Violating a vow is a prohibition which, if proved in court by two witnesses, might subject the perpetrator to punishment by whipping. Even if the violation was inadvertent, there never is a possibility of a sacrifice. But inadvertently violating an oath imposes on the perpetrator the duty to offer a reparation or a purification offering in the Temple, Lev. 5:1-13.

57 Multiple guilt (multiple sacrifices) are possible only for multiple objects of prohibitions, not for repeated prohibitions of the same object.
58 If somebody made an oath to the effect that he would not eat a certain food, that food is forbidden to him as if it were cadaver meat, forbidden to any Jew.

59 Tosephta Šebuot 2:4, referred to in Babli Šebuot 28b.

60 If he swore falsely that he had not eaten, he committed the sin of a false oath. Since that oath does not forbid anything, each statement stands on its own and subjects him to the punishment for swearing falsely.

61 The first oath established the prohibition; the following oaths are futile, forbidden in the Third Commandment, but not triggering any obligation of sacrifice.

62 He explains the prior statement "If you say prohibition is not a kind of oath, he is guilty for this separately and that separately."

63 Since vows are subject related, if he forbade himself the use of a loaf, he may later declare the loaf to have the status of qorbān, to add the prohibition of sacrilege to the prohibition of eating. But if he first declared the loaf to be qorbān, it is automatically forbidden to him and no oath can increase the degree of prohibition. Therefore, the oath following the vow is a futile oath.
Rebbi Yose explained "to forbid": That should be forbidden to me; there should be a prohibition on it, it is forbidden. An oath is on me, it is forbidden, there should be an oath on it, it is forbidden. Rebbi Yudan said, in vows it is forbidden, in oaths it is permitted. There is a prohibition on me, it is forbidden. There is a prohibition on it, it is forbidden. An oath is there on me, it is forbidden. There is an oath on (me) [it] is permitted.

64 Num. 30:3, "to forbid a prohibition to himself", which can be either a vow or an oath.
65 Even though no oath formula was mentioned, this is an oath since it is person-related.
66 Even though no vow was mentioned, this is a vow since it is object-related.
67 The only problem is in the last statement, since an oath cannot be binding on a thing. R. Yose holds that an oath formula, used when a vow formula would have been appropriate, induces a vow since it cannot induce a valid oath. In the language of the Talmudim, the oath formula is a handle to introduce the vow.
68 He holds that an oath formula applied to a thing is ineffective; it is as if it had not been said. This paragraph is discussed at length in the Commentary of R. Nissim Gerondi on the Babli, 2b.
69 It seems that it must be read instead of שלי in order to make sense.
70 An oath directed to a thing is void and has no consequences.
"I am vowed away from you". Rebbi Yose ben Hanina said, both of them are mutually forbidden; as if the other person had said: and I from you. If he said, this loaf is vowed away from me and I from it, or I am vowed away from this loaf and it from me. It does not make any difference whether he said "from me" in Aramaic (מַמְכֵּךָ) or in Hebrew (מֵמְךָ), or he said "I am to you [forbidden]" or "I am on you [forbidden]", "you are to me [forbidden]" or "you are on me [forbidden]." It was stated: "I am jailed away from you, I am separated away from you". Rebbi Jeremiah asked, why did one not state "taken away from"? Rebbi Yose said, that was stated at the end, "I am taken away from the Jews."

71 In the absence of a specific restriction. For example, if A would say to B: I am separated from you, I shall not eat at your place, then the vow falls only on the specific activity indicated. But in absence of such a qualification, a vow of separation is understood to go both ways as indicated in Note 6. The statement of R. Yose ben Hanina is quoted in the Babli, 5a.

72 While an inanimate object cannot be told anything, as long as the vow is object directed it is a valid vow, irrespective of the language.

73 The Babli disagrees in principle, 5a.

74 This is from Halakhah 11:13. The Mishnah, quoted by R. Yose, speaks of a woman who wants to force a divorce by making a vow that sexual relations with any Jew shall be forbidden to her by saying "I am taken away from the Jews." The other expressions mentioned are equivalents of that statement.
"That I will not eat from yours, that I will not taste from yours." Rebbi Eleazar in the name of Rebbi Hoshiaiah. One catches him because of a handle for qorbān.75 Rebbi Abun bar Hiyya asked, if he said, I shall not eat from you, does one catch him because of a handle of an oath?76 Rebbi Yose said, people usually say "handle of an axe", do they ever say "axe of a handle"77?

75 Even if he did not spell out: qorbān that I shall not eat from yours. Since he used the language of vows, referring to the other person's food instead of his person, he made it clear that he intended a vow.

76 The answer is negative.

77 In the parallel, Nazir 1:2 (51b 1. 28), R. Yose notes that common usage requires the word "oath" to be at the beginning of the sentence, not at the end, to which R. Mattaniah adds the example of the handle of the axe to show that (in rabbinic Hebrew) word order counts. The translation of נשלנה (in the parallel נשלנה) as "axe" follows J. Levy's Dictionary.

"I am excommunicated from you, Rabbi Aqiba was stringent in that because of a doubt." To forbid all his possessions8. As you say78, "all his property should be banned and he should be separated from the community of the diaspora." What do the rabbis do with this? An excommunication by the court is weightier.
78 Ezra 10:8.

"As vows of the wicked, he vowed as nazir, a sacrifice, and an oath."

79 Samuel said, the Mishnah speaks about several cases, either as nazir, or a sacrifice, or an oath. Rebbi Ze'ira said, he is a nazir in all three of them. Rebbi Abin said, if somebody wants to explain that of Rebbi Ze'ira, it is such: There was before him a bunch of grapes and another person came and said, there is an oath on me, then there is an oath on him. Another person came and said, that is qorbân for me, it is qorbân for him. Another person came and said, there is an oath on me, then there is an oath on him. Another person came and said, what these three said is on me, does it not turn out that this one is obligated for qorbân and oath?

79 This text is obviously corrupt. A consistent text is quoted by Rashba [R. Shelomo ibn Adrat, Barcelona (d. 1310)] in his Novellae to the Babli, 9a, s. v. Mishnah. However, one should be reluctant to consider this the original text; it might well be Rashba's reconstruction (it replaces Yerushalmi נ by Babli נ and is elliptic elsewhere). But since the text certainly captures the intent of the Yerushalmi, it is presented here with commentary (from edition Brno 1798, reprint New York 1961):
Samuel said, it is taught about several cases, either about the nazir, or a sacrifice, or an oath. Rebbi Ze'ira said, he made a vow in all three of them. Rebbi Abin said, one wants to explain that of Rebbi Ze'ira about a person who has before him a bunch of grapes. A person came and said, I will be a nazir from these, he is a nazir. Another person came and said, these are for me qorbân; another person came and said, they are for me like vows of the wicked. Another person came and said, what these three said is on me; it turned out that this one vowed for nazir, qorbân, and oath.

He makes a vow by referring to the bunch of grapes which will be forbidden to him. But since the status of nazir cannot be split, he is a nazir in all its aspects.

That bunch of grapes is also to have sworn that he will not eat for him as if it were a dedicated sacrifice.

As the Mishnah said, since the "wicked" are impulsive people who swear on every occasion, he is considered not only to have vowed but also to have sworn that he will not eat the grapes.
It was stated 82: "As to their free-will offerings, he did not say anything." Does that mean that the wicked give free-will offerings 83? Since he gave a free-will offering, he is not wicked. The Mishnah follows Rebbi Jehudah, since it was stated in the name of Rebbi Jehudah 84: "It is better that you should not make a vow than that you make a vow but do not pay," better in any case is that you should not make a vow at all. Rebbi Meir says, "it is better that you should not make a vow than that you make a vow but do not pay," better in any case is that you should make a vow and pay. And so it says 85, "make vows and pay to your God."

How does one handle a free-will offering? He brings his sheep to the Temple courtyard and says, that one is an elevation offering 86. Rebbi Abin said, Rebbi Jehudah 87 used to open a door 88: If you had known that one who makes a vow is called wicked, would you have vowed? Rebbi Yannai said, "it is a trap for a human to call 'sanctified' and afterwards to check out the vows, 89 if one started to make vows, his account book 90 is opened. Another explanation: "it is a trap for a human to call 'sanctified' and to be late to check out the vows," if a person is in arrears with his vows, his account book is opened. It happened to one who said, I undertake to bring an elevation offering and he tarried to bring it. His ship sank at sea 91.

82 Tosephta 1:1: "Like free-will gifts of the wicked, he said nothing since the wicked do not make free-will gifts."
83 The formulation seems to imply that free-will offerings of the wicked do exist; otherwise how could one speak about them?
84 Eccl. 5:4. In all parallel sources, the attributions are switched between
R. Jehudah and R. Me'ir [Eccl. rabba 5(2) a Yerushalmi source; Babli Nedarim 9a, Hulin 2a, Tosephta Hulin 2:17]. Eccl. rabba 5(2) is a shortened parallel to the entire paragraph. There, and in Lev. rabba 16(5), the next verse, "do not let your mouth make your flesh sin" is referred to people who pledge money for charity but do not redeem their pledges.

85 Ps. 76:12.
86 In this way he is sure to have taken on an open-ended financial obligation.
87 In the Babli, 22a, this is attributed to R. Yannai, in connection with his interpretation of Prov. 20:25, and is rejected in practice.
88 This refers to the topic of Chapter Nine. While it is written that the maker of a vow shall not profane his word, it is rabbinic tradition (contested by Samaritans, Karaites, and probably Sadducees) that while he cannot profane his word, the "heads of the tribes" addressed in Num. 30, and in their stead one ordained rabbi or a court of three lay people, can free a person from the obligations of his vow. But such a ruling depends on the person making the vow repenting it. An argument which induces such repentance is called "door of regret", מַחַטִּית, or simply "door".
89 Prov. 20:25.
90 Greek πίναξ, cf. Sotah Chapter 9, Note 220.
91 In Eccl. rabba 5(2), the man perished in his ship.
"Like vows of the good ones, he did not say anything." Does this mean that good people make vows? Since that one made a vow, he is not a good one. The Mishnah follows Rebbi Jehudah since it was stated in the name of Rebbi Jehudah, the ancient pious ones desired to bring a purification offering, but the Omnipresent did not let a sin happen to them; so they made a vow of nazir in order to be able to bring a purification offering. Rebbi Simeon says, they became sinners because they made a vow of nazir, for it was said: "He shall atone for him for what he sinned about the person," that one sinned against his own person because he barred himself from [drinking] wine. It turns out that that of Simeon the Just parallels Rebbi Simeon. As it was stated: Simeon the Just said, I never ate the reparation offering of a nazir except once. Once a man came to me from the South, I saw that he was reddish, with beautiful eyes and good looks, and his hair in nice rows of waves. I said to him, my son, what induced you to cut off that beautiful hair? He said to me: Great man, I was a shephard in my village and I went to fill the
water vessel with water when I saw my mirror image in the water and my
instinct rushed over me and tried to lose me from the World. I said to
it, wicked! You are rushing me to something which is not yours; it is upon
me to sanctify you to Heaven! I bent my head to him and said, my son,
there should be many more in Israel who fulfill the Omnipresent's will
like you. About you the verse says, "man or woman, if he clearly
articulates vowing a vow of nazir, to be a nazir for the Eternal." Rebbi
Mana asked: Why following Simeon the Just, even following Rebbi
Simeon? Did Simeon the Just never eat a purification offering for suet?
Did Simeon the Just never eat a purification offering for blood? Simeon
the Just holds that people make a vow while they are upset. Since they
make the vow while they are upset, in the end, they wonder. But if he
wonders, his sacrifices become similar to one of those who slaughtered
profane animals in the Temple courtyard. But this one made a well
thought-out dedication, when his mouth and his thoughts were in
unison.

92 Purification offerings cannot be
voluntary; they are required either for
an inadvertent sin or for purification
from a state of impurity. A male who
does not sin inadvertently and who
does not suffer from an impure
sickness has no way to fulfill the
commandments relative to the
purification offerings. A woman can
always bring a purification offering
after childbirth.

93 From here to the end of the
paragraph, the text is also in Nazir 1:6,
51c 1. 36.

94 One of the 3 prescribed animal
sacrifices at the end of the nazir
period; Num. 6:14.

95 Num. 6:11. In Sifry Num. 30, R.
Ismael points out that this verse is
written about the nazir who became
inadvertently impure in the impurity of
the dead, who is in effect a sinner in
respect to the dead person. The Babli,
10a, accepts the argument of R. Simeon,
which in the Tosephta, 1:1, is in the name of Rabban Simeon ben Gamliel.
96 Babli 9b, Nazir Yerushalmi 1:6, Babli 4b, Sifry Num. 22, Num. rabba 10(20).
97 A combination of images referring to David (Is. 17:42) and the friend in the Song of Songs (5:11).
98 He realized how much money he could make as a male prostitute in a hellenized city but that he would lose the World to Come.
99 Babli 9b.
100 The standard purification offering is for the purification from an inadvertent sin which at least carries a penalty of extirpation by Divine decree, e.g., if somebody ate suet or blood inadvertently. In order to effect
the purification, the Cohanim have to eat the sacrificial meat (Lev. 6:19).
How can somebody called "the Just" refuse to purify people?
101 They feel that they should not have made the vow. This becomes acute in particular in the case of the reparation offering, which is brought only in case of impurity of the nazir, who has to restart his entire time as nazir after his impurity has been repaired. Since the verse repeatedly requires that offerings in the Temple must be brought willingly (Lev. 1:3, 22:29), an offering brought unwillingly is of questionable validity.
102 Which alone makes the vow unquestionably valid.

משנה ב: קאומר קומר קונה קובה תור איהל כנויין לאזר. врач
החק מחק איהל כנויין לחוד. ציק זיק פזח הרי איהל כנויין לאזר.
שבותא שקובא דרח ברמות，则 חק איהל כנויין לאזר.

Mishnah 2: If somebody says qônâm\(^{103}\), or qônāh, or qônās, these are substitute names for qorbân. Hêreq, hêrek, hêreph, these are substitute names for ban. Nâziq, nâziah, pâziah, these are substitute names for nazir. Šèbûtā, šeqûqâ, or he made a vow of Moy\(^{104}\), these are substitute names for an oath.
103 "Sacrifice" in Phoenician. The other words have not been identified in any language. Cf. Note 1.

104 The first half of the name Moyses (Moses). The connection between Moses and oaths is given later, Note 122. While the difference between vow and oath is important in rabbinic law, people in everyday speech do not make these fine distinctions. If the verb is an expression of making a vow but the noun is "oath", the entire sentence has to be interpreted as being an oath.

Halakhah 2: "If somebody says qônâm, or qônâh," etc. So far for himself. Can one dedicate to Heaven by saying qônâm? Let us hear from the following: One said to another, lend me your spade. He said, qônâm the spade if I have it, qônâm my property on me. If he has a spade, his property would be forbidden for this one "has no spade." Rebbi Tahlifa from Caesarea said, there is a difference, for he used the same expression to attach the spade and to attach his property. As you look at it, if the spade is sanctified, so is his property. If the spade is not sanctified, neither is his property. If he said, qônâm the spade if I have it,
and added qônâm my property on me, if he owns a spade, his property is forbidden. That is correct. Rebbi Joshua ben Hananiah said, if he had said "my property," it would be permitted for he stopped. That is correct. He only asserted that the person had no spade. Therefore, if he has a spade, his property is forbidden. That means that the spade was sanctified. That means that the property was sanctified. This means that a person may dedicate to Heaven using the expression qônâm.

105 Can one dedicate property to the Temple using the expression qônâm or any other of the recognized substitutes for qorbân?

106 There exists a Babylonian version of this baraita, Babli 35a and in abbreviated form Tosephta 4:6. The Babylonian version differs from the Yerushalmi in that the lender asserts that he has only one spade which he needs for himself and only asserts that he has no spare, and most importantly, that the lying lender's property is only forbidden to him during his lifetime but becomes the property of his heir while in the Yerushalmi the property becomes the Temple's. Therefore, the position of the Babli is opposed to that of the Yerushalmi and every attempt to emend and explain the Yerushalmi in the light of the Babli falsifies the text.

107 In modern Hebrew, קורדום is an axe. But in Mishnaic Hebrew it means "spade" as shown by the formulaic expression קורדום לש造血 רכז qosm used for digging.

108 He made a conditional vow. The vow must refer to an object. If he has no spade, there is nothing the vow refers to, and the vow is nonexistent. But should he have a spade, the vow refers to an object and is valid.

109 As described in detail now, the two vows are one and both refer to the spade.

110 To himself, but not to any other person in the world.

111 Without repeating the word qônâm, or any equivalent expression, there is no vow.

112 R. Joshua ben Hanania holds that the property is permanently forbidden to everyone, including the heirs, and must be surrendered to the Temple administrator. This proves that qônâm is as valid for dedications as qorbân.
Rebbi Jeremiah asked: May a person bind himself by a word which has both a profane and a sacral meaning? Did we not state Its name is קִנְמָם? Did we not state Its name is נֵזֶף? 113 But did not Bar Qappara state heres? 116 Rebbi Ze'ira said, that is a name relating to the High One: 117"If He commands the sun: would it not shine?". Rebbi Simeon ben Laqish said, these are Gentile words, like those Nabateans who say khaspa for haspa. Rebbi Yose said, it is reasonable in other places, but in a place where the nazir is called naziq, 120 do I say that a nazir of people with speech defects should not be a nazir?

113 Which word is intended is not quite clear. The early commentators vote for קִנְמָם "a fine"; then קִנְמָל could be a stand-in for קִנְמָם. Another possibility would be קִנְמָל "a chip". There is no problem in asserting that קִנְמָם is used only for vows. Note Arabic نَلَش "point of the helmet".

114 "Cooking". It also could be a word אַטְשְׁפִי [Tanhuma Re'e (5) "a bench"]. This is another example to show that in Galilee, under the influence of Greek, β was /v/ and /v/ close to /f/.

115 From here to the end of the paragraph, the text is also in Nazir 1:1, 51a l. 52.

116 In Mishnaic Hebrew the word usually means "potsherd", which certainly is not coming close to the meaning "ban" for which it may be substituted according to Bar Qappara. In Biblical Hebrew, it may be "sun" or "scabies".
Job 9:7.

The Yerushalmi is inconsistent in its attribution. In *Nazir* 1:1 (and the Babli 10a), R. Johanan is reported to hold that the substitutes are words from foreign languages whereas R. Simeon ben Lakish holds that they are artificial words created by the Sages to avoid using Hebrew sacral words. In the latter case it would be obvious that only officially sanctioned words may be used.

They cannot distinguish between כ and ר.

Where ר is not a dental sound but close to a French /r/, which may be confounded with ג or לא. If the locals hear the equivalent of nazir, that is enough to establish the vow.

It was stated: ֶבְעָתָא, ֶשְׁקָעַא; Rebbi Hiyya stated: ֶבְעָעַא, ֶשְׁקָעַא, ֶשְׁקָרַא. "A vow", when he made a vow by Moy, by the oath which Moses vowed, "and Moses accepted the curse." Rebbi Jonah asked, why do we not say, by the oath which Saul vowed, "Saul menaced the people with a curse"? By my right hand, that is a vow, by my left hand, that is a vow. Rebbi Mattaniah said, for it is written: "He lifted his right hand and his left hand to the Heavens and swore by the Eternally Living."

The Babli, 10b, has a different collection of substitutes for "oath".

Ex. 2:21. "Moses swore to stay by the man," not "Moses agreed to stay with the man," cf. the Targumim.

*Is.* 14:24. Why is the invocation of Saul’s name not a form of oath. In the verse quoted, the meaning of "imposing a curse by an oath" is clear and undisputed. There is no answer, probably because religious fear was never connected with the name of Saul.
It is noteworthy that all through proto-Mishnaic, Mishnaic, and Talmudic periods the name Moses is not used for living persons; there are a few appearances of a substitute name such as Maishe.

124 In the Babli, 10b, only "right hand" is accepted.

125 Dan. 12:7.

Mishnah 3: Not profane I shall not eat from yours, not usable, not pure, pure, or impure, leftover, or mushy, is forbidden. Like a sheep, like the storage places, like wood, like altar gifts, like the altar, like the Temple, like Jerusalem. If one made a vow by one of the serving pieces of the altar even though he did not mention "sacrifice", it is as if he made a vow by the sacrifice. Rebbi Jehudah says, he who says "Jerusalem" did not say anything.126

126 The Mishnah enumerates substitute terms for qorbān in making an oath which forbids the use of certain things to the maker of the vow. Most details are explained in the Halakhah. "Leftover" are the leftovers of a valid sacrifice after the time allotted for its consumption; this is forbidden both as a sacrifice and as leftover. "Mushy" is the biblical term for a sacrifice which was brought from the start with the idea that it should be eaten out of its time and/or its place. This also is doubly forbidden.

An extended list of substitute expressions is in the Tosephta, 1:3 (partially quoted in the Babli, 13a).
Halakhah 3: "Not profane I shall not eat from yours," etc. That which I would eat from you shall not be profane but a sacrifice.127

"Not usable" for me but it is for the altar.

"Not pure," for me but it is for the altar.

"Pure," for the altar but not for me.

"Impure," for me but [pure] for the altar.

"Mushy". There is no difference whether mushy for an elevation offering or mushy for a well-being offering.128 The leftover of an elevation offering [never]129 had a time when it was usable, the leftover of an elevation offering (never) had a time when it was usable130. If he said, this is for me as a leftover of a well-being offering, what is it?

127 The same explanation in the Babli, 11a.

128 The elevation offering is totally burned on the altar; no part of it is eaten. Nevertheless, there is a time limit on the sacrifice; it must be burned on the altar during the day it was slaughtered and the following night. If the blood was received by the officiating Cohen with the idea of burning the sacrifice the next day, the sacrifice itself becomes forbidden as
mushy. The well-being offering can be eaten for two days and the intervening night or, for a thanksgiving offering, the day and the following night; but if its blood is brought to the altar with the idea of eating from the sacrifice when mushy, immediately it is permanently forbidden.

129 It seems that the scribe switched "had" and "did not have" between elevation and well-being offerings. Since the elevation offering never was permitted to anybody, it was forbidden to use it while it was a sacrifice and it remained forbidden as leftover after its time had expired. Therefore, "leftover from an elevation sacrifice" is a thing which is permanently forbidden. Used in a vow formula it implies permanent prohibition.

130 Since a well-being offering can be eaten for some time by the offerer and his family and the prohibition of "leftover" is one after the fact, if somebody refers to food as "leftover from a well-being offering" it is unclear whether one refers to the time it was permitted or when it was forbidden. The Babli (12a) takes it for granted that "leftover" as object of a vow can only refer to leftover from an elevation offering, implicitly answering the open question of the Yerushalmi.
opinion of Rebbe Simeon ben Laqish one could state: Like the sacrifices on the altar\textsuperscript{136}. Rebbi Yose ben Abun said, following Rebbi Johanan one could state: Like the cleansing of the inner altar and the candelabra\textsuperscript{137}.

\textsuperscript{131} The most common sacrifice, a natural substitute for qorbân. In that case, one should read נֵכְרִיָּה. The statements are quoted in Gen. rabba 56(14).

\textsuperscript{132} The purification offering of a common person is a female animal. If she gives birth after dedication, the lamb is totally forbidden; it cannot be used for anything and nothing can be done for it. What the rabbis there (Babylonia) assert is that a substitute for qorbân can be something which is forbidden even to the altar (and so could be considered as the opposite of qorbân). This opinion is not mentioned in the Babli.

\textsuperscript{133} Ber. 22:13. This was a sacrifice on an altar; one reads נֵכְרִיָּה.

\textsuperscript{134} In Gen. rabba, this is attributed to Bar Qappara. In one opinion, the ram was created at the end of the Sixth Day of Creation [Mishnah Abot 5(9)].

\textsuperscript{135} This also is forbidden for profane use and is not a sacrifice.

\textsuperscript{136} See next paragraph.

\textsuperscript{137} This really refers to the statement that one may make a vow by referring to the serving pieces of the altar. R. Johanan prefers that one make the vow by something which is served daily.

Like the storage places," like the storage places of wood, like the storage places of sacrificial animals\textsuperscript{138}. "Like wood," like the two logs\textsuperscript{139}. "Like altar gifts," like the flame of the fire\textsuperscript{140}. "Like the altar," like the sacrifices on the altar. "Like the Temple hall," like the sacrifices in the Temple hall\textsuperscript{141}. Like Jerusalem," like the sacrifices in Jerusalem.
138 The storage place for altar wood was in the Temple courtyard, where wood was checked for worms (Mishnah Middot 2:5). The holding area for the animals was outside the Temple on the Temple Mount, where animals were checked for blemishes.

139 The logs needed to burn on them the daily sacrifice, Mishnah Yoma 2:5.

140 Everywhere in talmudic literature, מִשְׁמָעָה is derived from the root י*ת "fire". But fire is not anything a vow can fall on. The same problem arises with the last three terms which cannot represent qorbân, but only the place of the qorbân.

141 The daily incense and the blood of those special sacrifices whose blood has to be sprinkled on the incense altar.

142 To catch the blood at the moment of slaughter.

143 For incense.

144 "Rebbi Jehudah says, he who says ‘like Jerusalem’ did not say anything," since this one intended to refer only to its wood and stones.

145 "Like the Torah," that is permitted. "Like the sanctity of the Torah, like what is written in it," that is forbidden like the sacrifices written in it. There are Tannaim who state, "like the Torah and what is written in it," is
permitted. Rebbi Abin bar Cahana said, that is Rebbi Simeon’s, as Rebbi Johanan said, by the words of Rebbi Simeon, if it turns out that he had no wheat, he is free also for the rest. Rebbi Yose said, it is everybody’s opinion. “Like the Torah”, like the sanctity of the Torah. “Like what is written in it,” like the sanctity of the verses.

144 This is a reformulation of the Mishnah. According to the Babli, 11a, according to the Tanna of the Mishnah, R. Jehudah would accept "like Jerusalem" as a qorbân formula. There is no hint of this in the Yerushalmi.

145 Which are permitted.

146 Tosephta 1:4, Babli 14b.

147 This refers to the discussion in Ṣebuot 5:4. A (who has no witnesses and no documents to prove his case) says to B, give me the wheat, barley, and spelt which you hold for me. B says, I have nothing of yours. A says to B, swear that you have no wheat, barley, and spelt of mine, and B says Amen. If it turns out that he swore falsely, he is guilty of one crime. R. Simeon says, if he swore correctly about the wheat, he cannot be prosecuted for swearing falsely about barley and spelt since an oath (and a vow) which is partially voided is totally voided.

148 Since the second opinion is treated second and at length, it is the opinion accepted in the Yerushalmi, in contrast to the Babli.

Mishnah 5: If somebody says sacrifice, elevation offering, or flour offering, purification offering, or well-being offering, that I will not eat
with you, he is forbidden; Rebbi Jehudah permits\(^{149}\). The sacrifice, like a sacrifice, sacrifice if I would eat with you, he is forbidden\(^{150}\). It is for sacrifice what I will not eat with you, Rebbi Meir forbids. If somebody says to another person, a qônâm that my mouth speaks with you, that my hand works with you, that my foot goes with you, he is forbidden\(^{151}\).

\(^{149}\) R. Jehudah requires that the object to which the vow refers be mentioned. Therefore, if he had said "like a sacrifice, like an offering" it would be a valid vow (Tosephta 1:2).

\(^{150}\) Since in this case one might read the sentence as: Any food I would eat from you should be a (the, like a) sacrifice.

\(^{151}\) At first glance it seems that these vows are not object-oriented since speech, working, and walking are no concrete objects. But since mouth, hand, and foot are concrete objects, the vow can refer to them and then this person's mouth, hands, and feet are forbidden any contact with the other person, which can be realized only if the person swearing the oath refrains from doing anything for the person intended by the vow.

Halakhah 5: "If somebody says sacrifice, elevation offering, or flour offering," etc. Everybody agrees this sacrifice\(^{153}\) is permitted, like a sacrifice is forbidden. Where do they disagree? Sacrifice. Rebbi Jehudah says, he who says 'sacrifice' is as if he said 'this sacrifice' and is permitted;
but the rabbis say, he who says 'sacrifice' is as if he said 'like a sacrifice' and is forbidden. Rebbi Jehudah said to them: Do you not agree that one who said "oath" is like one who said "this oath" and is forbidden\textsuperscript{154}? And here he who says 'sacrifice' is as if he said 'this sacrifice' and is permitted! But the rabbis throw restrictions on it\textsuperscript{155}. One who said "oath" is like one who said "this oath" and is forbidden. But here, he who says 'sacrifice' is as if he said 'like a sacrifice' and is forbidden.

\textsuperscript{152} This seems to be an error for \textsuperscript{153} "this is a sacrifice" is not an expression of referral.

\textsuperscript{154} If he would say "like an oath" it would be a denial of oath and would be invalid, but "like a sacrifice" is the essential formula of a vow.

\textsuperscript{155} In matters of vows and oaths, the translation of the vernacular into the formal language of the law always must follow the restrictive interpretation (Mishnah 2:4).

Fife, the fife, with a fife, either 'that I shall eat with you' or 'that I shall not eat with you', is permitted\textsuperscript{156}. No profane food\textsuperscript{157} that I would eat with you, forbidden. Profane food I would eat with you, permitted.

\textsuperscript{156} \textit{Hālil} "fife" is derived from the root \textit{ḥālāl} II, Arabic حَلَلَ "to pierce, make a hole" (among other meanings). Nobody takes this as close to \textit{ḥālīn} "profane", derived from \textit{ḥāl} I, Arabic حَلَ "being permitted, not holy" (among other meanings) or \textit{nīlīn} "desecration, God forbid!". The expression cannot be interpreted as a vow.

\textsuperscript{157} Read \textit{ḥūlā}.
Rebbi Yasa in the name of Rebbi Johanan: Are there words of Rebbi Meir that from a negative one understands a positive? There is no sacrifice from this. What I shall not eat from you. Therefore, what I shall eat from you is profane, it is not qorbân.\textsuperscript{158}

\textsuperscript{158} The Mishnah about jaij? mentions only R. Meir but does not mention the anonymous majority which must hold that no vow is intended. It is generally accepted that R. Meir does not accept to derive a positive statement from the inversion of a negative (Babli 11a, 13b; \textit{Sebuot} 36a, \textit{Sotah} 17a; \textit{Yerushalmi Erubin} 3, 21b 1. 24, \textit{Qiddusin} 1:3 64a 1. 16, \textit{Sebuot} 4:14 35d l. 66, 7:1 37c l. 45). It is obvious that the first sentence is a rhetorical question.

‘My going [is forbidden] to you, my speech [is forbidden] to you,’ he said nothing. Why? Because he referred the vow to something immaterial. "Vow, vow"\textsuperscript{159}. Just as "vow" which was said there refers to something (im-)material\textsuperscript{160}, so "vow" said here refers to something (im)-material. ‘My eye [is forbidden] to see for you, my ear [is forbidden] to hear you,’ he is forbidden.\textsuperscript{161} You say, ‘my hand [is forbidden] to work
with you,’ he is forbidden. If he ploughed with him\textsuperscript{162} on the ground, what is forbidden to him? Up to the amount of his wages or any improvement of the ground? If he fenced in\textsuperscript{163} an oven with him, what is forbidden to him? Up to the amount of his wages or any improvement of the oven?

159 This is an application of the second hermeneutical rule gezerah \textit{sawah} (cf. Berakhot Chapter 1, Note 70) that in legal texts, a word has only one definite meaning. The word “vow” is used in \textit{Lev.} 27:2 to describe the pledge of a predetermined sum of money, which is material. Therefore in \textit{Num.} 30:3, the word “vow” also must refer to something material.

160 The context requires that both times the expression פָּקַשׁ וּמֵמָטָשׁ "immaterial" must be emended to מָטָשׁ וּפָּקַשׁ "material". Unfortunately, there are no parallels to this argument in talmudic literature.

161 Since now the vow is referred to something material.

162 If the worker makes a vow not to enjoy anything from his employer, can he work for him since the transaction is a simple exchange of work for money, or is he forbidden to work in case his work causes a permanent improvement of the employer’s property? The question is not answered.

163 Some commentators and editors want to emend here either to נַדְדָד "to grate", or עוּד "to cut". There seems to be no reason for emendation.
Mishnah 1: The following vows are permitted: Profane I would eat with you; like pork, like idolatry, like carcasses, like meat from a torn animal, like abominations, like crawling things, like Aaron's hallah and his heave, are permitted. One who says to his wife, you are for me like my mother, one finds for him an opening from another place that he should not be flippant about this. A qōnām that I shall not sleep, that I shall not speak, that I shall not walk, or one who says to his wife, a qōnām that I shall not sleep with you, he is under the obligation "he shall not profanate his word." An oath that I shall not sleep, that I shall not speak, that I shall not walk, he is forbidden.

1 Even though they sound like vows, they are not vows.
2 Since he vows to eat what is permitted, there is nothing to it.
3 As the Halakhah explains, a vow must refer to something which can be a sacrifice. Since swine cannot be sacrificial animals, if he says "what I would eat from you is like pork", there is no vow and no legal consequence. If he would say, a qōnām that what I would eat from you is like pork, he
would be forbidden since he referred to the sacrifice.

5 Forbidden food, Ex. 22:30.
6 Forbidden food, Lev. 11:29 ff.
7 Forbidden food, anything not on the list of permitted animals. These are explicitly permitted to Gentiles, Gen. 9:3.

8 Heave and hallah, the heave from dough, are holy. Sacrifices can only be brought from sources that are profane before dedication. Therefore, heave and hallah cannot become sacrifices. As long as the person making the vow does not mention qorbân or any of its substitutes, there is no vow.

9 He says that sexual relations with his wife should be forbidden as they are with his mother. Since his mother cannot be a sacrifice, there is no vow but the rabbi is not permitted to tell him this but must find another reason (e. g., do you realize how much money a divorce would cost you?) to find a cause to annul the vow because people should be made uncomfortable vowing. If the vow is not dissolved within one week, the wife can ask the court to force a divorce; the husband being the guilty party (Mishnah Ketubot 5:6). (Cf. Qor'an 58:2.)

10 As long as qorbân or one of its substitutes is not mentioned, sleeping, speaking, and walking are all immaterial and there really is no vow. But since there was intent to make a vow, the verse may be applied (at least by rabbinic standards).

11 Since an oath does not depend on any material substrate (Chapter 1, Note 4).
"The following vows are permitted," etc. "To the Eternal\textsuperscript{12}, nobody can forbid anything on himself unless it could be given to the Eternal\textsuperscript{13}. What is stated in the House of Rav disagrees: "From where that one may not make and dissolve vows which are dissolved for you from Heaven but people consider them as binding? The verse says\textsuperscript{12}, 'he shall not profane his word.' He should not make his words profane." They wanted to say, for example using "qorbân" or "oath"; but in all other respects it would be permitted. It comes to tell you, also all other respects\textsuperscript{14}. "To prohibit a prohibition on himself\textsuperscript{12}". There are Tannaim who state: on himself, not on others. There are Tannaim who state: even on others. They wanted to say that he who says on himself, not on others, to forbid others' property\textsuperscript{15}, but he who says even on others, to forbid his own property for others, but not the property of others for himself.

\begin{itemize}
\item[12] \textit{Num.} 30:3.
\item[13] The comparison used in a vow must refer either to a sacrifice or to something that could be a sacrifice or a \textit{herem}. In the language of the Babli, 14a, "there is no vow unless it relates to something that can be vowed." A lengthy paraphrase in \textit{Sifry Num.} 153.
\item[14] The opinion of R.Yose, Chapter 1, Notes 64 ff.
\item[15] This sentence has been badly distorted by editors and commentators of recent editions of the \textit{Yerushalmi}.
\end{itemize}
no control, to himself. The second opinion has no parallel in either Talmud.

In *Sifry Num.* 153 one reads: "To prohibit a prohibition on himself, he prohibits for himself but not for others." This is opposed to both Talmudim.

"One who says to his wife, you are for me like my mother". Your cohabitation is for me like cohabitation with my mother, like my mother's flesh; he did not say anything. If he said, this loaf is for me like cohabitation with my mother, what? Let us hear from the following: A *qōnām* that I shall not sleep with you, Rav says, he is forbidden, Samuel says he is permitted. How does Samuel uphold "he shall not profanate his word"? As if he shall not profanate his word. Rav sticks with his opinion: The Tanna'im in the House of Rav disagree: "From where that one may not make and dissolve vows which are dissolved for you from Heaven but people consider them as binding? The verse says, 'he shall not profanate his word.' He should not make his words profane."

16 The translation and interpretation of these sentences are uncertain. Another approach to the text, based on a different reading of the meaning of the periods, would be: "One who says to his wife, you are for me like my mother, your cohabitation is for me like cohabitation with my mother. Like my mother's flesh, he did not say anything." In that case, the first
example is an explanation of the Mishnah, the second is a separate statement which might not conflict with the Mishnah. This is the approach of the Babli, 14a. If the translation in the text is chosen, the requirement that a formal annulment of the vow is required, is restricted to the wording in the Mishnah, where it is not so clear even to the unlearned that the vow is null and void.

17 What are the rules?

18 The statement of the Mishnah is purely rabbinical; it cannot possibly have a biblical basis.

19 From the previous paragraph.

"An oath that I shall not sleep for three days," one whips him and he can sleep immediately. "An oath that I shall not eat for three days," one waits until he eats and then whips him.

20 Since nobody can go without sleep for three days, this is a vain oath forbidden by the Third Commandment. For the transgression he is sentenced to whipping; the oath itself is void. A similar statement, attributed to R. Johanan, appears in the Babli, 15a.

21 Since people can live for three days without food, the oath is not in vain and he can be punished only if he transgresses his oath.
Mishnah 2: Qorbân [shall be] what I shall not eat at your place, or qorbân [shall be] what I shall eat from you, no qorbân [shall be] what I shall not eat from you; he is permitted. An oath that I shall not eat at your place, an oath that I shall eat from you, no oath that I shall not eat from you; he is forbidden. That is more restrictive for oaths than for vows. What is more restrictive for vows than for oaths? If he said qönäm that I shall not make a sukkah, that I shall not take a lulab, that I shall not put on phylacteries, as a vow he is forbidden, as an oath he is permitted since one cannot swear to transgress commandments.

22 Since he forbids only what he did not eat but nobody can forbid another person’s property for other people, he did not say anything.

23 This clause is extremely difficult to explain since it is formulated exactly the standard way in which a person can prohibit another’s food for himself. The Babli reads נַקְרָא, an expression which had been determined not to be an oath (Chapter 1, Note 153). It is clear in all three cases that the same vow declared as qönäm or any other substitute would be valid and the person making the vow would be forbidden to eat from the other person since then the intent would be clear. It is only the use of the word which refers directly to sacrifice which makes the vow invalid.

24 This clearly is idle talk.

25 For a person who holds that a double negation is a positive this is an oath that he will eat; this excludes R. Meir who does not accept that argument, cf. Chapter 1, Note 158.

26 He is bound by his oath for negative or positive.

27 Lev. 23:42. The hut must at least get a new roof each year, Mishnah Sukkah 1:1.

28 Lev. 23:40, the palm branch of the "4 kinds".

29 Ex. 13:9, 16.

30 This is a principle accepted by all Jewish groups: Philo, The Special Laws II, 12-15; Damascus Document CD XIV 9.
"Qorbân [shall be] what I shall not eat at your place," etc. Why did we not state: An oath that I shall eat from you, he is permitted? Only because we stated: "That is more restrictive for oaths than for vows." We wanted to say about "an oath that I shall not eat of yours," that the words of the Sages are: he is forbidden. Therefore it was not stated.

31 He not only is permitted, he is obligated to eat at the other person's place. whereas in the case of a vow he would be free to eat or not to eat.

"That is a sacrifice, that is for a sacrifice, that is like a sacrifice," is permitted. "That is an oath, that is for an oath, that is like an oath," is forbidden.

32 In all cases quoted in the Mishnah, it makes no difference whether qorbân is stated alone or modified by one of the inseparable prepositions. In the Babli, 15a, it is held that R. Meir would not accept this statement since he holds that קרבן might be understood as a negation יא אָכָלֵךְ = קרבן.

 göz אָכָלֵךְ. קָרַבֵּנִי לִקָּרָבְנִי. קָרָבֵי קָרַבְנִי. קָרְבְּנִי קְרַבְּנִי.

וזי קָרַבְּנִי. קָרַבֵּנִי לִקָּרָבְּנִי. קָרְבְּנִי קְרַבְּנִי.

אֶסְוָרָה. קָרַבֵּנִי לִקָּרָבְּנִי. קָרְבְּנִי קְרַבְּנִי.

וזי קָרַבְּנִי. קָרַבֵּנִי לִקָּרָבְּנִי. קָרְבְּנִי קְרַבְּנִי.
"That is more restrictive for oaths than for vows. What is more restrictive for vows than for oaths?" "Or a person who swears to lightly express with his lips for bad or for good." Just as doing good is a matter of choice, so doing bad is a matter of choice; that excludes any prohibition which is a commandment. They wanted to say, inadvertently, but not intentionally. It was found stated: Rebbi Ismael says, "anything that comes out of his mouth he shall do," not what comes out of Heaven's mouth. Should we say that this is the same for vows of sanctification? Rebbi Yose in the name of Rebbi Hila: For a man may vow his sukkah to Heaven.

33 Lev. 5:4.
34 In the Babli, 16b/17a, this verse, dealing with the obligation of a sacrifice for an oath inadvertently not kept, only frees the maker of an oath to violate some commandment from the obligation to bring a sacrifice.
35 Num. 30:3. In the Babli, this verse frees him from the sin of not keeping his vow. In the Yerushalmi, it extends the rule to any oath, including an intentional one.
36 Mishnah Temurah 7:2: Anything whatsoever can be vowed to support the Temple.
pronouncement separately\(^37\). An oath that I will not eat, an oath that I will not eat, if he eats he is guilty only once\(^38\).

\(^{37}\) If he drinks wine after eating, he can be sentenced to two whippings. If he keeps his vow, he has to observe two 30-day periods of nezirut and bring two sets of sacrifices.

\(^{38}\) If he breaks his oath, he can be punished only once.

"A vow inside a vow is possible," etc. \(^{39}\) Rebbi Yose asked: An oath, an oath, an oath that I shall not eat, but he ate? Rebbi Yose ben Rebbi Abun said, let us hear from the following\(^{40}\): "An oath that I shall not eat this loaf, an oath that I shall not eat, an oath that I shall not eat. If he ate, he..."
is guilty only once." Because he said this. Therefore, if he had not said this, he would be guilty for each of the oaths.  

42Avime the brother of Hefa said, I studied vows, I studied oaths. Hefa wanted to examine him: There were five loaves before him and he said, an oath that I shall not eat this loaf. Then he said, these two loaves. Then he said, these three loaves. Then he said, these four loaves. Then he said, these five loaves. Then he ate the first, what are the rules? He said to him, he is guilty for each oath separately. He said to him, he is guilty only once. From the moment he mentioned "oath" about it, he made it like carcass meat. From there on he is as if he wanted to apply oaths to prohibitions, but no oath can be applied to prohibitions.

He examined him a second time. There were five loaves and he said, an oath about these five loaves. Then he said, these four. Then he said, these three. Then he said, these two. Then he said, this single one. Then he ate all of them? He said to him, he is guilty only once. He said to him, he is guilty for each oath separately. If somebody had said, an oath that I shall not eat five, and he ate four, would he be free from punishment?

Rebbi Yose said, it is reasonable following Hefa's brother in the last case, following Hefa in the first. 

39 The entire Halakhah is also in Sebuot 3:8.
40 Mishnah Sebuot 3:8.
41 This paragraph admits of two quite different interpretations. The first, by R. David Fraenckel, notes that in the question, the three oaths are mentioned before the object of the oath is specified, but in the Mishnah the object is specified before the second oath is pronounced. In the Mishnah, the second and third oaths are void since the loaf is already forbidden. But in R. Yose's question,
nothing is forbidden when the second and third oaths are pronounced; therefore, they all are valid and with one act the person who then eats the loaf commits three sins in one act.

The second, not very likely, explanation, by R. Moses Margalit, assumes that many loaves are before the person when he makes the multiple oath and one may assume that each single oath refers to a different loaf. Therefore, if he eats all of them he is guilty for each loaf separately since the Mishnah states only that if he expressly refers to the same loaf each time he swears, he is guilty only once.

42 There is a parallel in the Babli, Sebuot 28b/29a.

43 In the Babli, he is called 'Epha.
In the Babli, where Avime is called "his brother", Avime is the superior scholar.
In the Munich ms., the notation "his brother" is missing.

44 Assuming that the first loaf was included in every subsequent oath.
45 Since he did not keep his oath.
But in Avime's opinion, the first oath voids all the subsequent ones.
46 In no case can an oath be added to an oath.

Mishnah 4: Indeterminate oaths are interpreted restrictively and explicit ones liberally. How is this? If one said, this is for me like salted
meat\textsuperscript{47}, like libation wine\textsuperscript{48}, if his intent was for Heaven, he is forbidden, if for idolatry, he is permitted\textsuperscript{49}, if indeterminate\textsuperscript{50} he is forbidden. This is for me like a ban, if by a ban for Heaven\textsuperscript{51}, he is forbidden, if priest's\textsuperscript{52}, he is permitted, if indeterminate he is forbidden. This is for me like tithe, if animal tithe, he is forbidden\textsuperscript{53}, if from grain, he is permitted\textsuperscript{54}, if indeterminate he is forbidden. This is for me like heave, if Temple heave\textsuperscript{55}, he is forbidden, if heave from the threshing floor, he is permitted\textsuperscript{56}, if indeterminate he is forbidden, the words of Rebbi Meir. But the Sages say, indeterminate heave in Judea is prohibited, in Galilee permitted, since Galileans do not know of Temple heave\textsuperscript{57}. Indeterminate bans in Judea are permitted, in Galilee prohibited, since Galileans do not know of priest's bans\textsuperscript{58}.

\textsuperscript{47} I. e., a sacrifice (\textit{Lev.} 2:13).
\textsuperscript{49} Since everything destined for idolatrous worship is forbidden for any use, it cannot become \textit{qorbăn}.
\textsuperscript{50} If the person making the vow had nothing special in mind, his words have to be interpreted as referring to an instance which makes his vow valid.
\textsuperscript{51} A gift to the Temple which is forbidden for any use until redeemed from the Temple treasury.
\textsuperscript{52} Bans given to priests become their fully profane private property, not restricted in any way. A referral to such bans cannot prohibit.
\textsuperscript{53} Animal tithe is automatically a sacrifice which does not need dedication (\textit{Lev.} 27:32); it is \textit{qorbăn}.
\textsuperscript{54} Tithe from which its heave was separated is totally profane in the Levite's hand.
\textsuperscript{55} The half-\textit{seqel} yearly Temple tax which was used to buy public sacrifices; cf. Mishnah \textit{Seqalim} 3:1.
\textsuperscript{56} Since heave is private property of the receiving Cohen; cf. Note 8.
\textsuperscript{57} The Temple tax there was never known as "Temple heave" but as "half-\textit{seqel}.''
\textsuperscript{58} They know bans only as expression of total prohibitions for everybody.
"Indeterminate oaths are interpreted restrictively," etc. 59 They wanted to say, salted for preservation60, not short-term salted. Rebbi Yudan said, since we have stated: "this is for me like salted meat61, like libation wine," this implies that short-term salted is called "salted". What is short-term salted? As it was stated: "He puts the limbs on the salt and turns them over." Rebbi Abba Mari said, there is a difference, for if he leaves them there, they become salted meat62. But which text says it? As Rebbi Hiyya bar Abba said, "one who takes olives from the vat dips each single one in salt and eats it63." That implies that short-term salted is called "salted".

59 This paragraph is a copy of the parallel in Halakhah 6:3, where the question is what a person forbids to himself if he vows not to eat salted meat.

60 Salted meat than can be stored a long time (without refrigeration).

61 As explained in the baraita, that is meat dipped twice in salt.

62 Taking a piece of meat, putting it into a large vessel full of salt, turning it over there, and not washing the salt off, makes the meat much more salty than salting for immediate consumption. In the parallel in the Babli, Menahot 21a: "He puts salt on the limb, turns it over, and puts salt on the other side".

63 Mishnah Ma'aserot 4:3 (Notes 50,51) speaking about the agricultural worker who may eat untithed olives during the harvest.
This is for me like heave, if Temple heave, he is forbidden," therefore ‘heave of thanksgiving’ is permitted. "If heave from the threshing floor, he is permitted," therefore ‘heave of thanksgiving’ is forbidden. Here you say, forbidden; there, you say, permitted. Let us hear from the following: "Like Aaron’s hallah and his heave" is permitted, therefore ‘heave of thanksgiving’ is forbidden.

This is the text in the ms. and editio princeps all three times in this paragraph. It seems that one has to read הַזָּה הֶזְזֶה all three times; the translation assumes that reading.

A thanksgiving sacrifice (Lev. 7:11-14) needs a concurrent gift of 40 loaves, of which 4 are given to the officiating priest as heave (v. 14). This is a heave not mentioned in the Mishnah. Since Mishnah 1 notes only agricultural heave as not subject to vows, it follows that any accessory to a sacrifice must be vowed together with the sacrifice and, therefore, can represent a vow. The Babli, 12a/b, comes to the same conclusion by a very involved argument.
"But the Sages say, indeterminate heave in Judea is prohibited, in Galilee permitted, since Galileans do not know of Temple heave." But if they did know it, the indeterminate would be forbidden\textsuperscript{66}. "Indeterminate bans in Judea are permitted, in Galilee prohibited, since Galileans do not know of priest's bans." But if they did know it, the indeterminate would be permitted. Here you say permitted, but there you say forbidden\textsuperscript{67}. Rebbi Eleazar says, these are statements of two Tannaim\textsuperscript{68}. Rebbi Jeremiah said, all is from one Tanna, following the one who said\textsuperscript{69}: "indeterminate bans are for the upkeep of the Temple." But for the one who said\textsuperscript{70}, "indeterminate bans are for priests," even in Galilee they would be permitted. In Galilee where they are used to invoke Akhan's ban\textsuperscript{71}, you have to say forbidden; in Judea where they are not used to invoke Akhan's ban, you have to say permitted.

\textsuperscript{66} The meaning of vows has to be determined by popular usage. Since learned people are not supposed to make vows, it is clear that the interpretation of vows depends on the meaning of the words in the vernacular, independent of the place where the vow was made.

\textsuperscript{67} This is an attempt to explain the rules in legal terminology, without appeal to the vernacular. The indeterminate vow would be a case of doubt; in one case one rules that doubt removes the vow, in the other that it confirms the vow. This is the attitude of the Babli, 19b.

\textsuperscript{68} This is the solution of the Babli and Tosephta 1:6 which ascribe the statement on bans to R. Eleazar ben R. Sadoq. This solution is appropriate for the Yerushalmi, the Munich and Cambridge mss. of the Babli, and the quotes in many Medieval authors, which ascribe both statements to "the Sages" who would be free to rule in one case with R. Jehudah and in the other with R. Eleazar ben R. Sadoq. But in the printed Babli which, together with most independent Mishnah mss., attributes the statement of the Sages to R. Jehudah, the two-Tanna solution, rejected in the
Yerushalmi but given in the Babli in the name of the Fourth Century Amora Abbai, is rather forced.

69 Mishnah Arakhin 8:6, opinion of R. Jehudah ben Bathrya.

70 The anonymous Sages. The Babli, Arakhin 29a, states that in the absence of a Temple, bans for the upkeep of the Temple can be redeemed by pennies.

71 Jos. 7:25-26, the expression of an absolute and irredeemable prohibition of all use.

Mishnah 5: If somebody made a vow of herem and said, I referred the vow only to mariner's nets, or made a vow of qorbân and said, I referred the vow only to the gifts for kings, or said, my bone is qorbân and said, I referred the vow only to the bone that I keep in my house for purposes of vows, [or said] a qônâm that my wife may not have any use from me and said, I referred the vow only to my first wife whom I divorced, all these do not need a question. If they do question, one punishes them and makes it difficult for them, the words of Rebbi Meîr, but the Sages say, one finds for them an opening from another place and teaches them that they should not be flippant about vows.
72 A homonym of חרם "ban", derived from חרם II, Arabic ^ "to break, to make holes", as a net is composed of holes. "Ban" is from חרם I, Arabic ^ "prohibit, excommunicate".

73 Crown money, the "voluntary" tax exacted at the accession of an emperor.

74 "My bone" means "myself" in biblical and rabbinic Hebrew.

75 Obviously these are no vows and they are invalid in themselves.

76 If an uneducated person has qualms about such a vow it shows that he considers it as a vow and, therefore, it must be considered a vow even if the language does not qualify it as such.

77 One finds a reason that he should repent having made the vow and permits it; cf. Note 9 and Halakhah 3:1.

Halakhah 5: "If somebody made a vow of herem," etc. A person made a vow by one of these expressions. He came before Rebbi Meir who sent him to Rebbi Jehudah and told him, inform him that you came to me and I sent you to him. He came before Rebbi Jehudah who sent him to Rebbi Yose and told him, inform him that you came to Rebbi Meir who sent you to me and I sent you to him. He came to Rebbi Yose, who told him, if the first one does not permit it, nobody else can permit it to you, for he holds that "if they do question, one punishes them and makes it difficult for them." He returned before Rebbi Meir and said to him, since you knew
that, why did you not tell me from the start? He said to him, I saw you flippant and made it difficult for you.
Mishnah 1: Four kinds of vows did the Sages dissolve: Speeding-up vows, exaggeration vows, vows in error, and vows about acts of God. What are speeding-up vows? One who has something to sell says, a qônâm that I shall not reduce the price below a tetradrachma, and the other one says, a qônâm that I shall not increase my bid to more than a sheqel; both of them intend three denarii. Rebbi Eliezer ben Jacob says, also one who wants by a vow to get his neighbor to eat at his place. If he says to himself: any vow which I make in the future shall be void, [it is void] if he remembers at the moment he makes the vow.

1 These will all be explained in the Mishnah.
2 In this form, the vow is void and does not have to be dissolved since it is not indicated to what it refers. One has to assume that the vendor says the money received for the sale shall be qônâm if I sell for less.
3 A tetradrachma is 4 denarii, a sheqel 2. They split the difference.
4 The Mishnah in the Babli instead of אממי This requires a reformulation of what R. Eliezer ben Jacob said, 23b. The second statement...
of R. Eliezer ben Jacob is not extends the definition of speeding-up connected to the first which simply vows.

"Four kinds of vows did the Sages dissolve," etc. Do not the Sages permit all kinds of vows? It is written: "Moses spoke to the heads of the tribes." He referred the paragraph to the heads of the tribes that they should dissolve the people's vows. Rav Jehudah in the name of Samuel: "He shall not profane his word." He cannot profane his word; this implies that others can profane his words. Who is that? That is the Sage who dissolves the vow. Hananiah the nephew of Rebbi Joshua said, "I swore and I shall keep it." Sometimes I keep it. Rebbi Joshua said, "What I swore in my rage:" In my rage I swore; I change my mind.

5 Reading of the Parallel 9:1. The text here reads הוהי "it fell" or "it fell sick".
6 Num. 30:2.
7 Num. 30:3. The same argument in the Babli, Hagigah 10a, in response to Mishnah 1:8: Dissolutions of vows "hang in the air" (have no biblical basis). This is the only argument accepted in the Babli.
8 Ps. 119:106. Also in the Babli, Hagigah 10a. In Nedarim 8a, the verse is interpreted to authorize vows to keep commandments of the Torah. In Sadducee theory (Damascus Document CD XVI 7-8), the consequence of such a vow is that the corresponding commandment cannot be broken even
under extreme pain, which in pharisaic theory applies only to idolatry, incest and adultery, and murder.

Ps. 95:11. Also in the Babli, Hagigah 10a.

Do the Sages permit all kinds of vows? "Four kinds of vows did the Sages dissolve!" Rebbi Eleazar in the name of the elder Rebbi Hiyya: Those do not need the permission of a Sage. Rav and Samuel both say that these need the permission of a Sage. Issy objected: Did we not find an opening for vows from there only? Samuel said to him, bind a rope on it. A Mishnah disagrees with Issy: "This one also can dissolve his vow without asking a Sage." He explains it, that all vows need an opening from another place but these have their openings in themselves. Rebbi Ze'ira said, that is, if they do not insist. But if they did insist they need the permission of a Sage. If one did insist but the other did not insist, since this one's is invalid, the other one's also should be invalid. A student of Rebbi Hiyya bar Julianus said [after] Rebbi Yudan: If one
asked a tetradrachma, one was ready to give him three\textsuperscript{19}, and another one said a sheqel. (Does he insist?)\textsuperscript{20} Since he renounces one denar for this one he may renounce another one for the other one and give it to him for two\textsuperscript{21}.

10 In the Babli, this is the authoritative opinion of Samuel, 21b.

11 Rosh (R. Asher ben Iehiel (~1250 Germany - 1327 Toledo) quotes (3,1) a different text: רבי שמעון בן רכש: נבש רבי יוחנן בן ארויא בן רכש. רבי ברויאל קאמירל ברויאל. אバイ רכש. "Rebbi Simeon ben Rebbi Abba in the name of Rebbi Johanan: these need the permission of a Sage. Rav and Samuel both say: they do not need the permission of a Sage." It is obvious that this cannot be the Yerushalmi text since יאמרין תורהיה is pure Babylonian Aramaic.

12 In the Babli, this is the rejected opinion of Rav Assi (Issy).

13 This is confirmed in the Babli, 21a, where Rav Assi holds that a vow can be dissolved by a Sage (an ordained rabbi) only if its invalidity is obvious, not because the person making the vow repents his action.

14 It is not quite clear what this expression means. It might be that this kind of obviously void vow is the "rope with which one lifts other kinds of vows" to dissolution.

15 Mishnah 8:7, speaking of a person who threatens to forbid to himself all intercourse with another if the other refuses to take gifts from him.

16 It still needs to be dissolved by a Sage but the dissolution is granted automatically.

17 If the person never had intended that the offered price should be the final price. R. Nissim Gerondi ("Ran"), in quoting this Yerushalmi (Commentary to the Babli, 21a), holds that the three sheqels quoted in the Mishnah are only an example and that any price between 2 and 4 denarii is acceptable but that the seller may not sell for 4 and the buyer not buy for 2 denarii without confirming their vows as real and requiring the counsel of a Sage.

18 If, e.g., the seller makes the same vow for two customers and he intends to insist on the full price for one but not for the other, his vow for the first is void since it is void for the...
21 It would be incorrect to read the Mishnah as not permitting the seller to lower the price more than half the original difference. (Cf. Note 17.)

Rebbi Immi said, who is the Tanna of speeding-up vows? Rebbi Tarphon\(^2\)! For he explains it for those who insist. Rebbi Abba said, explain it according to everybody for those who do not insist\(^2\). If you say for those who insist, one should have stated that Rebbi Eliezer ben Jacob\(^2\) and Rebbi Tarphon say the same thing. Some Tannaim say, "one who wants"; some Tannaim say, "also one who wants"\(^2\). He who says "one who wants" supports Rebbi Abba\(^2\); he who says "also one who wants", supports Rebbi Immi. Rebbi Pedat in the name of Rebbi Johanan: who is the Tanna of speeding-up vows? Rebbi Tarphon\(^2\)!

22 He says in Mishnah and Halakhah Nazir 5:5, and in Tosephta Nazir 3:19 R. Jehudah in his name (Mishnah Tahorot 4:12 in his own name), that a vow of nezirut is only valid if it is unquestionable. One then assumes that all other vows follow the same rule. (The Tosephta is quoted another 6 times in the Babli.)

In the Babli, 21a, this is quoted by R. Ammi in the name of R. Jehudah Neśia.

23 As explained in the preceding... corrected.
24 Who in the Mishnah permits self help in the dissolution of vows.

25 In the Mishnah. In the first version, R. Eliezer ben Jacob's statement is not a continuation of the first part of the Mishnah and does not necessarily deal with the same situation. In the second version, the one of our Mishnah, R. Eliezer ben Jacob's first statement continues the Mishnah and, if the first part follows R. Tarphon, he does the same.

26 The first part refers to people who intend to change their mind but it implies nothing for R. Eliezer ben Jacob.

27 R. Pedat disputes the originality of R. Immi's statement and claims priority for the latter's teacher.

So is the Mishnah\(^{28}\): "Any vow which I make in the future shall be void, [it is void] if he remembers at the moment he makes the vow," if he did not stipulate a reservation\(^{29}\). But if he stipulated a reservation, then even if he does not remember. That is for vows; but for oaths? There are reservations for vows, there are no reservations for oaths, as it was stated about oaths imposed by judges\(^{30}\): "According to our understanding, not according to your understanding." Rebbi Jehudah said, he makes him swear according to his understanding. Why does he stipulate with him?
Because of the uneducated, lest they say that there may be mental reservations for oaths.

28 This language is somewhat unexpected since it usually introduces an emendation of the Mishnah.

29 If a person stipulates expressly that his vows shall be void even if he does not remember that stipulation at the moment of the vow, the stipulation is valid and active.

30 Text from Sotah 7:1, Note 27.

Mishnah 2: Exaggeration vows: If he said, if I did not see on this road [crowds] like those who left Egypt; if I did not see a snake [as thick] as the beam of the olive press. Vows in error how? If he said, if I ate or drank, and he remembers that he had eaten or drunk, that I shall not eat or shall not drink, and he forgot and ate or drank. If he said, a qônâm that my wife cannot enjoy anything from me because she stole my wallet or hit my son, and it turns out that she did not hit him or became known that she did not steal. If he saw people eating [his] figs and said to them, these are for you as qôrbân, but the persons turned out to be his father or brothers with others. The House of Shammai say, these are...
permitted, those with them forbidden. But the House of Hillel say, these and those are permitted.

31 In all these cases, it is understood that he says such and such should be qōnām for me if...
32 About 600,000 men; Ex. 12:37.
33 He remembers later but at the moment of his vow he was oblivious of the fact.
34 From another wife.
35 It is to be assumed that people were not afraid to steal but would never break a vow.
36 Since a vow which is partially voided is completely voided; Mishnah 9:6.

Halakhah 2: "Vows of exaggeration," etc. 37 Is it impossible that crowds like those who left Egypt went by? But we are dealing with one look. Was it not the case that when Emperor Julianus went there, 1,200,000 [men] went with him? But we must be dealing with one look.

37 From here on, most of the Halakhah is also in Sebuot 3:9-11.
38 The Babylonian campaign against Sapor II in the year 383 C.E.
Did not the snake of king Sapor swallow camels and carts? When they wanted to kill it, they filled camel bags with straw and put glowing coals inside; it swallowed them and died. Rebbi Jehudah bar Pazi said, I saw a snake skin which filled the space between two columns. Rebbi Samuel bar Jacob said, I saw a snake skin which covered the genii of government. Samuel said, square. Could you say it was not square, why must it be large? Even if it was small! Rebbi Mattaniah said, it is the way of this Tanna to speak only about large things. You should know that it is so, for we have stated: "A flying camel". Could he not have stated "a flying rat"?

39 This is the reading of the text in Sebuot. Here, the reading is "grave diggers" which might be a misreading for Latin carrucha, f. "four-wheeled travelling and state coach".

40 In Sebuot א"מש"ח the "eight spaces between pillars". The underlying Greek is μεσοστύλιον, τὸ, "space between columns."

41 In Sebuot נר"ץ "a state coach", cf. Note 39.

42 In Sebuot למ"בשע, "if square, why must it be large?"

43 A toned down version of King Sapor's snake is in the Babli, 25a and Sebuot 29a. There, the story of the snake is discussed by Samuel, which shows that the reference is to Sapor I.

44 In Mishnah Kelim 24:9 מ"כ, "to stay". Cf. also Note 40.

45 Possibly statues of emperors who after death became divi. But cf. Note 41.

46 The snake was perhaps not particularly large but it had the form of a beam with square cross-section.

47 In Sebuot 3:8, example of something impossible.
It was stated: "Rabban Gamliel says, there is nothing square from the six days of Creation." Rebbi Berekhiah objected: Did we not state: "The body of baheret is like a square Italian grit." Rebbi Bisna said, that in itself says that there is no square. Why did we state that? That he should square it. But there are lice! They are full of knots. But there is the knee of a mountain goat! It is round below. Rabban Simeon ben Gamliel spoke only about animals. It was stated so: There is square in foods, there is no square in animals.

This text is from Ma'aserot 5:7, in Notes 122-129. The text is also in fol. 52a, with variants and commentary Sebuot 3:9 (fol. 34d).

"Vain" and "untruth" both were said together, which is impossible for the mouth to say and the ear to hear. "Remember" and "keep" both were said together, which is impossible for the mouth to say and the ear...
to hear. "Its desecrator shall be put to death" and "two unblemished one year old sheep\textsuperscript{52}" both were said together\textsuperscript{53}, which is impossible for the mouth to say and the ear to hear. "The nakedness of your brother's wife you shall not uncover\textsuperscript{54}", "her brother-in-law shall come to her\textsuperscript{55}", both were said together. "You shall not move real property from one tribe to another," "any daughter inheriting real property," both together\textsuperscript{56}. "Fringes you shall make for yourself," "do not wear sha'tnez", both were said together\textsuperscript{57}. And so it says\textsuperscript{58}, "God spoke once, two I heard from this." And it is written: "Is not my word like fire, says the Eternal, and like a hammer which shatters a rock."

\textsuperscript{50} The two versions of the Ninth Commandment, \textit{Ex.} 20:16 and \textit{Deut.} 5:17, both are Sinaitic versions which had been said in parallel and were written serially.

\textsuperscript{51} The two versions of the Fourth Commandment, \textit{Ex.} 20:8 and \textit{Deut.} 5:12. The first two examples are also in the Babli, \textit{Sebuot} 20b, this example only in Babli \textit{Roš Haššanah} 27a, \textit{Mekhilta dR. Simeon ben Iohai} 20:5 (p. 148). A parallel text from here to the end of the Halakhah is \textit{Sifry Deut.} 233; \textit{Midrash Tannaīm} p. 138 (\textit{Midrash Haggadot Deut.} 22:11), \textit{Mekhilta dR. Ismael Yitro} Chap. 7.

\textsuperscript{52} From here to the end of the paragraph one speaks of laws that contradict one another, not different parallel texts. Another approach to the problem of contradiction in penta-teuchal legislation is in \textit{Sifry Num.} 3; a radically different one in Babli \textit{Hulin} 109b, where Yalta, Rav Nahman's wife, holds that all of Sinaitic legislation has exceptions (in contrast to the commandments given to Noah which represent Natural Law and are without exceptions).

\textsuperscript{53} The first verse is \textit{Ex.} 31:14 on the observation of the Sabbath, the second is \textit{Num.} 28:9 on the Sabbath sacrifice which requires many actions which if performed outside the Temple on a Sabbath would be capital crimes.

\textsuperscript{54} \textit{Lev.} 18:16.

\textsuperscript{55} \textit{Deut.} 25:5; cf. Introduction to Tractate \textit{Yebamot}.

\textsuperscript{56} On the face of it, both verses, \textit{Num.} 36:8-9, say the same, viz., that an
heiress may marry only a man of her own tribe. The explanation is given in Babli Baba batra 111b, where it is shown that the entire chapter 36 only refers to the daughters of Selophad; for all others only the rules of Num. 27:7-11 are applicable without restrictions. In this case, Num. 36:8-9 is the exception from Num. 27:8.

In Deut. 22:11, wearing wool and linen together is forbidden. In v. 12, any garment, including linen ones, is required to have fringes, which according to Num. 15:38 must contain a dark blue woolen thread.

Ps. 62:12.

Jer. 23:29. Both verses express the idea that no word of God has only one meaning.

A vain oath, if one swears to change what is known to men; a false oath if he swears and changes. What is vain and what is false? Rebbi Jacob bar Aha in the name of Rebbi Johanan: If it is known to two persons, that is a false oath, to three, it is vain. Rebbi Hila in the name of Rebbi Eleazar: If it is known to two persons and another one at the end of the earth knows about it, that is a vain oath. What is the difference between them? If he was untrue before two [persons], threw it into the sea, and they had warned him because of a vain oath, in the opinion of
Rebbi Johanan he is not whipped, in the opinion of Rebbi Eleazar he is whipped. If they had warned him because of a false oath, in the opinion of Rebbi Johanan he is whipped, in the opinion of Rebbi Eleazar he is not whipped. Rebbi Abba in the name of Rav Jehudah: Even an egg and a pearl. What means even? But, for example an egg and a pearl.

60 He changes what is true. This and the following paragraphs refer to Mishnah Sebuot 3:8.

61 Since according to R. Eleazar the three people who know the truth do not have to be at the same place, it follows that for R. Johanan they have to be at the same place. In the Babli, Sebuot 29a, Ulla (= R. Hila) simply states that 3 people have to know to make an oath vain, without discussion whether they have to be together or not.

62 The object about which he swore, e. g., (Mishnah Sebuot 3:8) of a stone that it was gold.

63 To establish criminal intent, essential for criminal conviction; cf. Kilaim 8:1, Note 9.

64 Since certainly some other person at another place knew the truth.

65 If he swears about an egg that it is a pearl (R. David Fraenckel) or that he had seen a pearl the size of an egg (R. Moshe Margalit). In connection with Mishnah Sebuot 3:8, the first explanation is more likely to be the correct one.

It was stated: “Just as vows of exaggeration are permitted so oaths of exaggeration are permitted.” But was it not stated: Vows of exaggeration
are forbidden. Rebbi Jeremiah in the name of Rebbi Pedat: Here about those who insist, there about those who do not insist. Rebbi Abba said, you may even say in either case if they insist or if they do not insist; here about one who intends that his oath should fall on his property, "an oath that my property [should be forbidden] to me." Then his property is forbidden [to him]. But in the matter of whipping, he cannot be whipped. Just as speeding-up vows are permitted so speeding-up oaths are permitted. It is the same case; if he intends that his oath should fall on his property then his property is forbidden [to him]. But concerning the matter of whipping, he cannot be whipped.

66 Tosephta 2:1.
67 Babli 24b.
68 They show that their oaths should not be considered as exaggerations. Then they are bound by them.
69 Both Tosephta and baraita deal with the same case; "permitted" means that the maker of such a vow, even if he uttered it after due warning, cannot be prosecuted; but what he forbade on himself remains forbidden. As noted by Rashba (Novellae to 24b), this contradicts the position of the Babli in the reading of most mss.

70 Hizqiah said, he who swears that two are two is whipped for a vain oath. Rebbi Haggai in the name of Rebbi Simeon ben Laqish: One who saw rain falling and said: "O Lord, inundate with much water", is
whipped for a vain oath. Rebbi Onias, Rebbi Jacob bar Abun in the name of Rebbi Samuel bar Nahman: 24 city councils were in Judea and they all were destroyed because of true vain oaths, as it is written: "For the vain did I hit your sons."

In Sebuot, the reading is which N. Brüll (Jahrbuch für jüdische Geschichte und Literatur 1, p. 130) reads as κύριε πολύ βρέξον "ο Lord, give abundant water", as first verse of a prayer for rain. S. Lieberman, in a full discussion of this text (Jerusalem 1962, pp. 25-27), points out that the invocation of God's name in a vain prayer is forbidden by the Third Commandment and that the characterization as "vow" is only a reference to that Commandment.

A somewhat different text is in Pesiqta rabbati 22 (ed. M. Friedmann p. 113a).

Greek βουλή.


Something which would be forbidden for vows and is permitted for oaths. Not on that it was said but on the following: "Whether it was for himself or for others." Rebbi Abba said in Samuel's name: An oath that X gave a mina to Y. If it turns out that he had not given [a mina], since it is not in his hand for the future, it is not in his hand for the past.

The first part of this paragraph has a parallel in Sebuot 3:11 but it is not a copy.

This Mishnah, Sebuot 3:7, reads: "An oath that I shall not eat this loaf, an oath that I shall not eat it, an oath
that I shall not eat it, he is guilty only once" if he ate the loaf. This parallels Mishnah Nedarim 2:3 which explains that repeated vows are separate vows but repeated oaths are one and the same oath.

76 Repeated oaths are not permitted but they do not add prohibitions to a simple oath.

77 Mishnah, Sebuot 3:5. An oath can refer to others; e.g., he swears to give a certain sum to another person.

78 Since X cannot swear that Y will give a mina to Z, having no power over Y's actions, if he swears that Y gave to Z it is an invalid oath, neither vain not false.

79 It was found stated about both cases: It is more restrictive for oaths than for vows that an erroneous oath is forbidden but an erroneous vow is permitted. Rebbi Simeon ben Laqish asked before Rebbi [ ], does Rebbi Aqiba add to the words of the House of Hillel? As we have stated there, "until Rebbi Aqiba came and taught that a vow of which any part was permitted is totally permitted." He said to him, if you say that there, in the case of a vow which has to be investigated by a Sage, you say that a vow of which any part was invalidated is totally invalidated, here, where it does not need investigation by a Sage, so much more! Rebbi Yose in the name of Rebbi Hila: Because of an erroneous vow; if I had known that my father and my brothers were there I would not have made the vow.
79 Here the text in *Sebuot* is no longer a parallel.
80 About vows and oaths.
81 The Babli, 25b and *Sebuot* 28b, states the opposite: Both erroneous vows and oaths are permitted.
82 It is clear that something must be missing since R. Simeon ben Laqish could have asked Rebbi only as a very little boy but this is improbable since he was a wild youth not interested in studies. The commentaries all assume that the original text was נא אָמַר יִרְאֶה רָבָּב נָא רָבָּב אָמַר וְאָמַר הָעֵדֵב נא אָמַר רָבָּב אָמַר וְאָמַר הָעֵדֵב וְאָמַר רָבָּב אָמַר וְאָמַר הָעֵדֵב and the copyist mistook the name נא for the verb נא "Rebbi Simeon ben Laqish asked before Rebbi Abba, what does Rebbi Aqiba add to the words of the House of Hillel?" However this is not more than a weak conjecture since R. Abba I belongs to the generation of the students of R. Johanan. Probably the question was asked before R. Yannai, as most of R. Simeon ben Laqish's other questions.
84 R. Aqiba adds much in that Mishnah, that a vow which is voided because the maker of the vow did not consider that it would deprive him of the enjoyment of sabbaths or holidays. Before him, the vow was lifted only for sabbaths or holidays. But in the Mishnah here, the House of Hillel lifts the vow for all people who were eating the figs when his vow was lifted as an erroneous vow only for his father and brothers. So why is the teaching of Mishnah 9:6 not credited to the House of Hillel, who are not mentioned in the Mishnah?
85 From 9:6 one can infer the last statement of 3:2 but not vice-versa; the House of Hillel held that the principle does not apply to vows which have to be investigated by a Sage.
86 R. Hila holds that in Mishnah 3:2 the vow is not partially but totally in error; the farmer would not have made the vow at all had he known that his father was there, and did not object to the presence of others. One has no information about the views of the House of Hillel in the matter of partially voided vows.
Mishnah 3: Vows in connection with acts of God: His friend made him vow that he would eat with him but he or his child fell sick or a river prevented him; these are vows in connection with acts of God.

Halakhah 3: "Vows in connection with acts of God: His friend made him vow," etc. because he fell ill. Therefore, if he did not fall ill, no. Rebbi Jeremiah said, this is Rebbi Meir’s, since Rebbi Meir said, "he is forbidden until he gives." Rebbi Yose said, why do we not explain it according to everybody? As my teacher said, they disagree when it was indeterminate. Where do we hold? If each one of them said, because of my honor, everybody agrees that he is forbidden. If one of them said, because of my honor, and the other said, I said it in your honor, everybody agrees he is permitted. Rebbi Hila said, is it the way of people to say χαρίζεσθαι βία?
90 It is a valid vow which must be kept.
91 Mishnah 8:11: "If somebody says to his friend, a qônâm that I shall not have anything from you unless you come and take so and so much grain and wine for your son, he can annul his vow alone by saying, I said that only for my honor and that is my honor. But one who says, a qônâm that you will not have anything from me unless you give so and so much grain and wine to my son, R. Meîr says he is forbidden until he gives. But the Sages say, this one also can annul his vow alone by saying, it is as if I received it."
92 Since the entire vow falls under the category of speeding-up vows. But in the case of 8:11 there is another principle involved.
93 R. Zeîra, in Halakhah 8:11, explaining the difference between R. Meîr and the Sages.

Both parties agree that they meant the vow to mean what it said; the vow is valid.
95 Since the vow never was accepted by the other party.
96 An interpretation by N. Brúll (cf. Note 70, p. 138), erroneously ascribed to Jastrow by S. Lieberman (p. 34). Lieberman reads τιοπό instead of τοίον of the Leiden ms., וְרַבִּית of the editio princeps.

As Lieberman explains, in Egyptian legal papyri one frequently finds the formula ὀμολογῶ χαρίζεσθαι σοι "I agree that I gave you". R. Hila asked, would anybody say ὀμολογῶ χαρίζεσθαι σοι βία "I agree that I gave you by force?" A gift can be given only with the consent of the recipient; in the case of Mishnah 8:11, a vow involving a gift can be valid only with the agreement of both parties.
Mishnah 4: One makes a vow to tax assessors\(^97\) and to people who condemn property\(^98\) and to toll collectors\(^99\) that it is heave even though it is not heave\(^100\), that it is king’s family’s property even though it is not theirs\(^101\). The House of Shammai say, one vows anything except an oath, but the House of Hillel say, even an oath. The House of Shammai say, one may not offer a vow\(^102\), but the House of Hillel say, one may offer. The House of Shammai say, only what he prescribes as vow, but the House of Hillel say, even what he does not prescribe.

Mishnah 5: How is this? They said to him, say: a *qônâm* that my wife cannot have any use from me\(^103\), and he said: a *qônâm* that my wife and my children cannot have any use from me; the House of Shammai say, his wife is permitted but his children are forbidden\(^104\); but the House of Hillel say, both are permitted.

\(^97\) Reading with the Vienna ms. of Tosephta 2:2 edited by S. Lieberman: לְשׁוֹנָה, "fiscal agent" [Y. Kutscher, 27 (1963), p.35], as in Arabic خُرَّاج "real estate tax, revenue." This refers to the periodical assessment of wealth by the Roman government known as *indiction* (Roman 15 year periods, Byzantine 5 year periods). This reading is confirmed as that of the Babylonian Mishnah by Ravad (R. Abraham ben David of Posquières, *Temim De'im* No.

\(^98\) Government fiscal agents acting on an arbitrary decree (in the way it was Roman practice, introduced by Augustus, to condemn any inherited property if the emperor was not named principal heir for a third of the property, with the real heirs being reduced to the status of co-heirs to the

\(^99\) Earlier commentators explain as criminal gangs who kill people unless they deliver to them all their money and/or valuables.

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Since tolls were always farmed out, the tax farmer had to try to collect more than the legal rate in order to make money on the transaction, and the toll collector may be presumed to have asked for more than he would deliver to the tax farmer. These practices are classified as robbery; cf. Mishnah *Baba qama* 10:1-2, where toll collectors are classified with robbers.

A Jewish killer, robber, or toll collector would be much too superstitious to touch heave.

Property of a member of the emperor's *familia*, his slaves and freedmen, whom he uses to administer the empire. Their property would be exempt of taxes and shielded from confiscation. This vow would be valuable also against Gentile claimants.

One may make such a false vow only if required to do so by the extortionist who does not believe his victim's assertions.

That the *qônâm* be valid if anything he said was untrue.

One may make such a false vow only if required to do so by the extortionist who does not believe his victim's assertions.

One makes a vow to assessors and to people who condemn property,

etc. To assessors in time of *indiction*; to condemners in times of expropriations. Rebbi Jehudah ben Pazi stated in the name of Rebbi Johanan: If it was a dangerous situation, it is permitted. Rebbi Aḥa, Rebbi Hinena in the name of Rebbi Johanan: If it was civilized, it is forbidden. It was stated: One hangs on Gentiles and government but not on Jews, because the strong-armed will fall and he should not risk that the prior [obligations] fall on him.
105 If the tolls were collected according to a published tariff, or a condemnation was collected pursuant to a court judgment. In the Babli, 28a, the Babylonian opinion is quoted that one may lie to the toll collector if he does not work following an official tariff, and the Galilean that one may not lie to a toll collector appointed by the government.

106 If a person frees himself from paying tolls, he may claim that certain of his properties belong to other people. But he should not claim that they were another Jew’s property since the other Jew may sue him for damages once the rule of law has been re-established.

If he transgressed and offered [a vow], how is that in the opinion of the House of Shammai? Let us hear from the following: "The House of Shammai say, his wife is permitted but his children are forbidden." That means, if he transgressed and offered [a vow], in the opinion of the House of Shammai he is permitted

They wanted to say, vows but not oaths. It was found stated: Rebbi Ismael says, "do not swear falsely in My Name," you may swear to assessors and to people who condemn property and to toll collectors.

107 It seems that since his wife is permitted even following his voluntary addition of his children, that this addition has no influence on the rest of the vow. (R. David Fraenckel emends the text from "permitted" to "prohibited").

108 Lev. 19:12. It seems that the argument is based on the second half of the verse, not quoted in the text: "for you would desecrate your God’s Name, I am the Eternal". It is general rabbinic doctrine that the note "I am the Eternal" at the end of a verse
indicates that a transgression depends on the intention, that God will judge whether a person intended evil or not (Sifra Qdeošim Parasha 2(14). This means that when clearly no desecration of the Name is intended, the oath cannot be forbidden.

Mishnah 6: These orchard trees shall be *qorbân* if they are not cut, this garment be *qorbân* if it is not burned; these have redemption\(^{110}\). These orchard trees shall be *qorbân* until they are cut, this garment be *qorbân* until it is burned; these have no redemption\(^{111}\).

\(^{110}\) The circumstances of the vow are explained in the Halakhah. Since neither trees nor garments can be sacrifices, by dedication they become Temple property and can be bought back from the Temple, i.e., redeemed.

\(^{111}\) All Temple property other than sacrificial animals can be bought back from the Temple administration. But in this case, buying the property back would have no effect; immediately it would be rededicated if the trees were not cut or the garment burned.
Halakhah 6: "These orchard trees shall be qorbân," etc. If he saw the king's cutting crew coming near, if he saw fire coming near, and he said: These orchard trees shall be qorbân if they are not cut, this garment shall be qorbân if it is not burned or torn. Were they sanctified retroactively or only for the future? What is the difference? If he used them. If you say that they are sanctified retroactively, he committed larceny. If you say for the future, he did not commit larceny.

They will cut trees for public works without paying for them. The owner promises money to Heaven if he will be protected.

If it turns out that his property was saved, what is the exact moment when his vow becomes active. If one says from the moment he made the vow, that point in time is well defined. If one says, from the moment it is clear that his property will be spared, that moment is difficult to pin down. The question is not answered.

Rebbi Johanan said, if he redeemed them they are redeemed. The Mishnah disagrees with Rebbi Johanan: "These have no redemption." He explains thus: After they have been cut they do not need redemption. Rebbi Yose said, what Hizqiah said refers to the case that he himself redeemed them. But if another person redeemed them, the sanctity is
removed from them\textsuperscript{119}. The argument of Rebbi Yose is switched: There, he says that if [another] redeemed them, the sanctity is removed from them, but here\textsuperscript{120}, he says that if she was married to another man the \textit{qiddušin} [of the first] were not removed! All that is questionable for him is if he gave her two \textit{perutot}, one for the moment and one for after he has divorced her, what is the situation\textsuperscript{121}?

\textsuperscript{114} This paragraph is copied from \textit{Qiddušin} 3:5 (64a, l. 72). Therefore "there" means here and "here" the text in \textit{Qiddušin}.

\textsuperscript{115} This refers to the second part of the Mishnah, where the orchard was vowed for the time before it was cut. The opinion of Hizqiah is that described in Note 111. In the Babli, 28b, the opinion is ascribed to bar Pada, a contemporary of Hizqiah.

\textsuperscript{116} In the Babli, 28b, this is the opinion of Ulla (R. Hila).

\textsuperscript{117} In general, we say that anything sanctified cannot become profane without some form of redemption. But in this case, the cutting of the trees or the burning of the garment is the act of profanation.

\textsuperscript{118} Because he himself stated that his orchard be holy until cut down. In the Babli, 130a, this is the opinion of R. Johanan.

\textsuperscript{119} For a third party the orchard is Temple property and becomes profane by payment of the redemption price.

\textsuperscript{120} In \textit{Qiddušin} 3:5, where the question was raised, what is the status of a woman whose husband gives her some valuables and says that these should serve as \textit{qiddušin} (preliminary marriage, cf. \textit{Yebamot} 1:1, Note 63) after he will have divorced her. It is obvious that if another man gives \textit{qiddušin} to a married woman to be valid once she will be divorced, those \textit{qiddušin} are invalid (Mishnah \textit{Qiddušin} 3:5) since the divorce depends on a third party (the husband). R. Yose holds that the husband himself can give \textit{qiddušin} for after a divorce since no third party is involved. Therefore, there is no contradiction in R. Yose's position here and there.

\textsuperscript{121} In the Babli, 30a, this is a question of R. Hoshia.
Mishnah 7: One who makes a vow away from the seafaring men is permitted the dwellers on dry land; from the dwellers on dry land he is forbidden the seafaring men because the seafaring men are part of the dwellers on dry land. [One speaks] not of those who go from Acco to Jaffa but those who frequently take to the sea.

Mishnah 8: One who makes a vow away from those who see the sun is also forbidden the blind since he intended only that seen by the sun.

Mishnah 9: One who makes a vow away from the black-haired is forbidden bald and white-haired men and is permitted women and minors since only men are called "black haired".

122 A "vow away from X" is always a vow that all of X's property should be considered qorbân by the maker of the vow, who then is forbidden any use of X's property and may not receive any favors from him.

123 I.e., also the seafaring men.

124 Cf. Eccl. 7:11.

125 If a young man for some reason is white-haired, he still is a young male and such persons are called "black-haired" or krahir, cf. Mishnah Abot 3:12.
Halakhah 7: "One who makes a vow away from the seafaring men," etc. That you should not say, not from those who go from Acco to Jaffa but those who frequently take to the sea. "From the dwellers on dry land he is forbidden the seafaring men," not only those who go from Acco to Jaffa but even those who frequently take to the sea. But did he not make a vow regarding the dwellers on dry land? This implies that the seafaring men are part of the dwellers on dry land.127 If he made a vow away from the seafaring men after thirty days but [a certain mariner] became a land dweller, there is a dispute between Rebbi Ismael and Rebbi Aqiba.128 For Rebbi Ismael says, after the vow, and Rebbi Aqiba says, after the prohibition. And about children it is a problem.129

126 This is the reading of the Mishnah in the Babli.
127 In the words of the Babli, 30b, "every seafaring man will eventually reach land."
128 The problem is compared to that of Halakhah 11:9 (Babli 89a) dealing with a widow who vowed to be a nezirah after 30 days and before the 30 days elapsed she married. R. Ismael holds that the time of the vow is determining, and since she made the vow while on her own, the husband cannot dissolve her vow even though it will start to become active only during marriage. He will hold that any mariner who became a land dweller within 30 days of the vow is forbidden since he was a mariner at the moment the vow was made. R. Aqiba holds that the moment the vow becomes active is determining. Therefore, he holds that the husband can dissolve his wife's vow and in the case of a vow against
mariners, the person who became a dweller on dry land before the vow was activated is permitted.

129 All commentators identify as "people going on pleasure trips." This procedure has no basis. only means "boy, young man". Since minors are subject to their parents' will, is a boy who is taken on a sea trip automatically a mariner or becomes a mariner in sense only when he enters a seagoing vessel of his own will?

 Mishnah 10: One who makes a vow away from those who will be born is permitted those who are already born. From those who are born, Rebbi Meir permits even those who will be born, but the Sages say, he intended only those in whose nature it is to be born.

 Mishnah 11: One who makes a vow away from those who keep the Sabbath is forbidden Jews and Samaritans, from garlic eaters is forbidden Jews and Samaritans, from those who make pilgrimage to Jerusalem is forbidden Jews but permitted Samaritans.

139 The Babli, 30b, switches the meanings between and . However, the Halakhah here confirms the translation as given; which is also confirmed by biblical usage; in Ex. 1:22 clearly means "will be born".

140 But Sabbatist Christians who do not accept the obligation to keep all laws of the Pentateuch are not included in the prohibition.
In general use as fertility. For their pilgrimages are to Mount Gerizim.

Halakhah 10: "One who makes a vow away from those who will be born," etc. What is Rebbi Meir's reason? "And now your two sons born to you," and they already were born. What is the Sages' reason? "Lo, a son is born to the House of David, Josiah his name," and he was not yet born.

143 Gen. 48:5. 144 1K. 13:2.

Mishnah 12: A qônâm that I shall not enjoy from the descendants of Noah; he is permitted Jews and forbidden Gentiles. That I shall not enjoy from the descendants of Abraham; he is forbidden Jews and permitted Gentiles. That I shall not enjoy from Jews; he buys higher and sells lower. That Jews shall not enjoy from me; he buys lower and sells higher, if they agree. That I shall not enjoy from them nor they from me; he should deal with Gentiles.
Mishnah 13: A qōnām that I shall not enjoy from the uncircumcized, he is permitted uncircumcized Jews and forbidden circumcized peoples of the world. That I shall not enjoy from the circumcized, he is forbidden uncircumcized Jews and permitted circumcized peoples of the world, since the prepuce is simply a name for Gentiles as it was said:\(^{149}\): "For all Gentiles are uncircumcized and all the House of Israel are uncircumcised of heart."

145 Even though Jews also are descendants of Noah, the technical term "descendants of Noah" applies only to those outside the Sinaitic covenant, who are only bound by the natural law given to Adam and Noah.

146 Including the descendants of Hagar and Qeturah since only Isaac is called "Abraham's descendant" (Gen. 21:12).

147 Than the going market rate. In that case, he is guaranteed a loss in any commercial transaction; he may trade without violating his vow.

148 He would have to tell his customers that he was overcharging them.

149 Jer. 9:25.
Halakha 12: "A qōnām that I shall not enjoy from the descendants of Noah; he is permitted Jews and forbidden Gentiles\(^{145}\). That I shall not enjoy from the descendants of Abraham; he is forbidden Jews and permitted Gentiles," etc. Is Ismael not part of Abraham’s seed? "\(^{150}\)For in Isaac will be called your seed." And is not Esaw part of Isaac’s seed? Rebbi Yudan bar Shalom said, "in Isaac," in part of Isaac. Rebbi Huna said, "ד" are two\(^{151}\), the son who will be inheriting two worlds, this world and the world to come. Rebbi Gershom in the name of Rebbi Aha, "\(^{152}\)a star did step out from Jacob," from whom did a star step out and will appear in the future? From Jacob! Rebbi Aha in the name of Rebbi Huna: In the future world, evil Esaw will put on his prayer shawl and sit with the Just in Paradise, but the Holy One, Praise to Him, draws him away. Why? "\(^{153}\)If you climb as high as an eagle or if you would make your nest between stars, from there I would take you down, says the Lord." But "stars" are only the Just. As you say\(^{154}\), "those who justify the many are like stars, eternally."

150 Gen. 21:12. The same in the
Babli 31a, Sanhedrin 59b.
151 Following the Alexandrian
practice to denote numbers by letters.
Rebbi Ismael says, circumcision is great, for its covenant was concluded thirteenfold. Rebbi Yose says, circumcision is great, for it pushes aside the stringencies of the Sabbath. Rebbi Joshua ben Qorha says, circumcision is great, for it was not suspended even one hour for Moses the Just. Rebbi Nehemiah says, Rebbi Yose says, circumcision is great, for it pushes aside skin disease.

Mishnah 15: Rebbi says, circumcision is great, for with all the commandments which Abraham fulfilled he was not called whole until he circumcized himself as it is written: "Walk before me and be perfect."

Mishnah 16: Another word: Circumcision is great, for without it the Holy One, praise to Him, would not have created his world as it is said: "So says the Eternal, if it were not for my covenant day and night, I would not have put in place the laws of heaven and earth." Another word: Circumcision is great, for it is weighty corresponding to all other commandments of the Torah, as it is said: "Behold the blood of the covenant which the Eternal concluded with you about all these words."
HALAKHAN 14

155 The Halakhah will explain the Mishnah.
156 Gen. 17:1.
157 Jer. 33:25. In the Babli, this is mostly explained as referring to the Torah (which has to be studied day and night, Jos. 1:8) as blueprint for the world; 32a, Pesahim 68b; Avodah zarah 3a. A similar text is in Tosephta 2:7.

158 This addition is not in the Babylonian Mishnah; it is in Tosephta 2:6.
159 Ex. 24:8. This verse speaks about the Sinaitic covenant; it is used here because in rabbinic and modern Hebrew the word הקראב "covenant" is synonymous with "circumcision".

160 In Gen. 17:2-21 the word "covenant" appears 12 times. Therefore, Gen. 15:18 is added to reach the lucky number 13, the number of God's attributes of mercy (Ex. 34:6-7) even though it speaks of a prior covenant; cf. the preceding Note.

Halakah 14: Rebbi Yohanan bar Marya said, it is written: "On that day, the Eternal concluded a covenant with Abram as follows," etc., up to "but my covenant I shall affirm with Isaac," etc., thirteen covenants.

155 הֲחַלָּה יִזְבּ 75: אֶפְרִי רַבֵּי יָמִנוּ בַּר מָריָ. כְּנִיבּ בֵּיתִם חָוָה כָּרְתִי זָה בְּנֵי אָבָם לֵאמָּו וּזְדוֹא בָּרִיתָּי אָדָם אַתּ יְנַכֶּם וְגָוֹר, שֻׁלֶּשׁ עַשְׁרֵה

בריתוֹת.

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159 Ex. 24:8. This verse speaks about the Sinaitic covenant; it is used here because in rabbinic and modern Hebrew the word הקראב "covenant" is synonymous with "circumcision".

160 In Gen. 17:2-21 the word "covenant" appears 12 times. Therefore, Gen. 15:18 is added to reach the lucky number 13, the number of

155 בֵּיתָם חָוָה יָמִנוּ בַּר מָריָ. אֶפְרִי רַבֵּי יָמִנוּ בַּר מָריָ. המְאַיָּ דָאָם אַתּ יְנַכֶּם וּזְדוֹא בָּרִיתָּי אָדָם אַתּ יְנַכֶּם וְגָוֹר, שֻׁלֶּשׁ עַשְׁרֵה

בריתוֹת.

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160 In Gen. 17:2-21 the word "covenant" appears 12 times. Therefore, Gen. 15:18 is added to reach the lucky number 13, the number of
"On the eighth day one shall circumcise\textsuperscript{161}," even on the Sabbath. How can I confirm "its desecrator shall certainly die\textsuperscript{162}?" Even for circumcision? How can I confirm "on the eighth day one shall circumcize"? Even on the Sabbath? The verse says \textit{"But on the eighth day one shall circumcize,"} even on the Sabbath\textsuperscript{163}. In Torah, Prophets, and Hagiographs we find that the Sabbath is as weighty as all other commandments of the Torah\textsuperscript{164} [taken together]. In the Torah, "until when will you refuse to keep My Commandments and Teachings\textsuperscript{165}," and it is written: "See that the Eternal gave you the Sabbath\textsuperscript{166}."] In Prophets, as is written\textsuperscript{167}: "But the sons rebelled against Me; My Laws they did not follow" etc., and it is written\textsuperscript{168}: "My Sabbaths they much desecrated." In Hagiographs, as it is written: "On Mount Sinai You descended\textsuperscript{169}," and it is written: "And about Your holy Sabbath You informed them\textsuperscript{170}," etc.

Rebbi Eleazar ben Rebbi Abuna said, \textit{commandment} of Sabbath is written \textit{plene}\textsuperscript{171}, to inform you that it is as weighty as all other commandments of the Torah. A parable of two ladies who meet and you do not know which one is of higher standing. If one makes room for the other, you know that the other is of higher standing.

\begin{footnotes}
\footnote{Lev. 12:2.}{161}
\footnote{Ex. 31:14.}{162}
\footnote{In the Babylonian versions [\textit{Sabbat} 132a, \textit{Sifra Tazria' Pereq} 1(4)] the argument for performing circumcision on the Sabbath is based on the expression "on the Sabbath day" and not simply "on the Sabbath".}{163}
\footnote{Cf. Berakhot 1:8, Note 207. The text is copied in \textit{Ex. rabba} 25(16).}{164}
\footnote{Ex. 15:28.}{165}
\footnote{Ex. 15:29.}{166}
\end{footnotes}
"commandments and teachings" when no other prohibitions were yet given to the Israelites.

167 Ez. 20:21.
168 Ez. 20:13. In Ex. rabba the quote is instead from Ez. 20:21, where the Sabbath is the only commandment singled out of all "laws and rules". The word רדא "much" probably should be deleted.

169 Neh. 9:13.
170 Neh. 9:14; again the Sabbath is the only commandment singled out of all "laws and rules".
171 In all other occurrences in the Hebrew Bible the spelling is כָּל-כָּמֵר וָת, only at this place it is כָּל-כָּמֵר וָת.

Idolatry is worse than all others: "But if you should err and not fulfill all these commandments.\(^{172}\)" Rebbi Judah bar Pazi said, the desecration of the Name is worse than all others. That is what is written\(^{173}\): "But to you, the House of Israel, so says the Eternal, Israel’s God, go and worship everybody his abominations but My holy Name do not desecrate, etc.

172 Num. 15:22. The rules for purification offerings are given in Lev. 4-5. The appearance of another set of purification offerings in Num. 15:22-28 is explained by the rule that these offerings are only for expiation of inadvertent idolatry (Sifry Num. 111). The Babli, Erubin 69b, equates desecration of the Sabbath and idolatry in severity.
173 Truncated from Ez. 20:39.
Because Moses was lazy for circumcision, the angel tried to kill him.

That is what is written\(^\text{174}\): "The Eternal met him and wanted to kill him."

Rebbi Yose said, far be the thought that Moses was lazy for circumcision but he argued on his own: To perform circumcision and leave would be dangerous\(^\text{175}\). To wait\(^\text{176}\), the Holy One, praise to Him, told him: "Go, return to Egypt." But because he was lazy in preparing for the overnight stay before circumcision; that is what is written\(^\text{174}\): "It was on the way, at the overnight stay."

Rabban Simeon ben Gamliel said, far be the thought that the angel wanted to kill Moses; it was the baby. Come and see, who is called \(\text{hêtän}\)? Moses or the baby? There are Tannaim who state that Moses is called \(\text{hêtän}\). There are Tannaim who state that the baby is called \(\text{hêtän}\). He who said that Moses is called \(\text{hêtän}: \text{Hêtän}\), blood is required from you\(^\text{178}\). And he said that the baby is called \(\text{hêtän}: \text{Hêtän}\), in blood you are preserved for me. "Sippora took a flintstone and cut her
son's prepuce and touched his feet. Rebbi Jehudah, Rebbi Neḥemiah, and the rabbis. One said, Moses's feet. Another said, the angel's feet. Another said, the baby's feet. He who said Moses's feet: Here I cut your obligation for you. He who said, the angel's feet: Here your mission was accomplished. He who said the baby's feet, she touched the baby's body. "He left off from him; then she said, a blood hātan for circumcisions." From here that there are two circumcisions; one for baring the gland and one for the fibers.

174 Ex. 4:24.
175 Acute danger to a person's life suspends all commandments and prohibitions (except those of murder, incest and adultery, and idolatry). In practice, this means that it is forbidden to circumcise a sick baby.
176 To wait in Midyan until the baby had recovered. In the Babli, 31b, this argument is attributed to Rebbi. The argument of Rabban Simeon ben Gamliel is quoted in his name, 32a.
177 Since SSIPORA, being a Midyanite Arab, spoke Arabic, the root "can mean either to circumcise or to become a relative through one's wife. Therefore, the word is appropriate both for the boy and his father.
178 Explanations of the expression סוחמ דמה.
179 Ex. 4:25.
180 Ex. 4:26.
181 A circumcision is not valid unless the gland is exposed and the wound is smooth; cf. Babli Yebamot 71b.
“The flesh of his prepuce should be circumcized.” Even if it has white skin disease. How can I confirm: “Beware of skin disease to watch it carefully and to do . . .”? Also at a circumcision. Then how can I confirm: “The flesh of his prepuce should be circumcized”? If there is no white skin disease? The verse says, “the flesh,” even if it has white skin disease.

This is simple in the opinion of Rebbi Jonah, who says that a positive commandment supersedes a prohibition even if they are not written together. But in the opinion of Rebbi Yose, who says that a positive commandment supersedes a prohibition only if they are written together? Since it is written "the flesh of his prepuce," it is as if it were written together.

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182 This paragraph is in Sifra Tazria' Pereq 1(4), Babli Sabbath 132b.
183 Lev. 12:3.
185 Deut. 24:8. The injunction to follow all instructions of the priests in matters of impure skin disease is interpreted to mean that it is forbidden to cut out the diseased part of the skin. Then if a baby is born with diseased prepuce, how could it be circumcised?
186 Since the intent is to cut the flesh, cutting the skin is only incidental and is not in the mind of the person who does the circumcision.
187 The disagreement between rabbis Jonah and Yose is discussed in Hallah 2:1, Notes 9,10.
188 The prohibition is irrelevant, cf. Note 186.
Mishnah 1: The only difference between one who is under a vow [not to have] usufruct from another and one who is under a vow about use of food is passing through his real estate and vessels that cannot be used to prepare food. One who is under a vow about use of food should not borrow from him a fine or coarse sieve, a grindstone, or an oven. But he may borrow from him a robe or a stole, nose rings and finger rings, and anything that is not used to prepare food. At a place where one rents out any of these it is forbidden.

1 B made a vow that A may have no usufruct from him. If A makes a vow that B shall have no usufruct from him, the expression is in the active mode. מְשַׁמֵּרָה חִוָּרָה.

2 Setting his foot on the other's property.

3 The word מִיסְחָרָה is not in the Babli and most independent Mishnah mss. From the Halakhah it will be seen that it was not in the original version of the Mishnah.

4 Since he could buy food for the money saved by not renting; this is counted as usufruct used for food.
"The only difference between one who is under a vow [not to have] usufruct from another," etc. This means that vessels used to prepare food are forbidden. But did he not make the vow about food? Rebbi Simeon ben Laqish, so is the Mishnah: The only difference between one who is under a vow [not to have] usufruct from another and one who is under a vow about use for food. In the House of Rebbi it was stated thus: "One who is under a vow about use of food should not borrow from him a fine or coarse sieve, a grindstone, or an oven." It was stated: But he may borrow from him cups and bowls and fruit bowls, since these are not used to prepare food, only to serve food. Pans and pots are forbidden. To mill and to press is forbidden. Cutting is a problem, harvesting is a problem. What kind of usufruct? It was stated: But he may borrow a spade from him. We wanted to say, a spade of a digger. Explain it by a spade for weeding, and you cannot infer anything. Rebbi Abuna said, that ysr, since one removes and separates the bran from flour with it, it is forbidden to borrow from him.
5 In the parallel in Megillah, נְנֵי הַשָּׁבָא יָסָרְנֵל "use of food".
6 In the parallel in Megillah, אָסָר יָסָרְנֵל.
7 The entire paragraph is in Megillah 1:9, 71a l. 73.
8 This is the language of the Yerushalmi Mishnah. This and the explanation of R. Simeon ben Laqish shows that the Mishnah text was that of the Babli and most independent Mishnah mss: תנן יָסָרְנֵל and that the Yerushalmi text is the corrected one. Question and answer are also in the Babli, 33a.
9 Greek; cf. Peah 7:4, Note 69.

Rebbi Abba in the name of Rebbi Ze'ira: Because it is as if he gave him money to buy a loaf with⁴. Rebbi Abun bar Hiyya asked: Then is it forbidden to borrow money from him, for it is as if he gave him money to buy a loaf with? Rebbi Abina said, Rebbi Ze'ira asked: That jewellery¹³ on them, is it forbidden to lend to them?

¹³ J. Levy in his Dictionary refers to κοσμίδιον (κόσμιον) "jewellery" in Du Cange's Greek glossary. S. Lieberman (ט"א ח"א עלות משלים לול' כַּל יָפִיבָא), New York -Jerusalem 1995, p. 9) thinks that this refers to professional dancers at weddings.
Mishnah 2: If one is under a vow [not to have] usufruct from another, [the other] may give his seqel\(^{14}\), pay his debt\(^{15}\) and return what he has lost\(^{16}\). At a place where one takes a fee for this, the gain should be given to the sacred fund\(^{17}\).

14 If A has vowed that B should have nothing from him, A may pay B’s Temple tax of half a seqel due every year. Since the money is paid to the Temple, B does not receive anything.

15 As long as the debt is not due, A simply restrains the creditor from asking money from B.

16 Since he returns B’s own property, B receives nothing from A.

17 The Temple, or in its absence the communal welfare fund.

Halakhah 2: "If one is under a vow [not to have] usufruct from another," etc. Rebbi Abba bar Mamal asked: If somebody pays off somebody else’s debt without the latter’s knowledge, is that the disagreement of Hanan and the High Priests’ sons\(^ {21}\)? Rebbi Yose said, there the reason of the High Priest’s sons is that nobody expects his wife
to die from hunger. But here, [the debtor could say:] "I could negotiate with him and he would forgive some." Think of it, if [the loan] was on a pledge! "I could negotiate with him and he would return my pledge." So far about a creditor who does not push [for repayment]. Even for a creditor who pushes, we can hear from the following: "He may give his σεγέλ". If somebody does not pay his σεγέλ, does one not take a pledge from him? This says, even for a creditor who pushes. You should know that this is so, as we have stated: "He can bring for him nests for males or females suffering from genital discharges, nests for childbirth, purification and reparation offerings" since nothing of these comes to [the other person's] hand. And here also, that nothing should come into his hand.

18 Text from the parallel in Ketubot. Here: יֹתְרָהְרָפֵי "that his slave should die", which has no connection to the text referred to.
19 Text from the parallel in Ketubot, missing here.
20 The entire Halakhah is found also in Ketubot 13:2 (35d line 30 ff.)
21 Ketubot Mishnah 13:2: "If somebody went overseas and another person paid for the upkeep of his wife (without a court order or a contract with the wife), Hanan said, that person lost his money. The High Priest's sons disagreed with him and said, he shall swear how much he spent and collect it."
22 Mishnah 3, a continuation of Mishnah 2 about the person to whom usufruct from another was forbidden.
23 "Nest" is the technical term for a couple of birds from the pigeon family, prescribed sacrifice for the person healed from genital discharge before he could enter the Temple. For a male, Lev. 15:14. For a female, Lev. 15:29.
24 Due before the mother could enter the Temple, Lev. 12:8, for the wife of a man who could not afford a sheep, Lev. 12:6.
25 Lev. 4:27-5:26. These sacrifices are in part burned on the altar, in part eaten by the priests; nothing is given to
the offerer and his family, in contrast to well-being offerings.

In the case of a debt paid by the third party, the deal has to be structured so that nothing ever comes into the possession of the debtor.

Rebbi Joshua ben Levi says, nobody is held responsible for his neighbor except for *annona* and head-tax. Rav said, anything for which one is held responsible for one's neighbor has to be repaid. The strength of Rav is from the following: "He who appropriated a field and oppressors took it." He did not hear that Rebbi Johanan said, they exacted a fine from a robber. Rebbi Abin asked, (who was the father of) Rebbi Yose ben Rebbi Abun, and Rebbi Hyya ben Julianus both said in the name of Samuel; one said, it is like *annona* and head-tax; the other one said, it is not like *annona* and head-tax.

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27 Text in *Šebuot* יתכן.vnך יǎך רזח农作物 "which one is better?"

28 Text from *Šebuot*. Missing in the text here.

29 The requisition for the Roman army, the amounts being determined in advance every year. It seems from this statement that both *annona* and the head-tax were imposed as communal obligations. Cf. Demay 2, Note 12.

30 Mishnah *Baba Qama* 10:6: "He who appropriated a field and oppressors took it, if the entire country is hit, he may say to him: Here is yours before you. But if it was because of the robber, he is obligated to give him another field. If a river washed it away, he may say to him: Here is yours..."
Somebody took real estate from another by threats and/or force. In general, we say that “real estate cannot be stolen” since the original owner can prove his claim in court once anarchy has been suppressed. But here we deal with the case that something happened before the original owner could sue the robber and the field is no longer available. If the field was taken by an "oppressor", a Roman official against whom there is no recourse in the courts then, if everybody’s field was taken, the original owner has no claim since the field would have been taken even if it had not been stolen. But if the field was taken because the robber had a run-in with the law, the robber must pay for a replacement even though legally the field was still the original owner’s property when it was taken.

The Yerushalmi (Neziqin, 7c, line 20) notes that even if the oppressors took the field from the robber because of the robbed, the robbed could claim replacement from the robber since he might say: Give me what is mine and let any other person deal with me. On this, R. Joshua ben Levi and Rav disagree there as they disagree here.

31 Baba Qama 10:6. In the Babli, Baba Qama 116b/117a, it remains a question whether the rule represents a fine or a generally valid legal principle.

32 R. Abin II.

33 If a Roman official took the field illegally it nevertheless has the status of annona or head-tax. This supports R. Johanan that the rule represents a fine. The opposite opinion supports Rav against R. Johanan.

There, we have stated34: "He heals him in the sense of personal healing but not in the sense of financial healing." Rebbi Judan and Rebbi Yose. One of them said, here if the vow refers to his body, there if the vow refers to his property35. But the other one said, here if he has somebody
else who can heal him, there if there is nobody else who can heal him. If he has somebody else who can heal him, he should not be able to heal him personally! Not by everybody is a person successfully healed36.

34 Mishnah 4. Personal healing is healing a human, which is a biblical commandment (Deut. 22:2) and cannot be abolished by a vow. Financial healing is veterinary medicine. The question is, if he is required to return what the other one had lost as required in Mishnah 2, why can he not heal his cow which is lost without medical help? 35 Mishnah 2 refers to a vow that B cannot personally have any gain from A; therefore A may return what B lost. Mishnah 3 deals with the case that B cannot have any material advantage from A; therefore A cannot heal B's animal. 36 The personal skills of a medical man are not transferable.

Is not the property of the finder forbidden to the owner of the cow37? Ulla bar Ismael in the name of Rebbi Isaac: If each man’s property was forbidden to the other.

37 If A’s property was forbidden to B and A returned a stray cow to B, why should the finder’s fee go to charity and not to A? It must be that B’s property was forbidden to A.
Who is the Tanna of "the gain should be given to the sacred fund"? Rebbi Meir! For Rebbi Meir said, one commits sacrilege with prohibitions. Rebbi Abun bar Hiyya asked: If somebody made a vow [to forbid] a loaf to himself, can he use it to warm his hands? Let us hear from the following: "If he said, this loaf shall be dedicated, if he or another person ate it, they committed sacrilege; therefore, it can be redeemed. But if he said, it is for me [as if dedicated], if he ate it he committed sacrilege on goodwill but others would not commit sacrilege." He said only, if he ate it. Therefore, to warm his hands is permitted.
The students of Rebbi Jonah in the name of Rebbi Abun bar Hiyya: That is if he said I shall not eat it nor taste it; if he forbade only eating to himself. But the question was, if somebody made a vow [to forbid] a loaf to himself, can he use it to warm his hands?

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38 If somebody forbids something for himself by the language of qorbân or any of its equivalents, the rules of sacrifices apply and any unauthorized use is sacrilege subject to the penalties described in Lev. 5:14-16: A sacrifice in the value of one Temple šegel and restitution of 125% of the value taken.
39 If the loaf is fresh from the oven.
40 Tosephta 2:9, Babli 35a, Šebuot 22a/23b, in the name of R. Meir. In all Babli sources, R. Simeon dissents.
41 It follows all the rules of a sacrifice since it is called qorbân. But since a loaf of bread cannot be a sacrifice, it can be redeemed (Lev. 27:11-14.)
42 Since he cannot eat the loaf or use it commercially, the only use open to him is to donate the loaf to somebody. The monetary value of the
goodwill acquired in this act is the basis for computing the restitution (Note 38).

Even for R. Meir.

44 For an unspecified vow and use which cannot be quantified in monetary terms. The question remains open.

Mishnah 3: Also he\textsuperscript{45} can separate his heave and tithes with the other’s knowledge, and can bring for him nests for males or females suffering from genital discharges\textsuperscript{23}, nests for childbirth\textsuperscript{24}, purification and reparation offerings\textsuperscript{25} and teach him interpretations\textsuperscript{46}, religious rules, and sermons\textsuperscript{47}; but he may not teach him Bible; he may teach Bible to his sons and daughters\textsuperscript{48}. Also, he can feed his wife and children\textsuperscript{49} even though the other is obligated for their upkeep. But he cannot feed his animals\textsuperscript{50}, whether pure or impure; Rebbi Eliezer says, he may feed his impure\textsuperscript{51} animals but not the pure ones. They asked him, what is the difference between pure and impure animals? He said to them, the pure animal’s soul is Heaven’s but its body is his\textsuperscript{52}, but the impure’s soul and body is Heaven’s. They said to him, also the impure animal’s soul is Heaven’s but its body is his, since he could sell it to Gentiles\textsuperscript{53} or feed it to the dogs.
45 The person who made a vow that the other shall have no profit from him. Heave and tithes diminish the farmer's wealth; they do not increase it.

46 Rabbinic interpretations of biblical verses, of the kind preserved in the *Mekhilto*, *Sifra*, and *Sifry*.

47 As the Halakhah explains, in imitation of Moses who taught the Children of Israel without taking money, one may not take money for teaching the Oral Law. (In rabbinic practice, one may take money for teaching during regular business hours to make up for the loss incurred by not being in business at that time.)

48 Since Moses wrote the Torah only at the end of his life, he never taught it. Therefore, one may take money to teach to read, sing, and understand the biblical text. This anonymous Mishnah proves that practice should not follow R. Eliezer in Mishnah *Sotah* 3:4, Note 85.

49 If they are needy, since charity is a universal obligation.

50 Since this would increase the animal's worth; i.e., the other man's property.

51 Those which cannot be eaten.

52 As food.

53 Who may eat any kind of animal; *Gen.* 9:3.

**Halakham 3:** "Also he can separate his heave" etc. If somebody fixes the harvest of another person without the latter's knowledge, who receives the goodwill from the tithes? Rebbi Abbahu says, the one who does the fixing. Rebbi Ze'ira says, the owner of the produce. Rebbi Ze'ira is consistent since Rebbi Ze'ira said in the name of Rebbi Simeon..."
ben Laqish⁵⁶, if somebody gave the sacrifice of a nazir⁵⁷ or of a [healed] person afflicted with skin disease⁵⁸, the person purged makes (heave)⁵⁹.

The Mishnah disagrees with Rebbi Simeon ben Laqish: "Also he can separate his heave and tithes with his knowledge."⁶⁰ Explain it, that [it was stipulated] that the other should not get the goodwill⁶¹.

⁵⁴ That value is estimated by what a third party Israel would be willing to pay to the farmer to have the latter give his heave to his grandson, the son of his daughter and his Cohen son-in-law, or the tithes to a levitic grandson. "To fix" means to separate heave and tithes, to prepare the harvest for use and sale.

⁵⁵ Since he uses his own produce to make the other person’s produce permitted for profane use.

⁵⁶ In the Babli, 36b (and also Yoma 50b, Zebahim 6a, Temurah 2b, 10b), a statement of R. Abbahu in the name of R. Johanan states that the person purged only can make the exchange but the goodwill belongs to the person who gives the produce. The Babli also quotes R. Ze’ira in the same sense as the Yerushalmi but clearly prefers R. Abbahu over R. Ze’ira against the Yerushalmi.

⁵⁷ Num. 6:14-15.

⁵⁸ Lev. 14:10.

⁵⁹ This word, found in the ms. and the editio princeps, makes no sense since the sacrifices are given to the Cohen who alone directs the purging ceremony. With all commentaries one has to read הַנֵּא הַשֵּׁם "substitution" instead of הַנֵּא "heave", a simple metathesis. It is asserted that if somebody dedicates an animal as somebody else’s obligatory sacrifice, then only the person for whom the sacrifice is destined may substitute another animal (which action is sinful, Lev. 27:9-10). If the donor would substitute another animal after dedication, the action would be invalid and the substitute profane as before. In analogy, R. Simeon ben Laqish must hold that sanctified food can be disposed of only by the person whose obligation is satisfied by the sanctification.

⁶⁰ In that case, A would make a donation of the value of the goodwill to B while B is forbidden to receive any gain from A!

⁶¹ This stipulation overrides any general rule and makes the transaction legal.
It is written\(^\text{62}\): "Behold, I taught you laws and rules." Just as I did it for free, so you have to do it for free. One could think the same is true for Bible and translations? The verse says laws and rules. You have to teach laws and rules\(^\text{63}\) for free; you do not have to teach Bible and translations for free\(^\text{64}\). But do we not see that the \textit{baraita} teachers take their fees? Rebbi Yudan, the son of Rebbi Ismael, said: They take payment for lost time.

\(^{62}\) Deut. 4:5. The same argument in the Babli, 37a.

\(^{63}\) In their practical rabbinic form.

\(^{64}\) Elementary school teachers have to be paid well. The text is quoted by Ran, commentary to 37a.

Rebbi Ze'ira said, from their words [we can deduce] whether he\(^\text{65}\) may feed his slaves or may not feed his\(^\text{66}\) slave\(^\text{67}\). They wanted to say that he who says\(^\text{68}\) "the pure animal's soul is Heaven's but its body is his," and this one, because her\(^\text{67}\) body and soul is Heaven's, he\(^\text{65}\) may feed his\(^\text{66}\) slave. And he who says\(^\text{69}\), since he could sell it to Gentiles or feed it to the dogs, since this one's body is his\(^\text{66}\) but he cannot sell her to Gentiles\(^\text{70}\) nor feed
her to the dogs, he may feed his slave. It was found stated: He may feed his slave.

65 A, the maker of the vow.
66 B, the person forbidden profit from A.
67 The inconsistencies in number and gender are in the text.
68 R. Eliezer.
69 The Sages.

70 Since a circumcized slave cannot be sold to Gentiles and an uncircumcized slave cannot be kept in the household.
71 In the Babli, 38b, a named baraita. The reason is given that slaves are not bought for fattening.

 Mishnah 4: If somebody is forbidden by a vow any profit from another person and that one comes to make a visit, he may stand but not sit down. He heals him in the sense of personal healing but not in the sense of financial healing, and may bathe with him in a large pool but not in a small one, and he may sleep with him on the same couch. Rebbi Jehudah says, in summer but not in the rainy season because he would profit. He can lie with him [at a dinner] on the same couch and eat with him at one table but not from the same pot. But he may eat with him from a returning pot.
72 If B is forbidden any profit from A it is obvious that B cannot sit on any of A’s chairs. But here it is stated that A cannot sit in B’s chair even if he makes a medical visit.

73 If the pool is so small that one additional person visibly raises the water level, this would be a profit and is forbidden. (In modern Hebrew, the word means “bathtub”. The root יָבֵא means “hollow”).

74 One is afraid that he purposely would take less food so the other man would have more.

75 As explained in the Halakhah, a pot so full that in any case it will not be emptied by the guests.

76 There is no intrinsic reason why A cannot sit in B’s chair (Note 72). The rule is simply a precaution that A should not come to violate his own vow. The same tradition is mentioned in the Babli, 39a, in the name of R. Simeon ben Elyaqim.

77 We did not say that the knowledge of the healer is his capital and he is forbidden to heal the sick.

78 The healer is forbidden to treat the sick person since the sick forbade to himself to pay the healer or to show any recognition for the services received.

Halakhah 4: "If somebody is forbidden by a vow any profit from another person," etc. Rebbi Simeon ben Yaqim said, that he should not stay long. 

The Mishnah [deals with the case] that the healer forbade his property on the sick person. But if the sick person forbade his property on the healer he sinned against himself.
"But not in a small pool," for he heats it. It was stated: He bathes with him in a small bathhouse, for he takes away heat.

The vocalization of the text is from the ms. In the Tosephta (2:7): He sweats with him in a small sauna.

It was stated: From the returning pot. What is a returning pot? There, they say, portions. The rabbis here say, a pot which contains [enough food] to eat, to be full, and to leave leftovers. It was stated: From the returning cup. What is a returning cup? The rabbis there say, spiced wine. The rabbis here say, one fills a missorium, they draw, drink, and return.

Rashba (Novellae ad 41b) reads ري סיסה. Ravad (Note to Maimonides, Hilkhot Nedarim 6:9) reads מיסなりません. There is no traditional explanation for the words. Lieberman (Tosephta kiFshutah Sabbath p. 284) reads one word: missorium. (Perhaps mistarius, -ii, m., from misceo "to mix", "vessel in which wine was mixed with water" (E. G.).)
משנה 5: לא יأكل עמו את האבות שלפלין הפוריעים ולא יעשיה עמו באוכל רבי מאיר. ותקניהם את ------> נפשו הוא ברוחמקים.

משנה 5: He should not eat with him from the common pot set before the workers\(^86\) nor work with him in a profession\(^87\), the words of Rebbi Meir. But the Sages say, he can work at a distance from him.

It belongs to the standard contract of day laborers that the employer has to feed them. This he usually does by preparing a pot from which everybody takes (literally "a trough"). This is then the same as a non-returning tamhui.

This is the interpretation of the Yarushalmi. The Babli, 41b, takes את ------> ירי "a furrow" and holds that both cannot work on the same field at the same time.

Halakhah 5: "He should not eat," etc. In the opinion of Rebbi Meir he is forbidden to teach him a trade. In the opinion of Rebbi Meir he is forbidden to act in his defense.
Mishnah 6: If somebody is forbidden any profit from another person by a vow made before the Sabbatical year, he cannot enter that person’s field nor can he eat from the overhang. In the Sabbatical year, he cannot enter his field but he can eat from the overhang. If he vowed not to eat from the other before the Sabbatical year, he can enter his field but he cannot eat of its fruits. During the Sabbatical year he enters and eats.

88 Fruits of trees that hang over a public road, which do not belong to the tree’s owner but are ownerless.
89 As the Halakhah points out, if by biblical decree everybody is permitted to eat from the yield of the Sabbatical, it must be permitted to enter all agricultural property for the purpose of harvesting. But in our case, if the maker of the vow would stay one moment too long, he would be sinning.
90 Since he did not forbid that for himself.

Halakhah 6: "If somebody is forbidden any profit from another person by a vow made before the Sabbatical year," etc. Why can he not enter? As Rebbi Simeon ben Yaqim said, that he should not stay long.
Rebbi Johanan explained the Mishnah: If somebody is forbidden any profit from another person by a vow made before the Sabbatical year, he cannot enter that person’s field nor can he eat from the overhang. In the Sabbatical year, he can enter his field and eat of the fruits. If he vowed during the Sabbatical year, he enters and eats. Rebbi Simeon ben Laqish explains the Mishnah: If somebody is forbidden any profit from another person by a vow made before the Sabbatical year, he cannot enter that person’s field nor can he eat of its fruits. If he made the vow in the Sabbatical year, he cannot enter his field but he can eat of the fruits. If he vowed not to eat from the other before the Sabbatical year, he can enter his field but he cannot eat of its fruits. If he made the vow during the Sabbatical year he enters and eats. That statement of Rebbi Simeon ben Laqish follows Rebbi Yose, for Rebbi Yose said, for his vow preceded his abandoning, his abandoning his vow. Rebbi Jonah, Rebbi Abba bar Hiyya, in the name of Rebbi Johanan: Rebbi Yose agrees that he is permitted in the case of biblical abandoning.
92 An intrusion of Babylonian spelling.
93 While the fruits overhanging the public domain are ownerless, the tree belongs to the person he forbade to himself.
94 The reading here is uncertain. The text given is that of the first hand of the ms. The corrected version reads "In the Sabbatical year, he can enter his field but not eat of the fruits." This makes no sense. It seems that the text should be corrected to "In the Sabbatical year, he cannot enter his field but eat of the fruits" where the fruits are either the overhang or harvested by others on the field. This version is quoted in the Babli, 42a, as concurrent opinion of R. Johanan and R. Simeon ben Laqish. A similar statement in Tosephta 2:8.
95 This last clause of the Mishnah applies to both cases; there is no difference whether the vow refers to all property or only to food.
96 Including the overhang.
97 These two words are probably superfluous; they are missing in the parallel in Halakhah 10. It is stated in Mishnah 10 that if A and B walk together and B has no food, then A may put some food on a rock and declare it ownerless, whereupon B can take it. R. Yose objects since A's food remains forbidden to B if nobody else acquired it before it came to A. R. Yose [Peah 6:1 (fol. 19b), Demay 3:2 (fol. 23b), Nedarim 4:10] rejects the concept of ownerless property and holds that the owner has full responsibility for his abandoned property until it is taken up and acquired by another person.
98 Sabbatical produce is available for everybody by biblical decree, not by human action. Therefore, there is no comparison between Mishnaiot 6 and 10.
If somebody is forbidden any profit from another person by a vow, he should not borrow from him nor ask him for anything, should not give him a loan nor take a loan for him, should not sell to him nor buy from him. If he said, lend me your cow, he says: she is not available. If he said, a qônâm that I shall never plough with her, if he usually ploughs, he is forbidden, the rest of the world is permitted. If he does not usually plough, he and the rest of the world are forbidden.

99 Tools or animals.

100 His agricultural workers may still use that cow to plough his field.

Halakhah 7: "If somebody is forbidden any profit from another person by a vow, he should not lend him," etc. If somebody says, a qônâm that I shall never plough, it is the same as if he said, a qônâm that my field should never be ploughed.

100 Therefore, his vow also forbids mentioned in the text of the vow.

his agricultural workers who were not
Mishnah 8: If somebody is forbidden any profit from another person by a vow and he has nothing to eat, the other person goes to the grocer and tells him, X is forbidden any profit from me by a vow and I do not know what to do\(^{101}\). Then he pays him and X comes and takes from him.

\(^{101}\) The grocer understands that he gives anything to X in order not to have to acquire the money before he infringe on the vow.

Halakhah 8: “If somebody is forbidden any profit from another person by a vow and he has nothing to eat,” etc. For he cannot recover from him in a court of law\(^{102}\).

\(^{102}\) Neither the donor nor the recipient can go to court if the grocer takes the money and does not deliver since the donor cannot be more explicit if he does not want to violate his vow. Therefore, the money really becomes the grocer’s and this method is not circumventing the law.

Mishnah 9: If he had his house to build, his fence to repair, his field to harvest, the other person goes to the journeymen and tells them, X is forbidden any profit from me by a vow and I do not know what to do. They work with him and come and take their wages from the other person.
May he say, he who works will not lose. Let us hear from the following. In the days of Rebbi Immi there was a fire in the village. Rebbi Immi sent a crier to the markets of the Gentiles saying: "He who works will not lose." Rebbi Eleazar ben Rebbi Yose said, that was danger to life. But if there was danger to life, Rebbi Immi himself should have fought the fire! Did we not state, in any case of danger to life one does not say that [the necessary work] be done by Gentiles or minors, but [it should be done] even by important Jewish persons. It happened that there was a fire in the courtyard of Yose ben Simai in Šiḥin, and the garrison of the barracks of Sepphoris came to fight it but he did not let them fight it; he said, let the collector collect his due. Immediately
there formed a cloud, there was rain which extinguished it. After the Sabbath he sent to each of them a tetradrachma and to their commander 50 denarii. Rebbi Hanina said, there was no need for him to do that. A Samaritan was a neighbor of Rebbi Jonah. There was a fire in Rebbi Jonah's neighborhood; he wanted to fight it but Rebbi Jonah did not let him. He said to him, because of my property! He said, yes. And everything was saved. Rebbi Jonah from Kefar-Immi spread his garment over the grain stack and the fire retreated from it.

103 While clearly A cannot contract with the workers that they should work with X on his account, can he tell them that he will pay (in a way which would not be enforceable in court if they were not journeymen under special protection by biblical law and custom.)

104 From here to the end of the paragraph, the text is also in \textit{Sabbat} 16, fol. 15c l. 35. It refers to Mishnah \textit{Sabbat} 15:7: "If a Gentile comes to extinguish a fire, one does not tell him to extinguish or not extinguish since one is not responsible for his rest." All fires mentioned here happened on a Sabbath.

105 Therefore, in the case here one also is permitted to assure people of their wages. In the Babli, \textit{Sabbat} 121a, R. Ammi (= Immi) says directly that suggesting payment is permitted in the case of a fire on the Sabbath.

106 Also in the Babli, \textit{Yoma} 84b.

107 Latin \textit{castra}, -orum, n. "military camp, barracks, fortress."

108 Since the fire was on a Sabbath, he took it as divine punishment.

109 As reward for his piety.

110 Greek \textit{επαρχος}, equivalent of Latin \textit{praefectus} (castrorum).

111 In the Babli, \textit{Sabbat} 121a, this is the opinion of the Sages, based on the Mishnah (Note 104), while Yose ben Simai wanted to encourage them to fight Sabbath fires at Sepphoris.

112 Since as a Samaritan he has to keep the Sabbath and, therefore, might fight fires only if there is a danger to life, rather than to property.

113 R. Jonah agreed to be responsible for the Samaritan's loss if the fire reached his property.
Mishnah 10: If they were walking on the road and he had nothing to eat, the other gives something to a third person as a gift, and this one is permitted it. If nobody is with them, he puts it on a rock or a fence and says, this is ownerless for everyone to take and this one can come and eat, but Rebbi Yose forbids.

It was stated: Rebbi Meir says that as soon as a person abandons anything from his property, it is no longer in his possession. Rebbi Yose says, nothing may leave the hands of its owners except if it is taken up by another person. Rebbi Jeremiah, Rebbi Abba bar Hiyya, both say, Rebbi Johanan in the name of Rebbi Yannai: The words of Rebbi Yose [deal with the case] that a person gave a gift to ten people and this one
was one of them. If somebody abandoned his field, some Tannaim say, he can retract, but some Tannaim say, he cannot retract. Rebbi Hizqiah, Rebbi Abbahu in the name of Rebbi Simeon ben Laqish: The one who says that he can retract follows Rebbi Yose. But the one who says that he cannot retract follows Rebbi Meir. Does this mean that abandoned property in the sense of Rebbi Yose is subject to tithes? What did he say? Abandoned property, not gift! Rebbi Jacob bar Aha came in the name of Rebbi Simeon ben Laqish: Abandoned property in the sense of Rebbi Yose is subject to tithes. There, they say that abandoned property in the sense of Rebbi Yose is not subject to tithes, since Rebbi Johanan said in the name of Rebbi Yannai: "The Levite shall come," etc. You are obliged to give him from what you have but he has not. This excludes abandoned property for which your and his hands are equal. Gleanings, forgotten sheaves, peah, and abandoned property are all equal.

114 Reading of the text in Peah 6:1 (Note 17). Text here: "רַםֵי "by its value".
115 E. g., if somebody is injured on abandoned property which had not been taken up by another person, the original owner has to pay according to R. Yose but not according to R. Meir.
116 R. Yose compares abandoning property to giving something to a group of people without specifying who gets what. In that case, the transfer of ownership rights certainly depends on the new owner taking possession. This is also R. Johanan's position in the Babli, 43a.
117 If nobody took the property in the meantime.
118 Since the property still is his to do with as he pleases.
119 Since a gift does not remove the obligation of heave and tithes; cf. Ma'serot 1:1, Notes 18-23.
120 Since the statement of R. Yose is about abandoned property; it cannot follow all the rules of gifts.
So far, if he abandoned it for a longer period of time. But if he abandoned only for a short time? Let us hear from the following: "If he abandoned his field, he may cancel his action during three days." Rebbi Ze'ira said, it says only "three days". Therefore, after three days he may not cancel his action. Rebbi Simeon Dayana stated before Rebbi Ze'ira: Even after three he may cancel his action. He said to him, since you say after three days, is it the same after three or after many? A baraita supports Rebbi Ze'ira: "About when is this said? If he abandoned in an unspecified way. But if he said: My field shall be abandoned one day, one week, one month, one year, a sabbatical period, as long as nobody took it over, either he or another person, he may cancel. But after somebody acquired it, either he or somebody else, he cannot cancel." This means
that short or long periods are the same. It also means that they were not worried about dishonesty. This means that a person may abandon and reacquire. That obviously answers Rebbi Zeira’s question, since Rebbi Zeira had said, are short and long times the same?

124 The entire paragraph is also in 27.

Peah 6:1, explained there in Notes 23-

125 Babli 44a.

"This one can come and eat, but Rebbi Yose forbids." What is Rebbi Yose’s reason? Because his vow preceded his abandonment. Therefore, not if his abandonment preceded his vow. They asked before Rebbi Yose: What is the difference if his vow preceded his abandonment? He said to them, it did not occur to him to forbid what he abandoned. Rebbi Jonah said, so they asked before him: That means, not if it applies to a single person? But did we not state: "This one can come and eat, but Rebbi Yose forbids"? He said to them, it did not occur to him to forbid
what he abandoned. Rebbi Jonah, Rebbi Abba, Rebbi Hiyya, in the name of Rebbi Simeon ben Josadaq: If somebody abandons his field to ten persons he cannot retract. Rebbi Yose said, that follows Rebbi Meir. Rebbi Mana asked: When you said, "to three," [did you not mean] "in the presence of three"? Instead of asking about Rebbi Meir, ask about Rebbi Yose! When you said, "to ten," [did you not mean] "in the presence of ten"? He said to him, if he abandoned it before two persons, he can retract and it remains subject to tithes. If he abandoned it before three persons, he cannot retract and it is free from tithes.

126 Why does R. Yose accept abandonment before the vow as valid when he holds that everything remains the person's own until it is picked up by somebody else?

127 It has nothing to do with property rights. A vow cannot refer to anything that was not in the vower's mind.

128 The reference is to the second half of the paragraph where it is stated that for everybody abandonment declared before three adult witnesses is immediately valid since it is a public act; even for R. Meir an act before less than three witnesses is not valid. But in the Mishnah it is stated that no witnesses are present and nevertheless R. Meir holds that in respect to the vow the abandonment is valid.

129 In the Babli, 45a, three people. (R. Joshua ben Levi holds that this requirement is rabbinic.)

130 If any of the persons knowing of the abandonment takes the property for himself, he cannot prove the title if the original owner reneges on his abandonment since he can support his claim only by one witness, which is not enough. Therefore, if the owner abandons the real estate and then reclaims it, it never left his potential possession and all produce grown on his field was never totally abandoned; the duty of tithing was never disestablished.

131 Any one of the three can take the real estate and has two witnesses to back up his claim. If the original owner would retake it when nobody else had taken it, he takes genuinely abandoned property and no tithes are due (cf. Note 106).
Mishnah I: Partners who mutually made vows not to have usufruct from one another are forbidden to enter the courtyard. Rebbi Eliezer ben Jacob says, each one enters into what is his. Both are forbidden to put up there a grindstone or an oven, or to raise chickens there. If one of them made a vow not to have usufruct from the other, he cannot enter the courtyard. Rebbi Eliezer ben Jacob says, one can say to the other, I enter into my property, I do not enter into yours. One forces the one who made the vow to sell his part.

1 People who own houses built around a common courtyard. They are partners in the courtyard. One exits from the houses to the street only through the courtyard.

2 For the anonymous Tanna, the entire courtyard is common property; nobody can enter the courtyard without stepping into the property of both of them. Therefore, neither one can enter his courtyard without profiting from the other's property.

3 Mishnah Baba batra 1:6 explains that the parties of a common courtyard can force a partition if the area of the courtyard exceeds a certain minimum. As the Babli explains, 46b, R. Eliezer ben Jacob refers only to a courtyard.
larger than the minimum. He holds that each square inch of the courtyard is potentially the property of one owner, only it was not determined who the actual owner is. Therefore, each of the partners can claim that he temporarily steps only onto his own property. It must be that R. Eliezer ben Jacob permits a straight walk from the entrance gate to the house door; this would be the domain belonging to the person's house in a separation of properties.

4 Everybody agrees that the common courtyard can be used for private purposes only by the consent of all owners. If the person forbidden by a vow did not object to the other using the courtyard for his private purpose, he would make him a present of monetary value.

5 According to the Babli, this statement refers to the majority position. According to the Yerushalmi, this is part of R. Eliezer ben Jacob's statement and is explained in the Halakhah.
Eliezer ben Jacob agrees. If they contracted between themselves to concede, it is still in the hands of the partners. It is only needed if they did not contract between themselves to concede; what is the position of Rebbi Eliezer ben Jacob? And did we not state there, "he buys higher and sells lower"? What is the position of Rebbi Eliezer ben Jacob? And did we not state there, "he should not lend him nor ask him for anything,"? What is the position of Rebbi Eliezer ben Jacob? And what Rebbi Simeon ben Yaqim said, that he should not stay long?

6 Greek ψῆφος. If at some time they decide to mark the borders between the domains belonging to the different houses by rows of pebbles cemented into the ground, this amounts to a division of the common property and the rabbis will not hold that a formal contract is needed to disestablish the former common domain. (In modern Hebrew, the word means "mosaic").

7 If one of the partners sells his part, he can no longer claim to enter into what is his and even according to R. Eliezer ben Jacob he is forbidden to set foot in the courtyard.

8 They split the common courtyard as outlined in *Baba batra* but in the contract agreed that they would not insist on excluding the other party from entering the separate domain of the other party. Then for the rabbis the split did not change anything.

9 Chapter 3, Note 147. Does R. Eliezer ben Jacob permit transactions at the regular price?

10 Chapter 4, Note 99. Since no transfer of property is involved, does R. Eliezer ben Jacob agree?

11 Chapter 4, Note 76. Does R. Eliezer ben Jacob agree that the visits have to be as short as possible?
"Both are forbidden to put a grindstone or an oven up there, or to raise chickens there." This is needed for Rebbi Eliezer ben Jacob, for what he states about "partners who mutually made vows not to have usufruct from one another." Because they mutually made vows not to have usufruct from one another, does this imply that if they had not made vows not to have usufruct from one another, they would be presumed to concede one to the other? Rebbi Jeremiah said, partners have the custom to concede one to the other in these matters. There, we have stated: "The following establish presumption of ownership." Rebbi Eleazar said, if somebody raises chickens in a courtyard in which he does not dwell, this establishes presumption of ownership. Rebbi Yose said, this is correct. As you look at it, if he had the right to raise them, he raised them. If he had no right to raise them, he established a presumption of ownership. Rebbi Johanan in the name of Rebbi Benaiah: Partners can veto any activity of the other party in a courtyard except for washing,
for the honor of the daughters of Israel. Rebbi Mattaniah said, that is, at a place where women wash, but not at a place where men wash. And what you say except for washing in the courtyard [applies to] the entire courtyard except for the four cubits of that party where one cannot hinder anything. But if the place was at an incline, one can veto even within the four cubits of another party since one might say to him, you pour out and it flows down to my place. It was stated: The place of an oven or a hearth does not establish a presumption of ownership, but roofing of any size on top of them establishes a presumption of ownership. Rebbi Ze'ira said, only if the wall is useful for the oven.

12 While the rabbis agree, for them the statement is immaterial since both partners are forbidden entry into the courtyard.

13 If somebody wants to put up an oven or a grindstone in the courtyard, can he presume to have the permission of all inhabitants of the courtyard without asking?

14 Mishnah Baba Batra 3:6. It is stated there that simply putting a stove, a grindstone, or chickens into a courtyard does not create a presumption of ownership, but building a foundation for the grindstone or an enclosure for the oven does.

15 In the absence of documents, a testimony of three years of undisturbed ownership together with a claim of legal acquisition (by buying, inheritance, or gift) entitles the occupant to a documentary title; cf. Yebamot 12, Note 29 (Mishnah Baba Batra 3:4).

16 He disagrees with R. Jeremiah and the conclusion drawn from the formulation of the Mishnah. The same statement in the Babli, Baba Batra 57b. The statement of R. Jeremiah does not appear in the Babli.

17 It cannot be expected that a Jewish woman would go to the river to do her washing there and be seen by everybody without shoes and with uncovered arms.

18 If men wash it is a commercial activity and that certainly needs the permission of the other dwellers in the courtyard.

19 A strip four cubits wide along the entire front of a house is private
property of the owner of the house, not common property of the partners and, as a matter of principle, the owner of the house can do there anything he wants; the mistress of the house can wash there without asking anybody.

20 That is not a matter of property rights but of torts; the injured party could claim damages.

21 In Mishnah *Baba batra* 3:6 it is asserted that only a wall of at least ten hand-breadths around an oven or a hearth does count. The text here is very close to Tosephta *Baba batra* 2:13: Putting an oven or a hearth in a courtyard does not establish a presumption of ownership, but making a roof of any size does.

Rebbi Johanan in the name of Rebbi Yannai: Partners can acquire one from the other and are responsible for damages inflicted by one on the other. Rebbi Abun bar Cahana said, if he said, collect and acquire. But if they were collected he does not acquire unless he moves.

22 As explained in *Sêvi'it* 8:1, Note 15, rabbinic practice does not recognize transfer of property by payment, but only by delivery or a symbolic act indicating delivery. Also, since anything found on a person's real estate is his, one can state that real estate acquires for its owner (cf. *Peah* 5, Note 125; *Kilaim* 8, Note 46). If there is only one owner, delivery of goods into the courtyard is legal delivery and transfer of ownership. R. Johanan asserts here that even among partners on their common real estate one may assume, following R. Eliezer ben Jacob, that the place on which some merchandise is put is at least temporarily owned by the acquiring party alone. This supports the opinion in the Babli, 46b, that practice follows R. Eliezer ben Jacob. R. Abun bar Cahana follows the opinion of the anonymous majority, that common property is not divisible, and requires an action by the acquirer, either collecting the objects or at least moving
them in a symbolic display of ownership rights.

23 This statement is taken in *Baba qama* 3:8 to show that an owner is liable for injuries on his property suffered by anybody being on the property by right or invitation.

24 It seems that one should read נאificio. This is the basis of the translation.

25 There seems to be no reason why R. Eliezer ben Jacob should require a sale of the property. It is clear that following the anonymous rabbis a person who by the vow of another is prevented to reach his own house can sue to remove this obstacle and force the maker of the vow to divest himself of the real estate.

26 Mishnah 2, speaking of a third person C visiting a partner B while partner A had forbidden him any use of his property.

27 There is trouble only if A forbids all his property to C but not if A forbids himself any of C’s properties. Unfortunately, the word מ произведен admits of both interpretations. If A makes the vow, מ произведен means that A takes nothing from C, מ произведен that C may have nothing from A. The Babylonian Mishnah 2 follows the first alternative, the Yerushalmi one the second.
If anyone from outside was under a vow of no usufruct from one [of the partners], he should not enter the courtyard. Rebbi Eliezer ben Jacob says, he can say to him, I enter your partner's property, I do not enter yours.

Mishnah 3: If one was under a vow not to have usufruct from another and he owns a bathhouse or an olive press leased out in town; if he retains the grip of a hand on them, the other one is forbidden; if he retains no grip of a hand on them, the other one is permitted. If a person says to another, a qônâm that I shall not enter your house, or that I shall not buy your field, if the owner died or sold it, the other one is permitted. That I shall not enter this house, or that I shall not buy this field, if the owner died or sold it, the other one is forbidden.
me and you did such and such to him; a second person and you did such and such to him; the third time he tells him either you undo your vow or sell your part.

What is the grip of a hand? One half, a third, or a quarter²⁹.

²⁸ “Hand” here means "possession", as in Middle High German *hant*, Swiss legal German *Hand*, French (for real estate) *main*.

²⁹ If the lessee pays a percentage of revenue or gain (in the examples between 50% and 25%), the original owner is directly profiting from the other's use of his facilities. But if the rent is a fixed sum, then no gain accrues directly to the building's owner by people using bathhouse or olive press. The latter statement is explicit in the Babli, 46b.
"This, your house," because of what do you catch him? Because of "your house," "this"? If it collapsed and he himself rebuilt it, is it not "this"? Let us hear from the following: "If somebody said to his heirs, give a wedding house to my son or a widow's house to my daughter, if it collapsed, the heirs are required to rebuild it." There, we have stated: "If somebody says to his son, 'a qônâm that you can not enjoy anything from me,' if he dies, [the son] inherits. 'During my lifetime and after my death,' if he dies, [the son] does not inherit." [Did we not state, 'during my lifetime', [the son] inherits; 'after my death', [the son] inherits?] What is the difference between the one who says it one by one and the one who says it by twos? Rav Jeremiah and Rebbi Yose [ben Hanina] both say, 'a qônâm that I cannot enjoy these my properties during my lifetime and after my death,' from the moment he said "these" he forbade to him during his lifetime and after his death. Rebbi Yose said, we have stated in Nedarim what we did not state in Šebuot: "A qônâm that I shall not enter your house, or that I shall not buy your field, if the owner died or sold it, the other is permitted. That I shall not enter this house, or that I shall not buy this field, if the owner died or sold it, the other is forbidden." Because he said "this". Therefore, if he had not said "this", he would have forbidden to him both during his lifetime and after his death.

30 From the parallel text in Baba Qama 9:14. Since Neziqin may be from a different editing team, it is not certain that the text is exactly what is missing here, but the question which follows indicates that it cannot have been much different. 31 From the text in Baba Qama, missing here. Since R. Yose ben Hanina was a younger contemporary of Rav Jeremiah but R. Yose the Amora came 4 generations after him, the reading is reasonable. In the Babli, 47a, the quote is in the name of Rava, an older
contemporary of R. Yose the Amora.
32 The ms. is vocalized אַרְבָּרָה, identifying אֶ and א as usual in Ashkenazic (Italian and German) medieval mss.
33 Rashba (Novellae to 46b) has a slightly enlarged text: מְשֻׁם נִיכְרָךְ אֶ אֹ מְשֻׁם דָּ ה "because of ‘your house’ or because of ‘this?’" The text as it stands is completely intelligible. A vow because of "your house" becomes void if it is no longer the other’s, because of "this" is permanent.
34 Since the baraita does not say that if he said "this house" the heirs do not have to rebuild, it follows that "your house" is determining, not "this". This means that if the house collapses and he rebuilds, it is forbidden, but if it is sold, it is permitted.
35 From here to the end of the paragraph there is an approximate parallel in Baba Qama 9:14, source of the Mishnah.
36 Since he inherits by biblical decree (Num. 27:6-11), not by his father’s will.
37 Cf. Chapter 2, Note 15; Babli 47a.
38 If he makes two separate vows, the first one, a qōnām forbidding his property during his lifetime, is valid, but the second one for the time after his death is invalid since nobody can forbid to another person anything not in his possession. Why does it become valid if combined?
39 The text in Baba Qama switches the Mishnaiot quoted, respectively, by Rav Jeremiah and Rebbi Yose.
40 It seems that instead ofilent "for me" one has to readilent "for him", as is clear from the rest of the sentence.
41 Both of them disagree with the position taken earlier by the editors of the Yerushalmi and assert that "this" overrides "your house". If the house collapses and he rebuilds, it is permitted, but if sold, it remains forbidden.
42 There is no comparable Mishnah in Tractate Šebuot. In Baba Qama, the text is: "We have stated in Neziqin what we did not state in Nedarim," but there, the reference is to a Mishnah in Neziqin, cf. Note 39. The difference is not a variant reading.
43 It seems that one has to read "had not forbidden". In Baba Qama this last sentence is missing; the preceding one reads: "Because he said ‘these’, he forbade to him both during his lifetime and after his death."
"I am herem for you", etc. 'A qōnām that I shall not have any usufruct from you and anyone I would ask about you', he has to ask about the first but not the second. Some Tannaîm state: He has to ask both about the first and the second. Samuel the son of Rebbi Joseph ben Rebbi Abun said, that follows the one who said "after the prohibition". But for the one who said "after the vow", a vow which is partially invalid is totally invalid.

44 Herem is an expression for a gift to the Temple of offerings that cannot be redeemed, Lev. 27:28. As a term for a vow, it is equivalent to qorbân.

45 To have any usufruct from the vower's property.

46 These are detailed in Mishnah 5. They were destined for public use and are immune against private vows.

47 Since both of them are partners in the public institutions of the town; cf. Mishnah 1.

48 Some Tannaîm state: He has to ask both about the first and the second.
48 If a person vows not to have anything from a certain other person and any rabbi who would dissolve this vow, if he has second thoughts and asks a rabbi to dissolve the vow, there are differing opinions on whether he then has to ask a second rabbi to dissolve his vow regarding the first rabbi. In the Babli, 90a/b, two questions are raised which are not found in the Yerushalmi: (1) What means first and second; maybe first is the rabbi whom he has to approach and second the object of the vow? (2) Is it clear whether a vow can be dissolved that has not yet led to any prohibition?

49 This refers to the disagreement of R. Ismael and R. Aqiba (Chapter 3, Note 128; Halakhah 11:9, Babli 89a) whether the point in time which determines the rules is the moment the vow is made or the moment the prohibition is slated to begin. For R. Ismael, who holds that the moment of prohibition is determining, the second prohibition starts the moment the vower goes to see a rabbi. Therefore, that prohibition has to be dissolved also. But for R. Aqiba, who goes after the moment the vow was made, there is a vow only about one person and when that prohibition is lifted, the vow and the second case with it disappear.

prohibited from dealing with him. 52” A qônâm that the people of my town cannot have any usufruct from me,’ he cannot ask the local rabbi. 53 ‘The usufruct of the people of my town [is forbidden] to me’, he can ask the local rabbi. Some Tannaim state, even in the first case he can ask, for it does not mean that [the rabbi] would dissolve his own vow. A vow of the community cannot be dissolved. 54 A vow made in public cannot be dissolved. 55 If somebody made a vow that another should not have usufruct from him, if the vow was made in the other’s presence, he can request the vow to be dissolved only in the other’s presence; if the vow was not made in the other’s presence, he can request the dissolution either in the other’s presence or in his absence.” Rebbi Johanan said, because of the shame; Rebbi Joshua ben Levi said, because of the suspicion. 56

51 Tosephta 2:10, a slightly different version in the Babli, Baba Batra 8a, Sanhedrin 112a.
52 “People of the town” are its taxpayers. The obligation to pay local taxes starts only with a residence of 12 months. “Town dwellers” are those who have to contribute to the local welfare fund. That obligation starts after thirty days.
53 Since he is an interested party.
54 The rabbi does not have to disqualify himself since formally he is only forbidden to dissolve his own vows and it is probably embarrassing to him to deal with a person who makes that kind of vow.
55 This is generally agreed on (Babli Gittin 36a, Makkot 16a); since voter rolls change continuously, it is impossible to get all people who voted for the vow together to ask for dissolution.
56 The Babli, Gittin 36a, decides against this.
57 Tosephta 2:10.
58 R. Johanan feels that the maker of an inappropriate vow should be shamed, R. Joshua ben Levi requires the other party to be present lest he thought that the vower broke his vow. The Babli, 65a, disagrees and holds that the rule is biblical. Since Moses had sworn to Reuel to stay in Midian (Ex.
2:21), God dissolved his vow not at the consent of his family (Ex. 3:18).
Senna-bush but in Midian, with the

It turns out that one disagreement is like an other other disagreement, as it was stated: On the Day of Atonement, one has to detail one's deeds, the words of Rebbi Jehudah ben Bathra. Rebbi Aqiba says, one does not have to detail the sin. Some Tannim state, one has to detail the vow; some Tannim state, one does not have to detail the vow. A person made a vow not to earn money. He came before Rebbi Yudan bar Shalom. He asked him, what did you forswear to yourself? He said to him, not to earn money. Rebbi Yudan said to him, is there anyone doing that? He said to him, as a gambler. He said, praise to Him Who chose the Torah and the Sages who said, one has to detail the vow.

59 Reading of the quote in Rosh (R. Asher ben Iehiel) to Gittin 35b. In the ms. there is an erasure here, on which is written סלמים be-kibburissyim "explanation: perhaps in gambling". The last two words are printed in the editio princeps but because of the Babylonian/rabbinic dialect they cannot represent the text. (It seems that in his notes for his dictionary, J. Levy misread כ (38) for כ (35). The error was faithfully copied by the compilers of later dictionaries (Kohut, Jastrow, Krauss).)

60 Yoma, Yerushalmi 1:9 (45c, 1.48); Babli 86b. (There, the first author
is R. Jehudah ben Baba. In the first hand of the Munich ms. the second author is R. Jehudah; this seems to have been the reading of Maimonides (Tešubah 2:3) and Tosafot Yešenim ad loc.]

Perhaps Greek κυβευτής, hence "gambler". (In rabbinic practice, a professional gambler is inadmissible as a witness.)

If he had not asked, he would have dissolved the vow which did not warrant dissolution.

Mishnah 5: What are the institutions of the returnees from Babylonia? For example, the Temple Mount, the courtyards, and the cistern in the middle of the road. What are the institutions of that town? For example, the town square, the bathhouse, the synagogue with the ark and the scrolls. And he writes his part to the Patriarch.

In the Temple courtyards. The institutions of the town to the Patriarch, both of them are permitted to walk in the town and to use its institutions.
Halakhah 5: "What are the institutions of the returnees from Babylonia," etc. So is the Mishnah: A town square which is crossed by a public road is as if from the returnees from Babylonia.66 A man used a Torah scroll for his preliminary marriage to a woman. Rebbi Sabbatai and Rebbi Ḥasida brought the matter before Rebbi Yose who said, she is not married.68 Rebbi Ḥizqiah said, you read the letter and there is written in it "not only". Rebbi Mana said, I asked before Rebbi Ḥizqiah, what means "not only"? Did he marry with a Torah scroll which is private property? He said to us, she is not married. That comes to tell you, even if he used the public Torah scroll to marry, that is "not only". But that means, even if he used a privately owned Torah scroll to marry, that is "she is not married."

66 Tosephta 2:10. This is not an emendation of the Mishnah but an explanation: A town square which is crossed by an imperial highway is imperial, not local, property.

67 Where the man has to give his fiancee something of value; cf. Peah 2:3, Note 46; Demay 4:2, Note 19; Yebamot 1:1, Note 63.

68 A Torah scroll cannot serve as a marriage gift.

69 Maybe it should be: I read the letter.

70 Since a Torah scroll may be sold only if a person is in extreme difficulties (Bikkurim 3:7, end), it is doubtful whether monetary value was transferred. (For that reason, a modern marriage is concluded by the gift of a gold ring without a stone, whose commercial value can be easily determined.)

71 In which every member of the synagogue has partial ownership. But since only the town council backed by a vote of the entire population could
sell a Torah scroll, even if the man transferred his interest to his bride, he did not transfer disposable value.

Mishnah 6: Rebbi Jehudah says, one of them writes to the Patriarch and the other to a private person. What is the difference between him who writes to the Patriarch and him who writes to a private person? The one who writes to the Patriarch does not have to perform an act of delivery, the one who writes to a private person has to perform an act of delivery. But the Sages say, in either case one has to perform an act of delivery. Rebbi Jehudah says, the people of Galilee do not have to write since their forefathers already wrote for them.

72 This is a continuation of the previous Mishnah. R. Jehudah permits either of the parties to donate their usufruct of public property to a third party even though public property is not transferable in this way.

73 In talmudic legal theory, a transfer of property is only valid if the point in time of the transfer of property rights or of claims to property is well defined. This usually is done by the buyer (or recipient) or his representative giving to the seller (or donor) or his representative a vessel (or edge of garment) to hold temporarily. In talmudic theory, Boaz took off his shoe to acquire the right to buy back Elimelekh's property and with it Ruth (by preliminary marriage) from Tob (Ruth 4:8). Following the
terminology of the Book of Ruth, in Babylonian/rabbinic terminology this act is called "acquisition".

They never recognized private rights of the citizens to public property. Therefore, the vower and the subject of his vow can use public property without formalities.

Halakhah 6: "Rebbi Jehudah says, even if only one signs over his part to the Patriarch," etc. So is the Mishnah: One of them has to sign over his part to the Patriarch.²⁵

Not both of them to ordinary citizens. Cf. J. N. Epstein, מנהצ ידנו ירושלים-תל אביב 1964, p. 361, who raises the question whether the "Patriarch" is the head of the Academy or the head of the city administration.

Mishnah 7: If a person who by a vow was forbidden usufruct from another has nothing to eat, the other donates [food] as a gift to a third...
party and the person is permitted it. It happened in Bet Horon with a person whose father was by a vow forbidden usufruct from him; when he married off his son he said to a friend, here the courtyard and the meal are given to you as a gift and they shall be yours until my father has come and eaten with us at the [wedding] meal. He said to him, if they are mine, they are dedicated to Heaven. He said, I did not give you my property that you should dedicate it to Heaven. He said to him, you gave me your property only that you and your father should eat, drink, and be friendly with one another and let the sin hang on my head. When the case came before the Sages they said, any gift with the proviso that if [the recipient] dedicated, it was not sanctified, is no gift.

76 This was already stated in Mishnah 4:10; it is repeated as an introduction to the definition of "gift".

77 His own courtyard, where the wedding takes place and his father is forbidden entry.

78 They are Temple property to be sold for the upkeep of the Temple.

Halakhah 7: "If a person who by a vow was forbidden usufruct from another," etc. Rebbi Johanan said, it is obvious that this one was learned.
Hillel the Elder had eighty pairs of students. The greatest among them was Jonathan ben Uzziel, the least important Rabban Johanan ben Zakkaia. Once he fell sick and all came to visit him. Rabban Johanan ben Zakkaia waited in the courtyard. He said to them, where is the least important among you who is a head in wisdom and a head for generations? Unnecessary to speak of the greatest among you! They said, he is in the courtyard. He said to them, let him enter. When he entered, he said to them "to let my lovers inherit substance; their treasuries I shall fill."  

Cf. Babli Sukkah 28a. 3:12.  
Prov. 8:21. Cf. Mishnah Uqesin

"Rabbi Johanan said, it is obvious that this one was learned." Rebbi Yose ben Rebbi Abun said, that is what happened: Jonathan ben Uzziel's father vowed not to let him have any usufruct from him and in his will gave his part to Shammai. What did Shammai do? He sold some, gave some to the sacred fund, gave him the remainder as a gift, and said: He who wants to attack this gift, let him first get back [the merchandise] from the buyers and from the sacred fund; after that he can get [the remainder] back from this one.
The background of the last Mishnah. A similar story, with Jonathan ben Uzziel in the role given here to Shammai, is in the Babli, *Baba Batra* 133b with Shammai trying and failing to attack the method.

Jonathan ben Uzziel.

As circumventing the will of the donor.

If somebody wants to shield himself from an accusation of "Beth Horon gift", he should give something away before giving to the person prohibited by the vow.

Rebbi Jeremiah asked: Does this mean that nobody can give a gift to a friend on condition that he not dedicate it to Heaven? So is the Mishnah: Any gift similar to that of Beth Horon, which was dishonest in that if [the recipient] dedicated, it was not sanctified, is no gift.

Does such a clause invalidate any gift even if given honestly and permanently?

In the language of the Babli, 48a: If the end proved that the beginning was dishonest. The Babli prefers to emend the first, not the last, sentence of the Mishnah.
Mishnah 1: One who makes a vow to abstain from cooked food is permitted roasted and scalded food\(^1\). If one said, a qônâm that I will not taste a cooked dish, he is forbidden fine dishes\(^2\) and permitted thick ones\(^3\). Also he is permitted a soft boiled egg\(^4\) and ash-gourd\(^5\).

1 In rabbinic tradition, based on the Babli, פִּלּוּם means "preserved by prolonged cooking" so that the food can be kept for a long time without refrigeration. But Rashba (Novellae ad loc.) makes a convincing argument, based on Terumot 10:8 (Notes 103-104), that פִּלּוּם is scalding (pouring hot water over the food), not cooking in a pot.

2 Those which contain visible moisture.

3 If there is no more visible moisture and it can be eaten without bread (or today, without a fork).

4 Galen VI, 769 distinguishes kinds of eggs: ἐφθά "hard boiled", τρομητὰ "trembling", i.e. with solid egg white but soft yolk, which tremble if shelled, ροφητὰ "soft", which can be sipped. In contrast to the Yerushalmi which identifies the last two kinds, the Babli (50b) on the testimony of Samuel, a medical doctor, defines a trometa egg as a diagnostic egg made extra hard and indigestible by alternatingly cooking and freezing until it is small and hard, can be swallowed whole, and, when excreted, examined for traces of blood from stomach or intestines.

5 Explained in the Halakhah.
Halakhah 1: "One who makes a vow to abstain from cooked food," etc.  
6A Mishnah states that scalding is called cooking, as we have stated:  
"If he cooked the well-being offering or scalded it?" A verse [states] that  
"roasted" is called "cooked"8: "They cooked the pesah" etc. If you say,  
against the rules, Rebbi Jonah from Bostra said, "as is the rule". A  
Mishnah states that scalded is called cooked, and a verse that roasted is  
called cooked; but did we not state: "One who makes a vow to abstain  
from cooked food is permitted roasted and scalded food"? Rebbi Joganan  
said, in matters of vows one follows common usage. Rebbi Joshua said, in  
matters of vows one follows biblical usage9. What is the difference  
between them? ‘A qônâm that I shall not taste wine on Tabernacles.’ In  
the opinion of Rebbi Joganan he is forbidden on the last day of the  
holiday10. In the opinion of Rebbi Joshua, is he permitted? Also Rebbi  
Joshua agrees that he is prohibited. Rebbi Joshua said it only for  
restrictions11.

6 This paragraph and the next are also in Erubin 3:1 (20d l. 21) and Nazir 6:11 (55c l. 18). The argument of this paragraph is also in the Babli, 49a,
where the opinion of R. Johanan is declared to be that of the Tanna of the Mishnah.

7 Mishnah Nazir 6:11. This refers to the ram which is the well-being offering of the nazir at the end of his period of sanctification. The verse, Num. 6:18, requires the Cohen to take a limb "from the cooked ram". The Mishnah accepts ρεσά as cooked. Since the meat of the ram must be eaten immediately, it is clear that ρεσά cannot mean "to preserve by prolonged cooking".

8 2Chr. 35:13: "They cooked the pesah in the fire as is the rule"; i.e., (Ex. 12:9) "roasted in fire". Cooked would have been "over the fire".

9 The Babli, 49a, states that R. Joshua disagrees with the Mishnah and forbids both roasted and preserved.

10 The eighth day of the fall festival which in popular consciousness is part of Tabernacles but in biblical terminology (Num. 29:35) is a separate holiday.

11 He requires that both in biblical Hebrew and in the vernacular the terms should denote different things.

12 Rebbi Hiyya bar Abba said, Rebbi Johanan ate bake-meats and said, I did not taste food on that day. But did we not state: "He who made a vow not to eat food is permitted water and salt"? Explain it following Rebbi Joshua, who said, in matters of vows one follows biblical usage. And from where that everything is called food? Rebbi Aha bar Ulla said: "And ten female donkeys carrying grain, bread, and food." Why does the verse say, "and food"? From here that everything is called food.
May one who made a vow not to have anything cooked be permitted smoked? May he be permitted fried? May he be permitted anything cooked in the hot springs of Tiberias? The rabbis of Caesarea asked: Is anything smoked forbidden because of Gentile cooking? Is it forbidden because of cooking on the Sabbath? Is it forbidden because of meat and milk? Does it cause tevel for tithes? If somebody made a vow not to have anything smoked, is he permitted cooked? Rebbi Abba, Rav Jehudah in the name of the House of Rav Assi: Habis is unproblematic as Gentile cooking and is acceptable as eruv tavshilin. Rebbi Yose ben Rebbi Abun in the name of Rav Huna: Anything which can be eaten raw is unproblematic as Gentile cooking and is acceptable as eruv tavshilin.
15 This is the reading of the first hand in the mss. The corrector (followed by editio princeps) has unexplained τικ.

16 If a pot is immersed in a hot spring, is the food cooked by human action? If it is not by human action, it cannot be sanctioned.

17 In the opinion of the Yerushalmi [Sabbat 1 (3c l. 65), Avodah zarah 2:9 (41d l. 35)] it is a biblical prohibition, based on Deut. 2:28 to eat Gentile food which is in a state different from raw and not prepared with the help of a Jew. In the opinion of the Babli, Avodah zarah 37b/38a, this is a purely pharisaic-rabbinic restriction for which the verse serves as a crutch. The question now is whether hanging anything in a chimney over a smoky fire which was not lit for the purpose of cooking would be considered cooking anyhow.

18 This is always the same question. Cooking is forbidden on the Sabbath (Mishnah Sabbath 7:2) parallel to baking. Since baking cannot be replaced by smoking, there is a question. Similarly, it is forbidden to cook milk and meat together (Ex. 23:19; 34:26; Deut. 14:21).

Cooking untithed food makes the food forbidden until heave and tithes have been taken. (While the Mishnah (Ma'aserot 4:1) only states that preserving by prolonged cooking creates the obligation, the formulation in the Halakhah is "fire creates the obligation". In the first formulation, preserving by smoking might be excluded, in the second it is included.)

The questions are unanswered since in matters of biblical prohibitions a doubt must be resolved in a restrictive decision.

19 Arabic خَبَش "a delicacy made from dates, cream, and starch".

20 In the Babli, Avodah zarah 38a, in the name of Rav, Rav Huna's teacher.
Reading of Rashba (Novellae ad 49a)\(^{22}\):

Is one who makes a vow to abstain from cooked food permitted a thick\(^3\) dish? Let us hear from the following: "He is forbidden soft dishes\(^2\) and permitted thick ones\(^3\)." Since a dish which would be forbidden roasted or scalded is permitted as a thick dish, regarding "cooked food" which permits roasted and scalded, is it not logical that he be permitted the thick dish? Are there arguments de minore ad majus in matters of vows\(^{24}\)? But it must be so: Since a dish which is forbidden roasted or scalded is permitted as a thick dish, the cooked which is permitted roasted or scalded is permitted as a thick dish.

\(^{21}\) This is the reading of the Mishnah in the Babli.

\(^{22}\) This is a coherent text which makes sense. However, the substitution of for 'I indicates that the text was copied without attention to the intricacies of Yerushalmi spelling. The deviations from the ms. text are indicated by a change of typeface.

\(^{23}\) The translation follows the Rashba text.

\(^{24}\) According to R. Johanan, the meaning of vows can be ascertained only by analysis of the vernacular which is not subject to logical rules.
It was stated: He is forbidden soft cakes, since the physician frequently eats his bread with them. Rav Hisda said, he is forbidden a roasted egg since a sick person frequently eats his bread with them.

25 Greek ἵτριον, cf. Hallah 1, Note 178. The dough must still be so soft that it must be put into a pitta to be eaten.

26 This usage of ἐβάλεν ἵππην "to roll, make round" is documented in Mishnah (Uqesin 2:6) and Yerushalmi Sabbath 3:3 (6a l. 18). The Babli, 49a, has a general formulation by Abai, a student of Rav Hisda: Anything eaten with bread is called a dish.

27 It must be fluid if it cannot be eaten in a pitta, cf. the preceding Note.

28 This is from Kilaim 1, end of Halakham 2, formulated in a slightly different way.

Mishnah 2: If somebody makes a vow to forbid himself anything made in a pot, he is forbidden only what is made in its heat. If he said, a qōnām that I shall not taste anything going into the pot, he is forbidden anything that may be cooked in any pot.
The expression "made in a pot" is restricted to cereals; cf. Babli including vegetables and meat.

Halakhah 2: "If somebody makes a vow to forbid himself anything made in a pot," etc. What is made in its heat? For example split spelt, porridge, barley gruel, farina, rice, groats and mashed cereal.

For these three kinds of cereal, cf. Sota Notes 47-49.

This translation is tentative; from דרי "making branches".

This meaning is well established in the Babli, Yoma 47a, Nedarim 41b. According to Rashi (to Berakhot 37a), made from cereal split into many small pieces.

One who forbids himself] "anything going into the pot, is forbidden what goes into the frying pan. From anything going into the frying pan is permitted what goes into the pot." For there are things going into the frying pan which do not go into the pot. What do you have? For example, greasy fish. "One who makes a vow to forbid to himself what is baked in the oven, is forbidden only bread. From what is prepared in the oven, anything is forbidddened that may be made in an oven."
This translation is very tentative; it is based on Arabic "sheep's fat". It is difficult to read one word since ְַיִלֵּחַ is a plant (cf. Berakhot 6:1, Note 112) and ρηπ is egg yolk.

Mishnah 3: ‘From the pickled’, he is forbidden only pickled vegetables. ‘That I shall not taste anything pickled’, he is forbidden everything pickled.

Mishnah 4: ‘From the scalded’ he is forbidden only scalded meat, the words of Rebbi Jehudah. ‘That I shall not taste anything scalded’, he is forbidden everything scalded.

Mishnah 5: ‘From the roast’ he is forbidden only roasted meat, the words of Rebbi Jehudah. ‘That I shall not taste anything roasted’, he is forbidden everything roasted.

Mishnah 6: ‘From the salted’ he is forbidden only salted fish. ‘That I shall not taste anything salted’, he is forbidden everything salted.
Mishnah 7: ‘That I shall not taste fish, fishes’, he is forbidden them either large or small, either salted or unsalted, either raw or cooked. But he is permitted fish cake and fish fluid. If somebody vows not to eat anchovy he is forbidden fish cake and permitted fish fluid and brine. If somebody vows not to eat fish cake he is permitted fish fluid and brine.

38 Normally "pickling" only vegetables. In the second sentence, anything pickled is forbidden, whether it is of the kind usually covered by the verb or not. The other Mishnaiot are treated similarly.

39 In the Babylonian Mishnah, this is missing and the entire Mishnah is anonymous. It is found in the opinion of Arukh (s. v. חָרָים) and Rashi in his commentary to Megillah 6a the reference is to triton, a kind of tuna fish. This explanation is accepted by Ran (commentary to Nedarim 51b) who explains: "A large fish ground into fine cakes". But in Avodah zarah 35b, Rashi explains "small salted fish" which Lewysohn explains as Greek θρίσσα (Attic θρίττα). According to the Halakhah, both explanations might be correct, depending on a person's dialect. (ץיר, if Greek, however, might be expected to be derived from a word beginning with ταῦ, rather than θετά. Compare Latin tritus, "rubbing, wearing", from tero "rub to pieces" forming a double expression with Hebrew ירוה "ground, finely ground with "fish" understood (E. G.). For an example of a Greek-Hebrew double expression cf. E. and H. Guggenheimer, Notes on the Talmudic Vocabulary 5, למשרぬ הלשון, (1973), 23-26 (in Hebrew).)

A person vowing not to eat fish intends only food recognizable as such.

41 Fluid extracted from fish by pressing.

42 Arabic صمَّصَ "small salted fish".

43 Latin muries, cf. Demay 1:3, Note 156.
In the Babli: "forbidden". The tradition follow the Yerushalmi.

Mishnah mss. in the Maimonides

44 In the Babli: "forbidden". The tradition follow the Yerushalmi.

They wanted to say, salted for preservation, not short-term salted. Rebbi Yudan said, since we have stated: "this is for me like salted meat, like libation wine," this implies that short-term salted is called "salted". What is short-term salted? As it was stated: "He puts the limbs on the salt and turns them over." Rebbi Abba Mari said, there is a difference, for if he left them there, they would become salted meat. But which text says it? As Rebbi Hiyya bar Zabda said, "one who takes olives from the vat dips each single one in salt and eats it." This implies that short-term salted is called "salted".

45 This is a copy from Chapter 2:4, Notes 59-63.
It was stated: Rebbi Simeon ben Eleazar says: If he said, ‘a qônâm that I shall not taste a fish’, he is forbidden large ones and permitted small ones. ‘Fishes I shall not taste,’ he is forbidden large and small ones. ‘Fish I shall not taste,’ he is forbidden only sardines. What is small and what is large? This is as Rebbi Ze'ira said, from any fish less than a litra which I eat, I am tasting sardines. Here, it is the same.

46 A different version in the Babli, sardine.

51b; Tosephta 3:5.

49 A Roman libra, 345 g.

47 The collective for fish, meaning fish that appear in large swarms.

50 A fish is small if it weighs less than a Roman lb.

48 Greek χαλκίς, -ιδος “pilchard, sardine”.

49 A Roman libra, 345 g.

50 A fish is small if it weighs less than a Roman lb.

"He is permitted fish cake"; therefore not if it is not ground. Rebbi Jeremiah said, Ze'ira asked: Does this not disagree with Rebbi Johanan who said, in matters of vows one follows common usage. It is not the way of people that if a man says to his neighbor, sell me a fish, that he should sell him a sardine. Rebbi Abin understood it from the last clause, "if somebody vows not to eat fish cake he is permitted fish fluid and brine," therefore not if it is not ground? Rebbi [Jeremiah] said, Rebbi
Ze'ira asked: Does this not disagree with Rebbi Johanan who said, in matters of vows one follows common usage. It is not the way of people that if a man says to his neighbor, sell me a עִנֵּי, that he sells him a עִנֵּנֵי. There, they call עִנֵּנֵי יְרֵיחַ.

51 Almost certainly, the scribe forgot the title "Rebbi".
52 Cf. Halakhah 1, first paragraph. In the Babli 30b, 49a, 51b, and 5 times in other tractates.
53 Unspecified "fish" does not mean sardine.
54 It seems that the quote should be the sentence before the last, forbidding fish cake for the person who vows not to eat anchovy.
55 In analogy to the first version, this is the name forgotten by the scribe.
56 In Babylonia. It is asserted that there one calls עִנֵּנֵי what in Galilee is called עִנֵּנֵי. The Tanna of the Mishnah is Babylonian.

Mishnah 8: If somebody vows not to drink milk, he is permitted curd but Rebbi Yose forbids. But from curd, he is permitted milk. Abba Shaul says, if he vows not to have cheese, it is forbidden to him whether salted or unsalted.

57 This is the definition of the Yerushalmi. The definition of Rashi and the Arukh is: the serum remaining when curd is pressed into cheese.
58 He holds that curd is colloidal milk, not cheese. But if somebody restricts his vow to curd, he certainly excludes fluid milk.
59 Even though most cheese is salted.
If somebody vows not to drink milk, he is permitted curd," etc. What is curd? Curdled milk. What is the reason of Rebbi Yose? The name of its father is called over it\textsuperscript{60}. In the opinion of Rebbi Yose, is one who vows not to taste wine permitted cooked wine\textsuperscript{61}? Cooked wine".

\textsuperscript{60} Since its name still contains the word "milk".
\textsuperscript{61} Which has lost all its alcohol by cooking. Since in the Aramaic vernacular it still is called wine it is forbidden.
This is the rule Rebbi Simeon declared in the name of Rebbi Joshua: For everything that may become permitted through some action, such as tevel, Second Tithe, donations to the Temple, and "new grain", 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. But for everything that cannot become permitted through any action, such as heave, hallah, orlah, and kilaim in a vineyard, the Sages did fix as limit both a kind with itself or with a different kind if it can be tasted.

How do you treat vows? As referring to something that can become permitted or to something that cannot become permitted? It seems reasonable that we treat them as referring to things that can become permitted, as we have stated there: "for the Elder uproots the vow from the start." They said, he only uproots for the future.

Certainly a Mishnah treats it as referring to something that cannot become permitted, as we have stated there: "The growth from heave is heave; the growth from their growth is profane. But the growths from tevel, First Tithe, aftergrowth of the Sabbatical, heaves from outside the Land, dema', and First Fruits are profane as are growths from their growths. Growths from dedicated [seeds] and Second Tithe become profane; one redeems them corresponding to the time of sowing." We have stated on this: When has this been said? Anything whose seeds disappear. But in produce whose seeds do not disappear, the growth from their growth is forbidden.
There is a restriction on growth, as Rebbi Zeïra said in the name of Rebbi Jonathan: 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.

But another Mishnah treats it as something that can become permitted, as we have stated there⁶⁹: "For if somebody vowed not to have a certain thing and it became mixed with something else, if it can be tasted it is forbidden." This explains that it was mixed with another kind, following the rules of something that can become permitted.

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⁶² This paragraph is from *Sevi'it* 6:3, Notes 116-125; quoted in Babli 57b/58a.

⁶³ If somebody vowed not to eat something which then became mixed with permitted food and is no longer recognizable. Is the mixture forbidden if it contains the most minute amount of forbidden material or does it become permitted if the forbidden food no longer can be tasted?

⁶⁴ *Ketubot* 7:9, in a discussion of the difference between the dissolution of a vow by a rabbi for cause compared to that by the father of the vow of his not quite adult daughter. One would have expected the text to read רשות as appropriate for a *baraita*, not רשות used for a Mishnah.

⁶⁵ While the rabbi might annul the vow, he cannot annul the guilt incurred by violation of the vow before it was annulled.

⁶⁶ *Terumot* 9:4, Notes 57-64; quoted in Babli, 60a.

⁶⁷ Since the growth of the growth from seeds dedicated by a vow remains forbidden, a vow makes it something which admits of an act (a request for annulment) that makes it permitted.

⁶⁸ *Sevi'it* 6:3, Note 126. (*Kilaim* 5:7, Note 76; *Terumot* 7:7, Note 122; *Orlah* 1:1, Note 29; Babli *Nedarim* 57b).

Mishnah 9: If somebody vows not to eat meat, he is permitted clear bouillon and coagulated fibers\(^70\), but Rebbi Jehudah forbids. Rebbi Jehudah said, it happened that Rebbi Tarphon forbade to me eggs that were cooked in it. They said to him, that is correct; when? If he would say, that piece of meat [is forbidden] to me\(^71\). In truth, if somebody forbids himself something by a vow and it became mixed with something else, if it can be tasted it is forbidden.

\(^70\) The solid material which accumulates on the wall of the pot at the water's edge, which usually is scrubbed off as waste.

\(^71\) If somebody forbids for himself meat in general, food is judged by categories and eggs are not meat. But if somebody forbids a particular piece of meat, that piece is for him as if it were not kosher and it follows the rules of admixtures of forbidden ingredients as detailed in Terumot Chapter 10; or, as explained in the Halakhah, he forbids himself any usufruct, i.e., any taste of the forbidden food.

Halakhah 9: "If somebody vows not to eat meat," etc. Rebbi Hila said: The moment he said "this one", he forbade for himself it and its usufruct.
Mishnah 10: If somebody vows not to drink wine he is permitted a dish prepared with wine. If he said, a qōnām that I shall not taste this wine, if it fell into a dish and it can be tasted, that is forbidden.

Mishnah 11: If somebody vows not to eat grapes, he is permitted wine; not to eat olives, he is permitted oil. If he said, a qōnām that I shall not taste these olives or grapes, he is forbidden them and anything coming from them. These rules are all examples of the principle expounded in Halakhah 9.

Halakhah 11: "If somebody vows not to eat grapes," etc. It was stated: Rebbi Simeon ben Eleazar said, a qōnām for anything which usually is eaten and of which some derivative is eaten; if he forbade the thing to himself by a vow, the derivative is permitted. What is an example? E.g., grapes and olives. And anything which usually is eaten but no derivative of which is eaten; if he forbade the thing to himself by a
vow, the derivative is permitted. What is an example? E. g., mulberries. And anything which usually is not eaten and but a derivative is eaten; if he forbade the thing to himself by a vow, he intended the derivative. What is an example? E. g., garden seeds that are not eaten.

73 Babli 53a, Tosephta 3:3. Forbidden.
74 In Babli and Tosephta: 75 Cf. Kilaim 1:1, Note 21.

Mishnah 12: If somebody vows not to eat dates, he is permitted date honey; from winter grapes, he is permitted winter grape vinegar. Rebbi Jehudah ben Bathyra says, if he vowed to forbid to himself anything which is called by the name of its derivative, he also is forbidden the derivative, but the Sages permit it.

76 They are sour and can only be used for making vinegar. Deut. 8:8 are called "honey". In the same verse, olives are referred to as "oil olives".
77 For example dates which in "oil olives".
Halakhah 12: "If somebody vows not to eat dates," etc. What is the reason of Rebbi Yose? The name of its father is called over it. What is the reason of Rebbi Jehudah ben Bathyra? The name of its descendant is called over it. It is reasonable that Rebbi Jehudah ben Bathyra should agree with Rebbi Yose but Rebbi Yose would not agree with Rebbi Jehudah ben Bathyra. Rebbi Jehudah ben Bathyra should agree with Rebbi Yose: The name of its descendant, so certainly also the name of its father. Rebbi Yose would not agree with Rebbi Jehudah ben Bathyra: He says only, the name of its father. This implies: not the name of its descendant.

Mishnah 13: If somebody vows not to use wine, he is permitted apple wine. Not oil, he is permitted sesame oil. Not honey, he is permitted date honey. Not vinegar, he is permitted winter grape vinegar. Not leeks, he is permitted field leeks. Of vegetables, he is permitted field vegetables, because that is an accompanying name.

78 For the relationship between \textit{allium porrum}, and \textit{κεφαλωτόν}, \textit{allium capitatum}, cf. \textit{Kilaim} 1:2, Notes 42,56.
79 Vegetables grown in extensive cultivation.
80 In all examples of the Mishnah, the simple name does not cover the
composite name as product of trade. For example, if somebody buys "wine", the seller cannot fulfill his contract by delivering apple wine. The Babli, 53a, points out that in Babylonia no olive trees grow and a standard contract for "oil" there is for delivery of sesame oil; there, a vow of abstention from oil permits the use of olive oil.

Halakhah 13: "If somebody vows not to use wine," etc. The Mishnah speaks of a place where one does not call field leeks leeks. But not at a place where one calls field leeks leeks. Just in that case it is needed\(^81\), even a place where one calls field leeks leeks: "Not leeks, he is permitted field leeks."

\(^81\) The case of leeks is different from the other cases in the Mishnah since it is not question of a composite name but of Greek vs. Hebrew name. Therefore, at a place where \textit{allium capitatum} is never called the assertion of the Mishnah is trivial and does not have to be stated. The Mishnah is only needed when in common speech Hebrew and Greek expressions are used interchangeably. Since this would not extend to commercial contracts, the rule of the Mishnah stands.
"Not vegetables, he is permitted field vegetables because this is an accompanying name." We have stated on that: "He who makes a vow to abstain from vegetables in the Sabbatical is also forbidden field vegetables." Rebbi Crispus stated the reason in the name of Rebbi Hanina ben Gamliel: That means, as long as Rebbi did not permit to import vegetables into the Land. But since Rebbi permitted to import into the Land there is no difference between the Sabbatical and the remaining years of the Sabbatical cycle. Rebbi Yose bar Hanina says, endives are important enough to become impure as food in the Seventh year. 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.

82 This paragraph is from Ševi‘it. A different version is in the Babli, 6:4, explained there in Notes 140-144.

It was stated: "One intercalates for a year neither in a Sabbatical nor in the year after the Sabbatical; but if they intercalated it is intercalated." Rebbi Ze‘ira in the name of Rebbi Abbahu said: That means, as long as
Rebbi did not permit to buy vegetables for importation into the Land. But since Rebbi permitted to buy vegetables for importation into the Land there is no difference between the Sabbatical and the remaining years of the Sabbatical cycle\(^8\). 

83 From here to the end of the Halakhah, the text is from \textit{Sanhedrin} 1:2 (18d 1. 28). The tannaitic statements are from Tosephta \textit{Sanhedrin} 2:9-13. The entire piece is inserted here since this first paragraph refers to the preceding one. For this and the following paragraphs the reference in the Babli is \textit{Sanhedrin} 12a. In Babli sources, before Rabban Gamliel the observant never ate imported vegetables since those might still carry lumps of impure foreign soil.

84 The lunar/solar calendar of rabbinic Judaism requires 7 additional lunar months in a 19 year period. Before the publication of the computed calendar by the fifth generation Amora R. Yose, it was the privilege of the Synhedrion to declare the intercalation (which had to be the month before the spring equinox). One tried not to extend the Sabbatical during which agricultural work was forbidden. In the year following the Sabbatical, the use of new grain was forbidden until the first sheaf of newly cut barley was presented in the Temple during the festival of unleavened bread (the 16th of Nisan in Pharisaiic theory, the Sunday of the festival in Boethusian-Sadducee, and the 22nd of Nisan in Jubilee-Sadducee theory), \textit{Lev}. 23:14; Philo \textit{The Special Laws} II, 162 ff. Therefore, one should try to have Nisan as early as possible in such a year.

85 Therefore, the calendar computation disregards the Sabbatical. (The calendar computation is explained in the Appendix to the author’s edition of \textit{Seder Olam}, Northvale NJ 1998.)
Rebbi Meir used to teach: It says, 'A man came from Baal-Shalishah and brought to the man of God bread from first grain, etc.' At no place in the Land of Israel does produce ripen earlier than at Baal-Shalishah, and only that kind ripened early.' 'He brought to the man of God,' when did he bring it? After the 'Omer ceremony, since it is said: 'Give to the people to eat.' 'But since the year was in need of an intercalation, why did Elisha not intercalate? This teaches you that the year was one of famine and everybody was jumping to the threshing floors.'

86 2K. 4:42. He brought 20 barley-grain breads. Baal-Shalisha seems to have been near Jericho.
87 The presentation of new barley, cf. Note 84.
88 All grain was sold directly from the threshing floor because of its scarcity. The Babli, Sanhedrin 11b/12a and Tosephta Sanhedrin 2:9 state outright that "one does not intercalate in a year of famine." A minority of sources in the Babli attributes the argument to Rebbi.
It was stated: "One does not intercalate for a year because of impurity; Rebbi Jehudah says, one does, since we find that Hezekia intercalated because of impurity, as it was said: 'For most of the people, etc.' Rebbi Simeon said, even though they intercalated in Nisan, only Adar was intercalated. Rebbi Simeon ben Jehudah said in the name of Rebbi Simeon, Hezekia forced the multitude to celebrate the Second Passover.

Some Tannaim state: One intercalates for the year because of impurity. Some Tannaim state: One does not intercalate. He who says, one does not intercalate, from the following: "For they ate the pesah not as it was written." How does the one who says one does intercalate, explain "for they ate the pesah"? They intercalated in Nisan but only Adar was intercalated. This follows what Rebbi Simon bar Zavdi said, they found the skull of Ornan the Jebusite under the altar.

89 From the text in Sanhedrin, missing here.
90 In the text here, missing in Sanhedrin. The text in Sanhedrin seems to be the correct one.
91 Tosephta Sanhedrin 2:10-11; Babli Sanhedrin 12a/b. Instead of the hapax hip'il נַעֲשֶׂה לִשְׁנֵהוּ (confirmed by the Tosephta), the parallel in Sanhedrin has standard rabbinic pi'el נָעַשׁ "he forced", which because of the disappearance of gutturals appears in the Babli as נָעַשׁ "counseled" (which is a correct reference to 2Chr. 30:2).
92 One does not intercalate a 13th month to give people time to purify themselves in time for the pesah sacrifice on the 14th of the first month.
93 2Chr. 30:18: Most of the people from the former Northern Kingdom were not pure (in the first month) so they ate the pesah in the second month, not as is written.
94 R. Simeon holds that the biblical reference in 2Chr. 30, that after the fall of Samaria Hezekia celebrated the festival in the second month is really incorrect but that he decided in Nisan that more time was needed to prepare for the sacrifices and, what is not permitted by the calendar rules, retroactively turned Nisan into Second
Adar and, therefore, the second month into the first. He prayed for divine indulgence for this breach of the rules.

95 The substitute festival for people absent or impure in the first month, available for individuals only, not for a majority of the people (Num. 9:9-14).

96 This explanation disagrees with R. Simeon ben Jehudah. They moved the month because the Temple was not usable in Nisan since the altar was found to be a "tent" over human bones and thus impure. The text is from Sotah 5:2, Note 90.

It is written99: "With all his heart he prepared himself to seek God, his fathers' [God], etc." Rebbi Simon bar Zavdi and Rebbi Samuel bar Nahman. One of them said, with all he did to purity the Temple, he did not fully establish the purity of the Temple. The other said, with all the good works he did, he did not fully do his duty for the purity of the Temple. It is written100: "They started on the first of the first month."

And it is written101: "On the sixteenth of the month they finished. Could they not have eliminated all idolatry from there in one day? Rebbi Idi said, because of Chaldean idols which were engraved.

97 From the text in Sanhedrin. The reading here is a singular, נשא. 98 Reading of the text in Sanhedrin and in the Bible. Text here: כלת‑עבודה וּרְצֹה שְׁמַה שָׁמַעְתָּ." 99 2Chr. 30:19: "With all his heart he prepared himself to seek God, the Eternal, his fathers' God, except for..."
Temple purity." Since one was discussing Hezekia, some related verses are explained. 100 2Chr. 29:17. They needed 7 days to cleanse the Temple courtyards and 8 for the Temple building. 101 2Chr. 29:18.

Six things did Ezekiah, the king of Judea, do. With three they agreed, with three they did not agree. He dragged his father's bones and they agreed. 102 2K. 18:4. He smashed the bronze snake and they agreed. 103 The rabbinic authorities of the Mishnaic period. He hid the table of medicines and they agreed. 104 He buried him in an undignified way to atone for his bad ways. The basis is the note in 2Chr. 28:27 that Ahaz was not buried in the kings' graves, contradicting 2K. 16:20. 105 2K. 18:4. 106 According to Maimonides (Commentary to Pesahim 4:9), a book of magical remedies.

It seems that they did not connect 2Chr. 32:30 with 2K. 20:20. 107 As explained in the preceding paragraph, following R. Simeon.
One does not intercalate for a year before New Year’s Day; if they did intercalate it would be invalid. But for an urgent need one may intercalate immediately after New Year’s Day. Nevertheless, only Adar is intercalated.

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.

"When they sanctified the year at Usha, on the first day Rebbi Ismael, the son of Rebbi Johanan ben Baroqa, led and recited following the opinion of Rebbi Johanan ben Nuri. Rabban Simeon ben Gamliel said, we did not follow this at Jabneh. On the second day, Rebbi Hananiah, the son of Rebbi Yose the Galilean led and recited following 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\textsuperscript{52}! But was it not stated: the first day, the second day?

If they sanctified it before its time or after its lengthening, should I assume it was lengthened? The verse says (Lev. 23:2) "them", "them", "these are My holidays." Before its time is not "My holidays." Before its time, the 29\textsuperscript{th} day, after its lengthening, the 32\textsuperscript{nd} day. From where that one intercalates for the year because of the [men of the] diaspora who set out but did not yet arrive? The verse says (Num. 23:44), "Moses spoke about the holidays of the Eternal to the Children of Israel". Make the holidays so they can be observed by all of Israel. Rebbi Samuel bar Nahman said, only if they had reached the river Euphrates.

110 This is the reading in three of the four parallel texts. In Sanhedrin, the reading is הָיוּ הָיוּ; cf. the author's The Scholar's Haggadah (Northvale 1995) p. 298.
111 Missing here, appears in all parallels.
112 Reading of the parallel texts. Here "י. ה., רַבּ
113 In all parallels, the quote is Lev. 23:2.
114 This and the following
paragraphs are found in Sevi’it 10:2, text is also in Roṭ Haṭṣanah 3:1, 58c 1. explained there in Notes 41-55. The 51, in addition to Sanhedrin 1:2.

One intercalates for a year only in Judea, but if [a month] was intercalated in Galilee it is validly intercalated. Rebbi Hanania from Ono testified that, if it cannot be intercalated in Judea, intercalates in Galilee. One does not intercalate a year in Galilee, but if it was intercalated in Galilee it is validly intercalated. One does not intercalate a year outside the Land; if it was intercalated outside the Land it is not validly intercalated if it was possible to intercalate in the Land of Israel; but if one cannot intercalate in the Land of Israel, one intercalates outside the Land.

115 Tosephta Sanhedrin 2:13; Babli as in the war of Bar Kokhba and its aftermath.

116 Because of war or persecution,
Jeremiah intercalated outside the Land. Ezechiel intercalated outside the Land. Baruch intercalated outside the Land. Hanania the nephew of Rebbi Joshua intercalated outside the Land. Rebbi sent him three letters through Rebbi Isaac and Rebbi Nathan. In one he wrote, to His holiness Hanania. And in one he wrote, the kid goats you left behind became rams. And in one he wrote, if you do not accept, go to the thistle desert, do slaughter and let Onias sprinkle. After the first [letter], he honored them. After the second, he honored them. After the third, he wanted to disgrace them. They said to him, you cannot do that since you already did honor us. Rebbi Isaac rose and quoted, it is written in the Torah: These are the holidays of Hanania the nephew of Rebbi Joshua. They said to him, "the holidays of the Eternal". He said to them, that is with us. Rebbi Nathan rose and finished: "For from Babylonia will go Torah forth and the Eternal's word from Nahar-Peqod." They said to him, "for from Zion will Torah go forth and the Eternal's word from Jerusalem". He said to them, that is with us. He went to complain about them to Rebbi Jehudah ben Bathrya at Nisibis. He said to
him, follow them, follow them. He said to him, I do not know whom I left there. Who would tell me that they are wise to the computations as I am? If he had said, they are not wise, they should listen to him. Since they are wise to the computations as he is, he has to listen to them. He got up and rode on a horse. Where he reached, he reached. Where he did not reach, they continued following the corrupt calendar.

There is no biblical basis for these statements which are based on the hypothesis that the biblical calendar is identical with the rabbinical. In Talmudic tradition, Baruch ben Neriah did not follow Jeremiah to Egypt but went to Babylonia where he founded the first Babylonian academy.

Babli Berakhot 63a/b; some details there seem to be more historical.

His name and that of his father was Hananiah ben Hananiah, meaning that both were posthumous sons, a very unlucky reference which can be avoided by circumlocution. He supported his uncle's determined opposition to any revolt against Rome and it seems that he left Palestine at the outbreak of the Bar Kokhba revolt and founded the Academy of Nahardea, later headed by his descendant Samuel.

In the Babli, the identity of the head of the Academy who re-established the authority of the Palestinian Academy in fixing the calendar is not mentioned. It is to be expected that this was Rabban Simeon ben Gamliel who became head after the Hadrianic decrees were abolished, perhaps by Septimius Severus. If it was Rebbi, Hananiah must have been a centenarian.

In the Babli, two grandsons of priests serving in the Temple. The Tanna R. Nathan (the Babylonian) is to be dated to the time of Rabban Simeon ben Gamliel.

The blood of the sacrifice. A reference to the (illegitimate) Onias Temple in Egypt.

Lev. 23:4.

The correct verse only applies to the followers of the patriarchate in
125  *Is.* 2:3.

126  The representative of the autochthonous Babylonian Academy whose ancestors already were the leaders in Jerusalem 100 years before the destruction of the Temple.

127  R. Jehudah ben Bathya.

128  Hanania.

129  We do not know what the material difference was in the calendar computations. There is a slight possibility that it was in the rules of moving the date of the New Year, a difference that surfaced 700 years later in the quarrel between Saadya Gaon in Baghdad and the Patriarch Meir in Jerusalem.

It is written\(^\text{130}\), "to the outstanding Elders of the diaspora". The Holy One, praise to Him, said: The Elders of the diaspora are very dear to me. More beloved by me is a small group in the Land of Israel than a great Synhedrion outside the Land. It is written\(^\text{131}\): "The craftsmen and the smiths one thousand," and you say so? Rebbi Berekhiah in the name of Rebbi Helbo and the rabbis. Rebbi Berekhiah said, one thousand craftsmen and one thousand smiths. But the rabbis say, together one thousand\(^\text{132}\). Rebbi Berekhiah in the name of Rebbi Helbo said, these are the fellows\(^\text{133}\); but the rabbis say, these are the councilmen\(^\text{134}\).

130  *Jer.* 29:1.

131  *2K.* 24:16. It has been suggested from their association with the soldiers that these were the people trained in the production of weapons.

132  Modern Bible commentators
follow the rabbis.

133 The people strictly adhering to the rules of ritual purity, cf. Introduction to Tractate Demay, p. 349. If this is the correct interpretation, the question is who are the small group in the Land of Israel. In the Babli, Gittin 88a, this is the only opinion mentioned.

134 Greek βουλευταί, cf. Peah 1:1, Note 167.

Rebbi Hosaia, when he received witnesses at Kallirhoe136, used to say to them: You should know the importance of the testimony that comes from your mouth, how much rent money depends on your mouths137. Rebbi Abuna said, if it is so, it is even a matter of criminal law. If somebody sleeps with a girl three years and one day old, he is stoned138. The Court decided to lengthen139, if he sleeps with her he is not stoned. Rebbi Abun said: 140"I am calling to Almighty God, to the God who decides141 with me." If a girl is three years and one day old, if the Court decided to lengthen, her hymen repairs itself, otherwise it does not repair itself138.

135 Reading of the parallel in Sanhedrin. Reading here: בֹּשֶׁה.

136 En Tab, Kallirhoë (probably Hamat Gader; cf. Babli Roš Haššanah 25a) was the place chosen in the early Amoraic period to proclaim the days of the New Moon and the intercalation of a month in a year. The witnesses testify that they have seen the new moon.

137 Since rent usually is paid by the month or the year, it makes a
difference whether a month has 29 or 30 days, or a year has 12 or 13 months.

138 If the girl was engaged to be married (Deut. 22:23-26), for which the minimal age of consent is 3 years and a day. The girl, as a minor, cannot be prosecuted. Any seduction of an underage girl is statutory rape, but talmudic law assumes that a girl who was raped at less than 3 years and one day is still a virgin since her hymen is supposed to repair itself. But if she was raped at the age of at least 3 years and one day she is no longer a virgin and cannot demand a virgin’s portion in any marriage settlement.

139 Either a month or a year. In the first case, assume the girl was born on the 30th of a certain month. After three years, if the same month has 30 days, she is only 3 years old. But if that month is declared to have only 29 days, the 30th is the first day of her fourth year and any man committing adultery with her is stoned. Similarly, if the girl was born in Nisan then the 3rd birthday is either 12 or 13 months after the 2nd; there is a full month where the decision of the Synhedrion makes a difference in her standing in criminal law. Obviously, the same problems appear with reaching adulthood; the example of the minor was chosen because of the sermon following.

140 Ps. 57:3.

141 נמר is used for the vote of the judges by which a case is decided. Nature, created by God, acts as if God had voted with the majority of the judges; cf. Midrash Tehillim 57[1].

Mishnah 14: One who makes a vow to abstain from cabbage is forbidden cabbage shoot\textsuperscript{142}, from cabbage shoot he is permitted cabbage\textsuperscript{143}. From groats, he is forbidden groat soup but Rebbi Yose
permits it; from groat soup he is permitted groats. From soup he is forbidden garlic but Rebbi Yose permits it; from garlic he is permitted soup.

The shoot has no leaves yet; from cabbage one eats the leaves but not the shoot.

Greek ἀσπαράγος "shoot of edible vegetable", used here in the restricted sense of cabbage shoot.

The shoot has no leaves yet; from cabbage one eats the leaves but not the shoot.

From soup he is forbidden garlic but Rebbi Yose permits it; from garlic he is permitted soup.

Halakhah 14: What is Rebbi Yose's reason? Is its father's name called upon it? In the opinion of Rebbi Yose, if somebody makes a vow to abstain from wine, he is permitted spiced wine.

In ms. and editio princeps, concerning cabbage cannot extend to asparagos. Since the name "cabbage" does not appear in asparagos, the vow Berakhot 6:5, Note 157.

From cabbage, he is forbidden cabbage shoot," etc. "From groats, he is forbidden groat soup," only if most of it is groats. "From soup he is forbidden garlic," only if most of it is garlic? In that case, you go after the taste, in the other after the main ingredient.
Spices are forbidden as long as they are the main ingredient, they can be tasted; bland food only as

Mishnah 15: From lentils, he is is forbidden *aṣiṣim*, but Rebbi Yose permits. From *aṣiṣim* he is permitted lentils.

Halakhah 15: Rebbi Yasa went to Rebbi Yose who brought roasted lentils out for him, ground them, formed them into a dough with honey, and fried them. He said to him, these are the *aṣiṣim* mentioned by the Sages.

Mishnah 16: ‘That I shall not taste wheat or wheats: he is forbidden both flour and bread’. ‘That I shall not taste groat or groats: he is forbidden both raw and cooked. Rebbi Jehudah says, ‘a qônân that I shall not taste groat or wheat’, he is permitted to chew them raw.
The interpretation of the Mishnah in the Halakhah and the Tosephta (3.7) in the name of R. Jehudah is the opposite of that given in the Babli (53b) in the name of Rabban Simeon ben Gamliel. Following R. Jehudah in baraita/Tosephta, ו сигнал is a singular and refers to single kernels for chewing; נ אבר is plural as referred to material for baking. R. Jehudah in the Mishnah, and Rabban Simeon ben Gamliel in the Babli, hold that the collective נ אבר means wheat bread but the plural נ אבר means single kernels to be chewed. Similarly, for them the collective פ נ אבר means porridge, but the plural single kernels to be chewed. According to both Talmudim, in the first part of the Mishnah the person forbade to himself both the singular-collective and the plural. Therefore, R. Jehudah, who quotes only the singular in his statement, does not disagree with the anonymous majority.

Halakhah 16: ‘That I shall not taste groat or groats, etc. It was stated:

"Rebbi Jehudah says, ‘a qɔnàm that I shall not taste a groat kernel,’ he is forbidden to chew and permitted soup. ‘That I shall not taste groats,’ he is forbidden soup and permitted to chew. ‘That I shall not taste a wheat kernel,’ he is forbidden to chew and permitted bread. ‘That I shall not taste wheats,’ he is forbidden bread and permitted to chew.

"Wheat" and you say so? Rebbi Yose said, so is the way of people, if they see white bread they say, blessed Who created this wheat."
This is inconsistent with the preceding baraita; it refers to the statement of R. Jehudah in the Mishnah who sees in the collective קני a synonym of "bread".
Mishnah 1: One who makes a vow to abstain from vegetables is permitted squash, but Rebbi Aqiba forbids it. They said to Rebbi Aqiba, does it not happen that a person says to his agent, buy vegetables for us, and he says, I found only squash? He said to them, that is true. Would he ever say, I found only legumes? But squash is contained in the notion of "vegetable". He is forbidden fresh Egyptian beans and permitted dried ones.

1 "Vegetables" are grown in a vegetable garden and eaten raw or as a side dish. Squash is produced without irrigation and is not eaten raw. The person sent to buy vegetables will not buy squash without separate instructions.

2 Legumes (Arabic ‏شَبَه‎) are seeds, such as peas and lentils, to be ground into flour. As the last sentence of the Mishnah makes clear, legumes not ready to be ground into flour are vegetables. The person sent to buy vegetables will never ask for permission to buy legumes.

3 The Babylonian Mishnah adds: "But legumes are not contained in the notion of 'vegetables'".
Halakhah 1: Does Rebbi Aqiba think "I found, I did not find"? Then one who forbids meat to himself should be forbidden fish and grasshopper meat since, if a man says to another, buy meat for us, he will return and say, I found only fish! But Rebbi Aqiba must think that squash are vegetables, but the rabbis think that squash are not vegetables. That applies to legal situations. "The vegetables of this garden are sold;" if squash were there, they would be sold in the opinion of Rebbi Aqiba, not sold in the opinion of the rabbis. The same applies to declarations of abandonment or dedications.

4 Does R. Aqiba hold that any usual substitute comes under the category of the original? The Babli, 54a, holds that this is R. Aqiba’s opinion. The Babli must hold that a person sent to buy meat will not suggest fish as a substitute.

5 Fish and grasshoppers do not come under the category of "meat" since they can be cooked with milk. (Yemenite Jews used to roast grasshoppers in clay pots used for neither meat nor milk).

6 If somebody declares his vegetables as ownerless or dedicates them to the Temple, for the rabbis he does not include squash, for R. Aqiba he does.
Rebbi Jacob bar Idi, Rebbi Hiyya, in the name of Rebbi Johanan: It turns out that the minority opinion here is the majority opinion there and vice-versa. As it was stated: "One who makes a vow to abstain from meat is forbidden all kinds of meat, is forbidden head, feet, neck, heart, and liver. But he is permitted fish meat and grasshoppers. In this vein, Rabban Simeon ben Gamliel said, intestines are not meat and those who eat them are not humans."

7 This is the text of the scribe of the ms. The corrector changed it to "forbidden" and "permitted" was in the text before the scribe, as preserved in the Tosephta (3.5) and the Babli (54b): editio princeps. It is obvious that both.

"One who makes a vow to abstain from meat is forbidden all kinds of meat, is forbidden head, feet, neck, and fowl. But he is permitted fish meat and grasshoppers. Rabban Simeon ben Gamliel said, one who makes a vow to abstain from meat is forbidden all kinds of meat, is permitted head, feet, neck, and fowl. In this vein, Rabban Simeon ben Gamliel said, intestines are not meat and those who eat them are not humans."

In this text, the expression "similarly" are with vegetables. The Babli, 54b, simply states that R. Aqiba and Rabban Simeon ben Gamliel are on opposite sides in this discussion.
Everybody agrees that a person who vows to forbid gourd to himself is permitted vegetables, as it was stated: A person who makes a vow to abstain from a main object is forbidden the peripherals; if he vows from the peripherals, he is permitted the main object. One who vows to abstain from meat is forbidden sinews, he who vows to abstain from sinews is permitted meat. Where do they disagree? About Egyptian gourd. But everybody agrees that Greek gourds are vegetables. Rebbi Crispus in the name of Rebbi Johanan: All sorts of gourd and cabbage which we eat are Greek gourds. Rebbi Jehudah bar Seradia says, qarmals are vegetables. Rebbi Jonah and Rebbi Yose asked, are qarmals subject to tithes? Bar Qappara stated, qarmals are free from tithes. That is, as long as they did not form gourds; but when they formed gourds they are like vegetables. Rebbi Yose instructed that it is forbidden to sip water from colocasia leaves because they are food for deer.
Cf. Kilaim 1:5. From Sevi‘it 2:10, Notes 98-101, dealing with the rules of the Sabbatical year. The statement of Bar Qappara there is attributed to R. Jonah.

The statement of Bar Qappara there is attributed to R. Jonah.

Is one who makes a vow to abstain from vegetables permitted kinds of 'pvmlyy', as, for example, \( nb'h, msrvlh, plvlyh \)^{12}, and taro^{13}. Rebbi Isaac ben Haqolah and Rebbi Joshua ben Levi both say taro is like a vegetable for tithes, the sabbatical year, peah, and kilaim. For vows it is problematic.

Neither the family of plants nor the individual plants mentioned here have been determined, except for the last one. In Arabic, \( nb' \) is a tree from which arrows and bows are made. [Perhaps cf. Greek \( πωμάριον, τό, \) Latin pomarium, "orchard", as a reference to "tree fruits"? (E. G.)]

Colocasia, Greek κολοκασία, Arabic \( lington \). Its root is used to produce a kind of flour in Africa; hence, it is an intermediate between a vegetable and a legume. The only problem is that of vows (e.g., if a person makes a vow to abstain from vegetables), since in matters of vows one does not follow technical usage but the meaning in local dialects. Hence, there may be places where taro is commonly subsumed under vegetables and other places where it is not.

Text from Peah 1:6, Note 273.
If somebody makes a vow to abstain from vegetables, would he be permitted dried ones? Let us hear from the following: "He is forbidden fresh Egyptian beans and permitted dried ones." He mentioned only Egyptian beans, a kind which has a threshing floor. Therefore, anything which has no threshing floor is forbidden even if dried. If somebody makes a vow to abstain from bulbous plants he is forbidden green melon, squash, water melon, sweet melon and all tree fruits. If somebody makes a vow to abstain from sheep meat, he is permitted lambs, pidgeon chicks, and milk. But if he said, which grew this year, he is forbidden all of these. If somebody makes a vow to abstain from cider, he is forbidden everything sweet and permitted wine. That is, following those who say that vows are interpreted in the vernacular. But following those who say, vows are interpreted in biblical Hebrew, the Torah used "cider" as an expression for wine; "your cider," that is wine.

15 I. e., Egyptian beans are separated from their hulls and stored in quantity. A contract for delivery of Egyptian beans requires delivery of dried ones. A vegetable is permitted in dry form only if that dry form is traded as a separate kind.
16 Tosephta 4:3.
17 This translation follows S. Lieberman, Tosefta ki-fshutah Nedarim, p. 455.
19 These have nothing to do with sheep; pigeons are only mentioned for inclusion in the next clause.
20 Sheep's milk.
Mishnah 2: One who makes a vow to abstain from flour is forbidden dry Egyptian beans\(^\text{25}\), the words of Rebbi Meir. But the Sages say, he is forbidden only the Five Kinds\(^\text{26}\). Rebbi Meir says, one who makes a vow to abstain from produce\(^\text{27}\) is forbidden only the Five Kinds but he who makes a vow to abstain from flour is forbidden everything\(^\text{28}\), but permitted tree fruits\(^\text{29}\) and vegetables.

25 Not only Egyptian beans but all legumes (Note 2) ground into flour, as explained at the end. Egyptian beans are only mentioned because of Mishnah 1.

26 Wheat, barley, spelt, foxtail, and oats; cf. Berakhot 6:1 (Note 89), Kilaim 1:1 (Notes 2,3), Hallah 1:1 (Note 1). Only these contain gluten which produces sour dough.

27 In Biblical language, הבנה is all agricultural produce. In rabbinic language, the word is used only for cereals.

28 Not everything but every cereal and legume.

29 Even carob fruit which sometimes is ground into a kind of flour.
"One who makes a vow," etc. What is Rebbi Meir's reason? What the rain produces from the earth. What is the reason of the rabbis? Flour is.

Arabic "to be dark, rainy". 

Jos. 5:12 to indicate grains used to make bread.

He who makes a vow not to use bread or produce is forbidden them, the words of Rebbi Meir. Therefore, is he who makes a vow not to use bread or produce forbidden everything according to the rabbis? Rebbi Hyya in the name of Rebbi Johanan, so is the Mishnah: "He who makes a vow not to use flour is only forbidden these." How do we hold? If he uses "bread" in the biblical sense, then also if he says "produce" it is meant in the biblical sense. He should be forbidden everything since it is written (Deut. 22:9): "The produce of the vineyard." If he simply says "bread"; only from wheat or barley is it simply called "bread". Rebbi Yose said, I confirmed it, at a place where one eats bread from all [kinds], only from the five kinds it is simply called "bread".
32 From the text in *Hallah*. Here: נpee נp, which is the text in the next argument.

33 The quote is from Mishnah *Hallah* 1:2, the remainder from Halakhah *Hallah* 1:3, Notes 105, 110-112. Cf. Tosephta *Nedarim* 4:3.

Mishnah 3: One who made a vow to abstain from garments is permitted sack-cloth, carpets, and goat's hair cloth. If he said, a qònâm that wool shall not come onto me, he is permitted to cover himself with shorn wool; that linen should not come upon me, he is permitted to cover himself with linen fibers. Rebbi Jehudah says, everything refers to the vow. If he was carrying and sweating and smelling badly, when he said, a qònâm that no wool or flax should be on me, he is permitted to wear but forbidden to carry on his back.

34 It is assumed that "wool" and "linen" refer to garments made from these materials, not to the materials in themselves. R. Jehudah disagrees and describes a scenario where the opposite would be true.

35 A load of raw wool or linen.
Halakhah 3: "One who made a vow to abstain from garments," etc.

One who made a vow to abstain from clothing is permitted sack-cloth, carpet, and goat's hair cloth, leather apron, and bandages. He is forbidden fascia and belt. One who vows to abstain from clothing is forbidden all kinds of clothing but permitted these. Rebbi Jeremiah said, Rebbi Ze'ira asked: If one said, a qônâm that I shall not wear a garment, that I shall not cover myself with clothing? Rebbi Simeon ben Eleazar said, if he said, a qônâm for anything that is generally used to cover oneself and a derivative of it is generally used to cover oneself; generally he is permitted the derivative; if he made a vow to abstain from the derivative he is permitted the material itself. What is an example? For example, sheepskin. For anything that is generally used to cover oneself but no derivative of it is generally used to cover oneself; if he vowed about it, he is permitted the derivative; if he made a vow to abstain from the derivative he is forbidden the material itself. What is an example? For example, goatskin. And anything that is generally not used to cover oneself but a derivative of it is generally used to cover oneself; if he vowed about it, he intended only the derivative. What is an example? Rebbi Yose ben Rebbi Abun said, for example raw cotton.
36 A similar text in Tosephta 4:3; a longer list in the Babli, 55b.

37 Latin *scortea, sc. vestis.*

38 By consensus of the moderns, from Buxtorf to Lieberman, this is Latin *feminalia, -ium, n.*, which Lewis and Short translate by "bandages for upper thighs". [Compare also *femorale, -is, n.*, "covering for the thigh" (E. G.)] Maimonides (Commentary to *Kelim* 27:6) defines *סמריא as a "muslin headscarf."

39 *fascia, -ae, f." band, bandage, breast band, diadem" (Lewis and Short).


41 Is anything permitted to a person abstaining from garments and clothing? The question, more typical for R. Jeremiah than R. Ze'ira (cf. *Terumot* 10, Note 110, *Ma'aserot* 3, Note 156), is not answered.

42 Usually amended to: If he vowed to abstain from the material. The emendation seems to be a corruption; the text requires an investigation of the vower's intention.

43 Sheepskin can be made into coats but wool is textile material in its own right.

44 Goat's hair is used for doormats but not usually for garments.

45 This is not usable unless freed from wood particles.

46 This text seems to imply that in popular usage, מְנָה was used only for garments, not for loads. In Tosephta (4:4) and Babli (55b), the text is: "If he was carrying wool, was uncomfortable, and said, a מְנָה that wool should be on me, he is forbidden to wear but permitted to carry it. If he was carrying wool and sweating; when he said, a מְנָה that no wool should be on me, he is permitted to wear it but forbidden to carry it on his back." In that version, the meaning of מְנָה has to be determined by the context.
Mishnah 4: One who vows not to use the house is permitted the upper floor, the words of Rebbi Meir; but the Sages say that the upper floor is part of the house. One who vows not to use the upper floor is permitted the house.

Mishnah 5: One who vows not to use the bed is permitted the couch, the words of Rebbi Meir, but the Sages say, a couch is included in the notion of bed. One who vows not to use the couch is permitted the bed.

Halakhah 4: "One who vows not to use the house," etc. The opinion of Rebbi Meir is reasonable for a city dweller. In rabbinic (and also modern) Hebrew, הבית has two different meanings. It may mean "building" in a general sense; but applied to dwellings it usually means "appartment"; in talmudic Hebrew often "ground floor one-room appartment". In most cases in a city, two different families dwell in the "house", the ground floor, and in the upper floor. But a farmer uses the ground floor as a dwelling and the upper floor for storage; for him, "house" and upper floor form a unit. Therefore, practice has to follow R. Meir in a city and the Sages in the countryside.

On the other hand, a mention of the upper floor certainly excludes the ground floor.
Again, "bed" can mean any appliance used to sleep on, or the particular implement called "bed" in the trade. R. Me'ir assumes that the narrow meaning is understood since this is the most frequent use, but the Sages include all lexical meanings of the word.

"One who vows not to use the bed," etc. It was stated: "A dargesh is put upright and is not turned over. Rebbi Simeon ben Eleazar says, he removes its qlwntryn and that is enough." Rebbi Yosa in the name of Rebbi Joshua ben Levi: practice follows Rebbi Simeon ben Eleazar. Rebbi Jacob bar Aha in the name of Rebbi Yose, if a couch has posts which are upright and removed together with it, he takes them off and that is enough.

What is a couch and what is a dargesh? Rebbi Jeremiah said, one that one plaits on its body is a couch and one that one does not plaits on its body is a dargesh. But have we not stated (Kelim 16:1) "Bed and crib after he rubs them with fish skin." If it is plaited on its body, why does he rub? Rebbi Eleazar said, explain it with those Caesarean cribs that have holes.
Both in Berakhot and in Mo'ed Qatan: This has been taken as basis for the translation.

In Berakhot: Both paragraphs are paralleled in the Babli, 56a/b.

In Mo'ed Qatan: Mishna, (fol. 40b)

Mishnah 6: One who vows not to use a town is permitted to enter its domain but forbidden to enter its suburbs. But one who vows not to use a house is forbidden inwards from the doorpost.

The domain of a city is a rectangular area whose boundaries are 2000 cubits (one mile) from the last house in Northern, Southern, Eastern, and Western directions. A town dweller is permitted to walk in this domain on the Sabbath. Cf. Sotah 5:4.

A house is defined as suburban if it is outside the city wall but connected to the wall by a row of houses where no two houses are more than 70 cubits apart. This also implies that the person making the vow may not approach a suburban house closer than 70 cubits.

While a house opening onto a common courtyard has the 4 cubits in front of its door as its proper domain which no other dweller of the courtyard may use to deposit his wares, the maker of the vow is not excluded from stepping on that domain.
Halakhah 6: "One who vows not to use a town," etc. From where that the suburbs of a town are like the town? It is written 56, "it happened when Joshua was in Jericho." How could he have been in Jericho? Is it not written that 57 "Jericho was closed and besieged," and you say so? Rebbi Judan bar Shalom said, he was in a suburb. Rebbi Abun in the name of Rebbi Aḥa: It happened in Jericho 58.

56 Jos. 5:13; this is written before the description of the conquest of Jericho. In the Babli, 56b, the argument is in the name of R. Joḥanan. Since for the Sages, the biblical meaning of a word has precedence over the meaning in the vernacular, one tries to have a biblical reference for the Sages' opinion.

57 Jos. 6:1: "Jericho was closed and besieged because of the Children of Israel; no one left and no one entered."

58 The argument does not prove anything; nobody can be sure that the editor of the book of Joshua follows a chronological order; cf. Sota 8, Note 127.

Rebbi Mana asked, does this not disagree with Rebbi Johanan, since Rebbi Johanan said, in matters of vows they follow the vernacular 59? Is it not the way of a person who sees another one outside the gate to say, I saw him in Tiberias 60?

59 Even the Sages should not be interested in the biblical acceptation of a word if it is a matter of interpretation of a vow.

60 The common acceptation of the word is identical with the biblical.
Mishnah 7: ‘These fruits shall be qōnām for me, a qōnām they shall be for my mouth’, he is forbidden what is exchanged for them or what grows from them. ‘That I shall not eat, that I shall not taste,’ he is permitted what is exchanged for them, or what grows from them if the seed disappears. But if the seed does not disappear, even second generation growth is forbidden.

61 Since he forbade himself any usufuct. 62 Defined in Terumot 9:6 as arum, garlic, and onion.

Halakah 7: ‘These fruits shall be qōnām for me,’ etc. How far? It comes, as Rebbi Jacob bar Idi said in the name of Rebbi Johanan: It is forbidden for three harvests, but the fourth is permitted. Here, it is the same.

63 How far is the growth of replanted garlic and onions forbidden if there is a vow not to eat from them. The reference is to Terumot 9:7, Notes 82-83, referring to growth from garlic and onions forbidden as tevel. The Babli, 57b, refers to a more lenient opinion discussed in Terumot 7:7, Note 121.
Mishnah 8: If one says to his wife, a qônâm shall be anything you work for, a qônâm shall it be for my mouth; he is forbidden what is exchanged for it or what grows from it.

'‘That I shall not eat, that I shall not taste,' he is permitted what is exchanged for them, or what grows from them if the seed disappears. But if the seed does not disappear, even second generation growth is forbidden.

Mishnah 9: ‘What you prepare I would eat until Passover, what you make I would wear until Passover,' if she made before Passover, he may eat or wear after Passover.

Mishnah 10: ‘What you prepare until Passover I would eat, what you make until Passover I would wear,' if she made before Passover, he is forbidden to eat or wear after Passover.

64 If the wife earned money, any usufruct of that money is forbidden to her husband.

65 If the wife planted a tree or grew agricultural produce, fruit and produce are forbidden to her husband.

66 In all the following statements it is understood that the husband said, "it shall be a qônâm if...". The Babli and most independent Mishnah mss. read "I do not" for Yerushalmi "I would"; the meaning is the same.
Halakhah 8: "If one says to his wife," etc. So is the Mishnah: "What you prepare until Passover I shall not eat, what you make until Passover I shall not wear".

Halakhah 9,10: "What you prepare," etc. So is the Mishnah: ‘What you make until Passover I shall wear’.

67 It seems that the text intends to read Mishnah 10 before Mishnah 9 and two Mishnaiot emphasize that word to emphasize the positive statement in order does count.

Mishnah 11: ‘That you provide me with usufruct until Passover if you would go to your father’s house until Tabernacles.' If she went before Passover, she is forbidden to deliver usufruct to him until Passover, after Passover "he should not profane his word."

Mishnah 12: ‘That you provide me with usufruct from you until Tabernacles if you would go to your father’s house until Passover.’ If she
went before Passover, she is forbidden to deliver usufruct to him until Tabernacles; but she is permitted to go after Passover.

68 In the interpretation of the Babli, 15 a/b, the husband after Tabernacles makes a vow of qônâm that his wife cannot have anything from him until Passover (in the spring) if she goes to her father’s house before Tabernacles (next fall). It is obvious that if the wife goes before Passover, she is forbidden until Passover (and she should not have any usufruct from her husband now since maybe she will go afterwards). But if she goes during the six months between Passover and Tabernacles, any usufruct she had before Passover would be retroactively forbidden; therefore, he would transgress the commandment not to profane vows (by formulating his vow in a way which invites violating it) and she could be punished for violating his vow.

While this interpretation seems to fit the language of the Mishnah (and is accepted as obvious by Maimonides in his Commentary), the Yerushalmi in the Halakhah rejects the idea that the wife could be guilty because of the husband’s vow and reads the Mishnah as given in the translation, that the husband forbids himself any usufruct from his wife. Therefore, he cannot have any usufruct now since she later might defy his instructions. There is no reason to think that the text of the Halakhah be corrupt.

69 Num. 30:3.
Halakhah 11: "That you would have usufruct from me until Tabernacles," etc. He is forbidden to have usufruct from her immediately, for maybe she would go after Passover and it would turn out that his having usufruct would be retroactively [forbidden].
Mishnah 1: ‘A qônâm that I shall not taste wine today,’ he is forbidden only until nightfall¹. ‘This week’, he is forbidden the entire week; the Sabbath belongs to the past². ‘This month’, he is forbidden the entire month; the day of the New Moon belongs to the future³. ‘This year’, he is forbidden the entire year; New Year’s Day belongs to the future. ‘This Sabbatical period’, he is forbidden the entire Sabbatical period⁴; the Sabbatical year belongs to the past.

Mishnah 2: But if he said, one day, one week, one month, one year, he is forbidden from day to day⁵.

1 The Tanna will not include the night with the day.
2 If he makes a vow not to drink wine this week, he is forbidden until after the coming Sabbath day since the Sabbath is the end of the week.
3 If he makes a vow not to drink wine this month he is permitted wine the first day of the New Moon.
4 The period of 7 years including the next Sabbatical year.
5 If he vows to abstain from wine for one day, he has to abstain for 24 hours from the moment of the vow. One week is counted as 7 times 24 hours from the moment of the vow, a
Halakhah 1: "A qōnām that I shall not taste wine today," etc. This implies that he is permitted at nightfall. Does this not disagree with Rebbi Johanan, since Rebbi Johanan said, in matters of vows one follows common usage? It is not usual that a man should say to another in the evening, I did not eat until evening. Would he say, yesterday? Refer to the following and it does disagree: It is not usual that a man should say to another in the morning, I did not eat in the evening. Would he say, the same day? Does the following not disagree? This day from this week, or this week from this day? What is the difference between "this day" and "today"? That is, following the opinion that in matters of vows one follows common usage. But here, one follows the opinion that in matters of vows one follows biblical usage. Rebbi Jonah from Bostra said, it is the way of people to say to another, bear with me this day.

6 This seems to be obvious from the Mishnah. But in the Babli, 60a, Rav Jeremiah bar Abba requires that a rabbi give permission to drink wine after nightfall. The statement here has to be read as rejection of that opinion.
7 In the evening, he does not refer to the daylight hours as 'yesterday'. Therefore, he should be forbidden wine until he goes to sleep.

8 This is the same argument in the reverse. A person before sunrise will refer to the evening hours of the same night as "yesterday". Therefore, the evening hours of the preceding day belong to that day in popular conscience.

9 Since everybody agrees that a week consists of 7 times 24 hours, and it consists of 7 days, it should be obvious that a day in vows should be 24 hours and the distinction made between Mishnaiot 1 and 2 seems to have no basis.

10 Which in the story of Creation defines a day by a night followed by daylight.

11 He asks him to work with him during daytime only. There is an acceptance of "day" in the vernacular which refers to daytime only.

For this meaning of the root מיך cf. Baba Batra 2:1 (13b line 31).

12 Mishnah 7: "A qōnām that I shall not taste wine this year,' he is forbidden the year and [an eventual] intercalary month. 'Until the beginning of Adar,' until the beginning of the First Adar. ‘Until the end of Adar,' until the end of the First Adar." The main argument is about the first part of...
the Mishnah.

13 Even in an intercalary year, when the Second Adar is added as the 13th month, "Adar" without a qualifier means only the month of First Adar which is part of every year. [Halakhah 7 and the Babli (63a/b), supported by the Tosephta (4:7), qualify this statement to apply only if the person making the vow did not know that the year would have a second Adar. If he knew, the vow would extend to Second Adar.]

14 Cf. Mishnah Ros Haššanah 1:1. Nisan is biblically counted as the first month and Tishre as the seventh, but in Second Temple practice the year always started in the fall with the first day of Tishre. One does not discuss here the problem of the several calendars of the monarchical period.

Since the Mishnah states that "he is forbidden during the year and its intercalary month", it seems that the year must be counted from Nisan since, if it were counted from Tishre, the intercalary month would be in the middle of the year and it should be obvious that the person imposes a continuous prohibition on himself.

15 If a person said, I shall not drink wine for a year, it would imply a prohibition for 12 months. But since he said, this year, the prohibition lasts either 12 or 13 months, as the case may be. The statement of the intercalary month is made to underline the difference between "a year" of twelve months and "this year" of possibly 13 months. If somebody says on New Year's Day of an intercalary year that he will not drink wine for a year, he will in effect be permitted to drink wine on the first of the coming Ellul. But for this year, he has to observe the additional intercalary month without compensation.

16 To the same time on the next day (or day of the next week, next month, next year). It then is stated that a baraita parallels the Mishnah, explicitly mentioning "from hour to hour."
On the Sabbath, a person is forbidden to fast until the sixth hour. Rebbi Yose said, a Mishnah states this: "If they fasted when it started to rain, before noon they should not finish," because until then it is morning; "after noon they should finish," since most of the day already was spent in holiness.

17 This text is from *Ta'aniot* 3:13.
18 Since it says (Is. 58:13): "You shall call the Sabbath a delight", one is forbidden to fast on the Sabbath (except if the Sabbath is preempted by the Day of Atonement). As R. Yose states, the Mishnah in *Ta'aniot* (3:13) states that a person who fasted for more than half the day is required to fast the entire day. The day between sunrise and sunset is divided into 12 equal hours with noon being the end of the sixth hour (disregarding the equation of time). At the equinox, these hours are the constant hours, 1/24th of a day. Since a person fasting until noon then would have to fast the entire day, he may not fast until noon on the Sabbath.
19 *Ta'aniot* 3:13, speaking of a fast day proclaimed in a year of draught, position of R. Eliezer. (The anonymous majority requires a full day of a fast for rain if the rain started to fall during daytime.)
The words of Rebbi Johanan imply that one may fast for hours, for Rebbi Johanan said, I shall fast until I finish studying this chapter, until I finish studying this text. The words of Rebbi Jonah imply that one may fast for hours, for Rebbi Jonah was in Tyre when he heard that Rebbi Yose’s son had died. Even though he had eaten cheese and drunk water, he finished that day fasting. The words of Rav imply that one may fast for hours, for Rav said, one may borrow his fast day and pay back.

Samuel said to him, is that a vow? If he had vowed to fast but forgot and ate the volume of an olive, he lost his fast day. Rebbi Abba in the name of the rabbis there: That is, if he said simply "a day". But if he said "this day", he has to continue fasting until the end. He spoke only of eating; that excludes tasting. Rebbi Abba Hasida in the name of Rebbi Ze’ira: Tasting does not create obligations of benediction, robbery, nor of demay, nor of the interruption of a fast day.

In both Talmudim, not eating is counted as a private fast only if the person fasting undertook the fast by a vow or its equivalent. From the example of R. Johanan it follows that the Yerushalmi accepts as valid a vow to fast a certain time, even if the person did eat before and will eat after the fast during daylight. It is possible that R. Jonah held that a fast can be vowed in the middle of the day, on condition that one abstain from food for the remainder of the day. The Babli (Ta’anit 11b/12a) seems to accept only fasts that cover the entire daylight hours of a day. The only "fast by hours" accepted in the Babli is one where a person did not eat breakfast and in the middle of the day decides to vow to spend the remainder of the day fasting (cf. Maimonides Ta’aniot 1:13 and its commentaries.)
21 In the Babli, Ta'anit 12b, this refers only to fasting full days, that one may transfer the obligation of a private fast to another date.

22 It depends on the terms of the vow. If "a day" of fast was vowed, Samuel will agree with Rav. If "this day" was vowed and the person can no longer stand his hunger, Samuel will send him to a rabbi to dissolve the vow. In the Babli, Ta'anit 12b, Samuel agrees with Rav in the case the person fasting can no longer stand his hunger. [The Babli, (Ta'anit 12b, Sabbat 11a), disallows the statement of Rav in case of a fast to avert the consequences of a bad dream.]

23 In Babylonia.

24 Consuming less than the volume of an average olive is not called "eating".

25 There is no obligation of a benediction for tasting a small amount; cf. Berakhot 6:1, Note 5. A shortened version of the statement is a baraita in the Babli, Berakhot 14a.

26 In the Babli, Ta'anit 12b, Samuel agrees with Rav in the case the person fasting can no longer stand his hunger. [The Babli, (Ta'anit 12b, Sabbat 11a), disallows the statement of Rav in case of a fast to avert the consequences of a bad dream.]
A private person who committed himself for a fast day, eats and drinks after nightfall. But if he said a public fast day, he eats and drinks only during daytime. If he made a vow to fast and it turned out to fall on Sabbath days or holidays, he is whipped but does not need permission from a Sage. If he made a vow to fast and it turned out to fall on days written in the Scroll of Fasts, Rebbi Hizqia and Rebbi Yudan in the name of Rebbi Hyya bar Abba: One said, he fasts but does not finish, but the other one said, he is whipped but does not need permission from a Sage. That is, you say that before the scroll of fasts was abolished. But when the Scroll of Fasts was abolished, all this was abolished. Rebbi Hanania and Rebbi Johanan both say that the Scroll of Fasts was abolished. Rebbi Joshua ben Levi said, the Scroll of Fasts was abolished. Rebbi Johanan said, yesterday I was sitting and stating: "It happened that they decreed a fast day at Lod during Hanukka. Rebbi Eliezer went and had a haircut, Rebbi Joshua went and took a hot bath. Rebbi Joshua said to them, go and fast for what you fasted." And you say, the Scroll of Fasts was abolished? Rebbi Abba said, even though you say that the Scroll of Fasts was abolished, Hanukka and Purim were not abolished. The acts of the rabbis imply that the Scroll of Fasts was abolished: Rebbi Jonathan fasted on the day before New Year's Day. Rebbi Abin fasted on the day before Tabernacles. Rebbi Ze'ira fasted 300 fast days, and some say 900 fast days and did not care about the Scroll of Fasts. Rebbi Jacob bar Aha told the scribes: If a woman comes to ask you, tell her that one may fast any day except Sabbaths, holidays, New Moons, the intermediary days of holidays, Hanukka, and Purim.
28 By making the vow on the day before (commonly after the afternoon prayer). A common fast is only during daytime.

29 Following the rules of the Day of Atonement which runs from evening to evening (Lev. 23:32).

30 And indicated the dates of the days he wanted to fast.

31 Since festive meals are required on the Sabbath or any holiday of pilgrimage by biblical law, it is sinful to make a vow to break a biblical law (which subjects the vower to punishment) even though the vow is invalid (and does not need invalidation by a rabbi).

32 The collection of beraitot describing the days on which in pharisaic practice fasts are forbidden. These include the days before and after holidays, Hanukka (a popular holiday having no biblical source since the books of Maccabees are disavowed in Jewish tradition), Purim (a biblical holiday based on the book of Esther which has no status of holiness), and a great number of days recording the ascent of the pharisaic sect to dominance in Jewish public life, in particular Temple practice. These later dates would have lost their significance with the destruction of the Temple. The last event mentioned in the Scroll of Fasts is the revocation of Hadrian's decrees by Antoninus Pius. This shows that the Scroll of Fasts is tannaitic; its abolition was an amoraitic problem.

33 Probably a scribal error for "R. Ḥanina".

34 In the Babli, Roš Haššanah 18b, R. Ḥanina holds that the Scroll of Fasts was abolished, R. Johanan that it was not abolished (since usually Rabbis Ḥanina and Johanan are opposed to one another).

35 The Babli agrees, Roš Haššanah 19b.

Mishnah 3: 'Until Passover', he is forbidden until it comes, 'until it be', he is forbidden until it is passed. 'Until before Passover', Rebbi Meir says, until it comes, Rebbi Yose says, until it passed.
"A qônâm that I shall not... until Passover."

This follows the vernacular since in popular language "Passover" means "the holiday of unleavened bread" (Nisan 15-21), whereas in biblical language "Passover" is the day of slaughter of the Passover sacrifice (Nisan 14).

The Halakhah explains that this refers to biblical language; the difference between the two opinions is whether the prohibition ends at nightfall of Nisan 13 or 14.

Halakhah 3: "'Until Passover', he is forbidden," etc. 

Rebbi Jeremiah asked before Rebbi Ze'ira: The opinion of Rebbi Yose seems to be inverted. There, he says "until all the elder possibilities are exhausted, until all the younger possibilities are exhausted," and here, he says so? He said to him: Since Ben Azai and Ben Zoma died, the perseverers disappeared; no perseverer was there until Jeremiah appeared. Rebbi Abba, son of Rebbi Hiyya bar Abba, said, why does he needle him? Did not Rebbi Eleazar already ask before Rebbi Johanan, the opinion of Rebbi Yose seems to be inverted? He said to him, it is not inverted, the Mishnah is inverted, for in the House of Rebbi they stated: "'Until before
Passover', Rebbi Me'ir says, until it passed, Rebbi Yose says, until it comes." We ask "until before", and you say so⁴⁴? He said to him, this is a Nabatean expression, "much⁴⁵ before Passover". Rebbi Abin said, everybody agrees that he is permitted on Passover⁴⁶. Where do they disagree? The day before Passover. One of them says, until it comes, the other until it passed.

39 A slightly longer parallel to this paragraph is in Qiddusin 3:11. It is difficult to decide which version is original.

40 Qiddusin Mishnah 3:9-10. A father, who has the right to marry off his underage daughter without asking her consent, has two sets of daughters from two wives. He marries off an older daughter (whom the bridegroom has not yet seen) but does not remember which one. Rebbi Me'ir says, all his daughters are forbidden to marry except the youngest of the younger group, since any other daughter either is married and forbidden to every man except the one with whom the father contracted, or she is the sister of the married one and forbidden to the man with whom the father contracted. Rebbi Yose holds that all are permitted to other men except the oldest of the older group, who is married to the chosen groom. Similarly, if he married off the younger one, R. Meïr forbids all but the oldest of the older group while R. Joshua declares the youngest of the younger group to be married. It follows that R. Meir interprets common language to mean the largest possible set whereas R. Yose holds that people always speak as definitely as possible. Therefore, in the Mishnah here, R. Yose should exclude the day of Passover and R. Meïr should include it.

41 Cf. Sota 9, Note 271.

42 Cf. Berakhot 2:3, Note 96.

43 The same in the Babli, 61b, in the name of Rav.

44 Who could ever think that "until before" could mean "until after"?

44 Cf. Arabic جم "equal, similar, large quantity"; عدد "number, quantity". ٦٥ does not mean "until" here but is simply added for emphasis.

45 I. e., the festival of unleavened bread; cf. Note 39.
Mishnah 4: ‘Until the grain harvest, the grape harvest, the olive harvest’, he is forbidden only until their time arrives. That is the principle: Everything that has a fixed time\textsuperscript{46}, if he said ‘until it arrives’, he is forbidden until it arrives; if he said ‘until it shall be’, he is forbidden until it passed. But everythng that does not have a fixed time\textsuperscript{47}, whether he said ‘until it arrives’ or ‘until it shall be’, he is forbidden only until it arrives.

\textsuperscript{46} Holidays which are fixed in the calendar.
\textsuperscript{47} Harvests which depend on the weather.

Halakhah 4: If one fixed the time for his son’s wedding and said, a \textit{qōnām} that I shall not taste wine until the wedding\textsuperscript{48}, is that as if the time was fixed? Or, since he could move the time to a later date, is it as if the time was not fixed\textsuperscript{49}?

\textsuperscript{48} The problem really would be if he said "until the wedding takes place".\textsuperscript{49} The question is not answered.

In the opinion of R. Nissim Gerondi (Babli 61b), this means an automatic restriction; if he said "until the wedding takes place”, he is forbidden to drink wine at the wedding.
Mishnah 5: ‘Until the fig harvest, until there be fig harvest’, until people start to bring in baskets. ‘Until the fig harvest is over’, until people fold their knives. ‘Until the grain harvest’, until people start to cut wheat but not barley; everything follows the place of the vow, if made on the hills, on the hills, if made in the plain, in the plain.

50 This is the conclusion of the Halakhah. Biblically, הקされ, from וק "to cut", is the harvest of any fruit ripening in the summer which is cut from the tree by a knife (and also means "summer").

51 Which is harvested in early spring.

Halakhah 5: ‘Until the fig harvest, until there be fig harvest’, etc. "baskets"). Baskets of figs or baskets of raisins? Let us hear from this: "Until they fold the knives". You have to say, knives for figs, not knives for raisins. Let us hear from the following: A load of raisins came up to Tiberias. Gamliel the twin asked Rebbi Abba bar Zavda. He said to him: All of the Land of Israel does not produce a load of raisins. But so

he said to him: No single place in the land of Israel produces a load of raisins.
52 This is the spelling in the Babylonian Mishnah and most independent Mishnah mss. קספל "to fold", nesh "to double up".

53 Raisins are transported in baskets in contrast to grapes which are harvested into vats, so as not to lose the juice flowing from injured grape berries. (Cf. Babli 61a).

54 Raisins do not need knives.

55 This text is from Demay 2:1, Notes 105-107.

56 In the text of Demay, there follows a rhetorical question: Does the entire Land of Israel not produce a load of raisins?

57 Therefore, the Mishnah must speak of the fig harvest.

58 Ruth 2:23. It is clear from the narrative that there was one continuous harvest activity, the wheat harvest following the barley harvest immediately. Therefore, the Mishnah seems unjustified in denying that "harvest" cannot refer to barley harvest.

59 Bethlehem.

58 "Until the grain harvest". It is written, "until the end of the barley harvest and the wheat harvest". That verse speaks of the South, the Mishnah of Galilee.

59 If he made a vow "until the fig harvest" in Galilee and descended into the valleys. Even though the fig harvest did start in the valleys, he is forbidden until it starts in Galilee.

60 Tosephta 4:7, Babli (as tanna'itic statement) 63a.
Mishnah 6: ‘Until the rains, until there be rain,’ until the second rainy spell\(^{61}\); Rabban Simeon ben Gamliel said, until the time of the second rainy spell. ‘Until the rains stop,’ until the end of the Month of Nisan, the words of Rebbi Mei’ir; Rebbi Jehudah says, until after Passover\(^{62}\).

61 A similar statement in Mishnah \(\text{Sevi’it}\) 9:7, Note 93. A rainy spell is called \(\text{בך יברך}\) "fertilizing" if the total amount of water is one handbreadth for R. Jehudah, 3 for R. Meir. The time of the expected second rainy spell is given in \(\text{Ta’aniot}\ 1:3\) (64a, l. 64), Tosephta \(\text{Ta’aniot}\ 1:3\), Babli \(\text{Nedarim}\ 63a\), as \(\text{Marhe\'wan}\ 7\) for R. Mei’ir, 17 for R. Jehudah, 3 for R. Yose.

62 The evening after Nisan 21.

Halakhah 6: "'Until the rains,'" etc. Rebbi Ze’ira asked: If one said 'until the rain', is he forbidden until another rainfall came down\(^{63}\)? There\(^{64}\), we have stated: "One who said, I take upon me [the obligation to bring] wood\(^{65}\), should not bring less that two cut logs\(^{66}\." Rebbi Yose the important said that Rebbi Abba bar Mamal asked, if he said, I take upon me [the obligation to bring] to bring wood\(^{67}\), does he bring one cut log? Rebbi Eleazzer said, a Mishnah explains that each one is a separate sacrifice, as we have stated there\(^{68}\): "Two in whose hands are two cut logs." In order to increase the number of logs\(^{69}\).
63 In the Babli, 62b, R. Ze'ira is quoted to declare that the singular implies that one fertilizing rain only is meant.

64 Mishnah Seqalim 6:6, Menahot 106b.

65 A plural.

66 For the altar in the Temple. The logs used for the altar had to be prepared so that all branches were cut off and all worms taken out. This is the emphasis on cut logs.

67 Singular.

68 Mishnah Yoma 2:5. While for the daily morning sacrifice only one Cohen brought wood to the altar, for the evening sacrifice there were two. R. Eleazar read the Mishnah to imply that each Cohen took only one log to the altar. This would imply that a single log is an acceptable gift to the altar.

69 There were four logs brought to the altar, two by each Cohen. This certainly implies that a person vowing "a log" has in fact to bring two, and probably that the person who vows not to taste something until the rains, is forbidden until the second batch of rain showers. (The Babli seems to disagree, 63a).

It was stated: "Rebbi Yose said, anything depending on the fertilizing rain, until the second fertilizing rain comes. And anything not depending on the fertilizing rain, until the time of the second fertilizing rain. It was stated: Rabban Simeon ben Gamliel says, if rain came down for seven days without interruption, that includes the second fertilizing rain. Why is it called fertilizing? Because it fertilizes the land.

70 Tosephta Ta'anit 1:4 (in the Erfurt ms.) The statements are switched in the Vienna ms. and editio princeps. The paragraph is from Sevi'it 9:7, Notes 98-101.

71 The vow mentions הָרְבּ֥יבּ הָרְבּיָ֥הוּ the fertilizing aspect.

72 The vow mentions simply כְּלַ֥דָּרְבּ שֶׁ֣חַטְלֵי בַּרְבּיָ֥הוּ בַּעֲשָׂ֣רְבּ רְפִּֽיאָה.
"rain".

That is enough for two

Mishnah 7: ‘A qônâm that I shall not taste wine this year’, if the year became intercalary he is forbidden it and its intercalary month. ‘Until the start of Adar’, until the first of First Adar; ‘until the end of Adar’, until the end of First Adar.

Mishnah 8: Rebbi Jehudah says, if one said ‘a qônâm that I shall not taste wine until Passover has come’, he is forbidden only until the night of Passover since he intended only until the time everybody drinks wine.

Mishnah 9: If one said, “a qônâm that I shall not taste meat until the fast,” he is forbidden only until the evening before the fast since he intended only until the time everybody eats meat.

Mishnah 10: His son Rebbi Yose said, if one said ‘a qônâm that I shall not taste garlic until the Sabbath,’ he is forbidden only until Friday evening, since he intended only until the time everybody eats garlic.
While the essence of a festival of pilgrimage is the holiday sacrifice which is possible only during daylight hours, the holiday starts in the evening and today "Passover" means the holiday starting with sunset on Nisan 14. Cf. Note 37 and the author's *The Scholar's Haggadah* (Northvale NJ 1995), pp. 185-191.

"Fast" without qualification always refers to the Day of Atonement, from the evening of Tishre 9 to the evening of Tishre 10. Since he is obligated to eat in the later hours of the afternoon of Tishre 9 to prepare for the fast, he intended the vow to terminate then.

"A qōnām wine," etc. Rebbi Meir follows his opinion and Rebbi Jehudah follows his opinion, as we have stated there: "Until when does one pray for rain? Rebbi Jehudah says, until after Passover; Rebbi Meir says until the end of the Month of Nisan."

Does this imply that Nisan is the beginning of the year as far as vows are concerned? Tishre is is the beginning of the year as far as vows are concerned. That you should not say, the beginning of Adar should compensate for Ellul and he would be permitted in Ellul; therefore, it was necessary to say that "he is forbidden it and its intercalary [month]."
This is from Halakhah 1 and refers to Mishnah 7.

Rebbi Abin in the name of Rebbi Hila: That is only if he vowed before they intercalated. But if they intercalated and then he vowed, that is not so. Is it no different for rent of houses? If one said, the First Adar, and the other one says, the Second Adar, they should split the intercalary month. Come and see, for vows you have no problem but for money matters you have a problem? Rebbi Hila said, that is, if they intercalated and after that he leased. But if he leased and after that they intercalated, that is not so. And in matters of documents one writes First Adar, Second Adar, only that for Second Adar one writes ת"א. Rebbi Jehudah says, for Second Adar one writes ת"א and that is enough.

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80 If he knew that there would be a Second Adar and he vowed until the end of Adar, that means the end of the Second Adar. The Babli, 63a/b, differentiates between whether the vower knew that the year would have an intercalary month or whether he did not know (in the absence of a published calendar).

81 If the house was let for a year.

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82 The parties come before the court in matters of a lease that was not supported by a written contract. The owner claims to have leased the house for 12 months, the renter claims it was for a year. Monetary disputes which cannot be decided because there are no
documents are resolved by splitting the difference, Mishnah *Baba Mesi'a* 1:1.

83 The standard lease contract for rental property is one year. In the absence of proof to the contrary, one follows the standard contract.

84 The Aramaic version; the Babli agrees in the name of R. Jehudah (63a).

According to R. Jehudah, a mention of אדר is documentary proof of a reference to Second Adar. The latter statement is missing in the Babli.

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Mishnah 11: If one says to his friend: *qônâm* that I shall not have any usufruct from you if you do not come and take for your children a *kor*\(^{85}\) of wheat and two amphoras of wine, he\(^{86}\) can undo his vow without referring to a Sage by saying, you did that only to honor me, that is my honor. Similarly, if one says to his friend: *qônâm* that you shall not have any usufruct from me if you do not come and give to my child a *kor* of wheat and two amphoras of wine. Rebbi Meîr says, he is forbidden until he gives, but the Sages say, this one also can undo his\(^{87}\) vow without referring to a Sage by saying, it is as if I received it.

85 A volume of 30 *se'ah*, equal to Ezechiel's *bat*; 384 liter.

86 The recipient can declare that it is as if he had received the amount stipulated and by this free the vower from his vow.

87 In this case it is his own vow.
Halakhah 11: Rebbi Ḥiyya in the name of Rebbi Johanan: The first case also is in dispute. Rebbi Ze'ira said, they disagree when it was undetermined. Where do we hold? If each one of them said, because of my honor, everybody agrees that he is forbidden. If one of them said, because of my honor, and the other said, I said it in your honor, everybody agrees he is permitted. But we hold if it is undetermined. Rebbi says, undetermined is as if [every] one said, because of my honor. But the Sages say, undetermined is as if one said, because of my honor, and the other said, I said it in your honor.

88 R. Meir disagrees also in the first case and requires the vow to be fulfilled.
89 Most of this text is from Halakhah 3:3, Notes 94-95.
90 They cannot agree on the essence of the vow; each one insists it is made in his own honor. In that case, what either one of them says is irrelevant for the other.
91 This is the first case of the Mishnah, and R. Meir will agree that there is no vow.
92 The maker of the vow does not indicate whether he agrees or disagrees with the interpretation of the vow by his friend. Then R. Meir will hold that what the other party says has no influence on the vower.
Rebbi Yasa asked before Rebbi Johanan: Is our Mishnah from Rabban Simeon ben Gamliel, since Rabban Simeon ben Gamliel says, any obstacle that is not from her side does not invalidate the bill of divorce? He said to him, here it is different because of opening the vow. Rebbi Yose said, but do we not deal with vows which do not need dissolution by a Sage? Rebbi Jonah said, we deal not only with one who made his vow dependent on something. So far it is if he wants to give him something. But in the case that he does not want to give to him, he can say, I wanted only to examine you; but since I saw that it gives you pain, it is as if I had received.

93 Mishnah Gittin 7:6. A man gives his wife (who desires a divorce) a bill of divorce under the condition that she nurse his child for two years or that she serve his father for two years. If the child dies in the meantime or his father refuses to be served by her while she did nothing to make him angry, the anonymous majority holds that the condition was not satisfied and the bill of divorce invalid. But Rabban Simeon ben Gamliel holds that if she fulfilled the condition to the best of her ability, the divorce is valid. R. Yasa wanted to say, that Rabban Simeon ben Gamliel also will hold that a vow can be considered fulfilled if the second party refuses to accept the service.

94 The Mishnah starts the topic of the next Chapter, the conditions under which a vow can be invalidated. The main condition is that one find "an opening of remorse", that a person would not have made the vow had he considered certain implications of it. These considerations are irrelevant for bills of divorce.

95 The topic discussed here is not that of the next Chapter.

96 This goes back to the previous paragraph. One can extend the
argument given for the first case of the Mishnah to that of the second case and support the argument of R. Ze'ira that R. Meir and the Sages both hold that the two cases are parallel.

97 The second case of the Mishnah, since the person from whom the other vowed usufruct is providing the argument that the intention of the vow has been fulfilled. A different interpretation is in the Babli, 24a.

Mishnah 12: If they were importuning him to marry his sister’s daughter and he said, a qônâm if she ever has any usufruct from me, and similarly, a man who was about to divorce his wife and said, a qônâm if my wife ever has any usufruct from me, they may have usufruct from him since he intended only about matters of marriage.

98 His family.
99 Which is considered a good deed; Babli Yebamot 62b/63a, Sanhedrin 76b, based on Is. 58:7.
100 The man who is about to divorce his wife cannot deprive her of the payments due to her as consequence of the divorce. He only forbade to himself any future sexual relations with his wife, implying that he could not remarry her after divorce.

Halakhah 12: "If they were importuning him to marry his sister’s daughter," etc. Rebbi Yose said, this is Rebbi Jehudah’s, since Rebbi
Jehudah said, "everything refers to the vow." "And similarly, a man who was about to divorce his wife." Rebbi Yose said, this is Rebbi Jehudah's, since Rebbi Jehudah said, "everything refers to the vow."

101 Mishnah 7:3. The state of mind of the vower decides the meaning of his vow.

Halakhah 13: "If somebody was importuning his neighbor that he should eat at his place," etc. Rebbi Yose said, this implies that if one brings his neighbor to swear that he will not eat, this one may eat of that neighbor.

102 He may eat at his place after the dinner to which he was invited had passed without his participation. The interpretation is that of S. Lieberman (Tosefta kiFshutah Nedarim p. 464) who follows R. Simḥa of Dwinsk in reading עֲהֵב because of the well-documented collapse of gutturals in Galilean speech. The restriction of the vow to the one intended formal...
dinner is also explicit in the Tosephta (Hilkhot Nedarim 8:10). The Babli (4:8-9) (even though the scenario there is slightly different) and in Maimonides does not discuss the Mishnah.
Mishnah 1: Rebbi Eliezer says, one opens\(^1\) for a man by the honor of his father and mother, but the Sages forbid it. Rebbi Sadoq said, before one opens by the honor of his father and mother one should open by the honor of the Omnipresent\(^2\); then there are no vows\(^3\). The Sages agree with Rebbi Eliezer that if was a matter between a man and his father and mother\(^4\), that one opens for him by the honor of his father and mother.

1 If a person comes to a Sage to ask about a vow, the Sage may find him "an opening of remorse" by telling him that his parents must be ashamed that their son is one of the wicked who make vows (cf. Chapter 1, Note 9).

2 Who in general does not approve of vows.

3 If the Sage said, did you really want to make a vow to be called a sinner before God, everybody would say No, and every vow would be dissolved.

4 For example, if the son forbade all usufruct from his property to his parents (Mat. 15:5), it is appropriate for the Sage to point out to the son that he sins against the commandment to honor father and mother.
Halakhah 1: "Rebbi Eliezer says, one opens for a man," etc. The rabbis say, a man resists the honor of his father and mother. Rebbi Eliezer says, sometimes he resists, sometimes he does not resist. Rebbi Eliezer agrees that after their death he does not resist. Everybody agrees that nobody resists the honor of his teacher, as we stated: "And the fear of your teacher shall be like the fear of Heaven."

5 It seems to be confirmed by the third sentence that one has to read "a man does not resist the honor of his parents." This means that if the vower is told that his vow infringes on his duty to honor his parents, he immediately will agree to rescind the vow even though he has no remorse for making the vow. Then the annulment of the vow would be illegal.

6 Then it is not sure that the avowed remorse is faked.

7 The Sage certainly cannot invoke the memory of his parents or that of his teacher.

8 Mishnah Abot 4:15.

"Then there are no vows." Let there be no vows! But is it not written: "Moses spoke to the heads of the tribes." He hung the chapter on the heads of the tribes, that they could dissolve their vows. If you say so, it turns out that you uproot the chapter of vows from the Torah.

9 Num. 30:2, the start of the chapter on vows.

10 Chapter 3:1, Note 6.

11 That there should be no vows.
Rebbi Jeremiah asked: Since you say, one opens for him by the honor of his father and mother; in things between him and the Omnipresent, one does not open for him by the honor of the Omnipresent. But since in matters between him and his father and mother one opens for him by the honor of his father and mother; similarly, in things between him and the Omnipresent should one not open for him by the honor of the Omnipresent? What is the honor of the Omnipresent? For example, that I shall not make a tabernacle, that I shall not take a lulab, that I shall not put on phylacteries. One understands that he does it for his own benefit. As in the following: "If you are just, what are you giving Him?" "If you sinned, what would you do to Him?" Rebbi Yannai said, one who listens to his urges is as if he worshipped idols. What is the reason? "In yourself there shall be no alien force; do not bow down to a foreign god."
Rebbi Simeon ben Laqish provided an opening: If you had known that one who makes a vow is as if he put a neck-iron on his neck, would you have made the vow? It is as if a gang of prisoners was passing by, he saw that there was one unused neck-iron and put his head into it! "To bind a prohibition onto himself", as you say, "he was bound with chains."

Rebbi Jonathan provided an opening: If you had known that one who makes a vow is like one who builds an idolatrous altar and one who continues in it is like one who sacrifices there, would you have made the vow? That is difficult to understand. Idolatry is a capital crime but vows are a simple prohibition; how can you say that? You have only what Rebbi Yannai said, one who listens to his urges is as if he worshipped idols.

Rebbi Isaac provided an opening: If you had known that one who makes a vow is like one who takes a sword and sticks it in his heart, would you have made the vow? "Some talk bluntly like sword
piercings.24" Rebbi Hanina from Sephoris in the name of Rebbi Phineas: It does not say "piercing" but "sword piercings". For example, one who made a vow not to eat a loaf. Woe if he eats, woe if he does not eat. If he eats he transgresses his vow. If he does not eat he sins against himself25. What can he do? He goes to a Sage who will dissolve his vow, "but the speech of Sages is healing24.

Rebbi Eudaimon in the name of Rebbi Isaac: Is it not enough what the Torah forbade you that you want to forbid other things for yourself? "To forbid a prohibition21".

20 Reading with Jastrow and Krauss for for Latin custodia "watch, guard; gang of prisoners".
21 Num. 30:3. 25 Since a person who mortifies himself is called a sinner, Sifry Num.

Rebbi Johanan provided an opening by having second thoughts: "If it were not for that, would he have come26?" Are second thoughts not something new27? Rebbi Hila said, second thoughts are a common occurrence28. In this kind, Rebbi Simeon29 did not find an opening for his
own vow until one of the Galilean Elders came; some say, that one was Rebbi Simeon ben Eleazar\(^\text{30}\). He took him from here and put him there; he took him from here and put him there, until finally he put him into the sun and told him to check his garments for fleas. They said to him, if you had known that this old man would treat you in such a way, would you have made the vow? He said, No. He permitted him. They asked, from where do you have this? He said to them, I was Meir’s servant both times when he fled\(^\text{31}\), but some say, Rebbi Meir’s walking stick was in my hand and it teaches me knowledge.

26 R. Johanan took the fact that a person came to him to ask about a vow as proof of repentance and dissolved the vow without further inquiry.

27 In Mishnah 2, the Sages forbid to take future changes into consideration.

28 They are built into the original vow.

29 In the Babli, 22b, R. Simeon ben Rebbi.

30 One of the students of R. Meir.

31 Most commentators want to read "the second time" instead of "twice" since the first time he had to flee was when he received ordination after the Bar Kokhba war when giving or receiving ordination was an act of rebellion against the Roman government and a capital crime. The reason for his second exile is not known; it is known that he died in Asia Minor (\textit{Kilaim} 9:4, Note 128). If he left Galilee because Rabban Simeon ben Gamliel had excluded him from the Academy it was not "fleeing". It is unlikely that (1) R. Meir had a student with him when he fled the first time, and (2) that the same student would have been with him both in his youth and in his old age.
Rebbi Jeremiah had his vow dissolved but kept it. Whether it was because he did not trust him who dissolved it\(^\text{32}\), we do not know. Whether it was because one has urges only for things forbidden to oneself\(^\text{33}\), we do not know. When Rebbi Jeremiah was not in the mood to judge, he said, my eyes are weak. "Following their pronouncements shall be all quarrels and all disfiguration\(^\text{34}\)." This compares quarrels to disfigurations\(^\text{35}\). Since disfigurations are "for all the Cohen sees\(^\text{36}\)" so also quarrels are "for all the Cohen sees".

32 He was worried that the opening which another rabbi found for him was really invalid and that the other invalidated the vow only to please the head of the Academy.

34 Deut. 21:5.

35 Different detailed discussions of this comparison are in the Babli, Sanhedrin 34b, and Sifry Deut. 208.

36 Lev. 13:12.

37 Rebbi Mana made a vow away from his father's wine\(^\text{37}\). His father came to him and said to him, would you have made that vow if you had known that I am hurt by it? He said, no. He dissolved for him. Where do we hold? If he said, my benefit [is forbidden] to my father; is that not what Rebbi Jacob bar Aha, Rebbi Samuel bar Nahman said in the name of Rebbi Jonathan: One forces the son to support his father\(^\text{38}\). But we must
hold that he said, my father's benefit [is forbidden] to me. Rebbi Mana made a vow and came to Rebbi Shammai, who said to him, would you have made that vow if you had known that people do not want to deal with you since you are a vower? He said, no, and he dissolved for him.

37 Not to have any benefit from his father's wine. It seems that R. Mana here is R. Mana II, the colleague of R. Shammai. He was the son of R. Jonah; one has to wonder why the father appears without his name.

38 This parallels Mishnah 12; a person cannot get rid of monetary obligations by making a vow. But even if R. Mana had forbidden his own wine on R. Jonah (which seems to be excluded by the formulation of the vow), the head of the Academy certainly could buy his own wine without taking from charity and forcing the overseers of charity to have regress on his son.

Mishnah 2: In addition, Rebbi Eliezer said, one finds an opening in changed circumstances, but the Sages forbid it. How is this? If he said, a qônâm that I shall not benefit from Mr. X, who then becomes a public scribe or who marries off his son to one of [the vower's] relatives, and he said, if I had known that he will become a public scribe or marry off his son to a relative, I would not have vowed; or if he said, a qônâm that I
shall not enter this house and it was turned into a synagogue and he said, if I had known that it would become a synagogue, I would not have vowed; Rebbi Eliezer permits but the Sages prohibit\(^{41}\).

39 Or any public official whose services he might need.

40 And he wants to go to the wedding feast which, according to the custom of the times, was paid for by the groom's family.

41 Since it could not have been in the vower's mind at the moment he made the vow.

Halakham 2: "In addition, Rebbi Eliezer said, one finds an opening in changed circumstances," etc. Rebbi Simon in the name of Rebbi Joshua ben Levi\(^{42}\): Rebbi Eliezer learned from Moses, to whom the Holy One, praise to Him, provided an opening by changed circumstances. The Holy One, praise to Him, said to him: If you had known that "all the men who want to kill you have died," would you have vowed\(^{43}\)? But did they really die? Were they not Dathan and Abiram\(^{44}\)? Only, they became poor\(^{45}\).

\(^{41}\) The form יראת is qal if derived from אל and hiph'il if derived from והיה, which should require a nota accusativi before "Moses."} Since Moses swore in Midyan that he would stay there when he thought that he never

\(^{42}\) In the Babli, 64b, Rav Hisda

\(^{43}\) The background is in Tanhuma Šemot 12, Tanhuma Buber Šemot 11, on Ex. 2:21, quoted in the Babli 65a: "Moses swore that he would dwell with the man" deriving from אל אתה יראת" to swear", not from אל אתה יראת "to agree, to decide". [The problem naturally is that
could return to Egypt, he had to return there to have his vow dissolved.

44 The identification of "the evil one" in Ex. 2:13 is in the Babli, 64b, and Tanhuma Semot 10; identifying all anonymous evildoers in Ex. and Num. with Dathan and Abiram who were called "evil ones" by Moses (Num. 16:26).

45 Therefore, nobody in government would listen to their calumnies. In the Babli, this is attributed to R. Simeon ben Laqish.

Rebbi Jeremiah said, what you say is only that there are changed circumstances before the matter is discussed. The force of Rebbi Yose is from the following: "That was the error of Naḥum the Mede." What was his error? That he found them an opening by changed circumstances. "Naḥum the Mede said to them: ‘Would you have made a vow to become nezirim if you had known that the Temple would be destroyed at some future time?’" Rebbi Ze’ira said, the following he should have said to them: Did you not know that the earlier prophets had prophesied while the Temple was standing that eventually it would be destroyed? Then there are no changed circumstances. Rebbi Hila said, still it is changed circumstances. They could have said to him, we knew it, but it seemed to us that this referred to the far future: "The vision he sees is for many..."
years; for faraway times he prophesies." It turns out that Rebbi Jeremiah parallels Rebbi Ze‘ira and Rebbi Yose parallels Rebbi Hila.

46 It always is possible by discussing the matter to find an aspect of changed circumstances which has not changed from the time the vow was made.

47 It is not stated what R. Yose (the Amora’s) position is but the last sentence of the paragraph implies that R. Yose opposes R. Jeremiah.

48 Mishnah 5:4. When a group of nezirim came from Babylonia to Palestine shortly after the destruction of the Temple, he asked them whether they would have vowed to be nezirim had they known that the Temple would be destroyed and they would permanently be forbidden wine and grapes and contact with corpses since the termination of the state of nazir depends on the Temple ceremony; cf. Num. 6:20.

49 Ez. 12:27.

(As) we have stated there: "One sells a synagogue only conditionally". So far if it was built as a synagogue. How is the situation if the building was first built for profane use and then dedicated? Let us hear from the following: "A qônâm that I shall not enter this house and it was turned into a synagogue." That implies that if it was built as a courtyard and afterwards was dedicated that it becomes holy. How? When does it become holy, immediately or when it is used? Let us hear
from the following: "If somebody makes a chest for a Torah scroll, or wrappings for a Torah scroll, before they were used for a Torah scroll they may be used for private use; after they were used for a Torah scroll they may not be used for private use." Since these were made for holy use but became holy only when used, that which was built as a courtyard not so much more? What is the status of those if they were made for profane use and then dedicated? They become holy.

50 It seems that the additional is a scribal error since this paragraph has no connection with the previous one.

51 Mishnah Megillah 3:3. R. Meir holds that a synagogue can be sold only with a clause that would let the community reacquire the building if it so chooses. The Sages permit the sale to be absolute as long as the building is not used for undignified purposes. (According to a popular tradition, the Altneuschul synagogue in Prague is Al-

Tnai-Schul, a synagogue built on condition that on the arrival of the Messiah it could be sold without restrictions.)

52 From here on, the text is from Megillah 3:1 (73b l. 38).


54 The same conclusion in the Babli, Megillah 26b.

55 The text of Megillah is very much condensed here.

56 Mishnah 3: Rebbi Meir says, there are things like changed circumstances which are not really changed circumstances, and the Sages
agree with him. How is this? He said, a qònâm that I shall not marry this woman for her father is evil, and they told him that he died or that he repented; a qònâm that I shall not enter this house because it has a bad dog inside, or a snake; they said to him the dog died, the snake was killed; these there are things like changed circumstances which are not changed circumstances, and the Sages agree with him.

56 There are changed circumstances which are admissible to annul a vow.

57 This is the reading in many Mishnah mss. and Gaonic and early rabbinic sources but not in the existing Babli mss. and the printed editions which read: The Sages do not agree with him. The gemara in the Babli seems to presuppose the Yerushalmi Mishnah. For details cf. The Babylonian Talmud with variant readings, Nedarim II, ed. M. Hershler, Jerusalem 1991, p. 23, Note 49.

Mishnah 4: In addition, Rebbi Mei'r said, one opens for him with what is written in the Torah. One says to him, if you had realized that you sin against "you shall not take revenge", "you shall not nurse hatred", "you shall not hate your brother in your heart", "you shall love your neighbor as yourself", "let your brother live with you", maybe he would become poor and you cannot provide for him! If he said, if I had realized this, I would not have vowed, he is permitted.

58 A person who vowed that another could not have any benefit from him.

59 Lev. 19:18.

60 Lev. 19:17.

6 Lev. 25:36.
Halakhah 3: "Rebbi Meir says, there are things like changed circumstances". Samuel says, because of an erroneous vow; the dog was already dead, the snake had already been killed. Rebbi Hila in the name of Rebbi Eleazar, because he is like someone who makes his vow dependent on something: A qōnām that I shall have no benefit from this man as long as he wears black garments. If he wore white, he would be permitted to him. Rebbi Ze’ira in the name of Rebbi Johanan: That one does not need the permission of a Sage.

62 Samuel restricts the Mishnah to the case that the dog was already dead when the vow was made. Then it is obvious that the vow would not have been made had the vower known all the facts. But if the vow was justified at the moment it was made, Samuel would deny that the death of the dog was reason enough to nullify the vow for the future.

63 They hold that the vow can be nullified at the death of the dog because the reason for the vow had been stated at the beginning. As the example shows, if the vower had said, I shall not enter the house as long as there is a bad dog there, the vow would automatically be voided at the dog’s death. But because the reason was not formally stated as a condition, the vow mentioned in the Mishnah needs to be voided by a Sage.

In the Babli, 65a, the opinion of Samuel is attributed to R. Johanan and that of R. Hila to Rav Huna, with the discussion supporting Rav Huna.

64 The sign of a person engaged in sexual misbehavior; Babli Mo’ed Qatan 17a, Ḥagigah 16a, Qiddusin 40a.
It is written: "You should not take revenge or nurse hatred against your fellow countrymen." How is that? He was cutting meat and the knife fell down on his hand. Should he go and hit his hand?

You shall love your neighbor as yourself. Rebbi Aqiba says, that is a great principle in the Torah. Ben Azzai says, "this is the book of the descent of man" is a more important principle.

Should he punish the hand which held the knife for injuring his other hand? Since all Jews are responsible for one another (Babli Sanhedrin 27b), hitting one's neighbor is like hitting himself.

Gen. 5:1, which negates the role of race in the creation of man.

Sifra Qedosim Pereq 4(12). A fuller version is in Gen. rabba 24(8): Ben Azzai says, "this is the book of the descent of man" is a great principle in the Torah. Rebbi Aqiba says, "you shall love your neighbor as yourself" is a great principle in the Torah. That you should not say, since I was insulted, another should be insulted with me; since I was cursed, another should be cursed with me. Rebbi Tanhuma (last generation of Galilean Amoraim) said, if you did this, know Whom you are insulting: "In God's image He made him."
"Maybe he would become poor". Are these not changed circumstances? Rebbi Ze'ira said, poverty is frequent. As the following: A man had a lawsuit against a rich man. He wanted to be judged before Rav; Rav sent for [the rich man], who said: For this one I should come to court? If all the camels of Arabia came they could not carry all the leather sacks containing my mortgages! [Rav] heard this and said, what does this one pride himself with what is not his! There should be depreciation of it! Immediately there came a royal decree that he and his property should belong to the treasury. He [the rich man] said to him [Rav], pray for me that my personality could be restored. He prayed, and it was restored to him.

And therefore excluded as argument following Mishnah 1.

Aramaic plural of Greek κώρυκος "leather bag".

Greek υποθήκη; cf. Yebamot 7:1, Note 25.

Greek κέλευσις "command, order".

Greek τομηδίον "treasure, storage", used in the sense of the king's treasury. The mixture of Aramaic and Greek in this popular tale may be an example of "hellenistic speech"; cf. Sota 7:1, Note 22.

Lest he become a slave of the treasury.

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73 Lest he become a slave of the treasury.
Mishnah 5: One creates an opening for a man with his wife’s *ketubah*\(^{74}\). It happened that one vowed usufruct from his wife\(^{75}\) whose *ketubah* was 400 denar. She\(^{76}\) came before Rebbi Aqiba who obliged him to give her her *ketubah*. He said, Rebbi, my father left 800 denar. My brother took 400 and I 400, would it not be enough if she take 200\(^{77}\) and I 200? Rebbi Aqiba told him, even if you have to sell the hair on your head, you will pay her *ketubah*. He said to him, if I had known that, I would not have vowed. Rebbi Aqiba freed him\(^{78}\).

74 The marriage contract, here taken as technical term for the sum the groom promises to pay his wife in case of a divorce. The minimal sum for a first marriage of the woman is 200 zuz, defined in Mishnah Peah 8:8 as sufficient capital to lift its owner above the poverty level and disqualify him from public charity. The zuz is usually identified with the silver denarius.

75 This makes it impossible for him to live with his wife and forces him to divorce her.

76 In the Babylonian Mishnah, he came before R. Aqiba.

77 The minimum amount admissible as *ketubah*.

78 From his vow so he could remain married. One might also translate: R. Aqiba voided it [the vow]. In the Babylonian Mishnah, R. Aqiba permitted her to remain with her husband.

Halakhah 5: "One creates an opening for a man with his wife’s *ketubah,*" etc. Does one collect from movables\(^{79}\)? Rebbi Abba said, even
if one could say, one collects from movables, one tells him to pay\textsuperscript{80}. Rebbi Manisha asked, could one tell the heirs to collect from pledged property\textsuperscript{81}? Rebbi Abba Mari said, the Mishnah says that one does not say so, as we have stated there\textsuperscript{82}: "It should be given to the heirs since everybody has to swear but the heirs do not have to swear." What does one make her swear? There, they say, from straw I did not collect, from his person I did collect\textsuperscript{83}.

79 It is talmudic theory that debts covered by a document (such as a ketubah or a mortgage) must be satisfied by foreclosing real estate (unless otherwise stated in the document of indebtedness). It was only after the Arab conquest, when the Jews in Babylonia had lost their real estate holdings, that the Gaonic authorities decreed that every ketubah must be paid in currency and/or movables. How could R. Aqiba order the man to cut off and sell his hair to pay his ex-wife since cut hair clearly is movable? (The Babli explains that the man should hand over all his real estate to his wife and sell his hair to buy food for himself.)

80 It seems that one has here a disagreement of the two Talmudim (explanation of I. Eisenstein in \textit{ad loc.}). The Babli sticks to its thesis that a ketubah is satisfied only by real estate and holds that a partially satisfied ketubah represents a title to all future property the ex-husband might acquire. The Yerushalmi holds that if the husband cannot satisfy his divorcée’s claim with real estate, one tells him to satisfy it with any other means available.

81 If this would refer to real estate, the question would be trivial. Mortgaged or otherwise pledged property is part of the inheritance. Standard mortgages (including ketubah) are not on a specified piece of land but on all holdings of the debtor. If the debtor dies, the entire property comes to the heirs from whom the mortgage holder can require satisfaction under the supervision of the court. The quote with which the question is answered shows clearly that the issue is about movables. Then it cannot be a question of mortgages other than a ketubah. The question is whether the court can order the heirs to honor their father’s obligation to his ex-wife from movables, \textit{to let her collect from}
movables.

82 Mishnah Ketubot 9:2. In the Mishnah, R. Aqiba states that the heirs take all movables since any creditor would have to swear that his claim was not in any way satisfied by the deceased but the heirs take everything without oath. (R. Tarphon disagrees and would give the widow preference).

83 "There" is Babylonia. It is difficult to understand what is meant. It seems that she has to swear that her claim was not satisfied even in an indirect way.

Mishnah 6: One opens about festive days and Sabbaths. In earlier times, they said that these days are permitted but the rest forbidden, until Rebbi Aqiba came and taught that a vow which was partially voided is totally voided.

Mishnah 7: How is this? 'A qōnām that I shall not benefit any one of you,' if one was permitted, all are permitted. 'That I shall not benefit this one and this one and this one,' if the first one becomes permitted, all are permitted; if the last one becomes permitted, he is permitted and the others are prohibited. 'That I shall not benefit, a qorbān for this one, a qorbān for that one'; each single one needs a separate opening.
Mishnah 8: ‘A qônêm that I shall not taste wine, for wine is bad for the intestines.’ If they told him, but old [wine] is good for the intestines, old [wine] was permitted; not only old wine is permitted but all wines. ‘A qônêm that I shall not taste onion, for onion is bad for the heart.’ If they told him, but the rural kind is good for the heart, rural [onion] was permitted; not only rural is permitted but all onions. It happened that Rebbi Meir permitted all onions to him.

84 That the vower could not enjoy Sabbaths and holidays.

85 The n-th term in a sequence cannot appear before the (n-1)-th. If there is no (n-1)-th there can be no n-th. If he had said: all of you, viz., X and Y and Z, the order would have been irrelevant. Since he says, X and also Y and also Z, the later depends on the former. The Babli, 66a, notes that only R. Simeon considers this three separate vows; the Yerushalmi, which quotes R. Simeon elsewhere [e. g., Nazir 4:3 (53b)], does not mention it here but seemingly restricts the principle of R. Aqiba to vows declared to concern a group; cf. also Note 89.

86 While these statements all form one sentence, they represent two separate vows.
preceding ones are forbidden." It was stated in the name of Rebbi Nathan:\textsuperscript{89} "There exists a type of vow which may be partly voided and the rest confirmed. How is this? One made a vow [not to eat] from a fig basket which contained \textit{benot šeba}^{90} figs. If he said, if I had known that it contained \textit{benot šeba}' figs, I would not have made the vow, he is permitted the \textit{benot šeba}' figs and not only these but all figs. But if he said, if I had known that it contained \textit{benot šeba}' figs, I would not have extended my vow to \textit{benot šeba}' figs, only \textit{benot šeba}' figs are permitted to him."

\textsuperscript{87} Tosephta 5:1, this entered some Mishnah texts in the Babli. 
\textsuperscript{88} In a series of people who should have no benefit. 
\textsuperscript{89} Tosephta 5:1, quoted in the Babli, 26b/27a. There, R. Aqiba disagrees and upholds his principle while the Yerushalmi does not mention R. Aqiba and gives the impression that it accepts the position of R. Nathan. 
\textsuperscript{90} Light green delicacy figs; \textit{Ma'serot} 2:8, Note 135.

\textsuperscript{משנה} ס: פותיחי לاذם בכבדות ועצמה ובכבוד בנותו. אמרו לי עליה 
\textsuperscript{Kalim} רכז שלחמם אמרו עליה כל היה יתמה.Shefalefani מבריח נשייה על הנאום 

\textit{Mishnah 9:} One finds an opening for a man with his own honor and that of his children. One tells him\textsuperscript{91}, if you had known that tomorrow one will say of you, it is the habit of this man to divorce his wife, and about your daughters one will say, they are daughters of a divorcee, what did the mother of these do to get herself divorced? If he said, if I had known that it is so I would not have made the vow, then it is dissolved.
A man who made a vow which forces a divorce.

Halakhah 9: "One finds an opening for a man about his own honor," etc. It was stated: Rebbi Jehudah ben Bathrya said, one finds an opening for a man exclusively about his own honor. As the following? A woman vowed [not to have benefit] from her daughter. She came to Rebbi Johanan who said to her, if you had known that your daughter gets a bad reputation, would you have made the vow? She said, no, and he permitted her. Is that not the Mishnah: "One finds an opening for a man about his own honor and that of his children"? That you should not think one follows Rebbi Jehudah ben Bathrya.

92 Obviously, this is the Yerushalmi tradition. The (Babylonian) Tosephta, 5:6 attributes the text of the Mishnah to R. Jehudah ben Bathrya.
93 She did not want to be supported by her daughter.
94 People will say that she does not care for her mother.
95 Why is it worthwhile to record a decision which follows the Mishnah closely? [In the Babli (a total of 24 times) R. Johanan is reported to hold that an anonymous Mishnah always represents practice; in the Yerushalmi he holds in general that practice follows an anonymous Mishnah (Yebamot 4:11, Note 177).]
Mishnah 10: 'A qônâm that I shall not marry the ugly Miss X, and she is beautiful, black and she is white, short and she is tall, he is permitted. Not because she was ugly and became beautiful, black and she became white, short and she became tall, but because the vow was erroneous. It happened that one made a vow renouncing benefit from his sister’s daughter. They brought her to Rebbi Ismael’s house and gave her a beauty treatment. Rebbi Ismael asked him, did you make your vow about this one? He said no, and Rebbi Ismael dissolved it. At that moment, Rebbi Ismael cried and said, the daughters of Israel are beautiful, but poverty disfigures them.

96 This would be a change of circumstances, not admissible in an annulment. 97 Being pressured by his family to marry his niece. 98 The vow.

Halakhah 10: "'A qônâm that I shall not marry the ugly Miss X,'" etc. He made her a golden eye, a golden tooth. So he said to him, acquire what is on her.
The Babli, 66b, notes only that she had an ugly artificial tooth and R. Ismael replaced it by a gold tooth for which he paid himself. In the opinion of the Babli, R. Ismael denies that changed circumstances are no cause for annulment of a vow.

In the Tosephta, 5:6: "acquire her and her dresses".

Mishnah 11: And when Rebbi Ismael died the daughters of Israel did sing a dirge and say, ‘Daughters of Israel, cry about Rebbi Ismael’, as it is said about Saul: ‘Daughters of Israel, cry about Saul, etc.’

"Who clothes you in crimson jewel on your garments", 25. 1:24. with ornaments, who puts a golden...
puts a golden jewel on your garments"?\textsuperscript{102} Jewellery looks good only on a supple body\textsuperscript{103}. The other one said, "the daughters of Israel" means the builders of Israel, the councils of Israel\textsuperscript{104}. When he saw a group of fellows\textsuperscript{105}, he gave them to eat and drink. What does the verse mean by "who puts a golden jewel on your garments"? That he heard the reason for a practice from a Sage and praised him.

\textsuperscript{102} Is it not forbidden to any man, including the king, to give jewels to otherwise married women?

\textsuperscript{103} Having enough subcutaneous fat.

\textsuperscript{104} He bends the verse to avoid the appearance of questionable behavior, cf. Note 102.

\textsuperscript{105} Cf. Introduction to Tractate Demay.
Mishnah 1: Father and husband jointly dissolve the vows of a preliminarily married adolescent girl. If the father dissolved but not the husband, or the husband but not the father, it is not dissolved; one does not have to mention whether one of them confirmed it.

1 An underage girl can be married off by her father. A woman becomes an adult in two steps. At age 12 (if she had developed two pubic hairs) she becomes an adult before the law but the father retains the right to marry her off and the right to her earnings for an additional 6 months, when she is called נועריה "adolescent girl". After these 6 months she becomes an adult, נועדיה "ripe", is totally independent from her father, and has to marry on her own. The vow of a minor below age 11 is void. If she made a vow after age 11 (for a male after age 12), one has to investigate whether she understands the meaning and implications of a vow. If the investigation has a positive result, her vows are valid and, as far as vows are concerned, she has acquired the status of adolescent, even though in other legal aspects she remains a minor.

The chapter on vows states clearly that the father can dissolve his dependent daughter's vows (Num. 30:4-6). Similarly, the husband can dissolve the vows of his wife if she lives "in his house" (vv. 11-15). A preliminarily married girl (cf. Peah 6:2 Note 46; Demay 4:1, Note 19; Terumot 8:1, Note 9) remains under her father's jurisdiction until she is taken to her husband's house in the final ceremony. It is asserted that during her status as preliminarily married wife, the father
can dissolve her vows since she is "in his house" and the husband is given special authority over her vows in vv. 7-9 which, therefore, are not duplicated in vv. 11-15.

The power of dissolution in any case is restricted to the day after the father or husband first was informed of the vow (vv. 6,9,13,15). But if one of them agreed to the vow within the allotted period, he can no longer object after that.

Halakhah 1: "An adolescent girl," etc. It is written, "if she should be a man’s". What are we speaking about? If a married one, it already is written "if she vowed in her husband’s house". If about an unmarried one, it already is written "if she vows a vow to the Eternal". Why does the verse say, ""if she should be a man’s with her vows on her"? That refers to the preliminarily married adolescent girl whose vows are dissolved by father and husband. So far for vows which she vowed after she was preliminarily married. Vows which she vowed before she was preliminarily married? "With her vows on her," to include the vows which come with her from her father’s house.

2 A similar argument in the Babli, reads וַיֵּשֶׁב ָא. 67a/b. In both Talmudim, the argument is amoraic.

reads וַיֵּשֶׁב.

4 Num. 30:11.

5 Num. 30:4.

3 Num. 30:7. The masoretic text.
It was stated in the name of Rebbi Eleazar⁶: "If she should be a man's"³, the verse speaks about a preliminarily married adult girl⁷. The colleagues say, Rebbi Eleazar says it correctly⁸. Is it not difficult for Rebbi Eleazar: Did she not leave her father's power the moment she became an adult⁹? Who may dissolve the vows of an orphan whose father had died¹⁰? The husband dissolves¹¹. It is difficult for the rabbis: If he may dissolve before she entered his power, is it not obvious [that he may dissolve] after she entered¹²? How do the rabbis explain "with her vows on her"? What are we talking about? If about vows which she made before she was preliminarily married and she became preliminarily married, already the father and the husband had the power to dissolve¹³. But we must talk about a vow which she made before her father died, then the father died¹⁴ and she became an adult. From where does Rebbi Eleazar obtain: "The father and the husband dissolve the vows of a preliminarily married adolescent girl.¹⁵" "Between a man and his wife.¹⁶"
That deals with the husband. The father? "Between a father and his daughter.\textsuperscript{16}" How do the rabbis interpret "between a man and his wife"? Not what is between her and others. "Between a father and his daughter," not what is between her and others. Does Rebbi Eleazar not agree with this? He agrees; he understands everything from there: "Between a man and his wife", not what is between her and others\textsuperscript{17}; "between a father and his daughter," not what is between her and others.

6 If the material in the first paragraph is Amoraic, R. Eleazar is the Amora, bar Pedat. If the argument is tannaïtic, he is the Tanna, ben Shamua. R. Eleazar's argument is paralleled in Sifry Num. 153 by R. Joshua, student of R. Ismael. The final argument in this paragraph is attributed to R. Ismael in the Babli, 68a.

7 At 12 years and 6 months (or 6 months after she developed two pubic hairs) she permanently leaves her father's potestas. He reads the verse as dealing with a case where there is no residual power of the father. But since vv. 11 ff. speak of the married woman, he must find a case of a preliminarily married woman free from her father. His interpretation follows the wording of the verse more closely.

8 Vv. 7-8 give the husband the right to dissolve vows which preceded the marriage. But vv. 11 ff. restrict the right of the husband to vows made during the marriage (Mishnah 2). For the rabbis, the right to dissolve prior vows depends on the father's collaboration. But R. Eleazar denies any participation to the father; why should the power of the preliminarily married husband be greater than that of the fully married one?

10 If the father had arranged his daughter's preliminary marriage and then had died, the husband cannot dissolve his wife's prior vows (Mishnah 2) and, after the definitive marriage ceremony, he cannot dissolve prior vows. (The existence of undisclosed prior vows might be grounds for divorce.) An underage girl orphaned from her father can be married off by her mother and brothers, but that is only a rabbinic institution (cf. YeProfessor 2, Note 118). The husband can dissolve her vows only after the definitive marriage or after she became an adult. The latter case is the one dealt with by R. Eleazar.

11 But only the vows made after
the preliminary marriage and only after she has reached adulthood.

12 Why are vv. 11 ff. needed after vv. 7-9? That is a rhetorical question since the two cases are not comparable. For the rabbis, the husband dissolves the vow of the preliminarily married minor only in conjunction with the father, but he also dissolves vows made before the marriage. Once the woman is emancipated from her father, either by completed marriage or by becoming of age, the husband dissolves alone but only vows made during the marriage.

13 If they do not exercise their powers, they get no second chance. If the girl became an adult between preliminary and definitive marriage, the father lost his right of dissolution and the husband lost it with him. If the father died between preliminary and definitive marriages, the husband alone cannot dissolve; therefore, he cannot dissolve her vow after the definitive marriage when he lives with her.

14 Before she was preliminarily married. Then the father never had any right concurrent with the husband; the husband is not hindered by the father's power.

15 Since he rejects the references given in the first paragraph.

16 Num. 30:17.

17 This is the topic of Chapter 11. The husband can only void vows that either involve the relations between husband and wife or "vows of deprivation" (v. 14); he can forbid his wife to mortify herself. As in Mishnah 11:13, if she had vowed not to sleep with any man, he can void his part but she remains forbidden if she should become a widow or a divorcee.

"One does not have to mention if one of them confirmed it." Come and see; if the father dissolved, it is not dissolved, and you say so? Not on that it was said, but on the following: If the father dissolved his part but the husband did not have time to dissolve before he died, the father
dissolves the husband's part. Rebbi Nathan said, those are the words of the House of Shammai. But the statement of the Sages is that he does not need to dissolve if [the husband] did not confirm it. But if [the husband] confirmed, [the father] cannot void.

18 Since the Mishnah stated that if only one of them dissolved, in the example given, the father, the vow is not dissolved. Why does one have to mention that it is not dissolved if one of them confirmed the vow, since confirmation implies non-dissolution! While the husband cannot dissolve after the father's death (Mishnah 2), the father can dissolve alone after the husband’s death (as long as the marriage is in the preliminary stage) since after the husband’s death the underage daughter returns to the father’s tutelage.

20 Since the husband’s power has disappeared, the father’s prior dissolution is sufficient.

The Babli (69a, 71a) and the Tosephta 6:3 read: "[the father] cannot dissolve". The Babli has a long discussion about the nature of the joint powers of dissolution. If the powers are parallel, then the dissolution by one of the parties has no influence on the other; the husband’s death leaves half of the vow undissolved and undissolvable. But if the powers are joint ones, then the husband’s death opens the way for the father to exercise his now unrestrained powers. There is no reason to think that the Yerushalmi makes a similar distinction.

21 Since the affirmation cannot be undone.
You say that the father dissolves the husband’s part. If he wanted to confirm, he says, it is confirmed for you, without details, (it is confirmed for you, without details)\(^\text{22}\); the husband's part is dissolved for you\(^\text{23}\). The following is obvious: If the father did not dissolve his part and she violated her vow, she is whipped. If the father dissolved but the husband did not, would she be whipped\(^\text{24}\)? Or since if the husband died and his part became void in favor of the father, would she not be whipped? This follows him who said, death does not force [dissolution]\(^\text{25}\). But following him who said, death does force dissolution\(^\text{26}\), and here since he did not dissolve for her and she violated her vow, she is whipped. It was stated: If the father dissolved his part but the husband died before he could dissolve\(^\text{27}\), the last husband dissolves the part of the first one. Rebbi Yose said, a Mishnah says so: "Her father and her last husband dissolve her vows\(^\text{28}\)."

22 It seems that this is a case of dittography, even though one could read it as: If the father confirmed without indicating what he confirmed, then the vow is legally confirmed without indication whose part was confirmed (since the confirmation by one party is absolute.)

23 In contrast, for the House of Shammai who hold that the father has to dissolve the late husband's part, the dissolution is invalid unless the father explicitly declares the husband's part dissolved.

24 Since the father may dissolve after the husband's death but the husband cannot dissolve after the father's death, it is clear that the father's power over his underage preliminarily married daughter is greater than the husband's. Is the father's power strong enough to eliminate the prohibition to violate one's vow contained in 30:3?

25 It seems that the word נַעֲלֶה is missing here; it was inserted in editio princeps.

The argument follows the Sages in the previous paragraph, who hold that the husband's death automatically voids the vow. For them, the power of the husband is secondary and the woman
cannot be prosecuted.

26 The House of Shammai, who require the father explicitly to dissolve the late husband's part, imply that the husband's and the father's powers are equal and that partial dissolution is of no legal value.

27 And she was preliminarily married to another man on the same day (since the period of dissolution is at most 24 hours after the first person knew of the vow). Tosephta 6:4; there the re-marriage is noted.

28 Mishnah 3.

Mishnah 2: If the father died, his power is not voided in favor of the husband. If the husband died, his power is voided in favor of the father.

In this, He strengthened the father's power over the husband. In another matter, He strengthened the husband's power over the father since the husband dissolves in adulthood but the father does not dissolve in adulthood.

Halakhah 2: "If the father died, his power is not voided in favor of the husband," etc. They wanted to say that if the father had dissolved his part and died, his power is not voided in favor of the husband. Let us hear from the following: "The way of learned people is that, before his
daughter left his house, he told her: ‘Any vows which you had vowed in my house are dissolved.’” This implies that if the father had dissolved his part and died, his power is not voided in favor of the husband.

29 If the girl is preliminarily married and the father dies after he had dissolved her vow but before the husband did, her vow cannot be dissolved.

30 Mishnah 4. The quote does not prove anything; the proof is from the second part of the Mishnah which requires the husband to dissolve all prior vows of his bride prior to her entering his house, i.e., as long as she is only preliminarily married.

After she enters his house, he can no longer dissolve prior vows. Since the final marriage ceremony emancipated the girl (older than three years and one day) from her father and the father’s death does the same, it is concluded that the husband’s power over a preliminarily married girl endures only as long as she is under her father’s tutelage.

"If the husband died, his power is voided in favor of the husband.” They wanted to say, after the husband had dissolved his part. But if the husband had not dissolved his part when he died, the power is not voided in favor of the father. Let us hear from the following: "If she made a vow while being preliminarily married. If she was divorced on the same day, preliminarily married on the same day, even a hundred times, her father and her last husband dissolve her vows." That means, even if the husband had not dissolved his part and died, his power is voided in favor of the father.
31 Mishnah 3. Since the last husband has to dissolve, it follows that the first did not. Nevertheless, the father can dissolve her vows after the first husband was eliminated by divorce (or death).

"If the father died, his power is not voided in favor of the husband." Rebbi Haggai asked before Rebbi Yose. So far for vows she made after she was preliminarily married. Vows she made before she was preliminarily married; if the father died, was his power not voided in favor of the husband? He said to him, is it not true that vows she made before she was preliminarily married already could be dissolved by father and husband? Why do you have to say, if the father died, his power is not voided in favor of the husband? That means, even vows she made after she was preliminarily married. Vows she made before she was preliminarily married, if the father died, was his power voided in favor of the husband? He said to him, is it not true that vows she made before she was preliminarily married already could be dissolved by father and husband? You say, "if the husband died, his power is voided in favor of the father"! That means, even vows she made after she was preliminarily married, if the husband died, his power is voided in favor of the father!
32 As R. M. Margalit points out, one would expect the quote to read: "If the husband died, his power is voided in favor of the husband."

33 Since it is a biblical decree that her vows can be voided only by the concurrent action of father and husband, we can understand that in the absence of the father, the husband has no authority. But the father was the only authority for vows preceding the preliminary marriage; why can we not say that at the father’s death the husband inherits his powers?

34 Since the husband in conjunction with the father can void vows that precede the preliminary marriage, the requirement of joint action is permanent.

35 The argument is parallel to the preceding one, only this time to confirm that even for vows made after the preliminary marriage, the sole powers of dissolution belong to the father after the husband’s death.

"Since the husband dissolves in adulthood." The Mishnah follows Rebbi Eleazar, since it was stated in the name of Rebbi Eleazar: "If she should be a man’s," the verse speaks about a preliminarily married adult girl.

Mishnah 3: If she made a vow while preliminarily married, was divorced on the same day, preliminarily married on the same day, even to a hundred men, her father and her last husband dissolve her vows. That is the principle: as long as she did not leave her father’s power for one moment, her father and her last husband dissolve her vows.
The day she told of her vow either to her husband or to her father.

Sequentially, each one after the previous one's divorce.

Either by definitive marriage or by becoming an adult.

"If she made a vow while preliminarily married," etc. Rebbi Hila said, "being she will be,"39 even for a hundred beings, her father and her last husband dissolve her vows. Rebbi Yose said, a Mishnah says so: "Her father and her last husband dissolve her vows."

Num. 30:7. "To be" applied to a woman means "to be married," Deut.

Mishnah 4: "The way of learned people is that, before his daughter left his house, he told her: 'Any vows which you had vowed in my house are dissolved'. Similarly, the husband tells her before she enters his domain:

'Any vows which you had vowed before you enter my domain are dissolved,' for after she enters his domain he cannot dissolve.
Mishnah 5: An adult girl and one who had waited twelve months and a widow 30 days, Rebbi Eliezer says, since her husband is responsible for her upkeep he may dissolve but the Sages say that the husband dissolves only after she enters his domain.

I. e., before the final marriage ceremony.

A different text of the Babylonian Mishnah is amended in the Halakhah there to the Yerushalmi text.

Mishnah Ketubot 5:2 states that a girl who never was married before has 12 months after the preliminary marriage to prepare her trousseau and a widow 30 days. An adult girl, for whom the father no longer has responsibility, is supposed to have a trousseau by the twelfth month of her adulthood and can marry immediately (cf. the commentary ascribed to Rashi to the Babli, 73b, and Halakhah Ketubot 5:3). If the groom does not bring her into his house by the appointed time (by means of the final marriage ceremony), he nevertheless becomes responsible for her upkeep as if he were completely married.

Halakhah 5: "An adult girl and one who had waited twelve months," etc. Rebbi Eliezer holds that the matter depends on the support. If he preliminarily married a woman on condition to support her, the husband dissolves for her. If he completely married a woman on condition that he support her, the father dissolves for her. The words of the Sages? Rebbi Jacob bar Aha in the name of Rebbi Johanan: The husband never dissolves before she enters his domain.

He agrees to support his wife from the time of the preliminary marriage.
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concurrency.

45 The father.

46 Without the husband's concurrence. This paragraph has been emended by the standard commentaries to mean the opposite it says.

47 Alone.

Mishnah 6: If a woman was waiting for her levir\(^48\), whether it be one or two, Rebbi Eliezer says, he shall dissolve\(^49\). Rebbi Joshua says, for one but not for two\(^50\). Rebbi Aqiba says, neither for one nor for two\(^51\).

48 She is a widow whose husband died without issue; she waits to be married to her husband’s brother; cf. Yebamot 4:3, Note 84. The Mishnah must speak about an underage girl who became a widow after a preliminary marriage only, and who still is under her father’s jurisdiction. The question is only whether the levir may dissolve her vows in conjunction with the father, since for a woman who is emancipated from her father, either by coming of age or by final marriage, the husband can dissolve only vows made after the final marriage act.

49 All the ceremonies involved in a levirate marriage are rabbinical; by biblical law the childless sister-in-law is married only by actual intercourse (Yebamot 2:12, Note 12; 6:1). The rabbinic equivalent of the preliminary marriage is called "bespeaking" (Yebamot 2:1, Note 6). The legal power of "bespeaking" is a matter of controversy but it is certain that adultery with a "bespoken" woman is not a capital crime. While under the obligation to marry a levir, the widow by biblical law is unable to contract a valid marriage with any other man (Yebamot 1:1, Note 94.) For R. Eliezer, the latter fact gives any levir the status of a husband in matters of vows.

50 R. Joshua gives the right of the preliminary husband only to a single levir, even after "bespeaking". Cf.
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Babli, 74a. following Mishnah.

51 His position is explained in the

Mishnah 7: Rebbi Eliezer said, if he can dissolve vows for a wife which he himself acquired, so much more that he should be able to dissolve for a wife which Heaven acquired for him. Rebbi Aqiba answered him: No. What you say is about a wife which he himself acquired, where nobody else has any authority over her; what can you say about the wife which Heaven acquired for him, where others have authority over her? Rebbi Joshua said to him, Aqiba, your words apply to two levirs. What can you reply about one levir? He said to him, the sister-in-law does not belong completely to her man as the wife belongs completely to her husband.

52 The other brothers of the deceased husband.

53 The childless widow is unable to contract a marriage except with the levir; she does not commit adultery if she sleeps with another man before she is married by the levir. But a married woman who sleeps with another man commits a capital crime. For R. Aqiba, marriage is only a relationship whose violation is a capital crime.
Mishnah 8: If somebody says to his wife, all vows that you might vow from now until I shall return from place X shall be confirmed\(^{54}\), he did not say anything; [if he says] they shall be dissolved, Rebbi Eliezer says, they are dissolved, but the Sages say, they are not dissolved.

\(^{54}\) In his absence. Everybody agrees that an as yet nonexistent vow cannot be confirmed.

Mishnah 9: Rebbi Eliezer said, if he can dissolve vows that came under the category of prohibition\(^{55}\), should he not be able to dissolve vows that did not yet come under the category of prohibition\(^{56}\)? They said to him, it says\(^{57}\) 'her husband may confirm them and her husband may dissolve them'. What can be confirmed can be dissolved; what cannot be confirmed cannot be dissolved.

\(^{55}\) Vows actually made by which the wife imposes a legally enforceable prohibition on herself.
\(^{56}\) Vows not yet made.
\(^{57}\) Num. 30:14. The verse treats confirmation and voiding as parallels.

Halakhah 6: "If a woman was waiting for her levir," etc. Following Rebbi Aqiba\(^{58}\), who can dissolve? For example, what Rebbi Abbahu said in the name of Rebbi Johanan, even a hundred qiddusin are valid for...
her, who dissolves? And what Rebbi Jacob said in the name of Rebbi Johanan, he can allot her to his underage son, who dissolves? And what Rebbi Jacob bar Aha said in the name of Rebbi Johanan, she does not even need a reparation offering for a possible sin, who dissolves?

58 For whom the right of dissolution depends on his relationship with the woman defining adultery, can the husband dissolve in questionable cases? The answers, which are not given, are obviously "no".

59 Babli Qiddusin 60a; Yerushalmi Yebamot 3:4 (Notes 102-104), 5:1 (Note 35); Qiddusin 3:1, (63c l. 71). A man gives something of value to a woman to serve as qiddusin money for a preliminary marriage in a month's time. If other men also give her deferred qiddusin, they all might end up preliminarily married to her and none of them can marry her. In that case, she is not bound to any one by marriage in the sense of R. Aqiba.

60 In the source of this statement, Qiddusin 1:2, 59c l. 8, one reads: "R. Johanan said." Since there is no R. Jacob without father's name among the students of R. Johanan (there are R. Jacob bar Aha and R. Jacob bar Idi), the name has to be considered a scribal error.

61 This refers to the Hebrew slave girl (Ex. 21:7-11), about a situation intrinsically connected to the Jubilee year which became void with the exile of the Ten Tribes. The verse gives the master the right to marry the girl by considering the price he paid for her as qiddusin money, or to give her to his son as wife without additional expenditure. If the son is a minor, she becomes his wife by biblical decree. But the wife of a minor cannot be prosecuted for adultery [Sifra Qedosim Pereq 9(11)]. Can the underage husband, biblically married to his underage wife, dissolve her vows?

62 The wife of a deaf-mute or of an insane person (at the time of marriage) is not married by biblical standards and cannot commit adultery. Yebamot, Babli 113a, Yerushalmi 14:1 Note 7. (The rules of reparation offerings for possible sins are in Lev. 5:17-19).
Halakhah 7: "Rebbi Eliezer said," etc.  
Rebbi Eliezer said, since a woman on whom I had no claim before she entered into my domain, becomes absolutely mine after she entered my domain, is it not logical that a woman on whom I had some claim before she entered my domain, shall become absolutely mine when she enters my domain? Rebbi Aqiba told him, no. If you speak about a woman on whom you had no claim before she entered into your domain, but after she entered your domain she became absolutely yours, then just as you had no part in her so no other man had any part in her. What can you conclude about a woman on whom you had some claim before she entered your domain, and after she entered your domain she became absolutely yours, but just as you had some rights to her so others had the same rights to her? Rebbi Joshua told him, Aqiba, your argument holds for two levirs. What do you respond in the case of a single levir? He said to him, just as you make no difference in the rules of one waiting for one levir or for two levirs, whether he ‘bespoke’ her or did not ‘bespeak’ her, can it not be the same for vows and oaths? He said to him, that is true.
if you had lived in the times of Rebbi Eleazar ben Arakh, he would have said that ‘bespeaking’ does not acquire completely since he would agree that he cannot dissolve until she enters his domain63.

63 Tosephta 6:5, Babli 74b.
64 A man has no relation to an unrelated woman. After the preliminary marriage he has the exclusive right to her and dissolves her vows (together with the father). Since he has potential rights to his childless sister-in-law, should he not have the right to dissolve her vows (together with the father) after "bespeaking"?
65 The other brothers.
66 The text in the Tosephta is different: שומע לך диск תי רבי ליער. ויהי נסיך ייחום. שמעתי את הקומתים של כל אותו דבר (42a line 34).
67 R. Eleazar ben Arakh holds that "bespeaking" has all the powers of preliminary marriage (Yebamot 2:1, Notes 19-20). R. Joshua notes that after R. Aqiba’s argument, R. Eleazar ben Arakh could not hold that the levir has the right to dissolve vows of his underage betrothed; therefore, the parallel with qiddusin is necessarily incomplete. R. Joshua is seen to accept R. Aqiba’s argument.

68“I answered to the words of Rebbi Eliezer: Let the miqveh prove it! It frees the impure from their impurities but it cannot save pure ones. Rebbi Eliezer argued another track: Since in a situation where he..."
cannot dissolve his own vows before he made them, he dissolves his wife's vows before she made them, in a situation where he can dissolve his own vows after he made them, would it not be logical that he could dissolve his wife's vows before she made them? No! Why can he not dissolve his own vows before he made them? For if he wants to confirm them, he confirms them. Could he dissolve his wife's vows after she made them, when if he wanted to confirm them, he could not confirm them?

"But it says, 'her husband may confirm them and her husband may dissolve them'. What can be confirmed can be dissolved; what cannot be confirmed cannot be dissolved."

68 This refers to Mishnaiot 8,9. Tosephta 6:5; Babli 75b.

69 In the parallel sources: They. This is no longer part of R. Aqiba's argument, but belongs to the anonymous Sages.

70 The ritual bath cleanses from most impurities. But a pure person cannot immerse himself to become immune to future impurities.

71 It is difficult to make sense of this text. In Tosephta and Babli one reads: מ אתה במקסום שאיהם מפר נכריר שיעמוgradation: מeka מפר נכריר שיעמוgradation: "Since he cannot dissolve his own vows after he vowed (for only a Sage can do that), but he can dissolve his own vows before he vows (by a declaration that all his future vows are null and void), then since he can dissolve his wife's vows after she vowed it is only logical that he should be able to dissolve his wife's vows before she vowed." It seems that the Yerushalmi text should follow similar lines.

72 This text contradicts the next sentence. The Tosephta reads: ימעדula מפאמר נכריר אצומא עד שלא יזור. "They said to him, why is it that he can dissolve his own vows before he made them?"

73 The Tosephta reads: יפאר נכריר אשתה על שאלת טעם. שירב ואת רצה להתקםgradation: "Could he dissolve his wife's vows before she made them when if he wanted to confirm them, he could not confirm them?" (As R. Eliezer agrees in the Mishnah.)

74 Tosephta 6:6; Babli 76b.
The dissolution of vows may take place the entire day; this can imply a lenient or a stringent implementation. How is that? If she made the vow Friday night, he may dissolve during the night and the next day until [the next] nightfall. If she made the vow shortly before nightfall, he dissolves until it becomes dark; for after dark he cannot dissolve.

The day of Creation, the night following by daylight.

Mishnah informs us that dissolution of vows is permitted on the Sabbath.

It could be any other night; the

Halakhah 10: "The dissolution of vows may take place the entire day," etc. It was stated: "Rebbi Yose ben Rebbi Jehudah and Rebbi Eleazar ben Rebbi Simeon say, the dissolution of vows may take place from time to time." What is the reason of the rabbis? "From day to day." What is the reason of Rebbi Yose ben Rebbi Jehudah? "On the day of his hearing." How do the rabbis explain Rebbi Yose ben Rebbi Jehudah's
reason, "on the day of his hearing"? Explain it that she made the vow on the start of the night\(^{82}\). How does Rebbi Yose ben Rebbi Jehudah explain the rabbis' reason, "from day to day"? Explain it that she made the vow at the start of Friday night\(^{83}\), he became paralyzed\(^{84}\), and then his power of speech returned\(^{85}\). In the opinion of Rebbi Yose ben Rebbi Jehudah one gives him 24 hours. In the opinion of the rabbis he has only that day\(^{86}\). If he became paralyzed, and later\(^{87}\) his power of speech returned, in the opinion of Rebbi Yose ben Rebbi Jehudah one adds up to a total of 24 hours\(^{88}\). In the opinion of the rabbis he always can dissolve when his speech returns. But if it happened one hour\(^{89}\) before sundown, he can no longer dissolve.

\(^{77}\) Babli 76b, 77a, Sabbath 157a.

\(^{78}\) In Sifry Num. 156 this is attributed to R. Simeon himself.

\(^{79}\) 24 hours from the moment the husband is informed.

\(^{80}\) Num. 30:15.

\(^{81}\) Num. 30:6,8,13. In the Babli, 76b, and Sifry Num. 156, the arguments are switched: "On the day of his hearing" implies that at nightfall the time has run out, "from day to day" implies 24 hours.

It is not necessary to amend the Yerushalmi since Targum Pseudo-Jonathan and Rashi explain Num. 30:15 following the rabbis: "If her husband remains silent from the day he was informed to another day", i.e., the next night. R. Yose ben R. Jehudah will explain that "the day of his hearing" starts only with his hearing.

\(^{82}\) In that case, the husband has 24 hours even according to the rabbis.

\(^{83}\) The mention of the start of Friday night is problematic. It is a correction by the scribe himself and probably an insertion at the wrong place.

\(^{84}\) After he was informed of the vow.

\(^{85}\) Within 24 hours after he heard from his wife.

\(^{86}\) Until nightfall on Saturday, less than 24 hours.

\(^{87}\) Not on the same day.

\(^{88}\) The paralysis does not stop the clock. In this case, R. Yose ben R. Jehudah is more restrictive than the rabbis.

\(^{89}\) "One hour" means "a short time".
If the husband was informed of the vow shortly before sundown and before he could dissolve the vow was paralyzed at sundown, for the rabbis he had his day and when he regains his speech cannot undo the vow.

"It shall be dissolved at the time of the afternoon prayer," it is permanently dissolved. "It shall be confirmed at the time of the afternoon prayer," it is permanently confirmed. "It shall be dissolved until the time of the afternoon prayer," it is as if he said, "it shall be dissolved starting with the time of the afternoon prayer."

There can be no partial confirmation or dissolution. Since he did not mention confirmation, one does not take his word to mean that the vow shall be valid until the time of the afternoon prayer; it is dissolved immediately and permanently. The same holds in the following two cases.

There, we have stated: "One dissolves vows on the Sabbath." It was stated: Both vows that intrude on the Sabbath and vows that do not intrude on the Sabbath. "And one asks about vows that intrude on the Sabbath," therefore not if there is no need for the Sabbath. The Elder can dissolve the next day. Then for Rebbi Yose ben Rebbi Jehudah and Rebbi Eleazar ben Rebbi Simeon who say that the dissolution of vows is
from time to time, he should not dissolve even vows that intrude on the Sabbath. Explain it according to everybody, if she made the vow at the start of Friday night.

91 Mishnah Sabbath 24:5.
92 In the Babli, 77a, this is the result of a discussion of late Amoraim.
93 But the husband who was informed on the Sabbath must dissolve on the Sabbath or lose his right to dissolution.
94 This argument is also made in the Babli, 77a.
95 Rebbi Abbahu in the name of Rebbi Johanan: The husband who said "there is no vow, there is no oath," did not say anything. Also the Elder who said "it is dissolved for you, it is voided for you," did not say anything. But everybody has to follow his own rules. The husband says "it is dissolved for you, it is voided for you," and the Elder says, "there is no vow, there is no oath".
96 Babli 77b, with biblical support for the change in language between dissolution and permission.
Rebbi Johanan said, earlier generations were asking, may a man ask about his confirmation? How is that? If his wife made a vow, her husband heard it and did not dissolve for her. It is obvious that he cannot dissolve as a husband. May he dissolve as an Elder? What are we talking about? If it is about vows between him and her, these are vows of himself. But we must talk about vows between her and others. [Is that not a Mishnah? "Not his wife's vows between her and others!" ] Is that not Rebbi Jehudah's? It was stated in the name of Rebbi Judah; Rebbi Hiyya stated it in the name of the Sages.

In the text quoted by Nahmanides (Halakhot, 11:1) "it was dissolved". It is to be noted that the text quoted by Nahmanides can be trusted to mirror the Yerushalmi text as to content but not as witness to the text; e.g., he writes Babylonian for Yerushalmi.

From Nahmanides, Ms. and editio princeps "her own", which they are in any case.

From Nahmanides, missing in ms. and editio princeps; required by the general style of the Yerushalmi.

In the Babli, 79a, R. Johanan has a flat statement that vows confirmed by the husband can be referred to an Elder.

He did not dissolve in time and by inaction lost his veto power. The Yerushalmi seems to hold that a vow explicitly confirmed by the husband cannot be referred to an Elder for annulment, since it discusses only confirmation by default.

The husband can interfere with his wife's vows only if it touches him personally or is a vow of mortification (cf. Note 17). If it touches him personally, he certainly cannot act as an Elder in his own behalf.

Mishnah Nega'im 2:5: "A man [sitting as judge] can permit all vows except his own. R. Jehudah says, nor his wife's vows concerning others."

R. Hiyya [the older] is the great authority for the Mishnah text. According to him, one has to switch the attributions in the Mishnah and, therefore, practice has to follow what in the common Mishnah is attributed to R. Jehudah. Nahmanides (11:1) holds that practice has to follow the Yerushalmi in this since the Babli does
not discuss the theme; Maimonides follows the majority opinion in the (Commentary to Nega'im 2:5; Code Mishnah.
Hilkhot Sevu'ot 6:6) disagrees and

May one permit\(^\text{103}\) vows in the night? Since vows under the husband's jurisdiction, about which "on the day" is written\(^\text{81}\), he may dissolve in the night, vows under the jurisdiction of the Elder, where "on the day" is \textit{not} written, not so much more\(^\text{104}\)? Can one permit through an interpreter? Let us hear from the following: Rebbi Abba bar Zutra was made an interpreter for Rebbi Johanan in the case of a woman who did not know Syriac\(^\text{105}\).

\(^{103}\) As stated above, this expression can only refer to the action of a Sage.

\(^{104}\) The Babli agrees, 77b, Eruvin 62b.

\(^{105}\) She spoke only Greek. In general, a judge is only competent to sit in a case if he understands all witnesses since it says "by the mouth of two witnesses", not the mouth of an interpreter (Deut. 19:15; Makkot 1:9. Sifry Deut. 188.)
It was stated: One is asked about vows only while sitting and wrapped\(^{106}\). The one who is asked must be sitting and the one who is asking is standing; from the following\(^{107}\): "And the two people who have the dispute shall stand." "Standing" means only "being judged". That is for asking legal rules\(^{108}\). Asking about sermons from where? The verse says "shall stand, and shall stand"\(^{109}\). Rebbi Aḥa bar Pappus went to permit the vow of Rebbi Immi. He remained standing to say "there is no vow"\(^{110}\). Rebbi Mana went to permit the vow of the older Gamliel. He remained standing to say "there is no vow, there is no oath". Rebbi Mana went to permit the vow of Gamliel the grandson. He said to him, do not treat me as you treated my grandfather, but sit down and I shall remain standing\(^{111}\).

\(^{106}\) According to the rules of court proceedings. The judges have to be seated and wrapped in their judicial robes.

\(^{107}\) Deut. 19:17.

\(^{108}\) The verse does not imply that the parties have to stand before the judges but that they have to remain there to be judged. The interpretation of the verse is in dispute, cf. *Shevu'ot* 4:1 (35b, l. 30 ff.), *Sanhedrin* 3:10 (21c l. 15ff.), *Yoma* 6:1 (43b l. 51 ff.); Babli *Shevu'ot* 30a; *Sifry Deut.* 190.

\(^{109}\) The consecutive *naw* is interpreted as sign of an addition; to answer anything of a theological nature, the Sage has to sit. The Babli disagrees, 77b; the opinion of the Yerushalmi is quoted as that of Rabban Gamliel II.

\(^{110}\) Following the opinion of the Babylonian Amoraim for the Babylonian Immi.

\(^{111}\) He asked him to follow the Palestinian rules.
Rebbi Ze'ira, Rav Jehudah, Jeremiah bar Abba, in the name of Rebbi Samuel: Three who know how to find an opening may permit like an Elder. They thought, at a place where no Elder was available. The rabbis of Caesarea: Even at a place of an Elder. They said before Rebbi Yasa: Rav Huna is "head of tribes". Who are the heads of tribes? Rav Huna is head of the heads of tribes.

From here to the end of the Halakhah, the text also is in Hagigah 1:8, 76c l. 62.

Probably one should read: R. Ze'ira, Rav Jehudah, Rav Jeremiah bar Aha in the name of Samuel.

Persons who are not ordained but know the rules of invalidating vows explained in the preceding Chapters. In the Babli, 78a, R. Aha bar Jacob admits any three lay persons to invalidate vows (cf. R. Nissim Gerondi ad loc., s. v. apv ia χπχ αι χπχ.). In Bekhorot 36b, the same rule is attributed to R. Hiyya bar Abin in the name of Rav Amram, a student of Samuel's student Rav Nahman.

Invalidation of a vow by three laymen is not infringing on the privileges of the rabbinate. The ordained rabbi has the privilege to invalidate a vow alone (Babli, 78a).

Who was the undisputed head of the Babylonian rabbinate and was of the family of the davidic Head of the Diaspora. He certainly had the right to invalidate vows, being of the "heads of the tribes" (Num. 30:2).

Since they are mentioned in the plural, it appears that more than one person in a generation was empowered to invalidate vows.

He is the head of all ordained rabbis, even though his Babylonian ordination is not complete as explained in the next paragraph.
May one appoint Elders for selected topics? Let us hear from the following: Rebbi appointed Rav to invalidate vows and to see stains. After his death, [Rav] asked his son for [permission to see] defects of firstlings. He said to him, I shall not add to what my father gave you. Rebbi Yose ben Rebbi Abun said, he gave him everything: To sit in judgment alone, to invalidate vows, to see stains, and to see outside blemishes. After his death, [Rav] asked his son for [permission to see] hidden defects. He said to him, I shall not add to what my father gave you. Even though you say, one appoints Elders for selected topics, only if he is competent for everything. As the following: Rebbi Joshua ben Levi ordained all his students, but he was sorry about one who had a defect in his eye and he could not ordain him; so he ordained him for selected topics. That implies that one who is competent in one thing has to be competent in everything, and one who is not competent in everything cannot be declared competent in one thing.

119 Is it possible to give ordination without conferring all rabbinical powers on the candidate?
120 To decide whether a female genital discharge was menstrual blood or not; i.e., whether the woman would be permitted to her husband or not.
121 In the tradition of the Babli, Sanhedrin 5a, Rav received full
rabbinic powers except the right to decide anything in matters of firstlings. (A firstling of cattle, sheep, or goats must be sacrificed unless it has a blemish which disqualifies it as a sacrifice. In the absence of a Temple, the firstling must graze until it develops a blemish; Deut. 15:19-23.) The full ordination was refused to him since his intent was to return to Babylonia and Rebbi disapproved of that. After him, all rabbis with the limited diaspora ordination received the title of "Rav".

122 Since skin lesions (wrongly translated as "leprosy", Lev. 13-14) must be seen with both eyes, a one-eyed or blind person could not be ordained to decide on their ritual purity.

123 For everything except matters of impurity and duties as judge.

124 The difference between the titles of "Rav" and "Rebbi" is one of circumstances, not of quality.

May one appoint Elders for a fixed time? Let us hear from the following: Rebbi Hîyya bar Abba went to Rebbi Eleazar and asked him to intervene with the Patriarch Rebbi Jehudah, that the latter should write him a letter of recommendation for seeking a livelihood in a foreign country. He intervened, and [the Patriarch] wrote for him: Here we are sending you as our representative a great personality with all our powers until he shall return to us. Rebbi Hîzqiah, Rebbi Dositheus, Rebbi Abba bar Zamina in the name of the old Rebbi Dositheus: He wrote him the following. Here we are sending you a great personality who will not be ashamed to say "I did not learn this".
He shall have full ordination until he returns to the Patriarch. The Babli, Sanhedrin 5b, has a similar story involving R. Johanan who similarly gave conditional ordination to Rebbi Shimen.

In this version, which has no parallel in the Babli, the ordination was unconditional and permanent.

May one permit wearing a coat? Rebbi Abbahu in the name of Rebbi Johanan: One permits wearing a coat. Rebbi Joshua ben Levi permitted wearing a coat. Rebbi Huna in the name of Rebbi Jeremiah: At a place where one does not wear a toga. Rebbi Yose ben Abun said, for easy vows.

Must the rabbi always be wrapped in his robe (Note 106)? The word parallels Syriac, Greek φαινόλης (φαιλόνης), and Latin paenula "coat". Those which can be permitted unquestionably, for which no argument is needed.
Mishnah 1: These are the vows which he may dissolve: Matters connected with mortification. [E. g., "if I wash, if I do not wash; if I wear jewels, if I do not wear jewels." Rebbi Yose said, these are not vows of mortification.]

1 In addition, he can dissolve vows impinging on their marital relations, as explained later.

2 These examples refer to conditional vows. One derives from the contract of the tribes of Gad and Reuben with Moses ( Num. 32:29-30) that a legally valid conditional contract must spell out the conditions both positively and negatively: If I do certain things, there is a stipulated consequence; if I do not, then the consequence is stipulated not to happen (Mishnah Qiddusin 3:3). The vow is understood to be: A qōnām should be a certain thing for me if I ever wash; if I do not wash, the thing shall not be qōnām. Since not washing is mortification, the husband has the right to void the vow. If the vow had been unconditional, the husband would have no jurisdiction over it.

3 His position is explained in Mishnah 2.
Mishnah 2: The following are vows of mortification. If she said, all produce of the world is qōnām for me, he may dissolve. The produce of this province [is qōnām] for me, he can buy for her from another province. The produce of this grocery store [is qōnām] for me, he cannot dissolve. If he can get the necessities of life only from that grocery, he may dissolve, the words of Rebbi Yose.

4 If that store is the only one needs the credit, he can dissolve, which extends credit to him and he

Halakhah 1: "These are the vows which he can dissolve," etc. It is written⁵: "Any vow and any oath of prohibition to mortify." That covers only vows which contain mortification. Vows regarding the relations between him and her, from where? "Between a man and his wife." So far the husband; the father from where? Since the husband can dissolve only vows of mortification and matters between him and her, so the father can dissolve only vows of mortification and matters between him and her⁷.

5 Num. 30:14. The verse ends: "Her husband shall confirm it or her husband shall dissolve it."

6 Num. 30:17. One opinion in this Halakhah (Notes 11 ff.) and the consensus in the Babli (79b) hold that the dissolution of vows of mortification is permanent since it is expressly sanctioned by the verse but that dissolution of a vow regarding marital relations, which is the result of an indirect inference, is valid only as long
as the marriage continues. Such a dissolution would be automatically voided for the divorcee or widow. The Mishnah mentions only vows the husband can permanently dissolve.

7 This argument seems to be taken out of thin air. It is explained in Sifry Num. 155: V. 17 reads "These are the principles which the Eternal commanded to Moses between a husband and his wife, between a father and his daughter, in her adolescence, in her father's house." Now this verse is really an appendix to the laws governing the married wife. It is concluded that the restrictions which apply to the husband in relation with his wife in his house also apply to the father in relation to the adolescent daughter in his house.

Rebbi Jacob bar Aha said, Rebbi Johanan and Rebbi Simeon ben Laqish disagree. Rebbi Johanan said, the husband dissolves both vows and oaths. Rebbi Simeon ben Laqish said, he dissolves vows but not oaths. Rebbi Yose ben Rebbi Abun said, Rebbi Johanan and Rebbi Simeon ben Laqish also disagree about the vows submitted to the Elder. Rebbi Johanan said, the Elder permits both vows and oaths. Rebbi Simeon ben Laqish said, the Elder permits vows, the Elder does not permit oaths. That of Rebbi Simeon ben Laqish parallels that of Issi (Assi). A person came before Rebbi Yasa to have his vow permitted. He asked him, what did you swear? He answered, ḥposites Israel, that she should not enter my house. He said to him, ḥposites Israel, she shall not enter your house!
The heading of the paragraph, *Num.* 30:2, speaks of vows and oaths. (A vow refers to a thing, an oath implies the use of God's name.)

Except for v. 2, oaths are never mentioned.

Since Yerushalmi אֶבֶן is the same as Babylonian בִּנְיָמִין, the formal name should not be בִּנְיָמִין but בִּנְיָמִין.

Greek πόποι is classically an exclamation of surprise, anger, pain, etc.; it is later explained as "divinities, gods". While the husband avoided using Hebrew or Aramaic expressions for God's name, the Greek in this case has the meaning of "God of Israel"; this classifies the act as an oath, which R. Yasa refused to annul. The husband swore that his wife should no longer enter his house, i.e., he forced himself to divorce her and pay her the divorce settlement.

Rebbi Ze'ira explained the Mishnah: "These are the vows which he can dissolve: Matters connected with mortification. [E. g.,] 'If I wash, if I do not wash; if I shall wear jewels, if I do not wear jewels.' Rebbi Yose said, these are not vows of mortification" but vows between him and her. "The
following are vows of mortification following Rebbi Yose. For example, "she said, all produce of the world is qōnām for me, he may dissolve." The rabbis say, if he dissolves vows of mortification, they are permanently dissolved. Vows between him and her are only dissolved as long as she is married to him. Rebbi Yose says, both vows of mortification and vows between him and her, if he dissolved them they are permanently dissolved. That means, the rabbis say, if he dissolves vows of mortification, they are permanently dissolved. Rebi Yose says, if he dissolves vows between him and her, they are permanently dissolved. What is the difference between them? If she said, any benefit from me shall be qōnām for you when I leave your domain. Why can he not dissolve that? Because she did not say, any benefit from my body shall be qōnām for you when I leave your domain. Rebbi Ze'ira and Rebbi Hila, both of them say: That is the essence of vows between him and her. In the opinion of Rebbi Ze'ira, Rebbi Yose and Rebbi Johanan ben Nuri said the same thing since we stated there: "Rebbi Johanan said, he shall dissolve it since maybe he would divorce her, then she would be forbidden to return to him."

12 Mishnah 11:2. In this interpretation, Mishnah 2 is the continuation of the remark of R. Yose in Mishnah 1.

13 Since R. Yose also agrees that the husband dissolves both vows of mortification and those between him and her, there must be a practical difference between the two classes of vows to make the classification important.

14 A vow between him and her is only subject to the husband's dissolution if it interferes with their marital relations. For R. Yose, he can dissolve a vow that would permanently forbid any sex with her after divorce; for the rabbis, he cannot dissolve the vow which comes into effect only after he will have lost the right of dissolution.

15 Mishnah 11:4, about a woman
who vows not to do anything he tells her to do. The rabbis hold that he does not have to dissolve the vow since by law she is required to live with him and keep house for him, and nobody can abolish his duties under the law by making a vow. R. Aqiba holds that he must dissolve the vow since she might do more for him than is legally required and then would violate her vow. R. Johanan ben Nuri says that he would be well advised to dissolve the vow since she would not be able to do anything for him after a divorce. This implies that the husband may dissolve now the vow regarding matters between him and her which would become effective only after a future divorce.

Rebbi Hila explained the Mishnah: "These are the vows which he can dissolve: Matters connected with mortification. [E. g.,] 'if I wash, if I do not wash; if I wear jewels, if I do not wear jewels.' What means "Rebbi Yose said, these vows are not vows of mortification"? They are vows between him and her. "The following are vows of mortification" is everybody’s opinion.16

16 He holds that Mishnah 2 can be read as being accepted by everybody. This implies that R. Yose does not disagree with the anonymous majority that the husband’s powers of dissolution of vows between him and her are restricted to the time of their marriage. He simply disagrees with the classification of the two examples quoted in the Mishnah and holds that not washing or not wearing jewellery is not done as mortification but to spite the husband.
"If I wash, if I do not wash." It was stated\(^\text{17}\): "If I wash, if I do not wash; if I wear jewels, if I do not wear jewels", these are vows of mortification. Both according to Rebbi Zeirä or according to Rebbi Hila, Rebbi Yose seems to contradict his own opinion, as \(^\text{18}\)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 over their animals. 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\(^\text{19}\). 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.

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\(^{17}\) In a \textit{baraita} not otherwise recorded.  

\(^{18}\) From here to the end of the next paragraph, the text is from \textit{Sevi'it}  

\(^{19}\) "There" is the Mishnah here, where R. Yose qualifies not washing as not being a mortification.
Jehudah from Huša 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 and 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 Abba and asked him about 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 be, and only afterwards their surroundings around them. He [R. Yose] said to him [Jehudah from Huša], what did cause you [this embarrassment]? That you did not study with your companions!

(42c line 40)  
(42c line 47)
We understand "if I wash." "If I do not wash"? Let her wash! Rebbi Mana said, if she said: "Any benefit from me shall be qônâm for you after I shall have washed myself, if I ever wash myself." Why should he not dissolve for her? Rebbi Yose ben Rebbi Abun said, only when she said, "any benefit from my body shall be qônâm for you after I shall have washed myself." Why can he not force? Did not Rebbi Huna say, [if she vowed] any benefit from me [shall be forbidden] to you, he forces her and sleeps with her. Any benefit from you [shall be forbidden] to me, he has to dissolve. There is a difference because it is a benefit for him and her. Rebbi Abba Mari said, If I wash [today], I shall not wash forever. If I wear jewellery [today], I shall not wear jewellery forever.

The rabbis of Caesarea in the name of Rebbi Nasa: If I wash I shall not wear jewellery; if I wear jewellery I shall not wash.

20 The discussion here is to understand R. Yose, who classifies the vows as being between him and her. He cannot accept the explanation given in Note 2 but it must somehow refer to marital relations. If she makes a vow not to have any relations with him if she washes, it is clear that he may dissolve the vow as one between him and her. But if she makes the vow not to have any relations with him if she does not wash, why can we not rely on her washing, as normal people do?

21 The mention of "not washing" is not an independent vow. She makes the vow not to have any relations with him if she washes and then reinforces her statement by the assertion that she will not wash.

22 It is only a vow between him and her if she makes it clear that she refers to marital intercourse.

23 He goes to court and has her declared an unruly wife; the court will deduct 7 denar from her marriage settlement per week and, if that settlement was reduced to zero, give the husband the right to claim 7 denar per week from any future inheritance or earnings (Mishnah Ketubot 5:7).

24 Since it is in his hand to dissolve the vow, he cannot sleep with her as long as her vow is in existence since "one does not feed a person anything
forbidden to him" (Babli 81b).

25 Sexual relations.

26 R. Abba Mari disagrees with the preceding and holds that the vow means what it says, that it is only about washing (or wearing jewellery) and not about sex. R. Yose holds that a person can go for a day without washing or wearing jewellery; therefore, the vow described in the Mishnah is neither a vow of mortification nor one between him and her; the husband has no way of interfering with that vow. It might become a vow between him and her if she should wash that day.

Samuel said, if she said, all produce of the world is qōnām for me; if there was grain heaped in the grain container, he may buy for her from that. Rebbi Simeon ben Laqish said, "the produce of the people of this province [is qōnām] for me, if there were strangers selling there, he can buy from them.

27 The word is explained as a contraction from Greek οἰκονήματος "granary". The grocer sells grain from his container.

28 Samuel holds that a vow is future directed unless otherwise stated; it does not cover produce already harvested.

29 Greek ξένος "stranger, host".
It is written\textsuperscript{30}: "Every vow and every oath of prohibition to mortify a person." For example, \textit{[a q\'on\'am]} if I would taste peppers, if I would taste rolls\textsuperscript{31}. Not only if that kind is available now; even if that kind is not available now, perhaps he might bring her some later on. Rebbi Johanan in the name of Rebbi Yannai: If there were two pieces before them, one nice and one not nice. If she desired the nice one\textsuperscript{32} and made a vow to forbid herself the less nice one, he may dissolve that. Why can he dissolve? The colleagues say, because of her mortification\textsuperscript{33}. Rebbi Ze'ira and Rebbi Hila both say, because of his mortification\textsuperscript{34}. Rebbi Ze'ira in the name of Samuel: A man can dissolve all vows except if she says, any benefit from me shall \textit{[be q\'on\'am]} for X. That means he can dissolve: Any benefit from X shall \textit{[be q\'on\'am]} for me\textsuperscript{35}. But did we not state: "The produce of this grocery store \textit{is q\'on\'am} for me, he cannot dissolve." Explain that following Rebbi Yose and they disagree with him, for we did state there\textsuperscript{36}: "If he can get the necessities of life only from that grocer, he may dissolve." Rebbi Yose\textsuperscript{37} said, because he gives him credit, he delivers to him\textsuperscript{38}. Rebbi Mana said, because he gives him good quality produce\textsuperscript{39}.

\textsuperscript{30} Num. 30:14.
\textsuperscript{31} In the opinion of S. Fraenkel κολλίκιον, diminutive of Greek κόλλιξ "large round bread".
\textsuperscript{32} There were two pieces of meat and she was afraid her husband would take the nicer (larger) one for himself.
\textsuperscript{33} She might change her mind and opt for the smaller piece. The Babli, 82b, holds that the husband cannot
dissolve as long as she has enough not to be hungry. It does not discuss the case of a person becoming afraid of overeating.

34 Since the verse speaks only of mortification without indicating to whom it refers, it is implied that the husband can dissolve his wife's vow if it mortifies him.

35 The Babli, 82a, agrees with both statements.

36 Which is declared to be R. Yose's opinion.

37 The late Amora.

38 Since he would have to go hungry if he is temporarily out of cash and could not pay another grocer, this certainly is potential mortification for him.

39 R. Mana even considers it mortification if he had to take a lesser quality from another store.

Mishnah 3: 'A qônâm that I shall not have benefit from people\(^40\)' he cannot dissolve, and she may benefit from gleanings, forgotten sheaves, and peah\(^41\). 'A qônâm that priests and Levites can have no benefit from me'; they may take forcibly\(^42\). 'These priests and these Levites can have no benefit from me'; others may take.

40 "People" means everybody except her husband, who is considered to be identical with her.

41 As is pointed out in the Halakhah, these agricultural gifts to the poor, described in Tractate Peah, are abandoned by the farmer who has no right to give them to a poor person of his acquaintance. Therefore, the poor receive these gifts from God's bounty, not from the farmer.

42 If the person (male or female) has farming property, the vow cannot free them from the obligations which are liens on agricultural produce.
Rebbi Yohanan said, so is the Mishnah: "And she may benefit from gleanings, forgotten sheaves, and peah." It was stated: "And the tithe of the poor." The tithe of the poor is not listed here. The tithe of the poor is given as acquisition; these by abandoning.

This remark stands for a lengthy discussion in the Babli, whose Mishnah seems to read: "She may benefit from gleanings, forgotten sheaves, and peah." (Cf. The Babylonian Talmud with Variant Readings, Nedarim vol. 2, p. 264, Note 15.) The Babli, 83b, notes that the first sentence of the Mishnah implies that the husband is not "people". The second clause, in its version, seems to imply that the woman can eat only from gleanings etc., not from the husband, who would be part of "people" and as such entitled to dissolve the vow. R. Johanan points out that the second clause is part of the first sentence, not a stand-alone sentence: The woman may eat from her husband and, in addition, gleanings, abandoned sheaves, and peah.

Rebbi Yose ben Rebbi Hanina said, a person gives his tithes for the benefit of goodwill. Rebbi Johanan said, a person may not give his tithes for the benefit of goodwill. What is the reason of Rebbi Yose ben Rebbi Hanina? (Num. 5:10) "Everybody shall be the owner of his holy things."
Rebbi Johanan said "it shall not be his". May he give them to whomever he likes?

45 In the Biblical text, in Demay, and in the editio princeps here: יִי. The ms. text is the only one making sense here.

46 From here to the end of the Halakhah, the text (with minor variants) is from Demay 6:3, explained there in Notes 59-76.

A Mishnah disagrees with Rebbi Yose ben Rebbi Haninah: "A vow that no Cohanim or Levites should have any advantage from me, they should take against his will." He explains it about a person who says, I cannot possibly give them any gifts. You should know that this is so, since we have stated: "These Cohanim and Levites should [not] have any advantage from me, let others take." A baraita disagrees with Rebbi Johanan: "An Israel can say to another Israel, here you have a tetradrachma and give this firstling to my daughter's son, a Cohen." He explains, if he already wanted to give it to two [Cohanim] and that daughter's son was one of them; then one said, here you have a tetradrachma and give it whole to my daughter's son, a Cohen.
They asked before Rebbi Zeira: a Cohen to an Israel, Rebbi forbids.

What does Rebbi Yose say? Rebbi Hizqiah in the name of Rebbi Aha said, so he responded to them: In the opinion of Rebbi Yose ben Rebbi Hanina, why is a Cohen to an Israel forbidden, not because it looks badly? Also Rebbi Johanan holds that from an Israel to an Israel it is forbidden because it looks badly. In addition, because of the following, as it was stated: 'Cohanim and Levites who help at the threshing floor have no right either to heave or to tithe, and if the farmer gave, it is desecrated, as it is said (Lev. 22:15): 'They should not desecrate the sanctified things of the Children of Israel,' but they desecrate them! In addition, they said that their heave is no heave, their tithes are no tithes, their dedications are no dedications, and about them the verse says (Micha 3:11): 'Their heads judge for bribes, [their priests are for hire].’ The Omnipresent brings over them three catastrophes; that is what is written (Micha 3:12): ‘Therefore, because of you Zion will be ploughed over as a field, Jerusalem will be desolate, and the Temple Mount a wooded hill.’
A Mishnah disagrees with Rebbi Johanan: "If somebody marries preliminarily giving heave, tithes, 'gifts', water for sprinkling, or ashes of the red heifer, she is married, even if the groom is an Israel." He explains it with heave he inherited from his maternal grandfather, a Cohen.

Mishnah 4: ‘A qônâm that I shall not work according to the wishes of my father, or your father, or my brother, or your brother,’ he cannot dissolve. ‘According to your wish,’ he does not have to dissolve47. Rebbi Aqiba says, he has to dissolve, maybe she works more than the required minimum48. Rebbi Johanan ben Nuri said, he shall dissolve since maybe he would divorce her, then she would be forbidden to return to him.

47 Since she is obligated to keep house for him and work in the house, and nobody can annul his obligations by a vow.
48 She would be sinning if she did anything for him over the legal minimum stated in Mishnah Ketubot 5:5.
Halakhah 4: "A qōnām that I shall not work according to the wishes of my father,' etc. There, we have stated⁴⁹: 'If somebody dedicates his wife's work, she works and eats. The excess? Rebbi Meir says, it is dedicated; Rebbi Johanan the Alexandrian said, it is profane.' Rebbi Simeon ben Lakish said, they disagree about the excess over five tetradrachmas⁵⁰. He explains it in the case of one who supports his wife with food but does not give her an obolus for her needs⁵¹, as we stated: 'If he does not give her an obolus for her needs, what she earns is hers'. Rebbi Johanan said, they disagree about the excess left after [the husband's] death; for he explains it if he does not support her with food⁵². But if he supports her with food, everybody agrees that it became dedicated⁵³. And here, he cannot dissolve! Rebbi Meir says, he does not have to dissolve⁵⁴. Rebbi Johanan the Alexandrian said, hers. Rebbi Aqiba said, hers. Rebbi Johanan ben Nuri said, his⁵⁵.

⁴⁹ Mishnah Ketubot 5:4. The husband dedicated the wife's income from her work to the Temple. He cannot dispose of what she needs for her livelihood. The question is only about what she earns in excess of her needs. The text of the first part of the paragraph is in Ketubot 5:5 in slightly extended form; the parallel discussion in the Babli Ketubot 58b-59a.
⁵⁰ It is stated in Mishnah Ketubot 5:9 that the husband has to give his wife a silver obolus every week as pocket money. If he does not give it, the Mishnah states that he has lost his claim to her earnings (and his dedication is void since nobody can dedicate what is not his.) He can also require her to spin wool in the weight of 5 Judean tetradrachmas.
⁵¹ He holds that R. Meir, who is the presumed author of an anonymous Mishnah, states that spinning the 5 tetradrachmas is for the silver obolus
she receives, and the excess of her work is for the food the husband provides. In the case considered here, the husband has no right to the value of the first 5 tetradrachma weights of her spinning but he can dedicate all the excess. R. Johanan the Alexandrian will hold that the 5 tetradrachmas will pay for the food and the excess for the pocket money, then the excess is the wife's property and the husband has no right to dedicate it.

52 He explains an arrangement that the wife takes neither food nor money from the husband and retains all her earnings for herself. In that case, the husband has no say about her earnings. But if she dies before him, he inherits from her and can dedicate what he wishes. (In the Babli, Ketubot 58b, this is Samuel's position.) R. Johanan the Alexandrian holds that nobody can dedicate anything not in his possession; therefore, any disposition of his future inheritance which he makes during her lifetime is void.

53 R. Johanan holds that the spinning of the first 5 tetradrachmas pays for food and pocket money. Therefore, anything in excess is unincumbered property of the husband.

54 Since she is obligated, she cannot avoid an obligation by a vow.

55 R. Johanan the Alexandrian in Ketubot and R. Aqiba in Nedarim both hold that the excess work of the wife belongs to the wife. Therefore, R. Aqiba requires the husband to dissolve the vow lest the wife give to her husband from her earnings and break her vow. But R. Johanan ben Nuri holds that the excess is the husband's; therefore he only counsels the husband to dissolve to permit him to take his wife back after a divorce.

"Rebbi Aqiba said, he has to dissolve." Rebbi Abba said, if she forbids the yields of her work, [vowing] not to work, he can force her up to the
weight of five tetradrachmas. More than that he cannot force, for he has
to be afraid that she may work more and it turns out that she profits from
what is forbidden\textsuperscript{56}. Therefore, Rebbi Aqiba says, he has to dissolve his
part. Rebbi Hila said, it is impossible for her to make exactly the weight
of five tetradrachmas. He could force her up to the weight of five
tetradrachmas; more that that he cannot force. He has to be afraid that
she might be over the limit by a minute amount; then he would profit
from what is forbidden\textsuperscript{57}. Therefore \textsuperscript{58}.

\textsuperscript{56} Since the excess is hers automatically.
\textsuperscript{57} If she thinks that she spun the
weight of five tetradrachmas but in
fact she made a little more, then in
accepting this he would be sinning
inadvertently. It is in his interest to
dissolve the vow. The smallest weight
measurable in talmudic theory is the
\textit{peruta}, $\frac{1}{32}$ of an obolus (about 4 mg in silver equivalent).
\textsuperscript{58} It seems that one has to insert
here the text from R. Abba's argument.

"Rebbi Johanan ben Nuri said, he should dissolve." Rebbi Hila said, the
reason of Rebbi Johanan ben Nuri is that even if he knows that if he
divorces her she would be forbidden to return to him, she needles him
until he divorces her\textsuperscript{59}.

\textsuperscript{59} Since R. Johanan ben Nuri holds
that the excess work is the husband's
and the vow would be active only after
divorce, it seems that at this moment
there is neither a vow of mortification
nor one between him and her. How
could the husband legally dissolve the
vow? It seems R. Hila reads "she knows
that if he divorces". He argues that it
is a vow between him and her since the
wife, knowing that the husband would
be extremely reluctant to divorce her,
could be quite unpleasant with
impunity and he would suffer.
Mishnah 5: If his wife made a vow and he was under the impression that it was his daughter, or his daughter made a vow and he was under this impression that it was his wife. If she vowed to be a nazir and he was under the impression that she vowed a sacrifice, or if she vowed a sacrifice and he was under the impression that she vowed to be a nazir. If she vowed to abstain from figs and he was under the impression that it was from grapes, or if from grapes and he was under the impression that it was from figs, he shall dissolve a second time.

If she said, a qōnam that I shall not taste these figs and grapes, if he confirmed for the figs he confirmed everything. If he dissolved for figs it is not dissolved unless he also dissolves for grapes. If she said, a qōnam that I shall not taste these figs, that I shall not taste these grapes; these are two vows.

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60 Since erroneous dissolutions or confirmations are invalid, the time limit for dissolution starts to run again the moment he is informed of his error.

61 A partially confirmed vow is confirmed; a partially dissolved vow is not dissolved (Tosephta 7:4).
Halakhah 6 "If she said, a qănām that I shall not taste these figs and grapes," etc. Even if he heard and remained silent, even if he heard and confirmed\(^62\).

\(^{62}\) This refers to Mishnah 5. Even if he had erroneously confirmed the vow, once he is informed of the true situation, he may dissolve. This is explicit in the Tosephta, 7:4.

Some Tannaim state: "He shall confirm it\(^63\)", even partially, "he shall dissolve it", even partially. Some Tannaim state: "He shall confirm it", totally\(^64\), "he shall dissolve it", totally. Some Tannaim state: "He shall confirm it", even partially, "he shall dissolve it", totally. Some Tannaim state: "He shall confirm it", totally, "he shall dissolve it", even partially. The Mishnah follows him who said, "he shall confirm it", even partially, "he shall dissolve it", totally. As we have stated: "If he confirmed for the figs he confirmed everything. If he dissolved for figs it is not dissolved unless he also dissolves for grapes."

If she said, a qănām that I shall not taste a fig nor a grape berry, that is a matter of difference between Rabbi Ismael and Rabbi Aqiba since Rabbi Ismael says, the vow decides, and Rabbi Aqiba says, the prohibition decides\(^65\).
Num. 30: 14: "Her husband may confirm it or her husband may dissolve it."

The Tosephta (7:4) has a fifth version: The husband may confirm one and dissolve the other of two vows made at the same time, i.e., it is applicable to the situation described at the end of Mishnah 6.

The husband has only the choice to accept or to reject the wife's vow in toto.

In Halakhah 9, R. Ismael says the determining factor is the vow. A multiplicity of vows made at the same time is treated as a multiplicity; there are two separate vows in our case. R. Aqiba says that a multiplicity of prohibitions imposed at the same time are one prohibition; there is only one vow.

Mishnah 7: 'I knew that there are vows but I did not know that they can be dissolved.' 'I knew that one can dissolve but I did not realize that this was a vow.' Rebbi Meir says, he cannot dissolve, but the Sages say, he can dissolve.

R. Meir holds that he had his chance; if he did not use it because of his ignorance, it is his fault. The Sages hold that the time for dissolution starts only when he is instructed about the law. In the Babli, 87b/88a, R. Meir's position is explained by his interpretation of the biblical verses.
Halakhah 7: "I knew that there are vows," etc. Rebbi Ze'ira said, the reason of Rebbi Meir: It is a subterfuge. He wants her to make vows so he can divorce her. That is not so, he could have divorced her on the first occasion.

67 This refers to the second case, when he admits that he knew he could dissolve his wife's vows. Then he should have dissolved the vow immediately even if it was a borderline case. If it was a vow, it would be dissolved; if it was not a vow, no harm would have been done. We suspect that he wants to encourage his wife to make vows so he could claim that she always makes vows and one cannot expect from him to live with such a wife; he asks permission from the court to divorce her without payment of the ketubah sum (Mishnah Ketubot 7:6).

68 This gives the position of the Sages who note that he could have started complaining at the first vow. Therefore, they accept his words at face value.

Mishnah 8: If a person is by a vow prevented to benefit his son-in-law but wants to give money to his daughter, he says to her: These coins are given to you as a gift on condition that your husband shall have no claim to them, except what you trade for your needs.
**Halakhah 8:** "If a person is by a vow prevented to benefit his son-in-law," etc. It was stated\(^{69}\): "Neither do you". Rebbi said, who stated "neither do you"? Rebbi Meir, for Rebbi Meir makes the hand of the slave the hand of his master\(^{70}\). Because he said "neither do you." If he had not said "neither do you", if the wife acquired, the husband would have acquired.

69 In this version, the father cannot give his daughter an unrestricted gift. He must spell out a use; the daughter cannot save the money for an unspecified future.

70 For R. Meir, anything the slave acquires becomes automatically his master’s property. Therefore, no slave can buy his freedom from his master since he cannot have money that is not his master’s. Any money needed for his manumission must be in the hand of a third party [Babli 88b; Qiddusin 1:3 (60a l. 26), Babli 23b; Mo‘aser Šeni 4:4, Notes 89,96; Ketubot 6:1 (30c l. 46); Eruvin 7:6 (24c l. 62)]. Similarly, R. Meir gives the husband property rights in everything his wife acquires. He will accept a contract in which the wife retains all her earnings while renouncing all support from her husband as a contract in which the wife acts by the husband’s authorization. The majority accepts separate property both for the slave and the wife.
Mishnah 9: "The vow of a widow or a divorcee, anything she forbids to herself shall be confirmed." How is that? If she said, I shall be a nazir after thirty days, even if she married within these thirty days he cannot dissolve. If she made the vow under her husband’s authority and he dissolved it, if she had said, I shall be a nazir after thirty days, even if she should become a widow or a divorcee within the next 30 days, it remains dissolved.

Mishnah 10: If she made a vow, was on the same day divorced, and taken back, he cannot dissolve. This is the principle: He cannot dissolve for any one who was on her own for one moment.

70 Num. 30:10. her, even on the same day, the vow
71 She was definitively married or precedes the marriage and is out of the husband’s power.

Halakhah 9: "The vow of a widow or a divorcee," etc. This refers to what Rebbi Ismael says, the vow decides; Rebbi Aqiba says, prohibition decides. If vow and prohibition came together? How is that? She said, I shall be a nazir in 30 days. Her husband heard it and did not dissolve. He divorced her and remarried her within the 30 days. Is that when vow and prohibition come together?

72 Cf. Note 65. R. Aqiba says the moment she imposed the prohibition is the decisive one; since at that time she had no husband, the vow is not under the later husband’s jurisdiction. R. Ismael says that the point of activation
of the vow determines; there is no vow until after 30 days and the husband then can dissolve the vow. The Mishnah follows R. Aqiba. This interpretation of the opinions of Rebbis Aqiba and Ismael is forced by the Tosephta, 7:6, and is interpreted in this way in the Babli, 89a.

73 It is the normal case that a woman makes a vow for immediate validity. But we are looking for a case involving a divorcee.

74 For R. Aqiba, he had his chance and missed it. For R. Ismael, his inaction is irrelevant since the vow is not yet activated.

75 The Tosephta states: A widow who said: I shall be a nazir the moment I shall be married. R. Ismael says, the husband can dissolve (since the vow starts to be active in his domain, it is not a vow preceding the marriage). R. Aqiba says, he cannot dissolve (since the vow was made when she was a widow). In the case here, the remarriage was before the 30 days were over; for R. Ismael there is no question that the husband can dissolve the vow. For R. Aqiba the question is whether the divorce is counted to introduce a new domain, in which case he can dissolve, or is a continuation of the old, in which case he had his chance and did not use it. The question is not resolved.

Mishnah 11: The vows of nine young women are confirmed: An adult who is an orphan, an adolescent who became an adult and is an orphan, an adolescent who did not become an adult but is an orphan. An adult whose father died, an adolescent who became an adult and her father died, an adolescent who did not become an adult and her father
died. An adolescent whose father died and afterwards she became an adult, an adult whose father lives, an adolescent girl whose father lives. Rebbi Jehudah says, also if somebody marries off his underage daughter and she becomes widowed or divorced and returns to him, she still is an adolescent.

76 In this introduction to the Mishnah, נערה is used in a nontechnical term "young female", whether minor, adolescent, or of age. Later the same word is used in a more technical sense, "underage or adolescent." The principle underlying the Mishnah is very simple: The vows of an unmarried girl are not subject to dissolution if either she has no father or she is emancipated from him either by coming of age or by having been definitively married and then divorced or widowed.

77 R. Jehudah denies that an underage girl (not an adolescent) is emancipated from her father by marriage.

Halakhah 11: "The vows of nine young women are confirmed," etc. Rebbi Johanan said, there are two. But why did we state "two"? To train the students. And according to Rebbi Jehudah, there are three.

78 One category is the orphan and the minor or adolescent emancipated by dissolution of her marriage; the other is the adult. For R. Jehudah, the widowed or divorced minor falls in a separate category. The Babli, 89b, holds that the nine are R. Jehudah's but that the majority recognizes the adult, the orphan, and the minor or adolescent emancipated by dissolution of her marriage.
Mishnah 12: ‘A qōnām that I shall not take any benefit from my father, or your father, if I shall do anything for you.’ ‘[A qōnām] that I shall not have any benefit from you if I shall do anything for my father, or for your father.’ These he can dissolve.

Halakhah 12: “A qōnām that I shall not take any benefit from my father, or your father,” etc. It was stated79: Rebbi Nathan says, he cannot dissolve80, but the Sages say, he can dissolve. Why can he dissolve? The colleagues say, because of his mortification81. Rebbi Ze’ira and Rebbi Hila say, because of her mortification82.

79 Tosephta 7:7; cf. Tosefta ki-Fshuah vol. 7, p. 501; Babli 89b.
80 The reason seems to be that the vow is neither a mortification nor does it hinder marital relations. The Babli gives as reason that the husband cannot dissolve as long as his wife did not work for him because the prohibition did not start. There is no hint of that in the Yerushalmi.
81 He feels badly about the situation; that is reason enough.
82 They hold that his being hurt can never be a reason. He gets the power of dissolution because she might be hurt by this in the future.
Mishnah 13: Earlier they said, three categories of women have to be divorced and collect their ketubah: The one who says, I am impure for you, or Heaven is between you and me, or I am separated from the Jews. They changed to say that a woman should not be encouraged to want another man and cause trouble to her husband. If she says, I am impure for you, she should bring proof. Heaven is between you and me, they should try to mediate. I am separated from the Jews, he shall dissolve his part, she shall live with him and be separated from the Jews.

83 The wife of a Cohen who declares that she was raped without witnesses. Since the rabbinically accepted definition of a nair (Lev. 21:7) is a woman who had sexual contact with a man whom she could not legally marry, and a married woman cannot marry anybody, she is forbidden to her husband who has to divorce her. Since it is not her fault, he has to pay the entire ketubah sum.

84 She claims that he is infertile.

85 She made a vow not to sleep with any Jew. The earlier opinion was that a woman would not make such a vow unless she suffers from vaginism and sexual relations are painful for her. Since the vow is not frivolous, she can claim her ketubah payment.

86 Obviously not proof beyond a reasonable doubt but to make the claim plausible.

87 As long as it is infertility, not impotence, she cannot force a divorce. The Babli, Yebamot 65b, holds that the rabbi shall grant the divorce and not try to keep the wife in the marriage if she claims that their financial situation is such that she needs children to care for her in her old age and the husband cannot provide the children.

88 Since she made the vow only against sleeping with Jews, not with any man in the world, one assumes that she can enjoy intercourse and only prefers Gentiles.
Halakhah 13: "Earlier they said," etc. That is, if she cannot bring proof for her assertion, it is obvious that she is permitted to her house. Rebbi Hila said, would it not be reasonable that a fellow should be apprehensive, and if he was a Cohen that she should be forbidden to eat heave? There came a case before Rebbi Hanina, the colleague of the rabbis, and he permitted her to eat heave. Rebbi Haggai said, my father knew the first and the last case. Soldiers entered the town. A woman came and said, a soldier embraced me and ejaculated semen between my knees. He permitted her to eat heave. There came a case before Rebbi Isaac bar Tevele of a woman who said, my cowhand seduced me. He said to her, is the cowhand not forbidden? And he forbade her. Here, you say that he forbade her. There, you say that he permitted her. There, she came to forbid herself and he permitted her. But here, she came to permit herself and he forbade her.

89 Since the later Mishnah states that she is not divorced, obviously she will be permitted to her husband.

90 A "fellow" follows the rules of purity strictly, cf. Introduction to Tractate Demay. R. Hila suggests that the strictly observant should follow the earlier Mishnah in this case.
91 In the Babli, 90b, this is the authoritative opinion of Rava. (There is internal and some ms. evidence that the author of this opinion is the less authoritative Rabba. In that case, the Babli would concur with the Yerushalmi that she may eat heave. But the legal tradition is to read Rava.)

92 Greek στρατιώτης, "warrior, commander".

93 Since we do not know of the incident from any other source, "the mouth which forbade" (she, who tells of the encounter with the soldier) "is the mouth which permitted" (that there was no penetration) (Mishnah Ketubot 2:2).

94 Reading ג.rooms "the one who cares for the cattle" for דרה because of the disappearance of guttural sounds; already noted by David Fraenckel.

95 An adult woman is guilty of adultery if she lets herself be seduced and must be divorced without payment of the ketubah. (Seduction of a minor is treated as rape; cf. Sotah 1:1, Note 91.)

96 It was stated: "I am jailed away from you, I am separated away from you". Rebbi Jeremiah asked, why did one not state "taken away from"? Rebbi Yose said, that was stated at the end: "I am taken away from the Jews."
If she was divorced, let her go and cling to the Arabs, for she loves them.

The woman who vowed not to sleep with Jews.

If a woman made a vow to be a nazir; her husband heard and did not dissolve it: Rebbi Meir and Rebbi Jehudah say, he put his finger between her teeth, for if he wants to confirm, he can confirm. If he said, I cannot stand her being a nazir, he should divorce her and pay the ketubah. Rebbi Yose and Rebbi Simeon say, she put her finger between her teeth, for if he wants to confirm, he can confirm. If she said, I can stand it to be a nazir, he may divorce her without paying the ketubah.” Remove this, how can Rebbi Meir and Rebbi Jehudah say so in the Mishnah? Even in the later Mishnah, why did he not dissolve? Rebbi Yose and Rebbi Simeon follow the later Mishnah. But you might say, the earlier Mishnah. Why did she make the vow?

98 Tosephta Nezirut 3:12-13. In the Babli, Ketubot 71a, there is a lengthy discussion about the attribution of the statements to different authors.
99 He is to blame if she bites and hurts him.
100 She knows that she takes the risk that her husband would confirm her vow and she would be unable to serve him wine, or to cook dishes which require wine in the recipe, and that at the end she will be without her hair, so that the husband might get exasperated. (In Ketubot 7:2, the Yerushalmi notes that if the husband by needling his wife pushes her to make the vow, Rebbis Yose and Simeon agree that he put his finger between her teeth.)

101 If he cannot stand living with a nezirah.

102 It seems that the text here is somewhat defective, judging from the following parallel story. In any case, if he does not dissolve his wife's vows, the husband is responsible for all consequences.

103 In requiring the woman to repeat and affirm her statement.
### Indices

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