# משניות

(בששה כרכים)

א

# סדר זרעים

המשניות בעברית מנקדת, הקדמות, תרגום אנגלי, פרוש אנגלי,
הוספות (צמחים, ביוגרפיות), לוחות המפתחות.

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משנה פרעס לטד', לונדון
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הוצאה ראשונה, תשי״א לפ״ק



מדפס בשביל משנה פרעס לטד׳ על ידי
א. זעלצער, ברייטון, אנגליה

# MISHNAYOTH

*(In Six Volumes)*

VOLUME I

# ORDER ZERAIM

POINTED HEBREW TEXT, INTRODUCTIONS, TRANSLATION NOTES, SUPPLEMENTS (FLORA, BIOGRAPHIES), INDEXES.

By

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# PREFACE.

The MISHNAH—key to the correct interpretation of and second in importance to the TORAH—is for a variety of reasons a closed book to the great majority of Jews. There are numbers of Translations in various languages but none of them hitherto is very helpful to a simple, proper, and popular understanding of the Mishnah. An attempt is here made to give such intelligent aid with the hope that the reader possessing even only a minimum knowledge of Hebrew will find himself sufficiently interested to follow it up either privately or through the medium of the "Study Circle", which may lead even to some insight into the Gemara.

The Hebrew text has been carefully collated and important and interesting variations are shown. The "pointing" or vocalisation has been carried out with the utmost care. The original textual orthographic Hebrew terms have been retained. After serious deliberation the conclusion was arrived at that it is inadvisable and undesirable to alter the orthography of the Mishnaic Text on vowelisation—such a course is suitable rather for a single detached Tractate but not for the Mishnayoth as a whole. Nevertheless, where occcasionally textual construction seemingly rendered it necessary, such variant forms are presented in the Notes. For similar reasons, wherever terms in Scriptural quotations given in the Mishnah depart orthographically from the Massoretic Text, they have been left intact but the discrepancies have been indicated in the Notes.

The Translation has been made as closely literal to the Text as possible, at the expense perhaps of some elegance of style and niceties of diction which cannot be completely attained in the more important close and accurate renderings; and to avoid confusion the necessary interpolations to make the sense clear (with very few exceptions, indicated in square brackets) have been relegated to the Notes.

The Notes have been compiled with the aid of the well-known Hebrew Commentaries *Rashi*, *Bertinoro*, *Tosefoth Yom-Tov*, *Tiferet Yisrael* and *Hilchetha Gevartha*, and also valuable matter from other commentaries has been made use of. There are more than fifty recognised authoritative Hebrew commentaries on the whole Mishnah and parts of it, with much overlapping and many points of agreement as well as of variance, and it is quite obvious that it would be absolutely impossible to construct even an adequate digest of and to extract convincing conclusions from such an enormous mass of material within the moderate compass of this volume; hence only such matter has been used which makes the meaning of the Text lucid, and all disputative subjects—involved, inconclusive, and hopeless or mutually destructive arguments and irreconcilable views and opinions, which are only suitable for the expert, have been assiduously avoided.

The GENERAL INTRODUCTION, after very serious consideration, has been condensed into a very small compass—in fact, a mere summary or synopsis of the most essential facts, outlining the history, scope and contents of the Mishnah and giving various subjects in skeleton form. The author

came to the conclusion that to treat this subject adequately would require a volume to itself and this would have added unfairly to the bulk of the work, and further, this has already been dealt with very fully in many excellent works.

The author wishes here to express his indebtedness to Rabbi Dr. E. W. Kirzner, M.A., Ph.D., M.Sc., and to the late Rabbi Dr. A. Marmorstein, Ph.D., who scanned the MS. and gave valuable advice, and for the help and advice given by Rev. I. Livingstone, Rev. E. Cashdan, M.A., and Dr. C. Rabin, Ph.D.

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Great credit is due to Mr. A. ZELTSER (A. Zeltser & Sons, "A to Z" Printing) for the successful result of a highly technical and complicated work.

PHILIP BLACKMAN.

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# GENERAL INTRODUCTION

TO THE

# מִשְׁנָה

# MISHNAH

By

PHILIP BLACKMAN, F.C.S.

# זְרָעִים

# ZERAIM

# GENERAL INTRODUCTION

## THE TALMUD—תַּלְמוּד

A description of the *Mishnah*—though in itself naturally the older portion of the *Talmud*—is better dealt with by a characterization of the *Talmud* as a whole of which the *Mishnah* forms a part. So much has been written on the subject that it is unnecessary here to give anything more than a clear and succinct summary of the essential details.

The appellation *Talmud* (תַּלְמוּד) means literally '*study*', and it embodies the mental labours, opinions and teachings of the ancient Jewish scholars in expounding and developing the religious and civil laws of the Bible during a period of some eight centuries (from 300 B.C.E. to 500 C.E.).

The **Talmud** includes two distinct elements, **Halachah** (הֲלָכָה), '*law*', and **Agadah** (אַגָּדָא), '*narrative*' (containing history, stories, fables, legends, prayers, meditations, reflexions, religious discourses, exegetical remarks, allegory, ethical, moral and metaphysical teachings and maxims, theosophical and philosophical discussions, and scientific observations of anatomical, anthropological, ethnographical, physiological, medical, physical, astronomical and mathematical character).

It is to be noted however that the name *Talmud* originally referred to the גְּמָרָא (*Gemara*) alone and it was only in later times that the name came to be applied to both the מִשְׁנָה (*Mishnah*) and the גְּמָרָא combined.

The *Mishnah* and the *Gemara* bear to each other the relation of *Text* and *Commentary* respectively.

## THE MISHNAH—מִשְׁנָה

Authorities differ as regards the etymology and meaning of the word מִשְׁנָה (*Mishnah*). According to the view of some it is related to the word שְׁנַיִם, '*two*', and is meant to express the idea that it ranks in importance *second to the Bible*. Others connect it with the verb שָׁנָה, '*teach*', '*teach orally*', '*repeat*', '*learn by heart*', and according to this derivation the word *Mishnah* would indicate that its teachings were transmitted orally through the generations, in contradistinction to the '*written Law*' of the תּוֹרָה, *Pentateuch*, which is designated מִקְרָא (*Mikra*), '*which is read.*'

The *Mishnah* was first brought into order and arranged in six

principal divisions by Hillel (President of the Sanhedrin* in the time of Herod); this system was further improved upon by R. Akiba and subsequently by R. Meir. Finally R. Jehudah Hanasi (the President of the Sanhedrin who flourished towards the end of the second century C.E.) completed the work. It bears the simple name *Mishnah*, and we owe our order and system of the *Mishnah* to R. Jehudah Hanasi. But it is uncertain whether R. Jehudah Hanasi was actually the first to commit it to writing.

The language of the *Mishnah* is *New Hebrew* (לְשׁוֹן חֲכָמִים or לְשׁוֹן דְּרַבָּנָן) as developed during the period of the Second Temple and therefore, though not in essential details, differs somewhat from *Biblical Hebrew*, because the Aramaic dialects had by then supplanted Hebrew as the language of everyday common life and the ancient classical Hebrew was employed and cultivated by the חֲכָמִים (*'Sages'*) for legal and liturgical purposes only. The *Mishnah* contains many new terms and phrases, and new grammatical constructions and syntactical forms to supply the demand for new objects and ideas and for legal dialectics. Use was made of Biblical words and roots to create new words, and where these were inadequate for the huge demand, recourse was naturally had to the dominating languages (Aramaic mainly, but also some Latin, Greek and Persian). As the *Mishnah* was at first transmitted orally and had thus to be committed to memory, it is therefore not surprising that such a vast volume of material is very brief and concise in style—so much so indeed that the *Mishnah Text* would be quite impossible to be correctly interpreted and understood without the aid of the גְּמָרָא (*'Gemara Commentary'*).

The *Mishnah* is divided into six sections, סְדָרִים (*Sedarim*, *'Orders'*), and the whole *Talmud* is thus designated by the term ש״ס, an abbreviation of שִׁשָּׁה סְדָרִים (*'Six Orders'*). These six sections are:

1. זְרָעִים *Zeraim*, *'Seeds'* (deals with the ritual laws of the cultivation of the soil, prefaced by a part treating of the Liturgy).
2. מוֹעֵד *Moed*, *'Festival'*, *'Season'* (deals with the ritual laws of the Sabbath, Festivals and Fasts).
3. נָשִׁים *Nashim*, *'Women'* (deals with the ritual laws of family life, marriage and divorce).
4. נְזִיקִין *Nezikin*, *'Damages'* (deals with civil and criminal law; the Government).
5. קָדָשִׁים *Kadashim*, *'Sacred things'* (laws on the clean and the unclean) (deals with Temple services and sacrifices).

* Also *Sandhedrim* and less frequently *Synhedrium*.

6. טַהֲרוֹת *Taharoth*, '*Purity*' (deals with ritual laws of cleanness and defilement).

Each סֵדֶר, *Seder*, '*Order*', is divided into מַסֶּכְתּוֹת, '*Treatises*', '*Tractates*', each מַסֶּכֶת of which is further subdivided into פְּרָקִים, '*Chapters*', and every פֶּרֶק, '*Chapter*', consists of *Paragraphs* (each of which is called a *Mishnah*, מִשְׁנָה or *Halachah*, הֲלָכָה, in the *Babylonian Talmud* and *Halachah*, הֲלָכָה, in the *Palestinian Talmud*).

The authorities quoted in the *Mishnah* belong to three different periods, *viz.*, סוֹפְרִים, '*Scribes*', זוּגוֹת, '*Pairs*', and תַּנָּאִים, '*Teachers*'. The סוֹפְרִים, also called אַנְשֵׁי כְּנֶסֶת הַגְּדוֹלָה*, '*Men of the Great Synod*' (or *Assembly*) succeeded Ezra for about 200 years; the זוּגוֹת (from Jose ben Joeser till Hillel) stood in pairs at the head of the Sanhedrin, one as נָשִׂיא, *Nasi*, '*President*,' and the other as אַב בֵּית דִּין, '*Head of the Beth-Din*', '*Vice-President*,' and flourished to the time of Herod; the תַּנָּאִים began with the disciples of Hillel and Shammai (10 B.C.E. to 220 C.E.), and the titles רַבִּי, '*My Teacher*,' for ordained Teachers and רַבָּן, '*Our Teacher*,' for the President of the Sanhedrin came into use.

The term תַּנָּא, '*Teacher*' of the *Oral Law*, is first mentioned in the *Gemara*, and a '*Teacher*' or '*Expounder*' of the *Mishnah* after R. Judah Hanasi is termed אֲמוֹרָא, *Amora*. (A Palestinian *Amora* had also the title רַבִּי, but the Babylonian was called רַב or מַר).

## THE GEMARA—גְּמָרָא

The term גְּמָרָא is derived from the verb גָּמַר, '*complete*,' '*supplement*,' '*settle*,' '*decide*,' '*teach*.'

There are two compilations of the *Gemara*, the תַּלְמוּד בַּבְלִי, **'Babylonian Talmud'**, and the תַּלְמוּד יְרוּשַׁלְמִי, **Palestinian** (or **Jerusalem**) **Talmud,** differing from each other in language and content, but the *Mishnah Text* in both is the same with but occasional slight variations. The former was compiled in Babylon (in the Academies of Nehardea, Sura and Pumbeditha) and the latter in the Palestinian Academies (Tiberias, Sepphoris and Caesarea). The Babylonian Talmud is fuller, couched in less difficult style and is more thorough in its discussions and details, and has therefore been accepted as authoritative to such an extent that the study of the Palestinian Talmud has been almost entirely neglected except by very few eminent scholars.

*Grammatically more correct כְּנֶסֶת.

## THE מַסֶּכְתּוֹת, TRACTATES (or TREATISES), OF THE TALMUD

* No גְּמָרָא in the Babylonian Talmud.
§ No גְּמָרָא in the Palestinian Talmud.
§§ Not treated at all in the Palestinian Talmud.

### I. סֵדֶר זְרָעִים, Order Seeds

1. בְּרָכוֹת **Benedictions, Prayers** (Liturgical rules).
2. * פֵּאָה **Corner** (corners and gleanings of fields; forgotten sheaves; olives and grapes left for poor) [*Leviticus* **19**, 9, 10; *Deuteronomy* **24**, 19, 21].
3. * דְּמַאי **Doubtfully Tithed** (produce bought from those suspected of not having tithed it).
4. * כִּלְאַיִם **Mixtures** (prohibited mixtures in animals, plants, garments) [*Leviticus* **19**, 19; *Deuteronomy* **22**, 9, 11].
5. * שְׁבִיעִית **Sabbatical Year** [*Exodus* **23**, 11; *Leviticus* **25**, 2 to 7, 20 to 22; *Deuteronomy* **15**, 1 to 11].
6. * תְּרוּמוֹת **Heave Offerings** [*Numbers* **18**, 8, 12, 24, 26; *Deuteronomy* **18**, 4].
7. * מַעֲשְׂרוֹת **Tithes** [*Leviticus* **21**, 3 to 33; *Numbers* **18**, 21 to 26].
8. * מַעֲשֵׂר שֵׁנִי **Second Tithe** [*Leviticus* **27**, 30; *Deuteronomy* **14**, 22 to 29, **26**, 12].
9. * חַלָּה **Dough** (portion for priests) [*Numbers* **15**, 18 to 21].
10. * עָרְלָה **Uncircumcised** (fruits of trees during first four years after planting) [*Leviticus* **19**, 23, 24, 25].
11. * בִּכּוּרִים **First Fruits** (to be brought to the Temple; hermaphrodites) [*Exodus* **23**, 19; *Deuteronomy* **26**, 1 to 11].

### II. סֵדֶר מוֹעֵד, Order Festivals

1. שַׁבָּת **Sabbath** (labours prohibited on Sabbath).
2. עֵרוּבִין **Combinations** (extension of Sabbath boundaries).
3. פְּסָחִים **Passover** (Passover laws; Paschal lamb).
4. * שְׁקָלִים **Shekels** (half-shekel Temple tax) [*Exodus* **30**, 12 to 16].
5. יוֹמָא **The Day** (Day of Atonement laws) [*Leviticus* **16**, 3 to 34; *Numbers* **29**, 7 to 11).
6. סוּכָּה **Tabernacle** (Feast of Tabernacles laws) [*Leviticus* **23**, 34, 35, 36, 42].
7. בֵּיצָה **Egg**, or יוֹם טוֹב, **Holyday** (labours prohibited on Festivals), [*Exodus* **12**, 16; *Leviticus* **23**, 7, 3, 21, 25, 35, 36].

8. רֹאשׁ הַשָּׁנָה **New Year** (New Year laws) [*Leviticus* **23**, 24; *Numbers* **29**,1].
9. תַּעֲנִית **Fast** (public fasts).
10. מְגִלָּה **Scroll** (reading of *Book of Esther* on Purim).
11. מוֹעֵד קָטָן **Minor Festival** (חוֹל הַמּוֹעֵד, '*Intervening Days*' of Passover and Feast of Tabernacles).
12. חֲגִיגָה **Festival Offering** (private offerings on Passover, Feast of Weeks and Feast of Tabernacles) [*Exodus* **23**, 14; *Deuteronomy* **16**, 16, 17].

## III. סֵדֶר נָשִׁים, Order Women

1. יְבָמוֹת **Sisters-in-Law** (Levirate Marriage) [*Leviticus* **18**, 18; *Deuteronomy* **25**, 5 to 10].
2. כְּתוּבּוֹת **Marriage Deeds** (dower, marriage settlements).
3. נְדָרִים **Vows** [*Numbers* **30**, 3 to 16].
4. נָזִיר **Nazarite** [*Numbers* **6**, 2 to 21].
5. סוֹטָה **Wife suspected of adultery** [*Numbers* **5**, 11 to 31].
6. גִּיטִּין **Divorces** [*Deuteronomy* **24**, 1 to 5].
7. קִדּוּשִׁין **Betrothals.**

## IV. סֵדֶר נְזִיקִין, Order Damages

1. בָּבָא קַמָּא **First Gate** (damages, injuries) [*Exodus* **21**, 28 to 37, **22**, 1 to 6].
2. בָּבָא מְצִיעָא **Middle Gate** (found property; trust; buying, selling; lending, hiring, renting) [*Deuteronomy* **22**, 1 to 4; *Exodus* **22**,6 to 14; *Leviticus* **25**,14; *Exodus* **22**,24, 25, 26; *Leviticus* **25**, 35, 36, 37].
3. בָּבָא בַּתְרָא **Last Gate** (real estate; commerce; hereditary succession) [*Numbers* **27**, 7 to 11].
4. סַנְהֶדְרִין **Courts** (courts; capital crime punishment).
5. מַכּוֹת **Stripes** (false witnesses; cities of refuge; crimes punishable by stripes) [*Deuteronomy* **19**,16 to 19; *Numbers* **35**, 10 to 32; *Deuteronomy* **19**, 1 to 13].
6. שְׁבוּעוֹת **Oaths** [*Leviticus* **5**, 4, 5, 21, 22; *Exodus* **22**, 6 to 10].
7. § עֵדֻיּוֹת **Testimonies**
8. עֲבוֹדָה זָרָה **Idolatry**
9. §§ אָבוֹת **(Ethics of the) Fathers**
10. הוֹרָיוֹת **Decisions** (erroneous decisions and their effects) [*Leviticus* **4** and **5**].

The *Babylonian Talmud* appends to this Order these seven Tractates of later or extra-canonical origin.

a. אָבוֹת דְּרַבִּי נָתָן **(Ethics of the) Fathers by R. Nathan** (Extension of אָבוֹת, **Ethics of the Fathers**).

b. סוֹפְרִים **Scribes** (writing of the Scrolls of the *Pentateuch* and the *Book of Esther;* Masoretic grammatical rules; liturgical rules).

c. אֵבֶל רַבָּתִי **Mourning**, or שְׂמָחוֹת, **Joys** (burial; mourning).

d. כַּלָּה **Bride** (chastity).

e. דֶּרֶךְ אֶרֶץ רַבָּא **Conduct (Major Treatise)** (prohibited marriages; religious, ethical, social teachings).

f. דֶּרֶךְ אֶרֶץ זוּטָא **Conduct (Minor Treatise)** (ethical and social teachings).

g. פֶּרֶק הַשָּׁלוֹם **Chapter on Peace.**

## V. סֵדֶר קָדָשִׁים, Order of Sacred Things

1. §§ זְבָחִים **Sacrifices** [*Leviticus* **1 to 4**].
2. §§ מְנָחוֹת **Meat-Offerings** (meat and drink offerings) [*Leviticus* **2**].
3. §§ חוּלִּין **Profane Things** (slaughtering; dietary laws).
4. §§ בְּכוֹרוֹת **Firstborn** (of man and animals) [*Exodus* **8** 12, 13; **13,** 2, 12; *Numbers* **18**, 15, 16, 17, 18; *Deuteronomy* **15**, 19, 20].
5. §§ עֲרָכִין **Evaluations** (appraisement for redemption) [*Leviticus* **27**, 2 to 27].
6. §§ תְּמוּרָה **Exchange** (exchange of sanctified things) [*Leviticus* **27**, 10 to 27].
7. §§ כְּרִיתוֹת **Excisions** (sins punishable by excision; their expiation).
8. §§ מְעִילָה **Trespass, Sacrilege** [*Leviticus* **5**, 15, 16].
9. §§ תָּמִיד **Daily Sacrifice** [*Exodus* **29**, 38 to 42; *Numbers* **28**, 2 to 8].
10. * §§ מִדּוֹת **Measurements** (measurements and descriptions of Temple and Courts; service of priestly guards).
11. * §§ קִנִּים **Birds' Nests** (sacrifices of fowls; offerings of the poor) [*Leviticus*, **1**,14; **5**7; **12**,8; **15**,14, 29; *Numbers* **6**,9].

## VI. סֵדֶר טְהָרוֹת, Order Purifications

1. * §§ כֵּלִים **Vessels** (ritual uncleanness of garments, utensils) [*Leviticus* **11**, 33, 34, 35].
2. * §§ אֳהָלוֹת **Tents** (ritual uncleanness caused by dead body to houses and tents) [*Numbers* **19**, 14, 15, 16, 22].
3. * §§ נְגָעִים **Leprosy** [*Leviticus* **13** and **14**].
4. * §§ פָּרָה **Heifer** [*Numbers* **19**, 1 to 22].
5. * §§ טְהָרוֹת **Purifications** (lesser degrees of uncleanness lasting until sunset) [*Leviticus* **11**, 24 to 28].
6. * §§ מִקְוָאוֹת **Reservoirs** (ritual wells and reservoirs).
7. נִדָּה **Menstruant** [*Leviticus* **15**, 19 to 31, **12**, 2 to 8].
8. * §§ מַכְשִׁירִין **Preparations** (liquids that render seeds and fruits unclean) [*Leviticus* **11**, 34, 38].
9. * §§ זָבִים **Sufferers with Gonorrhoea** [*Leviticus* **15**, 2 to 18].
10. * §§ טְבוּל יוֹם **Immersed at day-time** (and cleanness acquired at sunset.)
11. * §§ יָדַיִם **Hands** (uncleanness of hands, their purification).
12. * §§ עוּקְצִין **Fruit Stalks** (and their shells regarding conveying of uncleanness).

## KINDRED WORKS TO THE MISHNAH

1. תּוֹסֶפְתָּא **Tosephta**, '*Appendix*', '*Supplement*'. It belongs to the 5th or 6th century C.E. It contains many הֲלָכוֹת, *Halachahs*, maxims and decisions (and throws much light on the *Mishnahs*) which are frequently quoted in the גְּמָרָא, *Gemara*.
2. מְכִילְתָּא **Mechilta**, '*Measure*'. It consists of a collection of legal and homiletical interpretations (on the *Book of Exodus*) which are occasionally quoted in the *Talmud*.
3. סִפְרָא **Siphra**, '*The Book*', or תּוֹרַת כֹּהֲנִים, **'Law of Priests'**, or סִפְרָא דְּבֵי רַב, **The Siphra of the School of Rab**, comprises traditional interpretations (of the *Book of Leviticus*) which are extensively quoted in the *Talmud*.
4. סִפְרֵי **Siphre**, '*The Books*', or סִפְרֵי דְּבֵי רַב, **The Books of the School of Rab**, comprises traditional interpretations (of the *Book of Numbers* and the *Book of Deuteronomy*) which are quoted in the *Talmud*.
5. בָּרַיְיתָא **Baraitha**, or מִתְנִיתָא בָּרַיְיתָא, **Extraneous Mishnah**, are the fragmentary remnants of lost collections of passages similar in character to those in the *Mishnah* but not having the same authoritative value, and are extensively quoted in the גְּמָרָא, *Gemara*.

## THE *MISHNAH* AT A GLANCE

מִשְׁנָה

- **זְרָעִים**
  - בְּרָכוֹת, פֵּאָה, דְּמַאי, כִּלְאַיִם,
  - שְׁבִיעִית, תְּרוּמוֹת, מַעַשְׂרוֹת,
  - מַעֲשֵׂר שֵׁנִי, חַלָּה, עָרְלָה,
  - בִּכּוּרִים
- **מוֹעֵד**
  - שַׁבָּת, עֵרוּבִין, פְּסָחִים, שְׁקָלִים,
  - יוֹמָא, סוּכָּה, בֵּיצָה,
  - רֹאשׁ הַשָּׁנָה, תַּעֲנִית, מְגִילָּה,
  - מוֹעֵד קָטָן, חֲגִיגָה
- **נָשִׁים**
  - יְבָמוֹת, כְּתוּבּוֹת, נְדָרִים, נָזִיר,
  - סוֹטָה, גִּיטִּין, קִדּוּשִׁין
- **נְזִיקִין**
  - בָּבָא קַמָּא, בָּבָא מְצִיעָא, בָּבָא בַּתְרָא,
  - סַנְהֶדְרִין, מַכּוֹת, שְׁבוּעוֹת, עֵדֻיּוֹת,
  - עֲבוֹדָה זָרָה, אָבוֹת, הוֹרָיוֹת
- **קָדָשִׁים**
  - זְבָחִים, מְנָחוֹת, חוּלִּין,
  - בְּכוֹרוֹת, עֲרָכִין, תְּמוּרָה,
  - כְּרִיתוֹת, מְעִילָה, תָּמִיד,
  - מִדּוֹת, קִנִּים
- **טַהֲרוֹת**
  - כֵּלִים, אָהֳלוֹת, נְגָעִים, פָּרָה,
  - טְהָרוֹת, מִקְוָאוֹת, נִדָּה
  - מַכְשִׁירִין, זָבִים, טְבוּל יוֹם,
  - יָדַיִם, עוּקְצִין

## AUTHORITIES OF THE MISHNAH

The authorities named in the *Mishnah* (and *Baraitha*) belong to three periods, *viz.*,

1. סוֹפְרִים, **Scribes,**
2. זוּגוֹת, **Pairs,** and
3. תַּנָּאִים, **Teachers** (which is further subdivided into *Six Generations*).

**Notes**—1. The term תַּנָּא, *Teacher*, is used in the גְּמָרָא. 2. In the מִשְׁנָה the expounders are termed generally רַבִּי, and collectively חֲכָמִים, *Sages*. 3. The authorities of the סוֹפְרִים and זוּגוֹת periods are often referred to as זְקֵנִים הָרִאשׁוֹנִים, *Former Elders*. 4. After רַבִּי יְהוּדָה הַנָּשִׂיא the *Teachers* were termed אֲמוֹרָא, a Palestinian אֲמוֹרָא being designated רַבִּי and a Babylonian אֲמוֹרָא having the title of רַב or מַר.

### 1. סוֹפְרִים, Scribes

(1) חגי, (2) זכריה, (3) מלאכי, (4) זרובבל, (5) מרדכי בלשן, (6) עזרא, (7) יהושע בן יהוצדק, (8) שריה, (9) רעליה, (10) רחום, (11) בענה, (12) נחמיה בן חכליה, (13) שמעון הצדיק, (14) אנטיגנוס איש סוכו.

### 2. זוּגוֹת, Pairs

(15) יוסי בן יועזר and (16) יוסי בן יוחנן, (17) יהושע בן פרחיה and (18) נתאי הארבלי, (19) יהודה בן טבאי and (20) שמעון בן שטח, (21) שמעיה and (22) אבטליון, (23) הלל ושמאי;

and to this period also belong:

(24) יוחנן כהן גדול, (25) בבא בן בוטי, (26) בן הא הא, (27) חוני המעגל.

### 3. תַּנָּאִים, Teachers

(*First Generation*, 10—80 C.E.)

(28) עקביא בן מהללאל, (29) בני בתירא, (30) שמעון בן הלל, (31) רבן גמליאל הזקן, (32) רבי חנינא סגן הכהנים, (33) אדמון, (34) חנן, (35) נחום המדי, (36) רבן שמעון בן גמליאל, (37) רבי יוחנן בן זכאי, (38) בן בוכרי, (39) דוסתאי איש כפר יתמה, (40) אליעזר בן דולעאי, (41) חנניא בן חזקיה בן גוריון, (42) יוחנן בן ההורני, (43) יועזר איש הבירה, (44) אבא יוסי חלי קופרי, (45) מנחם בן סגאי, (46) נחום הלבלי, (47) נחוניה בן גודגדא.

(*Second Generation*, 80—120 C.E.)

(48) רבן גמליאל דיבנה, (49) שמעון הפקולי, (50) שמואל הקטן, (51) רבי צדוק, (52) פפייס, (53) רבי דוסא בן הרקינס, (54) רבי אליעזר בן יעקב, (55) רבי אליעזר בן הרקנוס, (56) רבי יהושע בן חנניא, (57) רבי יוסי הכהן, (58) רבי שמעון בן נתנאל, (59) רבי אלעזר בן ערך, (60) רבי אלעזר בן עזריה, (61) רבי יהודה בן בתירא,

(62) רבי אליעזר בן צדוק, (63) רבי יוחנן בן גודגדא, (64) רבי נחוניה בן הקנה, (65) נחום איש גמזו, (66) רבי נחוניה בן אלינתן איש כפר הבבלי, (67) רבי זכריה בן הקצב, (68) רבי זכריה בן אבקולוס, (69) רבי שמעון בן הסגן, (70) שמעון אחי עזריה, (71) רבי יוחנן בן בג בג, (72) רבי יוסי בן גילאי, (73) עקילס (אונקלס הגר), (74) רבי אליעזר בן דגלאי, (75) רבי חנינא בן דוסא, (76) הורקנוס בכפר עיטם, (77) רבי יוסי בן חוני, (78) רבי יהושע בן הורקנוס, (79) אבא יוסי בן חנן, (80) רבי יוסי בן דורמסקית, (81) יקים איש הדר.

(*Third Generation*, 120—140 C.E.)

(82) רבי טרפון, (83) רבי ישמעאל, (84) רבי עקיבא (בן יוסף), (85) רבי יוחנן בן נורי, (86) רבי יוסי הגלילי, (87) רבי אלעזר המודעי, (88) רבי חנינא בן אנטיגנוס, (89) רבי שמעון בן ננס, (90) רבי יהודה בן בבא, (91) רבי חנינא בן גמליאל, (92) רבי מתיא בן חרש, (93) רבי יוחנן בן ברוקא, (94) רבי שמעון שזורי, (95) רבי אלעי, (96) רבי חלפתא, (97) רבי חנינא בן תרדיון, (98) רבי אלעזר בן פרטא, (99) רבי ישבב, (100) רבי חוצפית (מתורגמן), (101) רבי אליעזר בן מתיא, (102) רבי יהושע בן מתיא, (103) רבי אליעזר בן יהודה איש ברתותא, (104) רבי אליעזר חסמא, (105) (שמעון) בן עזאי, (106) (שמעון) בן זומא, (107) רבי חנינא בן חכינאי, (108) שמעון התימני, (109) חנן המצרי, (110) מוגבז, (111) שמעון השקמוני, (112) רבי חדקא, (113) נחמיא איש בית דלי, (114) רבי יהודה בן נחמיא, (115) רבי יהודה בן גדיש, (116) אבא חנן, (117) חנניא בן אחי רבי יהושע, (118) שמעון בן טרפון, (119) שמעון העמסוני, (120) אבטולמוס, (121) אלעזר בן חסמא, (122) אלישע בן אבויה, (123) אלעי, (124) יוחנן בן יהושע, (125) יוחנן בן מתתיהו, (126) יוסי בן קיסמא, (127) יהודה הכהן, (128) לויטס איש יבנה, (129) שמעון בן עקשיה.

(*Fourth Generation*, 140—165 C.E.)

(130) רבי מאיר (נהוראי), (131) רבי יהודה (בן אלעי), (132) רבי יוסי (בן חלפתא), (133) רבי שמעון בן יוחי (or יוחאי), (134) רבי אלעזר בן שמוע, (135) רבי יוחנן הסנדלר, (136) רבי אלעזר (or אליעזר) בן יעקב, (137) רבי נחמיה, (138) אבא שאול, (139) רבי יהושע בן קרחא, (140) רבי אלעזר בן צדוק, (141) רבן שמעון בן גמליאל, (142) רבי יאשיה, (143) רבי יונתן, [(142) and (143) תנא דבי רבי ישמעאל], (144) אלעזר בן יוסי הגלילי, (145) חלפתא בן דוסא, (146) חנינא איש אונו, (147) יוסי בן החוטף אפרתי.

(*Fifth Generation*, 165—200 C.E.)

(148) רבי ישמעאל בנו של רבי יוחנן בן ברוקא, (149) רבי חנניא בן עקביא (or עקיבא), (150) אבא אלעזר בן דולעי, (151) רבי אלעזר בן פילא (or פיאבי), (152) רבי אלעזר בנו של רבי יוסי הגלילי, (153) רבי חנניא בן עקשיא, (154) רבי יהושע בן קבוסאי (or כפוסאי), (155) רבי נתן (הבבלי), (156) רבי יהודה הנשיא, (157) סומכוס, (158) רבי יוסי בן יהודה, (159) רבי שמעון בן יהודה, (160) רבי אליעזר בן יהודה, (161) רבי מנחם, (162) רבי אלעזר בן שמעון, (163) רבי שמעון בן אלעזר, (164) רבי יוסי בן המשולם, (165) רבי שמעון בן מנסיא, (166) רבי יהודה בן תימא, (167) רבי יעקב,

(168) רבי אליעזר הקפר, (169) אבא אלעזר בן גמלא, (170) רבי יצחק, (171) אבא גוריון, (172) דוסתאי בן ינאי, (173) ישמעאל בן יוסי בן חלפתא, (174) ידוע הבבלי, (175) יוסי איש כפר הבבלי, (176) נהוראי, (177) פנחס בן יאיר, (178) שמעון בן חלפתא (179) ינאי, (180) יהושע בן לוי.

(*Sixth Generation*, 200—240 C.E.)

[These are mentioned only in the תוספתא and ברייתא]

(181) רבי יהודה פלימו, (182) איסי בן יהודה, (183) רבי אלעזר בן יוסי, (184) רבי ישמעאל בר יוסי, (185) יהודה בן לקיש, (186) רבי חייא, (187) רבי אחא, (188) רב אבא (אריכא) הוא רב

## INDEX TO THE FOREGOING

## TABLES OF BIBLICAL WEIGHTS AND MEASURES

The exact values of the various units are indeterminate but their relative values are known. The values given are only approximate.

### COINAGE

מנה = 850 שקל [according to *Exodus* **38**, 25]; ככר = 3000 שקל [according to *Exodus* **38**, 25]; שקל הקדש = 20 גרה [according to *Exodus*, **30**, 13; *Leviticus* **27**, 25; *Numbers* **3**, 47]; silver שקל = 14·55 grams; silver מנה = 50 silver שקל; silver ככר = 873 grams; gold מנה = 60 gold שקל.

### WEIGHTS

גרה = 0·73 grams; שקל הקדש = שקל כסף = 14·55 grams = 20 גרה; מנה = 727·5 grams = 50 שקל כסף; ככר = 43·659 kilograms = 60 שקל כסף.

### CUBIC (Solid, Dry)

לג = 506 c. cm.; קב = 2024 c. cm. = 4 לג; עשרון = 3644 c. cm. = 7·2 לג; עמר = 3·644 litres = 7 לג; סאה = 12·148 litres = 6 קב = 24 לג; אפה = 36·44 litres = 3 סאה = 10 עשרון; לתך = 121·5 litres; חמר = כור = 364·4 litres = 3 לתך.

### LIQUID (Wet)

לג = 506 c. cm.; קב = 2024 c. cm. = 4 לג; הין = 6·074 litres = 3 קב;
בת = 36·44 litres = 6 הין;
כר = 364·4 litres = 10 בת.

### LINEAR (Long)

אצבע = 2·06 — 2·19 cm.;
טפח = 8·25 — 8·75 cm. = 4 אצבע;
זרת = 24·75 — 26·25 cm. = 3 טפח;
אמה = 49·5 — 52·5 cm. = 2 זרת.

## TABLES OF RABBINICAL OR TALMUDICAL WEIGHTS AND MEASURES

The actual values of the quantities, in comparison with our standard measurements, are not accurately known, and the accuracy of the comparative values here given can not be vouched for with any degree of accuracy. The weights and measures of the post-Biblical period are a combination of the

metrological systems of the Bible, the Babylonians, the Syrians and particularly the Romans and Greeks.

## COINAGE

8 פרוטה = 1 איסר (or אסר);
2 אסר = 1 פונדיון;
2 פונדיון = 1 מעה (silver);
6 מעה = 1 דינר [דינר כסף] (silver); = $\frac{1}{24}$ דינר [דינר זהב] (gold); = 1 זוז = 5 אספר;
1 מנה = 100 זוז;
1 סלע = 4 דינר = 2 שקל Rabbinical = 1 שקל Pentateuchal.

## WEIGHTS

גרה = גרמס = מעה [0.6 grams, 9.6 grains];
דינר = זוז = זין = 6 גרה (= 6 מעה = 12 פונדיון = 24 איסר = 192 פרוטה);
זוז = 2 שקל פשוט;
שקל הקדש = 1 סלע = 2 שקל פשוט;
טרטימר (תרטימר) = $12\frac{1}{2}$ סלע = 25 שקל פשוט.
ליטרה = מנה איטלקי = 25 סלע;
מנה = 3 טרטימר = 100 זוז;
ככר = 1500 סלע;
אונקיא = $\frac{1}{12}$ (?) ליטרה } undeterminable quantities.
ריטל = (?) ליטרה }

## CUBIC (Dry, Solid)

ביצה = 91.6 c. cm., 5.59 c. inches;
6 ביצה = 1 לוג = 1 קסתא [33.4 c. inches, 551 c. cm.];
2 לוג = 1 קפיזא;
2 קפיזא = 1 קב;
6 קב = 1 סאה = 1 גריוא = $\frac{1}{2}$ גרב;
3 סאה = 1 איפה = 1 בת;
1 איפה = 10 עמר = 10 עשרון [240 c. inches, 3967 c. cm.];
1 תומן = 2.5 עוכלא = $\frac{1}{2}$ לוג;
5 איפה = 1 לתך;
2 לתך = 1 כר = 1 חומר.
[Undeterminate: ארדב = ארדב; כונא = כונה; תרוד.]

## LIQUID (Wet)

קרטוב = 8.61 c. cm., 0.53 c. inches);
2 קרטוב = 1 משורה = 1 ברזינא;
2 משורה = 1 עכלה;
2 עכלה = 1 רביעית;
2 רביעית = 1 תומן;

2 תומן = 1 רבע = 1 לג [33.4 c. inches, 551 c. cm.]
4 רבע = 1 קב [133.5 c. inches, 2204 c. cm.];
3 קב = 1 תרקב = 1 הין;
2 הין = 1 סאה [880.9 c. inches, 13222 c. cm.];
3 סאה = 1 איפה = 1 בת;
1 איפה = 10 עשרון;
5 איפה = 1 לתך = 1 אנטל = 1 פסכתר;
2 לתך = 1 כר = 1 חמר [24026 c. inches, 396663 c. cm.];
¼ לוג = 1 נטלא = 1 אנבג = 1 אנפק = 1 נבגא;
4 לתך = 1 לוג = 1 קייסא = 1 זסטס.
5 לוג = 1 כוזא;
12 כוזא = מטרתא;
40 סאה = 1 מקוה.

[Indeterminable: תמניתא = 412 c. cm. in the *Babylonian Talmud*, 206 c. cm. in the *Palestinian Talmud*; זיר; המינא = ½ (?) pint; קסוסטבן; שרגש.]

## LINEAR (Long)

אצבע קטנה = 1.56 cm., 0.614 inches;
תילתא = 1.87 cm., 0.736 inches;
אצבע = גודל = 2.33 cm., 0.917 inches;
2 אצבע = 1 סיט;
4 אצבע = 1 טפח [3.67 inches, 9.3 cm.] = 1 פיזבא.
3 טפח = 1 זרת;
2 זרת = 1 אמה = 1 קנה = 1 פסעה [22.1 inches, 56.1 cm.];
5 טפח = 1 אמה קטנה;
6 טפח + 1 אצבע = אמה גדולה;
2000 אמה = 1 מיל [1121 metres, 1226 yards] = 1 תחום שבת.
4 מיל = 1 פרסה [4486 metres, 4905 yards];
10 פרסה = דרך יום;
266⅔ אמה = 1 ריס [0.015 mile]
חבל = 50 אמה [*Mishnaic*], 4 אמה [*Talmudic*]; פרסה and ריס in some cases are identical.

## SQUARE (Superficial)

אמה מרבעת = 1 square cubit = גרמידא;
אמה מרבעת = 104⅛ בית רבע;
בית רבע = 4 בית קב [416⅔ square cubits];
בית קב = 6 בית סאה [2500 square cubits];
בית סאה = 2 בית סאתים [5000 square cubits];
בית סאה = 3 בית צמד [7500 square cubits];
בית סאה = 4 בית פרס [10000 square cubits];
בית סאה = 15 בית לתך [37500 square cubits];
בית סאה = 30 בית כר [75000 square cubits].

## *MEANINGS OF THE ABOVE TERMS*

אדרב, *artabee* [Gk.].
אונקיא, ounce.
איסר, אסר, *issar*, [Latin] *as*.
איפה, *ephah*, batch.
אמה, arm, forearm, cubit, ell.
אנבג, small cup.
אנטל, lift.
אנפק, cruse.
אספר, *asproi* [Gk.].
אצבע, finger.
ארדב, (אדרב see).
ביצה, egg.
ברזינא, tap.
בת, *bath*, daughter.
גודל, thumb.
גרב, bottle, keg.
גרה, *gerah*, sand grain.
גריוה, collected quantity.
גרמידא, arm, elbow, cubit.
גרמס, *gramma* [Gk.].
דינר, דנר, *denar*.
הין, *hin*, breath, skiff.
המינא, *hemina* (Gk.).
זוז, *zuz*, glittering.
זין, sparkle.
זיר, crest, crown, bundle, bunch.
זרת, span.
חבל, cord, rope.
חומר, חמר, *homer*, load, weight.
טפח, handbreadth.
טרטימר, third.
כווא, jug.
כונא, handful, hollow of hand.
כור, כר, *kor*, heap.
ככר, cake, circuit, talent.
לג, לוג, *log*, gurgle, lap, lick.
ליטרא, *litra*, pound.
לתך, outflow.
מטרטא, guard.

מיל, *mille*, mile.
מנה, *maneh*, hundred, portion.
מעה, *maeh*, sand grain.
מקוה, reservoir.
משורה, division.
נבגא, vessel.
נטלא, ladle, scoop.
סאה, *seah*, mark, measure.
סיט, swing.
סלע, *sela*, rock.
עוכלה, enclosure.
עמר, *omer*, sheaf.
עשרון, tenth.
פונדיון, *dupondium*.
פיזבא, digit.
פסכתר, large pot.
פרוטא, small change.
פרס, division.
פרסה, *parasang*, hoof, Persian mile.
צמד, team, yoke.
קב, *kab*, arch, hollow.
קייסא, particle, ounce.
קנה, reed.
קסוסטבן, *sextarius*.
קסטא, sixth.
קפיזא, *kapithee* (Gk.).
קרטוב, cut, split.
רביעית, fourth.
רבע, *reva*, quarter.
ריס, run, course.
שקל, *shekel*, weight.
שרגש, ladle.
תומן, eighth.
תומן, eight.
תילתא, third.
תרקב, double arch, double hollow.
תרתימר, third.
תרוד, ladle, spoon.

# ZERAIM—זְרָעִים

## INTRODUCTION

The general contents and composition of this *First Order of the Mishnah* have already been briefly indicated in the *General Introduction* to the *Mishnah* and are more fully presented in detail in the individual *Introductions* to the separate *Tractates.*

The term זְרָעִים is the *plural* form of the *substantive* זֶרַע (*sowing, time of sowing, seedtime; seed; grain, produce; plantation; semen; issue, progeny*), which is a derivative of the verb זָרַע (*sow, plant; scatter, strew*). Thus סֵדֶר זְרָעִים means *Order of Seeds*, a very apt term for the *Order* which (with the exception of *Tractate Berachoth*) deals almost entirely with the laws and regulations concerning the work on the land and products of the Jews in Palestine, and it also gives us a full and valuable insight into the pursuits and activities of the people and their social conditions and relationships before their final dispersal (circa 135 C.E.).

In Biblical times the land was very fertile and so the main industry was agriculture in its widest sense (primarily cereal culture in the plains, arboriculture in the hilly regions, and horticulture, floriculture, sheep farming and cattle-rearing in the level and low-lying districts); there were also, to a much lesser degree, some mining (for copper and iron) and quarrying (for building-stone), fishing, necessary occupations (such as building and the manufacture of linen and pottery) connected with the ordinary life of the people, and a great industry in the making of wine, olive-oil and dried fruits (figs, dates, raisins); and there existed a considerable trade by land and sea with neighbouring countries.

The life of the people was largely determined by the climate and its variations at different altitudes—in general temperate highlands and tropical plains and valleys, with two rainy seasons in the months of *Cheshvan* and *Nisan* and droughty oppressive summers with compensating heavy dews.

The chief products were (1) corn (wheat, barley, rye, spelt), pulse (pea, bean), cucumber, melon, spices, hyssop, flax; (2) (trees) vine, olive, almond, palm, cedar, oak, sycamore, terebinth, poplar, acacia, myrrh; (3) (fruits) grape, olive, fig, date, pomegranate, almond, apricot; (4) (flowers) lily, rose; and (5) (useful animals) ox, cow, sheep, goat, ass, donkey, mule, horse, camel; bee; poultry.

THE AUTHORITIES MENTIONED IN

# סדר זרעים

אבא שאול – פאה $8^{5}$. כלאים $2^{2}$.

אליעזר בן הורקנוס – ברכות $1^{1,2}$; $4^{4}$; $5^{2}$; $7^{6}$. פאה $3^{6}$; $4^{9}$; $5^{2,4}$; $7^{7}$. דמאי $4^{3}$; $5^{9}$; $6^{9}$. כלאים $2^{10}$; $3^{4}$; $5^{8,8}$; $6^{2}$; $9^{3}$. שביעית $5^{3}$; $8^{9,10}$; $9^{5,9}$; $10^{7}$. תרומות $2^{1}$; $4^{7-11}$; $5^{2,4,5,6}$; $6^{6}$; $8^{1-3,8-11}$; $11^{2}$; מעשרות $2^{4}$; $4^{3,5,6}$. חלה $1^{3}$; $2^{1,4,8}$; $4^{7}$. ערלה $1^{7}$.

אליעזר בן יהודה איש ברתותא – ערלה $1^{4}$.

אליעזר חסמא – תרומות $3^{5}$.

אלעזר – שביעית $2^{8}$.

אלעזר בן יעקב – כלאים $2^{9}$; $4^{8}$; $5^{8}$; $6^{2}$. שביעית $2^{10}$. תרומות $3^{6}$. בכורים $1^{5}$.

אלעזר בן עזריה – ברכות $1^{5}$; $4^{7}$. שביעית $1^{8}$; $3^{3}$. מעשרות $5^{1}$. מעשר שני $5^{9}$.

אלעזר בן צדוק – פאה $2^{4}$. כלאים $7^{2}$. שביעית $2^{4}$. מעשרות $4^{4}$.

גמליאל דיבנה – ברכות $1^{1}$; $2^{5,6,7}$; $4^{3}$; $6^{6}$. פאה $2^{4}$; $4^{5}$; $6^{6}$. דמאי $3^{1}$. שביעית $9^{5}$. תרומות $8^{6}$. מעשרות $4^{6}$. מעשר שני $2^{7}$; $5^{9}$. חלה $4^{7,8}$. בכורים $2^{6}$.

גמליאל הזקן – פאה $2^{6}$. ערלה $2^{12}$.

חלל הזקן – שביעית $10^{3}$.

הלל ושמאי – ברכות $1^{3}$; $8^{1-8}$. פאה $3^{1}$; $6^{1,2,5}$; $7^{6}$. דמאי $1^{3}$; $6^{6}$. כלאים $2^{6}$; $4^{1,6}$; $6^{1}$. שביעית $1^{1}$; $4^{2,4,10}$; $5^{4,8}$; $8^{3}$. תרומות $1^{4}$; $5^{4}$. מעשרות $4^{2}$. מעשר שני $2^{3,4,7,8,9}$; $3^{6,7,8,13}$; $4^{8}$; $5^{3,6,7}$. חלה $1^{6}$. ערלה $2^{4}$.

זוגות – פאה $2^{6}$.

חנינא בן אנטיגנוס – שביעית $6^{3}$.

חנינא בן דוסא – ברכות $5^{5}$.

חנינא בן חכינאי – כלאים $4^{8}$.

טרפון – ברכות $1^{3}$; $6^{3}$. פאה $3^{6}$. כלאים $5^{8}$. תרומות $4^{6}$; $9^{2}$. מעשרות $3^{9}$. מעשר שני $2^{4,9}$.

יהודה בן אלעי – ברכות $2^{1,2,3}$; $3^{4,6}$; $4^{1,7}$; $6^{1,3,4}$; $7^{2}$; $9^{2}$. פאה $1^{3}$; $2^{2}$; $3^{5}$; $4^{6}$; $5^{5}$; $6^{10}$; $7^{4,5}$; $8^{1}$. דמאי $1^{1}$; $2^{2,3}$; $3^{6}$; $4^{7}$; $5^{3,4,5}$; $6^{1,2,5}$. כלאים $1^{2,7,9}$; $3^{1,3}$; $4^{3,7,9}$; $8^{4}$; $9^{10}$. שביעית $2^{5,6}$; $3^{1}$; $4^{2,5}$; $5^{1,5}$; $7^{4}$; $9^{1,4,8}$; $10^{1}$. תרומות $1^{3}$; $2^{2,4,5,6}$; $3^{9}$; $4^{3}$; $9^{6,7}$; $10^{1,3,8,11}$; $11^{1,10}$. מעשרות $1^{1,2,7,8}$; $2^{2,8,5,8}$; $3^{5,7}$; $4^{2}$; $5^{6,6}$. מעשר שני $3^{10}$; $4^{7,10}$; $5^{8}$. חלה $2^{3}$; $4^{9}$. ערלה $1^{2}$. בכורים $1^{1,6,7,11}$; $3^{6,12}$.

יהודה בן בתירא – פאה $3^{6}$. בכורים $1^{6}$.

יהודה הנשיא – שביעית $6^{4}$. מעשרות $5^{6}$.

יהושע בן חנניא – ברכות $1^{2}$; $4^{3,4}$. פאה $3^{6}$. כלאים $6^{4}$. שביעית $1^{8}$; $2^{3}$; $3^{10}$; $5^{3}$; $9^{5}$. תרומות $4^{7-11}$; $8^{1-3,8-11}$; $11^{2}$. מעשר שני $2^{7}$; $5^{9}$. חלה $2^{5}$. ערלה $1^{7}$.

יהושע בן קרחה – ברכות $2^{2}$.

יוחנן בן נורי – כלאים $6^{1}$. תרומות $10^{11}$. חלה $4^{2}$.

יוחנן כהן גדול – מעשר שני $5^{15}$.

יוסי בן החוטף אפרתי – כלאים $3^{7}$.

יוסי בן המשולם – תרומות $4^{7}$.

יוסי בן חלפתא – ברכות $2^{3}$. פאה $3^{4,7}$; $6^{9}$; $7^{1,6}$. דמאי $2^{5}$; $3^{3,5}$; $7^{3}$. כלאים $2^{1,7}$; $3^{7}$; $5^{4}$; $6^{5,7}$; $7^{4,5}$; $8^{5,6}$; $9^{7,9}$. שביעית $2^{6}$; $3^{1,9}$; $9^{4,8}$; $10^{1}$. תרומות $1^{3}$; $3^{8}$; $4^{13}$; $7^{5-7}$; $8^{5}$; $10^{3,8,11}$; $11^{10}$. מעשרות $1^{8}$; $3^{5,7}$; $5^{8}$. מעשר שני $3^{6,11}$; $4^{7,11}$; $5^{2,14}$. חלה $4^{18}$. ערלה $1^{3,6,7,9}$.

יוסי הגלילי – ברכות $7^{8}$. שביעית $4^{6}$. בכורים $1^{10}$.

ישמעאל (בן אלישע) – ברכות $7^{3}$. פאה $4^{10}$. דמאי $6^{4}$. כלאים $3^{3,6,7}$; $6^{4}$. שביעית $1^{4}$. תרומות $4^{5}$. מעשרות $3^{5}$. חלה $4^{4}$.

מאיר – ברכות $2^{1}$. פאה $2^{1}$; $4^{11}$; $5^{3}$; $7^{2,5}$; $8^{5}$. דמאי $1^{2}$; $2^{5}$; $5^{3,4}$. כלאים $2^{9,11}$; $3^{7}$; $4^{9}$; $5^{1}$; $6^{5}$; $7^{2}$; $8^{3,5}$. שביעית $2^{9}$; $3^{1,3,9}$; $5^{2}$; $7^{2}$. תרומות $4^{1,2}$; $6^{3,5}$; $7^{2,5-7}$; $10^{3}$; $11^{10}$. מעשרות $2^{3,5}$; $4^{4}$; $5^{8}$. מעשר שני $2^{8}$; $5^{14}$. חלה $1^{2}$. ערלה $1^{5}$; $3^{1,2,5,7}$. בכורים $1^{6,11}$.

נחום הלבלר – פאה $2^{6}$.

נחוניה בן הקנה – ברכות $4^{2}$.

נחמיה – תרומות $8^{7}$. מעשרות $3^{5}$.

נתאי – חלה $4^{10}$.

עקיבא (בן יוסף) – ברכות $4^{3}$; $5^{2}$; $6^{8}$; $7^{3}$. פאה $1^{6}$; $3^{3,5}$; $4^{5,10}$; $7^{7}$; $8^{5}$. כלאים $1^{3}$; $3^{3,6}$; $5^{7}$; $6^{1}$; $7^{6}$. שביעית $1^{8}$; $3^{10}$; $4^{6}$; $6^{2}$; $8^{9,10}$; $9^{6}$. תרומות $3^{10}$; $4^{5,8,13}$; $6^{6}$; $9^{2}$; $10^{11}$. מעשרות $3^{5,9}$; $4^{6}$. מעשר שני $2^{4,7,9}$; $5^{8,9}$. חלה $2^{1,8}$; $3^{6}$; $4^{4,5,9}$. ערלה $3^{7}$. בכורים $3^{9}$.

צדוק – תרומות $10^{9}$.

שמאי – מעשר שני $2^{4,9}$. ערלה $2^{5}$. [בית שמאי] ברכות $6^{5}$. דמאי $3^{1}$. כלאים $8^{6}$. תרומות $4^{3}$. ערלה $2^{5,12}$.

שמעון איש המצפה – פאה $2^{6}$.

שמעון בן אלעזר – כלאים $9^{8}$.

שמעון בן גמליאל (דיבנה) – ברכות $2^{8}$. פאה $5^{1}$. דמאי $7^{3}$. שביעית $1^{5,7}$; $3^{4}$; $4^{10}$. מעשרות $5^{5}$. מעשר שני $3^{5}$; $5^{1}$. ערלה $1^{4}$.

שמעון בן זומא – ברכות $1^{5}$.

שמעון בן יהודה – מעשר שני $3^{6}$.

שמעון בן יוחאי – פאה $1^{3}$; $3^{8}$; $4^{1}$. דמאי $3^{4}$; $5^{3}$. כלאים $2^{1,2,7}$; $4^{9}$; $5^{2}$; $7^{4,8}$. שביעית $1^{8}$; $2^{1-3,8,10}$; $3^{2,3}$; $6^{5,6}$; $7^{6}$; $8^{6,7}$; $9^{1,3,5}$. תרומות $3^{5,9}$; $4^{12}$; $5^{8}$; $10^{11}$; $11^{10}$. מעשרות $1^{4}$; $2^{4}$; $3^{8}$. מעשר שני $2^{2}$; $3^{2,11,13}$; $5^{6}$. ערלה $2^{1,9,10,14-16}$. בכורים $2^{2}$; $3^{1,10}$.

שמעון בן ננס – בכורים $3^{9}$.

שמעון בן עזאי – ברכות $9^{4}$.

שמעון שזורי – דמאי $4^{1}$. שביעית $2^{8}$.

מַסֶּכֶת

# בְּרָכוֹת

TRACTATE

# BERACHOTH

[BEING THE
FIRST TRACTATE OF THE ORDER ZERAIM]
TEXT · INTRODUCTION · TRANSLATION
NOTES

By
PHILIP BLACKMAN, F.C.S.

*This Tractate has been revised by*
RABBI DR. M. GINSBERG, M.A., PH.D.

# בְּרָכוֹת

# BERACHOTH

# INTRODUCTION

בְּרָכוֹת is the first מַסֶּכֶת (*Tractate* or *Treatise*) of the first סֵדֶר (*Order*) of the מִשְׁנָה (*Mishnah*).

The term בְּרָכוֹת, BLESSINGS, BENEDICTIONS, is the *plural* form of the *substantive* בְּרָכָה which is a derivative of the *verb* בָּרַךְ (which *Kal* form is not in actual use).

Although we do not know the reason why the Tractates of the *Mishnah* have been arranged in the order as we have them, nevertheless it seems most appropriate for בְּרָכוֹת to be at the head because of its treatment at such great length of the most important subjects of the *Shema*, *Benedictions* and *Prayers* which form the essentials of our *Liturgy*.

The Tractate deals mainly with the following subjects: the שְׁמַע (*Shema—Deuteronomy* **6**, 4—9; **11**, 13—21; and *Numbers* **15**, 37—41), treated in Chapters 1, 2 and 3; the תְּפִלָּה (or שְׁמֹנֶה עֶשְׂרֵה) (*Eighteen Benedictions*), treated in Chapters 4 and 5; בִּרְכַּת הַמָּזוֹן (*Grace after Meals*), קִדּוּשׁ (*Sanctification*), הַבְדָּלָה (*Habdalah*), and various בְּרָכוֹת (*Blessings, Benedictions*), treated in Chapters 6 and 7, miscellaneous mealtime regulations are summarised in Chapter 8, and various benedictions unconnected with food are dealt with in Chapter 9.

The Tractate contains nine Chapters of which the Titles are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ מֵאֵימָתַי |
| Chapter 2 | פֶּרֶק ב׳ הָיָה קוֹרֵא |
| Chapter 3 | פֶּרֶק ג׳ מִי שֶׁמֵּתוֹ |
| Chapter 4 | פֶּרֶק ד׳ תְּפִלַּת הַשַּׁחַר |
| Chapter 5 | פֶּרֶק ה׳ אֵין עוֹמְדִים |
| Chapter 6 | פֶּרֶק ו׳ כֵּיצַד מְבָרְכִין |
| Chapter 7 | פֶּרֶק ז׳ שְׁלשָׁה שֶׁאָכְלוּ |
| Chapter 8 | פֶּרֶק ח׳ אֵלּוּ דְבָרִים |
| Chapter 9 | פֶּרֶק ט׳ הָרוֹאֶה |

The Tractate contains גְּמָרָא in both the *Babylonian Talmud* and the *Jerusalem Talmud*.

מַסֶּכֶת

# בְּרָכוֹת[1]

TRACTATE

# BERACHOTH[1]

## CHAPTER 1

### Mishnah 1

From when onwards are we to read the *Shema*[2] in the evening?[3] From the moment when the priests[4] come in [home] to eat of their *priest's-due*[5] up to the end of the first watch.[6] This is the opinion of R.[7] Eliezer, but the Sages[8] say, Until midnight. Rabban Gamaliel[9] says, 'Until dawn.'[10] It happened once that his sons returned[11] from a festivity and said to him, 'We have not yet read the *Shema*.' He told them, 'If dawn have not yet appeared it is your duty to recite it.' And not only in this case,[12] but in all cases where the Sages say, Until midnight, the obligation referred to may be carried out till dawn, for instance the burning of fat[13] and limbs[14] may be performed until dawn, and all [the sacrifices] which must be eaten[15] on the same day have their proper times[16] till dawn. If this be so, why did the Sages say, Until midnight? In order to keep man away from transgression.[17]

## פֶּרֶק א

### מִשְׁנָה א

מֵאֵימָתַי קוֹרִין אֶת־[2]שְׁמַע
[3]בְּעַרְבִית? מִשָּׁעָה [4]שֶׁהַכֹּהֲנִים
נִכְנָסִים לֶאֱכֹל [5]בִּתְרוּמָתָן עַד
סוֹף [6]הָאַשְׁמוֹרָה הָרִאשׁוֹנָה, דִּבְרֵי
[7]רַבִּי אֱלִיעֶזֶר. [8]וַחֲכָמִים אוֹמְרִים,
עַד חֲצוֹת. [9]רַבָּן גַּמְלִיאֵל אוֹמֵר,
עַד שֶׁיַּעֲלֶה [10]עַמּוּד הַשָּׁחַר. מַעֲשֶׂה
[11]שֶׁבָּאוּ בָנָיו מִבֵּית הַמִּשְׁתֶּה, אָמְרוּ
לוֹ, לֹא קָרִינוּ אֶת־שְׁמַע. אָמַר
לָהֶם, אִם לֹא עָלָה עַמּוּד הַשַּׁחַר
חַיָּבִים אַתֶּם לִקְרוֹת. [12]וְלֹא זוֹ
בִּלְבַד אָמְרוּ, אֶלָּא כָּל־מַה
שֶׁאָמְרוּ חֲכָמִים עַד חֲצוֹת מִצְוָתָן
עַד שֶׁיַּעֲלֶה עַמּוּד הַשָּׁחַר. הֶקְטֵר
[13]חֲלָבִים [14]וְאֵבָרִים מִצְוָתָן עַד
שֶׁיַּעֲלֶה עַמּוּד הַשַּׁחַר, וְכָל
[15]הַנֶּאֱכָלִין לְיוֹם אֶחָד [16]מִצְוָתָן עַד
שֶׁיַּעֲלֶה עַמּוּד הַשָּׁחַר. אִם כֵּן,
לָמָּה אָמְרוּ חֲכָמִים, עַד חֲצוֹת?
כְּדֵי לְהַרְחִיק (אֶת־) הָאָדָם מִן־
[17]הָעֲבֵירָה.

**1** See **Introduction.** **2** מֵאֵימָתַי—In essence the idea here conveyed by this term is not only *when that interval begins* but also *during what period of time.* The שְׁמַע (or קְרִיאַת שְׁמַע, *Recital of the Shema*)—the 175th *Commandment* of the תַּרְיַ״ג (613) *Commandments*—consists of the three paragraphs beginning with שְׁמַע (*Deuteronomy* **6**, 4—9), וְהָיָה (*Deuteronomy* **11**, 13—21) and וַיֹּאמֶר (*Numbers* **15**, 37—41). The term שְׁמַע is thus comprehensive. Evidently, seeing that the *Mishnah* begins with the subject of the *Shema*, this must be considered as the most important part of the *Liturgy*. **3** בְּעַרְבִית or בְּעַרְבִין. The discussion begins with the 'evening' because of the term וּבְשָׁכְבְּךָ, *and when thou liest down*, which comes before וּבְקוּמֶךָ, *and when thou risest up*, the former referring to an action which is naturally and normally performed in the evening or at night. **4** The priest who became טָמֵא (*ritually unclean*) by reason of צָרַעַת (leprosy), or was a זָב (sufferer from gonorrhoea), or through contact with an unclean thing, could not return to his duties in the Temple before he had undergone purification by טְבִילָה (the ritual bath) and not before sunset following this cleansing. The *Mishnah* could have stated simply that the time for beginning to recite the *Evening Shema* coincides with the appearance of three widely separated stars in the sky, but instead it intentionally introduced the question of the priests in order to deal with the subject of ritual cleansing and Temple Service. **5** It was obligatory on the Jewish agriculturist (including the horticulturist and farmer in general) מִדְּאוֹרַיְתָא (or מִן הַתּוֹרָה) *as enjoined by the Law* in Palestine—but also outside Palestine as instituted מִדְּרַבָּנָן, *by the authorities of the Mishnah*—to separate certain dues or levies, known as מַתְּנוֹת עֲנִיִּים, *poor people's dues*, from all his produce of the field, garden, orchard, vineyard and oliveyard; and in addition he had then to separate certain other levies known as תְּרוּמוֹת (literally *heave-offerings*), *priest's-dues*, and מַעֲשְׂרוֹת, *tithes*, after which he could use the remainder of the produce for his own purposes.

*Poor people's dues.* These levies were: (*a*) פֵּאָה, *corner*—a corner of the field with its produce was left over for the poor at harvest time; (*b*) שִׁכְחָה, *forgotten produce*—what the owner had forgotten to gather or remove became the poor man's property; (*c*) לֶקֶט, *gleaning*—the fallen produce at reaping and picking belonged to the poor. In the case of grapes it was termed פֶּרֶט; also poor undeveloped grape clusters, עוֹלְלוֹת, went to the poor; and (*d*) מַעֲשַׂר עָנִי, *poor man's tithe* (see [**3**] of the next paragraph). תְּרוּמוֹת and מַעֲשְׂרוֹת. Only after the מַתְּנוֹת עֲנִיִּים had been allowed for were these separated. They were: (*i*) תְּרוּמָה, *priest's-due* (or *heave-offering*)—also termed תְּרוּמָה גְדוֹלָה, *priest's-major-due*—which was $\frac{1}{50}$ of the produce for the כֹּהֵן, *priest;* (*ii*) מַעֲשֵׂר רִאשׁוֹן, *first-tithe*, was $\frac{1}{10}$ of the rest (i.e., after the *priest's-due* had been separated) and was separated for the לֵוִי, *Levite*. (The Levite in his turn had to give of this $\frac{1}{10}$, called תְּרוּמָה קְטַנָּה, *priest's-minor-due* or תְּרוּמַת מַעֲשֵׂר, *priest's-due of the first-tithe*, to the כֹּהֵן); and (*iii*) מַעֲשֵׂר שֵׁנִי, *second-tithe*, was $\frac{1}{10}$ of the remainder

(i.e., after the *first-tithe* had been separated), which had to be separated by the owner every 1st, 2nd, 4th and 5th years of the *Seven Years Cycle* and taken by him to Jerusalem to be consumed there. The owner could redeem this produce for coins (plus $\frac{1}{5}$ of the value): the redeemed produce could then be used as any other חולין, *non-holy produce*, and the redemption money had to be taken to Jerusalem and spent there on food or drink or on שְׁלָמִים, *peace-offerings*. In the 3rd and 6th years, this tithe became מַעֲשַׂר עָנִי, *poor-man's-tithe*, and had to be surrendered to the poor for their use. In the 7th year—termed שְׁבִיעִית or שְׁמִטָּה—no land was allowed to be cultivated but had to lie fallow, and all that grew of itself that year became הֶפְקֵר, *ownerless, common property*, and all, whether young or old, rich or poor, man or beast, had equal right to it. All produce was termed טֶבֶל before the separation of *priest's-due* and *first-tithe* and was forbidden to be eaten by a non-priest. After these dues had been separated the produce was termed חוּלִין, *non-holy, lay, profane*, and when the other tithes had also been separated it was termed מְתֻקָּן, *adjusted* or חוּלִין מְתֻקָּנִים, *adjusted non-holy produce* (or וַדַּאי, *certainly tithed*), in contradistinction to דְּמַאי, *uncertain tithed*) and could then be used for all purposes. **6** The night was divided into *three watches* (according to some authorities *four watches*). Or הָאַשְׁמֹרֶת. **7** רַבִּי is the title of the later תַּנָּאִים and the early אֲמוֹרָאִים. **8** i.e., the *other* תַּנָּאִים. **9** רַבָּן—a higher title than רַבִּי is the designation of a גָּדוֹל הַדּוֹר, the most important of any period, the נָשִׂיא, *Prince* or רֹאשׁ יְשִׁיבָה, *Head of an Academy*. **10** *Dawn, daybreak*—about an hour and a quarter before sunrise. **11** i.e., after midnight. **12** In continuation of Rabban Gamaliel's statement. **13** Of all sacrifices. A portion of the fat of all sacrifices and all the limbs of burnt offerings had to be burnt on the Altar. **14** Of עוֹלוֹת, *burnt-offerings* (*Leviticus* **6**, 2). **15** Such קָרְבָּנוֹת, *offerings*, as חַטָּאת, *sin-offering*, in expiation of inadvertent sin, תּוֹדָה, *thank-offering*, in gratitude for God's loving-kindness, אָשָׁם, *guilt-offering*, אָשָׁם וַדַּאי, *undoubted guilt-offering*, to expiate an established sin, אָשָׁם תָּלוּי, *suspended guilt-offering*, in expiation of an uncertain sin (see זְבָחִים 5[3-7]). **16** 'to eat them'—What has not been eaten before dawn is termed נוֹתָר, *remainder*, and had to be burned. The punishment for eating נוֹתָר is כָּרֵת, *excision, extirpation*, divine punishment through premature or sudden death or extinction without issue. (Compare זְבָחִים, 7[1]). מִצְוָתָן, literally *their commandment* (with reference to time). **17** So that one should not postpone the performance of a duty to the last moment and thereby risk being too late to do so within the prescribed time limit. The ruling as regards the time period for the recital of the Evening Shema is between sunset and dawn.

Mishnah 2

מִשְׁנָה ב

מֵאֵימָתַי קוֹרִין אֶת־שְׁמַע בַּשַּׁחֲרִית? מִשֶּׁיַּכִּיר בֵּין תְּכֵלֶת

At what time does one begin to recite the *Shema* in the morning? When one can distinguish between

לְלָבָן· רַבִּי אֱלִיעֶזֶר [2]אוֹמֵר,
בֵּין תְּכֵלֶת [3]לְכַרְתִּי (וְגוֹמְרָהּ)
עַד [5]הַנֵּץ הַחַמָּה· רַבִּי יְהוֹשֻׁעַ
אוֹמֵר, עַד [6]שָׁלֹשׁ שָׁעוֹת שֶׁכֵּן
דֶּרֶךְ (בְּנֵי) [7]מְלָכִים לַעֲמוֹד
בְּשָׁלֹשׁ שָׁעוֹת, הַקּוֹרֵא מִכָּאן
[9]וְאֵילָךְ לֹא [8]הִפְסִיד כְּאָדָם
הַקּוֹרֵא בַתּוֹרָה·

blue[1] and white. R. Eliezer says, Between[2] blue and green[3] (and concludes it[4]) by sunrise.[5] R. Joshua says, Until the third hour,[6] because it is the habit (of the children) of kings[7] to rise at the end of the third hour. He who reads [the *Shema*] later[8] has not lost thereby,[9] for it is as one who reads in the *Torah*.

**1** *Blue, sky-blue, purple-blue.* When it is already possible to recognise the difference between these two colours (as in the טַלִּית which used to contain blue threads among the white, or in the newly blue-dyed fleece where parts remained white) it was taken as an indication that the period between dawn and sunrise had commenced. **2** i.e., 'when one can differentiate between...'. **3** כְּרַתִּי or כַּרְתִּי, *porraceous, leek-green, porret-green* (כָּרָתִי, *leek, porret*). **4** i.e., the period in which the Morning Shema may be read ends at sunrise. **5** הַנֵּץ or הָנֵץ, *sparkling*. **6** i.e., during the first three hours of the day (when the day and night are of equal length). **7** This opinion is based on the rendering of וּבְקוּמֶךָ, *and when thou risest up*, to include the latest risers who would be the members of royalty presumably because they were not in a hurry to get up to their duties. We now accept the time of 10 o'clock as the prescribed limit. The וַתִּיקִים, *ultra-orthodox*, used to read the *Shema* exactly at sunrise; but the most acceptable moment is ten minutes before sunrise so as to complete the recital just before actual sunrise. **8** Or וְאֵינָךְ. **9** Although the time for reciting the *Shema* has gone by yet the two preceding morning Service Benedictions יוֹצֵר אוֹר and אַהֲבָה רַבָּה and the following Benediction אֱמֶת וְיַצִּיב should be recited, and the recital of the Shema itself is as if one had studied it then in the *Torah* which may be done at all times.

## Mishnah 3

## מִשְׁנָה ג

[1]בֵּית שַׁמַּאי אוֹמְרִים, בָּעֶרֶב
כָּל־אָדָם [2]יִטּוּ [3]וְיִקְרָאוּ [4]וּבַבֹּקֶר
[5]יַעֲמְדוּ, שֶׁנֶּאֱמַר, [7]וּבְשָׁכְבְּךָ
וּבְקוּמֶךָ· וּבֵית הִלֵּל אוֹמְרִים,
כָּל־אָדָם קוֹרֵא [8]כְּדַרְכּוֹ, שֶׁנֶּאֱמַר,
[10]וּבְלֶכְתְּךָ בַדֶּרֶךְ· אִם כֵּן, לָמָּה

The School of Shammai[1] maintain, In the evening everyone should lie down[2] and recite,[3] and in the morning[4] they should stand[5] up,[6] because it is said, *and when thou liest down and when thou risest up*.[7] But the School of Hillel say, Everyone should read just in the position[8] he happens to be, as it is

said, *and when thou walkest by the way.*[9] If so, why does it say, *and when thou liest down and when thou risest up?*[10] At the time when people lie down and at the time when people get up.[11] R. Tarfon said, 'I happened to return by road and I lay down[12] to read [the Shema] according to the view of the School of Shammai, and I found myself in danger from robbers.' They[13] said to him, 'Thou wouldst have deserved to have been killed because thou hast transgressed the decision of the School of Hillel.'

[10]נֶאֱמַר, וּבְשָׁכְבְּךָ וּבְקוּמֶךָ? בְּשָׁעָה שֶׁבְּנֵי אָדָם שׁוֹכְבִים וּבְשָׁעָה שֶׁבְּנֵי אָדָם [11]עוֹמְדִים. אָמַר רַבִּי טַרְפוֹן, אֲנִי הָיִיתִי בָא בַּדֶּרֶךְ [12]וְהִטִּיתִי לִקְרוֹת כְּדִבְרֵי בֵית שַׁמַּאי וְסִכַּנְתִּי בְּעַצְמִי מִפְּנֵי הַלִּסְטִים. [13]אָמְרוּ לוֹ, כְּדַי הָיִיתָ לָחוֹב בְּעַצְמְךָ שֶׁעָבַרְתָּ עַל דִּבְרֵי בֵית הִלֵּל.

**1** See Biographies. **2** יִשָּׁה in some editions. Some point these two terms יַשָּׁה and יַשּׁוּ (*Hiphil* forms) but the *Kal* forms as given here seem more grammatically correct. **3** As in some editions, וַיִּקְרָאוּ (*plural*), *and recite the Shema.* The School of Shammai held the opinion that וּבְשָׁכְבְּךָ וּבְקוּמֶךָ referred not only to the 'time' but also to the 'manner'. **4** וּבוֹקֶר and וּבַבּוֹקֶר in some texts. **5** יַעֲמֹד [*singular*] or יַעַמְדוּ [*plural*] in various editions (see next Note). **6** When reciting the Shema. **7** *Deuteronomy* **6**, 7. **8** Because otherwise, if the School of Shammai be correct in their interpretation of וּבְשָׁכְבְּךָ וּבְקוּמֶךָ then וּבְלֶכְתְּךָ בַדֶּרֶךְ should also have the intention that one must, on a journey, when reading the Shema, be consistent, and this is not the case. *Actually, one pleases oneself as to his position when reading the Shema*, but for proper concentration one must stop when reciting the first verse. **9** *Deuteronomy* **6**, 7. **10** i.e., why does not Scripture state explicitly 'in the evening and in the morning'? The answer is that (as stressed further on) וּבְשָׁכְבְּךָ וּבְקוּמֶךָ gives a more accurate definition of the time for reciting the *Shema*. **11** i.e., the verse refers to the 'time' when the *Shema* should be read and 'not to the position or posture' of the reader. **12** It was evening. At that period (after the destruction of the Second Temple) Palestine was infested by roving robber bands and R. Tarfon had a narrow escape from one of them. **13** i.e., the Sages. Their meaning was, 'under no circumstances whatever should you have disobeyed the ruling of the School of Hillel.' Actually the Morning Shema may not be recited when lying down (except in the case of a disability). The views of the School of Hillel were (with very few exceptions) accepted as the binding law.

## Mishnah 4 — מִשְׁנָה ד

In the morning one says two Benedictions[1] before it[2] and one[3]

בַּשַּׁחַר מְבָרֵךְ [1]שְׁתַּיִם [2]לְפָנֶיהָ

[3]וְאַחַת לְאַחֲרֶיהָ, וּבָעֶרֶב (מְבָרֵךְ)
[4]שְׁתַּיִם לְפָנֶיהָ [5]וּשְׁתַּיִם לְאַחֲרֶיהָ.
[6]אַחַת אֲרוּכָה [7]וְאַחַת קְצָרָה.
[8]מָקוֹם [9]שֶׁאָמְרוּ [10]לְהַאֲרִיךְ אֵינוֹ
רַשָּׁאִי לְקַצֵּר, לְקַצֵּר אֵינוֹ רַשָּׁאִי
לְהַאֲרִיךְ, [11]לַחֲתוֹם אֵינוֹ רַשָּׁאִי
שֶׁלֹּא לַחֲתוֹם, וְשֶׁלֹּא לַחֲתוֹם
אֵינוֹ רַשָּׁאִי לַחֲתוֹם.

after it, and in the evening two[4] before it and two[5] after it. One[6] is *long* and one[7] is *short*. Where[8] they[9] said it[10] must be *long*, it is not allowed to be made *short;* to be *short*, it is not permitted to make it *long;* to *conclude*[11] it, it is not permissible not to conclude it, and *not to conclude* it, it is not allowed to conclude it.

**1** יוֹצֵר אוֹר and אַהֲבָה רַבָּה. **2** i.e., the *Shema*. **3** אֱמֶת וְיַצִּיב. **4** מַעֲרִיב עֲרָבִים and אַהֲבַת עוֹלָם. **5** אֱמֶת וֶאֱמוּנָה and הַשְׁכִּיבֵנוּ. Thus, in all, there are *seven* Benedictions in accordance with the Talmud Jerushalmi's explanation of *Psalm* **119,** 164, *seven times daily have I praised Thee.* **6** A *long* Benediction is one that begins with ...בָּרוּךְ אַתָּה and concludes with ...בָּרוּךְ אַתָּה. **7** A *short* Benediction is one that either commences with ...בָּרוּךְ אַתָּה or ends with ...בָּרוּךְ אַתָּה. **8** When the Liturgy was being compiled the Sages enjoined that there were to be no further alterations in the final forms of the Benedictions. **9** i.e., the Sages. **10** Any Benediction (or Blessing). **11** As, for example, in the case of the Blessings over foods, drinks, the Tallith, Tephillin, Kindling Lights, etc.

## מִשְׁנָה ה

[1]מַזְכִּירִין יְצִיאַת מִצְרַיִם בַּלֵּילוֹת,
אָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה,
הֲרֵי אֲנִי [2]כְּבֶן שִׁבְעִים שָׁנָה [3]וְלֹא
זָכִיתִי שֶׁתֵּאָמֵר יְצִיאַת מִצְרַיִם
בַּלֵּילוֹת, עַד שֶׁדְּרָשָׁהּ בֶּן זוֹמָא,
שֶׁנֶּאֱמַר [4]לְמַעַן תִּזְכּוֹר אֶת־יוֹם
צֵאתְךָ מֵאֶרֶץ מִצְרַיִם כֹּל יְמֵי
חַיֶּיךָ. יְמֵי חַיֶּיךָ הַיָּמִים, [5]כֹּל־יְמֵי
חַיֶּיךָ הַלֵּילוֹת. וַחֲכָמִים אוֹמְרִים,
יְמֵי חַיֶּיךָ הָעוֹלָם הַזֶּה, כֹּל יְמֵי
חַיֶּיךָ לְהָבִיא [6]לִימוֹת הַמָּשִׁיחַ.

Mishnah 5

We must mention the *Exodus from Egypt*[1] by night. R. Elazar ben Azariah said, 'I am like a man of seventy,[2] yet I was unable to understand the reason[3] why the departure from Egypt should be related at night until ben Zoma deduced it from the verse,[4] *That thou mayest remember the day of thy going forth from the land of Egypt all the days of thy life.—The days of thy life* implies days only, *all*[5] *the days of thy life* includes the nights also.' But the Sages say, *The days of thy life* implies this life, *all the days of thy life* implies the days of the Messiah.[6]

**1** *Numbers* **15**, 37—41, called פָּרָשַׁת צִיצִת, because it refers to the צִיצִת, *fringes*, is included in the Evening Shema even though the night is not the time for wearing the טַלִּית (because of the expression וּרְאִיתֶם אֹתוֹ, *and ye shall see it*, and the act of seeing is by daylight) by reason of the mention therein of יְצִיאַת מִצְרַיִם, *the departure from Egypt*, which occurred during the night. The *Hiphil* form מַזְכִּירִין is used and not the *Kal* form זוֹכְרִין in order that the reader should utter the words aloud to remind others also of the *Exodus*. **2** They wanted to elect him *Nasi* but he was too young for the position; and he suddenly turned grey that night so that he looked like an old man of seventy and could be elected. **3** i.e., 'I was unable to convince the Sages by argument.' **4** *Deuteronomy* **16,** 3. **5** כָּל, *all*, *whole*—24 hours. **6** The whole of this Mishnah is included in the הַגָּדָה שֶׁל פֶּסַח, *The Passover Haggadah* (the Service for the two סְדָרִים).

## CHAPTER 2

## פֶּרֶק ב

### Mishnah 1

If one were studying the Law[1] and the time for reading the *Shema* arrived: if he had the *Shema* in mind just then he is exempt from reading it[2] (otherwise he is not exempt[3]). Between the *Paragraphs*[4] one may greet another out of respect[5] and respond[6]; and in the middle,[7] one may greet another for fear[8] and respond. This is the view of R. Meir. R. Judah says, In the middle of a *Paragraph* one may greet another for fear but respond out of respect; and between the *Paragraphs* one may greet another out of respect and respond[9] to the greeting of any person.[10]

### מִשְׁנָה א

הָיָה קוֹרֵא [1]בַּתּוֹרָה וְהִגִּיעַ זְמַן הַמִּקְרָא, אִם כִּיֵּן לִבּוֹ [2]יָצָא (וְאִם [3]לָאו לֹא יָצָא). [4]בַּפְּרָקִים שׁוֹאֵל מִפְּנֵי [5]הַכָּבוֹד [6]וּמֵשִׁיב, [7]וּבָאֶמְצַע שׁוֹאֵל מִפְּנֵי [8]הַיִּרְאָה וּמֵשִׁיב, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר, בָּאֶמְצַע שׁוֹאֵל מִפְּנֵי הַיִּרְאָה וּמֵשִׁיב מִפְּנֵי הַכָּבוֹד, בַּפְּרָקִים שׁוֹאֵל מִפְּנֵי הַכָּבוֹד [9]וּמֵשִׁיב שָׁלוֹם לְכָל [10]אָדָם.

**1** It happened to be the פָּרָשָׁה, *portion* of the *Shema* in the *Pentateuch*. **2** And he does not have to repeat the recital of the *Shema*. The term יָצָא means *one has complied with the requirements of the Law*, or *one has fulfilled his duty or obligation*. **3** And if he did not have it in his mind that his study of the Shema should also suffice for its recital as part of the Morning Service he must then read it for that purpose. **4** This term is explained in the next Mishnah. (In some editions this Mishnah and the next one form one Mishnah). מִצְוֹת, *commandments*, ordained by the Law require devotion in their fulfilment. **5** As for example, towards one's parent or teacher or a person superior in

scholarship. **6** To one who has greeted him. **7** Of a *Paragraph* or *Benediction*. **8** Of a person who might be the cause of his death. **9** To one who greets him first. **10** Interruption in prayer includes the אִסּוּר, prohibition, of speaking even in Hebrew. R. Judah is thus more lenient than R. Meir and makes a distinction between 'greeting' and 'responding' because ignoring a greeting is by far a greater offence than not greeting. The final decision is as follows: between the *Paragraphs*, and between גְּאֻל יִשְׂרָאֵל and the עֲמִידָה, one may only pause for an interruption where risk to life is involved; within the *Paragraphs* one may pause to greet out of fear or out of respect for a parent or teacher or scholar or person of importance, but in the case of less important persons one may only return a greeting; and one may also pause between the *Paragraphs* and *Benedictions* to greet a less important person, but only respond to the greeting of an ordinary unimportant individual. One may respond with אָמֵן, ... אָמֵן יְהֵא שְׁמֵה, בָּרוּךְ ה׳ הַמְּבוֹרָךְ (after בָּרְכוּ or בִּרְכַּת הַתּוֹרָה), to join in the קְדוּשָׁה, to join in the מוֹדִים דְּרַבָּנָן, and to be called up to the Reading of the Law (קְרִיאַת הַתּוֹרָה)—these interruptions are deemed as responses out of respect.

Mishnah 2

These are the intervals: between[1] the first Benediction and the second,[2] between the second and the שְׁמַע, (and) between the[3] שְׁמַע and the[3] וְהָיָה אִם שָׁמֹעַ, between[3] the וְהָיָה אִם שָׁמֹעַ and the[3] וַיֹּאמֶר, between the[3] וַיֹּאמֶר and the[3] אֱמֶת וְיַצִּיב.[4] R. Judah says, One may not interrupt between the[3] וַיֹּאמֶר and the[3] אֱמֶת וְיַצִּיב. R. Judah ben Korcha said, Why does the[3] שְׁמַע precede[5] the[3] וְהָיָה אִם שָׁמֹעַ In order that one should first acknowledge the sovereignty of the Almighty[6] and then recognise the obligation of the Commandments. And why the[3] וְהָיָה אִם שָׁמֹעַ before the[3] וַיֹּאמֶר Because the[3] וְהָיָה אִם שָׁמֹעַ applies both day[7] and night, and the[3] וַיֹּאמֶר applies by day[8] (only).

מִשְׁנָה ב

אֵלּוּ הֵן בֵּין הַפְּרָקִים׳ [1]בֵּין בְּרָכָה רִאשׁוֹנָה [2]לַשְׁנִיָּה׳ [3]שְׁנִיָּה לִשְׁמַע׳ וּבֵין שְׁמַע לִוְהָיָה אִם שָׁמֹעַ׳ בֵּין וְהָיָה אִם שָׁמֹעַ לְוַיֹּאמֶר׳ [4]בֵּין וַיֹּאמֶר לֶאֱמֶת וְיַצִּיב׳ רַבִּי יְהוּדָה אוֹמֵר׳ בֵּין וַיֹּאמֶר לֶאֱמֶת וְיַצִּיב לֹא יַפְסִיק׳ אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָא׳ לָמָּה [5]קָדְמָה שְׁמַע לִוְהָיָה אִם שָׁמֹעַ? (אֶלָּא) כְּדֵי שֶׁיְּקַבֵּל עָלָיו עוֹל [6]מַלְכוּת שָׁמַיִם תְּחִלָּה וְאַחַר כַּךְ יְקַבֵּל עָלָיו עוֹל מִצְוֹת׳ וְהָיָה אִם שָׁמֹעַ לְוַיֹּאמֶר? שֶׁוְּהָיָה אִם שָׁמֹעַ נוֹהֵג [7]בַּיּוֹם וּבַלַּיְלָה׳ וַיֹּאמֶר אֵינוֹ נוֹהֵג אֶלָּא [8]בַּיּוֹם (בִּלְבָד)׳

**1** Between יוֹצֵר הַמְּאוֹרוֹת (the conclusion of the Benediction יוֹצֵר אוֹר) and the next Benediction אַהֲבָה רַבָּה. **2** The Benediction אַהֲבָה רַבָּה. **3** viz., *the Paragraph beginning with.* **4** Because וַה׳ אֱלֹהִים אֱמֶת (*Jeremiah* **10**, 10), *and the Eternal, God, is truth*, the ruling is that **there must be no interruption between אֱלֹהֵיכֶם and אֱמֶת.** **5** Because the third Paragraph comes first in the Torah. **6** For before one can obey God's commandments one must first recognise His authority or sovereignty. Actually the third Paragraph also contains allusion to the sovereignty of the Almighty in the terms אֲנִי ה׳ אֱלֹהֵיכֶם, *I am the Eternal your God*, but the first Paragraph contains the additional statement of the Unity of God in ה׳ אֶחָד, *the Eternal is One.* **7** Because of the expression וְלִמַּדְתֶּם אֹתָם, *and you shall teach them* (*Deuteronomy* **11**, 19) and תַּלְמוּד תּוֹרָה, *the study of the Law*, must be prosecuted at all times. Also the second paragraph is of supreme importance as it contains the injunction to observe *all* the commandments in the Torah. **8** Because this Paragraph contains the injunction of צִיצִת which is not obligatory at night (on account of the expression וּרְאִיתֶם אֹתוֹ; see 1[5] **Note 1**).

Mishnah 3

He who reads the שְׁמַע and does not hear[1,2] his own words has complied with the requirements of the Law;[3] R. Jose[4] says, He has not complied with the requirements of the Law. If one read but did not pronounce clearly[5] and distinctly its letters, R. Jose says, He has complied with the requirements of the Law; R. Judah says, He has not complied with the requirements of the Law. He who reads[6] backwards[7] has not complied with the requirements of the Law. If one read and made a mistake he must go back to where he made the mistake.[8]

מִשְׁנָה ג

הַקּוֹרֵא אֶת־שְׁמַע וְלֹא [1]הִשְׁמִיעַ לְאָזְנוֹ [2,3]יָצָא׃ רַבִּי [4]יוֹסֵי אוֹמֵר׃ לֹא יָצָא׃ קָרָא וְלֹא [5]דִּקְדֵּק בְּאוֹתִיּוֹתֶיהָ׃ רַבִּי יוֹסֵי אוֹמֵר׃ יָצָא׃ רַבִּי יְהוּדָה אוֹמֵר׃ לֹא יָצָא׃ [6]הַקּוֹרֵא [7]לְמַפְרֵעַ לֹא יָצָא׃ קָרָא וְטָעָה יַחֲזוֹר לַמָּקוֹם [8]שֶׁטָּעָה׃

**1** Literally *and did not cause his ear to hear.* **2** יָצָא, *be absolved, be exempt, comply with the requirements of the Law.* **3** His view is accepted. In some editions this is followed by דִּבְרֵי רַבִּי יְהוּדָה, *this is the opinion of R. Judah*, which for various reasons appears to be correct; under great difficulty one may 'read' the שְׁמַע mentally. **4** In his opinion the word שְׁמַע (*hear*) implies that one *must hear* what he recites; but his view is not accepted. **5** The letters and words should actually be clearly and distinctly uttered without slurring over

or running one word into another; the opinion of R. Jose is the accepted one, though one is nevertheless cautious in the accurate reading and accenting of syllables and stressing of words so that the meanings of terms and phrases should not appear twisted or wrong. **6** The verses. **7** Or, 'in wrong order'. The verses must be read in their proper sequence (based on the phrase וְהָיוּ הַדְּבָרִים, *and these words shall be*, the וְהָיוּ indicating correct sequence). But in the case of the *Paragraphs* as a whole if one has read them out of their accepted order he is יוֹצֵא because in the Liturgy their sequence actually is not as in the Torah (see *Mishnah* 2 of this *Chapter*). **8** If one misses a *verse* he must begin afresh from the beginning of that *verse*. If one omits a *Paragraph* he must begin again from the beginning of that *Paragraph*. If one is in doubt as to which *verse* in a *Paragraph* he has left out he must commence again from the beginning of that *Paragraph*.

Mishnah 4[1]

מִשְׁנָה ד[1]

Craftsmen may read at the top of a tree or[2] on the top of a wall;[3] they may not do so with[4] the *Eighteen Benedictions*.[5]

הָאוּמָּנִין קוֹרְאִין בְּרֹאשׁ הָאִילָן [2]אוֹ בְּרֹאשׁ [3]הַנִּדְבָּךְ, מַה־שֶּׁאֵינָן רַשָּׁאִין [4]לַעֲשׂוֹת כֵּן [5]בַּתְּפִלָּה.

**1** In the *Talmud* this *Mishnah* and the next one are combined in one *Mishnah*. **2** Some texts have וּבְרֹאשׁ or אוֹ בְּרֹאשׁ instead of בְּרֹאשׁ. Where they happen to be working. **3** Or 'scaffolding.' They need not descend to the ground, for safety, when reading the *Shema*, for only the verse שְׁמַע יִשְׂרָאֵל ה׳ אֱלֹהֵינוּ ה׳ אֶחָד requires concentration, and this short portion can be recited with due devotion without risk. **4** 'with,' i.e., 'when reciting.' **5** תְּפִלָּה in the Talmud means not only 'prayer' in general but as here the שְׁמֹנֶה עֶשְׂרֵה, *Eighteen Benedictions* (also called עֲמִידָה or עֲמִידָה, *Standing-up Prayer*) in particular the recital of which requires throughout intense devotion (כַּוָּנָה), and it would be too dangerous to stand still and recite with due intentness such a lengthy prayer while standing on the top of a wall or scaffolding or tree.

Mishnah 5

מִשְׁנָה ה

A bridegroom[1] is exempt from the recital of the *Shema* on the first night[2] up to[3] the conclusion of the Sabbath if he had not [by then] consummated his marriage. It happened[4] that Rabban Gamaliel read[5,6] on the first night of his wedding; his disciples said to him, 'Master, thou hast taught us[7] that a bridegroom is exempt from reading the

יְחִידָן פָּטוּר מִקְּרִיאַת שְׁמַע [2]לַיְלָה הָרִאשׁוֹן [3]עַד מוֹצָאֵי שַׁבָּת אִם לֹא עָשָׂה מַעֲשֶׂה. [4]מַעֲשֶׂה בְּרַבָּן גַּמְלִיאֵל [5,6]שֶׁקָּרָא בַּלַּיְלָה הָרִאשׁוֹן שֶׁנָּשָׂא, אָמְרוּ לוֹ תַּלְמִידָיו, [7]לִמַּדְתָּנוּ רַבֵּינוּ שֶׁיְּחִידָן פָּטוּר מִקְּרִיאַת שְׁמַע [8](בַּלַּיְלָה הָרִאשׁוֹן)!

אָמַר לָהֶם, אֵינִי שׁוֹמֵעַ לָכֶם לְבַטֵּל [9]מִמֶּנִּי מַלְכוּת שָׁמַיִם אֲפִילוּ שָׁעָה אֶחָת.

*Shema* (on the first night[8])!' He replied to them, 'I will not hearken to you to absolve myself[9] from acknowledging the sovereignty of God for even one hour.'

**1** A man who has married a בְּתוּלָה, virgin, cannot be expected to recite the *Shema* with due devotion because of anxiety lest he discover that his bride had not been chaste (see **Note 3** further on). **2** The first night of his marriage. Some texts have בַּלַּיְלָה הָרִאשׁוֹן. **3** (Some editions have וְעַד instead of עַד). That is, up to the first Saturday evening after the wedding—בְּתוּלוֹת, virgins, used to be married on a Wednesday. After that period he should have regained his equanimity from the excitement of his new life and attend to his devotions with dutiful calm. **4** Some texts have וּמַצָּשָׂה instead of מַעֲשֶׂה. This incident does not mean that the preceding ruling is not valid, but it is intended merely to illustrate the fact that a great-minded person can so control himself that he may find it possible to read the *Shema* with due devotion even under such circumstances. **5** Some editions have שֶׁנָּשָׂא אִשָּׁה וְקָרָא לַיְלָה רִאשׁוֹנָה, 'he took a wife and read [the *Shema*] the first night.' **6** The *Shema*. **7** Some texts have the interrogative לֹא לִמַּדְתָּנוּ, 'hast thou not taught us...?' instead of the direct positive לִמַּדְתָּנוּ. **8** Some editions without justification have שְׁמַע בַּלַּיְלָה הָרִאשׁוֹן instead of שְׁמַע. **9** הִימֶנִּי in some texts. Literally 'the sovereignty of Heaven.' A bridegroom who can recite the *Shema* with concentrated devotion should do so.

Mishnah 6[1]

[1]מִשְׁנָה ו

[2]רָחַץ לַיְלָה הָרִאשׁוֹן שֶׁמֵּתָה [3]אִשְׁתּוֹ, אָמְרוּ לוֹ תַּלְמִידָיו, [4]לִמַּדְתָּנוּ רַבֵּינוּ שֶׁאָבֵל אָסוּר לִרְחוֹץ! אָמַר לָהֶם, אֵינִי כִּשְׁאַר [5]בְּנֵי אָדָם, [6]אִסְטְנִיס אָנִי.

He[2] washed on the first night after his wife[3] died. His disciples said to him, 'Master, thou hast taught us[4] that a mourner, is forbidden to wash!' He replied to them, 'I am not as other men;[5] I am delicate.'[6]

**1** In the *Talmud* this *Mishnah* and the two following *Mishnahs* are given as one *Mishnah*. **2** Rabban Gamaliel washed or bathed in warm water because of necessity, for he was in poor health. A mourner is forbidden under ordinary circumstances to bathe in warm water or wash his body in cold water, and is only permitted to do so on medical advice or when absolutely necessary for reasons of health. **3** She was buried the same day before nightfall. **4** See the preceding *Mishnah*, **Note 7.** **5** Some editions have כָּל־אָדָם. **6** Or, 'of feeble health,' 'ailing,' 'weakly.'

Mishnah 7

And when his[1] slave[2] Tabi[3] died, he accepted condolence after him. His disciples said to him, 'Master, thou hast taught us[4] that one does not accept condolence for slaves!'[5] He answered them, 'My slave Tabi was not as all other slaves; he was a worthy man.'[6]

מִשְׁנָה ז

וּכְשֶׁמֵּת [3]טָבִי [1,2]עַבְדּוֹ, קִבֵּל עָלָיו תַּנְחוּמִין. אָמְרוּ לוֹ תַּלְמִידָיו, [4]לִמַּדְתָּנוּ רַבֵּינוּ שֶׁאֵין מְקַבְּלִין תַּנְחוּמִין עַל [5]הָעֲבָדִים! אָמַר לָהֶם, אֵין טָבִי עַבְדִּי כִּשְׁאַר כָּל הָעֲבָדִים, [6]כְּשֵׁר הָיָה.

**1** This refers to Rabban Gamaliel. **2** A Canaanite slave or bondman. **3** טָבִי or טַבִּי. **4** See 2[5], **Note 7.** **5** Canaanite slaves or bondmen. It was ordinarily prohibited to mourn for a slave lest people might think he was a freed man and allow his family to intermarry with Jews. **6** Some take it to mean that Tabi was a תַּלְמִיד חָכָם, one learned in the Torah, and was therefore deserving of the honour that Rabban Gamaliel paid him. It was not uncommon for people to observe mourning for men of scholarship purely out of respect for their knowledge of the Torah.

Mishnah 8

If a bridegroom wish to recite the *Shema* on the first night he may recite [it]. Rabban Simon ben Gamaliel says,[1] Not everyone who wishes to assume the name[2] may assume it.

מִשְׁנָה ח

חָתָן אִם רוֹצֶה לִקְרוֹת קְרִיאַת שְׁמַע לַיְּלָה הָרִאשׁוֹן קוֹרֵא. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל [1]אוֹמֵר, לֹא כָּל הָרוֹצֶה [2]לִיטֹּל אֶת־הַשֵּׁם יִטֹּל.

**1** He maintains that it is an impertinence for anyone but a scholar to imagine that he can so dissociate his mind from his wedding disturbances as to be able to concentrate with sufficiently due devotion to the reading of the *Shema:* but his view is not accepted. **2** 'to assume the name,'* i.e., 'to pretend to be a very pious and learned man.' The final decision is that a bridegroom must observe the recital of the *Shema* and also of the *Eighteen Benedictions* on the first night of his wedding. * This might be rendered, 'Not everyone who wishes to utter the *Divine Name* may do so.'

## CHAPTER 3 — פֶּרֶק ג

Mishnah 1[1]

He[2] whose dead lies before him[3] is exempt[4] from the reading of the *Shema*, (and) from the *Eighteen Benedictions* and from *Tephillin*.[5]

[1]מִשְׁנָה א

[2]מִי שֶׁמֵּתוֹ מוּטָל [3]לְפָנָיו [4]פָּטוּר מִקְּרִיאַת שְׁמַע וּמִן הַתְּפִלָּה וּמִן

[5]הַתְּפִלִּין· נוֹשְׂאֵי הַמִּטָּה [6]וְחִלּוּפֵיהֶן
וְחִלּוּפֵי חִלּוּפֵיהֶן אֶת־[7]שֶׁלְּפָנֶי
הַמִּטָּה וְאֶת־[8]שֶׁלְּאַחַר הַמִּטָּה·
אֶת־[9]שֶׁלְּפָנֶי הַמִּטָּה [10]צוֹרֵךְ בָּהֶן
[11]פְּטוּרִין· וְאֶת־[10]שֶׁאֵין [12]הַמִּטָּה
צוֹרֵךְ [13]בָּהֶן [14]חַיָּבִין· [15]אֵלּוּ וְאֵלּוּ
פְּטוּרִים מִן־הַתְּפִלָּה·

Those who carry the coffin [or bier] and those who change over[6] with these and those who change places with them, whether they are in front[7] of the coffin, or whether they are behind the coffin,[8] then those in front[9] of the coffin who are required[10] are exempt,[11] but those[13] who are not needed for the coffin[12] are in duty bound.[14] These and those[15] are exempt from the *Eighteen Benedictions.*

**1** In the *Talmud* this *Mishnah* and the following two form one *Mishnah.* **2** מִי refers to a close relative (father, brother, son), whose duty is to see that the burial rites are carried out. **3** And is occupied with the funeral and burial rites. **4** Because, being already occupied with the funeral rites, he is exempt from other duties (מִצְוֹת). Although it is evident that if one is exempt from the reading of the *Shema* and from putting on the phylacteries—which are enjoined by the Torah—then one is certainly exempt from reciting the *Amidah*—which is only ordained by the Sages—yet this statement is necessary because of the reference to those who carry the bier (or coffin). **5** In the גְּמָרָא after הַתְּפִלִּין comes the phrase וּמִכָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה 'and from all the commandments ordained in the Law.' **6** It used to be the custom to carry the coffin (or bier), and frequent changes of bearers were necessary. **7** Those who have not yet taken a turn in carrying the coffin. **8** And who have already had a turn in carrying the coffin. **9** Some editions have שֶׁלַּמִּטָּה instead of שֶׁלְּפָנֵי הַמִּטָּה. **10** To help to carry the coffin (or bier). **11** פְּטוּרִים in some texts. **12** לַמִּטָּה in some texts. **13** They are merely spectators. **14** To recite the *Shema.* **15** i.e., 'The latter and the former,' 'All those above mentioned,' are exempt from reading the *Amidah* which requires great devotion and standing still and therefore can not be carried out at a funeral. (Compare 2[4]).

Mishnah 2 — מִשְׁנָה ב

קָבְרוּ אֶת־הַמֵּת וְחָזְרוּ· אִם
[1]יְכוֹלִין [2]לְהַתְחִיל [3]וּלְגָמוֹר עַד
שֶׁלֹּא יַגִּיעוּ [4]לַשּׁוּרָה יַתְחִילוּ· וְאִם
לָאו· לֹא יַתְחִילוּ· הָעוֹמְדִים
בַּשּׁוּרָה [5]הַפְּנִימִים פְּטוּרִים
[6]וְהַחִיצוֹנִים [7]חַיָּבִין·

When they have buried the deceased and are returning, if they are able[1] to begin[2] and conclude[3] before they reach the line[4] let them begin, but if not they may not begin. Of those who stand in the line, the inside ones[5] are exempt but the outside ones[6] are in duty bound.[7]

**1** If the distance from the grave to the lines of 'condolence' be considerable. **2** The *Shema*. **3** The first Paragraph (שְׁמַע to וּבִשְׁעָרֶיךָ). **4** After the burial rows of people stood in two lines facing and the mourner (or mourners) passed between to receive condolence expressed by בְּתוֹךְ (אֶתְכֶם pl.) הַמָּקוֹם יְנַחֵם אוֹתְךָ שְׁאָר אֲבֵלֵי צִיּוֹן וִירוּשָׁלַיִם, '*The Almighty comfort thee (you) among the rest of the mourners of Zion and Jerusalem.*' **5** הַפְּנִימִיִּים in some texts. Those nearest the mourner who can see his face do not recite the *Shema* so as not to make him feel uncomfortable because he does not do so. **6** Those who are unable to see the mourner's face or who have come only out of respect to the departed. **7** To read the *Shema*.

Mishnah 3

Women, (and) slaves[1] and minors[2] are exempt[3] from the recital of the *Shema* and from *Tephillin*, but are in duty bound to observe the *Eighteen Benedictions*,[4] (and) *Mezuzah* and the *Grace after Meals*.

מִשְׁנָה ג

נָשִׁים וַעֲבָדִים [2]וּקְטַנִּים [3]פְּטוּרִין מִקְּרִיאַת שְׁמַע וּמִן הַתְּפִלִּין, וְחַיָּבִין [4]בַּתְּפִלָּה וּבַמְּזוּזָה וּבְבִרְכַּת הַמָּזוֹן.

**1** Canaanite slaves (or bondmen) who have been circumcised and have had טְבִילָה, the *ritual bath*. They had to observe the same commandments as Jewish women. **2** Under nine years of age; according to Rashi even over that age. **3** The reading of the *Shema* and the use of the phylacteries are types of מִצְוֹת, obligations, that come under the description of מִצְוַת עֲשֵׂה שֶׁהַזְּמַן גְּרָמָא, *a positive command connected with a fixed time*, and the rule is וְכָל מִצְוַת עֲשֵׂה שֶׁהַזְּמַן גְּרָמָא נָשִׁים פְּטוּרוֹת, *and every positive command connected with a fixed time—women are exempt from it*. **4** תְּפִלָּה though apparently coming under the ruling stated in the preceding Note is nevertheless obligatory upon women having been so enjoined מִדְּרַבָּנָן, 'as ordained by the Rabbis.'

Mishnah 4

One to whom pollution occurred[1] should think[3] of it,[2] but should not recite[4] the *Benedictions* either before it or after it. And at a meal he recites the *Benediction*[5] after it but does not recite the *Benediction*[6] before it. R. Judah says, He must recite[7] the *Benedictions* both before them and after them.[8]

מִשְׁנָה ד

[1]בַּעַל קֶרִי [3,2]מְהַרְהֵר בְּלִבּוֹ [4]וְאֵינוֹ מְבָרֵךְ לֹא לְפָנֶיהָ וְלֹא לְאַחֲרֶיהָ, וְעַל הַמָּזוֹן מְבָרֵךְ [5]לְאַחֲרָיו וְאֵינוֹ [6]מְבָרֵךְ לְפָנָיו. רַבִּי יְהוּדָה אוֹמֵר, [7]מְבָרֵךְ לִפְנֵיהֶם [8]וּלְאַחֲרֵיהֶם.

**1** (See *Leviticus* **15,** 16—18). Or 'One who suffered pollution' or 'One who had seminal discharge.' Ezra laid down the ruling that such a person may not

read or study the Torah before he had טְבִילָה (the *ritual bath*) in order that תַּלְמִידֵי חֲכָמִים should learn to practise self-restraint. But this practice has fallen into disuse and a בַּעַל קֶרִי reads the Shema, studies the Torah and reads the Prayers, and recites all the Blessings. **2** The *Shema*. He does not recite the *Shema*. **3** Although 'thinking' is not as 'uttering' yet under stress one is יוֹצֵא (performs his obligation as the Law demands) by הִרְהוּר, 'mental reading.' **4** Neither mentally nor verbally because Benedictions are only מִדְּרַבָּנָן, instituted by the Rabbis. **5** The בִּרְכַּת הַמָּזוֹן (*Grace after Meals*), because it is מִדְּאוֹרַיְתָא, ordained by the Torah, based on וְאָכַלְתָּ וְשָׂבָעְתָּ וּבֵרַכְתָּ, *and thou shalt eat and be satisfied and bless* (*Deuteronomy* **8**, 10, from which it is evident that the Grace (וּבֵרַכְתָּ) follows the meal, וְאָכַלְתָּ וְשָׂבָעְתָּ). **6** The Blessing בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם הַמּוֹצִיא לֶחֶם מִן הָאָרֶץ, *Blessed art Thou, O Eternal our God, King of the Universe, Who bringest forth bread from the earth*, is not מִן הַתּוֹרָה (enjoined by the Torah) but only מִדְּרַבָּנָן. **7** Verbally. **8** In all the preceding cases mentioned.

Mishnah 5

If one were standing[1] in the *Amidah* [or *Eighteen Benedictions*] and recollected that pollution had happened to him, he need not discontinue but abbreviates[2]. If he have gone down to bathe ritually, and is able to come out and cover himself and read before sunrise[3], he should come up and cover himself and read; but if not,[4] he must cover himself[5] with (the) water and read. But[6] he must not cover himself with dirty[7] water or with steeping water[8] until he puts into it[9] water. [10]And how far should one remove[11] from them[12] and from excrement?[13]—Four cubits.

מִשְׁנָה ה

הָיָה [1]עוֹמֵד בַּתְּפִלָּה וְנִזְכַּר שֶׁהוּא בַּעַל קֶרִי לֹא יַפְסִיק אֶלָּא [2]יְקַצֵּר· יָרַד לִטְבֹּל, אִם יָכוֹל לַעֲלוֹת וּלְהִתְכַּסּוֹת וְלִקְרוֹת עַד שֶׁלֹּא [3]תָּנֵץ הַחַמָּה יַעֲלֶה וְיִתְכַּסֶּה וְיִקְרָא, [4]וְאִם לָאו [5]יִתְכַּסֶּה בַּמַּיִם וְיִקְרָא· [6]אֲבָל לֹא יִתְכַּסֶּה לֹא [7]בַּמַּיִם הָרָעִים וְלֹא [8]בְּמֵי הַמִּשְׁרָה עַד שֶׁיַּטִּיל [9]לְתוֹכָן [10]מַיִם· וְכַמָּה [11]יִרְחִיק [12]מֵהֶן וּמִן [13]הַצּוֹאָה? אַרְבַּע אַמּוֹת·

**1** 'and reciting.' **2** To abbreviate (see חַיֵּי אָדָם §24[31]) he recites the beginning and end of each Benediction and in the case of the *Shema* he concludes the rest mentally. **3** Or תֵּנֵץ. Some editions, instead of תָּנֵץ, have תְּהֵא הָנֵץ. After a discharge during the preceding night. **4** That is, if by the time he emerges and covers himself the sun will have risen and the time for reciting the *Shema* will have passed by. But those who are wont to read the *Shema* until a quarter of the way through the day can finish their ritual cleansing immersion later. **5** The water acts as a cloak to cover his nakedness, and it is allowed if the

lower part of the body is covered even in clear water; in all cases the head must be covered (but covering with the hands is not permitted). **6** Some texts have וְלֹא instead of אֲבָל לֹא. **7** Or 'stagnant,' 'malodorous.' **8** Water in which flax has been steeping and has a bad odour. **9** This refers to present urine into which water must be poured before prayer may be offered. **10** Clean water. Thus the literal rendering of עַד שֶׁיַּטִּיל לְתוֹכָן מַיִם; but (see the preceding **Note 9**) an enormous quantity of water would be required to be added to render the smell inoffensive, and so the גְּמָרָא renders it *he must not pray near urine until he has added fresh water to it.* **11** When he has to read the *Shema* in presence of urine and has no water to add to it. **12** From present urine that had not been diluted with water. **13** When it is behind or on one side, but when it is in front then he must go to such a distance that he can no longer see it. הַצּוֹאָה here refers to human excreta only. (When and where people did not live under sanitary and hygienic conditions it was most necessary to prescribe correct, decent and respectful conditions for divine worship. **1** cubit=**22** inches or 56 cm.).

Mishnah 6

מִשְׁנָה ו

One afflicted with[1] gonorrhoea who suffered pollution[2], and a menstruant who discharged the (conceived) semen virile, and a woman who menstruates[3] while having sexual intercourse must have the ritual bath. But R. Judah exempts.[4]

זָב [1]שֶׁרָאָה [2]קְרִי, וְנִדָּה שֶׁפָּלְטָה שִׁכְבַת זֶרַע, וְהַמְשַׁמֶּשֶׁת [3]שֶׁרָאַתָה נִדָּה צְרִיכִין טְבִילָה. וְרַבִּי יְהוּדָה [4]פּוֹטֵר.

**1** and **2** 'One who is afflicted with gonorrhoea had seminal discharge' (*Leviticus* **15,** 1—15). **2** Literally שֶׁרָאָה, 'who saw.' **3** Literally, 'who saw menses'—even to the slightest degree (*Leviticus* **15,** 19—24). **4** From the ritual bath (compare 3[4]).

## CHAPTER 4

## פֶּרֶק ד

Mishnah 1

מִשְׁנָה א

The *Morning Service*[1] is up to mid-day;[2] R. Judah says, Up to the fourth hour.[3] The *Afternoon Service* is till the evening;[4] R. Judah says, Up to the half[5] of the *Minchah* period.[6] The *Evening Service* has no fixed period,[7] and the *Additional Service* all day.[8] (R. Judah says, Until the seventh hour[9]).

[1]תְּפִלַּת הַשַּׁחַר עַד [2]חֲצוֹת; רַבִּי יְהוּדָה אוֹמֵר, עַד [3]אַרְבַּע שָׁעוֹת. תְּפִלַּת הַמִּנְחָה עַד [4]הָעֶרֶב. רַבִּי יְהוּדָה אוֹמֵר, עַד [5]פֶּלַג הַמִּנְחָה. תְּפִלַּת הָעֶרֶב אֵין לָהּ [7]קֶבַע. וְשֶׁל מוּסָפִין [8]כָּל־הַיּוֹם. (9רַבִּי יְהוּדָה אוֹמֵר, עַד שֶׁבַע שָׁעוֹת.)

**1** (The term תְּפִילָה—rendered *Service*—refers here throughout particularly to the *Amidah* or *Eighteen Benedictions*). The Services were arranged to coincide with the periods of the discontinued Temple sacrifices, and the disputes arose because of the uncertainty as to the times of the offering up of these sacrifices. **2** Noon (from sunrise to mid-day). **3** The end of the fourth hour. The first four hours of the day, i.e., a third of the day when the day and night are of equal length. **4** From half a seasonal hour after noon until dark (before the appearance of three widely-separated stars); and this is the ruling followed. **5** First half. **6** The מִנְחָה קְטַנָּה period was two-and-a-half hours before the appearance of three widely-separated stars, and half would thus be one-and-a-quarter hours. According to R. Judah the *Minchah Service* may be read during the first half of the period only, and the *Maariv Service* during the second half; according to the Sages the second half is also *Minchah Service* time but not for the *Maariv Service*. In actual practice the *Morning Service* may be read up to ten o'clock, the *Additional Service* until noon (but one is still יוֹצֵא if he reads later when Services are prolonged), the *Afternoon Service* till sunset, and the *Evening Service* at any time after sundown and the appearance of three widely separated stars. **7** i.e., one may read the *Evening Service* at any time during the night. **8** Nevertheless one should not do so after the seventh hour of the day. (See **Note 6**). **9** This bracketed part is missing in the *Jerusalem Talmud*.

Mishnah 2

מִשְׁנָה ב

R. Nechunia[1] ben Hakanah used to offer up a short prayer on his entrance into the house of study and on his departure. They[2] said to him, 'What is the intention of this prayer?' He replied to them, 'On my entry I pray that no mishap[3] occur[4] through me,[5] and on my exit I offer up thanks[6] for my lot.[7]'

רַבִּי [1]נְחוּנְיָא בֶּן הַקָּנָה הָיָה מִתְפַּלֵּל בִּכְנִיסָתוֹ לְבֵית הַמִּדְרָשׁ וּבִיצִיאָתוֹ תְּפִלָּה קְצָרָה. [2]אָמְרוּ לוֹ, מַה־מָּקוֹם לַתְּפִלָּה זוֹ? אָמַר לָהֶם, בִּכְנִיסָתִי אֲנִי מִתְפַּלֵּל שֶׁלֹּא [3]תֵּאָרַע [4]תַּקָּלָה [5]עַל יָדִי, וּבִיצִיאָתִי אֲנִי נוֹתֵן [6]הוֹדָאָה [7]עַל חֶלְקִי.

**1** נְחוּנְיָא or נְחוּנְיָה. This narration is introduced here to teach that after Service in the synagogue one should go into the 'house of study' for study and offer up these two short prayers respectively on entering and on leaving. **2** The disciples. **3** i.e., no wrong decision on matters of הֲלָכָה, law. **4** תֵּאֵרַע. יֵאָרַע in some texts. **5** i.e., 'that my fellow collegians should not commit sin in rejoicing that I had failed in my sense of right judgment.' **6** הוֹדָאָה and

הוֹדָיָה in different editions. **7** i.e., 'my good fortune for being among those who studied the Law to bring order and system and right direction into it.'

Mishnah 3[1]

Rabban Gamaliel says, One must say every day the *Eighteen Benedictions*.[2] R. Joshua says,[3] An abbreviated form[4] of the *Eighteen Benedictions*. R. Akiba says, If one can read his Prayer(s) fluently he must say the *Eighteen Benedictions*[2], but if not then the abbreviated form of the *Eighteen Benedictions*.

מִשְׁנָה ג[1]

רַבָּן גַּמְלִיאֵל אוֹמֵר, בְּכָל יוֹם מִתְפַּלֵּל אָדָם [2]י״ח. רַבִּי יְהוֹשֻׁעַ אוֹמֵר,[3] מֵעֵין [4]י״ח. רַבִּי עֲקִיבָא אוֹמֵר, אִם שְׁגוּרָה תְפִלָּתוֹ בְּפִיו יִתְפַּלֵּל [2]שְׁמֹנֶה עֶשְׂרֵה וְאִם לָאו מֵעֵין [2]י״ח.

**1** In the *Talmud*, *Mishnahs* 4—6 are given as one *Mishnah*. **2** שְׁמֹנֶה עֶשְׂרֵה in some editions. The Benediction וְלַמַּלְשִׁינִים was added by the Academy of Jabneh after Rabban Gamaliel made this statement; and so we thus now have nineteen Benedictions, but the designation *Eighteen Benedictions* has been retained. **3** i.e., that one is יוֹצֵא with an abbreviated form of the *Eighteen Benedictions*. **4** מֵעֵין, resume, summary, abstract. A short summary form is given in many editions of the סִדּוּר (*Daily Prayers*). The condensed form may not be used when טַל וּמָטָר or אַתָּה חוֹנַנְתָּנוּ have to be added. (See 5[2]).

Mishnah 4

R. Eliezer says, He who makes his prayer a mechanical task[1]—his prayer is not prayer.[2] R. Joshua says, He who goes in a place of danger should say a short prayer;[3] he says, *Save, O God,*[4] *Thy people, the remnant of Israel. At every cross-road*[5] *may their needs be before Thee.*[6] *Blessed art Thou, O Eternal, Who hearkenest unto prayer.*

מִשְׁנָה ד

רַבִּי אֱלִיעֶזֶר אוֹמֵר, הָעוֹשֶׂה תְפִלָּתוֹ [1]קֶבַע אֵין תְּפִלָּתוֹ [2]תַּחֲנוּנִים. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, הַמְּהַלֵּךְ בִּמְקוֹם סַכָּנָה מִתְפַּלֵּל [3]תְּפִלָּה קְצָרָה, אוֹמֵר, הוֹשַׁע [4]הַשֵּׁם אֶת־עַמְּךָ אֶת־שְׁאֵרִית יִשְׂרָאֵל, בְּכָל [5]פָּרְשַׁת הָעִבּוּר יִהְיוּ צָרְכֵיהֶם [6]לְפָנֶיךָ, בָּרוּךְ אַתָּה ה׳ שׁוֹמֵעַ תְּפִלָּה.

**1** Literally 'fixed,' 'stereotyped,' i.e., 'a perfunctory act,' 'a burdensome task to be got through and be done with quickly.' A prayer that is hurried through carelessly or not said with due humility or recited at the wrong time אֵינָהּ מְקֻבֶּלֶת, 'is not accepted,' and is as if it had not been said. **2** Literally

'supplications.' **3** Not adding the first three and last three Benedictions of the *Amidah;* and when the danger has passed but the time for the *Amidah* has not yet gone by then the whole *Amidah* must be said. **4** In some editions ה׳, 'O Eternal' in place of הַשֵּׁם occurs. **5** Homiletically: 'When they are on the point of transgression have Thou compassion on them and supply them with their needs.' **6** 'Grant their needs.' But the ordinary עֲמִידָה must be recited none the less.

Mishnah 5

מִשְׁנָה ה

If one were riding on an ass he must dismount,[1] and if he be unable to get down let him turn his face,[2] and if he can not turn his face let him direct[4] his mind[3] towards (the House of) the Holy[5] of Holies.

הָיָה רוֹכֵב עַל הַחֲמוֹר יֵרֵד, וְאִם אֵינוֹ יָכֹל לֵירֵד יַחֲזִיר אֶת־פָּנָיו, וְאִם אֵינוֹ יָכֹל לְהַחֲזִיר אֶת־פָּנָיו יְכַוֵּן אֶת־לִבּוֹ כְּנֶגֶד בֵּית קֹדֶשׁ הַקָּדָשִׁים.

**1** And see that the ass is in safe keeping while he is at prayers. Then he recites the שְׁמֹנֶה עֶשְׂרֵה standing. **2** Towards Jerusalem. **3** Literally 'his heart.' **4** For instance, if he is in a small boat and it is dangerous to turn round, in which case he may say the *Amidah* even sitting. In every case where it is impossible to stop and stand still the *Amidah* should be recited nevertheless. **5** Some texts have קָדְשֵׁי instead of קֹדֶשׁ.

Mishnah 6

מִשְׁנָה ו

If one were travelling[1] on a ship, or in a waggon or on a raft let him direct his mind[2] towards (the House of) the Holy[3] of Holies.

הָיָה מְהַלֵּךְ בְּסְפִינָה אוֹ בְקָרוֹן אוֹ בְאַסְדָּא יְכַוֵּן אֶת־לִבּוֹ כְּנֶגֶד בֵּית קֹדֶשׁ הַקָּדָשִׁים.

**1** Some editions have יוֹשֵׁב, 'sitting'. These are futher instances of cases where it might not be possible to stop and stand still, yet the *Amidah* must be said. **2** Literally 'his heart.' **3** Some texts have קָדְשֵׁי in place of קֹדֶשׁ.

Mishnah 7

מִשְׁנָה ז

R. Elazar ben Azariah says, The *Additional Service* may be read only with a congregation,[1] but the Sages say,[2] Whether there is a congregation or whether there is no congregation. R. Judah quotes in his[3] name, Wherever there is a con-

רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר, אֵין תְּפִלַּת הַמּוּסָפִין אֶלָּא בְּחֶבֶר עִיר, וַחֲכָמִים אוֹמְרִים, בְּחֶבֶר עִיר וְשֶׁלֹּא בְּחֶבֶר עִיר. רַבִּי יְהוּדָה אוֹמֵר מִשְּׁמוֹ, כָּל־

gregation an individual is exempt from[4] the *Additional Service.*

מָקוֹם שֶׁיֵּשׁ חֶבֶר עִיר הַיָּחִיד [4]פָּטוּר מִתְּפִלַּת הַמּוּסָפִין·

**1** i.e., בְּצִבּוּר, 'with a congregation.' חֶבֶר עִיר, 'town organization,' 'congregation,' 'assembly' (for charity, prayer, study). **2** The *Additional Service* must be said in all circumstances. **3** 'his' refers to R. Elazar ben Azariah. **4** 'from saying.' The Service must be read even if there is no מִנְיָן (ten adult males), in accordance with the ruling of the Sages.

## CHAPTER 5

## פֶּרֶק ה

### Mishnah 1

### מִשְׁנָה א

One must not stand up to say the *Amidah* without deep earnestness.[1] The original *Chassidim*[2] used to wait[3] for one hour and then pray[4] in order to direct their minds to God.[5] Should even the king[6] greet one he may not return the greeting to him. And if even a snake[7] be curled[8] round his heel he must not pause.

אֵין עוֹמְדִין לְהִתְפַּלֵּל אֶלָּא מִתּוֹךְ יִכּוֹבֶד רֹאשׁ· [2]חֲסִידִים הָרִאשׁוֹנִים הָיוּ [3]שׁוֹהִים שָׁעָה אַחַת [4]וּמִתְפַּלְּלִים כְּדֵי שֶׁיְּכַוְּנוּ (אֶת־) לִבָּם [5]לַמָּקוֹם· אֲפִילוּ [6]הַמֶּלֶךְ שׁוֹאֵל בִּשְׁלוֹמוֹ לֹא יְשִׁיבֶנּוּ· וַאֲפִילוּ [7]נָחָשׁ [8]כָּרוּךְ עַל עֲקֵבוֹ לֹא יַפְסִיק·

**1** 'humility,' 'seriousness,' 'respectful awe.' Here לְהִתְפַּלֵּל does not mean simply 'to pray' but 'to say the *Amidah*.' When reading the *Amidah* or *Eighteen Benedictions* one must stand still in humility and must not pause or speak except in case of danger; and when hearing the קְדוּשָׁה he pauses and listens devotedly up to בָּרוּךְ כְּבוֹד ה׳ מִמְּקוֹמוֹ. Otherwise an interruption that would last as long as it would take to complete the rest of the *Amidah* necessitates the repetition of the whole *Amidah;* if the pause is as long as it would take to complete the particular Benediction only then that Benediction alone is repeated. Speaking wantonly during the *Amidah* entails repetition from the beginning. In the case of the first three or last three Benedictions speaking whether intentionally or not requires repetition from the beginning. **2** חָסִיד 'pious,' 'God-fearing,' 'saintly.' The Chassidim here referred to may have been a certain group of אֲסִיִּים (*Essenes*). **3** They used to wait in the place where they came to pray. **4** וּמִתְפַּלְּלִין in some texts. **5** Some editions have לַאֲבִיהֶם שֶׁבַּשָּׁמַיִם, 'to their Father in heaven,' instead of לַמָּקוֹם. הַמָּקוֹם, *The Omnipresent.* **6** i.e., 'a Jewish king' who would understand and make allowance. **7** But *only a snake*, for if one keeps still it does not bite, but in the case of other creatures (e.g., a scorpion) that would bite or sting without provocation he must interrupt to take safety measures. **8** Or *coiled up at his heel.*

Mishnah 2

The *Power of Rains*[2] must be mentioned[1] in the *Resurrection (of the dead)*,[3] and the *Prayer*[4] *for rains*[5] must be mentioned in the *Benediction of the Years*,[6] and the *Habdalah*[7] in *Who graciously grants understanding*.[8] R. Akiba says, It should be said as a fourth *Benediction* by itself.[9] R. Eliezer says, [It should be said] in[10] the *Thanksgiving*.[11]

מִשְׁנָה ב

[1]מַזְכִּירִין [2]גְּבוּרוֹת גְּשָׁמִים [3]בִּתְחִיַּת הַמֵּתִים· [4]וְשׁוֹאֲלִין [5]הַגְּשָׁמִים [6]בִּבְרִכַּת הַשָּׁנִים׳ [7]וְהַבְדָּלָה [8]בְּחוֹנֵן הַדָּעַת· רַבִּי עֲקִיבָא אוֹמֵר׳ אוֹמְרָהּ בְּרָכָה רְבִיעִת[9] בִּפְנֵי עַצְמָהּ· רַבִּי אֱלִיעֶזֶר אוֹמֵר׳ [11,10]בְּהוֹדָאָה·

**1** The term מַזְכִּירִין is used because the מַשִּׁיב הָרוּחַ is not a prayer but a statement. **2** גְּבוּרוֹת גְּשָׁמִים is an expression for מַשִּׁיב הָרוּחַ וּמוֹרִיד הַגָּשֶׁם, 'He causeth the wind to blow and the rain to fall,' which is added from the מוּסָף of שְׁמִינִי עֲצֶרֶת to the מוּסָף of the first day of פֶּסַח. If one omits it he must add it before וְאַתָּה קָדוֹשׁ (*Third Benediction*), but if he has begun this *Benediction* he must repeat from the beginning of the *Amidah*. In summer if one has said it and has not finished the *Second Benediction* he repeats from אַתָּה גִּבּוֹר, but if he has completed the *Benediction* he must return to the beginning of the *Amidah*. **3** The *Second Benediction* is so called. **4** Some editions have וְשָׁאֲלָה, 'and prays for it.' **5** This is an expression for וְתֵן טַל וּמָטָר, 'and grant dew and rain'; it is interpolated in the *Ninth Benediction* from the 4th-5th December to the eve of Passover. This prayer (hence use is made of the verb שָׁאַל) is inserted here because it and the *Benediction* are prayers for sustenance. If one has omitted it in winter or included it in summer he repeats the whole *Benediction* (if he has not concluded it), otherwise he inserts it in the שׁוֹמֵעַ תְּפִלָּה (in winter) or even between it and the רְצֵה; but if he has concluded the *Amidah* (in winter) he must repeat from the beginning. **6** This is the name of the *Ninth Benediction*. **7** This is an expression for the אַתָּה חוֹנַנְתָּנוּ inserted in the *Fourth Benediction* on the conclusion of the Sabbath and Holydays, and it is placed here because this *Benediction* is the first of the 'weekday' *Benedictions*. If one omits it he includes it in the שׁוֹמֵעַ תְּפִלָּה, but if he has already completed the *Amidah* he does not have to repeat it because one is יוֹצֵא with the הַבְדָּלָה. **8** The *Fourth Benediction* is thus designated. **9** And conclude with בָּרוּךְ אַתָּה ה׳ הַמַּבְדִּיל בֵּין קֹדֶשׁ לְחוֹל. But his view is not accepted. **10** Before וְעַל כֻּלָּם. **11** The *Eighteenth Benediction* is generally called the מוֹדִים.

Mishnah 3

One who says,[1] *as far as the nest of a bird do Thy mercies reach*,[2] or *for favours let Thy Name be*

מִשְׁנָה ג

[1]הָאוֹמֵר [2]עַל קַן צִפּוֹר יַגִּיעוּ רַחֲמֶיךָ [3]וְעַל טוֹב יִזָּכֵר שִׁמְךָ׳

*remembered*,[3] or *we give thanks, we give thanks*,[4] must be silenced. (If one say [1,5,6], *the good*[7] *bless Thee*, he is in error[8]). If anyone lead in prayer[9] before the Ark and makes a mistake[10,11], another must take his place and[12] may not at such a time hold back[13]. Where does he[14] begin?—From the beginning of the *Benediction* where he[9] erred.

[4]מוֹדִים מוֹדִים, מְשַׁתְּקִין אוֹתוֹ.
[5](הָאוֹמֵר, יְבָרְכוּךָ [7]טוֹבִים, הֲרֵי
זֶה [8]דַּרְכֵי טָעוּת.) [6]הָעוֹבֵר לִפְנֵי
[9]הַתֵּיבָה [10]וְטָעָה יַעֲבוֹר [12]אַחֵר
תַּחְתָּיו וְלֹא יְהֵא [13]סַרְבָּן בְּאוֹתָהּ
שָׁעָה. [11]מֵאֵין [12]הוּא מַתְחִיל?
מִתְּחִלַּת הַבְּרָכָה שֶׁטָּעָה [14]בָּהּ.

**1** In prayer. **2** Some take it to mean, 'Just as Thou hast compassion on the mother bird and its young so be Thou compassionate unto us'—but in fact the מִצְוָה, 'commandment,' here referred to [*Deuteronomy* **22**, 7; מְגִלָּה 4[9]] is a חוּקָה, 'statute,' and not because of compassion did God ordain it. **3** One must be thankful for disfavours from God as well as for His favours. **4** The *Eighteenth Benediction* begins with מוֹדִים. Repeating this (term) twice would be tantamount to a belief in a dual divinity. **5** This bracketed part is omitted in some texts. **6** From here the rest is given as a separate *Mishnah* in the *Talmud* and in introduced by the part just given in parenthesis. **7** This is inadmissible because it is the duty of every class of person to pray to God,and besides, such a statement would be an expression of vanity and boastfulness in labelling oneself as 'good.' **8** And must not do so. **9** At the עָמוּד (Reader's stand) where the Reader (חַזָּן or בַּעַל תְּפִילָה or שְׁלִיחַ צִבּוּר) 'stands' before the congregation. Literally 'If anyone pass before the Ark,' 'he' refers to the first one who erred. **10** In the *Eighteen Benedictions*. **11** Some editions have מֵהֵיכָן instead of מֵאֵין. **12** The substitute. **13** In ordinary circumstances one should act humbly and not push himself forward into public prominence but here in the performance of a religious obligation he must comply at once so as not to hold up the service. **14** In some texts זֶה, 'this one', i.e., 'the former,' is inserted before בָּהּ.

Mishnah 4[1]

He who leads in prayer[2] before the Ark must not respond with *Amen*[3] after the priests,[4] because he may become confused.[5] And if no priest be there but himself, he must not raise his hands[6] for the *Priestly Blessing*.[7] But when he feels confident that if he raise his hands for the *Priestly Blessing* he will be

[1]מִשְׁנָה ד
[2]הָעוֹבֵר לִפְנֵי הַתֵּיבָה לֹא יַעֲנֶה
[4]אַחַר הַכֹּהֲנִים [3]אָמֵן, מִפְּנֵי
[5]הַטֵּירוּף. וְאִם אֵין שָׁם כֹּהֵן אֶלָּא
הוּא [6]לֹא יִשָּׂא [7]אֶת־כַּפָּיו. וְאִם
הַבְטָחָתוֹ שֶׁהוּא נוֹשֵׂא אֶת־כַּפָּיו

וְחוֹזֵר לִתְפִלָּתוֹ רַשָּׁאי,[8]

able to resume the *Amidah* he may do so.[8]

**1** This *Mishnah* is joined to the preceding *Mishnah* in the *Talmud*. **2** The Reader. **3** Which the congregation respond with after each of the three verses of the בִּרְכַּת כֹּהֲנִים. **4** Who are performing the rite of the בִּרְכַּת כֹּהֲנִים. **5** And err in the words and in their correct sequence. The Reader does not join in the responses of אָמֵן, and if he is a כֹּהֵן he does not join in with the דוּכָן (as the rite is called) but he merely turns his face towards the congregation and raises his hands. **6** Because during the performance of the rite the priests raise their hands. **7** Since he might forget to resume correctly the rest of the *Amidah*. **8** The restriction applied in the *Mishnah* period because there were no Prayer Books and confusion could easily have occurred, but nowadays if the Reader is the only כֹּהֵן present he does *duchan* since his סִדּוּר or מַחֲזוֹר prevents any confusion.

מִשְׁנָה ה

Mishnah 5

[1]הַמִּתְפַּלֵּל וְטָעָה סִימָן רַע לוֹ, וְאִם שָׁלִיחַ צִבּוּר הוּא סִימָן רַע [2]לְשׁוֹלְחָיו, מִפְּנֵי שֶׁשְּׁלוּחוֹ שֶׁל אָדָם כְּמוֹתוֹ. אָמְרוּ עָלָיו עַל רַבִּי חֲנִינָא בֶּן דוֹסָא שֶׁהָיָה מִתְפַּלֵּל עַל הַחוֹלִים וְאוֹמֵר, זֶה חַי וְזֶה מֵת. אָמְרוּ לוֹ, מִנַּיִן אַתָּה יוֹדֵעַ? אָמַר לָהֶם, אִם [3]שְׁגוּרָה תְּפִלָּתִי בְּפִי יוֹדֵעַ אֲנִי שֶׁהוּא [4]מְקֻבָּל, וְאִם לָאו יוֹדֵעַ אֲנִי שֶׁהוּא [5]מְטוֹרָף.

When one prays[1] and makes a mistake it is a bad omen for him, and if he be the Reader for a congregation it is a bad omen for those[2] who appointed him, because the representative of a person is like to himself. They related of R. Chanina ben Dosa that when he prayed on behalf of sick people he used to say, 'This one will live,' or 'That one will die.' They said to him, 'Whence dost thou know?' He replied to them, 'If my prayer be uttered fluently[3] I know it is granted,[4] but if not, I know that it is rejected.'[5]

**1** Either for oneself or as Reader. **2** Those who are present at prayer with the Reader. **3** Literally 'If my prayer be fluent in my mouth,' i.e., there is no hesitation or error. **4** Some assume that מְקֻבָּל refers to the חוֹלֶה, patient, who will recover; but others take it that it refers to תְּפִלָּתִי and that its meaning is 'accepted' (but against this rendering is the difficulty that מְקֻבָּל is *masculine* whereas תְּפִלָּה is *feminine*). **5** Some take it that שֶׁהוּא מְטוֹרָף refers to תְּפִלָּתִי and should be rendered 'that it [i.e., the prayer] is rejected,' but the difficulty arises that מְטוֹרָף is *m.* and תְּפִלָּה is *f.*, and hence others assume that מְטוֹרָף refers to חוֹלֶה and so its meaning is 'will succumb.'

## CHAPTER 6

## פֶּרֶק ו

### Mishnah 1

What *Blessing* do we say over *fruits?*[1] Over the fruits of a tree one says,[2] . . . . *the Creator of the fruit of the tree,* with the exception of *wine*[3] because over wine one says . . . . *the Creator of the fruit of the vine.*[4] And over the fruits *of the ground* one says, . . . . *the Creator of the fruit of the ground,*[5] with the exception of *bread*[6] because over bread one says, . . . . *Who bringest forth bread from the earth.*[7] And over vegetables[8] one says, . . . . *Creator of the fruit of the ground;*[4] R. Judah[9] says, . . . . *the Creator of various species of herbs.*

### מִשְׁנָה א

כֵּיצַד מְבָרְכִין עַל הַפֵּירוֹת? עַל פֵּירוֹת [2]הָאִילָן (הוּא) אוֹמֵר, בּוֹרֵא פְּרִי הָעֵץ, חוּץ מִן־[3]הַיַּיִן שֶׁעַל הַיַּיִן (הוּא) אוֹמֵר, [4]בּוֹרֵא פְּרִי הַגֶּפֶן. וְעַל פֵּירוֹת הָאָרֶץ (הוּא) אוֹמֵר, [5]בּוֹרֵא פְּרִי הָאֲדָמָה, חוּץ מִן־[6]הַפַּת שֶׁעַל הַפַּת הוּא אוֹמֵר, [7]הַמּוֹצִיא לֶחֶם מִן־הָאָרֶץ. וְעַל [8]הַיְרָקוֹת (הוּא) אוֹמֵר, [4]בּוֹרֵא פְּרִי הָאֲדָמָה; רַבִּי [9]יְהוּדָה אוֹמֵר, [5]בּוֹרֵא מִינֵי דְשָׂאִים.

**1** In the גְּמָרָא it is laid down that if a new fruit grows on a twig in the following year after the old fruit had been plucked it requires the *Blessing* בּוֹרֵא פְּרִי הָעֵץ...; but if no new fruit grows on a twig after plucking the *Blessing* בּוֹרֵא פְּרִי הָאֲדָמָה... is recited over it, as in the case of the *banana.* **2** The *Blessing* begins with בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, *Blessed art Thou, O Eternal, King of the Universe.* This *Blessing* is said only over fruits that grow on trees whose stems do not die away in winter. **3** Because of its importance it has a *Blessing* to itself. **4** (See **Note 2** above for the beginning). Even if wine is taken as a remedy the *Blessing* must be recited. **5** (For the beginning see **Note 2** above). **6** See **Note 3** above. The *Blessing* over pastry, cake, biscuit, pudding, pie, tart, porridge—made out of flour—is בּוֹרֵא מִינֵי מְזוֹנוֹת..., '...*Who createst various kinds of foods.*' **7** See **Note 2** above for the beginning. **8** Vegetables which are ordinarily eaten raw require the *Blessing* ...שֶׁהַכֹּל... (see next *Mishnah* **Note 4**), if they are cooked. Vegetables that are usually eaten cooked need the *Blessing* שֶׁהַכֹּל when they are eaten raw. The *Blessing* בּוֹרֵא פְּרִי הָאֲדָמָה... is said over vegetables which are eaten either cooked or raw. **9** His view that each sort—plants, as raspberries, whose fruit is eaten, pulse, as peas, whose seeds are eaten, herbs and greens, whose leaves are eaten—should have its own appropriate *Blessing*, is not accepted.

### Mishnah 2

If one said over the fruits of trees the *Blessing*, . . . . *the Creator of the*

### מִשְׁנָה ב

בֵּירֵךְ עַל פֵּירוֹת הָאִילָן, בּוֹרֵא

פְּרִי הָאֲדָמָה, [1]יָצָא, [2]וְעַל פֵּרוֹת הָאָרֶץ, בּוֹרֵא פְּרִי הָעֵץ, [3]לֹא יָצָא. עַל כֻּלָּם אִם אָמַר, [4]שֶׁהַכֹּל נִהְיָה (בִּדְבָרוֹ), [5]יָצָא.

*fruit of the ground*, he has fulfilled his duty in accordance with the requirements of the Law,[1] but[2] over the fruits of the ground, . . . . *the Creator of the fruit of the tree*, he has not complied with the requirements of the Law.[3] In all cases if one said . . . . *for everything exists by His word*[4], he has carried out his obligation according to the injunction of the Law.[5]

**1** Because the trees themselves are also the products of the earth; and if one eats next fruit that grows on trees there is no need to say the *Blessing* בּוֹרֵא... פְּרִי הָעֵץ **2** If he said the *Blessing* בּוֹרֵא פְּרִי הָאֲדָמָה... **3** The fruits of the ground have no connection with trees. **4** The *Blessing* begins with בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם. **5** But this last mentioned *Blessing* is an 'inclusive' or 'universal' *Blessing* for all things all of which are created by God's will, and it covers even bread and wine, and if one is in doubt which *Blessing* to recite it suffices to say this 'comprehensive 'one.

Mishnah 3 — מִשְׁנָה ג

עַל דָּבָר [1]שֶׁאֵינוֹ גִּדּוּלוֹ מִן־הָאָרֶץ אוֹמֵר, [2]שֶׁהַכֹּל (נִהְיָה בִּדְבָרוֹ). עַל הַחֹמֶץ וְעַל [3]הַנּוֹבָלוֹת וְעַל [4]הַגּוֹבַאי אוֹמֵר, שֶׁהַכֹּל (נִהְיָה בִּדְבָרוֹ). (עַל הֶחָלָב וְעַל הַגְּבִינָה וְעַל הַבֵּיצִים אוֹמֵר, שֶׁהַכֹּל.) רַבִּי יְהוּדָה אוֹמֵר, כָּל־שֶׁהוּא מִין [5]קְלָלָה אֵין מְבָרְכִין עָלָיו.[6]

Over any thing whose growth is not[1] from the earth one says . . . . *because everything exists by His word*.[2] Over vinegar, and over unripe fruits,[3] and over edible locusts[4] one says, . . . . *for every thing* (*exists by His word*). (Over milk, and over cheese, and over eggs one says, . . . . *for every thing* .) R. Judah says, Anything which is in the nature of a *curse*:[5] one does not say a *Blessing* over it.[6]

**1** Not directly (because actually all things come directly or indirectly from the earth) such as fish, flesh, and those mentioned in the parenthesis, and even mushrooms and peel are included under this heading. **2** See the preceding *Mishnah* **Note 4.** **3** נוֹבְלוֹת, unripe fruit, fruit falling off before ripening, an inferior quality of dates dropping off unripe. **4** A certain species—identity now unknown—which are כָּשֵׁר as food (*Leviticus* **11,** 22). **5** Such as vinegar, fallen fruit (as if the wine had been 'cursed' to turn sour, or the tree or fruit had been 'cursed' and had not ripened), locusts (because they are a 'curse'

on account of their destructiveness). **6** R. Judah's view is rejected, because one should say a *Blessing* over aught one enjoys.

Mishnah 4[1]

If one had before him many different kinds,[2] R. Judah says, If among them there be one[3] of the *seven species*[4] he says the *Blessing*[5] over that one;[6] but the Sages say, He says the *Blessing* over whichever[7] of them he pleases.[8]

מִשְׁנָה ד

הָיוּ לְפָנָיו [2]מִינִים הַרְבֵּה, רַבִּי יְהוּדָה אוֹמֵר, אִם יֵשׁ בֵּינֵיהֶם [3]מִמִּין [4]שֶׁבַע [5]מְבָרֵךְ [6]עָלָיו; וַחֲכָמִים אוֹמְרִים, מְבָרֵךְ עַל אֵיזֶה [7]מֵהֶם שֶׁיִּרְצֶה[8].

**1** In the *Talmud* this *Mishnah* is joined on to the preceding one. **2** מִינִין in some editions. **3** Some texts have מִין שִׁבְעָה. **4** The seven species are חִטָּה, wheat, שְׂעוֹרָה, barley, גֶּפֶן, grape, תְּאֵנָה, fig, רִמּוֹן, pomegranate, זַיִת, olive(-oil), and תְּמָרִים dates (or date-honey); these are considered the most important products because the Land of Israel was famed for them (*Deuteronomy* 8, 8). **5** Instead of מְבָרֵךְ עָלָיו some editions have עָלָיו הוּא מְבָרֵךְ. **6** And that *Blessing* suffices for all the others. **7** מֵהֶן in some texts. **8** And that *Blessing* will suffice for all the rest. This is the accepted ruling.

Mishnah 5

If one said the *Blessing* over the wine[1] before the meal he has exempted[2] the wine after[3] the meal. If one said the *Blessing*[4] over the appetizer before the meal he has exempted the dessert after the meal.[5] If he said the *Blessing* over the bread he has exempted[6] the appetizer, but[7] over the appetizer he has not exempted[8] the bread. The School of Shammai say,[9] Not even what had been prepared in a pot.

מִשְׁנָה ה

בֵּרֵךְ עַל יַיִן שֶׁלִּפְנֵי הַמָּזוֹן [2]פָּטַר אֶת־הַיַּיִן [3]שֶׁלְּאַחַר הַמָּזוֹן. [4]בֵּרֵךְ עַל הַפַּרְפֶּרֶת שֶׁלִּפְנֵי הַמָּזוֹן פָּטַר אֶת־הַפַּרְפֶּרֶת [5]שֶׁלְּאַחַר הַמָּזוֹן. בֵּרֵךְ עַל הַפַּת [6]פָּטַר אֶת־הַפַּרְפֶּרֶת, [7]עַל הַפַּרְפֶּרֶת [8]לֹא פָּטַר אֶת־הַפַּת. [9]בֵּית שַׁמַּאי אוֹמְרִים, אַף לֹא מַעֲשֵׂה קְדֵרָה.

**1** It was a custom in those days to drink wine and eat a savoury or relish (such as fish, salad, etc.) both at the beginning of a meal and (wine and dessert) before *Grace after Meals*. **2** i.e., there is no need to repeat the *Blessing* over wine. **3** Even the wine immediately before *Grace after Meals* (thus including all wine drunk during the meal). **4** Some texts have יְבָרֵךְ, 'If one should say [the *Blessing*]' instead of בֵּרֵךְ. **5** And before *Grace after Meals*. **6** Add 'the *Blessing* over.' **7** To be understood: 'If he said the *Blessing*.' **8** Insert

'The *Blessing* over.' **9** The *Blessing* said over the appetizer does not exempt one from the appropriate *Blessing* over 'what (dish, etc.) had been prepared in a pot,' such as porridge, of groats, flour, rusks, dried bread boiled in water.

Mishnah 6[1]

If people sit[2] down (to dine),[3] each one says the *Blessing*[4] for himself. If they sit reclining,[5] one says the *Blessing* for them all. If wine be brought to them during the meal, each one says the *Blessing* for himself; if after[6] the meal, one says the *Blessing* for them all, and he also says[7] over the perfume[8] even though the perfume be brought in only after the meal.

[1]מִשְׁנָה ו

הָיוּ [2]יוֹשְׁבִין [3](לֶאֱכֹל), כָּל־אֶחָד (וְאֶחָד) [4]מְבָרֵךְ לְעַצְמוֹ. [5]הֵסִיבוּ, אֶחָד מְבָרֵךְ לְכוּלָּן. בָּא לָהֶם יַיִן בְּתוֹךְ הַמָּזוֹן כָּל־אֶחָד וְאֶחָד מְבָרֵךְ לְעַצְמוֹ, [6]לְאַחַר הַמָּזוֹן אֶחָד מְבָרֵךְ לְכוּלָּם, וְהוּא [7]אוֹמֵר עַל [8]הַמּוּגְמָר אַף עַל פִּי שֶׁאֵין מְבִיאִין אֶת־הַמּוּגְמָר אֶלָּא לְאַחַר הַסְּעוּדָה.

**1** In the *Talmud* this *Mishnah* is joined on to the preceding one. **2** Literally 'were sitting.' Without leaning or reclining, and without forming a group at the same table. **3** This term appears in the *Gemara Mishnah*. **4** The הַמּוֹצִיא. **5** They used to sit at meals reclining on the left side, and this posture indicated a communal meal. This law applies nowadays if people sit round a table, and the others respond with אָמֵן. **6** Wine is brought and the *Blessing* over it is said. **7** The *Blessing* is בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא עֲצֵי בְשָׂמִים, '*Blessed art Thou, O Eternal, our God, King of the Universe, Creator of odorous trees.*' **8** Composed of spices on burning coals offered after a meal, to remove the odour of food.

Mishnah 7

If they placed first before one[1] some salted relish and bread with it, he says the *Blessing*[2] over the salted relish[3] and that exempts[4] the bread, because the bread is of secondary importance to it.[5] This is the general rule: wherever there is a main food and with it[6] one of secondary importance, he says the *Blessing* over the main food and thereby exempts the one of secondary importance.

מִשְׁנָה ז

הֵבִיאוּ [1]לְפָנָיו מָלִיחַ בַּתְּחִלָּה וּפַת עִמּוֹ, [2]מְבָרֵךְ עַל [3]הַמָּלִיחַ [4]וּפוֹטֵר אֶת־הַפַּת, שֶׁהַפַּת טְפֵלָה [5]לוֹ. זֶה הַכְּלָל, כָּל־שֶׁהוּא עִקָּר [6]וְעִמָּהּ טְפֵלָה, מְבָרֵךְ עַל הָעִקָּר וּפוֹטֵר אֶת־הַטְּפֵלָה.

**1** i.e., 'one was sitting.' This is an instance where the bread is of secondary importance, as the chief desire was for the relish; if however the bread was the עִקָּר, 'main food,' the *Blessing* הַמּוֹצִיא would be said and it would also cover the accompanying food. **2** The *Blessing* שֶׁהַכֹּל. In all cases the Blessing over the עִקָּר, 'important food,' covers the טָפֵל, 'secondary present food.' **3** מְלִיחַ, salted relish, pickled food, food preserved in salt, dessert. **4** 'the obligation to say the *Blessing* over.' **5** To the salted relish. **6** וְעִמּוֹ given in some texts seems more correct grammatically in agreement with the *masculine* form שֶׁהוּא.

Mishnah 8

מִשְׁנָה ח

אָכַל [1]תְּאֵנִים עֲנָבִים וְרִמּוֹנִים, מְבָרֵךְ אַחֲרֵיהֶן [2]שָׁלֹשׁ בְּרָכוֹת, דִּבְרֵי [3]רַבָּן גַּמְלִיאֵל; [4]וַחֲכָמִים אוֹמְרִים, בְּרָכָה אַחַת (מֵעֵין [5]שָׁלֹשׁ). רַבִּי עֲקִיבָא אוֹמֵר, אֲפִילוּ אָכַל שֶׁלֶק וְהוּא מְזוֹנוֹ מְבָרֵךְ [6]אַחֲרָיו שָׁלֹשׁ בְּרָכוֹת. הַשּׁוֹתֶה מַיִם לִצְמָאוֹ [7] אוֹמֵר, [8]שֶׁהַכֹּל נִהְיֶה בִּדְבָרוֹ; רַבִּי טַרְפוֹן [9]אוֹמֵר, [10]בּוֹרֵא נְפָשׁוֹת רַבּוֹת (וְחֶסְרוֹנָן).

If one ate figs,[1] or grapes, or pomegranates, he says after them the *Three Benedictions;*[2] this is the view of Rabban Gamaliel;[3] but the Sages say,[4] One *Benediction* (which is an abbreviation of the *Three*[5]). R. Akiba says, Even if one ate boiled greens and that is his (complete) meal he must say after it[6] the *Three Benedictions.* He who drinks water to quench his thirst says,[7]. . . . *for everything exists by His word;*[8] R. Tarfon says,[9]. . . . *the Creator of many living things* (*and their wants . . . .*).[10]

**1** Some editions have עֲנָבִים וּתְאֵנִים instead. **2** בִּרְכַּת הַמָּזוֹן, *Grace after Meals,* in full. Originally it had *three Blessings* but now it contains a *fourth* (הַטּוֹב וְהַמֵּטִיב). **3** He maintains that these are of the מִין שֶׁבַע (see 6[4]) and one should treat them as in the case of bread and recite the first three Blessings of the בִּרְכַּת הַמָּזוֹן. **4** 'The diner has to say.' And this is the ruling followed. (Most סִדּוּרִים, 'Daily Prayers,' give the *Blessing* to be said after the drinking of wine or after the eating of grapes, figs, dates, olives, pomegranates, or after eating any food over which the *Blessing* בּוֹרֵא מִינֵי מְזוֹנוֹת is first pronounced before eating). This *Blessing* is termed בְּרָכָה אַחֲרוֹנָה, '*Latter Benediction.*' **5** *Three Benedictions.* **6** עָלָיו in some texts. **7** Some editions have מְבָרֵךְ instead. **8** (See 6[2], **Note 4**). When water is taken as a medicine no *Blessing* is said either before or after it. **9** He maintains that this *Blessing* should be said *before* drinking water, but the ruling is that it is to be recited *after* drinking it. **10** The *Blessing* in full (now recited after any food or drink for which the *Grace after Meals* is not required) is בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא

נְפָשׁוֹת רַבּוֹת וְחֶסְרוֹנָן עַל כָּל מַה שֶּׁבָּרָאתָ לְהַחֲיוֹת בָּהֶם נֶפֶשׁ כָּל חַי בָּרוּךְ חֵי הָעוֹלָמִים,
*Blessed art Thou, O Eternal our God, King of the Universe, Creator of the many living beings with their wants, for all that which Thou hast created wherewith to maintain the life of every one. Blessed be He the life of all worlds.*

## CHAPTER 7

## פֶּרֶק ז

Mishnah 1[1]

Three who have dined together[2] must say *Grace after Meals*[3] together. If one ate from *doubtfully-tithed produce*,[4] or from *first tithe*[5] from which the *priest's-minor-due* had been separated, or from *second tithe*, or from what had been *dedicated for a sacred purpose*[6] which had been redeemed,[7] or an attendant[8] who had eaten an olive's bulk of food, or a Samaritan[9]—all these[10] may be included to say[11] *Grace after Meals* together. (But) If one ate from the *cut products in the field before tithing*, or from the *first tithe* from which the *priest's-minor-due* had not yet been separated, or from the *second tithe*, or from what had been *consecrated for a sacred object* that had not been redeemed, or an attendant who had eaten less than[12] an olive's bulk of food, or an idolater[13]—these may not be included for reciting *Grace after Meals* together.

מִשְׁנָה א

שְׁלֹשָׁה שֶׁאָכְלוּ [2]כְּאֶחָד חַיָּבִין
[3]לְזַמֵּן. אָכַל [4]דְּמַאי [5]וּמַעֲשֵׂר
רִאשׁוֹן שֶׁנִּטְּלָה תְּרוּמָתוֹ, וּמַעֲשֵׂר
שֵׁנִי [6]וְהֶקְדֵּשׁ [7]שֶׁנִּפְדּוּ, [8]וְהַשַּׁמָּשׁ
שֶׁאָכַל כְּזַיִת, [9]וְהַכּוּתִי, [11]מְזַמְּנִין
[10]עֲלֵיהֶם. (אֲבָל) אָכַל טֶבֶל
וּמַעֲשֵׂר רִאשׁוֹן שֶׁלֹּא נִטְּלָה
תְּרוּמָתוֹ, וּמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ
שֶׁלֹּא נִפְדּוּ, וְהַשַּׁמָּשׁ שֶׁאָכַל [12]פָּחוּת
מִכְּזַיִת, [13]וְעוֹבֵד כּוֹכָבִים, אֵין
מְזַמְּנִין [10]עֲלֵיהֶם.

**1** In the *Talmud* this *Mishnah* and the next one are given as one *Mishnah*. **2** כְּאַחַת in some texts. *Three* or *more than three*. **3** To recite together *Grace after Meals* begun by one with רַבּוֹתַי נְבָרֵךְ; the rest from בָּרוּךְ is said by each person whether alone or in company. **4** The opposite term is וַדַּאי, 'produce from which the tithes had been separated' (see דְּמַאי **Introduction**). **5** (See 1[1], **Note 5**). The case here is when the Levite had taken his tithe before the owner had separated the תְּרוּמָה, priest's-due. **6** הֶקְדֵּשׁ generally refers to any article that had been devoted to the Temple service, and may be redeemed according to its worth in coins *plus* $\frac{1}{5}$ of its value. הֶקְדֵּשׁ food had to be redeemed before it could be eaten. **7** מַעֲשֵׂר שֵׁנִי and הֶקְדֵּשׁ. **8** Although he had

not sat at table. **9** Nowadays a Samaritan is not admitted to מְזַמֵּן. **10** Some texts give עָלָיו. **11** Though these had eaten of אִסּוּר (forbidden food) and thus having committed a transgression have no right to offer thanks to God after having done so, for such an utterance would be tantamount to blasphemy. **12** Many prefer the pointing פָּחוֹת. **13** Some editions have וְהַנֻּכְרִי, others וְעוֹבֵד כּוֹכָבִים.

Mishnah 2[1]

Women, and slaves[2,4], and minors[3] must not be included for saying *Grace after Meals.* How much[5] in order to be included for reciting *Grace after Meals?* To a quantity[6] equal to that of the bulk of an olive;[7] R. Judah says, To a quantity[8] equal to the bulk of an egg.

מִשְׁנָה ב

[1]נָשִׁים [2]וַעֲבָדִים [3]וּקְטַנִּים אֵין מְזַמְּנִין [4]עֲלֵיהֶם. [5]עַד כַּמָּה מְזַמְּנִין? [6]עַד יְכָזִית; רַבִּי יְהוּדָה אוֹמֵר, [8]עַד כְּבֵיצָה.

**1** In the *Talmud* this *Mishnah* is joined on to the preceding one. **2** Canaanite slaves who had to carry out all the commandments carried out by Jewish women. **3** A boy, under 13 years and 1 day, has not attained puberty and is still termed a minor. Some would admit a boy above the age of nine to מְזַמֵּן if he understands clearly all the implications of the בִּרְכַּת הַמָּזוֹן. **4** Some texts have עֲלֵיהֶן. **5** i.e., 'How much should one have eaten...' **6** i.e., 'the minimum quantity.' **7** And this is the accepted ruling. **8** i.e., 'at least equal to.' About twice the size of an olive.

Mishnah 3

How do they say the *Grace after Meals?*[1] When there are three, one[2] says, *Let us bless . . .;* when there are three besides himself he says, *Bless ye;*[3] when ten are present he says, *Let us bless our God . . . .;*[4] when ten are there beside himself he says, *Bless ye;*[5] it is all one whether ten or whether ten times ten thousand.[6] When a hundred are present[7] he says, *Let us bless the Eternal our God,*[8] when a hundred are present beside himself he says, *Bless ye;* when a thousand are present he says, *Let us bless the Eternal our God, the God of Israel;* when there are a

מִשְׁנָה ג

כֵּיצַד יְמַזְּמְנִין? בְּשְׁלֹשָׁה [2]אוֹמֵר, נְבָרֵךְ, בְּשְׁלֹשָׁה וְהוּא אוֹמֵר, [3]בָּרְכוּ; בַּעֲשָׂרָה אוֹמֵר, נְבָרֵךְ [4]אֱלֹהֵינוּ, בַּעֲשָׂרָה וְהוּא אוֹמֵר, [5]בָּרְכוּ; אֶחָד [6]עֲשָׂרָה וְאֶחָד עֲשָׂרָה רְבוֹא; [7]בְּמֵאָה אוֹמֵר, נְבָרֵךְ [8]ה' אֱלֹהֵינוּ, בְּמֵאָה וְהוּא אוֹמֵר, בָּרְכוּ; בְּאֶלֶף (הוּא) אוֹמֵר, נְבָרֵךְ לַה' אֱלֹהֵינוּ אֱלֹהֵי יִשְׂרָאֵל, בְּאֶלֶף וְהוּא אוֹמֵר, בָּרְכוּ; בְּרִבּוֹא אוֹמֵר, נְבָרֵךְ לַה' אֱלֹהֵינוּ אֱלֹהֵי יִשְׂרָאֵל

אֱלֹהֵי הַצְּבָאוֹת יוֹשֵׁב הַכְּרוּבִים עַל הַמָּזוֹן שֶׁאָכַלְנוּ, בְּרִבּוֹא וְהוּא אוֹמֵר, בָּרְכוּ. כְּעֵנֶן שֶׁהוּא מְבָרֵךְ כַּךְ עוֹנִין אַחֲרָיו, בָּרוּךְ ה' אֱלֹהֵינוּ אֱלֹהֵי יִשְׂרָאֵל אֱלֹהֵי [9]צְבָאוֹת יוֹשֵׁב הַכְּרוּבִים עַל הַמָּזוֹן שֶׁאָכַלְנוּ. רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר, לְפִי רֹב הַקָּהָל הֵן מְבָרְכִין, [10]שֶׁנֶּאֱמַר, בְּמַקְהֲלוֹת בָּרְכוּ אֱלֹהִים ה' מִמְּקוֹר יִשְׂרָאֵל. אָמַר רַבִּי עֲקִיבָא, מַה־מָּצִינוּ בְּבֵית הַכְּנֶסֶת? אֶחָד [11]מְרוּבִּין וְאֶחָד [13]מוּעָטִין [12]אוֹמֵר, בָּרְכוּ אֶת־ה'; רַבִּי [14]יִשְׁמָעֵאל אוֹמֵר, בָּרְכוּ אֶת־ה' הַמְבוֹרָךְ.

thousand beside himself he says, *Bless ye;* when ten thousand are present he says, *Let us bless the Eternal our God, the God of Israel, the God of Hosts Who sitteth above the Cherubim, for the food that we have eaten;* when there are present ten thousand beside himself he says, *Bless ye.* According to the formula with which he prefaces the *Grace after Meals* so they respond to him, *Blessed be the Eternal our God, the God of Israel, the God of Hosts, That sitteth upon the Cherubim, for the food that we have eaten.* R. Jose the Galilean says, According to the size of the assembly they recite the *Blessings,* as it is said[10], *In assemblies bless ye God the Eternal, yea from the fountain of Israel.* Said R. Akiba, How do we find in the Synagogue? Whether there are many[11] or whether there are few[13] he says,[12] *Bless ye the Eternal;* R. Ishmael[14] says, *Bless ye the Eternal Who is to be blessed.*

**1** i.e., begin or preface the *Grace after Meals.* **2** The one who is asked to do so. **3** Because there are three without him. **4** Some editions have לְאלֹהֵינוּ **5** Because without him there is the required ten. **6** This is R. Akiba's opinion: any number over ten is for purpose of *Grace after Meals* the same as a מִנְיָן of ten. **7** This is Rabban Gamaliel's statement. From three to nine inclusive, one begins with נְבָרֵךְ שֶׁאָכַלְנוּ מִשֶּׁלּוֹ, '*Let us bless because we have eaten from His,*' and all respond with בָּרוּךְ שֶׁאָכַלְנוּ מִשֶּׁלּוֹ וּבְטוּבוֹ חָיִינוּ, '*Blessed be He because we have eaten from His and in His goodness have we lived;* from ten upwards, one begins with נְבָרֵךְ לֵאלֹהֵינוּ שֶׁאָכַלְנוּ מִשֶּׁלּוֹ, '*Let us bless our God because we have eaten from His,*' and all respond with בָּרוּךְ אֱלֹהֵינוּ שֶׁאָכַלְנוּ מִשֶּׁלּוֹ וּבְטוּבוֹ חָיִינוּ, '*Blessed be our God because we have eaten from His and by His goodness we have lived.*' **8** Some texts give 'לה. **9** Some editions give הַצְּבָאוֹת. **10** *Psalm* **68,** 27. **11** מִנְיָן, ten minimum. **12** The Reader. **13** This refers to מִנְיָן, ten minimum. **14** His view is the accepted ruling.

Mishnah 4[1]

When three dined together[2] they must not separate,[3] and the same applies to four and five;[4] six[5] may divide[6] up to ten,[7] but ten[8] may not[9] split up before their number has reached[10] twenty.[11]

[1]מִשְׁנָה ד
שְׁלֹשָׁה שֶׁאָכְלוּ [2]כְּאֶחָד אֵינָן רַשָּׁאִין
[3]לְחַלֵּק, וְכֵן [4]אַרְבָּעָה, וְכֵן חֲמִשָּׁה.
[5]שִׁשָּׁה [6]נֶחֱלָקִין עַד [7]עֲשָׂרָה,
[8]וַעֲשָׂרָה [9]אֵינָן נֶחֱלָקִין עַד
[10](שֶׁיִּהְיוּ) [11]עֶשְׂרִים.

**1** This *Mishnah* and the next are combined in the *Talmud* into one *Mishnah*. **2** Some editions have כְּאַחַת. **3** Because it is their duty to say *Grace after Meals* בִּמְזֻמָּן. If a fourth is dining apart he should join the three for the בִּרְכַּת הַמָּזוֹן. **4** Because three would constitute a מְזֻמָּן and the other one or the two others alone would not. **5** They can form two groups for מְזֻמָּן, each a party of three. **6** 'May divide,' but actually they should not separate when saying the *Grace after Meals*. **7** i.e., nine inclusive. They could make up two or three separate parties for מְזֻמָּן. **8** Ten may not split up because when ten recite *Grace after Meals* the ה׳, 'Eternal,' is mentioned. **9** Some texts give אֵין. **10** Some editions omit שֶׁיִּהְיוּ. **11** Since they can form two parties of מִנְיָן (ten) each, but actually they should not split up.

Mishnah 5[1]

When two parties have been dining in the same house [or room], if some of them can see each other then they[2] may combine to say *Grace after Meals* together; but if not[3], these recite *Grace after Meals* by themselves and those recite *Grace after Meals* by themselves. The *Blessing* over wine[4] may not be said before water is added to it,[5] according to the view of R. Eliezer;[6] but the Sages say, They may recite the *Blessing*.

[1]מִשְׁנָה ה
שְׁתֵּי חֲבוּרוֹת שֶׁהָיוּ אוֹכְלוֹת בְּבַיִת
אֶחָד, בַּזְּמַן שֶׁמִּקְצָתָן רוֹאִין אֶלּוּ־
אֶת־אֵלּוּ הֲרֵי אֵלּוּ [2]מִצְטָרְפִים
לְזִמּוּן, וְאִם [3]לָאו, אֵלּוּ מְזַמְּנִין
לְעַצְמָן וְאֵלּוּ מְזַמְּנִין לְעַצְמָן. אֵין
מְבָרְכִין עַל [4]הַיַּיִן עַד שֶׁיִּתֵּן
[5]לְתוֹכוֹ מָיִם. דִּבְרֵי רַבִּי [6]אֱלִיעֶזֶר;
וַחֲכָמִים אוֹמְרִים מְבָרְכִין.

**1** In the *Talmud* this *Mishnah* is joined on to the foregoing *Mishnah*. **2** i.e., the two groups of diners. **3** If the two groups are out of sight of each other. **4** בּוֹרֵא פְּרִי הַגֶּפֶן... **5** Their wine used to be very potent and was not fit for drinking without first being diluted with water. **6** But his opinion was rejected; he considered undiluted grape liquor as mere fruit juice for which the Blessing should be בּוֹרֵא פְּרִי הָעֵץ..., but actually the *Blessing* over other fruit juices is שֶׁהַכֹּל.

## CHAPTER 8

## פֶּרֶק ח

Mishnah 1[1]

These are the differences of views between the School of Shammai and the School of[2] Hillel concerning meals.[3] The School of Shammai say, One says (first) the *Blessing over the day*[4] and after that recites[5] the *Blessing over the wine;* but the School of Hillel say,[6] One (first) recites the *Blessing over the wine* and then recites the *Blessing over the day.*

מִשְׁנָה א[1]

אֵלּוּ דְבָרִים שֶׁבֵּין בֵּית שַׁמַּאי
וּבֵית הִלֵּל [3]בַּסְּעוּדָה · בֵּית שַׁמַּאי
אוֹמְרִים, [4]מְבָרֵךְ עַל הַיּוֹם וְאַחַר
כָּךְ [5]מְבָרֵךְ עַל הַיַּיִן; וּבֵית הִלֵּל
[6]אוֹמְרִים, מְבָרֵךְ עַל הַיַּיִן וְאַחַר
כָּךְ מְבָרֵךְ עַל הַיּוֹם·

**1** In the *Talmud* all the *Mishnahs* 1—8 are given as one *Mishnah.* **2** Some texts have וּבֵין בֵּית instead of וּבֵית. **3** 'regarding the laws concerning meals'. **4** The Sabbath קִדּוּשׁ and the Festivals קִדּוּשׁ, because they maintain that the wine is drunk in honour of the 'day' and further the 'day' has commenced before the need for the קִדּוּשׁ. **5** בּוֹרֵא פְּרִי הַגָּפֶן. **6** The ruling is in accordance with the opinion of Beth Hillel. They uphold that the santification of the 'day' is shown through the קִדּוּשׁ Further, קִדּוּשׁ can not be said without wine—or without חַלּוֹת (loaves) if preferred—and so the *Blessing* over the wine (or the *Blessing* over the bread) must precede.

Mishnah 2[1]

The School of Shammai say, They (first) wash the hands and after that fill the [*Kiddush*] cup. But the School of Hillel say, They (first) fill[2] the [*Kiddush*] cup and then wash the hands.

מִשְׁנָה ב[1]

בֵּית שַׁמַּאי אוֹמְרִים, נוֹטְלִין לַיָּדַיִם
וְאַחַר כָּךְ מוֹזְגִין אֶת־הַכּוֹס· וּבֵית
הִלֵּל אוֹמְרִים, [2]מוֹזְגִין אֶת־הַכּוֹס
וְאַחַר כָּךְ נוֹטְלִין לַיָּדַיִם

**1** According to the חֲכָמִים (Sages) one's hands are ritually unclean before washing, and thus wine (or other liquor) is rendered ritually unclean if touched with unwashed hands and the wine then renders a vessel ritually unclean. Thus the followers of Shammai maintain that if one's hands are not first washed some wine may drop on to them and become ritually unclean and this unclean wine coming into contact with the cup makes it ritually unclean also on the outside and it may not be used. But Beth Hillel say that the cup in this condition may be used for *Kiddush;* and when a cup is so ritually unclean then the hands in contact will become ritually unclean too, therefore *Kiddush* should be first recited and then the hands are washed for the meal. The

accepted ruling is in accordance with the view of the School of Hillel. **2** 'And drinks the wine after Kiddush'—and the practice to be followed is as stated at the end of the preceding **Note 1.**

Mishnah 3

The School of Shammai say, One dries[1] his hands with a napkin[2] and places[3] it[4] upon the table.[5] But the School of Hillel say,[6] Upon the cushion.[7]

מִשְׁנָה ג

בֵּית שַׁמַּאי אוֹמְרִים, [1]מְקַנֵּחַ יָדָיו [2]בְּמַפָּה [3,4]וּמַנִּיחַ עַל [5]הַשּׁוּלְחָן. וּבֵית הִלֵּל [6]אוֹמְרִים, עַל [7]הַכֶּסֶת.

**1** The 'washing of the hands'—see the preceding *Mishnah.* **2** Or 'towel,' 'serviette.' **3** Or וּמַנִּיחַ. To be ready to hand for use during the meal. **4** Some texts have וּמַנִּיחָהּ, 'and places it.' **5** The followers of Shammai maintained that a table for meals must be ritually clean and the serviette for further use must be placed on it to keep it also ritually clean so that no food that comes into contact with it will become ritually unclean. **6** i.e., 'The napkin is placed upon the cushion.' **7** 'Alongside where one is sitting.' In those days diners used to sit on a couch or bed at meals. The School of Hillel maintain that one may eat at a table that may be ritually unclean, and if the wet serviette is left on the table it will become ritually unclean and render any food with which it comes in contact also ritually unclean; whereas if it lies on the cushion it may render ritually unclean the hands only. Actually the washing of the hands is only מִדְּרַבָּנָן (enjoined by the Sages) and not מִן הַתּוֹרָה or מִדְּאוֹרַיְתָא (prescribed by the Law).

Mishnah 4

The School of Shammai say, They [first] sweep out[1] the room[2] and after that wash[3] the hands; but the School of Hillel say, They [first] wash the hands and then sweep out the room.[4]

מִשְׁנָה ד

בֵּית שַׁמַּאי אוֹמְרִים, [1]מְכַבְּדִין אֶת־[2]הַבַּיִת וְאַחַר כָּךְ נוֹטְלִין לְיָדָיִם; וּבֵית הִלֵּל אוֹמְרִים, [3]נוֹטְלִין לְיָדָיִם וְאַחַר כָּךְ מְכַבְּדִין אֶת־הַבַּיִת[4].

**1** After the meal. **2** The dining room or the table (literally 'the house') so that no crumbs are left lying about which drops of מַיִם אַחֲרוֹנִים, 'last water,' would render ritually unclean and unusable. **3** With the מַיִם אַחֲרוֹנִים used for washing the hands immediately before *Grace after Meals.* **4** Actually after a meal one must first clear away all crumbs from beneath and about the table and then wash the hands with מַיִם אַחֲרוֹנִים, in agreement with the ruling of the School of Shammai.

Mishnah 5

The School of Shammai say,[1] *Light* and *Grace after Meals* and *Spices* and *Habdalah;* but the School of Hillel say, *Light* and *Spices* and *Grace after Meals* and *Habdalah.* The School of Shammai say,[2] *Who created*[3] *the light*[4] *of fire;* but the School of Hillel say, *Creator*[5] *of the lights*[6] *of fire.*

מִשְׁנָה ה

בֵּית שַׁמַּאי יאוֹמְרִים, נֵר וּמָזוֹן וּבְשָׂמִים וְהַבְדָּלָה; וּבֵית הִלֵּל אוֹמְרִים, נֵר וּבְשָׂמִים וּמָזוֹן וְהַבְדָּלָה. בֵּית שַׁמַּאי [2]אוֹמְרִים, [3]שֶׁבָּרָא [4]מְאוֹר הָאֵשׁ; וּבֵית הִלֵּל אוֹמְרִים, [5]בּוֹרֵא [6]מְאוֹרֵי הָאֵשׁ.

**1** If one dines shortly before the conclusion of שַׁבָּת or יוֹם טוֹב and has only one cupful of wine he must not drink it before the *Grace after Meals* but waits for the conclusion of the שַׁבָּת or יוֹם טוֹב, then he recites the *Blessing* בּוֹרֵא מְאוֹרֵי הָאֵשׁ, after which he says the *Grace after Meals* followed by the *Blessing* בּוֹרֵא מִינֵי בְשָׂמִים, and concludes with the *Blessing* הַמַּבְדִּיל. **2** i.e., 'That the wording of the *Blessing* should be. **3** שֶׁבָּרָא refers only to the *past.* **4** The followers of Shammai say the *Blessing* refers to the כֹּחַ, 'power,' of the fire or flame, hence מְאוֹר in the *singular.* **5** בּוֹרֵא is more acceptable because its *continuous sense* implies both *past and future.* **6** The *plural* form מְאוֹרֵי is better because fire contains many colours in its light. This is the accepted form.

Mishnah 6

They may not say the *Blessing* over the light[1] or over the spices[2] of idolaters,[3] nor over the light[4] or over the spices[5] for the dead, nor over the light or over the spices of idols.[6] They should not recite the *Blessing* over a light[7] until one can make use of its light.[8]

מִשְׁנָה ו

אֵין מְבָרְכִין לֹא עַל [1]הַנֵּר וְלֹא עַל [2]הַבְּשָׂמִים שֶׁל [3]עוֹבְדֵי כוֹכָבִים, וְלֹא עַל [4]הַנֵּר וְלֹא עַל [5]הַבְּשָׂמִים שֶׁל מֵתִים, וְלֹא עַל הַנֵּר וְלֹא עַל הַבְּשָׂמִים [6]שֶׁלִּפְנֵי אֱלִילֵי עוֹבְדֵי כוֹכָבִים. אֵין מְבָרְכִין עַל [7]הַנֵּר עַד שֶׁיֵּאוֹתוּ [8]לְאוֹרוֹ.

**1** Or 'burning candle,' 'the flame,' 'lamp.' The candle which had been used on Sabbath by an idolater may not be used for הַבְדָּלָה. **2** Spices that had been used at an idolatrous feast. **3** Some editions have כּוּתִים, Samaritans, instead of עוֹבְדֵי כוֹכָבִים. **4** Candle lit in respect for the dead, and not for its light. **5** Spices used to disguise the bad odour of a corpse and not for enjoyment of the agreeable scent. **6** Literally 'that are before the idols of star worshippers.'

Some editions have שֶׁל instead of שֶׁלְּפְנֵי אֱלִילֵי. No benefit may be derived from any materials used for idolatry. **7** Lighted candle. **8** Until its flame is so large and clear that one could enjoy its use if need be or recognise thereby the design on a coin (and this is the reason why we look at the finger tips and nails after the *Blessing*).

Mishnah 7

מִשְׁנָה ז

מִי [1]שֶׁאָכַל [2]וְשָׁכַח וְלֹא בֵּירֵךְ, בֵּית שַׁמַּאי אוֹמְרִים, יַחֲזוֹר [3]לִמְקוֹמוֹ וִיבָרֵךְ; וּבֵית הִלֵּל [4]אוֹמְרִים, יְבָרֵךְ בַּמָּקוֹם שֶׁנִּזְכָּר. עַד [5]אֵימָתַי הוּא מְבָרֵךְ? עַד כְּדֵי שֶׁיִּתְעַכֵּל הַמָּזוֹן שֶׁבְּמֵעָיו[6].

If one[1] had a meal and had forgotten[2] to say *Grace after Meals*, the School of Shammai say, He must return to his place[3] and recite *Grace after Meals;* but the School of Hillel say,[4] He says *Grace after Meals* wherever he recollects. How long may he delay[5] reciting the *Grace after Meals?* Until the food in his stomach[6] has been digested.

**1** 'Who had eaten' from the five species of corn (wheat, barley, rye, oats, spelt), or according to the view of some authorities from the seven species mentioned in 6[4]. **2** Unintentionally. **3** Where he had dined. **4** The School of Hillel agree with the School of Shammai in the case of one who had not actually forgotten but had gone away knowing that he had not recited the *Grace after Meals*. **5** After the meal. (Some texts have מָתַי instead of אֵימָתַי). **6** The accepted meal is an hour and twelve minutes after a light meal, or when one begins to feel hungry again after a heavy meal.

Mishnah 8

מִשְׁנָה ח

[1]בָּא לָהֶם יַיִן [2]לְאַחַר [3]הַמָּזוֹן [4]וְאֵין שָׁם אֶלָּא אוֹתוֹ [5]כּוֹס, בֵּית שַׁמַּאי אוֹמְרִים, מְבָרֵךְ עַל הַיַּיִן וְאַחַר כָּךְ מְבָרֵךְ עַל הַמָּזוֹן; וּבֵית הִלֵּל אוֹמְרִים, מְבָרֵךְ עַל הַמָּזוֹן וְאַחַר כָּךְ מְבָרֵךְ עַל הַיַּיִן. [6]עוֹנִין אָמֵן אַחַר יִשְׂרָאֵל [7]הַמְּבָרֵךְ, [8]וְאֵין עוֹנִין אָמֵן אַחַר [9]כּוּתִי הַמְּבָרֵךְ עַד שֶׁיִּשְׁמַע כָּל־הַבְּרָכָה [10]כּוּלָּהּ.

If wine be brought to them[1] after[2] the meal[3] and there is only[4] sufficient for that cup,[5] the School of Shammai say, He should first say the *Blessing* over the wine and then say the *Grace after Meals;* but the School of Hillel say, He should first recite the *Grace after Meals* and then recite the *Blessing* over the wine. They must respond[6] with *Amen* after a Jew who says a *Blessing*,[7] but one must not respond[8] with *Amen* after a Samaritan[9] who recites a *Blessing* unless he has heard the whole[10] *Blessing*.

**1** Literally 'If wine come to them.' **2** Some texts have אַחַר. **3** And before *Grace after Meals*. **4** Some editions give וְאִם אֵין instead of וְאֵין. **5** Some texts give הַכּוֹס instead of כּוֹס. **6** וְעוֹנִין in some editions. **7** Even if one has heard only the conclusion. **8** When one has not heard also the beginning. **9** Some texts have הַכּוּתִי. A Samaritan was not to be trusted on questions of religious practice: he may have been saying an idolatrous *Blessing*. When an atheist or agnostic or freethinker Jew recites a *Blessing* one must not respond with *Amen* lest the *Blessing* was not genuine. No response with *Amen* may be made in the case of a child practising a *Blessing* or when a *Blessing* is recited in error. **10** כּוּלָּהּ is omitted in some editions.

## CHAPTER 9 — פֶּרֶק ט

### Mishnah 1[1] — מִשְׁנָה א

He who beholds a place where miracles were wrought for Israel[2] says,[3] *Blessed . . . . Who wrought miracles*[4] *for our ancestors in this place;* [he who beholds] a place in the Land of Israel[5] from which idolatry[6] has been uprooted recites,[3] *Blessed . . . . Who uprooted idolatry from our land.*[7]

הָרוֹאֶה מָקוֹם שֶׁנַּעֲשׂוּ בוֹ נִסִּים
לְיִשְׂרָאֵל[2] אוֹמֵר[3] בָּרוּךְ שֶׁעָשָׂה
נִסִּים[4] לַאֲבוֹתֵינוּ בַּמָּקוֹם הַזֶּה;
מָקוֹם בְּאֶרֶץ יִשְׂרָאֵל[5] שֶׁנֶּעֱקְרָה
מִמֶּנּוּ עֲבוֹדַת[6] כּוֹכָבִים אוֹמֵר[3]
בָּרוּךְ שֶׁעָקַר עֲבוֹדַת כּוֹכָבִים
מֵאַרְצֵנוּ[7].

**1** In the *Talmud* all these five *Mishnahs* are given as one. **2** In the case of an individual only a son or pupil pronounces respectively the *Blessing* שֶׁעָשָׂה נֵס לְאָבִי בַּמָּקוֹם הַזֶּה or שֶׁעָשָׂה נֵס לְרַבִּי בַּמָּקוֹם הַזֶּה (see next Note). **3** The *Blessing* must be prefaced in full with בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם in recognition of God's sovereignty. **4** To suit the occasion נֵס, 'miracle,' must be substituted for נִסִּים, 'miracles.' **5** The words בְּאֶרֶץ יִשְׂרָאֵל are omitted in some texts. **6** Some editions have עֲבוֹדָה זָרָה. **7** When outside Palestine the term מֵאַרְצֵנוּ is to be replaced by מֵהַמָּקוֹם הַזֶּה, *from this place*.

### Mishnah 2 — מִשְׁנָה ב

Over comets,[1] (and) over earthquakes, (and)[2] over lightning, (and) over thunder, and over storms one says, *Blessed*[3] *be He Whose might*[4] *and power*[5] *fill the universe.* Over mountains, (and) over hills, (and)

עַל הַזִּיקִין[1] וְעַל הַזְּוָעוֹת[2] וְעַל
הַבְּרָקִים וְעַל הָרְעָמִים וְעַל
הָרוּחוֹת אוֹמֵר[3] בָּרוּךְ[4] שֶׁכֹּחוֹ
וּגְבוּרָתוֹ[5] מָלֵא עוֹלָם. עַל הֶהָרִים
וְעַל הַגְּבָעוֹת וְעַל הַיַּמִּים וְעַל

over seas, (and) over rivers,[6] and over deserts[7] one says, *Blessed be He the author of (the work of*[8]*) the creation.* R. Judah says, He who beholds the ocean[9] says, *Blessed be He Who made the ocean*—but only when he sees it[11] at intervals.[10] Over rains and over good tidings[12] one says, *Blessed be He Who is good*[3,4] *and doeth good.* And over bad tidings[13] one says, *Blessed be the true Judge.*[14]

[6]הַנְּהָרוֹת וְעַל [7]הַמִּדְבָּרוֹת אוֹמֵר, [3]בָּרוּךְ עוֹשֵׂה [8]מַעֲשֵׂה בְרֵאשִׁית. רַבִּי יְהוּדָה אוֹמֵר, הָרוֹאֶה אֶת־[9]הַיָּם הַגָּדוֹל אוֹמֵר, בָּרוּךְ שֶׁעָשָׂה אֶת־הַיָּם הַגָּדוֹל בַּזְּמַן [11]שֶׁרוֹאֶה אוֹתוֹ [10]לִפְרָקִים. עַל הַגְּשָׁמִים וְעַל [12]הַבְּשׂוֹרוֹת הַטּוֹבוֹת אוֹמֵר, [3,14]בָּרוּךְ הַטּוֹב וְהַמֵּטִיב. וְעַל [13]שְׁמוּעוֹת רָעוֹת אוֹמֵר, [14]בָּרוּךְ דַּיַּן הָאֱמֶת.

**1** זיק, comet, meteor, shooting star. **2** Some texts give וְעַל הַבְּרָקִים וְעַל הָרְעָמִים וְעַל הָרוּחוֹת and others וְעַל הָרוּחוֹת וְעַל הַבְּרָקִים וְעַל הָרְעָמִים. **3** See the preceding *Mishnah*, **Note 3.** **4** One who uses the formula עוֹשֵׂה מַעֲשֵׂה בְרֵאשִׁית... is also יוֹצֵא (fulfils his obligation). **5** Some editions have שֶׁגְּבוּרָתוֹ instead of שֶׁכֹּחוֹ וּגְבוּרָתוֹ. **6** The four rivers mentioned in *Genesis* **2,** 10—14. **7** Or 'wildernesses.' **8** Some texts omit מַעֲשֵׂה. **9** i.e., the Mediterranean Sea. **10** Of not less than 30 days. **11** Some editions give שֶׁרוֹאֶהוּ. **12** Some texts give the more correct form בְּשׂוֹרוֹת טוֹבוֹת, others have שְׁמוּעוֹת and הַשְּׁמוּעוֹת. The Blessing for 'good news' was pronounced over rain in Palestine because the rains fall during certain seasons and the country's economy depended on it. **13** בְּשׂוֹרוֹת in some texts. **14** The *Blessings* begin with בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם.

Mishnah 3

When one has built a new house or has bought new things he says,[1] *Blessed be He Who hath kept us in life (and hath preserved us*[2] *and hath brought us to this season).* One must say a *Blessing*[4] over misfortune irrespective of[3] any good that might result, and over good[6] regardless of any harm that might ensue.[3] He who prays concerning that which is past—his prayer is vain;[5] for instance,[7] if his wife were pregnant and he said,[8] *May*

מִשְׁנָה ג

בָּנָה בַיִת חָדָשׁ וְקָנָה כֵלִים חֲדָשִׁים אוֹמֵר, [1]בָּרוּךְ שֶׁהֶחֱיָנוּ [2](וְקִיְּמָנוּ וְהִגִּיעָנוּ לַזְּמַן הַזֶּה). [4]מְבָרֵךְ עַל הָרָעָה מֵעֵין [3]עַל הַטּוֹבָה, וְעַל [6]הַטּוֹבָה מֵעֵין [3]עַל הָרָעָה. הַצּוֹעֵק לְשֶׁעָבַר הֲרֵי זוֹ [5]תְּפִלַּת שָׁוְא. [7]כֵּיצַד, הָיְתָה אִשְׁתּוֹ מְעוּבֶּרֶת

[8]וְאָמַר, יְהִי רָצוֹן שֶׁתֵּלֵד אִשְׁתִּי זָכָר, הֲרֵי זוֹ תְּפִלַּת שָׁוְא. הָיָה בָא בַּדֶּרֶךְ וְשָׁמַע קוֹל צְוָחָה בָּעִיר וְאָמַר, יְהִי רָצוֹן שֶׁלֹּא יִהְיוּ [9]אֵלּוּ בְּנֵי בֵיתִי, הֲרֵי זוֹ תְּפִלַּת שָׁוְא.

*it be God's will that my wife bears a male child*, this is a prayer in vain; or if he were on the way and heard the sound of crying in the city and he said, *May it be God's will that these*[9] *should not be of my household*, this is an unavailing prayer.

**1** See *Mishnah* 1 of this *Chapter*, **Note 3.** **2** The words in parenthesis are omitted in some texts. **3** עַל is omitted in some editions. **4** בָּרוּךְ דַּיַּן הָאֱמֶת. **5** One must not pray for what can not naturally occur nor for what can not naturally be undone: מַה שֶׁנַּעֲשָׂה אֵין לְהָשִׁיב, *What has been done cannot be undone.* **6** בָּרוּךְ הַטּוֹב וְהַמֵּטִיב. **7** Some texts omit כִּיצַד. **8** Some texts give וְאוֹמֵר, 'and says.' **9** Who are lamenting.

## Mishnah 4 — מִשְׁנָה ד

הַנִּכְנָס [1]לִכְרַךְ [2]מִתְפַּלֵּל שְׁתַּיִם, אַחַת בִּכְנִיסָתוֹ וְאַחַת בִּיצִיאָתוֹ. בֶּן עַזַּאי אוֹמֵר, אַרְבַּע, [3]שְׁתַּיִם בִּכְנִיסָתוֹ [4]וּשְׁתַּיִם בִּיצִיאָתוֹ, וְנוֹתֵן הוֹדָאָה [5]לְשֶׁעָבַר, וְצוֹעֵק [6]לֶעָתִיד לָבֹא.

One who enters a city[1] should offer prayer[2] twice, once on entry and once on departure; ben Azzai says, Four times, twice[3] on entering and twice[4] on leaving—and gives thanks for what is past[5] and makes supplication for the future.[6]

**1** כְּרַךְ, 'fortified place,' 'city,' 'walled city,' where often harsh officials governed, and any Jew who entered and left the city without mishap had a real duty to offer prayer and thanksgiving. **2** For safety. **3** Before going in שֶׁתַּכְנִיסֵנִי לַכְּרַךְ זֶה לְשָׁלוֹם..., *...that Thou let me enter into this city in peace;* and after entering שֶׁהִכְנַסְתַּנִי לַכְּרַךְ זֶה לְשָׁלוֹם..., *...that Thou hast let me enter into this city in peace.* **4** Before leaving שֶׁתּוֹצִיאֵנִי מִכְּרַךְ זֶה לְשָׁלוֹם..., *...that Thou mayest bring me forth from this city in peace;* and after leaving שֶׁהוֹצֵאתַנִי מִכְּרַךְ זֶה לְשָׁלוֹם..., *...that Thou hast brought me forth from this city in peace.* **5** Some texts have עַל שֶׁעָבַר. **6** עַל הֶעָתִיד is given in some editions.

## Mishnah 5 — מִשְׁנָה ה

חַיָּב אָדָם לְבָרֵךְ עַל הָרָעָה כְּשֵׁם [1]שֶׁהוּא מְבָרֵךְ עַל הַטּוֹבָה, [2]שֶׁנֶּאֱמַר, וְאָהַבְתָּ אֵת ה' אֱלֹהֶיךָ בְּכָל לְבָבְךָ וּבְכָל נַפְשְׁךָ וּבְכָל

A man must offer a *Blessing* over evil just as he pronounces[1] a *Blessing* over good, for it is said,[2] *And thou shalt love the Eternal thy God with all thine heart and with all thy soul and with all thy might.*

מְאֹדֶךָ׃ בְּכָל לְבָבְךָ׃ [3]בִּשְׁנֵי
יְצָרֶיךָ׃ בְּיֵצֶר טוֹב [4]וּבְיֵצֶר [5]רָע;
וּבְכָל נַפְשְׁךָ׃ אֲפִילוּ הוּא נוֹטֵל
אֶת־[6]נַפְשֶׁךָ; וּבְכָל מְאֹדֶךָ׃ בְּכָל
מָמוֹנֶךָ׃ דָּבָר אַחֵר׃ בְּכָל מְאֹדֶךָ׃
[7]בְּכָל מִדָּה וּמִדָּה שֶׁהוּא מוֹדֵד לְךָ
הֱוֵי מוֹדֶה לוֹ [8](בְּמְאֹד מְאֹד)׃
לֹא יֵקַל אָדָם אֶת־רֹאשׁוֹ כְּנֶגֶד
שַׁעַר הַמִּזְרָח [9]שֶׁהוּא מְכֻוָּן כְּנֶגֶד
בֵּית קָדְשֵׁי הַקָּדָשִׁים׃ לֹא יִכָּנֵס
לְהַר הַבַּיִת בְּמַקְלוֹ וּבְמַנְעָלָיו
וּבְפוּנְדָּתוֹ וּבְאָבָק שֶׁעַל רַגְלָיו
וְלֹא יַעֲשֶׂנּוּ [10]קַפַּנְדַּרְיָא וּרְקִיקָה
[11]מִקַּל וָחֹמֶר׃ כָּל־חוֹתְמֵי בְרָכוֹת
[12]שֶׁהָיוּ [15]בַּמִּקְדָּשׁ הָיוּ אוֹמְרִים׃
[13]מִן־הָעוֹלָם; מִשֶּׁקִּלְקְלוּ [14]הַמִּינִין
וְאָמְרוּ׃ אֵין [16]עוֹלָם אֶלָּא אֶחָד׃
הִתְקִינוּ שֶׁיְּהֵיוּ אוֹמְרִים׃
מִן־הָעוֹלָם וְעַד הָעוֹלָם׃
[17]וְהִתְקִינוּ שֶׁיְּהֵא אָדָם שׁוֹאֵל
אֶת־שְׁלוֹם חֲבֵרוֹ [18]בְּשֵׁם׃
[19]שֶׁנֶּאֱמַר׃ וְהִנֵּה בֹעַז בָּא מִבֵּית
לֶחֶם וַיֹּאמֶר לַקֹּצְרִים׃ ה׳ עִמָּכֶם׃
וַיֹּאמְרוּ לוֹ׃ יְבָרֶכְךָ [20](ה׳)׃
[21]וְאוֹמֵר׃ ה׳ עִמְּךָ גִּבּוֹר הַחָיִל;
[22]וְאוֹמֵר׃ [23]וְאַל תָּבוּז כִּי זָקְנָה
אִמֶּךָ; [24]וְאוֹמֵר׃ עֵת לַעֲשׂוֹת לַה׳

*With all thine heart*, that is with thy two inclinations,[3] with the good inclination and with the bad inclination[4,5]; *and with all thy soul*, that is even if He take thy soul;[6] *and with all thy might*, that is with all thy wealth. Another explanation for *with all thy might* is with whatever measure[7] He metes out to thee do thou give thanks to Him.[8] A man must not behave with levity opposite the East Gate[9] because it faces towards the Holy of Holies. One may not enter the Holy Mount (of the Temple) with his staff or with his shoes on or with his money belt or with dust upon his feet, nor must he make of it a passage-way,[10] and that one may not expectorate there may be deduced by inference from 'minor to major'.[11] All who used to conclude *Blessings* in the Temple[12,15] used to say, *from everlasting*,[13] but when the Sadducees[14] perverted the truth and said there is only one world[16] it was enjoined[17] that they should say *from everlasting to everlasting*. And they further ordained that one should greet his fellow by mentioning the Name of God,[18] as it is said,[19] *And behold Boaz came from Bethlehem and said to the reapers, 'The Eternal be with you,' and they rejoined to him, 'The Eternal*[20] *bless thee;'* and it (also) says,[21] *'The Eternal be with thee, thou mighty man of valour;'* and it (further) says,[22] *And despise*[23] *not thy mother when she is old;* and it (again) says,[24] *It is time for the Eternal to act; they have made void Thy*

*Law;*[25] R. Nathan says,[26] Because *they have made void Thy Law* therefore[27] *it is time for the Eternal to act.*

הֵפֵרוּ [25]תּוֹרָתֶךָ; [26]רַבִּי נָתָן אוֹמֵר׳ הֵפֵרוּ תּוֹרָתֶךָ׳ [27]מִשּׁוּם עֵת לַעֲשׂוֹת לַה׳׳

**1** Some editions have כְּשֶׁהוּא מְבָרֵךְ. **2** *Deuteronomy* **6,** 5. **3** This is based homiletically on the letter ב which occurs twice in לְבָבְךָ (otherwise לִבְּךָ with one ב would have conveyed the same meaning). **4** i.e., one must train and control earthly and bodily desires for divine purposes. **5** Some texts have הָרָע. **6** 'life.' **7** 'whatever treatment He metes out to thee.' **8** This is an homiletic explanation on the alliterative Hebrew words מְאֹד, מִדָּה and מוֹדֶה. בְּמְאֹד מְאֹד (after לוֹ) is omitted in some texts. **9** *East Gate* or *Nicanor Gate* in the outermost wall round the Temple Mount. יֶקֶל or יֵקֶל. **10** Or 'short cut,' 'corridor,' 'to go in it by one door and out by another *to shorten his journey*'; but when one has been at prayer in Synagogue he may leave by any door though it may shorten his road. **11** *Exodus* **3,** 5, says, *take thy shoes from off thy feet...* Seeing that shoes, which offer no offence, must be removed when one is on holy ground how much more may not one spit on holy ground when spitting is an objectionable act. **12** Some editions have שֶׁבַּמִּקְדָּשׁ instead of שֶׁהָיוּ בַּמִּקְדָּשׁ. **13** Instead of מִן הָעוֹלָם some texts have עַד הָעוֹלָם. **14** Some texts give הַצְּדוּקִים. others הַמִּינִים, who denied the belief in a future life. **15** The First Temple. Every *Blessing* was concluded with בָּרוּךְ אַתָּה ה׳ אֱלֹהֵי יִשְׂרָאֵל מִן הָעוֹלָם, and the congregation did not use the term אָמֵן as we do now but responded with בָּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד (which is now incorporated in the *Shema*); this used to be the practice only with the שְׁמֹנֶה עֶשְׂרֵה (*Eighteen Benedictions*). **16** Only *this life* and no (עוֹלָם הַבָּא) *future life.* **17** By Ezra. 'that they' refers to the worshippers in the Temple. **18** i.e., one uses the expression ה׳ עִמָּךְ, *The Eternal be with thee.* **19** *Ruth* **2,** 4. **20** Some texts have יְבָרֶכְךָ, others יְבָרֶכְךָ ה׳. **21** *Judges* **6,** 12. **22** *Proverbs* **23,** 22. **23** i.e., 'Do thou not despise the ancient institutions and enactments.' **24** *Psalm* **119,** 126. **25** תּוֹרָה שֶׁבִּכְתָב, 'Written Law,' and תּוֹרָה שֶׁבְּעַל פֶּה, 'Oral Law.' **26** In some editions this final part from רַבִּי is altogether omitted. **27** Some texts omit מִשּׁוּם. R. Nathan thinks that this verse indicates that the Sages might vary the law if they do so for the Almighty's sake.

## סְלִיק מַסֶּכֶת בְּרָכוֹת

## CONCLUSION OF TRACTATE BERACHOTH

# פֵּאָה

# PEAH

[BEING THE

SECOND TRACTATE OF THE MISHNAH]

TEXT, INTRODUCTION, TRANSLATION

NOTES

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# פֵּאָה

# PEAH

# INTRODUCTION

פֵּאָה **Peah** (*Corner*) is the second מַסֶּכֶת, *Tractate*, of סֵדֶר זְרָעִים, **Order 'Seeds'.** There is no known valid reason why this Tractate is placed after בְּרָכוֹת; a number of ingenious suggestions have been advanced why this might be so, but of course none of them can be seriously accepted or be entertained for a moment as the true reason—if there be any such 'true' reason. Nevertheless they are well-worth quoting. Thus, the רמב"ם, *Rambam*, suggests that of the dues from the farmer those that come before the removal of the produce from the fields come under the heading פֵּאָה and are therefore to be studied first; but according to this consideration the *Tractate* כִּלְאַיִם, dealing with the *sowing* which naturally precedes the *growing* should come before פֵּאָה, and it is actually placed fourth. The תִּפְאֶרֶת יִשְׂרָאֵל offers the suggestion that as בְּרָכוֹת deals with the *spiritual duties* of man to God it is meet that it should next be followed by the consideration of the *material duties* of man to man; but this view would apply to a number of the succeeding Tractates. Another suggestion is made in מְלֶאכֶת שְׁלֹמֹה that at the end of בְּרָכוֹת occurs the phrase וַיֹּאמֶר לַקּוֹצְרִים [*Ruth* **2,** 4] which taken in conjunction with *Lev.* **19,** 9 וּבְקֻצְרְכֶם אֶת־קְצִיר אַרְצְכֶם לֹא תְכַלֶּה פְּאַת שָׂדְךָ לִקְצֹר וְלֶקֶט קְצִירְךָ לֹא תְלַקֵּט where פְּאַת follows וּבְקֻצְרְכֶם therefore the *Tractate* פֵּאָה follows בְּרָכוֹת.

The agriculturist—taking this term in its widest sense—is bound מִדְּאוֹרַיְיתָא or מִן־הַתּוֹרָה, '*By Biblical Law*', in Palestine (but מִדְּרַבָּנָן, '*By Mishnah Law*', outside Palestine also) to give certain dues to the poor. These dues, called מַתְּנוֹת עֲנִיִּים, broadly and briefly are:

1. פֵּאָה '*corner*'; $\frac{1}{60}$ *minimum* of one's field, vineyard, oliveyard, or orchard produce;

2. שִׁכְחָה '*forgotten sheaf*,' '*poor man's sheaf*,' (refers to corn, and fruit on trees);

3. לֶקֶט '*gleaning*' (fallen ears of corn at reaping);

4. פֶּרֶט '*gleaning*' (fallen grapes);

5. עוֹלְלוֹת '*poor, unripe clusters of grapes*';

6. מַעֲשַׂר עָנִי '*poor man's tithe*' (which took the place of מַעֲשַׂר שֵׁנִי, *second tithe*, every 3rd and 6th years of the *seven-year*—שְׁמִטָּה—*cycle*). (See *Berachoth* **1**[1] **Note 5** for a full explanation of these terms).

This **Tractate** has no גְּמָרָא in the תַּלְמוּד בַּבְלִי, but there is גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.* (See further 1[1] **Note 1**).

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ אֵלּוּ דְבָרִים |
| Chapter 2 | פֶּרֶק ב׳ וְאֵלּוּ מַפְסִיקִים |
| Chapter 3 | פֶּרֶק ג׳ מַלְבֻּנוֹת הַתְּבוּאָה |
| Chapter 4 | פֶּרֶק ד׳ הַפֵּאָה נִתֶּנֶת |
| Chapter 5 | פֶּרֶק ה׳ גָּדִישׁ |
| Chapter 6 | פֶּרֶק ו׳ בֵּית שַׁמַּאי אוֹמְרִים |
| Chapter 7 | פֶּרֶק ז׳ כָּל־זְיִת |
| Chapter 8 | פֶּרֶק ח׳ מֵאֵימָתַי כָּל־אָדָם |

The *Gemara* of the *Jerusalem Talmud* contains disussions and interpretations of the *Mishnah* together with a number of tales and *Haggadic* explanations.

The chief contents of the eight Chapters are:

1. An account of subjects not definitely stated in the 'written law' together with quantities, qualities, places and times relating to *peah;* also reference is made to rewards for good deeds in this life and in the after life. 2. Modes of division between fields and orchards and among themselves regarding *peah;* theft from fields; destruction by winds. 3. Particular cases: small areas, partial harvesting at various times, partnership holdings. 4. Time and manner of giving *peah;* the application to proselytes; dedicated harvest; gleaning; grain in ant-hills. 5. Gleaning; no favouritism, equality; forgotten produce. 6. Forgotten produce. 7. Vineyards, orchards—rights of the poor. 8. Gleaning time; tithes; the poor; misappropriation—divine punishment.

מַסֶּכֶת

# פֵּאָה

**TRACTATE**

# PEAH

## CHAPTER 1

Mishnah 1[1]

These are the things which have no fixed measure,[2] the *corners of the field*,[3] and the *first-fruits*,[4] and the *Three Festival offerings brought on appearing before the Eternal*,[5] and *charity*,[6] and the *study of the Torah*.[7] These are the things the fruits[8] of which a man enjoys in this world, and the stock of which remains for[10] him[9] in the world to come, *honouring one's father and mother*,[11] and *charity*,[12] and *making peace*[13] *between man and his fellow;* but the *study of the Torah*[14] is equal to them all.[15]

## פֶּרֶק א

מִשְׁנָה א

אֵלּוּ דְבָרִים שֶׁאֵין לָהֶם [2]שִׁעוּר׳ [3]הַפֵּאָה [4]וְהַבִּכּוּרִים [5]וְהָרַאְיוֹן [6]וּגְמִילוּת חֲסָדִים [7]וְתַלְמוּד תּוֹרָה׳ אֵלּוּ דְבָרִים שֶׁאָדָם אוֹכֵל [8]פֵּרוֹתֵיהֶם בָּעוֹלָם הַזֶּה וְהַקֶּרֶן [10]קַיֶּמֶת [9]לוֹ לָעוֹלָם הַבָּא׳ [11]כִּבּוּד אָב וָאֵם [12]וּגְמִילוּת חֲסָדִים [13] וְהֲבָאַת שָׁלוֹם בֵּין אָדָם לַחֲבֵרוֹ׳ [14]וְתַלְמוּד תּוֹרָה כְּנֶגֶד [15]כֻּלָּם׳

**1** This *Tractate* is based on the following Biblical texts:—(*Leviticus* **19,** 9, 10, and **23,** 22, and *Deuteronomy* **24,** 19, 20, 21)

[9] וּבְקֻצְרְכֶם אֶת־קְצִיר אַרְצְכֶם לֹא תְכַלֶּה פְּאַת שָׂדְךָ לִקְצֹר וְלֶקֶט קְצִירְךָ לֹא תְלַקֵּט׳ [10] וְכַרְמְךָ לֹא תְעוֹלֵל וּפֶרֶט כַּרְמְךָ לֹא תְלַקֵּט לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם אֲנִי ה׳ אֱלֹהֵיכֶם [22] וּבְקֻצְרְכֶם אֶת־קְצִיר אַרְצְכֶם לֹא תְכַלֶּה פְּאַת שָׂדְךָ בְּקֻצְרֶךָ וְלֶקֶט קְצִירְךָ לֹא תְלַקֵּט לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם אֲנִי ה׳ אֱלֹהֵיכֶם׳

[9] And when ye reap the harvest of your land thou shalt not reap the corner of thy field entirely, and thou shalt not gather the gleanings of thy harvest. [10] And thou shalt not glean thy vineyard, and the fallen grapes of thy vineyard thou shalt not gather, for the poor and the stranger thou shalt leave them: I am the Eternal your God. [22] And when you reap the harvest of your land thou shalt not wholly reap the corner of thy field when thou reapest, and thou shalt not gather the gleanings of thy harvest, to the poor and the stranger thou shalt leave them: I am the Eternal your God.

[19] כִּי תִקְצֹר קְצִירְךָ בְּשָׂדֶךָ וְשָׁכַחְתָּ עֹמֶר בַּשָּׂדֶה לֹא תָשׁוּב לְקַחְתּוֹ לַגֵּר לַיָּתוֹם

וְלָאַלְמָנָה יִהְיֶה לְמַעַן יְבָרֶכְךָ ה׳ אֱלֹהֶיךָ בְּכֹל מַעֲשֵׂה יָדֶיךָ׃ [20] כִּי תַחְבֹּט זֵיתֶךָ לֹא תְפָאֵר אַחֲרֶיךָ לַגֵּר לַיָּתוֹם וְלָאַלְמָנָה יִהְיֶה׃ [21] כִּי תִבְצֹר כַּרְמְךָ לֹא תְעוֹלֵל אַחֲרֶיךָ לַגֵּר לַיָּתוֹם וְלָאַלְמָנָה יִהְיֶה׃

[19] When thou reapest thine harvest in thy field and thou hast forgot a sheaf in the field thou shalt not turn back to take it; for the stranger, for the orphan and for the widow shall it be, in order that the Eternal thy God may bless thee in all the work of thy hands. [20] When thou beatest thine olive-tree, thou shalt not search again after thee; to the stranger, to the orphan and to the widow shall it belong. [21] When thou gatherest the grapes of thy vineyard thou shalt not glean it after thee; for the stranger, for the orphan and for the widow it shall be.

**2** שִׁיעוּר in some editions. The (רַבָּנָן) *Rabbis of the Talmud* fixed for *peah* $\frac{1}{60}$ as the *minimum* though מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה, '*as laid down in the* תּוֹרָה,' there is no fixed measure. **3** Actually one may go so far as to declare *all* his field(s) as פֵּאָה, in which case no *tithes* would have to be given. **4** The first-ripened *wheat*, *barley*, *grapes*, *figs*, *dates*, *olives*, and *pomegranates*—the so-called שִׁבְעָה מִינִין, *seven species*—had to be brought on שָׁבוּעוֹת, *Feast of Weeks*, to the Temple (*Exodus* **23,** 19, רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ תָּבִיא בֵּית ה׳ אֱלֹהֶיךָ, *The choicest of the first-fruits of thy land thou shalt bring into the house of the Eternal thy God*). $\frac{1}{60}$ was the *minimum* quantity מִדְּרַבָּנָן (in Rabbinical law). **5** רַאיוֹן. On three occasions yearly, פֶּסַח, *Passover*, שָׁבוּעוֹת, *Feast of Weeks*, and סֻכּוֹת, *Feast of Tabernacles*, the male population had to appear in the עֲזָרָה, *forecourt* of the Temple. Some take רַאיוֹן (*appearance*) to refer to the קָרְבָּנוֹת, *sacrifices*, which the עוֹלֵי רְגָלִים, *pilgrims*, had to offer up. (*Exodus* **23,** 15, 17). [15] ...וְלֹא יֵרָאוּ פָנַי רֵיקָם [17] שָׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל־זְכוּרְךָ אֶל־פְּנֵי הָאָדוֹן ה׳. [15] ...and they shall (not) appear before my presence empty. [17] Three times in the year shall all thy males appear before the presence of the Lord the Eternal. **6** *Practical* help with money or personal service. **7** There is of course a *minimum*, *viz.*, **the reading of the** שְׁמַע **twice daily.** **8** Or פֵּירוֹתֵיהֶן and מִפֵּירוֹתֵיהֶן in some editions. עוֹלָם הַזֶּה and עוֹלָם הַבָּא. The **Tractate** קִדּוּשִׁין discusses *Deuteronomy* **5,** 16, and argues that the first half of the verse refers to עוֹלָם הַזֶּה and the second half to עוֹלָם הַבָּא; and further reference is made to *Proverbs* **21,** 21, that '*life*' refers to עוֹלָם הַבָּא and 'righteousness and honour' refers to עוֹלָם הַזֶּה. **9** לוֹ is omitted in some editions. **10** קַיֶּמֶת in some editions. **11** In some editions, and in the סִדּוּר, *Daily Prayers*, this is introduced by וְאֵלּוּ הֵן, 'and they are these.' **12** One may not give away for צְדָקָה and גְּמִילוּת חֲסָדִים more than $\frac{1}{5}$ of his profit or capital. **13** In the סִדּוּר, *Daily Prayers*, the following is interpolated here: וְהַשְׁכָּמַת בֵּית הַמִּדְרָשׁ שַׁחֲרִית וְעַרְבִית וְהַכְנָסַת אוֹרְחִים וּבִקּוּר חוֹלִים וְהַכְנָסַת כַּלָּה וּלְוָיַת הַמֵּת וְעִיּוּן תְּפִלָּה 'and early attendance at the house of study morning and evening, hospitality to wayfarers, visiting the sick, dowering the bride, and attending the

dead to the grave, and devotion in prayer.' **14** There is no limit to the study of the *Law**, תּוֹרָה, based on *Joshua* **1,** 8, לֹא יָמוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ וְהָגִיתָ בּוֹ יוֹמָם וָלַיְלָה, '*This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night.*'* **15** כּוּלָּם in some editions.

Mishnah 2 — מִשְׁנָה ב

One must not give for *peah*[3] less[1,2] than one-sixtieth. And though[4] they[5] said there was no fixed limit[6] for *peah* all depends on the size[7] of the field and[8] the number of the poor and[8] the extent of one's generosity.[9]

אֵין [1]פּוֹחֲתִין [3]לַפֵּאָה [2]מִשִּׁשִּׁים. [4]וְאַף עַל פִּי [5]שֶׁאָמְרוּ אֵין לַפֵּאָה [6]שִׁיעוּר, הַכֹּל לְפִי [7]גֹּדֶל הַשָּׂדֶה [8]וּלְפִי רֹב הָעֲנִיִּים [8]וּלְפִי רֹב הָעֲנָוָה.[9]

**1** פּוֹחֲתִים in some editions. **2** In some editions פְּחוּת מִשִּׁשִּׁים: מִדְּרַבָּנָן only (see preceding *Mishnah* **Note 2**). **3** פֵּאָה, **the corner of the field with the portion of the crop left to the poor** (and in the English is given) hereafter as *peah*. **4** אַף in some editions. **5** The חֲכָמִים (*sages*). **6** שִׁעוּר in some editions (See preceding *Mishnah* **Note 2**). **7** Even though the poor are few and the field is large yet $\frac{1}{60}$ must be the minimum quantity for the poor. On the other hand if the field is small and the number of poor is large one should give more than $\frac{1}{60}$ so that every poor man might collect sufficient for two meals at least. One may declare a whole field as *peah* and thus exempt it from *tithes*. **8** Or וּלְפִי הָעֲנִיִּים וּלְפִי הָעֲנָוָה and וּלְפִי רֹב הָעֲנִיִּים וּלְפִי הָעֲנָוָה and וּלְפִי הָעֲנִיָּה in various editions. **9** Some take this word הָעֲנָוָה to mean, not *generosity* or *liberality* but (as if it were the equivalent or variant of הָעֲנָבָה), *according to the quantity of the standing crop*, and if the produce of a field varies in quality in different parts, one must not put aside for *peah* $\frac{1}{60}$ from the inferior quality but $\frac{1}{60}$ from both the inferior and superior qualities. Some take the word to be synonymous with עֲנִיּוּת, *poverty*: one should give unstintingly where there are many poor. In every case the intention is to benefit the poor to the greatest possible extent.

Mishnah 3 — מִשְׁנָה ג

*Peah*[2] may be left[1] on beginning to reap the field or in the middle of it.[3] R. Simon[4] says, Provided one leaves at the end according to the prescribed measure.[5] R. Judah[6] says, If one have left over a single stalk[7] he thereby carries out the duty of giving *peah*,[8] otherwise[9] he is merely

[1]נוֹתְנִין [2]פֵּאָה מִתְּחִלַּת הַשָּׂדֶה [3]וּמֵאֶמְצָעָה. [4]רַבִּי שִׁמְעוֹן אוֹמֵר, וּבִלְבָד שֶׁיִּתֵּן בַּסּוֹף [5]כַּשִּׁעוּר. [6]רַבִּי יְהוּדָה אוֹמֵר, אִם [7]שִׁיֵּר קָלַח אֶחָד סוֹמֵךְ לוֹ מִשּׁוּם [8]פֵּאָה,

* The *Mosaic Law*, the *Pentateuch*.

giving away [his crop] as free public property.[10]

וְאִם [9]לֹא אֵינוֹ נוֹתֵן אֶלָּא מִשּׁוּם הֶפְקֵר׃[10]

**1** נוֹתְנִים in some editions. **2** פֵּאָה does not mean '*only* from the corner of a field,' but produce must come from the corner in order to bring under the term, פֵּאָה, that which was given from other parts of the field. **3** In some editions, more correctly, וּמֵאֶמְצָעוֹ. **4** רַבִּי שִׁמְעוֹן בֶּן יוֹחַאי is רַבִּי שִׁמְעוֹן who is part author of the סִפְרֵי and the reputed author of the זֹהַר. **5** Or כַּשֶּׁעוּר. He holds that if the quantity given from the other parts of the field is less than $\frac{1}{60}$ of the whole produce a quantity equal to the deficiency must be given from the corner, and if the quantity has already reached the $\frac{1}{60}$ an additional $\frac{1}{60}$ from the corner's produce must be given. His views are accepted, their object being that no one shall avoid giving the proper amount of *peah* to the poor. For instance one may not reap half of his field and declare the rest הֶפְקֵר, *public property, property common to all,* in order to deprive the poor of *peah.* **6** רַבִּי יְהוּדָה refers to ר׳ יְהוּדָה בר׳ אִילַעִי, author of the סִפְרָא. **7** Or שִׁיר; i.e., *at the corner of the field.* **8** *i.e.*, the single standing stalk added on to the other parts renders them all valid *peah.* **9** לוֹ in some editions. That is [literally *if not*] if one has not left even a single standing stalk, what has already been given is not considered *peah* but merely הֶפְקֵר. His view is not accepted. **10** הֶבְקֵר in some editions. הֶפְקֵר is *public property* and anyone (rich and poor alike, without any distinctions whatever) has a right to it. Every *seventh year* of the *Sabbatical* (שְׁמִטָּה) *cycle* all fields, vineyards, orchards, oliveyards, and all produce were declared הֶפְקֵר.

Mishnah 4

They[1] laid down a general (principle)[2] concerning *peah:* whatever is a food[3] and is *stored*[4] and grows from the ground,[5] all of it is gathered at the same time[6] and is brought in for storage,[7] is liable to *peah;* and grain[8] and pulse[9] are included in this rule.

מִשְׁנָה ד

כְּלָל [1]אָמְרוּ [2]בַּפֵּאָה׃ כָּל־שֶׁהוּא [3]אֹכֶל וְנִשְׁמָר [4]וְגִידוּלָיו מִן־הָאָרֶץ וּלְקִיטָתוֹ [6]כְּאַחַת וּמַכְנִיסוֹ [7]לְקִיּוּם חַיָּיב בְּפֵאָה׃ [8]וְהַתְּבוּאָה [9]וְהַקִּטְנִיּוֹת בַּכְּלָל הַזֶּה׃

**1** The חֲכָמִים (*Sages*). **2** This rule (here quoted in the case of *peah*) applies also to לֶקֶט, שִׁכְחָה, פֶּרֶט and עוֹלְלוֹת (see 1[1] **Note 1**). **3** אֹכֶל, *a food:* this does not include anything that is not eaten ordinarily except in times of want or famine, and such a food is not liable to *peah.* **4** הֶפְקֵר, being free to everyone, is *not stored* and is therefore not subject to *peah.* **5** וְגִדּוּלוֹ in some editions. *Mushrooms* are accordingly excluded from *peah.* **6** But such produce as is collected in small quantities at various times, such as *figs*, are exempt. **7** To preserve it from deterioration; but such produce as *greens*, which will not keep

for any length of time, is not subject to *peah;* vegetables like *onions* and *garlic*, that keep, are not exempt. **8** Wheat, barley, oats, spelt, rye. **9** In some editions, וְהַקִּטְנִית: beans, peas, pulse.

Mishnah 5

מִשְׁנָה ה

And in the case of trees, the sumac,[1] (and) carob-trees,[2] nut-trees[3] and almond-trees, vines, pomegranate-trees, (and) olive-trees, and date-palms are subject[4] to *peah*.[5]

וּבְאִילָן, [1]הָאוֹג [2]וְהַחֲרוּבִין [3]וֶאֱגוֹזִים וְהַשְּׁקֵדִים וְהַגְּפָנִים וְהָרִמּוֹנִים וְהַזֵּיתִים וְהַתְּמָרִים [4]חַיָּבִין בְּפֵאָה.[5]

**1** 'sumac' or 'sumach'; see **Supplement.** **2** 'carob tree' or 'locust tree' or 'algaroba.' **3** וְהָאֱגוֹזִים in some editions. **4** In some editions חַיָּבִים. **5** מִדְּרַבָּנָן (in rabbinic law) *all* fruit trees are liable to *peah* even if they grow outside Palestine.

Mishnah 6

מִשְׁנָה ו

One may go on[1] giving *peah* and be exempt from *tithes* until the pile of produce has been given[2] an even shape; he may also declare it all הֶפְקֵר, 'common property,' and it is exempt from *tithes* until the pile of produce has been given an even shape; and one may feed it[4] to cattle and beasts and fowls and it is exempt from *tithes*[5] until the pile has been given an even shape. One may take it from the granary and sow[6] it and be exempt from *tithes* until it has been given an even shape; these are the views[7] of R. Akiba. If a priest and Levite have bought up[8] a granary,[9] the *tithes* belong to them until the produce has been given an even shape. If one have consecrated[10] the produce and redeemed it,[11] one is liable to *tithes* until the *treasurer*[12] gives the produce pile an even shape.

[1]לְעוֹלָם הוּא נוֹתֵן מִשּׁוּם פֵּאָה וּפָטוּר מִן־הַמַּעְשְׂרוֹת עַד [2]שֶׁיִּמְרַח, וְנוֹתֵן מִשּׁוּם [3]הֶפְקֵר וּפָטוּר מִן־הַמַּעְשְׂרוֹת עַד שֶׁיִּמְרַח, [4]וּמַאֲכִיל לַבְּהֵמָה וְלַחַיָּה וְלָעוֹפוֹת וּפָטוּר מִן־[5]הַמַּעְשְׂרוֹת עַד שֶׁיִּמְרַח. וְנוֹטֵל מִן־הַגּוֹרֶן [6]וְזוֹרֵעַ וּפָטוּר מִן־הַמַּעְשְׂרוֹת עַד שֶׁיִּמְרַח, [7]דִּבְרֵי רַבִּי עֲקִיבָא. כֹּהֵן וְלֵוִי [8]שֶׁלָּקְחוּ אֶת־[9]הַגּוֹרֶן הַמַּעְשְׂרוֹת שֶׁלָּהֶם עַד שֶׁיִּמְרַח. [10]הַמַּקְדִּישׁ [11]וּפוֹדֶה חַיָּב בַּמַּעְשְׂרוֹת עַד שֶׁיִּמְרַח [12]הַגִּזְבָּר.

**1** לְעוֹלָם, *i.e.*, if one has not left *peah* from the standing corn, one must give

it from the harvested produce and it is still exempt from מַעֲשֵׂר, *tithe;* but after one 'has smoothed over the heaps' מַעֲשֵׂר and תְּרוּמָה must be given from the *peah* before it is handed to the poor. Similarly if one has declared his produce הֶפְקֵר, 'free for everybody,' before 'smoothing it over,' it is exempt from מַעֲשֵׂר and תְּרוּמָה, but not after 'the smoothing over' process. A Levite or priest who bought *untithed* produce before 'smoothing over' may take מַעֲשֵׂר and תְּרוּמָה respectively for himself, but after 'smoothing over' these *dues* must be given to another Levite or priest. That the Levite, לֵוִי, is not entitled to מַעֲשֵׂר, *tithe* from *peah* is deduced from *Deuteronomy* **14,** 29, וּבָא הַלֵּוִי כִּי אֵין לוֹ חֵלֶק וְנַחֲלָה עִמָּךְ וְהַגֵּר וְהַיָּתוֹם וְהָאַלְמָנָה אֲשֶׁר בִּשְׁעָרֶיךָ וְאָכְלוּ וְשָׂבֵעוּ 'And the Levite, because *he hath no portion nor inheritance* with thee, and the stranger and the orphan and the widow that are within thy gates, shall come, and eat and be satisfied.' The Levite can only take his *tithe* from that in which 'he has no portion nor inheritance,' but as *peah* belongs to the poor and a poor Levite has therefore a right to it he has no share in it for מַעֲשֵׂר, *tithe.* **2** מָרַח is an agricultural term: 'to smooth evenly a pile of grain to finish the process of storing.' Some take it to mean 'to winnow,' 'to clear of husks.' After this process one may still give *peah* from the heap, but the מַעֲשֵׂר רִאשׁוֹן, ($\frac{1}{10}$) *first tithe,* must first be separated for the Levite. **3** הֶבְקֵר in some editions. But if the produce has been declared הֶפְקֵר after the piles have been smoothed evenly the owner must give *tithes.* **4** 'feed full meals' (אֲכִילַת קְבַע). But the owner may partake only of a *light meal* (אֲכִילַת עֲרַאי). **5** In some editions, הַמַּעֲשְׂרוֹת שֶׁלָּהֶם. **6** מִן־הַתּוֹרָה or מִדְּאוֹרַיְתָא ('ordained by the תּוֹרָה') one is exempt from *tithes* if the grain is used for sowing only. This is based on *Deuteronomy* **14,** 22, 23, .....וְאָכַלְתָּ [23] .....עַשֵּׂר תְּעַשֵּׂר [22] *i.e.,* 'tithe.....when thou eatest;' but מִדְּרַבָּנָן ('enacted by the Rabbis') *tithes* must be given even before the finishing off process. **7** Akiba's view is not accepted. **8** *i.e.,* 'in partnership.' **9** *i.e.,* the corn in the granary. The חֲכָמִים (Sages) have laid down that where a priest and a Levite buy the stock from a granary they have to give *tithes* to another priest and Levite so that the well-to-do priests and Levites should not by purchase deprive the poor priests and Levites from their share in the *tithes* (see **Note 1**). **10** This refers to corn. **11** וּפָדָה in some editions. **12** The *Treasurer* in charge of הֶקְדֵּשׁ. Once the *treasurer* has smoothed the piles no further *tithes* are due from the produce.

## CHAPTER 2 — פֶּרֶק ב

### Mishnah 1 — מִשְׁנָה א

(And) the following[1] cause a division[2] with regard to *peah,* a brook, (and) a rivulet,[3] (and) a private road,[4] (and) a public road,[5] (and) a public footpath,[6] (and) a private

וְאֵלּוּ [2]מַפְסִיקִין לַפֵּאָה׳ הַנַּחַל [3]וְהַשְּׁלוּלִית [4]וְדֶרֶךְ הַיָּחִיד [5]וְדֶרֶךְ הָרַבִּים [6]וּשְׁבִיל הָרַבִּים וּשְׁבִיל

הַיָּחִיד [7]הַקָּבוּעַ בִּימוֹת הַחַמָּה
וּבִימוֹת הַגְּשָׁמִים וְהַבּוּר [8]וְהַגִּיר
[9]וְזָרַע אַחֵר. [10]וְהַקּוֹצֵר [11]לְשַׁחַת
[12]מַפְסִיק, [13]דִּבְרֵי רַבִּי [14]מֵאִיר,
[15]וַחֲכָמִים אוֹמְרִים, אֵינוֹ מַפְסִיק
אֶלָּא אִם כֵּן [16]חָרַשׁ.

footpath that is in permanent use[7] both in the summer and in the rainy season, (and) an uncultivated field, (and) a ploughed field,[8] and a different kind of crop.[9] And if one reap [young corn[10]] for fodder[11] a division is constituted.[12] This is the view[13] of R. Meir,[14] but the Sages[15] say, This does not cause a division unless one ploughed up [the spot].[16]

**1** אֵלּוּ in some editions. **2** מַפְסִיקִים in some editions. That is, they cause a field to be considered as two fields and *peah* must be given separately from each. **3** In some editions שְׁלוּלִית and שְׁלוּלִית, 'rivulet,' 'pond,' 'pool,' 'channel,' 'water trench,' 'channel to supply water to ditches for irrigation.' **4** $2\frac{1}{2}$ to 4 cubits wide. In some editions the order is וְדֶרֶךְ הָרַבִּים. **5** 16 cubits in width. **6** Some editions, שָׁבִיל, width of less than $2\frac{1}{2}$ cubits. In some editions the order is וּשְׁבִיל הַיָּחִיד וּשְׁבִיל הָרַבִּים. **7** This refers to שְׁבִיל הַיָּחִיד and שְׁבִיל הָרַבִּים. **8** But not sown. **9** But not one which causes כִּלְאַיִם, '*mixed seeds*.' That is, a field is sown with one kind of seed but in the centre a different species is sown. **10** הַקּוֹצֵר in some editions. Some editions have וְהַזּוֹרֵעַ לְשַׁחַת וְהַקּוֹצֵר מַפְסִיק. **11** שַׁחַת is corn which has not reached one-third of its full growth, cut down for fodder. **12** That is, the part reaped for fodder separates the field into two distinct fields for *peah*. **13** This refers to וְהַקּוֹצֵר לְשַׁחַת מַפְסִיק. **14** His view is not accepted. **15** The other תַּנָּאִים. **16** That part of the field from which the fodder has been cut.

Mishnah 2

מִשְׁנָה ב

[1]אַמַּת הַמַּיִם [2]שֶׁאֵינָהּ יְכוֹלָה
לְהִקָּצֵר כְּאַחַת, רַבִּי [3]יְהוּדָה
אוֹמֵר, מַפְסֶקֶת. וְכָל הֶהָרִים
אֲשֶׁר [4]בַּמַּעְדֵּר יֵעָדְרוּן אַף עַל
פִּי שֶׁאֵין הַבָּקָר יָכוֹל לַעֲבוֹר
בְּכֵלָיו הוּא נוֹתֵן [5]פֵּאָה [6]לַכּוֹל.

An irrigation channel[1] from which [the field on both sides] can not be reaped[2] simultaneously forms a division, according to R. Jehudah.[3] And in the case of all hills that are dug with the mattock[4] even though the oxen can not cross them with their ploughs one gives one *peah*[5] for all[6] [the field].

**1** אַמַּת הַמַּיִם: some take it to mean a ditch that branches off from a larger one שְׁלוּלִית; others assume that it is an alternative term for שְׁלוּלִית. **2** *i.e.*, if the reaper were to stand in the middle of the channel he would be unable to cut the corn from both banks at the same time—in such a case does the channel

render the parts of the field on either side to be considered as separate fields for *peah*. The Rambam (רַמְבַּ״ם) takes it to mean that when standing on one bank the reaper cannot reach across to cut the corn from the other. **3** And his ruling is accepted. **4** And can not be ploughed in the ordinary way (*i.e.* with the plough). **5** In some editions, פֵּאָה אַחַת לַכֹּל. **6** The hilly parts do not cause 'division' to break up the field into separate fields for the purpose of *peah*. However if the part which is the cause of the הַפְסָקָה, 'interruption,' is not turned up at all, even by hand, *peah* must be given from each part separately.

Mishnah 3

מִשְׁנָה ג

All these[1] cause a division[2] in the case of sown fields, but in the case of trees[3] only a fence[4] forms a division; but if the branches[5] were intertwined, it[6] does not form a division and one gives *one peah* for all.[7]

[1]הַכֹּל [2]מַפְסִיק לִזְרָעִים וְאֵינוֹ מַפְסִיק [3]לְאִילָן אֶלָּא [4]גָּדֵר, וְאִם הָיָה [5]שֵׁעָר כּוֹתֵשׁ [6]אֵינוֹ מַפְסִיק, אֶלָּא נוֹתֵן פֵּאָה [7]לַכֹּל.

**1** This refers to all the conditions enumerated in the preceding *Mishnahs* 1 *and* 2. **2** For purpose of *peah*. **3** With the exception of the carob-tree and olive-trees (see next *Mishnah*). **4** At least ten handbreadths high. **5** Even if a fence be between trees but the branches of the trees on both sides meet and intertwine, the trees are considered as one for the purpose of *peah*. **6** The words אֵינוֹ מַפְסִיק אֶלָּא are omitted in some editions. **7** *i.e.*, for all the field.

Mishnah 4

מִשְׁנָה ד

And in the case of carob-trees[1,10]—when they see[2,11] one another: Rabban Gamaliel[3] said, In my father's house[5] they used[4] to give[6,7] *one peah*[8] for the olive-trees they had on every side,[9] and in the case of carob-trees[10] all those that saw[11] one another. R. Eliezer[12,13] ben Zadok says in his[14] name, Even for the carob-trees[15] that they possessed in the whole town.[16]

[10,1]וְלַחֲרוּבִין כָּל־[11,2]הָרוֹאִין זֶה אֶת־זֶה, אָמַר [3]רַבָּן גַּמְלִיאֵל, [4]נוֹהֲגִין הָיוּ [5]בֵּית אַבָּא [6]שֶׁהָיוּ [7]נוֹתְנִין [8]פֵּאָה אַחַת לַזֵּיתִים שֶׁהָיוּ לָהֶם בְּכָל [9]רוּחַ, [10]וְלַחֲרוּבִין כָּל־[11]הָרוֹאִין זֶה אֶת־זֶה, רַבִּי [13,12]אֱלִיעֶזֶר בְּרַבִּי צָדוֹק אוֹמֵר [14]מִשְּׁמוֹ, אַף [15]לַחֲרוּבִין שֶׁהָיוּ לָהֶם בְּכָל הָעִיר.[16]

**1** Which are very tall. **2** *i.e.*, they are all regarded as one unit in respect of *peah* when they see..... This means that when standing under one tree one can see the next tree. Even though they be separated by a fence, *one peah* is

given for all. This ruling also applies to olive-trees that grow on one side of a town. **3** Whenever רַבָּן גַּמְלִיאֵל is thus mentioned he is רַבָּן גַּמְלִיאֵל דְּיַבְנֶה. The ruling here is in accordance with his views. **4** נוֹהֲגִים in some editions. **5** Some editions have בְּבֵית אַבָּא נוֹתְנִים instead of בֵּית אַבָּא שֶׁהָיוּ נוֹתְנִין. **6** שֶׁהָיוּ is omitted in some editions. **7** In some editions, נוֹתְנִים. **8** *i.e.*, *one peah* for all trees in the north, *one* for all in the south, *one* for all in the east and *one* for all in the west; but in each case 'the carob-trees must see one another.' **9** Of the town. **10** וְלַחֲרוּבִים in some editions. **11** *i.e.*, they gave one *peah* for all those that saw..... In some editions, הָרוֹאִים. Even though the carob-trees were not on the same side of the town. **12** Some editions have אֶלְעָזָר. **13** This view is not accepted. **14** In the name of R. Gamaliel or perhaps in the name of R. Zadok. **15** In some editions, לַחֲרוּבִים. Even when one tree could not be seen from the other. **16** They gave one *peah* though they were on different sides of the town; but the ruling is in accordance with R. Gamaliel's view.

Mishnah 5

When one sows his field with one kind of seed he leaves only *one peah*, even though he reaps it[1] in two[2] lots. But if he have sown it[3] with two kinds of seeds,[4] he gives *two peahs*[7] even though he reaps it[5] all at one time.[6] If one have sown his field with two different species of wheat,[8] he sets aside *one peah* if he reap it all[9] at one time,[10] but he leaves *two peahs* if he reap it at two separate times.[11]

מִשְׁנָה ה

הַזּוֹרֵעַ אֶת־שָׂדֵהוּ מִין אֶחָד אַף עַל פִּי שֶׁהוּא [1]עוֹשֵׂהוּ [2]שְׁתֵּי גְרָנוֹת נוֹתֵן פֵּאָה אֶחָת. [3]זְרָעָהּ שְׁנֵי [4]מִינִין אַף עַל פִּי [5]שֶׁעֲשָׂאָן גּוֹרֶן [6]אַחַת נוֹתֵן [7]שְׁתֵּי פֵּאוֹת. הַזּוֹרֵעַ אֶת־שָׂדֵהוּ שְׁנֵי מִינֵי [8]חִטִּין [9]עֲשָׂאָן גּוֹרֶן [10]אַחַת נוֹתֵן פֵּאָה אֶחָת. [11]שְׁתֵּי גְרָנוֹת נוֹתֵן שְׁתֵּי פֵּאוֹת.

**1** עוֹשֶׂה in some editions. **2** In some editions, שְׁנֵי (which is grammatically equally correct). **3** זְרָעוֹ in some editions. **4** In some editions, מִינִים. **5** שֶׁעָשָׂם or שֶׁהוּא עוֹשֶׂה in some editions. **6** אֶחָד in some editions. **7** *i.e.*, *one peah* for one and *another peah* for the other. **8** In some editions, חִטִּים. Two kinds of wheat, or two kinds of oats, or two kinds of barley, etc. Actually, when one grows two species of any produce the *peah* depends on the times of the harvesting; if the two are harvested at the same time *peah* is given from either; if the harvesting takes place on two separate occasions, *peah* is given for each separately. **9** עָשָׂם in some editions. **10** In some editions אֶחָד. **11** In some editions שְׁנֵי.

Mishnah 6

It once happened[1] that R. Simon[3] of Mizpah sowed[2] and came before Rab-

מִשְׁנָה ו

[1]מַעֲשֶׂה [2]שֶׁזָּרַע רַבִּי [3]שִׁמְעוֹן אִישׁ

הַמִּצְפָּה [4]וּבָא לִפְנֵי [5]רַבָּן גַּמְלִיאֵל
[6]וְעָלוּ [7]לְלִשְׁכַּת הַגָּזִית [3]וְשָׁאֲלוּ,
אָמַר נָחוּם [9]הַלְבְלָר [10]מְקֻבָּל אֲנִי
מֵרַבִּי [11]מֵיאַשָּׁא שֶׁקִּבֵּל [12]מֵאָבִיו
שֶׁקִּבֵּל [13]מִזּוּגוֹת שֶׁקִּבְּלוּ מִן־
הַנְּבִיאִים [14]הֲלָכָה לְמֹשֶׁה מִסִּינַי
[15]בְּזוֹרֵעַ אֶת־שָׂדֵהוּ שְׁנֵי מִינֵי חִטִּין,
אִם [16]עֲשָׂאָן גּוֹרֶן [17]אַחַת נוֹתֵן פֵּאָה
אֶחָת, שְׁתֵּי [18]גּוֹרְנוֹת נוֹתֵן שְׁתֵּי
פֵּאוֹת.

**1** The term מַעֲשֶׂה is used to illustrate and support a statement; and the ruling is always in accordance with that statement. **2** Two different kinds of wheat. **3** He was a תַּנָּא of the first generation of תַּנָּאִים. **4** וּבָא is omitted in some editions. **5** רַבָּן גַּמְלִיאֵל הַזָּקֵן the נָשִׂיא and grandfather of רַבָּן גַּמְלִיאֵל דְּיַבְנֶה. **6** וְעָלוּ refers to רַבִּי שִׁמְעוֹן אִישׁ הַמִּצְפָּה and רַבָּן גַּמְלִיאֵל הַזָּקֵן. **7** Literally 'the Hall of Hewn Stones,' the name of one of the Temple compartments on the south side. **8** 'how to separate *peah*.' **9** הַלְבְלָר or הַלְבָּלָר (לְבְלָר, *clerk, copyist, scribe*) or הַבַּבְלִי (*the Babylonian*) in some editions. **10** מְקוּבָּל. **11** מֵישָׁא in some editions, a תַּנָּא of the first generation of תַּנָּאִים. **12** *i.e.*, from his own father; or, in some editions, מֵאַבָּא, *i.e.*, from the father of רַבָּן גַּמְלִיאֵל. **13** מִן־הַזּוּגוֹת in some editions. The זוּגוֹת or '*Pairs*' were [1] *Jose Ben Joezer* and *Jose Ben Jochanan*, [2] *Joshua Ben Perachia* and *Nitai of Arbela*, [3] *Judah Ben Tabai* and *Simon Ben Shetach*, [4] *Shemaiah* and *Abtalion*, [5] *Hillel* and *Shammai*. **14** הֲלָכָה לְמֹשֶׁה מִסִּינַי is any דִּין, *law*, which is assumed by tradition to have come down direct from Moses from Sinai and it is not disputed by the חֲכָמִים but is accepted without question. **15** In some editions, הַזּוֹרֵעַ. **16** עָשָׂם in some editions. **17** In some editions אֶחָד. **18** גְּרָנוֹת in some editions.

Mishnah 7

מִשְׁנָה ז

A field which was reaped[1] by[2] Samaritans,[3] (or) robbers,[4] or one whose crop was gnawed away[5] by ants[6] or broken down[7] by wind or cattle, is exempt.[8,9] If one reaped a half of it[10] and [then] robbers reaped [the other] half,[10] it is exempt because the duty of leaving

שָׂדֶה [2,1]שֶׁקְּצָרוּהָ [3]כּוּתִים, [4]קְצָרוּהָ
לִסְטִים, [5]קִרְסְמוּהָ [6]נְמָלִים,
[7]שִׁבְּרַתְּהָ הָרוּחַ אוֹ בְהֵמָה
[9,8]פְּטוּרָה. קָצַר [10]חֶצְיָהּ וְקָצְרוּ

*peah* is restricted to the standing corn.[11]

לְסִטִים [10]חֶצְיָהּ [9]פְּטוּרָה שֶׁחוֹבַת הַפֵּאָה [11]בַּקָּמָה.

**1** (Grammatically more correct) שֶׁקְּצָרוּהוּ, as in some editions. **2** *i.e.*, for themselves even with the owner's permission; but, of course, if these were employed by him he must give *peah*. **3** In some editions, גּוֹיִם, *non-Jews*. In those days Samaritans were suspected of idolatrous practices. **4** In some editions קְצָרֻהוּ (which is grammatically more correct). **5** Or (grammatically more correct) קִרְסְמָהוּ as in some editions. Ants gnaw through the stalks or stems near the roots. Even if the produce was left or returned to the owner he need not give any *peah* in these cases; even if he himself reaped some of the produce first, *peah* is not given. **6** אֲכָלָהּ חָגָב, 'locusts consumed it,' precedes שְׁבָרָתָהּ in some editions. **7** Or (grammatically more correct) שִׁבְרָתוֹ, as in some editions. **8** *i.e.*, from *peah*, even though the produce remained for the owner, because וּבְקַצְרְכֶם, 'and when *you* reap,' limits the obligations to the process of reaping when performed by, or on behalf of, the owner. **9** In some editions פָּטוּר (which is more correct grammatically). **10** Or (grammatically more correct) חֶצְיוֹ as in some editions. **11** And not *after* it had been reaped.

Mishnah 8[1]

If robbers reaped[2] half of it[3] and then he reaped its other half[3] he must leave[4] *peah* from that part which[5] he reaped. If one reaped half of it[3] and sold [the other] half of it the buyer leaves *peah* for the whole.[6] If one reaped half of it and dedicated [the other] half, he[7] who redeems it from the treasurer sets apart[8] *peah* for the whole.[9]

[1]מִשְׁנָה ח

[2]קְצָרוּהָ לְסִטִים [3]חֶצְיָהּ וְקָצַר הוּא [3]חֶצְיָהּ [4]נוֹתֵן פֵּאָה [5]מִמַּה שֶׁקָּצַר. קָצַר [3]חֶצְיָהּ וּמָכַר [3]חֶצְיָהּ הַלּוֹקֵחַ נוֹתֵן פֵּאָה [6]לַכֹּל. קָצַר [3]חֶצְיָהּ וְהִקְדִּישׁ [3]חֶצְיָהּ הַפּוֹדֶה מִיַּד הַגִּזְבָּר [7]הוּא [8]נוֹתֵן פֵּאָה [9]לַכֹּל.

**1** In some editions this *Mishnah* is joined on to *Mishnah* 7. **2** In some editions, קְצָרֻהוּ and קְצָרוּ (both grammatically more correct). **3** Or (grammatically more correct) חֶצְיוֹ as in some editions. 'he' refers to 'the owner.' **4** This follows the general rule that the חִיּוּב, *obligation*, of *peah* is at the end of the reaping; and the quantity is only $\frac{1}{60}$ of what he himself has reaped. **5** לְמַה in some editions. **6** *i.e.*, for both what he himself and the owner have. **7** הוּא is omitted in some editions. **8** *i.e.*, after he has reaped the redeemed produce. **9** *i.e.*, for the whole field.

## CHAPTER 3

## פֶּרֶק ג

### Mishnah 1

### מִשְׁנָה א

In the case of rectangular[1] beds of grain between olive-trees:[2] the School of Shammai[3] rule that *peah* must be given from each one,[4] but the School of Hillel rule, From one[5] for all.[6] But both[7] agree that if the ends of the rows[8] are intermingled[9] one leaves *peah* from one for[10] all.

[1]מַלְבְּנוֹת הַתְּבוּאָה שֶׁבֵּין [2]הַזֵּיתִים,
בֵּית [3]שַׁמַּאי אוֹמְרִים, פֵּאָה מִכָּל
[4]אַחַת וְאֶחָת, בֵּית הִלֵּל אוֹמְרִים,
[5]מֵאַחַת עַל [6]הַכֹּל. [7]וּמוֹדִים שֶׁאִם
הָיוּ רָאשֵׁי [8]הַשּׁוּרוֹת [9]מְעוֹרָבִין שֶׁהוּא
נוֹתֵן פֵּאָה [10]מֵאַחַת עַל הַכֹּל.

**1** Or *oblong;* מַלְבֵּן, 'press,' 'mould,' 'frame,' hence 'rectangular or oblong plot.' **2** Or between any other trees. **3** Or שַׁמַּי. **4** אֶחָד וְאֶחָד in some editions; 'from each bed.' **5** In some editions מֵאֶחָד. **6** When, however, less than ten trees are scattered in a field of 50 by 50 cubits *peah* must be given even according to Beth Hillel for each bed separately in agreement with *Shammai's* view. Where on the other hand, ten trees grow closely in a field of less than 50 by 50 cubits Beth Hillel agree with Beth Shammai that *peah* must be left in each bed. **7** בֵּית שַׁמַּאי agree with בֵּית הִלֵּל. **8** שׁוּרוֹת in some editions. Here the term שׁוּרוֹת (and not מַלְבְּנוֹת) is (now) used because when the end of one bed appears to be one with the end of another the 'oblong' or 'rectangular' character disappears and the combination takes the shape of a 'row.' **9** מְעוֹרָבִים in some editions. **10** In some editions, מֵאֶחָד.

### Mishnah 2

### מִשְׁנָה ב

If a man reap his field in stages leaving[1] green stalks:[2] R. Akiba says, He sets aside[3] *peah* from each one separately,[4] but the Sages say, From one[5] for the whole. But the Sages agree with R. Akiba that when one sows dill[6] or mustard in three places[7,8] he sets apart *peah* from each one separately.[9]

הַמְּנַמֵּר אֶת־שָׂדֵהוּ [1]וְשִׁיֵּר קְלָחִים
[2]לַחִים, רַבִּי עֲקִיבָא אוֹמֵר, [3]נוֹתֵן
פֵּאָה [4]מִכָּל אֶחָד וְאֶחָד, וַחֲכָמִים
אוֹמְרִים, [5]מֵאֶחָד עַל הַכֹּל. וּמוֹדִים
חֲכָמִים לְרַבִּי עֲקִיבָא בְּזוֹרֵעַ [6]שֶׁבֶת
אוֹ חַרְדָּל [7]בִּשְׁלֹשָׁה [8]מְקוֹמוֹת שֶׁהוּא
נוֹתֵן פֵּאָה [9]מִכָּל אֶחָד וְאֶחָד.

**1** Cutting from time to time the ripened corn only, leaving the rest to be reaped later after ripening the field thus assuming a speckled appearance. נִמֵּר, *give a speckled* (*striped* or *checkered*) *appearance.* **2** That have not yet ripened. **3** נוֹתֵן is omitted in some editions. **4** *i.e.*, from each section where the unripe

plants that had been left to ripen are now being cut. **5** *i.e.*, in the last section reaped he leaves *peah* for all the ripened lots that had been previously cut as well as for itself; and this is the accepted ruling. **6** *Dill* resembles *fennel* and is used for medicinal purposes. **7** In some editions, בִּשְׁנַיִם אוֹ בִּשְׁלֹשָׁה, in two or three; meaning 'in more than one place' or 'on more than one occasion.' **8** Or *beds*. **9** לְכָל in some editions; 'from or for each place.'

Mishnah 3

If one thin[1] out onions taking the green ones[2] to the market and keeping[3] the dried ones[4] for storage,[5] he leaves *peah* separately[6] for the former and for the latter; and similarly in the case of beans,[7] and likewise in the case of a vineyard.[8] He who thins out[9] sets aside *peah* from the remainder according to the amount[10] which has been left over, but if he thin out in one place,[11] he sets apart *peah* from the remainder[12] for the whole.

מִשְׁנָה ג

[1]הַמַּחֲלִיק בְּצָלִים [2]לַחִים לַשּׁוּק [3]וּמְקַיֵּים [4]יְבֵשִׁים [5]לַגּוֹרֶן נוֹתֵן פֵּאָה לְאֵלּוּ [6]לְעַצְמָן וּלְאֵלּוּ [6]לְעַצְמָן; וְכֵן [7]בַּאֲפוּנִין, וְכֵן [8]בְּכֶרֶם. [9]הַמְדַל נוֹתֵן מִן־[10]הַמְּשׁוֹאָר עַל מַה־שֶּׁשִּׁיֵּיר, וְהַמַּחֲלִיק [11]מֵאַחַת יָד נוֹתֵן מִן־[12]הַמְּשׁוֹאָר עַל הַכֹּל.

**1** הַמְחַלֵּק in some editions. הַחֲלַק, literally 'smooth out,' is an agricultural term meaning 'thinning out,' 'removing [at least three plants next to each other] to make more room [for the others].' **2** Or 'unripe.' **3** Or וּמְקַיֵּם. **4** *i.e.*, leaving them in the ground until the dry husk is formed. **5** Or לַגֹּרֶן. גֹּרֶן, granary,' 'barn.' When onions are thinned out they grow better and bigger and keep well in store. **6** עַצְמָם in some editions. The first removed green onions and the last removed big onions are considered two different kinds. **7** In some editions, בַּאֲפוּנִים. When green ones are picked to be eaten in their pods while the remaining ones are left to be ripened and to be taken later for threshing. **8** Where some of the grapes are plucked to be eaten and the rest are left to grow to be used later for the making of wine. According to Maimonides, רמב"ם, the Text should read בְּכֶרֶם הַמְּדֻל, 'in a vineyard that has been thinned out,' which would explain the use of בְּכֶרֶם instead of בְּנִסְנִים. **9** מַדֵּל, *Hiphil participle* of דָּלַל, 'be poor'; (*Hiphil*) הֵדֵל, 'thin out,' 'take off grapes,' 'remove [one or two plants] to make room for the others.' **10** הַמְּשׁוֹיָר in some editions. *Peah* need not be given from the remainder for that which has been removed in the process of thinning out. **11** Some editions have בְּאַחַת יָד and some omit יָד. This refers to 'thinning out *in one spot*' and not as stated in the earlier part of the *Mishnah* where 'the thinning out was *in different spots*.' **12** הַמְּשׁוֹיָר in some editions. In this case the thinning is considered as the beginning of the harvest of the field.

## Mishnah 4

Seed onions[1] are subject[2] to *peah*, but R. Jose[3] exempts them. Regarding oblong beds of onions between greens, R. Jose[4] says, *Peah* must be left for each one separately;[5] but the Sages[6] say, *Peah* from one[7] is left for all.

## מִשְׁנָה ד

[1]הָאֲמָהוֹת שֶׁל בְּצָלִים [2]חַיָּיבוֹת בְּפֵאָה, וְרַבִּי [3]יוֹסֵי פּוֹטֵר. מַלְבְּנוֹת הַבְּצָלִים שֶׁבֵּין הַיֶּרֶק, [4]רַבִּי יוֹסֵי אוֹמֵר, פֵּאָה מִכָּל [5]אַחַת וְאֶחָת; [6]וַחֲכָמִים אוֹמְרִים, [7]מֵאַחַת עַל הַכֹּל.

**1** Seed onions are unfit for food, and are eaten in times of famine only. **2** Or חַיָּבוֹת; because in times of distress they are used as food; and because they were edible when the green onions were thinned out. *Peah* is given for each separately (as stated in the preceding *Mishnah*). **3** Wherever רַבִּי יוֹסֵי is thus simply mentioned he is רַבִּי יוֹסֵי בֶּן חַלַּפְתָּא (one of R. Akiba's disciples). His view here is not accepted. **4** His view here is not accepted. **5** אֶחָד וְאֶחָד in some editions. **6** Their view is that this case is analogous to that of produce between trees (as in *Mishnah* 1 of this **Chapter**). **7** In some editions, מֵאֶחָד.

## Mishnah 5

When brothers[1] divide an estate[2] they must give[3] two *peahs*. If they became partners again[4] they leave[5] one *peah*. Two who bought a tree[6] leave[7] one *peah;* if one bought its northern side and the other its southern side, each one separates *peah* for himself.[8] If one sell[9] (stems of)[10] trees in his field, he[11] must set aside *peah* from each one separately.[12] R. Judah said, When does this apply?—When the owner[15] of the field left nothing over[13,14], but if he[17] did leave[16] something over[16], he[18] sets apart *peah* for the whole.[19]

## מִשְׁנָה ה

[1]הָאַחִים [2]שֶׁחָלְקוּ [3]נוֹתְנִים שְׁתֵּי פֵּאוֹת. חָזְרוּ [4]וְנִשְׁתַּתְּפוּ [5]נוֹתְנִים פֵּאָה אֶחָת. שְׁנַיִם שֶׁלָּקְחוּ [6]אֶת־הָאִילָן [7]נוֹתְנִין פֵּאָה אֶחָת; לָקַח זֶה צִפּוֹנוֹ וְזֶה דְּרוֹמוֹ, זֶה נוֹתֵן פֵּאָה לְעַצְמוֹ וְזֶה נוֹתֵן פֵּאָה לְעַצְמוֹ[8]. [9]הַמּוֹכֵר [10]קִלְחֵי אִילָן בְּתוֹךְ שָׂדֵהוּ [11]נוֹתֵן פֵּאָה מִכָּל [12]אֶחָד וְאֶחָד. אָמַר רַבִּי יְהוּדָה, אֵימָתַי, בַּזְּמַן [13]שֶׁלֹּא [14]שִׁיֵּיר [15]בַּעַל הַשָּׂדֶה, אֲבָל אִם [16]שִׁיֵּיר [17]בַּעַל הַשָּׂדֶה [18]הוּא נוֹתֵן פֵּאָה [19]לַכֹּל.

**1** הָאַחִין in some editions; *brothers* or *partners*. **2** Before it was reaped. **3** In some editions, נוֹתְנִין. Each from his own portion. **4** Before it was reaped. **5** נוֹתְנִין in some editions. **6** According to some authorities, together with the soil around it. This refers to one of the trees, enumerated in *Mishnah* 1, as subject to *peah*. **7** As in the case of אַחִים, brothers or partners. **8** (In some editions this *Mishnah* ends with לְעַצְמוֹ, and the rest is joined on to the following *Mishnah*). Although there is only one tree yet each must give his own *peah*. **9** To be replanted elsewhere. Some authorities take קִלְחֵי אִילָן to be roots of plants to be subject to *peah*. In such case it is evident that the soil around can not be included in the sale. **10** But not the ground which would have combined the trees and *one peah* would have sufficed. **11** The *buyer*. **12** Because the soil does not belong to the purchaser. **13** He did not leave any קִלְחֵי אִילָן for himself, that is he had not yet cut or reaped them. **14** Or שִׁיֵּר. **15** בְּעַל הַשָּׂדֶה is omitted in some editions. **16** That is, he began reaping or cutting before selling. **17** Some editions have שָׂדֶהוּ in place of בְּעַל הַשָּׂדֶה. **18** The seller. Because the obligation began with the cutting or reaping. **19** When an owner sells all his produce while still uncut the buyer must give *peah* for the whole and he may not deduct its value from the price he paid.

Mishnah 6

R. Eliezer[1] says, Ground of the extent of '*one quarter*'[2] is subject[3] to *peah;* R. Joshua[5] says, If it produce[4] two *seahs;*[6] R. Tarfon[7] says, Six *handbreadths*[8] by six *handbreadths;* R. Judah ben Bethairah[9] says, So that[10] one may reap and repeat,[11] and the ruling is according to his statement. R. Akiba says, Whatever the size of the ground it is subject[12] to *peah* and to '*first fruits*',[13] and a *Sabbatical year declaration*[14] may be written on its account, and through it property that can not be guaranteed[15] may be purchased by means of money or writ[16] or possession.[17,18]

מִשְׁנָה ו

[1]רַבִּי אֱלִיעֶזֶר אוֹמֵר, קַרְקַע [2]בֵּית רוֹבַע [3]חַיֶּבֶת בְּפֵאָה; רַבִּי [5]יְהוֹשֻׁעַ אוֹמֵר, [4]הָעוֹשֶׂה [6]סָאתַיִם; [7]רַבִּי טַרְפוֹן אוֹמֵר, שִׁשָּׁה עַל שִׁשָּׁה [8]טְפָחִים: [9]רַבִּי יְהוּדָה בֶּן בְּתֵירָה אוֹמֵר, [10]כְּדֵי לִקְצוֹר [11]וּלְשַׁנּוֹת, וַהֲלָכָה כִּדְבָרָיו. רַבִּי עֲקִיבָא אוֹמֵר, קַרְקַע כָּל־שֶׁהוּא [12]חַיֶּבֶת בְּפֵאָה [13]וּבְבִכּוּרִים, וְלִכְתּוֹב עָלָיו [14]פְּרוֹזְבּוֹל, וְלִקְנוֹת עִמּוֹ נְכָסִים שֶׁאֵין לָהֶם [15]אַחֲרָיוּת בְּכֶסֶף [16]וּבִשְׁטָר [17]וּבַחֲזָקָה.[18]

**1** Whenever רַבִּי אֱלִיעֶזֶר is quoted without any further description he is רַבִּי אֱלִיעֶזֶר בֶּן הוּרְקָנוֹס (a pupil of רַבָּן יוֹחָנָן בֶּן זַכַּאי). **2** *'one fourth,'* בֵּית רֻבַּע, is approximately an area of $104\frac{1}{6}$ square cubits (approximately 10 times 10 cubits). A full רֻבַּע will be sown by a quarter of a קַב or by a לוֹג of seeds; a smaller area is not considered a field (see *Tables* in the **Introduction** to זְרָעִים). **3** חַיָּב more correct as in some editions. **4** In some editions, בְּעוֹשָׂה. **5** Where רַבִּי יְהוֹשֻׁעַ is mentioned without any further description he is רַבִּי יְהוֹשֻׁעַ בֶּן חֲנַנְיָא (a pupil of רַבָּן יוֹחָנָן בֶּן זַכַּאי). **6** In some editions, בֵּית סָאתַיִם. A סְאָה (=a third of an אֵיפָה or בַּת) contains about 60 (48?) pints. **7** רַבִּי טַרְפוֹן was a תַּנָּא of the third generation of תַּנָּאִים and a contemporary of R. Akiba. **8** טֶפַח, 9.34 cm. or 3.65 inches. If the land is of this area (480 square inches). **9** There are two תַּנָּאִים of this name; one lived in Babylon at the time of the destruction of the Second Temple and the other was contemporary with רַבִּי. **10** *i.e.*, of such an extent (area). **11** When *cutting or reaping one grasps a handful at a time.* The land must contain sufficient ears of corn for the process to be repeated at least twice. **12** חַיָּב in some editions. **13** In the case of the corn plants; but in the case of trees there must be an area of sixteen cubits in every direction. **14** פְּרוֹזְבּוֹל, *'Sabbatical year declaration,'* is a declaration made before בֵּית דִּין, *court*, before the execution of a loan to the effect that the *Sabbatical year* shall not apply to and annul the loan to be transacted. This was instituted by הִלֵּל הַזָּקֵן so that business should not be held up on account of the advent of שְׁמִיטָה. **15** *Movables*, מְטַלְטְלִין, are thus designated because a creditor can not distrain on them if the debtor had sold them, in contradistinction to land (גְּבָסִים שֶׁיֵּשׁ לָהֶם אַחֲרָיוּת) which the creditor can recover even if the debtor has sold it. **16** שְׁטָר, *document, receipt, writ.* **17** In the case of מְטַלְטְלִין, *movables*, one acquires possession by the following methods: [1] קִנְיַן יָד, *'by holding the object';* [2] קִנְיַן חָצֵר, *'the object being on the premises of the buyer';* [3] קִנְיַן חֲלִיפִין, *'the buyer or receiver gives in exchange a complete finished article of which the other party holds at least three square inches for a while.'* [These three are מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה—ordained by the תּוֹרָה]. [4] הַגְבָּהָה, *'the buyer lifts up the object;'* [5] מְשִׁיכָה, *'the buyer draws away the article or animal from the seller's place to another spot';* [6] מְסִירָה, *'surrender; the seller tells the buyer to take possession by touching;'* [7] קִנְיַן אֲגַב, *'when an object is sold or presented together with land';* [8] מַעֲמַד שְׁלִשִׁתָּן, *'a condition made in presence of a third party.'* [These last five are מִדְּרַבָּנָן]. (**Note:** *seller* and *donor* in this and the next article are interchangeable terms so that *'anything sold'* is also meant to cover *'a gift'*). In the case of *land* there are four methods of קִנְיָן, *'possession,'* מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה: (a) כֶּסֶף—the buyer gives the seller money or שָׁוֶה כֶּסֶף, its equivalent as deposit; (b) שְׁטָר—the seller gives a title-deed to the purchaser; (c) חֲזָקָה—the buyer acts as the new owner (*e.g.*, he fences in, or locks up, keeping the key); (d) חֲלִיפִין—as already explained under קִנְיַן חֲלִיפִין above. **18** *acquisition, usucaption.*

Mishnah 7

If a person who[1] is dangerously[2] ill[3] assign his possessions in writing, then if he left[4] any land whatsoever,[5] his gift is valid.[6] If he have not left[7] any land[8] whatsoever his gift is not valid.[9] When one[10] leaves his possessions in a written will to his children[11] and he leaves in writing in it for his wife[12] any amount of land[13] then she has forfeited[14] her marriage-contract-settlement.[15] R. Jose says, If she concurred [16], then even if he did not leave for her anything in writing she has forfeited[17] her marriage-contract-settlement.

מִשְׁנָה ז

הַכּוֹתֵב נְכָסָיו [1]וְהוּא [2]שֶׁכִּיב [3]מְרַע׳ [4]שִׁיֵּיר [5]קַרְקַע כָּל־שֶׁהוּא מַתְּנָתוֹ [6]מַתָּנָה׳ לֹא [7]שִׁיֵּיר [8]קַרְקַע כָּל־שֶׁהוּא אֵין מַתְּנָתוֹ [9]מַתָּנָה׳ [10]הַכּוֹתֵב נְכָסָיו [11]לְבָנָיו וְכָתַב [12]לְאִשְׁתּוֹ [13]קַרְקַע כָּל־שֶׁהוּא [14]אָבְדָה [15]כְּתוּבָּתָהּ; רַבִּי יוֹסֵי אוֹמֵר׳ אִם [16]קִבְּלָה עָלֶיהָ אַף עַל פִּי שֶׁלֹּא כָתַב לָהּ [17]אָבְדָה כְּתוּבָּתָהּ׳

**1** וְהוּא is omitted in some editions. **2** שֶׁכִּיב מְרַע 'bed-ridden on the point of dying.' When a man dies his written will becomes effective automatically; but if he recovers, the will becomes null and void. **3** Alternatives, according to some authorities, הַכּוֹתֵב נְכָסָיו לְאַחַר וְהוּא שֶׁכִּיב מְרַע and שֶׁכִּיב מְרַע שֶׁכָּתַב נְכָסָיו לַאֲחֵרִים. **4** Or שִׁיֵּר. **5** *i.e., for himself.* The term קַרְקַע, *land*, includes also מְטַלְטְלִין, *movables*. **6** In some editions קַיֶּמֶת (קַיֶּמֶת). The fact that he left something for himself proves that the gift was not made because of his expectation of immediate death. It is, therefore, valid even if he recovered. **7** Or שִׁיֵּר. **8** *i.e., for himself.* **9** קַיֶּמֶת (קַיֶּמֶת) in some editions. Because it is obvious that the gift was made in anticipation of immediate death. As he recovered the validity is revoked. **10** Who is a שֶׁכִּיב מְרַע. **11** *for his children;* according to some, *for anyone.* **12** He leaves her a share among the children, but makes no mention of her marriage-contract-settlement. **13** קַרְקַע, *land*, or מְטַלְטְלִין, *movables*. **14** If she made protest at the time of the drawing up of the will. Her acquiescence is proof that she had renounced her claim to her marriage-contract-settlement. **15** כְּתוּבָּה, *marriage-contract*, a document given to a wife on marriage containing among other matters the settlement of a stated amount that becomes due to her on her husband's death or on her being divorced. **16** She agreed to be included among the children when the will was made. **17** But she may recover her marriage-contract-settlement from other properties that are not covered by the will.

Mishnah 8

מִשְׁנָה ח

If one assign his possessions in writing[1] to his slave, the latter becomes a freedman.[2] If, however, [the master] left out[3] any amount of land whatsoever, he[4] does not become a freedman. R. Simon[5] says, He becomes free in all cases except when the master says, 'Here are all my possessions given away[6] to so-and-so, my slave, except one ten-thousandth part[7] of them.'

[1]הַכּוֹתֵב נְכָסָיו לְעַבְדּוֹ יָצָא בֶּן
[2]חוֹרִין. [3]שִׁיֵּר קַרְקַע כָּל־שֶׁהוּא
[4]לֹא יָצָא בֶּן חוֹרִין. רַבִּי [5]שִׁמְעוֹן
אוֹמֵר, לְעוֹלָם הוּא בֶּן חוֹרִין עַד
שֶׁיֹּאמַר, הֲרֵי כָּל־נְכָסַי [6]נְתוּנִין
לְאִישׁ פְּלוֹנִי עַבְדִּי חוּץ מֵאֶחָד
[7]מֵרִבּוֹא שֶׁבָּהֶם.

**1** In this sense: "All my possessions shall belong to so-and-so my slave." **2** Because he is part of the possessions (קַרְקַע, *land*, or מְטַלְטְלִין, *movables*) and thus becomes owner of himself. **3** Or שִׁיֵּר. **4** The slave. He neither becomes free nor can he obtain possession of what has been left him in the written will. The expression כָּל־שֶׁהוּא is so indefinite that it can refer to the slave himself, hence he can not be freed. **5** His view is not accepted. **6** נְתוּנִים in some editions. Other editions have instead כְּתוּבִים לְפְלוֹנִי. **7** The term רִבּוֹא includes also the whole or part of the value of the עֶבֶד, slave.

## CHAPTER 4

## פֶּרֶק ד

Mishnah 1

מִשְׁנָה א

*Peah* is given[1] while [the crop] is still attached[2] to the soil.[3] In the case of vines on an espalier[4] and the date-palm[5] the owner[6] must bring down [the fruit] and share it out[7] among the poor; R. Simon says, The same law applies also to smooth nut trees.[8] Even if ninety-nine[9] say[10] [that the *peah* should be] shared out and one[11] says that it should be snatched[12], the latter must be listened to[13] for he spoke according to the law.[14]

הַפֵּאָה [1]נִיתֶּנֶת [2]בְּמְחוּבָּר [3]לַקַּרְקַע.
[4]בְּדָלִית [5]וּבְדֶקֶל [6]בַּעַל הַבַּיִת
מוֹרִיד[7] וּמְחַלֵּק לָעֲנִיִּים: רַבִּי שִׁמְעוֹן
אוֹמֵר, אַף בַּחֲלִיקֵי [8]אֱגוֹזִים. אֲפִילוּ
[9]תִּשְׁעִים וְתִשְׁעָה [10]אוֹמְרִים לְחַלֵּק
[11]וְאֶחָד אוֹמֵר [12]לָבוֹז [13]שׁוֹמְעִין
שֶׁאָמַר כַּהֲלָכָה.[14]

**1** Or נִתֶּנֶת. **2** Or בִּמְחֻבָּר. **3** Before cutting or reaping it, though it may be given after also. From the term תַּעֲזוֹב (*Leviticus*, **19,** 10) it is inferred that *peah* must be left for the poor to collect it themselves. **4** דָּלִית, 'vines trained to an espalier' (wood lattice-work), or 'on a wall.' **5** Because it is a very tall tree. **6** The owner must do so himself, in order that the poor should run no

risk in climbing trees or walls. He being the only climber can be more careful in avoiding danger. **7** Equally. **8** Which are dangerous to climb. **9** Of the poor. **10** In some editions, עֲנִיִּים אוֹמְרִים. **11** Even though this person may be stronger and more capable to snatch than the others. **12** Or לְבוֹ: 'to snatch as much as one is able.' **13** In some editions, לָזֶה שׁוֹמְעִים. **14** Which lays down that each is to take what he can manage to pick. If, however, *all* agree, the *peah* may be shared out equally.

Mishnah 2[1]

In the case of vines on an espalier and the date-palm [the law] is not so;[2] even if ninety-nine say that the *peah* be snatched[3] and one[4] says that it be shared out[5], we listen to the latter[6] for he spoke according to the law.[7]

מִשְׁנָה ב

[1]בְּדָלִית וּבְדֶקֶל [2]אֵינוֹ כֵן, אֲפִילוּ תִּשְׁעִים וְתִשְׁעָה אוֹמְרִים [3]לָבוֹז [4]וְאֶחָד אוֹמֵר [5]לְחַלֵּק, לָזֶה [6]שׁוֹמְעִין שֶׁאָמַר כַּהֲלָכָה.[7]

**1** In some editions this *Mishnah* forms part of the preceding one. **2** *i.e.*, the poor may not pick for themselves but the owner himself must pick the *peah* and distribute it among the poor. **3** That the poor should climb and pick as much as they can. **4** Even if he be weaker and less capable to snatch than any of the others, and equal distribution would, therefore, be to his advantage. **5** That the owner should pick the fruit and then share it out equally. **6** שׁוֹמְעִים in some editions. **7** Which lays down that the poor should run no risks; and even if *all* the poor agree to the contrary, the *peah* must nevertheless be equally distributed.

Mishnah 3

If one[1] took a little *peah*[2] and threw[3] it over the rest, then he gets nothing at all. If he threw himself upon it[4] or spread[5] his cloak over it, he[7] is removed[6] from it;[8] and this is also the law in the case of *gleanings* and the *forgotten-sheaf*.[9]

מִשְׁנָה ג

[1]נָטַל מִקְצַת [2]פֵּאָה [3]וּזְרָקָהּ עַל הַשְּׁאָר אֵין לוֹ בָּהּ כְּלוּם. נָפַל לוֹ [4]עָלֶיהָ [5]וּפִרֵשׂ טַלִּיתוֹ עָלֶיהָ [6]מַעֲבִירִין [7]אוֹתוֹ [8]הֵימֶנָּה. וְכֵן בְּלֶקֶט וְכֵן [9]בְּעוֹמֶר הַשִּׁכְחָה.

**1** *i.e.*, one of the poor. **2** Which he has already collected. **3** Which is a dishonest act, being an attempt to gain possession of something he can not get in the prescribed manner. According to רַבִּי מֵאִיר he not only does not acquire possession of what he attempted to obtain by this subterfuge but he also loses as punishment what he has legally acquired; but the חֲכָמִים decide that he loses only that to which he is not entitled. **4** The *peah* he wants to obtain wrongly. **5** וּפָרַשׂ in some editions. **6** In some editions, מַעֲבִירִים. **7** The

poor man and so also 'the cloak,' but does not forfeit his cloak. He gains no possession of the *peah*. **8** The *peah*. Or הֵימָנָה; or מִמֶּנּוּ and מִמֶּנָּה in some editions. **9** So also in the case of forgotten standing corn.

Mishnah 4

*Peah* must not be cut[1] with scythes[2] or be uprooted with spades[4,5] in order that they do not strike[6] at one another.[7]

מִשְׁנָה ד

[1]פֵּאָה אֵין [2]קוֹצְרִין אוֹתָהּ בְּמַגָּלוֹת וְאֵין [3]עוֹקְרִין אוֹתָהּ [5,4]בְּקַרְדֹּמוֹת, כְּדֵי שֶׁלֹּא יַכּוּ [6]אִישׁ אֶת־רֵעֵהוּ[7].

**1** *Peah* must be picked by hand by the poor. **2** קוֹצְרִים in some editions. **3** עוֹקְרִים in some editions. **4** In some editions, בְּקַרְדֻּמּוֹת. **5** Or 'mattocks', 'hatchets'; nor with any other kind of tool. **6** Either accidentally, in their anxiety to pick as much as possible, or intentionally falling foul of each other. **7** With these implements.

Mishnah 5

Three times[1] daily were there attendances[2,3]: in the morning[4] and at noon[5] and at the *Minchah* period.[6] Rabban Gamaliel says, These times were given as a minimum.[7] R. Akiba says, They were given as the maximum.[8] The people of Beth Namer[9] used to gather[10] their crops by the use of a rope[11] and leave *peah* from every row separately.

מִשְׁנָה ה

[1]שְׁלֹשָׁה [3,2]אַבְעָיוֹת בַּיּוֹם, [4]בַּשַּׁחַר [5]וּבַחֲצוֹת [6]וּבַמִּנְחָה. רַבָּן גַּמְלִיאֵל אוֹמֵר, לֹא אָמְרוּ אֶלָּא כְּדֵי שֶׁלֹּא [7]יִפְּחֲתוּ. רַבִּי עֲקִיבָא אוֹמֵר, לֹא אָמְרוּ אֶלָּא כְּדֵי שֶׁלֹּא [8]יוֹסִיפוּ. [9]שֶׁל בֵּית נָמֵר הָיוּ [10]מְלַקְּטִין עַל [11]הַחֶבֶל וְנוֹתְנִים פֵּאָה מִכָּל אוֹמָן וְאוֹמָן.

**1** שָׁלֹשׁ in some editions. **2** אַבְעָיָה, 'begging,' 'searching,' 'appearance of the poor to share in פֵּאָה, לֶקֶט, שִׁכְחָה, פֶּרֶט and עוֹלֵלוֹת (see **Introduction**). **3** 'Of the poor' (see **Note 2** above). Three times daily the owner (or a representative) had to make his appearance on the field, for in his absence the poor had no right to enter his field. The Rambam, רמב"ם, holds the view that this simply means that the poor came three times daily for *peah*. **4** When the poor women had the opportunity while their babies were asleep to come for *peah*. **5** When children (who slept late in the morning) could come for *Peah*. **6** When the feeble and old could come for *Peah*. This refers to מִנְחָה קְטַנָּה or מִנְחָה אַחֲרוֹנָה, *the Smaller* (*Later*) *Afternoon Service*, two and a half hours before sunset, or to the מִנְחָה גְּדוֹלָה or מִנְחָה קַמָּא, *the Large* (*First*) *Afternoon Service;* five and a half hours before sunset, an 'hour' being equal to $\frac{1}{12}$ of the day irrespective

of whether the day is long or short. **7** *i.e.*, not less than *three* occasions per day. **8** But the law is that there must be *three* definite times daily, so that the poor should not be left in doubt and the owner should not be put to too much inconvenience. **9** The exact locality is not known. According to one view it was the name of a family. **10** *i.e.*, reap. מְלַקְטִים or מַלְקִיטִים in some editions. **11** They drew a rope along part of the field leaving a narrow strip which was cut, and *peah* was left for the poor at the end of it. Thus the poor did not have to wait until the whole field was cut. The process was repeated time after time until the whole field was reaped.

Mishnah 6

מִשְׁנָה ו

An idolater[1] who has reaped his field and then became a proselyte[2] is exempt[3] from the duties of *gleaning*, the *forgotten-sheaf* and *peah*. R. Judah declares[4] him liable to leave[5] the *forgotten-sheaf* because the *forgotten-sheaf* becomes due at the time of the removal of the sheaves.[6]

[1]עוֹבֵד כּוֹכָבִים שֶׁקָּצַר אֶת־שָׂדֵהוּ וְאַחַר כַּךְ [2]נִתְגַּיֵּר [3]פָּטוּר מִן־הַלֶּקֶט וּמִן־הַשִּׁכְחָה וּמִן־הַפֵּאָה. [4]רַבִּי יְהוּדָה [5]מְחַיֵּב בְּשִׁכְחָה שֶׁאֵין הַשִּׁכְחָה אֶלָּא בִּשְׁעַת הָעֲמוּר[6].

**1** Some editions have נָכְרִי, 'a non-Jew,' which is much better than עוֹבֵד כּוֹכָבִים. **2** Or נִתְגַּיֵּר. **3** Because at the time of reaping he was under no obligation to give these dues. He was still a non-Jew to whom the law does not apply. This is inferred from the terms וּבְקַצְרְכֶם (*Leviticus* **19,** 9) and קְצִירְךָ (*Deuteronomy* **24,** 19) and וְשָׁכַחְתָּ (*Deuteronomy* **24,** 19) [see 1[1], **Note 1**] which refers to a Jew only. This is the accepted ruling. **4** His view is not accepted. **5** Or מְחַיֵּב. **6** When he was already a Jew subject to the obligation.

Mishnah 7

מִשְׁנָה ז

A man who dedicated to the Temple standing corn and redeemed [it while it still was] standing corn is liable;[1] A man who dedicated sheaves[2] and redeemed them while still sheaves[3] is also liable.[4] If a man dedicated standing corn and redeemed [it when it was in] sheaves he is exempt[5] because at the time when it became liable[6] it[7] was exempt.[8]

הִקְדִּישׁ קָמָה וּפָדָהּ קָמָה [1]חַיָּיב. [2]עוֹמְרִין וּפָדָה [3]עוֹמְרִין [4]חַיָּיב. קָמָה וּפָדָה [4]עוֹמְרִין [5]פְּטוּרָה, שֶׁבִּשְׁעַת [6]חוֹבָתָהּ [7]הָיְתָה פְטוּרָה[8].

**1** Or חַיָּב; he must give לֶקֶט, שִׁכְחָה and פֵּאָה because the reaping took place when the field was again his own property. **2** עֲמָרִים in some editions. **3** In some

editions, עֲמָרִים. **4** To לֶקֶט, שִׁכְחָה and פֵּאָה because the dedication took place when the corn was already in sheaves and already subject to the dues. **5** From giving לֶקֶט, שִׁכְחָה and פֵּאָה. **6** To לֶקֶט, שִׁכְחָה and פֵּאָה. **7** The standing corn. **8** On account of its dedication the finally accepted rulings are as follows: when a man has dedicated standing corn and redeemed it before reaping he must leave לֶקֶט, שִׁכְחָה and פֵּאָה, and likewise if he has dedicated sheaves and redeemed them; but if he has dedicated standing corn and redeemed sheaves (made up from that corn) he is exempt altogether.

Mishnah 8

Similarly, if a man dedicated[1] his field products before they reached the time[2] when they are subject to *tithes* and he redeemed them,[3] they must be tithed;[4] if after (they reached) the time for the tithes and he redeemed them,[5] they must be tithed.[6] If he dedicated them[7] before they were ready[8] and the treasurer[10] had them when they were ready[9] and after that [the owner] redeemed them,[11] then they are exempt[12] because when they became liable[13] they were already exempt.[14]

מִשְׁנָה ח

כֵּיוֹצֵא בוֹ, [1]הַמַּקְדִּישׁ [1]פֵּירוֹתָיו עַד שֶׁלֹּא בָּאוּ [2]לְעוֹנַת הַמַּעְשְׂרוֹת [3]וּפְדָאָן [4]חַיָּבִין, מִשֶּׁבָּאוּ לְעוֹנַת הַמַּעְשְׂרוֹת [5]וּפְדָאָן [6]חַיָּבִין. [7]הִקְדִּישָׁן עַד [8]שֶׁלֹּא נִגְמְרוּ [9]וּגְמָרָן [10]הַגִּזְבָּר וְאַחַר כָּךְ [11]פְּדָאָן [12]פְּטוּרִים, שֶׁבִּשְׁעַת [13]חוֹבָתָן הָיוּ פְּטוּרִים.[14]

**1** To the Temple. **2** The times applicable to the various kinds of produce are given in מַעְשְׂרוֹת 1[2]. **3** וּפָדָם in some editions. **4** In some editions, חַיָּבִים. **5** וּפָדָם in some editions. **6** Because at the time of dedication the gifts were already due and virtually no longer the owner's property. חַיָּבִים in some texts. **7** In some editions, הִקְדִּישָׁם. **8** *i.e.*, before they had reached a third of their full growth, according to Rambam's view; but according to another view, before the heaps were finished off by smoothing over (see 1[6], **Note 2**). **9** וּגְמָרָם in some editions; *i.e.*, the treasurer kept them till they became ripe or completed their preparation by smoothing over the heaps. **10** See 1[6], **Note 12.** **11** פָּדָם in some editions. **12** *i.e.*, exempt from tithes, because הֶקְדֵּשׁ, 'dedicated produce,' is exempt from תְּרוּמוֹת (the *levies for the priests*) and מַעְשְׂרוֹת (*tithes*). [These terms are fully explained in the preceding Volume of בְּרָכוֹת]. Briefly, one gives $\frac{1}{10}$ called מַעֲשֵׂר רִאשׁוֹן, *first tithe*, to the Levite, לֵוִי; $\frac{1}{50}$ called תְּרוּמָה גְּדוֹלָה, *priest's major due*, to the priest, כֹּהֵן, $\frac{1}{10}$ called מַעֲשַׂר עָנִי, *poor-man's tithe*, to the poor every 3rd and 6th years; and $\frac{1}{10}$ called מַעֲשַׂר שֵׁנִי, *second tithe*, every 1st, 2nd, 4th and 5th year which (or its equivalent) is consumed in Jerusalem; also the Levite himself has to give $\frac{1}{10}$ of his own called תְּרוּמָה קְטַנָּה, *priest's minor due*,

or תְּרוּמַת מַעֲשֵׂר, *priest's-due of the tithe*, to the priest. During the *Sabbatical*, שְׁמִיטָּה, *year* there were no tithes]. **13** *i.e.*, liable to tithing. **14** Being in the possession of the Temple treasurers the accepted ruling of this *Mishnah* is as follows: if a man has dedicated his produce and redeemed it before *tithes* were due, or he has dedicated it after the *tithes* were due and then redeemed it, *tithes* must be given; but if he dedicated it before the *tithes* were due and the *tithes* fell due while it was under the charge of the treasurer and then the owner redeemed it, no tithes are given.

Mishnah 9

If a man[1] have collected *peah* and said, 'This is for such and such a poor man,'[2] R. Eliezer[3] says, He has acquired it for him; but the Sages say, He must give it to the poor man whom he meets first. *Gleaning* and the *forgotten-sheaf* and *peah* of an idolater[4] must be[5] tithed unless he had declared them free to all.[6]

מִשְׁנָה ט

[1]מִי שֶׁלָּקַט אֶת־הַפֵּאָה וְאָמַר׳הֲרֵי זוּ [2]לְאִישׁ פְּלוֹנִי עָנִי׳ רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר׳ זָכָה לוֹ׳ וַחֲכָמִים אוֹמְרִים׳ יִתְּנֶנָּה לָעָנִי שֶׁנִּמְצָא רִאשׁוֹן׳ הַלֶּקֶט וְהַשִּׁכְחָה וְהַפֵּאָה שֶׁל [4]עוֹבֵד כּוֹכָבִים [5]חַיָּיב בְּמַעְשְׂרוֹת אֶלָּא אִם כֵּן [6]הִפְקִיר׳

**1** Who is not poor, or, according to some, the owner. A poor man may collect *peah* for another poor man. **2** Instead of לְאִישׁ פְּלוֹנִי some editions read לִפְלוֹנִי. **3** His view is not accepted. (There is a great deal of argument on this question but out of place here). **4** Some editions have נָכְרִי, 'non-Jew, 'which is more correct. (This question is discussed by many authorities but the arguments are out of place here). **5** Or חַיָּב. **6** הֶפְקֵר is exempt from dues mentioned as well as from תְּרוּמוֹת and מַעְשְׂרוֹת (see the preceding *Mishnah*, **Note 14**).

Mishnah 10

What is regarded as *'gleaning?'* That which falls down[1] during the reaping. If a man have reaped[2] a handful, or plucked a fistful, and a thorn pricked him[3] and [the corn] fell from his hand to the ground, it still belongs to the owner.[4] That which fell down from the inside of the hand or the scythe[5] belongs to the poor;[6] but that which falls from behind the hand or behind the scythe[7] belongs to the

מִשְׁנָה י

אֵיזֶהוּ לֶקֶט׳ [1]הַנּוֹשֵׁר? בְּשָׁעַת הַקְּצִירָה׳ [2]קָצַר מְלֹא יָדוֹ׳ תָּלַשׁ מְלֹא קֻמְצוֹ׳ [3]הִכָּהוּ קוֹץ וְנָפַל מִיָּדוֹ לָאָרֶץ׳ הֲרֵי הוּא שֶׁל [4]בַּעַל הַבַּיִת׳ תּוֹךְ הַיָּד וְתוֹךְ [5]הַמַּגָּל לָעֲנִיִּים׳ אַחַר הַיָּד וְאַחַר [7]הַמַּגָּל [8]לְבַעַל הַבַּיִת; רֹאשׁ הַיָּד וְרֹאשׁ הַמַּגָּל׳

[9]רַבִּי יִשְׁמָעֵאל [10]אוֹמֵר, לָעֲנִיִּים;
רַבִּי עֲקִיבָא אוֹמֵר, לְבַעַל הַבַּיִת[11].

owner.[8] [That which falls off] the finger tips or the tip of the scythe,[8] R. Ishmael[9] says, belongs to the poor;[10] but R. Akiba says, It belongs to the owner.[11]

**1** One ear of corn or two ears; if more than two dropped at once they are not regarded as לֶקֶט. **2** וְקָצַר and הָיָה קוֹצֵר in some editions. **3** הִכָּהוּ קוֹץ עַקְצָהוּ עַקְרָב, 'a thorn pricked him or a scorpion stung him', in some editions. **4** Because לֶקֶט must be the direct result of the reaping and not of an accident. **5** Or 'sickle'; *i.e.*, when one holds the corn inside one's hand or within the curve of the scythe (or sickle). **6** Even it did not drop in the process of the reaping. **7** *i.e.*, that which falls down owing to the shaking of one's hand or scythe (or sickle). **8** Because the corn obviously fell down by sheer accident. **9** His view is rejected. **10** Because in his view the finger tips and the top of the sickle are like תּוֹךְ הַיָּד above (**Note 5**). **11** R. Akiba maintains that the case is similar to that of אַחַר הַיָּד above (**Note 7**), and his view is the accepted law.

מִשְׁנָה יא

[1]חוֹרֵי הַנְּמָלִים שֶׁבְּתוֹךְ [2]הַקָּמָה הֲרֵי
הֵן שֶׁל [3]בַּעַל הַבַּיִת, שֶׁלְּאַחַר
[4]הַקּוֹצְרִים [5]הָעֶלְיוֹנִים [6]לָעֲנִיִּים,
[7]וְהַתַּחְתּוֹנִים שֶׁל בַּעַל הַבַּיִת; רַבִּי
מֵאִיר אוֹמֵר, [8]הַכֹּל לָעֲנִיִּים, [9]שֶׁסָּפֵק
לֶקֶט [10]לֶקֶט.

Mishnah 11

[Any grain in] ant-holes[1] among standing corn[2] belongs to the owner;[3] but in the case of those found after the reapers,[4] the upper-layers[5] belong to the poor,[6] and the lower-layers[7] to the owner. R. Meir says, All belong to the poor, for doubtful *gleanings*[9] are also *gleanings*.[10]

**1** Ants take away grains and store them in their holes. **2** *i.e.*, before the reaping. **3** Since it is evident that the ants had removed the grain before the reaping when it was not yet subject to the *poor-man's dues*. **4** *i.e.*, after the reaping had begun. **5** Of grain; provided they are still of a whitish colour which is a sign of freshness. **6** It being obvious that the ants took them after the reaping had begun. **7** Of grain; being green they had obviously been collected and stored by the ants before the reaping had begun. **8** Not only the upper but also the lower layers of grain. **9** *i.e.*, grain about which it is uncertain whether it was collected from standing corn, and is therefore not subject to the obligation of gleanings, or whether it was collected from the reaped corn and consequently subject to the law of gleanings. **10** The poor must get the benefit of the doubt, and this is the accepted ruling.

## CHAPTER 5

## פֶּרֶק ה

### Mishnah 1

If there be a stack of grain[1] from beneath which the *gleanings* had not been gathered,[2] all parts of it that touch ground[3] belong to the poor. If a wind scattered[4] the sheaves, an estimate must be made[5] as to how much *gleaning* they[6] could have[7] yielded and it is given to the poor; but R. Simon ben Gamaliel[8] says, One must give to the poor as much as is usually dropped.[9]

### מִשְׁנָה א

[1]גָּדִישׁ שֶׁלֹּא [2]לוּקַט תַּחְתָּיו כָּל־
[3]הַנּוֹגֵעַ בָּאָרֶץ הֲרֵי הוּא שֶׁל עֲנִיִּים·
הָרוּחַ [4]שֶׁפִּזֵּר אֶת־הָעֳמָרִים אוֹמְדִים
[5]אוֹתָהּ כַּמָּה לֶקֶט [6]הָיָא [7]רְאוּיָה
לַעֲשׂוֹת וְנוֹתֵן לָעֲנִיִּים; [8]רַבָּן שִׁמְעוֹן
בֶּן גַּמְלִיאֵל אוֹמֵר, נוֹתֵן לָעֲנִיִּים
בִּכְדֵי [9]נְפִילָה·

**1** גָּדִישׁ, 'heap of sheaves,' 'shock of grain,' 'stack of grain.' **2** Or לֶקֶט; the owner had made the stack before the poor had had an opportunity to glean the corn under it. **3** הַנּוֹגְעוֹת in some editions. The Rambam's view is that this refers to the corn that actually touches the *gleanings* beneath the stack. A fine is thus imposed upon the owner whose duty it is to see that the poor are not deprived of the *gleanings*, לֶקֶט. This enforced *gleaning* is also free from *tithe*. **4** שֶׁפִּזְּרָה in some editions. **5** In some editions, אוֹתוֹ. **6** הוּא in some editions, *i.e.*, the field. **7** In some editions, רָאוּי. **8** He is רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל דִּינַבְנֶה (a contemporary of Bar Kochba). **9** 'Of *gleanings* during the reaping'; that is, there is no need for an assessment to be made, but one gives from 4 קַב to a כּוֹר or 30 סָאָה (קַב=67 cubic inches; 6 קַב=סָאָה; see זְרָעִים, **Introduction**, *Tables*).

### Mishnah 2

In the case of an ear of corn[1] in the harvest whose top touches the standing corn, if it can be cut[2] together with[3] the standing corn[4] it belongs to the owner,[5] if not it belongs to the poor. If an ear of corn of *gleanings* were mixed up in a stack of corn, one ear of corn must be tithed[6] and given to a poor man[7]. R. Eliezer said, How can this poor person exchange[8] something that has not yet come into his possession?[9] Rather, the whole

### מִשְׁנָה ב

[1]שִׁבֹּלֶת שֶׁבַּקָּצִיר וְרֹאשָׁהּ מַגִּיעַ
לַקָּמָה, אִם [2]נִקְצֶרֶת [3]עִם [4]הַקָּמָה
הֲרֵי הִיא שֶׁל [5]בַּעַל הַבַּיִת, וְאִם
לֹא הֲרֵי הִיא שֶׁל עֲנִיִּים· שִׁבֹּלֶת
שֶׁל לֶקֶט שֶׁנִּתְעָרְבָה בַגָּדִישׁ [6]מְעַשֵּׂר
שִׁבֹּלֶת אַחַת וְנוֹתֵן [7]לוֹ· אָמַר רַבִּי
אֱלִיעֶזֶר, וְכִי הֵיאַךְ הֶעָנִי הַזֶּה
[8]מַחֲלִיף דָּבָר שֶׁלֹּא בָא בִּרְשׁוּתוֹ

אֶלָּא [10]מְזַכֶּה אֶת־הָעָנִי בְּכָל הַגָּדִישׁ וּמְעַשֵּׂר שִׁבֹּלֶת אַחַת וְנוֹתֵן לוֹ׃

stack must be assigned[10] to a poor person, and then one ear of corn is tithed and given to him.

**1** That had been left uncut in the course of reaping. **2** נְקָצָרָה and הַנִּקְצֶרֶת in some editions. **3** מִן in some editions. **4** *i.e.*, it can be taken with one hand together with the standing corn near by. **5** The growing corn with which it can be held in one fistful prohibits it from being treated as 'gleaning.' (Some editions have לֹא instead of לְאוֹ). **6** The complicated procedure is explained in *Tractate* מַעֲשְׂרוֹת. Briefly, according to the view (detailed) in the *Jerusalem Talmud*, one removes from the stack three ears of corn and says, 'If the first be לֶקֶט let it be so' (for it is exempt from *tithe*, מַעֲשֵׂר); 'if not, let the *tithe* be in the second ear, but if the latter be the לֶקֶט then let the *tithe* be in the third ear;' then the first ear is given to a poor man as לֶקֶט and the two others to a כֹּהֵן, *priest*. But according to the *Mishnah* here it is sufficient if one takes only two ears of corn from the stack in question and says over one of them, 'If this be לֶקֶט, well and good', (since it is thus exempt from *tithe*), 'but if it be not לֶקֶט let the other be the *tithe* for it;' the first is then given to a poor man as לֶקֶט and the other to the Levite as *tithe*. **7** Literally 'to him.' **8** הֵיאַךְ is omitted in some editions. Through the owner. **9** At the time the owner makes the declaration mentioned the לֶקֶט does not yet belong to the poor. **10** זַכֶּה, 'make an assignment to,' 'transfer to', 'take possession on behalf of,' 'obtain privilege for.' *i.e.*, 'temporarily.'

Mishnah 3

מִשְׁנָה ג

The irrigating engine must not be used[1,2]; this is the opinion of R. Meir; but the Sages permit it, because it is possible.[3]

אֵין [1]מְגַלְגְּלִין [2]בְּטוֹפֵחַ׳ דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים מַתִּירִין׳ מִפְּנֵי שֶׁאֶפְשָׁר׃[3]

**1** Before the gleanings have been collected. **2** Since the irrigation will intertere with the gleaning of the poor. Some authorities take the view that טוֹפֵחַ means '*beans*' and that the *Mishnah* forbids this inferior product to be cut together with other superior produce lest the gleaning fall from the inferior kind and the poor would be deprived of their proper due. **3** *i.e.*, to compensate the poor. 'It is possible for the owner to recompense the poor for any loss they may have sustained if through being prevented from picking the gleanings on account of the irrigation or through picking more of the inferior produce in a mixture of superior and inferior products.' The חֲכָמִים maintain also that there is no reason why one should assume that, in the case of mixed kinds of produce the *gleanings* should not be proportionate to the constituents of the mixture.

This ruling is accepted. Actually the owner may irrigate his field provided he recompenses the poor for the *gleaning* they have lost.

Mishnah 4

If a proprietor[1] who was travelling from place to place were in need[2] of taking[3] *gleanings*, the *forgotten-sheaf*, *peah* and (or) the *poor-man's tithe*, he may take them, but when he returns[4] home[5] he must repay for them; this is the view of R. Eliezer; but the Sages say, He was a poor man at the time.[6]

מִשְׁנָה ד

[1]בַּעַל הַבַּיִת שֶׁהָיָה עוֹבֵר מִמָּקוֹם לְמָקוֹם [2]וְצָרִיךְ [3]לִיטּוֹל לֶקֶט שִׁכְחָה וּפֵאָה וּמַעֲשַׂר עָנִי יִטּוֹל, [4]וּכְשֶׁיֶּחֱזוֹר [5]לְבֵיתוֹ יְשַׁלֵּם; דִּבְרֵי רַבִּי אֱלִיעֶזֶר; וַחֲכָמִים אוֹמְרִים, [6]עָנִי הָיָה בְּאוֹתָהּ שָׁעָה.

**1** *i.e.*, one who is not considered poor (and therefore not be entitled to לֶקֶט, שִׁכְחָה and פֵּאָה) but having spent all his moneys on his travels he has no means of sustenance for the time being (see 8[8]). **2** וְצָרִיךְ יִטּוֹל לֶקֶט שִׁכְחָה וּפֵאָה וּמַעֲשַׂר עָנִי in some editions. **3** Or לִטּוֹל. **4** *i.e.*, he is again in possession of means. **5** He repays to any poor man for what he has had. **6** He is therefore under no obligation to pay for what he had taken. This is the ruling. Repayment, however, is regarded as a virtuous act.

Mishnah 5

If a man make exchange[1] with the poor, his[2] is exempt[3] and that of[4] the poor[5] is liable.[6] If two men[7] have taken over a field on a *share-tenancy*,[8] one gives his share of the *poor-man's tithe* to the other[9] and the other gives his share of the *poor-man's tithe*[10] to the first. If a poor man undertake to reap a field,[11] he must not take[12] *gleanings*, the *forgotten-sheaf*, *peah* and (or) *poor-man's tithe*. R. Judah said, When is this the case? When he took it over[13] for the payment of a half, or a third or a fourth,[14] but if [the owner] said to him, 'A third[15] of what you reap[16] is thine,' he may take[17] *gleanings* the *forgotten-sheaf* and (or) *peah* but not[18] the *poor-man's tithe*.

מִשְׁנָה ה

[1]הַמַּחֲלִיף עִם הָעֲנִיִּים, [2]בְּשֶׁלּוֹ [3]פָּטוּר [4]וּבְשֶׁל [5]עֲנִיִּים [6]חַיָּיב. [7]שְׁנַיִם שֶׁקִּבְּלוּ אֶת־הַשָּׂדֶה [8]בַּאֲרִיסוּת, [9]זֶה נוֹתֵן לָזֶה חֶלְקוֹ [10]מַעֲשַׂר עָנִי, וְזֶה נוֹתֵן לָזֶה חֶלְקוֹ מַעֲשַׂר עָנִי. [11]הַמְקַבֵּל שָׂדֶה לִקְצוֹר [12]אָסוּר בְּלֶקֶט שִׁכְחָה וּפֵאָה וּמַעֲשַׂר עָנִי. אָמַר רַבִּי יְהוּדָה, אֵימָתַיִּ בַּזְּמַן [13]שֶׁקִּבֵּל מִמֶּנּוּ לְמֶחֱצָה לְשָׁלִישׁ [14]וְלִרְבִיעַ, אֲבָל אִם אָמַר לוֹ [15]שְׁלִישׁ מַה־שֶּׁאַתָּה [16]קוֹצֵר שֶׁלָּךְ, [17]מוּתָּר בְּלֶקֶט וּבְשִׁכְחָה וּבְפֵאָה [18]וְאָסוּר בְּמַעֲשַׂר עָנִי.

**1** He gives from his produce to the poor in exchange for their לֶקֶט, שִׁכְחָה and פֵּאָה. **2** שֶׁלּוֹ in some editions; *i.e.*, what he received from the poor. **3** *i.e.*, from tithes. Because the poor-man's לֶקֶט, שִׁכְחָה and פֵּאָה are exempt from *tithes*. **4** וְשֶׁל in some editions. **5** What he had given to the poor. **6** Or חַיָּב. He must therefore tithe his own produce *before* he gives it in exchange to the poor. **7** *i.e.*, two poor persons. **8** אָרִיס is a tenant who cultivates somebody's land for an agreed *share* in the produce, and אֲרִיסוּת is the term applied to the tenancy. On the other hand, חָכִיר is a tenant who cultivates someone's land for an agreed *rent in kind* and such tenancy is termed חֲכִירוּת. **9** Although they are both poor, yet for the time being they are each בַּעַל הַבַּיִת, 'owner,' who is not entitled to keep his own לֶקֶט, שִׁכְחָה, פֵּאָה and מַעֲשַׂר עָנִי. **10** And also לֶקֶט, שִׁכְחָה, פֵּאָה, פֶּרֶט and עוֹלְלוֹת. **11** For an agreed portion of the crop. **12** Because his share in the crop places him in the category of a בַּעַל הַבַּיִת, 'owner,' who may not benefit from the מַתְּנוֹת עֲנִיִּים (see **Introduction**). **13** On אֲרִיסוּת terms. **14** Of the crops; since in such a case he is part owner. **15** Or any other definite share. A 'third' is quoted because that may have been the usual rate of payment. **16** *i.e.*, not from the *standing* corn, but from that which had already been reaped; in such a case he can no longer be considered the בַּעַל הַבַּיִת, 'owner,' of the *standing* corn. **17** Or מָתָר. Since he is still regarded poor until after the reaping when his share becomes due. **18** Because מַעֲשַׂר עָנִי is given *after* the reaping and by then he is already the בַּעַל הַבַּיִת, 'owner,' of his share.

Mishnah 6

When one sells his field,[1] the seller may[2] but the buyer may not. One may not hire a labourer[3] on condition that the [latter's] son[4] gleans after him. He who does not allow the poor to glean[5] or allows one and not another, or helps[6] one of them[7] [in the gathering] robs the poor; concerning such a man it has been said,[8] *Remove not the ancient border.*

מִשְׁנָה ו

הַמּוֹכֵר אֶת־שָׂדֵהוּ, הַמּוֹכֵר [2]מוּתָּר
וְהַלּוֹקֵחַ אָסוּר. לֹא יִשְׂכּוֹר אָדָם
אֶת־[3]הַפּוֹעֵל עַל מְנָת שֶׁיִּלְקֹט [4]בְּנוֹ
אַחֲרָיו. מִי [5]שֶׁאֵינוֹ מַנִּיחַ אֶת־הָעֲנִיִּים
לִלְקוֹט אוֹ שֶׁהוּא מַנִּיחַ אֶת־אֶחָד
וְאֶחָד לֹא, אוֹ שֶׁהוּא [6]מְסַיֵּעַ אֶת־
אֶחָד [7]מֵהֶן הֲרֵי זֶה גּוֹזֵל אֶת־
הָעֲנִיִּים; עַל זֶה נֶאֱמַר, [8]אַל תַּסֵּג
גְּבוּל [9]עוֹלָם.

**1** With its *standing* corn. **2** *i.e.*, 'may collect the *poor-man's dues*.' or מָתָר. If the seller is a poor man he may gather לֶקֶט, שִׁכְחָה, פֵּאָה and מַעֲשַׂר עָנִי; but if he sold the *standing* corn without the field he may not take any of these because in this case the term שָׂדֶךָ (*thy field*) still applies. **3** הַפּוֹעֲלִים, 'the labourers,' in

some editions. **4** Because the labourer's pay would then consist in part of his son's *gleaning*, and the employer would consequently derive benefit from the *poor-man's dues*. **5** He (the owner) wants to glean himself and to share out the gleanings among the poor. **6** Or מְסַיָּע. **7** In some editions, מֵהֶם. **8** *Proverbs* **22,** 28. **9** עוֹלִים in many editions, on an analogy with עוֹלָם אַל תִּקְרָא עוֹלָם אֶלָּא עוֹלִים (*Midrash* תַּנְחוּמָא, וַיִּשְׁלַח, פ׳, **10**)—עוֹלִים for עוֹלֵי מִצְרַיִם, 'those who went up from Egypt.' Both readings are intended to convey the idea, 'do not change the ancient customs'. In the *Mishnah* here עוֹלִים is a euphemistic term and is meant the exact opposite (such euphemisms are occasionally used in the *Talmud*), *i.e.*, not 'those who have risen' but יוֹרְדִים, 'those who have come down,' that is 'the poor', and thus אַל תַּסֵּג גְּבוּל עוֹלָם would be intended to convey the meaning 'do not encroach upon the rights of the poor.'

Mishnah 7

מִשְׁנָה ז

A sheaf which the labourers had forgotten but not the owner, or one the owner had forgotten[1] but not the labourers,[2] or one in front of which the poor stood[3] or covered[4] with straw, is not regarded as a *forgotten-sheaf*.

הָעוֹמֶר שֶׁשְּׁכָחוּהוּ פּוֹעֲלִים וְלֹא שְׁכָחוֹ בַעַל הַבַּיִת׳ [1]שְׁכָחוֹ בַעַל הַבַּיִת וְלֹא [2]שְׁכָחוּהוּ פּוֹעֲלִים׳ [3]עָמְדוּ עֲנִיִּים בְּפָנָיו אוֹ [4]שֶׁחִיפּוּהוּ בְקַשׁ׳ הֲרֵי זֶה אֵינוֹ שִׁכְחָה׳

**1** In some editions שְׁכָחוֹ is omitted. **2** In such cases the sheaf is not regarded as a *forgotten*, or *poor-man's sheaf*. Only when both owner and labourer(s) had forgotten a sheaf, or also (according to the view of some authorities) when the owner was absent from the field and the labourer(s) had forgotten it is it regarded as a *forgotten sheaf*. This is based on the statement (*Deuteronomy* **24,** 19) כִּי תִקְצֹר קְצִירְךָ בְּשָׂדֶךָ וְשָׁכַחְתָּ (see 1[1], **Note 1**) where תִּקְצֹר refers to the labourer and קְצִירְךָ to the owner. **3** Which is a dishonest act on the part of the poor. **4** Or שֶׁחִפּוּהוּ. This too is a dishonest act.

Mishnah 8

מִשְׁנָה ח

He who binds sheaves for covering stalks,[1] or for building a foundation for a stack,[2] or for making a cake,[3] or for forming sheaves[4] is not subject to the law of the *forgotten-sheaf*;[5] if from here[6] they be taken to the threshing-floor,[7] the law of the *forgotten-sheaf*[8] applies. When sheaves are piled up for a stack[9] the law of the *forgotten-sheaf* applies;[10]

הַמְּעַמֵּר [1]לְכוֹבָעוֹת [2]וּלְכוּמְסָאוֹת׳ [3]לַחֲרָרָה [4]וּלְעָמָרִים אֵין לוֹ [5]שִׁכְחָה׳ [6]מִמֶּנּוּ [7]וְלַגּוֹרֶן יֵשׁ לוֹ [8]שִׁכְחָה׳ הַמְּעַמֵּר [9]לַגָּדִישׁ [10]יֵשׁ־לוֹ שִׁכְחָה׳ [11]מִמֶּנּוּ

וְלַגּוֹרֶן אֵין־לוֹ שִׁכְחָה׳ זֶה הַכְּלָל׳ כָּל־הַמְּעַמֵּר לְמָקוֹם שֶׁהוּא גְּמַר מְלָאכָה יֵשׁ־לוֹ שִׁכְחָה׳ מִמֶּנּוּ וְלַגּוֹרֶן אֵין־לוֹ שִׁכְחָה׳ לְמָקוֹם שֶׁאֵינוֹ גְּמַר מְלָאכָה אֵין־לוֹ שִׁכְחָה׳ מִמֶּנּוּ וְלַגּוֹרֶן יֵשׁ־לוֹ שִׁכְחָה׳

but if from there they are removed to the threshing-floor the law of the *forgotten-sheaf* does not apply.[11] This is the general principle: whenever the sheaves are piled up in the place where the work is completed the law of the *forgotten-sheaf* applies, but if from here the sheaves are to be taken to the threshing-floor, the law of the *forgotten-sheaf* does not apply; if, however, they be taken to a place where the work is not completed the law of the forgotten *sheaf* does not apply, but if from here they be taken to the threshing-floor, the law of the *forgotten-sheaf* applies.

**1** כּוֹבָעוֹת, '*tops of stalks of sheaves*,' as opposed to כּוֹמְסָה or כּוֹמְסִי, '*sheaf put at the bottom of a stack*.' Some take כּוֹבָעוֹת to mean the straw head-coverings of the labourers. **2** וְלָכְמָסוֹת in some editions. **3** חַרְרָה, '*thick cake*' (baked on coals), or '*pile of temporary stack of sheaves*.' That is, the labourers take some of the sheaves to make a cake. Some think it means that the corn is first piled in round 'cake' form before it is made into sheaves. **4** To make from them bigger sheaves later. **5** That is, the poor can not claim any such sheaf if left behind. **6** Now that the sheaves are being removed. **7** גּוֹרֶן, *barn, granary, threshing-floor*. **8** That is, any sheaf left behind through forgetfulness belongs to the poor. **9** גָּדִישׁ, *stack* (or *shock*) *of grain, heap of sheaves*. **10** Because the intention is to thresh the corn there. **11** Since the intention is changed and the threshing is to be carried out on the threshing-floor, the process has not been completed and the law could not yet apply as explained in the *Mishnah* below.

## CHAPTER 6 — פֶּרֶק ו

### Mishnah 1 — מִשְׁנָה א

בֵּית[1] שַׁמַּאי אוֹמְרִים׳[2] הֶבְקֵר לַעֲנִיִּים הֶבְקֵר׳[3] וּבֵית הִלֵּל אוֹמְרִים׳ אֵינוֹ הֶפְקֵר עַד[5,6] שֶׁיּוּפְקַר[7] אַף לַעֲשִׁירִים כַּשְּׁמִטָּה׳ כָּל[9] עוֹמְרֵי הַשָּׂדֶה שֶׁל[8]

The School of Shammai say,[1] Renunciation of ownership[2] in favour of the poor is valid;[3] but the School of Hillel say,[4] It is not valid unless it is also made[5,6] in favour of[7] the rich, just as in the case of the *Sabbatical year*. If all the sheaves[9] of a field measure a *kab*

[10]קַב קַב וְאֶחָד שֶׁל [11]אַרְבַּעַת [12]קַבִּין וּשְׁכָחוּ, בֵּית שַׁמַּאי אוֹמְרִים, אֵינוֹ שִׁכְחָה; וּבֵית הִלֵּל אוֹמְרִים, שִׁכְחָה.

each,[10] and one sheaf contains four[11] *kabs*[12] and that one was forgotten, the School of Shammai say, It is not regarded as a *forgotten-sheaf;* but the School of Hillel say, It is a *forgotten-sheaf.*

**1** They hold the view that if one renounces his right to his produce in favour of the poor only it is exempt from *tithes.* **2** הֶפְקֵר in some editions. הֶפְקֵר, *public property, renunciation of ownership in favour of anyone who likes to take it.* **3** In some editions הֶפְקֵר. **4** And their view is accepted. **5** שֶׁיּוּבְקַר, שֶׁיָּפְקַר and שֶׁיַּפְקִיר in some editions. **6** *i.e.*, if the הֶפְקֵר is to be valid there must be no distinction between poor and rich (it must be public property for *all*). הֶפְקֵר is exempt from *tithes.* **7** לְכֹל אַף in some editions. **8** In some editions, כְּשֶׁמּוּטָה. **9** עֲמָרֵי in some editions. **10** קַב, about 1102 cubic centimetres or 67 cubic inches (see *Tables* in זְרָעִים, **Introduction**). **11** In some editions, אַרְבָּעָה. **12** קַבִּים in some editions.

Mishnah 2

מִשְׁנָה ב

[1]הָעוֹמֶר שֶׁהוּא סָמוּךְ [2]לַגַּפָּה [3]וְלַגָּדִישׁ וְלַבָּקָר [4]וְלַכֵּלִים וּשְׁכָחוּ, בֵּית שַׁמַּאי [6]אוֹמְרִים, אֵינוֹ שִׁכְחָה; וּבֵית הִלֵּל אוֹמְרִים, [7]שִׁכְחָה.

If a sheaf[1] that lies close to a stone fence[2] or stack[3] or cattle[4] or implements[5] have been forgotten, the School of Shammai say,[6] It is not regarded as a *forgotten-sheaf;* but the School of Hillel say, It is regarded as a *forgotten-sheaf.*[7]

**1** Which was intended to be removed from the field. The Hebrew reads 'the sheaf' and so also [*i.e.*, 'the'] in the following words. **2** גַּפָּה, *stone fence with a gate;* according to some, an *uncemented stone wall.* **3** In some editions, וְלַגָּדֵר, 'and to the fence'; גָּדִישׁ, *shock* or *stack* or *heap of corn.* **4** לַבָּקָר in some editions; בָּקָר, *cattle, oxen.* **5** *i.e.*, agricultural implements. **6** They maintain the view that since the sheaf had been placed in a particularly marked spot in the course of removal (see **Note 1**) it is not שִׁכְחָה, *forgotten sheaf*, for it is obvious that the owner intended to collect it later. **7** Because for the time being the owner seems to have forgotten it though he may remind himself of it later on.

Mishnah 3

מִשְׁנָה ג

[1]רָאשֵׁי שׁוּרוֹת הָעוֹמֶר שֶׁכְּנֶגְדּוֹ [2]מוֹכִיחַ. הָעוֹמֶר שֶׁהֶחֱזִיק בּוֹ לְהוֹלִיכוֹ אֶל־הָעִיר וּשְׁכָחוּ [3]מוֹדִים שֶׁאֵינוֹ שִׁכְחָה.

At the beginning of a row[1] the sheaf that is opposite proves.[2] If a sheaf had been taken up to be carried into town and had been forgotten, all admit[3] that it is not regarded as a *forgotten-sheaf.*

**1** Literally 'rows.' שׁוּרָה, *row, line, swath* of mown corn (or *i.e.*, 'In the case of a sheaf at the beginning of a row.' Other cut produce). רָאשֵׁי שׁוּרוֹת is explained fully in the next *Mishnah* and the meaning of this most difficult sentence is also made clear there. Briefly, the 'sheaf' here mentioned is one that has not been forgotten at all (and is therefore not שִׁכְחָה) but had been left there for the purpose of marking the beginning of the next row of corn to be (cut down and) made into sheaves. **2** Whether it is שִׁכְחָה, a *forgotten-sheaf*. **3** בֵּית הִלֵּל. Because, by taking it up, the owner gained possession of it.

Mishnah 4

And these[1] are[2] *'beginnings of rows'*,[3] if two men began[4] from the middle of a row,[5] one facing[6] north and the other facing[7] south,[8] and they have forgotten [some sheaves] in front of them or behind them, those in front are deemed *forgotten*, and those behind are not deemed *forgotten*.[9] If one[10] person began from the beginning of a row and forgot [some sheaves] in front or behind, those in front of him[11] are not *forgotten-sheaf* but those behind[12] him are regarded as *forgotten-sheaf* because this comes under *'thou shalt not turn back'*.[13] This is the general principle: all that comes under *'thou shalt not turn back' is* considered *forgotten-sheaf* but that which does not come under *'thou*[14] *shalt not turn back'* is not deemed to be *forgotten-sheaf*.

מִשְׁנָה ד

[2]וְאֵלּוּ [1]הֵן [3]רָאשֵׁי שׁוּרוֹת; שְׁנַיִם
[4]שֶׁהִתְחִילוּ מֵאֶמְצַע [5]הַשּׁוּרָה, זֶה
[6]פָּנָיו לְצָפוֹן וְזֶה [7]פָּנָיו [8]לְדָרוֹם,
וְשָׁכְחוּ לִפְנֵיהֶם וּלְאַחֲרֵיהֶם, אֶת־
שֶׁלִּפְנֵיהֶם שִׁכְחָה וְאֶת־[9]שֶׁלְּאַחֲרֵיהֶם
אֵינוֹ שִׁכְחָה. [10]יָחִיד שֶׁהִתְחִיל מֵרֹאשׁ
הַשּׁוּרָה וְשָׁכַח לְפָנָיו וּלְאַחֲרָיו,
[12]שֶׁלְּפָנָיו אֵינוֹ שִׁכְחָה [11]וְשֶׁלְּאַחֲרָיו
שִׁכְחָה, מִפְּנֵי שֶׁהוּא [13]בְּבַל תָּשׁוּב.
זֶה הַכְּלָל, כָּל־שֶׁהוּא [14]בְּבַל תָּשׁוּב
שִׁכְחָה וְשֶׁאֵינוֹ [14]בְּבַל תָּשׁוּב אֵינוֹ
שִׁכְחָה.

**1** הֵם in some editions. There are several conflicting explanatory views by eminent authorities on the meaning of this *Mishnah*—all too involved and protracted for inclusion here. **2** 'and these are,' *i.e.*, 'this is the explanation of.' **3** Spoken of in the preceding *Mishnah*. **4** *i.e.*, 'to reap or bind sheaves'; but here it can only mean 'to bind sheaves.' **5** In some editions, הַשָּׂדֶה. **6** פָּנָה (זֶה פָּנָה, 'one turned') in some editions. **7** In some editions, פָּנָה (וְזֶה פָּנָה, 'and the other turned'). **8** Or any other opposite direction. **9** Because each binder (or reaper) had been relying on the other to pick up the sheaf behind him. **10** Here is explained the meaning of הָעוֹמֵר שֶׁכִּנְּדוּ מוֹכִיחַ of the preceding

*Mishnah.* **11** Because the sheaf or sheaves may have been left for inclusion in a new row, from east to west. **12** Since it is obvious that he has forgotten them. **13** בְּלֹא תָשׁוּב in some editions, *i.e.*, this comes under the prohibition '.....'. **14** In some editions בְּלֹא תָשׁוּב; *i.e.*, 'which does not come under the law 'thou.....' *Deuteronomy* **24,** 19, לֹא תָשׁוּב לְקַחְתּוֹ, 'thou shalt not turn back to take it' (see 1[1], **Note 1**).

Mishnah 5

Two[1] sheaves[2] are *forgotten-sheaves* but three[3] are not[4] *forgotten-sheaves*; two heaps[5] of olives or carob-pods[6] are *forgotten*[7] but three are not[8] *forgotten;* two flax-stalks[9] are *forgotten* but three are not[10] *forgotten;* Two grapes are *gleanings*[11] but three are not[12] *gleanings;* two[13] ears of corn are *gleanings* but three[14] are not *gleanings.*[15] These rulings are according to the views of the School of Hillel;[16] but in all[17] these cases[18] the School of Shammai[19] rule, Three[20] belong to the poor and four[21] belong to the owner.[22]

מִשְׁנָה ה

[1]שְׁנֵי [2]עוֹמְרִים שִׁכְחָה [3]וּשְׁלֹשָׁה [4]אֵינָן שִׁכְחָה; שְׁנֵי [5]צִבּוּרֵי זֵיתִים [6]וַחֲרוּבִין [7]שִׁכְחָה וּשְׁלֹשָׁה [8]אֵינָן שִׁכְחָה; שְׁנֵי [9]הוֹצְנֵי פִשְׁתָּן שִׁכְחָה וּשְׁלֹשָׁה [10]אֵינָן שִׁכְחָה; שְׁנֵי גַרְגְּרִים [11]פֶּרֶט, וּשְׁלֹשָׁה [12]אֵינָן פֶּרֶט; [13]שְׁנֵי שִׁבֳּלִים לֶקֶט [14]וּשְׁלֹשָׁה אֵינָן [15]לֶקֶט. אֵלּוּ כְּדִבְרֵי [16]בֵית הִלֵּל; [17]וְעַל [18]כּוּלָּן בֵּית [19]שַׁמַּאי אוֹמְרִים, [20]שְׁלֹשָׁה לָעֲנִיִּים [21]וְאַרְבָּעָה לְבַעַל הַבָּיִת.[22]

**1** *i.e.*, one—two. **2** עֲמָרִים in some editions, *i.e.*, 'left in a field are regarded as forgotten-sheaves.' **3** *i.e.*, any number over two lying close together and appearing as one heap are not שִׁכְחָה, *forgotten.* **4** אֵינָם in some editions. *i.e.*, are not regarded as. **5** 'heaps,' 'piles.' **6** וַחֲרוּבִים in some editions. חָרוּב, *carob tree, carob-pod; variety of bean* resembling carob-pod. **7** *i.e.*, they come under the designation of שִׁכְחָה, *forgotten-sheaf*, and are the *poor-man's share. i.e.*, 'carob-pods if left are deemed *forgotten.*' **8** In some editions אֵינָם. *i.e.*, 'are not deemed.' **9** Or הָצְנֵי; הוֹצֵן, 'hard flax stalk before it is prepared for spinning' *i.e.*, 'flax-stalks are not deemed *forgotten.*' **10** אֵינָם in some editions. *i.e.*, 'three are not deemed *forgotten.*' **11** פֶּרֶט, *gleaning, single grape, the grapes that fall off during the cutting and belong to the poor*, in contradistinction to לֶקֶט, *gleaning, the corn that falls during the reaping and is also the poor-man's share.* **12** אֵינָם in some editions. **13** In some editions שְׁתֵּי. **14** וְשָׁלֹשׁ in some editions. **15** And evidently also not שִׁכְחָה, *forgotten.* **16** This view regarding *two* is based on the verse *Leviticus* **19,** 10, לְעָנִי וְלַגֵּר (see 1[1], **Note 1**). But in all cases, no matter what the number be, if they are not close enough to form a pile but are separated they are deemed to be שִׁכְחָה, *forgotten.* **17** Instead of וְעַל כּוּלָּן some editions have וְכוּלָּם. **18** כֻּלָּם in some editions.

**19** Or שַׁמַּי. This view is based on the verse, *Deuteronomy* **24,** 19, לַגֵּר לַיָּתוֹם וְלָאַלְמָנָה (see 1[1], **Note 1**). **20** *i.e.*, one, or two, or three are שִׁכְחָה or לֶקֶט or פֵּרֶט as the case may be. **21** Any number above three is not שִׁכְחָה. **22** The rulings of this *Mishnah* are as follows: two sheaves even if they lie close together are שִׁכְחָה, but three even if they are close together and appear as one heap are not שִׁכְחָה; and the same applies to heaps of olives, carob, and flax for food (oil); two grapes together are פֵּרֶט but three in one heap are not; and two grain stalks together are לֶקֶט but three in a heap are not.

Mishnah 6

If a sheaf that contains two *seahs*[1] were forgotten it is not deemed to be a *forgotten-sheaf;*[2] if two sheaves[3] that contain together two *seahs:* R. Gamaliel says, (It is) the owner's, but the Sages[5] say, They belong[4] to the poor.[6] Said R. Gamaliel, Does an increase in the number of the sheaves[7] strengthen[8] or weaken the owner's right?[9] They answered him, His right is strengthened.[10] He said to them, 'Seeing that in the case of one sheaf[11] of two *seahs* that had been forgotten it is not deemed a *forgotten-sheaf,* how much more so two sheaves that contain together two *seahs*![12,13] They replied to him, 'No, if thou maintain that in the case of one sheaf,[14] which is like a stack,[15] wilt thou also maintain that in the case of two sheaves, which are[16] like small bundles?'[17,18]

מִשְׁנָה ו

הָעוֹמֶר שֶׁיֵּשׁ בּוֹ [1]סָאתַיִם וּשְׁכָחוֹ [2]אֵינוֹ שִׁכְחָה; שְׁנֵי [3]עוֹמְרִים וּבָהֶם סָאתַיִם, רַבָּן גַּמְלִיאֵל אוֹמֵר, לְבַעַל הַבַּיִת, [5]וַחֲכָמִים אוֹמְרִים, [6,4]לָעֲנִיִּים. אָמַר רַבָּן גַּמְלִיאֵל, וְכִי מֵרֹב [7]הָעוֹמְרִים [8]יוֹפִי [9]כֹּחַ שֶׁל בַּעַל הַבַּיִת אוֹ הוּרַע כֹּחוֹ, אָמְרוּ לוֹ [10]יוֹפִי כֹּחוֹ. אָמַר לָהֶם, וּמָה אִם בִּזְמַן שֶׁהוּא [11]עוֹמֶר אֶחָד וּבוֹ סָאתַיִם וּשְׁכָחוֹ אֵינוֹ שִׁכְחָה, שְׁנֵי עֳמָרִים וּבָהֶם סָאתַיִם אֵינוֹ דִּין שֶׁלֹּא [12]יְהֵא [13]שִׁכְחָה! אָמְרוּ לוֹ, לֹא, אִם אָמַרְתָּ [14]בְּעוֹמֶר אֶחָד שֶׁהוּא [15]כְּגָדִישׁ, תֹּאמַר בִּשְׁנֵי עֳמָרִים [16]שֶׁהֵן [17]כְּכְרִיכוֹת[18]?

**1** סָאָה, about 96 pounds (13190 cubic centimetres *cubic measure*, or about 60 pints *liquid or wet measure*). (See זְרָעִים, **Introduction**, *Tables*). **2** This is based on לֹא תָשׁוּב לְקַחְתּוֹ, (and) לְקַחְתּוֹ implying such a quantity as the average person is able to take up in one load and carry away. **3** Or עֳמָרִים. Here it refers to two sheaves lying together forgotten. **4** *i.e.*, they are deemed שִׁכְחָה, *forgotten-sheaf*. **5** And the ruling is according to the חֲכָמִים, *Sages*. **6** If the two sheaves together contain two *seahs*, each sheaf evidently is less than two *seahs*. **7** הָעֳמָרִים in some editions. **8** In some editions, יָפָה. **9** כֹּחוֹ in some editions.

**10** יָפֶה in some editions. *i.e.*, two sheaves are שִׁכְחָה and more are not. **11** Or עֹמֶר. **12** In some editions יִהְיוּ. **13** Since the same weight in two sheaves is more difficult to carry than in one sheaf. **14** Or בְּעֹמֶר. **15** And is therefore not שִׁכְחָה. **16** שֶׁהֵם in some editions. **17** כְּרִיכָה, *small bundle or sheaf;* these are ordinary sheaves and can be easily overlooked. **18** The rulings in this *Mishnah* are as follows: a sheaf which will yield two *seahs* of grain is not deemed שִׁכְחָה, *forgotten-sheaf;* but two sheaves which together contain two *seahs* but yield less than two *seahs* of grain are שִׁכְחָה.

Mishnah 7

If standing corn[1] that contains two *seahs* were forgotten it is not regarded as[2] *forgotten*; if it do not contain two *seahs* but is capable of producing two *seahs*,[3] even if it be like small inferior beans,[4,5] it is considered[6] as if it had been a good crop[7] of barley.[8]

מִשְׁנָה ז

[1]קָמָה שֶׁיֵּשׁ בָּהּ סָאתַיִם וּשְׁכָחָהּ [2]אֵינוֹ שִׁכְחָה; אֵין בָּהּ סָאתַיִם אֲבָל הֵיא רְאוּיָה לַעֲשׂוֹת [3]סָאתַיִם אֲפִילוּ הֵיא שֶׁל [5,4]טוֹפַח [6]רוֹאִין אוֹתָהּ כְּאִילוּ הֵיא [7]עֲנָבָה שֶׁל שְׂעוֹרִים.[8]

**1** *i.e.*, that was not *cut* or *reaped*. In the case of *standing* corn. The law of שִׁכְחָה applies as in the case of sheaves. **2** In some editions, אֵינָהּ (which is grammatically more correct). **3** That is, the corn that year did not turn out well, but had the year been more fruitful the field would have yielded the two *seahs* minimum. **4** טוֹפַח, an *inferior variety of small beans*. **5** 'Even if the barley grains in the field be of the size of the inferior variety of small beans,' and according to the Rambam, רמב״ם, 'even if it be a field of the inferior variety of barley like the inferior variety of small beans.' **6** רוֹאִים in some editions. **7** In some editions עֲנָבָה and עֲנִבָיָה; עֲנָבָה, *grape stalk, grape, crop, standing corn, fruit on tree*. **8** And therefore the law of שִׁכְחָה does not apply. And this is the accepted ruling.

Mishnah 8

Standing corn[1] saves a sheaf and [adjoining] standing corn; a sheaf[2] does not[3] save a sheaf or [adjacent] standing corn. Which standing corn saves a sheaf?[4]—Such as has not been forgotten[5] even if it be only a single stalk.[6,7]

מִשְׁנָה ח

[1]הַקָּמָה מַצֶּלֶת אֶת־הָעוֹמֶר וְאֶת־הַקָּמָה; [2]הָעוֹמֶר אֵינוֹ מַצִּיל [3]לֹא אֶת־הָעוֹמֶר וְלֹא אֶת־הַקָּמָה. אֵיזוֹ הִיא קָמָה שֶׁהִיא מַצֶּלֶת אֶת־[4]הָעוֹמֶר? כָּל־שֶׁאֵינָהּ [5]שִׁכְחָה אֲפִילוּ [6]קֶלַח אֶחָד.[7]

**1** *Uncut* corn which has not been forgotten and near by in contact with it is a sheaf or other standing (*i.e.*, uncut) corn that has been forgotten, both are 'saved' and are not regarded as שִׁכְחָה. **2** If standing corn or a sheaf has been forgotten and is in close contact with a sheaf that has not been forgotten the latter can not 'save' either of the former which therefore become שִׁכְחָה. **3** In some editions לֹא אֶת־הַקָּמָה וְלֹא אֶת־הָעוֹמֶר. **4** 'sheaf or standing corn as well.' **5** שְׁכוּחָה in some editions. **6** Some authorities take it to mean that the standing corn can only 'save' if it is wholly or absolutely free from שִׁכְחָה itself. **7** The accepted decision is that a sheaf or standing (*i.e.* uncut) corn that had been forgotten is not שִׁכְחָה *if close to standing corn*—even though only a single stalk—that has not been forgotten.

Mishnah 9

מִשְׁנָה ט

A *seah* of loose[1] grain and a *seah* that is not loose,[2] and likewise in the case of trees and garlic and onions, are not[3] combined[4] to make two *seahs*, but[5] belong to the poor[5]. R. Jose says, If the *poor-man's due* intervene[6,7], they are not to be combined,[8] otherwise[9] they are combined.[8]

סְאָה תְּבוּאָה [1]עֲקוּרָה וּסְאָה שֶׁאֵינָהּ [2]עֲקוּרָה, וְכֵן בְּאֵילָן וְהַשּׁוּם וְהַבְּצָלִים [3]אֵינָן [4]מִצְטָרְפִין לְסָאתַיִם אֶלָּא שֶׁל עֲנִיִּים [5]הֵם. רַבִּי יוֹסֵי אוֹמֵר, אִם [6]בָּאָה רְשׁוּת הָעָנִי בָּאֶמְצַע [7]אֵינָן [8]מִצְטָרְפִין, וְאִם [9]לַאו הֲרֵי אֵלּוּ [8]מִצְטָרְפִין.

**1** 'loose' or 'cut'. **2** And both are in close contact. **3** אֵינָם in some editions. **4** In some editions, מִצְטָרְפִים. When a *seah* of cut corn is next to a *seah* of standing (*i.e.*, uncut) corn and both had been forgotten, the two are not to be combined and considered two *seahs* for the purpose of avoiding the obligation of שִׁכְחָה, but each is considered separately and is שִׁכְחָה; and similarly a *seah* of fruit on a tree is not to be combined with a *seah* of plucked fruit to be considered two *seahs* but each is שִׁכְחָה, and the same view is taken in the case of other produce. **5** And this is the ruling. **6** For instance, if פֶּרֶט or לֶקֶט or פֵּאָה, all of which belong to the poor, lie between one *seah* and another *seah*, then each *seah* is שִׁכְחָה; but if there is no פֶּרֶט or לֶקֶט or פֵּאָה between, the two separate *seahs* are reckoned as one lot of two *seahs* and are שִׁכְחָה; but this view of R. Jose is not accepted. אֵינָם in some editions. **8** מִצְטָרְפִים in some editions. **9** This does not apply in the case of trees.

Mishnah 10

מִשְׁנָה י

Grain-stalks intended for fodder[1] or for binding sheaves, and likewise

תְּבוּאָה שֶׁנִּתְּנָה [1]לְשַׁחַת אוֹ [2]לַאֲלוּמָה,

וְכֵן [3]בְּאֶגּוּדֵי הַשּׂוּם [4]וַאֲגוּדוֹת הַשּׂוּם וְהַבְּצָלִים, אֵין [5]לָהֶם שִׁכְחָה. וְכָל הַטְּמוּנִים בָּאָרֶץ, כְּגוֹן [6,7]הַלּוּף וְהַשּׂוּם וְהַבְּצָלִים, רַבִּי [8]יְהוּדָה אוֹמֵר, אֵין לָהֶם שִׁכְחָה. וַחֲכָמִים [9]אוֹמְרִים, [10]יֵשׁ לָהֶם שִׁכְחָה.

stalks of garlic used for tying bunches[3] and bundles[4] of garlic and onions, are not subject to the law of *forgotten-produce*. And all that is covered up underground, as for instance serpentaria[6,7] and garlic and onions, R. Judah[8] says, the law of *forgotten-produce* does not apply to them, but the Sages say,[9,10] The law of *forgotten-produce* does apply to them.

**1** Cut from corn while still green, even if it had reached more than a third of its full growth. **2** לַאֲלָמָה in some editions. אֲלוּמָה or אֲלָמָה, *sheaf, binding sheaves*. **3** אֲגוּדֵי הַשּׂוּם, *bunches of garlic on one stalk, stalks of garlic used for tying bunches*. **4** וַאֲגֻדּוֹת in some editions. **5** In some editions, לָהֶן. **6** Their edible parts are under the ground. **7** לוּף, לוֹף, *serpentaria*, (*snake-root, dragon's-wort, snake-weed, tarragon, herb-dragon*,) an aromatic plant bearing beans and having edible leaves and root and used for flavouring vinegar, sauces etc.; more probably *Egyptian-bean, Indian-lotus* or *hyacinth-bean*. **8** His view is not accepted. **9** They base their view on the interpretation of בְּשָׂדֶךָ, (i) *on thy field* and (ii) *in thy field* (*on=above ground*, and *in=below ground*), whereas R. Judah takes it only in the first sense and he would therefore exempt all those plants whose edible parts grow below ground. **10** And this is the ruling.

Mishnah 11

מִשְׁנָה יא

הַקּוֹצֵר בַּלַּיְלָה [1]וְהַמְעַמֵּר [2]וְהַסּוּמָא [3]יֵשׁ לָהֶם שִׁכְחָה; וְאִם הָיָה [4]מִתְכַּוֵּן [5]לִיטּוֹל אֶת־[6]הַגַּס הַגַּס אֵין לוֹ שִׁכְחָה. אִם אָמַר, הֲרֵי אֲנִי קוֹצֵר עַל מְנָת מַה־שֶּׁאֲנִי שׁוֹכֵחַ אֲנִי אֶטּוֹל, [7]יֵשׁ לוֹ שִׁכְחָה.

When one reaps at night and binds[1] sheaves, and also in the case of a blind person,[2] the law of the *forgotten-sheaf*[3] applies; but if one intended[4] to remove[5] only the large ones,[6] the law of the *forgotten-sheaf* does not apply. If one say, 'I will reap on condition that what I forget I shall collect'—in such a case the law of the *forgotten-sheaf* applies.[7]

**1** At night also. **2** וְהַסָּמָא in some editions. Whether the blind person reaps by day or by night. **3** One may not argue in such cases that the sheaf was forgotten by accident, because knowing the difficulties under which the work has to be carried out one is particularly careful not to overlook any produce and therefore the *forgotten-sheaf* principle must hold good. **4** מִתְכַּוֵּן in some

editions. **5** In some editions, לשול. **6** The intention is to collect first the big bundles or sheaves and later to collect the smaller ones or to leave them to be collected by children and labourers. **7** Because one can not make a condition under which he will be able to act contrary to a commandment in the תורה.

## CHAPTER 7

## פֶּרֶק ז

Mishnah 1[1]

Every olive-tree that is particularly noted[2] in the field, even if only like the olive tree that drips oil[3] in its season,[4] and has been forgotten, is not regarded as *forgotten-produce.*[5] To what trees does this apply?[6] To any that is known by its name, or by its produce[7] or by its position.[8] 'By its name,' if it were a species of rich olive-tree[9] or a species of dry-olive-tree.[9] 'By its produce,' when it produces large quantities.[10] 'By its position,' when it stands at the side of a vine-vat[11] or a breach.[12] But in the case of all other olive-trees,[13] two[14] are deemed *forgotten-produce*[15] but three[16] are not deemed[17] *forgotten-produce.* R. Jose[18] says, The law of *forgotten-produce* does not apply in the case of olive trees.[19]

[1]מִשְׁנָה א

כָּל־זַיִת שֶׁיֵּשׁ לוֹ [2]שֵׁם בַּשָּׂדֶה, אֲפִילוּ כְּזַיִת [3]הַנְּטוֹפָה [4]בִּשְׁעָתוֹ, וּשְׁכָחוֹ אֵינוֹ [5]שִׁכְחָה. [6]בַּמֶּה דְּבָרִים אֲמוּרִים? בְּשֵׁמוֹ [7]וּבְמַעֲשָׂיו [8]וּבִמְקוֹמוֹ; בְּשֵׁמוֹ, שֶׁהָיָה [9]שְׁפִכּוֹנִי אוֹ [9]בִּישָׁנִי; בְּמַעֲשָׂיו, שֶׁהוּא עוֹשֶׂה [10]הַרְבֵּה; בִּמְקוֹמוֹ, שֶׁהוּא עוֹמֵד בְּצַד [11]הַגַּת אוֹ בְּצַד [12]הַפִּרְצָה. וּשְׁאָר כָּל־[13]הַזֵּיתִים [14]שְׁנַיִם [15]שִׁכְחָה [16]וּשְׁלֹשָׁה [17]אֵינָן שִׁכְחָה. רַבִּי [18]יוֹסֵי אוֹמֵר, אֵין שִׁכְחָה [19]לְזֵיתִים.

**1** It is interesting to note the various Hebrew words used for the verbs *collect, pick, pluck, reap, mow, gather:* [corn] אָסַף, קָצַר; [figs] אָרַה, קָצַע; [seeds] לָקַט, לִקֵּט; [fruit] לָקַט, לִקֵּט, קָטַף, קָלַשׁ; [straw] קוֹשֵׁשׁ; [grapes] בָּצַר; [dates] גָּדַר; [olives] מָסַק. **2** For some unusual quality or characteristic. **3** נְטוֹפָה means either (i) *Netofah* (a town near Bethlehem in Judah) or (ii) *dripping* (from נָטַף, *drip, flow*). If זַיִת הַנְּטוֹפָה be taken to mean *Netofah olive* (*-tree*) then בִּשְׁעָתוֹ would have to be rendered *famed in its time.* **4** Or בִּשְׁעָתוֹ, *in its due time, in a particular season.* **5** Because one cannot forget such a tree for ever: it is too well known to be overlooked for long. **6** *i.e.*, 'How does one distinguish such trees?' **7** It produces much fruit. **8** It is close to a noticeable spot. **9** In some editions, שָׂסְכָּנִי and שִׁסְכּוֹנִי, a species of rich olive or olive-tree. בִּישָׁנִי, a species of olive or tree; according to some a species of dry olive not used for making oil; (it may be an adjectival form from בִּישָׁן, *Bashan*, or בֵּית־שָׁאָן, *Bethshean*, a town

in Galilee). **10** Of olives or oil. **11** It is to be noted that it says הַגַּת, *wine-vat*, and not בֵּית הַבַּד, *olive-press*, because in those days the former were near orchards and fields and the latter were in town. **12** In a fence. **13** And other kinds of trees also. **14** Two trees if they have been left. **15** And belongs to the poor. **16** Three trees close together, although left, are not deemed שִׁכְחָה, but not when they are separated and far apart in which case they are שִׁכְחָה. **17** אֵינָם in some editions. **18** His view that olive trees should not come under the rule of שִׁכְחָה is not accepted. **19** Even if they have no distinguishing name.

Mishnah 2

If an olive-tree were found standing among three[1] rows[2] at a distance from one another of two rectangular beds[3] and was forgotten,[4] it is not deemed *forgotten-produce*. If an olive-tree that contains two *seahs* were forgotten, it is not deemed *forgotten-produce*.[5] When is this the case? When [the owner] has not begun [to pluck] it,[6] but if he have begun, even [if the tree were] like the olive-tree that drips oil in its season,[7] and it was forgotten, it is deemed *forgotten-produce*.[8] As long as he [the owner] has some fruit[9] beneath it he[10] still owns those[11] at the top. R. Meir[12] says, [The law applies only] after the searcher[15] has departed.[13,14,16]

מִשְׁנָה ב

זַיִת שֶׁנִּמְצָא עוֹמֵד בְּיֵ[1]שָׁלֹשׁ [2]שׁוּרוֹת
שֶׁל שְׁנֵי [3]מַלְבְּנִים [4]וּשְׁכָחוֹ אֵינוֹ
שִׁכְחָה. זַיִת שֶׁיֵּשׁ בּוֹ סָאתַיִם וּשְׁכָחוֹ
אֵינוֹ [5]שִׁכְחָה. בַּמֶּה דְּבָרִים אֲמוּרִים?
בִּזְמַן שֶׁלֹּא [6]הִתְחִיל בּוֹ, אֲבָל אִם
הִתְחִיל בּוֹ אֲפִילוּ כְּזַיִת [7]הַנִּטּוֹפָה
בִּשְׁעָתוֹ וּשְׁכָחוֹ יֵשׁ לוֹ [8]שִׁכְחָה. כָּל־
זְמַן [9]שֶׁיֵּשׁ לוֹ תַּחְתָּיו [11]יֵשׁ [10]לוֹ בְּרֹאשׁוֹ,
רַבִּי [12]מֵאִיר אוֹמֵר, [13,14]מִשֶּׁתֵּלֵךְ
[15]הַמְּחַבֵּא[16].

**1** The minimum number of trees to make a row is three. **2** *i.e.*, in one of the three rows of trees (see *fig.* 1), or in the middle of the three rows of trees (see *Fig.* 2). (In the *Figures* the *asterisks* * represent *trees* and the *oblongs* represent *beds*).

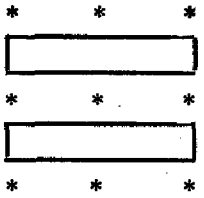

*Fig.* 1

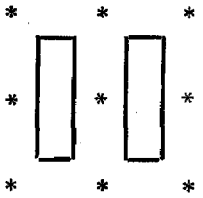

*Fig.* 2

**3** *i.e.*, two oblong beds of corn divide off the three rows of trees (*Fig.* 1). **4** All along the reference is to the centre tree between the two beds. **5** As in the case of a sheaf of two *seahs* (see 6[6]). **6** To pick the fruit. **7** See the preceding *Mishnah*, **Note 3.** **8** And belongs to the poor. **9** Olives (not שִׁכְחָה) lying at the foot of the tree show that the work of picking is not yet finished. **10** The owner. **11** The olives not yet picked. **12** His view is not accepted. **13** מִשֶּׁלֶּךְ and מִשֶּׁתְּהַלֵּךְ in some editions. **14** The one who looks over the tree to see if it has been well picked. **15** הַמַּחְבּוֹא in some editions. **16** Then the poor have the right to pick שִׁכְחָה, but before that, fruit on the top is not deemed שִׁכְחָה even if no fruit lies on the ground.

Mishnah 3

What is '*fallen-grape?*'[1] That which falls during the *vintage*. If one were cutting grapes[2] and cut away a bunch[3] that had got entangled[4] among the leaves and it fell from his hand[5] to the ground and was separated into single grapes,[6] that[7] belongs to the owner.[8] Anyone who places a basket under the vine[9] when cutting the grapes (this man) robs the poor,[10] and of such a man it has been said,[11] 'Remove not the ancient border.'

מִשְׁנָה ג

אֵיזֶהוּ[1] פֶּרֶט? הַנּוֹשֵׁר בִּשְׁעַת הַבְּצִירָה, הָיָה [2]בוֹצֵר, עָקַץ [2]אֶת־הָאֶשְׁכּוֹל, [4]הָסְבַּךְ בֶּעָלִים, נָפַל [5]מִיָּדוֹ לָאָרֶץ [6]וְנִפְרַט, הֲרֵי [7]הוּא שֶׁל [8]בַּעַל הַבַּיִת. הַמַּנִּיחַ אֶת־הַכַּלְכָּלָה [9]תַּחַת הַגֶּפֶן בְּשָׁעָה שֶׁהוּא בוֹצֵר הֲרֵי זֶה־גּוֹזֵל אֶת־[10]הָעֲנִיִּים; עַל זֶה־נֶּאֱמַר, [11]אַל תַּסֵּג גְּבוּל עוֹלָם.

**1** פֶּרֶט, *a single grape, grapes that fall during the vintage and are the poor-man's share. Leviticus* **19,** 10—וְכַרְמְךָ לֹא תְעוֹלֵל וּפֶרֶט כַּרְמְךָ לֹא תְלַקֵּט לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם, 'And thy vineyard shalt thou not glean, and the fallen fruit of thy vineyard shalt thou not gather; but for the poor and for the stranger shalt thou leave them; and *Deuteronomy* **24,** 21—כִּי תִבְצֹר כַּרְמְךָ לֹא תְעוֹלֵל אַחֲרֶיךָ לַגֵּר וְלַיָּתוֹם וְלָאַלְמָנָה יִהְיֶה, 'When thou cuttest the grapes of thy vineyard thou shalt not glean it after thee; for the stranger, for the orphan and for the widow it shall be.' In the case of vines (and grapes) the laws of שִׁכְחָה (*forgotten-sheaf*), פֶּרֶט (*fallen grapes*) and עוֹלֵלוֹת (*grape gleanings*) apply (see **Introduction** and also next *Mishnah*, **Note 1**). **2** בָּצַר, *to cut grapes.* **3** In some editions, אֶת־כָּל־. **4** הִנְסְבַּךְ in some editions. **5** מִיָּדוֹ is omitted in some editions. **6** Like פֶּרֶט. **7** All the separated grapes which had been in *that* bunch. **8** Because it is the result of an accident and not of the cutting. **9** Because the cutter has the basket alongside of him so that the bunches are put into it with care, but when he places a basket on the ground it is done to catch the falling grapes and prevent them becoming פֶּרֶט, *fallen grapes.* **10** It is absolutely forbidden to place a basket or any other receptacle beneath a tree in order to catch the

falling grapes and so prevent them from becoming פֶּרֶט and thus deprive the poor of their rightful due. **11** See 5[6], **Note 9.**

Mishnah 4

What are '*grape-gleanings*[1] *reserved for the poor?*' That which has no *shoulder-grapes*[2] nor *drop-grapes*[3,4] If it have *shoulder-grapes* or[5] *drop-grapes*, it belongs to the owner; if there be a doubt,[6] it belongs to the poor. A bunch[7] on the knee[8] of a vine—if it be cut[9] with the bunch,[10] it belongs to the owner, but if not,[11] it belongs to the poor. As to a single grape[12]—R. Judah[13] says, It is a bunch;[14] but the Sages[15] say, It is *gleaning*.[16,17]

מִשְׁנָה ד

אֵיזוֹהִי [1]עוֹלְלוֹת? כָּל־שֶׁאֵין לָהּ לֹא [2]כָּתֵף וְלֹא [3,4]נָטֵף. אִם יֵשׁ לָהּ כָּתֵף [5]אוֹ נָטֵף, שֶׁל בַּעַל הַבַּיִת; אִם [6]סָפֵק, לָעֲנִיִּים. [7]עוֹלְלוֹת [8]שֶׁבְּאַרְכּוּבָה אִם [9]נִקְרֶצֶת עִם [10]הָאֶשְׁכֹּל הֲרֵי הִיא שֶׁל בַּעַל הַבַּיִת, וְאִם [11]לַאו הֲרֵי הִיא שֶׁל עֲנִיִּים. [12]גַּרְגַּר יְחִידִי, רַבִּי [13]יְהוּדָה אוֹמֵר, [14]אֶשְׁכֹּל; [15]וַחֲכָמִים אוֹמְרִים, [17,16]עוֹלְלוֹת.

**1** In some editions, עוֹלֶלֶת, *that which is searched after, poor-man's gleaning, small single bunch on a single twig or branch or hanging down directly from the trunk* (see preceding *Mishnah*, **Note 1**). **2** כָּתֵף, *shoulder, grapes on an arm of a vine which branches off into twigs.* In an ordinary bunch or cluster of grapes the side twigs of stalks with grapes are the כָּתֵף, and the single or few right at the tip are the נָטֵף. Where a bunch happens to be poor with almost bare twigs and occasional grapes on them it is termed עוֹלֶלֶת and belongs to the poor. **3** נָטֵף, נָטֶף, *grapes hanging down directly from the trunk.* **4** *i.e.*, the grapes remaining on a stalk which has no arm, its grapes having been picked. **5** וְנָטֵף instead of אוֹנָטֵף in some editions. **6** *i.e.*, as to which it is. **7** עוֹלֶלֶת in some editions. **8** In some editions, שֶׁבְּאַרְכָּבָה; אַרְכָּבָה is the node or angle between a branch and stem or trunk. It means that if from the node (where there is an ordinary cluster) a secondary עוֹלֶלֶת bunch has also grown abnormally. **9** נִקְרַעַת and נִקְצֶרֶת in some editions. **10** *i.e.*, when the bunch is cut off the abnormal bunch comes away attached to it. **11** In some editions, לֹא; *i.e.* if on cutting away the ordinary bunch the abnormal bunch remains attached at the node. **12** *i.e.*, in the case of an unusual peculiar form of growth, the grape or grapes growing from the middle or main stalk which has neither כָּתֵף nor נָטֶף. **13** His view (which is rejected) is that it is regarded as an ordinary cluster. **14** *i.e.*, to be considered as a bunch and belongs to the owner. **15** And their ruling is accepted. **16** עוֹלֶלֶת in some editions. **17** And belongs to the poor.

Mishnah 5

מִשְׁנָה ה

If a man thin out[1] vines,[2] he may thin out among those[4] of the poor just as[3] he thins out among his own; this is the opinion of R. Judah.[5] But R. Meir[6] says, Among his own he may do so[7] but among those of the poor he may not.[7]

[1]הַמְּדַל [2]בְּגֶפָנִים, [3]כְּשֵׁם שֶׁהוּא מְדַל בְּתוֹךְ שֶׁלּוֹ כֵּן הוּא מְדַל [4]בְּשֶׁל עֲנִיִּים; דִּבְרֵי רַבִּי [5]יְהוּדָה. רַבִּי [6]מֵאִיר אוֹמֵר, בְּשֶׁלּוֹ הוּא [7]רַשַּׁאי וְאֵינוֹ [7]רַשַּׁאי בְּשֶׁל עֲנִיִּים.

**1** מְדַל, *Hiphil Participle* (from דָּלַל, *be poor;* הָדַל, *thin out, take off grapes, remove plants to give others more room to grow*). **2** The Rambam (רמב״ם) takes the view tht it does not mean that the vines are thinned out but that the branches and twigs are thinned out. **3** כְּדֶרֶךְ in some editions. **4** And the *poor-man's share* in the ultimate פֵּאָה and עוֹלֵלֶת will also be improved thereby. **5** His view is accepted. **6** His view is rejected because the question of פֵּאָה and עוֹלֵלוֹת does not arise at all until the harvesting takes place. **7** Or רַשַּׁי.

Mishnah 6

מִשְׁנָה ו

A vineyard[2] in its fourth year[1]—the School of Shammai[3] say, It does not require the '*fifth*' and '*removal;*'[4] but the School of Hillel[5] say, It does.[6] The School of Shammai say, The laws of פֶּרֶט[12] and עוֹלֵלוֹת[11] apply to it and the poor[7] redeem[8] for themselves;[9] but the School of Hillel say, It all[10,11,12] belongs to the wine-vat.[13]

[1]כֶּרֶם [2]רְבָעִי, בֵּית [3]שַׁמַּאי אוֹמְרִים, אֵין לוֹ חֹמֶשׁ וְאֵין לוֹ [4]בִּיעוּר; וּבֵית [5]הִלֵּל אוֹמְרִים, [6]יֵשׁ לוֹ. בֵּית שַׁמַּאי אוֹמְרִים, יֵשׁ לוֹ פֶּרֶט וְיֵשׁ לוֹ עוֹלֵלוֹת [7]וְהָעֲנִיִּים [8]פּוֹדִין [9]לְעַצְמָן: וּבֵית הִלֵּל אוֹמְרִים, [10,11,12]כּוּלּוֹ [13]לַגַּת.

**1** רְבָעִי, *in its fourth year;* כֶּרֶם רְבָעִי, *a vineyard in its fourth year: Leviticus* **19,** 23, 24, 25:— [23] וְכִי תָבֹאוּ אֶל־הָאָרֶץ וּנְטַעְתֶּם כָּל־עֵץ מַאֲכָל וַעֲרַלְתֶּם עָרְלָתוֹ אֶת־פִּרְיוֹ שָׁלֹשׁ שָׁנִים יִהְיֶה לָכֶם עֲרֵלִים לֹא יֵאָכֵל. [24] וּבַשָּׁנָה הָרְבִיעִת יִהְיֶה כָּל־פִּרְיוֹ קֹדֶשׁ הִלּוּלִים לַה׳. [25] וּבַשָּׁנָה הַחֲמִישִׁת תֹּאכְלוּ אֶת־פִּרְיוֹ לְהוֹסִיף לָכֶם תְּבוּאָתוֹ אֲנִי ה׳ אֱלֹהֵיכֶם. [23] "And when ye shall come into the land and shall have planted all manner of trees for food, then ye shall count the fruit thereof as uncircumcised; three years shall it be to you as uncircumcised; it shall not be eaten. [24] And in the fourth year all the fruit thereof shall be holy, in praise to the Eternal. [25] But in the fifth year may ye eat the fruit thereof, that it may yield unto you the increase thereof. I am the Eternal your God." When any tree bearing edible fruit is planted, during the first three years the fruit, called עָרְלָה (*uncircumcised*, i.e. *forbidden*), may not be eaten by the owner (the years are counted from רֹאשׁ הַשָּׁנָה; but if planted not later than 15th אָב the period from

this to רֹאשׁ הַשָּׁנָה is reckoned as a complete year, otherwise a period less than these 44 days of grace does not count and the three years begin with רֹאשׁ הַשָּׁנָה). The fourth year fruit, פֵּירוֹת רְבָעִי or נְטַע רְבָעִי, must be taken to Jerusalem and be eaten there or else it may be eaten on the spot but only after it had been redeemed with money plus חֻמֶשׁ, *one-fifth* (actually in practice *one-fourth*), which sum must be taken to Jerusalem and spent on food there. **2** Or any other orchard; but a vineyard is expressly mentioned because only in this case do the laws of פֶּרֶט and עוֹלֵלוֹת apply. **3** שַׁמַּי in some editions. They hold the view that the תּוֹרָה does not expressly ordain this practice for orchards. **4** בֵּעוּר and בִּיעוּר in some editions. בֵּעוּר, removal of the fruits of the 3rd, and 6th year, of the Sabbatical period. All תְּרוּמָה and תְּרוּמַת מַעֲשֵׂר had to be cleared away before פֶּסַח of the 4th and the 7th year, and delivered to the כֹּהֲנִים, and they had to remove מַעֲשֵׂר רִאשׁוֹן and deliver it to the לְוִיִּם and clear off מַעֲשֵׂר עָנִי and give it to the עֲנִיִּים, and clear out and destroy all בִּכּוּרִים and מַעֲשֵׂר שֵׁנִי. (See4[8], **Note 14**, and also **Introduction**). **5** They deduce from the argument termed גְּזֵרָה שָׁוָה, *conclusion from a similarity of phrases*, that פֵּירוֹת רְבָעִי or נְטַע רְבָעִי, as regards חֻמֶשׁ and בֵּעוּר, has the same laws as מַעֲשֵׂר, because the word קֹדֶשׁ occurs in *Leviticus* **27,** 30, regarding מַעֲשֵׂר, viz., וְכָל־מַעֲשַׂר הָאָרֶץ מִזֶּרַע הָאָרֶץ מִפְּרִי הָעֵץ לַה׳ הוּא קֹדֶשׁ לַה׳, 'And all the tithe of the land, whether from the seed of the land or from the fruit of the tree, it is the Eternal's, it is holiness to the Eternal', and *Leviticus* **19,** 24 (see **Note 1,** this *Mishnah*) regarding פֵּירוֹת רְבָעִי. Hillel's view is accepted. **6** In some editions לוֹ is followed by חֻמֶשׁ וְיֵשׁ לוֹ בֵּיעוּר. **7** וְהָעֲנִיִּים פּוֹדִין לְעַצְמָן is missing in some editions. **8** פּוֹדִים in some editions. **9** In some editions לְעַצְמָם. They redeem it themselves if necessary. **10** כֻּלּוֹ in some editions. **11** See *Mishnah* 4 of this Chapter. **12** See this Chapter *Mishnah* 3. **13** That is, it all belongs to the owner (and the poor are not entitled to any of it). The expression לַגַּת is probably in the form of advice to the owner to turn the grapes into wine first, so that it can in this form be more easily carried and without loss, to be used up in Jerusalem.

Mishnah 7

If a vineyard be wholly[1] עוֹלֵלוֹת[2]— R. Eliezer[3] says, It belongs to the owner; R. Akiba[4] says, It belongs to the poor. R. Eliezer said,[5] *When thou gatherest the grapes thou shalt not glean*, if there be no gathering[6] whence will there be gleanings? R. Akiba said[7] to him, *And thy vineyard thou shalt not glean*, even if it be wholly[8] עוֹלֵלוֹת. If so

מִשְׁנָה ז

כֶּרֶם [1]שֶׁכּוּלוֹ [2]עוֹלֵלוֹת, רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, לְבַעַל הַבַּיִת, רַבִּי [4]עֲקִיבָא אוֹמֵר, לָעֲנִיִּים. אָמַר רַבִּי אֱלִיעֶזֶר, [5]כִּי תִבְצוֹר לֹא תְעוֹלֵל, אִם אֵין [6]בָּצִיר מִנַּיִן עוֹלֵלוֹת? אָמַר לוֹ רַבִּי עֲקִיבָא, [7]וְכַרְמְךָ לֹא

תְּעוֹלֵל, אֲפִילוּ [8]כּוּלוֹ עוֹלֵלוֹת. אִם כֵּן לָמָּה נֶאֱמַר, כִּי תִבְצוֹר לֹא תְעוֹלֵל? אֵין לָעֲנִיִּים בָּעוֹלֵלוֹת קוֹדֶם הַבָּצִיר.

why is it said, *When thou gatherest thou shalt not glean*?—the עוֹלֵלוֹת do not belong to the poor before the vintage.

**1** כֻּלּוֹ in some editions. **2** See this **Chapter,** *Mishnah* 4, **Note 1.** That is, there is not a single bunch that has כָּתֵף, *side grapes*, and נָטֵף, *drop grapes*. **3** אֶלְעָזָר *in some editions*. **4** *His ruling* is accepted. **5** R. Eliezer quotes, *Deuteronomy* **24,** 21, כִּי תִבְצֹר כַּרְמְךָ לֹא תְעוֹלֵל אַחֲרֶיךָ, 'When thou gatherest the grapes of thy vineyard thou shalt not glean after thee.' **6** The minimum for בָּצִיר, *gathering*, is three bunches capable of yielding a רְבִיעִית (about 69 cubic centimetres or 4.2 cubic inches) of wine (see זְרָעִים, **Introduction**, *Tables*). **7** R. Akiba quotes in reply *Leviticus* **19,** 10, וְכַרְמְךָ לֹא תְעוֹלֵל וּפֶרֶט כַּרְמְךָ לֹא תְלַקֵּט, 'And thy vineyard thou shalt not glean and the fallen grapes of thy vineyard thou shalt not gather.' **8** כֻּלּוֹ in some editions.

מִשְׁנָה ח

[1]הַמַּקְדִּישׁ [2]כַּרְמוֹ, עַד שֶׁלֹּא [3]נוֹדְעוּ בוֹ [3]הָעוֹלֵלוֹת אֵין הָעוֹלֵלוֹת לָעֲנִיִּים, [5]מִשֶּׁנּוֹדְעוּ בוֹ הָעוֹלֵלוֹת, הָעוֹלֵלוֹת לָעֲנִיִּים. רַבִּי יוֹסֵי אוֹמֵר, יִתְּנוּ שְׁכַר [6]גִּידּוּלָיו [7]לְהֶקְדֵּשׁ. אֵיזֶה הִיא שִׁכְחָה [8]בְּעָרִיס? כָּל־שֶׁאֵינוֹ יָכוֹל לִפְשׁוֹט אֶת־[9]יָדוֹ [10]וְלִיטְּלָהּ; [11]וּבְרַגְלִיּוֹת, מִשֶּׁיַּעֲבוֹר [12]הַיְמֻנָּה[13].

Mishnah 8

Someone dedicates[1] his vineyard[2]—if before the עוֹלֵלוֹת[3] be recognizable,[4] the עוֹלֵלוֹת do not belong to the poor; if after the עוֹלֵלוֹת have become recognizable, the עוֹלֵלוֹת belong to the poor.[5] R. Jose says, They must give the value of their growth[6] to the Treasury.[7] What is deemed *forgotten-produce* in the case of an espalier[8] of grape-vines? That which one is unable to take off[10] by stretching out his arm;[9] and in the case of runner-vines,[11] when one has gone away from them.[12,13]

**1** קִדֵּשׁ, *sanctify, hallow, consecrate, dedicate to Temple service*. **2** אֶת־כַּרְמוֹ in some editions. **3** See this **Chapter,** *Mishnah* 4. **4** The grapes are so small that it is not possible to tell yet whether they will be normal or turn to עוֹלֵלוֹת. **5** Because when it is certain that the grapes will become עוֹלֵלוֹת they become the *poor-man's share* and the owner has no authority to dedicate them. **6** The value of the improvement since their destruction. גִּדּוּלָן in some editions. **7** הֶקְדֵּשׁ, (i) object dedicated to sacred purpose, (ii) sacred property, Temple property. **8** *espalier*, (i) fruit tree trained on stakes; (ii) wood lattice-work

to train trees thereon. **9** But if he can do so *without moving back* it is not שִׁכְחָה. **10** וְלִשְׁלָה in some editions. **11** רוֹגְלִית (*plural* רוֹגְלִיּוֹת and רַגְלִיּוֹת), *grapes growing in a row on isolated vines* or *runner vines that trail on the ground.* **12** מִמֶּנָּה in some editions. **13** Once he has gone away from them (even if he can reach them with his hand) they are שִׁכְחָה.

## CHAPTER 8

### Mishnah 1

When[1] is everyone[2] permitted[3] to collect *gleanings?*[4]—When the poor searchers[5] have left. In the case of פֶּרֶט and עוֹלְלוֹת?[6]—After the poor had gone from the vineyard and come back again.[7] And in the case of olive-trees?[8]—After the second[10] rain had fallen.[9] Said R. Judah,[11] And do not some pick[12] their olives only after the second[13] rain? Only when the poor man comes out[14] and does not bring back[15] the worth of four *issars.*[16]

## פֶּרֶק ח

### מִשְׁנָה א

[1]מֵאֵימָתַי [2]כָּל־אָדָם [3]מוּתָּרִין [4]בְּלֶקֶט? מִשֶּׁיֵּלְכוּ [5]הַנְּמוּשׁוֹת. [6]בְּפֶרֶט וְעוֹלְלוֹת? מִשֶּׁיֵּלְכוּ הָעֲנִיִּים בַּכֶּרֶם [7]וְיָבְאוּ. [8]בַּזֵּיתִים? מִשֶּׁתֵּרֵד [9]רְבִיעָה [10]שְׁנִיָּה. אָמַר רַבִּי [11]יְהוּדָה, וַהֲלֹא יֵשׁ שֶׁאֵינָם [12]מוֹסְקִין אֶת־זֵיתֵיהֶם אֶלָּא לְאַחַר רְבִיעָה [13]שְׁנִיָּה? אֶלָּא כְּדֵי שֶׁיְּהֵא הָעָנִי [14]יוֹצֵא וְלֹא יְהֵא [15]מֵבִיא בְּאַרְבָּעָה [16]אִיסָּרוֹת.

**1** *i.e.*, after what period. **2** *i.e.*, both poor and rich. **3** מוּתָּרִים in some editions. **4** Also שִׁכְחָה, *forgotten-produce*, and פֵּאָה, *corner of field;* when the poor have ceased to gather their dues anything then left over is considered as if not worth picking even by the poor and is therefore הֶפְקֵר (*renounced* or *common property*) and all people have an equal right to it. **5** This may also mean 'the poor who lean on sticks' and such bent people (with their faces and eyes close to the ground) are not likely to leave behind anything worth picking and therefore any such leavings are הֶפְקֵר. The final decision on this question in the case of the corn plants is that when the *weak* among the poor (*i.e.*, in practice when all the poor) have ceased to gather in the fields then all are entitled to לֶקֶט, *gleaning*, שִׁכְחָה, *forgotten-sheaf*, and פֵּאָה, *corner of field.* **6** פֶּרֶט and עוֹלְלוֹת, see 7[3,4] respectively. That is, when may anyone—whether poor or rich—gather these פֶּרֶט and עוֹלְלוֹת grapes. **7** *i.e.*, 'and had gone away a second time'; what such people have left is הֶפְקֵר; and this is the accepted ruling. **8** *i.e.*, when have all classes the right to שִׁכְחָה and פֵּאָה from olive-trees? **9** The Palestine rains are (i) מַלְקוֹשׁ, *late rain*, light rains that fall in the month of נִיסָן; and (ii) יוֹרֶה (or מוֹרֶה), *early rain* or *soaking rain*, steady heavy rains beginning after סֻכּוֹת and in חֶשְׁוָן, and come in three periods each called רְבִיעָה, *fructification*—the רְבִיעָה רִאשׁוֹנָה to 17th חֶשְׁוָן,

רְבִיעָה שְׁנִיָּה to 23rd חֶשְׁוָן, and רְבִיעָה שְׁלִישִׁית to 1st כִּסְלֵיו; if the רְבִיעָה רִאשׁוֹנָה rains fall unbroken to 23rd חֶשְׁוָן inclusive it is considered as the *three* רְבִיעוֹת. **10** שְׁנִיָּה in some editions. **11** His view is not accepted. **12** מוֹסְקִים in some editions. **13** In some editions שְׁנִיָּה; 'if so, the רְבִיעָה שְׁנִיָּה can not be the final period.' **14** From the olive-tree. **15** Home. **16** אַסְרוֹת in some editions. (See *Mishnah* 7 of this **Chapter**). 2 אִסָּר=פּוּנְדְיוֹן. A wandering beggar must not be given less than two פּוּנְדְיוֹן worth of food (or its money equivalent), *i.e.*, sufficient to last for two meals. The accepted ruling is that after 23rd חֶשְׁוָן all may gather the left-over olives. (See *Tables* in the **Introduction** of זְרָעִים).

Mishnah 2 — מִשְׁנָה ב

They[1] are trusted concerning *gleanings*, *forgotten-sheaves* and *corner-pickings*[2] in their due season,[3] and concerning the *poor-man's tithe* all the year[4] thereof, and (the son of) a Levite[5] is always trusted.[8] But they[6,9] are not trusted[7] except in the case of produce which people do ordinarily[10,11] [give them].

[1]נֶאֱמָנִים עַל הַלֶּקֶט וְעַל הַשִּׁכְחָה וְעַל [2]הַפֵּאָה [3]בִּשְׁעָתָן וְעַל מַעֲשַׂר עָנִי בְּכָל [4]שְׁנָתוֹ, [5]וּבֶן לֵוִי [8]נֶאֱמָן לְעוֹלָם; [6,9]וְאֵינָן [7]נֶאֱמָנִין אֶלָּא עַל דָּבָר שֶׁבְּנֵי אָדָם [10]נוֹהֲגִין כֵּן[11].

**1** *i.e.*, הָעֲנִיִּים עַמֵּי הָאָרֶץ, *the ignorant poor*. They are trusted if they declare that the produce they sell is what they received as the *poor-man's due* which is consequently exempt from priestly and Levitical dues. **2** Also פֵּרֶט and עוֹלֵלוֹת (see 7[3,4]). **3** בִּשְׁעָתָם in some editions. That is, when the produce is harvested or gathered in; but later the corn of the עַמֵּי הָאָרֶץ (*the untutored folk*), is looked upon as דְּמַאי, *uncertain whether it has been tithed*, because the עַמֵּי הָאָרֶץ were suspect regarding מַעֲשֵׂר, and anyone buying such produce from an עַם הָאָרֶץ had to give from it the due *tithes* (מַעֲשֵׂר רִאשׁוֹן, *the first tithe*, מַעֲשֵׂר שֵׁנִי *the second tithe*, and תְּרוּמַת מַעֲשֵׂר, *the priest's-due of the first-tithe;* no one was suspected regarding תְּרוּמָה גְדוֹלָה, *the priest's-major-due*, because the penalty for its transgression was כָּרֵת, *excision* (חִיּוּב מִיתָה, *punishment by death*, extirpation or divine punishment through sudden or premature death or death without issue). **4** *i.e.*, during the 3rd and 6th years of the שְׁמִיטָה, *Sabbatical cycle*, when מַעֲשַׂר עָנִי replaced מַעֲשֵׂר רִאשׁוֹן. **5** *i.e.*, a Levite an עַם הָאָרֶץ. **6** וְאֵינָם and אֵינָן in some editions. **7** In some editions נֶאֱמָנִים. **8** Regarding מַעֲשֵׂר רִאשׁוֹן (but not regarding מַעֲשֵׂר שֵׁנִי) that תְּרוּמַת מַעֲשֵׂר had been given. **9** Both ordinary יִשְׂרְאֵלִים, *Israelites*, and לְוִיִּים, *Levites*, who are עַמֵּי הָאָרֶץ. **10** נוֹהֲגִים in some editions. **11** They are trusted to have given *tithes* for certain kinds of produce but not in the case of others which are not usually given to them. This is fully explained in the next *Mishnah*. The final decisions of this *Mishnah* are: in harvest time the poor are believed when they say that what

they have is לֶקֶט, שִׁכְחָה and פֵּאָה (and these are free from *tithes*), and in the 3rd, 6th and 7th years of the שְׁמִיטָה, *Sabbatical cycle*, that their stuff is מַעֲשֵׂר עָנִי, and a לֵוִי עַם הָאָרֶץ is believed when he says that what he has is מַעֲשֵׂר רִאשׁוֹן.

Mishnah 3

They[1] are believed[2] concerning wheat but they are not believed[4] in the case of[3] flour and in the case of bread; they are believed regarding rice[6] in the husk,[5] but they are not believed[1] if it be raw[7] or[8] cooked;[9] they are believed[1] with regard to beans, but they are not believed[10] in the case of pounded beans[11] whether raw[12] or cooked;[13] they are believed concerning oil[14,15] when they say it is from the *poor-man's tithe* but they are not believed[10] when they say[16,17] it comes from the *gleaned olives*.[18]

מִשְׁנָה ג

[2,1]נֶאֱמָנִין עַל הַחִטִּים וְאֵין [4,1]נֶאֱמָנִין
[3]עַל הַקֶּמַח וְלֹא עַל הַפַּת; נֶאֱמָנִין
עַל [5]הַשִּׁבֹּלֶת שֶׁל [6]אֹרֶז וְאֵין [1]נֶאֱמָנִין
עָלָיו בֵּין [7]חַי [8]בֵּין [9]מְבוּשָׁל; [1]נֶאֱמָנִין
עַל הַפּוֹל וְאֵין [10]נֶאֱמָנִין עַל
[11]הַגְּרִיסִין [12]לֹא חַיִּים וְלֹא
[13]מְבוּשָׁלִין; נֶאֱמָנִין עַל [15,14]הַשֶּׁמֶן
[16]לוֹמַר שֶׁל מַעֲשַׂר עָנִי הוּא וְאֵין
[10]נֶאֱמָנִין עָלָיו [17,16]לוֹמַר שֶׁל [18]זֵיתֵי
נִקּוּף הוּא.

**1** In some editions נֶאֱמָנִים. It refers to עַמֵּי הָאָרֶץ and לְוִיִּים עַמֵּי הָאָרֶץ. **2** When they say that they received them as the *poor-man's dues* because wheat is usually given to the poor, and not its prepared derivatives. **3** לא עַל in some editions. **4** When they say it is from מַעֲשַׂר עָנִי because it is not usual to give the *poor-man's tithe* in the form of flour or bread; according to some authorities this refers also to לֶקֶט, שִׁכְחָה and פֵּאָה. **5** Literally *the barley of rice*, and means *rice in the husk* or (probably less correct) *rice still attached to the stalk*. **6** Or אֹרֶז. **7** After the rice has been threshed and freed from the husks; it is not usual to give raw or cooked rice as מַעֲשַׂר עָנִי. **8** וּבֵין in some editions. **9** מְבֻשָּׁל in some editions. **10** In some editions, נֶאֱמָנִים. **11** Or הַגְּרִיסִים, *split beans* or *pounded beans*. **12** In some editions, בֵּין חַיִּים וּבֵין מְבוּשָׁלִים. **13** In some editions, מְבֻשָּׁלִים. **14** The ruling is that they are believed when they say the oil is מַעֲשַׂר עָנִי and (in the case of the Levite) מַעֲשֵׂר רִאשׁוֹן but not that it is from לֶקֶט, שִׁכְחָה and פֵּאָה. **15** In the case of olives it is usual to give מַעֲשַׂר עָנִי from the olive-oil. **16** לֵאמֹר in some editions. **17** The quantity of *gleaned* olives would be so small that it would not be worth the trouble to express the oil and they would be eaten whole, hence they would be suspected if they said they had converted such olives into oil. **18** זֵיתֵי נִיקּוּף, *the olives left on the tree which belong to the poor* (נִיקּוּף, *crown, rim* and also *blow, bruise, knock*); the olives which the owner picks are termed זֵיתֵי מִסּוּק (מָסִיק or מִסּוּק, *olive harvest*).

Mishnah 4

He is* believed[1] in the case of raw greens[2] but he is* not believed in the case when they are cooked,[3] unless he had[4] a small quantity[5] because such is the practice[6] for anyone to take out[7] from his pot.[8] *Literally *They are.*

מִשְׁנָה ד

*[1]נֶאֱמָנִים עַל הַיָּרָק [2]חַי וְאֵין *נֶאֱמָנִים עַל [3]הַמְּבוּשָׁל אֶלָּא אִם כֵּן הָיָה [4]לוֹ דָּבָר [5]מוּעָט, שֶׁכֵּן [6]דֶּרֶךְ בַּעַל הַבַּיִת [7]לְהָיוֹת מוֹצִיא [8]מִלְּפָסוֹ.

**1** עַמֵּי הָאָרֶץ are believed when they say that the greens are from מַעֲשֵׂר עָנִי or (in the case of a Levite) מַעֲשֵׂר רִאשׁוֹן even when the quantity is large, but they are not believed that it is שְׁכֻחָה, לֶקֶט or פֵּאָה. **2** חַי in some editions. **3** In some editions הַמְּבֻשָּׁל. It is not usual to give מַעֲשֵׂר עָנִי from cooked greens. **4** *i.e.*, 'the *poor man* had a small quantity' or it may mean 'an owner had been cooking a small quantity.' **5** מְעָט in some editions. That is, of the cooked greens. And the accepted ruling is as in **Note 1** when the quantity of cooked greens is *small*. **6** One had been cooking greens and reminded himself that he had not yet given מַעֲשֵׂר עָנִי, in which case he removes a portion of the cooked greens and gives it to some poor person. **7** Some editions have לְהוֹצִיא instead of לְהָיוֹת מוֹצִיא. **8** לֶפֶס, *stew pot*, *tightly covered pot*.

Mishnah 5

One must not give[2] to the poor[3] at the harvest[4] less than[2] half a *kab*[5] of wheat and a *kab* of barley. R. Meir[6] says, Half a *kab*.[7] A *kab* and a half of spelt[8] and a *kab* of dried figs or a *maneh*[9] of pressed figs; R. Akiba[10] says, A half.[11] Half a *log*[12] of wine; R. Akiba says, A *fourth*.[13] A *quarter*[14] of oil; R. Akiba says, An *eighth*.[15] And in the case of all other kinds of fruit,[16] Abba[17] Saul said, Sufficient to sell them and buy therewith food for two meals.[18,19]

מִשְׁנָה ה

אֵין [1,2]פּוֹחֲתִין [3]לָעֲנִיִּים [4]בַּגּוֹרֶן מֵחֲצִי [5]קַב חִטִּים וְקַב שְׂעוֹרִים. רַבִּי [6]מֵאִיר אוֹמֵר, [7]חֲצִי קַב. קַב וָחֲצִי [8]כּוּסְמִין וְקַב גְּרוֹגְרוֹת אוֹ [9]מָנֶה דְּבֵלָה; רַבִּי [10]עֲקִיבָא אוֹמֵר, [11]פְּרָס. חֲצִי [12]לוֹג יַיִן; רַבִּי עֲקִיבָא אוֹמֵר, [13]רְבִיעִית. [14]רְבִיעִית שֶׁמֶן; רַבִּי עֲקִיבָא אוֹמֵר, [15]שְׁמִינִית. וּשְׁאָר כָּל־[16]הַפֵּרוֹת, אָמַר [17]אַבָּא שָׁאוּל, כְּדֵי שֶׁיִּמְכְּרֵם וְיִקַּח בָּהֶם מְזוֹן שְׁתֵּי [18]סְעוּדוֹת[19].

**1** פּוֹחֲתִים in some editions. **2** This refers only to מַעֲשֵׂר עָנִי, *poor-man's tithe*, which is given in the 3rd and 6th years of the שְׁמִיטָה, *Sabbatical cycle* (when the Levites do not get מַעֲשֵׂר רִאשׁוֹן, *first tithe*). **3** לֶעָנִי in some editions. **4** גּוֹרֶן, *harvest; barn, granary*. **5** *kab* about 133 cubic inches.* **6** His view is not

accepted. **7** *i.e.*, of barley. **8** In some editions, כֻּסְּמִים, *spelt* (a kind of wheat, also called *German wheat*). **9** מָנֶה=100 דִּינָר by weight; *dried* figs were sold by *dry-measure* and *pressed* figs by *weight*. **10** His views are rejected. **11** *i.e.*, half a *maneh* (by weight) of pressed figs. **12** לוֹג=17 cubic inches (approximately). **13** *i.e.*, a *quarter* of a לוֹג of wine. **14** *i.e.*, a *fourth* of a לוֹג of oil. **15** *i.e.*, an *eighth* of a לוֹג of oil. **16** הַפֵּרוֹת in some editions. **17** אַבָּא, literally *father*, a title inferior to רַבִּי. Abba Saul does not dispute the statement of the first תַּנָּא, but is actually of the same opinion, and their views are the accepted ones. The poor man must be given sufficient to provide him with two meals and this is based on *Deuteronomy* **14,** 29, וְאָכְלוּ וְשָׂבֵעוּ, 'and they shall eat and be satisfied,' and **26,** 12, וְאָכְלוּ בִשְׁעָרֶיךָ וְשָׂבֵעוּ, 'and they shall eat in thy gates and be satisfied.' **18** סְעֻדּוֹת in some editions. **19** The final decision as regards the quantities of מַעֲשַׂר עָנִי, *poor-man's tithe*, is as follows: every poor person should receive $\frac{1}{2}$ *kab* of wheat, a *kab* of barley, $1\frac{1}{2}$ *kab* of spelt, a *kab* of dried figs, a *maneh* of pressed figs, $\frac{1}{2}$ *log* of wine, $\frac{1}{4}$ *log* of oil, and in the case of other fruits sufficient to exchange them for such a quantity of wheat as will provide for two meals. *See זְרָעִים, **Introduction**, *Tables*.

## Mishnah 6

## מִשְׁנָה ו

This measure[1] applies to priests, Levites and lay Jews.[2] If one want to save he takes[3] half and gives half. If he have a small quantity,[4] he places it before them and they[5] share it out among themselves.

[1]מִדָּה זוֹ אֲמוּרָה [2]בְּכֹהֲנִים וּבְלֻוִּים וּבְיִשְׂרְאֵלִים. הָיָה מַצִּיל [3]נוֹטֵל מֶחֱצָה וְנוֹתֵן מֶחֱצָה. הָיָה לוֹ דָּבָר [4]מוּעָט נוֹתֵן לִפְנֵיהֶם [5]וְהֵן מְחַלְּקִין בֵּינֵיהֶם.

**1** *i.e.*, the minimum quantities detailed in the preceding *Mishnah*. **2** According to some authorities this means that the poor among the priests, Levites and lay Jews are to be treated alike as set out in the preceding *Mishnah*, and this is actually the practice that must be followed; others take it to mean that all classes of owners, whether priests, Levites or lay Jews, must comply with the requirements as laid down in the preceding *Mishnah*. **3** In some editions the order of the words is נוֹתֵן מֶחֱצָה וְנוֹטֵל מֶחֱצָה; the owner wishes to retain some of the מַעֲשַׂר עָנִי for his poor relations, and he may do so by leaving not less than half for the poor outsiders. **4** מְעָט in some editions. If the owner has to give away only such a small quantity of מַעֲשַׂר עָנִי that it would not be sufficient to supply all those poor present in accordance with the quantities proposed in the preceding *Mishnah*, he merely sets it before them and they themselves divide it out as best they can, and this is the accepted ruling. **5** וְהֵם מְחַלְּקִים and וּמְחַלְּקִין in some editions.

Mishnah 7[1]

A poor man who wanders from place to place must not be given less[2] than a loaf worth a *dupondium*[3] when four *seahs*[4,5] cost a *sela*;[6] if he lodge overnight, he must be given[7] the cost of lodging; if he stay over the Sabbath, he must be provided with food[8] for three[9] meals.[10] Anyone who possesses the means for two meals[11] must not accept anything from the *poor soup-kitchen*;[12,13] means[14] for fourteen meals,[15] he must not accept help from the *public poor-box*.[16,17] And the *poor-box*[18] is taken round for collection by two persons[19] and is shared by three.[20]

[1]מִשְׁנָה ז

אֵין [2]פּוֹחֲתִין לֶעָנִי הָעוֹבֵר מִמָּקוֹם לְמָקוֹם מִכִּכָּר [3]בְּפוּנְדְּיוֹן מֵאַרְבַּע [5,4]סְאִין [6]בְּסֶלַע; לָן [7]נוֹתְנִין לוֹ פַּרְנָסַת לֵילָה; שָׁבַת [8]נוֹתְנִין לוֹ מְזוֹן [9]שָׁלֹשׁ [10]סְעוּדוֹת. מִי שֶׁיֵּשׁ לוֹ מְזוֹן שְׁתֵּי [11]סְעוּדוֹת לֹא יִטּוֹל מִן־[13,12]הַתַּמְחוּי. [14]מְזוֹן אַרְבַּע עֶשְׂרֵה [15]סְעוּדוֹת לֹא יִטּוֹל מִן־[17,16]הַקּוּפָּה. [18]וְהַקּוּפָּה נִגְבֵּית [19]בִּשְׁנַיִם וּמִתְחַלֶּקֶת [20]בִּשְׁלֹשָׁה.

**1** This *Mishnah* deals witht the subject of charity or alms. **2** פּוֹחֲתִים in some editions. **3** A Roman coin equal to two *asses* (אִיסָר) (see *Tables of Weights and Measures* in the **Introduction** to זְרָעִים). **4** Of wheat. **5** סְאִים in some editions. **6** In practice the quantity of the loaf works out to about a third of a *kab*. **7** נוֹתְנִים in some editions. **8** In some editions, נוֹתְנִים. **9** *three*, because it is a duty to eat *three* meals during the Sabbath (this is based on the occurrence of the word הַיּוֹם *three* times in *Exodus* **16,** 25, וַיֹּאמֶר מֹשֶׁה אִכְלֻהוּ הַיּוֹם כִּי שַׁבָּת הַיּוֹם לַה׳ הַיּוֹם לֹא תִמְצָאֻהוּ בַּשָּׂדֶה, 'And Moses said, eat it this day for it is a Sabbath to-day to the Eternal; to-day you shall not find it in the field.' **10** סְעֻדּוֹת in some editions. **11** In some editions, סְעֻדּוֹת. **12** תַּמְחוּי, *charity plate, soup-kitchen, food collected from the contributing public daily and distributed to the poor*. This תַּמְחוּי was instituted for the *outside poor* (not the town's own poor) and used to be divided out at night (that is, after a full day's collection). **13** Because for that day he has two meals of his own. **14** *i.e.*, 'and if he have means.' **15** סְעֻדּוֹת in some editions. **16** הַקֻּפָּה in some editions; קוּפָּה, *communal fund for giving sustenance to the poor on Fridays*, and (in contradistinction to the תַּמְחוּי) it was intended for the *town's poor;* it was divided out on Friday for the coming week. **17** Because fourteen meals at two meals per day would last out the week. **18** וְהַקֻּפָּה in some editions. **19** Not less than *two* persons were required to collect public funds (based on *Exodus* **28,** 5, וְהֵם יִקְחוּ אֶת־הַזָּהָב, 'and *they* shall take the gold,' and וְהֵם, 'and *they*,' can not mean less than *two*). **20** The sharing out of funds comes under the heading of דִּינֵי מָמוֹנוֹת, '*money disputes*,' which may not be tried and decided except by *three* judges.

Mishnah 8

One who has two hundred *zuz*[1] must not take *gleanings*, *forgotten-produce*, *field-corner produce*, or *poor-man's tithe*. If he have two hundred *zuz* minus one *denar*,[2] even[3] though he be given a thousand[4] in one lot, he may take.[5] If they[6] were pledged[7] to his creditor[8] or for his wife's marriage-contract,[9] he may take.[5] He is not compelled[10] to sell his house or his garments.[11,12]

מִשְׁנָה ח

מִי שֶׁיֵּשׁ לוֹ מָאתַיִם [1]זוּז לֹא יִטּוֹל לֶקֶט שִׁכְחָה וּפֵאָה וּמַעֲשַׂר עָנִי. הָיוּ לוֹ [2]מָאתַיִם חָסֵר דִּינָר, [3]אֲפִילוּ [4]אֶלֶף נוֹתְנִין לוֹ כְּאַחַת, הֲרֵי זֶה [5]יִטּוֹל. [6]הָיוּ [7]מְמוּשְׁכָנִים [8]לְבַעַל חוֹבוֹ אוֹ [9]לִכְתוּבַת אִשְׁתּוֹ הֲרֵי זֶה [5]יִטּוֹל. אֵין [10]מְחַיְּבִין אוֹתוֹ לִמְכּוֹר אֶת־בֵּיתוֹ וְאֶת־כֵּלָיו [11]תַּשְׁמִישׁוֹ.[12]

**1** זוּז=1 silver דִּינָר or $\frac{1}{24}$ gold דִּינָר.* Not necessarily 200 *zuz* in money, but also goods to that value, and in those days a married couple could live on that amount for a whole year. **2** *i.e.*, he has less than 200 *zuz*. **3** Some authorities take this to mean 'even though a thousand persons, give him one *zuz* each at the same time.' **4** 1000 *zuz*. **5** He may take לֶקֶט, שִׁכְחָה, פֵּאָה and מַעֲשַׂר עָנִי. **6** His property, goods or land. **7** מְמֻשְׁכָנִים in some editions. **8** In some editions, בִּכְתוּבַת אִשְׁתּוֹ אוֹ לְבַעַל חוֹבוֹ, 'in his wife's marriage-contract or pledged to his creditor.' **9** כְּתוּבָּה, *marriage-contract* (containing among other matters the settlement on the wife of a certain sum due to her on being divorced or on her husband's death). **10** מְחַיְּבִים in some editions. **11** In some editions, תַּשְׁמִישָׁיו. It refers only to such garments as he wears on Sabbath and Holydays. **12** And may take לֶקֶט, שִׁכְחָה, פֵּאָה and מַעֲשַׂר עָנִי, but if he is supported from the קֻפָּה, *public poor-box*, he may not do so unless he first sells his house and his garments. *See זְרָעִים, **Introduction**, *Tables*.

Mishnah 9

One who possesses fifty *zuz*[1] and trades with these must not take.[2] And anyone who is not in need of taking[3] and does take will not die[4] before he will be dependent on others;[5] and anyone who is in need of taking[3] and does not take will not die of old age before he will support others from his own,[6] and of him[7] the verse says,[8] *Blessed is the man who trusts in the Eternal and the Eternal shall be his trust.*[9]

מִשְׁנָה ט

מִי שֶׁיֵּשׁ לוֹ [1]חֲמִישִׁים זוּז וְהוּא נוֹשֵׂא וְנוֹתֵן בָּהֶם הֲרֵי זֶה לֹא [2]יִטּוֹל. וְכָל־מִי שֶׁאֵינוֹ צָרִיךְ [3]לִיטּוֹל וְנוֹטֵל [4]אֵינוֹ נִפְטָר מִן־הָעוֹלָם עַד [5]שֶׁיִּצְטָרֵךְ לַבְּרִיּוֹת; וְכָל־מִי שֶׁצָּרִיךְ [3]לִיטּוֹל וְאֵינוֹ נוֹטֵל אֵינוֹ מֵת מִן־הַזִּקְנָה עַד שֶׁיְּפַרְנֵס אֲחֵרִים [6]מִשֶּׁלּוֹ, [7]וְעָלָיו

הַכָּתוּב אוֹמֵר, [8]בָּרוּךְ הַגֶּבֶר אֲשֶׁר יִבְטַח בַּה׳ וְהָיָה ה׳ [9]מִבְטָחוֹ. וְכֵן [10]דַּיָּן שֶׁדָּן דִּין אֱמֶת לַאֲמִתּוֹ. וְכָל־מִי שֶׁאֵינוֹ לֹא [11]חִגֵּר וְלֹא [12]סוּמָא וְלֹא [11]פִּסֵּחַ וְעוֹשֶׂה עַצְמוֹ כְּאֶחָד מֵהֶם אֵינוֹ מֵת מִן־הַזִּקְנָה עַד [13]שֶׁיִּהְיֶה כְּאֶחָד מֵהֶם, שֶׁנֶּאֱמַר־[14], (וְ[15]דֹרֵשׁ רָעָה תְּבֹאֶנּוּ, [16]וְנֶאֱמַר) [18]צֶדֶק צֶדֶק תִּרְדֹּף. וְכָל־[17]דַּיָּן שֶׁלּוֹקֵחַ שֹׁחַד וּמַטֶּה אֶת־הַדִּין אֵינוֹ מֵת מִן־הַזִּקְנָה עַד [19]שֶׁעֵינָיו כֵּהוֹת, שֶׁנֶּאֱמַר, [20]וְשֹׁחַד לֹא תִקָּח כִּי הַשֹּׁחַד יְעַוֵּר [21]פִּקְחִים [22]וְגוֹ׳.

And similarly in the case of a judge[10] who judges according to the correct law. And he who is not lame[11] or blind[12] or limping[11] and pretends to be as one of these will not die of old age before he becomes[13] like one of them, as it is said,[14] (*And*[15] *he who seeketh evil, it shall come to him;* and it is further said,[16]) *Justice, justice shalt thou follow.*[18] And any judge[17] who takes bribes and perverts justice will not die of old age before his eyes[19] have grown dim, as it is said,[20] *And a bribe shalt thou not take, for the bribe blindeth the seeing,*[21] etc.[22]

**1** חֲמִשִּׁים in some editions. 50 *zuz** as working capital is equal to 200 *zuz* not so used. **2** לֶקֶט, שִׁכְחָה, פֵּאָה and מַעֲשַׂר עָנִי. **3** לִטּוֹל in some editions. **4** In some editions, אֵינוֹ מֵת מִן־הַזִּקְנָה, 'will not die of old age.' **5** *i.e.*, he will become so impoverished that others will have to support him. **6** *i.e.*, he will be so well-off that he will support the poor. **7** וְעַל זֶה נֶאֱמַר in some editions. **8** *Jeremiah* **17,** 7. **9** Some authorities would have the *Mishnah* end here with the word מִבְטָחוֹ so that this *Tractate* should conclude on a pleasant, happy note (and placing all the rest earlier in this *Mishnah*). **10** דַּיָּן in some editions. **11** חִגֵּר (Aramaic), *lame, limping*, has the same meaning as פִּסֵּחַ, (Biblical) *lame, limping;* some authorities say that חִגֵּר means *lame on one foot* and פִּסֵּחַ, *lame on both feet*, to explain the use here in one sentence of what are apparently synonymous terms. **12** סְמָא in some editions. **13** In some editions, שֶׁיַּעֲשֶׂה. **14** *Proverbs* **11,** 27. **15** This part in parenthesis is omitted in some editions. **16** *Deuteronomy* **16,** 20. **17** דַּיָּן in some editions. **18** Homiletically, 'even if thou hast to ask for charity,' by substituting the kindred word צְדָקָה for צֶדֶק. **19** שֶׁתִּכְהֶינָה עֵינָיו in some editions. **20** *Exodus* **23,** 8. **21** חֲכָמִים instead of פִּקְחִים in some editions, because of the similar sentence in *Deuteronomy* **16,** 19, וְלֹא תִקַּח שֹׁחַד כִּי הַשֹּׁחַד יְעַוֵּר עֵינֵי חֲכָמִים, 'And a bribe shalt thou not take for the bribe blindeth the eyes of the wise.' **22** וְכוֹ׳ in some editions (וְגוֹ׳=וְגוֹמֵר; וְכוֹ׳=וְכוֹלֶה). *See זְרָעִים, **Introduction**, *Tables*.

## סְלִיק מַסֶּכֶת פֵּאָה

## CONCLUSION OF TRACTATE PEAH

# דְּמַאי

# DEMAI

[BEING THE
THIRD TRACTATE OF THE MISHNAH]
TEXT · INTRODUCTION · TRANSLATION
NOTES

By
PHILIP BLACKMAN, F.C.S.

# INTRODUCTION

There is no known valid reason why this Tractate דְּמַאי should come third in the arrangement of the various Tractates of the *Order Zeraim* (סֵדֶר זְרָעִים). Several ingenious explanations have been advanced, but, of course, none can be taken seriously as the real reason. Thus, the Rambam (רמב״ם) suggests that because the preceding Tractate פֵּאָה deals with the מַתְּנוֹת עֲנִיִּים, (see below) 'Dues of the poor', and in this Tractate דְּמַי occurs the phrase מַאֲכִילִים אֶת־הָעֲנִיִּים דְּמַי (3[1]), therefore this Tractate follows פֵּאָה. Others put forward as a reason this consideration: seeing that the final Chapter of פֵּאָה deals with the question of the trustworthiness of those who have to give *tithes* and דְּמַי also deals with the trustworthiness of the people it is only meet that the latter Tractate should follow the former.

This Tractate has no גְּמָרָא in the תַּלְמוּד בַּבְלִי (*Babylonian Talmud*) but has גְּמָרָא in the תַּלְמוּד יְרוּשַׁלְמִי (*Jerusalem Talmud*).

There is no certainty as to the etymology of the word דְּמַי or דְּמַאי. The most favourable view is that it represents the *Aramaic* דָּא מַאי *what is this*?—referring to the question whether the produce has been tithed or not. Others suggest that it might originate either from דָּמָה, *consider*—that is he who buys דְּמַי must consider whether it has been tithed or not—or from דָּמַץ, *be mixed*, because דְּמַי is חוּלִין (see below) mixed with מַעֲשֵׂר (see below), or from the *Arabic* דאים, *suspect*, because דְּמַי is suspect whether it has been tithed. Other explanations are that it comes from דָּמִי, *likely*, because it is as likely tithed as not, or from the *Greek 'demos,' folk*, because the products come from the common folk.

The significance of the term דְּמַאי or דְּמַי may be summarised as *products regarding which there is a doubt, or uncertainty or suspicion if the tithes therefrom were properly separated* (and opposite to וַדַּאי, *definitely tithed produce*). It refers in particular to products bought from the common people who where known to separate תְּרוּמָה גְּדוֹלָה but many of whom did not set aside the remaining tithes; the purchaser who therefore advised to separate מַעֲשֵׂר רִאשׁוֹן, תְּרוּמַת מַעֲשֵׂר and מַעֲשֵׂר שֵׁנִי (or its equivalent מַעֲשֵׂר עָנִי).

(See *Berachoth* 1[1] **Note 5** for the significance of the following terms: מַתְּנוֹת עֲנִיִּים, עוֹלְלוֹת, פֶּרֶט, לֶקֶט, שִׁכְחָה, פֵּאָה, תְּרוּמָה, מַעֲשֵׂר שֵׁנִי, מַעֲשֵׂר עָנִי, מַעֲשֵׂר רִאשׁוֹן, שְׁבִיעִית, חוּלִין, תְּרוּמַת מַעֲשֵׂר, תְּרוּמָה קְטַנָּה, דְּמַאי, טֶבֶל, שְׁמִטָּה)

The term עַם הָאָרֶץ (*plural* עַמֵּי הָאָרֶץ) frequently occurs in the *Mishnah*. Literally, it means *the people of the land*, (1) *country people, peasant;* (2) (in contradistinction to תַּלְמִיד חָכָם) *illiterate, untutored, coarse, unrefined person;* and (3) (in contradistinction to חָבֵר) *one who does not observe certain religious duties and customs such as tithes, ritual cleanness, ritual purity, etc.* (Compare 1[1] **Note 3).**

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ הַקְּלִין שֶׁבְּדְמַאי |
| Chapter 2 | פֶּרֶק ב׳ אֵלּוּ דְבָרִים מִתְעַשְּׂרִים |
| Chapter 3 | פֶּרֶק ג׳ מַאֲכִילִין |
| Chapter 4 | פֶּרֶק ד׳ הַלּוֹקֵחַ פֵּרוֹת |
| Chapter 5 | פֶּרֶק ה׳ הַלּוֹקֵחַ מִן־הַנִּחָתוֹם |
| Chapter 6 | פֶּרֶק ו׳ הַמְּקַבֵּל שָׂדֶה מִיִּשְׂרָאֵל |
| Chapter 7 | פֶּרֶק ז׳ הַמַּזְמִין |

The following is a brief summary of the contents of the seven Chapters:

1. Lenient application of the law of *demai* in some cases. 2. Produce of Palestine in the country and outside; restrictions and easements imposed on a חָבֵר. 3. The duties of the חָבֵר. 4. An עַם הָאָרֶץ to be trusted concerning *tithe* on the Sabbath and regarding *holy things*. 5. *Demai* purchased from more than one seller—each lot must be separately *tithed*. 6. A חָבֵר farmer must *tithe* the share of an עַם הָאָרֶץ owner. 7. *Tithing* of *demai* in cases of urgency.

The *Jerusalem Gemara* contains much information regarding Palestinian produce, giving more names of fruits and vegetables than are mentioned in the *Tractate*, information concerning the markets, and a few *Haggadic* passages.

מַסֶּכֶת

# דְּמַאי[1]

TRACTATE

# DEMAI[1]

## CHAPTER 1

### Mishnah 1

The products dealt with most leniently in the case of *demai*[1] are wild figs, lote-fruit[2], medlars,[3] white figs, (young) sycamore figs, fallen[4] unripe dates, late-grapes,[5] and caper-fruit; and in Judaea, sumac berries[6] and vinegar and coriander. R. Judah[7] says, All wild figs are exempt except the species that bears figs that fruit twice a year; all lotus fruits are exempt except the lotus fruit from Shikmah;[8] all sycamore figs are exempt except those that have burst open.[9]

## פֶּרֶק א

### מִשְׁנָה א

הַקְּלִין [1]שֶׁבַּדְּמָאי, הַשִּׁיתִין [2]וְהָרִימִין [3]וְהָעוּזְרָדִין וּבְנוֹת שׁוּחַ וּבְנוֹת שִׁקְמָה [4]וְנוֹבְלוֹת הַתְּמָרָה [5]וְהַגּוּפְנִין וְהַנִּצָּפָה; וּבִיהוּדָה, [6]הָאוֹג וְהַחוֹמֶץ (שֶׁבִּיהוּדָה) וְהַכֹּסְבָּר. [7]רַבִּי יְהוּדָה אוֹמֵר, כָּל־הַשִּׁיתִין פְּטוּרִין חוּץ מִשֶּׁל דּוֹפָרָה; כָּל־הָרִימִין פְּטוּרִין חוּץ מֵרִימֵי שִׁקְמוֹנָה; כָּל־בְּנוֹת [8]שִׁקְמָה פְּטוּרוֹת חוּץ מִן־[9]הַמּוּסְטָפוֹת.

**1** See **Introduction.** **2** *lote*, *lotos*, *lotus*, or perhaps *jujube* fruit. **3** Or *crab-apple*, *sorb-apple*. **4** Blown down by the wind before they are ripe. **5** וְהַגּוּפְנִים and וְהַגּוּפְנָן in some editions; גּוֹפָן, *late grape*, or perhaps a *species of dill*. **6** *sumac*, see *Supplement*. **7** Where רַבִּי יְהוּדָה is thus without further description mentioned he is רַבִּי יְהוּדָה בַר׳ אִילָעִי (to him are ascribed anonymous statements in the סִפְרָא, and he was a disciple of R. Tarfon and R. Akiba). His views here are rejected. **8** Or *Shikmonah* [*Sycamore Field*]. **9** Through scarification or otherwise.

### Mishnah 2

*Demai*[1] does not require the *added fifth*,[2] and does not require *removal*,[3] and may be eaten by a *mourner*,[4] and may be taken into and out of Jerusalem,[5] and a small quantity may be left on the road,[6] and may

### מִשְׁנָה ב

[1]הַדְּמַאי אֵין לוֹ [2]חוֹמֶשׁ, וְאֵין לוֹ [3]בִּיעוּר, וְנֶאֱכָל [4]לְאוֹנֵן, וְנִכְנָס [5]לִירוּשָׁלַיִם וְיוֹצֵא, [6]וּמְאַבְּדִין אֶת־מְעוּטוֹ בְּדְרָכִים, וְנוֹתְנוֹ [7]לְעַם

הָאָרֶץ [8]וְיֹאכַל כְּנֶגְדּוֹ, [9]וּמְחַלְּלִים אוֹתוֹ כֶּסֶף עַל כֶּסֶף, נְחֹשֶׁת עַל נְחֹשֶׁת, כֶּסֶף עַל נְחֹשֶׁת, וּנְחֹשֶׁת עַל הַפֵּירוֹת. [11]וּבִלְבַד שֶׁיַּחֲזוֹר וְיִפְדֶּה אֶת־הַפֵּירוֹת; דִּבְרֵי [12]רַבִּי מֵאִיר; [13]וַחֲכָמִים אוֹמְרִים, יַעֲלֶה הַפֵּירוֹת [10]וְיֵאָכְלוּ בִּירוּשָׁלַיִם.

be given to an עַם הָאָרֶץ[7] and its equivalent eaten instead;[8] and one may exchange[9] it silver for silver, copper for copper, silver for copper, and copper for fruit(s). Only[11] he must redeem the fruit(s); this is the view of R. Meir;[12] but the Sages[13] say, He must bring the fruit and they are to be eaten[10] in Jerusalem.

**1** In this paragraph '*demai*' means the *second tithe* separated from produce brought as *demai*. **2** Unlike the *second tithe* of דְּמַאי to which a fifth part is added (*Leviticus* **27,** 31, ...וְאִם גָּאֹל יִגְאַל, *And if one will redeem...*). The redemption money was taken to Jerusalem and spent on fruits to be consumed there in purity. **3** The *second tithe* of דְּמַאי not actually consumed by מִנְחָה time on פֶּסַח eve on the 3rd and 6th years of a *Sabbatical* cycle had to be removed, *i.e.*, destroyed. **4** An אוֹנֵן (mourner before his dead kinsman has been buried) may not eat מַעֲשֵׂר שֵׁנִי of דְּמַאי (*Deuteronomy* **26,** 14, לֹא־אָכַלְתִּי בְאֹנִי מִמֶּנּוּ, '*I have not eaten thereof in my mourning*'). **5** מַעֲשֵׂר שֵׁנִי of דְּמַאי can be redeemed only before it is brought into Jerusalem; once it enters the city it can not be redeemed nor be taken back outside the city. **6** If any of מַעֲשֵׂר שֵׁנִי is lost on the way it must be searched for or its loss made good; but this does not apply to מַעֲשֵׂר שֵׁנִי of דְּמַי. [Maimonides]. **7** See **Introduction.** **8** מַעֲשֵׂר שֵׁנִי from דְּמַי must not be given to an עַם הָאָרֶץ, lest he eats it in impurity. **9** In the case of מַעֲשֵׂר שֵׁנִי of דְּמַאי silver coins could not be replaced even by other silver coins unless the second ones circulated more freely in Jerusalem than the first. **10** The reading וְיֹאכַל or וְיֹאכְלֵם is preferable. *He must take up the fruits and eat them in Jerusalem.* **11** Instead of וּבִלְבַד שֶׁיַּחֲזוֹר some editions have the preferable reading וְיַחֲזוֹר: *And he may again redeem its fruits: this is the opinion of R. Meir.* and some editions omit וּבִלְבַד שֶׁיַּחֲזוֹר וְיִפְדֶּה אֶת־הַפֵּירוֹת. **12** R. Meir was a disciple of R. Akiba and one of the systematizers of the *Mishnah* before Rabbi. All anonymous sayings in the *Mishnah* are attributed to him. **13** Their view is the accepted ruling.

מִשְׁנָה ג

Mishnah 3

[1]הַלּוֹקֵחַ לִזְרַע [2]וְלִבְהֵמָה, [3]קֶמַח לְעוֹרוֹת, [4]שֶׁמֶן לְנֵר, שֶׁמֶן לָסוּךְ בּוֹ אֶת־[5]הַכֵּלִים, [6]פָּטוּר מִן־הַדְּמַאי; [7]מִכְּזִיב [8]וּלְהַלָּן פָּטוּר מִן־

One who buys [*demai* produce][1] seed, for cattle,[2] flour[3] for skins, oil for lighting, oil[4] to grease utensils,[5] is exempt[6] from *demai;* from Chezib[7] and beyond[8] is exempt[7] from *demai;* the *dough*

הַדְּמַאי; [9]חַלַּת עַם הָאָרֶץ [10]וְהַמְּדוּמָע [11]וְהַלּוֹקֵחַ בְּכֶסֶף מַעֲשֵׂר שֵׁנִי וּשְׁיָרֵי [12]הַמִּנְחוֹת פְּטוּרִין מִן־הַדְּמַאי. שֶׁמֶן עָרֵב בֵּית שַׁמַּאי מְחַיְּבִין וּבֵית הִלֵּל פּוֹטְרִין.

*offering* of an עַם הָאָרֶץ and the *mixture of secular and sacred*[10] and what has been bought[11] with the money for second tithe and the remainder of the *meal-offerings*[12] are exempt from *demai*. Perfumed oil is liable according to the School of Shammai, but the School of Hillel exempt it.

**1** The original law of *demai* did not cover the things enumerated in this paragraph. **2** *i.e.*, as fodder. **3** *i.e.*, for working up skins (after the hair had been scraped off the skins were steeped in salts and then soaked in a mixture of flour paste with chemicals and finally soaked in the juice of gall-nuts). **4** Olive oil. **5** כֶּלִי, *utensil, tool;* these were oiled to prevent tarnishing or rusting. **6** Although ordinary untithed produce could not be used for this purpose. **7** Also known as אַכְזִיב [Endippa, Endippon], a sea-town (identified with the modern *es Zib*) in the country of Asher. **8** *i.e.*, northwards, *outside Palestine* (where many practices were exempt.) This law applies also to וַדַּאי which did not apply outside Palestine. **9** חַלָּה, *priest's share of the dough*, or *dough offering* (*Numbers* **15,** 20—21) must be separated after the תְּרוּמוֹת and מַעְשְׂרוֹת had been set aside. For private use the quantity to be separated is $\frac{1}{24}$; $\frac{1}{48}$ is the quantity to be separated from the dough or bread sold to the public. Since the dispersal the custom has been continued by removing a small piece of dough or bread which is burnt in the fire (see חַלָּה **Introduction**). **10** דִּמֵּעַ, *cause something* (*otherwise exempt*) *to be subject to* תְּרוּמָה *by mixing secular grain, wine, oil, etc., with* תְּרוּמָה *sufficient* (*i.e., not less than* $\frac{1}{100}$) *to make the whole prohibited to non-priests;* in such a case the whole must be given or sold to a כֹּהֵן, priest, who need not give for it more than the worth of the original non-holy proportion. **11** וְהַלָּקוּחַ in some editions is a preferable reading. **12** מִנְחָה (*plural* מִנְחוֹת), *offering, present, gift, meal-offering.* מִנְחוֹת were *thank-offerings* of fruit and corn. The כֹּהֵן, priest, who was officiating took a handful of the מִנְחָה and burnt it on the altar; the rest, שְׁיָרֵי מִנְחוֹת, was eaten by the priests. A קָרְבַּן מִנְחָה brought by an עַם הָאָרֶץ was exempt from דְּמַאי; but if the קָרְבַּן מִנְחָה was from טֶבֶל then tithes had first to be separated before the offering could be made (because it was taken for granted that the עַם הָאָרֶץ would not bring improperly tithed produce to the Temple). (*Genesis* **4,** 3, 5. *Leviticus* **2,** 1; **5,** 11; **7,** 13; **10,** 6; **12,** 3. c.f. *Isaiah* **1,** 3; **57,** 6, and *Psalm* **40,** 7).

## Mishnah 4 — מִשְׁנָה ד

הַדְּמַאי [1]מְעָרְבִין בּוֹ [2]וּמִשְׁתַּתְּפִין בּוֹ, [3]וּמְבָרְכִין עָלָיו [3]וּמְזַמְּנִין עָלָיו,

*Demai* may be used for the preparation of *Erubim*[1] and for *partnership*,[2] and *Grace*[3] may be

[4]וּמַפְרִישִׁין אוֹתוֹ עָרוֹם בֵּין
[5]הַשְּׁמָשׁוֹת; הָא אִם הִקְדִּים מַעֲשֵׂר
שֵׁנִי לָרִאשׁוֹן אֵין בְּכָךְ [6]כְּלוּם. שֶׁמֶן
שֶׁהַגַּרְדִּי [7]סָךְ בְּאֶצְבְּעוֹתָיו חַיָּיב
בַּדְּמַאי, [8]וְשֶׁהַסּוֹרֵק נוֹתֵן בַּצֶּמֶר
פָּטוּר מִן־הַדְּמַאי.

recited thereon and a combination of three (or more) adults for *Grace*[3] *after Meals* thereon may be made, and the *tithes* may be separated from it in the nude[4] and before nightfall;[5] and if one has separated the *second tithe* before the *first tithe* it does not matter.[6] Oil with which a weaver anoints[7] his fingers is subject to *demai*, and what the comber[8] puts into the wool is exempt from *demai*.

**1** עֵרוּב, **Erub,** *mingling, combination, amalgamation,* is a symbolical act by which continuity or community is legally established. (a) עֵרוּבֵי תְחוּמִין or עֵרוּב תְּחוּמִים, *with reference to Sabbath limits.* Before the Sabbath or Holyday (Festival) one deposits certain food to remain in its place over the next day (and is then eaten) by which act his abode is transferred to that place and so his movements on the Sabbath are measured from that place as centre up to a certain distance. (b) חֲצֵרוֹת (or עֵרוּב) עֵירוּבֵי, *with reference to buildings or dwellings in a common court.* The inmates or tenants contribute some food to a common dish which is placed in one of the dwellings as common to all, *i.e.*, one רְשׁוּת (*domain*), and all participants are permitted to carry objects across the court from one dwelling to another on that Sabbath. (The 'meal' is then eaten at the conclusion of the Sabbath). (c) תַּבְשִׁילִין (or עֵרוּבֵי) עֵרוּב, *with reference to preparing meals for the Sabbath on a Friday which is a Holyday* (*Festival day*). A dish is prepared on the Thursday (the eve of יוֹם טוֹב) and deposited to the end of the Sabbath (when it is eaten), by which act all the cooking done on the Holyday Friday for the Sabbath is permissible as it is legally now just the continuation and completion of the cooking begun on the Thursday (see עֵירוּבִין **Introduction;** בֵּיצָה **Introduction** and 2[1]). **2** הִשְׁתַּתֵּף, *form a partnership, in a* מָבוֹי, *blind alley, cul-de-sac* [*Sabbath law*] *by depositing in it some food towards which the tenants or inmates thereof contribute.* A מָבוֹי or מָבוֹא (*plural* מְבוֹאוֹת) of a number of houses enclosing on three sides a road that opens on to a רְשׁוּת הָרַבִּים, *public road* (*or space*). Several houses round a space convert it into a חָצֵר, *yard*, and חֲצֵרוֹת, *yards*, often led off from a מָבוֹי. **3** This refers to בִּרְכַּת הַמָּזוֹן, *Grace after Meals*, and (according to the opinion of some authorities) also to בִּרְכַּת הַמּוֹצִיא, *Grace before Meals.* **4** *i.e.*, תְּרוּמַת מַעֲשֵׂר and מַעֲשֵׂר שֵׁנִי may be separated from דְּמַי in the nude because the separation may be made without the *Blessing* בָּרוּךְ אַתָּה ה׳ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לְהַפְרִישׁ *תְּרוּמַת מַעֲשֵׂר, 'Blessed art Thou O Eternal, our God, King of the universe, who hath sanctified us with His commandments

and hath commanded us to separate תְּרוּמַת מַעֲשֵׂר* [*or מַעֲשֵׂר שֵׁנִי, as the case may be], which must be recited before separating from טֶבֶל. **5** About fifteen minutes before the appearance of three stars on Friday evening. **6** Even though by this reversal of tithing the Levite gets a somewhat smaller proportion (See **Introduction**). **7** Either to expedite the weaving or to protect the fingers. **8** סוֹרֵק, *hatcheller*.

## CHAPTER 2

## פֶּרֶק ב

Mishnah 1

And these are the products that must be *tithed*[1] as *demai* everywhere,[2] pressed figs, (and) dates, (and) carob-pods, rice and cumin.[3] The rice[4] outside Palestine in whatever way it is used is exempt from *demai*.

מִשְׁנָה א

וְאֵלּוּ דְבָרִים [1]מִתְעַשְּׂרִין דְּמַאי בְּכָל [2]מְיוֹם׳ הַדְּבֵילָה וְהַתְּמָרִים וְהַחֲרוּבִים הָאוֹרֶז [3]וְהַכַּמּוֹן׳ [4]הָאוֹרֶז שֶׁבְּחוּצָה לָאָרֶץ כָּל־הַמִּשְׁתַּמֵּשׁ מִמֶּנּוּ פָּטוּר׳

**1** *i.e.*, מַעֲשֵׂר, tithe, must be separated from them when bought from an עַם הָאָרֶץ. **2** Even from כְּזִיב and onward (see $1^{3}$, **Note 7**). These five products grow exceptionally well in Palestine and one may assume that they have been transported outside Palestine, and if in particular they have been recognized as Palestinian outside Palestine they must be treated as *demai* and have to be *tithed*. **3** *cummin* (see **Supplement**). **4** It was easy in the case of rice to distinguish between the foreign imported kinds and the home-grown Palestinian kinds because native Palestinian rice was white, and foreign rice was reddish.

Mishnah 2

One who undertakes to become reliable[1] must *tithe*[2] what he eats,[3] and what he sells,[4] and what he buys,[5] and he may not stay as a guest with an עַם הָאָרֶץ.[6] R. Judah says, 'Even if he do stay as a guest with an עַם הָאָרֶץ he is still *reliable*.'[7] They[8] said to him, He is *not reliable* regarding himself,[9] how can he be *relied upon*[10] concerning what belongs to others![10]

מִשְׁנָה ב

הַמְקַבֵּל עָלָיו לִהְיוֹת [1]נֶאֱמָן [2]מְעַשֵּׂר אֶת־שֶׁהוּא [3]אוֹכֵל וְאֶת־שֶׁהוּא [4]מוֹכֵר וְאֶת־שֶׁהוּא [5]לוֹקֵחַ וְאֵינוֹ מִתְאָרֵחַ אֵצֶל [6]עַם הָאָרֶץ׳ רַבִּי יְהוּדָה אוֹמֵר׳ אַף הַמִּתְאָרֵחַ אֵצֶל עַם הָאָרֶץ [7]נֶאֱמָן׳ [8]אָמְרוּ לוֹ׳ עַל עַצְמוֹ [9]אֵינוֹ נֶאֱמָן׳ כֵּיצַד יְהֵא נֶאֱמָן עַל שֶׁל [10]אֲחֵרִים!

**1** נֶאֱמָן, *faithful, trustworthy, trusted, reliable, dependable.* נֶאֱמָן, *one who can be trusted and depended upon to observe the tithe laws so that the produce bought from them need not be regarded as* דְּמַי. **2** *i.e.*, an עַם הָאָרֶץ who acquires the reputation of being נֶאֱמָן, *reliable* or *trusted*, that his corn or other produce is *tithed* and is not to be considered דְּמַי, uncertain or doubtful whether it has been *tithed*. This reputation must be acquired by declaration before at least three persons and on the report of trustworthy witnesses that he has carried out the practices of מַעֲשְׂרוֹת, tithes, for the past thirty days, and undertakes to *tithe* all that he eats, sells or buys and not to stay with an עַם הָאָרֶץ. **3** Whether his own or from others. **4** From his own fields and orchards. **5** What he buys from an עַם הָאָרֶץ (who is not reliable: see **Introduction**) for resale. **6** עַם הָאָרֶץ, one who is not trusted and believed that he gives *tithes*. A נֶאֱמָן should not stay with an עַם הָאָרֶץ—for the food offered him will be דְּמַי—so that he should not be suspect that he may have eaten from *untithed* produce. (Compare **Introduction** for עַם הָאָרֶץ). **7** R. Judah says that being a נֶאֱמָן, he should be believed if he declares that he ate nothing there or that he *tithed* first whatever he ate—and he should not lose his reputation for נֶאֱמָנוּת, *reliability, trustworthiness* in such a case. His view is rejected, because the נֶאֱמָן had broken his undertaking not to stay with an עַם הָאָרֶץ. **8** *i.e.*, the חֲכָמִים, *Sages*. **9** For he has not yet actually become a נֶאֱמָן but will do so only when his probationary period is finished [Maimonides]. **10** *i.e.*, how can he be believed that he ate nothing untithed at the house where he was staying, and therefore how can he now be considered a נֶאֱמָן that others may rely on him and buy his produce as מְתֻקָּן, free from all *tithes*. (See **Introduction** for מְתֻקָּן).

Mishnah 3

One who undertakes to be a חָבֵר[1] may not sell to an עַם הָאָרֶץ[2], either wet or dry produce, and may not buy from him wet produce,[3] and may not stay as guest with an עַם הָאָרֶץ,[4] and may not have him as guest in his garments.[5] R. Judah[6] says, He may also not rear small cattle,[7] and must not be prompt to make many vows[8] and jests,[9] and must not become defiled[10] with the dead,[11] and should assist[12] in the House of Study.[13] They said to him, These[14] do not come[14] under the general principle.

מִשְׁנָה ג

הַמְקַבֵּל עָלָיו לִהְיוֹת [1]חָבֵר אֵינוֹ מוֹכֵר [2]לְעַם הָאָרֶץ לַח וְיָבֵשׁ וְאֵינוֹ לוֹקֵחַ מִמֶּנּוּ [3]לַח וְאֵינוֹ מִתְאָרֵחַ אֶצֶל [4]עַם הָאָרֶץ וְלֹא מְאָרְחוֹ אֶצְלוֹ [5]בִּכְסוּתוֹ· רַבִּי [6]יְהוּדָה אוֹמֵר· אַף לֹא יְגַדֵּל [7]בְּהֵמָה דַקָּה וְלֹא יְהֵא [8]פָּרוּץ בִּנְדָרִים [9]וּבִשְׂחוֹק וְלֹא יְהֵא [10]מְטַמֵּא [11]לְמֵתִים· [12]וּמְשַׁמֵּשׁ [13]בְּבֵית הַמִּדְרָשׁ· אָמְרוּ לוֹ· לֹא בָאוּ [14]אֵלּוּ לַכְּלָל·

**1** A חָבֵר was one who observed all the practices of *tithes* and of ritual *cleanness* and *purity*. (According to the Rambam and others a חָבֵר must also be a תַּלְמִיד חָכָם, *scholar, learned man*). One who wishes to acquire the title חָבֵר makes a declaration before at least three persons and produces reliable witnesses that he has carried out the regulations of this paragraph of the *Mishnah*. **2** Even if the עַם הָאָרֶץ is a נֶאֱמָן, because an עַם הָאָרֶץ is טָמֵא, *ritually unclean, defiled* and will *defile* the טְהָרוֹת, ritually *clean products*, when touching them or when his *unclean* garments come in contact with them. **3** *i.e., wet produce;* wet produce acquires הַכְשָׁרָה, the ritual *property* or *quality* of being able to become defiled and therefore there is the likelihood that the עַם הָאָרֶץ may have ritually defiled it by touch or contact with his *ritually unclean* garments. But dry produce he may buy from an עַם הָאָרֶץ. **4** That he should not become טָמֵא, *ritually unclean* or *defiled*, and he would in turn מְטַמֵּא, *defile*, טְהָרוֹת, *ritually clean stuff*. **5** *i.e.*, in the garments of the עַם הָאָרֶץ for fear of their being טָמֵא, *ritually unclean* or *defiled*. **6** His view is not accepted. **7** *sheep, goats;* small animals are likely to wander into other people's fields to feed there, and thus their feeding under such conditions becomes גְּזֵלָה, *robbery*. **8** Jewish law discourages the making of vows. Making many vows will cause one to fail to carry them out (נְדָרִים **Introduction**). **9** Because it leads to immorality and loose conduct. **10** [*Hithpael*]. **11** *i.e.*, such as he is not obliged to occupy himself with. **12** To wait upon תַּלְמִידֵי חֲכָמִים or to study with them. **13** College for training of תַּלְמִידֵי חֲכָמִים. **14** *i.e.*, the conditions mentioned by R. Judah.

Mishnah 4

The bakers[1] were not obliged by the Sages to separate anything more than *tithe of the first-tithe*[2] and *dough*.[3] Shopkeepers[4] must not sell *demai*.[5] All who sell in large quantities may sell *demai*.[6] These are they who sell by large measure, for instance the wholesale provision merchants[7] and corn dealers.

מִשְׁנָה ד

[1]הַנַּחְתּוֹמִים לֹא חִיְּבוּ אוֹתָם חֲכָמִים
לְהַפְרִישׁ אֶלָּא כְּדֵי [2]תְּרוּמַת מַעֲשֵׂר
[3]וְחַלָּה׃ [4]הַחֲנוָנִים אֵינָן רַשָּׁאִין לִמְכּוֹר
אֶת־ [5]הַדְּמַאי׃ כָּל־ הַמַּשְׁפִּיעִין
בְּמִדָּה גַסָּה רַשָּׁאִין לִמְכּוֹר אֶת־
[6]הַדְּמַאי׃ אֵלּוּ הֵן הַמַּשְׁפִּיעִין בְּמִדָּה
גַסָּה׃ כְּגוֹן [7]הַסִּיטוֹנוֹת וּמוֹכְרֵי
תְבוּאָה׃

**1** Bakers who are נֶאֱמָנִים and חֲבֵרִים (see preceding two *Mishnahs*). **2** (See **Introduction**). The לֵוִי, *Levite*, receives מַעֲשֵׂר רִאשׁוֹן, *first-tithe*, from the יִשְׂרָאֵל, *layman* and from this he must separate $\frac{1}{10}$ called תְּרוּמַת מַעֲשֵׂר, *the priest's due of the first-tithe*. The bakers had to separate $\frac{1}{100}$ as תְּרוּמַת but not מַעֲשֵׂר שֵׁנִי, *second-tithe*, as they were obliged by the government to sell cheaply and give

good weight so that their profit was small; the buyer therefore had to separate מַעֲשֵׂר שֵׁנִי. (After the Babylonian Exile it was usual to give *first-tithe* to a priest and not to a Levite). **3** See 1[3], **Note 9.** **4** *i.e.*, retailers. **5** They may not sell דְּמַי because their profits are big and they must therefore set aside all the *tithes*, and also as they serve children they must not give them untithed food to eat. **6** They may sell דְּמַי because when they sell wholesale they give over-weight or over-measure and the buyer must separate *tithe*. **7** סִיטוֹן, *wholesale provision dealer*, *corn merchant*. Some authorities render this term here as *wholesaler in liquid produce* (*e.g.*, oil, wine).

Mishnah 5

R. Meir says[1], Whatever is usually measured in large quantities[2] and (it) was measured[3] in a small[4] quantity then the small quantity is of secondary import to the large,[5] and that which is ordinarily measured in small quantities[6] was measured in a large quantity then the large quantity is of secondary import to the small.[7] What is a large measure?[8] In the case of dry produce three[9] *kab*[10] and in the case of liquid produce[11] a *dinar*.[12] R. Jose[13] says, Baskets of figs and baskets of grapes and baskets[14] of greens, so long as they are sold by the lot,[16] are exempt.

מִשְׁנָה ה

רַבִּי מֵאִיר אוֹמֵר, אֶת־שֶׁדַּרְכּוֹ
[1]לְהִמָּדֵד [2]בְּגַסָּה [3]וּמְדָדוֹ בְּדַקָּה
[4]טְפֵלָה דַקָּה [5]לַגַּסָּה, אֶת־שֶׁדַּרְכּוֹ
לְהִמָּדֵד [6]בְּדַקָּה וּמְדָדוֹ בְגַסָּה
טְפֵלָה גַסָּה [7]לַדַּקָּה. [8]אֵיזֶה הִיא
מִדָּה גַסָּה? בַּיָּבֵשׁ [9]שְׁלֹשָׁה [10]קַבִּין
[11]וּבַלַּח [12]דִּינָר. רַבִּי [13]יוֹסֵי אוֹמֵר,
סַלֵּי תְאֵנִים וְסַלֵּי עֲנָבִים [14]וְקוּפּוֹת
שֶׁל יֶרֶק כָּל־זְמַן שֶׁהוּא מוֹכְרָן
[16]אַכְסָרָה פָּטוּר.

**1** לִמְדֹד in some editions. **2** בְּגַסָּה, בְּמִדָּה גַסָּה, *wholesale*, *in large quantities*. **3** בְּדַקָּה, בְּמִדָּה דַקָּה, *retail*, *in small quantities*. **4** טָפֵל, *of secondary importance* (in contradistinction, עִיקָּר, *main* or *chief object*). **5** And *tithes* are not separated. **6** When *tithes* must be separated. **7** *i.e.*, *tithes* are to be separated. **8** This following paragraph is not from R. Meir. **9** שָׁלֹשֶׁת in some editions. **10** קַב=67 cubic inches (nearly) (see זְרָעִים, **Introduction,** *Tables*). **11** *e.g.*, oil, wine. **12** דִּינָר or זוּז = $\frac{1}{4}$ סֶלַע or $\frac{1}{2}$ שֶׁקֶל פָּשׁוּט (*ordinary Shekel*) (see זְרָעִים **Introduction,** *Tables*). **13** His view is rejected. **14** קֻפָּה, *heap*, *pile*; *basket*, *tub* (קוּפָּה is much bigger than סַל) used for greens. **16** *in a lump*, *measured by sight*, *guessing at the amount*, *without actual weighing or measuring or counting*.

## CHAPTER 3

## פֶּרֶק ג

### Mishnah 1

### מִשְׁנָה א

The poor[1] may be given *demai* to eat and soldiers[2] may be fed with *demai*. R. Gamaliel[3] used to give his workmen[4] *demai* to eat. As for the treasurers of charity: the School of Shammai say, They should give what has been tithed to him[5] who does not tithe, and what has not been tithed to him[6] who tithes, then every one will be eating completely tithed food; but the Sages say, They collect[7] without question and share out without question, and he who wishes to tithe completely does so (tithe).

מַאֲכִלִין אֶת־[1]הָעֲנִיִּים דְּמַאי וְאֶת־[2]הָאַכְסַנְיָא דְּמַאי. [3]רַבָּן גַּמְלִיאֵל הָיָה מַאֲכִיל אֶת־[4]פּוֹעֲלָיו דְּמַאי. גַּבָּאֵי צְדָקָה, בֵּית שַׁמַּאי אוֹמְרִים, נוֹתְנִין אֶת־הַמְּעוּשָּׂר [5]לְשֶׁאֵינוֹ מְעַשֵּׂר וְאֶת־שֶׁאֵינוֹ מְעוּשָּׂר [6]לַמְעַשֵּׂר, נִמְצְאוּ כָּל־הָאָדָם אוֹכְלִין מְתוּקָן; וַחֲכָמִים אוֹמְרִים, [7]גּוֹבִין סְתָם וּמְחַלְּקִין סְתָם, וְהָרוֹצֶה לְתַקֵּן יְתַקֵּן.

**1** Even גְּאֲמָנִים and חֲבֵרִים, but they should be told that it is *demai* so that they can tithe it if they wish. **2** *i.e.*, Jewish soldiers passing through but not staying overnight. **3** רַבָּן גַּמְלִיאֵל דְּיַבְנֶה, a grandson of רַבָּן גַּמְלִיאֵל הַזָּקֵן and a disciple of רַבִּי יוֹחָנָן בֶּן זַכַּאי. **4** Or *labourers*. His workmen were poor; but feeding in such a case is not permissible because it may form unfairly part of the worker's wages. **5** And thus the עַם הָאָרֶץ will be eating tithed food. **6** And the גְּאֲמָן will tithe the *demai*. **7** Because when they collect the food they do so without question, therefore they should divide it out also without question.

### Mishnah 2

### מִשְׁנָה ב

If one wish to cut away the leaves of greens to lessen his load, he must not throw away before he has tithed.[1] If one buy greens in the market and considers[2] to return them, he may not return them unless he has first tithed them, because they only needed[3] counting;[4] but if he were about to buy[5] and saw another load better[6] than that, he may return it[7] because he has not acquired it by moving.[8]

הָרוֹצֶה לַחֲזוֹם עֲלֵי יָרֶק לְהָקֵל מִמַּשָּׂאוֹ לֹא יַשְׁלִיךְ עַד [1]שֶׁיְּעַשֵּׂר. הַלּוֹקֵחַ יָרֶק מִן־הַשּׁוּק [2]וְנִמְלַךְ לְהַחֲזִיר לֹא יַחֲזִיר עַד שֶׁיְּעַשֵּׂר, שֶׁאֵינוֹ [3]מְחוּסָּר אֶלָּא [4]מִנְיָן; הָיָה עוֹמֵד [5]לְלוֹקֵחַ וְרָאָה טוֹעַן אַחֵר [6]יָפֶה מִמֶּנּוּ מוּתָּר [7]לְהַחֲזִיר מִפְּנֵי שֶׁלֹּא מָשָׁךְ.[8]

**1** Because someone may pick them up and eat unknowingly untithed food; and further one who finds it does not know whether it is הֶפְקֵר, *common to everyone, property without ownership.* **2** After he has paid and taken up (thereby acquiring possession) the greens. **3** Literally שֶׁאֵינוֹ מְחֻסָּר, *because it does not lack.* **4** *i.e.*, even though he had already acquired it by מְשִׁיכָה, *moving*, or הַגְבָּהָה, *lifting*, and it only needed that the seller should count it or weigh it out (see פֵּאָה, 3[6], **Note 17**). **5** *i.e.*, he had not yet acquired it by מְשִׁיכָה, *moving*, or הַגְבָּהָה, *lifting*. **6** Or better, *more pleasing to the purchaser.* **7** Without tithing. **8** The final ruling is that when one has bought greens from an עַם הָאָרֶץ and decides to return it (*i.e.*, to cancel the sale) he may do so without tithing it; and if one cuts away the leaves to lighten a load of greens they must not be thrown away before they are tithed.

Mishnah 3

If one find fruit on the road and picks it up to eat but decides to put (it) away, he may not hide (it) unless he tithes (it);[1] but if he took it with the intention that it be not lost, he is exempt.[2] Any produce which one is not permitted to sell as *demai* must not be sent to one's friend[3] as *demai*. R. Jose[4] would allow this in the case of *certain-tithed* produce provided he informs him.[5]

מִשְׁנָה ג

הַמּוֹצֵא פֵּירוֹת בַּדֶּרֶךְ וּנְטָלָן לְאוֹכְלָן וְנִמְלַךְ לְהַצְנִיעַ לֹא יַצְנִיעַ עַד [1]שֶׁיְּעַשֵּׂר; וְאִם מִתְּחִלָּה נְטָלָן בִּשְׁבִיל שֶׁלֹּא יֹאבְדוּ [2]פָּטוּר. כָּל־דָּבָר שֶׁאֵין אָדָם רַשַּׁאי לְמָכְרוֹ דְּמַאי לֹא יִשְׁלַח [3]לַחֲבֵירוֹ דְּמַאי. רַבִּי [4]יוֹסֵי מַתִּיר בְּוַדַּאי, וּבִלְבַד שֶׁיּוֹדִיעֶנּוּ[5].

**1** When one has it in mind to eat it he thus becomes its owner and an owner may not leave about untithed produce which others might pick up to eat. This is the accepted ruling. **2** The intention had not been to eat it (and thus become its owner) but merely to prevent the loss or waste of food, therefore he is exempt from tithing it. This is the accepted decision. **3** *i.e.*, to anyone. **4** But his view is rejected. **5** *i.e.*, the recipient.

Mishnah 4

If one take wheat to a miller, a Samaritan[1] or to a miller an עַם הָאָרֶץ, it[3] is presumed to be the same[2] with regard to tithes and *Sabbatical year produce;*[4] to a miller a non-Jew,[5] it is *demai.* One deposits his fruits with a

מִשְׁנָה ד

הַמּוֹלִיךְ חִטִּים לְטוֹחֵן [1]כּוּתִי אוֹ לְטוֹחֵן עַם הָאָרֶץ [2]בְּחֶזְקָתָן [3,2]לַמַּעֲשְׂרוֹת [4]וְלַשְּׁבִיעִית: [2]לְטוֹחֵן [5]נָכְרִי דְּמַאי. הַמַּפְקִיד פֵּירוֹתָיו

אֶצֶל הַכּוּתִי אוֹ אֶצֶל עַם הָאָרֶץ בְּחֶזְקָתָן[7,6] לַמַּעֲשְׂרוֹת וְלַשְּׁבִיעִית, אֶצֶל[8] הָעוֹבֵד כּוֹכָבִים כְּפֵירוֹתָיו;[9] רַבִּי שִׁמְעוֹן[10] אוֹמֵר,[11] דְּמַאי.

Samaritan or an עַם הָאָרֶץ: they[6] are presumed[7] to be unchanged as regards *tithes* and *Sabbatical year produce*, (but if with a non-Jew) with[8] a non-Jew (they are) as his[9] fruits; R. Simon[10] says,[11] They are *demai*.

**1** The כּוּתִים or שׁוֹמְרוֹנִים were suspected of idolatrous practices. **2** וּבְחֶזְקָתָן in some editions. חֶזְקָה, *legal status*, presumed continuance of an actual condition until evidence of a change is furnished. That is, if it had been *tithed* or was not שְׁמִיטָה, *Sabbatical-year produce*, it is still considered so, and one need not fear that it might have been changed for some other person's wheat that had not been *tithed* or was שְׁמִטָּה wheat because a Samaritan or עַם הָאָרֶץ was careful not to mix up in this manner. **3** *i.e.*, the wheat. **4** וְלַשְּׁבִיעִית in some editions is followed by אֲבָל לֹא לְטוּמְאָה, *but not regarding ritual uncleanness*. **5** A non-Jew was suspect that he would confuse one person's wheat with another's. Hence in such a case one must *tithe* the flour. **6** *i.e.*, the fruits. **7** In this case one does not doubt the reliability of the Samaritan or עַם הָאָרֶץ in their precaution against mixing up different people's fruits. **8** *i.e.*, if left with. **9** *i.e.*, *the non-Jews;* assuming that the non-Jew had exchanged the fruit for his own fruit, there is no need to *retithe* because the non-Jew's fruit is exempt from *tithe*. **10** Wherever רַבִּי שִׁמְעוֹן is thus simply mentioned he is רַבִּי שִׁמְעוֹן בֶּן יוֹחָאִי, a disciple of R. Akiba. His view here is not accepted. **11** He maintains that another Jew may have deposited דְּמַי fruit which might have got mixed up with or been exchanged for his (the Jew's).

## Mishnah 5 — מִשְׁנָה ה

הַנּוֹתֵן[1] לְפוּנְדָּקִית[2] מְעַשֵּׂר אֶת־שֶׁהוּא נוֹתֵן לָהּ וְאֶת־שֶׁהוּא[4] נוֹטֵל מִמֶּנָּה, מִפְּנֵי[5] שֶׁחֲשׁוּדָה לַחֲלוֹף. אָמַר[6] רַבִּי יוֹסֵי, אֵין אָנוּ אַחְרָאִין לְרַמָּאִין: אֵינוֹ מְעַשֵּׂר אֶלָּא מַה־שֶּׁהוּא נוֹטֵל מִמֶּנָּה בִּלְבָד.

He who gives[1] to a landlady,[2] tithes what he[3] gives to her and what[4] he takes from her, because she is suspected[5] of exchanging. R. Jose[6] said, We are not responsible for deceivers; he does not tithe except that which he takes from her.

**1** Evidently in those days it was customary for travellers to give their own materials to an innkeeper to prepare therefrom their meals. **2** פּוּנְדָּקִית, *hostess*, *innkeeper*. **3** It refers to a נֵאֵמָן or חָבֵר (see 2[2,3]) who must not part with untithed food. **4** *i.e.*, although the food to be handed over to be prepared was

tithed he must tithe again the cooked food returned to him. **5** The landlady out of respect for her scholarly guest might exchange his inferior stuff for hers of better quality in order to please him. **6** But his view is not accepted. He maintains that if she exchanges at all it will be to replace his superior stuff by her own inferior food and one need not trouble to prevent a dishonest person from eating untithed food.

Mishnah 6

He who gives[1] to his mother-in-law[2] tithes what he gives her and what he takes from her, because she is suspected[3] of exchanging the spoiled food. R. Judah said, She seeks[4] the benefit of her daughter and feels ashamed before her son-in-law. R. Judah[5] admits that when one gives his mother-in-law *Sabbatical year produce*[6] that she is not suspected of exchanging it to give *Sabbatical year produce* to her daughter to eat.[7]

מִשְׁנָה ו

[1]הַנּוֹתֵן [2]לַחֲמוֹתוֹ מְעַשֵּׂר אֶת־שֶׁהוּא נוֹתֵן לָהּ וְאֶת־שֶׁהוּא נוֹטֵל מִמֶּנָּה, מִפְּנֵי שֶׁהִיא [3]חֲשׁוּדָה לַחֲלוֹף אֶת־הַמִּתְקַלְקֵל. אָמַר רַבִּי יְהוּדָה, [4]רוֹצָה הִיא בְתַקָּנַת בִּתָּהּ וּבוֹשָׁה מֵחֲתָנָהּ. מוֹדֶה רַבִּי [5]יְהוּדָה בְּנוֹתֵן לַחֲמוֹתוֹ [6]שְׁבִיעִית שֶׁאֵינָהּ חֲשׁוּדָה לְהַחֲלִיף לְהַאֲכִיל אֶת־בִּתָּהּ [7]שְׁבִיעִית.

**1** He gives her material to prepare a meal. **2** Evidently she does not belong to the class of persons termed נֶאֱמָנִים (see 2[2]). **3** Because she is anxious to please her son-in-law. **4** So that her son-in-law should not be prejudiced against her daughter. **5** The ruling is in accordance with his view. **6** It may mean that he gives her fruits, etc., from the previous year or what had grown as הֶפְקֵר, *unowned*, during that שְׁבִיעִית (or שְׁמִטָּה), *Sabbatical year*. **7** The עַמֵּי הָאָרֶץ were more observant regarding שְׁמִיטָה than מַעְשְׂרוֹת and would warn those to whom פֵּירוֹת שְׁבִיעִית were offered to eat them in accordance with the rules relating to their consumption.

## CHAPTER 4

## פֶּרֶק ד

Mishnah 1

One who buys fruits[1] from someone who is not trustworthy concerning *tithes* and has forgotten to tithe them and he asks him[2] on the Sabbath, he may eat relying upon his word;[3] but as soon as it is dark at the end of the Sabbath, he may not[4] eat[5] until he has tithed them;[6]

מִשְׁנָה א

הַלּוֹקֵחַ [1]פֵּירוֹת מִמִּי שֶׁאֵינוֹ נֶאֱמָן עַל הַמַּעְשְׂרוֹת וְשָׁכַח לְעַשְּׂרָן [2]וְשׁוֹאֲלוֹ בַשַּׁבָּת יֹאכַל עַל [3]פִּיו, חֲשֵׁכָה מוֹצָאֵי שַׁבָּת [4]לֹא [5]יֹאכַל עַד

[6]שֶׁיְּעַשֵּׂר; לֹא [7]מְצָאוֹ, [8]אָמַר לוֹ אֶחָד שֶׁאֵינוֹ נֶאֱמָן עַל הַמַּעְשְׂרוֹת, מְעוּשָׂרִין הֵן, אוֹכֵל עַל פִּיו, חָשְׁכָה מוֹצָאֵי שַׁבָּת לֹא יֹאכַל עַד [9]שֶׁיְּעַשֵּׂר. [10]תְּרוּמַת מַעֲשֵׂר שֶׁל דְּמַאי [11]שֶׁחָזְרָה לִמְקוֹמָהּ, רַבִּי [12]שִׁמְעוֹן שְׁזוּרִי אוֹמֵר, אַף בְּחוֹל [13]שׁוֹאֲלוֹ וְאוֹכְלוֹ עַל [14]פִּיו.

if he did not find him[7] and another who is not trustworthy concerning *tithes* said[8] to him, 'They were tithed', he may rely upon his word and eat, and when it becomes dark at the end of the Sabbath he may not eat before he has tithed.[9] If the *priest's-due of the first-tithe*[10] of *demai* returned to its source,[11] R. Simon[12] Shzuri says, Even on a week day he may ask him[13] and he may rely upon his word[14] and eat.

**1** Fruits or corn. **2** *i.e.*, he asks the עַם הָאָרֶץ if they have been tithed. (Tithing is prohibited on the Sabbath). **3** The statement of the עַם הָאָרֶץ that the fruits were tithed. Because the עַם הָאָרֶץ would not tell an untruth on the Sabbath. **4** לֹא יֹאכַל עַד שֶׁיְּעַשֵּׂר is omitted in some editions. **5** *i.e.*, any more of the fruits. **6** He must separate sufficient as *tithe* to cover both what he has eaten and what remains. **7** *i.e.*, the עַם הָאָרֶץ who sold him the fruit. **8** *i.e.*, on the Sabbath. **9** *i.e.*, he removes as *tithe* enough to cover both what remains and what he has eaten. In some editions this *Mishnah* 4 ends here. **10** See **Introduction** for תְּרוּמַת מַעֲשֵׂר. **11** *i.e.*, if a חָבֵר separated תְּרוּמַת מַעֲשֵׂר (that is $\frac{1}{100}$) from the *demai* he had bought from an עַם הָאָרֶץ and it fell back into the $\frac{99}{100}$ of the חוּלִין (see 1[3], **Note 12**). The mixture in the case of וַדַּאי must be sold to a priest to eat in ritual purity and this sale involves the owner in heavy loss. **12** He was a disciple of רַבִּי טַרְפוֹן; his view here is accepted. **13** The עַם הָאָרֶץ, if he had separated תְּרוּמַת מַעֲשֵׂר from *demai*. **14** *i.e.*, if the עַם הָאָרֶץ states that he had separated תְּרוּמַת מַעֲשֵׂר from the *demai*.

## Mishnah 2

## מִשְׁנָה ב

[1]הַמַּדִּיר אֶת־[2]חֲבֵרוֹ שֶׁיֹּאכַל אֶצְלוֹ, וְהוּא אֵינוֹ [5]מַאֲמִינוֹ עַל הַמַּעְשְׂרוֹת, אוֹכֵל עִמּוֹ [4]בַּשַּׁבָּת הָרִאשׁוֹנָה, וְאַף עַלפִּי שֶׁאֵינוֹ מַאֲמִינוֹ עַל הַמַּעְשְׂרוֹת, וּבְלִבַּד שֶׁיֹּאמַר לוֹ מְעוּשָׂרִין הֵן; [5]וּבְשַׁבָּת שְׁנִיָּה אַף עַל פִּי שֶׁנָּדַר מִמֶּנּוּ הֲנָיָה לֹא [6]יֹאכַל עַד [7]שֶׁיְּעַשֵּׂר.

One[1] who puts his friend[2] under the influence of a vow to eat with him, and does not trust him[5] concerning *tithes*, may eat with him the first Sabbath,[4] though he does not have any faith in him regarding *tithes*, provided that he tells him that it is tithed, but on the second Sabbath,[5] even if he vowed to renounce all benefit from him, he may not eat[6] unless he has tithed.[7]

**1** An עַם הָאָרֶץ (see I[1], **Note 3**). **2** A נֶאֱמָן or חָבֵר. **3** *i.e.*, the עַם הָאָרֶץ. **4** The reference is to a שַׁבָּת of a חֲתוּנָה, *wedding*, so that no enmity be caused by a refusal to participate in the feast. **5** The שַׁבָּת here is the one following the first שַׁבָּת just before mentioned. **6** And on this occasion he is not allowed to rely on the עַם הָאָרֶץ even if he assures him that the food is properly tithed. **7** Before the Sabbath.

Mishnah 3

R. Eliezer[1] says, There is no need for anyone to *point out*[2] the *poor-man's-tithe* from *demai;* but the Sages[3] say, He must *point it out*[4] but he does not have to separate[5] [it.]

מִשְׁנָה ג

רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר, אֵין אָדָם צָרִיךְ [2]לִקְרוֹת שֵׁם לְמַעֲשַׂר עָנִי שֶׁל דְּמַאי; [3]וַחֲכָמִים אוֹמְרִים, [4]קוֹרֵא שֵׁם וְאֵינוֹ צָרִיךְ [5]לְהַפְרִישׁ.

**1** Whenever he is thus simply mentioned he is רַבִּי אֱלִיעֶזֶר בֶּן הוּרְקָנוֹס, the most distinguished disciple of רַבִּי יוֹחָנָן בֶּן זַכַּאי. **2** According to R. Eliezer one must not only separate the מַעֲשַׂר עָנִי but also distincly say where it is to be found (this procedure is necessary in the case of מַעֲשַׂר שֵׁנִי, *second-tithe*). R. Eliezer says he need not even say that a tenth part is *poor-man's tithe*. **3** And their view is the accepted one. **4** *i.e.*, one must say clearly where the מַעֲשַׂר עָנִי, *poor-man's tithe*, is. **5** He need not put it aside for the poor, because the poor are not entitled to it unless they prove that the original דְּמַאי was in fact untithed.

Mishnah 4

One who has distinctly announced[1,2] where is to be found the *priest's-due of the first-tithe*[3] of *demai* or *the poor-man's tithe* of *certain-tithed produce* may not take them on the Sabbath; but if a priest or a poor man were wont[4] to dine with him[5] they may come and eat but he must inform them.[6]

מִשְׁנָה ד

מִי [1]שֶׁקָּרָא [2]שֵׁם [3]לִתְרוּמַת מַעֲשַׂר שֶׁל דְּמַאי וּלְמַעֲשַׂר עָנִי שֶׁל וַדַּאי לֹא יִטְּלֵם בַּשַּׁבָּת; וְאִם הָיָה כֹּהֵן אוֹ עָנִי [4]לְמוּדִים לֶאֱכֹל [5]אֶצְלוֹ יָבֹאוּ וְיֹאכְלוּ, וּבִלְבַד [6]שֶׁיּוֹדִיעֵם.

**1** Before Sabbath. **2** Compare preceding *Mishnah* **Note 2.** **3** תְּרוּמָה, *priest's-due*, and מַעֲשֵׂר, *tithe*, may not be separated on the Sabbath. **4** On Sabbaths. **5** Or 'at his house.' **6** That they are eating תְּרוּמַת מַעֲשֵׂר, *priest's-due of first tithe*, or מַעֲשַׂר עָנִי, *poor-man's tithe*, as the case may be. This is necessary so that the owner should not be suspect of making use of these tithed fruits for his own purpose, and also that the כֹּהֵן should be careful to eat the תְּרוּמָה קְטַנָּה, *priest's-due of the first tithe*, in ritual purity and the poor man should be observant not to defile ritually the מַעֲשַׂר עָנִי, *poor-man's tithe*.

Mishnah 5

If one say to somebody who is not reliable concerning *tithes*, 'Buy for me from someone who is trustworthy and from someone who gives *tithes*',[1] he[2] is not to be trusted; 'from so-and-so',[3] he is to be trusted.[4] He went to buy from him[5] and said[6] to him,[7] 'I did not find him[8] and I bought for you from another[9] who is reliable,' he is not[10] to be believed.

מִשְׁנָה ה

הָאוֹמֵר לְמִי שֶׁאֵינוֹ נֶאֱמָן עַל הַמַּעְשְׂרוֹת, קַח לִי מִמִּי שֶׁהוּא נֶאֱמָן וּמִמִּי שֶׁהוּא [1]מְעַשֵּׂר, [2]אֵינוֹ נֶאֱמָן; מֵאִישׁ [3]פְּלוֹנִי, הֲרֵי זֶה [4]נֶאֱמָן. הָלַךְ לִיקַח [5]מִמֶּנּוּ [6]וְאָמַר [7]לוֹ, לֹא [8]מְצָאתִיו וְלָקַחְתִּי לְךָ [9]מֵאַחֵר שֶׁהוּא נֶאֱמָן, [10]אֵינוֹ נֶאֱמָן.

**1** Without specifying the actual person from whom he is to buy. **2** *i.e.*, the messenger on the errand being an עַם הָאָרֶץ can not be depended on that he will buy from a reliable seller. **3** *i.e.*, from a certain person clearly indicated (who, in this case, is naturally trustworthy). **4** And even an עַם הָאָרֶץ is to be trusted not to go elsewhere. **5** From the person clearly indicated. **6** *i.e.*, the messenger said. **7** To him who sent the messenger. **8** The person he was sent to buy from. **9** But the messenger does not know the seller's name as evidence. **10** As already explained above.

Mishnah 6

If one go into a town and does not know anybody[1] there and says, 'Who is here trustworthy and who here gives *tithes?*' If someone say to him, 'I am,' he is not to be trusted;[2] if he say to him, 'So-and-so is to be trusted,' he[4] is to be trusted.[5] He went to buy from him and said to him, 'Who here sells last year's produce?'[6] He said to him, 'He who sent thee to me,' even though it seems as if they recommend one another they are nevertheless to be trusted.

מִשְׁנָה ו

הַנִּכְנָס לְעִיר וְאֵינוֹ מַכִּיר [1]אָדָם שָׁם, אָמַר, מִי כָאן נֶאֱמָן מִי כָאן מְעַשֵּׂר? אָמַר לוֹ אֶחָד, אֲנִי, אֵינוֹ [2]נֶאֱמָן; אָמַר לוֹ, אִישׁ פְּלוֹנִי נֶאֱמָן, הֲרֵי [4]זֶה [5]נֶאֱמָן. הָלַךְ לִיקַח מִמֶּנּוּ, אָמַר לוֹ, מִי כָאן מוֹכֵר [6]יָשָׁן? אָמַר לוֹ, מִי שֶׁשִּׁלְּחֲךָ אֵצְלִי, אַף עַל פִּי שֶׁהֵן כְּגוֹמְלִין זֶה אֶת־זֶה הֲרֵי אֵלּוּ נֶאֱמָנִין.

**1** Whom he can trust concerning *tithes*. **2** He is suspect to the visitor. **3** The one indicated. **4** And he may buy his produce and does not have to tithe it. **5** Even the עַמֵּי הָאָרֶץ are very careful not to make use of new corn (called חָדָשׁ—compare next *Mishnah* **Note 3**) from which the עֹמֶר had not yet been offered. Some take יָשָׁן to refer to any old produce, not necessarily corn,

Mishnah 7

Ass drivers[1] came into a town:[2] one said, 'Mine is new[3] and my companion's is old,[4] mine is *not completely tithed* but my companion's is *completely tithed*,' they are not to be believed;[5] R. Judah[6] says, They are to be trusted.

מִשְׁנָה ז

[1]הַחַמָּרִים שֶׁנִּכְנְסוּ [2]לְעִיר אָמַר אֶחָד, שֶׁלִּי [3]חָדָשׁ וְשֶׁל חֲבֵירִי [4]יָשָׁן, שֶׁלִּי אֵינוֹ מְתֻקָּן וְשֶׁל חֲבֵירִי מְתֻקָּן, אֵינָן [5]נֶאֱמָנִין; רַבִּי [6]יְהוּדָה אוֹמֵר, נֶאֱמָנִין.

**1** Travelling sellers of produce. **2** After the wheat harvest but before Passover. **3** The new produce of the field which may not be used before the עֹמֶר is offered up on the second day of פֶּסַח, *Passover*. **4** Old, last year's produce (in contradistinction to חָדָשׁ). **5** They are suspected to have arranged to support one another's sales. **6** His view is rejected.

## CHAPTER 5

Mishnah 1

If a man buy[1] from a baker, how should he tithe?[2] He should take sufficient for the *priest's-share of the first tithe*[3] and the *dough-offering*[4] and say, 'One hundredth of what is here[5] shall be on this side[6] *tithe*,[7] and the rest of the *tithe*[8] is next to it; that which I have rendered as *tithe*[9] shall become the *priest's-due of the first-tithe*[10] and the remainder[11] is *dough;* and *second-tithe* shall be in the north or south of it and shall be redeemed[12] with money.'

## פֶּרֶק ה

מִשְׁנָה א

[1]הַלּוֹקֵחַ מִן־הַנַּחְתּוֹם כֵּיצַד הוּא [2]מְעַשֵּׂר? נוֹטֵל כְּדֵי [3]תְּרוּמַת מַעֲשֵׂר [4]וְחַלָּה וְאוֹמֵר, אֶחָד מִמֵּאָה מִמַּה שֶׁיֵּשׁ [5]כָּאן הֲרֵי [6]בְּצַד זֶה [7]מַעֲשֵׂר, וּשְׁאָר [8]מַעֲשֵׂר סָמוּךְ לוֹ, זֶה שֶׁעָשִׂיתִי [9]מַעֲשֵׂר עָשׂוּי [10]תְּרוּמַת מַעֲשֵׂר עָלָיו [11]וְהַשְּׁאָר חַלָּה; וּמַעֲשֵׂר שֵׁנִי בִּצְפוֹנוֹ אוֹ בִּדְרוֹמוֹ, [12]וּמְחֻלָּל עַל הַמָּעוֹת.

**1** Loaves of bread made of דְּמַאי. **2** In addition to freeing the דְּמַאי from its liability for תְּרוּמַת מַעֲשֵׂר and מַעֲשֵׂר שֵׁנִי (see **Introduction**) he must now separate חַלָּה (*dough-offerings*—see חַלָּה **Introduction**) to which the bread became liable when the dough was made and which the seller is equally suspect of not separating. The *Mishnah* wishes to describe how the תְּרוּמַת מַעֲשֵׂר and חַלָּה can be set aside in a single operation without it being necessary physically to separate the *first* or *second tithes* as would normally be done when tithing וַדַּאי. **3** Or תְּרוּמָה קְטַנָּה, *priest's-minor-due; i.e.*, he takes $\frac{1}{100}$ ($=\frac{1}{10}$ of $\frac{1}{10}$ *viz.*, תְּרוּמַת מַעֲשֵׂר). **4** *i.e.*, $\frac{1}{24}$ if the buyer is a private person, or $\frac{1}{48}$ if he resells retail. **5** Of the total bread bought. **6** *i.e.*, of the portion he is designating תְּרוּמָה קְטַנָּה

(or תְּרוּמַת מַעֲשֵׂר) and חַלָּה combined. **7** *i.e.*, מַעֲשֵׂר רִאשׁוֹן. **8** *i.e.*, the $\frac{9}{100}$ (that make up the $\frac{1}{10}$) as מַעֲשֵׂר רִאשׁוֹן. **9** *i.e.*, near the $\frac{1}{100}$ part. He has thus succeeded in performing the first tithing operation without indicating physically more than the $\frac{1}{100}$ part which is eventually to become תְּרוּמַת מַעֲשֵׂר. **10** *i.e.*, the $\frac{1}{100}$ he had first designated as תְּרוּמַת מַעֲשֵׂר (or תְּרוּמָה קְטַנָּה) and subsequently pronounced as מַעֲשֵׂר רִאשׁוֹן—the portion of tithe physically separated from the rest, equal to $\frac{1}{100}$ part of the whole bread. **11** *i.e.*, from what he had first designated (קָבַע מָקוֹם), of the amount originally set aside to become תְּרוּמַת מַעֲשֵׂר and חַלָּה combined. Of the remainder of the bread bought. Here too he avoids physical separation of the tithe and so saves trouble. **12** *i.e.*, there is no addition of the חֻמֶשׁ, *fifth* (see 1[2], **Note 2**).

Mishnah 2[1]

One who wants to separate the *priest's-tithe* and the *priest's-tithe of the first-tithe* in one[2] takes one part in thirty-three and a third parts[3] and says, 'One hundredth part[4] of what is here is still *non-holy*[6] on this side,[5] and the rest is *priest's-due* for the whole; and the one hundredth *non-holy*[7] that is here shall be *first-tithe*[9] on this side,[8] and the rest of the *first-tithe* is next to it; that[10] which I have made into *first-tithe* shall become *priest's-tithe of the first-tithe*, thereof;[11] and *second-tithe* shall be in the north side or south side thereof,[12] and shall be redeemed with money.'

[1]מִשְׁנָה ב

[2]הָרוֹצֶה לְהַפְרִישׁ תְּרוּמָה וּתְרוּמַת מַעֲשֵׂר כְּאַחַת נוֹטֵל אֶחָד מִשְּׁלֹשִׁים [3]וְשָׁלֹשׁ וְשָׁלִישׁ וְאוֹמֵר, [4]אֶחָד מִמֵּאָה מִמַּה שֶּׁיֵּשׁ כָּאן הֲרֵי זֶה [5]בְּצַד זֶה חוּלִין, וְהַשְּׁאָר תְּרוּמָה עַל הַכֹּל; [6]וּמֵאָה חוּלִין שֶׁיֵּשׁ כָּאן הֲרֵי זֶה [7]בְּצַד זֶה מַעֲשֵׂר, וּשְׁאָר מַעֲשֵׂר [8]סָמוּךְ לוֹ; זֶה שֶׁעָשִׂיתִי מַעֲשֵׂר [9]עָשׂוּי תְּרוּמַת מַעֲשֵׂר עָלָיו; [10]וּמַעֲשֵׂר שֵׁנִי [11]בְּצָפוֹנוֹ אוֹ בִדְרוֹמוֹ וּמְחֻלָּל עַל הַמָּעוֹת.

**1** This *Mishnah* does not refer to דְּמַאי. **2** To save himself trouble because he is entitled to retain all that remains once the תְּרוּמָה and תְּרוּמַת מַעֲשֵׂר have been set aside. This would be the case if he were a priest or a Levite or a יִשְׂרָאֵל who had inherited the produce from his maternal grandfather who was a priest or Levite. **3** *i.e.*, $\frac{3}{100}$, so that $\frac{2}{100}$ is תְּרוּמָה, *priest's-due* and $\frac{1}{100}$ (*i.e.*, $\frac{1}{10}$ of $\frac{1}{10}$) is תְּרוּמַת מַעֲשֵׂר, *priest's-due of the first-tithe* (or תְּרוּמָה קְטַנָּה, *priest's-minor-due*). **4** One of the three hundredths which he separated. **5** *i.e*, where he had put it. **6** חוּלִין, *profane, non-holy produce.* According to דִּין, *ruling*, תְּרוּמָה must be separated before תְּרוּמַת מַעֲשֵׂר; so one says $\frac{1}{100}$ is still חוּלִין or טֶבֶל and the $\frac{2}{100}$ is to be תְּרוּמָה. **7** *i.e.*, the $\frac{1}{100}$ which had been temporarily declared as חוּלִין or טֶבֶל. **8** Where it had been placed. **9** *i.e.*, מַעֲשֵׂר רִאשׁוֹן. **10** The

$\frac{1}{100}$ part. **11** In some editions עָלָיו is followed by וְהַשְּׁאָר חַלָּה (*and the rest is priest's-dough*) which has no place in this *Mishnah* and is an intrusion from the last one. **12** See the last note to the preceding *Mishnah*.

Mishnah 3

One who buys from a baker may tithe from hot[1] for cold[2] and from cold for hot, even from many moulds;[3] (this is) the view of R. Meir.[4] R. Judah forbids,[5] 'For I say last night's wheat was from one[6] and to-day's from another.'[7] R. Simon[8] forbids[9] in the case of the *priest's-due of the first-tithe* and allows in the case of *priest's-dough*.[10]

מִשְׁנָה ג

הַלּוֹקֵחַ מִן־הַנַּחְתּוֹם מְעַשֵּׂר מִן־
הַחַמָּה עַל [1]הַצּוֹנֶנֶת וּמִן־הַצּוֹנֶנֶת
עַל הַחַמָּה, אֲפִילוּ [2]מִטְּפוּסִין הַרְבֵּה,
דִּבְרֵי רַבִּי [3]מֵאִיר. רַבִּי יְהוּדָה
[4]אוֹסֵר, שֶׁאֲנִי אוֹמֵר, חִטִּים שֶׁל אֶמֶשׁ
הָיוּ מִשֶּׁל [5]אֶחָד וְשֶׁל הַיּוֹם הָיוּ מִשֶּׁל
[6]אַחֵר. רַבִּי [7]שִׁמְעוֹן [8]אוֹסֵר בִּתְרוּמַת
מַעֲשֵׂר וּמַתִּיר [9]בְּחַלָּה.

**1** Fresh, warm bread; freshly baked bread. **2** Old or stale bread. **3** טִפּוּס, *frame, mould;* the bottoms of the ovens were hollowed out in the shapes of loaves and were filled with dough. **4** There is no fear that some loaves might be from tithed wheat and others not, because he buys his wheat from only one dealer. **5** From hot for cold or from cold for hot. **6** From one flour dealer. **7** *i.e.*, from another flour merchant. His view is that one flour dealer may have tithed already, in which case he would tithe מִן־הַחִיּוּב עַל הַפָּטוּר (from what must be tithed for what is exempt) or מִן־הַפָּטוּר עַל הַחִיּוּב (from what is exempt for what must be tithed) which is not permitted. **8** His view is accepted. **9** For fear that some flour might have been tithed already and as one would tithe here מִן־הַפָּטוּר עַל הַחִיּוּב or מִן־הַחִיּוּב עַל הַפָּטוּר which is not permitted. **10** Because it is the baker's duty to separate חַלָּה, *priest's-dough*, after the dough is prepared.

Mishnah 4

He who buys[1] at the shop[2] must give *tithes* from each form separately; this is the view of R. Meir.[3] R. Judah[4] says, From one for all. R. Judah[5] admits that when he buys[6] from a monopolized market[7] he must tithe from each one.[8]

מִשְׁנָה ד

[1]הַלּוֹקֵחַ מִן־[2]הַפַּלְטֵר מְעַשֵּׂר מִכָּל
טִפּוּס וְטִפּוּס; דִּבְרֵי רַבִּי [3]מֵאִיר.
רַבִּי [4]יְהוּדָה אוֹמֵר, מֵאַחַת עַל
הַכֹּל. מוֹדֶה רַבִּי [5]יְהוּדָה [6]בְּלוֹקֵחַ
מִן־[7]הַמְּנֻפּוֹל שֶׁהוּא מְעַשֵּׂר מִכָּל
[8]אֶחָד וְאֶחָד.

**1** Bread. **2** פָּלְטֵר, פַּלְטֵר, *shopkeeper, seller of bread, one who buys from bakers and sells retail in the market; shop, baker's shop.* **3** He maintains that the retailer may have bought the bread from more than one baker. **4** His view is that the retailer has bought the bread from one baker. **5** And this ruling is accepted. **6** Loaves of bread. **7** מָנְפּוֹל, מַנְפֵּל, *trading mart possessing a monopoly.* Where the numbers of bakers and retailers are limited. **8** *i.e.*, each one separately. Because the monopolist buys up for reselling from all who tithe and do not tithe.

Mishnah 5

One who buys from a poor man,[1] and likewise a poor man who had given to him pieces of bread or pieces of pressed figs, must tithe from each one;[2] and in the case of dates and dried figs[3] he mixes[4] up and takes off. R. Judah said, When is this the case? When the gift is large, but when the gift[5] is small he tithes from each one.[6]

מִשְׁנָה ה

הַלּוֹקֵחַ מִן־[1]הָעָנִי, וְכֵן הָעָנִי שֶׁנִּתְּנוּ לוֹ פְּרוּסוֹת פַּת אוֹ פִלְחֵי דְבֵילָה, מְעַשֵּׂר מִכָּל אֶחָד [2]וְאֶחָד; וּבְתְמָרִים [3]וּבִגְרוֹגְרוֹת [4]בּוֹלֵל וְנוֹטֵל. אָמַר רַבִּי יְהוּדָה, אֵימָתַי? בִּזְמַן שֶׁהַמַּתָּנָה מְרוּבָּה, אֲבָל בִּזְמַן [5]שֶׁהַמַּתָּנָה מוּעֶטֶת מְעַשֵּׂר מִכָּל [6]אֶחָד וְאֶחָד.

**1** Who goes round begging at houses, a beggar. **2** *i.e.*, separately (and this is the accepted ruling); the beggar receives from those who tithe and those who do not; hence it is necessary to tithe from each separately so that one does not transgress by tithing מִן־הַפָּטוּר עַל הַחִיּוּב (from what is exempt for what is obligatory) or מִן־הַחִיּוּב עַל הַפָּטוּר (from what is obligatory for what is exempt). **3** And also other fruit. **4** And this is the accepted ruling. **5** The food which the begger has collected. Each gift must be large, not merely the total. **6** *i.e.*, separately.

Mishnah 6

One who buys from a corn-merchant[1] and buys from him once more must not tithe from one[2] for the other,[3] even from the same basket, even from the same kind. The corn-merchant is believed when he says that they are from one.[4]

מִשְׁנָה ו

הַלּוֹקֵחַ מִן־[1]הַסִּיטוֹן וְחָזַר וְלָקַח מִמֶּנּוּ שְׁנִיָּה לֹא יְעַשֵּׂר [2]מִזֶּה עַל [3]זֶה, אֲפִילוּ מֵאוֹתוֹ הַסּוּג, אֲפִילוּ מֵאוֹתוֹ הַמִּין. נֶאֱמָן הַסִּיטוֹן לוֹמַר מִשֶּׁל [4]אֶחָד הֵם.

**1** סִיטוֹן, see 2[4] **Note 7.** **2** The first lot bought. **3** The second lot bought; because the first may have been tithed and the other not, or vice versa. **4** One owner; and one may tithe from one purchased lot for the other.

Mishnah 7

One who buys from a private person[1] and buys once again from him may tithe from one[2] for the other, even from two baskets, even from two towns.[3] A private owner who sells greens in the market, when they bring[4] him from his own gardens, may[5] tithe from one for all,[6] but from other[7] gardens he must tithe from each one.[8]

מִשְׁנָה ז

הַלּוֹקֵחַ [1]מִבַּעַל הַבַּיִת וְחָזַר וְלָקַח מִמֶּנּוּ שְׁנִיָּה מְעַשֵּׂר [2]מִזֶּה עַל זֶה, אֲפִילוּ מִשְּׁתֵּי קוּפּוֹת, אֲפִילוּ מִשְּׁתֵּי [3]עֲיָרוֹת. בַּעַל הַבַּיִת שֶׁהָיָה מוֹכֵר יָרָק בַּשּׁוּק, בִּזְמַן [4]שֶׁמְּבִיאִין לוֹ מִגִּנּוֹתָיו [5]מְעַשֵּׂר מֵאַחַת עַל [6]הַכֹּל, וּמִגִּנּוֹת [7]אֲחֵרוֹת מְעַשֵּׂר מִכָּל אֶחָד וְאֶחָד[8].

**1** בַּעַל הַבַּיִת, *private person* (in contradistinction here to a *trader*, *shopkeeper*). **2** One lot of produce. **3** *i.e.*, he has gardens in two or more towns. This is only permitted when the greens or grains are of one kind and from the same year's growth. **4** The greens. **5** The buyer. **6** *i.e.*, from one lot purchased for all the greens purchased. **7** That do not belong to one owner. **8** Separately, *i.e.*, from each lot purchased.

Mishnah 8

One who buys *completely untithed produce* from two places[1] may tithe from one for the other. Although they[2] said this,[3] No one is allowed to sell[4] *completely untithed produce* except in case of need.[5]

מִשְׁנָה ח

הַלּוֹקֵחַ טֶבֶל מִשְּׁנֵי [1]מְקוֹמוֹת מְעַשֵּׂר מִזֶּה עַל זֶה, אַף עַל פִּי [2,3]שֶׁאָמְרוּ, אֵין אָדָם רַשַּׁאי [4]לִמְכֹּר טֶבֶל אֶלָּא [5]לְצוֹרֶךְ.

**1** *i.e.*, *sources*, *traders*, *sellers;* he was told that the produce was טֶבֶל, *completely untithed produce*. **2** *i.e.*, the חֲכָמִים, *Sages*. **3** Namely, the two lots of טֶבֶל may be tithed together which would seem to mean that טֶבֶל may be sold in the ordinary way. **4** In case he forgets to warn the buyer that the purchase is טֶבֶל. **5** For instance, a גֶּאֱמָן found that a little חוּלִין, *completely tithed produce*, had mixed with a lot of טֶבֶל, *completely untithed produce*, it requires adjusting with regard to *tithes;* he must buy fresh טֶבֶל and adjust therewith.

Mishnah 9

One may tithe from a Jew's[1] for that from a non-Jew's,[2] from a non-Jew's[3] for that from a Jew's,[1] from a Jew's[1] for that from Samaritans',[3] from that from Samaritans' for that from Samaritans.' R. Eliezer[4] forbids[5] from that from Samaritans' for that from Samaritans.'

מִשְׁנָה ט

מְעַשְּׂרִין מִשֶּׁל [1]יִשְׂרָאֵל עַל שֶׁל [2]נָכְרִי׳ מִשֶּׁל [2]נָכְרִי עַל שֶׁל [1]יִשְׂרָאֵל׳ מִשֶּׁל [1]יִשְׂרָאֵל עַל שֶׁל [3]כּוּתִים׳ מִשֶּׁל כּוּתִים עַל שֶׁל כּוּתִים׳ רַבִּי [4]אֱלִיעֶזֶר [5]אוֹסֵר מִשֶּׁל כּוּתִים עַל שֶׁל כּוּתִים׳

**1** *i.e.*, a Jew's products which are טֶבֶל, *completely untithed produce*, for the same kind of produce also טֶבֶל from a non-Jew. **2** *i.e.*, a non-Jew's products. **3** *i.e.*, products (produce) from Samarians or Samaritans. This is expressly mentioned to stress that they were considered in the same category as the נָכְרִי, *non-Jew*, on this question. **4** אֶלְעָזָר in some editions. **5** Because the Samaritans were not consistent in the *tithing* practices.

Mishnah 10

A perforated pot[1] is like the earth.[2] If one have separated the *priest's-due* from the earth's[3] for that from a perforated pot[4] or from that of a perforated pot for that from the earth's, his *priest's-due*[5] is legal *priest's-due;* from a non-perforated pot for that of a perforated pot, it is correct *priest's-due*,[6] but he must tithe again; from that of a perforated pot[7] for that of a perforated pot, it is valid *priest's-due*, but it may not be eaten until he shall separate for it *priest's-dues* and *tithes*.

מִשְׁנָה י

[1]עָצִיץ נָקוּב הֲרֵי זֶה [2]כָּאָרֶץ׳ תָּרַם [3]מֵהָאָרֶץ עַל [4]עָצִיץ נָקוּב׳ מֵעָצִיץ נָקוּב עַל הָאָרֶץ׳ [5]תְּרוּמָתוֹ תְּרוּמָה; מִשֶּׁאֵינוֹ נָקוּב עַל הַנָּקוּב׳ [6]תְּרוּמָה וְיַחֲזוֹר וְיִתְרוֹם; מִן־[7]הַנָּקוּב עַל שֶׁאֵינוֹ נָקוּב׳ תְּרוּמָה׳ וְלֹא תֵאָכֵל עַד שֶׁיּוֹצִיא עָלֶיהָ תְּרוּמוֹת וּמַעֲשְׂרוֹת׳

**1** עָצִיץ נָקוּב, a perforated planting pot placed on the ground. **2** All that grows therein must be tithed just as if it had grown in the earth (מִדְּרַבָּנָן, *as laid down by the Rabbis of the Talmud*, all that grows in a non-perforated pot must also come under the same rules as produce growing in the ground). **3** *i.e.*, from the produce of the earth. **4** *i.e.*, for the produce from a perforated pot. **5** Because the *tithing* is from הַחִיּוּב עַל הַחִיּוּב, *from what must be tithed for what must be tithed*. **6** Once it has been designated תְּרוּמָה, *priest's-due*, it is קָדוֹשׁ, *holy*, *i.e.*, תְּרוּמָה; but as from a non-perforated pot the produce is מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה, *as laid down in the* תּוֹרָה, *Law*) פָּטוּר, *exempt* (here it is מִן־הַפָּטוּר עַל הַחִיּוּב

*from what is exempt for what is obligatory*) therefore תְּרוּמָה must be again separated from the produce of the perforated pot. **7** *i.e.*, מִן־הַתּוֹרָה (or מִדְּאוֹרַיְיתָא *as laid down in the* תּוֹרָה, *Law*) this is מִן־הַחִיּוּב עַל הַפָּטוּר, *from what is obligatory for what is exempt*, but once it has become קָדוֹשׁ, *holy*, the כֹּהֵן, *priest*, must separate from it תְּרוּמוֹת, *priest's-dues*, and מַעְשְׂרוֹת, *tithes*, as in the case of any other טֶבֶל, *completely untithed produce*.

מִשְׁנָה יא

תָּרַם [1]מִן־הַדְּמַאי עַל הַדְּמַאי, מִדְּמַאי עַל הַוַּדָּאי, תְּרוּמָה וְיַחֲזוֹר וְיִתְרוֹם. [2]מִן־הַוַּדַּאי עַל הַדְּמַאי תְּרוּמָה [3]וְלֹא תֵאָכֵל עַד שֶׁיּוֹצִיא עָלֶיהָ תְּרוּמוֹת וּמַעְשְׂרוֹת.

Mishnah 11

If one have separated the *priest's-due* from[1] *demai* for *demai*, or from *demai* for what has been *certainly tithed*, it is correct *priest's-due* but he must again separate *priest's-due;* from *certain tithed*[2] for *demai*, it is valid *priest's-due* but it must not be eaten[3] before he removes thereon the *priest's-dues* and *tithes*.

**1** From *demai* bought from one person for *demai* bought from another person; *i.e.*, in case that from one had been tithed and that from the other had not been tithed. **2** *i.e.*, if he has separated תְּרוּמָה, *priest's-due*. **3** Because the תְּרוּמָה, *priest's-due*, had been separated מִן־הַחִיּוּב עַל הַפָּטוּר, *from what is obligatory for what is exempt*, for if the *demai* had been tithed the תְּרוּמָה is מִדְּאוֹרַיְיתָא (or מִן־הַתּוֹרָה, *as laid down in the* תּוֹרָה, *Law*) true טֶבֶל, *certainly untithed produce*, and must be retithed.

## CHAPTER 6

## פֶּרֶק ו

מִשְׁנָה א

[1]הַמְּקַבֵּל שָׂדֶה מִיִּשְׂרָאֵל, מִן־הַנָּכְרִי, וּמִן־הַכּוּתִי, יְחַלֵּק [2]לְפָנֵיהֶם. [3]הַחוֹכֵר שָׂדֶה מִיִּשְׂרָאֵל [4]תּוֹרֵם וְנוֹתֵן [5]לוֹ. אָמַר רַבִּי יְהוּדָה, אֵימָתַי? בִּזְמַן [6]שֶׁנְּתָנָן [7]לוֹ מֵאוֹתָהּ הַשָּׂדֶה וּמֵאוֹתוֹ [8]הַמִּין, אֲבָל אִם נָתַן לוֹ [9]מִשָּׂדֶה אַחֶרֶת אוֹ [10]מִמִּין אַחֵר [11]מְעַשֵּׂר וְנוֹתֵן לוֹ.

Mishnah 1

One who takes over[1] a field from a Jew, from a non-Jew, or from a Samaritan, divides before them.[2] One who rents[3] a field from a Jew separates the *priest's-due*[4] and gives it to him.[5] R. Judah said, When is this the case? When he[6] gave him[7] from the same field and from the same kind,[8] but if he gave him from another field[9] or from another sort[10] he must tithe[11] and give it to him.

**1** *i.e.*, an אָרִיס, *sharecropper, one who tills an owner's ground for an agreed share of the produce.* Such tenancy is termed אֲרִיסוּת. **2** He does not have to separate תְּרוּמָה, *priest's-due*, and מַעֲשְׂרוֹת, *tithes*, from the owner's (or owners') share(s) since the owner(s) will know that the produce was not tithed. In the case of אֲרִיסוּת (**Note 1**) the owner(s) would naturally be present to watch that the tenant gave up the correct share agreed on. **3** חָכוּר, חָכִיר, חוֹכֵר, *one who tills an owner's ground for an agreed amount of produce* (in contradistinction so an אָרִיס; see **Note 1.** Thus a חוֹכֵר must hand over to the owner the stipulated quantity of produce irrespective of the yield from the ground tilled, and even if the yield be less than the amount agreed on the tenant must buy produce to make it up). Such tenancy is termed חֲכִירוּת. **4** *i.e.*, the tenant first separates תְּרוּמָה, *priest's-due*, from the whole yield and then hands over the quantity agreed upon, because in the case of חֲכִירוּת the owner need not be present as he must get the amount stipulated. He need not, however, separate the tithes. **5** To the landlord. **6** *i.e.*, the tenant אָרִיס or חוֹכֵר. **7** *i.e.*, the owner, the landlord. **8** Of the same produce from that field. **9** Even if he gives him the same kind of produce. **10** Even if it is from the same field. **11** *i.e.*, the tenant must not only first separate תְּרוּמָה, *priest's-due*, but he must also tithe before he hands over the produce to the owner of the field.

Mishnah 2

One who rents[1] a field from a non-Jew separates *tithe*[2] and gives it to him. R. Judah says, Also one who takes over[3] the field[4] of his ancestors from a non-Jew must tithe[5] and give it to him.

מִשְׁנָה ב

[1]הַחוֹכֵר שָׂדֶה מִן־הַנָּכְרִי [2]מְעַשֵּׂר וְנוֹתֵן לוֹ. רַבִּי יְהוּדָה אוֹמֵר, אַף [3]הַמְקַבֵּל [4]שְׂדֵה אֲבוֹתָיו מִן־הַנָּכְרִי [5]מְעַשֵּׂר וְנוֹתֵן לוֹ.

**1** On condition of חֲכִירוּת *i.e.*, to give the owner an agreed quantity of produce. **2** *i.e.*, he first separates תְּרוּמָה, *priest's-due*, and מַעֲשְׂרוֹת, *tithes*, before handing over the produce to the non-Jewish owner. This law was purposely instituted so that Jews should prefer to purchase rather than rent fields from non-Jews on חֲכִירוּת conditions. **3** *i.e.*, on condition of אֲרִיסוּת, to give the owner an agreed fraction of the produce. **4** *i.e.*, (according to some authorities) the field which the non-Jew had obtained by force from the Jew's ancestors. **5** This was instituted so that ultimately the Jew should make all effort to repurchase the land. If it was not his ancestor's land the first *Mishnah* says he need not separate even תְּרוּמָה.

Mishnah 3

If a priest or Levite rented[1] a field from a layman,[2] just as they

מִשְׁנָה ג

כֹּהֵן וְלֵוִי [1]שֶׁקִּבְּלוּ שָׂדֶה [2]מִיִּשְׂרָאֵל

כְּשֵׁם שֶׁחוֹלְקִין בַּחוּלִּין כֵּן חוֹלְקִין
[3]בַּתְּרוּמָה· רַבִּי אֱלִיעֶזֶר אוֹמֵר,
אַף [4]הַמַּעְשְׂרוֹת [5]שֶׁלָּהֶן, שֶׁעַל [6]מְנָת
כֵּן [7]בָּאוּ·

share the non-holy produce so they share the *priest's-due*[3]. R. Eliezer says, The *tithes*[4] are also theirs[5] for that was the condition[6] of their coming.[7]

**1** On conditions of אֲרִיסוּת, to give the owner a stipulated portion of the produce. **2** *i.e.*, a Jew who is neither כֹּהֵן nor לֵוִי. **3** Both תְּרוּמָה, *priest's-due*, and מַעְשְׂרוֹת, *tithes*. This means the landlord retains the separated תְּרוּמָה and מַעְשְׂרוֹת of his own share of the produce and may give to whichever כֹּהֵן or לֵוִי he pleases. He does not have to give it to his tenant. The rest of the separated תְּרוּמָה and מַעְשְׂרוֹת of course going to the כֹּהֵן or לֵוִי tenant. **4** This means both תְּרוּמָה and מַעְשְׂרוֹת. **5** *i.e.*, if the אָרִיס is a כֹּהֵן he is entitled to the תְּרוּמָה from the landlord's portion as well, and if a לֵוִי he must get the מַעֲשֵׂר רִאשׁוֹן of the landlord's portion. **6** *i.e.*, it is assumed that in the terms of the אֲרִיסוּת tenancy they were to get the תְּרוּמוֹת and מַעְשְׂרוֹת also. But R. Eliezer's view is rejected. **7** Into the tenant's field.

מִשְׁנָה ד

[1]יִשְׂרָאֵל [2]שֶׁקִּבֵּל מִכֹּהֵן וּמִלֵּוִי
[3]הַמַּעְשְׂרוֹת לַבְּעָלִים·רַבִּי [4]יִשְׁמָעֵאל
אוֹמֵר, [5]הַקַּרְתָּנִי [6]שֶׁקִּיבֵּל שָׂדֶה
מִירוּשַׁלְמִי מַעֲשֵׂר שֵׁנִי שֶׁל יְרוּשַׁלְמִי·
[7]וַחֲכָמִים אוֹמְרִים, יָכוֹל [8]הוּא
הַקַּרְתָּנִי לַעֲלוֹת וּלְאָכְלוֹ בִּירוּשָׁלַיִם·

Mishnah 4

When a lay-Jew[1] rented[2] from a priest or a Levite the *tithes*[3] belong to the owners. R. Ishmael[4] says, If a provincial[5] have rented[6] a field from a Jerusalemite the *second-tithe* belongs to the Jerusalemite. And the Sages say,[7] The provincial[8] may go up and eat it in Jerusalem.

**1** *i.e.*, lay-Jew, non-priest, non-Levite. **2** A field on terms of אֲרִיסוּת, to receive a definite portion of the produce. **3** *i.e.*, both תְּרוּמָה, *priest's-due*, and מַעְשְׂרוֹת, *tithes*. **4** Wherever רַבִּי יִשְׁמָעֵאל is thus simply stated he is רַבִּי יִשְׁמָעֵאל בֶּן אֱלִישָׁע. He was a grandson of the high priest of the same name who was martyred by the Romans, and his father was also high priest. He was a disciple of רַבִּי נְחוּנְיָא בֶּן הַקָּנָה, רַבִּי אֱלִיעֶזֶר and רַבִּי יְהוֹשֻׁעַ and a contemporary of רַבִּי טַרְפוֹן and רַבִּי עֲקִיבָא. **5** קַרְתָּנִי, *provincial*, in contradistinction to יְרוּשַׁלְמִי, *an inhabitant of Jerusalem*. **6** On אֲרִיסוּת terms. **7** And their ruling is accepted. **8** And the *provincial* and *Jerusalemite* share the מַעֲשֵׂר שֵׁנִי, *second tithe*.

Mishnah 5

If one[1] rent[2] olive-trees for oil,[3] just as they share the non-holy produce so they share the *priest's-due*.[4] R. Judah says,[5] If a lay-Jew[6] rent from a priest or a Levite olive trees for oil or for half[7] of the profits, the *tithes* belong to the owners.[8]

מִשְׁנָה ה

[1,2]הַמְּקַבֵּל זֵיתִים [3]לְשֶׁמֶן, כְּשֵׁם שֶׁחוֹלְקִין בַּחוּלִין כַּךְ חוֹלְקִין [4]בַּתְּרוּמָה. רַבִּי יְהוּדָה אוֹמֵר, [6]יִשְׂרָאֵל שֶׁקִּבֵּל מִכֹּהֵן וּמִלֵּוִי זֵיתִים לְשֶׁמֶן אוֹ [7]לְמַחֲצִית שָׂכָר, הַמַּעֲשְׂרוֹת לַבְּעָלִים.[8]

**1** Either a lay-Jew from a priest or Levite, or a priest or Levite from a lay-Jew. **2** On terms of אֲרִיסוּת, to receive a stipulated part of the produce. **3** *i.e.*, to express the oil from the olives and the owner to receive the agreed on fraction. **4** *i.e.*, the tenant gives of the תְּרוּמָה, *priest's-due*, or מַעֲשְׂרוֹת, *tithes*, the same proportion as agreed upon for the whole produce to the priest or Levite (as the case may be) and gives the rest to any other priest or Levite he pleases. In the case of oil the landlord, when a priest or Levite, is not in a favoured position as he is in the case of a field (see preceding *Mishnah*). **5** His view is not accepted. **6** *i.e.*, non-Levite, non-priest. **7** *i.e.*, that the tenant should sell the oil and give the owner half of the proceeds. **8** And there is no difference according to R. Judah between oil and an ordinary field.

Mishnah 6

The School of Shammai say, A man should not sell his olives[1] except to a חָבֵר;[2] the School of Hillel say,[3] Even to one who tithes.[4] But the ultraorthodox[5] of the followers of Hillel used to practise in accordance with the view of the School of Shammai.

מִשְׁנָה ו

בֵּית שַׁמַּאי אוֹמְרִים, לֹא יִמְכֹּר אָדָם אֶת־[1]זֵיתָיו אֶלָּא [2]לְחָבֵר; בֵּית הִלֵּל [3]אוֹמְרִים, אַף [4]לְמַעֲשֵׂר. [5]וּצְנוּעֵי בֵית הִלֵּל הָיוּ נוֹהֲגִין כְּדִבְרֵי בֵית שַׁמַּאי.

**1** Plucked from the tree. Fruit that has become wet (*e.g.*, in the pressing) becomes טָמֵא, *ritually unclean*, when touched by an עַם הָאָרֶץ, but a חָבֵר who observes the laws of טַהֲרוֹת, *ritual cleanness*, may buy them. **2** See **Introduction** and 2[3] **Note 1.** **3** And this view is the accepted one. **4** Even if he does not observe the laws of טַהֲרוֹת, *ritual cleanness*. **5** צָנוּעַ, *chaste*, *pious*, *orthodox*, *those who are particularly observant of* מִצְוֹת.

Mishnah 7

If two have harvested their vine-crop in one wine-press,[1] and one[2]

מִשְׁנָה ז

שְׁנַיִם שֶׁבָּצְרוּ אֶת־כַּרְמֵיהֶם [1]לְתוֹךְ

גַּת אַחַת, [2]אֶחָד מְעַשֵּׂר [3]וְאֶחָד שֶׁאֵינוֹ מְעַשֵּׂר, הַמְעַשֵּׂר מְעַשֵּׂר אֶת־[4]שֶׁלּוֹ [5]וְחֶלְקוֹ בְּכָל מָקוֹם שֶׁהוּא.

tithes and the other[3] does not tithe, he who tithes must tithe his own[4] and again tithes his share[5] wherever it may be.

**1** *i.e.*, they mixed their grapes into one wine press. **2** *i.e.*, one is a נֶאֱמָן. **3** An עַם הָאָרֶץ. **4** *i.e.*, the grapes before he places them in the wine-press. **5** *i.e.*, his portion of the wine (because it contains wine from the untithed grapes of the other).

מִשְׁנָה ח

שְׁנַיִם שֶׁקִּבְּלוּ [1]שָׂדֶה [2]בַּאֲרִיסוּת, אוֹ [3]שֶׁיָּרְשׁוּ אוֹ [4]שֶׁנִּשְׁתַּתְּפוּ, יָכוֹל הוּא לוֹמַר לוֹ, טוֹל אַתָּה חִטִּים שֶׁבַּמָּקוֹם פְּלוֹנִי, וַאֲנִי חִטִּים שֶׁבַּמָּקוֹם פְּלוֹנִי, אַתָּה [5]יַיִן שֶׁבַּמָּקוֹם פְּלוֹנִי וַאֲנִי [5]יַיִן שֶׁבַּמָּקוֹם פְּלוֹנִי; [7]אֲבָל לֹא יֹאמַר לוֹ, טוֹל אַתָּה חִטִּים וַאֲנִי שְׂעוֹרִים, טוֹל אַתָּה יַיִן וַאֲנִי אֶטּוֹל שֶׁמֶן.

Mishnah 8

If two took over a field[1] on a tenancy,[2] or they inherited,[3] or they became partners,[4] one can say to the other, 'Take thou the wheat from such-and-such a place and I the wheat from such-and-such a place, thou the wine[5] from such-and-such a place and I the wine[5] from such-and-such a place;'[6] but[7] he may not say to him, 'Thou take the wheat and I the barley, thou take the wine and I will take the oil.'

**1** Wholly planted either with wheat or vines. **2** To work it under terms of אֲרִיסוּת, *for an agreed proportion of the produce*, and to share between them this portion. **3** A field. **4** Both bought a field. **5** *i.e.*, made from the grapes of. **6** Such an arrangement is definitely not regarded as a sale of the produce to each other, and so they need not tithe the produce first. **7** Where the field is sown with two species, such a demand would be as if one were selling טֶבֶל, *completely untithed produce*, which is not allowed.

מִשְׁנָה ט

חָבֵר וְעַם הָאָרֶץ שֶׁיָּרְשׁוּ אֶת־אֲבִיהֶם [1]עַם הָאָרֶץ יָכוֹל [2]הוּא לוֹמַר [3]לוֹ, טוֹל אַתָּה חִטִּים שֶׁבַּמָּקוֹם פְּלוֹנִי וַאֲנִי חִטִּים שֶׁבַּמָּקוֹם פְּלוֹנִי, אַתָּה [4]יַיִן שֶׁבַּמָּקוֹם פְּלוֹנִי,

Mishnah 9

A חָבֵר and an עַם הָאָרֶץ inherited from their father who was an עַם הָאָרֶץ:[1] one[2] can say to the other,[3] 'Thou take wheat from such-and-such a place and I wheat from such-and-such a place,' 'Thou wine[4] from such-and-such a place and I wine[4] from such-and-such a place'; but he may

not say[5] to him,[6] 'Take thou wheat and I barley, thou take the moist[7] and I will take the dry.'

וַאֲנִי [4]יַיִן שֶׁבַּמָּקוֹם פְּלוֹנִי; אֲבָל לֹא [5]יֹאמַר [6]לוֹ, טוֹל אַתָּה חִטִּים וַאֲנִי שְׂעוֹרִים, טוֹל אַתָּה [7]הַלַּח וַאֲנִי אֶטּוֹל אֶת־הַיָּבֵשׁ.

**1** And any produce inherited is suspect that it may be *demai* or (and) טָמֵא, *ritually unclean*. **2** *i.e.*, the חָבֵר may say so when the field contains only one kind of produce. **3** To the עַם הָאָרֶץ. **4** *i.e.*, made from the grapes of, **5** When the field is planted with two kinds of produce, both the חָבֵר and the עַם הָאָרֶץ have shares in the varied produce, therefore the חָבֵר may not part with (equivalent to selling) untithed produce to an עַם הָאָרֶץ (see 2[2]). **6** To the עַם הָאָרֶץ. **7** A חָבֵר may not part with (equivalent to selling) wet fruits to an עַם הָאָרֶץ because he will cause his share of the fruits to be rendered טָמֵא, *ritually unclean*, by the עַם הָאָרֶץ (see 2[3]).

Mishnah 10

A proselyte and an idolater inherited from their father who was an idolater: he[1] can say to him,[2] 'Thou take the idols and I the money, thou wine[3] and I the fruits,' but if they had already come into the possession of the proselyte, it is forbidden.[4]

מִשְׁנָה י

גֵּר וְעוֹבֵד כּוֹכָבִים שֶׁיָּרְשׁוּ אֶת־אֲבִיהֶם עוֹבֵד כּוֹכָבִים, יָכוֹל [1]הוּא לוֹמַר [2]לוֹ, טוֹל אַתָּה עֲבוֹדָה זָרָה וַאֲנִי מָעוֹת, אַתָּה [3]יַיִן וַאֲנִי פֵּירוֹת, וְאִם מִשֶּׁבָּאוּ לִרְשׁוּת הַגֵּר, אָסוּר.[4]

**1** *i.e.*, the proselyte. **2** *i.e.*, the non-Jew. **3** יַיִן נֶסֶךְ, *wine for libation*, wine which a non-Jew dedicates or uses for any religious purpose is absolutely forbidden to be used by Jews. The proselyte may do so as long as he has not come into possession of the wine or idols because this arrangement is not regarded as a sale (compare previous *Mishnahs*). **4** He must not pass them on and benefit from the sale.

Mishnah 11

If one[1] sell fruits in Syria[2] and says, 'They are from the Land of Israel,' he[3] must tithe them; 'They are tithed',[4] he[5] is believed, for the mouth that forbade[6] is the [same] mouth that permitted;[7] 'They are from mine',[8] he[9] must tithe; 'They are tithed',[10] he is believed, for the

מִשְׁנָה יא

[1]הַמּוֹכֵר פֵּירוֹת [2]בְּסוּרְיָא וְאָמַר, מִשֶּׁל אֶרֶץ יִשְׂרָאֵל הֵן, [3]חַיָּיב לְעַשֵּׂר; [4]מְעוּשָּׂרִין הֵן, [5]נֶאֱמָן, שֶׁהַפֶּה [6]שֶׁאָסַר הוּא הַפֶּה [7]שֶׁהִתִּיר; [8]מִשֶּׁלִּי הֵן, [9]חַיָּיב לְעַשֵּׂר, [10]מְעוּשָּׂרִין הֵן, נֶאֱמָן,

שֶׁהַפֶּה שֶׁאָסַר הוּא הַפֶּה שֶׁהִתִּיר; וְאִם יָדוּעַ שֶׁיֵּשׁ לוֹ [11]שָׂדֶה אַחַת בְּסוּרְיָא, [12]חַיָּיב לְעַשֵּׁר.

mouth that forbade is the [same] mouth that permitted; but if it be known that he has a field[11] in Syria, he[12] must tithe.

**1** *i.e.*, an עַם הָאָרֶץ. **2** Several districts north-east of Palestine were named סוּרְיָא and they shared in many respects the sanctity of אֶרֶץ יִשְׂרָאֵל, for instance produce grown in a Jewish field in Syria must be tithed (but produce grown in Syria in fields not owned by Jews is exempt from *tithes*). **3** *i.e.*, the חָבֵר. **4** *i.e.*, the seller declares that they are tithed. **5** The seller is trusted, and the buyer does not have to tithe. **6** אָסַר, *interdict, declare forbidden according to ritual law:* in this case rendered the produce liable to tithe by saying that they came from the Land of Israel. **7** הִתִּיר, *authorize, allow, permit, declare something permitted according to ritual law:* by saying the produce has been tithed, in this case. This means that if he is believed when he says the produce is from the Holy Land he must also be believed when he declares it has been tithed. **8** The seller says that they are from his field in Syria and so liable to tithe. **9** *i.e.*, the buyer. **10** The seller says that though the produce was grown in his Syrian field it was tithed. **11** Even though the seller makes no mention of it. **12** The buyer must tithe even if the seller says he has already tithed because we assume the produce came from his own field and not from a non-Jew's field and so are not relying on his word when we declare it liable to tithe.

מִשְׁנָה יב

עַם הָאָרֶץ שֶׁאָמַר [1]לְחָבֵר, קַח [2]לִי אֲגוּדַת יֶרֶק אֶחָת, קַח לִי גְלוּסְקִין אֶחָד, לוֹקֵחַ [3]סְתָם [4]וּפָטוּר; וְאִם אָמַר, שֶׁלִּי זֶה וְזֶה שֶׁל חֲבֵרִי וְנִתְעָרְבוּ, חַיָּיב [5]לְעַשֵּׁר וַאֲפִילוּ הֵן [6]מֵאָה.

Mishnah 12

An עַם הָאָרֶץ said to a חָבֵר,[1] 'Buy for me[2] a bundle of greens, buy for me a white-loaf,' he may buy indiscriminately[3] and is exempt;[4] but if he said, 'This is mine and that is my friend's,' and they were mixed up, he must tithe[5] even if there be a hundred.[6]

**1** Or a נֶאֱמָן. Who was going to market to get greens or (and) a white-loaf for himself. **2** *i.e.*, 'for me also.' **3** *i.e.*, he does not settle in his mind which bundle of greens and which loaf are his own and which for the עַם הָאָרֶץ. **4** He does not have to tithe what he has bought for the עַם הָאָרֶץ. **5** Both bundles and both loaves because not knowing which are his he, a חָבֵר or נֶאֱמָן, may not hand over untithed products to an עַם הָאָרֶץ (see 2[2,3]). **6** *i.e.*, if the quantity he bought for the עַם הָאָרֶץ is one-hundred times as large as his own.

## CHAPTER 7

## פֶּרֶק ז

### Mishnah 1

### מִשְׁנָה א

One invites[2] his friend[3] that he should eat with him,[4] and he[5] does not believe him[6] regarding *tithes*, he[7] says on the eve of the Sabbath, 'What I shall separate[8] tomorrow shall be *tithe*,[9] and the rest[10] of *tithe* is next to it;[11] that which I have turned[12] into *tithe* shall be[13] the *priest's-due of the first-tithe*[14] thereon, and *second-tithe* thall be in the north or south side thereof[15] and shall be exchanged[16] for money'.[17]

[1]מִשְׁנָה א
[2]הַמַּזְמִין אֶת־[3]חֲבֵירוֹ [4]שֶׁיֹּאכַל אֶצְלוֹ, [5]וְהוּא אֵינוֹ [6]מַאֲמִינוֹ עַל הַמַּעֲשְׂרוֹת, [7]אוֹמֵר מֵעֶרֶב שַׁבָּת, מַה־שֶּׁאֲנִי עָתִיד [8]לְהַפְרִישׁ מָחָר הֲרֵי הוּא [9]מַעֲשֵׂר, [10]וּשְׁאָר מַעֲשֵׂר סָמוּךְ [11]לוֹ, זֶה [12]שֶׁעָשִׂיתִי מַעֲשֵׂר [13]עָשׂוּי תְּרוּמַת מַעֲשֵׂר עָלָיו, וּמַעֲשֵׂר שֵׁנִי [15]בְּצָפוֹנוֹ אוֹ בִדְרוֹמוֹ [16]וּמְחוּלָּל עַל [17]הַמָּעוֹת.

**1** Compare 2[2,3]. **2** Before Sabbath begins. **3** A נֶאֱמָן or חָבֵר. **4** On the Sabbath. **5** The guest. **6** The host. **7** The guest stipulates thus in order to be able to set aside on the Sabbath what he has already tithed in advance before the Sabbath. **8** $\frac{1}{100}$ of what he will eat and drink. **9** *i.e.*, מַעֲשֵׂר רִאשׁוֹן, *first-tithe*. **10** $\frac{9}{100}$ of that with the $\frac{1}{100}$ above (**Note 8**) make up the $\frac{1}{10}$ for מַעֲשֵׂר רִאשׁוֹן. **11** Next to the $\frac{1}{100}$. **12** *i.e.*, 'which I have denominated מַעֲשֵׂר רִאשׁוֹן.' **13** *i.e.*, 'tomorrow שַׁבָּת.' **14** And as this may not be given to a כֹּהֵן, *priest*, on שַׁבָּת the guest must get rid of it (by crumbling it small) so that the עַם הָאָרֶץ does not eat it. **15** *i.e.*, of the תְּרוּמַת מַעֲשֵׂר. **16** *i.e.*, redeemed. Compare 5[1,2]. **17** The coins he actually possesses at the time.

### Mishnah 2

### מִשְׁנָה ב

When his cup is filled up[1] he says, 'That which I shall leave at the bottom of the cup shall be *tithe*,[2] and the rest[3] of the *tithe* is next to it, and that which I have named *tithe* shall be *priest's-due of the first-tithe*[4] thereon, and *second-tithe* shall be in its rim and shall be exchanged[5] for money.'

[1]מָזְגוּ לוֹ אֶת־הַכּוֹס אוֹמֵר, מַה־שֶּׁאֲנִי עָתִיד לְשַׁיֵּר בְּשׁוּלֵי הַכּוֹס הֲרֵי הוּא [2]מַעֲשֵׂר, [3]וּשְׁאָר מַעֲשֵׂר סָמוּךְ לוֹ, זֶה־שֶׁעָשִׂיתִי מַעֲשֵׂר עָשׂוּי תְּרוּמַת [4]מַעֲשֵׂר עָלָיו וּמַעֲשֵׂר שֵׁנִי בְּפִיו [5]וּמְחוּלָּל עַל הַמָּעוֹת.

**1** This *Mishnah* is evidently in conclusion of the preceding *Mishnah*. Though the guest had already made a stipulation on עֶרֶב שַׁבָּת he must repeat it on the

שַׁבָּת before he recites the Blessing and drinks the wine. 'When his cup is filled up', literally 'When they filled up his cup.' He would probably begin with wine for קִדּוּשׁ. **2** *i.e.*, מַעֲשֵׂר רִאשׁוֹן, *first-tithe*. **3** $\frac{9}{100}$ of that with the $\frac{1}{100}$ of what he will eat and drink. **4** And he pours it away on the floor. (Compare preceding *Mishnah* **Note 14**). **5** *i.e.*, redeemed. Compare 5[1,2].

Mishnah 3

A labourer,[1] who does not believe[2] the employer, takes a dry fig[3] and says, 'This and nine that follow it shall be *tithe* for the ninety that I eat, and this[4] shall be the *priest's-due of the first-tithe* for them,[5] and *second-tithe* shall be in the last[6] and shall be exchanged[7] for money.' And he spares[8] one dry fig. R. Simon ben Gamliel says, He must not spare[9] because he lessens the work for the employer.[10] R. Jose says, He must not spare because it is a condition[11] from *Beth Din*.

מִשְׁנָה ג

[1]פּוֹעֵל [2]שֶׁאֵינוֹ מַאֲמִין לְבַעַל הַבַּיִת נוֹטֵל [3]גְּרוֹגֶרֶת אַחַת וְאוֹמֵר, זוּ וְתִשַׁע הַבָּאוֹת אַחֲרֶיהָ עֲשׂוּיוֹת מַעֲשֵׂר עַל תִּשְׁעִים שֶׁאֲנִי אוֹכֵל, [4]זוּ עֲשׂוּיָה תְּרוּמַת מַעֲשֵׂר [5]עֲלֵיהֶן, וּמַעֲשֵׂר שֵׁנִי [6]בָּאַחֲרוֹנָה, [7]וּמְחוּלָּל עַל הַמָּעוֹת. [8]וְחוֹשֵׂךְ גְּרוֹגֶרֶת אֶחָת. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [9]לֹא יַחְשֹׂךְ מִפְּנֵי שֶׁהוּא מְמַעֵט [10]מְלַאכְתּוֹ שֶׁל בַּעַל הַבָּיִת. רַבִּי יוֹסֵי אוֹמֵר, לֹא יַחְשׂוֹךְ מִפְּנֵי שֶׁהוּא [11]תְּנַאי בֵּית דִּין.

**1** Who eats at his employer's. **2** That the employer tithes. **3** Dried figs composed a staple food in those days, and is taken as an illustration. **4** *i.e.*, the first dry fig. **5** For the hundred he eats. **6** *i.e.*, in the nine that follow the ninety, because the ninety are טֻבָּל in relation to מַעֲשֵׂר שֵׁנִי so long as מַעֲשֵׂר שֵׁנִי has not been separated. **7** *i.e.*, redeemed. **8** 'spares,' *viz.*, he refrains from eating one of the figs given him for his meal. **9** He should not spare one fig from his food. **10** He decreases his energy in that proportion and so robs the employer of the work he should put in. He must provide himself with an additional fig to replace the one he sets aside as תְּרוּמַת מַעֲשֵׂר. **11** A condition of his employment inserted by the Beth Din that he shall be entitled to eat a full meal and separate the תְּרוּמַת מַעֲשֵׂר from what belongs to his employer.

Mishnah 4

One who buys wine[1] from Samaritans[2] says,[3] 'Two[4] *logs*[5] which I shall separate[6] shall be *priest's due*[7] and ten[8] shall be *first-tithe*,

מִשְׁנָה ד

הַלּוֹקֵחַ יַיִן [1]מִבֵּין[2] הַכּוּתִים [3]אוֹמֵר, [4]שְׁנֵי [5]לוּגִין שֶׁאֲנִי עָתִיד [6]לְהַפְרִישׁ

הֲרֵי הֵן [7]תְּרוּמָה [8]וַעֲשָׂרָה מַעֲשֵׂר [9]וְתִשְׁעָה מַעֲשֵׂר שֵׁנִי, [10]מֵיחֵל [11]וְשׁוֹתֶה.

and nine[9] *second-tithe*,' and he begins[10] it and may drink it.[11]

**1** When it is just about to be שַׁבָּת and he can not separate תְּרוּמוֹת and מַעֲשְׂרוֹת, and wants to use the wine on שַׁבָּת. The calculation which follows assumes that he bought 100 *logs* (see זְרָעִים **Introduction,** *Tables*). **2** The Samaritans sold produce without removing even the תְּרוּמָה גְדוֹלָה and so the purchaser had to do this himself. **3** Before שַׁבָּת begins. **4** *i.e.*, two in a hundred ($\frac{1}{50}$ = תְּרוּמָה גְדוֹלָה; see **Introduction** to זְרָעִים). **5** לוֹג about 20 cubic inches (0.58 pint) (see זְרָעִים **Introduction,** *Tables*). **6** After שַׁבָּת. **7** *i.e.*, תְּרוּמָה גְדוֹלָה **8** *i.e.*, ten *logs*. He does not in this case proceed to separate further the תְּרוּמַת מַעֲשֵׂר since this will be done by the priest or Levite to whom he gives the whole ten as מַעֲשֵׂר רִאשׁוֹן. **9** *i.e.*, nine *logs*. **10** *i.e.*, redeems for money. (Actually the translation 'redeems' is very doubtful since he need not redeem but can take to Jerusalem. Redemption is mentioned only of דְּמַי and not of וַדַּאי: compare next *Mishnah*). Some authorities render מֵיחֵיל, *he exchanges*, and others *he dilutes*. **11** On שַׁבָּת.

Mishnah 5

מִשְׁנָה ה

הָיוּ לוֹ תְּאֵנִים שֶׁל טֶבֶל בְּתוֹךְ בֵּיתוֹ, וְהוּא בְּבֵית הַמִּדְרָשׁ אוֹ בַשָּׂדֶה, [1]אוֹמֵר, שְׁנֵי תְאֵנִים שֶׁאֲנִי עָתִיד לְהַפְרִישׁ הֲרֵי הֵן תְּרוּמָה וְעֲשֵׂר מַעֲשֵׂר רִאשׁוֹן וְתִשַׁע מַעֲשֵׂר שֵׁנִי. הָיוּ דְּמַאי אוֹמֵר, מַה־שֶּׁאֲנִי עָתִיד לְהַפְרִישׁ לְמָחָר הֲרֵי הוּא [2]מַעֲשֵׂר, וּשְׁאָר מַעֲשֵׂר סָמוּךְ לוֹ, זֶה שֶׁעָשִׂיתִי מַעֲשֵׂר עָשׂוּי תְּרוּמַת מַעֲשֵׂר עָלָיו, וּמַעֲשֵׂר שֵׁנִי בִּצְפוֹנוֹ אוֹ בִדְרוֹמוֹ [3]וּמְחוּלָּל עַל הַמָּעוֹת.

One had figs, which were absolutely untithed, in his house, and he himself was in the house of study or in the field, he says,[1] 'Two figs I am about to separate shall be *priest's-due* and ten *first-tithe* and nine *second-tithe*.' If they were *demai* he says, 'What I am going to separate to-morrow shall be *tithe*[2] and the rest of the *tithe* is next to it, and that which I have named *tithe* shall be the *priest's-due of the first-tithe* thereon, and *second-tithe* is in the north or south thereof and shall be exchanged[3] for money.'

**1** And it was close to the beginning of the Sabbath and too late to return home in time to separate *priest's tithe* and *tithes* to enable him to eat from the produce on the Sabbath. (Compare the preceding four *Mishnahs*). **2** *i.e.*, מַעֲשֵׂר רִאשׁוֹן. **3** Or *redeemed*.

Mishnah 6

One had before him two baskets of completely untithed produce and said, "The *tithes*[1] from this one[2] shall be in that one,[2] then the first is tithed;[3] from this one[4] in in that one and from that one in this one, then the first is tithed;[5] their *tithes*[6] shall be tithed, one basket in the other', he has correctly denominated them.[7]

מִשְׁנָה ו

הָיוּ לְפָנָיו שְׁתֵּי כַלְכָּלוֹת שֶׁל טֶבֶל וְאָמַר, [1]מַעְשְׂרוֹת [2]זוּ בְּזוּ, הָרִאשׁוֹנָה [3]מְעֻשֶּׂרֶת: [4]שֶׁל זוּ בְּזוּ וְשֶׁל זוּ בְּזוּ, הָרִאשׁוֹנָה [5]מְעוּשֶּׂרֶת; [6]מַעְשְׂרוֹתֵיהֶן מְעוּשָּׂרוֹת כַּלְכָּלָה בַּחֲבֶרְתָּהּ, [7]קָרָא שֵׁם.

**1** תְּרוּמוֹת, *priest's-dues*, and מַעְשְׂרוֹת, *tithes*. **2** *i.e.*, basket. **3** And its tithes are contained in the second basket. If he now wants to separate the מַעְשְׂרוֹת from the second basket for both baskets he can do so, or if he prefers it he separates the מַעְשְׂרוֹת from the second basket for the first basket, and the מַעְשְׂרוֹת for the second basket he takes from some other source. **4** *i.e.*, the מַעְשְׂרוֹת from the second basket shall be in the first basket, and the מַעְשְׂרוֹת from the first basket shall be in the second basket. **5** The first basket only is tithed, but not the second basket; and he must separate from the second basket the מַעְשְׂרוֹת for both baskets. (Because as soon as the expression is used the first becomes tithed, and when he now says that the *tithe* from the second basket shall be in the first he can no longer tithe from the first for it is now פָּטוּר, exempt from *tithe*, and one can not separate *tithe* from מִן־הַפָּטוּר עַל הַחִיּוּב, *from what is exempt for what is obligatory*. **6** The מַעְשְׂרוֹת from both baskets. **7** Both become tithed simultaneously and he separates the מַעְשְׂרוֹת from the first basket for the second basket and from the second basket for the first basket.

Mishnah 7

One hundred parts of *untithed produce*[1] and one hundred parts of *completely tithed produce*[2]—one removes a hundred[3] and one parts; one hundred parts of *tithed produce* and one hundred parts of *tithe*[4]—he separates a hundred and one parts;[5] a hundred parts of *completely tithed produce* and one hundred parts *tithed*[6]—he separates one hundred and ten parts;[7] one hundred parts of *untithed produce* and ninety parts *tithe*,[8] ninety parts *untithed produce* and eighty parts

מִשְׁנָה ז

מֵאָה [1]טֶבֶל מֵאָה [2]חוּלִין, נוֹטֵל [3]מֵאָה וְאֶחָד; מֵאָה טֶבֶל מֵאָה [4]מַעֲשֵׂר, נוֹטֵל מֵאָה [5]וְאֶחָד; מֵאָה חוּלִין מְתוּקָנִים מֵאָה [6]מַעֲשֵׂר, נוֹטֵל [7]מֵאָה וְעֶשֶׂר; מֵאָה טֶבֶל תִּשְׁעִים [8]מַעֲשֵׂר, [9]תִּשְׁעִים טֶבֶל וּשְׁמוֹנִים מַעֲשֵׂר, לֹא הִפְסִיד כְּלוּם.[10] זֶה הַכְּלָל, כָּל־

זְמַן שֶׁהַטֶּבֶל מְרוּבֶּה לֹא הִפְסִיד כְּלוּם·

*tithe*,[9] he has suffered no loss.[10] This is the general rule: so long as the *untithed produce* is the greater quantity he has lost naught.

**1** Not *completely untithed produce* but טֶבֶל from which the תְּרוּמָה גְדוֹלָה, *priest's-tithe*, had already been separated. **2** *i.e.*, were mixed. **3** *i.e.*, if equal parts of טֶבֶל and חוּלִין are mixed one must take half (=100 in 200 as the *Mishnah* puts it) and separates from it מַעֲשֵׂר רִאשׁוֹן, *first-tithe*, and מַעֲשֵׂר שֵׁנִי, *second-tithe*, and from the second half he takes $\frac{1}{100}$ for תְּרוּמַת מַעֲשֵׂר, *priest's-due of first-tithe*. **4** *i.e.*, equal parts of מַעֲשֵׂר רִאשׁוֹן, *first-tithe* (from which תְּרוּמָה קְטַנָּה, *priest's-minor-due* or תְּרוּמַת מַעֲשֵׂר had not yet been separated) and *tithed produce* were mixed. **5** *i.e.*, he removes half (=100 parts in 200) for the separation of מַעֲשֵׂר רִאשׁוֹן and מַעֲשֵׂר שֵׁנִי, and $\frac{1}{100}$ for תְּרוּמַת מַעֲשֵׂר, and from the remaining $\frac{99}{100}$ he separates again $\frac{1}{10}$ for תְּרוּמַת מַעֲשֵׂר. **6** *i.e.*, equal parts of מַעֲשֵׂר רִאשׁוֹן (from which תְּרוּמָה קְטַנָּה had not yet been separated) and חוּלִין were mixed. **7** *i.e.*, he separates half (=100 in 200 parts) for מַעֲשֵׂר רִאשׁוֹן from which he removes $\frac{1}{10}$ for תְּרוּמַת מַעֲשֵׂר and from the other he also takes $\frac{1}{10}$ for תְּרוּמַת מַעֲשֵׂר. **8** *i.e.*, were mixed. **9** *i.e.*, confused with eighty parts of מַעֲשֵׂר רִאשׁוֹן. **10** *i.e.*, he has not lost from the מַעֲשֵׂר as set out in the first part of this *Mishnah:* it is not necessary to take $\frac{1}{2}$ of the טֶבֶל, $\frac{1}{10}$ for מַעֲשֵׂר רִאשׁוֹן and $\frac{1}{10}$ of the latter for תְּרוּמָה קְטַנָּה (or תְּרוּמַת מַעֲשֵׂר), but since the טֶבֶל has ten parts more than the מַעֲשֵׂר it is looked upon as if he had other טֶבֶל besides that which had got mixed up, and from other טֶבֶל one may separate מַעֲשֵׂר for the mixture, therefore here also he separates the מַעֲשֵׂר from the excess (ten parts) that is in the טֶבֶל and does not have to take an additional part.

## Mishnah 8 — מִשְׁנָה ח

מִי שֶׁהָיוּ לוֹ עֶשֶׂר שׁוּרוֹת שֶׁל עֶשֶׂר עֲשָׂרָה כַּדֵּי יַיִן וְאָמַר· שׁוּרָה הַחִיצוֹנָה [1]אַחַת מַעֲשֵׂר· וְאֵין יָדוּעַ אֵיזוֹ [2]הִיא· נוֹטֵל שְׁתֵּי חֲבִיּוֹת [3]לוֹכְסָן; [4]חֲצִי שׁוּרָה הַחִיצוֹנָה אַחַת מַעֲשֵׂר וְאֵין יָדוּעַ אֵיזוֹ [5]הִיא· נוֹטֵל אַרְבָּעָה חֲבִיּוֹת מֵאַרְבָּעָה [6]זָוִיּוֹת· שׁוּרָה אַחַת [7]מַעֲשֵׂר· וְאֵין יָדוּעַ אֵיזוֹ הִיא· נוֹטֵל שׁוּרָה אַחַת [8]לוֹכְסָן; חֲצִי שׁוּרָה

If one had ten rows each of ten jars of wine and said, '(Of) the outside row one[1] is *tithe*,' and it is not known which one it is,[2] he must take two jars diagonally.[3] 'Of[4] half the outer row, one is *tithe*,' and it is not known which one it is,[5] he takes four jars from (the) four corners;[6] 'One row is *tithe*',[7] and it is not known which one it is, he takes one row diagonally;[8] 'Half of a row, one[9] is

[9]אַחַת מַעֲשֵׂר וְאֵין יָדוּעַ [10]אֵיזוֹ הִיא׳
נוֹטֵל שְׁתֵּי שׁוּרוֹת [11]לוֹכְסָן; [12]חָבִית
אַחַת מַעֲשֵׂר וְאֵין יָדוּעַ [13]אֵיזוֹ הִיא׳
נוֹטֵל מִכָּל חָבִית וְחָבִית.[14]

to be *tithe*,' and it is not known which one it is,[10] he takes two rows diagonally;[11] 'One jar[12] is *tithe*,' and it is not known which[13] it is, he takes from every jar.[14]

**1** One cask in the outer row is מַעֲשֵׂר for all (some authorities prefer the rendering 'one outside row [*i.e.*, all ten casks in it] is *first-tithe*'). **2** Because there are four external rows (like four sides to a square or oblong). **3** From opposite corners. These two casks belong, evidently, one to two sides and the other to the other two sides on the outside, and from these two casks one caskful is made up for מַעֲשֵׂר. **4** *i.e.*, [If he said,] 'Of..... **5** Because in this case there are eight half-rows on the outside (instead of 'one [jar] is tithe' some prefer 'one *row* is tithe'). **6** Because in this case each cask is at the corner of two external half-rows; a caskful is filled from these four casks as מַעֲשֵׂר. **7** *i.e.*, one cask in a row. **8** Because the casks in a diagonal row belong in turn to all the other rows; from these casks he fills a caskful for מַעֲשֵׂר. **9** *i.e.*, *one* cask is to be מַעֲשֵׂר. **10** Neither the cask nor the half row. **11** And from these casks he fills up a caskful as מַעֲשֵׂר. **12** *i.e.*, anywhere. **13** *i.e.*, cask. **14** *i.e.*, he takes from each of the hundred casks to fill a caskful as מַעֲשֵׂר.

## סְלִיק מַסֶּכֶת דְּמַאי

## CONCLUSION OF TRACTATE DEMAI

# כִּלְאַיִם

# KILAYIM

[BEING THE
FOURTH TRACTATE OF THE MISHNAH]
TEXT · INTRODUCTION · TRANSLATION
NOTES

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# כִּלְאַיִם

# KILAYIM

# INTRODUCTION

The term כִּלְאַיִם (literally *mingling, mixture, junction or conjunction of two, two kinds, two sorts, two species*) is from the verb כָּלָא, *hold, confine, imprison, restrain*, and in this Tractate refers broadly to *forbidden junction* or *admixture* (*and grafting*) (1) *of heterogeneous plants in the same field, orchard and vineyard*, (2) *of heterogeneous animals by hybridization or by harnessing together, and* (3) *of wool and flax* (*linen*) *in the same garment;* and throughout this Tractate it will be rendered by **forbidden junction.**

The מַסֶּכֶת כִּלְאַיִם **Tractate Forbidden Junction**, is based on *Leviticus* **19,** 19, and *Deuteronomy* **22,** 9, 10, 11, *viz.*,

(19) אֶת־חֻקֹּתַי תִּשְׁמֹרוּ בְּהֶמְתְּךָ לֹא־תַרְבִּיעַ כִּלְאַיִם שָׂדְךָ לֹא־תִזְרַע כִּלְאָיִם וּבֶגֶד כִּלְאַיִם שַׁעַטְנֵז לֹא־יַעֲלֶה עָלֶיךָ׃

(9) לֹא־תִזְרַע כַּרְמְךָ כִּלְאָיִם פֶּן־תִּקְדַּשׁ הַמְּלֵאָה הַזֶּרַע אֲשֶׁר תִּזְרָע וּתְבוּאַת הַכָּרֶם׃

(10) לֹא־תַחֲרֹשׁ בְּשׁוֹר וּבַחֲמֹר יַחְדָּו׃

(11) לֹא־תִלְבַּשׁ שַׁעַטְנֵז צֶמֶר וּפִשְׁתִּים יַחְדָּו׃

(19) Ye shall observe My statutes. Thou shalt not cause thy cattle to gender with a diverse kind. Thou shalt not sow thy field with two kinds of seed; and a garment mingled of wool and linen shall not come upon thee.

(9) Thou shalt not sow thy vineyard with two kinds of seeds; lest the fulness the seed which thou hast sown be forfeited with the increase of the vineyard.

(10) Thou shalt not plough with an ox and an ass together.

(11) Thou shalt not wear mingled material—wool and linen—together.

The term שַׁעַטְנֵז, *wool and linen mixed in web*, is a compound noun from the words שׁוּעַ טָווּי וְנוּז, *hackled, spun and twined* (from the verbs שׁוּעַ, *card, hackle, full*, טָוָה or טָוִי, *spin*, נוּז, *twine, twist, weave*).

There is no known reason (apart from mere conjecture and suggestion) why this Tractate should come after דְּמַאי, though Maimonides proposes it is because פֵּאָה and כִּלְאַיִם occur in *Leviticus* **19**.

There is no *Gemara* in the *Babylonian Talmud*. The *Gemara* of the *Jerusalem Talmud* discusses the *Mishnah* and also gives an explana-

tion of many of the names of animals and plants mentioned therein; many interesting comments are also given.

The main contents of the nine chapters are:

1. The different sorts of fauna and flora that do not constitute *kilayim;* how the different trees and plants form *kilayim* with one another and among themselves. 2. The intermingling of different seeds—procedure and consequences; planting grain in field with different grain or trees in grain field; distances between beds regarding *kilayim.* 3. Distances between beds of different vegetables, and between herbs and grain. 4. Distances between vineyards, hedges, and seed-sowing; construction of such hedges. 5. The ruined vineyard; herbs in a vineyard. 6. Vine-rows; vines leaning against a tree. 7. Vines and cuttings; vines and grain; damages. 8. Prohibition of various forms; *kilayim* animals must not be harnessed together; hybrids and other animals. 9. Clothing, articles, materials, stuffs, goods; tailors, dealers; woolsey-linsey.

The following is a very brief summary of the subjects under the above headings.

1. The prohibition of כִּלְאֵי זְרָעִים, **forbidden junction of seeds,** applies to (a) plants eaten normally (but not those used medicinally), and (b) plants (if protected) eaten by animals. The prohibition applies only to the growing of plants in Israel, but not elsewhere. Fruit trees may be sown together, but the grafting of one species on to another is forbidden, though the resultant fruit may be eaten.
כִּלְאֵי כֶּרֶם, **forbidden junction in a vineyard,** is treated very strictly by the *Mishnah,* though the prohibition of the *Torah,* strictly speaking, applies only if the grape seed, and two out of a limited number of vegetables and the five species of grain are sown together.

2. כִּלְאֵי בְהֵמָה, **forbidden junction of animals.** This covers two prohibitions, (a) breeding from two different kinds of animals, and (b) harnessing together two different kinds of animals. In this connection it is interesting to note that hybrids may be mated if their *mothers* were of the same species, and also the hybrids from בְּהֵמוֹת טְהוֹרוֹת *clean animals* (what are popularly termed כָּשֵׁר *animals*) may be slaughtered for food.

3. כִּלְאֵי בְגָדִים, **forbidden junction in garments.** This prohibition covers the wearing of, or covering oneself with, material composed of sheep's wool and linen made from flax.

Artificially manufactured (*i.e.*, chemically produced) materials do not come under the category of *kilayim.*

The Titles of the Chapters:

| | | |
|---|---|---|
| Chapter 1 | הַחִטִּים וְהַזּוֹנִין | פֶּרֶק א׳ |
| Chapter 2 | כָּל־סְאָה | פֶּרֶק ב׳ |
| Chapter 3 | עֲרוּגָה | פֶּרֶק ג׳ |
| Chapter 4 | קְרָחַת הַכֶּרֶם | פֶּרֶק ד׳ |
| Chapter 5 | כֶּרֶם שֶׁחָרַב | פֶּרֶק ה׳ |
| Chapter 6 | אֵיזֶהוּ עָרִיס | פֶּרֶק ו׳ |
| Chapter 7 | הַמַּבְרִיךְ | פֶּרֶק ז׳ |
| Chapter 8 | כִּלְאֵי הַכֶּרֶם | פֶּרֶק ח׳ |
| Chapter 9 | אֵין אָסוּר | פֶּרֶק ט׳ |
| Chapter 10* | אוֹתוֹת הַגַּרְדִּין* | פֶּרֶק י׳ |

* In some editions this is *Mishnah* 10 of Chapter 9.

מַסֶּכֶת

# כִּלְאַיִם

TRACTATE

# KILAYIM

## CHAPTER 1

## פֶּרֶק א

### Mishnah 1

Wheat and darnel[1] are not *forbidden junction* one with the other.[2] Barley and oats, spelt and rye,[3] bean[4] and chick-pea, plain-pea and bean, and white-bean and kidney-bean are not *forbidden junction* one with the other.

### מִשְׁנָה א

הַחִטִּים [1]וְהַזּוּנִין [2]אֵינָן כִּלְאַיִם זֶה בָּזֶה׃ הַשְּׂעוֹרִים וְשִׁבֹּלֶת שׁוּעָל׃ הַכּוּסְמִין [3]וְהַשִּׁיפּוֹן׃ [4]הַפּוֹל וְהַסְּפִיר׃ הַפּוּרְקְדָן וְהַטּוֹפַח׃ וּפוֹל הַלָּבָן וְהַשְּׁעוּעִים אֵינָם כִּלְאַיִם זֶה בָּזֶה׃

**1** Or *rye-grass; tare, vetch.* **2** And may therefore be grown together indiscriminately; similarly as detailed here, in pairs, only the two in each pair may be grown together. **3** Some take it here to be *corn* in general. **4** פּוֹל is the general name for *every kind of bean.*

### Mishnah 2

Cucumber and cucumber-melon[1] are not *forbidden junction* one with the other. R. Judah says,[2] They are *forbidden junction.* Garden-lettuce and wild-lettuce,[3] garden-endives[4] and field-endives, garden-leeks and field-leeks, garden-coriander and field-coriander, (common-) mustard and Egyptian mustard, Egyptian-gourd and bitter-apple, Egyptian-bean and carob[5] are not *forbidden junction* one with the other.

### מִשְׁנָה ב

הַקִּישׁוּת [1]וְהַמְּלַפְּפוֹן אֵינָם כִּלְאַיִם זֶה בָּזֶה; רַבִּי יְהוּדָה אוֹמֵר[2]׃ כִּלְאָיִם׃ חַזֶּרֶת [3]וְחַזֶּרֶת גַּלִּים׃ [4]עוֹלְשִׁין וְעוֹלְשֵׁי שָׂדֶה׃ כָּרִישִׁים וּכְרִישֵׁי שָׂדֶה׃ כּוּסְבָּר וְכוּסְבַּר שָׂדֶה׃ חַרְדָּל וְחַרְדָּל מִצְרִי׃ וּדְלַעַת הַמִּצְרִי׃ וְהָרִמּוֹצָה׃ וּפוֹל הַמִּצְרִי [5]וְהֶחָרוּב אֵינָם כִּלְאַיִם זֶה בָּזֶה׃

**1** Or *apple-shaped melon*, *squash* (a species of *gourd* or *pumpkin*). **2** *i.e.*, that they are *forbidden junction*. But his view is rejected. The תַּנָּא here mentioned is ר׳ יְהוּדָה בְּר׳ אִילָעִי a disciple of ר׳ טַרְפוֹן and ר׳ עֲקִיבָא. **3** Or *hill-lettuce*. **4** *Endive* is a plant of the same genus as *chicory* (see *Supplement*). **5** A species of bean-like plant (not the tree) belonging to the order *leguminosae*.

Mishnah 3

מִשְׁנָה ג

Turnip and radish,[1] cabbage and cauliflower, beet and garden-orach[2] are not *forbidden junction* one with the other. R. Akiba added, Garlic and wild-garlic, onion and dwarf-onion, and lupine and wild-lupine are not *forbidden junction* one with the other.[3]

הַלֶּפֶת [1]וְהַנַּפּוּץ׳ וְהַכְּרוּב וְהַתְּרוּבְתּוֹר׳ הַתְּרָדִים [2]וְהַלְּעוּנִים׳ אֵינָם כִּלְאַיִם זֶה בָּזֶה׳ הוֹסִיף רַבִּי עֲקִיבָא׳ הַשּׁוּם וְהַשּׁוּמָנִית׳ הַבָּצָל וְהַבְּצַלְצוּל׳ וְהַתּוּרְמוֹס וְהַפַּלְסְלוֹס׳ אֵינָן כִּלְאַיִם זֶה בָּזֶה׳.[3]

**1** A species of *radish* resembling the *turnip* in foliage. **2** Or *orache* (a species of plant used as spinach). **3** The accepted ruling is that the pairs of plants enumerated by R. Akiba are *kilayim*.

Mishnah 4

מִשְׁנָה ד

And in the case of trees, pears and small wild pears, and quince and medlars[2] are not *forbidden junction* one with the other; the apple and the crab-apple, peaches and almonds, jujubes[3] and pomegranates, though they are similar[4] to one another, are *forbidden junction* one with the other.[5]

וּבְאִילָן׳ הָאַגָּסִים וְהַקְּרוֹסְתּוּמִלִּין [1]וְהַפְּרִישִׁים [2]וְהָעוּזְרָדִים אֵינָם כִּלְאַיִם זֶה בָּזֶה; הַתַּפּוּחַ וְהַחַזְרָד׳ הַפַּרְסְקִים וְהַשְּׁקֵדִין׳ [3]וְהַשִּׁזְפִין וְהָרִימִּין׳ אַף עַל פִּי [4]שֶׁדּוֹמִין זֶה לָזֶה׳ [5]כִּלְאַיִם זֶה בָּזֶה׳.

**1** וְהַקְּרוֹסְתּוּמִילִים in some editions. **2** Or *sorb-apple*, *crab-apple* (see *Supplement*). **3** שִׁזִּיף, *jujube*, *service-tree*, genus of small tree or spiny-shrub with edible drupes. **4** *i.e.*, resemble in leaf and in appearance, but not in taste. **5** Because they are not alike in taste. Trees may not be grafted together but may be planted together. This is the accepted ruling.

Mishnah 5

מִשְׁנָה ה

Radish and turnip,[1] mustard and charlock,[2] Greek-pumpkin[3] with either Egyptian-pumpkin or with

הַצְּנוֹן [1]וְהַנַּפּוּס׳ הַחַרְדָּל [2]וְהַלַּפְסָן׳ [3]וּדְלַעַת יְוָנִית עִם הַמִּצְרִית

וְהָרִמּוּצָה, אַף עַל פִּי שֶׁדּוֹמִין זֶה לָזֶה, כִּלְאַיִם זֶה בָּזֶה.

bitter-apple, although they are similar to each other, are *forbidden junction* one to the other.

**1** נָפוֹס and נָפוּץ in some editions. **2** Belonging to the mustard family and growing as a weed in cornfields. **3** Or *gourd.*

מִשְׁנָה ו

הַזְּאֵב וְהַכֶּלֶב, כֶּלֶב [1]הַכּוּפְרִי וְהַשּׁוּעָל, הָעִזִּים [2]וְהַצְּבָאִים, [3]הַיְּעֵלִים וְהָרְחֵלִים, הַסּוּס [4]וְהַפֶּרֶד, הַפֶּרֶד וְהַחֲמוֹר, הַחֲמוֹר [5]וְהָעָרוֹד, אַף עַל פִּי [6]שֶׁדּוֹמִים זֶה לָזֶה כִּלְאַיִם [7]זֶה בָּזֶה.

Mishnah 6

The wolf and the dog, the village dog[1] and the fox, goats and deer,[2] mountain-goats[3] and ewes, the horse and the mule,[4] the mule and the ass, the ass and the wild ass,[5] although they resemble[6] one another, are *forbidden junction* one with the other.[7]

**1** כָּפְרִי in some editions. **2** Or *gazelle, ibex.* **3** Or *wild goats, antelopes.* **4** Offspring of a horse and ass. **5** Or the *zebra, quagga.* **6** In appearance. **7** And must not be mated. This is the accepted ruling.

מִשְׁנָה ז

אֵין [1]מְבִיאִין [2]אִילָן בְּאִילָן, [3]יֶרֶק בְּיֶרֶק, וְלֹא אִילָן בְּיֶרֶק, וְלֹא יֶרֶק בְּאִילָן, רַבִּי יְהוּדָה מַתִּיר יֶרֶק בְּאִילָן.[4]

Mishnah 7

One must not graft[1] a tree onto a tree,[2] a herb onto a herb,[3] or a tree onto a herb, or a herb onto a tree. R. Judah permits a herb onto a tree.[4]

**1** מַרְכִּיבִין in some editions. **2** *i.e.*, the branch of one fruit-tree into the branch or stem of a diverse kind; according to some authorities even the branch of a plain tree may not be grafted on to a fruit tree. Plain trees may be grafted together. **3** Of a different species. Thus different trees may be neither sown closely together nor grafted. Grafting is forbidden to a Jew even outside the Land of Israel. Notwithstanding the fruit resulting may be eaten. **4** And similarly a tree on to a herb; but this view is rejected.

מִשְׁנָה ח

אֵין נוֹטְעִין [1]יְרָקוֹת בְּתוֹךְ סַדָּן שֶׁל שִׁקְמָה, אֵין מַרְכִּיבִין [2]פִּיגָם בְּשֶׁל

Mishnah 8

One may not plant herbs[1] in the stump of a sycamore tree. One may not graft rue[2] upon white cassia,[3] because it is herb onto a tree. One

may not plant a young shoot of a fig-tree into the cistus[4] so that it shades[5] it; one may not stick a vine shoot into a melon so that it should pour its water into it, because it is a tree into a herb. One may not place seed of a gourd[6] into a mallow[7] to preserve it[8] because it is herb in herb.

עַל גַּבֵּי [3]קִדָּה לִבָּנָה, מִפְּנֵי שֶׁהוּא יֶרֶק בְּאִילָן. אֵין נוֹטְעִין יִחוּר שֶׁל תְּאֵנָה לְתוֹךְ [4]הַחֲצוּב שֶׁיְּהֵא [5]מְקִירוֹ; אֵין תּוֹחֲבִין זְמוֹרָה שֶׁל גֶּפֶן לְתוֹךְ הָאֲבַטִּיחַ שֶׁתְּהֵא זוֹרֶקֶת מֵימֶיהָ לְתוֹכוֹ, מִפְּנֵי שֶׁהוּא אִילָן בְּיָרָק. אֵין נוֹתְנִין זֶרַע [6]דְּלַעַת לְתוֹךְ [7]הַחַלְמִית שֶׁתְּהֵא [8]מְשַׁמַּרְתּוֹ, מִפְּנֵי שֶׁהוּא יֶרֶק בְּיֶרֶק.

**1** יֶרֶק, *herb*, *vegetable* in some editions. **2** A strong-smelling plant with greenish-yellow flowers and bitter leaves. Some say *red cumin* or *red-cassia* is meant. **3** A tree yielding a coarser kind of cinnamon. **4** Or *rock-rose*. (Some render חֲצוּב, *scutch grass*). **5** Or *cools*. **6** See *Supplement*. **7** Or *bugloss*. **8** The mallow preserves the moistness of the seed until it is ready for planting.

Mishnah 9

Whosoever stores[1] turnips and radishes[2] under a vine,[3] if some of its leaves be exposed[4] he need not be concerned regarding *forbidden junction*, or *Sabbatical year*, or tithes,[5] and they may be pulled up[6] on the Sabbath. If he sow a wheat-grain and a barleycorn together, that is *forbidden junction*. R. Judah[7] says, It is not[8] *forbidden junction* unless there be[9] two wheat-grains and a barleycorn, or a wheat-grain and two barleycorns, or a wheat-grain and a barleycorn and a spelt seed.

מִשְׁנָה ט

[1]הַטּוֹמֵן לֶפֶת וּצְנוֹנוֹת [2]תַּחַת [3]הַגֶּפֶן, אִם הָיוּ מִקְצָת עָלָיו [4]מְגוּלִין אֵינוֹ חוֹשֵׁשׁ, לֹא מִשּׁוּם כִּלְאַיִם, וְלֹא מִשּׁוּם שְׁבִיעִית, וְלֹא מִשּׁוּם [5]מַעַשְׂרוֹת, [6]וְנוֹטְלִים בַּשַּׁבָּת. הַזּוֹרֵעַ חִטָּה וּשְׂעוֹרָה כְּאַחַת, הֲרֵי זֶה כִּלְאָיִם. רַבִּי [7]יְהוּדָה אוֹמֵר, [8]אֵינוֹ כִּלְאָיִם עַד [9]שֶׁיְּהֵא שְׁנֵי חִטִּים וּשְׂעוֹרָה, אוֹ חִטָּה וּשְׁתֵּי שְׂעוֹרִים, אוֹ חִטָּה וּשְׂעוֹרָה וְכוּסֶמֶת.

**1** *i.e.*, in a bundle or bundles or loose in such a way that they are clearly not intended to take root. **2** Or any other herbs or vegetables. **3** Or any other

tree. **4** So that he can grasp them and need not first remove the earth. (Removing the earth would be forbidden on the Sabbath). **5** מַעֲשֵׂר in some editions. If the vegetables sprouted, or the grapes continued to grow, it is not *forbidden junction*. **6** In some editions וְנִטָּלִים. If they sprouted in the seventh year the sprouts are his own property. **7** He need not tithe the freshly sprouted vegetable. R. Judah's view is rejected; he bases his view on *Leviticus* **19**, 19, שָׂדְךָ לֹא תִזְרַע כִּלְאָיִם (see **Introduction**) by rendering it '*Thy field* (*i.e.*, already sown) *thou shalt not sow with mixed seeds*' (*i.e.*, ***thy field*** = one species, and *mixed seeds* = two species, in all three seeds); and this is not comparable to the case of כִּלְאֵי הַכֶּרֶם where besides the grape-seed there must be two entirely different seeds to cause כִּלְאָיִם. R. Judah's opinion breaks down because of his faulty comparison (with *Deuteronomy* **22,** 9, לֹא תִזְרַע כַּרְמְךָ כִּלְאָיִם—see **Introduction**) based on his wrong rendering of שָׂדְךָ and כַּרְמְךָ, for a piece of land is still a field, even though it has not yet been sown, whereas a piece of ground is not a vineyard before it has been planted. **8** And it is not considered reaping which is forbidden on the Sabbath. **9** R. Judah is of opinion that just as the prohibition against *forbidden junction* in a vineyard (*Deuteronomy* **22,** 9) applies only when two species of seed are sown together with the vine, so also the prohibition against *forbidden junction* in general (*Leviticus* **19,** 19) applies only when three different species are sown, *i.e.*, two and the field. This view is rejected because a piece of land is called a field even when empty of seed, but it is a vineyard only when vines grow in it.

## CHAPTER 2

Mishnah 1

Every *seah*[1] that contains a *reva*[2] of another species, he must diminish.[3] R. Jose says, He must cleanse,[4] whether it be of one kind or of two kinds.[5] R. Simon says,[6] They spoke only of one kind; but the Sages[7] say, All that is *forbidden junction* with the *seah* is totalled to the *reva*.

## פֶּרֶק ב

מִשְׁנָה א

כָּל־[1]סְאָה שֶׁיֵּשׁ בָּהּ [2]רְוֹבַע מִמִּין אַחֵר [3]יְמַעֵט· רַבִּי יוֹסֵי אוֹמֵר, [4]יָבוֹר, בֵּין מִמִּין אֶחָד בֵּין מִשְׁנֵי [5]מִינִין· רַבִּי שִׁמְעוֹן [6]אוֹמֵר, לֹא אָמְרוּ אֶלָּא מִמִּין אֶחָד; [7]וַחֲכָמִים אוֹמְרִים, כָּל־שֶׁהוּא כִּלְאַיִם בַּסְּאָה מִצְטָרֵף לָרְוֹבַע·

**1** *seah*, 801 cubic inches or 13137 cubic cm. (See זְרָעִים **Introduction,** *Tables*). **2** רְבַע=33.3 cubic inches or 547 cubic cm. (רְבַע=24 סְאָה) [see זְרָעִים **Introduction,** *Tables*]. **3** When a *seah* of seed contains $\frac{1}{24}$ part of another kind (כִּלְאָיִם

to one another) the latter must be diminished, or seed added to the first to decrease the relative quantities and then the mixture may be sown. **4** The mixture must be completely cleansed from the intruding kind. But if the proportion was less than 1 : 24 to begin with, he can leave it, as he would not then appear to be sowing *forbidden junction* deliberately. **5** *i.e.*, whether this *reva* be of one kind or two kinds it must be lessened. **6** If one kind is in the proportion 1 : 24 it must be diminished, but if each of two kinds is less than 1 : 24 though together they are 1 : 24 they need not be diminished. **7** But if it is not *forbidden junction*, although it is a different kind, it is added to the *seah* so reducing the proportion of the intruding kind. E.g., if in a *seah* of barley there is a *reva* of oats and spelt, then the oats would be totalled with the barley (see 1[1]) and so reduce the proportion and it would be permitted to sow the mixture. This is the accepted ruling.

Mishnah 2

In what cases was this said?[1,2,3] Grain in grain, pulse[4] in pulse, grain in pulse, and pulse in grain. Rightly[2] have they said that garden seeds[5] which are not eaten combine together to one twenty-fourth of what is allotted to a *seah's* space.[6] R. Simon says, Just as they have spoken where it is stricter so they have spoken[7] where it is more lenient.[8] Flax[9] in grain combines to one twenty-fourth of that allotted to a *seah's* space.

מִשְׁנָה ב

בַּמֶּה דְּבָרִים אֲמוּרִים? תְּבוּאָה בִתְבוּאָה,[1] וְקִטְנִית בְּקִטְנִית, תְּבוּאָה בְּקִטְנִית, וְקִטְנִית בַּתְּבוּאָה.[2] בֶּאֱמֶת אָמְרוּ,[3] זֶרְעוֹנֵי גִנָּה שֶׁאֵינָן נֶאֱכָלִין מִצְטָרְפִין אֶחָד מֵעֶשְׂרִים וְאַרְבָּעָה בַּנּוֹפֵל לְבֵית סְאָה.[6] רַבִּי שִׁמְעוֹן אוֹמֵר, כְּשֵׁם שֶׁאָמְרוּ לְהַחֲמִיר[7] כָּךְ אָמְרוּ לְהָקֵל.[8] הַפִּשְׁתָּן בִּתְבוּאָה מִצְטָרֶפֶת אֶחָד מֵעֶשְׂרִים וְאַרְבָּעָה בַּנּוֹפֵל לְבֵית סְאָה.[9]

**1** That a *reva* of *forbidden junction* in a *seah* makes it unfit for sowing. **2** בַּמֶּה דְּבָרִים אֲמוּרִים and בֶּאֱמֶת אָמְרוּ are expressions used to indicate הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a ruling handed down traditionally direct from Moses*, and which is therefore accepted without any discussion by the חַכְמֵי הַמִּשְׁנָה. **3** But planted in order to grow vegetables, e.g., radishes, turnips. See *Supplement*. **4** *i.e.*, the proportion to cause *forbidden junction* is not 1 : 24 of the grain; but if there is $\frac{1}{24}$ of the amount of garden seed that would be planted in a *seah's* space against the *seah* of grain or pulse this counts as *forbidden junction*. As these seeds are usually smaller than ordinary grain or beans, much less than a *seah* would be planted in a *seah's* space. Hence much less than a *reva* of garden

seed in grain would make it impossible to sow the mixture. **5** *i.e.*, vegetable seeds. **6** If the garden seed were large so that three *seahs* were needed to sow a *seah's* space (2500 square cubits) then three *revas* would be *forbidden junction* in a *seah* of grain and not a *reva*. Put algebraically (methods unknown to the compilers and commentators of the *Mishnah*) this is quite simple: if **x** be the maximum quantity of one kind of seed for any given area and **y** the maximum quantity of another kind of seed (כִּלְאַיִם to the first) for the same area required for sowing then **y** must be less than $\frac{1}{24}$ of **x**, and this relationship is entirely independent of the comparative sizes of the seeds. The illustrative arithmetical example (which is only a particular instance of the general formula) quoted by the commentators is as follows: a *seah* of seed is required for a given area, and a *small seed* (of which *less than* a *seah* is needed for sowing the same area) is כִּלְאַיִם to the first, then the quantity of the second is not $\frac{1}{24}$ of a *seah* but $\frac{1}{24}$ of the quantity of itself required for the same area for satisfying the condition for permitting the sowing of the mixture. **7** אַף instead of כַּךְ אָמְרוּ in some editions. **8** This particular case stated by R. Simon is only an instance of the general formula in **Note 13;** but because such mathematical knowledge was unknown his statement was necessary and was thus arithmetically illustrated: if a field were of such a size that it could be sown with *one seah* of a particular seed, and another seed (כִּלְאַיִם to the first) required *three seahs* for sowing, then he held the view (which is naturally accepted) that not $\frac{1}{24}$ of a *seah* (*i.e.*, in comparison with the first kind) but $\frac{1}{24}$ of the *three seahs* of the second kind should be the quantity in consideration for allowing the sowing of the mixture. **9** Although flax is not a food it forms *forbidden junction* with cereals, etc. The seed is very fine and is densely planted, as much as three *seahs* being planted in a *seah's* space. In this case, too, the quantity required for *forbidden junction* is $\frac{1}{24}$ of the three *seahs*.

Mishnah 3

If one's field were sown with wheat and he decided to sow it with barley, he must wait until it begins to rot[1] and then he turns it over[2] and sows[3]; if it had already sprouted[4] he must not say, 'I shall sow and then turn [it] over,' but he must turn [it] over and then sow. How much does he have to plough up?[5] Like the furrows after the first-rain[6]; Abba Saul says, So that a *reva* is not left in a *seah's* space.[7]

מִשְׁנָה ג

הָיְתָה שָׂדֵהוּ זְרוּעָה חִטִּים וְנִמְלַךְ לִזְרָעָהּ שְׂעוֹרִים, יַמְתִּין לָהּ עַד שֶׁתַּתְלִיעַ.[1] וְיוֹפֵךְ[2] וְאַחַר כַּךְ יִזְרָע;[3] אִם[4] צָמְחָה לֹא יֹאמַר, אֶזְרַע וְאַחַר כַּךְ אוֹפֵךְ, אֶלָּא הוֹפֵךְ וְאַחַר כַּךְ זוֹרֵעַ. [5]כַּמָּה יְהֵא חוֹרֵשׁ, כְּתַלְמֵי[6] הָרְבִיעָה; אַבָּא שָׁאוּל אוֹמֵר, כְּדֵי שֶׁלֹּא יִשָּׁיֵר רוֹבַע [7]לְבֵית סְאָה.

**1** שֶׁיִּתְלַיִּעַ in some texts; or *becomes wormy*. הַתְּלֵעַ, (from תָּלַע) *become worm-eaten, decay, rot*. The time taken to root is three days in wet soil and longer in dry soil. On the third day the seed sends out thin wiry (wormlike) roots. **2** The ground must be turned over by the plough so that the wheat does not grow again. **3** *i.e.*, the barley. **4** *i.e.*, he reconsidered to grow barley after the wheat had already sprouted. **5** Either, how closely, or, how deeply, must he plough. **6** When it was usual to plough lightly. By thus ploughing he has shown that he does not wish the wheat to grow, and so when he sows the barley he is not guilty of sowing *forbidden junction*. The first rain occurs approximately on the 17th Marcheshvan. **7** There must not be left unploughed in any one place $\frac{1}{24}$ of the area to be turned over. Abba Saul's view is rejected, and the accepted ruling is that there is no need to plough up the whole field and that it is sufficient to make wide furrows just as one does before the first rain at the beginning of the year.

Mishnah 4

If it[2] were sown[1] and he decided to plant it,[3] he may not say, 'I shall plant and then I will turn [it] over',[4] but he must turn [it] over[5] and then plants. If it were planted and then he reconsidered to sow it, he must not say, 'I shall sow and then uproot,'[6] but he must uproot and then sow. If he so desire, he may raze [it] to less[7] than a handbreadth[8] and sows and then roots [it] out.

מִשְׁנָה ד

זְרוּעָה וְנִמְלַךְ לְנוֹטְעָהּ, לֹא יֹאמַר, אֶטַּע וְאַחַר כָּךְ אוֹפֵךְ, אֶלָּא הוֹפֵךְ וְאַחַר כָּךְ נוֹטֵעַ. נְטוּעָה וְנִמְלַךְ לְזוֹרְעָהּ, לֹא יֹאמַר, אֶזְרַע וְאַחַר כָּךְ אֲשָׁרֵשׁ, אֶלָּא מְשָׁרֵשׁ וְאַחַר כָּךְ זוֹרֵעַ. אִם רָצָה, גּוֹמֵם עַד פְּחוּת מִטֶּפַח וְזוֹרֵעַ וְאַחַר כָּךְ מְשָׁרֵשׁ.

**1** הָיְתָה זְרוּעָה in some editions. With grain, pulse, or vegetables. **2** With vines, but if with other trees, he need not turn it over. Others say even if he wishes to plant other trees he must turn it over. **3** After it has become wormy, with *vines;* according to some opinions, with *all trees*. **4** אֶפֵּךְ in some editions. *i.e.*, destroy the trees with the roots. **5** After it has rotted, from the ground. **6** The vines. **7** From the ground. **8** טֶפַח, *handbreadth*, 3.68 inches or 9.34 cms. (see זְרָעִים, **Introduction**, *Tables*).

Mishnah 5

If his field were sown with hemp[1] or serpentaria,[2] he must not sow over the top of them,[3] because they[4] produce only after three years.[5]

מִשְׁנָה ה

הָיְתָה שָׂדֵהוּ זְרוּעָה קַנַּבּוֹס אוֹ לוּף לֹא יְהֵא זוֹרֵעַ וּבָא עַל גַּבֵּיהֶם, 

שֶׁאֵינָן עוֹשִׂין אֶלָּא [5]לְשָׁלֹשׁ שָׁנִים·
תְּבוּאָה שֶׁעָלוּ בָהּ סְפִיחֵי [6]אִסְטִיס·
וְכֵן [7]מִקּוֹם הַגִּרְנוֹת שֶׁעָלוּ בָהֶן מִינִין
[8]הַרְבֵּה· וְכֵן [9]תִּלְתָּן שֶׁהֶעֱלָה מִינֵי
צְמָחִים· אֵין מְחַיְּבִין אוֹתוֹ [10]לְנַכֵּשׁ;
אִם נִיכֵּשׁ אוֹ [11]כִּיסַּח· אוֹמְרִים לוֹ·
עֲקוֹר אֶת־הַכֹּל חוּץ מִמִּין אֶחָד·[12]

Grain, among which has grown an after-growth of woad,[6] and similarly if in the threshing floor[7] several[8] species have grown, and likewise if between fenugreek[9] various kinds of plants have grown, he is not obliged to weed [them] out;[10] if he weeded out or cropped [them],[11] he must be told, 'Uproot all except for one kind'.[12]

**1** Or קַנְבּוֹס—whose seed often lies on the ground three years before germinating. **2** לוֹף, *serpentaria, snake-root, dragon's-wort, snake weed, tarragon, herb-dragon;* more probably *Egyptian-bean, Indian-lotus, hyacinth-bean.* **3** After he has cut them down, leaving the roots, he must not sow any other species in the same field although he has ploughed up the field. **4** אַף עַל פִּי שֶׁאֵינָן עוֹשִׂין in some editions. So the ploughing will not destroy the hemp seed and it may grow together with the new species. He must first root out the hemp or wait until three years and then plough it up. **5** Because everybody knows that he does not want the aftergrowth which is destructive of his main crop or will ruin the threshing ground. **6** We assume that he deliberately left the rest to be harvested. **7** *i.e.*, where the corn is threshed. Otherwise what is left will be *forbidden junction.* **8** Or *many.* **9** A genus of *leguminous* plants (allied to *melitot* and *cloves*). **10** *i.e.*, weed out *and uproot.* **11** *i.e.*, if he had uprooted only a portion or he had cut away leaving the roots. **12** Otherwise it might appear as if they were purposely left to grow כִּלְאַיִם.

מִשְׁנָה ו

הָרוֹצֶה לַעֲשׂוֹת שָׂדֵהוּ [1]מֵשָׁר מֵשָׁר
מִכָּל מִין· בֵּית שַׁמַּאי אוֹמְרִים·
שְׁלֹשָׁה תְּלָמִים שֶׁל [2]פִּתְּיחַ; וּבֵית
הִלֵּל אוֹמְרִים· מָלֵא [3]הָעוֹל [5]הַשָּׁרוֹנִי;
[4]וּקְרוֹבִין דִּבְרֵי אֵלּוּ לִהְיוֹת כְּדִבְרֵי
אֵלּוּ·

Mishnah 6

If one wish to lay out his field in [straight] beds[1] each for a different species, the School of Shammai say, Three furrows of the ploughshare width;[2] and the School of Hillel say, The width of the Sharon[5] yoke;[3] but the view of the one [School] is very near[4] to the view of the other [School].

**1** *i.e.*, *long narrow bed.* **2** Or *three ridges of a furrowed field;* so that there be no appearance of כִּלְאַיִם; the furrow or trench may be two cubits wide at one end becoming gradually very narrow at the other end. **3** Or *team.* The

width of the yoke used in the Sharon plain of Israel must be left between the beds. **4** *i.e.*, there is practically almost no difference, in the opinions, as to the width of the dividing furrows. **5** A plain along the Mediterranean coast from Carmel to Japho.

Mishnah 7

If the point of the wedge-like corner of a field of wheat entered into[1] one of barley, it is allowed,[2] because it is apparent that it is the limit of his field. If his field were of wheat[3] and that of his neighbour was of another species, he is permitted[14] to flank it[4] with that same species[5]; if his were of wheat and his neighbours' were of wheat, he may flank it with a ridge[6] of flax[7] but not with a ridge of another species. R. Simon says,[8] It is all one whether it be flax seed or any other species. R. Jose says, Even in the middle of one's field it is permitted to test with a furrow[10] of flax.[11]

מִשְׁנָה ז

הָיָה רֹאשׁ תּוֹר חִטִּים [1]נִכְנַס בְּתוֹךְ שֶׁל שְׂעוֹרִים [2]מוּתָּר, מִפְּנֵי שֶׁהוּא נִרְאֶה כְּסוֹף שָׂדֵהוּ. שֶׁלּוֹ [3]חִטִּים וְשֶׁל חֲבֵירוֹ מִין אַחֵר, [14]מוּתָּר [4]לִסְמוֹךְ לוֹ [5]מֵאוֹתוֹ הַמִּין; שֶׁלּוֹ חִטִּים וְשֶׁל חֲבֵירוֹ חִטִּים, מוּתָּר לִסְמוֹךְ לוֹ [6]תֶּלֶם שֶׁל [7]פִּשְׁתָּן וְלֹא תֶּלֶם שֶׁל מִין אַחֵר. רַבִּי [8]שִׁמְעוֹן אוֹמֵר, אֶחָד זֶרַע פִּשְׁתָּן וְאֶחָד כָּל־הַמִּינִין; רַבִּי [9]יוֹסֵי אוֹמֵר, אַף בְּאֶמְצַע שָׂדֵהוּ מוּתָּר לִבְדּוֹק [10]בְּתֶלֶם שֶׁל [11]פִּשְׁתָּן.

**1** Or *met*, *touched*. וְנִכְנַס in some editions—like this  . For since it is only the act of sowing *forbidden junction* which is prohibited by the *Torah*, as long as it is apparent that the different kinds were not sown together it is permitted. In this case although the angle enters into the field, it is clearly the projection of the wheat field and was sown with it, not with the barley. **2** *i.e.*, it is not כִּלְאַיִם. The shapes of the two contiguous fields are evidence that there is no *forbidden junction*. **3** *Wheat* is taken only as an illustration; all other species are also here referred to. **4** *i.e.*, to plant a row of other species in his own field next to the wheat without any gap. **5** *i.e.*, from that of the neighbour's; some authorities take it to mean that it refers to his own. For the onlooker will think the flank is part of his neighbours' field and not *forbidden junction* in his field. **6** Or *furrow*, i.e., *bed*. **7** Flax is not sown in small quantities, therefore it is evident that a small bed of flax is not there as כִּלְאַיִם but simply (as is the practice) to try out the soil whether it would be suitable for growing flax. But this is not the case with other plants. (It is to be observed that the question of not giving a false impression by appearances, מַרְאִית עַיִן, is

an important one). This is the accepted ruling. **8** He is רַבִּי שִׁמְעוֹן בֶּן יוֹחָאִי, a disciple of R. Akiba. His view is rejected. Some consider that his view is that not only flax but other species as well may be sown between the two fields; others think that he means that not only not flax but no other species either may be sown between the two fields. **9** He is רַבִּי יוֹסֵי בֶּן חֲלַפְתָּא. His view is not accepted because the question of מַרְאִית עַיִן arises and it is important that others be not misled by appearances. **10** Or *ridge*, i.e., *bed*. **11** Because the small bed is evidence of the testing of the ground for the suitability for growing flax; but nevertheless this is not allowed, because the test can be made in the space between the two fields.

Mishnah 8

One may not flank[1] a field of grain,[2] mustard or safflower,[3] but one may flank[1] a vegetable field with mustard or safflower.[4] And it is permitted to flank an uncultivated field,[5] or a ploughed field,[6] or a wall of loose stones,[7] or a road,[8] or a fence[9] ten handbreadths high, or a trench ten[10] deep and four[10] wide, or a tree that overshadows[11] the soil, or a rock ten high and four[10] wide.[12]

מִשְׁנָה ח

אֵין [1]סוֹמְכִין [2]לִשְׁדֵה תְבוּאָה חַרְדָּל
[3]וְחָרְיַע, אֲבָל [1]סוֹמְכִין לִשְׁדֵה
יְרָקוֹת [4]חַרְדָּל וְחָרְיַע. וְסוֹמֵךְ
[5]לְבוּר [6]וּלְנִיר [7]וּלְגַפָּה [10]וּלְדֶרֶךְ
[9]וּלְגָדֵר גָּבֹהַּ עֲשָׂרָה טְפָחִים,
וּלְחָרִיץ שֶׁהוּא עָמוֹק [10]עֲשָׂרָה וְרָחָב
[10]אַרְבָּעָה, וּלְאִילָן שֶׁהוּא [11]מֵיסֵךְ
עַל הָאָרֶץ וּלְסֶלַע גָּבֹהַּ [10]עֲשָׂרָה
וְרָחָב [12,10]אַרְבָּעָה.

**1** In the space between two fields belonging to two owners. **2** A man may not plant mustard close to another man's grain; because חַרְדָּל and חָרְיַע are sown in small spaces and are harmful to grain, and to avoid מַרְאִית עַיִן, misleading people to think that they were sown on purpose and not for a soil test. **3** חָרְיַע, *bastard saffron, wild-saffron, colchicum, meadow-saffron; carthamus, safflower* (see *Supplement*). **4** חַרְדָּל and חָרְיַע are not injurious to vegetables. **5** *i.e.*, grow mustard right up to any one of the following objects where grain is growing on the opposite side. Similarly these separate any two diverse kinds and prevent them being *forbidden junction*. Or (בּוּר), *fallow land*. Here it refers to an area of a בֵּית רֹבַע, $104\frac{1}{6}$ *square cubits* or more. **6** נִיר, *newly broken land, ploughed field.* **7** גַּפָּה, *wall of loose uncemented stones; stone fence with gate.* **8** *i.e., public road;* or *private pathway* 4 cubits wide. **9** גָּדֵר, *wooden fence, cemented stone fence.* **10** *i.e.*, handbreadths. **11** *i.e.*, the branches hang down to within three handbreadths (טְפָחִים) from the earth, then if the soil beneath the branches be sown with one species then another species may be sown up to the branches. **12** It is assumed that the lengths of the trench and rock are $10\frac{1}{6}$ cubits.

Mishnah 9

Whosoever wishes to lay out his field in patches[1] of differing species makes twenty-four patches[2] to a *seah's* space,[3] each patch being a *reva's* space and sows therein[4] whatever species he wishes. If there be one bed or two patches,[5] he may sow them with mustard;[6] if three, he may not sow mustard because it will look[7] like a field of mustard;[8] these are the views[9] of R. Meir; but the Sages[10] say, Nine patches are allowed, ten[11] are forbidden. R. Eliezer[12] Ben Jacob says, Even if the whole[13] of his field be a *kor's*[14] space he may not lay out in it more than one patch.[15]

מִשְׁנָה ט

הָרוֹצֶה לַעֲשׂוֹת שָׂדֵהוּ [1]קְרָחַת
קְרָחַת מִכָּל מִין, [2]עוֹשֶׂה עֶשְׂרִים
וְאַרְבָּעָה קְרָחוֹת [3]לְבֵית סְאָה,
מְקָרְחַת [5]לְבֵית רוֹבַע, וְזוֹרֵעַ
[4]בְּתוֹכָהּ כָּל־מִין שֶׁיִּרְצֶה. הָיְתָה
קְרָחַת [5]אַחַת אוֹ שְׁתַּיִם זוֹרְעָם
[6]חַרְדָּל; שָׁלֹשׁ לֹא יִזְרַע חַרְדָּל,
מִפְּנֵי שֶׁהִיא [7]נִרְאֵית כִּשְׂדֵה [8]חַרְדָּל,
[9]דִּבְרֵי רַבִּי מֵאִיר; [10]וַחֲכָמִים
אוֹמְרִים, תֵּשַׁע קְרָחוֹת מוּתָּרוֹת,
[11]עֶשֶׂר אֲסוּרוֹת. רַבִּי [12]אֱלִיעֶזֶר
בֶּן יַעֲקֹב אוֹמֵר, אֲפִילוּ [13]כָּל־
שָׂדֵהוּ בֵּית [14]כּוֹר לֹא יַעֲשֶׂה בְּתוֹכָהּ
חוּץ מִקְּרָחַת [15]אֶחָת.

**1** Sowing a different kind in each oblong space. Here קְרָחַת refers to *a square or rectangular bed*. **2** *i.e., not more than twenty-four rectangular* beds (each not less than $104\frac{1}{6}$ square cubits). Each patch must be a *reva's* space; if it is smaller the species appear sown indiscriminately; if larger, they are fields. **3** בֵּית סְאָה = 2,500 square cubits. בֵּית רֹבַע = $104\frac{1}{4}$ square cubits, בֵּית קַב = $416\frac{2}{3}$ square cubits (= 4 בֵּית רֹבַע); 24 בֵּית רֹבַע = בֵּית סְאָה (see זְרָעִים **Introduction** *Tables*). **4** Without leaving any empty space in the field. The quilt-like appearance of the field makes it manifest that the seed was not scattered indiscriminately. Hence, there is no *forbidden junction*. **5** *i.e.*, if in a large cornfield there be one or two empty spaces (each not less than a בֵּית רֹבַע). **6** Though mustard is not sown in large areas yet here it will not look like a field of mustard inside a field of corn; hence it would follow that one may sow in such places species which are sown in large areas. **7** *i.e.*, three beds. **8** Inside a field of corn, because the mustard plot will look like a field of mustard, but other species which are grown in great spaces may be so sown because such a small area as three קְרָחוֹת will not be looked upon as a field in their case. **9** All as set out from the beginning of the *Mishnah*. **10** The Sages' view is against that of R. Meir and they say that there must be a clear space (equal to a

bed) on every side of each bed. This is achieved by dividing the field into 25 squares and sowing only alternate squares. The opinion of the Sages is the accepted ruling. **11** It is possible to have only nine clear beds; a tenth would touch one of the other beds at the corner. **12** His view is rejected. **13** הָיְתָה in some editions. **14** כֹּר = 30 בֵּית סְאָה (7500 square cubits). **15** *i.e.*, but one patch he may sow even if it is completely surrounded by the crop growing in the field. If, however, blank spaces are left he may sow many species.

Mishnah 10

מִשְׁנָה י

[1]כָּל־שֶׁהוּא בְּתוֹךְ [2]בֵּית רוֹבַע עוֹלֶה בְּמִדַּת בֵּית רוֹבַע; [3]אֲכִילַת הַגֶּפֶן וְהַקָּבֶר [4]וְהַסֶּלַע עוֹלִין בְּמִדַּת בֵּית רוֹבַע. תְּבוּאָה בִתְבוּאָה בֵּית רוֹבַע, [6]יֶרֶק בְּיֶרֶק [7]שִׁשָּׁה טְפָחִים, [8]תְּבוּאָה בְּיֶרֶק וְיֶרֶק בְּתְבוּאָה [9]בֵּית רוֹבַע; רַבִּי [10]אֱלִיעֶזֶר אוֹמֵר, [11]יֶרֶק בְּתְבוּאָה שִׁשָּׁה טְפָחִים.

Everything[1] which is inside the *reva's* space[2] is included in the measurement of that *reva's* space; the soil round a vine,[3] or a grave, or a rock[4] is included in the measurement of the *reva's* space; corn near corn [requires][5] an area of one *reva*, greens close to greens[6] —six handbreadths;[7] corn near greens or greens close by corn[8]—an area of a *reva*;[9] R. Eliezer[10] says, Greens by corn[11]—six handbreadths.

**1** Even pools, impossible to sow. **2** That constitutes the patches in the preceding *Mishnah*. *i.e.*, when measuring the $\frac{1}{24}$ of a בֵּית סְאָה (רֹבַע = $104\frac{1}{6}$ square cubits) either for beds, for sowing, or for spacings between beds, all parts that can not be utilized for sowing are included in the $104\frac{1}{6}$ square cubits' measurement. **3** Authorities differ as to the exact meaning of this term, and the various renderings are (i) the soil surrounding the vine, (ii) the soil covered by the spreading branches, and (iii) the soil containing the roots. **4** Less than ten handbreadths in height—one not large enough to separate the two kinds by itself as in 2[8]. **5** *i.e.*, if it be desired to sow more than one species of grain there must be a space of $104\frac{1}{6}$ square cubits between the different species, so that they are clearly visible as two separate fields. **6** *i.e.*, *greens* or *vegetables*. **7** *i.e.*, if one wants to plant more than one species of vegetable there must be a space of six by six handbreadths between the different species. **8** *i.e.*, if he wishes to plant a field of one by the side of a field of the other. **9** But he can plant one row of vegetables by a field of grain by leaving a space of six by six handbreadths. **10** His view is rejected. **11** Or, grain by vegetables.

Mishnah 11

מִשְׁנָה יא

[1]תְּבוּאָה נוֹטָה עַל גַּבֵּי תְבוּאָה,

If corn overhang corn,[1] or greens overhang greens, [or] corn [over-

hang] greens, or greens [overhang] corn—all are permitted,[3] except for Greek gourd;[4] R. Meir[5] says, 'Also cucumber and Egyptian bean; nevertheless[6] I prefer their[6] view to my own.'

[2]יֶרֶק עַל גַּבֵּי יָרָק, תְּבוּאָה עַל גַּבֵּי יָרָק, יֶרֶק עַל גַּבֵּי תְּבוּאָה, הַכֹּל [3]מוּתָּר חוּץ [4]מִדְּלַעַת יְוָנִית; רַבִּי [5]מֵאִיר אוֹמֵר, אַף הַקִּישׁוּת וּפוּל הַמִּצְרִי; וְרוֹאֶה אֲנִי אֶת־[6]דִּבְרֵיהֶן מִדְּבָרָי.

**1** Grain of one species hangs over the grain of another species growing near it (in accordance with the rulings relating to avoiding *forbidden junction*, *i.e.*, though they were properly separated). **2** Greens or vegetables of one species overhang the greens or vegetables of another species growing near them (planted according to the rulings regarding the prevention of *forbidden junction*). **3** And we do not fear that the onlooker will think them to be sown haphazardly. **4** Because its leaves are particularly long and outspreading and intertwine with those of the other species causing the appearance of *forbidden junction*. **5** He says that the cucumber and Egyptian bean should be excepted like the Greek gourd, but he immediately proceeds to abandon this view. **6** *i.e.*, 'Although my teachers taught me that cucumber and Egyptian bean may not hang over another species . . . . .' **6** *i.e.*, the Sages'. The ruling is according to the view of the Sages who say that the Greek gourd is the only exception to the rule that overhanging does not count as *forbidden junction*.

## CHAPTER 3

## פֶּרֶק ג

Mishnah 1[1]

A garden bed which is six handbreadths[2] by six handbreadths may be sown with five different species of seeds,[3] four on the four sides of the bed[4] and one in the middle.[5] If it had a border a handbreadth high,[6] there may be sown in it thirteen,[7] three upon each border and one in the centre.[8] One should not plant turnip top[9] inside the border because it would fill it up.[10] R. Judah says, Six in the middle.[11]

מִשְׁנָה א[1]

עֲרוּגָה שֶׁהִיא שִׁשָּׁה [2]טְפָחִים עַל שִׁשָּׁה טְפָחִים, זוֹרְעִים בְּתוֹכָהּ חֲמִשָּׁה [3]זֶרְעוֹנִים [4]אַרְבַּע בְּאַרְבַּע רוּחוֹת הָעֲרוּגָה [5]וְאֶחָד בָּאֶמְצַע. הָיָה לָהּ גְּבוּל [6]גָּבְהָהּ טֶפַח זוֹרְעִין בְּתוֹכָהּ [7]שְׁלֹשָׁה עָשָׂר, שְׁלֹשָׁה עֵל כָּל־גְּבוּל וּגְבוּל וְאֶחָד בָּאֶמְצַע[8]. לֹא יִטַּע רֹאשׁ [9]הַלֶּפֶת בְּתוֹךְ הַגְּבוּל מִפְּנֵי שֶׁהוּא [10]מְמַלְּאֶהוּ. רַבִּי יְהוּדָה אוֹמֵר, [11]שִׁשָּׁה בָּאֶמְצַע.

**1** There is a great variety of conflicting and contradictory complicated views on the correct interpretation of this *Mishnah*, which is one of the most difficult if not the most difficult of all the *Mishnahs*, and so both the **Translation** and **Notes** here given are in accordance with the generally accepted final ruling. **2** טֶפַח *handbreadth*, 3.65 inches or 9.4 cm. This being the minimum size regarded as a vegetable bed. **3** *i.e.*, vegetable seeds. As taught in the next *Mishnah*, this refers to vegetables or greens which are grown in garden beds (not in whole fields), and not to such plants as are wont to be sown in whole fields. **4** *i.e.*, a single row of one species along each side adjacent to the square (leaving the corners free a handbreadth by a handbreadth in extent). **5** One species in the whole centre being sown with one kind. For since the centre is a whole bed there is not the appearance of *forbidden junction*. The רֹאשׁ תּוֹר (*wedge-shaped corner*) of the bed may touch the side of the whole bed. [This interpretation, which fits the Hebrew exactly, is taken from the commentary of Elijah, Vilna Gaon. The normal meaning given to this *Mishnah* poses very many difficulties]. **6** And also a handbreadth wide. **7** *i.e.*, vegetable seeds. Because the border, being one handbreadth wide, the whole bed now becomes eight handbreadths by eight handbreadths. **8** Planting thus—1 טֶפַח empty at a corner, 1 טֶפַח planted, 1½ טֶפַח empty, 1 טֶפַח planted, 1½ טֶפַח empty, 1 טֶפַח planted, and 1 טֶפַח empty at the other corner, thus forming three small beds (each 1 square טֶפַח) with five spacings on the one side; and so on for the three other sides (or, one row flanking the centre bed, one row on top of the border, and one row flanking the border on the outside, and so on for all four sides). **9** Because its leaves are so widely spread that they cover the other plants and the whole has the appearance of *forbidden junction*. **10** But he may plant it on top of, or outside, the border. **11** *i.e.*, he does not need to plant a single row along each of the four sides of the six by six handbreadths plot in order to get five species on a plot. R. Judah's view is accepted: he holds that the minimum size of a vegetable plot is six handbreadths by one handbreadth, hence he could have six plots in the centre of his bed without infringing the law of *forbidden junction*.

Mishnah 2

Not every kind[1] of seed[2] may be sown in a garden bed,[3] but all kinds of vegetables may be sown in a garden bed. Mustard and small beans are a kind of seed,[4] large beans a kind of vegetable. A border[5] that was a handbreadth high and became lower is valid[6] because it was valid to begin with.[7] A furrow[8]

מִשְׁנָה ב

כָּל־[1]מִין [2]זְרָעִים אֵין זוֹרְעִים
[3]בַּעֲרוּגָה, וְכָל־מִין יְרָקוֹת זוֹרְעִין
בַּעֲרוּגָה. חַרְדָּל וַאֲפוּנִין הַשּׁוּפִין
מִין [4]זְרָעִים, אֲפוּנִים הַגְּמַלִּים מִין
יָרָק. [5]גְּבוּל שֶׁהָיָה גָּבֹהַּ טֶפַח וְנִתְמַעֵט

[6]כְּשֵׁר׳ שֶׁהָיָה כָשֵׁר [7]מִתְּחִלָּתוֹ·
[8]הַתֶּלֶם [9]וְאַמַּת הַמַּיִם שֶׁהֵם עֲמוּקִים
טֶפַח זוֹרְעִים [10]לְתוֹכָן שְׁלֹשָׁה
זְרָעוֹנִין׳ [11]אֶחָד מִכָּן וְאֶחָד מִכָּן
וְאֶחָד [12]בָּאֶמְצָע·

or a water-channel[9] that is a handbreadth deep—three kinds of seed may be sown therein,[10] one[11] at one edge and one at the other edge and one in the middle.[12]

**1** מיגי in some editions. **2** They should not give the appearance of *forbidden junction* if sown in a bed when they are wont to be sown in large fields. **3** *i.e.*, five species (in the manner described in the preceding *Mishnah*). **4** And cannot be sown within or alongside a bed six by six handbreadths. **5** On which twelve different kinds were sown (see the preceding *Mishnah*). **6** *i.e.*, the plants are permitted and are not to be uprooted; but no further sowing may be carried out before the border is raised to a handbreadth. **7** But nothing new may be planted until it is built up again. **8** Or *trench*. **9** Which has dried up. **10** Literally *in them*, *i.e.*, a sunken border has the same law as a raised border round a plot six by six handbreadths, as taught in 2[1]. **11** *i.e.*, one row of each species. **12** *i.e.*, *lengthways* (thus, a handbreadth sown, $1\frac{1}{2}$ handbreadths' interval, a handbreadth sown in the middle, $1\frac{1}{2}$ handbreadths' interval, a handbreadth sown); or according to some, *crossways* (a handbreadth sown along the side or bank, $1\frac{1}{2}$ handbreadths' interval, a handbreadth sown in the centre, $1\frac{1}{2}$ handbreadths' interval, a handbreadth sown on the other side or bank), but none on the sunken sides, for this would have the appearance of *forbidden junction*.

## מִשְׁנָה ג

הָיָה רֹאשׁ תּוֹר יָרָק נִכְנָס לְתוֹךְ
שְׂדֵה יָרָק אַחֵר [1]מוּתָּר מִפְּנֵי שֶׁהוּא
נִרְאֶה כְּסוֹף שָׂדֵהוּ· הָיְתָה שָׂדֵהוּ
זְרוּעָה יָרָק וְהוּא מְבַקֵּשׁ לִיטַּע
בְּתוֹכוֹ [2]שׁוּרָה שֶׁל יָרָק אַחֵר׳ רַבִּי
יִשְׁמָעֵאל אוֹמֵר׳ [3]עַד שֶׁיְּהֵא הַתֶּלֶם
מְפוּלָּשׁ מֵרֹאשׁ הַשָּׂדֶה וְעַד [4]רֹאשׁוֹ·
רַבִּי עֲקִיבָא אוֹמֵר׳ [5]לְאָרְכָּהּ שִׁשָּׁה
טְפָחִים [6]וְרוֹחַב מְלוֹאוֹ; רַבִּי יְהוּדָה

## Mishnah 3

If the wedge-like corner of a vegetable field entered into the field of a different vegetable, this is allowed[1] because it is manifestly the limit of his field. If one's field were sown with vegetables and he desired to plant in it a row[2] of another kind of vegetable, R. Ishmael says, Only if[3] the furrow be uninterrupted from one end of the field to its other end.[4] R. Akiba says, It need be but six hand-

breadths in length[5] and fully as wide[6]; R. Judah says, As wide as the full width of the sole of a foot.[7]

אוֹמֵר, רוֹחַב כְּמִלֹּא רוֹחַב הַפַּרְסָה.[7]

**1** See 2[7]. **2** *i.e.*, a single row. **3** *i.e.*, 'He may do so only if . . . . .' **4** *i.e.*, the row of vegetables must extend the whole length of the field, so that it is not enclosed except at the sides by the other kind. **5** And the fact that it will be surrounded on three sides does not matter; but it must have the length of six handbreadths. **6** *i.e.*, it must occupy an area of six by six handbreadths even though it is but one row. **7** *i.e.*, one handbreadth. This agrees with his view in 2[1].

Mishnah 4

If one planted two rows of cucumbers, two rows of gourds, and two rows of Egyptian beans,[1] this is permitted;[2] one row of cucumbers, one row of gourds, and one row Egyptian beans, this is forbidden;[3] one row of cucumbers, one row of gourds, one row of Egyptian beans, then one row of cucumbers—R. Eliezer[4] permits this but the Sages[5] forbid it.

מִשְׁנָה ד

הַנּוֹטֵעַ שְׁתֵּי שׁוּרוֹת שֶׁל קִשּׁוּאִין, שְׁתֵּי שׁוּרוֹת שֶׁל דְּלוּעִים, שְׁתֵּי שׁוּרוֹת שֶׁל [1]פּוֹל הַמִּצְרִי [2]מוּתָּר; שׁוּרָה שֶׁל קִשּׁוּאִים, שׁוּרָה שֶׁל דְּלוּעִים, שׁוּרָה שֶׁל פּוֹל הַמִּצְרִי [3]אָסוּר; שׁוּרָה שֶׁל קִשּׁוּאִים, שׁוּרָה שֶׁל דְּלוּעִים, שׁוּרָה שֶׁל פּוֹל הַמִּצְרִי וְשׁוּרָה שֶׁל קִשּׁוּאִים, רַבִּי [4]אֱלִיעֶזֶר מַתִּיר [5]וַחֲכָמִים אוֹסְרִים.

**1** Or פּוּל. **2** These species have long foliage. *i.e.*, if there be a תֶּלֶם, *furrow* or *trench*, with a space interval of six handbreadths between one species and the other. The gourds separate the cucumbers from the Egyptian beans which are כִּלְאַיִם towards each other. And this is the accepted ruling. **3** Even if there be a תֶּלֶם (*trench* or *furrow*) between the beds, because cucumbers and gourds are כִּלְאַיִם towards each other and the widespreading leaves are liable to overlap even in spite of the תֶּלֶם—giving the appearance of having been sown indiscriminately. **4** His view, which is rejected, is that the two rows of cucumbers turn it into a cucumber field, and the gourds and Egyptian beans will be covered by the rule of the last *Mishnah* that a row of a different kind may be planted in a field of vegetables. **5** Their ruling is accepted. For since the two rows of cucumbers do not adjoin, it does not count as a field of cucumbers.

Mishnah 5

A man may plant a cucumber and a gourd[1] in[2] the same hollow,[3] provided that the one leans to one direction and the other to the other direction,[4] the foliage of the one leaning one way and the foliage of the other the other way; for whatsoever the Sages have forbidden[5] they have decreed only for the sake of appearances.[6]

מִשְׁנָה ה

נוֹטֵעַ אָדָם [1]קִישׁוּת וּדְלַעַת [2]לְתוֹךְ
[3]גּוּמָא אַחַת, וּבִלְבַד שֶׁתְּהֵא זוֹ
נוֹטָה לְצַד זֶה וְזוֹ נוֹטָה לְצַד זֶה[4],
וְנוֹטֶה שֵׁעָר שֶׁל זוֹ לְכָן וְשֵׁעָר שֶׁל
זוֹ לְכָן; שֶׁכָּל מַה [5]שֶׁאָסְרוּ חֲכָמִים
לֹא גָּזְרוּ אֶלָּא מִפְּנֵי [6]מַרְאִית הָעָיִן.

**1** These two are taken as an extreme example because their widespreading leaves are liable to intertwine. As a matter of fact three or four different species (*i.e.*, one of each) may be planted in the same hollow. **2** בְּתוֹךְ in some editions. **3** Each seed must be planted separately but there is no need for a great space between. **4** So that they will clearly appear as not mingling. The next part of the *Mishnah* is omitted in many editions and seems to be a gloss that has crept into the text. **5** As *forbidden junction*. **6** *i.e.*, there should be no doubt or suspicion of *forbidden junction*, and the fact that the leaves of one species incline away from those of the other proves that care had been taken against the transgression of *forbidden junction*.

Mishnah 6

If a man's field[1] were sown with onions[2] and he sought to plant in it rows[3] of gourds, R. Ishmael says, He must uproot two rows[4] and plant one row,[5] and leave the standing crop of onions over a space of two rows,[6] then he uproots[7] two rows[8] and plants one row.[9] R. Akiba says,[10] He should uproot two rows[4] and plant two rows,[5] then leave a space of two rows of the standing crop of onions, then uproot two rows[4] and plant two rows.[11] But the Sages say,[12] If there be not between one row and the next twelve cubits, he must not allow the seed between to remain.

מִשְׁנָה ו

[1]הָיְתָה שָׂדֵהוּ זְרוּעַ [2]בְּצָלִים וּמְבַקֵּשׁ
לִיטַּע בְּתוֹכָהּ [3]שׁוּרוֹת שֶׁל דְּלוּעִים,
רַבִּי יִשְׁמָעֵאל אוֹמֵר, עוֹקֵר [4]שְׁתֵּי
שׁוּרוֹת וְנוֹטֵעַ [5]שׁוּרָה אַחַת, *וּמַנִּיחַ
קָמַת בְּצָלִים בִּמְקוֹם [6]שְׁתֵּי שׁוּרוֹת,
[7]וְעוֹקֵר [8]שְׁתֵּי שׁוּרוֹת וְנוֹטֵעַ [9]שׁוּרָה
אֶחָת. רַבִּי [10]עֲקִיבָא אוֹמֵר, עוֹקֵר
[4]שְׁתֵּי שׁוּרוֹת וְנוֹטֵעַ [5]שְׁתֵּי שׁוּרוֹת,
*וּמַנִּיחַ קָמַת בְּצָלִים בִּמְקוֹם שְׁתֵּי
שׁוּרוֹת וְעוֹקֵר [4]שְׁתֵּי שׁוּרוֹת וְנוֹטֵעַ
[11]שְׁתֵּי שׁוּרוֹת. [12]וַחֲכָמִים אוֹמְרִים,
אִם אֵין בֵּין שׁוּרָה לַחֲבֶרְתָּהּ שְׁתֵּים
עֶשְׂרֵה אַמָּה לֹא יְקַיֵּים אֶת־הַזֶּרַע
שֶׁל בֵּינָתַיִם.

**1** הָיָה (more grammatically correct) in some editions. **2** Or any other vegetable. Onions are mentioned because probably in those days gourds were grown among them. **3** *i.e.*, alternate rows of onions and gourds. **4** *i.e.*, of onions. A row is four cubits wide so that a total width of eight cubits is made empty. **5** Of gourds in the centre of the empty space. This would require four cubits, and two cubits on each side of it would be empty. **6** *i.e.*, eight cubits. **7** *i.e.*, once more he uproots two rows of onions. This process may be repeated as often as possible. Thus every time there is a distance of twelve cubits from one row of gourds to the other. **8** *i.e.*, of onions. **9** Of gourds. Thus there would be twelve cubits between the edge of one row of gourds and the next. **10** His view (which is rejected) is that a space of eight cubits from one row of gourds to the other is unnecessary and that the ordinary existing תֶּלֶם (*trench* or *furrow*) of one cubit in width is all that is needed. **11** Of gourds. And he does not need an empty space between the gourds and the onions. **12** Their view, which is the accepted ruling, is based on the fact that the widespreading growing leaves of gourds require the twelve cubits' spacing interval to avoid *forbidden junction*. *Or וּמַגִּיחַ.

Mishnah 7

A gourd among vegetables is like vegetables,[1] but if among grain it must be given a space of a *reva*.[2] If one's field were sown with grain and he sought[3] to plant in it a row[4] of gourds,[5] six handbreadths must be allowed for its tillage, and if it outgrew[6] [this space] he must uproot it[7] before it.[8] R. Jose says, It must be allowed for its tillage[9] four cubits.[10] They said[11] to him, 'Dost thou apply here greater stringency than for the vine?'[12] He said to them, 'We find that here greater stringency is required than for the vine, because for a single vine six handbreadths are allowed for its tillage, but for a single gourd a *reva's* space is required.' R. Meir[13] says in the name of R. Ishmael, When there are three gourds in a space of a *seah* one must not sow any other

מִשְׁנָה ז

דְּלַעַת בְּיֶרֶק [1]כְּיָרָק, וּבְתְבוּאָה
נוֹתְנִין לָהּ [2]בֵּית רְוֹבַע. הָיְתָה שָׂדֵהוּ
זְרוּעָה תְּבוּאָה, [3]וּבִקֵּשׁ לִיטַּע לְתוֹכָהּ
[5]שׁוּרָה שֶׁל [4]דְּלוּעִין, נוֹתְנִין לָהּ
עֲבוֹדָתָהּ שִׁשָּׁה טְפָחִים, וְאִם
[6]הִגְדִּילָה [7]יַעֲקֹר[8] מִלְּפָנֶיהָ. רַבִּי יוֹסֵי
אוֹמֵר, נוֹתְנִין לָהּ [9]עֲבוֹדָתָהּ [10]אַרְבַּע
אַמּוֹת. אָמְרוּ לוֹ, הַתַּחֲמִיר זוֹ [12]מִן־
הַגֶּפֶן? אָמַר לָהֶן, מָצִינוּ שֶׁזּוּ חֲמוּרָה
מִן־הַגֶּפֶן, שֶׁלְּגֶפֶן יְחִידִית נוֹתְנִין לָהּ
עֲבוֹדָתָהּ שִׁשָּׁה טְפָחִים, וְלִדְלַעַת
יְחִידִית נוֹתְנִין לָהּ בֵּית רְוֹבַע. רַבִּי
[13]מֵאִיר אוֹמֵר מִשּׁוּם רַבִּי יִשְׁמָעֵאל,
כָּל־שְׁלֹשָׁה דְּלוּעִין לְבֵית סְאָה לֹא

handbreadths high. And a *trench?*[8] —Such that is ten[9] deep and four[9] wide.

הֵיא [7]גֶּדֶר? שֶׁהוּא גָּבֹהַּ עֲשָׂרָה טְפָחִים· [8]וְחָרִיץ? שֶׁהוּא עָמוֹק [9]עֲשָׂרָה וְרָחָב [9]אַרְבָּעָה·

**1** *i.e.*, his view, which is rejected, is that the מְחוֹל הַכֶּרֶם in the foregoing *Mishnah* should be גֶּדֶר הַכֶּרֶם, and therefore if there are four cubits for the vine tillage the rest, whatever its extent, may be sown. The accepted ruling is that just as the fence of a vineyard may have seed sown right up to its outer side, so, too, once a space of four cubits from the vines is allowed for tillage, seed may be sown right up to the fence however small the distance is even if there is less than eight cubits from tillage to fence. **2** וְאֵיזֶהוּ in some editions. **3** Which requires twelve cubits. Here again R. Judah's view is not accepted. **4** *i.e.*, 'It is the space . . . . . .' **5** *i.e.*, if there is an empty space between two vineyards which are recognisable by the layout of the vines as being separate vineyards, then in only twelve cubits, four would be left empty each side and four could be sown. The Rabbis would count this a vineyard patch and require sixteen cubits. **6** וְאֵיזוֹ הֵיא is omitted in many editions; some texts have וְאֵיזֶהוּ. From here to the end of this *Mishnah* is not R. Judah's statement. **7** That may have vines on one side and sown crops on the other side. **8** Or *ditch*, that may have vines on one side and sown crops on the other side. **9** Handbreadths.

Mishnah 4

A partition of reeds[1]—if between reed and reed be less than three handbreadths[2] sufficient for a kid to enter,[3] it counts as a valid partition.[4] And a fence that is breached up to a space of ten cubits is considered as an entrance;[5] if it be more than this, opposite the breach is forbidden.[6] If many breaches be made therein,[7] if what remains standing exceed what is broken down it is permitted,[8] but if what is broken down exceed what remains standing, then opposite the broken down part it is forbidden.[9]

מִשְׁנָה ד

מְחִיצַת [1]הַקָּנִים· אִם אֵין בֵּין קָנֶה לַחֲבֵירוֹ [2]שְׁלֹשָׁה טְפָחִים כְּדֵי [3]שֶׁיִּכָּנֵס הַגְּדִי· הֲרֵי זוֹ [4]כִּמְחִיצָה· וְגָדֵר שֶׁנִּפְרָץ עַד עֶשֶׂר אַמּוֹת הֲרֵי הוּא [5]כְּפֶתַח; יֶתֶר מִכָּאן כְּנֶגֶד הַפִּרְצָה [6]אָסוּר· נִפְרְצוּ בוֹ פִּרְצוֹת הַרְבֵּה· אִם הָעוֹמֵד [7]מְרוּבֶּה עַל הַפָּרוּץ [8]מוּתָּר· וְאִם הַפָּרוּץ מְרוּבֶּה עַל הָעוֹמֵד כְּנֶגֶד הַפִּרְצָה [9]אָסוּר·

**1** Round a vineyard. **2** A breach less than three handbreadths is not deemed a breach and the fence is considered as whole. This according to some is an instance of הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a ruling handed down by tradition from Moses*, and

as such is accepted without question. **3** In some editions, שֶׁיִּדָּבֵק, *that it can force its way in*. If they are three handbreadths apart then a kid could enter, hence it counts as a hole. **4** And seeds may be sown on the other side of the partition. In the case of a *reed-partition*, even if the sum total of all the spacings between the reeds (provided no spacing is three handbreadths wide) be greater than the sum total of all the reeds, seeds may be sown. **5** And seeds may be sown there alongside the entrance. **6** To sow seeds up to the standing part and at a distance of four cubits from the hole. **7** Each hole being less than ten cubits but more than three handbreadths. **8** To sow opposite the breach and even alongside the broken down part. **9** To sow seed unless a distance of four cubits is allowed, but seed may be sown alongside the standing part provided it is at least four handbreadths wide.

Mishnah 5

If one plant a row of five[1] vines, the School of Shammai say, This is deemed a vineyard,[2] but the School of Hillel say,[3] It is not considered a vineyard unless there are two rows there.[4] Therefore, if one sow (within) the four cubits of a vineyard,[5] the School of Shammai say, He forfeits one row; but the School of Hillel say, He forfeits two rows.[6]

מִשְׁנָה ה

הַנּוֹטֵעַ שׁוּרָה שֶׁל [1]חָמֵשׁ גְּפָנִים׳ בֵּית שַׁמַּאי אוֹמְרִים׳ [2]כֶּרֶם׳ וּבֵית הִלֵּל [3]אוֹמְרִים׳ אֵינוֹ כֶּרֶם עַד שֶׁיִּהְיוּ שָׁם [4]שְׁתֵּי שׁוּרוֹת׳ לְפִיכָךְ הַזּוֹרֵעַ אַרְבַּע אַמּוֹת [5]שֶׁבַּכֶּרֶם׳ בֵּית שַׁמַּאי אוֹמְרִים׳ קִידֵּשׁ שׁוּרָה אֶחָת; וּבֵית הִלֵּל אוֹמְרִים׳ [6]קִידֵּשׁ שְׁתֵּי שׁוּרוֹת׳

**1** The number *five* (with reference to *five vines* as the minimum to form a vineyard) is based on the letter ה in וּתְבוּאַת הַכֶּרֶם, *and the produce of 'the' vineyard* (*Deuteronomy* **22**, 9). **2** And a distance of four cubits must be allowed from the vines before seed is sown. **3** Their view (which is accepted) is that any number of vines in *one* row is not a vineyard, and it is not necessary for sowing to leave a space of more than six handbreadths—single vines and seed may be sown at a distance of six handbreadths. **4** But they agree there must be at least five vines in the two rows. See further in the next *Mishnah*. **5** *i.e.*, within the four cubits that must be allowed for tillage. **6** Literally, 'He has forfeited . . . . .' For when the *Torah* declares forfeit the vineyard in which seed has been sown it means the minimum size vineyard adjoining the seed.

Mishnah 6

If one plant two [vines] opposite two others, and another projects[1] like a tail,[2] this is deemed a vine-

מִשְׁנָה ו

הַנּוֹטֵעַ שְׁתַּיִם כְּנֶגֶד שְׁתַּיִם וְאַחַת [1]יוֹצֵאת [2]זָנָב׳ הֲרֵי זֶה [3]כֶּרֶם; שְׁתַּיִם

כְּנֶגֶד שְׁתַּיִם וְאַחַת [4]בֵּינָתַיִם, אוֹ שְׁתַּיִם כְּנֶגֶד שְׁתַּיִם וְאַחַת [5]בָּאֶמְצָע, אֵינוֹ כֶּרֶם עַד שֶׁיִּהְיוּ שְׁתַּיִם [6]כְּנֶגֶד שְׁתַּיִם וְאַחַת [1]יוֹצֵאת זָנָב[7].

yard;[3] two opposite two and one between,[4] or two opposite two and one in the midst[5]—this is not considered a vineyard, but only if there be two opposite[6] two and another projects like a tail.[7]

**1** יוֹצֶאָה in some editions. **2** There is a diversity of opinions as to the actual meaning of this. Some take this to mean that the vines are planted thus * * * / * * and others thus * * * / * * . **3** And four cubits must be allowed before seed is sown. **4** Here again there is no agreement. Some take it to appear thus * * * / * * and others thus * * * / * * . **5** Once again there is disagreement. Some think it is thus * * / * * , some this * * * / * * , and others this * * * / * * . **6** נֶגֶד in some editions. **7** The final ruling is that this form of vines * * * / * * forms a vineyard. (But the other cases are not deemed vineyards, and the vines require only six handbreadths for their cultivation and seeds may be sown outside this limit).

Mishnah 7

מִשְׁנָה ז

הַנּוֹטֵעַ [1]שׁוּרָה אַחַת בְּתוֹךְ שֶׁלּוֹ, וְשׁוּרָה אַחַת בְּתוֹךְ שֶׁל חֲבֵירוֹ, [2]וְדֶרֶךְ הַיָּחִיד [3]וְדֶרֶךְ הָרַבִּים בָּאֶמְצָע, וְגָדֵר שֶׁהוּא נָמוּךְ מֵעֲשָׂרָה טְפָחִים, הֲרֵי [4]אֵלּוּ [5]מִצְטָרְפוֹת; גָּבוֹהַּ מֵעֲשָׂרָה טְפָחִים [6]אֵינָן מִצְטָרְפוֹת. רַבִּי [7]יְהוּדָה אוֹמֵר, אִם עֵרְסָן מִלְּמַעְלָה הֲרֵי אֵלּוּ מִצְטָרְפוֹת.

If one plant a row[1] on his own land, and there be a row on that of his neighbour's, then even though there be a private path[2] or a public path[3] between them, or a fence less than ten handbreadths in height, these[4] are included together;[5] but if the fence were higher than ten handbreadths, they are not included together.[6] R. Judah says,[7] If he trained them together above they do combine together.

**1** *i.e.*, of the vines. **2** A *private path* is two and a half cubits wide (or, according to some authorities four cubits from one row to the other. **3** But there was less than eight cubits from one row to the other. A *public path* is wider than a *private path* but less than eight cubits. **4** *i.e.*, these two rows of vines. **5** *i.e.*,

so that they count as a vineyard, and no seed may be sown within four cubits from the vines. **6** And seed may be sown at a distance of six handbreadths. **7** A fence ten handbreadths high. But his view is rejected.

Mishnah 8

מִשְׁנָה ח

Whosoever planted two rows,[1] if there be not between them eight cubits,[2] may not sow seed there.[3] If there were three [rows],[4] and there be not[5] between one row and the next sixteen[6] cubits, he may not sow seed there.[7] R. Eliezer ben Jacob says in the name of Chanina[8] ben Chachinai, Even if the middle[9] were laid waste and there be not between one row and the next sixteen cubits,[10] he may not sow seed there,[11] even though originally he had planted them,[12] it would have been permitted[13] were there only eight cubits between.

הַנּוֹטֵעַ שְׁתֵּי [1]שׁוּרוֹת, אִם אֵין בֵּינֵיהֶם [2]שְׁמֹנֶה אַמּוֹת לֹא יָבִיא זֶרַע [3]לְשָׁם. הָיוּ [4]שָׁלֹשׁ, [5]אִם אֵין בֵּין שׁוּרָה לַחֲבֶרְתָּהּ [6]שֵׁשׁ עֶשְׂרֵה אַמָּה לֹא יָבִיא זֶרַע [7]לְשָׁם. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר מִשּׁוּם [8]חֲנִינָא בֶּן חֲכִינַי, אֲפִילוּ חָרְבָה [9]הָאֶמְצָעִית וְאֵין בֵּין שׁוּרָה לַחֲבֶרְתָּהּ [10]שֵׁשׁ עֶשְׂרֵה אַמָּה לֹא יָבִיא זֶרַע [11]לְשָׁם, שֶׁאִילוּ מִתְּחִלָּה [12]נְטָעָן, הֲרֵי זֶה [13]מוּתָּר בִּשְׁמֹנֶה אַמּוֹת.

**1** *i.e.*, of vines. There is a diversity of opinions whether it is *two vines opposite two* or *two rows of three in each*. **2** *i.e.*, a space of eight cubits. If there be an interval of eight cubits or more seed may be sown there to within one cubit of each row. **3** Between the rows. **4** *i.e.*, three rows with two vines in each. **5** וְאֵין instead of וְאִם אֵין in some editions. **6** *i.e.*, a space of sixteen cubits (according to some sixteen cubits between the first and third rows, according to others between each of the outer and middle rows). **7** Because three rows make a כֶּרֶם גָּדוֹל (*large vineyard*). But the ruling is in accordance with the opinion of R. Meir and R. Simon in the next *Mishnah*. **8** חֲנַנְיָה in some texts. **9** *i.e.*, the middle row of vines. And so only two rows remain. **10** *i.e.*, a space of sixteen cubits. **11** Because once it had been a vineyard it remains so. The space where the middle row was must be considered a patch in a vineyard, as in 4[1]. **12** *i.e.*, in two rows. **13** *i.e.*, to sow seed there.

Mishnah 9

מִשְׁנָה ט

Whosoever plants his vineyard[1] sixteen cubits apart is permitted to sow seed there.[2] R. Judah said, There was a case in Zalmon[3] where a certain man planted his

הַנּוֹטֵעַ אֶת־[1]כַּרְמוֹ עַל שֵׁשׁ עֶשְׂרֵה שֵׁשׁ עֶשְׂרֵה אַמָּה מוּתָּר לְהָבִיא זֶרַע [2]לְשָׁם. אָמַר רַבִּי יְהוּדָה,

מַעֲשֶׂה [3]בְּצַלְמוֹן בְּאֶחָד שֶׁנָּטַע אֶת
[4]כַּרְמוֹ עַל שֵׁשׁ עֶשְׂרֵה שֵׁשׁ עֶשְׂרֵה
אַמָּה, וְהָיָה הוֹפֵךְ שְׁעַר שְׁתֵּי שׁוּרוֹת
לְצַד אַחַת וְזוֹרֵעַ אֶת־[5]הַנִּיר, וּבַשָּׁנָה
אַחֶרֶת הָיָה הוֹפֵךְ [6]אֶת־הַשֵּׁעָר
לְמָקוֹם אַחֵר וְזוֹרֵעַ אֶת־[7]הַבּוּר;
וּבָא מַעֲשֶׂה לִפְנֵי חֲכָמִים וְהִתִּירוּ.
רַבִּי מֵאִיר וְרַבִּי שִׁמְעוֹן [8]אוֹמְרִים,
אַף הַנּוֹטֵעַ אֶת־[9]כַּרְמוֹ עַל שְׁמֹנֶה
שְׁמֹנֶה אַמּוֹת מוּתָּר.

vineyard[4] sixteen cubits apart, and he trained the foliage of every two rows to one side and sowed the cleared ground,[5] and in the following year he trained the foliage[6] to the other side and sowed the uncultivated ground;[7] and the case came before the Sages and they permitted it. R. Meir and R. Simon say,[8] Even if one plant his vineyard[9] eight cubits apart it is permitted.[2]

**1** In rows. **2** In between the rows to within one cubit of the vines. **3** The exact locality is unknown. There is a hill of that name near Shechem and the town may have been in that neighbourhood. Some place it to the south of Haifa and others near Lud. **4** In rows, *i.e.*, facing each other. **5** *i.e.*, outside the combined rows; but not between the combined rows because no seed may be sown on soil shaded by the foliage of vines. **6** Of every two rows alternately. Or *branches*. **7** Which had been shaded by the vines previously and not sown over. This view requires sixteen cubits between the end branch of one row and the next. **8** Their view (which is accepted) is that eight cubits is sufficient between one row and the next and it is permitted to sow there leaving a space of one cubit from each row; this applies only to the spaces between the rows, but outside the rows because of מַרְאִית עַיִן, *appearance's sake* (to avoid suspicion of כִּלְאַיִם), a space of four cubits must be left unsown. It is only in the case of a קַרְחַת (*a space laid waste between the rows*) is an interval of sixteen cubits required. **9** In rows.

## CHAPTER 5

## פֶּרֶק ה

### Mishnah 1

### מִשְׁנָה א

If a vineyard became waste, but it is possible to gather in it ten vines,[1] planted according to the rule[2] in a *seah's* space,[3] this is called a poor vineyard.[4] A vineyard[5] which is planted in an irregular manner[6]—if two vines can be aligned opposite three,[7] it is deemed

כֶּרֶם שֶׁחָרַב, אִם יֵשׁ בּוֹ לִלְקֹט
[1]עֶשֶׂר גְּפָנִים [3]לְבֵית סְאָה וּנְטוּעוֹת
[2]כְּהִלְכָתָן, וְהָרֵי זֶה [4]נִקְרָא כֶּרֶם
דָּל. [5]כֶּרֶם שֶׁהוּא נָטוּעַ [6]עַרְבּוּבִיָּה,

אִם יֵשׁ בּוֹ לְכַוֵּין שְׁתַּיִם כְּנֶגֶד [7]שָׁלֹשׁ׳ הֲרֵי זֶה [8]כֶּרֶם׳ וְאִם לֹא אֵינוֹ [9]כֶּרֶם׳. רַבִּי [10]מֵאִיר אוֹמֵר׳ הוֹאִיל וְהוּא נִרְאֶה כְּתַבְנִית [11]הַכְּרָמִים הֲרֵי זֶה כֶּרֶם׳.

a vineyard,[8] but if not, it is not[t] considered a vineyard.[9] R. Meir says,[10] Since it appears in form like vineyards[11] it does count as a vineyard.

**1** *i.e.*, the fruit of ten vines. **2** *i.e.*, שְׁתַּיִם כְּנֶגֶד שְׁתַּיִם וְאַחַת יוֹצְאָה זָנָב (see 4[6]). **3** Fifty by fifty cubits. **4** And this is the ruling; and the space between is not to be considered a קָרְחַת (see 4[1]). **5** In some editions כֶּרֶם דַּל, *a poor vineyard*, and no seed may be sown there. **6** *i.e.*, it has no parallel rows. **7** *i.e.*, if among all the vines there be found five satisfying the condition in **Note 1** (see 4[6]). **8** And it is necessary to leave a space of sixteen cubits before sowing seeds because it is like a קָרְחַת. **9** And it is sufficient to leave a space of six handbreadths from each vine before sowing seed. **10** But his view is rejected. **11** *i.e.*, it was planted in two rows but they were not regular or even.

מִשְׁנָה ב

[1]כֶּרֶם שֶׁהוּא [2]נָטוּעַ עַל [3]פָּחוּת מֵאַרְבַּע אַמּוֹת׳ רַבִּי שִׁמְעוֹן אוֹמֵר אֵינוֹ כֶּרֶם; וַחֲכָמִים אוֹמְרִים [4]כֶּרֶם׳ וְרוֹאִין אֶת־[5]הָאֶמְצָעִיּוֹת כְּאִלּוּ אֵינָן׳.

Mishnah 2

If a vineyard[1] be planted[2] less[3] than four cubits apart, R. Simon says, It is not considered a vineyard; but the Sages say, It does count as a vineyard,[4] and the ones in between are regarded as if they were not there.[5]

**1** Of at least three rows with not less than three vines per row. **2** *i.e.*, in proper rows. **3** Or פָּחוֹת. **4** And it is necessary to leave a space of only six handbreadths from each vine before grain is sown. **5** *i.e.*, the vines have been planted very thickly in order that later on they may be thinned out leaving the best, hence these to be cleared away are considered as if they were not there at all.

מִשְׁנָה ג

[1]חָרִיץ שֶׁהוּא עוֹבֵר בְּכֶרֶם עָמוּק [2]עֲשָׂרָה וְרָחָב [2]אַרְבָּעָה, רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקוֹב אוֹמֵר׳ אִם הָיָה [3]מְסוּלָּשׁ מֵרֹאשׁ הַכֶּרֶם וְעַד סוֹפוֹ׳ הֲרֵי זֶה נִרְאֶת כְּבֵין [4]שְׁתֵּי [5]כְּרָמִים [6]וְזוֹרְעִים בְּתוֹכוֹ׳ וְאִם [7]לֹא הֲרֵי

Mishnah 3

A trench[1] that passes through a vineyard is ten[2] deep and four[2] wide—R. Eliezer Ben Jacob says, If it extend[3] from one end of the vineyard to the other, it has the appearance of being between two[4] vineyards[5] and seed may be sown[6] in it, but if not,[7] it is considered as like to a wine-press.[8] And a wine-press in a vineyard ten[9] deep and

הוּא כְּגַת· וְהַגַּת שֶׁבְּכֶרֶם עֲמוּקָה
[9]עֲשָׂרָה וּרְחָבָה [9]אַרְבָּעָה· רַבִּי
אֱלִיעֶזֶר אוֹמֵר· זוֹרְעִים בְּתוֹכָהּ;
וַחֲכָמִים אוֹסְרִים· [10]שׁוֹמֵרָה שֶׁבְּכֶרֶם
[11]גָּבוֹהַּ [2]עֲשָׂרָה וּרְחָבָה [2]אַרְבָּעָה·
זוֹרְעִין [12]בְּתוֹכָהּ; וְאִם הָיָה שֵׂעָר
[13]כּוֹתֵשׁ אָסוּר·

four[9] wide—R. Eliezer says, Seed may be sown inside it; but the Sages prohibit it. A watchman's hut[10] in a vineyard is ten[2] high[11] and four[2] wide—seed may be sown in it;[12] but if the overhanging foliage intertwine,[13] it is forbidden.

**1** Or *ditch*. **2** Handbreadths. **3** *i.e.*, the vineyard bounds it along the sides but not at the ends, and further the foliage does not overshadow it. **4** (Grammatically more correct) שְׁנֵי in some editions. **5** Belonging to two different men. **6** It is permitted to sow seed even though within four cubits of the vines, and this is the accepted ruling. **7** *i.e.*, if one of the three conditions (width four handbreadths, length ten handbreadths, and unbounded at the ends) be absent; if the trench is bounded at the ends by the vineyard seeds may be sown in it only if it is not less than sixteen cubits wide, as in the case of a קְרַחַת. **8** And no seed may be sown in it in accordance with the opinion of the Sages in the next paragraph. **9** Handbreadths. **10** Or *mound;* seed may be sown on a mound, platform or hut-roof (not less than ten handbreadths high and four handbreadths wide) provided that the foliage of the vines outside within four cubits does not come in contact with the growing plants. **11** גְּבֹהָה (grammatically more correct) in some texts. **12** Inside the top depression. בְּרֹאשָׁהּ in some editions. **13** The leaves of the vines and of the seed.

Mishnah 4

מִשְׁנָה ד

גֶּפֶן שֶׁהִיא נְטוּעָה בְּגַת אוֹ [1]בְּנֶקַע,
נוֹתְנִין לָהּ [2]עֲבוֹדָתָהּ וְזוֹרֵעַ אֶת־
[3]הַמּוֹתָר· רַבִּי [4]יוֹסֵי אוֹמֵר, אִם אֵין
[5]שָׁם אַרְבַּע אַמּוֹת לֹא יָבִיא זֶרַע
לְשָׁם· וְהַבַּיִת שֶׁבְּכֶרֶם זוֹרְעִין
[6]בְּתוֹכוֹ·

If a vine be planted in a winepress or in a cleft,[1] it must be allowed space[2] for tillage and one may sow the rest.[3] R. Jose[4] says, If there be not there[5] a space of four cubits, seed may not be sown there. And if there be a house in a vineyard, seed may be sown inside it.[6]

**1** *cleft*, *cavity*, *hollow*, *rift*, *ravine;* three handbreadths wide and more than two cubits long. **2** *i.e.*, a space of six handbreadths around the vine must be left empty. **3** With seed. **4** His view is rejected. **5** In the *winepress* or *cleft*. **6** Because its roof, in addition to the walls, makes a complete safeguard against כִּלְאַיִם (*forbidden junction*).

## Mishnah 5

If one plant vegetables[1] in a vineyard or allows them to grow there,[2] he renders forfeit[3] forty-five vines.[4] When is this the case? When they[5] were planted[6] four [cubits] apart or five[6,7] [cubits] apart. If they[8] were planted[9] six [cubits] apart,[10] or seven [cubits] apart, he forfeits[11] sixteen cubits on every side, reckoned in circles and not in squares.[12]

## מִשְׁנָה ה

הַנּוֹטֵעַ [1]יֶרֶק בְּכֶרֶם אוֹ [2]מְקַיֵּים׳
הֲרֵי זֶה [3]מְקַדֵּשׁ אַרְבָּעִים וְחָמֵשׁ
[4]גְּפָנִים׳ אֵימָתַי? בְּזְמַן [5]שֶׁהָיוּ [6]נְטוּעוֹת
[7]עַל אַרְבַּע אַרְבַּע׳ אוֹ [6]עַל [7]חָמֵשׁ
חָמֵשׁ׳ [8]הָיוּ [9]נְטוּעוֹת [10]עַל שֵׁשׁ שֵׁשׁ׳
אוֹ [10]עַל שֶׁבַע שֶׁבַע׳ הֲרֵי זֶה [11]מְקַדֵּשׁ
שֵׁשׁ עֶשְׂרֵה אַמָּה לְכָל רוּחַ׳
עֲגוּלוֹת וְלֹא [12]מְרוּבָּעוֹת׳

**1** Or *greens*. **2** *i.e.*, the vegetables grew of themselves (were not planted by the owner) and the owner allowed them to remain instead of uprooting them. **3** And such vines may not be used but must be destroyed by burning. **4** Greens or corn (i) near a vine render forfeit vines in a radius of six hand-handbreadths, (ii) near a vineyard render forfeit two whole rows lengthwise, and (iii) between vines render forfeit within a radius of sixteen cubits; and thus greens or corn near a vine in a vineyard render forfeit that vine and fourty-four others (= forty-five total), or, put in another way, if 7 rows of vines be planted 4 cubits apart and 4 cubits between one vine and the next, and a circle be drawn 16 cubits in diameter, 45 vines fall within the circle. **5** *i.e.*, the vines. **6** *i.e.*, in rows four or five cubits apart. **7** *i.e.*, between vine and vine four or five cubits' interval. Although less than forty-five will now fall within the circle, to prevent error the same number were forbidden. **8** The vines. **9** *i.e.*, in rows six or seven cubits apart. **10** *i.e.*, between vine and vine also six or seven cubits' space. **11** *i.e.*, the vines. **12** *i.e.*, within a circular space of sixteen cubits' radius, not within a space of a thirty-two cubits' square.

## Mishnah 6

If a man see greens[1] in a vineyard and said, 'When I come to them I will pluck[2] them'— this is allowed;[3] 'When I come back[4] I will pluck them'—if they have increased[5] by one two-hundredths, part it is forbidden.

## מִשְׁנָה ו

הָרוֹאֶה [1]יֶרֶק בְּכֶרֶם׳ וְאָמַר׳
כְּשֶׁאַגִּיעַ לוֹ [2]אֲלַקְּטֶנּוּ׳ [3]מוּתָּר;
[4]כְּשֶׁאֶחֱזוֹר אֲלַקְּטֶנּוּ׳ אִם [5]הוֹסִיף
בְּמָאתַיִם אָסוּר׳

**1** Or vegetables. **2** *i.e.*, *uproot*. **3** *i.e.*, the neighbouring vines are not forbidden even though they had increased by one two-hundredths before the vegetables were uprooted. For he uprooted the vegetables at the earliest moment. **3** *i.e.*,

even though they may have increased their growth by one two-hundredths part. **4** *i.e.*, he postpones the uprooting for another occasion: one must not intentionally delay the clearing away of the forbidden thing. **5** *i.e.*, *grown*.

Mishnah 7

מִשְׁנָה ז

If one were passing[1] through a vineyard and seeds fell[2] from him, or they came in with the manure[3] or with the water,[4] or if he were sowing and the wind blew it[5] behind him,[6] it is allowed;[7] but if the wind blew it before him,[8] R. Akiba[9] says, If they[10] grew to blades, it must be ploughed up,[11] and if in ear it must be beaten out,[12] and if it produced full grain,[13] it must be burnt.[14]

הָיָה [1]עוֹבֵר בְּכֶרֶם׳ [2]וְנָפְלוּ מִמֶּנּוּ זְרָעִים אוֹ שֶׁיָּצְאוּ עִם [3]הַזְּבָלִים אוֹ עִם [4]הַמַּיִם׳ הַזּוֹרֵעַ [5]וְסִיעַרְתּוֹ הָרוּחַ [6]לַאֲחוֹרָיו׳ [7]מוּתָּר; סִיעַרְתּוֹ הָרוּחַ [8]לְפָנָיו׳ רַבִּי [9]עֲקִיבָא אוֹמֵר׳ אִם [10]עֲשָׂבִים [11]יוּפַךְ וְאִם אָבִיב [12]יְנַפֵּץ׳ וְאִם הֵבִיאָה [13]דָּגָן [14]תִּדָּלֵק׳

**1** *i.e.*, to go into another field to sow seeds. **2** Unintentionally. **3** Manure for the vineyard. **4** Water for the vines. **5** The seed. **6** Into the vineyard. **7** Because he was unaware of what had happened. Nevertheless he must uproot the plants when they appear otherwise they render the vines forfeit. **8** So that he saw it settle in the vineyard, but neglected to remove it at once. **9** And his ruling is accepted. **10** The seed. **11** Or *hoed up*. יִפַּךְ, *he must plough* (or *hoe*) *it up*, in some texts. **12** Or *broken off*. **13** *i.e.*, the corn has ripened. **14** יִדָּלֵק, *he must burn it*, in some editions. And in each of the cases if the vine had increased by one two-hundredths from the moment he became aware of the seed, it is forfeit for a distance of sixteen cubits around.

Mishnah 8

מִשְׁנָה ח

Whoever allows thorns to grow in a vineyard, R. Eliezer says,[1] has rendered it forfeit;[2] but the Sages say,[3] He has not rendered forfeit,[2] only in the case of such as are allowed to grow.[4] Iris[5] (and) ivy,[6] (and) king's-lily,[7] and all kinds of seeds[8] are not *forbidden junction*[9] in a vineyard. Hemp, says R. Tarfon, is not *forbidden junction;* but the Sages[10] say, It is *forbidden junction.* And the artichoke is *forbidden junction* in a vineyard.[11]

הַמְקַיֵּים קוֹצִים בְּכֶרֶם׳ רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר׳ [2]קִדֵּשׁ׳ [3]וַחֲכָמִים אוֹמְרִים לֹא קִדֵּשׁ׳ אֶלָּא דָּבָר שֶׁכְּמוֹהוּ [4]מְקַיְּמִין׳ [5]הָאֵרוּס [6]וְהַקִּיסוֹם [7]וְשׁוֹשַׁנַּת הַמֶּלֶךְ וְכָל מִינֵי [8]זְרָעִים אֵינָן [9]כִּלְאַיִם בְּכֶרֶם׳ הַקַּנְבּוֹס׳ רַבִּי טַרְפוֹן אוֹמֵר׳ אֵינוֹ כִּלְאַיִם׳ [10]וַחֲכָמִים אוֹמְרִים׳ כִּלְאַיִם׳ וְהַקִּינָרָס [11]כִּלְאַיִם בְּכֶרֶם׳

**1** His view is rejected. **2** *i.e.*, the vines adjacent. **3** Their ruling is accepted. **4** *i.e.*, which people in the district ordinarily grow, but thorns are ordinarily uprooted. **5** Or *aromatic lily*. **6** In some editions וְהַקִּיסוֹס. **7** Or *white lily*, *fritillary*, *snakeshead*. **8** Whose fruits or seeds (but not their leaves) are eaten. **9** Vilna Gaon suggests that the reading should be 'are forbidden junction . . . .' Otherwise it must refer to leguminous plants which are forbidden junction in a vineyard by decree of the Rabbis (מִדְּרַבָּנָן) and not from the Torah (מִדְּאוֹרַיְיתָא or מִן־הַתּוֹרָה). **10** Their view is accepted. **11** And this is the ruling.

## CHAPTER 6

## פֶּרֶק ו

Mishnah 1[1]

מִשְׁנָה א[1]

What is an espalier?[2]—When one plants a row[3] of five vines[4] alongside a fence which is ten handbreadths high or beside a trench[5] that is ten handbreadths deep and four[6] wide, it must be allotted four cubits for its tillage. The School of Shammai say, The four cubits are measured from the roots of the vines to the field; and the School of Hillel say, From the fence to the field.[7] R. Jochanan ben Nuri said,[8] All err who say thus; but if there were there four cubits from the roots of the vines to the fence it must be allotted sufficient space for its cultivation[9] and the rest may be sown.[10] And how much space must be allotted for the tillage of a vine? —Six handbreadths on all sides; R. Akiba says,[11] Three.[12]

אֵיזֶהוּ [2]עָרִיס? הַנּוֹטֵעַ [3]שׁוּרָה שֶׁל [4]חָמֵשׁ גְּפָנִים בְּצַד הַגָּדֵר שֶׁהוּא גָבוֹהַּ עֲשָׂרָה טְפָחִים, אוֹ בְּצַד [5]חָרִיץ שֶׁהוּא עָמוֹק עֲשָׂרָה טְפָחִים וְרָחָב [6]אַרְבָּעָה, נוֹתְנִין לוֹ עֲבוֹדָתוֹ אַרְבַּע אַמּוֹת. בֵּית שַׁמַּאי אוֹמְרִים, מוֹדְדִין אַרְבַּע אַמּוֹת מֵעִיקַּר הַגְּפָנִים [7]לַשָּׂדֶה; וּבֵית הִלֵּל אוֹמְרִים, מִן־הַגָּדֵר לַשָּׂדֶה. [8]אָמַר רַבִּי יוֹחָנָן בֶּן נוּרִי, טוֹעִים כָּל־הָאוֹמְרִים כֵּן; אֶלָּא אִם יֵשׁ שָׁם אַרְבַּע אַמּוֹת מֵעִיקַּר גְּפָנִים וְלַגָּדֵר נוֹתְנִין לוֹ אֶת־[9]עֲבוֹדָתוֹ וְזוֹרֵעַ אֶת־[10]הַמּוֹתָר. וְכַמָּה הִיא עֲבוֹדַת הַגֶּפֶן? שִׁשָּׁה טְפָחִים לְכָל רוּחַ; רַבִּי [11]עֲקִיבָא אוֹמֵר, [12]שְׁלֹשָׁה.

**1** This *Mishnah* has been commented on and explained in a variety of conflicting ways. The accepted ruling resulting from this *Mishnah* is that if there be (a) two rows with at least three vines in each, (b) two rows with two vines opposite two vines and one vine protruding, and (c) a row of at least five vines trellised on a fence ten handbreadths high and four wide, in each case they are

to be considered as a vineyard and seed may be sown not less than four cubits away. (But the distance from vines not considered as a vineyard that must be left before sowing is only six handbreadths). **2** *i.e.*, a trellised vine or lattice framework upon which vines are trained. A single trellised vine is termed דָּלִית. (A vine that trails on the ground is termed in Talmudical language רַגְלִית and in Biblical nomenclature גֶּפֶן סוֹרֵחַת). **3** A row of vines under these conditions comes under the same ruling as a vineyard (see 4[5]). **4** *i.e.*, five vines at least. **5** Or *ditch*. **6** Handbreadths. **7** Since the row itself would not be a vineyard but for the fence the four cubits are measured from the fence. According to Vilna Gaon, this refers only to measuring from the fence towards the vines, but at the sides six handbreadths are enough. Others hold four cubits must be left in all directions. **8** *i.e.*, in support of the School of Hillel. **9** *i.e.*, six handbreadths round each vine. **10** But if the distance from the vines to the fence is less than four cubits nothing may be sown there. **11** But his view is not accepted. **12** Handbreadths.

Mishnah 2

An espalier that projects from a terrace[1]—R. Eliezer ben Jacob says, If one standing on the ground can gather all of it,[2] this[3] renders four cubits of the field[4] forbidden, but if not it renders forbidden only what is directly beneath it.[5] R. Eliezer says, Also, if one plant one[6] on the ground and another[6] on a terrace, if it[7] be ten handbreadths above the ground it is not included[8] with the other,[9] but otherwise[10] it does combine[11] with it.

מִשְׁנָה ב

עָרִיס שֶׁהוּא יוֹצֵא מִן־[1]הַמַּדְרֵגָה׳ רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר׳ אִם עוֹמֵד בָּאָרֶץ וּבוֹצֵר אֶת־[2]כֻּלּוֹ׳ הֲרֵי [3]זֶה אוֹסֵר אַרְבַּע אַמּוֹת [4]בַּשָּׂדֶה׳ וְאִם לַאו אֵינוֹ אוֹסֵר אֶלָּא [5]כְּנֶגְדּוֹ׳ רַבִּי אֱלִיעֶזֶר אוֹמֵר׳ אַף הַנּוֹטֵעַ [6]אַחַת בָּאָרֶץ [6]וְאַחַת בְּמַדְרֵגָה׳ אִם [7]גָּבוֹהַּ מִן־הָאָרֶץ עֲשָׂרָה טְפָחִים אֵינָהּ [8]מִצְטָרֶפֶת [9]עִמָּהּ׳ [10]וְאִם לַאו הֲרֵי זוֹ [11]מִצְטָרֶפֶת עִמָּהּ׳

**1** *i.e.*, of a hillside (vines were often planted on terraces on the slopes of hillsides). **2** *i.e.*, can pick all the grapes. **3** *viz.*, the espalier. **4** *i.e.*, the lower field is considered a projection of the upper field and no seed may be sown there. **5** Literally 'opposite to it.' And this is the ruling. **6** *i.e.*, row. **7** גְּבוֹהָה (grammatically more correct) in some editions. *i.e.*, the terrace is ten handbreadths high. **8** *i.e.*, to make a vineyard: and each row is as a single vine. **9** *i.e.*, the lower row with the other row. **10** *i.e.*, it is not ten handbreadths high. **11** And requires a space interval of four cubits for sowing as in the case of a vineyard.

Mishnah 3

If one train a vine over part[1] of a lattice-frame,[2] he may not sow seed beneath the rest of it;[3] if he have done so,[4] he does not render it forfeit;[5] but if the new[6] spread,[7] it is forbidden.[8] And so,[9] also, if one have trained[10] over part of a tree which bears no fruit.[11]

מִשְׁנָה ג

הַמַּדְלֶה אֶת־הַגֶּפֶן עַל [1]מִקְצַת
[2]אֶפִּיפִירוֹת לֹא יָבִיא זֶרַע תַּחַת
[3]הַמּוֹתָר; אִם [4]הֵבִיא [5]לֹא קִדֵּשׁ;
וְאִם [7]הָלַךְ [6]הֶחָדָשׁ [8]אָסוּר; [9]וְכֵן
[10]הַמַּדְלֶה עַל מִקְצַת [11]אִילָן סְרָק.

**1** Consisting of planks or laths, used for making espaliers. **2** Or *trellis frame.* **3** For the whole part becomes subsidiary to, and so part of, the vines. **4** viz., planted seed under the bare laths. **5** *i.e.*, the vine is not forfeit; but the vine is certainly forfeit if the seed be sown beneath the vine itself. **6** *i.e.*, the branches and tendrils. **7** *i.e.*, the new branches spread along the laths and are over the seed. **8** The seed which has now come under the vines, although it has not increased by one two-hundredths. **9** *i.e.*, the ruling, as already stated, holds good also in the case of a non-fruitbearing tree. **10** *i.e.*, a vine. **11** *i.e.*, he may not sow seed under the part along which the vine has not been trained — the tree itself counting as a subsidiary of the vine.

Mishnah 4

If one train a vine over part of a fruit tree, he may sow seed beneath the rest,[1] and if the new[2] have spread,[3] he must turn them back.[4] It happened that R. Joshua went to R. Ishmael at Kfar Aziz[5] and he[6] showed him[7] a vine that was trained over part of a fig-tree. He[6] said to him,[7] 'May I sow seed beneath the rest?'[8] He[7] said to him,[6] 'It is permitted.' And he[6] brought him[7] up from there to Beth Hamaganyah[9] and showed him a vine which was trained over part of a branch[10] and the stump of a sycamore-tree[11] upon which were many branches; he said to him, 'Under this branch it is forbidden[12] but under the others it is allowed'.[13]

מִשְׁנָה ד

הַמַּדְלֶה אֶת־הַגֶּפֶן עַל מִקְצַת אִילָן
מַאֲכָל מוּתָר לְהָבִיא זֶרַע אֶל־
תַּחַת [1]הַמּוֹתָר, וְאִם [3]הָלַךְ [2]הֶחָדָשׁ
[4]יַחֲזִירֶנּוּ. מַעֲשֶׂה שֶׁהָלַךְ רַבִּי יְהוֹשֻׁעַ
אֶצֶל רַבִּי יִשְׁמָעֵאל [5]לְכְפַר עָזִיז
וְהֶרְאָהוּ גֶּפֶן שֶׁהוּא מוּדְלֶה עַל
מִקְצַת תְּאֵנָה. [6]אָמַר [7]לוֹ, מָה אֲנִי
לְהָבִיא זֶרַע אֶל־תַּחַת [8]הַמּוֹתָר?
[7]אָמַר [6]לוֹ, מוּתָּר. וְהֶעֱלָהוּ מִשָּׁם
לְבֵית [9]הַמַּגְנִיָּה וְהֶרְאָהוּ גֶּפֶן שֶׁהוּא
מוּדְלֶה עַל מִקְצַת [10]הַקּוֹרָה [11]וְסַדָּן
שֶׁל שִׁקְמָה וּבוֹ קוֹרוֹת הַרְבֵּה; [7]אָמַר
לוֹ, תַּחַת הַקּוֹרָה זוֹ [12]אָסוּר וְהַשְּׁאָר
[13]מוּתָּר.

**1** But under the fruit tree itself it is forbidden, for a fruit tree retains its independence and the part along which the vine has not spread is not considered as belonging to the vine. **2** *i.e.*, the branches and tendrils. **3** Along the rest of the fruit tree and covers the seed beneath. **4** *i.e.*, the tendrils and branches must be bent back towards the vine and over the part which had been at first covered over, and uncover the seed before it has increased one two-hundredths; if he leaves the vine before it increases one two-hundredths both will be forbidden (see 5[6]). **5** A town in Edom; according to another opinion, south-west of Hebron. **6** R. Ishmael. **7** R. Joshua. **8** The rest of the fig-tree. **9** The exact locality is unknown; some think it was a part of Kfar Aziz. **10** קוֹרָה means a *beam*, but *bough* or *branch* seems a more correct rendering here. **11** From which the beams had been severed. **12** To sow. **13** Each beam counting as a separate entity.

Mishnah 5

What is אִילָן סָרָק?[1]—Any that does not bear fruit.[2] R. Meir says, All are[3] אִילָן סָרָק except the olive-tree and the fig-tree.[4] R. Jose says,[5] Any tree with the like of which whole fields are not planted is אִילָן סָרָק.

מִשְׁנָה ה

אֵיזֶהוּ [1]אִילָן סָרָק? כָּל־שֶׁאֵינוֹ עוֹשֶׂה [2]פֵּירוֹת. רַבִּי מֵאִיר אוֹמֵר, [3]הַכֹּל אִילָן סָרָק, חוּץ מִן־[4]הַזַּיִת וְהַתְּאֵנָה. רַבִּי [5]יוֹסֵי אוֹמֵר, כָּל־שֶׁאֵין כָּמוֹהוּ נוֹטְעִין שָׂדוֹת שְׁלֵמוֹת הֲרֵי זֶה אִילָן סָרָק.

**1** אִילָן סָרָק means nothing else than *non-fruitbearing tree*, and the discussion is here regarding a tree to become '*annulled*' with reference to the vine, so that the law of 6[3] shall apply. **2** And this is the accepted ruling. **3** *i.e.*, are considered as if they were like אִילָן סָרָק with reference to the vine. **4** Because they are such important trees compared with all others. **5** His view is rejected.

Mishnah 6

Gaps in an espalier[1] must be eight cubits *and somewhat over*.[2] And all measurements which the Sages spoke of in the case of a vineyard there is none requiring *and somewhat more*[3] except in the case of gaps in an espalier. These are considered gaps in an espalier: an espalier[4] which was laid waste in its centre and five vines were left on one side and five vines on the

מִשְׁנָה ו

פִּסְקֵי [1]עָרִיס שְׁמֹנֶה אַמּוֹת [2]וְעוֹד. וְכָל מִדּוֹת שֶׁאָמְרוּ חֲכָמִים בְּכֶרֶם אֵין בָּהֶם [3]וְעוֹד חוּץ מִפִּסְקֵי עָרִיס. אֵלּוּ הֵן פִּסְקֵי עָרִיס; [4]עָרִיס שֶׁחָרַב מֵאֶמְצָעוֹ וְנִשְׁתַּיְּרוּ בוֹ חָמֵשׁ גְּפָנִים מִכָּאן וְחָמֵשׁ גְּפָנִים מִכָּאן, אִם יֵשׁ

other side, then if there be there[5] eight[6] cubits, seed may not be sown there;[7] if it[8] be eight cubits *and somewhat more*, sufficient space must be allotted to it for its tillage[9] and the rest may be sown.[10]

[5]שָׁם [6]שְׁמֹנֶה אַמּוֹת לֹא יָבִיא זֶרַע
[7]לְשָׁם; [8]שְׁמֹנֶה אַמּוֹת וְעוֹד, נוֹתְנִין
לוֹ כְּדֵי [9]עֲבוֹדָתוֹ וְזוֹרֵעַ אֶת־
הַמּוֹתָר.[10]

**1** Or *trellised* (or *latticed*) *vines*. **2** Or *and a little more;* this is taken to be a *handbreadth*. **3** *i.e.*, in all other cases the measurements are exact as stated and there is no *margin* (וְעוֹד). **4** *i.e.*, it consisted of eleven vines in a row and the middle one was destroyed leaving a gap. **5** *i.e.*, in the gap. **6** *i.e.*, not more than eight cubits' gap. **7** Because now the ruling applies to two rows of vines (see 4[8]). **8** *i.e.*, the gap. **9** *i.e.*, six handbreadths—so Vilna Gaon. Others think that four cubits must be allowed also at the sides of a trellised vineyard. Hence only the little more could be planted. **10** And this is the ruling. According to Vilna Gaon, whilst four cubits must always be left unsown opposite to a trellised vineyard (see 6[1]), only six handbreadths need be left at the sides.

Mishnah 7

מִשְׁנָה ז

If[1] the vines of an espalier[2] extend along the wall beyond the angle and stop, sufficient space must be allotted for their cultivation and the rest may be sown.[3] R. Jose[4] says, If there be not there four cubits,[5] seed may not be sown there.[6]

[1,2]עָרִיס שֶׁחוּא יוֹצֵא מִן־הַכֹּתֶל
מִתּוֹךְ הַקֶּרֶן וְכָלֶה, נוֹתְנִין לוֹ
עֲבוֹדָתוֹ וְזוֹרֵעַ אֶת־[3]הַמּוֹתָר. רַבִּי
[4]יוֹסֵי אוֹמֵר, אִם אֵין שָׁם [5]אַרְבַּע
אַמּוֹת לֹא יָבִיא זֶרַע [6]לְשָׁם.

**1** The meaning of this *Mishnah* up to וְכָלֶה is very obscure and many mutually contradictory explanations have been given. The accepted ruling is that it refers to an espalier of five vines, one in the angle of the walls and two on each side along the two walls; and this has not the *ruling* (דִּין) as an espalier and seed may be sown everywhere even between the vines, provided they be not sown within six handbreadths from the vines. **2** In the angle of two walls (some hold it refers to a single row of trellised vines along one wall and just a few along the other wall). **3** For it counts as the side of the vineyard and not opposite the other row. **4** His view is rejected. **5** *i.e.*, four cubits space. **6** See 5[4] where he holds that even a single vine must be in an enclosure of at least four cubits before any other seed may be sown there.

Mishnah 8

מִשְׁנָה ח

If the reeds[1] project from the espalier and he refrained from cutting them short,[2] it is permitted[3]

[1]הַקָּנִים הַיּוֹצְאִים מִן־הָעָרִיס וְחָס
עֲלֵיהֶן לְפַסְקָן [2]כְּנֶגְדָּם [3]מוּתָּר;

[4]עֲשָׂאָן כְּדֵי שֶׁיְּהַלֵּךְ עֲלֵיהֶן [5]הֶחָדָשׁ [6]אָסוּר׃

beneath them;[2] but if he prepared them[4] so that the new[5] should spread along them, it is forbidden.

**1** Or canes of the framework. **2** Literally *opposite them*. **3** *i.e.*, seed may be sown *beneath them* (provided that these projecting canes are not purposely left for the coming young tendrils to grow on them). **4** עֲשָׂאָם and עָשָׂם in some texts. **5** The new branches. **6** *i.e.*, seed may not be sown beneath them.

מִשְׁנָה ט

[1]הַפֶּרַח הַיּוֹצֵא מִן־הָעָרִיס רוֹאִין אוֹתוֹ כְּאִלּוּ מְטוּטֶלֶת תְּלוּיָה בּוֹ׃ [3]כְּגֶפֶן [2]אָסוּר; וְכֵן [4]בְּדָלִית׃ הַמּוֹתֵחַ זְמוֹרָה מֵאִילָן לְאִילָן׃ [3]תַּחְתֶּיהָ [2]אָסוּר׃ סִפְּקָהּ בְּחֶבֶל אוֹ בְגָמִי׃ תַּחַת [5]הַסִּפּוּק [2]מוּתָּר; [6]עֲשָׂאָהּ כְּדֵי שֶׁיְּהַלֵּךְ עָלָיו [7]הֶחָדָשׁ [8]אָסוּר׃

Mishnah 9

If a tendril[1] projected beyond the espalier, it is considered as a plummet suspended therefrom, and it is forbidden[2] beneath it,[3] and so, too, in the case of a single trellised vine.[4] If one stretch a branch from tree to tree, it is forbidden[2] beneath it.[3] If it were made fast with a rope or reed-grass, it is permitted[2] beneath the ligature;[5] if it[6] were prepared so that the new [tendrils] spread along it,[7] it is forbidden.[8]

**1** Literally *blossom*, *bloom*. **2** *i.e.*, to sow seeds. **3** But not directly beneath may seed be sown. **4** However far its shoots stretch no seed may be sown beneath them. **5** But beneath the branch itself it is forbidden; and beneath the rope it is allowed provided that the rope be not for the young tendrils to grow on. **6** *i.e.*, the ligature. **7** He is now using rope instead of laths for his trellising. **8** *i.e.*, it is forbidden to sow seeds both under the ligature and the rope.

## CHAPTER 7

## פֶּרֶק ז

Mishnah 1

מִשְׁנָה א

[1]הַמַּבְרִיךְ אֶת־הַגֶּפֶן בָּאָרֶץ׃ אִם אֵין עָפָר עַל גַּבָּהּ שְׁלֹשָׁה טְפָחִים [2]לֹא יָבִיא זֶרַע עֲלֵיהָ׃ אֲפִילוּ הִבְרִיכָהּ [3]בְּדֶלַעַת אוֹ [4]בְּסִילוֹן; הִבְרִיכָהּ [5]בְּסֶלַע׃ אַף עַל פִּי שֶׁאֵין עָפָר עַל גַּבָּהּ אֶלָּא שָׁלֹשׁ אֶצְבָּעוֹת מוּתָּר לְהָבִיא זֶרַע [6]עֲלֵיהָ׃ [7]הָאַרְכּוּבָה שֶׁבְּגֶפֶן אֵין [8]מוֹדְדִין לָהּ אֶלָּא מִן־[9]הָעִיקָּר הַשֵּׁנִי׃

Whoever sinks[1] a vine-shoot into the ground, if there be not over it three handbreadths of soil, may not sow seed over it[2] even though he sank it into a gourd-shell[3] or pipe;[4] if he sank it into stony ground,[5] even though there were only three fingerbreadths of soil over it, he may sow seed over it.[6] In the case of a bend in a vine-shoot[7] measurements[8] need be taken only from the second root.[9]

**1** הַבְּרֵךְ, *to bend down a branch of a vine into the soil to take root*, and thus produce a new vine. **2** So that the roots of the plants should not reach to, and mingle with, the roots of the vine. But seeds may be sown on either side because intermingling of the roots will not then take place. **3** In hot, dry soil a gourd-shell or pipe keeps the vine cool. Here it refers to a dry gourd-shell (a moist one is not permitted; see 1[7]). **4** Of earthenware (the roots may penetrate it); but a metal pipe may have seed sown above it. **5** Which is very hard and the roots will not penetrate it. Literally *rock*. **6** Provided it is six handbreadths from the vine. **7** See **Note 1** above. **8** *i.e.*, the six handbreadths prescribed for the cultivation of a single vine. **9** *i.e.*, from where the branch comes up out of the earth again; but if the branch is bent above the earth, tillage is measured only from the original root of the branch.

Mishnah 2

Whoever sinks[1] three vine-shoots[2] and their roots become visible—R. Eliezer[3] ben R. Zadok says, If there be a space between them[4] from four cubits[5] to eight cubits[6] they must be included together,[7] otherwise they are not[8] included together.[9] If a vine be withered it is forbidden,[10] but this does not render forfeit.[11] R. Meir says, It is forbidden to plant the cotton-plant,[12] but it does not render forfeit.[13] R. Eliezer[14] ben R. Zadok says in his name,[15] It is even forbidden[16] over the vine,[17] but it does not render it forfeit.[18]

מִשְׁנָה ב

[1]הַמַּבְרִיךְ [2]שָׁלֹשׁ גְּפָנִים וְעִיקָּרֵיהֶם נִרְאִים, רַבִּי [3]אֱלִיעֶזֶר בַּר׳ צָדוֹק אוֹמֵר, אִם יֵשׁ [4]בֵּינֵיהֶם [5]מֵאַרְבַּע אַמּוֹת וְעַד [6]שְׁמֹנֶה הֲרֵי אֵלּוּ [7]מִצְטָרְפוֹת, וְאִם [8]לַאו [9]אֵינָן מִצְטָרְפוֹת. גֶּפֶן שֶׁיָּבְשָׁה [10]אֲסוּרָה וְאֵינָהּ [11]מְקַדֶּשֶׁת. רַבִּי מֵאִיר אוֹמֵר, אַף [12]צֶמֶר גֶּפֶן אָסוּר וְאֵינוֹ [13]מְקַדֵּשׁ. רַבִּי [14]אֱלִיעֶזֶר בַּר׳ צָדוֹק אוֹמֵר [15]מִשְּׁמוֹ, אַף עַל גַּבֵּי [17]הַגֶּפֶן [16]אָסוּר וְאֵינוֹ [18]מְקַדֵּשׁ.

**1** In the manner explained in 7[1] in order to form a second row. **2** *i.e.*, in a row, thus forming two rows with three vines in each. **3** In some editions אֶלְעָזָר, *Elazar*. **4** *i.e.*, between one vine and the next, and between one row and the next. **5** Not less than four. **6** Not more than eight. **7** With the parent vines to form a vineyard with reference to the four cubits' tillage before seed is sown. **8** לא in some texts. *i.e.*, there is less than four and more than eight cubits between the vines. **9** And are considered as separate vines, and the cultivation space is only six handbreadths for each. **10** To sow near it, because of מַרְאִית הָעַיִן (*appearance's sake*), and the six handbreadths' tillage space must be allowed.

**11** The sown plants. **12** Actually צֶמֶר גֶּפֶן means the *cotton-wool* of the plant, and the term גֶּפֶן צֶמֶר would have been more correct for *cotton-tree* or *cotton-plant*. **13** The adjacent vines, because of *forbidden junction*. **14** His view is rejected. **15** *i.e.*, of R. Meir. **16** *i.e.*, to sow. **17** *i.e.*, the sunken vine shoot. **18** *i.e.*, the vine. Thus disagreeing with 7[1] which would render forfeit seed grown above a branch of a vine unless there are three handbreadths of soil over it.

Mishnah 3

The following[1] are forbidden[2] but they do not render forfeit[3]: the surplus ground[4] in a vineyard patch, the surplus ground in the outer space of a vineyard,[5] the surplus ground beneath the gaps of espaliers,[6] and the surplus ground beneath trellis-frames,[7] but the space beneath the vine and the space required for the cultivation of the vine,[8] and the four cubits[9] in the vineyard—these render forfeit.[10]

מִשְׁנָה ג

[1]אֵלּוּ [2]אוֹסְרִין וְלֹא [3]מְקַדְּשִׁין, [4]מוֹתַר חָרְבַּן הַכֶּרֶם, מוֹתַר [5]מְחוֹל הַכֶּרֶם, מוֹתַר פִּסְקֵי [6]עָרִיס, מוֹתַר [7]אֲפִיפִירוֹת; אֲבָל תַּחַת הַגֶּפֶן [8]וַעֲבוֹדַת הַגֶּפֶן [9]וְאַרְבַּע אַמּוֹת שֶׁבַּכֶּרֶם הֲרֵי אֵלּוּ [10]מִתְקַדְּשׁוֹת.

**1** Places. **2** *i.e.*, to sow seed in them. **3** If seed was sown, the vines and seed do not become forfeit. **4** An empty patch less than the stipulated sixteen cubits (see 4[1]) and in it seeds may not be sown; but if they had been sown they do not render forfeit. **5** Where actually twelve cubits are needed (see 4[2]). If he left four cubits and then sowed seed it would not become forfeit. **6** Where eight cubits *plus* [וְעוֹד] are actually required (see 6[6]) before seed may be sown. If it was less and he left six handbreadths on each side and sowed seed, it would not be forfeit. **7** See 6[3]. *i.e.*, what grows beneath the branches though more than six handbreadths from the vine itself. **8** Six handbreadths around any vine as tillage. **9** Tillage space. **10** *i.e.*, the adjacent vines, all sown beneath the branches of a vine, or within six handbreadths from a vine or within the four cubits from a vineyard are rendered forfeit.

Mishnah 4

If one allow his vine to overtop the grain crop[1] of his neighbour,[2] he renders it forfeit and is responsible for it;[3] R. Jose and R. Simon[4] say, One does not render forfeit what is not his.

מִשְׁנָה ד

הַמְסַבֵּךְ אֶת־גַּפְנוֹ עַל גַּבֵּי [1]תְּבוּאָתוֹ שֶׁל [2]חֲבֵירוֹ הֲרֵי זֶה קִדֵּשׁ, [3]וְחַיָּיב בְּאַחֲרָיוּתוֹ; רַבִּי [4]יוֹסֵי וְרַבִּי שִׁמְעוֹן אוֹמְרִים, אֵין אָדָם מְקַדֵּשׁ דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ.

**1** Or *growing corn*. **2** The same is the case if one allows a vine to overtop his own growing corn. **3** Literally 'and is liable to make it good'; *i.e.*, he must recompense the owner for the loss his vine has caused. **4** But this view is rejected in its application here regarding כִּלְאַיִם, *forbidden junction*.

Mishnah 5[1]

R. Jose said, It happened that someone sowed his vineyard in the *Sabbatical year*[2] and the case came before R. Akiba, and he said,[3] A person does not render forfeit what does not belong to him.

[1]מִשְׁנָה ה

אָמַר רַבִּי יוֹסֵי, מַעֲשֶׂה בְּאֶחָד שֶׁזָּרַע אֶת־כַּרְמוֹ [2]בַּשְּׁבִיעִית, וּבָא מַעֲשֶׂה לִפְנֵי רַבִּי עֲקִיבָא, [3]וְאָמַר, אֵין אָדָם מְקַדֵּשׁ דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ.

**1** In many editions this *Mishnah*—for no known reason—is combined with the preceding one and designated דה' (*i.e.*, *Mishnahs* 4-5): such a combination with designation occurs nowhere else in the **Mishnah.** **2** Land was not to be cultivated in the seventh year but had to lie fallow, and whatever grew became הֶפְקֵר (*ownerless or public property*) and all had a right to the produce. **3** But this view in its application here with regard to כִּלְאַיִם, *forbidden junction*, is rejected, and the accepted ruling is that a man can render forfeit what is not his.

Mishnah 6

If one who has no right to it[1] sowed a vineyard and it was recovered from him,[2] he[3] may reap it even during the Middle Days of a Festival.[4] How much more should he pay[5] the labourers?—As much as one third more;[6] above this,[7] he may cut in his own manner[8] and continue even after the Festival. How long is he termed a usurping occupant?[9]—Until it is forgotten.[10]

מִשְׁנָה ו

[1]הָאַנָּס שֶׁזָּרַע אֶת־הַכֶּרֶם [2]וְיָצָא מִלְּפָנָיו [3]קוֹצְרוֹ אֲפִילוּ [4]בַּמּוֹעֵד. עַד כַּמָּה הוּא [5]נוֹתֵן לַפּוֹעֲלִים? עַד [6]שְׁלִישׁ; [7]יֶתֶר מִכָּאן קוֹצֵר [8]כְּדַרְכּוֹ וְהוֹלֵךְ אֲפִילוּ לְאַחַר הַמּוֹעֵד. מֵאֵימָתַי הוּא נִקְרָא [9]אַנָּס? [10]מִשֶּׁיִּשְׁתַּכֵּחַ.

**1** A usurper, one who takes over property without any right to it when the owner is absent or dead or in prison or captive. Such cases were common during the Hadrianic persecution. **2** *i.e.*, by the real owner. Some tender this '*and he* (*i.e.*, the usurper) *went away from* (*i.e.*, *left*) *it*.' **3** The rightful owner may do so in order to clear himself of the charge that he allows כִּלְאַיִם, *forbidden junction*, to grow in his vineyard (in ordinary cases no such work may be performed during the חוֹל הַמּוֹעֵד). **4** When ordinary work would be forbidden. By taking immediate steps to clear the *forbidden junction* the owner shows he

does not want it and so the vines are not forbidden. See 5[6]. **5** If they refuse to cut the *forbidden junction* at the ordinary rate of pay because of the Festival. **6** He must pay even one and a third times the normal pay for such work. **7** If the labourers demand more than a third above the ordinary pay for cutting the *forbidden junction*. יוֹתֵר in some editions. **8** He does it as quickly as he can and as soon as he can; and the vines will not become *forbidden* meanwhile. This is in accordance with 5[6]. **9** *i.e.*, the property of the usurping occupant so that the sowing of seed makes the vines forbidden as if sown in his own property, and the law of this *Mishnah* does not apply. **10** Literally 'when it sinks,' *i.e.*, when the name of the rightful owner is forgotten.

Mishnah 7

If the wind blew[1] the vines over a grain crop, he[2] must immediately cut them away; but if he[2] met with a mishap,[3] it is allowed.[4] If his grain[5] swayed under a vine,[6] and similarly in the case of greens,[7] it must be bent back, but it does not render forfeit.[8] When does corn become forfeit?[9] After it has taken root.[10] And grapes?[11]—After they have become as large as the white bean.[12] Corn that has become fully dried[13] and grapes which have become fully ripe can not be rendered forfeit.[14]

מִשְׁנָה ז

הָרוּחַ [1]שֶׁעִלְּעֲלָה אֶת־הַגְּפָנִים עַל גַּבֵּי תְבוּאָה, [2]יַגִּיד מִיָּד; אִם [3,2]אֵרְעוֹ אוֹנֶס [4]מוּתָּר. [5]תְּבוּאָתוֹ שֶׁהָיְתָה נוֹטָה תַּחַת [6]הַגֶּפֶן, וְכֵן [7]בְּיָרָק, מַחֲזִיר [8]וְאֵינוֹ מְקַדֵּשׁ. [9]מֵאֵימָתַי תְּבוּאָה מִתְקַדֶּשֶׁת? [10]מִשֶּׁתַּשְׁרִישׁ. [11]וַעֲנָבִים? מִשֶּׁיַּעֲשׂוּ [12]כְּפוֹל הַלָּבָן. תְּבוּאָה [13]שֶׁיִּבָּשָׁה כָּל־צָרְכָּהּ וַעֲנָבִים שֶׁבָּשְׁלוּ כָּל־צָרְכָּן [14]אֵין מִתְקַדְּשׁוֹת.

**1** *i.e.*, *cracked* (without breaking off), the branches still drawing some sustenance from the parent vine. In either case, the meaning is that the vines have been blown into such a position that they overshadow the grain (if the vines had been actually completely broken away they would not have *forbidden* the corn). **2** *i.e.*, the owner. **3** *i.e.*, something happened to prevent the owner cutting away at once the offending vines. **4** It is permitted even if the corn has increased in growth by one two-hundredths part (5[6]), *i.e.*, the vines and crop are not *forbidden*. **5** In some editions תְּבוּאָה שֶׁהִיא נוֹטָה. **6** *i.e.*, the tops of the corn come beneath the vine but not the roots. **7** *i.e.*, greens (or vegetables) also swayed under a vine. **8** Even if they are not bent back and increase one two-hundredths, the vines are not rendered forfeit. **9** *i.e.*, 'At what stage of its growth, if sown under a vine, is it considered to be corn for the law of *forbidden junction*?' **10** In some editions, מִשֶּׁתַּשְׁלִישׁ, *when it has grown one-third*, but before this it does not render forfeit even if the vine grows one two-hundredths. **11** *i.e.*, 'At what stage of their growth does the law of *forbidden junction* apply?'

**12** But if he uprooted it before this stage it would not be forfeit however much had grown. **13** *i.e.*, has ripened. **14** אינם (grammatically more correct) in some texts. For since these no longer need to be in the field they are as if already gathered.

Mishnah 8

A holed[2] plant-pot[1] renders forfeit[3] in a vineyard,[4] but one that has no hole does not render forfeit.[5] But R. Simon says, They are both forbidden[6] but they do not render forfeit.[7] If anyone carried a holed plant-pot[1,8] through a vineyard,[9] if it[10] increased by one two-hundredths part, it[11] is forbidden.

מִשְׁנָה ח

[1]עָצִיץ [2]נָקוּב [3]מְקַדֵּשׁ [4]בְּכֶרֶם, וְשֶׁאֵינוֹ נָקוּב [5]אֵינוֹ מְקַדֵּשׁ. וְרַבִּי שִׁמְעוֹן אוֹמֵר, זֶה וָזֶה [6]אוֹסְרִין [7]וְלֹא מְקַדְּשִׁין. הַמַּעֲבִיר [8,1]עָצִיץ נָקוּב [9]בְּכֶרֶם, אִם [10]הוֹסִיף בְּמָאתַיִם [11]אָסוּר.

**1** In which seed is sown. **2** The hole being sufficiently large to let a root pass through. **3** The vines—just as if planted in the ground. **4** Or even in the four cubits' tillage space. **5** For the seed is not drawing sustenance from the soil of the vineyard. **6** *i.e.*, it is forbidden to put them in the vineyard. His view is rejected. **7** *i.e.*, if he put a plant-pot with a hole in it there the vines are not forfeit. **8** Containing corn seed that had already taken root. **9** Whose vines had already produced grapes the size of the white bean. **10** *i.e.*, the corn. **11** *i.e.*, the corn; but since the pot was not put down on the ground the vines are not forbidden.

## CHAPTER 8

Mishnah 1

It is forbidden to sow or to allow to grow[1] diverse kinds in a vineyard, and it is forbidden to make use of them. It is forbidden to sow or allow to grow[2] diverse kinds of seeds, but they are permitted as food and therefore evidently also to be made use of. Diverse kinds in materials are permitted for every purpose[3] and they are only forbidden to be worn.[4] Diverse kinds among cattle are permitted to be reared and to be maintained, and are only prohibited from being bred;[5] diverse kinds of cattle[6] are forbidden to be mated one with another.[7]

## פֶּרֶק ח

מִשְׁנָה א

כִּלְאֵי הַכֶּרֶם אֲסוּרִין מִלִּזְרֹעַ [1]וּמִלְּקַיֵּם וַאֲסוּרִין בַּהֲנָאָה. כִּלְאֵי זְרָעִים אֲסוּרִים [2]מִלִּזְרֹעַ וּמִלְּקַיֵּם, וּמוּתָּרִין בַּאֲכִילָה וְכָל שֶׁכֵּן בַּהֲנָאָה. כִּלְאֵי בְגָדִים מוּתָּרִין [3]בְּכָל דָּבָר, וְאֵינָן אֲסוּרִין אֶלָּא [4]מִלִּלְבֹּשׁ. כִּלְאֵי בְהֵמָה מוּתָּרִין לְגַדֵּל וּלְקַיֵּם, וְאֵינָן אֲסוּרִים אֶלָּא [5]מִלְּהַרְבִּיעַ; [6]כִּלְאֵי בְהֵמָה [7]אֲסוּרִים זֶה בָּזֶה.

**1** If he sees them growing he must uproot them. **2** This applies to Palestine only. **3** *i.e.*, he may weave them together. **4** Based on the phrase לא יַעֲלֶה עָלֶיךָ, *shall not come upon thee* (*Leviticus* **19,** 19). **5** There must be no forced breeding; but they may be kept together in one stable and no steps need be taken to prevent them interbreeding naturally of their own accord. **6** One may not mate or use together for work two mules of opposite sex, one of which was the issue of a stallion and she-ass and the other of a mare and he-ass. But if they are of like parentage it is permitted. **7** Either for working together or to breed.

Mishnah 2

One kind of cattle with another kind of cattle, (and) one kind of wild animal with another kind of wild animal, cattle with wild animals (and) wild animals with cattle, one kind of unclean animal with another kind of unclean animal, (and) one kind of clean animal with another kind of clean animal, an unclean animal with a clean animal, (and) a clean animal with an unclean animal—it is forbidden[1] to plough with them or to draw with them[2] or to lead them.[3]

מִשְׁנָה ב

בְּהֵמָה עִם בְּהֵמָה וְחַיָּה עִם חַיָּה׳ בְּהֵמָה עִם חַיָּה וְחַיָּה עִם בְּהֵמָה׳ טְמֵאָה עִם טְמֵאָה וּטְהוֹרָה עִם טְהוֹרָה׳ טְמֵאָה עִם טְהוֹרָה וּטְהוֹרָה עִם טְמֵאָה [1]אֲסוּרִין לַחֲרוֹשׁ [2]וְלִמְשׁוֹךְ [3]וּלְהַנְהִיג׳

**1** *i.e.*, the person in charge of them is forbidden. It is forbidden even when one is only tied alongside the other and does not help in the work done. **2** To lead them by a halter in front as one does a camel. **3** Or 'to drive them together'; to urge them on from behind. This refers to the ass, horse and mule.

Mishnah 3

He who drives them[1] incurs the *forty stripes*,[2] and he who sits on the wagon[3] incurs the *forty stripes;* R. Meir[4] exempts.[5] Also if a third beast[6] be tied to the harness,[7] it is forbidden.

מִשְׁנָה ג

[1]הַמַּנְהִיג סוֹפֵג אֶת־[2]הָאַרְבָּעִים; וְהַיּוֹשֵׁב [3]בְּקָרוֹן סוֹפֵג אֶת־הָאַרְבָּעִים; רַבִּי [4]מֵאִיר [5]פּוֹטֵר׳ [6]וְהַשְּׁלִישִׁית שֶׁהִיא קְשׁוּרָה [7]לָרְצוּעוֹת אֲסוּרָה׳

**1** *i.e.*, two beasts of different species. **2** The normal penalty for transgressing a prohibition in the Torah (see מַכּוֹת 3[10]). In actual practice only *thirty-nine* (not the full forty) *stripes* were given (to guard against error in counting the number of lashes which must on no account exceed the forty prescribed). **3** *i.e.*, drawn by two beasts of different species without actually driving them. **4** His view is rejected. **5** The driver or passenger from the *forty stripes*. Only in the case of sitting passively in the waggon does R. Meir disagree. **6** *i.e.*, of a different species from the two others. **7** Which connects the two beasts drawing the burden and not to the burden.

Mishnah 4

A horse[1] must not be tied to the sides of a waggon[2] or behind a wagon, nor Lybian asses[3] to camels. R. Judah says, All offspring of a horse whose sire was an ass are permitted[4] one with the other; and similarly all offspring of an ass whose sire was a horse are permitted[4] one with the other; but the offspring of a horse with the offspring of an ass are forbidden[6] one with the other.

מִשְׁנָה ד

אֵין קוֹשְׁרִין אֶת־[1]הַסּוּס לֹא לְצִדְדֵי
[2]הַקָּרוֹן וְלֹא לְאַחַר הַקָּרוֹן, וְלֹא
אֶת־[3]הַלּוּבְדָּקִים לַגְּמַלִּים. רַבִּי
יְהוּדָה אוֹמֵר, כָּל־הַנּוֹלָדִים מִן־
הַסּוּס אַף עַל פִּי שֶׁאֲבִיהֶם חֲמוֹר
[4]מוּתָּרִין זֶה עִם זֶה; וְכֵן הַנּוֹלָדִים
מִן־הַחֲמוֹר אַף עַל פִּי שֶׁאֲבִיהֶם
סוּס [4]מוּתָּרִין זֶה עִם זֶה; אֲבָל
הַנּוֹלָדִים מִן־הַסּוּס עִם הַנּוֹלָדִים
[5]מֵחֲמוֹר [6]אֲסוּרִים זֶה עִם זֶה.

**1** Though the intention is not for it to pull but only to keep it by the side. A dog may also not be tied likewise to the waggon. **2** Literally *the waggon*. Which is drawn by oxen; because if it be a young horse it would be an act of cruelty to allow it to exert itself above its strength to help push or draw the wagon. **3** *i.e.*, Libyan asses may not be tied or harnessed alongside camels, because they (the asses) might exert themselves beyond their power to help to draw a load although they are big and strong. **4** *i.e.*, to be harnessed or yoked together, because both having like sires and dams are considered as one species and may not only be used together for work but may also be mated. **5** מִן־הַחֲמוֹר and מֵהַחֲמוֹר in some editions. **6** Although the sire of the horse was an ass, and the sire of the ass was a horse, they count as two species and may not work together (see 8[1], **Note 6**).

Mishnah 5

Mules פְּרוּטִיּוֹת[1] are forbidden,[2] but the mule רַכָּדְּ[3] is permitted.[4] Wild men[5] are wild beasts;[6] R. Jose says, They render unclean[7] in a roofed-space as does a corpse.[8] The hedgehog and the porcupine[9] are wild animals;[6] as for the porcupine, R. Jose[10] says that the School of Shammai[11] say, It conveys uncleanness[12] through an olive's bulk by carrying and through a lentil's bulk on contact.[13]

מִשְׁנָה ה

[1]הַפְּרוּטִיּוֹת [2]אֲסוּרוֹת׳ וְהָרַכָּדְּ [3]מוּתָּר׳. [5]וְאַדְנֵי [6]הַשָּׂדֶה חַיָּה; רַבִּי יוֹסֵי אוֹמֵר׳ [7]מְטַמְּאוֹת בְּאֹהֶל [8]כְּאָדָם׳. הַקּוֹפֹּד [9]וְחוֹלְדַת הַסְּנָיִים [6]חַיָּה; חוֹלְדַת הַסְּנָיִים׳ רַבִּי [10]יוֹסֵי אוֹמֵר בֵּית [11]שַׁמַּאי אוֹמְרִים׳ [12]מְטַמֵּא כְּזַיִת בְּמַשָּׂא׳ וְכַעֲדָשָׁה [13]בְּמַגָּע׳.

**1** These are mules whose parentage is unknown: whether their sires were asses and their dams mares or whether their dams were asses and their sires horses. **2** To be mated if their parentage be unknown. **3** Whose sire was a horse and dam an ass. Some think it is a species of horse which because of its small size is forbidden with ordinary horses. **4** To mate with horses. **5** אַדְנֵי in some editions. Or *gorilla*, *chimpanzee*, *orang-utan*. **6** Hence do not convey uncleanness in a tent. **7** If their dead bodies are under the same covering as utensils or a living man, these become unclean. **8** Literally *man*. **9** Or *weasel*, *mole*. **10** His view is not accepted. **11** Their view is rejected. **12** מְטַמְּאָה in some editions. **13** Since they are not quite certain whether it is a wild animal or reptile.

Mishnah 6

The wild ox[1] is a species of cattle;[2] but R. Jose[3] says, A kind of wild animal.[4] The dog is a kind of wild animal;[5] R. Meir[6] says, A species of cattle. The pig[7] is a kind of cattle; the wild ass is a kind of wild animal;[8] and the elephant and the ape are a kind of wild animal. And a man is permitted with any of them to draw, and to plough and to drive.[9]

מִשְׁנָה ו

[1]שׁוֹר בָּר מִין [2]בְּהֵמָה; וְרַבִּי [3]יוֹסֵי אוֹמֵר׳ מִין [4]חַיָּה׳. כֶּלֶב מִין [5]חַיָּה: רַבִּי [6]מֵאִיר אוֹמֵר׳ מִין בְּהֵמָה׳. [7]חֲזִיר מִין בְּהֵמָה; עָרוֹד מִין [8]חַיָּה; הַפִּיל וְהַקּוֹף מִין חַיָּה׳ וְאָדָם מוּתָּר עִם כֻּלָּם׳ לִמְשׁוֹדְּ וְלַחֲרוֹשׁ [9]וּלְהַנְהִיג׳.

**1** Or *buffalo*, *bison*, *aurochs;* and it may be mated with the cow. **2** And may be mated with the cow. **3** His view is rejected. **4** Hence may not be mated with the cow. **5** Therefore if a man sells all his wild animals the dogs are included. **6** His view is not accepted. **7** הַחֲזִיר in some editions. **8** And may not be mated with the domestic ass. הֶעָרוֹד in some texts. **9** *i.e.*, the prohibition against working with diverse kinds of animals does not include man, but it does birds.

## CHAPTER 9

## פֶּרֶק ט

### Mishnah 1

### מִשְׁנָה א

Only wool[1] and linen are prohibited under *forbidden junction*, and only wool and linen incur uncleanness by signs of leprosy.[2] The priests wear only wool and linen when they minister in the Temple. If camel's hair and sheep's wool have been hackled[3] together[4] and the greater quantity is the camel's, it is permitted,[5] but if the greater part be from the sheep, it is forbidden;[6] if they be in equal quantities, it is forbidden. And likewise[7] in the case of hemp and flax that have been hackled together.

אֵין אָסוּר מִשּׁוּם כִּלְאַיִם אֶלָּא [1]צֶמֶר וּפִשְׁתִּים, וְאֵינוֹ מְטַמֵּא [2]בַּנְּגָעִים אֶלָּא צֶמֶר וּפִשְׁתִּים. אֵין הַכֹּהֲנִים לוֹבְשִׁין לְשַׁמֵּשׁ בְּבֵית הַמִּקְדָּשׁ אֶלָּא צֶמֶר וּפִשְׁתִּים. צֶמֶר גְּמַלִּים וְצֶמֶר רְחֵלִים [3]שֶׁטְּרָפָן [4]זֶה בָּזֶה, אִם רוֹב מִן־הַגְּמַלִּים [5]מוּתָּר, וְאִם רוֹב מִן־הָרְחֵלִים [6]אָסוּר; מֶחֱצָה לְמֶחֱצָה אָסוּר, וְכֵן [7]הַפִּשְׁתָּן וְהַקַּנְבּוֹס [3]שֶׁטְּרָפָן זֶה [4]בָּזֶה.

**1** Whenever the term צֶמֶר is unqualified it always refers to *sheep's wool*. **2** *Leviticus* **13,** 47. **3** טָרַף, *mix*, *comb*, *hackle*, *hatchel*. **4** In some editions זֶה עִם זֶה. **5** *i.e.*, it may be woven with flax. The well-known maxim applies, *a minority becomes annulled in a majority*, *or a major quantity disannuls a minor quantity*, or *the lesser is cancelled by the larger*. **6** *i.e.*, it must not be woven with flax. **7** *i.e.*, if flax and hemp are hackled together the mixture may not be woven with wool if the flax exceeds or is equal to the hemp in quantity, but it may be woven with wool if the hemp exceeds the flax. Similarly, as an extension, material composed of sheep's wool and a greater quantity of camel's hair may be sown with linen thread; and material made from flax woven with a greater quantity of hemp is not *forbidden junction* with (sheep's) wool.

### Mishnah 2

### מִשְׁנָה ב

Flax-like silk[1] and bast-silk[2]—the law of *forbidden junction* does not apply to them,[3] but they are forbidden[4] for appearance's sake. Mattresses and pillows[5]—the law of *forbidden junction* does not apply to them, provided that one's bare flesh does not come in contact with them. There is no question of *temporary expedient* with regard to *forbidden junction*,[6] and one may

[1]הַשִּׁירַיִם [2]וְהַכַּלְךְ אֵין בָּהֶם מִשּׁוּם כִּלְאַיִם, אֲבָל [3]אֲסוּרִים מִפְּנֵי [4]מַרְאִית הָעָיִן. הַכָּרִים [5]וְהַכְּסָתוֹת אֵין בָּהֶם מִשּׁוּם כִּלְאַיִם, וּבִלְבַד שֶׁלֹּא יִהְיֶה בְשָׂרוֹ נוֹגֵעַ בָּהֶן. אֵין עֲרַאי [6]לְכִלְאַיִם, וְלֹא יִלְבַּשׁ כִּלְאַיִם אֲפִילוּ עַל גַּבֵּי [7]עֲשָׂרָה,

[8]אֲפִילוּ לִגְנֹב אֶת־הַמֶּכֶס׃

not wear *forbidden junction* even over ten,[7] not even to avoid paying the customs dues.[8]

**1** Thought to have the appearance of silk. **2** Thought to look like wool. The exact meanings of שֵׁירַיִם and כִּלְאָיִם are not known. **3** *i.e.* treated as if they did not come under the law of *forbidden junction*, and שֵׁירַיִם is forbidden to be woven with wool and כִּלְאָיִם must not be woven with flax, but שֵׁירַיִם may be woven with flax and כִּלְאָיִם with wool. But actually in modern times when silk is so common and there is no fear of מַרְאִית הָעַיִן silk may be woven with flax or wool, and likewise hemp may be woven with wool or flax. (Actually, the *Torah* has not forbidden them to be woven together or with real wool and linen). **4** *i.e.*, the Rabbis forbade them. Only real wool and linen must not be woven together. **5** Or *cushions*. **6** *i.e.*, a garment of שַׁעַטְנֵז may not be worn even momentarily. **7** *i.e.*, ten other garments. **8** *i.e.*, when one wears a garment it is generally exempt from customs dues: but evidently Jewish law does not countenance such practices; even if the wearer has no intention of evading any tax the wearing of such a taxable garment is discountenanced. This last sentence is omitted in some editions.

## Mishnah 3

## מִשְׁנָה ג

Towels,[1] scroll wrappers,[2] bath-towels[3]—the law of *forbidden junction* does not apply to them; R. Elazar[4] forbids; and barbers' towels are forbidden because of *forbidden junction*.

[1]מִטְפָּחוֹת הַיָּדַיִם׃ [2]מִטְפְּחוֹת הַסְּפָרִים׃ [3]מִטְפְּחוֹת הַסַּפָּג אֵין בָּהֶם מִשּׁוּם כִּלְאָיִם; רַבִּי [4]אֱלִעֶזֶר אוֹסֵר; וּמִטְפְּחוֹת הַסַּפָּרִים אֲסוּרוֹת מִשּׁוּם כִּלְאָיִם׃

**1** Or *handkerchiefs*. **2** Or covers. This also includes the cloth on the שֻׁלְחָן (on which the סֵפֶר תּוֹרָה is laid) since it might be used as a cover for a person. **3** Including *dish-cloths*. **4** אֱלִיעֶזֶר in some editions. His view is accepted.

## Mishnah 4

## מִשְׁנָה ד

The shrouds for a corpse and the pack-saddle[1] of an ass—the law of *forbidden junction* does not apply to them.[2] One must not place[3] the pack-saddle upon his shoulder even to carry out manure on it.

תַּכְרִיכֵי הַמֵּת [1]וּמַרְדַּעַת שֶׁל חֲמוֹר [2]אֵין בָּהֶם מִשּׁוּם כִּלְאָיִם׃ [3]לֹא יִתֵּן הַמַּרְדַּעַת עַל כְּתֵפוֹ אֲפִילוּ לְהוֹצִיא עָלֶיהָ זֶבֶל׃

**1** *i.e.*, a hard (not soft) saddle and provided that the rider's bare flesh does not come in contact with it. **2** *i.e.*, they may be made from כִּלְאָיִם material. **3** For in putting it upon his shoulder he is covering part of his body with it, hence 'clothing' himself.

Mishnah 5

Clothes dealers may sell according to their usual manner,[1] only provided that they do not intend[2] in the sun from the sun and[2] in the rain from the rain; but the observant[4] wrap them round[5] a stick behind them.[6]

מִשְׁנָה ה

מוֹכְרֵי כְסוּת [1]מוֹכְרִין כְּדַרְכָּן, וּבִלְבַד שֶׁלֹּא [2]יִתְכַּוְּנוּ בַחַמָּה מִפְּנֵי הַחַמָּה [2]וּבַגְּשָׁמִים מִפְּנֵי הַגְּשָׁמִים; [4]וְהַצְּנוּעִים [5]מַפְשִׁילִין בְּמַקֵּל [6]לַאֲחוֹרֵיהֶם.

**1** *i.e.*, to try on themselves to show to the customer, or (according to another opinion) to carry over the shoulder. Compare 9[2] **Note 7**. **2** *i.e.*, *to use them as a protection*; in which case it is forbidden מִדְּאוֹרַיְיתָא (or מִן־הַתּוֹרָה), *by the Torah*, to make use of כִּלְאַיִם; for if they have this intention they are enjoying the use of the *forbidden junction* as clothes to protect the body. **4** Or *observing*, *scrupulous*, *pious*. **5** הַפְשֵׁל, *twist or knot a bundle* (especially for the purpose of carrying it behind over one's shoulder). **6** *i.e.*, so that the garment does not touch the body at all.

Mishnah 6

Tailors sew[1] in their customary manner, only provided that they do not intend[2] in the sun from the sun and in the rain from the rain; and the observant sew on the ground.[3]

מִשְׁנָה ו

תּוֹפְרֵי כְסוּת [1]תּוֹפְרִין כְּדַרְכָּן, וּבִלְבַד שֶׁלֹּא [2]יִתְכַּוְּנוּ בַחַמָּה מִפְּנֵי הַחַמָּה וּבַגְּשָׁמִים מִפְּנֵי הַגְּשָׁמִים; וְהַצְּנוּעִים תּוֹפְרִים [3]בָּאָרֶץ.

**1** *i.e.*, the material is placed on their knees when tailoring garments made from *forbidden junction* material. **2** *i.e.*, *to use them as a protection* . . . . . **3** *i.e.*, they sew the garments while placing them on the floor (or on any other support) so that the cloth does not cover their bodies.

Mishnah 7

Bera cloaks[1] and Brundisian cloaks and Dalmatian undergarments and felt shoes[2]—one may not wear them until they have been examined.[3] R. Jose says, Those[4] that come from the sea-coast[5] or from lands[6] across the sea do not have to be examined on the assumption that they are of hemp.[7] There is no question of *forbidden junction* regarding a cloth-lined shoe.[8]

מִשְׁנָה ז

[1]הַבֵּירְסִין וְהַבַּרְדָּסִין וְהַדַּלְמָטִיקוֹן [2]וּמַנְעֲלוֹת הַפִּינוֹן לֹא יִלְבַּשׁ בָּהֶם עַד [3]שֶׁיִּבָּדֵק. רַבִּי יוֹסֵי אוֹמֵר, [4]הַבָּאִים [5]מֵחוּף הַיָּם [6]וּמִמְּדִינוֹת הַיָּם אֵינָן צְרִיכִין בְּדִיקָה מִפְּנֵי שֶׁחֲזָקָתָן [7]בְּקַנָּבּוֹס. [8]מַנְעָל שֶׁל זֶרֶד אֵין בּוֹ מִשּׁוּם כִּלְאַיִם

**1** The precise meaning of these terms is not known; בִּרְסִין, בֵּרָסִין, *cloak of thick woollen cloth, thin woollen blanket, woollen rug, Bera cloak;* בּוּרְדְּסִין, בַּרְדְּסִין, בִּרְדְּסִין, *cloak of very thick woollen material, thick woollen blanket, Brundisian cloak;* דַּלְמָטִיקִין, דַּלְמָטִיקוֹן, *long Dalmatian wool undergarments, hose.* **2** Or *slippers.* **3** Whether they contain a mixture of wool and linen. **4** *i.e.*, articles. **5** *i.e.*, sea-coast towns in Palestine largely inhabited by non-Jews. **6** In some texts וּמִמְּדִינַת, *or from a land.* **7** Because in those days hemp was comparatively very cheap and flax was very expensive; but nowadays as flax is also cheap, it is necessary to examine such articles that they are not כִּלְאַיִם. **8** Or *slipper.* For it is not a garment to cover the body. However, the uppers must not be of *forbidden junction.*

Mishnah 8

מִשְׁנָה ח

אֵין [1]אָסוּר מִשּׁוּם כִּלְאַיִם אֶלָּא טָווּי וְאָרוּג, [2]שֶׁנֶּאֱמַר, לֹא תִלְבַּשׁ [3]שַׁעַטְנֵז, דָּבָר שֶׁהוּא [4]שׁוּעַ [5]טָווּי [6]וְנוּז. רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר [7]אוֹמֵר, [8]גָּלוּז וּמֵלִיז [9]הוּא אֶת־אָבִיו שֶׁבַּשָּׁמַיִם עָלָיו.

The prohibition[1] of *forbidden junction* applies only to spun and woven material, as it is said,[2] *thou shalt not wear a web mixed of wool and flax,*[3] that which is *hackled,*[4] *spun*[5] *and woven.*[6] R. Simon ben Elazar says,[7] He[9] *is estranged*[8] *and estranges* his Father in heaven against him.

**1** *i.e.*, מִדְּאוֹרַיְתָא, *as laid down in the Torah* or מִדְּרַבָּנָן, *as laid down by the Sages.* **2** *Deuteronomy* **22,** 11. **3** *Material woven of flax and wool.* The term שַׁעַטְנֵז is assumed to be composed of the words שׁוּעַ טָווּי וְנוּז (which describe the processes in the making of cloth) but its real derivation is not known. (Compare **Introduction.**) **4** שׁוּעַ, *comb, card, hackle.* **5** טָוָה, טָוִי, *spin.* **6** נוּז, *twine, twist, weave.* *i.e.*, if the wool and linen are mingled in *any one* of these three processes it is forbidden and we do not require the mixture to be effected by all three processes. **7** *i.e.*, 'that the term שַׁעַטְנֵז means . . . . . .' This saying illustrates the enormity in transgressing the prohibition of כִּלְאַיִם. He holds that the law of the *Torah* applies only if the mingling takes place through *all three* processes —*hackling, spinning, weaving*—hence in weaving the *forbidden junction* he is much estranged, *i.e.*, has done many actions of which God disapproves. **8** *i.e.*, from his Father in Heaven. **9** *i.e.*, he who wears שַׁעַטְנֵז.

Mishnah 9

מִשְׁנָה ט

[1]לְבָדִים אֲסוּרִים מִפְּנֵי שֶׁהֵם שׁוּעִים. [2]פִּיו שֶׁל צֶמֶר בְּשֶׁל [3]פִּשְׁתָּן אָסוּר מִפְּנֵי שֶׁהֵם חוֹזְרִין

Felted materials[1] are forbidden because they are hackled. An edge[2] of wool upon linen[3] is forbidden because it interlaces in the web.[4] R. Jose says, Tapes[5] of purple wool[6]

are forbidden[7] because one stitches them on[8] before tying. One must not tie a cord of wool to one of linen to gird the loins even if there be a strap[9] between.[10]

[4]בָּאָרִיג· רַבִּי יוֹסֵי אוֹמֵר, [5]מְשִׁיחוֹת
שֶׁל [6]אַרְגָּמָן [7]אֲסוּרוֹת מִפְּנֵי שֶׁהוּא
[8]מוֹלֵל עַד שֶׁלֹּא קוֹשֵׁר· לֹא יִקְשׁוֹר
סֶרֶט שֶׁל צֶמֶר בְּשֶׁל פִּשְׁתָּן לַחֲגוֹר
בּוֹ אֶת־מָתְנָיו אַף עַל פִּי
[6]שֶׁהָרְצוּעָה [10]בָּאֶמְצָע·

**1** *i.e.*, made of כְּלָאִים (the components after combing or hackling are pressed together). **2** *i.e.*, the edging that finishes off the woven cloth. פִּיף in some editions. **3** *i.e.*, material or garment made of linen. **4** *i.e.*, the woven material ('it comes up as if woven,' would agree with כְּאָרִיג in some editions). Although the edging is not really woven it looks as if woven and is therefore forbidden. **5** *bands, cords, girdles.* **6** *i.e.*, purple-dyed wool; or of any other colour also. **7** To tie round a linen shirt (apparently in those times coloured girdles were worn round shirts). **8** This stitching was apparently a mode of combining the linen with wool in the girdles so that they counted as wool and linen spun together [Maimonides]. Others take it to mean that girdles made of purple wool must not be stitched to a linen garment, though they could be tied round if left loose. **9** A leather strap. **10** *i.e.*, a woollen cord is tied to one end of a leather strap and a linen one to the other end: the woollen and linen cords are therefore tied together forming a כְּלָאִים joint, because there must not be wool and linen on the same garment even if not actually stitched together.

Mishnah 10

The marks[1] of weavers and the marks[1] of washermen[2] are forbidden[3] under the law of *forbidden junction.* If one makes a single stitch[4] it is not considered a fastening,[5] and it does not come under the law of *forbidden junction,*[6] and if one undo it on the Sabbath, he is exempt.[7] If he carried its[8] two ends over to the same side,[9] it is considered a connective[10] and comes under the law of *forbidden junction,*[11] and one who undoes it on the Sabbath is culpable[12]; R. Judah[13]

מִשְׁנָה י

[1]אוֹתוֹת הַגַּרְדִּין [1]וְאוֹתוֹת
[2]הַכּוֹבְסִים [3]אֲסוּרוֹת מִשּׁוּם
כִּלְאָיִם· הַתּוֹכֵף [4]תְּכִיפָה אַחַת
אֵינָהּ [5]חִבּוּר וְאֵין בָּהּ מִשּׁוּם
[6]כִּלְאָיִם, וְהַשּׁוֹמְטָהּ בַּשַּׁבָּת [7]פָּטוּר·
עָשָׂה שְׁנֵי [8]רָאשֶׁיהָ [9]לְצַד אֶחָד
[10]חִבּוּר וְיֵשׁ בָּהּ מִשּׁוּם [11]כִּלְאָיִם,
וְהַשּׁוֹמְטָהּ בַּשַּׁבָּת [12]חַיָּיב; רַבִּי

[13]יְהוּדָה אוֹמֵר, עַד [14]שֶׁיְּשַׁלֵּשׁ.
[15]הַשַּׂק וְהַקּוּפָּה [16]מִצְטָרְפִין
לְכִלְאָיִם.

says, Only if one make three stitches.[14] A sack and a basket[15] are included together[16] under the law of *forbidden junction.*

**1** *i.e.*, to indicate ownership. **2** And washerwomen. *i.e.*, laundry marks. **3** If woollen thread is used to mark a linen article, or linen thread to mark a woollen article. Although these threads are removed when the owner recovers his article yet it is prohibited because it is done intentionally. **4** *i.e.*, to join together two pieces of material of linen and wool with one stitch the ends of the connecting thread being loose *on opposite sides*. **5** For purposes of *cleanness* (טַהֲרָה) and *uncleanness* (טוּמְאָה), so that if one is rendered טָמֵא, *unclean*, the other is not, and if both are *unclean* the purification of one does not render the other purified. **6** Even if one piece is wool and the other is linen. **7** *i.e.*, it is not considered as *tearing* in order to resew (an act which is forbidden on the Sabbath. See שַׁבָּת 7[2]). **8** *i.e.*, of the connecting thread. **9** *i.e.*, after the thread has been passed through the two pieces of cloth once (as mentioned above) it is again passed through the two so that the ends are on the *same* side. **10** *i.e.*, for *cleanness* and *uncleanness*, so that if one becomes טָמֵא, *unclean*, the other is also *unclean*, and if both are *unclean* then if one is then rendered טָהוֹר, *clean*, the other also becomes *clean*. **11** If one piece of the material be wool and the other linen it may not be worn. **12** Being considered tearing in order to resew. **13** His view is not accepted. **14** *i.e.*, if the stitch-thread is carried through the two materials a third time (so that the thread forms the shape of the letters N, S or Z in the materials) and the two ends are again not on the same side. **15** Literally 'The sack and the basket . . . . . .' **16** If they are tied together, one being patched with wool and the other with linen (or vice versa); or if a piece of wool is joined to one and a piece of linen to the other (or vice versa), and these two bits of material are fastened together with two stitches, they may not be put on the body as a covering.

## סְלִיק מַסֶּכֶת כִּלְאַיִם

## CONCLUSION OF TRACTATE KILAYIM

# שְׁבִיעִית

# SHEVIITH

[BEING THE
FIFTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*
*NOTES*

By
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# שְׁבִיעִית

# SHEVIITH

# INTRODUCTION

שְׁבִיעִית is the fifth מַסֶּכֶת, **Tractate**, of סֵדֶר זְרָעִים, the **Order Zeraim,** and contains ten Chapters or פְּרָקִים. It has no גְּמָרָא in the תַּלְמוּד בַּבְלִי (*Babylonian Talmud*) but there is a גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי (*Jerusalem* [or *Palestinian*] *Talmud.*)

According to the רמב"ם Rambam the *Tractate* עָרְלָה should have followed כִּלְאַיִם because that is the relative order of these subjects as mentioned in the *Pentateuch*, but the commandment of עָרְלָה does not concern anyone who has not planted any trees, whereas the commandment of שְׁבִיעִית applies to all and must be universally observed and hence because of its importance it follows כִּלְאַיִם (as the Talmud puts it: תָּדִיר וְשֶׁאֵינוֹ תָּדִיר קוֹדֶמֶת, 'That which is more general precedes the less general.')

The term שְׁבִיעִית is the *feminine* form of שְׁבִיעִי, *seventh:* שְׁבִיעִית, **Sabbatical Year, Seventh Year,** is also known as שְׁמִטָּה or שְׁמִיטָה, *release, rest, cancellation of debts,* **Sabbatical Year, Rest Year.** (Strictly speaking שְׁמִטָּה refers to *the renunciation of debts*—no debts could be collected during that year unless they were in advance given over to בֵּית דִּין by an enactment known as פְּרוֹזְבּוּל—see מִשְׁנָה 3[6], גִּטִּין 4[3]—established by הִלֵּל.) The land in Palestine was to be cultivated in periods, *viz.*, six years' cultivation and one year's—שְׁבִיעִית or שְׁמִטָּה—non-cultivation; and everything that grew of itself that year in the fields, gardens, orchards, vineyards and oliveyards was to be הֶפְקֵר, *common property, public property, ownerless property,* and all—whether rich or poor, native or alien, man or beast—had an equal right in all this growing produce of that year and were alllowed to use it for food, and so forth, but trading with it was forbidden.

This unique law had a beneficient tendency for its intention was to save the soil from the danger of impoverishment and exhaustion. Most probably the law became obligatory fourteen years after the beginning of the conquest of Canaan by Joshua, reckoning that the main conquest took seven years and the subsequent division and distribution of the land and the settlement on it occupied another seven years' period. By inference from Bibilical records it would appear that the law was, to say the least, not strictly observed and, according to tradition, it would seem that seventy Sabbatical Years were not observed (probably all throughout the whole duration of the monarchy—a period of some 490 years). Alexander the Great and Julius Caesar remitted to the Jews the tribute due every Sabbatical Year because the fields were not cultivated.

During this year no manner of work is allowed in field or vineyard; for just as on man's Sabbath no work is allowed, similarly, no labour is allowed in the year of rest proclaimed for the land. Sowing and reaping in the field, or pruning and clipping of trees are prohibitions rooted in the Torah, so is ploughing according to some; other kinds of work have only Rabbinical sanction. In general, all work calculated to improve the fertility of the soil, e.g., ploughing, weeding or removing stones are strictly prohibited, unless serious loss would accrue from such abstinence. As a precautionary measure, work was disallowed even thirty days before the approach of the Sabbatical Year so that the benefit of this work is not obtained in the seventh year itself. Even greater precautionary measures were introduced by the Rabbis, but these were not generally accepted. In fact, when conquerors of Judaea imposed crushing taxes on Israel, work was allowed during the seventh year itself.

Though the Torah prohibition does not extend to that which grows of its own accord (סָפִיחַ), yet the Rabbis only permitted fruits which grew of their own accord on trees, not regarding these as סָפִיחַ (*aftergrowth*).

To the fruit of the Sheviith year is attached a certain sanctity, thus forbidding it to be regarded as a source of merchandise, though permission was granted to use it as food and drink, or for oil and dyeing purposes.

It is forbidden to sell any agricultural implements or cattle to those suspect of transgressing the laws of this year.

What is the exact reason for this command? To show that the earth belongs to God and that he is entitled to dictate how it should be treated (סַנְהֶדְרִין 39b). Maimonides applies a more scientific reason for this law: it is merely to allow time for the earth to recuperate after the harrowing and gruelling experience it had undergone during the past six years, when despite man's harsh treatment of her, the earth rewarded the labourer with luscious fruit and golden corn. Similarly, the remission of money was to enable the poor to have a fresh chance to make good.

The Tractate שְׁבִיעִית is based on *Exodus* **23,** 10, 11, *Leviticus* **25,** 2-7, 20-22, and *Deuteronomy* **15,** 1-3.

*Exodus* **23:**

(10) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אַרְצֶךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ׃

*And six years thou shalt sow thy land, and gather in the increase thereof*

(11) וְהַשְּׁבִיעִת תִּשְׁמְטֶנָּה וּנְטַשְׁתָּהּ וְאָכְלוּ אֶבְיֹנֵי עַמֶּךָ וְיִתְרָם תֹּאכַל חַיַּת הַשָּׂדֶה כֵּן־תַּעֲשֶׂה לְכַרְמְךָ לְזֵיתֶךָ׃

*But the seventh year thou shalt let it rest and lie fallow, so that the poor of thy people may eat and their leaving the beast of the field may eat. Likewise shalt thou deal with thy vineyard and with thy oliveyard.*

*Leviticus* **25:**

(2) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם כִּי תָבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם וְשָׁבְתָה הָאָרֶץ שַׁבָּת לַה׳׃

*Speak unto the children of Israel and say unto them, When you come into the land which I give to you, then shall the land keep a Sabbath unto the Eternal.*

(3) שֵׁשׁ שָׁנִים תִּזְרַע שָׂדֶךָ וְשֵׁשׁ שָׁנִים תִּזְמֹר כַּרְמֶךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ׃

*Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in the produce thereof.*

(4) וּבַשָּׁנָה הַשְּׁבִיעִית שַׁבַּת שַׁבָּתוֹן יִהְיֶה לָאָרֶץ שַׁבָּת לַה׳ שָׂדְךָ לֹא תִזְרָע כַּרְמְךָ לֹא תִזְמֹר׃

*But in the seventh year shall be a Sabbath of strict rest for the land, a Sabbath unto the Eternal; thou shalt neither sow thy field nor shalt thou prune thy vineyard.*

(5) אֵת סְפִיחַ קְצִירְךָ לֹא תִקְצוֹר וְאֶת־עִנְּבֵי נְזִירֶךָ לֹא תִבְצֹר שְׁנַת שַׁבָּתוֹן יִהְיֶה לָאָרֶץ׃

*That which groweth of itself of thy harvest thou shalt not reap, and the grapes of thy undressed vine shalt thou not gather: it shall be a year of strict rest for the land.*

(6) וְהָיְתָה שַׁבַּת הָאָרֶץ לָכֶם לְאָכְלָה לְךָ וּלְעַבְדְּךָ וְלַאֲמָתֶךָ וְלִשְׂכִירְךָ וּלְתוֹשָׁבְךָ הַגָּרִים עִמָּךְ׃

*And [the produce of] the Sabbath of the land shall be for food for you, for thee and for thy servant and for thy maidservant, and for thy hired servant, and for thy settler that sojourneth with thee.*

(7) וְלִבְהֶמְתְּךָ וּלְחַיָּה אֲשֶׁר בְּאַרְצֶךָ תִּהְיֶה כָּל־תְּבוּאָתָהּ לֶאֱכֹל׃

*And for thy cattle and for the beast that are in thy land shall all the increase thereof be for food.*

(20) וְכִי תֹאמְרוּ מַה־נֹּאכַל בַּשָּׁנָה הַשְּׁבִיעִת הֵן לֹא נִזְרָע וְלֹא נֶאֱסֹף אֶת־תְּבוּאָתֵנוּ׃

*And if ye shall say, What shall we eat in the seventh year? behold, we shall not sow, nor gather in our produce.*

(21) וְצִוִּיתִי אֶת־בִּרְכָתִי לָכֶם בַּשָּׁנָה הַשִּׁשִּׁית וְעָשָׂת אֶת־הַתְּבוּאָה לִשְׁלֹשׁ הַשָּׁנִים׃

*Then I will command my blessing upon you in the sixth year and it shall bring forth produce for the three years.*

(22) וּזְרַעְתֶּם אֵת הַשָּׁנָה הַשְּׁמִינִת וַאֲכַלְתֶּם מִן־הַתְּבוּאָה יָשָׁן עַד הַשָּׁנָה הַתְּשִׁיעִת עַד בּוֹא תְבוּאָתָהּ תֹּאכְלוּ יָשָׁן׃

*And ye shall sow the eighth year, and eat of the old produce until the ninth year, until its produce come in ye shall eat the old.*

*Deuteronomy* **15:**

(1) מִקֵּץ שֶׁבַע שָׁנִים תַּעֲשֶׂה שְׁמִטָּה׃

*At the end of every seven years thou shalt make a release.*

(2) וְזֶה דְּבַר הַשְּׁמִטָּה שָׁמוֹט כָּל־בַּעַל מַשֵּׁה יָדוֹ אֲשֶׁר יַשֶּׁה בְּרֵעֵהוּ לֹא־יִגֹּשׁ אֶת־רֵעֵהוּ וְאֶת־אָחִיו כִּי קָרָא שְׁמִטָּה לַה׳׃

*And this is the manner of the remission: every creditor shall release that which he lendeth unto his neighbour; he shall not exact it of his fellow or of his brother because it is proclaimed the Eternal's release.*

(3) אֶת־הַנָּכְרִי תִּגֹּשׁ וַאֲשֶׁר יִהְיֶה לְךָ אֶת־אָחִיךָ תַּשְׁמֵט יָדֶךָ׃

*Of an alien thou mayest exact it; but whatever of thine is with thy brother thy hand shall remit.*

See בְּרָכוֹת 1[1] **Note 5** for the meaning of terms used extensively in this Tractate.

The *Palestinian Gemara* discusses and expounds the *Halachoth* of the *Mishnah;* it also contains *Haggadic* teachings and information of the lives of a number of famous men.

The titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ עַד אֵימָתַי |
| Chapter 2 | פֶּרֶק ב׳ עַד אֵימָתַי |
| Chapter 3 | פֶּרֶק ג׳ מֵאֵימָתַי |
| Chapter 4 | פֶּרֶק ד׳ בָּרִאשׁוֹנָה |
| Chapter 5 | פֶּרֶק ה׳ בְּנוֹת שׁוּחַ |
| Chapter 6 | פֶּרֶק ו׳ שָׁלֹשׁ אֲרָצוֹת |
| Chapter 7 | פֶּרֶק ז׳ כְּלַל גָּדוֹל |
| Chapter 8 | פֶּרֶק ח׳ כְּלַל גָּדוֹל |
| Chapter 9 | פֶּרֶק ט׳ הַפִּיגֻם |
| Chapter 10 | פֶּרֶק י׳ שְׁבִיעִית |

The principle contents of the ten Chapters are:

1. Fields with trees; what constitutes a field; how long they may be cultivated in the 6th year (of the 7-years cycle). 2. Treeless fields, and their tilling, fertilizing and cultivation in the 6th year; rice- and millet-fields; beans-, onions-, and gourd-fields. 3. Field-fencing, fertilising, stones-clearance in the 7th year; quarrying; wall-demolition. 4. Field-clearance (stones, wood, weeds); penalties; cutting down trees; pruning trees; use of 7th-year produce. 5. Observances regarding certain plants; sale and lending of agricultural implements. 6. Distinctions between provinces concerning 7th year; account of regions settled in Joshua's time and those in Ezra's time; details regarding Syria; prohibited exports and imports. 7. 7th-year general rules and regulations; regarding forbidden trade. 8. 7th-year general rules and regulations with regard to produce, its sale, and disposal of such moneys. 9. Purchase of herbs; removal and use of produce. 10. Debts; the *prosbul.*

מַסֶּכֶת

# שְׁבִיעִית

TRACTATE

# SHEVIITH

## CHAPTER 1

## פֶּרֶק א

Mishnah 1

Up to what time[1] may a tree-planted field be ploughed before the *Sabbatical Year?*[2]—The School of Shammai say, So long as this is advantageous for the produce[3]; but the School of Hillel say, Until the Festival of Weeks.[4] And the view of the one is near the view of the other.

מִשְׁנָה א

עַד [1]מָתַי חוֹרְשִׁין בִּשְׂדֵי הָאִילָן [2]עֶרֶב שְׁבִיעִית? בֵּית שַׁמַּאי אוֹמְרִים, כָּל־זְמַן שֶׁהוּא יָפֶה [3]לַפֵּרֹי, וּבֵית הִלֵּל אוֹמְרִים, עַד [4]הָעֲצֶרֶת. וּקְרוֹבִין דִּבְרֵי אֵלּוּ לִהְיוֹת כְּדִבְרֵי אֵלּוּ.

**1** Or אֵימָתַי. This is an important consideration in view of the fact that preparations have to be made in the 6th year to meet the requirements of the 7th year when no agricultural work is permitted. It was הֲלָכָה לְמֹשֶׁה מִסִּינַי, *a law as laid down by Moses from Sinai*, that during the existence of the Tabernacle and Temple land work was no longer permitted 30 days before the New Year of the 6th year; but since the destruction of the Temple it was allowed until the New Year. מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה, *according to the Law*, the forbidden labour in the Sabbatical Year covers ploughing, sowing, harvesting, pruning and grape-gathering. **2** *i.e.*, in the 6th year. **3** Of the 6th year. **4** Beyond then it will seem that the work will benefit the growth of the 7th year. The ruling is not as in this Mishnah but according to that of R. Gamaliel and his בֵּית דִּין who allow the ploughing up to the New Year of the 7th year.

Mishnah 2

What is meant by a tree-planted field?—Any in which three trees grow within a space of a *seah*.[2] If they[3] are capable[4] of yielding a cake[5] of dried figs of sixty *Italian*

מִשְׁנָה ב

אֵיזֶהוּ שְׂדֵה הָאִילָן? כָּל־שֶׁלֹּשָׁה [1]אִילָנוֹת [2]לְבֵית סְאָה, אִם [3,4]רָאוּיִין לַעֲשׂוֹת [5]כִּכָּר דְּבֵילָה שֶׁל שִׁשִּׁים

*minas'*[6] weight, the whole space of the *seah* may be ploughed for their sake,[7] but if less[8] than this, only so much space may be ploughed[9] round each of them that a fruit-picker[10] with his basket behind him would occupy.

[6]מָנֶה בָּאִיטַלְקִי חוֹרְשִׁים כָּל־בֵּית סְאָה [7]בִּשְׁבִילָן׳ [8]פָּחוּת מִכָּאן אֵין [9]חוֹרְשִׁין לָהֶן אֶלָּא מְלֹא [10]הָאוֹרֶה וְסַלּוֹ חוּצָה לוֹ׳

**1** Or אִילָנִים. **2** בֵּית סְאָה,* space of 50 cubits square (2500 square cubits). **3** Each tree. **4** Or רְאוּיִם. *i.e.*, if the trees have thick trunks and many branches. **5** Literally *loaf*—the shape of the cake of pressed figs resembles that of a loaf of bread. **6** מָנֶה אִיטַלְקִי (or לִיטְרָה), see *Tables* in זְרָעִים **Introduction**. **7** Up to שָׁבוּעוֹת or עֲצֶרֶת, the Festival of Weeks or Pentecost. **8** *viz.*, less than 60 מָנֶה אִיטַלְקִי can be collected from each tree § **9** Up to פֶּסַח, Passover. Or חוֹרְשִׁים לָהֶם. **10** A fig-gatherer is termed אוֹרֶה; גּוֹדֵר, date gatherer; בּוֹצֵר, grape-gatherer; קוֹצֵר, corn reaper. *There are usually ten trees to every *seah*, *i.e.*, sixteen square cubits' area for each tree to enable it to grow spaciously. §See 1[3].

Mishnah 3

Whether they are non-fruitbearing trees or fruit-trees, they are considered[1] as if[2] they were fig-trees: if they are capable[3] of yielding a cake of dried figs of sixty *Italian minas'* weight, the whole space of the *seah* area may be ploughed for their sake; but if less than this, only so much space for them[4] may be ploughed as their need may be.[5]

מִשְׁנָה ג

אֶחָד אִילָן סְרָק וְאֶחָד אִילָן מַאֲכָל׳ [1]רוֹאִין אוֹתָן [2]כְּאִילוּ הֵם תְּאֵנִים׳ אִם [3]רְאוּיִים לַעֲשׂוֹת כִּכָּר דְּבֵילָה שֶׁל שִׁשִּׁים מָנֶה בָּאִיטַלְקִי חוֹרְשִׁין כָּל־בֵּית סְאָה בִּשְׁבִילָן׳§פָּחוּת מִכָּאן אֵין חוֹרְשִׁין [4]לָהֶם אֶלָּא [5]לְצָרְכָּן׳

**1** An estimate is made according to the size and strength of the trunk and the branches. **2** Or כְּאִלּוּ. **3** רְאוּיִין in some editions. *i.e.*, if each is of such size and has many branches. **4** In some editions, לָהֶן. **5** *i.e.*, מְלֹא אוֹרֶה וְסַלּוֹ חוּצָה לוֹ The space required is two cubits—one cubit for the picker and one for the space occupied by the basket. §Traditional reading פָּחוֹת.

Mishnah 4

If one tree can yield such a cake of dried figs and the two others can not so yield, or if two can yield[1] such but the other can not yield such, only such an area may be

מִשְׁנָה ד

הָיָה אֶחָד עוֹשֶׂה כִּכַּר דְּבֵילָה וּשְׁנַיִם אֵין עוֹשִׂין׳ אוֹ שְׁנַיִם עוֹשִׂין וְאֶחָד אֵינוֹ עוֹשֶׂה׳ אֵין חוֹרְשִׁין לָהֶן אֶלָּא

[1]לְצָרְכָּן עַד שֶׁיִּהְיוּ [2]מִשְּׁלֹשָׁה וְעַד
תִּשְׁעָה. הָיוּ [2]עֲשָׂרָה, מֵעֲשָׂרָה
וּלְמַעְלָה, בֵּין עוֹשִׂין בֵּין [3]שֶׁאֵינָן
עוֹשִׂין, [4]חוֹרְשִׁין כָּל־בֵּית סְאָה
בִּשְׁבִילָן; [5]שֶׁנֶּאֱמַר, בֶּחָרִישׁ וּבַקָּצִיר
תִּשְׁבֹּת, אֵין צָרִיךְ [6]לֵאמֹר חָרִישׁ
וְקָצִיר שֶׁל שְׁבִיעִית, אֶלָּא [7]חָרִישׁ
שֶׁל עֶרֶב שְׁבִיעִית שֶׁהוּא נִכְנָס
בַּשְּׁבִיעִית: [8]וְקָצִיר שֶׁל שְׁבִיעִית
שֶׁהוּא יוֹצֵא לְמוֹצָאֵי שְׁבִיעִית. רַבִּי
יִשְׁמָעֵאל אוֹמֵר, מָה חָרִישׁ רְשׁוּת
אַף קָצִיר [9]רְשׁוּת, יָצָא [10]קָצִיר
הָעוֹמֶר [11]שֶׁהוּא מִצְוָה.

ploughed as they need[1] when there are from three[2] to nine. If there be ten,[2] or more than ten, whether they can yield or whether they can not yield,[3] the whole space of the *seah* may be ploughed[4] for their sake; for it is written,[5] *In the ploughing-time and in harvest shalt thou rest;* there was no need to speak[6] of the ploughing-time and the harvest of the *Sabbatical Year;* but it refers to the ploughing-time before the *Sabbatical Year*[7] which encroaches upon the *Sabbatical Year*, and the harvest of the *Sabbatical Year*[8] that outlasts the conclusion of the *Sabbatical Year.* R. Ishmael says, Just as ploughing-time is optional[9] so is the harvest time optional, excepting the time of cutting the *Omer*[10] for it is a precept.[11]

**1** *i.e.*, for the need of each. **2** Trees per סְאָה. הָיוּ, literally *if there were*. **3** Or שֶׁאֵינָם עוֹשִׂים. In this case even if the trees have thin stems or stand in sandy soil. **4** Up to 30 days before the New Year. **5** *Exodus* **34,** 21. This verse explains why no ploughing may take place previous to the Sabbatical Year since it would be redundant to refer this verse to ordinary Sabbath observance, in view of the numerous prohibitions already recorded, it was taken to refer to Sheviith. **6** לוֹמַר in some editions. **7** This refers to the prohibition of ploughing in the 6th year at such a time as would promote growth in the 7th year. **8** This refers to the prohibition of cutting such produce in the 8th year which had benefited from forbidden ploughing in the 6th year. **9** Or *of free choice*. **10** Here there is no option, the commandment of cutting the עוֹמֶר on the appointed day must be fulfilled (even if the day happens to be שַׁבָּת). **11** שֶׁהוּא מִצְוָה is omitted in some editions.

## מִשְׁנָה ה

## Mishnah 5

שְׁלֹשָׁה אִילָנוֹת שֶׁל שְׁלֹשָׁה אֲנָשִׁים,
הֲרֵי אֵלּוּ [1]מִצְטָרְפִין וְחוֹרְשִׁין כָּל־
בֵּית סְאָה [2]בִּשְׁבִילָן. וְכַמָּה יְהֵא

If three trees belong to three persons, they are included[1] together and the whole space of the *seah* may be ploughed[2] for their sake. And what space should there be between

them?[3] Rabban Simon ben Gamaliel says,[4] Enough[5] for a team of oxen and their ploughs[6] to pass through.

[3]בֵּינֵיהֶם? רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [5]כְּדֵי שֶׁיְּהֵא הַבָּקָר עוֹבֵר [6]בְּכֵלָיו.

**1** They are included together and considered as if belonging to one person. **2** Up to 30 days before the New Year. **3** Between one tree and the next. **4** And his is the accepted ruling. **5** At least 4 cubits. **6** Or *yoke*. Others read הַבָּקָר, *the herdsman*, who leads the oxen as they plough.

Mishnah 6

If ten young trees[1] are spread out over the space of a *seah*, the whole space of the *seah* may be ploughed for their sake[2] until the New Year; but if they are set out in rows[3] or surrounded by a fence, only so much space may be ploughed as is necessary for them.[4]

מִשְׁנָה ו

עֲשָׂר [1]נְטִיעוֹת מְפוּזָרוֹת בְּתוֹךְ בֵּית סְאָה, חוֹרְשִׁין כָּל־בֵּית סְאָה [2]בִּשְׁבִילָן עַד רֹאשׁ הַשָּׁנָה. הָיוּ עֲשׂוּיוֹת [3]שׁוּרוֹת וּמוּקָפוֹת עֲצָרָה אֵין חוֹרְשִׁין לָהֶם אֶלָּא [4]לְצָרְכָּן.

**1** Or *saplings*. Three trees in a field of 2500 square cubits (or 50 cubits square) make it a שְׂדֵה אִילָן, *tree-planted field*, but ten saplings (separated by a space of no less than 4 cubits from each other) are required to render such a place a שְׂדֵה אִילָן (Compare 1[8]). **2** For without such a concession the trees might wither; but this is unnecessary in the case of old hardened trees. The Torah always protects the interests of the owner of property. **3** שׁוּרָה in some editions. *i.e.*, *set out in a row* and close together. **4** Because being close together it will appear as if the field was being ploughed for the 7th year and not for the sake of the trees. לְצָרְכָּן, *i.e.*, כִּמְלֹא אוֹרָה וְסַלּוֹ חוּצָה לוֹ; 'necessary for them,' *viz.*, two cubits for the gleaner and his basket (see 1[3] **Note 5**).

Mishnah 7

Young trees[1] and gourds[2] may be included[3] within the space of a *seah*. R. Simon ben Gamaliel says,[4] Wherever there are ten gourds within the space of a *seah* the whole space of the *seah* may be ploughed until the New Year.

מִשְׁנָה ז

[1]הַנְּטִיעוֹת [2]וְהַדְּלוּעִים [3]מִצְטָרְפִין לְתוֹךְ בֵּית סְאָה. רִבָּן [4]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, כָּל־עֲשָׂרָה דְלוּעִים לְבֵית סְאָה חוֹרְשִׁין כָּל־בֵּית סְאָה עַד רֹאשׁ הַשָּׁנָה.

**1** Or *sapling*. **2** דְּלַעַת, *gourd* (see **Supplement**). **3** *i.e.*, to make up the ten saplings; but the saplings must outnumber the gourds. There should accordingly be six saplings and four pumpkins. **4** His view is accepted.

Mishnah 8

How long are they called young trees?[1]—R. Eliezer ben Azariah says, Until they become free for use;[2] R. Joshua says, Until they are seven years old; R. Akiba says, It is a young tree so long as it is thus termed.[3] If a tree were cut down and it[4] sent forth young shoots,[5] if they be a handbreadth[6] or less in height it is as a young tree,[7] but if they be over a handbreadth high it is as a tree—this is the view of R. Simon.[8]

מִשְׁנָה ח

עַד אֵימָתַי נִקְרָאוּ [1]נְטִיעוֹת? רַבִּי אֱלִיעֶזֶר בֶּן עֲזַרְיָה אוֹמֵר, עַד [2]שֶׁיַּחְוֹלוּ; רַבִּי יְהוֹשֻׁעַ אוֹמֵר, בַּת שֶׁבַע שָׁנִים; רַבִּי עֲקִיבָא אוֹמֵר, נְטִיעָה [3]כִּשְׁמָהּ. אִילָן שֶׁנִּגְמַם [4]וְהוֹצִיא [5]חֲלִיפִין, [6]מִטֶּפַח וּלְמַטָּה, [7]כִּנְטִיעָה, מִטֶּפַח וּלְמַעְלָה, כְּאִילָן, דִּבְרֵי רַבִּי [8]שִׁמְעוֹן.

**1** Or *saplings*. **2** When a tree is first planted its fruit, termed עָרְלָה, may not be used during the first three years, and in the 4th year the fruit may be redeemed and so rendered free for use. They become free for common use absolutely in the 5th year. **3** Or, according to some, *until it is a year old*, after which it is no longer referred to as a נְטִיעָה. This is the accepted ruling. **4** *i.e.*, the stump. **5** From the roots. **6** טֶפַח, 9.34 cms. or 3.65 inches. Since only such a small space separates the tender twig from the soil, it is regarded as part of the soil itself. **7** Both with reference to ploughing and to עָרְלָה. **8** His view is accepted.

## CHAPTER 2

## פֶּרֶק ב

Mishnah 1

Until when may a corn-field[1] be ploughed on the advent of the *Sabbatical Year?* Until the moisture in the ground has gone,[2] or so long as they plough for planting cucumber-fields[3] and gourd-fields.[4] R. Simon said, 'Thou hast placed the law for each man into his own hand[5]—but rather, in the case of a corn-field until Passover, and in the case of a tree-planted-field until the Festival of Weeks.'[6]

מִשְׁנָה א

עַד אֵימָתַי חוֹרְשִׁין [1]בִּשְׂדֵה הַלָּבָן עֶרֶב שְׁבִיעִית? עַד [2]שֶׁתִּכְלֶה הַלֵּחָה, כָּל־זְמַן שֶׁבְּנֵי אָדָם חוֹרְשִׁין לִיטַּע [3]בְּמִקְשָׁאוֹת [4]וּבְמִדְלָעוֹת. אָמַר רַבִּי שִׁמְעוֹן, נָתַתָּ תּוֹרַת כָּל־אֶחָד וְאֶחָד [5]בְּיָדוֹ; אֶלָּא, בִּשְׂדֵה הַלָּבָן עַד הַפֶּסַח, וּבִשְׂדֵה הָאִילָן עַד [6]עֲצֶרֶת.

**1** שְׂדֵה לָבָן, *corn-field* or *vegetable-field*, the term לָבָן indicating that such a field is shadeless owing to the absence of trees or that the corn gives it a bright appearance. **2** Because so long as there is moisture in the ground the ploughing

benefits the earth; but if the soil is dry the ploughing is of no immediate advantage and would only be of value for the 7th year, which is, of course, forbidden. **3** Or *beds*. Better בַּמִּקְשָׁאוֹת וּבַמִּדְלָעוֹת. **4** Which show that the soil is still moist. **5** *i.e.*, one will say his soil is still moist and that ploughing may be done, while another will maintain the contrary—a frequent objection of the *Mishnah* is: אִם כֵּן נָתַתָּ דְּבָרִין לְשֵׁעוֹרִין, 'and the laws of the Torah should apply equally to all'. **6** But the actual ruling is that the fields may be ploughed up to the New Year.

Mishnah 2

They may[1] manure and hoe cucumber-fields and gourd-fields until the New Year; and likewise in the case of irrigated fields.[2] They may cut away faults,[3] thin out the leaves,[4] cover up the roots,[5] or fumigate[6] until the New Year. R. Simon[7] says, One may even remove the leaf from a grape-cluster in the *Sabbatical Year*.

מִשְׁנָה ב

[1]מְזַבְּלִין וּמְעַדְּרִין בְּמִקְשָׁאוֹת וּבְמִדְלָעוֹת עַד רֹאשׁ הַשָּׁנָה; וְכֵן [2]בְּבֵית הַשְּׁלָחִין. [3]מְיַבְּלִין [4]מְפָרְקִין [5]מְאַבְּקִין [6]מְעַשְּׁנִין עַד רֹאשׁ הַשָּׁנָה. רַבִּי [7]שִׁמְעוֹן אוֹמֵר, אַף נוֹטֵל הוּא אֶת־הֶעָלֶה מִן־הָאֶשְׁכּוֹל בַּשְּׁבִיעִית.

**1** This was permitted even in Temple times up to the New Year. **2** בֵּית שַׁלְחִין or שְׂדֵי שַׁלְחִין, *a field requiring irrigation*. בֵּית בַּעַל or שְׂדֵי בַּעַל, *a rain-watered field* (one not requiring irrigation) **3** יִבֵּל, *cut off dry twigs, cut away warts etc., trim.* **4** פָּרַק, *strip* off the leaves to lighten the branches. **5** With soil. **6** To destroy insects *etc.* **7** But his view is rejected.

Mishnah 3

They may clear away the stones[1] until the New Year. They may trim,[2] thin out,[3] or prune[4] until the New Year. R. Joshua says, What applies to trimming and pruning[5] in the fifth year applies equally in the sixth year. R. Simon[6] says, 'So long as I am permitted to tend a tree I am allowed to prune it.'

מִשְׁנָה ג

[1]מְסַקְּלִין עַד רֹאשׁ הַשָּׁנָה. [2]מְקַרְסְמִין [3]מְזָרְדִין [4]מְפַסְּלִין עַד רֹאשׁ הַשָּׁנָה. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, כְּזֵירוּדָהּ [5]וּכְפִיסוּלָהּ שֶׁל חֲמִישִׁית כַּךְ שֶׁל שִׁשִּׁית. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, כָּל־זְמַן שֶׁאֲנִי רַשַּׁאי בַּעֲבוֹדַת הָאִילָן רַשַּׁאי אֲנִי בְּפִיסוּלוֹ.

**1** From a field. **2** Cut away the dry branches. **3** Branches. **4** Or *lop off* the branches of trees to let the trunks increase in girth by allowing more breathing-space for the plants to grow. **5** Literally *to its trimming and to its pruning*. Actually these labours are permitted even in the 7th year, not being deemed labour categorized by the Torah as forbidden during the Sheviith. **6** His opinion is not accepted.

Mishnah 4

They may oil[1] young trees and wrap[2] them round, and put ashes over their roots,[3] and make shelters for them,[4] and water them until the New Year. R. Eliezer[5] bar Zadok says, One may even water the branches in the *Sabbatical Year* but not the roots.[6,7]

מִשְׁנָה ד

[1]מְזַהֲמִין אֶת־הַנְּטִיעוֹת, [2]וְכוֹרְכִין אוֹתָן, [3]וְקוֹטְמִין אוֹתָן, וְעוֹשִׂין [4]לָהֶם בָּתִּים, וּמַשְׁקִין אוֹתָן עַד רֹאשׁ הַשָּׁנָה. רַבִּי [5]אֱלִיעֶזֶר בַּר צָדוֹק אוֹמֵר, אַף מַשְׁקֶה הוּא [6]אֶת־הַנּוֹף בַּשְּׁבִיעִית, אֲבָל לֹא [6]אֶת [7]הָעִיקָּר.

**1** זָהַם, *anoint a plant with rancid oil* (to keep away vermin); *cover a wound in a tree with manure and tie it up* to help it to recuperate. **2** Some take it to mean that the branches are tied upwards on high to prevent them spreading over the ground. Being covered up, it will be protected from the elements and from other sources of injury. **3** Or *clip off the tips of the branches*. **4** Or surround them with a fence of 1 cubit diameter and fill it with soil as a means of protection. **5** His view is rejected. **6** עַל in some editions. **7** Literally *the root*.

Mishnah 5

They may oil[1] unripe fruits[2] or hole[3] them until the New Year. Unripe fruits of the sixth year[4] which grew into the *Sabbatical Year*, or of the *Sabbatical Year* which came forth after the *Sabbatical Year*, must not be oiled or holed.[5] R. Judah[6] says, Where they were wont to oil them they may not[7] oil them, because it ranks as labour; where they were not wont to oil them, they may oil them. R. Simon permits[8] work in the case of a tree because one is permitted to tend a tree.

מִשְׁנָה ה

[1]סָכִין אֶת־[2]הַפַּגִּים [3]וּמְנַקְּבִים אוֹתָם עַד רֹאשׁ הַשָּׁנָה. [4]פַּגֵּי עֶרֶב שְׁבִיעִית שֶׁנִּכְנְסוּ לַשְּׁבִיעִית, וְשֶׁל שְׁבִיעִית שֶׁיָּצְאוּ לְמוֹצָאֵי שְׁבִיעִית, [5]לֹא סָכִין וְלֹא מְנַקְּבִין אוֹתָן. רַבִּי [6]יְהוּדָה אוֹמֵר, מָקוֹם שֶׁנָּהֲגוּ לָסוֹךְ [7]אֵינָן סָכִין, מִפְּנֵי שֶׁהִיא עֲבוֹדָה; מָקוֹם שֶׁנָּהֲגוּ שֶׁלֹּא לָסוֹךְ, סָכִין; רַבִּי [8]שִׁמְעוֹן מַתִּיר בְּאִילָן מִפְּנֵי שֶׁהוּא רַשַּׁאי בַּעֲבוֹדַת הָאִילָן.

**1** While still growing they are smeared with oil to hasten their ripening. **2** פַּגָּה, hard, undeveloped or unripe berry or fruit (date, fig, etc.). **3** The fruit is pierced and oil poured in to hasten ripening; also the rain that gets in helps the ripening. **4** They had not ripened before the New Year. **5** And this is the ruling. **6** His view is rejected. **7** אֵין in some editions. **8** Contending that though the fruits are vested with the sanctity of *Sheviith* yet work on the tree itself is permitted. But his view is not accepted.



**1** Or *shallots*. This applies also to the Egyptian bean. **2** Because in that case they are dealt with as if having grown in a בֵּית בַּעַל, *rain-watered field*, since they

SHEVIITH 2[9,10], 3[1]

have their needs fulfilled by rain-water only. **3** With the produce. Such a field is naturally moist. Where, however, vegetables are grown extra irrigation is required. **4** *i.e.*, twice, when rain might have been expected normally. When these are missing the tithe is given on past produce. **5** His view is rejected **6** Their ruling is accepted.

Mishnah 10

מִשְׁנָה י

Gourds that have been kept[1] for seed, if they hardened before the New Year and became unfit for human consumption, may be left to grow during the *Sabbatical Year;* but if not, it is forbidden[2] to leave them to grow during the *Sabbatical Year;* their berries[3] are forbidden in the *Sabbatical Year*. And they may water the soil of a *corn-field*,[5] according to the opinion of R. Simon,[6] but R. Eliezer[7] ben Jacob forbids it.[8] They may soak a rice-field in the *Sabbatical Year;* R. Simon says, But they may not cut[9] the leaves.

הַדְּלוּעִין [1]שֶׁקִּיְּמָן לְזֶרַע, אִם הוּקְשׁוּ לִפְנֵי רֹאשׁ הַשָּׁנָה וְנִפְסְלוּ מֵאוֹכֶל אָדָם, מוּתָּר לְקַיְּמָן בַּשְּׁבִיעִית; וְאִם לַאו [2]אָסוּר לְקַיְּמָן בַּשְּׁבִיעִית. [3]הַתְּמָרוֹת שֶׁלָּהֶם אֲסוּרוֹת בַּשְּׁבִיעִית, [4]וּמַרְבִּיצִין [5]בְּעָפָר לָבָן, דִּבְרֵי רַבִּי [6]שִׁמְעוֹן. רַבִּי [7]אֱלִיעֶזֶר בֶּן יַעֲקוֹב אוֹסֵר. [8]מְמָרְסִין בְּאוֹרֶז בַּשְּׁבִיעִית; רַבִּי שִׁמְעוֹן אוֹמֵר, אֲבָל אֵין [9]מְכַסְּחִין.

**1** Allowed to be replanted from the soil. **2** Fruits of the *Sabbatical Year* must not be left for seed. Instead, they must be removed from sight. **3** Or *fruit-like growths or buds on leaves*. **4** Others read וּמְרַבְּצִים [*Piel*]. The meaning in all readings is to water the fields for irrigation purposes. **5** Or *vegetable-field*. **6** His view is accepted. **7** His opinion is rejected. **8** Rice requires plenty of water to soak the soil. **9** What pruning does for trees that the lopping of the leaves does for the ears of corn. In both cases it improves the growth.

CHAPTER 3

פֶּרֶק ג

Mishnah 1

מִשְׁנָה א

From what time[1] may they bring manure[2] to the dung-heaps?—When transgressors have ceased;[3] this is the opinion of R. Meir; R. Judah says, When the moisture has dried up;[5] R. Jose says, When it[6] has hardened.

[1]מֵאֵימָתַי [2]מוֹצִיאִין זְבָלִים לְאַשְׁפָּתוֹת? מִשֶּׁיִּפְסִיקוּ [4]עוֹבְרֵי עֲבוֹרָה, דִּבְרֵי רַבִּי מֵאִיר: רַבִּי יְהוּדָה אוֹמֵר, [5]מִשֶּׁיִּיבַּשׁ הַמָּתוֹק: רַבִּי יוֹסֵי אוֹמֵר, [6]מִשֶּׁיִּקְשׁוֹר.

**1** In the Sabbatical Year, for use in the 8th year. **2** Manure is piled up in heaps in fields in readiness to be spread over the soil when required in the year following the Sabbatical Year. **3** To tend their fields during the Sabbatical Year. The *transgressors* referred to are those who do not observe the Sabbatical laws regarding the tending of the soil and growing crops. Before this time, however, this is not allowed, lest he be suspected of the intention to manure the field during the 7th year itself. **4** In some editions, עוֹבְדֵי עֲבוֹדָה which is taken to refer to the non-Jews who cultivate their fields. **5** Or מִשֶּׁיָּבֵשׁ, or מִשֶּׁיָּבֵשׁ. מָתוֹק, literally *sweetness*, *i.e.*, the moisture of the manure or, as some would have it, the moisture in the soil. Actually a euphemism is here employed, as the manure is bitter. **6** *i.e.*, the manure. The final ruling is that only dry and hardened manure may be stored in the fields in the Sabbatical Year for use the following year.

Mishnah 2

How much manure may they spread out?[1]—Up to three dungheaps in the space of a *seah*, ten basket-loads to each dungheap, each basket-load of one *lethek*.[2] They may add to the number of baskets but they may not increase the number of dungheaps.[3] R. Simon says,[4] Also the number of dungheaps.[5]

מִשְׁנָה ב

עַד כַּמָּה [1]מְזַבְּלִין? עַד שָׁלֹשׁ שָׁלֹשׁ אַשְׁפַּתּוֹת לְבֵית סְאָה שֶׁל עֶשֶׂר עֶשֶׂר מַשְׁפֵּלוֹת שֶׁל [2]לֶתֶךְ לֶתֶךְ. מוֹסִיפִין עַל הַמַּשְׁפֵּלוֹת וְאֵין מוֹסִיפִין עַל [3]הָאַשְׁפַּתּוֹת. רַבִּי [4]שִׁמְעוֹן אוֹמֵר, אַף עַל [5]הָאַשְׁפַּתּוֹת.

**1** *i.e.*, when (as stated in the preceding *Mishnah*) it is permitted, and no suspicion be incurred that he was manuring the field in Sheviith. **2** לֶתֶךְ, 43.7 gallons or 198 litres (see זְרָעִים **Introduction,** Tables). **3** So that it should not appear as if the field was being manured. **4** His view is rejected. **5** *i.e.*, there may be more than three dungheaps. And this would give the impression that he was mowing the field.

Mishnah 3

A man may set out in his field three dunghills to each space of a *seah*; if more than this,[1] it is permitted:[2] this is the view of R. Simon;[3] but the Sages forbid it unless he lowers three or raises up three.[4] A man may heap up his manure into a pile;[5] R. Meir forbids this[6] unless he lowers it three[7] or raises it three.[7] If one had but little,[8] he

מִשְׁנָה ג

עוֹשֶׂה אָדָם אֶת־שָׂדֵהוּ שָׁלֹשׁ שָׁלֹשׁ אַשְׁפַּתּוֹת לְבֵית סְאָה; יֶתֶר [1]מִכָּאן [2]מוּתָּר, [3]דִּבְרֵי רַבִּי שִׁמְעוֹן: וַחֲכָמִים אוֹסְרִין עַד שֶׁיַּעֲמִיק שְׁלֹשָׁה אוֹ עַד שֶׁיַּגְבִּיהַּ [4]שְׁלֹשָׁה. עוֹשֶׂה אָדָם אֶת־זַבְלוֹ [5]אוֹצָר; רַבִּי [6]מֵאִיר אוֹסֵר עַד

שֶׁיַּעֲמִיק [7]שְׁלֹשָׁה אוֹ עַד שֶׁיַּגְבִּיהַּ שְׁלֹשָׁה. הָיָה לוֹ דָּבָר [8]מוּעָט מוֹסִיף עָלָיו וְהוֹלֵךְ. רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה [9]אוֹסֵר עַד שֶׁיַּעֲמִיק [7]שְׁלֹשָׁה אוֹ עַד שֶׁיַּגְבִּיהַּ [7]שְׁלֹשָׁה, אוֹ עַד שֶׁיִּתֵּן עַל [10]הַסֶּלַע.

may keep on adding to it. R. Eliezer ben Azariah forbids this[9] unless he lowers it three[7] or raises it three[7] or places it on rocky ground.[10]

**1** Three small dungheaps. This, seemingly, adds to the previous rulings, with the addition that, provided the heaps are small, one may add to them. **2** In some editions מַחְצִיב, *in a circular formation.* The word may have dropped in from 3[5,6]. The word חֲצוּבָה is used of a tripod, or of any triangular receptacle whose legs (or feet) are not in a straight row. **3** Here his view (compare the preceding *Mishnah*) is that if each dungheap contain less than ten basketfuls (but not less than three basketfuls) of manure the heaps are small and so more heaps should be allowed. **4** He must dig a shallow pit, three handbreadths deep, for the manure or raise a heap of earth three handbreadths high for the manure to show that the manure is for preservation and not for manuring in the near future. **5** One large heap from three ordinary heaps each containing ten basketfuls. **6** His opinion that lest it would seem that he is actually mowing the field is not accepted. **7** *i.e.*, three handbreadths. **8** A small quantity of manure may be made into a heap in a field and manure added to it at intervals to make up the ten basketfuls. **9** A small quantity may appear as if the field was being manured. **10** Because under such conditions there can be no appearance of manuring the soil.

## Mishnah 4

## מִשְׁנָה ד

[1]הַמְּדַיֵּר [2]אֶת־שָׂדֵהוּ עוֹשֶׂה סַהַר לְבֵית סָאתַיִם, [3]עוֹקֵר [4]שָׁלֹשׁ רוּחוֹת וּמַנִּיחַ אֶת־הָאֶמְצָעִית, נִמְצָא [5]מְדַיֵּר בֵּית אַרְבַּעַת סָאִין. רַבָּן [6]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, בֵּית [8,7]שְׁמֹנַת סָאִין. הָיְתָה כָּל־שָׂדֵהוּ בֵּית אַרְבַּעַת סָאִין [9]מְשַׁיֵּר מִמֶּנָּה מִקְצָת מִפְּנֵי [10]מַרְאִית הָעַיִן, [11]וּמוֹצִיא מִן־הַסַּהַר [12]וְנוֹתֵן לְתוֹךְ שָׂדֵהוּ [13]כְּדֶרֶךְ הַמְּזַבְּלִין.

If a man let his cattle stay[1] in a field,[2] he should put up an enclosure covering an area of two *seahs*, then[3] he pulls up three sides[4] leaving the other side—thus a space of four *seahs* will have been used as a cattle-fold.[5] R. Simon ben Gamaliel says,[6] An area of eight *seahs*.[7,8] If one's field were four *seahs* in area, he should leave[9] a small part of it for the sake of appearances.[10] And he may take away[11] from the enclosure and place it[12] in his field in the method of those who bring out manure.[13]

**1** Or הַמְדַיֵּר. דַּיֵּר, *use a field for a cattle fold.** The *Mishnah* does not deal with deliberate connivance at manuring fields during the seventh year. Only work done indirectly or unintentionally is not frowned at. **2** Only if he has no other convenience for them. **3** When the enclosure or pen is full of manure. **4** Of the enclosure or pen and he sets them on the other side of the אֶמְצָעִית, *remaining side*, to form a new two seahs' space enclosure. (The term אֶמְצָעִית, *middle side*, is used because it forms the middle side between the old position and the new one). **5** Or מְדַיֵּר. **6** His opinions are rejected. **7** May be thus turned into a penfold. **8** *i.e.*, *two seahs' space* on *each* of the four sides of the first enclosure. **9** Leave not penned in. **10** That it should not appear as if the intention was to manure the whole field by penning it all over. **11** The manure. **12** In heaps. **13** Three dungheaps for each *seah's* space.

Mishnah 5

מִשְׁנָה ה

לֹא יִפְתַּח אָדָם [1]מַחֲצָב [2]בַּתְּחִלָּה לְתוֹךְ שָׂדֵהוּ, שֶׁיִּהְיוּ בוֹ שָׁלֹשׁ [3]מוּרְבִּיּוֹת שֶׁהֵם שָׁלֹשׁ עַל שָׁלֹשׁ, עַל רוּם שָׁלֹשׁ, שִׁיעוּרָן עֶשְׂרִים וְשֶׁבַע אֲבָנִים[4].

A man must not open up a quarry[1] for the first time[2] in his field unless there were there three layers[3] each three cubits long, three wide and three in height, the total number of stones being twenty-seven.[4]

**1** To get stones. The *Mishnah*, of course, deals with the seventh year. **2** In the Sabbatical Year, it should not appear as if the place was being cleared for cultivation. But if the quarry had been already opened up before the 6th year it is permitted to remove stones. **3** Each layer or course containing *nine* stones (each stone being 1 cubit x 1 cubit x 3 cubits), and visible before the Sabbatical Year. **4** Then it will be evident that the stones were being removed for building purposes and not for clearing for cultivation, as would be the case if there were less than this number of stones in the quarry.

Mishnah 6

מִשְׁנָה ו

[1]גֶּדֶר שֶׁיֵּשׁ בּוֹ עֲשָׂרָה אֲבָנִים שֶׁל [2]מַשְׂאוֹי שְׁנַיִם שְׁנַיִם, הֲרֵי [3]אֵלּוּ יִנָּטְלוּ. שִׁיעוּר [4]גֶּדֶר [5]עֲשָׂרָה טְפָחִים, [6]פָּחוּת מִכָּאן מַחֲצֵב, וְגוֹמְמוֹ עַד פָּחוּת מֵהָאָרֶץ [7]טֶפַח. [8]בַּמֶּה דְּבָרִים

Mishnah 6

If a wall[1] have in it ten stones, each a load for two men, these[3] may be removed. The extent of a wall must be ten[5] handbreadths; less than this[6] it is considered a quarry and may be removed to within not less than one handbreadth from the ground.[7] When is this the case?[8]—From one's own field; but from his

* To collect the manure in the field.

אֲמוּרִים? מִתּוֹךְ שֶׁלּוֹ; אֲבָל מִתּוֹךְ שֶׁל חֲבֵירוֹ מַה־שֶּׁהוּא רוֹצֶה יִטּוֹל. בַּמֶּה דְּבָרִים אֲמוּרִים? בִּזְמַן [10]שֶׁלֹּא הִתְחִיל בּוֹ מֵעֶרֶב שְׁבִיעִית, אֲבָל אִם הִתְחִיל בּוֹ [11]מֵעֶרֶב שְׁבִיעִית מַה־שֶּׁהוּא רוֹצֶה נוֹטֵל.[12]

neighbour's, as much as he may wish he may remove.[9] When further is this the case?—When he had not begun[10] in the sixth year, but if he commenced in the sixth year[11] he may remove as much as he wishes.[12]

**1** Or גָּדֵר. Literally *fence*. A stone wall in a field. **2** Or מַשּׂוֹי, מַשּׂוֹא. It requires two men to lift each stone. **3** In this case the restriction in the preceding *Mishnah* does not apply and even the small stones may be removed for building and it will not seem as if the place was being cleared for cultivation. **4** Of which one wants the stones for building. **5** —and not less. **6** If the wall be lower than ten handbreadths or had less than ten stones, or if each stone was less than two men's load.§ **7** So that the ground be not fit for sowing. **8** *i.e.*, not to open up a quarry or remove stones from a wall. **9** Because one does not make ready another man's field. **10** To remove stones. **11** Literally, *on the eve of the seventh*. **12** Even from his own field. §See 1[3].

מִשְׁנָה ז

אֲבָנִים שֶׁזִּעְזְעָתָן הַמַּחֲרִישָׁה, אוֹ שֶׁהָיוּ מְכוּסוֹת וְנִתְגַּלּוּ, אִם יֵשׁ בָּהֶם שְׁתַּיִם שֶׁל [1]מַשָּׂאוֹי שְׁנַיִם שְׁנַיִם, הֲרֵי אֵלּוּ יִנָּטְלוּ. [3]הַמְסַקֵּל אֶת־שָׂדֵהוּ נוֹטֵל אֶת־הָעֶלְיוֹנוֹת [3]וּמַנִּיחַ אֶת־הַנּוֹגְעוֹת [4]בָּאָרֶץ. וְכֵן [5]גַּרְגַּר שֶׁל צְרוֹרוֹת, אוֹ גַּל שֶׁל אֲבָנִים, נוֹטֵל אֶת־הָעֶלְיוֹנוֹת [4]וּמַנִּיחַ אֶת־הַנּוֹגְעוֹת בָּאָרֶץ. אִם יֵשׁ תַּחְתֵּיהֶן סֶלַע אוֹ קַשׁ, הֲרֵי אֵלּוּ [4]יִנָּטְלוּ.

Mishnah 7

Stones which the plough has turned up, or which were covered and have been uncovered—if there be among them two each a load[1] for two men, all these may be removed. If a man clear away stones[2] from his field, he removes the top ones but leaves[3] those that touch the ground.[4] And likewise a pile of[5] pebbles or a heap of stones—he removes the top ones and leaves those that are in contact with the ground. If beneath them there be rocky ground or straw, all of them may be removed.[4]

**1** Or מַשּׂוֹי, מַשּׂוֹא. **2** For building purposes. And not breaking a clearance prior to sowing. **3** Or וּמַנִּיחַ. **4** Because it will be evident that the field is not being prepared for cultivation. **5** Some read גַּרְגֵּשׁ.

Mishnah 8

Steps[1] may not be built down the sides of the ravines in the sixth year after the rains have ceased, because this would be preparing them for the *Sabbatical Year*; but he may construct them in the *Sabbatical Year* after the rains have ceased, because this would be preparing them for the eighth year.[2] One must not block[3] them[4] up with earth, but he may make a rough embankment. Any stone which one can stretch out his hand to take may be removed.[5]

מִשְׁנָה ח

אֵין בּוֹנִין [1]מַדְרֵגוֹת עַל פִּי הַגֵּאָיוֹת עֶרֶב שְׁבִיעִית, מִשֶּׁפָּסְקוּ הַגְּשָׁמִים, מִפְּנֵי שֶׁהוּא מִתַּקְּנָן לַשְּׁבִיעִית; אֲבָל בּוֹנֶה הוּא בַּשְּׁבִיעִית מִשֶּׁפָּסְקוּ הַגְּשָׁמִים מִפְּנֵי שֶׁהוּא מִתַּקְּנָן [2]לְמוֹצָאֵי שְׁבִיעִית. [3]וְלֹא [4]יִסְמֹךְ בֶּעָפָר אֲבָל עוֹשֶׂה הוּא חַיִּץ. כָּל־אֶבֶן שֶׁהוּא יָכוֹל לִפְשׁוֹט אֶת־יָדוֹ וְלִיטְלָהּ הֲרֵי זוֹ תִּנָּטֵל.[5]

**1** For carrying up the water for irrigation. In these ravines the rain-water would be stored for subsequent irrigation purposes. **2** *i.e.*, the first year of the next seven-years' cycle. **3** וְלֹא יִסְבּוֹךְ in some editions. **4** The steps or a dam made of loose stones to prevent the water running away. **5** To build a wall which will prove that the removal of the stones is not to prepare the field for sowing.

Mishnah 9

Heavy stones[1] may be removed[2] from any place, and the building-contractor[3] may take them[4] from any place. And these are heavy stones: any such as can not be taken away with one hand, according to the view of R. Meir; R. Jose[5] says, Heavy stones are what their name implies—those that are carried two or three at a time, on one's shoulder.

מִשְׁנָה ט

[1]אַבְנֵי כָתֵף [2]בָּאוֹת מִכָּל מָקוֹם. [3]וְהַקַּבְּלָן [4]מֵבִיא מִכָּל מָקוֹם. וְאֵלּוּ הֵם אַבְנֵי כָתֵף, כָּל־שֶׁאֵינָהּ יְכוֹלָה לְהִנָּטֵל בְּאַחַת יָד, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי [5]יוֹסֵי אוֹמֵר, אַבְנֵי כָתֵף כִּשְׁמָן, כָּל־שֶׁהֵן נִטָּלוֹת שְׁתַּיִם שָׁלֹשׁ עַל הַכָּתֵף.

**1** Literally *stones of the shoulder*, *i.e.*, stones so heavy that they have to be carried on the shoulder. **2** In the Sabbatical Year. **3** Or, according to some, *tenant* (of a field). **4** Even small stones. **5** His view is accepted. Being obvious to all that his sole intention was for building purposes.

Mishnah 10

If one build a wall between his own and the public property, he may dig to rock bottom. What is he to do with the earth?[1]—He heaps it up on the public property and then removes it leaving things in order; This is the opinion of R. Joshua. R. Akiba says,[2] Just as one may not cause disorder in public property so he must not restore it to order. What[3] shall he do with the earth?—He heaps it up[4] in his own field just as those do who bring out manure.[5] And similarly if one dig a cistern[6] or ditch[7] or cave.[8]

מִשְׁנָה י

הַבּוֹנֶה גָּדֵר בֵּינוֹ וּבֵין רְשׁוּת הָרַבִּים, מוּתָּר לְהַעֲמִיק עַד הַסֶּלַע. [1]מַה־יַּעֲשֶׂה בֶּעָפָר? צוֹבְרוֹ בִּרְשׁוּת הָרַבִּים וּמְתַקְּנוֹ, דִּבְרֵי רַבִּי יְהוֹשֻׁעַ. רַבִּי [2]עֲקִיבָא אוֹמֵר, כְּדֶרֶךְ שֶׁאֵין מְקַלְקְלִין בִּרְשׁוּת הָרַבִּים כָּךְ לֹא יְתַקְּנוֹ. [3]מַה־יַּעֲשֶׂה בֶּעָפָר? [4]צוֹבְרוֹ בְּתוֹךְ שָׂדֵהוּ כְּדֶרֶךְ [5]הַמְּזַבְּלִין. וְכֵן הַחוֹפֵר [6]בּוֹר [7]וְשִׁיחַ [8]וּמְעָרָה.

**1** Because if it were piled up at once in the field it might seem as if it were to be used for spreading over the soil. **2** His view is rejected. **3** If this be the case. **4** Three heaps to a *seah's* space. **5** Or הַמְּזַבְּלִים. **6** Or *pit*. **7** Or *pit*, *trench*, *cavity*. **8** And this is the accepted ruling.

## CHAPTER 4

Mishnah 1

Originally they used to say, A man may collect wood and stones and grasses from his own field just as he may gather from his neighbour's the larger the better.[1] But when the transgressors[2] grew in number, they established that one may collect from another's and another from his, not as a favour,[3] nor, needless to say, to stipulate to give them food.[4]

## פֶּרֶק ד

מִשְׁנָה א

בָּרִאשׁוֹנָה הָיוּ אוֹמְרִים, מְלַקֵּט אָדָם עֵצִים וַאֲבָנִים וַעֲשָׂבִים מִתּוֹךְ שֶׁלּוֹ כְּדֶרֶךְ שֶׁהוּא מְלַקֵּט מִתּוֹךְ שֶׁל חֲבֵרוֹ אֶת־[1]הַגַּס הַגָּס. מִשֶּׁרָבוּ [2]עוֹבְרֵי עֲבֵירָה, הִתְקִינוּ שֶׁיְּהֵא זֶה מְלַקֵּט מִתּוֹךְ שֶׁל זֶה, וְזֶה מִתּוֹךְ שֶׁל זֶה, שֶׁלֹּא [3]בְּטוֹבָה, וְאֵין צָרִיךְ לוֹמַר שֶׁיְּקַצֵּץ לָהֶם מְזוֹנוֹת[4].

**1** *i.e.*, picking out the largest for building purposes, leaving out the small stones, thus showing that it is not done for the improvement of the field. From his neighbour's he may take even the small stones. **2** They collected small stuff as well saying that they had collected the large only. (Compare 3[1], **Note 4**). **3** *i.e.*, not as a mutual, reciprocal prearranged favour. **4** In return for their work.

Mishnah 2

A field which has been cleared of thorns[1] may be sown in the eighth year; but one that has been made ready[2] or used for penning cattle[3] may not be sown in the eighth year. A field that has been prepared, according to the School of Shammai, must not have its produce consumed in the *Sabbatical Year*; but the School of Hillel say, It may be consumed. The School of Shammai say, They may not eat the produce of the *Sabbatical Year* by favour; but the School of Hillel say, They may eat whether by favour or not by favour. R. Judah[5] says, The ruling is the other way round, for the School of Shammai are here lenient and the School of Hillel are stringent.[4]

מִשְׁנָה ב

שָׂדֶה [1]שֶׁנִּתְקַוְּצָה, תִּזָּרַע בְּמוֹצָאֵי שְׁבִיעִית; [2]שֶׁנִּטַּיְּיבָה אוֹ [3]שֶׁנִּדַּיְּירָה, לֹא תִזָּרַע בְּמוֹצָאֵי שְׁבִיעִית. שָׂדֶה שֶׁנִּטַּיְּיבָה, בֵּית שַׁמַּאי אוֹמְרִים, אֵין אוֹכְלִין פֵּירוֹתֶיהָ בַּשְּׁבִיעִית; וּבֵית הִלֵּל אוֹמְרִים, אוֹכְלִין. בֵּית שַׁמַּאי אוֹמְרִים, אֵין אוֹכְלִין פֵּירוֹת שְׁבִיעִית בְּטוֹבָה; וּבֵית הִלֵּל אוֹמְרִים, אוֹכְלִין בְּטוֹבָה וְשֶׁלֹּא בְטוֹבָה. רַבִּי [5]יְהוּדָה אוֹמֵר, חִלּוּף הַדְּבָרִים, זוֹ מִקּוּלֵי בֵּית שַׁמַּאי [4]וּמֵחוֹמְרֵי בֵּית הִלֵּל.

**1** Already broken away. **2** *i.e.*, ploughed thoroughly or ploughed and sown. There were occasions when the foreign governments enforced heavy taxation and the Sages permitted one ploughing in the Sabbatical Year to meet the heavy demands. Otherwise a field ploughed or manured in the Sabbatical Year must not be sown in the following year. **3** *i.e.*, not for the purpose of merely collecting the manure in heaps but actually for manuring. **4** Or וּמֵחֲמִרֵי. **5** His view is not accepted.

Mishnah 3

They may hire[1] newly broken[3] land from a non-Jew[2] in the *Sabbatical Year*, but not from a Jew; and they may congratulate[4] a non-Jew[5] in the *Sabbatical Year* but not a Jew. And further, they may offer them greetings[6] for the sake of peace.

מִשְׁנָה ג

[1]חוֹכְרִין [3]נִירִין מִן - [2]הַנָּכְרִי בַּשְּׁבִיעִית, אֲבָל לֹא מִיִּשְׂרָאֵל; [4]וּמַחֲזִיקִין יְדֵי [5]נָכְרִי בַּשְּׁבִיעִית, אֲבָל לֹא יְדֵי יִשְׂרָאֵל; [6]וְשׁוֹאֲלִין בִּשְׁלוֹמָן מִפְּנֵי דַרְכֵי שָׁלוֹם.

**1** He may do so even if thereby the non-Jew may plough the field. חָכַר, *give* or *take in rent so that the tenant gives in payment a fixed quantity of produce;* the tenant is termed חוֹכֵר and the tenancy חֲכִירוּת. An אָרִיס is a *tenant who*

*agrees to pay the owner a stipulated proportion of the produce*, and the tenancy is termed אֲרִיסוּת. שׂוֹכֵר is a *tenant who undertakes to till a field for rent payable in money*. **2** הָעוֹבֵד כּוֹכָבִים in some editions. **3** Or *ploughed*. **4** *congratulate, i.e.*, to praise him for his work. Or, as some would translate it, *they may help* or *encourage*. **5** עוֹבֵד כּוֹכָבִים in some editions. **6** Even when the occasion is on a non-Jewish festival—introduced here אֲגַב אוּרְחָא, as an 'obiter dictum'.

Mishnah 4

If one thin[1] out olive-trees,[2] the School of Shammai say, He should cut them as far as the roots; but the School of Hillel say, He may uproot[3] them; but they admit[4] that when levelling a field he must cut to the roots. What is meant by *thinning out?*—One or two.[5] And by *levelling?*—Three alongside each other.[6] When is this the case?—From his own; but from his neighbour's, even when he levels he must uproot.[7]

מִשְׁנָה ד

[1]הַמְּדַל [2]בְּזֵיתִים; בֵּית שַׁמַּאי אוֹמְרִים יָגוֹם, וּבֵית הִלֵּל אוֹמְרִים, [3]יְשָׁרֵשׁ; [4]וּמוֹדִים *בְּמַחֲלִיק עַד שֶׁיָּגוֹם. אֵיזֶה הוּא הַמְּדַל? [5]אֶחָד אוֹ שְׁנַיִם. הַמַּחֲלִיק? [6]שְׁלֹשָׁה זֶה בְּצַד זֶה. בַּמֶּה דְּבָרִים אֲמוּרִים? מִתּוֹךְ שֶׁלּוֹ, אֲבָל מִתּוֹךְ שֶׁל חֲבֵירוֹ, אַף הַמַּחֲלִיק [7]יְשָׁרֵשׁ.

**1** Or הַמְּדַל. **2** When the trees are too close together every other tree (or even every two out of three) is removed to let the others grow better. In plucking them he must not uproot them, lest this appears as tilling the soil. **3** And one need not fear that the soil may thereby be improved. **4** The School of Hillel. **5** *i.e.*, when only one or two trees be cut away. **6** *i.e.*, when three trees are cut down. **7** Because one does not altruistically improve another's field and it is therefore evident that the wood only is needed. *Perhaps בַּמַּחֲלִיק.

Mishnah 5

When one splits wood from an olive-tree[1] he may not cover it[2] with earth,[3] but he may cover it with stones[4] or with straw. If one cut down the trunk[5] of a sycamore, he must not cover it[1] up with earth, but he may cover it with stones or with straw. They may not cut down a virgin[6] sycamore in the *Sabbatical Year*, because that would be cultivation;[7] R. Judah[8] says, If in the usual manner[9] it is forbidden, but

מִשְׁנָה ה

הַמְבַקֵּעַ [1]בַּזַּיִת לֹא [2]יְחַפֶּנּוּ [3]בֶּעָפָר, אֲבָל מְכַסֶּה הוּא [4]בַּאֲבָנִים אוֹ בְקַשׁ. הַקּוֹצֵץ [5]קוֹרוֹת שִׁקְמָה לֹא יְחַפֶּנּוּ בֶּעָפָר, אֲבָל מְכַסֶּה הוּא בַּאֲבָנִים אוֹ בְקַשׁ. אֵין קוֹצְצִין [6]בְּתוּלַת שִׁקְמָה בַּשְּׁבִיעִית, מִפְּנֵי שֶׁהִיא [7]עֲבוֹדָה; רַבִּי [8]יְהוּדָה אוֹמֵר,

[9]כְּדַרְכָּהּ אָסוּר, אֶלָּא אוֹ מַגְבִּיהַּ [10]עֲשָׂרָה טְפָחִים אוֹ גּוֹמֵם מֵעַל הָאָרֶץ.

he may leave standing ten handbreadths[10] or cut it down to the level of the ground.

**1** In the *Sabbatical Year* for fuel. Perhaps בְּזִיִּת. **2** The rent. **3** Because the earth improves the tree. Perhaps בְּעָפָר. **4** That the tree does not dry up. **5** קוֹרָה, *trunk with branches*. **6** *i.e.*, *untrimmed*, *never before cut* (that has not yet 'known' the axe, the expression used of a virgin whom no man has yet 'known'). **7** It benefits the trees, if some are occasionally felled. **8** His view is accepted. **9** Less than ten handbreadths. **10** At least.

## Mishnah 6

מִשְׁנָה ו

[1]הַמְּזַנֵּב בִּגְפָנִים וְהַקּוֹצֵץ קָנִים; רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר, [2]יַרְחִיק [3]טֶפַח: רַבִּי עֲקִיבָא אוֹמֵר, קוֹצֵץ כְּדַרְכּוֹ בְּקַרְדּוֹם אוֹ [4]בְּמַגָּל [5]וּבַמְּגִירָה וּבְכָל מַה־שֶּׁיִּרְצֶה. אִילָן שֶׁנִּפְשַׁח קוֹשְׁרִין אוֹתוֹ בַּשְּׁבִיעִית, לֹא שֶׁיַּעֲלֶה אֶלָּא שֶׁלֹּא [6]יוֹסִיף.

If one clip[1] vines or cut reeds, R. Jose the Galilean says, He should leave them[2] one *handbreadth*.[3] R. Akiba says, He may cut them in his usual fashion with an axe, or with a sickle,[4] or with a saw, or with whatever he wishes. If a tree split, they may tie it up in the *Sabbatical Year*, not that it should grow together again but that it should not spread.[6]

**1** To make the main stem grow stronger. In the *Sabbatical Year*. **2** Uncut. **3** From the earth. **4** Or *scythe*.* **5** Perhaps וּבְמְגִרָה. **6** The crack or split should not extend. *Perhaps the definite בַּמַּגָּל.

## Mishnah 7

מִשְׁנָה ז

[1]מֵאֵימָתַי [2]אוֹכְלִין פֵּירוֹת הָאִילָן בַּשְּׁבִיעִית? [3]הַפַּגִּים [4]מִשֶּׁיַּזְרִיחוּ אוֹכֵל [5]בָּהֶם פִּתּוֹ בַּשָּׂדֶה; [7]בִּיְחֻלּוּ כּוֹנֵס בְּתוֹךְ בֵּיתוֹ. וְכֵן כַּיּוֹצֵא בָהֶם, [8]בִּשְׁאָר שְׁנֵי שָׁבוּעַ חַיָּיב בַּמַּעֲשְׂרוֹת.

When[1] may they eat[2] the fruits of trees in the *Sabbatical Year?*—The young[3] figs when they become red,[4] one may eat his bread with them[5] in the field;[6] when they become ripe,[7] he may take them into his house. And likewise with similar fruits, in the other[8] years of the seven-years' cycle he is liable[9] to *tithes*.

**1** How soon, after what time. **2** In the Sabbatical Year fruits may be eaten but they must not be wasted. Since the fruits not eaten are declared ownerless

(הַפְּקֵר) it is wrong to destroy them if he himself does not wish to eat them. **3** Or *tender*. **4** *i.e.*, begin to ripen. **5** But only a small quantity. **6** But not in the house, because eating early unripened figs is like destroying them. **7** Or *begin to ripen*. True to their chaste expressions the Rabbis described the ripening of a girl to womanhood by terms borrowed from the ripening of the fig. **8** וּשְׁאָר in some editions.

Mishnah 8

When unripe grapes[1] produce[2] juice, one may eat his bread with them in the field. When they become ripe,[3] one may take them into his house. And likewise with similar fruits, in the other years of the seven-years' cycle he is liable to *tithes*.

מִשְׁנָה ח

[1]הַבּוֹסֶר [2]מְשֶׁהֵבִיא מַיִם אוֹכֵל בּוֹ פִּתּוֹ בַּשָּׂדֶה; [3]הִבְאִישׁ, כּוֹנֵס לְתוֹךְ בֵּיתוֹ. וְכֵן כַּיּוֹצֵא בוֹ בִּשְׁאָר שְׁנֵי שָׁבוּעַ חַיָּיב בַּמַּעֲשְׂרוֹת.

**1** Or הַבֹּסֶר. **2** In the Sabbatical Year. **3** And the pips can be seen through the translucent skin, so ripe that it almost begins to rot. A symbol that when one reaches the very top he begins to decline.

Mishnah 9

When olives can yield a quarter-*log*[1,2] to a *seah*, one may crush[3] them and eat them in the field. If they yield half a *log*, one may press them and use them for anointing in the field. If they produce a third[5] of the possible yield,[6] one may press them in the field and take them into the house. And likewise with similar fruits, and in the other years of the seven-years' cycle they are liable to *tithes*. And in the case of all other tree-fruits, their season for *tithes* is the same as their season[7] in the *Sabbatical Year*.

מִשְׁנָה ט

זֵיתִים מְשֶׁיַּכְנִיסוּ [1,2]רְבִיעִית לְסְאָה, [3]פּוֹצֵעַ וְאוֹכֵל בַּשָּׂדֶה. הִכְנִיסוּ חֲצִי [4]לוּג כּוֹתֵשׁ וְסָךְ בַּשָּׂדֶה. הִכְנִיסוּ [6,5]שְׁלִישׁ, כּוֹתֵשׁ בַּשָּׂדֶה. וְכוֹנֵס לְתוֹךְ בֵּיתוֹ. וְכֵן כַּיּוֹצֵא בָהֶם, בִּשְׁאָר שְׁנֵי שָׁבוּעַ חַיָּיבִים בַּמַּעֲשְׂרוֹת. וּשְׁאָר כָּל־פֵּירוֹת הָאִילָן, כְּעוֹנָתָן לַמַּעֲשְׂרוֹת כָּךְ [7]עוֹנָתָן לִשְׁבִיעִית.

**1** 8.4 cubic inches (see זְרָעִים **Introduction.** *Tables*). **2** Of oil. **3** פָּצַע, *beat until they become soft and juicy*. **4** *log* = 33.6 cubic inches. **5** According to some, *when they have grown to a third of their full size*. Actually, one may press them in the house, too; only our *Mishnah* speaks of a case where this is done in the field. **6** Of oil. **7** When they may be eaten. Unlike in the case of figs, grapes and olives, other fruits may not be eaten in the field in the *Sabbatical Year* before they are ripe (compare מַעֲשְׂרוֹת 1*ff*.).

Mishnah 10

After what time[1] may they not cut down trees in the *Sabbatical Year?* —The School of Shammai say, When they have brought forth;[2] but the School of Hillel say, Carob-trees when their branches begin to droop,[3] (and) vines when they form the pips,[4] (and) olive-trees when they blossom, and all other trees when they bring forth.[5] And every tree, as soon as it has reached the season for *tithes*, may be[6] cut down. How much[7] should an olive-tree produce that it may not be cut down?—A *quarter;*[8] R. Simon ben Gamaliel says, It is all according to the kind of olive-tree.

מִשְׁנָה י

[1]מֵאֵימָתַי אֵין קוֹצְצִין הָאִילָן בַּשְּׁבִיעִית? בֵּית שַׁמַּאי אוֹמְרִים, כָּל־הָאִילָן [2]מִשֶּׁיּוֹצִיא; וּבֵית הִלֵּל אוֹמְרִים, הַחֲרוּבִין [3]מִשֶּׁיְּשַׁלְשְׁלוּ, וְהַגְּפָנִים [4]מִשֶּׁיְּגָרְעוּ, וְהַזֵּיתִים מִשֶּׁיְּנַצּוּ וּשְׁאַר כָּל־אִילָן [5]מִשֶּׁיּוֹצִיא. וְכָל־הָאִילָן כֵּיוָן שֶׁבָּא לְעוֹנַת הַמַּעְשְׂרוֹת [6]מוּתָּר לְקוֹצְצוֹ. [7]כַּמָּה יְהֵא בְזַיִת וְלֹא יְקַצְּצוּנוּ? [8]רוֹבַע; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, הַכֹּל לְפִי הַזַּיִת.

**1** In the Sabbatical Year. It is wrong to cut down a tree in the Sabbatical Year if thereby people be prevented from benefiting by its fruit. **2** Leaves appear in the month of נִיסָן. **3** According to another view, *when the leaves grow like a chain.* Or when the beans or carrob-pods begin to assume a round shape. **4** Inside the grapes. According to another opinion, *when the grapes form ovules containing water.* **5** Leaves. **6** Because once the fruit has ripened there is no loss and no transgression of בַּל תַּשְׁחִית. **7** This does not refer to a Sabbatical Year, but in general good trees should not be destroyed. (*Deuteronomy* **20,** 19). **8** 33.6 cubic inches (רֹבַע=¼ קַב), see זְרָעִים **Introduction,** *Tables.*

## CHAPTER 5

## פֶּרֶק ה

Mishnah 1

In the case of white figs[1] the *Sabbatical Year* laws apply to them in the second year[2] because they ripen once in three years. R. Judah says,[3] In the case of Persian figs[4] the *Sabbatical Year* laws apply to them in the year following the *Sabbatical Year* because they ripen once every two years; they[5] replied to him, They[5] spoke only of white figs.

מִשְׁנָה א

[1]בְּנוֹת שׁוּחַ, שְׁבִיעִית שֶׁלָּהֶם [2]שְׁנִיָּה, שֶׁהֵן עוֹשׂוֹת לְשָׁלֹשׁ שָׁנִים. רַבִּי [3]יְהוּדָה אוֹמֵר, [4]הַפַּרְסָאוֹת, שְׁבִיעִית שֶׁלָּהֶם מוֹצָאֵי שְׁבִיעִית, שֶׁהֵן עוֹשׂוֹת לִשְׁתֵּי שָׁנִים; [5]אָמְרוּ לוֹ, לֹא [5]אָמְרוּ אֶלָּא בְּנוֹת שׁוּחַ.

**1** A species of fig that ripens every three years. **2** If the bloosoms appear during the Sabbatical Year the fruit will not be ripe until the second year after the Sabbatical Year. **3** His view is rejected because Persian figs are not indigenous to Palestine. **4** A species of fig that ripens in two years. According to some, *Persian dates*. **5** The חֲכָמִים, *Sages*. The Rabbis, after investigation, discovered that they ripen yearly (*Tosephta*).

Mishnah 2

If one cover up serpentaria[1] in the earth,[2] *in the Sabbatical Year*, R. Meir says,[3] It[4] must not be less than two *seahs*, three handbreadths in height, and with a handbreadth of earth over it; but the Sages say, It must not be less than four[5] *kabs*,[6] one handbreadth in height and with one handbreadth of earth on top, and it must be hidden in ground over which people walk.[7]

מִשְׁנָה ב

הַטּוֹמֵן אֶת־[1,2]הַלּוּף בַּשְּׁבִיעִית:
רַבִּי [3]מֵאִיר אוֹמֵר, [4]לֹא יִפְחוֹת
מִסָּאתַיִם עַד גֹּבַהּ שְׁלֹשָׁה טְפָחִים
וְטֶפַח עָפָר עַל גַּבָּיו; וַחֲכָמִים
אוֹמְרִים, לֹא יִפְחוֹת [5]מֵאַרְבָּעָה
[6]קַבִּים עַד גֹּבַהּ טֶפַח וְטֶפַח עָפָר
עַל גַּבָּיו, וְטוֹמְנוֹ בִּמְקוֹם [7]דְּרִיסַת
אָדָם.

**1** They keep better if buried underground. לוּף, *serpentaria, snake-root, dragon's-wort, snake-weed, tarragon, herb-dragon;* more probably *Egyptian bean, Indian lotus, hyacinth bean.* **2** Or *with earth.* **3** His view is not accepted. **4** The quantity of serpentaria. **5** מֵאַרְבַּע in some editions. **6** קַב, about 7¾ pints; it should not appear as if they were being sown. The ruling applies to all such as are buried under the soil for preservation. **7** To prevent sprouting.

Mishnah 3

When serpentaria has remained[1] after the *Sabbatical Year* has gone by, R. Eliezer says,[2] If the poor have gathered[3] its leaves, it is well; but if not, he[4] must make an allotment to the poor.[5] R. Joshua[5] says, If the poor gathered its leaves, it is well, but if not, he is not in duty bound to make an allotment to the poor.

מִשְׁנָה ג

לוּף [1]שֶׁעָבְרָה עָלָיו שְׁבִיעִית: רַבִּי
[2]אֱלִיעֶזֶר אוֹמֵר, אִם [3]לָקְטוּ הָעֲנִיִּים
אֶת־עָלָיו לָקָטוּ, וְאִם לָאו [4]יַעֲשֶׂה
חֶשְׁבּוֹן עִם [5]הָעֲנִיִּים. רַבִּי [6]יְהוֹשֻׁעַ
אוֹמֵר, אִם לָקְטוּ הָעֲנִיִּים אֶת־עָלָיו
לָקָטוּ, וְאִם לָאו אֵין לָעֲנִיִּים עָלָיו
חֶשְׁבּוֹן.

**1** It was ready for picking in the year before the *Sabbatical Year* but was pulled up in the *Sabbatical Year* with its leaves, then it took root again and brought forth new leaves in the following year, the law of *Sabbatical Year* does not apply (see 5[2], **Note 1**). **2** His view is rejected. **3** In the Sabbatical Year after בִּיעוּר, *clearing away*. **4** The owner of the field. **5** He must make an estimate of the quantity that might have grown in the Sabbatical Year and deliver it up to the poor. **6** His ruling is accepted. Because he had already acquired the right to use the figs, no distinction being made between rich and poor after the time had come for the removal (בֵּעוּר).

Mishnah 4

In the case of serpentaria that remains standing from the sixth year until the *Sabbatical Year*, and likewise summer[1] onions and similarly dyer's madder from good soil, the School of Shammai say, They are to be dug up with wooden[2] rakes,[3] but the School of Hillel say, With metal[5] spades.[4] But they agree that madder from stony ground must be dug up with metal[5] spades.[4]

מִשְׁנָה ד

לוּף שֶׁל עֶרֶב שְׁבִיעִית שֶׁנִּכְנַס לַשְׁבִיעִית, וְכֵן בְּצָלִים [1]הַקִּיצוֹנִים, וְכֵן פּוּאָה שֶׁל עִידִית: בֵּית שַׁמַּאי אוֹמְרִים, עוֹקְרִין אוֹתָן [3]בְּמַאֲרוּפוֹת שֶׁל [2]עֵץ, וּבֵית הִלֵּל אוֹמְרִים, [4]בְּקַרְדּוּמוֹת שֶׁל [5]מַתָּכוֹת. וּמוֹדִים בְּפוּאָה שֶׁל צְלָעוֹת שֶׁעוֹקְרִין אוֹתָהּ [4]בְּקַרְדּוּמוֹת שֶׁל [5]מַתָּכוֹת.

**1** According to one view, it means onions planted in summer; and according to another, onions growing in the summer. **2** That it should not appear as if the ground was being worked up. In several cases the Rabbis allowed work to be done, otherwise forbidden, provided it was done not in the usual manner (שִׁנּוּי). This was to avoid suspicion (מַרְאִית עַיִן) of flagrantly acting against religious commands. **3** Or *shovels*. **4** Or בְּקַרְדֻּמּוֹת and בְּקַרְדֻּמִּים. **5** Or מַתֶּכֶת. There is no fear of suspicion that the soil is being prepared.

Mishnah 5

When may[1] anyone buy serpentaria[2] in the year following the *Sabbatical Year?*—R. Judah says,[3] Straightway; but the Sages say, When the new comes up.[4]

מִשְׁנָה ה

מֵאֵימָתַי [1]מוּתָּר אָדָם לִיקַּח [2]לוּף בְּמוֹצָאֵי שְׁבִיעִית? רַבִּי [3]יְהוּדָה אוֹמֵר, מִיָּד; וַחֲכָמִים אוֹמְרִים, מִשֶּׁיִּרְבֶּה הֶחָדָשׁ[4].

**1** Our *Mishnah* refers to a case where one is suspected in trading with Sheviith produce. **2** It refers to the leaves (for the roots do not require בִּיעוּר). **3** His view is not accepted. **4** And this is the ruling—after the *Passover* of the 8th year.

Mishnah 6

These are implements which a craftsman[1] is not permitted[2] to sell in the *Sabbatical Year*, a plough and all its accessories,[3] a yoke, and a winnowing fan and a mattock; but he may sell a sickle, a scythe, and a waggon[4] with all its accessories.[3] This is the general rule, any implement whose sole use is transgression[5] is forbidden, but if it may be used for both forbidden and permitted purposes, it is allowed.

מִשְׁנָה ו

אֵלּוּ כֵלִים שֶׁאֵין [1]הָאוּמָן [2]רַשַּׁאי לְמָכְרָם בַּשְּׁבִיעִית: מַחֲרֵשָׁה וְכָל [3]כֵּלֶיהָ, הָעוֹל וְהַמִּזְרֶה וְהַדֶּקֶר; אֲבָל מוֹכֵר הוּא מַגַּל יָד, וּמַגַּל קָצִיר, [4]וַעֲגָלָה וְכָל [3]כֵּלֶיהָ. זֶה הַכְּלָל, כָּל־שֶׁמְּלַאכְתּוֹ מְיוּחֶדֶת [5]לַעֲבֵרָה אָסוּר, לְאִיסּוּר וּלְהֶתֵּר מוּתָּר.

**1** Or הָאָמָּן. **2** He must not sell to anyone whom he suspects of transgressing the laws of the Sabbatical Year but he may do so to a trustworthy person. **3** Or *attendant tools*, *implements*. **4** To bring in הֶפְקֵר, *ownerless*, produce in small quantities, but not large quantities for storage. **5** Of the Sabbatical Year law.

Mishnah 7

The potter may sell[1] five oil-jars[2] and fifteen wine-jars,[2] since one gets so much from the ownerless produce;[3] and if he get more than this, it is allowed.[4] And he may sell[5] to a non-Jew[6] in Palestine and to a Jew[7] outside Palestine.

מִשְׁנָה ז

הַיּוֹצֵר [1]מוֹכֵר חָמֵשׁ [2]כַּדֵּי שֶׁמֶן וַחֲמִשָּׁה עָשָׂר [2]כַּדֵּי יַיִן, שֶׁכֵּן דַּרְכּוֹ לְהָבִיא מִן־[3]הַמּוּפְקָר, וְאִם הֵבִיא יוֹתֵר מִכָּאן [4]מוּתָּר. [5]וּמוֹכֵר [6]לְנָכְרִי בָּאָרֶץ [7]וּלְיִשְׂרָאֵל בְּחוּצָה לָאָרֶץ.

**1** To any person even if he be suspect regarding the Sabbatical Year law. The text gives חָמֵשׁ but the masculine חֲמִשָּׁה would grammatically be the correct form. **2** Oil-jars are made from different kinds of clay than wine-jars. **3** הַהֶפְקֵר in some editions. **4** To be used. **5** More than these numbers of jars. **6** לְעוֹבֵד כּוֹכָבִים in some editions. To a non-Jew any number may be sold and we need not fear lest he sells them again to a Jew suspected of trading in Sheviith produce. **7** Any number to a Jew since outside Palestine the Sabbatical Year law does not apply.

Mishnah 8

מִשְׁנָה ח

The School of Shammai say, One must not sell a ploughing heifer to a person[1] in the *Sabbatical Year;* but the School of Hillel permit it, because he can slaughter it.[2] One may sell him produce[3] in sowing time;[4] and he may lend[5] him a *seah*-measure even though he knows that he has a threshing-floor;[6] and he may give him small change[7] even though he knows that he has labourers. But[8] in all these cases[9] expressly[10] it is forbidden.

בֵּית שַׁמַּאי אוֹמְרִים, לֹא יִמְכֹּר [1]לוֹ
פָּרָה חוֹרֶשֶׁת בַּשְּׁבִיעִית; וּבֵית הִלֵּל
מַתִּירִין, מִפְּנֵי שֶׁהוּא יָכוֹל[2] לִשְׁחָטָהּ.
מוֹכֵר לוֹ [3]פֵּרוֹת [4]בִּשְׁעַת הַזְּרַע,
[5]וּמַשְׁאִיל לוֹ סְאָתוֹ אַף עַל פִּי שֶׁהוּא
יוֹדֵעַ שֶׁיֵּשׁ לוֹ [6]גֹּרֶן: [7]וּפוֹרֵט לוֹ מָעוֹת
אַף עַל פִּי שֶׁהוּא יוֹדֵעַ שֶׁיֵּשׁ לוֹ
פּוֹעֲלִים. [9,8]וְכוּלָּן [10]בְּפֵרוּשׁ
אֲסוּרִין.

**1** To one who is suspected of not observing the Sabbatical Year law. As we surmise that the fruit was bought for food we need not fear lest it be used for sowing purposes. **2** *i.e.*, the animal may be bought for slaughter and not for ploughing. Or לְשַׁחֲטָהּ. **3** Or פֵּרוֹת. **4** In some editions, אֲפִילוּ בִּשְׁעַת. **5** The measure may be used not for forbidden grain that is brought in but for measuring the grain already there that has to be ground into flour. **6** Or *granary*. **7** Not to help the transgressor to pay his workmen but to enable him to buy his necessities. **8** If it be known that they are going to be used. **9** Or וְכֻלָּן,וְכֻלָּם. **10** To transgress the Sabbatical Year law, in which case a person may not get any advantage from *benefit of the doubt* as above in **Notes 4, 5, 7.**

Mishnah 9

מִשְׁנָה ט

A woman may lend to her neighbour, who is suspect[1] regarding the *Sabbatical Year*,[2] a fine sieve,[3] a coarse sieve, a handmill,[4] and an oven; but she must not help her[5] to sift the grain nor grind the corn. The wife of an associate[6] may not lend to the wife of an ignorant person[7] a fine sieve or a coarse sieve, and she may help her[8] to winnow or grind or sift the corn, but when she pours water[9] she must not touch[10] with her, because no help may be given to those that commit trans-

מַשְׁאֶלֶת אִשָּׁה לַחֲבֵרְתָּהּ[1] הַחֲשׁוּדָה
עַל [2]הַשְּׁבִיעִית [3]נָפָה וּכְבָרָה [4]וְרֵחַיִם
וְתַנּוּר; אֲבָל לֹא תָבוֹר וְלֹא תִטְחַן
[5]עִמָּהּ. אֵשֶׁת [6]חָבֵר מַשְׁאֶלֶת לְאֵשֶׁת
[7]עַם הָאָרֶץ נָפָה וּכְבָרָה, וּבוֹרֶרֶת
וְטוֹחֶנֶת וּמְרַקֶּדֶת [8]עִמָּהּ, אֲבָל
מִשְׁתַּטֵּל [9]הַמַּיִם לֹא [10]תִגַּע אֶצְלָהּ,
שֶׁאֵין מַחֲזִיקִין יְדֵי עוֹבְרֵי עֲבֵרָה.

וְכוּלָּן לֹא אָמְרוּ אֶלָּא מִפְּנֵי דַרְכֵי שָׁלוֹם. וּמַחֲזִיקִין יְדֵי [12]נָכְרִי [11]בַּשְּׁבִיעִית, אֲבָל לֹא יְדֵי יִשְׂרָאֵל. וְשׁוֹאֲלִין [13]בִּשְׁלוֹמָן מִפְּנֵי דַרְכֵי שָׁלוֹם.

gression. And all these have been enjoined for the sake of peace. And help may be given to a non-Jew[11] in the *Sabbatical Year*[12] but not to a Jew. And greetings may be offered to them[13] for the sake of peace.

**1** Of transgressing the law which forbids eating fruits of the Sabbatical Year after בִּיעוּר when she had not observed this *clearing out*. **2** *i.e.*, the Sabbatical Year law. **3** Since all these might be used for other purposes. **4** Or *grindstones*. **5** A transgressor must not be helped. **6** חָבֵר, *student, scholar, fellow, associate, companion;* here is meant a man who has the reputation for learning, orthodoxy and integrity and is observant of the religious customs regarding מַעְשְׂרוֹת, *tithes*, and the ritual practices of טַהֲרוֹת, *purity, cleanliness*, and טוּמְאָה, *uncleanness, defilement*. **7** עַם הָאָרֶץ, (a) *peasant, countryman;* (b) (in contradistinction to תַּלְמִיד חָכָם) *illiterate, coarse, unrefined person;* (c) (in contradistinction to חָבֵר) one who does not observe certain religious customs and duties regarding טַהֲרוֹת and טוּמְאָה and מַעְשְׂרוֹת. **8** Because the majority of עַמֵּי הָאָרֶץ were not suspected of evading giving מַעְשְׂרוֹת, *tithes*. **9** Into the flour. For as soon as water is poured into the dough it becomes prone to uncleanness. **10** To help kneading. **11** In some editions, עוֹבֵד כּוֹכָבִים. **12** In the field. **13** The non-Jews.

## CHAPTER 6

## פֶּרֶק ו

### Mishnah 1

### מִשְׁנָה א

[1]שָׁלֹשׁ אֲרָצוֹת לַשְּׁבִיעִית, כָּל־שֶׁהֶחֱזִיקוּ [2]עוֹלֵי בָבֶל מֵאֶרֶץ יִשְׂרָאֵל וְעַד [3]כְּזִיב, [4]לֹא נֶאֱכָל וְלֹא נֶעֱבָד; וְכָל שֶׁהֶחֱזִיקוּ עוֹלֵי מִצְרַיִם מִכְּזִיב וְעַד [5]הַנָּהָר וְעַד [6]אֲמָנָה, [7]נֶאֱכָל אֲבָל לֹא נֶעֱבָד; מִן־הַנָּהָר וּמֵאֲמָנָה וְלִפְנִים, נֶאֱכָל וְנֶעֱבָד.

Three districts[1] must be considered concerning the *Sabbatical Year:* all that part of the Land of Israel as far as Chezib[3] which they[2] that came up from Babylon occupied, may not be eaten[4] nor cultivated; and all that part from Chezib as far as the River[5] and Amanah[6] which they that came up from Egypt occupied, may[7] be eaten but not cultivated; from the River and Amanah and inwards, may be eaten and cultivated.

**1** In which the *Sabbatical Year* law varies. **2** Ezra and the Jews. Ezra's conquest of the land declared it holy soil for all times. **3** Or אַכְזִיב (between Tyre and Acre). Compare *Joshua* **19,** 29. **4** Sabbatical Year produce may not be eaten nor may the land be cultivated. **5** Euphrates. Probably refers to

Shihor a river in Egypt. **6** A mountain in North-West of Palestine near the coast, (probably Taurus Amonus). Since we are told in *Exodus* **23,** 10 that it must be אַרְצְךָ, 'thy land', all other lands that have not the sanctity of אֶרֶץ יִשְׂרָאֵל are excluded. **7** *i.e.*, the produce may be eaten but the land not cultivated.

Mishnah 2

מִשְׁנָה ב

In Syria[1] they may help[2] with the work with cut corn but not with the uncut corn;[3] they may thresh[4] and winnow, and tread[5] and harvest,[6] but they must not reap the crops nor gather the grapes nor pick the olives. R. Akiba laid down a general rule, Whatever is permitted[7] in the Land of Israel may be performed[8] in Syria.

[2]עוֹשִׁין בַּתָּלוּשׁ [1]בְּסוּרְיָא, אֲבָל לֹא
[3]בְּמְחוּבָּר; [4]דָּשִׁין וְזוֹרִין [5]וְדוֹרְכִין
[6]וּמְעַמְּרִין, אֲבָל לֹא קוֹצְרִין, וְלֹא
בּוֹצְרִין וְלֹא מוֹסְקִין. כְּלָל אָמַר
רַבִּי עֲקִיבָא, כָּל־שֶׁכַּיּוֹצֵא בוֹ
[7]מוּתָּר בְּאֶרֶץ יִשְׂרָאֵל [8]עוֹשִׁין
אוֹתוֹ בְּסוּרְיָא.

**1** The districts (אֲרַם נַהֲרַיִם and אֲרַם צוֹבָא) which David conquered; only some of the Jewish ritual laws apply to these lands. His conquests were not invested with permanence as to make all his conquered territories as holy as אֶרֶץ יִשְׂרָאֵל itself. **2** Help may be given to even those who are suspected of not observing the *Sabbatical Year* law and to non-Jews. **3** This is forbidden in the case of owned produce; but in the case of הֶפְקֵר it is permitted just as in Palestine, but only if it is done not in usual manner (compare 5[4] **Note 4**). **4** Or דָּשִׁים וְזוֹרִים וְדוֹרְכִים וּמְעַמְּרִים. **5** The grapes. **6** Or *bind sheaves, stack sheaves*. **7** *i.e.*, whatever is permitted מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) *as laid down in the Law*, but forbidden מִדְּרַבָּנָן, *by the Sages*, in Palestine. **8** *i.e.*, even though מִדְּרַבָּנָן it is forbidden. And the work may be carried out even in the usual manner.

Mishnah 3

מִשְׁנָה ג

Onions[1] upon which the rain has fallen and they have sprouted: if their leaves[2] be dark[3] they are forbidden, but if they be green[4] they are allowed. R. Chanania[5] ben Antigonus says, If they can be pulled up by their leaves, they are forbidden[6], and the like of these[7] in the year after the *Sabbatical Year* are permitted.

[1]בְּצָלִים שֶׁיָּרְדוּ עֲלֵיהֶם גְּשָׁמִים
וְצִמְּחוּ, אִם הָיוּ [2]הֶעָלִין שֶׁלָּהֶם
[3]שְׁחוֹרִין אֲסוּרִין, [4]הוֹרִיקוּ הֲרֵי
אֵלּוּ מוּתָּרִין. רַבִּי [5]חֲנַנְיָא בֶּן
אַנְטִיגְנוֹס אוֹמֵר, אִם יְכוֹלִין לְהִתָּלֵשׁ
בֶּעָלִין שֶׁלָּהֶם [6]אֲסוּרִין, וּכְנֶגֶד [7]כֵּן
מוֹצָאֵי שְׁבִיעִית מוּתָּרִין.

**1** Planted in the sixth year. **2** Or הֶעָלִים. **3** Or שְׁחוֹרִים אֲסוּרִים. This shows that they have continued to grow in the Sabbatical Year and are forbidden after the בִּיעוּר at עֶרֶב שְׁבִיעִית. **4** Which shows that they have not received any benefit from the soil. **5** Or perhaps better חֲנִינָא. **6** When onions have grown the bulbs come up above the soil, and when this is the case they must have grown in the Sabbatical Year. **7** Those that remained from the sixth year till the eighth year. These are permitted because they were permitted at the beginning and at the end of their growth.

Mishnah 4

When[1] may[2] a man buy vegetables after the *Sabbatical Year?*—When such have ripened.[3] When the early[4] crop is ready the later[5] crop is permitted.[6] Rabbi permitted the purchase of vegetables immediately[7] after the end of the *Sabbatical Year.*

מִשְׁנָה ד

[1]מֵאֵימָתַי [2]מוּתָּר אָדָם לִיקַּח יֶרֶק בְּמוֹצָאֵי שְׁבִיעִית? [3]מִשֶּׁיַּעֲשֶׂה כַּיּוֹצֵא בוֹ. עָשָׂה [4]הַבַּכִּיר, [6]הוּתָּר [5]הָאָפֵל. רַבִּי הִתִּיר לִיקַּח יֶרֶק בְּמוֹצָאֵי שְׁבִיעִית [7]מִיָּד.

**1** In the eighth year. **2** Or מֻתָּר. **3** When in the eighth year greens, such as one wishes to buy, have grown up. **4** Or *first ripening.* **5** Or *late in season, slow ripening.* **6** Or הֻתַּר. Wherever crops have grown in the eighth year in that neighbourhood vegetables may be bought. **7** Because vegetables from outside were brought into Palestine for sale.

Mishnah 5

Oil to be burned[2] and produce[3] of the *Sabbatical Year* must not be removed[1] from the Land of Israel to another country. Said R. Simon,[4] 'I have heard explicitly[5] that they may be removed to Syria but not to[6] outside the Land of Israel.'

מִשְׁנָה ה

אֵין [1]מוֹצִיאִין [2]שֶׁמֶן שְׂרֵפָה [3]וּפֵירוֹת שְׁבִיעִית מֵהָאָרֶץ לְחוּצָה לָאָרֶץ. אָמַר רַבִּי [4]שִׁמְעוֹן, שָׁמַעְתִּי [5]בְּפֵירוּשׁ שֶׁמּוֹצִיאִין לְסוּרְיָא וְאֵין [6,1]מוֹצִיאִין לְחוּצָה לָאָרֶץ.

**1** Or מוֹצִיאִים. **2** Oil of תְּרוּמָה, *priest's-due,* if contaminated may not be eaten nor be removed outside Palestine but must be burned in the country. **3** The produce of the Sabbatical Year may be eaten only in Palestine and not outside. **4** His view that on this point Syria is to be treated as Palestine is not accepted. **5** By tradition. **6** Anywhere else.

Mishnah 6

*Heave-offering*[1] from outside the Land of Israel may not be brought[2] to the Land of Israel. Said R. Simon,[3] 'I have heard explicitly that they may bring it from Syria but not from[4] outside the Land of Israel.'

מִשְׁנָה ו

אֵין מְבִיאִין תְּרוּמָה מֵחוּצָה לָאָרֶץ לָאָרֶץ. אָמַר רַבִּי שִׁמְעוֹן, שָׁמַעְתִּי בְּפֵירוּשׁ שֶׁמְּבִיאִין מִסּוּרְיָא וְאֵין מְבִיאִין מֵחוּצָה לָאָרֶץ.

**1** Or *the priest's share of the produce, priest's-due.* **2** The רַבָּנָן forbid it for fear that the כֹּהֲנִים, *priests*, might go outside Palestine to seek the תְּרוּמָה which they were wont to do by visiting the barns and granaries: the priests had to take every precaution not to go where they might become טְמֵאִים, *ritually defiled* (land outside Palestine might contain graves which would render priests ritually unclean). **3** His view is rejected. **4** Anywhere else. Syria, on account of its proximity to Palestine, was not regarded as unclean territory.

## CHAPTER 7

Mishnah 1

They[1] laid down an important general principle regarding *Sabbatical Year* produce: whatever forms food for man, or food for cattle, or is of the species used for dyeing, and can not be long kept under the soil, comes under the *Sabbatical Year* law,[2] and the money[3] obtained by selling such comes under the *Sabbatical Year* law, and the law of *Removal*[4] applies to it and to the money[3] obtained from its sale. And which are these?[5] —The leaf of wild-serpentaria,[6] the leaf of mint, endives.[7] leeks, purslane,[8] and star-of-Bethlehem.[9] And food for cattle?—Thorns and thistles. And the species used for dyeing?[10]—Aftergrowths of woad and madder.[11] The *Sabbatical Year* law applies to them and the *Sabbatical Year* law applies also to the money[12] obtained by selling them, the *law of Removal*[13] applies

## פֶּרֶק ז

מִשְׁנָה א

כְּלָל גָּדוֹל אָמְרוּ בַּשְּׁבִיעִית; כָּל־שֶׁהוּא מַאֲכַל אָדָם, וּמַאֲכַל בְּהֵמָה, וּמִמִּין הַצּוֹבְעִים, וְאֵינוֹ מִתְקַיֵּם בָּאָרֶץ, יֵשׁ לוֹ שְׁבִיעִית, וּלְדָמָיו שְׁבִיעִית, יֵשׁ לוֹ בִּיעוּר וּלְדָמָיו בִּיעוּר. וְאֵיזֶה זֶה? עֲלֵה הַלּוּף הַשּׁוֹטֶה, וַעֲלֵה הַדַּנְדַּנָּה, הָעוּלְשִׁין, וְהַכְּרֵישִׁין, וְהָרִגִּילָה, וְנֵץ הֶחָלָב. וּמַאֲכַל בְּהֵמָה? הַחוֹחִים וְהַדַּרְדָּרִים, וּמִמִּין הַצּוֹבְעִים? סְפִיחֵי אִסְטִיס וְקוֹצָה. יֵשׁ לָהֶם שְׁבִיעִית

[12]וְלִדְמֵיהֶן שְׁבִיעִית׳ יֵשׁ לָהֶם [13]בִּיעוּר׳ [12]וְלִדְמֵיהֶן [13]בִּיעוּר׳.

to them and the *law of Removal*[13] applies to the money[12] obtained from their sale.

**1** The חֲכָמִים, *Sages*. **2** It must be eaten but not sold or wasted. **3** See *Mishnah* 3 in this **Chapter**. **4** See *Deuteronomy* **26**, 13. If in the field there be no more food for the beasts, then such as one has indoors must be *removed* or *cleared out* into the field for the animals, and likewise if such had already been sold the equivalent sale money must be used for buying such produce to be removed into the field similarly. **5** The plants referred to above. **6** Or הַדַּנְדָּנָא (see **Supplement**). **7** Or *chicory*, *succory*. Or הָעֲלִשִׁין וְהַכְּרִשִׁין. **8** Or *purslain*. **9** Or *asphodel*, *kingspear*, *day-lily*. **10** הַצּוּבְעִין in some editions. **11** Or *safflower*. Or וְקוּצָה. **12** Literally *and to their money*. Thus if he purchases meat for the fruit, the fruit is invested with the sanctity of the seventh year produce. **13** Or בֵּעוּר.

Mishnah 2

מִשְׁנָה ב

וְעוֹד כְּלָל אַחֵר אָמְרוּ; כָּל־[1]שֶׁאֵינוֹ מַאֲכַל אָדָם׳ וּמַאֲכַל בְּהֵמָה׳ וּמִמִּין הַצּוּבְעִין׳ [2]וּמִתְקַיֵּים בָּאָרֶץ יֵשׁ לוֹ שְׁבִיעִית וּלְדָמָיו שְׁבִיעִית; אֵין לוֹ בִּעוּר וְאֵין לְדָמָיו בֵּעוּר׳. [3]אֵיזֶהוּ? עִקַּר הַלּוֹף הַשּׁוֹטֶה׳ וְעִיקַּר הַדַּנְדָּנָה׳ [5,4]וְהָעַרְקַבִּינִין וְהַחַלְבֹּצִין [6]וְהַבּוּכַרְיָה׳ וּמִמִּין הַצּוּבְעִים? הַפּוּאָה [7]וְהָרִכְפָּה׳ יֵשׁ לָהֶם שְׁבִיעִית וְלִדְמֵיהֶן שְׁבִיעִית׳ [8]אֵין לָהֶם בִּעוּר וְלֹא [12]לִדְמֵיהֶן בֵּעוּר׳. רַבִּי [9]מֵאִיר אוֹמֵר׳ [10]דְּמֵיהֶם מִתְבַּעֲרִין עַד [11]רֹאשׁ הַשָּׁנָה׳ אָמְרוּ לוֹ׳ לָהֶן אֵין בֵּעוּר׳ קַל וָחוֹמֶר [12]לִדְמֵיהֶן׳.

And they laid down another general principle: whatever[1] is not food for man, or food for cattle, or of the species used for dyeing, and will keep[2] under the soil, the *Sabbatical Year* law applies to it and to the money obtained by its sale; but the law of *Removal* does not apply to it or to the money obtained by selling it. Which[3] are they?—The root of the wild serpentaria, and the root of mint, and palm-ivy[4] and asphodel and spikenard.[5,6] And the species used for dyeing?—Dyer's-madder and cyclamen.[7] The *Sabbatical Year* law applies to them and to the money obtained from their sale; but the law of *Removal* does not apply to them or to the money obtained by selling them.[8] R. Meir[9] says, The money[10] obtained by their sale comes under the law of *Removal* until the New Year.[11] They said to him, To them the law of *Removal* does not apply, still less to the money[12] obtained from their sale.

**1** שֶׁהוּא in some editions. **2** So long as food remains in the field* for the beasts the like has not to be *cleared* or *removed* from the house into the field for them. **3** וְאֵיזֶה זֶה in some editions. **4** Or *hartstongue*. **5** Or וְהָעַרְקַבְּנִין, וְהָעַרְקַבְּנִין, וְהָעַרְקַבְּלִין. **6** Or *hazelwort*. Or וְהַבּוּכְרִיָּה. **7** Or *sowbread*. **8** Because they last under the soil and so support the animals in the fields, and there is no need therefore to *remove* their like from the house into the fields. **9** But his opinion is rejected. **10** דְּמֵיהֶן in some editions. **11** בִּיעוּר, *removal*, must be carried out before the New Year of the eighth year. **12** Literally *from their money*.

Mishnah 3

מִשְׁנָה ג

The husks[1] and blossom of the pomegranate, and the shells and kernels[2] of nuts—the *Sabbatical Year* law applies to them and to the money[3] obtained by their sale. The dyer may dye for his own purpose but he must not dye for payment, because none may do trade[4] with the produce[5] of the *Sabbatical Year* or with *firstlings*[6] or with the *priest's share of the produce and of the first tithe*,[7] or with carrion, or with ritually forbidden flesh,[8] or with unclean animals,[9] or with creeping things,[10] and one may not collect[11] vegetables from the field and sell them in the market, but he may gather and his son sell them for him; if he gathered for himself and some were left over, those he may[12] sell.

[1]קְלִיפֵּי רִמּוֹן וְהַנֵּץ שֶׁלּוֹ, קְלִיפֵּי אֱגוֹזִים [2]וְהַגַּלְעִינִין, יֵשׁ לָהֶם שְׁבִיעִית [3]וְלִדְמֵיהֶן שְׁבִיעִית. הַצַּבָּע צוֹבֵעַ לְעַצְמוֹ, וְלֹא יִצְבַּע בְּשָׂכָר, שֶׁאֵין עוֹשִׂים [4]סְחוֹרָה [5]בְּפֵירוֹת שְׁבִיעִית, וְלֹא [6]בְּבִכּוּרוֹת, וְלֹא [7]בִּתְרוּמוֹת, וְלֹא בִּנְבֵלוֹת, וְלֹא [8]בִּטְרֵפוֹת, וְלֹא [9]בִּשְׁקָצִים, וְלֹא [10]בִּרְמָשִׂים, וְלֹא יִהְיֶה [11]לוֹקֵחַ יַרְקוֹת שָׂדֶה וּמוֹכֵר בַּשּׁוּק, אֲבָל הוּא לוֹקֵט וּבְנוֹ מוֹכֵר עַל יָדוֹ. לָקַח לְעַצְמוֹ וְהוֹתִיר, [12]מוּתָּר לְמָכְרָן.

**1** Or קְלִפֵּי. **2** Or וְהַגַּרְעִינִים. **3** Literally *and to their money*. **4** Or *business*. **5** Or בְּפֵרוֹת. **6** When alive; but after slaughtering the carcase or flesh may be sold but not in the butcher's shop. **7** Or *heave-offerings*. **8** טְרֵפָה, טְרֵיפָה: (a) the flesh of a בְּהֵמָה טְהוֹרָה, *clean animal*, mauled or killed by a beast of prey; (b) the flesh of a *clean animal* which had been fatally injured (so that it would not live for twelve months); (c) the flesh of a *clean animal* that suffered from some organic defect or disease; (d) the flesh of a *clean animal* that has suffered a violent death or had been slaughtered not according to the valid ritual requirements. **9** *Leviticus* **11,** 3-19. **10** *Leviticus* **11,** 23-30. **11** In the Sabbatical Year. Only such vegetables that grow of their own accord, these same are forbidden on account of Sheviith. **12** Or מֻתָּר לְמָכְרָם.

* (unspoilt during the winter months)

had time to affect the oil. But not after the בִּיעוּר time has arrived. **4** Of the eighth year. **5** Or חַיָּב בַּבִּיעוּר. This because an old rose quickly affects new oil. It refers here to a rose of the Sabbatical Year in oil of the eighth year or a rose of the sixth year in oil of the Sabbatical Year. **6** *carobs, locust fruit.* Of the Sabbatical Year. (See **Supplement**). **7** Or שֶׁכְּבָשָׂם. **8** Of the sixth year. **9** Of *Sabbatical Year* produce. **10** Of the eighth year. **11** Or חַיָּבִים בַּבִּיעוּר. **12** Regarding all produce subject to restrictions in the תּוֹרָה. **13** Or חַיָּב. **14** *i.e.*, however little, even if it does not impart its taste to it the whole is subject to the law of *Removal.* **15** *i.e.*, one kind of produce mixed with another of like kind. **16** One kind with another kind only if the flavour be imparted but actually if the quantity be one-sixtieth or more.

## CHAPTER 8

Mishnah 1

They laid down an important general principle regarding *Sabbatical Year* produce: whatever is gathered solely as food[1] for man—they must not make from it an emollient[2] for man, or, needless to say, for cattle; and whatever is not gathered solely as food for man—they may make from it an emollient for man but not for cattle; and whatever is not gathered solely as food for man or as food for cattle—if one intended[3] it as food[4] for man and as food[4] for cattle, they apply to it the stringent rules[6] affecting man and the stringent rules[7] affecting cattle. If one intended it for wood,[8] it is considered as wood, as for instance savory and hyssop and thyme.[9]

## פֶּרֶק ח

### מִשְׁנָה א

כְּלָל גָּדוֹל אָמְרוּ בַּשְּׁבִיעִית; כָּל־הַמְיוּחָד לְמַאֲכַל אָדָם אֵין עוֹשִׂין מִמֶּנּוּ [2]מְלוּגְמָא לְאָדָם, וְאֵין צָרִיךְ לוֹמַר לִבְהֵמָה: וְכָל שֶׁאֵינוֹ מְיוּחָד לְמַאֲכַל אָדָם עוֹשִׂין מִמֶּנּוּ [2]מְלוּגְמָא לְאָדָם, אֲבָל לֹא לִבְהֵמָה: וְכָל שֶׁאֵינוֹ מְיוּחָד לֹא לְמַאֲכַל אָדָם וְלֹא לְמַאֲכַל בְּהֵמָה [3]חָשַׁב עָלָיו [4]לְמַאֲכַל אָדָם [4]וּלְמַאֲכַל בְּהֵמָה, נוֹתְנִין עָלָיו [6]חוֹמְרֵי אָדָם [7]וְחוֹמְרֵי בְהֵמָה. חָשַׁב עָלָיו [8]לְעֵצִים, הֲרֵי הוּא כְעֵצִים, כְּגוֹן הַסִּיאָה וְהָאֵזוֹב [9]וְהַקּוֹרְנִית.

**1** This decision is based on the terms לְאָכְלָה, *for food*, and לֶאֱכֹל, *to eat*, in *Leviticus* **25**, 6, 7, respectively. **2** Or *fomentation, plaster, poultice.* **3** When gathering. **4** *i.e.*, for both cases. **6** Or חֲמֵרֵי. *i.e.*, not to be used as an emollient. **7** Or וְחֲמֵרֵי. *i.e.*, if ordinarily cattle eat it raw it must not be first scalded, but should only be used in the ordinary way. **8** *i.e., for burning* when it was gathered. **9** Or *origan, origanum, wild marjoram, calamint.*

Mishnah 2

*Sabbatical Year* produce[1] is intended to be used as food and drink and unguent—to be eaten[2] whatever is usually eaten, and to be drunk[3] whatever is ordinarily drunk, and to be used as unguent whatever is customarily used as unguent. One may not use as unguent wine and vinegar,[4] but one may anoint with oil. The same is the case with the *priest's share of the produce* and with the *second tithe;* but *Sabbatical Year* produce is dealt with more leniently in that it may be used for kindling a lamp.[5]

מִשְׁנָה ב

שְׁבִיעִית [1]נִיתְּנָה לַאֲכִילָה וְלִשְׁתִּיָּה וּלְסִיכָה, [2]לֶאֱכֹל דָּבָר שֶׁדַּרְכּוֹ לֶאֱכֹל, [3]וְלִשְׁתּוֹת דָּבָר שֶׁדַּרְכּוֹ לִשְׁתּוֹת, וְלָסוּךְ דָּבָר שֶׁדַּרְכּוֹ לָסוּךְ. לֹא יָסוּךְ [4]יַיִן וְחוֹמֶץ, אֲבָל סָךְ הוּא אֶת־הַשֶּׁמֶן. וְכֵן בִּתְרוּמָה וּבְמַעֲשֵׂר שֵׁנִי. קַל מֵהֶם שְׁבִיעִית שֶׁנִּתְּנָה [5]לְהַדְלָקַת הַנֵּר.

**1** Or נִתְּנָה, נִתֶּנֶת. This refers to grapes and olives, which can be used for all these three purposes mentioned here. **2** But food that had gone bad may be thrown away. **3** *i.e.*, can be used for all these purposes without any subterfuge. In many editions the phrase וְלִשְׁתּוֹת דָּבָר שֶׁדַּרְכּוֹ לִשְׁתּוֹת is omitted. **4** Because they are more important as food, hence any other use would be wastefulness. **5** Oil of תְּרוּמָה טְמֵאָה, *priest's-due that had become defiled*, may be used in lamps (but unclean oil from מַעֲשֵׂר שֵׁנִי may not be used for lamps).

Mishnah 3

They must not sell[1] *Sabbatical Year* produce by bulk, or weight, or number;[2] nor figs by number; nor vegetables by weight.[3] The School of Shammai say, Not even in bundles,[4] but the School of Hillel say, What is ordinarily tied up in bundles in the house they may tie in bundles in the market, as, for instance, leeks and star-of-Bethlehem.[5]

מִשְׁנָה ג

אֵין [1]מוֹכְרִין פֵּירוֹת שְׁבִיעִית לֹא בְּמִדָּה, וְלֹא בְּמִשְׁקָל, וְלֹא בְּמִנְיָן;[2] וְלֹא תְאֵנִים בְּמִנְיָן, וְלֹא יָרָק בְּמִשְׁקָל, בֵּית שַׁמַּאי אוֹמְרִים, אַף לֹא [4]אֲגוּדוֹת; וּבֵית הִלֵּל אוֹמְרִים, אֶת־שֶׁדַּרְכּוֹ לֶאֱגוֹד בַּבַּיִת אוֹגְדִין אוֹתוֹ בַּשּׁוּק, כְּגוֹן הַכְּרֵשִׁין [5]וְנֵץ הֶחָלָב.

**1** Or מוֹכְרִים פֵּרוֹת. **2** All in order that they be sold cheaply, but in all cases only such produce may be sold as is left over from what has been gathered. **3** In both cases, even though the method be varied, it is not permitted. **4** Or אֲגֻדּוֹת.

All done in order to avoid the appearance that they were being used for trading purposes. **5** Or *asphodel*, *day-lily*, *kingspear*. (Compare 7[1]).

Mishnah 4

Someone says to a labourer,[1] 'Here is for thee an *issar*[2] and gather[3] for me vegetables to-day'—his payment is allowed;[4] 'Gather[5] for me in return for it[6] vegetables to-day'—his payment is forbidden. One bought from the baker a loaf worth[7] a *pundion*,[8] 'When I shall have gathered[9] vegetables from the field I will bring them to thee'—this is allowed;[10] but if he bought from him unconditionally he must not pay [11] him with the money from the *Sabbatical Year* produce, because a debt may not be repaid with the money from *Sabbatical Year* produce.

מִשְׁנָה ד

[1]הָאוֹמֵר לַפּוֹעֵל, הֵא לָךְ [2]אִסָּר זֶה
[3]וְלַקֵּט לִי יֶרֶק הַיּוֹם, שְׂכָרוֹ [4]מוּתָּר:
[5]לְקוֹט לִי [6]בּוֹ יֶרֶק הַיּוֹם, שְׂכָרוֹ
אָסוּר. לָקַח מִן־הַנַּחְתּוֹם כִּכָּר
[8,7]בְּפוּנְדְּיוֹן, [9]כְּשֶׁאֶלְקוֹט יַרְקוֹת
שָׂדֶה אָבִיא לָךְ, [10,4]מוּתָּר; לָקַח
מִמֶּנּוּ סְתָם, [11]לֹא יְשַׁלֵּם לוֹ מִדְּמֵי
שְׁבִיעִית, שֶׁאֵין פּוֹרְעִין חוֹב מִדְּמֵי
שְׁבִיעִית.

**1** In the Sabbatical Year. Literally *to the labourer*—perhaps לְפוֹעֵל, *to a labourer*. **2** אִסָּר = 8 פְּרוּטוֹת (see זְרָעִים **Introduction,** *Tables*). **3** וּלְקוֹט in some editions. **4** Or מֻתָּר. **5** Or, in some editions, לְקַט. *i.e.*, he said, 'Gather *etc*'. **6** *i.e.*, for the *issar*. **7** But not in exchange for a פּוּנְדְּיוֹן coin(s). **8** פּוּנְדְּיוֹן = 2 אִסָּר. Or בְּפָנְדְּיוֹן. **9** *i.e.*, and the buyer said, 'When I shall *etc*'. **10** Because in this case it partakes of the nature of a free gift. **11** Because in this case it partakes of the character of a transaction.

Mishnah 5

They must not give[1] to a well-digger[4] or to a bath-house[4] keeper or to a barber or to a sailor,[2] but one may give to a well-digger[4] for[3] a drink; and he may give[5] it to any of them[4] as a free gift.

מִשְׁנָה ה

[1]אֵין נוֹתְנִים לֹא [4]לְבַיָּר וְלֹא [4]לְבַלָּן
וְלֹא לְסַפָּר וְלֹא [2]לְסַפָּן, אֲבָל נוֹתֵן
הוּא [4]לְבַיָּר [3]לִשְׁתּוֹת; וּלְכוּלָּן [5]הוּא
נוֹתֵן מַתְּנַת חִנָּם.

**1** *i.e.*, pay with Sabbatical Year produce or money. **2** Or *boatman*. Or לַסַּפָּן. **3** *i.e.*, *to buy*. **4** Or לַבַּיָּר, לַבָּלָן. **5** Without fear of ulterior motive, since all perceive that they are given as 'tips', gifts, not as a commercial transaction.

Mishnah 6

Figs of the *Sabbatical Year* may not be cut with a fig-cutter,[1] but one may cut them[2] with a knife.[3] They must not tread grapes in a wine-pressing vat, but one may tread them in a trough;[4] and they may not prepare olives in an olive-press or in an olive-crusher,[5] but one may crush them and put them into a small olive-press.[6] R. Simon says,[7] One may even grind them in an olive-press and put them into a small olive-press.[8]

מִשְׁנָה ו

תְּאֵנִים שֶׁל שְׁבִיעִית אֵין קוֹצִין אוֹתָן
[1]בַּמֶּקְצָה, אֲבָל קוֹצֶה [2]אוֹתָם
[3]בְּחַרְבָּה. אֵין דּוֹרְכִין עֲנָבִים בְּגַת,
אֲבָל דּוֹרֵךְ הוּא [4]בָּעֲרֵבָה; וְאֵין
עוֹשִׂין זֵיתִים בְּבַד [5]וּבְקוֹטֵב, אֲבָל
כּוֹתֵשׁ הוּא וּמַכְנִיס [6]לְבוּדִידָה. רַבִּי
[7]שִׁמְעוֹן אוֹמֵר, אַף טוֹחֵן הוּא בְּבֵית
הַבַּד, וּמַכְנִיס [8]לְבוּדִידָה.

**1** Literally *with the fig-cutter*—perhaps בְּמוּקְצֶה. All the processes mentioned in this *Mishnah* are to illustrate the fact that the produce should be dealt with not as in ordinary years. **2** Or אוֹתָן in some texts. **3** Others interpret the words מֶקְצָה and חַרְבָּה not as referring to cutting instruments but to the places not usually assigned for such operations so as to show that the laws of the Sheviith are constantly kept in mind, thus מוּקְצָה would be a place usually assigned for other purposes and חַרְבָּה a waste-place cleared away for this express purpose. **4** Or בַּעֲרֵיבָה, *trough, tub, kneading-trough.* **5** קוֹטֵב, a small olive-press or wine-press with a round beam crusher. **6** Or לְבִדִידָה—the word is diminutive for the larger olive-press always referred to as בֵּית הַבַּד. **7** His ruling is accepted.

Mishnah 7

Vegetables of the *Sabbatical Year* may not be cooked[1] with oil of *heave-offering*[2] so that it be not rendered unfit;[3] R. Simon[4] permits it. And the last[5] becomes subject to the *Sabbatical Year* law, but the *Sabbatical Year* produce itself remains forbidden.

מִשְׁנָה ז

אֵין [1]מְבַשְּׁלִין יֶרֶק שֶׁל שְׁבִיעִית
בְּשֶׁמֶן שֶׁל [2]תְּרוּמָה, שֶׁלֹּא יְבִיאֶנּוּ
לִידֵי [3]פְּסוּל; רַבִּי [4]שִׁמְעוֹן מַתִּיר.
[5]וְאַחֲרוֹן אַחֲרוֹן נִתְפָּשׂ בַּשְּׁבִיעִית,
וְהַפְּרִי עַצְמוֹ אָסוּר.

**1** Or *boiled.* **2** Or *priest's share of the produce.* **3** Or *invalid, disqualified,* and then both oil and vegetables would have to be burned thus causing Sabbatical Year produce to be wasted. **4** His view is rejected. **5** *i.e.*, if the Sabbatical Year produce be exchanged for A, then A becomes as the produce; then if A be exchanged for B, then B becomes as holy as the original produce (A losing this holy status); and so on; but the original produce *does not* lose its holy status.

Mishnah 8

They must not buy slaves or lands or an unclean beast with the money[1] of *Sabbatical Year* produce; but if one did buy,[2] he must consume of equal value. They must not bring as offerings of men afflicted with a discharge[5] or of women afflicted with a discharge[5] or of women after childbirth, pigeons[6] that have been bought with the money of *Sabbatical Year* produce; but if one have brought such, he must consume[2] of equal value. They must not smear vessels with oil of *Sabbatical Year* produce, and if one have smeared, he must consume[2] of equal value.

מִשְׁנָה ח

אֵין לוֹקְחִים עֲבָדִים וְקַרְקָעוֹת וּבְהֵמָה טְמֵאָה [1]מִדְּמֵי שְׁבִיעִית, וְאִם [2]לָקַח יֹאכַל כְּנֶגְדָּן. אֵין מְבִיאִין [3]קִנֵּי [5]זָבִים [4]וְקִנֵּי [5]זָבוֹת, [6,4]וְקִנֵּי יוֹלְדוֹת מִדְּמֵי שְׁבִיעִית, וְאִם הֵבִיא [2]יֹאכַל כְּנֶגְדָּן. אֵין סָכִין כֵּלִים בְּשֶׁמֶן שֶׁל שְׁבִיעִית, וְאִם סָךְ יֹאכַל כְּנֶגְדּוֹ.

**1** Such money may be used only for purchasing other food for consumption. **2** *i.e.*, he must buy food of equal value for consumption. **3** Or קִינֵּי in some texts. **4** וְקִינֵּי in some texts. Those afflicted with an issue and women after childbirth were required to bring as sacrifices two turtle-doves, or two pigeons; see *Leviticus* **15**, 14, 29. **5** *i.e.*, *flux* or *gonorrhoea*. **6** Two pigeons, one as חַטָּאת, *sin-offering*, and one as עוֹלָה, *burnt offering*.

Mishnah 9

If one have smeared a hide with oil of *Sabbatical Year* produce, R. Eliezer says, It must be burned; but the Sages say, He must consume[1] of equal value. They stated before R. Akiba that R. Eliezer used to say, If one smeared a hide with oil of *Sabbatical Year* produce it must be burnt. He replied to them, 'Be silent! I will not state[2] to you what R. Eliezer says regarding this.'

מִשְׁנָה ט

עוֹר שֶׁסָּכוֹ בְּשֶׁמֶן שֶׁל שְׁבִיעִית, רַבִּי אֱלִיעֶזֶר אוֹמֵר, יִדָּלֵק; וַחֲכָמִים אוֹמְרִים, [1]יֹאכַל כְּנֶגְדּוֹ. אָמְרוּ לְפָנֵי רַבִּי עֲקִיבָא, אוֹמֵר הָיָה רַבִּי אֱלִיעֶזֶר, עוֹר שֶׁסָּכוֹ בְּשֶׁמֶן שֶׁל שְׁבִיעִית יִדָּלֵק. אָמַר לָהֶם, שְׁתֹקוּ, [2]לֹא אוֹמַר לָכֶם מַה שֶּׁרַבִּי אֱלִיעֶזֶר אוֹמֵר בּוֹ.

**1** *i.e.*, he must buy produce of equal value and consume it. **2** He knew that R. Eliezer was very lenient regarding this matter and would not pass R. Eliezer's view on to them.

Mishnah 10

And they stated further before him, 'R. Eliezer used to say, He that eats[1] of the bread of Samaritans is as one who eats the flesh of swine'. He replied to them, 'Be silent! I will not state[2] to you what R. Eliezer says regarding this'.

מִשְׁנָה י

וְעוֹד אָמְרוּ לְפָנָיו, אוֹמֵר הָיָה רַבִּי אֱלִיעֶזֶר, [1]הָאוֹכֵל פַּת כּוּתִים כְּאוֹכֵל בְּשַׂר חֲזִיר; אָמַר לָהֶם, שְׁתוֹקוּ, [2]לֹא אוֹמַר לָכֶם מַה שֶּׁרַבִּי אֱלִיעֶזֶר אוֹמֵר בּוֹ.

**1** This restriction to the disadvantage of the Samaritans was one of the results of their attempt to prevent the rebuilding of the Temple in the time of Ezra. **2** He would not reveal to them the opinions of R. Eliezer who was too lenient regarding this subject.

Mishnah 11

A bath house that was heated[1] with straw or stubble of *Sabbatical Year* produce—it is permitted[2] to wash therein. But if one be a person of importance,[3] such a man will not wash[4] there.

מִשְׁנָה יא

מֶרְחָץ [1]שֶׁהֻסְקָה בְּתֶבֶן אוֹ בְקַשׁ שֶׁל שְׁבִיעִית [2]מוּתָּר לִרְחוֹץ בָּהּ. וְאִם [3]מִתְחַשֵּׁב הוּא הֲרֵי זֶה לֹא [4]יִרְחָץ.

**1** שֶׁהוּסְקָה in some texts. **2** But it should not be done knowingly; and no charge may be made for washing in such case. **3** Such a person is looked up to and is liable to be copied by others. **4** יִרְחוֹץ in some editions.

## CHAPTER 9

## פֶּרֶק ט

Mishnah 1

Rue, wild strawberries,[1] purslain,[2] wild coriander, water parsley,[3] and field-rocket[4] are exempt[5] from *tithes* and may be bought from anyone in the *Sabbatical Year* because no watch is maintained over the like of these.[6] R. Judah says,[7] Aftergrowths of mustard are permitted[8] because transgressors[9] are not suspect concerning them. R. Simon[10] says, All aftergrowths are permitted except the aftergrowths of cabbage because the like of these do not

מִשְׁנָה א

הַפִּיגָם, [1]וְהַיַּרְבּוּזִין הַשּׁוֹטִים, [2]וְהַחֲלַגְלוּגוֹת, כּוּסְבָּר שֶׁבְּהָרִים, [3]וְהַכַּרְפַּס שֶׁבַּנְּהָרוֹת, [4]וְהַגַּרְגַּר שֶׁל אֶפֶר, [5]פְּטוּרִין מִן־הַמַּעְשְׂרוֹת וְנִלְקָחִין מִכָּל אָדָם בַּשְּׁבִיעִית, שֶׁאֵין [6]כַּיּוֹצֵא בָהֶם נִשְׁמָר. רַבִּי [7]יְהוּדָה אוֹמֵר, סְפִיחֵי חַרְדָּל [8]מוּתָּרִין, שֶׁלֹּא נֶחְשְׁדוּ עֲלֵיהֶן עוֹבְרֵי

exist among wild vegetables; but the Sages say, All aftergrowths are forbidden.[11]

[9]עֲבֵרָה· רַבִּי [10]שִׁמְעוֹן אוֹמֵר· כָּל־הַסְּפִיחִים [8]מוּתָּרִין· חוּץ מִסְּפִיחֵי כְּרוּב· שֶׁאֵין כַּיּוֹצֵא בָהֶם בְּיַרְקוֹת שָׂדֶה; וַחֲכָמִים אוֹמְרִים· כָּל־הַסְּפִיחִין [11]אֲסוּרִים·

**1** Or *goosefoot, pigweed, strawberry-blite, blite, strawberry-spinach* (see **Supplement**). **2** Or *purslane*. **3** Or *river-celery*. **4** Or *meadow-eruca*. **5** In all years. **6** *i.e.*, they are ownerless property. **7** His view is rejected. **8** מְתָּרִים, מְתָּרִין in some texts. **9** עֲבִירָה in some editions. **10** His opinion is not accepted. **11** Lest transgressors will sow surreptitiously and claim that they are merely natural and spontaneous aftergrowths. Naturally, genuine aftergrowths are permitted according to all opinions.

Mishnah 2

Three countries are to be considered with regard to the law of *Removal*:[1] Judaea, and beyond the Jordan, and Galilee; and each[2] is divided into three districts—Upper Galilee, Lower Galilee, and the Valley;[3] from Kfar Chananiah upwards, wherever sycamores do not grow, is Upper Galilee; and from Kfar Chananiah downwards, wherever sycamores grow, is Lower Galilee; and the region of Tiberias is the Valley.[4] And in Judaea, the Hill-country and the Plain[5,6] and the Valley.[7] And the Plain[5,6] of Lydda is considered as the Plain[5,6] of the South, and its Hill-country is as the King's Hill-country.[8] From Beth-Horon to the sea is considered a single region.

מִשְׁנָה ב

שָׁלֹשׁ אֲרָצוֹת [1]לַבְּעוּר· יְהוּדָה וְעֵבֶר הַיַּרְדֵּן וְהַגָּלִיל· וְשָׁלֹשׁ שָׁלֹשׁ אֲרָצוֹת לְכָל [2]אֶחָד וְאֶחָד· [3]גָּלִיל הָעֶלְיוֹן· וְגָלִיל הַתַּחְתּוֹן· וְהָעֵמֶק; מִכְּפַר חֲנַנְיָא וּלְמַעְלָן· כָּל־שֶׁאֵינוֹ מְגַדֵּל שִׁקְמִין גָּלִיל הָעֶלְיוֹן; וּמִכְּפַר חֲנַנְיָא וּלְמַטָּן· כָּל־שֶׁהוּא מְגַדֵּל שִׁקְמִין גָּלִיל הַתַּחְתּוֹן; וּתְחוּם טְבֶרְיָא [4]הָעֵמֶק· וּבִיהוּדָה· הָהָר· [5,6]וְהַשְּׁפֵלָה [7]הָעֵמֶק· [5,6]וּשְׁפֵלַת לוֹד כִּשְׁפֵלַת הַדָּרוֹם· וְהָהָר שֶׁלָּהּ [8]כְּהַר הַמֶּלֶךְ· מִבֵּית חוֹרוֹן וְעַד הַיָּם מְדִינָה אֶחָת·

**1** A person may eat of *Sabbatical Year* produce gathered into his house so long as such is still growing where he lives, otherwise it must be either consumed immediately or else destroyed by being burnt or cast into the sea. (*Leviticus* **25,** 7). By clearing all produce out of the house he gives equal opportunity to the poor and the beasts of the field to partake of the Sabbatical fruit. **2** אַחַת

וְאַחַת in some editions. **3** These are the three districts of Galilee. The Valley here mentioned is the Galilean Valley. The seasons vary in each of these districts owing to the different climatic conditions prevailing in various parts of Palestine. **4** The Valley of Galilee. **5** Or *Lowlands*. **6** Sycamores grow plentifully in the שְׁפֵלָה (see *I Kings* **10**, 27). הַשְּׁפֵלָה in some editions. **7** In some editions, וְהַנֶּגֶב הָעֵמֶק. **8** *i.e.*, like the hill-country of Judaea; there the *Sabbatical Year* produce may be eaten as long as the like exists in the king's hill-country fields. (For the geographical location of all these places see *Joshua* **15**).

Mishnah 3

And why did they speak of three countries?—That they may eat[1] in each country until the last therein is ended.[2] R. Simon says,[3] They spoke of three districts only concerning Judaea; and the rest of all the countries are as the king's hill-country. And all these countries are alike[4] regarding olives and dates.[5]

מִשְׁנָה ג

וְלָמָּה אָמְרוּ שָׁלֹשׁ אֲרָצוֹת? שֶׁיְּהוּ אוֹכְלִין בְּכָל אַחַת וְאַחַת עַד שֶׁיִּכְלֶה הָאַחֲרוֹן שֶׁבָּהּ. רַבִּי שִׁמְעוֹן אוֹמֵר, לֹא אָמְרוּ שָׁלֹשׁ אֲרָצוֹת אֶלָּא בִּיהוּדָה. וּשְׁאָר כָּל־הָאֲרָצוֹת כְּהַר הַמֶּלֶךְ. וְכָל הָאֲרָצוֹת כְּאַחַת לְזֵיתִים וְלִתְמָרִים.

**1** In the Sabbatical Year. **2** *i.e.*, until the last of the produce of the Sabbatical Year in that country is ended. **3** His view is not accepted. **4** כְּאֶחָד in some editions. **5** Outside the Judaean hill-country any Sabbatical Year produce may be eaten until the like comes to an end in the Judaean hill-country. Carobs may be eaten all the season; olives may be eaten until the Festival of Weeks of the eighth year and dates until the Purim of the eighth year. Perhaps לִזֵיתִים וְלִתְמָרִים, *regarding the olives and the dates.*

Mishnah 4

They may eat with reference to ownerless[1] produce but not with reference to owned produce; R. Jose[2] permits it even in reference to owned property.[4] They may eat[1,3] with reference to poor grains and to twice-a-year-bearing figs,[5] but not to winter-fruits.[6] R. Judah[7] permits this so long as they ripened before the summer[8] was over.

מִשְׁנָה ד

אוֹכְלִין עַל הַמּוּפְקָר, אֲבָל לֹא עַל הַשָּׁמוּר: רַבִּי יוֹסֵי מַתִּיר אַף עַל הַשָּׁמוּר. אוֹכְלִין עַל הַטְּפִיחִין וְעַל הַדּוּפְרָא, אֲבָל לֹא עַל הַסִּתְוָוִיּוֹת. רַבִּי יְהוּדָה מַתִּיר כָּל־זְמַן שֶׁבִּכְּרוּ עַד שֶׁלֹּא יִכְלֶה הַקַּיִץ.

**1** Or *unowned*. **2** His view is rejected. **3** *i.e.*, *Sabbatical Year* produce that had been brought indoors may be eaten so long as ownerless like produce still exists in the fields, but not so long as it is still in private ownership or 'watched over'. Some authorities take טְפִיחִין to refer to the jar-like receptacle made of clay for birds' nests and so long as seeds, etc., remain in them so long may the like produce be kept indoors; and according to others the Sabbatical Year produce may be eaten so long as the stunted late ripening grain remains in the field. Others refer טְפִיחִין to the parapets of the roof in which receptacles were dug, a טֶפַח (handbreadth) in size in which to store grain for birds to pick. (Compare *I Kings* **7**, 9 'for the foundations to the טְפָחוֹת'). **4** *i.e.*, when it is still found in private ownership or 'watched over'. **5** Or דוּפְרָא, דִּיפְרָא, a species of fig that grows twice a year upon the tree, and the בִּיעוּר, *Removal*, follows the second crop. (דִּיפְרָא is Greek and Latin and means *bearing twice* [a year]). **6** Or הַסִּיתְוָנִיּוֹת, late fruits remaining on trees until winter time. **7** His opinion is not accepted. **8** Of the Sabbatical Year.

Mishnah 5

If one put three kinds of pressed vegetables[1] into one barrel,[2] R. Eliezer says, They may eat[3] them with reference to the first;[4] R. Joshua says, Even with reference to the last.[5] Rabban Gamaliel says, All species that come to an end[6] in the field: one must apply the law of *Removal* to the same species in the barrel; and the law is according to his opinion.[7] R. Simon says, All vegetables are alike regarding the law of *Removal*. They may eat[8] portulaceae[9] until the tares[10] come to an end in the Valley of Beth-Netopha.[11]

מִשְׁנָה ה

הַכּוֹבֵשׁ שְׁלֹשָׁה [1]כְּבָשִׁים [2]בְּחָבִית אַחַת׳ רַבִּי אֱלִיעֶזֶר אוֹמֵר׳ [3]אוֹכְלִין עַל [4]הָרִאשׁוֹן; רַבִּי יְהוֹשֻׁעַ אוֹמֵר׳ אַף עַל [5]הָאַחֲרוֹן׳ רַבָּן גַּמְלִיאֵל אוֹמֵר׳ כָּל־[6]שֶׁכִּלָּה מִינוֹ מִן־הַשָּׂדֶה יְבָעֵר מִינוֹ מִן־הַחָבִית; וְהַלָּכָה [7]כִּדְבָרָיו׳ רַבִּי שִׁמְעוֹן אוֹמֵר׳ כָּל־יָרָק אֶחָד לְבִעוּר׳ [8]אוֹכְלִין [9]בָּרְגִילָה עַד שֶׁיִּכְלוּ [10]סִגְרִיּוֹת מִבִּקְעַת [11]בֵּית נְטוֹפָה׳

**1** *i.e.*, if one preserves in the *Sabbatical Year* three kinds of vegetables, whose seasons vary. **2** In vinegar or brine. **3** *i.e.*, they may be eaten. **4** Until one of the three kinds to ripen is not to be found in the field, in which case all the others equally become forbidden. **5** So long as the last of the three kinds to ripen still remains in the field. He may eat of the others, though these are no longer to be found in the field. **6** Or שְׁכָלָה (*Kal*). **7** The accepted ruling with regard to the three pickled or preserved vegetables is that one must be removed from the barrel the like of which has disappeared from the fields, and the others, even though they may have been impregnated with the flavour of the one

removed, may remain for use. **8** This is an accepted ruling. **9** Or *purslane, purslain.* Of the *Sabbatical Year.* **10** Or אָכְסִינָרִיּוֹת from אָכְסִינָרוֹן. Or *vetches;* greens used for garum (made from small marinated or pickled fish)—a kind of artichoke which thrives lusciously and lasts long in the moist soil of Beth-Netofah. **11** Near Bethlehem in Judah. The soil there is very moist and the tares last long.

Mishnah 6

If one gathered fresh greens, until[1] the moisture[3] has dried up.[2] And if one gathered dried greens, until[4] the second rainfall.[5] Leaves of reeds and leaves of vines, until[6] they fall from their branches; and if one gather them dry, until the second rainfall. R. Akiba says, In all these cases, until[7] the second rainfall.

מִשְׁנָה ו

הַמְּלַקֵּט עֲשַׂבִּים לַחִים [1]עַד [2]שֶׁיִּיבַּשׁ [3]הַמָּתוֹק· וְהַמְּגַבֵּב בַּיָּבֵשׁ [4]עַד שֶׁתֵּרֵד [5]רְבִיעָה שְׁנִיָּה· עֲלֵי קָנִים וַעֲלֵי גְפָנִים· [6]עַד שֶׁיִּשְׁרוּ מֵאֲבִיהֶן: וְהַמְּגַבֵּב בְּיָבֵשׁ· עַד שֶׁתֵּרֵד רְבִיעָה שְׁנִיָּה· רַבִּי עֲקִיבָא אוֹמֵר· בְּכוּלָּן [7]עַד שֶׁתֵּרֵד רְבִיעָה שְׁנִיָּה·

**1** Of the Sabbatical Year produce: he may continue to eat them and this is the accepted ruling. **2** Or שֶׁיִּבֵּשׁ. **3** From the ground. **4** Of the Sabbatical Year: he may eat of them until the second rainfall of the next year, and this is the accepted ruling in the case of vegetables that are usually eaten dry. **5** The rain (גֶּשֶׁם and מָטָר) in Palestine was known as מַלְקוֹשׁ, *latter rain,* light rains in spring, and יוֹרֶה or מוֹרֶה, *former rain,* heavy rains in early autumn. The latter comes in three intervals, רְבִיעוֹת (from root רָבַע, *fructify*), the רְבִיעָה רִאשׁוֹנָה to the 17th חֶשְׁוָן, the רְבִיעָה שְׁנִיָּה to the 23rd חֶשְׁוָן, and the רְבִיעָה שְׁלִישִׁית to 1st כִּסְלֵיו; if the רְבִיעָה רִאשׁוֹנָה falls for seven days continuously it is considered as the whole three רְבִיעוֹת. **6** They may be used until those still remaining in the field fall from the branches. **7** They may continue to be used up to 23rd חֶשְׁוָן after which they are subject to the law of Removal.

Mishnah 7

Similarly, if one hire a house to his fellow[1] until the rains, until[2] the second rainfall. If one take a vow to derive no benefit from his fellow[3] until the rains, until the second rainfall. Until when may the poor enter[4] orchards?[5]—Until the second rainfall. When[6] may they make use of or burn straw and

מִשְׁנָה ז

כֵּיוֹצֵא בוֹ· הַמַּשְׂכִּיר בַּיִת [1]לַחֲבֵירוֹ עַד הַגְּשָׁמִים· [2]עַד שֶׁתֵּרֵד רְבִיעָה שְׁנִיָּה· [3]הַמּוֹדֵר הַנָּאָה מֵחֲבֵירוֹ עַד הַגְּשָׁמִים· עַד שֶׁתֵּרֵד רְבִיעָה שְׁנִיָּה· עַד אֵימָתַי עֲנִיִּים [4]נִכְנָסִים

stubble of the *Sabbatical Year?*— When[6] the second rainfall has fallen.

[5]לְפַרְדְּסוֹת? עַד שֶׁתֵּרֵד רְבִיעָה שְׁנִיָּה. [6]עַד אֵימָתַי נֶהֱנִין וְשׁוֹרְפִין בְּתֶבֶן וּבְקַשׁ שֶׁל שְׁבִיעִית? [6]מִשֶּׁתֵּרֵד רְבִיעָה שְׁנִיָּה.

**1** Or לַחֲבֵרוֹ. **2** *i.e.*, it must be taken to signify until the second rainfall, but not later for fear of damage to the soil and seeds by people trampling over the ground. **3** Or הַמְּדֵר הֲנָאָה מֵחֲבֵרוֹ. **4** Without having to ask permission from the owners. **5** Or *gardens*, *oliveyards*, *vineyards*. *i.e.*, to glean. **6** *i.e.*, *after*, when the straw and stubble left in the field are no longer fit for the animals.

Mishnah 8

If one had *Sabbatical Year* produce[1] and the time[2] for *Removal*[3] arrived, he must allot food for three meals to every person.[4] And the poor may eat[5] after the *Removal*,[6] but not the well-to-do: this is the opinion of R. Judah. R. Jose[7] says, Not only the poor but also the well-to-do may eat[8] after the *Removal*.

מִשְׁנָה ח

מִי שֶׁהָיוּ לוֹ [1]פֵּירוֹת שְׁבִיעִית, וְהִגִּיעַ [2]שְׁעַת [3]הַבִּעוּר, מְחַלֵּק מְזוֹן שָׁלֹשׁ סְעוּדוֹת [4]לְכָל אֶחָד וְאֶחָד. וַעֲנִיִּים [5]אוֹכְלִין אַחַר [6]הַבִּיעוּר אֲבָל לֹא עֲשִׁירִים, דִּבְרֵי רַבִּי יְהוּדָה. רַבִּי [7]יוֹסֵי אוֹמֵר, אֶחָד עֲנִיִּים וְאֶחָד עֲשִׁירִים, [8]אוֹכְלִין אַחַר [3]הַבִּיעוּר.

**1** Or פֵּרוֹת. **2** See this **Chapter,** *Mishnah* 2. **3** Or הַבִּיעוּר. **4** Among his own household first, and then among neighbours, relations and acquaintances, or he simply puts it out of doors and declares that all who wish may eat of it. **5** Of the produce. **6** Or הַבְּעוּר. **7** His ruling is accepted. **8** In some editions אֵין אוֹכְלִין, *may not eat*.

Mishnah 9

If one had *Sabbatical Year* produce that had fallen to him by inheritance or had been presented to him as a gift, R. Eliezer says,[1] It must be given away[2] to such as will eat it; but the Sages say, The sinner must not receive any benefit,[3] but let it be sold[2] to such as will eat it and this money be shared out[4] among all of them. One who eats of the

מִשְׁנָה ט

מִי שֶׁהָיוּ לוֹ פֵּירוֹת שְׁבִיעִית, שֶׁנָּפְלוּ לוֹ בִּירוּשָׁה אוֹ שֶׁנִּתְּנוּ לוֹ בְּמַתָּנָה, רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר, [2]יִנָּתְנוּ לְאוֹכְלֵיהֶן; וַחֲכָמִים אוֹמְרִים, [3]אֵין הַחוֹטֵא נִשְׂכָּר, אֶלָּא [2]יִמָּכְרוּ לְאוֹכְלֵיהֶן, וּדְמֵיהֶם

*dough* from *Sabbatical Year produce* before the *priest's share* was removed[5] is guilty[6] of death.

[4]לְיַתְלְקוּ לְכָל אָדָם· הָאוֹכֵל מֵעַסַּת שְׁבִיעִית עַד שֶׁלֹּא [5]הוּרְמָה חַלָּתָהּ [6]חַיָּיב מִיתָה·

**1** His view is rejected. **2** When the time for 'removal' has arrived. **3** *i.e.*, the possessor or recipient must not be thanked nor give thanks for Sabbatical Year produce. **4** Through בֵּית דִּין so that the donor shall not receive the thanks of the recipients. **5** Though Sabbatical Year produce being הֶפְקֵר, *ownerless*, is free from מַעְשְׂרוֹת, *tithes*, it is nevertheless subject to חַלָּה, *the priest's share of the dough*. **6** Death incurred is only בִּידֵי שָׁמַיִם.

## CHAPTER 10

Mishnah 1

The *Sabbatical Year* cancels[1] any loan whether under a bond or not under a bond. It does not cancel the debt[2] due to a shopkeeper, but if he converted it into a loan then it[3] does cancel it. R. Judah says, A later debt[4] cancels a preceding debt. The wage of a hired person is not cancelled, but if one converted it into a loan then it is cancelled. R. Jose[5] says, All work that must be interrupted[6] in the *Sabbatical Year* is[7] cancelled, but if it need not be interrupted in the *Sabbatical Year*, it[7] is not cancelled.

## פֶּרֶק י

מִשְׁנָה א

שְׁבִיעִית [1]מְשַׁמֶּטֶת אֶת־הַמִּלְוָה, בִּשְׁטַר וְשֶׁלֹּא בִשְׁטָר· הַקָּפַת הַחֲנוּת אֵינָהּ [2]מְשַׁמֶּטֶת, וְאִם עֲשָׂאָהּ מִלְוָה הֲרֵי [3]זֶה מְשַׁמֵּט· רַבִּי יְהוּדָה אוֹמֵר, [4]הָרִאשׁוֹן הָרִאשׁוֹן מְשַׁמֵּט· שְׂכַר שָׂכִיר אֵינוֹ מְשַׁמֵּט, וְאִם עֲשָׂאוֹ מִלְוָה הֲרֵי זֶה מְשַׁמֵּט· רַבִּי [5]יוֹסֵי אוֹמֵר, כָּל־מְלָאכָה שֶׁפּוֹסֶקֶת בַּשְּׁבִיעִית מְשַׁמֶּטֶת, וְשֶׁאֵינָהּ [6]פּוֹסֶקֶת בַּשְּׁבִיעִית [7]אֵינָהּ מְשַׁמֶּטֶת·

**1** A debt can not be reclaimed after the eve of the New Year of the eighth year (see *Deuteronomy* **15,** 2). **2** On trust, because this is not of the nature of a loan. **3** Or better זוֹ מְשַׁמֶּטֶת as in some editions. **4** *i.e.*, if one takes on trust, then again, the first becomes a loan and is cancelled but not the second; similarly, a third borrowing is not cancelled but the two preceding ones are so cancelled; and so on. But R. Judah's view is rejected. **5** His opinion is not accepted. **6** Or *ceases*. **7** *i.e.*, *the hire*.

Mishnah 2

מִשְׁנָה ב

If one slaughtered a cow and shared it[1] on the first[2] day of the Year,[3] and the month were intercalated,[4] the debt[5] is cancelled; but if not, it is not cancelled. The violator[6] and the seducer[7] and the slanderer[8] and all decrees of the court—all debts in connection with these are not cancelled.[9] One who gives a loan on a pledge and he who delivers his bonds to the court[10]—the debts owing to them are not[11] cancelled.

הַשּׁוֹחֵט אֶת־הַפָּרָה [1]וְחִלְּקָהּ [2]בְּרֹאשׁ [3]הַשָּׁנָה, אִם הָיָה הַחֹדֶשׁ [4]מְעוּבָּר [5]מְשַׁמֵּט, וְאִם לֹא אֵינוֹ מְשַׁמֵּט. [6]הָאוֹנֵס [7]וְהַמְפַתֶּה [8]וְהַמּוֹצִיא שֵׁם רָע וְכָל מַעֲשֵׂה בֵית דִּין [9]אֵין מְשַׁמְּטִין. הַמַּלְוֶה עַל הַמַּשְׁכּוֹן וְהַמּוֹסֵר שְׁטָרוֹתָיו [10]לְבֵית דִּין [11]אֵינָן [9]מְשַׁמְּטִין.

**1** Among buyers. **2** On the *first* day of the New Year. **3** The eighth year (the year following the Sabbatical Year). **4** Or מְעֻבָּר. עִבֵּר, *add to, complement, declare a leap-year month*, intercalate or complement a month by adding an extra day. (*i.e.*, extending the month to 30 days). In this case the extra day, 30th day, was the last day of the Sabbatical Year. **5** Incurred by the purchasers of the flesh. **6** *Deuteronomy* **22,** 29. **7** *Exodus* **22,** 16, 17. **8** Or *libeller. Deuteronomy* **22,** 13-19. **9** אֵינָן מְשַׁמְּטִים in some texts. **10** That the court should reclaim the debt. **11** Or אֵינָם.

Mishnah 3

מִשְׁנָה ג

A *prozbul*[1] is not cancelled.[2] This is one of the things which Hillel the Elder instituted; when he saw that the people refrained from giving loans[3] to one another and transgressed[4] what was written in the Law,[5] *Take heed unto thyself lest there be a base thought in thy heart, etc.*, Hillel established the *prozbul.*

[1]פְּרוֹזְבּוֹל [2]אֵינוֹ מְשַׁמֵּט. זֶה אֶחָד מִן־הַדְּבָרִים שֶׁהִתְקִין הִלֵּל הַזָּקֵן; כְּשֶׁרָאָה שֶׁנִּמְנְעוּ הָעָם [3]מֵהַלְוֹות זֶה אֶת־זֶה, [4]וְעוֹבְרִין עַל מַה [5]שֶּׁכָּתוּב בַּתּוֹרָה, הִשָּׁמֶר לְךָ פֶּן יִהְיֶה דָּבָר עִם לְבָבְךָ בְּלִיַּעַל וְגוֹמֵר, הִתְקִין הִלֵּל פְּרוֹזְבּוֹל.

**1** A *prozbul*, פְּרוֹסְבּוֹל, is a declaration made in court by a creditor and signed by witnesses before the execution of a loan that the advent of the Sabbatical Year shall not apply to and cancel the said loan (פֵּאָה 3[6]; *Deuteronomy* **15,** 9). **2** *i.e.*, a loan secured by a פְּרוֹסְבּוֹל is not cancelled by the *Sabbatical Year.* **3** מִלְּהַלְווֹת in some editions. **4** Or וְעוֹבְרִים. **5** See **Introduction.**

Mishnah 4

This is the essential formula of the *prozbul: I give*[1] *into your charge so-and-so, the judges*[2] *in such-and-such-a-place, that every debt due to me I may collect whensoever I desire.* And the judges,[3] or the witnesses, sign below.

מִשְׁנָה ד

זֶהוּ גּוּפוֹ שֶׁל פְּרוֹזְבּוֹל: [1]מוֹסֵר אֲנִי לָכֶם אִישׁ פְּלוֹנִי וּפְלוֹנִי, [2]הַדַּיָּנִים שֶׁבַּמָּקוֹם פְּלוֹנִי, שֶׁכָּל חוֹב שֶׁיֵּשׁ לִי, שֶׁאֶגְבֶּנּוּ כָּל־זְמַן שֶׁאֶרְצֶה. [3]וְהַדַּיָּנִים חוֹתְמִין לְמַטָּה אוֹ הָעֵדִים.

**1** The lender makes this declaration before two or three witnesses. **2** Or הַדַּיָּנִים **3** Or וְהַדַּיָּנִים חוֹתְמִים.

Mishnah 5

An antedated[1] *prozbul* is valid, but a postdated[2] one is invalid. Antedated[4] bonds[3] are invalid,[5] but postdated[6] ones are valid. If one borrow from five persons, a *prozbul* is made out for each separately.[7] If five persons borrow[8] from one, he does not have to draw up more than one[9] *prozbul* for them all.

מִשְׁנָה ה

פְּרוֹזְבּוֹל [1]הַמּוּקְדָּם כָּשֵׁר, [2]וְהַמְּאוּחָר פָּסוּל. [3]שְׁטָרֵי חוֹב [4]הַמּוּקְדָּמִים [5]פְּסוּלִים, [6]וְהַמְּאוּחָרִים כְּשֵׁרִים. אֶחָד לוֶה מֵחֲמִשָּׁה כּוֹתֵב פְּרוֹזְבּוֹל לְכָל [7]אֶחָד וְאֶחָד. חֲמִשָּׁה [8]לוֹוִין מֵאֶחָד, אֵינוֹ כּוֹתֵב אֶלָּא פְּרוֹזְבּוֹל [9]אֶחָד לְכוּלָּם.

**1** This proves it to be genuine because the lender loses advantage thereby as it can not cover any bonds contracted later. **2** The *prozbul* can not cover future debts. **3** Or *notes of indebtedness*. **4** It is against the law to make claims on loans not yet contracted. Or הַמְּקֻדָּמִים. **5** פְּסוּלִין in some editions. **6** וְהַמְּאוּחָרִין in some editions. Here the document is valid, because evidently the lender is at a disadvantage as he can not claim on loans contracted before the date on the bonds. Or וְהַמְּאֻחָרִים. **7** Each creditor's name must be entered on a separate *prozbul*. **8** Or לוֹוִין, לוִים. **9** One inclusive *prozbul* for the five borrowers, or all five borrowers' names are entered on the one document.

Mishnah 6

A *prozbul* may be written[1] only for immovable property;[2,3] if he[4] have none, the other[5] transfers to him any part of his own field. If he[6] had

מִשְׁנָה ו

אֵין [1]כּוֹתְבִין פְּרוֹזְבּוֹל אֶלָּא עַל [3,2]הַקַּרְקַע; אִם אֵין [4]לוֹ, מְזַכֶּה

*party is to hand over to buyer*). קַרְקַע, *land*, is taken possession of by a buyer by (a) כֶּסֶף (*ready money*); (b) שְׁטָר (*document from seller*); (c) חֲזָקָה (*e.g., buyer locks up and keeps key*); (d) חֲלִיפִין (*buyer gives object in exchange*). **4** Without the act of מְשִׁיכָה either party can repudiate a deal. **5** Or הַמְּקַיֵּם. He who keeps to a deal without מְשִׁיכָה.

## סְלִיק מַסֶּכֶת שְׁבִיעִית

## CONCLUSION OF TRACTATE SHEVIITH

# תְּרוּמוֹת

# TERUMOTH

[BEING THE
SIXTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*
*NOTES*

By

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# תְּרוּמוֹת

# TERUMOTH

# INTRODUCTION

The מַסֶּכֶת תְּרוּמוֹת (**Tractate Terumoth**) is the sixth of the סֵדֶר זְרָעִים (**Order Zeraim**). It has no גְּמָרָא in the תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* but there is גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.* This *Tractate* is based on *Numbers* **18,** 8, 12, 24, 26, and *Deuteronomy* **18,** 4.

*Numbers* 18,

(8) וַיְדַבֵּר ה׳ אֶל־אַהֲרֹן וַאֲנִי הִנֵּה נָתַתִּי לְךָ אֶת־מִשְׁמֶרֶת תְּרוּמֹתָי לְכָל־קָדְשֵׁי בְּנֵי יִשְׂרָאֵל לְךָ נְתַתִּים לְמִשְׁחָה וּלְבָנֶיךָ לְחָק עוֹלָם׃

And the Eternal spake unto Aaron, And I, behold, have given thee the charge of My heave-offerings of all the hallowed things of the children of Israel; unto thee have I given them for a consecrated portion, and to thy sons, as a statute for ever.

(12) כֹּל חֵלֶב יִצְהָר וְכָל־חֵלֶב תִּירוֹשׁ וְדָגָן רֵאשִׁיתָם אֲשֶׁר יִתְּנוּ לַה׳ לְךָ נְתַתִּים׃

All the best of the oil, and all the best of the wine, and of the corn, the first part of them which they shall give unto the Eternal, to thee have I given them.

(24) כִּי אֶת־מַעֲשַׂר בְּנֵי יִשְׂרָאֵל אֲשֶׁר יָרִימוּ לַה׳ תְּרוּמָה נָתַתִּי לַלְוִיִּם לְנַחֲלָה עַל־כֵּן אָמַרְתִּי לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחָלוּ נַחֲלָה׃

For the tithe of the children of Israel, which they separate as a heave-offering unto the Eternal, I have given to the Levites for an inheritance; therefore I have said unto them, Among the children of Israel they shall not have an inheritance.

(26) וְאֶל־הַלְוִיִּם תְּדַבֵּר וְאָמַרְתָּ אֲלֵיהֶם כִּי תִקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל אֶת־הַמַּעֲשֵׂר אֲשֶׁר נָתַתִּי לָכֶם מֵאִתָּם בְּנַחֲלַתְכֶם וַהֲרֵמֹתֶם מִמֶּנּוּ תְּרוּמַת ה׳ מַעֲשֵׂר מִן־הַמַּעֲשֵׂר׃

And unto the Levites shalt thou speak, and say unto them, When ye take of the children of Israel the tithe which I have given you from them for your inheritance then ye shall separate of it a heave-offering for the Eternal, even a tithe of the tithe.

*Deuteronomy* **18,**

(4) רֵאשִׁית דְּגָנְךָ תִּירֹשְׁךָ וְיִצְהָרֶךָ וְרֵאשִׁית גֵּז צֹאנְךָ תִּתֶּן־לוֹ׃

The first-fruits of thy corn, of thy wine, and of thine oil, and the first of the fleece of thy flock shalt thou give to him.

Mishnah 3

If a minor have not produced two hairs,[1] R. Judah says, His separation of the *priest's-due* is valid *priest's-due*. R. Jose says,[2] If he have not yet reached the[3] age when his vows are valid, his separation of the *priest's-due* is invalid; but if he had reached[4] the age when his vows are valid, his separation of the *priest's-due* is valid.

מִשְׁנָה ג

קָטָן שֶׁלֹּא הֵבִיא [1]שְׁתֵּי*שְׂעָרוֹת, רַבִּי יְהוּדָה אוֹמֵר, תְּרוּמָתוֹ תְּרוּמָה. רַבִּי [2]יוֹסֵי אוֹמֵר, אִם עַד שֶׁלֹּא בָא [3]לְעוֹנַת נְדָרִים אֵין תְּרוּמָתוֹ תְּרוּמָה; [4]מִשֶּׁבָּא לְעוֹנַת נְדָרִים תְּרוּמָתוֹ תְּרוּמָה.

**1** The token of having attained to puberty. **2** His ruling is accepted. **3** In the case of a boy, twelve years and one day; in that of a girl, eleven years and one day. (But according to the Rambam, a year later in each case). **4** וּמִשֶּׁבָּא in some editions. *Or שַׁעֲרוֹת

Mishnah 4

One may not separate the *priest's-due* from olives instead of from oil, or from grapes instead of from wine, and if they have so separated, the School of Shammai say,[1] The separated portion is valid for its own produce;[1] but the School of Hillel say,[2] Their separated portion is not valid *priest's-due*.

מִשְׁנָה ד

אֵין תּוֹרְמִין זֵיתִים עַל הַשֶּׁמֶן וְלֹא עֲנָבִים עַל הַיַּיִן; וְאִם תָּרְמוּ, בֵּית שַׁמַּאי אוֹמְרִים, [1]תְּרוּמַת עַצְמָן בָּהֶם; [2]וּבֵית הִלֵּל אוֹמְרִים, אֵין תְּרוּמָתָן תְּרוּמָה.

**1** *i.e.*, for the olives or the grapes. **2** Their opinion is the accepted ruling.

Mishnah 5

One may not separate the *priest's-due* from[1] *gleanings*, or from the *forgotten gleaning*, or from the *field-corner*, or from the *ownerless produce;* or from the *first tithe* from which the *priest's-due* had been separated, or from the *second tithe* or *dedicated produce* which has been redeemed,[2] or from that which is liable [to tithes] instead of from what is exempt, or from what is exempt instead of from

מִשְׁנָה ה

אֵין [1]תּוֹרְמִין מִן־הַלֶּקֶט, וּמִן־הַשִּׁכְחָה, וּמִן־הַפֵּאָה, וּמִן־הַהֶפְקֵר, וְלֹא מִמַּעֲשֵׂר רִאשׁוֹן שֶׁנִּטְּלָה תְּרוּמָתוֹ, וְלֹא מִמַּעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁנִּפְדּוּ, [2]וְלֹא מִן־הַחִיּוּב עַל הַפָּטוּר, וְלֹא מִן־הַפָּטוּר עַל הַחִיּוּב, [3]וְלֹא מִן־הַתָּלוּשׁ עַל [4]הַמְחוּבָּר, וְלֹא

מִן־[4]הַמְּחוּבָּר עַל הַתָּלוּשׁ, וְלֹא מִן־[5]הֶחָדָשׁ עַל [6]הַיָּשָׁן, וְלֹא מִן־[6]הַיָּשָׁן עַל [5]הֶחָדָשׁ, וְלֹא מִפֵּירוֹת הָאָרֶץ עַל פֵּירוֹת חוּצָה לָאָרֶץ, וְלֹא מִפֵּירוֹת חוּצָה לָאָרֶץ עַל פֵּירוֹת הָאָרֶץ. וְאִם תָּרְמוּ, אֵין תְּרוּמָתָן תְּרוּמָה.

what is liable,[3] or from that which is plucked instead of from what is unplucked,[4] or from what is unplucked[4] is plucked, or from the new produce[5] for the old produce,[6] or from the old produce[6] for the new produce,[5] or from produce of Palestine for produce from outside Palestine, or from produce outside Palestine for produce of Palestine. And if one have so separated *priest's-due* it is not valid.

**1** The first three referred to in this *Mishnah*, *viz.*, gleanings, the forgotten sheaf, and the field-corner, are מַתְּנוֹת עֲנִיִּים—'gifts to the poor'--and one cannot use them, or part of them, as *priest's-due* for other produce which is still טֵבֶל. **2** שֶׁלֹּא נִפְדּוּ, 'which have not been redeemed,' in some editions. **3** Produce becomes liable to tithe only when it has grown to a third of its full size. **4** Or הַמְּחֻבָּר. **5** The produce of the present year. **6** The preceding year's produce.

מִשְׁנָה ו

חֲמִשָּׁה לֹא יִתְרוֹמוּ, וְאִם תָּרְמוּ, תְּרוּמָתָן תְּרוּמָה, [1]הָאִלֵּם, [2]וְהַשִּׁכּוֹר, וְהָעָרוֹם, [3]וְהַסּוּמָא, [4]וּבַעַל קֶרִי לֹא יִתְרוֹמוּ, וְאִם תָּרְמוּ, תְּרוּמָתָן תְּרוּמָה.

Mishnah 6

There are five who may not separate the *priest's-due*, but if they have separated it, their separated due is valid *priest's-due;* he who is dumb,[1] or drunk,[2] or naked, or blind,[3] and one who has suffered pollution,[4] may not separate the *priest's-due*, but if they have so separated the *priest's-due*, their separated due is valid *priest's-due*.

**1** One who hears but cannot speak, for he cannot recite the appropriate Benediction. Similarly a nude person may not recite the Benediction. **2** Who is incapable of reciting the Benediction with due seriousness and devotion and is unable to distinguish between the good and inferior products. **3** Who is not able to see the quality of what he is separating. **4** i.e., expelled semen virile.

מִשְׁנָה ז

אֵין תּוֹרְמִין לֹא בְמִדָּה, וְלֹא בְמִשְׁקָל, וְלֹא בְמִנְיָן; אֲבָל תּוֹרֵם הוּא אֶת־הַמָּדוּד, וְאֶת־הַשָּׁקוּל,

Mishnah 7

The *priest's-due* may not be separated by measure, by weight or by number; but one may separate from that which has been measured, or weighed or numbered. One may

וְאֶת־הַמָּנוּי· אֵין תּוֹרְמִין בְּסַל
[1]וּבְקוּפָּה [2]שֶׁהֵם שֶׁל מִדָּה, אֲבָל
תּוֹרֵם הוּא בָּהֶן חֶצְיָין וּשְׁלִישָׁן·
לֹא יִתְרוֹם בִּסְאָה חֲצִיָּה, [3]שֶׁחֲצִיָּה
מִדָּה·

not separate the *priest's-due* in a basket or tub[1] which holds a given measure,[2] but one may separate it therein if it be a half or a third part filled. One must not separate the *priest's-due* in a *seah*-measure half-full because half of it is a known measure.[3]

**1** Or *hamper*, *big basket*. **2** Because of מַרְאִית הָעַיִן, *for appearance's sake*, *i.e.*, it may appear to the onlooker as if the *priest's-due* is being separated in a known measure. **3** Because inside the *seah*-measure there is sometimes a mark to show half of a *seah*. A *seah* is about 60 pints (see זְרָעִים **Introduction**, *Tables*).

מִשְׁנָה ח

אֵין תּוֹרְמִין שֶׁמֶן עַל זֵיתִים
[1]הַנִּכְתָּשִׁין, וְלֹא יַיִן עַל עֲנָבִים
הַנִּדְרָכִים; וְאִם תָּרַם, תְּרוּמָתוֹ
תְּרוּמָה וְיַחֲזוֹר וְיִתְרוֹם; [2]הָרִאשׁוֹנָה
מְדַמַּעַת בִּפְנֵי עַצְמָהּ וְחַיָּבִין עָלֶיהָ
[3]חוֹמֶשׁ אֲבָל לֹא שְׁנִיָּה·

Mishnah 8

One may not separate the *priest's-due* from oil instead of from olives that are to be pressed,[1] or from wine instead of from grapes that are to be trodden; nevertheless if one have thus separated, the separated produce is regarded as valid *priest's-due*, but he must separate a second lot of *priest's-due* from the produce: the first[2] renders other produce into which it may fall liable itself to the law of *priest's-due* and is subject to the law of the *added fifth*,[3] but this is not so with the second.

**1** The olives have been crushed but the oil from them has not yet been expressed. **2** If the first *priest's-due*, of the two just mentioned, fell into other ordinary, or non-holy, produce (חוּלִין) which is less than a hundred times the amount of the admixed *priest's-due*, the mixture may not be eaten by a יִשְׂרָאֵל, *non-priest*, but if a יִשְׂרָאֵל unwittingly did eat of it he must atone for it by paying its value plus a fifth. But in the case of the second *priest's-due*, which is only מִדְּרַבָּנָן (a rabbinical enactment ordained as a precaution), this law of the *added fifth* does not apply. **3** *Leviticus* **5,** 16.

מִשְׁנָה ט

וְתוֹרְמִין שֶׁמֶן עַל זֵיתִים [1]הַנִּכְבָּשִׁים,
וְיַיִן עַל עֲנָבִים [2]לַעֲשׂוֹתָם צִמּוּקִים·

Mishnah 9

One may separate the *priest's-due* from oil instead of from preserved olives[1] and from wine instead of

הֲרֵי שֶׁתָּרַם שֶׁמֶן עַל זֵיתִים לַאֲכִילָה, וְזֵיתִים עַל זֵיתִים לַאֲכִילָה, וְיַיִן עַל עֲנָבִים לַאֲכִילָה, וַעֲנָבִים עַל עֲנָבִים לַאֲכִילָה, וְנִמְלַךְ לְדוֹרְכָן, אֵין צָרִיךְ לִתְרוֹם.

from grapes that are to be turned[2] into raisins. If one separated the *priest's-due* from oil instead of from olives intended for eating or from other olives instead of from olives meant to be eaten, or from wine instead of from grapes intended to be eaten or from other grapes instead of from grapes meant for eating, and he decided later to press them, he does not have to separate *priest's-due* a second time.

**1** Salted olives were preserved in wine or vinegar or water. **2** לַעֲשׂוֹתָן in some editions.

מִשְׁנָה י

Mishnah 10

אֵין תּוֹרְמִין מִדָּבָר שֶׁנִּגְמְרָה[1] מְלַאכְתּוֹ עַל דָּבָר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ, וְלֹא מִדָּבָר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ עַל דָּבָר שֶׁנִּגְמְרָה מְלַאכְתּוֹ, וְלֹא מִדָּבָר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ עַל דָּבָר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ; וְאִם תָּרְמוּ, תְּרוּמָתָן תְּרוּמָה.

One may not separate the *priest's-due* from produce whose preparation is completed[1] instead of from produce whose preparation is not finished, or from produce whose preparation is not completed instead of from produce whose preparation is completed, or from produce whose preparation is not completed instead of from other produce whose preparation is not finished; but if they have thus separated, their separation is valid *priest's-due.*

**1** When the heap of grain has been smoothed over.

## CHAPTER 2

## פֶּרֶק ב

מִשְׁנָה א

Mishnah 1

אֵין תּוֹרְמִין מִטָּהוֹר עַל הַטָּמֵא, וְאִם תָּרְמוּ תְּרוּמָתָן תְּרוּמָה. [1]בֶּאֱמֶת אָמְרוּ, הָעִגּוּל שֶׁל דְּבֵילָה, שֶׁנִּטְמָא מִקְצָתוֹ, תּוֹרֵם מִן־הַטָּהוֹר שֶׁיֵּשׁ בּוֹ עַל הַטָּמֵא שֶׁיֵּשׁ בּוֹ. וְכֵן אֲגוּדָה שֶׁל

One may not separate *priest's-due* from what is clean instead of from what is unclean; but if they have thus separated, their separation is valid *priest's-due.* Rightly[1] have they said that a cake of pressed figs of which the smaller part became unclean—one may separate from the clean portion therein

[2]יֶרֶק וְכֵן עֲרֵימָה· הָיוּ שְׁנֵי עִגּוּלִים, שְׁתֵּי אֲגוּדוֹת, שְׁתֵּי עֲרֵימוֹת, אַחַת טְמֵאָה וְאַחַת טְהוֹרָה, לֹא יִתְרוֹם [3]מִזֶּה עַל [4]זֶה· רַבִּי [5]אֱלִיעֶזֶר אוֹמֵר, תּוֹרְמִין מִן־הַטָּהוֹר עַל הַטָּמֵא·

for the unclean portion in it. And likewise also in the case of a bundle of greens,[2] and similarly with a heap of grain. If there were two cakes, or two bundles, or two heaps, one unclean and the other clean, one must not separate the *priest's-due* from one[3] for the other.[4] R. Eliezer[5] says, One may separate the *priest's-due* from the clean instead of from the unclean.

**1** This is a formula denoting an ancient tradition bearing the same authority as if it were הֲלָכָה לְמֹשֶׁה מִסִּינַי—*a law of Moses from Sinai*—and therefore above dispute. **2** Or *vegetables*. **3** From the clean. **4** The unclean. **5** His view is not accepted.

מִשְׁנָה ב

אֵין תּוֹרְמִין[1] מִן־הַטָּמֵא [2]עַל הַטָּהוֹר, וְאִם תָּרַם, שׁוֹגֵג תְּרוּמָתוֹ תְּרוּמָה; וּמֵזִיד, לֹא עָשָׂה כְּלוּם· וְכֵן בֶּן לֵוִי, שֶׁהָיָה לוֹ [3]מַעֲשֵׂר טֶבֶל, הָיָה מַפְרִישׁ עָלָיו וְהוֹלֵךְ, שׁוֹגֵג, מַה־שֶּׁעָשָׂה עָשׂוּי; מֵזִיד, לֹא עָשָׂה כְּלוּם· רַבִּי [4]יְהוּדָה אוֹמֵר, [5]אִם הָיָה יוֹדֵעַ בּוֹ בַּתְּחִלָּה, אַף עַל פִּי שֶׁהוּא שׁוֹגֵג, לֹא עָשָׂה כְּלוּם·

Mishnah 2

One may not separate[1] the *priest's-due* from what is unclean for[2] what is clean, and if one have so separated, then if it were done in error, his separation is valid *priest's-due;* but if it were done wilfully, his act has no legal validity. And similarly a Levite, who was in possession of *tithe*[3] from which the *priest's-due* had not been separated, and he separated the *priest's-due* from this instead of from other produce, if he did so in error, what he has done is valid, but if he did so wittingly, his act is null and void. R. Judah says,[4] If he knew of it[5] at the outset, even if he acted in error, his act is void.

**1** Because the כֹּהֵן, *priest*, loses thereby. **2** Or *instead of from*. **3** תְּרוּמָה קְטַנָּה or תְּרוּמַת מַעֲשֵׂר (see **Introduction**) must be separated from מַעֲשֵׂר רִאשׁוֹן, *first tithe*, before the Levite may eat of it. **4** His view is rejected. **5** *i.e.*, that it was unclean.

Mishnah 3

If one immerse[1] utensils[2] on the Sabbath, if in error, he may make use of them, but if wilfully, he must not use them. If one tithed or cooked on the Sabbath, if he did so in error, he may eat[3] of it, but if knowlingy, he must not eat[4] of it. If one plant on the Sabbath, if he do it in error, he may let it remain, but if wilfully, he must uproot it; but in the *Sabbatical Year*,[5] whether he did so in error or wilfully, he must uproot it.

מִשְׁנָה ג

[1]הַמַּטְבִּיל [2]כֵּלִים בְּשַׁבָּת, שׁוֹגֵג יִשְׁתַּמֵּשׁ בָּהֶם, מֵזִיד לֹא יִשְׁתַּמֵּשׁ בָּהֶם· הַמְעַשֵּׂר וְהַמְבַשֵּׁל בְּשַׁבָּת, שׁוֹגֵג [3]יֹאכַל, מֵזִיד [4]לֹא יֹאכַל· הַנּוֹטֵעַ בְּשַׁבָּת, שׁוֹגֵג יְקַיֵּים, מֵזִיד יַעֲקוֹר; [5]וּבַשְּׁבִיעִית, בֵּין שׁוֹגֵג בֵּין מֵזִיד יַעֲקוֹר·

**1** This is equivalent to repairing a vessel and is therefore an act of work forbidden on the Sabbath. **2** Unclean ones. **3** Immediately after the Sabbath. **4** But others may eat it immediately after the Sabbath. **5** Literally, *Seventh Year*. Because then he would be suspected of violating the Sabbatical law.

Mishnah 4

One may not separate the *priest's-due* from one kind for another kind, and if one have done so[1] his separation is not valid *priest's-due*. All kinds of wheat count as one kind, and all kinds of figs and dried figs and cakes of figs count as one kind, and one may separate the *priest's-due* from the one[3] instead of from the other. Whenever there is a priest, one must separate the *priest's-due* from the choicest;[4] but where there is no priest, one should separate from the kind that best endures.[5] R. Judah says,[6] In every case one should separate from the choicest kind.

מִשְׁנָה ד

אֵין תּוֹרְמִין מִמִּין עַל שֶׁאֵינוֹ מִינוֹ; וְאִם [1]תָּרַם, אֵין תְּרוּמָתוֹ תְּרוּמָה· כָּל־מִין חִטִּים אֶחָד, כָּל־מִין [2]תְּאֵנִים וּגְרוֹגְרוֹת וּדְבֵלָה אֶחָד, וְתוֹרֵם [3]מִזֶּה עַל זֶה· כָּל־מָקוֹם שֶׁיֵּשׁ כֹּהֵן, תּוֹרֵם מִן־הַיָּפֶה; וְכָל־מָקוֹם שֶׁאֵין כֹּהֵן, תּוֹרֵם מִן־[5]הַמִּתְקַיֵּים· רַבִּי [6]יְהוּדָה אוֹמֵר, לְעוֹלָם הוּא תּוֹרֵם מִן־הַיָּפֶה·

**1** Literally, *separated* (the priest's-due). **2** תְּאֵנִים are fresh, undried figs. There are pale figs and dark figs. **3** *i.e.*, in each respective group thus mentioned. **4** For instance, from תְּאֵנִים instead of גְּרוֹגְרוֹת. **5** For example, from גְּרוֹגְרוֹת instead of תְּאֵנִים. **6** His view is not accepted.

Mishnah 5

They should separate as the *priest's-due* a whole small[1] onion and not half of a large onion. R. Judah says, Not so, but half of a large onion. And so, also, R. Judah used to say, They may separate the *priest's-due* from town onions instead of from village onions, but not from village onions instead of from onions, because these[2] are the food[3] of the upper classes.

מִשְׁנָה ה

תּוֹרְמִין בָּצֵל [1]קָטָן שָׁלֵם, וְלֹא חֲצִי בָּצֵל גָּדוֹל. רַבִּי יְהוּדָה אוֹמֵר, לֹא כִי, אֶלָּא חֲצִי בָּצֵל גָּדוֹל. וְכֵן הָיָה רַבִּי יְהוּדָה אוֹמֵר, תּוֹרְמִין בְּצָלִים מִבְּנֵי הַמְּדִינָה עַל הַכּוֹפְרִים, אֲבָל לֹא מִן־הַכּוֹפְרִים עַל בְּנֵי הַמְּדִינָה, מִפְּנֵי [2]שֶׁהוּא [3]מַאֲכָל פּוֹלִיטִיקִין.

**1** Because it keeps better than one cut open, even if the latter be superior. **2** *i.e.*, *the town onions.* Literally, *it is.* **3** They are choicer than the village onions.

Mishnah 6

One may separate the *priest's-due* from oil-olives[1] for preserving-olives[2] but not from preserving-olives instead of from oil-olives; and from unboiled wine[3] instead of from boiled wine, but not from boiled wine instead of from unboiled wine. This is the general principle: all kinds of produce which together would be regarded as *diverse kinds*,[4] one must not separate the *priest's-due* from one for the other, not even from the choicer for the worse; if they be not *forbidden-junction* with reference to one another, one may separate the *priest's-due* from the choicer for the inferior, but not from the inferior for the choicer; still, if the *priest's-due* have been separated from the inferior instead of from the superior, the separation is valid *priest's-due*, except only when darnel[5] is given instead of wheat because this is not

מִשְׁנָה ו

וְתוֹרְמִין [1]זֵיתֵי שֶׁמֶן עַל זֵיתֵי כֶבֶשׁ, וְלֹא [2]זֵיתֵי כֶבֶשׁ עַל זֵיתֵי שֶׁמֶן; [3]וְיַיִן שֶׁאֵינוֹ מְבוּשָׁל עַל הַמְּבוּשָׁל, וְלֹא מִן־הַמְּבוּשָׁל עַל שֶׁאֵינוֹ מְבוּשָׁל. זֶה הַכְּלָל, כָּל־שֶׁהוּא [4]כִּלְאַיִם בַּחֲבֵירוֹ לֹא יִתְרוֹם מִזֶּה עַל זֶה, אֲפִילוּ מִן־הַיָּפֶה עַל הָרָע; וְכָל שֶׁאֵינוֹ כִּלְאַיִם בַּחֲבֵירוֹ תּוֹרֵם מִן־הַיָּפֶה עַל הָרָע, אֲבָל לֹא מִן־הָרָע עַל הַיָּפֶה; וְאִם תָּרַם מִן־הָרָע עַל הַיָּפֶה תְּרוּמָתוֹ תְּרוּמָה חוּץ מִן־[5]הַזּוּנִין עַל הַחִטִּים שֶׁאֵינָן אוֹכֶל.

a food. Cucumbers[6] and musk-melons[7] are counted as one kind; R. Judah[8] says, Two kinds.[9]

[6]הַקִּישׁוֹת [7]וְהַמְּלָפְּפוֹן מִין אֶחָד; רַבִּי [8]יְהוּדָה אוֹמֵר, [9]שְׁנֵי מִינִין.

**1** These are superior to the others. **2** Or *pickling-olives*. **3** This is superior to boiled wine. **4** And therefore prohibited to be joined together, diverse kinds or *prohibited junction*. **5** Or *vetch*, *tare*, *rue-grass*. Compare כִּלְאַיִם 1[1]. See *Supplement*. **6** וְהַקִּישׁוֹת in some editions. **7** Or וְהַמְּלָפְּפוֹן. Or *musk-melon*, *cucumber-melon*. **8** His view is rejected. **9** Compare כִּלְאַיִם 1[2].

## CHAPTER 3 — פֶּרֶק ג

### Mishnah 1 — מִשְׁנָה א

If one separated a cucumber as *priest's-due* and it was found bitter, or a melon and it was found decayed, it is valid *priest's-due* but he must give the *priest's-due* afresh. If one separated as *priest's-due* a barrel of wine and it was found turned to vinegar, if it were known that it had turned to vinegar before he had separated it, then it is not valid *priest's-due*, but if it had turned to vinegar after he had separated it, then this is valid *priest's-due;* if it were in doubt, it is valid *priest's-due*[1] but he must give *priest's-due* afresh. The first[2] does not of itself render liable to the law of *priest's-due*,[3] and it is not subject to the law of the *added fifth*,[4] and likewise, also, it is with the second.

הַתּוֹרֵם קִישׁוֹת וְנִמְצֵאת מָרָה, אֲבַטִּיחַ וְנִמְצָא סָרוּחַ, תְּרוּמָה וְיַחֲזוֹר וְיִתְרוֹם. הַתּוֹרֵם חָבִית שֶׁל יַיִן וְנִמְצֵאת שֶׁל חוֹמֶץ, אִם יָדוּעַ שֶׁהָיְתָה שֶׁל חוֹמֶץ עַד שֶׁלֹּא תְרָמָהּ אֵינָהּ תְּרוּמָה, אִם מִשֶּׁתְּרָמָהּ הֶחֱמִיצָה הֲרֵי זוֹ תְּרוּמָה; אִם סָפֵק, תְּרוּמָה וְיַחֲזוֹר וְיִתְרוֹם. [2]הָרִאשׁוֹנָה אֵינָהּ [3]מְדַמַּעַת בִּכְנֵי עַצְמָהּ, וְאֵין חַיָּבִין עָלֶיהָ [4]חוֹמֶשׁ, וְכֵן הַשְּׁנִיָּה.

**1** And both must be given up to the כֹּהֵן, *priest*, who however must repay the value of the first (which is greater than the second). **2** *i.e.*, of the two cases just mentioned. Compare 1[8]. **3** *i.e.*, any other produce into which it may fall. **4** If a non-priest ate it; but the value itself must be paid.

### Mishnah 2 — מִשְׁנָה ב

If one of them fell into non-holy produce, it does not render it subject to the law of the *priest's-due*.[1] If the other fell somewhere else,[2] it does not render it subject to

נָפְלָה אַחַת מֵהֶן לְתוֹךְ הַחוּלִין אֵינָהּ [1]מְדַמַּעַתָּן. נָפְלָה שְׁנִיָּה [2]לִמְקוֹם אַחֵר, אֵינָהּ מְדַמַּעַתָּן. נָפְלוּ שְׁתֵּיהֶן

לְמָקוֹם אֶחָד מְדַמְּעוֹת כִּקְטַנָּה שֶׁבִּשְׁתֵּיהֶן·[3]

the law of the *priest's-due*. If both of them fell into the same place, they make it subject to the law of the *priest's-due* according to the smaller of the two.[3]

**1** מְדַמַּעַת in some editions. **2** In the same produce. **3** *i.e.*, if the smaller of the two quantities is not less than one-hundredth of the whole mixture this comes under the law of the priest's-due. A quantity equal to the two together is removed, as תְּרוּמָה, and given to the כֹּהֵן, and the remainder is חוּלִין as before.

Mishnah 3

מִשְׁנָה ג

הַשּׁוּתָּפִין שֶׁתָּרְמוּ זֶה אַחַר זֶה, רַבִּי עֲקִיבָא אוֹמֵר, תְּרוּמַת שְׁנֵיהֶם תְּרוּמָה; וַחֲכָמִים אוֹמְרִים, תְּרוּמַת הָרִאשׁוֹן תְּרוּמָה. רַבִּי יוֹסֵי אוֹמֵר, אִם תָּרַם הָרִאשׁוֹן [1]כְּשִׁיעוּר אֵין תְּרוּמַת הַשֵּׁנִי תְּרוּמָה, וְאִם לֹא תָּרַם הָרִאשׁוֹן [1]כְּשִׁיעוּר, תְּרוּמַת הַשֵּׁנִי [2]תְּרוּמָה.

If partners separated the *priest's-due* one after the other, R. Akiba says, The separation of both of them is valid *priest's-due;* but the Sages say, Only the separation of the first is valid *priest's-due*. R. Jose says, If the first separated the *priest's-due* in proper measure, then the separation of the other is not *priest's-due*, but if the first did not separate in full measure,[1] the separation of the second is accounted *priest's-due*.[2]

**1** In some editions, כְּשַׁעוּר. **2** The final ruling is as follows: if one partner separated תְּרוּמָה, and the other not aware of this also did so, (as they were wont to rely on one another to do so), only the first is valid תְּרוּמָה. But if that of the first be less than one fiftieth of the produce, then both the separations are תְּרוּמָה and the כֹּהֵן returns to them the price of the excess.

Mishnah 4

מִשְׁנָה ד

[1]בַּמֶּה דְּבָרִים אֲמוּרִים? בְּשֶׁלֹּא [2]דִּבֵּר. אֲבָל הִרְשָׁה אֶת־בֶּן בֵּיתוֹ, אוֹ אֶת־עַבְדּוֹ, אוֹ אֶת־שִׁפְחָתוֹ לִתְרוֹם, תְּרוּמָתוֹ תְּרוּמָה. [3]בִּטֵּל, אִם עַד שֶׁלֹּא תָּרַם בִּטֵּל, אֵין תְּרוּמָתוֹ תְּרוּמָה; וְאִם מִשֶּׁתָּרַם

When is this the case?[1]—When one had not arranged.[2] But if one authorized one of his household or his bondman or his bondwoman to separate the *priest's-due*, his separation is valid *priest's-due*. If he cancelled the authorization,[3] then, if he cancelled it before the separation of the *priest's-due*, his separation is not valid; but if he annulled it after the separation,

בִּטֵּל, תְּרוּמָתוֹ תְּרוּמָה. הַפּוֹעֲלִים אֵין לָהֶם רְשׁוּת לִתְרוֹם, חוּץ מִן־הַדְּרוּכוֹת שֶׁהֵן [4]מְטַמְּאִים אֶת־הַגַּת מִיָּד.

his separation is valid *priest's-due*. Labourers have no authority to separate the *priest's-due*, save the grape-treaders, because they would forthwith render the winepress unclean.[4]

**1** The opinion of R. Akiba in the preceding *Mishnah*. **2** As to who should separate the priest's-due. **3** His authorization. **4** מְטַמְּאִין in some editions.

Mishnah 5

מִשְׁנָה ה

הָאוֹמֵר, תְּרוּמַת הַכֶּרִי זֶה בְּתוֹכוֹ, וּמַעַשְׂרוֹתָיו בְּתוֹכוֹ, תְּרוּמַת מַעֲשֵׂר זֶה בְּתוֹכוֹ, רַבִּי [1]שִׁמְעוֹן אוֹמֵר, [2]קָרָא שֵׁם; [3]וַחֲכָמִים אוֹמְרִים, עַד שֶׁיֹּאמַר, בִּצְפוֹנוֹ אוֹ בִּדְרוֹמוֹ. רַבִּי [1]אֱלִיעֶזֶר חִסְמָא אוֹמֵר, הָאוֹמֵר, תְּרוּמַת הַכֶּרִי מִמֶּנּוּ עָלָיו, קָרָא שֵׁם. רַבִּי [1]אֱלִיעֶזֶר בֶּן יַעֲקוֹב אוֹמֵר, הָאוֹמֵר, עִשּׂוּר מַעֲשֵׂר זֶה עָשׂוּי תְּרוּמַת מַעֲשֵׂר עָלָיו, קָרָא שֵׁם.

If one said, 'Let the *priest's-due* of this heap be in it,' or, 'Let its *tithes* be in it,' or, 'Let the *priest's-due* of this *tithe* be in it'—R. Simon[1] says, He has validly designated it,[2] but the Sages say,[3] Not until he says, 'Let it be to the north of it, or, Let it be to the south of it.' R. Eliezer [ben] Chisma says,[1] If one say, 'Let the *priest's-due* be separated from this pile for this one,' he has validly designated it. R. Eliezer[1] ben Jacob says, If one say, 'Let a tenth part of this *tithe* become the *priest's-due* of the *tithe* for it,' he has validly designated it.

**1** His view is rejected. **2** So that the *priest's-due* etc. may be taken only from that heap. **3** Their view is accepted.

Mishnah 6

מִשְׁנָה ו

הַמַּקְדִּים תְּרוּמָה לְבִכּוּרִים, מַעֲשֵׂר רִאשׁוֹן לִתְרוּמָה, וּמַעֲשֵׂר שֵׁנִי לְרִאשׁוֹן, אַף עַל פִּי שֶׁהוּא עוֹבֵר בְּלֹא תַעֲשֶׂה, מַה [1]שֶּׁעָשָׂה עָשׂוּי, [2]שֶׁנֶּאֱמַר, [3]מְלֵאָתְךָ [4]וְדִמְעֲךָ לֹא תְאַחֵר.

If one separate *priest's-due* before *first-fruits*, or *first tithe* before *priest's-due*, or *second tithe* before *first tithe*, although he transgresses a negative command, what he has done is done,[1] for it is said,[2] *Thou shalt not delay to offer the abundance of thy harvest*[3] *and of thy liquors*.[4]

**1** *i.e.*, remains valid. **2** *Exodus* **22,** 28. **3** This refers to בִּכּוּרִים, *first-fruits*. **4** This refers to תְּרוּמָה, and also to מַעֲשֵׂר רִאשׁוֹן, because it also contains תְּרוּמָה קְטַנָּה.

Mishnah 7

מִשְׁנָה ז

And whence[1] that *first-fruits* come before *priest's-due*, after all the one[3] is called *priest's-due and the first* and the other is called *priest's-due and the first?* But *first-fruits* come first because they[5] are the *first-fruits* of all produce; and *priest's-due* precedes *first tithe* since it is termed *first;* and *first tithe* before *second* because it includes[6] the *first*.

[1]וּמִנַּיִן [2]שֶׁיַּקְדִּימוּ הַבִּכּוּרִים לִתְרוּמָה, [3]זֶה קָרוּי תְּרוּמָה וְרֵאשִׁית, וְזֶה קָרוּי תְּרוּמָה וְרֵאשִׁית? אֶלָּא [4]יַקְדִּימוּ בִּכּוּרִים לַכֹּל [5]שֶׁהֵן בִּכּוּרִים לַכֹּל; וּתְרוּמָה לְרִאשׁוֹן, שֶׁהִיא רִאשִׁית; וּמַעֲשֵׂר רִאשׁוֹן לְשֵׁנִי, [6]שֶׁיֵּשׁ בּוֹ רִאשִׁית.

**1** *i.e.*, 'Whence do we learn?—This is based on the תּוֹרָה, that is, it is מִדְּאוֹרַיְתָא or מִן־הַתּוֹרָה. **2** Or שֶׁיְּקַדְּמוּ.* **3** *Deuteronomy* **12,** 16, 17; **26,** 4. *Exodus* **23,** 19; *Numbers* **18,** 8; and *Deuteronomy* **18,** 4. **4** Or יְקַדְּמוּ.* **5** or שֶׁהֵם. **6** *i.e.*, it includes תְּרוּמָה קְטַנָּה which is designated *first*. *יְקַדְּמוּ *Kal;* יְקַדְּמוּ *Piel*.

Mishnah 8

מִשְׁנָה ח

If one intended to say '*Priest's-due*,' but said 'Tithe'; [or][1] 'Tithe', but said '*Priest's-due*';or[1] '*Burnt-offering*,' and said '*Peace-offering*'; or[1] '*Peace-offering*,' and said '*Burnt-offering*'; [or][1] 'That I will not enter this house,' and said 'That house'; [or][1] 'That I derive no benefit from this,' and he said 'That'—he has not said anything valid until his mouth and heart are[2] in agreement.

הַמִּתְכַּוֵּן לוֹמַר תְּרוּמָה, וְאָמַר מַעֲשֵׂר; [1]מַעֲשֵׂר, וְאָמַר תְּרוּמָה; עוֹלָה, וְאָמַר שְׁלָמִים; שְׁלָמִים, וְאָמַר עוֹלָה; שֶׁאֵינִי נִכְנָס לַבַּיִת זֶה, וְאָמַר לָזֶה; שֶׁאֵינִי נֶהֱנֶה לָזֶה, וְאָמַר לָזֶה; לֹא אָמַר כְּלוּם עַד [2]שֶׁיִּהְיוּ פִּיו וְלִבּוֹ שָׁוִין.

**1** i.e., *or if one intended to say in his vow....* **2** Based on *Deuteronomy* **23,** 24; *Exodus* **35,** 5.

Mishnah 9

מִשְׁנָה ט

In the case of a non-Jew or a Samaritan, their *priest's-due* is valid, and their *tithes* are valid, and their *dedicated offerings* are valid. R. Judah says, A non-Jew does not

הַנָּכְרִי וְהַכּוּתִי, תְּרוּמָתָן תְּרוּמָה, *וּמַעַשְׂרוֹתֵיהֶן מַעֲשֵׂר, וְהֶקְדֵּשָׁן הֶקְדֵּשׁ. רַבִּי יְהוּדָה אוֹמֵר, אֵין

לְנָכְרִי [1]כֶּרֶם רְבָעִי; [2]וַחֲכָמִים אוֹמְרִים, יֵשׁ לוֹ תְּרוּמַת הַנָּכְרִי [3]מְדַמַּעַת וְחַיָּבִים עָלֶיהָ [4]חוֹמֶשׁ; וְרַבִּי [5]שִׁמְעוֹן [6]פּוֹטֵר.

come under the law of the *fourth year vineyard;*[1] but the Sages[2] say, It does apply to him. The *priest's-due* from a non-Jew renders[3] subject to the law of *priest's-due* and they are liable concerning it to the law of the *added fifth;*[4] but R. Simon[5] exempts.[6]

**1** *Leviticus* **19,** 23, 24, 25. פֵּאָה 7[1ff.]. **2** See מַעֲשֵׂר שֵׁנִי 5[1,2,3,4]. Their view is accepted. **3** *i.e.*, other produce with which it is mixed. **4** See 1[8]. **5** His view is not accepted. **6** From the law of the *added fifth.* *Or וּמַעֲשְׂרוֹתֵיהֶן.

## CHAPTER 4 — פֶּרֶק ד

### Mishnah 1 — מִשְׁנָה א

הַמַּפְרִישׁ מִקְצָת תְּרוּמָה וּמַעֲשְׂרוֹת מוֹצִיא מִמֶּנּוּ [1]תְּרוּמָה עָלָיו, אֲבָל לֹא [2]מִמָּקוֹם אַחֵר. רַבִּי [3]מֵאִיר אוֹמֵר, אַף מוֹצִיא הוּא מִמָּקוֹם אַחֵר תְּרוּמָה וּמַעֲשְׂרוֹת.

If one set aside only part of the *priest's-due* and *tithes,* he may take the remaining *priest's-due*[1] from it, but not from anywhere else.[2] R. Meir[3] says, He may take from that produce *priest's-due* and *tithes* for produce somewhere else.

**1** That is, if only part of the correct quantity be separated then one may separate also the rest of the tithes due, and this procedure does not come under the prohibition of מִן־הַפָּטוּר עַל הַחִיּוּב, *from the exempt for the liable.* **2** לְמָקוֹם, in some editions, which would mean *for anywhere else, i.e.*, one may not remove from that heap as priest's-due or tithes for produce elsewhere. The actual ruling is that as stated in **Note 1;** and also that from any produce that had already been dealt with for תְּרוּמָה none may be removed as תְּרוּמָה for another lot of like produce, but vice versa it is permitted. **3** His view is rejected.

### Mishnah 2 — מִשְׁנָה ב

מִי שֶׁהָיוּ פֵּירוֹתָיו [1]בִּמְגוּרָה, וְנָתַן סְאָה לְבֶן לֵוִי וּסְאָה לְעָנִי, מַפְרִישׁ עַד שְׁמֹנֶה סָאִין וְאוֹכְלָן, דִּבְרֵי רַבִּי [2]מֵאִיר; [3]וַחֲכָמִים אוֹמְרִים, אֵינוֹ מַפְרִישׁ אֶלָּא לְפִי [4]חֶשְׁבּוֹן.

If anyone's produce were in a storehouse and he gave one *seah* to a Levite and one *seah* to a poor person, he may separate up to eight *seahs* and eat them: this is the view of R. Meir,[2] but the Sages say,[3] He may only separate according to the exact calculated quantity.[4]

**1** Or בַּמְּגוּרָה, *in the storehouse.* **2** His opinion is not accepted. **3** Their ruling is accepted. **4** Which is still with the Levite and the poor person.

Mishnah 3

The proper quantity[1] of *priest's-due:* a generous person gives a fortieth part, but the School of Shammai say, One thirtieth; the person who is liberal in a medium degree, one fiftieth; and the mean person, one sixtieth. If one separated *priest's-due* and found that it was only one sixtieth, it is valid and he does not have to separate again. If he added more, it is subject[2] to *tithes.* If he found that it was one sixty-first, it is valid *priest's-due,* but he must separate *priest's-due* again as much as he is wont to do, according to measure or weight or number. R. Judah says, Even from what is not near by.[3]

מִשְׁנָה ג

[1]שִׁיעוּר תְּרוּמָה, עַיִן יָפָה אַחַת מֵאַרְבָּעִים; בֵּית שַׁמַּאי אוֹמְרִים, מִשְׁלֹשִׁים; וְהַבֵּינוֹנִית מֵחֲמִשִּׁים; וְהָרָעָה, מִשִּׁשִּׁים. תָּרַם וְעָלָה בְיָדוֹ אֶחָד מִשִּׁשִּׁים, תְּרוּמָה, וְאֵין צָרִיךְ לִתְרוֹם. חָזַר וְהוֹסִיף, [2]חַיָּיב בְּמַעְשְׂרוֹת. עָלָה בְיָדוֹ מִשִּׁשִּׁים וְאֶחָד, תְּרוּמָה, וְיַחֲזוֹר וְיִתְרוֹם כְּמוֹת שֶׁהוּא לָמוּד, בְּמִדָּה וּבְמִשְׁקָל וּבְמִנְיָן. רַבִּי יְהוּדָה אוֹמֵר, אַף שֶׁלֹּא מִן־[3]הַמּוּקָף.

**1** Or שִׁעוּר. **2** The כֹּהֵן must separate tithes from this added produce because it is not valid *priest's-due* but part of the produce that should be tithed. **3** *i.e.*, the additional quantity should be taken from any other produce of the same kind. Or הַמֻּקָּף.

Mishnah 4

If one say to his agent, 'Go out and separate *priest's-due,*' he must separate the *priest's-due* according to the owner's intention;[1] if he do not know the intention of the owner, he should separate *priest's-due* as a medium-liberal person, one[2] fiftieth. If he gave ten parts less[3] or ten parts more,[4] his separation is valid *priest's-due.* If he intended to add even one part more his separation is not valid *priest's-due.*[5]

מִשְׁנָה ד

הָאוֹמֵר לְשָׁלוּחוֹ, צֵא וּתְרוֹם, תּוֹרֵם [1]כְּדַעְתּוֹ שֶׁל בַּעַל הַבַּיִת; אִם אֵינוֹ יוֹדֵעַ דַּעְתּוֹ שֶׁל בַּעַל הַבַּיִת, תּוֹרֵם כְּבֵינוֹנִית [2]אַחַת מֵחֲמִשִּׁים. [3]פִּיחֵת עֲשָׂרָה אוֹ [4]הוֹסִיף עֲשָׂרָה, תְּרוּמָתוֹ תְּרוּמָה. אִם נִתְכַּוֵּן לְהוֹסִיף אֲפִילוּ אַחַת אֵין תְּרוּמָתוֹ תְּרוּמָה.[5]

**1** *i.e.*, $\frac{1}{40}$ or $\frac{1}{50}$ or $\frac{1}{60}$ as the case may be (see the preceding *Mishnah*). **2** אֶחָד in some editions. **3** The agent thought that the owner was a bountiful person and gave $\frac{1}{40}$ whereas the owner was less generous and used to give $\frac{1}{50}$. Perhaps better פֶּחֵת. **4** He added to the $\frac{1}{60}$ which a niggardly owner would give. **5** Because, if he knew clearly the owner's intention, he purposely broke his trust thereby invalidating his agency.

Mishnah 5

מִשְׁנָה ה

If one would give more *priest's-due*, R. Eliezer says, Up to one tenth as in the case of the *priest's-due* from *tithe*, but more[1] than this he should make into *priest's-due* of *tithe* for produce elsewhere.[2] R. Ishmael says, Half[3] as *non-holy produce* and half as *priest's-due*. R. Tarphon and R. Akiba say,[4] So long as some is left as *non-holy produce*.[5]

הַמַּרְבֶּה בִּתְרוּמָה; רַבִּי אֱלִיעֶזֶר אוֹמֵר, אֶחָד מֵעֲשָׂרָה כִּתְרוּמַת מַעֲשֵׂר, [1]יֶתֶר מִכָּאן יַעֲשֶׂנָּה תְּרוּמַת מַעֲשֵׂר [2]לְמָקוֹם אַחֵר. רַבִּי יִשְׁמָעֵאל אוֹמֵר, מֶחֱצָה [3]חוּלִין וּמֶחֱצָה תְּרוּמָה. רַבִּי [4]טַרְפוֹן וְרַבִּי עֲקִיבָא אוֹמְרִים עַד שֶׁיִּשָּׁיֵר שָׁם חוּלִין.[5]

**1** The excess. **2** In some editions, אֲבָל לֹא לְמָקוֹם אַחֵר. **3** *i.e.*, 'He may keep half as non-holy produce and he may give half as priest's-due.' **4** Their view is accepted. **5** *i.e.*, one may give as much as one wishes as priest's-due.

Mishnah 6

מִשְׁנָה ו

On three occasions do they determine[1] the measure of the basket,[2] at the time of the first ripe fruits and at the time of the late summer fruits and in the middle of the summer. He who counts is a commendable person, and he who measures is more praiseworthy than he, and he who weighs is the most praiseworthy of the three of them.

בִּשְׁלֹשָׁה פְּרָקִים [1]מְשַׁעֲרִים אֶת־[2]הַכֵּלְכָּלָה, בַּבִּכּוּרוֹת וּבַסִּיפוֹת וּבְאֶמְצַע הַקָּיִץ. הַמּוֹנֶה מְשׁוּבָּח, וְהַמּוֹדֵד מְשׁוּבָּח מִמֶּנּוּ, וְהַשּׁוֹקֵל מְשׁוּבָּח מִשְּׁלָשְׁתָּן.

**1** מְשַׁעֲרִין in some editions. **2** To be used in measuring outt he מַעֲשְׂרוֹת, *tithes*, and תְּרוּמָה קְטַנָּה, *priest's minor due* (but not תְּרוּמָה גְדוֹלָה).

Mishnah 7

מִשְׁנָה ז

R. Eliezer[1] says, *Priest's-due* is neutralized in one hundred and one parts; R. Joshua says, In somewhat more than one hundred parts, and

רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר, תְּרוּמָה עוֹלָה בְּאֶחָד וּמֵאָה; רַבִּי יְהוֹשֻׁעַ אוֹמֵר,



common produce. **6** This view is accepted.

Mishnah 11

מִשְׁנָה יא

A *seah* of *priest's-due* that fell into the mouth of a bin, and the top part was removed:[1] R. Eliezer says, If there be in the removed layer[2] a

סְאָה תְּרוּמָה שֶׁנָּפְלָה עַל פִּי מְגוּרָה [1]וְקִפְּאָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר, אִם

בְּמֵאָה וְעוֹד, וְעוֹד זֶה אֵין לוֹ [2]שִׁיעוּר.
רַבִּי יוֹסֵי בֶן מְשׁוּלָּם אוֹמֵר, וְעוֹד
[3]קַב לְמֵאָה סְאָה, [4]שְׁתוּת לַמְּדֻמָּע.

this "*somewhat more*" has no definite limit.[2] R. Jose ben Meshullam says, This "*somewhat more*" is one *kab*[3] to one hundred *seahs*, that is one sixth[4] of what would render liable to the law of *priest's-due*.



יֵשׁ [2]בַּקִּפּוּי מֵאָה סְאָה תַּעֲלֶה בְּאֶחָד
וּמֵאָה; רַבִּי יְהוֹשֻׁעַ אוֹמֵר, לֹא
תַעֲלֶה. [3]סְאָה תְּרוּמָה שֶׁנָּפְלָה עַל
פִּי מְגוּרָה יְקַפְּאֶנָּה. [4]וְאִם כֵּן, *לָמָּה
אָמְרוּ תְּרוּמָה עוֹלָה בְּאֶחָד וּמֵאָה?
[5]אִם אֵינוֹ יָדוּעַ אִם בְּלוּלוֹת הֵן,
אוֹ לְאַיִן נָפְלָה.

hundred *seahs*, it becomes neutralized in a hundred and one; R. Joshua says, It is not neutralized. If a *seah*[3] of *priest's-due* fell into the mouth of a bin, one must remove the top layer. Now if[4] this be so, why did they say that *priest's-due* becomes neutralized in a hundred and one?—If[5] it be not known whether they had become mixed up, or where it had fallen.

**1** Or וְקִפְּאָה (*Piel*). **2** In some editions, בְּקִפּוּיָן. **3** Conclusion of R. Joshua's statement. His view is accepted. **4** In some editions, אִם. **5** כְּשֶׁאֵינוֹ instead of אִם אֵינוֹ in some editions. *That holds good only if* . . . . . *Or לָמָּה.

מִשְׁנָה יב

Mishnah 12

שְׁתֵּי [1]קוּפּוֹת וּשְׁתֵּי מְגוּרוֹת, שֶׁנָּפְלָה
סְאָה תְּרוּמָה לְתוֹךְ אַחַת מֵהֶם
וְאֵין יָדוּעַ לְאֵיזוֹ מֵהֶן נָפְלָה, מַעֲלוֹת
זוֹ אֶת־זוֹ. רַבִּי [2]שִׁמְעוֹן אוֹמֵר,
אֲפִילוּ הֵם בִּשְׁתֵּי עֲיָרוֹת מַעֲלוֹת זוֹ
אֶת־זוֹ.

If there were two baskets, or two bins,[1] and a *seah* of *priest's-due* fell into one of them and it was not known into which of them it had fallen, one serves to neutralize in conjunction with the other. R. Simon says,[2] Even if they were in two towns, they serve to neutralize in conjunction one with the other.

**1** Or קֻפּוֹת. And each contained 50 *seahs*. **2** His opinion is rejected.

מִשְׁנָה יג

Mishnah 13

אָמַר רַבִּי יוֹסֵי, מַעֲשֶׂה בָּא לִפְנֵי
רַבִּי עֲקִיבָא בַּחֲמִשִּׁים אֲגוּדוֹת שֶׁל
יָרָק, שֶׁנָּפְלָה אַחַת מֵהֶם לְתוֹכָן,
חֶצְיָהּ תְּרוּמָה; וְאָמַרְתִּי לְפָנָיו,
תַּעֲלֶה, לֹא שֶׁהַתְּרוּמָה תַּעֲלֶה
בַּחֲמִשִּׁים וְאֶחָד, אֶלָּא שֶׁהָיוּ שָׁם
מֵאָה וּשְׁנֵי חֲצָיִים.

Said R. Jose, 'A case once came before Rabbi Akiba about fifty bundles of greens among which had fallen a like bundle, half of which was *priest's-due;* and I decided before him, "It is neutralized," not because the *priest's-due* should be neutralized in conjunction with fifty-one, but because there were there a hundred and two halves.'

## CHAPTER 5

## פֶּרֶק ה

### Mishnah 1

If a *seah* of unclean *priest's-due* fell into less than a hundred[1] of *non-holy produce*, or into *first tithe*, or into *second tithe*, or into *dedicated produce*, whether they were unclean or clean, they must be left to rot[2]; but if that *seah*[3] were clean, they[4] must be sold to the priests at the price[5] of *priest's-due*, minus the price of that *seah*.[6] And if it fell into *first tithe*, the whole must be designated *priest's-due of the tithe*; and also if it fell into *second tithe*, or into *dedicated produce*, then these must be redeemed. And if the *non-holy produce* were unclean,[7] it may be eaten[8] dried,[9] or roasted, or kneaded with fruit juices,[10] or they divide[11] it out among lumps of dough so that there be not in any one place as much as the bulk of an egg.[12]

### מִשְׁנָה א

סְאָה תְּרוּמָה טְמֵאָה שֶׁנָּפְלָה לְפָחוֹת
[1]מִמֵּאָה חוּלִין, אוֹ לְמַעֲשֵׂר רִאשׁוֹן,
אוֹ לְמַעֲשֵׂר שֵׁנִי, אוֹ לְהֶקְדֵּשׁ, בֵּין
טְמֵאִין בֵּין טְהוֹרִין, [2]יִרָּקְבוּ; וְאִם
טְהוֹרָה הָיְתָה אוֹתָהּ [3]הַסְּאָה,
[4]יִמָּכְרוּ לַכֹּהֲנִים [5]בִּדְמֵי תְּרוּמָה,
חוּץ מִדְּמֵי [6]אוֹתָהּ סְאָה. וְאִם
לְמַעֲשֵׂר רִאשׁוֹן נָפְלָה, יִקָּרֵא שֵׁם
לִתְרוּמַת מַעֲשֵׂר; וְאִם לְמַעֲשֵׂר
שֵׁנִי, אוֹ לְהֶקְדֵּשׁ נָפְלָה, הֲרֵי אֵלּוּ
יִפָּדוּ. וְאִם [7]טְמֵאִים הָיוּ אוֹתָן
הַחוּלִין, [8]יֵאָכְלוּ [9]נְקוּדִים אוֹ קָלִיּוֹת,
אוֹ יְלוּשׁוּ [10]בְּמֵי פֵּירוֹת, אוֹ [11]יִתְחַלְּקוּ
לְעִיסוֹת כְּדֵי שֶׁלֹּא יְהֵא בְּמָקוֹם
אֶחָד [12]כְּבֵיצָה.

**1** *Seahs*. **2** In the case of oil it must not be used even for kindling. **3** Of תְּרוּמָה. **4** The mixed produce and תְּרוּמָה.* **5** This is less than the price of ordinary produce since only priests may consume it. **6** Which of course is free. **7** But the תְּרוּמָה was טָהוֹר, clean. **8** By the כֹּהֵן. **9** In the form of small cakes each less in bulk than an egg. **10** Some liquids, like the juices of olives and pomegranates, do not render food susceptible to uncleanness. **11** In portions each less than the size of an egg. **12** The minimum quantity susceptible to uncleanness in the case of food. *יִמָּכְרוּ [*Niphal*]; or יִמְכְּרוּ [*Kal*] *they shall sell*.

### Mishnah 2

If a *seah* of unclean *priest's-due* fell into a hundred[1] of *non-holy produce*, they remain clean. R. Eliezer says, 'Let it[2] be removed and burnt, for I maintain that the *seah*

### מִשְׁנָה ב

סְאָה תְּרוּמָה טְמֵאָה שֶׁנָּפְלָה לְתוֹךְ
[1]מֵאָה חוּלִין, טְהוֹרִין; רַבִּי אֱלִיעֶזֶר
אוֹמֵר, [2]תֵּירוֹם וְתִשָּׂרֵף, שֶׁאֲנִי אוֹמֵר,

סְאָה שֶׁנָּפְלָה הִיא סְאָה שֶׁעָלְתָה׳
[3]וַחֲכָמִים אוֹמְרִים׳ תַּעֲלֶה וְתֵאָכֵל
נְקוּדִים אוֹ קָלִיּוֹת׳ אוֹ תָּלוּשׁ בְּמֵי
פֵּירוֹת׳ אוֹ תִּתְחַלֵּק [4]לְעִיסוֹת כְּדֵי
שֶׁלֹּא יְהֵא בְּמָקוֹם אֶחָד כְּבֵיצָה׳

which fell in is the *seah* that came up.' But the Sages say,[3] It is neutralized and may be eaten dried, or roasted, or kneaded with fruit juices, or divided among lumps of dough[4] so that there be not in any single place as much as the bulk of an egg.

**1** *Seahs*. The mixture does not become מְדֻמָּע. **2** One *seah*. **3** Their ruling is accepted. **4** Or לְעִסּוֹת.

מִשְׁנָה ג

סְאָה תְּרוּמָה טְהוֹרָה שֶׁנָּפְלָה [1]לְמֵאָה
חוּלִין טְמֵאִין׳ תַּעֲלֶה וְתֵאָכֵל
נְקוּדִים אוֹ קָלִיּוֹת׳ אוֹ [2]תָּלוּשׁ בְּמֵי
פֵּירוֹת׳ אוֹ תִּתְחַלֵּק לְעִיסוֹת׳ כְּדֵי
שֶׁלֹּא יְהֵא בְּמָקוֹם אֶחָד כְּבֵיצָה׳

Mishnah 3

If a *seah* of clean *priest's-due* fell into a hundred[1] of unclean *non-holy produce*, it is neutralized and may be eaten dried or roasted, or kneaded[2] with fruit juices, or divided out among lumps of dough so that in any single place there be not as much as the bulk of an egg.

**1** *Seahs*. **2** Or perhaps better תְּלוּשׁ.

מִשְׁנָה ד

[1]סְאָה תְּרוּמָה טְמֵאָה שֶׁנָּפְלָה לְמֵאָה
סְאָה תְּרוּמָה טְהוֹרָה׳ בֵּית שַׁמַּאי
אוֹסְרִים׳ וּבֵית הִלֵּל מַתִּירִין׳ אָמְרוּ
בֵּית הִלֵּל לְבֵית שַׁמַּאי׳ הוֹאִיל
[2]וּטְהוֹרָה אֲסוּרָה לְזָרִים וּטְמֵאָה
אֲסוּרָה לַכֹּהֲנִים׳ מַה־טְּהוֹרָה עוֹלָה
אַף טְמֵאָה תַּעֲלֶה׳ אָמְרוּ לָהֶם בֵּית
שַׁמַּאי׳ לֹא׳ אִם הֶעֱלוּ הַחוּלִין הַקַּלִּין
[3]הַמּוּתָּרִין לְזָרִים אֶת־הַטְּהוֹרָה׳
תַּעֲלֶה תְּרוּמָה הַחֲמוּרָה הָאֲסוּרָה
לְזָרִים אֶת־הַטְּמֵאָה? לְאַחַר [4]שֶׁהוֹדוּ׳

Mishnah 4

If a *seah*[1] of unclean *priest's-due* fell into a hundred *seahs* of clean *priest's-due*, the School of Shammai forbid the whole, but the School of Hillel permit it. The School of Hillel said to the School of Shammai, Since clean[2] is forbidden to non-priests and unclean is forbidden to priests, if the clean can become neutralized then the unclean can be neutralized too. The School of Shammai answered them, No, if *non-holy produce*, which is leniently regarded and is permitted[3] to non-priests, may neutralize what is clean, should *priest's-due*, which is stringently treated and is forbidden to non-priests, neutralize what is unclean? After they had

רַבִּי אֱלִיעֶזֶר אוֹמֵר, תֵּירוֹם וְתִשָּׂרֵף, וַחֲכָמִים אוֹמְרִים, אָבְדָה [5]בְּמִיעוּטָהּ.

yielded,[4] R. Eliezer says, It should be separated and burnt; but the Sages say, It is lost because of its small quantity.[5]

**1** The ruling is that if one part of unclean תְּרוּמָה were mixed with one hundred parts of clean תְּרוּמָה the former is neutralized and there is no need to remove one part but the whole is eaten as clean תְּרוּמָה. **2** תְּרוּמָה. **3** Or הַמַּתָּרִים. **4** *i.e.*, the School of Shammai recognised the validity of the argument of the School of Hillel. **5** *i.e.*, according to the quantity of real תְּרוּמָה contained in the mixture.

## מִשְׁנָה ה

## Mishnah 5

סְאָה תְּרוּמָה שֶׁנָּפְלָה [1]לְמֵאָה, הִגְבִּיהָהּ וְנָפְלָה לְמָקוֹם אַחֵר, רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר, מְדַמַּעַת כִּתְרוּמָה וַדָּאי; וַחֲכָמִים אוֹמְרִים, אֵינָהּ מְדַמַּעַת אֶלָּא לְפִי [3]חֶשְׁבּוֹן.

If a *seah* of *priest's-due* fell into a hundred,[1] and one lifted it out and it fell into another lot, R. Eliezer[2] says, It renders it subject to the law of *priest's-due* as if it were certain *priest's-due;* but the Sages say, It does not render it subject to the law of *priest's-due* unless it be in the calculated quantity.[3]

**1** *Seahs* of חוּלִין, non-holy produce. **2** His view is rejected. **3** The final ruling is as follows: if one part of תְּרוּמָה became neutralized in one hundred parts of חוּלִין, and an equivalent quantity removed as תְּרוּמָה again was mixed with other חוּלִין, then whatever the quantity of the latter only one-hundredth of the quantity that was admixed is separated this time as תְּרוּמָה.

## מִשְׁנָה ו

## Mishnah 6

סְאָה תְּרוּמָה שֶׁנָּפְלָה לְפָחוֹת [1]מִמֵּאָה [2]וְנִדַּמְּעוּ, וְנָפַל מִן - [3]הַמְּדוּמָּע [4]לְמָקוֹם אַחֵר, רַבִּי [5]אֱלִיעֶזֶר אוֹמֵר, מְדַמַּעַת כִּתְרוּמַת וַדָּאי; [6]וַחֲכָמִים אוֹמְרִים, אֵין הַמְּדוּמָּע [7]מְדַמַּע אֶלָּא לְפִי [8]חֶשְׁבּוֹן. וְאֵין [9]הַמְּחוּמָּץ [10]מַחֲמִיץ אֶלָּא לְפִי חֶשְׁבּוֹן. וְאֵין

If a *seah* of *priest's-due* fell into less than a hundred[1] and these were thus rendered subject to the law of *priest's-due*,[2] and there fell from this which had thus been rendered subject to the law of *priest's-due*[3] into another lot,[4] R. Eliezer says,[5] It renders it subject to the law of *priest's-due* as certain *priest's-due;* but the Sages say,[6] That which has itself become subject to the law of *priest's-due* does not render subject to the law of *priest's-due*[7] except according to the prescribed ratio.[8]

הַמַּיִם שְׁאוּבִים [11]פּוֹסְלִים אֶת־
הַמִּקְוֶה אֶלָּא לְפִי [12]חֶשְׁבּוֹן׃

And what is leavened[9] does not render leavened[10] except when it is in the correct proportion. And drawn water does not invalidate[11] the ritual purification bath except when it is in the calculated quantity.[12]

**1** *Seahs* of חוּלִין, non-holy produce. These of course become forbidden to non-priests. **2** Or וְנִדְמָעוּ. **3** Or הַמִּדְמָע. **4** Of חוּלִין. **5** His view is not accepted. **6** Their ruling is accepted. **7** מְדַמֵּעַת in some editions. **8** *i.e.*, one hundred parts of חוּלִין against the proportional part of the תְּרוּמָה in the portion that had mixed in. **9** With תְּרוּמָה. **10** In some editions, מְחַמֵּץ, *i.e.*, other dough. **11** פּוֹסְלִין in some editions. **12** *viz.*, three *logs* (זְרָעִים **Introduction**, *Tables*). See מִקְוָאוֹת 2[4].

Mishnah 7

מִשְׁנָה ז

סְאָה תְּרוּמָה שֶׁנָּפְלָה [1]לְמֵאָה׃
הִגְבִּיהָה וְנָפְלָה [2]אַחֶרֶת׃ הִגְבִּיהָה
וְנָפְלָה [2]אַחֶרֶת׃ הֲרֵי [3]זוֹ [4]מוּתֶּרֶת
עַד שֶׁתִּרְבֶּה [5]תְּרוּמָה עַל הַחוּלִין׃

If a *seah* of *priest's-due* fell into a hundred,[1] and one lifted it out and another[2] fell in, and one lifted that out and another[2] fell in, then this[3] is not forbidden[4] until the *priest's-due*[5] exceeds the *non-holy produce.*

**1** *Seahs* of חוּלִין (זְרָעִים **Introduction,** *Tables*). **2** *Seah* of תְּרוּמָה. **3** The mixture. **4** Literally, *this is permitted*. **5** The added portions of the successive תְּרוּמָה remaining after each removal for תְּרוּמָה exceed that of the original חוּלִין still left in the mixture.

Mishnah 8

מִשְׁנָה ח

סְאָה תְּרוּמָה שֶׁנָּפְלָה [1]לְמֵאָה וְלֹא
הִסְפִּיק לְהַגְבִּיהָה עַד שֶׁנָּפְלָה
אַחֶרֶת׃ הֲרֵי זוֹ [2]אֲסוּרָה׃ וְרַבִּי
שִׁמְעוֹן מַתִּיר׃

If a *seah* of *priest's-due* fell into a hundred,[1] and before one managed to lift it out another fell in, then this is forbidden,[2] but R. Simon permits it.

**1** *Seahs* of חוּלִין. **2** Forbidden to זָרִים, *non-priests*, if it was not known att he time that another had fallen in after the first; but if it was known in the interval then it is permitted to remove two *seahs* as תְּרוּמָה (or 2 parts against 100) and the rest remains חוּלִין.

Mishnah 9

If a *seah* of *priest's-due* fell into a hundred,[1] and one ground them and they became less in bulk, just as the *non-holy produce* was reduced so the *priest's-due* is reduced and it is permitted. If a *seah*[2] of *priest's-due* fell into less than a hundred,[1] and one ground them and they were more in bulk, just as the *non-holy produce* increases so the *priest's-due* increases, and it is forbidden. If it were known that the wheat[3] of the *non-holy produce* was superior to that of the *priest's-due*, it is permitted. If a *seah* of *priest's-due* fell into less[4] than a hundred,[1] and after that *non-holy produce* fell therein, if it were in error, it is permitted, but if wilfully,[5] it is prohibited.

מִשְׁנָה ט

סְאָה תְּרוּמָה שֶׁנָּפְלָה [1]לְמֵאָה וְטָחֲנָן
וּפָחֲתוּ, כְּשֵׁם שֶׁפָּחֲתוּ הַחוּלִין כָּךְ
פָּחֲתָה הַתְּרוּמָה וּמֻתָּר. [2]סְאָה
תְּרוּמָה שֶׁנָּפְלָה לְפָחוֹת [1]מִמֵּאָה
וְטָחֲנָן וְהוֹתִירוּ, כְּשֵׁם שֶׁהוֹתִירוּ
הַחוּלִין כָּךְ הוֹתִירָה הַתְּרוּמָה וְאָסוּר.
אִם יָדוּעַ [3]שֶׁהַחִטִּים שֶׁל חוּלִין יָפוֹת
מִשֶּׁל תְּרוּמָה מֻתָּר. סְאָה תְּרוּמָה
שֶׁנָּפְלָה [4]לְפָחוֹת מִמֵּאָה וְאַחַר כָּךְ
נָפְלוּ שָׁם חוּלִין, אִם שׁוֹגֵג מֻתָּר,
וְאִם [5]מֵזִיד אָסוּר.

**1** *Seahs* of חוּלִין (זְרָעִים **Introduction,** *Tables*). **2** In some editions מִשְׁנָה י *Mishnah* 10, begins here. **3** שֶׁהַחִטִּין in some editions. **4** לְפָחוּת and (traditional reading) לְפָחוֹת **5** Because it is forbidden to neutralize purposely.

## CHAPTER 6

## פֶּרֶק ו

Mishnah 1

He who eats *priest's-due* in error must repay its value and the *added fifth*.[1] It is all one whether he ate or drank or anointed himself, whether it were clean *priest's-due* or unclean *priest's-due*, he must repay its *added fifth* and the fifth of the *added fifth*.[2] One may not repay in *priest's-due*, but in duly tithed[3] *non-holy produce* which becomes *priest's-due;* and what may be repaid[4] in its stead also becomes *priest's-due;* and if the priest should wish to remit, he may not do so.[5]

מִשְׁנָה א

הָאוֹכֵל תְּרוּמָה שׁוֹגֵג מְשַׁלֵּם קֶרֶן
[1]וְחוֹמֶשׁ. אֶחָד הָאוֹכֵל וְאֶחָד הַשּׁוֹתֶה
וְאֶחָד הַסָּךְ, אֶחָד תְּרוּמָה טְהוֹרָה
וְאֶחָד תְּרוּמָה טְמֵאָה, מְשַׁלֵּם חוֹמְשָׁהּ
[2]וְחוֹמֶשׁ חוֹמְשָׁהּ. אֵינוֹ מְשַׁלֵּם תְּרוּמָה;
אֶלָּא חוּלִין [3]מְתוּקָנִים, וְהֵם נַעֲשִׂין
תְּרוּמָה. [4]וְהַתַּשְׁלוּמִין תְּרוּמָה; אִם
רָצָה הַכֹּהֵן לִמְחוֹל [5]אֵינוֹ מוֹחֵל.

**1** *Leviticus* **5,** 16; **22,** 14. The money value goes to the owners, and the *added fifth* to any כֹּהֵן. (In practice the *added fifth* is not $\frac{1}{5}$ of the actual value but $\frac{1}{5}$ of the value and this *added fifth* together, *i.e.*, the *added fifth* is actually *a fourth* of the value, and this is the amount in all cases of the *added fifth*). **2** The חֹמֶשׁ is holy like תְּרוּמָה so that, if one eats of it, it must be repaid in full together with another חֹמֶשׁ. **3** In some editions מְתוּקָנִין. **4** וְהַתַּשְׁלוּמִים in some editions. **5** Literally, *he may not remit* (or *forego*).

Mishnah 2

If the daughter of a non-priest ate *priest's-due* and was afterwards married[1] to a priest, if what she ate were *priest's-due* that a priest had not yet acquired, she repays its value and the *added fifth* to herself; but if what she had eaten were *priest's-due* which a priest had already acquired, she has to repay its value to the owner and the *added fifth* to herself; for they have stated, He who eats *priest's-due* in error repays the value to the owner and the *added fifth* to whomsoever he desires.

מִשְׁנָה ב

בַּת יִשְׂרָאֵל שֶׁאָכְלָה תְּרוּמָה וְאַחַר כָּךְ [1]נִשֵּׂאת לְכֹהֵן, אִם תְּרוּמָה שֶׁלֹּא זָכָה בָּהּ כֹּהֵן אָכְלָה, מְשַׁלֶּמֶת קֶרֶן וְחוֹמֶשׁ לְעַצְמָהּ; וְאִם תְּרוּמָה שֶׁזָּכָה בָּהּ כֹּהֵן אָכְלָה, מְשַׁלֶּמֶת קֶרֶן לַבְּעָלִים, וְחוֹמֶשׁ לְעַצְמָהּ; מִפְּנֵי שֶׁאָמְרוּ, הָאוֹכֵל תְּרוּמָה שׁוֹגֵג מְשַׁלֵּם קֶרֶן לַבְּעָלִים וְחֹמֶשׁ לְכָל מִי שֶׁיִּרְצֶה.

**1** Or נִשֵּׂאת. When she may eat of תְּרוּמָה.

Mishnah 3

He who gives[1] his labourers or his guests *priest's-due* to eat must repay the value and they have to repay[2] the *added fifth*. This is the opinion of R. Meir.[3] But the Sages say,[4] They have to repay[2] the value and the *added fifth* and he refunds to them the cost of their meal.

מִשְׁנָה ג

[1]הַמַּאֲכִיל אֶת־פּוֹעֲלָיו וְאֶת־אוֹרְחָיו תְּרוּמָה, הוּא מְשַׁלֵּם אֶת־הַקֶּרֶן, וְהֵם [2]מְשַׁלְּמִין אֶת־הַחוֹמֶשׁ, דִּבְרֵי רַבִּי [3]מֵאִיר; [4]וַחֲכָמִים אוֹמְרִים, הֵם [2]מְשַׁלְּמִין קֶרֶן וְחוֹמֶשׁ וְהוּא מְשַׁלֵּם לָהֶם דְּמֵי סְעוּדָתָן.

**1** Whether knowingly or in error. **2** מְשַׁלְּמִים in some editions. **3** His view is rejected. **4** Their ruling is accepted.

Mishnah 4

מִשְׁנָה ד

הַגּוֹנֵב תְּרוּמָה וְלֹא אֲכָלָהּ, מְשַׁלֵּם תַּשְׁלוּמֵי כֶפֶל דְּמֵי תְרוּמָה: אֲכָלָהּ מְשַׁלֵּם שְׁנֵי קְרָנִים וְחוֹמֶשׁ, קֶרֶן וְחוֹמֶשׁ מִן־הַחוּלִין וְקֶרֶן דְּמֵי תְרוּמָה. גָּנַב תְּרוּמַת הֶקְדֵּשׁ וַאֲכָלָהּ, מְשַׁלֵּם שְׁנֵי חוֹמְשִׁים[1] וְקֶרֶן, שֶׁאֵין בְּהֶקְדֵּשׁ תַּשְׁלוּמֵי כֶפֶל[2].

He who stole *priest's-due* but did not eat it must repay twice as much as the value of the *priest's-due;* but if he ate it he must repay twice the value and the *added fifth*, the value and the *added fifth* from *non-holy produce* together with the value at the price of *priest's-due.* He who stole dedicated *priest's-due* and ate it must repay two *added fifths*[1] and the value, because double restitution does not apply in the case of *dedicated produce.*[2]

**1** One for the *priest's-due* and the other for the *dedicated produce*, although the two here are in combination. **2** *Exodus* **22,** 8.

Mishnah 5

מִשְׁנָה ה

אֵין מְשַׁלְּמִין מִן־הַלֶּקֶט וּמִן־הַשִּׁכְחָה וּמִן־הַפֵּאָה וּמִן־הַהֶפְקֵר, וְלֹא מִמַּעֲשֵׂר רִאשׁוֹן[1] שֶׁנִּטְּלָה תְּרוּמָתוֹ, וְלֹא מִמַּעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ[2] שֶׁנִּפְדּוּ, שֶׁאֵין הֶקְדֵּשׁ פּוֹדֶה אֶת־הֶקְדֵּשׁ, דִּבְרֵי רַבִּי[3] מֵאִיר, וַחֲכָמִים[4] מַתִּירִין[5] בְּאֵלּוּ.

Repayments must not be made from the *gleanings* or from the *forgotten-produce* or from the *field-corner produce* or from the *ownerless produce,* and not from *first tithe* from which the *priest's-due* had been separated,[1] and not from *second tithe* and *dedicated produce* which had been redeemed,[2] for dedicated material cannot redeem dedicated material. This is the view of R. Meir.[3] But the Sages[4] permit it in the last case.[5]

**1** In some editions, שֶׁלֹּא נִטְּלָה, *i.e.*, 'from which the priest's-due had *not* been separated'. **2** שֶׁלֹּא נִפְדּוּ in some editions, *i.e.*, 'which had not been redeemed'. **3** His opinion is rejected. **4** Their ruling is accepted. All repayments for priest's-due are permitted from לֶקֶט, שִׁכְחָה, פֵּאָה, and הֶפְקֵר which had been declared ownerless before the season for tithing had arrived, and from מַעֲשֵׂר רִאשׁוֹן from which תְּרוּמָה קְטַנָּה had been separated. **5** In the case of מַעֲשֵׂר שֵׁנִי and הֶקְדֵּשׁ.

Mishnah 6

מִשְׁנָה ו

רַבִּי אֱלִיעֶזֶר אוֹמֵר, מְשַׁלְּמִין מִמִּין

R. Eliezer says, They may repay with one sort for[1] another sort[2] provided that[3] the repayment is

from a superior sort for[1] an inferior sort. But R. Akiba says, They may not repay except from one kind for[1] the same kind,[4] Therefore if one ate cucumbers grown in the year before the Sabbatical Year he must wait for the cucumbers of the eighth year and repay from them. From the same source[5] whence R. Eliezer derives the lenient ruling R. Akiba derives the stringent ruling, as it is said,[5] *And he shall give unto the priest the holy thing*,—whatever is fit[6] to be holy—this is the view of R. Eliezer. But R. Akiba says,—*And he shall give unto the priest the holy thing*—the holy thing which he ate.[7]

[1]עַל שֶׁאֵינוֹ [2]מִינוֹ, [3]בִּלְבַד שֶׁיְּשַׁלֵּם מִן־הַיָּפֶה [1]עַל הָרָע. וְרַבִּי עֲקִיבָא אוֹמֵר, אֵין מְשַׁלְּמִין [4]אֶלָּא [2]מִמִּין [1]עַל מִינוֹ. לְפִיכָךְ אִם אָכַל קִישׁוּאִין שֶׁל עֶרֶב שְׁבִיעִית יַמְתִּין לְקִישׁוּאִין שֶׁל מוֹצָאֵי שְׁבִיעִית וִישַׁלֵּם מֵהֶם. [5]מִמָּקוֹם שֶׁרַבִּי אֱלִיעֶזֶר מֵיקֵל מִשָּׁם רַבִּי עֲקִיבָא מַחֲמִיר, [5]שֶׁנֶּאֱמַר, וְנָתַן לַכֹּהֵן אֶת־הַקֹּדֶשׁ, [6]כָּל־שֶׁהוּא רָאוּי לִהְיוֹת קֹדֶשׁ, דִּבְרֵי רַבִּי אֱלִיעֶזֶר. וְרַבִּי עֲקִיבָא אוֹמֵר, וְנָתַן לַכֹּהֵן אֶת־הַקֹּדֶשׁ, [7]קֹדֶשׁ שֶׁאָכָל.

**1** Or *instead of*. **2** But they must be of the same kind of produce. **3** וּבִלְבַד in some editions. **4** So long as the kinds are the same it does not matter whether the repaid produce is better or not than that which had been eaten. R. Akiba's view is accepted. **5** From the Scriptural verse, *Leviticus* **22,** 14. **6** In some editions, דָּבָר הָרָאוּי. **7** *i.e.*,—namely, the same kind of hallowed thing which he had eaten.

## CHAPTER 7

## פֶּרֶק ז

### Mishnah 1

He who eats[1] *priest's-due* wilfully must repay the value but does not have to pay the *added fifth*. The repaid produce[2] remains *non-holy produce*. If the priest wish to remit he may do so.[3]

### מִשְׁנָה א

[1]הָאוֹכֵל תְּרוּמָה מֵזִיד מְשַׁלֵּם אֶת־הַקֶּרֶן וְאֵינוֹ מְשַׁלֵּם אֶת־הַחֹמֶשׁ. [2]הַמַּשְׁלוּמִין חוּלִין. אִם רָצָה הַכֹּהֵן לִמְחוֹל [3]מוֹחֵל.

**1** If one eats clean תְּרוּמָה knowingly he is חַיָּב מִיתָה בִּידֵי שָׁמַיִם, *liable to punishment by death from heaven*. But if one eats unclean תְּרוּמָה wantonly he is not חַיָּב מִיתָה בִּידֵי שָׁמַיִם. **2** In some editions, וְהַמַּשְׁלוּמִין. **3** Literally, *he may remit* (or *forgo*).

Mishnah 2

A priest's daughter, who was married to a non-priest[1] and afterwards ate *priest's-due*, must repay the value[2] but does not have to pay[3] the *added fifth;* and her death is by burning.[4] If she married one of those ineligible[6] she must repay the value and the *added fifth;* and her death[4] is by strangling; this is the view of R. Meir. But the Sages[5] say, In either case they must repay the value but they do not pay the *added fifth* and their death is by burning.

מִשְׁנָה ב

בַּת כֹּהֵן, שֶׁנִּשֵּׂאת [1]לְיִשְׂרָאֵל, וְאַחַר כַּךְ אָכְלָה תְּרוּמָה, מְשַׁלֶּמֶת אֶת־[2]הַקֶּרֶן [3]וְאֵינָהּ מְשַׁלֶּמֶת אֶת־הַחֹמֶשׁ; [4]וּמִיתָתָהּ בִּשְׂרֵפָה. נִשֵּׂאת לְאֶחָד מִכָּל [6]הַפְּסוּלִין, מְשַׁלֶּמֶת קֶרֶן וְחֹמֶשׁ; [4]וּמִיתָתָהּ בְּחֶנֶק, דִּבְרֵי רַבִּי מֵאִיר; [5]וַחֲכָמִים אוֹמְרִים, זוֹ וְזוֹ מְשַׁלְּמוֹת אֶת־הַקֶּרֶן וְאֵינָן מְשַׁלְּמוֹת אֶת־הַחֹמֶשׁ וּמִיתָתָן בִּשְׂרֵפָה.

**1** When she may no longer eat of priest's-due (*Leviticus* **22,** 12). If the daughter of a כֹּהֵן, after her marriage to a non-priest, ate unknowingly of תְּרוּמָה which she inherited from her maternal grandfather who was a כֹּהֵן she is exempt from all repayments, otherwise she refunds only the value of the תְּרוּמָה (but not the *added fifth*), and if the כֹּהֵן wishes to renounce his right to the repayment he may do so. (The daughter of a priest, if she be married to any one forbidden to marry a priest's daughter, may never eat from תְּרוּמָה under any circumstances whatever). **2** Because she ate of what was not hers. **3** Because if she became a widow she could return to her father's house and recover the right to eat of priest's-due (*Leviticus* **22,** 13). **4** If she were guilty of adultery in her husband's lifetime (*Leviticus* **21,** 9—the law applies to the daughter of a priest, no matter who her husband is). **5** Their view is accepted. **6** *i.e.*, ineligible for marriage into the priestly stock.

Mishnah 3

He who gives[1] to his children that are minors to eat, or[2] to his slaves,[3] whether of age or minors, or who ate *priest's-due* from outside Palestine,[4] or who eats less[5] than the bulk of an olive of *priest's-due,* must repay the value but does not have to pay the *added fifth;* and the repaid produce is *non-holy produce;* if the priest wish to remit he may remit.

מִשְׁנָה ג

[1]הַמַּאֲכִיל אֶת־בָּנָיו קְטַנִּים, [2]וְאֶת־[3]עֲבָדָיו בֵּין גְּדוֹלִים בֵּין קְטַנִּים, הָאוֹכֵל תְּרוּמַת [4]חוּצָה לָאָרֶץ, וְהָאוֹכֵל [5]פָּחוֹת מִכְּזַיִת תְּרוּמָה, מְשַׁלֵּם אֶת־הַקֶּרֶן וְאֵינוֹ מְשַׁלֵּם אֶת־הַחֹמֶשׁ, וְהַתַּשְׁלוּמִין חוּלִין; אִם רָצָה הַכֹּהֵן לִמְחוֹל מוֹחֵל.

**1** *i.e.*, תְּרוּמָה priest's due. **2** In some editions, אוֹ, *or*. **3** Canaanite slaves. Children minors and Canaanite slaves are exempt from תַּשְׁלוּמִים, repayments. **4** From Babylon, Egypt, or the lands of Ammon and Moab. **5** See 5[9], **Note 4**.

מִשְׁנָה ד

זֶה הַכְּלָל, כָּל־הַמְּשַׁלֵּם קֶרֶן וְחוֹמֶשׁ [1]הַתַּשְׁלוּמִין תְּרוּמָה; אִם רָצָה הַכֹּהֵן לִמְחוֹל אֵינוֹ מוֹחֵל. וְכָל הַמְּשַׁלֵּם אֶת־הַקֶּרֶן וְאֵינוֹ מְשַׁלֵּם אֶת־הַחֹמֶשׁ, [2]הַתַּשְׁלוּמִין חוּלִין; אִם רָצָה הַכֹּהֵן לִמְחֹל מוֹחֵל.

Mishnah 4

This is the general principle: whenever one repays the value and the *added fifth* the repaid produce[1] is *priest's-due;* if the priest desire to forego, he may not forego. And whenever one repays the value but does not pay the *added fifth*, the repayment[2] is *non-holy;* if the priest wish to remit he may remit.

**1** The restitution must be in produce. **2** And the remittance may be made in coins.

מִשְׁנָה ה

שְׁתֵּי קִפּוֹת, אַחַת שֶׁל תְּרוּמָה וְאַחַת שֶׁל חוּלִין, שֶׁנָּפְלָה סְאָה תְּרוּמָה לְתוֹךְ אַחַת מֵהֶן וְאֵין יָדוּעַ לְאֵיזוֹ מֵהֶן נָפְלָה, [1]הֲרֵי אֲנִי אוֹמֵר לְתוֹךְ שֶׁל תְּרוּמָה נָפְלָה; [2]אֵין יָדוּעַ [3]אֵיזוֹ הִיא שֶׁל תְּרוּמָה וְאֵיזוֹ הִיא שֶׁל חוּלִין; אָכַל אַחַת מֵהֶן [4]פָּטוּר, וְהַשְּׁנִיָּה נוֹהֶג בָּהּ כִּתְרוּמָה וְחַיָּיֶבֶת בְּחַלָּה, דִּבְרֵי רַבִּי [5]מֵאִיר; רַבִּי [6]יוֹסֵי פּוֹטֵר. אָכַל אַחֵר אֶת־הַשְּׁנִיָּה פָּטוּר; אָכַל אֶחָד אֶת־שְׁתֵּיהֶן מְשַׁלֵּם כִּקְטַנָּה שֶׁבִּשְׁתֵּיהֶן.

Mishnah 5

If there were two baskets, one of *priest's-due* and one of *non-holy produce*, and a *seah* of *priest's-due* fell into one of them but it is not known into which of them it fell, I may assume that it fell into that of *priest's-due*,[1] but if it be not known[2] which is the one of *priest's-due* and which the one of *non-holy produce*,[3] anyone who ate from one of them is exempt[4] and the other basket is treated as *priest's-due* and the *priest's dough* must be given from it, according to the view of R. Meir;[5] but R. Jose[6] exempts. If another person ate from the other basket, he is exempt; but if one person ate from the two of them, he must repay according to the value of the smaller one of the two.

**1** This is the accepted view and the produce becomes תְּרוּמָה. **2** In some editions אִם אֵינוֹ. **3** אֵיזֶה instead of אֵיזוֹ הִיא in some editions. In this case both are forbidden to a זָר—non-priest. **4** From the repayment of the value and the added fifth. **5** His view that they are liable to חַלָּה is rejected. **6** His view is accepted.

Mishnah 6

If one of them fell into *non-holy produce*, it does not render[2] it subject to the law of *priest's-due*, and the other is treated as *priest's-due;* and the *priest's dough* must be given from it, according to the opinion of R. Meir,[3] but R. Jose exempts.[4] If the other[5] basket fell elsewhere,[6] it does not render it[7] subject to the law of *priest's-due;* but if both fell in the one place,[8] they render[9] it subject to the law of *priest's-due* if the smaller of the two is of the prescribed proportion.

מִשְׁנָה ו

נָפְלָה אַחַת [1]מֵהֶן לְתוֹךְ הַחוּלִין אֵינָהּ [2]מְדַמַּעֲתָן, וְהַשְּׁנִיָּה נוֹהֶגֶת בָּהּ כִּתְרוּמָה וְחַיֶּבֶת בְּחַלָּה, דִּבְרֵי רַבִּי [3]מֵאִיר; וְרַבִּי [4]יוֹסֵי פּוֹטֵר. נָפְלָה [5]הַשְּׁנִיָּה [6]לִמְקוֹם אַחֵר אֵינָהּ [7]מְדַמַּעֲתָן; נָפְלוּ שְׁתֵּיהֶן [8]לִמְקוֹם אֶחָד [9]מְדַמְּעוֹת כִּקְטַנָּה שֶׁבִּשְׁתֵּיהֶן.

**1** קִפּוֹת, *baskets*. **2** They are not forbidden. **3** His view regarding חַלָּה is rejected. **4** His opinion regarding חַלָּה is accepted. **5** שְׁנִיָּה in some editions. **6** Into other non-holy produce. **7** The חוּלִין is not prohibited. **8** חוּלִין, non-holy produce. **9** *i.e.*, it is only neutralized if there be present in the smaller quantity of the two at least one hundred times as much as the תְּרוּמָה.

Mishnah 7

If one used one of them[1] as seed, he is exempt,[2] and the other is treated as *priest's-due;* and the *priest's-dough* must be separated from it, according to the view of R. Meir,[3] but R. Jose exempts.[4] If another used the other as seed he is exempt.[2] If one person used both[5] as seed, if it be of a kind whose seed perishes,[6] it is permitted,[7] but if it be of a kind whose seed[8] does not perish, it is forbidden.

מִשְׁנָה ז

זָרַע אֶת־אַחַת [1]מֵהֶן [2]פָּטוּר, וְהַשְּׁנִיָּה נוֹהֶגֶת בָּהּ כִּתְרוּמָה, וְחַיֶּבֶת בְּחַלָּה, דִּבְרֵי רַבִּי [3]מֵאִיר; וְרַבִּי יוֹסֵי [4]פּוֹטֵר. זָרַע אַחֵר אֶת־הַשְּׁנִיָּה [2]פָּטוּר. זָרַע אֶחָד אֶת־[5]שְׁתֵּיהֶן, בְּדָבָר שֶׁזַּרְעוֹ [6]כָּלָה [7]מוּתָּר, וּבְדָבָר שֶׁאֵין [8]זַרְעוֹ כָּלָה אָסוּר.

**1** Of the two baskets, not knowing which was תְּרוּמָה and which חוּלִין. **2** *i.e.*, it may be allowed to grow and the produce will be חוּלִין. **3** His view is accepted, because if it is considered valid תְּרוּמָה then חַלָּה must be separated. **4** From חַלָּה. **5** Then evidently one must have been תְּרוּמָה. **6** In the ground. For example wheat and barley. **7** To be eaten by יִשְׂרָאֵלִים, *non-priests*, the whole being considered as חוּלִין. **8** For instance onions and garlic.

## CHAPTER 8

Mishnah 1

If a woman[1] were eating *priest's-due* and they came and said to her, 'Thy husband is dead,' or, 'He has divorced thee'; and likewise, if a slave[2] were eating *priest's-due* and they came and said to him, 'Thy master is dead,' or, 'He has sold thee to a non-priest,' or, 'He has given thee away,' (or) 'He has set thee free'; and similarly, if a priest were eating *priest's-due* and it became known that he was the son[3] of a divorced woman or the son of a woman that had performed *chalitzah*[3,4]—R. Eliezer declares them liable to the repayment of the value and the *added fifth*, but R. Joshua[5] exempts. If he[6] were standing and sacrificing at the altar, and it became known that he was the son of a divorced woman or the son of a woman who had performed *chalitzah*, R. Eliezer[7] says, All the offerings that he offered on the altar are invalid; but R. Joshua[8] declares them valid; if it became known that he had a blemish,[9] his ministration is invalid.

## פֶּרֶק ח

### מִשְׁנָה א

[1]הָאִשָּׁה שֶׁהָיְתָה אוֹכֶלֶת בִּתְרוּמָה, בָּאוּ וְאָמְרוּ לָהּ, מֵת בַּעְלֵיךְ אוֹ גֵּרְשָׁךְ; וְכֵן [2]הָעֶבֶד שֶׁהָיָה אוֹכֵל בִּתְרוּמָה וּבָאוּ וְאָמְרוּ לוֹ, מֵת רַבְּךָ, אוֹ מְכָרְךָ לְיִשְׂרָאֵל, אוֹ נְתָנְךָ בְּמַתָּנָה, עֲשָׂאֲךָ בֶּן חוֹרִין; וְכֵן כֹּהֵן שֶׁהָיָה אוֹכֵל בִּתְרוּמָה, וְנוֹדַע שֶׁהוּא [3]בֶּן גְּרוּשָׁה אוֹ בֶּן [4]חֲלוּצָה, רַבִּי אֱלִיעֶזֶר מְחַיֵּיב קֶרֶן וְחוֹמֶשׁ, וְרַבִּי [5]יְהוֹשֻׁעַ פּוֹטֵר. [6]הָיָה עוֹמֵד וּמַקְרִיב עַל גַּבֵּי הַמִּזְבֵּחַ, וְנוֹדַע שֶׁהוּא בֶּן גְּרוּשָׁה אוֹ בֶּן חֲלוּצָה, רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, כָּל־הַקָּרְבָּנוֹת שֶׁהִקְרִיב עַל גַּבֵּי הַמִּזְבֵּחַ פְּסוּלִים, וְרַבִּי [8]יְהוֹשֻׁעַ מַכְשִׁיר; נוֹדַע שֶׁהוּא [9]בַּעַל מוּם, עֲבוֹדָתוֹ פְּסוּלָה.

**1** The wife of a priest, whose father was a non-priest. **2** A priests slave. *Leviticus* **22,** 11. **3** These make him ineligible to serve as a כֹּהֵן. **4** A חֲלוּצָה is a woman released from a leviratical marriage by the ceremony of חֲלִיצָה, *the taking off of the shoe of the* יָבָם (*Deuteronomy* **25,** 7-9; יְבָמוֹת **Introduction**). **5** His

opinion is accepted in the case when the eating took place עֶרֶב פֶּסַח when they were anxious to consume the תְּרוּמָה חָמֵץ and overlooked their invalidity. **6** A כֹּהֵן. **7** His opinion is rejected. **8** His view is accepted. **9** *Leviticus* **21,** 18. *Numbers* **25,** 12. *Deuteronomy* **33,** 11.

Mishnah 2

And all of them,[1] if there were *priest's-due* in their mouths, R. Eliezer says,[2] They may swallow it, but R. Joshua says,[3] They should eject it. If they said to him,[4] 'Thou hast become unclean,' or, 'The *priest's-due* has become unclean,' R. Eliezer says,[2] He may swallow it, but R. Joshua says,[3] He should eject it; 'Thou[5] wast unclean,' or, 'The *priest's-due* was unclean,' or if it became known that it was produce from which the *priest's-due* and *first tithe* had not been separated, or *first tithe* from which the *priest's tithe*[6] had not been separated, or *second tithe* or *dedicated produce* which had not been redeemed, or if he tasted the flavour of a bug in his mouth, then he should eject this.

מִשְׁנָה ב

[1]וְכוּלָּם שֶׁהָיְתָה תְּרוּמָה בְּתוֹךְ פִּיהֶם׳ רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר׳ יִבְלָעוּ׳ וְרַבִּי [3]יְהוֹשֻׁעַ אוֹמֵר׳ יִפְלָטוּ׳ אָמְרוּ [4]לוֹ׳ נִטְמֵאתָ וְנִטְמֵאת תְּרוּמָה׳ רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר׳ יִבְלַע׳ וְרַבִּי [3]יְהוֹשֻׁעַ אוֹמֵר׳ יִפְלוֹט; [5]טָמֵא הָיִיתָ׳ וּטְמֵאָה הָיְתָה תְּרוּמָה׳ אוֹ נוֹדַע שֶׁהוּא טֶבֶל׳ וּמַעֲשֵׂר רִאשׁוֹן שֶׁלֹּא נִטְלָה [6]תְּרוּמָתוֹ׳ וּמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁלֹּא נִפְדּוּ׳ אוֹ שֶׁטָּעַם טַעַם פִּשְׁפֵּשׁ לְתוֹךְ פִּיו׳ הֲרֵי זֶה יִפְלוֹט׳

**1** Or וְכֻלָּם, refers to the עֶבֶד and אִשָּׁה mentioned in the preceding *Mishnah*. **2** His opinion is rejected. **3** His view is accepted. **4** Who had priest's-due in his mouth. **5** *i.e., If they said to him, 'Thou . . . . . .'* **6** תְּרוּמָה קְטַנָּה or תְּרוּמַת מַעֲשֵׂר (see **Introduction**).

Mishnah 3

If one were eating[1] a cluster of grapes, and entered from the garden into the courtyard,[2] R. Eliezer says,[3] He may finish,[4] but R. Joshua says,[5] He must not finish. If it were growing dusk[6] on the Sabbath eve, R. Eliezer[7] says,[3] He may finish, but R. Joshua[8] says,[5] He must not finish.

מִשְׁנָה ג

הָיָה [1]אוֹכֵל בְּאֶשְׁכּוֹל וְנִכְנַס מִן־הַגִּנָּה [2]לֶחָצֵר׳ רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר׳ [4]יִגְמוֹר׳ וְרַבִּי [5]יְהוֹשֻׁעַ אוֹמֵר׳ לֹא יִגְמוֹר׳ [6]חֲשֵׁיכָה לֵילֵי שַׁבָּת׳ רַבִּי [3]׳ [7]אֱלִיעֶזֶר אוֹמֵר׳ יִגְמוֹר׳ וְרַבִּי [8]יְהוֹשֻׁעַ אוֹמֵר׳ לֹא יִגְמוֹר׳

**1** A casual meal may be eaten from produce *before* it is brought into the owner's domain. **2** A courtyard renders produce liable to תְּרוּמָה and מַעֲשֵׂר. Even אֲכִילַת עֲרָאי is forbidden under such conditions. **3** His view is rejected. **4** Eating the grapes. **5** His opinion is accepted. **6** חֲשֵׁכָה in some editions. When it is forbidden to tithe. **7** יְהוֹשֻׁעַ in some editions. **8** In some editions, אֱלִיעֶזֶר.

Mishnah 4

Wine of *priest's-due* that has stood uncovered[1] must be poured away, and still less need this be said of non-holy wine. Three liquids become forbidden through being uncovered: water, wine and milk; but all other liquids[2] are permitted.[3] How long should they have thus remained[4] to have become forbidden? As long as it would take a reptile[5] to come forth from a near-by place to drink.

מִשְׁנָה ד

יַיִן שֶׁל תְּרוּמָה [1]שֶׁנִּתְגַּלָּה יִשָּׁפֵךְ, וְאֵין צָרִיךְ לוֹמַר שֶׁל חוּלִין. שְׁלֹשָׁה מַשְׁקִין אֲסוּרִים מִשּׁוּם גִּלּוּי, הַמַּיִם וְהַיַּיִן וְהֶחָלָב, [2]וּשְׁאַר כָּל־הַמַּשְׁקִין [3]מוּתָּרִים. כַּמָּה [4]יִשְׁהוּ וְיִהְיוּ אֲסוּרִין? כְּדֵי שֶׁיֵּצֵא [5]הָרַחַשׁ מִמָּקוֹם קָרוֹב וְיִשְׁתֶּה.

**1** When a reptile may have drunk of it and rendered it harmful, even though תְּרוּמָה produce may not in ordinary circumstances be wasted. **2** Because reptiles do not drink of other liquids. **3** Or מְתֻּרִים. For use although they stood uncovered, as a reptile does not drink of them. **4** Uncovered. **5** Or *snake*.

Mishnah 5

The quantity[1] of water that may remain uncovered[2] must be such that the poison[3] may be lost[2] therein; R. Jose[4] says, In vessels,[5] whatever its quantity;[6] and on the ground, forty *seahs*.[7]

מִשְׁנָה ה

[1]שִׁיעוּר הַמַּיִם הַמְּגוּלִין, כְּדֵי [2]שֶׁתֹּאבַד בָּהֶן [3]הַמָּרָה; רַבִּי [4]יוֹסֵי אוֹמֵר, [5]בְּכֵלִים כָּל־[6]שֶׁהֵן, [7]וּבַקַּרְקָעוֹת אַרְבָּעִים סְאָה.

**1** Or שִׁעוּר. **2** *i.e.*, be ineffective or rendered harmless. **3** Of a reptile. **4** His view is rejected. **5** Water in vessels, whatever the quantity, must not be used if it has remained uncovered. **6** Or שֶׁהֵם. **7** Water on the ground may not be used (when infected by a snake's venom) if it be forty *seahs* or less. But R. Jose's opinions here are not accepted.

Mishnah 6

Figs, grapes, cucumbers, gourds, melons, or squash[2] that have been gnawed,[1] even if they are as much as a talent, whether large or small,[3] whether plucked or unplucked,[4] as long as they contain juice they are forbidden. And a snake-bitten beast is forbidden because of the danger to life.[5]

מִשְׁנָה ו

[1]נִקּוּרֵי תְאֵנִים וַעֲנָבִים וְקִשּׁוּאִין וְהַדְּלוּעִין וְהָאֲבַטִּיחִים [2]וְהַמְּלָפְפוֹנוֹת, אֲפִילוּ הֵם כִּכָּר, [3]אֶחָד גָּדוֹל וְאֶחָד קָטָן, אֶחָד תָּלוּשׁ וְאֶחָד [4]מְחוּבָּר, כָּל־שֶׁיֵּשׁ בּוֹ לֵיחָה אָסוּר. וּנְשִׁיכַת הַנָּחָשׁ אֲסוּרָה מִפְּנֵי [5]סַכָּנַת נְפָשׁוֹת.

**1** נִיקּוּר, נִקּוּר, the pecking or biting or nibbling or gnawing by birds, snakes, etc. **2** Or *muskmelons, cucumber-melons.** **3** Fruit. **4** Or מְחֻבָּר. **5** For no other reason except for fear of risk to health or life from the possibility of a snake having tainted such produce with its venom which the juice would absorb and spread throughout; but in the case of dry fruit the bitten part may be cut away and the rest eaten as the poison does not diffuse through dry tissue. The flesh of a beast that has been bitten by a snake is absolutely forbidden to be consumed because of danger to health or life, and the principle of בָּטֵל בְּשִׁשִּׁים, *neutralization of one part in sixty*, does not apply in such a case.* See **Supplement**.

Mishnah 7

A wine-strainer[1] is forbidden as a cover; R. Nehemiah[2] permits it.

מִשְׁנָה ז

[1]הַמְּשַׁמֶּרֶת שֶׁל יַיִן אֲסוּרָה מִשּׁוּם גִּלּוּי; רַבִּי [2]נְחֶמְיָה מַתִּיר.

**1** The pores or holes allow the poison from a snake to penetrate to the liquor. **2** His view is not accepted.

Mishnah 8

If a cask[1] of *priest's-due* be in doubt regarding uncleanness, R. Eliezer says,[2] If it stood in a neglected[4] place[3] it should be put in a hidden[5] place, and if it were uncovered[6] it should be covered. But R. Joshua[7] says, If it were lying in a hidden place it should be placed in a neglected place, and if it were covered it[8] should be uncovered. Rabban Gamaliel says,[9] Nothing new should be done about it.

מִשְׁנָה ח

[1]חָבִית שֶׁל תְּרוּמָה שֶׁנּוֹלַד בָּהּ סָפֵק טוּמְאָה, רַבִּי [2]אֱלִיעֶזֶר אוֹמֵר, אִם הָיְתָה מוּנַּחַת [3]בִּמְקוֹם [4]תּוֹרְפָה, יַנִּיחֶנָּה [5]בַּמָּקוֹם הַמּוּצְנָע; וְאִם הָיְתָה [6]מְגוּלָּה, יְכַסֶּנָּה. וְרַבִּי [7]יְהוֹשֻׁעַ אוֹמֵר, אִם הָיְתָה מוּנַּחַת בְּמָקוֹם מוּצְנָע יַנִּיחֶנָּה בִּמְקוֹם תּוֹרְפָה; וְאִם הָיְתָה [8]מְכוּסָה, יְגַלֶּנָּה. רַבָּן [9]גַּמְלִיאֵל אוֹמֵר, אַל יְחַדֵּשׁ בָּהּ דָּבָר.

**1** Or *barrel, cask, jar.* **2** His view is not accepted. **3** Or *exposed, dangerous.* **4** הַתּוֹרְפָה in some editions. **5** Or *decent, safe.* Because *priest's-due* whose uncleanness is in doubt must also be protected—as well as *priest's-due* of certain cleanness. Gloss based on the plural תְּרוּמוֹתַי in *Numbers* **18,** 8. **6** Or מְגֻלָּה. **7** His opinion is rejected. **8** Or מְכֻסָּה. **9** The ruling is according to his view; and if it be not known which of two vessels of תְּרוּמָה was defiled they must neither be protected nor covered more than they are already.

Mishnah 9

If a jar[1] in the upper part of the press[2] were broken, and the lower part[3] were unclean, R. Eliezer and R. Joshua agree that if they can[4] save[5] from it a *quarter*[6] in cleanness he should save it; But if not, R. Eliezer[7] says, let it run off and become unclean, but he should not defile it with his hands.

מִשְׁנָה ט

[1]חָבִית שֶׁנִּשְׁבְּרָה [2]בַּגַּת הָעֶלְיוֹנָה׳ [3]וְהַתַּחְתּוֹנָה טְמֵאָה׳ מוֹדֶה רַבִּי אֱלִיעֶזֶר וְרַבִּי יְהוֹשֻׁעַ שֶׁאִם [4]יְכֹלִים [5]לְהַצִּיל מִמֶּנָּה [6]רְבִיעִית בְּטָהֳרָה יַצִּיל; וְאִם לַאו׳ רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר׳ תֵּרֵד וְתִטְמָא׳ וְאַל יְטַמְּאֶנָּה בְּיָדָיו׳

**1** Or *barrel, cask.* **2** Wine-press. **3** The pit or cistern contains less than 100 parts as much as the תְּרוּמָה to neutralize it. **4** In some editions, יָכוֹל, which would be more correct linguistically, *i.e., if he can save from it* . . . . . **5** With clean hands and in clean vessels; or even with unclean hands and in an unclean vessel so that the תְּרוּמָה be not wasted. **6** רְבִיעִית = $\frac{1}{4}$ רֹבַע or $\frac{1}{4}$ לוֹג (see זְרָעִים **Introduction** *Tables*). **7** His opinion is rejected.

Mishnah 10

And likewise, also, in the case of a jar of oil that was spilled, R. Eliezer and R. Joshua agree that if one can save from it a *quarter*[1] in cleanness, he should save it; But if not,[2] R. Eliezer says, let it run away and be absorbed[3] and he should not defile[4] it with his hands.

מִשְׁנָה י

וְכֵן חָבִית שֶׁל שֶׁמֶן שֶׁנִּשְׁפְּכָה׳ מוֹדֶה רַבִּי אֱלִיעֶזֶר וְרַבִּי יְהוֹשֻׁעַ׳ שֶׁאִם יָכוֹל לְהַצִּיל מִמֶּנָּה [1]רְבִיעִית בְּטָהֳרָה יַצִּיל; [2]וְאִם לַאו׳ רַבִּי אֱלִיעֶזֶר אוֹמֵר׳ תֵּרֵד [3]וְתִבָּלַע וְאַל [4]יְבַלְּעֶנָּה בְּיָדָיו׳

**1** $\frac{1}{4}$לוֹג (see זְרָעִים **Introduction**, *Tables*). **2** And also if the lower pit or cistern does not contain 100 times as much as the תְּרוּמָה. **3** Into the ground. **4** *Literally*, 'and he should not gather or scoop it up.'

Mishnah 11

Of both these cases[1,2] R. Joshua said, This is not such *priest's-due* that I must be careful not to render it unclean, but not to eat it. But what is the *priest's-due* which must not be rendered unclean?—If one were passing from one place to another and he had *priest's-due* loaves in his hand, and a non-Jew[3] said to him, 'Give me one of them and I will render it unclean, but if not I will defile the whole lot;'[4]—R. Eliezer[5] says, Let him defile the whole lot, but let him not give him one of them to render it unclean. R. Joshua[6] says, Let him set one of them before him on a stone.

מִשְׁנָה יא

עַל זוֹ וְעַל זוֹ אָמַר רַבִּי יְהוֹשֻׁעַ, לֹא זוֹ הִיא תְּרוּמָה שֶׁאֲנִי מוּזְהָר עָלֶיהָ מִלְּטַמְּאָהּ, אֶלָּא מִלְּאָכְלָהּ. וּבַל תְּטַמְּאָהּ כֵּיצַד, הָיָה עוֹבֵר מִמָּקוֹם לְמָקוֹם וְכִכָּרוֹת שֶׁל תְּרוּמָה בְּיָדוֹ, אָמַר לוֹ עוֹבֵד כּוֹכָבִים, תֵּן לִי אַחַת מֵהֶן וַאֲטַמְּאָהּ וְאִם לַאו אֲנִי מְטַמֵּא אֶת־כּוּלָּהּ; רַבִּי אֱלִיעֶזֶר אוֹמֵר, יְטַמֵּא אֶת־כּוּלָּהּ וְאַל יִתֵּן לוֹ אַחַת מֵהֶן וִיטַמְּאָהּ. רַבִּי יְהוֹשֻׁעַ אוֹמֵר, יַנִּיחַ לְפָנָיו אַחַת מֵהֶן עַל הַסֶּלַע.

**1** וְעַל in some editions. **2** That in *Mishnah* 8 of this Chapter and that in the preceding *Mishnah* 9 (and also in *Mishnah* 10). **3** Literally, *star-worshipper, i.e., idolater*. In some editions נָכְרִי, *non-Jew*. **4** Or כֻּלָּהּ; in some editions, כּוּלָּן and כּוּלָּם. **5** His opinion is rejected. **6** His view is accepted.

Mishnah 12

And similarly, too, in the case of women to whom[1] non-Jews[2] said, 'Give us[3] one from among you[4] that we may defile her, and if not we will defile you all,'[5] let them defile all of them[6] but let them not yield to them a single soul from Israel.

מִשְׁנָה יב

וְכֵן נָשִׁים שֶׁאָמְרוּ לָהֶם גּוֹיִים, תְּנוּ לָנוּ אַחַת מִכֶּם וּנְטַמְּאָהּ, וְאִם לַאו הֲרֵי אָנוּ מְטַמְּאִים אֶת־כּוּלְּכֶם, יְטַמְּאוּ אֶת־כּוּלָּן וְאַל יִמְסְרוּ לָהֶם נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל.

**1** Grammatically this should be לָהֵן (*f.pl.*) in agreement with נָשִׁים. **2** עוֹבְדֵי כּוֹכָבִים in some editions. **3** לָנוּ is omitted in some editions. **4** מִכֶּן more grammatically correct. **5** כֻּלְּכֶן more grammatically correct. **6** Or כֻּלָּן.

## CHAPTER 9

## פֶּרֶק ט

### Mishnah 1

If one sowed *priest's-due*, if in error it must be turned over,[1] but if wilfully, he must let it grow.[2] If it have attained to a third of its growth, whether in error or wilfully, he must let it grow, and in the case of flax,[3] even if wilfully, it must be turned over.[4]

### מִשְׁנָה א

הַזּוֹרֵעַ תְּרוּמָה, שׁוֹגֵג [1]יוּפַךְ, וּמֵזִיד [2]יְקַיֵּים· אִם הֵבִיאָה שְׁלִישׁ, בֵּין שׁוֹגֵג בֵּין מֵזִיד [2]יְקַיֵּים· [3]וּבְפִשְׁתָּן, [4]מֵזִיד יוּפַךְ·

**1** And no regard be paid to the rule that תְּרוּמָה must not be wasted. **2** And the produce is תְּרוּמָה. **3** In some editions, אִם בְּפִשְׁתָּן. **4** Because the stalks and not the seeds are the main purpose of the growth and they are תְּרוּמָה.

### Mishnah 2

And it[1] is subject to the laws of *gleaning*, *forgotten-sheaf*, and *field-corner produce;* and poor non-priests and poor priests may gather[2] therefrom; and the poor non-priests must sell their portions to the priests at the price of *priest's-due* but the money belongs to them. R. Tarfon says, None other than poor priests may gather lest they[3] forget and put into their mouths. R. Akiba said to him, If so then no others should gather except the clean.[4]

### מִשְׁנָה ב

[1]וְחַיֶּיבֶת בְּלֶקֶט וּבְשִׁכְחָה וּבְפֵאָה, וַעֲנִיֵּי יִשְׂרָאֵל וַעֲנִיֵּי כֹהֲנִים [2]מְלַקְּטִין; וַעֲנִיֵּי יִשְׂרָאֵל מוֹכְרִין אֶת־שֶׁלָּהֶם לַכֹּהֲנִים בִּדְמֵי תְרוּמָה וְהַדָּמִים שֶׁלָּהֶם· רַבִּי טַרְפוֹן אוֹמֵר, לֹא יְלַקְּטוּ אֶלָּא עֲנִיֵּי כֹהֲנִים שֶׁמָּא [3]יִשְׁכְּחוּ וְיִתְּנוּ לְתוֹךְ פִּיהֶם· אָמַר לוֹ רַבִּי עֲקִיבָא, אִם כֵּן לֹא יְלַקְּטוּ אֶלָּא [4]טְהוֹרִים·

**1** *i.e.*, what grows from such sowing (preceding *Mishnah*). **2** מְלַקְּטִים in some editions. **3** *i.e.*, non-priests. **4** *i.e.*, clean priests. His ruling is accepted.

### Mishnah 3

And it[1] is subject to *tithes*[2] and to the *poor-man's tithe;* and poor non-priests and poor priests may take[3] therefrom; and the poor non-priests must sell their portions to the priests at the price of *priest's-due* but the money belongs to them. He who threshes with the

### מִשְׁנָה ג

[1]וְחַיֶּיבֶת [2]בְּמַעְשְׂרוֹת וּבְמַעֲשַׂר עָנִי, וַעֲנִיֵּי יִשְׂרָאֵל וַעֲנִיֵּי כֹהֲנִים [3]נוֹטְלִים, וַעֲנִיֵּי יִשְׂרָאֵל מוֹכְרִין אֶת־שֶׁלָּהֶם לַכֹּהֲנִים בִּדְמֵי תְרוּמָה וְהַדָּמִים שֶׁלָּהֶם· [4]הַחוֹבֵט [5]מְשׁוּבָּח· [6]וְהַדָּשׁ

כֵּיצַד יַעֲשֶׂה? תּוֹלֶה [7]כְּפִיפוֹת בְּצַוְּארֵי בְהֵמָה וְנוֹתֵן לְתוֹכָן [8]מֵאוֹתוֹ הַמִּין, נִמְצָא לֹא זוֹמֵם אֶת־הַבְּהֵמָה וְלֹא מַאֲכִיל אֶת־הַתְּרוּמָה.

flail[4] is praiseworthy.[5] And he who threshes,[6] how shall he act?—He hangs baskets[7] over the necks of the beasts and puts into them a like kind[8] of the produce; thus it will be found that he neither muzzles the beast nor feeds it with *priest's-due.*

**1** What grows from such sowing (see 9[1]). **2** Both first tithe and second tithe. **3** נוֹטְלִין in some editions. **4** With flails, so as not to have to employ a beast which must not be fed with תְּרוּמָה (unless it belongs to a כֹּהֵן) and it would be an act of cruelty to prevent it from eating in the presence of food. **5** Or מְשֻׁבָּח. **6** *i.e.*, who treads it out with cattle. *Deuteromony*, **25**, 4. **7** כְּפִיפָה, *osier basket.* **8** But which is חוּלִין.

## מִשְׁנָה ד

גִּדּוּלֵי תְרוּמָה תְּרוּמָה, וְגִדּוּלֵי גִדּוּלִין חוּלִין; אֲבָל [1]הַטֶּבֶל [1]וּמַעֲשֵׂר רִאשׁוֹן [2]וּסְפִיחֵי שְׁבִיעִית, [3]וּתְרוּמַת חוּצָה לָאָרֶץ [4]וְהַמְּדוּמָע [5]וְהַבִּכּוּרִים, גִּדּוּלֵיהֶן חוּלִין. גִּדּוּלֵי הֶקְדֵּשׁ וּמַעֲשֵׂר שֵׁנִי חוּלִין, [6]וּפוֹדֶה אוֹתָם בִּזְמַן זַרְעָם.

Mishnah 4

Whatever grows from *priest's-due* is *priest's-due*, but the next growth is *non-holy produce;* but what grows from produce from which the *priest's-due*[1] and *first tithe*[1] have not been separated, from *first tithe*, from aftergrowths[2] of *Sabbatical Year produce*, from *priest's-due* from outside Palestine,[3] from *non-holy produce* mixed with *priest's-due*,[4] and from *first-fruits*[5] is *non-holy produce.* Whatever grows from *dedicated produce* or from *second tithe* is *non-holy produce* and one must redeem[6] it as at the time when it was sown.

**1** Because the greater part of these is actually חוּלִין. **2** Because they are usually rare. **3** Because it is an unusual separation. **4** Because actually the greater part is חוּלִין. **5** Because only seven species are under this heading. **6** With the price of the seeds at the time sown.

## מִשְׁנָה ה

מֵאָה [1]לִגְנָה שֶׁל תְּרוּמָה וְאַחַת שֶׁל [2]חוּלִין, כּוּלָּן [3]מוּתָּרִין בְּדָבָר שֶׁזַּרְעוֹ

Mishnah 5

If there be a hundred beds of *priest's-due* and one of *non-holy produce*,[2] they are all permitted[3] if the produce is of the kind whose

[4]כָּלָה; אֲבָל בְּדָבָר שֶׁאֵין זַרְעוֹ [4]כָּלָה, אֲפִילוּ מֵאָה שֶׁל חוּלִין וְאֶחָד שֶׁל תְּרוּמָה, כּוּלָּן [5]אֲסוּרִין.

seed perishes;[4] but produce whose seed does not perish,[4] even if there be a hundred of *non-holy produce* and one of *priest's-due*, all are forbidden.[5]

**1** Or לְגִנָּה, *bed*, *row*. **2** And it is not known which is which. **3** In some editions, מְתָרִים. To non-priests. **4** In the soil. **5** If it be not known which is the תְּרוּמָה.

מִשְׁנָה ו

הַטֶּבֶל גִּדּוּלָיו [1]מוּתָּרִין בְּדָבָר שֶׁזַּרְעוֹ [2]כָּלָה; אֲבָל בְּדָבָר שֶׁאֵין זַרְעוֹ [2]כָּלָה, גִּדּוּלֵי גִדּוּלִין אֲסוּרִין. אֵיזֶהוּ דָּבָר שֶׁאֵין זַרְעוֹ כָּלָה? כְּגוֹן [3]הַלּוּף וְהַשּׁוּם וְהַבְּצָלִים. רַבִּי יְהוּדָה אוֹמֵר, הַשּׁוּם [4]כִּשְׂעוֹרִים.

Mishnah 6

What grows from produce from which *priest's-due* and *first tithe* have not been separated is permitted[1] if the produce be such whose seed perishes,[2] but in the case of produce whose seed does not perish,[2] what grows therefrom next is forbidden. What produce is there whose seed does not perish?—Such as serpentaria,[3] garlic and onions. R. Judah says, Garlic is like barley.[4]

**1** To partake of it אֲכִילַת עֲרַאי, *a chance meal*. **2** In the ground. **3** Serpentaria, snake-root, dragon's-wort, snake-weed, tarragon, herb-dragon; more probably Egyptian bean, Indian lotus, hyacinth-bean; perhaps arum, cuckoo-pint, wake-robin.* **4** Or כִּשְׂעוֹרָה and כִּשְׂעוֹרִין in some editions. In this respect. But his view is rejected. See **Supplement**.

מִשְׁנָה ז

הַמְנַכֵּשׁ [1]עִם הַנָּכְרִי בַּחֲסִיּוֹת, אַף עַל פִּי שֶׁפֵּירוֹתָיו טֶבֶל, אוֹכֵל מֵהֶם עֲרַאי. [2]שְׁתִילֵי תְּרוּמָה שֶׁנִּטְמְאוּ [3]שְׁתָלָן טָהֲרוּ מִלְּטַמֵּא וַאֲסוּרִין מִלְּאֱכוֹל, עַד שֶׁיִּגּוֹם אֶת־הָאוֹכֶל; רַבִּי [4]יְהוּדָה אוֹמֵר, עַד שֶׁיִּגּוֹם וְיִשְׁנֶה.

Mishnah 7

If one were weeding leeks with[1] a non-Jew, even though the *priest's-due* and the *first tithe* have not been separated from his produce, he may eat a chance meal of them. If seedlings[2] of *priest's-due* that had become defiled were replanted,[3] they become clean and do not defile, but they are forbidden to be eaten until the edible portion be cut away; R. Judah says,[4] Until what grows again is also cut away once more.

**1** *i.e.*, assisting the non-Jew. Also if a non-Jew planted מֶכֶל a Jew may eat from it אֲכִילַת עֲרַאי, a *chance-meal*. **2** Or *plants*. This applies also to unclean תְּרוּמָה seeds. **3** Or *transplanted*. **4** His view is not accepted.

## CHAPTER 10

## פֶּרֶק י

### Mishnah 1

If one put an onion[1] into lentils,[2] and the onion were whole, it is permitted,[3] but if it were cut up, the matter is decided on the principle of 'that which gives a flavour.' And in the case of all other cooked dishes, whether whole or cut up,[4] it is decided as to whether it imparts its flavour. R. Judah allows[5] in the case of small fish preserved in brine because it is[6] applied only to absorb the froth.[7]

### מִשְׁנָה א

[1]בְּצֵל שֶׁנִּתְּנוּ בְּתוֹךְ [2]עֲדָשִׁים, אִם שָׁלֵם [3]מוּתָּר, וְאִם חֻתְּכוּ בְּנוֹתֵן טְעַם. וּשְׁאָר כָּל־הַתַּבְשִׁיל בֵּין שָׁלֵם בֵּין [4]מְחוּתָּךְ בְּנוֹתֵן טְעַם. רַבִּי יְהוּדָה [5]מַתִּיר בְּצַחֲנָה, [6]שֶׁאֵינָהּ אֶלָּא לִיטּוֹל אֶת־[7]הַזּוּהֲמָא.

**1** Of תְּרוּמָה after it had been boiled. **2** Of חוּלִין hot or already cooked. **3** To non-priests. **4** *i.e.*, the onion. **5** The use of onion of תְּרוּמָה. His view is rejected. **6** שֶׁאֵינוֹ in some editions. **7** Or *stench, offensive matter*.

### Mishnah 2

If one chopped up an apple[1] and put it into dough[2] and it leavened it, it[3] is forbidden. If barley[4] fell into a cistern of water,[5] even though it had tainted the water, the water is permitted.[6]

### מִשְׁנָה ב

[1]תַּפּוּחַ שֶׁרְסָקוּ וּנְתָנוּ לְתוֹךְ [2]עִיסָּה וְחִמְּצָה, הֲרֵי [3]זוֹ אֲסוּרָה. [4]שְׂעוֹרִים שֶׁנָּפְלוּ לְתוֹךְ הַבּוֹר שֶׁל מַיִם, אַף עַל פִּי שֶׁהִבְאִישׁוּ [5]מֵימָיו, מֵימָיו [3]מוּתָּרִין.

**1** Of תְּרוּמָה. The apple does not become neutralized. **2** Of חוּלִין. **3** The dough. **4** Of תְּרוּמָה. **5** מֵימָיו is omitted in some editions. **6** מְתָּרִים in some editions.

### Mishnah 3

If one removed hot bread[1] from an oven and put it over the mouth of a jar[2] of wine of *priest's-due*, R. Meir[3] forbids it, but R. Judah[4] permits it. R. Jose permits[5] it if

### מִשְׁנָה ג

הָרוֹדֶה [1]פַּת חַמָּה וּנְתָנָהּ עַל פִּי [2]חָבִית שֶׁל יַיִן שֶׁל תְּרוּמָה, רַבִּי [3]מֵאִיר אוֹסֵר, וְרַבִּי [4]יְהוּדָה מַתִּיר.

רַבִּי יוֹסֵי [5]מַתִּיר בְּשֶׁל [6]חִטִּים, וְאוֹסֵר בְּשֶׁל שְׂעוֹרִים, מִפְּנֵי שֶׁהַשְּׂעוֹרִים [7]שׁוֹאֲבוֹת.

of wheat[6] but forbids it if of barley, because barley is absorbent.[7]

**1** Of חוּלִין. **2** *jar, cask, barrel.* **3** To non-priests. His view is accepted. **4** His opinion is rejected. **5** The רמב״ם accepts this view for hot wheaten bread. **6** חִטִּין in some editions. **7** Absorbs the wine fumes.

מִשְׁנָה ד

תַּנּוּר *שֶׁהֶסִיקוּ [1]בְּכַמּוֹן שֶׁל תְּרוּמָה וְאָפָה בּוֹ אֶת־הַפַּת, הַפַּת [2]מוּתֶּרֶת, שֶׁאֵין טַעַם כַּמּוֹן אֶלָּא רֵיחַ כַּמּוֹן.

Mishnah 4

If one heated an oven with caraway[1] of *priest's-due* and baked bread therein, the bread is permitted[2] since it is not the flavour of the caraway but its odour that is imparted.

**1** Or *cumin, cummin*—see *Supplement*. **2** To non-priests. This is the accepted ruling. *שֶׁהִסִּיקוּ probably preferable.

מִשְׁנָה ה

[1]תִּלְתָּן שֶׁנָּפְלָה לְתוֹךְ הַבּוֹר שֶׁל [2]יַיִן בִּתְרוּמָה וּבְמַעֲשֵׂר שֵׁנִי, אִם יֵשׁ בַּזֶּרַע כְּדֵי לִיתֵּן [3]טַעַם אֲבָל לֹא בָעֵץ; בַּשְּׁבִיעִית וּבְכִלְאֵי הַכֶּרֶם וְהֶקְדֵּשׁ, אִם יֵשׁ בַּזֶּרַע וּבָעֵץ, כְּדֵי לִיתֵּן [3]טַעַם.

Mishnah 5

If clover[1] of *priest's-due* or *second tithe* fell into a vat of wine,[2] if the seed but not the stalk were enough to impart its flavour;[3] but if it were from *Sabbatical Year produce* or from *forbidden junction produce* or from *dedicated produce*, then if both seed and stalk are sufficient to impart a flavour.[3]

**1** Or *fenugreek, melilot*. Here it means the seeds and the stalks. The stalks do not come under the heading of תְּרוּמָה, and תְּרוּמָה and מַעֲשְׂרוֹת are separated from the seed only; but if one separated these dues from the seed while still with the stalks then both must be delivered to the כֹּהֵן. But the laws of שְׁבִיעִית, כִּלְאַיִם and הֶקְדֵּשׁ do apply to the stalks. **2** Of חוּלִין. **3** It is forbidden to non-priests.

מִשְׁנָה ו

מִי שֶׁהָיוּ לוֹ חֲבִילֵי [1]תִּלְתָּן [2]בְּכִלְאֵי הַכֶּרֶם יִדָּלֵקוּ. הָיוּ לוֹ חֲבִילֵי תִּלְתָּן שֶׁל טֶבֶל, כּוֹתֵשׁ וּמְחַשֵּׁב כַּמָּה זֶרַע

Mishnah 6

If one had bundles of clover[1] from *forbidden junction*[2] from a vineyard they must be burned. If he had bundles of clover from which the *priest's-due* and *first tithe* had

יֵשׁ בָּהֶם, וּמַפְרִישׁ [3]אֶת־הַזֶּרַע, וְאֵינוֹ צָרִיךְ לְהַפְרִישׁ אֶת־הָעֵץ. אִם [4]הִפְרִישׁ לֹא יֹאמַר אֶכְתֹּשׁ וְאֶטּוֹל אֶת־הָעֵץ, וְאֶתֵּן אֶת־הַזֶּרַע, אֶלָּא נוֹתֵן הָעֵץ עִם הַזֶּרַע.

not been separated, he must beat out the seed and compute how much seed there is therein and separate the seed;[3] but he need not separate from the stalks. If he did separate,[4] he must not say, 'I will beat out the seed and keep back the stalks, and give up the seed,' but he must give up the stalks together with the seed.

**1** Compare the preceding *Mishnah*, **Note 1**. **2** In some editions, שֶׁל כֵּלֵי. **3** For תְּרוּמָה. **4** The stalks as תְּרוּמָה.

מִשְׁנָה ז

זֵיתֵי חוּלִין [1]שֶׁכְּבָשָׁן עִם זֵיתֵי תְרוּמָה, [2]פְּצוּעֵי חוּלִין עִם פְּצוּעֵי תְרוּמָה, פְּצוּעֵי חוּלִין עִם [3]שְׁלֵימֵי תְרוּמָה, אוֹ [4]בְּמֵי תְרוּמָה [5]אָסוּר; אֲבָל שְׁלֵימֵי חוּלִין עִם פְּצוּעֵי תְרוּמָה [6]מוּתָּר.

Mishnah 7

If olives of *non-holy produce* were preserved[1] with olives of *priest's-due*, whether they[2] were crushed *non-holy produce* with crushed *priest's-due*, or whether they were crushed *non-holy produce* with whole[3] *priest's-due*, whether in liquor[4] that was *priest's-due*, they are forbidden;[5] but whole *non-holy olives* with crushed *priest's-due olives* are permitted.[6]

**1** Or *pickled*. **2** The olives. **3** Uncrushed olives. **4** Fruit juice. **5** To a non-priest. Because the broken crushed olives absorb the flavours from the תְּרוּמָה in all these cases. **6** To non-priests. Because whole olives do not absorb the flavour.

מִשְׁנָה ח

דָּג טָמֵא [1]שֶׁכְּבָשׁוֹ עִם דָּג טָהוֹר, [2]כָּל־[3]גָּרָב שֶׁהוּא מַחֲזִיק סָאתַיִם אִם יֵשׁ בּוֹ מִשְׁקַל עֲשָׂרָה [4]זוּז בִּיהוּדָה שֶׁהֵי [5]חֲמִשָּׁה [6]סְלָעִים בְּגָלִיל, דָּג טָמֵא, [7]צִירוֹ אָסוּר. רַבִּי יְהוּדָה אוֹמֵר, רְבִיעִית [8]בְּסָאתַיִם; וְרַבִּי יוֹסֵי אוֹמֵר, [1]אֶחָד [9]מִשִּׁשָּׁה עָשָׂר בּוֹ.

Mishnah 8

If unclean fish were preserved[1] with clean fish, if in any[2] keg[3] holding two *seahs* the weight of the unclean fish be ten *zuz*[4] in Judaean measure, which is five[5] *selahs*[6] in Galilean measure, the brine[7] thereof is forbidden. R. Judah says, 'A quarter *log* in two *seahs*.'[8] And R. Jose says, 'When one[1] sixteenth[9] part is in it.'

**1** Or *pickled*. In brine. The accepted ruling is that the unclean fish becomes neutralized in not less than sixty times as much of clean fish. **2** וְכָל in some editions. **3** *tub*, *keg* (used as a measure). **4** 1 *seah* = 4800 *zuz* (see זְרָעִים **Introduction**, *Tables*). **5** חָמֵשׁ in some editions. **6** סֶלַע (or שֶׁקֶל הַקֹּדֶשׁ) = 2 שֶׁקֶל כָּשׁוּט or 4 זוּז (See Tables of Weights and Measures in זְרָעִים, **Introduction**). **7** Or *juice*. Literally, 'the brine thereof—the fish being unclean—is forbidden.' **8** Is forbidden. **9** Is unclean.

Mishnah 9

If unclean locusts were preserved[1] with clean locusts, they do not render their brine[3] unfit.[2] R. Zadok[4] testified that the brine of unclean locusts is clean.

מִשְׁנָה ט

חֲגָבִים טְמֵאִים [1]שֶׁנִּכְבְּשׁוּ עִם חֲגָבִים טְהוֹרִים, לֹא [2]פָּסְלוּ אֶת־[3]צִירָם. הֵעִיד רַבִּי [4]צָדוֹק עַל צִיר חֲגָבִים טְמֵאִים שֶׁהוּא טָהוֹר.

**1** Or pickled. **2** *Forbidden*. **3** Or *juice*. **4** His opinion is accepted.

Mishnah 10

All[1] that are preserved together are permitted, excepting only leeks. Leeks that are *non-holy* with leaks of *priest's-due*, or greens that are *non-holy* with leeks of *priest's-due* are forbidden. But leeks[2] that are *non-holy* with vegetables[3] of *priest's-due* are permitted.[4]

מִשְׁנָה י

[1]כָּל־הַנִּכְבָּשִׁים זֶה עִם זֶה [2]מוּתָּרִים, אֶלָּא עִם הֶחָסִית. חָסִית שֶׁל חוּלִין עִם חָסִית שֶׁל תְּרוּמָה, יֶרֶק שֶׁל חוּלִין עִם חָסִית שֶׁל תְּרוּמָה, אָסוּר. אֲבָל [2]חָסִית שֶׁל חוּלִין עִם [3]יֶרֶק שֶׁל תְּרוּמָה [4]מוּתָּר.

**1** Vegetables or greens חוּלִין. **2** In some editions חָסִית וְיֶרֶק. **3** Or *greens*. **4** Very acerb vegetables (as onions) of תְּרוּמָה are not neutralized in less than sixty parts as much of חוּלִין.

Mishnah 11

R. Jose says,[1] All that is stewed[2] with beets is forbidden, because they impart a flavour. R. Simon[3] says, Cabbage from irrigated soil with cabbage from rain-watered soil is forbidden,[4] because they are absorbent.[5] R. Judah says,[6] All things cooked[7] together are permitted excepting flesh.[8] R. Johanan

מִשְׁנָה יא

רַבִּי [1]יוֹסֵי אוֹמֵר, [2]כָּל־הַנִּשְׁלָקִים עִם הַתְּרָדִים אֲסוּרִים, מִפְּנֵי שֶׁהֵם נוֹתְנִין אֶת־הַטַּעַם. רַבִּי [3]שִׁמְעוֹן אוֹמֵר, כְּרוּב שֶׁל שֶׁקְיָא עִם כְּרוּב שֶׁל בַּעַל [4]אָסוּר, מִפְּנֵי שֶׁהוּא [5]בּוֹלֵעַ.

רַבִּי [6]יְהוּדָה אוֹמֵר, כָּל־
[7]הַמִּתְבַּשְּׁלִין זֶה עִם זֶה מוּתָּרִים,
אֶלָּא עִם [8]הַבָּשָׂר. רַבִּי יוֹחָנָן בֶּן
נוּרִי אוֹמֵר, [9]הַכָּבֵד [10]אוֹסֶרֶת וְאֵינָהּ
[11]נֶאֱסֶרֶת, מִפְּנֵי שֶׁהִיא [12]פּוֹלֶטֶת
וְאֵינָהּ [13]בּוֹלַעַת.

ben Nuri says, Liver[9] renders forbidden[10] but is not itself rendered prohibited,[11] because it exudes,[12] and does not absorb.[13]

**1** His view is not accepted. **2** חוּלִין with תְּרוּמָה. **3** His opinion is not accepted. **4** When stewed together. **5** One absorbs the moisture from the other. **6** עֲקִיבָא in some editions. His view is rejected. **7** הַמִּתְבַּשְּׁלִים in some editions. **8** Flesh with flesh cooked together. **9** Which is forbidden, *i.e.*, טְרֵפָה. **10** Other kinds of flesh cooked with it. **11** By any other kind of flesh that is prohibited if it be itself כָּשֵׁר. **12** Its own juices. **13** The juices of other flesh. In actual practice liver must be first well singed or roasted over a bare flame before it may be used as food in any form, otherwise it renders all other food cooked with it forbidden.

מִשְׁנָה יב

[1]בֵּיצָה [2]שֶׁנִּתְבַּשְּׁלָה [3]בְּתַבְלִין אֲסוּרִין,
אֲפִילוּ חֶלְמוֹן שֶׁלָּהּ [4]אָסוּר, מִפְּנֵי
שֶׁהוּא [5]בּוֹלֵעַ. [6]מֵי שְׁלָקוֹת וּמֵי
כְבָשִׁים שֶׁל תְּרוּמָה אֲסוּרִים לְזָרִים.

Mishnah 12

An egg[1] which is cooked[2] with spices[3] is forbidden, even its yolk is prohibited,[4] since it absorbs.[5] Water in which *priest's-due* has been boiled[6] or preserved is forbidden to non-priests.

**1** Even in its shell. **2** שֶׁנִּתְבַּשְּׁלָה in some editions. **3** That are forbidden (for instance if the spices are תְּרוּמָה or עָרְלָה or כִּלְאֵי הַכֶּרֶם). **4** And of course the חֶלְבּוֹן, *white*, is forbidden. **5** Other flavours. **6** The liquid in which priest's-due has been boiled or pickled.

## CHAPTER 11 — פֶּרֶק יא

מִשְׁנָה א

אֵין [1]נוֹתְנִים [2]דְּבֵילָה [3]וּגְרוֹגֶרֶת לְתוֹךְ
[3]הַמּוּרְיֵיס, מִפְּנֵי שֶׁהוּא מְאַבְּדָן;
אֲבָל [1]נוֹתְנִים אֶת־[4]הַיַּיִן לְמוּרְיֵיס.

Mishnah 1

They must not put[1] fig-cake[2] or dried-figs[2] into fish-brine[3] because the latter spoils them; but they may put wine[4] into fish-brine. And they must not perfume[5] oil, but wine may be made into

וְאֵין [5]מְפַטְּמִין אֶת־הַשֶּׁמֶן אֲבָל עוֹשִׂין אֶת־הַיַּיִן [6]יְינוֹמְלִין· אֵין [7]מְבַשְּׁלִין יַיִן שֶׁל תְּרוּמָה מִפְּנֵי שֶׁהוּא מַמְעִיטוֹ· רַבִּי [8]יְהוּדָה מַתִּיר· מִפְּנֵי שֶׁהוּא מַשְׁבִּיחוֹ·

honeyed-wine.[6] They must not boil[7] wine of *priest's-due* because it is thereby lessened. R. Judah[8] permits it, because it improves it.

**1** In some editions, נוֹתְנִין. **2** Of תְּרוּמָה. **3** מוּרְיֵיס, *brine*, *pickle* (containing fish-hash or locust-hash with or without the addition of wine). Even the juice of the figs may not be squeezed out to be eaten and the rest wasted for תְּרוּמָה products must not be destroyed. **4** תְּרוּמָה wine may be added to a dish. **5** Because after the wine has absorbed the essence of the spices the latter are thrown away, but when they have become תְּרוּמָה by the process they may not be wasted. **6** Or אִינוֹמִילִין, *wine mixed with honey*. **7** מְבַשְּׁלִים in some editions. **8** His view is rejected.

מִשְׁנָה ב

דְּבַשׁ תְּמָרִים· [1]וְיֵין תַּפּוּחִים· וְחוֹמֶץ סְתָוְנִיּוֹת· וּשְׁאַר כָּל־[2]מֵי פֵּירוֹת שֶׁל תְּרוּמָה· רַבִּי [3]אֱלִיעֶזֶר [4]מְחַיֵּיב קֶרֶן וְחוֹמֶשׁ· וְרַבִּי [5]יְהוֹשֻׁעַ [6]פּוֹטֵר· [7]וְרַבִּי אֱלִיעֶזֶר מְטַמֵּא מִשּׁוּם [8]מַשְׁקֶה· אָמַר רַבִּי יְהוֹשֻׁעַ· לֹא מָנוּ חֲכָמִים שִׁבְעָה [9]מַשְׁקִים כְּמוֹנֵי פִּטְּמִים אֶלָּא אָמְרוּ [10]שִׁבְעָה מַשְׁקִין [11]טְמֵאִים; וּשְׁאַר כָּל־הַמַּשְׁקִין [12]טְהוֹרִין·

Mishnah 2

Date-honey, cyder,[1] winter-grape vinegar, and all other fruit-juices[2] of *priest's-due*—R. Eliezer[3] makes one liable[4] for the value and the *added fifth*, but R. Joshua[5] exempts[6] him. And R.[7] Eliezer declares them subject to uncleanness under the law regarding liquids.[8] R. Joshua said, 'The Sages did not take count of seven liquids[9] like those that count up spices but they said seven[10] liquids are capable of acquiring uncleanness;[11] all other liquids are clean.[12]

**1** *Literally* 'wine of apples'. **2** Except oil and wine. **3** His opinion is rejected. **4** Or מְחַיֵּב. If a non-priest partook of any unwittingly. **5** His view is accepted. **6** From the added fifth but not the value. **7** רַבִּי in some editions. **8** *Leviticus* **11**, 34, 38. **9** מַשְׁקִין in some editions. **10** They are water, dew, wine, oil, bees-honey, milk, blood. **11** They can contract uncleanness, and convey uncleanness. **12** *i.e.*, not susceptible to uncleanness.

Mishnah 3

They must not make dates into honey, or apples into cyder, or winter-grapes into vinegar, nor may any other fruit be changed from their natural state if they are *priest's-due* or *second tithe*, with the exception of olives and grapes.[1] One does not receive[2] the *forty stripes*[3] on account of *orlah fruit*,[4] except in the case of[5] olive and grape products. And no liquids[11] are brought as *first-fruits*[6] except olive and grape products. And no fruit-juice is susceptible to uncleanness under the law regarding liquids except olive[7] and grape[7] products. And no fruit-liquor is offered on the altar with the exception of olive and grape juices.

מִשְׁנָה ג

אֵין עוֹשִׂין תְּמָרִים דְּבָשׁ, וְלֹא תַּפּוּחִים יַיִן, וְלֹא סְתָוְיוֹת חֹומֶץ, וּשְׁאַר כָּל־הַפֵּירוֹת אֵין מְשַׁנִּין אוֹתָם מִבְּרִיָּתָן בִּתְרוּמָה וּבְמַעֲשֵׂר שֵׁנִי, אֶלָּא זֵיתִים וַעֲנָבִים [1]בִּלְבָד. אֵין [2]סוֹפְגִים [3]הָאַרְבָּעִים מִשּׁוּם [4]הָעָרְלָה אֶלָּא [5]עַל הַיּוֹצֵא מִן־הַזֵּיתִים וּמִן־הָעֲנָבִים. וְאֵין מְבִיאִין [6]בִּכּוּרִים מַשְׁקִין, אֶלָּא הַיּוֹצֵא מִן־הַזֵּיתִים וּמִן־הָעֲנָבִים. וְאֵינוֹ מְטַמֵּא מִשּׁוּם מַשְׁקֶה אֶלָּא הַיּוֹצֵא מִן־[7]הַזֵּיתִים וּמִן־[7]הָעֲנָבִים. וְאֵין מַקְרִיבִין עַל גַּבֵּי הַמִּזְבֵּחַ אֶלָּא הַיּוֹצֵא מִן־הַזֵּיתִים וּמִן־הָעֲנָבִים.

**1** תְּרוּמָה products may not be wasted, hence the law laid down in the case of all fruits where the extraction of the juices renders the pulp useless; but it is permitted in the case of grapes and olives (whose skins or pulp would in any case be of no use) .**2** Or סוֹפְגִין in some editions. **3** The *forty stripes* were incurred for the transgression of a לֹא תַעֲשֶׂה, *negative command*. **4** In some editions, עָרְלָה. עָרְלָה is the fruit growing on a tree during the first three years after its planting and must not be eaten. If the planting took place on or before the 16th אָב then up to the 1st תִּשְׁרִי is counted as the first year. The tree is no longer עָרְלָה after the third תִּשְׁרִי but the fruit may still not be eaten before the following 15th שְׁבָט. (The whole subject is treated in the tenth Tractate עָרְלָה). **5** עַל is omitted in some editions. **6** This subject is fully treated in the eleventh Tractate בִּכּוּרִים. *Deuteronomy* **26,** 2, 10. **7** Literally, 'olives and grapes.'

Mishnah 4

The stalks of figs, dried figs, locust-tree fruit,[1] or carobs of *priest's-due* are forbidden to non-priests.

מִשְׁנָה ד

עוֹקְצֵי תְאֵנִים, וּגְרוֹגָרוֹת, [1]וְהַכִּלְיסִים, וְהַחֲרוּבִין שֶׁל תְּרוּמָה אֲסוּרִים לְזָרִים.

**1** הַכִּלְיסִין in some editions. Or *Judas-tree fruit*. The Rambam (Maimonides) considers these a species of figs.

Mishnah 5

Kernels of *priest's-due* are forbidden[2] so long as one[1] keeps them, but if he[1] have thrown them away they are allowed.[3] And likewise also the bones of sacrifices, so long as one[1] keeps them they are prohibited, but if he[1] have thrown them away, they are permitted. Bruised grain[4] is permitted;[5] but bran flour[6] from fresh[7] wheat is forbidden, and from old[8] wheat is permitted,[3] and the *priest's-due* is dealt with in the same way as *non-holy produce*[9] is treated. When one prepares fine flour, one *kab* or two *kabs* to the *seah*, he must not waste the rest[10] but put it in some safe place.[11]

מִשְׁנָה ה

גַּרְעִינֵי תְרוּמָה בִּזְמַן [1]שֶׁהוּא [3]מְכַנְּסָן [2]אֲסוּרוֹת, וְאִם [1,3]הִשְׁלִיכָן [3]מוּתָּרוֹת. וְכֵן עַצְמוֹת הַקָּדָשִׁים, בִּזְמַן [1]שֶׁהוּא מְכַנְּסָן אֲסוּרִין, וְאִם [1]הִשְׁלִיכָן מוּתָּרִין. [4]הַמּוֹרְסָן [5]מוּתָּר; [6]סוּבִּין שֶׁל [7]חֲדָשׁוֹת [3]אֲסוּרוֹת, וְשֶׁל [8]יְשָׁנוֹת [3]מוּתָּרוֹת, וְנוֹהֵג בְּתְרוּמָה כְּדֶרֶךְ שֶׁהוּא נוֹהֵג [9]בְּחוּלִין. הַמְסַלֶּת קַב אוֹ קַבִּין לַסְּאָה, לֹא יְאַבֵּד אֶת־[10]הַשְּׁאָר, אֶלָּא יַנִּיחֶנּוּ [11]בַּמָּקוֹם הַמּוּצְנָע.

**1** A כֹּהֵן, priest. **2** To a non-priest. אֲסוּרִים would be more grammatically correct (*m.pl.* in agreement with גַּרְעִינֵי). **3** To a non-priest. מֻתָּרִים would be more grammatically correct (similarly אֲסוּרִים, הִשְׁלִיכָם, מְכַנְּסָם). **4** Or *coarse bran*. Of תְּרוּמָה. **5** To a non-priest. **6** Or סְבִין. **7** To a non-priest. Because new wheat is moist and the flour adheres to the bran and some is lost. **8** Because the dry grain grinds well and the flour does not adhere to the bran and is not lost. **9** If the uneatable parts of חוּלִין are thrown away then such may be also wasted in the case of תְּרוּמָה. **10** Which can still be eaten. **11** While it rots away of its own accord.

Mishnah 6

If one cleared out wheat of *priest's-due* from a bin,[1] he is not obliged to sit down and collect[2] it grain by grain, but he sweeps it out in his usual manner and puts *non-holy produce* into it.

מִשְׁנָה ו

[1]מְגוּרָה שֶׁפִּנָּה מִמֶּנָּה חִטֵּי תְרוּמָה, אֵין מְחַיְּבִין אוֹתוֹ לְהָיוֹת יוֹשֵׁב [2]וּמְלַקֵּט אַחַת אַחַת, אֶלָּא מְכַבֵּד כְּדַרְכּוֹ וְנוֹתֵן לְתוֹכָהּ חוּלִין.

**1** Or *store-room*. **2** To pick up any odd grains lying about in the corners and on the floor.

Mishnah 7

And similarly also in the case of oil[1] which was spilled, he is not obliged to sit down and scoop it up with his hands,[2] but he may treat it in the same manner as he would deal with *non-holy produce.*

מִשְׁנָה ז

וְכֵן חָבִית שֶׁל [1]שֶׁמֶן שֶׁנִּשְׁפְּכָה, אֵין מְחַיְּבִין אוֹתוֹ לְהֵיוֹת יוֹשֵׁב [2]וּמְטַפֵּחַ, אֶלָּא נוֹהֵג בָּהּ כְּדֶרֶךְ שֶׁהוּא נוֹהֵג בְּחוּלִּין.

**1** Of תְּרוּמָה. **2** Wipe up or scoop up with the fingers and palms.

Mishnah 8

If one pour[1] from one jar into another and lets three drops[2] drip,[3] he may put into it *non-holy produce;* if he laid it on its side[4] and a little more collected, this is *priest's-due.* What quantity of the *priest's-due* of the *first tithe* of *doubtfully tithed produce* must there be for one to be bound to take it to the priest?—An eighth of the eighth.[5]

מִשְׁנָה ח

[1]הַמְּעָרֶה מִכַּד לְכַד וְנוֹטֵף שָׁלֹשׁ [3,2]טִפִּים, נוֹתֵן לְתוֹכָהּ חוּלִּין; [4]הִרְכִּינָהּ וּמִיצָּה הֲרֵי זוֹ תְרוּמָה. וְכַמָּה תְּהֵא בִּתְרוּמַת מַעֲשֵׂר שֶׁל דְּמַאי וְיוֹלִיכֶנָּהּ לְכֹהֵן, אֶחָד מִשְּׁמֹנֶה [5]לַשְּׁמִינִית.

**1** תְּרוּמָה oil or wine. **2** טִפִּין in some editions. **3** At the end, after pouring it all out, three drops collect (as liquids do in a vessel) and drip off the rim or lip. It is not essential to let the liquid drip away to the last possible drop. **4** But if the jar be laid on its side the residual oil on the inside wall will collect into a more or less small quantity and this is תְּרוּמָה. **5** Of a לוג. But less than this amount need not be given up to the כֹּהֵן. (See זְרָעִים **Introduction**, *Tables.*)

Mishnah 9

Vetches[1] of *priest's-due* may be fed to cattle, wild animals[2] and fowls. A non-priest who hired a cow from a priest may feed it with vetches of *priest's-due;* but if a priest hired a cow from a non-priest, even if he be responsible for its food, he must not feed it with vetches of *priest's-due.*[3] A non-priest who undertook to tend a cow of a priest to share in its increased value must not feed it

מִשְׁנָה ט

[1]כַּרְשִׁינֵי תְרוּמָה מַאֲכִילִין אוֹתָם לִבְהֵמָה, [2]וְלַחַיָּה, וּלְתַרְנְגוֹלִים. יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן מַאֲכִילָהּ כַּרְשִׁינֵי תְרוּמָה; וְכֹהֵן שֶׁשָּׂכַר פָּרָה מִיִּשְׂרָאֵל אַף עַל פִּי שֶׁמְּזוֹנוֹתֶיהָ עָלָיו, [3]לֹא יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה. יִשְׂרָאֵל שֶׁשָּׂם פָּרָה מִכֹּהֵן לֹא



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יַאֲכִילֶנָּה כַּרְשִׁינֵי תְרוּמָה; וְכֹהֵן שֶׁשָּׁם פָּרָה מִיִּשְׂרָאֵל מַאֲכִילָהּ כַּרְשִׁינֵי תְרוּמָה·

with vetches of *priest's-due;* but if a priest undertook to tend a cow from a non-priest to share in its enhanced value, he may feed it with vetches of *priest's-due.*

**1** Or *tares, horse-beans.* (See **Supplement**). **2** Or וּלְחַיָּה. **3** *Leviticus* **22,** 11.

מִשְׁנָה י

[1]מַדְלִיקִין [2]שֶׁמֶן שְׂרֵפָה בְּבָתֵּי כְנֵסִיּוֹת, וּבְבָתֵּי מִדְרָשׁוֹת, וּבְמְבוֹאוֹת הָאֲפֵלִין, וְעַל גַּבֵּי הַחוֹלִין בִּרְשׁוּת [2]כֹּהֵן· בַּת יִשְׂרָאֵל שֶׁנִּשֵּׂאת לְכֹהֵן וְהִיא לְמוּדָה [3]לָבֹא אצל אביה, אביה [4]מדליק

Mishnah 10

They may kindle[1] oil of *priest's-due,* that must be burnt,[2] in the synagogues and in houses of study, and in dark alleys, and for sick people by permission of a priest.[2] If a non-priest's daughter be married to a priest and she is accustomed to visit[3] her father, her father may kindle[4] because of

# מַעֲשְׂרוֹת

# MAASEROTH

*Numbers* **18,**

(21) וְלִבְנֵי לֵוִי הִנֵּה נָתַתִּי כָּל־מַעֲשֵׂר בְּיִשְׂרָאֵל לְנַחֲלָה חֵלֶף עֲבֹדָתָם אֲשֶׁר הֵם עֹבְדִים אֶת־עֲבֹדַת אֹהֶל מוֹעֵד׃

And unto the children of Levi, behold, I have given all the tithe in Israel for an inheritance in exchange for their service which they serve, the service of the tent of meeting.

(22) וְלֹא יִקְרְבוּ עוֹד בְּנֵי יִשְׂרָאֵל אֶל־אֹהֶל מוֹעֵד לָשֵׂאת חֵטְא לָמוּת׃

And the children of Israel shall not henceforth approach unto the tent of meeting, lest they bear sin and die.

(23) וְעָבַד הַלֵּוִי הוּא אֶת־עֲבֹדַת אֹהֶל מוֹעֵד וְהֵם יִשְׂאוּ עֲוֹנָם חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם וּבְתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחָלוּ נַחֲלָה׃

But the Levites shall perform the service of the tent of meeting, and they shall bear their iniquity. It shall be an ordinance for ever throughout your generations, and among the children of Israel they shall have no heritage.

(24) כִּי אֶת־מַעְשַׂר בְּנֵי יִשְׂרָאֵל אֲשֶׁר יָרִימוּ לַה׳ תְּרוּמָה נָתַתִּי לַלְוִיִּם לְנַחֲלָה עַל־כֵּן אָמַרְתִּי לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחָלוּ נַחֲלָה׃

For the tithe of the children of Israel, which they separate as a gift unto the Eternal, I have given to the Levites as an inheritance; therefore I have said unto them, Among the children of Israel they shall have no heritage.

(25) וַיְדַבֵּר ה׳ אֶל־מֹשֶׁה לֵאמֹר׃

And the Eternal spake unto Moses, saying.

(26) וְאֶל־הַלְוִיִּם תְּדַבֵּר וְאָמַרְתָּ אֲלֵיהֶם כִּי תִקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל אֶת־הַמַּעֲשֵׂר אֲשֶׁר נָתַתִּי לָכֶם מֵאִתָּם בְּנַחֲלַתְכֶם וַהֲרֵמֹתֶם מִמֶּנּוּ תְּרוּמַת ה׳ מַעֲשֵׂר מִן־הַמַּעֲשֵׂר׃

And unto the Levites shalt thou speak, and say unto them, When ye take of the children of Israel the tithe, which I have given you from them for your heritage, then ye shall separate of it a gift for the Eternal, even a tithe of the tithe.

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ כְּלָל אָמְרוּ |
| Chapter 2 | פֶּרֶק ב׳ הָיָה עוֹבֵר |
| Chapter 3 | פֶּרֶק ג׳ הַמַּעֲבִיר |
| Chapter 4 | פֶּרֶק ד׳ הַכּוֹבֵשׁ |
| Chapter 5 | פֶּרֶק ה׳ הָעוֹקֵר |

# MAASEROTH

The following is a brief summary of the five Chapters

1. Lists of vegetables, etc., liable to *tithes*; *tithing* seasons; when various produce is *tithed*. 2. The subject of *doubtfully tithed produce*; eating of produce and questions of *tithes*; the land labourer and eating of produce with reference to *tithes*. 3. Eating of produce by labourers and children with reference to *tithes*; found produce; courtyards, shelters, etc., and *tithing* of produce therein; picking and consuming growing figs, grapes, pomegranates, melons. 4. Preserving produce in the field; *tithing* before the Sabbath; drinking wine from the vat before *tithing*; eating grains, when being husked or sifted, and *tithing*. 5. Replanting and *tithing*; selling produce with reference to *tithing* and the *Sabbatical Year*; produce found in ant hills; exemptions from *tithes*.

מַסֶּכֶת

# מַעְשְׂרוֹת

TRACTATE

# MAASEROTH

## CHAPTER 1

Mishnah 1

They established a general principle[1] about *tithes:* all[2] that which is a food,[3] and is watched over,[4] and its growth[5] is from the soil is liable[6] to *tithes.* And further they laid down another general principle: all that which is a food in its early or later stage, even though it be allowed to remain to furnish more food, is liable[6] whether when it is young or fully grown; and whatever is not food in its early stage but is food in its later stage is not liable until it becomes fit as food.[7]

## פֶּרֶק א

מִשְׁנָה א

[1]כְּלָל אָמְרוּ בְּמַעְשְׂרוֹת, [2]כָּל־שֶׁהוּא [3]אוֹכֵל, [4]וְנִשְׁמָר, [5]וְגִדּוּלָיו מִן־הָאָרֶץ [6]חַיָּיב בְּמַעְשְׂרוֹת. וְעוֹד כְּלָל אַחֵר אָמְרוּ, כָּל־שֶׁתְּחִלָּתוֹ אוֹכֵל וְסוֹפוֹ אוֹכֵל, אַף עַל פִּי שֶׁהוּא שׁוֹמְרוֹ לְהוֹסִיף אוֹכֵל, [6]חַיָּיב קָטוֹן וְגָדוֹל; וְכָל שֶׁאֵין תְּחִלָּתוֹ אוֹכֵל, אֲבָל סוֹפוֹ אוֹכֵל, אֵינוֹ [6]חַיָּיב עַד [7]שֶׁיַּעֲשֶׂה אוֹכֵל.

**1** As a general principle all plants which are ordinarily consumed and which are not declared הֶפְקֵר, ownerless, before their preparation be completed, and which draw their nourishment from the soil are subject to תְּרוּמוֹת and מַעְשְׂרוֹת.* Some maintain that מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה), *as demanded in the* תּוֹרָה, only דָּגָן, *corn,* תִּירוֹשׁ, *wine* (including *grapes*) and יִצְהָר, *oil* (*olives* included) are liable to תְּרוּמוֹת and מַעְשְׂרוֹת. **2** Compare *Tractate* פֵּאָה 1[4]. **3** Thus excluding *woad.*§ **4** Thus תְּרוּמוֹת excluding הֶפְקֵר, *ownerless produce.* **5** *Mushrooms* and other *edible fungi* are excluded from תְּרוּמוֹת and מַעְשְׂרוֹת under this heading. **6** To tithes. **7** *Leviticus* **27,** 30. *Or מַעַשְׂרוֹת. §See *Supplement.*

Mishnah 2

When do fruits become liable[1] to *tithes?*—Figs as soon as they ripen;[2] grapes and wild grapes when their pips become visible; sumach[3] and mulberries when they turn red, and all red fruits when they become red; pomegranates when they soften; dates when they swell and crack like dough; peaches when they show red veins; nuts when they form pericarps.[4] R. Judah says,[5] Nuts and almonds when their shell[6] is formed.

מִשְׁנָה ב

מֵאֵימָתַי הַפֵּירוֹת [1]חַיָּבִין *בְּמַעֲשְׂרוֹת? הַתְּאֵנִים [2]מִשֶּׁיַּבְחִילוּ, הָעֲנָבִים וְהָאֲבֶשִׁים מִשֶּׁהִבְאִישׁוּ, [3]הָאוֹג וְהַתּוּתִים מִשֶּׁיַּאְדִּימוּ, וְכָל הָאֲדוּמִים מִשֶּׁיַּאְדִּימוּ, הָרִמּוֹנִים מִשֶּׁיִּמַּסּוּ, הַתְּמָרִים מִשֶּׁיַּטִּילוּ שְׂאוֹר, הָאֲפַרְסְקִים מִשֶּׁיַּטִּילוּ גִידִים, הָאֱגוֹזִים מִשֶּׁיַּעֲשׂוּ [4]מְגוּרָה. רַבִּי [5]יְהוּדָה אוֹמֵר, הָאֱגוֹזִים וְהַשְּׁקֵדִים מִשֶּׁיַּעֲשׂוּ [6]קְלִיפָּה.

**1** חַיָּבוֹת in some editions. **2** When the tips whiten. **3** Or *sumac* (see *Supplement*). **4** Or *drupes*, *i.e.*, when the fruit is distinct from the shell. **5** His opinion is rejected. **6** Or קֶלֶף. *Or בְּמַעֲשְׂרוֹת.

Mishnah 3

Carobs[1] when they form dark spots, and all dark fruits when they form dark spots; pears,[2] pippins, quinces[3] and medlars[4] when they become smooth, and all white fruits when they become smooth; clover[5] when its seed is fit for sowing; grain and olives when they have attained a third of their full growth.

מִשְׁנָה ג

[1]הַחֲרוּבִים מִשֶּׁיִּנָּקְדוּ, וְכָל הַשְּׁחוֹרִים מִשֶּׁיִּנָּקְדוּ, [2]הָאֲגָסִים וְהַקְּרוּסְטוֹמְלִין [3]וְהַפָּרִישִׁים [4]וְהָעוּזְרָדִים מִשֶּׁיִּקְרָחוּ, וְכָל הַלְּבָנִים מִשֶּׁיִּקְרָחוּ, [5]הַתִּלְתָּן מִשֶּׁתִּצְמַח, הַתְּבוּאָה וְהַזֵּיתִים מִשֶּׁיַּכְנִיסוּ שָׁלִישׁ.

**1** Or *Judas-tree fruit*, *algaroba fruit*, *locust(-tree) fruit*. **2** Or הָאֲגָסִים. **3** In some editions, וְהַפְּרִישִׁין. **4** Or *crab-apples; sorb-apples*; perhaps *hawthorn berries*. **5** Or *melilot*, *fenugreek*. (See *Supplement*).

Mishnah 4

And among greens[1]—cucumbers, gourds,[2] melons, cucumber-melons,[3] apples and citrons are liable whether full grown or young. R. Simon exempts[4] citrons in their early

מִשְׁנָה ד

[1]וּבַיָּרָק, הַקִּשּׁוּאִים, [2]וְהַדְּלוּעִים, וְהָאֲבַטִּיחִים, [3]הַמְּלָפְּפוֹנוֹת, הַתַּפּוּחִים, וְהָאֶתְרוֹגִין, חַיָּבִים

גְּדוֹלִים וּקְטַנִּים· רַבִּי [4]שִׁמְעוֹן פּוֹטֵר
אֶת־הָאֶתְרוֹגִין בְּקָטְנָן· [5]הַחַיָּיב
[6]בַּשְּׁקֵדִים הַמָּרִים פָּטוּר [7]בַּמְּתוּקִים;
הַחַיָּיב [7]בַּמְּתוּקִים פָּטוּר [7]בַּמָּרִים·

stage. When one is liable[5] from bitter almonds[6] he is exempt from sweet almonds, and one who is liable from sweet almonds is exempt from bitter almonds.

**1** Or *vegetables*. **2** Or *pumpkins*. **3** וְהַמְּלָפְּפוֹנוֹת in some editions; or *musk-melons*, *squash*. **4** His view is not accepted. **5** To give tithes. Bitter almonds are gathered earlier than sweet almonds. **6** Before tithing one must not make a *meal*, אֲכִילַת קֶבַע (as opposed to אֲכִילַת עֲרַאי, a *chance meal*), from large sweet almonds. (Bitter almonds are eaten when they are young, and sweet almonds when fully grown). **7** בְּמָרִים· בִּמְתוּקִים less desirable vowellizing.

מִשְׁנָה ה

אֵיזוֹהִי [1]גָּרְנָן לְמַעְשְׂרוֹת? הַקִּשּׁוּאִים
וְהַדְּלוּעִים [2]מִשֶּׁיְּפַקְּסוּ, וְאִם אֵינוֹ
מְפַקֵּס, מִשֶּׁיַּעֲמִיד עֲרֵימָה; [3]אֲבַטִּיחַ
[4]מִשֶּׁיְּשַׁלֵּק, וְאִם אֵינוֹ מְשַׁלֵּק עַד
שֶׁיֵּעָשֶׂה מוּקְצֶה; [5]יָרָק הַנֶּאֱגָד
מִשֶּׁיֵּאָגֵד, אִם אֵינוֹ אוֹגֵד עַד שֶׁיְּמַלֵּא
אֶת־הַכֶּלִי, וְאִם אֵינוֹ מְמַלֵּא אֶת־
הַכְּלִי עַד שֶׁיְּלַקֵּט כָּל־צָרְכּוֹ;
[6]כַּלְכָּלָה עַד שֶׁיְּחַפֶּה, וְאִם אֵינוֹ
מְחַפֶּה עַד שֶׁיְּמַלֵּא אֶת־הַכֶּלִי, וְאִם
אֵינוֹ מְמַלֵּא אֶת־הַכְּלִי עַד שֶׁיְּלַקֵּט
כָּל־צָרְכּוֹ· בַּמֶּה דְּבָרִים אֲמוּרִים,
[7]בְּמוֹלִיךְ לַשּׁוּק; אֲבָל בְּמוֹלִיךְ
לְבֵיתוֹ, אוֹכֵל מֵהֶם עֲרַאי עַד שֶׁהוּא
מַגִּיעַ לְבֵיתוֹ·

Mishnah 5

When is their harvesting time[1] to make them liable to *tithes?*—Cucumbers and gourds when they have lost their blossoms,[2] but if one do not trim off the blossoms, when they have been stacked; melons[3] when they have been trimmed,[4] and if one do not trim them, when they have been put away to dry; greens,[5] that are usually tied up in bundles when they have been tied up in bundles, or if one have not tied them up in bundles, when one fills a vessel with them, or if one do not fill a vessel with them, when they have been collected as needed; a basket[6] when it has been covered, and if one do not cover it, when one fills a vessel with it, and if one do not fill a vessel with it, when it has been collected as needed. When is all this the case?—When one takes it[7] to market; but when he takes it to his house, he may snatch a meal from it until he reaches his house.

**1** Before that one may partake of them אֲכִילַת עֲרַאי, a *chance meal*. **2** Or מְשֻׁיְּפְקְסוּ preferably. **3** Or, in some editions, הָאֲבַטִּיחַ. Literally, *a melon*. **4** Or *made smooth*. **5** Or *vegetables*. **6** Packed with produce. **7** Any of the produce here enumerated.

Mishnah 6

Split dried pomegranates, raisins, and carobs when they have been stacked,[1] onions after stripping, and if not stripped, after having been stacked,[1] grain when the pile has been smoothed over,[1,2] and if one do not smooth them over, when they have been stacked,[1] pulse[3] when it has been sifted,[1] and if one do not sift it, after smoothing over the pile.[1] Even if one have smoothed the pile over, he may take from the tiny ears and from the sides and what there is among the stubble and eat.[4]

מִשְׁנָה ו

[1]הַפֶּרֶד וְהַצִּמּוּקִין, וְהַחֲרוּבִין [1]מִשֶּׁיַּעֲמִיד עֲרֵימָה, הַבְּצָלִים [1]מִשֶּׁיְּפַקֵּל, וְאִם אֵינוֹ מְפַקֵּל [1]מִשֶּׁיַּעֲמִיד עֲרֵימָה, הַתְּבוּאָה [2,1]מִשֶּׁיְּמָרֵחַ, וְאִם אֵינוֹ מְמָרֵחַ עַד [1]שֶׁיַּעֲמִיד עֲרֵימָה, [3]הַקִּטְנִיּוֹת [1]מִשֶּׁיְּכַבּוֹר, וְאִם אֵינוֹ כוֹבֵר עַד [1]שֶׁיְּמָרֵחַ. אַף עַל פִּי שֶׁמֵּרַח נוֹטֵל מִן־הַקּוֹטָעִים וּמִן־הַצְּדָדִים וּמִמַּה שֶׁבְּתוֹךְ הַתֶּבֶן [4]וְאוֹכֵל.

**1** It is permitted to make of these, אֲכִילַת עֲרַאי, a *chance meal*, before they have been stacked *etc.* **2** Or מְשֻׁיְּמְרַח.* **3** Or *beans*, *peas*. **4** And eat אֲכִילַת עֲרַאי, a *chance meal*, without tithing. *[*Kal*], *i.e.*, 'grain when one has smoothed it over'

Mishnah 7

Wine[1] when it has been skimmed; and though it has been skimmed one may collect some from the top press or from the duct[2] and drink;[3] oil[4] when it has dripped down into the trough,[5] but even though it has already dripped down one may take[6] from the press-basket[7] or from between the press-stones[8] or from between the press-boards and put it on a batter[9] or dish, but one may not put it into a pot or saucepan when they are boiling. R. Judah[10] says, One may put it in anything except what contains vinegar or fish-brine.[11]

מִשְׁנָה ז

[1]הַיַּיִן מִשֶּׁיְּקַפָּה; אַף עַל פִּי שֶׁקִּפָּה קוֹלֵט מִן־הַגַּת הָעֶלְיוֹנָה, וּמִן־[2]הַצִּנּוֹר וְשׁוֹתֶה; [4]הַשֶּׁמֶן מִשֶּׁיֵּרֵד [5]לְעוּקָה, אַף עַל פִּי שֶׁיָּרַד [6]נוֹטֵל מִן־[7]הָעָקָל וּמִבֵּין [8]הַמֶּמֶל וּמִבֵּין הַפַּצִּים, וְנוֹתֵן [9]לַחֲמִיטָה וּלְתַמְחוּי, אֲבָל לֹא יִתֵּן לְקִדְרָה וּלְאַלְפָּס כְּשֶׁהֵן רוֹתְחִין. רַבִּי [10]יְהוּדָה אוֹמֵר, לַכֹּל הוּא נוֹתֵן חוּץ מִדָּבָר שֶׁיֵּשׁ בּוֹ [11]חוֹמֶץ וְצִיר.

**1** It is liable to tithes when the seeds on top have been removed. מִשֶּׁיְּקַפֶּה* perhaps preferable. **2** That leads to the cistern or tank. **3** Before tithing. **4** That has to be tithed. **5** Or *oil-pit*. **6** The oil. **7** Or עֶקֶל and עִקֵּל, *a loose-textured basket in which the olives are pressed between the boards;* according to another view *a basket to hold the pressed-out olives*. **8** מֶמֶל, olives press-stone or beam. **9** לַחֲמָטָה in some editions. Batter from which cakes are made or thin flat cake which is smeared with oil when taken out hot from the oven. **10** His view is rejected. **11** They impart a tartness to the oil which is taken to be equivalent to boiling. *מִשֶּׁיְּקַפֶּה [*Kal*]; מִשֶּׁיְּקַפֶּה [*Piel*], 'when one has skimmed the wine'.

Mishnah 8

A cake of figs[1] when it has been smoothed over—they may smooth over with figs or grapes from which the *priest's-due* and *first-tithe* had not been separated. R. Judah[2] forbids it. If one smooth over with crushed grapes,[3] this does not render them susceptible to uncleanness; R. Judah[2] says, It does render them susceptible to uncleanness. Dried figs when they have been stamped down, and in a store vessel[4] when they have been pressed into round cakes—if they have been stamped down into a barrel or pressed into round cakes into a store vessel, and the barrel were broken or the vessel breached, one may not eat from them a chance meal; but R. Jose permits it.[5]

מִשְׁנָה ח

[1]הָעִגּוּל מְשֻׁיַּחֲלִיקָנוּ, מַחֲלִיקִים בְּתְאֵנִים וּבַעֲנָבִים שֶׁל טֶבֶל. רַבִּי [2]יְהוּדָה אוֹסֵר. הַמַּחֲלִיק [3]בַּעֲנָבִים לֹא הוּכְשָׁר; רַבִּי [2]יְהוּדָה אוֹמֵר, הוּכְשָׁר. הַגְּרוֹגְרוֹת מְשֻׁיָּדוּשׁ, וּמְגוּרָה מְשֻׁיְּעַגֵּל; הָיָה דָשׁ [4]בְּחָבִית וּמְעַגֵּל בְּמְגוּרָה נִשְׁבְּרָה הֶחָבִית וְנִפְתְּחָה הַמְּגוּרָה, לֹא יֹאכַל מֵהֶם עֲרָאי; רַבִּי [5]יוֹסֵי מַתִּיר.

**1** That has to be tithed. **2** His opinion is rejected. **3** Or *grape-juice*. **4** Or *jar, bin*. **5** His view is not accepted.

## CHAPTER 2

Mishnah 1

If a man[1] were passing through the market[2] and said, 'Take for yourselves figs,' they may eat[3] and are exempt;[4] therefore, if they bring them into their houses,[5] they must tithe as if they were *certainly*

## פֶּרֶק ב

מִשְׁנָה א

[1]הָיָה עוֹבֵר [2]בַּשּׁוּק וְאָמַר, טְלוּ לָכֶם תְּאֵנִים, [3]אוֹכְלִין [4]וּפְטוּרִין; לְפִיכָךְ, אִם הִכְנִיסוּ [5]לְבָתֵּיהֶם

מְתַקְּנִים וַדָּאי. [6]טְלוּ וְהַכְנִיסוּ לְבָתֵּיכֶם, לֹא יֹאכְלוּ מֵהֶם עֲרָאי; לְפִיכָךְ, אִם הִכְנִיסוּ לְבָתֵּיהֶם [7]אֵינָם מְתַקְּנִים אֶלָּא [8]דְּמָאי.

*untithed produce.* 'Take them[6] and remove them into your houses,' they must not eat from them a chance meal; therefore, if they brought them into their houses, they need only tithe them[7] as if they were *doubtfully tithed produce.*[8]

**1** An עַם הָאָרֶץ who is suspect regarding the observance of tithes. But they are not suspected of not giving תְּרוּמָה because the transgression entails severe penalty. Their produce is designated דְּמַאי, *doubtful if it had been tithed.* **2** Or בְּשׁוּק, *in a market.* **3** אוֹכְלִים וּפְטוּרִים in some editions. **4** From tithes. Assuming that the figs had not yet been in the man's house they were not designated for *tithes.* **5** In some editions, לְבָתֵּיהֶן. Having been taken indoors it is designated for *tithes.* **6** If the עַם הָאָרֶץ said to them, 'Take them . . . . . .' **7** אֵינָן מְתַקְּנִין in some editions. The תְּרוּמָה is given to the כֹּהֵן but the מַעֲשֵׂר רִאשׁוֹן (or מַעֲשֵׂר עָנִי) is not separated. **8** A scrupulous person (חָבֵר and נֶאֱמָן) must separate from דְּמַאי (1) $\frac{1}{100}$ as תְּרוּמָה קְטַנָּה or תְּרוּמַת מַעֲשֵׂר, and (2) מַעֲשֵׂר שֵׁנִי. If a לֵוִי or עָנִי can prove that מַעֲשֵׂר רִאשׁוֹן or מַעֲשֵׂר שֵׁנִי respectively had not been separated the owner must do so. (See **Introduction**).

מִשְׁנָה ב

Mishnah 2

If people were[1] sitting in a gateway or in a shop and he[2] said, "Take for yourselves figs,' they may eat and are exempt,[3] but the owner of the gateway and the owner of the shop are liable.[4] R. Judah exempts[5] unless he averts his face or changes his position.

[1]הָיוּ יוֹשְׁבִים בְּשַׁעַר אוֹ בְּחָנוּת, [2]וְאָמַר, טְלוּ לָכֶם תְּאֵנִים, [3]אוֹכְלִין וּפְטוּרִין, וּבַעַל הַשַּׁעַר וּבַעַל הֶחָנוּת [4]חַיָּבִין. רַבִּי [5]יְהוּדָה פּוֹטֵר עַד שֶׁיַּחֲזִיר אֶת־פָּנָיו אוֹ עַד שֶׁיְּשַׁנֶּה מְקוֹם יְשִׁיבָתוֹ.

**1** If an owner removes his produce into his house it becomes liable to tithes. But if he took it into someone else's house he may not eat of it when untithed in that house. **2** The gatekeeper or shopkeeper. **3** אוֹכְלִים וּפְטוּרִים in some editions. From giving tithes. **4** To tithes. **5** His view is rejected.

מִשְׁנָה ג

Mishnah 3

One who brings up produce from Galilee to Judaea, or goes up to Jerusalem, may eat[1] from it until he arrives at the place whither he is going; and similarly also if he

הַמַּעֲלֶה פֵּירוֹת מִן־הַגְּלִיל לִיהוּדָה, אוֹ עוֹלֶה לִירוּשָׁלַיִם, [1]אוֹכֵל מֵהֶם עַד שֶׁהוּא מַגִּיעַ לַמָּקוֹם שֶׁהוּא

הוֹלֵךְ; וְכֵן [2]בִּיהוּדָה. רַבִּי [3]מֵאִיר אוֹמֵר, עַד שֶׁהוּא מַגִּיעַ [4]לִמְקוֹם הַשְּׁבִיתָה. וְהָרוֹכְלִין הַמַּחֲזִירִין בָּעֲיָרוֹת [5]אוֹכְלִים עַד שֶׁמַּגִּיעִים לִמְקוֹם הַלִּינָה. רַבִּי [6]יְהוּדָה אוֹמֵר, [7]הַבַּיִת הָרִאשׁוֹן הוּא בֵיתוֹ.[8]

return from Judaea.[2] R. Meir[3] says, Until he arrives at the place[4] where he will spend the Sabbath. And pedlars who travel in the towns may eat[5] until they reach the place where they will lodge. R. Judah says,[6] The first house[8] is his house.[7]

**1** One may eat of it chance meals on the journey without tithing. **2** In some editions, בַּחֲזָרָה, *and similarly on return* (from Judaea) to Galilee one may eat chance meals on the journey. **3** But his view is not accepted. **4** On arrival the produce becomes designated for tithes. **5** אוֹכְלִין in some editions. A chance meal. **6** His opinion is rejected. **7** Which he reaches. **8** Is so considered regarding tithes.

מִשְׁנָה ד

פֵּירוֹת שֶׁתְּרָמָן עַד שֶׁלֹּא נִגְמְרָה מְלַאכְתָּן, רַבִּי [1]אֱלִיעֶזֶר אוֹסֵר מִלֶּאֱכוֹל מֵהֶם עֲרָאי, וַחֲכָמִים מַתִּירִין חוּץ מִכַּלְכָּלַת תְּאֵנִים. [2]כַּלְכָּלַת תְּאֵנִים שֶׁתְּרָמָהּ, רַבִּי [3]שִׁמְעוֹן מַתִּיר וַחֲכָמִים אוֹסְרִין.

Mishnah 4

Produce from which *priest's-due* had been separated before its preparation had been finished—R. Eliezer[1] forbids eating of it a chance meal, but the Sages permit it except from a basket of figs. A basket of figs[2] from which *priest's-due* had been separated—R. Simon[3] permits, but the Sages forbid it.

**1** His view is rejected. **2** Before the preparation was finished. **3** His opinion that it is allowed to make a chance meal from them is not accepted.

מִשְׁנָה ה

הָאוֹמֵר לַחֲבֵירוֹ, הֵילָךְ [1]אִיסָּר זֶה וְתֵן לִי בּוֹ חָמֵשׁ תְּאֵנִים, לֹא יֹאכַל עַד שֶׁיְּעַשֵּׂר, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי [2]יְהוּדָה אוֹמֵר, [3]אוֹכֵל אַחַת אַחַת [4]פָּטוּר, וְאִם צָרַף [5]חַיָּיב. אָמַר רַבִּי יְהוּדָה, מַעֲשֶׂה בְּגִנַּת וְרָדִים

Mishnah 5

If one say to his fellow, 'Here is this *issar*[1] for thee, and give me for it five figs,' he must not eat of them before tithing them; this is the view of R. Meir. R. Judah[2] says, If he eat[3] them one by one he is exempt,[4] but if he take more than one together he is liable.[5] R. Judah said, It once happened in a rose garden in Jerusalem that

שֶׁהָיְתָה בִירוּשָׁלַיִם וְהָיוּ תְאֵנִים נִמְכָּרוֹת [6]מִשָּׁלֹשׁ וּמֵאַרְבַּע בְּאִיסָּר, וְלֹא הוּפְרַשׁ מִמֶּנָּה תְּרוּמָה וּמַעֲשֵׂר מֵעוֹלָם.

figs were sold three[6] and four for an *issar* and neither *priest's-due* nor *tithe* was ever separated from them.

**1** אִיסָּר or אִסָּר = 8 פְּרוּטָה or $\frac{1}{48}$ שֶׁקֶל. **2** His view is accepted. **3** אוֹכֵל is omitted in some editions. **4** In some editions, וּפָטוּר. From tithes. **5** To tithes. **6** שָׁלֹשׁ וְאַרְבַּע in some editions.

מִשְׁנָה ו

הָאוֹמֵר לַחֲבֵירוֹ, הִילָךְ אִיסָּר זֶה בְּעֶשֶׂר תְּאֵנִים [1]שֶׁאָבוֹר לִי, בּוֹרֵר וְאוֹכֵל; [2]בְּאֶשְׁכּוֹל שֶׁאָבוֹר לִי, [3]מְגַרְגֵּר וְאוֹכֵל; [3]בְּרִמּוֹן שֶׁאָבוֹר לִי, פּוֹרֵט וְאוֹכֵל; [3]בַּאֲבַטִּיחַ שֶׁאָבוֹר לִי, סוֹפֶת וְאוֹכֵל. אֲבָל אִם אָמַר לוֹ, בָּעֶשְׂרִים תְּאֵנִים אֵלּוּ, בִּשְׁנֵי אֶשְׁכּוֹלוֹת אֵלּוּ, בִּשְׁנֵי רִמּוֹנִים אֵלּוּ, בִּשְׁנֵי אֲבַטִּיחִים אֵלּוּ, אוֹכֵל כְּדַרְכּוֹ [4]וּפָטוּר מִפְּנֵי שֶׁקָּנָה [5]בַּמְּחוּבָּר לַקַּרְקַע.

Mishnah 6

If one say to his fellow, 'Here is this *issar* for ten figs which I shall choose[1] for myself,' he may pick them singly[2] and eat them; 'For[3] a cluster of grapes which I shall choose for myself,' he may pick them singly and eat them; 'For[3] a pomegranate which I shall choose for myself,' he may pick out the seeds singly and eat them; 'For a melon that I shall choose for myself,' he may cut it a slice at a time and eat it. But if he said to him, 'For these twenty figs, for these two clusters of grapes, for these two pomegranates, for these two melons,' he may eat them in his usual manner and is exempt[4] because he had bought them when they were still in connection[5] with the soil.

**1** From the trees direct. (In this case, picking the berries singly comes under the heading לֹא נִגְמְרָה מְלַאכְתָּן and thus eating the fruit one by one is אֲכִילַת עֲרַאי). **2** Without tithing; but is liable to tithes if he take two at a time (as in the preceding *Mishnah*). **3** viz., *If he say*, '*For . . . .*' **4** From tithes. **5** Here אֲכִילַת עֲרַאי is permitted because the produce had not been carried indoors.

Mishnah 7

If one hired a labourer to cut, dry and store figs with him,[1] and he[2] said to him, 'On condition that I may eat[3] of the figs,' he may eat and is exempt[4]' 'On[5] condition that I and my son may eat,' or, 'That my son[6] may eat in place of my wage,' he may eat and is exempt but his son if he eat is liable:[7] 'On condition that I may eat during the fig-harvest and after the fig-harvest,' during the fig-harvest he may eat and is exempt,[4] but after the fig-harvest if he eat he is liable[7] since he does not eat in accordance with the rules as laid down in the Law. This is the general principle: he who eats in accordance with the rules prescribed by the Law[8] is exempt,[4] but he who does not eat in accordance with the rules enjoined by the Law is liable.[7]

מִשְׁנָה ז

הַשּׂוֹכֵר אֶת־הַפּוֹעֵל לְקַצּוֹת [1]עִמּוֹ בְּתְאֵנִים, [2]אָמַר לוֹ עַל מְנָת [3]שֶׁאוֹכַל תְּאֵנִים, אוֹכֵל [4]וּפָטוּר; [5]עַל מְנָת שֶׁאוֹכַל אֲנִי [6]וּבְנִי, אוֹ שֶׁיֹּאכַל בְּנִי בִשְׂכָרִי, הוּא אוֹכֵל וּפָטוּר וּבְנוֹ אוֹכֵל [7]וְחַיָּיב; [5]עַל מְנָת שֶׁאוֹכַל בִּשְׁעַת הַקְּצִיעָה וּלְאַחַר הַקְּצִיעָה, בִּשְׁעַת הַקְּצִיעָה אוֹכֵל [4]וּפָטוּר, וּלְאַחַר הַקְּצִיעָה אוֹכֵל [7]וְחַיָּיב, שֶׁאֵינוֹ אוֹכֵל מִן־[8]הַתּוֹרָה. זֶה הַכְּלָל, הָאוֹכֵל מִן־הַתּוֹרָה [4]פָּטוּר, וְשֶׁאֵינוֹ אוֹכֵל מִן־הַתּוֹרָה [7]חַיָּיב.

**1** *i.e.*, to help him (literally, *with him*). **2** The labourer. **3** As much as he likes. **4** From tithes. **5** The labourer says. **6** In some editions, וּבְנֵי בֵיתִי, *and my household*. **7** To tithes. This is against the principle as laid down in the תּוֹרָה (*i.e.*, if his son eats or eats as part of his father's wage, or if a labourer eats when not at the work—in all these cases they must separate tithe). **8** *Deuteronomy* **23,** 25.

Mishnah 8

If one were harvesting Lesbian figs,[1] he must not eat of the superior kind;[2] of the superior kind, he may not eat of the Lesbian figs; but he must restrain himself until he reaches a place where there are the superior ones and he may eat of them. If one exchange with his fellow to eat one another's figs, or one to eat of his fellow's drying

מִשְׁנָה ח

הָיָה עוֹשֶׂה [1]בִּלְבֵסִים לֹא יֹאכַל [2]בִּבְנוֹת שֶׁבַע; [3]בִּבְנוֹת שֶׁבַע לֹא יֹאכַל בִּלְבֵסִים, אֲבָל מוֹנֵעַ הוּא אֶת־עַצְמוֹ עַד שֶׁמַּגִּיעַ לִמְקוֹם הַיָּפוֹת וְאוֹכֵל. הַמַּחֲלִיף עִם חֲבֵירוֹ

זֶה לְאֱכֹל וְזֶה לֶאֱכֹל, זֶה [4]לְקַצּוֹת וְזֶה לְקַצּוֹת, זֶה לֶאֱכֹל וְזֶה [5]לְקַצּוֹת, [6]חַיָּיב. רַבִּי [7]יְהוּדָה אוֹמֵר, הַמַּחֲלִיף לֶאֱכֹל [6]חַיָּיב וּלְקַצּוֹת [8]פָּטוּר.

figs[4] and the other to eat of his fellows' drying figs, or one to eat of his fellow's fresh figs and the other of his fellow's packed figs,[5] he is liable.[6] R. Judah[7] says, He who exchanges to eat of the finished figs is liable,[6] but to eat of the drying figs is exempt.[8]

**1** A species of inferior figs. **2** A species of white fine figs. **3** If he were harvesting. **4** Or *cut-up fig-cakes*. **5** Or *figs to be packed, drying figs*. **6** To tithes. **7** His view is accepted. **8** From tithes.

## CHAPTER 3

## פֶּרֶק ג

### Mishnah 1

### מִשְׁנָה א

הַמַּעֲבִיר תְּאֵנִים בַּחֲצֵרוֹ לְקַצּוֹת, בָּנָיו וּבְנֵי בֵיתוֹ [1]אוֹכְלִים [2]וּפְטוּרִין; הַפּוֹעֲלִים שֶׁעִמּוֹ, בַּזְּמַן שֶׁאֵין לָהֶם עָלָיו מְזוֹנוֹת, [3]אוֹכְלִים [2]וּפְטוּרִין; אֲבָל אִם יֵשׁ לָהֶם עָלָיו מְזוֹנוֹת הֲרֵי אֵלּוּ לֹא יֹאכְלוּ.

If one were taking figs through his courtyard to be dried, his children and the members of his household may eat[1] and they are exempt;[2] the labourers that help him, so long as he does not have to supply them with maintenance, may eat[3] and are exempt;[2] but if he be responsible for their maintenance they may not eat.

**1** אוֹכְלִין in some editions. Of the figs, as much as they like, but the owner himself may eat only where they are being dried. **2** From tithes. **3** In some editions, אוֹכְלִין.

### Mishnah 2

### מִשְׁנָה ב

הַמּוֹצִיא [1]פּוֹעֲלִים לַשָּׂדֶה, בַּזְּמַן שֶׁאֵין לָהֶם עָלָיו מְזוֹנוֹת, [2]אוֹכְלִים [3]וּפְטוּרִין; וְאִם יֵשׁ לָהֶם עָלָיו מְזוֹנוֹת, [4]אוֹכְלִין אַחַת אַחַת מִן־הַתְּאֵנָה אֲבָל לֹא מִן־הַסַּל וְלֹא מִן־[5]הַקּוּפָּה וְלֹא מִן־[6]הַמּוּקְצֶה.

If one sent out (his) labourers[1] into the field, so long as their maintenance does not come from him they may eat[2] and are exempt;[3] but if he be responsible for their maintenance, they may eat[4] of the figs one by one but not from the basket[5] or from the hamper or from the store.[6]

**1** פּוֹעֲלָיו in some editions. **2** In some editions, אוֹכְלִין. Of the figs, as much as they like if the owner permitted it. **3** From tithes. **4** אוֹכְלִים in some editions. They may only eat single fruit if the eating is conditional. **5** Or הַקִּפָּה. **6** Or *drying-place*.

Mishnah 3

If one hire a labourer to tend[1] olives, he[2] said to him, 'On condition[3] that I may eat[4] of the olives,' he may eat them singly and is exempt,[5] but if he eat more than one at a time, he is liable;[6] if[7] to weed out onions, he[2] said to him, 'On condition[3] that I may eat[8] of the greens',[9] he may cut[10] the leaves off singly and eat,[11] but if he cut several at a time he is liable.[6]

מִשְׁנָה ג

הַשּׂוֹכֵר אֶת־הַפּוֹעֵל [1]לַעֲשׂוֹת בְּזֵיתִים, [2]אָמַר לוֹ, עַל [3]מְנָת [4]לֶאֱכֹל זֵיתִים, אוֹכֵל אֶחָד אֶחָד [5]וּפָטוּר, וְאִם צֵירֵף [6]חַיָּיב; [7]לְנַכֵּשׁ בְּבְצָלִים, [2]אָמַר לוֹ עַל [3]מְנָת [8]לֶאֱכֹל [9]יָרָק, [10]מְקַרְטֵם עָלֶה עָלֶה [11]וְאוֹכֵל, וְאִם צֵירֵף [6]חַיָּיב.

**1** To dig and turn over the soil, but not to pick the olives. **2** The labourer. **3** This is equivalent to buying. **4** During the work. **5** From tithes. **6** To tithes. **7** The labourer is hired. **8** While weeding. **9** Or *vegetables*. **10** Or *lop, pluck*. **11** And is exempt from tithes.

Mishnah 4

If one found dried figs[1] on the road or even beside a field of drying harvested figs (and likewise also in the case of a fig-tree that overhangs the road[2] and one found figs below it), they are permitted[3] and it is not considered theft,[4] and they are exempt from *tithes;* but olives[5] and carobs are liable.[6] If one found dried figs when the majority of people had already pressed theirs, he is liable,[7] but if they had not, he is exempt.[8] If one found pieces of a cake of pressed figs, he is liable, for it is evident that they are from something[9] finished. And carobs which had not yet been taken[10] to the top of the roof—one may take some down for the cattle and is exempt,[8] because he can put back the remainder.[11]

מִשְׁנָה ד

מָצָא [1]קְצִיצוֹת בַּדֶּרֶךְ, אֲפִילוּ בְּצַד שְׂדֵה [1]קְצִיצוֹת, וְכֵן תְּאֵנָה שֶׁהִיא נוֹטָה עַל [2]דֶּרֶךְ וּמָצָא תַּחְתֶּיהָ תְּאֵנִים, [3]מוּתָּרוֹת מִשּׁוּם [4]גֵּזֶל וּפְטוּרוֹת מִן־הַמַּעֲשְׂרוֹת; [5]וּבַזֵּיתִים וּבַחֲרוּבִים [6]חַיָּיבִים. מָצָא גְּרוֹגְרוֹת, אִם דָּרְסוּ רוֹב בְּנֵי אָדָם [7]חַיָּיב וְאִם לַאו [8]פָּטוּר. מָצָא פִּלְחֵי דְּבֵילָה [7]חַיָּיב, שֶׁיָּדוּעַ שֶׁהֵן [9]מִדָּבָר גָּמוּר. וְהַחֲרוּבִים עַד [10]שֶׁלֹּא כְנָסָן לְרֹאשׁ הַגָּג, מוֹרִיד מֵהֶם לִבְהֵמָה [8]פָּטוּר, מִפְּנֵי שֶׁהוּא מַחֲזִיר אֶת־[11]הַמּוֹתָר.

Mishnah 8

If a fig-tree stand in the courtyard, one may eat from it one by one[1] and is exempt;[2] but if he eat several at a time,[3] he is liable.[4] R. Simon[5] says, One[6] in one's right hand and one in the left hand and one in the mouth. If one climb to the top, he may fill his lap[7] and eat.[8]

מִשְׁנָה ח

תְּאֵנָה שֶׁהִיא עוֹמֶדֶת בְּחָצֵר, אוֹכֵל
[1]אַחַת אַחַת [2]וּפָטוּר; וְאִם [3]צֵירַף
[4]חַיָּיב. רַבִּי [5]שִׁמְעוֹן אוֹמֵר, [6]אַחַת
בִּימִינוֹ וְאַחַת בִּשְׂמֹאלוֹ וְאַחַת בְּפִיו.
עָלָה לְרֹאשָׁהּ, מְמַלֵּא [7]חֵיקוֹ [8]וְאוֹכֵל.

**1** Single dates. **2** From tithes. **3** Or צֵרַף. **4** To tithes. **5** His view is rejected. **6** Three dates thus at once, one is exempt from tithes. **7** Or *bosom*. **8** Even more than one at a time.

Mishnah 9

If a vine be planted in a courtyard, one may take a whole cluster,[1] and likewise with a pomegranate, and similarly also with a melon; this is the opinion of R. Tarfon.[2] R. Akiba says,[3] He plucks the grapes[4] singly from the clusters,[5] and picks out the seeds one by one from the pomegranate, and eats the melon a slice at a time. If coriander be sown in a courtyard, one may pluck single leaves and eat;[6] but if one pluck several at a time, he is liable.[8] Thyme, hyssop, and calamine[10] in a courtyard and under watch are liable.[8]

מִשְׁנָה ט

גֶּפֶן שֶׁהוּא נָטוּעַ בְּחָצֵר, נוֹטֵל אֶת־
[1]כָּל־הָאֶשְׁכּוֹל, וְכֵן בְּרִמּוֹן, וְכֵן
בַּאֲבַטִּיחַ, דִּבְרֵי רַבִּי [2]טַרְפּוֹן. רַבִּי
[3]עֲקִיבָא אוֹמֵר, [4]מְגַרְגֵּר [5]בָּאֶשְׁכּוֹלוֹת
וּפוֹרֵט בָּרִמּוֹן וְסוֹפֵת בָּאֲבַטִּיחַ.
כַּסְּבָר שֶׁהִיא זְרוּעָה בְּחָצֵר, מְקַרְטֵם
עָלֶה עָלֶה [6]וְאוֹכֵל; וְאִם [7]צֵירַף
[8]חַיָּיב. [9]הַסִּיאָה וְהָאֵזוֹב [10]וְהַקּוֹרְנִית
שֶׁבְּחָצֵר, אִם הָיוּ נִשְׁמָרִים [8]חַיָּיבִין.

**1** And eat it without tithing. **2** שִׁמְעוֹן in some editions. His opinion is rejected. **3** His view is accepted. **4** Compare 2[6]. **5** בָּאֶשְׁכּוֹל, *from the cluster*, in some editions. **6** Without tithing. **7** Or צֵרַף. **8** To tithes. **9** Or *savory*. **10** Or *marjoram*, *origan* (see *Supplement*).

Mishnah 10

If a fig-tree stand in a courtyard, and overhang a garden, one may eat[1] of it in his usual manner and is exempt;[2] if it stand in the garden and overhang the courtyard,

מִשְׁנָה י

תְּאֵנָה שֶׁהִיא עוֹמֶדֶת בְּחָצֵר, וְנוֹטָה
לְגִנָּה, [1]אוֹכֵל כְּדַרְכּוֹ [2]וּפָטוּר;
עוֹמֶדֶת בְּגִנָּה וְנוֹטָה לְחָצֵר, [3]אוֹכֵל

אַחַת אַחַת פָּטוּר, וְאִם צֵירַף[5] חַיָּיב;[6] עוֹמֶדֶת בָּאָרֶץ וְנוֹטָה לְחוּצָה לָאָרֶץ, בְּחוּצָה לָאָרֶץ וְנוֹטָה לָאָרֶץ, הַכֹּל הוֹלֵךְ אַחַר הָעִקָּר.[7] וּבְבָתֵּי עָרֵי חוֹמָה, הַכֹּל הוֹלֵךְ אַחַר הָעִקָּר;[8] וּבְעָרֵי מִקְלָט,[9] הַכֹּל הוֹלֵךְ אַחַר הַנּוֹף; וּבִירוּשָׁלַיִם, הַכֹּל הוֹלֵךְ אַחַר הַנּוֹף.[10]

one may eat[3] one at a time and is exempt,[2,4] but if he ate more than one at a time,[5] he is liable;[6] if it stand in Palestine land and overhung the land outside, or in the country outside and overhung Palestine land, the decision is according to the position of the root. And concerning the houses of a walled city, the decision[7] is in accordance with the position of the root;[8] and regarding cities of refuge,[9] the matter is determined by the lie of the branches; and in the case of Jerusalem, the matter is decided by the lie of the branches.[10]

**1** From the branches hanging on the outside, more than one fruit at a time. **2** From tithes. **3** One in the courtyard. **4** וּפָטוּר in some editions. **5** Or צֵרַף. **6** To tithes. **7** The liabliity to תְּרוּמָה and מַעְשְׂרוֹת. **8** הָעִיקָּר in some editions. **9** A fugitive is safe as soon as he is beneath the overhanging branches outside the city of refuge boundary. **10** *i.e.*, it depends on which way the branches lie.

## CHAPTER 4

## פֶּרֶק ד

### Mishnah 1

### מִשְׁנָה א

If one pickled,[1] boiled or salted he is liable;[2] if he stored them in the ground, he is exempt;[3] if he dipped[4] in the field,[5] he is exempt;[3] if he beat olives that the sour juice come out, he is exempt;[3] if he squeeze olives over his skin,[6] he is exempt;[3] if he squeezed them and drained into his hand, he is liable;[2] if he skimmed[7] into a cooked dish, he is exempt,[3] but if into a pot, he is liable[2] for it is considered as a small vat.

הַכּוּבֵּשׁ, הַשּׁוּלֵק, הַמּוֹלֵחַ[2] חַיָּיב;[1] הַמְכַמֵּן בָּאֲדָמָה[3] פָּטוּר;[3] הַמְטַבֵּל[4] בַּשָּׂדֶה[5] פָּטוּר;[3] הַפּוֹצֵעַ זֵיתִים שֶׁיֵּצֵא מֵהֶם הַשִּׁרְף[3] פָּטוּר;[3] הַסּוֹחֵט זֵיתִים עַל בְּשָׂרוֹ[6] פָּטוּר;[3] אִם סָחַט וְנָתַן לְתוֹךְ יָדוֹ[2] חַיָּיב;[2] הַמְקַפֵּה[7] לְתַבְשִׁיל פָּטוּר,[3] לְקִדְרָה[2] חַיָּיב מִפְּנֵי שֶׁהוּא כְּבוֹר קָטָן.



says, In the case of dill seed, plant and pods must be tithed;[10] but the Sages[11] say, Both seed and plant are tithed only in the case of dittander[12] and brassica.[13]

אֱלִיעֶזֶר אוֹמֵר, הַשֶּׁבֶת[10] מִתְעַשֵּׂר זֶרַע וְיֶרֶק וְזִירִין;[11] וַחֲכָמִים אוֹמְרִים, אֵינוֹ מִתְעַשֵּׂר זֶרַע וְיֶרֶק אֶלָּא הַשִּׁחְלִים[12] וְהַגַּרְגַּר[13] בִּלְבָד.

**1** Vegetables or olives in vinegar or wine, even in the field. **2** To tithes. **3** From tithes. **4** Fruits in vinegar or salt and ate them while still in the field. **5** Produce which was still in the field; but only אֲכִילַת עֲרַאי, a *chance meal*, is here permitted. **6** To anoint his body. **7** He skimmed off the matter on the top of the boiling wine. He did not remove the seeds from the wine in the vat but poured the wine as it was into a cold cooked dish and then removed the seeds.



**1** הַמַּקְלִיף in some editions.* **2** In some editions, מַקְלִיף. **3** One by one. **4** To tithes if more than *two* (in this case) together. **5** Without tithing if not more than *three* (in this case) together. **6** To tithes. **7** שֶׁזְּרַע in some editions. The ruling is that in the case of כֹּסְבָּר, שֶׁבֶת, שְׁחֵלִים and גַּרְגִּר if sown for the plant, the leaves and seed are subject to tithes; but if sown for seed, the plant is exempt from tithes; but in the case of other vegetables the seed is exempt. **8** From tithes. **9** His opinion is not accepted. **10** In some editions, מִתְעַשֶּׁרֶת. **11** Their view is accepted. **12** Or *dittany*, *pepperwort*, a species of *cress*. **13** Or וְהַגַּרְגִּיר; or *eruca*, *rocket*, *garden-rocket*. *מְקַלֵּף *Piel*, מַקְלִיף *Hiphil*.

Mishnah 6

R. Simon ben Gamaliel[1] says, 'The stalks[2] of clover[3] and of mustard and of white beans are liable to *tithes*.' R. Eliezer[4] says, The caper-tree: the *tithes* must be given for the stalks, berries[5] and flowers.[6] R. Akiba[7] says, Only the caperberries are tithed because they are considered as fruit.[8]

מִשְׁנָה ו

[1]רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, [2]תְּמָרוֹת שֶׁל [3]תִּלְתָּן וְשֶׁל חַרְדָּל וְשֶׁל פּוּל הַלָּבָן חַיָּבוֹת בְּמַעֲשֵׂר. רַבִּי [4]אֱלִיעֶזֶר אוֹמֵר, הַצְּלָף מִתְעַשֵּׂר תְּמָרוֹת [5]וַאֲבִיּוֹנוֹת [6]וְקַפְרָס. רַבִּי [7]עֲקִיבָא אוֹמֵר, אֵין מִתְעַשֵּׂר אֶלָּא אֲבִיּוֹנוֹת, מִפְּנֵי שֶׁהֵן פֵּרוֹת.[8]

**1** רַבָּן גַּמְלִיאֵל in some editions. His view is partly accepted (compare **Note 8**). **2** Or תְּמָרוֹת. **3** Or *fenugreek*, *melilot*. **4** אֶלְעָזָר in some editions. **5** Caperberries. **6** Caperflowers. **7** His opinion is partly accepted (*i.e.*, wholly accepted if אֶלָּא be omitted; compare next **Note**). **8** The accepted rulings are these: תְּמָרוֹת שֶׁל תִּלְתָּן, פּוּל הַלָּבָן, צְלָף and קַפְרִיסִין שֶׁל צְלָף are exempt from tithes if sown for the plant. But the berries of the caper-tree (אֲבִיּוֹנוֹת שֶׁל צְלָף) must be tithed.

## CHAPTER 5

## פֶּרֶק ה

Mishnah 1

If one take up plants from his own garden and replants them in his own, he is exempt.[1] When he bought them in their unplucked condition[2] he is exempt. If he picked them to send to his fellow, he is exempt. R. Eliezer[3] ben Azariah says, If the like of them are being sold in the market, then they are liable.[4]

מִשְׁנָה א

הָעוֹקֵר שְׁתָלִים מִתּוֹךְ שֶׁלּוֹ וְנוֹטֵעַ לְתוֹךְ שֶׁלּוֹ, [1]פָּטוּר. לָקַח [2]בַּמְּחוּבָּר לְקַרְקַע, פָּטוּר. לָקַט לִשְׁלוֹחַ לַחֲבֵרוֹ, פָּטוּר. רַבִּי [3]אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר, אִם יֵשׁ כַּיּוֹצֵא בָהֶם נִמְכָּרִים בַּשּׁוּק, הֲרֵי אֵלּוּ [4]חַיָּבִין.

**1** From tithes, though they are טֶבֶל as yet, when their growth is incomplete if he ate or brought them into the house. It is only when the processes connected with טֶבֶל produce are completed that it may not be replanted as טֶבֶל. **2** Literally, *when they were united to* [i.e., still growing in] *the soil* . . . . . **3** אֱלִיעֶזֶר in some editions. His view is rejected. **4** To tithes.

Mishnah 2

מִשְׁנָה ב

If one uproot turnips and radishes from his own garden and resets them in his own for seed, he is liable[1] because this is considered their harvesting. Onions which have taken root[2] in an upper room become clean from any uncleanness.[3] If debris fell upon them[4] and they[5] remained exposed, they are considered as though they were planted in a field.

הָעוֹקֵר לֶפֶת וּצְנוֹנוֹת מִתּוֹךְ שֶׁלּוֹ וְנוֹטְעָן לְתוֹךְ שֶׁלּוֹ לְזֶרַע, [1]חַיָּיב, מִפְּנֵי שֶׁהוּא גָּרְנָן. בְּצָלִים [2]שֶׁהִשְׁרִישׁוּ בַּעֲלִיָּה טְהֵרוּ [3]מִלְּטַמֵּא. [4]נָפְלָה [4]עֲלֵיהֶם מַפּוֹלֶת [5]וְהֵם מְגוּלִים, הֲרֵי אֵלּוּ כִּנְטוּעִים בְּשָׂדֶה.

**1** To tithes. Because their removal completes the harvesting for they require no further preparation. **2** But they still come under the laws of *tithes* and *Sabbatical Year produce*. **3** That they may have acquired. *Leviticus* **11**, 34, 38. **4** Turnips and radishes. **5** The leaves (but not the actual vegetable).

Mishnah 3

מִשְׁנָה ג

A man may not sell[1] his produce when it has reached the tithing season to anyone who is not reliable concerning *tithes*, or in the *Sabbatical Year* to one who is suspect regarding *Sabbatical Year produce*. And when any produce has become ripe he may remove the ripened produce[2] and sell the remainder.[3]

[1]לֹא יִמְכּוֹר אָדָם אֶת־פֵּירוֹתָיו מֻשָּׁבָאוּ לְעוֹנַת*הַמַּעְשְׂרוֹת לְמִי שֶׁאֵינוֹ נֶאֱמָן עַל הַמַּעְשְׂרוֹת, וְלֹא בַשְּׁבִיעִית לְמִי שֶׁהוּא חָשׁוּד עַל הַשְּׁבִיעִית. וְאִם בִּכְּרוּ, נוֹטֵל אֶת־[2]הַבְּכוּרוֹת וּמוֹכֵר אֶת־[3]הַשְּׁאָר.

**1** But he may sell the produce to anyone before the advent of the tithing season. **2** Which is liable to tithes. **3** Which had not fully ripened. *Or הַמַּעֲשְׂרוֹת.

Mishnah 4

מִשְׁנָה ד

A man may not sell his straw[1] or his olive-peel peat[2] or his grape- and olive-residues[3] to anyone who is not trustworthy regarding *tithes*

לֹא יִמְכּוֹר אָדָם אֶת־[1]תִּבְנוֹ וְאֶת־[2]גְּפָתוֹ וְאֶת־[3]זַגָּיו לְמִי שֶׁאֵינוֹ נֶאֱמָן עַל

*הַמַּעֲשְׂרוֹת [4]לְהוֹצִיא מֵהֶן מַשְׁקִין·
וְאִם הוֹצִיא חַיָּיב §בַּמַּעֲשְׂרוֹת וּפָטוּר
מִן־הַתְּרוּמָה, שֶׁהַתּוֹרֵם [5]בְּלִבּוֹ עַל
הַקְּטוּעִים וְעַל הַצְּדָדִים וְעַל מַה
שֶׁבְּתוֹךְ הַתֶּבֶן·

to extract[4] the juices from them. And if he extracted them, he is liable to (the) tithes but is exempt from the *priest's-due*, because one who separates *priest's-due* has in mind[5] the cut away stalks and the side stalks and the straw grains.

**1** Because after the threshing some quantity of grain (untithed) still remains in the straw. **2** For some (untithed) oil still remains in it. Or, preferably, גַּפָּתוֹ. **3** Since some wine (untithed) can still be expressed. **4** To express inferior oil or wine. **5** His intention is that the תְּרוּמָה should be for the cut off ears that have not been threshed and for the ears that lie along the sides of the barn and grains among the straw. *Or הַמַּעֲשְׂרוֹת. §Or בַּמַּעֲשְׂרוֹת.

מִשְׁנָה ה

הַלּוֹקֵחַ שְׂדֵה יֶרֶק בְּסוּרְיָא, אִם עַד
שֶׁלֹּא בָא לְעוֹנַת *הַמַּעֲשְׂרוֹת [1]חַיָּיב,
וּמִשֶּׁבָּא לְעוֹנַת הַמַּעֲשְׂרוֹת [2]פָּטוּר,
וְלוֹקֵט כְּדַרְכּוֹ וְהוֹלֵךְ· רַבִּי [3]יְהוּדָה
אוֹמֵר, אַף יִשְׂכּוֹר פּוֹעֲלִים [4]וְיַלְקוֹט·
אָמַר רַבָּן [5]שִׁמְעוֹן בֶּן גַּמְלִיאֵל,
בַּמֶּה דְּבָרִים אֲמוּרִים, [6]בִּזְמַן שֶׁקָּנָה
קַרְקַע; אֲבָל בִּזְמַן שֶׁלֹּא קָנָה קַרְקַע,
אִם עַד שֶׁלֹּא בָא לְעוֹנַת הַמַּעֲשְׂרוֹת
[2]פָּטוּר· רַבִּי אוֹמֵר, [7]אַף לְפִי חֶשְׁבּוֹן·

Mishnah 5

If one bought a field of vegetables in Syria, if before the tithing season arrived, he is liable,[1] but if after the tithing season, he is exempt,[2] and he may proceed with his harvesting in his usual manner. R. Judah[3] says, He may even hire labourers to gather.[4] Rabban Simon[5] ben Gamaliel said, When is this the case?—When[6] he had bought the land; but if he had not bought the land, even though the tithing season had not arrived he is exempt.[2] Rabbi says, Nevertheless he must give[7] in accordance with the calculated proportion.

**1** To tithes. But this view (concerning purchased produce) is rejected: the produce is not liable to tithes and priest's-dues. **2** From tithes. **3** His opinion is accepted. **4** Or וִיַלֵּקֵט [*Piel*]. (וְיִלְקוֹט is *Kal*). **5** His view is accepted, *i.e.*, regarding the produce from purchased land. **6** Before the tithing season, the produce is liable to tithes and priest's-dues. **7** Tithe. *Or הַמַּעֲשְׂרוֹת.

Mishnah 6

If one made wine from grape residue adding the water by measure,[1] and found as much by measure, he is exempt;[2] R. Judah[3] declares him liable.[4] If he found more than the original measure, he must separate for it from other wine according to the calculated proportion.[4]

מִשְׁנָה ו

הַמִּתַּמֵּד וְנָתַן מַיִם בַּמִּדָּה, וּמָצָא כְּדֵי מִדָּתוֹ[1], [2]פָּטוּר; רַבִּי [3]יְהוּדָה מְחַיֵּיב. מָצָא יֶתֶר עַל כְּדֵי מִדָּתוֹ, מוֹצִיא עָלָיו מִמָּקוֹם אַחֵר לְפִי [4]חֶשְׁבּוֹן.

**1** Or, not exceeding a third more. **2** From tithe. But if one used three parts of water and not less than by proportion four parts of liquor he must sesparate tithe for the increase (*i.e.*, the fourth part) from other ordinary wine as stated at the end. **3** His view is rejected. **4** Of the increased quantity.

Mishnah 7

The ant-holes of ants which have stayed the night alongside a heap of corn that was liable,[1] the corn inside them is also liable,[2] because it is evident that from completely harvested produce have they been dragging all the night.

מִשְׁנָה ז

חוֹרֵי הַנְּמָלִים שֶׁלָּנוּ בְּצַד הָעֲרֵימָה [1]הַחַיֶּבֶת, הֲרֵי אֵלּוּ [2]חַיָּבִים, שֶׁיָּדוּעַ שֶׁמִּדָּבָר הַגָּמוּר הָיוּ גּוֹרְרִין כָּל־הַלַּיְלָה.

**1** To tithe. **2** To tithe. Even though other sheaves close by (but not as near as this one in question) may not be ready for tithing.

Mishnah 8

Acerb garlic,[1] sweet onions,[2] large square beans,[3] and Egyptian lentils —R. Meir adds the edible roots of the Egyptian bean,[4] and R. Jose says, Also wild lentils[5]—are exempt from tithes and may be bought from anybody in the *Sabbatical Year*. The upper seed of the serpentaria,[6] seed of leeks,[7] seed of onions and seed of turnips and radishes, and other seeds of garden plants that are not eaten, are exempt[8] from *tithes* and may be

מִשְׁנָה ח

[1]שׁוּם בַּעַל בֶּכִי, [2]וּבָצֵל שֶׁל רִכְפָּה, [3]וּגְרִיסִין הַקִּילְקִין, וְהָעֲדָשִׁים הַמִּצְרִיּוֹת, רַבִּי מֵאִיר אַף [4]הַקַּרְקָס, רַבִּי יוֹסֵי אוֹמֵר, [5]הַקּוֹטְנִית, פְּטוּרִים מִן־הַמַּעְשְׂרוֹת וְנִלְקָחִים מִכָּל־אָדָם בַּשְּׁבִיעִית. זֶרַע [6]לוּף הָעֶלְיוֹן, זֶרַע [7]כְּרֵישִׁים, זֶרַע בְּצָלִים, זֶרַע לֶפֶת וּצְנוֹנוֹת, וּשְׁאַר זֶרְעוֹנֵי גִנָּה

שֶׁאֵינָן נֶאֱכָלִים׳ [8]פְּטוּרִים מִן־
הַמַּעְשְׂרוֹת׳ וְנִלְקָחִין מִכָּל אָדָם
בַּשְּׁבִיעִית׳ שֶׁאַף עַל פִּי שֶׁאֲבִיהֶן
תְּרוּמָה הֲרֵי אֵלּוּ [9]יֵאָכְלוּ׳

bought from anyone in the *Sabbatical Year*, and even though they were grown from *priest's-due* stock they may nevertheless be eaten.[9]

**1** *Baalbeck garlic, weeping garlic*, a very bitter garlic. **2** *Richpah onion*, a mild tasting onion. **3** *Cilician beans*. **4** Or קוֹלְקָס. A plant of the לוּף species. **5** In some editions, הַקוֹטְנִיּוֹת. Or *peas, beans;* probably beans of לוּף or קוֹלְקָס. **6** Or *snake-root, dragon's-wort* (see *Supplement*). **7** כְּרִישִׁין in some editions. **8** Or פְּטוּרִין in some editions. The general ruling is that all produce (as all these mentioned here) that grows of itself without having been sown or planted, and all seeds that are not eaten, are exempt from *tithes* and *priest's-dues*, and may be purchased from anyone. **9** By non-priests. That is even if the produce were *priest's-due* and it had been planted or sown and it produced seed that is not eaten, then only the fruit that had grown is prohibited but not the seed.

## סְלִיק מַסֶּכֶת מַעְשְׂרוֹת

## CONCLUSION OF TRACTATE MAASEROTH

# מַעֲשֵׂר שֵׁנִי

# MAASER SHENI

[BEING THE
EIGHTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*
*NOTES*

By

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# מַעֲשֵׂר שֵׁנִי

# MAASER SHENI

# INTRODUCTION

The terms מַעֲשֵׂר, תְּרוּמָה, טֶבֶל, חוּלִין, דְּמַאי are extensively used in this Tractate and will be found clearly though briefly explained in *Berachoth* 1[1] **Note 5.**

This מַסֶּכֶת מַעֲשֵׂר שֵׁנִי, *Tractate Maaser Sheni*, comes in correct sequence after the preceding Tractate. It is the eighth *Tractate* of the סֵדֶר זְרָעִים, *Order Zeraim.* It has no גְּמָרָא in the תַּלְמוּד בַּבְלִי, *Babylonian Talmud*, but there is גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

This *Tractate* is based on *Leviticus* **27,** 30 and *Deuteronomy* **14,** 22 to 29, **26,** 12.

*Leviticus* **27,**

(30) וְכָל־מַעְשַׂר הָאָרֶץ מִזֶּרַע הָאָרֶץ מִפְּרִי הָעֵץ לַה׳ הוּא קֹדֶשׁ לַה׳

And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the Eternal's; it is holy unto the Eternal.

*Deuteronomy* **14,**

(22) עַשֵּׂר תְּעַשֵּׂר אֵת כָּל־תְּבוּאַת זַרְעֶךָ הַיֹּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה

Thou shalt surely tithe all the increase of thy seed, which the field bringeth forth year by year.

(23) וְאָכַלְתָּ לִפְנֵי ה׳ אֱלֹהֶיךָ בַּמָּקוֹם אֲשֶׁר יִבְחַר לְשַׁכֵּן שְׁמוֹ שָׁם מַעְשַׂר דְּגָנְךָ תִּירֹשְׁךָ וְיִצְהָרֶךָ וּבְכֹרֹת בְּקָרְךָ וְצֹאנֶךָ לְמַעַן תִּלְמַד לְיִרְאָה אֶת־ה׳ אֱלֹהֶיךָ כָּל־הַיָּמִים

And thou shalt eat before the Eternal thy God in the place which He shall choose to cause His Name to dwell there, the tithe of thy corn, thy wine, and thine oil, and the firstlings of thy herd and thy flock; that thou mayest learn to fear the Eternal thy God all the days.

(24) וְכִי יִרְבֶּה מִמְּךָ הַדֶּרֶךְ כִּי לֹא תוּכַל שְׂאֵתוֹ כִּי יִרְחַק מִמְּךָ הַמָּקוֹם אֲשֶׁר יִבְחַר ה׳ אֱלֹהֶיךָ לָשׂוּם שְׁמוֹ שָׁם כִּי יְבָרֶכְךָ ה׳ אֱלֹהֶיךָ

And if the way be too much for thee, so that thou art not able to carry it, for the place is too distant from thee, which the Eternal thy God shall choose to set His Name there, when the Eternal thy God shall bless thee.

(25) וְנָתַתָּה בַּכֶּסֶף וְצַרְתָּ הַכֶּסֶף בְּיָדֶךָ וְהָלַכְתָּ אֶל־הַמָּקוֹם אֲשֶׁר יִבְחַר ה׳ אֱלֹהֶיךָ בּוֹ

Then thou shalt exchange it into money, and bind up the money in thine hand, and shalt go unto the place which the Eternal thy God shall choose.

(26) וְנָתַתָּה הַכֶּסֶף בְּכֹל אֲשֶׁר תְּאַוֶּה נַפְשְׁךָ בַּבָּקָר וּבַצֹּאן וּבַיַּיִן וּבַשֵּׁכָר וּבְכֹל אֲשֶׁר תִּשְׁאָלְךָ נַפְשֶׁךָ וְאָכַלְתָּ שָׁם לִפְנֵי ה׳ אֱלֹהֶיךָ וְשָׂמַחְתָּ אַתָּה וּבֵיתֶךָ

And thou shalt give the money for whatsoever thy soul longeth, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul demandeth of thee; and thou shalt eat there before the Eternal thy God, and thou shalt rejoice, thou and thy household.

(27) וְהַלֵּוִי אֲשֶׁר בִּשְׁעָרֶיךָ לֹא תַעַזְבֶנּוּ כִּי אֵין לוֹ חֵלֶק וְנַחֲלָה עִמָּךְ

And the Levite who is within thy gates, thou shalt not forsake him, for he hath no portion nor inheritance with thee.

(28) מִקְצֵה שָׁלֹשׁ שָׁנִים תּוֹצִיא אֶת־כָּל־מַעְשַׂר תְּבוּאָתְךָ בַּשָּׁנָה הַהִוא וְהִנַּחְתָּ בִּשְׁעָרֶיךָ

At the end of three years thou shalt bring forth all the tithe of thine increase in the same year, and shalt lay it up within thy gates.

(29) וּבָא הַלֵּוִי כִּי אֵין לוֹ חֵלֶק וְנַחֲלָה עִמָּךְ וְהַגֵּר וְהַיָּתוֹם וְהָאַלְמָנָה אֲשֶׁר בִּשְׁעָרֶיךָ וְאָכְלוּ וְשָׂבֵעוּ לְמַעַן יְבָרֶכְךָ ה׳ אֱלֹהֶיךָ בְּכָל מַעֲשֵׂה יָדְךָ אֲשֶׁר תַּעֲשֶׂה

And the Levite, because he hath no portion nor heritage with thee, and the stranger and the fatherless, and the widow, who are within thy gates, shall come and shall eat and be satisfied; that the Eternal thy God may bless thee in all the work of thy hand which thou doest.

*Deuteronomy* **26,**

(12) כִּי תְכַלֶּה לַעְשֵׂר אֶת־כָּל־מַעְשַׂר תְּבוּאָתְךָ בַּשָּׁנָה הַשְּׁלִישִׁית שְׁנַת הַמַּעֲשֵׂר וְנָתַתָּה לַלֵּוִי לַגֵּר לַיָּתוֹם וְלָאַלְמָנָה וְאָכְלוּ בִשְׁעָרֶיךָ וְשָׂבֵעוּ

When thou hast finished tithing all the tithe of thine increase in the third year, the year of tithing, and thou hast given it unto the Levite, to the stranger, to the fatherless, and to the widow, that they may eat within thy gates and be satisfied.

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ מַעֲשֵׂר שֵׁנִי |
| Chapter 2 | פֶּרֶק ב׳ מַעֲשֵׂר שֵׁנִי |
| Chapter 3 | פֶּרֶק ג׳ לֹא יֹאמַר |
| Chapter 4 | פֶּרֶק ד׳ הַמּוֹלִיךְ פֵּירוֹת |
| Chapter 5 | פֶּרֶק ה׳ כֶּרֶם רְבָעִי |

The *Jerusalem Gemara* discusses and interprets the *Mishnah.*

The main subjects dealt with in the five chapters are:

1. Using *second-tithe;* expending *second-tithe* money. 2. The status of admixture with *second-tithe;* its use as an unguent; eating fenugreek and vetches of *second-tithe;* scattering and assemblage of *second-tithe* coins; confusion of *second-tithe* coins with other coins; changing *second-tithe* money. 3. Presenting *second-tithe;* purchase of offerings with *second-tithe* money; purchase of produce in Jerusalem with *second-tithe* money; taking *second-tithe* money out of Jerusalem; *second-tithe* rendered unclean. 4. Carriage and sale of *second-tithe* from place to place; manner of sale; finding *second-tithe* coins and vessels. 5. Marking the 4th-year vineyard, *orlah* fruit, and a grave; conveyance of 4th-year fruit to Jerusalem; the *added fifth;* redemption of 4th-year fruit; *Removal* (see שְׁבִיעִית 9[2]); the *Avowal* (*Deuteronomy* **26,** 13ff.).

מַסֶּכֶת

# מַעֲשֵׂר שֵׁנִי

TRACTATE

# MAASER SHENI

## CHAPTER 1

## פֶּרֶק א

### Mishnah 1

*Second tithe* may not be sold or pledged or exchanged, or its exchange-value be used as a weight[1] of comparison; nor may a man say to his fellow in Jerusalem, 'Here is wine and give me oil'; and likewise also with all other produce, but they may present it to one another as a free gift.

### מִשְׁנָה א

מַעֲשֵׂר שֵׁנִי אֵין מוֹכְרִין אוֹתוֹ, וְאֵין מְמַשְׁכְּנִין אוֹתוֹ, וְאֵין מַחֲלִיפִין אוֹתוֹ, וְלֹא [1]שׁוֹקְלִין כְּנֶגְדּוֹ; וְלֹא יֹאמַר אָדָם לַחֲבֵירוֹ בִּירוּשָׁלַיִם, הֵילָךְ יַיִן וְתֵן לִי שֶׁמֶן; וְכֵן שְׁאָר כָּל־הַפֵּירוֹת, אֲבָל נוֹתְנִין זֶה לָזֶה מַתְּנַת חִנָּם.

**1** If the second tithe be redeemed with coin, such coin may not be used as a standard weight for comparison with like חולין coin. This need not refer only to the exchange value of the second tithe but to the second tithe itself.

### Mishnah 2

*Tithe* of cattle[1] when without a blemish must not be sold alive, and if with a blemish[2] either alive or slaughtered, and a woman[3] may not be betrothed therewith. An unblemished firstling[4] may be sold[5] alive, and with a blemish alive or slaughtered, and a woman[3] may be betrothed with it. *Second tithe* must not be exchanged[6] for uncoined metal[7] or for coin that is not current, or for money that is not in one's control.[8]

### מִשְׁנָה ב

[1]מַעֲשַׂר בְּהֵמָה, אֵין מוֹכְרִין אוֹתוֹ תָּמִים חַי, וְלֹא בַּעַל [2]מוּם חַי וְשָׁחוּט. וְאֵין מְקַדְּשִׁין בּוֹ [3]הָאִשָּׁה. [4]הַבְּכוֹר [5]מוֹכְרִין אוֹתוֹ תָּמִים חַי וּבַעַל מוּם חַי וְשָׁחוּט, וּמְקַדְּשִׁין בּוֹ [3]הָאִשָּׁה. אֵין [6]מְחַלְּלִין מַעֲשֵׂר שֵׁנִי עַל [7]אֲסִימוֹן וְלֹא עַל הַמַּטְבֵּעַ שֶׁאֵינוֹ יוֹצֵא, וְלֹא עַל הַמָּעוֹת [8]שֶׁאֵינָן בִּרְשׁוּתוֹ.

**1** *Leviticus* **27,** 32. Cattle must also be tithed. **2** It must not be sold in such a condition. **3** אֶת־הָאִשָּׁה in some editions. Literally, *the women.* **4** *Exodus* **13,** 2, 12; **22,** 29, 30; **34,** 19-29; *Numbers* **18,** 15-18; *Deuteronomy* **15,** 19, 20. A בְּכוֹר בְּהֵמָה תְּמִים had to be sacrificed in the Temple, its blood sprinkled and the sacrificial parts burnt on the altar; the remaining portions had to be consumed by the כֹּהֵן in Jerusalem. A בַּעַל מוּם could be slaughtered by the כֹּהֵן and he could sell it if he wished. But nowadays an unblemished firstling must be maintained and may not be slaughtered unless it develops a blemish. **5** מוֹכְרִים in some editions. **6** *Deuteronomy* **14,** 25. **7** Or a coin which has worn down and the inscriptions and figures on it are not recognizable. **8** For instance, coins that have fallen down into an inaccessible place or which are difficult to recover.

Mishnah 3

If one bought[1] cattle for peace-offerings or a beast of chase for use as food, the hide becomes non-holy[2] even though the hide were of greater value[3] than the flesh. Sealed jars of wine[4]—where it was usual to sell them sealed the jar becomes non-holy.[5] Nuts and almonds[4]—their shells become non-holy. Grape refuse wine[6] before it has fermented may not be bought with *second tithe* money, but it may be bought with *second tithe* money after it has fermented.

מִשְׁנָה ג

הַלּוֹקֵחַ בְּהֵמָה לִזְבְחֵי שְׁלָמִים[1]·
אוֹ חַיָּה לִבְשַׂר תַּאֲוָה· יָצָא הָעוֹר
לְחוּלִין אַף עַל פִּי שֶׁהָעוֹר[2] מְרוּבֶּה[3]
עַל הַבָּשָׂר· כַּדֵּי יַיִן סְתוּמוֹת[4]· מָקוֹם
שֶׁדַּרְכָּן לִמְכֹּר סְתוּמוֹת יָצָא קִנְקָן
לְחוּלִין· הָאֲגוֹזִים[4] וְהַשְּׁקֵדִים יָצְאוּ
קְלִיפֵיהֶם לְחוּלִין· הַתְּמַד[5] עַד שֶׁלֹּא
הֶחֱמִיץ[6]· אֵינוֹ נִלְקָח בְּכֶסֶף מַעֲשֵׂר·
וּמִשֶּׁהֶחֱמִיץ נִלְקָח בְּכֶסֶף מַעֲשֵׂר·

**1** With second tithe redeemed money in Jerusalem. בְּהֵמָה, *cattle, domestic quadruped, domestic horned animal.* חַיָּה, *animal, especially beast of chase.* **2** But not if the possessor be a craftsman or tanner in which case its money equivalent must be consumed in Jerusalem. **3** Or מְרֻבֶּה. **4** Bought with redeemed second tithe money. **5** But not if the possessor be a potter, in which case the money equivalent of the jar must be consumed in Jerusalem. **6** Inferior wine made by adding water to the husks and stalks of pressed grapes.

Mishnah 4

If one bought a wild beast for a peace-offering or cattle for use as food the hide does not become non-holy. Open or sealed jars of wine[2]—where it was usual to sell

מִשְׁנָה ד

הַלּוֹקֵחַ חַיָּה לִזְבְחֵי[1] הַשְּׁלָמִים·
בְּהֵמָה לִבְשַׂר תַּאֲוָה לֹא יָצָא הָעוֹר
לְחוּלִין· כַּדֵּי[2] יַיִן פְּתוּחוֹת אוֹ

סְתוּמוֹת׳ מָקוֹם שֶׁדַּרְכָּן לִמְכּוֹר פְּתוּחוֹת לֹא יָצָא קַנְקַן לְחוּלִין׳ [2]סַלֵּי זֵיתִים וְסַלֵּי עֲנָבִים עִם הַכְּלִי לֹא יָצְאוּ דְּמֵי הַכְּלִי לְחוּלִין׳

them open the jar does not become non-holy. Baskets of olives and baskets of grapes,[2] together with the basket—the value of the basket does not become non-holy.

**1** שְׁלָמִים in some editions. **2** Bought with redeemed second tithe money.

מִשְׁנָה ה

Mishnah 5

[1]הַלּוֹקֵחַ מַיִם וּמֶלַח׳ וּפֵירוֹת הַמְּחוּבָּרִים לַקַּרְקַע׳ אוֹ פֵירוֹת שֶׁאֵינָן [2]יְכוֹלִין לְהַגִּיעַ לִירוּשָׁלַיִם׳ לֹא קָנָה מַעֲשֵׂר׳ [3]הַלּוֹקֵחַ פֵּירוֹת [4]שׁוֹגֵג יַחְזִרוּ דָמִים לִמְקוֹמָן׳ [5]מֵזִיד יַעֲלוּ וְיֵאָכְלוּ [6]בַּמָּקוֹם׳ וְאִם אֵין מִקְדָּשׁ [7]יִרְקָבוּ׳

If one bought[1] water, or salt, or produce in the soil, or produce which can not be conveyed[2] to Jerusalem, he has not bought valid *tithe* substitute. If one bought[3] produce in error,[4] he must restore the money whence it came; but if wittingly,[5] it must be brought to the place[6] and eaten there, and if it cannot be taken to the holy place, it must be left to rot.[7]

**1** He uses the redemption money of the tithe to buy these things. **2** That is, they would go bad before reaching Jerusalem. **3** Outside Jerusalem. **4** Not knowing that he was expending second tithe money. **5** Knowing that he was buying with second tithe money. **6** Jerusalem. **7** Or יִרָקְבוּ. Produce bought with second tithe money cannot be redeemed if it is pure away from Jerusalem (Compare 3[3,4]).

מִשְׁנָה ו

Mishnah 6

[1]הַלּוֹקֵחַ בְּהֵמָה׳ [2]שׁוֹגֵג יַחְזִרוּ דָמֶיהָ לִמְקוֹמָן׳ מֵזִיד [3]תַּעֲלֶה וְתֵאָכֵל [4]בַּמָּקוֹם׳ וְאִם אֵין מִקְדָּשׁ [5]תִּקָּבֵר עַל יְדֵי עוֹרָהּ׳

If one bought[1] cattle in error[2] the money must be restored whence it came, but if wittingly, it must be taken up[3] and eaten in the place,[4] and if the Temple no longer exist, it must be buried[5] together with its hide.

**1** With redeemed second tithe money. **2** Outside Jerusalem. **3** It must be sacrificed if not a בַּעַל מוּם, *with a blemish*. **4** Jerusalem. **5** It must be kept until it dies and then buried in its hide.

Mishnah 7

Slaves,[1] or bondwomen, or immovable property or unclean cattle should not be bought with money from *second tithe*, and if one did buy, he must consume of an equal value.[2] *Pigeon offerings*[4] of men that suffered with an issue[5] or *pigeon offerings* of women that suffered with an issue,[5] or *pigeon offerings* of women after childbirth, or *sin-offerings* or *guilt-offerings* must not be offered with money of *second tithe*, and if one did so bring them, he must consume of an equal value.[6] This is the general principle: if one bought anything else than food, drink or anointment with money from *second tithe*, he must consume of an equal value.

מִשְׁנָה ז

[1]אֵין לוֹקְחִין עֲבָדִים וּשְׁפָחוֹת וְקַרְקָעוֹת וּבְהֵמָה טְמֵאָה, מִדְּמֵי מַעֲשֵׂר שֵׁנִי, וְאִם לָקַח יֹאכַל [2]כְּנֶגְדָּן. אֵין [3]מְבִיאִין [4]קִנֵּי [5]זָבִים, וְקִנֵּי [5]זָבוֹת, וְקִנֵּי יוֹלְדוֹת, חַטָּאוֹת וַאֲשָׁמוֹת מִדְּמֵי מַעֲשֵׂר שֵׁנִי, וְאִם הֵבִיא יֹאכַל [6]כְּנֶגְדָּם. זֶה הַכְּלָל, כָּל־שֶׁהוּא חוּץ לַאֲכִילָה וְלִשְׁתִּיָּה וּלְסִיכָה, מִדְּמֵי מַעֲשֵׂר שֵׁנִי, יֹאכַל כְּנֶגְדּוֹ.

**1** Literally, *They should not buy slaves, or bondwomen, or immovable property or unclean cattle* . . . . . **2** In Jerusalem. **3** Or מְבִיאִים. **4** Or קִנֵּי. *Two turtle-doves or two young pigeons had to be offered up when attaining the condition of cleanness. **5** Or *discharge*, *flux*, *gonorrhoea*. **6** כְּנֶגְדָּן in some editions. *See קִנִּים **Introduction.**

## CHAPTER 2

## פֶּרֶק ב

Mishnah 1

*Second tithe* was intended[1] for eating, drinking and anointing: to eat that which it is usual to eat, to drink[2] that which it is usual to drink, and to use for anointing[3] that with which it is usual to anoint. One may not use for anointing wine or vinegar, but he may anoint with oil. One must not make perfumed oil from *second tithe*, nor may one buy with *second tithe* money perfumed oil,[4] but he may spice the wine. If there fell into it[5] honey or spices and it improved its value,

מִשְׁנָה א

מַעֲשֵׂר שֵׁנִי [1]נִיתָּן לַאֲכִילָה וְלִשְׁתִּיָּה וּלְסִיכָה; וְלֶאֱכוֹל דָּבָר שֶׁדַּרְכּוֹ לֶאֱכוֹל, [2]לִשְׁתּוֹת דָּבָר שֶׁדַּרְכּוֹ לִשְׁתּוֹת, [3]לָסוּךְ דָּבָר שֶׁדַּרְכּוֹ לָסוּךְ. לֹא יָסוּךְ יַיִן וְחֹמֶץ, אֲבָל סָךְ הוּא אֶת־הַשָּׁמֶן. אֵין מְפַטְּמִין שֶׁמֶן שֶׁל מַעֲשֵׂר שֵׁנִי, וְאֵין לוֹקְחִין בִּדְמֵי מַעֲשֵׂר שֵׁנִי שֶׁמֶן [4]מְפוּטָם, אֲבָל

מְפַסֵּם הוּא אֶת־הַיַּיִן· נָפַל [5]לְתוֹכוֹ
דְּבֵשׁ וְתַבְלִין וְהִשְׁבִּיחוּ· הַשֶּׁבַח
[6]לְפִי חֶשְׁבּוֹן· דָּגִים שֶׁנִּתְבַּשְּׁלוּ עִם
[7]הַקַּפְלוּטוֹת שֶׁל מַעֲשֵׂר שֵׁנִי
וְהִשְׁבִּיחוּ· הַשֶּׁבַח [8]לְפִי חֶשְׁבּוֹן·
עִיסָּה שֶׁל מַעֲשֵׂר שֵׁנִי שֶׁאֲפָאָהּ
וְהִשְׁבִּיחָהּ· הַשֶּׁבַח לַשֵּׁנִי· זֶה הַכְּלָל·
כָּל־שֶׁשִּׁבְחוֹ [9,10]נִיכָּר הַשֶּׁבַח [11]לְפִי
הַחֶשְׁבּוֹן· וְכָל שֶׁאֵין שִׁבְחוֹ [9]נִיכָּר
הַשֶּׁבַח לַשֵּׁנִי·

the enhanced value is[6] according to the added value. If fish were cooked porret[7] of *second tithe* and were thus improved, the increased worth is[8] according to the added value. If dough of *second tithe* were baked and so improved in value, the enhanced value is attributed to the *second tithe*. This is the general principle, when the improvement is recognised[9,10], the enhanced value is[11] according to the added value; but if the improvement is not recognizable, the increased worth is attributed to the *second tithe*.

**1** Or נִתָּן. **2** In some editions, וְלִשְׁתּוֹת. **3** וְלָסוּד in some editions. **4** Or מְפַסֵּם. **5** Wine. **6** *assessed, i.e.*, 'the increase in value should be taken into consideration (when redeeming)'. **7** *Porret, leek.* Or הַקַּפְלוּטוֹת. **8** *estimated.* **9** Or נִכָּר. **10** As resulting from an addition. **11** *reckoned.*

מִשְׁנָה ב

רַבִּי [1]שִׁמְעוֹן אוֹמֵר· אֵין סָכִין שֶׁמֶן
שֶׁל מַעֲשֵׂר שֵׁנִי בִּירוּשָׁלַיִם· וַחֲכָמִים
[2]מַתִּירִין· אָמְרוּ לוֹ לְרַבִּי שִׁמְעוֹן·
[3]אִם הֵקֵל בַּתְּרוּמָה חֲמוּרָה· לֹא
נָקֵל בְּמַעֲשֵׂר שֵׁנִי הַקַּל? אָמַר לָהֶם·
[4]מַה־לֹּא אִם הֵקֵל בַּתְּרוּמָה
הַחֲמוּרָה מָקוֹם שֶׁהֵקֵל [5]בַּכַּרְשִׁינִים
[6]וּבַתִּלְתָּן· נָקֵל בְּמַעֲשֵׂר שֵׁנִי הַקַּל·
מָקוֹם שֶׁלֹּא הֵקֵל בַּכַּרְשִׁינִין
וּבַתִּלְתָּן?

Mishnah 2

R. Simon[1] says, They may not anoint themselves with oil of *second tithe* in Jerusalem; but the Sages[2] permit it. They said to R. Simon, If[3] a lenient ruling be allowed in the case of the grave subject of *priest's-due*, shall we not allow a more lenient ruling in the case of the more lenient matter of *second tithe?* He said to them, Not[4] so! If the more lenient ruling be allowed to the more serious matter of *priest's-due* —where a more lenient ruling is allowed in the case of vetches[5] and clover[6]—shall we apply a more lenient ruling to the less severe subject of *second tithe*—where a more lenient ruling is not allowed regarding vetches and clover?

**1** His opinion is rejected. **2** Their view is accepted. **3** See שְׁבִיעִית 8[2]. **4** מָה is omitted in some editions. **5** Or *tares, horse-beans.* **6** Or *fenugreek, melilot.* (See *Supplement*).

Mishnah 3

מִשְׁנָה ג

Clover[1] of *second tithe* may be eaten as buds;[2] of *priest's-due*[3]—the School of Shammai[4] say, All its preparations must be done in cleanness excepting combing[5] the head with it; but the School of Hillel say,[6] All its preparations may be carried out in uncleanness excepting steeping it.[7]

[1]תִּלְתָּן שֶׁל מַעֲשֵׂר שֵׁנִי תֵּאָכֵל
[2]צְמָחוֹנִים; [3]שֶׁל תְּרוּמָה, בֵּית [4]שַׁמַּאי
אוֹמְרִים, כָּל־מַעֲשֶׂיהָ בְּטַהֲרָה,
חוּץ [5]מֵחֲפִיפָתָהּ, [6]וּבֵית הִלֵּל
אוֹמְרִים, כָּל־מַעֲשֶׂיהָ בְּטוּמְאָה
חוּץ [7]מִשְּׁרִיָּתָהּ.

**1** Or *fenugreek, melilot* (see **Supplement**). **2** *i.e.*, directly from the capsules before drying or in its green state. **3** וְשֶׁל in some editions. *i.e.*, clover of priest's-due. **4** This view is rejected. **5** חֲפִיפָה, cleansing or shampooing the head. **6** Their opinion is accepted. **7** שְׁרִיָּה, soaking or steeping in water. תִּלְתָּן of second tithe may be eaten without washing the hands but after steeping it is necessary; תִּלְתָּן of priest's-due requires washing of hands before eating.

Mishnah 4

מִשְׁנָה ד

*Second tithe* vetches[1] may be eaten as buds,[2] and may be taken up[3] to Jerusalem and taken out again.[4] If they have become unclean, R. Tarfon says,[5] They should be divided among lumps of dough;[6] but the Sages say,[7] They must be redeemed. And of *priest's-due*[8]—the School of Shammai say,[9] They must be steeped and rubbed in cleanness and may be given as food in uncleanness; but the School of Hillel say,[10] They must be soaked in cleanness and may be rubbed and given as food in uncleanness. Shammai says, They must be eaten dry. R. Akiba[11] says, All their preparations may be carried out in uncleanness.

[1]כַּרְשִׁינֵי מַעֲשֵׂר שֵׁנִי יֵאָכְלוּ
[2]צְמָחוֹנִים [3]וְנִכְנָסִים לִירוּשָׁלַיִם
[4]וְיוֹצְאִין. נִטְמְאוּ, רַבִּי [5]טַרְפוֹן אוֹמֵר,
יִתְחַלְּקוּ [6]לְעִיסוֹת, [7]וְחַכָּמִים
אוֹמְרִים, יִפָּדוּ. וְשֶׁל [8]תְּרוּמָה, בֵּית
[9]שַׁמַּאי אוֹמְרִים, שׁוֹרִין וְשָׁפִין
בְּטַהֲרָה וּמַאֲכִילִין בְּטוּמְאָה; [10]וּבֵית
הִלֵּל אוֹמְרִים, שׁוֹרִין בְּטַהֲרָה,
וְשָׁפִין וּמַאֲכִילִין בְּטוּמְאָה. שַׁמַּאי
אוֹמֵר, יֵאָכְלוּ צָרִיד. רַבִּי [11]עֲקִיבָא
אוֹמֵר, כָּל־מַעֲשֵׂיהֶן בְּטוּמְאָה.

**1** Or *horsebeans, tares* (see **Supplement**). **2** *i.e.*, directly from the capsules in the green state or before drying. Washing of hands before eating them is required only when they have been first steeped. **3** וְנִכְנָסִין in some editions. **4** Or וְיוֹצְאִים. **5** In some editions, שִׁמְעוֹן. This view is rejected. **6** Or לְעִסּוֹת. **7** Their opinion is accepted. **8** *i.e.*, vetches of תְּרוּמָה. **9** Their opinion is rejected. **10** Their view is accepted. **11** His view is not accepted.

Mishnah 5

Ordinary[1] money and *second tithe* money which were scattered[2]—whatever is picked up first is considered as *second tithe* until the amount is complete, and the rest is ordinary money. If they were mixed up and could be picked up by the handful, each handful is divided up in proportion.[4] This is the general principle: what is collected singly goes first to *second tithe*, but what is mixed up together is shared out in the original ratio.

מִשְׁנָה ה

מָעוֹת [1]חוּלִין וּמָעוֹת מַעֲשֵׂר שֵׁנִי
[2]שֶׁנִּתְפַּזְּרוּ, מַה־שֶּׁלָּקַט לָקַט
לְמַעֲשֵׂר שֵׁנִי עַד שֶׁיַּשְׁלִים, וְהַשְּׁאָר
חוּלִין. אִם בָּלַל [3]וְחָפַן, [4]לְפִי
חֶשְׁבּוֹן. זֶה הַכְּלָל, הַמִּתְלַקְּטִים
לְמַעֲשֵׂר שֵׁנִי, [5]וְהַנִּבְלָלִים לְפִי
חֶשְׁבּוֹן.

**1** Or non-holy, common, non-sacred. **2** And became mixed up or confused. **3** Or וָחָפַן (*Piel*); וָחָפַן (*Kal*). **4** In ratio of the חוּלִין and מַעֲשֵׂר שֵׁנִי. **5** וְהַנִּבְלָלִין in some editions.

Mishnah 6

If a *sela*[1] of *second tithe* were confused with one of ordinary money, he should bring[2] a *sela's* worth of coins and say, 'Let the *sela* of *second tithe* wherever it may be be exchanged for these coins'; and he chooses the better[4] of them and exchanges it for them;[5] for they have said, They may exchange silver for copper at need, provided that it does not remain thus but that the copper coins be exchanged for silver.

מִשְׁנָה ו

[1]סֶלַע שֶׁל מַעֲשֵׂר שֵׁנִי וְשֶׁל חוּלִין
שֶׁנִּתְעָרְבוּ, [2]מֵבִיא בְּסֶלַע מָעוֹת
וְאוֹמֵר, סֶלַע שֶׁל מַעֲשֵׂר שֵׁנִי בְּכָל
מָקוֹם שֶׁהִיא [3]מְחוּלֶּלֶת עַל הַמָּעוֹת
הָאֵלּוּ, וּבוֹרֵר אֶת־[4]הַיָּפֶה שֶׁבָּהֶן
וּמְחַלְּלִין [5]עָלֶיהָ, מִפְּנֵי שֶׁאָמְרוּ
מְחַלְּלִין כֶּסֶף עַל נְחוֹשֶׁת מִדּוֹחַק,
וְלֹא שֶׁיִּתְקַיֵּים כֵּן, אֶלָּא חוֹזֵר
וּמְחַלְּלָם עַל הַכֶּסֶף.

**1** 1 סֶלַע = 4 דִּינָר or 2 שֶׁקֶל (see זְרָעִים **Introduction,** *Tables*). **2** The owner desired to spend the חוּלִין money outside Jerusalem. **3** Or מְחֻלֶּלֶת. **4** The better *sela* of the two confused *selas*. **5** *i.e.*, the coins.

Mishnah 7

The School of Shammai say,[1] A man may not exchange his *selas*[2] for golden *denars*,[3] but the School of Hillel permit it.[4] R. Akiba said, 'I exchanged for R. Gamaliel and R. Joshua their silver for golden *denars*.'

מִשְׁנָה ז

בֵּית שַׁמַּאי[1] אוֹמְרִים, לֹא יַעֲשֶׂה אָדָם אֶת־[2]סְלָעָיו [3]דִּינְרֵי זָהָב, וּבֵית הִלֵּל [4]מַתִּירִין. אָמַר רַבִּי עֲקִיבָא, אֲנִי עָשִׂיתִי לְרַבָּן גַּמְלִיאֵל וּלְרַבִּי יְהוֹשֻׁעַ אֶת־כַּסְפָּן דִּינְרֵי זָהָב.

**1** Their view is rejected. **2** Of מַעֲשֵׂר שֵׁנִי. **3** 1 silver דִּינָר or 1 זוּז = $\frac{1}{24}$ gold דִּינָר. (See זְרָעִים **Introduction**, *Tables*). **4** Their opinion is accepted.

Mishnah 8

If one change into a *sela*[1] the coins of *second tithe* money—the School of Shammai say, The whole[2] *sela* into coins; but the School of Hillel say, A *shekel's*[3] worth in silver and a *shekel's*[4] worth of copper coins.[4] R. Meir says,[5] They must not exchange[6] both silver and produce into silver, but the Sages permit it.[7]

מִשְׁנָה ח

הַפּוֹרֵט [1]סֶלַע מִמַּעֲשֵׂר שֵׁנִי, בֵּית שַׁמַּאי אוֹמְרִים, [2]כָּל־הַסֶּלַע מָעוֹת; וּבֵית הִלֵּל אוֹמְרִים, [3]שֶׁקֶל כֶּסֶף [4]וְשֶׁקֶל מָעוֹת. רַבִּי [5]מֵאִיר אוֹמֵר, אֵין [6]מְחַלְּלִין כֶּסֶף וּפֵרוֹת עַל הַכֶּסֶף, וַחֲכָמִים [7]מַתִּירִין.

**1** See זְרָעִים **Introduction,** *Tables*. **2** בְּכָל in some editions. **3** In some editions, בְּשֶׁקֶל. **4** וּבְשֶׁקֶל in some editions. To keep down the price of copper coins. **5** His opinion is rejected. **6** For instance, half a *sela* of silver and half a *sela's* worth of produce for a whole *sela* of silver. **7** The Sages' view is accepted.

Mishnah 9

If one would break up into small change a *sela*[1] of *second tithe* in Jerusalem—the School of Shammai say, The whole[2] *sela* into small coins; but the School of Hillel say, A *shekel's*[3] worth of silver and a *shekel's*[4] worth of small coins. The arguers[5] before the Sages say, Three *denars*' worth of silver and a

מִשְׁנָה ט

הַפּוֹרֵט [1]סֶלַע שֶׁל מַעֲשֵׂר שֵׁנִי בִּירוּשָׁלַיִם, בֵּית שַׁמַּאי אוֹמְרִים, [2]כָּל־הַסֶּלַע מָעוֹת; וּבֵית הִלֵּל אוֹמְרִים, [3]שֶׁקֶל כֶּסֶף [4]וְשֶׁקֶל מָעוֹת. [5]הַדָּנִין לִפְנֵי חֲכָמִים אוֹמְרִים,

בִּשְׁלֹשָׁה דִינָרִין כֶּסֶף וְדִינָר מָעוֹת· רַבִּי עֲקִיבָא אוֹמֵר, שְׁלֹשָׁה דִינָרִין כֶּסֶף [6]וּרְבִיעִית מָעוֹת· רַבִּי טַרְפוֹן אוֹמֵר, [7]אַרְבָּעָה [8]אַסְפְּרֵי כֶסֶף· [1]שַׁמַּאי אוֹמֵר, יַנִּיחֶנָּה בְּחָנוּת וְיֹאכַל [9]כְּנֶגְדָּהּ·

*denar's* worth of small coins. R. Akiba says, Three *denars*' worth of silver and a quarter[6] in small coins. R. Tarfon says, Four[7] *aspers*[8] in silver. Shammai[1] says, He should deposit it in a shop and eat up its value.[9]

**1** See זְרָעִים **Introduction,** *Tables*. **2** בְּכָל in some editions. **3** בְּשֶׁקֶל in some editions. **4** In some editions, וּבְשֶׁקֶל. **5** These 'arguers' were שִׁמְעוֹן בֶּן זוֹמָא, שִׁמְעוֹן בֶּן נַנָּס, חֲנַנְיָא בֶּן חֲכִנַּאי, שִׁמְעוֹן בֶּן עֲזַאי and חָנָן הַמִּצְרִי. **6** In some editions, וּבְרְבִיעִית כֶּסֶף רְבִיעִית מָעוֹת instead of וּרְבִיעִית מָעוֹת gives a clearer interpretation, *i.e.*, and a quarter in small coins from the fourth *denar*. **7** אַרְבַּע in some editions. **8** אֶסְפָּר = $\frac{1}{5}$ זוּז or $\frac{1}{5}$ silver דִּינָר. ***9** כְּנֶגְדּוֹ in some editions. The final accepted ruling is that half of a second tithe *sela* may be exchanged for small copper coins in Jerusalem. *(See זְרָעִים **Introduction**, *Tables*).

מִשְׁנָה י

Mishnah 10

מִי שֶׁהָיוּ מִקְצַת בָּנָיו [1]טְמֵאִין וּמִקְצָתָן [2]טְהוֹרִים, [3]מַנִּיחַ אֶת־הַסֶּלַע וְאוֹמֵר, מַה־שֶּׁהַטְּהוֹרִים שׁוֹתִים סֶלַע זוֹ [4]מְחוּלֶּלֶת עָלָיו, נִמְצְאוּ טְהוֹרִים וּטְמֵאִים [5]שׁוֹתִים [6]מִכַּד אֶחָד·

If some of a man's sons were unclean[1] and the others clean,[2] he lays[3] down the *sela* and says, 'For what those who are clean drink let this *sela* be given in exchange':[4] it will be found that both the clean and unclean may drink[5] from the same jar.[6]

**1** טְמֵאִים in some editions. **2** In some editions, טְהוֹרִין. **3** Or מַנִּיחַ. **4** Or מְחֻלֶּלֶת. **5** שׁוֹתִין in some editions. **6** But of course each one must use his own cup filled from this jar.

## פֶּרֶק ג

## CHAPTER 3

מִשְׁנָה א

Mishnah 1

לֹא יֹאמַר אָדָם לַחֲבֵירוֹ, הַעַל אֶת־הַפֵּירוֹת הָאֵלּוּ לִירוּשָׁלַיִם לְחַלֵּק, אֶלָּא אוֹמֵר לוֹ, הַעֲלֵם שֶׁנֹּאכְלֵם וְנִשְׁתֵּם בִּירוּשָׁלַיִם· אֲבָל [1]נוֹתְנִים זֶה לָזֶה מַתְּנַת חִנָּם·

A man may not say to his fellow, 'Take up this produce to Jerusalem in return for a share of it'; but he may say to him, 'Take it up and we will eat and drink of it in Jerusalem.' Further, they may give[1] of it to one another as a free gift.

**1** Outside Jerusalem. The receivers must nevertheless consume such produce in Jerusalem.

Mishnah 2

One may not buy[1] *priest's-due* with *second tithe* money because thereby he reduces the number[2] that may eat of it; but R. Simon[3] permits it. R. Simon[3] said to them,[4] 'How so! If the more lenient ruling apply to *peace-offerings*[5] which may become *abomination*[6] or *overdue portion*[7] or *unclean*, should we not apply the more lenient ruling to *priest's-due?*' They[3] said to him, 'What? If the more lenient ruling apply to *peace-offerings* which are permitted[8] to non-priests, should we apply the more lenient ruling to *priest's-due* which is prohibited to non-priests?'

מִשְׁנָה ב

אֵין לוֹקְחִין תְּרוּמָה בְּכֶסֶף מַעֲשֵׂר שֵׁנִי, מִפְּנֵי שֶׁהוּא מְמַעֵט בַּאֲכִילָתוֹ, וְרַבִּי שִׁמְעוֹן מַתִּיר. אָמַר לָהֶם רַבִּי שִׁמְעוֹן, מָה אִם הֵיקֵל בְּזִבְחֵי שְׁלָמִים שֶׁהוּא מְבִיאָן לִידֵי פִּגּוּל, וְנוֹתָר, וְטָמֵא, לֹא נָקֵל בַּתְּרוּמָה? אָמְרוּ לוֹ, מָה אִם הֵיקֵל בְּזִבְחֵי שְׁלָמִים שֶׁהֵן מוּתָּרִין לְזָרִים, נָקֵל בַּתְּרוּמָה שֶׁהִיא אֲסוּרָה לְזָרִים?

**1** Or לוֹקְחִים. **2** Unclean persons may not eat of it. **3** His view is rejected. **4** The חֲכָמִים, Sages. **5** Which may be bought with *second tithe* money. **6** Literally, *abomination*, *unfitness*, a term applied to a sacrifice which has become rejected if the officiating כֹּהֵן had a wrong intention in his mind. *Leviticus* **7,** 18. **7** נוֹתָר, *overdue portion* of a sacrifice left over beyond the appointed time and which had to be burnt. *Exodus* **29,** 34; *Leviticus* **7,** 17. **8** מֻתָּרִים in some editions.

Mishnah 3

Anyone in Jerusalem who had money[1] and he had need[2] for it and his fellow had produce,[3] he may say to his fellow, 'Let this money be rendered non-holy[4] for thy produce'; the result will be that the one will eat his produce in cleanness[5] and the other may provide for his needs[6] with his money. But one may not say thus to *one who is suspect regarding the observance of tithes* except[7] in the case of *doubtfully tithed produce.*

מִשְׁנָה ג

מִי שֶׁהָיוּ לוֹ מָעוֹת בִּירוּשָׁלַיִם וְצָרִיךְ לוֹ, וְלַחֲבֵירוֹ פֵּירוֹת, אוֹמֵר לַחֲבֵירוֹ, הֲרֵי הַמָּעוֹת הָאֵלּוּ מְחוּלָּלִין עַל פֵּירוֹתֶיךָ; נִמְצָא זֶה אוֹכֵל פֵּירוֹתָיו בְּטַהֲרָה, וְהַלָּה עוֹשֶׂה צָרְכּוֹ בְּמָעוֹתָיו. וְלֹא יֹאמַר כֵּן לְעַם הָאָרֶץ אֶלָּא בַּדְּמַאי.

**1** Of *second tithe*. **2** For other purposes than food, drink or unguent. **3** Of חוּלִין. **4** Or מְחֻלָּלִים. **5** Because the produce acquires the sanctity of second tithe. **6** צְרָכָיו in some editions. **7** *i.e.*, unless it was *second tithe* money set apart for דְּמַאי produce.

מִשְׁנָה ד

Mishnah 4

If one had produce[1] in Jerusalem and money[2] in the provinces, he may say, 'Let that money[3] become non-holy[4] for this produce.' If one had money[5] in Jerusalem and produce[6] in the provinces, he may say, 'Let this money become non-holy[4] for that produce';—only provided that they bring[7] that produce up and eat it in Jerusalem.

[1]פֵּירוֹת בִּירוּשָׁלַיִם [2]וּמָעוֹת בַּמְּדִינָה, אוֹמֵר, [3]הַמָּעוֹת הָהֵם [4]מְחוּלָּלִין עַל פֵּירוֹת הָאֵלּוּ. [5]מָעוֹת בִּירוּשָׁלַיִם [6]וּפֵירוֹת בַּמְּדִינָה, אוֹמֵר, הֲרֵי הַמָּעוֹת הָאֵלּוּ [4]מְחוּלָּלִין עַל הַפֵּירוֹת הָהֵם, וּבִלְבַד [7]שֶׁיַּעֲלוּ הַפֵּירוֹת וְיֵאָכְלוּ בִירוּשָׁלַיִם.

**1** Of חוּלִין. **2** Of *second tithe*. He needs the money for other purposes. **3** הֲרֵי הַמָּעוֹת in some editions. **4** Or מְחֻלָּלִין. **5** Of *second tithe*. **6** Of חוּלִין. **7** שֶׁיַּעֲלֶה in some editions.

מִשְׁנָה ה

Mishnah 5

Money[1] brought into Jerusalem may be taken out again, but produce[1] brought in may not be taken out again. Rabban Simon[2] ben Gamaliel says, Even produce[1] may be brought in and taken out again.

[1]מָעוֹת נִכְנָסוֹת לִירוּשָׁלַיִם וְיוֹצְאוֹת [1]וּפֵירוֹת נִכְנָסִין וְאֵינָן יוֹצְאִין. רַבָּן [2]שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, אַף [1]הַפֵּירוֹת נִכְנָסִין וְיוֹצְאִין.

**1** Of *second tithe*. **2** His view is not accepted that it should be allowed to take the produce outside Jerusalem to have it ground or baked cheaply and then take it in again to be consumed.

מִשְׁנָה ו

Mishnah 6

Produce[1] which had been completely harvested and had passed through Jerusalem—its[2] *second tithe* must be brought back to Jerusalem to be consumed[3] there. And if it had not been completely harvested, for instance baskets of grapes for the wine-press[4] or baskets of figs

[1]פֵּירוֹת שֶׁנִּגְמְרָה מְלַאכְתָּן וְעָבְרוּ בְּתוֹךְ יְרוּשָׁלַיִם, יַחֲזוֹר מַעֲשֵׂר שֵׁנִי [2]שֶׁלָּהֶן [3]וְיֹאכַל בִּירוּשָׁלַיִם. וְשֶׁלֹּא נִגְמְרָה מְלַאכְתָּן, סַלֵּי עֲנָבִים [4]לַגָּת, וְסַלֵּי תְאֵנִים [5]לְמוּקְצֶה; בֵּית [6]שַׁמַּאי

אוֹמְרִים, יַחֲזוֹר מַעֲשֵׂר שֵׁנִי שֶׁלָּהֶם [3]וְיֹאכַל בִּירוּשָׁלַיִם; וּבֵית הִלֵּל אוֹמְרִים, [7]יִפְדֶּה [3]וְיֹאכַל בְּכָל מָקוֹם. רַבִּי [8]שִׁמְעוֹן בֶּן יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי יוֹסֵי, לֹא נֶחְלְקוּ בֵּית [6]שַׁמַּאי וּבֵית הִלֵּל עַל [9]פֵּירוֹת שֶׁלֹּא נִגְמְרָה מְלַאכְתָּן [10]שֶׁיִּפְדֶּה מַעֲשֵׂר שֵׁנִי שֶׁלָּהֶם וְיֹאכַל בְּכָל מָקוֹם. וְעַל מַה נֶּחְלְקוּ? עַל [11]הַפֵּירוֹת שֶׁנִּגְמְרָה מְלַאכְתָּן, שֶׁבֵּית [6]שַׁמַּאי אוֹמְרִים, יַחֲזוֹר מַעֲשֵׂר שֵׁנִי שֶׁלָּהֶם [3]וְיֹאכַל בִּירוּשָׁלַיִם; [12]וּבֵית הִלֵּל אוֹמְרִים, יִפְדֶּה [3]וְיֹאכַל בְּכָל מָקוֹם. [13]וְהַדְּמַאי [14]נִכְנָס וְיוֹצֵא וְנִפְדֶּה.

for the store[5]—the School of Shammai[6] say, One must bring back their *second tithe* to Jerusalem and consume[3] it there; but the School of Hillel say, He may redeem it and consume it[3] anywhere. R. Simon[8] ben Judah says in the name of R. Jose, The School of Shammai[6] and the School of Hillel were not divided over the subject of produce[9] which had not been completely harvested that its *second tithe* may be redeemed[10] and consumed[3] anywhere. But over what were they divided?—About produce[11] that was completely harvested, the School of Shammai[6] saying, One must bring back to Jerusalem its *second tithe* and eat it[3] there; and the School of Hillel[12] saying, One may redeem it and eat it[3] anywhere. And *doubtfully tithed produce*[13] may be brought in[14] and taken out again and may be redeemed.

**1** Whose תְּרוּמָה and מַעֲשֵׂר רִאשׁוֹן had not yet been separated, *i.e.*, טֶבֶל produce. **2** שֶׁלָּהֶם in some editions. **3** Or וְיֵאָכֵל, *and it must be eaten*. **4** Wine-pressing vat. **5** Store for fruit. **6** *i.e.*, their opinion differs in another matter. **7** Or יִפָּדֶה וְיֵאָכֵל, *may be redeemed and consumed*. **8** His opinion is rejected. **9** Or פֵּרוֹת **10** Or שֶׁיִּפָּדֶה [*Niphal*]. **11** In some editions, פֵּירוֹת. **12** Their views are excepted. **13** Or וְהַדְּמַי (see דְּמַאי, **Introduction**). **14** Into Jerusalem.

Mishnah 7

מִשְׁנָה ז

אִילָן שֶׁהוּא עוֹמֵד [1]בְּפְנִים [2]וְנוֹטֶה לַחוּץ, אוֹ עוֹמֵד בַּחוּץ וְנוֹטֶה לִפְנִים, מִכְּנֶגֶד הַחוֹמָה וְלִפְנִים [3]כְּלִפְנִים, מִכְּנֶגֶד הַחוֹמָה וְלַחוּץ [4]כְּלַחוּץ. [5]בָּתֵּי הַבַּדִּים שֶׁפִּתְחֵיהֶן לִפְנִים [6]וַחֲלָלָן לַחוּץ, אוֹ שֶׁפִּתְחֵיהֶן לַחוּץ

If a tree stood within a wall[1] and leaned over[2] outside, or stood without and leaned over inwards, the part above the wall and within is deemed inside,[3] and the part above the wall and outwards is considered outside.[4] Olive-presses[5] —if their entrances were inside and their body[6] outside, or their entrances without and their body

וַחֲלָלָן לִפְנִים, בֵּית שַׁמַּאי אוֹמְרִים, הַכֹּל כְּלִפְנִים; [7]וּבֵית הִלֵּל אוֹמְרִים, מִכְּנֶגֶד הַחוֹמָה וְלִפְנִים כְּלִפְנִים, מִכְּנֶגֶד הַחוֹמָה וְלַחוּץ כְּלַחוּץ.

within, the School of Shammai say, The whole is considered inside; but the School of Hillel say,[7] The portion above the wall and inwards is considered inside, and the part above the wall and outwards is deemed without.

**1** Inside Jerusalem. **2** Its trunk or branches. **3** The second tithe may be eaten there but not be redeemed. **4** The second tithe may not be consumed there but may be redeemed. **5** On the wall of Jerusalem. **6** חָלָל, *cavity*, *interior*, *hollow*. **7** Their view is accepted that in the inner part (in Jerusalem) the second tithe may be eaten but not be redeemed, but in the outer part (outside Jerusalem) the second tithe may not be consumed but may be redeemed. 114

מִשְׁנָה ח

Mishnah 8

הַלִּשְׁכּוֹת בְּנוּיוֹת [1]בַּקְּדֻשָּׁה וּפְתוּחוֹת [2]לַחוֹל, תּוֹכָן חוֹל וְגַגּוֹתֵיהֶן [3]קֹדֶשׁ. [4]בְּנוּיוֹת לַחוֹל וּפְתוּחוֹת לַקֹּדֶשׁ, תּוֹכָן קֹדֶשׁ וְגַגּוֹתֵיהֶן חוֹל. בְּנוּיוֹת בְּקֹדֶשׁ וּבְחוֹל, וּפְתוּחוֹת לְקֹדֶשׁ וּלְחוֹל, תּוֹכָן וְגַגּוֹתֵיהֶן מִכְּנֶגֶד הַקֹּדֶשׁ וְלַקֹּדֶשׁ קֹדֶשׁ, מִכְּנֶגֶד הַחוֹל וְלַחוֹל חוֹל.

The chambers built in the Temple Court[1] and open into the non-holy ground[2]—their interior is non-holy but their roofs are considered to be in holy ground.[3] Those built[4] on non-holy ground and opening on to the Temple Court—their interior is considered to be on holy ground and their roofs to be non-holy. Those built both within the Temple Court and on non-holy ground, and opening both on to the Temple Court and non-holy ground—their interior and their roofs above the Temple Court and towards the Temple Court are holy, and over the non-holy ground and towards non-holy ground are non-holy.

**1** Literally, *in the holiness*, *i.e.*, עֲזָרָה. **2** *i.e.* הַר הַבַּיִת, *the hillside of the Temple*. **3** With reference to the slaughter of sacrifices and their consumption and to the entrance in cleanness. But this applies only if the roofs be on the same level as the ground slope. **4** The chambers.

מִשְׁנָה ט

Mishnah 9

מַעֲשֵׂר שֵׁנִי שֶׁנִּכְנַס לִירוּשָׁלַיִם וְנִטְמָא, בֵּין שֶׁנִּטְמָא בְּאַב הַטּוּמְאָה

*Second tithe* that had been brought into Jerusalem and became unclean, whether it became unclean from a

בֵּין שֶׁנִּטְמָא בְּוֶלֶד הַטּוּמְאָה, בֵּין בְּפְנִים בֵּין [1]בַּחוּץ, בֵּית שַׁמַּאי אוֹמְרִים, [2]הַכֹּל יִפָּדֶה וְיֵאָכֵל בְּפְנִים, חוּץ מִשֶּׁנִּטְמָא בְּאַב הַטּוּמְאָה בַּחוּץ; וּבֵית הִלֵּל אוֹמְרִים, הַכֹּל יִפָּדֶה וְיֵאָכֵל [3]בַּחוּץ, חוּץ מִשֶּׁנִּטְמָא בְּוֶלֶד הַטּוּמְאָה [3]בְּפְנִים.

*direct cause of uncleanness* or from a *secondary cause of uncleanness*, whether inside[1] or outside:[1] the School of Shammai say, All[2] should be redeemed and be consumed inside, except only what had become unclean from a *direct cause of uncleanness* outside; but the School of Hillel say, All must be redeemed and be consumed without,[3] except only what had become unclean from a *secondary cause* within.[3]

**1** The Walls of Jerusalem. **2** In some editions, יִפָּדֶה וְיֵאָכֵל הַכֹּל בְּפְנִים. **3** The Walls of Jerusalem. The accepted ruling is as follows: second tithe produce that had become unclean outside Jerusalem must be redeemed and be eaten outside Jerusalem; if it became unclean inside Jerusalem from a *direct cause of uncleanness* it must be redeemed and be consumed outside; if it became unclean inside after redemption it must be consumed inside Jerusalem.

מִשְׁנָה י

[1]הַלָּקוּחַ בְּכֶסֶף מַעֲשֵׂר שֵׁנִי שֶׁנִּטְמָא [2]יִפָּדֶה; רַבִּי [3]יְהוּדָה אוֹמֵר, יִקָּבֵר. [4]אָמְרוּ לוֹ לְרַבִּי יְהוּדָה, וּמָה אִם מַעֲשֵׂר שֵׁנִי עַצְמוֹ שֶׁנִּטְמָא הֲרֵי הוּא נִפְדֶּה, הַלָּקוּחַ בְּכֶסֶף מַעֲשֵׂר שֵׁנִי שֶׁנִּטְמָא אֵינוֹ דִּין שֶׁיִּפָּדֶה? אָמַר לָהֶם, לֹא, אִם אֲמַרְתֶּם בְּמַעֲשֵׂר שֵׁנִי עַצְמוֹ שֶׁכֵּן הוּא נִפְדֶּה בַּטָּהוֹר בְּרִחוּק מָקוֹם, תֹּאמְרוּ בַּלָּקוּחַ בְּכֶסֶף מַעֲשֵׂר, שֶׁאֵינוֹ נִפְדֶּה בַּטָּהוֹר בְּרִחוּק מָקוֹם?

Mishnah 10

If what was bought[1] with *second tithe* money became unclean, it may be redeemed;[2] R. Judah says,[3] It must be buried. They[4] said to R. Judah, 'If *second tithe* itself that had become unclean may be redeemed, is it not all the more reason that what had been bought with *second tithe* money and had become unclean may also be redeemed?' He said to them, 'No, if you say of *second tithe* itself which may be redeemed when clean far from Jerusalem, would you say the same of what has been bought with *second tithe* money which may not be redeemed when clean far from Jerusalem?'

**1** Whether inside or outside Jerusalem. **2** And this is the accepted ruling. **3** His view is rejected. **4** The חֲכָמִים (Sages).

Mishnah 11

If a deer[1] that had been bought[2] with *second tithe*[3] money died, it must be buried with its hide; R. Simon says,[4] It must be redeemed. If one bought it alive and slaughtered it and it became unclean, it must be redeemed; R. Jose says,[5] It must be buried. If one bought it slaughtered and it became unclean, it must be treated just as produce.[6]

מִשְׁנָה יא

[1]צְבִי [2]שֶׁלְּקָחוֹ בְּכֶסֶף [3]מַעֲשֵׂר וּמֵת, יִקָּבֵר עַל יְדֵי עוֹרוֹ; רַבִּי [4]שִׁמְעוֹן אוֹמֵר, יִפָּדֶה. לְקָחוֹ חַי וּשְׁחָטוֹ וְנִטְמָא, יִפָּדֶה; רַבִּי [5]יוֹסֵי אוֹמֵר, יִקָּבֵר. לְקָחוֹ שָׁחוּט וְנִטְמָא, הֲרֵי הוּא [6]כְּפֵירוֹת.

**1** Or *gazelle*. **2** Any beast or fowl bought with second tithe money must be buried whole if it died; but if such became unclean after slaughtering it must be redeemed as in the case of second tithe produce that had become unclean. **3** *i.e.*, מַעֲשֵׂר שֵׁנִי. **4** His view is rejected. **5** His opinion is not accepted. **6** Or כְּסֵרוֹת.

Mishnah 12

If one lent jars[1] for *second tithe*,[2] even though he sealed them up, they[3] are not considered as *tithe*. If he poured into them non-tithed wine, if before[4] they were sealed up, they[3] do not count as *tithe*, but if after they were sealed up,[5] they are reckoned as *tithe*. If before[6] they were sealed up, they[7] are neutralized in a hundred and one parts, but if after they were sealed up, they render holy[8] in any quantity whatsoever. Before one has sealed them up, he may separate *priest's-due* from one for all; but after he has sealed them up, he must separate *priest's-due* from each one separately.

מִשְׁנָה יב

הַמַּשְׁאִיל [1]קַנְקַנִּין [2]לְמַעֲשֵׂר שֵׁנִי, אַף עַל פִּי שֶׁגָּפָן, לֹא קָנָה [3]מַעֲשֵׂר. זָלַף לְתוֹכָן סְתָם, [4]עַד שֶׁלֹּא גָּפָן, לֹא קָנָה [3]מַעֲשֵׂר; [5]מִשֶּׁגָּפָן, קָנָה מַעֲשֵׂר. [6]עַד שֶׁלֹּא גָּפָן, [7]עוֹלוֹת בְּאֶחָד וּמֵאָה, וּמִשֶּׁגָּפָן, [8]מְקַדְּשׁוֹת בְּכָל שֶׁהֵן. עַד שֶׁלֹּא גָּפָן, תּוֹרֵם מֵאַחַת עַל הַכֹּל; וּמִשֶּׁגָּפָן, תּוֹרֵם מִכָּל אַחַת וְאֶחָת.

**1** קַנְקַן, *oil-vessel, wine-vessel; a cylindrical vessel sunk into a cellar floor*. **2** For wine also so designated. **3** *i.e.*, מַעֲשֵׂר שֵׁנִי. The jars themselves do not become part of the tithe. Literally, *he has not* purchased tithe. **4** *i.e.*, before the wine was designated tithe. **5** Then the wine was designated tithe. **6** If they were designated priest's due and became confused with non-holy wine. **7** The jars themselves. **8** The jars must be sold to כֹּהֵן but one jar is given to the כֹּהֵן free.

עָלָיו [3]חֲמִישִׁית, בֵּין שֶׁהוּא שֶׁלּוֹ וּבֵין [4]שֶׁנִּיתַּן לוֹ [5]בְּמַתָּנָה.

own or whether it were given[4] to him as a free gift.[5]

**1** Or *offers*, literally *says*. **2** *Leviticus* **27,** 13. **3** Or חֲמִשִּׁית. In actual practice it is חוֹמֶשׁ מִלְּבַד, *a fourth* (*i.e.*, $\frac{1}{5}$ [the original *plus* $\frac{1}{4}$ of the original], thus algebraically if the original be x then the חוֹמֶשׁ מִלְּבַד $= \frac{1}{5}[x + \frac{x}{4}] = \frac{x}{4}$, that is *one fourth*). **4** Or שֶׁנִּתַּן. **5** This can only refer to טֶבֶל, *completely untithed produce*.

מִשְׁנָה ד

Mishnah 4

[1,2]מַעֲרִימִין עַל מַעֲשֵׂר שֵׁנִי. כֵּיצַד? אוֹמֵר אָדָם לִבְנוֹ וּלְבִתּוֹ הַגְּדוֹלִים, לְעַבְדּוֹ וּלְשִׁפְחָתוֹ הָעִבְרִים, הֵילָךְ [3]מָעוֹת אֵלּוּ וּפְדֵה לְךָ [4]מַעֲשֵׂר שֵׁנִי זֶה. אֲבָל לֹא יֹאמַר כֵּן לִבְנוֹ וּלְבִתּוֹ הַקְּטַנִּים, וּלְעַבְדּוֹ וּלְשִׁפְחָתוֹ הַכְּנַעֲנִים, מִפְּנֵי שֶׁיָּדָן כְּיָדוֹ.

A way out may be found[1,2] regarding *second tithe*. How so? A man may say to his adult son or daughter, or to his Hebrew bondman or bondwoman, 'Here is this money,[3] redeem for thyself this *second tithe*'.[4] But he may not speak in this wise to his son or daughter who are minors, or to his Canaanite bondman or bondwoman, because their hand is as his hand.[5]

**1** עָרַם, *to evade a law by an artifice, to act artfully*. **2** To evade paying the *added fifth*. **3** As a gift, בְּמַתָּנָה. **4** And when the redeemed produce has thus become חולין it is handed over as a free gift to the owner who has not therefore to pay the *added fifth*, for he had not redeemed it. **5** *i.e.*, their action is exactly as if the owner had acted.

מִשְׁנָה ה

Mishnah 5

[1]הָיָה עוֹמֵד בַּגֹּרֶן וְאֵין בְּיָדוֹ [2]מָעוֹת, אוֹמֵר לַחֲבֵירוֹ, הֲרֵי [3]הַפֵּירוֹת הָאֵלּוּ נְתוּנִים לְךָ בְּמַתָּנָה. [4]חוֹזֵר וְאוֹמֵר, הֲרֵי אֵלּוּ [5]מְחוּלָּלִין עַל מָעוֹת שֶׁבַּבַּיִת.

If one[1] were standing in his granary but he had no money[2] in his hand, he may say to his fellow, 'This produce[3] is given to thee as a free gift.' Then[4] he goes on to say, 'Let this be exchanged[5] for money which is in the house.'

**1** When one wanted to avoid paying the *added fifth*. **2** To give to the other (who also had no money on him) to redeem the second tithe for him. **3** This refers to טֶבֶל produce (Compare preceding *Mishnah*, **Note 5**). **4** After the other has separated the *second tithe*. **5** Or מְחֻלָּלִים. Thus again the owner has evaded the payment of the added fifth.

Mishnah 6

If anyone drew[1] from another *second tithe* at the price of a *sela*, but before he was able to redeem it it went up to two, he gives him a *sela* and makes a *sela* profit and the *second tithe*[2] is his. If anyone drew from another *second tithe* for two *selas*, but before he managed to redeem it it stood at a *sela*, he gives him a *sela* of ordinary money and a *sela* from *second tithe* money of his own. If he[3] were one who is not reliable concerning *tithes*, he may give[4] him from *doubtfully tithed produce*.[5]

מִשְׁנָה ו

[1]מָשַׁךְ מִמֶּנּוּ מַעֲשֵׂר בְּסֶלַע, וְלֹא הִסְפִּיק לִפְדּוֹתוֹ עַד שֶׁעָמַד בַּשְׁתַּיִם, נוֹתֵן לוֹ סֶלַע וּמִשְׁתַּכֵּר בְּסֶלַע, [2]וּמַעֲשֵׂר שֵׁנִי שֶׁלּוֹ. מָשַׁךְ מִמֶּנּוּ מַעֲשֵׂר בִּשְׁתַּיִם, וְלֹא הִסְפִּיק לִפְדּוֹתוֹ עַד שֶׁעָמַד בְּסֶלַע, נוֹתֵן לוֹ סֶלַע מֵחוּלִּין, וְסֶלַע מַעֲשֵׂר שֵׁנִי שֶׁלּוֹ. אִם [3]הָיָה עַם הָאָרֶץ [4]נוֹתֵן לוֹ [5]מִדְּמָאי.

**1** *i.e.*, drew into possession. **2** Some editions have וְסֶלַע מַעֲשֵׂר שֵׁנִי instead of מַעֲשֵׂר שֵׁנִי. Some commentators understand this to mean that the 'second' *sela*, viz., the 'other' *sela*, belongs to him. **3** The seller was עַם הָאָרֶץ, *one who is not reliable concerning tithing*, to whom redemption money from מַעֲשֵׂר שֵׁנִי וַדַּאי must not be given. **4** Or *pays*. *i.e.*, the second sela. **5** מִדְּמָיו in some editions. *i.e.*, from מַעֲשֵׂר שֵׁנִי שֶׁל דְּמָאי.

Mishnah 7

If one redeem *second tithe* but did not designate[1] it, R. Jose[2] says, It is sufficient; but R. Judah says,[3] He must definitely designate it. If one were talking to a woman concerning her divorce[4] or her betrothal and he gave her her bill of divorce[4] or her gift of betrothal, but did not designate it expressly,[5] R. Jose[2] says, It is sufficient; but R. Judah[3] says, He must designate it explicitly.

מִשְׁנָה ז

הַפּוֹדֶה מַעֲשֵׂר שֵׁנִי [1]וְלֹא קָרָא שֵׁם, רַבִּי [2]יוֹסֵי אוֹמֵר, דַּיּוֹ; רַבִּי [3]יְהוּדָה אוֹמֵר, צָרִיךְ לְפָרֵשׁ. הָיָה מְדַבֵּר עִם הָאִשָּׁה עַל עִסְקֵי [4]גִּטָּה וְקִדּוּשֶׁיהָ, וְנָתַן לָהּ [4]גִּטָּה וְקִדּוּשֶׁיהָ, וְלֹא [5]פֵּרֵשׁ, רַבִּי [2]יוֹסֵי אוֹמֵר, דַּיּוֹ; רַבִּי [3]יְהוּדָה אוֹמֵר, צָרִיךְ לְפָרֵשׁ.

**1** He did not state that it was redemption of second tithe. **2** His view is accepted **3** His opinion is rejected. **4** גִּיטָּה in some editions. **5** Or פֵּרַשׁ.

Mishnah 8

If anyone set aside an *issar*[1] and reckoning on it ate up half its value, and then he went elsewhere where its value was a *pondion*,[2] he can still consume in virtue of it another *issar's* worth. If anyone set aside a *pondion* and counting on it consumed half its worth, and then he went somewhere else where its value[3] was an *issar*, he may consume in virtue of this only another[4] half *issar's* worth. If anyone put aside an *issar* for *second tithe* redemption, counting on it he may consume[5] one-eleventh[6] of an *issar's* worth, or one-hundredth[7] of an *issar's* worth. The School of Shammai say,[8] One-tenth in both cases; but the School of Hillel[9] say, One-eleventh for *certainly tithed produce* and one-tenth for *doubtfully tithed produce.*

מִשְׁנָה ח

הַמַּנִּיחַ [1]אִיסָּר וְאָכַל עָלָיו חֶצְיוֹ, וְהָלַךְ לְמָקוֹם אַחֵר, וַהֲרֵי הוּא יוֹצֵא [2]בְּפוּנְדְּיוֹן, אוֹכֵל עָלָיו עוֹד אִיסָּר. הַמַּנִּיחַ בְּפוּנְדְּיוֹן וְאָכַל עָלָיו חֶצְיוֹ, וְהָלַךְ לְמָקוֹם אַחֵר, וַהֲרֵי הוּא [3]בְּאִיסָּר, אוֹכֵל עָלָיו [4]עוֹד פְּלָג. הַמַּנִּיחַ אִיסָּר שֶׁל מַעֲשֵׂר שֵׁנִי, [5]אוֹכֵל עָלָיו [6]אַחַד עָשָׂר בְּאִיסָּר, [7]וְאֶחָד מִמֵּאָה בְּאִיסָּר. בֵּית [8]שַׁמַּאי אוֹמְרִים, הַכֹּל עֲשָׂרָה; [9]וּבֵית הִלֵּל אוֹמְרִים, בַּוַּדַּאי אַחַד עָשָׂר וּבַדְּמַאי עֲשָׂרָה.

**1** For redemption of *second tithe*. **2** A *pondion* is worth 2 *issar*. **3** הוּא יוֹצֵא in some editions. **4** עוֹד in some edtions is omitted. **5** In some editions, וְאָכַל. **6** If the produce be דְּמַאי, *doubtfully tithed*. **7** If the produce be וַדַּאי, *certainly tithed*. **8** Their view is rejected. **9** Their opinion is accepted.

Mishnah 9

All coins[1] that are found are considered non-holy, even a gold *dinar*[2] mingled with silver and copper coins. If anyone found a shard[3] with them on which was written[4] *Tithe*, then such must be assumed to be *tithe*.[5]

מִשְׁנָה ט

[1]כָּל־הַמָּעוֹת הַנִּמְצָאִים הֲרֵי אֵלּוּ חוּלִּין, אֲפִילוּ [2]דִּינָר זָהָב עִם הַכֶּסֶף וְעִם הַמָּעוֹת. מָצָא בְתוֹכָן [3]חֶרֶס [4]כָּתוּב עָלָיו מַעֲשֵׂר, הֲרֵי זֶה [5]מַעֲשֵׂר.

**1** But any such money found in *Jerusalem* during a רֶגֶל, *Holyday* period, when second tithe was brought in is considered as second tithe redemption money. **2** דִּינָר זָהָב = 24 דִּינָר כֶּסֶף or 24 זוּז. (See *Tables of Weights and Measures*, **Introduction** זְרָעִים). **3** Or *sherd*, *potsherd*. **4** וְכָתוּב in some editions. **5** *Second tithe* redemption money.

Mishnah 10

If anyone find a vessel and on it be written *Offering*[1]—R. Judah says, If it were of earthenware it is non-holy, and whatever is in it is *offering;* and if it were of metal, it is *offering* and what is therein is non-holy. They[2] said to him, It is not the way of people to put what is non-holy into what is *offering*.

מִשְׁנָה י

הַמּוֹצֵא כְּלִי וְכָתוּב עָלָיו [1]קָרְבָּן׳ רַבִּי יְהוּדָה אוֹמֵר׳ אִם הָיָה שֶׁל חֶרֶס׳ הוּא חוּלִין וּמַה שֶּׁבְּתוֹכוֹ קָרְבָּן; וְאִם הָיָה שֶׁל מַתֶּכֶת׳ הוּא קָרְבָּן וּמַה שֶּׁבְּתוֹכוֹ חוּלִין׳ [2]אָמְרוּ לוֹ׳ אֵין דֶּרֶךְ בְּנֵי אָדָם לְהָיוֹת כּוֹנְסִין חוּלִין לְקָרְבָּן׳

**1** Or *Sacrifice*. **2** The חֲכָמִים (Sages).

Mishnah 11

If anyone find a vessel[1] and there be written on it a *Kaf*[2], this is *offering*, a *Mem*[3], it is *tithe*, a *Daleth*[4], it is *doubtfully tithed*, a *Teth*[5], it is *certainly untithed*, a *Tav*[6], it is *priest's-due* because in times of danger[7] they used to write a *Tav* instead of *Terumah*. R. Jose[8] says, They may all be the names[9] of persons. Said R. Jose, Even if one found a cask[10] and it was full of produce, and on it be written *priest's-due*, this should be considered non-holy, because I can assume that last year it was filled with produce[14] of *priest's-due* and someone had since emptied it out.[11]

מִשְׁנָה יא

הַמּוֹצֵא [1]כְּלִי וְכָתוּב עָלָיו [2]ק קָרְבָּן׳ [3]מ מַעֲשֵׂר׳ [4]ד דְּמַאי׳ [5]ט טֶבֶל׳ [6]ת תְּרוּמָה׳ שֶׁבִּשְׁעַת [7]סַכָּנָה׳ הָיוּ כוֹתְבִין ת תַּחַת תְּרוּמָה׳ רַבִּי [8]יוֹסֵי אוֹמֵר׳ כּוּלָּם [9]שְׁמוֹת בְּנֵי אָדָם הֵם׳ אָמַר רַבִּי יוֹסֵי׳ אֲפִילוּ מָצָא [10]חָבִית וְהִיא מְלֵאָה פֵּירוֹת׳ וְכָתוּב עָלֶיהָ תְּרוּמָה׳ הֲרֵי אֵלּוּ חוּלִין׳ שֶׁאֲנִי אוֹמֵר׳ אֶשְׁתַּקֵּד הָיְתָה מְלֵאָה פֵּירוֹת תְּרוּמָה [11]וּפִינָּהּ׳

**1** In the case of a כְּלִי חֶרֶס, *an earthenware vessel*, thus marked the contents only are קָדוֹשׁ, *holy*, but in the case of a כְּלִי שֶׁטֶף, *a vessel of wood or metal*, both the vessel and contents are הֶקְדֵּשׁ, *dedicated*. **2** The initial letter of קָרְבָּן. *i.e.*, *dedicated*. **3** The initial letter of מַעֲשֵׂר. **4** The initial letter of דְּמַאי. **5** The initial letter of טֶבֶל. **6** The initial letter of תְּרוּמָה. **7** *i.e.*, persecution. **8** His views are not accepted. **9** *i.e.*, the initials of persons' names. **10** Or *jar*, *barrel*, *tub*. **11** וּפִנָּהּ in some editions. *i.e.*, and the one who had emptied it out had forgotten to erase the word תְּרוּמָה.

Mishnah 12

If one said to his son, '*Second tithe* is in this corner'—and he found some[1] in another corner, this is to be considered as non-holy. If there had been there a *manah*[2] and he found two hundred,[3] the surplus is non-holy; if two hundred[4] and he found only one *manah*, the whole lot is *tithe*.

מִשְׁנָה יב

הָאוֹמֵר לִבְנוֹ, מַעֲשֵׂר שֵׁנִי בְּזָוִית
זוֹ, [1]וּמְצָאָהּ בְּזָוִית אַחֶרֶת, הֲרֵי
אֵלּוּ חוּלִּין. הָיָה שָׁם [2]מָנֶה וּמָצָא
[3]מָאתַיִם, הַשְּׁאָר חוּלִּין; [4]מָאתַיִם,
וּמָצָא מָנֶה, הַכֹּל מַעֲשֵׂר.

**1** וּמְצָאָ in some editions. **2** מָנֶה = 100 זוּז or 100 דִּינָר כֶּסֶף. Of *second tithe*. **3** 200 זוּז or 200 דִּינָר כֶּסֶף, *i.e.*, 2 מָנֶה. **4** 200 זוּז or 200 דִּינָר כֶּסֶף had been placed there. (See זְרָעִים **Introduction,** *Tables*).

## CHAPTER 5

Mishnah 1

A *vineyard in its fourth year*[1] must be marked out[2] with clods of earth, and *fruit trees of their first three years* with sherds,[3] and graves with lime[4] mixed with water and poured over. Rabban Simon ben Gamaliel said, When is this the case?—In the *Sabbatical Year*.[5] And the scrupulously pious[6] people used to lay down[7] coins[8] and say,[9] 'All that is gathered here let it be redeemed[10] by these coins.'[8]

## פֶּרֶק ה

מִשְׁנָה א

[1]כֶּרֶם רְבָעִי, [2]מְצַיְּינִין אוֹתוֹ בְּקוֹזְזוֹת
אֲדָמָה, וְשֶׁל עָרְלָה [3]בְּחַרְסִית,
וְשֶׁל קְבָרוֹת [4]בְּסִיד וּמַמְחֶה וְשׁוֹפֵךְ.
אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, בַּמֶּה
דְּבָרִים אֲמוּרִים? [5]בַּשְּׁבִיעִית.
[6]וְהַצְּנוּעִים [7]מַנִּיחִין אֶת־[8]הַמָּעוֹת
[9]וְאוֹמְרִים, כָּל־הַנִּלְקָט מִזֶּה יְהֵא
[10]מְחוּלָּל עַל [8]הַמָּעוֹת הָאֵלּוּ.

**1** עָרְלָה (literally, *prepuce, foreskin*) *fruit trees of their first three years*; רְבָעִי, *what is in its fourth year*; כֶּרֶם רְבָעִי, *a vineyard in its fourth year*; נֶטַע רְבָעִי, *fourth year's fruit of a tree;* [*Leviticus* **19,** 23, 24, 25]. The fruit of trees during the first three years of their growth was forbidden for common use. In the fourth year the fruit had to be taken to Jerusalem for consumption, or it could be redeemed (*i.e.*, its value in money with the חֹמֶשׁ, *added fifth*, set aside) and the money be taken to Jerusalem to be spent there (the redeemed fruit thus becoming חוּלִּין, *non-holy*). If a tree be planted on or before 16th אָב (to allow a fortnight for rooting and thirty days' growth in the passing year) then the 1st תִּשְׁרֵי begins the second year of growth. After the third תִּשְׁרֵי the fruit though no longer עָרְלָה may still not be consumed until after the 15th שְׁבַט (or רֹאשׁ הַשָּׁנָה לְאִילָנוֹת, *The New Year for Trees*). **2** This must be done even in a שְׁבִיעִית, *Sabbatical Year* because its

fruit is not הֶפְקֵר and must be consumed in Jerusalem. **3** Or *shards*, *potsherds*. **4** Or *chalk*, *plaster*. This is necessary that the *clean*, טְהוֹרִים (a כֹּהֵן, priest or נָזִיר, *nazarite*) do not go there and become טְמֵאִים, *unclean*. **5** When all produce becomes הֶפְקֵר, *ownerless*, *common property*. **6** Whose vineyards reached their fourth year in the Sabbatical Year. **7** Or מַנִּיחִים, מַנִּיחִין, מִנִּיחִים. **8** Or *money*. **9** And this is an accepted ruling for a non-Sabbatical Year also. **10** Or מְחֻלָּל.

Mishnah 2

The *fruit of a vineyard in its fourth year* had to be brought up[1] to Jerusalem[2] if distant up to a day's journey from Jerusalem. And what was its limit?—Ayeleth[3] to the south, Akrabah[4] to the north, Lod[5] to the west, and the Jordan to the east. And when the fruits became too many they decreed that they could be redeemed near the wall;[6] and there was a condition on this matter,[7] that whenever they wished the matter should revert to its former state. R. Jose says, This was the condition after the Temple was destroyed; and there was an understanding that when the Temple should be rebuilt the matter was to revert as aforetime.

מִשְׁנָה ב

כֶּרֶם רְבָעִי [1]הָיָה עוֹלֶה [2]לִירוּשָׁלַיִם מַהֲלַךְ יוֹם אֶחָד לְכָל צַד. וְאֵיזוֹ הִיא תְּחוּמָהּ? [3]אַיֶּלֶת מִן־הַדָּרוֹם, [4]וְעַקְרַבָּה מִן־הַצָּפוֹן, [5]לוֹד מִן־הַמַּעֲרָב, וְהַיַּרְדֵּן מִן־הַמִּזְרָח. וּמִשֶּׁרָבוּ הַפֵּירוֹת הִתְקִינוּ שֶׁיְּהֵא נִפְדֶּה [6]סָמוּךְ לְחוֹמָה; וּתְנַאי הָיָה [7]בַּדָּבָר, שֶׁאִימָתַי שֶׁיִּרְצוּ יַחֲזוֹר הַדָּבָר לִכְמוֹת שֶׁהָיָה. רַבִּי יוֹסֵי אוֹמֵר, מִשֶּׁחָרַב בֵּית הַמִּקְדָּשׁ הָיָה הַתְּנַאי הַזֶּה; וּתְנַאי הָיָה, אֵימָתַי שֶׁיִּבָּנֶה בֵּית הַמִּקְדָּשׁ יַחֲזוֹר הַדָּבָר לִכְמוֹת שֶׁהָיָה.

**1** *i.e.*, they were not to be redeemed in this case during the Temple period. **2** So as to decorate the streets with the produce. **3** Or אַיֶּלֶת. The situation of this place has not been established. **4** Or עַקְרַבַּת. **5** Or *Lydda*. **6** *i.e.*, even if the vineyard were near the wall of Jerusalem. **7** הַדָּבָר in some editions.

Mishnah 3

In the case of a *vineyard in its fourth year*[1] the School of Shammai say,[2] The added *fifth* and *removal*[3] do not apply to it; but the School of Hillel[4] say, They do apply. The School of Shammai say,[2] The laws of *grape-gleanings*[5] and of *poor*

מִשְׁנָה ג

[1]כֶּרֶם רְבָעִי, בֵּית [2]שַׁמַּאי אוֹמְרִים, אֵין לוֹ חוֹמֶשׁ וְאֵין לוֹ [3]בִּיעוּר; [4]וּבֵית הִלֵּל אוֹמְרִים, יֵשׁ לוֹ. בֵּית [2]שַׁמַּאי אוֹמְרִים, יֵשׁ לוֹ [5]פֶּרֶט וְיֵשׁ לוֹ

*clusters*[5] apply to it, and the poor redeem for themselves; but the School of Hillel[4] say, All[6] of it for the winepress.

[5]עוֹלְלוֹת, וְהָעֲנִיִּים פּוֹדִין לְעַצְמָן;
[4]וּבֵית הִלֵּל אוֹמְרִים, [6]כּוּלוֹ לַגָּת.

**1** *i.e.*, the grapes of. **2** Their view is rejected. **3** Or בְּעוּר. The removal from one's house of any unsurrendered tithes and priest's-dues and first fruits in the fourth year and in the Sabbatical Year (see 5[6]). **4** Their opinion is accepted. **5** See **Introduction.** **6** Or כֻּלּוֹ.

Mishnah 4

How[1] do they redeem the *fourth year's fruit of a tree*?—One sets down the basket before three[2] and says, 'How much would a man want to redeem for himself for a *sela* on condition to defray also the expenses[3] incurred out of his household?' And he lays down the coins[4] and says, 'All that shall be gathered here let it be redeemed[5] for these coins at the rate of so (and so) many baskets for a *sela*.'

מִשְׁנָה ד

[1]כֵּיצַד פּוֹדִין נֶטַע רְבָעִי? מֵנִיחַ
אֶת־הַסַּל עַל פְּנֵי [2]שְׁלֹשָׁה, וְאוֹמֵר,
כַּמָּה אָדָם רוֹצֶה לִפְדּוֹת לוֹ בְּסֶלַע,
עַל מְנַת לְהוֹצִיא [3]הוֹצָאוֹת מִבֵּיתוֹ?
וּמַנִּיחַ אֶת־[4]הַמָּעוֹת וְאוֹמֵר, כָּל־
הַנִּלְקָט מִזֶּה [5]מְחוּלָּל עַל הַמָּעוֹת
הָאֵלּוּ בְּכָךְ וְכָךְ סַלִּים בְּסֶלַע.

**1** The owner does not have to pick the fruit first before redemption, but may redeem the fruit while still on the tree on the assessment of three experienced persons; but a חֹמֶשׁ מִלְּבַד must be added to the valuation (see 4[3], **Note 3**). **2** Expert persons must estimate the value. **3** For guarding, digging, hoeing, *etc.* **4** Or *money*. **5** Or מְחֻלָּל.

Mishnah 5

But in the *Sabbatical Year* one redeems it at its value.[1] And if everything were ownerless, only the cost of gathering is considered. Anyone who redeems his own *fourth year's fruit of a tree* must add the *fifth of its value*, whether it was actually his own or whether it had been given[2] to him as a free gift.

מִשְׁנָה ה

וּבַשְּׁבִיעִית פּוֹדֶהוּ [1]בְּשָׁוְיוֹ. וְאִם הָיָה
הַכֹּל מוּפְקָר אֵין לוֹ אֶלָּא שְׂכַר
לְקִיטָה. הַפּוֹדֶה נֶטַע רְבָעִי שֶׁלּוֹ,
מוֹסִיף עָלָיו חֲמִישִׁיתוֹ, בֵּין שֶׁהוּא
שֶׁלּוֹ וּבֵין [2]שֶׁנִּיתַּן לוֹ בְּמַתָּנָה.

**1** As no tillage is allowed in the *Sabbatical Year* no allowance is made for labour costs. **2** Such produce may be given away when in blossom but not when grown and ripe.

Mishnah 6

On the eve[1] of the first day of Passover in the fourth year and the seventh year *removal*[2] was carried out. How was[3] the *removal*[2] carried out? They gave[4] *priest's-due* and *priest's-due of the first tithe* to whom they were due,[5] and *first tithe* to whom it was due, and *poor-man's tithe* to whom it was due,[6] and *second tithe*[7] and *first fruits* were cleared away everywhere. R. Simon[8] says, The *first fruits* were given to the priests as in the case of *priest's-due*. The School of Shammai[10] say, Cooked food[9] should be cleared away; but the School of Hillel[11] say, It is considered as if it had already been removed.[12]

מִשְׁנָה ו

[1]עֶרֶב יוֹם טוֹב הָרִאשׁוֹן שֶׁל פֶּסַח
שֶׁל רְבִיעִית וְשֶׁל שְׁבִיעִית הָיָה
[2]בִּיעוּר. כֵּיצַד [2]הָיָה [3]בִּיעוּר? [4]נוֹתְנִין
תְּרוּמָה וּתְרוּמַת מַעֲשֵׂר לַבְּעָלִים,
[5]וּמַעֲשֵׂר רִאשׁוֹן לִבְעָלָיו, וּמַעֲשַׂר
עָנִי [6]לִבְעָלָיו, [7]וּמַעֲשֵׂר שֵׁנִי
וְהַבִּכּוּרִים מִתְבָּעֲרִים בְּכָל מָקוֹם.
רַבִּי [8]שִׁמְעוֹן אוֹמֵר, הַבִּכּוּרִים נִיתְּנִין
לַכֹּהֲנִים כִּתְרוּמָה. [9]הַתַּבְשִׁיל, בֵּית
[10]שַׁמַּאי אוֹמְרִים, צָרִיךְ לְבָעֵר;
[11]וּבֵית הִלֵּל אוֹמְרִים, הֲרֵי הוּא
[12]כְּמְבוֹעָר.

**1** At the מִנְחָה period. **2** בְּעוּר in some editions. **3** In some editions הָיָה בִּיעוּר is omitted. **4** Literally, *they give*. **5** To the לֵוִי, *Levite*. **6** To the עָנִי, *poor person*. **7** Actually in the case of מַעֲשַׂר שֵׁנִי, *second tithe*, and נֶטַע רְבָעִי, *fruit of a four year old tree*, if in one's possession in Jerusalem sufficient of them to last for consumption until the מִנְחָה of אַחֲרוֹן שֶׁל פֶּסַח, *the last* (*i.e.*, 7th) *day of Passover*, is retained and the remainder must be destroyed; but such produce outside Jerusalem must be entirely destroyed. **8** His opinion is rejected. **9** That contained in it any admixture of produce which comes under the law of *removal*. **10** Their view is rejected. **11** Their opinion is accepted. **12** Because the prohibited material is no longer distinguishable.

Mishnah 7

Anyone who had produce[1] at this time[2] and the time came for *removal*,[3] the School of Shammai[4] say, He must redeem it[5] with money;[6] but the School of Hillel[7] say, It is all one whether it is money or produce.

מִשְׁנָה ז

מִי שֶׁהָיוּ לוֹ [1]פֵּירוֹת [2]בַּזְּמַן הַזֶּה וְהִגִּיעַ
שַׁעַת [3]הַבִּיעוּר, בֵּית [4]שַׁמַּאי אוֹמְרִים,
צָרִיךְ [5]לְחַלְּלָן עַל [6]הַכֶּסֶף; [7]וּבֵית
הִלֵּל אוֹמְרִים, אֶחָד שֶׁהֵן כֶּסֶף
וְאֶחָד שֶׁהֵן פֵּירוֹת.

Mishnah 11

מִשְׁנָה יא

כְּכָל מִצְוָתְךָ אֲשֶׁר צִוִּיתָנִי; הָא אִם הִקְדִּים מַעֲשֵׂר שֵׁנִי לְרִאשׁוֹן אֵינוֹ יָכוֹל לְהִתְוַדּוֹת. לֹא עָבַרְתִּי מִמִּצְוֹתֶיךָ; [1]לֹא הִפְרַשְׁתִּי מִמִּין [2]עַל שֶׁאֵינוֹ מִינוֹ, וְלֹא מִן־הַתָּלוּשׁ [2]עַל [3]הַמְּחוּבָּר, וְלֹא מִן־[3]הַמְּחוּבָּר [2]עַל הַתָּלוּשׁ, וְלֹא [4]מִן־הֶחָדָשׁ [2]עַל הַיָּשָׁן, וְלֹא [4]מִן־הַיָּשָׁן [2]עַל הֶחָדָשׁ. וְלֹא שָׁכַחְתִּי; לֹא שָׁכַחְתִּי מִלְּבָרֵךְ וּמִלְּהַזְכִּיר שִׁמְךָ עָלָיו.

According to all Thy commandments which Thou hast commanded me: thus if he separated *second tithe* before the *first tithe* he may not make the *Confession.* I have not transgressed Thy commandments: *I have not separated*[1] *from one kind for*[2] *some other kind, or from what has been plucked for*[2] *what was still unplucked,*[3] *or from what was unplucked*[3] *for*[2] *what was plucked, or from what was new for*[2] *what was old,*[4] *or from what was old for*[2] *what was new.*[4] Neither have I forgotten: *I have not forgotten to bless Thee or to mention Thy name over it.*

**1** Otherwise, in all these cases, the Confession may not be made. **2** Or *instead of.* **3** Or הַמְּחֻבָּר. **4** *Deuteronomy* **14,** 22.

Mishnah 12

מִשְׁנָה יב

[1]לֹא אָכַלְתִּי בְאוֹנִי מִמֶּנּוּ; הָא אִם אֲכָלוֹ [2]בַּאֲנִינָה אֵינוֹ יָכוֹל לְהִתְוַדּוֹת. וְלֹא בִעַרְתִּי מִמֶּנּוּ בְּטָמֵא; הָא אִם הִפְרִישׁוֹ בְּטוּמְאָה אֵינוֹ יָכוֹל לְהִתְוַדּוֹת. וְלֹא נָתַתִּי מִמֶּנּוּ לְמֵת; לֹא לָקַחְתִּי מִמֶּנּוּ אָרוֹן וְתַכְרִיכִים לְמֵת, וְלֹא נְתַתִּיו [1]לְאוֹנְנִים אֲחֵרִים. שָׁמַעְתִּי בְּקוֹל ה׳ אֱלֹהָי; הֵבֵאתִיו לְבֵית הַבְּחִירָה. עָשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתָנִי; שָׂמַחְתִּי וְשִׂמַּחְתִּי בוֹ.

I have not eaten thereof in my mourning:[1] thus if one had eaten during (his) mourning[2] he may not make the Confession. Neither have I put away thereof, while unclean: thus if one had separated it in uncleanness he may not make the Confession. Nor have I given thereof to the dead: *I have not taken thereof for a coffin or wrappings for a dead person, nor have I given it to other mourners.*[1] I have hearkened to the voice of the Lord my God: *I have brought it to the chosen Temple.* I have done according to all which Thou hast commanded me: *I have rejoiced and caused others to rejoice therewith.*

**1** *Deuteronomy* **26,** 14. לֹא אָכַלְתִּי בְאֹנִי מִמֶּנּוּ וְלֹא בִעַרְתִּי מִמֶּנּוּ בְּטֻמֵא וְלֹא נָתַתִּי מִמֶּנּוּ לְמֵת שָׁמַעְתִּי בְּקוֹל ה׳ אֱלֹהָי עָשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתָנִי. אוֹנֵן, *mourner* (up to the burial), אָבֵל, *mourner* (after burial). (More strictly one is אוֹנֵן up to the night after burial if death took place that day, but מִדְּרַבָּנָן also even if the burial took place on a day after the day of death). **2** בַּאֲנִינוּת in some editions. (אֲנִינָה,אֲנִינוּת, the mourning period and customs of an אוֹנֵן;אֲבֵלוּת, the mourning period and customs of an אָבֵל).

מִשְׁנָה יג

Mishnah 13

Look forth from Thy holy habitation, from heaven:[1] *we have done what Thou hast decreed upon us, do Thou also what Thou hast promised us.* Look forth from Thy holy habitation, from heaven, and bless Thy people Israel: *with sons and daughters.* And the land which Thou hast given to us: *with dew and with rain and with the young of cattle.* As Thou hast sworn unto our fathers, a land flowing with milk and honey: *that Thou givest flavour to the produce.*

[1]הַשְׁקִיפָה מִמְּעוֹן קָדְשְׁךָ מִן־הַשָּׁמַיִם; עָשִׂינוּ מַה שֶּׁגָּזַרְתָּ עָלֵינוּ, אַף אַתָּה עֲשֵׂה מַה שֶּׁהִבְטַחְתָּנוּ. הַשְׁקִיפָה מִמְּעוֹן קָדְשְׁךָ מִן־הַשָּׁמַיִם וּבָרֵךְ אֶת־עַמְּךָ אֶת־יִשְׂרָאֵל; בְּבָנִים וּבְבָנוֹת. וְאֶת הָאֲדָמָה אֲשֶׁר נָתַתָּה לָנוּ; בְּטַל וּבְמָטָר וּבִוְלָדוֹת בְּהֵמָה. כַּאֲשֶׁר נִשְׁבַּעְתָּ לַאֲבוֹתֵינוּ אֶרֶץ זָבַת חָלָב וּדְבָשׁ; כְּדֵי שֶׁתִּתֵּן טַעַם בְּפֵירוֹת.

**1** *Deuteronomy* **26,** 15. הַשְׁקִיפָה מִמְּעוֹן קָדְשְׁךָ מִן־הַשָּׁמַיִם וּבָרֵךְ אֶת־עַמְּךָ אֶת־יִשְׂרָאֵל וְאֶת הָאֲדָמָה אֲשֶׁר נָתַתָּ לָנוּ כַּאֲשֶׁר נִשְׁבַּעְתָּ לַאֲבֹתֵינוּ אֶרֶץ זָבַת חָלָב וּדְבָשׁ.

מִשְׁנָה יד

Mishnah 14

From this they concluded that Israelites and bastards may make the *Confession*, but not proselytes or freed slaves because they have no share in the land.[1] R. Meir says,[2] Also not priests and Levites since they have not received a share in the land. R. Jose says,[3] They have open spaces round about cities.[4]

מִכָּאן אָמְרוּ, יִשְׂרָאֵל וּמַמְזֵרִים מִתְוַדִּים, אֲבָל לֹא גֵרִים וְלֹא עֲבָדִים מְשׁוּחְרָרִים, [1]שֶׁאֵין לָהֶם חֵלֶק בָּאָרֶץ. רַבִּי [2]מֵאִיר אוֹמֵר, אַף לֹא כֹהֲנִים וּלְוִיִּם שֶׁלֹּא נָטְלוּ חֵלֶק בָּאָרֶץ. רַבִּי [3]יוֹסֵי אוֹמֵר, יֵשׁ לָהֶם [4]עָרֵי מִגְרָשׁ.

# חַלָּה

# CHALLAH

# INTRODUCTION

This מַסֶּכֶת, **Tractate**, is the ninth of the סֵדֶר זְרָעִים, **Order Zeraim.** It has no גְּמָרָא in the תַּלְמוּד בַּבְלִי, *Babylonian Talmud*, but there is a גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.*

The term חַלָּה (derived from the verb חָלַל*) means (1) *cake, loaf*, and (as applied to and in this *Tractate*), (2) *priest's share of the dough.*

The *Tractate* treats of the subjects relating to which cereals are liable to חַלָּה and the quantities or amounts to be given by the baker and the private individual. This due or levy applies only to אֶרֶץ יִשְׂרָאֵל, but a modification of it has been always practised in חוּצָה לָאָרֶץ, *outside Palestine* (the separated portion of the dough or bread not being given to any כֹּהֵן, *priest*, but burnt in the fire).

This *Tractate* is in correct sequence to the preceding *Tractate*—as חַלָּה must be separated after the תְּרוּמוֹת, *priest's levies*, and מַעֲשְׂרוֹת, *tithes*, had been separated.

The *Tractate* is based on *Numbers* **15,** 18 to 21:

(18) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם בְּבֹאֲכֶם אֶל־הָאָרֶץ אֲשֶׁר אֲנִי מֵבִיא אֶתְכֶם שָׁמָּה

Speak unto the children of Israel and say unto them, When you come into the land whither I bring you.

(19) וְהָיָה בַּאֲכָלְכֶם מִלֶּחֶם הָאָרֶץ תָּרִימוּ תְרוּמָה לַה׳

Then it shall be, that, when ye eat of the bread of the land, you shall separate a portion as a gift to the Eternal.

(20) רֵאשִׁית עֲרִסֹתֵיכֶם חַלָּה תָּרִימוּ תְרוּמָה כִּתְרוּמַת גֹּרֶן כֵּן תָּרִימוּ אוֹתָהּ

Of the first of your dough ye shall separate a cake as a gift as that which is separated of the threshing floor so shall ye separate it.

(21) מֵרֵאשִׁית עֲרִסֹתֵיכֶם תִּתְּנוּ לַה׳ תְּרוּמָה לְדֹרֹתֵיכֶם

Of the first of your dough ye shall give unto the Eternal a portion as a gift throughout your generations.

See בְּרָכוֹת 1[1], **Note 5** for explanation of the terms פֵּאָה, שִׁכְחָה, לֶקֶט, מַעֲשֵׂר, תְּרוּמָה, טֶבֶל, חוּלִין, דְּמַאי

*חָלַל *Kal*, akin to חוּל.

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ חֲמִשָּׁה דְבָרִים |
| Chapter 2 | פֶּרֶק ב׳ פֵּירוֹת |
| Chapter 3 | פֶּרֶק ג׳ אוֹכְלִין |
| Chapter 4 | פֶּרֶק ד׳ שְׁתֵּי נָשִׁים |

The *Palestinian Gemara* discusses and interprets the *Mishnah.*

The contents of the four chapters are briefly:

1. What cereals are liable to *challah;* cereals for unleavened bread for Passover; grains liable to *challah* but exempt from *tithes*, and grains exempt from *challah* but liable to *tithes;* baker's dough, private dough, dog's dough regarding *challah.* 2. Imports and exports with regard to *challah;* ship-imports regarding *tithes* and the *Sabbatical Year law;* separation of *challah* and uncleanness; the measure of *challah.* 3. Separation of *challah* and cleanness; dedication and redemption of *challah;* Jew, non-Jew, proselyte and question of *challah; tithes* regarding confused like and unlike products. 4. Contact of dough from two sources regarding *challah;* products from a Syrian field rented from a non-Jew regarding *tithes;* Palestinian regions concerning quantity of *challah;* consumption of *challah* in cleanness; what may be given to any priest.

מַסֶּכֶת

# חַלָּה

TRACTATE

# CHALLAH

## CHAPTER 1

Mishnah 1

Five kinds are liable[1] to the *priest's share of the dough*, wheat, barley, spelt,[2] oats and rye.* These are liable to *priest's share of the dough* and may be included[3] one with the other, and they are prohibited[4] when new[5] before Passover or to be reaped before the *Omer*,[6] and if they have taken root before the *Omer*[7] the *Omer*[8] makes them permissible, but otherwise they are prohibited until the advent[9] of the next *Omer*.[10]

*See *Supplement*.

## פֶּרֶק א

מִשְׁנָה א

חֲמִשָּׁה דְבָרִים [1]חַיָּבִים בַּחַלָּה, הַחִטִּים וְהַשְּׂעוֹרִים [2]וְהַכּוּסְמִין וְשִׁבּוֹלֶת שׁוּעָל וְשִׁיפּוֹן. הֲרֵי אֵלּוּ חַיָּבִין בְּחַלָּה, [3]וּמִצְטָרְפִין זֶה עִם זֶה, [4]וַאֲסוּרִין [5]בֶּחָדָשׁ מִלִּפְנֵי הַפֶּסַח, וּמִלִּקְצוֹר מִלִּפְנֵי [6]הָעוֹמֶר, וְאִם הִשְׁרִישׁוּ [7]קֹדֶם לָעוֹמֶר [8]הָעוֹמֶר מַתִּירָן, וְאִם לַאו, אֲסוּרִין עַד [9]שֶׁיָּבֹא הָעוֹמֶר [10]הַבָּא.

**1** In some editions, חַיָּבִין. This is based on *Deuteronomy* **16,** 3 and *Numbers* **15,** 20. **2** וְהַכּוּסְמִים in some editions. **3** To make up the quantity that is liable to חַלָּה, *i.e.*, five quarter-*kab*. (See 1[4], 2[6]). **4** *Leviticus* **23,** 14. **5** Grown in the current year (before one Passover and the next). The *sheaf of barley*. The *Omer of barley* offered on the 16 נִיסָן. **6** *Leviticus* **23,** 9-15. **7** Before 16 נִיסָן. **8** *i.e.*, the reaping of the Omer. **9** *i.e.*, actually after. *Exodus* **23,** 16. **10** Of the following year.

Mishnah 2

One who eats of them as much as the bulk of an olive as unleavened bread has fulfilled his obligation;[1] if as much as the bulk of an olive leavened, he is punishable by extermination.[2] If one of them were mixed[3] with any other kind, this transgresses the Passover law.[4] One who vows to abstain from bread and from grain is forbidden them:[5] this is the view of R. Meir. But the Sages say, One who vows to abstain from corn is forbidden from these only. And all these are liable[6] to the *priest's share of the dough* and to *tithes*.

מִשְׁנָה ב

הָאוֹכֵל מֵהֶם כְּזַיִת מַצָּה בַּפֶּסַח, [1]יָצָא יְדֵי חוֹבָתוֹ; כְּזַיִת חָמֵץ חַיָּיב [2]בְּהַכָּרֵת. [3]נִתְעָרֵב אֶחָד מֵהֶם בְּכָל הַמִּינִים, הֲרֵי זֶה עוֹבֵר [4]בַּפֶּסַח. הַנּוֹדֵר מִן־הַפַּת וּמִן־הַתְּבוּאָה, אָסוּר [5]בָּהֶם, דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים, הַנּוֹדֵר מִן־הַדָּגָן, אֵינוֹ אָסוּר אֶלָּא מֵהֶן. [6]וְחַיָּיבִין בַּחַלָּה *וּבַמַּעְשְׂרוֹת.

*Or וּבְמַעֲשְׂרוֹת.

**1** *i.e.*, has fulfilled his ritual duty. *Exodus* **12,** 18. **2** Or *extirpation*, divine punishment through sudden or premature death or death without issue. **3** And thereby turned leaven or sour. **4** The law designated כָּל יֵרָאֶה וְכָל יִמָּצֵא. **5** These five kinds. **6** All these five.

Mishnah 3

These are liable[1] to *priest's share of the dough* but exempt[2] from *tithes*:[3] *gleanings*, and the *forgotten produce*, and the *field corner*, and the *ownerless produce*, and *first tithe* from which the *priest's-due* had been separated,[4] and *second tithe* and *dedicated produce*[5] which had been redeemed, and the residue of the *Omer*, and corn[6] that had not reached a third of its growth. R. Eliezer[7] says, Grain that had not reached a third of its growth is exempt from the *priest's share of the dough*.

מִשְׁנָה ג

אֵלּוּ [1]חַיָּיבִין בְּחַלָּה [2]וּפְטוּרִים מִן־[3]הַמַּעְשְׂרוֹת, הַלֶּקֶט וְהַשִּׁכְחָה וְהַפֵּאָה, וְהַהֶפְקֵר, וּמַעֲשֵׂר רִאשׁוֹן [4]שֶׁנִּטְּלָה תְּרוּמָתוֹ, וּמַעֲשֵׂר שֵׁנִי [5]וְהֶקְדֵּשׁ שֶׁנִּפְדּוּ, וּמוֹתַר הָעוֹמֶר, [6]וּתְבוּאָה שֶׁלֹּא הֵבִיאָה שְׁלִישׁ. רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, תְּבוּאָה שֶׁלֹּא הֵבִיאָה שְׁלִישׁ פְּטוּרָה מִן־הַחַלָּה.

**1** Or חַיָּבִים. **2** *Deuteronomy* **14,** 29. **3** For full explanations of these terms see פֵּאָה 1[1,2], 4[10,11], 5[7,8]. **4** Or שֶׁנִּטְּלוּ in some editions. **5** הֶקְדֵּשׁ is only exempt from מַעֲשְׂרוֹת after the Treasurer has *smoothed over* or completed the piling up and storing. **6** *Deuteronomy* **14,** 22, *Numbers* **15,** 20. **7** His view is not accepted.

Mishnah 4

These are liable[1] to (the) *tithes* but are exempt[2] from the *priest's share of the dough;* rice, (and) millet,[3] (and) poppy,[4] (and) sesame,[5] and pulse,[6] and less than five *quarters*[7] of grain.[8]Sponge-cakes,[9](and)honey-cakes, (and) paste-balls,[10] and pan-cake,[11] and *produce mixed with priest's-due*[12] are exempt from the *priest's share of the dough.*

מִשְׁנָה ד

אֵלּוּ [1]חַיָּבִין בַּמַּעֲשְׂרוֹת [2]וּפְטוּרִים מִן־הַחַלָּה, הָאוֹרֶז, [3]וְהַדּוֹחַן, [4]וְהַפְּרָגִים, [5]וְהַשּׁוּמְשְׁמִין, [6]וְהַקִּטְנִיּוֹת, *וּפָחוּת מֵחֲמֵשֶׁת [7]רְבִיעִים [8]בַּתְּבוּאָה· [9]הַסּוּפְגָּנִין, וְהַדּוּבְשָׁנִין, [10]וְהָאֶסְקְרִיטִין, וְחַלַּת [11]הַמַּשְׂרֵת, [12]וְהַמְּדוּמָע פְּטוּרִין מִן־הַחַלָּה·

**1** Or חַיָּבִים. **2** In some editions, וּפְטוּרִין. **3** Or *durra, Indian millet, durra millet, sorgho millet.* **4** Or וְהַפַּרְגִּין in some editions. or *panic, panicum.* **5** Or *sesamum* (see **Supplement**). **6** Or *peas, beans.* **7** *i.e., quarter-kabs* (see רְבִיעִים **Introduction,** *Tables.*) **8** The five kinds of grain. **9** הַסּוּפְגָּנִים in some editions. A kind of cakes made of spongy dough; perhaps a kind of crackers. **10** or וְהָאֵסְקְרִיטִין. **11** Or מַסְרֵת, *pan, mould.* **12** Or תְּרוּמָה. וְהַמְּדֻמָּע produce that has fallen into less than one hundred parts of חוּלִין is not neutralized and the mixture is prohibited to a זָר, *non-priest.* *Traditional reading וּפָחוֹת.

Mishnah 5

Dough[1] that was first intended[2] for sponge-cakes and was so at the end[3] used for sponge-cakes is exempt from the *priest's share of the dough;* if at the commencement it was ordinary dough but at the end was used for sponge-cakes, or if at the beginning it was meant for sponge-cakes but at the end was used as ordinary dough, it is liable[4] to the *priest's share of the dough;* and so are crumb-cakes[5] subject.[6]

מִשְׁנָה ה

*[1]עִיסָה, [2]שֶׁתְּחִלָּתָהּ סוּפְגָּנִין [3]וְסוֹפָהּ סוּפְגָּנִין, פְּטוּרָה מִן־הַחַלָּה; תְּחִלָּתָהּ *עִיסָה [3]וְסוֹפָהּ סוּפְגָּנִין, תְּחִלָּתָהּ סוּפְגָּנִין וְסוֹפָהּ *עִיסָה, [4]חַיָּבִין בַּחַלָּה; וְכֵן [5]הַקְנוּבְקָאוֹת [6]חַיָּבוֹת·

*Or עִסָּה.

**1** Soft spongy dough that is exempt becomes liable to חַלָּה if baked. Dough which is to be baked in order to be afterwards made into meal for porridge-like food or to be kneaded with oil or juices is liable to חַלָּה. **2** *i.e.*, soft, pasty. **3** Fried with oil or honey or boiled in water. **4** חַיֶּבֶת in some editions. **5** Cakes made from flour or parched grain kneaded with oil and then reduced to meal by rubbing between the palms of one's hands (used for food for children in form of gruel or soup). **6** To חַלָּה, *priest's share of the dough.*

Mishnah 6

Flour water-paste:[1] the School of Shammai exempt[2,3], but the School of Hillel make it liable.[4,5]. Water-flour paste:[6] the School of Shammai[7] make it liable,[5] but the School of Hillel[8] exempt.[9] Cakes of a *thank offering*[10] and wafers of a *nazarite*:[11] if one made them for himself, he is exempt,[9] but if to sell them in the market, he is liable.[12]

מִשְׁנָה ו

[1]הַמְּעִיסָה, בֵּית [2]שַׁמַּאי [3]פּוֹטְרִין וּבֵית [4]הִלֵּל [5]מְחַיְּבִין. [6]הַחֲלִיטָה, בֵּית [7]שַׁמַּאי [5]מְחַיְּבִין וּבֵית [8]הִלֵּל [9]פּוֹטְרִין. חַלּוֹת [10]תּוֹדָה וּרְקִיקֵי [11]נָזִיר, עַצְּמוֹ [9]פָּטוּר, לִמְכּוֹר בַּשּׁוּק [12]חַיָּיב.

**1** Or הַמְּעִיסָה or הַמְּעָסָה, a paste made by pouring flour into boiling water. **2** Their view is rejected. **3** From חַלָּה. **4** Their opinion is accepted. **5** To חַלָּה. **6** A paste made by pouring boiling water over flour. **7** Their opinion is accepted. **8** Their view is rejected. **9** From חַלָּה. Or פּוֹטְרִים. **10** *Leviticus* **7,** 12. **11** *Numbers* **6,** 15. **12** Or חַיָּב.

Mishnah 7

If a baker made leaven to distribute,[1] it is liable to the *priest's share of the dough.* If women[2] gave to a baker to make dough for them, and if there were not in one of them[3] the prescribed quantity,[4] it is exempt[5] from the *priest's share of the dough.*

מִשְׁנָה ז

נַחְתּוֹם שֶׁעָשָׂה שְׁאוֹר [1]לְחַלֵּק חַיָּיב בְּחַלָּה. נָשִׁים [2]שֶׁנָּתְנוּ לְנַחְתּוֹם לַעֲשׂוֹת לָהֶן שְׁאוֹר, אִם אֵין בְּשֶׁל אַחַת [3]מֵהֶן [4]כַּשִּׁיעוּר, [5]פְּטוּרָה מִן־הַחַלָּה.

**1** To buyers. **2** Flour. **3** Of the portions of dough. **4** Five quarter-*kabs*. **5** When he returns to each her baked portion which is as before less than the prescribed quantity liable to חַלָּה.

Mishnah 8

Dogs'-dough,[1] when shepherds[2] eat[3] of it, is liable[4] to (the) *priest's share of the dough*, and may be used for *Erub*[5] and for *Partnership Erub*, and the *Benedictions* before[6] and after[7] meals must be said over it, and *Grace by Three* may be said over it, and it may be made[8] on a Festival Day, and with it one can fulfil his obligation on Passover. But if the shepherds do not eat of it, it is not liable[4] to (the) *priest's share*

מִשְׁנָה ח

[1]עִיסַת הַכְּלָבִים, בִּזְמַן [2]שֶׁהָרוֹעִים [3]אוֹכְלִין מִמֶּנָּה, [4]חַיֶּבֶת בְּחַלָּה, [5]וּמְעָרְבִין בָּהּ, וּמִשְׁתַּתְּפִין בָּהּ, [6]וּמְבָרְכִין עָלֶיהָ, [7]וּמְזַמְּנִין עָלֶיהָ, [8]וְנַעֲשֵׂית בְּיוֹם טוֹב, וְיוֹצֵא בָהּ אָדָם יְדֵי חוֹבָתוֹ בַּפֶּסַח. אִם אֵין הָרוֹעִים אוֹכְלִין מִמֶּנָּה, אֵינָהּ [4]חַיֶּבֶת בְּחַלָּה,

וְאֵין מְעָרְבִין בָּהּ, וְאֵין מִשְׁתַּתְּפִין בָּהּ, וְאֵין [9]מְבָרְכִין [10]עָלֶיהָ, וְאֵין מְזַמְּנִין [10]עָלֶיהָ, וְאֵינָהּ נַעֲשֵׂית בְּיוֹם טוֹב, וְאֵין אָדָם יוֹצֵא [10]בָהּ יְדֵי חוֹבָתוֹ בַּפֶּסַח· בֵּין כָּךְ וּבֵין כָּךְ מְטַמְּאָה טוּמְאַת אוֹכְלִין·

*of the dough*, and it may not be used for *Erub* or for *Shittuf*, and the *Benedictions* before[9] and after meals are not said[9] over it,[10] and *Grace by Three* is not said over it,[10] and it may not be made on a Festival Day, and one can not fulfil with it[10] his obligation at Passover. In either case it is susceptible to food uncleanness.

**1** Or עִסָּה. Made of coarse bran mixed with a very small quantity of flour. **2** Or *herdsmen*. **3** *i.e.*, when the proportion of coarse bran is not too great this is more like bread then. **4** Or חַיָּבֶת. **5** See דְּמַאי 1[4]. עֵירוּב or עֵרוּב, literally, *combination*, *mingling*, is a symbolical prearranged act whereby it is permitted to perform certain acts, which would be otherwise prohibited, on the Sabbath and Holydays. (a) עֵרוּב תְּחוּמִים, *Erub of limits:* one may deposit on the eve of a Sabbath or Holyday some food in a place over the following day and his movements are measured from that place as centre within a defined prescribed area. (b) עֵרוּב חֲצֵרוֹת, *Erub of courtyards*, עֵרוּב מְבוֹאוֹת, *Erub of alleys*, שִׁתּוּפֵי מְבוֹאוֹת *Partnerships of alleys:* the tenants or inmates contribute to a common dish which is deposited in one of their houses on Friday to remain over to the end of the Sabbath and objects may be carried across between the dwellings on the Sabbath. (c) עֵרוּב תַּבְשִׁילִין, *Erub of cooking:* if a Holyday occurs on a Friday, a dish is prepared on the Thursday and deposited to the conclusion of the Sabbath and the cooking is then permissible on the Friday for the Sabbath. **6** The *Blessing* הַמּוֹצִיא. **7** בִּרְכַּת זִמּוּן when three or more adult males partake of the meal. **8** In some editions, וְנֶאֱפֵית. **9** But the comprehensive *Blessing* שֶׁהַכֹּל must be recited before eating of it. **10** Because it is not considered לֶחֶם, bread.

Mishnah 9

מִשְׁנָה ט

הַחַלָּה [1]וְהַתְּרוּמָה חַיָּבִין עָלֶיהָ [2]מִיתָה [3]וְחוֹמֶשׁ וַאֲסוּרִים לְזָרִים, וְהֵם נִכְסֵי כֹהֵן, וְעוֹלִין [4]בְּאֶחָד וּמֵאָה, וּטְעוּנִין [5]רְחִיצַת יָדַיִם, [6]וְהַעֲרֵב שֶׁמֶשׁ, וְאֵין נִיטָּלִין מִן־ [7]הַטָּהוֹר עַל הַטָּמֵא, אֶלָּא מִן־ [8]הַמּוּקָף וּמִן־הַדָּבָר הַגָּמוּר· הָאוֹמֵר, כָּל־[9]גֶּרְנִי תְרוּמָה וְכָל

*The priest's share of the dough* and the *priest's-due:*[1] one may incur the death penalty[2] for them; they are subject to the *added fifth;*[3] they are prohibited to non-priests; they are the property of the priest; they are neutralized in a hundred and one;[4] they require washing of the hands,[5] and the awaiting of sunset;[6] they may not be separated from what is clean[7] for what is unclean; and they must be taken from the nearest[8] and from such

עִיסָּתִי חַלָּה, לֹא אָמַר כְּלוּם, עַד שֶׁיְּשַׁיֵּיר[10] מִקְצָת.

produce as whose harvesting is complete. One who says, 'Let all my barn[9] be *priest's due* or all my dough be *priest's share of the dough*,' has not said anything valid unless he retains[10] a part.[11]

**1** See בְּרָכוֹת 1,[1] **Note 5.** **2** *Leviticus* **22,** 9. כָּרֵת, *extirpation*, or מִיתָה בִּידֵי שָׁמַיִם, *death from heaven*, if eaten willingly. **3** *Leviticus* **22,** 14. If eaten unwittingly one must pay its value to the owner and the added fifth to any כֹּהֵן. **4** See תְּרוּמוֹת 4[7]. **5** *i.e.*, before touching it. **6** *Leviticus* **22,** 6, 7. *Tractate* בְּרָכוֹת 1[1]. A כֹּהֵן טָמֵא, unclean priest, when he completes his term of uncleanness, must have טְבִילָה a ritual bath before sunset after which he is completely טָהוֹר, clean. **7** See תְּרוּמוֹת 2[1]. **8** Or הַמָּקָף. **9** Or *threshing-floor*. **10** See תְּרוּמוֹת 4[5]. **11** As חוּלִין, *non-holy produce*.

## CHAPTER 2 — פֶּרֶק ב

### Mishnah 1 — מִשְׁנָה א

פֵּירוֹת חוּצָה לָאָרֶץ שֶׁנִּכְנְסוּ לָאָרֶץ חַיָּבִים בַּחַלָּה. יָצְאוּ[2] מִכָּאן[3] לְשָׁם, רַבִּי אֱלִיעֶזֶר[4] מְחַיֵּב, וְרַבִּי עֲקִיבָא[5] פּוֹטֵר.

Produce[1] from outside Palestine which had been brought into Palestine is liable to the *priest's share of the dough;* if it had been taken out from here[2] thither,[3] R. Eliezer declares it liable,[4] but R. Akiba exempts it.[5]

**1** מִדְּ וֹרַיְתָא or מִן־הַתּוֹרָה, *as laid down in the Torah*, dough made in Palestine is subject to חַלָּה (whether the flour was grown in Palestine or not), but מִדְּרַבָּנָן *as enjoined by the Sages*, dough outside Palestine is also subject to חַלָּה. **2** From Palestine. **3** Outside Palestine. **4** To חַלָּה. His view is rejected. **5** From חַלָּה. His opinion is accepted.

### Mishnah 2 — מִשְׁנָה ב

עֲפַר חוּצָה לָאָרֶץ שֶׁבָּא בִּסְפִינָה לָאָרֶץ, חַיָּבֶת בְּמַעְשְׂרוֹת[1] וּבַשְּׁבִיעִית. אָמַר רַבִּי יְהוּדָה, אֵימָתַי? בִּזְמַן[2] שֶׁהַסְּפִינָה גּוֹשֶׁשֶׁת. עִיסָּה שֶׁגִּילּוּשָׁהּ בְּמֵי פֵּירוֹת, חַיָּבֶת בְּחַלָּה, וְנֶאֱכֶלֶת בְּיָדַיִם[3] מְסוֹאָבוֹת[4].

Soil with growing produce from outside Palestine that had come in a ship to Palestine is liable to *tithes*[1] and is subject to the *Sabbatical Year* law. R. Judah said, When is this the case? When[2] the ship touches the land. Dough which has been kneaded with fruit juices is liable to the *priest's share of the dough* and it may be eaten with unwashed[4] hands.[3]

**1** Also liable to תְּרוּמוֹת, *priest's-dues*. **2** Or בַּזְּמַן. **3** The hands are susceptible to uncleanness if they are wet with any one of these seven liquids—wine, honey, blood, water, oil, milk, dew. **4** Or *soiled*.

Mishnah 3

מִשְׁנָה ג

הָאִשָּׁה יוֹשֶׁבֶת וְקוֹצָה חַלָּתָהּ עֲרוּמָה, מִפְּנֵי שֶׁהִיא יְכוֹלָה לְכַסּוֹת[1] עַצְמָהּ, אֲבָל לֹא [2]הָאִישׁ. מִי שֶׁאֵינוֹ יָכוֹל [3]לַעֲשׂוֹת עִיסָּתוֹ בְּטָהֳרָה יַעֲשֶׂנָּה [3]קַבִּין [4]וְאַל יַעֲשֶׂנָּה בְּטוּמְאָה. וְרַבִּי עֲקִיבָא אוֹמֵר, [5]יַעֲשֶׂנָּה בְּטוּמְאָה, וְאַל יַעֲשֶׂנָּה קַבִּים; שֶׁכְּשֶׁם שֶׁהוּא [6]קוֹרֵא לַטָּהוֹרָה, כַּךְ הוּא קוֹרֵא לַטְּמֵאָה; לְזוֹ קוֹרֵא חַלָּה [7]בְּשֵׁם, וּלְזוֹ קוֹרֵא חַלָּה [7]בְּשֵׁם, אֲבָל *[8]קַבִּים אֵין לָהֶם חֵלֶק [9]בְּשֵׁם.

*Or קַבִּיִּים. Or 'pieces of dough each of a *kab* have no share in the designation of חַלָּה'.

**1** אֶת־עַצְמָהּ in some editions. By sitting she does not expose her private parts, and she may thus also recite the appropriate Benediction. **2** Because sitting down does not prevent exposure of private parts. **3** A *kab* is too small a quantity to be liable to חַלָּה. **4** וְלֹא in some editions. **5** According to some, Akiba's view should be accepted so that the כֹּהֵן should not be deprived even of the חַלָּה טְמֵאָה which he can use as fuel when cooking. **6** As חַלָּה. **7** In some editions, לְשֵׁם. **8** קַבִּים in some editions. **9** לְשֵׁם in some editions. It is preferable to offer חַלָּה from what is unclean than to evade the obligation of חַלָּה.

Mishnah 4

מִשְׁנָה ד

הָעוֹשֶׂה *עִיסָּתוֹ קַבִּים, וְנָגְעוּ זֶה בָזֶה, פְּטוּרִים מִן־הַחַלָּה עַד שֶׁיִּשְׁוֹכוּ. רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר, אַף [2]הָרוּדָה וְנוֹתֵן לַסַּל, [3]הַסַּל מְצָרְפָן לְחַלָּה.

*Or עִסָּתוֹ.

If one prepared his dough in *kab* portions and these touched one another, they are exempt from the *priest's share of the dough* unless they adhered. R. Eliezer says,[1] Even when they are detached[2] from the side of the oven and placed in a basket, the basket[3] includes them together for the *priest's share of the dough*.

**1** His opinion is accepted. **2** רָדָה, *shovel out, detach bread that has stuck to the side of the oven.* **3** If all the portions are together inside any vessel they are included together to make up the quantity liable to חַלָּה.

Mishnah 5

If one separate flour as his *priest's share of the dough*, it is not[1] *priest's share of the dough*, and it would be as robbery[2] in the hand of a priest; the dough itself is still liable to the *priest's share of the dough*, and the flour[3] too if it be of the prescribed quantity[4] is liable to the *priest's share of the dough* and is prohibited to non-priests; this is the view of R. Joshua. They[5] said to him, It once happened that an elder,[7] a non-priest, grabbed it.[6] He said[8] to them,[5] None the less he became liable to punishment and he set a bad example to others.

מִשְׁנָה ה

הַמַּפְרִישׁ חַלָּתוֹ קֶמַח, [1]אֵינוֹ חַלָּה, [2]וְגָזֵל בְּיַד כֹּהֵן; *הָעִיסָה עַצְמָהּ חַיֶּבֶת בַּחַלָּה, [3]וְהַקֶּמַח אִם יֵשׁ בּוֹ [4]כְּשִׁיעוּר חַיָּבֶת בַּחַלָּה וַאֲסוּרָה לְזָרִים; דִּבְרֵי רַבִּי יְהוֹשֻׁעַ. [5]אָמְרוּ לוֹ, מַעֲשֶׂה [6]וְקִפְּשָׁהּ [7]זָקֵן זָר. [8]אָמַר [5]לָהֶם, אַף הוּא קִלְקֵל לְעַצְמוֹ וְתִיקֵּן לַאֲחֵרִים.

*Or הָעִסָּה.

**1** And is permitted to a non-priest. **2** As the flour is not valid חַלָּה it should be returned to the owner, and if the priest refuses to restore it this would be equivalent to the wrongful acquisition of property. **3** Which had been given to the priest. **4** Five *quarter-kabs.* **5** The חֲכָמִים (Sages.) **6** And ate it up. **7** He was תַּלְמִיד חָכָם, a learned man. **8** R. Joshua.

Mishnah 6

Five[1] quarter-*kabs* of flour are liable to the *priest's share of the dough*—all of them, their yeast, and bran-flour[2] and coarse-bran, if there be five[3] quarter-*kabs*, are liable.[4] If the coarse-bran had been removed from it and it was put back again, it is exempt.[5]

מִשְׁנָה ו

[1]חֲמִשָּׁה רְבִיעִים קֶמַח חַיָּבִים בַּחַלָּה; הֵם, וּשְׂאוֹרָן, [2]וְסוּבָן, וּמוּרְסָנָן, [3]חֲמִשָּׁה רְבִיעִים [4]חַיָּבִין. נִיטַּל מוּרְסָנָן מִתּוֹכָן וְחָזַר לְתוֹכָן, הֲרֵי אֵלּוּ [5]פְּטוּרִין.

**1** Or more. **2** Or *fine-bran.* Or וְסִבָּן. **3** viz., *if there be together five . . . . . .* **4** To חַלָּה. **5** The dough is exempt from חַלָּה.

Mishnah 7

The prescribed amount[1] of *the priest's share of the dough* is one twenty-fourth part. When one prepares the dough for himself or for his son's wedding feast it is one twenty-fourth part.[2] A baker who prepares for selling in the market and likewise a woman who prepares to sell in the market—it is one forty-eighth part.[2] If her dough became unclean, whether in error or by constraint, it is one forty-eighth part;[2] but if it were rendered unclean wilfully, one twenty-fourth part,[2] so that a sinner does not obtain any advantage.

*Or עִסָּתָה.

מִשְׁנָה ז

[1]שִׁיעוּר הַחַלָּה אֶחָד מֵעֶשְׂרִים וְאַרְבָּעָה· הָעוֹשֶׂה עִיסָּה לְעַצְמוֹ, וְהָעוֹשֶׂה לְמִשְׁתֵּה בְנוֹ, [2]אֶחָד מֵעֶשְׂרִים וְאַרְבָּעָה· נַחְתּוֹם שֶׁהוּא עוֹשֶׂה לִמְכּוֹר בַּשּׁוּק, וְכֵן הָאִשָּׁה שֶׁהִיא עוֹשָׂה לִמְכּוֹר בַּשּׁוּק, [2]אֶחָד מֵאַרְבָּעִים וּשְׁמֹנֶה· נִטְמֵאת *עִיסָּתָהּ שׁוֹגֶגֶת אוֹ אֲנוּסָה, [2]אֶחָד מֵאַרְבָּעִים וּשְׁמֹנֶה· נִטְמֵאת מְזִידָה, [2]אֶחָד מֵעֶשְׂרִים וְאַרְבָּעָה, כְּדֵי שֶׁלֹּא יְהֵא חוֹטֵא נִשְׂכָּר·

**1** מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה), *as enjoined in the Torah*, there is no prescribed quantity for חַלָּה. **2** The חַלָּה.

Mishnah 8

R. Eliezer says,[1] It may be taken[2] from what is clean for[3] what is unclean. How so?—One has clean dough and unclean dough; he takes for the *priest's share of the dough* from dough[4] from which *priest's share of the dough* had not been separated[5] and puts less than the bulk of an egg[6] between,[7] and so in this way he separates[8] from what is just there;[9] but the Sages forbid this.[10]

מִשְׁנָה ח

רַבִּי [1]אֱלִיעֶזֶר אוֹמֵר, [2]נִטֶּלֶת מִן־הַטָּהוֹר [3]עַל הַטָּמֵא· כֵּיצַד? עִיסָּה טְהוֹרָה וְעִיסָּה טְמֵאָה, נוֹטֵל כְּדֵי חַלָּה [4]מֵעִיסָּה שֶׁלֹּא [5]הוּרַם חַלָּתָהּ· וְנוֹתֵן *פָּחוֹת [6]מִכְּבֵיצָה [7]בָּאֶמְצַע, כְּדֵי שֶׁיִּטּוֹל [8]מִן־[9]הַמּוּקָף; וַחֲכָמִים [10]אוֹסְרִין

**1** His view is rejected. **2** *i.e.*, חַלָּה may be taken. **3** Or 'instead of.' **4** Clean dough. **5** הוּרְמָה in some editions. **6** Of the unclean dough. **7** Between the clean dough and the unclean dough to touch both. A quantity less than an egg's bulk does not acquire uncleanness. Thus the clean dough and the unclean dough are temporarily through this intermediate junction as one. **8** *viz.*, 'he separates חַלָּה'. **9** Or הַמְּקֻף. **10** Their view is accepted. *Compare 1[4].



from the *priest's share of the dough.* ly, 'and after he rolled [it] out.

## CHALLAH 3[6-8]

1 To חַלָּה. 2 From חַלָּה.

Mishnah 6

If one became a proselyte and he had dough—if it had been prepared before he became a proselyte, it is exempt;[1] but if after he had been proselytised, it is liable; and if there be a doubt, it is liable,[1] but there is no liability[2] for it for the *added fifth*. R. Akiba says,[3] It all depends as to when the crust was formed in the oven.

מִשְׁנָה ו

גֵּר שֶׁנִּתְגַּיֵּר וְהָיְתָה לוֹ עִיסָּה, נַעֲשֵׂית עַד שֶׁלֹּא נִתְגַּיֵּר, פָּטוּר; וּמִשֶּׁנִּתְגַּיֵּר, [1]חַיָּיב; וְאִם סָפֵק, [1]חַיָּיב, וְאֵין [2]חַיָּיבִין עָלֶיהָ חֹומֶשׁ. רַבִּי [3]עֲקִיבָא אוֹמֵר, הַכֹּל הוֹלֵךְ אַחַר הַקְּרִימָה בַּתַּנּוּר.

1 To חַלָּה. 2 If a non-priest eats it in error. 3 His view is not accepted.

Mishnah 7

If one prepared dough from[1] wheat[2] and rice[3]—if it have the taste of corn,[4] it is liable[5] to (the) *priest's share of the dough*, and a man fulfils his duty with it at Passover; but if it have not the taste of corn,[4] it is not liable to the *priest's share of the dough* and one does not carry out his obligation with it at Passover.

מִשְׁנָה ז

הָעוֹשֶׂה עִיסָּה [1]מִן־[2]הַחִטִּים וּמִן־[3]הָאוֹרֶז, אִם יֵשׁ בָּהּ טַעַם [4]דָּגָן [5]חַיֶּיבֶת בְּחַלָּה, וְיוֹצֵא בָהּ אָדָם יְדֵי חוֹבָתוֹ בַּפֶּסַח; וְאִם אֵין בָּהּ טַעַם [4]דָּגָן אֵינָהּ חַיֶּיבֶת בַּחַלָּה, וְאֵין אָדָם יוֹצֵא בָהּ יְדֵי חוֹבָתוֹ בַּפֶּסַח.

1 From a mixture of wheaten and rice flour. 2 The wheat flour was less than five quarter-kabs. 3 Rice flour dough is exempt from חַלָּה. 4 The distinctive taste of wheat in the dough. This ruling applies only in the case of wheat and rice flours; but in the case of those, excluding wheat flour, if two be mixed then the liability to חַלָּה only applies if the constituent liable is at least five quarter-kabs.

Mishnah 8

If one take leaven[1] from dough from which its *priest's share of the dough* had not been removed, and puts it into dough from which the *priest's share of the dough* had been separated, if he have material[2] elsewhere, he should take from it the required calculated quantity,[3] but if not,[4] he should take *priest's share of the dough*[5] for the whole.

מִשְׁנָה ח

הַנּוֹטֵל [1]שְׂאוֹר *מֵעִיסָּה שֶׁלֹּא הוּרְמָה חַלָּתָהּ, וְנוֹתֵן לְתוֹךְ *עִיסָּה שֶׁהוּרְמָה חַלָּתָהּ, אִם יֵשׁ לוֹ [2]פַּרְנָסָה מִמָּקוֹם אַחֵר, מוֹצִיא לְפִי [3]חֶשְׁבּוֹן; וְאִם [4]לַאו, מוֹצִיא [5]חַלָּה אַחַת עַל הַכֹּל.

*Or עִסָּה, מֵעִסָּה.

**1** Or *dough*. **2** *i.e.*, some other flour from which an equivalent quantity can be made into dough as חַלָּה. **3** The amount for the dough from which חַלָּה had not been removed. **4** If he has no dough elsewhere. **5** From the whole of the mixed dough. (In the corresponding case of such mixture in first tithe and second tithe the quantity to be separated as tithe is only calculated for the untithed constituent. Contrast the next *Mishnah*).

Mishnah 9

Similarly, if harvested olives[1] were mixed up with gleaners' olives,[2] or harvested grapes[1] with gleaners' grapes,[2] and he had stock[3] somewhere else, he should take thereof according to the calculated prescribed quantity; but if not, he should take *priest's due* and *priest's-due of the tithe*[4] for the whole,[5] and the remainder is *tithe*[6] and *second tithe* in the prescribed amounts.

מִשְׁנָה ט

כֵּיצַד בּוֹ, [1]זֵיתֵי מַסִּיק שֶׁנִּתְעָרֵב עִם [2]זֵיתֵי נִיקָף, [1]עִנְבֵי בָצִיר עִם [2]עִנְבֵי עוֹלְלוֹת, אִם יֵשׁ לוֹ [3]פֵּרְנָסָה מִמָּקוֹם אַחֵר, מוֹצִיא לְפִי חֶשְׁבּוֹן; וְאִם לַאו, מוֹצִיא תְרוּמָה [4]וּתְרוּמַת מַעֲשֵׂר [5]לַכֹּל, וְהַשְּׁאָר [6]מַעֲשֵׂר וּמַעֲשֵׂר שֵׁנִי לְפִי חֶשְׁבּוֹן.

**1** Which are liable to tithe. **2** Or נִיקוּף. These are exempt from tithe. **3** טֶבֶל, untithed produce, of the same kind. **4** Or תְּרוּמָה קְטַנָּה, *priest's-lesser-due* (see בְּרָכוֹת 1[1], **Note 5**). **5** As if the whole were טֶבֶל and liable to tithes. (Contrast **Note 5** in the preceding *Mishnah*.) **6** מַעֲשֵׂר רִאשׁוֹן, *first tithe*.

Mishnah 10

If one take the leaven[1] from the dough[2] of wheaten flour and puts it into dough of rice flour—if it have the taste of corn, it is liable to the *priest's share of the dough*, but if not, it is exempt. If this be the case, why did they[3] say, Any untithed produce renders forbidden?[4]—One kind[5] with like kind; but not with like kind[6] that which imparts a flavour.

מִשְׁנָה י

הַנּוֹטֵל [1]שְׂאוֹר [2]מֵעִיסַת חִטִּים וְנוֹתֵן לְתוֹךְ עִיסַת אֹרֶז, אִם יֵשׁ בָּהּ טַעַם דָּגָן, חַיֶּבֶת בַּחַלָּה, וְאִם לַאו פְּטוּרָה. אִם כֵּן, לָמָּה [3]אָמְרוּ הַטֶּבֶל [4]אוֹסֵר כָּל־שֶׁהוּא? [5]מִין בְּמִינוֹ, [6]וְשֶׁלֹּא בְמִינוֹ בְּנוֹתֵן טַעַם.

**1** Or *dough*. **2** From which חַלָּה had not been separated. **3** The חֲכָמִים (Sages). **4** Other produce. **5** That applies in the case where one kind is mixed with a like kind. **6** When one kind is not mixed with like kind the rule of *that which imparts a flavour* applies. (Compare שְׁבִיעִית 7[7], תְּרוּמוֹת 10[1,11]).



prepare it in cleanness, and he

CHALLAH 4[6-8]

דְּמַאי עַד שֶׁתִּסְרַח, שֶׁחַלַּת דְּמַאי [3]נִיטֶלֶת מִן־הַטָּהוֹר עַל הַטָּמֵא, וְשֶׁלֹּא מִן־[4]הַמּוּקָף.

may proceed to separate[2] *priest's share of the dough* for the dough of *uncertain tithed produce* until it rots, because *priest's share of the dough* for *uncertain tithed produce* may be separated[3] from what is clean instead of from what is unclean and not from what lies near by.[4]

**1** If anyone had bought pieces of dough and it is doubtful whether חַלָּה had been taken from them, and pieces of dough which were also in doubt whether חַלָּה had been separated from them and whether they were clean. **2** From the clean dough. **3** נִטֶּלֶת in some editions. **4** Or הַמָּקָף.

Mishnah 7 מִשְׁנָה ז

If Jews leased[1] ground from non-Jews[2] in Syria, R. Eliezer[3] declares their produce liable to *tithes* and to the *Sabbatical Year* law, but Rabban Gamaliel[4] exempts. Rabban Gamaliel says, Two[5] of the *priest's share of the dough* in Syria; but R. Eliezer says,[3] One *priest's share of the dough*. They had at first accepted the more lenient view[6] of Rabban Gamaliel and the more lenient opinion[7] of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.[8]

יִשְׂרָאֵל שֶׁהָיוּ [1]אֲרִיסִין [2]לְכוּתִים בְּסוּרְיָא, רַבִּי [3]אֱלִיעֶזֶר מְחַיֵּיב פֵּירוֹתֵיהֶם בְּמַעְשְׂרוֹת וּבַשְּׁבִיעִית, וְרַבָּן [4]גַּמְלִיאֵל פּוֹטֵר. רַבָּן [4]גַּמְלִיאֵל אוֹמֵר, [5]שְׁתֵּי חַלּוֹת בְּסוּרְיָא; וְרַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, חַלָּה אֶחָת. אָחֲזוּ [6]קוּלוֹ שֶׁל רַבָּן גַּמְלִיאֵל [7]וְקוּלוֹ שֶׁל רַבִּי אֱלִיעֶזֶר, חָזְרוּ לִנְהוֹג כְּדִבְרֵי רַבָּן גַּמְלִיאֵל [8]בִּשְׁתֵּי דְרָכִים.

**1** אֲרִיס, a tenant who tills the ground for a fixed share of the produce. (חָכִיר, a tenant who pays the owner a fixed rent in kind irrespective of the yield.) **2** לְגוֹיִם, *non-Jews*, in some editions. כּוּתִי, *Samaritan*, is occasionally used instead of עוֹבֵד כּוֹכָבִים, גּוֹי, נָכְרִי. **3** His opinion is rejected. **4** His view is accepted. **5** One to be burnt, being טָמֵא in Syria, and the other to be given to the כֹּהֵן to maintain the obligation. **6** That Syria is exempt from tithes. **7** That only one חַלָּה need be given. **8** That Syria is exempt from tithes and that two חַלּוֹת must be given (see **Notes 4, 5**).

Mishnah 8 מִשְׁנָה ח

Rabban Gamaliel says,[1] Three regions are distinguished regarding *priest's share of the dough*—in the

רַבָּן [1]גַּמְלִיאֵל אוֹמֵר, שָׁלֹשׁ אֲרָצוֹת

לְחַלָּה, מֵאֶרֶץ יִשְׂרָאֵל עַד [2]כְּזִיב חַלָּה אֶחָת, מִכְּזִיב וְעַד [3]הַנָּהָר וְעַד [5]אֲמָנָה שְׁתֵּי חַלּוֹת, אַחַת לָאוֹר וְאַחַת לַכֹּהֵן, שֶׁל אוֹרֵישׁ לָהּ שִׁיעוּר, וְשֶׁל כֹּהֵן אֵין לָהּ שִׁיעוּר. מִן־[3]הַנָּהָר [4]וְעַד [5]אֲמָנָה [6]וְלִפְנִים שְׁתֵּי חַלּוֹת, אַחַת לָאוֹר וְאַחַת לַכֹּהֵן, שֶׁל אוֹר אֵין לָהּ שִׁעוּר, וְשֶׁל כֹּהֵן יֵשׁ לָהּ שִׁיעוּר; [7]וּטְבוּל יוֹם אוֹכְלָהּ. רַבִּי יוֹסֵי אוֹמֵר, אֵינוֹ צָרִיךְ טְבִילָה. וַאֲסוּרָה [8]לְזָבִים וּלְזָבוֹת, [9]לְנִדּוֹת וּלְיוֹלְדוֹת; וְנֶאֱכֶלֶת עִם הַזָּר עַל הַשֻּׁלְחָן, [10]וְנִתֶּנֶת לְכָל כֹּהֵן.

Land of Israel as far as Chezib[2] one *priest's share of the dough;* from Chezib as far as the River[3] and up to Amanah[5] two of *priest's share of the dough*, one to be burnt and the other for the priest, that for the fire having the prescribed measure and that for the priest not having the prescribed measure; from the River[3] as far as[4] Amanah[5] and inwards[6] two of *priest's share of the dough*, one for the fire and the other for the priest, that for burning having no prescribed measure and that for the priest having the prescribed measure; and if there be one who has immersed himself the same day,[7] he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux,[8] to women who suffer from an issue, to menstruants[9] and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given[10] to any priest.

**1** His opinion is accepted. **2** Or אַכְזִיב, Achzib, Ecdippa (a coastal town in Northern Palestine). **3** The Euphrates. **4** וּמִן in some editions. **5** (a) A river flowing through Damascus. (b) A mountain range in the north of Palestine. **6** Between these two. **7** A כֹּהֵן in such a case exempts the חַלָּה from being burnt. **8** זָב, one afflicted with *flux, issue, gonorrhoea*. More definite לַזָּבִים וְלַזָּבוֹת. **9** More definite לַנִּדּוֹת וְלַיּוֹלְדוֹת. **10** Nowadays the practice is universally to remove from the dough or the baked bread a small portion (of the bulk of an olive) as חַלָּה and to burn it.

## Mishnah 9 — מִשְׁנָה ט

וְאֵלּוּ [1]נִיתָּנִין לְכָל כֹּהֵן, [2]הַחֲרָמִים וְהַבְּכוֹרוֹת, [4]וּפִדְיוֹן הַבֵּן, [5]וּפִדְיוֹן פֶּטֶר חֲמוֹר, [6]וְהַזְּרוֹעַ וְהַלְּחָיַיִם

These may be given[1] to any priest: devoted property,[2] and first-lings,[3] and the redemption equivalent[4] of a firstborn son, and the redemption equivalent[5] of the first-born male of an ass, and the



in Northern Galilee.) The law of בִּכּוּרִים, *first-fruits*, applies in Syria as in Palestine and they had to be brought to Jerusalem. **7** *i.e.*, *owns*, *possesses* land. **8** *i.e.*, is under the same obligations.

סְלִיק מַסֶּכֶת חַלָּה

CONCLUSION OF TRACTATE CHALLAH

וְהַקֵּיבָה׳ [7]וְרֵאשִׁית הַגֵּז׳ [8]וְשֶׁמֶן
שְׁרֵפָה׳ [9]וְקָדְשֵׁי הַמִּקְדָּשׁ׳
[10]וְהַבִּכּוּרִים׳ רַבִּי [11]יְהוּדָה אוֹסֵר
בַּבִּכּוּרִים׳ [12]כַּרְשִׁינֵי תְרוּמָה׳ רַבִּי

shoulder[6] and the two cheeks and the maw and the first of the fleece,[7] and the oil[8] that must be burnt, and the holy-sacrifices[9] of the Temple, and the firstfruits.[10] R. Judah forbids[11] firstfruits. R. Akiba

# עָרְלָה

# ORLAH

[BEING THE TENTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*

*NOTES.*

By

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**1** Or *dough*. **2** *i.e.*, some other flour from which an equivalent quantity can be made into dough as חַלָּה. **3** The amount for the dough from which חַלָּה had not been removed. **4** If he has no dough elsewhere. **5** From the whole of the mixed dough. (In the corresponding case of such mixture in first tithe and second tithe the quantity to be separated as tithe is only calculated for the untithed constituent. Contrast the next *Mishnah*).

Mishnah 9

Similarly, if harvested olives[1] were mixed up with gleaners' olives,[2] or harvested grapes[1] with gleaners' grapes,[2] and he had stock[3] somewhere else, he should take thereof according to the calculated prescribed quantity; but if not, he should take *priest's due* and *priest's-due of the tithe*[4] for the whole,[5] and the remainder is *tithe*[6] and *second tithe* in the prescribed amounts.

מִשְׁנָה ט

כֵּיוֹצֵא בוֹ, [1]זֵיתֵי מַסִּיק שֶׁנִּתְעָרֵב עִם [2]זֵיתֵי נִיקָף, [1]עִנְּבֵי בָצִיר עִם [2]עִנְּבֵי עוֹלְלוֹת, אִם יֵשׁ לוֹ [3]פַּרְנָסָה מִמָּקוֹם אַחֵר, מוֹצִיא לְפִי חֶשְׁבּוֹן; וְאִם לַאו, מוֹצִיא תְרוּמָה [4]וּתְרוּמַת מַעֲשֵׂר [5]לַכֹּל, וְהַשְּׁאָר [6]מַעֲשֵׂר וּמַעֲשֵׂר שֵׁנִי לְפִי חֶשְׁבּוֹן.

**1** Which are liable to tithe. **2** Or נִיקוּף. These are exempt from tithe. **3** טֶבֶל, untithed produce, of the same kind. **4** Or תְּרוּמָה קְטַנָּה, *priest's-lesser-due* (see בְּרָכוֹת 1[1], **Note 5**). **5** As if the whole were טֶבֶל and liable to tithes. (Contrast **Note 5** in the preceding *Mishnah*.) **6** מַעֲשֵׂר רִאשׁוֹן, *first tithe*.

Mishnah 10

If one take the leaven[1] from the dough[2] of wheaten flour and puts it into dough of rice flour—if it have the taste of corn, it is liable to the *priest's share of the dough*, but if not, it is exempt. If this be the case, why did they[3] say, Any untithed produce renders forbidden?[4]—One kind[5] with like kind; but not with like kind[6] that which imparts a flavour.

מִשְׁנָה י

הַנּוֹטֵל [1]שְׂאוֹר [2]מֵעִיסַת חִטִּים וְנוֹתֵן לְתוֹךְ עִיסַת אֹרֶז, אִם יֵשׁ בָּהּ טַעַם דָּגָן, חַיֶּבֶת בַּחַלָּה, וְאִם לַאו פְּטוּרָה. אִם כֵּן, לָמָּה [3]אָמְרוּ הַטֶּבֶל [4]אוֹסֵר כָּל־שֶׁהוּא? [5]מִין בְּמִינוֹ, [6]וְשֶׁלֹּא בְמִינוֹ בְּנוֹתֵן טַעַם.

**1** Or *dough*. **2** From which חַלָּה had not been separated. **3** The חֲכָמִים (Sages). **4** Other produce. **5** That applies in the case where one kind is mixed with a like kind. **6** When one kind is not mixed with like kind the rule of *that which imparts a flavour* applies. (Compare שְׁבִיעִית 7[7], תְּרוּמוֹת 10[1,11]).

## CHAPTER 4

## פֶּרֶק ד

### Mishnah 1

If two women made each a *kab*[1] of dough which touched[2] one another, they are exempt[4] even if they are of the same kind;[3] but if[5] they belonged to one woman, they are liable[6] if they be of the same kind, but they are exempt[7] if they were not of the same kind.

### מִשְׁנָה א

שְׁתֵּי נָשִׁים שֶׁעָשׂוּ שְׁנֵי [1]קַבִּין [2]וְנָגְעוּ זֶה בָזֶה, אֲפִילוּ הֵם [3]מִמִּין אֶחָד [4]פְּטוּרִים; [5]וּבְזְמַן שֶׁהֵם שֶׁל אִשָּׁה אַחַת, מִין בְּמִינוֹ [6]חַיָּיב, וְשֶׁלֹּא בְמִינוֹ [7]פָּטוּר.

**1** קַבִּים in some editions. **2** Even if they were kneaded together. וְנָגְעוּ literally, *and they touched*. **3** Of the same kind of grain. **4** From חַלָּה. **5** Or more definite, וּבַזְּמַן, *but when*. **6** To חַלָּה if they touch. **7** From חַלָּה if they touch.

### Mishnah 2

What is meant by *one kind with like kind?* Wheat is not included[1] with any others except with spelt; barley is included[1] with any others except with wheat. R. Johanan ben Nuri says,[2] The rest of the kinds may be included[3] together with one another.

### מִשְׁנָה ב

אֵיזֶה הוּא מִין בְּמִינוֹ? הַחִטִּים אֵינָן [1]מִצְטָרְפוֹת עִם הַכֹּל אֶלָּא עִם הַכּוּסְמִין; הַשְּׂעוֹרִים [1]מִצְטָרְפוֹת עִם הַכֹּל חוּץ מִן־הַחִטִּים. רַבִּי [2]יוֹחָנָן בֶּן נוּרִי אוֹמֵר, שְׁאָר הַמִּינִים [3]מִצְטָרְפִין זֶה עִם זֶה.

**1** To make up five quarter *kabs* to render the dough liable to חַלָּה. **2** His view is accepted. **3** The accepted ruling is as follows: if doughs were made from each separately and then they were kneaded together the whole is liable to חַלָּה; when two kinds of dough adhered together, then wheaten dough is included with spelt dough for חַלָּה, barley dough is included with all others except wheaten dough, rye dough with barley or spelt dough but not with oatmeal or wheaten dough, oatmeal dough with barley or spelt dough but not with wheaten or rye dough, and spelt is included with all others; according to the Rambam spelt and oatmeal and rye doughs are included with each other.

### Mishnah 3

Two pieces of dough each of one *kab*[1] with one *kab* of rice or one *kab* of *priest's-due* between them are not included[2] together. But if between them there be dough from which its *priest's share of the dough* has been taken, they are

### מִשְׁנָה ג

שְׁנֵי [1]קַבִּים וְקַב אֹרֶז אוֹ קַב תְּרוּמָה בָּאֶמְצָע אֵינָן [2]מִצְטָרְפִין. דָּבָר שֶׁנִּטְּלָה חַלָּתוֹ בָּאֶמְצָע [3]מִצְטָרְפִין,

שֶׁכְּבַר נִתְחַיֵּיב בַּחַלָּה׃

combined[3] since it was already liable to the *priest's share of the* dough.

**1** קַבִּין in some editions. Each *kab* of the same kind of grain of the five species. **2** They are not included together to make up the five quarter-*kabs* quantity that renders the dough liable to חַלָּה because they are separated by dough that is exempt from חַלָּה. This is the accepted ruling. **3** They are included and so are liable to חַלָּה. This ruling is accepted.

מִשְׁנָה ד

Mishnah 4

If a *kab* of dough of this year's flour[1] adhered to a *kab* of dough from the preceding year's flour, R. Ishmael says,[2] One may take[3] from the middle; but the Sages[4] forbid it. If one took *priest's share of the dough* from one *kab*,[5] R. Akiba[2] says, It is valid *priest's share of the dough;* but the Sages[6] say, It is not valid *priest's share of the dough.*

[1]קַב חָדָשׁ וְקַב יָשָׁן שֶׁנִּשְׁכוּ זֶה בָּזֶה׃ רַבִּי [2]יִשְׁמָעֵאל אוֹמֵר׃ [3]יִטּוֹל מִן־הָאֶמְצָע׃ [4]וַחֲכָמִים אוֹסְרִים׃ הַנּוֹטֵל חַלָּה מִן־[5]הַקַּב׃ רַבִּי [2]עֲקִיבָא אוֹמֵר׃ חַלָּה׃ [6]וַחֲכָמִים אוֹמְרִים אֵינָהּ חַלָּה׃

**1** And it is forbidden to separate לְחָה from one for the other. **2** His opinion is rejected. **3** חַלָּה. **4** Their ruling is accepted; but the חַלָּה must be taken from each portion separately in the prescribed amount. **5** *viz.*, from dough which is less than the prescribed quantity to be liable to חַלָּה. **6** Their ruling is accepted.

מִשְׁנָה ה

Mishnah 5

If one had two pieces of dough of one *kab* each and separated *priest's share of the dough* from each separately, and then made them up[1] into one piece of dough, R. Akiba exempts,[2] but the Sages declare it liable.[3] Thus the stricter ruling[4] becomes the more lenient.[5]

שְׁנֵי קַבִּין שֶׁנִּטְּלָה חַלָּתוֹ שֶׁל זֶה בִּפְנֵי עַצְמוֹ וְשֶׁל זֶה בִּפְנֵי עַצְמוֹ׃ חָזַר [1]וַעֲשָׂאוֹ עִיסָּה אַחַת׃ רַבִּי עֲקִיבָא [2]פּוֹטֵר׃ וַחֲכָמִים [3]מְחַיְּבִין׃ נִמְצָא [4]חוֹמְרוֹ [5]קוּלוֹ׃

**1** וַעֲשָׂאָן in some editions, seemingly more accurate grammatically. **2** From חַלָּה. **3** To חַלָּה. Their opinion is accepted. **4** Of R. Akiba in the preceding *Mishnah.* His view is rejected. **5** In this case.

מִשְׁנָה ו

Mishnah 6

A man may take[1] sufficient *priest's share of the dough* from the dough from which its *priest's share of the dough* had not been taken to prepare it in cleanness, and he

[1]נוֹטֵל אָדָם כְּדֵי חַלָּה מֵעִיסָּה שֶׁלֹּא הוּרְמָה חַלָּתָהּ׃ לַעֲשׂוֹתָהּ בְּטָהֳרָה׃ לִהְיוֹת [2]מַפְרִישׁ עָלֶיהָ וְהוֹלֵךְ חַלַּת

דְּמַאי עַד שֶׁתִּסְרַח, שֶׁחַלַּת דְּמַאי [3]נִיטֶלֶת מִן־הַטָּהוֹר עַל הַטָּמֵא, וְשֶׁלֹּא מִן־[4]הַמּוּקָף.

may proceed to separate[2] *priest's share of the dough* for the dough of *uncertain tithed produce* until it rots, because *priest's share of the dough* for *uncertain tithed produce* may be separated[3] from what is clean instead of from what is unclean and not from what lies near by.[4]

**1** If anyone had bought pieces of dough and it is doubtful whether חַלָּה had been taken from them, and pieces of dough which were also in doubt whether חַלָּה had been separated from them and whether they were clean. **2** From the clean dough. **3** נִטֶּלֶת in some editions. **4** Or הַמַּקָּף.

Mishnah 7

מִשְׁנָה ז

יִשְׂרָאֵל שֶׁהָיוּ [1]אֲרִיסִין [2]לְכוּתִים בְּסוּרְיָא, רַבִּי [3]אֱלִיעֶזֶר מְחַיֵּיב פֵּירוֹתֵיהֶם בְּמַעְשְׂרוֹת וּבַשְּׁבִיעִית, וְרַבָּן [4]גַּמְלִיאֵל פּוֹטֵר. רַבָּן [4]גַּמְלִיאֵל אוֹמֵר, [5]שְׁתֵּי חַלּוֹת בְּסוּרְיָא; וְרַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, חַלָּה אֶחָת. אָחֲזוּ [6]קוּלוֹ שֶׁל רַבָּן גַּמְלִיאֵל [7]וְקוּלוֹ שֶׁל רַבִּי אֱלִיעֶזֶר, חָזְרוּ לִנְהוֹג כְּדִבְרֵי רַבָּן גַּמְלִיאֵל [8]בִּשְׁתֵּי דְרָכִים.

If Jews leased[1] ground from non-Jews[2] in Syria, R. Eliezer[3] declares their produce liable to *tithes* and to the *Sabbatical Year* law, but Rabban Gamaliel[4] exempts. Rabban Gamaliel says, Two[5] of the *priest's share of the dough* in Syria; but R. Eliezer says,[3] One *priest's share of the dough.* They had at first accepted the more lenient view[6] of Rabban Gamaliel and the more lenient opinion[7] of R. Eliezer; then they retracted to follow the ruling of Rabban Gamaliel in both matters.[8]

**1** אָרִיס, a tenant who tills the ground for a fixed share of the produce. (חָכִיר, a tenant who pays the owner a fixed rent in kind irrespective of the yield.) **2** לְגוֹיִם, *non-Jews*, in some editions. כּוּתִי, *Samaritan*, is occasionally used instead of נָכְרִי, גּוֹי, עוֹבֵד כּוֹכָבִים. **3** His opinion is rejected. **4** His view is accepted. **5** One to be burnt, being טָמֵא in Syria, and the other to be given to the כֹּהֵן to maintain the obligation. **6** That Syria is exempt from tithes. **7** That only one חַלָּה need be given. **8** That Syria is exempt from tithes and that two חַלּוֹת must be given (see **Notes 4, 5**).

Mishnah 8

מִשְׁנָה ח

רַבָּן [1]גַּמְלִיאֵל אוֹמֵר, שָׁלֹשׁ אַרְצוֹת

Rabban Gamaliel says,[1] Three regions are distinguished regarding *priest's share of the dough*—in the

לְחַלָּה, מֵאֶרֶץ יִשְׂרָאֵל עַד [2]כְּזִיב חַלָּה אֶחָת, מִכְּזִיב וְעַד [3]הַנָּהָר וְעַד [5]אֲמָנָה שְׁתֵּי חַלּוֹת, אַחַת לָאוֹר וְאַחַת לַכֹּהֵן, שֶׁל אוֹר יֵשׁ לָהּ שִׁיעוּר, וְשֶׁל כֹּהֵן אֵין לָהּ שִׁיעוּר. מִן־[3]הַנָּהָר [4]וְעַד [5]אֲמָנָה [6]וְלִפְנִים שְׁתֵּי חַלּוֹת, אַחַת לָאוֹר וְאַחַת לַכֹּהֵן, שֶׁל אוֹר אֵין לָהּ שִׁעוּר, וְשֶׁל כֹּהֵן יֵשׁ לָהּ שִׁיעוּר; [7]וּטְבוּל יוֹם אוֹכְלָהּ. רַבִּי יוֹסֵי אוֹמֵר, אֵינוֹ צָרִיךְ טְבִילָה. וַאֲסוּרָה [8]לְזָבִים וּלְזָבוֹת, [9]לְנִדּוֹת וּלְיוֹלְדוֹת; וְנֶאֱכֶלֶת עִם הַזָּר עַל הַשֻּׁלְחָן, [10]וְנִתֶּנֶת לְכָל כֹּהֵן.

Land of Israel as far as Chezib[2] one *priest's share of the dough;* from Chezib as far as the River[3] and up to Amanah[5] two of *priest's share of the dough*, one to be burnt and the other for the priest, that for the fire having the prescribed measure and that for the priest not having the prescribed measure; from the River[3] as far as[4] Amanah[5] and inwards[6] two of *priest's share of the dough*, one for the fire and the other for the priest, that for burning having no prescribed measure and that for the priest having the prescribed measure; and if there be one who has immersed himself the same day,[7] he may eat of it. R. Jose says, He does not need immersion. But it is forbidden to men who suffer from a flux,[8] to women who suffer from an issue, to menstruants[9] and to women after childbirth; and it may be eaten with a non-priest at one table, and it may be given[10] to any priest.

**1** His opinion is accepted. **2** Or אַכְזִיב, Achzib, Ecdippa (a coastal town in Northern Palestine). **3** The Euphrates. **4** וּמִן in some editions. **5** (a) A river flowing through Damascus. (b) A mountain range in the north of Palestine. **6** Between these two. **7** A כֹּהֵן in such a case exempts the חַלָּה from being burnt. **8** זָב, one afflicted with *flux, issue, gonorrhoea*. More definite לְזָבִים וְלַזָּבוֹת. **9** More definite לַנִּדּוֹת וְלַיּוֹלְדוֹת. **10** Nowadays the practice is universally to remove from the dough or the baked bread a small portion (of the bulk of an olive) as חַלָּה and to burn it.

## Mishnah 9 — מִשְׁנָה ט

וְאֵלּוּ [1]נִיתָּנִין לְכָל כֹּהֵן, [2]הַחֲרָמִים [3]וְהַבְּכוֹרוֹת, [4]וּפִדְיוֹן הַבֵּן, [5]וּפִדְיוֹן פֶּטֶר חֲמוֹר, [6]וְהַזְּרוֹעַ וְהַלְּחָיַיִם

These may be given[1] to any priest: devoted property,[2] and first-lings,[3] and the redemption equivalent[4] of a firstborn son, and the redemption equivalent[5] of the first-born male of an ass, and the

shoulder[6] and the two cheeks and the maw and the first of the fleece,[7] and the oil[8] that must be burnt, and the holy-sacrifices[9] of the Temple, and the firstfruits.[10] R. Judah forbids[11] firstfruits. R. Akiba permits[13] tares[12] of *priest's-due*, but the Sages forbid[14] them.

וְהַקֵּיבָה׳ [7]וְרֵאשִׁית הַגֵּז׳ [8]וְשֶׁמֶן שְׁרֵפָה׳ [9]וְקָדְשֵׁי הַמִּקְדָּשׁ׳ [10]וְהַבִּכּוּרִים. רַבִּי [11]יְהוּדָה אוֹסֵר בַּבִּכּוּרִים. [12]כַּרְשִׁינֵי תְרוּמָה׳ רַבִּי [13]עֲקִיבָא מַתִּיר׳ וַחֲכָמִים [14]אוֹסְרִים.

**1** Or נִתָּנִין. **2** חֵרֶם, property assigned for priestly or Temple use. *Leviticus* **27,** 28; *Numbers* **18,** 14. **3** Which are rendered unfit for sacrifice because of a blemish. (*Numbers* **18,** 15-18; *Deuteronomy* **15,** 21-23.) **4** *Numbers* **18,** 16. **5** *Exodus* **13,** 13. A sheep redeems the ass. **6** *Deuteronomy* **18,** 3. **7** *Deuteronomy* **18,** 4. **8** Compare *Tractate* תְּרוּמוֹת, 11[10]. Oil of תְּרוּמָה, *priest's-due*, that had become unclean had to be burnt. **9** Offerings that had to be consumed within the Temple only may be given to all כֹּהֲנִים, priests, because no unclean priest might enter the Temple. **10** *Exodus* **23,** 19. Because no unclean priest would enter the Temple to eat thereof. **11** His opinion is not accepted. **12** Or *vetches, horse-beans.* (Compare תְּרוּמוֹת, 11[9]; מַעֲשֵׂר שֵׁנִי, 2[4]). See **Supplement.** **13** His view is rejected. **14** To be given to any priest. Their opinion is accepted, because these are eaten in time of famine. 126

Mishnah 10

Nittai of Tekoa[1] brought *priest's shares of the dough* from Bettar,[2] and they did not accept from him. The people of Alexandria brought their *priest's shares of the dough* from Alexandria and they did not accept from them.[3] The people of Mount Zeboim[4] brought their *first-fruits* before the Festival of Weeks,[5] but they did not accept from them because of what is written[6] in the Law, *And the Festival of Harvest,*[7] *the first-fruits of thy labours which thou sowest in the field.*

מִשְׁנָה י

נִתַּאי אִישׁ [1]תְּקוֹעַ הֵבִיא חַלּוֹת [2]מִבֵּיתֵר׳ וְלֹא קִבְּלוּ מִמֶּנּוּ. אַנְשֵׁי אַלֶכְסַנְדְּרִיָּא הֵבִיאוּ חַלּוֹתֵיהֶן מֵאַלֶכְסַנְדְּרִיָּא וְלֹא קִבְּלוּ [3]מֵהֶם. אַנְשֵׁי הַר [4]צְבוֹעִים הֵבִיאוּ בִכּוּרֵיהֶם קוֹדֶם [5]עֲצֶרֶת׳ וְלֹא קִבְּלוּ מֵהֶם׳ מִפְּנֵי [6]הַכָּתוּב שֶׁבַּתּוֹרָה׳ [7]וְחַג הַקָּצִיר בִּכּוּרֵי מַעֲשֶׂיךָ אֲשֶׁר תִּזְרַע בַּשָּׂדֶה.

**1** Or תְּקוֹעָה, near Bethlehem in Judaea. **2** Or מִבַּתֵּר. *Bithter* or *Bettar*, a town in Southern Palestine where Barkochba made his last stand. The חַלָּה coming from חוּץ לָאָרֶץ, outside Palestine, can not be eaten by the priests because it is considered טָמֵא, unclean; neither could it be burnt to avoid suspicion of burning חַלָּה; nor could it be carried back so that people might not say that חַלָּה may be

taken חוּץ לָאָרֶץ; the only method to deal with חַלָּה in such a case was to let it lie until עֶרֶב פֶּסַח, the eve of Passover, and burn it with other חָמֵץ, leaven. **3** For the same reasons as in **Note 1**. **4** Compare *Tractate* בִּכּוּרִים, 1[3]. **5** *i.e.*, שָׁבוּעוֹת. Because שָׁבוּעוֹת also celebrates the cutting of the first fruits it is also called חַג הַבִּכּוּרִים, *The Festival of First-fruits*. **6** *Exodus* **23,** 16. The שְׁתֵּי הַלֶּחֶם, *two loaves*, had first to be brought to the Temple for offering on שָׁבוּעוֹת. **7** *i.e.*, חַג הַשָּׁבוּעוֹת.

מִשְׁנָה יא

בֶּן [1]אַנְטִיגְנוֹס הֶעֱלָה [2]בְּכוֹרוֹת מִבָּבֶל וְלֹא קִבְּלוּ מִמֶּנּוּ· יוֹסֵף הַכֹּהֵן הֵבִיא בִּכּוּרֵי יַיִן וְשֶׁמֶן· [3]וְלֹא קִבְּלוּ מִמֶּנּוּ· אַף הוּא הֶעֱלָה בָנָיו וּבְנֵי בֵיתוֹ לַעֲשׂוֹת [4]פֶּסַח קָטָן בִּירוּשָׁלַיִם· [5]וְהֶחֱזִירוּהוּ· שֶׁלֹּא יִקָּבַע הַדָּבָר חוֹבָה· אֲרִיסְטוֹן הֵבִיא בִּכּוּרָיו [6]מֵאַפַּמְיָא· וְקִבְּלוּ מִמֶּנּוּ· מִפְּנֵי שֶׁאָמְרוּ· הַקּוֹנֶה בְּסוּרְיָא [7]כְּקוֹנֶה [8,7]בַּפַּרְוֵר שֶׁבִּירוּשָׁלַיִם·

Mishnah 11

Ben Antigonus[1] brought up *first-lings*[2] from Babylon and they did not accept them from him. Joseph the Priest brought the *first-fruits* of wine and oil and they did not accept[3] from him. He also brought his sons and the men of his household to observe the *Minor Passover*[4] in Jerusalem, but they turned him back[5] so that the matter should not be instituted as an obligation. Ariston brought his *first-fruits* from Apamaea,[6] and they accepted from him, for they said, One who buys[7] in Syria is as he who purchases[7,8] in the outskirts of Jerusalem.

**1** אַנְטִינוֹס in some editions. **2** A בְּכוֹר, *firstling*, may not be brought as an offering from חוּץ לָאָרֶץ, outside Palestine, into Jerusalem; and if brought in, it must be taken back and kept until it becomes בַּעַל מוּם, with blemish, and may then be slaughtered and eaten by כֹּהֲנִים, priests, and any non-priests invited by the said priests. **3** Because he intended to bring the cut produce itself and in the end he brought the wine and oil from it instead. **4** *Numbers* **9,** 10. פֶּסַח קָטָן, *Lesser Passover*, or פֶּסַח שֵׁנִי, *Second Passover*, was observed on the eve of the 15 אִיָּר. **5** His children were minors, and minors are not subject to the observance of פֶּסַח שֵׁנִי. **6** *Apamaea* in Babylon. (There is another town of that name, also called *Paneas*, in Northern Galilee.) The law of בִּכּוּרִים, *first-fruits*, applies in Syria as in Palestine and they had to be brought to Jerusalem. **7** *i.e.*, *owns*, *possesses* land. **8** *i.e.*, is under the same obligations.

## סְלִיק מַסֶּכֶת חַלָּה

## CONCLUSION OF TRACTATE CHALLAH

# עָרְלָה

# ORLAH

[BEING THE TENTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*
*NOTES.*

By

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# עָרְלָה

# ORLAH

# INTRODUCTION

The מַסֶּכֶת עָרְלָה, **Tractate Orlah**, is the *Tenth Tractate* of סֵדֶר זְרָעִים, **Order Zeraim.** It has no גְּמָרָא in the תַּלְמוּד בַּבְלִי, *Babylonian Talmud*, but there is גְּמָרָא to it in the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud.* This *Tractate* precedes the following one בִּכּוּרִים because it is based on verses in *Leviticus* whereas the other is based on verses from *Deuteronomy.*

The term עָרְלָה means literally *foreskin, prepuce, uncircumcised membrum;* but throughout this *Tractate,* it has the meaning *that which must be rejected, uncleanness,* **the fruit of a tree of the first three years.**

The fruit of a young tree is wholly forbidden during the first three years after its planting; (if the planting takes place on or before the 16th אָב, then up to the following 1st תִּשְׁרִי the period is counted as the first year: this minimum period allows the tree to take root and to begin its growth.) It is still holy in the fourth year (following the third 1st תִּשְׁרִי and must not be eaten before the following 15th שְׁבַט, רֹאשׁ הַשָּׁנָה לְאִילָנוֹת, *the New Year for Trees,* and must be consumed in Jerusalem as in the case of מַעֲשֵׂר שֵׁנִי, *second tithe,* but it may be redeemed (plus $\frac{1}{5}$* of its value) and is thus rendered free for common use. In the fifth year it is wholly permitted for all purposes.

The law of עָרְלָה applies to Palestine מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה), *i.e.,* as laid down in the תּוֹרָה, *Law,* but outside Palestine (חוּץ לָאָרֶץ) also מִדְּרַבָּנָן, *i.e.,* as enjoined by the Rabbis.

This *Tractate* deals with the problem as to which trees come under the ruling of עָרְלָה; what influence עָרְלָה fruit has upon other fruit; and the effect that עָרְלָה peels, shells, and wood may have upon materials used with them.

This *Tractate* is based on *Leviticus* **19,** 23, 24, 25.

(23) וְכִי תָבֹאוּ אֶל־הָאָרֶץ וּנְטַעְתֶּם כָּל־עֵץ מַאֲכָל וַעֲרַלְתֶּם עָרְלָתוֹ אֶת־פִּרְיוֹ שָׁלֹשׁ שָׁנִים יִהְיֶה לָכֶם עֲרֵלִים לֹא יֵאָכֵל׃

*And when ye shall come into the land, and shall have planted all manner of trees for food, then ye shall count the fruit thereof as uncircumcised; three years shall it be as uncircumcised to you; it must not be eaten.*

*In actual practice, $\frac{1}{4}$.

(24) וּבַשָּׁנָה הָרְבִיעִת יִהְיֶה כָּל־פִּרְיוֹ קֹדֶשׁ הִלּוּלִים לַה׳׃

*And in the fourth year all the fruit thereof shall be holy in praise to the Eternal.*

(25) וּבַשָּׁנָה הַחֲמִישִׁת תֹּאכְלוּ אֶת־פִּרְיוֹ לְהוֹסִיף לָכֶם תְּבוּאָתוֹ אֲנִי ה׳ אֱלֹהֵיכֶם׃

*But in the fifth year ye may eat its fruit that it may yield unto you the increase thereof; I am the Eternal your God.*

The meanings of the following terms, much used in this Tractate, will be found briefly but clearly explained in *Berachoth* 1[1] **Note 5:** טֶבֶל, דְּמַאי, חוּלִין, תְּרוּמָה, מַעֲשֵׂר.

The Titles of the Chapters of this Tractate are:

| | | |
|---|---|---|
| Chapter 1 | הַנּוֹטֵעַ | פֶּרֶק א׳ |
| Chapter 2 | הַתְּרוּמָה | פֶּרֶק ב׳ |
| Chapter 3 | בְּגֵד | פֶּרֶק ג׳ |

The *Jerusalem Gemara* explains the *Mishnah* and adds some new regulations regarding *orlah.*

The following is a synopsis of the three chapters:

1. Exemptions; intermingling of *orlah* and *kilayim* shoots with others; what is not forbidden as *orlah;* planting *orlah* shoots. 2. Confusion of *terumah, challah, orlah, kilayim* with permitted food; other admixtures that are unlawful. 3. Materials dyed with *orlah*-fruit dye, or woven partly from firstling wool or *nazirite* hair; bread or food baked or cooked over *orlah* peelings; *orlah* and *kilayim* that render admixtures unlawful; varying *orlah* and *kilayim* laws regarding Palestine, Syria and other countries.

מַסֶּכֶת

# עָרְלָה

TRACTATE

# ORLAH

## CHAPTER 1

## פֶּרֶק א

### Mishnah 1

One who plants[1] as a fence[2] or for timber is exempt[3] from the *law of Orlah*. R. Jose[4] thinks that even if he say that the interior side be for food and the exterior side for the fence,[2] he is liable for this inner and exempt for this outer.

### מִשְׁנָה א

הַנּוֹטֵעַ [1]לַסְּיָיג וְלַקּוֹרוֹת [3]פָּטוּר מִן־הָעָרְלָה׳ רַבִּי [4]יוֹסֵי אוֹמֵר׳ אֲפִילוּ אוֹמֵר הַפְּנִימִי לְמַאֲכָל וְהַחִיצוֹן [2]לַסְּיָיג׳ הַפְּנִימִי חַיָּיב׳ וְהַחִיצוֹן פָּטוּר׳

**1** *sc.*, a fruit tree or fruit trees. **2** Or לִסְיָג. **3** The exemption is based on the phrasing וּנְטַעְתֶּם כָּל־עֵץ מַאֲכָל, *and shall have planted all manner of trees for food: Leviticus* **19,** 23 (see **Introduction**). **4** His view is rejected.

### Mishnah 2

When our ancestors[1] entered the Land,[2] if one found a tree* already planted it was exempt,[3] but if one planted it even though they had not yet conquered [the land] he was liable.[4] If one planted for the use of many [the tree] is liable; but R. Judah declares[5] it exempt.[3] If one planted in a public domain, or a non-Jew planted, or a robber planted, or if one planted in a ship, or if it grew[6] of itself, it is subject to the law of *Orlah*.

### מִשְׁנָה ב

עֵת שֶׁבָּאוּ [1]אֲבוֹתֵינוּ [2]לָאָרֶץ׳ *מְצָאוּ נָטוּעַ [3]פָּטוּר׳ נְטָעוּ אַף עַל פִּי שֶׁלֹּא כָבְשׁוּ [4]חַיָּיב׳ הַנּוֹטֵעַ לָרַבִּים חַיָּיב; רַבִּי [5]יְהוּדָה [3]פּוֹטֵר׳ הַנּוֹטֵעַ בִּרְשׁוּת הָרַבִּים׳ וְהַנָּכְרִי שֶׁנָּטַע׳ וְהַגַּזְלָן שֶׁנָּטַע׳ וְהַנּוֹטֵעַ בִּסְפִינָה׳ [6]וְהָעוֹלֶה מֵאֵלָיו׳ חַיָּיב בְּעָרְלָה׳

*Literally, *if one found it*.

**1** The Israelites under Joshua. **2** Canaan. **3** From the law of עָרְלָה. **4** In regard to עָרְלָה. **5** His opinion is not accepted. **6** In cultivated areas, but not wild.

Mishnah 3

If a tree were uprooted[1] and the clod of earth was with it,[2] or if a stream swept it away and the clod of earth with it,[2] then if it could live[3] it is exempt,[4] but if not, it is liable.[5] If the clod of earth were torn away from its side, or the plough broke it up, or it was broken up[6] and one piled earth[7] round it, if it could live it is exempt,[4] but if not, it is liable.

מִשְׁנָה ג

אִילָן שֶׁנֶּעֱקַר [2]וְהַסֶּלַע עִמּוֹ, שְׁטָפוֹ נָהָר [2]וְהַסֶּלַע עִמּוֹ, אִם יָכוֹל [3]לִחְיוֹת [4]פָּטוּר, וְאִם לָאו, [5]חַיָּיב. נֶעֱקַר הַסֶּלַע מִצִּדּוֹ, אוֹ שֶׁזִּעְזְעָתוּ הַמַּחֲרִישָׁה, אוֹ [6]שֶׁזִּעְזְעוֹ וַעֲשָׂאוֹ [7]כְּעָפָר, אִם יָכוֹל לִחְיוֹת [4]פָּטוּר, וְאִם לָאו, חַיָּיב.

**1** If a tree which was more than three years old was replanted or took root in another spot. **2** The soil adhered to the roots. **3** From the clod of earth adhering to it; for it could have lived thus without having had to draw its nourishment from its new surrounding ground. **4** From עָרְלָה. **5** It is considered as a new tree since it draws its nourishment from the new soil, otherwise it would have died. **6** Entirely from the soil. **7** To render the sense correctly it should be בְּעָפָר, *with soil.*

Mishnah 4

If a tree[1] were uprooted but one root[2] was left, it is exempt.[3] And what should be the size of the root? Rabban Simon ben Gamaliel says, in the name of R. Eliezer ben Judah of Bartotha, As the stretching-pin[4] of the weaver.

מִשְׁנָה ד

[1]אִילָן שֶׁנֶּעֱקַר וְנִשְׁתַּיֵּיר בּוֹ [2]שֹׁרֶשׁ [3]פָּטוּר. וְכַמָּה יְהֵא הַשֹּׁרֶשׁ? רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי אֱלִיעֶזֶר בֶּן יְהוּדָה אִישׁ בַּרְתּוֹתָא, כְּמַחַט שֶׁל [4]מִיתוֹן.

**1** Which was more than three years old and was thus exempt from עָרְלָה. **2** If the tree still remaining in the soil in the same spot, and its growth continues unimpaired from the old soil still adhering to the root. **3** From עָרְלָה. Because it is still considered as the old tree. **4** Or מִיתוּחַ(מִתּוּחַ) in some editions. A pin used by an embroider or weaver to draw the thread tight or to stretch out the material.

Mishnah 5

If a tree were uprooted but there remained one sunken shoot[1] on it, and it lives by it, the old tree becomes again like a sunken shoot.[2]

מִשְׁנָה ה

אִילָן שֶׁנֶּעֱקַר וּבוֹ [1]בְּרִיכָה, וְהוּא חָיָה מִמֶּנָּה, חָזְרָה הַזְּקֵנָה לִהְיוֹת

[2]כִּבְרִיכָה׳ [3]הִבְרִיכָה שָׁנָה אַחַר שָׁנָה [4]וְנִפְסְקָה׳ [5]מוֹנֶה מִשָּׁעָה שֶׁנִּפְסְקָה׳ [6]סִפּוּק הַגְּפָנִים׳ וְסִפּוּק עַל גַּבֵּי סִפּוּק׳ אַף עַל פִּי שֶׁהִבְרִיכָן בָּאָרֶץ׳ [7]מוּתָּר׳ רַבִּי מֵאִיר אוֹמֵר׳ [8]מָקוֹם שֶׁכֹּחָהּ יָפֶה [7]מוּתָּר׳ וּמָקוֹם שֶׁכֹּחָהּ רַע [9]אָסוּר׳ [10]וְכֵן בְּרִיכָה שֶׁנִּפְסְקָה וְהִיא מְלֵאָה פֵּירוֹת׳ אִם הוֹסִיף בְּמָאתַיִם [9]אָסוּר׳

If one sunk[3] the fresh shoot from it year after year and then it was broken off,[4] one counts[5] from the time when it was broken off. Grafting[6] of vines, and regrafting on an engrafted part, even though one has sunk them into the ground, is permitted. R. Meir says, Where its growth was healthy it is permitted,[7] but where[8] its strength was feeble it is forbidden.[9] And likewise,[10] a sunken young shoot which was broken off when laden with fruit, if it increased by one two-hundredths part, is forbidden.[9]

**1** *i.e.*, still remained firmly fixed in the soil. **2** In regard to עָרְלָה, its age being reckoned as equal to that of the young shoot. **3** הִבְרִיךְ, *sink, bend, engraft*, bend down a branch or stem of a vine into the ground to cause it to take root to grow out as an independent vine. **4** From the parent tree. **5** The three years' period during which it is subject to עָרְלָה. **6** סִפּוּק, *connection of grape-vines by training and engrafting*. **7** Or מִתָּר. *i.e.*, does not render the added shoots liable to עָרְלָה. 'growth', literally, 'strength.' **8** *viz.*, where the grafting was on a healthy part of the tree and it remained so unimpaired. **9** *i.e.*, it is liable to עָרְלָה. **10** וְכֵן is omitted in some editions.

## Mishnah 6

מִשְׁנָה ו

נְטִיעָה שֶׁל עָרְלָה וְשֶׁל [1]כִּלְאֵי הַכֶּרֶם [2]שֶׁנִּתְעָרְבוּ בִּנְטִיעוֹת׳ הֲרֵי זֶה לֹא יִלְקוֹט; וְאִם לָקַט׳ יַעֲלֶה בְּאֶחָד וּמָאתַיִם׳ וּבְלִבַּד שֶׁלֹּא יִתְכַּוֵּין לִלְקוֹט׳ רַבִּי [3]יוֹסֵי אוֹמֵר׳ אַף יִתְכַּוֵּין לִלְקוֹט וְיַעֲלֶה בְּאֶחָד וּמָאתַיִם׳

A sapling of *Orlah* or of *forbidden-junction in the vineyard*[1] that was confused[2] with other saplings: such one may not pick; and if anyone did pick, it may be neutralized in two hundred and one, only provided that he did not pick with this intention. R. Jose says,[3] One may intentionally thus pick and neutralize in two hundred and one.

**1** כִּלְאַיִם, *forbidden-junction*, of different plants in the same field, of different animals by hybridization, of different animals by yoking or harnessing together, of wool and linen in the same web. (See כִּלְאַיִם 4[1ff]). **2** And it was impossible to distinguish which it was. **3** His view is not accepted.

Mishnah 7

The leaves and the young sprouts[1] and the sap[2] of vines and budding berries are permitted[3] under the laws of *Orlah*,[4] of *fourth-year fruit*, or of the *Nazarite*[5] vow, but they are forbidden if from the idolatrous groves.[6] R. Jose says,[7] The budding berries are forbidden because they are considered as fruit. R. Eliezer says,[8] If one curdles milk with the juice[9] of *Orlah* fruit, it[10] is forbidden. R. Joshuah said,[11] 'I have heard it stated explicitly that if one curdle milk with the juice[9] of the leaves or with the sap[12] of the roots, it is permitted, but if with the sap of unripe fruit[13], it is prohibited because they are considered as fruit.'

מִשְׁנָה ז

הֶעָלִים [1]וְהַלּוּלָבִים, [2]וּמֵי גְפָנִים, וּסְמָדַר [3]מוּתָּרִים [4]בְּעָרְלָה, וּבָרְבָעִי [5]וּבַנָּזִיר, וַאֲסוּרִים [6]בַּאֲשֵׁרָה. רַבִּי [7]יוֹסֵי אוֹמֵר, הַסְּמָדַר אָסוּר מִפְּנֵי שֶׁהוּא פֵּרִי. רַבִּי [8]אֱלִיעֶזֶר אוֹמֵר, הַמַּעֲמִיד [9]בִּשְׁרַף הֶעָרְלָה [10]אָסוּר. אָמַר רַבִּי [11]יְהוֹשֻׁעַ, שָׁמַעְתִּי בְּפֵירוּשׁ שֶׁהַמַּעֲמִיד [9]בִּשְׁרַף הֶעָלִים [12]וּבִשְׁרַף *הָעִיקָּרִים מוּתָּר, בִּשְׁרַף [13]הַפַּגִּים אָסוּר מִפְּנֵי שֶׁהֵם פֵּרִי.

*Or הָעִקָּרִים.

**1** Or *the edible shoots*. **2** The sap exudes when the vines are cut or the young shoots are cut in the month of נִיסָן. **3** Or מֻתָּרִים. **4** *Leviticus* **19,** 23. **5** *Numbers* **6,** 1-4. **6** A tree or grove of trees worshipped by heathens or used for idolatrous practices. **7** His view is rejected. **8** His opinion is not accepted. **9** Or *sap*. **10** viz., the milk. **11** His ruling is accepted. **12** בִּשְׁרַף in some editions. **13** פַּגָּה, unripe, undeveloped, hard fruit, berry, fig, or date.

Mishnah 8

Undeveloped grapes, or grape-kernels, or grape-husks, or the inferior wine made from them, the rind of a pomegranate or its blossom, nut-shells and fruit-kernels[1] are forbidden under the law of *Orlah*, or from an idolatrous grove, or under the law of the Nazarite vow, but they are permitted under the law of the *fourth-year fruit*. But fallen unripe fruit in all these cases[2] is forbidden.

מִשְׁנָה ח

עַנְקוּקְלוֹת, וְהַחַרְצַנִּים, וְהַזַּגִּים, וְהַתָּמֶד שֶׁלָּהֶם, *קְלִיפֵּי רִמּוֹן וְהַגֵּץ שֶׁלּוֹ, *קְלִיפֵּי אֱגוֹזִים [1]וְהַגַּרְעִינִים אֲסוּרִים בֶּעָרְלָה, וּבָאֲשֵׁרָה, וּבַנָּזִיר, וּמוּתָּרִין בָּרְבָעִי. וְהַנּוֹבְלוֹת [2]כּוּלָּם אֲסוּרוֹת.

*Or קִלְפֵּי.

**1** וְהַגַּרְעִינִין in some editions. Or *fruit-stones*. **2** כֻּלָּם in some editions (more correct grammatically כֻּלָּן *f.pl.*). *i.e.*, in the four instances just mentioned, but also all other fruits that have come off the trees before they are completely ripe but have attained at least a third of their full growth.

Mishnah 9

R. Jose says, They may plant a young shoot[1] from an *Orlah* tree, but they may not plant a nut[2] from an *Orlah* tree because it is considered as a fruit, and they may not graft[3] early date-berries from an *Orlah* tree.

מִשְׁנָה ט

רַבִּי יוֹסֵי אוֹמֵר, נוֹטְעִין [1]יִחוּר שֶׁל עָרְלָה, וְאֵין נוֹטְעִין [2]אֱגוֹז שֶׁל עָרְלָה, מִפְּנֵי שֶׁהוּא פֵּרִי, וְאֵין [3]מַרְכִּיבִין בְּכַפְּנִיּוֹת שֶׁל עָרְלָה.

**1** Particularly a young shoot of a fig tree. Its fruit is subject to the law of *Orlah*. **2** But if it had been planted the fruit of the tree is subject to the law of *Orlah*. **3** If a branch (of any tree) with *Orlah* fruit on it be grafted on to an old tree the fruit is forbidden for ever.

## CHAPTER 2

Mishnah 1

*Priest's-due*, (and *priest's-due* of *first tithe* of *certainly tithed produce*[1]) and *priest's-due* of *tithe* of *doubtfully tithed produce*, the *priest's share of the dough*, and *first-fruits*, are neutralized in a hundred and one,[2] and may be combined[3] with one another, but an equal quantity must be taken out.[4] *Orlah* fruit and *forbidden-junction fruit*[5] *of the vineyard* are neutralized in two hundred and one, and they may be combined with one another, and there is no need to remove a like quantity. R. Simon says,[6] They may not be combined together. R. Eliezer[7] says, They are included together when they impart a flavour[8] but not[9] so as to render prohibited.[10]

## פֶּרֶק ב

מִשְׁנָה א

הַתְּרוּמָה [1]וּתְרוּמַת מַעֲשֵׂר שֶׁל וַדַּאי) וּתְרוּמַת מַעֲשֵׂר שֶׁל דְּמַאי, הַחַלָּה וְהַבִּכּוּרִים, עוֹלִים [2]בְּאֶחָד וּמֵאָה, [3]וּמִצְטָרְפִין זֶה עִם זֶה, [4]וְצָרִיךְ לְהָרִים. הָעָרְלָה [5]וְכִלְאֵי הַכֶּרֶם עוֹלִים בְּאֶחָד וּמָאתַיִם, וּמִצְטָרְפִין זֶה עִם זֶה, וְאֵין צָרִיךְ לְהָרִים. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, אֵינָן מִצְטָרְפִין. רַבִּי [7]אֱלִיעֶזֶר אוֹמֵר, מִצְטָרְפִין [8]בְּנוֹתֵן טַעַם, אֲבָל [9]לֹא [10]לֶאֱסוֹר.

**1** The phrase in brackets is omitted in some editions. **2** Parts of חוּלִין. **3** If the total amount of each or any of these quantities together are neutralized in 101 parts of חוּלִין, but in less of the חוּלִין the mixture becomes holy. **4** When the

holy quantity becomes neutralized an equal amunt must be removed for the כֹּהֵן so that he suffers no loss. **5** See כִּלְאַיִם, **Introduction.** **6** His opinion is not accepted. **7** His view is rejected. **8** Such as with liquid produce and cooked food. **9** In the case of dry produce. **10** The rest.

Mishnah 2

*Priest's-due* may aid in neutralizing *Orlah* fruit, and *Orlah* fruit *priest's-due*. How so?[1] If a *seah* of *priest's-due* fell into a hundred,[3] and after that there fell in three *kabs*[4] of *Orlah* fruit, or three *kabs* of *forbidden-junction fruit of the vineyard*, this is the case where *priest's-due* helps to neutralize the *Orlah* fruit, or the *Orlah* fruit the *priest's-due*.[5]

מִשְׁנָה ב

הַתְּרוּמָה מַעֲלָה אֶת־הָעָרְלָה, וְהָעָרְלָה אֶת־הַתְּרוּמָה. [1]כֵּיצַד? [2]סְאָה תְרוּמָה שֶׁנָּפְלָה [3]לְמֵאָה, וְאַחַר כַּךְ נָפְלוּ שְׁלֹשָׁה [4]קַבִּין עָרְלָה, אוֹ שְׁלֹשָׁה קַבִּין כִּלְאֵי הַכֶּרֶם, זוֹ הִיא שֶׁהַתְּרוּמָה מַעֲלָה אֶת־הָעָרְלָה, וְהָעָרְלָה אֶת־[5]הַתְּרוּמָה.

**1** But a kind that is neutralized in 100 parts cannot be included with one that must be neutralized in 200 parts, for instance if a seah* of תְּרוּמָה fell into 99½ of חוּלִין and then ½ kab of עָרְלָה also fell in (or vice versa) the תְּרוּמָה combines with the חוּלִין to neutralize the עָרְלָה in the comparative 200 parts and the עָרְלָה combines with the חוּלִין to neutralize the תְּרוּמָה in the comparative 100 parts. **2** About 60 (50?) pints. **3** חוּלִין and this תְּרוּמָה together make up 100 seahs. **4** 6 kab = 1 seah. **5** Compare תְּרוּמוֹת, 4[7]. *זְרָעִים **Introduction**, *Tables*.

Mishnah 3

*Orlah* fruit may neutralize *forbidden junction produce*, and *forbidden-junction produce Orlah* fruit, and *Orlah* fruit *Orlah* fruit. How so? If a *seah** of *Orlah* fruit fell into two hundred[1] and afterwards there fell in a *seah*[2] or more of *Orlah* fruit, or a *seah* or more of *forbidden-junction fruit of the vineyard*, this is a case where *Orlah* fruit neutralizes *forbidden-junction produce*, or *forbidden-junction produce Orlah* fruit, or *Orlah* fruit *Orlah* fruit.

מִשְׁנָה ג

הָעָרְלָה מַעֲלָה אֶת־הַכִּלְאַיִם, וְהַכִּלְאַיִם אֶת־הָעָרְלָה, וְהָעָרְלָה אֶת־הָעָרְלָה. כֵּיצַד? סְאָה עָרְלָה שֶׁנָּפְלָה [1]לְמָאתַיִם וְאַחַר כַּךְ נָפְלָה [2]סְאָה וְעוֹד עָרְלָה, אוֹ סְאָה וְעוֹד שֶׁל כִּלְאֵי הַכֶּרֶם, זוֹ הִיא שֶׁהָעָרְלָה מַעֲלָה אֶת־הַכִּלְאַיִם, וְהַכִּלְאַיִם אֶת־הָעָרְלָה, וְהָעָרְלָה אֶת־הָעָרְלָה.

*זְרָעִים **Introduction**, *Tables*.

**1** The two in the mixture make 200 seahs. **2** *i.e.*, a seah or more than a seah.

Mishnah 4

Whatsoever leavens, or flavours,[1] or renders subject to the law of *priest's-due*,[2] is prohibited[3] if mixed with *priest's-due* or *Orlah* fruit or *forbidden-junction produce of the vineyard*. The School[4] of Shammai say, It even conveys uncleanness; but the School of Hillel say,[5] It can never convey uncleanness unless its quantity is equal[6] to that of an egg.

מִשְׁנָה ד

כָּל־הַמְחַמֵּץ [1]וְהַמְתַבֵּל [2]וְהַמְדַמֵּעַ, בִּתְרוּמָה וּבְעָרְלָה וּבְכִלְאֵי הַכֶּרֶם, [3]אָסוּר· [4]וּבֵית שַׁמַּאי אוֹמְרִים, אַף מְטַמֵּא; [5]וּבֵית הִלֵּל אוֹמְרִים, לְעוֹלָם אֵינוֹ מְטַמֵּא עַד [6]שֶׁיְּהֵא בוֹ כְּבֵיצָה·

**1** With spices. **2** דַּמֵּעַ, to make something (otherwise exempt) liable to the law of תְּרוּמָה; to mix חוּלִין with תְּרוּמָה sufficient to render the mixture forbidden to non-priests. **3** In some editions, אוֹסֵר. To non-priests. **4** בֵּית in some editions. **5** Their ruling is accepted. **6** At least.

Mishnah 5

Dostai[1] of Kfar Yathma was one of the disciples of the School of Shammai and said, 'I have heard[2] from Shammai the Elder who said, It never conveys uncleanness unless its quantity is equal to[3] that of an egg.'

מִשְׁנָה ה

[1]דּוֹסְתָּאי אִישׁ כְּפַר יַתְמָא הָיָה מִתַּלְמִידֵי בֵּית שַׁמַּאי וְאָמַר, [2]שָׁמַעְתִּי מִשַּׁמַּאי הַזָּקֵן שֶׁאָמַר, לְעוֹלָם אֵינוֹ מְטַמֵּא עַד [3]שֶׁיְּהֵא בוֹ כְּבֵיצָה·

**1** Or דוֹסְתַּאי. **2** In some editions, שָׁאַלְתִּי אֶת־שַׁמַּאי. **3** *i.e.*, not less than.

Mishnah 6

And why* have they said, Whatsoever leavens, or flavours or renders liable to the law of *priest's-due*—thus applying a strict ruling?—Where like is mingled with like; but it applies with leniency and§ with severity where like is mingled with unlike. How so? If leaven[1] of wheat fell into dough[2] of wheat and there was sufficient to leaven it, it is prohibited whether there was enough of it to be neutralized in a hundred and one or whether there

מִשְׁנָה ו

*וְלָמָה אָמְרוּ, כָּל־הַמְחַמֵּץ וְהַמְתַבֵּל וְהַמְדַמֵּעַ לְהַחֲמִיר? מִין בְּמִינוֹ; לְהָקֵל §וּלְהַחֲמִיר, מִין בְּשֶׁאֵינוֹ מִינוֹ· כֵּיצַד? [1]שְׂאוֹר שֶׁל חִטִּים שֶׁנָּפַל לְתוֹךְ [2]עִיסַּת חִטִּים וְיֵשׁ בּוֹ כְּדֵי לְחַמֵּץ, בֵּין שֶׁיֵּשׁ בּוֹ לַעֲלוֹת בְּאֶחָד וּמֵאָה, וּבֵין שֶׁאֵין בּוֹ לַעֲלוֹת בְּאֶחָד וּמֵאָה, אָסוּר· אֵין בּוֹ לַעֲלוֹת בְּאֶחָד וּמֵאָה,

בֵּין שֶׁיֵּשׁ בּוֹ כְּדֵי לְחַמֵּץ, בֵּין שֶׁאֵין בּוֹ כְּדֵי לְחַמֵּץ, אָסוּר.

was not enough of it to be neutralized in a hundred and one. If there were not enough of it to be neutralized in a hundred and one, it is forbidden whether there was sufficient of it to leaven it or whether there was not enough of it to leaven it.

*Or וְלָמָה.
§Or *or*.

**1** That was תְּרוּמָה or עָרְלָה or כִּלְאֵי הַכֶּרֶם. **2** Of חוּלִין.

מִשְׁנָה ז

Mishnah 7

לְהָקֵל *וּלְהַחֲמִיר מִין בְּשֶׁאֵינוֹ מִינוֹ, כֵּיצַד? כְּגוֹן [1]גְּרִיסִין שֶׁנִּתְבַּשְּׁלוּ עִם §[2]עֲדָשִׁים, וְיֵשׁ בָּהֶם בְּנוֹתֵן טַעַם, בֵּין שֶׁיֵּשׁ בָּהֶם לַעֲלוֹת בְּאֶחָד וּמֵאָה, וּבֵין שֶׁאֵין בָּהֶם לַעֲלוֹת בְּאֶחָד וּמֵאָה, [3]אָסוּר; אֵין בָּהֶם בְּנוֹתֵן טַעַם, בֵּין שֶׁיֵּשׁ בָּהֶם לַעֲלוֹת בְּאֶחָד וּמֵאָה, וּבֵין שֶׁאֵין בָּהֶם לַעֲלוֹת בְּאֶחָד וּמֵאָה, מוּתָּר.

It applies with leniency and* with strictness where like is mingled with unlike—How so? For instance, if pounded beans[1] were cooked with lentils[2] §and there was sufficient of them to impart a flavour, they are forbidden,[3] whether there was enough of them to be neutralized in a hundred and one, or whether there was not sufficient of them to be neutralized in a hundred and one; if there were not sufficient of them to impart a flavour, they are permitted, whether there was enough of them to be neutralized in a hundred and one, or whether there was not enough of them to be neutralized in a hundred and one.

*Or *or*.
§ Or עֲדָשׁוֹת.

**1** Of תְּרוּמָה. Or עָרְלָה or כִּלְאֵי הַכֶּרֶם. Grits, pounded beans. **2** Of חוּלִין. **3** But if the flavour be unrecognizable it is permitted even in less than one hundred.

מִשְׁנָה ח

[1]שְׁאוֹר שֶׁל חוּלִין שֶׁנָּפַל לְתוֹךְ [2]עִיסָּה, וְיֵשׁ בּוֹ כְּדֵי לְחַמֵּץ, [3]וְאַחַר כַּךְ נָפַל [4]שְׁאוֹר שֶׁל תְּרוּמָה, אוֹ שְׁאוֹר שֶׁל כִּלְאֵי הַכֶּרֶם וְיֵשׁ [5]בּוֹ כְּדֵי לְחַמֵּץ, אָסוּר.

If leaven[1] of *non-holy produce* fell into *dough*[2] and there was enough to leaven it, and afterwards[3] there fell in leaven[4] of *priest's-due*, or leaven made from *forbidden junction produce of the vineyard* and there was sufficient of it[5] to leaven it, it is forbidden.

**1** Or *dough*. **2** Of חולין. **3** Before the חולין leaven had leavened the dough. (Compare next *Mishnah*). **4** שְׁאוֹר שֶׁל עָרְלָה also comes under this heading. **5** And both leavens had the effect of leavening.

Mishnah 9

If leaven[1] of *non-holy produce* fell into dough and leavened it, and afterwards there fell in leaven of *priest's-due* or leaven made from *forbidden-junction produce of the vineyard* and there was enough of it to leaven it, it is forbidden; but R. Simon permits it.[2]

מִשְׁנָה ט

[1]שְׁאוֹר שֶׁל חוּלִין שֶׁנָּפַל לְתוֹךְ עִיסָּה וְחִמְּצָה, וְאַחַר כָּךְ נָפַל שְׁאוֹר שֶׁל תְּרוּמָה, אוֹ שְׁאוֹר שֶׁל כִּלְאֵי הַכֶּרֶם, וְיֵשׁ בּוֹ כְּדֵי לְחַמֵּץ אָסוּר; רַבִּי [2]שִׁמְעוֹן מַתִּיר.

**1** Or *dough*. **2** His view is rejected.

Mishnah 10

Spices[1] of two or three different categories,[2] of one kind or of three[3] are forbidden[4] and can be included together.[5] R. Simon says,[6] Two or three categories of a like kind, or two kinds of a like category, can not be included together.[7]

מִשְׁנָה י

[1]תַּבְלִין שְׁנַיִם וּשְׁלֹשָׁה [2]שֵׁמוֹת מִמִּין אֶחָד אוֹ [3]מִשְּׁלֹשָׁה [4]אָסוּר [5]וּמִצְטָרְפִין. רַבִּי [6]שִׁמְעוֹן אוֹמֵר, שְׁנַיִם וּשְׁלֹשָׁה שֵׁמוֹת מִמִּין אֶחָד, אוֹ שְׁנֵי מִינִין מִשֵּׁם אֶחָד, [7]אֵינָן מִצְטָרְפִין.

**1** Or *condiments*. **2** Of תְּרוּמָה, or עָרְלָה or כִּלְאֵי הַכֶּרֶם *etc.*, *e.g.*, עָרְלָה pepper and pepper from a tree used for idolatrous practices and תְּרוּמָה pepper are three אִסּוּרִים of one category, מִין. **3** In some editions, מִמִּין שְׁלֹשָׁה, *e.g.*, pepper, ginger and cinnamon all of עָרְלָה or all of תְּרוּמָה. **4** בְּנוֹתֵן טַעַם, by imparting a flavour. **5** To make up together a quantity too large for neutralization. **6** His opinion is not accepted. **7** And each separately could not impart a flavour then the food is permitted.

Mishnah 11

If leaven[1] of *non-holy produce* and leaven of *priest's-due* fell into dough, and neither in the first was there sufficient to leaven it nor in the other was there enough to leaven it, but in combination they did leaven it, R. Eliezer says,[2] 'I go

מִשְׁנָה יא

[1]שְׁאוֹר שֶׁל חוּלִין וְשֶׁל תְּרוּמָה שֶׁנָּפְלוּ לְתוֹךְ עִיסָּה, לֹא בָזֶה כְּדֵי לְחַמֵּץ וְלֹא בָזֶה כְּדֵי לְחַמֵּץ, וְנִצְטָרְפוּ וְחִמְּצוּ, רַבִּי [2]אֱלִיעֶזֶר

אוֹמֵר, אַחַר [3]הָאַחֲרוֹן אֲנִי בָא;
[4]וַחֲכָמִים אוֹמְרִים, בֵּין שֶׁנָּפַל
[5]אִיסוּר בֵּין בַּתְּחִלָּה בֵּין בַּסּוֹף,
לְעוֹלָם אֵינוֹ [6]אוֹסֵר עַד שֶׁיְּהֵא בוֹ
כְּדֵי לְחַמֵּץ.

by the last one,'[3] but the Sages say,[4] Whether the prohibited material[5] fell in first or last it can never render prohibited[6] unless there be sufficient of it in itself to leaven it.

**1** Or *dough*. **2** His opinion is rejected. **3** *i.e.*, which was the last to fall in. **4** Their ruling is accepted. **5** שְׁאוֹר in some editions. **6** אָסוּר in some editions.

Mishnah 12

מִשְׁנָה יב

יוֹעֶזֶר אִישׁ [1]הַבִּירָה הָיָה מִתַּלְמִידֵי
בֵית שַׁמַּאי וְאָמַר, שָׁאַלְתִּי אֶת־
רַבָּן גַּמְלִיאֵל הַזָּקֵן עוֹמֵד בְּשַׁעַר
הַמִּזְרָח, [2]וְאָמַר, לְעוֹלָם אֵינוֹ אוֹסֵר
עַד שֶׁיְּהֵא בוֹ כְּדֵי לְחַמֵּץ.

Joezer of the Birah[1] was one of the disciples of the School of Shammai and said, 'I asked of Rabban Gamaliel the Elder when standing in the Eastern Gate, and he said,[2] It can never render it prohibited unless there be sufficient of it in itself to leaven.'

**1** A place in the Temple Mount. According to some authorities the Temple itself. **2** The ruling is the same as that in the preceding *Mishnah* **(Note 4).**

Mishnah 13

מִשְׁנָה יג

[1]כֵּלִים שֶׁסָּכָן בְּשֶׁמֶן טָמֵא, [2]וְחָזַר
וְסָכָן בְּשֶׁמֶן טָהוֹר, אוֹ שֶׁסָּכָן בְּשֶׁמֶן
טָהוֹר וְחָזַר וְסָכָן בְּשֶׁמֶן טָמֵא, רַבִּי
[3]אֱלִיעֶזֶר אוֹמֵר, אַחַר [4]הָרִאשׁוֹן
אֲנִי בָא, [5]וַחֲכָמִים אוֹמְרִים, אַחַר
[4]הָאַחֲרוֹן.

If one greased utensils[1] with unclean oil and then[2] greased them again with clean oil, or greased them with clean oil and then greased them with unclean oil, R. Eliezer says,[3] 'I decide according to which came first';[4] but the Sages[5] say, According to which came last.[4]

**1** This refers particularly to objects made of skins (as shoes) which have the nature to exude some of the oil that has been absorbed. **2** After the first had dried. **3** His opinion is rejected. **4** Whether the vessel was clean or unclean. **5** Their view is accepted.

Mishnah 14

מִשְׁנָה יד

[1]שְׁאוֹר שֶׁל תְּרוּמָה וְשֶׁל כִּלְאֵי

If leaven[1] of *priest's-due* and of *forbidden-junction produce* together

הַכֵּרֶם [2]שֶׁנָּפְלוּ לְתוֹךְ [3]עִיסָּה, לֹא בָזֶה כְּדֵי לְחַמֵּץ, וְלֹא בָזֶה כְּדֵי לְחַמֵּץ, וְנִצְטָרְפוּ וְחִמְּצוּ, [4]אָסוּר לְזָרִים וּמוּתָּר לְכֹהֲנִים. רַבִּי [5]שִׁמְעוֹן מַתִּיר לְזָרִים וּלְכֹהֲנִים.

fell[2] into dough,[3] and there was not of the first sufficient to leaven nor was there of the other enough to leaven, but included together they leavened it, it is forbidden[4] to non-priests and permitted to priests. R. Simon[5] permits it to non-priests and to priests.

**1** Or *dough*. שְׁאוֹר שֶׁל כִּלְאֵי הַכֶּרֶם, dough of the *forbidden-junction produce of the vineyard* is included under this heading. **2** Both together. **3** Of חוּלִין. **4** This is the accepted ruling. **5** His view is rejected.

Mishnah 15

מִשְׁנָה טו

[1]תַּבְלִין [2]שֶׁל תְּרוּמָה וְשֶׁל כִּלְאֵי הַכֶּרֶם [3]שֶׁנָּפְלוּ [4]בְּקִדֵּירָה, לֹא בְאֵלּוּ כְּדֵי לְתַבֵּל וְלֹא בְאֵלּוּ כְּדֵי לְתַבֵּל, וְנִצְטָרְפוּ וְתִבְּלוּ, אָסוּר לְזָרִים וּמוּתָּר לְכֹהֲנִים. רַבִּי [5]שִׁמְעוֹן מַתִּיר לְזָרִים וּלְכֹהֲנִים.

If spices[1] of[2] *priest's-due* and of *forbidden-junction produce of the vineyard* together fell[3] into a pot,[4] and there was not enough of the one to flavour nor was there sufficient of the other to flavour, but included together they did flavour it, it is prohibited to non-priests and permitted to priests. R. Simon[5] permits it to non-priests and to priests.

**1** Or *condiments*, *seasoning*. **2** עָרְלָה produce comes under this heading also. **3** Both together. **4** *i.e.*, dish, pot of food. **5** His opinion is rejected.

Mishnah 16

מִשְׁנָה טז

חֲתִיכָה שֶׁל *קָדְשֵׁי §קָדָשִׁים, [1]שֶׁל [2]פִּיגּוּל וְשֶׁל [3]נוֹתָר, שֶׁנִּתְבַּשְּׁלוּ עִם [4]הַחֲתִיכוֹת, אָסוּר לְזָרִים וּמוּתָּר לְכֹהֲנִים. רַבִּי [5]שִׁמְעוֹן מַתִּיר לְזָרִים וּלְכֹהֲנִים.

§Occasionally קָדָשִׁים.

If a piece of flesh of the *most holy sacrifices*,* and of[1] the *abomination*[2] and of the *remnant*[3] were cooked together with other pieces,[4] they are forbidden to non-priests and permitted to priests. R. Simon[5] permits it to non-priests and to priests.

**1** וְשֶׁל in some editions. **2** Or פִּגּוּל, *rejection*, unfitness. If an officiating priest had an improper intention in his mind the sacrifice became פִּגּוּל and had to be rejected. **3** (From root יָתֵר). Portions of sacrifices which were left over beyond the prescribed legal time were נוֹתָר and had to be burnt. *Exodus* **29,** 34; *Leviticus* **7,** 17, 18. **4** Pieces of flesh of חוּלִין which could have neutralized either the קָדְשֵׁי קָדָשִׁים pieces alone, or the פִּגּוּל pieces alone, or the נוֹתָר pieces alone, but not in combination. **5** His view is not accepted. *זְבָחִים 5[1ff].

Mishnah 17

If flesh[1] of *most holy sacrifices* and flesh[2] of *lesser holy sacrifices** were cooked together with secular flesh,[3] it is forbidden to the unclean and permitted to the clean.[4]

מִשְׁנָה יז

בְּשַׂר *קָדְשֵׁי§קָדָשִׁים,[2] וּבְשַׂר קָדָשִׁים קַלִּים, שֶׁנִּתְבַּשְּׁלוּ עִם [3]בְּשַׂר הַתַּאֲוָה, אָסוּר לַטְּמֵאִים וּמוּתָּר [4]לַטְּהוֹרִים.

**1** Forbidden to non-priests even if they be clean. **2** Permitted to non-priests if not unclean. **3** *i.e.*, ordinary meat, in contradistinction to sacrificial flesh or meat. **4** Non-priests who are clean. *זְבָחִים $5^{1-8}$. §Rarely קָדָשִׁים.

## CHAPTER 3

## פֶּרֶק ג

Mishnah 1

If a garment be dyed with the shells[1] of *Orlah* fruit, it must be burnt. If it were confused with others, they must all[2] be burnt. This is the opinion of R. Meir[3]; but the Sages say,[4] It becomes neutralized in two hundred and one.

מִשְׁנָה א

בֶּגֶד שֶׁצְּבָעוֹ [1]בִּקְלִיפֵּי עָרְלָה יִדָּלֵק. נִתְעָרֵב בַּאֲחֵרִים, [2]כּוּלָּם יִדָּלֵקוּ. דִּבְרֵי רַבִּי [3]מֵאִיר; [4]וַחֲכָמִים אוֹמְרִים, יַעֲלֶה בְּאֶחָד וּמָאתַיִם.

**1** *i.e.*, with dye made from the shells or peels, as for example of nuts or pomegranates, because עָרְלָה fruit shells or peels are also forbdden. **2** Or כֻּלָּם. **3** His opinion is rejected. **4** Their view is accepted.

Mishnah 2

If one dye a *seet's*[2] length[1] with the shells[3] of *Orlah* fruit, and he wove it into a garment and it is not known which[4] it was, R. Meir says,[5] The garment must be burnt; but the Sages[6] say, It becomes neutralized in two hundred and one.

מִשְׁנָה ב

הַצּוֹבֵעַ [1]מְלֹא [2]הַסִּיט [3]בִּקְלִיפֵּי עָרְלָה וַאֲרָגוֹ בְּבֶגֶד, וְאֵין יָדוּעַ [4]אֵיזֶה הוּא, רַבִּי [5]מֵאִיר אוֹמֵר, יִדָּלֵק הַבֶּגֶד; [6]וַחֲכָמִים אוֹמְרִים, יַעֲלֶה בְּאֶחָד וּמָאתַיִם.

**1** Of thread. Literally, מְלֹא, *fulness of*. **2** סִיט, distance between tip of forefinger and tip of thumb when stretched wide apart, or distance between tip of forefinger and root of thumb when the latter leans against the former. **3** With dye made from the skins or shells. **4** Which thread. **5** His opinion is rejected. **6** Their view is accepted.

Mishnah 3

If one wove a *seet's* length of wool from a *firstling* into a garment, the

מִשְׁנָה ג

הָאוֹרֵג מְלֹא הַסִּיט מִצֶּמֶר הַבְּכוֹר

בְּבֶגֶד׳ יִדָּלֵק [1]הַבֶּגֶד׳ וּמִשְּׂעַר הַנָּזִיר׳ [2]וּמִפֶּטֶר חֲמוֹר [3]בְּשַׂק׳ יִדָּלֵק [1]הַשַּׂק׳ וּבַמּוּקְדָּשִׁין׳ מְקַדְּשִׁין [4]כָּל־שֶׁהֵן׳

garment[1] must be burnt. If one wove the hair from a Nazarite or from the *firstborn*[2] of an ass into a sack,[3] the sack[1] must be burnt. And in the case of altar sacrifices, they hallow in any quantity[4] whatever.

**1** The material, however great in quantity comparatively, does not neutralize in this case. **2** *Deuteronomy* **15,** 19. **3** *i.e.*, be woven into a sack. **4** Even if the forbidden admixed thread be less than a סִיט in this case.

מִשְׁנָה ד

Mishnah 4

תַּבְשִׁיל שֶׁבִּשְׁלוֹ [1]בְּקִלִּיפֵּי עָרְלָה׳ [2]יִדָּלֵק׳ נִתְעָרֵב בַּאֲחֵרִים׳ יַעֲלֶה בְּאֶחָד וּמָאתַיִם׳

Food which had been cooked with peelings[1] of *Orlah* fruit must be burnt.[2] If it be confused with other foodstuffs, it is neutralized in two hundred and one.

**1** Or *shells*, *skins*, used as fuel. **2** Even if the pot separated the forbidden fuel from other permitted fuel under it.

מִשְׁנָה ה

Mishnah 5

תַּנּוּר [1]שֶׁהִסִּיקוּהוּ [2]בְּקִלִּיפֵּי עָרְלָה וְאָפָה בּוֹ אֶת־הַפַּת׳ תִּדָּלֵק הַפַּת׳ נִתְעָרְבָה בַּאֲחֵרוֹת׳ תַּעֲלֶה בְּאֶחָד וּמָאתַיִם׳

If anyone heated[1] an oven with shells[2] of *Orlah* fruit and baked bread therein, the bread must be burnt. If it be confused with other bread, it is neutralized in two hundred and one.

**1** שֶׁהִסִּיקוּ in some editions. **2** Or *peels*, *skins*.

מִשְׁנָה ו

Mishnah 6

מִי שֶׁהָיוּ לוֹ [1]חֲבִילֵי [2]תִּלְתָּן שֶׁל כִּלְאֵי הַכֶּרֶם׳ יִדָּלֵקוּ׳ נִתְעָרְבוּ בַּאֲחֵרִים׳ [3]כּוּלָּם יִדָּלֵקוּ׳ דִּבְרֵי רַבִּי [4]מֵאִיר; [5]וַחֲכָמִים אוֹמְרִים׳ יַעֲלוּ בְּאֶחָד וּמָאתַיִם׳

If anyone had bundles[1] of clover[2] of *forbidden-junction produce of the vineyard*, they must be burnt. If they be confused with others, they must all[3] be burnt. This is the view of R. Meir;[4] but the Sages[5] say, They are neutralized in two hundred and one.

**1** A bundle (חֲבִילָה) contains at least twenty-five stalks. **2** Or *fenugreek*, *melilot*.* **3** כֻּלָּם in some editions. **4** His opinion is rejected. **5** Their view is the accepted ruling. *See *Supplement*.

Mishnah 7

For R. Meir[1] used to say, Whatever a man is wont to count[2] renders holy; but the Sages say,[3] Only six things render holy;[4] but R. Akiba says, Seven; and they are these: nuts with brittle shells,[5] and pomegranates from Badan,[6] and sealed jars,[7] and beet[9] shoots,[8] cabbage heads,[10] and Greek gourds; R. Akiba says, Also the loaves[11] of a householder. To any of these that come from *Orlah* fruit, the law of *Orlah* applies;[12] and to any of these that come from *forbidden-junction of the vineyard*, the law of the *forbidden-junction of the vineyard* applies.

מִשְׁנָה ז

שֶׁהָיָה רַבִּי [1]מֵאִיר אוֹמֵר, [2]אֶת־שֶׁדַּרְכּוֹ לִמְנוֹת מְקַדֵּשׁ; [3]וַחֲכָמִים אוֹמְרִים, [4]אֵינוֹ מְקַדֵּשׁ אֶלָּא שִׁשָּׁה דְּבָרִים בִּלְבָד; וְרַבִּי עֲקִיבָא אוֹמֵר, שִׁבְעָה; וְאֵלּוּ הֵם, [5]אֱגוֹזֵי פֶּרֶךְ, וְרִמּוֹנֵי [6]בָדָן, [7]וַחֲבִיּוֹת סְתוּמוֹת, [8]וְחוֹלְפוֹת [9]תְּרָדִין, [10]וְקוֹלְסֵי כְרוּב, וּדְלַעַת יְוָנִית; רַבִּי עֲקִיבָא אוֹמֵר, אַף [11]כִּכְּרוֹת שֶׁל בַּעַל הַבַּיִת. הָרָאוּי לְעָרְלָה, [12]עָרְלָה; לְכִלְאֵי הַכֶּרֶם, כִּלְאֵי הַכֶּרֶם.

**1** His view is rejected. **2** *i.e.*, such produce as is sold by number and is אִסּוּר, *forbidden produce*, other produce which is mixed with it also becomes forbidden and all must be burnt. **3** Their opinion is the accepted ruling. **4** *i.e.*, there are only six such things that are not neutralized and all that any are mixed with must be burnt. **5** According to some, *nuts from Perekh*. **6** Or בָּדָן, בָּאדָן, a place north-east of Shechem in Samaria. **7** Or *casks* (barrels) of wine or oil. **8** Or *leaves*, *tops*. **9** Or *beetroot*. **10** Or according to some, *cabbage stalks*, *cabbage shoots*. **11** Which the householder bakes for his own use and if made of עָרְלָה or כִּלְאֵי הַכֶּרֶם produce are also included here. **12** *viz.*, as already stated, they are not neutralized in a mixture however large the quantity but the mixture must be burnt.

Mishnah 8

When is this the case?[1]—If the nuts were split, or the pomegranates cracked open, or the jars opened, or the gourds were cut open, or the loaves[2] were broken, they are neutralized in two hundred and one.

מִשְׁנָה ח

[1]כֵּיצַד? נִתְפַּצְּעוּ הָאֱגוֹזִים, נִתְפָּרְדוּ הָרִמּוֹנִים, נִתְפַּתְּחוּ הַחָבִיּוֹת, נִתְחַתְּכוּ הַדְּלוּעִים, נִתְפָּרְסוּ [2]הַכִּכָּרוֹת, יַעֲלוּ בְאֶחָד וּמָאתַיִם.

**1** *i.e.*, When do these not become neutralized?—כֵּיצַד is omitted in some editions, and it certainly seems redundant in view of the sense of this *Mishnah*, unless one supplies an understood phrase, such as Wh*en all these are whole, but . . . .*

immediately after כֵּיצַד. But when all these, as here detailed, are whole or sound they are not so neutralized. **2** Compare the preceding *Mishnah*, **Note 11**.

Mishnah 9

מִשְׁנָה ט

*Orlah* fruit, which is in doubt,[1] is forbidden in Palestine but permitted[2] in Syria. Outside Palestine one may go down[3] and buy,[4] only provided that he does not see someone gather it. If a vineyard be planted with vegetables,[5] and vegetables[6] are sold outside it, they are forbidden in Palestine but permitted in Syria;[7] and outside Palestine he[8] may go down and gather them, only provided that he himself[9] does not gather them by hand.[10] New produce is forbidden[11] by the Law everywhere;[12] and the law of *Orlah* is traditional law,[13] and the law of *forbidden-junction*[14] is an enactment from the Scribes.[15]

[1]סָפֵק עָרְלָה, בְּאֶרֶץ יִשְׂרָאֵל אָסוּר, וּבְסוּרְיָא [2]מוּתָּר. וּבְחוּצָה לָאָרֶץ, [3]יוֹרֵד וְלוֹקֵחַ, וּבִלְבַד שֶׁלֹּא יִרְאֶנּוּ לוֹקֵט. כֶּרֶם נָטוּעַ [5]יָרָק, [6]וְיָרָק נִמְכָּר חוּצָה לוֹ, בְּאֶרֶץ יִשְׂרָאֵל אָסוּר, [7]וּבְסוּרְיָא מוּתָּר; וּבְחוּצָה לָאָרֶץ [8]יוֹרֵד וְלוֹקֵט, וּבִלְבַד שֶׁלֹּא [9]יִלְקוֹט [10]בַּיָּד. הֶחָדָשׁ [11]אָסוּר מִן־הַתּוֹרָה [12]בְּכָל מָקוֹם; וְהָעָרְלָה [13]הֲלָכָה, [14]וְהַכִּלְאַיִם מִדִּבְרֵי [15]סוֹפְרִים.

**1** For instance, if a non-Jew who has *Orlah* trees sells fruit and it is not known if this is from any *Orlah* tree. In אֶרֶץ יִשְׂרָאֵל (Palestine) סָפֵק עָרְלָה is prohibited מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) as prescribed in the Law. **2** In חוּץ לָאָרֶץ, outside Palestine, also עָרְלָה וַדַּאי, *certain Orlah*, is also prohibited under the ruling of הֲלָכָה לְמֹשֶׁה מִסִּינַי, *traditional law as handed on by Moses from Sinai*. **3** To a garden. **4** Such fruit. **5** Which constitutes כִּלְאַיִם, forbidden-junction. **6** Of the like kind. **7** Syria (the Hebrew אֲרָם, *Aram*) the country bounded by northern Palestine, Taurus, the Mediterranean and eastward to the Khabour river. **8** The non-Jew into the vineyard. **9** The Jew may not gather them as a reminder that he is forbidden to plant them under such conditions. **10** With his own hands. **11** New produce may not be eaten before the offering of the עֹמֶר. **12** *Leviticus* **23**,14. **13** הֲלָכָה לְמֹשֶׁה מִסִּינַי, traditional interpretations of a law dating back to or emanating from Moses. **14** This refers to כִּלְאֵי הַכֶּרֶם, forbidden-junction, of the vineyard. Actually כִּלְאֵי הַכֶּרֶם produce is permitted entirely in חוּץ לָאָרֶץ, outside Palestine. **15** סוֹפְרִים is the name given to the sages and scholars who lived in the period beginning with Ezra and ending with the commencement of the Tannaitic period (see זְרָעִים **Introduction**).

## סְלִיק מַסֶּכֶת עָרְלָה

## CONCLUSION OF TRACTATE ORLAH

# בִּכּוּרִים

# BIKKURIM

[BEING THE ELEVENTH TRACTATE OF THE MISHNAH]

*TEXT · INTRODUCTION · TRANSLATION*
*NOTES*

By

PHILIP BLACKMAN, F.C.S.

# בִּכּוּרִים

# BIKKURIM

# INTRODUCTION

This מַסֶּכֶת בִּכּוּרִים, **Tractate Bikkurium,** is the *Eleventh Tractate* of סֵדֶר זְרָעִים, **Order Zeraim.** The תַּלְמוּד בַּבְלִי, *Babylonian Talmud,* has no גְּמָרָא to it, but the תַּלְמוּד יְרוּשַׁלְמִי, *Jerusalem* (or *Palestinian*) *Talmud,* has גְּמָרָא.

בִּכּוּרִים or בִּכָּרִים, *first-fruits,* is a derivative of the verb בִּכֵּר, *bear early fruit, treat as a firstborn.* The term refers to the products mentioned in *Deuteronomy* **8,** 8, *viz.*, wheat, barley, grape, fig, pomegranate, olive, and date-honey or dates, the so-called שֶׁבַע מִינִים, *seven species,* which are typical of and illustrate the fame of the fruitfulness of Palestine.

The *Tractate* contains four Chapters, but some editions omit the last one which, in fact, does not form part of the Mishnah at all but is an expanded adaptation of *Tosefta Bikkurim* 2[3]. There are actually four different versions of this fourth Chapter each varying in its text considerably from the others. The text here used is the one given in most Mishnayoth editions and some of the more important variant readings are indicated as alternatives in the Notes.

The *Tractate* treats of those who are eligible to bring the בִּכּוּרִים offerings to the Temple, of the manner and the seasons when they were to be brought, and of the attendant ceremonials in connection with their offering.

The *Tractate* is based on *Exodus* **23,** 19, and *Deuteronomy* **26,** 1 to 11.

*Exodus* **23,**

(19) רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ תָּבִיא בֵּית ה׳ אֱלֹהֶיךָ לֹא תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ

*The first of the first-fruits of thy land shalt thou bring unto the house of the Eternal thy God. Thou shalt not seethe a kid in its mother's milk.*

*Deuteronomy* **26,**

(1) וְהָיָה כִּי תָבוֹא אֶל־הָאָרֶץ אֲשֶׁר ה׳ אֱלֹהֶיךָ נֹתֵן לְךָ נַחֲלָה וִירִשְׁתָּהּ וְיָשַׁבְתָּ בָּהּ

*And it shall be, when thou art come in unto the land which the Eternal thy God giveth thee for an inheritance, and possessest it and dwellest therein.*

(2) וְלָקַחְתָּ מֵרֵאשִׁית כָּל־פְּרִי הָאֲדָמָה אֲשֶׁר תָּבִיא מֵאַרְצְךָ אֲשֶׁר ה׳ אֱלֹהֶיךָ נֹתֵן לָךְ וְשַׂמְתָּ בַטֶּנֶא וְהָלַכְתָּ אֶל־הַמָּקוֹם אֲשֶׁר יִבְחַר ה׳ אֱלֹהֶיךָ לְשַׁכֵּן שְׁמוֹ שָׁם

*That thou shalt take of the first of all the fruit of the ground which thou shalt bring from thy land which the Eternal thy God giveth thee, and shalt put it in a basket, and shalt go unto the place which the Eternal thy God shall choose to cause His Name to dwell there.*

(3) וּבָאתָ אֶל־הַכֹּהֵן אֲשֶׁר יִהְיֶה בַּיָּמִים הָהֵם וְאָמַרְתָּ אֵלָיו הִגַּדְתִּי הַיּוֹם לַה׳ אֱלֹהֶיךָ כִּי בָאתִי אֶל־הָאָרֶץ אֲשֶׁר נִשְׁבַּע ה׳ לַאֲבֹתֵינוּ לָתֶת לָנוּ

*And thou shalt come unto the priests that shall be in those days, and say unto him, I profess this day unto the Eternal thy God that I am come unto the land which the Eternal sware unto our fathers to give us.*

(4) וְלָקַח הַכֹּהֵן הַטֶּנֶא מִיָּדֶךָ וְהִנִּיחוֹ לִפְנֵי מִזְבַּח ה׳ אֱלֹהֶיךָ

*And the priest shall take the basket from thy hand and set it before the altar of the Eternal thy God.*

(5) וְעָנִיתָ וְאָמַרְתָּ לִפְנֵי ה׳ אֱלֹהֶיךָ אֲרַמִּי אֹבֵד אָבִי וַיֵּרֶד מִצְרַיְמָה וַיָּגָר שָׁם בִּמְתֵי מְעָט וַיְהִי שָׁם לְגוֹי גָּדוֹל עָצוּם וָרָב

*And thou shalt speak and say before the Eternal thy God, A wandering Aramean was my father, and he went down into Egypt, and sojourned there few in number, and became there a nation, great, mighty, and numerous.*

(6) וַיָּרֵעוּ אֹתָנוּ הַמִּצְרִים וַיַּעֲנُוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבֹדָה קָשָׁה

*And the Egyptians dealt ill with us, and oppressed us, and laid upon us hard bondage.*

(7) וַנִּצְעַק אֶל־ה׳ אֱלֹהֵי אֲבֹתֵינוּ וַיִּשְׁמַע ה׳ אֶת־קֹלֵנוּ וַיַּרְא אֶת־עָנְיֵנוּ וְאֶת־עֲמָלֵנוּ וְאֶת־לַחֲצֵנוּ

*And we cried unto the Eternal the God of our fathers, and the Eternal heard our voice, and looked on our affliction, and our toil, and our oppression.*

(8) וַיּוֹצִאֵנוּ ה׳ מִמִּצְרַיִם בְּיָד חֲזָקָה וּבִזְרֹעַ נְטוּיָה וּבְמֹרָא גָּדֹל וּבְאֹתוֹת וּבְמֹפְתִים

*And the Eternal brought us forth from Egypt with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders.*

(9) וַיְבִאֵנוּ אֶל־הַמָּקוֹם הַזֶּה וַיִּתֶּן לָנוּ אֶת־הָאָרֶץ הַזֹּאת אֶרֶץ זָבַת חָלָב וּדְבָשׁ

*And He hath brought us into this place, and hath given us this land, a land flowing with milk and honey.*

(10) וְעַתָּה הִנֵּה הֵבֵאתִי אֶת־רֵאשִׁית פְּרִי הָאֲדָמָה אֲשֶׁר נָתַתָּה לִי ה׳ וְהִנַּחְתּוֹ לִפְנֵי ה׳ אֱלֹהֶיךָ וְהִשְׁתַּחֲוִיתָ לִפְנֵי ה׳ אֱלֹהֶיךָ

*And now, behold, I have brought the first of the fruit of the land which Thou O Eternal hast given me. And Thou shalt place it before the Eternal thy God and prostrate thyself before the Eternal thy God.*

(11) וְשָׂמַחְתָּ בְּכָל הַטּוֹב אֲשֶׁר נָתַן לְךָ ה׳ אֱלֹהֶיךָ וּלְבֵיתֶךָ אַתָּה וְהַלֵּוִי וְהַגֵּר אֲשֶׁר בְּקִרְבֶּךָ

*And thou shalt rejoice in all the good which the Eternal thy God hath given unto thee and unto thy house, thou, and the Levite, and the stranger that is in thy midst.*

The Titles of the Chapters of this Tractate are:

| | |
|---|---|
| Chapter 1 | פֶּרֶק א׳ יֵשׁ מְבִיאִין |
| Chapter 2 | פֶּרֶק ב׳ תְּרוּמָה |
| Chapter 3 | פֶּרֶק ג׳ כֵּיצַד |
| Chapter 4 | פֶּרֶק ד׳ אַנְדְּרוֹגִינוֹס |

**Note:**—The terms מַעֲשֵׂר and תְּרוּמָה used in this Tractate will be found briefly but adequately explained in בְּרָכוֹת 1[1], **Note 5.**

The *Palestine Gemara* discusses and explains the *Mishnah.*

The main contents of the four chapters are briefly:

1. The conditions regarding the bringing of the *first-fruits;* enumeration of three classes of landowners. 2. Legal comparisons between *terumah, second-tithe* and *first-fruits;* legal classification between vegetable, citron and trees, between human blood and that of cattle and creeping things, and between cattle, beast and כּוּי. 3. The bringing of the *first-fruits* to the Temple. 4. Comparison between the laws referring to man, woman and the hermaphrodite or androgyne.

מַסֶּכֶת

# בִּכּוּרִים

TRACTATE

# BIKKURIM

## CHAPTER 1

Mishnah 1

There are some who bring the *first-fruits* and make the *declaration*,[1] some who bring but make no *declaration*, and others that may not bring. These are they that may not bring: one who plants on his own property and sinks[2] a shoot into another's private property or into[3] public property; and similarly also he who sinks[2] a shoot from the property of a private individual or from public property into his own property; anyone that plants in his own property and sinks a shoot into his own property, but with a private road or a public road between—such may not bring.[4] But R.[5] Judah[6] says, Such[7] may bring.

## פֶּרֶק א

מִשְׁנָה א

יֵשׁ מְבִיאִין בִּכּוּרִים [1]וְקוֹרִין, מְבִיאִין וְלֹא קוֹרִין, וְיֵשׁ שֶׁאֵינָן מְבִיאִין. אֵלּוּ שֶׁאֵינָן מְבִיאִין, הַנּוֹטֵעַ לְתוֹךְ שֶׁלּוֹ [2]וְהַבְרִיךְ לְתוֹךְ שֶׁל יָחִיד אוֹ [3]שֶׁל רַבִּים; וְכֵן [2]הַמַּבְרִיךְ מִתּוֹךְ שֶׁל יָחִיד אוֹ מִתּוֹךְ שֶׁל רַבִּים לְתוֹךְ שֶׁלּוֹ; הַנּוֹטֵעַ לְתוֹךְ שֶׁלּוֹ, וְהַבְרִיךְ לְתוֹךְ שֶׁלּוֹ, וְדֶרֶךְ הַיָּחִיד וְדֶרֶךְ הָרַבִּים בְּאֶמְצַע, הֲרֵי זֶה [4]אֵינוֹ מֵבִיא. [5]וְרַבִּי [6]יְהוּדָה אוֹמֵר, [7]כָּזֶה מֵבִיא.

**1** *Deuteronomy* **26,** 5-11. (See **Introduction**). **2** הַבְרִיךְ, engraft, sink, bend a branch of a vine into the soil to form roots and a new plant. **3** לְתוֹךְ in some editions. **4** To sum up, one brings the *first-fruits* only from such a tree that draws its nourishment wholly from the owner's soil. **5** רַבִּי in some editions. **6** His view is rejected. **7** כָּזֶה refers to דֶּרֶךְ הַיָּחִיד.

Mishnah 2

For what reason may one not bring?[1]—Because it is said,[2] *The choicest*[3] of the *first-fruits of thy land:* until the whole of the growth shall be[4] from *thy* land. Tenants who pay a part of the produce,[5] tenants who pay a fixed quantity of produce,[6] illegal occupants,[7] or a robber, may not bring for the same reason, because it is said, *The choicest*[3] *of the first-fruits of thy land.*

מִשְׁנָה ב

מֵאֵיזֶה טַעַם אֵינוֹ [1]מֵבִיא? מִשּׁוּם [2]שֶׁנֶּאֱמַר, [3]רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ, עַד [4]שֶׁיִּהוּ כָל־הַגִּדּוּלִין מֵאַדְמָתְךָ. [5]הָאֲרִיסִין, [6]וְהַחֲכִירוֹת, [7]וְהַסִּקְרִיקִין וְהַגַּזְלָן אֵין מְבִיאִין מֵאוֹתוֹ הַטַּעַם, מִשּׁוּם שֶׁנֶּאֱמַר, רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ.

**1** The בִּכּוּרִים first-fruits. **2** *Exodus* **23,** 19. **3** Or *The first.* **4** שֶׁיִּהְיוּ in some editions. **5** אָרִיס is a tenant who pays the owner a prearranged proportion of the produce. The tenancy is termed אֲרִיסוּת. **6** חָכִיר is a tenant who pays the owner a prearranged definite quantity of produce. The tenancy is termed חֲכִירוּת. **7** Or *assassins*, those who acquire land by force and under threat of violence.

Mishnah 3

*First-fruits* are brought[1] only from the seven kinds,[2] but not from the dates of the hill-country, or from the fruits[3] of the valleys, or from the oil-olives that are not[4] of the choicest.[5] *First-fruits* are not brought before[6] the Festival of Weeks.[7] The men of Mount Zeboim[8] brought their *first-fruits* before the Festival of Weeks, but they did not accept of them,[9] because of what is written in the Law,[10] *And the Festival of Harvest the first-fruits of thy labours, which thou sowest in the field.*

מִשְׁנָה ג

אֵין [1]מְבִיאִין בִּכּוּרִים חוּץ [2]מִשִּׁבְעַת הַמִּינִים, לֹא מִתְּמָרִים שֶׁבְּהָרִים, וְלֹא [3]מִפֵּירוֹת שֶׁבָּעֲמָקִים, וְלֹא מִזֵּיתֵי שֶׁמֶן [4]שֶׁאֵינָם מִן־[5]הַמּוּבְחָר. אֵין מְבִיאִין בִּכּוּרִים [6]קוֹדֶם [7]לָעֲצֶרֶת. אַנְשֵׁי הַר [8]צְבוֹעִים הֵבִיאוּ בִּכּוּרֵיהֶם קוֹדֶם לָעֲצֶרֶת, וְלֹא קִבְּלוּ [9]מֵהֶם, מִפְּנֵי הַכָּתוּב [10]שֶׁבַּתּוֹרָה, וְחַג הַקָּצִיר בִּכּוּרֵי מַעֲשֶׂיךָ אֲשֶׁר תִּזְרַע בַּשָּׂדֶה.

**1** Or מְבִיאִים in some texts. **2** Wheat, barley, grape, fig, pomegranate, olive and date or date-honey (see **Introduction** and 1[10]). **3** In the case of the four others. **4** שֶׁאֵינָן in some editions. **5** *i.e.*, not such olives that are thin-skinned and are split open by the rain letting the oil exude. **6** Because the שְׁתֵּי הַלֶּחֶם, *two loaves*,

which were also called בִּכּוּרִים had to be presented in the Temple as an introduction to the presentation of the *first-fruits*. **7** עֲצֶרֶת or שָׁבוּעוֹת, *Pentecost*. **8** Compare בִּכּוּרִים, 1[3], and חַלָּה, 4[10]. **9** Although, once brought, these *first-fruits* should have been accepted, they were nevertheless rejected in order not to encourage others to follow the example of these prominent men. **10** *Exodus* **23,** 16.

Mishnah 4

These may bring[1] but do not make the *declaration:* the proselyte[2] may bring but does not make the *declaration* because he can not say,[3] *Which the Eternal swore*[4] *to our ancestors to give unto us.* But if his mother were an Israelite, he may bring and make the *declaration.* And when he prays privately, he says,[5] *O God of the ancestors of Israel;* and when he is in the Synagogue, he says,[5] *O God of your ancestors;* and if his mother were an Israelite, he may say,[6] *O God of our ancestors.*[7]

מִשְׁנָה ד

אֵלּוּ [1]מְבִיאִין וְלֹא קוֹרִין; [2]הַגֵּר מֵבִיא וְאֵינוֹ קוֹרֵא שֶׁאֵינוֹ יָכוֹל לוֹמַר, [3]אֲשֶׁר [4]נִשְׁבַּע ה׳ לַאֲבוֹתֵינוּ לָתֶת לָנוּ. וְאִם הָיְתָה אִמּוֹ מִיִּשְׂרָאֵל, מֵבִיא וְקוֹרֵא. וּכְשֶׁהוּא מִתְפַּלֵּל בֵּינוֹ לְבֵין עַצְמוֹ, [5]אוֹמֵר, אֱלֹהֵי אֲבוֹת יִשְׂרָאֵל; וּכְשֶׁהוּא בְּבֵית הַכְּנֶסֶת, [5]אוֹמֵר, אֱלֹהֵי אֲבוֹתֵיכֶם; וְאִם הָיְתָה אִמּוֹ מִיִּשְׂרָאֵל, [6]אוֹמֵר, אֱלֹהֵי [7]אֲבוֹתֵינוּ.

**1** The *first-fruits*. **2** And also עֶבֶד מְשׁוּחְרָר, *a slave who has been freed*. According to the Rambam the ruling is not as in this *Mishnah*, but הַגֵּר מֵבִיא וְקוֹרֵא, *the proselyte may bring and he makes the declaration*. **3** *Deuteronomy* **26,** 3. **4** In some editions נִשְׁבַּעְתָּ, *Thou hast sworn*, instead of נִשְׁבַּע ה׳. **5** In the appropriate place instead of אֱלֹהֵי אֲבוֹתֵינוּ. **6** *i.e.*, without alteration. **7** The רַמְבַּם insists that there should be no discrimination against a proselyte at all: he considers every proselyte a spiritual descendant of Abraham.

Mishnah 5

R. Eliezer ben Jacob says, A woman who is an offspring of proselytes may not marry into the priesthood unless her mother was an Israelite: there is no difference whether she be of proselytes[1] or of freed slaves, even unto the tenth generation, unless her mother was an Israelite. A guardian,[2] an agent, a bondman,[3] a woman,[4] one of

מִשְׁנָה ה

רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר, אִשָּׁה בַּת גֵּרִים לֹא תִנָּשֵׂא לַכְּהוּנָּה עַד שֶׁתְּהֵא אִמָּהּ מִיִּשְׂרָאֵל: [1]אֶחָד גֵּרִים וְאֶחָד עֲבָדִים מְשׁוּחְרָרִים, וַאֲפִילוּ עַד עֲשָׂרָה דּוֹרוֹת, עַד שֶׁתְּהֵא אִמָּן מִיִּשְׂרָאֵל. [2]הָאֶפִּיטְרוֹפּוֹס, וְהַשָּׁלִיחַ,

[3]וְהָעֶבֶד׳ [4]וְהָאִשָּׁה׳ [5]וְטוּמְטוּם׳ [6]וְאַנְדְּרוֹגִינוֹס׳ [7]מְבִיאִין וְלֹא קוֹרִין׳ שֶׁאֵינָן יְכוֹלִין לוֹמַר׳ אֲשֶׁר נָתַתָּ לִי ה׳׳.

indeterminate sex,[5] or an hermaphrodite,[6] may bring[7] but do not make the *declaration*, for they are unable to say, *Which Thou, O Eternal, hast given unto me.*

**1** The daughter of a proselyte or freed slave, who married a proselyte or freed slave, may not be married to a כֹּהֵן,priest, but if the marriage took place it is not to be annulled; but if one of the party be a Jew or Jewess then the daughter may be married to a priest. **2** Who had been appointed by בֵּית דִּין or by the father of the orphans before his death. **3** An עֶבֶד כְּנַעֲנִי who had been given land on condition that his master had no claim on it. **4** Because the Land was divided out among the males and not the women. **5** Or *one whose genitals are concealed, one of unknown sex, one of doubtful sex.* **6** Or *a bisexual person, one possessing the characteristics of the male and female.* **7** The בִּכּוּרִים, *first-fruits.*

מִשְׁנָה ו

הַקּוֹנֶה שְׁתֵּי *אִילָנוֹת בְּתוֹךְ שֶׁל חֲבֵירוֹ׳ [1]מֵבִיא וְאֵינוֹ קוֹרֵא; רַבִּי [2]מֵאִיר אוֹמֵר׳ מֵבִיא וְקוֹרֵא׳ יָבֵשׁ הַמַּעְיָן׳ נִקְצַץ §הָאִילָן׳ מֵבִיא וְאֵינוֹ קוֹרֵא; רַבִּי [3]יְהוּדָה אוֹמֵר׳ מֵבִיא וְקוֹרֵא׳ [4]מֵעֲצֶרֶת וְעַד [5]הֶחָג מֵבִיא וְקוֹרֵא׳ מִן־הֶחָג וְעַד חֲנוּכָּה׳ מֵבִיא וְאֵינוֹ קוֹרֵא; רַבִּי [6]יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר׳ מֵבִיא וְקוֹרֵא׳

Mishnah 6

If one bought two trees in the property of his fellow he may bring[1] but does not make the *declaration;* R. Meir says,[2] He may bring and he makes the *declaration.* If the well be dried up or the tree(s) cut down, he may bring but does not make the *declaration;* R. Judah[3] says, He may bring and he makes the *declaration.* From the Festival of Weeks[4] until the Festival of Tabernacles[5] one may bring and make the *declaration.* From the Festival of Tabernacles until the Festival of Dedication one may bring but does not make the *declaration;* R. Judah says,[6] He may bring and he makes the *declaration.*

*Or אִלָּנוֹת.
§Or הָאִלָּן.

**1** The first-fruits, בִּכּוּרִים. **2** His view is not accepted. **3** His opinion is rejected. **4** עֲצֶרֶת or שָׁבוּעוֹת, *Pentecost.* **5** Or סֻכּוֹת. **6** His ruling is not accepted.

מִשְׁנָה ז

הִפְרִישׁ בִּכּוּרָיו׳ וּמָכַר שָׂדֵהוּ׳ מֵבִיא

Mishnah 7

If one separated his *first-fruits* and then sold his field, he may bring them but does not make the

וְאֵינוֹ קוֹרֵא. [1]וְהַשֵּׁנִי, מֵאוֹתוֹ הַמִּין אֵינוֹ מֵבִיא. מִמִּין אַחֵר [2]מֵבִיא וְקוֹרֵא. רַבִּי [3]יְהוּדָה אוֹמֵר, אַף מֵאוֹתוֹ הַמִּין [2]מֵבִיא וְקוֹרֵא.

*declaration.* And the other[1] does not bring of that kind of produce, but he brings[2] of another kind of produce and makes the *declaration;* R. Judah says,[3] He may bring[2] even of the same kind of produce and makes the *declaration.*

**1** Who bought that field. **2** As בִּכּוּרִים (first-fruits). **3** His view is rejected.

מִשְׁנָה ח

הִפְרִישׁ בִּכּוּרָיו, נִבְזְזוּ, נִמַּקּוּ, נִגְנְבוּ, [1]אָבְדוּ, אוֹ שֶׁנִּטְמְאוּ, [2]מֵבִיא אֲחֵרִים תַּחְתֵּיהֶם וְאֵינוֹ קוֹרֵא; וְהַשְּׁנִיִּים [3]אֵינָם חַיָּבִים עֲלֵיהֶם [4]חוֹמֶשׁ. נִטְמְאוּ בָעֲזָרָה, [5]נוֹפֵץ וְאֵינוֹ קוֹרֵא.

Mishnah 8

If a man separated his *first-fruits* and they were plundered, or decayed, or were stolen, or were lost, or became unclean, he may bring[2] others instead of them but does not make the *declaration;* and these substitutes are not subject[3] to the *added fifth.*[4] If they became unclean in the Temple Court, he must scatter them[5] and must not make the *declaration.*

**1** נֶאֱבְדוּ in some editions. **2** As first-fruits (בִּכּוּרִים). **3** If a non-priest ate of them. **4** *Leviticus* **22,** 14. Compare תְּרוּמוֹת 6[1] and בִּכּוּרִים 2[1]. This view is rejected. **5** The fruits are scattered from the basket and the basket belongs to the כֹּהֵן (priest), but he does not have to replace the unclean fruits with others.

מִשְׁנָה ט

וּמִנַּיִן שֶׁהוּא חַיָּב [1]בְּאַחֲרָיוּתָן עַד [2]שֶׁיָּבִיא לְהַר הַבַּיִת? [3]שֶׁנֶּאֱמַר, רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ תָּבִיא בֵּית ה׳ אֱלֹהֶיךָ, מְלַמֵּד שֶׁחַיָּיב [4]בְּאַחֲרָיוּתָם עַד [5]שֶׁיָּבִיא לְהַר הַבַּיִת. הֲרֵי שֶׁהֵבִיא [6]מִמִּין אֶחָד וְקָרָא, וְחָזַר וְהֵבִיא [6]מִמִּין אַחֵר אֵינוֹ קוֹרֵא.

Mishnah 9

And whence do we know that one is responsible for them[1] until he brings[2] them to the Temple Mount? Because it is said,[3] *The choicest of the first-fruits of thy land thou shalt bring unto the house of the Eternal thy God,* which teaches that one is answerable for them[4] until he shall bring them[5] to the Temple Mount. If one brought of one kind[6] and made the *declaration* and then brought of another kind[6], he may not again make the *declaration.*

**1** For loss. **2** The *first-fruits*. **3** *Exodus* **23,** 19. רֵאשִׁית, *the first of, the choicest of*. **4** For the *first-fruits*. **5** שֶׁיְּבִיאֵם in some editions. The first-fruits. **6** Of first-fruits.

Mishnah 10

מִשְׁנָה י

And these may bring[1] and make the *declaration*, from[2] the Festival of Weeks[3] until the Festival of Tabernacles,[4] from the seven kinds,[5] from the fruits[2] of the hill country, from the dates[2] that are from the valleys, and from the oil-olives.[2] From the other side of the Jordan: R. Jose the Galilean says,[6] 'They may not bring *first-fruits* from across the Jordan, for it is not *a land flowing with milk and honey*.

וְאֵלּוּ [1]מְבִיאִין וְקוֹרִין, [2]מִן־[3]הָעֲצֶרֶת וְעַד [4]הֶחָג, [5]מִשִּׁבְעַת הַמִּינִים, [2]מִפֵּירוֹת שֶׁבֶּהָרִים, [2]מִתְּמָרוֹת שֶׁבָּעֲמָקִים, [2]וּמִזֵּיתֵי שֶׁמֶן. מֵעֵבֶר הַיַּרְדֵּן, רַבִּי [6]יוֹסֵי הַגְּלִילִי אוֹמֵר, אֵין מְבִיאִין בִּכּוּרִים מֵעֵבֶר הַיַּרְדֵּן, שֶׁאֵינָהּ אֶרֶץ זָבַת חָלָב וּדְבָשׁ.

**1** The בִּכּוּרִים, first-fruits. **2** *i.e.*, 'those that bring first fruits from . . . .' **3** Or שָׁבוּעוֹת, *Pentecost*. **4** Or סֻכּוֹת. To the end of the Festival. **5** *i.e.*, 'those that bring from the seven kinds: wheat, barley, grape, olive, fig, pomegranate, and dates or date-honey' (see **Introduction** and 1[3]). **6** His view is not accepted.

Mishnah 11

מִשְׁנָה יא

If one buy three trees on his fellow's property he brings[1] and makes the *declaration*. R. Meir says,[2] Even two.[3] If one bought a tree and its soil, he brings and makes the *declaration*. R. Judah[4] says, Even tenants who pay a part of the produce and tenants who pay fixed quantity of produce[5] bring and make the *declaration*.

הַקּוֹנֶה שְׁלֹשָׁה אִילָנוֹת בְּתוֹךְ שֶׁל חֲבֵרוֹ [1]מֵבִיא וְקוֹרֵא. רַבִּי [2]מֵאִיר אוֹמֵר, [3]אֲפִילוּ שְׁנַיִם. קָנָה אִילָן וְקַרְקָעוֹ מֵבִיא וְקוֹרֵא. רַבִּי [4]יְהוּדָה אוֹמֵר, אַף בַּעֲלֵי [5]אֲרִיסוּת וַחֲכִירוּת מְבִיאִין וְקוֹרִין.

**1** The בִּכּוּרִים (*first-fruits*) because the soil is implied in the purchase. **2** His opinion is rejected. **3** Even in the case of two trees. **4** His view is not accepted. **5** See *Mishnah* 2, **Notes 4, 5,** of this **Chapter.**

## CHAPTER 2 — פֶּרֶק ב

Mishnah 1

מִשְׁנָה א

For *priest's-due* and *first-fruits* people[1] are liable to the death penalty[2] and to the *added fifth*;[3]

הַתְּרוּמָה וְהַבִּכּוּרִים [1]חַיָּבִים עֲלֵיהֶן

[2]מִיתָה [3]וְחוֹמֶשׁ, וַאֲסוּרִים לְזָרִים,
וְהֵם [4]נִכְסֵי כֹהֵן, וְעוֹלִין [5]בְּאֶחָד
וּמֵאָה, וּטְעוּנִין רְחִיצַת יָדַיִם,
[6]וְהַעֲרֵב שֶׁמֶשׁ. הֲרֵי אֵלּוּ בִתְרוּמָה
וּבְכוּרִים, מַה־שֶּׁאֵין כֵּן [7]בְּמַעֲשֵׂר.

they are forbidden to non-priests; they are the property[4] of the priest; they are neutralized one in a hundred;[5] they require the washing of the hands, and the arrival of sundown.[6] These apply to *priest's-due* and *first-fruits* but not in the case of *tithe*.[7]

**1** Non-priests who eat of these wantonly. **2** מִיתָה בִּידֵי שָׁמַיִם, death at the hand of heaven. **3** A non-priest who eats of them in error must repay their value plus 20 per cent of the value which represents a חֹמֶשׁ מִלְּבַד, one-fifth of the total repayment. **4** Compare 3[12]. The כֹּהֵן may not buy with them even things not for eating or drinking or anointing. **5** See תְּרוּמוֹת, 4[7]. **6** A priest who recovers from uncleanness must have the ritual bath and await sunset before partaking of the holy things. **7** מַעֲשֵׂר שֵׁנִי (second-tithe).

מִשְׁנָה ב

יֵשׁ [1]בְּמַעֲשֵׂר [2]וּבְכוּרִים מַה־שֶּׁאֵין כֵּן
בִּתְרוּמָה; שֶׁהַמַּעֲשֵׂר וְהַבְּכוּרִים
טְעוּנִים הֲבָאַת [3]מָקוֹם, וּטְעוּנִים
[4]יְדוּי, וַאֲסוּרִין [5]לְאוֹנֵן, רַבִּי [6]שִׁמְעוֹן
[7]מַתִּיר, וְחַיָּבִין [8]בְּבִיעוּר, וְרַבִּי
[6]שִׁמְעוֹן [9]פּוֹטֵר, [10]וַאֲסוּרִין כָּל־שֶׁהֵן
מִלֶּאֱכוֹל בִּירוּשָׁלַיִם, [11]וְגִדּוּלֵיהֶן
אֲסוּרִים מִלֶּאֱכוֹל בִּירוּשָׁלַיִם אַף
[12]לְזָרִים וְלִבְהֵמָה, [13]וְרַבִּי [6]שִׁמְעוֹן
מַתִּיר. הֲרֵי אֵלּוּ בַמַּעֲשֵׂר וּבְבְכוּרִים
מַה־שֶּׁאֵין כֵּן בִּתְרוּמָה.

Mishnah 2

There are rules that apply to *tithe*[1] and *first-fruits*[2] but not to *priest's-due; tithe* and *first fruits* must be brought to the Place[3] and require *confession*,[4] and are forbidden to a mourner[5]—but R. Simon[6] permits[7]—and they are liable to the law of *removal*[8]—but R. Simon[6] exempts[9]—and they are forbidden[10] to be consumed [if mixed] in any quantity whatever in Jerusalem, and what grows from them[11] is forbidden to be eaten [outside] in Jerusalem by non-priests[12] and cattle, but R.[13] Simon[6] permits this. These are rules that apply to *tithe* and to *first-fruits* but not to *priest's-due*.

**1** מַעֲשֵׂר שֵׁנִי (second tithe). **2** וּבְבְכוּרִים in some editions. **3** Jerusalem. **4** Or וִדּוּי. **5** אוֹנֵן, mourner before burial; אָבֵל, mourner after burial. *Deuteronomy* **26,** 14. **6** His opinions in this *Mishnah* are rejected. **7** First-fruits. **8** See מַעֲשֵׂר שֵׁנִי, 5[6]. They have to be cleared away (בִּעוּר) in the 4th and 6th years of the seven-year cycle. **9** בְּכוּרִים (first-fruits). **10** *i.e.*, if *in Jerusalem* they were mixed with חוּלִין they can not be neutralized however great the quantity of חוּלִין

may be. **11** *viz.*, from fruits mingled with *first-fruits*. **12** 'by non-priests' refers to *first-fruits*, and 'cattle' refers to *second-tithe*. **13** רַבִּי in some editions.

Mishnah 3

מִשְׁנָה ג

יֵשׁ בִּתְרוּמָה [1]וּמַעֲשֵׂר מַה־שֶּׁאֵין כֵּן בְּבִכּוּרִים, שֶׁהַתְּרוּמָה וְהַמַּעֲשֵׂר אוֹסְרִין אֶת־[2]הַגֹּרֶן, וְיֵשׁ לָהֶם [3]שִׁעוּר, וְנוֹהֲגִים [4]בְּכָל הַפֵּירוֹת, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, [5]וּבָאֲרִיסִין וּבַחֲכִירוּת, וּבַסִּקְרִיקוֹן, [6]וּבַגַּזְלָן. הֲרֵי אֵלּוּ בִתְרוּמָה וּבְמַעֲשֵׂר, מַה־שֶּׁאֵין כֵּן בְּבִכּוּרִים.

There are rules that apply to *priest's-due* and *tithe*[1] but not to *first-fruits:* for *priest's-due* and *tithe* forbid what is on the barn-floor;[2] and they have a definite prescribed quantity;[3] and they must be followed in the case of all[4] produce whether the Temple exists or not, and by tenants who pay a portion of the produce[5] and tenants who pay a fixed quantity of produce,[5] and by an illegal tenant,[6] and by the robber. These are rules that apply to *priest's-due* and to *tithe* but not to *first-fruits*.

**1** מַעֲשֵׂר שֵׁנִי (second tithe). **2** Or *threshing floor*. תְּרוּמוֹת, *priest's-dues*, and מַעֲשְׂרוֹת, *tithes*, must first be separated before the owner may eat of the produce. **3** See פֵּאָה 1[1], תְּרוּמוֹת 4[3]. There is no prescribed limit to the quantity one gives as first-fruits neither, מִדְּאוֹרַיְתָא (or מִן־הַתּוֹרָה) as ordained by the Law, nor מִדְּרַבָּנָן, as instituted by the Rabbis. **4** This is only מִדְּרַבָּנָן (or מִדִּבְרֵי סוֹפְרִים), while מִדְּאוֹרַיְתָא only for דָּגָן (corn), תִּירוֹשׁ (wine), and יִצְהָר (oil). But in the case of בִּכּוּרִים even מִדְּרַבָּנָן only from the seven kinds (see **Introduction** and 1[10]). **5** See 1[2], **Notes 4, 5.** **6** Compare תְּרוּמוֹת 1[1]; מַעֲשֵׂר שֵׁנִי 5[14]; בִּכּוּרִים 1[2].

Mishnah 4

מִשְׁנָה ד

וְיֵשׁ בְּבִכּוּרִים מַה־שֶּׁאֵין כֵּן בִּתְרוּמָה [1]וּבְמַעֲשֵׂר, שֶׁהַבִּכּוּרִים [2]נִקְנִין [3]בַּמְּחוּבָּר לַקַּרְקַע, וְעוֹשֶׂה אָדָם כָּל־שֶׁדֵּהוּ בִּכּוּרִים, [4]וְחַיָּיב בְּאַחֲרָיוּתָם, וּטְעוּנִים [5]קָרְבָּן, [6]וְשִׁיר, [7]וּתְנוּפָה, [8]וְלִינָה.

And there are rules that apply to *first-fruits* but not to *priest's-due* and to *tithe*:[1] for *first-fruits* may be acquired[2] while still not gathered[2], and a man may convert his whole field into *first-fruits*,[3] and he is responsible[4] for them, and they require a (*peace-*)*offering*,[5] and singing,[6] and waving[7] and lodging over night.[8]

**1** מַעֲשֵׂר שֵׁנִי (second tithe). **2** Literally, *bought*. **3** Or בַּמְּחֻבָּר. See 3[1]. Literally, *while still joined to the soil*. One may dedicate the whole of his fruits as *first-fruits*. **4** Until they are brought to the Temple Mount. **5** See 3[3]. But the

absence of שְׁלָמִים does not invalidate the *first-fruits*. **6** See 3[4]. **7** See 3[6]. **8** In Jerusalem (*Deuteronomy* **16,** 7) the night following their bringing in.

Mishnah 5

*Priest's-due of first-tithe*[1] is like to *first-fruits* in two ways, and to *priest's-due*[2] in two ways: it may be taken from what is clean for what is unclean, and need not be in contact during the separation,[3] like *first-fruits;* and it forbids[4] what is on the barn-floor,[5] and it has a definite prescribed amount, like *priest's-due.*

מִשְׁנָה ה

[1]תְּרוּמַת מַעֲשֵׂר שָׁוָה לְבִכּוּרִים בִּשְׁתֵּי דְרָכִים, [2]וְלִתְרוּמָה בִּשְׁתֵּי דְרָכִים, נִטֶּלֶת מִן־הַטָּהוֹר עַל הַטָּמֵא, וְשֶׁלֹּא מִן־[3]הַמּוּקָף כְּבִכּוּרִים; [4]וְאוֹסֶרֶת אֶת־[5]הַגֹּרֶן, וְיֵשׁ לָהּ שִׁיעוּר, כִּתְרוּמָה.

**1** Or תְּרוּמָה קְטַנָּה, *priest's-lesser-due*, one tenth of מַעֲשֵׂר רִאשׁוֹן, *first-tithe*, which the לֵוִי, *Levite*, has to separate for the כֹּהֵן, *priest* (see בְּכוֹרוֹת 1[1] **Note 5**). **2** Or תְּרוּמָה גְדוֹלָה, *priest's-major-due* (one in fifty parts). **3** Or הַמָּקָף. See תְּרוּמוֹת 2[1], חַלָּה 1[9]. **4** Before the separation of the תְּרוּמַת מַעֲשֵׂר. **5** Or *threshing-floor.*

Mishnah 6

The citron tree is like to a tree in three things but to a vegetable in one thing. It is like to a tree in regard to *Orlah*, to the *fourth-year planting* and to the *Sabbatical Year;* and like to a vegetable in one thing, in the season of its gathering is the time for its tithing;[1] this is the view of Rabban Gamaliel.[2] R. Eliezer[3] says, It is like to a tree in every respect.

מִשְׁנָה ו

אֶתְרוֹג שָׁוֶה לְאִילָן בִּשְׁלֹשָׁה דְרָכִים, וּלְיֶרֶק בְּדֶרֶךְ אֶחָד. שָׁוֶה לְאִילָן בְּעָרְלָה, וּבִרְבָעִי, וּבַשְּׁבִיעִית, וּלְיֶרֶק בְּדֶרֶךְ אֶחָד, שֶׁבִּשְׁעַת לְקִיטָתוֹ [1]עִשּׂוּרוֹ, דִּבְרֵי רַבָּן [2]גַּמְלִיאֵל. רַבִּי [3]אֱלִיעֶזֶר אוֹמֵר, שָׁוֶה לְאִילָן בְּכָל דָּבָר.

**1** Compare שְׁבִיעִית 4[7]. **2** His view is accepted. **3** His opinion is rejected.

Mishnah 7

The blood of bipeds[1] is like to the blood of cattle in that it renders seeds susceptible;[2] and like to the blood of creeping things[3] in that one does not become culpable[4] because of it.

מִשְׁנָה ז

דַּם [1]מְהַלְּכֵי שְׁתַּיִם שָׁוֶה לְדַם בְּהֵמָה, [2]לְהַכְשִׁיר אֶת־הַזְּרָעִים; וְדַם [3]הַשֶּׁרֶץ אֵין [4]חַיָּבִין עָלָיו.

**1** *i.e.*, human beings. **2** To טוּמְאָה (uncleanness). *Leviticus* **11,** 34. **3** Or

*reptiles*. *Leviticus* **7,** 26; **11,** 29. **4** If one eats the blood of a reptile he is not subject to the penalty of כָּרֵת (excision).

Mishnah 8

מִשְׁנָה ח

The wild-ram[1] is in some ways like to a wild animal and in some ways like to cattle, and it is in some ways like to both cattle[2] and a wild animal; and in some ways it is like to neither[3] cattle nor to a wild animal.

[1]כּוֹי יֵשׁ בּוֹ דְּרָכִים *שֶׁוֶה לְחַיָּה וְיֵשׁ בּוֹ דְּרָכִים שֶׁוֶה לִבְהֵמָה, וְיֵשׁ בּוֹ דְּרָכִים שֶׁוֶה [2]לִבְהֵמָה וּלְחַיָּה, וְיֵשׁ בּוֹ דְּרָכִים שֶׁאֵינוֹ שֶׁוֶה [3]לֹא לִבְהֵמָה וְלֹא לְחַיָּה.

**1** It is uncertain what creature this refers to, *antelope*, or *bearded deer*, or offspring of a goat and a gazelle, and whether it is to be dealt with as a wild animal or domestic beast, hence strict rulings apply to it. **2** לְחַיָּה וְלִבְהֵמָה in some editions. **3** לֹא לְחַיָּה וְלֹא לִבְהֵמָה in some editions.* See next *Mishnah*.

Mishnah 9

מִשְׁנָה ט

In what manner is it like to a wild animal?—Its blood requires covering up[1] like the blood of a wild animal; it may not be slaughtered on a Holyday,[2] but if it be slaughtered, its blood is not to be covered up; its fat[3] conveys the uncleanness[4] of carrion like a wild animal, but its own uncleanness is in doubt,[5] and the firstling of an ass can not be redeemed with it.[6]

כֵּיצַד שֶׁוֶה לְחַיָּה? דָּמוֹ טָעוּן [1]כִּסּוּי כְּדַם חַיָּה, וְאֵין שׁוֹחֲטִין אוֹתוֹ [2]בְּיוֹם טוֹב, וְאִם שְׁחָטוֹ אֵין מְכַסִּין אֶת־דָּמוֹ, [3]וְחֶלְבּוֹ מְטַמֵּא [4]בְּטוּמְאַת נְבֵלָה כְּחַיָּה, וְטוּמְאָתוֹ [5]בְּסָפֵק, וְאֵין פּוֹדִין [6]בּוֹ פֶּטֶר חֲמוֹר.*

*Continued in next *Mishnah*.

**1** *Leviticus* **17,** 13. **2** Or *Festival day*. **3** If it died. The חֵלֶב בְּהֵמָה טְהוֹרָה is טָהוֹר, clean. **4** *Leviticus* **7,** 24. **5** For if it be like a בְּהֵמָה, it is טָהוֹר, and if like a חַיָּה, it is טָמֵא. **6** *Exodus* **32,** 19, 20.

Mishnah 10

מִשְׁנָה י

In what way is it like to cattle?—Its fat is forbidden[1] like the fat of cattle, and one is not liable[2] to extirpation[3] because of it; it may not be bought with *tithe* money to be consumed in Jerusalem;[4] and it is subject[5] to the shoulder and the cheeks and maw. But R. Eliezer[6] exempts, since the proof is on him who demands from his fellow.[7]

כֵּיצַד שֶׁוֶה לִבְהֵמָה? חֶלְבּוֹ [1]אָסוּר כְּחֶלֶב בְּהֵמָה, וְאֵין [2]חַיָּבִין עָלָיו [3]כָּרֵת, וְאֵינוֹ נִלְקָח בְּכֶסֶף מַעֲשֵׂר לֶאֱכֹל [4]בִּירוּשָׁלַיִם; [5]וְחַיָּב בִּזְרֹעַ וּלְחָיַיִם וְקֵבָה. רַבִּי [6]אֱלִיעֶזֶר פּוֹטֵר, שֶׁהַמּוֹצִיא מֵחֲבֵרוֹ עָלָיו [7]הָרְאָיָה.*

*Concluded in next *Mishnah*.

**1** To be eaten (but one is exempt from מַלְקוֹת, *stripes*, and the *sin-offering* if transgressing). **2** חַיָּבִים in some editions. **3** See 2[1]. **4** *Deuteronomy* **18,** 2. These are priest's dues. **5** A חַיָּה can not be brought as a sacrifice, while a בְּהֵמָה must not be slaughtered in Jerusalem except as a sacrifice. The doubtful כּוֹי cannot therefore be used either way. **6** His view is accepted, seeing that the creature might be a חַיָּה and not a בְּהֵמָה. **7** *i.e.*, the כֹּהֵן (priest) who demands the shoulders, cheeks and maw must bring proof that it is a בְּהֵמָה and not a חַיָּה.

Mishnah 11

How is it like neither to an animal or to cattle?—It is forbidden because of *forbidden-junction*[1] with a wild animal or with cattle; if one have assigned his wild animal or his cattle to his son, he hasnot thereby assigned to him the wild ram. If one said, 'May I be a *nazirite* if this be a wild animal or cattle',[2] then he is a *nazarite*. And in all other things it is like both to a wild animal and to cattle; it requires slaughtering[3] like both; and it conveys uncleanness as carrion[4] and as the limb[5] of a living creature, like them both.

מִשְׁנָה יא

כֵּיצַד אֵינוֹ שָׁוֶה לֹא לְחַיָּה וְלֹא לִבְהֵמָה? אָסוּר מִשּׁוּם [1]כִּלְאַיִם עִם הַחַיָּה וְעִם הַבְּהֵמָה; הַכּוֹתֵב חַיָּתוֹ וּבְהֶמְתּוֹ לִבְנוֹ, לֹא כָתַב לוֹ אֶת־הַכּוֹי. אִם אָמַר, הֲרֵינִי נָזִיר שֶׁזֶּה [2]חַיָּה אוֹ בְהֵמָה, הֲרֵי הוּא נָזִיר. וּשְׁאָר כָּל־דְּרָכָיו שָׁוִים לְחַיָּה וְלִבְהֵמָה, וְטָעוּן [3]שְׁחִיטָה כָּזֶה וְכָזֶה, וּמְטַמֵּא מִשּׁוּם [4]נְבֵלָה, וּמִשּׁוּם [5]אֵבֶר מִן־הַחַי כָּזֶה וְכָזֶה.

**1** See כִּלְאַיִם, **Introduction;** 1[6]; 8[4]. It is forbidden to yoke it or to mate it with any other species of חַיָּה or בְּהֵמָה. **2** *i.e.*, whether he said צַל מִנַּת שֶׁזֶּה חַיָּה אוֹ בְהֵמָה, or שֶׁזֶּה חַיָּה וּבְהֵמָה, or שֶׁזֶּה אֵינוֹ לֹא חַיָּה וְלֹא בְהֵמָה. **3** For food. **4** *Leviticus* **11,** 8. **5** A part cut off from a living animal. See חוּלִין, 101 lb; אָהֳלוֹת, 2[1].

## CHAPTER 3

## פֶּרֶק ג

Mishnah 1

How do they separate the *first-fruits?*—When a man descends into his field and sees a fig which has begun to ripen early,[1] or a cluster of grapes that has begun to ripen, or a pomegranate[2] that has begun to ripen, he ties it round with reed-grass[3] and says, 'Behold, these are *first-fruits*.' R.[4] Simon[5] says,

מִשְׁנָה א

כֵּיצַד מַפְרִישִׁין הַבִּכּוּרִים? יוֹרֵד אָדָם בְּתוֹךְ שָׂדֵהוּ וְרוֹאֶה תְּאֵנָה [1]שֶׁבִּכְּרָה, אֶשְׁכּוֹל שֶׁבִּכֵּר, [2]רִמּוֹן שֶׁבִּכֵּר, קוֹשְׁרוֹ [3]בְּגֹמִי, וְאוֹמֵר, הֲרֵי אֵלּוּ בִּכּוּרִים. [4]רַבִּי [5]שִׁמְעוֹן אוֹמֵר,

אַף עַל פִּי כֵן חוֹזֵר וְקוֹרֵא אוֹתָם בִּכּוּרִים מֵאַחַר שֶׁיִּתָּלְשׁוּ מִן־הַקַּרְקַע.

Nevertheless, he should again declare them *first-fruits* after they have been plucked from the soil.

**1** Even if in each case the fruit has not yet ripened because at the time of separation this condition is not required to be satisfied but only when the fruits are brought into Jerusalem (*Deuteronomy* **26,** 10). **2** Or any of the others of the seven kinds. (See **Introduction** and 1[10]). **3** Or *bulrush.* **4** וְרַבִּי in some editions. **5** His opinion is not accepted.

מִשְׁנָה ב

כֵּיצַד [1]מַעֲלִין אֶת־הַבִּכּוּרִים? כָּל־[2]הָעֲיָרוֹת שֶׁבַּמַּעֲמָד מִתְכַּנְּסוֹת [4]לָעִיר שֶׁל מַעֲמָד, וְלָנִין בִּרְחוֹבָהּ שֶׁל עִיר, וְלֹא הָיוּ נִכְנָסִין לְבָתִּים; [5]וּלְמַשְׁכִּים הָיָה [6]הַמְּמוּנֶה אוֹמֵר, [7]קוּמוּ וְנַעֲלֶה צִיּוֹן אֶל־בֵּית ה׳ אֱלֹהֵינוּ.

Mishnah 2

How do they take up[1] the *first-fruits?*—All the smaller towns[2] of the *Maamad*[3] assembled in the town[4] of the *Maamad* and lodged for the night in the street of the town and did not enter the houses; and early in the morning[5] the leader[6] would say, *Arise,*[7] *and let us go up unto Zion unto the House of the Eternal our God.*[7]

**1** To Jeruslaem. **2** *i.e.*, the men of. **3** The people were divided into 24 divisions. The כֹּהֲנִים and לְוִיִּים in each formed a מִשְׁמָר, *guard*, to be on Temple duty a full week every half year; and the remaining weeks which occured on פֶּסַח, שָׁבוּעוֹת and סֻכּוֹת were served by all the divisions, as all males had to be present. Each מִשְׁמָר was further subdivided into seven sections each taking one day's service of the week in turn. Each מִשְׁמָר was accompanied by representative laymen called אַנְשֵׁי מַעֲמָד to stand by and recite prayers during the sacrificial ceremonies. Each party of the אַנְשֵׁי מִשְׁמָר and the אַנְשֵׁי מַעֲמָד was termed אַנְשֵׁי בֵּית אָב (the two first terms were frequently interchanged or confused). **4** לְעִירוֹ in some editions. **5** Or 'and to those who rose early.' **6** Or הַמְּמֻנֶּה. The appointed head of the מַעֲמָד. **7** *Jeremiah* **31,** 6.

מִשְׁנָה ג

הַקְּרוֹבִים [1]מְבִיאִים [2]הַתְּאֵנִים וְהָעֲנָבִים, וְהָרְחוֹקִים מְבִיאִים [3]גְּרוֹגְרוֹת וְצִמּוּקִים. [4]וְהַשּׁוֹר הוֹלֵךְ

Mishnah 3

Those that were near brought[1] figs and grapes,[2] and they who were far away brought dried figs and raisins.[3] And an ox[4] went before them with its horns overlaid[5] with gold and a crown[6] of olive leaves

לִפְנֵיהֶם וְקִרְנָיו [5]מְצוּפוֹת זָהָב
[6]וַעֲטֶרֶת שֶׁל זַיִת בְּרֹאשׁוֹ. §[7]הֶחָלִיל
מַכֶּה לִפְנֵיהֶם, עַד [8]שֶׁהִגִּיעוּ קָרוֹב
לִירוּשָׁלַיִם. הִגִּיעוּ קָרוֹב לִירוּשָׁלַיִם
שָׁלְחוּ לִפְנֵיהֶם וְעִטְּרוּ אֶת־
בְּכוּרֵיהֶם. [9]הַפַּחוֹת הַסְּגָנִים
*וְהַגִּזְבָּרִים יוֹצְאִים לִקְרָאתָם. [10]לְפִי
כְּבוֹד הַנִּכְנָסִים הָיוּ [11]יוֹצְאִים. וְכָל־
בַּעֲלֵי אוּמָנִיּוֹת שֶׁבִּירוּשָׁלַיִם עוֹמְדִים
[12]לִפְנֵיהֶם [13]וְשׁוֹאֲלִין בִּשְׁלוֹמָם,
אַחֵינוּ אַנְשֵׁי הַמָּקוֹם פְּלוֹנִי, בָּאתֶם
לְשָׁלוֹם.

on its head. The flute§ played[7] before them until they drew near close to Jerusalem. When they had arrived[8] near to Jerusalem they sent messengers before them, and they adorned their *first-fruits*. The governors,[9] the chiefs and the treasurers* went out to meet them. According to the rank[10] of those that came in they used to go forth.[11] And all the craftsmen in Jerusalem stood before them[12] and greeted them,[13] *Bretheren of such-and-such a place, be welcome*!

§Or *fife*. הֶחָלִיל frequently refers to *the music in a procession* or to the *fluters* (or *flutists*); (compare עֲרֵכִין 2[3]).
*Of the Temple.

**1** As *first-fruits* to Jerusalem. **2** Because these would not be spoiled on a short journey. **3** Since these would outlast a long journey. **4** For a *peace-offering*. **5** Or מְצֻפּוֹת. **6** וַעֲטָרָה in some editions. **7** On the journey they recited *Psalms* **120-134**. **8** שֶׁמַּגִּיעִים in some editions. **9** All of the Temple. פֶּחָה, *grandee*, *governor*, *ruler*, *i.e.*, the priestly wardens. סָגָן, *chief*, *vice-governor*, *i.e.*, the Levitical warden. **10** According to some opinions this means that the number of persons that went out to meet the arrivals depended on the number of the latter. **11** All important persons. **12** מִפְּנֵיהֶם in some editions. **13** Literally, *and asked after their welfare*.

## Mishnah 4

מִשְׁנָה ד

*הֶחָלִיל מַכֶּה לִפְנֵיהֶם עַד [1]שֶׁמַּגִּיעִין
[2]לְהַר הַבַּיִת. הִגִּיעוּ לְהַר הַבַּיִת,
אֲפִילוּ אַגְרִיפַּס הַמֶּלֶךְ נוֹטֵל הַסַּל
עַל כְּתֵפוֹ וְנִכְנַס עַד [3]שֶׁמַּגִּיעַ לָעֲזָרָה.
הִגִּיעַ לָעֲזָרָה, וְדִבְּרוּ הַלְוִיִּים [4]בַּשִּׁיר,
אֲרוֹמִמְךָ ה׳ כִּי דִלִּיתָנִי וְלֹא
שִׂמַּחְתָּ אוֹיְבַי לִי.

Mishnah 4

The flute played before them until they arrived[1] at the Temple Mount.[2] When they reached the Temple Mount even Agrippa the king would set his basket upon his shoulder and go in until he reached[3] the Temple Court. When the Temple Court was reached the Levites sang the hymn,[4] *I will extol Thee, O Eternal, for Thou hast raised me up and Thou hast not made my enemies to rejoice over me.*

*See preceding *Mishnah* (§).

**1** Before the Temple Mount was reached anyone might carry the baskets of *first-fruits*, but afterwards the owner himself had to carry his basket (because of the term מִיָּדֶךָ in *Deuteronomy* **26,** 4). **2** Or *the Temple*. **3** *Psalm* **150** is chanted before arriving at the Temple Court. **4** *Psalm* **30.**

Mishnah 5

מִשְׁנָה ה

הַגּוֹזָלוֹת [1]שֶׁעַל גַּבֵּי הַסַּלִּים הָיוּ עוֹלוֹת, [2]וּמַה־שֶּׁבְּיָדָם נוֹתְנִים לַכֹּהֲנִים.

The pigeons that were hung at the back of[1] the baskets were for *burnt-offerings*, and what[2] was in their hands they gave up to the priests.

**1** Not literally *upon the baskets* or *above the baskets*, for in that case the birds would have defiled the *first-fruits*. **2** Any other pigeons that were brought had to be given to the priests outside the Temple Court before entry. According to some opinions this refers, not to the birds, but to the *first-fruits*.

Mishnah 6

מִשְׁנָה ו

[1]עוֹדֶהוּ הַסַּל עַל כְּתֵפוֹ, [2]קוֹרֵא מֵהַגַּדְתִּי הַיּוֹם לַה׳ אֱלֹהֶיךָ עַד *שֶׁגּוֹמֵר כָּל־הַפָּרָשָׁה. רַבִּי [3]יְהוּדָה אוֹמֵר, עַד [4]אֲרַמִּי אוֹבֵד אָבִי. הִגִּיעַ לָאֲרַמִּי אוֹבֵד אָבִי, מוֹרִיד הַסַּל מֵעַל כְּתֵפוֹ וְאוֹחֲזוֹ בְּשִׂפְתוֹתָיו. וְכֹהֵן [5]מֵנִיחַ יָדוֹ תַּחְתָּיו, [6]וּמְנִיפוֹ, וְקוֹרֵא מֵאֲרַמִּי אוֹבֵד אָבִי עַד שֶׁהוּא *גּוֹמֵר כָּל־הַפָּרָשָׁה. [7]וּמֵנִיחוֹ בְּצַד הַמִּזְבֵּחַ וְהִשְׁתַּחֲוָה וְיָצָא.

While the basket was still on his[1] shoulder he would recite[2] from *I profess this day unto the Eternal thy God* until he finished* all the passage. R. Judah says,[3] Until [he reaches] *An Aramean a wanderer was my father*.[4] When he reached *An Aramean a wanderer was my father* he set down the basket from off his shoulder and held it by its rim. And the priest would place[5] his hand under it and wave[6] it, and would read from *An Aramean a wanderer was my father* until he completed* the whole passage. And then he would set it[7] by the side of the Altar, and prostrated himself and went out.

*Literally in the *present tense*.

**1** The carrier draws near to the Altar. **2** *Deuteronomy* **26,** 3. **3** His opinion is not accepted. **4** *Deuteronomy* **26,** 5, and **Introduction**. **5** Or מַנִּיחַ. **6** He moves it to and fro and up and down. **7** Or וּמַנִּיחוֹ. The owner sets down the basket at the south-western corner of the Altar, prostrates himself towards the Holy of Holies and makes his exit, staying overnight in Jerusalem.

Mishnah 7

Originally all who knew how to recite[1] recited, but anyone who did not know how to recite they recited with him.[2] But they refrained[3] from bringing—it was ordained that all should be[4] made to repeat whether they could recite or whether they were unable to recite.

מִשְׁנָה ז

בָּרִאשׁוֹנָה, כָּל־מִי שֶׁיּוֹדֵעַ [1]לִקְרוֹת קוֹרֵא, וְכָל־מִי שֶׁאֵינוֹ יוֹדֵעַ לִקְרוֹת [2]מַקְרִין אוֹתוֹ. [3]נִמְנְעוּ מִלְּהָבִיא; הִתְקִינוּ [4]שֶׁיִּהְיוּ מַקְרִין אֶת־מִי שֶׁיּוֹדֵעַ, וְאֶת־מִי שֶׁאֵינוֹ יוֹדֵעַ.

**1** Who knew the prescribed words. **2** The priest recited the words and the donor repeated them after him. **3** Those unable to recite without help were ashamed to bring the first-fruits. **4** שֶׁיְּהוּ in some editions.

Mishnah 8

The well-to-do used to bring their *first-fruits* in baskets[1] overlaid with silver and gold, and the poor used to bring[2] them in wicker[4] baskets[3] of peeled willow branches. Both the baskets[5] and the *first-fruits* were given[6] to the priests.

מִשְׁנָה ח

הָעֲשִׁירִים מְבִיאִים בְּכוּרֵיהֶם [1]בְּקַלְּתוֹת שֶׁל כֶּסֶף וְשֶׁל זָהָב, וְהָעֲנִיִּים [2]מְבִיאִין אוֹתָם [3]מִסַּלֵּי [4]נְצָרִים שֶׁל עֲרָבָה קְלוּפָה. [5] וְהַסַּלִּים וְהַבִּכּוּרִים [6]נִיתָּנִין לַכֹּהֲנִים.

**1** קַלָּה,קַלָּתָה, basket shaped like a vase, woman's work-basket. **2** מְבִיאִים in some editions. **3** בְּסַלֵּי in some editions. **4** Or *willow*. **5** The baskets overlaid with silver or gold were given back to the owners; only the baskets of the poor which were not so adorned with the precious metals were retained by the priests. **6** נוֹתְנִים in some editions.

Mishnah 9

R. Simon ben Nanas says, They might decorate[1] the *first-fruits* with others than the *seven kinds;*[2] R. Akiba says,[3] They used not to adorn the *first-fruits* with others than the *seven kinds.**

*See **1**[3].

מִשְׁנָה ט

רַבִּי שִׁמְעוֹן בֶּן נַנָּס אוֹמֵר, [1]מְעַטְּרִין אֶת־הַבִּכּוּרִים חוּץ [2]מִשִּׁבְעַת הַמִּינִים; רַבִּי [3]עֲקִיבָא אוֹמֵר, אֵין מְעַטְּרִין אֶת־הַבִּכּוּרִים אֶלָּא *מִשִּׁבְעַת הַמִּינִים.

**1** Or *adorn*, *bedeck*. **2** See **Introduction**. **3** His opinion is accepted.

Mishnah 10

R. Simon says, There are three categories in connection with *first-fruits:* the *first-fruits* themselves,[1] and the addition[2] to the *first-fruits*, and the decoration[3] of the *first-fruits*. The addition to the *first-fruits* should be of the same kind; but what adorns the *first-fruits* may be of a different kind. The addition to the *first-fruits* must be eaten in cleanness, and they are exempt[4] from the laws of *doubtfully-tithed produce;*[5] and what bedecks the *first-fruits* is subject[6] to the laws of *doubtfully-tithed produce.*

מִשְׁנָה י

רַבִּי שִׁמְעוֹן אוֹמֵר, שָׁלֹשׁ מִדּוֹת בְּבִכּוּרִים, [1]הַבִּכּוּרִים [2]וְתוֹסֶפֶת הַבִּכּוּרִים וְעִטּוּר הַבִּכּוּרִים. תּוֹסֶפֶת הַבִּכּוּרִים, מִין בְּמִינוֹ; וְעִטּוּר הַבִּכּוּרִים, מִין בְּשֶׁאֵינוֹ מִינוֹ. תּוֹסֶפֶת הַבִּכּוּרִים נֶאֱכֶלֶת בְּטָהֳרָה, [4]וּפְטוּרָה מִן־[5]הַדְּמַאי; וְעִטּוּר הַבִּכּוּרִים [6]חַיָּיב בִּדְמַאי.

**1** The actual *first-fruits*. **2** When the veritable *first-fruits* are picked the owner adds more fruits though these are not actual *first-fruits*. **3** The choice fruits with which the owner bedecks the basket(s) of *first-fruits*. **4** Exempt from tithe. **5** See Tractates פֵּאָה and דְּמַאי, **Introductions.** **6** But actually exempt from tithe.

Mishnah 11

When, did they say, is the addition to the *first-fruits* like to actual *first-fruits?*—When they[1] come from the Land.[2] But when they do not come from the Land[4] they are not[3] like to the *first-fruits* themselves.[5]

מִשְׁנָה יא

אֵימָתַי אָמְרוּ תּוֹסֶפֶת הַבִּכּוּרִים כְּבִכּוּרִים? בִּזְמַן [1]שֶׁהִיא בָאָה מִן־[2]הָאָרֶץ. וְאִם אֵינָהּ בָּאָה מִן־[3]הָאָרֶץ [4]אֵינָהּ [5]כְּבִכּוּרִים.

**1** The fruits composing the addition. (Literally, *it*, with reference to תּוֹסֶפֶת). **2** אֶרֶץ יִשְׂרָאֵל. **3** But from beyond the Jordan. **4** But they must nevertheless be caten בְּטָהֳרָה, in cleanness. **5** Since *first-fruits* themselves from beyond the Jordan are only מִדְּרַבָּנָן (as prescribed by the Sages).

Mishnah 12

In what cases did they say that the *first-fruits* are like to the goods of a priest?—Because he may buy with them bondmen and immovable property, and unclean cattle, and a

מִשְׁנָה יב

לְמָה אָמְרוּ הַבִּכּוּרִים כְּנִכְסֵי כֹּהֵן? שֶׁהוּא קוֹנֶה מֵהֶם עֲבָדִים וְקַרְקָעוֹת, וּבְהֵמָה טְמֵאָה, וּבַעַל חוֹב נוֹטְלָן

[1]בְּחוֹבוֹ, [2]וְהָאִשָּׁה [3]בִּכְתוּבָּתָהּ,
[4]כְּסֵפֶר תּוֹרָה. וְרַבִּי יְהוּדָה אוֹמֵר,
אֵין [5]נוֹתְנִין [6]אוֹתָם אֶלָּא [7]לְחָבֵר
[8]בְּטוֹבָה; וַחֲכָמִים אוֹמְרִים, [5]נוֹתְנִין
אוֹתָם [9]לְאַנְשֵׁי מִשְׁמָר, וְהֵם
[10]מְחַלְּקִין בֵּינֵיהֶם כְּקָדְשֵׁי הַמִּקְדָּשׁ.

creditor may take them for his debt[1] or a woman for her *marriage contract*,[3] as a Scroll of the Law.[4] But R. Judah says, They may not give them[6] except to an *associate*[7] as a free gift;[8] but the Sages say, They give them to the *priestly guard*[9] and these share among themselves as they do with the holy sacrifices of the Temple.

**1** *i.e.*, in payment for his debt. **2** וְאִשָּׁה in some editions. **3** כְּתוּבָּה, *marriage contract*, containing various clauses particularly a statement of the settlement of a certain amount due to the wife if divorced or in the event of her husband's death.* **4** Which may also be taken by a creditor for a debt due or by a woman for her marriage contract. **5** נוֹתְנִים in some editions. **6** The *first-fruits*. **7** A חָבֵר כֹּהֵן. For חָבֵר see דְּמַאי 1[1]. **8** Compare שְׁבִיעִית 4[1,2]. **9** See *Mishnah* 2 of this **Chapter.** **10** Or מְחַלְּקִים. *See כְּתוּבּוֹת **Introduction.**

## CHAPTER 4[1] — פֶּרֶק ד

### Mishnah 1 — מִשְׁנָה א

An hermaphrodite[2] is in some respects like to men and in others like to women;[3] and in some ways he is like to both men and women, and in other respects he is like neither[4] to[5] men nor to women.

[2]אַנְדְּרוֹגִינוֹס יֵשׁ בּוֹ דְּרָכִים שָׁוֶה
לַאֲנָשִׁים, וְיֵשׁ בּוֹ דְּרָכִים שָׁוֶה לְנָשִׁים,
וְיֵשׁ בּוֹ דְּרָכִים שָׁוֶה לַאֲנָשִׁים [3]וְנָשִׁים,
וְיֵשׁ בּוֹ דְּרָכִים [4]אֵינוֹ שָׁוֶה [5]לַאֲנָשִׁים
וְנָשִׁים.

**1** See **Introduction.** **2** See 1[5], **Note 6.** In one text the beginning of the *Mishnah* is תַּנְיָא אַנְדְּרוֹגִינוֹס, *in a* בָּרַיְתָא [*Extraneous Mishnah*] *it is stated that an hermaphrodite* . . . . . **3** וּלְנָשִׁים in some texts. **4** שֶׁאֵינוֹ in some texts. **5** לא לַאֲנָשִׁים וְלא לְנָשִׁים in some editions.

### Mishnah 2 — מִשְׁנָה ב

In what respects is he like to men?—He becomes unclean by seminal issue[1] like men; and he must dress[2] like men; and he marries[3] like men, but may not be taken as wife;[4] and his mother continues for him[5] in clean blood as after

כֵּיצַד שָׁוֶה לַאֲנָשִׁים? *מִטַּמֵּא [1]בְּלֻבֶּן
כַּאֲנָשִׁים; [2]וּמִתְעַטֵּף כַּאֲנָשִׁים; [3]וְנוֹשֵׂא,
אֲבָל לא [4]נִישָׂא כַּאֲנָשִׁים; וְאִמּוֹ
יוֹשֶׁבֶת [5]עָלָיו בְּדַם טָהָר [6]כַּאֲנָשִׁים;

the birth of males; and like men he may not be alone with women; and like men he does not receive maintenance[6] with the daughters; and like men he must not transgress[7] the laws of *Thou shalt not round* and *Thou shalt not*[8] *mar* and[9] *Thou shalt not defile thyself for the dead;* and like men he is bound by all the commandments enjoined in the Law.

וְאֵינוֹ מִתְיַחֵד עִם הַנָּשִׁים כַּאֲנָשִׁים;
וְאֵינוֹ [6]נִיזּוֹן עִם הַבָּנוֹת כַּאֲנָשִׁים;
[7]וְעוֹבֵר עַל בַּל תַּקִּיף [8]וּבַל תַּשְׁחִית
[9]וּבַל *תִּטַּמֵּא לַמֵּתִים כַּאֲנָשִׁים;
וְחַיָּיב בְּכָל הַמִּצְוֹת הָאֲמוּרוֹת
בַּתּוֹרָה כַּאֲנָשִׁים.

*Abbreviations of *Hithpael* forms מִתְטַמֵּא, תִּתְטַמֵּא.

**1** Literally, *white; seminal discharge, flux. Leviticus* **15,** 2, 16. **2** וּמִתְעַטֵּף וּמִסְתַּפֵּר, and וְאֵינוֹ נֶעֱטָף וּמִסְתַּפֵּר, and וְזוֹקֵק לְיִבּוּם כַּאֲנָשִׁים וּמִתְעַטֵּף וּמִסְתַּפֵּר in some texts. He may not put on woman's clothes. **3** *i.e.*, he takes a wife. **4** Or נִשָּׂא. *i.e.*, may not be married to a man. **5** Only 33 days, not 66 days as after a female child. *Leviticus* **12,** 1*ff*. **6** Or נוֹזֵן. When the income is small the daughters take precedence in the maintenance. **7** וְחַיָּב בְּבַל תַּקִּיף וּבַל תַּשְׁחִית in some texts. *Leviticus* **19,** 27, לֹא תַקִּפוּ פְּאַת רֹאשְׁכֶם וְלֹא תַשְׁחִית אֶת פְּאַת זְקָנֶךָ, *Ye shall not round the corners of your head neither shalt thou mar the corners of thy beard.* **8** וְעַל בַּל in some editions. **9** וְעַל בַּל in some editions. *Leviticus* **21,** 1 (if he be a כֹּהֵן, priest) לְנֶפֶשׁ לֹא יִטַּמָּא בְּעַמָּיו, *None shall defile himself for the dead among his people*, applies also to the hermaphrodite.

Mishnah 3

In what manner is he like to women?—He becomes unclean[1] by red flow[2] like women; and like women he may not be alone with men; and like women he is not subject[3] to the law of *levirate* marriage;[4] and like women he does not inherit[5] with the sons; and[6] like women he must not eat[7] of the holy sacrifices in the Temple; and his mother[8] continues for him in the condition of impurity of blood as after the birth of females; and like women he is ineligible[9] to[10] give testimony; and[11] if like women he has been unlawfully cohabited with[12] he is ineligible [to eat] of the *priest's-due.*

מִשְׁנָה ג

כֵּיצַד שָׁוֶה לְנָשִׁים? [1]מִטַּמֵּא [2]בָּאָדֶם
כְּנָשִׁים; וְאֵינוֹ מִתְיַחֵד עִם הָאֲנָשִׁים
כְּנָשִׁים; וְאֵינוֹ [3]זָקוּק [4]לְיִבֵּם כְּנָשִׁים;
וְאֵינוֹ [5]חוֹלֵק עִם הַבָּנִים כְּנָשִׁים;
[6]וְאֵין [7]אוֹכֵל בְּקָדְשֵׁי הַמִּקְדָּשׁ כְּנָשִׁים,
[8]וְאִמּוֹ יוֹשֶׁבֶת עָלָיו בְּדַם טָמֵא
כְּנָשִׁים; [9]וּפָסוּל [10]מִן־הָעֵדוּת כְּנָשִׁים;
[11]וְאִם [12]נִבְעַל בַּעֲבֵירָה נִפְסָל מִן־
*הַתְּרוּמָה כְּנָשִׁים.

*In some texts, הַכְּהוּנָה, *the priesthood*, *i.e.*, 'he is ineligible to marry into the priestly stock.'

**1** *Exodus* **15,** 19, וְאִשָּׁה כִּי תִהְיֶה זָבָה דָם. **2** Literally, *red*; menses, menstrua (menstrual or monthly discharge) from the uterus. **3** זוֹקֵק לְיִבּוּם in some editions. See יְבָמוֹת **Introduction.** **4** *Deuteronomy* **25,** 5-10. If a man died childless, a brother living at his death (*i.e.*, excluding a brother born posthumously) must marry the widow (if she be not among those mentioned in the forbidden degrees *Leviticus* **18,**6-17). **5** Only as regards property but not maintenance. **6** Instead of the next two sentences some texts have וְאֵינוֹ עוֹבֵד עַל בַּל תַּקִּיף וְלֹא עַל בַּל תַּשְׁחִית וְלֹא עַל בַּל תְּטַמֵּא לְמֵתִים כְּנָשִׁים. **7** חוֹלֵק in some editions. *Exodus* **6,** 11. **8** A fortnight as for a female. This sentence is omitted in some texts in favour of וְאֵינוֹ מַאֲכִיל בִּתְרוּמָה כְּנָשִׁים. **9** Or *evidence*. Some editions add here וְאֵינוֹ מַאֲכִיל בִּתְרוּמָה כְּנָשִׁים. **10** לְכָל עֵדוּת שֶׁבַּתּוֹרָה in some texts. **11** וְאֵינוֹ נִבְעַל בַּעֲבֵירָה כְּנָשִׁים וּפָסוּל מִן־הַכְּהוּנָה כְּנָשִׁים in some texts. **12** *i.e.*, has suffered unlawful sexual connection.

## Mishnah 4

## מִשְׁנָה ד

In what ways is he like to both men and women?—Persons incur guilt[1] for smiting him or cursing him[2] as[3] in the case of men and women; and one who slays him[4] unwittingly is exiled, but if intentionally is put to death like in the case of men and women; and[5] his mother brings an offering for him[6] like for men and women;[7] and he may eat[8] of such holy things[9] as both men and women are permitted to eat; and he inherits[10] in all cases of inheritance both like men and women.[11]

כֵּיצַד שָׁוֶה לַאֲנָשִׁים וְנָשִׁים? [1]חַיָּיבִים עַל [2]מַכָּתוֹ וְקִלְלָתוֹ [3]כַּאֲנָשִׁים וְנָשִׁים; [4]וְהַהוֹרְגוֹ שׁוֹגֵג גּוֹלֶה, וּמֵזִיד נֶהֱרָג כַּאֲנָשִׁים וְנָשִׁים; [5]וְאִמּוֹ מְבִיאָה [6]עָלָיו קָרְבָּן כַּאֲנָשִׁים [7]וְנָשִׁים; [8]וְאוֹכֵל [9]בְּקָדְשֵׁי הַגְּבוּל כַּאֲנָשִׁים וְנָשִׁים; [10]וְנוֹחֵל בְּכָל הַנְּחָלוֹת כַּאֲנָשִׁים [7]וְנָשִׁים.[11]

**1** חָיָב עַל נִזְקוֹ כְּאִישׁ וְאִשָּׁה וְחַיָּב בְּכָל הַנִּזְקִין כְּאִישׁ וְאִשָּׁה in some texts. **2** *Exodus* **21,** 15, 17. **3** Some editions have וְעַל נִזְקוֹ inserted here. **4** Instead of the next two sentences, some texts have וְהַהוֹרְגוֹ בְּמֵזִיד נֶהֱרָג, בְּשׁוֹגֵג גּוֹלֶה לְעָרֵי מִקְלָט *Exodus* **21,** 12,13,14. **5** Some editions have here וְאִמּוֹ יוֹשֶׁבֶת עָלָיו דָּם טָמֵא וְדָם טָהוֹר כַּאֲנָשִׁים וּכְנָשִׁים. **6** For his birth. **7** וּכְנָשִׁים in some editions. **8** וְחוֹלֵק in some editions. **9** Such as תְּרוּמָה and קָדְשֵׁי קָלִים. **10** If he be the only heir he inherits everything. **11** Some texts conclude with וְהָאוֹמֵר הֲרֵנִי נָזִיר שֶׁזֶּה אִישׁ וְאִשָּׁה הֲרֵי זֶה נָזִיר.

## Mishnah 5

## מִשְׁנָה ה

How is he not like to[1] men and women?—They[2] do not burn *priest's-due* for the uncleanness of

כֵּיצַד אֵינוֹ שָׁוֶה [1]לַאֲנָשִׁים וְנָשִׁים? [2]אֵין שׂוֹרְפִין תְּרוּמָה עַל טוּמְאַת

[3]זִיבָתוֹ, [4]וְאֵין [5]חַיָּבִין עָלָיו עַל
בִּיאַת מִקְדָּשׁ לֹא כַאֲנָשִׁים וְנָשִׁים;
וְאֵינוֹ [6]נֶעֱרָךְ לֹא כַאֲנָשִׁים וְלֹא
כְנָשִׁים; [7]וְאֵין נִמְכָּר [8]בְּעֶבֶד עִבְרִי
לֹא כַאֲנָשִׁים וְלֹא [9]כְנָשִׁים; וְאִם
אָמַר, הֲרֵנִי [10]נָזִיר שֶׁזֶּה לֹא אִישׁ
וְלֹא אִשָּׁה [11]נָזִיר. רַבִּי יוֹסֵי אוֹמֵר,
אַנְדְּרוֹגִינוֹס בְּרִיָּה בְּפָנֵי עַצְמָהּ
הוּא; [12]וְלֹא יָכְלוּ חֲכָמִים לְהַכְרִיעַ
עָלָיו אִם הוּא אִישׁ אוֹ אִשָּׁה, אֲבָל
[13]טוּמְטוּם אֵינוֹ כֵן, [14]פְּעָמִים שֶׁהוּא
אִישׁ, פְּעָמִים שֶׁהוּא אִשָּׁה.

his discharge,[3] and[4] he is not liable[5] for entering the Temple, unlike in the case of both men and women; and his *valuation* is not valid,[6] unlike both men and women; and he may not be sold[7] as a Hebrew slave,[8] unlike both men and women;[9] and if anyone said, 'May I be a *nazirite*[10] if this be neither a man nor a woman,' he is a *nazirite*.[11] R. Jose says, An hermaphrodite is a creature by itself; and[12] the Sages were unable to decide concerning it whether it was a man or a woman, but it is not so in the case of one of indeterminate sex,[13] because[14] at times such a one is a man and at other times a woman.

**1** לֹא לַאֲנָשִׁים וְלֹא לְנָשִׁים in some editions. **2** Some editions have instead וְאֵין שׁוֹרְפִין עָלָיו אֶת־הַתְּרוּמָה לֹא כַאֲנָשִׁים וְלֹא כְנָשִׁים. **3** Or *issue*, *flux*, *gonorrhoea*, *protracted menstruation*. **4** Some texts have instead אֵין חַיָּבִין עָלָיו טוּמְאַת מִקְדָּשׁ וְזָקְדָּשָׁיו לֹא כַאֲנָשִׁים וְלֹא כְנָשִׁים וְאֵין שׁוֹרְפִין עָלָיו אֶת־הַתְּרוּמָה לֹא כַאֲנָשִׁים וְלֹא כְנָשִׁים. **5** To כָּרֵת, *extirpation*, when he is unclean because of קְרִי, *seminal discharge*, or זִיבָה (see **Note 3.**) **6** *Leviticus* **27,** 2 *ff*. **7** Because of the doubt whether he is male or female and the phrase in *Exodus* **22,** 2 is וְנִמְכַּר בִּגְנֵיבָתוֹ. **8** לְעֶבֶד in some editions. *Exodus* **21,** 2, 7. **9** A girl sold when she is still a minor. **10** Or *nazarite*; one who takes a vow to be set apart for God's service and to abstain from grapes and its products and from intoxicating liquors and not to cut his hair (see נָזִיר **Introduction**). **11** הֲרֵי זֶה נָזִיר in some editions. **12** וְלֹא הִכְרִיעוּ בּוֹ חֲכָמִים in some editions. **13** See 1[5]. **14** אֶלָּא סָפֵק אִישׁ סָפֵק אִשָּׁה in some texts.

## סְלִיק מַסֶּכֶת בִּכּוּרִים

## CONCLUSION OF TRACTATE BIKKURIM

# SUPPLEMENT

## GLOSSARY OF THE FLORA OF ZERAIM

By

PHILIP BLACKMAN, F.C.S.

## BIOGRAPHIES

THE MAKERS OF THE MISHNAH

By

REV. JOSEPH HALPERN, M.A.

# FLORA

# BIOGRAPHIES

# GLOSSARY

## OF THE PLANTS ENUMERATED IN ORDER ZERAIM

**algaroba,** the **carob-tree** (*ceratonia siliqua*) and also its edible beans or pods known as **St.-John's-bread.** It is an evergreen-tree, bearing red racemose flowers.

**almond,** the kernel of a stone-fruit borne by the amygdalaceous **sweet almond-tree** and **bitter almond-tree** (*amygdalus communis*). It was originally a native of Barbary or Morocco.

**anemone,** genus of plants of the *crowfoot* family (*ranunculaceæ*) especially *anemone memorosa* or **wind-flower**.

**apple,** the round firm fleshy edible fruit or pome of a rosaceous tree (*malus*) of the family *pomaceæ* or *malaceæ;* **crab-apple,** the wild apple-tree and its small bitter or sour fruit; the **pippin** is one of the numerous varieties.

**apricot,** orange-coloured pubescent stone-fruit (allied to plum and peach) of the **apricot-tree.**

**artichoke,** a tall thistle-like perennial herb or garden plant (*cynara scolymus*) or its edible flower head; and also the **Jerusalem artichoke** (allied to the sunflower) or its eatable tubers.

**arum,** genus of monocotyledonous herbs (*arum*, type of family *araceæ*, including the **wake-robin** and **cuckoo-pint**) whose roots yield a wholesome farina (arrowroot or portland-sago).

**asphodel,** genus (*asphodelus*) of liliaceous plants; also a plant belonging to the several related genera *abama* and *asphodeline.*

**balsam,** the common name of genera (*impatiens* and *impatiens balsamina*) of succulent herbaceous flowering plants; also the name of a tree yielding balsam.

**banana,** a large herbaceous perennial tropical plant (*musa sapientium*) that bears finger-shaped, fleshy, edible, yellow, nutritious fruit (called **banana**) growing in compact clusters; the **plantain** (genus *plantago*) is allied to it.

**barley,** hardy awned cereal grass (genus *hordeum*) and also its edible seed or grain. **pearl-barley,** the grain stripped of husk and pellicle and ground small and round.

**bay,** kind of tree or shrub, the **laurel-tree** (which see).

**bean,** the plant and oval edible seed of certain legumes. **Egyptian bean,** one of the leguminous plants. **horse-bean,** a large bean given to horses. **hyacinth bean**, a dicotyledenous plant of the *leguminosae* group. **kidney bean,** the common bean (*phaseolus vulgaris*); the dwarf French bean; the haricot.

**beet,** a biennial chenopodiaceous herb or plant (genus *beta*) and also its succulent root, **beetroot,** cultivated as a vegetable or for forage.

**blite,** any one of various herbs, mostly of the goosefoot family (*chenopodiaceæ*) as the **coast-blite, sea-blite, strawberry-blite.**

**bulrush,** a tall rush-like plant growing in water or damp ground, especially a tall sedge (*scirpus lacustris*). In *Exodus* **2,** 3, probably the **papyrus.**

**cabbage,** a cultivated brassicaceous vegetable (*brassica oleraceæ*) of many varieties with a round heart or head.

**calamint,** a menthaceous labiate aromatic herb (genus *clinopodium*), especially **calamint balm** (*clinopodium calamintha*), closely allied to thyme and balm.

**caper,** bramble-like South European caparidaceous shrubs (genus *capparis*, especially *capparis spinosa*). Its flower-buds are pickled and have an agreeable pungent slightly bitter taste used especially as a condiment.

**caraway,** umbelliferous yellow-flowered biennial herb with aromatic pungent fruit (**caraway seed**) used as a condiment in cakes and as a tonic.

**carob,** the **algaroba** (which see) or **locust-tree** (which see).

**carrot,** biennial ammiaceous plant (genus *umbelliferæ*) with tapering orange-red coloured sweet edible root.

**cassia,** inferior coarse kind of cinnamon; also **cassia-bark,** genus of tree yielding cassia; and also a genus of shrubs (*leguminosæ*) whose leaves yield senna; the pod of *cassia fistula* yields a mild purgative, and the bark is used in tanning.

**cauliflower,** annual variety (*brassica oleracæ botrytis*) of cabbage with large fleshy deformed edible inflorescence or flower-head.

**celery,** a biennial ammicaceous herb (*apium graveolens*) whose blanched succulent stem is used raw or cooked as a salad.

**cereals** (see **corn plants**).

**charlock,** a wild mustard (*brassica arvensis*) with yellow flowers that grows as a weed in grainfields.

**chicory,** (also **chiccory**) a chicoriaceous blue-flowered perennial herb of the aster family whose roots are used as a salad (and also roasted and ground for adulterating coffee).

**cinnamon,** the aromatic bark of several lauraceous trees (genus *cinnamomum* especially *cinnamomum zeylanicum* and *cinnamomum loureirii*) used as a spice.

**cistus,** a considerable genus of evergreen exogenous shrubs of the rockrose family, with large white or red short-lived flowers.

**citron,** tree (*citrus medica*) and fruit; the fruit is larger, less acid and thicker-skinned than the lemon which it resembles in colour, appearance and structure.

**clover,** any of a genus (*trifolium*) of low herbs of the bean family with trifoliolate leaves and flowers in dense heads; also any of the several other plants of the same family (*fabaceæ*) as **sweet clover** (*melilotus*), affording rich pasturage and hay and grown for soil improvement, **bush clover** (*lespedeza*), **red clover** (*trifolium pratense*), **spotted clover** (*medicago*), **prairie clover** (*petalostemon*).

**colchicum,** any of a genus (*colchicum* or *liliaceæ*) of melanthaceous bulbous herbs; also the dried corm or ripe seeds of a colchicum (*colchicum autumnale*)—**meadow saffron**—used especially for a medicinal preparation for treating rheumatism and gout.

**coriander,** annual ammiaceous herb (*coriandum sativum*) of the parsley family, with aromatic fruit (popularly termed **coriander seed**) which (when fresh has an offensive odour) is used as a spice and as a stomachic and carminative.

**corn plants (grain, cereals),** see **barley, durra, maize, millet, oat, rice, rye, spelt, wheat.**

**cotton,** plant yielding downy, white, fibrous material composed of the hairs appendant to the seeds (especially of the genus *gossypium*—mallow family); the seed yields an edible oil.

**cress,** name of various plants of the mustard family (*brassicaceæ*) which grow in moist places, usually with pungent edible leaves used as salads and garnishings and also medicinally. **water-cress,** perennial creeping water plant (*rorica nasturtium-aquaticum*) grown usually in clear running or spring water, used as a salad and as a preventive of scurvy. **garden-cress,** cultivated in the garden and used as a salad.

**cuckoopint,** the **common arum** or **wakerobin** (*arum maculatum*) with erect spathe and short purple spadix; and edible farina is obtained from the root.

**cucumber,** creeping plant of the gourd family with long succulent fleshy fruit of a cucurbitaceous vine eaten as a salad and pickle.

**cumin, cummin,** annual umbelliferous dwarf plant (*cuminum cynimum*) of the parsley family *ammiaceæ* like fennel with aromatic seed resembling the caraway, valuable as a carminative and condiment.

**cyclamen,** kind of primulaceous bulbous plant (genus *cyclamen*) cultivated for their early blooming white or pink flowers with reflexed petals.

**cypress,** evergreen coniferous tree (genus *cupressus*).

**darnel,** annual of the rye-grass genus (*lolium temulentum*) growing as weed among corn.

**date,** the fruit of the **date-palm** or **date-tree** (*phoenix dactylifera*).

**daylily,** the **hemerocalis,** a garden liliaceous plant (genus *hemerocalis*, especially *hemerocalis fulva* and *hemerocalis flava*) with yellow or tawny flowers whose blossoms last only a day.

**dill,** an ammiaceous umbelliferous annual yellow-flowered herb (*anethum graveolens*) whose pungent aromatic seeds are carminative and stimulant, and are used in cookery.

**dittander, dittany,** see **pepperwort.**

**dragon's-wort, tarragon** or **snakeweed,** an aromatic perennial plant (*artemisia dracunculus*) used for flavouring vinegar and sauces and for seasoning.

**durra,** also called *Indian millet, durra millet, Guinea-corn, sorgho grass,* a variety of grain-yielding sorghum, grasses closely allied to sugar-cane and beard-grass, and widely grown for food in southern Asia and northern Africa.

**endive,** an annual or biennial herb (*cichorium endivia*), a species of chicory, whose leaves are used as salad.

**fennel,** yellow-flowered fragrant umbelliferous perennial herb, of the carrot and parsley families and allied to dill, cultivated for use in sauces and for the aromatic flavour of its seeds.

**fenugreek,** a leguminous herb (*trigonella faenum-graecum*), allied to clover and melilot, with strong-scented leaves and edible mucilaginous seeds used in making curry.

**field-rocket,** an annual plant (genus *hesperis*), of the mustard family, used for salads.

**fig,** the edible fruit of the **fig-tree** (*ficus*); there are many varieties of fig-trees.

**flax,** an annual blue-flowered plant (genus *linum*, family *linaceæ*) cultivated for its textile fibre (woven into *linen* cloth) and its mucilaginous seeds (called *flax seed* or *linseed* from which *linseed-oil* is extracted).

**fritillary** (see **snakeshead**), a genus of arctic or north-temperate bulbous herbs (especially **snakehead**), of the order *liliaceæ*, with drooping flowers mottled or checkered with pale and dark purple.

**gallnut, gall,** a vegetative (often nut-like) excrescence produced by certain insects and parasites (as the gallfly, gallmidge, and certain aphids) on the tissues of oaks and plants. The commercial galls contain tannin and are used in dyeing, inkmaking, etc.

**garlic,** an edible hardy perennial plant (genus *allium sativum*), of the lily family, with bulbous strong-smelling pungent-tasting root used as a food and for flavouring and seasoning.

**goosefoot,** or **pigweed, figweed,** a genus (*chenopodium*) of glabrous mealy-leaved herbs.

**gourd,** the large fleshy melon-like fruit of kinds of trailing or climbing cucurbitaceous plants; the hard rind of the fruit when emptied and dried is used as a bottle, drinking-cup, or dipper; **the pumpkin** and squash belong to the same genus (*cucurbita*).

**grain** (see **corn plants**).

**grape** (see **vine**).

**hawthorn,** a thorny shrub (genus *crataegus*), of the apple or rose family, much planted for hedges, with glossy (often lobed) leaves, white, red or pink fragrant blossom, and small dark red berry (the **haw**).

**hazel, hazel-tree,** a betulaceous shrub or small tree (genus *corylus*), of the oak family (*cupuliferae*), yielding an ovoid bony edible nut (**filbert** or **hazelnut**) enclosed in a leafy involucre.

**hemp,** an annual herbaceous plant (genus *cannabis sativa*, family *cannabinaceæ*), native of India; its cortical fibre is made into rope and stout fabric.

**henna,** or **Egyptian privet,** a small shrub (genus *lawsonia inermis*, family *lythraceæ*), of the loosestrife family, with fragrant white flowers; a reddish-orange pigment or dye and a cosmetic for the nails and hair are produced from its shoots and leaves.

**horseradish,** a common brassicaceous garden herb (*roripa armoracia*), of the mustard family, whose pungent root is grated or scraped as condiment and in medicine.

**iris,** or **flagflower, fleur-de-lis**, genus of plants (family *iridaceæ*), chiefly with tuberous roots, sword-shaped leaves and large handsome flowers of many colours.

**ivy,** a climbing or creeping evergreen araliaceous woody vine-like shrub (*hedera helix*), of the ginseng family, with dark shining (usually five-angled) leaves, small yellowish flowers and black berries.

**Judas-tree,** a caesalpiniaceous tree (genus *cercis siliquastrum*), with purple flowers appearing before the leaves.

**jujube,** a genus (*zizyphus*) of rhamnaceous spiny shrubs or small trees, of the buckthorn family, the edible berry-like drupe of which is dried as a sweetmeat.

**king's-spear,** a white flowered plant (genera *asphodelus* and *abama*) of the lily family.

**labdanum, ladanum** (see **rockrose**).

**laurel,** a kind of evergreen lauraceous shrub or tree (genus *laurus nobilis*), with glossy aromatic lance-shaped leaves, yellowish flowers and succulent cherry-like fruit; its foliage was used by the ancient Greeks for making honorary wreaths for victors in the Pythian games, and as a mark of distinction for certain offices and honours. (See **bay**).

**leek,** a culinary biennial liliaceous herb (*allium porrum*), allied to the onion, distinguished by its greater pungency, smaller cylindrical bulb, and broadly linear succulent leaves.

**lemon,** the ovoid, pale-yellow, acid-juiced edible fruit of the **lemon-tree** (*citrus medica limonum* or *citrus limonia*), related to the orange and citron; the rind yields the fragrant essential *oil of lemons.*

**lentil,** an Old World (Eurasian) annual, common, leguminous, fabaceous plant (*ervum lens* or *lentilla lens*), with pale-blue flowers and broad pods, grown near the Mediterranean for its edible lens-shaped seed (**lentils**).

**lettuce,** a chicoriaceous herb (genus *lactuca sativa*) containing a milky juice; its crisp succulent leaves are much used as salad.

**lily,** a bulbous plant (genus *lilium*, family *liliaceæ*), with whorled or scattered leaves and bearing large handsome fragrant white or reddish or purplish flowers on a tall slender stem.

**lily-of-the-valley,** a low smooth perennial herb (*convallaria majalis*), like a lilywort, with a raceme of fragrant nodding white bell-shaped flowers.

**locust-tree,** or **carob tree,** of the bean family, with thorny branches, pinnate leaves, and drooping dense clusters of white fragrant flowers.

**loosestrife,** a marsh-loving herbaceous plant (genus *lythrum*, order *lythraceæ*), with four-cornered branches and regular or irregular flowers; also a primulaceous plant (genus *lysimachia*, family *primulaceæ*), with leafy stem and white or yellow flowers.

**lotus,** or **lote, lotos,** the water-lily of Egypt; also a North African tree (*zizyphus lotus*); and also a genus of leguminous herbs or subshrubs (family *fabaceæ*) with foliolate leaves and umbels of yellow, red, or white flowers.

**lupin,** or **lupine,** a kind of fabaceous garden and fodder herb (genus *lupinus*), of the bean family, with long tapering spikes of blue, purple, white, or yellow flowers; its seed, especially of the European white lupine, is used as food.

**madder,** a rubiaceous perennial herbaceous climbing plant (*rubia tinctorum*), with small yellowish panicled flowers succeeded by berries; its roots afford a red dye and pigment (essentially *alizarin*).

**maize,** or **Indian corn,** a cereal with large leaf-sheathed ears (*corn-cobs*), used as a food and for forage.

**mallow,** a plant of the genus *malva* (family *malvaceæ*, order *malvales*), with hairy stem, soft downy leaves and purple flowers; its flat disc-like fruit possesses emollient properties.

**marjoram,** an aromatic perennial herb, of the genera of mint (*origanum* and *majorana*), used as a seasoning or flavouring in cookery (see **origan**).

**mastic,** or **mastich, lentisk-tree,** a small Mediterranean evergreen tree (*pistachia lentiscus*), exuding from the bark **mastic,** a pale-yellow gum-resin used for cement, varnish, flavouring liquor (in Greece and Turkey), and as an astringent.

**medlar,** a small spreading European tree (*mespilus germanica*), of the rose family, yielding a fruit like a small brown crab-apple which is hard and bitter when ripe but becomes pleasantly acid when beginning to decay, and is extensively eaten and is also used for preserve.

**melilot,** a species of clover-like herbs (genus *melilotus*), as the common yellow melilot or true sweet clover, with white or yellow flowers and a peculiar sweet odour.

**melon,** a trailing plant of the cucumber or gourd family and its apple-shaped fruit; its chief varieties are: (1) **muskmelon** (three general types—*muskmelon*, *cantaloupe*, and *winter-melon*), the fruit of a cucurbitaceous plant (*cucumis melo*, or especially *cucumis melo reticulatus*); (2) the **watermelon,** the large edible fruit of a trailing melon (*citrullus vulgaris*), with a hard green or white rind and a pink or red pulp, containing a copious refreshing pleasantly flavoured sweet watery fluid.

**millet,** a graminaceous small-seeded plant (*panicum miliaceum*), native of India, bearing a large crop of small nutritious seed, used as a cereal food and forage; allied well-known varieties are **pearl millet** (*pennisetum glaucum*) and **Italian millet** (*setaria italica*).

**mint,** any of a genus (*mentha*) of menthaceous aromatic herbs (family *lamiaceæ* or *menthaceæ*, especially **garden-mint** or **spear-mint** (*mentha viridis*) and **peppermint** (*mentha piperita*), used for

**plum,** the tree (genus *prunus*, order *rosaceæ*), allied to the cherry, and its roundish fleshy edible drupaceous fruit with sweet pulp and pointed stone.

**pomegranate,** a tree (*punica granatum*), of the myrtle family, and its fruit which is a several celled reddish berry, much cultivated in warm countries especially in North Africa and West Asia, as large as a medium sized orange, having a thick leathery golden or orange rind and a crimson agreeably acidic flavoured reddish pulp enveloping numerous seeds.

**poppy,** papaveraceous herbs (genus *papaver*), having a milky narcotic juice, with large handsome red, yellow or white flowers; one species yields opium.

**portulaca, portulaceae,** a natural order of dicotyledons, of the **purslain** (which see) family, tropical, fleshy, herbaceous or shrubby plants, with scattered leaves, ephemeral flowers opening only in sunshine, and globular pod, mostly succulent, generally growing in dry places.

**pulse,** the edible grain or seeds of various leguminous plants, as **beans, peas, lentils, etc.** (which see).

**pumpkin,** a cucurbitaceous trailing vine (*cucurbita pepo*), of the gourd family, with heart-shaped leaves, bearing large egg-shaped or globular deep yellow fruit with edible layer next to rind, widely cultivated for food and for cattle; in Europe the allied **winter-squash** and its many varieties is extensively grown.

**purslain, purslane,** a prostrate fleshy succulent annual herb (*portulaca oleracea*), of gardens and waste places, with reddish green stems and leaves and small yellow flowers, used in salads and pickled in Europe (but deemed a weed in America).

**quince,** the large shrub or small tree (*cydonia oblonga*), of the rose family (*pyrus cydonia*), much grown in Central Asia, and the hard pleasant flavoured golden pear-shaped or globose fruit, too acid to be eaten raw but used as a preserve for jellies and marmalade and as a flavouring for other fruits.

**radish,** a cruciferous brassicaceous annual plant (*raphanus sativus*), of the mustard family, with fleshy succulent pungent root eaten raw as relish in salads (see **horseradish**).

**reeds,** certain tall straight-stalked grasses growing in moist or marshy places, having a very hard almost woody culm.

**rice,** one of the most useful and cultivated annual cereals (*oryza sativa*), grown chiefly in marshes in Oriental countries, and its pearl white seeds used as staple food in Eastern countries and in other countries; it is used for making cakes, puddings, etc. and starch.

**rocket,** any one of several ornamental Old World brassicaceous herbs (genus *hesperis*) of the mustard family; some species are used as salad.

**rockrose,** a kind of citaceous plant (of the family *cisaceæ*, of either of the genera *cistus* and *helianthemum*), with yellow, pink or salmon-coloured flowers resembling the wild rose; **labdanum** or **ladanum** is a soft, dark-coloured, brittle, oleoresinous exudation from the leaves.

**rose,** any of a genus (*rosa*) of hardy, erect, climbing or creeping rosaceous shrubs of numerous varieties, with mostly rod-like, prickly stems, pinnate leaves, and showy terminal, often corymbose flowers, in colour white, pink, yellow or red, having five or rarely four petals in the wild state but double or semi-double (the stamens being transformed into petals) in cultivation; also a flower of this shrub.

**rue,** a perennial evergreen woody bushy rutaceous shrub or herb of any species of genus *ruta graveolens*, with bitter strong-scented acrid leaves and greenish-yellow flowers, formerly used in medicine as a stimulant.

**rye,** a North European hardy annual cereal (*secale cereale*), allied to wheat and barley, whose grain is used for bread and for fodder.

**ryegrass,** a variety of darnel (which see) cultivated for pasture and fodder.

**safflower,** an annual carduaceous herbaceous thistle-like composite plant (*carthamus tinctorius*) having large orange-coloured spiny flower heads, cultivated in India for its red dye (*carthamine*) used especially in rouge.

**saffron,** a bulbous plant (*crocus sativus*), of the crocus species, with deep-yellow or purple flowers whose orange-coloured stigmas yield a colouring substance used for colouring varnishes, flavouring confectionery, foods and liquors, and formerly as a dye-stuff. **meadow-saffron** (see **colchicum**).

**savory, savoury,** a genus of a hardy annual aromatic European herb (*satureia hortensis*, order *labiatæ*), of the mint family and nearly allied to thyme, used for seasoning and for imparting an aromatic pungent flavour to viands.

**scutch grass,** any of the various species of grasses having long creeping rhizomes or root stalks by which they spread rapidly, especially (1) **couch grass**, the **European grass** (*triticum repens* or *agropyron repens*) and **red top** or **florin** (*agrostis alba*), and the slender **foxtail** (*alopecurus agrostis*), and (2) **Bermuda Grass, Bahama grass,** or **devil grass,** a kind of grass (*capriola dactylon* or *cynodon dactylon*) of trailing and stoloniferous habit esteemed for pasture, a native of southern Europe but also widespread in warm countries.

**serpentaria,** the rhizome and roots of the **Virginia snakeroot** used as a diaphoretic, diuretic and stomachic cordial.

**service, service-tree,** a tree (*sorbus domestica*) of the pear family, resembling the mountain-ash, with close-grained wood, odd-pinnate leaves, panicled cream-coloured flowers, and small edible fruit.

**sesame,** an annual herbaceous tropical and subtropical hairy herb (*sesamum indicum*), of eastern and southern Asia, with seeds (**sesame**) used as food and yielding a valuable oil (*gingili-oil* or *sesame-oil*) used in salads and as a laxative.

**shallot, shalot,** a species of onion (*allium ascalonicum*) producing small clustered bulbs with a garlic-like flavour used for seasoning and in pickles. (Compare **onion, leek**).

**shrub,** a low perennial woody plant smaller than a tree, usually several-stemmed from near the ground; also a term used for a bush or *dwarf tree* (see **trees**).

**snakehead, snakeshead, guinea-henflower,** any species of *chelonia* with large white or purple flowers (see **fritillary**).

**snakeroot,** any one of numerous plants—also their roots—with roots mostly reputed as remedies for snake-bite, especially **Virginia snakeroot** (*aristo-lochia serpentaria*), a perennial herb with purplish flowers and fibrous medicinal roots, **bugbane, black snakeroot,** (*cimicifuga racemosa*), **button snakeroot** (*linaria*), **senega snake-root** (*polygala senega*), **white snakeroot** (*eupatorium urticaefolium* or *eupatorium ageratoides*) a handsome herb.

**snakeweed, snakesweed** or **bistort,** a perennial European herb (*bistorta* or *polygonum bistortoides*) with cylindrical spike of flesh-coloured flowers, and creeping rootstocks possessing astringent properties.

**sorb-tree, sorb,** the **service-tree** (which see) or **mountain-ash.**

**sorrel,** any one of several kinds of oxalic acid-impregnated leaved low perennial herbs (genus *rumex*), allied with dock, especially the **common sorrel** (*rumex acetosa*); it is eaten boiled, is used in salad and is compounded in medicinal preparations.

**sowbread,** a genus of south European plants, similar to cyclamen (which see), allied to the primrose, whose tubers are eaten by swine.

**spelt,** or **German wheat,** a cereal (*triticum spelta*), intermediate between wheat and barley, yielding very fine flour; it is grown much in the mountainous parts of Europe and in parts of western Asia.

**spikenard,** or **nard,** an Indian perennial herb (*nardoctachys jatamansi*), closely allied to valerian, yielding a costly aromatic oil or balsam of the same name in ancient times.

**spinach** or **spinage,** an esculent garden annual vegetable (*spinacea oleracea*), of the goosefoot family, whose thick succulent young leaves form a wholesome dish when boiled, fried or seasoned.

**squash,** a term loosely employed for any of several kinds of **gourd** (which see) and the **pumpkin** (which see); it is also applied to the edible fruit of the various trailing annuals of the gourd family.

**star-of-Bethlehem,** an old world garden plant (genus *ornithogalum*, especially *ornithogalum umbellatum*), of the lily family, with bright white star-like flowers striped with green on the outside.

**strawberry,** the plant and juicy, luscious, pulpy, fleshy, edible, generally red fruit or berry bearing small seed-like achenia on its surface, genus *fragaria*, of rosaceous plants.

**strawberry-blite** (see **blite).**

**succory,** the same as **chicory** (which see).

**sumac, sumach,** a genus of small trees and shrubs or woody vines (genus *rhus*, order *anacardiaceae*); the leaves and panicles of some species are used in dyeing and tanning.

**sycamore,** a bushy tree (*ficus sycomorus*), of the fig family, common in Palestine, Syria and Egypt, having a sweet edible fruit.

**tare,** any of several species of vetch, especially the **common vetch** (*vicia sativa*) and its seed; also perhaps identical with **darnel** (which see).

**tarragon,** the **herbdragon,** a perennial aromatic carduaceous plant (*artemisia dracunculus*), allied to wormwood, whose herbage is used for flavouring and seasoning sauces, salads and vinegar.

**terebinth,** the **turpentine-tree,** a small anacardiaceous tree (*pistacia terebinthees*) yielding Chian turpentine.

**thistle,** kinds of vigorous prickly composite plants (genera *carduus*, *cirsium*, *onicus* and *onopordon*), of the aster family, with cylindrical or globular heads with white, yellow or purple tubular flowers and seeds terminating in long bristly pappus (*thistle-down*).

**thorn,** kinds of shrubs or small trees having spines or thorns.

**trees** and **shrubs** (see **algaroba, almond, apple, apricot, ash, baytree, caper, carob, cassia, citron, cumin, cypress, date-palm, fig-tree, henna, Judas-tree, jujube, laurel, lemon, locust-tree, lotus, medlar, myrtle, olive, orange, palm, peach, pear, pistachio, plum, pomegranate, quince, service-tree, sorb-tree, sumac, sycamore, terebinth, thistle, thorn, vine, willow.)**

**thyme,** a species of undershrub laminaceous plants (genus *thymus*, order *labiatae*) cultivated for seasoning in cookery; **common garden thyme,** a shrub with pungent aromatic leaves used in cookery and

seasoning; **shepherd's-thyme** or **wild-thyme,** a shrub with mildly fragrant leaves.

**turnip,** a biennial brassicaceous plant (*brassica compestris* or *brassica napobrassica* and *brassica rapa*), of the mustard family, with lyrate bispid leaves, the upper part of the edible root becoming swollen, globular and fleshy, used as a culinary esculent and for feeding cattle and sheep.

**turpentine-tree** (see **terebinth**).

**vetch,** annual plants (genus *vicia*), of the bean family, mostly climbing, some wild or cultivated used for fodder (see **tare**).

**vine, grape-vine,** the climbing woody-stemmed plant, whose fruit (**grape**) yields wine and is also made into **raisins** by drying.

**wakerobin,** (*arum masculatum*), any of the various *arums* especially the **cuckoopint** (which see).

**walnut,** tree (genus *juglans, juglandaceae*) delicate-flavoured, edible nut in a pair of similar boat-shaped shells.

**wheat,** the most valuable annual or biennial of all the cereal grasses (genus *triticum*, especially *triticum vulgare*); its highly nutritious grain furnishes a white flour for bread.

**whitethorn,** the **common hawthorn,** (genus *crataegus*), a thorny shrub or small tree, of the rose family, with white, red, or pink fragrant blossom and small dark berry (called *haw*), planted for hedges or for ornament.

**willow,** any salicaceous tree or shrub (genus *salix*) having slender, pliant, tough branches, growing usually near water in temperate lands.

**woad,** a genus (*satis tinctoria*) of brassicaceous cruciferous herb, of the mustard family, mostly native of Mediterranean lands, whose leaves yield a good blue permanent dye (*woad*).

# BIOGRAPHIES

## THE MAKERS OF THE MISHNAH

Brief supplementary notes on the scholars cited in the *Mishnah*

[Fl. = flourished, c. = circa, b. = *ben* (בן).]

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**PRE-TANNAITIC** (c. 300 B.C.E.-10 C.E.).

1. **Avtalion:** Av-Bet-Din to Shemaia. Fl. c. 50 B.C.E. Of heathen descent. One of the most influential and beloved scholars of his time. Called Pollion by Josephus, who writes of him:

> "Pollion the Pharisee, and Sameas a disciple of his, were honoured by him (Herod) above all the rest; for when Jerusalem was besieged (37 B.C.E.) they advised the citizens to receive Herod."

He and his colleague Shemaia were the first to be known as *Darshanim*. חגיגה $2^{2}$; עדויות $1^{3}$, $5^{6}$; אבות $1^{10,11}$.

2. **Akavia b. Mahalel:** Fl. c. 40 B.C.E. All that we know of him is found in the *Mishnah*. He maintained his minority opinion to the last, in spite of inducements of office by his colleagues. His dying advice to his son is worthy of note. עדויות $5^{6,7}$; אבות $3^{1}$; בכורות $3^{4}$; נגעים $1^{4}$, $5^{3}$; נדה $2^{6}$.

3. **Antigonus of Soko:** Fl. c. 200 B.C.E. *Avot de R. Nathan* mention two disciples of his who are not referred to in the *Mishnah*, Zadok and Boethus, who inferred from their teacher's words a denial of the resurrection and future life. אבות $1^{3}$.

4. **Bava b. Buta:** Fl. c. 30 B.C.E. A disciple of Shammai. A judge in Jerusalem. The *Talmud* tells of his piety, meekness and wisdom. Advised Herod to rebuild the Temple as an atonement for slaughtering the sages of Israel. כריתות $6^{3}$.

5. **Hillel:** Fl. at beginning of C.E. Native of Babylonia, of Davidic descent, disciple of Shemaia and Avtalion, appointed *Nasi* early in reign of Herod. Responsible for the 'seven rules' for the oral interpretation of the *Written Law*. Famed for his gentle and peace-loving character, his infinite patience, modesty and charitable nature. Head of school known as *Bet Hillel*. ברכות $1^{3}$, $8^{1-8}$; פאה $3^{1}$, $6^{1,2,5}$, $7^{6}$; דמאי $1^{3}$, $6^{6}$; כלאים $2^{6}$, $4^{1,5}$, $6^{1}$; שביעית $1^{1}$, $4^{2,4,10}$, $5^{4,8}$, $8^{3}$, $10^{3}$; תרומות $1^{4}$, $5^{4}$; מעשרות $4^{2}$; מעשר שני $2^{3,4,7,8,9}$, $3^{6,7,9,1,3}$, $4^{8}$, $5^{3,6,7}$; חלה $1^{6}$; ערלה $2^{4}$; שבת $1^{4-9}$, $3^{1}$, $21^{3}$; ערובין $1^{2}$, $6^{4,6}$, $8^{6}$; פסחים $1^{1}$, $4^{5}$, $8^{8}$, $10^{2,6}$; שקלים $2^{3}$, $8^{6}$; סוכה $1^{1,7}$, $2^{7}$, $3^{5,9}$; ביצה $1^{1-3,5-9}$, $2^{1-5}$; ראש השנה $1^{1}$; חגיגה $1^{1,2,3}$, $2^{2,3,4}$; יבמות $1^{4}$, $3^{1,5}$, $4^{3}$, $6^{6}$, $13^{1}$, $15^{2,3}$; כתובות $5^{6}$, $8^{1,6}$; נדרים $3^{2,4}$; נזיר $2^{1,2}$, $3^{6,7}$, $5^{1-3,5}$; סוטה $4^{2}$; גיטין $4^{3,5}$, $8^{4,8,9}$, $9^{10}$; קדושין $1^{1}$; בבא מציעא $3^{12}$, $5^{9}$; בבא בתרא $9^{8,9}$; עדויות $1^{1-4,7-14}$, $4^{1-12}$, $5^{1-5}$; אבות $1^{12-14}$, $2^{5,6,7}$, $4^{5}$, $5^{17}$; זבחים $4^{1}$; חולין $1^{2}$, $8^{1}$, $11^{2}$; בכורות $5^{2}$; ערכין $9^{4}$; כריתות $1^{6}$; כלים $9^{2}$, $11^{3}$, $14^{2}$, $18^{1}$, $20^{2,6}$, $22^{4}$, $26^{6}$, $28^{4}$, $29^{8}$; אהלות $2^{3}$, $5^{1-4}$, $7^{3}$, $11^{1,3-6,8}$, $13^{1,4}$, $15^{8}$, $18^{1,4,8}$; פרה $12^{10}$; טהרות $9^{1,5,7}$, $10^{4}$; מקואות $1^{5}$, $4^{1}$, $5^{6}$, $10^{6}$; נדה $1^{1}$, $2^{4,6}$, $4^{3}$, $5^{9}$, $10^{1,4,6-8}$; מכשירין $1^{2-4}$, $4^{4,5}$; זבים $1^{1,2}$; טבול יום $1^{1}$; ידים $3^{5}$; עוקצין $3^{6,8,11}$.

6. **Jochanan High Priest:** John Hyrcanus, king of Judea 135-105 B.C.E., grandson of Mattathias who started the revolt against Antiochus Epiphanes. Enlarged the boundaries of his kingdom by subduing the Edomites and Samaritans. Held in very high esteem until towards the end of his reign when he sided with the Sadducees. מעשר שני $5^{15}$; סוטה $9^{10}$; פרה $3^{5}$; ידים $4^{6}$.

7. **Jose b. Joezer** and 8. **Jose b. Johanan:** The first of the *Zugot* or "*Pairs*". Fl. c. 170 B.C.E. Accepted rule of Alcimus who was appointed High Priest by the Syrians against Judah the Maccabee. Alcimus was nephew of Jose b. Joezer and murdered his uncle in a massacre of scholars. (7) חגיגה $2^{2,7}$; סוטה $9^{9}$; עדויות $8^{4}$; אבות $1^{4}$ (8) חגיגה $2^{2}$; סוטה $9^{9}$; אבות $1^{4,5}$.

9. **Joshua b. Perachia:** Fl. c. 100 B.C.E. Fled to Alexandria when John Hyrcanus began persecuting the Pharisees. Gave instructions about performance of the ceremony of the Red Heifer. חגיגה $2^{2}$; אבות $1^{6}$.

10. **Judah b. Tabbai:** Fl. c. 70 B.C.E. Executed a plotting witness in order to refute the Sadducean teaching on this subject. On being rebuked for this by Simon b. Shetach he never again gave a legal decision without him. חגיגה $2^{2}$; אבות $1^{8}$.

11. **Measha:** Contemporary of Hillel. פאה $2^{6}$.

12. **Menachem:** Contemporary of Hillel who entered Herod's service. חגיגה $2^{2}$.

13. **Nittai the Arbelite:** Colleague of Joshua b. Perachia. חגיגה $2^{2}$; אבות $1^{6,7}$.

14. **Onias the Circle-maker:** Fl. c. 70 B.C.E. Josephus relates that he was stoned to death by the party of Hyrcanus when they were besieging Aristobulus in Jerusalem in 65 B.C.E. He was asked to pray for the besiegers. Spreading his hands to heaven, he exclaimed: "They are both Thy children. Listen not if they pray against one another for evil, but only for good." He was the Jewish Rip Van Winkle. תענית $3^{8}$.

15. **Shammai:** Colleague of Hillel. Fearless and outspoken, yet warm-hearted man. Head of school known as *Bet Shammai*. ברכות $6^{5}$; דמאי $3^{1}$; כלאים $8^{5}$; תרומות $4^{3}$; מעשר שני $2^{4,9}$; ערלה $2^{5,12}$; סוכה $2^{8}$; ביצה $2^{6}$; חגיגה $2^{2}$; עדויות $1^{1-4,7,8,10,11}$, $3^{10}$; אבות $1^{12,15}$, $5^{17}$; מקואות $4^{5}$; כלים $22^{4}$; נדה $1^{1}$; מכשירין $5^{9}$.

16. **Shemaia:** Colleague of Avtalion. Of heathen descent. Both highly esteemed in their generation. Both responsible for reviving Hillel when he was almost frozen to death listening to their lecture on a Sabbath. חגיגה $2^{2}$; עדויות $1^{3}$, $5^{6}$; אבות $1^{10}$.

17. **Simon b. Shetach:** Colleague of Judah b. Tabbai and brother-in-law of King Alexander Jannai. Introduced schools for adolescents. Principal adviser to Queen in reign of his sister Alexandra Salome. תענית $3^{8}$; חגיגה $2^{2}$; סנהדרין $6^{4}$; אבות $1^{8,9}$.

18. **Simon the Just:** Fl. c. 300 B.C.E. High Priest. Attempted to make Judaism secure against inroads of Hellenism. אבות $1^{2,3}$; פרה $3^{5}$.

**THE FIRST GENERATION** (c. 10 - 80 C.E.).

19. **Admon b. Gaddai:** Contemporary of R. Jochanan b. Zakkai. The chief of three named police-court judges in Jerusalem who received a salary from the Temple treasury. כתובות $13^{1,8-9}$; בבא בתרא $9^{1}$; שבועות $6^{3}$.

20, **Ben Buchri:** Contemporary of R. Johanan b. Zakkai. שקלים $1^{4}$.

21. **Dositheus of Kefar Yatma:** Disciple of Shammai. ערלה $2^{5}$.

22. **R. Gamliel the Elder:** Grandson of Hillel. First to be styled Rabban. Transferred the College to Yavne. Executed many beneficial ordinances. פאה $2^{6}$; ערלה $2^{12}$; שקלים $3^{3}$, $6^{1}$; ראש השנה $2^{5}$; יבמות $16^{7}$; סוטה $9^{15}$; גטין $4^{2,3}$; אבות $1^{16}$.

23. **Chanan b. Avishalom:** Colleague of Admon. כתובות $13^{1,2}$.

24. **Chanania b. Hezekia b. Gorion:** Younger contemporary of Hillel and Shammai. Through him the books of Ezekiel and Megillat Taanit were preserved. שבת $1^{4}$.

25. **R. Chanina Vice High Priest:** Served in and survived the destruction of the Temple. A lover of peace. Suffered a martyr's death. פסחים $1^{6}$; שקלים $4^{4}$, $6^{1}$; עדויות $2^{1-3}$; אבות $3^{2}$; זבחים $9^{3}$, $12^{4}$; מנחות $10^{1}$; נגעים $14^{4}$; פרה $3^{1}$.

26. **R. Jochanan b. Gudgada:** A pious Levite, who served in the Temple. חגיגה $2^{7}$; יבמות $14^{2}$; גטין $5^{5}$.

27. **R. Jochanan b. ha-Horani:** A disciple of *Bet Shammai* who is recorded to have acted according to the view of *Bet Hillel*. סוכה $2^{7}$.

28. **Rabban Jochanan b. Zakkai:** The last of Hillel's disciples. Succeeded in persuading Vespasian to spare the College at Yavne. Head of that College for decade following the destruction of Jerusalem. Nine ordinances by him enumerated in the *Talmud* (*Rosh Hashanah* 31b). שבת $16^{7}$, $22^{3}$; שקלים $1^{4}$; סוכה $2^{5}$, $3^{12}$; ראש השנה $4^{1,3,4}$; כתובות $13^{1,2}$; סוטה $5^{2,5}$, $9^{9,15}$; סנהדרין $5^{2}$; עדויות $8^{3,7}$; אבות $2^{8,9}$; מנחות $10^{5}$; כלים $2^{2}$, $17^{16}$; ידים $4^{3,6}$.

29. **Joezer of the Bira:** A disciple of *Bet Shammai*. ערלה $2^{12}$.

30. **Jose Choli Kufri, Abba:** Mentioned only once. מכשירין $1^{3}$.

31. **Menachem b. Signai:** A dyer. עדויות $7^{8}$.

32. **Nachum the Mede:** A judge in Jerusalem in the last days of the Temple. שבת $2^{1}$; נזיר $5^{4}$; בבא בתרא $5^{3}$.

33. **Nachum the Scrivener:** Mentioned only once. פאה $2^{6}$.

34. **Samuel the Younger:** A disciple of Hillel. Composed the blessing against heretics in the *Amidah*. אבות $4^{19}$.

35. **Rabban Simon b. Gamliel I:** Succeeded his father as Patriarch. Opposed appointment of Josephus to command of Galilee. Died a martyr's death, possibly at the hands of the Zealots whose extremism he opposed. אבות $1^{17}$; כריתות $1^{7}$.

36. **Simon of Mizpa:** Probably a priest who served in the Temple. Contemporary of Nahum the Scrivener. פאה $2^{6}$.

37. **R. Zecharia b. ha-Kazzav:** Lived while Temple still stood. כתובות $2^{9}$; סוטה $5^{1}$; עדויות $8^{2}$.

38. **R. Zecharia b. Kavutal:** Most probably a priest who served in the Temple יומא $1^{6}$.

**THE SECOND GENERATION** (c. 80-120 C.E.).

39. **R. Dosa b. Harkinas:** Already an old man when the Temple was destroyed, but still active in the College at Yavne afterwards. Wealthy and influential. שבת $20^{4}$; עירובין $3^{9}$; ראש השנה $2^{8,9}$; כתובות $13^{1,2}$; עדויות $3^{1-6}$; אבות $3^{10}$; חולין $1^{7}$, $11^{2}$; בכורות $7^{2}$; אהלות $3^{1}$; נגעים $1^{4}$; טהרות $8^{8}$.

40. **R. Elazar b. Arach:** Considered the greatest and wisest of the disciples of Rabban Jochanan b. Zakkai, but died in obscurity because he retired to Emmaus on the death of his master in the expectation that his colleagues would come to him; they did not. אבות $2^{8,9,14}$.

41. **R. Elazar b. Azaria:** Appointed Patriarch by the scholars when Rabban Gamliel was deposed, and later shared this office when he was restored to the dignity. Very young on appointment but wealthy, well-born (a priest, tenth in descent from Ezra) and learned. A great Aggadist. Accompanied Rabban Gamliel, R. Joshua and R. Akiva on their second journey to Rome. Died probably just after the outbreak of the Bar-Cochba revolt. ברכות $1^{5}$, $4^{7}$; שביעית $1^{8}$, $3^{8}$; מעשרות $5^{1}$; מעשר שני $5^{9}$; שבת $4^{2}$, $5^{4}$, $19^{3}$; ערובין $4^{1}$; יומא $8^{9}$; ביצה $2^{8}$; מועד קטן $1^{2}$; כתובות $4^{6}$, $5^{1}$; נדרים $3^{11}$; נזיר $6^{2}$; סוטה $9^{15}$; בבא קמא $6^{4}$; מכות $1^{10}$; עדויות $3^{12}$; אבות $3^{17}$; זבחים $1^{3}$; מנחות $13^{6}$; ערכין $8^{4}$; כריתות $2^{5}$; כלים $3^{8}$; נגעים $7^{2}$, $8^{9}$, $13^{6}$; טהרות $7^{7}$; מקואות $3^{2}$, $8^{3}$; מכשירין $6^{6}$; ידים $3^{5}$, $4^{2,3}$; עוקצין $1^{5}$.

42. **R. Elazar b. Diglai (or Dilgai):** Mentioned only once. תמיד $3^{8}$.

43. **R. Eliezer (b. Hyrcanus):** Styled 'the Great.' Came of wealthy but ignorant land-owning family. One of the greatest of the pupils of Rabban Johanan b. Zakkai. Remarkable for his retentive memory, but stubborn in maintaining views he had learnt. Married sister of Rabban Gamliel. Was "sent to Coventry" by his colleagues and retired to Lydda, where he became the teacher of R. Akiva. Lived to a very ripe old age, and went to Rome with R. Joshua and Rabban Gamliel before his retirement. More than three hundred of his halakot are quoted in the *Talmud* and the Tannaitic *Midrashim*. ברכות $1^{1,2}$, $4^{5}$, $5^{2}$, $7^{5}$; פאה $3^{6}$, $4^{9}$, $5^{2,4}$, $7^{7}$; דמאי $4^{3}$, $5^{9}$, $6^{3}$; כלאים $2^{10}$, $3^{4}$, $5^{3,8}$, $6^{2}$, $9^{3}$; שביעית $5^{3}$, $8^{9,10}$, $9^{5,9}$, $10^{7}$; תרומות $2^{1}$, $4^{7-11}$, $5^{2,4-6}$, $6^{6}$, $8^{1-3,8-11}$, $11^{2}$; מעשרות $2^{4}$, $4^{3,5,6}$; חלה $1^{3}$, $2^{1,4,8}$, $4^{7}$; ערלה $1^{7}$; שבת $1^{10}$, $2^{3}$, $6^{4}$, $10^{6}$, $12^{4}$, $13^{1}$, $17^{7}$, $19^{1,4}$, $22^{1}$; ערובין $1^{2}$, $2^{5,6}$, $3^{3,6}$, $4^{5,11}$, $7^{10,11}$, $9^{2}$, $10^{10}$; פסחים $1^{7}$, $3^{1,3}$, $5^{9}$, $6^{1,2,5}$, $9^{2,4}$; שקלים $3^{1}$, $4^{7}$, $8^{7}$; יומא $5^{6}$, $7^{3}$, $8^{1}$; סוכה $1^{11}$, $2^{6}$, $4^{5}$; ביצה $4^{6,7}$; ראש השנה $4^{1}$; תענית $1^{1}$, $3^{9}$; מגלה $4^{10}$; מועד קטן $3^{6}$; חגיגה $3^{8}$; יבמות $3^{1}$, $6^{3,4}$, $8^{4,6}$, $12^{2,3}$, $13^{2,6,7,11}$, $16^{2,7}$; כתובות $1^{6-9}$, $5^{5,6}$, $9^{4}$; נדרים $4^{3}$, $9^{1,2}$, $10^{5-7}$; נזיר $3^{3-5}$, $6^{7,11}$, $7^{1}$; סוטה $1^{1}$, $3^{4}$, $4^{3}$, $6^{1}$, $8^{3}$, $9^{3-4}$; גטין $1^{1}$, $3^{2}$, $4^{7}$, $6^{3,4}$, $8^{8}$, $9^{1,4}$; קדושין $1^{4,9}$, $3^{12}$, $4^{3,13}$; בבא קמא $1^{4}$, $6^{4}$; בבא מציעא $6^{8}$; בבא בתרא $3^{8}$, $4^{4,5}$, $9^{7}$; סנהדרין $1^{4}$, $6^{4}$, $10^{3}$; מכות $3^{5}$; שבועות $2^{5}$, $5^{3}$; עדויות $2^{7}$, $5^{4,5}$, $6^{2,3}$, $7^{1,5-7}$, $8^{6}$; עבודה זרה $1^{8}$, $3^{9}$; הוריות $2^{7}$; זבחים $1^{1,4}$, $3^{3}$, $7^{4}$, $8^{4,5,7-12}$, $11^{3}$; מנחות $3^{1,4}$, $7^{3}$; חולין $2^{6,7}$, $12^{2}$; בכורות $1^{5,6}$, $4^{7}$, $5^{3}$, $7^{6}$, $8^{10}$, $9^{5}$; ערכין $3^{2}$, $6^{1,3}$, $8^{4}$; תמורה $3^{1,3}$, $6^{5}$; כריתות $3^{10}$, $4^{2,3}$, $6^{1,3}$; מעילה $1^{2,3}$; כלים $2^{3}$, $3^{2}$, $5^{10}$, $8^{1}$, $10^{1}$, $11^{5,8}$, $14^{1,7}$, $15^{2}$, $17^{1}$, $18^{9}$, $26^{3,4,5}$, $27^{5,12}$, $28^{2}$; אהלות $2^{2,4}$, $6^{1}$, $9^{14,15}$, $11^{7}$, $12^{3,8}$, $14^{4,5}$, $17^{2,5}$; נגעים $6^{7}$, $7^{4,5}$, $9^{3}$, $11^{7}$, $13^{2,6}$, $14^{9}$; פרה $1^{1}$, $2^{1,3,5}$, $4^{1,3}$, $5^{4}$, $7^{10}$, $9^{1,3,4,7}$, $10^{1,3}$, $11^{2,7}$; טהרות $2^{2,7}$, $8^{7}$, $9^{3}$; מקואות $2^{4,7,8,10}$, $6^{11}$, $8^{1}$, $9^{3}$; נדה $1^{3,5}$, $4^{4,6}$, $5^{9}$, $6^{12}$, $10^{3}$; מכשירין $4^{5}$, $6^{6,7}$; זבחים $2^{3}$, $5^{3,7}$; ידים $4^{2,3}$; עוקצין $1^{2}$, $2^{3}$, $3^{10}$.

44. **R. Eliezer b. Jacob I:** Lived in time of Temple, on which he was considered an authority. Contemporary of R. Eliezer. תמיד $5^{2}$; מדות $1^{2,9}$, $2^{5,6}$, $5^{4}$.

45. **R. Eliezer b. Zadok I:** Most probably a priest, who lived in Temple times and was an authority on customs in Jerusalem and in the house of the Patriarch Rabban Gamliel at Yavne, as well as on the Temple. מדות $3^{8}$.

46. **Rabban Gamliel II:** Grandson of Rabban Gamliel I. Appointed Patriarch on death of Rabban Johanan b. Zakkai, c. 80 C.E. Deposed by scholars at Yavne after he had three times humiliated R. Joshua. Restored to office on reconciliation. The greatest scholars of the age were with him at Yavne. Went on several missions to Rome on behalf of his people and was well received there, first with R. Eliezer and R. Joshua and later with R. Elazar b. Azaria, R. Joshua and R. Akiva. Man of great learning, well acquainted with the wisdom of the Greeks and Romans, and keenly interested in scientific study. ברכות $1^{1}$, $2^{5-7}$, $4^{3}$, $6^{8}$; פאה $2^{4}$, $4^{5}$, $6^{6}$; דמאי $3^{1}$; שביעית $9^{5}$; תרומות $8^{8}$; מעשרות $4^{6}$; מעשר שני $2^{7}$, $5^{9}$; חלה $4^{7,8}$; בכורים $2^{6}$; שבת $12^{6}$, $16^{8}$; ערובין $4^{1,2}$, $6^{2}$, $10^{1,10}$; פסחים $1^{5}$, $3^{4}$, $7^{2}$, $10^{5}$; סוכה $2^{1,5}$, $3^{9}$; ביצה $1^{8}$, $2^{6,7}$, $3^{2}$; ראש השנה $1^{6}$, $2^{8,9}$, $4^{9}$; תענית $1^{3}$, $2^{10}$; מועד קטן $3^{6}$; יבמות $5^{1}$, $13^{7}$, $16^{7}$; כתובות $1^{6-9}$, $8^{1}$, $12^{4}$, $13^{3-5}$; סוטה $2^{1}$; גטין $1^{1,5}$; בבא מציעא $5^{8,10}$; בבא בתרא $9^{1}$; שבועות $6^{3}$; עדיות $3^{9-11}$, $7^{7}$; עבודה זרה $3^{4}$; זבחים $9^{1}$; כריתות $3^{7-9}$; כלים $5^{4}$, $8^{9}$, $12^{3,6}$, $17^{2}$, $28^{4}$; נגעים $6^{5}$, $7^{4}$; פרה $9^{3}$, $11^{1}$; טהרות $9^{1}$; ידים $4^{4}$.

47. **R. Chalafta:** Descendant of Jonadab the Rechabite. Contemporary of Rabban Gamliel II. Lived in Sepphoris. תענית $2^{5}$.

48. **R. Chanina b. Dosa:** A disciple of Rabban Jochanan b. Zakkai, famed for his piety and wonder-working abilities. His poverty was proverbial. ברכות $5^{5}$; סוטה $9^{15}$; אבות $3^{10,11}$.

49. **R. Chanina b. Gamliel:** Older brother of the Patriarch Rabban Simon b. Gamliel. Disciple of his father and R. Tarfon. Many of his sayings are reported by the Amoraim in both *Talmuds*. קדושין $3^{4}$; בבא בתרא $10^{1}$; מכות $3^{15}$; מנחות $5^{8}$; בכורות $6^{9}$.

50. **R. Chuzpit:** Styled 'The Interpreter,' a post he filled in the College at Yavne in the time of Rabban Gamliel II. One of the Ten Martyrs. שביעית $10^{6}$.

51. **R. Jeshevav:** Contemporary of R. Huzpit and like him one of the Ten Martyrs. Is in one place called 'The Scribe.' חולין $2^{4}$.

52. **Jose b. Chanan, Abba:** Lived in Temple times. מדות $2^{6}$.

53. **Jose b. Onias:** Contemporary of R. Eliezer. זבחים $1^{2}$.

54. **R. Jose son of the Damascene:** Disciple of R. Eliezer. ידים $4^{3}$.

55. **R. Jose the Priest:** The third disciple of Rabban Jochanan b. Zakkai. עדיות $8^{2}$; אבות $2^{8,9,12}$.

56. **R. Joshua b. Bathira:** Member of the noble family in Jerusalem which held the office of Patriarch during the interregnum between Shemaia and Hillel. Colleague of R. Joshua. שבת $12^{5}$; יבמות $8^{4}$; עדיות $8^{1}$; פרה $2^{5}$.

57. **R. Joshua (b. Chanania):** A Levite, of the singers in the Temple. Disciple of Rabban Jochanan b. Zakkai, being one of those who carried his coffin when he escaped from Jerusalem during the siege. Acquired his master's skill in routing heretics. Appointed *Av-Bet-Din* in College of Yavne in Patriarchate of Rabban Gamliel.

Friendly with the Romans and went frequently to Rome on behalf of his people, first with Rabban Gamliel and R. Eliezer and later with Rabban Gamliel, R. Akiva and R. Elazar b. Azaria. Went also to Alexandria. A great linguist. Was a poor man and earned a living as a charcoal-burner. Supported Rabban Gamliel in the dispute with R. Eliezer but was himself three times humiliated by Rabban Gamliel for daring to disagree with him. This brought about the revolt of the scholars and the deposition of Rabban Gamliel. After the reconciliation R. Elazar b. Azaria was appointed *Av-Bet-Din* and R. Joshua established a school of his own at Pekiin. He died in Tiberias. ברכות $1^{2}, 4^{3,4}$; פאה $3^{6}$; כלאים $6^{4}$; שביעית $1^{8}, 2^{3}, 3^{10}, 5^{3}, 9^{5}$; תרומות $4^{7-11}, 8^{1-3,8-11}, 11^{2}$; מעשר שני $2^{7}, 5^{9}$; חלה $2^{5}$; ערלה $1^{7}$; שבת $12^{4}, 19^{4}$; ערובין $1^{4}, 7^{10}$; פסחים $1^{7}, 3^{3}, 6^{2,5}, 9^{6}$; שקלים $4^{7}$; יומא $2^{3}$; סוכה $3^{9}$; ראש השנה $2^{8,9}$; תענית $1^{1}, 2^{6}, 4^{4}$; יבמות $4^{13}, 8^{4}, 13^{7}, 16^{1,7}$; כתובות $1^{6-9}, 2^{2}$; נדרים $10^{6}$; נזיר $7^{4}, 8^{1}$; סוטה $1^{1}, 3^{4}, 5^{1,2,5}, 6^{1}, 9^{12,15}$; בבא בתרא $9^{7}$; סנהדרין $7^{11}$; עדיות $2^{7}, 3^{7}, 6^{2,3}, 7^{1,5-7}, 8^{3,5-7}$; עבודה זרה $2^{5}$; אבות $2^{8,9,11}$; זבחים $1^{3}, 7^{4}, 8^{10}, 9^{1}$; מנחות $3^{4}$; חולין $2^{4}$; בכורות $1^{6}, 9^{4}$; ערכין $6^{1}$; תמורה $3^{1}$; כריתות $3^{7-9}, 4^{2,3}$; מעילה $1^{1}, 4^{3}$; קנים $3^{6}$; כלים $11^{4}, 13^{7}, 14^{7}, 17^{1}, 28^{2}$; אהלות $2^{4}, 9^{15}, 12^{3,8}, 14^{3-5}, 17^{2}$; נגעים $4^{11}, 7^{4}, 8^{2}, 14^{13}$; פרה $1^{1}, 5^{3,4}, 9^{4}, 10^{1,2,6}$; טהרות $2^{3}, 6^{2}, 8^{7,9}$; מקואות $2^{7,8,10}, 3^{1}$; נדה $1^{3}, 4^{4}, 6^{14}, 10^{3}$; מכשירין $1^{3}$; זבים $4^{1}, 5^{1}$; טבול יום $3^{4,5}, 4^{6}$; ידים $3^{1,2}, 4^{3,4}$.

58. **R. Joshua b. Hyrcanus:** Fl. at the time of the dispute between Rabban Gamliel and R. Joshua. סוטה $5^{5}$.

59. **R. Judah b. Bathira:** Contemporary of R. Joshua, R. Eliezer, Rabban Gamliel and R. Tarfon, but outlived them all and survived even R. Akiva. Had school in Nisibis. Doubtless descended from the same family as his colleague R. Joshua b. Bathira. פאה $3^{6}$; בכורים $1^{6}$; שבת $9^{7}$; פסחים $3^{3}$; יבמות $4^{9}$; כתובות $6^{1}$; נדרים $6^{6}$; גטין $2^{4}$; שבועות $3^{6}$; עדיות $8^{3}$; ערכין $8^{6}$; כלים $2^{4}$; אהלות $11^{7}$; נגעים $9^{8}, 11^{7}$; מקואות $4^{5}$.

60. **R. Nechunia b. Elinathan:** 'Of the Babylonian Village.' Contemporary of R. Eliezer and R. Joshua. עדיות $6^{2,3}$.

61. **R. Nechunia b. ha-Kana:** Contemporary of the disciples of Rabban Jochanan b. Zakkai. Lived to a great age. Reputed to be a mystic. ברכות $4^{3}$; אבות $3^{5}$.

62. **R. Papias:** Contemporary of R. Joshua. שקלים $4^{7}$; נזיר $3^{2}$; עדיות $7^{5-7}$; תמורה $3^{1}$.

63. **Saul b. Botnit, Abba:** Contemporary and colleague of R. Eliezer b. Zadok I. שבת $24^{5}$; ביצה $3^{8}$.

64. **R. Simon b. Bathira:** Of the same family as his relatives R. Judah and R. Joshua. שבת $16^{1,3}$; פסחים $4^{3}$; גטין $5^{7}$; עדיות $8^{1}$; עבודה זרה $1^{5}$; זבחים $1^{3}$; מנחות $1^{2}$.

65. **R. Simon b. Nethanel:** The fourth of the five great disciples of Rabban Jochanan b. Zakkai. A priest. Married a daughter of Rabban Gamliel the Elder. אבות $2^{8,9,13}$.

66. **Simon brother of Azaria:** Regarded by Maimonides as uncle of R. Elazar b. Azaria. So called because his brother, engaged in business, gave him the means to study. זבחים $1^{2}$; טהרות $8^{7}$.

67. **R. Simon son of the Vice High Priest:** Regarded by Maimonides as son of R. Chanina. שקלים $8^{5}$; כתובות $2^{8}$; מנחות $11^{9}$.

68. **R. Yakim of Hadar:** Mentioned once only. עדיות $7^{5}$.

69. **R. Zadok:** Son of R. Eliezer b. Zadok I. Lived in the circle of Rabban Gamliel at Yavne. תרומות $10^{9}$; שבת $20^{2}$, $24^{5}$; פסחים $7^{2}$; סוכה $2^{5}$; נדרים $9^{1}$; עדיות $3^{8}$, $7^{1-4}$; אבות $4^{5}$; בכורות $1^{6}$; כלים $12^{4,5}$; מקואות $5^{5}$.

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**THE THIRD GENERATION** (c. 120 - 140 C.E.).

70. **Avtolemus:** Teacher of R. Jose. ערובין $3^{4}$.

71. **Akiva:** Son of a proselyte. Born in Jerusalem before the destruction of the city by the Romans. Ignorant shepherd to a rich land-owner, whose daughter Rachel he married. Encouraged by her he went to study at the schools of R. Eliezer and R. Joshua and became the most famous scholar of his generation. He attempted to find the source of the *Halachah* in the words of the *Torah*, even in its letters. Translations of the *Torah* into Greek and Aramaic were made under his influence by the proselyte Aquila. Travelled throughout the Diaspora, acting as scholar-statesman. Supported revolt of Bar-Cochba, greeting him as Messiah. Courageously taught and practised Jewish law even when it was proscribed after the war. Was one of the Ten Martyrs. ברכות $4^{3}$, $5^{2}$, $6^{8}$, $7^{3}$; פאה $1^{6}$, $3^{2,6}$, $4^{5,10}$, $7^{7}$, $8^{5}$; כלאים $1^{3}$, $3^{3,6}$, $5^{7}$, $6^{1}$, $7^{5}$; שביעית $1^{8}$, $3^{10}$, $4^{6}$, $6^{2}$, $8^{9,10}$, $9^{6}$; תרומות $3^{3}$, $4^{5,8,13}$, $6^{6}$, $9^{2}$, $10^{11}$; מעשרות $3^{5,9}$, $4^{6}$; מעשר שני $2^{4,7,9}$, $5^{8,9}$; חלה $2^{1,3}$, $3^{6}$, $4^{4,5,9}$; ערלה $3^{7}$; בכורים $3^{9}$; שבת $2^{3}$, $8^{5}$, $9^{1}$, $11^{1}$, $15^{3}$, $19^{1}$; ערובין $1^{2}$, $2^{4,5}$, $4^{1}$, $5^{8,9}$, $6^{9}$, $10^{15}$; פסחים $1^{6}$, $3^{4}$, $6^{2}$, $7^{1}$, $9^{2,6}$, $10^{6,9}$; שקלים $3^{1}$, $4^{3,4,6,7}$, $8^{7}$; יומא $2^{3}$, $7^{3}$, $8^{9}$; סוכה $3^{4,9}$; ביצה $3^{3}$; ראש השנה $1^{6}$, $2^{9}$, $4^{5}$; תענית $3^{3,4}$, $4^{4}$; יבמות $4^{12,13}$, $8^{4}$, $12^{3,5}$, $15^{6,7}$, $16^{7}$; כתובות $3^{3}$, $5^{9}$, $9^{2,3}$, $11^{4}$; נדרים $1^{1}$, $7^{1}$, $9^{5,6}$, $10^{6}$, $11^{4}$; נזיר $4^{5}$, $6^{1,6}$, $7^{4}$; סוטה $5^{1-4}$, $8^{5}$, $9^{3,4,15}$; גטין $8^{10}$, $9^{10}$; בבא קמא $3^{8}$, $6^{4}$, $8^{6}$; בבא מציעא $2^{7}$, $3^{12}$; בבא בתרא $1^{6}$, $2^{9}$, $3^{1}$, $4^{2,9}$, $6^{4}$, $7^{3}$, $9^{10}$; סנהדרין $1^{4}$, $3^{4}$, $7^{11}$, $9^{6}$, $10^{1,3,6}$, $11^{4}$; מכות $1^{7,10}$, $2^{7}$; שבועות $2^{5}$, $3^{1,5}$; עדיות $1^{8,10}$, $2^{1,2,6-10}$, $8^{1,5}$; עבודה זרה $2^{3}$, $3^{5,6}$; אבות $3^{13-16}$; הוריות $1^{2}$, $2^{5}$; זבחים $8^{11}$, $9^{3}$, $12^{4}$; מנחות $4^{3}$, $9^{5}$, $10^{4}$, $11^{3}$, $12^{5}$; חולין $2^{4}$, $8^{4}$, $9^{4}$; בכורות $2^{6-9}$, $3^{1}$, $4^{4}$, $6^{6}$, $7^{5}$, $8^{6}$, $9^{5}$; תמורה $1^{1}$; כריתות $2^{5}$, $3^{7-10}$ $5^{2-5,7}$; מעילה $1^{2,3}$, $5^{1}$, $6^{5}$; כלים $2^{3,4}$, $3^{8}$, $11^{6}$, $12^{5}$, $14^{1}$, $17^{5,13,17}$, $20^{4,6}$, $22^{7,9,10}$ $25^{4,7}$, $27^{5}$, $28^{2,7}$, $30^{2}$; אהלות $1^{3}$, $2^{2,6,7}$, $3^{5}$, $5^{1,2,7}$, $13^{3}$, $16^{1}$; נגעים $1^{2,4}$, $2^{1}$, $4^{7-10}$, $5^{3,4}$, $6^{5}$, $7^{2,4}$, $10^{1}$, $12^{3}$, $14^{10}$; פרה $2^{5}$, $3^{4,9}$, $8^{11}$, $10^{4,5}$; טהרות $5^{1,2}$, $7^{9}$; מקואות $3^{3}$, $7^{1}$, $8^{3}$; נדה $2^{3}$, $5^{8}$, $6^{12}$, $8^{3}$, $10^{8}$; מכשירין $4^{9}$, $5^{4}$, $6^{8}$; זבים $1^{2}$, $2^{2}$; טבול יום $3^{4,5}$; ידים $3^{1,5}$, $4^{1}$; עוקצין $3^{5,6,8}$.

72. **R. Elazar Chisma:** Disciple of R. Joshua. Lived in poverty at the College at Yavne. Reputed to excel in mathematics. תרומות $3^{5}$; בבא מציעא $7^{6}$; אבות $3^{18}$; נגעים $7^{2}$, $13^{3}$; מקואות $8^{3}$.

73. **R. Elazar b. Judah of Bartotha:** Disciple of R. Joshua. So charitable that collectors of charity used to hide from him because he would give them all he had. ערלה $1^{4}$; אבות $3^{7}$; אהלות $3^{5}$; זבים $1^{1}$; טבול יום $3^{4,5}$.

74. **R. Elazar b. Parta:** Colleague of R. Chanania b. Teradion. Arrested during the Hadrianic persecutions but later freed. Lived in Sepphoris. גטין $3^{4}$.

75. **R. Elazar of Modiim:** Active from the time of Rabban Jochanan b. Zakkai until the siege of Bethar. Executed by his nephew Bar-Cochba on wrongful suspicion of treachery. אבות $3^{11}$.

76. **Elisha b. Avuya:** Teacher of R. Meir. Became an apostate and even an informer against his people to the Romans in the days of persecution following the Bar-Cochba revolt. Yet his disciple did not forsake him and hoped till his dying day that he would repent. It says much for the tolerance of the Rabbis that they record his teaching. אבות $4^{20}$.

77. **R. Chanania b. Chachinai:** A distinguished disciple of R. Akiva. One of the youngest students at Rabban Gamliel's College at Yavne. One of the Ten Martyrs. כלאים $4^{8}$; מכשירין $3^{9}$; אבות $3^{4}$.

78. **R. Chanania b. Teradion:** Disciple of R. Eliezer. Established his school at Sikni. Was an overseer of charity. Taught Torah during the Hadrianic persecution though he was warned that it might lead to his death. Was one of the Ten Martyrs. His daughter Beruria was the wife of R. Meir. תענית $2^{5}$; אבות $3^{2}$.

79. **R. Chanina b. Antigonus:** Taught in the days of R. Akiva and R. Meir. Rashi regards him as a priest, but he is not so counted by Maimonides. שביעית $6^{3}$; ערובין $4^{8}$; יבמות $13^{2}$; קדושין $4^{5}$; בכורות $6^{3,4,10,11}$, $7^{2,5}$; ערכין $2^{4}$; תמורה $6^{5}$; נדה $8^{2}$.

80. **R. Illai:** Mentioned only once in the *Mishnah* but several times in the *Talmud.* Disciple particularly of R. Eliezer, though also of the principal scholars at the College at Yavne in the days of Rabban Gamliel. The father of the more famous son R. Judah b. Ilai. ערובין $2^{6}$.

81. **R. Ishmael (b. Elisha):** Not to be confused with his grandfather of the same name, the High Priest, who suffered martyrdom at the same time as Rabban Simon b. Gamliel. Taken captive as child to Rome where he was recognised and ransomed by R. Joshua. Studied under R. Nechunia b. ha-Kana, R. Eliezer and R. Joshua, and was principal disputant of R. Akiva. R. Meir was his most distinguished pupil. Took no part in the Bar-Cochba revolt but settled in Usha. During the Hadrianic persecution he lived in the south, by the border of Edom. Attempted to derive new laws from a simple and direct understanding of the Biblical text. Formulated the *Thirteen Principles of Scriptural Interpretation.* Founded a school whose teachings are frequently quoted in the Talmud as 'Tana debe R. Ishmael.' The *Mechilta* is attributed to this school. ברכות $7^{8}$; פאה $4^{10}$; דמאי $6^{4}$; כלאים $3^{3,5,7}$, $6^{4}$; שביעית $1^{4}$; תרומות $4^{5}$; מעשרות $3^{5}$; חלה $4^{4}$; שבת $2^{2}$, $15^{3}$; ערובין $1^{2}$; פסחים $10^{9}$; שקלים $3^{2}$, $4^{3,4}$; יומא $4^{1}$, $6^{8}$; סוכה $3^{4}$; מועד קטן $3^{8}$; כתובות $5^{8}$; נדרים $3^{11}$, $9^{10}$; נזיר $6^{3}$; בבא בתרא $3^{1}$, $6^{4}$, $10^{8}$; סנהדרין $1^{2}$; שבועות $2^{5}$, $3^{5}$; עדיות $2^{4-6}$, $5^{3}$; עבודה זרה $1^{2}$, $2^{6}$, $4^{1}$; אבות $3^{12}$; מנחות $3^{7}$, $10^{1}$; חולין $9^{4}$; בכורות $3^{1}$, $6^{6,12}$, $7^{5}$; ערכין $8^{7}$; כריתות $2^{5}$; מעילה $3^{3}$; כלים $2^{2}$, $5^{3}$, $7^{3}$; אהלות $3^{5}$; נגעים $1^{2}$, $2^{1}$, $8^{9}$, $11^{5}$, $12^{3}$; פרה $1^{3}$, $3^{11}$, $8^{11}$; טהרות $1^{2}$; מקואות $7^{1}$, $8^{3}$, $9^{6}$; נדה $3^{7}$, $6^{12}$; זבים $1^{2}$; ידים $4^{3}$; עוקצין $2^{2}$.

82. **R. Jochanan b. Baroka:** A great disciple of R. Joshua. ערובין $8^{2}$, $10^{15}$; פסחים $7^{9}$; סוכה $4^{6}$; יבמות $6^{6}$; כתובות $2^{1}$; בבא קמא $10^{2}$; בבא בתרא $8^{5}$; סנהדרין $11^{1}$; שבועות $7^{7}$; אבות $4^{4}$; בכורות $8^{10}$; כלים $17^{11}$.

83. **R. Jochanan b. Joshua:** Nephew of R. Akiva (grandson of his father-in-law). ידים $3^{5}$.

84. **R. Jochanan b. Matthias:** Mentioned only once. בבא מציעא $7^{1}$.

85. **R. Jochanan b. Nuri:** His teachers were R. Chalafta and R. Eliezer. He and R. Elazar Chisma were appointed to a living by Rabban Gamliel when their excellence as scholars and their dire poverty were pointed out to him by R. Joshua. His greatest colleague and friend was R. Akiva. Lived in Nagninar. Died before the destruction of Bethar. כלאים $6^{1}$; תרומות $10^{11}$; חלה $4^{2}$; ערובין $4^{5}$; ראש השנה $2^{8}$, $4^{5,6}$; יבמות $14^{1}$; כתובות $1^{10}$; נדרים $11^{4}$; בבא מציעא $3^{7}$; עדיות $2^{10}$; חולין $9^{2,3}$; בכורות $6^{6}$; תמורה $1^{1}$; כריתות $3^{6}$; כלים $2^{7}$, $11^{3}$, $17^{5,14,17}$, $30^{2}$; אהלות $2^{7}$, $6^{7}$, $8^{1}$, $12^{1}$, $14^{3}$; נגעים $10^{1}$, $14^{10}$; פרה $12^{8}$; טהרות $8^{6}$; מקואות $7^{1,5}$; טבול יום $2^{5,6}$; עוקצין $3^{5,6}$.

86. **R. Jose b. Chisma:** Colleague of R. Chanania b. Teradion. Lived in Caesaria and was friendly with the Roman government. Died during, but not on account of, the Hadrianic persecution. אבות $6^{9}$.

87. **R. Jose the Galilean:** Lived in Galilee where he taught R. Elazar b. Azaria when the latter fled there with his father after the destruction of the Temple. Came to Yavne very much later, a ripe scholar, and always counted among the four elders: R. Tarfon, he, R. Elazar b. Azaria and R. Akiva. Appears to have gone back to Galilee before the catastrophe of Bethar. ברכות $7^{3}$; שביעית $4^{6}$; בכורים $1^{10}$; ערובין $1^{7}$; פסחים $7^{1}$; כתובות $3^{3}$; סוטה $8^{5}$; גטין $2^{3}$; בבא קמא $8^{6}$; בבא מציעא $2^{10}$; סנהדרין $10^{6}$; מכות $2^{7}$; עבודה זרה $3^{5}$; הוריות $2^{5}$; זבחים $8^{12}$, $13^{1,2}$; מנחות $5^{8}$; חולין $4^{3}$, $5^{3}$, $8^{4}$; בכורות $2^{6}$, $8^{1}$; פרה $1^{2}$, $3^{4}$; נדה $5^{8}$.

88. **R. Joshua b. Mathias:** Mentioned only once. עדיות $2^{5}$.

89. **R. Judah b. Bava:** Of the circle of Rabban Gamliel, R. Joshua and R. Akiva at Yavne. Very pious. Ordained R. Meir and his four fellow-students during the Hadrianic persecution and urged them to escape while he remained to meet a martyr's death. ערובין $2^{4,5}$; יבמות $16^{3,5,7}$; עדיות $6^{1}$, $8^{2}$.

90. **R. Judah the Priest:** Mentioned once, possibly the son of Rabban Jochanan b. Zakkai. עדיות $8^{2}$.

91. **R. Levitas of Yavne:** Mentioned once, and only otherwise in *Pirke de-R. Eliezer*. אבות $4^{4}$.

92. **R. Matthias b. Cheresh:** Disciple of R. Eliezer and R. Elazar b. Azaria. Left Palestine during the Hadrianic persecution to found a school in Rome. יומא $8^{6}$; אבות $4^{15}$.

93. **Nehemia of Bet Deli:** A Babylonian disciple of Rabban Gamliel the Elder. Contemporary of R. Akiva. יבמות $16^{7}$; עדיות $8^{5}$.

94. **R. Simon b. Akashia:** Mentioned only once. קנים $3^{6}$.

95. **Simon b. Azzai:** Disciple of R. Joshua, but principally of R. Akiva, whose daughter he married. But he desired to spend his life so much in study that he divorced her and lived as a celibate. Had great reputation as a scholar. Lived in Tiberias. One of the four who entered the 'pardes of hidden knowledge.' ברכות $9^{4}$; שקלים $3^{1}$, $4^{6}$, $5^{3}$; יומא $2^{3}$; תענית $4^{4}$; יבמות $4^{13}$; סוטה $3^{4}$, $9^{15}$; בבא בתרא $9^{10}$; אבות $4^{2,3}$; הוריות $1^{2}$; זבחים $1^{3}$; בכורות $9^{5}$; קנים $2^{5}$, $3^{6}$; פרה $1^{1,3}$; נדה $5^{8}$; ידים $3^{5}$, $4^{2}$.

96. **R. Simon b. Nanos:** Colleague of R. Akiva and R. Ishmael. בכורים $3^{9}$; שבת $16^{5}$; ערובין $10^{15}$; גטין $8^{10}$; בבא בתרא $7^{3}, 10^{8}$; שבועות $7^{6}$.

97. **R. Simon of Teman:** A young student in the great days of Yavne under Rabban Gamliel. Disputed with R. Akiva. תענית $3^{7}$; יבמות $4^{13}$; ידים $1^{3}$.

98. **R. Simon b. Zoma:** Disciple of R. Joshua. A great preacher. Another of the four who entered 'the garden of hidden knowledge.' (The others were R. Simon b. Azzai, R. Akiva and Elisha b. Avuya). Died in the lifetime of his teacher. ברכות $1^{5}$; נזיר $8^{1}$; סוטה $9^{15}$; אבות $4^{1}$; מנחות $11^{4}$; חולין $5^{5}$.

99. **R. Tarfon:** A wealthy, scholarly priest who was about 20 years old when the Temple was destroyed. Established a school in Lydda. His disputes are mainly with R. Akiva who was a student-colleague of his. Teacher of the famous scholars of the next generation, the greatest being R. Judah. Died before the Bar-Cochba revolt. ברכות $1^{3}, 6^{8}$; פאה $3^{6}$; כלאים $5^{8}$; תרומות $4^{5}, 9^{2}$; מעשרות $3^{9}$; מעשר שני $2^{4,9}$; שבת $2^{2}$; ערובין $4^{4}$; פסחים $10^{6}$; סוכה $3^{4}$; ביצה $3^{5}$; תענית $3^{9}$; יבמות $15^{6,7}$; כתובות $5^{2}$, $7^{6}$, $9^{2,3}$; נדה $6^{6}$; נזיר $5^{5}$, $6^{6}$; קדושין $3^{13}$; בבא קמא $2^{5}$; בבא מציעא $2^{7}$, $4^{3}$; מכות $1^{10}$; עדיות $1^{10}$; אבות $2^{15,16}$; זבחים $10^{8}$, $11^{7}$; מנחות $12^{5}$; בכורות $2^{6-9}$, $4^{4}$; כריתות $5^{2,3}$; כלים $11^{4,7}$, $25^{7}$; אהלות $13^{2}$, $16^{1}$; פרה $1^{3}$; מקואות $10^{5}$; מכשירין $5^{4}$; ידים $4^{3}$.

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**THE FOURTH GENERATION** (c. 140-165 C.E.).

100. **Abba Saul:** His statements about Temple organisation presuppose either first-hand knowledge (in which case he belongs to an earlier generation) or a tradition the source of which is unknown. Was a grave-digger by profession. פאה $8^{5}$; כלאים $2^{3}$; שבת $23^{3}$; שקלים $4^{2}$; ביצה $3^{8}$; כתובות $7^{6}$; נדרים $6^{5}$; גטין $5^{4}$; קדושין $4^{2,14}$; בבא מציעא $4^{12}$, $6^{7}$; בבא בתרא $2^{7,13}$; סנהדרין $10^{1}$; מכות $2^{2}$; אבות $2^{8}$; מנחות $8^{3}$, $11^{5}$; מדות $2^{5}$, $5^{4}$.

101. **R. Elazar (b. Shammua):** Most frequently mentioned without the name of his father, which gave rise to the opinion that two different persons are meant. A priest. One of the later disciples of R. Akiva. Studied also under R. Joshua. During the Hadrianic persecution he was one of the five students ordained by R. Judah b. Bava when the latter met a martyr's death. They all fled, to assemble again in Usha after the persecution. But R. Elazar was not among them. He went to Galilee and founded a school where Rabbi subsequently studied. Another of his disciples was R. Joseph the Babylonian. Lived to a great age. שביעית $2^{8}$; שקלים $4^{8}$; יומא $5^{7}$; ראש השנה $1^{1}$; יבמות $10^{1}$; כתובות $2^{8}$, $3^{6}$; נזיר $7^{4}$; גטין $3^{8}$; בבא קמא $4^{9}$; אבות $4^{12}$; הוריות $1^{2}$; זבחים $13^{4,6}$; ערכין $4^{4,7}$, $9^{1,8}$; תמורה $2^{3}$, $3^{3,4}$; כריתות $3^{3}$; טהרות $6^{4-6}$.

102. **Elazar b. Dolai, Abba:** Contemporary of R. Meir and his colleagues. Mentioned only once. מקואות $2^{10}$.

103. **R. Elazar b. R. Jose the Galilean:** Named among the seven later disciples of R. Akiva. Famous in Aggada and presumed the author of the *Midrashic* work 'The Thirty-Two Methods of Aggadic Interpretation.' Presumably died young, because not mentioned in the re-assembled College at Usha. סוטה $5^{3}$.

104. **R. Elazar b. Mathias:** A disciple of the great scholars of Yavne. Suggested, though hardly likely, that he was the son of R. Mathias b. Heresh. יבמות $10^{8}$.

105. **R. Elazar b. Pilai (or Piabi):** Mentioned only once. טהרות $7^{9}$.

106. **R. Eliezer b. Jacob II:** One of the seven later disciples of R. Akiva. Possible that like his colleagues he made a *Mishnah* collection which is quoted in the *Talmud* as *Tani R. Eliezer b. Jacob.* כלאים $2^{9}, 4^{8}, 5^{3}, 6^{2}$; שביעית $2^{10}$; תרומות $3^{5}$; בכורים $1^{5}$; שבת $8^{6}, 15^{2}$; ערובין $6^{1}, 8^{10}$; שקלים $6^{3}$; מועד קטן $1^{3}$; יבמות $13^{3}$; נדרים $3^{1}, 5^{1,2}$; סוטה $9^{4}$; קדושין $4^{7}$; מכות $2^{2}$; אבות $4^{11}$; מנחות $5^{6}, 9^{3}$; בכורות $3^{1}$; ערכין $2^{6}$; כריתות $2^{1}$; כלים $7^{3}, 28^{9}$; נגעים $7^{1}, 10^{4}, 11^{11}$; פרה $9^{2}$; טהרות $3^{8}$; מכשירין $6^{8}$.

107. **R. Chanania b. Akavia:** Colleague of R. Judah. Had a school in Tiberias. כתובות $8^{1}$; ערכין $1^{3}$.

108. **R. Chanania b. Akashia:** Mentioned with R. Judah and R. Jose. מכות $3^{16}$.

109. **R. Chanania of Ono:** Mentioned with R. Meir. גטין $6^{7}$.

110. **R. Ishmael b. R. Jochanan b. Baroka:** Taught by his father. Was at Usha under the presidency of Rabban Simon b. Gamliel. בבא קמא $10^{2}$; סנהדרין $11^{1}$; אבות $4^{5}$.

111. **R. Jacob (b. Korshai):** An authority on the texts of *Mishnaiot* and *Baraitot.* Appointed by Rabban Simon b. Gamliel to teach his son Rabbi. Upset the plan of R. Meir and R. Nathan to bring about the deposition of R. Simon b. Gamliel from the presidency at Usha. אבות $3^{7}, 4^{16,17}$.

112. **R. Jochanan the Sandal-maker:** Appears to have come from Alexandria. A distinguished pupil of R. Akiva. Disguised himself as a pedlar in order to learn an *Halachic* decision from R. Akiva while the latter was in prison. Not mentioned in the College at Usha, so presumably died before the re-assembly of the scholars. יבמות $12^{5}$; כתובות $5^{4}$; אבות $4^{11}$; כלים $5^{5}$.

113. **R. Jonathan (b. Joseph):** Colleague of R. Josiah (the Babylonian, who is not mentioned in the *Mishnah*). Together they studied under R. Ishmael when he was in the south of Palestine during the Hadrianic persecution. A priest. אבות $5^{16}$.

114. **R. Joshua b. Korcha:** *Tosafot* (particularly Rabbenu Tam) disagrees with the opinion of Rashi and others that he was the son of R. Akiva. His teachers were R. Elazar b. Azaria and R. Johanan b. Nuri. Famous for his Aggadic sayings. Lived to a very advanced age. ברכות $2^{2}$; ראש השנה $4^{4}$; נדרים $3^{11}$; סנהדרין $7^{5}$.

115. **R. Jose b. ha-Chotef Efrati:** Pupil of R. Ishmael. כלאים $3^{7}$.

116. **R. Jose (b. Chalafta):** Descendant of Jonadab the Rechabite, and hence of Jethro. Learnt a great deal from his father, whom he greatly respected. His most famous teacher was R. Akiva, though he learned also from all the outstanding scholars of Yavne. Born in Sepphoris, the destruction and rebuilding of which he saw. When he and his colleagues were ordained by R. Judah b. Bava after the death of R. Akiva, they fled separate ways and met again only after Hadrian's death, when they first assembled to intercalate the year, in the valley of Rimmon. The seven scholars who came together on that occasion were R. Meir, R. Judah, R. Jose, R. Simon, R. Nehemia, R. Eliezer b. Jacob II, and R. Jochanan the Sandal-maker. They then went to Usha and again to Yavne where the incident occurred at which R. Judah spoke well of the Romans, R. Simon spoke ill, while R. Jose was silent. The convers-

ation was reproted to the government and for his silence R. Jose was banished to his native Sepphoris, so that he could not at first go to the College at Usha. At Sepphoris he founded a great school. Later, when the harsh decrees were annulled, he went to Usha and persuaded Rabban Simon b. Gamliel to recall R. Meir and R. Nathan from their banishment. Author of *Seder Olam*, a valuable historical work beginning with the Creation and going as far as the time of Alexander the Great, with some additional notes to the destruction of the Second Temple. Famous in *Halachah* and *Aggadah*. Married his deceased brother's wife, who bore him five sons, all of whom distinguished themselves in learning. ברכות $2^{3}$; פאה $3^{4,7}$, $6^{9}$, $7^{1,8}$; דמאי $2^{5}$, $3^{3,5}$, $7^{3}$; כלאים $2^{1,7}$, $3^{7}$, $5^{4}$, $6^{5,7}$, $7^{4,5}$, $8^{5,6}$, $9^{7,9}$; שביעית $2^{6}$, $3^{1,9}$, $9^{4,8}$, $10^{1}$; תרומות $1^{3}$, $3^{3}$, $4^{13}$, $7^{5-7}$, $8^{5}$, $10^{3,8,11}$, $11^{10}$; מעשרות $1^{8}$, $3^{5,7}$, $5^{8}$; מעשר שני $3^{6,11}$, $4^{7,11}$, $5^{2,14}$; חלה $4^{8}$; ערלה $1^{1,6,7,9}$; שבת $2^{5}$, $3^{3}$, $5^{2}$, $6^{8}$, $8^{7}$, $12^{3}$, $14^{2}$, $16^{2,4,5}$, $17^{8}$, $18^{3}$; ערובין $1^{6,7}$, $2^{5}$, $3^{4}$, $7^{9}$, $8^{5}$, $9^{3}$, $10^{9,10}$; פסחים $1^{7}$, $8^{7}$, $9^{2}$, $10^{8}$; שקלים $4^{1}$, $7^{7}$, $8^{1,2}$; יומא $4^{4,6}$, $6^{3}$; סוכה $1^{9}$, $3^{7,14}$; ביצה $4^{2}$; ראש השנה $1^{5,7}$, $3^{2}$, $4^{6}$; תענית $2^{8,9}$, $3^{6,7}$; מגלה $2^{3}$; מועד קטן $1^{5,8}$, $2^{1,2,5}$; יבמות $4^{10}$, $7^{3}$, $8^{6}$, $10^{1,4}$; $16^{4}$; כתובות $1^{10}$, $5^{7,8}$, $6^{7}$, $7^{3}$; נדרים $3^{11}$, $4^{8}$, $6^{5,10}$, $8^{2}$, $11^{1,2}$; נזיר $4^{7}$, $6^{2}$, $9^{1,5}$; סוטה $2^{3}$, $4^{5}$, $8^{5}$, $9^{12}$; גטין $5^{8}$, $6^{7}$, $7^{4,9}$; קדושין $3^{9}$, $4^{5,7}$; בבא קמא $4^{4}$; בבא מציעא $3^{2,4,5}$, $5^{7}$, $8^{8}$, $10^{2}$; בבא בתרא $1^{3}$, $2^{10,11}$, $8^{7}$, $10^{5,6}$; סנהדרין $3^{4}$, $5^{1}$, $6^{4}$, $8^{2}$, $9^{4}$; מכות $1^{8,9}$; שבועות $7^{4}$; עדיות $1^{2}$, $5^{2}$; עבודה זרה $1^{8}$, $2^{7}$, $3^{3,8}$; אבות $4^{6}$; זבחים $4^{5,6}$, $6^{1}$, $7^{6}$, $13^{3}$; מנחות $2^{1,2}$, $6^{5}$, $9^{5}$, $11^{7}$; חולין $2^{7}$, $3^{7}$, $8^{1}$, $9^{2}$; בכורות $2^{6-8}$, $3^{4}$, $4^{1}$, $5^{5}$; ערכין $1^{3}$, $2^{4}$, $5^{1}$, $8^{1}$; תמורה $1^{3}$, $5^{3,4}$; כריתות $1^{4}$, $3^{5}$, $4^{2}$, $5^{4-8}$, $6^{1}$; מעילה $3^{6}$; מדות $2^{2}$, $3^{1}$; קנים $1^{4}$; כלים $1^{9}$, $2^{6}$, $3^{7,8}$, $8^{8,10}$, $12^{1}$, $13^{1}$, $16^{6,7}$, $17^{5,6,12}$, $18^{1,3,4}$, $19^{3,4,9}$, $22^{2}$, $23^{2,4}$, $25^{7}$, $26^{1,4,6}$, $27^{9,10}$, $28^{3,6}$, $29^{2,4}$, $30^{3,4}$; אהלות $2^{7}$, $3^{6}$, $4^{1,2}$, $7^{2}$, $8^{5}$, $10^{3}$, $11^{1,7}$, $12^{3,8}$, $14^{2}$, $17^{1}$, $18^{1}$; נגעים $6^{5}$, $13^{12}$; פרה $3^{1,2,3,7}$, $5^{1,6}$, $7^{7,11}$, $8^{8}$, $9^{4}$, $10^{3}$, $11^{3,8,9}$; טהרות $1^{1,2}$, $4^{5,8,10}$, $5^{2,5,6}$, $7^{1}$, $8^{1,2,8}$, $9^{7}$, $10^{1,3,8}$; מקואות $2^{2}$, $3^{1}$, $4^{1,3}$, $5^{2,4,5}$, $6^{11}$, $7^{3}$, $8^{2,4}$, $9^{2,6}$, $10^{6}$; נדה $1^{5}$, $2^{6}$, $4^{2,5}$, $5^{8}$, $7^{1}$, $9^{1,2,9}$, $10^{5}$; מכשירין $1^{4,5}$, $3^{9}$, $5^{6,11}$, $6^{7}$; זבים $1^{5}$, $2^{3}$, $4^{2,7}$; טבול יום $1^{3,4}$, $3^{2,3,4}$, $4^{7}$; ידים $1^{1,4,5}$, $2^{1,4}$, $3^{5}$; עוקצין $1^{4-6}$, $3^{2}$.

117. **R. Judah (b. Illai):** Born in Usha, where he studied under his father. His most important teachers were R. Tarfon and R. Akiva. Ordained by R. Judah b. Bava, together with R. Meir, R. Simon, R. Jose, and R. Elazar, and also R. Nehemia, before his martyrdom. The fate and future of Judaism literally depended upon these scholars, who now had to scatter. They re-assembled in the valley of Rimmon to intercalate the year. At Yavne he spoke well of the Roman government and was promoted to be the foremost spokesman among the scholars. The government would not allow the College to remain in Yavne, so it removed again to Usha, Rabban Simon b. Gamliel was brought out of hiding and appointed Patriarch, while R. Judah was appointed by the government to supervise the patriarchal house. He was highly esteemed by the Patriarch. 607 *Halachot* are mentioned in his name in the *Mishnah*. Besides taking such an important share in the work of the College at Usha he had a school at Sikni. His greatest disciple was Rabbi. Was extremely poor and sometimes did not have even a coat to go out in. Lived from his farm. Had great reputation for piety. Outlived most of his colleagues. Left a learned son, R. Jose. ברכות $2^{1-3}$, $3^{4,6}$, $4^{1,7}$, $6^{1,3,4}$, $7^{2}$, $9^{2}$; פאה $1^{3}$, $2^{2}$, $3^{5}$, $4^{6}$, $5^{5}$, $6^{10}$, $7^{4,5}$, $8^{1}$; דמאי $1^{1}$, $2^{2,3}$, $3^{6}$, $4^{7}$, $5^{3-5}$, $6^{1,2,5}$; כלאים $1^{2,7,9}$, $3^{1,8}$, $4^{3,7,9}$, $8^{4}$, $9^{10}$; שביעית $2^{5,6}$, $3^{1}$, $4^{2,5}$, $5^{1,5}$, $7^{4}$, $9^{1,4,8}$, $10^{1}$; תרומות $1^{3}$, $2^{2,4-6}$, $3^{9}$, $4^{3}$, $9^{6,7}$, $10^{1,3,8,11}$, $11^{1,10}$; מעשרות $1^{2,7,8}$, $2^{2,3,5,8}$, $3^{5,7}$, $4^{2}$, $5^{5,6}$; מעשר שני $3^{10}$, $4^{7,10}$, $5^{8}$; חלה $2^{2}$, $4^{9}$; ערלה $1^{2}$; בכורים $1^{1,6,7,11}$, $3^{6,12}$; שבת $1^{11}$, $2^{4}$, $3^{5}$, $4^{1}$, $5^{2}$, $7^{4}$, $8^{2,4,6,7}$, $9^{5-7}$, $10^{4}$, $13^{5}$, $15^{2}$, $16^{7}$, $17^{4,5}$, $18^{2}$, $19^{3}$, $20^{2,5}$, $21^{1}$, $22^{1,3}$, $24^{2,4}$; ערובין $1^{1,4,10}$, $2^{1,3-5}$, $3^{1,4,5,7,8}$, $4^{4,5,9,10}$, $5^{6}$, $6^{2,4}$, $7^{11}$, $8^{2,4-7}$, $9^{3,4}$, $10^{2,3,5,11,12,15}$; פסחים $1^{3,4,5}$, $2^{1}$, $3^{5,8}$, $4^{2,3}$, $5^{4,7,8}$, $8^{7}$; שקלים $1^{2,4}$, $2^{4}$, $6^{5}$, $7^{4,6}$; יומא $1^{1}$, $4^{5,6}$, $5^{4}$, $6^{1,8}$; סוכה $1^{1,2,6,7}$, $2^{1,2}$, $3^{1,6-8,15}$, $4^{5,9}$, $5^{8}$; ביצה $1^{10}$, $2^{8,10}$, $3^{4,6,8}$, $4^{2,4}$, $5^{4}$;

ראש השנה $3^{5}$; תענית $1^{2}, 2^{3}, 4^{7}$; מגלה $1^{3}, 2^{3,4}, 3^{1-3}, 4^{6,7,10}$; מועד קטן $1^{6,7,9}, 2^{1,2,5}$ $3^{4}$; חגיגה $3^{7}$; יבמות $2^{9}, 4^{7,10}, 6^{5}, 8^{6}, 11^{1}, 12^{6}, 15^{1,5}, 16^{5}$; כתובות $2^{8}, 3^{2}, 4^{2,4}, 5^{1,7}$ $6^{6}, 7^{1,2}, 8^{1,5}, 9^{1}$; נדרים $1^{3,4}, 2^{4}, 4^{4}, 5^{5}, 6^{3,6,10}, 7^{3}, 8^{5}, 11^{10}$; נזיר $1^{7}, 2^{1,2}, 3^{6}, 4^{3}, 6^{2,7}$; סוטה $1^{3,5}, 2^{2,3}, 7^{4,6}, 8^{3,7}, 9^{1}$; גטין $1^{2}, 2^{1,4}, 3^{2,8}, 4^{7,8}, 6^{2}, 7^{4,6}, 9^{3}$; קדושין $2^{8}, 4^{3,6,8,14}$; בבא קמא $2^{4}, 3^{1,9}, 4^{2,7,9}, 6^{5,6}, 8^{2,6}, 9^{4}$; בבא מציעא $2^{1,6}, 3^{7,8,11}, 4^{4,5,9,12}, 5^{7}, 6^{7}, 7^{9}$, $9^{5,6}, 10^{3,6}$; בבא בתרא $1^{6}, 2^{5,14}, 3^{2,6}, 4^{1}, 5^{1,2,8,9}, 8^{7}, 10^{5,6}$; סנהדרין $1^{3,6}, 2^{1-4}, 3^{3,4}$, $4^{3}, 5^{3}, 6^{2,3}, 7^{2-4}, 8^{4}, 9^{1,3}, 10^{2}, 11^{1,4}$; מכות $1^{5}, 2^{3,6,8}, 3^{4,10,14}$; שבועות $1^{4}, 7^{1-3,6}$; עדיות $1^{6}, 3^{12}, 4^{6}, 5^{1,6}, 8^{7}$; עבודה זרה $1^{1,5,6,8}, 2^{5}$; אבות $4^{13}$; הוריות $1^{5}$; זבחים $2^{5}, 3^{6}, 6^{7}$, $7^{6}, 8^{6,12}, 9^{2}, 11^{3}, 14^{10}$; מנחות $1^{4}, 2^{2}, 3^{2}, 4^{5}, 5^{1,9}, 6^{5}, 8^{4}, 10^{5,8}, 11^{2,4,5}, 13^{1}$; חולין $2^{1}$, $3^{1,4,7}, 5^{3}, 6^{4-6}, 7^{1-3,6}, 9^{1,2,6}, 10^{4}, 12^{4}$; בכורות $3^{4}, 4^{3,9}, 5^{2}, 6^{10}, 7^{1,6}, 8^{3,4,6}, 9^{8}$; ערכין $1^{2}$, $4^{2}, 5^{1}, 7^{4,5}, 8^{5}, 9^{5}$; תמורה $1^{5}, 2^{2}, 7^{6}$; כריתות $2^{3,4}, 4^{2,3}, 5^{1}$; מעילה $3^{6}, 6^{4,5}$; תמיד $7^{2}$; מדות $1^{7}, 3^{6}, 4^{1,2,5}$; כלים $1^{6}, 3^{2}, 4^{1,4}, 5^{1,2,6,11}, 6^{1}, 7^{1,2}, 8^{8-10}, 9^{7,8}, 10^{3,5}, 12^{2,8}, 13^{1}$, $14^{6,8}, 15^{1,3,6}, 16^{1,4,8}, 17^{6,7,10,11}, 18^{3,4}, 19^{1}, 20^{1,7}, 21^{2,3}, 22^{1,7,8}, 25^{1-3}, 26^{1,9}, 27^{11}, 28^{7}$; אהלות $3^{5,7}, 6^{3,4}, 7^{1,4}, 10^{8}, 15^{8}, 16^{2}, 17^{5}$; נגעים $2^{1,2,4,5}, 6^{7}, 10^{2,4,9,10}, 11^{3,4,8}, 12^{4,5}$, $13^{3,10,11}, 14^{8,9,11,12}$; פרה $2^{2,4,5}, 3^{9}, 4^{1}, 5^{1,4,6}, 7^{9}, 8^{8-11}, 9^{5}, 11^{8,9}, 12^{1,2,5}$; טהרות $1^{1}$, $4^{1,8}, 5^{5,6}, 6^{8}, 7^{8}, 8^{1}, 9^{4}, 10^{1}$; מקואות $2^{10}, 5^{2,4,5}, 6^{1,5,9}, 7^{6}, 9^{1,6,7}, 10^{5}$; נדה $1^{7}, 3^{1}, 4^{5}$, $6^{11}, 7^{3,4}, 9^{5,9,11}, 10^{2,5}$; מכשירין $2^{4,5,7,8}, 3^{1,3,5-7}, 6^{2,3}$; זבים $2^{2}, 3^{1-3}$; טבול יום $1^{1,2,5}$, $2^{3,7}, 3^{1}$; ידים $3^{4,5}$; עוקצין $1^{2}, 2^{1,4}, 3^{2,8}$.

118. **R. Meir:** A scribe by profession. Disciple of R. Akiva and R. Ishmael. Ordained by R. Judah b. Bava before his martyrdom. Was pupil also of Elisha b. Avuya, with whom he remained friendly in spite of his apostasy. Was the foremost of the seven scholars who assembled in the valley of Rimmon after the death of Hadrian to intercalate the year. Sent by the scholars when they assembled in Yavne to intercalate the year in Asia Minor (since it was still forbidden to intercalate it in Palestine). When they re-assembled in Usha, Rabban Simon b. Gamliel was appointed *Patriarch*, R. Nathan *Av-Bet-Din* and R. Meir *Haham*. R. Meir was easily the most distinguished of them all in the keenness of his intellect and the clarity of his expression. His generation was responsible for the *Halakic* collections and his own was the basis of Rabbi's *Mishnah*. Humane and kindly man with a firm faith in individual providence. A great *Aggadist* and author of many fables. Married Beruria, daughter of the martyr R. Chanania b. Teradion, the only woman mentioned in the Talmud in connection with *Halachah*. Their two sons died in their lifetime. R. Meir and R. Nathan planned to depose Rabban Simon b. Gamliel, and as a result of the ensuing quarrel he retired to Tiberias, where he founded a school. There his wife committed suicide and he left for Asia Minor where he died. ברכות $2^{1}$; פאה $2^{1}, 4^{11}, 5^{3}, 7^{3,5}, 8^{5}$; דמאי $1^{2}, 2^{5}, 5^{3,4}$; כלאים $2^{9,11}, 3^{7}, 4^{9}, 5^{1}, 6^{5}, 7^{2}$; תרומות $4^{1,2}$, $6^{3,5}, 7^{2,5-7}, 10^{3}, 11^{10}$; מעשרות $2^{3,5}, 4^{4}, 5^{8}$; מעשר שני $2^{8}, 5^{14}$; חלה $1^{2}$; ערלה $1^{5}$, $3^{1,2,6,7}$; בכורים $1^{6,11}$; שבת $6^{3,8,10}, 8^{7}, 15^{1}$; ערובין $1^{7}, 2^{1}, 3^{4}, 4^{9,10}, 5^{2,4}, 6^{1,4}, 8^{2,5}$, $9^{1}, 10^{9}$; פסחים $1^{4,7}, 2^{8}, 3^{6,8}, 4^{6}, 6^{5}$; שקלים $1^{6,7}, 2^{5}, 8^{1,2}$; יומא $3^{6,7}, 4^{6}$; סוכה $1^{6,7}$, $3^{6-8}$; ביצה $4^{3}$; תענית $1^{2}, 2^{10}$; מגלה $2^{3}, 3^{2}$; מועד קטן $1^{5}$; יבמות $15^{5}, 16^{4}$; כתובות $1^{3}, 5^{1,4}, 6^{7}, 7^{8,10}, 8^{3,7}, 12^{4}$; נדרים $1^{4}, 2^{4,5}, 3^{9}, 4^{4}, 7^{2,4,5}, 8^{2,5,7}, 9^{3,4,8}, 11^{7}$; נזיר $1^{1}, 2^{6}, 6^{8}, 7^{4}, 9^{1}$; סוטה $2^{5}, 4^{3}, 9^{15}$; גטין $1^{2,6}, 4^{7}, 5^{1}, 6^{7}$; קדושין $1^{3,4}, 2^{8}, 3^{4,9}, 4^{14}$; בבא קמא $2^{4}, 3^{9}, 4^{1,4,9}, 9^{2,4}$; בבא מציעא $1^{6}, 2^{1,6}, 3^{11}, 4^{5}, 6^{5}, 7^{9}, 10^{6}$; בבא בתרא $5^{4}, 9^{6}$; סנהדרין $1^{1,2}, 2^{1}, 3^{1,2}, 6^{5}, 7^{8}$; מכות $1^{2,3}, 2^{3,5,8}$; שבועות $1^{4}, 4^{1,13}, 5^{1,3}, 6^{6}, 7^{4}$; עדיות $1^{9}, 3^{1}$; עבודה זרה $1^{3,5,8}, 2^{2,4}, 3^{1}$; אבות $3^{8}, 4^{10}$; הוריות $1^{5}$; זבחים $4^{3,5}, 7^{6}$, $10^{6,7}$; מנחות $2^{4,5}, 5^{1}, 6^{5}, 9^{1}, 10^{4,5}, 11^{5}$; חולין $3^{2}, 4^{4,5}, 5^{3}, 6^{2,3}, 7^{1}, 9^{7,8}$; בכורות $2^{8}$, $4^{3}, 5^{4}, 8^{1,3,4,10}, 9^{2,5,8}$; ערכין $1^{2}, 2^{1,4}, 7^{5}, 9^{5}$; תמורה $2^{1}, 5^{3,4}$; כריתות $1^{2,3}, 3^{1,3,4}, 6^{1}$; מעילה $6^{5}$; מדות $2^{2}$; כלים $3^{2,5}, 5^{1,3,7}, 7^{2,5}, 8^{10}, 13^{4}, 15^{1,4}, 16^{1}, 17^{4,5,10,11}, 18^{4}$,

$19^{3,4,9,10}$, $25^{1-3,5,7}$, $26^{4}$, $27^{2}$, $28^{6}$; אהלות $2^{3}$, $3^{1}$, $6^{3}$, $7^{5}$, $8^{2}$, $10^{2,3}$, $11^{7}$, $13^{6}$, $15^{9}$, $16^{2}$, $18^{2}$; נגעים $1^{1}$, $2^{2,5}$, $4^{4}$, $6^{3}$, $8^{6}$, $11^{3}$, $12^{5}$, $13^{12}$; פרה $1^{1,2}$, $2^{5}$, $3^{5}$, $5^{6}$, $6^{2}$, $8^{8}$, $11^{4-6,8}$; טהרות $1^{1}$, $3^{2,8}$, $5^{7,9}$, $6^{9}$, $7^{2-4}$, $8^{4}$, $9^{4}$, $10^{1,3}$; מקואות $2^{10}$, $4^{1}$, $5^{4}$, $6^{10}$; נדה $1^{4}$, $2^{6}$, $3^{2}$, $4^{5,7}$, $6^{1,13}$, $7^{3}$, $9^{1,5}$; מכשירין $2^{10}$, $3^{3}$, $6^{2,5}$; טבול יום $1^{5}$, $3^{1,6}$, ידים $2^{1}$; עוקצין $1^{2}$.

119. **R. Menachem (b. R. Jose b. Chalafta):** Although mentioned only once in the *Mishnah,* there is a tradition that Rabbi included a number of his opinions anonymously. His father's fifth son. יומא $4^{4}$.

120. **R. Nehemia:** Descendant of the Biblical Nehemia. A potter by trade, and very poor. One of the seven disciples of R. Akiva who re-established Jewish learning after the catastrophe of Bethar. Ordained by R. Judah b. Bava. Present at the valley of Rimmon to intercalate the year, as well as at Usha and Yavne. But not mentioned in the later assembly at Usha, and presumably died before that. Author of the original *Tosefta.* תרומות $8^{7}$; מעשרות $3^{5}$; שבת $8^{4}$, $17^{4}$; יבמות $5^{6}$; נדרים $3^{11}$; נזיר $9^{4}$; סוטה $5^{4}$; סנהדרין $1^{6}$, $9^{1}$, $10^{3}$; זבחים $13^{6}$; כלים $18^{5}$; נגעים $11^{5}$; נדה $9^{3}$; מכשירין $3^{2}$; זבים $4^{3,7}$; טבול יום $3^{1}$.

121. **Rabban Simon b. Gamliel II:** Observed many traditions in his father's house at Yavne. Was not appointed *Patriarch* on father's death because many of the famous scholars of that generation were still alive. Then came the troubles, the rebellion and the persecution, during which he was in hiding because the Romans would have executed him as a member of the ruling house. When the scholars re-assembled the second time in Usha, R. Judah's influence with the government enabled Rabban Simon to come out of hiding and be appointed *Patriarch,* the sixth in descent from Hillel. Although a modest man, he insisted upon the authority of his office, thereby offending his *Av-Bet-Din* R. Nathan and his *Haham* R. Meir. He came out triumphant in the subsequent quarrel, R. Nathan submitting to him and R. Meir going into exile. Learned in Greek. Was very friendly with the aged R. Joshua b. Korcha. His most famous pupil was his son, Rabbi. ברכות $2^{8}$; פאה $5^{1}$; דמאי $7^{3}$; שביעית $1^{5,7}$, $3^{4}$, $4^{10}$; מעשרות $5^{5}$; מעשר שני $3^{5}$, $5^{1}$; ערלה $1^{4}$; שבת $1^{9}$, $12^{1}$, $13^{5}$, $18^{1}$; ערובין $8^{6}$; פסחים $2^{3}$, $4^{5}$; שקלים $8^{5}$; ביצה $3^{1}$; תענית $4^{7,8}$; מגלה $1^{8}$; כתובות $2^{8}$, $5^{5}$, $6^{4}$, $7^{9}$, $8^{5}$, $9^{1,9}$, $11^{4,5}$, $13^{10,11}$; נדרים $8^{5}$; נזיר $6^{8}$; סוטה $9^{12,15}$; גטין $1^{1}$, $4^{4,6}$, $6^{1,6}$, $7^{5,6}$; בבא קמא $3^{3}$, $5^{4}$; בבא מציעא $1^{8}$, $3^{6}$, $5^{5}$, $7^{1}$, $8^{6,8}$, $9^{8,13}$, $10^{5}$; בבא בתרא $1^{5}$, $4^{7}$, $5^{10,11}$, $6^{1,4,8}$, $8^{5}$, $10^{1,4,7}$; סנהדרין $1^{2}$, $3^{8}$; מכות $1^{10}$; שבועות $7^{7}$; עדיות $8^{3}$; עבודה זרה $2^{3}$, $3^{1,3}$, $5^{3,4,10}$; אבות $1^{18}$; מנחות $11^{9}$; חולין $2^{6}$, $3^{2}$, $6^{7}$, $8^{2}$; בכורות $2^{4}$, $3^{2}$, $5^{4}$, $6^{9}$, $7^{6}$; ערכין $6^{1}$; תמורה $5^{2}$; כלים $7^{6}$, $11^{1}$, $17^{4}$, $26^{1}$, $28^{8}$; אהלות $18^{9}$; מקואות $6^{7}$, $9^{5}$; ידים $2^{2}$, $3^{1}$.

122. **R. Simon of Shezur:** Disciple of R. Tarfon and disputant with R. Meir and R. Jose. דמאי $4^{1}$; שביעית $2^{8}$; גטין $6^{5}$; חולין $4^{5}$; כריתות $4^{3}$; כלים $18^{1}$; טהרות $3^{2}$; טבול יום $4^{5}$.

123. **R. Simon (b. Yochai):** The student whose innocent question to R. Joshua about the evening service started the revolt of the scholars at Yavne. Studied under R. Akiva at Bnei Brak, and still begged to learn from him even in prison. One of the five ordained by R. Judah b. Bava before his martyrdom. One of the seven scholars who assembled in the valley of Rimmon to intercalate the year after the death of Hadrian. Was also present at Usha and then at Yavne, where he spoke ill of the Roman government in answer to R. Judah's praise. For this he was condemned to

death by the Romans, but he fled with his son Elazar and hid for thirteen years in a cave. Then did not return to Usha but founded a school in Tekoa, where he taught Rabbi. Went on a successful mission to Rome with R. Elazar, son of R. Jose. פאה $1^{3}$, $3^{8}$, $4^{1}$; דמאי $3^{4}$, $5^{3}$; כלאים $2^{1,2,7}$, $4^{9}$, $5^{2}$, $7^{4,8}$; שביעית $1^{8}$, $2^{1-3,5,6,8,10}$, $3^{2,3}$, $6^{5,6}$, $7^{6}$, $8^{6,7}$, $9^{1,3,5}$; תרומות $3^{5,9}$, $4^{12}$, $5^{8}$, $10^{11}$, $11^{10}$; מעשרות $1^{4}$, $2^{4}$, $3^{8}$; מעשר שני $2^{2}$, $3^{2,11,13}$, $5^{6}$; ערלה $2^{1,9,10,14-16}$; בכורים $2^{2}$, $3^{1,10}$; שבת $3^{6}$, $8^{1}$, $10^{5,6}$, $13^{6}$, $14^{4}$; ערובין $3^{4}$, $4^{6,11}$, $5^{6}$, $6^{5}$, $8^{2,5}$, $9^{1}$, $10^{2,3,15}$; פסחים $5^{4}$, $8^{3}$, $9^{8}$; שקלים $2^{4}$, $3^{1}$, $7^{6}$, $8^{8}$; יומא $5^{7}$, $6^{6,7}$; סוכה $2^{1}$; ביצה $1^{9}$, $3^{4}$; ראש השנה $1^{1,7}$; חגיגה $1^{7}$; יבמות $2^{2}$, $3^{4,9}$, $6^{3,4}$, $8^{3,6}$, $10^{1,7-9}$, $12^{5}$, $15^{5}$; כתובות $4^{1}$, $8^{2,4}$, $9^{8}$, $10^{3}$, $11^{2}$; נזיר $2^{4,8}$, $5^{6}$, $6^{9,10}$; סוטה $3^{2,5}$; גטין $1^{5}$, $2^{2}$; קדושין $2^{2}$, $4^{12}$; בבא קמא $4^{1}$, $6^{2,4}$, $7^{2,4}$; בבא מציעא $2^{10}$, $4^{2,5,9}$, $5^{10}$, $10^{6}$; בבא בתרא $2^{2,14}$, $4^{9}$, $6^{8}$; סנהדרין $1^{3}$, $2^{4}$, $3^{3}$, $7^{1}$, $9^{2,3}$, $10^{6}$; מכות $1^{7}$, $2^{3}$, $3^{2,6,15}$; שבועות $1^{4,7}$, $3^{4}$, $4^{3}$, $5^{2-4}$, $6^{5}$; עדיות $5^{3}$, $8^{7}$; עבודה זרה $3^{7}$, $4^{10}$; אבות $3^{3}$, $4^{13}$; הוריות $1^{2,5}$, $2^{7}$, $3^{3}$; זבחים $1^{4}$, $2^{1}$, $4^{3-5}$, $8^{3,12}$, $9^{1,2}$, $10^{7,8}$, $11^{7}$, $12^{6}$, $13^{3,7}$, $14^{2}$; מנחות $3^{4}$, $4^{2-5}$, $5^{5,7,9}$, $6^{1,4,7}$, $9^{2,7}$, $10^{8}$, $11^{2}$, $12^{3,4}$, $13^{10}$; חולין $2^{3,5,6,10}$, $3^{1}$, $5^{3}$, $9^{7,8}$; בכורות $4^{9}$, $5^{2}$, $8^{2}$, $9^{5}$; ערכין $7^{4,5}$, $8^{5}$, $9^{5}$; תמורה $1^{2,6}$, $2^{2}$, $3^{1,3,5}$, $7^{3,4}$; כריתות $1^{5}$, $3^{9}$, $4^{3}$, $5^{4-8}$, $6^{9}$; מעילה $3^{3,4,6}$, $4^{6}$; כלים $3^{2,5}$, $5^{7}$, $7^{5}$, $9^{4,8}$, $14^{2}$, $15^{2}$, $17^{3,4,11,17}$, $18^{4}$, $22^{6}$, $24^{17}$, $25^{3}$, $26^{8}$, $27^{4,11,12}$, $28^{6,7}$, $30^{8}$; אהלות $2^{3,7}$, $3^{2}$, $7^{2}$, $9^{14}$, $10^{2}$, $11^{7}$, $13^{1}$, $16^{5}$, $18^{5}$; נגעים $4^{4,6}$, $6^{6}$, $10^{2,4,8,9}$, $11^{3,9}$, $12^{5}$, $13^{11}$, $14^{9-11}$; פרה $2^{2}$, $5^{1}$, $6^{2}$, $9^{2}$, $11^{8}$, $12^{1}$; טהרות $4^{8}$, $6^{1}$, $9^{1,3,4}$, $10^{1,3}$; מקואות $1^{3,5}$, $2^{5,6,10}$, $8^{5}$; נדה $3^{4}$, $4^{5}$, $5^{1}$, $7^{2}$, $9^{2}$; מכשירין $1^{6}$, $3^{5}$, $4^{10}$, $5^{3,10}$, $6^{5,6,8}$; זבים $3^{2}$, $4^{3-5,7}$, $5^{4,5}$; טבול יום $3^{4}$, $4^{7}$; ידים $3^{3,5}$; עוקצין $2^{9}$, $3^{2-4}$.

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**THE FIFTH GENERATION** (c. 165 - 200 C.E.).

124. **Abba Gorion of Zaidan:** Mentioned only once more, in a *Midrash*. קדושין $4^{14}$.

125. **R. Dositheus b. Yannai:** Pupil of R. Meir and colleague of Rabbi. Had pupils of his own. ערובין $5^{4}$; אבות $3^{9}$.

126. **R. Elazar b. R. Simon (b. Yochai):** Hid with his father for thirteen years in a cave on account of the Romans. Became one of the greatest disciples at his father's school at Tekoa. After his father's death he studied with Rabbi under Rabban Simon b. Gamliel and R. Joshua b. Korcha. Married a daughter of R. Simon b. Jose b. Lakonia. Appointed by the government to catch thieves, an occupation disapproved of by his colleagues. A big-built man. On his death Rabbi wanted to marry his widow but she refused. ביצה $4^{5}$; תמורה $4^{4}$; נגעים $12^{3}$.

127. **R. Elazar ha-Kappar:** Lived and taught in Lydda. His pupil was the famous R. Joshua b. Levi. אבות $4^{1\text{et seq.}}$

128. **R. Eliezer b. Zadok II:** Pupil of R. Meir. פאה $2^{4}$; כלאים $7^{2}$; שביעית $2^{4}$; מעשרות $4^{4}$; פסחים $3^{6}$, $10^{3}$; ראש השנה $2^{7}$; סנהדרין $7^{2}$; עדיות $2^{5}$; מנחות $9^{2}$; חולין $3^{6}$; מעילה $3^{7}$; כלים $2^{5,6}$, $26^{9}$; טהרות $2^{8}$; מקואות $2^{10}$, $6^{10}$; נדה $8^{4}$; עוקצין $1^{5}$, $2^{7}$.

129. **R. Chalafta b. Dosa of Kefar Chanania:** Pupil of R. Meir. אבות $3^{6}$.

130. **R. Ishmael b. R. Jose (b. Chalafta):** The greatest of his father's five sons. Succeeded his father as head of the school at Sepphoris, and was the teacher of most of the famous scholars of the next generation. Highly esteemed by Rabbi. Was a flax merchant and a wealthy landowner. Died before Rabbi. אבות $4^{7,8}$.

131. **Jaddua the Babylonian:** Mentioned once only. בבא מציעא $7^{9}$.

132. **R. Jose b. R. Judah:** Son of R. Judah b. Ilai, from whom he received his learning. Colleague of Rabbi, with whom he studied under his father. Probably died before Rabbi. ערובין $1^{10}$; פסחים $4^{6}$; נדרים $8^{6}$; גטין $4^{7}$; בבא מציעא $7^{3}$; סנהדרין $8^{3}$; מכות $2^{3,6}$; אבות $4^{20}$; זבחים $6^{1}$; מנחות $8^{7}$; חולין $1^{3}$; בכורות $9^{7}$; תמורה $2^{3}$.

133. **R. Jose b. Judah of Kefar Bavli:** Mentioned only once. אבות $4^{20}$.

134. **R. Jose b. Meshullam:** Colleague of R. Simon b. Elazar and R. Simon b. Menasia. תרומות $4^{7}$; בכורות $3^{3}$, $6^{1}$.

135. **R. Judah the Patriarch:** Known more familiarly as **Rabbi** and **Rabbenu the Saintly.** The seventh in direct descent from Hillel. Among his teachers were R. Jacob b. Korshai, R. Meir, R. Judah, R. Elazar, R. Simon, R. Jose, R. Nathan, R. Joshua b. Korcha, besides his own father. To these scholars he went in their own schools, spending much time at each. Fixed the College at Beth Shearim when he became *Patriarch* on the death of his father. Transferred the College to Sepphoris in the last seventeen years of his life. A friend of the Antonine emperors. Travelled widely in Palestine and the Diaspora to regulate communal life and to teach. Skilled in medicine and natural science. Blessed with beauty, power, wealth and wisdom. Used his wealth to support scholars and students in time of need. Called together the scholars from Palestine and all parts of the Diaspora to sift the material of the Oral Law and prepare an authoritative text-book and code, divided into six orders containing 63 tractates, known as the *Mishnah.* By form and arrangement, as well as brevity of expression, it was designed to be learnt by memory. Had two sons, Rabban Gamliel, who succeeded him as *Patriarch,* and R. Simon, whom he appointed as *Haham* on account of his brilliant scholarship. Died 219 C.E., after acting as *Patriarch* for almost fifty years. שביעית $6^{4}$; מעשרות $5^{5}$; שבת $6^{5}$, $12^{3}$; כתובות $2^{4}$; נדרים $3^{11}$; נזיר $1^{4}$, $4^{5}$; סוטה $3^{5}$, $5^{1}$, $9^{15}$; גטין $5^{6}$; בבא קמא $5^{3}$; מכות $1^{8}$, $2^{1}$; עבודה זרה $2^{6}$, $4^{5}$, $5^{11}$; אבות $2^{1,2}$, $4^{20}$; מנחות $6^{3}$, $8^{6}$, $13^{2,5,8,9}$; חולין $3^{4}$; בכורות $7^{6}$; ערכין $4^{2}$, $8^{5}$, $9^{3,8}$; תמורה $4^{3}$, $6^{2}$; מעילה $5^{3}$; מדות $3^{4}$; אהלות $18^{9}$; מקואות $2^{10}$.

136. **R. Judah b. Tema:** From the few references in the *Talmud* very little is known of him. אבות $5^{20,21}$.

137. **R. Nathan,** 'The Babylonian:' Actually a colleague of R. Meir, but also colleague of Rabbi in the compilation of the *Mishnah.* Probably son of the *Resh Galuta* in Babylon. Studied in Palestine but returned to Babylon during the Hadrianic persecution. Came back to the College at Usha, where he was appointed *Av-Bet-Din* by Rabban Simon b. Gamliel. He and R. Meir planned to depose Rabban Simon, but he finally submitted to the latter's authority and was restored to his office. Travelled a great deal, and was well versed in astronomy and civil law. Author of *Avot de R. Nathan.* ברכות $9^{5}$; שקלים $2^{5}$.

138. **R. Nehorai:** One of the scholars at Usha. נזיר $9^{5}$; קדושין $4^{14}$; אבות $4^{14}$.

139. **R. Phineas b. Jair:** Son-in-law of R. Simon b. Yochai. A saintly scholar of whom marvellous tales are told in the *Talmud.* סוטה $9^{15}$.

140. **R. Simon b. Elazar:** Pupil of R. Meir and colleague of Rabbi. Lived in Tiberias to a ripe old age. כלאים $9^{8}$; סוטה $9^{13}$; קדושין $4^{14}$; בבא מציעא $2^{1}$; עבודה זרה $4^{11}$; אבות $4^{18}$; מכשירין $4^{1}$, $6^{7}$.

141. **R. Simon b. Chalafta:** Probably grandson of R. Jose. A great friend of Rabbi. Was very poor. עוקצין $3^{12}$.

142. **R. Simon b. Judah:** Pupil of R. Simon b. Yochai and an older contemporary of Rabbi. מעשר שני $3^{6}$; מכות $3^{6}$; שבועות $1^{6}$; נגעים $10^{6}$.

143. **R. Simon b. Menasia:** Pupil of R. Meir. Thought very highly of Rabbi and his family. חגיגה $1^{7}$.

144. **Symmachos (b. Joseph):** Pupil of R. Meir with as brilliant an intellect as his teacher. ערובין $3^{1}$; בבא מציעא $6^{5}$; חולין $5^{3}$.

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[Historians are not agreed in the correct chronological placement of several of the less well-known *Tannaim*. There is also some confusion and uncertainty regarding the exact identity of several *Tannaim*. The Hebrew letter ח occurring in *proper names* has been rendered generally by the (German guttural) *ch* in preference to *h* favoured by some writers.—*Philip Blackman.*]

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