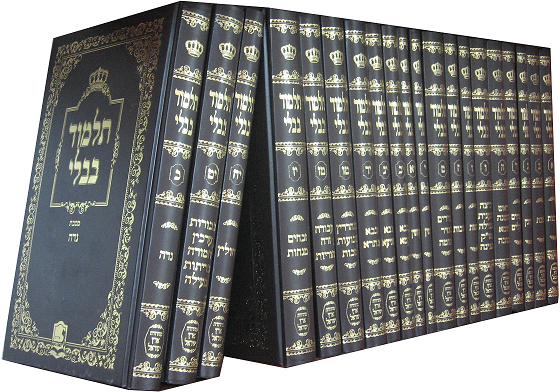
**The Babylonian Talmud**

***(Mishnah)***

Michael L. **Rodkinson**

1918



**New Edition**

**of the**

**BABYLONIAN TALMUD**

**Original Text, Edited, Corrected, Formulated and Translated into English**

by

Michael L. Rodkinson

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"Rodkinson's translation went through at least two editions. The sacred-texts version was prepared from the second edition. All of these were from the 1918 printing, with the exception of book 1, which was scanned from a 1903 printing. The numbering of the volumes changed radically between the first and second edition; to add to the confusion the second edition was bound into a ten book set, two volumes per book. This numbering is consistent, for instance, the second edition book 1 contains volumes 1 and 2; book 5 contains volumes 9 and 10, and so on. However, the volume sequence of the first edition was completely shuffled in the second edition; for instance, volumes 9 and 10 of the second edition (in book 5) correspond to volumes 1 and 2 of the first edition." (From the <http://sacred-texts.com/jud/talmud.htm> website.)

This version of the Rodkinson Babylonian Talmud contains the Mishnah portions from Rodkinson's Babylonian Talmud. Three additional texts, not part of the Mishnah but included in Rodkinson's Babylonian Talmud, are included as well. Three chapters are missing in Rodkinson's Babylonian Talmud, Rab 1; Zut 8; and Zut 10. These are not errors, but the result of Rodkinson's editorial decisions. See the appropriate sections in the HTML Help version for more information as to why these chapters are missing.

Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara. The searchable text retains these comments in order to provide for more complete searches.

**Du sabbath**

**Chapitre 1**

**1** There are two acts constituting transfer of movable things (over the dividing line of adjoining premises, based on biblical statutes). The two acts are, however, increased to four on the inside and to a like amount on the outside of the premises (by the addition of rabbinical statutes). How so? A mendicant stands outside and the master of a house inside. The mendicant passes his hand into the house (through a window or door) and puts something into the hand of the master, or he takes something out of the master's hand and draws it back (toward him). In such a case the mendicant is guilty (of transfer) and the master of the house is free. If the master of the house passes his hand outside and puts a thing into the hand of the mendicant, or takes something out of the mendicant's hand and brings it into the house, the master of the house is culpable and the mendicant is free. If the mendicant extends his hand into the house and the master takes something out of it, or puts something into it which is drawn to the outside by the mendicant, they are both free. If the master of the house extends his hand outside and the mendicant takes something out of it, or puts something into it which is drawn to the inside by the master, they are both free.   
**2** One shall not sit down before the hair–cutter at the approach of the time for afternoon devotion, before reciting his prayers. Nor shall he enter a bath–room or a tannery (the same is the case with any factory or large business), or sit down to eat, or start pleading a case (before a judge). But if he has started, he need not be interrupted. One must quit his work to read Shema, but he need not stop working in order to pray.   
**3** A tailor shall not go out with his needle when it is nearly dark on Friday, lest he forget and go out (carrying it about with him) after dark; nor a scribe with his pen; nor shall one search for vermin in his garments or read before the lamp–light (Friday night). Of a verity it is said, an instructor may follow the children when they read, but he shall not read himself (before the lamp–light). In a similar manner it is said that one afflicted with gonorrha should not eat from the same plate with a woman that has the same disease, lest they become accustomed to one another and come to sin.   
**4** And these are some of the regulations enacted in the attic of Hananiah b. Hyzkiyah b. Gorion, when the rabbis came to visit him. They called the roll and found that the disciples of Shamai were more numerous than those of Hillel, and they enforced eighteen regulations on that day.   
**5** The Beth Shamai said: Ink, dye material, or fodder (for animals) shall not be put into water (on Friday) unless there is still time for them to soak through while it is day. The Beth Hillel, however, permits this. The Beth Shamai prohibits putting bundles of linen thread (to bleach) into the oven unless there is sufficient time left for them to become heated through while it is yet day, or wool into a dye–kettle unless there is still time for it to be soaked through the same day. The Beth Hillel permits this. The Beth Shamai says: Traps shall not be set for animals and birds, or nets for fishes (on Friday), unless there is still time for them to be caught before sunset. The Beth Hillel permits this. The Beth Shamai says: One shall not sell anything to a Gentile (on Friday) or help him load his animal, or help him shoulder a burden unless he (the Gentile) can reach (with his load) the nearest place while it is yet day. The Beth Hillel permits this. The Beth Shamai says: Hides shall not be given to a tanner nor clothes to a Gentile washer (on a Friday) unless there is still sufficient time left for him (the Gentile) to finish it while it is day. The performance of all these acts of labor heretofore mentioned was permitted by the Beth Hillel (on Friday) while the sun was still shining. Rabbi Simeon b. Gamaliel said: At my father's house it was the custom to give out white clothes to a Gentile washer three days before the Sabbath. Both schools, however, agree that the presses may be put on olives and grapes in the press–pits (as long as it is still daytime).   
**6** Meats, onions, and eggs shall not be put to roasting on the eve of Sabbath, unless they can be done while it is yet day. Bread shall not be put in the oven or a cake upon live coals, unless the crust can be formed while it is yet day. R. Elazar says it is enough if the bottom crust is formed. The Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark. In the heating–house of (the sanctuary) the fire was fed at eventide. The fires in the rural districts may be fed until the flames envelop the greatest part (of the fuel). R. Judha says: "Where coals were already burning more fuel may be added, even when Sabbath is quite near at hand."

**Chapitre 2**

**1** What shall and what shall not be used for lighting (the Sabbath light)? The light shall not be made with (wicks of) cedar hast, raw flax, silk fibre, weeds growing upon the water, and ship–moss. Nor shall pitch, wax, cotton–seed oil, oil of rejected heave–offerings, fat from the tail of a sheep, and tallow be used. Nahum the Modait says melted tallow maybe used for lighting; the schoolmen, however, prohibit melted and raw tallow alike.   
**2** The lamp used on a (biblical) feast–night shall not be fed with oil of rejected heave–offerings. R. Ishmæl said: The Sabbath lamp shall not be fed with tar, out of honor for the Sabbath. The sages, however, allow all fatty substances for this purpose: poppy–seed oil, nut oil, fish oil, radish oil, wild–gourd oil, tar, and naphtha. R. Tarphin said: It shall be lighted with nothing but olive oil.   
**3** No substance that comes from a tree shall be used (as a wick) save flax. In like manner no substance that comes from a tree becomes defiled when serving as a tent (in which a dead body lies) save flax.   
**4** A piece of cloth that was rolled together, but not singed, said R. Eliezer, becomes defiled (when it is in the same tent with a dead body), and shall not be used (as a wick) for Sabbath. R. Aqiba, however, said: It remains pure and may be used.   
**5** One shall not bore a bole in an egg–shell, fill it with oil, and put it upon the (Sabbath) lamp, so that the oil drip into it; and even if it was a clay one. R. Jehudah permits it. If, however, the potter had attached it to the lamp when he made it, it is allowed to do this, for (together with the lamp) it forms one vessel. A man shall not fill a dish with oil, put it beside the lamp, and dip the (unlighted) end of the wick into it, in order that it should draw. R. Jehudah permits also this.   
**6** If one extinguishes a lamp because he is afraid of the officers of the government, or of robbers, or of an evil spirit, or in order that a sick person may be able to sleep, he is free. If he does this, however, to prevent damage to the lamp, or to save the oil or the wick, he is culpable. R. Jose declares the man free even in the latter cases, excepting (if he extinguished the lamp to save the wick), for in that case he caused a cinder to be formed.   
**7** For three sins women die of childbirth: for negligence (of the laws) during their menstruation, neglect of separating the first dough, and for neglecting to light the (Sabbath) lamp.   
**8** One must say three things in his house on Friday, when it is getting dark.––viz. "Have you set aside the tithes (from the fruit, which is to be eaten on the Sabbath)?" "Have you put up the Erubh?" and "Light ye the lamp." When one is in doubt whether darkness has set in, he must not separate tithes from (fruit of which he is) certain (that tithes had not been set aside), and he shall not put vessels under process of lavation, and he shall not light a lamp any more. But he may set aside tithes from (fruit of which he is) not certain (that tithes have been set aside), and he may put up the Erubh and also put his victuals into the stove for the purpose of keeping them warm.

**Chapitre 3**

**1** Cooked victuals may be put on a stove that was heated with straw or stubble. If the stove was heated with the pulp of poppy seed ([i.e.], poppy seed from which the oil was pressed out) or with wood, (cooked victuals) may not be put upon it, unless the (live) coals were taken out or covered with ashes. Beth Shamai says: (The latter instance) is permissible only in the case of victuals that are to be kept warm, but not of such as are improved by continued cooking. Beth Hillel says: Both alike are permitted. Beth Shamai says: (Victuals) may be taken off the stove, but not put back upon it; Beth Hillel permits it.   
**2** (Victuals) shall not be put either inside or on top of an oven that was heated with straw or with stubble; a firing–pot that was heated with straw or with stubble is (considered by the law) as a stone, but if it was heated with pressed poppy seed or with wood it is considered as an oven.   
**3** An egg shall not be put close to a boiler to get it settled, nor must it be wrapped in a hot cloth. R. Jose permits it; also it must not be put into hot sand or in the (hot) dust of the road that it be roasted (by the heat of the sun). It once happened that the inhabitants of Tiberias had laid a pipe of cold water through the arm of their hot springs. But the sages explained to them that on the Sabbath this water is considered like any other warmed on the Sabbath, and must not be used either for washing or drinking; and should this be done on a feast day, it is like water heated by fire, which may be used for drinking only, but not for washing.   
**4** The hot water contained in a "Muliar" (caldron), the live coals of which have been cleared away before the Sabbath set in, may be used on the Sabbath; but the hot water contained in an "Antikhi" (another kind of kettle), even if cleared of live coals, is not to be used on the Sabbath.   
**5** Into a kettle, the hot water of which has been spilt out and which has been removed from the fire, cold water is not permitted to be poured, for the purpose of heating; but it is permitted to pour water into the kettle, or into a cup, for the purpose of making such water lukewarm.   
**6** In a saucepan or a pot that was removed from the fire, no spices shall be put after dusk (on Friday); but spices may be put into a plate or a bowl. R. Jehudah is of the opinion that spices may be put in all vessels or cooking utensils except in such as contain vinegar or fish brine.   
**7** It is not permitted to place a vessel under a lamp so that the oil of the lamp drip into it. If a vessel was placed under a lamp before the Sabbath set in, it may remain there; but the use of such oil on the same Sabbath is not permitted, as it was not previously prepared.   
**8** A new lamp maybe handled on the Sabbath, but not an old one; R. Simeon, however, says all lamps are permitted to be handled except such as are still burning.   
**9** One may put a vessel underneath a lamp for the purpose of receiving the sparks falling from the lamp, but he shall not put water into the vessel, because thereby the sparks would become extinguished.

**Chapitre 4**

**1** Wherein may hot vessels be deposited (to retain the heat) and wherein may they not? Depositing in Gepheth (olive waste), dung, salt, lime, and sand, either wet or dry, is not allowed. In straw, grape–skins, wool–flocks, or grass it is permitted, provided they are dry, but not when they are still wet.   
**2** It may be deposited in cloth, fruit, pigeon feathers, shavings, and fine flaxen tow. R. Jehudah forbids the use of fine, but permits the use of coarse flaxen tow.   
**3** It may be deposited (wrapped) in skins, and they may be handled; in shorn wool, and must not be handled. How can this be done? The lid is raised and it (the shorn wool) falls down. R. Elazar b. Azarya says: The vessel is bent sideways lest it be taken out and cannot be replaced, but the sages say it may be taken out and replaced.   
**4** (A vessel) not covered during daylight must not be covered after dark. If, after having been covered, it became uncovered, it is permitted to cover it again. A pitcher may be filled with cold victuals and put under a pillow (to keep it cool).

**Chapitre 5**

**1** What gear may we let animals go about in and what not? The male camel in a bridle; the female cannel with a nose–ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).   
**2** The ass may go out with a rug fastened around him; rams may go out with leather bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve the fine wool); she–goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehudah says: She–goats may go out with their udders tied up to stop the lactation, but not to save the milk.   
**3** And what must (animals) not go about in? The camel with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.   
**4** The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle–boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails; nor sheep with sneezing–wood; the calf with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar b. Azarya went out with a strap between the horns against the approval of the rabbis.

**Chapitre 6**

**1** In what (ornamental) apparel may a woman go out, and in what may she not go out? A woman is not allowed to go out (even in private ground) either with woollen or linen bands or with straps on her head to keep her hair in tresses (as a precaution lest she enter public ground and take off the bands to show to her friends, thereby becoming guilty of carrying movable property for a distance of four ells or more). Nor is she to bathe herself with the bands on unless loosened. Nor is she to go out with either Totaphoth or Sarbitin on, unless they are fastened; nor with a hood in public ground, nor with gold ornaments, nor with nose–rings, nor with finger–rings that have no seal, nor with pins. But if she did go out with these things, she is not bound to bring a sin–offering (as they are ornaments and not burdens).   
**2** One is not to go out with iron–riveted sandals, nor with one (iron–riveted shoe) unless he has a sore on his foot, nor with phylacteries, nor yet with an amulet unless made by a reliable expert, nor with a shield, helmet, or armor for the legs; but if he has gone out (with either of these) he is not liable for a sin–offering.   
**3** A woman shall not go out with an ornamental needle (with a hole in), nor with a ring that has a seal, nor with a Kulear, nor with a Kabeleth, nor with a perfume bottle. And if she does, she is liable for a sin–offering. Such is the opinion of R. Meir. The sages, however, freed her in the case of the two latter.   
**4** One must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin–offering. R. Eliezer says they are ornaments to him, but the sages say they are nothing but a stigma, for it is written [[Isaiah, ii. 4]]: "They shall beat their swords into ploughshares and their spears into pruning–knives; nation shall not lift up sword against nation, neither shall they learn war any more." Knee–buckles are clean and one may go out with them on the Sabbath. Stride chains are subject to defilement, and one must not go out with them on the Sabbath.   
**5** A woman may go out with plaits of hair, be they made of her own hair or of another woman or of an animal; with Totaphoth or Sarbitin if fastened. With a hood or with a wig in her yard (private ground); with cotton wadding in her ear or in her shoe; or with cotton wadding prepared for her menstruation; with a grain of pepper or of salt, or with whatever else she may be accustomed to keep in her mouth, provided she does not put it in her mouth on the Sabbath to commence with; if it fell out of her mouth she must not replace it. As for a metal or golden tooth, Rabbi permits a woman to go out with it, but the sages prohibit it.   
**6** Women may go out with a coin fastened to a swelling on their feet; little girls may go out with laces on and even with screws in their ears. Arabians may go out in their long veils and Medians in their mantillas; so may even all women go out, but the sages spoke of existing customs. She may fold her mantilla around a stone, nut, or a coin (used as buttons), provided she does it not especially on the Sabbath.   
**7** The cripple may go out with his wooden leg; such is the decree of R. Meir, but R. Jossi prohibits it. If the wooden leg has a receptacle for pads, it is subject to defilement. Crutches are subject to defilement by being sat or trodden upon; but one may go out with them on Sabbath and enter the outer court (of the Temple). The chair and crutches of a paralytic are subject to defilement, and one must not go out with them on the Sabbath nor enter the outer court (of the Temple). Stilts are not subject to defilement, but nevertheless one must not go out with them on Sabbath.   
**8** Boys may go out with bands and princes with golden belts; so may every one else, but the sages adduce their instances from existing customs.   
**9** It is permitted to go out with eggs of grasshoppers or with the tooth of a fox or a nail from the gallows where a man was hanged, as medical remedies. Such is the decision of R. Meir, but the sages prohibit the using of these things even on week days, for fear of imitating the Amorites.

**Chapitre 7**

**1** A general rule was laid down respecting the Sabbath. One who has entirely forgotten the principle of (keeping) the Sabbath and performed many kinds of work on many Sabbath days, is liable to bring but [one] sin–offering. He, however, who was aware of the principle of Sabbath, but (forgetting the day) committed many acts of labor on Sabbath days, is liable to bring a separate sin–offering for each and every Sabbath day (which he has violated). One who knew that it was Sabbath and performed many kinds of work on different Sabbath days (not knowing that such work was prohibited), is liable to bring a separate sin–offering for every principal act of labor committed. One who committed many acts all emanating from one principal act is liable for but one sin–offering.   
**2** The principal acts of labor (prohibited on the Sabbath) are forty less one––viz.: Sowing, ploughing, reaping, binding into sheaves, threshing, winnowing, fruit–cleaning, grinding, sifting, kneading, baking, wool–shearing, bleaching, combing, dyeing, spinning, warping, making two spindle–trees, weaving two threads, separating two threads (in the warp), tying a knot, untying a knot, sewing on with two stitches, tearing in order to sew together with two stitches, hunting deer, slaughtering the same, skinning them, salting them, preparing the hide, scraping the hair off, cutting it, writing two (single) letters (characters), erasing in order to write two letters, building, demolishing (in order to rebuild), kindling, extinguishing (fire), hammering, transferring from one place into another. These are the principal acts of labor––forty less one.   
**3** And there is also another rule which was laid down: Whosoever carries out on the Sabbath such things as are fit and proper to be stored and in such a quantity as is usually stored, is liable; but whatever is not fit and proper to be stored, nor in such a quantity as is generally stored, only he who would store this is liable (because the storing shows that for him it is valuable).   
**4** It is forbidden to carry about chopped straw in quantities of a cow's mouthful, stalks in quantities of a camel's mouthful, stubble in quantities of a lamb's mouthful, herbs in quantities of a kid's mouthful, leek and onion leaves, if fresh, equal in size to a dried fig, and if dry in quantities of a kid's mouthful. The different kinds of fodder are, however, not to be counted together, as the prescribed quantities are not equal for all.   
**5** The carrying out of an article of food the size of a dried fig makes one liable. And the different kinds of them are to be counted together, for the prescribed quantity is the same for all kinds, with the exception of husks, kernels, and stalks; likewise bran, both coarse and fine. R. Jehudah says that the husks of lentils are not excepted, because they are boiled with the lentils and are counted in the same (as food).

**Chapitre 8**

**1** The prescribed quantities (of victuals and beverages) prohibited to be carried about on the Sabbath (are as follows): Sufficient wine in a goblet, which with the addition of a certain quantity of water would make a full goblet of wine (fit to drink); milk to the quantity of a mouthful, honey sufficient to cover a wound with, oil sufficient to anoint a small limb with, and water in quantities sufficient for a medical bath for the eyes. For all other liquids and also of whatever can be poured out, the prescribed quantity is a quarter of a lug (about a quart). R. Simeon says: The prescribed quantities for the liquids enumerated in this Mishna are also a quarter of a lug, and the various prescribed quantities specified apply only to those who store such liquids.   
**2** The prescribed quantity for rope is as much as suffices to make a handle for a basket; for reeds, as much as suffices to hang a fine or coarse sieve thereon: R. Jehudah says: As much as is sufficient to take the measure of a child's shoe; for paper, as much as suffices to write a toll–bill on––a toll–bill itself must [not] be carried out; the prescribed quantity for paper that has been erased is as much as will wrap the top of a perfume bottle. The prescribed quantity for vellum is as much as suffices for the covering of an amulet; for parchment, as much as suffices for the writing of the smallest portion of the phylacteries, which is "Hear, O Isræl for ink, as much as is necessary for the writing of two letters (characters); for paint, as much as will paint one eye. The prescribed quantity for (bird) lime is as much as will suffice to put on a lime twig; for pitch or sulphur, as much as will cover a hole (in a quicksilver tube); for as much as will fill up a small leakage (in a utensil); for loam, as much as suffices to make all orifice for a pair of bellows used by goldsmiths; R. Jehudah says the prescribed quantity for loam is as much as will make a stand for a goldsmith's crucible; for clay, as much as will cover the mouth of a goldsmith's crucible; for lime, as much as will cover the little finger of a maiden; R. Jehudah says for lime the prescribed quantity is as much as will cover the temple of a maiden; R. Nehemiah says as much as will cover the back part of a maiden's temple.   
**3** For sealing–wax the prescribed quantity is as much as is required for the sealing of a bale of goods, so is the decree of R. Aqiba; the sages, however, say for the sealing of a letter. For dung or fine sand as much as is required to fertilize (the soil around) a cabbage stalk, according to R. Aqiba, and to the sages as much as is required to fertilize (the soil around) a leek stalk. For coarse sand as much as is required to fill a trowel, for reed as much as is required to make a writing–pen from, or should it be thick or split, as much as is required to fry the softest beaten egg with, (which) mixed with oil, (lies) in a hot shell.   
**4** The quantity of a bone is that large enough to be made into a spoon––R. Jehudah says large enough to be made into a key; glass of sufficient size to be used for scraping off the points of a weaver's spindles; a splinter or a stone large enough to throw at a bird––R. Elazar b. Jacob says to throw at an animal.   
**5** The prescribed quantity of fragments (of earthenware) is the size of such as are placed between two boards, is the decree of R. Jehudah. R. Meir says, of a size sufficient to stir a fire with. R. Jossi, of a size to receive (hold) a quarter of a lug. Said R. Meir: Although no positive proof for my assertion can be found in the Scripture, still a vague reference can be deduced from the passage [[Isaiah, xxx. 14]]: "So that there cannot be found among their fragments a sherd to rake fire from a hearth." Said R. Jossi: "Therefrom you would adduce your proof? It says immediately after that [[ibid., ibid.]], 'and to draw water from a pit.'"

**Chapitre 9**

**1** R. Aqiba said: Whence do we deduce that one who carries an idol is as unclean (ritually) as a woman suffering from menstruation? From the passage [[Isaiah, xxx. 23]]: "Thou wilt cast them away as a filthy thing. 'Get thee hence!', wilt thou say unto them." Thus, in the same manner as a woman suffering from menstruation causes (ritual) uncleanness, so does also an idol.   
**2** (R. Aqiba says again:) Whence the adduction that a ship, though a wooden vessel, is not subject to defilement? From the passage [[Prov. xxx. 19]]: "The way of a ship is in the heart of the sea."   
**3** (R. Aqiba said:) Whence do we adduce that in a patch of ground six spans long by six spans wide five different kinds of seed may be planted––one kind each in each of the four corners and one in the centre of the patch? From the passage [[Isaiah, lxi. 11]]: "For as the earth bringeth forth her growth, and as a garden causeth what is sown therein to spring forth." (We see then) it is not written "as a garden causeth [its seed] to spring forth," but [what is sown therein].   
**4** (R. Aqiba says again): Whence the adduction that a woman, from whom seed of copulation escapes only on the third day (after lying with her husband), is unclean? From the passage [[Exodus, xix. 15]]: "And he said unto the people, Be ready against the third day. Approach not unto a woman." Whence the adduction that a child may be bathed on the third day of its circumcision, even if that day fall on a Sabbath? From the passage [[Gen. xxxiv. 25]]: "And it came to pass on the third day, when they were sore." Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away? From the passage [[Isaiah, i. 18]]: "Though they should be red like crimson, they shall become (white) like wool." Whence do we adduce that anointing one's self on the Day of Atonement is equal to drinking? Although no positive proof is apparent, still a reference can be adduced from the passage [[Psalms, cix. 18]]: "And it cometh like water on his body and oil into his bones."   
**5** The prescribed quantity for wood is as much as suffices. to cook an (easily boiled) egg; for spices as much as would suffice to spice such an egg––and the different spices are counted together; nut–shells, pomegranate peel, isatis, and cochineal, as much as suffices to dye the edge of a small piece of cloth; alum, native carbonate of soda, Cimolia chalk, vegetable soap, as much as suffices to wash the edge of a small piece of cloth. R. Jehudah says as much as will suffice to remove a blood stain.   
**6** The prescribed quantity for (aromatic) pepper (pimento) is the least possible amount; for tar it is the same; for different kinds of spices and metals it is also the same; for the stone and the earth of the altar, torn pieces of the scroll of laws or its cover, it is also the same, because such things are generally preserved by men. R. Jehudah said: The same quantity applies to everything pertaining to the worship of idols, because it is written [[Deut. xiii. 18]]: "And there shall not cleave to thy hand aught of the devoted things."   
**7** One who carries the chest of a spice dealer is liable for one sin–offering only, although there may be many spices in the chest. The prescribed quantity for garden seeds is the equivalent in size to a dried fig. R. Jehudah b. Bathyra said. Five different seeds. The prescribed quantity for cucumber seeds are two, for pumpkin seeds the same, for Egyptian beans the same; a living locust (which may be eaten), be it ever so small, must not be carried, but dead locusts may be carried in quantities less than a dried fig. The prescribed quantity for vineyard birds living or dead is the smallest possible quantity, because they were preserved for medicinal purposes. R. Jehudah said: One must not carry out a living locust, (which must [not] be eaten), be it ever so small, because such locusts were kept as playthings for small children.

**Chapitre 10**

**1** One who had stored anything for planting, sampling, or medicinal purposes (before the Sabbath) and carried some of it out (into public ground) on the Sabbath, be it ever so small a quantity, is liable for a sin–offering. Any one else, however, is culpable only then if (he carried out) the prescribed quantity. Even the one who had stored is culpable only for the prescribed quantity, if he brought the thing carried out by him back (to private ground).   
**2** If one intended to carry out victuals and deposited them on the doorstep, whether he afterward carried them out (into the street) himself, or this was done by some one else, he is not culpable, because he did not accomplish the deed at one time. If one deposited a basket of fruit on the outside doorstep, even if the bulk of the fruit was on the outside (in the street), he is not culpable, unless he carried out the entire basket (into the street).   
**3** One who carries out anything in the right or in the left hand or in his bosom or on his shoulder is culpable, as so was the manner in which the sons of Kehath carried (their burdens). But one who carries out a thing on the back of his hand or with his foot, with his mouth, with his elbow, with his ear, with his hair, with his waist bag, the opening of which is at the bottom, or between his belt and his shirt, with the edge of his shirt, with his shoe or sandal, is not culpable, because he carries it in an unusual manner.   
**4** One who intends to carry something in front, but the thing moved to his back, is not culpable, but if he intends to carry it on his back and it moves to the front he is. Of a truth it was said: A woman who wears a girdle, whether she carries something in the front or in the back of it, is culpable, because the girdle invariably turns around. R. Jehudah says the same rule applies to letter–carriers.   
**5** One who carries out a large loaf of bread into public ground is culpable. If two persons do this together they are both innocent, provided it could be done by one of them; if, however, they did so because it could not be done by one, both are culpable. R. Simeon, however, declares them not culpable.   
**6** If one carry victuals of less than the prescribed quantity in a vessel (out into the street) he is not culpable even of (carrying) the vessel, for the vessel is of no consequence to the victuals. If he carried a person on a litter he is not culpable even of (carrying) the litter, because the litter is of no consequence to the person. If he carried a corpse on a cot he is culpable. The same is the case if (he carries) a part of the corpse of the size of an olive or of a carcass the size of an olive and of a reptile the size of a lentil. R. Simeon declares all of them free.   
**7** One who pares his finger–nails, either by means of his nails or by means of his teeth; also one who plucks hair from his head, beard, or lip,; also a woman who braids her hair, or paints her eyebrows, or parts her hair, is, according to R. Eliezer, culpable. The sages, however, declare this to be (prohibited only by rabbinical law) as a precautionary measure.   
**8** One who plucks something from a perforated flower–pot is culpable; from a flower–pot that is not perforated he is not culpable. R. Simeon held him not culpable in both cases. Abayi put a contradictory question to Rabha, according to others R. Hyya b. Rabh to his father Rabh: "The Mishna states that R. Simeon holds one not culpable in either case. From this we see well that to R. Simeon a perforated or a solid flower–pot is one and the same thing. We have learned in another Boraitha: R. Simeon said that there is no difference between a perforated and a solid flower–pot except to make the seeds grown in the flower–pot subject to defilement ([i.e.], in a solid flower–pot the seeds are not accounted as seeds). Hence there is a difference between the pots in the opinion of R. Simeon." The answer was: In all cases except defilement R. Simeon regards seeds in either a perforated or a solid flower–pot as loose ([i.e.], detached from the ground). In the case of defilement, however, it is different, because the Scriptures themselves added a special provision regarding defilement of seeds, as it is written [[Lev. xi. 37]]: "And if any part of their carcass fall upon any sowing–seed which hath been sown, it shall be clean."

**Chapitre 11**

**1** One who throws a thing from private into public or from public into private ground is culpable. From private into private ground, by way of public ground, R. Aqiba holds him to be culpable, but the sages declare him free. How so? If two balconies face each other across a street, one who transfers or throws something from one into the other is free; if the two balconies, however, are in the same building, he who transfers a thing from one into the other is culpable, but he who throws is free; because the work of the Levites (in the tabernacle) was as follows: From two wagons facing each other in public ground boards were transferred, but not thrown from one into the other.   
**2** One who takes anything from, or places anything upon a sand–heap, dug out of a pit or a stone that is ten spans high and four spans wide, is culpable. If the sand–heap or the stone is below that height, he is free.   
**3** If one throw a thing (a soft date) from a distance of four ells against the wall, and it strike the wall at a height of over ten spans from the ground, he is free; but if it strike the wall below ten spans from the ground, he is culpable; because one who throws a thing to the ground at a distance of four ells is culpable.   
**4** If one threw an object within four ells (in public ground) and the object rolled to a greater distance, he is free; if he threw a thing outside of four ells and it rolled back within four ells, he is culpable.   
**5** If one throw a distance of four ells on the sea, he is free; if there happen to be shallow water, through which a public thoroughfare leads, where he threw the four ells, he is culpable. What must be the maximum depth of such shallow water? Less than ten spans; for one who throws four ells in shallow water, through which only occasionally a public thoroughfare leads, is culpable.   
**6** One who throws from the sea into land, from land into the sea, from the sea into a ship, from a ship into the sea, or from one ship into another, is free. If ships are bound together, one may transfer an object from one into the other; but if the ships are not bound together, even though they lie alongside of one another (and meet), one must not transfer a thing from one into the other.   
**7** If one threw a thing, and after the thing had passed out of his hand, he recollected that it was Sabbath; if another person caught the thing thrown; if a dog caught it or if the things thrown was consumed by fire (before reaching its destination), the man is free. If one threw a thing for the purpose of injuring a man or a beast, and before such injury was inflicted recollected (that it was Sabbath), he is free. (For) this is the rule: Only such are culpable and, bound to bring a sin–offering as commit an act through error from beginning to end; if the act, however, was committed through error only at the start, and at the close was committed consciously, or [vice versa], the perpetrator is free until the beginning as well as the end of the act is committed through error.

**Chapitre 12**

**1** (Among the forty, less one, principal acts of labor, building was enumerated.) What is the least amount of building which will make a man culpable? The least possible amount. The same applies to stone–masonry, smoothing with a hammer (at the close of the work); as for planing, he who planes the least bit, and for drilling, he who drills ever so little, is culpable. For this is the rule: He who performs any act of labor which is of permanent value is culpable. R. Simeon ben Gamaliel said: He who during his work strikes the anvil with his sledge is culpable, because he virtually brings about labor.   
**2** One who ploughs, grubs, weeds, or prunes ever so little is culpable. One who gathers wood for the purpose of using the space occupied by the wood is culpable if he gathers ever so little; but if he gathers it for the purpose of lighting a fire with it, he is culpable only if he gathered as much as is required to cook (an easily boiled egg). If one gathered grass for the sake of the space occupied by it, he is culpable for gathering even ever so little; if for the purpose of feeding cattle, he does not become liable unless he gathered as much as a goat's mouthful.   
**3** One who writes two letters, with the right or with the left hand, be they of one denomination or of different denominations, or be they written with different inks or be they letters of different languages (alphabets), is culpable. R. Jose said: The only reason that one is declared culpable for writing two letters, is because they can serve as marks; for thus the boards used at the Tabernacle were marked in order to be able to tell which fit together. Rabbi (Jehuda Hanassi) said: We also often find a short name which forms part of a long name, as Sam for Simeon and Samuel, Noah for Nahor, Dan for Daniel, Gad for Gadiel.   
**4** One who through forgetfulness at onetime wrote two letters is culpable. He may have written with ink, paint, dye, gum, or vitriol, or with anything making a permanent mark. Further, one who wrote on two walls forming a corner, or on two covers of an arithmetical book, so that the two letters can be read together, is culpable. One who writes on his own body is culpable. One who tattooes letters in his flesh R. Eliezer holds him culpable for a sin–offering, and R. Jehoshua holds him to be free. If one write with dark liquids, with fruit–juice, or in road–dust, in fine sand, or in anything that does not retain the writing, be is free. If one write with the back of his hand, with his feet, with his mouth, with his elbow; or if one write one letter to another letter (that had already been written), or writes over letters that had been written before; or when one's intention was to write a Cheth and wrote two Zayins; or if one write one letter on the ground and another on the wall, or on two separate walls, or on two separate pages of a book, when the two letters cannot be read together, he is free. If one wrote one abbreviated letter, R. Jehudah ben Bethyra holds him culpable and the sages hold him free.   
**5** If one, through forgetfulness at two different times, write two letters, say one in the morning and the other toward evening, R. Gamaliel holds him to be culpable and the sages declare him free.

**Chapitre 13**

**1** R. Eliezer said: One who weaves (on the Sabbath) is culpable, as soon as he has woven three threads at the beginning of the web, and with a web already begun the addition of one thread suffices to make him culpable. The sages said: Both at the commencement of a new web, as well as at the continuation of one already begun, the prescribed quantity (making one culpable) is two threads. One who attaches two threads to the web, either to the warp or to the shoot, to the fine or to the coarse sieve, or to the basket, is culpable. Also one who sews two stitches, or tears asunder, in order to sew (together with) two stitches.   
**2** One who tears a thing while enraged, or through grief on account of his dead, and, in general, all who spoil a thing are [not] culpable. If, however, one destroy a thing with the intention to mend it, the prescribed quantity (making him culpable) is determined according to the prescribed quantity of the act by which it is mended. The prescribed quantity of wool when being washed, carded, dyed or spun is a thread the length of a double sit; in the weaving the prescribed quantity for wool is the breadth of one sit.   
**3** R. Jehudah said: "One who chases a bird into a bird–tower or a deer into a house is culpable." The sages said: "One who chases a bird into a bird–tower, a deer into a house, yard, or into a menagerie, is culpable." Said R. Simeon ben Gamaliel: "Not all menageries are equal. Following is the rule: Where another chase would be necessary (to catch the deer) one is not culpable; where no further chase is necessary, one is culpable."   
**4** If a deer run into a house and one lock (the doors) behind the deer, he (the man) is culpable. If two men lock (the doors) both are free. If one of them could not lock (them) himself and [both] did so, they are both culpable. R. Simeon declares them free. If one sit down at the entrance of the house without filling it up and another sit down beside him, thus filling up the gap, the latter is guilty. If the former sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable, and the latter free; for this is the same as if one locked his house to preserve its contents and a deer were on the inside.

**Chapitre 14**

**1** One who catches or wounds any one of the eight kinds of reptiles enumerated in the Scriptures (Lev. xi. 29–30, viz.: the weasel, the mouse, the tortoise, the hedgehog, the chameleon, the lizard, the snail and the mole) is culpable; one who wounds worms or any other kind of reptiles (not enumerated above) is free. One who catches them for a purpose is culpable; he who does so without the intention (to use them) is free. He who catches such animals or birds as are within his domain is free, he who wounds them is culpable.   
**2** It is prohibited to prepare brine on Sabbath, but the making of salt water, in order to dip one's bread into it, or to use for seasoning other dishes is permitted. Said R. Jose: Is this not brine? (What is the difference?) be it more or less salted? Only the following kind of salt water may be made: If oil is first put into the water or into the salt.   
**3** It is not allowed to eat Greek hyssop (a remedy for worms) on the Sabbath, because it is not food for healthy people. It is allowed, however, to eat yoeser (wild rosemary) and to drink shepherd–blossom (tea, an antidote for poisonous beverages). It is permitted to partake of all usual eatables and beverages on the Sabbath as medicaments with the exception of tree–water (water of a certain spring) and root–tea (a compound of gum, herbs, and powdered roots), because the two latter serve only as a remedy for jaundice. At the same time it is permitted to drink tree–water to quench one's thirst, and one may anoint himself with root–oil but not as a remedy.   
**4** One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved t hereby, he need have no fear of the consequences. One who has pains in his loins must not rub them with wine or vinegar, but may anoint them with oil; not with rose–oil, however. Children of princes may anoint their wounds even with rose–oil, because it is their wont even on week–days to anoint themselves with rose–oil. R. Simeon said: "All Isrælites must be considered as children of princes."

**Chapitre 15**

**1** Following are the knots for the tying of which one becomes culpable. The knot of the camel–drivers (made on the guiding–ring) and the knot of the seamen (made on the bow of a ship); just as one becomes culpable for tying them, so also one becomes culpable for untying them. R. Meir said: "One does not become culpable for any knots that can be untied with one hand."   
**2** There are knots on account of which one does not become culpable, as in the case of a camel–driver's or seaman's knot. A woman may tie the slit of her chemise, the bands of her hood, the bands of her girdle, the straps of her shoes and sandals; also the bands of leather flasks (filled) with wine or oil, and of a pot of meat. R. Eliezer, the son of Jacob, says: "One may tie a rope in front of cattle, in order that they may not escape." One may tie a bucket (over the well) with his girdle, but not with a rope. R. Jehudah permits this to be done with a rope also. For a rule was laid down by R. Jehudah: One is not culpable for any knot which is not permanently fastened.   
**3** One may fold his clothes (just removed) even four or five times (on the Sabbath). On the eve of Sabbath one may prepare his beds for use on the Sabbath, but not at the close of Sabbath for use after the Sabbath is gone. R. Ishmæl says: "One may arrange his clothes and prepare his beds on the Day of Atonement for the Sabbath; further, the sacrificial tallow left over from the Sabbath may be offered up on the Day of Atonement (if the two succeed one another, before the Jewish calendar was arranged); but not such as is left over from the Day of Atonement on the Sabbath." R. Aqiba said: "Neither that (tallow) left over from the Sabbath may be offered up on the Day of Atonement, nor that of the Day of Atonement on the Sabbath."

**Chapitre 16**

**1** All sacred scriptures may be saved from a conflagration (on the Sabbath); be such scriptures allowed or not allowed to be read on Sabbath. The Scriptures written in any language whatsoever must be considered sacred, and brought to a safe place, even on a week–day. Why are some (sacred scriptures) not allowed to be read (on Sabbath)? In order that one might not miss the sermons at the school–house. One may save the case of the book with the book, the case of the Tephillin with the Tephillin, even if money is contained therein. Where must such things be taken (for safety)? In a closed space surrounded by walks. Ben Bathyra says: "Even in a space that has one side open."   
**2** One may save enough victuals to last for three meals (on the Sabbath in the event of a conflagration). Such food as is fit for human beings may be saved for the use of human beings, and such as is fit for cattle may be saved for cattle. How so? If a conflagration happen on the eve of Sabbath, one may save enough victuals for three meals. If it occur in the forenoon of Sabbath, one may save enough for two meals, and if it occur in the afternoon of Sabbath one may only save enough for one meal. R. Jose, however, says: "One may at all times save enough for three meals."   
**3** Further, one may save a basket full of loaves (of bread), be it even enough for a hundred meals, a fig–cake, and a cask of wine; and one may also call to others: "Come ye and save for yourselves!" If those who do so understand their advantage, they make a settlement with the owner after the Sabbath is over. Where may such articles be taken to (for safety)? To a court that is joined to the other (court of the house burning) by an Erub. Ben Bathyra says: "Even to one that is not joined by an Erub." There all utensils (dishes) may be brought, that are used on the same day; one may (in the event of a conflagration on the Sabbath) put on as many clothes as possible, and may wrap himself in whatever is possible. R. Jose says: "One may only put on eighteen pieces of ordinary apparel, but he can come back as often as he chooses and put on the same quantity and carry them off." One may also call to others: "Come ye and save with me (whatever ye can)!"   
**4** R. Simeon, the son of Nanas, says: "One may spread a goat–skin over a chest, a box, or a cupboard, which lips caught fire, so that they only become singed. One may also form a partition with any, utensil (or vessel), be it full of water or not, in order to keep the fire from spreading. R. Jose forbids the making of such a partition with new earthenware vessels filled with water, because such vessels cannot stand heat, but burst and extinguish the fire."   
**5** If a non–Isrælite comes near to extinguish (the fire), one must neither say to him: "Extinguish (it)," nor "Do not extinguish it," and for the reason, that one is not obliged to make him rest (on Sabbath). If a minor, however, desires to extinguish the fire, one must not allow him to do so, because one is obliged to see that he (the minor) rests (on Sabbath).   
**6** "A case of this kind happened once in the presence of R. Johanan ben Zakai in Arab, and he said, 'I am not certain whether (the man) is not culpable (and bound to bring a sin–offering).'"   
**7** If a non–Isrælite lit a lamp on the Sabbath, the Isrælite might make use of the light. If he (the non–Isrælite) did so (especially) for the Isrælite, the latter must not use it. If the non–Isrælite filled up (a trough) with water, to water his (own) cattle, the Isrælite may water his cattle after him; if he did so for the Isrælite (especially), the latter must not water his cattle with it. If a non–Isrælite made a stairway in order to descend upon it from a ship, the Isrælite might descend after him; if he made it (especially) for the Isrælite, the latter must not descend. Once R. Gamaliel and several elders arrived on a ship (on Sabbath) and a non–Isrælite made a stairway upon which to descend (from the ship), whereupon R. Gamaliel and the elders also descended.

**Chapitre 17**

**1** All utensils (and furniture) which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed; for such lids cannot be considered as house–doors, which are not intended to be removed. One may take a hammer on the Sabbath for the purpose of cracking nuts, an axe to chop fig–cake, a hand–saw to saw cheese, a shovel to gather up dried figs, a fan and a fork to place a thing (food) before a child, a spindle and a shuttle to pick fruit, a sewing–needle to remove a splinter (from the flesh), and a packing needle to open a door.   
**2** The hollow olive–cane is subject to defilement if it has a knot; if not, it is not subject to defilement. In any event, it may be handled on the Sabbath. R. Jose saith: "Any utensil may be handled on the Sabbath, with the exception of the large wood–saw and the plough–share."   
**3** The utensils may also be handled with intent to use them or without such intent. R. Nehemiah saith: "They may be handled only if intended for use."   
**4** Of all utensils which may be handled on the Sabbath, fragments may also be handled, but it must be with a purpose, viz.: the pieces of a kneading–trough to cover the bunghole of a cask, the pieces of a glass to cover the mouth of a pitcher. R. Jehudah says: "They must be fit for the same use (as the whole utensil), viz.: the parts of a kneading–trough to hold a brew, and the pieces of a glass to hold oil."   
**5** One may dip water with a hollow pumpkin to which a stone is fastened, providing the stone will not fall off; otherwise, one must not dip water with it. One may dip water with a jug to which a vine branch is fastened. "For a window–blind," says R. Eliezer, "a thing may only then be put up, if it be fastened and hang down; otherwise, it must not." The sages say it may be put up in any manner.   
**6** All lids of utensils may be removed (on the Sabbath), provided they have handles. Said R. Jose: What does this apply to? To lids of vessels fastened in the ground, but lids of vessels in general may be removed at all events.

**Chapitre 18**

**1** One may even clear off four or five chests of straw or grain, in order to provide room for guests, and to remove obstacles to instruction; but one must not clear out a whole barn. Further, one may clear off: heave–offerings, grain (of which it is not certain that the tithes have been set apart), first tithes of which the heave–offering has been taken off, second tithes and consecrated things which have been redeemed, and dried broad–beans, which serve the poor (others say, the goats) for food. But one must not clear off mixed grain (of which tithes have not yet been separated), nor first tithes. of which the heave–offering had not yet been taken off, nor second tithes nor consecrated things which had not yet been redeemed, nor arum (wake–robin) nor mustard. R. Simeon ben Gamaliel permits arum (wake–robin) to be cleared off, because it serves the (house) raven for food. Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle–fodder, otherwise they must not be handled.   
**2** One may set a basket on end for chickens, in order that they may climb up or down upon it. A runaway hen may be chased until she goes back again. One may lead about calves or young asses to exercise them. A woman may lead her son about to give him exercise. R. Jehudah says: "When (may she do) this? If the child lifts one foot and sets down the other; but if it trails (its leg) behind, she must not."   
**3** On a feast–day one must not deliver cattle, about to give birth, of their young, but may be of assistance to them in any other manner. One may give a woman (about to give birth to a child) all assistance possible, even call a midwife from a distance; one may violate the Sabbath on her account and tie the navel–string. R. Jose says: One may also cut the string. Lastly, one may accomplish anything necessary for the circumcision on the Sabbath.

**Chapitre 19**

**1** R. Eliezer saith: If the knife used for circumcision was not brought on the day preceding the Sabbath, one is to bring it publicly on the Sabbath; in times of danger (during persecutions) one may conceal it (about the person) before witnesses. Further, R. Eliezer saith: One may even cut wood to be burnt into charcoal, in order to forge an iron instrument (knife for circumcision). The following rule was laid down by R., Aqiba: All work (necessary in aid of circumcision) which [could] have been performed on the day before (Sabbath) does not supersede (the observance of) the Sabbath, but such work as could [not] have been performed on the day before, [does] supersede (the observance of) the Sabbath.   
**2** One may perform everything necessary for circumcision on the Sabbath, as circumcising, tearing open, sucking out the blood, applying a plaster or caraway seed. If the latter had not been ground before the Sabbath, one may masticate it with the teeth and then apply it. If one had not mixed wine with oil before the Sabbath, he may apply each separately. One must not prepare an actual bandage (on the Sabbath), but may apply an old piece of linen; and if such had not been prepared before the Sabbath, the circumciser may bring it with him tied around his finger and even from another court (yard).   
**3** One may bathe the child both before the circumcision as well as after (on Sabbath), by sprinkling water over it with the hand, but not by pouring water over it from a vessel. R. Eliezer ben Azariah says: One may bathe a child on the third day (after the circumcision), even if it fall on a Sabbath; for it is written [[Genesis xxxiv. 25]]: "And it came to pass on the third day, when they were sore." On account of a doubtful child (a child about which there is a doubt whether it was born in the eighth month of its gestation, and is therefore not expected to live) or an hermaphrodite, the Sabbath (–rest) must not be desecrated. R. Jehudah permits this in the case of an hermaphrodite.   
**4** If one have two children to be circumcised, one after the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on the Sabbath, he is culpable. If one of the children, however, was to be circumcised on the day before Sabbath and the other on the Sabbath, and through forgetfulness one had the former circumcised on the Sabbath, R. Eliezer declares him liable for a sin–offering and R. Jehoshua declares him free.   
**5** A child may be (legally) circumcised on the eighth, ninth, tenth, eleventh, or twelfth day (after its birth), but neither before nor after. How so? Usually (it may be circumcised) on the eighth; one born at (the evening) twilight, on the ninth; one born at (the evening) twilight before Sabbath, on the tenth; if a feast day follows that Sabbath (it may be circumcised) on the eleventh; if both New Year feast–days follow that Sabbath, on the twelfth. A sick child must not be circumcised until it is thoroughly recovered.   
**6** The following principal excrescences (knobs) make the circumcision invalid: Flesh that covers the larger part of the gland (of the organ). A man so circumcised must not (if he be a priest) partake of Terumah (heave–offerings). If the child be very fleshy and (such imperfect circumcision) is caused thereby, the knobs must, for appearances' sake, be cut away. One who was circumcised without having had the skin torn open, is considered as uncircumcised.

**Chapitre 20**

**1** R. Eliezer says: One may stretch a wine–filter (of cloth) over a vessel on a feast–day, and on the Sabbath one may pour wine into it, if it was already fastened (to the vessel). The sages say: One must [not] stretch it (over a vessel) on a feast–day, and on Sabbath one must not pour (wine) into it, but the latter act is allowed on a feast–day.   
**2** One may pour water on yeast in order to thin the latter; and one may filter wine through a cloth or an Egyptian wine–basket. One may put a beaten egg in a sieve. One may also make honey–wine on Sabbath. R. Jehudah says: "On Sabbath this may be done only in a cup, on feast–days even in a lug, (pitcher), and on the intermediate days even in a barrel." R. Zadok says: "At all times it should be made according to the number of guests."   
**3** One must not put laserpitium in tepid water for the purpose of softening the former, but one may put it in vinegar. One must not soak bran nor grind it, but may put it in a sieve or in a basket. One must not sift feed–straw through a winnow, nor lay it in a high place so that the chaff fall out, but one may take it up in a winnow and then pour it into the crib.   
**4** One may clean out (the crib) for the (stalled) ox and throw (the superfluous fodder) over the side, so that it does, not become unclean, so says R. Dosa. The sages declare this to be prohibited. One may remove the fodder in front of one animal and place it before another, on the Sabbath.   
**5** Straw on a bed must not be shaken up with the hand, but it may be moved with the body. If it be designed for fodder, or a pillow or cloth lie over it, it may be shaken up by hand. A clothes–press which is kept in the house may be opened, but must not be used for pressing. The clothes–presses of the professional washers must not be touched. R. Jehudah says: "If the press was partly open before the Sabbath, it may be entirely opened and drawn out (others say, the clothes may be drawn out)."

**Chapitre 21**

**1** One may lift up a (petted) child, that has a stone in its hand, also a basket in which there is a stone; one may also handle unclean Therumah (heave–offerings), together with clean and with ordinary grain. R. Jehudah saith: "One may also take out Therumah from mixed grain in proportion of one to the hundred."   
**2** If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down. If the barrel stand amongst other barrels, it may be lifted and then bent over, in order that the stone fall down. If money lie on a bolster, the bolster may be turned, so that the money fall down. If dirt be found on the bolster, it maybe cleaned off with a rag; and if the bolster be of leather, water maybe poured on it until the dirt is removed.   
**3** The school of Shamai teaches: "Bones and husks may be removed from the table." The school of Hillel, however, teaches: "One may only lift the whole table board (or cloth), and shake off what is left over." All crumbs smaller than an olive may be removed from the table; also the hulls of beans and lentils, because they may serve for fodder. It is allowed to use a sponge for wiping, providing it has a handle made of leather; otherwise, it is not allowed. At all events, one may handle a sponge on the Sabbath, and it is not subject to defilement.

**Chapitre 22**

**1** Should a cask break open, sufficient may be saved for three meals. The owner may also call to others: "Come and save for yourselves (whatever you can)." No portion of the leakage, however, may be sponged up (soaked up with a sponge). One must not press fruit in order to extract the juice; and if it ooze out by itself, it must not be used. R. Jehudah said: "If the fruit is for eating, the juice which oozes out may be used; but if it is for beverage, it must not be used. If honeycombs be broken on the eve of Sabbath and the honey ooze out, the honey must not be used." R. Eliezer, however, permits this.   
**2** Whatever has been dressed with hot water on the eve of Sabbath, may be soaked in hot water on the Sabbath; and whatever has not been dressed with hot water on the eve of Sabbath, must only be passed through hot water on the Sabbath: excepting only stale salt fish and Spanish kolias (a kind of fish which was generally cured to make it eatable), for passing these through hot water is all the dressing required for them.   
**3** A man may break open a cask, to eat dry figs therefrom; provided, he does not intend using the cask afterwards as a vessel. He must not pierce the bunghole of a cask, such is the decree of R. Jehudah (or R. Jose); the sages permit this to be done. And one must not bore a hole in the side of it; but if it was already perforated, he must not fill it up with wax, because he would smoothen the wax thereby. Said R. Jehudah: "Such a case was brought before R. Johanan ben Sachai, at Arab, and he observed: 'I doubt whether that act does not involve liability to bring a sin–offering.'"   
**4** One may put cooked victuals into a cave (or cellar) for the purpose of preserving them; also put clean water (contained in a vessel) into water that is not drinkable, in order to keep it (the former) cool; likewise cold water (in a vessel) into hot water, in order to warm the former. One whose clothes have dropped into the water while on the road, may unhesitatingly go on with them. As soon as he arrives at the outmost court (of the city or village), he may spread his clothes in the sun to dry, but he must not do this publicly.   
**5** One who bathes in the water of a cavern or in the hot springs of Tiberias, though he wipe himself with ten towels, must not carry them off in his hand; but if ten persons wiped themselves, their faces, their hands, and their feet, with one towel, they might carry it off in their hands. One may anoint and rub the stomach with the bands, but not so as to cause fatigue. One must not brush the body with a flesh–brush or descend into a kurdima. One must not take an emetic, or stretch the limbs of an infant, or put back a rupture; one who has strained his hand or foot must not pour cold water on it, but he may wash it in the usual way: if he thereby becomes cured, it is Well.

**Chapitre 23**

**1** A man may borrow of an acquaintance jugs of wine or oil (on Sabbath), provided he does not say to him: "Lend (them to) me." A woman may also borrow bread from her acquaintance. If the man is refused (by his acquaintance), he may leave his upper garment (as a pledge) with the lender, and settle his account after Sabbath. Thus, also, in Jerusalem, the custom was, if the eve of Passover fell on a Sabbath, a man might leave his upper garment with the vender, take his paschal lamb, and settle his account after the holiday.   
**2** A man may count the number of his guests and also of his extra dishes verbally, but not from a written list. He may let his children and household draw lots at table (as to who is to have one dish, and who is to have another), provided he does not intentionally stake a larger portion against a smaller one. They may also draw lots for the holy sacrifices on a festival (as to which priest is to have one sacrifice and which is to have another), but not for the eatable portions of the sacrifices (to whom one piece belongs, and to whom another piece belongs).   
**3** One must not hire laborers on the Sabbath, nor may he commission another man to hire them for him. One must not stand at the extreme limit of the "techoom" and wait for dusk (the end of Sabbath), in order to hire laborers (beyond the techoom), or gather fruit beyond it; but if watching fruit beyond the techoom, he may await the dusk at its extreme limit, and in that case bring the fruit back with him. Abba Saul laid down the rule: "Whatever I am permitted to prepare for the day following the Sabbath, [on] the Sabbath, I may get ready for at dusk."   
**4** One may await the dusk at the limits of the techoom, to furnish what is necessary for a bride and for a corpse, and to bring a coffin and shrouds for the latter. If a Gentile brought mourning fifes on the Sabbath, an Isrælite must not play (mourn) on them, unless they be brought from the vicinity. If a coffin had been made and a grave dug for him (on the Sabbath), an Isrælite may be buried therein; but if it was done on purpose for an Isrælite, he must not at any time be buried therein.   
**5** One may do all that is necessary for a corpse (on Sabbath), anoint and wash it, provided he does not dislocate its limbs. The pillow may be moved from under its head; the corpse may be put on sand, in order to keep it (from putrefying) the longer; its jaws may be tied, not for the sake of bringing them together more closely, but to prevent them from dropping lower. In like manner, a beam that had been broken may be upheld by a stool or bedstead, not in order to make it erect again, but to keep it from breaking still more.   
**6** One must not close the eyes of the dead on the Sabbath, nor (even) on the week–day, while he is expiring. Whoever closes the eyes of a dying person the instant he expires, is equal to the man who sheds blood ('like a murderer).

**Chapitre 24**

**1** One who (on the eve of Sabbath) is overtaken by the dusk on the road must give his purse to a Gentile (while it is yet day). If there is no Gentile with him, he must put it on the ass. As soon as he arrives at the outmost court (dwelling of the first town or village he reaches), he must take off all such things as may be handled on the Sabbath; and as for the things which must not be handled he must loosen the cords, so that they fall off themselves.   
**2** One may untie bundles of straw for cattle, also strew stalks for them, but one must not undo tied bundles of Zirin. Herbs used as fodder, and carob–pods, must not be cut up for cattle, large or small. R. Jehudah permits the cutting up of carob–pods for small cattle.   
**3** A camel must not be crammed (to fatten it), nor may it be forced to eat: but the food may be put into its mouth. Calves must not be crammed, but the food may be put into their mouths. Poultry may be fed and crammed; water may be poured on bran, but the bran must not be kneaded. One must not put water before bees, or before doves in a dove–cot; but one may put it before geese, before poultry, and before house–pigeons.   
**4** Pumpkins may be cut up for cattle, and carrion for dogs. R. Jehudah saith: "If the carrion was not yet carrion (if the beast had not yet died) before the Sabbath, it must not be cut up; because, in that case, it is not part of what had been provided (for consumption on Sabbath)."   
**5** A man may annul vows (of his wife or daughter) on the Sabbath, and consult (a sage) as to vows (relating to objects) required for the Sabbath. Window–light may be shut out by blinds; a piece of stuff may be measured, and also a Mikvah (plunge–bath), to ascertain whether it be of legal size. It happened in the days of R. Zadock's father, and in the days of Abba Saul ben Botnith, that they closed a window with an earthen jar, and then tied another vessel to a pole with papyrus, in order to ascertain whether, in a covered vessel, there was an opening one span high or not. From them we learn, that (in certain cases) it may be permitted to close, to measure, and to tie on the Sabbath.

**Eruvin**

**Chapitre 1**

**1** If an entry be higher than twenty ells, it should be lowered. R. Jehudah said: "This is not necessary." If it be wider than ten ells, it should be made narrower, but if it have the appearance of a door, even though it be wider than ten ells, it need not be made narrower.   
**2** To legalize (the carrying within) an entry, Beth Shammai hold that a side and cross beam are required, but Beth Hillel hold, that either a post or a beam is sufficient. R. Eliezer said, "Two side–beams are necessary." In the name of R. Ishmæl, a disciple stated before R. Aqiba: "Beth Shammai and Beth Hillel do not differ as to an entry less than four ells in width, for both agree, that such an entry becomes legalized either through a cross–beam or a side–beam." Wherein do they differ? Concerning entries of more than four and up to ten ells in width. Regarding these, Beth Shammai hold, that both a side and cross beam are necessary, and Beth Hillel hold, that either a side or a cross beam is sufficient. R. Aqiba, however, said: "They (the two schools) differ in both instances."   
**3** The cross–beam in question must be wide enough to hold a half of a brick, three spans in length and in width. It is, however, sufficient, if the cross–beam be only one span wide, so as to hold the half of a brick lengthwise. The crossbeam must be wide enough to hold a half of a brick and sound enough to bear it. R. Jehudah saith: It must be wide enough, even if it be not sound enough. If the cross–beam be of straw or reed, it is (legally) regarded as if it were of metal; if it be crooked, it is (legally) regarded as straight; if it be cylindrical, it is (legally) regarded as square. Anything (measuring) three spans in circumference, is one hand width.   
**4** The side–beams in question must be ten spans high, be their breadth and thickness whatever they may. R. Jose saith: "They must be three spans wide."   
**5** Side–beams may be made out of anything, even of such as are possessed of life. The latter, however, is prohibited by R. Meir. A living animal tied to the mouth of a grave in order to close it up communicates uncleanness (even after it has been removed). R. Meir, however, declares the animal clean. A letter of divorce for a woman may be written on a living animal, but R. Jose, the Galilean, pronounces the letter of divorce null and void (not legal). If a caravan encamp in a valley and a fence be made around the camp out of the cattle's gear, it is permitted to carry things inside of the fence (on Sabbath), providing the fence be ten spans high and the open spaces therein do not exceed in extent the fence proper. Every open space which is ten spans wide is permitted (to be used as an entry), for it is considered as a door, but such open spaces as are more than ten spans wide must not be used.   
**6** A fence may also be constructed with three ropes, one above the other; providing the space between each rope be less than three spans, and the measure (width or thickness) of the three ropes together exceed one span, so that the entire (fence) attain (the height of) ten spans. A fence may also be made of cane–laths, providing the space between the canes be less than three spans. All these regulations apply to a caravan only. So saith R. Jehudah, but the sages maintain, that the caravan (in the preceding Mishna) is particularly spoken of in order to adduce therefrom that which is generally done. Any partition which is not constructed on the principle of warp and shoot is not a (lawful) partition. Such is the dictum of R. Jose bar Jehudah; but the sages hold, that constructing it according to either one of the two principles is sufficient.   
**7** Four privileges have been granted to warriors in camp: They may bring wood from any place (without respecting the rights of ownership); they need not wash their hands before meals; they may eat of Damai (grain of which it is not certain that the legal dues, tithes, etc., have been set aside); and they are exempt from the obligation of making an Erub.

**Chapitre 2**

**1** Enclosures (partitions) must be made around wells. They must be made of four boards, placed at an angle (of forty–five degrees) at the corners of the well, so that the four boards appear like eight (see illustration). Such is the dictum of R. Jehudah; but R. Meir saith: Eight boards must be used which will appear as twelve, namely, four boards placed at an angle at the corners which appear as eight, and four boards placed between the corner boards. The height of the boards must be ten spans, the width six spans, and the thickness whatever it may be. The space between the two corner boards on the same side must not be wider than to permit of the passing through of two teams of cattle, each team of three animals abreast. Such is the decree of R. Meir. R. Jehudah, however, maintains, that each team may be of four animals abreast, meaning of cattle yoked together in a team, but not walking unyoked, so that one enters as the other passes out. It is permitted to bring the enclosure quite close to the well, providing, that the head and greater part of the body of the animal be within the enclosure while it drinks. It may also be placed at some distance from the well, providing that more boards be used. R. Jehudah said: The maximum distance from the well at which the enclosure may be placed is a space large enough for the planting of two saah of grain, but the sages said to him: "This size (sufficient for the planting of two saah of grain) is only applicable to a garden or a wood–shed, but as regards a cattle–pen, a fold, a bleaching–ground (behind the house), or a courtyard (in front of the house), even though it be large enough to permit of the planting of five kur of grain therein, yea, or even of ten kur, it is lawful (to carry things therein on the Sabbath)." It is also permitted to place the enclosure at any convenient distance from the well, provided more boards be used.   
**2** R. Jehudah said: If a public thoroughfare passes through the enclosure, it must be closed up with boards at the sides facing the thoroughfare; but the sages hold, that it is not necessary.   
**3** Be it a public cistern, a public well, or a private well, such an enclosure of boards must be made for it; to a private cistern, however, a partition ten hands high must be made. Such is the dictum of R. Aqiba; but R. Jehudah. ben Babah said: An enclosure of boards must be made only for a public well; for all others it is sufficient to make a rope fence ten hands high.   
**4** Furthermore, R. Jehudah. ben Babah said: "In a garden or wood–shed over seventy ells square and encompassed by a wall ten hands high, it is lawful to carry things, provided there is a watch–box or dwelling of some kind (within the garden or shed), or they are close to town." R. Jehudah, however, said: Even though there be nothing else within them than a cistern, a reservoir, or a cave, it is lawful to carry things (in the garden or shed). R. Aqiba said: Even if the garden or wood–shed contain none of these objects mentioned, one may carry things within them (on Sabbath), provided they do not measure much over seventy ells square. R. Eliezer said: "If the length of such a garden or wood–shed exceed its width by even one ell, it is not permitted to carry things therein." R. Jose, however, said: Even if its length be twice its width, it is lawful to carry things therein. R. Ilai said: I heard from R. Eliezer, that even though the garden or wood–shed be large enough to permit of a whole kur of grain being planted within it, it is permitted to carry things therein on Sabbath. I also heard from him, that if one of the householders of a court had forgotten and not combined in the erub, he must not carry anything out of or into his house, but the other inmates of the court may do so. Furthermore, I heard from him, that a man can fully acquit himself of the duty (of eating bitter herbs) on the Passover by using hart's–tongue (scolopendrium). I inquired among all his disciples seeking a colleague who had also heard him pronounce these opinions, but I could not find one.

**Chapitre 3**

**1** The Erub may be effected with all kinds of victuals excepting water and salt. All kinds of victuals may be bought with the proceeds of the second tithe except water and salt. One who has vowed to abstain from food, may partake of water and salt. The Erub maybe made for a Nazarite with wine and for an ordinary Isrælite with heave–offering. Symmachus said: Unconsecrated things only may be used for the Erub of an ordinary Isrælite. The Erub of a priest may be placed on a spot which had formerly been used as a cemetery. R. Jehudah said: It may even be placed in an actual burying–ground, since the priest may make a partition between himself and the burying–ground and then eat the Erub.   
**2** For the Erub doubtful grain (Damai) (of which it is not known whether the legal dues like tithes, etc., have been acquitted) may be used; first tithes, from which the heave–offerings have been taken; and second tithes and consecrated things that have been redeemed. For priests, the first of the dough and heave–offerings may be used. It is not lawful however to use unseparated grain (from which it is certain that the legal dues have not been separated), or first tithes from which the heave–offering had not been taken, or second tithes and consecrated things which had not been redeemed.   
**3** Should a man send his Erub by the hand of a deaf and dumb person, an idiot, a minor or one who does not acknowledge the legal necessity of an Erub, it is not a valid Erub; if, however, he had commissioned another proper person to receive it from his messenger, it is a valid Erub. If a man puts the Erub in a tree higher than ten spans above ground, it is not valid; but if he puts it lower than ten spans, it is. If he had put it into a pit, even though it be a hundred ells deep, the Erub is valid.   
**4** If the man should put the Erub on top of a cane or pole, that does not actually grow out of the ground, but is merely stuck in the ground, even though it be a hundred ells high, it is a valid Erub. If one put it into a cupboard which he locked and then lost the key, the Erub is nevertheless valid. R. Eliezer said: If he does not know where the key is, the Erub is not valid.   
**5** Should the Erub roll (or be moved) out of the limit of the Sabbath distance, should a heap of mould fall on it, or should it be burned, or if the heave–offering (used for the Erub) became unclean, and any or all of this take place while it is yet day ([i.e.], before the Sabbath set in) the Erub is not valid. If it take place, however, after dusk (when it is already Sabbath) the Erub is valid. If the time when it took place is doubtful, R. Meir and R. Jehudah both say: This is (like driving) an ass and (leading) a camel (meaning, that a man is hemmed in on all sides). R. Jose and R. Simeon say: A doubtful Erub is valid? R. Jose further said: Abtolymus attested upon the authority of five elders, that a doubtful Erub is valid.   
**6** A man may make his Erub, conditional and say: If foes come from the east, my Erub shall be valid for the west; should they come from the west, my Erub shall be good for the east; should they come from both sides, I am at liberty to go in what direction I please; should they not come from either side, I am like the rest of my townsmen. Should a sage come from the east, my Erub shall be valid for the east; should one come from the west, my Erub shall be valid for the west; should one come from each side, I am at liberty to go in which direction I please; should none come from either side, I am like the rest of my townsmen. R. Jehudah. said: If one of the two sages (should they come at the same time) had been the man's teacher, he must go to meet his teacher; if both had been his teachers, he may go in which direction he pleases.   
**7** R. Eliezer said: When a festival precedes or succeeds a Sabbath (by one day), a man should prepare two Erubin and say: My first Erub is to be valid for the east and my second for the west; or my first for the west and the second for the east. My Erub is valid for the first day and the second day I am like the rest of my townsmen, or my Erub is good for the second day and the first day I am like my townsmen. The sages however hold, that one may prepare his Erub for one direction only; otherwise it is not valid at all; also that he must prepare his Erub for both days, or it is not valid at all. But how must this be done? One carries out the Erub to the place, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him. He then brings the Erub out again on the second day, remains with it till dark and then cats it and goes away. It is obvious, that in this manner he gains his walk beyond the Sabbatical limit and he gains by eating his Erub. Should his Erub have been eaten on the first day, it is a legal Erub for the first day only; but not for the second day. R. Eliezer said to them: "Thus ye acknowledge to me that they are two distinct holidays ([i.e.], that the sanctification of one day is not equal to that of the other)."   
**8** R. Jehudah said: "If a man apprehend that the new year will be celebrated two days, he must prepare two Erubin." He then says: My Erub of the first day shall be valid for the east and of the second day for the west; or of the first day for the west and of the second day for the east. My Erub shall be valid for the first day, and on the second I am like my townsmen; or my Erub shall be valid for the second day and on the first I am like my townsmen. The sages however did not coincide with him. R. Jehudah further said: "A man may conditionally separate (the heave–offering from) a basket of fruit on the first day of the new year and eat it on the second day; likewise an egg which is laid on the first day of the festival may be eaten on the second. The sages however do not coincide with him. R. Dosa ben Harchinas said: He who stands before the pulpit to pray on the first day of the new year must say: Strengthen us, O Lord our God, on this day of the new moon, whether to–day or to–morrow (be the true day). And on the morrow he says the same prayer with the variation "whether this day or yesterday be the true one." The sages, however, do not agree with him.

**Chapitre 4**

**1** If foes, or an evil spirit (a fit of insanity?), caused one to go beyond the Sabbath limit, he after recovering his freedom must not move further than four ells; if the foes or the fit have carried him back within the limit, it is as if he had not gone beyond it. If they have carried him into another town, or into a pen or a fold for cattle, he according to Rabbon Gamaliel and R. Eliezer ben Azariah, may go about throughout the entire extent (of the town, pen or fold). R. Joshua and R. Aqiba maintain, that he must not move further than four ells. It once happened that these four sages came together from Parendisim (Brundusium, or Brindisi) and their vessel was still at sea on the Sabbath. Rabbon Gamaliel and R. Eliezer ben Azariah walked about throughout the whole vessel; but R. Joshua and R. Aqiba did not move beyond four ells, as they wished to take upon themselves the rigid observance. Once these four sages were on board a vessel and did not enter the harbor until after dark (on the eve of Sabbath); so they inquired of Rabbon Gamaliel: "What are we to do as to descending from the vessel?" He answered them: Ye may descend; for I observed, that we had already entered the limits of the Sabbath–distance before dusk.   
**2** One who is authorized to go beyond the prescribed limit on important business pertaining to public or private safety and is told, that "it is already done," is at liberty to go two thousand ells in any direction. If he was still within the prescribed limit, it is as if he had not gone out at all, for all those who go forth on an errand of safety, are permitted to return to their homes on Sabbath.   
**3** If a man sit down by the road–side (towards dark on the eve of Sabbath), then gets up and observes, that he is near a town, he must not enter the town; for it had not been his intention to do this. Such is the dictum of R. Meir; but R. Jehudah permits him to enter. R. Jehudah said: "It once happened that R. Tarphon entered a town although it was not his intention to do so." One who falls asleep on the eve of Sabbath while on the road and thus knows not that night has set in, is permitted (upon awaking) to go two thousand ells in any direction. Such is the decree of R. Johanan ben Nouri; but the sages hold, that he has only the right to move four ells. R. Eliezer said: "And he himself forms the centre of the four ells." R. Jehudah however said: He can go four ells in whichever direction he pleases. Still R. Jehudah admitted, that if the man had made his choice (which direction to take) he must not afterwards (change his mind and) go in another direction. Should there be two persons so situated ([i.e.], form the centre of the four ells they are allowed to move in), and part of the four ells permitted to one is within the limits of the other, they may meet and take their meals together in the centre of their joint space, provided that neither exceed his own limits by going into those of his neighbor. If there are three persons so situated and part of the four ells occupied by the middle one forms part of the space belonging to each of the other two, the one situated in the middle is at liberty to meet each of the others, or each of the others may meet him; but the two on each side of him must not meet each other. Said R. Simeon: What can this be compared to? Three courts opening into each other and also opening into public ground. If the two outer courts have combined in an Erub with the middle one, one is at liberty to carry things between the middle court and each of the outer ones, but between the two outer courts one must not carry or convey anything.   
**4** Should a man, when overtaken by dusk on the road (on the eve of Sabbath), single out a tree or a hedge and say: "I will take my Sabbath–rest underneath it," ([legally]) he has said nothing, but if he says: "I will take my Sabbath–rest at its base," he may go from the spot on which he stands to the base of the tree or hedge two thousand ells and thence to his domicile two thousand ells more; thus it may be seen, that a man may go four thousand ells after dark (on Sabbath). If he cannot single out a tree or a hedge or is not conversant with the Halakha (covering his case) and says: "I will take my Sabbath–rest on the place where I stand," the spot upon which he stands (virtually) gives him two thousand ells in any direction; in a circle, according to the dictum of R. Hanina ben Antignous; but the sages hold, that he has two thousand ells in a square, so as to enable him to take advantage of the angles. This rule is explanatory to the saying (of the sages): "The poor prepare their Erubs with their feet." R. Meir said: "This rule is applied only to the poor," but R. Jehudah replied: It applies to poor and rich both; inasmuch as the Erub to be made with bread was only decreed in order to render its observance easier for the wealthy, so that they should not be compelled to go out and prepare the Erub with their own feet.   
**5** If a man (on the eve of Sabbath) had been despatched by his townsmen to combine by an Erub a town (or village in the vicinity) and was subsequently induced by a neighbor to go back (before completing his errand) he is permitted to go to the place in question (nevertheless); all his townsmen, however, are forbidden (to go thither). Such is the dictum of R. Jehudah; but R. Meir said: One who can prepare an Erub and does not prepare it, is (like one driving) an ass and (leading) a camel (at the same time).   
**6** If one went beyond the legal limit even a single ell, he must not go back the entire distance. R. Eliezer said: If he went two ells beyond the limit he may go back; but if three ells, he must not.   
**7** One who was overtaken by dusk one ell outside, of the legal limit must not re�nter the town; R. Simeon, however, said: Even if one was fifteen ells beyond the limit, he may go back, as the land–surveyors who establish the limits, are not very exact in their measurements and allowance is made for those who might err.

**Chapitre 5**

**1** How can the boundaries of a town be extended? If one house recede from the city wall and another project, or if a ruin recede or project, or if fragments of a wall ten spans high lie beyond the walls, or if there be any bridges or cemeteries, with dwelling–houses thereon, the measurement of a town is commenced on a level with them; and the whole is formed into a (quasi) square, in order to gain the angles.   
**2** An allowance of seventy and two–thirds ells of space must be made to the town. Such is the dictum of R. Meir; but the sages hold, that such an allowance is to be made only if two towns be so close to each other, that each only requires seventy and two–thirds ells to bring them within the legal limits; in that case an allowance is made to both, so that they become as one. Thus also, if three villages form a triangle, and the two outer ones require 141 1/3 ells, a double allowance to bring them within legal distance of each other, the middle one between the two makes all one, so that the three villages, become as one.   
**3** One must not measure the legal distance except with a line exactly fifty ells long, no more and no less; and one must not measure in any manner except from the breast. If during the measurement a deep dale (cleft) or heap of stones is encountered, the line is passed over it and the measurement resumed; if a hillock is encountered, the line is passed over it (also) and the measurement resumed, provided the legal limit is not overstepped while this is being done. If the line cannot be passed over the hillock on account of its height, R. Dostai bar Janai said: I have heard on the authority of R. Meir, that those who make the measurement cut straight through the mountain (in an imaginary sense).   
**4** The measurement must be undertaken only by one who is an expert (in measuring land). If the legal limit was carried farther to one place than to another, the farther limit is held to. If [one] surveyor carried the limit farther than another, the farther measurement is abided by. Even a bond–man or bond–woman must be credited if testifying, that "Until here is the Sabbath–limit"; for the sages do not intend to enforce a more rigorous observance (of the law) but to make it more lenient.   
**5** If a town (originally the property) of a single individual, becomes (property) of the public, all the householders residing therein may combine in preparing the Erub. If the town originally was public property and becomes the property of an individual, all the householders must not join in the Erub, unless a number of dwellings outside of the city was not included in the Erub made by the town proper, which number was equal to the new town in Judæa; [i.e.], containing fifty dwellings. Such is the dictum of R. Jehudah; R. Simeon, however, holds, that it is sufficient if three courts each containing two houses were not included.   
**6** Should a man (on the eve of Sabbath) be at the east of his domicile and say to his son: "Place my Erub towards the west," or being at the west of his domicile say to his son: "Place my Erub towards the east": if the distance from the place where he stands to his domicile be within two thousand ells and to his Erub farther than that, he must take his Sabbath–rest at his domicile, but must not take it where his Erub is deposited; if the distance to his Erub, however, be within two thousand ells, and to his domicile farther than that, he must take his Sabbath–rest where his Erub is placed and not at his domicile. If a man has deposited his Erub within the limits (allowance of seventy and two–thirds ells) of a town, he has (legally) accomplished nothing and it counts for nothing; if he, however, deposited the Erub outside of the legal limit, be it but a single ell, whatever ground he gains in one direction, he loses in the opposite direction.   
**7** The inhabitants of a large town may traverse the whole of a small town (within or adjoining their legal limits); but the inhabitants of the small town must (not) traverse the whole extent of the large town. How then? If an inhabitant of the large town place his Erub in the small town, or an inhabitant of the small town place his Erub in the large town, each may traverse either town and proceed two thousand ells beyond its boundaries. R. Aqiba said: "One has only the right to proceed two thousand ells from the place where he deposited his Erub." Said R. Aqiba to the sages: "Will ye not admit, that in the case of one who deposits his Erub in a cavern, that he has not the right to proceed further than two thousand ells from the place where he has deposited his Erub?" They replied: "True; but when is this the case? If there are no dwellings in the cavern; but if there are dwellings within it, he may not only traverse the whole extent of the cavern, but also proceed two thousand ells outside of it." (Hence, it may be seen) that the ordinance is less rigid as to the interior of a cavern, than to the space above it. Concerning one who measures (previously mentioned) he is only allowed to carry the legal limits two thousand ells from the place whence he started, even though the end of his measurement terminate in a cavern.

**Chapitre 6**

**1** To one who dwells in the same court with a Gentile, or with one who does not acknowledge the laws of Erub, the latter prove a bar (to his carrying in the court). R. Eliezer ben Jacob, however, said: "At no time can such a prohibition be caused, unless there be two Isrælites, who prevent each other." R. Gamaliel related: "It happened that a Sadducee dwelt with us in one alley (entry) in Jerusalem, and my father said to us (on the eve of Sabbath): 'Make haste and bring all the vessels into the alley, lest the Sadducee bring out his, and thus make it unlawful for you to carry out yours.'" R. Jehudah related the same circumstance with a variation in the language, viz.: "Make haste and do what you require done in the alley, lest he come out and make it unlawful for you to do so."   
**2** Should one of the householders of a court forget, and not join in the Erub, neither be nor the other inmates of the court are allowed to carry anything into or out of his house, but he [and] they may carry into or out of their houses. If the other inmates have resigned to him their common right to the court, he is permitted to carry therein, but they must not do so. Should there be two persons who have neglected to combine in an Erub, they mutually prevent each other; for one individual can resign his right to the court or can acquire that right; but two persons, though permitted to jointly resign their right, cannot jointly acquire the right to the exclusive use of the court. From what time is the right to be conferred? Beth Shammai hold, "While it is yet daylight," but Beth Hillel maintains "even from dusk (on the eve of Sabbath)." Whoever resigns his right (to the court) and afterwards either intentionally or inadvertently carries within it, prevents (renders it unlawful for) the others from doing so. Such is the dictum of R. Meir. R. Jehudah, however, said: If he carries (within the court) intentionally, he prevents them, but if inadvertently, he does not.   
**3** Should a householder be in partnership in wine with two of his neighbors (residing in the same alley), they do not require an Erub; if he be in partnership with one in wine and with another in oil, they do require an Erub. R. Simeon said: Neither in one case nor in the other do they require an Erub.   
**4** Should five different companies take their Sabbath–rest in one hall (triclinium), Beth Shammai hold, that each company requires a separate Erub, but Beth Hillel hold, that one Erub suffices for all of them. The latter school admit, however, that if any of these companies occupy distinct chambers or attics, each company requires a separate Erub.   
**5** Brothers (or associates) who take their meals at their father's (or at one) table, but sleep each in his separate house (in the same court), must each one prepare a separate Erub. Therefore if one of them had forgotten and not prepared an Erub, he must resign his right (to the common court). When is this the case? When the Erub had been deposited in some other place; but if the Erub has been placed with them, or if there are no other inhabitants in the court, they need not prepare any Erub whatsoever."   
**6** If (the householders dwelling in) five courts that open into each other and also open into one common alley (entry) have joined in an Erub for the courts, but have not combined the alley, they are permitted to carry (things) in the courts, but must not do so in the alley; if they did combine the alley, however, they are permitted to carry both in the courts and in the alley. If they had combined both the courts and the alley, but one of the householders forgot and did not join in the Erub, they arc nevertheless permitted to carry both in the courts and in the alley. Should one of the householders (dwelling) in the alley have forgotten to join in the Erub, it is permitted to carry (things) in the court but not in the alley, inasmuch as the alley (bears the same relation) to the courts as the court (does) to the houses within it.   
**7** If two courts be one within the other, should the inmates of the inner court prepare an Erub and those of the outer court fail to do so, the inmates of the inner court may carry within it, but those of the outer court must not carry within their (own) court. If the inmates of the outer court prepare an Erub, but those of the inner court fail to do so, neither are allowed to carry within their respective courts. If each have prepared a separate Erub, they are permitted to carry within their own limits. R. Aqiba holds, however, that the inmates of the outer court are prohibited to carry within it and that the right of thoroughfare possessed by the inner court renders the outer court prohibited; but the sages hold, that the right of thoroughfare does not render it so. Should one of the inmates of the outer court forget to join in the Erub, it is permitted to carry within the inner court, but carrying within the outer court is prohibited. If one of the inmates of the inner court forget to join in the Erub, carrying in either court is prohibited. If the inmates of both courts deposit their Erub in one place, and one of the inmates of either the outer or inner court forgot and did not join in the Erub, carrying, in either court is also prohibited. Should each court be the property of an individual (or inhabited by only one household), neither require an Erub.

**Chapitre 7**

**1** If there be an aperture, four spans square, and less than ten spans high (from the ground), between two courts, the inmates of each court may prepare two separate Erubin; or if they prefer it, may combine in one Erub. If the aperture be less than four spans square or over ten spans from the ground, they are each obliged to prepare a separate Erub, and must not combine in one.   
**2** If there be a wall ten spans high and four spans wide between two courts, the inmates of each must prepare separate Erubin and must not join in one. If fruit happen to lie on the wall, they may ascend from their respective sides and partake thereof, provided they do not bring any of it down with them. Should there be a breach in the wall, not wider than ten ells, they may prepare separate Erubin or if they prefer it join in one, because the breach is considered as a door. Should the breach, however, be wider than ten ells they must both join in one Erub but must not prepare two separate Erubin.   
**3** If two courts be separated by a ditch, ten spans deep and four wide, the inmates of each court should prepare separate Erubin and must not join in one, even though the ditch be filled with stubble or with straw. Should it however be filled with earth or pebbles, the inmates must join in one Erub and not prepare two separate ones. If a board four spans wide had been put across the ditch, and likewise, if two projecting balconies, one opposite the other, have been connected by means of such a board, or plank, the inmates of the courts may prepare separate Erubin, or if they prefer it, they may join in one; if the board, however, was less (than four spans) wide, they must each prepare a separate Erub, and not join in one.   
**4** If there be between two courts a straw–rick, ten spans high, the inmates of both courts must prepare separate Erubin, and must not join in one. Cattle maybe fed from each side of the rick (and no fear need be entertained, that it will become less than ten spans high). Should the rick become less than ten spans high, the inmates must join in one Erub and not prepare two.   
**5** How are alleys (entries) to be combined? A man places a cask of wine (in the alley) and says: "This shall be for all the inmates of the alley," and he may transfer the right of possession (which he has in the cask) to them either through his adult son or daughter, or through his Hebrew man–servant or maid–servant, or through his wife; but he cannot transfer his right of possession through his minor son or daughter, or through his Canaanitish bond–man or bond–woman, because their hand is virtually the same as his.   
**6** If the quantity of food (required for the combination) become diminished, one may (himself) add thereto and transfer his right of possession without notifying the other inmates (to that effect). If, however, new inhabitants have (since) arrived in the alley, he adds sufficient to make up the required legal quantity, transfers his right of possession to them and notifies them to that effect. How much is this legal quantity (of food required for the combination of alleys)? If those who join therein are numerous, it must be sufficient for two meals for all of them; but if they be few, the size of a dried fig for each is sufficient. R. Jose said: "To what does this regulation apply? To the original (first) preparation of the Erub; but to extend the Erub (for later use) any quantity, however small, is sufficient. Nor did the sages direct that (where the combinations of an alley had been effected) an Erub should be prepared for the several courts (contained in the alley) except that the children might not forget about the law of Erub.   
**7** The Erub (of courts) or combination (of alleys) maybe effected with all kinds of nutriment except water and salt. Such is the dictum of R. Eliezer. R. Jehoshua, however, said: Only a whole loaf of bread is a lawful Erub. Should even a whole saah of flour be baked into one loaf, and that be broken, it must not be used for an Erub, while a small loaf of the value of an Eesar (a small coin; probably the Roman "as") if it be whole, may be used for an Erub.   
**8** A man may give money to the wine–seller or baker in order to acquire the right to join in the Erub. Such is the dictum of R. Eliezer; but the sages hold, that money cannot acquire the right for a person to join in the Erub. They admit, however, that if a man give money to another person (with the commission to effect the Erub for him) it will acquire for him the right to join in the Erub, since no Erub can be effected for a man without his knowledge. Said R. Jehudah: To what do these (preceding) regulations apply? To the Erubin of limits; in the Erubin of courts, however, a man may be included with or without his knowledge; for advantages may be conferred on a person, even though he be not present, whereas, he must not be deprived of his right in his absence.

**Chapitre 8**

**1** How are the (legal) limits to be combined? A man places a cask (of wine) and says: "This is for all my townsmen or for all who go to the house of mourning, and for all who go to the house of feasting." Whosoever joins in the combination while it is yet day (on the eve of Sabbath) is permitted to do so; after dusk, however, it is prohibited, because an Erub must not be deposited after dark.   
**2** How much is the legal quantity (of food required to effect the combination of limits)? Sufficient food for two meals for everyone who joins therein; for work–day meals but not for Sabbath–meals. Such is the dictum of R. Meir; but R. Jehudah said: For Sabbath–meals, but not for work–day meals. Both (sages), however, intend to render the observance of this regulation more lenient. R. Johanan ben Berokah said: It is sufficient to effect the combination if the loaf used therefor be worth a Pundian, when the price of flour is one selah for four saah. R. Simeon said: Two–thirds of a loaf (is sufficient), such as go three to one of flour. (The time it takes to eat) half (of such a loaf, is the prescribed time for remaining) in the house of a leper, and the half of a half of such a loaf (which were it unclean) would make the body unclean.   
**3** If the inhabitants of a court and the inhabitants of a balcony should have forgotten to combine an Erub, whatever is above ten spans from the ground is considered as belonging to the balcony, and whatever is less than ten spans high from the ground is considered as belonging to the court. If the earth dug out of a ditch, or a stone, be ten spans high, they belong to the balcony; but if less than ten spans high they belong to the court. When is this the case? If the earth (heap) or the stone be close to the balcony, but if some distance away from the balcony, even though they be ten spans high, they belong to the court. What is considered close? Whatever is less than four spans distance.   
**4** If a man deposit his Erub (for the combination of courts) in a vestibule, gallery, or balcony, it is not a lawful Erub. Should a man reside in any such place, who has not joined in the Erub, he cannot prevent the other inmates of the court (from carrying therein). If a man deposit his Erub in a hay–loft, or in a stable, or in a woodshed, or in a granary, it is a legal Erub, and one who dwells there (if he had not joined in the Erub) impedes the other inmates of the court. R. Jehudah said: If the householder has reserved the right of access thereto (to such a loft, stable, shed, or granary), he who dwells there does not impede the other inmates of the court.   
**5** If a man leave his house and goes to take his Sabbath–rest in another town (without previously joining in the Erub), be he a Gentile or an Isrælite, he thereby prevents the other inmates of his court from carrying within it. Such is the dictum of R. Meir. R. Jehudah saith: "He does not prevent the others." R. Jose saith: "A Gentile prevents the others, but an Isrælite does not, as it is not usual for an Isrælite to return on the day of rest." R. Simeon saith: Even if the man left his house and had gone to take his Sabbath–rest with his daughter, in the same town, he does not prevent the other inmates, since he has in thought renounced his abode for the time being.   
**6** If there be a well between two courts it is not lawful to draw water therefrom (on Sabbath), unless a partition be made ten hands high either below (within the water) or at the edge of the well. R. Simeon ben Gamaliel said: "Beth Shammai hold, that the partition must be made below; but Beth Hillel maintain that it must be made above." Said R. Jehudah: The partition is not more effective than the wall which is between the two courts.   
**7** If a canal runs through a court, it is not lawful to draw water therefrom (on Sabbath), unless there be a partition ten spans high where the canal flows into the court and another where it flows out again. R. Jehudah said: "The wall above is to be considered a partition." R. Jehudah further, said: "It happened, that water was drawn from the canal around, the walls of a town (the moat) on the Sabbath with the sanction of the elders," but the sages replied: "That was done, because, the canal was not of the legal size (of four spans width)."   
**8** If there be a balcony above the water, it is not lawful to draw water therein on the Sabbath, unless a partition be made ten hands high, either above or below the balcony. Thus, also, if there be two balconies, one above the other: Should a partition have been made for the upper and not for the lower, it is unlawful to draw water through either, unless they have been combined by an Erub.   
**9** If a court be less than four ells square, it is not permitted to pour water therein on Sabbath, unless a sewer is made, which has a capacity of two saahs exclusive of the walls, either outside or within the court. If the sewer has been made outside it must be covered up (with boards), while on the inside it need not be covered up. R. Eliezer ben Jacob said: "Into a gutter, which is covered up to the extent of four ells in public ground, it is permitted to pour water on the Sabbath"; the sages, however, hold, that even though the court or roof be one hundred ells long, it is not permitted to pour water down the gutter (direct); but the water may be poured out on the roof, so as to drop down into the gutter. (In computing the four ells) mentioned in the first clause of this Mishna, the hall may be added. Thus, also, if there be two habitations facing each other (in one court) and the inmates of one have made a sewer, but were not joined in making it by the inmates of the other habitation, those who made the sewer are permitted to throw water into it, but those that did not make it, are not permitted to do so.

**Chapitre 9**

**1** All the roofs of a town are considered one private ground (although the houses underneath are occupied by several), provided there be not one roof ten hands higher or ten hands lower than the rest. Such is the dictum of R. Meir; the sages, however, hold, that each roof constitutes a separate private, ground. R. Simeon said: Roofs, as well as courts and wood–stores, constitute one private ground, for the carrying of all such utensils as were actually situated there when the Sabbath set in, but not for the carrying of such utensils as were still in the house, when the Sabbath set in.   
**2** If a large roof adjoin a small one, the owners of the large roof are permitted to carry things thither from the house, but the owners of the small roof are prohibited to do this. If a large court opens into a small one, through a breach in the wall, the inmates of the large court are permitted to carry things through the breach, but the inmates of the small court are prohibited to do so, because the smaller court is considered as an entry to the larger.   
**3** If a court (through an incavation of its walls) is laid open to public ground, whosoever brings anything from private ground into such a court, or from the court into private ground, is culpable. Such is the dictum of R. Eliezer, The sages hold, however: Whoever brings anything from the court into public ground, or from public ground into the court. is absolved; since the court (through the incavation of its walls and consequent opening) has become like unclaimed ground.   
**4** In a court (the corner walls of which had fallen in on Sabbath so) that (it) has been laid open to public ground on two sides; also in a house (which by a similar accident) was laid open on two sides; or in an entry the cross and side beam of which had been removed, it is permitted to carry things on that [same] Sabbath; but it is not permitted to do so on the [succeeding] Sabbaths. Such is the dictum of R. Jehudah; but R. Jose said: If it were permitted for that particular Sabbath, it would also be permitted for the future; but since it is prohibited for the future, it is also prohibited on that same Sabbath.   
**5** If an attic be built over two houses, also if bridges are open at both ends, it is lawful to carry things underneath on the Sabbath. Such is the dictum of R. Jehudah; but the sages prohibit it. Moreover, R. Jehudah further said: It is lawful to combine, by means of an Erub, an alley that is open at both ends, but the sages prohibit it.

**Chapitre 10**

**1** If a man (on Sabbath) find tephilin (on the road), he should match them and bring them (into the nearest town or village) in single pairs ([i.e.], one for the head and one for the arm). Rabbon Gamaliel said: "He may bring in two pair at a time." To what does this rule apply? To old tephilin (phylacteries), but if they be new, he need not bring them in (at all). If he find them tied up in pairs, or all tied together, be should remain with them till dark and then bring them in. In times of danger (religious persecutions), however, he covers them up and passes on. R. Simeon said: He should hand them to his companion ([i.e.], the man standing next to him), who in turn hands them to his companion, and so on from hand to hand until the outmost court is reached. So, likewise, his child, he should hand it to his companion, who in turn hands it to his companion and so on from hand to hand, even (if it have passed through the hands of) an hundred (men), R. Jehudah said: "In like manner, a man may pass a cask of wine (which he has found on the road on the Sabbath) to his companion, and he in turn to his companion (and so on from hand to hand) even beyond the legal limits; the sages, however, objected: "The cask cannot be conveyed further than its owners have the right to walk."   
**2** If a man reads in a scroll (of sacred scriptures) on the threshold of the house, and the scroll slips out of his hand, he may draw it back again. If a man reads in a scroll of the scriptures on the roof of his house and the scroll slips out of his hand, he may, if it has not rolled down for a distance of ten spans (from public ground), draw it up again; but if it reached down to a distance of ten spans (from public ground) he should turn the written side over (downwards to the wall), and leave it there till nightfall. R. Jehudah said: "If the scroll be but the breadth of a needle from the ground, the man may roll it back again to himself." R. Simeon said: Even though it be completely on the ground, the man may roll it back to himself, for no ordinance regarding the Sabbath–rest supersedes the veneration due to sacred scriptures.   
**3** On a ledge outside a window it is permitted to place vessels and to remove them therefrom on the Sabbath.   
**4** A man may stand in private ground and move things that are in public ground; or he may stand in public ground and move things that are in private ground, provided, that he does not move them beyond four ells. A man must not, standing in private ground, make water in public ground on (Sabbath), nor may he standing in public ground make water in private ground. In like manner he must not, standing in one (kind of) ground spit into another. R. Jehudah said: He who (when coughing) has brought up phlegm into his mouth, must not go four ells before expectorating.   
**5** A man must not, standing in private ground drink in public ground, nor may he, standing in public ground, drink in private ground, unless he places his head and the greater part of his body, within the place in which he drinks. Such is also the law regarding a wine–press.   
**6** A man may catch water dropping from a spout on the roof, within ten hands from the ground; but from a projecting spout he may drink in any manner (he chooses).   
**7** Should a well standing in public ground have an enclosure ten spans high, it is lawful to draw water therefrom (on the Sabbath) through an aperture (window) that is above it. On a dunghill, ten spans high, standing in public ground, it is lawful to pour water through any aperture above it.   
**8** Beneath a tree, the branches of which droop and cover the ground so that the tips of its twigs be within three spans from the ground, it is lawful to carry things (on the Sabbath). Should the roots of the tree project three spans high out of the ground it is not permitted to sit upon them.   
**9** The shutters of a bleaching ground or thorn bushes (as are used) to fill up breaches in a wall or reed mats must not be used to close up avenues unless they be placed a trifle above the ground.   
**10** A man must not, standing in private ground, unlock with a key something in public ground, nor may he, standing in the public ground, unlock with a key something in private ground, unless he had previously made a partition ten hands high (round the spot on which he stands). Such is the dictum of R. Meir; but the sages said to him: "It was the custom in the poultry–dealers' market, at Jerusalem, to lock up the shops, and place the key in the window (aperture) above the door." R. Jose said: "This was done in the wool–market."   
**11** A loose bolt with a knob to it, is prohibited to use on Sabbath. Such is the dictum of R. Eliezer; but R. Jose permits its use. R. Eliezer said: In the synagogue of Tiberias it was customary to use such a bolt, until Rabbon Gamaliel and the elders came and prohibited it. But R. Jose replied: On the contrary, they refrained from using it as unlawful, until Rabbon Gamaliel and the elders came and permitted it.   
**12** A loose bolt, that is fastened to a rope (and hangs down towards the ground) may be used to fasten with in the Temple only, but not in the country; but a bolt that is fixed to the building itself must not be used in either place. R. Jehudah said: A fixed bolt may be used in the Temple and a loose bolt in the country.   
**13** In the Temple the lower hinge of a cupboard–door may be refitted into its place (on the Sabbath), but this must not be done in the country. The upper hinge must not be refitted either in the Temple or in the country. R. Jehudah said: The upper hinge may be refitted in the Temple and the lower one in the country.   
**14** They (priests who minister) may replace a plaster on a wound (which plaster had been taken off to perform the service) in the Temple; but this must not be done in the country. To put the first plaster on a wound on Sabbath is prohibited in either place.   
**15** They (the Levites performing on musical instruments) may tie a string (of an instrument which had burst, on Sabbath) in the Temple; but this must not be done in the country. To put a new string on the instrument (on Sabbath) is in either place prohibited.   
**16** They (the priests who minister) may remove a wart from an animal on Sabbath in the Temple, but this must not be done in the country; by means of an instrument it is prohibited to do so in either place.   
**17** A priest (ministering) who hurts his finger, may bind it up with reeds in the Temple (on the Sabbath), but this must not be done in the country. Squeezing out the blood is, in either place, prohibited. It is permitted to strew salt on the stairs of the altar (on Sabbath), in order to prevent the ministering priests from slipping. It is also permitted to draw water from the well Gola and from the large well by means of the rolling wheel on the Sabbath and from the cold well (on festivals).   
**18** Should (the carcass of) a dead reptile be found in the Temple on the Sabbath, the priest shall move it out with his belt, as an unclean thing must not remain within the Temple. Such is the dictum of R. Johanan ben Berokah; but R. Jehudah said: It should be removed with wooden pincers, in order that the uncleanness spread not further. From which (parts of the Temple) should it be removed? From the inner Temple, from the hall, and from the interspace between the hall and the altar. Such is the dictum of R. Simeon ben Nanos; but R. Aqiba said: It should be removed from every place (in the Temple) which, if entered by an unclean person intentionally, lays him liable to the punishment of Kareth (being cut off), and if entered inadvertently, makes him liable for a sin–offering. In all other parts of the Temple, the carcass of the reptile should be covered with a (copper) cooling–vessel () till the Sabbath is over and then be removed. R. Simeon said: Whatsoever the sages permit thee to do is (not an infraction of biblical law, but) a right which is thine own; inasmuch as whatever they permit could at all events become unlawful only on account of their own enactments for the sake of the Sabbath–rest.

**Sheqalim**

**Chapitre 1**

**1** On the first day of the month of Adar, warnings are heralded (from Jerusalem) concerning Shekalim and Kelayim (the prohibition concerning the use, for ploughing together, of an ox with an ass, and the sowing together of different kinds of seeds). On the fifteenth day of that month the Megillah Esther is read in the fortified cities; and the same day the improvement of country roads, market–places, and legal plunge–baths is proceeded with. Public affairs are again taken up; at the same time, graves are marked with lime, and messengers are sent out on account of possible Kelayim.   
**2** R. Jehudah says: At one time the messengers used to pull out the Kelayim (illegally mixed seeds) and throw them at the feet of the owners! The number of the transgressors, however, being constantly on the increase, the Kelayim were pulled out and thrown into the roads. Finally, it was determined that the entire fields of such law–breakers were to be confiscated.   
**3** On the fifteenth of this month (Adar) the money–changers outside of Jerusalem seated themselves at their tables. In the city of Jerusalem, however, they did not do this until the twenty–fifth of the month. As soon as the money–changers seated themselves also in the city, the taking of pledges from the tardy ones commenced. But from whom were pledges taken? From Levites, Isrælites, proselytes, and freedmen; but not from women, slaves, and minors. If a father, however, commenced to give a pledge for a minor, he was not allowed to stop. From priests no pledges were taken, for the sake of peace (and the dignity of the priests themselves).   
**4** Said R. Jehudah: Ben Buchri proclaimed the following ordinance in Yavne (Jamnia): "Any priest paying his shekel commits no wrong." R. Johanan ben Zakai, however, rejoined: "Not so! (The ordinance should read:) 'Any priest not paying his shekel, commits a sin.'" But the priests used to interpret the following passage to their advantage: It is written [[Leviticus vi. 16]]: "And every meat–offering of a priest shall be wholly burnt, it shall not be eaten." (They said therefore:) Were we obliged to contribute (our shekels) how could we eat our Omer   
**5** and the two loaves and the showbread (which were procured with the shekels of the head–tax)?   
**6** Although it was ordained that no pledges were to be taken from women, slaves, and minors, if they offered to contribute, their money was accepted. From heathens and Samaritans it was not accepted. Nor were bird–offerings, for men or women afflicted with venereal disease and for women who had recently been confined, accepted; nor sin and guilt offerings. Vowed and voluntary offerings, however, were accepted. The following is the rule: Everything which was vowed as an offering and all voluntary offerings were accepted. Anything not vowed for offering or given voluntarily was not accepted from them (heathens and Samaritans). So it is explicitly declared in Ezra, for it is written [[Ezra iv. 3]]: "It is not for [you] and us (both) to build a house unto our God."   
**7** The following are obliged to pay a premium (in addition to the half–shekel): Levites, Isrælites, proselytes, and freed. men; but not (priests,) women, slaves, and minors. If one pay (the half–shekel) for a priest, woman, slave, or a minor, he is exempt (from paying the premium); if he pay for himself and another, however, he must pay a premium for one. R. Meir says: "(He must pay) two premiums. One who pays a Sela (whole Bible shekel) and receives in return a half (Bible) shekel must pay two premiums."   
**8** If one pay for a poor man, for a neighbor, or for a countryman, he is exempt from a premium (because it is charity); if he only advances them the money, he is not exempt. Brothers who (after dividing their inheritance) have their business in common, or partners, when they become obliged to pay a premium, are exempt from cattle–tithe. As long, however, as they must pay cattle–tithe, they are exempt from a premium. How much does the premium amount to? According to R. Meir, to one silver Meah (one twenty–fourth of a shekel); but the sages say, to one–half of a Meah.

**Chapitre 2**

**1** One may put together the Shekalim and exchange them for Darkons (Greek coins of permanent value), in order to be able to carry them more readily. just as the money–chests were on the order of horns in the city of Jerusalem, so were they also in the country. If the inhabitants of a town sent their Shekalim (to the city of Jerusalem) by messengers, and the money was stolen from them or was lost by accident, if the treasurers had already drawn their share (from the communal Shekalim), the messengers of the city must swear to the fact before the treasurers. If the share had not yet been drawn, they (the messengers) must swear to the facts before the inhabitants of the town, and the latter must make the amount good. If the money was recovered or returned by the thieves, both amounts are considered as Shekalim, and nothing is credited to next year's account.   
**2** If one give his shekel to another to pay (his head–tax) for him, and the man appropriates it to pay his own tax, he (the latter) commits embezzlement if the share had already been drawn; the same is the case with one who pays his shekel with sanctified money, after his share had been drawn and an animal was sacrificed for it. If he took the money from the second tithes or from the Sabbatical year fruit, he must eat the full value of same in the city of Jerusalem.   
**3** If one gather together single coins and say: "These shall serve for my Shekalim," the eventual remainder is, according to the school of Shamai, a voluntary gift; according to the school of Hillel, it is not sanctified. If the man say, however: "Out of these I shall pay my Shekalim," the eventual remainder is, according to both schools, not sanctified. If he say: "These shall serve me for a sin–offering," the eventual remainder is, according to both schools, a voluntary offering. If he say: "Out of these will I bring a sin–offering," the eventual remainder is, according to both schools, not sanctified.   
**4** R. Simeon says: "What difference is there here between the Shekalim and the sin–offerings? Shekalim have their fixed value, but sin–offerings have not." R. Jehudah says: "Even Shekalim have no fixed value; for when Isræl returned from captivity, (half–) Darkons were paid; later (half–) Selas were paid; again, Tabas (half–shekels) were current (but not accepted), and finally people would only pay with Dinars." Rejoined R. Simeon: "Nevertheless, the Shekalim were all of like value at one and the same time, while as for sin–offerings, one brings one Sela's worth, another two, and a third three Selas' worth."   
**5** The remainder of moneys intended for Shekalim is not sanctified. The remainder of moneys intended for the offering of the tenth part of an ephah [[Lev. v. xi.]] (sin–offering of the poor), for bird–offerings of men or women afflicted with venereal disease and of women that had been recently confined, and for sin and guilt offerings, are considered voluntary offerings. Following is the rule: The remainder of everything designated for sin and guilt offerings is considered as a voluntary offering. The remainder of whole–offerings is applied to whole–offerings, of food–offerings to food–offerings, of peace–offerings to peace–offerings; that of the Passover– offerings to peace–offerings, and that of Nazarite–offerings to Nazarite–offerings. The remainder of such (offering) as is designated for a certain Nazarite is a voluntary offering. The remainder of moneys for the poor in general, belongs to the poor; of money collected for a certain poor man belongs to that same poor man. The remainder of ransom moneys for prisoners is applied to (the ransom of) other prisoners; of moneys collected for a certain prisoner belongs to that prisoner. The remainder of burial moneys is applied to (the burial of) other dead; of money collected for a particular dead (man) belongs to tile legal heirs. R. Meir says: "The remainder remains intact until Elijah comes again" (as the herald of the resurrection). R. Nathan says: "It should be applied to the building of a gravestone for the departed."

**Chapitre 3**

**1** At three periods of the year money is drawn from the treasury (of the Shekalim); viz.: Half a month before Passover, half a month before Pentecost, and half a month before the Feast of Booths. The same dates are also the terms for the obligation of cattle–tithing, so says R. Aqiba. Ben Azai says: "The dates for the latter terms are the twenty–ninth of Adar, the first of Sivan, and the twenty–ninth of Abh." R. Eliezer and R. Simeon both say: "The first of Nissan, the first of Sivan, and the twenty–ninth of Elul." But why do they say the twenty–ninth of Elul why not the first of Tishri? Because that is a feast–day, and it is not allowed to tithe on a feast–day; therefore they ordained it for the preceding day, the twenty–ninth of Elul.   
**2** The money drawn from the treasury was brought in three chests, each of three Saahs' capacity. On these chests was written: Aleph, Beth, Gimmel. R. Ishmæl says: "They were marked in Greek: Alpha, Beta, Gamma."––The one that drew the money was not allowed to enter (the treasury) with a turned–up garment, nor with shoes nor sandals, nor with Tephillin, nor with an amulet, in order that, in the event of his becoming impoverished, it should not be said that he was thus punished on account of transgression against the treasury; or if he became rich, that he enriched himself by means of money drawn from the treasury. For a man must stand as unblemished before his fellowman as before his God, as it is written [[Numbers xxxii. 22]]: "And ye be thus guiltless before the Lord and before Isræl"; and [[Proverbs iii. 4]]: "So shalt thou find grace and good favor in the eyes of God and man."   
**3** The members of the family of R. Gamaliel used to enter, each one with his shekel between his fingers, and throw it before the one who drew the money from the treasury, and the latter immediately placed it into the chest (which he took out).––The one who came in to draw the money did not proceed before he had said to the bystanders: "I will now proceed to draw," and they had answered: "Draw, draw, draw," three times.   
**4** After the man had completed the first drawing, he covered the balance with a cover (of fur); the same was done after the second drawing; after the third drawing the balance remained uncovered; for (the covering in the first two instances) was done only in order not to draw by mistake again what had already been drawn from. The first drawing was performed in the name of the whole land of Isræl, the second in the name of the cities near the boundaries, and the third in the name of the inhabitants of Babylon, Media, and all distant lands in general.

**Chapitre 4**

**1** "One who so desired could undertake the guarding (of the after–growth on Sabbatical years) without pay." The sages answered him: "Thou wilt admit thyself, that the sacrifices (from the after–growth on Sabbatical years) must be brought only from communal property."   
**2** The red heifer, the goat that was to be sent away (on the Day of Atonement), the strip of scarlet, were paid for out of this money. The bridge for the cow, the bridge for the goat that was to be sent away, and the scarlet strip tied between the latter's horns, the canal (at the Temple), the city wall, the towers and other necessities of the city, are paid for out of the remainder of the treasury–money. Abba Saul says: "The costs of the building of the bridge for the red heifer were defrayed by the high priests themselves."   
**3** What was done with the balance left over in the treasury (after all the things in the preceding Mishna had been procured)? Wines, oils, and fine meal were bought with it to the profit of the sanctuary (for the purpose of selling it again to those who brought sacrifices). So said R. Ishmæl. R. Aqiba, however, says: "Sanctified moneys or contributions for the poor are not dealt with for profit."   
**4** What was done with the remainder of the money (taken from the chests)? It is used for gold plate for the decoration of the Holy of Holies. R. Ishmæl says: "The mentioned fruit (profit of the wines, oils, and fine meal sold in the Temple) was for the benefit of the altar, and the remainder of the money drawn was for service–utensils." R. Aqiba says: "The remainder of the money drawn was for the benefit of the altar and that of the drink–offerings was for service–utensils." R. Hanina, the assistant chief of priests, says: "The remainder of the drink–offerings was for the benefit of the altar and that of the money drawn was for service–utensils." The two latter would not admit of the alleged gain from fruit (profit).   
**5** What was done with the remainder of the incense? At first the remuneration of the preparers of the incense was set aside from the treasury; the sanctification of the incense on hand was then transferred to that money, and the former was then given to the preparers in lieu of compensation; it is then bought back from them with the money of the new revenue: providing the new revenue was on hand in time, it was bought back with such money; otherwise, the old revenue was used for that purpose.   
**6** If one devote his entire possessions in honor of the Lord, and among them are things which are fit for communal sacrifices ([e.g.], incense), the preparers of the incense should be paid therewith. So teaches R. Aqiba. Ben Azai answered him: "Such is not the right mode of procedure. The compensation of the preparers must first be separated from such possessions, then the sanctification of those possessions transferred to money; then give the separated things to the preparers for compensation; and, finally, buy them back from them with money of the new revenue."   
**7** If one devote his possessions, and there are among them cattle fit for the altar, male or female, the male, according to R. Eliezer, shall be sold for whole–offerings and the female for peace–offerings to such as are in need of them; and the proceeds of such sale, together with the other possessions, shall be devoted to the treasury for the maintenance of the Temple. R. Jehoshua says: "The male are sacrificed as whole–offerings, the female are sold to such as are in need of peace–offerings, and the proceeds used for the sacrifice of whole–offerings. The balance of the possessions is devoted to the maintenance of the Temple." Said R. Aqiba: "The opinion of R. Eliezer seems to me to be more proper than that of R. Jehoshua; for R. Eliezer has an even procedure, whereas R. Jehoshua divides it." R. Papeos says: "I have heard that it is done according to both teachers; viz.: According to R. Eliezer if the owner who devotes his possessions explicitly mentions his cattle, and according to R. Jehoshua if he silently includes his cattle in his possessions."   
**8** If one devote his possessions, and there are among them things fit for the altar, such as wines, oils, and birds, says R. Eliezer, the latter things should be sold to such as need offerings of these kinds, and the proceeds used for the sacrificing of whole–offerings; the balance of the possessions goes toward the maintenance of the Temple.   
**9** Every thirty days the prices paid by the treasury are determined. If one contract to furnish flour at the rate of four Saah (for one Sela), and the price is raised to three, he must nevertheless furnish the same at four Saah (for one Sela). If he contract at the rate of three and the price fall to four, he must in that case furnish four, for the Sanctuary always has that prerogative. If the flour become wormy, it is the loss of the contractor; and if the wine become sour it is also his loss, and he does not receive the money for his wares until the purchased wares have been favorably accepted as sacrifices at the altar.

**Chapitre 5**

**1** The following were the heads of offices in the Sanctuary: Johanan, son of Pinchas, keeper of the seals; A'hia, (superintendent) of drink–offerings; Mathia, son of Samuel, (superintendent) of the casting of lots; Petha'hia, (superintendent) of bird–offerings. Petha'hia is Mordecai, but why do they call him Petha'hia? Because he used to expound and interpret scriptures, and was master of seventy languages. Ben A'hia was (superintendent) of the cures of priests suffering with abdominal diseases. Ne'huniah was master of the well. Gebini was herald. Ben Gabhar was turnkey of the gates. Ben Bebai was master of the temple–guard. Ben Arzah was master of the kettledrums (which were beaten as a signal for the Levites to commence their chant). Higros, son of Levi, was (leader) of the singing. The family of Garmo (superintended) the making of the showbreads. The family of Abtinos (superintended) the preparing of the incense. Elazar (superintended) the making of the curtains. Pinchas superintended the vestments.   
**2** No less than three treasurers and seven chamberlains must be appointed, and no less than two officers were put in charge of public moneys. Exceptions were made in the cases of Ben A'hia, superintendent of the cures of the sick, and Elazar, superintendent of the preparation of curtains, because they were unanimously elected by the community.   
**3** There were four seals in the Sanctuary, inscribed with the words Egel (calf), Sachar (ram), Gdi (kid), and 'Houte (sinner, meaning here one covered with sores). Ben Azai says, that there were five (seals), and the inscriptions were in Aramaic, meaning: calf, ram, kid, poor sinner (one afflicted with sores), and rich sinner (one afflicted with sores). The one inscribed with "calf" was used for drink–offerings brought with offerings of the herds, large or small, male or female; the one inscribed with "kid" was used for drink–offerings brought with offerings of the flocks, large or small, male or female, with the exception of rams; the one inscribed with "ram" served for drink–offerings brought only with rams; the seal inscribed with "sinner" served for drink–offerings brought with the three cattle–offerings of those afflicted with sores.   
**4** One who desired to bring drink–offerings, for instance, went to Johanan, who was keeper of the seals, paid his money, and received a seal; he then went to A'hia, who had charge of the drink–offerings, gave him the seal, and received the drink–offering. In the evening the two officers came together, when A'hia turned over the seal and received instead the money. If there was too much money, it belonged to the Sanctuary; if too little, Johanan had to supply the deficit: for the sanctuary had that prerogative.   
**5** One who lost his seal had to wait until evening. If there was a surplus sufficient to cover the seal, he was given the drink–offering for that amount; otherwise, he did not receive it. The date of the day was on the seal to prevent fraud.   
**6** There were two chambers in the sanctuary. One was called chamber of the silent, the other chamber of utensils. In the former, devout men secretly gave charitable gifts, and the poor of good family received there secretly their sustenance. In the other chamber, every one who desired to offer a utensil voluntarily, laid it down. Every thirty days the treasurers opened the chamber, and every utensil found to be fit for the maintenance of the Temple was preserved, while the others were sold and the proceeds went to the treasury for the maintenance of the Temple.

**Chapitre 6**

**1** There were thirteen curved chests and thirteen tables in the Sanctuary, and thirteen prostrations took place in the Sanctuary. The family of R. Gamaliel and of R. Hananiah, chief of the priests, made fourteen prostrations; this extra prostration was made towards the wood–chamber, because, according to an ancestral tradition, the ark was hidden there.   
**2** Once a priest was engaged there, and he noticed that one of the paving–stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost; thereby it was known to a certainty that the ark of the covenant was hidden there.   
**3** In what direction were the prostrations made? Four towards the north, four towards the south, three towards the east, and two towards the occident; [i.e.], towards the thirteen gates. The southern gates were near a corner of the western. These were: The upper gate, the fire gate, the firstling gate, and the water gate. Why is it called water gate? Because a glass of water was carried through it for the sprinkling of the altar on the Feast of Booths. R. Eliezer son of Jacob says: At that gate the waters (flowing from the Holy of Holies) commence to flow rapidly downwards, until they again flow out under the threshold of the Temple. Opposite there were the northern gates, near the other corner of the western. These were: The door of Jekhaniah, the gate of sacrifice, the women's gate, and the music–gate; and why is the first one called the gate of Jekhaniah? Because Jekhaniah went through it, when he went into exile. In the east was the gate Nikanur, which also had two small doors, one to the right and the other to the left; lastly, there were two in the west, which were nameless.   
**4** Thirteen tables were in the Sanctuary: Eight marble ones in the slaughter–house, on which the entrails were washed. Two to the west of the altar–sheep, one marble and one silver: on the marble one the sacrificial pieces were placed, and on the silver table the utensils were placed. Two in the corridor on the inside of the Temple entrance, a marble table and a golden one: on the marble one the showbreads were placed at the time they were brought in, and on the golden one when they were taken out; because the principle is, that the veneration of the sacred must be heightened and not lessened. Lastly, there was one golden table in the Temple itself, upon which the showbreads were constantly lying.   
**5** Thirteen curved chests were in the Sanctuary. On them was written: [Old] shekalim, [new] shekalim, bird–offerings, doves for whole–offerings, wood, incense, gold for the cover of the Holy of Holies. Six were for donations in general. The term [new] shekalim is used for those paid annually. [Old] shekalim were those which were paid by men who had failed to pay them in the year when they were due, and paid them in the following year. "In those marked 'bird–offerings,' the money for turtle–doves was deposited; in those marked 'doves,' money for young doves was deposited: but they were all whole–offerings." So says R. Jehudah. The sages say: "In the former, money for both sin–offerings and whole–offerings was placed, and in the latter only for whole–offerings."   
**6** If one vow, "I will furnish wood for the altar," he must not furnish less than two cords. If one vow (to furnish) incense, he must not furnish less than a handful. If one vow (to furnish) gold coin, he must not furnish less than a Dinar. Six (chests) were for voluntary offerings. What was done with these? Whole–offerings were bought for these, the meat of which was sacrificed to God, but the hides belonged to the priests. The following explanation was made by Jehoiada the high priest, of the expression [[Lev. v. 19]]: "It is a trespass–offering; be hath, in trespassing, trespassed against the Lord": The rule is: With everything coming in under the name of sin or guilt offering, whole–offerings arc bought, the meat of which is offered up to God and the hides of which belong to the priests; hence the two expressions: A guilt–offering for God and a guilt–offering for the priests, as it is written [[II Kings xii. 16]]: "The money for trespass–offerings and the money for sin–offerings was not brought into the house of the Lord: it belonged to the priests."

**Chapitre 7**

**1** If money is found between the chest marked "Shekalim" and that marked "voluntary offerings," it belongs to the chest marked "Shekalim" if it lies nearer to the same, and to the one marked "voluntary offerings" if it be nearer [that]. So also does it belong to the voluntary offerings if it be found midway between the two chests. Money found lying between the chests marked "wood" and "incense" belongs, if it be nearer the former, to the former; if nearer the latter to the latter, and also to the latter if found midway between the two. Money found lying between the chest marked "bird–offerings" and the one marked "doves" for whole–offerings belongs to the former if it be nearer the former; and if nearer the latter to the latter, and also to the latter if midway between the two. Money found between ordinary moneys and the moneys of the second tithes belongs, if nearer the former to the former; if nearer the latter to the latter, and also to the latter if found midway between the two. The rule is: One must be guided by the proximity, even in the case of the less important; but in the event of equidistance, (one must be guided) by the greater importance (of the moneys).   
**2** Money found (in Jerusalem) on the place of the cattle–dealers is regarded as second tithe. Money found on the Temple–mount is ordinary. Other money found in Jerusalem generally, during the festivals, is regarded as second tithe; at other times of the year as ordinary.   
**3** Meat found in the outer court (of the Temple) is considered whole–offering if in complete joints; if cut in pieces it is sin–offering. Meat found in the city is considered peace–offering. All such meat must be laid aside for putrefaction, and then be burned in the crematory. Meat found anywhere else in the land is prohibited (to be used) as carrion, if found in whole joints; if found cut in pieces, it may be eaten; and during the festivals, when a great deal of meat is on hand, even whole joints may be eaten.   
**4** Cattle found all the way from Jerusalem to Migdal Eder, and in the same vicinity in all directions, are considered, if male, as whole–offerings, and if female as peace–offerings. R. Jehudah says: "If they are fit for Passover–offerings they may be used for such purpose, providing Passover is not more than thirty days off."   
**5** In former days, the finder of such cattle was pledged until he brought the drink–offerings belonging to such sacrifices; every finder, however, letting such cattle stand and going on his way, the high court decreed, that the costs of the drink–offerings belonging thereto be defrayed out of the public money.   
**6** R. Simeon says: Seven decrees were promulgated by that court, and the latter was one of them. Further: If a non–Isrælite send whole–offerings with the necessary drink–offerings from over the sea, they are offered up; but if sent without the necessary drink–offerings, the costs of the latter are defrayed from public money. If, again, a proselyte died and left offerings, the drink–offerings, if also left by him, are offered up with the others; if not left, the costs of same are defrayed out of public money. It was also a decree of the court, that in the event of a high priest dying, the necessary meat–offering [[Leviticus vi. 13]] should be paid for out of the public treasury. R. Jehudah, however, declared, that this should be done at the expense of the heirs. In both cases a tenth of an ephah should be offered.   
**7** Further, that the priests may (at the sacrificial meals) make use of the salt and the wood (from the sanctuary); that the priests do not commit a breach of trust when misusing the ashes of the red heifer; lastly, that the public treasury reimburse for paid bird–offerings that had become unfit. R. Jose, however, says: "He who contracts for the furnishing of the bird–offerings must reimburse for the spoilt."

**Chapitre 8**

**1** All spittle to be found in Jerusalem is considered clean, except such as is found at the upper market (for this place was secluded and those afflicted with venereal diseases were in the habit of going there). Such is the teaching of R. Meir. The sages say: In the middle of the street it is at ordinary times unclean, and at the sides of the streets, clean. During the festivals, spittle found in the middle of the street is clean; at the sides it is unclean, because such as are unclean on account of their minority usually walk at the sides of the street.   
**2** All utensils found on the way towards the plunge–bath, in Jerusalem, are unclean; those found on the way from the plunge–bath are clean: for they were not carried down to the plunge–bath the same way that these were carried up from the plunge–bath. So teaches R. Meir. R. Jose says: "All are clean, with the exception of such baskets, spades, and pickaxes as are used for the bones of the dead."   
**3** If a butchering–knife be found on the fourteenth day of Nissan, a Passover–offering may be slaughtered with it forthwith. If it be found on the thirteenth, it must be again submerged. A severing–knife must be submerged both if found on the thirteenth or fourteenth. If the fourteenth, however, fall on a Sabbath, it may be used for slaughtering forthwith; so also if it be found on the fifteenth: if it be found together with a butchering–knife, it is treated just like the latter.   
**4** If a curtain in the Sanctuary become defiled through some minor uncleanness, it is submerged on the inside of the outer court, and may be put back in its place; if it become defiled through a principal uncleanness, it must be submerged on the outside and then stretched on the rampart, because sunset must be awaited. At the time it is submerged for the first time (when new), it should be spread out on the roof of the gallery, in order that the people may see the beauty of the work.   
**5** R. Simeon, son of Gamaliel, says in the name of R. Simeon, son of the assistant high priest, that the curtain was one span thick, woven on seventy–two warp–cords, each cord twisted out of twenty threads; it was forty ells long and twenty ells wide, and made (worth) of eighty–two myriads (Dinars). Two such curtains were made yearly: three hundred priests were required to submerge it.   
**6** If meat of the Holy of Holies became defiled, be it through a minor or a principal uncleanness, in the corridor or on the outside, according to the school of Shamai it must all be burnt in the court (in a place appointed for that purpose), except such as had been defiled by a principal uncleanness on the outside (of the court); according to the school of Hillel, everything is burnt on the outside except such as had been defiled by a minor uncleanness on the inside.   
**7** R. Eliezer says: "Anything that has become defiled through a principal uncleanness, on the outside or on the inside, is burnt on the outside; anything that has become defiled through a minor uncleanness, either on the inside or the outside, must be burnt on the inside." R. Aqiba says: "In the place where a thing became defiled, there must it also be burnt."   
**8** The joints of the daily sacrifice were laid down underneath the half of the altar–stairs on the westerly (according to others on the easterly) side; those of the additional offerings on the easterly (others say oil the westerly) side. The sacrifices of the new moon were placed above the railing (others say beneath) on the altar. The payment of Shekalim was only obligatory during the time that the Temple stood; the tithes from grain, cattle, and the deliverance of the firstlings were in force during the existence of the Temple and even after the Temple.––If one sanctify Shekalim or firstlings, they are considered sanctified. R. Simeon says: "If one say, firstlings shall be holy, they are not sanctified (because no Temple exists)."

**Rosh HaShanah**

**Chapitre 1**

**1** There are four New Year days, viz.: The first of Nissan is New Year for (the ascension of) Kings and for (the regular rotation of) festivals; the first of Elul is New Year for the cattle–tithe, but according to R. Eliezer and R. Simeon, it is on the first of Tishri. The first of Tishri is New Year's day, for ordinary years, and for sabbatic years and jubilees; and also for the planting of trees and for herbs. On the first day of Shebhat is the New Year for trees, according to the school of Shammai; but the school of Hillel says it is on the fifteenth of the same month.   
**2** At four periods in each year the world is judged: on Passover, in respect to the growth of grain; on Pentecost, in respect to the fruit of trees; on New Year's Day all human beings pass before Him (God) as sheep before a shepherd, as it is written [[Psalms, xxx. 9]]: "He who hath fashioned all their hearts understandeth all their works"; and on Tabernacles judgment is given in regard to water (rain).   
**3** Messengers were sent out for the following six months: for Nissan, on account of the Passover; for Abh, on account of the fast; for Elul, on account of the New Year; for Tishri, on account of appointing the order of the (remaining) festivals; for Kislev, on account of the Feast of Dedication; for Adar, on account of the Feast of Passover; also for Iyar, when the Temple was in existence, on account of the minor (or second) Passover.   
**4** For the sake of (the new moon) of the two months, Nissan and Tishri, witnesses may profane the Sabbath, because in these months the messengers went to Syria, and the order of the festivals was arranged; when, however, the Temple was in existence, they might profane the Sabbath in any month, in order to offer the (new moon) sacrifice in its proper time.   
**5** Whether the new moon had appeared clear to all or not (the witnesses) were permitted to profane the Sabbath on its account. R. Jose says: If it appeared clear to every, one, the Sabbath should not be profaned (by witnesses). it once happened that more than forty pair (of witnesses) were on the highway (to the Beth Din) on the Sabbath, when R. Aqiba detained them at Lydda. R. Gamaliel then sent word saying, "If thou thus detainest the people, thou wilt be the cause of their erring in the future" ([i.e.], they may refuse to come and testify).   
**6** When a father and son have seen the new moon, they must both go to the Beth Din, not that they may act together as witnesses, but in order that, should the evidence of either of them be invalidated, the other may join to give evidence with another witness. R. Simeon says: Father and son, and relatives in any degree may be accepted as competent witnesses to give evidence as to the appearance of the new moon. R. Jose says: It once happened that Tobias, the physician, his son, and his freed slave saw the new moon in Jerusalem (and when they tendered their evidence), the priests accepted his evidence and that of his son, but invalidated that of his freed slave; but when they appeared before the (Beth Din) they received his evidence, and that of his freed slave, but invalidated that of his son.   
**7** The following are considered incompetent to be witnesses: gamblers with dice, usurers, pigeon breeders, those who deal with the produce of the sabbatic year, and slaves. This is the rule: All evidence that cannot be received from a woman cannot be received from any of the above. One who has seen the new moon, but is unable to go (to give evidence), must be brought (if unable to walk) mounted on an ass, or even in a bed. Persons afraid of an attack by robbers may take sticks with them; and if they have a long way to go, it will be lawful for them to provide themselves with and carry their food. Whenever (witnesses) must be on the road a day and a night, it will be lawful to violate the Sabbath to travel thereon, to give their evidence as to the appearance of the moon. For thus it is written [[Lev. xxiii. 4]]: "These are the feasts of the Lord, the holy convocations, which ye shall proclaim in [their appointed seasons].

**Chapitre 2**

**1** If the witness was unknown another was sent with him to testify to his character. In former times they would receive evidence (about the appearance of the moon) from any one; but when the Bo�thusians commenced to corrupt the witnesses the rule was made, that evidence would only be received from those who were known (to be reputable).   
**2** Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans practised their deceit, it was ordained that messengers should be sent out. How were these bonfires lighted? They brought long staves of cedar wood, canes, and branches of the olive tree, and bundles of tow which were tied on top of them with twine; with these they went to the top of a mountain, and lighted them, and kept waving them to and fro, upward and downward, till they could perceive the same repeated by another person on the next mountain, and thus, on the third mountain, etc. Whence did these bonfires commence? From the Mount of Olives to Sartabha, from Sartabha to Grophinah, from Grophinah to Hoveran, from Hoveran to Beth Baltin; they did not cease waving the burning torches at Beth Baltin, to and fro, upward and downward, until the whole country of the captivity appeared like a blazing fire.   
**3** There was a large court in Jerusalem called Beth Ya'azeq, where all the witnesses met, and where they were examined by the Beth Din. Great feasts were made there for (the witnesses) in order to induce them to come frequently. At first they did not stir from there all day (on the Sabbath), till R. Gamaliel, the elder, ordained that they might go two thousand ells on every side; and not only these (witnesses) but also a midwife, going to perform her professional duties, and those who go to assist others in case of conflagration, or against an attack of robbers, or in case of flood, or (of rescuing people) from the ruins (of a fallen building) are considered (for the time being) as inhabitants of that place, and may go (thence on the Sabbath) two thousand ells on every side. How were the witnesses examined? The first pair were examined first. The elder was introduced first, and they said to him: Tell us in what form thou sawest the moon; was it before or behind the sun? Was it to the north or the south (of the sun)? What was its elevation on the horizon? Towards which side was its inclination? What was the width of its disk? If he answered before the sun, his evidence was worthless. After this they introduced the younger (witness) and he was examined; if their testimony was found to agree, it was accepted as valid; the remaining pairs (of witnesses) were asked leading questions, not because their testimony was necessary, but only to prevent them departing, disappointed, and to induce them to come again often,   
**4** The chief of the Beth Din then said: "It (the new moon) is consecrated," and all the people repeated after him: "It is consecrated; it is consecrated." Whether the new moon was seen at its proper time (after twenty–nine days) or not, they used to consecrate it. R. Elazar b. Zadok said: If it had not been seen at its proper time it was not consecrated, because it had already been consecrated in heaven ([i.e.], of itself).   
**5** R. Gamaliel had on a tablet, and on a wall of his upper room, illustrations of the various phases of the moon, which he used to show to the common people, saying: "Did you see the moon like this figure or like this?"   
**6** It happened once that two witnesses came and said: We saw the moon in the eastern part of the heavens in the morning, and in the western part in the evening. R. Jo'hanan b. Nouri declared them to be false witnesses; but when they came to Yamnia, Rabbon Gamaliel received their evidence as valid. (On another occasion) two other witnesses came and said: We saw the moon on its proper day, but could not see it on the next evening of the intercalary day. R. Gamaliel accepted their testimony, but R. Dosa b. Harkhenas said: They are false witnesses; for how can they testify of a woman being delivered (on a certain day) when on the next day she appears to be pregnant? Then R. Jehoshua said unto him: I approve your opinion. Upon this R. Gamaliel sent him (R. Jehoshua) word, saying: "I order thee to appear before me on the Day of Atonement, according to [your] computation, with your staff and with money." R. Aqiba went to him (R. Jehoshua) and found him grieving. He then said to him: I can prove that all which R. Gamaliel has done is proper, for it is said: "These are the feasts of the Lord, holy convocations which ye shall proclaim," either at their proper time, or not at their proper time, only [their] convocations are to be considered as holy festivals. When he (R. Jehoshua) came to R. Dosa b. Harkhinas, the latter told him: "If we are to reinvestigate the decisions of the Beth Din of R. Gamaliel, we must also reinvestigate the decisions of all the tribunals of justice which have existed from the time of Moses till the present day; for it is said [[Ex. xxiv. 9]] Moses, Aaron, Nadab, Abihu, and seventy elders went up (to the Mount)." Why were not the names of the elders also specified? To teach us that every three men in Isræl that form a Beth Din are to be respected in an equal degree with the Beth Din of Moses. Then did R. Jehoshua take his staff and money in his hand, and went to Yamnia, to R. Gamaliel, on the very day on which the Day of Atonement would have been according to his computation, when R. Gamaliel arose and kissed him on the forehead, saying: "Enter in peace, my master and disciple! My master––in knowledge; my disciple––since thou didst obey my injunction."

**Chapitre 3**

**1** If the Beth Din and all Isræl saw (the moon on the night of the thirtieth day), or if the witness had been examined, but there was no time to proclaim "It is consecrated" before it had become dark, the month is intercalary. If the Beth Din alone saw it, two of its members should stand up and give testimony before the others, who shall then say "It is consecrated; it is consecrated." When three who formed a Beth Din saw it, two should stand up and conjoining some of their learned friends with the remaining one, give their testimony before these, who are then to proclaim "It is consecrated; it is consecrated," for one (member of a Beth Din) has not this right by himself alone.   
**2** Every kind of cornet may be used (on New Year's Day) except those made of cow–horn, because they are called "horn" ([qeren]), and not "cornet" ([shophar]). R. Jose said: Are not all cornets called "horn?" for it is said [[josh. vi. 5]]: "And it came to pass that when they made a long blast with the horn of the Jobhel."   
**3** The cornet used on the New Year was a straight horn of a wild goat; the mouth–piece was covered with gold. The two trumpets were stationed one on each side. The sound of the cornet was prolonged, while that of the trumpet was short, because the special duty of the day was the sounding of the cornet. On the fast days two crooked ram's horns were used, their mouth–pieces being covered with silver, and the two trumpets were stationed in the middle between them. The sound of the cornet was shortened, while that of the trumpet was prolonged, because the special duty of the day was the sounding of the trumpets. The jubilee and New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah says: "On the New Year we blow (a cornet) made of ram's horn, and on the jubilee one made of the horn of a wild goat."   
**4** It is unlawful to use a cornet that has been split and afterwards joined together; or one made of several pieces joined together. If a cornet had a hole that had been stopped up, and prevented (the production) of the proper sound, it must not be used; but if it does not affect the proper sound it may be used. If one should blow the cornet inside a pit, a cistern or a vat, and the sound of the cornet was (plainly) heard (by one listening to it) he will have done his duty (to hear the cornet on the New Year), but not if he heard only an indistinct sound. Thus also, if one should happen to pass by a synagogue, or live close by it, and should hear the cornet (on the New Year) or the reading of the Book of Esther (on the Feast of Esther), he will have complied with the requirements of the law, if he listened with proper attention, but not otherwise; and although the one heard it as well as the other, yet the difference (on which everything depends) is that the one listened with proper attention and the other did not.   
**5** (It is written in Ex. xvii. 11 that) "When Moses held up his hand, Isræl prevailed," etc. Could then the hands of Moses cause war to be waged or to cease? (Nay); but it means that as long as Isræl looked to heaven for aid, and directed their hearts devoutly to their Father in heaven, they prevailed; but when they ceased to do so they failed. We find a similar instance also in [[Numb. xxi. 8]]: "Make unto thee a fiery serpent and set it on a pole, and every one that is bitten, when he looketh upon it shall live." Could, then, the serpent kill or bring to life? (Surely not.) But it means when the Isrælites looked (upward) to heaven for aid and subjected their will to that of their Father in heaven they were healed, but when they did not they perished. A deaf mute, an idiot, or a child cannot act in behalf of the assembled congregation. This is the general rule: "Whosoever is not obliged to perform a duty cannot act in behalf of the assembled congregation" (for that duty).

**Chapitre 4**

**1** When the feast of New Year happened to fall on the Sabbath, they used to sound (the cornet) in the Temple, but not outside of it. After the destruction of the Temple R. Jo'hanan b. Zakkai ordained that they should sound (the cornet) in every place in which there was a Beth Din. R. Elazar says that R. Jo'hanan b. Zakkai instituted that for Yamnia alone; but they (the sages) say the rule applied both to Yamnia. and every place in which there was a Beth Din. And in this respect also was Jerusalem privileged more than Yamnia, that every city from which Jerusalem could be seen, or the sounding (of the cornet) could be heard, which was near enough, and to which it was allowed to go on the Sabbath, might sound the (cornet) on the Sabbath; but in Yamnia they sounded (the cornet) before the Beth Din only.   
**2** Formerly the palm branch (lulabh) was taken to the Temple seven days, but in cities outside (of Jerusalem) it was taken (to the synagogue) one day. Since the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that the palm branch should everywhere be taken seven days, in commemoration of the Temple, and also it should be prohibited (to eat the new produce) the whole day of waving (the sheaf–offering; [vide] Lev. xxiii. 11–15).   
**3** Formerly they received evidence as to the appearance of the new moon the whole (of the thirtieth) day. Once the witnesses were delayed in coming, and they disturbed the songs of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service, and if witnesses came after that time both that and the following day were consecrated. After the destruction of the Temple, R. Johanan b. Zakkai ordained that evidence (as to the appearance) of the new moon should be received all day.   
**4** R. Joshua b. Kar'ha said: This also did R. Jo'hanan b. Zakkai ordain: That it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting–place (of the Beth Din).   
**5** The order of the benedictions (to be said on New Year is as follows): The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to these he adds the selection in which God is proclaimed King (Malkhioth), after which he does not sound the cornet; then the blessing referring to the sanctification of the day, after which the cornet is sounded; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), after which the cornet is again sounded; then the biblical selections referring to the sounding of the cornet (Shophroth), after which the cornet is again sounded; he then recites the blessings referring to the restoration of the Temple, the adoration of God, and the benediction of the priests. So is the decree of R. Johanan b. Nouri. Said R. Aqiba to him: If the cornet is not to be sounded after the Malkhioth, why are they mentioned? But the proper order is the following: The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to this last the biblical selections referring to the proclamation of God as King (Malkhioth) are joined, and then he sounds the cornet; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), and he then sounds the cornet; then the biblical selections referring to the sounding of the cornet (Shophroth), and he again sounds the cornet; then he says the blessings referring to the restoration of the Temple, the adoration of God, and the priestly benedictions.   
**6** Not less than ten scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth. R. Jo'hanan b. Nouri says: If by three of each class, one will have done his duty.   
**7** We do not cite scriptural passages for the above three series that contain predictions of punishment. The passages from the Pentateuch are to be recited first, and those from the Prophets last. R. Jose, however, says "if the concluding passage is from the Pentateuch one has also done his duty."   
**8** The second of those who act as ministers of the congregation on the feast of New Year shall cause another to sound the cornet; on days when the HALLEL (Service of Praise, Ps. cxiii.–cxviii.) is read, the first (minister) must read it. In order to sound the cornet on New Year's Day it is not permitted to go beyond the Sabbath limit, to remove a heap of stones, to ascend a tree, to ride on an animal, to swim over the waters, nor to cut it (the cornet) with anything prohibited either by the (Rabbinical) laws against servile work or by a Biblical negative commandment; but if one wishes to put water or wine in a cornet (to cleanse it) he is allowed to. Children must not be prevented from sounding the cornet, but on the contrary we are permitted to occupy ourselves with teaching them until they learn to sound it; but one who thus teaches, as also others who listen to sounds thus produced, do not thereby fulfil their duty.   
**9** The order of sounding the cornet is three times three. The length of a TEQIA is equal to that of three TERUOTH, and that of each Terua as three moans (YABABHOTH). If a person sounded a Teqia and prolonged it equal to two, it is only reckoned as one Teqia. He who has just finished reading the benedictions (in the additional service for the New Year) and only at that time obtained a cornet, should then blow on the cornet the three sounds three times. As the Reader of the congregation is in duty bound (to sound the cornet) so too is each individual; R. Gamaliel, however, said the Reader can act for the congregation.

**Pesahim**

**Chapitre 1**

**1** "Or" (by light) on the fourteenth (of Nissan), search should be made for leavened bread by the light of a candle, but it is not necessary to search all places in which it is not usual to put leaven. [[Why then was it ordered, that two rows (of barrels) should be searched? Because a warehouse or wine cellar is treated of, into which leavened bread is sometimes carried.]] Beth Shammai decide "that search must be made between two rows of barrels over the whole surface of the warehouse"; but Beth Hillel decree: It is sufficient to search between the two uppermost rows, as they are also the highest.   
**2** (And) it need not be suspected, that a weasel have dragged any leavened bread from (one corner that had not been searched to one that had); from one house to another or from one place to another; for if so, the same suspicion might apply to a (possible) removal from one court to another, or even one city to another, and thus make the search an endless task.   
**3** R. Jehudah said: "Search (for Chometz) should be made on the evening ('Or') before the 14th (of Nissan), early on the morning of that day and at the time (when all Chometz must be removed);" but the sages said: "If search had not been made on the evening preceding the 14th (of Nissan), it may be made on that day; if neglected on that day, it may be made on the festival, and if omitted even then, it must be done after the festival, and whatever Chometz is left over, must be kept in a well–guarded place, in order that no further search may become necessary.   
**4** R. Meir says: "It is lawful to eat (Chometz on the 14th of Nissan) the whole of the first five hours and what remains must be burned at the commencement of the sixth hour," but R. Jehudah says: "It is only permitted to eat (Chometz) the first four hours; during the whole of the fifth hour this must be abstained from and it must be burned at the commencement of the sixth hour." R. Jehudah [also] taught: Formerly (during the existence of the Temple) two cakes of thanksgiving– offering which had become desecrated were exposed on a bench (of the Temple). As long as the two cakes remained there, all the people still ate leavened bread; when one of them was removed, they abstained from eating it but did not yet burn it; when both were removed, all the people commenced burning (the Chometz). Rabbon Gamaliel says: Ordinary (Chometz) may be eaten during the first four hours; but heave–offering may still be eaten during the fifth hour; both, however, must be burned at the commencement of the sixth hour.   
**5** R. Hanina, the Sagan of the priests, said: The priests never objected to burn flesh which had become unclean through a child of uncleanness ([i.e.], had become an uncleanness of the second degree) together with such as had become unclean with a parent of uncleanness ([i.e.], had become an uncleanness of the first degree), although the (legal) uncleanness of the first mentioned had become correspondingly increased. R. Aqiba added to this and said: "The priests never objected to burn the oil of heave–offering, which had become unclean by being poured by an unclean person, who, however, had bathed on that day, into (a metal) lamp which had come in contact with an uncleanness produced by a dead body, notwithstanding the fact, that a higher degree of impurity had thus been added to its former impurity." Said R. Meir: We learn from their words, that it is permissible, on account of the Passover, to burn clean heave–offering (of leaven) with that which has become unclean; but R. Jose rejoined: "This is not a (correct) inference." R. Eliezer and R. Jehoshua agree, however, that it is necessary to burn each separately. Wherein do they differ? Concerning things whose uncleanness is doubtful, and things which are positively unclean; for R. Eliezer says: "Each of them must be burned separately"; but R. Jehoshua says: "They may be burned together."

**Chapitre 2**

**1** As long as it is lawful to eat leavened bread, one may also give it to his domestic or wild animals or to fowls; he may also sell it to strangers or derive benefit therefrom in any other way; when that time is passed, however, it is unlawful to derive any benefit from it whatever, not even use it for fuel or to light therewith an oven or a stove. R. Jehudah said: "The removal of leaven cannot be effected except by burning"; but the sages maintain, "It can also be effected by crumbling it into small particles, casting it to the wind or throwing it into the sea."   
**2** Leaven belonging to a Gentile, which during the Passover was in possession of that Gentile, may be used after that festival, but not when it belonged to an Isrælite, for it is written [[Exod. xiii. 7]]: "Neither shall there be seen with thee any leaven in all thy boundaries."   
**3** If a Gentile lent money to an Isrælite, taking as security leavened articles, such articles may be used after the Passover; but if an Isrælite had lent money to a Gentile on leavened articles they must not be made use of after the Passover.   
**4** Leaven that had been covered by fallen ruins must be considered as annihilated and removed. Rabbon Simeon ben Gamaliel says: "Only then, if it is covered to such an extent that a dog cannot drag it out."   
**5** If any person should eat leavened heave–offering during the Passover by mistake, he must pay the principal and a fifth part in addition; but if he ate it wilfully, he is exempt from the obligation of making restitution and also from payment of its value as wood (fuel) in case of the heave–offering being unclean.   
**6** A person acquits himself of the duty (of eating unleavened bread) on Passover with the following articles: With cakes made of wheat, barley, spelt, rye, and oats; also with Demai (grain of which it is doubtful whether the legal dues had been separated), with first tithes of which the heave–offering had been taken, with the second tithes, and with consecrated things which have been redeemed. Priests (acquit themselves of the duty) with the first of the dough, with heave–offering, but not with (grain) which is still mixed (untithed), nor with the first tithes of which heave–offering has not yet been taken, nor with unredeemed second tithe and consecrated things not redeemed Neither with cakes of thanksgiving–offering nor the thin cakes of the Nazarite's offering, if they had prepared them for their own use; but if prepared for public sale, they may acquit themselves of the duty (of eating unleavened bread on Passover) therewith.   
**7** The duty of eating bitter herbs on the Passover may be acquitted with the following herbs: with lettuce, wild endive and garden endive, with Harhabinah, with bitter coriander, and bitter herbs (horseradish), either fresh or in a dried state, but not if pickled, boiled, or cooked in any way; they may also be combined to the size of an olive, and the obligation is discharged if the stalks of them only had been used; also with Demai (when it is doubtful if they had been tithed), or such as are of the first tithe of which the heave–offering had been taken, or of the second tithe, or of redeemed consecrated things.   
**8** It is prohibited to soak bran on the Passover to feed fowls therewith; but it is permitted to pour boiling water on bran. A woman must not soak the bran which she takes with her to the bath, but must use it in a dry state for the purpose of rubbing her body therewith. A person must not masticate grains of wheat to put it (as a poultice) on his wound, because they will become leavened.   
**9** It is unlawful to put flour in Harosoth (sauce) or in mustard, but if this be done, it should be immediately eaten. R. Meir, however, prohibits it. The Passover sacrifice must not be boiled in any liquid or in juice of fruit; but it is permitted to moisten it (after it has been roasted), or to dip it (in a liquid when eaten). Water used by a baker (to cool his hands while kneading the dough for Matzoth) must immediately be thrown away, because it becomes leaven.

**Chapitre 3**

**1** The law (prohibiting leaven to be seen or found in the house) on Passover is transgressed by the following articles: Babylonian Kuthach, Median beer (made of wheat or barley), Edomite vinegar (made by the fermentation of barley and wine), Egyptian zeethum, the dough of bran used by dyers, the dough used by cooks, and the paste used by scribes (to paste the sheets of paper together). R. Eliezer says, also the ornaments used by women. This is the general rule: What is composed of any kind of grain can cause a transgression of the law of Passover, and they that become guilty of such a transgression incur the penalty attached to the transgression of a negative commandment ([i.e.], a commandment commencing with "thou shalt not"); but not the penalty of Kareth (being cut off).   
**2** Should there be any dough in the (holes or) crevices of a kneading–trough, and there is as much as the size of an olive in any one place, it must be removed immediately; but if there be less than that quantity in any one place, it may be considered as not in existence, being so inconsiderable. Thus it is also with respect to defilement: If the owner, however, be particular about the dough, it constitutes an intervention (between the trough and possible defilement, and the trough is not rendered defiled); but if it is desired to leave the dough in the trough, it should be considered as an integral part of the trough.   
**3** Dull dough (which does not exhibit any signs of having risen) must not be used, if another dough which had been kneaded at the same time and was of equal size and quality had already become leavened.   
**4** How can the first of the dough (due the priest) be separated on the Passover when it had become unclean? R. Eliezer says: "It should only be named after it had been baked." Ben Bathyra says, however, "It should be put in cold water." Said R. Jehudah to him: "This is not the leaven concerning which it is written, 'It shall not be seen nor found in thy house.' Therefore it may be separated, and left lying until evening, regardless of whether it become leavened or not."   
**5** Rabbon Gamaliel says: "Three women may knead dough on the Passover at the same time and bake it in the same oven, one after the other"; but the sages say: "Three women may occupy themselves with their dough, but in the following manner: one should knead the dough, another form it, and the third bake it." R. Aqiba said: "Not all women, nor all wood, nor all ovens are alike." This is the rule: as soon as the dough rises, let the woman plunge her hand in cold water (in order to moisten the dough).   
**6** Dough which commences to become leavened must be burned; but the person who had eaten it does not incur the penalty of Kareth (being cut off). Dough which becomes riven must be burned, and whosoever eats it incurs the penalty of Kareth. When is a dough considered as about to become leavened? When small rents can be observed, standing apart in different directions like the feelers of locusts. When is a dough to be considered riven? When the rents cross each other; such is the dictum of R. Jehudah, but the sages say: Whoever eats either kind of dough incurs the penalty of Kareth. When is a dough considered about to become leavened? When (no rents are visible, but) its surface becomes pale like the face of a person whose hair stands on end (through fright).   
**7** If the fourteenth (of Nissan) fall on the Sabbath, all leaven must be removed [before] the Sabbath commences. Such is the dictum of R. Meir; but the sages say that it should be done at the proper time. R. Elazer ben Zadok says: "The heave–offering must be removed before the Sabbath, and non–consecrated things at the proper time."   
**8** If a man (on the 14th of Nissan) went to slaughter his Passover sacrifice, or to circumcise his son, or to eat the betrothal–meal at the house of his father–in–law, and on the road recollects that he has left leaven in his house: if he can return home, remove it, and then go back and accomplish any of the acts mentioned, he should do so and remove the leaven; but if he cannot, he should in his mind renounce (the use of the leaven). If his object in leaving home was to aid persons to escape from armed foes, from inundation, robbers, or fire, or to rescue persons from beneath the ruins of fallen buildings, he should in his mind renounce the leaven; but if his object in leaving home was to secure his sabbatical resting–place for his private purposes (in order to obtain his right to the legal limits), he must immediately return and remove the leaven. Likewise, if a person on leaving Jerusalem remembers having in his possession consecrated flesh: if he had gone beyond (the hill) Zophim, he may burn it wherever he may be; but if he had not gone beyond it, he must return and burn it before the sanctuary, with wood of the altar. What is the quantity (of consecrated flesh or leaven) which makes it obligatory for a man to return? R. Meir says: "Either must be of the size of an egg." R. Jehudah says: "Of the size of an olive"; but the sages say: "Consecrated flesh if of the size of an olive and leaven if of the size of an egg."

**Chapitre 4**

**1** In places where it is customary to work till noon on the day preceding the Passover, work may be done; but not in places where it is not customary to work on that day. If a person should go from a place where the said custom prevails to another place where it does not, or the reverse, he is subject to the rigor of the custom, either of the place he came from or of that to which he went. Thus it is always proper not to act differently from the established customs of a place, on account of the disputes to which such conduct may lead. Likewise, when a person brings fruit of the sabbatical year from a place where it is no longer to be found in the fields (and in consequence must not even be kept in the house), to another place where it is still to be found in the field (and may be kept in the house), or the reverse, he is obliged to remove the same. R. Jehudah, however, says: "Such a person may be told to go and fetch for himself similar fruit, and eat."   
**2** In places where it is customary to sell small cattle (sheep, goats, etc.) to Gentiles, it is lawful to do so, but not in places where this is not customary. Large cattle must not be sold to Gentiles at all, nor calves nor foals of asses, either sound or broken–legged. R. Jehudah permits the sale of the latter and Ben Bathyra permits the sale of a horse. In places where it is customary to eat roasted meat on the night of the Passover, it may be eaten, but not in places where this custom is not observed. In places where it is usual to burn a light on the night of the Day of Atonement, it may be done; but not in places where this custom does not exist. The synagogues and colleges, however, may be lighted, as may also dark alleys and (rooms) occupied by sick people.   
**3** In such places as it is customary to work on the 9th of Abh, work may be performed; but not where such is not the custom. The scholars, however, must in every place avoid working on that day. Rabbon Simeon ben Gamaliel said: "Every man should in this respect consider himself a scholar (Talmud–chacham)." The sages, however, said: It was customary in Judæa to work until noon on the day preceding Passover; but in Galilee no work was performed on that day. As for the night preceding that day, the school of Shammai prohibit work to be done thereon, while the school of Hillel permit it until sunrise (of the day following). Said R. Meir: Every occupation which had been commenced prior to the 14th (of Nissan) may be finished on that day; but no new work may be commenced, even if it can be finished on that same day. The sages, however, are of the opinion, that the three following crafts may pursue their usual calling until noon on that day, namely: tailors, barbers, and clothes–washers. R. Jose ben Jehudah says that shoemakers may also do so.   
**4** Fowls may on the day preceding the Passover be placed in hatching–coops; a brooding hen which had run away (from her eggs) may be replaced on them, and if the hen had died another may be put on the eggs in her place. It is permitted to remove the stable–dung on the 14th (of Nissan) from between the feet of cattle; but it may only be removed to one side during the middle days (the days intervening between the first and last days of the festival). It is also permitted to carry, to and from the houses of mechanics, vessels and other articles, even though they be not needed for use during the festival.   
**5** The inhabitants of Jericho were wont to do six things; three of these were done contrary to the wishes (of the sages) and three were done with the sanction (of the sages). The following were done with the sanction of the sages: They would graft palm–trees the whole day of the 14th (of Nissan), they would read the Shema (prayer) with an additional verse (or without interruption), and they would heap up new corn (into sheaves) before acquitting the "omer" (first–offering) thereof. All these things were done with the sanction of the sages; but the following were contrary to their wishes, namely: They would make use of plants (buds) growing on or near consecrated trees; they would eat fruit on Sabbath which had dropped off the trees on that day, and they allowed herbs to remain in the field as Peah. All these things were contrary to the wishes of the sages. Six things were done by King Hezekiah, three of which met with approval and three with disapproval: He caused the bones of his father to be transported on a litter of ropes, and this was approved of; he caused the brazen serpent to be broken to pieces, and this was approved of; be secreted the book of medicine, and it was also approved. The following, however, are the three things done by him which were [not] approved of: He cut off (the gold) from the gates of the Temple, and sent it to the King of Assyria; he stopped up the upper mouth of the waters of Gihon, and made the month of Nissan intercalary––all of which were not approved of.

**Chapitre 5**

**1** The continual (daily) offering was slaughtered half an hour after the eighth hour, and sacrificed half an hour after the ninth hour; but on the day before Passover, whether that day happened to be a week–day or a Sabbath, it was slaughtered half an hour after the seventh hour, and sacrificed half an hour after the eighth hour. When the day before the Passover happened to be a Friday, it was slaughtered half an hour after the sixth hour, sacrificed half an hour after the seventh hour, and the Passover sacrifice celebrated (immediately) afterwards.   
**2** If the Passover–sacrifice had not been slaughtered for the purpose of sacrificing it as a Passover–sacrifice, or its blood had not been received for that purpose, or the blood had not been brought to the altar and sprinkled for that purpose, or if one act had been accomplished with it in order to make it a Passover–sacrifice and another not for that purpose, or if the reverse had taken place–it is not valid. How is it to be understood that "one act had been accomplished with it as a Passover–sacrifice and another not for that purpose"? This signifies, that one act had been accomplished with it in order to make it a Passover–sacrifice, and subsequently another act had been accomplished with it ill order to make it a peace–offering; and by "if the reverse had taken place" is meant, if at first an act had been accomplished with it in order to make it a peace–offering and another act had subsequently been accomplished with it for the purpose of making it a Passover–offering.   
**3** If the paschal lamb were slaughtered for those who will not partake thereof, or for any that do not belong to the persons numbered to eat it, or for the uncircumcised, or for the unclean, it will not be valid; but if it were slaughtered for those who may partake thereof and (at the same time) for those that will not, or for those that are numbered to eat it and also for those that are not, or for the circumcised and also for the uncircumcised, or for the unclean and the clean, it will be valid. If the paschal lamb be slaughtered before noon, it is not valid, because it is written [[Exod. xii. 6]]: "Toward the evening." If it were slaughtered before the continual (evening) offering is brought, it is valid, provided someone had been stirring the blood until that of the continual daily offering was sprinkled; but if the blood (of the paschal lamb) had already been sprinkled (before that of the daily offering) it is nevertheless valid.   
**4** If a man offer the Passover–sacrifice while still having leaven in his possession, he thereby transgresses a negative commandment. R. Jehudah says: "The same rule applies to the continual daily offering (of that evening)." R. Simeon says: "If the paschal sacrifice was slaughtered for its proper purpose on the eve of Passover with leaven, the mentioned transgression was committed; but if offered for any other purpose no guilt was incurred. As for other sacrifices, whether they were brought for their proper purposes or not (under their proper denominations or not), no guilt is incurred. If offered as a Passover–sacrifice on that festival, no guilt is incurred; but if offered under any other denomination (not for its proper use) guilt is incurred. As for other sacrifices (offered under the same circumstances during the Passover), a transgression is committed whether they were offered under their proper denominations or not, excepting in the case of the sin–offering, slaughtered not for its actual purpose (because concerning the sin–offering it is expressly written, 'a sin–offering [is it]'; hence if not brought for its actual purpose it cannot be considered a sacrifice at all)."   
**5** The Passover–sacrifice was slaughtered for three successive divisions of men, because it is written [[Exod. xii. 6]]: "The whole [assembly] of the [congregation] of [Isræl] shall slaughter it (thus three divisions were necessary, according to the expressions) "assembly," "congregation," and "Isræl." The first division entered until the court of the Temple was filled, when the doors of the court were closed, and the cornet (horn) sounded Tekiah (one blast), Teruah (a succession of quick blasts), and Tekiah (another blast). The priests then placed themselves in double rows (file), each priest holding either a bowl of silver or a bowl of gold in his hand, but one row of priests had to hold all silver bowls and the other all gold––they were not allowed to be mixed. These bowls had no stands underneath, so that the priests might not put them down and allow the blood to become coagulated. The Isrælite slaughtered and the priest received the blood and gave it to another priest, who in turn passed it to another, and each receiving a full bowl, at the same time returning an empty one; the priest nearest the altar squirted out the blood in one (continuous) stream at the base of the altar. (This done) the first division went out and the second entered; when that went out, the third entered; in the same manner as the first, so did also the second and third divisions proceed. The Hallel (prayer of praise) was read (by each division): if they had finished (before completing their duties), they commenced it over again, and might even say it for the third time, although it never happened that there was occasion to say it thrice. R. Jehudah says: "It never happened that the third division read as far as the chapter commencing, 'It is lovely to me, that the Lord heareth my voice' (Psalms cxvi.), because they were few in number." The same things that were done on week–days were also done on the Sabbath, excepting that the priests would on that day wash the court, contrary to the wishes of the sages. R.. Jehudah says: "A cup was filled with the mixed blood (of all the sacrifices) and was squirted out in one (continuous) stream on the altar"; but the sages would not admit that such was the case. In what manner was the paschal sacrifice suspended and its skin removed? Iron hooks were affixed to the walls and pillars, on which the sacrifice was suspended and its skin removed. Those who could not find a place to do it, in that manner used thin, smooth sticks of wood provided there for that purpose, on which they suspended the paschal sacrifice (and resting the sticks) between the shoulders of two persons, to remove the skin. R. Eliezer says: "If the 14th (of Nissan) occurred on a Sabbath, one person would place his left hand on the right shoulder of another, the latter would place his right hand on the left shoulder of the former, and thus suspending the sacrifice on the arms would remove the skin with their right hands." When the sacrifice had been opened, the pieces which were to be sacrificed on the altar were removed, placed on a large dish, and offered up with incense on the altar. When the first division had gone out (on the Sabbath), they would remain on the mount of the Temple; the second would remain in the open space between the ramparts of the Temple, and the third division remained in its place. As soon as it became dark, they all went out to roast their sacrifices.

**Chapitre 6**

**1** The following acts necessary for the sacrifice of the paschal offering supersede the due observance of the Sabbath, namely: The slaughtering thereof, the sprinkling of its blood, the removal of its entrails, and the burning of the fat with incense; but the roasting of the sacrifice, as well as the washing of its entrails, does not supersede the due observance of the Sabbath. To carry and bring it beyond the sabbatical legal limits, or to remove a wen (or spreading sore) thereon, is an act which does not supersede the due observance of the Sabbath. R. Eliezer, however, says they do supersede it. "For," said R. Eliezer, "this is surely a logical sequence; if slaughtering an animal, which is prohibited on the Sabbath as being a principal act of labor, is allowed in this instance (of the Passover) and even supersedes the Sabbath, does it not follow that these two acts, which are only prohibited by rabbinical law, should also in this instance supersede the Sabbath?" R. Jehoshua answered and said: "The laws concerning the festival will prove the contrary; for many things prohibited on the Sabbath as being principal acts of labor are nevertheless permitted on the festival, while other things which are prohibited by rabbinical law are yet prohibited on the festival." R. Eliezer replied: "What is the matter with thee, Jehoshua? How canst thou adduce proof from purely voluntary acts (such as cooking) to such as are distinctly prohibited by biblical law?" R. Aqiba then answered: "The act of sprinkling (a person who had become unclean) will prove it; for that is a distinct biblical commandment and is only prohibited on the Sabbath by rabbinical law, still it does not supersede the due observance of the Sabbath; do not therefore wonder that these acts, which are also religious duties, and are only prohibited on the Sabbath by rabbinical law, should still not be allowed to supersede the Sabbath." R. Eliezer replied, however: "I also adduce my inference from the act of sprinkling, and maintain that if slaughtering, which is prohibited to be done on the Sabbath as a principal act of labor, is in this instance allowed to supersede the due observance of the Sabbath, does it not follow that the sprinkling of a person who had become unclean, and which is only prohibited to be done on Sabbath by rabbinical law, should in so much greater a degree supersede the Sabbath?" But R. Aqiba said: "Rather conclude the reverse: for if the sprinkling, which is only prohibited by rabbinical law, nevertheless does not supersede the Sabbath, does it not follow that slaughtering, which is prohibited as a principal act of labor, should [a fortiori] not supersede the Sabbath?" R. Eliezer then said to him: "Aqiba! wouldst thou then annul what is written in the Scriptures [[Numb. ix. 3]]: 'Toward evening shall ye prepare it, [at its appointed season],' (and which signifies) whether it be a week or a Sabbath day?" Rejoined R. Aqiba: "Rabbi, pray adduce a text that prescribes a particular (and appointed) time for the performance of these acts (mentioned in the first part of this Mishna), even as there is one concerning the slaughtering of the paschal sacrifice." The following rule therefore did R. Aqiba lay down: Every act necessary for the paschal sacrifice, which can be accomplished previous to the advent of the Sabbath, does not supersede the due observance of the Sabbath; but as the slaughtering of the paschal lamb cannot be done before the Sabbath, it supersedes the Sabbath.   
**2** Under what circumstances is it allowed to bring a festal offering in addition to the paschal sacrifice? When the paschal sacrifice is sacrificed on a week–day, when those offering it are legally (ritually) clean, and if it is insufficient for the number appointed to partake thereof. But if it is sacrificed on a Sabbath, if it is sufficient for those appointed to eat it, or when those are legally unclean, no festal offering may be brought in addition to the paschal sacrifice. The festal offering may be brought of the flock, of cattle, lambs or goats, and may be either male or female (animals); the time during which it is a duty to consume it is two days and a night.   
**3** If a person brought a paschal sacrifice on the Sabbath, not for its proper purpose, he is obliged to bring a sin–offering in expiation. If he slaughtered other sacrifices to serve as a paschal offering, if they were such that they could not be suitable for the paschal sacrifice, he is guilty; but if they were suitable for that purpose, R. Eliezer declares him culpable, but R. Jehoshua declares him free. For thus argues R. Eliezer: If a person is held to be culpable for changing the name (denomination) of the paschal sacrifice, which he is allowed to slaughter on Sabbath, does it not follow that if he brought sacrifices which were in themselves prohibited to be brought on the Sabbath, under another denomination, that he must in so much greater a degree be considered culpable? To this R. Jehoshua replied: "Nay; we cannot apply the decree concerning a sacrifice which was changed to what was prohibited to offer on the Sabbath, to other sacrifices which had been changed to that which was permitted to be brought on the Sabbath." R. Eliezer replied: "The offerings brought for the whole congregation of Isræl shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "Nay; we cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." R. Meir said: One who also offers on the Sabbath other offerings under the denomination of those of the congregation is absolved. If a. person slaughtered the paschal sacrifice for those who will not partake thereof, or for persons who are not appointed to partake thereof, and for uncircumcised and unclean persons, he is culpable; but if he had slaughtered it for those who will and also for those who will not partake thereof, for those appointed, to eat it and for those who are not, for circumcised as well as for uncircumcised, or for clean and also for unclean persons, he is absolved. If one slaughtered (the paschal lamb) and a blemish was found thereon, he is culpable; but if, after being slaughtered, it was found to be Trephah (prohibited to be eaten) on account of inward blemishes, he is not culpable. If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, or had died, or become defiled, he is absolved, because when he slaughtered it, it was under lawful circumstances.

**Chapitre 7**

**1** How should the paschal lamb be roasted? A spit made of the wood of the pomegranate–tree should be taken, put in at the mouth (of the lamb or kid), and brought out again at the vent thereof. Its legs and entrails should be placed inside, according to R. Jose the Galilean; but R. Aqiba said: This would be a kind of boiling, and for that reason they ought to be suspended on the outside (of the lamb). The paschal sacrifice must not be roasted on an iron roasting spit, nor on a gridiron. Zadok related that Rabbon Gamaliel once said to his bondsman Tabbi: "Go and roast for us the paschal sacrifice on a gridiron."   
**2** If any part of the roasted lamb had touched the earthenware oven on which it was roasted, that part must be pared off. If the fat dripping from the lamb had fallen on the oven and then had again fallen on the lamb, the part of the lamb touched must be cut out. If the dripping, however, fell on fine flour, a handful of that flour must be taken (and burned). If the paschal sacrifice had been anointed (basted) with consecrated oil of heave–offering and the company appointed to partake thereof consist of priests, they are allowed to eat it; but if the company consist of Isrælites, they must wash it off the lamb if yet raw. Should the lamb have been already roasted, they must pare off the outward skin. If it had been anointed with oil of second tithe, its value must not be charged to the company in money, because it is not lawful to redeem and sell it in Jerusalem.   
**3** Five kinds of sacrifices may be brought, even if those who offer them should be in a state of ritual uncleanness; but they should not be eaten by those who offer them while in that condition. They are: The "Omer" (sheaf–offering), the two loaves (of Pentecost), the showbreads (of the Sabbath), the peace–offerings of the congregation, and the he–goats offered on the Feast of the New Moon; the paschal offerings, however, which were sacrificed by men in a state of ritual uncleanness, might also be eaten by them, though they (the men) still be in that condition, because the main object of the commandment concerning the paschal offering was that it should be eaten.   
**4** If the flesh of the paschal sacrifice has become (ritually) defiled and the fat thereof remains undefiled, its blood must not be sprinkled on the altar; but if the fat has become defiled and the flesh remains undefiled, the blood may be sprinkled; but such is not the case with respect to other consecrated sacrifices (under similar circumstances); for even if the flesh of such has become defiled but the fat has remained undefiled, their blood may be sprinkled.   
**5** If the whole or the greater part of the congregation had become defiled, or the priests were in a state of defilement but the congregation was undefiled, the sacrifice may be brought in this state of defilement; but if the minority only of the congregation had become defiled, the majority that are clean shall sacrifice the paschal offering at its proper time and the unclean (minority) shall sacrifice a second paschal offering, on the 14th of the following month.   
**6** If, after the blood of the paschal sacrifice had been sprinkled on the altar, it became known that it (the blood or the flesh thereof) was unclean, the plate of gold (of the high–priest) atones for the sin; but if the body (of the owner) of the sacrifice had been defiled, the plate of the high–priest does not atone for the sin; for it is a rule that the plate atones for (the sin of sacrificing) the paschal offering and that of the Nazarite, if the blood of these had become defiled; but not if the body (of the owner) of such sacrifice had become unclean. It does, on the other hand, atone for the defilement caused by an abyss or by the ground.   
**7** If the whole or the greater part of the paschal offering had become defiled, it should be burned before the sanctuary with wood used for the altar; if the lesser part thereof had become unclean, or if some part thereof had remained over until the next morning (on the 15th), the owners may burn it in their own courts, or on their roofs, with their own wood. Avaricious persons, however, would burn it before the sanctuary, in order to get the benefit of the wood used for the altar.   
**8** If a slaughtered Passover–sacrifice had been carried beyond the walls of Jerusalem or had become defiled, it must be immediately burned (on the eve of Passover). If the owners thereof had become defiled or had died, it must be left until its condition is changed ([i.e.], it must be left over until the next morning), and should be burned on the 16th of Nissan). R. Johanan ben Broka said: (In the latter event) it should also be immediately burned, because there are none to eat it.   
**9** The bones, sinews, and other remaining parts must be burned on the 16th; and should that day fall on a Sabbath, they must be burned on the 17th, because the burning of these does not supersede the laws of the Sabbath or those of the festival.   
**10** Every part usually eaten of a full–grown ox may be eaten of the paschal kid or lamb, such as the cartilage and tendons over the joints.   
**11** Whosoever breaks any bones of the clean paschal lamb incurs the penalty of forty stripes; but the person who should leave a part of the paschal lamb over night, or who breaks a bone of an unclean paschal sacrifice, does not incur that penalty.   
**12** If part of a member (of the paschal sacrifice) protrude beyond (the Temple), it must be cut until the knife reaches the bone, then the flesh should be removed on the inside (of the Temple) until the joint is reached, when it may be cut off (and the bone must be cast away). With regard to other sacrifices (the bones of which it is permitted to break), the protruding part must be cut off with a slaughtering knife; if it extend from the door–wing (or lobby), it must be considered as inward; if it protrude farther than this, it is to be considered as outward (and should be cut off). The apertures in a wall and the thickness of a wall may be considered as the inside.   
**13** When two companies eat their paschal sacrifice in the same house (room), each turning their faces in a different direction while eating thereof, and the warming pot or kettle (containing the water to be mixed with the wine) is in the centre between the two companies, the waiter or servant must close his mouth ([i.e.], not eat), (in order not to be suspected of eating with both companies), while he waits on the other company to pour out wine for them; then he must turn his face towards the company he eats with, and he must not eat till he rejoins his own company. It is, however, permitted to a bride to avert her face from the company while eating the paschal sacrifice.

**Chapitre 8**

**1** If a paschal sacrifice had been slaughtered for a woman living in her husband's house, by her husband, and another lamb had been slaughtered by her father (also counting her in), she must eat that of her husband. If she came to pass the first festival after her marriage at her father's house and her father and husband have each slaughtered a paschal sacrifice for her, she may eat it at whichever place she prefers. If several guardians of an orphan have slaughtered paschal sacrifices for him, the orphan may go and eat it at the house he prefers. A slave belonging to two masters must not eat of the sacrifice of both masters. One who is partly a slave and partly free must not eat of the paschal sacrifice of his master.   
**2** If a person order his slave to go and slaughter for him the paschal sacrifice, and the slave go and slaughter kid or a lamb, he may eat it; if he slaughter a kid and a lamb, he may only eat that which he slaughtered first. How is he to act when he has forgotten the exact words of the order of his master? He should kill a lamb and a kid, and say (at the time of the killing and sprinkling of the blood), "If my master said 'a kid,' then may the kid be for him and the lamb for me, but if he said 'a lamb,' then be the kid for me and the lamb for him." If the master also had forgotten the precise terms of the order he gave, both animals must be burned, and neither master nor slave is bound to bring a second paschal sacrifice.   
**3** If a man say to his sons: "I slaughter the paschal sacrifice for whichever one of you shall arrive first in Jerusalem; then the first of them, whose head and greater part of the body first appears (in the city gate), thereby acquires a right to his own share and acquires the same for his brothers.   
**4** As many people may partake of a paschal sacrifice as can obtain therefrom the quantity of flesh of the size of an olive. Those that were appointed to eat it may withdraw (from the company) before the paschal sacrifice is slaughtered. R. Simeon said: "They may do so until the blood thereof is sprinkled."   
**5** If a person had appointed others to partake with him of his share of the paschal sacrifice, his company are at liberty to give him his share so that he may eat it apart from them with his guests, and they may eat their own share (apart from him and his guests).   
**6** If a person, having a running issue, had observed such issue twice on the same day, and the seventh day after (his malady had subsided) fall on the 14th day (of Nissan), (when he is no longer defiled), he may have the paschal sacrifice slaughtered for him on that day; but if he had observed the issue three times in one day, it may be slaughtered for him only if the eighth day (when he again becomes clean) should fall on the 14th (of Nissan). For a woman whose menstruation continued for a day beyond her regular period, the paschal sacrifice may be slaughtered if the second day (after her menstruation had subsided) fall on the 14th (of Nissan); if it continued two days beyond her regular period, the sacrifice may be slaughtered for her if the 14th (of Nissan fall) on the third day after the menstruation had subsided; but for a woman whose flow of menses continued three days beyond her regular period, the sacrifice maybe slaughtered only if the 14th (of Nissan) fall on the eighth day after the flow had stopped.   
**7** For a mourner who has lost a relative, for whom he is obliged to mourn, on the 14th (of Nissan); for a person employed in digging out of a heap of fallen ruins persons buried among them; for a prisoner who has the assurance of a release (in time to eat the paschal sacrifice); and for aged and sick persons, it is lawful to slaughter the paschal sacrifice while they are able to partake thereof a quantity at least the size of an olive. For none of these, however, may it be slaughtered on their account alone, because they may cause the paschal offering to become desecrated and useless; therefore, if any one of the persons enumerated becomes disqualified to partake of the paschal sacrifice, he need not bring a second, with the exception of a person who had dug out a dead body from beneath the ruins, since such a person is unclean to commence with.   
**8** The paschal sacrifice must not be slaughtered for a single individual. Such is the dictum of R. Jehudah. R. Jose, however, permits this to be done. It must not be slaughtered even for a company of a hundred persons, if each one of them cannot eat as his share at least a piece the size of an olive. Neither may a company for the purpose of eating the paschal sacrifice be formed of women, with slaves and minors.   
**9** A mourner (who is obliged to mourn for a near relative who is not yet interred) may eat of the paschal sacrifice at eve after having taken his legal bath, but must not eat of other holy sacrifices. One, however, who has only received information of the decease of a near relative, or who has the bones of a deceased person exhumed (and removed) for him, may eat even of other holy sacrifices after having bathed. A Gentile proselyte, who was circumcised on the day before the Passover festival may, according to Beth Shammai, bathe himself, and eat in the evening of the paschal sacrifice. Beth Hillel, however, say: "One who has parted from the uncircumcised must be considered as one who has just parted from the grave."

**Chapitre 9**

**1** Persons who, in consequence of being (ritually) unclean or on a distant journey, did not observe the first Passover, must observe the second. Also such as have, either through error or compulsion, been prevented from observing the first, must observe the second Passover. Why, then, the verse [[Numb. ix. 10]]: "If any man whatever be unclean by reason of a dead body, or be on a distant journey"? In order to teach us, that in case of the neglect of the observance of the second Passover by them, they do [not] incur the penalty of Kareth (excision), but others do incur it.   
**2** What must be considered a "distant" journey? According to R. Aqiba, it is from Moodayim and beyond, and from all places around Jerusalem, situated at the same distance R. Eliezer said: "Any distance beyond the outside of the threshold of the Temple–court should be considered as coming in under that term." Said R. Jose to him: "It was to confirm this (Rabbi's statement) that it is (even to this day) directed that a dot must be placed over the Heh in the word Rahuqa'h (meaning 'distant'), to indicate that it is not necessary that a person should actually be on a distant road, but that he is considered distant so long as he has not passed beyond the threshold of the court of the Temple."   
**3** What is the difference between the first and second Passover? They differ, that during the (seven days of the) first Passover no leaven of any kind may be seen or even found in the house, while in the second both leavened and unleavened articles may be used in the house. At the eating of the paschal offering on the first Passover, the "Hallel" prayer must be recited but not at the eating on the second Passover. During the time, however, that the offering is sacrificed, either on the first or on the second Passover, the "Hallel" must be recited; the sacrifices on both Passovers must be roasted and eaten with unleavened cakes and bitter herbs, and the sacrifice of both supersedes the due observance of the Sabbath.   
**4** When the paschal sacrifice was brought in a state of defilement, it must not be eaten by men or women having a running issue, by women in their ordinary period of menstruation, nor by lying–in women; if they have eaten thereof, however, they do not thereby incur the penalty of Kareth (excision). R. Eliezer considers these as also not subject to such punishment, if they have entered the sanctuary while in that condition.   
**5** What is the difference between the Passover as celebrated (by the Isrælites while) in Egypt, and that observed by later generations? The Egyptian Passover–sacrifice was specially ordered to be purchased on the 10th (of Nissan), and it was required that its blood should be sprinkled with a bunch of hyssop on the lintel and on the two sideposts of the door; also that it should be eaten with unleavened bread on the first night of Passover in a hasty manner; while in later generations the law of the Passover applies for the entire seven days of the festival.   
**6** R. Jehoshua said: "I once heard (of my teachers), that an animal which was substituted for another animal intended for the paschal sacrifice may be offered up; and I have also heard, that it must not be offered; and I am unable to explain this." Said R. Aqiba: "I will explain it; if a paschal offering had been lost and subsequently found, before the animal intended to replace it had been slaughtered, it must be left to, graze until it contracts a legal blemish, when it must be sold and peace–offerings purchased with the proceeds of the sale; so also must it be done with the animal substituted for it (and which had become lost): if it was found after the other animal had already been slaughtered, it may be sacrificed as a peace–offering, and this applies also to any animal substituted for it."   
**7** If a person had set apart or selected as a paschal offering a she–goat or a ewe–lamb, or a male two years old, they must be left to graze until they contract a legal blemish; they must then be sold, and the proceeds turned over to the fund of voluntary burnt–offerings. If a person who had selected his paschal offering die (in the interim before it is sacrificed), his son cannot bring it as a paschal offering, but must bring it as a peace–offering.   
**8** If a paschal sacrifice had become mixed with other animals intended as sacrifices, they must all be left to graze until they contract a legal blemish; they are then to be sold, and the owner must bring, with the price obtained for the finest animal among them, another sacrifice of each kind of offering (with which it was mixed), and the eventual loss must be defrayed from the private means of the owner. A paschal offering which had become mixed with first–born (of animals) may, according to R. Simeon, be eaten by an assembly of priests.   
**9** If a company have lost their paschal sacrifice and say to some person: "Go, seek and slaughter it for us," and he went, found, and slaughtered it, while the company had also slaughtered one––if the man had slaughtered his sacrifice first, he shall eat of it and the others shall join with him in eating; but if they had slaughtered their sacrifice first, they shall eat of theirs and he of his; if it is uncertain which had been slaughtered first or if both had been slaughtered at the same time, then shall he eat of his paschal offering, of which the others are not permitted to partake, and theirs must be burned: they are not obliged, however, to observe a second Passover. If he had said to them: "Should I stay away long, go ye and slaughter a paschal sacrifice for me," and he went, found, and slaughtered the lost paschal sacrifice while the others had also slaughtered one––if theirs had been slaughtered first, they shall eat it and he may eat it with them; but if his had been slaughtered first, he shall eat of his and they shall eat of theirs; if it be uncertain which had been slaughtered first or if both had been slaughtered at the same time, then they may eat theirs, and he is not permitted to eat with them; and his sacrifice must be burned, but he is not obliged to observe a second Passover. If the man said to them: "Slaughter a paschal offering for me," and they had said to him: "Seek and slaughter for us our lost sacrifice," they should all eat of that which had been slaughtered first; if it is uncertain which had been slaughtered first, then both must be burned; but if there was no express agreement between all the parties, they are not to be considered as at all connected with each other (and each should eat the sacrifice separately). When the paschal sacrifices of two companies had become mixed, each company should take one of the animals and a member of each company should go to the other, and each company should address the member of the other thus: "If this paschal offering be ours, we withdraw from thy company, and be thou numbered with us; but if it belong to thy company, we withdraw from ours and will be numbered with thee." Thus shall five companies of five members each, or ten companies of ten members each, act; namely, one member of each company shall join with him one of another company, and shall thus address him. When a paschal offering of two individuals has become mixed, each shall take one of the animals to himself and invite a person from the street (a stranger) to eat it with him; then they should go to each other and thus address each other's guest: "If this sacrifice is mine, withdraw from this and be numbered with me; but if it is thine, then I withdraw from mine and will be numbered with thee."

**Chapitre 10**

**1** On the eve of any Passover it is not lawful for a person to eat anything from the time of Min'hah (afternoon prayer) until after dusk. Even the meanest in Isræl shall not eat until they have arranged themselves in proper order at ease round the able; nor shall a person have less than four cups of wine, even if they must be given him from the funds devoted to the charitable support of the very poor.   
**2** When the first cup is poured out, the blessing pertaining to the festival should be said, and then the benediction over the wine must be pronounced. Such is the dictum of Beth Shammai; but according to Beth Hillel, the benediction over the wine should be said first, and then the blessing of the festival may be pronounced.   
**3** Herbs and vegetables are then to be brought; the lettuce is then to be immersed, part thereof eaten, and the remainder left until after the meal arranged for the night is eaten; then unleavened cakes are to be placed before him as well as the lettuce, sauce (Charoseth), and two kinds of cooked food, although it is not strictly obligatory to use the same; R. Elazar ben Zadok, however, said, that it is obligatory. During the existence of the Holy Temple, the paschal sacrifice was then placed before him.   
**4** A second cup of wine is poured out; and the son should then inquire of his father (the reasons for the ceremony). If the son is mentally incapacitated to do this, the father is bound to instruct him as follows: Wherefore is this night distinguished from all other nights? That on all other nights we may eat either leavened or unleavened bread, but on this it must be all unleavened; on all other nights we may eat all kinds of herbs, but on this we may only eat bitter herbs; on all other nights we may eat meat, roasted, boiled, or cooked in different ways, but on this night we may only eat it roasted; on all other nights we immerse what we eat once, but on this night twice. And according to the powers of comprehension of the child, thus should his father teach him: first, he should inform him of the disgrace (of our ancestors), and then conclude with the recital of the favorable and laudatory passages; he should expound the passage [[Deutr. xxvi. 5]]: "A Syrian, wandering about, was my father," etc., until the end of the passage [[ibid. 9]].   
**5** Rabbon Gamaliel used to say: Whosoever does not mention the following three things on the Passover has not fulfilled his duty. They are: The paschal sacrifice, the unleavened cakes, and the bitter herbs. The paschal sacrifice is offered because the Lord passed over the houses of our ancestors in Egypt, as it is written [[Exod. xii. 27]]: "That ye shall say, It is the sacrifice of the Passover unto the Lord, who passed over the houses of the children of Isræl in Egypt," etc.; the unleavened bread is eaten because our ancestors were redeemed from Egypt (before they had time to leaven their dough), as it is written [[ibid. 34]]: "And the people took up their dough before it was leavened," etc.; and bitter herbs are eaten because the Egyptians embittered the lives of our ancestors in Egypt, as it is written [[ibid. 1–14]]: "And they made their lives bitter," etc. It is therefore incumbent on every person, in all ages, that he should consider it as though he had personally gone forth from Egypt, as it is written [[ibid. xiii. 8]]: "And thou shalt tell thy son on that day, saying, This is done for the sake of that which the Lord did unto me when I came forth out of Egypt." We are therefore in duty bound to thank, praise, adore, glorify, extol, honor, bless, exalt, and reverence Him who wrought all these miracles for our ancestors and for us; for He brought us forth from bondage to freedom, He changed our sorrow into joy, our mourning into a feast, He led us from darkness into a great light, and from servitude into redemption: let us therefore say in His presence, "Hallelujah" (sing the Hallel prayer). How far is the Hallel then to be said? According to Beth Shammai, till [[Psalms cxiii. 9]]: "He causeth the barren woman to dwell," etc.; but according to Beth Hillel, till [[ibid. cxiv. 8]]: "Who changeth the rock into a pool of water," etc., and they are to close with a blessing for the redemption. R. Tarphon says: This is the form: "Blessed art thou, O Lord our God, Sovereign of the universe, who hast redeemed us and our ancestors from Egypt," without any further concluding blessing. R. Aqiba, however, says: "(The preceding should be continued as follows.) Thus mayest thou, O Lord our God, and the God of our ancestors, bring us to the peaceable enjoyment of other solemn feasts and sacred seasons which are nigh unto us, that we may rejoice in the rebuilding of thy city and exult in thy service, that we may there eat of the paschal and other sacrifices," etc., until "Blessed art thou, O Lord, who hast redeemed Isræl."   
**6** A third cup of wine is then poured out, and the benediction after meals is said. After pouring out the fourth cup, the Hallel should be concluded over it and the blessings on the songs of praise be said. A person may drink as much as he chooses between the second and third cups, but not between the third and fourth.   
**7** It is unlawful to conclude the eating of the paschal sacrifice with a dessert.   
**8** If any of the company fall asleep during the meal, they may eat of the paschal sacrifice afterwards; but if the whole company have fallen asleep, they must not again eat thereof (upon awakening). R. Jose said: "If they are only drowsy, they may eat it, but if they fall fast asleep, they must not eat of it afterwards." The paschal offering does, after the hour of midnight, render the hands unclean. Sacrifices which are rejected or that have remained beyond their prescribed time, also render the hands unclean.   
**9** Whosoever has said the blessing on the paschal offering is not bound to say that on the festal offering, but one who has said the blessing on the festal offering is bound to say it on the paschal offering also. Such is the dictum of R. Ishmæl; but R. Aqiba said: "Neither of these absolves from the obligation of saying the other blessing."

**Yoma**

**Chapitre 1**

**1** Seven days before the Day of Atonement the high–priest is to be removed from his house to the Palhedrin Chamber (), and another high–priest is appointed to substitute him in case he become unfit for the service by becoming unclean. R. Jedudah says another wife is to be appointed for him also, in case his own wife dies, whereas it is said [[Lev. xvii. 11]], "and shall make atonement for himself and for his house"; "his house"––that is, his wife. But it was objected that in this manner there will be no end to the matter. (The other wife may die too.)   
**2** During all the seven days he sprinkles the blood [[of the daily offerings, to become practised]], fumes the incense, trims the lamps, and offers the head and the leg. During all the other days, he sacrifices, if he chooses, since the high–priest offers the first portion as he prefers, and takes for his own use a portion of the first offering.   
**3** He is attended by some elders of the Beth Din, who read to him [[out of Lev. xvi.]] concerning the ceremonial of the day (of Atonement), and say to him: My lord the high–priest, say it aloud, lest thou hast forgotten, or not studied this. On the morning of the day preceding the Day of Atonement, he is placed at the eastern gate, and bulls, rams, and sheep are passed before him, that he should get a knowledge of the service. During all the seven days he is free to eat and drink, but on the eve of the Day of Atonement, at dusk, he is not permitted to eat much, as it would induce drowsiness.   
**4** The Elders of the Beth Din left him to the attendance of the Elders of the priesthood, who took him up to the house of Abtinas, made him swear, took farewell, and went away. They said: My lord the high–priest, we are delegates of the Beth Din, and thou art our delegate and the delegate of the Beth Din; we conjure thee by Him who has made His abode in this house, that thou shalt not alter one thing about which we have spoken to thee. He took farewell weeping, and they parted weeping. If he was a teacher, he lectured; otherwise, the scholars lectured before him. If he was practised in reading, he reads; if not, they read to him. From which books of the Scriptures? From Job, Ezra, and Chronicles. Zechariah b. Kabutal says: Many times I read to him out of Daniel.   
**5** If he began to slumber, the young priests snapped with their fingers Tzreda, addressing him: My lord the high–priest, rise, and cool thyself once on the [[marble]] floor. He was kept occupied until the time for slaughtering the daily offering.   
**6** Every day the altar is cleared of the ashes at the time of the crowing of the Geber (cock), a little while before or after it; but on the Day of Atonement it is done soon after midnight, and on the other holidays after the first watch of the night. And before the cock's crowing the fore court used to be filled with Isrælites.

**Chapitre 2**

**1** Formerly, whoever desired to clear the altar of the ashes did so. When there were many of them (priests), they ran on the staircase (leading to the top of altar). Whoever first came within four ells, merited it. When two were on a par, the superintendent said to them (all priests): Put forth your fingers. Which did they put forth? One or two, but not the thumb in the Temple (which were counted instead of the persons they belonged to, and the service was given to the last). Once an accident happened: one of two who were running up the staircase pushed his companion, so that he fell, and broke his foot. Seeing that it is attended by accidents, the Beth Din made the reform, that the altar should be cleared by lot. There were four lots: this is the first lot.   
**2** The second lot (determined) who should slaughter, who sprinkle, who should clear of ashes the inner altar and who care for the lamp, who should take up members to the staircase of the altar: the head, the leg, the two forelegs, the tail (tip of tail), the (left) leg (hind), the chest, the windpipe, the two flanks, the entrails, the fine flour, the things made in pans [[1 Chron. ix. 31]], and the wine. Thirteen priests are privileged to do all this. Ben Azai, however, said, in the presence of R. Aqiba, in the name of R. Joshua: It (the animal) was offered as it had walked. (See Gemara.)   
**3** The third lot was drawn by new (priests) who had not yet fumed incense; the fourth, by new and old ones, (to determine) who should take up the members (parts) from the staircase to the altar.   
**4** [[The parts of]] the daily sacrifice are offered [[according to circumstances]] by nine, ten, eleven, twelve––no less and no more. How so? Itself by nine. During the Feast [[of Booths]] one carries a pitcher of water; thus it is ten. Toward evening by eleven, itself by nine, and two carrying two measures of wood. On Sabbath by eleven, itself by nine, and two having in their hands two spoonfuls of frankincense for the showbread. On the Sabbath which occurs in the middle of the Feast [[of Booths]], one carrying a pitcher of water [[added to the eleven]].   
**5** A ram was offered by eleven: the flesh by five; the entrails, fine flour, and wine by two, respectively. A bull is offered by twenty–four: the head by one, the hind leg by two, the tail by two, and the [[left]] hind leg by two; the chest by one, the windpipe by three, the two forelegs by two, the two flanks by two; the entrails, fine flour, and wine by three, respectively. This refers to public sacrifices. A private sacrifice could be offered, if one chose, by one. In respect of skinning and cutting to pieces, both [[sacrifices]] are equal [[private or public, both may be skinned, etc., by a stranger]].

**Chapitre 3**

**1** The Superintendent used to say to them: Go out and see whether the time for slaughtering has come. If it had come, the one who saw it said: "([Barqai]) It becomes light." Matthew b. Samuel says: He used to ask: "Is the whole east bright, as far as Hebron?" and he answered: "Yea." [[Why was all this necessary? Because on one occasion the moonlight was bright, and they mistook it for dawn. They slaughtered the daily sacrifice, and removed it to the place of burning (finding it unfit).]] The high–priest used to be then taken down to the bath. This was the rule in the temple: After necessary human needs a bath had to be taken, and after making water one had to wash his hands and feet.   
**2** No one may enter the forecourt [[even of Isrælites, not priests]] to do service, even when he is clean, before he has bathed. On this day the high–priest bathes five times, and washes his hands and feet ten times. All these ablutions are taken within the sanctuary, over Beth Haparva, except the first. A screen of linen [[byssus]] was placed between him and the people.   
**3** He undressed, went down, and dived. After he had come out again, and wiped himself (dried himself with a sponge?), the garments of cloth of gold were brought to him, which he put on, and then washed his hands and feet. They brought to him the daily sacrifice; he made an incision, and another completed the slaughtering in his presence. He took up the blood, and sprinkled it, went in to fume the morning, (matinal) incense, and to trim the lamps, as well as to offer the head, the members, the things made in pans, and the wine. The morning incense was offered between the blood and the members; that of evening, between the members and drink–offerings. If he was an aged or delicate high–priest, the cold water of the bath was mixed with water warmed previously.   
**4** They brought him to Beth–Haparva, which was in the sanctuary; a linen screen was spread out between him and the people; he washed his hands and feet and stripped himself. R. Meir says: He undressed, and washed his hands and feet. He went down and dived, came up and dried himself, white garments were brought to him, which he put on, and he washed his hands and feet. In the morning, he put on linen of Pelusium, costing twelve Minas. In the evening, Hindoo linen, of 800 Zuz [[8 Minas]]. This is according to R. Meir. The sages say, in the morning he put on garments worth 18 Minas, in the evening of 12 Minas––together amounting to 30 Minas. This from public money [[[another version], taken from the holy funds?]]; but if he chooses, he can have them more costly out of his private means.   
**5** He went to his bullock, which stood between the porch and the altar, his head due south, but his face due west. The high–priest stood on the east, his face due west. He put his two hands on him and confessed himself in the following terms: I beseech thee, Jehovah, I have committed iniquities, have transgressed, and have sinned before thee, I and my house. I beseech thee, Jehovah, forgive, pray, the iniquities, the transgressions, and the sins, which I have committed, transgressed, and sinned before thee, I and my house, as it is written in the Torah of Moses thy servant, "For on that day shall he make an atonement for you," etc. [[Lev. xvi. 30]]. They respond after him: "Blessed be the name of His kingdom's glory for ever!"   
**6** He came to the eastern part of the forecourt, to the north of the altar, the Segan of the high–priest on his right, and the head of the family ministering during the week [[Rosh–Beth–Ab]] on his left. There were two he–goats; and a box was there wherein were two lots. Of box–tree they were. [[The high–priest]] Ben Gamla made them of gold, for which his memory was praised. [[The high–priest]] Ben Katin made twelve cocks to the laver, which had had only two. He, also made a machine to the laver [[to take it down into a well at will]], that its water should not become unfit by being kept over night [[in free air]]. The king Monobaz made all the handles of the utensils used on the Day of Atonement––of gold. Helen, his mother, made a golden candelabrum over the temple–gate. She likewise made a tablet of gold, whereon was inscribed the section about a woman who goes aside [[Num. v. 12]]. Miracles happened to the gates which Nicanor brought. Therefore all these persons' memory was praised.   
**7** And the memories of the following were mentioned with blame; those of the house of Garmo, they were unwilling to teach the art of making the showbread; those of the house of Abtinas, who did not want to teach the art of preparing the incense; Hogros b. Levi, who knew something in music which he was unwilling to instruct others in; Ben Kamtsar did not want to teach the art of writing. Of the first it is said: "The memory of the just is blessed" [[Prov. x. 7]]; but of the rest is said: "But the name of the wicked shall rot."

**Chapitre 4**

**1** He shook the box, and took out two lots. On one is written, "to Jehovah"; on the other is written, "to Azazel." The Segan is at his right, and the head of the family [[see above]] on his left. If that of Jehovah was taken up by his right hand, the Segan says to him, "My lord the high–priest, raise thy right hand." If that of Jehovah was taken up by his left hand, the head of the family addresses him: "My lord the high–priest, raise thy left hand." He placed them [[the lots]] on the two he–goats, and uttered: "To Jehovah a sin–offering." R. Ishmæl says: It was not necessary for him to say "sin–offering," but "to Jehovah" sufficed. They responded: "Blessed be the name of His kingdom's glory for ever."   
**2** He tied a tongue of crimson wool to the head of the goat that was to be sent away [[the scapegoat]], and placed him opposite to the gate through which he was to be transferred; and the one to be slaughtered, opposite to the place of its slaughtering. He went to his bull a second time, putting his hands on him, and confessing in these terms: "I beseech thee, Jehovah, I have committed iniquities, transgressed, and sinned before Thee, I and my house, and the sons of Aaron, Thy holy people: I beseech Thee, Jehovah, forgive the iniquities, transgressions, and sins which I have committed, transgressed, and sinned, I and my house, and the sons of Aaron, Thy holy people, as it is written in the Torah of Moses Thy servant: 'For on that day shall he make atonement for you, to cleanse you from all your sins, that ye may be pure before Jehovah.'" They respond after him: "Blessed is the name of His kingdom's glory forever."   
**3** He slaughtered it [[the bull]], and received in a basin its blood, giving (presenting) it to him who stirred (mixed) it, on the fourth row of marble stones in the Temple, that it should not become congealed. He took the censer, mounted the top of the altar, and cleared the coals on either hand: taking a censerful of the inner glowing coals, then he came down again, and placed it [[the censer]] on the fourth row of stones in the forecourt. Every day he scooped up with a silver censer, and emptied into a golden vessel. On this day he filled a golden censer, and also carried it in. Every day he used to scoop [[the coals]] up in one measuring 4 Kabs, and poured them into one Of 3 Kabs; but on this day he filled one Of 3 Kabs, and also carried them in it. R. Jose says: Every day he filled one of a Seah [[6 Kabs]], and emptied it into one Of 3 Kabs; but on this day he filled one Of 3 Kabs, and carried them in it. On all days it was a heavy (massive) one, but on this day he took a light one. Every day its handle was short, on this day long; all days its gold was yellow, but on that day red. This is according to R. Mena'hem. On all days he used to offer half a Mina [[50 Dinars in weight]] of incense in the morning, and one half in the evening; but on this day added a handful more. Every day it was pounded finely, but on this day it was the finest [[Lev. xvi. 12]]. On all days priests went up on the eastern staircase [[of the altar]], and descended on the western. On this day the high–priest went up on the middle one, and came down on the same. R. Jehudah says: The high–priest ever mounts and descends on the middle one. All days the high–priest washed his hands from the laver, and on this day from the golden pitcher [[cyathus]]. R. Jehudah says: The high–priest ever washes his hands and feet from a golden pitcher. All days there were four fires [[on the altar]]; on that day five: this is according to R. Meir. R. Jose says: Every day three, and on this day four. R. Jehudah says: Every day two, on this day three.

**Chapitre 5**

**1** They brought to him a [[golden]] spoon and censer: he took two handfuls [[of incense]] and filled the spoon with it. If he had a large hand, it was much; otherwise, it was a little: he used the hand as the measure. He took the censer in his right hand, and the spoon in his left hand.   
**2** He walked through the Temple till he reached the place between the two vails which separated the sanctuary from the Holy of Holies––one ell wide. R. Jose says: There was but one vail, as it is said [[Ex. xxxi. 33]]: "And the vail shall divide unto you between the holy place and the most holy."   
**3** The outer one was raised and looked to the southern [[wall]] and the inner one to the northern. He walked between them, till he reached the northern [[wall]]: having arrived thither, he turned his face to the south, he walked back with his left hand to the curtain, reaching the ark [[which was on his right in the Holy of Holies, reaching the place where the inner curtain was]]. Coming there, he placed the censer between the staves, heaped the incense on the top of the coals, so that the whole house was filled with smoke. He departed in the same manner as he had come [[facing the Holy of Holies, walking backward]], and said a short prayer in the outer sanctuary, but not making it a long one, so as not to alarm the Isrælites [[about his absence, lest he had been killed by God]].   
**4** When the ark had been taken away, there was a stone from the time of the first prophets, "Shethia" [[foundation]] it was called, three–finger high above the ground. Thereupon he placed [[the censer]]. He took the blood from the one who stirred it, went to the place whither he had gone, and stopped where he had stopped [[in the Holy of Holies]], and sprinkled from his position once upward and seven times downward [[Lev. xvi. 14]], without being intent on sprinkling it either upward or downward, but holding the palm open, either turned outward or toward himself [[meaning doubtful]]. Thus he was counting: one [[upward]], one and one [[downward]], one and two, one and three, one and four, one and five, one and six, one and seven. He departed, and placed it [[the basin]] on the golden stand in the Temple. They brought to him the he–goat, he slaughtered it, and received in a basin its blood. He went to the former place, stopping where he had stopped, and sprinkled thereof once upward, and seven times downward, without taking care to sprinkle upward or downward, but holding his palm open, turned in or out, and counting thus: one, one and one, one and two, etc. He came out, and placed it on the second stand that was in the Temple. R. Jehudah saith: There was but one stand there. He took up the bull's blood, and put down the he–goat's blood. He sprinkled thereof at the curtain which was opposite to the ark outside, once upward, and seven times down, without taking care, etc., and thus counting, etc. He lifted the blood [[–filled basin]] of the he–goat, and put down that of the bull's blood; he sprinkled of it on the curtain opposite to the ark outside, once upward, seven times down, etc. He emptied the bull's blood into the he–goat's blood, and transferred (the contents of) the filled basin into the empty one.   
**5** He then went out to the altar which is before the Lord, which is the golden altar, and began to cleanse it, downward. Whence does he begin? From the northeastern corner [[horn]] to the northwestern, southwestern, southeastern. Where he begins to cleanse the outer altar, at that spot he finishes cleansing the inner. R. Eliezer says he remains where he stands, and thence cleanses [[the altar being one ell square]]. Everywhere he sprinkled from below upward, except at the spot where he stood, whereat he sprinkled from above downward. He, sprinkled on the clean place of the altar [[where the gold was to be seen]] seven times, and what remained of the blood he poured at the western base of the outer altar, and what remained of the blood of the outer altar he poured at the southern base. Both kinds of blood mingled in the trench, and flowed out into the brook Kidron. And it was sold to gardeners as manure, but one offends by [[using without paying for]] them.   
**6** It holds true of all the rites on the Day of Atonement, whose order is prescribed by the Bible (and stated in the above Mishnas), that if they are performed in a wrong order, one has done nothing. Had he used the blood of the he–goat previously to that of the bull, he should sprinkle once more some of that he–goat's blood after that bull's blood, and if while he had not completed the offering of the gifts in the inner part [[Holy of Holies]], the blood was spilled, it is incumbent upon him to fetch other blood, and once more sprinkle it inside, and the same is the case in the Temple, and also of the golden altar, because all [[rites]] are separate atonements. R. Elazar and R. Simeon say, however: From where he had been mistaken, he should begin anew.

**Chapitre 6**

**1** It is a merit that the two he–goats for the Day of Atonement should be equal in color, stature, and price, and both (bought) at the same time; but if they are not equal, they may still be used. If one was bought to–day, and the other on the morrow, they are valid. If one of them died, then if this occurs before the lots are drawn, another is purchased to make up the pair; but if later, then a new pair should be acquired. Lots should be drawn again, and this should be said: If the Lord's he–goat has died, "The one on which the lot has fallen for the Lord may substitute him"; and if that of Azazel has died, "The one on which the lot has fallen for Azazel may substitute him." And the remaining one of the previous pair should be allowed to feed (graze) till it chance to get a blemish, when it is sold, and the money goes as a gift–offering, since an animal designed to atone for the congregation is not put to death. R. Jehudah says, it is (put to death). Also said R. Jehudah: If the blood [[of the Lord's he–goat, when slaughtered]] had already been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out [[and a new pair purchased]].   
**2** He comes to the scapegoat, and puts both hands on him, and confesses, using the following expression: I beseech Thee, Jehovah, they have committed iniquities, transgressed, sinned before Thee, Thy people the House of Isræl. I beseech Thee, for the sake of Jehovah, forgive the iniquities, transgressions, and sins that they have committed, transgressed, and sinned before Thee, Thy people the House of Isræl, as it is written in the Torah of Moses Thy servant, thus: "For on that day shall he make an atonement for you, to cleanse you, that ye may be clean from all your sins before Jehovah." And the priests and people who stood in the forecourt, hearing the expressed name [[of God, [i.e.], [Jehovah] ]] issuing from the mouth of the high–priest, used to kneel, prostrate themselves, and fall on their faces, and say: "Blessed be the name of His kingdom's glory for ever." They delivered him [[the scapegoat]] to the man who was his conductor. All were fit to perform this function. Only the high–priests fixed a usage, that Isrælites should not be permitted to do it. Said R. Jose: It happened the conductor was Arsala of Tsipore, who was an Isrælite [[not a priest]]. An elevated walk had been constructed for him [[the he–goat]], on account of the Babylonians [[Babylonian Jews; according to the Gemara, Alexandrian Jews]], who used to pull him [[the he–goat]] by the hair, saying: "Take [[the sins]] and go, take and go."   
**3** Some of the prominent men of Jerusalem used to accompany him [[the goat]] as far as the first booth [[of the ten, supplied with provisions for the conductor]]. There were ten booths between Jerusalem and Tsuk [[the rock of its destination]], a distance of 90 Ris [[7� Ris are equal to one mile]]. At each booth they said to him [[to the conductor]]: "Here is food, and here is water." And they [[persons of the booth]] accompanied him from booth to booth, excepting the last of them, for the rock was not reached by them; but they stood at some distance looking on what he [[the conductor]] did [[to the scapegoat]]. What did he do? He divided the tongue of crimson wool: the half of it he tied to the rock, and the second half between his [[the scapegoat's]] horns; he pushed him down backward. He went rolling and falling down; he did not reach halfway of the mountain before he became separated limb from limb. He [[the conductor]] returned to sit down under the last booth, till dark. And since when became his clothes unclean? After he had issued from the walls of Jerusalem. R. Simeon says: After he had pushed it down from the rock.   
**4** He [[the high–priest]] went to the bull and to the he–goat destined to be burned. He ripped them, and tore out the parts to be burned upon the altar. He placed them on a charger (Magis), and kindled (for kindling) them upon the altar. He intermingled the limbs of the two animals, and they were removed to the place for burning. Since when are the clothes [[of the porters]] made unclean? When they came out behind the wall of the forecourt. R. Simeon says: When the fire is consuming most parts [[of the animals]].   
**5** The high–priest was told: "The goat has reached the desert." How was the fact known? Watches were stationed on high towers [[meaning doubtful]], who lifted up flags [[to give signals]]. Said R. Jehudah: They could have excellent evidence [[by calculating the time]]. From Jerusalem to Beth Hadudo was three miles. The prominent men had walked one mile, went back one mile, and had tarried as long as a mile is gone over. Thus they could calculate that the he–goat had reached the desert. R. Ishmæl says: Why, they had another sign. A tongue of crimson wool used to be tied to the gate of the Temple, and as the he–goat had reached the desert, the wool used to become [[by miracle]] white; as it is said: "Though your sins be scarlet, they shall be as white as snow; though they be red as crimson, they shall become like wool" [[Isaiah i. 18]].

**Chapitre 7**

**1** The high–priest came to read. If he desired to read dressed in linen [[white, byssus]] garments, he did so; otherwise, he was reading in a white stole of his own. The Hazzan [[servant, attendant]] of the congregation takes the scrolls of the Torah, and presents them to the president of the congregation, the president presents them to the Segan, and the latter gives them to the high–priest. The high–priest rises, receives them, and reads standing. He reads the section, "After the death," etc. [[[i.e.], Lev. xvi.]], and the section, "Also on the tenth," etc. [[i. e., Lev. xxiii. 26–32]]. Then he rolls the scrolls together, and keeps them on his knees, and says: "More than what I have read to you, is written here." The section, "On the tenth," etc. [[in the book of Numbers, xxix. 17]], he reads by heart, and pronounces over it eight benedictions; namely, over the Torah, over the service, over the thanksgiving, the atonement of iniquity, the Temple by itself, and Isræl by itself (and Jerusalem by itself, [in some versions]), the priests by themselves, and the rest of the prayer. He who sees the high–priest reading, does not witness the burning of the bull and the he–goat; he who witnesses the burning of the bull and the he–goat, does not see the high–priest reading: not because he is not allowed, but because there was a great distance, and both were done at the same time.   
**2** If he read in linen garments, he washed his hands and feet, stripped himself, and went down to bathe, came out and dried himself with a sponge. Garments of cloth of gold were brought to him, he put them on, washed his hands and his feet, he went out and performed the rites on his ram, and the ram of the people, and the seven unblemished sheep, of one year––according to R. Eliezer. R. Aqiba says: They were offered with the daily sacrifice of the morning; and the bull for the burnt–offering and the he–goat used outside, were offered with the daily sacrifice of the evening. He washed his hands and feet, undressed, went down to bathe, came up and dried himself. White clothes were brought to him, he put them on, washed his hands and feet, he went in to fetch the spoon and the censer. He washed his hands and his feet again, stripped himself, went down, bathed, came out and dried himself. Garments of cloth of gold were brought to him, he put them on, washed his hands and feet, and went in to offer the incense of the evening, and to trim the lamps. He then washed his hands and feet, stripped himself, put on his own clothes––which had been brought to him––and was accompanied to his own house. He then used to keep the day as a holiday with his friends, when he had come away from the Holy of Holies unhurt.   
**3** The high–priest ministers in eight articles of dress; a common priest in four: in a robe and breeches, a mitre and a girdle. To the high–priest's are added: a breastplate and an ephod, and a coat and a [tsits] [[plate on the forehead, [[Ex. xxviii. 36]]]]. The Urim and Tumim were inquired of only when he was thus attired; but inquiries were not made for a common man: only for the king, the chief of the Beth Din, and for a person of whom the public had need.

**Chapitre 8**

**1** On the Day of Atonement it is forbidden to eat and to drink, to wash, to anoint, to lace on shoes, and to hold sexual intercourse. A king and a bride may wash their faces; and a lying–in woman may lace on shoes. Such is the decree of R. Eleazar. But the sages forbid it. Whosoever eats food to the size of a large date––that is, the date with the kernel––or drinks a mouthful, is guilty. All kinds of food are reckoned together to the size of the date, and all liquids to the mouthful; but food and beverages are not reckoned together.   
**2** If one has eaten and drunk through forgetfulness, he must bring only one sin–offering. If he has eaten and also done work, he must bring two. If he has eaten food not fit for eating, or drunk liquids not fit for drinking, as brine or fish–lye, he is not guilty.   
**3** Children are not made to fast on the Day of Atonement, but when one or two years old they are accustomed to do it, so that they become habituated to obey the religious commandments.   
**4** A pregnant woman, who longs for food which she smells, should be fed until relieved. An invalid is fed by the direction of persons possessing medical knowledge; if there be none such, he is to be fed at his own desire, till he says, Enough." The rabbis taught: If a pregnant woman has smelled sacred meat, or pork, something should be dipped in the sauce thereof, and presented to her mouth. If she is relieved thereby, it is good; otherwise, the sauce must be given to her. If this has not satisfied her either, the meat itself must be given to her. Because nothing is prohibited which is needed to save a life, except idolatry, adultery, and bloodshed. It happened to a pregnant woman that she smelled food. They came to ask Rabbi. He said: Go, tell her in her car, Today is the Day of Atonement. They did thus, and she became composed. Rabbi said of this child the verse in Jeremiah [[i. 5]]: "Before yet I had formed thee in thy mother's body I knew thee." That child became R. Johanan. The same accident happened to another woman. They came to ask R. Hanina. He said the same; but it availed not. He said of him the verse [[Ps. lviii. 4]]: "The wicked are estranged from the womb"; and this child became Sabbathai, who used to buy fruits to sell in time of dearth (and this is forbidden in Palestine). "[An invalid is fed]," etc. Said R. Janai: When the invalid says, "I must eat," and the physician says he need not, the patient is obeyed. Why? Because it is written [[Prov. xiv. 10]]: "The heart knoweth its own bitterness." Is this not self–evident? We might think the physician has a better comprehension of the patient's needs. He chooses to teach us; it is not so. How, if the case is reversed? Then the physician is obeyed, because the patient only fancies he does not need to eat. An objection has been made to our Mishna: If no medical persons are there, he is fed at his own desire. Hence, when there are such, he is not to be fed at his own desire? The Mishna means: When the patient says he does [not] need to eat, then he is not fed at the recommendation of medical persons; but if he says he [does] need to eat, no one is to be consulted.   
**5** If a man is seized with bulimy, he may be fed even with unclean food, till his eyes become clear. One who is bitten by a mad dog may not have the dog's midriff above the liver given to him. R. Mathia b. Harash allows it. Moreover, R. Mathia b. Harash also said: "If a person has a sore throat, it is permitted to put drugs into his throat on Sabbath, because the disease may endanger his life, and whatsoever threatens to endanger life supersedes Sabbath." If a building tumble down, and it is doubtful whether anyone is buried beneath the ruins or not; if it is doubtful whether he be dead or alive, it is permitted to remove the ruins from above him on the Sabbath. If he be found alive, the ruins are to be entirely removed; but should he be dead, he is to be left there.   
**6** Sin–offerings and trespass–offerings atone. Death and the Day of Atonement, if one is penitent, atone. Penitence atones for slight breaches of positive or negative commandments; for grave sins, it effects a suspension, till the Day of Atonement completes the atonement. To him who says: "I will sin, repent, sin again, and repent again," is not given the opportunity to repent. For him who thinks, "I will sin; the Day of Atonement will atone for my sins," the Day of Atonement does not atone. A sin towards God, the Day of Atonement atones for; but a sin towards his fellowman is not atoned for by the Day of Atonement so long as the wronged fellowman is not righted. R. Eliezer b. Azariah lectured: It is written [[Lev. xvi. 30]]: "From all your sins before the Lord shall ye be clean." (This is our tradition.) The sin towards God, the Day of Atonement atones for; but sins toward man, the Day of Atonement cannot atone for till the neighbor has been appeased. Said R. Aqiba: Happy are ye, O Isræl. Before whom do ye cleanse yourselves, and who cleanses you? Your Father who is in Heaven. For it is written [[Ezek. xxxvi. 25]]: "Then will I sprinkle clean water upon you, and ye shall be clean "; and it is also written: "The Migveh (hope, or legal bath) of Isræl is the Lord." As a legal diving–bath purifies the unclean, so does the Holy One, blessed be He, cleanse Isræl.

**Hagigah**

**Chapitre 1**

**1** All are bound in the case of a holocaust except a deaf man, a fool, a minor, and one of doubtful sex () and one of double sex (androginos), and women and bondsmen, the lame, the blind, the sick, the old, and he who is not able to go upon his feet. What is a minor? Every one who is unable to ride on his father's shoulders, and to go up from Jerusalem to the mountain of the Temple. So is the decree of the School of Shammai. But the School of Hillel say: Every one who is unable to take hold of his father's hand, and to go up from Jerusalem to the mountain of the Temple, as it is said [[Ex. xxiii. 14]], "Three times," etc. The School of Shammai say: The holocaust involves two silver coins (one–third of a gold dinar), and the feast–offering one meah (one–sixth of a dinar). But the School of Hillel say the contrary.   
**2** Burnt–offerings on the intermediate days come from ordinary things, but the peace–offerings from second–tithe. On the first day of Passover the School of Shammai say that they come from ordinary things, but the School of Hillel say that they come from the second–tithe. Isrælites generally fulfil their duty with vows and voluntary offerings, and with cattle–tithe, and the priests by the eating of sin–offering and of the trespass–offering, and by the first–born, and by the breast which hath been waved, and the shoulder which hath been lifted up, but not by eating of birds or of meal–offerings.   
**3** He who has many to eat with him and few possessions brings more peace–offerings and fewer burnt–offerings. He who has more possessions than persons to eat with him brings more burnt–offerings and fewer peace–offerings. If one has little of both, to this case applies the saying about the meah of silver and the two pieces of silver. If he have enough of both, to this case applies the words: "Every man shall give as he is able, according to the blessing of the Lord thy God, which he hath given you" [[Deut. xvi. 17]].   
**4** If one has not offered the feast–offering on the first day of the festival, he may do it on any of the seven intermediate days, and even on the last day of the festival; but if the feast is over and he has not done it, he is not responsible for this. Of such a person is said [[Eccl. i. 15]]: "That what is crooked cannot be made straight, and what is defective cannot be numbered." R. Simeon b. Manassea, however, said: Who is this that is crooked that cannot be made straight? That is he who forms an illegitimate connection and begets therefrom a bastard child. If you should say: Nay, it has to do with theft and plunder, then he could make restitution of it and be made straight? R. Simeon b. Jo'hai said: Nothing is called crooked that was not straight at the beginning and has become crooked. And what is this? A scholar that separates himself from the Law.   
**5** The laws about the dissolving of vows hang in the air, and have no basis (in the Bible). The Halakhath concerning Sabbath, feast–offerings, and are as mountains suspended by a hair, because the verses of the Bible concerning this are very few, and the Halakhath are very many. The jurisprudence, the Temple services, and the purification, and uncleanness, and the cases of illegal unions, have a basis in the Bible, and they are the essential parts of the Law.

**Chapitre 2**

**1** One should not discuss illegal unions unless there were three besides him, nor the creation unless there were two besides him, nor the divine chariot with one individual, unless he was a wise man and had much knowledge of his own. Every one who tries to know the following four things, it were better for him if he had never come into the world, viz.: What is above and what is beneath, what was before creation, and what will be after all will be destroyed. And every one who does not revere the glory of his Creator, it were better for him he had not come into the world.   
**2** Jose b. Joezer says that one must not lay on his hand (on a sacrifice on a biblical festival), but Joseph b. Johanan says that one may. Joshua b. P'ra'hia says that one must not lay it, but Mathai the Arbelite says that one may. Jebudah b. Tabbai says that one must not, but Simeon b. Sheta'h says he should. Sh'maia says he must, but Abtalian says he must not. Hillel and Mena'hem. did not differ. Mena'hem went out (left the Sanhedrin); Shammai entered it. Shammai says one must not; Hillel says one may. The first of the several pairs were princes, the second to them were chiefs of the court.   
**3** The House of Shammai say: A peace–offering may be brought without laying the hands on them, but not burnt–offerings. But the House of Hillel say: Both peace–offerings and burnt–offerings may be brought, and also lay the hands on them. In the case of Pentecost, which falls upon the eve of a Sabbath, the House of Shammai say: The day for sacrificing is after the Sabbath. But the House of Hillel say: There is no day for sacrificing after the Sabbath. Both, however, admit that if it fall upon a Sabbath the day for sacrificing is the day after the Sabbath. And on that day (which is called the day of sacrificing) a high–priest is not to clothe himself in his costly garments, unless in case of a mourning or of a fast. The prohibition was in order not to confirm the words of those who say, Pentecost is after the Sabbath (only).   
**4** One may wash his hands for common food and for second–tithes and for heave–offerings, but for hallowed things they must be bathed legally. For the sin–offering, if one's hands be defiled, his whole body is defiled. If he have dipped for common food, he has credit as clean for common food, but is forbidden tithe; if for tithe, he has credit for tithe, but not for heave–offering; if for heave–offering, he has credit for heave–offering, but not sacred things; if for sacred things, he has credit for sacred things, but not sin–offering. If for a weightier thing (more rigorous), he is free for a lighter thing (lenient). If he have dipped without any intention for cleanness, it is as though he had not dipped. The garments of a common person are defiled by pressure ([i.e.], are looked upon as affected by uncleanness arising from pressure) for Pharisees; the garments of Pharisees are defiled by pressure for those that eat heave–offering; the garments of those that eat heave–offering are defiled by pressure for those that partake of sacred things; the garments of those that partake of sacred things are defiled by pressure for those that partake of sin–offering. Jose b. Joezer was the most pious among the priests, and yet his apron was defiled by pressure for those that partake of sacred things. Johanan b. Gudgodah was one who ate his ordinary food all his days with observance of the laws of purification which belong to sacred things, and yet his apron was defiled by pressure for those that partake of sin–offering.

**Chapitre 3**

**1** More rigorous rules hold in sacred things than in a heave–offering, for we may dip vessels in the midst of vessels for a heave–offering, but not for sacred things. The outside and the inside and the place for laying hold are reckoned as distinct in the heave–offering, but not in the sacred things. One who takes up that which has been made unclean by pressure, may offer the heave–offering, but not the sacred things. The garments of those that eat the heave–offering are unclean through pressure in regard to sacred things. The manner of the heave–offering is not as the manner of the sacred things. For in the case of sacred things, one loosens a knot and wipes and dips and afterwards ties up again, but in the case of a heave–offering he ties up and afterwards dips. Vessels finished in purity need dipping for sacred things, but not for a heave–offering. The vessel includes what is within it for sacred things, but not for heave–offering. The unclean in the fourth degree in the case for sacred things is disqualified, but in the third degree in the case of heave–offering. Though one of his hands be unclean in the case of heave offering, its fellow is clean; in the case of sacred things, how ever, both are dipped, for the hand makes its fellow unclean in the case of hallowed things, but not in the case of heave–offering. One may eat dry food with ordinary (not ceremonially clean) hands in the case of heave–offering, but not in the case of sacred things. A mourner, before the burial of the dead (who has not defiled himself yet on the dead), and one who lacks atonement, need dipping in a legal bath for sacred things, but not for heave–offering.   
**2** More rigorous rules, on the other hand, hold in a heave–offering, for in Judea people are believed with regard to, purity of wine and oil all the days of the year, but at the time of the vintage and the oil–pressing, with regard to heave–offering also. When the vintage and the oil–pressing are over, and a cask of wine for heave–offering was brought, it must not be received, but it may be left for the next vintage. But if he say to him, I have separated and put into the midst of it a fourth part of something consecrated for sacred things, he is believed. In the case of jugs of wine and jugs of oil which are mixed, men are believed with regard to them at the time of vintage and oil–pressing and for seventy days before the vintage.   
**3** From Modiim and inwards men are believed with regard to earthenware vessels; from Modiim and outwards they are not believed. How so? The potter who is selling the pots goes inwards from Modiim. That is the potter, and those are the pots, and those are the buyers. He is believed. If he goes out he is not believed.   
**4** The tax collectors who have gone into the midst of a house, and so too the thieves that have restored the vessels, are believed when they say: We have not touched. And in Jerusalem they are believed as regards sacred things, and at the time of a feast as regards heave–offering also.   
**5** One that opens his cask, and one that commences his dough at the time of a festival, R. Jehudah says: He shall finish it, but the sages say he shall not.   
**6** As soon as the festival is over, they make them pass on to the cleansing of the court. But if the festival is over on a Friday, they do not make them pass on, on account of the honor of the Sabbath. R. Jehudah said: Also not on Thursday, for the priests are not at leisure.   
**7** How is that made out, that they make them pass on to the cleaning of the court? They dip the vessels which were in the Temple, and say to them: Be ye clean that ye touch not the table. All the vessels that were in the Temple had second and third sets, so that if the first became unclean they might bring the second instead of them. All the vessels which were in the Temple were subject to dipping, except the altar of gold and the altar of bronze, because they were like the floor. Such is the dictum of R. Eliezer. But the sages say, because they were overlaid.

**Betzah**

**Chapitre 1**

**1** An egg laid on a festival may be eaten on the same day. So say the school of Shammai; the school of Hillel, however, say it must not. The school of Shammai say that leaven the size of an olive and leavened bread the size of a date (are to be removed before Passover), but the school of Hillel say that both must be removed when of the size of an olive only. If wild game or fowl is to be slaughtered on a festival, the school of Shammai say one should dig up (the earth) with a spade and cover the blood, but the school of Hillel forbid the killing unless loose earth had been prepared for that purpose the day before. Both schools, however, agree that if the killing had been done, one may loosen some earth and cover the blood with it, for ashes are always ready in the hearth.   
**2** Beth Shammai say: It is prohibited to remove a ladder from one dove–cote to another; it may, however, be inclined from one opening to another (of the same dove–cote). But Beth Hillel allow both.   
**3** Beth Shammai say: It is unlawful to remove the birds from their places, unless they have been handled [before] the festival; but Beth Hillel say: It is unnecessary to do more than stand on the eve of the festival before the dove–cote and say: "This and this bird will I take for the festival."   
**4** If a person who had prepared for a festival black pigeons finds white ones, or having prepared white pigeons, should find black ones; or two birds, and he find three, they must not be used. If three birds had been prepared and two only are found, they may be used; but if they had been prepared within the nest, and are found before the nest, they must not be used unless there were no other birds but these in the dove–cote.   
**5** Beth Shammai say: The (large wooden) pestle may not be moved for the purpose of using it as a block to cut meat upon; but Beth Hillel allow it. Beth Shammai teach: It is unlawful to lay down a skin to be trodden on (as a preparation for its being tanned) or to raise it from the ground unless the ([minimum]) quantity of meat of the size of an olive be thereon; Beth Hillel, however, allow it.   
**6** The shutters of stalls must not be removed on a festival according to Beth Shammai; but Beth Hillel allow even to replace them.   
**7** A child, a Lulab (a branch of a date–tree), holy scrolls, must not be carried in public ground according to Beth Shammai; but Beth Hillel allow it.   
**8** It is unlawful, according to Beth Shammai, to carry to the priest on a festival the first dough (Halah) or other gifts, whether they had been set apart for that purpose on that day or on the preceding day. Beth Hillel, however, allow this. Said Beth Shammai: Let us say to them: Is there not an analogy of expression in both? First dough and other priestly dues are called gifts to the priest (Matanoth); and heave–offering (Terumah) is also called gifts to the priest. Now, as the last is prohibited, the same must be the case with the first? Rejoined Beth Hillel: Nay, how can the gifts be compared to heave–offering? The last one is not allowed to be set apart on the festival, whereas other gifts may.   
**9** Spices may be pounded on a festival with a wooden pestle only, and salt with an earthenware jug, or with a large wooden spoon, according to Beth Shammai. But Beth Hillel say: Spices may be, as usual, pounded with a stone pestle, and salt with a wooden spoon.   
**10** When one picks pulse on a festival, he may, according to Beth Shammai, only pick out the eatable part and eat it; but according to Beth Hillel he may pick it as usual in his lap, in a basket with holes, or in a large dish, but not on a large table, or through a small or large sieve. Rabban Gamaliel says: It is also lawful to pour water thereon, and remove the part not fit to eat, by hand.   
**11** It is unlawful for one to send to another as a present on the festival anything but eatables, according to Beth Shammai. Beth Hillel, however, permit to send even cattle, game, and poultry, either slaughtered or alive; also presents of wine, oil, fine flour, and pulse, but not grain. R. Simeon allows also to send grain.   
**12** It is also permitted to send clothes, sewed or not, even of "Kelayim," in case they can be used on the festival, but not sandals with iron nails or unfinished shoes. R. Jehudah says: White shoes may not be sent either, because an artificer is required to make them fit for use. This is the general rule: Whatever can be used on the festival, may be sent as a present thereon.

**Chapitre 2**

**1** When the festival falls on Friday, it is unlawful to prepare thereon, on purpose, any food for the Sabbath, but for the festival alone, and whatever remains may be used for the Sabbath; and one may prepare on the eve of the festival one dish for the Sabbath especially, and then he may continue cooking on the festival for the Sabbath. Beth Shammai, however, say: Two dishes are necessary; Beth Hillel say: One is sufficient. Both, however, agree that fish and egg upon it may be considered as two dishes. If the dish thus prepared has been eaten or lost, nothing more may be cooked in addition to it; but if any small portion whatever is left, it suffices.   
**2** When the festival falls after a Sabbath, Beth Shammai say: Everything requiring purification must be immersed before the Sabbath. But Beth Hillel say: Vessels must be immersed before the Sabbath, and human beings on the Sabbath. Both schools agree that water which has become polluted may be purified by pouring it into an earthenware vessel, but not on earth itself. It is lawful, however, to dip vessels whose original appropriation has been altered, and men may bathe when they have changed from one company to another (to eat the Paschal lamb).   
**3** One may bring peace–offerings on the festival, but not lay his hands on them; and burnt–offerings may not be brought at all––according to Beth Shammai. Beth Hillel, however, allow all this.   
**4** It is prohibited to boil water on the festival for the purpose of washing the feet, unless the water is also fit to drink, according to Beth Shammai. But Beth Hillel allow it. (All agree, however,) that a fire is to be made for the sole purpose of warming himself by it. In three things Rabban Gamaliel decides like the school of Shammai more rigorously, namely: They prohibit to commence to preserve the heat of pots for Sabbath on its eve, when it happens to be a festival; to put together the pieces of a candelabrum; and to bake large loaves, but only thin cakes. Rabban Gamaliel said: They never used to bake in my father's house large loaves on the festival, but only thin cakes. The sages, however, said to him: What does this usage of your father's family prove, who though strict in this respect nevertheless allowed all Isræl to bake on the festival large loaves and thick cakes?   
**5** He (Rabban Gamaliel) decided the law leniently in respect to the following three things: He allowed to sweep on the festival between the couches (or sofas on which the ancients used to eat), to put spices on live coals (after meals), and to prepare a complete roasted kid on the nights of Passover (as a memorial to the Paschal lamb). But the sages prohibit all these.   
**6** Rabbi Elazar ben Azariah permitted three things which the other sages prohibit: His cow was going out on a Sabbath with a strap attached to her horns; he permitted also to curry cattle on the festival, and to grind pepper in a pepper–mill. R. Jehudah says: It is not permitted with an iron currycomb, because a wound may be inflicted; but with a wooden comb it is. The sages, however, prohibit both.   
**7** A pepper hand–mill is subject to defilement in all the three separate vessels whereof it is composed: the upper, because it is of metal; the middle one, because it is a kind of a sieve (which allows only the finely ground particles to pass through); and the lower one, because it is a vessel of capacity (where the ground pepper is collected). A child's cart is subject to defilement through pressure (as will be explained in Tract Taharoth), and may be moved on Sabbath from one place to another, provided it is dragged over cloths or carpets. R. Jehudah said: It is not allowed to drag any piece of furniture except such a cart, because it makes but a slight impression on the ground (and does not remove the soil so as to make a furrow).

**Chapitre 3**

**1** It is not allowed to catch fish from aquaria on festivals, nor to give them food; but one may hunt beasts or birds in parks, and feed them. Rabban Simeon b. Gamaliel says: Not all aquaria and parks are regarded in the same light. This is the general rule. In case the animals have to be hunted it is prohibited; but when no hunting is required, it is not.   
**2** If nets have been spread for fish or wild game on the eve of a festival, it is not allowed to take from them, on the festival, unless it is known that they have been caught before its commencement. It once happened that a Gentile brought on the festival a present of fish to Rabban Gamaliel, when he said: It is allowed to use them, but I do not wish to accept presents from that man.   
**3** It is not allowed to kill on a festival an animal suffering from a mortal disease, unless there is time to eat thereof, on that day, at least the size of an olive, roasted. Rabbi Aqiba allows it, if there be only time to eat thereof the size of an olive, raw, even in the very place where it is slaughtered. If it has been killed in the field, the entire carcass may not be carried home on poles or sticks, but only piecemeal, by hand.   
**4** If a first–born animal fall into a pit on the festival (and it is not known whether it was injured), R. Jehudah says: An expert may descend and see whether it had already an in. curable and permanent blemish, in which case it may be drawn up and killed, but not otherwise. R. Simeon, however, said: If a blemish in a first–born animal was not recognized on the eve of the festival, this is not considered prepared, and must not be killed on the holiday.   
**5** An animal which dies on the festival may not be removed thereon. It happened once, when Rabbi Tarphon was questioned on the subject, and also concerning a separate piece of dough, which had become polluted, he went to the college and inquired. They told him: They may not be removed from the spot.   
**6** An association for the purpose of jointly purchasing an animal may not be formed on the festival; but if this was arranged before the festival, the animal so purchased may be slaughtered and shared on the festival.   
**7** R. Jehudah said: (A butcher who sells meat on a festival) may weigh it against a vessel or hatchet; but according to the sages he may not even look on the scales at all.   
**8** Knives may not be ground or set on the festival; but it is permitted to sharpen one knife with the other.   
**9** One must not say to a butcher: Give me meat for a Denar; but the butcher may slaughter the animal, and divide it among the customers. One may say to another (on the festival), fill me this vessel, but it must not be a vessel appropriated to measure with. R. Jehudah says: If a measure is used it must not be quite filled. Abba Saul b. Batnit used to fill his measures on the day before the festival, and delivered them to the customers on the festival. The same Saul said: One may do so even on the intermediate days, on account of the froth in the measure. The sages, however, say: One may do so also on week–days in order to let out the entire contents of his measure into the vessels of his customers.   
**10** One may go to a shopkeeper with whom one is used to deal, and say to him: "Give me so many eggs or nuts," because the master of a house is used to count similar articles by numbers.

**Chapitre 4**

**1** If one has to transport jars of wine from one place to another (on a festival) he must not carry them in a basket or a case, but on the shoulder, or in his hand in front of his person. The same is the case when he has to carry straw; he must not put the bundle on the shoulder behind, but must carry it in his hand. One may commence to take a heap of straw (for fuel), but not of stacks of wood in an unused yard behind the house.   
**2** Wood may not be taken from a booth, but the pieces lying by may be used.   
**3** One may bring wood from the field when it is a stack, and from a wood–shed, even of the dispersed pieces of wood. What is called a wood–shed? If it is near the city. So is the decree of R. Jehudah. R. Jose, however, said, If there is a door which can be locked, even if it is within the legal limit.   
**4** It is not permitted to cut wood from new beams, even from an old beam that was broken on the festival; neither may wood be cleft with an axe, or saw, or bite–hook, but with a chopping–knife only.   
**5** A house filled with fruits, if a hole was made, it is allowed to take fruit through this hole. R. Meir, however, said one may make a hole in the house, to commence with, for the purpose of taking the fruit.   
**6** It is not permitted to make a cavity in a lump of potter's clay for the purpose of using it as a lamp, because a utensil is thereby formed; neither may charcoal be made on a festival, nor the wick of a lamp be cut in two. R. Jehudah says: With fire it may be done.   
**7** One may not break pieces of earthenware, nor cut paper for the purpose of roasting salted fish on it. Ashes from the oven or hearth may not be removed, but they may be moved to one side. Two barrels must not be brought near each other, to place a pot on them over the fire, nor may a piece of wood be used to support a pot, nor a door. Cattle may not be driven on the festival with a stick; but R. Eliezer b. Simeon permits it.   
**8** Rabbi Eliezer says: One may take a splinter from the wood lying near him to clean his teeth with, and gather in the yard small pieces of wood, and burn them, because whatever is in the yard may be considered as prepared for the festival. But the sages allow one to pick up only those pieces that lie near him, and only to burn them. Fire may not be produced on the festival from wood, stones, dust or earth, or from water; nor may one heat tiles to broil food on them.   
**9** R. Eliezer said again: In a Sabbatical year a man may place himself on the eve of Sabbath at the place where figs or raisins are kept, and say: From there I will take to–morrow. But, according to the sages, he must point out the exact spot, and say: I will take from this point to that point.

**Chapitre 5**

**1** It is allowed to throw down fruit (kept on the roof for drying) by a trap–door (into the yard) on the festival, but not on Sabbath. It is also allowed to cover fruit, or jars of wine or oil, with vessels to protect them from rain. One may also place a vessel to receive rain on Sabbath.   
**2** All transgressions of the precept of Shbuth, whether by any optional actions, or actions for religious purposes, are also such on the festival. The following actions are forbidden on account of Shbuth: To climb trees, mount an animal, swim in water, clap with the hands, strike on the hips, or dance. The following are prohibited as optional actions: To administer justice, to acquire a woman as a wife (by giving a ring, money, etc.), to take off the shoes of one refusing to marry the deceased brother's widow (Halitzah), or to marry such a brother's widow. The following actions are prohibited as though they are actions for religious purposes: To consecrate anything, to value sacred things, to pronounce anything as devoted (to the service of the Temple), to separate heave–offerings and tithes. All these have been decided to be prohibited on the festival, and [a fortiori] on Sabbath. (This is the rule): There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter.   
**3** Cattle and utensils may be brought as far only as their owners may go, and when a person commits his cattle to his son or shepherd, they may not be brought or driven farther than the owner may go. Utensils that are appropriated to the exclusive use of one among brothers living together in the same house may be brought as far as that brother may go; but if they are not thus exclusively appropriated to one only, they may be brought to the places where all may go. A utensil that had been borrowed since the eve of the festival may be carried as far as the borrower may go; but if on the festival, as far as the lender may go. And when one woman has borrowed of another spice, water, or salt, to make dough, they may be carried as far as both may go. R. Jehudah excepts water, because its substance does not remain visible.   
**4** Burning coals may be carried as far as the owners may go, but a flame may be carried everywhere. If a coal of consecrated fire has been applied to profane use, the sin of desecration has been committed; but though no profane use must be made of a flame of sacred fire, yet a person who applies it thus has not incurred the penalty, and thus, if anybody carries (on Sabbath) a burning coal into a public place, he is guilty, but does not incur the penalty for a flame. The water of a well belonging to an individual may be carried as far as that man may go; but if it belongs to a town, as far as the inhabitants thereof may go. The water of a well made for the use of travellers (such as those) who come from Babylon, may be carried as far as he who draws it may go.   
**5** If one has fruit in another town of which the inhabitants only made an Erub (but not the owner), they must not bring his fruit to him; but if he has made the Erub, the fruit may be carried to any place he is allowed to go. When one has invited guests, they must not carry home with them anything from the table, unless he had granted it to them the day before the festival.   
**6** One must not give drink to, or slaughter, animals living wild, but one may do it to domestic animals. And what are called domestic animals? When they are at night in the town or the suburbs; and those which are in the open field are called wild.

**Sukkah**

**Chapitre 1**

**1** A booth which is higher than twenty ells is not valid. R. Jehudah, however, says it is. One which is not ten spans high, one which has not three walls, or which has more sun than shade, is not valid.   
**2** An old Succah, Beth Shammai hold, is not valid, but Beth Hillel hold it is valid. What is called an old. Succah? One which was constructed thirty days before the festival; but if it has been constructed on purpose for the festival, even though it be one year old, it is valid.   
**3** If one constructs his Succah under a tree, it is the same as if he made it in his house (under the roof). Should he construct one Succah above another, the upper one is valid, but the lower one is not. R. Jehudah says: Should the upper one not be inhabited, the lower one is valid.   
**4** If a cloth be spread over the (roof of the Succah as a screen) against the sun, or below (the roof, inside) to catch the falling leaves, or if one spread a cloth over a (four–post) bed–tester, the Succah is not valid, but one may spread a cloth over two bed–posts.   
**5** If one has trained a vine, or gourd, or ivy over the booth, and covered it, it is not valid; but should the covering be the greater part of the roof (and they the smaller part), or if they had been cut off, it is valid. This is the rule: Everything subject to defilement, and not growing from the ground, must not be used as a roof to the booth; but everything not subject to defilement, and growing from the ground, may be used.   
**6** Bundles of straw, of wood, and of twigs must not be used to cover the Succah; all of these are become valid, however, if the bundles are loosed. As side–walls, however, all of these may be used.   
**7** One may cover with thin boards, according to R. Jehudah, but R. Meir prohibits it. If one has put a deal board four spans wide over the booth, it is valid, provided that one sleep not under it (the board).   
**8** If small rafters, over which is no ceiling, are to be used for a booth, R. Jehudah says: Beth Shammai hold, the rafters must be loosened, and the middle one out of every three removed. But Beth Hillel hold: One must either loosen them, or else remove one of every three. R. Meir says: One must remove one out of three, but one need not loosen.   
**9** If one roofs his booth with iron spits, or with boards of a bedstead, if there is as wide a space between them (covered with anything fit) as one of them, it is valid. If one should hollow out a space in a stack (of sheaves) to use it as a Succah (although of the prescribed size), it is not considered as a Succah at all.   
**10** If one suspends textile walls from the roof downwards, if they do not reach the ground within three spans, it is invalid. If they stand on the ground and are high ten spans, it is valid. R. Jose, however, said: Even when the walls do not reach the ground by more than three spans the law of ten spans applies to both cases (and in either case it is valid).   
**11** If the roof is three spans distant from the walls, the Succah is invalid. If the roof of a house was broken, and it was covered, then if there are four ells between the wall and the covering, it is invalid; but if less it is valid. The same is the case with a court surrounded by balconies. If the top of a large Succah was covered with something unfit, if it is distant four ells it is not valid.   
**12** If one makes a Succah in the form of a cone, or leans the roof against a wall, R. Eliezer says it is not valid, because it has no roof; but the sages declare it is valid.   
**13** A large reed mat made for sleeping on is subject to defilement, and a Succah must not be covered with it; but if it was made to cover a booth, it may be used, and is not subject to defilement. R. Eleazar said: There is no difference whether it is large or small, but only the use for which it was made is considered; if for sleeping, then it is subject to defilement, and must not be used; but in the other case, if for covering, it is not subject to defilement, and may be used.

**Chapitre 2**

**1** He who sleeps under a bed in the booth has not fulfilled his duty (of sleeping there). Said R. Jehudah: We were in the habit of sleeping under a bed in the presence of the elders, and they never said anything to us. Said R. Simeon: It happened that Tabbi, the slave of R. Gamaliel, used to sleep under a bed. But R. Gamaliel said to the elders: Do you see my slave Tabbi? He is a scholar (Talmud Hakham), and knows that slaves are exempt from the duty of Succah. Therefore he sleeps under a bedstead. From this we infer that he who sleeps under a bed has not fulfilled his duty.   
**2** If one supports his Succah with a bedstead, it is valid. R. Jehudah said: A Succah that cannot stand by itself is invalid.   
**3** A Succah covered thinly, if there is more shadow than sun, is valid; if the covering is close, like the roof of a house, though the stars are not visible through it, it is nevertheless valid.   
**4** If one constructs a Succah on the top of a wagon, or on board a vessel, it is valid, and he may ascend thereto on the festival. If he has constructed the Succah on the top of a tree, or on the back of a camel, it is valid; but he must not ascend thereto on the festival days. If two walls are formed by a tree, and one by human hands, or two by human hands and one by a tree, the Succah is valid, but one must not ascend thereto on the festival. This is the rule: Whenever the Succah can stand by itself, even should the tree be removed, the Succah is valid, and it is lawful to ascend thereto on the festival.   
**5** If one makes a booth between trees which form side–walls, it is valid.   
**6** Delegates for a religious purpose are free from the duty of Succah; also sick persons, and those who nurse them. One may occasionally eat or drink something outside of the booth.   
**7** It happened that a dish was brought to R. Johanan b. Zakai to taste, and two dates and a jar of water to Rabban Gamaliel. Each of them said: Bring it to the booth. But when food less than an egg was brought to R. Zadok, he took it in the napkin, and ate it outside of the booth, but did not pronounce the benediction after meals for it.   
**8** Fourteen meals must be eaten in the Succah, one in the morning and one at night (of each day of the festival), according to R. Eleazar; but the sages say it is not fixed by law, except that one must eat in the Succah on the first night. R. Eleazar said again: He who has not eaten on the first night can make amends for it by eating in the booth on the last night of the festival; but according to the sages no amends can be made, and they apply it to the verse [[Eccl. i. 15]]: "What is crooked cannot be made straight, and that which is defective cannot be numbered."   
**9** If the head and greater part of a man's body is in the booth, and his table in the house, Beth Shammai say he has not fulfilled the duty of Succah, but Beth Hillel say he has. Said Beth Hillel to Beth Shammai: Did it not happen that the elders of Beth Shammai and those of Beth Hillel visited R. Johanan b. Hahoronith, and found him sitting with his head and greater part of his body in the booth, and his table was in the house? and they said to him nothing. Beth Shammai replied: Do you adduce this as a proof? They said to him: If such has always been your custom, you have never in your life properly fulfilled the duty of Succah. Women, slaves, and minors are exempt from the Succah. A boy that needs no longer the nursing of his mother must obey the command of Succah. It happened that the daughter–in–law of Shammai the Elder gave birth to a son on the festival, so he caused the roof to be taken off, and covered it as a Succah for the sake of the infant.   
**10** During the seven days of the festival one must use the booth as the regular domicile, and the house only as an occasional abode. If it rains, when is he permitted to remove from the Succah? When a mess of porridge has been spoiled. The elders illustrate this by a comparison: What does such a circumstance resemble? As if a servant presented a goblet to his master, who throws a bowl full in his face.

**Chapitre 3**

**1** A palm branch which has been acquired by theft, or which is dried, is not valid. One which comes from a grove (devoted to idolatry) or from a rejected town is not valid; if the point has been broken off, or the leaves torn off, it is not valid; if they are only dissevered, it is valid. R. Jehudah says: It must be tied together at the top. A palm branch from the Iron Mount is valid. A palm branch that is three spans long, sufficient to shake it by, is valid.   
**2** A myrtle bough which has been acquired by theft, or which is dry, is not valid. One which comes from a grove or from a rejected town is invalid. If the tip has been broken off, or the leaves torn off, or if one has on it more berries than leaves, it is invalid; if the berries are diminished in number it becomes valid, but this must not be done on the festival. A willow of the brook, which has been acquired by theft, or which is dry, is invalid. One which comes from a grove, or a rejected town, is not valid. If the point has been broken off, or the leaves torn off, or if it be a [Tzaphtzapha], it is invalid. One which is faded, or from which some leaves have dropped off, or which has grown on dry ground (not near a bank), is valid.   
**3** R. Ishmæl says: Three myrtle boughs, two willows, one palm branch, and one citron are needed. If two out of the three myrtle boughs had the tips broken off, they may be used. R. Tarphon says: Even if all three should have the tips broken off. R. Aqiba says–: As one Lulab and one citron are needed, so are only one myrtle bough and one willow needed.   
**4** A citron which has been robbed, or is withered, is invalid. One coming from a grove or a rejected town is invalid. One taken off a tree less than three years old is not valid. Nor one taken from heave–offering that is unclean. From clean heave–offering a man is not to take a citron; but if he has taken, he has fulfilled his duty. One taken from [Demai] (fruit from which it is doubtful whether the legal dues have been paid) Beth Shammai hold invalid, but Beth Hillel hold it valid. A man is not to take a citron from second tithe in Jerusalem; but if he has taken one, he has done his duty. If a stain spread over the greater portion of the citron, if it has lost its crown, or the fine rind has been peeled off, or if it is split, or perforated, if ever so little thereof is wanting, it is not valid. If, however, the stain is spread over the smaller portion of the citron, if it has lost its stalk, or if that be perforated (but the citron itself is entire) so that no part, however small, be wanting, it is valid. A dark–colored one is invalid, a leek–green one R. Meir pronounces valid, but R. Jehudah invalid. The minimum size of a small citron, R. Meir says, is like a nut; R. Jehudah says, like an egg; and of a large citron, that one can hold two in one hand. So is the decree of R. Jehudah; but R. Jose says, even one must be taken with both hands.   
**5** The Lulab must only be tied with its own kind (threads of palm branches). So says R. Jehudah. But R. Meir says: It may be tied even with twine. R. Meir also said: It happened that the inhabitants of Jerusalem tied a Lulab with gold lace. But the sages answered: Yes, they did so, but beneath the gold lace they tied it with its own kind.   
**6** When must the Lulab be shaken? At the verse: "Praise ye the Lord" (in the prayer), at the beginning and ending (of that part of the prayer), and at the verse: "O Lord, we beseech thee, save us": so is the decree of Beth Hillel. But Beth Shammai hold, also at the verse: "O Lord, we beseech thee, prosper us." R. Aqiba said: I watched Rabban Gamaliel and R. Joshuah (in the time of prayer), and I saw while all men shook the Lulabs at both the above–mentioned verses, they shook theirs only at: "O Lord," etc., "save us."   
**7** If one is on the road, and has no Lulab, he must, when he gets home, shake it before his meal. If he has not done it in the morning, he must do it toward evening, as the duty may be done during the whole day. If a slave, woman, or minor reads [hallel] (see Pesachim, Chap. X., pp. 242–46) to a man, he should repeat after them word for word, but it is a disgrace to him (not to have learned to read). If a grown man reads to him, he only responds "Hallelujah." At the places where certain verses are said twice, he is to do so. Where they are recited once, he must do so. Where a benediction is said after the Lulab, he must say it. In every case he must do as is the custom of the country.   
**8** If one buys a Lulab from a man of the common people in a Sabbatical year, he shall ask of him that the citron shall be given to him as a gift, because it is not allowed to buy a citron in the Sabbatical year.   
**9** Formerly the Lulab was used in the Temple all the seven days of the festival; in the country, however, only one day. When the Temple was destroyed, R. Johanan b. Zakkai ordained: In the country it shall also be used all the seven days, in memory of the Temple. He ordained also at the same time that on the sixteenth day of Nissan, called the day of Noph (the day of waving the omer: Lev. xxiii. 11), it should not be allowed to eat new grain.   
**10** If the first day of the festival falls on a Sabbath, the people bring their Lulabs to the synagogue on the eve of Sabbath and leave them there, and on the next morning they come early to synagogue, and each seeks out his own Lulab, and performs with it his duty, because the sages bold that the duty cannot be fulfilled on the first day by means of a Lulab belonging to his neighbor; but it can be fulfilled on the subsequent days of the festival. R. Jose says: If the first day of the festival falls on the Sabbath, and one carries out the Lulab into public ground through forgetfulness, he is not culpable, because he carried it out with the intention to do a religious duty.   
**11** A woman may receive a Lulab out of the hand of her son or of her husband, and put it back into water on the Sabbath. R. Jehudah says: On the Sabbath it may be put back, on the festival they may add fresh water, and on the intermediate days they may change the water. A minor who understands how to shake the Lulab is bound to perform that duty.

**Chapitre 4**

**1** The Lulab and willow to surround the altar were sometimes used on six days, and sometimes on seven days of the festival. The Hallel and the eating of peace–offerings took place on eight days. The dwelling in the Succah and the pouring out of water lasted seven days, and the pipes were played on sometimes five, sometimes six days. In which case was the Lulab used seven days? When the first holy day of the festival fell on a Sabbath, the Lulab was used on seven days; but when the first day of the festival fell on any other day of the week, the Lulab was only used six days. In which case was the willow used on seven days? When the seventh day of the willow happened to fall on a Sabbath, the willow was used seven days; but when the seventh day fell on any other day of the week, the willow was only used six days. How was the command to take the Lulab fulfilled when the first holy day of the festival fell on a Sabbath? It was the custom that every man brought his Lulab to the Temple mount, where it was received by inspectors, who deposited it in a gallery. The elders placed theirs in a separate chamber, and the people were taught to say: Whoever gets hold of my Lulab, be it his as a gift. On the next morning the people came early; the inspectors threw all the Lulabs down before them; every man seized on one, and it often happened that they hurt each other. When the Beth Din saw that the people were thus exposed to danger, they ordained that every man was to use his Lulab in his own house.   
**2** How was the command to take the willow fulfilled? There was a place below Jerusalem called Motza. Thither the people descended, and gathered drooping willow branches. These they brought and erected at the side of the altar, the tips inclining over it. While this was doing, a blast, a long note, and again a blast were blown. Every day they made one circuit round the altar, and recited the verse: "O Lord, help us; O Lord, prosper us." R. Jehudah said the words: "I and he, help us," were also said. On the particular day for using the willows (the seventh of the festival) they made seven circuits round the altar. When they withdrew, what did they say? "Beauty is thine, O altar! Beauty is thine, O altar!" R. Elazar said, they also said: "To God and to thee, O altar! To God and to thee, O altar!" As they did on week–days, so did they likewise on the Sabbath; excepting only that they gathered the willow branches on the Sabbath–eve and put them into golden casks (filled with water), that they might not fade. R. Johanan b, Beroka said: They fetched branches of palms and threshed them to pieces on the sides of the altar. Thence the day was called "the branch–threshing day." Directly afterwards the children threw down their Lulabs and ate the citrons.   
**3** The Hallel and the enjoying of peace–offerings were eight days. How so? We infer from this, that a man is bound to recite the Hallel and enjoy the peace–offerings the last day of the festival the same as the preceding days.   
**4** The Succah is dwelt in seven days. How so? When a man has taken his last meal therein, he is not directly to pull down his Succah; but, after noon, he may move the furniture back into the house, in honor of the last day of the festival. How was the pouring out of the water? A golden pitcher that held three lugs was filled with water from the brook Siloah. When they came with it to the water–gate, they blew a blast, a long note, and again a blast. The priest then ascended the stair of the altar, and turned to the left. Two silver basins stood there. R. Jehudah says: They were of gypsum, but had a dark appearance from the wine. Each was perforated with a small hole, like a nostril (at the bottom), the one for the wine somewhat wider, the other for the water narrower, that both might get empty at once. The one, to the west, was used for water; the other, to the east, for the wine. But if the water was poured into the wine basin, or the wine into the water basin, one's duty was reckoned to be fulfilled. R. Jehudah says: They poured out one lug on each of the eight days. To him who poured out the water the people called: "Raise thy hand"; for once it happened that one priest charged with this duty poured the water over his feet, and all the people pelted him with their citrons, As they did on the week–days, so they did likewise on the Sabbath, except that they fetched the water from the Siloah on the Sabbath eve in a golden cask that had not been consecrated, and placed it in a chamber; if it was upset or uncovered, they filled again from the laver. For it was not lawful to bring on the altar water or wine which had been uncovered.

**Chapitre 5**

**1** The pipes were played sometimes on five days, and sometimes six. This means, the pipes played on during the time of water–drawing, which does not supersede either the Sabbath or the festival.   
**2** He who has not witnessed the rejoicings at the water–drawing has, throughout the whole of his life, witnessed no real rejoicing. At the expiration of the first holiday of the festival they descended into the women's court, where a great transformation was made. Golden candelabra were placed there, with four golden basins at the top of each; and four ladders were put to each candelabrum, on which stood four lads from the rising youth of the priesthood, holding jars of oil containing 120 jugs, with which they replenished each basin. The cast–off breeches and belts of the priests were torn into shreds for wicks, which they lighted. There was not a court in Jerusalem that was not illuminated by the lights of the water–drawing. Pious and distinguished men danced before the people with lighted flambeaux in their hands, and sang hymns and lauds before them; and the Levites accompanied them with harps, psalteries, cymbals, and numberless musical instruments. On the fifteen steps which led into the women's court, corresponding with the fifteen songs of degrees, stood the Levites, with their musical instruments, and sang. At the upper gate which leads down from the court of the Isrælites to the court of the women stood two priests, with trumpets in their hands. When the cock first crowed they blew a blast, a long note, and a blast. This they repeated when they reached the tenth step, and again (the third time) when they got into the court. They went on, blowing their trumpets as they went, until they reached the gate that leads out to the east. When they reached that gate they turned westward, with their faces towards the Temple, and said: Our ancestors, who were in this place, turned their backs on the Temple of the Lord, and their faces towards the east; for they worshipped the sun towards the east; but we lift our eyes to God. R. Jehudah says: They repeated again and again: "We belong to God, and raise our eyes to God."   
**3** In the Temple they never blew the trumpet less than twenty–one times a day, nor oftener than forty–eight times. They daily blew the trumpet twenty–one times: thrice at opening the gates, nine times at the daily morning offering, and nine times at the daily evening offering. When additional offerings were brought, they blew nine times more. On the eve of the Sabbath, they blew six times more: thrice to interdict the people from doing work, and thrice to separate the holy day from the work day. But on the eve of the Sabbath, during the festival (of Tabernacles) they blew forty–eight times: thrice at the opening of the gates, thrice at the upper gate, thrice at the lower gate, thrice at the drawing of water, thrice over the altar, nine times at the daily morning offering, nine times at the daily evening offering, nine times at the additional offerings, thrice to interdict the people from doing work, and thrice to separate the holy day from the work day.   
**4** On the first holy day of the festival there were thirteen bullocks, two rams, and one goat to be offered. There then remained fourteen lambs for eight orders of priests. On the first day of the festival six of these orders offered two lambs each, and the other two orders one lamb each. On the second day five of the orders offered two lambs each, and the remaining four orders one lamb each. On the third day four orders offered two lambs each, and the remaining six orders one lamb each. On the fourth day three orders offered two lambs each, and the remaining eight orders one lamb each. On the fifth day two orders offered two lambs each, and the remaining ten orders one lamb each. On the sixth day one order offered two lambs, and the remaining twelve orders one lamb each. On the seventh day they were all equal. On the eighth day they cast lots, as on other festivals. It was so regulated that the order which offered bullocks one day were not permitted to offer bullocks the next day, but it went in rotation.   
**5** Three times in the year all the twenty–four orders of priests were alike entitled to share the pieces of offerings of the festival, and in the shewbread; and on the Feast of Pentecost the distributors say to each priest: "Here is leavened bread for thee, and here is unleavened bread for thee." The order of priests whose regular time of service occurs in the festivals offer the continual daily offerings, vows, and voluntary offerings, and all congregational offerings, and every sacrifice.   
**6** If a festival falls before or after a Sabbath, all the twenty–four orders share alike in the shewbread. But if a day intervenes between the Sabbath and the festival, the order whose regular turn it was, received ten of the shewbread, and the loiterers received two shewbread. At other times of the year the order which entered on their duty received six, and that which went off duty received also six. R. Jehudah says: That order which enters on duty received seven, and that which goes off receives five. Those who entered shared them on the north side, and those who went out, on the south side (of the Temple court). The order Bilgah always divided their share on the south side; their slaughter ring was fastened down, and the window of their chamber blocked up.

**Moed Qatan**

**Chapitre 1**

**1** Beth Hashal'hin (Dry Land) may be irrigated during the middle days, and also during the Sabbatical year, as well from a fountain that is newly sprung forth as from one that is not newly sprung forth; but one must not irrigate it with rainwater, nor with water (drawn) from a deep well; nor may one make trenches (to hold water) round vines. R. Elazar ben Azariah said: "One must not make (dig) a fresh trench (conduit, or water course) during the middle days, or during the Sabbatical year." The sages, however, hold, that a fresh trench (water course) may be dug during the Sabbatical year, and that those (conduits) which are choked up may be repaired during the middle days. One may likewise repair water reservoirs (which are) on the public ground, and cleanse them. One may also repair the roads (streets), the market (public) places, and the spring–baths. In short, it is allowed to do whatever the exigencies of the public (service) require. Tombs may be marked, and messengers are to be sent out on account of possible Kilaim.   
**2** R. Elazar ben Jacob said: "One may lead water from one tree to another, provided always the whole orchard be not irrigated; plants which have not imbibed (water) before the middle days, must not be irrigated during the middle days. The, sages, however, permit both."   
**3** One may catch Ishuth (moles) and field mice in orchards and fields in the usual manner, both during the middle days and the Sabbatical year. The sages, however, said, that in an orchard (the vermin may be caught) in the usual manner, but that in a corn–field it must not be caught in the usual manner. During the middle days one may pile (loose stone) to stop a gap in a fence; on the Sabbatical year, however, it may be repaired in the ordinary way.   
**4** R. Meir said: Priests make the first inspection of the plague (of leprosy) in order to relieve (the patient) but not to restrict him. The sages, however, decide, neither to relieve nor to restrict.   
**5** R. Meir further said: One may gather the bones of his father or mother (during the middle days to inter them), because it is a joy to him (it relieves his mind). But R. Jose said: "It is a grief to him" (afflicts his mind). One must not grumble over his dead, nor hold a funeral oration for thirty days before the festival.   
**6** One must not dig graves or burial vaults on the middle days; but one may prepare graves (previously dug); and also make a washing pit, and a coffin in the same court where the corpse lies. This, however, R. Jehudah prohibits, unless the boards have been (previously) provided.   
**7** One must not espouse a wife on the middle days––neither virgins nor widows; nor must one marry the childless widow of his deceased brother, as that (the espousal) is a cause of joy to him (individually), but one may receive back his own divorced wife. A woman may prepare her ornaments on the middle days. R. Jehudah said: "She must not apply lime (chalk as a cosmetic), because it may disfigure her. A layman may sew (make stitches) in the regular way; but the tailor must do it zigzag. One may twine (the ropes in the sacking) of bedsteads." R. Jose, however, said: "They may only be tightened."   
**8** One may erect an oven or a hearth, or a mill, on the middle days. R. Jehudah says: "New millstones must not be chipped."   
**9** A railing (balustrade) may be made round a roof, or gallery, in the way a layman does it, but not in the way it is done by a mechanic. Rents (in the roofs) may also be closed, and (then) smoothed with a roller, or with hand and foot, but not with a trowel. Should the hinges of the door–frame, or the beam, or the lock (of the door), or the key (thereto) have been broken they may be repaired on the middle days, provided always one does not intentionally put off the repairs till the middle days. All (kinds of) pickled food of which one can eat during the middle days may be pickled.

**Chapitre 2**

**1** One who has turned his olives, and a death occurred in his family; and one who is prevented from at once putting them to press, or has been disappointed by his laborers, may put the first press–block on, and leave it until after the feast. Such is the dictum of R. Jehudah. R. Jose, however, said: "He may put the olives into the oil–press and finish pressing them, and bung up the casks in the usual manner."   
**2** The same is the case when one whose wine is in the press–pit and a death occurred in his family or another accident happened; or if he had been disappointed, he may pour the wine into casks, cooper, and bung them up in the usual manner. Such is the dictum of R. Jose. But R. Jehudah said: "He must only cover the pit with boards, so that the wine may not grow sour.   
**3** One may house his fruit from (dread of) thieves, and take flax out of the buck, that it be not spoiled, provided he does not intentionally defer doing it till the middle days; but should he have so deferred, then in all these cases he forfeits the articles in question.   
**4** One must not purchase houses, slaves, or cattle, excepting for the use of the whole festival, or for the use of the vendor, who otherwise might have nothing to eat.   
**5** One must not remove things from one house to another, but this may be done from the house of another court to his court. Things must not be brought home from the mechanic's house, but if he fears (that they might be lost) he may remove them to another court.   
**6** Dried figs may be covered with straw. R. Jehudah says: "They may, likewise, be put in layers. Dealers in fruit, garments, or utensils may privately sell what is required for use on the middle days. Huntsmen (fishers) and manufacturers of peeled barley and grits may carry on their occupations in private, as the exigencies of the festival may require it." R. Jose said: "They have of their own accord adopted the more rigorous observance and do not carry on their occupations (on the middle days)."

**Chapitre 3**

**1** The following may shave (trim their hair) on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; or one who was absolved by the sages from the ban, or from his vow (not to cut his hair for a certain period of time); also a Nazarite and the leper who is restored to cleanness. The following may wash their garments on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; and one whom the sages have absolved from the ban, or from his vow. Towels, barbers' napkins, and bathing towels (may be washed). Men and women who have had a running issue, women after their courses or lying–in, and all persons who from uncleanness are restored to cleanness, are permitted to wash their garments; but all other persons are forbidden.   
**2** The following documents may be written on the middle days: contracts of betrothing, bills of divorce, and receipts in discharge of debts; also wills or codicils; deeds of gift; premonitions; and deeds of maintenance, certificates of Halitza, and certificates of refusal; arbitration bonds; decrees of the Beth Din; and powers of attorney.   
**3** Bonds of debts must not be written on the middle days; but if the lender does not otherwise want to trust the borrower, or the latter has nothing to eat, they may be written. Holy Scrolls, Phylacteries, or Mezuzoth must not be written on the middle days, and not a single letter may be ––even in the Book of Ezra. R. Jehudah, however, says: "One may write Phylacteries and Mezuzoth for his own use, and he may also spin sky–blue wool for show–threads in his garment."   
**4** One who buried his dead three days before the commencement of the festival is freed from the observance of the seven (days of deep mourning); if eight days before the festival, he is freed from the observance of the thirty days; for the sages hold: "The Sabbath enters into the computation, but does not supersede the mourning, whereas the festivals supersede the mourning, but do not enter into the computation." R. Elazar said: "Since the destruction of the Temple, Pentecost is to be considered (in respect to mourning) like the Sabbath." R. Gamaliel said: "The New Year and the Day of Atonement are to be considered like festivals; the sages, however, say that it is neither as the one nor as the other, but hold that there is no distinction between the Pentecost and any other festival, but the New Year and the Day of Atonement are like the Sabbath."   
**5** The garments are not rent, nor the shoulders laid bare, nor the funeral meal eaten (on the middle days), unless by the near relatives of the deceased. The funeral meal is not to be taken except on a couch standing up properly.   
**6** The food for the funeral meal is not placed before the mourners on a table, nor in a silver tureen, nor in a dish, but in wicker baskets. The mourning prayers must not be pronounced on the middle days, but the rows are formed and the consolation is pronounced and the people assembled are at once dismissed. The bier must not be set down in any public place, that the mourning may not spread (in the middle days). The bier of women must at [no] time be there set down, on account of respect (to the sex of the deceased). "[The bier must not be set down in any public street]." Said R. Papa "No middle days are considered in regard to a scholar (Talmid–Hakham), and so much the more so the half–feast of Hanuka or Purim. This, however, is the case only in the presence of the corpse." This is not so? Has not R. Kahana lamented over the death of R. Zbhid of Nehardea on the banks of the river (and surely the corpse was not there)? Said R. Papa: "That was on the very day he received the information, which is equivalent to the presence of the corpse."   
**7** The mourning women may wail during the middle days, but not clap (their palms together). R. Ishmæl said: The nearest to the bier may clap. On the days of the New Moon, on the half–festivals of Hanuka and Purim, they may wail and clap, but must not sing lamentations; but when the corpse is interred, they must neither wail aloud nor clap. What is meant by wailing? When all of them join in one chorus. What is meant by lamentation? When one recites and the others respond, as it is written [[Jer. ix. 20]]: "Teach your daughters wailing and every one her neighbor lamentation." But of the age that is to come it is written [[Isa. xxv. 8]]: "He will destroy death to eternity; and the Lord Eternal will wipe away the tear from off all faces."

**Taanit**

**Chapitre 1**

**1** From what time should the power manifested in the descent of rain be commenced to be mentioned (in the daily prayer)? R. Eliezer said: "From the first day of the Feast of Tabernacles." R. Jehoshua, however, said: "From the last day of that festival." "For," said he to R. Eliezer, "since rain on the Feast of Tabernacles is considered unpropitious, why should it be mentioned in the prayers?" And R. Eliezer answered: "I do not mean to say that rain should be prayed for, but only that it should be mentioned with the words, 'He causeth the wind to blow, and the rain to descend in its proper time.'" "If so," rejoined R. Jehoshua, "such mention might be made at all seasons of the year." Prayers for rain should not be said sooner than shortly before the commencement of the rainy season. R. Jehudah said: "The last of the ministers of the congregation who on the last day of the Feast of Tabernacles officiates at the reading–desk should mention the rain, but not he who officiates first. On the first day of Passover, the minister who officiates first (at the morning prayer) should still mention it, but not he who officiates last (at the Additional Service)."   
**2** Till what time is the rain to be prayed for? R. Jehudah says until after the Passover; R. Meir says till the month of Nissan is passed, because it is said [[Joel, ii. 23]]: "And he hath caused to come down for you the rain, the first rain, and the latter rain in the first month."   
**3** On the third of Mar–Cheshvan prayers for rain should be said; but according to Rabban Gamaliel, on the seventh of the same month––namely, fifteen days after the Feast of Tabernacles––in order to give the last of the Isrælites (returning to their homes from the city of Jerusalem, where they had been during the festivals) an opportunity to reach the River Euphrates (the northern boundary line of Palestine).   
**4** If the seventeenth of Mar–Cheshvan have passed without the rain having yet descended, private individuals commence to keep three fast–days. As soon as it becomes dark on the fast–days, however, it is allowed to eat and to drink; and on the fast–days themselves it is permitted to work, to bathe, to anoint the body, to wear shoes, and to perform the duty of cohabitation. If the new moon of Kislev has arrived without rain having yet descended, the supreme court shall order three public and general fast–days. As soon as it becomes dark on those fast–days, however, it is lawful to eat and drink; and on the fast–days themselves it is permissible to work, to bathe, to anoint the body, to wear shoes, and to perform the duty of cohabitation.   
**5** If these (three fast–days) have passed without their prayers having been favorably answered, the supreme court shall decree three more public and general fasts; on the nights preceding these it is not permitted to eat or drink, and on the fast–days it is prohibited to work, to bathe, to anoint the body, to wear shoes or to perform the duty of cohabitation, and the public bathing places are to be closed. Should even these fast–days have passed without their prayers having been favorably answered, then shall the Beth Din decree seven more fast–days, which altogether will make thirteen public and general fasts. These last seven fast–days differ from the preceding six, in that on them the alarm is sounded; the shops remain closed, excepting that on Mondays, towards evening, the shop–shutters (of the dealers in articles of food) may be loosely fastened ([i.e.], not entirely closed, but in a slanting position), and on Thursday they may be taken off entirely in honor of the Sabbath. Should even these seven fast–days have passed without a favorable answer to the prayers, the people are to avoid and withdraw from engaging in any joyous occupation, and also to diminish their business; from the erection of buildings and from the planting of pleasure–gardens; from betrothals, weddings, and mutual greetings, like men who are rebuked by the Omnipotent; (pious) private individuals recommence fasting till the end of the month of Nissan. If Nissan had passed and then rain descended, it must be considered a curse, for it is written [[I Samuel, xii. 17]]: "Is it not wheat harvest to–day?" etc.

**Chapitre 2**

**1** What is the order of procedure on the fast–days? The ark containing the Holy Scrolls is to be brought into an open place in the city, ashes of burnt substances are to be strewed on that ark, on the head of the Nassi (prince), on the head of the chief of the Beth Din (court of justice); and other persons shall also themselves strew ashes on their heads. The eldest among them shall then address them in heart–moving terms, as follows: "My brethren! Consider that it is not written, anent the (repentance of the) Ninevites, that God regarded their having wrapped themselves in sackcloth and considered their fast–days, but that 'God saw their [works], that they had turned from their evil way' [[Jonah, iii. 10]], and the tradition of the prophets is (as it is written): 'Rend your hearts, and not your garments'" [[Joel, ii. 131.]] After standing up to pray, the people shall place at the praying–desk, to minister, an old experienced person who has children and whose larder is empty, so that his mind may be entirely devoted to his prayer. This person shall say twenty–four benedictions; namely, the eighteen benedictions of the daily prayer, with the addition of six more, which are as follows: The texts of Zikhronoth (remembrance of His creatures) and of Shophroth (sounding of the cornet); the chapters [[Psalms, cxx.]] "Unto the Lord, when I was in distress, did I call, and he hath answered me"; [[ibid. cxxi.]] "I lift up my eyes unto the mountains," etc.; [[ibid. cxxx.]] "Out of the depths have I called to thee, O Lord; and [[ibid. cii.]] "A prayer of the afflicted, when he is overwhelmed." R. Jehudah said: It was not necessary to mention the Zikhronoth and Shophroth, but the following passages are to be read instead, namely: [[I Kings, viii. 37]]: "If there be famine in the land, if there be pestilence," etc.; and [[Jeremiah, xiv.]] "The word of the Lord that came to Jeremiah concerning the drought"; and the concluding is then added to each. To the first he (the reader) shall say additionally: "May He who answered Abraham on Mount Moriah answer you, and listen to your (prayer and) cry on this day. Blessed art thou, O Lord, Redeemer of Isræl!" To the second he shall say: "May He who answered our ancestors on the Red Sea answer you, and listen favorably unto your cry this day. Blessed art thou, O Lord, who rememberest all things forgotten (by man)!" To the third he shall say: "May He who answered Joshua in Gilgal answer you, and listen to your cry this day. Blessed art thou, O Lord, who deignest to listen to the sound of the cornet!" To the fourth he shall say: "May He who answered Samuel in Mizpah answer you, and listen this day to your cry. Blessed art thou, O Lord, who hearkenest to (our) cry!" To the fifth he shall say: "May he who answered Elijah on Mount Carmel answer you, and listen favorably to your cry on this day. Blessed art thou, O Lord, who hearkenest to prayer!" To the sixth he shall say: "May He who answered Jonah in the bowels of the fish answer you, and listen unto your cry this day. Blessed art thou, O Lord, who answerest in the time of distress!" To the seventh he says: "May he who answered David and his son Solomon in Jerusalem answer you, and listen unto your cry on this day. Blessed art thou, O Lord, who hast compassion on the earth!" It happened in the days of R. Halaphta and R. Hanina the son of Teradion, that a minister advanced to the praying–desk and completed the entire benediction without any (of the congregation) answering thereto "Amen." (The sexton then proclaimed): "Sound, priests! Sound!" (The minister who said the prayers then continued): "May He who answered our father Abraham on Mount Moriah answer you, and listen favorably to your prayer this day." (The sexton then called): "Sound an alarm, sons of Aaron! Sound an alarm!" (The previous minister continued): "May He who answered our ancestors on the Red Sea answer you, and listen favorably to your cry this day." When the sages were informed of this, they said: "This was not our custom, except at the eastern door (of the Temple) and on the Temple mount." On the first three fasts, the priests who had the weekly watch of the Temple fasted, but only part of the day, and the ministering priests did not fast at all. On the second three fast–days, the priests on the weekly watch fasted the whole day, but the ministering priests only fasted part of the day; but on the last seven fast–days both classes of priests fasted the whole day. So said R. Jehoshua. But the sages say: "The first three fasts were not kept by either of the two classes; on the second three fasts the priests on weekly watch would fast part of the day, but the officiating priests would not fast at all. On the last seven, however, the priests on the weekly watch would fast the whole day; but the officiating priests would fast only part of the day." The priests having the weekly watch may drink wine at night, but not during the day, but the officiating priests may drink it neither by day nor by night. The priests of the weekly watch and the standing men (commoners attending the public sacrifices as the representatives of the congregation at large) are not allowed to shave their beards or to wash their clothes; but on Thursday they are permitted to do so, in honor of the approaching Sabbath. (Moed Katan, p. 25.) Wherever it is mentioned in the "Roll of Fasts" that "no lamentation and mourning is to be made" on certain days, it is also prohibited to do so on the day preceding, but permitted on the day following. R. Jose, however, says: "It is prohibited to do so on both the day preceding and the day following." Where it is said, however, "No fasts are to be kept thereon," it is allowed to fast on the day preceding and following days. R. Jose, however, says: "It is prohibited on the preceding, but allowed on the following day." Public fasts must not be ordered to commence on a Thursday, in order not to raise the price of victuals in the markets; but the first three fasts must be kept on Monday, Thursday, and the following Monday. But the second three fasts may follow on Thursday, Monday, and the following Thursday. R. Jose says: "Even as the first fasts are not to be commenced on Thursday, so also are the second and last fasts not to commence on that day." Public fasts are not to be ordered to take place on the feast of the New Moon, on that of Dedication (Hanukah), nor on that of Lots (Purim); but if the fast had already been commenced on one of those feasts, it need not be broken. Such is the decree of Rabban Gamaliel. R. Meir, however, says, that although Rabban Gamaliel said that the fast need not be broken, he admits that on those days people are not to fast the entire day. Such is also the case with the fast of the ninth of Abh, if it happen to fall on a Friday.

**Chapitre 3**

**1** The order of procedure on fast–days, as mentioned (in the preceding Mishna) above, applies only when the first fructifying rains do not descend; but when the sprouts commence to degenerate, they shall immediately commence to sound an alarm. It should also be immediately sounded if there be an interval of forty days between each rain; for that is a general plague on the land, causing dearth. If sufficient rain for the growth of sprouts and herbs had fallen, but not for the growth of trees; or sufficient for the growth of trees, but not enough for the growth of herbs; or sufficient for both, but not enough to fill the wells, cisterns, and caves (creeks), an alarm is immediately to be sounded. Thus, also, if no rain should have fallen over some particular city, similar to that which is written [[Amos, iv. 7]]: "I caused it to rain upon one city, and upon another city I caused it not to rain; one piece of land was rained upon," etc.––the inhabitants of such a city must fast and sound an alarm, and those of the circumjacent places shall fast, but not sound. R. Aqiba, however, says, "They are to sound, but not to fast." Thus, also, when pestilence is raging in a city, or when the walls fall down, the inhabitants of such a city must fast, and those of the adjacent places should fast, but not sound. R. Aqiba, however, says: "They should sound the alarm, but not fast." What is considered a pestilence? If in a city capable of furnishing five hundred able–bodied men three persons die in three consecutive days, it is a pestilence; less than this is not a pestilence. An alarm should be sounded in all places for the following plagues: For a corn–blast, mildew, locusts, crickets, attacks of wild beasts, and hosts of armed men; for all these an alarm should be sounded, because they are spreading evils. It once happened that some elders going from Jerusalem, each to his own place, decreed a fast, because a corn–blast, the grainless stalks of which were sufficient to heat an oven, had been seen near Ascalon. They also decreed a fast on account of two children having been devoured by wolves on the other side of Jordan. R. Jose says: "It was not ordered because of the wolves having devoured the children, but because of their presence (in the towns prowling for food)." On account of the following calamities an alarm should be sounded even on the Sabbath: For a city surrounded by enemies, for a flood threatening to inundate the country, and for a ship in imminent danger of being wrecked at sea. R. Jose says: "This sounding is intended to obtain assistance from men, and not as an imploring cry to God." Simeon the Temanite says: "They shall also sound on the Sabbath in case of pestilence"; but the sages did not coincide with him. On account of every plague––with which may the community never be visited!––an alarm should be sounded except on account of an excess of rain. It once happened that Honi Hama'gel (the circle–drawer) was asked by the people to pray for them, that rain might descend. Said he to them: "Go and bring in the Passover ovens, that they may not be spoiled by the rain." He prayed, but the rain did not descend. What did he then? He drew (marked out) a circle around him, and placing himself within it, prayed as follows: "Creator of the Universe! Thy children have always looked up to me as being like a son of Thy house before Thee. I swear, therefore, by Thy Great Name, that I will not move from this place until Thou wilt have compassion on Thy children." Whereupon the rain commenced to drop down gently. Said he: "It was not for this I prayed, but for rain sufficient to fill the wells, cisterns, and caves." The rain then fell in torrents, and he said: "Not for such rain have I prayed, but for mild, felicitous, and liberal showers." The rain then descended in the usual manner, until the Isrælites of Jerusalem were obliged to seek refuge from the city to the Temple Mount, on account of the rain. They came and said to Honi: "Even as thou didst pray that the rain might descend, so pray now that it may cease." And he replied: "Go and see whether the stone To'yim is covered by the waters." Simeon b. Sheta'h sent him word, saying: "If thou wert not Honi, I would order that thou be anathematized. But what shall I do with thee, since thou art petulant towards God, and yet He forgiveth and indulgeth thee like a petted child who is petulant towards his father and is nevertheless forgiven and indulged? To thee may be applied the passage [[Prov. xxiii. 25]]: 'Let thy father and thy mother rejoice, and let her that hath born thee be glad.'" If, while the people are fasting, rain should fall before sunrise, they shall not continue to fast the whole day; but they must do so if the rain fall after sunrise. R. Eliezer says: "If it rains before noon, they need not continue to fast the whole day; but they must do so if the rain commenced after noon is passed." It once happened that a fast was ordered in Lydda and it rained before noon, whereupon R. Tarphon said unto the people: "Go, eat and drink, and make a feast." They went, ate and drank, and made a feast; but in the evening they returned and sang the great Hallel.

**Chapitre 4**

**1** At three periods of the year the priests shall raise their hands (to bless the people) at each prayer, (, [i.e.]) four times on each day; viz., during the morning, additional, afternoon, and closing prayer. (The three periods mentioned are:) On the fast–days, on the fast of the standing men, and on the Day of Atonement. (The reason for the institution of) these standing men is because it is written [[Numb. xxviii. 2]]: "Command the children of Isræl, and say unto them: My offering, my bread for my sacrifices . . . shall ye observe," etc. How can an offering be brought for a person without his being present (at the time when it is sacrificed)? Therefore did the elder prophets institute twenty–four watches (divisions): each watch always had a section of standing men, composed of priests, Levites, and Isrælites, stationed at Jerusalem. When the turn of each watch came around to go up (from their cities to the Temple), the priests and Levites went up to Jerusalem, and the Isrælites who belonged to that watch assembled in (the synagogues of) their cities to read the history of the creation ([i.e.], the first chapter of Genesis). The standing men used to fast four times in the week; viz., from Monday until Thursday (inclusive), but they did not fast on Friday, on account of the honor due the Sabbath, nor on Sunday, that they might not (too suddenly) pass over from rest and pleasure to weariness and fasting––for that might endanger their lives. On Sunday the standing men read (the sections commencing): "In the beginning," etc. [[Genesis, i. 1 to 5]], and, "Let there be an expansion," etc. [[ibid. 6, etc.]]; on Monday they read: "Let there be an expansion," and, "Let the waters," etc. [[ibid. 9, etc.]]; on Tuesday: "Let the waters," and, "Let there be lights," etc. [[ibid. 14, etc.]]; on Wednesday: "Let there be lights," and, "Let the waters bring forth," etc. [[ibid. 20, etc.]]; on Thursday "Let the waters bring forth," and, "Let the earth bring forth," etc. [[ibid. 24, etc.]]; on Friday: "Let the earth bring forth," and, "Thus were finished," etc. [[ibid. ii. 1 to 4]]. The long section of the day was read by two persons and the short by one; this was done, however, during the morning and additional prayers; but at the afternoon prayers they entered (the Synagogue) and recited the sections mentioned by heart, even as the Shema' is recited. On Friday afternoon they did not go to the synagogue at all, in honor of the Sabbath. On the days on which the Hallel was sung, the standing men would not attend during the morning prayer (in Jerusalem). When there was an additional offering, they did not assemble at the time of the closing prayer. When a wood–offering was brought, they did not assemble during the afternoon prayer. Such is the dictum of R. Aqiba; but Ben Azai said to him: "R. Jehoshua taught as follows: 'When there was an additional offering, the standing men did not assemble during the afternoon prayer; and when a wood–offering was brought, they did not assemble at the time of the closing prayer.'" Thereupon R. Aqiba changed (his opinion) and taught like Ben Azai. The times when the delivery of wood (for the altar) was made by priests and people were on nine appointed days: viz., on the 1st day of Nissan, the family of Arah ben Jehudah (made the delivery); on the 20th of Tamuz, the family of David ben Jehudah; on the 5th of Abh, the family of Par'os ben Jehudah; on the 7th of that month, the family of Jonadab ben Rekhab; on the 10th of the same month, the family of Sinaha ben Benjamin; on the 15th of that month, the family of Zathoo ben Jehudah, and with them priests and Levites, and all those who did not know from which tribe they were descended––also the family of Gonebe Eli and the family of Kotze'li Ketzi'oth; and on the 20th, the family of Pa'hath Moab ben Jehudah; on the 20th of Elul, the family of Adin ben Jehudah; and on the 1st of Tebeth, the family of Par'os for the second time. There was no meeting of the standing men on the 1st of Tebeth; because Hallel was sung and additional sacrifice and wood–offering were brought on that day. Five calamities happened to our ancestors on the 17th of Tamuz, and five on the 9th of Abh: viz., on the 17th of Tamuz the tables of the Holy Law were broken; on that day the continual daily offerings ceased, and the city of Jerusalem was stormed; on the same date Apostamos burned the Holy Scrolls and placed an idol in the Temple;––on the 9th of Abh it was decreed that our ancestors should not enter the Holy Land; on that day the first and second Temples were destroyed, the city of Bethar was taken, and the site (of Jerusalem) was ploughed up (like a field). From the 1st of Abh it is incumbent upon a person to lessen his participation in joyful events (until after the 9th of that month). During the week in which the 9th of Abh occurs, it is prohibited to a person to shave himself, or to wash (his clothes), but on Thursday this is allowed in honor of the Sabbath. On the day before the 9th of Abh a person should not partake of two different kinds of dishes of meat, nor may he drink any wine. Rabbon Simeon ben Gamaliel says: "He should change" (his ordinary mode of living). R. Jehudah considers it obligatory for a person to turn over the bed places, but the sages do not coincide with him. Rabbon Simeon ben Gamaliel said: Never were there any more joyous festivals in Isræl than the 15th of Abh and the Day of Atonement, for on them the maidens of Jerusalem used to go out dressed in white garments–borrowed ones, however, in order not to cause shame to those who had none of their own. These clothes were also to be previously immersed, and thus the maidens went out and danced in the vineyards, saying: Young men, look and observe well whom you are about to choose (as a spouse); regard not beauty alone, but rather look to a virtuous family, for "false is grace, and vain is beauty: a woman only that feareth the Lord shall indeed be praised" [[Proverbs, xxxi. 30]]; and it is also said [[ibid. 31]]: "Give her of the fruit of her hands, and let her own works praise her in her gates." Thus also is it written (alluding to that custom): "Go forth and look, O ye daughters of Zion, on King Solomon, with the crown wherewith his mother bath crowned him on the day of his espousals, and on the day of the joy of his heart" [[Solomon's Song, iii. 11]]. "The day of the espousals" refers to the day on which the Law was given, and "the day of the joy of his heart" was that when the building of the Temple was completed. May it soon be rebuilt in our days!

**Megillah**

**Chapitre 1**

**1** The Megilla is read sometimes on the 11th, 12th, 13th, 14th, or on the 15th of the month Adar, neither earlier nor later. Cities which, from the time of Joshua the son of Nun, were surrounded with walls, read it on the 15th. Villages and large open towns should read it on the 14th, and inhabitants of villages may read it in advance on the day of assembly. How is this to be understood? When the 14th fell on Monday, inhabitants of villages and of large open towns used to read it on that day, and those of walled cities on the day following. When it fell on Tuesday or Wednesday, the inhabitants of villages used to read it in advance (the preceding Monday) on the day of assembly, those of large open towns on that day (the 14th), and those of walled towns on the morrow. When it fell on Thursday, inhabitants of villages and large open towns used to read it on that day, and of walled towns on the following day. If it fell on the eve of Sabbath, inhabitants of villages read it in advance on the preceding or day of assembly, and those of large open towns and of walled towns on that day (14th). When it fell on Sabbath, inhabitants of villages and large open towns read it in advance on the preceding Thursday, the day of assembly; and of walled towns on the morrow (the Sunday). When it fell on Sunday, in villages they read it on the preceding day of assembly (Thursday), and in large open towns on that day (14th), and in walled cities on the morrow.   
**2** What must be considered as a large town? Any town in which there are ten [Batlonim]. Should there be less than that number, it is legally considered a village. It was said with respect to these, that "it may be done sooner, but not later"; but the day of the delivery of wood for the priests, the fast on the 9th of Abh, the festive sacrifices, and the day of assembly (to fast and pray for rain) are to be postponed to a later day, but must not be kept before their proper time. Although it was said in respect to the reading of the Megilla that it may be done earlier but not later, it is yet permitted on these days to pronounce funeral orations and to fast, also to give the gifts to the poor. Said R. Jehudah: When is it allowed to read the Megilla before its proper time? In places where it is customary for the country people to assemble in the towns on Mondays and Thursdays; but where that does not take place, the Megilla may only be read on its proper day.   
**3** If the Megilla had been read in the first Adar, and the year declared (by the Sanhedrin) to be intercalary, it must be again read in the second Adar. There is no difference between the first Adar and second, but in the reading of the Megilla and the gifts to the poor.   
**4** There is no difference between Sabbath and festivals, except in the preparation of food. There is no difference between the Sabbath and the Day of Atonement, excepting that those who knowingly and wilfully profane the Sabbath are punished by man, while those who wilfully profane the Day of Atonement are punished with [Karoth] (by Heaven). There is no difference between one who by a vow has interdicted himself from receiving a benefit from another man and one whose vow was confined to the interdiction of accepting any food from another, except that it is not lawful for the first to set his foot in the house (or property) of the other and to borrow vessels (of the other) which are not used for the preparation of food, There is no difference between vows and voluntary offerings, except that in the case of the first–mentioned the person who thus vows is liable for the risk, but he is not liable for the last–mentioned.   
**5** There is no difference between a person laboring under an involuntary emission of semen who has experienced it twice (on the same day, or on the two following days) and one who has experienced it thrice (in the same time, or within three days), excepting that the last–mentioned must bring a sacrifice. There is no difference between a leprous person who has only been shut up and one whom the priest has declared as leprous, excepting that the latter must go with rent clothes, and suffer the hair of his head to grow wild. There is no difference between the leper declared clean after being shut up and one who has been cured of that disease, excepting that the latter must be shaved, and bring offerings of birds. There is no difference between the Holy Books and Thephilin and Mezuzoth, except that the first–mentioned may be written in any language, but the latter in Assyrian characters only. Rabban Simeon b. Gamaliel says: The permission to write the Holy Books in another language was limited to the Greek language only. There is no difference between a high–priest anointed with the sacred oil and one whose dignity was marked by additional sacerdotal vestments only, except the bull which the first–mentioned is to offer, in case he gave a wrong decision which led to a transgression of a precept. There is no difference between an officiating high–priest and his late substitute, except the bull offered on the Day of Atonement, and the tenth of the ephah of flour(which the real high–priest alone might offer). There is no difference between a large high place and a small one, except the Paschal offering. This is the rule: All offerings which are brought in consequence of vows, and all peace–offerings, may be offered on a small high place, but not sacrifices of another kind. There was no, difference between the Tabernacle of Shiloh and the Temple of Jerusalem, except that at the former place it was lawful to eat of sacrifices having a minor degree of holiness, and of the second tithe, in any place from whence Shiloh might be seen; but in Jerusalem it was lawful to eat these within the walls only. In both places, however, sacrifices which were most holy might be only eaten within the hangings (of the court of the sanctuary). The holiness of Shiloh had subsequently a period in which it became lawful (to offer sacrifices elsewhere), but the holiness of Jerusalem has no such period.

**Chapitre 2**

**1** Anyone who reads the Megilla in an irregular manner does not fulfil his duty; nor if he reads it by heart, or translated in any language which he does not understand. It is lawful, however, to read to those that know no Hebrew in a foreign language which they understand; if they have heard it in (the original language with) Assyrian characters, they have also done their duty (though they have not understood the Hebrew). Should anyone read it so as to make long pauses between the parts and slumber meanwhile, he will have fulfilled his duty. If anyone should read the Megilla while writing, expounding, or correcting it, with the intention of fulfilling his duty, it is fulfilled; but not, if he had no such intention. If the Megilla was written with paint, ruddle, gum, vitriol black, on papyrus, or on rough vellum, the duty is not fulfilled, but it must be written in Assyrian characters, in a book, on good parchment, and with ink.   
**2** If an inhabitant of an open town had gone to an anciently walled town, or [vice versa], if he intends to return to his place, he shall read it at the same time they read in his place; if not, he may read with the inhabitants of the place in which he is. From where is it necessary to commence the reading of the Megilla, so as to fulfil one's duty? R. Meir says: It is obligatory to read the whole. R. Jehudah says: It suffices if he commence at "a Jewish man" [[Esther, ii. 5]]. R. Jose says: Even if from "after these events" [[ibid. iii. 1]].   
**3** All are qualified to read the Megilla, except a deaf person, fool, or a minor. R. Jehudah, however, allows it to be read by a minor.   
**4** The following religious acts may not be done before sunrise on the day on which they are obligatory: To read the Megilla, to circumcise, to bathe (on the seventh day of the purification of an unclean or defiled person), to sprinkle (the unclean as a purification); nor may a woman (who had experienced her menses beyond the usual time, and who was to) wait a day (before she might bathe) do so before the sunrise of that day. But if any of these acts has been done at any period after daybreak, it is valid.   
**5** The following religious acts may be done during the whole of the day (on which they are obligatory): The reading of the Megilla, of the Hallel; the sounding of the cornet; the handling of the Lulab; the prayer at the additional offering; the additional offering; the confession of sin on sacrificing the bulls, the confession to be made on bringing the second tithe, the confession of sin by the high–priest on the Day of Atonement; the imposition of hands (on the sacrifice); the slaughtering of a sacrifice; the waving of the offering; the bringing it to the altar; the taking of the handful of flour [[Lev. ii. 2]]; the burning with incense of the fat of a sacrifice on the altar; the pinching or wringing off of the head of fowls brought at sacrifices [[Lev. i. 15]]; the receiving of the blood of a sacrifice; the sprinkling thereof on the altar; the giving the bitter water to drink to a woman suspected of adultery; the striking off of the heifer's neck [[Deut. xxi. 4]], and the purification of a leprous person. The following acts may be done during the whole of the night: The cutting of the sheaves for the "omer," and the burning of the fat and members of a burnt–offering on the altar [[Lev. vi. 9]]. This is the rule: Whatever is commanded to be done by day may legally be done during the whole of the day; and whatever is commanded to be done by night, it is lawful to do during the whole of the night.

**Chapitre 3**

**1** The Megilla may be read either sitting or standing, by one person only, or by two persons at the same time. They alike fulfil their duty. In places where it is usual to say a blessing (after reading it) it is obligatory to say it, but not when it is not customary. Three men are called to read in the Holy Scrolls on Mondays and Thursdays; and in the afternoon of the Sabbath neither more nor less than that number may be called, nor shall any section from the Prophets then be read. He who commences the reading of the Holy Scrolls shall pronounce the first benediction before reading it, and he who concludes the reading shall pronounce the last benediction after reading it. On the first of the month, on the intermediate days of the festivals, four men are to be called. This number may neither be added to nor diminished, nor shall any section of the Prophets then be read (the first of these men shall say the first blessing before reading, and the last who concludes the reading shall say the last blessing after reading). This is the rule: On all days, when an additional offering is prescribed, which are nevertheless not festivals, four men are to be called; five on festivals; six on the Day of Atonement; and seven on the Sabbath. This number may not be diminished, but it may be increased, and a section of the Prophets must be read on those days. The first and the last readers shall pronounce the benedictions before and after reading.   
**2** When men come into the synagogue after the prayer has been finished, they may not repeat the prayer if they are less than ten in number, nor may any of them act as minister before the reading–desk, nor may priests raise their hands (to say the priest's blessing), nor may they read in the Law, nor read a section from the Prophets. When there are less than ten men present at a burial, the customary standings and sittings with the corpse, may not take place, nor may the blessing for mourners be said, nor the forms used in condolence with mourners, nor the seven blessings said on the celebration of a marriage, nor may the persons who join to say grace after meals mention the Divine name. And on an occasion of redeeming land that has been consecrated it is necessary that at least nine Isrælites and a Cohen (priest) shall be present, and the same also at the valuation of a man (if he had said: I consecrate the value of my person to the sanctuary).   
**3** Not less than three verses of the Holy Scrolls may be read in the synagogue by each person (called to read). One verse only of the Law may at one time be read to the interpreter. From the Prophets, however, may be read three also; but if each verse should form a separate section, each must be read separately. Passages may be skipped in the reading of the Prophets, but not in that of the Holy Scrolls. What time may be suffered to elapse to skip from one passage to another? while the interpreter does not conclude his interpretation.   
**4** Whoever reads in the house of prayer the section from the Prophets may also repeat the prayer (Shema) and act as minister before the reading–desk; and if he is a priest, may say the blessing of the priests. If a minor, his father or teacher shall act for him. A minor may read in the Law (in the synagogue) and act as an interpreter, but may not publicly recite the Shema, nor act as minister at the reading–desk, nor (if a priest) say by himself the blessing of priests. A man in rags may repeat the Shema and act as interpreter, but he may not read in the Holy Scrolls, nor act as minister before the reading–desk, nor (if a priest) say the blessing of priests. A blind man may repeat the prayer and act as interpreter; but R. Jehudah says: One who never beheld the light ([i.e.], was born blind) may not repeat Shema.   
**5** A priest whose hands are deformed must not raise them (to bless the people). R. Jehudah also Prohibits it to a priest whose hands are stained with wood or with madder roots, because the people stare at him.   
**6** One who should say: "I will not minister at the reading–desk in colored clothes," may not be permitted to do so even in white ones [[because we are afraid perhaps he becomes heretical, as only the Minim are particular about this]]. If he refuses to minister with sandals on his feet, he may not be permitted to minister even barefooted. A man who makes the Tephilin round endangers himself, and has not properly observed the commandment. A person who places them low down on his forehead, or on the palm of his hand, acts like the Sadducees. If he covers them with gold, or places them on his [unkli], he acts like a dissenter who does not care for our tradition. If one says in his prayers: "The good shall bless Thee," he acts heretically. If he says: "As to birds' nests were Thy mercies extended, so have mercy upon us"; or, "For Thy good be Thy name remembered"; or one who says twice "Modim," he shall be silenced (by authority). Also, whoever explains the text [[Lev. xviii. 21]]: "And of any of thy seed shalt thou not let pass through to Molech" to mean, "Thou shalt not give thy seed to an Aramite (heathen) woman," (and those who explain figuratively the section in the Law relating to carnal intercourse between relatives [[Lev. xviii.]] ), shall be silenced, and publicly reprimanded. The occurrence of Reuben with Bilha is to be read without being interpreted; that of Tamar is to be read and interpreted. The first part of the occurrence with the golden calf is to be read and interpreted; but the second part [[commencing Ex. xxxiv. 21]] is to be read without being interpreted. The blessing of the priests, and the occurrence of David and Amnon, are neither to be read nor interpreted; the description of the Divine Chariot [[Ezek. i.]] is not to be read as a portion from the Prophets, but R. Jehudah permits it. R. Eliezer says, neither [[Ezek. xvi.]]: "Cause Jerusalem to know her abominations," etc.

**Chapitre 4**

**1** Inhabitants of a town who have sold the open (or market–) place of the town may buy for that money a prayer–house; the money obtained by the sale of a prayer–house they may apply to the purchase of an ark (to keep the Holy Scrolls in); for that obtained by the sale of such an ark, cloaks or wrappers for the Holy Scrolls may be purchased; for the proceeds of such wrappers, books of the Prophets and Hagiographa may be purchased; for the proceeds of the same books, the scrolls of the Pentateuch may be purchased; but if they had sold scrolls of the Pentateuch, it would not be lawful to apply that money for the purchase of books of the Prophets and Hagiographa, nor wrappers for the proceeds of such books, nor an ark for the proceeds of wrappers, nor a prayer–house with the proceeds of an ark, nor a market–place with the money obtained by the sale of a prayer–house; and so in respect to any surplus fund.   
**2** Sacred public property must not be sold to private individuals, because the sanctity thereby becomes lowered. This is according to R. Meir. The sages, however, said: If so, it would also be prohibited for a large town to sell sacred things to a smaller one. A prayer–house may be sold, according to R. Meir, only conditionally (that if they want it, it shall be returned to them). But the sages permit it to be sold permanently, except for the four following uses: to be made a bathing–house, a tanning–place, a legal diving–bath, or laundry. R. Jehudah says: It may be sold on the condition that it be made an open court, and then the purchaser is at liberty to turn it to what purpose he pleases.   
**3** Furthermore, R. Jehudah says: No funeral orations may be delivered in a house of prayer which had become ruinous, nor may it be used as a rope–walk, nor to spread nets therein, nor to spread fruit on its roof, nor to use it as a passage––[compendiarium]––(by a shorter route), as it is said [[Lev. xxvi. 31]]: "I will bring your sanctuaries into desolation." That means, they remain sanctuaries even in their desolation. If grass spring up therein, it may not be pulled up, that the view may contribute to the affliction (of the beholder).   
**4** When the first of Adar falls on a Sabbath, the portion Shekalim [[Exod. xxx. ii]] is to be read; if it falls on any other day, that portion must be read on the preceding Sabbath, and nothing additional is read on the following Sabbath. On the second, the portion "Remember" [[Deut. xv. 15]] is to be read; on the third, that of the red heifer [[Numb. xix.]]; on the fourth, that of the new moon [[Ex. xvii.]]; on the fifth, they return again to the regular order. The regular order of Aphtaroth is also to be interrupted on the days of new moon, on that of Hanuka, on Purim, and on public fast–days, also on the fast of the standing men (this is explained in Tract Shekalim), and the Day of Atonement.   
**5** On the first day of Passover the portion in Leviticus relating to the festival must be read; on Pentecost that commencing "Seven weeks shall ye count," etc. [[Deut. xvi.]]; on the day of New Year, the portion commencing "In the seventh month, on the first day of the month" [[Num. xxix. 7]]; on the Day of Atonement that of "After the death" [[Lev. xvi.]]; on the first day of the Feast of Tabernacles, the portion of Leviticus relative to the festivals must be read; and on the other days of that festival the offerings for each day [[Num. xxix. 17]]. On the half feast of Hanuka, the portion of the offerings of the princes [[Num. vii.]] must be read; on Purim, that of "And Amalek came" [[Ex. xvii. 8]]; on the first of the month, "And on the beginnings of your months" [[Num. xxviii. 11]]; on the fast–days for the standing men, about the creation [[Gen. i.]]; on fast–days, the portion containing the blessings and maledictions [[Lev. xxvi. 3]]; the denunciations therein contained must be read without interruption; namely, one man must read the whole chapter. On Mondays and Thursdays, and on the Sabbath afternoon, they shall read the portion of the Torah in its regular order, but these readings are not available to reduce the regular number, for it is written [[Lev. xxiii. 14]]: "Moses declared unto the children of Isræl the appointed festivals of the Lord." Whence it is inferred that each must be read on the appointed festival to which it refers.

**Semahot (texte additionnel)**

**Chapitre 1**

**1** One in he struggle of death is to be regarded as living in all respects. He still binds the dependents to the law of Yibum, and he exempts from the same. He makes his dependents eat of heave–offerings, and prevents them from eating it. He inherits and makes others inherit. When a limb or a piece of flesh is removed from him, it is regarded as of a living man. The blood of his sin–offering and transgression may be sprinkled until he dies.   
**2** His mouth must not be closed, nor his openings stopped. No metal vessel or anything which chills must be put on his navel till he dies, as it is written [[Eccl. xii. 6]]: "While the silver cord is not yet torn loose."   
**3** He must not be moved, nor put on sand or salt, until he dies.   
**4** His eyes must not be closed. Whoever touches or moves him is regarded as a shedder of blood.   
**5** His relatives may not rend their clothes nor remove their shoes nor lament over him, nor may the coffin be brought into his room, till he dies.   
**6** His death must not be announced, nor his deeds proclaimed, until he dies; R. Jehudah, however, said: If he was a wise man, the latter may be done.   
**7** Greetings must not be exchanged when there is a death in a village, but it may be done in a greater city. An infant cut or torn at birth, a miscarriage, or born alive at the eighth month, or born dead at the ninth––all the religious ceremonies do not apply to it.   
**8** The same is the case with an idolater or bondsman, nevertheless they may exclaim over him: "Woe, lion! lion! Woe, hero!" R. Jehudah said: (It may be said also:) Woe, trusted man, who lived by his labor! They said to him: If so, what is there left to say of the upright? He rejoined: If he was righteous why should this not be said of him? No consolation is needed (on the death of) male and female slaves.   
**9** It happened when the female slave of R. Eliezer died, his disciples went to console him. When he saw them he went into the yard, and they followed him; he returned to the house, and they followed him. He then said to them: I thought that you might be scalded with lukewarm water, now I see that you cannot be scalded even with boiling. Have I not taught unto you: No consolation is needed (on the death of) slaves?   
**10** When Tebbi the slave of Rabban Gamaliel died, the latter accepted consolation. Said his disciples to him: Our master! hast thou not taught unto us that no consolation is needed on slaves? He rejoined: My slave Tebbi cannot be likened to other slaves; he was a righteous one.   
**11** He also permitted him to lay Tephilin. Said his disciples: Our master! hast thou not taught unto us that slaves are exempt from Tephilin? And he made the same rejoinder.   
**12** Slaves must not be distinguished as Father so and so, or Mother so and so. The household of Rabban Gamaliel, however, used the distinction of "Father Tebbi" and "Mother Tebbitha" to the above–named and his wife.   
**13** Ancestors must not be distinguished as the fathers of the nation (or the tribes), except the three Patriarchs; nor mothers of the nation, but the four mothers.

**Chapitre 2**

**1** A suicide must be buried without any ceremony. R. Ishmæl said: It may be exclaimed: Alas, suicide! Alas, suicide! Said R. Aqiba to him: Leave him alone. Do not honor nor abuse him. No rending, no removal of shoes, and no lamenting. They may, however, stand in line, and say over him the mourners' benedictions, because it is for the honor of the living. This is the general rule: Whatever is for the honor of the living may be done; but everything which is not for their sake, it is not imperative for the congregation to do for such.   
**2** Who is to be considered a suicide? If one ascended to the top of a tree or a roof, and he fell down and was killed, he must not be considered a suicide, unless he says previously: "I am going to drop myself!" and immediately afterward it was observed that he did so; then it is to be considered a suicide, and he shall be buried without any religious ceremonies.   
**3** When one is found hanging on a tree strangled, or lying on a sword killed, he is not to be considered a suicide, and nothing may be withheld from him.   
**4** It happened to the son of Gornos in Lud, who ran away from school, that his father threatened him. Being afraid of his father, he drowned himself in a pit. When R. Tarphon was inquired about him, he said: Nothing shall be withheld from him.   
**5** It happened to a lad at the city of Bene–Berak, who broke a glass on the Sabbath, that his father threatened him. Being afraid of his father, he drowned himself in a pit. It was told to R. Aqiba, and he said: Nothing shall be withheld from him.   
**6** From this the sages declared: One shall not threaten a child. He shall either punish him immediately, or he shall keep silence. Said R. Simeon b. Elazar: Lust, children, and women should be repulsed with the left, and attracted with the right hand.   
**7** Those who are put to death by the decision of a court must be buried without any ceremonies. Their brothers and relatives may come and greet the witnesses and the judges, to show them that the judgment is considered just, and that they have nothing against them; that they do not mourn for them loudly, but are sorry for them, as sorrow is only in the heart. Rabbi Nathan, however, said: There is no difference between silent sorrow and loud weeping.   
**8** No funeral meal must be prepared for them, as it is written [[Lev. xix. 26]]: "Ye shall not eat upon the blood."   
**9** Whoever separates himself from the congregation, nobody shall have anything to do with him. And when he is dead, his brothers and other relatives may dress and wrap themselves in white, eat, drink, and rejoice that the enemy of the Place is lost [[Ps. cxxxix. 21]]. This verse, with the following, is to be explained thus: Why do I hate them with the utmost hatred? Because they have separated themselves from me, and become my enemies.   
**10** The same is the case with those who steal the duties, or steal from devoted things, they are considered as shedders of blood; and not merely that, but also as idolaters, adulterers, and intentional violators of the Sabbath.   
**11** From those who are killed by the government, nothing may be withheld, nor from those who were drowned in the sea or a river, or were eaten by a wild beast. From what time must the day of the mourning for them be counted? Since the time that they have despaired of finding. If separate limbs are found, it cannot be counted till the head and the greater part of the body are found. R. Jehudah said: The backbone and the skull are considered as the greater part of the body.   
**12** If a husband or wife, or parents, were crucified in the town, the wife, the husband, or the children shall not live in that town, except it be as large as Antioch, and even then they must remove to another part. Until what term are they not allowed to live there? Till the flesh is totally destroyed, and the bones cannot be recognized any longer.

**Chapitre 3**

**1** An infant a day old must be regarded by his parents as if he would be a bridegroom; and not merely a day old, but even if the head and the greater part of the body came out alive. The expression of "a day" is used by the sages because it is more usual.   
**2** An infant dying at birth is interred attended by one woman and two men, and is carried in the hand. Abba Saul, however, said: By two women and one man. The sages objected to him that one woman is allowed to be with two men in a separate place, but not [vice versa]. No line of consolers is formed, no mourners' benediction is said, until it is thirty days old. From the age of thirty days till a twelvemonth it may be attended by men and women, and is carried in a case under the arm. From the age of one to three years it is attended by the same, with the addition that it may be carried in a case on the shoulder. R. Jehudah, however, said: If the father desires, a coffin may be brought to the cemetery to bury it in, even if it is not three years old.   
**3** At the age of three it is carried in a hearse. R. Aqiba, however, said: If it is three years old, but looks like two, it is not carried in a hearse; but a hearse may be used for those who look like three even if they are less. Simeon the son of the brother of Azariah said: Anyone borne in a hearse, his praises may be proclaimed. R. Meir in the name of Elazar b. Azariah said: If when he was alive he used to play on the street and was known to the people, then they are obliged to attend, but not otherwise. R. Jehudah, however, said in the name of the same: Even if he was known only to his neighbors.   
**4** Regarding lamentations, R. Meir in the name of R. Ishmæl said: The poor are lamented from the age of three, and the rich from the age of five; R. Jehudah, however, said in the name of the same: The poor from the age of five, and the rich from the age of six. R. Aqiba said: The poor from the age of six, and the rich from the age of seven. The poor are lamented the same as the rich, the rich as the children of the sages, and they as the princes.   
**5** A child that was able to act for himself may be lamented for his own virtues; if he has none, for those of his parents; if his parents have no virtues, for those of his other relatives. A bride may be lamented either for the virtues of her father or father–in–law, as honors should be exaggerated and not diminished. No honor is to be invented, but may be added to the original.   
**6** In Jerusalem they used to say: "Prepare good things, they shall be used [before] thy hearse." In Judah, however, they used to say: "They shall be used [behind] thy hearse." Because in Jerusalem the lamenters used to walk in front of the hearse, and proclaimed only the virtues which he possessed; and the people who were behind the hearse, even such as he did not. And in Judah the lamenters were behind the hearse, and they spoke only of the virtues which he possessed; and the people who were behind them did not repeat anything. From the age of three to thirty, one is lamented as if he were a bridegroom; from thirty to forty he is lamented as a brother; from forty to fifty as a father.   
**7** R. Simeon b. Elazar said: From the age of thirty to forty, if he has children, or if most others of his age have grandchildren, he is lamented as a father; otherwise, as a brother.   
**8** One dying under the age of fifty, it may yet be considered as if he were under the punishment of Kareth (short life). When, however, he reaches the age of fifty–two, this was the death of Samuel the Prophet; at the age of sixty, this is the death mentioned in the Scriptures, as it is written [[Job, v. 26]]: "Thou wilt go in a ripe age unto the grave." At seventy it is considered old age, as it is written [[Psalms, xc. 10]]: "The days of our years in this life are seventy years." At eighty it is considered uncommon vigor, as it is written [[ibid.]]: "And if by uncommon vigor they be eighty." "Above that age it is a life of affliction, and so said Barzillai the Gileadite to David," [[II Samuel, xix. 36]]. Death after only one day of sickness is a death of wrath; at two days, it is a death of terror; at three days, a death of pest; at four and five days, a hastened death; at six days, it is the death mentioned in the Torah; at seven, it is a death of favor; more than that, it is a death of suffering. The rabbis taught: One who dies suddenly, he is said to have died an abrupt death; if the death was preceded by one day's sickness, it is a hastened death. R. Hananiah, however, said: The latter case is termed a plague–death, as it is written [[Ezek. xxiv. 16]]: "Son of man, behold, I will take away from thee the desire of thy eyes by a sudden death (plague)"; and it is stated again [[ibid. 18]]: "And when I had spoken unto the people in the morning, my wife died at evening." If it was preceded by a two days' sickness, it is a hurried death; if by a three days', it is a reproach; if by a four days', a rebuke; but if preceded by a five days' sickness, it is an ordinary death. [[Said R. Hanin: From what biblical passage is this adduced? From (Deut. xxxi. 14): "Hehn korvu yomechu lomuth" (Behold, thy days approach that thou must die). "Hehn" means "one" in Greek; "korvu" (in the plural) is two; "yomechu" (in the plural) is also two; altogether five.]] Death at the age of fifty is Kareth (cut off); at fifty–two, the age at which Samuel of Ramah died; at sixty, a death by Heaven. [[Said Mar Zutra: Whence is this adduced? From (Job, v. 26): "Thou wilt go in a ripe age, unto the grave," the numerical value of the letters of being sixty.]] Seventy is called an old age; eighty, an age of uncommon vigor, as it is written [[Psalms, xc. 10]]: "And if by uncommon vigor they be eighty." Rabba, however, said: "From fifty to sixty it is Kareth; and the reason why this is not stated in the Boraitha is because of the honor of Samuel." When R. Joseph arrived at the age of sixty, he gave an entertainment to the rabbis, for he said: "I have passed the age of Kareth." Said Abayi to him: "It is true that the Master has passed the [age] of Kareth, but has then the Master already passed the [day] of Kareth?" And he answered him: "Be content for the present with half." R. Huna died suddenly, which caused the rabbis great worry. A couple of sages of Hadæb taught them: "It was stated (regarding a sudden death), only when the deceased has not reached the age of eighty; but if he has, it is, on the contrary, considered a death caused by a kiss." Rabha said: Longevity, fertility, and maintenance do not depend on virtue but rather on fate, as is illustrated by the case of Rabba and R. Hisda, both of whom were upright rabbis and both could bring down rain by their prayers, and still R. Hisda died at the age of ninety–two and Rabba at the age of forty. In the house of R. Hisda there were sixty marriages, while in that of Rabba there were sixty deaths. In the house of R. Hisda there was fine white bread in such an abundance that even the dogs did not care for it, while in that of Rabba there was not sufficient barley bread for human beings. Rabha further said: Three things I prayed Heaven to grant me. Two were granted, the third one not: the wisdom of R. Huna and the riches of R. Hisda were granted me, but the modesty of Rabba bar R. Huna was denied to me. R. Seorim (Amram), the brother of Rabha, was sitting at the bedside of Rabha when the latter was in his last agonies. Said Rabha to him: "Let the Master tell him (the angel of death) not to cause me any pain." And he answered him: "Is, then, the Master himself not a friend of him?" Rabha rejoined: "As my fate was already referred to him, he will not care for me any more." R. Seorim then said to the sick: "I would like that the soul of the Master should appear before me." When it was so, R. Seorim asked: "Had the Master felt any pain?" (at the time of the separation of the soul from the body), and he answered: "It was as if pinched with the lancet." Rabha was sitting at the bedside of R. Na'hman when he was in his last agonies, and the latter said: "Let the Master tell him (the angel of death) not to pain me." And he said to him: "Is not the Master a prominent person?" (to tell him so himself). And he answered him: "Who is esteemed, or worthy, or who can contend (at such a moment)?" He then said to the dying: "Let the Master's soul appear before me." When it was so, he asked him: "Had you pain?" And he answered: "It was as easy as to remove a hair from milk; and yet, if the Holy One, blessed be He, would command me to return to the world I was in I would pray permission not to do it, for the fear (of the angel of death) is too great." R. Elazar was eating Trumah (heave–offering) when the death angel appeared before him, and he said to him: "You see that I am now eating Trumah, is it not sacred?" And the appropriate moment passed over. To R. Shesheth he presented himself in the market, and he said to him: "Do you wish to take me when I am in the market, as if I were an animal? Come to my house." When he presented himself to R. Ashi in the market, the latter said to him: "Extend my time thirty days, so as to enable me to review my studies, as ye say: 'Happy is the person who comes here possessed of his studies.'" On the thirtieth day he appeared again, and R. Ashi said to him: "Why such punctuality?" And he answered him: "You interfere with Bar Nathan, as no regency must interfere with another, even as much as a hair ([i.e.], R. Nathan cannot become the head of the college so long as you are alive)." R. Hisda could not be overpowered (by the angel of death), for he kept on studying all the time, and the death angel climbed up and hid himself in a cedar in front of Rabha's house. When the cedar broke down, R. Hisda discontinued his study for a moment and he was overpowered at that moment. R. Hyya was inaccessible (to the angel of death). One day he transformed himself into a mendicant, and knocked on the door and asked for a slice of bread. When R. Hyya handed him what he asked for, the angel said to him: "Does not the Master have mercy with a poor man? Why does the Master have no mercy with me? I am the angel of death." And as proof, he showed him the fire–rod. R. Hyya then delivered up his soul to him.   
**9** Said R. Hanina b. Antigonos: If an old man has eaten forbidden things, or intentionally violated the Sabbath, the punishment of which is Kareth, and he is over the age that short life should be applied to him, what will signify to us that his death was that of Kareth? Therefore we must consider that he who died after only three days of sickness, it is a death of Kareth; at four days, it is a hastened death, etc. Said R. Jehudah: The pious of ancient times have suffered of the sickness of the intestines two or three days before their death, for the purpose of cleaning their bodies of all food and drink, that they should enter clean in the world to come, as it is written [[Proverbs, xxvii. 21]]: "(As) the fining–pot is for silver, and the furnace for gold, so is a man (proved) according to his praise."

**Chapitre 4**

**1** For relatives of the first degree––[e.g.], father, mother, son, daughter, brother, wife, and sister––a priest may defile himself. R. Aqiba said: For those of the second degree he mourns and is prevented also from services, which he must not perform when his dead is not buried; but he must not defile himself.   
**2** R. Simeon b. Elazar, however, said: He may defile himself for his grandfather and his grandson, but the sages say: For whomsoever he is obliged to perform all the ceremonies of mourning, are to mourn with him, but not otherwise. If it was doubtful, however, whether the deceased was his brother or son, or not, he mourns and is considered an Orvan, but he must not defile himself.   
**3** For his betrothed he must neither mourn nor defile himself. The same is the case with his divorced wife, although he has children by her. The rabbis taught: Over all those of which it is written in the chapter relating to priests [[Lev. xxi.]], that a priest may defile himself on them, an ordinary person must mourn, and they are the following: wife, father and mother, brother and sister, son and daughter. To these were added: his brother and virgin sister by his mother, and his married sister either by his mother or by his father. And also over all their second degree of consanguinity. Such is the dictum of R. Aqiba. R. Simeon b. Elazar, however, holds that it extends only to his grandson and his grandfather. The sages, however, laid down the following rule: "Over whom one is bound to mourn, [with] him he must mourn." Does not the rule of the sages state the same thing stated by the first Tana? There is a difference as to those who are [with] him in the same house. Rabh once said to Hyya his son, and so also said R. Huna to Rabba his son: "In her (wife's) presence observe mourning, but not in her absence." Mar Uqba's brother–in–law died, and he was inclined to observe both the seven and the thirty days. When R. Huna came to him and found him mourning, he said: "Dost thou desire to partake of the mourning–meal? The rule that one must observe mourning out of respect for his wife, extends only to father–in–law and mother–in–law." We have also so learned in a Boraitha: "Ameimar's grandson died, and he rent his garment. When subsequently his son arrived he rent again in his presence, and when he afterwards recollected that he was seated at the time he rent, he arose and rent once more."   
**4** [[What is the term for Aninuth? From the time of death till the interment, such is the dictum of R. Meir. The sages, however, say: One day only.]] If a high–priest has married a widow against the written Law; or an ordinary priest has married a divorced woman, or one who has performed Halitzah, he may mourn for her, and has to keep the term of Aninuth, but must not defile himself.   
**5** For his sister, if she is betrothed, R. Meir and R. Jehudah say he may defile himself. R. Jose and R. Simeon hold that he must not.   
**6** If he has married a virgin but without virginity, according to R. Jose and R. Meir he defiles, and according to R. Simeon he may not. If he has married a forced or a seduced woman, all agree that he may not. If he married a [vigaros], all agree that he may.   
**7** The general rule which R. Simeon laid down is: For every woman who was fit for the high–priest when she was yet a virgin he may defile himself, but not otherwise.   
**8** For all those of whom it was declared that a priest may defile himself, it is not meant as a permission but as an obligation. So also said R. Aqiba; R. Ishmæl, however, said: It is meant as a permission.   
**9** It happened to Joseph the priest that his wife died on the eve of Passover, and he was reluctant to defile himself, so his colleagues pushed him on her and defiled him against his will, saying: It is not a permission but an obligation.   
**10** Until what time may he defile himself? R. Meir said: That whole day; R. Jose said: Until three days; R. Jehudah in the name of R. Tarphon says: Until the grave is closed.   
**11** It is related that when R. Simeon b. Jehozadok died at Lud, his brother Johanan came from Galilee to defile himself with him, after the grave was already closed. When the sages were asked about it they decided: He must not defile himself; however, the grave may be opened to enable him to see him.   
**12** It happened that a youth died and left his property to strangers, and left out his family. His relatives complained, and demanded an examination. When the sages were asked, they decided not to do so, because as soon as the grave is closed the corpse must not be moved. According to others: As soon as one dies, his hair is changed.   
**13** An ordinary priest who is defiling himself with relatives must not do the same with a stranger, even at the same time, in case the stranger has sufficient attendants; but if he has not he may defile himself, and afterward retire to an undefiled place. The same is the case when he begins, and others come to relieve him.   
**14** When there were two roads, one short but unclean and the other long but clean, if the people went on the long one he should accompany them, and if the people took the short road he should go with them, for the honor of the people.   
**15** If he was engaged in burying his dead, so long as he is in the grave he may receive from strangers for burial, but if he was out he must not return.   
**16** If he has defiled himself on the same day, R. Tarphon makes him culpable to a sin–offering, and R. Aqiba makes him free. All agree, however, that he is culpable when he does so on the morrow, because he has added one more day to be unclean, as he must count seven days after the last defilement.   
**17** A priest may defile himself for relatives even if they are not fit for the priesthood; [e.g.], for his son, daughter, brother or sister, begotten by a temple–servant or bastard, except for those begotten by a slave or a Gentile.   
**18** A high–priest who defiles himself with the dead, or bares his head, or rends his garments, is liable to the punishment of stripes.   
**19** For all uncleanness for which a Nazarite must shave off his hair, he is liable to stripes; otherwise he is not.   
**20** A high–priest who enters a cemetery is liable to stripes.   
**21** If he enters the yard of a cemetery, or if he goes outside of Palestine, he is liable to chastisement (rabbinically).   
**22** If he enters a field where there is a lost grave, he is not culpable till he traverses every bit of it.   
**23** A priest may defile himself by going outside of Palestine to attend a civil or criminal court; to sanctify the month; to intercalate the year, and to save his field from the idolaters. He may bring a complaint and sign it in their courts; however, he must first make a declaration that he is going for this purpose.   
**24** He may also leave Palestine for the purpose of studying the Law, or to get married. Said R. Jehudah: He may do the former when there is nobody in the place to learn from; otherwise he may not. R. Jose, however, said: Even if there is one to learn from he may do so, because not everyone can teach. It happened to Joseph the priest that he went to his master to study the Law; he went outside of Palestine to R. Jose in Zaidin.   
**25** A priest may defile himself with a piece of bone of his father's body, even if it was as large as a grain of barley; R. Jehudah, however, said: He must not. A priest must not defile himself with a limb cut off a living body, be it even that of his father.   
**26** It happened to Joseph Parkass that he had an abscess on his foot, and the surgeon came to cut it off. He said to him: If thou wilt leave of it a bit of the size of a hair, let me know. When the surgeon told him that he did so, he summoned his son Nehemiah and said: My son, till here thou art obliged to attend me, but no farther. For the sages said: One must not defile himself for a limb cut off a living body, be it even that of his father. When the sages heard of it, they said: The following passage: "My life is in my hand continually, yet thy Law do I not forget." [[Ps. cxix. 109]], applies to him; and also: "There is many a righteous man that perisheth in his righteousness" [[Prov. vii. 15]].   
**27** If he was on the road and he found a Meth–Mitzvah, he is obliged to attend to it. What is to be considered such? If he would call for help and his cry could not be heard in the nearest town; but when it is heard, it is not considered as such (and he must not defile himself).   
**28** It is always considered a Meth–Mitzvah unless there are sufficient people to attend to its funeral.   
**29** If there was a high–priest and a Nazarite, the high–priest shall defile himself but not the Nazarite, according to R. Eliezer; for the latter must bring an offer for his defilement, and the former not. The sages, however, say: Rather let the Nazarite bring a hundred offers than cause defilement even to an ordinary priest; because the sanctification of the priest is from birth and forever, and the Nazarite's is only temporary.   
**30** All agree that if there was an anointed high–priest and an unanointed one who is recognized only by his many garments, the latter must defile himself and not the former; when there was the latter and an overseer, or an overseer and an ex–overseer, or an ex–overseer and a priest anointed for the war, or he and a common priest, or a common priest and a Levite, or he and an Isrælite, the second of each pair always must defile himself but not the first. If both are equals, the quickest of the two must do so; and if both are quick, the one that expresses the desire shall do so.   
**31** If it was found between a ploughed and an abandoned field, it shall be buried in the latter; between a ploughed and a sown field, it shall be buried in the former; between a sown field and an orchard, or an orchard and a field in which [persea] grows, it shall be buried in the former. If both places are equal in value, it shall be buried in the nearest one; and if they are equal in distance, it can be buried wherever desirable.   
**32** Said R. Aqiba: "The following incident was the commencement of my reward to be counted among the wise. I once arose early and found a slain body. I burdened myself with it for three legal limits of the Sabbath, until I brought it to a cemetery, and I buried it. When I related this to the sages, they told me that my every step was considered as if I had shed blood. Whereupon I drew the following [a fortiori] conclusion: When, having in view to perform a meritorious deed, I have transgressed so much, how much the more would I have sinned if I had had no such intention!" Whenever R. Aqiba was reminded of this incident he said: This was the commencement of my reward.

**Chapitre 5**

**1** No work must be done by a mourner on all the. seven days after the burial; nor by his children, his servants, or his cattle. As he and they all are not allowed, so are others not allowed to do any work for him. The rabbis taught: A mourner is prohibited to do any work during the first three days, even the indigent who lives on charity; thenceforward he may do it privately; and the housewife may spin with her spindle. The rabbis taught: A mourner must not visit another mourner during the first three days; thenceforth he may, but he must not sit among the condolers, but among those who are being condoled. The rabbis taught: A mourner is prohibited the first three days from greeting others; from the third to the seventh he may only answer a greeting; thenceforward he may greet and answer as usual. When the sons of R. Aqiba died, an enormous crowd flocked to the funeral. R. Aqiba ascended the rostrum, and addressed the people: "Brothers in Isræl, listen to my words: It is not because of merit or station of mine that ye appear here, for assuredly there are my superiors in this city. Oh, your reward will be great. Ye have dome homage to the Law; your presence would suffice to console me, even if I had buried two bridegrooms; ye appeared here because you thought to yourselves [[Psalms, xxxvii. 3]]: 'The law of his God is in his heart.'" (Hence we see that it is permitted to greet even within the first three days?) Where the honor of the public is concerned the case is different. "[From the third to the seventh day he may answer, but not greet]." There is a contradiction from the following Boraitha: One who meets his friend who is in mourning, if within twelve months he may speak to him words of consolation, but must not greet him; if after twelve months, he may greet him, but not speak to him words of consolation, unless indirectly. R. Meir said: To what may the case of one speaking to his friend, a mourner, words of consolation after twelve months be compared? To one whose foot was dislocated, and after having it cured, met a physician who said to him: "Come with me and I will dislocate it again, and cure it in order to prove to you the efficiency of my drugs"? This presents no difficulty. This Boraitha relates to mourning over father or mother; the former statement relates to mourning over other relatives. But have we not learned in another Boraitha that he may speak to him words of consolation indirectly? Our Boraitha may also be explained in the same sense; viz., "He shall not speak to him words of consolation directly." The rabbis taught: A mourner, during the first three days, if he arrives from a place nest distant, may adopt the same computation of the time as the local mourners, but if he arrives from a distant place he must have his own computation; thenceforth, if he even arrives from a place not distant, he must have his own computation. R. Simeon, however, said: "Even if he arrived on the seventh day, if only from a near–by place, he may adopt the computation of the local mourners." The Master said above: "The first three days, one who arrives from a near–by place," etc. Said R. Hyya bar Abba in the name of R. Johanan: "This is the case only where the eldest of the family is at home at the time." The schoolmen propounded a question: How is it if the eldest of the family has gone to the cemetery? Come and hear: R. Hyya bar Abba said in the name of R. Johanan: "Even if the eldest of the house has gone to the cemetery, he may compute with them (the local mourners)." But have we not learned in another Boraitha that he must have his own computation? This presents no difficulty: One case is when be arrived within the first three days, and the other when he arrived after the first three days. As Rabh said to the inhabitants of Zalpuni: "Those who arrive within the first three days may compute with you; those who do not, must compute for themselves." Rabha said to the inhabitants of M'huza: "You who do not follow the coffin (to the cemetery, but only as far as the town–gate) may compute (the mourning) from the minute you turn your faces away from the town–gate." The Boraitha states: R. Simeon said, etc. Said R. Hyya bar Gamda in the name of Joseph b. Saul, quoting Rabbi: "The case is only when he arrived before the condolers departed." It is written [[Jerem. xxii. 10]]: "Weep not for the dead and do not bemoan him." Weep not––that is, not more than sufficient; and do not bemoan him––that is, not more than prescribed. How so? During the first three days––weeping; the seven––lamentation; during the thirty days––not to calender clothes and cut the hair. After that period the Holy One, blessed be He, says: Be not more merciful than I am." It is written [[ibid., ibid.]]: "Weep sorely for him that goeth away." Said R. Jehudah: "This means one who goeth away childless. R. Joshua b. Levi had never gone to console a mourner unless the deceased died childless, for it is written [[ibid., ibid.]]: "Weep sorely for the one that goeth away, for he shall never return any more, and see the land of his birth." R. Levi said: "A mourner the first three days must imagine to himself as if a sword is placed between his shoulders; between the third and seventh day, as if it is opposite him in a corner; from that day on, as if it passes in front of him in the street." "[The bier of a woman must at no time be set there]," etc. R. Ami said: "For what purpose was the death of Miriam stated closely following the law of the red cow? To teach that, as the red cow atoned for sin, so also does the death of the righteous. Said R. Elazar: "For the same purpose was the death of Aaron closely written to the description of the priests' garb; viz., as the priests in their garb atoned for the sins, so also does the death of the righteous."   
**2** It is permitted for others to do work involving things perishable; [e.g.], his grain may be garnered and thrashed, his tubs may be scoured, and if his olives are turned, R. Jehudah says he may put the first press–block on, etc. The rabbis taught: The following things are prohibited to a mourner: labor, washing, anointing, sexual intercourse, wearing shoes, reading the Law, the Prophets, the Hagiographa, studying the Mishna, Midrash, Halakha, Talmud, and Agada; but if, however, the public require his services, he need not restrain himself. As it happened, the son of R. Jose died in Sepphoris, and the latter notwithstanding came to college and lectured the whole day long. Rabba bar bar Hana was once in mourning, and he was inclined not to go out to deliver his usual lecture. Said R. Hanina to him: "If the public requires one's services, he need not restrain himself." He then wanted to employ an interpreter. Said Rabh to him: "We learned in a Boraitha: 'But he should not employ an interpreter.'" How, then, shall he do it? As we have learned in the following Boraitha: It happened that the son of R. Jehudah bar Ilai died, and the latter came to college followed by R. Hanania b. Akabia, who took a seat at his side. He (R. Jehudah bar Ilai) whispered (the lecture) to R. Hanania b. Akabia, and the latter to the interpreter, and the interpreter announced it aloud to the public. The rabbis taught: A mourner must not wear phylacteries during the first three days, but from and including the third day he is allowed to do so, and need not remove them on the arrival of new persons. Such is the dictum of R. Eliezer. R. Jehudah, however, said that he must not wear them only during the first two days, but from and including the second day he is allowed; but on the arrival of new persons he must remove them. R. Hyya bar Abba, R. Ami, and R. Itz'hak of Naph'ha were sitting in the cottage of R. Itz'hak b. Elazar, and a statement resulted: "Whence is it deduced that mourning lasts for seven days? It is written [[Amos, viii. 10]]: 'And I will change your feasts into mourning.' As the feast lasts for seven days, so does also mourning." But perhaps Pentecost is meant, which lasts only for one day? The latter one is applied according to Resh Lakish; for Resh Lakish said in the name of R. Jehudah the Second: Whence do we know that remote information (of the occurrence of a death in the family) makes mourning customary for one day only? From the passage [[ibid., ibid.]]: "And I will change your feasts into mourning." And we find one festival which lasts for one day only.   
**3** If he was the only baker in town, he may do his work privately for the sake of the people.   
**4** If one was cutting another's hair, or was having his hair cut, and he was told that his father was dead, he might finish it. Workingmen who receive work from a mourner are forbidden to do this work at his house, but they are allowed to do it at theirs. R. Simeon b. Jo'hai said: A day laborer is forbidden in any case. Contract work may not be done on his premises, but it may on theirs. Work on anything attached to the ground must not be done in either case, and work to be done in another city is allowed in either case.   
**5** When one mourning succeeds another, he may cut his hair with a knife but not with shears. If his clothes are dirty, he may wash them in cold water but not in feet–water. A mourner and one who is under the ban, when on the road, are allowed to wear sandals; however, they must remove them as soon as they reach the town. So is the law also for the 9th of Abh, or a general fast–day. It is certain that a mourner must not cut his hair, for the Merciful One expressly directed the sons of Aaron [[ibid. x. 6]]: "The hair of your head you shall [not] let grow long"; hence the case is not so with other mourners. The question, however, is, whether those who are under the ban, and lepers, may cut their hair? Come and hear: Those who are under the ban, and those afflicted with leprosy, are prohibited from cutting their hair and washing (their clothes). One who, was under the ban and died in such a state, the Beth Din stone his coffin. Said R. Jehudah: "It does not mean a heap of stones, as was the case with Achan [[Josh. vii. 26]], but it means that the Beth Din places a big stone on his coffin, to teach that whoever dies while under the ban, his coffin is stoned. A mourner must wrap up his head, for the Merciful One directed Ezekiel [[Ezek. xxiv. 17]]: "And cover [not] thyself to thy upper lip." Hence, others must cover. How is it, however, with one who is under the ban? Said R. Joseph: Come and hear (Taanith): "And they wrapped up their heads and sat as if they were under the ban, or mourners, until they were commiserated by Heaven." Said Abayi to him: "Perhaps they have done that, because they have considered themselves as put under the ban by Heaven, in which case it is very rigorous." What is the law in regard to a leper? Come and hear: It is written [[Lev. xiii. 45]]: "And he shall cover himself up to his upper lip." Hence we see that wrapping up is necessary. A mourner must not wear phylacteries, for Ezekiel was commanded [[Ezek. xxiv. 17]] to put them on. Hence we must say that others must not. But the question is as to one who is under the ban, in regard to phylacteries? This question was not decided. It is certain that a mourner must not greet any one, as Ezekiel was commanded [[ibid.]]: "Sigh in silence." But how is the case with one who is under the ban? Said R. Joseph: Come and hear (Taanith, ibid.): "And to greet one another as if they were rebuked from Heaven." Said Abayi to him Perhaps this case is different, because it is very strict."   
**6** No ban is for less than thirty days, and no rebuke is for less than seven days.   
**7** Said Rabban Gamaliel: He to whom the court has stretched out its hand, although he was again befriended, will not leave this world peaceably.

**Chapitre 6**

**1** A mourner must not read the Pentateuch, Prophets, and Hagiographa. He is also not allowed to study Mishna, Talmud, Halakha, and Hagadah. He is also not allowed to wash, to anoint, to wear shoes, or to have sexual intercourse with his wife. He must cover his head and lower his couch. Rabban Gamaliel washed himself when his wife died (see Mishna Berachoth, 166). A mourner must not study the Law, because the Merciful One commanded Ezekiel: "Sigh in silence" [[ibid.]]. But how is it with one who is under the ban? Said R. Joseph: Come and hear: We have learned: "One who is put under the ban may study for himself and also with others; he may be hired and he may hire others. But the case is otherwise with one who was excommunicated; the latter may, however, study for himself in order not to discontinue his studies. He may also establish for himself a small store in order to earn a living." Rabh said: "He may sell water in the market of Araboth." A mourner must not wash his clothes, as it is written [[II Sam. xiv. 2]]: "Then sent Joab to Thekoa, and he fetched thence a wise woman, and said to her," etc., "and anoint thyself not with oil; but be as a woman that hath these many days been mourning for the dead." What is the case with those under the ban? Come and hear: "Those who are under the ban are prohibited from cutting their hair and washing their clothes." Infer herefrom. A mourner must have his garment rent, because the Merciful One commanded the sons of Aaron [[Lev. x. 6]]: "And your garments you shall [not] rend"; hence others must. A mourner must lower his couch (place the mattress near or on the floor), as Bar Qappara taught: "(God said) I had placed my image among them, and for their sins I upset it (decreed death). Let them now lower their beds." A mourner must not work, for it is written [[Amos, viii. 10]]: "And I will change your feasts into mourning," As on the feast it is prohibited to do any work, so also is the case with the mourner. May one who is under the ban work? Said R. Joseph: Come and hear (Taanith): "When it was stated that it is prohibited to do work, it referred only to the day–time but not to the evening; and the same is the case with one who is under the ban." A mourner must not wash himself, as it is written [[II Sam. xiv, 2]]: "And anoint thyself not with oil"; and anointing includes also washing. And the Halakha prevails that a mourner must not bathe his entire body in either warm or cold water for seven days, but he may bathe his face, hands, and feet with cold water but not with warm. To anoint himself ever so little is prohibited, however, for a mourner; but he may do so for the purpose of removing the dirt from a certain part of his body. A mourner must not wear shoes, because Ezekiel was commanded [[Ezek. xxiv. 17]]; "And the shoes put on thy feet." Hence others must not. A mourner must have no intercourse with his wife, as it is written [[II Sam. xii, 24]]: "And David [comforted] Bath Sheba, and he went in unto her, and lay with her." Hence, before comforting it is prohibited. On the first three days if a mourner is greeted he shall say: "I am a mourner." However, from the fourth day onward he may answer half–heartedly.   
**2** When the death occurs in the same city, he must not accompany the others on the first two days; on the third he may go out and stand in the line for the purpose of being consoled, but he must not console others. All this is only when there are sufficient pall–bearers and burial attendants; otherwise he must accompany the others even on the first day. The rabbis taught: "A mourner on the first Sabbath must be confined to his house. On the second he may leave the house, but he may not occupy his usual seat (in the prayer–house); on the third he may occupy his usual seat, but he must refrain from conversation; and on the fourth Sabbath he is as any other person." R. Jehudah said: "As to the first Sabbath, it was not necessary at all to state that he must be confined to the house, for it is self–evident, because all come to comfort him on that day. But the above order begins on the second Sabbath; viz., 'On the second he must be confined to his house,' etc., and only on the fifth Sabbath he is as any other person.   
**3** On the first and second days the mourner must not enter the Temple mountain; on the third, however, he is allowed to enter, but must go around to the left. The following must enter to the left: A mourner, one who is under the ban, one who has a sick person in his house, and one who has sustained a loss. "Why do you enter to the left?" (the people standing about ask him). "Because I am a mourner!" And they rejoin: "The One who rests in this house may console thee!" And if he says: "Because I am in ban!" they rejoin: "The One who rests in this house may soften their hearts and they will befriend thee." So says R. Meir. Said R. Jose to him: "If so, you seem to insinuate that they have not judged him rightly? But they rejoin thus: "The One who rests in this house, will soften thy heart, that thou mayest listen to their advice, and they will again befriend thee." To the one who had a sick person in his home they rejoined: The One who rests in this house shall have mercy upon him! and if the sick was his only son they should pray: "Shall have mercy upon him immediately!"   
**4** It happened to a woman whose daughter fell ill, that she ascended the Temple mount, turned to the left, and did not stir from there till she was told that her child had recovered.   
**5** To one who has sustained a loss they say: "The One who rests in this house will soften the heart of the finder, and he will return it to thee immediately!" It happened to Elazar b. Hananiah b. Hezekiah b. Gorion that he lost the Holy Scrolls, which cost him a hundred Manah. He ascended the Temple mount, turned to the left, and did not stir till he was told that they were found. And the Temple was built by Solomon only for the purpose that everyone who should have any trouble should come and pray, as it is written [[I Kings, viii. 37]]: "If there be famine in the land, if there be pestilence," etc. From this we know only for individuals; when do we know that it is also for the public in general? It is written [[ibid., ibid. 38]]: "Of all thy people Isræl." Lest one say it is also for the one who prays for children, or for riches which may not be good for him, therefore it is written [[ibid., ibid. 39]]: "As thou mayest know his heart, for thou thyself alone knowest the heart of all the children of men." Whatever is good for him, grant him. Whence do we know that they should not persist in their rebellion? It is written [[ibid., ibid. 38]]: "When they shall be [conscious] every man of the plague of his own heart, and he then spread forth his hands toward this house." All this concerns the Isrælites, but whence do we know that it concerns also the Gentiles? Therefore it is written [[ibid., ibid. 41]]: "But also to the stranger, who is not of thy people Isræl, but cometh out of a far–off country," etc.

**Chapitre 7**

**1** The period of thirty days must be counted to the following: to mourning, to calender clothes, to cutting of hair, to demand debts, to a woman of handsome form, to betrothal, to marriage, to a virgin, to a widow, to a Yebamah, to one who vowed against his wife, and to an indefinite Nazarite.   
**2** "[To mourning]." How so? It is written [[Deut. xxxiv. 8]]: "And the children of Isræl wept for Moses in the plains of Moab thirty days." "[Calender clothes]" means all garments which come out from under the press. So is the decree of Rabbi. The sages, however, say: Colored but not white. But R. Meir said the reverse: White but not newly colored; old, however, is permitted in any case. [Funda, fascia, pileus], and helmets are also permitted. To give garments to be pressed is permitted within the thirty days. The rabbis taught: "It is not permitted to calender clothes, whether new, or old ones which have just been removed from under the press, during the full period of thirty days." Rabbi, however, said: "It applies only to new ones." R. Elazar bar Simeon said: "They have prohibited new white garments only." Abayi acted in accordance with Rabbi. Rabha, however, acted in accordance with R. Eliezer bar R. Simeon. "[To cutting of hair]." He must not cut off the hair of his head, his mustache, his beard, or any hair of his body. A woman, however, is permitted to cut her hair after the seven days. "[To demand debts]." If one lends money for an indefinite period, he cannot demand it before thirty days.   
**3** "[To a woman of handsome form]." It is written [[Deut. xxi. 11]]: "And hast a desire unto her, that thou wouldst take her to thee to wife." She must shave off her hair, and pare her nails. So is the decree of R. Meir; but R. Aqiba said: The hair must be shaved, and the nails she must let grow. Said R. Eliezer: As in both the head and nails the Torah prescribed a doing, and as the doing what is said by the head means that the hair shall be cut off, the same is the case with the nails; but R. Aqiba said: As the doing what is said by the head is meant to make her ugly, the same is the case with the nails (and nothing is uglier than long nails). A support to R. Eliezer can be found in II Samuel [[xix. 25]]: "And Mephibosheth the (grand–) son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his head." A support to R. Aqiba can be found in Daniel [[iv. 30]]: "Till his hair was grown like eagles' (feathers), and his [nails] were like birds' claws." Pin'has, the brother of Mar Samuel, was in mourning. When Samuel came to condole with him and noticed that. his nails were untrimmed, he said to him: "Why dost thou not trim them?" And he answered him: "If this were the case with thee, wouldst thou disrespect the mourning to such an extent?" And it was [[Eccl. x. 6]] "like an error which proceedeth from the ruler." And a death occurred in Samuel's family. When R. Pin'has came to condole with him, the former trimmed his nails and threw the parings in his face, saying: "I see that thou dost not pay any attention to the saying: Words are ominous, as said R. Johanan. Whence is it deduced that words are ominous? It is written [[Gen. xxii. 5]]: "And Abraham said unto his young men," etc., "and we will worship [and come again to you]"; and it so happened that both of them returned. (Although Isaac was intended to be sacrificed.) It was understood from Samuel's action that, the nails of the hand only may be cut, but not those of the feet. R. Onan bar Ta'hlipha, however, said: "It was explained to me by Samuel himself that there is no distinction made." Said R. Hyya bar Ashi in the name of Rabh: "With a nail file, however, it is not allowed." Rabh said (and Mar Zutra learned it in a Boraitha): "A couple from Hamthon once came before Rabbi and asked his permission to cut their nails in their mourning, and he permitted them to do so; and if even they would have asked his permission to trim their mustaches, he would also have permitted them." Samuel added: "They actually did ask his permission and he did permit them."   
**4** It is written [[Deut. xxi. 13]]: "And she shall put off the raiment of her captivity." If she was dressed in white or black which becomes her, or she had on jewelry, they must be removed from her, for the purpose of making her unhandsome. The case is only if she has declined to embrace the Jewish faith; but if she be inclined, she is dipped, is freed from slavery, and he may marry her. The purpose for which all this was done is to prevent mingling.   
**5** "[To betrothal]." How so? It is not allowed to make the feast of betrothal within thirty days of the day of the funeral. "[To marriage]." The feast of marriage is not allowed to be made within this period; but if everything was prepared before the death occurred of one of his or her parents he may marry, and have the first intercourse with her; but after that they must be separated for seven days. This is only in case one of his parents dies; but if his wife dies, he is not allowed to marry again until three regular festivals have passed. R. Jehudah, however, said: Two, and he may marry at the third. This is the case when he has grown–up children; but if they are yet little ones, or he is childless, he may marry even within the thirty days. It happened that the wife of R. Tarphon died, and R. Tarphon said to her sister within the period of mourning: "Enter this house, and educate thy sister's children." Nevertheless, he had no intercourse with her until the thirty days were over. The rabbis taught: "One is not permitted to marry during the full period of the thirty days. If he, however, mourns over his wife, he must not remarry again until three festivals shall have passed. R. Jehudah, however, allows after the first and second festival have passed." But if he is childless he may remarry at once, in order not to restrict reproduction; so also is the case if he has minor children, for they have to be brought up. It happened that the wife of Joseph the priest died, and he said to the deceased's sister while still on the burial ground: "Go and rear thy sister's children." But still he did not cohabit with her for a long while. For how long? Said R. Papa: "Until after the thirty days." "[To a virgin]." The period in which to complain that one has not found virginity is limited till thirty days after the marriage.

**Chapitre 8**

**1** During three days before the interment, experts repair to the cemetery and examine the dead whether they are really dead; [[and although this is the custom of other nations]], there is no fear of the prohibition of the deeds of the Amorites. It happened that one of the dead was examined (and found alive), and he lived twenty–five years after that; and to another one, that he begat five children before he died.   
**2** A canopy may be made for dead bridegrooms and brides, and either eatable or uneatable things may be hung on it. So is the decree of R. Meir. R. Jehudah, however, said: Only unripe things–viz., unripe nuts, unripe , tongus of purple, and flasks of Arabian oil; but not when they are ripe, nor ripe pomegranates, nor flasks of sweet oil, as whatever hangs on the canopy, no benefit may be derived from it. Strings of fish, pieces of meat, may be thrown before the dead bridegroom or bride in the summer, but not in rain time; and even during the summer, they must not do so with cooked fish or other eatables which will be spoiled after they are thrown on the ground. Nuts and other fruit in shells, as they are not spoiled, may be thrown at all times. There is a rule that anything which may be spoiled must not be thrown.   
**3** Likewise wine and oil may be put in a water pipe in honor of live bridegrooms and brides. As it happened to Jehudah and Hillel the sons of R. Gamaliel, when they were the guests of Ben Zakkai in Babylon, the townspeople flooded the water pipes with wine and oil to honor them. Also the bodies of kings, and their clothes may be burned, their cattle ham–stringed, without fear that it is after the usages of the Amorites. The ceremony of burning clothes and other things is performed for the corpses of kings only, but not for princes. When Rabban Gamaliel died, Aquilas the proselyte, however, burned in his honor clothes of the value of eight thousand Zuz, and when he was asked why he did so, he answered: It is written [[Jerem. xxxiv. 5]]: "In peace shalt thou die; and as burnings were made for thy father," etc. Was not Rabban Gamaliel more worthy than a hundred kings, for whom we have no use?   
**4** The hair of a dead bride may be loosened; and the face of a bridegroom may be uncovered, and the marriage contract and the pen may be put by his side, without fear that so is the custom of the Amorites. There may also be put in the coffin the key and the pinkas () of the dead, to call the attention of others to mourn, as it happened with Samuel the Little, that his key and pinkas were put in his coffin, because he did not leave a son. And Rabban Gamaliel the Elder and R. Elazar b. Azariah lamented him, saying: "For this dead one it is meet to weep, it is proper to lament. When kings die they leave their thrones to their children, when rich men die they leave their wealth to their children, but Samuel the Little took with him the most precious thing in the world, and is gone!"   
**5** Before he died, he said: "Simeon and Ishmæl are prepared for the sword, and all the remaining people for being robbed, and great trouble will follow." And he spoke this in Aramaic. When this occurred, and R. Simeon b. Gamaliel and R. Ishmæl were condemned to death, R. Ishmæl was weeping; but R. Simeon said: I praise God that it is only two steps till I shall be received in the bosom of the righteous in the world to come, and you are weeping? And the former rejoined: Do I weep because we are going to be slain? I am weeping because we will be slain as if we were murderers and violators of the Sabbath. After they were executed, and R. Aqiba and R. Jehudah b. Ethyra were informed, they put sackcloth on their loins, rent their garments, and said: Brother Isrælites! If a good thing was to come for the whole world, these two sages would certainly have been the first to receive it; and now, as they were the first to be executed, it must be only for their benefit: they shall not see the great calamities which will follow after that. Woe! "The righteous perisheth, and no man layeth it to heart" [[Isaiah, lvii. 1]]. "He shall come (to his father) in peace, they shall repose in their resting–place" [[ibid., ibid. 2]].   
**6** When R. Aqiba was executed, and R. Jehudah b. Baba and R. Hanina b. Teradion heard of it, they also arose, put sackcloth on their loins, rent their garments, and cried: Brothers, listen to us! R. Aqiba was not slain because of robbery nor because he had not observed the Law with all his might, he was slain only for an example, as it is written [[Ezek. xxiv. 24]]: "Thus shall Ezekiel be unto you for a token . . . then shall ye know that I am the Lord eternal." We are sure that within a few days there will not be a place in the whole of Palestine where corpses of the people will not be lying about. It was said that scarcely had a few days passed, when a canine appetite dissipated the whole world, which lasted from that time for a twelvemonth.   
**7** When R. Hanina b. Teradion was seized by the government they sentenced him to the stake, his wife to the sword, and his daughter to a house of prostitution. He inquired: To what have they sentenced the poor thing (his wife)? And he was answered: To the sword! Whereupon he exclaimed the following passage: "Righteous is the Lord in all his ways [[Ps. cxlv. 17]]. When she asked to what the rabbi was sentenced, she was answered: To the stake. Whereupon she exclaimed the passage: "Great in counsel, and mighty in execution," etc. [[Jer. xxxii. 19]]. When he was to be burned they wrapped him in the Holy Scrolls, and his daughter cried and threw herself on the ground. He said to her: My daughter! If thou weepest and throwest thyself on the ground over me, is it not better I should be consumed by a fire which was kindled in this world than by a fire which is not kindled (Gehenna)? As it is written [[Job, xx. 26]]: "A fire not urged by blowing." And for the Holy Scrolls! Knowest thou not that the Torah is fire itself, and no fire can consume another? The parchment only is burned, but the letters fly away. Thou must also know that the great servants of the king are mostly beaten through the lesser, as it is written [[Hosea, vi. 5]]: "Therefore did I hew (them) down by means of the prophets, I slew them by the work of my mouth."   
**8** R. Aqiba said: There is a king who has four sons. One is struck and is silent; the second rebels; the third prays for mercy; and the fourth says to his father: Strike me (because I am deserving). Abraham was struck but was silent, as it is written [[Gen. xxii. 2]]: "Take now thy son, thy only one, whom thou lovest, even Isaac . . . and offer him there for a burnt–offering." He ought to have said: The other day thou didst tell me: "For in Isaac shall thy seed be called" [[Gen. xxi. 12]]? and nevertheless it is written [[ibid. xxii. 3]]: And Abraham rose up early in the morning," etc. Job was struck and rebelled, as it is written [[Job, x. 2]]: "I will say unto God, do not condemn me: let me know for what cause thou contendest against me." Hezekiah was struck, and he prayed for mercy, as it is written [[II Kings, xix. 15]]: "And Hezekiah prayed before the Lord," etc. According to others, even Hezekiah rebelled, because he said: "Did I not do what is good in thy eyes?" [[ibid. xx. 3]]. But David is the one who said to his father: Strike me (because I am deserving), as it is written [[Psalms, li. 4]]: "Wash me thoroughly from my iniquity, and cleanse me from my sin."   
**9** The study of the Torah must not be interrupted till the soul is out of the dying one. When R. Simeon the son of R. Aqiba was ill, he (R. Aqiba) did not absent himself from the college, but inquired about him through messengers. The first messenger announced that he was yet ill. He nevertheless said to the disciples: "Question!" The second announced that he was worse, and still he did not interrupt his studies. The third one announced that he was in the struggle of death, and yet he said: "Question!" till the fourth one announced the death. Whereupon he arose, removed his phylacteries, rent his garments, and said to them: "Brother Isrælites, listen to me! Till now we were obliged to study the Law; now, however, we are obliged to honor the dead." A great multitude assembled to bury the son of R. Aqiba. He said: "Bring me out a bench to the cemetery." He sat down and said: "Brother Isrælites, listen! (You have assembled) not because I am a sage, for there are greater sages than I; not because I am rich, for there are richer men than I. If the men of the south know Aqiba, why should the Galileans know him? If the men know Aqiba, what have the women and the children to do with Aqiba (but here is not Aqiba, here is the Torah)? Oh! your reward will be great, ye have done homage to the Law. I am consoled, and had I even seven sons and buried them all, I would be consoled, [[not that one is desirous of burying his children]], but because I know that he will inherit the world to come; because it is known to all that he was given to philanthropic activity, to whom a sin never reaches." (See Yomah, p. 138.) Moses, who was himself righteous, and was given to philanthropic activity, the reward of the public was counted to him, as it is written [[Deut. xxxiii. 21]]: "He executed the justice of the Lord, and his judgments with Isræl." Jeroboam the son of Nebat sinned and induced the public to sin: the sin of the public was counted to him, as it is written [[I Kings, xiv. 16]]: "For the sake of the sins of Jeroboam, who did sin, and who induced Isræl to sin."   
**10** (There is a tradition): The reward of virtue is brought about by a meritorious person (Sabbath, p. 55); [e.g.], Isræl was destined to be redeemed from Egypt, as it is written [[Gen. xv. 14]]: "And afterward shall they go out with great substance." But as Moses and Aaron were meritorious persons, it was done through them. The same is the case with the receiving of the Torah: they would have received it without Moses' Aaron, and the generation of the desert, as it is written [[Proverbs, ii. 7]]: "He treasureth up sound wisdom for the righteous." The paragraph of judges [[Ex. xv. 18]] would be said, even if Jethro would not appear. The same is the case with the paragraph about the second Paschal lamb, it would be said even if the defiled men were not under the requirements of law [[Numb. ix. 7]]; and the same is with the paragraph of inheritance, it would be written without the daughters of Zelophchad.   
**11** The Temple also would have been built without David and Solomon, as it is written [[Ex. xv. 17]]: "The sanctuary, O Lord, which [Thy hands] have established." In the time of Haman, Isræl would have been redeemed also without Mordecai and Esther, as it is written [[Lev. xxvi. 44]]: "And yet for all that, though they be in the land of their enemies, I will not cast them away, neither will I loathe them to [destroy] them utterly." But all that was done through the above–mentioned, because a reward shall be brought about by a meritorious person.   
**12** The same is true of the reverse. Isræl was destined to be enslaved, even if Pharaoh should not have existed, as it is written [[Gen. xv. 13]]: "And they will make them serve, and they will afflict them four hundred years." Isræl would worship the idols even if Jeroboam b. Nebat should not have existed, as it is written [[Deut. xxxi. 16]]: "And then will this people rise up and go astray." The paragraphs of the blasphemer and the violator of Sabbath would have been written even if the blasphemer and the stick–gatherer should not have existed. Isræl was destined to be slain by the sword, even if the persecutors at different times should not have existed, as it is written [[Amos, ix. 10]]: "By the sword shall die all the sinners of my people." Jerusalem would have been destroyed also, without Nebuchadnezzar and his associates, as it is written [[Micah, iii. 12]]: "Therefore for [your sake] shall Zion be ploughed up as a field, and Jerusalem shall become ruinous heaps, and the mount of the house as forest–covered high places." But all this was done through the above–mentioned, because of the rule that the chastisement for sin is dealt out through a sinner, and this was explained by Papus and Lulianus his brother to Trajan their prosecutor. (Taanith, p. 48.)   
**13** Those who are more particular in interpreting the verses of the Scriptures said: It is written [[Deut. xii. 3]]: "And ye shall overthrow their altars." Wherein have the wood and stone sinned (to be destroyed)? It must be only because people have stumbled through them. From this is to be drawn an   
**14** fortiori] conclusion: Wood and stones which have neither virtue nor sin, neither goodness nor wickedness, because people have stumbled through them, if the Torah nevertheless decided their destruction, so much the more he who causes his neighbor to sin, and inclines him from the path of life to the path of death, deserves to be destroyed! In the same manner they explained the following: It is written [[Lev. xx. 16]]: "Then shalt thou kill the woman and the beast." If the woman has sinned, in what has the beast sinned? It must be only because the woman has sinned with it, it must be killed; as otherwise, whenever it would be seen in the street, people would say: "This is the beast through which so and so was stoned." And also here they draw the same [a fortiori]: An animal which has no virtue, etc., like the wood and stones, and nevertheless the Torah decided that it must be stoned––a man who causes his neighbor to depart from the path of life to the path of death, so much the more must he suffer for it.   
**15** An [a fortiori] conclusion is also to be drawn from the stones of the altar; namely, it is written [[Deut. xxvii. 5]]: "Thou shalt not lift up any iron tool upon them," and it is also written [[Ex. xx. 22]]: "For if thou lift up thy tool upon it, thou hast polluted it." Why, then, shall iron be unfit for the altar more than any other metal? It is because the sword is an unpropitious event and the altar is a propitious one, and a sign of curse must be removed from the thing which is forgiveness. Now, is this not all [a fortiori]: The stones of the altar which do not see, hear, talk, neither eat nor drink, but only because they made peace between Isræl and their heavenly Father, the Torah said they should not be cut with iron, "Of whole stones shall they build the altar of the Lord God" [[Deut. xxvii. 6]], we see then that the stones which bring peace in the world must not come in contact with iron and must be whole––the students who in themselves are a forgiveness to the world, so much the more must they not come in contact with evil things, in order to be perfect before the Holy One, blessed be He?

**Chapitre 9**

**1** For all the relatives, one must rend his garments, also for the teacher from whom he received his study. A wise man, however, all are his relatives, all must rend their garments, all must take off their shoes, and all may take part in the funeral meal (which used to be eaten in the street on the return from the cemetery). R. Simeon b. Elazar, however, said that rending of the garments is obligatory to all who are present at the death of a human being; the relatives, however, must rend their garments and take off their shoes, even if they are not present. Different is it when a sage dies. All who are notified of his demise must perform the mourning ceremonies.   
**2** For the death of the chief of a college all (the college men) are obliged to bare their right arm; for the chief of a court, the left; and for the Nasi both arms are bared. When the death of R. Eliezer occurred, R. Aqiba bared both his arms, beat his breast until blood spurted from it, and cried: "My father, my father, the chariot of Isræl, and their horsemen [[I Kings, ii. 12]]. Ula said: "Lamenting is by striking on the breast, for it is written [[Isa. xxii. 12]]: 'They shall strike on the breast, lamenting.'" Clapping is done with the hands, and striking is done with the feet. The rabbis taught: "One who strikes with his feet must not do so with his sandals on, but with his shoes on, in order to avert danger." R. Johanan said: "If the mourner motions his head (as if he is consoled already), his consolers need no more stay with him." R. Johanan said again: "All persons must rise from their seats on the arrival of a Nasi, except a mourner and a sick person." R. Johanan said again: "All persons are told to be seated (after they rose), except a mourner and a sick person.   
**3** For all his relatives one is not obliged to bare his aim, except for father and mother. If something is on the arms which prevents their being bared, one is not obliged to do it even at the death of his parents. It happened that when the death of R. Aqiba's father occurred, R. Aqiba did not bare his arm, though others did. In all cases it is praiseworthy to remove the corpse as soon as possible, excepting in the case of a dead parent, unless it is on a Friday or on the eve of a festival, for the removal is then only for the honor of the deceased (in order that they shall not remain unburied until after the Sabbath or festival). In all cases of death it is optional with the mourner whether to lessen his attendance to his business or not; in the case of the death of a parent, he must lessen. As to baring the shoulder, it is also obligatory in case of parents only. It happened that the father of a great man of the generation died, and the great man wanted to bare his shoulder; another great man, who equalled him and who was present at the time, wanted to do likewise (in order to show his respect), and the first one refrained from doing it (in order to prevent the other one from inconvenience). Said Abayi: "The great man of the generation was Rabbi, and the other one who was present at the time was R. Jacob bar A'ha." According to others, it was [vice versa]. In all cases of death the mourner may cut his hair after thirty days; but in the case of his parents, not before he is censured by his friends (for wearing too long hair). In all cases of death one may participate in any enjoyment after thirty days, except in the case of his parents, when he may do so only after twelve months. Said Rabba bar bar Hana: "In an entertainment of friends he may participate at once." In all cases one may rend his garment only one span long; over parents he must rend so much as to bare his breast. Said R. Abuhu: From what passage do we know this? From [[II Sam. i. 2]]: "David thereupon took hold of his clothes, and rent them." And it is known that wherever "hold" is mentioned, it is not less than a span. In all cases, even if one has ten garments on, it is sufficient to rend the upper one only; over his parents, however, he must rend all the garments he has on, except the chest protector. And there is no distinction made between male and female. R. Simeon b. Elazar, however, said: "A woman rends the undergarment, places the rent part on her back, and then rends her upper garment." In all cases it is optional whether to tear asunder the outside hem or not, but over parents it is obligatory. R. Jehudah, however, said: "If the hem is not torn asunder, it is not considered rending at all." Said R. Abuhu: "What is the reason of R. Jehudah's statement? It is written [[II Kings, ii. 12]]: "And he took hold of his clothes, and rent them in two pieces." The superfluous statement, "in two pieces," indicates that it must be rent so that it should look as if torn in two pieces. In all cases the rent may be slightly sewed together after the seven days, and regularly mended after the thirty days; but over parents it may only be slightly sewed together after thirty days, but never regularly mended. Women, however, may sew it together at once, for the sake of decency. When Rabbin came from Palestine, he stated in the name of R. Johanan: "Over relatives it is optional whether to rend by hand or with an instrument; over parents, by hand only." R. Hyya bar Abba said in the name of R. Johanan: "Over relatives the rent is made in the house; over parents, even outside of the house." A prince once died. Said R. Hisda to R. Hanan bar Rabha: "Stand on an elevation and rend your garments, so that every one will see it." Over the death of a scholar, the right shoulder is bared; over that of a chief of a court, the left one is bared; over that of a Nasi, both shoulders are bared. The rabbis taught: When a scholar dies, his college closes. When a chief of a court dies. all the colleges in the city in which he resided close, and those who come to the prayer–house to pray change their usual seats, so that those who have seats on the north benches take seats on the south benches, and [vice versa]. But when a Nasi dies, all the colleges close and the members of the congregation assemble in the prayer–house, and only seven read in the Law, and leave. R. Joshua b. Kar'ha said: "That does not mean that they shall walk around in the streets, but that they must remain in their houses and keep silent." And no ordinance or Agada should be declared in the mourner's house. It was said, however, of R. Hananiah b. Gamaliel that he had declared ordinances and Agada in the house of a mourner. The rabbis taught: "And the following rent garments may not be mended: garments rent over the death of parents: over the death of one's instructor in Law; over a Nasi, chief of the court; over ill–tidings; over blasphemy; the Holy Scrolls which were burned by fire; the cities of Jehudah; the Temple; and over Jerusalem. And one may rend over the destruction of the Temple and add another rent (at the same place) over Jerusalem." R. Helba in the name of Ula of Birah, quoting R. Elazar, said: "One who beholds the cities of Jehudah in their desolate state, says [[Isa. lxiv. 9]]: 'Thy holy cities are become a wilderness,' and rends his garment; when he beholds Jerusalem in her desolate state, he says [[ibid., ibid.]]: 'Zion is become a wilderness, Jerusalem a desolate place,' and rends; when he beholds the Temple in its desolate state, he says [[ibid. 10]]: 'Our holy and our beautiful house where our fathers praised Thee is burned up with fire; and all our costly things are become ruins,' and rends." The Boraitha stated: "One may rend over the Temple and add another rent," etc. There is a contradiction from the following Boraitha: "Both the one who heard it and the one who saw it, as soon as they reach Zophim they rend their garments, and they do so [separately] over the Temple and over Jerusalem?" This presents no difficulty: The first Boraitha relates to a case where he beheld the Temple first; the second, where he beheld Jerusalem first (Rashi explains the first case that he was under such circumstances that he could not see Jerusalem first, as for instance if he were in a closed carriage). The rabbis taught: "And all (rents) may be slightly sewed together, hemmed, gathered (a sort of stitch), and stair–stitched, but not regularly mended." Said R. Hisda: "Mending is not allowed only when it is done in the fashion of Alexandria"(for it then looks as if never rent). The rabbis taught: The original rending is a span long; the additional, three fingers. Such is the dictum of R. Meir; R. Jehudah, however, said: "The original rending is three fingers, and the additional a trifle." Said Ula: "The Halakha prevails according to R. Meir as regards the original rending, and according to R. Jehudah as regards the additional one." We have learned the same also in a Boraitha in the name of R. Jose. Rending which is not done in the moment of excitement (immediately after the occurrence of the death) is not considered rending at all. Was it then not stated that Samuel rent all the twelve different garments he had on when he was informed of the death of Rabh, saying: "The man whom I always feared (for his sharpness) has passed away"? And was it not also stated of R. Johanan that he rent thirteen woollen garments when he was informed of the death of R. Hanina, saying: "The man whom I always was in dread of has passed away"(and in these instances it was not immediately after the occurrence of the death)? In case of death of rabbis it is different, because. their teachings being always fresh in memory, the moment of excitement is whenever the information of their death reaches. Rabhin bar Ada said to Rabha: "Thy disciple R. Amram taught the following Boraitha: A mourner during all the seven days must wear the rent part in front, and if he changes clothes he must rend again. On the Sabbath he must remove the rent part from the front to the back; if he, however, changes his clothes for the Sabbath, he must not rend again." (Hence we see that one must rend, although after the moment of excitement?) Rabha answered him: "This applies only to parents, but over other relatives it is different." May those rents be mended? The father of R. Oshiya and Bar Qappara differ: One holds they may, and the other holds they may not. Rabha said: A mourner may walk around in his easy–dress in his house (in private).   
**4** If he was informed of his father's death, and he rent his garments, and afterward he was told that it was not the father but the mother, his duty is fulfilled; and also [vice versa]. If after he has rent for his parents he was told that it was not his parents but one of his relatives, this rending is sufficient. If, however, he was informed of the death of a relative, and after he has rent he was told that it was not his relative but one of his parents, he must rend again. The rabbis taught: "If one is informed of the death of his father and he made a rent, and then he was informed of the death of his son and he made an additional rent, the lower rent may be mended but not the upper one. If, however, he was informed of the death of his son first, the upper one may be mended but not the lower one. If he was informed of the death of his father, mother, brother, and sister at the same time, he may make one rent for all. R. Jehudah b. Bathyra, however, said: One rent over his father and mother, and another over all the others; for an additional rent should not be added to the one over his parents." What is the reason? Said R. Na'hman bar Itz'hak: "Because the law of additional rending does not apply to the case of parents." Said Samuel: "The Halakha prevails according to R. Jehudah b. Bathyra." Could Samuel say so? Did not Samuel decide that the Halakha prevails, in regard to mourning, according to the one who is lenient? Mourning is one thing and rending is another. How far down must one rend? As far as his navel. According to others, as far as the breast. And although there is no direct support for that from the Scripture, there is nevertheless a hint for that in [[Joel, ii. 13]], "And rend your heart, and not your garments." The rabbis taught: If a sick person has a case of death in his family he must not be informed of the fact, for it may cause him distress; and no rending is done in his presence, and the women are silenced (to keep any knowledge from him); and a minor's garments are rent for the purpose of moving others to pity him; and rending is done over the parents of one's wife out of respect to the latter. R. Papa said: "We have learned in Tract Great Mourning: 'But one (mourner) may not place a babe in his lap, for it may cause him to smile and thus be disliked by others.'" "[The funeral meal is not to be taken except on a couch standing up properly]." The rabbis taught: "One who comes to the mourner's house, if he was intimate with the mourner, he takes the funeral meal on a lowered couch; if he were not, on a couch standing up properly." Rabha had a death in his family, and Abba bar Martha, who was also known as Abba bar Maniumi, came to console him. Rabha put up the couch, Abba bar Martha lowered it, and Rabha remarked: "How little sense this young scholar has!" The rabbis taught: "A mourner who travels from one place to another, if it is convenient to him to lessen his attendance to his business he shall do so; if not, he shall attend at least in company with other traders." The rabbis taught: From what time on must the couch be lowered? From the time the deceased is removed from the house. Such is the dictum of R. Elazar. R. Joshua, however, said: "From the time the top–stone is placed on the grave." When R. Gamaliel the Elder died, as soon as he was removed from the house R. Elazar told the mourners to lower the couches; when the top–stone was placed on the grave, R. Joshua told them to do so, and they answered: "We have already done so by the direction of the elder teacher." The rabbis taught: "From what hour on may the couches be put in proper condition on Friday? From the hour of the Min'ha prayer on." Said Rabba bar Huna: "One must not, however, sit down on them until sunset, and on Saturday evening he must again lower them, although he has but one more day to mourn." The rabbis taught: "One must lower not only his own couch, but all the couches in the house, even if they numbered ten and were placed in different places; and even if four brothers mourn over the death of a fifth brother, they all must lower their couches. If there is, however, one couch used exclusively for placing on it utensils, that one need not be lowered." The rabbis taught: "One (a mourner) who sleeps on a stool, a large mortar, or on the floor has not fulfilled his duty." Said R. Johanan: "For he has not performed the duty of lowering the couch."   
**5** If one bought a garment which was rent for a death, he must not sew it together, unless he knows that the rent is such that it may be sewed together. If one sells such a garment, he is obliged to acquaint the buyer what kind of a rent it is. All garments of which their rents must not be sewed together, must not be sold to Gentiles; neither can they be turned downward and sewed together. Such is the decree of R. Simeon b. Elazar. The sages permit it. If one comes to a dying person in a rent garment, he is robbing the dead. It is a greater sin to rob the dead than the living, because one can always appease the latter and make restitution, which he cannot do to the dead. The same may be said of him who honors his parents after they are dead: it is more praiseworthy than when he honors them when they are alive, as in that case it may be said that he does so because he fears them, or because he expects to inherit from them; but when he honors them after they are dead, it is only for the sake of heaven. The rabbis taught: One who wears in the presence of a deceased person a garment which has been rent over another deceased, is imposing on both the deceased and the living. R. Simeon b. Gamaliel said: "One who borrows a garment of another for the purpose of visiting his sick father, and informing the borrower of the purpose for which the garment is to be used, does visit his father but finds him dead, he must rend, but may mend it and return it to the owner, paying him the difference in value caused by the rending. But if he has not informed the owner of the purpose, he may not rend.   
**6** If one has rent for one dead, and he be resuscitated, if he dies immediately after, this rent is sufficient; but if he live some time, one must rend again.   
**7** One who saves the garment which was upon the dead is robbing the dead: this is only with the garments which are with him in the coffin, but not those which are with him in bed; nevertheless, the heirs must be told not to save even the garments which were with him in the bed. One who adds garments to a corpse more than necessary, he transgresses the precept, "Thou shalt not destroy" [[Deut. xx. 19]]. So is the decree of R. Meir. R. Eliezer b. Zadok said: He makes the corpse homely. Rabban Gamaliel said: Also, they add vermin.   
**8** Said R. Nathan: The garments in which the corpse is buried will be renewed with him in resurrection, as it is written [[Job, xxxviii. 14]]: "She is changed as the sealing–clay, and (all things) stand as though newly clad."

**Chapitre 10**

**1** A mourner is exempt from reading Shema, from prayers, and all the precepts commanded in the Torah, during the time that the corpse is in his house. If one desires to be rigorous with himself, he shall not do so, for the honor of the dead. When the time for reading Shema approaches, all the people read; he, however, must be silent. When they rise to pray, he shall acknowledge the justice, saying: "Lord of the universe! I have sinned against Thee; a little only of my indebtedness was called in, although I deserve much more. May it be Thy will to close up our breaches and condole us!" R. Simeon said: He also prays for the departed soul.   
**2** The mourner must eat with his neighbors. If he has none, he shall eat in another room; if he has none, he shall make a partition of ten spans' distance; if he has nothing to make a partition with, he shall turn his face and eat. He must not lean and eat, neither must he eat meat nor drink wine; he must not pronounce the meal benediction, nor can he be included where three are required in pronouncing it, neither may others pronounce it singly or in three for him. All this is only on week–days; on the Sabbath, however, he may eat and lean, and is allowed all the things mentioned above. As Rabban Gamaliel said: On the Sabbath a mourner is not considered as a mourner at all. R. Jehudah in the name of Rabh said: "A mourner on the first day must not eat of his own bread, for the Merciful One said [[Ezek. xxiv. 22]]: 'And the bread of other men shall ye not eat.'" Rabba and R. Joseph (when they were in mourning) used to exchange their meals between themselves. R. Jehudah in the name of Rabh said again: "When a case of death occurs in a town, all the inhabitants of the town are prohibited from doing any work." R. Hamnuna happened to be in Drumtha, and he heard the horn announcing the occurrence of a death. When he subsequently noticed certain persons doing some work, he said to them: "Let these persons be under the ban, for is there not a death–case in town?" They answered him: "There are special societies for burying the dead." And he thereupon said to them: "If such is the case, you are absolved." R. Jehudah in the name of Rabh said again: "One who laments excessively over a deceased may be sure to have to do so over another deceased." There lived a woman in the neighborhood of R. Huna who bad seven sons. Once one of them died, and she was weeping very much. R. Huna sent her a message not to do so, but she paid no attention to it, and R. Huna sent her the following message: "If you listen to what I say, well and good; if not, you may as well prepare a shroud for another of your sons." Subsequently another son died, and one by one all of them died. He then said to her: "Now prepare a shroud for yourself." And she also died.   
**3** The corpse must not be carried out when near the time of reading Shema: it must be done an hour sooner or later. When the bearers of the hearse go out, those in front of it, as their services are required, are exempt from reading Shema, but are prohibited to wear their shoes; those who are behind it, however, as their services are not required, are obliged to read Shema and are allowed to wear their shoes. Both are exempt from prayer and phylacteries. If on their return from the burial there is yet time to begin and finish Shema before standing in line, they first read, and stand in line afterward; otherwise they stand in line first, and read and pray afterward. The inside row which sees the mourner is exempt from it; the outside, however, is not. R. Jehudah said: Even if there is but one row, if they stand for the sake of the mourner, they are exempt; but if they stand for the sake of their own honor, they are not. The people who come to console, if they see the mourner they are exempt, otherwise they are not.   
**4** R. Simeon b. Elazar said: Rabban Gamaliel had a prepared sepulchre at Jamnia, wherein they used to deposit the corpse and lock the door. After that they came to stand in line around the mourner and consoled him; through this they exempted the public from doing these duties, and subsequently the corpse was brought up to Jerusalem. The rabbis taught: At first in the houses of the rich (mourners), silver and gold baskets and white glass were used: and in those of the poor, willow baskets and colored glass were used, and the poor felt ashamed; and it was enacted that only willow baskets and colored glass should be used by all. At first they used to leave the face of the deceased uncovered and used to carry him on an expensive bier if he belonged to the rich class; but they used to cover his face (for their faces grew dim from hunger) and carry him on a common bier if he belonged to the poor class, and the poor people felt ashamed. So it was enacted that all should be covered and be carried on a common bier. At first they used to carry the rich in braided beds, and the poor in common ones, and the poor felt ashamed, and it was enacted that all should be borne in a common bed. At first spices used to be placed at the side of those who died from bowel–troubles, and those who suffered from that disease while still living used to feel. ashamed; and it was enacted that spices should be placed at the side of every deceased person out of respect to those who were suffering from that disease while still living. At first the expenses accompanying the burial of a deceased person were more burdensome and painful to his relatives than the death itself, and they used to leave the corpse and run away, until Rabban Gamaliel, the Nasi, directed that he be buried in flaxen garments; and it became customary with the people to bury the dead in flaxen garments. Said R. Papa: "And at present, even in a flaxen garment of the value of one Zuz." When the grave is closed, the mourner wraps up his head: when ready for the line, he bares it and exempts the others from doing it; if he steps outside the line, he covers it again; when he comes home and others come to visit him, he bares it again and exempts the others from doing it.   
**5** When a death occurs in the family of a sage or a disciple of a sage, they may come and discuss about the laws of mourning before him. If they err, he may set them right half–heartedly; but himself must not propound a question. He may speak himself, if he so desires, or he may permit another to speak for him. It happened that the son of R. Jehudah died, and the latter permitted another to speak for him; so also did R. Jose the Galilean when his son died. It happened to R. Aqiba that his son died, and he sat and lectured all day; so also did Rabbi when his son died. If it is necessary to discuss about something, they must begin concerning the laws of mourning, and then branch off to other matters, and finish again in regard to mourning. In Judah, on the Sabbath they greet the mourner on entering and leaving the college, to show that no mourning exists on the Sabbath.

**Chapitre 11**

**1** When two deaths occur in town, the one that died first is buried first; and if the first has to be left over night, the second is buried. And although it is said: Whoever leaves his dead over night transgresses a negative commandment, still, if it is done for the purpose of digging a grave, to prepare shrouds, or to enable his outside relatives to attend to his funeral, it does not matter. If a master and a pupil die on the same day, the master is buried first; a pupil and a common man, the pupil is buried first. If both are masters, or pupils, or common men, the one that died first is buried first. A man and a woman, the woman is buried first, because the latter is more liable to become disgusting.   
**2** These are the differences between a man and a woman: A man may be left in the street to hold an oration over him, but not a woman; the greatest man of the city may accompany a man, but he is not to be troubled for a woman. R. Jehudah said: He may; the funeral meal is taken over a man, but not over a woman. Said R. Jehudah: If she has little children, the meal is taken with them.   
**3** They do not stand in line, nor is the mourning benediction said after the burial of the first, but after the second; then they do all this, and console, and exempt the public from doing so. Two mourners may not be consoled together, unless they are in the very same position in the community. The same is the case with two corpses to be carried in one hearse: An accident happened in the city of Usha wherein a house tumbled down and killed two male children and one female child, and R. Jehudah ordered that all three should be carried together. The male children were put on one side, and the female on the other, and they lamented over them: "Woe, woe, bridegroom! Woe, bride!" Two funeral orations may not be held in one town at the same time, unless there is enough attendance for both. The same is the case with two brides, they must not be married at the same time, unless there is enough attendance for both. R. Simeon b. Elazar said: Even in this case it is not advisable to do so, because there may be enmity.   
**4** The corpse must be set aside for a bride, because the honor of the living precedes that of the dead. A bride, however, must be set aside for a king, for the honor of the king. King Agrippa, however, stepped aside for the sake of a bride, and he was praised by the sages. His remark was: "I have time to put on my crown every day, and she can put on her crown only once in her lifetime."   
**5** The study of the Law (in the colleges) must not be interrupted for the sake of a burial or a bride. Abba Saul, however, said: The performance of meritorious deeds has preference over study, as was the custom of R. Jehudah. Whenever he saw a funeral or a bridal party coming, he glanced at the disciples, telling them: The performance supersedes study. If one of the parents of a married couple die, the woman must not paint nor adorn herself, and her husband must not protest against it. Sweeping, washing glasses, and making of the beds is not considered as labor to a mourner. The rabbis taught: "The mourner's house may be swept and besprinkled, and the dishes, glasses, flasks, and jugs may be rinsed, but no gum to be put on coal, or spices, may be brought to the mourner's house." Must it not? But has not Bar Qappara taught: "No benediction is pronounced over gums (to be put on coal) or spices in the mourner's house"; from which it is inferred that only the benediction is not pronounced, but they may be brought there? These present no difficulty: the first statement relates to the place where the mourner is sitting; the statement of Bar Qappara, to the place where the consolers are sitting.   
**6** If one leaves five sons, who were at his table, but each one slept at his own house, each one must lower his couch in his own house, otherwise the performance is made only in the house which is used for sleeping. If, however, there were five rooms, and all were used, it must be done in all. One lodging in another's house, if he is intimate with his host, he must lower his couch, otherwise he need not. One who is on a journey and hears of the death of one of his near relatives, if he can lower his couch without any difficulty, he may do so. One may turn over his couch on two benches, or on four stones, no matter if there were even five mattresses on top of it, and was four spans above the ground, provided the legs of the couch are in the air. This, however, is after the burial; but when the corpse is in the house, he may not sleep even on an upturned couch.   
**7** The performance of lowering the couch is sometimes for six days, and sometimes for five, four, and three days, no more, no less. How so? If the death occurred on a week–day, it is for six days; if in the afternoon of the eve of Sabbath, it is for five days; if a festival succeeds this Sabbath, for four days; and if the two days of New Year succeed this Sabbath, it is for three days.

**Chapitre 12**

**1** Renting on a death, the mourning of seven and thirty days, begin from the day of burial, or from the day he was informed, if he was not present. For whom one is obliged to rend at the time of death, he is also obliged when gathering his bones from one grave to be put into another. Also the law of sewing together the rent applies to that for gathering bones; the mourning, however, is only for one day, and the night belonging to that day does not belong to the day of mourning. The rabbis taught: A recent information makes customary both the seven and the thirty days; a remote information, however, makes customary only one day's mourning. What is a recent, and what a remote information? A recent––if within thirty days; a remote––if after thirty days. Such is the dictum of R. Aqiba. The sages, however, hold either case makes customary both the seven and the thirty days. Said Rabba bar bar Hana in the name of R. Johanan: "Whenever it is found that the majority is rigorous and the individual is lenient, the Halakha prevails according to the majority, with the exception of this case here, in which, although the majority is rigorous, still the Halakha prevails according to the individual" (R. Aqiba). As Samuel stated: "In the case of mourning the Halakha prevails according to the one who is lenient." R. Hanina received information of the death of his father from the city of Husai, and he consulted R. Hisda. The latter said to him: "A remote information causes mourning for one day only." R. Nathan bar Ami received information of the death of his mother from the same place, and he consulted Rabha, who said to him: "Are you not aware of what was said in regard to a remote information?" And the former objected: "Have we not learned that this is so only in regard to the five cases of relatives whom one is bound to bury (son, daughter, brother, sister, and wife); but as regards father and mother, the seven and thirty days must also be observed?" And he answered him: "The Tana of the Boraitha is an individual (in his opinion), and we do not concur with him." As we have learned in the following: It happened that the father of R. Zadok died in the city of Ginsak, and he was informed after three years, and he went and asked Elisha b. Abajah and the Elders who were with him, and they told him he shall keep seven and thirty. The same occurred when the son of R. A'hiya died in exile, and his father has performed for him the mournings of seven and thirty (hence the above Boraitha is in accordance with the individual, and not according to R. Aqiba. And from the following we can see also that the Halakha does not prevail according to Elisha b. Abajah, namely,) Rabh was the son of the brother of R. Hyya on his father's side, and also the son of his sister on his mother's side. And when Rabh came to Palestine, R. Hyya asked him: Is thy father alive? And he answered: My mother is alive. Then R. Hyya asked again: Is your mother really alive yet? And he answered. My father is alive. Then R. Hyya told his servant: Take off my shoes; but a little later you shall take my garments in the wash–house. From this we have learned three things: First, that a mourner must not wear shoes; second, that a remote–in formation mourning is customary for only one day; and, third, that a part of the day is considered as a whole day.   
**2** There were different societies in Jerusalem, and each of them had to attend to different things. One was to attend mourners; one to attend marriages; one to attend circumcision or redeeming of a first–born male child, and one for removing the bones from one grave to another. The attendance to a bride's house precedes a mourner's house; circumcision or the redeeming of a first–born male child precedes the removal of bones. The ancient pious, however, preferred to go to a house of mourning instead of the house of a bride, as it is written [[Eccl. vii. 2]]: "It is better to go to the house of mourning than to go to the house of feasting; inasmuch as that is the end of all men, and let the living lay it to his heart," as whoever follows the bier, knows that this will happen also to him. We have learned in a Boraitha: R. Meir used to say: It is written [[Eccl. vii. 2]]: "It is better to go to the house of mourning than," etc., "and let the living lay it to his heart," which means, let the living lay to his heart matters connected with one's death––viz., when he laments over him, that he will also be lamented over; when he buries him, that he will also be buried; when carrying him, that he will also be carried; and when eulogizing him, that he will also be eulogized. According to others one who is modest, and troubles himself with burying the dead, will be elevated by Heaven, as it is written [[Prov. xxv. 7]]: "For better it is that it be said unto thee, Come up higher, than that thou shouldst be put lower in the presence of the prince, which thy own eyes have (often) seen." The rabbis taught: When the sons of R. Ishmæl died, four elder sages came to console with him; viz., R. Tarphon, R. Jose the Galilean, R. Elazar b. Azariah, and R. Aqiba. Said R. Tarphon to the other three: "You must know that he (R. Ishmæl) is very wise and he is well versed on Agada, and therefore none of you must intrude when the other will be speaking." Said R. Aqiba: "And I will be the last one." R. Ishmæl began: "His sins have increased, his mournings have succeeded one another, and he has inconvenienced his instructors once and twice." R. Tarphon then arose and said: "It is written [[Lev. x. 6]]: 'But your brethren, [the whole house of Isræl], may bewail the burning,' etc. If this was ordered over the death of Nadob and Abihu, who have observed only one commandment, as it is written [[ibid. ix. 9]]: 'And the sons of Aaron brought the blood unto him,' etc., so much the more so over the death of the sons of R. Ishmæl." R. Jose then followed and said: "It is written [[I Kings, xiv. 13]]: '[And all Isræl] shall mourn for him, and bury him.' If so much was done for Abiyah the son of Jeroboam, who has performed one kind deed only, as it is written [[ibid., ibid.]]: 'Because there had been found in him some good thing,' so much the more so over the death of the sons of R. Ishmæl." [[What was the good thing? R. Zera and R. Hanina bar Papa: one says that he suspended his office and made a pilgrimage to Jerusalem on the feasts; the other says: he has abolished the guards which were established by his father to prevent the pilgrimage to Jerusalem.]] R. Elazar b. Azariah then began: "It is written [[Jerem. xxxiv. 5]]: 'In peace shalt thou die; and as burnings were made for thy fathers,' etc., if so much was done for Zedekiah the king of Judah, who performed only one meritorious thing in that he ordered to bring up Jeremiah from the pit filled with mire, so much the more so over the sons of R. Ishmæl." Finally, R. Aqiba began: "It is written [[Zech. xii. 11]]: 'On that day will the lamentations be great in Jerusalem like the lamentation at Hadadrimmon in the valley of Megiddon.' [[And R. Joseph said: If not the translation of Jonathan of this passage, namely: On that day will the lamentations be great in Jerusalem, like the lamentation for A'hab bar Omri, who was killed by Hadadrimmon bar Tabrimmon, and like the lamentations for Josiah bar Amon, who was killed by Pharaoh the Lame in the valley of Megiddon, I would not know its meaning.]] If so much over A'hab the king of Isræl, who has done only one good thing, as it is written [[I Kings, xx. 35]]: 'And the king was stayed up in his chariot against the Syrians' (to prevent the defeat of Isræl), so much the more for the sons of R. Ishmæl." Rabha said to Rabba bar Mari: Zedekiah was promised that he would die in peace, and still it is written [[Jerem. xxxix. 7]]: "And the eyes of Zedekiah did he blind?" (How was the promise to die in peace fulfilled?) He answered him: "So said R. Johanan: (It was fulfilled) that Nebuchadnezar died in his time." Rabha further said to Rabba bar Mari: Josiah was promised [[II Kings, xxii. 20]]: "Therefore, behold, I will gather thee unto thy fathers, and thou shalt be gathered unto thy grave in peace." And still it is written [[II Chron. xxxv. 23]]: "And the archers shot the king Josiah?" And he answered him: "So said R. Johanan: (The promise was fulfilled in that) the Temple was not destroyed during his life–time." R. Johanan said: "The consolers are not permitted to speak consolation before the mourner engages in conversation, as it is written [[Job, ii. 13]]: "But no one spoke a word unto him," etc.; [[ibid. iii. 1]]: "After this time Job opened his mouth," etc.; and only [[ibid. iv. 1]]: "Then answered Eliphaz," etc. (These quotations are according to Na'hmanidus.) R. Abbuhu said: Whence do we know that the mourner takes his seat at the head of the consolers? It is written [[ibid. xxix. 25]]: "I chose their way for, them, and sat as chief," etc., "as the mourners being comforted" (read YiN�X�m) Mar Zutra said: "From the following passage [[Amos, vi. 7]]: 'And the noisy banquet of those who were stretched out shall pass away?' R. Hama bar Hanina said: Whence do we know that a bridegroom takes his seat at the head of the guests? It is written [[Isa. lxi. 10]]: "As a bridegroom decketh himself with elegant attire." (The Hebrew reading: "Ke'hathan yechæhn p��ar," "Hathan" meaning a bridegroom, and "yechæhn" having the same letters as "cohen," a priest), as a priest sits at the head, so also does a bridegroom. R. Hanina said: "The separation of the soul from the body is as difficult as the removal of a knotty rope from the mast." R. Johanan said: "It is as difficult as the removal of a knotty rope holding the masts of two ships together." The bones and the veins must not be taken apart when gathering them; it must not be feared, however, that this will happen while gathering them. All bones one may handle while gathering, except that of his parents, which must be handled by others. Such is the decree of Rabbi Johanan b. Nuri; R. Aqiba, however, said: As the bones are not allowed to be gathered till the flesh is all destroyed, and the form is not recognized any longer, it does not matter even if they are his parents'.   
**3** The bones of two corpses may be gathered together, but he shall keep them separate in a casket; he shall put one's in one corner, and the other's in another. So is the decree of R. Aqiba. R. Johanan b. Nuri, however, said: There is not any need for keeping the bones separated, as the basket in which they will be buried will finally be rotten, and the bones will be mixed again; if, however, he desires that they shall be separate, he shall bury them in caskets of cedar.   
**4** The bones may be sprinkled with wine or oil, according to R. Aqiba; with oil and not wine, because wine destroys them, according to Simeon b. Nanes; the sages, however, maintain that they may not be sprinkled with any of these, but cover with dust.   
**5** Said R. Eliezer b. Zadok: So my father commanded me: When I will die, you shall first bury me in a valley, then gather my bones, and put them in a cedar casket; but you shall not handle them yourself, and so I did. Johanan entered the grave and gathered (the bones) and spread over them a chest protector, and then I entered, rent my garments over them, and covered them with a sheet. I did to my father as he has done to his. It is not allowed for a man to wrap and tie up the corpse of a woman; a woman, however, may do so to a man. The same is the case when a woman suffers in her intestines, a man must not examine nor attend her; a woman, however, is allowed to do so to a man.   
**6** Abba Saul b. Botnith said in his will to his sons: Bury me at the feet of my father, and take off the Tzitzith from my [palium]. [G]. With all relatives one is allowed to bathe, except with his father, father–in–law, his stepfather, the husband of his sister, and the instructor from whom he received his wisdom. R. Jehudah, however, said: If his father was old or sick he may enter the bath–house and bathe him, for it is in his honor. A hearse is not used unless the head and the greater part of the corpse are there. R. Jehudah said: The backbone and the skull are considered as the greater part of the body.   
**7** It happened with the son of R. Hanina b. Teradion, who associated with bad company and became a robber and was executed, when, after three days, he was found all swollen, his remains were put in a cage and that in a hearse, and was brought in the city. They wanted to lament him for the sake of his parents, but the father did not let them do so; he instead exclaimed on him the following [[Prov. v. 11–14]]: "While thou moanest at thy end, when thy flesh and thy body are coming, to their end, thou sayest: 'How have I hated correction, and how hath my heart rejected reproof, while I hearkened not to the voice of my instructors, and to my teachers I inclined not my ear; but little more was wanting and I had been in all (kinds of) unhappiness in the midst of the congregation and assembly.'" His mother also exclaimed over him the following passage [[ibid. xvii. 25]]: "A foolish son is a vexation to his father, and bitterness to her that hath borne him." His sister also exclaimed the following [[ibid. xx. 17]]: "Bread of falsehood is pleasant to a man, but afterward his mouth will be filled with gravel stones."

**Chapitre 13**

**1** One who gathers or guards the bones is exempt from reading Shema, prayer, and all the precepts commanded in the Torah, and if he desires to be rigorous with himself, he must not do so, for the honor of the dead. R. Johanan b. Nuri, however, said: He should step outside a distance of four ells and read. Ben Azai said: If they were with him in a boat he should remove them to another place and read. R. Itzhak said: Only from the bones of relatives he is exempt; from strangers, however, he is not. R. Simeon said: He is exempt only on week–days, but not on Sabbath. R. Nathan, however, said: He is exempt only when the bundle (of the bones) is on his shoulders, because the duty of guarding it is on him, but not of prayer.   
**2** One who removes bones or the Scriptures from one place to another, must not place them in a wagon, a boat, nor on a beast under his seat: however, in order to preserve them from thieves or robbers, he may.   
**3** It is not allowed to pass through a cemetery with the phylacteries on, nor the Scriptures in the hand, as it is considered disrespectful to the dead.   
**4** One finding a corpse in a grave must not move it, unless he is certain that the place was only borrowed for him. One finding bones on marshy ground, must put them in a grave. Such is the decree of R. Aqiba. The sages, however, say: He must not move them. One who finds bones in a grotto or a cavity must not move them. A corpse or his bones must not be moved from one place to another, even if they are equal in esteem, much less if the other place is lower; he may, however, do so from a lower to a higher place. However, if he moves them to a place on his estate, he is allowed to do so, even if the former place is more esteemed. Two corpses must not be buried in one grave, nor a corpse with bones, and [vice versa]. R. Jehudah, however, said: If they used to sleep together when alive, they may be buried together.   
**5** A building over a grave which was vacated, no benefit may be derived from it; if, however, it was excavated in a rock, and also the grave itself, when it was vacated a benefit may be derived from it; nevertheless, it must not be used for low purposes, such as a cow–house, straw–barn, etc. A grave which was dug for a person who was yet alive may be sold; but if for one who was already dead, it may not. The same is the case with monumental stones. No benefit may be derived from a vacated coffin. If it is made of stone or clay, it must be broken, and if of wood––burned. Boards of the cemetery must not be moved from their place.

**Chapitre 14**

**1** A cemetery must not be considered vilely; [e.g.], no aqueduct may be drawn through it, nor a path made; no cattle must feed there, nor may one use it as a [compendiarius], nor pick wood or grass therefrom. If he has picked he must derive no benefit from it, and if he picked them only to clean the grave, he must burn them on the same place.   
**2** Though inheritances are movable from place to place and changed from one family to another, with graves, however, it is different; they are not movable or changeable from one family to another. A new grave may be measured, divided, and sold, but not an old one; there is, however, a new one which must be considered as old, and [vice versa], namely: When there were in an old grave even ten corpses, but were buried without the permission of the owner, it must be considered as a new grave and may be measured, divided, and sold; if, however, it was with his permission, even if it was a miscarriage, it must be considered an old one, and nothing may be done with it.   
**3** No occupancy must be considered with the graves of the exiles; [e.g.], in time of a pest or war, the graves are not secured to the corpses by occupancy. R. Simeon b. Gamaliel said: Miscarriages do not acquire their graves, the same is the case with all who are buried without the permission of the owner. A woman who has inherited a grave, she and her offspring are to be buried in it. Such is the decree of R. Meir; R. Jehudah, however, said: She, but not her offspring; however, he owns that all her offspring who existed during her life, may be buried with her. If her father requires she should be buried in his grave, and her husband says in his, the father has the preference; if she has children, then the husband has the preference; if her will states that she shall be buried with her children, it should be done so. If the father says she should be buried with her husband, or [vice versa], she is buried with her husband, because it is his duty to feed, redeem, and bury her, and he must provide all the necessaries, such as a hearse, flutes, and mourners, and where an oration is held, he must provide also that. If he declines to do all that, it is done by the court on his account against his will.   
**4** There are three kinds of graves: One that is found, one that is known, and one which injures the public. The first is permissible to vacate, and if it was vacated, the place is clean, and a benefit may be derived from it; the second is not permissible to vacate; if it was vacated, the place is unclean, and no benefit may be derived from it; and the third is permissible to vacate; the place is clean, but no benefit may be derived from it.   
**5** A cemetery which surrounds the city on three sides, must be vacated; if on two sides, if they were opposite they can remain; if they were joined, they must be removed. All graves may be removed for the necessity of the community. R. Aqiba, however, said: With the exception of those of a king and a prophet, as there was the grave of the prophetess Huldah, in Jerusalem, and it was never touched. His contemporaries rejoined: That is no proof, as there was a cavern from the grave to the brook Kidron, which drew off the uncleanness.   
**6** One who sells the graves of his family, (it is considered as if) he did nothing. The same is the case if he sold the place of lamenting. The rabbis taught: One who sold his grave, the way to it, or standing–place, and the house of lamenting, his family may come and reclaim them against his will, because it is a disgrace to the family that they should be sold to someone else. G. The rabbis taught: There must be not less than seven standings and sittings after the burial,to signify the seven times "vanity" is mentioned in Ecclesiastes [[i. 2]]: "Vanity of vanities, saith Koheleth, vanity of vanities: all is vanity." Said R. A'ha the son of Rabha to R. Ashi: Explain me how they used to do, and he rejoined: As we have learned in the following Boraitha: R. Jehudah said: Formerly in Jehudah they have made not less than seven standings and sittings for a dead body, and the funeral director used to say: "Arise, dearests, arise!" and "Sit down, dearests, sit down!" Said the sages to him: If that was all, let them do so also on the Sabbath. The sister of Rama bar Papa was the wife of R. Ivjah, and she died. He made for her a standing and a sitting. Said R. Joseph: He has erred in two things. First, this do only the relatives of the second degree, who are not obliged to mourn, and he was one of the mourners; and, secondly, this is to be done only on the day of burial, and he did so on the day after. Said Abayi: He has also erred in this: It is usually done near the cemetery, and he did this in the city. Said Rabha: He erred also in this: It is only done where it is customary, and in his place it was not customary at all. An objection was raised: It is said above that the sages said to R. Jehudah: "If that was all, let them do also on the Sabbath." Now if this is to be done only in the cemetery, and on the first day, can this occur on Sabbath? The answer was, They meant to say, in a city which is near the cemetery, and when the consolers returned from the funeral which ended at twilight. Whoever reminds a mourner of his dead after twelve months are over, is to be blamed for renewing his wound. Said R. Simeon b. Gamaliel: One whose wife died and has married again within a twelvemonth, one who wishes to talk to him about his dead, shall do so in the market, but not in his house. All eatables may be brought to the house of a mourner–oval. shaped bread, meat, and fish; and if an assembly does that, also herbs and pulse. Rabban Simeon b. Gamaliel said: Where it is customary, even cooked food.   
**7** Ten goblets of wine have the sages ordered in the mourning house: three before eating, to give an appetite; three during the meal, to soften the food in the stomach, and four after the meal, for the four blessings contained in the after–meal benediction. Afterwards they have added four more: one for the sake of the sections of the city who have occupied themselves with the burial; one for the sake of the presidents of the congregations (for their advancing money for the sake of the burial of the poor); one for the Temple (to console for its destruction), and one in memory of Rabban Gamaliel (who was the first to command to be buried in linen garments, as said above). When the sages have seen that they became drunk, they have restored the original number. One who pronounces the meal benediction in the house of a mourner, what shall he say in the fourth blessing? "The good One who does good to all." R. Aqiba, however, said: "The truthful judge, the Ruler of His creatures. O give thanks unto the Lord, for He is good; because unto eternity endureth His kindness."

**Avot**

**Chapitre 1**

**1** Moses received the Law on Sinai and delivered it to Joshua; Joshua in turn handed it down to the Elders (not to the seventy Elders of Moses' time but to the later Elders who have ruled Isræl, and each of them delivered it to his successor); from the Elders it descended to the prophets (beginning with Eli and Samuel), and each of them delivered it to his successors until it reached the men of the Great Assembly. The last, named originated three maxims: "Be not hasty in judgment; Bring up many disciples; and, Erect safe guards for the Law."   
**2** Simeon the just was one of the remnants of the Great Assembly. His motto was: "The order of the world rests upon three things: on law, on worship, and on bestowal of favors."   
**3** Antigonus of Socho, who received it from Simeon the just, was in the habit of saying: "Be not like slaves who serve their master for the sake of the compensation; be like such servants as labor for their master without reward; and let the fear of Heaven be upon you."   
**4** D. Jose b. Joezer of Zereda and Jose b. Johanan of Jerusalem received from them. Jose b. Joezer used to say: "Let thy house be the meeting place of the wise; sit gladly at their feet, and drink in their words with avidity."   
**5** Jose b. Johanan of Jerusalem was in the habit of saying: "Let thy house be so wide open that the poor may enter it as were they inmates there; and do not hold too much discourse with woman." The sages have cautioned against talking too much with one's own wife. An inference can then be made with regard to talking with the wife of a neighbor. Hence the wise man said The man who does talk overmuch with woman causes evil unto himself, makes himself insusceptive of the words of the Thora, and in the end will be an heir to Gehenna."   
**6** Joshua b. Pera'hia and Nithai the Arbelite received from them. The former used to say: "Get thee a wise teacher, acquire a comrade, and judge every one by his good qualities ([i.e.], from his favorable side)."   
**7** Nithai the Arbelite was accustomed to say: "Keep aloof from a wicked neighbor, associate not with a sinner, and never consider thyself exempt from God's chastisement."   
**8** Jehudah b. Tobai and Simeon b. Shata'h received from them. The former was wont to say: "Make not thyself as those that predispose the judges, and while the litigants stand before thee let them be in thine eyes as guilty; and when dismissed from before thee let them be in thine eyes as righteous, because that they have received the verdict upon them." Simeon b. Shata'h used to say: "Interrogate the witnesses very closely, and be careful with thy words, lest they be put by them on the track of falsehood."   
**9** Shemayah and Abtalion received from them. The former was in the habit of saying: "Love work and hate to attain superiority, and see to it that your name be not known to the government."   
**10** Abtalion was wont to say: "Ye wise, be guarded in your words; lest you load upon yourselves the penalty of exile and be exiled to the place of evil waters; and the disciples that come after you may drink and die, and the name of Heaven be profaned."   
**11** K. Hillel and Shammai received from them. Hillel said: "Be a disciple of Aaron, love peace, pursue peace, love all men too, and bring them nigh unto the Law."   
**12** He also used to say: "A name made great is a name destroyed; he who increases not, decreases; and he who will not learn from his masters is not worthy to live; and he who uses his knowledge as a tiara perishes."   
**13** He also used to say: "If I do not look to myself, who will do so? But if I look only to myself, what am I? And if not now, when?"   
**14** Shammai was in the habit of saying: "Fix a time for study; promise little, and do much receive every one with friendly countenance."   
**15** Rabban Gamaliel said: "Make to thyself a master, and free thyself of doubt, and tithe not much by estimation."   
**16** Simeon his son was wont to say: "All the days of my life have been passed among the sages, and I have never found anything better for a man than silence; and the discussion of the law is not of such import as is the practice thereof. He who talks much, cannot avoid sin."   
**17** He also said: "Three things support the world––law, truth, and peace––as it is written [[Zechariah, viii. 16]]: 'Truth and the judgment of peace, judge ye in your gates.'"

**Chapitre 2**

**1** Rabbi (Jehudah the Prince) was in the habit of saying: "In choosing the right path, see that it is one which is honorable to thyself and without offence to others. Be as scrupulous about the lightest command as about the weightiest, for no man knoweth the result of his actions. Weigh the present temporal disadvantages of a dutiful course against the reward of the future, and the present desirable fruits of a sinful deed against the injury to thine immortal soul. In general, consider three things and thou wilt never fall into sin: remember that there is above thee an all–seeing eye, an all–hearing car, and a record of all thine actions."   
**2** Rabban Gamaliel, the son of R. Jehudah the Prince, was wont to say: "Beautiful is the study of the Law when conjoined with a worldly avocation, for the efforts demanded by both stifle all inclination to sin. But study which is not associated with some worldly pursuit must eventually cease, and may lead to iniquity. All who occupy themselves with communal affairs should do it in the name of Heaven, for the merit of their fathers sustains them and their righteousness stands forever. And ye yourselves shall have reward reckoned unto you, as if ye had wrought it."   
**3** [["Be cautious with those in authority, for they let not a man approach them but for their own purposes; and they appear like friends when it is to their advantage, and stand not by a man in the time of his need.]]   
**4** He also used to say: "Do His will as if it were thy own, that He may do thy will as if it were His. Annul thy will before His, that He may annul the will of others before thy will."   
**5** Hillel was in the habit of saying: "Do not isolate thyself from the community and its interest. Do not rely upon thy spiritual strength until the day of thy death. Pass not judgment upon thy neighbor until thou hast put thyself in his place. Say not a thing which must not be heard, because eventually it will be heard, Say never, 'Sometime or other, when I enjoy leisure, I will attend to my spiritual advancement'; perhaps thou wilt then never have the leisure."   
**6** He also said: "The boor can never fear sin, the ignorant can never be truly pious. Whoso is ashamed to ask will never learn; no irritable man can be a teacher. He whose mind is given to worldly gain will not acquire wisdom. Where a man is needed, endeavor that thou be the man."   
**7** Moreover, he saw a skull which floated on the face of the water, and he said to it: "Because thou drownedst they drowned thee, and in the end they that drowned thee will be drowned."   
**8** He furthermore said: "The more feasting the more food for worms; the more wealth the more cares; more women, more witchcraft; more maid–servants, more lewdness; more men–servants, more theft. But the more knowledge the more food for life; the more study the more wisdom; the more reflection the better the counsel; the more charity the more peace. He who earns a good name gains something that can never be taken away. He who has gotten to himself words of Law has gotten to himself the life of the world to come."   
**9** Rabban Johanan b. Zakkai received it from Hillel and Shammai. He was wont to say: "If thou hast learned much, do not boast of it, for it is for that that thou wast created."   
**10** The above had the following five disciples: R. Eliezer b. Hyrkanos, R. Joshua b. Hananiah, R. Jose the priest, R. Simeon b. Nathaniel, and R. Elazar b. Arach. He used to recount their praises: "Eliezer b. Hyrkanos is a plastered cistern, which loseth not a drop; Joshua b. Hananiah––happy is she that bare him; Jose is pious; Simeon b. Nathaniel is a sin–fearer; Elazar b. Arach is a welling spring." He used to say: "If all the wise of Isræl were in a scale of the balance, and Eliezer b. Hyrkanos in the other scale, he would outweigh them all." Abba Saul, however, said in his name: "If all the wise of Isræl were in a scale of the balance and Eliezer b. Hyrkanos with them, and Elazar b. Arach in the other scale, he would outweigh them all."   
**11** He (Johanan b. Zakkai) said to their. once: "Go out and find what is the best thing to cultivate." R. Eliezer said: A generous eye; R. Joshua said: A loyal friend; R. Jose said: A good neighbor; R. Simeon thought: Prudence and foresight; R. Elazar said: A good heart. Thereupon the Master said: "I consider R. Elazar b. Arach's judgment the best, for in his all of yours are included." He said to them again: "Go and find out which is the evil way a man should shun." R. Eliezer said: An evil eye; R. Joshua said: An evil companion; R. Jose said: An evil neighbor; and R. Simeon said; He that borrowed and repayeth not; he that borrows from a man is the same as if he borroweth from the Omnipotent, as it is written [[Ps. xxxvii. 2 1]]: "The wicked borroweth and repayeth not, but the righteous is beneficent and giveth.", R. Elazar said: An evil heart. Thereupon the Master said: "I consider R. Elazar b. Arach's judgment the best, for in his all of yours are included."   
**12** Each of these disciples had three maxims. R. Eliezer: "Thy fellowman's honor must be as dear to thee as thine own. Do not allow thyself to be easily angered. Repent one day before thy death." (He also said:) "Warm thyself before the light of the wise, but beware of their embers, perchance thou mayest be singed; for their bite is the bite of a fox, and their sting the sting of a scorpion, and their hiss is that of a fiery–serpent; and all their words are as coals of fire."   
**13** R. Joshua: "An envious eye, sinful propensities, and misanthropy drive a man out of the world."   
**14** R. Jose: "Thy neighbor's property must be as sacred as thine own. Set thyself to learn the Law, for it is not an heirloom unto thee. Let noble purpose underlie thine every action."   
**15** O. R. Simeon: "Be careful in reading the Shema, and, in prayer; do not look upon the prayer as an obligatory task, but as a privilege granted by mercy and grace before God, for it is written [[Joel, ii. 13]]: 'For gracious and merciful is he, long–suffering and of great kindness, and he bethinketh himself of the evil.' Never think thyself too great a sinner to approach Him."   
**16** R. Elazar: "Be most zealous in the pursuit of study; be prepared always to answer a scoffer; remember in whose service thou laborest." (He also added:) "Know who is thy Master, that he may be trusted to recompense thee for thy work."   
**17** R. Tarphon was in the habit of saying: "The day is short, the work is great, the workmen are slothful, the reward is rich, and the Master is urgent."   
**18** He also said: "It is not incumbent on thee to complete the whole task, but thou art not at liberty therefore to neglect it entirely. If thou hast learned much Law thou wilt be given much reward; and faithful is the Master of thy work, who will pay thee the reward of thy work; and know also that the gift of the recompense of the righteous is for the world to come."

**Chapitre 3**

**1** Aqabia b. Mahalallel used to say: "Consider three things, and thou wilt not fall into transgression: know whence thou comest, whither thou art going, and before whom thou art about to give account and reckoning; know whence thou comest––from a fetid drop, and whither thou art going––to worm and maggot; and before whom thou art about to give account and reckoning: before the King of the kings of kings, the Holy One, blessed be He."   
**2** R. Haninah, the Segan of the high–priest, said: "Pray always for the welfare of the government; were it not for the fear of it, men would swallow each other alive." R. Haninah b. Phradyon said: "Two that sit together and do not discuss any portion of the Law, their sitting is considered that of scorners, as it is written [[Ps. i. 1]]: 'And sitteth not in the seat of scorners'; but two that sit together and are discussing some words of the Law have the Shekhina among them, as it is written [[Mal. iii. 16]]: 'Then conversed they that feared the Lord one with the other; and the Lord listened and heard it,' etc." This is as to two. Whence is it deduced of even one who occupies himself with the study of the Law, that the Holy One, blessed be He, fixes his reward? It is written [[Sam. iii. 28]]: "That he sit in solitude and be silent; because He hath laid it upon him."   
**3** R. Simeon said Three that have eaten at our table, and have not blessed the Lord for His kindness, are as if they have eaten of the sacrifices of the dead, as it is written [[Is. xxviii. 8]]: 'For all tables are full of vomit of filthiness, there is no place (clean).' But three that have blessed the Lord when eating at our table, are as if they had eaten of the table of the Omnipotent, as it is written [[Ezek. xli. 22]]: And he spoke unto me: This is the table that is before the Lord.'"   
**4** R. Hanina b. 'Hakhinai used to say: "He who awakens by night, and he who is walking alone on the road and turns aside his heart to idleness, it is his own fault if he incurs trouble for himself."   
**5** R. Nehunia b. Haqanah said: "Whoso receives upon him the yoke of the Law ([i.e.], one who devotes himself wholly to study), the community removes from him the yoke of the government and the yoke of worldly cares; but a student who breaks from him the yoke of the Law, the community lays upon him the yoke of the government and the yoke of worldly cares."   
**6** R. 'Halaphtha of the village of Hananiah said: "When ten sit and are occupied in words of Law the Shekhina is among them, as it is written [[Ps. lxxxii. 1]]: 'God standeth in the [Congregation] of God.' And whence is it proved of even five? It is written [[Amos, ix. 6]]: 'And hath founded his [bundle] on the earth' (and a bundle is at least of five). And whence even three? It is written [[Ps. lxxxii. 1]]: 'In the midst of judges doth he judge' (and the number of judges is generally three). And whence even two? It is written [[Mal. iii. 16]]: 'Then they that favored the Lord spake often one to another.' (The least number of persons who can speak to each other is two.) And whence even one? It is written [[Ex. xx. 24 (21)]]: 'In every place where I shall permit my name to be mentioned, I will come unto [thee] and will bless [thee].'"   
**7** R. Eliezer of Bartota said: "Render unto God what belongs to Him, for thou and all thou hast are His, as David said [[I Chron. xxix. 14]]: 'For all things come from thee, and of thine own have we given thee.'"   
**8** R. Jacob said: "One who walks by the way and learns, and breaks off his study and says, 'How beautiful is this tree!' and, 'How fine is this furrow field!' is endangering his own life."   
**9** R. Dosithai b. R. Janai said in the name of R. Meir: "When a scholar of the sages sits and studies, and subsequently forgets what he studied, Scripture likens him to one who endangers his own life, as it is written [[Deut. iv. 9]]: 'Only take heed to thyself, and guard thy soul, diligently, that thou do not forget the things which thy eyes have seen and that they depart not from thy heart all the days of thy life,' etc. It might be thought that he is culpable of forgetting even when his study had grown hard to him, therefore it is written [[Deut. iv. 19]]: 'And they depart not from thy heart all the days of thy life,' from which it is to be inferred that he is not guilty unless he intentionally leads such a life as to forget them.   
**10** R. Hanina b. Dosa said: "He in whom fear of sin precedes his wisdom, (may be sure that) his wisdom will endure; and he in whom wisdom precedes his fear of sin, (may be sure that) his wisdom will not endure." He also used to say: "He whose works are in excess of his wisdom, (it is certain that) his wisdom will endure; and he whose wisdom is in excess of his works, (it is certain that) his wisdom will not endure." He also said: "He who has earned man's esteem and love, will also receive the favor of Heaven; but he who is not worthy of such esteem, cannot expect to find favor with God."   
**11** R. Dosa b. Horkhinas said: "Sleeping away the morning, carousing at noonday, childish trifling, and the company of the vulgar waste a man's life away.   
**12** R. Elazar the Modai said: "He that profanes things sacred and contemns the festivals; he who causes his neighbor to blush in public, and annuls the covenant of Abraham our father, and acts barefacedly against the Torah, even though he is possessed of Torah and good deeds, he has no share in the world to come."   
**13** R. Ishmæl said: "Be pliant with thy chief (although he is not deserving) and yielding to the impressment, and receive every man with cheerfulness."   
**14** N. R. Aqiba said: "Mockery and frivolity are the forerunners of immorality. Tradition is the rampart about the Law; tithes (charity) are the rampart of wealth; good resolutions are the preservative of abstinence; and the safeguard of wisdom is––silence."   
**15** He used to say: "Beloved is man, that he was created in His image, and, moreover, that he was notified that he was so created, as it is written [[Gen. ix. 6]]: 'For in the image of God made he man."'   
**16** "Beloved are Isræl, that they are called children of God; moreover, that it was made known to them that they are so called, as it is written [[Deut. xiv. 1]]: 'Ye are the children of the Lord your God.'"   
**17** "Beloved are Isræl, that there was given to them a precious article; moreover, that it was made known to them that there was given to them the precious article" [[as it is stated elsewhere that with this the world was created, as it is written [[Prov. iv. 2]]: "For good information do I give you; my teaching must ye not forsake"]].   
**18** "Everything is foreseen and free–will is given. And the world is judged by grace; and every one is judged according to the majority of his deeds" ([i.e.], if one has done more good than evil, he is judged more favorably––Rashi).   
**19** He (Aqiba) used to say: "All that we possess is merely a trust, and over all life a net is spread out. The storehouse is open, the proprietor sells on credit; the ledger lies ready and the purchaser's hand makes the entry; whoever wishes may come and borrow, but the collectors are continually going the rounds of the debtors, and obtain payment from them voluntarily or involuntarily; they know whereupon they base their claims, and their court is a tribunal of justice, and everything is prepared for the banquet" ([i.e.], even the wicked have a share in the world to come––Rashi).   
**20** R. Elazar b. Azariah was wont to say: "Without knowledge of religion there can be no true culture, and without true culture there is no knowledge of religion. Where there is no wisdom, there is no fear of God; and without fear of God there is no wisdom. Without learning there can be no counsel, and without counsel there will be lack of learning. Where there is a dearth of bread, culture cannot thrive, and lack of culture causes dearth of bread."   
**21** He also used to say: "With what is he to be compared, who can boast of more learning than charitable deeds? With a tree of many branches and but few roots––there comes a storm that uproots and prostrates it, as it is written [[Jer. xvii. 6]]: 'And he shall be like a lonely tree in the desert, which feeleth not when the good cometh; but abideth in the parched places in the wilderness, in a salty land which cannot be inhabited. 'But what does he resemble, who can show more deeds than learning? A tree of few branches and many roots: all the storms, and winds may bear down and rage upon it, they cannot move it from its place. As it is written [[Jer. xvii. 8]]: 'And he shall be like a tree that is planted by the waters, and by a stream spreadeth out its roots, which feeleth not when heat cometh, but its leaf remaineth green, and in a year of drought it is undisturbed by care, and ceaseth not from yielding fruit.'"   
**22** R. Elazar b. 'Hasma said: "'Qinim' and 'Pitteche Niddah' are essentials of Torah; canons of astronomy and geometry are after–courses of wisdom."

**Chapitre 4**

**1** Ben Zoma was in the habit of saying: Who is a wise man? He who learns from everybody, as it is written [[Ps. cxix. 99]]: 'Above all my teachers have I obtained intelligence!' Who is a hero? He who conquers his passions, as it is written [[Prov. xvi. 32]]: 'One that is slow to anger is better than a hero; and he that ruleth his spirit, than the conqueror of a city.' Who is a rich man? He who is satisfied with his lot, as it is written [[Ps. cxxviii. 2]]: 'For thou eatest the labor of thy hands: then wilt thou be happy, and it shall be well with thee.' 'Wilt thou be happy' in this world, 'it shall be well with thee' in the world to come. Who is honored? He who honors his fellowmen, as it is written [[I Samuel ii. 30]]: "For those that honor me will I honor, and those that despise me shall be lightly esteemed.'"   
**2** Ben Azai was in the habit of saying: "Hasten to fulfil the commandment of little importance as if it were of much importance, and flee from all manner of sin, for the fulfilment of one precept brings about that of another, and one transgression brings about another; for the reward of virtue is virtue itself, and the reward of sin is sin." He likewise said: "Despise no man, and consider nothing as too far removed to come to pass; for there is no man but hath his day, and no event that may not come."   
**3** R. Levitas of Jabneh said: "Be exceedingly lowly of spirit, for the hope of man is the worm." "R. Johanan b. Baroquah said: "Whoso profanes the name of Heaven in secret, they punish him openly. Error, like design, is punishable as to the profanation of His name."   
**4** R. Ishmæl said: "He that learns in order to teach, they grant him the faculty to learn and to teach; he that learns in order to practise, they grant him the faculty to learn, to teach, to preserve, and to practise."   
**5** R. Zadoq was in the habit of saying: "Wear not the law of God as a crown to exalt thyself withal, nor use it as a spade to dig therewith (for wealth)." [[And thus was Hillel wont to say: "And he who serves himself with the tiara perishes."]] Thus thou art to learn that he who makes use of his learning in the Law to further his own selfish ends loses all merit.   
**6** R. Jose said: "Whosoever honors the Torah is himself held in honor, and whosoever dishonors the Torah is himself dishonored with men."   
**7** R. Ishmæl said: "He that refrains himself from judgment, frees himself from enmity, and rapine, and false swearing; and he that is arrogant in decision is foolish, wicked, and puffed up in spirit."   
**8** He used to say: "Judge not alone, for none may judge alone save One; and say not, 'Accept ye my opinion,' for they are free to choose, and not thou."   
**9** R. Jonathan said: "Whosoever fulfils the Law in poverty will at length fulfil it in wealth, and whosoever neglects the Law in wealth will at length neglect it in poverty."   
**10** R. Meir said: "Lessen your business, that you have more time for the study of the Law, and be lowly in spirit unto every man; and if thou idlest away thy time without study of the Law, thou wilt have many idlers against thee; and if thou laborest in the Law, He hath much reward to give unto thee." MISH NA [K]. R. Eliezer b. Jacob said: "He who performs one precept has acquired unto himself one advocate, and he who commits one transgression has gotten to himself one accuser. Repentance and good deeds are as a shield against punishment."   
**11** R. Jehudah the Sandlar said: "Whatsoever congregation is for the sake of Heaven will in the end succeed; and that which is not for a divine purpose will in the end not succeed."   
**12** R. Elazar b. Shamna said: "Let the honor of thy disciple be as dear unto thee as the honor of thine associate; and the honor of thine associate as the fear of thy master; and the fear of thy master as the fear of Heaven."   
**13** R. Jehudah said: "Be careful in thy study, for error in study counts for an intentional sin."   
**14** O. R. Simeon was wont to say: "There are three crowns––the crown of the Law, the crown of the priesthood, and the crown of royalty. But the crown of a fair name excelleth them all."   
**15** R. Nehorai said: "Betake thyself to a place of Torah, and say not that it will come after thee, because thine associates will confirm it unto thee, and (moreover) lean not unto thine own understanding."   
**16** R. Janai said: "Neither the security of the wicked nor the afflictions of the righteous are within the grasp of our understanding."   
**17** R. Mathia b. 'Heresh was in the habit of saying: "Be beforehand in saluting every man! Be the lion's tail rather than the fox's head!"   
**18** R. Jacob said: "This world is, as it were, the antechamber of the world hereafter; therefore, prepare thyself in the antechamber, that thou mayest be admitted into the banqueting hall!"   
**19** He used to say: "Better is one hour of repentance and good deeds in this world than all the life of the world to come, though one hour of refreshment of spirit in the world to come is better than all the life in this world."   
**20** R. Simeon b. Elazar said: "Do not seek to appease thy friend in the hour of his passion, and do not seek to console him in the hour when his dead is laid out before him; and do not interrogate him in the hour of his vow, and strive not to see him in the hour of his disgrace."   
**21** Samuel the Little used always to repeat the following passage [[Prov. xxiv. 17, 18]]: "At the fall of thy enemy do not rejoice, and at his stumbling let not thy heart be glad, lest the Lord see it, and it be displeasing in his eyes, and he turn away from him his wrath.'"   
**22** Elisha b. Abuyah said: "He who learns as a lad, to what is he like? To ink written on fresh paper. And he who learns when old, to what is he like? To ink written on blotted paper.   
**23** R. Jose b. Jehudah, the villager of Babylon, said: "Whom does he resemble, who learns from the young? Him who eats unripe grapes and drinks the wine fresh from the wine–press! But whom does he resemble, who learns from old men? Him who eats ripe grapes and drinks old wine!"   
**24** Rabbi was in the habit of saying: "Look not upon the pitcher, but upon what it contains. Many a new pitcher is full of old wine, and many an old one does not even hold new wine."   
**25** Rabbi Eliezer the Kapar said, "Envy, sensuality, and ambition destroy life."   
**26** He likewise said: "Those born unto the world are destined to die; the dead to live on again; and those who enter the eternal life, to be judged. Therefore let it be recognized, understood, and remembered, that He the Almighty, the Creator, Architect, He is the counsellor, He the judge, He the witness, He the accuser. He is always ready to give judgment; blessed be He! for, before Him there is no injustice, no oversight, no regard for rank, no bribery. Know that all will appear in the account! Accept not the assurance of thy passions, that the grave will be a place of refuge for thee. For without thy consent wert thou created, wert born into the world without thy choice; thou art now living without thine own volition, without thine approval thou wilt have to die; so likewise without thy consent thou wilt have to render account before the Supreme King, the Holy One, blessed be He!"

**Chapitre 5**

**1** By ten sayings the world was created; and why so? Could it not have been created by one saying? But it was that vengeance might be taken on the wicked, who destroy the world that was created by ten sayings; and to give a goodly reward to the righteous, who maintain the world that was created by ten sayings.   
**2** Ten generations were there from Adam to Noah, to show how great was His long–suffering; for all the generations were provoking him, till He brought the deluge upon them.   
**3** Ten generations were there from Noah to Abraham, to show how great was His long–suffering; for all the generations were provoking Him till Abraham our father came, and received the reward of them all.   
**4** With ten temptations was Abraham our, father tempted, and he withstood them all, to show how great was the love of Abraham our father.   
**5** With ten temptations did our ancestors tempt God in the wilderness, as it is written [[Numb. xxv. 22]]: "And have tempted me these ten times, and have not hearkened to my voice."   
**6** Ten miracles were wrought for our fathers in Egypt, and ten by the sea.   
**7** Ten miracles were wrought in the Sanctuary: No woman miscarried from the scent of the holy meat, and the holy meat never stank; and a fly was not seen in the slaughter–house; and an uncleanness befell not the high–priest on the Day of Atonement; and a defect was not found in the sheep, nor in the two loaves, nor in the shew–bread; and rains did not extinguish the fire of the fuel heaped upon the altar, and wind prevailed not against the pillar of smoke; they stood serried, and bowed down at ease; and serpent and scorpion harmed not in Jerusalem, and a man never said to his fellow, "The place is too strait for me to lodge in Jerusalem,"   
**8** Ten things were created at twilight of the eve of Sabbath: the mouth of the earth and the mouth of the well, and the mouth of the ass, and the bow, and the manna, and the rod, and the Shomir worm, and the character and the writing, and the tables. And some say the evil spirits also; and the sepulchre of Moses, and the ram of Abraham our father; and some say the first tongs with which subsequently other tongs were made.   
**9** Seven things mark the clod, and seven there are for the sage. The wise man does not speak before those who surpass him in wisdom and years; he does not interrupt another in his speech, he is not hasty in answering; he does not ask questions rashly; asks with propriety and to the point; speaks first upon the matter first in order, and last upon last; when he does not understand the matter under discussion, he confesses, "I do not understand it"; and admits it when he has been convinced. The opposite of these things mark the clod.   
**10** Seven kinds of punishments come on account of seven cardinal transgressions. When some men tithe, and some do not tithe, dearth comes from drought; some of them are hungry, and some of them are satiated. When they have not tithed at all, a dearth comes from tumult and from drought. And when they have not separated the first dough, a deadly dearth comes.   
**11** Pestilence comes unto the world for the capital crimes mentioned in the Torah, which are not to be brought before the tribunal, and for the seventh–year fruits.   
**12** The sword comes upon the world for suppression or perversion of judgment, and also for false interpretation of the Law.   
**13** Noisome beasts come into the world for vain swearing, and for profanation of the Name. Captivity comes upon the world for idolatry, for incest and for shedding of blood, and for not observing the Sabbatical year.   
**14** At four seasons the pestilence waxes: in the fourth year, in the Sabbatical year; at the ending of the latter, and at the ending of the Feast in every year––in the fourth, on account of the poor's tithe in the third; in the seventh, on account of the poor's tithe in the sixth; and at the ending of the seventh, on account of the fruit of the Sabbatical year; and at the ending of the feast in every year, on account of the largesses of the poor.   
**15** Four kinds of views are held by men concerning property. He who says: "What belongs to me shall continue to be mine, and thou shalt keep thine own," holds the common view. Some consider this the view of the men of Sodom. "Mine shall be thine, and thine shall be mine," thus say the ignorant. "Mine shall be thine, and thou shalt also keep thine own," thus says the magnanimous. "Thine shall be mine, and mine shall continue to be mine," are the words of the godless.   
**16** There are four kinds of dispositions among men. Some are easily enraged, but as quickly soothed––there the fault is neutralized by the merit. Some are slow to anger, but are calmed only with difficulty––there the merit is counterbalanced by the fault. One is slow to anger and easily pacified––he is of a gentle disposition. Another is easily irritated and hard to soothe––he is a wicked man.   
**17** There are four kinds of pupils: one understands readily but forgets soon––there the advantage is swallowed by the failing; another grasps but slowly, and seldom forgets––there the failing is outweighed by the talent; a third understands readily and is slow to forget––his is a good portion; a fourth understands slowly and forgets quickly––his is a poor endowment.   
**18** There are four kinds of charity–givers: He who gives but does not care that others should give––his eye is evil towards others ([i.e.], the charity–giver shall not have the pleasure of doing charity and the poor shall be deprived of it); he who makes others give, but does not give himself, does not make the best use of his own; he who gives, and makes others give, is pious; but he who neither gives nor suffers others to give is a cruel man.   
**19** There are four kinds of visitors of the house of learning: he that goes and does not practise ([i.e.], he accepts the lessons without any examination or study of them), the reward of going only remains with him; he that practises ([i.e.], he who studies at home) and does not go, the reward of practice remains with him; he that does both is pious; he that enrols among the college visitors, but neither goes nor practises, is wicked.   
**20** There are four kinds of the disciples of the wise: sponge, funnel, strainer, and sieve; sponge––sucking up all things; funnel––allowing all that is received in the one end to flow out at the other; strainer––letting the wine run through and retaining the dregs; sieve––blowing off the bran and keeping the flour.   
**21** Love, inspired by ulterior motives, dies out when those motives disappear; but love without such motives never fades.   
**22** What love is that which is inspired by ulterior motives? [E.g.] the love of Amnon and Thamar. And what love is without such motives? [E.g.], the love of David and Jonathan.   
**23** Whatsoever gainsaying is for the sake of Heaven will have good results, and that which is not for the sake of Heaven will not have the desired result.   
**24** What gainsaying is that which is for the sake of Heaven? [E.g.], the gainsaying of Hillel and Shammai. And that which is not for the sake of Heaven? [E.g.], the gainsaying of Korah and his followers.   
**25** Whosoever causes many to be righteous, sin prevails not over him; and whosoever causes many to sin, they grant him not the faculty to repent.   
**26** Moses, who was righteous and caused many to become righteous, the righteousness of the many was therefore laid upon him, as it is written [[Deut. xxxiii. 21]]: "He executed the justice of the Lord, and his judgment with Isræl." Jeroboam, who on the contrary sinned and caused many to sin, the sin of the many, therefore, was laid upon him, as it is written [[I Kings xiv. 16]]: "For the sake of the sins of Jeroboam, who did sin, and who induced Isræl to sin."   
**27** In whomsoever are the following three things, he is a disciple of Abraham, and in whomsoever are the contrary three things, he is a disciple of Balaam.   
**28** He who possesses a good eye, a modest spirit, and a humble mind is to be counted the disciple of Abraham our father; an evil eye, a haughty spirit, and a bombastic mind is to be counted the disciple of Balaam. And what difference is there between the disciples of Abraham and those of Balaam? The disciples of Balaam go down to Gehenna, as it is written [[Ps. lv. 24]]: "But thou, O God, thou wilt bring them down into the pit of destruction: let not the men of blood and deceit live out half their days; but I will indeed trust in thee." But the disciples of Abraham derive benefit in this world and inherit the world to come, as it is written [[Prov. viii. 21]]: "That I may cause those that love me to inherit a lasting possession; and their treasures will I fill."   
**29** Jehudah b. Tema was in the habit of saying: "Be courageous as the panther, light–winged as the eagle, swift as the deer, and strong as the lion, to execute the will of thy Heavenly Father."   
**30** He used to say: "Gehenna will be the place for the bold of face, and the Garden of Eden will be that for the shamefaced."   
**31** He used to say: "One five years old should study Scripture; ten years––Mishna; thirteen years––should practise the commandments; fifteen years old––should study Gemara; eighteen years old––the bridal; at twenty––pursuits; at thirty––strength; at forty––discernment; at fifty––counsel; at sixty––age; at seventy––hoariness; at eighty––power; at ninety––decrepitude; at one hundred––it is as though he were dead and gone and had ceased from the world."   
**32** Ben Bag–Bag said: "Turn it, and turn it again (the Torah), for everything can be found therein. Study it, get old and gray with it, and never depart from it; for there is no better gauge of a moral life than––the Torah."   
**33** Ben He–He said: "The reward is commensurate with the affliction."

**Chapitre 6**

**1** R. Meir said: "Whosoever is busied in Torah for the love thereof merits many things; and not. only so, but he is worth the whole world, as he is called friend, beloved, loves the Omnipotent and mankind; pleases the Omnipotent and mankind. And it clothes him with meekness and fear, and fits him to become righteous, pious, upright, and faithful; and removes him from sin, and brings him toward the side of merit. And they derive from him the benefit of good counsel, and sound wisdom, understanding, and strength, as it is written [[Prov. viii. 14]]: 'Mine are counsel and sound wisdom: I am understanding; mine is might.' And it gives him kingdom and dominion, and faculty of judgment. And they reveal to him secrets of Torah; and he is made, as it were, a spring that ceases not and as a river that flows on increasing. And he becomes modest and long–suffering, and forgiving of insult, and it magnifies him and exalts him over all things."   
**2** Said R. Jehoshua b. Levi: "Every day a Heavenly voice goes forth from Mount Horeb, and proclaims as follows: 'Woe to the creatures for contempt of the Law, for whosoever does not occupy himself in the, Law is called "blameworthy,"' as it is written [[Prov. xi. 22]]: 'As a golden ring in a swine's snout, so is a hand some woman that hath thrown off discretion'; and it is also written [[Ex. xxxii. 16]]: 'And the tables were the work of God, and the writing, was the writing of God, engraved ([charuth]) upon the tables.' Do not read [charuth], graven, but [cheruth], freedom, for there is no free man but him who is occupied in the study of the Law; as whosoever is occupied in such study, behold he exalts himself, as it is written [[Numb. xxi. 19]]: 'And from Mattanah to Nachali�l; and from Nachali�l to Barmoth.'"   
**3** He who learns from his companion one chapter, or one Halakha, or one verse, or one word, or even one letter is bound to do him honor, for thus we find with David, King of Isræl, who learned from Achitophel two things only, and nevertheless he named him his master, his guide, and his acquaintance, as it is written [[Ps. lv. 14]]: "But it is thou, a man my equal, my guide, and my acquaintance." And is there not an [a fortiori] conclusion to be drawn from this, that as David, King of Isræl, who learned from Achitophel two things only, called him his master, his guide, and his acquaintance, he who learns from his companion one chapter, or one Halakha, or one verse, or even one letter is so much the more bound to do him honor? And honor is nothing but the Torah, as it is written [[Prov. iii. 35]]: "The wise shall inherit glory"; and also [[ibid. xxviii. 10]]: "But the men of integrity will inherit what is good"; and good is nothing but the Torah, as it is written [[ibid. iv. 2]]: "For good information do I give you, my teaching (Torah) must ye not forsake."   
**4** This is the path of Torah: A morsel with salt shalt thou eat. Thou shalt drink also water by measure (Ezek. v. 11) and shalt sleep upon the ground, and live a life of painfulness, and in Torah shalt thou labor. If thou doest thus, "happy shalt thou be and it shall be well with thee" [[Ps. cxxviii. 2]]. "Happy shalt thou be" in this world, and "it shall be well with thee" in the world to come.   
**5** Seek not greatness for thyself, and desire not honor. Practise more than thou learnest, and lust not for the table of kings, for thy table is greater than theirs, and thy crown greater than their crown, and faithful is thy taskmaster, who will pay thee the wage of thy work.   
**6** Greater is Torah than the priesthood, and than the kingdom; for the kingdom is acquired by thirty degrees, and the priesthood by twenty–four, and the Torah is acquired by forty–eight. And these are they: by learning, by a listening ear, by orderly speech, by discernment of heart, by reverence, by fear, by meekness, by cheerfulness, by purity, by attendance upon the wise, by discussion with associates, by argumentation of disciples, by sedateness, by Scripture, by Mishna, by moderation of business, limitation of worldly things, by temperance in pleasure, by little sleep, by lessening converse, by reducing merriment, by long–suffering, by a good heart, by faith in the wise, by acceptance of chastisements; he that knows his place, and that rejoices in his portion, and that makes a face to his words, and does not claim merit to himself: he is loved, loves God, loves all creatures, loves righteousness, loves uprightness, loves reproofs, and retires from honor, and does not puff up his heart on account of his learning, and does not rejoice because he is privileged to give decision, bears the yoke with his associates, and inclines him to the scale of Merit, and grounds him upon the truth and upon peace, and concentrates his mind in study, asks and answers, hears and adds thereto; he that learns in order to teach, and learns in order to practise; that makes his master wiser, and that considers what he has heard, and tells a thing in the name of him that said it. Lo, thou hast learned that whosoever tells a thing in the name of him that said it brings redemption to the world, as it is written [[Esther, ii. 22]]: "And Esther said it to the king in the name of Mordecai."   
**7** Great is Torah, that gives life to those who practise it in this world and in the world to come, as it is written [[Prov. iv. 22]]: "For they are life unto every one of those that find them, and to all his body a healing." And it is also written [[ibid. iii. 8]]: "It will be healing to thy body, and marrow to thy bones." And it is again written [[ibid., ibid. 18]]: "A tree of life is she to those who lay hold on her, and every one that firmly graspeth her will be made happy." And again [[ibid. i. 9]]: "For a wreath of grace are they unto thy head, and chains for thy throat." And again [[ibid. iv. 9]]: "She will give to thy head a wreath of grace; a crown of ornament will she deliver to thee." And again [[ibid. iii. 16]]: "Length of days is in her right hand; in her left are riches and honor." And again [[ibid. iii. 2]]: "For length of days, and years of life, and peace, will they increase unto thee."   
**8** R. Simeon b. Menassia said in the name of R. Simeon b. Jo'hai: "Comeliness, and strength, and wealth, and honor, and wisdom, and age, and hoariness, and sons are becoming to the righteous, and becoming to the world, as it is written [[Prov. xvi. 31]]: 'An ornamental crown is the hoary head, on the way of righteousness can it be found.' And it is also written [[ibid. XX. 29]]: 'The ornament of young men is their strength; and the glory of old men is a hoary head'; and again [[ibid. xvii. 6]]: 'The crown of old men is children's children; and the ornament of children are their fathers'; and again [[Is. xxiv. 23]]; 'And the moon shall be put to the blush, and the sun be made ashamed; for the Lord of Hosts will reign on Mount Zion, and in Jerusalem, and before his ancients in glory.'" S. Simeon b. Menassia said: "Those seven qualities which the wise have reckoned to the righteous were all of them confirmed in Rabbi and his sons."   
**9** R. Jose b. Qisma said: "Once I was walking by the way and there met a man, and he gave me 'Peace!' and I returned him 'Peace!' He said to me: 'Rabbi, from what place art thou?' I said to him: 'From a great city of wise men and scribes am I.' He said to me: 'Rabbi, should you like to dwell with us in our place? I will give thee a thousand thousand dinars of gold, and goodly stones, and pearls.' I said to him: I If thou shouldest give me all the silver, gold, and goodly stones, and pearls that are in the world, I would not dwell but in a place of Torah, as it is written in the Book of Psalms by the hand of David, King of Isræl [[Ps. cxix. 72]]: "Better is unto me the law of thy mouth than thousands of gold and silver." Moreover, in the hour of a man's decease, not silver, not gold, nor goodly stones and pearls, accompany the man, but Torah and good words alone, as it is written [[Prov. vi. 22]]: "When thou walkest it shall lead thee, when thou liest down it shall watch over thee; when thou art awake it shall converse with thee." "When thou walkest it shall lead thee" in this world; "when thou liest down it shall watch over thee" in the grave; "when thou art awake it shall converse with thee" in the world to come; and it is also written [[Haggai ii. 8]]: "Mine is the silver, and mine is the gold, saith the Lord of Hosts."' Five possessions had the Holy One, blessed be He, in this world, and these are they: Torah, one possession; Heaven and earth, one possession; Abraham, one possession; Isræl, one possession; the Sanctuary, one possession. Torah, whence? As it is written [[Prov. viii. 22]]: "The Lord created me as the beginning of his way; the first of his works from the commencement." Heaven and earth, whence? As it is written [[Is. lxvi. 2]] "The heaven is my throne, and the earth is my footstool where is there a house that ye can build unto me? and where is the place of my rest?" And it is also written [[Ps. civ. 24]]: "How manifold are thy works, O Lord! in wisdom hast thou made them all; the earth is full of thy riches." Abraham, whence? It is written [[Gen. xiv. 19]]: "And he blessed him, and said, Blessed be Abram of the most high God, the possessor of heaven and earth." Isræl, whence? As it is written [[Ex. xv. 16]]: "Till thy people pass over, O Lord, till this people pass over which thou hast purchased." And it is also written [[Ps. xvi. 3]]: "In the saints who are on the earth, and in the excellent––in them is all my delight." The Sanctuary, whence? As it is written [[Ex. xv. 7]]: "The sanctuary, O Lord, which thy hands have established." And it is also written [[Ps. lxxviii, 54]]: "And he brought them to his holy territory, even to this mount, which his right hand had acquired." Whatsoever the Holy One, blessed be He, created in this world, He created not but for his glory, as it is written [[Ps. xliii. 7]]: "Every one that is called by my name, and whom I have created for my glory; whom I have formed; yea, whom I have made." And it is also written [[Ex. xv. 18]]: "The Lord will reign for ever and ever." R. Hanania b. Aqashia said: "The Holy One, blessed be He, was pleased to give merit to Isræl, therefore he multiplied unto them Torah and precepts, as it is written [[Is. xlii. 21]]: 'The Lord willed to do this for the sake of his righteousness; therefore he magnifieth the law and maketh it honorable.'"

**Derech Eretz Rabba (texte additionnel)**

**Chapitre 1**

**9** 1

**Chapitre 2**

**1** THE Sadducees, the common informers, the wicked, the hypocrites, the heretics, of them the Scripture says [[Job, xiii. 16]]: "For a hypocrite cannot come before him"; the terrifying, the overbearing, the haughty, the barefaced, those who develop only their muscular strength, of them the Scripture says [[Psalms, xxxvii. 17]]: "For the ovens of the wicked shall be broken; but the upholder of the righteous is the Lord." Evil–thinkers, story–tellers, talebearers, smooth–tongued persons, of them the Scripture says [[ibid. xxxv. 5]]: "May their way be dark and slippery, and may the angel of the Lord pursue them." Those who assault their neighbor in private and those who insult him in public, those who trifle with majorities, and those who cause quarrels, they will become as Korah and his society, of whom the Scripture says [[Numb. xvi. 33]]: "And the earth closed over them, and they disappeared from the midst of the congregation." Those who forestall fruit, those who raise the prices, those who diminish the measure, those who accept payment in large–sized shekels, and those who live on usury, of them the Scripture says [[Amos, viii. 7]]: "Sworn hath the Lord by the excellency of Jacob. Surely I will not forget to eternity all their works."   
**2** The following leave no inheritance to their children, and if they do leave to their children, nothing of it comes to their grandchildren: viz., those who play at dice, and those who raise tender cattle (in Palestine); those who do business with the money obtained from the fruit of the Sabbatical year, and those who pay with coins (of doubtful genuineness) coming from the sea–countries, and a priest and a Levite who obtained advances on their shares (of heave–offering and tithes), and those who disgrace the Holy Name, of them the Scripture says [[Ps. ix. 18]]: "The wicked shall return into hell, all the nations that are forgetful of God." And of them it is also written [[Eccles. i. 15]]: "What is crooked cannot be made straight." Those who motion with their hands, stamp their feet, walk on their toes (to show pride), of them the Scripture says [[Ps. xxxvi. 12]]: "Let not come against me the foot of pride, and let not the hand of the wicked chase me off." The conceited, the slanderers, those who indulge in obscene language, those who are wise in their own eyes, of them the Scripture says [[Mal. iii. 19]]: "For, behold, the day is coming which shall burn as an oven," etc,   
**3** One who lets his young son marry an older woman, and one who marries off his daughter to an old man, and one who bestows favors upon those who are unworthy, concerning such Scripture says [[Deut. xxix. 19]]: "The Lord will not pardon him." The collectors, the war–instigators, the publicans, of them Scripture says [[Ezek. xxvii. 27]]: "Thy wealth and thy warehouses, thy commerce, thy mariners and thy pilots, thy caulkers and the conductors of thy commerce, and all thy men of war that were in thee, and in all thy assemblage which was in the midst of thee, fell into the heart of the seas on the day of thy downfall." One who betrays his partner, one who does not return a thing found to its rightful owner, one who loans money to another in order to get possession of his house or fields in case of non–payment, and one who lives immorally with his wife, and one who maliciously slanders his wife in order to divorce her, of them the Scripture says [[Jer. xvii. 10]]: "I the Lord search the heart, probe the veins."   
**4** Those who are wronged and do not wrong, etc. [[see Yomah, p. 33, l. 9]]; those who consider themselves contemptible and despicable, those who overcome their passion, and are altogether modest, of them the Scripture says [[Is. xlix. 8]]: "Thus hath said the Lord, In the time of favor have I answered thee, and on the day of salvation have I helped thee, and I will preserve thee, and I will appoint thee as a people of my covenant to raise up the land, to divide out desolate heritages." Trustworthy men, those who keep other people's secrets, those who gladly return articles intrusted to their care, and found things to their rightful owners, of them Scripture says [[Ps. ci. 6]]: "My eyes shall be upon the faithful of the land, that they may abide with me." One who loves his wife as himself, who honors her more than himself, and one who leads his children on the right path, and one who marries off his son in due time to prevent him from sin, of them it is written [[Job, v. 24]]: "And thou shalt know that there is peace in thy tent; and thou wilt look over thy habitation, and shalt miss nothing. And thou shalt know that thy seed is numerous, and thy offspring as the herbage of the earth."   
**5** One who loves his neighbors and is friendly to his relatives, and one who marries off his sister's daughter, and one who loans even a small amount to a poor man in his need, of them the Scripture says [[Is. lviii. 9]]: "Then shalt thou call, and the Lord will answer."   
**6** One who executes his trust rightfully, those who truthfully repent, and those who receive the repentant into their midst and instruct them so that they shall not return to their former sins, of them it is written [[ibid. 8]] Then shall break forth as the morning–dawn thy light.   
**7** Those who judge rightfully, those who reprove truthfully, those who propagate purity, and those who are pure of heart, of them it is written [[Ps. lxxiii. 1]]: "Truly, God is good to Isræl, to such as are pure of heart." Those who sigh, weep, and in their lamentations are hopeful of the redemption of Jerusalem, of them it is written [[Is. lxi. 3]]: "To grant unto the mourners of Zion, to give unto them ornament in the place of ashes." Those who are merciful, feed the hungry, quench the thirst of the thirsty, clothe the naked, and distribute charity, of them the Scripture says [[ibid. iii. 10]]: "Say ye to the righteous that he hath done well." The poor, the bashful, and those who are humble in spirit, and those who are submissive to youth, and those who carry out their promises, of them the Scripture says [[Job, xxii. 23]]: "And if thou decree a thing, it will be fulfilled unto thee, and upon thy ways the light will shine." Those who exert themselves in the study of the Law, and study it for the purpose of observing it, and those who search for the opportunity to do good, and those who frequent the temples, of them the Scripture says [[Prov. viii. 24]]: "Happy is the man that hearkeneth unto me, watching day by day at my gates, waiting at the posts of my doors." Those who pursue righteousness, and seek peace for their nation, and those who participate in the affliction of the community, and those who stand by the community in case of distress, of them the Scripture says [[Nahum, i. 7]]: "The Lord is good, a stronghold on the day of distress."   
**8** On account of the following four things an eclipse of the sun occurs (see Succah, p. 40): When the head of a college (Ab Beth Din) died and was not properly lamented; when a betrothed damsel cried for help (Deut. xxii. 23–28) in town and no one offered help; male sodomy; and the shedding of the blood of two brothers at one and the same time (there is no explanation of this in any of the commentaries, and it seems to us that there happened something like that in the author's time which is unknown to us).   
**9** On account of the following four things the eclipse of both the sun and the moon occurs: Those who write defamatory reports about others, giving false testimony, raising tender cattle, and destroying fruit–bearing trees. On account of the following four things the personal property of citizens is seized by the government: For keeping paid notes (with the intention to demand another payment), for the practice of usury, for not exercising one's power to prevent sin when he could do so, for subscribing publicly to charity and not paying the subscription.   
**10** On account of the following four things the estates of the citizen are destroyed: For robbing or withholding the wages of a wage–earner [[Lev. xix. 13]]; for removing the yoke from one's own neck and placing it upon the neck of another, and for haughtiness above all.   
**11** R. Dusthai b. R. Jehudah said: Do provoke the wicked (see Megilla, p. 13), as it is written [[Prov. xxviii. 41]]: "They that forsake the law praise the wicked, but such as observe the law [contend] with them"; but lest one say, is it not written [[Ps. xxxvii. 1]]: "[Do not] fret thyself because of the evil–doers, neither be thou envious against the workers of iniquity"? say to him that this is the answer of him whose heart–beating prevents him from doing so (because of this passage), but the true interpretation of this passage is thus: "Do not fret thyself [to be] equal to the evil–doers, neither be thou envious to be like them of the workers of iniquity."   
**12** There is no sitting above (in heaven), neither is there eating, drinking, sleep, multiplication, animosity, hatred, provocation, envy, nor stubbornness, weariness nor delay, and that is what David the King of Isræl said [[ibid. xviii. 12]]: "He made darkness his hiding–place" ([i.e.], it is dark and hidden to all mortals). To what end did David say this? To none other than to praise of the Holy One, blessed be He, who is "Yah," rules on high, whose unity is one, whose name is one, and who rests in three hundred and ninety heavens, and on each His name and mode of pronunciation are marked; and in each of them there are servants, seraphim, [ophanim] (wheels, Ezek. I.), cherubim, [galgalim], and a throne of glory; and there is no wonder at that, for even as a mortal king has many palaces for the seasons of the year, so much the more the Everlasting, since all is His. And when Isræl are doing His will, He rests in the seventh heaven, named Araboth, and does not keep distant from His world, as it is written [[Numb. vii. 89]]: "From between the two cherubim: and thus he spake unto him." When offended He ascends to the highest heaven, and all cries and weeping are not listened to, and fasts are ordered, and they roll themselves in ashes, cover themselves with sacks, and shed tears (and all in vain, until He has mercy upon them).

**Chapitre 3**

**1** BEN AZAI said: One who bears in mind the following four things, and never loses sight of them, will never sin namely, whence he came, and whither he goes, who is his judge, and what will become of him. Whence he came?,––from a place of darkness; and whither he goes?––to darkness. Whence he came?––from a dirty place; whither he goes?––to make unclean every one who will touch him. Whence he came?––from a fetid secretion, and from a place which is invisible to a human being; whither he goes?–––to sheol and Gehenna, to be, burned in fire. And who is his Judge? Remember that his Judge is not of flesh and blood, but the Lord of all the creation, blessed be He, before whom there is no, iniquity, no oblivion, no consideration of person, no, bribery. And what will become of him?––worms and maggot, as it is written [[Job, xxv. 6]]: "How much less the mortal, the mere worm? and the son of earth, the mere maggot?" R. Simeon said: A human being has worms in his body when alive––[i.e.], lice, and he is converted into a maggot after his death.   
**2** R. Eliezer b. Jacob said: Think of a big palace in the centre of which the vat of a tanner is placed: so is a handsome and respected man who lets an unbecoming word pass his lips. If a human being would issue from his body perfume (instead of excrement), how would he pride himself against all other creatures? (So, if this man allows his lips to pass only respectable words, he can pride himself.) When R. Eliezer was about to depart, his disciples paid him a visit and requested him to teach them only one more thing. And he said unto them: Go, and be careful, each of you, in honoring your neighbor; and when you are praying, remember before whom you stand and pray, and for the observation of these you will have a share in the world to come.

**Chapitre 4**

**1** BE always pleasant at your entering and at your leaving. Lessen your worldly business in order to study the law. It happened with R. Simeon b. Elazar, etc. (See Taanith, pp. 52 and 53, for the whole legend repeated here.) How shall one honor his master? (See Yomah, p. 52.) And so also we find with the three angels Gabriel, Michæl, and Raphæl, who came to Abraham our father. Gabriel's errand was to destroy Sodom and Gomorrah; Raphæl's was to heal Abraham; and Michæl's, to inform Sarah. And when Abraham saw the angels, the Shekhina came and stood above him, and he addressed the angels, saying: "My masters, wait awhile, until I take leave of the Shekhina, for you also must respect her," as it is written [[Gen. xviii. 3]]: "And he said, My Lord, if now I have found favor in thy eyes, pass not away, I pray thee, from thy servant." And after Abraham took leave of the Shekhina he returned, and bowed to them and brought them under the tree, as it is written [[ibid. 4]]: "Let a little water, etc., be fetched, and wash, etc."; And then he said [[ibid., ibid.]]: "I will fetch a morsel of bread." Lot, however, said [[ibid. xix. 2]]: "And tarry all night, and (then) wash your feet?" Some of the anonymous teachers observe that in this very point Lot showed his prudence. He reasoned: If the Sodomites will see them after they have washed their faces, hands, and feet ([i.e.], I give them shelter overnight), they will kill me, my wife, and my daughters; but let the Sodomites see them with the dust on their feet, they will then think that they have just arrived.   
**2** He who accompanies his master ought not to depart from him without permission. When two disciples go or sit together (they need not ask for permission from each other), they are both equal.   
**3** It is customary that when entering, the master of the house enters first and the guest after him, and when leaving the house the guest leaves first and the master after him. And he who departs from his comrade, whether his comrade is greater than he or he is greater than his,,, comrade, he must inform him of his leaving. And every one may learn this from the Lord, who said to Abraham, "I leave you," as it is written [[Gen. xviii. 33]]: "And the Lord went away when he had finished speaking with Abraham; and Abraham returned unto his place" (from the wording, "and the Lord went away," it is inferred that He informed him).

**Chapitre 5**

**1** NEVER shall a man enter the house of his neighbor without permission, and this conduct may be learned, from the Holy One, blessed be He, who stood at the gate of the garden, and called to Adam [[Gen. iii. 9]]: "And the Lord God called unto the man, and said unto him, Where art thou?" It happened with the four elders Rabban Gamaliel, R. Jehoshua, R. Elazar b. Azariah, and R. Aqiba, who went to the interior cities of Rome, in one of which there lived a friend of theirs, a philosopher––R. Jehoshua asked Rabban Gamaliel if he would like to go and see their friend the philosopher, and he answered he would not. On the next morning, however, he asked him again, and he said he would. They then went, and R. Jehoshua knocked at the door of the philosopher, and at once the concluded that this must be the manner of a wise man. When he knocked again, the philosopher arose and washed his face, hands, and feet. When he knocked the third time, the philosopher opened the door, and saw that the sages of Isræl were coming from both sides of the street; namely, Rabban Gamaliel being in. the centre, R. Jehoshua and R. Elazar b. Azariah to his right, and R. Aqiba to his left, and the philosopher was somewhat puzzled as to the manner of saluting them. He said within himself: "Whom of the sages shall I greet first? If I should greet R. Gamaliel first, I might thereby offend the other sages; and if I should address my greeting to all of them (without naming the head of them), I will offend R. Gamaliel." He therefore concluded to address them thus: "Peace to you, sages of Isræl, and to R. Gamaliel first."   
**2** Always consider strangers as burglars, and at the same time honor them as if each of them were R. Gamaliel himself. It happened to R. Jehoshua that a man called at his house, and he gave him to eat and drink, and took him up to the roof to sleep there, and then removed the step–ladder leading to the roof. The man was a thief, and arose by night, and took things of value that Rabbi Jehoshua had on the roof and packed them up in his garment, and in the attempt to descend and carry off the booty he fell down and almost broke his neck. When R. Jehoshua came in the morning and found him in that condition, he said to him: "You ignoramus, is this the way people like you do?" He answered: "Rabbi, I did not suspect that persons of your station would remove the ladder." And he rejoined: "Did you not notice yesterday that I was cautious about you?" From that time on R. Jehoshua proclaimed that always should strangers be considered as burglars, and still one should honor them as he would R. Gamaliel.

**Chapitre 6**

**1** ONE who enters his neighbor's house shall do what he is told by the host (provided it is legitimate). And it happened that guests came to the house of Simeon b. Antiptaris, and he invited them to eat and drink, and they vowed by the Torah that they would not do so. Nevertheless, they afterwards ate and drank; but when they were about to depart, he punished them with stripes. When this came to the ears of R. Johanan b. Zakkai and the sages, they became angry, and said, "Who will go and inform him of our displeasure?" Said R. Jehoshua: "I will go and investigate." When he came there he found him on the threshold of his house, and he greeted him, saying: "Peace to you, master"; and he answered, "Peace to you, my master and teacher." Then Rabbi Jehoshua said: "I need shelter." And he answered: "Take it here in peace." They then occupied themselves with the study of the Law until evening. In the morning he told him: "Rabbi, I would like to take a bath." And he rejoined: "Do as you please." R. Jehoshua, however, was afraid that he would beat him. When he returned from the bath, they ate and drank. When he desired to leave, he said: "Who will accompany me?" And the host said: "I will." R. Jehoshua then thought to himself: "What information can I give to the sages who sent me here?" He then looked backward, and when he asked him: "Rabbi, what are you looking for?" he answered: "I would like to question you about one thing. Why did you beat others who came to your house with stripes, and you did not do so to me?" He rejoined: "You are my master. You are a great sage, and of course your manners are refined. The other men, however, that came to me, I told to eat and drink, and they vowed by the Torah that they would not, and afterwards they disregarded their vow; and I have heard from the sages that one who vows by the Torah and disregards his vows is to be punished with forty stripes." He then answered: "Be thou blessed by Heaven, that thou hast done so. I swear by thy life that he who thus conducts himself deserves that thou give him forty stripes in thy name, and another forty in the name of the sages who sent me to investigate thy method." R. Jehoshua then came back and informed the sages of what he had discovered in Simeon Antiptaris.   
**2** A man shall never be angry at his meals. It happened with Hillel the First that he invited a man to a meal. In the meantime a poor man came and stood at his door, and said to his wife: "I am to marry to–day, and I have nothing in my house." His wife then took the meal she had prepared for the house, and gave it to him. She then kneaded a new dough, and cooked other dishes, and served them before her husband and the guest. Hillel said then to her: "My child, what is the reason of the delay?" And she related to him what happened. He then remarked: "My daughter, I have also judged you from the favorable side, because it is known to me that all that you do is for the sake of Heaven."   
**3** Corner–tithe for the poor is not set aside in the cooking–pot, but in the dish. It happened with R. Jehoshua, etc. (See Erubin, pp. 120, 121, for the whole legend repeated here.)   
**4** Always shall a man try to agree with the majority of the people (this is explained in Khethuboth, p. 16[b], and will be translated there). For the first meal–benediction, the hard part and not the soft part of the bread is to be used. Never shall a man hold a slice of bread of the size of an egg and bite from it, and one who does so is called a glutton; and one shall not drain his cup of wine at a draught (see Pesachim, p. 171), and if he does so he is considered a glutton. But how shall he do? If he does it in two draughts, it is respectable; if in three. it is considered putting on airs.   
**5** One shall not begin to eat the heads, but the leaves of garlic or onions. If he does so, he also is called a glutton. One shall not drink two cups of wine before the after–meal benediction (and subsequently pronounce the benediction without a goblet, but he shall leave one goblet for the benediction. The commentaries explained this otherwise, the reason being that there should be no "pairs"––see Betzah, p. 49––but we cannot agree with them); if he do so, he can be taken for a glutton.

**Chapitre 7**

**1** WHEN two are sitting at the table, the elder one commences to eat first and the younger one after him; and if the younger commences first, he is a glutton. It happened that R. Aqiba prepared a meal for his disciples consisting of two dishes of meat, one half–roasted and the other one well cooked. The half–roasted was served first; the most sensible of them took the whole piece into his one hand and with his other hand he tried to break off some part of it, but could not, and he placed it back and ate bread alone. One of them, who was less sensible, took the whole piece and bit off a piece. Said R. Aqiba to him: "Not so, my son. Put thy foot on it in the dish, and then you will probably succeed better." Finally, the well–cooked meat was served, and they ate and were satisfied. Then said R. Aqiba to them: "My children, I did all that to see whether you had refined manners."  
**2** One shall not eat before the fourth hour, neither shall he take a bath prior to that hour. Hot water in large quantities is injurious to one's body, but in small ones is beneficial. The same is the case with wine. Three things are equal one to the other: wisdom, fear of God, and modesty. One shall not rejoice among those who are weeping, neither shall he weep among those who rejoice; he shall not be awake among those who are asleep, nor shall he sleep among those who are awake; he shall not be standing among those who are seated, nor shall he be seated among those who are standing. This is the rule: One shall not have different manners from those of his friends and of people in general among whom he is.

**Chapitre 8**

**1** ONE who enters a house shall not ask for food, but shall wait until invited. When the goblet is filled, he shall drink it slowly. What is meant by slowly? If it is a cold beverage––in four draughts; if a warm beverage––in three. Said R. Jehudah: This applies to the goblets of Galilee, but as regards the goblets of Judah, which were larger, he may drink it as slow as he pleases. One must not say to his friend: "Come and eat with me, as I did with you," for it gives the impression that he wants to repay with interest. In Jerusalem, however, they invited each other in turn. One shall not send to his friend a barrel of wine with oil on the top thereof, because a serious accident may result from it. It actually happened that one invited his friends to his son's wedding, and when going down to his cellar to get wine, he noticed that the barrel had oil (on the top, and thinking that it was all filled with oil) he hanged himself for shame, and died. Hence the above warning is given.   
**2** One should not say to his neighbor, "Take oil from that jug and anoint thyself," knowing that it is empty (even when knowing that the man has no habit of anointing himself), because he puts the man under obligation to him for nothing. The same holds good of food: one should not ask his neighbor to take a meal with him when he knows that he would not do so. One should also not offer presents to his neighbor, knowing that he would not accept them, for the same reason. One should not serve his neighbor with new wine, telling him that it is old wine, because it is equivalent to robbery (if he takes money from him, and even if he does not take money from him he deceives him). For the same reason, when one serves wine to ass–drivers, he shall not say: "Take it away from this one (whom he does not like), and give it to the other one." When one is in the grain–market and has no intention of buying, he should not ask for the prices, for he misleads the sellers.

**Chapitre 9**

**1** ONE should not use a slice of bread to cover therewith a dish. One should not wipe the dish with a piece of bread and lay it on the table, for he disturbs the mind of his neighbor. For the same reason, one shall not bite off a piece of bread and place the remainder in the dish intended for another person. One should also not drink from a goblet and give the balance to another one to drink, for it may cause danger to life. It happened that R. Aqiba stopped at the inn of a certain person, who offered him a goblet, first tasting its contents, and R. Aqiba told him to drink the whole of it. He offered him another one, first having tasted it. R. Aqiba told him to drink it all, until Ben Azai said to him: "How long wilt thou continue doing so?" It again happened that R. Aqiba was lodging with a certain person, and he placed a piece of bread underneath the dish to support it, and R. Aqiba took hold of it and swallowed it. Said the man to R. Aqiba: "Rabbi, had you no other bread to eat than that piece with which I supported the dish?" And he answered: "First, I thought that you could burn yourself with lukewarm water ([i.e.], you will understand a slight hint). Now I see that you cannot burn yourself even with boiling water." One shall also not empty his cup and then place it on the table, but he shall keep it in his hand until taken away by the waiter.   
**2** Five things said Rabbi in regard to bread, namely: Raw meat must not be placed on bread, nor shall a cup or dish be placed on bread, nor shall bread be used to support a dish, nor shall it be thrown from place to place; nor shall one sit at the table when others are eating, for he disturbs their appetite. One who comes to the table to take his meal shall not take his portion and give it to the waiter, for the reason that some unforeseen thing may happen during the meal (and his portion may be needed); but he shall place it in front of him until the end of the meal, and then give it to him. Guests must not give anything to the son of the host, nor to his servant or messenger, without the permission of the host. It happened once with a man who invited three guests in years of famine, that he served them three eggs. The son of the host then came and stood in front of them, and the first guest took his portion and gave it to him, and so did the second and third. When the host returned, and found his son holding one in his mouth and one in each hand, he raised him full height and struck him to the ground, and he died. The mother, hearing of what happened when standing on the roof, was so shocked that she fell down dead. When the father heard this, he also threw himself from the roof, and died. Then R. Elazar said: "Three human beings were killed on account of this."

**Chapitre 10**

**1** ONE who enters the bath–house may say: "Let it be thy will, God my Lord, that thou cause me to come in and go out in peace, that thou cause me to return to my place in peace, and save me from this and from similar peril in the world to come."   
**2** How should one conduct himself before bathing? Thus: He shall first remove his shoes, take off his hat, remove his overcoat, take off his girdle, then take off his shirt, and after all the drawers. After bathing, when a is brought to him, he first wipes his head and then the other parts of his body. When the oil is brought to him, he shall first anoint his head and then other members of his body, and then he shall put on first his drawers, then his shirt, the girdle, then he shall wrap himself in his mantle, and then he shall put on his hat, and then his shoes. And if he has his son, his slave, or bondsman, they shall do it for him. Always shall the right shoe be put on first, and then the left one; and when taking off the shoes, the left one shall be taken off first. One who enters a bath–house must not fatigue himself, nor excite himself, but let him be in every respect careful. Said R. Simeon b. Gamaliel: "One who is not careful is an ass's equal; one who eats in the market is a dog's equal"; and according to others, he is ineligible to be a witness. In the toilet–room the one who enters must not hurry the one who is sitting there, and the same is in a bath–house. One shall not bring oil into a bath–house in a glass vessel (for it may break and cause injury). One must not spit in the presence of his neighbor, even in a bath–house. The law relating to a bathhouse and toilet may be discussed in the respective places, but other things must not be discussed, not alone in the bathing–room but in the dressing–room, and even when the majority of the persons were dressed as well, because when even a few are undressed all are considered undressed. One shall not greet his neighbor when he is washing himself; and if he does so, the other may answer him that it is a bath–house. According to others, he may answer the greeting, and there is nothing in it. One should not put his foot in a bath–tub when another one is sitting in it, for it is a disgrace for the one bathing.

**Chapitre 11**

**1** HE who walks the road, etc. (See the whole Boraitha in Yomah, pages 27, 28, paragraph: "We have learned according to R. Shila"). One who, soon after returning from the road, takes a bath, gets intoxicated, sleeps on the bare floor, and indulges [in congressu feminæ], his blood is on his head (it is equivalent to suicide). He who sells his books, or his daughter, etc. (See Megilla, p. 73.) R. Itzhak says: "A common informer is considered a murderer, as it is written [[Lev. xix. 16]]: 'Thou shalt not go up and down as a tale–bearer among thy people.'" R. Eliezer said: "He who hates his neighbor without cause is also considered such, as it is written [[Deut. xix. ii]]: 'But if any man be an enemy to his neighbor,' etc. ([i.e.], if he is so, he is capable of doing what is further written in the verse)." Ben Azai says: "He who hates his wife is also considered such, as it is written [[ibid. xxii. 13 and 14]] ([i.e.], if he hates her he will finally lay an accusation against her, etc., and he will hire witnesses to accuse her with a view to take her life)." R. Jose says: "One who sets a definite time for the redemption of Isræl through Messiah will have no share in the world to come. And the same applies to one who hates the scholars and their disciples. The same applies to a false prophet and a slanderer." R. Meir says: "One who has a house of learning in his town, and is able to go there but does not do so, is not worthy of living, as it is written [[Numb. xv. 31]]: 'Because the word of the Lord hath he despised;' etc." Haughtiness is equivalent to idolatry, as it is written [[Deut. vii. 26]]: "And thou shalt not bring an abomination with thy house;" and it is also written [[Prov. xvi. 5]]: "An abomination of the Lord is every one that is proud of heart." Since the abomination mentioned in Deuteronomy is idolatry, and the same expression is used in Proverbs, hence we learn that haughtiness is equivalent to idolatry.

**Derech Eretz Zuta (texte additionnel)**

**Chapitre 1**

**1** THE qualities of the sages are: Modesty, meekness, eagerness, courage, bearing wrongs done to them, and being endeared to every one; submission to the members of their household, fear of sin, and judging every one according to his deeds.   
**2** Their thought concerning this world is: All that is in this world is of no importance to me, for this world is not mine. They are occupied in teaching others, and no one can see in their teaching anything wrong. Their questions are to the point and their answers are according to the Law.   
**3** One shall always be like an air–bag which is open to receive the air, and as a deep excavation which preserves the water therein contained, and as a glazed jug that preserves the wine therein; as a sponge that absorbs everything. Be as the lower threshold that all tread upon, and as a nail in the wall that is within the reach of every one to hang his clothes on.   
**4** If you have sustained a loss of your property, remember that job lost his property, children, and health. Be careful about all that you see with your eyes, for the principal deception is by the eye. Be careful with your teeth (with your meals), that you should not eat too much. Do not discuss with the Sadducees, that you shall not fall into the Gehenna. When you hear others insult you, do not answer them. If people are praising you for having done a great thing, you shall nevertheless consider it of no importance. An ordinary man shall be considered to your eyes great, if you have insulted him, until you shall have asked him to forgive you. This passage may also be so rendered: If others say something bad about thee, though it be of a serious nature, treat it as insignificant. But, on the other hand, if thou say something bad about others, though it be insignificant, thou shouldst regard it as serious and have no rest until thou beg pardon. Your behavior shall not be bad, for this is no praise for the Torah (which you possess, but let your behavior be good, for this is a praise for the Torah).   
**5** Love the Law, and respect it; love all creatures, and respect them. Subject your will to the will of others, as was done by Leah for Rachel and by David for Saul. But ignore your will, and even the will of others, for the will of Heaven, as we find by Jacob that he did not kiss Joseph (because he was engaged in prayer). Love doubtfulness ([i.e.], everything shall be doubtful to you until you convince yourself of it), and hate the expression: "And what of it?" ([i.e.], even of the most unimportant things you should not express yourself thus). Keep aloof from everything that may bring to sin, and from the abominable, and from what is equal to it, that you should not be suspected by others of transgression. Do not slander your neighbor, because he who does so has no remedy. Keep aloof from grumbling, for by grumbling you may come to growl at others, and it will be added to your transgressions. With seven patriarchs covenants were made, and they are: Abraham, Isaac, Jacob, Moses, Aaron, Pinchas, and David––Abraham [[Gen. xv. 18]], Isaac [[ibid. xvii. 21]], Jacob [[Lev. xxvi. 421, Moses [[Ex. xxxiv. 271, Aaron [[Numb. xviii. 19]], Pinchas [[ibid. xxv. 12]], David [[Ps. lxxxix. 41.]] Seven patriarchs are resting in glory, and worm and maggot do not affect their earthly remains, and they are: Abraham, Isaac, Jacob, Moses, Aaron, Amram their father, and, according to others, also David, as it is written [[ibid. xvi. 9]]: "Therefore is rejoiced my heart, and my spirit is glad; also my flesh shall rest in safety." Nine entered the Garden of Eden when they were still alive, and they are: Enoch (Chanoch) the son of Jared, Elijah Messiah, Eliezer the bondsman of Abraham, Hirom the king of Zor, Ebed–melech the Cushi [[Jer. xxxviii. 7]], and Jabetz the son of R. Jehudah the Prince, Bothiah the daughter of Pharaoh and Serech the daughter of Ascher, and, according to others, also R. Jehoshua b. Levi.

**Chapitre 2**

**1** LET all thy ways be for the sake of Heaven. Love Heaven, and fear it. Tremble at, and at the same time rejoice Over, all commandments. Sit before the elders, and let thy cars be attentive to their words. Incline thine ears to the words of thy comrade. Be not hasty in answering, and consider everything from the right point, and answer to the first question first, and to the last, last; and always confess the truth. Do not discuss in the presence of one who is greater than you in wisdom. If somebody wants to teach you something, do not say that you have heard it already. If you are questioned on the most unimportant matter, and you do not know it, be not ashamed to say, "I do not know." If somebody taught you something and you did not listen to it, be not ashamed to say, "Repeat it again"; and say not that you have not listened to it, but that you did not understand it. Do everything for the sake of the Creator, and talk of thy deeds in the same sense (according to Elias Wilna). Do not make thy merits as a crown to be glorified by it, and not as a hatchet to cleave with it, nor a spade to dig with it. Accept the words of Law, even when you are in affliction. Do not seek to wrong him who wronged you. Let thy accounts always be correct, and thy conduct excellent. Keep thy promise. Love the Law, righteousness, rebukes, straightforwardness. Do not run after honor. Be not proud when rendering a decision: Consider that all of which thou art possessed to–day may not be thine to–morrow; and if thou art not certain, as to property already in thy possession, that it will remain with thee, what is the use of thy striving to possess what belongs to others? Remember what the prophet says [[Habakkuk, ii. 6]]: "Woe to him that increaseth what is not his! for how long? and to him that loadeth himself with a burden of guilt!" Let it be thy habit to finish everything in a good manner. Let thy tongue be always soft. Be a good merchant, pay well, and strive always to do good. Be afraid of a light sin, for this may bring you to a grave sin. Respect all kind of men. Do not say, I will flatter this man, that he may give me food; that man, to give me beverages; that man, to cover me: for it is better that thou shouldst bear thine own shame than to be ashamed of others who will do so unto thee. Take care that thy teeth shall not shame thee, and thou shalt not be disgraced by thy mouth, and not cursed by thy tongue, and not put to shame by thy lips. Take care that thou shouldst not need to bow to some one on account of thine own words. If thou wishest to become attached to thy neighbor through bonds of love, always consider what good thou art able to do unto him. If it be thy wish to be kept away from sin, always look to the result of it. If thou art craving for merits, consider carefully their details. If thou hast done much good to some one consider it as very little; and thou must also not say that thou hast done it from what belongs to thee, because there is One who has done that unto thee, and thou art obliged to thank Heaven for it. If, however, some one has done thee some good, consider it as if he has done much. Do not say that Heaven has done good to me because of my good deeds; on the contrary, be afraid that it was done unto thee because of thine unworthy deeds [[Deut. vii. 10]]: "And repayeth those that hate him to their face, to destroy them." If, however, thou hast done any wrong, consider it much, and say: "Woe is me that I have sinned," or, "Woe is me that I was the cause of the wrong." If others have done thee much wrong, it shall be considered in thine eyes as little, and say: "This is only a part of the retribution that I deserve."

**Chapitre 3**

**1** DELIBERATE before a word passes thy lips, and be thoughtful how thou shouldst act in worldly affairs. See always that thy steps shall be rewarded. justify the judgment that was imposed upon thee and free thyself from anger. judge favorably thy neighbor, and see that thy verdict shall not make him guilty (if his guilt is not fully established). Be content with thy share, and adorn thyself with the little thou dost possess. Do not hate the one who reproves thee. Thy share wilt be blessed forever if thine eye will always be: good, and thy soul always satisfied. Let it be thy habit to say, "I do not know" (of a thing that thou art doubtful about), for thou mayest be caught lying. If thou neglect one command, thou wilt finally be negligent of other commandments. The same is if thou hast overlooked the words of the Law willingly: finally thou wilt be overlooked, willingly or unwillingly. If thou hast taken away others' property, thine will be taken away.   
**2** The commencement of making vows is the door to foolishness. Frivolity with women is the beginning of adultery. If thou hast guaranteed for some one, remember that it must be paid by thyself. If thou hast borrowed money, know that thou hast borrowed it to be repaid in time. If thou hast loaned money to somebody, be prepared to have difficulty in collecting it. Remember the time thou hast to repay, and settle thy accounts.   
**3** The following fifteen customs are ascribed to the sages: He is pleasant in entering, and so also when leaving; is prudent in his fear for Heaven; versed in wisdom; wise in his ways, has a good conception, a retentive memory, is clear in his answers, questions to the point, and answers according to the Law; he learns something new from every chapter taught to him; he is going to the wise; he learns for the purpose of teaching it and performing it.   
**4** Be as the lower threshold, upon which all persons tread, and still it lasts even when the whole building is demolished.

**Chapitre 4**

**1** SCHOLARS always are agreeable in society, but not so ordinary people. He who occupies himself only with study of the Scripture pursues the right course, yet the sages do not think so; with Mishnayoth, it is a course to be rewarded; but he who occupies himself with the study of the Talmud pursues a course than which there is no better. Still, it is advisable that one shall occupy himself with the study of Mishnayoth more than with that of the Talmud. Do not exact pay for thy teaching. Moreover, take no compensation whatever for it, for the Omnipotent has given His teaching to thee gratuitously; for the one who asks for reward destroys the whole world (because there are many who cannot afford to pay and will remain ignorant). And do not say: "I have no money to live on, and therefore I must take reward for my teaching." Remember all money is the Lord's, as it is written [[Haggai, ii. 8]]: "Mine is the silver, and mine is the gold, saith the Lord of hosts" (and He will supply you with money).   
**2** If you have done charity, be sure that you will be favored with money; and if it has been your good lot to acquire money, do charity with it so long as it is in your power. Give it to those who need it in this world, in order that you may get the world to come; for if you do not use it for charitable purposes, it will disappear suddenly, as it is written [[Prov. xxiii. 5]]: "When thou lettest merely thy eyes fly over it, it is no more." Do not complain of your being less wise than another, for you have not served (the sages) as much as he did. Neither shall you complain that the other one is rich and you are not, for it is not every man who is favored with two tables (of this and of the world to come). Do not complain that another one is beautiful and you are ugly, for at the time of death a man becomes a carcass; moreover, a carcass of any animal may be sold or presented to somebody, while no one cares even to look at a human carcass. Do not say: "That man is righteous, while I am not"; for both of you will have to account. Do not say: "That man is powerful, while I am weak"; for there is no power aside from the Torah, as it is written [[Ps. ciii. 20]]: "Bless the Lord, ye his angels, mighty in strength, that execute his word, hearkening unto the voice of his word." Bear always in mind the following: Know whence you come, whither you go, and before whom you will have to render an account, and do not turn your eyes on money which is not yours; for they close the gates of heaven against. prayer. Let your ears not listen to vain talk, for they are most likely to get burned. Do not slander, for the mouth will be first on the day of judgment to give account. Be not possessed of slander or other bad things, or of robbery, for all the members of thy body will testify against thee on the day of judgment. Let thy feet not hasten thee to evil–doing, because it is likely that the angel of death will get there sooner, and wait for thee. Be not afraid of the court of justice on earth, where only witnesses may be bought, but fear the Court above, because thou art certain that there will be witnesses who will testify against thee. And not only this, but your own deeds proclaim thy accusation from time to time.   
**3** If you have performed all my commandments with joy, my attendants will come to meet you, and even I my self will say to you: "Let thy coming be in peace." Your eyes that never looked at property not belonging to you shall have light in darkness, as it is written [[Is. lviii. 10]]: "Then shall shine forth in the darkness thy light, and thy obscurity be as the noonday." Your ears that have not listened to vain talk shall hear of peace in the world to come, as it is written [[ibid. xxx. 21]]: "And thy ears shall hear the world behind thee, saying, This is the way, walk ye in it, when ye turn to the right hand, and when ye turn to the left." Your mouth that has not slandered will be coveted by those who were used to slander. Your mouth that has studied the Torah will be a blessing to those who wish to be blessed. Your hands that have kept away from robbery, what can do unto you those who do injustice? Your hands that you have not withdrawn from doing charity, what can do to you those mighty men? Your feet that have not carried you to sin, what can the angel of death do unto you?   
**4** All that is said above is a warning to you, and you may do as you please, but do not say that you were not warned.

**Chapitre 5**

**1** A SCHOLAR must not eat standingly, nor lick his fingers, nor yawn in presence of others. Talk little, laugh little, sleep little, indulge little in pleasure, say little "yea" and little "nay." One has always to know with whom he is sitting, near whom he is standing, with whom he is eating, with whom he is conversing, for whom he signs contracts and notes of debt. By four things the scholar is recognized: his pocket, his goblet, his anger, and his dress; and, some say, even his talk. The beauty of the Law is wisdom; the beauty of wisdom is modesty; the beauty of modesty is the fear of Heaven; the beauty of the fear of Heaven is noble performance; the beauty of noble performance is secrecy ([i.e.], not publicly, for the purpose of being praised). One shall not be awake, etc. (see above).

**Chapitre 6**

**1** FOUR things are derogatory to scholars: to walk alone in the dark (and arouse suspicion); to be perfumed; to be the last in entering a prayer–house, and to hold much discourse at a meeting of dunces.   
**2** When entering, the greater shall be first; when leaving, the smaller shall be first. When ascending steps, the greater shall be first; when descending, the smaller shall be the first. At a public meeting, the greater shall have the preference. When entering a prison, the smaller shall do so first. For saying benedictions, the greater is first. The one entering the house must always greet first the one who is in the house. One must not lean at meals (as was the custom in the Orient) when a greater man than he is at the table. One shall not drink in public unless he turns away his face from the bystanders. The first step to sin is in one's thoughts, the second is scorn, the third is haughtiness, the fourth is cruelty, the fifth is idleness, the sixth is causeless hatred, and the seventh is an evil eye; and these were meant by Solomon [[Prov. xxvi. 25]]: "For there are seven abominations in his heart."

**Chapitre 7**

**1** SEVEN things mark the clod, etc. (See Aboth, Chap. V., Mishna [J].) A scholar must be careful in his eating, drinking, washing, anointing, in wearing the sandals, in his walking, dressing, in the use of his voice, in the act of spitting, and also with all his good deeds. As a bride, who so long as she is in her father's house pursues privacy and modesty, and when she is given away in marriage announces publicly, saying: "All those who can come to testify against me, let them come and do so," so a scholar must pursue privacy in his deeds but publicity in his ways; namely, he must run after truth but not after falsehood, after honesty but not after robbery, after modesty but not after haughtiness, after peace but not after war, after the advice of the old but not after that of the young. He shall rather follow behind a lion than behind a woman.   
**2** Who respects the sages? he who gives food, drink, dress, shoes, goes out to meet and accompanies when leaving, without distinction between rabbi or disciple. And who shows them disrespect? he who occupies the seat of his master even during his absence, or substitutes him (without permission) in lecturing, or contradicts him.

**Chapitre 8**

**2** 1

**Chapitre 9**

**1** R. Eliezer the Kapar said: Keep aloof from anger, for by being angry at others you will add to your transgression. Love your admonisher, for by doing so you, will add wisdom to your ability; and rather shun the one who honors you, that your wisdom be not lessened. Love the prayer–house, in order that you shall be rewarded daily; and the house of learning, in order that your children shall come to study. Love the poor, in order that your children shall not come to poverty. Love modesty, that you may enjoy longevity; love the pious, in order that you may be saved from the black angel. Be careful in the reading of Shema, and prayer in general, in order that you be saved from Gehenna. Your house shall be wide open, in order that you shall never lack food.' Be careful that the doors of your house shall not be closed when you take your meals, that you may not be punished therefor with poverty. Be careful about the honor of your wife. Be glad of your chastisement, for this probably saves you from Gehenna. Be joyful at your table when the hungry derive benefit from it, in order that you enjoy longevity and have a share in the world to come. Be also joyful when giving charity from your house, in order that you may pacify the anger of death, as it is written [[Prov. xxi. 14]]: "A gift in secret pacifieth anger, and a bribe in the bosom, strong fury." If you have troubled your feet for the poor or for the sake of a merit, the following passages may be applied to you [[Deut. xxviii . 6]]: "Blessed shalt thou be at thy coming in, and blessed shalt thou be at thy coming out." If you keep your mouth from slander, you will spend all the days of life in peace. One who is audacious towards one who is greater than he will finally be punished with a plague. If you run to do honor to a sage, you will be rewarded with enviable children; and for running to do honor to the poor, you will be rewarded with sons of learning and a law–abiding record in Isræl. Dost thou see a sage die, do not turn away from him until after burial, that thou, too, mayest receive respect and attention when it will be thy time to die. When you see your neighbor has be come poor and his power is on the decline, do not refuse to help him, as it is written [[Eccl. viii. 5]]: "Whoso keepeth the commandment will experience no evil thing." If you have loaned him something when he was in need, the following passage will be fulfilled on you [[Is. lviii. 9]]: "Then shalt thou call, and the Lord will answer." If you lower yourself, the Lord will lift you up; but if you assume superiority over your fellowmen, the Lord will lower you. If others quarrel with thee, whether in a house of learning or at an ordinary meeting–place, do not leave until peace is restored, and they shall praise thee in thy absence as Pinchas b. Elazar. Great is peace, that even when it reigns among idolaters nothing can be done to them, as it is written [[Hosea, iv. 17]]: "Ephraim is [bound] (bound together) to idols; let him alone." But if they quarrel among themselves, it is said of them [[ibid. X. 2]]: "Their heart is divided; now shall they bear their guilt." Hence that house in which there is strife will be destroyed, and the sages say that even a prayer–house in which there is strife will be demolished. The same is it with two chiefs of the court who live in one town and quarrel with each other, they will finally die. Abba Saul said: Strife between courts is a destruction of the world. Abba Issi b. Johanan said in the name of Samuel the Little: This world resembles the eyeball of a man. The white is the ocean that surrounds the whole land; the black is the world; the circle in the black is Jerusalem, and the image (the pupil) in the circle is the Temple, which will be rebuilt in the near future. Amen.

**Chapitre 10**

**1** 1

**Chapitre 11**

**1** R. Jehoshua b. Levi said: Great is peace, for it is as the leaven to dough. If the Holy One had not given peace to the world, sword and beast would devour up the whole world, as it is written [[Lev. xxvi. 6]]: "And I will give peace in the land."   
**2** It is written [[Eccl. i. 4]]: "One generation passeth away, and another generation cometh, but the earth endureth for ever." King Solomon meant to say thus: Although one generation passes away and another one comes, one kingdom disappears and another one appears; and although evil decrees one after another are enacted against Isræl, still they endure forever. The Lord does not abandon them, and they are never abandoned. They are never annihilated, neither do they decrease, as it is written [[Mal. iii. 6]]: "For I the Lord have not changed: and ye sons of Jacob, ye have not ceased to be" ([i.e.], as I have never changed and will never change, so ye sons of Jacob have never ceased and will never cease to be). But [[Deut. iv. 4]]: "Ye that did cleave unto the Lord your God are alive, every one of you, this day." R. Jehoshua said: Great is peace, for at the time Isræl arose and said [[Exod. xxiv. 7]]: "All that the Lord hath spoken will we do and obey," the Holy One was pleased to give unto them His Torah and blessed them with peace, as it is written [[Ps. xxix. 11]]: "The Lord will bless his people with peace." Hezekiah said: Great is peace, for at every commandment in the Torah it is written "if," as, for instance, Exod. xxiii. 4, "If thou meet," etc., which means, [if] such a thing occurs to you, you must do the commandment; but concerning peace, it is different, there it is written [[Ps. xxxiv. 15]]: "Seek peace, and pursue it," which means, seek peace at the place where you are, and if you do not find it, seek it in other places. Great is peace: about all the journeys of Isræl it is written, "And [they] removed . . . and . . . encamped," which means they removed in strife and encamped in strife, but when they came to Sinai there was no more strife, and [they] encamped in peace, as it is written [[Exod. xix. 2]]: "And Isræl encamped opposite the Mount" ([i.e.], [all] Isræl were united). The Holy One, blessed be He, then said: "Because Isræl hates discord and loves peace, and all are united, this is a favorable time that I should give them my Torah." Adoniah the son of David was killed because he was quarrelsome, and it is permitted to support the accusation of a quarrelsome man, as Nathan the prophet did when Bath–Sheba accused Adoniah [[I Kings, i. 14]]: "I myself will come in after thee, and confirm thy words." And Rabbi said: All manner of lying is prohibited, except it be to make peace between one and his neighbor. Bar Kappara said: Great is Peace, as among the angels there is no animosity, no jealousy, no hatred, no commanding, no quarrelling, because the Holy One, blessed be He, has made peace among them, as it is written [[Job, xxv. 2]]: "Dominion and dread are with him: he maketh peace in his high places." "Dominion" is the angel Michæl and "Dread" is Gabriel, one of whom is of fire and the other one of water, and still they do not oppose each other, for the Holy One, blessed be He, has made peace between them.   
**3** R. Jehoshua said: Great is peace, in that the covenant of the priests was made with peace, as it is written [[Numb. xxv. 12]]: "I give unto him my covenant of peace." The name of the Holy One, blessed be He, is also "peace" (Shalom), as it is written [[Judges, vi. 24]]: "And called it Adonay–shalom." R. Jose the Galilean said: The name of the Messiah is also "peace" (Shalom), as it is written [[Is. ix. 5]]: "The prince of peace." Said R. Jehoshua: Isræl is also called "peace," as it is written [[Zech. viii. 12]]: "For the seed shall be undisturbed, the vine shall give its fruit," which is to be interpreted thus: "The vine will give its fruit to the seed of peace" (Isræl). R. Jose the Galilean said: When the Messiah shall come to Isræl, he will begin with peace, as it is written [[Is. lii. 7]]: "How beautiful upon the mountains are the feet of the messenger of good tidings, that publisheth peace, that announceth tidings of happiness, that publisheth salvation, that saith unto Zion, Thy God reigneth." He also said: Great is peace, because even wars are waged for the sake of peace, as it is written [[Deut. xx. 10]]: "When thou comest nigh unto a city to make war against it, then summon it with the word of peace." R. Jehoshua said: In the future the Holy One, blessed be He, will uphold the righteous with peace, as it is written [[Is. xxvi. 3]]: "The confiding mind wilt thou keep in perfect peace; because he trusteth in thee." Again he said: Great is peace, because it accompanies the living as well as the dead––the living, as it is written [[Exod. iv. 18]]: "And Jethro said to Moses, Go in peace"; the dead, as it is written [[Gen. xv. 15]]: "But thou shalt come to thy fathers in peace," R. Jehoshua of Sachnin said in the name of R. Levi: Great is peace, in that all the benedictions and prayers conclude with "peace." The reading of Shema we conclude with "peace," "and spread the tent of thy peace"; the blessing of the priests concludes with peace, "and give thee peace"; and the eighteen benedictions conclude: "Blessed be thou, master of peace."   
**4** Said R. Jehoshua b. Levi: The Holy One, blessed be He, said to Isræl, You have caused me to destroy my house and to exile my children, now pray for peace and I will forgive you, as it is written [[Ps. cxxii. 6]]: "Pray ye for the peace of Jerusalem." Therefore he who loves peace, runs after peace, offers peace, and answers peace, the Holy One, blessed be He, will make him inherit the life of this world and the life of the world to come, as it is written [[Ps. xxxvii. 11]]: "But the meek shall inherit the land, and shall delight themselves because of the abundance of peace."

**Bava Qamma**

**Chapitre 1**

**1** There are four principal causes of tort (expressly mentioned in the Scripture): the ox; the (uncovered) excavation; the mabeh (the pasture of one's cattle in another's field); and the fire. The measure of the damages done by the ox is different from that of the damages done by the mabeh, and [vice versa]; and that of both, which are animated beings, is not like that of the damages caused by the fire, which is not animated. And the measure of damages caused by the three last mentioned, which are movable, is different from that of the damages caused by the (uncovered) excavation, which is stationary. One thing, however, is common to all, and that is, that they are all likely to do damage, which must be guarded against, and if damage is done, the one responsible for it must make good from his best estates.   
**2** (The following is the rule:) In all that which I am charged with taking care of I have prepared the damage ([i.e.], if damage was done it is considered that I was instrumental in doing it). If I prepare only a part of the damage I am responsible nevertheless for the whole, as if I prepared the whole. And only as to property which cannot be desecrated (but for that which is desecrated there is no responsibility), or property of persons governed by laws adopted by their community, or such that has an owner, and at any place (the damage was done), except if done on the ground exclusively belonging to the defendant, or on that belonging to both together, the defendant and the plaintiff. If damage was done, the defendant must complete the payment of the damages with the best of his estates.   
**3** Damages are assessed in money, and are collected from what has a value of money; and it must be done before the court, and only on testimony of witnesses who are freemen, and they must be members of a community who have adopted a set of laws for their government; and women are on the same footing with men as to damages; both the defendant and the plaintiff must contribute (sometimes) toward the payment of the damages. (The whole Mishna will be explained further on in the Gemara.)   
**4** There are five cases which are considered non–vicious and five which are considered vicious. A domestic animal is considered non–vicious to gore, to push, to bite, to lie upon, or to kick; the tooth (of an animal) is considered vicious to consume that which is fit for it; the foot is considered vicious to break everything on its way while walking; the vicious ox; the ox doing damage on the estates belonging to the plaintiff exclusively; and a man. The wolf, the lion, the bear, the leopard, and the [bardalis] and the serpent are considered vicious. R. Elazar says: When they are domesticated they are not, with the exception of the serpent, which is under all circumstances vicious.   
**5** There is no difference between a vicious and a non–vicious animal, only that a non–vicious pays one–half of the damage, and only from the (money realized from the sale of the) body of the animal having done the damage; and a vicious animal pays the whole damage and from the best estates.

**Chapitre 2**

**1** What tendency makes the foot to be considered vicious? That of breaking (everything in its way) while walking. An animal has a tendency to cause breakage while walking in her usual way. If, however, she were kicking (which is not her habit to do, and therefore considered a derivative of the horn), or there were gravel being kicked up from under her feet (which is sometimes her habit to do) and vessels were broken, one–half of the damage is paid. (In the case of gravel it is so by tradition; and the case is that it was done on the premises of the plaintiff.) If she stepped on a vessel and broke it, and the fragments thereof fell on another vessel and broke it, for the first vessel the full amount of the damage is paid (for it is the damage of the foot), but for the second vessel only one–half is paid (for it is the same as that of "gravel"). Cocks have a tendency to walk in their usual way and cause breakage. If, however, something was attached to their feet, or they were hopping and they broke vessels, only one–half is paid (the reason is explained further on in the Gemara).   
**2** What tendency makes the tooth to be considered vicious? That of eating what is fit for it. An animal has a tendency to consume fruit and vegetables; if she, however, chewed up a garment or vessels, only half damage is paid. This is said only if on the premises of the plaintiff, but on public ground there is no liability. But if she derived any benefit therefrom, the value of such benefit is paid. How so? If she consumed from the middle of the public highway, the value of the benefit is paid; if from the sideways of the highway only, the amount of the damage is paid; if from the [front] of a store, the value of the benefit; if from [within] the store, only the value of damage is paid. (This Mishna is explained further on.)   
**3** A dog or a goat that jump down from the top of a roof and break vessels pay the whole damage; for they are vicious (as to jumping, and it speaks of a case on the premises of the plaintiff). A dog that snatched a cake (from the coal on which it was baked) and carried it to a barn and there consumed the cake and (with the burning coal stuck in the cake) set fire to the barn, the whole for the cake, but only one–half damage for the barn is to be paid (as explained further on in the Gemara).   
**4** What is considered a non–vicious and what is considered a vicious one? A vicious ox is one that has been warned three days. A non–vicious one is one that abstains (from goring) for three days. Such is the dictum of R. Jehudah. R. Meir, however, said a vicious ox is one that had been warned thrice, and a non–vicious one is one that, when children pat him on the back, does not gore them.   
**5** "An ox that did damage on the premises belonging to the plaintiff," stated in Chapter I., Mishna IV.; how so? If he gored, pushed, bit, lay down on, or kicked while on public ground, he pays half; if while on the premises of the plaintiff, R. Tarphon holds the whole; the rabbis, however, say one–half. Said R. Tarphon to them: (Are we then not to draw an [a fortiori] conclusion.) In a case in which the law is lenient with the "tooth" and "foot" on public ground, making them not liable, it decrees rigorously if the same happened on the premises of the plaintiff, namely, that the whole must be paid; in a case where it decrees rigorously that the "horn" on public ground must pay half, is it not a logical inference that we ought to strictly adjudge the same, if on the premises of the plaintiff, liable for the whole? They said to him: It is sufficient that the result derived from the inference be equivalent to the law from which it is drawn, viz., as if on public ground only half, so also if on the premises of the plaintiff. He rejoined: I also do not infer "horn" from "horn," but I infer horn from "foot," and I reason thus: if in cases in which the "tooth" and "foot" were dealt with leniently if on public ground, the "horn" was dealt with rigorously, is it not a logical conclusion that the latter shall be rigorously dealt with in cases where the former were also so dealt with? They rejoined again: It is nevertheless sufficient that the result derived from the inference be equivalent to the law from which it is drawn.   
**6** A human being is considered always vicious, whether he acts intentionally or unintentionally, when awake and also when asleep. If one blind the eye of his neighbor, or break his vessels, he pays the whole damage.

**Chapitre 3**

**1** If one places a jug on a public ground and another person stumbles over it and breaks it, the latter is not liable; if he is injured, the owner of the barrel is liable for the damage.   
**2** A jug (filled with water) that broke on public ground and its contents cause a person to slip and fall, or one is injured by its fragments, he (the carrier of the jug) is liable. R. Jehudah, however, says, if he break it intentionally he is, otherwise he is not.   
**3** One who empties water into public ground and causes injuries thereby, he is liable for the injuries. One who hides away a thorn or glass, or one who builds his fence of thorns, or a fence that falls in into public ground and some persons were injured thereby, he is liable for the damage.   
**4** One who places straw or hay on public ground in order to convert them into manure, and some pedestrian sustains injury through them, he is liable; and the one who takes possession of them first is entitled to them. R. Simeon b. Gamaliel says: All those who obstruct a public thoroughfare by placing chattels therein and cause damage are liable; and the one who takes possession of them first is entitled to them. One who stirs up manure on public ground and a pedestrian sustains injury thereby is liable.   
**5** Two potters (each carrying pottery) that walked, one following the other, and the first stumbled and fell, and the second stumbled over the first and also fell, the first one is liable for the damages of the second.   
**6** If one was coming from one side of the street carrying a barrel, and the other one was coming from the other side carrying a beam, and the barrel was broken by the beam, there is no liability, as both had the right to go each his way (and the carrier of the barrel should be careful not to collide with the beam). The same is the case when the carrier of the barrel followed the carrier of the beam. If, however, the carrier of the beam stopped (without any reason), and the carrier of the barrel while walking broke it by striking against the beam, he is liable; if the carrier of the barrel was told to stop by the carrier of the beam he is free. If the carrier of the barrel was preceding, and the carrier of the beam was behind him and broke his barrel by colliding with the beam (although unintentionally), he is liable (because of carelessness); if the barrel carrier stopped, he is free; but if he told him to stop and the beam carrier did not heed him, he is liable. The same is the case with one carrying fire and the other hemp.   
**7** Two that were on public ground, one running and the other one walking (ordinarily), or both of them running, and they injured each other, both are free.   
**8** One who chopped wood on public ground and caused damage on private ground, or [vice versa]; or on his own private ground, and has done damage on another's private ground, he is in either of those cases liable.   
**9** Two non–vicious oxen that wounded each other: the one who is hurt the most is to be paid one–half of the amount of the value of difference of the injuries. If both are vicious the [full] amount of difference of the injuries is to be paid. If one is non–vicious and the other vicious: if the vicious one injured the non–vicious more than he himself was injured he pays the full amount of the difference, if the reverse is the case only one–half is paid. So also if two men wound each other, the one who hurt the most must pay the full amount of the difference. A man who hurt a vicious ox and was also hurt by the ox, or when the reverse was the case, the full amount of difference is to be paid. If the case was with a non–vicious ox the man pays the full amount and the ox pays the half. R. Aqiba, however, says: Even if the ox was non–vicious, the full amount is to be paid.   
**10** An ox of the value of one hundred selas that gored another one of the value of two hundred, and the carcass was worthless, the plaintiff takes the ox ([i.e.], one–half of the damage).   
**11** An ox of the value of two hundred that gored another ox of equal value and the carcass was of no value whatever. R. Meir holds that of such a case it is written [[Ex. xxi. 35]]: "Then shall they sell the live ox and divide his money." Said R. Jehudah to him: So the Halakha prevails in reference to the passage cited by you, but how is the last part of this passage [[ibid., ibid.]]: "And the dead one shall they also divide"? This can apply to a case where the carcass of the ox (which ox was of the same value as the goring ox) is still worth fifty Zuz, in which case each takes one–half of the live and one–half of the dead ox.   
**12** There are cases when one is liable for the acts of his ox and is free if they are his own acts, and [vice versa]. How so? If one's ox cause disgrace the owner is free, but if he himself did so he is liable. If his ox blinded the eye of his slave or knocked out his teeth the owner is not liable ([i.e.], the slave is not to be manumitted), but if he himself did it he is. If his ox wounded one of his parents he is liable, but if he himself had done so he is free; and the same is the case when his ox set fire to a barn on Sabbath he is liable, while if he himself did so he is free, for in both last cases he is guilty of a capital crime.   
**13** An ox that ran after another ox, and the latter was injured, the plaintiff claims that the ox injured him while the defendant claims that it was not so, but that the injury was caused by rubbing against a stone: the rule is that the burden of proof is upon the plaintiff. If two oxen having different owners were running after a third, each of the defendants claiming that the other one's ox caused the injury, both of them are free; if the two oxen belonged to one person both are liable (as explained further on); if one ox was a big one and the other a small one, the plaintiff claims that the big one caused the injury while the defendant claims that the small one caused it (the difference being that the big one is of sufficient value to pay the half damage while the small one is not); or if one was non–vicious and the other vicious, the plaintiff claiming that the vicious one did the injury, and the defendant claiming that the non–vicious did it, the burden of proof is upon the plaintiff. If the defendant's oxen were two, one a big one and the other a small one, and so also were the plaintiff's oxen, the plaintiff claims that the big one injured his big ox and the small one injured the small ox, and the defendant claims that the reverse was the case (so as to reduce his payments); or when one was a non–vicious and the other one a vicious one, the plaintiff claims that the vicious one injured the big one and the non–vicious the small one, while the defendant claims that it was not so, but that the non–vicious injured the big one and the vicious the small one, the burden of proof is upon the plaintiff.

**Chapitre 4**

**1** An ox that gores four or five oxen one after another, the last of them must be paid from the body of the goring ox (if he was yet considered non–vicious., [e.g.], when the goring was not in succession), and from the balance of the half body the last but one must be paid, and if there was still a balance left the last but two must be paid, so that the later the more privileged. Such is the dictum of R. Meir. R. Simeon, however, says that if an ox of the value of two hundred zuz gores an ox of the same value, and the carcass is worth nothing, each one takes one hundred; if he again gores another of the value of two hundred, the last one takes one hundred zuz, and the former takes fifty, and fifty zuz remain for the owner of the goring ox; if he again gores a third one of the same value, the last one takes one hundred, the last but one takes fifty zuz, and the first as well as the owner takes each a golden dinar (twenty–five silver dinars).   
**2** An ox that is vicious towards his own species, but not towards other species, or towards human beings but not towards animals, or towards young cattle, but not towards full–grown cattle, the whole damage is to be paid to those towards which he is vicious and half to those towards which he is not vicious. The disciples asked R. Jehudah what the law was when an ox was vicious on Sabbath days, but was non–vicious on week days. He answered: The same is the case also here. He pays the whole for damage done on the Sabbath days, and half for that done on week days. When is such an ox restored to non–viciousness? If he refrained from doing damage for three Sabbath days in succession.   
**3** An ox belonging to an Isrælite that gored an ox belonging to the sanctuary, or of the sanctuary that gored one of a commoner, there is no liability, for it is written [[Ex. xxi. 31]]: "The ox of [another]" (man), but not of sanctuary.   
**4** An ox of a sound person that gored an ox belonging to a deaf mute, idiot, or minor, there is a liability. If the reverse was the case, there is none. An ox of the three last–named persons that gores, the court should appoint a guardian and the witnesses should testify in the presence of the guardian. If in the meantime the deaf mute is cured, the idiot becomes of sound mind, or the minor becomes of age, the ox is restored to his non–viciousness. Such is the dictum of R. Meir. R. Jose, however, says that he remains in the same position. An ox of the stadium ([i.e.], the place where oxen are trained for fighting) is not liable to be killed when killing even a human being, for it is written: "If an ox [gore]," which means of his own inclination, but not when he is trained to do so.   
**5** An ox that killed a man by goring him, if it was a vicious one, the atonement money is to be paid, but not when he was a non–vicious one. Both of them, however, must be killed. The same is the case when he gored a minor male or female. If he gored a male or a female slave he must pay thirty selas, without regard whether their value was one thousand zuz or only one dinar.   
**6** An ox that was rubbing against a wall whereby the wall fell upon a human being and killed him; if the ox intended to kill an animal and killed a man, or a non–viable child and killed a viable one, he is free.   
**7** An ox belonging to a woman, to orphans, or their guardian, or an ownerless ox, or an ox belonging to the sanctuary, or the ox of a proselyte who died without heirs, all those (if they kill a man) are put to death. R. Jehudah, however, holds that an ownerless ox, or that belonging to the sanctuary or to the proselyte in question are not put to death, for the reason that they have no owners.   
**8** An ox that was sentenced to be put to death and his owner consecrated him, he is not consecrated. If his owner slaughtered him, his meat is prohibited. If, however, this was done before the completion of the sentence, he is consecrated, and if slaughtered his meat may be used. If one delivered his ox to a gratuitous bailee or borrower, to a bailee for hire, to a hirer, all those substitute the owner as to responsibility for damage: a vicious one pays the whole, and a non–vicious one the half.   
**9** If its owner properly tied him and locked him up, and still he broke out and did damage, be it a vicious or a non–vicious one there is a liability. Such is the dictum of R. Meir. R. Jehudah, however, holds that a non–vicious is liable, and a vicious is not, for it is written [[Ex. xxi. 29]]: "And he hath not kept him in," but here he had. R. Eliezer, however, says there is no guard for a vicious ox except the knife.

**Chapitre 5**

**1** Should an ox gore a cow and the new–born calf be found dead at her side, and it be not known whether she gave birth to it before the goring or by reason of the goring, the owner of the ox pays half the damage for the cow and one–fourth for the calf. So also should a cow gore an ox and her new–born calf be found alive at her side, and it be not known whether she gave birth before the goring or by reason of the goring, the owner of the cow pays half the damage from the body of the cow and one–fourth from that of the calf.   
**2** A potter that placed his pottery in the court of another without his permission, and the court–owner's cattle broke them, there is no liability. If the cattle were injured thereby, the potter is liable. If, however, he placed them there with permission, the court–owner is liable. The same is the case with one who placed his fruit in another's courtyard and it was consumed by an animal of the court–owner. Should one lead his ox into the court of another without permission and it be gored by the ox of the court–owner, or be bitten by his dog, there is no liability. If, however, the ox in question gored the court–owner's ox, or it fell into the well and spoiled the water, he is liable. If the court–owner's father or son was in the well (at the time, and was killed), he must pay atonement money. If, however, he led it there with permission, the court–owner is liable. Rabbi, however, says that in all these cases the court–owner is not liable unless he expressly undertook to take care of the ox.   
**3** If an ox intend to gore another ox, and injure a woman and cause her to miscarry, the owner of the ox is free from paying for the child. If, however, a man intend to hurt another man, and hurt a woman and cause her to miscarry, he must pay for the child. How is this payment made? The woman is appraised as to the difference in her value (as a slave) before and after she gave birth. Said R. Simeon b. Gamaliel: If so, then her value increases after giving birth. We must therefore say that the worth of the infant is appraised and its value is paid to her husband if she has one, or to his heirs if she has no husband. If she was a manumitted slave or a proselyte, there is no liability.   
**4** One who digs a pit on private ground and opens it into public ground, or [vice versa], or on private ground and opens it into the private ground of another person, is liable.   
**5** One who digs a pit on public ground and an ox or an ass falls into it (and is killed), he is liable. It matters not as to the shape of the pit, whether round, oval, or a cavern, rectangular or acute–angular, in all cases he is liable. If this is so, then why is it written "pit"? To infer from this that as a round pit in order to be sufficient to cause death must be no less than ten spans deep, so also all other forms must be at least ten spans deep. If they were of less depth, however, there is no liability for death; but for injuries there is.   
**6** When a pit belongs to two partners, and one of them passes by and does not cover it, and so also does the second, the latter only is liable.   
**7** If the first one covered it, but when the second one passed by he found it uncovered and did not cover it, the latter is liable. If the owner of a pit properly cover it, and still an ox or an ass fall into it and is killed, there is no liability. If however, he do not properly cover it, he is liable. If an ox fall forward, face downward, into a pit by reason of the noise caused by the digging, there is a liability; if, however, it fall backward, there is none. If an ox or an ass with its housings fall into it and the housings be damaged, there is a liability for the animal but not for the housings. If there fall therein an ox, deaf, raging, or young, there is a liability (explained further on). If a boy or a girl, a male or a female slave, fall in, there is none.   
**8** There is no difference between an ox and another animal as regards falling into a pit; to have been kept distant from Mount Sinai [[Ex. xiii.]] as to payment of double, to restitution of lost property; as regards unloading; muzzling, kilayim [[of species]], and as regards Sabbath. Neither is there any difference between the above–mentioned and a beast or bird. If so, why does the Scripture mention "ox or ass"? Because the verse speaks of what is usual.

**Chapitre 6**

**1** If one drive his sheep into a sheep–cot and properly bolt the gate, but still they manage to come out and do damage, he is free. If he do not properly bolt the gate, he is liable. If they break out in the night time, or robbers break in the gate, and the sheep come out and cause damage, he is free. If the robbers lead them out, they are responsible for the damage. If one exposes his cattle to the sun, or he places them in the custody of a deaf–mute, a fool, or a minor, and they break away and do damage, he is liable; if, however, he places them with a (professional) shepherd, the latter substitutes him (as regards liability for damages). If the cattle fall into a garden and consume something, the value of the benefit they derive is to be paid. If, however, they enter the garden in the usual way, the value of the damage is paid. How is the value of the damage to be ascertained? It is appraised how much a measure of the land required for planting a saah was worth before and how much it is worth after. R. Simeon says: If they consume ripe fruit, the value of ripe fruit is paid; if they consume one saah, the value of one; if two, the value of two is paid.   
**2** One who puts up a stack of grain on another's land without permission, and the land–owner's animal consumed some of the grain, he is free. If the animal was injured thereby, the one who put up the stack is liable. If, however, it was done with permission, the land–owner is liable.   
**3** One who started a fire through the medium of a deaf–mute, idiot, or minor, he is free from responsibility to an earthly tribunal, but he is liable to the Divine court. If, however, he started the fire through the medium of a sound person, the latter is liable. If one brought fire and the other wood, he that brought the wood is liable. But if the wood was brought first by one, and subsequently another brought the fire, he who brought the fire is liable. If one came and blew at the fire and kindled it, the one who did so is liable. If, however, it was kindled by the wind, all are free.   
**4** If one start a fire and it consume wood, stones, or earth, he is liable; for it is written [[Ex. xxii. 5]]: "If a fire break out, and meet with thorns, so that stacks of corn, or the standing corn of the field, be consumed thereby, he that kindled the fire shall surely make restitution."   
**5** If the fire passed over a fence four ells high, or through a public highway or a river, there is no liability.   
**6** If one start a fire on his own premises, how far must the fire pass (in order to subject him to liability)? R. Eliezer b. Azariah said: It is looked upon as if it were in the centre of a space of land sufficient for planting a kur of grain (and if it pass out of such distance, he is liable). R. Eliezer says: Over sixteen ells, as wide as a public highway. R. Aqiba says: Over fifty ells. R. Simeon, however, says: It is written [[Ex. xxii. 5]]: "He that kindled the fire shall surely make restitution"––that means that he must make restitution for all that was burnt through the fire he started.   
**7** If one cause his neighbor's stack of grain to burn down, and there be vessels therein which also are burnt, R. Jehudah says that he must pay also for the vessels. The rabbis, however, hold that he pays only for a stack of wheat or barley, as the case may be, of such dimensions. If a bound kid were therein and a slave was standing near by and both were burnt, he must pay for the kid (but not for the slave, as he should have escaped); if, however, a bound slave were therein and a kid was standing near by and both were burnt, he is free (from damages, because he is guilty of murder). And the sages concede to R. Jehudah that, if one set fire to another's house (or palace), he pays for all that was therein contained, for it is customary with people to keep their property in the house.   
**8** If a spark escape from under the blacksmith's hammer and do damage, there is a liability. A camel that was walking on a public highway laden with flax, and the flax pressed into a store and caught fire from the storekeeper's lit candle and set fire to the house, the driver of the camel is liable. If, however, the candle was placed outside the store, the store–keeper is liable. R. Jehudah says: If it was a Hanuka lamp, there is no liability.

**Chapitre 7**

**1** The payment of double (in cases of larceny) is more rigorous than the payment of four and five fold; for the former is applicable to animate as well as to inanimate beings, while the latter is applicable to an ox and a sheep alone, as it is written [[Ex. xxi. 37]]: "If a man steal an ox or a sheep, and kill it or sell it," etc. The one who steals a stolen article from a thief does not pay double, neither does he pay four or five fold if he afterward slaughtered or sold it.   
**2** If two witnesses testify that one stole (an ox or a sheep), and either the same or other witnesses testify that he slaughtered or sold the same, he must pay four and five fold. If one stole the same and sold it on the Sabbath, or he stole and sold it for idolatry; or he stole and slaughtered it on the Day of Atonement; or he stole from his father and slaughtered and sold it, and thereafter his father died; or he stole and slaughtered it and then consecrated it–in all those cases he pays four and five fold. The same is the case if he stole and slaughtered it in order to use it as a medicine, or to feed his dogs therewith; or he slaughtered it and it was found unfit for eating ([trepha]); or he slaughtered it in the Temple court without consecrating it as an offering. R. Simeon, however, makes him free in the two last–named cases.   
**3** III.: If two witnesses testify that one stole an animal, and those very same witnesses testify that he had thereafter slaughtered or sold it, and subsequently those witnesses are proved collusive, the collusive witnesses must pay the full liability of four and five fold. If two witnesses testify that he stole it and other two testify that he slaughtered or sold it, and both sets of witnesses are proved collusive, the first set pays the double and the second set pays the balance of the five. If the second set is found collusive, the thief pays for two and the collusive witnesses for three. If only one of the second set is proved collusive, the whole testimony of the second set is invalidated. If one of the first set was found collusive, the whole testimony in the case was invalidated; for if there is no theft, there can be no (liability for) slaughtering or selling.   
**4** If two witnesses testify that he stole it, and one witness, or he himself, testifies that he slaughtered or sold it, he pays only two, but not four and five fold. If he stole and slaughtered it on Sabbath, or sold it for purposes of idolatry; if he stole it from his father and this latter died, and subsequently he slaughtered or sold it; if he stole and consecrated it, and thereafter slaughtered or sold it––in all those cases he pays only double and not four and five fold. R. Simeon says: If one stole consecrated cattle for which the one who consecrated them is responsible, and slaughtered them, he must pay four and five fold; if, however, it is that for which he is not responsible, the thief is free.   
**5** If the thief sells all but one–hundredth part of it, or he is a co–owner of it, or he slaughters it illegally so that it becomes a carrion, or he lacerates it (from the nostrils to the heart), or he tears the trachea and gullet, he pays only double, but not four and five fold.   
**6** (The liability to the fine of four and five fold applies only where the thief slaughters it after he acquired title to it, or he slaughters it outside of the owner's premises, namely:) If he steals it within the premises of the owner and slaughters or sells it of it, or he steals it outside of the owner's premises and slaughters or sells it within the premises, or the stealing, slaughtering, and sale are outside of the owner's premises, he pays four and five fold. If, however, the stealing, slaughtering, and sale are within the owner's premises, he is free. If while the thief is leading the animal out it dies, still within the premises of the owner, he is free. If he lifts it up or leads it out of the premises, and it dies, he is liable. If he redeems his first–born son with it, or he gives it to his creditor, or to a gratuitous bailee or to a borrower to do work with it, or to a bailee for hire, or to a hirer, and the other person is drawing it forth and it dies while still on the premises of the owner, he is free. If, however, he lifts it up or he leads it out of the premises and it dies, he is liable.   
**7** No tender cattle must be raised in Palestine, but they may be raised in Syria and in the deserts of Palestine. No cocks or hens must be raised in Jerusalem (even by laymen), because of the voluntary offerings (the meat of which may be eaten in any part of the city, and as the habit of the named fowls is to peck with their beaks in the rubbish, they may peck into a dead reptile and then peck in the meat of the offerings). In all other parts of Palestine priests only must not raise them, as they use leave–offerings for their meals, and they must be very careful about cleanliness. Swine must not be raised by Jews at any place. One shall keep no dog unless on a chain, and no noose is to be laid out for trapping pigeons unless fifty riss distant from inhabited places.

**Chapitre 8**

**1** One who wounds his neighbor is liable to pay the following five things, viz.: damage, pain, healing, loss of time, and disgrace. "Damage."––If he blinds one's eye, cuts off his hand, or breaks his leg, the injured person is considered as if he were a slave sold in the market, and he is appraised at his former and his present value. "Pain."––If he burns him with a spit or with a nail, if even only on the nail (of his hand or foot), where it produces no wound, it is appraised how much a man his equal would take to suffer such pain. "Healing."––If he caused him bodily injury, he must heal him; if pus collected by reason of the wound, he must cause him to be healed; if, however, not by reason of the wound, he is free. If the wound heals up and breaks out again, even several times, he must cause it to be healed; if, however, it once heals up thoroughly, he is no more obliged to heal it. "Loss of time."––The injured person is considered as if be were a watchman of a pumpkin field, as he was already paid the value of his hand or foot. The disgrace is appraised with consideration of the station and rank of the one who causes as well as of the one who suffers it.   
**2** One who causes disgrace to a nude, blind, or sleeping person is liable; if, however, one causes disgrace when asleep, he is free. If one falls down from a roof and causes damage and disgrace, he is liable for the damage but not for the disgrace, as the latter requires intention.   
**3** The law is more rigorous in regard to a man than in regard to an ox in this respect, that a man pays the five certain items, and also the value of the aborted children, while an ox pays only for actual damage and is free also from paying for the aborted children. One who assaults his father or mother, but does not bruise them, and one who wounds another on the Day of Atonement, is liable to pay all the above items. One who wounds a Hebrew servant is liable to pay all, but for loss of time when he is his own. One who wounds a heathen slave of another is liable to pay all. R. Jehudah says: There is no disgrace to slaves. A deaf–mute, an insane person, and a minor, one who meets with them is in a bad position, for the one who wounds them is liable, while if they do so to others they are free. The same is the case with a slave and a (married) woman, with the difference that they must pay when they become independent; namely, when the woman is divorced and the slave is liberated. If one, however, assaults his father or mother and bruises them, or, on the Sabbath, any person, he is free from payment of the above–enumerated items, for he is guilty of a capital punishment. One who wounds his own heathen slave is free from everything.   
**4** If one blow into the car of another, he pays one sela (as a fine for the disgrace he caused him). R. Jehudah, however, in the name of R. Jose the Galilean says, one manah. If he strike him with the palm of his hand on the cheek, he pays two hundred zuz; if, however, with the back of his hand, he pays four hundred. If he pull or cut his ear, or pull his hair, or spit in such a manner that the spittle fall on him, or strip him of his garment, or he bare the head of a woman in the market, four hundred zuz is to be paid. This is the rule: Rank and station of the parties are taken into consideration. R. Aqiba, however, says: Even the poorest of Isræl must be considered as if they were independent men who had lost their estates, for they are the descendants of Abraham, Isaac, and Jacob. And it happened that one bared the head of a woman in the market, and when the case came before R. Aqiba he imposed a fine of four hundred zuz. Said the defendant to him: "Grant me time for payment," and he did so. The defendant then watched her when she was standing at the gate of her courtyard, and broke her pitcher containing oil of the value of one issar: she bared her head, dipped her hand in the oil, and rubbed it into her hair in the presence of witnesses. The defendant then brought the witnesses before R. Aqiba and said: Rabbi, do you command me to pay this woman four hundred zuz? R. Aqiba answered: Your pleading is of no avail, for one who wounds himself, although it is considered a crime, he does not pay a fine, but if others wound him he must be paid. The same is the case with one who cuts off his plants; although it is unlawful, still he pays nothing, but if others do so (to the same property) it must be paid for.   
**5** All that which is said regarding payment for disgrace is only for the satisfaction of the pecuniary damage, but the hurt feelings of the disgraced are not forgiven, unless he prays and secures forgiveness from the plaintiff, as it is written [[Gen. xx. 7]]: "And now restore the man's wife," etc. And whence is it deduced that if the defendant does not forgive he is considered cruel? From [[ibid., ibid. 17]]: "And Abraham prayed unto God, and God healed Abimelech," etc. If one says to another: "Blind my eye, cut off my hand, break my foot," he (the defendant) is liable, even if he told him so on the condition that he should be free. If he told him: "Tear my garment, break my pitcher," he is liable. If, however, he told him so on the condition that he should be free, he is so. If one says to another to do such damage to a third person, even on condition that he should be free, the defendant is liable whether it be personal injuries or injuries to property.

**Chapitre 9**

**1** If one has stolen wood and made utensils of it, or wool and made garments of it, he must pay only for the cost of the material at the time it was stolen. If one stole a gravid cow and it brought forth young, or a sheep with its wool and he sheared it, he must pay the value of a gravid cow in its last month, or the value of a sheep ready to be sheared; if, however, the cow became gravid or the sheep grew its wool after the robbery, their value at the time they were stolen is to be paid. This is the rule: All robbers must repay the value of the article as it was at the time of the robbery.   
**2** If one has stolen cattle or slaves, and they become old, he must pay their value at the time stolen. R. Meir, however, says: Concerning slaves he may say: "Yours are before you." If he has stolen a coin and it broke, fruits and they became rotten, wine and it became sour, it is to be paid as at the time robbed; a coin which afterward became invalid, heave–offering and it became unclean, or leaven which was in the hand of the one robbed during Passover, a cow and it was used for sodomy, or it: became invalid for the altar or it was condemned to be stoned, he may say: "Yours is before you."   
**3** If a specialist took a thing to repair it and he spoiled it, he must pay. The same is the case if a carpenter took a box, a trunk, or a cage to repair and he has spoiled it––he must pay. A builder who undertook to take apart a wall, and he broke the stones or bricks, or spoiled them, he must pay. If, however, by taking it apart from one side, it fell down from another side, he is free; provided, however, it did not fall down by reason of the stroke.   
**4** If one gave wool to the dyer, and it was spoiled in the kettle, the value of the wool is to be paid. If it was poorly dyed, by reason of the kettle not being clean, if the increase in value of the wool is more than the expense, then he pays the expense only; and conversely, the increase only. If one has given wool to be dyed red, and it is dyed black, or conversely, R. Meir says: The value of the wool is to be paid. R. Jehudah says: It must be seen which was greater, the increase or the expense.   
**5** One who has stolen the value of a coin, even the smallest in the country, and he swears falsely that he did y not take it, and afterwards confesses, he shall return it to the owner where he is to be found, even when he is in Madai. He cannot return it to his son or a messenger. He may, however, return it to the messenger of the court. In case the one robbed is dead, he may return it to his heirs. If he has returned the principal amount, but not the fifth part (that he must add) [[see Lev. v.]], or if the one robbed had renounced the principal amount but not the fifth part, or he had renounced both except the value of less than a [parutha] of the principal. amount, he is no more obliged to go to him (for the sake of returning the part he still owes him). If, however, the fifth part only is paid or renounced, or even when both are renounced less than a [parutha] of the principal amount itself, he must go to him to return it. If he has paid the principal amount, and he took an oath that he had returned him the fifth part also, and then he confesses, he must then add a fifth part to the fifth, etc., till the part sworn off will be less than a [parutha]. The same is the case in a deposit, as it is said [[Lev. v. 21–24]]: "If any person sin and commits a trespass against the Lord; if he, namely, lie unto his neighbor in that which was delivered to him to keep, or in a loan, or in a thing taken away by violence, or if he has withheld the wages of his neighbor, or if he has found something which was lost and lies concerning it and swears falsely in any one of all these which a man can do to sin thereby. Then shall it be when he has sinned and is conscious of his guilt, that he shall restore what has been violently taken away, or the wages which he has withheld, or that which was delivered to him to keep, or the lost thing which he has found, or any one thing about which he may have sworn falsely, and he shall restore it, in its principal, and the fifth part thereof shall be added thereto: unto him to whom it appertains shall he give it on the day when he confesses his trespass."   
**6** "Where is my bailment?" And he answers [lost]! Do you swear by God? etc., and he says "Amen." Witnesses testified that he had consumed it, and he must pay the amount. [[If, however, he has confessed without witnesses, he must add a fifth part and an offering.]] Where is my bailment? "It was stolen." "Do you swear?" and he says "Amen." Witnesses testified that he himself had stolen it, he pays the double amount. By self–confession, however, he must add a fifth part to the principal amount, and bring a trespass offering. If one robbed his father and swore falsely, and after his death he confessed and desired to return the robbed articles, he pays the principal and the fifth part to his brothers or to his father's brothers. If he does not want to pay his share, or he has not with what he may borrow from his friends, and the creditors will collect it from his part of the estate; [e.g.], if there are three brothers, they collect from the estate a third part of the robbed articles and the remainder from himself. If one says to his son: "I swear you shall not have any benefit from my estate"; if he dies, he may inherit; if the oath was neither in his lifetime nor after his death, then he does not inherit. He may, however, transfer his part to his sons or brothers, but if he has nothing to eat, he may borrow from his friends, and they will collect it from the inheritance.   
**7** If one robbed a proselyte and swore, and afterward the proselyte died, he must add a fifth part to the principal for the priest, and a trespass offering to the altar, as it is written: (But if the man have no kinsman, etc., as quoted above [[Numb. v. 8]]). If, however, while bringing the money and the trespass offering to Jerusalem the robber dies, the money may be transferred to his children, and the trespass offering shall be fed until it gets a blemish, and then it shall be sold, and the money shall be used for a voluntary offering. If, however, he dies after the money was transferred to the priest of that week, his heirs cannot collect it from them, as it is written [[ibid., ibid. 10]]: "Whatsoever any man gives to the priest shall belong to him." If he has given the money to the department of Jehayary, and the offering to that of Jadaiah in the next week, he has fulfilled his duty. If, however, he has transferred the trespass offering first, and the next week he has given the money to the other department, if the consecrated animal is still in existence the priest of the second week may offer it; and if not, he has to bring another trespass offering, as the law is that if he had returned the robbery before the trespass offering he has done his duty, but not otherwise. If he has returned the principal only without the fifth part, the latter does not prevent the offering of the trespass offering (but he must afterwards add the fifth part).

**Chapitre 10**

**1** If one has robbed an edible article and used it for his family, or he left the article as it was, his heirs are free from payment. If, however, it was an article of responsibility, they are obliged to pay. (The Gemara will explain the meaning.)   
**2** Money must not be changed from the treasury of duties, and not from the treasury of the treasurers for charity, and also charity must not be taken from them; it may, however, be done with the private money of the above treasurers, or when it is in market charity may be accepted.   
**3** If the contractors took away his ass, (and after complaining) they returned him instead of his another one, or he was robbed of a garment, and another one was returned to him instead by the robbers, he may take it, as usually in such cases the owners renounced the hope of regaining it. If one saved an estate from the stream or from robbers, if the owners of it have renounced the hope, he may keel) it. The same is the case also with a swarm of bees. R. Johanan ben Broka, however, says: "A woman or a minor is trusted when they show the place whence this swarm was coming. One may also run through the field of his neighbor to save the above; if, however, he causes damage, he must pay; but one has no right to cut up a branch of a tree, although he pays for it." R. Ishmæl his son, however, allows even this.   
**4** If one recognizes his utensils or hooks by another, and it was announced that such things were stolen, the defendant must swear how much he has paid and collect it by returning the articles. If, however, it was not announced that such articles were stolen, he is not trusted to say so, as it can happen that he himself sold it, and the buyer sold it again to the defendant.   
**5** If one has emptied his barrel which was filled with wine, and saved in it the honey of his neighbor's broken barrel, he receives only the value of his barrel and for the labor he has done; if, however, he told the man of the honey, "I will save yours in case you will pay me for my wine," be must do so. The same is the case when a stream has overflowed two asses, one of one hundred and one of two hundred, and the owner of the one hundred saved the two hundred one, he has to be paid for his trouble only, unless he has made this condition with his neighbor before saving.   
**6** If one has robbed a field and it was taken away from him by land robbers, when the land robbers were a plague of this country, the robber may say: The land is in the same place, and take it if you can; if, however, it was robbed because of the robbers, he must buy another field for him.   
**7** If a stream has overflowed the robbed field, he may say to him: "Yours is before you."   
**8** If one robbed, borrowed, or deposited an article when they were in an inhabited land, he must not return it when he is in a desert, unless he took it for the purpose of going into a desert.   
**9** If one says, I have robbed you, or borrowed from you, or you have deposited with me, and I don't know if I have returned it to you, he must pay; however, if he says, I am in doubt whether I have robbed, etc., he is free.   
**10** If one steals a sheep from the flock and returns it, and it dies or it was stolen again, he is responsible; if, however, the owner did not know either of the theft or of its returning, and when they came to number the flock they found it right (and after it died or was stolen), he is free.   
**11** One must not buy from the shepherds kids of goats, wool, or milk, and not from fruit watchmen wood and fruits. One may, however, buy from the women of Jehudah woollen garments (which usually were manufactured by them), and flax garments from those of Galilee, and also calves from the women of the city of Sharon. If, however, the sailors like to do it secretly, it is prohibited. Eggs and poultry are allowed to be bought at any place.   
**12** Flocks of wool which came out by washing belong to the washman, but what came out by the carder belongs to the owner. If three threads only come out by the washing, the washman may keep it; if more, be must not; if, however, there were black threads in a whole piece, he may keep all of them for himself. The remaining threads of sewing, and stuff of the size of three fingers square, belong to the owner, not to the tailor. The splinters which fall off from the carpenter's bench with the plane belong to him, but what with the hatchet are the owner's; if, however, he labored at the owner's house, even of the plane belongs to the owner.

**Bava Metzia**

**Chapitre 1**

**1** Two persons, who hold a garment, and each of them claims that he has found it, or that the whole belongs to him, (in such a case) each of them shall take an oath that no less than a half belongs to him, and then its value shall be divided. If, however, one claims the whole and the other half of it, then the oath for the first must be for no less than three quarters, and for the second no less than a quarter, and it is to be divided accordingly. The same is the case with an animal, if both are riding; or, if one is riding and one leading, each of them must take an oath that no less than a half belongs to him, if both claim for the whole, and so they divide. If, however, there are wit. nesses, or they admit the fact, then it is to be divided without any oath.   
**2** If one rides on an animal and sees an article on the road, and says to his neighbor, Bring it to me, and the latter picks it up and says, I myself have acquired title to it, he has done right. If, however, after delivering it he says: I have acquired title to it first, his claim is not to be considered.   
**3** If one has seen an article and he fell upon it, and at the same time another came and took hold of it, the latter has acquired title.   
**4** If one has seen people running after a found article which was on his field, or after a lame stag, or after unfledged pigeons, and he says: "My property shall give me title to it," his saying is correct. If, however, the stag was not lame, or the pigeons were fledged, his saying counts for nothing.   
**5** When a thing was found by the minor son or daughter of a man or by his man or maid servant, or by his wife, the found article belongs to him. When, however, it was found by his son or daughter of age, or by his Jewish man or maid servant, or by his divorced wife, although he had not yet paid the amount due according to her marriage contract, the found article belongs to the finder.   
**6** When one has found a note which secures real estate, he shall not return it, because it can be collected by the court; but if not, he shall return it, as it cannot be collected. So is the decree of R. Meir. The sages, however, say: "He must not return (to the parties), as at any rate the case will come before the court and the money will be collected."   
**7** When one finds documents of divorce, of enfranchisement of a slave, of presents, or of receipts, he should not return them (to the person for whom they were made), because it may be that the person who had written the documents had changed his mind not to give them for whomever they were written.   
**8** One who found documents in which was assigned by the court the property of the defendant in benefit for the plaintiff, or obligations of supporting (his step–daughter, or) documents of Haliza or such where the annulment of a marriage of a female minor is expressed, documents of a claim and of arbitration, and other documents made by the court, are to be returned to whomever they belong. When one finds a note in a or bag or a roll or a bunch of notes, it must be returned. What is to be considered a bunch? Three bound together. R. Simeon ben Gamaliel says: "When three notes of the same debtor and different creditors are found, they should be returned to the debtor; but if three different debtors from one creditor, then to the creditor. If one finds a note among his own notes and he does not know to whom it belongs, it shall be placed in court until Elijah will come. If there is a , he shall act according to it."

**Chapitre 2**

**1** There are found articles which belong to the finder without any proclamation; namely, scattered fruits or scattered money in a public thoroughfare, small sheaves, strings of pressed figs, bread of a baker (as all bread of the baker is alike; home bread, however, differs, and is recognizable), strings of fish, pieces of meat, and shorn wool from the country where it was shorn, cleansed flax, and stripes of scarlet wool––all these belong to the finder (when it was found in such a place where people pass). So is the decree of R. Meir. R. Jehudah, however, maintains: If there is a change in the found article, which usually ought not to be, as, [e.g.], he found a fragment of a clay vessel in pressed figs, or he found a coin in a loaf of bread, he must proclaim. R. Simeon b. Elazar says: All stew vessels which are for sale he need not proclaim.   
**2** The following articles he must proclaim: When he found a vessel containing fruit or an empty one, money in a purse or an empty one, heaps of fruit or heaps of money, or even three coins which were one upon another, sheaves in private ground and bread made in a household, and shorn wool which looks as if it was already in the hand of a master, pitchers of wine or oil, all these he must proclaim.   
**3** If one found under a wooden wall, or a brick one, pigeons tied one to the other, or if they were placed on a thoroughfare of a private field, he must not touch them. The same is the case with a covered vessel found in rubbish; if, however, it was uncovered, he may take it and proclaim.   
**4** If one found anything in a heap of rubbish or in an old brick wall, it is his; if, however, in a new wall, in the outer part, it is his; if in the inner part, it belongs to the owner. If, however, the house was rented, if even he found it in the [house] it is his.   
**5** If one found something in a store, it is his; if, however, between the counter and the storekeeper, it belongs to the latter; if before a money changer, it is his; if, however, between the chair where he usually sits and the table, it belongs to the money changer; if one has bought fruit or one sent him such, and he found money in it, it is his; if, however, he found it tied in a package he may take it, but proclaim.   
**6** A garment is also included (in the verses concerning lost articles). Why, then, is it mentioned separately? To teach that all other articles should be equal to it; as a garment usually has marks and claimants, so also any article which has marks and claimants, he must proclaim.   
**7** Until what time is he obliged to proclaim? Until his neighbors are aware of it; so is the decree of R. Meier. R. Jehudah, however, says: "All the three festivals (Passover, Pentecost, and Tabernacles), and after the latest festival seven days, that the loser should be able to go home three days and return three days, and one day for the proclaiming of his loss."   
**8** If one identifies the article, but not its marks, it must not be delivered to him; and if the claimant is known to be a swindler, even if he gives marks, as it is written [[Deut. xxii. 2]], "until thy brother inquire after it," which means until you shall investigate whether he is thy brother or a swindler.   
**9** If the found article is of such a kind that it labors for its food, it shall be fed and labored with,; and if of such a kind which does not labor and must be fed, it shall be sold, as it is written [[ibid., ibid.]]: "And then thou shalt restore it," which means, deliberate how the restoration should be made. But what shall be done with the money? According to R. Tarphon he may use it, and therefore if be loses it, he is responsible. According to R. Aqiba, however, it must not be used, and therefore if it is lost, he is not responsible.   
**10** If one found books, then he may read them once within thirty days; if he is unable to read, then he must unroll them once in thirty days (to air them). He is, however, not allowed to study in them for the first time; and, furthermore, no other one shall assist him. If the article was a garment, it must be shaken once within thirty days, and he may spread it out for its own sake, but not for his honor. Vessels of silver and copper may be used if for the sake of the articles, but not so often that they may become worn. If, however, the utensils are of gold or of glass, they must not be touched until Elijah will come. If, however, the article found was unfit for the finder to carry, he may leave it.   
**11** What is to be considered a lost thing? [E.g.], if he found an ass or a cow feeding in a public thoroughfare, it is not to be considered a loss. If, however, the packing material of the ass was turned over wrongly, or the cow was running between the vineyards, it is to be considered a loss which must be returned. If he has returned it, and it runs away again, even four or five times, he must return it, as it is written [[Deut. xxii. 1]]: "Thou shalt surely bring them back." If his loss of time was worth a sala, he must not say, Give me a sala, but he may take the reward as a laborer would usually take for such work. If there were three persons (who constitute a Beth Din of common men), he may make the condition before them (my loss of time in this case is worth so and so much, and I will collect from the owner); but if there were not such three persons, before whom could he make such a condition? Hence his own time has preference.   
**12** If he has found the animal in a stable, he is not obliged to trouble himself. In a public thoroughfare, however, he is. If it was in a cemetery (and he was a priest), he must not defile himself. If he was told by his father to defile himself, or not to return it, he must not listen to him. If he has unloaded, and reloaded, and again even four or five times, he is obliged to do so, as it is written [[Ex. xxiii. 5]]: "Thou shalt surely help him." If, however, the owner went away and sat down, saying: "You are obliged by Scripture to assist me, do so if you want in my absence," he is not obliged to do anything, as it is written [Eemou] (literally, "with him"). If, however, he was old or sick, he is free. The commandment of the Scripture is for unloading, but not loading. R. Simeon, however, maintains loading also; R. Jose the Galilean said: "If the animal was overburdened more than it could carry, there is no liability, as it is written [[ibid., ibid. 5]], 'under his burden,' which signifies under such a burden which it can bear."   
**13** If one lost a thing as did his father before, his own has preference. The same is the case with his master. If, however, his father and his master have lost an article at the same time, his master has preference because his father brought him only into this world, while his master, who taught him wisdom, brings him into the world to come; if, however, his father was a sage, he has the preference ([i.e.], to trouble himself for him). If his father and his master were overburdened, he should unload his master first, and after his father. If both were in prison, his master has preference to be redeemed; if, however, his father was a sage, he has the preference.

**Chapitre 3**

**1** If one has deposited an animal or vessel with his neighbor, and they were stolen or lost, and he paid, because he refused to take an oath [[according to the law that a gratuitous bailee must swear and is acquitted]], and thereafter the thief was found, who must pay the double amount, or in case he has slaughtered or sold, four and five fold, to whom shall he pay? To him who has kept the bailment. If, however, the bailee took an oath, because he refuses to pay, and the thief was found, he must pay the above–mentioned amount to the owner.   
**2** If one has hired a cow and he loaned it to some one else, and it died a natural death, the hirer takes an oath that the death was natural, and the borrower must pay to the hirer. Said R. Jose: "How could the hirer do business with the cow, which did not belong to him? Therefore the cow, or the value of it, must be returned to the owner."   
**3** If one said to two persons, I have robbed one of you the value of a manna (100 zuz) but I do not know which of you, or the father of one of you deposited with me a manna, but I do not know whose father, he must pay a manna to each of them, as he himself admitted his debt. If two persons have deposited with one person one hundred zuz and the other two hundred, and each of them claims that the two hundred are his, the depository must pay to each of them one hundred, and the remaining hundred should be deposited until Elijah will come. Said R. Jose: If so, what does the swindler lose? Therefore, the whole sum should be deposited. The same is the case with two utensils: one of them was worth hundred zuz and the other thousand, and each of them claimed that the better one was his; then one of them must get the hundred one, and the other get hundred zuz in cash from the value of the utensils, and the remainder is deposited until Elijah will come. R. Jose, however, objected as said above, and maintained that both utensils should be deposited until Elijah will come.   
**4** If one deposits fruit at his neighbor, he must not touch it, even when should they be lost (destroyed by mice or by decay). R. Simeon b. Gamaliel, however, maintains, that he must sell it by order of the court, as this is similar to returning a lost thing.   
**5** If one deposits fruit, the depository may account to him losses as follow: To wheat and rice, nine half [cabs] to one [coor]; to barley and millet, nine whole cabs; to spelt and flax, three [saahs] to one [coor]; however, all must be appraised according to the measures and circumstances of the time. Said R. Johanan b. Nuri: What do the mice care? they consume all the same, whether more or less; therefore he must account the loss to him for one [coor] only. R. Jehudah, however, says: If there was a large quantity, he may account for no loss at all, because it increases.   
**6** The loss of wine counts one–sixth––R. Jehudah, however, says one–fifth––of oil, three [lugs] of each hundred, namely, one and a half for yeast, and one and a half for the absorption of the vessel. If, however, the oil was already purified, there is no loss for yeast, and if the vessels were old ones, then nothing is to be accounted for the vessels. R. Jehudah, however, says that even if one sells purified oil the buyer bears the loss of one and a half to each hundred [lugs], for waste yearly.   
**7** If a barrel is deposited for safe–keeping with some one without the owner assigning a separate place for it, if the depository has handled it and it broke while yet under his hand, if his act was for his own advantage he is responsible. If for the sake of the article, he is not. If, however, it broke after it was replaced, there is no responsibility at any rate. If a separate place was assigned by the owner, and the depository handled it and it broke, he is responsible for it at any rate, provided he has replaced it for the sake of the article.   
**8** If one has deposited money for safe–keeping, and the depository tied it and carried it on his shoulder, or he gave it to his son or daughter, who were not as yet of age, or he did not lock it safely, he is responsible for carelessness. If, however, he was careful with it, as it is required of a bailee (and nevertheless an accident happened), he is free.   
**9** Money deposited for safe–keeping with a money–changer, if it was tied up, he must not use it, and therefore, if lost, he is not responsible. If open, he may use it, and is responsible if lost. With a private person, however, he may not use it under any circumstances, and is therefore not responsible for loss. A storekeeper is considered in this respect a private person, according to R. Meier. According to R. Jehudh, however, he is considered a money–changer.   
**10** A depository who stretches his hand for the bailment, the school of Shamai makes him liable from the time he touched it for increase and decrease, so that if, thereafter, it becomes lower in price the depository must suffer; and the same if it increases, he must transfer the increase to the owner. The school of Hillel makes him liable from the time he used it. R. Aqiba, however, maintains that he must pay the value at the time he is summoned.   
**11** If one intends to use a bailment deposited in his control and said so in presence of witnesses, the liability follows immediately; so according to Beth Shamai. Beth Hillel, however, maintains he is not liable unless he has acted so, as it is written [[Ex. xxii. 10]]: "That he has not stretched out his hands against his neighbor's goods." If he has bent the (deposited) barrel, and took of it a quarter of a [lug], and in the meantime it broke by accident, he must pay only for the quarter of a [lug]. If, however, he picked up the barrel and took the above–mentioned measure, and in the meantime it broke, he must pay for the whole barrel.

**Chapitre 4**

**1** If one bought gold and silver coins together and made a drawing on the gold ones, title is also given to the silver ones, but not [vice versa]. The same is the case with copper and silver coins: the drawing on copper ones gives title to the silver, but not [vice versa]. If one has drawn coins which are out of circulation, having bought them together with good money, the sale is valid for both; if, however, he took possession of the good money, which was bought together with those out of circulation, the latter are not considered his unless he takes possession of them also. The same is the case if one buy uncoined with coined money, to acquire title to both he must take possession of the uncoined. If, however, he did so with the coined money, the uncoined is not considered bought. Movable articles give title by drawing them, also for the coins bought with them, which is not the case with drawing the coins only. All movable articles give title by drawing one of them. How so? If one made a legal drawing of the article, although he has not Paid the money as yet, he cannot rescind. If, however, he paid the money, and did not make a drawing of the article, he may rescind. But it was said that He who has punished the generation of the flood and the generation of the scattered, whose tongues were confused (Gen. xi. 7), He will punish him who does not keep his promise. R. Simeon, however, maintains that he who has the money in his hand has the preference (even in the former case).   
**2** Cheating, which according to law makes the sale null and void, is in case where the sum of which he was cheated counts four silver dinars from the amount of twenty–four silver dinars, which makes a [salah]; [i.e.], a sixth of the whole amount. Until what time may the retraction take place? Up to the time that the buyer can show his article to a merchant or his relatives. R. Tarphon decided in the city of Luda that to avoid a fraudulent sale of eight silver dinars from twenty–four, [i.e.], a third of the whole amount; and the merchants of Luda were pleased with this decision. When, however, they heard his further decision, that the retraction may take place during the whole day, they requested R. Tarphon that he should leave them with the old decision of the sages, and so they returned to the decision of the sages.   
**3** The law of fraud applies to the buyer as well as to the seller, to a private person as well as to a merchant. R. Jehudah, however, maintains that there is no cheating concerning a merchant. The cheated one has the preference; he may demand his money should be returned; or, if he likes, the amount of which he was cheated.   
**4** How much less of the quantity of the [Sala] should be effaced, that the law of fraud could not be claimed? According to R. Meier, four [issars], which is one [issar] to each [dimar]; and according to R. Jehudah, four [pundiuns], one [pundiun] to each [dinar]. According to R. Simeon, however, eight pundiuns; two pundiuns (which are four issars) to one dinar (and it means an exact sixth of its value). What time is to be given for retracting? In the large cities, time for showing it to a money–changer must be granted; and in villages, until the eve of Sabbath. If, however, there was a sale, even after an elapse of twelve months, he must accept its return without any claim, but he may be angry with him. Such a sala may be expended for second tithe without any fear, as he who does not accept circulating money is considered a bad man.   
**5** The prescribed quantity for cheating is four silver dinars to each sala; for a claim of which one of the parties must take an oath, no less than the value of two silver dinars. For admitting a debt, which makes him liable for a biblical oath of denying the claim of the plaintiff, a [perutha] is sufficient. In five cases the value of a perutha is prescribed––one just mentioned; second, a case of betrothal, for which the value of a perutha suffices; third, the one who benefits himself from the goods belonging to the sanctuary, with the value of one perutha, he has committed a transgression; fourth, who finds an article worth only a [perutha], he is obliged to proclaim; and fifth, he who has robbed his neighbor for the value of one perutha, and has sworn falsely, and after repented, he must return it to him personally, even should the robbed one be at that time in Madai.   
**6** There are five fifth parts (which must be added to the principal amount) and they are: (1) who eats heave–offering; (2) the heave–offering of tithe ([the tenth part] of which the Levites must separate from the tithe [[Num. xviii. 26]]); (3) the same which was separated when the grain was bought from a suspicious man; (4) the first dough [[Num. xv. 20]]; and (5) the first–fruits [[Lev. ii. 14]]. The same is also the case if one redeems his plants in the fourth year (after planting), he must add a fifth part, or he exchanges his second tithe. The same is also the case if one redeems from the sanctuary the article he has sanctified, and also who had any benefit of the things belonging to the sanctuary, the value of a [perutha], and also if one robbed his neighbor of the value of a [perutha] and swore falsely, all of them must add a fifth part to the principal amount.   
**7** To the following things the law of cheating does not apply: Bondmen, documents, real estate and property belonging to the sanctuary; and also the law of paying the double amount and of four and five fold does not apply to them. A gratuitous bailee does not swear (if lost), and a bailee for hire does not pay (as they would do on movable common property). R. Simeon, however, says: If one is responsible for the property belonging to the sanctuary, the law of cheating does apply, but not when he is not responsible. R. Jehudah said that there is no cheating to him who sells holy scrolls, animals, or pearls (the reason why will be explained further on in the Gemara), but he was told that there is nothing to add to the things enumerated above.   
**8** As cheating is prohibited in buying or selling, so it is in words. (How so?) One must not ask the price of a thing when he does not intend to buy it. To a person who has repented one must not say, Remember your former acts. To a descendant from proselytes one must not say, Remember the acts of your parents. As it is written [[Exod. xxii. 20]]: "And a stranger thou shalt not vex, nor shalt thou oppress him."   
**9** One must not mix together fruits from two separate fields, if the seller has named the field of which the fruits were to be issued; and even when the fruits of both are new, much less old with new. In reality, it was said of wine that it is allowed to mix old with new, when the new was sold, because the old improves the new. However, one must not mix the yeast of one wine with another wine, but he may give him the yeast of the same. If the wine was mixed with water, he must not sell in his store, provided he informed the buyers; not to a merchant, however, even if he informed him, for he buys only for the purpose of cheating. In the places where it is customary to mix water with wine, he may do so. A merchant may buy grain from five barns and place it in one store–room; he may also buy wine from five presses and put it in one cask, but not with the intention of mixing it.   
**10** R. Jehudah said: A store–keeper must not furnish little children with presents of nuts, etc., because he accustoms them to buy all their needs at his place. The sages, however, permit this. He also prohibits to lower the prices, for the above reason. The sages, however, say that people may be grateful for such an act. A store–keeper must not take off the shells of beans, in order to raise the price more than if they remained in the shells. The sages, however, permit (as the buyer usually knows the difference of the prices). They, however, agree that one must not do so with the top of the measure only, for he deceives the eye (as the buyer may think that the contents of the whole measure is so). The embellishment of articles which are to be sold, [e.g.], slaves, animals, or vessels, is forbidden (further on, the meaning).

**Chapitre 5**

**1** What is considered usury, and what is considered increase? If one lends a "sela" (four dinars) to get five, or two "saahs" wheat for three, this is prohibited, because it is biting. And what is considered increase? One buys wheat, a "kur" for a golden dinar (twenty–five silver dinars), which is the market price, and the price of wheat advances to thirty silver dinars; the buyer then requires his wheat, which he desires to sell, and buy wine for it. The seller said: "I accept the wheat for thirty dinars, and you shall have to get wine from me according to the present market price," but he has not wine ready for delivery; this is an unlawful increase.   
**2** A lender must not dwell in his debtor's house for nothing, or even for decreased rent, as it is usury.   
**3** Hiring may be increased, but not sale. How so? The owner may say to the hirer: "You can have this court for ten selas a year, if you give me the money in advance, but if in monthly instalments you have to pay one sela a month." It is, however, not allowed for the owner of a field to say: "If you advance me a thousand zuz you can have this field, but if by instalments, you have to pay twelve hundred."   
**4** If one sold his field, taking a deposit and saying: "You may take possession of the field belonging to you from to–day, when you will bring the balance," such an act is not allowed. If, however, one has borrowed money on his estate with condition that if he will not repay within three years it shall belong to the lender, it belongs to the lender if not paid; and so did Baitus b. Zunin under the supervision of the sages.   
**5** One who possesses articles for sale must not give them to a retail dealer to sell, with the stipulation to receive half profit from the sale, charging him the articles at wholesale market price. One must also not furnish some one with money in order to buy and sell articles for it, for half profit, provided he pays him separately as a laborer for his trouble. It is also not, allowed to hatch hens for half profit, and also not to appraise calves and foals, according the value after two years, and making a half of it a compensation for the raising of them. Should it happen, however, that they die (the raiser must suffer half of their loss), provided the raiser is paid separately for his trouble and food. One, however, may accept the above animals without any stipulation for half profit. And then they shall be kept calves until they become threefold and an ass until it is fit for carrying burdens.   
**6** A cow, an ass, and all animals which are laboring for their food may be appraised, that the increase shall be divided equally. In the places where it is customary to divide the offspring while they are yet small, it should be so done; and where it is customary to raise the offspring until they arc grown up, it should be so done. R. Simeon b. Gamaliel said: "That a calf and a foal may be appraised with their mothers." One may say to a farmer: If you would lend me some money which would enable me to manure your field, I shall give you twelve kur of grain for it, instead of the ten you demand; and the farmer may accept it without fear of usury (as the kurs added are considered for the use of a manured field).   
**7** An iron sheep must not be accepted from an Isrælite ([i.e.], to lend money with the understanding that the debtor shall always be responsible for it, and at the same time he shall pay the half profit it brings), as it is direct usury. This, however, may be done with non–Isrælites, as it is allowed to lend them, and borrow from them, for usury. This is also allowed to be done with a proselyte who obligated himself not to worship idols, but did not obligate himself to observe the Hebrew laws. An Isrælite may lend to his race money belonging to non–Isrælites for usury, provided the latter are aware of it, but not otherwise.   
**8** One must not buy articles to deliver during the year, for a certain price before the market price is fixed. He may, however, do so afterwards––even when the seller does not possess as yet the articles bought––for the price he pleases, as, if he does not possess them, he can buy them from another. If the seller was first in the harvest, the buyer may stipulate the price with him for the sheaves, crop of grapes, vat of olives, clay balls of a potter, and lime when it was already in the kiln, and also for manure of the whole year. R. Jose, however, maintains that he must not do so with manure unless he has it ready for delivery; the sages allow it. For all mentioned above he may make the stipulation that if the price will decrease he shall deliver them for the lower price. R. Jehuda says that to this effect no stipulation is necessary, as the buyer may claim in such a case the existing price or the return of his money.   
**9** One may lend his gardeners wheat to return him in the harvest–time the same measure, for the purpose of sowing, but not for consuming. (This was stated because) Raban Gamaliel used to do so with his gardeners, but if afterwards the price changed to a higher or a lower one, he always took the lower price to benefit the gardener, not because so was the Halakha, but because he wanted to act rigorously for himself.   
**10** One must not lend a kur of wheat that it shall be returned to him from the barn (for fear it may become dearer). He may, however, lend him until his son came with the key. Hillel, however, forbids even this, as he used to say: A woman must not lend a loaf of bread to her neighbor, unless a price is stipulated for it, for fear wheat may become dearer, and then the return of the loaf will appear usurious.   
**11** One may say to his neighbor: Help me in weeding or in digging around my vineyard to–day, and in return I will help you on some other day, but he must not say: "Help me in weeding and I will help you in digging, or [vice versa]. All the days of the rainy season are considered alike, and the same is the case with the days of the sunny season; but one must not say: "Help me in the sunny season and I will help you in the rainy season," or [vice versa]. Raban Gamaliel says: There is a kind of usury which may be named preceding usury, and also another kind which may be named succeeding usury. How so? If one is to borrow money from another, and he sends him a present previously for this purpose, it is a preceding usury; if one has kept the money of his neighbor for a certain time, and on repaying he sends a present, saying: "This is for the favor you did in leaving the money in my hand for such a time"––this is succeeding usury. R. Simeon says: There is also usury of talk. One must not say: I inform you that such and such a man, whom you are anxious to see, has arrived (and for this information you shall favor me with a loan). The following transgress the negative commandment of usury: The lender, the borrower, the surety, and the witnesses. The sages add also the scribe. They transgress the following commandment [[Lev. xxv. 37; also [ibid]. 36, and Ex. xxii. 24, and in the verse: "Ye shall not lay upon him usury;" and finally, Lev. xix. 114]]: "Ye shall not put a stumbling block before the blind, but thou shalt be afraid of thy God. I am the Lord."

**Chapitre 6**

**1** He who hired servants (for the daytime), and they deceived one another, there is nothing but resentment. (The explanation is given farther on.) If one hired a driver or a carrier to bring trumpets, flutes for a wedding or funeral, or day laborers to take out flax from its steeping, or to do things which, if not done on the day of hiring, would cause damage, and they retracted: if there were no others to be hired for the same price, the employer may increase the amount of their hire, or deceive them ([i.e.], promise an increase, but pay only according to the first agreement). If one hired servants, and they retracted, they have to suffer; if, however, the employer retracted, he has to suffer. (This is the rule:) Whoever changes or retracts his words, has to suffer for the injury caused.   
**2** If one hired an ass for use on a mountain, and he used it in a valley, or [vice versa], although the distance for which it was hired was equal in both ways (as, [e.g.], ten miles), and the ass dies, the hirer is responsible. If he hired it to use it on the mountain, and he used it in a valley instead, and the ass slipped, he is free (because this could surely occur on the mountain, upon which such a case is more frequent); if, however, it was overheated, he is responsible. The reverse is the case when he used it on the mountain instead of in the valley: if it slipped, he is responsible; and if it is overheated, he is free. If, however, it was overheated because of the ascending to the top of the mountain, he is responsible. If one hired an ass and it became blind, or it was taken for an [angaria] ([i.e.], taken by the Government for labor), the owner may say: "Yours (which you have hired) is before you." If, however, it dies, or broke a foot, he must furnish him with another ass.   
**3** If one hires a cow for the purpose of ploughing on the mountain, with all the implements belonging to it, and he plough in a valley, if the plough–handle breaks he is free; if [vice versa], and it breaks, he is responsible. If to thresh pulse, and he threshes grain, he is free; but if to thresh grain, and he threshes pulse, he is responsible, because pulse becomes slippery (and thus the plough–handles can easily break).   
**4** If one hired an ass for carrying wheat, and he used it for barley (of the same weight as the wheat he had spoken of, and the ass becomes injured), he is responsible. For grain, and he used it for straw, he is responsible, because an increase of volume makes the load harder for the animal. If for half a kur of wheat, and he used it for half a kur of barley, there is no responsibility. If, however, he has increased the size (although it was equal in weight to the half kur of wheat), he is responsible. How much must the load be increased to make him responsible? Symmachos, in the name of R. Meier, said: One saah for a camel, and three kabs for an ass.   
**5** All specialists are considered bailees for hire. If, however, they have notified the owners that the work is ready and they may take it, and the payment should be made thereafter, they are considered from that time gratuitous bailees. If one says: "Guard for me this article, and I will guard yours," the depositary is considered a bailee for hire. If one says: "Guard for me this article," and the depositary answers: "Leave it with me," he is a gratuitous bailee. If one has lent money on a pledge, he is considered a bailee for hire. R. Jehudah, however, said that if he has lent him money on a pledge (without interest)he is considered a gratuitous bailee; if, however, he has lent fruit on the pledge, he is considered a bailee for hire. Aba Saul said: "One may let out a pledge of a poor man, and the money he takes for it he shall deduct from the debt of the pledger, because this is considered as if he would return a lost thing."   
**6** If one carries a barrel from one place to another, and breaks it, whether he was a gratuitous bailee or for hire, he must swear (that there was no neglect), and is free. Said R. Eliezar: I have also heard that in both cases he has to take an oath, but was wondering how such a decision could hold good.

**Chapitre 7**

**1** One cannot compel his; employees to come earlier or depart later than is customary at a place, although it was agreed upon. Where it is customary for the employees to get food, the employer must do so. In places where it is customary to furnish them with vegetables, he must do so, and all according to the custom of that country (although it was not stipulated in the agreement). It happened with R. Johanan b. Mathia, who said to his, son: Go and hire laborers for us. He did so, with the understanding that they should be fed; and when he came to his father, he said to him: "My son, if you should provide them with meals like the banquets of King Solomon at his time, you are not sure that you have done your duty, as they are children of Abraham, Isaac, and Jacob. Therefore, go and tell them, before they begin their labor, that they are to be fed with bread and pulse only." Said Rabban Simeon b. Gamaliel: It was not necessary at all, as all must be done according to the custom of the country.   
**2** The following laborers have a right, according to the law of Scripture, to partake of the fruits of their laboring: They who are engaged with the growing of produce may partake of that which is ripe, but is still attached to the ground, and also of the produce which is already cut off from the ground, but not yet ready for delivery. However, the above must be produced from the ground. They must not, however, partake of the fruits of their laboring if the produce is attached to the ground, but not ripe, and also if it is cut off and ready for delivery; neither may they partake of the fruits of labor of which the products do not grow in the ground (as, [e.g.], the milking of cattle or the making of cheese).   
**3** The labor of a workingman entitles him to consume the fruit of that with which he is laboring, no matter with which member of his body he is doing the work; so that if he has worked with his shoulder, without occupying his hands or feet, it is sufficient. R. Jose ben R. Jehudah, however, maintains that he is entitled only when he employs his hands and feet in the work.   
**4** If one is occupied with pressing dates, he must not consume grapes, and [vice versa]; however, he may wait until he reaches the places where the good ones are to be found, and eat from them. In all cases it is said that he may consume only while he is laboring. In order not to waste the time of the owner, it was enacted that the laborers may consume when they are going from one place to another, and also when they are returning from the wine–press; and also an ass is entitled to consume while unloading.   
**5** The laborer may consume of cucumbers or dates with which he is working, even to a dinar's worth. R. Elazar b. Hasma, however, said: A laborer must not consume more than his wages; but the sages allow even this. Nevertheless, a man should be instructed that he must not be greedy, so that the doors of mankind should not be shut against him.   
**6** A laborer has the right to make a stipulation that he shall not eat what he is entitled to and take money for it instead. He has also a right to do the same for his grown son and daughter, for his wife, and for his grown–up male and female slaves, but not for his minor children or slaves, and not for his cattle, because these have no reason. If one hires laborers to work in his vineyard when it is in its fourth year (of which the fruit is prohibited), the laborers must not partake of it. If, however, he didn't notify them of the case, he must redeem the fruit and let them eat. If the round cakes of his dry figs became open, or his barrels of wine became ready for use, so that they are fit for separating tithe from them, the laborers must not eat; but if, however, he didn't notify them at the time he hired them, he must separate the tithe and let them eat. Watchmen of fruits are permitted to eat, according to the custom of the country, but not according to the law of the Scripture.   
**7** There are four kinds of bailees: a gratuitous bailee, a borrower, a bailee for hire, and a hirer. (In case of loss,) the first is acquitted on taking an oath that he has not neglected his duty; the second has to pay under all circumstances; the third and fourth are acquitted in case the property entrusted to them has been broken, confiscated, or has died, but not when it has been lost or stolen.   
**8** A single wolf coming among the flock, it is not considered an accident, while two constitute one. R. Jehudah maintains that at a time when there are visitations, a single wolf is also considered an accident. Two dogs are not considered. Jeddna d. Babylon, in the name of R. Mair, said: If both come from one side it is not, but if they come from two different sides it is. A robbery is considered an accident. A lion, a bear, a leopard, a panther, and a snake are accident when they come suddenly; but if one has led his cattle where wild beasts or robbers abound, it is not considered an accident. A natural death is an accident, but not if it is caused by cruelty. If cattle fall from a steep rock where they have gone of their own accord, it is an accident, but if they are led there, it is not.   
**9** A gratuitous bailee has the right to make a stipulation that in case of loss he shall be freed from taking an oath. A borrower may do the same so as to be freed from payment. A bailee for hire and a hirer may likewise do the same, so that they may be freed from both an oath and from payment. A stipulation made contrary to that which is written in the Scripture is of no avail. A stipulation which is made on condition that a certain act be done in advance is of no avail. If, however, the stipulation was that a certain act be done afterwards, and it is possible to fulfil the condition, the stipulation is of avail.

**Chapitre 8**

**1** If one borrows a cow, and at the same time hires or borrows its owner, or if he does so before borrowing the cow, and the cow dies while they were laboring, the borrower is free from payment, as it is written [[Ex. xxii. 13]]: "And if one borrow aught of his neighbor, and it be hurt or die," etc. If, however, he has borrowed a cow, and has borrowed or hired its owner afterwards, and it dies, he is responsible; as it is written [[[ibid]., [ibid]. 13]]: "The owner thereof not being with it, he shall surely make it good."   
**2** "It dies while laboring when it was hired," and the owner says, "I don't know," then the former is free. If, however, they contradict each other, and one says that it died while borrowed, and the other says it died while hired, then the hirer has to take an oath that it is as he said, and he is acquitted. But if both say they don't know how the case was, then the damage is divided.   
**3** If one has borrowed a cow, and the owner sends it to him by his son, slave, or messenger, or even by the same persons of the borrower, and it dies while on the road, the borrower is free. If, however, the borrower orders him to send it through his son, slave, or messenger, or even through the same persons of the owner, or even if the owner says to him, "I will send it through the persons mentioned above, of my own or of yours," and the borrower says, "Do so," then the borrower is responsible for the death while on the road, and the same is the case with the return.   
**4** If one exchanged an ass for a cow, and it brought forth young ones, or one has sold one's female slave and she gives birth, and the seller claims that this happened before the sale, and the buyer thereafter, the value of it is to be divided. If one possesses two male slaves, a large one and a small one, or two fields, one large and one small, and the buyer claims, I bought the large one, and the seller, I doubt it, the buyer's is to be considered. If the seller claims: I sold the small one, and the buyer doubts it, the claim of the seller must be considered. If, however, they contradict each other, the seller must take an oath that he has sold the smaller one; if both doubt it, the difference is to be divided.   
**5** If one sold out his olive trees for fuel, and there were still bad olives on them, the oil of which was less than a quarter of a lug from the measure of a saah, they belong to the buyer. If, however, there was such a quantity or more, the buyer claims it is produced from his trees, and the seller claims it was produced from his estate, the products are too be divided. Olive trees which were overflooded (by a stream), taken out by the owner, and planted in another's field, and the two quarrel about the fruit borne: one claims, My trees, and the other, My ground brought it. It is to be divided.   
**6** If one rents a house (without appointing the time) in the rain season, he has no right to make the tenant move from the Feast of Tabernacles until Passover; and in the summer season for a period of thirty days. In the large cities, however, there is no difference at what time; he must keep him twelve months; and the same is the case with stores or shops at any place. R. Simeon b. Gamaliel maintains that the term of the shops of bakers and dyers is three years.   
**7** The owner of the house is obliged to give to the tenant a door bolt, a lock, and all other things belonging to the house which is to be done by a specialist. However, the things which can be done by any one the tenant has to furnish himself. The manure of the house belongs to the owner; the tenant has a right only to the ashes which he takes out from the ovens.   
**8** If the year was made a leap–year, the tenant reaps the benefit of the intercalation. However, if he rented him the house monthly, the intercalation belongs to the owner. It happened in Ciphorius, that one rented a bath–house for twelve golden dinars a year. The payment should be one dinar monthly, and thereafter the year was made leap intercalary. When the case came before R. Simeon b. Gamaliel and R. Jose they decided that the payment of intercalation shall be divided.   
**9** If a man rents out a house and it falls he must build another house in the same condition as the first was; if it was a small one, he must not build it larger, and [vice versa]. If it was two houses he must not make one, and [vice versa]; he must not increase or decrease the number of windows, unless the renter agrees.

**Chapitre 9**

**1** If one hires a field (no matter under what condition, for a half, third, or a quarter, or for so and so many kurs a year) he must do as it is customary in that country: to scythe, to turn it out, or to plough, to weed after them. (When they come to divide) the grain, they have also to divide the hay and straw. If the stipulation was made on wine, then they divide the vine and sticks. They must also prepare together the sticks needed for the vineyard for the next year.   
**2** If one hires a field and it was a dry place (so that it has to be artificially watered), or a group of trees and thereafter the spring ceased to flow, or the trees were cut off, the hirer has no right to deduct from the price stipulated. If, however, at the time hired the hirer said to him: Rent me this dry field, or this field in which there are a group of trees, and it happened that the spring dried up or the trees were cut off, the right of deduction is granted.   
**3** If one has undertaken to work up a field, and he has neglected to do so, it must be appraised at how much it would produce if worked, and the defaulter has to pay, as it is customary for an agreement to be so written, that should it be neglected, I will pay from my best estate.   
**4** If the gardener did not want to weed the field, saying: I will give you your due, he must not be listened to, as the owner may claim, To–morrow you will leave this field, and I will have to weed it myself.   
**5** If one took a field in partnership, and it was not productive, he must not leave it as long as there is hope of bearing even only one heap. R. Jehudah says that there is no appraisement as to the contents of a heap, he therefore maintains that he must not leave it if there is hope of the products being at least as much as was sowed.   
**6** If one hires a field, and the locusts destroyed it or it was burned, if this was a general plague in the country he may deduct from the agreement, but not otherwise. R. Jehuda, however, maintains that if he has hired it for money, he must deduct under any circumstances.   
**7** If one hires a field for ten kur wheat per annum, and the products are poor, he may pay him with the same. The same is the case if the wheat was good, he cannot say: I will pay you with the best of the market, but must furnish him with the same.   
**8** If one takes a field for sowing barley, he must not sow wheat in it; but if for wheat, he may sow barley. R. Simeon b. Gamaliel forbids this: he must not sow peas in that which was taken for grain, but he may sow grain in that taken for peas. R. Simeon b. Gamaliel forbids this also.   
**9** If one hires a field for a few years (less than seven) he must not sow flax in it; and he has also no right to cut branches off the sycamore tree for building purposes. If, however, he took it for seven years, he has a right in the first year to sow flax, and also to cut from the above–mentioned branches.   
**10** If one hires a field for the whole sabbatic season ([i.e.], seven years, from the first year until the sabbatic year is past) for seven hundred zuz, the sabbatic year is included; but if for seven [years] the sabbatic year is to be excluded. A day–laborer has to collect his money the whole night after that day; for a night–laborer the whole day after it; if he was hired for a few hours, the night and day after. For a week, month, year, or for the whole sabbatic season, if his term expired during the day, collects in the same day, and if at night, that night, and the whole day after.   
**11** The commandment: "In the same day you shall give his wage," and also the negative, "there shall not abide . . . until morning," applies to men, cattle, and vessels; however, the transgression is only when the laborer demanded it, but not otherwise. If the owner has transferred him to the storekeeper or money–changer (and he does not pay him immediately) there is no transgression. A laborer who claims his wages when his time for collection is not yet elapsed, collects his money with an oath (in case the owner says, You were paid already), but not after the lapse of time. If, however, there are witnesses that he has demanded his money in due time and did not get it, he may collect it with an oath even thereafter. To a proselyte who promised not to worship any more idols, and not to commit adultery, but not to conform to all other Jewish laws, the commandment, "Thou shalt pay him the same day," applies. However, not the negative commandment, "There shall not abide," etc.   
**12** If a creditor has to pledge his debtor, he may do so only by court; and even then he has no right to enter his house, as it is written [[Deut. xxiv. 11]]: "In the street shalt thou stand." If he had mortgaged him two vessels, he may take only one; he also has to return a pillow for the night and the plough for the day. If the debtor dies, however, he has not to return it to his heirs. R. Simeon b. Gamaliel, however, said that even to the debtor himself he is not obliged to return only the first thirty days; thereafter he may sell it out in the presence of the court.   
**13** A widow must not be pledged whether she is rich or poor, as it is written [[Deut. xxiv. 17]]: "Thou shalt not take in pledge the raiment of a widow."   
**14** One who pledged a nether and upper millstone transgresses a negative commandment and is guilty for two articles, as it is written [[[ibid]., [ibid]. 6]]: "No man shall take to pledge the nether or the upper mill–stone" (and not this only, but all other articles which are for the preparation of food), "for he taketh a man's life to pledge."

**Chapitre 10**

**1** If one owns a house, the upper chamber of which belongs to another, and it falls, the wood, stones, and all other materials are to be divided accordingly ([i.e.], he who has had a greater share in this building takes more). If some stones or bricks are still saved, an investigation is to be made, from which part of the building the stones were most liable to break; then the saved ones belong to that part which was not liable to break. If, however, one of them recognizes some of his stones, he may take them, provided he reckons them to his account.   
**2** If the attic was ruined and the owner of the house declined to repair it, the tenant has a right to take his residence down in the house until his attic be repaired. R. Jose, however, said the owner has to repair the roof, and the tenant the rain leaders.   
**3** A house with an attic belonging to two persons which becomes ruined: the owner of the upper one requires the rebuilding and the owner of the house refuses; the former may rebuild the house and dwell in it until the latter returns him the expenses. R. Jehudah, however, maintains that even in such a case he is considered a tenant who must pay his rent (as he has not his own house); therefore the owner of the attic rebuilds the house and attic, roofs it, and then he may make his dwelling down in the house until the expenses are paid.   
**4** The same is the case with an olive–press which was placed under a garden. (Rashi explains that it means of two brothers who inherited them, one took the olive–press, the other the garden), and the roof of the press–house became ruined, the owner of the garden may descend and work up the bottom of the press–house for seed, until the roof of it will be repaired. A wall or a tree which falls suddenly on a public thoroughfare, and causes damage, the owner is not responsible. If, however, time was given to him for cutting off the tree or the wall, and it fell after the time elapsed, he is responsible. If one's wall is placed at a neighbor's garden, and it falls (into his neighbor's garden), and he insists that the stones should be removed, the owner of them, however, says: "They are yours (as I renounce my ownership of them)," he is not to be listened to. If, however, the owner of the garden accepted his offer, and after a reconsideration he offers him his expenses for the removing, and repairs his stones, he is also not to be listened to. The same is the case with a laborer who was hired to work with straw and hay, and when he demanded his pay, if the employer said to him: Take the articles in which you were engaged, for your payment, he must not be listened to. If, however, the laborer accepted, and after reconsideration the employer told him: Take cash for your hire and leave the articles to me, he must not be listened to.   
**5** One must not place his manure upon a public ground, unless it is immediately taken away by those who want to use it. Clay must not be soaked or bricks made upon a public thoroughfare; however, one may knead clay if needed for building, but not for bricks. For a building at a public place they must use the material as soon as it is brought, that it shall not be left there a long time, and even then, if they cause damage, the owner is responsible. R. Simeon b. Gamaliel maintains that one may prepare material for his building during thirty days.   
**6** When two gardens were placed one above the other, and some herbs were grown between them, according to R. Mair the herbs belong to the higher garden, and according to R. Jehudah to the lower one. Said R. Mair: (My decree is correct;) if the higher would remove his earth, there would be no herbs. Answered R. Jehudah: If the lower one would care to fill up his garden with earth to make it alike with the higher one, the same would be the case. Rejoined R. Mair: As either of them can prevent the other, we have to investigate from what sources the herbs exist. R. Simeon, however, maintains that the upper one may use that which he can reach with his hand, and the remainder belongs to the lower one.

**Bava Batra**

**Chapitre 1**

**1** Partners in a courtyard surrounded by two houses, each of them belonging to one of the partners, one of whom (or both) may desire to make a Me'hitza (partition) in the yard, the wall is to be built in the middle exactly. The material for it and all other things must be as is customary in the country; viz.: in the case of unhewn stones (of which the thickness is usually six spans) each of them has to give his share of space and material for three spans; in the case of hewn stones, for two and a half; in the case of half–bricks, between which are usually inserted sand and small stones, for two; and in the case of whole bricks, one and a half spans from each suffice. Therefore, when it happens that such a wall falls, the space and material of it belong to both equally. The same is the case with a garden in places where they are usually fenced: if one of the partners desires to construct a fence, the other cannot prevent him, nor withhold his share of the expense. In valleys, however., in places where it is not usual to fence, one cannot compel his partner to share with him, but he may build a fence about his own portion, and make an enclosure on the outside (as a sign that it belongs to him only); and therefore should such a fence fall, the material belongs to him alone. If, however, such is built conjointly, it must be in the exact middle, and an enclosure is to be made on both sides (as a sign that it was built conjointly); and therefore should it fall, the space and material belong to both.   
**2** If one's estates surround those of his neighbor on three sides, and he has fenced all the three sides, the neighbor is not to be compelled to join in the expense (so long as it is open on the fourth side). Said R. Jose: If the neighbor fenced the fourth side of his field, then he must join in the expense of all the fences.   
**3** If a wall which separated courtyards falls, the owners of both sides have to join in rebuilding it (to the height of four ells). If there is a wall, and one of the owners claims that his neighbor did not bear his share of the expense in building it up to the height of four ells, he is not to be trusted unless he brings evidence (as it is considered that his neighbor did so at the time it was built). Above four ells, one cannot compel his. neighbor to join with him. If there [were] a wall above that height, and the neighbor built another one near it to the same height, with the intention of roofing, he has to share in the expense, even before roofing; and if he claims that he has already joined in the expense, he is not to be trusted unless he brings evidence.   
**4** Partners of a courtyard must share in the expense of building a gate or a door to it, if one of them demands it. R. Simeon b. Gamaliel, however, says: Not all courtyards need a door (the Gemara will explain which need one and which do not). An inhabitant of a city has to share in the building of a wall around the city, with the doors and the bolts. R. Simeon b. Gamaliel, however, maintains that not all cities need one. How long must one dwell in a city to be considered a citizen of it? Twelve months. If, however, he has bought a dwelling–house in it, he is considered a citizen at once.  
**5** Partners cannot compel each other to divide a courtyard unless each of the parts measures at least four ells; nor can a field be divided unless each part measures at least nine kabs for sowing. R. Jehudah, however, says: Nine half–kabs. Nor can a garden be divided unless each part measures at least half a kab for sowing. R. Aqiba, however, says: A quarter. Neither can one compel his partner to divide a dining–room, a turret, a pigeon–coop, a cloth, a bath–house, or an olive–press house, unless each has enough room to continue his former work. This is the rule: If, after division, each part retains its former name, then one can compel his partner to divide; but not otherwise. All this is said when the partners disagree; however, when they do agree, they may do as they please. An exception is the Holy Writ, if they possess it, which must not be divided, even if both agree to do so.

**Chapitre 2**

**1** One must not dig a well near that of his neighbor, nor a channel, cave, aqueduct, or basin, for washing, unless it be removed to a distance of at least three spans from that of his neighbor, and plastered with lime. Olive or poppy waste, dung, salt, lime, and flint–stones must also be removed to a distance of three spans, and must be covered with lime. To the same distance, seeds, ploughing, and urine must be removed from the wall; a handmill to a distance of three spans from the lower millstone, which is four from the upper millstone; and an oven three spans from the foundation, which is four spans from the upper rim.   
**2** One must not place an oven in a lower story of a house, unless there be an empty space of four ells above it. If the oven is placed in an upper chamber, there must be at least three spans of stone–flooring under it; under a cooking stove only one span of stone–flooring is required. Yet when damage is caused, it must be repaired. R. Simeon, however, says: All these measurements are ordained so that, when they are complied with and damage is caused, one is not held responsible for it. One must not establish a bakery or a dyer's shop under another's granary; and also not a stable. In reality, it was said that a bakery may be established under a wine store; but, at all events, not a stable.   
**3** Partners in a yard can prevent one from establishing a store there, claiming that they cannot sleep on account of the noise produced by the people's coming and going. He, however, who makes utensils, which he sells in the market, cannot be prevented by the partners, with the claim that the noise of the hammer disturbs their sleep. The same is the case if one of them has a handmill, or if he is a teacher of children, as the claim that they cannot sleep on account of the noise is not to be considered.   
**4** If one's wall is attached to that of his neighbor, he must not build a wall parallel to it unless he leaves an interval of four ells. One must also not build a wall opposite the windows of his neighbor, wherever they are to be found, unless it be at a distance of four ells.   
**5** One must remove the ladder in his yard from his neighbor's pigeon–coop to the distance of four ells, that a weasel should be unable to jump from it to the latter; and also his wall from his neighbor's roof–drains to a distance of four ells, to enable his neighbor to place a ladder there.   
**6** A pigeon–coop must not be placed within fifty ells of the town: nor has one a right to make a pigeon–coop on his own property, unless his property extends to fifty ells on each side. R. Jehudah said: "He must have four kurs on each side––the space which a dove can cover at one flight without resting." If, however, one has bought one, he is in his right even when there is only a quarter of a kur of space.   
**7** A little dove that is found within fifty ells of a pigeon–coop belongs to the owner of the latter; if outside of fifty ells, it belongs to the finder. If it is found between two pigeon–coops, it belongs to the nearer one; but if in the exact middle, it is to be divided.   
**8** In planting a tree, a space of twenty–five ells must be left outside of the town; for a carob or a sycamore, fifty ells are needed. Aba Shaul said: "For a wild tree, fifty ells." If the city was built first, the tree might be cut down without paying for it; but if the tree was planted first, it is to be cut down and paid for; if doubtful as to which was there first, it is to be cut down without paying for it.   
**9** A barn must not be placed within fifty ells of the town; the same is the case if one wishes to make a barn on his own property–he may do so, provided he has fifty ells of space on each side of it. One must also remove a barn from the plants and from the newly ploughed field of his neighbor (which must wait a year before sowing), to a distance sufficiently great to prevent any harm to the plants or the field.   
**10** Carcasses. cemeteries, and tanneries must be removed to a distance of fifty ells. A tannery must not be established except on the east side of the city; R. Aqiba, how ever, maintains that it may be established on every side except the west, and a space of fifty ells is to be left. One must also remove his pond for steeping flax from a neighbor's herbs; garlic from onions; and mustard from bees. But R. Jose allows mustard.   
**11** From a well a distance of twenty–five ells must be left when planting a tree; and fifty ells when planting sycamores or carobs. It makes no difference whether it be above or alongside. If the well has been there first, the tree must be cut down and paid for; but if the tree has been there first, it may remain. The same is the case when there is a doubt. R. Jose, however, maintains that even when the well was there before the tree there is no necessity for cutting down the latter, as one digs on his property while another plants on his own.   
**12** One must not plant a tree near to his neighbor's field, unless it be at a distance of four ells; and it makes no difference whether it be vines or other trees. If, however, there is a fence between the two estates, each of them may plant on his side of the fence. If the roots spread to the estate of one's neighbor, the latter may replace them three spans deeper, so that they shall not hinder in ploughing. If he has to dig a pit or a cave, he may cut off the roots which prevent him from doing so, and the fuel is his.   
**13** If the branches of a tree are inclined towards another field, the owner of the field may cut them off to a sufficient extent, so as not to hinder a team of oxen from passing with the plough. In the case of a carob or a sycamore, however, it must be measured with a plummet (cutting off all the branches as far as they hang over the border line); and if the field is of dry land, the branches from any tree, which overhang it, may be cut off. Aba Shaul said that the same is the case with every wild tree.   
**14** The branches of a tree which overhang public ground may be cut off, so that a camel with its rider may pass freely. R. Jehudah says: A camel loaded with flax or with bundles of branches. R. Simeon says: Every tree of that kind must be measured with a plummet, because of the law of defilement.

**Chapitre 3**

**1** The law of hazakah (occupancy) is, if one has occupied any property for three years from date to date (without any protest from another party), and this applies to houses, pits, excavations, caves, pigeon–coops, bath–houses, press–houses, dry land, slaves, and the same is with all other articles which bring fruit frequently. However, to a field not artificially watered, the three years of hazakah must not be counted from date to date. Thus, according to R. Ishmæl: If one had occupied it eighteen months––viz., three months in the first year, the following whole year, and three months of the third, it is considered three years, and constitutes a hazakah. R. Aqiba, however, said: "Fourteen months––viz., one month of the first, one month of the third, and the whole second year suffices to constitute a hazakah." Said R. Ishmæl: This is said of a grain field of which the products are harvested at one time; but if an orchard were within, bearing olives and figs, then, if one has harvested the grain, pressed the olives, and dried the figs, it is considered three years.   
**2** There are three lands concerning the law of hazakah: The land of Judea, the land on the other side of the Jordan, and of Galilee. If the owner of the estate was in Judea, and one has made a hazakah in Galilee, or [vice versa], it is not considered a hazakah unless the owner of the estate should be with the occupant in one and the same country. Said R. Jehudah: The law of three years is made only for the purpose that if the owner, for instance, was in Spain, and his estate was in Judea, which is a year's journey from there, if one has occupied his estate while on the road, a year's time is given for him to be notified, and another year for his return ([i.e.], no matter where he is, three years suffice for hazakah).   
**3** A hazakah to which there is no claim is not to be considered. How so? "What are you doing on my ?" And if he answered: "Because there was no claim against it," it is not to be considered. But if he says: Because you have sold it; or, You had presented it to me; or, Because your father did so, this is to be considered. A property, however, which one possesses by inheritance does not need any explanation (which means that the claim, "I have inherited," is sufficient).   
**4** The law of hazakah does not apply to the following: specialists, farmers, partners, gardeners, and guardians. There is also no hazakah to a husband on the estate of his wife, and [vice versa]; and no hazakah to a father on the estate of his son, and [vice versa]. All this is said concerning hazakah, but concerning a gift or an inheritance of brothers, or one who takes possession of the estate of an heirless proselyte, if he has done any work whatever ([e.g.], if he has locked it, or made any partition, or torn down the old one), it is considered a hazakah.   
**5** If there are two witnesses that the occupant has consumed the products of a field three years, and after investigation it is found that they were collusive, the witnesses have to pay the whole value of the products from the last three years to the plaintiff. If, however, two have testified for the first year and two others for the second year, and still two others for the third year (and all of them had witnessed falsely), the payment mentioned above must be divided among them, of which each of the parties has to pay a third. If there were three brothers witnessing, and one stranger testified the same as they had, they may be considered as three parties of witnesses––[i.e.], one of the brothers said: I am aware that the defendant has occupied this property the first year; the second: I am aware that he has occupied it the second year; and the third testified for the third year. If the stranger, how. ever, says: I testify that the defendant has occupied it all the three years, his testimony is counted to each of them, so that for each year there are two witnesses. If, however, the testimony was found to be collusive, they ought to be considered as one party of witnesses, and the brothers have to pay the whole claim.   
**6** There is a difference in usage of articles: In some cases the law of hazakah applies, and in some it does not. [E.g.], if one used to keep his cattle in the yard of his neighbor, or a stove, oven, or handmill, or raised there hens, or he kept there his manure, it is not considered a hazakah. However, if he has made a partition ten spans high for his cattle, or for the other articles mentioned above, or he has kept his hens in his neighbor's house, or has dug three spans in the ground of his neighbor for his manure, or he has made a heap of it three spans high on the same ground, it is a hazakah.   
**7** The law of hazakah does not apply to movable pipes attached to the roof–gutters (drains), but does apply to the places of them and also to spouts. It does not apply to an Egyptian ladder or to an Egyptian window; but to both of Tyre it does apply. What is to be considered an Egyptian window? If a human head cannot enter in it. R. Jehudah, however, maintains: If it has a frame, although a human head cannot enter it, the law of hazakah applies.   
**8** To an enclosure the size of a span in width hazakah applies; and if one came to make it in his building which faces his neighbor's yard, the latter has a right to protest. To less than the above size hazakah does not apply, and also no protest can be made against it.   
**9** One must not open windows to the yard even when he is a partner in it (without the consent of the other partner). If he bought a house in another yard, he must not open a door to that yard in which he is a partner. If he built an attic upon his house, he must not make its entrance in the yard in question. He may, however, divide a chamber inside of his house, and build an upper chamber upon it, so that the entrance should be through his house.   
**10** One must not open in a yard belonging to partners a door or window opposite his partner's door or window: If there is a small one, he must not enlarge it; and if there is one door, he must not make two of it. All this, however, may be done to the public street.   
**11** One must not make a hole in public ground; viz., pits, excavations, or caves. R. Eliezer, however, permits this, if the surface of the ground remains strong enough to bear wagons loaded with stones. One must not build enclosures or balconies on the space belonging to public ground; he may do so, however, on the space of his property which faces the public ground. If one bought a yard and there were enclosures or balconies upon public ground, it constitutes a hazakah and may remain so.

**Chapitre 4**

**1** If one sells a house unconditionally, the yeziah which is upon it is not included in the sale, even when it is open to the house, neither the chamber which is inside, nor the roof if it has a railing ten spans high. R. Jehudah, however, maintains that if it has the appearance of a door, although it is less than ten spans high, it is not included in the sale.   
**2** Title is not given to a well, or to the stone wall thereof (if this was not plainly mentioned in the bill of sale of the house), although there is mentioned that he sold him the depth and the height; however, the seller must buy a way to the well from the new owner of the house. So is the decree of R. Aqiba. The sages, however, maintain that it is not necessary; and R. Aqiba admits that it is not necessary for the seller to buy a way if he said plainly that the well in question was not included in the sale. If, however, the house was sold to some one, and the well to some one else, it is not necessary for the latter to buy the way to it from the owner of the house, according to R. Aqiba; but according to the sages it is.   
**3** If one sells a house, the door is sold, but not the key to it; the stationary mortar in the house, but not the movable––the ; (every revolving body––here, however, is meant the lower stone of a handmill), but not the mill–funnel, nor an oven or a stove. If, however, he said to him, "The house with all its contents," all of these are sold.   
**4** If one sold a yard, the houses, wells, cellars, and caves are included, but not movable property. If, however, he said, "with all their contents," all is sold; in any case, if there were bath or press houses, they are not included. R. Eliezer, however, maintains: If one has sold the yard without any explanation, he has sold only the ground thereof, but nothing else. (Even if, according to the amount which was paid by the buyer, it seems that all its contents are sold, as the law of deceiving does not apply to real estate.––Rashbam.)   
**5** If one sells a press–house, the sale includes the trough, the press–beam or press–stone, and the poles, but not the boards that are put on grapes while pressing; neither the wheel nor the treading rod. If, however, he told him, "This press–house, with all its contents," all is sold. R. Eliezer, however, maintains that the expression "press–house" means the treading–rod only.   
**6** If one sell a bath–house, the sale does not include the boards on the floor (the baths at that time were heated beneath the stone floors, and boards were placed on the floor for stepping upon), the basin, neither the curtains on the doors. If, however, he said, "With all its contents," all is sold; but in any case the sale does not include the channels with water, nor the wood piles prepared for the bath–house.   
**7** If one sells a town, the sale includes houses, wells, caves, bath and press houses, pigeon–houses, and also Beth Hashal'hin, but not the movable property, unless he said, "the town with all its contents"; then, even if there were cattle or slaves, they are also included in the sale. R. Simeon b. Gamaliel said: He who sells a town sells also the [santer] (the meaning will be explained farther on).   
**8** If one sells a field, the sale includes the stones which are needed for its use; and if it was a vineyard, the sticks which are used for keeping the vines in order. Also the stalks that are attached to the ground, the reed–bushes if they take a space less than that in which a quarter of a kab can be sown, the hut (where the watchman guards) if it is not smeared with clay, and a carob or a sycamore uninoculated; but not the stones, the sticks of a vineyard which are not for use at that time, neither the grain that is not attached to the ground. If, however, he says, "with all its contents," all is sold. In any case, however, the sale does not include the reed–bushes if they take more space than said above, and not the hut if smeared with clay, and not a carob or sycamore when inoculated.   
**9** In selling a field, if it contains a well, cistern, or pigeon–house, no matter whether they are still in use or damaged, they are not included in the sale. However, the seller must buy a way from the buyer for passing to them. So is the decree of R. Aqiba. The sages, however, say that it is not necessary. R. Aqiba, however, admits that if the bill of sale states, "except the above things," he need not buy a way. If the seller sold the above separately to another––according to R. Aqiba it is not necessary for the buyer of them to buy a passage, and according to the sages it is. This is all said concerning a sale; but if the owner of the field has made a gift of it, title is given to the field with all its contents. The same is the case when brothers divide their inheritance, and the field falls in a share of one of them: he acquires title to all its contents. If one made a hazakah on the estate of a childless proselyte, the hazakah applies to all the above–mentioned things, if they were to be found on it. If one consecrate his field, all that is to be found in it is sanctified. R. Simeon, however, said: The above–mentioned things are not included in the sanctification; but if there was an inoculated carob or a trunk of a sycamore, it is included, because while growing they are nourished by the sanctified ground.

**Chapitre 5**

**1** If one sells a boat, the sale includes the mast, the flag, the shovels, and all things pertaining to the leading of the boat, but not the slaves, and the sacks for carrying goods, nor the [entheca]. If, however, he sells the boat with all its contents, all is sold.   
**2** If one sold a wagon, the bill of sale does not include the mules for it (when not hitched), and [vice versa]. If the yoke with the wagon were sold, the oxen when not hitched were not included, and [vice versa]. R. Jehudah, however, maintains: The amount paid may serve as evidence. How so? If one said: Sell to me your yoke for two hundred zuz, it is self–evident that he meant the whole team, as there is no yoke that could be worth two hundred zuz. The sages, however, say that such cannot be taken for evidence (as it may be he desires to make him a present without humiliating him).   
**3** If one sells an ass, the harness is not included. Nahum the Modaite, however, maintains it is. Said R. Jehudah: At one time they may be sold, and at some other time they may not. How so? If the ass with its harness was before him, and the buyer says, "Sell me this ass," and the seller agrees, the harness is also sold; but if he says, "Is this your ass? sell it to me," then the harness is not included.   
**4** If one sold a she–ass, its foal is sold; but if a cow, the calf is not. If he sold the place where the manure is kept, the manure in it is sold therewith; a well, the water it contains is included; a beehive, the bees are included; a pigeon–coop, the doves it contains are included.   
**5** If one buys the brood of a pigeon–coop ([e.g.], if he buys in the month Nisan all the pigeons to be hatched during the whole year, but not the old ones, and usually each dove hatches two young ones every month, male and female, and those pigeons after two months hatch also, and so it is during the entire year, the month Adar excluded), he must leave the first pair of little ones with the parents. If one buys the brood of a beehive, he has to take the first three broods, after which the owner may make the bees impotent of propagation. If he buys the honey in combs, he must leave two with the beehive. If one buys olive trees for the purpose of cutting them down, he must leave the branches which are only two spans high for the seller.   
**6** If one buy two trees within his neighbor's field, the ground beneath is not sold. R. Meir, however, maintains it is. If the branches were wide–spreading, the seller has no right to cut them off, though the shade of them harms his field. That which grows from the trunk belongs to the buyer, and that from the roots to the seller. If the trees die, the buyer has no right to the ground; however, if he bought three trees, the ground is included, and if the branches become wide–spreading, the owner of the ground may cut them off, and all that is growing from both trunks and roots belongs to the buyer; and if the trees die, he has the right to plant others.   
**7** If one sold the head of a cow, the feet are not included, and [vice versa]; the windpipe, the liver is not included, and [vice versa]. However, concerning a calf, the feet are included in the sale of a head, and [vice versa]; and the same is the case with the windpipe and the liver. There are four legal customs concerning sales: If one alleges having sold good wheat and thereafter it was found to be bad, the buyer may retract; if he alleged having sold bad and thereafter it was found good, the seller may retract. If, however, it was found as alleged, neither of them can retract (although from the sale of the wheat to the delivery the price for same has increased or decreased). If one sold dark red wheat and it was found to be white, or [vice versa]; trees of olives, and they were found to be sycamore, or [vice versa]; wine, if it was found to be vinegar, or [vice versa]––both have a right to retract.   
**8** If one has sold fruit, and the buyer has made a drawing on it, although it was not as yet measured, title is given, but not if it was measured for him, and the drawing has not taken place; and if the buyer were shrewd, he would hire the place where the fruit is to be measured, so that the seller should not have the right to retract even before the drawing is made. If one buys flax, title is not given unless he removes it from one place to another; but if the flax was still attached to the ground, and the buyer pulled up some of it, title is given.   
**9** If one sold wine or oil, and it became dearer or cheaper, if before the measure was filled it is to be charged to the seller; and if afterwards, to the buyer. If the sale was made through a broker, and it happens that a barrel leaks, it is to be charged to the broker, and the seller is obliged to add a few drops to the measure. After the seller has turned over the measure, and some of the liquid has gathered, it belongs to the seller; the storekeeper, however, is not obliged to keep the measure until the last three drops are leaked out. R. Jehudah says that on the eve of Sabbath, when it grows dark, one is exempt from this duty.   
**10** If one sends his little son to the storekeeper with a [pundiun] (dupondius) to buy one issar's worth of oil and to get one issar change, and the storekeeper so acts, but the child loses the issar and breaks the glass containing the oil, the storekeeper is responsible. R. Jehudah, however, frees him, as for this purpose the child was sent. The sages, however, admit that when the glass was in the hand of the child and the storekeeper poured the oil into it, the storekeeper is free.   
**11** The wholesaler has to clean his measures once within thirty days (because the stuff sticks to them and impairs accurate measuring). A retailer, however, has to do so once within twelve months. R. Simeon b. Gamaliel, however, maintains that the reverse is the case. (With the wholesaler, who measures continually, the stuff does not stick, and it is sufficient to clean them once within a year; but with the retailer, who does not measure continually, the stuff sticks, and he is obliged to clean them once within thirty days.) The storekeeper must do the same with his measures twice a week, and the weights once a week (as he takes hold of them with wet hands, and consequently they become heavier, and when he buys something, in weighing the stuff he deceives the seller). The scales, however, he must clean before each weighing thereon. Said R. Simeon b. Gamaliel: All this is said when he sells liquids, but otherwise it is not necessary. The storekeeper is obliged to bend the cross–bit the size of a span to the scale that contains the stuff sold (in case he sells a [litra] or more). If, however, he weighs strictly, he must give him the overweight due––one–tenth of a liquid and one–twentieth of a dry thing. Where it is customary to measure with small measures, one must not do it with large ones, and [vice versa]. Where it is customary to smooth the measures, it must not be heaped; and to heap, it must not be smoothed.

**Chapitre 6**

**1** If one sold fruit or grain (without any stipulation), and the buyer sowed it but it did not sprout, even if this were seed of flax, the seller is not responsible. R. Simeon b. Gamaliel, however, maintains that if he sold seeds for gardens, which could not be used for eating, the seller is responsible.   
**2** If one buys fruit, he has to accept a quarter' of a kabh of dust on a saah; of dry figs, he has to accept ten wormy ones in a hundred; on a cellar of wine, he must accept ten harsh ones on each hundred; if he sells him earthen jugs made in Sharon he has to accept ten unglazed ones on each hundred.   
**3** If one sells wine and it turns sour, the seller is not responsible; if, however, it was known that the nature of his wine was to turn sour (and the buyer was not aware of it), the sale is void. If he said, "I sell you wine, prepared with spices, in good order," the wine must remain in good order until the feast of Pentecost. (Afterward it may become spoiled by heat.) If the seller sold the buyer old wine, it must be from last year; and if he said "very old," it must be aged not less than three years.   
**4** If one sells to one a place for the purpose of building a wedding–house for his son or a widow–house for his daughter, and the same is the case if a contractor undertakes to build such for him, the size must be not less than four ells in length by six in breadth; such is the decree of R. Aqiba. R. Ishmæl, however, maintains that this is the size of a stable. If one wishes to build a stable for cattle, he builds it four by six. The smallest house is no less than six by eight, a large one eight by ten, and a triclinum (restaurant) ten by ten, and the height must be a half of its length and of its width. An example of this, said R. Simeon b. Gamaliel, was the building of the Temple.   
**5** If one possesses a well, situated on the other side of his neighbor's house (by inheritance, or even bought from him with a path), so that when water is needed he must pass through the house, he may enter and leave at the time people usually enter and leave. However, he is not allowed to take his cattle to the well, but he has to take water for them outside of the house and water them. The owner of the well, as well as the owner of the house, has a right to put a lock on it.   
**6** If one has a garden inside of his neighbor's garden, he may enter and leave only when people are wont to do so. He must not take buyers with him to his garden, and be also has no right to pass through his neighbor's garden for the purpose of entering another field conjoining this one, when he has no business in his own garden; and only the owner of the outside garden has a right to sow the path. If, however, a path was designated to him by court, on the side, with the consent of both parties, then he may enter and leave whenever he pleases and may also take with him buyers; however, the right to pass through to another field is not given, and neither of them has the right to sow the path.   
**7** If there was a public thoroughfare through one's field and he took it for himself and designated another one at the side of his field, what he has given is considered the public's, and to that which he took for himself he does not acquire title. If one sells a path in his field for a private thoroughfare it must be four ells, for the public it must be no less than sixteen. A way for the government has no limit. The way for carrying a corpse to the grave has also no limit; however, the space where the people stand for condoling was determined by the judges of Ziboras of a space where four kabhs may be sown.   
**8** If one sells a place for digging a grave, or an undertaker makes a grave for one, the inside of the cave must be four by six, and opening into it eight niches for coffins, three on each side and two at the top and bottom. The length of the niches is four ells, the height seven spans, and the width six. R. Simeon, however, said: The inside of the cave must be six by eight, the niches must be thirteen, four on each side, three on the upper side, and one on the right side of the door and one on the left. He also makes a fore yard at the mouth of the cave six ells square, as much as the coffin with its carrier needs. He also has to open to this fore yard two, caves from two sides. R. Simeon, however, said four to all its four sides. R. Simeon b. Gamaliel, however, maintains that all must be done according to the rock ([i.e.], if the earth is soft more niches could be made, but if rocky the number must be limited accordingly).

**Chapitre 7**

**1** If one says: "I sell you earth the size where one kur can be sown, and there were crevices ten spans deep, or rocks ten spans high," they are not measured, but if less than that size they are measured. If, however, he said to him, "about the size of a kur," and there were crevices or rocks even more than the size of ten spans, they are measured.   
**2** "I sell you earth of the size wherein a kur can be sown, measured with a line." If there were a trifle less, he may deduct; if a trifle more, the buyer has to return it. If, however, the seller says "about this size, a little more or less," even if there were less than a quarter of a kabh on each saah, the sale is valid; but if it were more than that size, an account must be taken. In case the buyer has to make return, it shall be in money; however, if he wishes to return him land, he may do so. And why was it said that the buyer should return the seller money? To favor the seller, so that if there were a trifle more the buyer should not have the right to return him this trifle, which the seller could not use; but if there were a kabh and a half more than the prescribed size, it means in the case of nine kabhs of land in a field and a half kabh in a garden, and according to R. Aqiba even a quarter of a kabh, then the buyer may return the land, and not only the land which is in excess of the prescribed size, but even that of this prescribed size itself is to be returned with the other.   
**3** "I sell you the estate with a measurement, a trifle more or less." The last words, "more or less," nullify those preceding them. "I sell you a trifle more or less to be measured with a line." The last words here nullify the preceding ones (and the seller must give the purchaser a just measurement; so that if the land were in excess, the excess must be returned, and if less the seller must supply the deficiency), such is the decree of ben Nanas.   
**4** If one says, "I sell you this estate, the size of a kur, with its marks and boundaries;" and afterwards it were found that the size is less than stipulated––if it were less than a sixth of the whole size, the sale is valid; but if there were a sixth wanting, the buyer may deduct from the payment.   
**5** If one says "I sell you the half of the field" (the half of the value is meant), the better one against the inferior is to he appraised, and the seller has a right to give the buyer the latter. The same is the case when he said "I sell you the southern half of this field," and the buyer takes the half determined on by the seller. The seller, however, has to give space for a partition, and for a large and a small ditch. What is the breadth of a large ditch? Six spans. And of a small one? Three.

**Chapitre 8**

**1** (Concerning inheritance, there is a difference between relatives.) There are those that bequeath at their death, and also inherit at the death of their relatives. There are those who inherit but do not bequeath, and also those who neither bequeath nor inherit. The father, his children, and also the brothers of the father may both bequeath and inherit to and from each other. The son from his mother, and the husband from his wife, and also the children of sisters inherit, but the former do not bequeath to the latter. The woman to her children, her husband, and her brothers bequeaths, but does not inherit from them. The brothers of the mother, however, neither bequeath to nor inherit from her.   
**2** The order of inheritance is thus: If a man dies, leaving no son, the inheritance shall pass to his daughter (reads the passage), by which we see that the son has preference before the daughter, and the same is the case with all the descendants of the son, who also have preference before the daughter. The daughter has preference over the brothers of her father, and the same is the case with her descendants. The brothers of the deceased have preference over the father's brothers, and the same is the case with their descendants. This is the rule: After every one who has the preference concerning an inheritance, his descendants have, in order, a like preference. The father has the preference before all his descendants.   
**3** The daughters of Z'lophchod have inherited three shares from the inheritance of their father, his share as one of the ascendants from Egypt, his share in the division of Chipher his father (who was also among the ascendants from Egypt), and because he was a first–born he inherited a double share.   
**4** A son and daughter are equal concerning inheritance. However, a son takes two shares of the estate of his father, but not of the estate of his mother; and the daughters are fed from the estate of their father, but not from that of their mother.   
**5** If one said in his will, "My son so and so, who is a first–born, shall not take a double share," or, "My son so and so shall not inherit at all with his brothers," he said nothing, as this provision is against the law in the Scripture. If, however, he has divided all his goods in his verbal will, and to some of his heirs he has bequeathed more and to some less, also equalizing the first–born, his will is valid, provided he has not mentioned in his will the word "inheritance." But if he said "because of inheritance," it is not to be considered. If there was a written will in which, in the beginning, middle, or end, was mentioned "a gift," all that it contains is to be listened to.   
**6** If one says: "A (who is a stranger to him) shall inherit my estate," and he has a daughter, or, "my daughter shall inherit," though he has a son, he said nothing, as the provision is against the biblical law. R. Johanan b. Beroka, however, maintains that if he has bequeathed to such persons as are fit to be his heirs, his will must be listened to; but if the persons are not fit to be his heirs, it is not to be considered.   
**7** If one bequeathed his estates to strangers, leaving his children without anything, his act is valid; but he is condemned in the eyes of the sages. R. Simeon b. Gamaliel, however, maintains that if his children were not going in the right way he might be mentioned among the good men.   
**8** If one says: "This is my son," he is to be trusted; but, "my brother," he is not to be trusted. He may, nevertheless, share with him the inheritance of his father (when there are only two; but if there are three, the third, who does not recognize him as his brother, is not bound to share with him, and so he receives a half of the share of the brother who does recognize him). If the doubtful man dies, the estate must be turned over to him from whom it was taken. If, however, the deceased left other estates besides those he inherited with his brother, all the brothers share equally (because in the case of that one who testified that he is a brother to all, he has no right to the inheritance without the other brother).   
**9** If one dies, and a was tied to his body, it is not to be considered at all. If, however, while sick he had submitted it to some one, be he his direct heir or not, it must be listened to.   
**10** If one wishes to bequeath his estate to his children ([i.e.], it speaks of one who remarries and does not wish that the children by his first wife should lose their share in his estate after his death), he must write: I bequeath my estate to them from to–day and after my death ([i.e.], the estate belongs to them thenceforward, but not the products until after his death). So is the decree of R. Jehudah. R. Jose, however, maintains: It is not necessary to write "from to–day." If one wrote: "I bequeath my estate to my son from today, and after my death," he has no longer any right to sell his estate, because it is bequeathed to his son; and his son, also, has no right to sell it because it is still under the control of his father. If, notwithstanding this, the father has sold, the products thereof are sold until he dies. If the son, however, sold, the buyer has nothing therein until the father dies.   
**11** The father has a right to pluck the products of trees which are found on the estate bequeathed to his son, after his own death, and may present them to whom be pleases. If, however, the plucked fruit remains after his death, they belong to his heirs.   
**12** If he left grown–up and minor sons, the grown ones have no right to derive any benefit on account of the minors, nor have the minors a right to same on account of the older brothers ([e.g.], the older ones have no right to dress themselves at the expense of the inheritance before the division, nor should the minors be supported from the inheritance); but they must divide the inheritance equally. If the older ones have married at the expense of the inheritance, the same amount must be added to the shares of the minors. However, the latter have no right to claim for any addition if their older brothers have married while their father was still alive, as the amount expended for their marriages is considered a gift from their father. The very same is the case with grown–up and minor daughters. All of them must receive an equal share. However, in one respect preference is given to daughters who were left together with grown–up sons. The daughters must be fed from the inheritance at the charge of the sons, which is not the case with minor daughters who were left together with grown–up ones.

**Chapitre 9**

**1** If one dies, and leave sons and daughters, if the inheritance is of great worth, then the sons inherit, and the daughters must be supported from it; and if a moderate one, the daughters must be supported, and the sons may go a–begging. Admon, however, said: Because I am a male shall I suffer? Said Rabban Gamaliel: It seems to me that Admon is right.   
**2** If one leave sons, daughters, and an hermaphrodite (if it is doubtful whether male or female), and the inheritance is of great worth, the males may count same among the females; but when the inheritance is moderate, the females may count same among the males. If one say: "If my pregnant wife should bear a male, he shall take a mana," and she bears a male, the mana is to be given to him; "If a female, she shall take two hundred zuz," she takes two hundred. If a male a mana, and a female two hundred zuz, and she had born a male and a female? The male takes one hundred and the female two hundred zuz. But if she bears an hermaphrodite, he takes nothing. If, however, he said: "What she shall bear shall take," then he takes accordingly. And the same is the case if there were no heirs but he––he inherits all.   
**3** If one left grown–up and minor sons, and the former improved the estate, the improvement shall be divided equally. If, however, they said: "Observe in what condition the estate was left by our father, and it shall be known that we are going to improve it for our own sake," they have a right to take the benefit for themselves. The same is the case with a widow. If she had improved it without any remark, the improvement belongs to all the heirs. But if she remarked, "Seeing in what condition my husband left," etc., the benefit belongs to her.   
**4** Brothers partners in business. If one of them was taken by the government to work for it, the damage caused by his absence, and also the profit for the business during that time, must be counted to the partnership. If, however, he becomes sick, and has to be cured, it is at his own expense.   
**5** If, while the father of the house was still alive, he sent through some of the brothers presents to weddings of his friends, and after his death some of the brothers married and the presents were returned to them by the same friends, it is to be counted to the income of the house; as the wedding presents may be replevined by the court. If, however, one presents to his friends pitchers of wine or oil, it is not to be replevined by the court, as this is reckoned a bestowing of favors only.   
**6** If one sends presents to the house of his betrothed's father, to the value of one hundred manas, and has partaken of the betrothal meal, even for one dinar, they are not to be returned. If, however, he did not partake, they may be returned in case of retraction. If the presents were given for the purpose that the bride should bring them, after her marriage, to her husband's house, they are to be returned. But if such is to be used while she is yet in her father's house, they are not.   
**7** If a sick person had bequeathed all his estates to strangers, leaving some ground for himself, his gift is considered valid. If, however, he left nothing, it is invalid.   
**8** If in the deed it was not mentioned that he was sick, and he claims that he was sick at the time of writing and had a right to retract, while the plaintiff claims that he was in good health, it is for him to bring evidence that be was sick. So is the decree of R. Meir. The sages, however, say: There is a rule that it is always for the plaintiff to bring evidence.   
**9** If one divides his estates verbally, no matter if he was in good health or dangerously sick, according to R. Elazar to real estate title is given by money, by a deed, and by a hazakah; and to movable property, title is given by drawing only. He was then told that it happened with the mother of the sons of Rukhl, who was sick and said: Give my jewelry, which is worth twelve manas, to my daughter, that the sages had listened thereto. And he answered: The sons of Rukhl ought to have been buried by their mother while they were still young ([i.e.], they had bad habits, and therefore the sages fined them, that they should not inherit from their mother).   
**10** R. Eliezer said: If it happens that a sick person divides his estates verbally on Sabbath, it may be listened to, because it is prohibited to write; but not on week days. R. Jehoshua, however, maintains: It was said on Sabbath, [a fortiori] when it happened on week days. Similar to this is: One may acquire title for a minor, but not for adults. So is the decree of R. Eliezer. R. Jehoshua said: For a minor, and [a fortiori] for an adult.   
**11** Suppose a house falls upon A and his father, or on any persons, that one of them has to be bequeather and the other inheritor, and it is not known who dies first, and to the estate there is a claim from the widow for her marriage contract, and from other creditors. The heirs of the father say that the son died first; and the creditors say that the father died first, and the son afterward. ([I.e.], the creditors of the son who had a right to the estate only if he died after his father, so that with the death of his father the inheritance came to him. But if he was dead before his father, he has nothing in the estate. And this is what his brothers claim, that the creditors have no right in the estate left by their father. Concerning a marriage contract, that will be explained in the Gemara.) According to the school of Shamai, they have to divide; and according to the school of Hillel, the estate must be left in the hands of the present occupants. If it happened that the house fell on him and his wife, the heirs of the husband claim that the woman dies first, consequently her husband has inherited from her; and the heirs of his wife claim that he died first, consequently they have a right to her marriage contract and also to her own estate. They have to divide, according to the school of Shamai. But the school of Hillel say: They must leave the estate in the hands of its present occupant. And the occupants are to be considered as follows: The estates belonging to the marriage contract are to be considered as in the hands of the husband's heirs. But her own estates, which she brought with her to her husband, and which ought to go out with her by death or divorce, are to be considered in the hands of the heirs of [her] father. If, however, the house falls on one and his mother, both schools agree that it must be divided. R. Aqiba, however, said: I hold that they (the schools) differ in the latter case also; and the school of Hillel are still of the opinion that estates must be left in the hands of the occupants. Said Ben Azai to him: We deplore that the schools differ in the former cases, and you come to add the third one, in which the rabbis testify that they have agreed.

**Chapitre 10**

**1** A simple "get" (document) the witnesses must sign at the end of the contents. A folded one, however, the witnesses must sign outside. But if the witnesses signed their names outside in a simple one, or inside in a folded one, both are invalid. R. Hanina b. Gamaliel, however, said: If in a folded one the signatures of the witnesses were inside, it is valid, as it can be taken apart and will constitute a simple one. Rabbon Simeon b. Gamaliel maintains: All must be done as is the custom of the country. A simple document must be signed by two, and a folding one by three witnesses. If there was only one witness to a simple and two to a folding, both are invalid.   
**2** If in the document was written, "hundred zuz which make twenty selas," he collects only twenty selas. If, however, it was written, "hundred zuz which make thirty selas," he collects only one mana (which only makes twenty–five selas). If there was written, "silver zuz which [are]," and the preceding words were erased, then the document is good for no less than two; "silver selas which [are]," and the preceding was erased, no less than two selas; "dracontiums which [are]," it means also no less than two. If on the top of the document was written "a mana" and on the bottom "two hundred zuz," or [vice versa], the last one must always be taken into consideration. But if so, why is it at all necessary that the amount should be written at the top? To the end that should it happen that in the words of the bottom one letter should be erased, then we may learn it from the top one.   
**3** A divorce may be written by the court for a husband in the absence of his wife (because, according to the ancient law, the consent of the woman was not necessary); and an approved receipt for a marriage contract to be handed to the woman in the absence of her husband, provided the court knows them––the husband must pay the fees. A promissory note may be written for the borrower in the absence of the lender, but not for the tender unless the borrower is present; and the fee is to be paid by the borrower. A bill of sale may be written for the seller in the absence of the buyer, but not for the buyer unless the seller is present; the buyer pays the fees. Documents of betrothal and marriage must not be written unless both are present––at the expense of the groom. The same is the case with documents for hiring, and contracting fields and gardens; and the expenses are to the contractors. Documents of arbitrating, and all other acts of mediating by the court, must not be written unless both parties are present––at the expense of both. R. Simeon b. Gamaliel, however, maintains: The latter documents must be written in two copies, one for each party.   
**4** If one has paid a part of his debt and deposited his document with some one, with the stipulation: If I should not pay you from date until a certain day, you may return this document to the lender, and finally he failed to pay; according to R. Jose: The depositary may return, and according to R. Jehudah: He must not.   
**5** If it happened to one that a promissory note became erased, he must find witnesses who are aware of the date when it was written, and bring them before the court, and they have to make the following approval: A, the son of B, came here with his note, which was erased on such and such a day, and C and D were his witnesses.   
**6** If one has paid a part of his debt, according to R. Jehudah, the promissory note must be changed ([i.e.], the old note must be torn, and a new one made for the balance). According to R. Jose: The lender has to give a receipt for the amount paid. Said R. Jehudah: Then, according to you, the borrower must watch his receipt so that it shall not be consumed by mice. Answered R. Jose: Yea! This is better for the lender, as if it should be a difficulty for the borrower to watch the receipt he will pay the whole debt sooner; and we must not impair the right of the lender.   
**7** If there were two brothers, one rich and one poor, and they inherited from their father a bath–house or an olive–press house, if for business, they must share equally; but if for private use, the rich one may say to the poor, "You may hire slaves, that they shall heat the bath for your use"; or, "You may buy olives and press them for your private use, but I shall not allow you to do this for a stranger, and you take the benefit." If it happen that in one city two persons bear one and the same name, they cannot give promissory notes to each other nor can any of the inhabitants collect on a promissory note of one of them. If there were found a promissory note of one of the two persons by some one which is marked "paid," the other may also claim: My note is paid. How, then, shall they do, if they wish that their documents shall be of value? Write their names threefold––[e.g.], Joseph b. Simeon b. Jacob; and if they are alike in this also, they must make a sign to their names ([e.g.], if one is shorter than the other, he must say, "the Little"; and if they are both of equal size, if one is a priest, he shall write "Cohen").   
**8** If one (while struggling with death) says to his son: "A promissory note among the notes I possess is paid, but I do not remember which," all of them are to be considered paid. If, however, one person has given two promissory notes, the larger amount is considered paid, and the smaller amount not.   
**9** If one made a loan to his neighbor through a surety, he must not collect first from the surety, unless the borrower does not possess any estate; however, if the stipulation was made that he may collect from whom he pleases, then he may start with the surety. R. Simeon b. Gamaliel (however) is of the opinion that even in such a case the lender may not start with the surety, unless the borrower does not possess anything. And he used to say thus: If one made himself a surety to a woman for her marriage contract, and thereafter the husband was about to divorce her, the court should compel him to vow that from the time divorced he should not derive any benefit from his former wife, which means not to remarry her, for fear that the husband and his wife may have made a bargain to collect the money for the marriage contract from the surety, and thereafter he will remarry her.   
**10** If one borrows money on a promissory note, the lender has a right to collect from encumbered estates; and if without a note, but in presence of witnesses, the lender may collect from unencumbered only. If A holds a writing that B owes him money (not a promissory note, which usually must be drawn by witnesses), he collects from unencumbered estates only. A surety who has signed his name after the signatures of the document ("I, so and so, am a surety"), the lender may collect from the surety from unencumbered estates only (as it is considered a verbal surety, as there were no witnesses who testified to this). Such a case happened to come before R. Ishmæl, and he decided that he should collect from free estate. Ben Nanas, however, maintains: He must not collect from any estate. And to the question of R. Ishmæl: Why so? he answered: If it happen that a creditor sees his debtor in the market, grapples him by the throat, and one passes by and says, "Leave him alone, I will pay," he is nevertheless free, because the loan was made not upon his surety. The same is the case here. If, after the document was made and the witnesses signed it, he adds, "I am a surety," he is not considered such, as he was a surety when the loan was already made. Said R. Ishmæl: If one wishes to become wise, he shall occupy himself with the civil law; for there is no store (of wisdom) in the entire Law richer than it (the civil law). And those who wish to study civil law may take lessons of Ben Nanas.

**Du Sanhédrin**

**Chapitre 1**

**1** To decide upon the following cases, three persons are needed (the Gemara explains for which common and for which judges): Civil cases, robbery, wounds, whole damages and half, double amount and four and five fold payments; and the same in the case of forcing, seducing, and libel ([i.e.], an evil name, Deut. xxii. 19). So is the decree of R. Meir. The sages, however, maintain: In the last case (libel) twenty–three are needed, as this is not a civil case, but a crime which may bring capital punishment. In the case of stripes, three. In the name of R. Ishmæl, however, it was said: Twenty–three are needed. To the intercalation of a month and to proclaim a leap year, three. So is the decree of R. Meir. Rabban Simeon b. Gamaliel maintains: It begins with three persons and is discussed by five, and the decision is rendered by seven If, however, it was decided by three, their decision holds good. The elders who had to lay their hands upon sacrifices [[Lev. iv. 15]], and also in the case of the heifer [[Deut. xxi. 3]]––according to R. Simeon, three are needed, and according to R. Jehudah, five. At the performance of the ceremony of Halitzah and denial, three; to appraise the value of the plants of the fourth year (which must be redeemed), and the second tithe, of which the value in money is to be appraised, three; to appraise the value of consecrated articles, three; in cases of Arakhin (vows of value, men or articles), if movable property, three––according to R. Jehudah, one of them must be a priest; and if real estate, ten, and one of them a priest; and likewise to appraise the estimated value of men [[Lev. xxvii.]]. Crimes (which may bring capital punishment), twenty–three; in the case of Lev. xx. 15, twenty–three, as verse 16 reads: "Then shalt thou kill the woman and the beast"; and also in the preceding verse: "The beast also shall ye slay." And the same is the case with the stoning of an ox, of which it reads [[Ex. xxi. 29]]: "The ox shall be stoned, and the owner . . . be put to death"––which means, as for the death of its owner twenty–three are needed, so also for the stoning of the ox. The wolf, the lion, the bear, the tiger, the bardls, and the serpent are killed by the judgment of twenty–three. R. Eliezer, however, maintains: Every one who hastens to kill them is rewarded. But R. Aqiba says: Twenty–three are needed. A whole tribe, or a false prophet, or a high–priest, if they have to be judged for a crime which may bring capital punishment, a court of seventy–one judges is needed. The same number of judges is needed to decide upon battles which are not commanded by the Scriptures, and also for enlarging the city of Jerusalem by annexing its suburbs or free land; and the same is the case if it is necessary to enlarge the courtyard of the Temple. Also, the same number of judges is needed for appointing supreme councils to each tribe. A misled town [[Deut. xii. 14]] must also be condemned by seventy–one. However, a town which stands on the boundary cannot be condemned; nor three of them at one time at any place, but only one, or two. The Great (Sanhedrin) consisted of seventy–one, and the small of twenty–three. Whence do we deduce that the great council must be of seventy–one? From [[Num. xi. 16]]: "Gather unto me seventy men." And add Moses, who was the head of them––hence seventy–one? And whence do we deduce that a small one, must be twenty–three? From [[ibid. xxxv. 24 and 25]]: "The congregation shall judge"; "And the congregation shall save." We see that one congregation judges, and the other congregation saves–hence there are twenty; as a congregation consists of no less than ten persons, and this is deduced from [[ibid. xiv. 27]], "To this evil congregation," which was of the ten spies, except Joshua and Caleb. And whence do we deduce that three more are needed? From [[Ex. xxiii. 2]]: Thou shalt not follow a multitude to do evil"––from which we infer that you shall follow them to do good. But if so, why is it written at the end of the same verse, "Incline after the majority, to wrest judgment"? This means, the inclination to free the man must not be similar to the inclination to condemn; as to condemn a majority of two is needed, while to free, the majority of one suffices. And a court must not consist of an even number, as, if their opinion is halved, no verdict can be established; therefore one more must be added. Hence it is of twenty–three. How many shall a city contain that it shall be fit for a supreme council? One hundred and twenty families. R. Nehemiah, however, maintains: Two hundred and thirty––so that each of them should be the head of ten families, as we do not find in the Bible rulers of less than ten.

**Chapitre 2**

**1** The high–priest may judge and may be judged; he may be a witness and may be witnessed against; he may perform the ceremony of Halitzah, and the same may be done to his wife if he dies childless, or his brother may marry his wife in such a case. He, however, must not marry his brother's wife when his brother dies childless––because it is forbidden for a high–priest to marry a widow. If a death occurs in his family, he must not accompany the coffin; but if the coffin with those accompanying it are no longer visible in the street, he goes after them. And so with other streets–when they are not visible, he may enter the street, etc.; and in such manner he may follow the coffin to the gate of the city. So is the decree of R. Meir. R. Jehudah, however, maintains: He must not leave the Temple at all, as it reads [[Lev. xxi. 12]]: "And out of the sanctuary shall he not go." When he, the high–priest, condoled with others, it was usual that the people went one after another, and the superintendent of the priests would place him between himself and the people (so that he could say a word of condolence to every one of them); but when he was being condoled with, the people used to say to him: We shall be your atonement ([i.e.], to us shall occur what ought to occur to you), and his answer was: You shall be blessed by Heaven. And at the condoling meal, all the people were placed on the floor, but he sat on a chair. A king must not judge, and he is not judged; he must not be a witness, nor be witnessed against. The ceremony of Halitzah does not exist for him, nor for his wife. He does not marry his childless brother's wife, and his brother must not marry his wife. R. Jehudah, however, maintains: If be was willing to give Halitzah or to marry his brother's wife, he may be remembered among the good. And he was told: Even if he is willing, he must not be listened to. His widow must not remarry. R. Jehudah said: A king may marry the widow of a king, as so we found with David, who married the widow of Saul; as it reads [[II Sam. xii. 8]]: "And I gave unto thee the house of thy master, and (put) the wives of thy master into thy bosom."   
**2** If a death occurs in the house of the king, he must not leave the gate of the palace. R. Jehudah, however, maintains: If he is willing to accompany the coffin, he may do so, as we find that David accompanied the coffin of Abner [[II Sam. iii. 31]]: "And King David walked behind the bier." But he was told that David did so only to appease the spirit of the people. And at the condoling meal all the people are placed on the floor and he is seated on the dais.   
**3** And he (the king) declares a war which is not commanded in the Scripture, after consultation with the court of twenty–one judges. He may also establish a way in private property, and nobody has a right to protest against it. The way of a king has no limit. When the military take plunder from the enemy, they must transfer it to the king, and he takes his share first.   
**4** He (the king) must not marry more than eighteen wives. R. Jehudah, however, maintains: He may marry as many as he likes, provided that they shall not turn his heart away. And R. Simeon maintains: Even one wife, should she be liable to turn his heart away, he must not marry her. And the verse which reads, "Neither shall he take to himself many wives," means even when they were similar to Abigail.   
**5** He (the king) must not acquire many horses––only sufficient for his chariots; and also he must not acquire more gold and silver than to pay the military. He must also write the Holy Scrolls for himself; when he goes to war he must bear them with him; when he enters the city they must be with him, and the same when he sits judging the people; and when he takes his meals they must be placed opposite him. As it is written [[Deut. xvii. 19]]: "And it shall be with him, and he shall read therein all the days of his life."   
**6** One must not ride on his, the king's horse, and also must not seat himself on his chair, and must not make use of his sceptre. And none must be present when he cuts his hair, and not when he is naked, and not when he is in the bathhouse. As it is written: "Thou shalt set a king over thee," which means that his fear shall be always upon thee.

**Chapitre 3**

**1** Civil cases by three; one party may select one and so the other, and both of them select one more; so is the decree of R. Meir. The sages, however, maintain that the two judges may select the third one. One party may reject the judge of his opponent, according to R. Meir. The sages, however, say: This holds good only when the party brings evidence that the judges selected by his opponent are relatives, or they are unqualified for any other reason. If, however, they were qualified, or they were recognized as judges from a higher court, no rejection is to be considered. The same is the case with the witnesses of each party, according to R. Meir, so that the rejection of each party against the witnesses of its opponent may be taken into consideration. The sages, however, say: Such holds good only in the cases said above concerning the judges, but not otherwise.   
**2** If one says, "I accept as a judge in this case your father or my father," or, "I accept certain three pasturers to judge our case," according to R. Mair he may retract thereafter, and according to the sages he must not. If one owes a note to a party, and the latter said to him, "Swear to me by your life, and I will be satisfied," according to R. Mair he may retract, and according to the sages he may not.   
**3** The following are disqualified to be witnesses: Gamblers (habitual dice–players) and usurers, and those who play with flying doves; and the merchants who do business with the growth of the Sabbatic year. Said R Simeon: In the beginning they were named the gatherers of Sabbatic fruit; [i.e.], even those who had gathered the fruit, not for business, were disqualified. However, since the demand of the government to pay duties increased, the gatherers of the Sabbatic fruit were absolved from the disqualification, and only those who did business with same were disqualified. Said R. Jehudah: Then the merchants and all the other persons named above were disqualified only when they had no other business or trade than this; but if they had, they were qualified.   
**4** The following are counted relatives who may not be witnesses: Brothers, brothers of father or mother, brothers–in–law, uncles by marriage from father's or mother's side, a stepfather, a father–in–law, the husband of one's wife's sister, they and their sons and their sons–in–law, and also a stepson himself––but the latter's children are qualified. Said R. Jose: This Mishna was changed by R. Aqiba. The ancient Mishna, however, was thus: One's uncle, one's first–cousin, and all those who are competent to be one's heirs and also all one's relatives at that time; but if they were relatives and thereafter became estranged, they are qualified. R. Jehudah, however, maintains that even if a daughter dies and leaves children, her husband is still considered a relative. An intimate friend, as well as a pronounced enemy, is also disqualified. Who is considered an intimate friend? The groomsman. And who is considered a pronounced enemy? The one who has not spoken to him for three days because of animosity. And the sages answered R. Jehudah: The children of Isræl are not suspected of witnessing falsely because of animosity.   
**5** How were the witnesses examined? They, were brought into separate chambers and were frightened to tell the truth. And then all except the eldest were told to go out, and he questioned: How do you know that A owes money to B?, And if his answer was: "Because A himself told me that he owes,. him," or, "C told me that such was the case," he said nothing, unless he testified that, in the presence of myself and my colleague, A confessed that he owed to B two hundred zuz: and then the second witness is brought in and they examine him, and if both testimonies correspond the court discusses about the case. If two of the judges acquit and one makes him liable, he is acquitted; and if [vice versa], he is liable. If, however, one acquits and the other makes him liable, and the third one says, "I don't know," then judges must be added. And the same is the case if there were five, and two of them were against two, while the fifth was doubtful. After the conclusion of the judges is arrived at, they are told to enter, and the eldest of the judges announces, "You, R, are acquitted," or, "You, A, are liable." And whence do we know that one of the judges must not say: I was in favor of the defendant, but my colleagues were against, and I could not help it, as they were the majority. As to this it reads [[Lev. xix. 16]]: "Thou shalt not go up and down as a talebearer among thy people"; and it reads also [[Prov. xi. 13]]: He that walketh about as a talebearer revealeth secrets."   
**6** So long as the defendant brings evidence to'. his advantage, the decision may be nullified by the court. If he was told: "All the evidence which you have, you may bring before the court within thirty days," if he found such within thirty days, it affects the decision, but after that it does not. Exclaimed R. Simeon b. Gamaliel: But what should the man do who could not find such within thirty days, but found it after? If he was told to bring witnesses, and he said, "I have none"; "Bring any other evidence," and he said, "I have none," and after the time had elapsed he brought evidence and found also witnesses, it is as nothing. And to this also R. Simeon b. Gamaliel exclaimed: What should this defendant do if he was not aware that there were witnesses and evidence? However, if, after he said "I have no witnesses," seeing that he is about to be liable, he says, "Bring in so and so to testify in this case," or he takes out from under his girdle a new evidence, it counts nothing (even according to R. Simeon).

**Chapitre 4**

**1** Cases coming before the court, be they civil or criminal, the witnesses thereof must be examined and investigated. As it is written [[Lev. iv. 22]]: "One manner of judicial law shall ye have." But what difference is there between civil and criminal cases? It is the following: (a) The former cases are to be tried by three, and the latter by twenty–three judges. (b) In the former the discussion may commence either with the accusation or with the defence, while the latter must commence with the defence and not with the accusation. (c) In the former case one voice suffices either to accuse or to acquit, and in the latter he is acquitted by one voice, while to condemn two are needed. (d) In the former the judge who proclaimed his view either to advantage or to disadvantage may, after deliberating, announce his view to the contrary. In the latter, however, he may do so only to acquit, but not to condemn. (e) In civil cases the whole body of the court may defend or accuse, while in criminal cases all of them may acquit, but the whole body must not accuse. (f) The former may be discussed in the daytime and the decision rendered at night, while in the latter the decision must be in the daytime. But if they did not come to a conclusion on the same day, they have to postpone it to the morrow. (g) The decision concerning the former may be reached on the same day either to one's advantage or to his disadvantage, while in the latter the decision may be rendered on the same day to free him, but not to condemn him until the next day; and, therefore, cases of capital punishment must not be begun on the eve of Sabbath or of a legal holiday. In civil cases, and regarding defilement and purity, they begin by asking the opinion of the eldest, while in criminal cases they begin with those who are sitting on the side. All are qualified to judge civil cases, but not every one is qualified to judge criminal cases; as to the latter––only priests, Levites, and Isrælites who may legally marry daughters of priests.   
**2** The Sanhedrin sat in a half–circle in order that they could see each other. Two scribes of the judges stood before them, one on the right and one on the left, and they wrote down the reasons of the accuser and of the defender. According to R. Jehudah there were three––one who wrote down the reasons of the accuser and one the reasons of the defender, and one the reasons of both. And before them sat three rows of scholars (disciples). To every one of them his seat was known. If it was necessary to add a judge, one from the first row was elevated, and one from the second came and took the latter's place, and one from the third took the place of this one; and for the place in the third row one of the standing people was selected, but he did not take the same seat as the one departed occupied, but that to which he was entitled.   
**3** How were the witnesses awestruck in criminal cases? They were brought in and warned: Perhaps your testimony is based only on a supposition, or on hearsay, or on that of another witness, or you have had it from a trustworthy man; or perhaps you are not aware that finally we will investigate the matter by examination and cross–examination. You may also be aware of the fact that there is no similarity between civil and criminal cases. In civil cases one may repay the money damage and he is atoned; but in criminal cases the blood of the person executed, and of his descendants to the end of all generations, clings to the originator of his execution. So do we find in the case of Cain, who slew his brother. It reads [[Gen. iv. 10]]: "The voice of the 'bloods' of thy brother are crying unto me from the ground." It does not read "blood," but "bloods," which means his blood and the blood of his descendants. [[According to others it reads "bloods" in the plural, because his blood was scattered all over the trees and stones.]] Therefore the man was created singly, to teach that he who destroys one soul of a human being, the Scripture considers him as if he should destroy a whole world, and him who saves one soul of Isræl, the Scripture considers him as if he should save a whole world. And also because of peace among creatures, so that one should not say: My grandfather was greater than yours; and also that the heretic shall not say: There are many creators in heaven; and also to proclaim the glory of the Holy One, blessed be He. For a human being stamps many coins with one stamp, and all of them are alike; but the King of the kings of kings, the Holy One, blessed be He, has stamped every man with the stamp of Adam the First, and nevertheless not one of them is like the other. Therefore every man may say: The world was created for my sake, hence I must be upright, just, etc. Should you (witnesses) say: Why should we take so much trouble upon ourselves? To this it is written [[Lev. v. 1]]: "And he is a witness, since he hath seen or knoweth something; if he do not tell it, and thus bear his iniquity." And should you say: After all, why should the blood of this man cling to us? To this it is written [[Prov. xi. 10]]: "When the wicked perish, there is joyful shouting."

**Chapitre 5**

**1** The court used to examine the witnesses with the following seven inquiries: (a) In what Sabbatic period? (b) In what year of the latter? (c) In what month? (d) On what date of the month? (e) On what day? (f) At what hour? (g) And in what place? R. Jose, however, maintains: "Only on what day? At what hour? In what place?" And also: Did you know this man? Did you warn him? If the crime was idolatry, they were questioned which idols they worshipped and what kind of worship? He who is more particular and who enlarges the examination is praiseworthy. It happened that Ben Sakkai had examined the witnesses concerning the kind and the size of the figs of a certain fig tree which was connected with the crime. What is the difference between examination and queries? In the latter, even if only one answered, "I don't know," the complaint is dismissed; while in examination, if one of the witnesses, and even two, claim that they did not know, their testimony holds good. In both cases, however, if they contradict each other, their testimony is ignored. If one says, "It happened on the second of the month," and the second says, "on the third of it," their testimony holds good, as it is to be supposed that to one was known the intercalation of the last month and to the other it was not. However, if one says "on the third" and the other says "on the fifth of the month," their testimony is ignored. If one says "in the second hour" and the other says "in the third," it holds good; but if one says "in the third" and the other "in the fifth hour of that day," it is ignored. R. Jehudah, however, maintains that it still holds good; but if one says "in the fifth hour" and the other says "in the seventh," even according to R. Jehudah it is ignored, as in the fifth hour the sun is in the east, while in the seventh hour it is already in the west. After one witness was examined they let the second enter and examined him. And if their testimony correspond, the discussion begins with the defence. Should one of the witnesses say, "I have something to say in behalf of the defendant, or one of the disciples, "I have something to say to the disadvantage of the defendant," the court silences him. If, however, one of the disciples says, "I have something to say in his behalf," they take him out of his place, and set him among them, and he remains there the whole day; and if his words are reasonable, he is listened to. Furthermore, if the defendant says, "I have something to say in my behalf," he is to be listened to if there is something in his defence. If the judges find a good reason to acquit him, they do so immediately; and if not, they postpone the trial to the morrow. The judges then go out in pairs, and eat something––not much, but do not drink wine the whole day. They continue their discussion (outside of the court) all night, and on the morrow they come early to the court. He who was among the defenders says: I defended yesterday, and am still of the same opinion. The same is it with the accuser––he has to say: I accused, and am still of the same opinion. The one who has accused may retract from his statement of yesterday, to the advantage of the defendant. This is not allowed to him who has defended. If some of them erred in their statements, the scribes of the judges remind them of it. And again, if the conclusion is to the advantage of the defendant they free him immediately; and if not, they arise to be numbered. If twelve of them acquit and eleven accuse, he is acquitted. But if twelve accuse and eleven acquit, and even if eleven accuse and eleven acquit, but the twenty–third says, "I am in doubt"; even if twenty–two are for acquitting or accusing and one says, "I don't know," judges are to be added. And to what number? Two and two, till the whole number reaches seventy–one. And then if thirty–six acquit and thirty–five condemn, he is acquitted; but if [vice versa], the discussion is prolonged until one of the accusers accepts the opinion of the acquitters.

**Chapitre 6**

**1** If the conclusion was to condemn, the guilty one was taken out immediately to be stoned. The place where he had to be executed was outside of the court, as it reads [[Lev. xxiv. 13]]: "Lead forth the blasphemer." One stood at the gate of the court with a flag in his hand, and one who rode on a horse stood so far distant that he could see the signal of the flag in case there were any. And then if one came before the court, saying, "I have something to say in his defence," the man raised up the flag, and he who was on horseback rushed and stopped the procession; and even if the guilty one himself says, "I have something new to say in my defence," he is to be brought back to the court, even four and five times, provided there is something in it which is worthy of consideration. And then, if the court finds that he is not guilty, he is acquitted, and if not, he is taken back to be stoned. And a herald goes before him, heralding: So and so, the son of so and so, is taken to be stoned, because he committed such and such a crime, and A and B are his witnesses. Every one who knows something in his defence may come and tell it before he is executed.   
**2** When he (the guilty one) was far from the place of execution––a distance of ten ells––he was told to confess, as so is the custom, that all who are to be executed should confess, and they who do so have a share in the world to come. And so do we find with Achan, to whom Joshua said: "My son, give . . . and make confession." And [[ibid., ibid. 20]] Achan answered Jehoshua: "Truly, I have sinned, and thus and thus have I done." And whence do we know that he was atoned after his confession? From [[ibid., ibid. 25]]: "And Joshua said, How hast thou troubled us! So shall the Lord trouble thee this day." [This day]––but not in the world to come. However, if the guilty one does not know how to confess, he is told to say. My death shall atone for all my sins. R. Jehudah said: If he knew that he was innocent of this crime, he might say. My death shall atone for all my sins, except this one. And R. Jehudah was answered.. If it were so, all those who were to be executed would say so, to the end that they should be innocent in the eyes of the people.   
**3** When he came to four ells from the place of execution, he was stripped of his garments. If a male, he was covered in front; and if a female, she was covered on both sides. So said R. Jehudah. The sages, however, say: A male was stoned while naked, but not a female.   
**4** The stoning–place was two heights of a man. One of the witnesses pushed him on his thighs (that he should fall with the back to the surface), but if he fell face down, he had to be turned over. If he died from the effects of the first fall, nothing more was to be done. If not, the second witness took a stone and thrust it against his heart. If he died, nothing more was to be done; but if not, all who were standing by had to throw stones on him. Thus [[Deut. xvii. 7]]: "The hand of the witnesses shall be first upon him, to put him to death, and the hand of all the people at the last."   
**5** All who are stoned are also hanged. So is the decree of R. Eliezer. The sages, however said: Only a blasphemer and an idolater are hanged (but no others). A male is hanged with his face toward the people, and a female with her face toward a tree. So R. Eliezer. The sages, however, say: A male is hanged, but not a female. Said R. Eliezer to them: Did not Simeon b. Shetha hang females in the city of Askalon? And he was answered: He hanged eighty women in one day, and there is a rule that even two must not be sentenced in one day, if the punishment is with the same death. (Hence Simeon's act was only temporary, because of the need of that time, and nothing is to be inferred from it.)   
**6** How was one hanged? The beam was put in the earth, and it was fastened at the top, and he tied the hands of the culprit one upon the other, and hung him up. R. Jose said: The beam was not put in the earth, but the top of it was supported by the wall, and he hung him up as the butchers do, and he took him off immediately. And should he leave him over night, he transgressed a negative commandment, as it reads [[Deut. xxi. 23]]: "Thou shalt not leave his corpse on the tree over night, but thou shalt surely bury him on that day (for he that is hanged) is a dishonor of God," etc. How so? "Why is this man hanged?" "He is a blasphemer." Hence the name of Heaven is violated. [[Said R. Mair: When a man is in trouble, in what language does the Shekinah lament over him? Qalleni meiraushi, qalleni miz'raay. Now, if the Omnipotent grieves over the blood of the wicked which was shed, so much the more about the blood of the upright!]] And not only of him who was executed it was said that he should not remain over night? But even every one who leaves unburied his corpse over night transgresses the negative commandment. However, if he left it over night for the sake of its honor, as for instance to prepare for it a coffin or shroud, he does not transgress. The one executed was not buried in the cemetery of his parents, but two cemeteries were prepared by the court, one for those who were slain with a sword and choked, and one for those who were stoned and burned. After the flesh of the corpse was consumed, the relatives gathered the bones and buried them in their right place. And the relatives came, and greeted in peace the judges, as well as the witnesses, to show they had nothing in their heart against them, as the judgment was just. The relatives also did not lament for him loudly, but mourned in their heart.

**Chapitre 7**

**1** Four kinds of capital punishment are prescribed to the court by the Scriptures; viz., stoning, burning, slaying by the sword, and choking. R. Simeon, however, maintains: Their order is: burning, stoning, choking, and slaying by the sword. The laws of stoning are already explained above (in the preceding chapter).   
**2** The prescribed punishment of burning was thus: The sinner was placed in waste knee–deep. Then, placing a twisted scarf of coarse material within a soft one, they wound it around his neck. One (of the witnesses) pulled one end to ward himself, the other doing the same, until he opened his mouth. Meanwhile the executioner lights (heats) the string, and thrusts it into his mouth, so that it flows down through his inwards and shrinks his entrails. To which R. Jehudah said: Should the culprit die before the string is thrust into his mouth, the law of burning has not been properly executed, and there fore his mouth must be opened forcibly with a pair of pincers. Meanwhile, the string having been lighted, is thrust into his mouth so that it may reach his intestines and shrink his entrails. R. Eliezer b. Zadok, however, said: Once a daughter of a priest, having sinned, was surrounded with fagots and burned. He was answered: The court which so decided was ignorant of the exact law.   
**3** The prescribed punishment of slaying was thus: He was decapitated, as was customary with the Roman government. R. Jehudah, however, maintains: Such a death is repulsive. But they put his head on the (executioner's) block and cut it off with a butcher's hatchet. And he was answered: There is not a more detestable death than this.   
**4** The prescribed punishment of choking was thus: The sinner was placed in waste knee–deep. Then, placing a twisted scarf of coarse material within a soft one, they wound it around his neck. One (of the witnesses) pulled one end toward himself, the other doing the same, until the soul of the culprit departed.   
**5** To the following sinners stoning applies: viz., one who has had connection with his mother, with his father's wife, with his daughter–in–law, with a human male, or with cattle; and the same is the case with a woman who uncovers herself before cattle; with a blasphemer; an idolater, he who sacrifices one of his children to Moloch; one that occupies himself with familiar spirits; a wizard; one who violates the Sabbath; one who curses his father or mother; one who has assaulted a betrothed damsel; a seducer who has seduced men to worship idols, and the one who misleads a whole town; a witch (male or female); a stubborn and rebellious son. One who has had connection with his mother is guilty of transgressing two negative commandments––the negative commandment as to his mother and the negative commandment as to his father's wife. R. Jehudah, however, maintains: He is guilty only for his mother. One who has connection with his stepmother is also guilty in respect to two negative commandments––the commandment of adultery and the separate commandment as to his father's wife. There is no difference if he has done it while his father was still alive or after his death; and there is also no difference if she was only betrothed to his father, or already married. One that commits a crime with his daughter–in–law transgresses also two commandments–adultery and of the separate commandment of his son's wife. And there is also no difference if it was done while his son was still alive or after his death, after her betrothal or after marriage.   
**6** One who had connection with a human male or with an animal, and also a human female who uncovers herself before a male animal, are punished with stoning. And should one say: If man has sinned, what is the fault of the animal? Because a misfortune has happened to a human being through it, therefore says the verse: "It shall be stoned," There is also another explanation; viz., should it happen that people saw the animal passing the street, they would say: On account of it so and so was stoned.   
**7** A blasphemer is not guilty, unless he mentioned the proper name of God (Jehovah). Said R. Jehoshua b. Karha: Through the entire trial the witnesses are examined pseudonymously––[i.e.] (the blasphemer said): "Jose shall be beaten by Jose." (Rashi explains that the name Jose was selected because it contains four letters, as does the proper name of the Lord.) When the examination was ended, the culprit was not executed on the testimony under the pseudonym; but all are told to leave the room except the witnesses, and the oldest of them is instructed: "Tell what you heard exactly." And he does so. The judges then arise, and rend their garments, and they are not to be mended. The second witness then says: I heard exactly the same as he told. And so also says the third witness.   
**8** He is considered an idolater who worships it with its proper worship; and even if he only sacrifices, smokes incense, or pours wine. He is also so considered if he bows himself to it, or accepts it as a god, even without any other act. And also if he only says: Thou art my god. However, he who arms, kisses, wipes the dirt, sprinkles water, washes, anoints, dresses, or shoes it, transgresses a negative commandment [[Ex. xx. 5]]. He who vows or determines in its name transgresses also a negative commandment [[ibid. xxiii. 13]]. He who uncovers himself before Baal Peor, and commits a nuisance (is guilty, for) this is the mode of worshipping him; also, he who casts a stone on a [merculis] ([hermæon])––that is the way of worshipping it (and he is guilty).   
**9** If one gives one of his children to Molech, he is not guilty unless he had transferred him to the servants of Molech and let him pass through the fire. If, however, he had transferred and not passed through the fire, or [vice versa], he is not guilty.   
**10** Baal ob (mentioned in the Scripture) is the python that makes the dead speak from his armpit, and Yidoui means one that makes the dead speak from his mouth. These two are to be stoned; and he who queries from them is warned [[Lev. xix. 31]].   
**11** He who violates the Sabbath with such a labor as is liable to korath if done intentionally, and to a sin offering if unintentionally.   
**12** He who curses his father or mother is not punished with a capital punishment, unless he curse them by the proper Name of God. If he has done so with a pseudonym, according to R. Mair he is guilty, and according to the sages he is not.   
**13** He who sins with a betrothed damsel is not guilty to be stoned unless she was a maiden betrothed and still in her father's house. Should it happen that two had sinned with her, the first is to be stoned and the second choked.   
**14** A seducer means one who is himself a commoner and seduces a commoner––[e.g.], he says: There is an idol in such and such a place which so and so eats, so and so drinks, and so and so does good, and so does harm. Concerning all who are liable to capital punishment biblically, it is not allowed to hide witnesses except in this case: If, [e.g.], he said the above to two persons, they are his witnesses––they bring him up to the court, and they themselves stone him. If, however, he said it only to one, he may say: I have some colleagues who will also follow your , if you will say the same to them. But if he is shrewd, and does not want to talk in the presence of two persons, they may hide witnesses behind a fence, and he may say to him: Repeat to me what you said at first. And if he repeats, he may say to him: How can we leave our Heavenly Father and go to worship idols of stone and wood? If he retracts––well and good. If, however, he answers: This will be good for us and also is our duty, the witnesses who are hidden behind the fence may bring him to court and stone him. A seducer is considered he who says: I will worship; I will go and worship; Let us go and worship; I will sacrifice to such and such an idol; or, Let us go and sacrifice; I will smoke incense before it; I will go and smoke; Let us go and smoke; I will pour wine before it; I will go and pour; Let us go and pour; I will bow myself; I will go and bow; Let us go and bow.   
**15** By a misleader is meant one who says: Let us go and worship idols. A conjurer is liable to be stoned only when he did an act, but not if he dazzled the eyes. R. Aqiba said in the name of R. Jehoshua: As, for instance, if there are two who gather cucumbers from a field by enchantment––one of them is liable to a capital punishment and one of them is entirely free. If one has really gathered all of them to one place by witchcraft, he is to be stoned; and the other, who did so only by dazzling the eyes, but in reality the cucumbers remained in their place, is entirely free.

**Chapitre 8**

**1** A Stubborn and rebellious son––at what age may he be considered such? From the time he brings forth two hairs till they encompass the face: it does not mean the chin, but the bottom (pubes); but the sages used to speak with delicacy. It reads [[Deut. xxi. 18]]: "If a man have a stubborn and rebellious son," etc. A son, and not a daughter; a son, but not a mature man. However, a minor is free from such a charge, as the commandment's obligation does not as yet rest upon him.   
**2** When does such become guilty? When he consumes of meat and drinks half a lug of Italian wine. R. Jose, however, maintains: Meat not less than a manna, and wine not less than a whole lug. If, however, he ate at a banquet of a meritorious society, or at the intercalation of a month, or at second tithe in Jerusalem; or he ate carcasses, illegal meat, or reptiles, and second tithe and consecrated things which were not redeemed, or mixed grain of first tithe from which the heave–offering was not separated. There is a rule: If he ate a thing which is meritorious, or, on the contrary, a thing which is a transgression––if he consumes any kind of food but not meat, any kind of beverages but not wine––he cannot be condemned as a stubborn and rebellious son, unless he eats meat and drinks wine. As it reads [[Deut. xxi. 20]]: "He is a glutton and a drunkard." And although there is no direct support in the Scripture that gluttony means meat, and drunkenness, means wine, a hint of this is to be found in [[Prov. xxiii. 20]]: "Be not among those that drink wine, among those that overindulge in eating meat."   
**3** If he has stolen from his father and consumed on [his] premises, or he has stolen from strangers and has consumed on the premises of still other strangers, or he has stolen from strangers and consumed on the premises of his father, he is not charged as a stubborn and rebellious son unless he stole from his father and consumed on the premises of strangers. R. Jose b. Jehudah maintains: Unless he stole from his [mother] and father.   
**4** If the father is willing to transfer the case of the son in question to the court and the mother is not willing, or [vice versa], he cannot be accused as a stubborn and rebellious son, unless both arc willing to do so. Furthermore, R. Jehudah says: If his mother was not fit to be the wife of his father, their son cannot be charged as a stubborn and rebellious son.   
**5** If one hand of his father or mother is missing, or they limp, or are dumb, blind, or mute, he cannot be condemned as a stubborn son. As it reads [[Deut. xxi. 19]]: "Then shall his father and his mother lay hold on him"––which cannot be done with one hand. "And bring him out." This cannot be when they limp."––And they shall say"––not when they are mutes. "This our son"––not when they are blind. "He will not hearken"––not when they are dumb. They must first warn him in the presence of two witnesses and then bring him to the court of three judges, who punish him with stripes. And only then when he offends again must he be tried before twenty–three judges, but must not be stoned unless the first three judges are among the twenty–three. As it reads: "This our son"––which means, this is our son who was beaten according to [your] decision.   
**6** If he run away before the decision of condemnation is rendered and the encompassing (mentioned in the first Mishna) occurred afterwards, he is free. But if he runs away after the decision was rendered, the encompassing which occurs afterwards does not free him.   
**7** A stubborn and rebellious son is tried because of his future. The Scripture prefers that he should die innocent, and not be put to death because of his sins. For the death of the wicked is both a benefit to them and a benefit to the world, while to the upright it is a misfortune for them and for the world. Drinking and sleeping are a benefit to the wicked and to the world, while they are so doing (do they not do harm to the world), and the reverse is it with the upright (because when they are drinking or sleeping they cannot do any good). Separation of the wicked is also a benefit for themselves and for the world; the reverse, however, is the case with the upright. The assembling of the wicked is a misfortune for them as well as for the world, while as to the upright it is a benefit for themselves and for the world. The idleness of the wicked is a misfortune for them and for the world (because in the time of their idleness they will conspire to do harm, but the repose of the upright is a benefit for them as well as for the world).   
**8** In the case of "breaking in" [[Ex. xii. i]], for which there is no liability if one is killed by a detector, one is also punished because of his future crimes ([i.e.], because of his intention to kill his opponent, although no crime involving capital punishment was as yet committed). And therefore, if he broke a barrel while breaking in, if according to the laws he must not be killed when caught ([e.g.], a father who breaks into the premises of his son, who could not have intended to kill his son if he made opposition, and therefore if his son kills him he is liable to capital punishment, he must pay for damaging the barrel. But with respect to other persons who, if killed by the detector, would not be punished, he is free.   
**9** The following may be killed for self–protection: He who pursues one to kill him, and he who pursues a betrothed damsel, or pursues a male person to lie with him; but he who pursues an animal for this purpose, or he who intends to commit idolatry or to violate the Sabbath, must not be killed before the crime is committed.

**Chapitre 9**

**1** To the following the punishment of burning applies: To one who has intercourse with a woman and her daughter, and to a daughter of a priest who has sinned. Under the general rule of a woman and her daughter comes his own daughter, the granddaughters of his daughter and son, the daughter of his wife, her granddaughters of her daughter and her son, his mother–in–law, and the mother of his mother and father–in–law.   
**2** To the following, punishment with the sword applies: To a murderer and the men of a misled town. A murderer who strikes his neighbor with a stone or with an iron so that he dies; if one pressed down a person while he is in water or in fire, preventing him from coming out, until he dies––he is guilty. If, however, he pushes him into water or into fire and he was able to come out, but nevertheless dies without being prevented by him who pushed him, he is not guilty of a capital crime. If he sets a dog or a serpent upon him, he is not guilty of a capital crime. If, however, he applies the snake to his body with his hand, and it bites him to death, R. Jehudah makes him guilty of a capital crime, and the sages free him.   
**3** If one strikes a person with a stone or with his fists, and he was diagnosed (by the physicians of the court) to die, and thereafter he improved, and was diagnosed to live, and then again becomes worse and dies, he is guilty of a capital crime. R. Nehemiah, however, maintains that he is free, because it is reasonable to say that he did not die directly from the blow, but from some other cause.   
**4** To the following, capital punishment does not apply: To one who intended to kill an animal and killed a man, an idolator and killed an Isrælite, a miscarried child and killed a mature one. The same is the case with one who intended to strike another on the loins with an article which was not sufficient to cause death, but the blow was made on his heart, for which it was sufficient, and he dies; or if he intended to strike him on the heart with an article which was sufficient to cause death if striking same, but he struck the loins and the man dies, although it was not sufficient to cause death if struck on the heart or even if he intended to strike an adult with an article which was not sufficient for such, but it happened that he struck a minor and he dies, as for a minor it was sufficient; or, on the contrary, if be intended to strike a minor with an article which was sufficient for such, but not for an adult, and it happened that he struck with it an adult and he nevertheless dies. To the following, however, capital punishment does apply: To one who intended to strike a person on the loins with an article which was sufficient for this purpose, and he strikes him to death on his heart, or if he intended to strike an adult with an article which was sufficient to cause his death, but it happens that he strikes to death a minor with it. R. Simeon, however, maintains: Capital punishment does not apply even to him who intended to kill a certain person, and it happened that he killed another.   
**5** A murderer mixed up among others––all of them are free. R. Jehudah maintains: All of them must be taken to ; (a life–long prison, to be done with as explained farther on). If it happen that the persons sentenced to deaths of different kinds, and are so mixed that it is not known who comes under this kind of death and who under another, all of them must be executed with the more lenient death, [e.g.], if those who are to be stoned are mixed up among those who are to be burned, according to the sages all of them must be executed by burning, as stoning is more rigorous; and according to R. Simeon all of them are to be executed by stoning, as burning is more rigorous. Said R. Simeon to the sages: Were burning not more rigorous, it would not apply to a daughter of a priest who had sinned. Answered the sages: Were stoning not more rigorous, it would not apply to a blasphemer and an idolater. If they who are to be slain by the sword are mixed among those who are to be choked, according to R. Simeon they must be decapitated, and according to the sages, they must be choked.   
**6** If one committed a crime which deserves two kinds of death ([e.g.], one who has intercourse with his mother–in–law who is married, commits two crimes––with a married woman, to which choking applies, and with his mother–in–law, to which burning applies), he must be tried for the more rigorous one. R. Jose, however, maintains: According to that act, he began first. (Illustrations in the Gemara.)   
**7** He who receives stripes, and relaxes into the same crime, and is punished again and does not repent, the court takes him to the kyphos, and feeds him with barley until his abdomen bursts.   
**8** He who kills a person, not in the presence of witnesses, is taken to the kyphos and is fed on scant bread and water.   
**9** If one steals a kisvah, or one curses his neighbor, Invoking God as "a carver," or one has intercourse with a female heathen, zealous people (like Pinehas) have a right to strike him when caught in the act. If a priest performed the service in the Temple while he was unclean, his fellow–priests would not bring him to the court, but the youths would take him out of the sanctuary and split his head. If a common Isrælite served in the Temple, according to R. Aqiba, he was choked by the court, and according to the sages he would come to his death by Heaven.

**Chapitre 10**

**1** To the following, choking applies: To him who strikes his father or mother, to him who steals a living soul of Isræl, to a judge rebelling against the Great Sanhedrin, to a false prophet, to him who prophesies in the name of an idol, to the paramour of a married woman, and to the collusive witnesses of the married daughter of a priest who has sinned, and to her abuser.   
**2** A son is not guilty of a capital crime unless he wounds his father by striking him. Cursing is in one respect more rigorous than striking, as for the latter one is guilty when done to his living father only, and for the former he is guilty even if he did it after his father's death.   
**3** If one steals a person, he is not guilty of a capital crime, unless he brings him upon his own premises. R. Jehudah, however, said: One is not guilty for only bringing him upon his premises, but after he used him for work. As it reads [[Deut. xxiv. 7]]: "And he treateth him as a slave." If one steals his own son and sells him, R. Ismæl, the son of R. Johanan b. Beroka, makes him guilty; the sages, however, free him. If one steals a person who is half free and half slave, [i.e.], a slave of two owners, one of whom has freed him, R Jehudah makes him guilty, and the sages free him.   
**4** A judge rebelling against the Great Sanhedrin (to whom, as stated in the first Mishna of this chapter, choking applies) is commanded in the Scripture as in Deut. xvii. 8–13. There were in Jerusalem (at the time of the Temple) three courts: one was situated at the gate of the Temple Mount (this was the east gate, inside of the surrounding wall, preceding the women's court); and another was situated after the women's court, but preceding the court of the common Isrælites; and the third one was situated in the Temple treasury for congregational sacrifices. And in case a judge in the country had a dispute about the law with his colleagues, as to which the Scripture commands to bring their case before the court in Jerusalem, they came to the first court, situated at the above–mentioned gate. And the judge in question related his case before the court: I have lectured thus and thus, and my colleagues have lectured otherwise––thus and thus. I have taught in accordance with my lecture so and so, and my colleagues so and so. And if this court were able to decide it traditionally, they rendered their decision; and if not, they came before the other court, explaining the same again. If this court were able to decide it traditionally, they rendered their decision; and if not, all of them came to the Great Sanhedrin, which was in the Temple treasury, from which the law proceeds to all Isræl, wherever found. As it reads [[ibid., ibid. 10]]: "From that place which the Lord will choose, and thou shalt observe to do according to all that may instruct thee." Then if the judge returns to his own city and continues his lectures as before, he is not culpable. If, however, he gives his decision for practice, he is subject to capital punishment. As it reads [[ibid., ibid. 12]]: "And the man that will act presumptuously," etc., which means that he is not culpable unless he decides for practice. A disciple who is not a judge, who decides for practice against the decision of the Great Sanhedrin, is not culpable. Hence the rigorousness which lies upon him, not to give his decision in any law (until he shall be forty years of age), becomes lenient concerning the punishment.   
**5** The punishment of him who transgresses the decision of the scribes is more rigorous than for that which is plainly written in the Scriptures, [e.g.], if one says, "I do not see any commandment in the Torah about tephyilin (phylacteries)," with the intention of transgressing that which is written concerning them ([i.e.], giving another interpretation to Deut. vi. 8, etc.), he is free. However, if he (the rebelling judge) should decide that the phylacteries must contain five Totaphoth (portions), instead of the four enacted by the scribes, he is guilty.   
**6** (The judge in question) was not put to death by the court of his own city, and also not by the court of the great Sanhedrin which was established temporarily in the city of Jamnia, but was brought to the supreme council in Jerusalem, kept in prison until the feast days, and executed on one of the feast days. As it reads [[Deut. xvii. 13]]: "And all the people shall hear and be afraid." So R. Aqiba. R. Jehudah, however, maintains that he must not be tortured by postponing the execution, but must be put to death immediately after being sentenced; and messengers were sent out to all the inhabitants of Isræl that the judge so and so was sentenced and executed by the court for such and such a crime.   
**7** A false prophet who is to be sentenced by the court is only he who prophesies what he ([personally]) has not heard and what he was not told at all. However, he who does not proclaim what he was told to do, or did not listen to another prophet, or he who acted against what he himself was instructed by Heaven, his death depends upon Heaven. As it reads [[ibid. xviii. 19]]: "I will require it from him." He who prophesied in the name of an idol, saying, "So and so was said by such and such an idol," although it corresponds exactly with the Hebrew law, he is punished by choking. The same was the case with him who had intercourse with a married woman, as soon as she comes under the control of her husband, even before she has had intercourse with him. The same punishment applies to the collusive witnesses of the married daughter of a priest, and also to her abuser, there is a difference between this case and all other cases of collusive witnesses, who are to be punished with the same death which would apply to the accused if it were true; and also between the adulterer in this case and other adulterers to whom the death of those abused applies.

**Chapitre 11**

**1** All Isræl has a share in the world to come. As it reads [[Is. IX. 21]]: "And thy people–they will all be righteous, for ever shall they possess the land, the sprout of my planting, the work of my hands, that I may glorify myself." The following have no share in the world to come: He who says that there is no allusion in the Torah concerning resurrection, and he who says that the Torah was not given by Heaven, and a follower of Epicurus R. Aqiba added, him who reads books of the Hizunim and him who mumbles over a wound, reciting the verse [[Ex. xv. 26]]: "I will put none of those diseases upon thee, which I have brought upon the Egyptians; for I the Lord am thy physician." Abba Shaul said: Also he who speaks out the Holy Name with its vocals. Three kings and four commoners have no share in the world to come. The three kings are Jeroboam, Achab, and Menasseh. R. Jehudah, however, said: Menasseh has a share in the world to come. As it reads [[II. Chron. xxxiii. 13]]: "And he prayed unto him and he permitted himself to be entreated by him, and heard his supplication and brought him back to Jerusalem unto his kingdom." And he was answered: He was returned to his kingdom, but not to the world to come. The four commoners are Bileam, Doeg, Achitopel, and Gechazi.   
**2** The generation of the flood have no share in the world to come, and are also not judged, as it reads [[Gen. vi. 3]]: "[Lau jodun ruchiy bheodom]," literally "My spirit shall not judge in man"––no judgment and no spirit. The generation of dispersion (cf. to ibid., chap. 11) have also no share in the world to come, as it reads [[ibid. 8]]: "And the Lord scattered them abroad"; and it reads also (9): "From there the Lord scattered them"––"scattered them" in this world, and "from there the Lord scattered them"––in the world to come. The men of Sodom have also no share in the world to come, as it reads [[ibid., ibid. 13]]: "For the men of Sodom were wicked, and sinners before the Lord exceedingly"––"wicked" in this world, and "sinners" in the world to come. However, they are standing for judgment. R. Nehemiah said: Both of the following are not standing for judgment, as it reads [[Ps. i. 5]]: "Therefore shall the wicked not be able to stand in the judgment"––the generation of the flood. And "sinners in the congregation of the upright"––men of Sodom. But he was told by the sages: The latter do not stand up among the congregation of the upright, but they stand among the congregation of the wicked. The spies have no share in the world to come, as it reads [[Num. xiv. 37]]: "Died by the plague before the Lord." "Died"––in this world, "plague"––in the world to come. The generation of the desert has no share in the world to come, as it reads [[ibid., ibid. 35]]: "In this wilderness shall they be spent"––in this world, and therein shall they die"––in the world to come. So R. Aqiba. R. Eliezar, however, maintains: To them is written [[Ps. i. 5]]: "Gather together unto me my pious servants, who make a covenant with me by sacrifice." The congregation of Korah will not be restored at the time of resurrection, as it reads [[Num. xvi. 33]]: "And the earth closed over them"––in this world, and "they disappeared from the midst of the congregation"––in the world to come. So R. Aqiba. R. Eliezar, however, maintains: To them it reads [[I Sam. ii. 6]]: "The Lord killeth and maketh alive: he bringeth down to the grave, and bringeth up."   
**3** The ten tribes who were exiled will not be returned, as it reads [[Deut. xxix. 27]]: "And he cast them into another land, as this day." As that day will not return, so will they not return. So R. Aqiba. R. Eliezar said: As this day means as usually a day becomes clouded and thereafter lights up again, so the ten tribes, who are now in darkness, the future will lighten upon them.   
**4** The men of a misled town have no share in the world to come, as it reads [[Deut. xiii. 14]]: "There have gone forth men, Belial, from the midst of thee, and have misled the inhabitants of their city." However, they are not killed, unless the misleaders are from the same city and from the same tribe And also not unless the majority are misled. And the misleaders also must be men; if, however, they were misled by women or minors, or a majority of the city were misled, or the misleaders were outsiders, they are to be considered as individuals, and each of them must have two witnesses and be forewarned. There is more rigorousness with individuals than with the majority in that respect, that individuals are to be stoned, therefore their property is saved for their heirs. And the majority are to be decapitated, therefore their property is also lost, as it reads [[ibid., ibid. 16]]: "Then shalt thou smite the inhabitants of that city with the edge of the sword." A caravan with asses or camels, who are travelling from one place to another, who took their rest in a city which was guilty of idolatry, and the caravan while being there was persuaded and worshipped idols, and counting them to those people of the city who were misled, it will be a majority they save the money of the innocent inhabitants of the city, for the guilty ones are still considered individuals, as the caravan is not counted to complete a majority, as it reads, "Devoting it utterly, and all that is therein, and the cattle thereof, to the edge of the sword" (but not of strangers passing by). From this it was also said that the properties which are found in the city belonging to the innocent individuals are also lost in case the majority were misled, but their properties which are placed outside of the city are saved, while by the property of guilty there is no difference wheresoever it is found it must be destroyed, as it reads [[17]]: "And all its spoils shalt thou gather into the midst of its main street," etc. If it happened that the city had no main street, such must be established. If there was one outside of the city, it must be taken in, as it reads, "Thou shalt burn with fire the city, and all its spoil entirely." "Its spoil," but not the spoil belonging to Heaven. From this it was said that if there were some goods belonging to the sanctuary, they are to be redeemed. If there was heave–offering, it must remain till it becomes rotten. Second tithe and books of the Holy Writ must be hidden. "Entirely unto the Lord thy God." Said R. Simeon: The Holy One, blessed be He, said: If ye will take judgment on a misled town, I will consider it as if ye would bring to me a burnt–offering. "A ruinous heap forever" means that from that place gardens and vineyards should not be made. So R. Jose the Galilean. R. Aqiba, however, maintains: It reads: "It shall not be built again," means it shall not be built as it was, but gardens and vineyards may be made from it. "There shall not cleave to thy hand aught of the devoted things," for as long as the wicked exist the heavenly anger lasts. And when the wicked perish the heavenly anger ceases.

**Makkot**

**Chapitre 1**

**1** How should witnesses be made collusive (so that they should be punished)? If, [e.g.], they testify that so and so (who is a priest) is a son of a divorced woman (whom his father had illegally married, wherefore he lost his priesthood), the court has not to decide that the witness who has falsely testified shall be regarded such (and shall lose his priesthood if he is a priest), but he should be punished with forty stripes; likewise if one testifies that so and so is to be exiled for an unintentional murder, the court has not to decide that he, the witness, be exiled for false witnessing, but he is punished with forty stripes.   
**2** We testify that so and so has divorced his wife and has not paid the amount mentioned in her marriage contract (and that testimony was false). Although they have not done any damage, as the husband has to pay the marriage contract at some time, they are nevertheless not free from the following payment––namely, it is to be appraised how much one would risk for her marriage contract in case she should remain a widow or be divorced. However, if she died while her husband is still alive, he would inherit her (and such an amount they have to pay).   
**3** We testify that so and so owes to his neighbor a thousand zuz on the condition to pay him this debt after thirty days from to–day. He, however, claims that he has to pay the amount at the expiration of ten years: and such was found to be the case. It remains, then, to appraise how much one would give for keeping a thousand zuz ten years instead of thirty days, and such an amount they have to pay.   
**4** We testify that so and so owes 200 zuz to his neighbor, and they were found collusive; they have to suffer both stripes and payment, because the negative commandment for the trespass of which they have to receive stripes does not, make them pay. And only another verse concerning collusiveness makes them to pay. Such is the decree of R. Mair. The sages, however, maintain that he who pays is not to be punished with stripes. If they testify that so and so has deserved forty stripes, and are found collusive, they are to be punished with twice forty stripes, once on the basis of the negative commandment: "Thou shalt not bear false witness," and, secondly, on that of the commandment: "Shall ye do unto him as he had purposed to do unto his brother"; such is the decree of R. Mair. The sages, however, say: they suffer stripes only once.   
**5** The fine of money may be divided into two or three shares; however, this is not to be done with stripes. How so? If they have falsely testified that one owes to his neighbor 200 zuz, and they were two or three persons, each of them has to pay his share to complete that amount. But if they have falsely testified that one deserves forty stripes, each of them is to get forty stripes in full.   
**6** Witnesses cannot be made collusive unless the falsehood lies in their bodies; how so? If, [e.g.], they testify that so and so has killed a person and another party of witnesses came to contradict them, saying: How can you testify so? The killed one or the alleged murderer was with us at that date in such and such a place. They are, nevertheless, not considered collusive (so that they should be killed instead); but if the other party say you yourself were with us at that date in such a place, consequently you could see neither the murderer nor the killed one, then they are considered collusive and are to be killed upon such a testimony. If, thereafter, a third party of witnesses came and made collusive the second party, and a fourth party made collusive the third party, even if the number reach to 100 parties they all are to be killed. R. Jehuda, however, maintains that such parties of witnesses are to be considered , and only the first party is to be killed.   
**7** Collusive witnesses are not to be killed unless the sentence of capital punishment for the defendant is rendered. As only the Saducier declare that the collusive witnesses are put to death after the defendant was executed. Because it reads [[Ex. xxi. 23]]: "Life for life," to which the sages answered: Is it not written: "It shall be done to him as he had purposed to do unto his brother"? which means that his brother is still alive. Why, then, is it written "Life for life"? Lest one say that they should be executed as soon as their testimony was accepted, therefore it reads, "Life for life," to teach that they are to be put to death only, then, when the death sentence for the defendant was already rendered.   
**8** It reads [[Deut. xvii. 6]]: "Upon the evidence of two or of three witnesses, shall he that is worthy of death," etc. If the evidence of two persons is sufficient, why does the Scripture mention three? To compare the evidence of three to that of two in the case of collusiveness, as another party of two, make the first party of two collusive, so they make them collusive even if the first is of three. And whence do we know that, even if they were a hundred persons, the evidence of two persons is sufficient? To this it reads: "Witnesses." R. Simeon, however, maintains that as two cannot be put to death, unless both of them are found collusive, so is it if they were three, all of them must be found collusive. And even if their number reaches a hundred, all of them must be found collusive before sentencing one of them to death. R. Aqiba, however, maintains that the third witness mentioned in the Scripture was not for the purpose to make for him the punishment more lenient, but, on the contrary, to make it more rigorous––viz., lest one say as the testimony of the third one was superfluous, because the evidence of two suffices, and, therefore, he should not be punished at all. The Scripture terms the third one in order to make him equal with the former two. From this we see that the verse punishes one, an accomplice who conjoins himself to transgressors, with the same punishment to be inflicted upon the transgressors themselves. And we may learn from this: That so much the more will he who conjoins himself to those who are engaged in meritorious acts, be rewarded equally with them. Three witnesses are also equal to two in case one of them was found a relative or legally unfit for witnessing, as it is in the case of two when the testimony is invalidated, so it is in the case when one of the three was found such. And the same law applies even when their number reaches a hundred, from the expression "Witnesses." Said R. Jose: This is said concerning criminal cases only, but in civil cases, if one was found a relative or unfit, the evidence of the remainder is to be taken into consideration. Rabh, however, said, that as regards this there is no difference between civil and criminal cases. However, this rule holds good only when the relatives took part in warning the trespasser; but if they did not, the evidence of the others must be taken into consideration, since, if not, what could two brothers do when both saw that some one has killed a person (and there were also some other ones who have seen the murder, should then the testimony of the others be eliminated as void because there were also two brothers)?   
**9** If two persons have seen the crime from one window and two others have seen it from another window, and there was one standing in the middle and warning the criminal, if the two parties could see each other, all of them are considered as one party of witnesses. But if not, they are considered two parties. And therefore if one of the parties was found collusive, he (the accused) and they (the collusive) are put to death, and the other party is free. R. Jose, however, maintains that there is no capital punishment unless two witnesses have warned this culprit, as it reads: "Upon the mouth of two witnesses." Another explanation of the words upon the mouth is that the Sanhedrin must not hear the evidence from a demonstrator (but they themselves must understand the language of the witness).   
**10** If, after the decision had been rendered the guilty one ran away, and thereafter he returned to the same court, his case must not be reconsidered. Everywhere, if two persons standing at any place testify that a decision was rendered for so and so by such and such a court, according to the testimony of the witnesses, so and so, the accused may be put to death upon their testimony. The court of Sanhedrin is to be established in Palestine as well as in the countries outside of it. The Sanhedrin who executes a person once in seven years, is considered pernicious. R. Eliezar b. Azariach said: Even one who does so once in seventy years is considered such. Both R. Tarphon and R. Aqiba said: If we were among the Sanhedrin, a death sentence would never occur. To which R. Simeon b. Gamaliel said: Such scholars would only increase bloodshed in Isræl.

**Chapitre 2**

**1** The following are exiled: He who kills a person unintentionally. If, [e.g.], one fixes his roof with a machine and the latter falls from his hand and kills a man, or if he takes off a barrel from the roof and it falls from his hand and kills, or if he himself falls from the ladder while descending and kills, he is to be exiled. However, if, while carrying the machine up to the roof, or pulling a barrel on a rope up to the roof, the rope breaks and the barrel falls and kills, or if he himself, while ascending to the roof, falls and kills, there is no exile. As there is a rule that for killing while descending, he is exiled, but not while ascending.   
**2** If the iron of a hatchet slipped off and killed, according to Rabbi he is not to be exiled, and according to the sages he is. The same differ also as regards the case where a piece of wood split off from the felled tree and kills; according to Rabbi he is, and according to the sages he is not exiled.   
**3** If one throws a stone in a public ground and it kills, he is to be exiled. R. Eliezer b. Jacob, however, maintains: If after the stone had been thrown one bent his head and received it, the thrower is free. If one throws a stone in his yard and kills a person, he is guilty if the killed one had a right to enter it, otherwise he is not. Because concerning this case a forest is mentioned in the Scripture, that the place of injuring should be similar to a forest into which every one is allowed to enter; excluding a private yard into which every one is not permitted to enter. Aba Shaul said: As the hewing of wood (mentioned in the Scripture in this case) is a private thing, so also the punishment of exile attaches but to a private act; excluding, [e.g.], a father who struck his son, or a teacher his pupil, or the messenger of the court who was on duty.   
**4** A father is exiled if the accident happened to his son, and [vice versa]. All kinds of human beings are exiled when they killed by accident an Isrælite; and same is exiled if he killed one of them accidentally, except a proselyte (who accepted upon himself only the seven commandments which were given to the descendants of Noah) who is to be exiled only, then, when he killed accidentally a proselyte like himself.   
**5** Exile does not apply to a blind one. So says R. Jehuda. R. Meyer maintains that it does. An enemy is not exiled (as such a punishment does not suffice). R. Simeon, however, maintains: An enemy is to be put to death, for he is considered vicious. To which R. Simeon said: "It depends upon circumstances; sometimes such is exiled, and at other times he is not. For this is the rule: If there is a possibility to think that he killed intentionally, exile is not sufficient; but if such is not the case, he is exiled."   
**6** Whither are they to be exiled? To the cities of refuge, three of which are situated on the other side of the Jordan and three in the land of Cana'an. As [[Numb. xxxv. 14]]: "Three of these cities shall ye give on this side of the Jordan, and the three other cities shall ye give in the land of Cana'an." However, until the latter three were selected, those on this side of the Jordan have not protected as yet; as it reads [[ibid., ibid. 13]]: "six cities of refuge," which means none of them protects unless all the six are selected. They were also obliged to prepare roads from one city to the other; as it reads [[Deut. xix. 3]]: "Thou shalt put in order for thyself the (way to them), and divide into three." Two scholars are to accompany the exile on the road to protect him, so that he shall not be killed by the relatives of the deceased, and they are to reconcile them. R. Meyer, however, said: He himself has to reconcile them, as it reads [[ibid., ibid. 4]]: "And this is the talk of man–slayer." R. Jose b. Jehuda, however, said: Formerly all murderers, accidental as well as intentional, used to flee to the cities of refuge; the court then sends after them and tries them. He who was found guilty was executed, otherwise he was freed; and him who was to be exiled they returned to the city of which he was taken; as it reads [[Numb. xxxv. 25]]: "The congregation shall restore him to the city of his refuge."   
**7** There is no difference between the high–priests who were anointed with the holy oil (in the first Temple) and those who were sanctified by the holy dress (in the second Temple), and even him who has temporarily substituted the high–priest in case of sickness––they all release the murderer by their death. R. Jehudah said: Even the priest who was anointed for the war only. Therefore the mothers of the priests used to support the murderers with food and clothes that they shall not pray death to their sons.   
**8** If after the decision had been rendered the high–priest dies, he is not exiled. If, however, the priest dies before it was rendered and another priest was appointed and the decision was then rendered, he returns on the death of the second one. If, however, his decision was rendered while a high–priest did not exist, or he was to be exiled, because be killed a high–priest, or a high–priest who himself killed accidentally, he never returns from his exile. The murderer is never to go out from his place of exile even if he was a witness to a meritorious or to a civil, or even to a criminal case. And even if Isræl needs him and should he be a captain in Isræl, like Johab b. Zeruiah, he must not go out all his life; as it reads [[ibid., ibid. 25]]: "To the city of his refuge, whither he had fled," which means there shall be his dwelling, there shall be his death, there his burial. As the city itself protects, so does its limit; therefore, if it happens that a murderer goes outside of the limit and the relatives of the deceased meet him, according to R. Jose, the Galilean, it is a meritorious act for the relatives to kill him; and if a stranger kills him he is not responsible. R. Aqiba, however, maintains that a relative is not responsible, but it is not meritorious; while a stranger is responsible for his death.   
**9** A tree placed in the limit, but its branches extending outside of it or [vice versa], in any case the inclination of the branch must be considered.   
**10** If one killed accidentally in the city of refuge, he is to be exiled from one neighborhood to another; and if such happen to a Levite, he is to be exiled from one city to another.   
**11** Similarly, if a murderer was exiled to the city of refuge and the townsmen like to honor him, he has to say to them: "I am a murderer"; and if they say it does no–t matter, he may accept. The exiled have to pay to the Levites rent for their dwellings. So R. Jehudah. R. Mair, however, said: They have not. If, after the high–priest's death, he returns to his city, he is returned to that office which he occupied before ([e.g.], head of a college), according to R. Mair. R. Jehudah, however, maintains: He must not occupy the same.

**Chapitre 3**

**1** To the following stripes apply: He who had intercourse with his own sister, with his sister of his father or his mother, or the sister of his wife, with the wife of his brother or his father's brother, or with a woman while menstruating. (To each of these crimes Korath––shortened life––applies, and according to this Mishna the human court has a right to punish them also with stripes.) The same is the case if a high–priest marries a widow; a common priest––a divorced or her who performed the ceremony of Halitzah; an Isrælite––a bastard or a descendant of the Gibeonites; and the same is, if a daughter of an Isrælite marries the just–mentioned persons. If a high–priest marries a widow who was previously divorced, he is to be beaten twice, because of two names ("widow" and "divorced"); if, however, a common priest marries a widow who has previously performed the ceremony of Halitzah, he is liable only for the violation of one negative. A high–priest who was unclean and partook of things belonging to the sanctuary or entered the sanctuary while unclean; and he who consumed illegal fat, blood, or meat left overnight from the sacrifice, or [piggul], or unclean meat, and also of such which was slaughtered and brought outside of the Temple; he who ate leaven on Passover, ate or labored on the Day of Atonement; who compounded oil similar to that of the Temple, or compounded the frankincense of the Temple, or anointed himself with the oil used in the Temple; who ate carcasses or animals preyed by beasts, or reptiles––to all of them stripes apply. It applies also to him who partook of mixture, of first tithe of which the heave–offering was not separated as yet, of second tithe and eatables belonging to the sanctuary which were not redeemed yet. How much has one to partake of the mixture to make him liable? According to R. Simeon, whatsoever; while to the rabbis, not less than the size of an olive. Said R. Simeon to the sages: Do you not admit that if one consumed an ant––minute as it is––he is culpable? And he was answered: Because it is a creature in itself. Rejoined he: One grain of wheat is also complete as to its creation.   
**2** Stripes also apply to the following: To him who partook of the first fruit before the ceremony of reading was performed; of the sacrifices under the category of the most holy outside of the curtains, and of those under the category of a minor grade or of second tithe outside of the surrounding wall; and also to him who breaks a bone in the Paschal Lamb if it was a clean one. However, if he left from a fit one, or broke a bone of an unfit one, stripes do not apply. To him who takes a mother–bird with her children from her coop according to R. Jehudah stripes apply, but he is not obliged to send the mother away, and according to the sages he must send her away and stripes do not apply, according to the rule: If a positive succeeds a negative, no stripes apply.   
**3** He who makes a baldness in the hair of his head, or rounds it; he who destroys the corners of his beard, or makes incisions in his flesh for his dead, is liable. There is no difference whether he made one incision for five dead bodies or five incisions for one dead body, as in either case he is liable for five negatives. For rounding his hair he is also liable for two (one for one corner on one side, and another for the other corner on the other side; and for his beard five, for there are five corners. R. Eliezer, however, maintains that if he took off the whole beard at one time he is culpable only for one. The culpability arises only, then, when he took it off with a razor. R. Eliezer, however, maintains that the same is the case if he took it off with snuffers or a scraper (an instrument with which the hairs are removed singly).   
**4** The culpability for etching–in [[Lev. xix. 28]] arises only when he has done both, wrote and etched–in with dye or any other indelible thing, but to one of them no culpability attaches. R. Simeon b. Jehudah in the name of R. Simeon said: He is not culpable unless he etched–in the holy name; as the above–cited verse reads, "and any etched–in writing shall you not fix on yourselves: I am the Lord."   
**5** A Nazarite who was drinking wine the whole day, is culpable only for one negative. If, however, he was warned, Do not drink, do not drink! he is culpable for each time he does not listen to. The same is the case if he had defiled himself by touching dead the whole day, he is culpable for one only; but if he was warned, You must not do so! etc., he is culpable for each one. The same is also the case with shaving himself. If he did so the whole day without warning he is culpable for one only, if with warning, for each time warned. A similar case this: If one was dressed with Kelaim, he is culpable for the whole day only once; but if he was told not to dress himself with it, and he undresses and redresses, he is liable for each time. There is an instance that one may plough only one bed and shall be culpable for eight negatives––viz: If he ploughs with an ox and an ass both of which were from the sanctuary, if there was Kelaim in a vineyard, if that occurs in the Sabbatical year and on a legal holiday, and, finally, if he is a priest or a Nazarite in a legally unclean place. Hanania b. 'Hakhinai said: It can be added to that "who at the same time was dressed with Kelaim." And he was answered: This is not under the category of ploughing. Rejoined he: Does, then, a Nazarite belong to this category?   
**6** The number of stripes is forty less one, as it reads [[Deut. xxv. 2, 3]]: "By a number, forty," [i.e.], near forty. R. Jehudah, however, said: Forty in full, and the fortieth is between his shoulders. The examination (by the physicians of the court) as to the number of stripes he can receive and remain alive, must be such that can be equally divided by three. If the decision was that he is able to receive forty, but after receiving a part of them they saw he cannot stand any more, he is free. However, if the decision was, he can stand eighteen only, and after he was stricken they saw he is able to receive more, he is nevertheless free.   
**7** If one commits a sin to which two negatives apply, if the decision was rendered once for both negatives, he is punished once only, but if for one negative, he is punished again after he has recovered.   
**8** How is the punishment with stripes to be performed? He ties his both hands to the pillar, and the messenger of the court takes hold of his clothes, without care whether they tear or disjoin, until he uncovers the breast. The stone on which the messenger is to stand is placed behind him, upon which he stands with a strap of calf leather compounded of two, which, folded again, constitutes four, with two small stripes attached to it. The size of its handle was a span, and of the same size was the width of it, and the top of it reaches his belly. He strikes him one–third in front and two–thirds on the back. He is not beaten while standing nor sitting, but while bending; as it reads [[Deut. xxv. 2]]: "The judge shall cause him to lie down," and the striker strikes him with one hand with all his force. And the reader reads from [[ibid. xxviii. 58–59]]: "If thou wilt not. . . . Then will the Lord render peculiar thy plagues," etc., to the end of the verse. And if the striker has not finished yet, he begins [[ibid. xxix. 8]]: "Keep ye therefore," etc., and finishes with [[Psalm lxxviii. 38]]: "But he, being merciful, forgave the iniquity." And if the act was not finished as yet, he returns to the beginning. If it happens that he dies under the messenger's hand, the latter is free. If, however, he added one stripe which caused death, he is exiled. If while beaten he collapsed and became incontinent of urine or excrement, he is freed. R. Jehudah maintains: A male, when incontinent of feces; and a female, of urine.   
**9** All who are liable to Korath, if beaten, are freed from it, as it reads [[ibid., ibid. 3]]: "Thy brother rendered vile," [i.e.], as soon as he was rendered vile, he is thy brother. So R. Hananye b. Gamaliel; the same also said: If one loses his soul for one sin, so much the more his soul should be saved because of one meritorious act! Said R. Simeon: This may be inferred from the very place which treats of Korath [[Lev. xviii. 29]]: "Even the souls that commit them shall be cut off," and [[ibid., ibid. 5]]: "Ordinances, which, if a man do, he shall live in them." As the whole portion is of negative commands, it is to be inferred that if one only abstains from committing a crime, he is rewarded as if he acted meritoriously. R. Simeon b. Rabbi said: It reads [[Deut. xii. 23]]: "Be firm so as not to eat the blood; for the blood is the life." Now, for rejecting blood which is disgusting to one, he is rewarded; from money and women, to which the nature of man is inclined, so much the more should he be rewarded if he separates himself; and not only he, but all his descendants to the end of the generations, may be rewarded. R. Hanania b. Akasiha said: The Holy One, blessed be He, wanted to make Isræl blissful and therefore he multiplied to them his commands in the Torah, as it reads [[Isaiah, xlii. 21]]: "The Lord willed (to do this) for the sake of his righteousness: (therefore) he magnifieth the law, and maketh it honorable."

**Shevuot**

**Chapitre 1**

**1** There are two kinds of oaths which are subdivided into four. The cognition of uncleanness is of two kinds subdivided into four. The carrying in and out on the Sabbath day is of two kinds subdivided into four, and also aspects of leprosy are in kind two and subdivided into four. If one was originally cognizant of his being unclean, and (after he had consumed of the holy food or entered the sanctuary) presently became aware of this fact anew (that he committed this or that while being unclean), but was not conscious of it during the act, so he is obliged to bring a rich or poor offering. If, however, he had the knowledge at the start but not at the end of the act, so the he–goat, the blood of which is interiorly to be sprinkled on the day of atonement as well as the day itself, will effect a delay of the punishment until he gets to know his transgression, and then he is to bring the above–mentioned offering. If there was no antecedent knowledge, but he became conscious of it after, his expiation is effected by the he–goat sacrificed exteriorly on the day of atonement as well as that day itself; for it reads: "Except the sin–offering of the atonement," [i.e.], what this atones for the other one does, too; just as the exterior he–goat propitiates only where there was one knowing, so propitiates the interior one, only where one knowing took place. But where there was no knowledge either before or after, the propitiation is effected by the he–goats sacrificed on (the) holidays and new–moon days. So R. Jehudah; R. Simeon, however, says: The he–goats of the holidays atone, but not those of the new–moon days, which propitiate only him who ate something polluted while being himself clean. R. Mair says: All goat sacrifices are equivalent as to propitiating (the) pollution of the holy temple and its holy sacrifice. R. Simeon would say: The he–goats of the new–moon days propitiate for the clean who ate something polluted; those of the holidays, for cases where there was no knowing either before or after; and that of the day of atonement, for cases where there is no antecedent but a subsequent knowing. And when he was asked: May one of them be sacrificed instead of the other? he answered: Aye! Whereupon they retorted: Since they are not all equivalent as to their capacity of propitiating, how can they substitute one another? To which he replied: They all possess this in common that they propitiate for polluting the holy temple and its offerings. R. Simeon b. Jehudah, however, said in his name: The he–goats of the new–moon days propitiate for a clean one who has eaten defiled food; those of the holidays possess a greater power, as they propitiate for the clean who has eaten defiled, and for the case of polluting where there was neither antecedent nor subsequent knowledge; those of the day of atonement are superior to the others in that they propitiate not only for the clean one who has received defiled food and for the case of neither antecedent nor subsequent knowledge, but also for the case where there is no antecedent but a subsequent knowledge. Hereupon he was questioned: May the one he–goat be offered as substitute for the other? And he answered: Yea. To which the others rejoined: It may be admitted that the goats of the day of atonement be offered on the new–moon days, but how can the reverse take place, [i.e.], that the goats of the new–moon days propitiate for what they are not capable of doing? And his answer was: They all have this in common that they propitiate defilement of the holy temple and of its holy viands. For wanton pollution of the holy temple and of its holy offerings the interior he–goat of the day of atonement as well as this day itself atones for all other transgressions of the Law both lenient and rigorous, intentional and unintentional, the foreknown and unforeknown, the positive and negative commandments, those entailing koreth or judicial death–punishment, for all these the exported goat atones. Herein are equal Isrælites, priests, and the anointed high–priest. What difference does, then, exist between Isrælite and priest and anointed high–priest? That the blood of the bullock propitiates for the pollution of the sanctuary and of the holy viands by the priests. R. Simeon, however, says: Even as the blood of the goat prepared in the interior propitiates for the Isrælites, so does the blood of the bullock for the priest; even as the confession of sins over the kid to be exported propitiates for the Isrælite, so does the confession of sins over the bullock propitiate for the priest.

**Chapitre 2**

**1** The cognition of uncleanness is of two kinds subdivided into four––viz.: when one after having become unclean perceives it and then forgets all about it, knowing, however, that what he eats is holy; or when he was ignorant of the fact that the food is holy, being, however, aware of his uncleanness; or, finally, when both facts having escaped his memory he ate from the holy food without being cognizant thereof, but learning it after he had eaten, he is to bring a rich or poor offering. If he became unclean and knew it, forgot it afterward, but was fully conscious that he was in the sanctuary or he forgot that it was the sanctuary but knew his uncleanness; or, both facts having escaped his cognition, he enters the sanctuary without knowing it to be such and learns this fact only after he has gone out, he is to bring a foregoing offering. It is immaterial whether the unclean one enters the courtyard (of the temple) or its extension, since extensions are added to both city and courtyard (of the temple) only in the presence of a king, prophet, [Urim] and [Tumim], and of the grand Sanhedrim consisting of seventy–one, two thanks–offerings and the chorus; the whole court of justice steps forth, followed by the two thanks–offerings and then all Isræl; the inner bread is consumed, the outer one is burnt. But whatever has not been constructed in this manner, does not entail guilt upon him who being unclean enters it. If one having become unclean in the courtyard of the temple forgot it, remembering, however, that he is in the holy temple; or forgot that he is in the temple but was aware of his uncleanness; or, both facts having escaped his cognition, he made a bow or was lingering there for an interval taken up by the making of a bow, or went out by the longer way, he is guilty; but if by the short way, be is not guilty. This is a positive command concerning the holy temple, for disobeying of which one is not guilty. And which is the positive command concerning menstruation that entails guilt? If one being in relation with a clean woman is told by her: I have just become unclean, and thereupon immediately interrupts his relation with her, he is guilty, for separation from her affords him as much pleasure as his coming to her. R. Eliezar says: One is guilty for forgetting the cause of his uncleanness to have been a reptile, but is not guilty for forgetting (that he is in) the holy temple. R. Aquiba says (it reads): If he has become ignorant of being unclean, whence it follows that he is guilty of obliviousness as regards uncleanness but not as regards the holy temple. R. Ismæl says: The phrase "it will escape his memory" is repeated twice to declare one guilty in both cases: for forgetting his uncleanness as well as for forgetting the sanctuary.

**Chapitre 3**

**1** There are two kinds of oaths subdivided into four––viz.: I swear that I will eat or will not eat; that I did or did not eat. If upon making the oath, I will not eat, he does eat, and be it but a minimum, he is guilty; so R. Aqiba. Whereupon he was questioned: Where do we find a similar case that one be guilty for a minimum, so that this one be declared guilty? He replied: Where do we find that one must bring an offering for mere talk, as this one does talk and brings an offering?   
**2** (If one says): I swear that I will not eat, and thereafter eats and drinks, he is guilty but once. But if he says: I swear that I will neither eat nor drink and did both, he is guilty twice. If he says: I swear not to eat and then eats wheat bread, barley bread and rye bread, he is guilty but once; if he swears: I will not eat either wheat bread, barley bread or rye bread and then eats, he is guilty for each one severally. I swear that I will not drink, and thereafter drinks varied beverages, he is guilty but once; I swear I will drink neither wine, oil, nor honey, and then drinks, he is guilty for each severally. I swear not to eat, and then ate things not suitable to eat, and drank something not suitable as a drink, he is free. If he swore not to eat and thereafter ate carcasses or illegal cattle, reptiles and vermin, he is guilty. R. Simeon declares him free. If one said: I swear to abstain from deriving any benefit from my wife if I have eaten to–day, and he did eat carcasses, etc., his wife is prohibited to him for all benefit.   
**3** It is immaterial whether the things sworn off concern himself or others; whether they are or are not of some essential nature. [E.g.], he says: I swear that I will or will not give something to this or that person; that I did or did not give him something; that I will or will not sleep; that I did or did not sleep; that I will or will not throw a stone into the sea; that I did or did not throw it. R. Ismæl says: One is guilty only for an oath made with reference to the future, for it is written: To do evil or to do good. Said to him R. Aqiba: According to this view I know but about oaths concerning things that are intrinsically either evil or good, but whence do I learn about those regarding things that entail neither evil nor good doing? Retorted the former: From the addition in the Scripture; to this rejoined the latter: If the Scripture widens the notion in this respect, it does it likewise in the other (case).   
**4** If one swears to ignore some commandment and does not carry out his oath, he is free; if he swears to fulfill a commandment and fails to realize his oath, he is free. It appears on the first glance that he should rather be guilty, as R. Jehudah b. Battina argues thus: Since one is guilty for oaths regarding voluntary acts not provided for from the Mount Sinai, so much the more is it so in the case of oaths regarding commandments, to which he is sworn in from the Mount Sinai. Whereupon he was retorted: If you declare him guilty in voluntary acts where affirmation and negation are both alike indifferent, you can by means do the same in oaths concerning commandments where affirmation and negation are not equivalent; since one is free, if he swears to, but does not, violate a commandment.   
**5** If one swears, I will not eat this loaf of bread, I swear I will not eat it, I swear I will not eat it, and eats it nevertheless, he is guilty but once. This is an uttered oath for the intentional violation of which one is subject to stripes, and for whose unintentional violation to a poor or rich offering. Vain swearing, if wilfully done, is punished with stripes, but if committed unintentionally, is free from punishment.   
**6** Which is false swearing? If one swears that something is different from what it is known by everybody to be, [e.g.], that a stone column is of gold, that a man is a woman, that a woman is a man; or if he swears to an impossibility––viz.: If I have not seen a camel flying in the air; If I did not see a serpent of the shape of an oil–press; so! . . . If one asks some witnesses: Come to testify for me, and they answer, We swear that we shall not bear you witness; or if someone swears to ignore a commandment, as, [e.g.], not to make a Sukka, not to take Lulab'be, or not to put on phylacteries; so it is a false swearing punishable with stripes if committed intentionally, and unpunishable if made by error. If he swears, to one and the same loaf of bread, I will not eat it, then, I will not eat it, the former is a vain oath, and the latter an uttered oath; so that by eating it he is liable for uttered swearing; by not eating it he is liable for a vain oath.   
**7** The provisions regarding uttered swearing apply to males, females; to kindred, non–kindred; to those legally fit to testify as well as to those unfit; to cases before as well as outside the court. The oath, however, must come forth from his own mouth, and its intentional violation is punished with stripes, and its unintentional with a poor and rich–offering. Vain swearing takes place by men as well as by women; by kindred and non–kindred; by those fit to testify and by those unfit; before and outside the court, and the oath must issue from one's own mouth; its intentional violation is attended with stripes, while its unintentional is unpunishable. In both cases one is guilty if made to swear by others, thus: If he says, I ate nothing to–day, I put on no phylacteries, and another interposes: I adjure you, to which he answers: Amen, he is guilty.

**Chapitre 4**

**1** The witness–oath applies to men but not to women, to unrelated but not to kindred, to legally fit to testify but not to those unfit, as such an oath is given only to those fit to testify in the presence as well as in the absence of the court; provided it comes forth from one's own lips, but if from the mouth of others, they are liable only when they deny it before the court; such is R. Mair's view; the sages, however, maintain: Whether it comes forth from one's own mouth or from that of others, they are not liable unless they deny it before the court. Again, the witnesses are liable for an intentional oath, and for an error [in] the oath made while intentionally testifying, but are not guilty when made in error. And what is their fine for intentional swearing? A poor and rich offering.   
**2** How does a witness–oath come about? If someone said to two: Come and bear witness for me, and they say, We swear that we know no testimony for you, or they said, We know nothing to testify for you, whereupon he answers, Do you swear, and they say, Amen, they are liable. If he repeated this five times outside of court, and upon coming before the court they confessed and testified, they are free; but if they deny it also here, they are guilty for each time severally. If, however, he repeated his adjuration five times in presence of the court and they denied, they are liable but once. Said R. Simeon: What is the reason? Because they are not able to retract the previous statement and to testify. If the two denied simultaneously, they both are guilty, but if successively, only he who denied first is , while the second one is free. If one of them denies and the other confesses the truth, the denier is guilty. If there were two parties of witnesses and both denied successively, the two are guilty, since the testimony could have been established by either one.   
**3** If one says: I adjure you that you come and bear me witness that I have in the possession of so and so a deposit, a loan, a stolen or lost object, to which they reply: We swear that we know no testimony to you, they are guilty but once. But if their reply be: We swear that we are ignorant of your having in the possession of so and so a deposit, etc., they are guilty for each severally. I adjure you that you testify for me that I have deposited by so and so wheat, barley and rye, to which they answer: We swear that we know no testimony for you, so they are guilty but once. But if their answer be: We swear that we are ignorant of your having deposited by so and so wheat, barley and rye, they are guilty for each one severally. I swear you to witness that so and so owes me damages, half damages, double payment, or four and five–fold payment; that so and so insulted my daughter, seduced my daughter; that my son struck me, that my neighbor wounded me; set fire to my stag on the day of atonement, they are guilty (in case they deny).   
**4** If one says: I adjure you to bear me witness that I am a priest, a Levite, not the son of a divorced woman, nor one who has performed [Chalitzah]; that so and so is a priest, a Levite, not the son of an aforesaid woman; that so and so insulted or seduced someone's daughter; that my son wounded me, that my neighbor wounded me or set fire to my stag on Sabbath, they are free.   
**5** If one says: I adjure you to bear me witness that so and so has promised to give me (as a present) 200 zuz, and did not, they are free, as they are guilty only in the case when money is required as a deposit. I adjure you that as soon as you become cognisant of testimony for me, you come and testify for me, they are free, since the oath preceded the act of testifying. When one says while standing in synagogue: I adjure you to bear me witness if you are cognizant thereof, so they are free unless he especially address his challenge to them. When one says to two: I adjure you so and so that, if you are cognisant of testimony in my favor, come and do so, to which they say: We swear that we know nothing for you, while in reality they do know, but only indirectly, or one of them is found to be a relative or an unfit, they are free. If one sends his servant to adjure them; or the defendant says to the witnesses:–– I adjure you to testify for him if you know any testimony, they are free, for they must hear it from the mouth of the plaintiff.   
**6** If one says: I adjure you, I impose upon you, I bind you (by oath), so they are guilty. If, however, he says: By heaven and earth, they are free; by any of the divine names, or by some other divine attribute, so they are guilty. Blaspheme applies to them all, according to R. Mair, but not according to the sages. Whoever curses his father or mother by any of the above divine names, is guilty, so holds R. Mair, while the sages declare him free. Whoever curses himself or his neighbor by any of these transgresses a negative command. (If one says to the witness): Smite you God, or: May the Lord God smite you, so is this a biblical swearing. If he says (on your testifying): God smite you not, but bless you, may He bestow but good upon you (and they say: Amen), R. Mair finds them guilty, while the sages declare them free.

**Chapitre 5**

**1** The depository oath concerns men and women, non–kindred and kindred, those fit to testify and those unfit, cases within the court and outside thereof, provided it comes forth from one's own mouth, but if through that of others, he is not liable unless he denies it before the court; such is R. Mair's view, while the sages teach: Regardless of whether it comes from one's own mouth or from that of others, he is guilty so long as he denies it. But one is guilty for willful perjury and willful denial of the deposit when ignorant of the liability; not so, however, if he was mistaken concerning the oath only. And what is the fine attached to a willful oath? A offering in the value of two shekkels. How does the oath concerning deposits take place? When one says: Give me my deposit that I have in your possession, and latter replies thereto: I swear you have nothing with me, or merely You have nothing with me, whereupon the former says: I adjure you, and this answers: Amen, and so he is guilty. If' the plaintiff adjured him five times either before court or outside and be denied it by oath every time, so he is guilty for each time severally. R. Simeon said: The reason is that he had ample possibility to confess the truth. If five people require of him in the same time, saying: Give us the deposit we have in your possession, and he says: I swear ye have nothing with me, so he is guilty but once. But if he says: I swear that thou hast nothing with me, nor thou you, nor thou, so he is guilty for each one severally. R Eliezar says: Provided he make the oath last. R. Simeon says. Provided he accompany each statement with the words I swear. If one says: Give me the deposit, the loan, the stolen and lost, that I have in your possession, he replies: I swear that you have nothing with me, he is guilty but once. If, however, his reply be: I swear that you have nothing with me, either deposit, or loan, or the robbed and lost, so he is guilty for each one severally. The same is the case with wheat, barley, and if he denies all with one oath he is guilty but once, and if he repeated "I swear" with each one, he is liable for each. R. Mair says: Even if he required the things in the singular, the other one is guilty for each one severally. If one says: You have violated or seduced my daughter and he replies: I have done neither the one nor the other, I adjure you whereto he says: Amen, so he is guilty. R. Simeon holds him free, for one does not pay fine on his own confession. To which it was objected: Although upon self–confession one pays no fine, yet he must pay indemnity for shame and loss of value. You have stolen my ox; I have not stolen him; I adjure you, the other one: Amen, so he is guilty. But if the latter says: True, I have stolen your ox, but not slaughtered nor sold him; I adjure you; Amen, so he is free. Your ox has killed mine; He did not; I adjure you; Amen, so he is guilty. Your ox has killed my slave; He did not; I adjure you; Amen, so he is free. You have bruised me and wounded me; I have neither bruised nor wounded you; I adjure you; Amen, so he is guilty. But if the slave says to his master: You have blown out my eye or tooth, and latter replies: I have done to you neither the one nor the other; I adjure you; Amen, so he is free. This is the general rule: Whenever one has to pay damages on self–confession, he is (in case of perjury) guilty, but whenever he has not to pay on self–confession, he is free.

**Chapitre 6**

**1** In the case of an oath before court, the claim must amount to two silver, and the confession, to one peruta; and if the confession is not of the same kind with the claim, he is free. How so? I have with you two silver. You have by me only one peruta; he is free. I have with you two silver and one peruta. You have by me but one peruta; he is liable. I have with you one mana. You have nothing by me; he is free. I have one mana with you. You have by me only fifty dinar; he is liable. My father has a mana with you. You have by me only fifty dinar; he is free, for he is in this case like to him who returns a thing lost. I have with you a mana. Yea. Next day the plaintiff says: Give it to me. I have given it to you already; he is free; but if his answer be: You have nothing by me, he is liable. I have with you a mana. Yea. Give it to me only in presence of witnesses. Next day he requires the money, whereupon the defendant says: I have given it to you already; he is liable, as he was to pay it before witnesses. I have in your possession a litra of gold. Nay; you have by me only a litra of silver; he is free. But if plaintiff says: I have with you a [gold] dinar. Nay; you have by me only a silver dinar, a trecissis, a fundion and a perutah, he is liable, since all the mentioned coins are of the same kind. I have in your possession a kur of grain. Nay; you have only a lethech of legume; he is free. I have with you a kur of fruit. Nay; you have by me only a lethech of legume; he is liable, since legume is in the category of fruit. If the claim was wheat and the defendant admits barley, he is free. Raban Gamaliel, however, finds him liable. If one requires from another tankards of oil, and latter admits pitchers, he must, according to Admon, take the oath, since it is a case of partial admission; but the sages say: The confession is not of the same kind with the claim. Said R. Gamaliel: Admon's decision appears to me to be correct. If one requires movables and real estate and the other admits movables but denies real estate or [vice versa], he is free. If he admits but a part of the real estate he is likewise free; but if he admits but a part of the movables, he is liable, for property that is not subject to loss necessitates the taking of the oath with reference to property that is subject thereto. There is no oath to the claim of a deaf–mute, an imbecile, or a minor; nor is a minor to take an oath, but there is an oath to the claim of a minor or of the sanctuary.   
**2** One does not swear to the following: To slaves, written documents, arable lands, and sanctified objects; nor is thereto applied the payment of double amount, or of four and five–fold. The gratuitous bailee need not swear, the bailee on payment need not pay damages. R. Simeon holds that one is obliged to swear to objects of the sanctuary, for whose security he is liable, but not to those for which he is not responsible. R. Mair says: There are things attached to the land and yet not considered land; but the sages do not agree with him therein. How so? I have transferred to you ten vines laden with grapes. Nay; there were only five; and he must swear according to R. Mair, while the sages hold that everything attached to the soil is to be regarded as the land itself. One swears but to things capable of being measured, weighed, and counted. How so? I have transferred to you a house full of fruit, or, I have handed you a purse full of money. I know not how much there was, but you are at liberty to take back whatever you left there; he is free; but if plaintiff says: They were reaching the cornice, and the defendant rejoins: Only up to the window, latter is liable.   
**3** If one lends to his neighbor on a pledge, and the pledge got lost, whereupon the plaintiff says: I lent you on it a sela, but it was worth only a shekkel; the other party says: No, truly, you lent me a sela. on it, but it was worth a sela, he is free. But if the plaintiff claims: I lent you on it a sela, but it was worth only a shekkel; whereto the other replies: Nay; you did lend me on it a sela, and it was worth three dinar, he is liable. If the debtor says: You lent me on it a sela, while it was worth two selas, whereto the creditor: Nay; I gave you on it one sela, its value only, he is free. But if the former says: You lent me a sela on it, it was, however, worth two, and latter says: Nay; I lent you thereon a sela, and it was worth only five dinar, he is liable. Who is to take the oath? The depository, as he could meanwhile produce the pledge if the other one were to swear.

**Chapitre 7**

**1** All those who are subject to a biblical oath swear and do not pay. The following, however, swear in order to receive pay: The employee, the robbed, the bruised, he whose adversary is suspicious of perjury, and the store–keeper on his business book. The employee, how so? Give me my wages which I have with you, and the employer answers. I have given them to you already, and the former claims: I have received nothing; he swears and gets his claim. R. Jehudah, however, says: Unless there be a partial. confession (the oath is not effective)––viz.: the employed says.. Give me my fifty dinar wages you have in your hands, and the employer replies: You received on this account one gold dinar. How is it with the robbed? If witnesses testify that one entered his house to seize a pledge without permission, now the householder says: You have seized one of my utensils, and he denies, plaintiff swears and takes it. R. Jehudah, however, says: Unless a partial confession takes place there––viz.: You took two utensils, and he answers: I took but one. How is it with the bruised? If witnesses testify that one entered the premises of so and so unhurt and went out in wounds, now the plaintiff says to the defendant: You bruised my body, and he says: I did not, former swears and receives pay. R. Jehudah says. Unless a partial confession took place ––viz.: plaintiff says: You wrought upon me two bruises, and the defendant says: Only one. How is the adversary suspicious of perjury? As follows: Be it that he became suspicious while under oath as a witness, or under oath for a deposit, or even for merely vain swearing. If one of them is a gambler in dice, a usurer, a dove hunter, or one who is doing business with the fruit of the Sabbathical year, his adversary swears and obtains his claim. In case, however, both were suspicious, the oath returns to its place; such is R. Jose's opinion; R. Mair holds that they divide. The store–keeper on his book, how so? Not that he say to somebody: It is stated in my book that you owe me 200 zuz, but that when one says to the store–keeper: Give my son two saah of wheat, or: Give my laborer a sela in money, whereupon the store–keeper claims: So I did give, and the others say: We have received nothing, the two swear; he swears and gets paid, and they likewise swear and get paid by the employer. Said b. Nanan: How is that? Either party will necessarily be committed to false swearing! But both parties receive their respective claims rather without swearing. If one said to the storekeeper: Give me fruit for one dinar, and he, having given him, says: Give me the dinar, whereupon this replies: I have given it to you already and you put it into the cash–drawer, the purchaser is to swear. If, however, the customer gave the dinar and said: Give me the fruit, and the store–keeper says: I have given them to you already and you brought them over to your house, the store–keeper is to swear. R. Jehudah says: He who has the fruit in his possession has the preference. If one says to the money–changer: Give me change for a dinar, and he was given it, whereupon the changer says to him: Give the dinar, and he answers: I have given it to you already and you have put it into the cash–drawer, the customer has to swear. But if he gave him the dinar and says: Give me the change, and the other one replies: I have given it to you already and you have put it into your purse, the money–changer has to swear. R. Jehudah says: It is not customary with a moneychanger to give out an issar before he has received his dinar. As it has been established that a woman who damaged her marriage contract can obtain payment only on oath; that, when a single witness testifies that she was paid, she can receive payment only on oath; that she can get paid from encumbered estates or from the estates of the orphans only on oath; and that when she is to be paid in her husband's absence, she is so only on oath: so likewise should orphans be paid only on oath––viz.: We swear that our father had not willed to us nor told us, and that we have not found among the documents of our father that this note has been paid. R. Johanan b. Buoka says: Even if the son was born after his father's death, he may swear and collect. R. Simeon b. Gamaliel says: If there are witnesses to the effect that the father said while dying: This note has not been paid, the heir collects without an oath. The following have to swear also in the case when there is no claim: Partners, gardeners, guardians, a woman business–manager, and the son of the house. When one of these parties says: What is your claim against me? and the other one answers: My only desire is that you swear, he must swear. If the partners or gardeners have already divided, they are no longer liable to take an oath. However, if an oath is imposed upon one of them from some other source, all other claims may be included. The Sabbathic year releases from an oath.

**Chapitre 8**

**1** There are four kinds of bailees: gratuitous, on hire, borrower, and hirer. The gratuitous bailee swears to every claim; the borrower pays every claim; the paid bailee as well as the hirer swears in case the cattle broke its leg or was seized or died, but both pay when it got lost or stolen. If one asks his gratuitous bailee: Where is my ox? He is dead, while in reality he is only leg–broken, or seized, or stolen, or lost; or he answers: He is leg–broken,, while in fact he is dead, seized or lost; or he answers: He is seized, while he is dead, leg–broken, stolen or lost; or he answers: He is lost, while in fact he is dead, leg–broken, seized or stolen, to which the other rejoins: I adjure you; and the answer is: Amen, he is free. Where is my ox? And the other one answers: I know not what you talk about, while in reality the ox is dead, leg–broken, seized, stolen or lost. I adjure you. Amen, he is free. But if he asks: Where is my ox? Lost. I adjure you. Amen, but witnesses appear to testify that he consumed him, he must pay the full value; if he confesses it of his own will he must pay the value plus one–fifth, and is to bring a trespass–offering. If he asks: Where is my ox? And the answer is: Stolen. I adjure you. Amen, and witnesses appear to testify that he himself stole the ox, he must pay double amount; on self–confession, however, he pays the value plus one–fifth, and brings an offering. If one says to a man in the street: Where is my ox that you have stolen? And the answer is: I have not stolen, but witnesses testify that he did steal. him, he is to pay double amount; and if he has slaughtered or. sold him, he must pay four and five–fold. However, if, on noticing the approach of witnesses against him, he says: I have stolen him, but not slaughtered or sold, he is to pay but the principal amount. If one asks the borrower: Where is my ox? And he answers: He died, while in reality he is leg–broken, seized, stolen or lost; or: Leg–broken, while he is dead, seized, stolen or lost; seized, while he is dead, leg–broken, stolen or lost; stolen, while he is dead, leg–broken, seized or lost; Lost, while he is dead, leg–broken, seized or stolen, whereupon the other one says: I adjure you, and the answer is: Amen, he is free. Where is my ox? I know not what you are talking about, while in fact the ox is dead, leg–broken, seized; stolen or lost. I adjure you. Amen, he is liable. If one says to a paid bailee or to a hirer: Where is my ox, and he answers: He is dead, while he is leg–broken or seized; Leg–broken, while he is dead or seized; seized, while he is dead or leg–broken; stolen, when he is lost or seized; lost, while he has been stolen, whereupon former: I adjure you. Amen, he is free. But if the answer be: He is dead, leg–broken or seized, while he has been stolen or lost, former: I adjure you. Amen, he is liable. But if he says: he has been stolen, or: lost, while he is dead, leg–broken or seized; I adjure you. Amen, he is free. This is the rule: Whoever tends to commutate, by his oath, liability to liability, unliability to unliability, or unliability to liability, is free; but if liability to unliability, he is liable. This is the rule in brief: Whoever takes an oath in order to make his case lenient, is liable; but if [vice versa], he is free.

**Eduyyot**

**Chapitre 1**

**1** Shamai says: For all women suffices their perceiving the menses (to make unclean whatever one of them may happen to touch; but not before this perceiving). Hillel, however, says: The time is to be counted between two consecutive examinations regardless of the length of the interval and be it of many days (and all she touches at that time is unclean). The sages, however, say: The Halakha prevails with neither Shamai nor Hillel; but one day (night included) reduces the interval between the said examinations; on the other hand, the moment of examination reduces the allowance of the day (and night). (However, all agree) that for every woman who has a regular periodic menstruation the perceiving suffices. She who uses sheets to examine herself before and after intercourse, reduces thereby both the time of the previous examination and the above–said day of allowance.   
**2** Shamai says: One must separate Chalah (first dough) from one Kab; Hillel says from no less than two, while the sages set the minimum at one and a half Kab, lowering it, however, to five–fourths of a Kab when the measures were increased. R. Jose says: Not exactly five–fourths, but a trifle above.   
**3** Hillel says: One Hin–ful of drawn water renders a legal bath, when poured therein, unfit. (A Hin–ful is not the exact quantity, but is stated here as it is one's duty to use the teacher's language.) Shamai says: Nine Kab, while the sages, disagreeing with either view, uphold the two weavers that came from the gates–of–refuse in Jerusalem and testified in the name of Shemai and Abtalion that three Lugs of drawn water render the aforesaid bath unfit, and decided that Halakha to prevail so.   
**4** Why, then, are the theories of Shamai and Hillel stated at all, if without avail? To teach to posterity that one must not insist upon one's statements, since the distinguished masters of the world did not persist in their views.   
**5** And why is mention made of the opinion of a single person in connection with that of many, when the final decision is invariably with the majority? In order that when a court should happen to approve of some one's opinion it might base its decision thereon, for no court may annul the decision of another court, unless it be superior to latter both in erudition and number. If, however, it be superior only in one respect: in either erudition or number, it cannot annul; as it must be superior in both.   
**6** Said R. Jehudah: If this be the case, why is mention made of the opinion of an individual in connection with that of the majority to no purpose? In order that if one were to base his argument on tradition he could be answered that his tradition is in accordance with the opinion of that and that individual.   
**7** Beth Shamai says: A quarter Kab of the bones of the dead (defiles one in the tent) be it from two or three dead; Beth Hillel says: A quarter Kab from one corpse, from the quarter part of the entire structure, or of the number of bones. Shamai himself says: One bone suffices.   
**8** Vetch terumah may, according to Beth Shamai, be soaked and peeled in a state of cleanness, but in that of uncleanness the cattle may be fed on it. Beth Hillel, however, hold that in the former state it may be soaked only, while peeling and feeding may be done in the latter. Beth Shamai says: It must be very dry when given to the cattle; R. Aqiba holds that in a state of uncleanness all actions may be performed on it.   
**9** If one desires a sela in exchange for copper coin of the second tithe, he must, according to Beth Shamai, exchange the whole coin for a sela, while the Beth Hillel maintain that he may take but one shekkel in silver and the other have in copper coin. (R. Mair says): One must not redeem fruit and silver by other silver, while the sages allow it.   
**10** When one exchanges a sela of second tithe in Jerusalem, he must, according to Beth Shamai exchange the entire sela for copper coin; Beth Hillel hold as above; the experts of the sages say: For three dinar in silver and one dinar coin. R. Aqiba's opinion is: Three dinar in silver and of the fourth one a quarter in coin. R. Tarfon says: Four aspers in silver. Shamai himself says: Let him leave the sela in the store till he gradually consumes its worth in goods.   
**11** The bride's chair, when stripped of its adornments is declared by the Beth Shamai as subject to defilement, but not so by Beth Hillel. Former holds that even the seat alone of that chair is unclean. Similar are the respective opinions of the Beth Shamai and the Beth Hillel with reference to a chair put into a trough, the former declaring in addition the chair unclean if even only made in a trough. (Will be explained in Tract Kelim.)   
**12** Following are the cases wherein the Beth Hillel have altered their views in favor of those advanced by the Beth Shamai: The woman who upon coming from the sea–countries asserts that her husband died may, according to the Beth Shamai, remarry or enter a levirat marriage; while the Beth Hillel contended: We heard this as holding good only concerning a woman who comes from the harvest; whereupon the Beth Shamai retorted: It is immaterial whether she comes from the harvest, olive gathering or from a sea–country; and the expression "harvest" as used by the sages in this matter was one of fact; thereupon the Beth Hillel conceded. Furthermore, according to Beth Shamai such woman is allowed to marry and to obtain her marriage contract, which latter right the Beth Hillel denied her, whereupon the Beth Shamai argued: You allow a possible adultery, a rigorous transgression, and prohibit a money matter, a (lenient) misdemeanor? Whereto the B. Hillel rejoined: For we find that the heirs of the deceased cannot enter inheritance upon her statement alone. And Beth Shamai replied: But we are informed directly from her marriage contract, where the husband writes: If you get married to another one you should get what is here devised to you; thereupon the B. Hillel conceded to them.   
**13** He who is half slave and half free works, according to Beth Hillel, one day for his master and one for himself. Hereto objected the Beth Shamai: You amply provide for his master but not for him; he has no right to marry either a slave or a free woman, nor should he remain single, for the world has been created for propagation, as it reads [[Isa. xlv. 18]]: "Not for naught did he create it; to be inhabited did he form it." Accordingly, for the sake of a better organization of the world his master is compelled to wholly free him, and the slave writes him a note on the half of his value; and the Beth Hillel accepted this opinion.   
**14** An earthen vessel when covered protects (against tent–uncleanness) according to Beth Hillel all (it contains), while the Beth Shamai holds that it protects only food, beverages and earthen vessels. Asked Beth Hillel: Why? And they answered: Because it is unclean in the opinion of the Amharetz, and no clean vessel is protective; and B. Hillel's question as to why have you declared it protective of food and beverages, they meet thus: We declare these clean only for the Amharetz, but if you were to declare the vessel as such clean, it would be so in general; hereupon the B. Hillel agreed.

**Chapitre 2**

**1** R. 'Hanina the segan of the priests testified the following four statements––viz.: The priests have never hesitated to burn meat defiled in a secondary degree together with meat defiled in a primary degree, though latter augments the uncleanness of the former; R. Aqiba added: Nor have they ever hesitated to burn oil, that has become unusable through a defiled one though bathed during the day, in a lamp defiled through contact with one who touched a corpse, though the uncleanness of the oil is thereby augmented.   
**2** Furthermore, he said: During all my life I have not seen a hide (of a sacrificed animal found internally injured) brought out to the fireplace. Said R. Aqiba: We learn therefrom that when the first–born cattle on being stripped of its hide is found internally injured, the priests may use its hide. The sages, however, say: "We have not seen" is no evidence, so that the hide must be removed to the fireplace.   
**3** The same R. 'Hanina testified that there was an old man in a little village near Jerusalem, who was lending money to all the villagers, writing himself the notes and having others to sign them; when this case came before the sages, they declared fit proper. From here is to infer that both woman and man may write she her divorce and he the receipt respectively, since the validity of a divorce is effected only by the undersigned thereon. He finally testified that, when an (unclean) needle was found in the flesh (of a sacrifice), the knife and the hands are clean, but the flesh is uncle–an; but if found in the paunch everything is clean.   
**4** R. Ismæl propounded three things before the sages at Iabnah in the vineyard: ([a]) a cracked egg put upon a colewort of Terumah forms a combination except when put on like a hat; ([b]) an ear of corn left standing in the crop with its point toward the yet unreaped corn, belongs to the landowner provided it be capable of being cut off with the standing corn, otherwise it belongs to the poor ([as forgotten]); ([c]) a small garden fenced with creeping vine may be sowed (with seeds) if it has enough room, so that the vine–dresser with his basket can stand on all its sides, but not otherwise. Three things have been propounded in the presence of R. Ismæl, and as he did not express himself either for or against, R. Jehoshua b. Mathia interpreted them: ([a]) One who inflicts upon one's self a sore on the Sabbath day is guilty if he did it in order to make a permanent orifice, but is free if his purpose was to remove the pus; ([b]) one is free for hunting a snake on Sabbath in order to escape its bites, but is liable if for medicinal purposes; ([c]) earthen dishes used in cities are clean when in the tent of a corpse, but become unclean when carried by him who is possessed of a running issue, in which latter case R. Eliezar b. Zadok declares them also clean since their work has not yet been completed.   
**5** R. Ismæl declared three things which R. Aqiba has not agreed in: Garlick, sour grapes, and unripe corn–ears ground (on Friday) before twilight may, according to R. Ismæl, be finished after sunset, while R. Aqiba does not allow it.   
**6** Of the following three statements cited before R. Aqiba the first two were in the name of R. Eliezar, and the third one in that of R. Jehoshua: ([a]) A woman may go out on Sabbath in her gold city–crown; ([b]) hunters after another's doves are unfit as witnesses; ([c]) when a weasel with a worm in its mouth runs over the breads of Terumah and it remains dubious as to whether or not the worm touched the breads they are clean.   
**7** R. Aquiba has made statements, of which only the first two found the approval of the sages: ([a]) A sandal of the lime–burners is subject to defilement by the steps of him who has a running issue; ([b]) the remnants of an (unclean) oven are unclean when four hand–widths high, which height was thought before to be only three; ([c]) a chair, from whose seat two consecutive boards have been removed is, according to R. Aqiba only, subject to defilement.   
**8** He (R. Aqiba) was wont to say: The father conditions in his son beauty, force, wealth, wisdom, longevity, and the reward to be bestowed on (his) posterity; and herein lies the end of destiny, as it reads [[Is. xli. 4]]: "He predetermines from the beginning of fate of the generations to come," and though it reads [[Gen. xvi. 13]]: "They will enslave them and torture them for 400 years," yet we read further [[ibid. xvi.]]: "The fourth generation will return again unto here."   
**9** Furthermore, he was saying: There are five things of a twelve months' duration––viz.: the punishment of the generation of the flood, that of job, of the Egyptians, of Gog and Magog in time to come [[Ezek. xxxv. 2]], and of the wicked in the infernum, for it reads [[Isa. xv. 6]]: "It will take place ([chodesh bechodsho]) every month," [i.e.], from the month he died next year the same month renewed. R. Johanan b. Nari says (regarding the last point): It lasts only from Passover till [Azereth], for it reads [[ibid.]]: "From one festival to the other."

**Chapitre 3**

**1** All objects that defile within the tent are, according to R. Dohssa b. Horkinoss, clean when they were brought into the house after having been divided in smaller parts; but the sages declare them unclean. How so? If one touches or carries two pieces of a carcass each of the size of half an olive, or touches of a corpse the size of a half an olive (and his body covers such a size) and such a size shelters him, or he covers as much as two halves of an olive, or only of a half an olive but is roofed by such a size, R. Dohssa b. Horkinass declares him clean and the sages declare him unclean. But if he touches the size of half an olive while another thing covers both him and of a corpse the size of half an olive (or he covers such size and another thing covers him and such a size), he is clean (also according to the sages). R. Mair, however, said: Also herein the sages and R. Dohssa differ as above. (They declare) that all combine to render unclean except touching with carrying, and carrying with roofing. This is the rule: What bears one and the same name is index of uncleanness, two different names is one of cleanness. (All the Mishna is explained in third chapter of Tract Oholoth (Tents).   
**2** Food consisting of sundry parts does not, according to R. Dohssa b. Horkinass, combine (to the measure of an egg), while according to the sages it does so. R. Dohssa holds that it is allowed to exchange second tithe for uncoined money, while according to the sages it is not. Finally, he holds that it suffices to bathe one's hands to be allowed to touch the sin–cleansing water, while the sages say that (in this case) with the uncleanness of his hands the entire body is unclean.   
**3** The interior of a melon, as well as the peel strips of a colewort is as terumah allowed to laymen (non–priests), so R. Dohssa, while the sages do not allow it. He further holds that it is only then obligatory to separate the first–cut wool of five shorn sheep when each of them furnishes one and a half mana worth of wool, while in the opinion of the sages even when the wool of the five sheep is however little. (Is further explained in Tract Chulin, Chapter XI.)   
**4** According to R. Dohssa, all mats are getting unclean only when touched by a corpse, but according to the sages, also by (mere) pressure. He says further that all woven work remains clean except a girdle, but according to the sages all are subject to defilement, except, however, those of the wool–traders.   
**5** A sling whose handle is embroidered is subject to defilement. But if it is of leather R. Dohass declares it clean, and the sages, unclean. If its finger–hole has been severed from it, it is clean, but also is unclean if only its end is severed.   
**6** The wife (of a priest) that was in captivity is, according to R. Dohssa, allowed to eat terumah, while the sages say: There is a difference between one captive and another. How so? If she says: I was in captivity, but am clean, she may eat, for the mouth that prohibits also allows, but if her captivity is attested by witnesses and she asserts thereupon to be clean, she is not allowed to eat. (Explained in Tract Kethuboth, Chapter II.)   
**7** There are four doubtful cases where R. Jehoshua declares the thing unclean and the sages, clean––viz.: ([a]) while the unclean is standing the clean one is passing, or ([b]) [vice versa]; ([c]) when something unclean is in the private ground, while something clean in the public grounds, or ([d]) [vice versa], in which cases it is doubtful whether or not one touched, roofed, or was moved by, the other. (Tract Taharoth, Chapter II.)   
**8** Three things are declared unclean by R. Zadok and clean by the sages––viz.: ([a]) The exchanger's nail; ([b]) the trunk of the bean–grinders, and ([c]) the screw of the stone sun–clock. (Kelim, Chapter XII.)   
**9** Four things are held unclean by R. Gamaliel and clean by the sages: ([a]) The cover of a metallic basket used in households; ([b]) the handle of a (bathing) scraper; ([c]) the unfinished metallic vessels, and ([d]) a board broken in two (equal) parts; in the last–named case, however, if the parts be unequal, the sages concur with R. Gamaliel in that the bigger part is unclean and the smaller, clean. (Ibid., ibid., Mishna VI.)   
**10** In the decision of the following three R. Gamaliel is as rigorous as Beth Shamai: It is not allowed: ([a]) to keep warm on a holiday cooked food for Sabbath; ([b]) to put together the parts of a chandelier on a , and ([c]) to bake (on a holiday) big loaves of bread, but only small ones. He said: During all the time they were baking in my father's house only thin loaves, and he was answered: We can make no conclusion from your father's house, who have always been rigorous to themselves, but lenient to all others, allowing them to bake not only big loaves but even big cakes on coal.   
**11** In the following three things, however, his decisions are lenient: It is allowed ([a]) to sweep (on holidays) between the bedsteads; ([b]) to put upon coals the fumigation, and ([c)] to roast a prepared kid on the first Easter evening, all which the sages forbid.   
**12** Three things R. Elazar b. Azaria allows and the sages forbid: ([a]) His cow was allowed to walk out (on Sabbath) with the strap between her horns; ([b]) he allows to curry the cattle on holidays, and ([c]) to grind pepper in hand–mills adapted thereto. R. Jehudah maintains that point sub ([b]) is not allowable, as one could while currying make a sore, but allows to do it with a wooden comb, while the sages forbid both. (The last two Mishnas are explained in Tract Beitzah.)

**Chapitre 4**

**1** In the following cases the decisions of Shamai are lenient, and those of Beth Hillel rigorous. An egg laid on a holiday is, according to Beth Shamai, allowed to eat on that day, but is not so according to Beth Hillel. Regarding the removal of leaven (before Passover) Beth Shamai hold it must be of the size of an olive and leavened bread of that of a date, while the Beth Hillel fix the size of each at that of an olive.   
**2** All agree in that a cattle born on a holiday is allowed, but a fowl out of the eggs is not. If one slaughter game or fowl on a holiday he is allowed by Beth Shamai to dig up loose ground (the spade already struck in) and cover the blood, while Beth Hillel do not allow to kill unless there be earth prepared, admitting, however, that after one has killed, he may use with the spade the loose ground, and that ashes from the hearth be regarded as prepared earth.   
**3** The Beth Shamai consider ownerless everything left to the poor, while according to Beth Hillel, only that is ownerless which is abandoned to the rich as well, instance Shmitah. If all the sheaves of a field contain each a Kab and one of them containing four Kab is left, the Beth Shamai do not regard it forgotten, and Beth Hillel do so. (Tract Peah, Chapter VI.)   
**4** Likewise do not Beth Shamai regard forgotten a sheaf left near a wall, a stag, a bull, or implements; while Beth Hillel do.   
**5** The four–year–old vine is, according to Beth Shamai, not subject to either the additional fifth or destruction, while according to Beth Hillel it is. Furthermore, the former hold that it is subject to both [Peret] and [oilleloth] [[Lev. xix. 10]], and that the poor are to redeem it themselves; while the latter say it all goes to the winepress.   
**6** A cask with preserved olives need not have a hole, so Beth Shamai, while. Beth Hillel find it obligatory, admitting, however, that if there had been one, but was stopped by the dregs, the cask is clean. If one, having besmeared his body with sweet oil, became unclean and then took a legal bath, Beth Shamai declare him clean even when the oil is dripping, but according to Beth Hillel he is not clean, unless there be left on him no more oil than would be necessary to besmear a small organ, which last condition the Beth Shamai require when the oil used before the bath was unclean, while Beth Hillel in this case require that there be only an inconsiderable moisture. Said R Jehudah in the name of Beth Hillel: That there be a moisture sufficient to moist some other thing. (All this will be explained in Tract Taharath.)   
**7** According to Beth Shamai one dinar or its worth is consideration in the marrying of a wife; the Beth Hillel set it down at a Perutah or its worth, which is one–eighth of the Italic Saar. The former hold further that one may dismiss his wife on the basis of the old divorce bill, [i.e.], a divorce after whose consummation he remained yet alone with his wife, while the Beth Hillel say he cannot. Similarly, if a wife who had been divorced, happened to pass a night in the same inn with her (former) husband, she needs no other bill of divorce according to Beth Shamai, but the Beth Hillel say she needs one if she was divorced after they had been wedded, but not after they had been only betrothed to each other, for in the latter case they were not yet intimate with each other.   
**8** Beth Shamai allow brothers to enter levirate marriage with their rival–wives (of prohibited kinship degrees), which the Beth Hillel forbid. If they have performed Chalitzah, Beth Shamai declares them unmarriageable to a priest and Beth Hillel allows them. The two schools change their views regarding the case when the wives become widows after they had been taken in levirate marriage. Notwithstanding that the one school prohibits what the other allows, the disciples of the two schools have never refrained from intermarriage with one another. Likewise as regards cleanness and uncleanness where the two hold opposite opinions, they have none the less never hesitated to loan one another objects declared clean by both schools.   
**9** If of three brothers two are married to two sisters and the third one is single; if, now, one of the married brothers died and the unmarried promises the widow to marry her, whereupon the second of the brothers died, Beth Shamai say: The single brother is to keep his wife and the other one is to go free as the wife's sister; while Beth Hillel hold that he must dismiss his wife with both divorce and Chalitzah, and his sister–in–law with Chalitzah; as the proverb goes: He is to be pitied for both his wife and his sister–in–law! (Tract Yebamoth, Chapter IV.)   
**10** If one abstain by vow from sexual intercourse with his wife, he is allowed by Beth Shamai to keep the vow for two weeks, by Beth Hillel for but one. A woman who bears a miscarriage on the eve of eighty–on–e days (after the birth of a daughter) Beth Shamai free from an offering, and Beth Hillel hold liable. Beth Shamai say a quadrangular sheet needs no tzitzis, Beth Hillel hold it needs. A basket with figs prepared for Sabbath is, according to Beth Shamai free from the tithe, according to Beth Hillel it is not.   
**11** If one vowed to remain a Nazarite for some time, and after the expiration of the term comes to the land (of Isræl), Beth Shamai hold he must continue in the state of Nazarite for another thirty days, while Beth Hillel make him begin the whole term anew. If two parties of witnesses testify, the one that so and so has vowed to be a Nazarite twice, the other, five times, Beth Shamai declare this testimony invalid as conflicting, and he must not be a Nazarite at all, while Beth Hillel say: Five contains two, hence he must be a Nazarite twice. (Nazir, Chapter III.)   
**12** The man who finds himself underneath a crevisse does not, according to Beth Shamai, transfer the uncleanness from one side to the other, while Beth Hillel regard the man as hollow, so that his upper side does transfer the uncleanness (as roofing). (Oheloth, Chapter XI.)

**Chapitre 5**

**1** R. Jehudah attested six cases where the decisions of the Beth Shamai are lenient, and those of Beth Hillel rigorous. The blood of a carcass is, according to the former, clean, but unclean, according to Beth Hillel. The egg of a fowl carcass, if it looks like the ordinary egg sold in market, is allowed by Beth Shamai, but not otherwise, while the Beth Hillel prohibit it in all cases. However, both prohibit the egg of an internally injured, for it was formed in a prohibited stage. The menses of a heathen woman as well as the clean blood of a leprous woman in confinement, Beth Shamai declare clean and Beth Hillel consider it to be like her spittle or urine. The fruit of the Sabbathic year one may enjoy with or without reward, according to Beth Shamai, the Beth Hillel hold that one may eat it and reward somehow the owner. A leather bag is subject to defilement, according to Beth Shamai, if it is bound and fastened, and the Beth Hillel hold so even when it is not bound. (Shebieth, IV.)   
**2** R. Jose quotes also similar decisions of six cases. Beth Shamai allow to serve on the table, but not to eat, poultry together with cheese, while Beth Hillel forbid the one as well as the other. Likewise allow the former to separate Terumah from olives for their oil and for the wine from grapes, and the latter prohibit it. According to Beth Shamai he who sows seeds within four ells in the vineyard has thereby sanctified one row, while according to Beth Hillel, two rows ([i.e.], the rows in question must not be sown). Flour put into boiling water is, Beth Shamai say, free from Chalah, and the Beth Hillel say it is not. The Beth Shamai allow to use rain–water (running down hill) as a legal bath, the Beth Hillel do not. Finally, Beth Shamai allow a proselyte, who underwent circumcision on the eve of Passover, to immerse himself and then partake in the Passover–offering, while Beth Hillel declare that he who parts with his prepuce is like one returning from the grave.   
**3** R. Ismæl cites to the same effect the decisions of the following three cases: The book Ecclesiastæ does not, according to Beth Shamai, render unclean the hands, while it does so according to Beth Hillel. Sin–cleansing water that has already performed its destination is declared clean by former and unclean by latter. The same divergence of opinion the two schools show with regard to the cleanness and uncleanness of black cumin and its tithe. (Negaim, Mishna III. Chapter V.)   
**4** R. Elazar quotes two cases to the same effect. The blood of a woman lying–in, who has not bathed (as prescribed) is considered by Beth Shamai as her spittle and urine, while Beth Hillel declare it defiling always, moist or dry. The former agree, however, with the latter view when the woman in question bore in a state of running issue, then the issue defiles immaterial whether dry or moist. (Tract Nidah II., Mishna VI.)   
**5** If of four brothers two who are married to two sisters die, the latter perform Chalitzah but cannot enter the levirate marriage; and if such marriage has been hastily concluded, divorce must follow. R. Eliezar quotes the Beth Shamai as declaring this marriage to remain, and Beth Hillel as requiring divorce.   
**6** Aqavia b. Mehallalel testified four things, which the sages persuaded him to retract, promising him therefor the chair of presiding justice in Isræl, to this he responded: I shall prefer to hear the name fool all my life to becoming a wicked even for one hour before the Omnipresent; but let nobody say "He retracted for the sake of an office!" Here are his rules: He declared unclean the white hair (left from a previous case of leprosy) as well as the yellow blood (of a woman), both which the sages declare clean; he allowed to make use of the faded hair of a blemished first–born cattle slaughtered immediately after the hair has been put into a (wall) niches, while the sages forbid it; finally, he prohibited to give the jealousy–water to a female proselyte or to a freed maid–slave, which the sages allow. The following episode was thereupon presented to him: A certain Karkmith, a freed maid–slave in Jerusalem, was made to drink the aforesaid water by Shmaia and Ahtalion, to which he replied: They did it only in a "make–believe" way. (They, being themselves proselytes, did it.) And they placed him under ban, and when he died the court stoned his coffin. R. Jehudah remonstrated: That Aqavia b. Mehallalel, who among all Isræl on whom the doors of the temple court–yard closed, was unequalled in both erudition and piety, should have been placed under ban? Impossible! It was Eliezar b. 'Hanoch that was excommunicated for his trifling with the rule concerning hand–cleaning; and when he died the court sent to put a stone on his coffin; whence it may be inferred that the coffin of him who dies while under ban is to be stoned.   
**7** While on his death–bed he (Aqavia b. Mehallalel) thus spoke to his son: Reject the four rules I have been teaching; I adhered to them because I had received them from a majority, and the others likewise had them from a similar source; we both, therefore, remained true to our traditions; but you have learned them of an individual and then of a majority, now it is more advisable to abandon the opinion of the individual and to follow that of the majority. Then the son's request to commend him to his friends he refused, saying: It is not because I find fault with you, but let your own conduct be your recommendation. (Explained at length in Pessachim. V., Mishna IV.)

**Chapitre 6**

**1** R. Jehudah b. Baba attested five cases. Girls underage are made to express their refusal; a woman is allowed to remarry on the testimony of one witness; in Jerusalem a cock that had killed a person was stoned; wine only forty days old was brought upon the altar as a drink–offering; and finally, the daily morning sacrifice was (once) offered at the fourth hour (in the morning).   
**2** R. Jehoshua and R. Nehunia b. Elinathan of the Babylonian village attested that an organ (even if not an olive big) of the dead is defiling, as against R. Eliezar, who asserts that the sages taught thus only in reference to an organ of alive body; and the others rejoined: Is it not an inference [a fortiori]––viz.: since the organ of a live body which latter is clean is, if severed, unclean, so much the more so that of a dead body, which latter is of itself unclean? His answer was: And yet the sages taught so only in respect of an organ of a live body. According to others the answer was this: The uncleanness of the living is more extensive than that of the dead, for the living (who has a running issue) renders all that he lies or sits on capable of defiling man as well as garments, and all that rests above him, by his exhalation capable of defiling food and beverage, all which the dead does not.   
**3** Flesh of the size of an olive severed from an organ dismembered from a living (person) is unclean according to R. Eliezar, but clean according to R. Jehoshua and Nehunia. On the other hand, a bone the size of a barley–corn severed from said organ R. Nehunia declares unclean, and R. Jehoshua with R. Eliezar, clean. R. Eliezar was then asked: What prompts you to vindicate the former decision? He replied: We find that a severed live organ is regarded as a whole corpse; hence, as from a dead severed flesh of the size of an olive is unclean, severed flesh of such size from the living must be unclean, too! I, therefore, base my decision on this analogy. Whereupon it was rejoined: While you justly declare unclean flesh of an olive size severed from a corpse, for a barley–corn–sized bone of a, corpse is likewise unclean, you commit yourself to a discrepancy in your decision regarding the flesh and the bone of a severed organ of a living body respectively, whereby your analogy is annihilated! Similarly was R. Nehunia asked to base his view, which he did by a like analogy, thus: We find that a severed organ of the living is like an entire corpse and a barley–corn–sized bone of the latter is unclean, whence my decision. Whereupon he was answered: If you justly declare unclean so small a bone severed from a corpse by reason of holding unclean flesh the size of an olive severed from a corpse, you cannot on this basis declare unclean a bone the size of a barley–corn severed from the dismembered organ of a living body, since you hold clean the flesh even of an olive–size severed therefrom! R. Eliezar was then asked: Why have you divided your views? Declare either both unclean or both clean? And he, answered: The uncleanness of the flesh is more extensive than that of the bones, because the flesh of carcasses and reptiles is defiling while bones of these are not. Another explanation according to others: An organ that has yet enough of its flesh on causes uncleanness through touching, carrying or sheltering it, and remains yet unclean even if it misses some of its flesh, while if some of its bone is wanting it is clean. R. Nehunia was asked: Why have you divided your views? Declare either both unclean or both clean? And he answered: The uncleanness of bones is more extensive than that of flesh, for flesh severed from the living body is clean, while the organ, if severed from it in its natural state, is unclean. Another explanation: Flesh the size of an olive defiles by being touched, carried or sheltered, in like manner do bones defile in their majority; if some of the flesh misses it is clean none the less, if some of the majority of the bones lacks it is still unclean by touch and carriage, though not by shelter. Or thus: All the flesh of a corpse is clean when it does not all in all measure the size of an olive, while the greater part of its body or of its bones are unclean even when they do not make up a quarter of a Kab. R. Jehoshua answered the question as to why he decides in both cases "clean," thus: The analogy between the dead and the living does not hold good, for to the former apply the requisite of majority, quarter–Kab, and spoonful of decomposed stuff, while to the living all this does not apply.

**Chapitre 7**

**1** R. Jehoshua and R. Zadok attested that the priest has no claim to the assigned redemption of a first–born donkey that died, as against R. Eliezar, who said: The owner is obliged to indemnify it, as the five sela redemption of the first–born son. The sages, however, maintain that there is here no more obligation of indemnifying than in the case of redemption for the second tithe. (Tract Bechoroth L, Mishna VI.)   
**2** R. Zadok attested that the brine of the prohibited locusts is itself clean. For, the preceding Mishna reads: If unclean locusts have been pressed together with clean ones, they do not render the brine forbidden.   
**3** The same attested further that if flowing water exceeds in quantity the rain–water with which it is mingled, it is proper. Such a case occurred in the capital of Plia and the sages declared it proper.   
**4** He attested, finally, that flowing water remains proper as such when made to rush through the green peel of a walnut. A case to this effect happened at Ohlia and, when brought before the court in the Hall of hewed stones in the temple, was found proper.   
**5** R. Jehoshua and R. Jakin from Hadar attested that an earthen pitcher with sin–cleansing ashes placed upon a reptile is unclean, while R. Eliezar declares it clean. R. Papies attests that he who, having vowed to be a Nazarite twice, had his hair cut the first time on the thirtieth day, may have his hair cut the second time on the sixtieth day; and if he cut his hair on the fifty–ninth day, he kept sufficiently his vow, since the thirtieth day is counted both ways. (Nazir, Chapter III.)   
**6** R. Jehoshua and R. Papies attested that the offspring of a peace–offering may be offered as a peace–offering; now, as the sages hold so against R. Eliezar who maintains the opposite, said R. Papies: I attest that we ourselves had a cow of a peace–offering which we ate on Passover, and whose offspring we consumed the next Tabernacle likewise as a peace–offering. (Themura, Chapter III.)   
**7** The same two attested that the flat boards of the bakers are unclean, as against R. Eliezar, who declared them clean; furthermore that a baking oven cut in parts between which mortar has been put, is subject to defilement, as against R. Eliezar, who finds it clean; that the court of justice has time to declare the year to be a leap–year during the entire month Ador, for formerly the Purim feast was thought to be the time limit for this declaration; finally, that the year may be declared a leap–year on condition. So it once happened that when R. Gamaliel, having gone to ask leave of the Hegemon of Syria, tarried on his way, the year was declared a leap–year on the condition that R. Gamaliel consent to it on his return, which he did upon returning and the year remained a leap–year. (Kelim, Chapter XV.)   
**8** Mena'hem b. Signai attested that the enameled brim of the (metallic) kettle used by the olive–boilers is subject to defilement, but that of the painters is clean, for, formerly the converse was held.   
**9** R. Nehunia b. Gudgada attested that a deaf–mute girl married off (while under age) by her father may receive a divorce; that a minor (orphaned) Isræl–girl married to a priest may eat Terumah, and that in case she dies her husband is her heir; furthermore, that the owner of a beam robbed and immured in a palace can claim only its value; finally, that a robbed sin–offering not known to the majority is regarded as atoning for its owner when offered on the altar (in order not to make the altar unclean).

**Chapitre 8**

**1** R. Jehoshua b. Bathyra attested that the blood of carcasses is clean. R. Simeon b. Bathyra attested that the ashes of the sin–cleansing red cow, if touched even in part by an unclean one, become all unclean; to which R. Aqiba added that he who has bathed for cleansing himself (and hence is not yet wholly clean) renders improper the whole of the holy flour, the frankincense, the incense and the coal on touching them only in part.   
**2** R. Jehudah b. Baba and R. Jehudah the priest attested that an (orphaned) Isræl–daughter married under age to a priest is entitled to eat terumah soon after she was led under the canopy, though before cohabitation. R. Jose the priest and R. Zecharia the son of a butcher related the following: It happened that a small girl had been kidnapped by the heathens of Ashkalon; her kinfolks wanted to reject her from the family notwithstanding the assurance of the witnesses that she was not hiding with anybody nor dishonored, and the sages interfered, saying: If you believe her witnesses that she was kidnapped, there is no reason for you not to believe that she was not hiding with anybody nor dishonored; on the other hand, if you distrust the latter part, don't believe the former, either.   
**3** R. Jehoshua and R. Jehudah b. Bathyra attested that the widow of a priest of a doubtful pedigree may yet marry a priest, that such a doubtful family may enquire after the purity or impurity of its members, in order to separate itself from, or to approach them. Thereupon remarked R. Simeon b. Gamaliel: We accept your attestation, but what shall we do now that R. Johanan b. Zakkai has decreed not to call any jury on this point? The priests will surely follow you when a case of separation, but not when such of approaching, is concerned!   
**4** R. Jose b. Joezer, the man of Zereda, attested that the locust [Ail Kamza] is allowed, that all liquids in the slaughter–house of the temple are not subject to defilement, and finally that only he is unclean who has surely touched a corpse. He received on this account the name, Jose the allower.   
**5** R. Aqiba attested in the name of Nehemia from Beth D'lee, that the testimony of one witness suffices to allow a woman to remarry. R. Jehoshua attested that regarding bones found in the wood–barn (of the women's courtyard in the temple) which are yet unclean, the sages say: Pick them out singly, bone by bone, and all remains clean.   
**6** Said R. Eliezar: I heard that when the central hall of the temple was being built, curtains were put up before both the hall and the courtyards, with the difference, however, that in the former the wall was built outside, while in the latter inside, of the curtains. R. Jehoshua said: I heard that it is allowed to offer sacrifices also when there is no temple, that the all–holiest offerings may be eaten also when there is no curtain; that leniently–holy offerings as well as second tithe may be eaten even if there be no city walls (around Jerusalem), for the first consecration has rendered her (the city) holy for her times as well as for all time to come.   
**7** R. Jehoshua said: I have it by tradition from R. Johanan b. Zakkai, who heard it in direct line from his teacher, to be a Halakha from Sinai to Moses that Elijah is not coming in the future to declare certain families clean or unclean, to separate or to reconcile them, but to remove those who were reconciled by force, and to bring together those who were segregated by force. A family of the name Bethz'repha was across the Jordan, excluded by a certain Ben Zion with the use of force; another family (of impure blood) was in the same manner accepted by the same Ben Zion. It is to declare cases of this kind clean or unclean, to remove or to accept that Elijah is coming. R. Jehudah says: Only to accept, but not to remove. R. Simeon says: His mission is only to settle certain disputes. The sages, however, say: His advent will have for its purpose not the removing or accepting of the mentioned cases but the establishing of peace in the world, for it is written [[Malachi, iii. 23, 24]]: "Behold, I send unto you the prophet Elijah. . . . and he shall turn back the heart of the fathers to the children, and the heart of the children to their fathers."

**Avodah Zarah**

**Chapitre 1**

**1** Three days before the festivals of the heathens it is forbidden to have any business with them. One must not lend them anything (which can be useful to them) nor borrow such from them. And the same is the case with cash money, even to pay or to receive payment is forbidden. R. Jehuda, however, maintains: To receive payment is allowed, because it is a displeasure to the payers. And he was answered: Although it is [now] a displeasure, it pleases them, in the future.   
**2** R. Ismæl said: Three days before and three days after it is prohibited. The sages, however, say: Before the festivals, but not after them.   
**3** The following are the festivals of the heathens: [Kalends, Saturnalia, kratsin]. The accession of their kings upon the throne, their birthday, and the day of their death. So R. Mair. The sages, however, maintain that only such a death on which burning (dresses) is used, is conjoined with worshipping the idols. But in such on which it is not used, there is no .idolatry. All, however, agree concerning the following days: That of shaving his beard and hair, that in which he lauds, that on which he was released from prison, and that on which is celebrated a marriage of his son that the prohibition concerns only one day, and the only one man engaged in this affair.   
**4** In a city where the idol is placed, interfering is forbidden inside, but not outside. And if outside, the inside is not forbidden. May one go to the city at that time? If the way leads to the idol only, it is forbidden, but if it leads also to another place, it is not.   
**5** If, during an idol festival in the city, some stores were there decorated, one must not buy from these stores, while he may from the others, as such a case happened in the city of Beth Shean, and the sages have so decided.   
**6** The following are forbidden to be sold to the heathens: Fir–cones, white figs on their stems, frankincense, and a white cock. R. Jehudah, however, said: That a white cock may be sold among other cocks, and if singly, he has to cut off a finger of it, because the heathens do not sacrifice an animal of which an organ is missing. All other things may be sold anonymously, but if they say that they buy it for worshipping, one must not sell. R. Mair, however, forbids to sell them fine date trees, sugar–canes, and a variety of dates.   
**7** In places where it is customary to sell small cattle (sheep, goats, etc.) to heathens, it is lawful to do so, but not in places where this is not customary. Large cattle must not be sold to them at all, nor calves nor foals of asses, either sound or broken–legged. R. Jehudah permits the sale of the latter, and Ben Bathyra permits the sale of a horse.   
**8** One must not sell to them bears, lions, and all such things by which the people can be injured. One must not conjoin himself in building their court houses (from the roofs of which they usually throw the one who is sentenced to death, to be killed), [gradus], arenas and scaffolds. However, in building monuments and bath–houses, one may. But when they reached that chamber in which their idols should be placed, be must stop.   
**9** One must not manufacture ornaments for an idol––[e.g.], necklaces, nose–bands and rings. R. Eliezar, however, maintains that for reward one may. Nothing must be sold to them while attached to the ground, but after it was cut off, one may. R. Jehudah said: He may also sell with the stipulation to cut it off afterward.   
**10** Houses must not be rented to the heathens in Palestine, not to speak of fields. In Syria, however, houses are permitted to be sold, but not fields, and out of Syria houses may be sold and fields rented. So R. Mair. R. Jose, however, said: In Palestine, houses may be rented, but not fields, in Syria houses sold, and fields rented; out of Syria, everything may be sold. However, even in the places where renting is allowed, it must not be for residence, as the idol is brought there, which is against [[Deut. Vii. 26]]: "And thou shalt not bring an abomination in thy house." A bath–house must not be rented at any place because it is named after the owner, who is an Isrælite (and he can be suspected of heating it himself on the Sabbath).

**Chapitre 2**

**1** Cattle must not be placed in the inns of the heathens because they are suspicious of having sexual intercourse with them. And for the same reason a female must not stay alone with them, because they are suspected of insult; nor should a male stay with them alone, because they are suspected of bloodshed.   
**2** A daughter of an Isrælite must not confine a heathen, because she confines a person to idolatry; however, a heathen may confine an Isrælite. The same is the case with nursing, an Isrælite must not nurse the child of a heathen, while the latter, being under the control of the former, may do so.   
**3** One may employ their (the heathens') services for curing his personal property, but not for curing the body. However, cutting hair by them is prohibited at any place; so R. Mair. The sages, however, maintain: One may do so in a public place, but not when he is alone with him.   
**4** The following things of the heathens are prohibited, and the prohibition extends even to the deriving of any benefit therefrom––viz.: wine, vinegar, and pieces of wine extract, and skins in which there are holes opposite the heart. R. Simeon b. Gamaliel adds: Provided the hole is made round, but not if lengthwise. Meat which is entered for the idol is not prohibited, but which comes out of it is prohibited, as it is equivalent to the offerings of the dead. Such is the decree of R. Aqiba. With pilgrims while going for worship one must not interfere, but with those who are coming from, one may. The bags of the heathens, the pitchers which contain wine of an Isrælite, are forbidden to derive any benefit from them. So R. Mair. The sages, however, maintain: They are forbidden, but not to derive benefit. The pressed grapes of which wine was made as well as their kernels are prohibited for any benefit. So R. Mair. The sages, however, forbid only the wet ones, but not the dry ones. Fish–oil and cheese of the village Aunyiki made by the heathens are, according to R. Mair, prohibited for any benefit, and according to the sages the using is prohibited, but not the benefit. Said R. Jehudah: R. Ismæl questioned R. Jehoshua while they were on the road: Why have the sages prohibited the cheese of the heathens, and he answered: Because they use the rennet of a carcass to curdle milk. Said he to him: The rennet of a burnt–offering is more rigorous than of a carcass, and nevertheless a priest, who is not so particular, consumes it while raw. This, however, the sages did not admit, but even they allow no benefit therefrom, although its use, when made, is no transgression. Answered R. Jehoshua: The prohibition was because they curdle their milk with the rennet of the calves, which was sacrificed to the idol. Thereupon rejoined R. Ismæl: If such is the case, why was not prohibited all benefit thereof? R. Jehoshua, however, was not prepared to answer him this question, and called his attention to another thing: Ismæl, my brother, how do you read ([[Solomon's song, 1, 2]]) Thy caresses? And he answered: I read thy as masculine. To which Jehoshua answered: It is not so, as further on (3) it reads feminine, and this is evidence that also verse 2d uses thy in the feminine.   
**5** The following things of the heathens are prohibited, but not for deriving benefit from them: Milk which the heathen himself milked not in the presence of an Isrælite, their bread and oil. Rabbi in his court, however, permitted the consumption of their oil. Cooked and soaked herbs, in which they usually pour wine, and small salted fish (which is called trith), the brine of fish in which there is no fish, and 'hillek, the brine of 'hilteth, and [sal–condire]––all these are forbidden to eat, but one may derive benefit from them.   
**6** The following things are allowed to eat, too: Milk milked by a heathen in the presence of an Isrælite, honey and honey–cake from the beehive. Others think grapes, even when trickling, are not capable of defiling, not even as moisture; preserves into which as a rule wine and vinegar are not entering; pressed fish that is not all cut, fish–brine in which there is a fish, the leaves of Chalthith; soft olives closely packed in a barrel. R. Jose prohibits them if their kernels fall out easily. The locusts are forbidden when coming from the grocer's basket, but are allowed when they come from the pantry; the same is the case with heave–offering.

**Chapitre 3**

**1** All images are prohibited, for they are worshipped at least once a year, so says R. Mair. The sages, however, say: Only those that have in their hand a staff, a bird or a sphere. R. Simeon b. Gamaliel says: And that has something in its hand.   
**2** If one finds fragments of images, he is allowed to use them. However, if he finds fragments in form of a hand or a foot, they are prohibited, for such are worshipped.   
**3** If one finds vessels with the image of the sun, moon, or of a dragon on them, he must throw them into the salt lake. R. Simeon b. Gamaliel said: Only when these vessels are of a distinguished character they are forbidden, while insignificant vessels with such images on are allowed.   
**4** R. Jose said: One may grind the images and scatter them to the wind, or sink them into the sea. Thereupon it was objected: They might turn into dung, and it reads [[Deut. xii. 18]]: "And there shall not cleave to thy hand aught of the devoted things."   
**5** Peroklas, the son of a philosopher, asked once R. Gamaliel at Ako, who was then bathing in the bath of the goddess Aphrodite: Your law prescribes [[Deut. xiii. 17]]: "Let nothing of the devoted objects cleave to thy hands"; why, then, do you bathe in the bath of Aphrodite? And he answered: Such questions are not answered––at a bathing place. After he had left the bath he said: I am not come into her domain, but it is she that is come into mine; truly, people do not say: The bath is erected to adorn the Aphrodite, but the Aphrodite is to ornate the bath; moreover, you would not agree for any amount of money to appear before your idol when you are naked or urinating. The Aphrodite, however, stands on the channel, and everybody urinates in front of her. The law says their gods, [i.e.], to say such toward whom one behaves with dignity inspired by something divine; while whatever does not inspire such a behavior, is allowed.   
**6** The mountains and hills worshipped by heathens are allowed to use, but not the things brought upon them, for it reads [[Deut. Vii. 25]]: "Thou shalt not covet the silver or gold that is on them, so that thou wouldst take it unto thyself." R. Jose the Galilean says, it reads [[ibid. xii. 2]]: "Their gods on the mountains," but not their mountains as gods; "their gods on the hills," but not their hills as gods. Why, then, is a grove prohibited? Because it is established by the hand of man, and whatever is made by human hand is forbidden. Hereupon said R. Aqiba: I should explain and interpret this statement thus: Wherever you find a high mountain, an elevated hill, a leafy tree, there is surely an idol there.   
**7** If a house situated close by a worship–house of an idol crumbles down, its owner is prohibited from rebuilding it, but he must recede four ells into his property and then build; but if the house and the said worship–place have the wall in common he should count in a half of the thickness of the wall. Stones, wood, and rubbish thereof are defiling as reptiles; for it reads [[Deut. vii. 26:]] "Thou shalt detest it." R. Aqiba said, it is defiling like a menstruant woman, for it reads [[Isa. xxx. 22]]: "Thou wilt cast them away like Dovoh (menstruation)," [i.e.], as a menstruant woman defiles by carrying, so an idol, too.   
**8** There are three kinds of stones: (1) a stone originally hewn for a statue is prohibited; (2) if calcimined and decorated, or otherwise somewhat renewed for idol–worship, then only the new additions must be taken away; (3) if one had placed an idol upon it but it was afterward removed, it is allowed.   
**9** There are three kinds of groves: (1) a tree originally planted for idol–worship is prohibited; (2) if it was clipped and trimmed or somehow otherwise altered for the idol, only the alterations must be removed; (3) a tree under which an idol was put, but thereafter destroyed, is allowed.   
**10** What is a grove? A tree with an idol under it. R. Simeon said: Any tree that is worshipped. In Cidon there was once a tree that was worshipped, and a heap was found under it. R. Simeon said: Search this heap. The heap was searched and an image was found underneath; whereupon he decided: As they worship only the image, we may allow the tree.   
**11** It is not allowed to sit down in the shade of such a tree; if, however, one chanced to sit there, he is clean. Nor is it allowed to pass under it, and if one did pass he is unclean. If its branches inclined upon the public grounds and one passes under it, he is clean.   
**12** Under such a tree is allowed to sow herbs in the winter, but not in summer. Lettuce is not allowed to sow in either winter or summer. R. Jose said: Even herbs must not be sowed in winter either, for their leaves, when falling down, would turn dung for the tree.   
**13** To derive any benefit of wood obtained from an idol–grove is prohibited. The stove heated therewith must be destroyed if new yet, but if old already, it must be cooled off. Bread baked therewith is prohibited for any benefit; if it was mingled with other bread, they are all forbidden. R. Eliezar says: The worth of its benefit should be cast into the salt lake. However, the rabbis responded: There is no redemption in case of idol–worship. The same is the case with a loom made of this wood and with the garment wrought therewith. If such a garment was mixed up with other garments and these again with others the benefit of them all is forbidden. R. Eliezar, however, said: Cast their worth into the salt lake, and he was answered: There is no redemption from idol–worship.   
**14** How is the idol–worship of a tree profaned? If the heathen cuts down from it dry twigs or fresh branches, a staff or a rod., or even if he takes from it only a leaf, it is profaned. If, however, all this be done in the interest of the tree, it remains forbidden; and if not in its interest, it is allowed.

**Chapitre 4**

**1** R. Ismæl says: Three stones near one another and beside the Merkules are prohibited; two stones in this position are allowed. The sages;, however, said: Only the stones that are close by it are prohibited, but those that do not appear to be so are allowed.   
**2** Money, garments, utensils found on the head of an idol are allowed; vine with grapes on, wreaths of corn ears, wine, oil, fine flour, and whatever is offered upon the altar, is prohibited.   
**3** The use of a garden or bathing–place belonging to an idol is allowed when it is gratis, but is forbidden when it is for remuneration. If they belong to both the idol and some people, their use is allowed unconditionally, whether gratis or for pay. The idol of a heathen is forbidden from the very beginning, while that of an Isrælite is not forbidden until after it has been actually worshipped.   
**4** A heathen can profane his idol as well as that of his neighbor. An Isrælite cannot profane that of a heathen. The idol once profaned, all that pertains to its service is abolished; on the contrary, if only the pertainings were profaned, they alone are allowed, but not the idol.   
**5** How is an idol to be profaned? By cutting off the tip of its ear, the point of the nose, or the ends of the fingers, or by disfiguring its face with a hammer, even if thereby nothing is broken off. But if he only spat or urinated before it, dragged it about in the dirt, or cast such upon it, it is not profaned. If a heathen sold or pawned his idol it is profaned according to Rabbi, but not according to the sages.   
**6** An idol abandoned by its worshippers in time of peace is allowed, but is forbidden when abandoned in time of war. Altars erected for kings are allowed, for the idol is put on them only when the kings pass.   
**7** The Jewish elders were asked by the philosophers at Rome: If God is displeased with idol–worship, why does he not destroy the idols? And they replied: If the heathens worshipped but things not needful to the world, he would surely annihilate them; but the fact is that they worship the sun, moon, stars and planets; should then God destroy his world on account of these fools? Then retorted the others: Let God destroy the unnecessary objects and leave the other? that are needed for the preservation of the world. Replied the elders: If he did so, the idol–worshippers would but be confirmed in their belief and say: Here you see that these are gods, for they are indestructible.   
**8** It is allowable to buy a wine–press from a heathen even while he takes grapes therefrom and puts them into the heap of grapes. The wine is not considered offered ere it reaches the reservoir, while upon reaching it all that is in it is (provided the heathen touches it) forbidden, the rest is allowed. It is allowed to tread but not to gather the grapes jointly with a heathen. It is forbidden both to tread and to gather with an Isrælite who prepares the wine while he is unclean; it is, however, allowed to help him convey empty casks to, and then filled ones back from, the press. It is forbidden to assist a baker, who, in a state of uncleanness, prepares his bread, in kneading or ordering, but one may help him carry the bread to the dealer.   
**9** A heathen standing near the wine reservoir renders the wine forbidden, provided he has a lien on it, but not otherwise. When a heathen falls into a wine–reservoir. and is then brought up (dead), or when a heathen measured the wine with a pipe, dragged therewith a hornet out of the wine, or, finally, tapped his hand on the cask against the ebullitions of the fermenting wine––all which cases have actually occurred––the wine should, according to the rabbis, be sold; R. Simeon allows to drink it. If the heathen, while enraged, cast the cask into the reservoir, as it once happened, the sages allowed the wine.   
**10** If an Isrælite, who had cleansed the wine of a heathen, left it in the latter's premises, in a house opening into a public ground, in a town where heathens and Jews live, the wine is allowable; but if there live only heathens, the wine is not allowed, unless a Jewish watchman take care of it. However, the watchman must not continually stay there, but may go and come. R. Simeon b. Elazar says: All heathen premises are of the same account. If one cleanses the wine of a heathen, leaves it in his premises (as above), and the latter writes him a note stating, "I have received money from you," the wine is allowed. But if the case be such that when the Isrælite wants to take out the wine the heathen refuses, requiring to be paid first (as it once occurred at Beth–Shean), the sages prohibit the wine.

**Chapitre 5**

**1** The wages of a Jewish laborer hired by a heathen to work with him wine for libation are prohibited. But if he was hired for some other work and was then told: Bring this cask of offered wine from one place to another, the wages are allowed. If a heathen hires of a Jew an ass to carry on it such wine, the reward is forbidden; if, however, he hired it to sit thereon, it is allowed even if he had with him his wine–flask.   
**2** If offered wine be poured on grapes, they must only be washed and are allowed. If, however, they were cracked, they are prohibited. Again, when such wine be poured on dates and figs, they are forbidden if the wine impart them a pleasant flavor. Bithus b. Zonan brought once dried figs in a ship, and a cask of offered wine happened to burst, the wine spilling upon the figs, but the sages who were asked on this point declared them allowable. The rule is: A prohibited thing renders another one forbidden if it imparts to it a pleasant flavor, but if not, it is allowed, [e.g.], vinegar poured over grit.   
**3** Wine known as being watched is allowed when transported from place to place by a heathen and an Isrælite, even if the latter absent himself. However, if he notifies the heathen that he is taking leave, and be it only for as short an interval as to enable one to bore a hole, close it up and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: This interval must be so long, that he could open the bunghole, close it again and have it dried. When an Isrælite leaves his wine on the wagon or boat of a heathen and himself takes a shorter road, the wine is allowed even if he succeeded to reach first the destination and to have a bath meanwhile. But if he notified the heathen of his leave, and be it for only as short an interval as to enable one to bore a hole, close it, and have it dried, the wine is prohibited. R. Simeon b. Gamaliel says: As long as to open the bunghole, close it and have it dried. When an Isrælite admits a heathen into his wine store, the wine is allowed, even if the Isrælite is only coming in and out; if, however, he says that he is going to absent himself, and be it only for as short an interval as to enable one to bore a hole, close it and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: As long as to open the bung, close it again and have it dried. When an Isrælite dines with a heathen at the same table, puts a bottle of wine on the table and another one on the by–table () and goes out, what is on the table is prohibited, what on the by–table is allowed; but if he said to the heathen: You only help yourself to the wine and drink, the bottle on the by–table is forbidden, too. If he leaves open casks they are prohibited; closed ones, they are only then forbidden when the heathen could unbung them, close again and have them dried.   
**4** When an army enters a town in time of peace, the open wine–casks are forbidden, the closed ones are allowed; but if in time of war, both are allowed, for there is no leisure then to make libations.   
**5** Artisans who are offered by a heathen a cask of offered wine as their remuneration, are allowed to ask of him its worth in money; if, however, the wine has already entered their possession, they are forbidden to ask it.   
**6** He who sells his wine to a heathen is allowed to use the money, provided he has fixed the price [before] measuring the wine, but if he had first measured out and then determined the price, the money is forbidden.   
**7** If the funnel was first used to measure through it into the heathen's flask and then into that of an Isrælite, the wine of the latter is forbidden when there has been left in the funnel a drop or so from the heathen's wine. Furthermore, wine left in the vessel after some of it has been poured into a heathen's vessel, is allowed, but the wine poured out is forbidden.   
**8** Devoted wine is prohibited and renders unallowable even by a minimal quantity; the same is the case with devoted wine or water mixed with other wine or water respectively, and be it in a minimal quantity, likewise wine with water or [vice versa], provided the quantity be such as to impart a flavor to other ingredients. This is the rule: When the two ingredients are of the same kind, a minimal quantity suffices; if, however, they are of various kinds, the imparting of flavor determines.   
**9** The following objects are forbidden and render prohibited by minimal quantity: Offered wine, an idol–image, holed hides, an ox sentenced to be stoned, the heifer destined for breaking off her neck, the fowl sacrifices of the leper, the hair of a Nazarite, the first–born of an ass, meat cooked in milk, the kid exported on the Day of Atonement, and ordinary cattle slaughtered in the courtyard of the temple. All these objects are themselves forbidden and render prohibited by their minimal quantity.   
**10** When offered wine flows down into a reservoir of wine, the benefit of the whole wine is forbidden. R. Simeon b. Gamaliel, however, says: The whole is allowed to be sold to heathens, excepting the worth of the offered wine therein.   
**11** A stone wine–press waxed by a heathen must only be washed to remain clean; but if it is of wood, Rabbi says it must only be washed, while the sages say that the wax must be wholly removed. Finally, if it is a clay press it is forbidden even when the wax has been removed.   
**12** Utensils bought of a heathen must be cleansed according to usages: if they are customarily immersed in water, they must be cleansed so; if boiled, by boiling; if glowed, by glowing in fire. A spit or a gridiron must be glowed; a knife is cleansed even by grinding it.

**Horayot**

**Chapitre 1**

**1** If, after the court had decreed the transgression of one of all the commandments prescribed in the Torah, an individual guided by this decree acted erroneously, either simultaneously with the judges, or after they had acted, or altogether independently, the court not having acted yet at all, he is free, for he followed the decree of the court. If, however, the transgressor was one of the members of the court and knew the decree to be erroneous, or a scholar already qualified to himself decide, he is in any of the aforementioned conditions liable (to bring a sin offering), as he has not based his transgression upon the decree of the court. This is the rule: Whoever relies upon his own judgment is liable, but whoever follows the decision of the court is free.   
**2** If upon issuing the decree the court becomes aware of its being conceived in error and retracts, and meanwhile an individual commits a transgression upon that decree either before or after the court succeeded to bring its atoning offering, he is free according to R. Simeon, while R. Elazar classes it among the doubtful cases. In what sense is it doubtful? He may have stayed at his home, then he is liable; but if he was in the sea countries he is free. Said R. Aqiba: I agree that in the latter case he is rather free than liable. Whereupon Ben Azai asked: What difference is there between the two cases? It consists in that he who stays at home can possibly hear (of the retraction), while to the other one this is impossible. If the court decided to annihilate a law in its very essence, by saying, [e.g.], that there is not in the Torah the law of menses, of Sabbath, of idolatry, the members of the court are free (from an offering); but if it decided to abolish only one part of a law retaining in force the other part, they are liable. How so? If it decided, [e.g.], that, though the law of menses is in the Torah, a man who has sexual relations with a woman in her watching days is free; or, that he who transports something from private to public grounds is free though the law of Sabbath is in the Torah; or, that the Torah truly forbids idol worship, yet he who bows to the idol is free––the court is liable, for it reads (Lev. iv. 13): "And the thing be hidden," [i.e.], [something], but not the whole essence.   
**3** If while the court was deciding, one of its members who perceived their error drew their attention to it, or if the presiding judge was absent, or one of them was a proselyte, a bastard, a nation, or an aged man who had no children, they are free; on the ground of the following analogy [[Lev. iv. 3]]: the expression [congregation] is used and [[Numb. xxxv. 24]] the same expression, it is inferred thus: just as there the expression means a congregational meeting whose members are singly and severally qualified to decide law questions, in the latter case it means the same.   
**4** If the court decided in error, causing the whole people to act erroneously, a bullock is to be offered; but if the court decided intentionally (against the law) and the people acted in error, a sheep or goat is to be sacrificed (by each individual transgressor). If, however, the reverse was the case, all are free.   
**5** If upon the erroneous decree of the court the whole people, or its majority, acted, a bullock is to be brought; or, in case the decree referred to idol worship, a bullock and a he–goat; so holds R. Mair, while R. Jehudah says: Twelve tribes bring 12 bullocks, and in the case of idol worship yet 12 he–goats in addition. R. Simeon says: 13 bullocks in the one and 13 bullocks plus 13 he–goats in the other case respectively, thus making one bullock with one he–goat to each tribe, and one such pair for the court. If but seven tribes or the majority (of the people) acted upon the decree, the court members must bring a bullock, and in case of idolatry also a he–goat, so holds R. Mair, while according to R. Jehudah, the 7 tribes that sinned should bring 7 bullocks, and the innocent remaining tribes also sacrifice one bullock for the sinners. R. Simeon maintains his foregoing view, reducing the number of the sacrifices from 13 to 8. If a tribal court caused by its erroneous decision the tribe to act accordingly, only this tribe is liable, while all the others are free, so holds R. Jehudah; the sages, however, maintain that only those are liable who act on the decree of the supreme court, for it reads [[Lev. iv. 13]]: "If the whole congregation of Isræl sin through ignorance," hence not that of a single tribe.

**Chapitre 2**

**1** If an anointed priest has erroneously rendered an unlawful decision against himself and acted accordingly by mistake, he must sacrifice a bullock. But if the decision was conceived in error and the act performed intentionally or [vice versa], he is free; for the decision of an anointed priest with regard to himself is equivalent to a decision of the court for the people.   
**2** If he (the said priest) both decided and acted for himself, he brings his atoning sacrifice separately. If, however, he both decided and acted jointly with the congregation, he brings with latter a joint atoning sacrifice. Like the court, that is liable only when it effects a decision partly annulling partly confirming the law, so also the anointed priest, and even if the law in question be one regarding idol worship.   
**3** The conditions determining the liability of both the courts and the anointed priest are: Their ignorance of the thing during the rendering of the decision, and the subsequent erroneous acting. The same conditions hold in decisions regarding idol worship.   
**4** The court is not liable unless the issued decree concerns a command the intentional and unintentional violation of which entail [Korath] and sin–offering respectively; the same is the case with the anointed priest. The same refers to the case of idol worship.   
**5** The court is not liable for a decree concerning a command or a prohibition with regard to (polluting) the sanctuary. Nor must one bring a pending offering for a doubtful violation of the said command or prohibition. But in case of erroneous teaching and of doubt, each regarding a command or prohibition with reference to a woman in her menses, a bullock and a pending offering are required respectively. The command in the case is: Keep away from a woman in her menses. The prohibition is: Have no sexual intercourse with her.   
**6** There is no liability when the decree concerns an adjuring challenge to testify, a hastily made vow, the defilement of the temple and its holy objects; the same is the case with the ruler, so R. Jose the Galilean. R. Aqiba, however, says: The ruler is liable in all these cases but the first one, for the king can neither judge nor be judged, neither testify for others nor have others testify for him.   
**7** As regards all commandments of the Torah, whose intentional and unintentional violations entail respectively Korath and sin offering, a private individual brings offers (in the latter case) a (female) sheep or goat, the ruler, a he–goat; the high priest or the supreme court, a bullock. In matters of idol worship the private individual, ruler and priest bring a she–goat, while the court (that has erroneously decided) a bullock and a he–goat, former as burnt offering, latter as a sin offering. The offering (for a doubtful malfeasance) is imposed upon the ruler and private persons, the anointed priest and the court are free therefrom. The trespass offering (for a sure misdeed) is imposed besides the first two also upon the high priest, while the court is exempt therefrom. For challenging by oath to testify, for a hastily made vow, for defiling the temple and the holy objects thereof, the erroneously decreeing court is free; while private individuals, the ruler, the high priest are liable; with the exception, however, that the last one is according to R. Simeon not liable in the said case of defilement. And what is the sacrifice they bring? A poor and rich offering. R. Eliezar says: The ruler brings (for temple defilement) a he–goat.

**Chapitre 3**

**1** An anointed priest who has sinned and thereafter was removed from his office, and a ruler who has sinned and was removed from his dignity, the former brings a bullock and the latter a he–goat. However, if both have sinned after they were removed from their offices, the priest in question brings a bullock and the ex–ruler is considered as a common man.   
**2** If they were appointed to their respective positions after they had sinned, they are treated as private persons. R. Simeon, however, says: If they become cognizant of their malfeasance before their appointment, they are liable; but if after, they are free. What is meant by ruler? A king, for it is stated [[Lev. iv. 22]]: "If a prince sins and performs one of the commandments of the Lord his God," etc.; hence, a prince who has above him no one but the Lord his God.   
**3** And who is the anointed priest? He who was consecrated to priesthood by the holy ointment and not merely by the many (8) raiments. However, between these two kinds of priests there exists no other difference except the bullock–sacrifice attending the violations of any of the commandments. Nor is there any difference between the priest in office and the retired priest except the bullock of the day of atonement and the tenth of the [Eifah]. Both are equal as regards the services on the day of atonement, the command to marry a virgin, the prohibition from marrying a widow, from defiling themselves to a dead relative, from wild–growing of the hair, from tearing their garments; finally both effect through their respective deaths the return of the homicide from exile.   
**4** The high–priest rends his garment from below; the common priest, from the top. The former, while in mourning, may offer sacrifices but not eat thereof; the latter, if in mourning, must do neither the one nor the other. Said Rabh: From below means literally he shall tear from the bottom of the garment. Samuel, however, says: From the bottom of the seam, and on top means on the top of the seam. But both must be on the bottom of the collar.   
**5** What is more common precedes the less common; the more holy precedes the less sanctified. If the bullock of the anointed priest and that of the congregation are simultaneously ready as sacrifices, the former precedes the latter in all respects.   
**6** The man has the preference over the woman in respect of preservation of life and of returning a loss. The woman has the preference in respect of dressing and of being ransomed from captivity. If two persons of different sex are menaced with being (sexually) disgraced, the man must be protected first.   
**7** The following precede one another in order of arrangement: the priest, Levite (simple), Isrælite, bastard, nathin, proselyte, a freed slave; provided, however, they are equally qualified in learning; but if, [e.g.], the bastard be a learned man in the Law, while the high priest is an ignorant, the preference is on the part of the former.