

## Mishna - Mas. Yadayim Chapter 1

MISHNAH 1. [A MINIMUM OF] A QUARTER [OF A LOG]<sup>1</sup> OF WATER MUST BE Poured<sup>2</sup> OVER THE HANDS<sup>3</sup> [TO BE SUFFICIENT] FOR ONE [PERSON] AND IS EVEN [SUFFICIENT] FOR TWO;<sup>4</sup> A MINIMUM OF HALF<sup>5</sup> A LOG MUST BE Poured OVER THE HANDS [TO BE SUFFICIENT] FOR THREE OR FOUR PERSONS;<sup>6</sup> ONE LOG OR MORE [IS SUFFICIENT] FOR FIVE, TEN, OR ONE HUNDRED PERSONS.<sup>7</sup> R. JOSE SAYS: BUT PROVIDED ONLY THERE IS NOT LESS THAN A QUARTER OF A LOG LEFT FOR THE LAST PERSON AMONG THEM. MORE [WATER] MAY BE ADDED TO THE SECOND WATER,<sup>8</sup> BUT MORE MAY NOT BE ADDED TO THE FIRST WATER.<sup>9</sup>

MISHNAH 2. WATER MAY BE Poured OVER THE HANDS OUT OF ANY KIND OF VESSEL, EVEN OUT OF VESSELS MADE OF ANIMAL ORDURE,<sup>10</sup> OUT OF VESSELS MADE OF STONE<sup>10</sup> OR OUT OF VESSELS MADE OF CLAY.<sup>10</sup> WATER MAY NOT BE Poured FROM THE SIDES OF [BROKEN] VESSELS<sup>11</sup> OR FROM THE BOTTOM OF A LADLE<sup>11</sup> OR FROM THE BUNG OF A BARREL.<sup>12</sup> NOR MAY ANYONE POUR [WATER] OVER THE HANDS OF HIS FELLOW OUT OF HIS CUPPED HANDS BECAUSE ONE MAY NOT DRAW, NOR SANCTIFY,<sup>13</sup> NOR SPRINKLE<sup>14</sup> THE WATER OF PURIFICATION,<sup>15</sup> NOR POUR WATER OVER THE HANDS EXCEPT IN A VESSEL. AND ONLY VESSELS CLOSELY COVERED WITH A LID PROTECT [THEIR CONTENTS FROM UNCLEANNES]<sup>16</sup> AND<sup>17</sup> ONLY VESSELS PROTECT [THEIR CONTENTS FROM UNCLEANNES] FROM EARTHENWARE VESSELS.<sup>18</sup>

MISHNAH 3. IF WATER HAS BECOME SO UNFIT<sup>19</sup> THAT IT CANNOT BE DRUNK BY CATTLE, IF IT WAS IN A VESSEL IT IS INVALID,<sup>20</sup> BUT IF IT WAS IN THE GROUND<sup>21</sup> IT IS VALID. IF THERE FELL INTO IT INK, RESIN,<sup>22</sup> OR VITRIOL<sup>23</sup> AND ITS COLOUR CHANGED, IT IS INVALID.<sup>24</sup> IF A PERSON DID ANY WORK WITH IT<sup>25</sup> OR SOAKED HIS BREAD THEREIN, IT IS INVALID.<sup>24</sup> SIMEON OF TEMAN SAYS: EVEN IF HE INTENDED TO SOAK HIS BREAD IN ONE WATER AND IT FELL IN ANOTHER WATER [DO YOU STILL CONSIDER THE OTHER WATER TO BE INVALID? IN SUCH A CASE I CONSIDER THAT THE OTHER WATER] IS VALID.<sup>26</sup>

MISHNAH 4. IF HE CLEANSED VESSELS THEREIN OR SCRUBBED<sup>27</sup> MEASURES THEREIN, [THE WATER] IS INVALID; IF HE RINSED THEREIN VESSELS WHICH HAD ALREADY BEEN RINSED OR NEW VESSELS, IT IS VALID. R. JOSE DECLARES IT TO BE INVALID IF THEY WERE NEW VESSELS.<sup>28</sup>

MISHNAH 5. WATER IN WHICH THE BAKER DIPS GELUSK<sup>20</sup> N<sup>29</sup> IS INVALID;<sup>30</sup> BUT IF HE [MERELY] MOISTENED HIS HANDS THEREIN<sup>31</sup> IT IS VALID. ALL ARE FIT TO POUR WATER OVER THE HANDS, EVEN A DEAF-MUTE, AN IMBECILE, OR A MINOR. A PERSON MAY PLACE THE BARREL BETWEEN HIS KNEES AND POUR OUT THE WATER<sup>32</sup> OR HE MAY TURN THE BARREL ON ITS SIDE AND POUR IT OUT.<sup>33</sup> AN APE<sup>34</sup> MAY POUR WATER OVER THE HANDS. R. JOSE DECLARES THESE [LATTER] TWO CASES INVALID.<sup>35</sup>

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(1) A log is a liquid measure equal in quantity to the liquid contents of six eggs. Cf. B.B. 90a.

(2) Lit., 'they put (water) upon the hands'.

(3) I.e., in order to cleanse them.

(4) Even though there may not be as much as a quarter of a log of water remaining to be poured over the hands of the second person, it is nevertheless valid, as it originally formed part of the requisite quantity necessary to produce a condition of cleanness. Cf. Hul. 107a.

(5) Var. lec.: 'a half log or more'.

- (6) According to calculation, the minimum for three should be 3/8, nevertheless half a log was required for fear that each person in concern for those that follow him would economize in the use of water and not wash his hands properly (Bert.).
- (7) Not to be taken literally but meaning that a minimum of a log of water will suffice for any number as long as there is enough water remaining to be poured over the hands of the last person in the manner prescribed. Cf. Asheri ad loc. Maim. is of the opinion that this Mishnah refers to the water poured over the hands the second time and that a minimum of a quarter of a log must be poured over the hands of each person the first time. Cf. next note and infra II, 1.
- (8) Water must be poured over the hands twice to ensure that they become absolutely clean. Maim. explains that after water has been poured over the hands the first time the water becomes unclean through the hands, hence a second cleansing is necessary. The first pouring is designated the first water, the second, the second water.
- (9) The water must cover the hands as far as the wrist both times, hence if at the first pouring out the amount of water is insufficient to cover the hands as far as the wrist, they still remain unclean, and therefore the water may not be added to, but a fresh quantity of water must be used after first drying the hands.
- (10) Though vessels made of these materials are not susceptible to uncleanness (cf. Par. V, 5), they are nevertheless considered 'vessels' for the purpose of washing the hands.
- (11) Because they are not whole vessels but broken parts of a vessel.
- (12) A bung cannot itself be used as a vessel. But if it were shaped into a vessel it could be used to pour water over the hands. Cf. Tosef. ad loc. and Hul. 107a.
- (13) By mixing the ashes of the Red Heifer with the water.
- (14) By dipping hyssop into the water containing the ashes and sprinkling it over the unclean object. Cf. Num. XIX, 18.
- (15) The reference here is to the Red Heifer the ashes of which were mixed with running water in a vessel and sprinkled over the person or vessel which had become unclean through contact with a dead body or through being present in the tent where the dead body lay; cf. Num. XIX, 17.
- (16) In the tent where the dead body lay. Every open vessel which hath no covering close-bound upon it is unclean (Num. XIX, 15). Thus only whole vessels and not broken parts of a vessel protect their contents from contracting uncleanness in the Tent, when closely covered with a lid.
- (17) **שאיין** equivalent to **ואיין**. Cf. parallel passage in Par. V, 5.
- (18) For notes v. Par. (Sonc. ed.) V, 5.
- (19) I.e., unfit by reason of stench and putridity; cf. Zeb. 22a.
- (20) I.e., invalid to be used for pouring over the hands.
- (21) The water in the ground forms a ritual bath and is valid for the purpose of immersing the hands therein; cf. Tosef. ad loc. and Hul. 106a.
- (22) **קומום**, gum, resin, especially ink prepared with gum.
- (23) **קלקנתום** sometimes **קנקנתום**, vitriol, used as an ingredient of shoe-black and of ink.
- (24) Since the water is no longer in its natural state.
- (25) E.g., if he cooled wine in it (Asheri).
- (26) So Bert. Aliter: If he intended to soak his bread in one water and it fell in another it is invalid. Aliter: 'Even if he intended to soak his bread in one water and it fell in another it is valid', and needless to say, where there was no intention at all to soak the bread.
- (27) To remove the traces of anything which had adhered to the measure.
- (28) Because although they are clean it is customary to rinse them first before using them.
- (29) Round bread of fine meal. The reference here is to the dough before it is baked.
- (30) As he had done work with it. Cf. supra I, 3.
- (31) And then moistened the bread with his wet hands, it is valid because no work has been done with the actual water in the vessel.
- (32) The water must be poured out through human action, **כה גברא** (cf. Hul. 107a). By placing the barrel between his knees this requirement is considered fulfilled.
- (33) Once he has turned the barrel on to its side and the water is flowing he may even leave it and it is still considered valid as satisfying the above requirement.
- (34) This Tanna considers **כה גברא** to mean that the water must be poured out through someone's effort but not necessarily through human action.
- (35) R. Jose is of the opinion that 'human action' is essential and therefore an ape may not pour out the water.

Furthermore he considers that no human action comes into force on the actual washing of the hands if he merely turns the barrel on its side.

## **Mishna - Mas. Yadayim Chapter 2**

MISHNAH 1. IF A PERSON POURS<sup>1</sup> WATER OVER ONE OF HIS HANDS WITH A SINGLE RINSING HIS HAND BECOMES CLEAN.<sup>2</sup> IF OVER BOTH HIS HANDS WITH A SINGLE RINSING, R. MEIR DECLARES THEM TO BE UNCLEAN UNTIL HE POURS A MINIMUM OF A QUARTER OF A LOG OF WATER OVER THEM.<sup>3</sup> IF A LOAF OF TERUMAH<sup>4</sup> FELL ON THE WATER THE LOAF IS CLEAN.<sup>5</sup> R. JOSE DECLARES IT TO BE UNCLEAN.<sup>6</sup>

MISHNAH 2. IF HE POURED THE FIRST WATER<sup>7</sup> OVER HIS HANDS [WHILST STANDING] IN ONE PLACE, AND THE SECOND WATER OVER HIS HANDS [WHILST STANDING] IN ANOTHER PLACE, AND A LOAF OF TERUMAH FELL ON THE FIRST WATER,<sup>8</sup> THE LOAF BECOMES UNCLEAN. BUT IF IT FELL ON THE SECOND WATER IT REMAINS CLEAN.<sup>9</sup> IF HE POURED THE FIRST AND THE SECOND WATER [WHILST STANDING] IN ONE PLACE, AND A LOAF OF TERUMAH FELL THEREON, THE LOAF BECOMES UNCLEAN.<sup>10</sup> IF HE POURED THE FIRST WATER OVER HIS HANDS AND A SPLINTER OR A PIECE OF GRAVEL IS FOUND ON HIS HANDS, THEY REMAIN UNCLEAN,<sup>11</sup> BECAUSE THE LATTER WATER ONLY MAKES THE FIRST WATER ON THE HANDS CLEAN. R. SIMEON B. GAMALIEL. SAYS: IF ANY WATER-CREATURE [FALLS ON THE HANDS WHILST THEY ARE BEING CLEANED] THEY NEVERTHELESS BECOME CLEAN.<sup>12</sup>

MISHNAH 3. HANDS BECOME UNCLEAN AND ARE MADE CLEAN AS FAR AS THE WRIST. HOW SO? IF HE POURED THE FIRST WATER OVER THE HANDS AS FAR AS THE WRIST AND POURED THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THE LATTER FLOWED BACK TO THE HANDS, THE HANDS NEVERTHELESS BECOME CLEAN.<sup>13</sup> IF HE POURED THE FIRST AND THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THEY FLOWED BACK TO THE HANDS, THE HANDS REMAIN UNCLEAN.<sup>14</sup> IF HE POURED THE FIRST WATER OVER ONE OF HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER BOTH HIS HANDS, THEY REMAIN UNCLEAN.<sup>15</sup> IF HE POURED THE FIRST WATER OVER BOTH HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER ONE OF HIS HANDS, HIS ONE HAND BECOMES CLEAN. IF HE POURED WATER OVER ONE OF HIS HANDS AND RUBBED IT ON THE OTHER HAND IT REMAINS UNCLEAN.<sup>16</sup> IF HE RUBBED IT ON HIS HEAD OR ON THE WALL<sup>17</sup> IT BECOMES CLEAN. WATER MAY BE POURED OVER THE HANDS OF FOUR OR FIVE PERSONS, EACH HAND BEING BY THE SIDE OF THE OTHER, OR BEING ONE ABOVE THE OTHER, PROVIDED THAT THE HANDS ARE HELD LOOSELY SO THAT THE WATER FLOWS BETWEEN THEM.

MISHNAH 4. IF THERE WAS A DOUBT WHETHER ANY WORK HAS BEEN DONE WITH THE WATER OR NOT,<sup>18</sup> OR WHETHER THE WATER CONTAINS THE REQUISITE QUANTITY OR NOT, OR WHETHER IT IS UNCLEAN<sup>19</sup> OR CLEAN, THEN WHERE THERE IS SUCH A DOUBT THE WATER IS CONSIDERED TO BE CLEAN. BECAUSE THEY<sup>20</sup> HAVE SAID IN A CASE OF DOUBT CONCERNING HANDS AS TO WHETHER THEY HAVE BECOME UNCLEAN OR HAVE CONVEYED UNCLEANNESS OR HAVE BECOME CLEAN, THEY ARE CONSIDERED TO BE CLEAN. R. JOSE SAYS: IN A CASE [OF DOUBT AS TO] WHETHER THEY HAVE BECOME CLEAN THEY ARE CONSIDERED TO BE UNCLEAN. HOW SO? IF HIS HANDS WERE CLEAN AND THERE WERE TWO UNCLEAN LOAVES BEFORE HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT;<sup>21</sup> OR IF HIS HANDS WERE UNCLEAN AND THERE WERE TWO CLEAN LOAVES<sup>22</sup> BEFORE

HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO CLEAN LOAVES<sup>22</sup> BEFORE HIM AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED IT WITH THE UNCLEAN HAND OR WITH THE CLEAN HAND; OR IF HIS HANDS WERE CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED THE UNCLEAN ONE OR THE CLEAN ONE; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN, AND HE TOUCHED BOTH OF THEM, AND THERE IS A DOUBT WHETHER THE UNCLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE CLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE UNCLEAN HAND TOUCHED THE CLEAN LOAF, THE HANDS REMAIN IN THE SAME STATE AS THEY WERE BEFORE AND THE LOAVES REMAIN IN THE SAME STATE AS THEY WERE BEFORE.

(1) **נטל** an elliptical expression for **נטל מים על ידיו** cf. Levy op. cit. According to Strack, Einleitung in Talmud und Midrash, elliptic for **נטילת כלי לתן על הידים** i.e., lifting the vessel in order to pour water over the hands. Some derive it from **נטלא**, the name for the vessel used for pouring out the water. Cf. Frankel, Aramaische Fremdwörter in Arabischen, p. 65. The root **נטל** however, occurs in Biblical Hebrew. Cf. B.D.B. p. 642, with the meaning, to lift; and cf. note to supra I, **נוטלין לידיים**.

(2) Even if there be less than a quarter of a log of water in the vessel. This is the case when he is not the first person to wash his hands from the water but washes them from the 'residue of the requisite quantity' necessary. Cf. supra I, 1. The one hand nevertheless becomes clean with a single rinsing and a second pouring out is unnecessary. But if he pours out the water over both his hands with a single rinsing, even though the water be the residue of the requisite quantity it is not sufficient and he must pour the water over his hands a second time as far as the wrist.

(3) R. Meir is of the opinion that a second pouring of water over the hands is only necessary if there was less than a quarter of a log of water poured out on the first occasion. Cf. Asheri ad loc.

(4) V. Glos.

(5) I.e., if he has poured out a quarter of a log over his hands the first time and the loaf of terumah fell in the water as it lay on the ground, or if he touched it whilst his hands were still wet, or before he poured the second water over his hands, the loaf is nevertheless clean since his hands have been cleansed by the first water which was a quarter of a log in quantity.

(6) Since the water itself is unclean.

(7) Being less than a quarter of a log in quantity. This is the case when the water is the residue of the 'requisite quantity'. v. supra I, 2. If it were more than a quarter of a log in quantity, the loaf of terumah would remain clean if it touched the first water. Cf supra II, 1.

(8) I.e., it fell on the spot where the first water had fallen.

(9) Because the second water is clean.

(10) Because the second water only makes the first water on the hands clean but not the water on the ground. V. infra.

(11) They are unclean even if he pours the second water over them, because the water on the splinter or on the piece of gravel becomes unclean by being in contact with the hands, and the second water only makes the first water clean and not the water on the splinter or on the piece of gravel, which consequently makes his hands unclean. Maim: The splinter or gravel forms an interposition and consequently the second water does not cleanse his hands.

(12) Water-creatures such as, for example, water-gnats are treated as water.

(13) All the regulations relating to the uncleanness of hands apply up to the wrist. Consequently in this case the second water makes the first water on the hands clean as far as the wrist only, and as the first water did not flow beyond the wrist the part of the second water beyond the wrist does not come into contact with it, nor does it become unclean by coming into contact with that part of the hand beyond the wrist, and therefore the hands become clean.

(14) Beyond the wrist the second water cannot cleanse the first water, and since the second water comes there into contact with the first water, the hands remain unclean; cf. Sot. 4b.

(15) I.e., if he poured the first water over each hand separately and then poured the second water over both hands held

together. The first water on each hand becomes unclean on coming into contact with the unclean water on the other hand, and so conveys uncleanness to each hand. The second water therefore does not cleanse them since each hand is still unclean. Maim. ad loc. explains that he poured the first water on one hand only and poured the second water over both hands held together. The second water becomes unclean on being poured over the other unclean hand, and therefore does not cleanse the hands.

(16) Since the other hand is unclean and therefore conveys uncleanness to the water on the hand when he touches it.

(17) In order to dry the hands.

(18) Cf. supra 1, 3.

(19) I.e., unclean for the purpose of pouring the water over the hands.

(20) I.e., the Sages; cf. Toh. IV. 7.

(21) Unclean food conveys uncleanness to the hands. Cf. infra III, 2.

(22) I.e., loaves of terumah which are rendered unfit if touched by the hands. Cf. infra III, 1.

### **Mishna - Mas. Yadayim Chapter 3**

MISHNAH 1. IF A PERSON PUTS HIS HANDS INSIDE A HOUSE SMITTEN WITH LEPROSY,<sup>1</sup> HIS HANDS BECOME UNCLEAN IN THE FIRST DEGREE.<sup>2</sup> [THESE ARE] THE WORDS OF R. AKIBA. BUT THE SAGES SAY: HIS HANDS BECOME UNCLEAN IN THE SECOND DEGREE. WHOEVER CONVEYS UNCLEANNESSTO THE GARMENTS AT THE TIME WHEN HE TOUCHES [THE UNCLEANNESSTO]<sup>3</sup> CONVEYS A FIRST DEGREE OF UNCLEANNESSTO THE HANDS.<sup>4</sup> [THESE] ARE THE WORDS OF R. AKIBA. BUT THE SAGES SAY: IN SUCH A CASE HE CONVEYS A SECOND DEGREE OF UNCLEANNESSTO. THEY SAID TO R. AKIBA: WHERE DO WE FIND ANYWHERE THAT THE HANDS BECOME UNCLEAN IN THE FIRST DEGREE? HE SAID TO THEM: BUT HOW IS IT POSSIBLE FOR THEM TO BECOME UNCLEAN IN THE FIRST DEGREE WITHOUT HIS WHOLE BODY BECOMING UNCLEAN,<sup>5</sup> SAVE ONLY IN THESE CASES?<sup>6</sup> FOODSTUFFS AND VESSELS WHICH HAVE BEEN RENDERED UNCLEAN BY LIQUIDS CONVEY A SECOND DEGREE OF UNCLEANNESSTO THE HANDS. [THESE ARE] THE WORDS OF R. JOSHUA. BUT THE SAGES SAY: THAT WHICH HAS BEEN RENDERED UNCLEAN BY A FATHER OF UNCLEANNESSTO CONVEYS UNCLEANNESSTO THE HANDS, BUT THAT WHICH HAS BEEN RENDERED UNCLEAN BY AN OFFSPRING OF UNCLEANNESSTO<sup>7</sup> DOES NOT CONVEY UNCLEANNESSTO THE HANDS. R. SIMEON B. GAMALIEL SAID: A PRACTICAL INSTANCE OCCURRED WHEN A CERTAIN WOMAN CAME BEFORE MY FATHER AND SAID TO HIM, MY HANDS PROTRUDED INTO THE AIR-SPACE INSIDE AN EARTHENWARE VESSEL.<sup>8</sup> HE SAID TO HER: MY DAUGHTER, WHAT WAS THE CAUSE OF ITS UNCLEANNESSTO?<sup>9</sup> BUT I DID NOT HEAR WHAT SHE SAID TO HIM. THE SAGES SAID: THE MATTER IS CLEAR. THAT WHICH HAS BEEN RENDERED UNCLEAN BY A 'FATHER OF UNCLEANNESSTO' CONVEYS UNCLEANNESSTO THE HANDS, BUT IF BY AN OFFSPRING OF UNCLEANNESSTO' IT DOES NOT CONVEY UNCLEANNESSTO THE HANDS.

MISHNAH 2. EVERYTHING WHICH RENDERS TERUMAH UNFIT<sup>10</sup> CONVEYS A SECOND DEGREE OF UNCLEANNESSTO THE HANDS.<sup>11</sup> ONE [UNWASHED] HAND CAN CONVEY UNCLEANNESSTO THE OTHER HAND. [THESE<sup>11</sup> ARE] THE WORDS OF R. JOSHUA.<sup>11</sup> BUT THE SAGES SAY: THAT WHICH IS IN THE SECOND DEGREE OF UNCLEANNESSTO CANNOT CONVEY A SECOND DEGREE OF UNCLEANNESSTO. HE SAID TO THEM: BUT DO NOT THE HOLY SCRIPTURES WHICH ARE IN THE SECOND DEGREE OF UNCLEANNESSTO<sup>12</sup> RENDER UNCLEAN THE HANDS?<sup>13</sup> THEY SAID TO HIM: THE LAWS OF THE TORAH MAY NOT BE ARGUED FROM THE LAWS OF THE SCRIBES, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM THE LAWS OF THE TORAH, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM [OTHER] LAWS OF THE SCRIBES.<sup>14</sup>

MISHNAH 3. THE STRAPS OF THE TEFILLIN<sup>15</sup> [WHEN CONNECTED] WITH THE TEFILLIN RENDER UNCLEAN THE HANDS.<sup>16</sup> R. SIMEON SAYS: THE STRAPS OF THE TEFILLIN DO NOT RENDER UNCLEAN THE HANDS.

MISHNAH 4. THE MARGIN ON A SCROLL<sup>17</sup> WHICH IS ABOVE<sup>18</sup> OR BELOW OR AT THE BEGINNING<sup>19</sup> OR AT THE END RENDERS UNCLEAN THE HANDS. R. JUDAH SAYS: THE MARGIN AT THE END DOES NOT RENDER UNCLEAN [THE HANDS] UNTIL A HANDLE IS FASTENED TO IT.<sup>20</sup>

MISHNAH 5. A SCROLL<sup>21</sup> ON WHICH THE WRITING HAS BECOME ERASED AND EIGHTY-FIVE LETTERS REMAIN THEREON, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', ETC.<sup>22</sup> RENDERS UNCLEAN THE HANDS. A SINGLE SHEET<sup>23</sup> ON WHICH THERE ARE WRITTEN EIGHTY-FIVE LETTERS, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', RENDERS UNCLEAN THE HANDS. ALL THE HOLY WRITINGS<sup>24</sup> RENDER UNCLEAN THE HANDS. THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAN THE HANDS.<sup>25</sup> R. JUDAH SAYS: THE SONG OF SONGS RENDERS UNCLEAN THE HANDS, BUT THERE IS A DISPUTE ABOUT ECCLESIASTES.<sup>26</sup> R. JOSE SAYS: ECCLESIASTES DOES NOT RENDER UNCLEAN THE HANDS, BUT THERE IS A DISPUTE ABOUT THE SONG OF SONGS. R. SIMEON SAYS: [THE RULING ABOUT] ECCLESIASTES IS ONE OF THE LENIENCIES OF BETH SHAMMAI AND ONE OF THE STRINGENCIES OF BETH HILLEL.<sup>26</sup> R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO<sup>27</sup> ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE ACADEMY<sup>28</sup> THAT THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAN THE HANDS. R. AKIBA SAID: FAR BE IT! NO MAN IN ISRAEL DISPUTED ABOUT THE SONG OF SONGS [BY SAYING] THAT IT DOES NOT RENDER UNCLEAN THE HANDS. FOR THE WHOLE WORLD IS NOT AS WORTHY AS THE DAY ON WHICH THE SONG OF SONGS WAS GIVEN TO ISRAEL; FOR ALL THE WRITINGS ARE HOLY BUT THE SONG OF SONGS IS THE HOLY OF HOLIES. SO THAT IF THEY HAD A DISPUTE, THEY HAD A DISPUTE ONLY ABOUT ECCLESIASTES. A. JOHANAN B. JOSHUA THE SON OF THE FATHER-IN-LAW OF R. AKIBA SAID: IN ACCORDANCE WITH THE WORDS OF BEN AZZAI SO THEY DISPUTED,<sup>29</sup> AND SO THEY REACHED A DECISION.<sup>30</sup>

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(1) V. Neg. XII-XIII.

(2) The house smitten with leprosy is a 'father of uncleanness' and therefore according to R. Akiba conveys uncleanness of the first degree to the hands.

(3) I.e., where one touches any of the uncleannesses specified in Zab. V. 7: e.g., the spittle of a zab.

(4) Although he who had come into contact with such uncleanness does not convey further uncleannesses to a man.

(5) For to suffer firstgrade uncleanness one must have contracted it from a 'father of uncleanness'; but if the hands had come into contact with such a grade of uncleanness the whole body becomes unclean.

(6) Which are exceptions.

(7) Liquids are 'offsprings of uncleanness'.

(8) Which had been rendered unclean.

(9) Was it rendered unclean by a 'father of uncleanness' or by an 'offspring of uncleanness', such as a liquid?

(10) Terumah is rendered unfit by anything which is in the second degree of uncleanness. Cf. Zab. V, 12 and supra III, 1, n. 2. They are enumerated in the eighteen decrees of Beth Shammai. Cf. Shab. 14a.

(11) Both statements are by R. Joshua.

(12) Among the eighteen decrees enacted by Beth Shammai was that the Holy Scriptures rendered terumah unfit on coming into contact with it; the reason being that the priests stored the terumah side by side with the Scrolls of the Holy Scriptures with the result that the mice which gnawed the terumah nibbled also at the Scrolls. The object of this decree was to prevent this desecration. Cf. Shab. 14a and Rashi loc. cit. Holy Scriptures were thus declared to be in the second

degree of uncleanness so as to render terumah unfit.

(13) In order to ensure that the Holy Scriptures would not be touched by the bare hands, it was further enacted that hands which touched a Scroll of the Scriptures became unclean in the second degree and therefore rendered terumah unfit. Cf. Shab. 14a and Tosaf. s. v. **הַשְּׂוֹתָה**.

(14) The Scribes, i.e., Solomon, enacted that hands must be cleansed since they convey uncleanness, v. Introduction. The Scribes, i.e. the Rabbis, enacted that the Holy Scriptures convey uncleanness. Hence one cannot deduce that just as in the case of the Holy Scriptures a second degree of uncleanness conveys a second degree of uncleanness, so in the case of other defilements, a second degree of uncleanness conveys a second degree.

(15) V. Glos.

(16) The tefillin contain four sections of the Pentateuch. The Sages thus extend the principle that hands which have touched the Holy Scriptures render terumah unfit.

(17) I.e., a scroll of a Book of the Holy Scriptures.

(18) I.e., above the writing on the scroll. The width of the margin above must be three fingerbreadths and the width of that below must be one span. Cf. Men. 30a.

(19) At the beginning of the scroll there must be a margin sufficient in width for winding round the cylinder, and at the end there must be a margin sufficient for winding round the whole circumference of the scroll when it is rolled up; cf. B. B. 13a.

(20) R. Judah is of the opinion that until a handle is fastened to the scroll the margin at the end has no holiness attached to it, as it can be cut away if desired.

(21) Sc. of the Pentateuch.

(22) Num. X, 35-36. These two verses were considered to constitute a separate Book, of Shab. 116a.

(23) One of the sheets of a Pentateuch scroll. Lit., 'a scroll'.

(24) I.e., not only the Books of the Pentateuch but also the Prophetical Books and the Hagiographa.

(25) Since they are part of the Holy Scriptures.

(26) The earliest discussion as to whether Ecclesiastes should be regarded as a sacred book took place between Beth Shammai and Beth Hillel. According to the former, Ecclesiastes did not convey uncleanness to the hands, i.e., was not to be regarded as a sacred work and therefore not to be included in the Canon, but according to Beth Hillel it did convey uncleanness to the hands and therefore was to be included in the Canon; cf. 'Ed. V, 3. The basis of Beth Shammai's contention was evidently that recorded in Shab. 30b where it is stated that the Sages did not intend to include Ecclesiastes in the Canon of the Bible, because its statements seemed to contradict one another. They finally decided to include it because it begins and ends with words which indicate its sacred character. A further reason which supports the view of Beth Shammai is given by R. Simeon b. Menasyah who expressed the view that the Song of Songs conveyed uncleanness to the hands because it was inspired by the Holy Spirit, whereas Ecclesiastes was inspired solely by the Wisdom of Solomon himself. Cf. Tosef. ad loc. and Meg. 7a.

(27) The Greater Sanhedrin consisted of seventy-one members; of. Sanh. I, 6. Various suggestions have been made to account for the additional one member referred to in this Mishnah. According to Tosaf. Sanh. 16b s. v. **מִטְּוֹ** there was an additional member of the Sanhedrin known as the Mufla, i.e., the distinguished member of the Sanhedrin who was first in authority. Lauterbach suggests that the number seventy-two included both Rabban Gamaliel and K. Eleazar b. 'Azariah. Cf. J. E. s. v. Sanhedrin and Ber. 28a.

(28) V. Ber. 27b.

(29) About both the Song of Songs and Ecclesiastes.

(30) That both render unclean the hands.

## **Mishna - Mas. Yadayim Chapter 4**

MISHNAH 1. ON THAT DAY<sup>1</sup> THE VOTES WERE COUNTED AND THEY DECIDED THAT A FOOTBATH HOLDING FROM TWO LOGS TO NINE KABS<sup>2</sup> WHICH WAS CRACKED COULD CONTRACT MIDRAS<sup>3</sup> UNCLEANNESS. BECAUSE R. AKIBA SAID A FOOTBATH [MUST BE CONSIDERED] ACCORDING TO ITS DESIGNATION.<sup>4</sup>

MISHNAH 2. ON THAT DAY THEY SAID: ALL ANIMAL SACRIFICES<sup>5</sup> WHICH HAVE BEEN SACRIFICED UNDER THE NAME OF SOME OTHER OFFERING<sup>6</sup> ARE

[NEVERTHELESS] VALID,<sup>7</sup> BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS,<sup>8</sup> WITH THE EXCEPTION OF THE PASCHAL-OFFERING<sup>9</sup> AND THE SIN-OFFERING.<sup>9</sup> [THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME<sup>10</sup> AND TO THE SIN-OFFERING AT ANY TIME. R. ELIEZER SAYS: [WITH THE EXCEPTION] ALSO OF THE GUILT-OFFERING.<sup>11</sup> [SO THAT THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME AND TO THE SIN- AND GUILT-OFFERINGS AT ANY TIME. R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE COLLEGE THAT ALL ANIMAL SACRIFICES WHICH ARE EATEN AND WHICH HAVE NOT BEEN SACRIFICED UNDER THEIR OWN NAME ARE NEVERTHELESS VALID, BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS, WITH THE EXCEPTION OF THE PASCHAL-OFFERING AND THE SIN-OFFERING. BEN AZZAI ONLY ADDED [TO THESE EXCEPTIONS] THE BURNT-OFFERING, BUT THE SAGES DID NOT AGREE WITH HIM.

MISHNAH 3. ON THAT DAY THEY SAID: WHAT IS THE LAW APPLYING TO AMMON AND MOAB IN THE SEVENTH YEAR?<sup>12</sup> R. TARFON DECREED TITHE FOR THE POOR,<sup>13</sup> AND R. ELEAZAR B. AZARIAH DECREED SECOND TITHE.<sup>14</sup> R. ISHMAEL SAID: ELEAZAR B. 'AZARIAH, THE ONUS IS UPON YOU TO PRODUCE YOUR PROOF BECAUSE YOU ARE EXPRESSING THE STRICTER VIEW;<sup>15</sup> FOR THE ONUS IS UPON THE PERSON WHO EXPRESSES A STRICTER VIEW TO PRODUCE THE PROOF. R. ELEAZAR B. AZARIAH SAID TO HIM: ISHMAEL, MY BROTHER, I HAVE NOT DEVIATED FROM THE SEQUENCE OF YEARS,<sup>16</sup> TARFON, MY BROTHER, HAS DEVIATED THEREFROM AND THE ONUS IS UPON HIM TO PRODUCE THE PROOF. R. TARFON ANSWERED: EGYPT IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS EGYPT MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR,<sup>17</sup> SO MUST AMMON AND MOAB GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH ANSWERED: BABYLON IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS BABYLON MUST GIVE SECOND TITHE IN THE SEVENTH YEAR,<sup>18</sup> SO MUST AMMON AND MOAB GIVE SECOND TITHE IN THE SEVENTH YEAR. R. TARFON SAID: ON EGYPT WHICH IS NEAR, THEY IMPOSED TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MIGHT BE SUPPORTED THEREBY DURING THE SEVENTH YEAR; SO ON AMMON AND MOAB WHICH ARE NEAR, WE SHOULD IMPOSE TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MAY BE SUPPORTED THEREBY DURING THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH SAID TO HIM: BEHOLD, THOU ART LIKE A PERSON WHO WOULD BENEFIT THEM WITH GAIN, YET THOU ART REALLY AS ONE WHO CAUSES SOULS TO PERISH. WOULDST THOU ROB THE HEAVENS SO THAT DEW OR RAIN SHOULD NOT DESCEND?<sup>19</sup> AS IT IS SAID, WILL A MAN ROB GOD? YET YE ROB ME. BUT YE SAY WHEREIN HAVE WE ROBBED THEE? IN TITHES AND HEAVE-OFFERINGS.<sup>20</sup> R. JOSHUA SAID: BEHOLD, I SHALL BE AS ONE WHO REPLIES ON BEHALF OF TARFON, MY BROTHER, BUT NOT IN ACCORDANCE WITH THE SUBJECT MATTER OF HIS ARGUMENTS. THE LAW REGARDING EGYPT IS A NEW ACT AND THE LAW REGARDING BABYLON IS AN OLD ACT, AND THE LAW WHICH IS BEING ARGUED BEFORE US IS A NEW ACT. A NEW ACT SHOULD BE ARGUED FROM [ANOTHER] NEW ACT, BUT A NEW ACT SHOULD NOT BE ARGUED FROM AN OLD ACT. THE LAW REGARDING EGYPT IS THE ACT OF THE ELDERS AND THE LAW REGARDING BABYLON IS THE ACT OF THE PROPHETS, AND THE LAW WHICH IS BEING ARGUED BEFORE US<sup>21</sup> IS THE ACT OF THE ELDERS. LET ONE ACT OF THE ELDERS BE ARGUED FROM [ANOTHER] ACT OF THE ELDERS, BUT LET NOT AN ACT OF THE ELDERS BE ARGUED FROM AN ACT OF THE PROPHETS. THE VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB SHOULD GIVE TITHE FOR THE POOR IN THE



SEVENTH YEAR. AND WHEN R. JOSE B. DURMASKITH<sup>22</sup> VISITED R. ELIEZER<sup>23</sup> IN LYDDA HE SAID TO HIM: WHAT NEW THING DID YOU HAVE IN THE HOUSE OF STUDY TO-DAY? HE SAID TO HIM: THEIR VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELIEZER WEPT AND SAID: THE COUNSEL OF THE LORD IS WITH THEM THAT FEAR HIM: AND HIS COVENANT, TO MAKE THEM KNOW IT.<sup>24</sup> GO AND TELL THEM: DO NOT HAVE ANY APPREHENSION ON ACCOUNT OF YOUR VOTING. I RECEIVED A TRADITION FROM R. JOHANAN B. ZAKKAI WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER FROM HIS TEACHER, AND SO BACK TO AN HALACHAH GIVEN TO MOSES FROM SINAI,<sup>25</sup> THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR.

MISHNAH 4. ON THAT DAY JUDAH, AN AMMONITE PROSELYTE, CAME AND STOOD BEFORE THEM IN THE HOUSE OF STUDY. HE SAID TO THEM: HAVE I THE RIGHT TO ENTER INTO THE ASSEMBLY?<sup>26</sup> RABBAN GAMALIEL SAID TO HIM: THOU ART FORBIDDEN. R. JOSHUA SAID TO HIM: THOU ART PERMITTED. RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, AN AMMONITE OR A MOABITE SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD: EVEN TO THE TENTH GENERATION, ETC.<sup>27</sup> R. JOSHUA SAID TO HIM: BUT ARE THE AMMONITES AND MOABITES STILL IN THEIR OWN TERRITORY? SENNACHERIB, THE KING OF ASSYRIA, HAS LONG SINCE COME UP AND MINGLED ALL THE NATIONS, AS IT IS SAID: IN THAT I HAVE REMOVED THE BOUNDS OF THE PEOPLES, AND HAVE ROBBED THEIR TREASURES, AND HAVE BROUGHT DOWN AS ONE MIGHTY THE INHABITANTS.<sup>28</sup> RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, BUT AFTERWARD I WILL BRING BACK THE CAPTIVITY OF THE CHILDREN OF AMMON,<sup>29</sup> SO THAT THEY HAVE ALREADY RETURNED. R. JOSHUA SAID TO HIM: THE SCRIPTURAL VERSE SAYS, I WILL TURN THE CAPTIVITY OF MY PEOPLE ISRAEL AND JUDAH.<sup>30</sup> YET THEY HAVE NOT ALREADY RETURNED. SO THEY PERMITTED HIM TO ENTER THE ASSEMBLY.

MISHNAH 5. THE ARAMAIC SECTIONS IN EZRA AND DANIEL RENDER UNCLEAN THE HANDS.<sup>31</sup> IF AN ARAMAIC SECTION WAS WRITTEN<sup>32</sup> IN HEBREW, OR A HEBREW SECTION WAS WRITTEN<sup>32</sup> IN ARAMAIC, OR HEBREW SCRIPT,<sup>33</sup> IT<sup>34</sup> DOES NOT RENDER UNCLEAN THE HANDS. IT NEVER RENDERS UNCLEAN THE HANDS UNTIL IT IS WRITTEN IN THE ASSYRIAN SCRIPT,<sup>35</sup> ON HIDE, AND IN INK.

MISHNAH 6. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, BECAUSE YOU SAY THAT THE HOLY SCRIPTURES RENDER UNCLEAN THE HANDS,<sup>36</sup> BUT THE BOOKS OF HAMIRAM<sup>37</sup> DO NOT CONVEY UNCLEANNESS TO THE HANDS. R. JOHANAN B. ZAKKAI SAID: HAVE WE NOTHING AGAINST THE PHARISEES EXCEPTING THIS?<sup>38</sup> BEHOLD THEY SAY THAT THE BONES OF AN ASS ARE CLEAN, YET THE BONES OF JOHANAN<sup>39</sup> THE HIGH PRIEST ARE UNCLEAN.<sup>40</sup> THEY SAID TO HIM: PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS, SO THAT NOBODY SHOULD MAKE SPOONS OUT OF THE BONES OF HIS FATHER OR MOTHER. HE SAID TO THEM: SO ALSO THE HOLY SCRIPTURES; PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS. THE BOOKS OF HAMIRAM WHICH ARE NOT PRECIOUS DO NOT CONVEY UNCLEANNESS TO THE HANDS.<sup>41</sup>

MISHNAH 7. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU DECLARE AN UNINTERRUPTED FLOW OF A LIQUID TO BE CLEAN.<sup>42</sup> THE PHARISEES SAY: [DO] WE COMPLAIN AGAINST YOU, O YE SADDUCEES, THAT YOU DECLARE A STREAM OF WATER WHICH FLOWS FROM THE BURIAL-GROUND TO BE CLEAN?<sup>43</sup> THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, IN

THAT YOU SAY, MY OX OR ASS WHICH HAS DONE INJURY IS LIABLE,<sup>44</sup> YET MY MANSERVANT OR MAIDSERVANT WHO HAS DONE INJURY IS NOT LIABLE'.<sup>45</sup> NOW IF IN THE CASE OF MY OX OR MY ASS' FOR WHICH I AM NOT RESPONSIBLE IF THEY DO NOT FULFIL RELIGIOUS DUTIES,<sup>46</sup> YET I AM RESPONSIBLE FOR THEIR DAMAGE, IN THE CASE OF MY MANSERVANT OR MAIDSERVANT FOR WHOM I AM RESPONSIBLE TO SEE THAT THEY FULFIL RELIGIOUS DUTIES,<sup>47</sup> HOW MUCH MORE SO THAT I SHOULD BE RESPONSIBLE FOR THEIR DAMAGE? THEY SAID TO THEM: NO, IF YOU ARGUE ABOUT MY OX OR MY ASS' WHICH HAVE NO UNDERSTANDING, CAN YOU DEDUCE ANYTHING THEREFROM CONCERNING MY MANSERVANT OR MAIDSERVANT WHO HAVE UNDERSTANDING? SO THAT IF I WERE TO ANGER EITHER OF THEM THEY WOULD GO AND BURN ANOTHER PERSON'S STACK AND I SHOULD BE LIABLE TO MAKE RESTITUTION?<sup>48</sup>

MISHNAH 8. A GALILEAN SADDUCEE<sup>49</sup> SAID: I COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU WRITE THE NAME OF THE RULER AND THE NAME OF MOSES TOGETHER ON A BILL OF DIVORCEMENT.<sup>50</sup> THE PHARISEES SAID: [DO] WE COMPLAIN AGAINST YOU, O GALILEAN SADDUCEE, THAT YOU WRITE THE NAME OF THE RULER TOGETHER WITH THE DIVINE NAME ON A SINGLE PAGE? AND FURTHERMORE THAT YOU WRITE THE NAME OF THE RULER ABOVE AND THE DIVINE NAME BELOW? AS IT IS SAID, AND PHAROAH SAID, WHO IS THE LORD THAT I SHOULD HEarken UNTO HIS VOICE TO LET ISRAEL GO?<sup>51</sup> BUT WHEN HE WAS SMITTEN WHAT DID HE SAY? THE LORD IS RIGHTEOUS.<sup>52</sup>

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(1) I.e., on the day when they appointed R. Eleazar b. 'Azariah head of the Academy after Rabban Gamaliel had been deposed. V. supra III, 4. Wherever the words **בו ביום** occur, this day is meant. V. Ed. (Sonc. ed.) Introduction.

(2) A kab is a measure of capacity equal in quantity to four logs.

(3) V. Glos. A footbath which was cracked and therefore could no longer hold any water was used for sitting on. Cf. Maim. on Kel. XX, 5. It therefore comes within the category of a 'utensil' and is thus liable to contract midras uncleanness. Cf. Lev. XV, 4.

(4) I.e. as a footbath only and does not come within the category of a 'utensil', and thus does not contract midras uncleanness.

(5) Cf. Zeb. I. 1.

(6) E.g., if an animal brought as a burnt-offering is offered as a peace-offering.

(7) I.e. the blood must nevertheless be sprinkled on the altar and the relevant portions burnt on the altar or eaten.

(8) He must still bring the offering which he vowed to offer; cf. Deut. XXIII, 24, That which is gone out of thy lips thou shalt observe and do. V. Zeb. 2a.

(9) Which if sacrificed under the name of another offering are invalid; v. Zeb. 7b.

(10) I.e., if the Paschal-offering is sacrificed on the eve of Passover under the name of another offering it is invalid; but if it be offered up before mid-day of the fourteenth of Nisan or after the eve of Passover it is considered a peace-offering and all the laws appertaining to peace-offerings apply. Cf. Zeb. 8a.

(11) Cf. Lev. VII, 1.

(12) I.e., which tithe must Israelites living in these countries give in the Sabbatical year? Tithe is payable from harvest reaped in the seventh year in countries outside the Land of Israel. Cf. Sheb. VI, 1. In the Land of Israel itself no harvest was permitted to be reaped in the seventh year (cf. Lev. XXV, 4ff.) and therefore no tithe was payable.

(13) Tithe given to the poor every third and sixth year of a cycle of seven years. Cf. Deut. XIV, 28ff.

(14) Tithe given every first, second, fourth and fifth year of a cycle of seven years. Second tithe had to be consumed in Jerusalem, (Deut. XIV, 22ff.) or redeemed by its equivalent in money plus one-fifth of its value (Lev. XXVII, 30f). The latter sum had to be spent on food and drink in Jerusalem (Deut. XIV, 26).

(15) Since second tithe is consecrated, being eaten only in Jerusalem, but tithe for the poor is unconsecrated. Cf. Maim. ad loc.'

(16) Second tithe is ordinarily given in the year following that in which tithe for the poor is given. Since tithe for the poor is given in the sixth year of the seven years' cycle, it follows that in countries outside the Land of Israel second

tithe should be given in the seventh year.

(17) An ordinance of the Elders who lived after the time of Ezra.

(18) An ordinance of the Prophets.

(19) Cf. Mal. III, 10.

(20) Ibid. III, 8.

(21) That of Ammon and Moab.

(22) I.e., of Damascus. Cf. A.T. 393ff.

(23) R. Eliezer had been placed under the ban (cf. B. M. 59b). He was thus unable to participate in the discussions which took place in the House of Study.

(24) Ps. XXV, 14.

(25) I.e., an ancient ordinance.

(26) I.e., can marry an Israelite woman? Cf. Yeb. VIII, 3.

(27) Deut. XXIII, 4.

(28) Isa. X, 13; said by the boastful king of Assyria. It can therefore no longer be said that anyone born in Ammon is a real Ammonite, as he is a descendant of mixed races.

(29) Jer. XLIX, 6.

(30) Jer. XXX, 3.

(31) Since they are part of the Holy Scriptures.

(32) I.e., translated.

(33) **כתב עברי** Hebrew Script. This is the name given to the older form of the Hebrew alphabet which was used by the Hebrews, Moabites, and Phoenicians. It was angular in shape, and can be seen on the Moabite stone and on various Hebrew inscriptions discovered in Samaria, Gezer and Siloam. The 'Hebrew Script' was replaced by the 'Assyrian Script' i.e., the square alphabet now in use. This was introduced by Ezra, and was so called because (a) it was brought back from Assyria, or (b) because its characters are straight in form, **שמאזשרת בכתב**. Cf. Sanh. 21b and 22a and notes in Sonc. ed. a. l.

(34) I.e., a book of the Holy Scriptures.

(35) I.e., the square characters.

(36) Cf. supra II, 2.

(37) The meaning of this word is obscure. The Mishnah is evidently referring to a well known example of secular writings. Aruch offers three explanations s. v. **מרום** viz., (a) heretical books, from **מור** to change: (b) the books of **מרום** the name of a heretic (so also Maim. and Rosh reading **מירם**): (c) books of Greek wisdom called in Greek, Homeros. Many scholars have suggested that it refers to the works of Homer. Kohut in the J. Q. R. Vol. III 546-548, who collects all the various conjectures, himself suggests pleasure, entertainment, i.e., books of entertainment.

(38) Speaking ironically.

(39) Evidently the Johanan referred to in Ber. 29a as having become a Sadducee after eighty years' service as High Priest.

(40) The Sadducees accepted the principle that the bones of an ass are clean whereas those of the human being are unclean.

(41) R. Johanan answered the Sadducees by using the principle which they themselves accepted.

(42) Cf. Maksh. V, 9. If a liquid is poured from a clean vessel into an unclean vessel, the liquid remaining in the former vessel remains clean, as the uninterrupted flow does not form a connective.

(43) Cf. Mik. I. 4. The Sadducees agreed that this was the case. On this controversy v. Finkelstein, The Pharisees II, p. 638.

(44) I.e., I am responsible for the damage they do. Cf. Ex. XXI, 35. The Sadducees did not dispute this, as it is expressly stated in the Torah.

(45) Cf. B.K. VIII, 4. Not being expressly 'stated in the Torah, the Sadducees did not accept this.

(46) Since the Torah does not enjoin religious duties on animals.

(47) E.g., to see that they do not work on the Sabbath.

(48) Hence the law provides that I should not be liable for the damage they do. On this controversy v. Finkelstein L. op. cit. II, p. 684.

(49) Var. lec. a Galilean min (v. Glos.). Finkelstein (op. cit. p. 645) holds the heretic involved to have been a Galilean Nationalist who opposed the recognition of the non-Davidic and of the Roman rulers in Jewish ceremonial.

**(50)** The bill of divorcement began with the date which stated the year of the rule of the reigning king. It ended with the words, 'in accordance with the religion of Moses and of Israel'. According to this Sadducee, the mention of both names on the one document was derogatory to Moses.

**(51)** Ex. V, 2. I.e., it is not in the least derogatory since in the Scriptures the name of the ruler is mentioned even before the Divine name.

**(52)** Ex. IX, 27. This is added so as to avoid ending the Tractate with the Previous verse which expresses defiance of God.