

לפני אידיהן פרק ראשון

(fol. 39a) **משנה א:** לפני אידיהן של גוים שלשה ימים אסור לשאת ולתת עמהן להשאילן ולשאול מהן ולהלוותן וללוות מהן לפרעון ולפרע מהן. רבי יהודה אומר נפרעין מהן מפני שהוא מצר לו. אמרו לו אף על פי שמצר הוא עכשיו שמה הוא לאחר זמן: רבי שמעאל אומר שלשה ימים לפניהם ושלשה ימים לאחריהם אסור. וחכמים אומרים לפני אידיהן אסור לאחר אידיהן מותר:

Mishnah 1: Within three days before Gentile holidays one is forbidden to trade with them, to lend them and to borrow from them, to give them loans and to ask them for loans, to pay debts to them and to accept payment from them¹. Rabbi Jehudah says, one may accept payment from them because this hurts him. They told him, even though it hurts him now he will enjoy it later². Rabbi Ismael says, three days before and three days afterwards are forbidden but the Sages say, before their holidays it is forbidden, after their holidays it is permitted.

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| 1 It is forbidden to buy from an idolator or repay one's debt because this provides him with money for his idolatrous celebration. It is forbidden to sell to him because he will buy things for his celebration. One may not lend him vessels | or animals for he will use them for his celebration. One may not borrow from him because this will make him feel important. |
| 2 The feeling that he got rid of his debts will make his idolatrous celebration more happy. | |

(39a line 54) **הלכה א:** לפני אידיהן של גוים כול'. רבי חמא בר עוקבה שמע כוליהון מכא והביאו לבוקר זבחיכם לשלשת ימים מעשרתיכם: אמר ליה רבי יוסי. אין כיני אפילו בגליות. דתני. נחום המדי אומר. יום אחד בגליות אסור. מאי כדון. תמן בידקו ומצאו שהן עושין צרכיהן ליום אחד ואסרו יום אחד. ברם הכא בידקו ומצאו שהן עושין צרכיהן לשלשת ימים. ואסרו להן ג' ימים.

Halakhah 1: “Within three days before Gentile holidays,” etc. Rabbi Hama bar Uqba understood all from here: *Bring your sacrifices in the morning, on the third day your tithes*³. Rabbi Yose said to him, if it were so,

even in the diasporas. But it was stated⁴, Nahum the Mede said, in the diasporas one day is forbidden. What about this? There, they checked and found that they supplied their needs in one day and forbade them one day. But here⁵ they checked and found that they cover their needs in three days and forbade them three days.

3 *Am. 4:4*, speaking of the sinful service of the Golden Calf of Beth El.

usually means Babylonia; the plural does not imply that any of these restrictions were

4 Babli 7b, slightly differently Tosephta 1:1.

followed in Egypt or other parts of the Roman Empire.

5 In Palestine. The expression גלית

(39a line 59) מה מקיים רבי יוסי אהן קרייה והביאו לביקר זבחיכם וגו'. במלכות ירבעם הכתוב מדבר. כיון שכל ירבעם על ישראל התחיל מפתה את ישראל ואמר להן. בואו ונעבוד עבודה זרה. עבודה זרה וותרונית היא. הדא הוא דכתיב נעלה ביהודה ונקייצנה ונבקיענה אלינו ונמליך מלך בתוכה את בן-טבאל. אמר רבי אבא. חזרנו בכל-המקרא ולא מצינו מקום ששמו טבאל. אלא שעושה טובה עם עובדיה. התורה אמרה ובחור אותו מכל-שבטי ישראל ללכהן. ועבודה זרה אומרת ויעש כהנים מקצות העם. אמר רבי לא. מן הקוצים שבעם ומפסולת שבעם. התורה אמרה ולא ילכו חלב-חגי עד בוקר. ועבודה זרה אמרה והביאו לבוקר זבחיכם. התורה אמרה ביום זבחכם יאכל וממחרת. ועבודה זרה אמרה לשלשת ימים מעשרתכם. התורה אמרה לא-תזבח על-חמץ דם-זבחי. ועבודה זרה אמרה וקטר מחמץ תודה. התורה אמרה כיתודור גדר ליהנה אלהיך לא תאחר לשלמו. ועבודה זרה אמרה וקראו נדבות השמיעו. אמר רבי יודן אבוי דרבי מתניה. לא בא הכתוב אלא להזכיר גניין של ישראל. יום מלכנו החלו שרים חמת מין משך ידו את-לוצצים. יום שכל ירבעם על ישראל אתון כל-ישראל לגביה בפתי רמשא. אמרו ליה. קום עבוד עבודה זרה. אמר לון. אפתי רמשא הוא אשתי ולא אשתי. כל-עמא שתו אלא אם אתון בען אלוון ואתון בצפרא. הדא היא דכתיב כי-קרבנו כתנור לבם בארצם כל-הלילה לשר אופיהם. כל-הלילה לא ישן אופיהם. בוקר הוא בויער פאש להבה. בצפרא אתון לגביה. אמר לון. קדון אגא דע דאתון בען אלא דאגא דחיל מסנהדרין דדכון דלא יקטלונני. אמרו ליה. אגן קטלון לון. ההיא דכתיב כולם יחמו לפתור ואכלו את-שופטיהם. רבי לוי אמר. הרגום. הין מה דתימר כי-מצא חלל. רבי לא אמר. הורידן מגדולתן. יום מלכנו החלו שרים חמת מין. יום שנעשו בו שרים חולין. מי גרם להן. חמת מין. שהיו להוטיין אחר מין. משך ידו את-לוצצים. כד הנה חמי בר נש פשר הנה מייטיב גבי תרין ליצנין ואמרין ליה. אי זה דור חביב מכל-הדורות. אמר להן. דור המדבר. ואינון אמרין ליה. ולא עבדון עבודה זרה. והוא אמר לון. בגין

דחביבין לא אתענשו. והיונו אמרין ליה. חשי. דמלכא בעי מיעבד כן. ולא עוד אלא אינון עבדון חד ודיו עבד תרין. וישם את-הַאֲחִיד בביתאל ואת-הַאֲחִיד נתן בְּדוֹן: גסות רוחו שלִיבְרַעַם היא החליטתו. אמר רבי יוסי בר יעקב. במוצאי שמיטה מלך ירבעם על ישראל. ההוא דכתיב מקץ | שבע שנים במועד שנת השמיטה בתג הסוכות: בבוא כל־ישראל לראות את־פְּנֵי יי אלהיך במקום אשר יבחר תקרא את־התורה הזאת נגד כל־ישראל באזניהם: אמר. אָנָּה מיתבְּעֵי מיקרי קאים אָנָּה. ואינון אמרין. מלכא דאתרא קדם. ואין מיקרי תנינן גנאי הוא לי. ואין לא ניקרי בינן הוא לי. ואין מרפינון אֲזֵלוּ סלקון אינון שבקון יתי. אֲזֵלִין לון גבי רחבֿעם בן שלמה. ההוא דכתיב אם־יעלה | העם הזה לעשות זבחים בבית־יי בירושלם לשוב לב העם הזה אל־אֲדֹנֵיהֶם אל־רחבֿעם. מה עשה. עשה שני עגלי זהב וכתב על ליהבן. והרגוד. אמר. כל־מלך דיקום יסתפל בון. אמר רבי חונא. חובר חברים מחופם. כל־מי שהיה חוברו היה חוברו. אמר רבי חונא. ושחטה שטים העמיקו. שהעמיק בְּרַשַׁע. אמר. כל־דמפרסים אָנָּה קטיל ליה.

How does Rabbi Yose uphold this verse, *bring your sacrifices in the morning*, etc⁶? The verse speaks about Jeroboam's kingdom. When Jeroboam became king over Israel he started seducing Israel and said to them come, let us worship pagan worship. Pagan worship is lenient. This is what is written, *let us go against Jehudah, cut it down, break it up, and appoint a king in it, the man from Tabeal*⁷. Rabbi Abba said, we checked all of Scripture but did not find a place named Tabeal. But it treats its worshippers well. The Torah said, *selected him from all of the tribes of Israel to be a priest for Me*⁸. Pagan worship says, *he made priests from the fringes of the people*⁹. Rabbi La said, from the thorns of the people, the rubbish of the people. The Torah said, *the fat of My sacrifice shall not remain until the morning*¹⁰; but pagan worship said, *bring your sacrifices in the morning*³. The Torah said, *it should be eaten on the day of its slaughter and the next day*¹¹; but pagan worship said, *on the third day your tithes*³. The Torah said, *do not sacrifice the blood of My sacrifice on leavened matter*¹⁰; but pagan worship said, *and burn your thanksgiving offer of leavened matter*³. The Torah said, *if you are vowing a vow to the Eternal, your God, do not tarry to fulfill it*¹², but pagan worship said, *pledge gifts, publicize them*^{3,13}.

Rabbi Yudan, Rabbi Mattaniah's father, said, the verse only serves to mention the shame of Israel. *The day of our king, the princes are sick from wine's heat, he draws the mockers by his hand*¹⁴. On the day when Jeroboam

became king over Israel, all of Israel came to him late in the evening and told him, come and worship pagan worship. He told them, it is late in the evening; I am drunk and not drunk¹⁵. Everybody is drinking; but if you wish, go and come in the morning. That is what is written, *for their heart is like an oven while they are lying in ambush; all night long their baker is sleeping*.¹⁶ All night long their baker did not sleep. *In the morning he is burning like fire of a conflagration*¹⁶. In the morning they came to him. He told them, I do understand what you want but I am afraid of your Synhedrion lest they kill me. They told him, we shall kill them; this is what is written, *that all are glowing like an oven and eat their judges*¹⁷. Rabbi Levi said, they killed them, as is written, *if a corpse is found*¹⁸. Rabbi La said, they deposed them; *The day of our king, the princes are profaned from wine's heat*^{14,19}; the day when princes were profaned. *From wine's heat*, they were addicted to wine. *He draws the mockers by his hand*: When he saw a serious person he placed two scoffers next to him who asked him, which generation was preferred over all generations? He told them, the generation of the Exodus. But did they not practice pagan worship? He answered them, because they were beloved they were not punished. But they told him, be quiet for the king wants to do the same. Not only that, but they made one and this one made two. *He put the one up at Bethel; the other he gave to Dan*²⁰.

The haughtiness of Jeroboam damned him absolutely²¹. Rabbi Yose ben Jacob said, Jeroboam became king at the end of a Sabbatical year. This refers to what is written²², *at the end of seven years, at the time of the Sabbatical year, on the festival of Tabernacles, when all of Israel comes to appear before the Eternal, your God, at the place which He shall choose, you shall read this Torah in the presence of all of Israel to their ears*. He said, if I am asked to read²³, I have to stand. They will say, the local king has precedence. But if I am reading as second, it is a shame for me. If I do not read, it is a disgrace for me. And if I let them go²⁴, they will ascend and desert me. They will go to Rehabeam, Solomon's son. This is what is written²⁵: *If this people would go up to sacrifice in the Temple in Jerusalem will this people's heart return to their master, to Rehabeam*. What did he do? He made two golden calves and wrote on their hearts, "they will kill you." He said, any king who will succeed

me will look at them²⁶. Rabbi Huna said, *companions of ingenious conjurations*²⁷. Anybody who joined with him he will make a co-conspirator²⁸. Rabbi Huna said, *a slaughtering place deepened by seducers*²⁹, for he deepened in crime. He said, anybody, I shall kill anybody who makes this public³⁰.

6 Since for him the Mishnah has no biblical basis; the cessation of commerce with idolators either is rabbinic or an old popular custom. The entire sermon is reproduced in *Yalqut Šim`oni Prophets* §542.

7 *Is.* 7:6. The tradition that Ṭabeal is a place rather than a personal name was accepted by the Medieval commentators of Prophets. According to Rashi the name is coded; one has to replace letter *n* by *n* +/-11; then טבאל becomes רמלא, a city founded after the Arab conquest.

8 *Is.* 2:28.

9 *IK.* 12:31; quoted in the Babli, *Qiddušin* 75b, in the name of R. Joḥanan.

10 *Ex.* 23:28.

11 *Lev.* 19:6.

12 *Deut.* 23:22.

13 But it is not necessary to fulfill one's pledge. The reason of the Northern Kingdom's apostasy is traced to the cost and onerous rules of Torah practice.

14 *Hos.* 4:5.

15 He claimed that his mental faculties were slightly impaired.

16 *Hos.* 4:6.

17 *Hos.* 4:7. All of Talmudic literature assumes that the legal system imagined for late Hasmonean rule was that of the Davidic kingdom.

18 *Deut.* 21:1. This sermon derives חללי in *Hos.* 4:5 not from חלה "to be sick" but

from חלל "to be perforated".

19 Deriving חללי in *Hos.* 4:5 from חול "to be profane".

20 *IK.* 12:29.

21 Jeroboam is the only person of those mentioned in Mishnah *Sanhedrin* 11:2 as having no part in the Future World who is not rehabilitated in the Yerushalmi Halakhah. The following argument is reproduced in Babli *Sanhedrin* 101b.

22 *Deut.* 31:11.

23 By tradition, on this occasion it is the king who has to read selected portions (*Mishnah Sotah* 6:7). It is presumed that the same was true for the First Temple. There is no provision that two kings could read alternate portions, or if they did, the local king certainly would have precedence. The assertion of the book of Kings that there was a perpetual state of war between the Northern and the Southern kingdoms in the time of Jeroboam (*IK.* 15:6) is interpreted as a war of words conducted in the House of Study.

Another tradition (mentioned frequently but not undisputed) holds that nobody is allowed to sit in the Temple but a Davidic king (*Pesahim* 5:10, *Yoma* 3:2, *Sotah* 7:7; Babli *Sanhedrin* 101b, *Sotah* 40a,41a, *Yoma* 25a, *Qiddušin* 78a, *Tamid* 27a). If Yeroboam would have to stand while Rehabeam was sitting, an impossible situation would be created.

24 Letting the people go to Jerusalem while he remains at Sichem would emphasize the legitimacy of Rehabeam's rule.

25 *1K.* 12:26.

27 *Ps.* 58:6.

28 Correctly reading the first חבּר in the verse from the root meaning "to connect" but the second from the homonym meaning "to conjure, to practice sorcery." Since all kings of Israel adopted his institution of official worship at Bethel as long as that

26 The king would see the words engraved on the calves and understand that their purpose was to prevent people from observing the assembly in Jerusalem which would undermine his rule.

place existed, they became his co-conspirators.

29 *Hos.* 5:2.

30 The reason for the worship of the calves was never made public. Therefore, the sin was the king's only.

(39b line 28) אָמַר רַבִּי אֲבִין בַּר כָּהֲנָא. אַף שַׁבָּתוֹת וַיִּמָּסוּ טוֹבִים מַצִּינוּ שַׁבָּדָה לָהֶם יִרְבְּעִם מְלִיבּוֹ. הֵהוּא דְכָתִיב וַיַּעַשׂ יִרְבְּעִם | חָג בַּחוּדֶשׁ הַשְּׁמִינִי בַחֲמִשָּׁה-עָשָׂר יוֹם | לַחוּדֶשׁ כֶּתֶג | אֲשֶׁר בִּיהוּדָה וַיַּעַל עַל-הַמִּזְבֵּחַ כִּן עָשָׂה בְּבֵית-אֵל לְזִבּוֹחַ בַּחוּדֶשׁ אֲשֶׁר-בָּגַד מְלִיבּוֹ. מַלְבַּד כֶּתִיב. דְּמָה דְאַתָּא אֲמַר מְלָבַד שַׁבָּתוֹת יֵי.

Rebbi Abin bar Cahana said, we find that Jeroboam also invented Sabbaths and holidays. That is what is written³¹: *Jeroboam made the holiday in the eighth month, on the fifteenth of the month, like the holiday in Jehudah, and went on the altar; so did he at Bethel to sacrifice . . . in the month which he invented.* "In addition to" is written³², as you say, *in addition to the Sabbaths of the Eternal.*

31 *1K.* 12:32-33.

32 The *Qere* is מְלִיבּוֹ "by his invention"; the *Ketib* is מְלָבַד "in addition" (or "except"). This is read to mean that in addition to the holiday month which he invented, he

invented something else. By comparing the expression used in *Lev.* 23:38, the "else" is found to be the Sabbath, justifying R. Abin bar Cahana's statement. (Cf. *Num. r.* 21:23.)

(39b line 32) תִּנִּי. עֶבֶר וַנִּשְׂאָ וַנִּתֵּן עִמּוֹ מוֹתֵר. רַבִּי יַעֲקֹב בַּר אֲחָא רַבִּי יוֹסִי בִשְׁם רַבִּי יוֹחָנָן. וַאֲפִילוּ בַּיּוֹם אִידוֹ. וַתִּנִּי כֵן. בְּמָה דְּבָרִים אֲמוּרִים. בְּגוֹי שְׂאִינוּ מִכִּירוֹ. אֲבָל בְּגוֹי הַמִּכִּירוֹ מוֹתֵר מִפְּנֵי שְׁהוּא כְּמַחֲנִיף לָהּ. תִּנִּי. נִכְנָס לַעִיר וּמִצָּאָן שְׂמֵחִין שְׂמֵחַ עִמָּהּ שְׂאִינוּ אֵלָּא כְּמַחֲנִיף לָהּ. חַד דּוֹקִינָר אֲוִקִיר לְרַבִּי יוֹדָן נִשְׂיָא חַד דִּיסקוֹס מְלֵא דִינִרְיָן. נִסָּב חַד מִינְהוֹן וְשִׁלַּח לִיה שְׂאֲרָא. שְׂאֵל לְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. אָמַר. יוֹלִיד הִנִּיחָה לִּים הַמְּלַח. הִרִי בְּמִכִּירוֹ הִרִי לְשַׁעֲבֵר. וְרִישׁ לָקִישׁ אָמַר. יוֹלִיד הִנָּחָה לִים הַמְּלַח. אָמַר רַבִּי אֲבָהוּ. וַאֲנִי לֹא שְׂאֵלָנִי רַבָּן וּמְלִיאֵל בְּרַבִּי

מִהוּ לִילָךְ לִירִיד. וְאַסְרֵתִי לוֹ. וְהִתְנִי. הוֹלְכִין לִירִיד וְלוֹקְחִין מַשָּׁם עֲבָדִים וְשִׁפְחוֹת. רִישׁ לְקִישׁ אָמַר. לֹא סוֹף דָּבָר עֲבָדִים יִשְׂרָאֵל אֶלָּא אֶפִּילוּ גוֹיִם. מִפְּנֵי שֶׁמִּקְרָבָן תַּחַת כְּפָנֵי הַשְּׂכִינָה. מֵאִי כְדוֹן. רַבֵּן גַּמְלִיאֵל אָדָם קָטָן הָיָה וּבִיקֵשׁ רַבִּי אֲבָהוּ לְגוֹדְרוֹ. אֲבָל רַבִּי יוֹדֵן נִשְׁיֵא אָדָם גְּדוֹל הָיָה וּבִיקֵשׁ רִישׁ לְקִישׁ לְגוֹדֵר הַדָּבָר.

It was stated³³: If one transgressed and traded with him, it is permitted. Rabbi Jacob bar Aḥa, Rabbi Yose, in the name of Rabbi Johanan: Even on his holiday³⁴. It was stated so.³⁵ When was this said? About a Gentile whom he does not know. But with a Gentile of his acquaintance it is permitted since he is flattering him. It was stated: If one enters a town and finds them celebrating, he celebrates with them because he only is flattering them.

A *ducenarius*³⁶ honored Rabbi Jehudah the Prince³⁷ with a plate full of *denarii*. He took one of them and sent the remainder to him. He asked Rabbi Simeon ben Laqish who said, he shall bring the value to the Dead Sea³⁸. But was he not an acquaintance and it was in the past? Rabbi Abbahu said, did not Rabban Gamliel ben Rabbi asked me, may one go to a fair³⁹, and I forbade it to him, although it was stated⁴⁰: “one goes to fairs and buys there male and female slaves.” Rabbi Simeon ben Laqish said, not only Jewish slaves⁴¹ but even Gentiles, because he brings them under the wings of the *Shekhina*⁴². What about this? Rabban Gamliel was a minor personality and Rabbi Abbahu desired to confine him⁴³. But Rabbi Judan the Prince was an important person and Rabbi Simeon ben Laqish wanted to limit the matter⁴⁴.

33 Babli 6b. While trade is forbidden, the proceeds of an illegal trade are not.

34 Disputed by the Babli 6b, Tosephta 1:9.

35 Quoted in Tosaphot 2a, s.v. אסור.

36 Latin, “referring to 200”. If this describes an administrator, the reference is to an official such a prefect, procurator, receiving a salary of 200 *sestertia* (2'000 gold *denarii*), if a soldier, a commander of 200 men.

37 The grandson of Rabbi.

38 “Bringing something to the Dead Sea” means destroying it, since the Dead Sea

corrodes and destroys all metal thrown into it. Babli 6b.

39 This refers only to fairs which are in honor of some divinity. There is no limit to visits to government-organized fairs (Tosephta 1:7).

40 Tosephta 1:8; Babli 13a.

41 Circumcised slaves who were property of another Jew. This cannot refer to Jews sold as slaves since it is very meritorious to redeem Jews from slavery and does not need special permission.

42 The Divine Presence. Since the slave becomes a semi-Jew, in the words of the

Babli (13b) buying Gentile slaves “diminishes the number of idolators in the world.”

43 R. Abbahu did not want to abrogate the general permission for a meritorious intent to visit fairs dedicated to pagan divinities; he only thought that a public personality who probably would be unable

to define the limits between permitted and forbidden intent should not give a bad example to the people.

44 While trade is permitted, accepting gifts distributed by a pagan on his holiday essentially is forbidden even though the gift should be accepted to improve inter-communal peace.

(39b line 44) נִחָא מַלְהֶשְׂאִיל. מַלְשָׂאוֹל מִהֶן. מִפְּנֵי שֶׁהוּא כְּמַשִּׂיאָו שָׁם. נִיחָא מַלְהֶלוּתָן. מַלְהֶלוּת מִהֶן. מִפְּנֵי שֶׁהוּא כְּמַשִּׂיאָו שָׁם. נִיחָא מַלְפִּוּרָעָן. מַלְפִּרְעָה מִהֶן. שְׁלֵא לֵאמַר. עֲבוּדָה זָרָה שְׁלוֹ סִייעָה. רַבִּי בָּא בַּר טַבְלִי בְּשֵׁם רַב. אִם הָיְתָה מַלְוָה אוֹבְדָת מוֹתָר. וְתַנִּי כֵן. מַלְוָה אוֹבְדָת בְּעֵדִים. אֵין מַלְוָה אוֹבְדָת בְּשֹׁטֵר. אֶפִּילוּ מַלְוָה בְּשֹׁטֵר אוֹבְדָת הִיא. שְׁלֵא בְּכָל־שְׁעָה אָדָם זֹכֶה לְפִרְעָה חוֹבּוֹ. מֵאִי כְּדוֹן. מַלְוָה אוֹבְדָת שְׁלֵא בְּמִשְׁכּוֹן. אֵין מַלְוָה אוֹבְדָת בְּמִשְׁכּוֹן. אֶשְׁכַּח תַּנִּי עַל קְדָמִיתָא. מַלְוָה אוֹבְדָת בְּעֵדִים. אֵין מַלְוָה אוֹבְדָת בְּשֹׁטֵר.

One understands “to lend;” “to borrow” from them? Because he increases his reputation. One understands “to give them loans;” “to ask them for loans”? Because he increases his reputation. One understands “to pay debts to them;” “to accept payment from them”? That he should not say, his pagan worship had helped him⁴⁵. Rabbi Abba bar Tevelai in the name of Rav: If it was a loan in danger of being lost it is permitted. It was stated thus: A loan in danger of being lost, by witnesses. A loan not in danger of being lost, by document⁴⁶. Even a loan by document is in danger of being lost, for not at all times does a person succeed in liquidating his debt⁴⁷. How is this? A loan not in danger of being lost, by pledge. A loan in danger of being lost, not by pledge. It was found following the former [opinion]: A loan in danger of being lost, by witnesses. A loan not in danger of being lost, by document.

45 Babli 6b.

47 Quoted in Tosaphot 2a, s.v. ולפרוע.

46 Babli *Bava qamma* 102a.

(39b line 52) תַּמָּן תַּנִּינָן. רַבִּי יוֹדָה אוֹמֵר. אִשָּׁה לֹא תִסּוּד מִפְּנֵי שְׁנִיבּוֹל הוּא לָהּ; רַבִּי חֲנִינְיָה וְרַבִּי מִנְּא. חַד אָמַר. בְּסִיד שֶׁהוּא מִתִּירָתוֹ בְּמוֹעֵד נְחָלְקוֹ. אֲבָל בְּסִיד שְׁמִתִּירָתוֹ אַחֵר הַמוֹעֵד אֲסוּר. וְחֲרָנָה אָמַר. בְּסִיד שֶׁהִיא מִתִּירָתוֹ אַחֵר הַמוֹעֵד נְחָלְקוֹ. אֲבָל בְּסִיד שְׁמִתִּירָתוֹ בְּתוֹךְ הַמוֹעֵד מוֹתָר. וְלֹא יִדְעִין מָאֵן אָמַר דָּא וּמָאֵן אָמַר דָּא. מִן מַה דְּאָמַר רַבִּי חֲנִינְיָה רַבִּי יוֹסִי בְּשֵׁם

רבי יוחנן. רבי יהודה כדעתיה. כמה דרבי יהודה אמר תמן. גיבול שעה גיבול. כן הוא אמר הקא. צרת שעה צרה. הווי דו אמר. בסיד שהוא מותר בתוך המועד נחלקו. אבל בסיד שהוא מותר אחר המועד אסור.

There, we have stated⁴⁸: “Rebbi Jehudah says, a woman should not apply lime because it disfigures her⁴⁹.” Rebbi Ḥanina and Rebbi Mana. One said, they disagreed about lime which she removed on the holiday, but lime which she removes after the holiday is forbidden⁵⁰. But the other says, they disagreed about lime which she removes after the holiday. But lime which she removes during the holiday is permitted. We did not know who said what. From what R. Ḥanina, Rebbi Yose said in the name of Rebbi Johanan, Rebbi Jehudah is consistent. Just as Rebbi Jehudah said there, temporary disfiguration is disfiguration, so he says here⁵¹, temporary pain is pain. This implies that they disagreed about lime which she removed on the holiday, but lime which she removes after the holiday is forbidden⁵².

48 Mishnah *Mo'ed qatan* 1:5 (in the Mishnah editions, 1:7.) Babli *Mo'ed qatan* 9b.

49 On the semi-holidays which are the intermediate days of the Passover and Tabernacles holidays, one should not do what one can do before the holiday. Therefore one cannot get a haircut on the holidays and men cannot trim their beards. Rebbi Jehudah holds that a woman cannot get a beauty treatment in the form of a face mask of lime which will remove all facial hair and will make her cheeks more red by increased blood circulation. Since his name is attached to this prohibition while the others are stated anonymously it follows that the majority of the Sages hold that a woman can get such a treatment at any time.

It would seem that one should write גיבול as *pi'el* but since the Babli consistently has גיבול they must have heard the Galileans

pronounce the word with a soft ב (which does not exclude that Galilean ב also was pronounced v; cf. *Berakhot* 2:4 Note 167.)

50 Even for the Sages. While it is forbidden to marry on a holiday since the joy of holidays should not be mixed with the joy of marriage, a girl certainly can get engaged to be married on a holiday. The beauty treatment described was applied mainly to single girls to make them more marriageable. A treatment which terminates only after the holiday is a misuse of holiday time.

51 In our Mishnah where he holds that the temporary pain the Gentile feels when repaying his debt is sufficient to wave the prohibition of commerce.

52 This therefore is not only R. Ḥanina's opinion but stated practice.

(39b line 61) אומנים ישאל עושיין עם הגוי באידן בתוך ביתו אסור. בתוך בתייהן מותר. רבי שמעון בן אלעזר אומר. במה דברים אמורים. בתלוש מן הקרקע. אבל במחורב לקרקע אסור. בעיר אחרת בין כך ובין כך מותר. מהו בין כך ובין כך מותר. בין בתלוש בין במחורב בין בשכיר בין בקיבולת. אמר רבי לא. בין בתלוש בין במחורב ובלבד בקיבולת. רבי שמעון בר כרסנה בשם רבי אחא. בשבת ובאבל ובעבודה זרה הלכה כרבי שמעון בן אלעזר.

⁵³Jewish craftsmen working for a Gentile at that time, in his house it is forbidden, in their houses permitted. Rabbi Simeon ben Eleazar says, when has this been said? When it was cut from the ground, but as long as it is standing on the ground it is forbidden⁵⁴. In another town in any case it is permitted. What means “in any case it is permitted”? Whether cut or standing, whether hired or contracting. Rabbi La said, Whether cut or standing, but only in contracting. Rabbi Simeon ben Karsana in the name of Rabbi Aha, concerning Sabbath⁵⁴, mourning⁵⁵, and pagan worship practice follows Rabbi Simeon ben Eleazar.

53 A similar text in Tosephta 1:3.

54 The Jewish agricultural worker cannot harvest for the Gentile's celebration of his holiday. The Tosephta text reads differently: The Jewish worker cannot work if he is paid by the day but the craftsman who is paid as contractor can do anything he wants in his own house. In a similar statement (*Sabbat* 1, 4a l. 58) R. Simeon ben Eleazar holds that a Gentile contractor can work on a Jew's contract in his house on the

Sabbath, but not in the Jew's house nor if he is paid for his time on the Sabbath.

55 There is no statement of R. Simeon ben Eleazar in the relevant Chapters of Yerushalmi *Mo'ed qatan*. According to Nachmanides (*Milhamot Hashem ad Alfasi Mo'ed qatan* §1232) it refers to the *baraita* in the Babli *Mo'ed qatan* 26b where R. Simeon ben Eleazar forbids invisible mending of garments torn at the news of the death of a close relative.

(39b line 67) חברייא אמרי. טעמיה דרבי ישמעאל משום בריה דמועזא. אמר רבי בא. כיון שהוא יודע שסאור לך לישא וליתן עמו הוא ממעט בשמחת אידו. מה מפקא מביניהון. למפור לו דברים שאינו מתקיימין. על דעת חברייא אסור. על דעת רבי בא מותר. אמר רבי יודן. קרייא מסייע למה דאמרי חברייא. וביום עשרים וארבעה לחודש השביעי נאספו בני ישראל בצום ובכי ובשקלים ואדמה עליהם: ולמה לא אמר בעשרים ושלשה. משום בריה דמועזא. אין נימר דהנה בשובתא לית זכיל דאף מחשב ואף משבח צומא רבא בחד בשובא. ומה בה ולית רבי חוניא מיסל למאן דמעבר ליה מן אתריה. אמר רבי יוחנן בר מדייא. אגא חשב יתה ולא הוה בשובתא.

The colleagues say, the reason of Rabbi Ismael is because of the holiday's son⁵⁶. Rabbi Abba said, because he knows that it is forbidden to you to trade with him, he reduces the enjoyment of his holiday⁵⁷. What is the difference between them? To sell them things which do not keep. In the opinion of the colleagues it is forbidden. In the opinion of Rabbi Abba it is allowed⁵⁸.

Rabbi Yudan said, a verse supports what the colleagues said. *On the twenty-fourth day of the seventh month the sons of Israel assembled in fasting, and crying, and in sackcloth, and dirt on them*⁵⁹. Why does it not say, on the twenty-third? Because of the holiday's son. If you want to say because that was on a Sabbath, you cannot do this, because then the Great Fast would have been on a Sunday⁶⁰. And what about this? Does not Rabbi Onias make light of him who would move it from its place⁶¹? Rabbi Joḥanan ben Madia said, I computed it and it was not on a Sabbath.

56 The day after the holiday which in Jewish custom is a day where mourning and fasting are forbidden. It is presumed that Gentiles follow a similar custom.

57 This assumes that Jews are dominant in trade. If the Gentile cannot replenish his stock after the holiday, he will use it sparingly and thereby refrain from any exuberant celebration.

58 In the opinion of the colleagues all commerce is forbidden on the day following a holiday. In the opinion of R. Abba (in the Babli 6b R. Simeon ben Laqish supported by a *baraita*) one may sell perishable items on that day since the Gentile could not have bought them before and their availability will not influence the Gentile's behavior on his holiday.

59 *Neh.* 9:1. Words not appearing in MT are underlined.

60 In the Seventh month, the first is New Year's Day, the tenth is the Day of Atonement, and days 15-22 are Tabernacles.

Nehemiah refrained from calling a fast day on the day after the holiday; this dates the observance of the "holiday's son" at least to Nehemiah, unless it was impossible to call a fast day because the 23rd was a Sabbath. But then the 15th and the 1st would have been Fridays and the day of Atonement a Sunday. Since it is assumed that Nehemiah followed rabbinic rules one also assumes that as head of the rabbinic establishment of his time he would have manipulated the calendar to avoid this situation when one could not cook for a big meal before the fast (as the rabbinic calendar also is manipulated to avoid the fast on a Friday when one could not cook for breaking the fast.) (A similar argument is rejected by Tosafot in *Roš Haššana* 19b s. v. *במימור*; one must assume that the author was ignorant of this paragraph in the Yerushalmi.)

61 An Amora of the first generation; in Halakhah 3:1 he is called R. Ḥanina from Hauran. He was a member of the committee

of the Academy of Tiberias which fixed the calendar after Rabbi's death and opposed all

manipulations not justified by astronomical facts.

(fol. 39a) **משנה ב:** אילו אידיהן של גוים קלנדס וסמךנלייא וקרטסים וזם גיניסא של מלכים ויום הלילה ויום המיתה דברי רבי מאיר. וזכמים אומרים כל מיתה שיש בה שריפה יש בה עבודה זרה. ושאיין בה שריפה אין בה עבודה זרה.

Mishnah 2: The following are the holidays of the Gentiles: Calendae⁶², Saturnalia⁶³, and Cratesis⁶⁴, and the king's birthday⁶⁵, and birthday⁶⁶, and the day of death⁶⁷, the words of Rabbi Meir. But the Sages say, any death for which there is burning⁶⁸ is idolatrous; if there is no burning it is not idolatrous.

62 The first day of the month; used here only for the first day of the year, the first of January.

63 The year-end licentious festivities in Rome.

64 Greek κράτης, "might, power, accession to Empire". Observed on the first of August, the day of capture of Alexandria

by Augustus.

65 This is the Yerushalmi explanation. In the Babli, the day of accession.

66 Personal holidays of private persons.

67 Of ancestors.

68 Burning the personal belongings of the deceased.

(39c line) **הלכה ב:** אילו הן אידיהן של גוים כול'. רב אמר. עידיהן. ושמואל אמר. אידיהן. קמן דאמר. עידיהן. ועידיהם המה. קמן דאמר. אידיהן. פי קרוב יום אידם. רב אמר. מאברים. ושמואל אמר. מעברין. קמן דאמר. מאברין. מוסיפין לה אבר. קמן דאמר. מעברין. באשה עוברת. רב אמר. יאותו. ושמואל אמר. יעותו. קמן דאמר. יאותו. אדבזאת נאות לכם. קמן דאמר. יעותו. לדעת לעות את געף דבר.

Halakhah 2: "The following are the holidays of the Gentiles," etc. ⁶⁹Rav said 'edeheh and Samuel said 'edeheh. He who said 'edeheh, they are their witnesses⁷⁰. He who said 'edeheh, for the day of their misfortune is near⁷¹. Rav said me'abberim, and Samuel said me'abberin⁷². He who said me'abberin, one adds a limb to it. He who said me'abberin, like a pregnant woman. Rav said ye'utu, and Samuel said, ye'utu⁷³. He who said ye'utu, but with this we shall be agreeable to you⁷⁴. He who said ye'utu, to know, to inform the weary of wisdom⁷⁵.

69 A reformulated parallel is in *Berakhot* 8:7, Notes 157-160.

70 *Is.* 44:9.

71 *Deut.* 32:35.

72 The technical term for intercalation in the calendar, adding a month.

73 The condition for a benediction over fire at the end of the Sabbath is that one have use of it.

74 *Gen.* 34:15.

75 *Is.* 50:4.

(39c line) רב אמר. קלגדס אדם הראשון התקינו. פיו דחמא ליליא אריד אמר. אי לי. שמה שכתוב בו הוא ושוף ראש ואתה תשוּפנו עקב שמה לבוא לנשכני. ואמר אד-חושף ושוּפני. פיו דחמא איממא ארד אמר. קלגדס. קלון דיאו. ואיתא כמאן דאמר. בתשרי נברא העולם. ברם כמאן דאמר. בניסן נברא העולם. ידע הנה. אמר רבי יוסי בירבי בון. מאן סבר. בתשרי נברא העולם. רב. דתני בתקיעתא דבי רב. זה היום תחילת מעשיך ופרו ליום ראשון כול. הוי. בראש השנה נברא העולם.

⁷⁶Rav said, Adam, the first man, instituted Calendas. When he saw that the night was getting longer, he said, woe to me, maybe this is what is written for, *he shall smite your head, you will sneak to his heel*⁷⁷, maybe it will come to bite me. *I said, but darkness will smite me*⁷⁸. When he saw that days were getting longer, he said *calendas*, καλόν *dies*⁷⁹. This follows him who said that the world was created in Tishre⁸⁰. But following him who said that the world was created in Nisan, he would have known. Rabbi Yose ben Rabbi Abun said, who thinks that the world was created in Tishre? Rav! As we have stated in the composition for *shofar* blowing from the House of Rav⁸¹: “This is the day of the beginning of Your works, a remembrance of the first day.” This implies that the world was created on New Year’s Day.

76 Babli 8a.

77 *Gen.* 3:15.

78 *Ps.* 139.11. Psalm 139, ascribed in the book of Psalms to David, is in aggadic tradition at least partially ascribed to Adam (cf. *Midrash Tehillim*, *Ps.* 139, the author’s *The Scholar’s Haggadah* p. 220).

79 “A beautiful day,” mixed Greek (καλόν “beautiful”, accusative) and Latin (*dies* “day”, nominative) perhaps to indicate

the popular language of the unlettered.

80 This is the opinion of R. Eliezer. R. Joshua holds that the world was created on the 15th of Nisan. Cf. Babli *Roš Haššanah* 27a and the author’s *Seder Olam* (Northvale NJ 1998) pp. 47-48 (Note 3).

81 Rav’s composition for the extended *musaf* prayer on New Year’s Day. The sentence is found in the middle section.

(39c line 15) רבי יוחנן לא אמר כן. אלא מלכות מצרים ומלכות רומי היו עושין מלחמה אילו עם אילו. אמרו. עד מתי אנו הורגין בפולמוס זה עם זה. בואו ונתקין שכל-מלכות שתאמר לשר צבא שלה. פול על חרבך. וישמע לה. תתפוס המלכות תחילה. דמצרים לא שמע לון. דרומי הנה תמן חד גבר סב והנה שמייה ינובריס והווי ליה תריסרי בני. אמרו ליה. שמע לון ואנו עושין בניך דוקסין ואיפרכין ואסטרטליטין. ושמע לון. בגין כן צווחין ליה. קלנדס ינובריס. מן יומא דבתריה מתאבלין עלי מילי אימרא. אמר רבי יודן ענתודריא. מאן דזרע טלופחין בההוא יומא לא מצליחין.

Rebbi Johanan does not say so, but the empire of Egypt and the empire of Rome were fighting with one another. They said, how long are we killing one another in this war⁸²? Let us institute the rule that the empire should be preeminent which will tell its army commander, fall on your sword, and he will obey. The Egyptian did not obey. In Rome there was an old man by the name of Januarius who had twelve sons. They told him, if you obey us we shall make your sons dukes⁸³, eparchoi⁸⁴, and generals⁸⁵. He listened to them. Therefore, it is called *Calendae Januarii*. The next day they mourn him, a black day⁸⁶. Rebbi Yudan from Antodra⁸⁷ said, if one sows lentils^{87a} on that day, they will not succeed.

82 Greek πόλεμος.

postridiani, following *calendae*, *ides*, or *nonae*, were considered inauspicious.

83 Latin *dux*, pl. *duces*.

84 Greek ἑπαρχος "governor, prefect."

87 Or Antondra, Antorda; cf. *Berakhot* 4:1 Note 72.

85 Greek στρατηλάτης.

86 Greek μέλαινα ἡμέρα, translation of Latin *dies ater*, a black (unlucky) day. *Dies*

87a A symbol of mourning, *Gen. rabba* 63(19).

(39c line 24) רב אמר. קלנדס אסורה לכל. רבי יוחנן אמר. אין אסורה אלא לפלחין בה. סטרנליה אסורה לכל. רבי יוחנן אמר. בין קלנדס בין סטרנליה אינה אסורה אלא לפלחין בה. חברייה בעו. נשי דפלחין פלחין. רבי אבהו בעי. והדא טקסיס דקיסרין מפין דסוגיין שמרין פלחין היא. הנה טקסיס דדוקים צריכא. רבי ביבי שלחיה רבי זעירא דיןבון ליה עזיל קטן מן סטרנליה דבישן. אתא גבי רבי יוסי. סבר דמורה ליה כהדא דרבי יהושע בן לוי שרי. והורי ליה כהדא דרבי יוחנן אסיר. רב אמר. קלנדס לפני תקופה שמונה ימים. סטרנליה לאחר תקופה שמונה ימים. אמר רבי יוחנן. פרוקטו ראשה שלתקופה.

Rav said, *Calendae* are forbidden for everybody⁸⁸. Rebbi Johanan said, it is forbidden only for those worshipping on them. *Saturnalia* are forbidden for

everybody⁸⁹. Rabbi Johanan said, both Calendae and Saturnalia are forbidden only for those worshipping on them.

The colleagues asked: are wives of worshippers like worshippers? Rabbi Abbahu asked: is the parade⁹⁰ of Caesarea like worship, since it is full of Samaritans? The parade of Duqim^{90a} is questionable. Rabbi Ze'ira sent Rabbi Bevai that he should buy him a small web from the Saturnalia of Bet-Shean. He came to Rabbi Yose⁹¹. He thought that he would instruct him following Rabbi Joshua ben Levi who permitted it. But he instructed him following Rabbi Johanan that it was forbidden⁹².

Rav said, Calends are eight days before the solstice, Saturnalia eight days after the solstice⁹³. Rabbi Johanan said, *prwqtw* is the head of the turning point⁹⁴.

88 In the Babli, 8a, the opinions attributed here to the Babylonian Rav are quoted in the name of the Galilean R. Joshua ben Levi.

89 This also is opinion of Rav/R. Joshua ben Levi.

90 This seems to have been a military parade which may have involved the display of the legion's eagles, considered an idolatrous practice. The participation of Samaritans may have removed the pagan aspect.

90a An unidentified place.

91 One has to read Yasa (Assi), the teacher of R. Ze'ira, not Yose, his student's student.

92 Clearly, one has to switch "permitted" and "forbidden" since the preceding (and Note 88) shows that R. Joshua ben Levi forbade what R. Johanan allowed.

93 Here "before" and "after" have to be switched; the statement is correct in the

Babli, 8a. The Calends of January are 9 to 10 days after the winter solstice.

94 The dictionaries follow Musaphia in reading *tropic* for *procto*, meaning that when the sun is standing over the tropic this is the time of the solstice. It is difficult to accept a double metathesis, and the sun being over one of the tropics is not a beginning of the solstice; it is the solstice. Also תְּקוּפָה "turning point" denotes any one of the four cardinal points of the ecliptic, both solstices and both equinoxes. S. Krauss is correct in rejecting Musaphia's explanation but his own, by a non-existing Greek word, is no better. Cf. Latin *procitat* "it drew near", said e. g. of the orbits of two stars. The earth is nearest to the sun at the summer solstice (E. G.). One would vocalize פְּרֻקְטוּ.

32c line 39) רבי בא בשם רב. שלשה זמנים בבבל. ושלשה זמנים במדי. שלשה זמנים בבבל. מהורי וכונני וכוונתה. שלשה במדי. נוסרדי ותיריסקי ומהירקנה. רבי הונא בשם רב נחמן בר יעקב. נרוז בב' באדר בפרס בעשרים באדר במדי.

Rebbi Abba in the name of Rav: There are three times⁹⁵ in Babylonia, three times in Media. Three times in Babylonia, וכוונתה⁹⁶. Three in Media, נוסרדי ותיריסקי ומהירקנה⁹⁶. Rebbi Huna in the name of Rab Nahman bar Jacob: New Year's Day⁹⁷ is on the second of March in Persia, on the 20th of March in Media.

95 Where one has to observe the Mishnah's restrictions on commerce with Gentiles.

96 These days have not been identified except for מהירקנה which is *mehragan*, Arabic **مهرجان**, a fall festival. In *Responsen der Geonim* (Harkavy), Berlin 1887, No. 46 (p. 22) the Gaon describes this as the solstices, still celebrated as a holiday in his time. Also in מהורי one recognizes the root *mehr* "Mithra", the sun-god. In כוני one recognizes *kanun*, the Accadic and Syriac name of the Month of *Ṭevet* (or *Kislev* and *Ṭevet*) which leads one also to identify the day as connected to the winter solstice. In the Babli (11b) the readings are for Persian festivals מוהרניק ומוהרין, ms. readings מוטרדי וטיריסקי מוהרסניק ומוהרין, מוטרדי וטיריסקי מוהרניק ומוהרין, for the

Babylonians מוהרניק ואקניתי, מוהרניק ואקניתי, ואקניתי במני ואסר באדר. בחנוני ועשרים באדר. In the ms. readings the first series is from the Munich ms. (*Diquque Soferim*), the second from the NY ms. published by Shraga Abramson (New York 1957). The readings do not help much but it is clear that on base of the next sentence in the Yerushalmi in the list of Babylonian festivals one must read with the NY ms. "20 Adar" as Median New Year's Day. (In his Notes, p. 150a, Abramson incorrectly reads "10 Adar" with the other Babli sources.)

97 Persian **نوروز**. "Adar" here has the meaning of "March" as in the Syrian Christian calendar. Today's Persian New Year is what is characterized here as Median.

35c line 39) סטורנליא. שנאה טמונה. שונא נוקם ונוטר. היך מה דאת אמר וישטם עשו את יעקב. אמר רבי יצחק בירבי לעזר. ברומי צווחין ליה. סנטוריה דעשו. וקרטסיס. יום שתפשה בו רומי מלכות. ולא כבר תניתה. אמר רבי יוסי בירבי בון. פעם שנייה. אמר רבי לוי. יום שנתחתן שלמה לפרעה וכה מלך מצרים נרד מיכאל ונעץ קנה בים והעלה שלעטוט ונעשה חורש גדול וזה הוא כרד גדול שברומי. יום שהעמיד נרבעם שני עגלי זהב באו רומס ורומילס ובנו שני צריפים ברומי. יום שנסתלק בו אלהיו הועמד מלך ברומי. ומלך אין באדום נצב מלך:

יום גניסיןא של מלכים. ויהי | ביום השלישי יום הלדת את-פרעה.

“Saturnalia,” “hidden hatred; hating, taking revenge, preserving [hatred].”⁹⁸ This is what you say, *Esau hated Jacob*⁹⁹. Rabbi Isaac ben Rabbi Eleazar said, in Rome they call it “senate of Esau”¹⁰⁰.

“Cratesis.” The day when Rome took hold of the Empire. Was this not stated already¹⁰¹? Rabbi Yose ben Rabbi Abun said, for the second time¹⁰². Rabbi Levi said, on the day when Solomon married the daughter of Pharaoh Necho, the king of Egypt, Michael descended and put a stick into the Sea which attracted debris and formed a forest; that is the great fortification in Rome. On the day when Jeroboam put up two golden calves, Remus and Romulus built two sheds in Rome. On the day Eliahu disappeared a king was installed at Rome; *a king, there is no king appointed in Edom*¹⁰³.

“The king’s birthday.” *It was on the third day, Pharaoh’s birthday*¹⁰⁴.

98 A proposed Hebrew etymology of “Saturnalia.”

99 Gen. 27:41.

100 In *Gen. rabba* 66(7) there is a different, more intelligible version: *Esau hated Jacob*; R. Eleazar ben R. Yose said, he was his steward (סנטרי) but became hating, taking revenge, preserving [hatred]; for this one calls the Senators (סנטרי) of Rome. For *salutarius* cf. *Bava mesi’a* 5:7 Note 138.

101 In the second interpretation of *Calendae*.

102 When Augustus became Emperor to end the civil wars.

103 *IK*. 22:48. The verse is quoted in incomplete form; in the biblical text נֶאֱבַד is not a verb but a noun: *There was no king in Edom; a governor was king*. A shortened version is found in the Babli, *Sanhedrin* 21b.

104 *Gen.* 40:20.

יום הלדה ויום המיתה. עד כאן לציבור. מכאן ואילך ליחיד. וכתוב בשלח (39c line 45) תמות ובמשך פנות אבותיך הראשנים וגו'. כיני מתניתא. כל-מיתה שיש בה עישון ושריפה יש בהן עבודה זרה. ושאיין בה עישון ושריפה אין בהן עבודה זרה.

“Birthday, and the day of death.” The preceding was for the public, from here on private. But it is written^{104a}: *You shall die in peace, and what was burned for your earlier forefathers* . . . So is the Mishnah: “Any death where there is smoke and burning¹⁰⁵ is idolatrous; if there is not smoke and burning it is not idolatrous.

104a *Jer.* 34:5. Since God promises Sedekia that one will burn things at his funeral, the practice cannot be prohibited.

105 One burns not only the deceased's utensils but adds some fuel which creates

thick smoke. This is superstitious or idolatrous. The Babli, 11a, accepts burning as practice only for kings and Patriarchs, not for commoners.

(fol. 39a) **משנה ג:** יום תגלחת זקנו ובלוריתו יום שעגלה בו מן היום יום שניצא בו מבית האסורים אינו אסור אלא אותו היום ואותו האיש.

Mishnah 3: The day of the first shaving of his beard and his locks¹⁰⁵, the day he arrived from a trip at sea¹⁰⁶, or the day he was freed from jail, are forbidden only on the day itself and for this man.

105 The religious shaving of the first beard is known from Roman sources (Petronius, *Satyricon* §29-8, where a golden box with the shavings of the master's first beard stands in a niche with the *lares* and a statue of Venus.) According to Ravad

[Commentary to *Sifra Ahare Pereq* 13(9)] this is the sacrifice of locks that one grows for a year or two and then cuts as a religious rite.

106 Which always involved mortal danger.

(39c line 48) **הלכה ג:** יום תגלחת זקנו כול. מה. אותו היום בלבד. או אותו היום בכל שנה. והתני. תגלחתו ותגלחת בנו אסורה. תיפתר שגילחו שניהן כאחת. והתני. משתהו ומשתה בנו אסורה. תיפתר שגילחו שניהן כאחת שנשא נשים. והתני. לידתו ולידת בנו אסורה. אית לך מימר. שנולדו שניהן כאחת. תיפתר בהוא דלא אספיק מיעבד ביומיה עד דאיתגלד בר וצבד כחדא.

Halakhah 3: “The day of the first shaving of his beard,” etc. What means “only on the day itself”; maybe the same day every year? Did we not state, his haircut and his son’s haircut is¹⁰⁷ forbidden? Explain it that they had a haircut together. Did we not state, his wedding feast and his son’s wedding feast are forbidden¹⁰⁸? Explain it that they together had a haircut and married women. Did we not state, his birth and his son’s birth is forbidden? Could you say that they were born together? Explain it that he did not do it on his day, but after the son was born he did it with him¹⁰⁹.

107 The singular “it is forbidden” implies that this is a double festivity on the same day. Since it is quite impossible that a man and his son should shave their beards for the first time on the same day, it seems that the *baraita* implies that he celebrates the anniversary of his first shave every year and then shaves his son on that same date. The answer is that nothing in the *baraita* implies that one speaks of the first shaving of the beard; it could well be that the father lets his hair grow three years from the date of birth of his son and then cuts his and his son's hair on the same day in one pagan rite.

108 A son and his widowed father may well marry on the same day.

109 Here it seems more reasonable to assume that a father celebrates his birthday every year and his son has the same birthday. But as with the other statements, it is not necessarily so. It either may be that the *baraita* does not refer to the birthdays of the persons but to birth of children to both of them; nor does it imply that the birthdates are identical; only the celebrations are. The problem is undecided; for practical purposes only the day itself is forbidden, not its date every following year.

לֹא יִשְׁלַח לוֹ חֲבִיּוֹת מְכוֹרוֹת לַחֲנוּנִי מִפְּנֵי שֶׁהוּא כְּטוֹעֵנוּ טַעֲנֵת חֲנָם. לֹא יִסְרֹב אָדָם בְּחִבּוֹתָיו לְאַחֲרוֹ בְּשַׁעֲהוֹ שְׂאִינוֹ רוּצָה. לֹא יִרְבֶּה לוֹ בְּתַקְרוּבָתוֹ בְּשַׁעֲהוֹ שֶׁהוּא יוֹדֵעַ שְׂאִינוֹ מִבְּקָשׁ. מִהוּ בְּתַקְרוּבָתוֹ. רְחִיצָתוֹ בְּזוּי אֻחָרָיו. וּבִירוּשָׁלַם הָיָה הוֹפֵךְ עֵינָיו לְדִמְיוֹנָא לְשִׁמְאָלָא.

¹¹⁰He should not send him amphoras sold to the grocer because that is like claiming an unnecessary claim. One should not invite another knowing that he will not accept. He should not offer many gifts of closeness knowing that he does not want [them]. What is “of closeness”? He trusts another corner¹¹¹. And in Jerusalem he was switching his ‘*ikhla* from right to left’¹¹².

110 A thoroughly corrupt paragraph; partially but defectively copied from *Demay* 4:6, Notes 73-74. The basic reference is Tosephta *Baba gamma* 7:8 which declares creating a false impression to obtain goodwill as “stealing minds” and forbidden. The example in the Tosephta reads: “he should not open for him amphoras sold to a grocer,” i. e., one should not give the guest the impression that one goes to great expense for him when in fact the amphora had to be opened anyhow to fulfill an

existing sales contract. The text here does not make much sense. The next sentence is also in *Demay* (Babli *Hulin* 94a) and makes perfect sense.

111 In *Demay*: “He knows that the other person expects that he would exert himself for him.”

112 The word עֵינָיו is otherwise unknown; cf. *Demay loc. cit.* Note 74. Compare Arabic عِقال “cord (of a curtain)”.

39c line 57) תני. עיר שיש בה גוים וישראל. אם נותנין הגוים לגבאיין גובין מהן ומישראל. ומפרנסין עניי גוים ועניי ישראל. ומבקרין חולי גוים וחולי ישראל. נוהמים אבילי גוים ואבילי ישראל. וקוברין מייתי גוים ומייתי ישראל. ומכניסין כלי גוים וכלי ישראל. מפני דרכי שלום. גרדאי שאלון לרבי אמי. יום משתה שלגוים מהו. וסבר מישרי לון מן הדא. מפני דרכי שלום. אמר ליה רבי בא. והתני רבי חייה. יום משתה שלגוים אסור. אמר רבי אמי. אילולא רבי בא הוה לנו להתיר עבודה זרה שלהן. וברוך המקום שרחקנו מהן.

¹¹³It was stated: In a town where Gentiles and Jews live together, if the Gentiles contribute the overseers of charity collect from them and from Jews, and provide for Gentile and Jewish poor, visit Gentile and Jewish sick, console Gentile and Jewish mourners, and bury Gentile and Jewish dead. Also one takes in vessels from Gentiles and Jews for the sake of peaceful coexistence. The weavers asked Rabbi Immi, what about a Gentile wedding feast? He wanted to permit it to them from this: “for the sake of peaceful coexistence.” Rabbi Abba told him, did not Rabbi Hiyya state that a Gentile wedding feast is forbidden? Rabbi Immi said, if it had not been for Rabbi Abba we would have come to permit their pagan worship; praise be the Omnipresent Who distanced us from them.

113 *Demay* 4:7, Notes 76-80; *Tosephta Gittin* 4:13-14; *Babli Gittin* 61a.

(fol. 39a) **משנה ד:** עיר שיש בה עבודה זרה חוצה לה מותר. תיה חוצה לה עבודה זרה תוכה מותר. מהו לילך לשם בזמן שהדרך מיוחדת לאותו מקום אסור. ואם היה יכול להלך בה למקום אחר מותר. עיר שיש בה עבודה זרה והיו בה חנויות מעוטרות ושאינן מעוטרות זה היה מעשה בבית שאן ואמרו חכמים המעוטרות אסורות ושאינן מעוטרות מותרות:

Mishnah 4: Outside a town with pagan worship it is permitted¹¹⁴. If the pagan worship was outside, inside is permitted. May one go there? If the road was dedicated to this place¹¹⁵ it is forbidden, but if one could go there also to another place it is permitted. If a town has pagan worship and there were stores decorated and not decorated; there was a case in Bet Shean and the Sages said that the decorated ones are forbidden, the not decorated ones are permitted¹¹⁶.

114 In a village or small town, if there is a pagan festival, or a fair dedicated to a pagan deity, which is celebrated by everybody there, the restrictions of trade spelled out in Mishnah 1 do apply in the town but not in

its surroundings.

115 The place where trade with the Gentiles would be forbidden.

116 To trade there since they do not participate in the festivities.

(39c line 65) **הלכה ד:** עיר שיש בה עבודה זרה כול'. הא תוכה אסור. מפני שיש בה צלם אחד יהא תוכה אסור. ריש לקיש אמר. ביריד שנו. ומה בין בתוכה לחוצה לה. תוכה שנהנה מן המכס אסור. חוצה לה מותר שלא נהנה מן המכס. ואם היה חוצה לה נהנה מן המכס אף חוצה לה אסור. והתני. הולכין ליריד ולוקחין משם עבדים ושפחות ובהמה. ריש לקיש אמר. לא סוף דבר עבדים ישראל אלא אפילו עבדים גוים. שמקרבן תחת כנפי השכינה. והתני. לקח משם פסות תשרף. בהמה תעקר. מעות יוליכם לים המלח. ניחא פסות תשרף. מעות יוליכם לים המלח. בהמה תעקר. והתני. הולכין ליריד ולוקחין משם עבדים ושפחות ובהמה. רבי שמעון בן לקיש אמר. לא סוף דבר עבדים ישראל אלא אפילו עבדים גוים. שמקרבן תחת כנפות שמים. תיפתר ישראל ישראל. והתני. המוכר עבדו לגוים דמיו אסורין. עוד היא תיפתר ישראל ישראל. ישראל שהולך ליריד לוקחין ממנו מפני שהוא כמציל מידן. ובחזירה אסור שנהנה מחמת עבודה זרה. ובגוים בין הולכין בין באין מותר. רבי בא בריה דרבי חייה בר בא בשם רבי יוחנן. אם היה פונדק מותר. רבי זעירא בעי. ביריד אסור ובפונדק מותר. דילמא בפונדקא אמהרה רבי יוחנן. אתא רבי בא בריה דרבי חייה בר בא בשם רבי יוחנן. אם היה פונדק מותר בפונדקא. אמר רבי יוחנן.

Halakhah 4: “Outside a town with pagan worship,” etc. Therefore inside it is forbidden. Because in it there is one statue all of it should be forbidden? Rabbi Simeon ben Laqish says, they taught this about a fair¹¹⁷. What is the difference between inside and the surroundings? Inside where it profits from the toll it is forbidden. Outside it is permitted because it does not profit from the toll, but if outside it also profits from the toll it is forbidden. But was it not stated⁴⁰: “One goes to fairs and buys there slaves, slave girls, and animals.” Rabbi Simeon ben Laqish said, not only Jewish slaves⁴¹ but even Gentiles, because he brings them under the wings of the *Shekhina*⁴². But was it not stated¹¹⁸: If he bought there a garment, it should be burned, an animal should be castrated, coins should be brought to the Dead Sea? One understands that a garment should be burned, coins should be brought to the Dead Sea. An animal should be castrated¹¹⁹? But was it not stated⁴⁰: One goes to fairs and buys there slaves, slave girls, and animals.” Rabbi Simeon

ben Laqish said, not only Jewish slaves⁴¹ but even Gentiles, because he brings them under the wings of Heaven? Explain it, Israel, Israel¹²⁰. But was it not stated: If somebody sells his slave to Gentiles the proceeds are forbidden¹²¹. Again explain it, Israel, Israel. One buys from an Israel who goes to a fair because he is like one salvaging from their hands. On his return it is forbidden since he profits from pagan worship¹²². But from Gentiles it is permitted whether they are going or coming. Rabbi Abba the son of Rabbi Hiyya bar Abba in the name of Rabbi Johanan: If it was a hostelry¹²³ it is permitted. Rabbi Ze'ira asked: at a fair it is forbidden, in a hostelry it is permitted? Maybe Rabbi Johanan said this about merchandise¹²⁴. Rabbi Abba the son of Rabbi Hiyya bar Abba came in the name of Rabbi Johanan: If it was a hostelry, merchandise is permitted¹²⁵, said Rabbi Johanan¹²⁶.

117 The fair is a once yearly affair in honor of some divinity and its temple receives a fee from every transaction at the fair. Trading at the fair is directly subsidizing pagan worship. Babli 11b.

118 Babli 13a.

119 The statement is unacceptable first because it contradicts the Tosephta and second because there is a biblical prohibition to castrate any animal (*Lev.* 22:24). The Babli 13a explains "castrating" as "making unfit for agricultural work" similar to the meaning of the root **عقر** "to starve an animal" in Arabic.

120 He bought from a Jew who was a vendor at the fair. This shows that only the strictly religious persons followed the rules on trade with Gentiles.

121 The Babli (*Giṭtin* 45a) requires the communal court to force the seller to buy

the slave back for up to 10 times the sale price. It is forbidden to sell a circumcised slave, who has to keep the Sabbath and eat kosher, to a Gentile. On the other hand, a slave who refuses to be circumcised and become a semi-Jew may be sold to Gentiles without penalty.

122 Babli 33a, Tosephta 1:15.

123 Greek πανδοχείον, πανδοχείον. Since the hostelry is a place for strangers, even at the time of a fair it is exempt of the rules restricting participation of Jews.

124 Greek πραγματεία.

125 The Babli 13a,b explains that any kind of merchandise one may buy there if no fee is paid to the organizers of the fair.

126 This clause is superfluous but this is not sufficient reason to delete it from the text.

רבי אבהו בשם רבי יוחנן. החליף בהמה בעבודה זרה אסורה. רב חסדא בעי. אילו השתתחו לה לא אסרה. מפני שהחליף בהמה בעבודה זרה אסרה. דילמא בפרגמטיא

שְׁנֵכְסָה קוֹדֵם לִירִיד אֶתְאָמְרַת. אֵתָא רַבִּי זְעִירָא רַבִּי אֲבָהוּ בְּשֵׁם רַבִּי יוֹחָנָן. הִחְלִיף בְּהֵמָה בְּעִבּוּדָה זָרָה אֶסְרָה. בְּפִרְגָּמֻטָא שְׁנֵכְסָה קוֹדֵם לִירִיד אֶתְאָמְרַת. אָמַר רַבִּי אֲבָהוּ. אֶסּוּר לַעֲשׂוֹת חֲבִילָה בִּירִיד. וְתִיָּב כֵּן. לֹא יִשְׁאַל בְּשִׁלּוּמוֹ בְּמָקוֹם שֶׁהוּא מִתְחַשֵּׁב. מִצָּאוֹ לְפִי דְרַכּוֹ שׂוֹאֵל בְּשִׁלּוּמוֹ בְּכוֹכָד רֹאשׁ.

Rebbi Abbahu in the name of Rebbi Johanan: If one bartered an animal for an idol it becomes forbidden. Rav Hisda asked: If he had worshipped it he would not have made it forbidden¹²⁷. Because he bartered an animal for an idol he made it forbidden? Maybe it was said about merchandise assembled before the fair¹²⁸. There came Rebbi Ze'ira, Rebbi Abbahu in the name of Rebbi Johanan: If one bartered an animal for an idol it becomes forbidden. This was said about merchandise assembled before the fair.

Rebbi Abbahu said, it is forbidden to make a group visit to a fair¹²⁹, as we have stated¹³⁰: "One should not greet him at a place where it gives him prestige. If he meets him on his way, he greets him gravely."

127 Animals used in pagan worship are forbidden as sacrifices (Mishnah *Temurah* 6:1), but living things cannot become forbidden for all use. Why should barter make the living animal forbidden?

128 It is forbidden to give animals (or any other article which might be used in pagan worship) specifically for the purpose of assembling merchandise for sale at the pagan fair. The proceeds would be

forbidden as the money of a Jew returning from dealing at the fair.

129 As stated in the following Tosephta, it is forbidden to greet a celebrant of a pagan rite in public where it increases his prestige on the day of his celebration. Since a group constitutes a public, a person meeting a Gentile of his acquaintance would automatically violate this prohibition.

130 Tosephta 1:2.

(39d line 14) רַבִּי חִיָּיָה בְּרִי נֹחַ שְׁלַח מִיזְבוֹן לִיה סִנְדֵּל מִן יְרִידָה דְּצוֹר. אָמַר לִיה רַבִּי יַעֲקֹב בְּרִי אֲחָא. וְאֵת מְלוֹקְחֵי יְרִיד. אָמַר לִיה. וְאֵת לֹא לְקַחְתָּ קְלוֹסְקִין מִמֶּיֶד. אָמַר לִיה. שְׁנִינָא הִיא. דְּמַר רַבִּי יוֹחָנָן. לֹא אֶסְרוּ דְּבַר שֶׁהוּא חַי נָפֶשׁ. רַבִּי שְׁמַעוֹן בֶּן יוֹחָנָן שְׁאַל לְרַבִּי שְׁמַעוֹן בֶּן יוֹצֵדֵק. לִית אֵת בְּדִיק לִיה אֲהוּ יְרִידָה דְּצוֹר מָהוּ. אָמַר לִיה. אִין. יְהֵב תְּרִיתִין לִיטְרִין דְּפִילָּלִין לְאִיסְקְרִנְדָּה. עָאֵל וְאִשְׁכַּח כְּתִיב תִּמְן. אֲנָא דִּיקְלִטְיִנוּס מִלְכָּא שְׂכִנִּית אֲהוּ יְרִידָה דְּצוֹר לְגִדְיָה דְּאַרְקָלִיס אֲחִי תִמְנָא יוֹמִין. רַבִּי יִצְחָק בְּרִי נַחְמָן שְׁאַל לְרַבִּי חִינִינָה. יְרִיד עֲזָה מָהוּ. אָמַר לִיה. הִלְכְּתָּ לְצוֹר מִמֶּיֶד וְרֵאִיתָ יִשְׂרָאֵל וְגוֹי שֶׁהוּא שׁוֹתֵפִין בְּקִדְיָה וְאִינוּ חוֹשֵׁשׁ שְׁמָא נִיעַר הַגּוֹי בְּקִדְיָה. וְקִשְׁנָא. הוּא שְׁאַל לִיה דָּא וּמַגִּיב לִיה דָּא. אֵלָא בְּגִין דְּלִית רַבִּי חִינִינָה אָמַר מִילָּה דְּלֹא שְׁמַעָה מִיוֹמוֹי בְּגִין כֵּן הוּא שְׁאַל לִיה דָּא וּמַגִּיב לִיה דָּא. אֵתָא רַבִּי יוֹסִי בִּרְבִּי בּוֹן אֲבָא בְּרִי

בַּר חֲנָה בָּשֶׁם רַבִּי יוֹחָנָן. לֹא אָסְרוּ אֶלְא כְּגוֹן יְרִידָה שְׁלִבוּטָנָה. וְתַנִּי כֵן. ג' יְרִידִין הֵן. יְרִיד עֲזָה
יְרִיד עֶפֶה יְרִידָה שְׁלִבוּטָנָה. וְהַמְחוּר שֶׁבְּכֵן יְרִיד בּוּטָנָה.

Rebbi Hiyya bar Abba sent to buy sandals for himself at the fair of Tyre. Rebbi Jacob bar Aḥa said to him, are you a buyer at fairs¹³¹? He answered him, did you never buy a loaf of bread¹³²? He said to him, there is a difference, since Rebbi Joḥanan said, they did not forbid the necessities of life. Rebbi Simeon ben Joḥanan sent to ask Rebbi Simeon ben Josadaq, did you not check out the nature of the fair at Tyre? He told him, yes. He gave two pounds¹³³ of peppers to an ¹³⁴איסקרנדה. He went and found an inscription there, “I, King Diocletian, settled this fair at Tyre to the genius of my brother Heraklius¹³⁵, eight days.”

Rebbi Isaac bar Nahman asked Rebbi Ḥanina: What is the nature of the fair at Gaza? He said to him, did you ever go to Tyre and see a Jew and a Gentile sharing a pot, and he does not worry that the Gentile pour something into the pot? This is difficult. He asked him; what did he answer him? But since Rebbi Ḥanina never said something that he had not heard, for that reason when he asked him this he responded with that¹³⁶.

Rebbi Yose ben Rebbi Abun came, Abba bar bar Ḥana in the name of Rebbi Joḥanan: They forbade only the fair at Botnah¹³⁷, as it was stated thus: There are three fairs, the fair at Gaza, the fair at Acco, the fair at Botnah. The clearest of them¹³⁸ is the fair at Botnah.

131 The head of the Academy should not be violating rabbinic decrees; Babli 13b.

132 Greek κόλλιξ.

133 Cf. *Ševuot* 6:3, Note 34.

134 An unexplained word. The proposed etymologies by Perles (*scrinarius*, a document keeper), Levy (a small oven), and Kohut (Persian *eskodār*, a courier) are unsatisfactory.

135 Title given by Diocletian Jovius to his co-emperor Maximian. As a government

sponsored fair, it should be permitted (*Tosephta* 1:7); the dedication to the genie of an Emperor would not make it prohibited since no pagan temple would profit from the sales.

136 Babli 11b/12a.

137 Identified by Eusebius as the biblical town of Beṭonim in the territory of the tribe of Gad.

138 As unquestionably pagan, organized for the benefit of pagan worship.

(39d line 28) מהו לילך לשם. אם היה אכסניא אסור. בן עיר מותר. שייירה מותר. שכן דרך שייירה לילך בכל מקום.

במה מעוטרות. רבי יוחנן אמר. בהדס. רבי שמעון בן לקיש אמר. בשאר כל המינין. על דעתיה דרבי יוחנן הכל אסור. על דעתיה דרבי שמעון בן לקיש אינו אסור אלא התוספת. היד עבד. היה למוד להוציא ה' קופות והוציא עשר. אין תימר. משם עיטור. אסור. אין תימר. משם פרקסים מותר.

“May one go there?” If he was a guest¹³⁹, it is forbidden; a town dweller is permitted¹⁴⁰. A caravan is permitted since caravans go everywhere¹⁴¹.

How are they decorated? Rabbi Johanan said, with myrrh; Rabbi Simeon ben Laqish said, with any kind¹⁴². In the opinion of Rabbi Johanan, all is forbidden¹⁴³; in the opinion of Rabbi Simeon ben Laqish only the addition is forbidden. How is this done? If he usually takes five boxes outside and he took ten. If you say as a decoration, it is forbidden. If you say as sales practice¹⁴⁴, it is permitted.

139 An Aramaic word formed from Greek ξένος “stranger.” The rule of the Mishnah was made for visitors.

140 As explained in Mishnah 3:6, real estate cannot become forbidden by being used for worship. A taxpayer of the place cannot be deprived by pagan worship of his right to use public roads.

141 Long distance travellers cannot be expected to know all local happenings; they may continue on their road.

142 Not necessarily with flowers.

143 Since only myrrh is used, any myrrh used as decoration of any store in town is forbidden as pagan offering, whether or not it was intended as such.

144 Greek *πραξις*, read פרקסיס for פרקסים. If the store expects to do more business because of the fair but outside the fairgrounds, this is not pagan worship.

משנה ה: אילו דברים אסור למכור לגוים איצטריבילין ובנות שוח בפתמרותיהן ולבונה ותרנגול חלקן. רבי יהודה אומר מוכר הוא לו תרנגול לכן בין התרנגולין. בזמן שהוא בפני עצמו קוטע אצבעו ומוכרו שאין מקריבין חסר לעבודה זרה. ושאר כל הדברים סתמן מותר ופירושן אסור. רבי מאיר אומר אף דגל טב וזחוד וניקלבים אסור למכור לגוים:

Mishnah 5: The following are forbidden to be sold to them: Pine cones¹⁴⁵, and white figs¹⁴⁶ with their stalks, and incense, and white cocks.

Rebbi Jehudah says, it is permitted to sell a white cock among chickens; when it is alone he cuts one claw and sells it since one does not sacrifice defective ones in pagan worship. All other things are permitted if unspecified¹⁴⁷ but forbidden if specified. Rebbi Meir says, it is also forbidden to sell good dates, and curved dates¹⁴⁸, and Nicolaos dates¹⁴⁹ to Gentiles.

145 Greek στροβίλος “cone”.

148 Cf. Note 155.

146 Cf. *Demay* 1:1, Note 5.

149 A kind of large Syrian dates, cf.

147 If the Gentile does not specify that he needs the objects for pagan worship.

Berakhot 6:5, Note 162.

(39d line 34) **הלכה ה:** אילו דברים אסורין. שמעון בר בא בשם רבי יוחנן. בנות שוחם בפטור ותרומתיהן והאיצטרובלין במטוטלותיהן. ולבונה. תני. אם היתה חבילה מותר. וכמה היא חבילה. רבי יהודה בן בתיירה אמר. חבילה של לבונה אין פחות ממששה מינין. אם היתה כומר אסור. רופא מותר. תגר מותר. תגר חשוד אסור.

אנו תנו. תרנגול לבן. תני רבי חייה. תרנגול סתם. מתניתין צריכה למתניתה דרבי חייה. ומתניתה דרבי חייה צריכה למתניתין. אילו תנינו ולא תני רבי חייה הוינן אסורין. לא אמרנו אלא תרנגול לבן. אבל תרנגול סתם אפילו בינו לבין עצמו מותר. הוי צורכה למתניתה דרבי חייה. או אילו תנא רבי חייה ולא תנינו אנו הוינן אסורין. לא אמרנו אלא תרנגול סתם. הא תרנגול לבן אפילו בינו לבין התרנגולין אסור. הוי צורכה למתניתין וצורכה למתניתה דרבי חייה. אמר רבי בון בר חייה. תרנגול למכור. מוכר לו תרנגול לבן. תרנגול לבן למכור. נימר בינו לבין עצמו אסור. בינו לבין התרנגולין מותר. רבי בון בר חייה בעי. ראה תרנגולין רועין באשפה ותרנגול לבן ביניהן ואמר. שלמי. כמי שסיים. היתה חסר. קריא אמר. שמקריבין חסר לעבודה זרה. וקיתגישון עור לזבוח אין רע. הדיא אמרה. שמקריבין חסר לעבודה זרה.

רבי מאיר אומר. אף דקל טב וחקד ונסקלביס אסור למכור לגויס: רבי חמא בר עוקבה אמר. קריטה. רבי לעזר בירבי יוסי אמר. מין הוא ושמו חצדא. עבר ומכר. יבנה כיי דמר רבי לעזר. עבר ובנה מותר. וכא עבר ומכר מותר.

Halakhah 5: “The following are forbidden.” Simeon bar Abba in the name of Rebbi Johanan: White figs with their stalks and pine cones with their attachments¹⁵⁰.

“And incense.” It was stated, if it was a bundle it is permitted. How many are a bundle? “Rebbi Jehudah ben Bathyra said, there are no less than five

kinds in a bundle of incense¹⁵¹. If he was a pagan priest it is forbidden¹⁵², a medical man is permitted, a trader is permitted. A suspect trader is forbidden.”

We have stated, “a white cock.” Rabbi Ḥiyya stated unspecified “a cock.” Our Mishnah needs the *baraita* of Rabbi Ḥiyya and the *baraita* of Rabbi Ḥiyya needs our Mishnah. If we had stated but Rabbi Ḥiyya had not stated, we would have said, only a white cock but an unspecified cock would be permitted even alone. Therefore the *baraita* of Rabbi Ḥiyya is needed. Or if Rabbi Ḥiyya had stated but we had not stated, we would have said, this is only for an unspecified cock, but a white cock even among chickens is forbidden. Therefore our Mishnah is necessary and the *baraita* of Rabbi Ḥiyya is necessary. “A chicken to sell,” one may sell him a white cock. “A white cock to sell,” we say by itself it is forbidden, among chickens it is permitted. Rabbi Abun bar Ḥiyya asked: If one saw chickens grazing on a garbage heap and a white cock among them and said, whose is it? Is it as if he specified¹⁵³?

If it had a defect. The verse says that they sacrifice defectives in pagan worship. *If you present a blind one to be sacrificed, is there nothing bad*¹⁵⁴? This says that they sacrifice defectives in pagan worship.

“Rabbi Meïr says, it is also forbidden to sell good dates, and curved dates, and Nicolaos dates to Gentiles.” Rabbi Ḥama bar Uqba said, Caryotis¹⁵⁵. Rabbi Eleazar ben Rabbi Yose said, it is a kind known as *ḥaṣḥa*. If somebody transgressed and sold? It will come similar to what Rabbi Eleazar said¹⁵⁶, if he transgressed and built it is permitted, and here if he transgressed and sold it is permitted.

150 Which are needed to decorate the thyrsus in Dionysian rites. Babli 14a.

151 Babli 14a, Tosephta 1:21.

152 A Jew may not sell him any of the items specified in the Mishnah even if he does not specify that he needs it for pagan worship.

153 Since he showed interest in the white cock alone, even if later in negotiating for

the sale he does not mention it. Cf. Babli 14a.

154 *Malachi* 1:8. If it had not been acceptable for the Gentiles, the Jews would not have thought of doing this.

155 Greek *καρυώτις* “nut shaped kind of dates,” Babli 14b. The word *חצד* may be Arabic *خضد* “curved, bent”. The reading of

the Yerushalmi is preferable to that of the Babli and the independent Mishnah mss., תצב, which designates a plant or bush having

nothing to do with date palms (*Peah* 2:1 Note 24).
156 Halakhah 7, end.

(fol. 39a) **משנה ו:** מקום שנהגו למכור בהמה דקה לגוים מוכרין. מקום שנהגו שלא למכור אין מוכרין ואל ישנה אדם מפני המחלוקת. ובכל מקום אין מוכרין להם בהמה גסה עגלים וסייחים שלמין ושבורין. רבי יהודה מתיר בשבורה בן בתיא מתיר בסוס:

Mishnah 6: At a place where they used to sell small cattle to Gentiles one sells¹⁵⁷; at a place where they used not to sell one does not sell; nobody should change this because of controversy¹⁵⁸. Nowhere does one sell to them large animals, calves, and donkey foals, whole or damaged¹⁵⁹. Rabbi Jehudah permits damaged ones; Ben Bathyra permits horses¹⁶⁰.

157 At places where sheep and goats are not sacrificed in pagan rites.

158 Even if the situation changes one should not change old usage since this will destroy communal peace.

159 Cattle and donkeys were used as animals for work and beasts of burden. Belonging to Jews, these animals have a right to rest on the Sabbath. If they are sold to Gentiles, the seller deprives them of this right; depending on circumstances this might be counted as violation of the Sabbath

by the seller. Calves and foals do not work but are raised for work.

160 In antiquity horses were used only for riding, not for work. Even if the horse is used for hunting, he holds that transporting live animals or birds is not a breach of biblical Sabbath law.

Mishnah and Halakhah are also in *Pesahim* 4:3 (פ) which partially survives in a Genizah text (ג) edited by L. Ginzberg, New York 1909. It is difficult to determine which text is original.

(39d line 55) **הלכה ו:** מקום שנהגו למכור בהמה דקה כול. מה ומוותר לגדל. אמר רבי בא. כגון מהיר שהוא נשעה עשר מיל על נשעה עשר מיל. הוון בעיי ממר. מאן דמר. מותר למכור מותר לגדל. ומאן דמר. אסור למכור אסור לייחד. רבי יונה רבי לעזר בשם רב. ואפילו כמאן דמר. מותר למכור אסור לייחד. מה בין למכור מה בין לייחד. בשעה שמכורה לו כבהמתו נשקיו היא. בשעה שהוא מייחדה לו כבהמתו נשקיו שאל היא והוא חשוד עליה.

1 מה ומוותר | פ מותר 3 לגדל | פ לייחד 4 בשעה שמכורה | פ תמן מכין שהוא מוכרה 5 בשעה שהוא מייחדה לו | פ ברם הכא

Halakhah 6: “At a place where they used to sell small cattle,” etc. But is it permitted to raise them¹⁶¹? Rabbi Abba said, for example Mahir which is sixteen by sixteen *mil*¹⁶². They wanted to say, he who said it is permitted to sell [says] it is permitted to raise¹⁶³. But he who says, it is forbidden to sell [says] it is forbidden to leave it alone¹⁶⁴. Rabbi Jonah, Rabbi Eleazar in the name of Rav¹⁶⁵: Even one who says it is permitted to sell it [says] it is forbidden to leave it alone. What is the difference between selling and leaving alone? When he sells it to him it becomes the Gentile’s animal. If he lets it be alone with him, it is the Jew’s animal and he is suspected about it.

161 Since it is forbidden to raise sheep and goats in the Land of Israel (Mishnah *Bava qamma* 7:10, Note 97), from where does one get them to sell them to a Gentile?

162 The Mishnah permits to raise goats and sheep in places unfit for agriculture. *Mahir* is described in *Eccl. rabba* 1(34) as situated in the domain of the tribe of Reuben

in Transjordan, a country of sheep and goats (*Nuim*. 32:4). Mentioned also in *Pesahim* 5:3.

163 Read with *Pesahim*: “to leave alone”.

164 Gentiles are suspected of bestiality (Mishnah 2:1).

165 In the Babli, 14b/15a, this is R. Eleazar’s statement opposing Rav.

(39d line 61) מְקוֹם שֶׁנִּהְיָה שְׂלֵא לְמִכּוֹר אֵין מוֹכְרִין. לָמָּה. מִפְּנֵי שְׂמוּצִיאוֹת מִיְּדֵי גִזְזָה. הַגָּע עֲצָמָהּ שֶׁהִיָּתָה עֵז. מִפְּנֵי שְׂמוּצִיאוֹת מִיְּדֵי בְכוֹרָה. הַגָּע עֲצָמָהּ שֶׁהִיָּתָה זָכָר. מִפְּנֵי שְׂמוּצִיאוֹת מִיְּדֵי מִתְנָת. מִעֲתָה חִטִּין אֶל יְמִכּוֹר לוֹ מִפְּנֵי שְׂמוּצִיאוֹת מִן הַחֵלָה. יוֹ וְשָׁמֶן אֶל יְמִכּוֹר לוֹ מִפְּנֵי שְׂמוּצִיאוֹת מִן הַבְּרָכָה.

1 מפני שמוציאה | פ שהוא מוציאה 2 שהיתה | ג שהיתה מפני שמוציאה | פג שהוא מוציאה מפני שמוציאה | פג שהוא מוציאו 3 מפני שמוציאו | פג שהוא מוציאו מן החלה | פג מדי חלה מפני שמוציאו | פג שהוא מוציאו

“At a place where they used not to sell one does not sell.” Why? Because he eliminates the duty of shearing¹⁶⁶. Think of it, if it was a goat! Because he eliminates the duty of the first-born¹⁶⁷. Think of it, if it was a male! Because he eliminates the gifts¹⁶⁸. Then one should not sell wheat to them because he eliminates the duty of *hallah*¹⁶⁹; then one should not sell wine and oil to them because he eliminates the duty of benedictions¹⁷⁰.

166 The first shearing of sheep should be given to a Cohen, *Deut.* 18:4. But goats are not raised for wool and are included in the prohibition.

167 Which must be given to a Cohen, *Deut.* 15:19. But a male animal does not bear lambs and also is included in the prohibition.

168 The parts of the animal to be given to a Cohen, *Deut.* 18:3.

169 The gift to the Cohen from bread dough, *Num.* 15:20.

170 Which are pronounced before and after food, as described in the later Chapters of Tractate *Berakhot*.

The problem treated here is that in the next paragraph it is stated that one does not sell large animals to Gentiles because of

problems with the laws of the Sabbath. Therefore one is inclined to say that the prohibitions of Mishnah 5 are because of pagan worship and those of Mishnah 6 because of Jewish worship. It is shown that this does not hold; the first part of Mishnah 6 is about pagan worship, about places where sheep or goats are sacrificed by pagans; only the second part is about Jewish matters.

39d line 66) בְּכָל מְקוֹם אֵין מוֹכְרִין לָהֶם בְּהֶמְה גִּסָּה. לָמָּה. בְּהֶמְה גִּסָּה יֵשׁ בָּהּ חַיִּיב חֲטָאָת וּבְהֶמְה דְּקָה אֵין בָּהּ חַיִּיב חֲטָאָת. וְאֵינוּ חוֹלְבִין וְאֵינוּ גּוֹזִין. אָמַר. תַּפְּסוּן הִיא מִתְחַיֶּבֶת. בְּרֵם הִכָּא הוּא מוֹתֵחִיב. מִפְּסוּן שְׁהוּא מוֹכְרָה לוֹ לֹא כְּבִהְמָתוֹ שְׁלֵגוּי הִיא. רַבִּי אֲמַי בְּבִלְיָא בְּשֵׁם רַבִּינִין דִּתְמָן. פְּעָמִים שְׁמוֹכְרָה לוֹ לְנִישְׁיוֹן וְהוּא מַחְזִירָה לְאַחֵר ג' יָמִים וְנִמְצָא עוֹבֵד עֲבוּדָה בְּבִהְמָתוֹ שְׁלֵישְׁרָא. מַעֲתָה לְנִישְׁיוֹן אֲסוּר שְׁלֵא לְנִישְׁיוֹן מוֹתָר. זֹו מִפְּסוּן זֹו.

עֲבַר וּמְכַר קוֹנְסִין אוֹתוֹ. כְּשֵׁם שְׁקוֹנְסִין לוֹ לְהִלְכָּה כִּד קוֹנְסִין לוֹ לְמִנְהָג. וּמִנְיִין שְׁקוֹנְסִין לוֹ לְמִנְהָג. חֵד בַּר נֶשׁ זִבִּין גְּמָלִיָּה לְאַרְמָא. אֲתָא עוֹבְדָא קוֹמִי רִישׁ לְקִישׁ וּקְנִסִי בְּדִיפְלָא בְּגִין דִּיחִזֵּר לִיה גְּמָלָא. אָמַר רַבִּי יוֹסִי בִּירְבִּי בּוֹן. לְסָרְסוּר קִנְס וְהוּוּ צִוְּחִין לִיה בְּרָא דְמִסְרִסֵּר לְאַרְמָא. רַבִּי שְׁמַעוֹן בֶּן לְקִישׁ רַבְרִי יוֹדָה. דִּתְנִי בְּשֵׁם רַבִּי יוֹדָה. הַלּוֹקֵחַ בְּהֶמְה מִן הַגּוֹי וְלָקְדָה בְּכוֹר מַעֲלָה עִמּוֹ בְּשׁוּיָו וְנוֹתֵן חֲצִי דָמִים לַכֹּהֵן. נִתְּנָה לוֹ בְּקִבְלָה מַעֲלָה עִמּוֹ עַד פְּמָה דָּמִים וְנוֹתֵן כָּל־הַדָּמִים לַכֹּהֵן. וְחֲכָמִים אוֹמְרִים. הוּאִיל וְאַצְבָּע הַגּוֹי בְּאַמְצָע נִפְטָרָה מִן הַבְּכוֹרָה. רֹבְדָה דְרַבִּי שְׁמַעוֹן בֶּן לְקִישׁ מִדְרַבִּי יוֹדָה. מָה דָּמַר רַבִּי יוֹדָה מִשּׁוּם הִילְכוֹת בְּכוֹרָה. וְמָה דָּמַר רַבִּי שְׁמַעוֹן בֶּן לְקִישׁ לְהִילְכוֹת בְּהֶמְה גִּסָּה.

1 למה | פג מה בין גסה מה בין בהמה דקה | 2 ובהמה | פג בהמה | אמר | פג - | היא מתחייבת | פג הוא מתחייב | 3 הוא מתחייב | פג היא מתחייבת מכיון | פ וכוון ג ומכיון - | פ ברם הכא ג והכא פג בהמתו של ישראל הוא והוא חשוד עליה¹⁷¹ | אמי | פ אימי בבליא | ג בבליה רבנין | ג רבנן | 4 פעמים | ג פעמין | לאחר | פ לו לאחר | ג | פג שלשה עובד עבודה | פ עובר עבירה | 6 לו | פ - | (2) ג בו (2) | 7 לו | פג בו | לארמאי | פ | אחד ארמאי | ריש לקיש | פג ר' שמעון בן לקיש | בדיפלא | פ בכיפלה | 8 דיחזר | פ דיחזר | יוסי | פ יוסה | קנס | פ קנסו והו | פ והוון | 9 לארמאי | ג לארמאיה | - | פ מה | 10 בשוין | פ בשוה | עד כמה דמים | פ (ג) אפי עשר דמים בשווה | 11 נפטר | ג ניפסדה | 12 רובה דר' שמעון בן לקיש מדר' יודה | פ ר' שמעון בן לקיש כר' יודה. ורבה מן דר' יודה דמר | פ דאמר משום | פ משם ומה דמר | פ מה דאמר | 13 להילכות | פ משום הילכות

Nowhere does one sell large animals to them.” Why? For a large animal there might be an obligation for a purification offering¹⁷²; for a small animal there can be no obligation for a purification offering. But does he not shear, does he not milk? One says, there it is liable, here he is liable¹⁷³. But if it is sold, is it not the Gentile’s animal? The Babylonian Rabbi Immi¹⁷⁴ in the

name of the rabbis there: Sometimes he sells it on trial and returns it after three days, then it turns out that he did do work with the Jew's animal¹⁷⁵. Then on trial it should be forbidden, not on trial permitted. One is because of the other¹⁷⁶.

If he transgressed and sold one fines him. Just as one fines for practice so one fines for custom. From where that one fines for custom? A person sold his camel to an Aramean¹⁷⁷. The case came before Rabbi Simeon ben Laqish who fined him double¹⁷⁸ to make him take back the camel. Rabbi Yose ben Rabbi Abun said, they fined the broker and called him son who brokers to Arameans¹⁷⁹. Does Rabbi Simeon ben Laqish follow Rabbi Jehudah¹⁸⁰? As it was stated in the name of Rabbi Jehuda¹⁸¹: "If somebody buys an animal from a Gentile and it gave birth to a firstling, he buys it up to its worth and gives half of its worth to a Cohen. If it was given to him as contractor, he has to pay for up to ten times its worth and gives all of its worth to the Cohen. But the Sages say, since the finger of the Gentile in involved it is no longer liable as firstling¹⁸²." Rabbi Simeon ben Laqish is more than Rabbi Jehudah. What Rabbi Jehudah said because of the practice of firstlings; but what Rabbi Simeon ben Laqish said because of practice regarding a large animal¹⁸³.

171 An erroneous copy from the first paragraph.

172 If the Gentile does work with the Jew's animal on the Sabbath, it is a violation of the Sabbath by biblical standards.

173 It is clear that shearing a sheep on the Sabbath is a violation of biblical law (Mishnah *Šabbat* 7:2). The Yerushalmi holds that milking a goat also is a biblical prohibition. But giving the animal rest on the Sabbath is an obligation of the owner; he is liable even if another person does the work with his consent. But the Gentile who shears or milks the animal violates no prohibition; since the animal is passive the owner also does not violate any biblical statute.

174 A Babylonian who immigrated to Galilee in the generation after R. Immi the Galilean. In the Babli 15a he is called Rami ben Rabbi Yeva.

175 If the Gentile takes the animal on Friday and returns it on Sunday he will have worked with it on the Sabbath with the agreement of the Jew who it turns out still is the owner.

176 This is a rabbinic "fence around the law," far from biblical prohibitions.

177 A Gentile. While "Gentile" is used to emphasize the pagan character of a person, "Aramean" simply characterizes him as Non-Jew.

178 Greek διπλῆ. In א the Hebrew/Aramaic translation is used. In א and the

Babli, *Bekhorot* 3a, he authorizes a fine up to ten times its price.

179 Translated following **פ**.

180 Could R. Simeon ben Laqish act against accepted practice in this case?

181 Tosephta *Bekhorot* 2:1, Babli *Bekhorot*

2b.

182 Undisputed practice follows the Sages, cf. Note 187.

183 The two cases have nothing in common.

7) (40a line 7) רבי יהודה מותר בשבורה. לא אמר רבי יהודה אלא בשבורה שאינה יכולה להתרפוא. אמרו לו. והלא הוא מביא לה זכר והוא רובעה והיא יולדת. אמר להן. אף אני לא אמרתי אלא בסוס זכר שאינו יכול להתרפוא. אמרו לו. והלא הוא מביא לו נקיבה והיא רובעת ממנו והיא יולדת. רב אבין בשם רבנין דתמן. זאת אומרת שאסור להמציא להן עוברין. תמן תנינן. הלוקח עובר חמורו של נכרי והמוכר לו אף על פי שאינו רשאי. והמשתתף לו והמקבל ממנו והנותן לו בקבלה פטור מן הבכורה. רבי חגיז בעא קומי רבי יוסי. לית הדא אמרה שאסור להמציא להן עוברין. אמר ליה. כבר קדמך רב אבין בשם רבנין דתמן. זאת אומרת שאסור להמציא להן עוברין.

1 יהודה | **פ** יודה (2) 2 הוא מביא | **פ** מביאין והוא רובה והיא יולדת | **פ** ורבעת ממנו 3 בסוס | **פ** בשבור הוא מביא | **פ** מביאין והיא | והוא 4 רבעת ממנו | **פ** רבעה אבין | **פ** אבון 5 עוברין | **פ** זרע והמוכר | **פ** המובר והמשתתף | **פ** המשתתף 6 ממנו | **ג** הימנו בעא | **ג** בעה 7 עוברין | **פ** עבדים אבין | **פג** אבון (2) 8 עוברין | **פג** זרע

“Rebbi Jehudah permits damaged ones.” Rebbi Jehudah said this only for a damaged one which cannot be healed¹⁸⁴. They told him, may he not bring a male to it, he fertilizes it and it gives birth? He said to them, I also said this only about a male (horse) [damaged one]¹⁸⁵ which cannot be healed. They told him, may he not bring a female to him, she is fertilized by him and gives birth? Rav Abin in the name of the rabbis there: This implies that one is forbidden to provide them with fetuses¹⁸⁶. There¹⁸⁷, we have stated: “If somebody buys a Non-Jew’s donkey fetus or who sells one to him even though he is not authorized, or one who enters into partnership, or accepts from him as contractor, or lets it in contract, is not liable for firstling.” Rebbi Haggai asked before Rebbi Yose, does this¹⁸⁸ not imply that one is forbidden to provide them with fetuses? He said to them, Rebbi Abin in the name of the rabbis there already preceded you: This implies that one is forbidden to provide them with fetuses.

184 To ever work again.

here, the (correct) one in brackets from

185 The text in parentheses is from the text

Pesahim.

186 Since the argument of the rabbis has nothing to do with Sabbath prohibitions. The Babli, 16a and *Bekhorot* 2b, disagrees and reports that R. Jehudah denies that a

disabled cow will accept a male.

187 Mishnah *Bekhorot* 1:1.

188 The note that one is not authorized to sell a pregnant animal to a Gentile.

17) 40a line 17) בן בתירה מתיר בסוס: לא אמר בן בתירה אלא בסוס זכר שהורג בעליו במלחמה. ויש אומרים. שרץ אחר הנקיבות. ויש אומרים. שעומד ומשתין. מה ביניהון. סריס. מאן דאמר. שרץ אחר הנקיבות. אינו רץ. ומאן דאמר. עומד ומשתין. אף זה עומד ומשתין. רבי תנחום בר חייה. לכשיזקין כוודנו בריחים. רבי יוסי בירבי בון בשם רבי הונא. בן בתירה ורבי נתן שניהם אמרו דבר אחד. דתני. הוציא מן הבמה ומן החיה ומן העופות בין חיים בין מתים חייב. רבי נתן אומר. מתים חייב. חיים פטור. ורבנן אית להון. חייב חטאת. ואינון מתבין ליה אכן. כשיטתו השיבוהו. כשיטתך שאתה אומר. משום שבות. אף אגא אית לי. לכשיזקין כוודנו לריחים. רבי אומר. אומר אני שאסור משום שני דברים. משום כלי זין ומשום בהמה גסה. ותני כן. חיה גסה כבהמה דקה. מאן תנייה. רבי. דברי חכמים. רבי ביסנא רבי חנן בר בא בשם רב. חיה גסה כבהמה גסה.

1 שהורג | פג שהוא הורג 2 שרץ | פג שהוא רץ הנקיבות | פ נקיבה שעומד | פג שהוא עומד מה ביניהון | פג מה נפק מן ביניהון סריס | פ הסריס 3 שרץ | פג שהוא רץ הנקיבות | פ הנקיבה אינו רץ | זה אינו רץ אחר נקיבה ג אינו רץ אחר הנקיבות ומאן דאמר | פג מאן דמר - פ שהוא זה | פג הוא - פג דברי חכמים 4 ר' פ' ר' אחא בשם ר' ג' ר' אחא בשם ר' בר ג' ביר' - פ הוא בריחים | פ בריחים ג לרחיין יוסי | פ יוסה הונא | פג חונה 5 שניהם | פ - ג שניהן הוציא | ג המוציא מן הבהמה ומן החיה ומן העופות | פג בהמה וחיה ועופות חיים | ג חייין 6 מתים | ג מתין (2) חיים | פג חייין ורבנן | פג רבנן להון | ג לון משם חייב | פ משום חייב 7 אכן | פ הכין ג הכן שאתה | פג שאת שבות | פ הילכות בהמה גסה ג הלכת בהמה גסה אגא אית לי | פג אגא אית לן 8 לריחים | פ בריחים שאסור | פ שהוא אסור משום | ג משם 9 - פ הילכות ג הלכת דקה | פג גסה חכמים | ג חכמין ביסנא | ג ביסנא ר' חנן | פ חנין ג חנן 10 רב | ג ר' חייה גסה | פ דקה

“Ben Bathyra permits horses.” Ben Bathyra said this only about a male horse because it kills its owner in war. Some say, because it runs after females, and some say, because it stands still to urinate¹⁸⁹. What is between them? A gelding. He who says because it runs after females, it does not run. He who says because it stands still to urinate, this one also stands still to urinate. [Rebbi Aḥa in the name of]¹⁹⁰ Rebbi Tanḥum bar Ḥiyya: If it gets old he binds it to the grindstone¹⁹¹. Rebbi Yose ben Rebbi Abun in the name of Rebbi Huna: Ben Bathyra and Rebbi Nathan both said the same¹⁹², as it was stated¹⁹³: “If he carried out domestic animals, wild animals, or birds, whether alive or dead, he is liable. Rebbi Nathan says, dead he is liable, alive he is not liable.” The rabbis hold that he is liable for a purification sacrifice and they answer him so¹⁹⁴? They answer following his own argument. Following your

argument, since you are saying because of rabbinic Sabbath prohibition, also we hold that if it gets old he binds it to the grindstone. Rabbi says, I am saying that it is forbidden for two reasons, as a weapon¹⁹⁵ and as a large animal. It was stated so: A large wild animal is like a (small) [large]¹⁹⁶ domestic animal¹⁹⁷. Who stated this? Rabbi. The words of the Sages: Rabbi Bisna, Rabbi Hanan bar Abba in the name of Rav¹⁹⁸: A wild animal is like a (large) [small]¹⁹⁶ domestic animal.

189 At this moment the horse will not obey its master and therefore be dangerous.

190 Added from the *Pesahim* texts.

191 Then it is used like a beast of burden and the same restriction may apply as to the sale of cattle. Babli 16a.

192 For the laws of Sabbath. Everybody agrees that “a living person carries himself”; it is permitted to carry a human baby from private to public domains. The rabbis restrict this to humans; R. Nathan explicitly and Ben Bathyra implicitly (Note 160) extend the rule to animals. Babli *Šabbat* 94a.

193 Tosephta *Šabbat* 8:34 Babli *Šabbat* 94a.

194 Why do they object because of the use of old horses which only implies a violation

of rabbinic rules but not to the possible use of a younger horse in hunting which would violate biblical rules?

195 Which makes the seller of the weapon an accessory to murder before the fact. Babli 16a.

196 The correct text in brackets is from *Pesahim*, the text in parentheses is from *Avodah zarah*. In the last sentence, the Genizah text follows the one in *Avodah zarah*; this clearly is impossible.

197 A horse is considered a tamed wild animal, not domesticated by nature.

198 It should be Rav Hanin, not Rabbi. The Genizah text has the statement in the name of Rabbi Hiyya, Rav’s uncle and foremost teacher.

משנה ז: אין מוכרין להם דובין ואריות וכל־דבר שיש בו נזק לרבים ואין בונים עמקה בסילקי נרדון ואיסטדיא ובימה. אבל בונים עמקה בימיסאות וקרחצאות. הגיעו לכפה שמעמידין בה עבודה זרה אסור לבנותה: (fol. 39a)

Mishnah 7: One does not sell them bears and lions, or anything damaging to the public; nor does one build with them a basilica¹⁹⁹, a gallows²⁰⁰, a stadion²⁰¹, or a rostrum²⁰². But one builds with them public²⁰³ and private baths; when they come to the cupola where an idol will be placed it is forbidden to build it.

199 Greek βασιλική “king’s palace”, a government building in the provinces, automatically dedicated to the worship of Rome and the Emperor.

200 Since one may assume that most of death sentences passed by the Roman government are unjust.

201 Greek στάδιον, the place of gladiator’s combats, race courses, etc.

202 Podiums for public speeches or trials.

203 Reading with Maimonides and the ‘*Arukh*’ דמוסיות from Greek δημόσια.

(40a line 31) **הלכה ז:** אין מוכרין להם דובין ואריות כול'. הא דבר שאין בו נזקא לרבים מותר. מתנינן דרבי. דתני. הרוצה את הנחשים ואת החכרים מוקין מולין מילין מיליה סגלרין סגילרין. הרי זה אסור משום מושב לצים. שנתאמר ובמושב לצים לא ישב: וכולן מביאין לידי בטול תורה. שנתאמר כי אם בתורת יי חפצו. העולה לתיאטרון אסור משום עבודה זרה. דברי רבי מאיר. וחכמים אומרים. בשעה שהן מזבלין אסור משום עבודה זרה. ואם לאו משום מושב לצים בלבד. העולה לתיאטרון וצווח. אם לצורך הרבים מותר. ואם מתחשד אסור. היושב באצטדיון הרי זה שופך דמים. רבי נאן מתיר מפני שני דברים. משום שצווח ומציל את הנפשות. ומעיד על האשה שתינשא.

עבר וזנה. רבי לעזר אומר. מותר. אמר רבי מנא. לא מסתברא כהן סוכה דלא אסור דהוא חייד כל-הדא כיפתא.

Halakhah 7: “One does not sell them bears and lions,” etc. Therefore something which does not present a danger to the public one may sell to them. Our Mishnah follows Rabbi²⁰⁴. As it was stated²⁰⁵: “One who sees snake charmers and conjurers, *muqion*, *mupion*, *mulion*, *mlarin*, *mlaria*, *sigillarin*, *sigillaria*²⁰⁶, this is forbidden because of ‘seat of the scoffers,’ as it is said,²⁰⁷ *in the seat of scoffers he did not sit*. All this leads to neglect of the Torah, as it is said²⁰⁸, *but in the teachings of the Eternal is his desire*. Going to the theater²⁰⁹ is forbidden as pagan worship, the words of Rabbi Meir, but the Sages say, when they present offerings it is forbidden because of pagan worship, otherwise it only is forbidden because of ‘seat of scoffers.’ One who goes to the theater to shout²¹⁰; if it is for a public need it is permitted, if to ingratiate himself it is forbidden. One who sits in the stadium is a spiller of blood²¹¹. Rabbi Nathan permits because of two reasons, because he can shout and save lives²¹², and he can testify for a woman that she can remarry²¹³.”

If he transgressed and built. Rabbi Eleazar said, it remains permitted²¹⁴. Rabbi Mana said, it rather seems reasonable following the opinion that it is forbidden because he would have prevented²¹⁵ the entire cupola.

204 It is not known what this refers to.

205 Babli 18b, Tosephta 2:6, *Yalqut Ps.* 1:1 (#613).

206 The different sources give different readings for the names of the performers.

Yerushalmi:

מוקיון מופיון מוליון מילרין מילרין סגילרין סגילרין
Tosephta ed. Zuckerman

בוקיון מוקיון מוליון סגילרין סגילרין

Tosephta ed. princeps

בוקיון מוקיון מוליון סגילרין סגילרין

Babli ed. princeps

בוקיון מוקיון מוליון לוליון בלורין סלגורין

Babli Ms. Munich

בוקיון מוקיון מוליון לוליון סגילין סגילין בלרין
בלרין מלרין מלרין סלגורין

Yalqut

בוקיון מוקיון מוליון לולין סגילין סגילין בלרין בלרין
מלרין מלרין

For the words appearing in the Yerushalmi there seems to be unanimity that the first three are *maccus*, the buffoon, corresponding to the Babli's *bucco*, *μῶκος* the comedian, *mulio* the donkey trainer. *Sigillaria* is the holiday which concludes the *saturnalia*; Kohut notes a meaning "puppeteer" for *sigillarius* (סגילרין) quoted in DuCange's Medieval Latin dictionary.

Compare also *sicinnista*, "dancer (*m.*) of the *sicinnis*" a dance of satyrs (E. G.) The remaining two words מילרין מילרין seem to remain without reasonable identification.

207 *Ps.* 1:1.

208 *Ps.* 1:2.

209 Probably meaning: amphitheater (E. G.). Both Greek tragedy and Comedy were religious ceremonies.

210 In the theater it was to vote with one of the parties. In the Babli sources (Babli and Tosephta), instead of מִתְחַשֵּׁב "to ingratiate oneself" one reads מִתְחַשֵּׁב "to be counted as one of them". The meaning is the same.

211 If there were no public, neither fights of gladiators nor fights of men with wild beasts would be staged.

212 If a wounded gladiator begs for his life, he can vote to let him live.

213 If a Jew is killed in one of these performances the spectator can testify that his wife is a widow and can remarry.

214 Halakhah 1:5, Note 156. The Babli, 19b, knows only of R. Eleazar's ruling.

215 From the verb חָיַד "to deviate".

Maybe if the Jew had refused to build the cupola it would not have been built.

(fol. 39a) **משנה ח:** אין מוכרין להם במחצית לקרקע אבל מוכר הוא משקצין. רבי יהודה אומר מוכר הוא לו על מנת לקוץ.

Mishnah 8: One does not sell to them anything connected to the ground, but one may sell for when it will be cut²¹⁶. Rabbi Jehudah says, he may sell for the purpose of cutting.

(40a line 43) **הלכה ח:** אין מוכרין להם במחובר לקרקע כול'. רבי בון בר חייא בעי. אף בהמה גסה במחלוקת מוכר הוא לו על מנת לשחוט. אשכח תני. אף בהמה גסה במחלוקת. רבי יהודה אומר. מוכר לו על מנת לשחוט.

Halakhah 8: “One does not sell to them anything connected to the ground,” etc. Rabbi Abun bar Hiyya asked: Is there also a disagreement about large cattle? May one sell for the purpose of slaughter? It was found stated: Also large cattle is in dispute; Rabbi Jehudah says, he may sell for the purpose of slaughtering²¹⁷.

216 This is a rule particular to the Land of Israel, to preserve the Jewish character of the land, as explained in Halakha 9. It does not apply to the diaspora.

217 Babli 20a. This is not dependent on the Land; it applies everywhere. The Babli defines R. Jehudah's adversary as R. Meir.

(fol. 29a) **משנה ט:** אין משכירין להן בתים בארץ ישראל ואין צריך לומר שדות. ובסוריא משכירין להם בתים אבל לא שדות. ובחוצה לארץ מוכרין להם בתים ומשכירין שדות דברי רבי מאיר. רבי יוסי אומר אף בארץ ישראל משכירין להם בתים אבל לא שדות. ובסוריא מוכרים בתים ומשכירין שדות. ובחוצה לארץ מוכרין אילו ואילו:

Mishnah 9: In the Land of Israel²¹⁸ one does not lease houses to them and certainly not fields. In Syria²¹⁹ one leases houses to them but not fields. Outside the Land one sells houses to them and leases fields, the words of Rabbi Meir. Rabbi Yose says, also in the Land of Israel one leases houses to them but not fields; in Syria one sells houses and leases fields; outside the Land one sells both²²⁰.

218 As defined in *Ševi'it* 6:1.

7:6 Note 119.

219 All territory ruled over by David but not included in the Land proper; cf. *Peah*

220 The opinion of R. Yose is pre-eminent.

(40a line 46) **הלכה ט:** אין משכירין להן בתים כול'. רבי זעירה בשם רבי יוסי בן חנינה רבי אבא רבי חייא בשם רבי יוחנן. לא תחנם לא תתן להם חן. לא תחנם לא תתן להם מתנת חנם. לא תחנם לא תתן להם חנינה בארץ. והתנינו אף בארץ ישראל משכירין להן בתים. בית

Halakhah 9: “One does not lease houses to them,” etc. ²²¹Rebbi Ze‘ira in the name of Rebbi Yose ben Ḥanina, Rebbi Abba, Rebbi Ḥiyya²²² in the name of Rebbi Johanan: לֹא תַחֲנֶם²²³ do credit them with charm; לֹא תַחֲנֶם do not give them free gifts; לֹא תַחֲנֶם do not give them encampment in the Land²²⁴. But did he not state, “also in the Land of Israel one leases houses to them”? A house is not a source of blessing; a field is a source of blessing²²⁵. Rebbi Yose ben Abun instructed that it is forbidden to let them lease a grave in the Land of Israel because of “do not give them encampment in the Land.”²²⁶

224 The different interpretations are based

עם כְּשֶׁהוּא יוֹצֵא מִזֵּיבָה בֶּאֱחָד הַיִּשְׁאָל עַל נֶדֶר. אָמַר לָזֶה שֶׁהִיא מֵהַלֵּךְ עִמּוֹ. תֹּאמַר שֶׁשְּׂתֵינֵנו רְבִיעִית יוֹן בְּאִיטָלְקִי. אָמַר לוֹ. הֵין. אָמַר לְשׂוֹאֵל. טִייל עֲמֵנו עַד שְׁנָפִיג אֶת יִינֵינוּ. כִּינֹן שֶׁהִגִּיעוּ לְסוֹלֶמָה שֶׁלְצוֹר נֶדַד רַבֹּן גְּמִלְיָאֵל וְנִתְעַטֵּף וְיָשָׁב לוֹ וְהַתִּיר לוֹ אֶת נֶדֶרוֹ. מִדְּכָרְיוֹ לְמַדְנוּ שֶׁרְבִיעִית יוֹן מִשְׁכָּרֶת וְשֶׁהֶדְרָךְ מִפִּיגָה אֶת הֵין. וְאִין נִשְׁאָלִין נֶדָרִים וְלֹא מוֹרִים שְׁתֵּי יוֹן. וְלֹא מִפִּירֵיו נֶדָרִים מֵהַלְכִין אֶלָּא עֲטוּפִין וְיוֹשְׁבִין. אָמַר רַבִּי יוֹחָנָן. כִּד פִּתַּח לוֹ יֵשׁ בֹּטָה כַּמְדַּקְרוֹת חֶרֶב וְגו'. לֹאֲחַד שֶׁנֶּדַר מִן הַכֶּכֶר. וְיֵי דִיכּוֹל. וְיֵי דְלֵא יִיכּוֹל. אִין אֲכִיל הוּא עֵבֶר עַל

נִדְרִיהָ. וְאִין לֹא אָכִיל הוּא חָטָא עַל נַפְשִׁיהָ. כִּי צִד יַעֲשֶׂה. יִלְךְ אַחַל חֲכָמִים וְיִתִּירוּ לוֹ אֶת נֶדְרוֹ.
דְּכָתִיב וּלְשׁוֹן חֲכָמִים מִרְפָּא:

do not give them free gifts. But was it not stated²²⁷: “It happened that Rabban Gamliel was walking on the road and saw a loaf of bread¹³² thrown on the road. He said to his slave Tabi, pick up this loaf. He saw a Gentile coming towards him and said to him, Mabgai²²⁸, take this loaf. Rabbi Illai ran after him and asked him, what is your name? He told him, Mabgai. From where are you? He told him, from the guard-tower²²⁹ villages. Did Rabban Gamliel ever come to know you?, He told him, no. Rabban Gamliel had it right by the Holy Spirit. We learned from him three things. We learned that one does not pass over food. And that leavened matter of a Gentile is permitted immediately after Passover. And that one follows the majority of travelers²³⁰.” Rabbi Jacob bar Zavdi in the name of Rabbi Abbahu: That is, in earlier times. But today we pass over edibles because of sorcery²³¹.

²³²“When he was leaving Akzib there came a person to ask about his vow²³³. He asked his travel companion, would you say that we drank a *quartarius*²³⁴ of Italian wine? He said to him, yes. He told the person who asked, walk with us until we dissipate our wine. When they came to the Tyrian Ladder²³⁵ Rabban Gamliel dismounted, covered himself²³⁶, sat down, and dissolved his vow. From his words we learned that a *quartarius* of wine intoxicates and that travelling dissipates the wine. Also that one does not ask about vows and gives no instruction after drinking wine²³⁷. Also one does not dissolve vows while walking but covered and sitting.” Rabbi Johanan said, so he opened for him: *Some blurt out unthinkingly like sword piercing*²³⁸ etc. For example, one who made a vow not [to eat] a loaf. Woe if he eats, woe if he does not eat. If he eats he violates his vow. If he does not eat he sins against himself²³⁹. What should he do? He should go to the Sages who will dissolve his vow as is written, *but the sayings of the Sages are healing*.

227 Tosephta *Pesaḥim* 2:15; Babli *Eruvin* 64b, *Lev. rabba* 37(3). There it is stated that he went from Acco to Akzib near the Lebanese border riding on a donkey and implied that it was the day after the end of

Passover.

228 Levy reads the name as derived from *paganus*, “village dweller”. It is possible to see here the root פָּגַע “to fatten animals” said of pasture.

229 From Latin *burgus*, watch lower at a *limes*, Greek πύργος “tower”.

230 Since Tabi was circumcised and the time was just after the end of Passover, Rabban Gamliel riding on a donkey could not have asked his slave walking beside him to pick up a loaf of bread, and therefore acquiring it as ownerless, if he could not assume that it was lost by a Gentile since most of the travelers on that road were Gentiles. The road itself is described in *Ševi'it* (6:1 Note 21) as being the border between Jewish Galilee to the East and pagan Phoenicia to the West. If the leavened bread had been the property of a Jew during Passover its usufruct would be permanently forbidden to Jews.

231 Since abandoned food may be a health hazard, one is justified not to touch it.

232 Found in the same sources as the

preceding paragraph, Note 227.

233 Which according to Pharisaic tradition can be dissolved by an ordained rabbi; cf. *Introduction to Tractate Nedarim*, p. 422; *Nedarim* 3:1 Note 7.

234 About 135 ml.

235 Modern *Rosh Hanniqra* on the Lebanese border.

236 Wrapped himself in his toga.

237 For priests officiating in the Temple this is a biblical prohibition, *Lev.* 10:9-10.

238 *Prov.* 12:18.

239 The *nazir* who vows to abstain from wine at the end of his period of abstinence has to bring a purification offering usually reserved for sinners. His sin is that he voluntarily deprived himself of permitted enjoyments; cf. *Nedarim* 1:1 Note 95, *Qiddušin* 4:12 Note 272.

(40a line 72) לֹא תַחֲנֵם לֹא תִתֵּן לָהֶם חֵן. וְהִתְנִי. מַעֲשֵׂה בְּרַבִּין גַּמְלִיאֵל שֶׁהָיָה מְטַיֵּל בְּהַר הַבֵּית וְרָאָה אִשָּׁה אַחַת גּוֹיָה וּבִירָדָּה עָלֶיהָ. וְכִי דָרְכוּ שְׁלֹרְכוֹ גַּמְלִיאֵל לְהַבִּיט בְּנָשִׁים. אָלֶּא דָּרָדָּה עַקְמוּמִית הָיְתָה כְּגוֹן אֲהִינן פְּסוּרוֹס שֶׁהַבֵּית בָּהּ שָׁלֹא בְּטוֹבָתָהּ וּבִירָדָּה עָלֶיהָ. וְלֹא כֵן אָמַר רַבִּי זְעוּרָה בְּשֵׁם רַבִּי יוֹסִי בֶן חֲנִינָה רַבִּי בָּא רַבִּי חִינָה בְּשֵׁם רַבִּי יוֹחָנָן. לֹא תַחֲנֵם לֹא תִתֵּן עֲלֵיהֶם חֵן. מֶה אָמַר. אֲבִסְקִנְטָא. לֹא אָמַר אֶלָּא. בְּרוּךְ שֶׁכָּךְ לוֹ בְּרִיּוֹת נְאוֹת בְּעוֹלָמוֹ. שֶׁכֵּן רָאָה אֶפְּלִלוֹ חֲמוֹר נָאָה אוֹ גַּמֶּל נָאָה סוֹס נָאָה אוֹמֵר. בְּרוּךְ שֶׁכָּךְ דּוֹ בְּרִיּוֹת נְאוֹת בְּעוֹלָמוֹ.

do not credit them with charm. ²⁴⁰But was it not stated: It happened that Rabban Gamliel while walking on the Temple Mount saw a beautiful Gentile woman and recited a blessing over her. Does Rabban Gamliel usually look at women? It was a curved road, like a *pswros*²⁴¹, he looked at her because he could not avoid her. But did not Rabbi Ze'ura in the name of Rabbi Yose ben Hanina, Rabbi Abba, Rabbi Hiyya in the name of Rabbi Johanan say: לֹא תַחֲנֵם do not credit them with charm? What did he say? He did not say ἀβασαααντα²⁴² but “praised be He Who has beautiful creatures in His world,” because even if one saw a beautiful donkey, a beautiful camel,

a beautiful horse, one says “praised be He Who has such beautiful creatures in His world.”

240 Babli 20a/b. A parallel (not a copy) is dragged.” (E. G.)

in *Berakhot* 9:2, Notes 79-81.

242 Greek “free from harm” *Berakhot* 9:2,

241 The word is unexplained; perhaps Note 79.

ἐπίστυμα “trail or track made by something

(40b line 4) רבי שמעון רבי אבהו בשם רבי יוסי בר חנינה. גודלת ישראל לא תגדל את הנכרית משם לא תתן עליהם חן. ולא יעשה ישראל שושבין לגוי משום לא תתחתן בם. רבי יצחק בר גופתא בעא קומי רבי מנא. לילך לבית המשתה שלו אסור. להיעשות לו שושבין לא כל-שכן. אמר ליה. ליתן עליהם בלא תעשה.

Rebbi Simeon, Rebbi Abbahu in the name of Rebbi Yose bar Hanina: a Jewish braider should not braid a Gentile because of “do not give on them charm.” Also a Jew should not be a Gentile’s best man because of *do not contract marriage with them*.²⁴³ Rebbi Isaac from Gufta asked before Rebbi Mana: It is forbidden to go to their wedding feasts, not *a fortiori* to become his best man? He told him, to put a biblical prohibition on it²⁴⁵.

243 *Deut.* 7:3.

Canaanites, not Gentiles in general. The

244 Halakhah 3.

prohibition remains rabbinic.

245 However the verse refers only to

(40b line 9) רבי סימון היו לו נוטעי כרמים בהר המלך. שאל לרבי יוחנן. אמר ליה. יבורו ואל תשפירם לגוי. שאל לרבי יהושע. מהו להשפירן לגוי. ושרא ליה רבי יהושע מקום שאין ישראל מצויין. כהדא בסוריא. הדא סוריא נישמעניה מן הדא. רבי חגי נחת לחמץ. אתון וישאלון ליה. אילין דבר עשתור בגין דלית ישראל שכיחין ואנן מוגרין לעממין מהו לעשר על ידיהם. שלח שאל לרבי זעירא. שאל רבי זעירא לרבי אמי. אמר ליה. רבי. מהו לעשר. אמר ליה. אינו צריך לעשר על ידיהם. מנה את ר' שמעון להשפיר כרבי יוסי. ועוד מן הדא דמר רבי חנינה ר' אבהו בריה דרבי אבהו. אבא הנה ליה עובדא ושלח שאל לרבי חייה לרבי יסא לרבי אמי והורון ליה להשפיר כרבי יוסי. הא לעשר אין מעשרין על ידיהן.

1 נוטעי כרמים | ד (G) שדות יבורו | ד יובירו | 2 תשכרים | G תשכרים | יהושע | ד (G) יהושע בן לוי | (2) מהו להשפירן לגוי | ד-G | ושרא | G ושרה ליה | G - | 3 כהדא | G כהדא בסוריא | ד (G) סוריא הדא | ד דהדא | נישמעניה | ד נישמעניה הדא | G הדא | 4 אילין | G אלין | לעממין | ד-G לעממין | מהו לעשר | ד צריכין לעשר אנן | מהו לעשר | G מהו לעשר | 5 דיהם | ד דיהון | זעירא | G זעורה | (2) אמי | ד-G אמי | אמר ליה. רבי. מהו לעשר. | ד-G | 6 ליה | G לה | לעשר | G לעשר | דיהם | ד דיהון | ר' שמעון | ד-G שמע | להשפיר | G להשכיר | יוסי | G יוסה | הדא | G הדא | 7 חנינה | ד חנינא | ר' אבהו | ד-G | בריה | G ברה | הוה ליה

עובדא | G הוה לה עובדה ושלח | G | שלח לר' חייה | G | חיא לר' יסא | 1 | ולר' יסא G - 8 לר' אמי | 1 |
 ולר' אמי | G | לר' אמי להשביר | G | להסכיר יוסי | G | יוסה אין | 1 | על ידיהן אין | G | על ידיהם לה... .

²⁴⁶Rabbi Simon had vineyard planters on King's Mountain²⁴⁷. He asked Rabbi Johanan who told him, let them lie fallow and do not lease them to a Gentile. He asked Rabbi Joshua [ben Levi]²⁴⁸, may one lease them to a Gentile? Rabbi Joshua [ben Levi]²⁴⁸ permitted it at a place where no Jews could be found as for example Syria. About Syria we can understand from the following: Rabbi Haggai went to Homs. Those of Bar Ashtor came and asked him: Since we cannot find Jews we lease to Gentiles; do we have to tithe through them²⁴⁹? He sent and asked Rabbi Ze'ira. Rabbi Ze'ira asked Rabbi Immi (and said to him, rabbi, does one have to tithe?)²⁵⁰ He told him, one does not have to tithe because of them. From this you (Rebbi Simeon)²⁵⁰ [understand]²⁵¹ to lease following Rabbi Yose. In addition, from what Rabbi Hanina (Rebbi Abbahu)²⁵⁰ the son of Rebbi Abbahu said, my father had a case. He sent and asked Rebbi Hiyya, Rebbi Yasa²⁵², Rebbi Immi, and they instructed him to lease following Rabbi Yose. Therefore one does not tithe through them²⁵³.

246 From here intermittently through fol. 43a line 7 there is a Geniza (G) text, in many places very fragmentary, edited by L. Ginzberg (New York 1909). From fol. 41d line 42 there exists a second Geniza text from the Antonin collection edited by J.N. Epstein (E), *Tarbiz* 3 (1932) pp. 15-26, in addition to the Leiden ms. (L).

The present paragraph is a copy from *Demay* 6:1 (1) Notes 15-18. In the readings, a reference (G) means that the word is not completely preserved in G.

247 A region conquered by King Yannai and part of the later Hasmonean kingdom, not settled by the earlier returnees from Babylonia. Cf. *Demay* 5 Note 115, *Ševi'it* 9 Note 63. In Amoraic times it was settled only by Gentiles.

The text of the other two sources,

“fields” is preferable over “vineyard planters”.

248 Added from 1 and G, missing in L, required by the context.

249 The Gentile is not required to tithe. If he pays his rent in produce, is the landlord required to tithe? Produce in Syria has to be tithed only by rabbinic decree, twice removed from biblical duty. Since the Gentile acts on his own, not on behalf of the owner of the land, what he pays as rent is exempt Gentile produce.

250 Delete with 1 and G.

251 Add as reading of 1 and G.

252 Missing in G.

253 As explained in Note 249 there is no need to tithe. The only question is whether one should require them to tithe anyhow as a fine for leasing land to Gentiles, but since

the lease is legitimate following R. Yose agrees, 21a.
there is no reason for such a fine. The Babli

משנה י (fol. 39a) אף במקום שאמרו להשכיר לא לבית דירה אמרו מפני שהוא מקום לתוכו עבודה זרה שזאמר ולא תביא תועבה אל ביתך והיית הרים במהו וגו'. ובכל מקום לא ישכיר לו את המרחץ מפני שהיא נקראת על שמו:

Mishnah 10: Also in a case where they said to lease they did not mean a dwelling because he will introduce idols as it is said, *do not bring an abomination into your house for you would be anathema like it*²⁵⁵, etc. In any case he should not lease to him a bath house because it is called by his name²⁵⁶.

255 Deut. 7:26.

it cannot be operated on the Sabbath since

256 If the bath house (or any other public convenience) is known as the Jew's property

people would think that the Jew operates it.

(40b line 19) אף במקום שאמרו להשכיר כול'. הא במקום שנהגו למכור מוכר לו אפילו בית דירה ומשכיר לו אפילו בית דירה. רבי אחא רבי תנחום בר חייה בשם רבי לעזר בירבי יוסי. ואפילו תיבה קטנה. כגון בורסקי שבצידן. לא סוף דבר כולה אלא אפילו בית אחד. היו שתיים זו לפניו מאז הפנימית חייבת והחיצונה פטורה. היתה אחת ונעשית שתיים שתיים ונעשית אחת. רבי אבין בשם רבנן דתמן. זאת אומרת שדה שהיא נתונה על גב הדרך אסור להשכירה לגוים. מפני שנקראת על שם ישראל והן חורשין בה בשבתות ובגמם טובים.

1 מוכר | מוכר בית | 2 ומשכיר | 3 בורסקי | 4 שתיים | 5 נעשית | 6 להשכירה | 7 חורשין בה | 8 חורשין בהם
1 מוכר | מוכר בית | 2 ומשכיר | 3 בורסקי | 4 שתיים | 5 נעשית | 6 להשכירה | 7 חורשין בה | 8 חורשין בהם

“Also in a case where they said to lease,” etc. Therefore, at a place where one is used to sell²⁵⁷, he may sell even a dwelling and lease a dwelling²⁵⁸. Rabbi Aḥa, Rabbi Tanḥum bar Ḥiyya in the name of Rabbi Eleazar ben Rabbi Yose: Even a small room as in the tannery of Sidon²⁵⁹. Not only all of it, but even one room. “If there were two, one inside the other, the inner one is liable, the outer one is not liable.²⁶⁰” If there was one and it was subdivided into two, two and combined into one²⁶¹? Rabbi Abin in the name of the rabbis

there:²⁶² This²⁶³ implies that if there was a field adjacent to a road it is forbidden to lease it to Gentiles because it is known by the name of the Jew and they plough there on Sabbaths and holidays.

257 Outside the Land for R. Meir and in Syria for R. Yose.

258 *Deut.* 7:26 applies only to the Land. In the theory of the Babli, Gentiles outside the Land are no real idolators but only followers of inherited superstitions. Cf. Tosephta 2:8.

259 If a small room in an industrial complex cannot be leased to Gentiles as living space. A similar text in Babli 21b.

260 This is Mishnah *Ma'aserot* 3:5 (Note 92). Harvested grain becomes liable for tithes only when it is being prepared for storage. An example of this is grain

transported from the field to the courtyard attached to the farmer's dwelling. R. Jehudah holds that if there is a courtyard inside another, the inner one only counts in this respect.

261 How do the rules of tithing apply? The question is inappropriate here and not answered.

262 Of Babylonia.

263 The argument of the Mishnah about leasing a bathhouse. In Tosephta 2:9, R. Simeon forbids leasing a field anywhere for the same reason.