

אין מעמידן פרק שני

(fol. 40b) **משנה א:** אין מעמידן בהמה בפונדקאות של גוים מפני שהשוזין על התרפעה. ולא תתייחד אשה עמהן מפני שהשוזין על העריות. ולא יתייחד אדם עמהן מפני שהשוזין על שפיכות דמים. בת ישראל לא תילד את הנכרית אבל נכרית מילדת בת ישראל. בת ישראל לא תניק בנה של נכרית אבל נכרית מניקה בנה של ישראלית בראשונה:

Mishnah 1: One does not put up an animal in hostelryes¹ of Gentiles since they are suspected of bestiality. A woman should not be alone with them² because they are suspected of forbidden sexual relations; a man should not stay alone with them since they are suspected of shedding blood. A Jewish woman should not be a midwife for a Non-Jew³ but a Non-Jew may be a midwife for a Jewish woman. A Jewish woman should not nurse the child of a Non-Jewish woman but a Non-Jewish woman may nurse the child of a Jewish woman at her home⁴.

1 Cf. Chapter 1, Note 123.

the Halakhah is (incorrectly) part of the Mishnah in some Babli and Mishnah texts.

2 A single woman with any number of Gentile men.

4 The wet-nurse should not be allowed

3 Since she helps to increase the number of pagan worshippers. This reason given in

to remove the baby from his mother's house since she might kill it.

(40c line 2) **הלכה א:** אין מעמידן בהמה בפונדקאות של גוים כול'. רבי זעירא רבי אבהו בשם רבי יוסי בירבי חנינה. רבי בא רבי יונה. תיפתר רבי ליעזר. דרבי ליעזר אמר. אינה נלקחת מן הגוים. רבי יונה בעי. ולמה לי נן פתרון לה דברי הכל. כיי דמר רבי ליעזר בשם רב. ואפילו כמאן דמר. מותר למכור אסור לייחד. עבר וייחד דברי הכל. אמר רבי ירמיה. נישמענה מן הדא. האשה שנחבשה בידי גוים. אמר רבי יוסי. שנייא היא אשה שדרכה לצוות. הגע עצמה שהיתה חרשת. דרבה לרמו. מאי כדון. תיפתר רבי ליעזר. דרבי ליעזר אמר. אינה נלקחת מן הגוים. הוון בעו מימר. מה פליגין רבי ליעזר ורבנן. בפרה. על שום מעלה היא בפרה סיקסול היא בפרה. מן מה דרבנן מתיבין לרבי ליעזר. כל-צאן קדר יקבצו לך. הדא אמרה.

אף בשאָר קל-הַדְּבָרִים חֲלוּק רַבִּי לִיעֶזֶר. רַבִּי הוֹשְׁעִיָּה בְּעֵי. מְשִׁיבִין דָּבָר וְשֹׁהוּא לְבֹא עַל דָּבָר וְשֹׁהוּא לְשַׁעֲבֵר. רַבִּי אֲבִין בְּעֵי. מְשִׁיבִין דָּבָר וְשִׁנְיָר הָרַע בְּטֵל עַל דָּבָר וְשִׁנְיָר הָרַע קִיָּם.

Halakhah 1: “One does not put up animals in hostelryes of Gentiles,” etc. Rabbi Ze’ira, Rabbi Abbahu in the name of Rabbi Yose ben Rabbi Hanina; Rabbi Abba, Rabbi Jonah⁵: explain it⁶ following Rabbi Eliezer, since Rabbi Eliezer said “it may not be bought from Gentiles.”⁷ Rabbi Jonah asked, why do we not explain it according to everybody, following what Rabbi Eleazar said in the name of Rav: Even one who says it is permitted to sell [says] it is forbidden to leave alone⁸. If he transgressed and left it alone by everybody’s opinion⁹. Rabbi Jeremiah said, let us hear from the following¹⁰: “A woman who was jailed by Gentiles.” Rabbi Yose said, it is different for a woman because she usually cries. Think of it if she was mute! She uses sign language. What about it¹¹? Explain it following Rabbi Eliezer, since Rabbi Eliezer said “it may not be bought from Gentiles.” They wanted to say, where do Rabbi Eliezer and the rabbis disagree? About the cow, because of “eminence was given to the cow, an adornment was made for the cow.”¹² But since the rabbis answer to Rabbi Eliezer *all sheep of Qedar will be assembled for you*¹³, this says that Rabbi Eliezer disagrees about everything. Rabbi Hoshai asked, does one reply with an argument about the future against one about the past¹⁴? Rabbi Abin asked, does one reply with an argument when evil inclinations will have disappeared against one when evil inclinations exist¹⁵?

5 Unfortunately G is very lacunary here; therefore its readings are not given after the Hebrew text. The Halakhah starts: “R. Ze’urah, R. Abbahu in the name of R. Yose ben Hanina, R. . . . R. Abbahu in the name of R. Yose ben Hanina, explain it . . .” There is no reason to mention the sixth generation R. Abba III and the fifth generation R. Jonah who later disagrees with the statement if already it was attributed to the second generation R. Yose ben Hanina.

6 The Mishnah which forbids to put up

unsupervised animals in the stable of a Gentile hostelry makes travel outside Jewish settlements practically impossible. An attribution to R. Eliezer removes the first part of the Mishnah from practice.

7 Mishnah Parah 2:1. This refers to the Red Cow (*Num.* 19) whose ashes are needed to cleanse people from the impurity of the dead. The Cow is not a Temple sacrifice; how far the restrictions imposed on sacrificial animals and the officiating priests apply to the Cow and its officiants are old

matters of dispute between Sadducees and Pharisees (Mishnah *Parah* 3:3,7) and among the rabbis themselves. One of the biblical requirements is that the Red Cow never carried a yoke (*Num.* 19:2). In Mishnah *Parah* 2:1, a first statement of R. Eliezer validates a pregnant Red Cow for the ceremonies; the reason is explained in Mishnah 4 by his student's R. Illai's son R. Jehudah, that a bull mounting the Cow on his own cannot be considered making her carrying anything; only copulation by human intervention makes the ox the equivalent of a yoke. The majority rejects the ruling; it considers the Cow and its fetus as two separate beings but v. 19:3 requires the Cow alone to be taken. These restrictions do not apply to ordinary sacrifices. R. Eliezer then forbids buying a Red Cow from Gentiles since a sodomized animal is unfit for the altar; the Sages disagree since without reason one does not suspect that such a thing happened; this would make the Mishnah here unreasonable. (The last generation R. Yose bar Abun even introduces buying a Red Cow from a Gentile into a story about R. Eliezer; *Peah* 1:1 Notes 99 ff., *Qiddushin* 1:7 Notes 607 ff.) Babli 23a.

8 One may not leave the animal alone with a Gentile. Chapter 1:6, Note 165. There the first tradent is R. Jonah himself.

9 It is not said what everybody's opinion is; the corresponding passage in G is in the name of "the rabbis of Caesarea, Giddul bar Benjamin in the name of Rav" but then is missing the conclusion. One has to assume that it was "if he transgressed and left it alone by everybody's opinion the animal remains permitted."

10 Mishnah *Ketubot* 2:9. If she is jailed because of money matters one must assume that she was not raped; if she was condemned to death one must assume that she was raped or consented to sex with her jailers. If a woman can be alone in the custody of Gentiles without being raped, may the same not be assumed of female animals?

11 The argument appears to be cogent.

12 In the Mishnah, not only do the rabbis permit to buy a Red Cow from a Gentile owner, they also allow to buy sacrificial animals from him. The question arises whether R. Eliezer will agree with this or not. The assumption here is that R. Eliezer will agree that sacrifices can be bought from Gentiles but not the Red Cow, whose ceremonies in pharisaic theory were made with many non-scriptural restrictions because of an important difference with Sadducees in matters of ritual purity (Mishnah *Parah* 3:7,8).

13 *Is.* 60:7. The verse ends: *they will be brought on My altar for pleasure*. This gives divine sanction for using animals raised by Gentiles for the altar. Since the verse speaks of sacrifices, not of the Red Cow, R. Eliezer must hold that sacrificial animals cannot be bought from Gentiles. The same argument is quoted in the Babli 24a.

14 The preceding argument does not prove anything in practice since in the next paragraph it will be shown that in messianic times the Gentiles will accept the Torah. Their animals may well be acceptable then but not now.

15 This is the same argument as before.

(40c line 15) רבי הושעיה אמר. ולמה לי נן פתרון לה דברי הכל. כיי דמר רב הונא בשם רב. וישקלו את שקלי שלשים כסף. אילו שלשים מצות שעתידין בני נח לקבל עליהן. ורבנן אמרי. אילו שלשים צדיקים שאין העולם חסר מהן. דמר רבי נחמן בשם רבי מנא. אין העולם יכול להיות פחות מל' צדיקים כאבינו אברהם. ומה טעם. ואברהם היה יהיה. יהיה מניין ל'. פעמים שרובן בבבל ומיעוטן בארץ ישראל. פעמים שרובן בארץ ישראל ומיעוטן בבבל. סימן יפה לעולם בשעה שרובן בארץ. רבי חייה בר לולייני בשם רבי הושעיה. כל-המצות עתידין בני נח לקבל עליהן. ומה טעם. כייאז אהפוך אל-עמים שפה ברוך. ובסוף הן עתידין לחזור בהן. ומה טעם. ונתתה את-מוסרותימו ונשליכה ממנו גבותימו: זו מצות תפילין. זו מצות ציצית.

1 אמ' | G בעי הונא | G הונה 2 שקלי | G שכרי שלשים | G שלשים (2) מצות | G מצוות שעתידין בני נח | G שבני נח עתידין עליהן | G עליהם ורבנן | G ורבנין 3 אמרי | G אמרין שלשים | G שלשים דמר | G א' 4 מל' | G משלושים היה | G הי היה | G באברהם היו היה (remainder missing in G)

Rebbi Hoshiaia said¹⁶, why do we not explain it according to everybody, as Rav Huna said in the name of Rav: *They weighed for me my (sheqels) [wages]*¹⁷, *thirty pieces of silver*. These are the thirty commandments which the descendants of Noah will take upon themselves in the future¹⁸. But the rabbis say, there are the 30 just persons which the world never will be lacking¹⁹, as Rebbi Nahman said in the name of Rebbi Mana, the world cannot be with less than 30 just men like our father Abraham. What is the reason? *Abraham will certainly be*²⁰, the numerical value of יהיה is 30²¹. Sometimes the majority are in Babylonia and the minority in the Land of Israel; sometimes the majority are in the Land of Israel and the minority in Babylonia. It is a good sign for the world if most of them are in the Land²². Rebbi Hiyya bar Julianus in the name of Rebbi Hoshiaia: In the future the descendants of Noah will take all commandments upon themselves. What is the reason? *Then I shall transform Gentiles' purified lips*²³. But at the end they will renege on it. What is the reason? *Let us break their chains, and throw from us their ropes*²⁴! That is the commandment of phylacteries²⁵; that is the commandment of *šišit*²⁶.

16 In G: asked. This paragraph interrupts the discussion of the Mishnah and turns to explaining the verse *Is. 60:7* quoted earlier.

17 *Sach. 11:12*. The quote is wrong in L (in parentheses), correct in G [in brackets].

In v. 13 the pieces of silver are declared to be “the Eternal’s treasure;” this explains the identification as saints.

18 “In the future”, i. e., in the time of the Messiah. *Gen. rabba* 98(14) as opinion of

R. Johanan. In the Babli, *Hulin* 92a, in one opinion 30 commandments which the Gentiles already took upon themselves, of which they keep only three; one of them being not to allow homosexual marriages.

19 *Gen. rabba* 35(2) in the name of R. Simeon ben Ioḥai. In the Babli, *Hulin* 92a, in another opinion the 30 just Gentiles on whose merit the Gentile world exists. The Jewish world exists for the Babli on the merit of 36 just men (*Sukkah* 45b, *Sanhedrin* 97b).

20 *Gen.* 18:18.

21 $5+10+5+10=30$.

22 *Gen. rabba* 98(14) as opinion of Rav.

23 *Zeph.* 3:9. The verse ends: *They all are invoking the Eternal's Name, to serve Him with united shoulder*, implying that the Gentiles will accept the Jewish style of worship. Babli *Berakhot* 57b, in the name of R. Simeon ben Ioḥai.

24 *Ps.* 2:3; cf. Babli 3b.

25 *Midrash Psalms* 2(8). The chains are the straps of the phylactery on the arm.

26 These are the "ropes", *Tosaphot Avodah zarah* 3b s. v. ומניחין.

רבי יצחק ורבי אמי הוון יתבין מקשיי. והכתיב ויזבחו לי ביום ההוא מן השלל. וקיימונה. ולא ידעין אין חברייא קיימונה ואין רבי אמי קיימינה. על ראשה. מן השלל שהיה בדם הקריב. והא כתיב ואנשי בית-שמש העלו עולה ויזבחו זבחים ליי פרים. וכי משרגי פלשתים אנו למידין. ולא כן אמר רבי אבהו בשם רבי יוסי בר חנינה. ואפילו נקיבות הקריבו. ואת-הפרות העלו עולה ליי. והכתיב ויאמר שאול מעמלקי הביאום. אין למדין משאול. דמר ריש לקיש. שאול גרופית שלשקמה היה. והכתיב ויטח דנד את-הגורן. קנה ולא הקריב. והכתיב ואמר ארונה אל-המלך יי אלהיד ירצד: ירצד בתפילה. והכתיב ומיד בן-נר לא תקריבו את-לחם אלהיכם מכל-אלה. מכל-אלה אין את מקריב. לוקח אתה תמימים ומקריב. מה עבד לה רבי ליעזר. לוקח אתה בדמים ומקריב. הוא תני בדמים. ולא קריב ליעזר.

²⁷Rebbi Isaac and Rebbi Immi were sitting and asking, is it not written²⁸:

On that day they slaughtered of the booty for the Eternal? They explained it, but we do not know whether the colleagues explained it or Rebbi Immi explained it, from previous ones, from booty which was in their hands they sacrificed²⁹.

But is it not written³⁰: *The men of Bet Shemesh brought an elevation offering and slaughtered family offerings to the Eternal, oxen?* Can we learn anything from the rulers of the Philistines? Did not Rebbi Abbahu say in the name of Rebbi Yose ben Hanina, they even sacrificed females, *the cows they offered as elevation offering to the Eternal*³¹.

But is it not written³², *Saul said, they brought them from the Amalekite?* One does not learn from Saul; as Rabbi Simeon ben Laqish said, Saul was a sycamore shoot³³.

But it is not written³⁴, *David bought the threshing floor?* He bought but did not sacrifice. But is it not written³⁵, *Arawna said to the king, may the Eternal, your God, have pleasure with you.* May he find pleasure with you in prayer.

But is it not written³⁶, *Also from the hand of a stranger you should not bring your God's bread from any of these?* From any of these you do not sacrifice; you buy unblemished ones and sacrifice. What does Rabbi Eliezer do with this? You are buying for money and sacrifice? The one who stated "for money" cannot follow Rabbi Eliezer³⁷.

27 One returns to the prior topic, to try to understand R. Eliezer's position in view of biblical verses which seem to indicate that Gentile animals are perfectly acceptable as sacrifices.

28 2Chr. 15:11. At first glance this refers to the booty which they took from the Nubians as described in Chapter 14 since no other war of Asa was mentioned.

29 Since Chapter 15 does not refer to the war described in Chapter 14, it is not necessary to assume that "the booty" was taken from the Nubians.

30 1S. 6:15, one the day the Philistines returned the Ark on a carriage drawn by cows.

31 1S. 6:14. In Lev. 1:3 it is spelled out that an elevation offering must be a male animal. Since the entire proceedings were irregular, one cannot infer anything about

the rules to follow.

32 1S. 15:15. As explained in v. 21, the animals taken from the Gentile tribe were to be slaughtered as sacrifices. Babli 24b.

33 Something inedible. In the Babli, *Eruvin* 53a/b, the verse 1S. 14:47 in interpreted that religious practice never follows Saul. The same is intended here.

34 2S. 24:24.

35 2S. 24:23. To give pleasure before the Eternal usually is asserted of sacrifices (e. g., *Ex.* 28:38). Babli 24b.

36 Lev. 22:25.

37 Since R. Eliezer considers all animals of a Gentile unfit for the altar. But he must read the verse as absolute prohibition of accepting any sacrifice from a Gentile, similar to *Sifra Emor Pereq* 7(12) where the verse is read to prohibit accepting money of the Temple tax from Gentiles.

נְקִיבוֹת. וְאִין צָרִיד לומר זְכָרִים אֶצֶל נְקִיבוֹת וְנְקִיבוֹת אֶצֶל זְכָרִים. זְכָרִים אֶצֶל זְכָרִים וְנְקִיבוֹת אֶצֶל נְקִיבוֹת (40c line 39) תִּנִּי. אִין מַעֲמִידִין בְּהֵמָה בְּפוֹנְדָקָאוֹת אֶפִּילוּ זְכָרִים אֶצֶל זְכָרִים וְנְקִיבוֹת אֶצֶל

לָדָּ. אוֹהֲבָתוֹ בָּאת וְאֵינָהּ מוֹצֵאָה אוֹתוֹ וְהִיא נִרְבַּעַת הַיָּמִינִי. נְקִיבוֹת אֶצֶל נְקִיבוֹת מָה אֵינָה לָדָּ. אוֹהֲבָה בָּא וְאֵינָה מוֹצֵא אוֹתָהּ וְרוֹבְעָה. רַבִּי חֲגַי בְּשֵׁם רַבִּי זְעִירָא. לֹא סוֹף דְּבַר בְּהֶמְתּוֹ שְׁלִישְׁרָאֵל אֶצֶל הַגּוֹי אֲלֵא אֶפִּילוֹ בְּהֶמְתּוֹ שְׁלִישְׁרָאֵל אֶצֶל שְׁלִישְׁרָאֵל לֹא יִחַדְיָנָה אֶצֶל שְׁלִישְׁרָאֵל אֶחָד חֲבִירוֹ שֶׁלֹּא תִמְצֵא לוֹ תַקְלָה. מַעֲתָה אֶפִּילוֹ שֶׁכָּר אֶת בְּהֶמְתּוֹ לֹא נָאָה לַחֲזוֹר לִיחַדָּה אֶצֶל שֶׁלֹּא תִמְצֵא לוֹ תַקְלָה. חֲשׂוֹד הוּא לְבֹא עַל בְּהֶמְתּוֹ שְׁלִישְׁרָאֵל וְאֵינָה חֲשׂוֹד לְבֹא עַל בְּהֶמְתּוֹ עֲצָמוֹ. שְׁמֹתוֹךְ שִׁידֵּעַ שְׂאֵם בָּא עָלֶיהָ הוּא מַעֲקָרָה אִף הוּא לֹא בָּא עָלֶיהָ.

It was stated:³⁸ “One does not put up animals in hostelrys, even males next to males and females next to females; it is not necessary to say males next to females and females next to males.” Males next to males, what do you have? His beloved comes and she does not find him, then she is impregnated by it³⁹. Females next to females, what do you have? Her lover comes and does not find her and impregnates it. Rabbi Haggai in the name of Rabbi Ze‘ira: Not only the Jew’s animal at a Gentile’s but even a Gentile’s animal at a Jew’s should not be left alone with another Gentile acquaintance, lest it cause him a mishap⁴⁰. But then even if he leased his animal it would not be nice to return it to be alone with him, lest it cause him a mishap? He is suspected of cohabiting with another’s animal; he is not suspected to have sexual relations with his own animal. For he knows that if he cohabits with her he makes her sterile; therefore he will not cohabit with her⁴¹.

38 Babli 14a, Tosephta 3:2.

39 By the animal. Since Gentiles are used to have pre- and extramarital sex, if one of the partners feels the need for sex but does not find his/her partner, he/she will take an animal as replacement to satisfy him/her. The Tosephta holds otherwise, viz., that male animals attract homosexuals and

females heterosexuals. If males are put next to females, animal copulation will stimulate Gentile voyeurs.

40 The Jew would be the instrument of the second Gentile’s copulation with the first Gentile’s animal.

41 Babli 15a, 22b.

40c line 50) אֲבָל מַעֲמִידִין בְּהֶמָּה בְּפוֹנְדֻקָּאוֹת שְׁלִכוֹתִים כּוֹל. הָדָא אָמְרָה. כּוֹתִים לֹא נִחְשָׁדוּ עַל הָעֲרִיוֹת. וְתִי כֹן. מִתְיַחַדֵּת אִשָּׁה עִם שְׁנֵי אֲנָשִׁים אֶפִּילוֹ שְׁנֵיהֶם עֲבָדִים אֶפִּילוֹ אֶחָד כּוֹתִי וְאֶחָד עֲבָד. אֲבָל לֹא תִתְיַחַד עִם הַגּוֹי. חֲמוֹתוֹ וְאַחוֹת אִשְׁתּוֹ וְשֶׁאֵר כָּל־הָעֲרִיוֹת לֹא יִתְיַחַדוּ עִמּוֹ אֲלֵא בְּפִי שְׁנַיִם.

“But one may put up an animal in a Samaritan hostelry,”⁴² etc. This implies that Samaritans are not suspected of forbidden relations. And it was

stated thus⁴³: “A woman may be alone with two men⁴⁴, even if both are slaves⁴⁵ or one a Samaritan and one a slave. But she should not be alone with a Gentile⁴⁶. His mother-in-law, and his wife’s sister, and all other forbidden relations should be alone with him but require the presence of two [others]”⁴⁷.

42 Tosephta 3:1. The Note “etc.” implies that the entire Tosephta (or an equivalent Galilean *baraita*) should have been quoted.

43 Tosephta *Qiddušin* 5:9.

44 Two Jews. This excludes being alone with husband, father, son, and possibly brother (*Qiddušin* 4:11, Notes 246-254). Babli 25b.

45 Converted and circumcised who belong to a Jewish *familia*.

46 This statement is obviously incomplete since a Jewish woman is not allowed to be alone with a single Jewish man, so certainly

not with a single Gentile. One must read with the Tosephta and G, of which a new leaf starts here: “not even with a hundred Gentiles.”

47 Tosephta *Qiddušin* 5:10, Babli *Qiddušin* 81b. These Babli sources have “sister” instead of “wife’s sister” but the Yerushalmi text is confirmed by G. In contrast to the Babli, the Yerushalmi both here and in *Qiddušin* unquestionably permits a man to be alone with his sister (but not to share a bed with her.)

תני. אין מוכרין להן לא זמין ולא כלי זמין. ואין משחזין להן את הזמין. תיפתר
בעיר שכולה גוים. ואין האשה בכלל שפיכות דמים. אמר רבי אמי. תיפתר בבריאה. אמר
רבי אבין. ואפילו תימר. יכולה אשה להטמין את עצמה ולומר. גויה אני. ואין האיש יכול
להטמין עצמו ולומר. גוי הוא.

1 מוכרין | G מוכרים להן | G להם (2) את | G - תיפתר | G תפתר 2 אמי | G מאן 3 תימר | G
תמר באשה | G היא האשה 4 עצמו | G את עצמו

It was stated:⁴⁸ “One sells them neither weapons nor accessories to weapons⁴⁹. One does not sharpen weapons for them.” Explain it in a town of only Gentiles⁵⁰. Is a woman not in danger to be killed⁵¹? Rabbi Immi⁵² said, explain it about a muscular one. Rabbi Abin said, even you may say [about a weak one.⁵³] A woman may hide herself and say, I am a Gentile, but a man cannot hide himself and say, he is a Gentile⁵⁴.

48 Tosephta 2:4, Babli 15b.

49 Such as a sheath of a sword.

50 But in a town with Jewish inhabitants one may provide weapons for the security forces.

51 This refers to the Mishnah which states that a woman is in danger to be raped but a man to be killed.

52 In G: R. Mana, the same in a quote in *Or zarua*. In the latter’s interpretation, a

- strong woman is one who would survive a gang rape. In a quote in Tosaphot 25b s. v. R. Jeremiah. 53 Added from G. (The vocalization is from G.)
54 Since he is circumcized.

(40c line 58) תני. נידווג לו גוי לישראל נותנו לימינו. רבי ישמעאל בירבי יוסי אומר. בסייף לימינו ובמקל לשמאלו. עולה עמו לעליה ויורד עמו לחרות ישראל למעלה והגוי מלמטה. לא נשוח לפניו שלא ירוץ את גולגולתו. ומרחיב לו את הדרך. אם שאלו להיכן הולך יפליגו. כשם שהפליג יעקב אבינו לעשי. שאמר לו עד אשר אבוא אל אדוני שעירה; והלך לסוכות. אמר רבי הונא. לא מצינו שהלך יעקב אבינו לשעיר. אמר רבי יודן בריה דרבי. לעתיד לבוא אמר ליה. ועלו מושעים ביהר צלון לשפוט את-הר עשן.

1 נידווג | G נידווג לו | G - לימינו | G מימינו | יוסי | G יוסה | בסייף | G בסיף | 2 לימינו | G מימינו לשמאלו | G משמאלו עמו | G עימו למעלה | G למעלה | G מלמטן | 3 ירוץ | G ירוץ | גולגולתו | G גולגולתו להיכן | G לאיכן הוא | G יפליגו | G יפליגו | 4 שהפליג יעקב אבינו | G שעשה אבינו יעקב אבוא | G אבא אדוני | G אדני לסוכות | G לו לסוכות | 5 הונא | G חונה | G לשעיר | G לשעירה בריה דר' | G ביר' איבו ליה | G לה | לשפוט את הר עשן | G וגו'

It was stated⁵⁴: "If a Gentile is paired with a Jew, he puts him on his right hand side. Rabbi Ismael ben Rabbi Yose says, with a sword, at his right; with a staff, at his left⁵⁵. If he climbs with him to an upper floor or descends to the exit, the Jew should be higher and the Gentile below. He should not lie down before him lest he smite his skull. And he should extend the way to him, that if he asks him where he goes he should indicate a farther distance, as our father Jacob did with Esau, *until I shall come to my Lord at Seir*⁵⁶. But he went to Sukkot. Rabbi Huna said, we do not find that our father Jacob went to Seir. Rabbi Yudan, son of Rabbi [Aivo]⁵⁷, he spoke to him of the future world, *when saviors will climb on Mount Sion to judge Mount Esau*.⁵⁸"

54 Tosephta 3:4, Babli 25b.

weapon.

55 Since the sword is girded at his right

56 Gen. 33:14.

side and the staff held in his left hand. The

57 Added from G, missing in L.

Gentile should not have space to swing his

58 Ob. 21.

(40c line 65) בת ישראל לא תיילד את הנכרית. מפני שמעמדת בן לעבודה זרה. אבל נכרית מילדת בת ישראל. ותני כן. מילדת מבחוץ אבל לא מבפנים. לא תכניס נדה לפניו שלא תמיק את העובר במיעיה. ולא תשקינה כוס של עיקרין. היתה חכמה. ייבה כיי דמר רבי יעקב בר אבא בשם רבי יוחנן. אם היה רופא אומן מותר. והכא. אם היתה חכמה מותר.

1 בן | גוי | 2 כן | G - מיילדת | G מיילדתה | 3 במיעיה | G במיעיה | עיקרין | G עיקרים | היתה | G
הייתה | 4 - G | ר' יוסה ביר' א' אנון שאילתא כן . . . מה מותר

⁵⁹“A Jewish woman should not be a midwife for a Non-Jew, for she brings a son⁶⁰ to pagan worship; but a Non-Jew may be a midwife for a Jewish woman.” It was stated so: From the outside but not the inside. She should not put her hand inside not to squish the fetus in her innards, and she should not give her a cup of root-extract to drink⁶¹. If she was a medical doctor? This will come as what Rabbi Jacob bar Aḥa said in the name of Rabbi Johanan: If he was a professional healer it is permitted⁶². And here, if she was a medical doctor it is permitted. [Rabbi Yose bar Abun, these questions . . . [doc]tor permitted.⁶³]

59 Tosephta 3:3, Babli 26a.

60 This is the reading in all sources except G which reads גוי “Gentile” instead of בן “son”. Cf. Chapter 1, Note 177.

61 A concoction used to prevent pregnancies. The obligation of having children uniquely is on the male (Mishnah *Yebamot* 6:6); therefore a woman is permitted to use chemical birth control methods which do not change the sex act. Since Gentiles are suspect as potential

murderers such a potion may be taken only from a Jewish source or, as indicated later in this paragraph, also from a duly qualified Gentile professional.

62 Babli 27a, also in the name of R. Johanan. He has to worry about his professional reputation.

63 Fragment in G of a sentence missing in L and the *editio princeps*; probably a confirmation of the permission to use Gentile certified medical professionals.

(40c line 70) בַּת יִשְׂרָאֵל לֹא תִנִּיךְ בְּנָהּ שְׁלֵכָרִית מִפְּנֵי שְׁנוּתָתָהּ לֹא חַיִּים. אָמַר רַבִּי יוֹסִי. הִדְא
אָמְרָה. שְׂאִסּוֹר לְלִמְדוֹ אוֹמְנוֹת. כֹּהֲדָא תַרְתִּין אוֹמְנֵנוּ הוּון בְּגִירוֹ. זִגְגִיָּא וְקוֹבֵטְרִיָּא. זִגְגִיָּא
לָא אֶלְפִין וְקָמוּן. קוֹבֵטְרִיָּא אֶלְפִין וְאַתְעֵקְרוּן.

אֲבָל נָכְרִית מְנִיקָה בְּנָהּ שְׁלֵכָת יִשְׂרָאֵל: דְּכָתִיב וְהָיוּ מְלָכִים אֲמִנִּיךְ וְשָׂרֵתִיחֶם
מִיִּנְקוֹתֶיךָ. תִּנִּי. יוֹנֵק הַתִּינוֹק וְהוֹלֵךְ מִן הַנְּכָרִית וּמִן בְּהֶמָּה טְמִיאָה וּמִבִּיאַן לֹא חֵלֵב
מִכָּל-מְקוֹם. וְאַנּוֹ חוֹשֵׁשׁ לֹא מִשּׁוּם שֶׁקָּץ וְלֹא מִשּׁוּם טוֹמְאָה.

1 שְׁנוּתָתָהּ | G שְׁהָא . . . יוֹסִי | G יוֹסֵה | הִדָּא | G הִדָּה | 2 כֹּהֲדָא | G כֹּהֲדָה | הוּון בְּגִירוֹ | G הוּוה בַּעֲבוּ
זִגְגִיָּא | G זִגְגִיָּה (2) וְקוֹבֵטְרִיָּא | G וְקוֹבֵטְרִיָּה | 3 קוֹבֵטְרִיָּא | G קִטְטִין ? | 4 אוֹמְנִיךְ וְשָׂרֵתִיחֶם
מִיִּנְקוֹתֶיךָ | אוֹמְנִיךְ וְגו' | 5 יוֹנֵק | G יוֹנֵק הוּא | 6 מִשּׁוּם | G מִשּׁוּם (2)

“A Jewish woman should not nurse the child of a Non-Jewish woman”
because she gives it life⁶⁴. Rabbi Yose said, this implies that one may not
teach him a trade⁶⁵. As the following: Two trades, glaziers and carpenters⁶⁶

were at (Giro) [Acco]⁶⁷. The glaziers did not teach⁶⁸ and continued, the carpenters taught and were pushed out.

"But a Non-Jewish woman may nurse the child of a Jewish woman" as it is written, *their kings will be your pedagogues and their princesses your wet nurses*⁶⁹. It was stated: A baby nurses continuously from a Non-Jewish woman or from a non-kosher animal and one brings him milk from anywhere and does not worry either about abomination or because of impurity⁷⁰.

64 In Tosephta 3:3 "because she raises a son for pagan worship" as in the preceding paragraph. G is defective at this point.

65 In order to live one has to make a living. Therefore it is a religious duty for a man to see to it that his son learn a trade; cf. *Qiddušin* 4:12.

66 A hybrid of Greek *καβωτός* "box, chest" (in LXX used to translate *תיבה*) and the Latin suffix *-arius* "craftsman of . . ." There exists a Greek word *καβωτάριον* but this is a diminutive, "small box or chamber" and does not designate a profession.

Jastrow explains as "maker of pickles" but this is a gross misreading of *καβωτάριον* in *Terumot* 10:3, Note 36.

67 No place Giro (ms. L) is known. (If one would read גִּירו the place would be Jedda in Arabia.) Acco (reading of G) was known as a city divided between Jews and Gentiles, only partially within the borders of the Land; cf. *Ševi 'it* 6:1 N. 30.

68 They did not accept Gentile apprentices.

69 *Is.* 49:23, giving divine sanction to Gentile wet nurses.

70 The Babylonian attitude is expressed in Tosephta *Šabbat* 9:22: One does not nurse from a Non-Jewish woman or from a non-kosher animal but if it was a matter of survival nothing stands before saving lives.

משנה ב: מִתְרַפְּאִין מִהֶן רִיפּוּי מְמוֹן אֲבָל לֹא רִיפּוּי נַפְשׁוֹת. וְאִין מְסַתְפְּרִין מִהֶן בְּכָל־מָקוֹם דְּבָרֵי רַבִּי מֵאִיר. וְהַכֹּמִים אוֹמְרִים בְּרִשּׁוֹת הַרְבֵּים מוֹתֵר אֲבָל לֹא בֵּינוּ לְבֵינוּ:

Mishnah 2: One may be healed from the healing of property but not healing of persons. One may not be shaved from them anywhere⁷¹, the words of Rabbi Meir; but the Sages say it is permitted in the public domain but not in private.

71 Since the barber easily may cut the client's throat with his knife.

3 אמי | G אמא נשייא | G נסייא 4 בר' | G בר 5 דמייא | G דמייה הכא | G הכה אסור | G אסיר

עניא חכל לה | G עיינה כחללה (2) | אב' | G | ומר | והא אנן | G | ונן | 3 הדא קילוריתא | G | הדה קלוריתה

May one have one's eyelids painted by them⁷⁸? Rav said, anybody who wants to be blinded may be blinded. Levi said, anybody who wants to die may die⁷⁹. Rav never had his eye painted; Levi had his eye painted. Rebbi Abba said, but do we not see that they taste this *collyrium*⁸⁰? We may say that they taste it if it is good. If it is no good it keeps and blinds. Opium⁸¹ is dangerous. Treacle⁸², Rebbi Simon says it is forbidden; Rebbi Johanan⁸³ says it is permitted.

83 In G: E. Immi. This seems a more trustworthy reading.

80 Greek κολλύρα “eye salve”.

(40d line 12) חֲבִירֵיָא בָשֶׁם רַבִּי בָּא בַר זַבְדָּא. כָּל־שֶׁהוּא מִן הַשְּׁפָה וּלְפָנֶיךָ מִרְפִּין אוֹתוֹ בִּשְׁבֶּת.
הַתֵּיב רַבִּי זְעִירָא. הָא אֲנִי תָנָן. הַחוּשֵׁשׁ בְּשִׁמְיוֹ לֹא יִנְמָא בְּהוּ חוּמָי. לֹא מִן הַשְּׁפָה וּלְפָנֶיךָ הוּ.
רַבִּי זְעִירָא לֹא אָמַר כֵּן. אֶלֶּא רַבִּי זְעִירָא בָשֶׁם רַבִּי אָבָא בַר זַבְדָּא. כָּל־שֶׁהוּא מִן הַחֲלָל וּלְפָנֶיךָ
מִרְפִּין אוֹתוֹ בִּשְׁבֶּת. רַבִּי זְעִירָא רַבִּי בָּא בַר זוטֵרָא רַבִּי חֲנִינָה בָשֶׁם רַבִּי. מַעְלִין עֵצִים שְׁלֹרָאשׁ
בִּשְׁבֶּת. רַבִּי חֲנִינָה בַר מִדְיָא רַבִּי יוֹנָה רַבִּי זְעִירָא רַבִּי בָּא בַר זוטֵרָא רַבִּי חֲנִינָה בָשֶׁם רַבִּי. מַעְלִין
בְּנוֹת אֲזִינִים בִּשְׁבֶּת. רַבִּי אֲבָהוּ בָשֶׁם רַבִּי יוֹחָנָן. עֵין שְׁמֶרְדֵּה מִרְפִּין אוֹתוֹ בִּשְׁבֶּת. תָּמָן אֶמְרִין
בָּשֶׁם רַבִּי יוֹחָנָן. גְּבוֹת יָדִים וְרִגְלִים סִכְנָה. רַבִּי אֲבָהוּ בָשֶׁם רַבִּי יוֹחָנָן. אֵהוּ סוּמָקָא סִכְנָה. אָמַר
רַבִּי אֲבִין. לֹוּקִטִּין לוֹ עוֹקֵץ עֲקָרָב בִּשְׁבֶּת. רַב אָמַר. חֲמָרָא לְבַר מַעֲיָנָא שָׂרִי. לְגִיז מִן עֵינָא
אָסִיר. שְׁמוּאֵל אָמַר. נֶאֱהָו רֹזֵק תַּפֵּל אָסוּר לַעֲוֹן בִּשְׁבֶּת. מִינִיָּה אֶתְּ יִלְפִי לַחֲזִיתָא. רַבְּנָן
דְּקִיסְרִי אָמְרִי. הָדָא עוֹרְדֵּעָנָא סִכְנָה. רַבִּי חִזְקִיָּה אָמַר בָּשֶׁם רַבְּנָן דְּקִיסְרִין. הָדָא עֲכָשְׁבוּיָתָא
סִכְנָה. רַבִּי שְׁמוּאֵל בַּר רַב צִחְקִי. הָדָא גּוּמְרִתָּא סִכְנָה. אָמַר רַבִּי יְרֵמְיָה. נוֹתְנִין עֲלֶיהָ חֲמֵץ
בִּפְסָח. אֵהוּ בִלְעָה שָׂרִי. אָמַר רַבִּי יוֹסִי. מִתְּנִיתָא אֶמְרָה כֵּן. מַחֲט שֶׁל יָד לְטוֹל בָּהּ אֶת הַקּוֹץ.
דִּלָּא כֹן מַה בֵּין קוֹץ מַה בֵּין בִּלְע. אֵהוּ עֵינָמָא דְּעֵינָא. שְׁאֵלוּן לְרַבִּי יְרֵמְיָה. אָמַר לוֹן. הָא רַבִּי
בַּא קְדַמִּיכוֹן. שְׁאֵלוּן לְרַבִּי בַּא וְשֹׂרָא לוֹן. אָמַר לוֹן. אוּף אֲנִי שָׂרִי.

1 חברייא | G חבריה | בא | G אבא | מרפינ | G מרפס | 2 זעירא | G זעורא | און תנן | G תנינן | והתני בשנינו | ש שינוי בהן | G בהם | הן | G הם | 3 ר' זעירא | G ר' זעורה | ש - זעירא | G זעורא | 4 מרפינ | G מרפס | בשבת | ש - ר' בא | ש רבא | חנינא | ש חנינה | מעלין | G מעלים | 5 ר' חיה | G התיב | ר' חיה | מדייא | G מדיה | זעירא | G זעירה | 6 שבו | G אבהוא | תמן אמרין | אותה | G אותה | 7 סומקא | G סמוקא | 8 שבי | G שבו | לוקטין | G לוקטים | חמרא | ש הון חמרא | ש מעיטין, מן עיטא | G מן עינה | 9 ואהו | ש הון | G לעיון | G לעיון | ליתו על גבי עינין | מניין | G מנה | ש מניה | לחזיתא | G לחזיתא |

⁸³The colleagues in the name of Rabbi Abba bar Zavda: Anything inside of the lips one heals on the Sabbath⁸⁴. Rabbi Ze'ira objected, did we not state⁸⁵: "A person having a tooth ache should not suck vinegar with them"? Is this not inside from the lips? Rabbi Ze'ira did not say so, but Rabbi Ze'ira in the name of Rabbi Abba bar Zavda: Anything inside a body cavity one heals on the Sabbath⁸⁶. Rabbi Ze'ira, Rabbi Abba bar Zutra, Rabbi Hanina in the name of Rabbi: One treats the bone of the skull on the Sabbath⁸⁷. Rabbi Hiyya the Mede, Rabbi Jona, Rabbi Ze'ira, Rabbi Abba bar Zutra, Rabbi Hanina in the name of Rabbi: One treats glands of the throat⁸⁸ on the Sabbath. Rabbi Abbahu in the name of Rabbi Johanan: One treats an infected eye⁸⁹ on the Sabbath. There, they say in the name of Rabbi Johanan: Tops of hands and feet are a danger⁹⁰. Rabbi Abbahu in the name of Rabbi Johanan: Red color is dangerous⁹¹. Rabbi Abin said, one removes the sting of a scorpion on the Sabbath. Rav said, wine for exterior treatment of the eye is permitted, inside the eye it is forbidden. Samuel said, tasteless spit is forbidden for the eye on the Sabbath⁹² From this you infer for lichen⁹³. The rabbis of Caesarea said, *ranula*⁹⁴ is dangerous. Rabbi Hizqiah (said) [from Acco]⁹⁵ in the name of the rabbis of Caesarea: spider sickness⁹⁶ is dangerous. Rabbi Samuel bar Rav Isaac: gangrene is dangerous. Rabbi Jeremiah said, one can put sour dough on it on Passover⁹⁷. A boil is permitted.⁹⁸ Rabbi Yose said, the Mishnah says this⁹⁹: "A small needle to remove a thorn." Otherwise, what is the difference between a thorn and a boil? Darkening of the eye¹⁰⁰, they asked Rabbi Jeremiah. He told them, is not Rabbi Abba available for you? They asked Rabbi Abba who permitted it to them. He¹⁰¹ told them, also I am permitting it.

84 In the Babli, 28a, this is the position of Rebbi Immi. Since medical practice usually involves activities biblically forbidden on the Sabbath, such as compounding medicines and ointments or surgical interventions, also healing activities which

do not involve these prohibitions are rabbinically forbidden on the Sabbath. However, if a condition is life-threatening, Sabbath prohibitions do not apply. A declaration that “one heals such-and-such a condition on the Sabbath” is the equivalent of declaring the condition as life-threatening.

85 Mishnah *Šabbat* 14:4. While one is permitted to drink (diluted) vinegar on the Sabbath, one may not use it as a pain killer since this is medical treatment of a situation which in general is not life-threatening.

86 Babli 27b/28a, in the name of R. Johanan.

87 Any injury to the skull bones.

88 Babli 28b. The translation used here of “daughters of the ear” is an interpretation of Rashi’s explanation in the Babli: “Sinews of the ear which sometimes are lowered and keep the jaws open; then it is necessary to lift them and this is dangerous.”

89 “An eye which rebelled”: it feels as if the eye would leave its place. Babli 28b.

90 Any wounds at these places are considered life-threatening. Babli 28a.

91 Dark red color of a wound is indication of a life-threatening infection.

92 Babli *Šabbat* 108b, with the names of Rav and Samuel switched. Since people sometimes put wine on their eyelids for

non-medical reasons, it is permitted to do the same for minor aches for which medical intervention would be forbidden on the Sabbath.

93 A skin disease, purely external.

94 “Frog” (Aramaic), Latin *ranula*, an infection of the mouth.

95 The text in parentheses is from the Leiden ms., the one in brackets from G and **ש**.

96 This may either describe the bite of a spider or more likely a cancerous growth looking like a spider.

97 Using leavened matter on Passover is a deadly sin but for medical purposes in life threatening situations it may be used without hesitation.

98 A boil filled with pus may be opened on the Sabbath.

99 Mishnah *Šabbat* 17:2. As a matter of principle one may move a vessel on the Sabbath only if it is of any use on this day. A sewing needle cannot be used for its usual function on the Sabbath but may be used to remove a thorn in one’s foot or to open a boil.

100 This may describe a cataract or glaucoma.

101 R. Jeremiah. G ends here.

רבי אבהו בשם רבי יוחנן. אהו צפדונה ספנתא. רבי יוחנן הנה ליה והנה מיתסי קומי דתימטניס בטיבריא. בערובתא נחת לגבה. אמר לה. מצדו? אלא למחר כלום. אמרה ליה. לא. ואין צרכת סב גרעינין דתומרין. ואית דאמר. דניקלבסין בפלגיהון וקידין ואור דשערין וצואת קטן נגיבה ושחוק וטפול ולא תימר קומי בר נש. למחר אעל ודרשה בבי מדרשא. שמעת וחנוקה גרמה. ואית דאמרין. את שמע מינה תלת. שמע מינה.

אָהן צופֿדנָה סַכְנָתָא. שְׁמַע מִינָהּ. כָּל־שָׁהוּא מִן הַשָּׁפָה וְלִפְנֵים כְּרִפִּין אוֹתוֹ בְּשַׁבָּת. שְׁמַע מִינָהּ. כִּי דָמַר רַבִּי יַעֲקֹב בַּר אֲחָא בְּשֵׁם רַבִּי יוֹחָנָן. אִם הִיא רֹפְאָא אוֹמֵן מוֹתָר. רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי הָיָה לִיה קוֹלוֹס וְהוֹרֵן לִיה רַבִּי חֲנִינָה וְרַבִּי יוֹנָתָן מִישְׁחֹק תַּחְלוּסִין וּמֵיתָן גּוֹ חֲמָרָא עֲתִיקָא וּמִישְׁתִּי וְלֹא יִסְכֵּן.

1 צפדונה | ש ציפורנה (ספדונה) הוא ליה | ש מטתיה כן 2 דתימטיניס | ש ברתייה דדמיטינוס בטיבריא | ש דטיבריא נחת | ש בפתי רומשא סלק למחר כלום | ש כלום למחר 3 צרכת | ש צרבתה 3-4 גרעינין דתומריין. אית דאמרי דניקלבסין בפלגיהון יקדין ואור דשערין וצואת קטן נגיבה ושחוק | ש גלעינין דתמרין בפלגיהון יקדין. ואית דאמרי דניקלבס. ועור דשערין וצואה דמיינוק יבישה. שחוק 4-5 בבי מדרשא | ש בציבורא 5 שמעת וחנקת גרמה | ש אית דאמרי דחנקת נפשה איתגיירת | ש דאיתגיירת שמע | ש את שמע 6 אהן צופדנה סבנתא | ש הון ציפדונה סכנה שמע | ש את שמע כל | ש דכל בשבת | ש - שמע | ש ואת שמע 7 כיי דמר | ש ההוא דאמ' 8 והורין | ש הורין חנינה | ש חנינא - | ש בשותא 9 ומישתי | ש וישתי

¹⁰²Rebbi Abbahu in the name of Rebbi Johanan. Scurvy¹⁰³ is dangerous. Rebbi Johanan had it; he was treated by the daughter of Domitianus¹⁰⁴ of Tiberias. Friday evening he went down to her¹⁰⁵ and asked her, will I need anything tomorrow? She said no, but if you need anything take date pits, some say of Nicolaus dates, split and heated, skin¹⁰⁶ of barley grain, and dry excrement of a baby, grind it and apply it; do not tell this to anybody. The next day he went up and preached it in the House of Study¹⁰⁷. She heard it and strangled herself; but some say that she converted¹⁰⁸. You understand from this three things. You understand that scurvy is dangerous. You understand that anything inside of the lips one heals on the Sabbath^{84,109}. You understand what Rebbi Jacob bar Aha said in the name of Rebbi Johanan: If he was a professional healer it is permitted.

Rebbi Joshua ben Levy was suffering from colic¹¹⁰; Rebbi Hanina and Rebbi Jonathan instructed him to grind *tahlusin*¹¹¹, put it in old wine and drink it to avoid becoming endangered¹¹².

102 It seems that the original of this paragraph is in *Šabbat* 14:4. Babli 28a.

103 This is the meaning of צַפְדָּנָה in modern Hebrew. The different vocalization here is based on the text in *Šabbat*. Rashi in the Babli explains the word as French *muguet*, English thrush, a sickness producing a musk like smell of the mouth.

104 Translation of the text in *Šabbat*. Here

“Domitianus’s”. If they are professionals, female doctors are as acceptable as male.

105 In *Šabbat* 14:4, “went up.” In Tiberias, one goes up or down, almost never level.

106 Bran.

107 In *Šabbat* 14:4 “in public”, which is the better version.

108 Either she committed suicide because

she lost her trade secret or she converted because she admired R. Johanan who made the recipe public and did not try to make money through his knowledge.

109 Since R. Johanan acted on this, it is practice notwithstanding R. Ze'ira's criticism.

110 Greek *κῶλον*, "gut, disease of the colon."

111 This probably is a plural of תוקלא "hard unripe date" which can be ground

rather than תחלי "cress, nasturtium" which could be cut but not ground.

112 Since this is not a usual drink; its use on the Sabbath is rabbinically prohibited but to avoid future danger this prohibition can be waived. R. Joshua ben Levy was himself at least as qualified as the other two authorities to decide but he did not want to apply a leniency to himself on his own word.

42d line 40) בר בריה הוה ליה בלע. אתא חד ולחש ליה בשמיה דישו בן פנדרא ואינש. מי נפק אמר ליה. מאי אמרת עלי. אמר ליה. מילת פלן. אמר. מה הוה ליה אילו מית ולא שמיע הדא מילתא. והוות ליה בן פשגגה שניצא לפני השליט.

1 חד | ש חד בר נש בשמיה | ש מו שמיה בן פנדרא | ש פנטרא מי נפק | ש כדנפיק 2 מאי אמרת עלי | ש מאן לחשתה ליה מה | ש ניח מית | ש הוה מיית 3 שמע הדא מילתא | ש כן שיצא לפני | ש שיוצא מלפני

רבי יעקב בשם רבי יוחנן. בכל מתרפין חוץ מעבודה זרה וגילוי עריות ושפיכות דמים. רבי פינחס בעי. עד כדון. קשאמר לו. הבא לי עלים מעבודה זרה. והביא לו. אמר לו. הבא לי עלים סתם. והביא לו מעבודה זרה. נשמענה מן הדא. רבי אחא הוה ליה צמרמורין. אייתון ליה מן זכרונתיה דדוהי ולא אישתה. אייתון לרבי יונה ואישתי. אמר רבי מנא. אילו הוה רבי יונה אבא ידע מאן הוון לא הוה שתי.

1 יעקב | ש יעקב בר אידי 2 עלים | ש עצים הבא | ש הביא 3 אחא | ש יונה 4 דוהי | ש דדורי ולא אישתה | ש ושתי אייתון לר' יונה ואישתי | ש ר' אחא אייתון ליה ולא שתה 5 הוה ר' יונה אבא ידע | ש ידע ר' יונה אבא ידע מאן הוון | ש מן הוה הוה שתי | ש אשתה

אמר רבי הונא. זאת אומרת שאין מתרפין מגילוי עריות. דתני. שבת הותרה מכללה. נערה המאורסה לא הותרה מכללה. שבת שהותרה מכללה לא להתרפות. ודכוותה נערה המאורסה לא הותרה ואפילו להתרפות. ולא סוף דבר שאמר לו. הבא לי אשת איש. אלא אפילו לשמוע את קולה. כהדא חד בר נש רחם איתא ביומוי דרבי לעזר וסכן. אתון שאלון לרבי לעזר. מהו דתיעבור קומוי ויחי. אמר לו. ימות ולא כן. מהו דישמע קולה ויחי. אמר לו. ימות ולא כן. ומה הוות. רבי יעקב בר אידי ורבי יצחק בר נחמן. חד אמר. אשת איש הווי. וחד אמר. פנויה. מאן דמר אשת איש ניחא. ומאן דמר פנויה. והא בר כוחא נגרא רחם איתתא ביומוי דרבי לעזר וסכן. כאן באשת איש כאן בפנויה. ואפילו תיקמא. כאן וכאן בפנויה וכאן באשת איש. תיפתר שנתן עינו בה עד שהיא אשת איש. אית דבעי מימר. איתנה רובה הוות ולא הוות משמע ליה. וכל-מה דהוה עבד באיסור הוה מעבד. בגין כן לא שרא ליה.

1 הוּנָא | ש' חוּנָה | זֹאת אוֹמֶרֶת | ש' מוֹתִינָא אַמְרָה כֵּן | דְּתַנִּי | ש' וְתַנִּי כֵּן | שְׁבֵת הוֹתֵרָה מִכְלָלָה | ש' לִפְיֵךְ הוֹתֵר מִכְלָל שְׁבֵת | 2 נַעֲרָה הַמְּאֹרְסָה לֹא הוֹתֵרָה מִכְלָלָה | ש' וְלֹא תוֹתֵר מִכְלָל נַעֲרָה מְאֹרְסָה | שְׁבֵת שֶׁהוֹתֵרָה מִכְלָלָה | ש' הוֹתֵר מִכְלָל שְׁבֵת | לֹא | ש' וְלֹא | 3 נַעֲרָה הַמְּאֹרְסָה לֹא הוֹתֵרָה מִכְלָלָה וְאִפִּילוּ | ש' לֹא הוֹתֵר מִכְלָל נַעֲרָה מְאֹרְסָה אִפִּילוּ | ש' לֹא | 4 לַעֲזֹר | ש' אֲלַעֲזֹר | 5 לֵר' | לַעֲזֹר | ש' לִיה | דְּתִיעֵבֹר | ש' תִּיעֵבֹר | לֹן | ש' - דִּישְׁמָה קוֹלָה וִיחִי | ש' יִשְׁמָה קֹלָה וְלֹא יָמוּת | 6 וְמָה | ש' מָה | 7 הוּוּי | ש' - | ש' וְחֹרְנָה | 8 אִיתֵנָא | ש' אִיתָא | לַעֲזֹר | ש' אֲלַעֲזֹר | וְסִכֵּן | ש' וְשָׂרָא לִיה | בִּאשְׁתִּי אִישׁ | ש' בִּפְנוּיָה | ש' בִּאשְׁתִּי אִישׁ | תִּימָא | ש' תִּימֵר | 9 בִּפְנוּיָה | ש' בִּאשְׁתִּי אִישׁ | בִּאשְׁתִּי אִישׁ | ש' בִּפְנוּיָה | 10 וְלֹא הוּוּת מִשְׁמַע לִיה | ש' וְלֹא מִנְסָבָה | עֲבַד | ש' מַעֲבַד | 11 לֹא שָׂרָא | ש' אִסֵּר

אָמַר רַבִּי חֲנִינָה. זֹאת אוֹמֶרֶת שְׂאִין מוֹתְרִין מִשְׁפִּיחוֹת דְּמִים. דְּתִנְיָן תַּמָּן. יֵצֵא רִבּוֹ אֵין נוֹגְעִין בּוֹ כּוֹל. חִישִׁינָן שְׂלָא יָמוּת. וְאֵין דּוֹחִין נָפֶשׁ מִפְּנֵי נָפֶשׁ. לֹא סוּף דְּבַר שְׂאֵמֶר לוֹ. הָרוֹג אֶת אִישׁ פְּלוֹנִי. אֶלָּא אָמַר לוֹ. חֲמוּס אֶת אִישׁ פְּלוֹנִי. גּוֹי בְּגוֹי גּוֹי בִּישְׂרָאֵל חִיב. יִשְׂרָאֵל בְּגוֹי פְּטוֹר. רַב חֲסֵדָא בְּעֵי. מָהוּ לְהַצִּיל אֶת הַגְּדוֹל בְּנִפְשׁוֹ שְׁלֵקְטוֹן. הַתִּיב רַבִּי יִרְמְיָה. וְהַתָּנָן. יֵצֵא רִבּוֹ אֵין נוֹגְעִין בּוֹ שְׂאִין דּוֹחִין נָפֶשׁ מִפְּנֵי נָפֶשׁ. רַבִּי יוֹסִי בִּירְבִּי בּוֹן בְּשֵׁם רַבִּי לִי. שְׁנִינָא הֵיא תַמָּן דְּלֹא נוֹדַע מִי הוֹרָג אֶת מִי.

1 זֹאת אוֹמֶרֶת | ש' מוֹתִינָא אַמְרָה כֵּן | 2 כּוֹל חִישִׁינָן שְׂלָא יָמוּת וְאֵין | ש' שְׂאִין | ש' אִשְׁמִ' | ש' בִּשְׂאִי | 3 אִישׁ | ש' - | אִמִּי | לֹא | ש' אִפִּילוּ | גּוֹי בְּגוֹי גּוֹי בִּישְׂרָאֵל חִיב. יִשְׂרָאֵל בְּגוֹי פְּטוֹר. יִשְׂרָאֵל בְּגוֹי מוֹתֵר. | 4 אֶת הַגְּדוֹל | ש' נִפְשׁוֹ שְׁלֵקְטוֹן | וְהַתָּנָן | ש' וְלֹא מוֹתִינָא הֵיא | 5 ר' לִי | ש' רַב חֲסֵדָא | 6 דְּלֹא נוֹדַע | ש' שְׂאִין | אֶת יוֹדַע

מַעֲשֶׂה בְּאַלְעָזָר בֶּן דְּמָא שֶׁנִּשְׁכָּחוּ נַחֲשׁ וּבָא יַעֲקֹב אִישׁ כִּפָּר סָמָא לְרִפּוּתוֹ. אָמַר לוֹ. יִמָּא לָךְ בְּשֵׁם יֵשׁוּ בֶן פְּנִדְרָא. אָמַר לוֹ רַבִּי יִשְׁמַעֲלֵל. אֵי אַתָּה רִשְׁאִי בֶן דְּמָא. אָמַר לוֹ. אֲנִי אָבִיא רִאִיָּה שִׁירְפִּיאִי. לֹא הִסְפִּיק לְהִבִּיא רִאִיָּה עַד שְׁמִתָּ. אָמַר לוֹ רַבִּי יִשְׁמַעֲלֵל. אֲשֶׁרִיד בֶּן דְּמָה. שְׁנִצְאָתָּ בְּשִׁלּוּם מִן הָעוֹלָם וְלֹא פִרְצָתָּ גְדִירָן שְׁלַחְכְּמִים. לְקִיָּים מַה שְׁנִצְאָמֵר וּפּוֹרָץ גְּדִירָן יִשְׁכְּנוּ נַחֲשׁ. וְלֹא נַחֲשׁ נִשְׁכּוּ. אֶלָּא שְׂלָא יִשְׁכְּנוּ לַעֲתֵד לְבּוֹא. וְמָה הָוּה לִיה לְמִימֵר. אֲשֶׁר יַעֲשֶׂה אוֹתָם הָאֲדָם וְחֵי בָהֶם

1 בְּאַלְעָזָר | ש' בְּר' אֲלַעֲזֹר | לְרִפּוּתוֹ. אִמִּי | לֹא. יִמָּא לָךְ | ש' מִשְׁשׁ | 2 פְּנִדְרָא | ש' פְּנִדְרָא לְרִפּוּתוֹ | אִמִּי | ש' וְלֹא הִנִּיחַ | אֵי אַתָּה רִשְׁאִי בֶן דְּמָא | ש' - | 3 שִׁירְפִּיאִי | ש' שִׁירְפִּיאִי שְׁמִתָּ | ש' שְׁמִתָּ בֶן דְּמָה | 4 פִּרְצָתָּ | ש' פִּרְצָתָה | ש' שְׁלַחְכְּמִים | ש' שְׁלַחְכְּמִים לְקִיָּים מַה שֶׁנ' | ש' דְּכַת' | 5 יִשְׁכְּנוּ | ש' יִשְׁכְּנוּ נַחֲשׁ לְמִימֵר | ש' מִימֵר

His¹¹³ grandson suffered from choking; there came one, whispered something in the name of Jesus ben Pandera¹¹⁴ and he could breathe. When he left, he asked him¹¹⁵, what did you say over him? He answered, such and such words. He said, it would have been better for him had he died and not heard these words. It happened to him¹¹⁶, like an erroneous order from a ruler.

Rebbi Jacob [bar Idi]¹¹⁷ in the name of Rebbi Johanan: One heals with anything except pagan worship, uncovering nakedness, and spilling blood¹¹⁸. Rebbi Phineas asked: So far if he said, bring me leaves from pagan worship, and he brought him. If he said to him bring me leaves (unspecified) and he brought him from pagan worship? Let us hear from the following: Rebbi Aḥa had a fever attack. They brought him from the penis of Dohi¹¹⁹ but

he did not drink. They brought to Rabbi Jonah and he drank. Rabbi Mana said, if my father Rabbi Jonah had known from where it was, he would not have drunk¹²⁰.

Rebbi Huna said, (this means) [a *baraita* implies]¹²¹ that one does not heal through uncovering nakedness¹²², as it was stated: The Sabbath was permitted in exceptional cases; the betrothed maiden was never permitted in exceptional cases¹²³. Was not the Sabbath permitted in exceptional cases for healing? Therefore the betrothed maiden was never permitted, not even for healing. Not only if one said to another, bring me a married woman, but even to hear her voice, as the following¹²⁴: In the days of Rebbi Eleazar a man loved a woman and fell dangerously ill. They came and asked Rebbi Eleazar, should she parade before him that he may live? He said to them, he should die but not this. May he hear her voice and live? He said to them, he should die but not this. How was it? Rebbi Jacob bar Idi and Rebbi Isaac bar Nahman, one said, she was a married woman, but one said, she was single. One who said that she was a married woman we understand. But the one who said that she was single? Did not Bar Koḥa the carpenter¹²⁵ love a woman in the days of Rebbi Eleazar and (became dangerously sick) [and he permitted him]¹²⁶? One case about a married woman and the other about a single one. Even you may say, here and here about a single one, here and here about a married woman. Explain it that he became infatuated with her when she still was married. Some want to say, she was a woman of substance (and did not listen to him) [and did not want to marry.]¹²⁷ Everything which he did was forbidden; therefore he did permit nothing to him.

Rebbi Ḥanina said, (this means) [a *baraita* implies]¹²¹ that one does not heal through spilling blood, as we have stated there¹²⁸: “If most of his body was outside one does not touch him,” we suspect that he will live¹²⁹, “for one does not push aside one life before another life.” Not only if one would say, kill this person, but even if he tell him, injure that person. A Gentile against a Gentile, a Gentile against a Jew, is liable¹³⁰. A Jew against a Gentile is not liable¹³¹. Rav Ḥisda asked, may one save the life of an adult with the life of a minor? Rebbi Jeremiah objected, did we not state, “If most of his body was outside one does not touch him, for one does not push aside one life before

another life”? Rabbi Yose ben Rabbi Abun in the name of Rabbi Levi:¹³² There it is different for it is not known who is endangering whom.

¹³³It happened that Eleazar ben Dama was bitten by a snake and Jacob from Kefar-Sama came to heal him (,and told him, I shall speak to you)¹³⁴ in the name of Jesus ben Pandera. Rabbi Ismael said to him, Ben Dama you are not allowed. He told him, I shall bring a proof that he can heal me. He could not bring proof before he died. Rabbi Ismael said to him, you are blessed, ben Dama, that you left this world in peace and did not tear down the fences of the Sages, (to confirm)¹³⁴ as it is written¹³⁵, *he who tears down a fence will be bitten by a snake*. But did not a snake bite him? But that it will not bite him in the Future World¹³⁶. What could he have said? *Which a person should do and live by them*¹³⁷.

113 R. Joshua ben Levi's grandson.

114 This name (or *Pantera*) is unexplained. [Perhaps a distortion of Greek πανταρκής, Latin *Pantarcēs*, “all-helping”, a surname of Jupiter (E. G.)].

115 R. Joshua ben Levi asked the Christian missionary.

116 The grandson died.

117 From the text in *Šabbat*, needed for chronological reasons. In the Babli, *Pesaḥim* 25a, the tradition is by R. Abin (Abun) in the name of R. Joḥanan.

118 The three sins which one is not permitted to commit even in order to save one's life. Since Christian faith healing is rejected before pagan healing is discussed it is clear that it is not rejected as pagan but as falsely claiming to be Jewish.

119 A pagan statue with a spout in form of a penis, like Brussel's Manneken Piss.

120 Therefore healing by idolatrous materials is forbidden even if not specifically asked for.

121 Since the proof follows the statement,

the text in brackets, from *Šabbat*, has to be preferred over the text here (in parentheses).

122 The technical term for criminal acts of a sexual nature, including but not restricted to incest and adultery.

123 The laws of the Sabbath are suspended in the Temple where the prescribed sacrifices are slaughtered and burned, actions which outside would be capital crimes. But a preliminarily married woman is absolutely forbidden for any man without exception.

124 Babli *Sanhedrin* 75a. The text in the Babli makes it clear that R. Eleazar here is the Tanna, ben Shammai.

125 It is possible that Ben Koḥa is not a proper name but means “strongman”.

126 The text in brackets is from *Šabbat*, to be preferred over the text here in parentheses. The main point is that R. Eleazar permitted the man to date the woman and to contract a marriage which was neither pre-arranged nor brokered.

127 The text in brackets is from *Šabbat*, to

be preferred over the text here in parentheses. In the Babli they hold that the man was not interested in marriage at all, only in sex.

128 Mishnah *Ahilut* 7:6. The Mishnah states that if a child during childbirth endangers the life of the mother one saves the mother's life by cutting the fetus into pieces. But if head and part of the body are already born so that the baby breathes on his own one may not harm him. Maimonides in his Mishnah Commentary notes "all this is obvious and does not need commentary."

129 Even though the baby might be stillborn (this includes the possibility that he might not live for a full thirty days after birth, in which case a person killing the

baby could not be prosecuted for murder), if actually he is breathing on his own he must be treated as certainly being alive.

130 Is prosecutable in a Jewish court.

131 Is not prosecutable by biblical rules, only by the king's police powers (cf. *Sanhedrin* 6:5 Note 75).

132 In *Šabbat*: Rav Ḥisda.

133 Babli 27b. According to this source, ben Dama was the son of R. Ismael's sister.

134 Addition in the text here.

135 *Eccl.* 10:8. The fence is a stone wall without mortar with holes in which a snake may hide.

136 The mythical snake which seduced Eve.

137 *Lev.* 18:5.

41a line 4) המספר לגוי מספר עד שמגיע לבגורית. וכיון שמגיע לבגורית הרי זה מושך את גידו. המספר מן הגוי הרי זה רואה במראה. מן הכותי אינו רואה במראה. התירו לבית רבי שיהו רואין. שהיו זקוקין למלכות. שלשה דברים התירו לבית רבי. שיהו רואין במראה ושיהו מספרין קומי ושילמדו את בניהון וזונית. שהיו זקוקין למלכות.

"One who cuts a Gentile's hair cuts it until he comes to the lock"¹³⁸. Once he comes to the lock he desists. One who gets a haircut from a Gentile looks in the mirror¹³⁹, from a Samaritan he does not look into the mirror¹⁴⁰. They permitted the family of Rebbi¹⁴¹ that they might look, because they were in need of Roman government connections.¹⁴² Three things they permitted the House of Rebbi, that they might look into a mirror, that they got a haircut with a lock¹⁴³, and that they taught their children Greek¹⁴⁴, because they were in need of Roman government connections.

138 A word of undetermined etymology which R. Ḥananel in his Commentary to *Sanhedrin* 21a explains by Arabic *دواية* which means both a toupee and a mane; cf. Chapter 1, Note 105. Levy suggests Latin

vellera crinis.

139 To make sure that the Gentile will not cut his throat. In general, for a man to look in a mirror to check on his grooming is rabbinically forbidden as "woman's garb" (*Deut.* 22:5). Babli 29a.

140 Since they are (Sadducee) Jews, there is no reason to allow looking in a mirror.

141 The Patriarch's family, the official representative of the Jews vis-a-vis the Roman Government from the Severan Emperors to Theodosius II.

142 Tosephta 3:4.

143 Greek κόμη.

144 Not simply the Greek language which every trader had to master but Greek education, literature, and philosophy, which are intrinsically pagan. Babli *Soṭah* 49b.

9) (41a line 9) חד גיור הנה ספר והנה איצטרולוגוס והנה חמי באיצטרולוגיא דידה דיהודאי אשכין אדמיה ולא הוון אלא אמגנירתיה. והנה יודאי אצל בעי מיספרה גביה קטיל ליה. כמן קטל. רבי לעזר בר יוסי אמר. שמונים. רבי יוסי בירבי בון אמר. שלש מאות. ובסוף נתפללו עליו וחזר לסיאורו.

תני. גוי שמוכר ספרים תפילין ומזוזות אין לוקחין ממנו. והתני. מעשה בגוי אחד בצידן שהיה מוכר תפילין ספרים ומזוזות. ובא מעשה לפני חכמים ואמרו. מותר ליקח ממנו. רבי שמואל בר נתן בשם רבי חמא בר חנינה. בגר שחזר לשיאורו הלה.

A convert was a barber and astrologer¹⁴⁵. He saw in his astrology¹⁴⁵ that Jews were spilling his blood. This only referred to his circumcision but when a Jew came to him to get a haircut, he killed him. How many did he kill? Rabbi Eleazar ben Rabbi Yose said eighty. Rabbi Yose ben Rabbi Abun said three hundred. At the end they prayed about him and he returned to his origin¹⁴⁶.

¹⁴⁷ It was stated: One does not buy from a Gentile who sells Torah scrolls, phylacteries, and *mezuzzot*¹⁴⁸. ¹⁴⁹“It happened that a Gentile in Sidon was selling phylacteries, Torah scrolls, and *mezuzzot*. The case came before the Sages who ruled that one might buy from him.” Rabbi Samuel ben Nahman in the name of Rabbi Hama bar Hanina: This was a convert who returned to his origin¹⁵⁰.

145 Greek ἀστρολόγος, ἀστρολογία.

146 Then Jews who came to his place had to watch in a mirror what he was doing.

147 *Gittin* 4:6, Notes 170-172.

148 This opposes a Tosephta (3:6, Babli *Gittin* 45b) which permits to buy these from a Gentile trader if one is able to check that they are written according to the special rules. The problem is that one may be able

to verify that all letters were written correctly but it is impossible to verify that the leather (or in later technology the parchment) was prepared correctly and that they were written by a Jew obligated to have one of these. The latter requirement is indispensable.

149 Tosephta 3:7, Babli *Gittin* 45b.

150 Since conversion to Judaism is

irreversible, even if he starts following pagan rites again he remains obligated to wear phylacteries, to affix a *mezuzah* to his

doorpost, and to study Torah, i. e., also empowered to write it.

משנה ג: אֵילֹו דְּבָרִים שֶׁל גִּוּוֹם אֲסוּרִין וְאֲסוּרִין אֲסוּר הַנָּאָה הַמֵּין וְהַחֹמֶץ שֶׁל גִּוּוֹם שֶׁהָיָה מִתְחִילָתוֹ יֵין וְהָרֶם אֲדָרִיגִי וְעוֹרוֹת לְכוּבִין. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר בְּזִמְן שֶׁתִּקְרַע שֶׁלֹּו גִּוּוֹם אֲסוּר וּמִשּׁוֹךְ מוֹתֵר. וְכִשֶּׁר הַנִּכְנָס לְעִבּוּדָה זָרָה מוֹתֵר וְהַיּוֹצֵא אֲסוּר מִפְּנֵי שֶׁהוּא זָכוּי מֵתִים דְּבָרֵי רַבִּי עֲקִיבָה. הַחֹלְכִין לְתַרְפוֹת אֲסוּר מִלְּשָׂאת וּמִלְּתֵת עִמָּהֶן.

Mishnah 3: The following Gentile properties are forbidden and the prohibition is of usufruct: Wine¹⁵¹, and vinegar which originally was wine¹⁵², and Hadrianic pottery,¹⁵³ and heart-removed skins¹⁵⁴. Rabban Simeon ben Gamliel says, if the tear is circular they are forbidden, oblong permitted. Meat brought into a pagan Temple is permitted but what leaves is forbidden because it is sacrifice to the dead, the words of Rabbi Aqiba¹⁵⁵. It is forbidden to trade with those who go to ugliness¹⁵⁶.

151 One may assume that the Gentile before drinking the wine made a libation to the gods. If done for a full barrel, it makes all the wine in the barrel forbidden as חֶרֶם (Deut. 13:18) which biblically is forbidden for all usufruct.

152 Even though it is no longer wine and cannot be used for libations, since it remains usable the original prohibition is not removed.

153 Very porous earthenware which is soaked in wine to absorb it. It is taken on caravan trips to give a taste of wine to water

taken on the trip.

154 Skins of the belly which show that the heart was removed before the animal was skinned. This is done only in pagan rituals; the animal including any parts not used in pagan worship is חֶרֶם.

155 The expression "sacrifice to the dead" is from Ps. 106:26; it describes all pagan sacrifices.

156 This is the meaning of the word in other contexts. The meaning here is not uncontested, cf. Notes 220 ff.

הלכה ג: אֵילֹו דְּבָרִים שֶׁלְּגוּוֹם אֲסוּרִין כּוֹל. רַבִּי יִצְחָק בַּר נַחְמִין בָּשֵׁם רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי הָיָה אָמֵר. מִתּוֹק מֵר חֵד אֵין בָּהֶן מִשּׁוּם גִּילִי. רַבִּי סִימּוֹן בָּשֵׁם רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי. הַחֵד וְהַמֵּר וְהַמִּתּוֹק אֵין בָּהֶן מִשּׁוּם גִּילִי וְלֹא מִשּׁוּם יֵין נֶסֶף. רַבִּי סִימּוֹן מִכְּרֵשׁ. הַחֵד קוֹנְדִּיטוֹן. הַמֵּר פְּסִינְטוֹן. וְהַמִּתּוֹק מֵהוּ. חִמְרָא מִבְּשָׂלָא. רַבִּי יְהוֹשֻׁעַ בֶּן זִידְלָה הָיָה לוֹ יֵין מִבוֹשָׁל

שְׁנֵיתֵי־יָחִיד בְּרִשּׁוֹת הַגּוֹי. שָׁאַל לְרַבִּי יֵנָאי בְּרַבִּי לְשִׁמְעָאֵל. אָמַר לֵיהּ. כֵּן אָמַר רַבִּי שְׁמַעוֹן בֶּן לִקְיִשׁ. מִתּוֹק אֵין בּוֹ לֹא מִשּׁוּם גִּילּוּי וְלֹא מִשּׁוּם יֵין נֶסֶד. רַבִּי יֵנָאי בְּרַבִּי לְשִׁמְעָאֵל אֵיבָאֵשׁ. סָלְקוּן רַבִּי יֵזְרָא וְרַבִּי יְהוֹשֻׁעַ וְרַבִּי בּוֹן בַּר כְּהֵנָא וְרַבִּי חֲנִינְיָה הַבְּרִיָּהוּן דִּרְבֵּנּוּ מִבְּקֶרְתִּיהּ. אֲשָׁכְחוּן רַבִּי יְהוֹשֻׁעַ בֶּן זִידָל וְתִיב תַּמָּן. אָמְרִי. הָא מְרָה דְשִׁמּוּעָתָא וְהָא מְרָה דְעוּבָדָא מִשְׁאַלְוִינִיהּ. אָמַר לוֹן. כֵּן אָמַר רִישׁ לִקְיִשׁ. מִתּוֹק אֵין בּוֹ לֹא מִשּׁוּם גִּילּוּי וְלֹא מִשּׁוּם יֵין נֶסֶד. אָמַר לֵיהּ. דִּילְמָא מִן הֵדָא דְרַבִּי שְׁמַעוֹן בֶּן לִקְיִשׁ דָּאָבָן אָבָן. אָמַר לוֹן. לְעוּבָדָה וְסִמְכוֹן עָלֵי. מִן דְקִמּוֹן רַבִּי אִילָא עִם רַבִּי בּוֹן בַּר כְּהֵנָא אָמַר לֵיהּ. אִילּוּלָא דְאֶתְוִן רַחֲמִין שְׁמוּעָתָא. וְלֹא מִתְּנִיתָא הִיא. תַּנִּי רַבִּי חִיָּיָה. מְבוּשֶׁל שְׁלָגוּי לָמָּה הוּא אָסוּר. שְׁהִיָּה מִתְּחִילָתוֹ יֵין. אָמַר רַבִּי יוֹסִי. מִתְּנִיתָא אָמְרָה כֵּן. הֵינּוּ וְהַחֲמִץ שְׁהִיָּה מִתְּחִילָתוֹ יֵין.

Halakhah 3: “The following Gentile properties are forbidden,” etc.

¹⁵⁷Rebbi Isaac bar Nahman in the name of Rebbi Joshua ben Levi: Bitter, sweet, and hot are not under the rules of being uncovered¹⁵⁸. Rebbi Simon in the name of Rebbi Joshua ben Levi: The hot, the bitter, and the sweet are not under the rules of being uncovered or under those of libation wine¹⁵⁹. Rebbi Simon explains: The hot, spice wine¹⁶⁰. The bitter, vermouth wine¹⁶¹. And the sweet, cooked wine. Rebbi Joshua ben Zeidal had cooked wine which was left unsupervised in the custody of a Gentile. He asked Rebbi Yannai ben Rebbi Ismael who said to him, so says Rebbi Simeon ben Laqish: The sweet is not under the rules of being uncovered or under those of libation wine. Rebbi Yannai ben Rebbi Ismael fell ill. Rebbi Ze'ira, Rebbi (Joshua) [Hoshaia]¹⁶², Rebbi Abun bar Cahana, and Rebbi Ḥanianiah the colleague of the rabbis, went to visit him. They saw Rebbi Joshua ben Zeidal sitting there. They said, there is the master of the decision and the person of the happening, let us ask him. He said to them, so says Rebbi Simeon ben Laqish, the sweet is not under the rules of being uncovered or under those of libation wine. One said to him, maybe that of Rebbi Simeon ben Laqish is for argument's sake? He told them, it is for action and you can rely on it. When (they got up) [returned]¹⁶³, Rebbi Ila was standing with Rebbi Abun bar Cahana and told him, if you did not prefer decisions, is this not a *baraita*? As Rebbi Ḥiyya stated, “why is cooked wine of Gentiles forbidden? Because it started out as wine.”¹⁶⁴ Rebbi Yose said, the Mishnah says so, “wine and vinegar which originally was wine”¹⁶⁵.

157 This paragraph and many of the following have a parallel in *Terumot* 8:5 (Notes 82-111). At places the text here is a reformulation, not a direct copy, of the text there; though it is not excluded that both might represent the same original by two very different paths of copying.

158 In both Talmudim it is assumed that a snake will drink from uncovered unattended fluids and in the process poison the drink for humans. Then the drink cannot be used, neither can it be sold since this would be “putting a stone in the path of a blind person.” This makes uncovered unattended wine almost as forbidden as wine used for pagan practices.

159 Babli 30a. “Libation wine” is the technical term for Gentile wine which was used for pagan libations or other pagan ceremonies and therefore is forbidden for all

usufruct.

160 Latin (*vinum conditum*).

161 Greek ἀρτίσινθιον, “wormwood, *Artemisia Absinthium*.”

162 The text in brackets is the reading of the text in *Terumot*; it is preferred since no Amora “R. Joshua” without patronymic is known.

163 The text in brackets is the reading of the text in *Terumot*, the one in parenthesis is the text here.

164 Babli 29b. The statement implies that Jewish cooked wine (pasteurized grape juice) cannot become forbidden after being handled by a Gentile.

165 But anything manufactured from wine that was not originally forbidden does not become forbidden; same consequence as in the preceding Note.

40a line 34) רבי אמי הוּו ליה אורחין. אָמַר לוֹן. אילולי חמרא מבשלא ידידי מגלי לא הוינא משקתכון. אָמַר ליה רב ביבי. אייתון ואָנן שתינון. אָמַר. מאן דבְּעֵי מימת ימות גו ביתיה. בר יודנה הנה לי קונדיטון מגלי. שאל לרבניו ואָסֶרוֹן. ולא כן אָמַר רבי יצחק בר נחמן בשם רבי יהושע בן לוי. החד והמר והמתוק אין בהו משום גילוי. רבניו דקיסרין משום רבי יודה בר טיטוס. באו דשחיק חד לתלתא.

בעו קומי רבי אבהו. מבושל שנתגלה מהו. אָמַר לוֹן. קרינה צריכה לרבי יוחנן ואַתוֹן שְׁאֵלוּ לִי הָדָא. שְׁאֵלוּ לְרַבִּי יִצְחָק וְאָסֶר לוֹן. ואָנְהֵר רַבִּי אֲבָהוּ דְּמַר רַבִּי יוֹחָנָן אָסִיר.

¹⁶⁶Rebbi Immi had guests. He said to them, if my cooked wine had not been left uncovered, would I not have served you? Rebbi Vivian said, bring it and we shall drink. He answered, he who wants to die should go and die in his own house.

Bar Yudani had uncovered spice wine. He went and asked the rabbis who forbade it. But did not Rebbi Isaac bar Nahman say in the name of Rebbi Joshua ben Levi: The hot, the bitter, and the sweet, are not under the rules of

being uncovered. The rabbis of Caesarea in the name of Rabbi Judah bar Titus: About one which consists of one to three parts ground [spices]¹⁶⁷.

They asked before Rabbi Abbahu, what is the rule for uncovered cooked [wine]? He told them, Rabbi Johanan had a problem with *carenum*¹⁶⁸ and you are asking me this? They asked Rabbi Isaac and he forbade it to them. Then Rabbi Abbahu remembered that Rabbi Johanan had said, it is forbidden¹⁶⁹.

166 *Terumot* 8:5 Notes 91-94.

167 One part spices for every three parts wine (one fourth of the volume) is the minimal concentration for which R. Joshua ben Levi's rule may be applied.

168 Latin *carenum*, Greek *záporovov*, wine which by cooking has lost one third of its

volume. Since the alcohol-producing bacteria die at 13% alcohol by volume, if the volume has shrunk by one third certainly all alcohol had evaporated and no alcohol was left in the fluid.

169 R. Simeon ben Laqish's statement is rejected in practice.

(41a line 43) (רבי יעקב בר אבא רבי אמי בשם רבי לעזר.) בר נטוזה איתגלגלן ליה גיגיתיה. [איל לרבי בא בר ממל. אמר ליה. אם היה נכנס ויוצא מותר. רבי יעקב בר אבא רבי אמי בשם רבי לעזר. אם היה ישן מותר. רבי חנינה רבי יהושע בן לוי. חד אמר. ישן מותר. וחד אמר. ישן אסור. מסתברא דרבי חנינה אמר. ישן מותר. דבכל-אתר סמיך רבי לעזר לרבי חנינה.]

(Rabbi Jacob bar Aḥa, Rabbi Immi, in the name of Rabbi Eleazar.)¹⁷⁰ The barrel of Ben Neṭoza became uncovered. He went and asked Rabbi Abba bar Mamal, who told him, it is permitted. Rabbi Jacob bar Aḥa, Rabbi Immi, in the name of Rabbi Eleazar: if he was sleeping it is permitted¹⁷¹. Rabbi Ḥanina and Rabbi Joshua ben Levi, one said, if he was sleeping it is permitted; the other said, if he was sleeping it is forbidden. In is reasonable [to infer] that Rabbi Ḥanina said, if he was sleeping it is permitted, since Rabbi Eleazar everywhere relies on Rabbi Ḥanina¹⁷².

170 In the Leiden ms. this sentence was deleted by the scribe; it does not appear in the prints. In *Terumot*, the corresponding sentence reads: Rabbi Jacob bar Aḥa, Rabbi Immi, in the name of Rabbi Eleazar: if he was entering and leaving it is permitted. This means that one may assume that no

snake came out of its hole to eat from the food or drink the fluid if there was constant traffic in the room. The sentence really is needed to justify R. Abba bar Mamal's ruling in the sentence after the next. Possibly it was deleted to indicate that the passage here should not be considered an

exact copy of the text in *Terumot*. *Terumot* 8:5 Note 95.

171 Also here one does not assume that a snake would venture into the room, even though the story in the next paragraph disproves the assumption. The statement

also is rejected in the Babli, 30a.

172 The frequent disagreements of R. Eleazar and R. Johanan in both Talmudim really are disagreements between R. Hanina and R. Johanan.

(41a line 47) רבי יוסי בן שאול משתעי אהן עובדא. עובדא הוה איתא תדא דהוות מרחמא מצוותא ובעלה שנה מצוותא. אתא חד מסכן ויהבת קומוי ואכל. ארגישת בבועלה. אסליק וטמרתיה בעיליתה. תבת קומי בעלה ואכל ודמד ליה. אתא חזא ואכל מן קומוי. קם בעלה מן שיניתיה ובעא מיכול. שרי ההוא דעיליתה מלולי. תדא אמרה. לשן מותר. פריד הוה. ואינו אסור משום יחוד. כי נאפו ודם בדיהון. מכין דלא הוה חשיד על דא לא חשיד על דא.

¹⁷³Rebbi Yose ben Shaul understands it from the following occurrence. It happened that a woman loved to do good deeds but her husband hated good deeds. There came a poor man and she gave him to eat. While he was eating she noticed her husband; she made him climb and hid him in the upper floor. She returned to her husband who ate and fell asleep. There came a snake and ate from what was before him; her husband awoke from his sleep and wanted to eat. The one in the upper floor started to talk¹⁷⁴. That means if he was sleeping it is permitted¹⁷⁵. It was used to it. But is it not forbidden because of being alone? *For they committed adultery, blood is on their hands*¹⁷⁶. Since he is not suspected of one he is not suspected of the other¹⁷⁷.

173 *Terumot* 8:5 Notes 96-101; the text is somewhat reformulated.

174 To warn the husband not to eat from the leftovers.

175 Without warning the husband would have eaten the poisoned food. This proves both that the rule is that one may eat food left while a person is sleeping nearby and that the rule is questionable, at least if there

is a house snake familiar with the happenings there.

176 *Ez.* 23:37.

177 Since the guest saved the husband from danger to his life he is not suspected of wanting him to die; this also clears him of any suspicion of adultery (Babli *Nedarim* 81b).

(41a line 54) מעשה בחסיד אחד שהיה מגלגל בגילויים ולקה בדלקת. וראו אותו יושב ודורש ביום הכיפורים וצלוחית של מים בידו.

¹⁷⁸A pious person happened to be insistent in the matter of uncovered [drinks]; he was smitten with a fever. They saw him preaching on the Day of Atonement with a flask of water in his hand¹⁷⁹.

178 *Terumot* 8:5 Notes 104-105.

179 For medical reasons he would be permitted to take small sips of water on the day of the fast but it was extraordinary that he would have wanted to be seen with a

flask of water which might lead people to believe that he did not fast. He took that chance rather than to risk leaving the water unattended.

(41a line 56) מַעֲשֶׂה בְּטַבַּח אֶחָד בְּצִיפּוֹרִין שֶׁהָיָה מֵאֲכִיל אֶת יִשְׂרָאֵל נְבִילוֹת וּטְרִיפוֹת. פָּעַם אַחַת עָרַב יוֹם הַפִּיפּוֹרִים עִם חֲשִׁיכָה שֶׁתָּה יוֹן הָרֶבֶה וְנִשְׁתַּכַּר. וְעָלָה לְרֹאשׁ הַגֶּג וְנָפַל וּמָת. הִתְחִילוּ הַכְּלָבִים מְלַקְקִין בְּדָמּוֹ. אָתָּן וּשְׁאֵלוֹן לְרַבִּי חֲנִינָה. מָהוּ מֵיַעֲבֹרֶתִיָּה מִן קוֹמִיָּהוּן. אָמַר לָהֶן. פְּתִיב וְאִנְשֵׁי־קֹדֶשׁ תִּהְיוּ לִי וּבִשְׂרַב בְּשֹׁדֶה טְרֵפָה לֹא תֹאכְלוּ לְכָלֵב תִּשְׁלַכְנוּ אוֹתָוּ; זֶה גִּזְלֵי אֶת הַכְּלָבִים וְהֵאֲכִיל אֶת יִשְׂרָאֵל נְבִילוֹת וּטְרִיפוֹת. אֶרְפוּ לוֹן. מִדִּידְהוֹן אֵינוֹן אֶכְלִין.

¹⁸⁰It happened that a butcher in Sepphoris sold Jews carcasses and torn meats. Once on the eve of the day of Atonement before nightfall he drank a great deal of wine and became drunk. He went to the roof, fell down, and died. The dogs started to lick his blood; people came to ask Rebbi Hanina how to remove him from before them. He told them, it is written¹⁸¹, *holy people you shall be to Me; torn meat on the fields you shall not eat, you must throw it to the dogs*. This one robbed the dogs and fed the Jews carcasses and torn meat. Let them alone, they are eating from their own.

180 *Terumot* 8:5 Notes 102-103. Although in the first part the *Terumot* text appears as the original, from here on the order of texts makes more sense. The only connection the present paragraph has with the others is the

mention of the Day of Atonement (missing in *Terumot*) which was introduced in the preceding one (and continues in the next one with the original theme.)

181 *Ex.* 22:30.

(41a line 63) חֵד בַּר נֶשׁ הָיָה לִיָּה חֵד גָּרַב מִגְלִי בְּעִרְבִיבַת צוּמָא רַבָּא. אֲזַל בְּעִי לְמִישְׁפָּכִיָּה. אָמַר לִיָּה חֲבֵרִיָּה. אֵינִי וְאֵנָּה שְׁתֵּי לִיָּה. אָמַר לִיָּה. מִגְלִי הָיָה. אָמַר לִיָּה. מָרִיָּה דִּיּוּמָא קָאִים. לֹא אֶסְפֹּק מִיטַעֲם עַד דְּאִיתְחַלְחַל.

¹⁸²A person's amphora of wine became uncovered on the eve of the Great Fast. He went to pour it out; another person said to him, bring it and I shall

drink it. He told him, it was uncovered. He answered, does not the Master of the Day exist? He had not finished tasting when he started shaking.

רבי ירמיה בשם רבי חייה בר בא. כל-אירסים מעלין חטטין ושלנחש ממית. רבי חייה אמר. אין נשעלין על הגילויים. רבי ירמיה בעה קודם רבי זעירא. מריה דשמועתא אשאל ליה.

Rebbi Jeremiah in the name of Rebbi Ḥiyya bar Abba: All poisons cause scab but the poison of a snake kills¹⁸³. Rebbi Ḥiyya said, one is not asked about uncovered [drinks]¹⁸⁴. Rebbi Jeremiah asked before Rebbi Ze'ira; as master of the ruling he asked him¹⁸⁵.

מתנמנמ הנה. רבי זעירא הוה יתיב אכיל ברמשא. איטפי בוצינא יב גדיה על תומנתא. אדלקון בוצינא אשכחון אהן שפיפונא שהוא דומה לשערא כריף על תומנתא. אמר ליה. רשיעא. לא הוינא זהיר לך.

Rebbi Ze'ira was dozing; he was sitting and eating in the evening. The light went out; he put his hand on the toman¹⁸⁶. They lit the light and found a snakelet like a hair curled around it. He said to it, evil one, was I not careful about you?

אמר רבי אמאי. צריכין אנו חששין על מה דבריינתא חששין. אסיר למיתן פריטין גו פומה. פיתנתא תחות בית שחינא. תבשילא תותי ערסא. ולמיצע ספינא גו איטרוגא וספינא גו פוגלא. אמר רבי יוסי בירבי בון. כל-זיעה דנפקא מבר נשא סם המנות היא חוץ מזיעת הפנים.

Rebbi Immi said, one has to be careful with what the creatures are careful with: It is forbidden to put coins in one's mouth, a bread under the armpit, a dish under one's bed, and to stick a knife¹⁸⁷ in an *etrog*, or a knife into a radish. Rebbi Yose ben Rebbi Bun said, all sweat that exudes from a human is deadly poison except the sweat of the face.

אמר רבי ינאי. אין קטא קטא שיחור. ואין אובד אובד מרגלי. רבי יונתן כי הנה בר נש שאל ליה אמר ליה. ערבא דנפשד אגא. אמר רבי שמעון בן לקיש. אילו ללודין זבינת גרמך זבינתה גרמך בדמים ותיירין. וקא בדמין קלילין.

Rebbi Yannai said, if you bit something off, you bit off soot. If you lose, you lose a pearl¹⁸⁸. If anybody asked Rebbi Jonathan he told him: Am I the guarantor of your life? Rebbi Simeon ben Laqish said, if you sold yourself for the games¹⁸⁹, you would sell yourself for an excessive price; but here for a very cheap price.

182 *Terumot* 8:5 Notes 106-112. These are the last paragraphs having a parallel there.

183 Babli 31b: reptile poisons do not kill except that of a snake.

184 One should not ask a rabbi to authorize behavior that will endanger one's health. Babli 30a.

185 How could R. Jeremiah have asked if he is the person who teaches that one does not ask? He asked in order to be able to

formulate his rule.

186 A vessel containing half a *log* (a *hemina*, half a *sextarius*) of wine. Sine the room was dark he held that the presence of a human in the room would not deter a snake from drinking the wine. Babli 30a.

187 Store a knife there.

188 If you take chances with your health you may lose it.

189 Latin *ludi*; as a gladiator.

(41b line 3) רבי אסי רבי יוחנן בשם ר' בון בתירה. לין נסד שפפל לבור ימכר פולו לגוי חוץ מדמי לין נסד שבו. רבי אסי בשם רבי יוחנן. סתם יינם שפגוי אסור ואינו מטמא. הפקידו אצלו אסור בשתייה ומוותר בהנאה. רבי זעירא בעא קומי רבי יסא. מה. במיחד. אמר ליה. במפקיד. אתא רבי אבהו בשם רבי יוחנן. שלש יינות הן. שראה גוי מנסכו ונדאי דעבודה זרה מטמא טומאה חמורה כשרץ. סתם יינם שפגוי אסור ואינו מטמא. הפקידו אצלו בחותם אחד אסור בשתייה ומוותר בהנאה. אמר רבי ירמיה קומי רבי זעירא. חמי מה מר. לא מר אלא בחותם. הא בלא חותם אסור בשתייה ובהנאה. הורי רבי לעזר במיחד. והנה רבי זעירא חדי בה.

Rebbi Assi¹⁹⁰, Rebbi Johanan in the name of Ben Bathyra: If libation wine fell into a cistern, it should be sold entirely to a Gentile except the value of the libation wine contained in it¹⁹¹. Rebbi Assi in the name of Rebbi Johanan: Undetermined wine¹⁹² of a Gentile is forbidden¹⁹³ but does not make impure. If he deposited it¹⁹⁴ with him it is forbidden for drinking but permitted for usufruct. Rebbi Ze'ira asked before Rebbi Yasa, how? If he segregated it? He told him, if he deposited it¹⁹⁵. Rebbi Abbahu came in the name of Rebbi Johanan: There are three kinds of wine. If he saw the Gentile pouring a libation, it is certainly pagan worship and induces severe impurity like a reptile¹⁹⁶. Gentiles' undetermined wine is forbidden but does not cause impurity. If he deposited with him¹⁹³ with one seal it is forbidden to drink¹⁹⁴ and permitted for usufruct. Rebbi Jeremiah said before Rebbi Ze'ira: See what he said! He only said with a seal. Therefore without a seal it is forbidden for drinking and usufruct. Rebbi Eleazar instructed: if it was segregated; Rebbi Ze'ira enjoyed it¹⁹⁷.

190 This is the Babli's name of R. Yasa who later is quoted with his Galilean name. Note also in the first part Babylonian הנאה for Galilean הנייה.

191 This is Rabban Simeon ben Gamliel's opinion in Mishnah 5:13, opposed by the anonymous majority which declares the entire cistern as forbidden for usufruct. The Babli (74a) agrees that practice has to follow Rabban Simeon ben Gamliel.

192 Wine about whose previous use nothing is known.

193 In this sentence, "forbidden" means "forbidden for usufruct".

194 Wines produced by Jews if handled by Gentiles are permitted to drink only if they are guarded by an inner seal and an outer seal which make it practically impossible for the Gentile to get to the wine without being detected. If there is no double seal, the wine becomes forbidden to drink. The problem then is to determine when Jewish wine handled by a Gentile or in the custody of a

Gentile is permitted for usufruct.

195 In the first case, it was specified that the Jew's closed wine amphora has to be kept at a specified place, with the Jew being able to inspect the place and see that the condition was kept. In the second case the amphora is to be kept by the Gentile in his wine cellar, not separate from his own wine amphoras.

196 In rabbinic teaching in many aspects pagan worship induces impurity much more severe than that of a dead reptile, cf. Mishnah 3:13, *Šabbat* 9:1. In the Babli, 30b/31a, the formulation is more correctly "severe impurity".

197 Since R. Eleazar confirmed that he was correct in his question to R. Yasa, against R. Yasa. Since R. Eleazar died before R. Joḥanan, the entire discussion must be dated to the generation after R. Joḥanan, trying to understand the latter's teachings.

(41b line 13) תַּמָּן תִּינֵן. אֶצֶל הַנֶּכְרִי כְּפִירוּתָיו. רַבִּי שְׁמַעוֹן אוֹמֵר. דְּמַאי: רַבִּי חֲנִינְיָהּ בְּעָא קוֹמִי רַבִּי מָנִי. מַה. כְּפִירוּתָיו מִמַּשׁ טַעְמוֹ פּוֹטֵר טָבֵל בְּרוּר מִמָּקוֹם אַחֵר. אָמַר לֵיהּ. וְלִכְלֵל דְּבָהּ. וְלֹא עַל יְעוּת רַבִּי חֲנִינְיָהּ מִתְרַס לְקִיבֻלָּהּ. הִפְקִידוּ אֶצְלוֹ בְּחוּטָם. רַבִּי חֲנִינְיָהּ וְרַבִּי מָנָא. חַד אָמַר אֲסוּר. וְחַד אָמַר מוּתָר. מַה פְּלִיגִין. בְּהִנָּאָה. אֲבָל בְּשִׁתְיָהּ אֲסוּר.

There, we have stated¹⁹⁸: "With a Gentile, it is like his produce. Rabbi Simeon says, it is *demay*." Rabbi Ḥananiah asked before Rabbi Mani: Does it mean, really like his produce? Freeing what would be *tevel* at another place? He said to him, for all that is in it. Rabbi Ḥanina was uselessly opposing him¹⁹⁹.

If he deposited with him with a seal²⁰⁰. Rabbi Ḥananiah and Rabbi Mana, one says, prohibited²⁰¹, and one says, permitted. Where do they disagree? For usufruct. But for drinking it is forbidden.

198 Mishnah *Demay* 3:4. *Demay* is produce bought from a Jew who is suspected of not following rabbinic rules. He is presumed to have given heave, which is a small amount and the violation of whose prohibition is clearly a biblical deadly sin, but is suspected of neglecting all other rules (cf. Introduction to Tractate *Demay*). The anonymous majority holds that Gentile produce in the Land of Israel is free from the rules of heave and tithes. (For the opinion of R. Simeon, cf. *Demay* 3:4 Note 91). *Tevel* is Jewish produce from which no heave or tithes have been taken, forbidden for any Jew after storage.

199 The paragraph has a parallel in *Demay* 3:4, Notes 104-107. In the opinion of the anonymous Tanna, since the obligation of *tevel* starts only after storage, initial storage by a Gentile removes the obligation completely.

Since R. Mani (Mana I) was an Amora of the first generation, the name has to be Ḥanina in both occurrences unless one reads Mana (II) and Ḥanania in all occurrences here and the next paragraph.

The placing of the quote here can only

be understood with the help of the Babli (31a). In the preceding paragraph it was established that the Jew's wine stored with the Gentile under certain conditions remains permitted for usufruct. Then the question is why wine does not follow the rules of produce, that if stored by the Gentile it follows the rules of Gentile produce. While for grain this implies release from the obligations of heave and tithes, for wine it should imply prohibition of all usufruct. The answer is given in the next paragraph (having no parallel in the Babli) that the person who frees grain from heave and tithes forbids wine stored with the Gentile for usufruct.

200 A barrel or bottle of wine, deposited with a Gentile without being held at a separate place. As noted earlier, it remains permitted as a drink for Jews only if it is secured by a double seal. The question remains about its status if it is secured only by a single seal which makes it unlikely but not impossible for the Gentile to access the wine.

201 R. Mana..

(41b line 18) רב אמר. חב"ת אסור. חמפ"ג מותר. חתיכת דג שאין בו סימן. בשר. זין. תכלת. אסור בחותם אחד. חילתית. מוריס. פת. גבינה. מותר בחותם אחד. אמר רבי יודן. טעמא דרב. כל שאיסורו מגופו אסור בחותם אחד. על ידי תערובת מותר בחותם אחד. רבי יעקב בר אבא רבי שמעון בר אבא רבי לעזר בשם רבי חנינה רבי בא רבי חייה בשם רבי יוחנן רבי זעירא בשם רבי יהושע בן לוי. הכל מותר בחותם אחד חוץ מן היין.

Rav said, *hbyt* is forbidden, *hmpg*²⁰² is permitted. A piece of fish without distinguishing mark²⁰³, meat, wine, and dark blue color²⁰⁴, are forbidden with a single seal; *assa foetida*²⁰⁵, fish sauce²⁰⁶, bread, and cheese, are permitted with a single seal. Rabbi Yudan said, the reason of Rav is that anything which is forbidden in itself is forbidden with a single seal, if because of admixture it is

permitted with a single seal. Rabbi Jacob bar Aḥa, Rabbi Simeon bar Abba, Rabbi Eleazar in the name of Rabbi Ḥanina; Rabbi Abba, Rabbi Ḥiyya in the name of Rabbi Joḥanan; Rabbi Ze'ira in the name of Rabbi Joshua ben Levi: Everything is permitted with a single seal except wine²⁰⁷.

202 Mnemonic marks composed of initial letters of the items to be remembered; pronounced *havit* and *ḥampag*. Babli 39a/b.

203 If it is not directly visible that it is a piece of a fish with fins and scales, permitted as food.

204 Woolen threads for use in the *šisit*, which by tradition must be dyed with the blood of a marine snail which can easily be counterfeited by (much cheaper) indigo, and therefore needs certification. (In modern

Hebrew תכלת is light blue but classically very dark blue.)

205 A medical concoction on vegetal basis but for which (forbidden) wine might have been used.

206 Latin *muries*; this also might have been made with wine, even though using only salt and water is cheaper.

207 Babli 31a.

41b line 24) וְחָרָס אֲדָרִינִי. רַבִּי זְעִירָה בְּשֵׁם רַבִּי יְרֵמְיָהּ. הִלְכָה כְּרַבִּי מֵאִיר. הָא דְתַנִּי. חָרָס אֲדָרִינִי אֲסוּר וְאִישׁוּרֵי אִישׁוּר הִנֵּינָה. דְּבָרֵי רַבִּי מֵאִיר. וְחֻכְמִים אֲמָרִים. אֵין אִישׁוּרֵי אִישׁוּר הִנֵּינָה. רַבִּי יְרֵמְיָה בְּעָא קוּמִי רַבִּי זְעִירָה. אָהוּ בְּגַד דְּתַנִּין הֵכָא מָהוּ. וְאִקְפִּיד לְקוּבְלִיהּ. אָמַר לֵיהּ. אֲפִילוּ לְמָאן דְּמַר תַּמָּן מוּתָר וְכָא אֲסוּר. תַּמָּן אֵין אִישׁוּרֵי נִיכָר. בְּרַם הֵכָא אִישׁוּרֵי נִיכָר. וּמָהוּ לְסֻמוּךְ בּוֹ אֶת הַמַּיִטָּה. רַבִּי לֵעָזָר אָמַר. מוּתָר. וְרַבִּי יוֹחָנָן אָמַר. אֲסוּר.

“And Hadrianic pottery.”²⁰⁸ Rabbi Ze'ira in the name of Rabbi Jeremiah²⁰⁹: does practice follow Rabbi Meir? As it was stated²¹⁰, “Hadrianic pottery is prohibited and its prohibition is of usufruct, the words of Rabbi Meir²¹¹, but the Sages say, its prohibition is not of usufruct.” Rabbi Jeremiah asked before Rabbi Ze'ira: what is the status of the cloth about which we stated here²¹²? He was offended by this and told him, even for him who permits there, here it is forbidden. There, the prohibition is not visible, here the prohibition is visible. May one use it to support the legs of a couch²¹³? Rabbi Eleazar says it is permitted, Rabbi Joḥanan says it is forbidden²¹⁴.

208 The origin of this text is in 'Orlah 3:2, Notes 64-76, since in the text “here” means 'Orlah and “there” Avodah zarah. Nevertheless the order of sentences is too

different and the text here cannot be considered as simply a copy of the text there.

209 Probably this should read: Ze'iri in the

name of Rav Jeremiah.

210 Cf. Tosephta 4:8. Since the majority opposes R. Meïr, it is difficult to understand why the Mishnah should support a minority opinion as practice.

211 In the *editio princeps* : R. Eliezer.

212 This shows that the paragraph belongs to 'Orlah, the treatise about the prohibition to use the fruits of a tree in the first three years of its growth. Mishnah 'Orlah 3:1 states: "Cloth dyed with 'orlah shell shall be burned." R. Jeremiah asks, why do the

Sages hold that libation wine absorbed in pottery is not forbidden for usufruct but dye from 'orlah shells (e. g. walnut shells) absorbed in cloth make the entire cloth forbidden for usufruct?

213 They used to put the legs of the couch in water containers to shield the sleeper from snakes and other crawling animals.

214 In 'Orlah, the attributions are switched. The Babli 32a cannot decide between the two traditions.

(41b line 31) ועורות לבובין. רבי ירמיה בשם רב. הלכה כרבן שמעון בן גמליאל.
כיצד הוא עושה. קורעה עד שהיא בחיים ומוציא לבה לעבודה זרה. כיצד הוא יודע.
רבי הונא אמר. בשעה שקורעה עד שהיא בחיים הוא נסלל ונעגל. לאחר שחיטה הוא נמשך.
אמר רבי יוסי. ותשמע מינה. שחט בה סימן אחד. אף על גו דתימר. אין דבר שיש בו רוח
חיים נאסר. וכה נאסר.

"And heart-removed skins." Rabbi Jeremiah in the name of Rav: Practice follows Rabban Simeon ben Gamliel²¹⁵.

How does he do it? He tears its heart out from the living animal for pagan worship. How does one know²¹⁶? Rabbi Huna said, if it is torn out from the living animal it rebounds and becomes circular; after slaughter it becomes stretched. Rabbi Yose said, one can infer from this that if he slaughtered one sign, even though one says that nothing living can become prohibited, here it becomes prohibited²¹⁷.

215 In the Babli 32b this is a tradition of Samuel. R. Jeremiah here is the first generation Babylonian.

216 Which skins were used in pagan ceremonies and are forbidden?

217 Even an animal which was worshipped as a divinity is not forbidden for usufruct (it is forbidden as a sacrifice.) If in an act of

pagan worship only the windpipe of an animal is cut but not the esophagus and the carotid arteries, the animal is not immediately killed. But since it is for pagan worship it is not less than tearing the heart out from a living animal which makes the entire carcass forbidden for usufruct.

(41b line 36) ובשר הנכנס לעבודה זרה מותר. רבי בא רבי חייה בשם רבי יוחנן אמר. להוציא מדברי רבי ליעזר. שרבי ליעזר אומר. מחשבת נכרי לעבודה זרה. והוציא אסור. רבי אבינא בשם רב ירמיה. בשעהכניסו לפניו מן הקנקליו. אבל אם לא הכניסו לפניו מן הקנקליו אף הוציא מותר. בעבודה זרה שיש לה קינקליו. אבל בעבודה זרה שאין לה קינקליו כל-הבית ידון לשם קינקליו.

“Meat brought into a pagan Temple is permitted.” Rabbi Abba, Rabbi Hiyya in the name of Rabbi Johanan said, to exclude the statement of Rabbi Eliezer, since Rabbi Eliezer says that the thoughts of a Non-Jew are about pagan worship²¹⁸.

“But what leaves is forbidden.” Rabbi Abinna in the name of Rav Jeremiah: When he introduced it inside the lattice railing²¹⁹. But if he did not introduce it inside the lattice railing it is permitted. That is about a pagan Temple which has a lattice railing. But if a pagan Temple has no lattice railing, the entire building is considered lattice railing.

218 Mishnah *Hulin* 2:7. He holds that even if a Jew correctly slaughters an animal for a Gentile the meat is forbidden since the Gentile owner in his mind dedicates the slaughter to his god. Practice follows R. Yose who holds that only the slaughterer's

intentions have any influence on the process of slaughtering. Babli 32b.

219 Greek *κτελαίς*, mostly used in the plural Greek *κτελαίδες*, Latin *cancelli*, “lattice gates” (of Temples, etc.) Babli 51b.

(41d line 41) ההולכים בתרפות. רבי חייה בשם רבי יוחנן. תוריבס. מוליכין עבודה זרה גדולה אצל עבודה זרה קטנה. אית תניי תני תרפות. מאן דאמר תרפות. תרפים. ומאן דמר תרבות. תוריבס.

והבאין מותרין. רבי אבינא בשם רב ירמיה. בשאין חזירתו פהליכתו. אבל אם הייתה חזירתו פהליכתו אף הבאין אסורין.

“Those who go in²²⁰ ugliness.” Rabbi Hiyya in the name of Rabbi Johanan, *θόρυβος*²²¹. One brings a large idol to a small idol. Some state תרפות.²²² He who says תרפות, idols²²³. He who says תרבות²²⁴, *θόρυβος*.

“But those who return are permitted.”²²⁵ Rabbi Abinna in the name of Rav Jeremiah: If their returning is not like their going. But if their returning is like their going, also those returning are forbidden.

220 This text, בתרפות, is otherwise found only in Mishnah texts of the Maimonides tradition. It seems preferable to the common text לתרפות.

221 “Tumult.” The reference is to pagan processions.

222 There seems a sentence to be missing, “some state תרבות”. This is a word תרבות both in biblical Hebrew, “brood” (*Num.* 32:14), as also in rabbinic, “culture”. For תרפות compare Greek *τράπεζα* “table”

including table dedicated to divinities with offerings of food (E. G.).

223 A word derived from a root תרפ used either for household gods or dolls (*IS.* 13,16). Arabic *ترف* “to live the good life”.

224 To be vocalized תְּרֻבוֹת.

225 A quote from the Mishnah in all versions except the Yerushalmi separate Mishnah.

משנה ד: נודות הגוים וקנקניהם ויין ישראל כגוס כהן אסורין ואיסורין איסור הנאה דברי רבי מאיר. והקמים אומרים אין איסורין ואיסורין הנאה.

Mishnah 4: Gentiles’ wine skins and jugs²²⁶ containing an Israel’s wine are forbidden and their prohibition is one of usufruct, the words of Rabbi Meir; but the Sages say that their prohibition is not one of usufruct²²⁷.

226 Which were not thoroughly cleansed to remove all traces of use for Gentile wine.

227 The wine may be used for trade; it is forbidden for Jews to drink.

הלכה ד: נודות הגוים וקנקניהם כול. נודות הגוים גרודות הרי אילו מותרות. זפותות הרי אילו אסורות. גוי עובדן ודובבן וישראל עומד על גביו פוגס לתוכן ויין ואינו חושש. וחש לומר. שקמא ניסוד הוא. אמר רבי בא. אינו מצוי לנסד על גבי דבר מאוס. מעתה אפילו אין ישראל עומד על גביו. אני אומר. שקמא החליף.

קנקני גוים תדשיות מותרות אף על פי שהן זפותות. וישנות אסורות אף על פי שאינן זפותות. קמא את אמר זפותות מותרות. והקמא את אמר זפותות אסורות. אמר רבי אבהו. אני עמדת על זפתן של קנקנים ואין נותנין לתוכן חומץ בשעה שאופתין אותו.

Halakhah 4: “Gentiles’ wine skins and jugs,” etc.²²⁸ “Rough Gentile wine skins²²⁹ are permitted; tarred ones are forbidden. If a Gentile made it and insulated²³⁰ it while a Jew was watching, one may fill it with wine without worry.” Should one not be afraid that possibly he made a libation? He will

not usually make a libation in repugnant circumstances²³¹. Then even if no Jew was watching? I say, maybe he switched²³².

²²⁸“Gentile jugs, new ones are permitted even tarred; old are forbidden even if not tarred.” Here you say tarred are permitted and there you say tarred are prohibited. Rabbi Abbahu said, I investigated tarring of jugs; they do not use vinegar while tarring²³³.

228 Tosephta 4:10; Babli 33a.

229 The interior surface is leather only; it was not smoothened by tar.

230 It is difficult to see how the scribe could have written זופתו דובנ for “tarred them” in the other sources; it may be better to accept the word as it stands and read it as דָּבַב “to protect, defend something”, to protect the skin against being penetrated by

the wine.

231 Even if the pitch is diluted with vinegar when applied to the skin, the bad smell does not invite making a libation. One assumes that the Jew has provided the vinegar which was made from kosher wine.

232 Then one has no control over the vinegar which was used.

233 There is no reason to forbid new jugs.

רבי יעקב בר אבא בשם רבנן. אין שְׁאִסור בְּשִׁתִּיָּה ומוֹתֵר בְּהִנָּאָה וְכִנְסוֹ לְתוֹךְ קִנְקִנִּים נֶעֱשׂוּ הַקִּנְקִנִּים קִיָּין. פִּינְהוּ וְכִנְסוֹ לְתוֹכוֹ יֵין אַחֵר נֶעֱשֶׂה יֵין קִנְקִנִּים. פִּינְהוּ וְכִנְסוֹ לְתוֹכוֹ יֵין אַחֵר הַיֵּין אִסוּר וְהַקִּנְקִנִּים מוֹתְרִין. וְלָמָּה אִסוּר בְּשִׁתִּיָּה ומוֹתֵר בְּהִנָּאָה. בְּגִין דְּרַבִּי מֵאִיר אָמַר. אִסוּר בְּשִׁתִּיָּה וּבְהִנָּיָה.

Rebbi Jacob bar Aḥa in the name of the rabbis: If somebody puts wine which was forbidden to drink but permitted to use into jugs, the jugs become like the wine²³⁴. If he removed it and put new wine²³⁵ into them, the wine becomes like the jugs²³⁶. If he removed it and put new wine²³⁵ into them, the wine is forbidden but the jugs permitted²³⁷. Why “forbidden to drink but permitted to use”? Because of Rebbi Meïr who said, forbidden to drink and for use²³⁸.

234 It cannot be exactly like the wine since one cannot drink the solid jug. But it means that the jug is permitted for usufruct but will make any wine which touches its inside forbidden to drink.

235 Kosher wine.

236 Forbidden to drink but permitted for usufruct.

237 The first wine was forbidden. If the jug was filled twice with kosher wine, it has been cleansed from the first contamination; the third time the kosher wine remains

kosher.

jug.

238 He will reject this way of cleansing the

(41b line 58) אָמַר רַבִּי בָּא. בְּשֶׁהֱלַךְ רַבִּי עֲקִיבָה לְזִיפּוּרֵי אֶתְוֹן שְׁאֵלוֹן לִיה. קִנְקִנִּים שְׁלֹגוּיִם בְּמָה הִיא טְהָרְתָּן. אָמַר. מֵאָז לִימְדִיתִי עֲלֵיהֶם. מָה אִם בְּשַׁעָה שְׁאֵינָן זִכּוּתוֹת אֶת מֵר מוֹתְרִין. בְּשַׁעָה שֶׁהֵן זִכּוּתוֹת אֶלָּא שְׁנֵתִיקֻלָּה זִיפְתָּן לֹא כָּל־שֶׁכֶּן. וְכִשְׁבָּאתִי אֶצֶל חֲבֵרַי אָמְרוּ לִי. עַל יָדִי זִפְתָּ הֵן בּוֹלְעוֹת.

כִּנְס הִגּוֹי לְתוֹכָן מִיָּם יִשְׂרָאֵל כּוֹנֵס לְתוֹכָן מִיָּם וְחוּזָר וְכוֹנֵס לְתוֹכָן יֵין וְאֵינוֹ חוֹשֵׁשׁ. כִּנְס הִגּוֹי לְתוֹכָן צִיר אִו מוֹרִיִּים יִשְׂרָאֵל כּוֹנֵס לְתוֹכָן יֵין. כִּנְס הִגּוֹי לְתוֹכָן יֵין וְיִשְׂרָאֵל כּוֹנֵס לְתוֹכָן צִיר אִו מוֹרִיִּים וְחוּזָר וְכוֹנֵס לְתוֹכָן יֵין וְאֵינוֹ חוֹשֵׁשׁ.

רַבִּי יוֹחָנָן נָפַק לַפְּנֵטִי דְרַבִּי יוֹדָן נְשִׂיאָ לַעֲבֹד. אֶתְוֹן שְׁאֵלוֹן לִיה. קִנְקִנִּים בְּמָה הִיא טְהָרְתָּן. אָמַר. מֵאָז לִימְדִיתִי עֲלֵיהֶם. מָה אִם בְּשַׁעָה שְׁכֵּנִס הִגּוֹי לְתוֹכָן צִיר אִו מוֹרִיִּים יִשְׂרָאֵל כּוֹנֵס לְתוֹכָן יֵין. רַבִּי יִסָּא בְּשֵׁם רַבִּי יוֹחָנָן. בְּשַׁעָה שְׁמִכְנִיסָן לְאוּר לֹא כָּל־שֶׁכֶּן. רַבִּי חִיָּה בְּשֵׁם רַבִּי יוֹחָנָן. בְּשַׁעָה שְׁמִשְׁחִיל אֶת זִיפְתָּן לֹא כָּל־שֶׁכֶּן. קִיַּמִּין אֵינוֹן. אֵין קִמִּין קִמִּין. קִנְקִנִּין שְׁאֵינָן זִכּוּתוֹת. רַבִּי אֲסִי אָמַר. אֲסוּרוֹת. רַבִּי אֲמִי אָמַר מוֹתְרוֹת. רַבִּי יַעֲקֹב בֵּר אַחָא אָמַר. רַבִּי אֲסִי מְקִשִּׁי. כִּי נָן אֶמְרִין אֵהֵן כּוֹנֵס לֹא בָּלַע. רַבִּי בָּא אָמַר. רַב שֶׁשֶּׁת שְׁאִיל. מֵאָז אָנָּן אֶמְרִין הָאֵין דְּהוֹן שְׁלִמִימִי רְגִלִּים לֹא בָּלַע.

Rebbi Abba said, when Rebbi Aqiba went to the tar workers, they came and asked him, how does one purify Gentiles' jugs? From the following I taught them, since they are permitted if not tarred, if they were tarred but the pitch was shaved off not so much more? But when I came to my colleagues they told me that they are absorbing because of the pitch²³⁹.

^{228,240}“If the Gentile filled it with water, the Jew fills it with water; then he fills it with wine without worry. It the Gentile filled it with fish fluid²⁴¹ or fish sauce²⁰⁶ the Jew may fill it with wine²⁴². If the Gentile filled it with wine, the Jew fills it with fish fluid or fish sauce, then he fills it with wine without worry.”

Rebbi Johanan went to meet²⁴³ Rebbi Yudan the Prince at Acco. They came and asked him, how does one purify jugs? He said, from the following I taught them, since after the Gentile filled it with fish fluid or fish sauce the Jew fills it with wine²⁴⁴. Rebbi Yasa in the name of Rebbi Johanan, if he puts them into the fire not so much more? Rebbi Hiyya in the name of Rebbi

Johanan, if he strips off the tarring²⁴⁵ not so much more? Do they stand this? If they stand it, they stand²⁴⁶.

Untarred jugs²⁴⁷, Rabbi Assi¹⁹⁰ said, they are forbidden²⁴⁸, Rabbi Immi said, they are permitted. Rabbi Jacob bar Aḥa said, Rabbi Assi questioned: do we say that a tankard does not absorb²⁴⁹? Rabbi Abba said, Rav Sheshet asked, could we say that a vessel for urine does not absorb?

239 They hold that wine absorbed in earthenware which had been tarred will not be removed even if the tar was removed and the vessel cleansed with water for three days as explained at the end of the Halakhah.

240 A very different version in the Babli, 33a, bottom.

241 ציר is any fluid obtained by squeezing something, whether fruit, meat, or in this case fish. *Muries* is a sauce in which pieces of fish are preserved.

242 The smell of the fish will obliterate any taste that might have remained of the Gentile's wine.

243 Greek ἀπαντάω "to meet" with Atamaic prefix ל.

244 This is the quote from the previous Tosephta. Of R. Johanan's argument there exist two versions, one by R. Yasa (reported in the Babli 33b), the other by R. Hiyya bar Abba.

245 By burning of the tar.

246 Both R. Yasa and R. Hiyya require that the earthenware jug be treated with fire; either fired in its entirety or fire applied to the tar lining. It is agreed that there is a risk that the vessel will burst in the fire, but if it withstands the process it may be used to store Jewish wine.

247 Which had been used by Gentiles.

248 They cannot be cleansed to become usable.

249 Both R. Assi and Rav Sheshet question the position of R. Immi.

ג' ימים מעת לעת. רבי יעקב בר אֶחָא רבי שמעון בר אבא בשם רבי חנינה. קִנְיָנוּ גוֹיִם מִמְּלָאָן מִיָּם אֶעֱיֵל עוֹבְדָא קוֹמִי רַבִּי מְנָא. אָמַר לֵיהּ. הָא לְשַׁעֲבַר. אָמַר לֵיהּ. שָׂרִי. הָא לְכַתְּחִילָה. אָמַר לֵיהּ. אֶסִּיר. רַבִּי יְרֵמְיָה אֶזֶל לְגוֹבְלָנָה. הוֹרִי בְּאֵילִין פְּתִירִיא רַבְרַבִּיא. מִמְּלָא אוֹתָן ג' יָמִים מֵעַתָּה לְעַתָּה.

אֶרְמִיָּא אֵיתְבַּזְעַת זִיקָה וְקִבְלָה יִשְׂרָאֵל גּוֹ דִּידִיהּ. אֵתָא עוֹבְדָא קוֹמִי רַבְנָן. אָמְרִי. מִמְּלָא אוֹתָן ג' יָמִים מֵעַתָּה לְעַתָּה.

רַבִּי יִסָּא אֶזֶל לְצוּר. חֲמָא יְתֵהוּן זִפְתִּין זִיקוּקִין וְעִירִין וְיִשְׂרָאֵל זְבִינוּ. אָמַר. מָאן שָׂרָא לְכוּן. שְׂאֵלוּן לְרַבִּי יִצְחָק וְלְרַבִּי מְנִי וְאֶסְרוּן.

Rebbi Jacob bar Aḥa, Rebbi Simeon bar Abba in the name of Rebbi Ḥanina: One fills Gentiles' jugs with water three days from time to time²⁵⁰. Rebbi Jacob bar Aḥa said, Rebbi Assi¹⁹⁰ asked, does one do this? Rebbi Yose from Malḥa brought a case before Rebbi Mana. He told him, that is what happened; he answered that it is permitted. Is that to start? He told him, it is forbidden²⁵¹. Rebbi Jeremiah went to Goblana; he instructed about large cups²⁵² that one fills them with water three days from time to time²⁵³.

An Aramean's²⁵⁴ leather bag split; the Jew received it into his²⁵⁵. The case came before the rabbis who said, one fills them with water three days from time to time²⁵⁶.

Rebbi Yasa²⁵⁷ went to Tyre. He saw them²⁵⁸ tarring small leather bags and Jews bought them. He asked, who permitted you? They asked Rebbi Isaac and Rebbi Mani²⁵⁹, who prohibited it.

250 One fills the vessel with water, lets it stand for 24 hours, pours the old water out and refills with new, and repeats twice.

251 The method is a short-cut which cannot be used generally; if people used it without asking one cannot prohibit the vessels cleansed in this way.

252 Latin *patra* "flat dish or saucer; libation bowl" or Greek ποτήριον (cup, receptacle for offerings in temples; cup in the Eucharist) (Kohut).

253 He sees nothing wrong with the method and recommends it publicly. He is quoted in the Babli, 33a, in the same sense and ascribes the ruling to R. Immi.

254 A Non-Jew, not necessarily a pagan; cf. Chapter 1, Note 177.

255 The Aramean's wine-skin started leaking; a Jew saved his wine by receiving it into his own wine-skin. The Gentile's wine certainly is forbidden to the Jew; the question is how the Jew can regain the use of his skin after the wine was transferred to the Gentile's vessel, without ruining the vessel by using it for fish sauce.

256 Following R. Jeremiah, against R. Yasa (Assi).

257 In the entire Halakhah he opposes cleansing Gentile wine vessels for use by Jews.

258 Gentile workers.

259 The earlier authorities all forbid refurbishing wine skins and jugs; the later generations do permit it.

משנה ו: תַּחֲרִיצִים וְתִנְיִין שֶׁל גִּוִּים אֲסוּרִין וְאִיסוּרֵן אִיסוּר הֶנְאָה דְּבָרֵי רַבִּי מֵאִיר. וְחֻבִּמִּים אֲמָרִים לְהִיךְ אֲסוּרִין וּבִישׁוֹן מוֹתְרִין.

Mishnah 6²⁶⁰ Gentiles' grape kernels and skins²⁶¹ are forbidden and the prohibition is of usufruct, the words of Rabbi Meir. But the Sages say, moist they are forbidden, dry permitted.

260 In the Mishnah this text follows Commentary.

Mishnah 5 which belongs to Halakhah 6.
The sequence of the Halakhah also is the one in the Babli and Maimonides's Mishnah

261 Which remain after the production of wine.

הלכה ה': החרצנים והגגין שלגזים כול'. רב ששט ב'שם רב. לחים אסורין אפילו בהנאה. ובישין מותרין אפילו באכילה. והא תנינן. אינו נעשה יין נסך עד שירד לבור. רבי בא בשם רבי יודה. במשקלם לתוך הבור היא מתניתא. תמן תנינן. וכן בגפת חדשה. אבל בישנה טהור. אי זו היא חדשה. בתוך י"ב חודש. וישנה לאחר י"ב חודש.

Halakhah 5: "Gentiles' grape kernels and skins," etc. Rav Sheshet in the name of Rav: Moist they are forbidden even for usufruct; dry they are permitted even to eat²⁶². But did we not state²⁶³, "it does not become libation wine until it descends into the cistern"²⁶⁴? Rabbi Abba in the name of Rabbi Judah: The Mishnah is about one who lowers them into the cistern²⁶⁵.

There we have stated:²⁶⁶ "And so it is with new solid matter of olives; but old one is pure."²⁶⁷ What is new? Within twelve months. Old, after twelve months²⁶⁸.

262 In the Babli, 34a, ascribed to the Galilean R. Johanan.

263 Mishnah 4:8.

264 Grape juice pressed out of grapes does not become forbidden before it is collected in a vat below the wine press. Since kernels and skins are kept in the press they should not become forbidden.

265 The only skins forbidden are those put in the fermenting wine to give it red color.

266 Mishnah *Kelim* 9:5.

267 If the solid remnants in the olive press

which remain after the production of oil are impure, they impart impurity only as long as they are somewhat moist. Once they are stone dry they do no longer impart impurity to clay vessels.

268 The same is true for grape skins used for the production of Gentile wine. Once they are completely dry, having dried out for a full 12 months, they are forbidden no longer; Babli 34a (attributed there to Samuel).

(fol. 40b) **משנה ה:** המוריים והגבניה ותריוקי של גוים אסורין ואיסורין אסור תנאה דברי רבי מאיר. והקמים אומרים. אין איסורין איסור הנאה:

Mishnah 5: Fish sauce²⁶⁶, cheese²⁶⁹, and theriac²⁷⁰ of Gentiles are forbidden and the prohibition is of usufruct, the words of Rabbi Meir. But the Sages say, their prohibition is not of usufruct.

269 The reasons for prohibiting Gentile cheese will be discussed in the next Halakhot.

270 Greek *θηριακή, scil., φάρμακα* “medicines made from poisonous beasts (θηρίον)”. It is possible however that תריוקי

is an error for בתיניקי “Bithynian”, which in the Mishnah in the Babli and the independent Mishnah mss. characterizes the kind of cheese which if made by Gentiles is forbidden for usufruct; cf. Note 431.

(41c line 13) **הלכה ו:** המוריים והגבניה כול. יין למוריים רבי מתיר. רבי לעזר בירבי שמעון אוסר. לפיכך אם עבר ונתן רבי אוסר לגרים. רבי לעזר בירבי שמעון מתיר לגרים. רבי מנא בר תנחום בעי. כדברי מי שהיה מתיר לגרים. ומוריים הגוי למה הוא אסור. רבי ירמיה בשם רבי חייה בר בא. משום תבשילי גוים. והתני. אומן מותר. שאינו אומן אסור. אומן מותר לא בשאנו מבושל. ודכותה שאינו אומן אסור אף על פי שמבושל. מאי קדון. את שהיה ליטול את האקמא מחמת עבודה זרה אסור. הקא אמרה. הנאת עבודה זרה אסורה והנאת תרומה מותרת. אמר רבי יוחנן בר מדינא. כדברי מי שהיה אומן מותר ובלבד בידעו.

3 ומוריים ג מוריים 4 חייה ג חייה תבשילי ג תפשוילי והתני ג והתני ר' יוסה אומן ג אומן (3) 5 שאינו ג ושאינו אומן ג אומן שמבושל ג מבושל מאי ג מי 6 הזוהמא ג הזוהמה מחמת ג מיחמת הדא ג הדה הנאת ג הנאת והנאת ג הנאת 7 מדיא ג מדיה כדברי ג כדברי אר' ג אמור אומן ג אומן ובלבד ג ובלבד

ורבי יוחנן ורבי לעזר. חד אמר. מפני שממעיטו ממידתו. וחד אמר. מפני שממעיטו משותיו. ולא ידעין מאן מר דא ומאן מר דא. מן מה דמר רבי יוחנן. מחלפה שיתיה דרבי יודה. ומר רבי לעזר. אינה מחלפת. תמן בכהן והקא בבועלים. הוי דרבי יוחנן דו אמר. מפני שממעיטו משותיו.

1 ור' יוחנן ור' לעזר | תת ר' לעזר ור' יוחנן מפני ג מיפני שממעיטו | ג שהיה ממעיטו (2) ממידתו ג מימדתו וחד | גת וחרנה 2 משותיו ג מישותיו מאן | ג מן ומאן ג ומן דמר | ת דאמ' ת דאמר מחלפה | ת מחלפא 3 יודה | ת יהודה לעזר | ת אלעזר מחלפת | ג מחולפת תת מחלפת והכא | ג וכה ת וכאן בבעלים | ג בבעלים הוי | ג הבאי דר' | ת ר' דו | ת דאמ' ת דהוא אמ' 4 שממעטו משותיו ג ממעיטו מישותיו ת שהוא ממעיטו משותיו

Halakhah 6: “Fish sauce, cheese,” etc. ²⁷¹“Wine in *muries*, Rabbi permits but Rabbi Eleazar ben Rabbi Simeon forbids.” Therefore, if somebody transgressed and put it in, Rabbi forbids it to laymen but Rabbi Eleazar ben Rabbi Simeon permits it to laymen.” Rabbi Mana bar Tanḥum

asked: Following him who permits for laymen, why is *muries* of Gentiles forbidden²⁷²? Rabbi Jeremiah in the name of Rabbi Hiyya ber Abba, it is forbidden as being cooked by Gentiles²⁷³. But did not [Rabbi Yose]²⁷⁴ state: “From a professional²⁷⁵ it is permitted, from a non-professional it is forbidden.” From a professional it is permitted, is that not if it is not cooked²⁷⁶? Similarly, from a non-professional it is forbidden even if cooked. What about it? If it is to remove contamination it is forbidden because of pagan worship²⁷⁷. This implies that usufruct of pagan worship is forbidden, usufruct of heave is permitted²⁷⁸. Rabbi Joḥanan bar Madia said, following him who said from a professional it is permitted, only if he knows him²⁷⁹.

Rabbi Joḥanan and Rabbi Eleazar. One says because he diminishes its volume, the other says because he reduces the number of drinkers²⁸⁰. We do not know who said what. Since Rabbi Joḥanan said, Rabbi Jehudah inverted his reasoning but Rabbi Eleazar said, it was not inverted, there for the Cohen, here for the owners, it follows that Rabbi Joḥanan said because he reduces the number of drinkers.

271 From here on, there exists a Genizah text (א) which differs from the Leiden text mainly in its spelling. The origin of the entire Halakhah is *Terumot* 11:1 (א, Notes 11-23). However, the first paragraph is a reformulation and explanation of that text as noted by S. Lieberman (*Tosefta kiFshutah Terumot* p. 454). The second paragraph also belongs to *Terumot* 2:5 (א, Notes 118-119).

The quote refers to a *baraita* similar to Tosefta *Terumot* 9:6. According to Rabbi one puts wine into *muries* to improve its taste. This is a legitimate use of wine as food; therefore the Cohen may use his heave wine, sanctified food which has to be consumed in purity as a religious duty, to improve his *muries*. On the other hand, since the improved taste is noticeable, the entire *muries* now must be eaten under the

rules of heave.

R. Eleazar holds that wine is used in *muries* only to clean it from contaminations. To use heave wine for this purpose is sinful since it destroys sanctified drink. But if heave wine was used in this illegitimate way, it was destroyed and therefore lost its sanctity. The *muries* is profane and may be eaten by lay people in impurity.

272 Since the amount of any forbidden wine left in the sauce would be insignificant. If the trace of heave wine is permitted to impure laymen, should not a trace of Gentile wine be permitted to everybody?

273 Whose general prohibition is discussed in Halakhah 9.

274 Added from א and the *Terumot* texts.

275 This is the reading of the Leiden ms., Babli 34b, and Tosefta *Terumot* 4:13. The

Leiden ms. in *Terumot* reads המין “trust-worthy”, which in *editio princeps* became an unintelligible חמין “hot”. The reading of ג, אמן may be read either as אמן “craftsman” with the Leiden ms. here or אמן “trust-worthiness” with the text in *Terumot*.

276 Since otherwise it still would be forbidden as Gentile cooking even if one was sure that no wine was used in its production.

277 In industrial production a Gentile might use wine of which a libation was made.

278 Since usufruct of pagan wine is forbidden, the rules of declaring an amount as insignificant do not apply; the most minute amount makes the entire product

forbidden whereas less than $\frac{1}{2}\%$ of heave in food leaves it permitted for everybody.

279 In modern terms, if the *muries* carries a rabbinic certification that no wine was used in its production.

280 This refers to Mishnah *Terumot* 11:1: “One may not cook heave wine because he diminishes its volume; R. Jehudah permits since he improves it.” But some people do not want to drink alcohol-free cooked wine. The problem really is whether the vintner is permitted to cook his wine before he gave heave since (a) with the diminution in volume of the wine he diminishes the volume of heave to be taken and (b) not every Cohen may be willing to accept cooked heave wine.

משנה ז: אמר רבי יהודה שאל רבי ישמעאל את רבי יהושע כשהיו מחליכין בדרך מפני מה אסרו גבינות הגוים. אמר לו מפני שמעמידין אותה בקבה של גבילה. אמר לו והלא קיבת עולה חמורה משיבת גבילה ואמרו כהן שדעתו יפה שורפה חיה ולא הודו לו אלא אמרו לא נהנין ולא מועלין.

Mishnah 7: Rabbi Jehudah said, Rabbi Ismael asked Rabbi Joshua when they were walking on a road, why did they forbid Gentiles' cheeses²⁸¹? He told him, because they make them with stomach of cadaver²⁸². He answered him, is not the stomach of an elevation offering²⁸³ more serious than the stomach of a cadaver and they said, a Cohen who is not repulsed may burn it raw²⁸⁴, they did not agree to this but said one has no usufruct²⁸⁵ but does not commit larceny²⁸⁶.

281 They were forbidden in Mishnah 6 for all usufruct without any obvious reason.

282 The rennet is taken from the stomach contents of cattle killed by Gentiles and

therefore automatically have the status of cadavers. Since the rennet causes the milk to curdle, its addition cannot be said to be insignificant. Therefore one understands

that the cheeses are forbidden as food. Since the rennet is produced from an animal and cheese (including kosher cheese made by Jews) is made by cooking milk with rennet, it could be forbidden for all usufruct as meat cooked in milk following R. Simeon ben Iohai (*Mekhilta dR. Ismael Masekhta deKaspa* 20).

283 An elevation offering is burned completely on the altar. The stomach contents (and the contents of its intestines) are not burned; the innards have to be washed before being put on the altar (*Lev.* 1:9). Eating from a cadaver is a simple infraction which requires no sacrifice; eating from an animal dedicated as elevation sacrifice is both an infraction and larceny

requiring a sacrifice.

284 The Cohen may eat the stomach contents raw since they are considered excrement; the rennet therefore cannot be considered meat and the Gentile's cheese should be permitted even as food! For the expression "to burn" for "to slurp" see Note 321.

285 While the previous statement is essentially correct there is a (customary or rabbinic) rule that it would not be decorous to do so; one refrains from using any part of the animal (except the hide given to the priests, *Lev.* 7:8) as a practical rule.

286 As a rule of biblical law. Therefore Gentiles' cheese could at most be rabbinically forbidden.

הלכה ז: אָמַר רַבִּי יְהוֹדָה שֶׁאֵל רַבִּי יִשְׁמָעֵאל אֶת רַבִּי יְהוֹשֻׁעַ כּוֹל'. רַבִּי יַעֲקֹב בַּר אֶחָא רַבִּי שְׁמַעוֹן בַּר בָּא בָשָׂם רַבִּי יְהוֹשֻׁעַ בֶּן לִי. מִפְּנֵי עֲגָלִים שֶׁשָּׂם נִשְׁחָטִין לָשֶׁם עֲבוּדָה זָרָה. שְׁמַע רַבִּי יוֹחָנָן וְאָמַר. יָכֹה לִמְדֵנוּ רַבִּי. שֶׁכֵּן הַשּׁוֹחֵט בְּהֵמָה לְעֲבוּדָה זָרָה אֶפְּלִי פִּירְשָׁה אֶסּוּר. רַבִּי יוֹחָנָן בְּעִי. מִצָּא בָּהּ טֵבַעַת. אָמַר רַבִּי יוֹסִי. טֵבַעַת בְּעִינָהּ הִיא. פִּירְשָׁה גּוֹפָה הִיא.
2 בא | ג אבא מפני | ג מפני שרוב נשחטין | ג נשחטים 3 ומו | ג ואמר לימדנו | ג לימדי ר' | ג רבו שכן | ג שכן בהמה | ג בהמה 4 יוסי | ג יוסה בעינה | ג עינה

Halakhah 7: "Rebbi Jehudah said, Rebbi Ismael asked Rebbi Joshua," etc. Rebbi Jacob bar Aḥa, Rebbi Simeon bar Abba in the name of Rebbi Joshua ben Levi: Because [most]²⁸⁷ calves there²⁸⁸ are slaughtered in the name of pagan worship. Rebbi Joḥanan heard this and said, my teacher taught us well, since if one slaughters for pagan worship even its excrement is forbidden²⁸⁹. Rebbi Joḥanan asked, if one found a ring in it? Rebbi Yose said, a ring is recognizable²⁹⁰; excrement is part of its body.

287 Added from the Genizah text, necessary for syntactic reasons.

288 This shows that the Mishnah underlying this Halakhah is not the one given in the separate Mishnah in the Yerushalmi but the one found in the Babli

and Maimonides: R. Meir declares *Bithynian* Gentile cheese as forbidden for usufruct. Babli 34b.

289 Therefore even R. Ismael must agree that these cheeses are forbidden; but they should be forbidden for usufruct.

רבי חייה בר בא בשם רבי יוחנן. בראשונה היו אומרים. אין מעמידין לא בקיבת הנבילה ולא בקיבת הגוי. חזרו לומר. מעמידין בקיבת הנבילה ואין מעמידין בקיבת הגוי. רבי בא בר זבדא רבי שמואל בר רב יצחק בעי. זו להוציא מדברי רבי לעזר. שרבי לעזר אומר. שמחשבת נכרי לעבודה זרה. אתא רבי אסי בשם רבי יוחנן. בראשונה היו אומרים. מעמידין בקיבת הנבילה ולא בקיבת הגוי. חזרו לומר. מעמידין בין בקיבת הנבילה בין בקיבת הגוי. לישן מתנייתה מסייעא לרבי חייה בר בא. קיבת הנכרי ושלנבילה אסורה כמשנה הראשונה. טריפה שניקה מן הכשירה קיבתה מותרת כמשנה האחרונה. כשירה שניקה מן הכשירה קיבתה אסורה כמשנה האחרונה. ואפילו דיסברין בית שמי בבית הלל במשנה הראשונה היו ביצה גידולי גופה. קיבה ממקום אחר באת. ואתייא כיי דמר רבי יוסי בירבי בון בשם רבי יוחנן. מעשה בבנו שלרבי יהודה בן שמוע שבקעו להו זאיבים יותר משלש מאות צאן. ובא מעשה לפני חכמים והתירו קיבותיהן. אמרו. ביצה גידולי גופה. קיבה ממקום אחר באת לו.

²⁹³Rebbi Hiyya bar Abba in the name of Rebbi Johanan: At first they were saying, one curdles neither with the stomach content of the carcass²⁹⁴ nor with the stomach contents of the Gentile. They changed to say, one curdles with the stomach content of the carcass but not with the stomach contents of the Gentile. Rebbi Abba bar Zavda, Rebbi Samuel bar Rav Isaac asked: Does this negate the declaration of Rebbi Eliezer, since Rebbi Eliezer said, the thoughts of the Non-Jew are about pagan worship²⁹⁵? Rebbi (Assi) [Yasa]²⁹⁶ came in the name of Rebbi Johanan: Originally, they said, one does curdle [neither]²⁹⁷ with carcass stomach contents nor with Gentile's stomach contents. They changed to say, one does curdle with carcass stomach contents and with Gentile's stomach contents. The language of a *baraita* supports Rebbi Hiyya

bar Abba: Stomach contents of a Gentile or a carcass is forbidden following the original teaching. (The stomach contents of a torn animal which suckled from a qualified one are permitted following the later teaching; the stomach contents of a qualified animal which suckled from a torn one are forbidden following the later teaching.) [The stomach contents of a qualified animal which suckled from a torn one are forbidden following the former teaching, and the stomach contents of a torn animal which suckled from a qualified one are permitted following the later teaching.]²⁹⁸ And even if the House of Shammai would argue like the House of Hillel in the first teaching, an egg is a growth of its body; the contents of the stomach come from the outside²⁹⁹. It parallels what Rabbi Yose ben Rabbi Abun said in the name of Rabbi Joḥanan: It happened to the son[s]³⁰⁰ of (Rabbi) Jehudah ben Shamma³⁰¹ that wolves tore more than 300 of their flock. The case came before the Sages who permitted their stomach contents³⁰². They said, an egg is a growth of its body; the contents of the stomach come from the outside.

291 The text is complete in אב, Note 293.

292 This also was the text of א before correction. Therefore it is a traditional text rather than a scribal error.

293 For this paragraph there exist two additional witnesses, the Leiden ms. in *Beṣah* 1:1 (60a ll. 39-54, א) and a Genizah text (*Yerushalmi Fragments*, pp. 156-157, א) of the same. The source clearly is the *Beṣah* text even though the argument is from *Avodah zarah* and the reference to *Beṣah* is a side remark.

“Gentile’s stomach content” naturally means “stomach content of animal slaughtered by a Gentile.”

294 An animal which was not slaughtered following the rules of ritual slaughter. whose flesh therefore is forbidden as meat.

295 The *Beṣah* text seems better: Does this (i. e., the prohibition of Gentile rennet)

follow R. Eliezer (whom practice does not follow in general) since it treats Gentile rennet as more problematic than the one derived from a carcass? Since here practice is said to follow R. Eliezer, the tradition seems questionable; one has to search for parallel traditions either to confirm or to reject.

296 The Babylonian form of the name (in parentheses) has to be deleted in favor of the Galilean form used in the three parallel sources [in brackets].

297 To be added by the unanimous testimony of the other three sources and the later arguments.

298 The ms. text (in parentheses) is inconsistent. It has to be replaced by the text of the other three sources [in brackets] which is consistent with R. Joḥanan’s statement in both versions since for dietary laws a “torn” animal has the same status as a

carcass.

A “torn” animal is one of which a vital organ is impaired or defective, the most common one being tuberculous lesions of the lung. If a cow is known to suffer from a defect which makes it “torn”, its milk is forbidden as drink but as stomach contents it becomes excrement and is no longer forbidden. (Karaites deny the existence of internal *terefa* and prohibit as torn only the victims of predator attacks as described by the verse, *Ex.* 22:30.)

299 This now connects the discussion with Mishnah *Beṣah* 1:1 which states that the House of Shammai permit the use on the holiday of an egg laid on that day while the House of Hillel forbid it. The problem is to understand the position of the House of Hillel since the preparation of food is permitted on a holiday (*Ex.* 12:16). According to the Babli and one opinion in the Yerushalmi the prohibition applies only to eggs laid by chickens raised to produce

eggs. Then the mother was not food at the start of the holiday. While the egg is food according to everybody, for the House of Hillel it cannot change its character from non-food to food on the holiday. Then the question is raised why milk which is prohibited as food before being ingested by a ruminant becomes permitted by the animal’s stomach. In this question, the revised ruling in matters of rennet would agree with the stance of the House of Shammai. But the answer is that the two cases cannot be compared; the stomach contents of an animal never were part of the animal and do not have the latter’s status.

300 The plural is attested to in the three parallel sources and required by the context.

301 The parallels unanimously state the name as Jehudah ben Shemu’ai without a rabbinic title.

302 The latter teaching which permits rennet from animals prohibited as meat is confirmed by a ruling in an actual case.

מִשְׁנָה ח: הָזֶה הָאֵמָר לֹא מִפְּנֵי שֶׁמֶעֱמִידִין אוֹתָהּ בְּקִיבָתָא עֲגָלִי עֲבוּדָה זָרָה. אָמַר לֹא
אִם בֶּן לָמָּה לֹא אֶסְרִיָּהּ בְּהֵנָּהּ. הִשְׁיִאוּ לְדָבָר אַחֵר אָמַר לֹא יִשְׁמַעְיָאל אֲחִי הֵיאָדָּה אֶתָּה קוֹרָא
כִּי מוֹבִיִּים דְּרִידָא מִיֵּין אִלּוּ כִּי מוֹבִיִּים דְּוִידִיקָא. אָמַר לֹא כִּי מוֹבִיִּים דְּוִידִיקָא. אָמַר לֹא אִין הִדְבָּר בֶּן
שְׁהָרִי חֲבֵרוֹ מִלְּמֹד עָלִי לְרִיחַ שְׁמֻנִּיק מוֹבִיִּים:

Mishnah 8: He³⁰³ gave a second argument and said, because they curd it with stomach content of calves for pagan worship. He³⁰⁴ retorted, then why did they not forbid it for usufruct²⁸⁹? He³⁰³ deflected him to an other subject³⁰⁵ and said to him, my brother Ismael, how do you read, *for your (m.) friends are better than wine*, or *for your (f.) friends are better than wine*³⁰⁶? He³⁰⁴ told

him, *for your (f.) friendship is better*. He³⁰³ answered, it is not so since the next verse implies it, *by the scent of your (m.) good oils*³⁰⁷.

303 R. Joshua.

304 R. Ismael.

305 As the Babli explains, since it was a new purely rabbinic restriction introduced after the destruction of the Temple, he did not want to disclose the reason.

306 *Cant.* 1:2. Since the Song is read as a dialogue between God (m.) and Israel (f.), the theological interpretation depends on the vocalization which was not directly expressible before the invention of vowel signs. The interpretation given in the Halakhah requires the identification of דוידים as “friends, lovers” rather than “friendship, love.”

307 *Cant.* 1:3. As in most cases, the proof is from the part of the verse not quoted. The verse ends: *therefore girls love you*. Since the Song of Songs clearly celebrates heterosexual love, the speaker must be a female addressing a male.

The following interpretation of the Mishnah follows S. Naeh¹. There are two problems. What is the relationship of the Mishnah 7 and the first part of Mishnah 8 to the second part of Mishnah 8? Also the discussion in Mishnah 8 does not seem to make sense. Since *Cant.* 1:2 starts: *May he kiss me with kisses of his mouth*, it should be clear that the speaker is the female. Why should R. Ismael, who everywhere else requires that a verse be interpreted according to its plain sense, suddenly switch speakers in middle sentence? Why does R.

Joshua refer to 1:3, when a referral to 1:2 would be more appropriate? The unvocalized text of 1:2-3 has a chiasmic structure: It starts clearly with the masculine, has a middle section which could be read in the masculine or the feminine, and ends again with the masculine.

R. Ismael proves convincingly that there is no biblical basis for the prohibition of Gentile cheese; it is purely rabbinical. It can be regarded as a “fence around the law” only with regard to the prohibition of intermarriage, since it is designed to make social intercourse between Jews and Gentiles as difficult as possible. Then the question arises as to the status of the much more important prohibitions oil and wine. The prohibition of oil clearly is rabbinical even though it is mentioned as particularly meritorious in *Daniel*; no reason could be found in dietary laws to prohibit Gentile cold pressed virgin olive oil. While wine actually used for pagan libations is biblically forbidden, the extension of the prohibition to almost any wine moved in any way by a Gentile, even one adhering to a faith not practicing libations (or even prohibiting the drinking of wine), must be considered rabbinical. Now wine is mentioned in v. 1:2 and oil in v. 1:3. The discussion between Rabbis Ismael and Joshua is about the status of the prohibitions of wine and oil.

As mentioned in Note 306, any rabbinic reference to the Song of Songs

1. שלמה נאה, טובים דודים מיין, מבט חדש על משנת ע"ז ביה; מחקרים בתלמוד ובמדרש, ספר זכרון לתורה. ליפשיץ, יום 2005 ע' 434-411.

unquestionably reads sentences put into the mouth of the female as coming from the congregation of Israel (as represented by its rabbinical leaders) and that of the male as referring to God. R. Joshua asks R. Ismael about his opinion about the actual rules referring to Gentile wine. The latter, by putting the reference to wine in the mouth of the male, asserts that the prohibition of

Gentile wine essentially is God's decree, is biblical. R. Joshua, the overriding authority, informs him that the references to wine and oil have equal status; since the prohibition of oil in almost all cases has no pentateuchal basis, the prohibition of wine also in almost all cases is purely rabbinical (Cf. Halakhah 5:4, Note 67).

41c line 45) **הלכה ח:** מפני שמעמידין אותה כול'. חבריא בשם רבי. דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה. וחלף קיין הטוב. שמעון בר בא בשם רבי יוחנן. דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה. כִּיטובים דודים מין: רבי בא בר כהן בשם בר פזי. תדע לך שדברי סופרין חביבין יותר מדברי תורה. שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה. מפני שעבר על דברי בית הלל חייב מיתה. על שם ופרץ גדר ישכנו נחש.

1 ר' א' ר' יוחנן 2 יותר מדברי א' כדברי וחקך א' וחקך

Halakhah 8: "Because they curdle it," etc.³⁰⁸ The colleagues in the name of Rabbi [Joḥanan]: The words of the Sopherim are related to the words of Scripture and are (more pleasant than) [pleasant like] the words of Scripture; *your throat is like good wine*³¹⁰. Simeon bar Abba in the name of Rabbi Joḥanan: The words of the Sopherim are related to the words of Scripture and are more pleasant than the words of Scripture, *for your friends are better than wine*³¹¹. Rabbi Abba bar Cohen in the name of Bar Pazi: You may know that the words of the Sopherim are more pleasant than the words of Scripture, because if Rabbi Tarphon³¹² did not recite at all he would only have transgressed a positive commandment. But because he transgressed the words of the House of Hillel he should have suffered death since it says, *if one breaches a wall he will be bitten by a snake*³¹³.

309 This paragraph and the next are from *Berakhot* 1:7 (Notes 182-191) and *Sanhedrin* 11:6 (Notes 54-57); *Midrash Cant.* 1(18). The Geniza fragment ends here on line 2.

309 A comparison with the other texts

shows that the correct text is the [Genizah text] not the (Leiden ms.) one in which the two traditions of R. Joḥanan are undistinguishable.

310 *Cant.* 7:10; *Babli* 35a.

311 *Mishnah Berakhot* 1:7.

312 *Cant.* 1:2.313 *Eccl.* 10:8.

(41c line 53) תַּנִּי רַבִּי יִשְׁמַעֲאֵל. דְּבָרֵי תוֹרָה יֵשׁ בָּהֶן אִיסוּר וְיֵשׁ בָּהֶן הֵיתֵר וְיֵשׁ בָּהֶן קָלִי וְיֵשׁ בָּהֶן חֲמוּרִין. אַבָּל דְּבָרֵי סוֹפְרִין כּוֹלֵן חוֹמֶר. דְּתַנִּינָן תַּמָּן. הָאוּמֶר. אִין תְּפִילִין. לַעֲבוֹר עַל דְּבָרֵי תוֹרָה. פְּטוֹר. חֲמֵשׁ טוֹטְפוֹת. לְהוֹסִיף עַל דְּבָרֵי סוֹפְרִים. חֵיב. רַבִּי חֲנִינְה בָּשֵׁם רַבִּי אִידִי בָּשֵׁם רַבִּי תַנְחוּם בְּרַבִּי חֵינָה. חֲמוּדִין דְּבָרֵי זְקִינִים מִדְּבָרֵי נְבִיאִים. דְּכְתִיב אֶל־תִּטְּפוּ יִטְיָפוּן. וְכְתִיב אֲטִיף לָךְ לֵינן וְלִשְׁכָּר. נְבִיא וְזָקֵן לְמָה הֵן דּוֹמִין. לְמַלְךְ שְׂשִׁילַח שְׂגִי סִימְנִטִּירִין שְׂלוֹ לְמִדְּנָה. עַל אֶחָד מֵהֶן כְּתִב. אִם אֵינוּ מֵרָאָה לְכֶם חוֹתָם שְׂלִי וְסִימְנִטִּירִין שְׂלִי אֵל תֵּאֲמִינוּ לוֹ. וְעַל אֶחָד מֵהֶן כְּתִב. אִף עַל פִּי שְׂאִינוּ מֵרָאָה לְכֶם חוֹתָם שְׂלִי וְסִימְנִטִּירִין שְׂלִי הֵאֲמִינוּ לוֹ. כִּד בְּנִבְיָא כְּתִיב וְנָתַן אֶלֶּךְ אוֹת אֵן מוֹפֶת. בְּרַם הָכָא. עַל־פִּי הַתּוֹרָה אֲשֶׁר יוֹרֵד.

Rebbi Ismael stated: In the Torah there are forbidden matters and permitted matters. There are easy parts and severe parts. But in the words of the Sopherim all are severe, since we have stated: "He who says that there are no phylacteries, to transgress the words of the Torah, is not prosecutable. Five compartments to add to the words of the Sopherim is punishable." Rebbi Ḥanina³¹⁴ in the name of Rebbi Idi in the name of Rebbi Tanḥum bar Ḥiyya: The words of the Sages carry more weight than those of the prophets since it is written, *do not preach, they preach*³¹⁵. And it is written, *I shall preach to you for wine and liquor*³¹⁶. The relation of prophet and scholar can be compared to the case of a king who sent two seals³¹⁷ to a province. About one of them he wrote, if he does not show you my seal and *σηματήριον*³¹⁸, do not believe him. About the other he wrote, even if he does not show you my seal and *σηματήριον*, believe him. So about a prophet is written, *he gives you a sign or miracle*³¹⁹. But here it is written, *according to the teachings that they will teach you*³²⁰.

314 With the other two sources read: *diplomatarii*, persons authorized to use the imperial mail.

315 *Micha* 2:6.

318 Greek "seal".

316 *Micha* 2:11.

319 *Deut.* 13:2.

317 As the text shows this is a scribal error. Read with the other sources פלמנטרין

320 *Deut.* 17:11.

(41c line 63) רַבִּי יַעֲקֹב בַּר אֲחָא רַבִּי שְׁמַעוֹן בַּר בָּא בָּשֵׁם רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי. מִפְּנֵי שְׂרׁוב עֲגָלִים שְׂשֵׁם נִשְׁחַטְיוֹ לָשֵׁם דְּעֻבְדָּה זָרָה. שְׁמַע רַבִּי יוֹחָנָן וּמַר. יָפָה לִימְדֵנוּ רַבִּי. שְׂכָן הַשּׁוֹחֵט בְּהֵמָה

לַעֲבוֹדָה זָרָה אֶפִּילוּ פִּירְשָׁה אֲסוּר. רַבִּי יוֹחָנָן בֶּעֵי. מָצָא בָּהּ טִבְעֵת. אָמַר רַבִּי יוֹסִי. טִבְעֵת בְּעֵינֶיהָ הִיא. פִּירְשָׁה גּוֹפָה הִיא.

מָה שׁוֹרְפָה. גָּמִי לָהּ. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. בָּכוּס זוֹהֵם. הִדָּא אֶמְרָה. הַשּׁוֹתֶה בָּכוּס זוֹהֵם לֹא נִהְנֶה וְלֹא מוֹעִיל.

מִפְּנֵי מָה לֹא גִילָה לוֹ. אָמַר רַבִּי יוֹחָנָן. מִפְּנֵי שֶׁבִּקְרוֹב אֲסוּרוֹם. וְרַבִּי יִשְׁמַעֵאל הֵיךְ קָטָן.

Rebbi Jacob bar Aḥa, Rebbi Simeon bar Abba in the name of Rebbi Joshua ben Levi: Because most calves there²⁸⁸ are slaughtered in the name of pagan worship. Rebbi Johanan heard this and said, my teacher taught us well, since if one slaughters an animal for pagan worship even its excrement is forbidden²⁸⁹. Rebbi Johanan asked, if one found a ring in it? Rebbi Yose said, a ring is recognizable²⁹⁰; excrement is part of its body.

What means “burns it”? He slurps it³²¹. Rebbi Simeon ben Laqish said, in a dirty cup. This implies that one who drinks from a dirty cup neither benefits nor commits larceny³²².

Why did he not tell him? Because they prohibited it recently and Rebbi Ismael was young³²³.

321 In *Midrash Cant.* 1(17) גמיע.

322 Since he must slurp the contents of the stomach in the Temple it would be a desecration to use a clean Temple vessel for this purpose. A private vessel may not be introduced into the Temple precinct. The priest may use a dirty vessel which nobody else would use for food to eat the disgusting

matter.

323 They had to establish the authority of the newly formed Synhedrion at Jabneh; Babli 35a. The story must be dated to the last 20 years of the first Century, after the death of Rabban Johanan ben Zakkai (at an unknown date). R. Ismael never appears as member of the Synhedrion.

(70 line 41c) רַבִּי חוּנְיָה אָמַר. רַבִּי חֲמַא בֶּר עֻקְבָּא מְקָשִׁי. אִם לְהַפְלִיגוּ בְּדָבָרִים הֵיךְ מְבַקֵּשׁ הֵיךְ לוֹ לְהַשִּׂיאוֹ בְּחֵמֶשׁ הַשְּׂאוֹת שְׁבִתוֹרָה. וְאֵילוּ הֵן. שְׂאֵת. אֲרוּר. מָחַר. מְשׁוּקָדִים. וְקָם. הִלּוּא אִסְתִּיטִיב שְׂאֵת אוֹ שְׂאֵת אִם לֹא תִיטִיב. כִּי בְּאֶפֶס הָרְגוּ אִישׁ וּבִרְצָנָם עֲקָרוּ שׁוֹרְאָרוֹ אוֹ אֲרוּר אֶפֶס כִּי עָז. וְלֵאמֹר מִשְׁעָ אֶל־יְהוֹשֻׁעַ צֵא הִלָּחֵם בְּעַמְלֶק מֵחָר אוֹ מָחַר אֲנִכִּי נֹצֵל עַל־רֹאשׁ הַגְּבֻלָּה. וּבִמְנֵחָ אַרְבָּעָה גְבָעִים מְשׁוּקָדִים אוֹ מְשׁוּקָדִים כְּפִתְרִיָּה וּכְרִחִיָּה; וְלֵאמֹר זֵי אֶל־מִשְׁעָ הֵנָּה שָׁכַב עַם־אַבְתָּיִד וְקָם אוֹ וְקָם הָעָם הָזֶה וְזָנָה. רַבִּי תַנְחוּמָא מוֹסִיף הִדָּא. וּבִגְי יַעֲקֹב בָּאוּ מִן־הַשְּׂדֵה כְּשֶׁמֶלֶם אוֹ כְּשֶׁמֶלֶם וַיִּתְּעֲצְבוּ הָאֲנָשִׁים. אָמַר רַבִּי לָא. יֵשׁ דְּבָרִים שְׂמִשְׁקִין עֲלֵהֶן אֶת הַפָּה. הִכְמָה דָּאֵת אָמַר יִשְׁקֹנִי מִנְשִׁיקוֹת פִּיהוּ. אָמַר רַבִּי יִצְחָק. כְּתוּב

וְאוֹתֵי צֶהָ יִי. אוֹתֵי וְאוֹתֵי. נֶאֱמָרוּ לִי דְבָרִים שֶׁנֶּאֱמָרוּ לָכֶם. וְנֶאֱמָרוּ לִי דְבָרִים שֶׁנֶּאֱמָרוּ בֵּינִי לְבֵין עַצְמִי.

Rebbi Onias said, Rebbi Hama bar Uqba raised a difficulty: If he wanted to deflect him to another subject³²⁴, he should have removed him to the five indeterminate places in the Torah³²⁵, which are the following: “gift, cursed, tomorrow, almond shaped, rise”. *Behold if you choose well the gift or the gift if you do not choose well*³²⁶. *For in their rage they killed a man and by their will castrated a cursed ox or cursed be their rage for it is strong*³²⁷. *Moses said to Joshua . . go fight Amaleq tomorrow or tomorrow I shall stand on top of the hill*³²⁸. *On the candelabra four cups almond shaped or almond shaped their knobs and their flowers*³²⁹. *The Eternal said to Moses, you will lie with your fathers and rise or rise will this people and whore*³³⁰. Rebbi Tanhuma added the following: *Jacob’s sons came from the field when they heard or when they heard the men were offended*³³¹. Rebbi La said, there are things about which one kisses the mouth, as it is said, *may he kiss me with the kisses of his mouth*³³². Rebbi Isaac said, *and me did the Eternal command*³³³. “Me, and me.” Things were said to me that were said to you. And things were said to me alone³³⁴.

324 If R. Joshua’s intention only was to deflect R. Ismael’s inquiry there were many other questions to be asked.

325 In the absence of masoretic accents it may be difficult to parse a sentence. In Babli sources, this is called “verses that have no decision,” i. e., where to place the caesura. In our masoretic texts only *Ex.* 25:34 remains undecided in this sense. Parallel sources are Babli *Yoma* 52a/b, *Gen. rabba* 80(5) (Theodor-Albeck #957/958, Sokoloff *Geniza Fragments* p. 170), *Midrash Cant.* 1(18), *Mekhilta dR. Ismael, Amaleq* 1, *Mekhilta dR. Simeon ben Iohai Epstein-Melamed* p. 121, *Tanhuma Be’sallah*

26. The list itself is attributed in most sources to Issy ben Jehudah².

326 *Gen.* 4:7. They must have read הָלוֹא אִם-תִּיטִיב שְׂאֵת וְאִם לֹא תִיטִיב but also in the masoretic text הָלוֹא אִם-תִּיטִיב שְׂאֵת there is a stop between תִּיטִיב and שְׂאֵת.

327 *Gen.* 49:6-7. It is a question whether to read one or two sentences.

328 *Ex.* 17:9.

329 *Ex.* 25:34.

330 *Deut.* 31:16.

331 *Gen.* 34:7. Most translations follow the masoretic punctuation in choosing the first alternative but the German translation

2. A discussion in principle about this subject is found in ש. קוגוט, המקרא בין טעמים לפרשנות, יום תשנ"ד; מ. ברויאר, מקראות שאין להם הכרע, לשוננו נח (תשנ"ה) 189-199.

by Torczyner *et al.* (Berlin 1934) which opts for the second.

332 This answers R. Hama bar Uqba's question. The verse *Cant.* 1:2 was chosen because its first part, quoted now, tells R. Ismael to be silent since a person who is kissed on his mouth cannot speak at that time. The first part clearly refers to a male; nevertheless R. Ismael had a point reading

the second part as addressing a female since the sentence switches from third to second person, possibly indicating a change of speaker.

333 *Deut.* 4:14. Here starts a rather defective Genizah fragment (Ginzberg pp. 276-277.)

334 Not everything has to be told to everybody.

(41d line 6) רבי שמעון בן חלפוטא רבי חגי בשם רבי שמואל בר נחמן. כבשים ללבושך ומחיר שדה עתודים: כבשים כתיב. הא כיצד. בשעה שתלמידיו קטנים כבוש לפניהן דברי תורה. הגדילו ונעשו כעתודים גלה להם רזי תורה. ודא מסייעה למה דתני רבי שמעון בן יוחי. ואלה המשפטים אשר תשים לפניך: מה הסימה הזאת אינה נגלית לכל-ברייה בך אין לך רשות לשקע את עצמך בדברי תורה אל-בפני בני אדם כשירין.

Rebbi Simeon ben Ḥalfuta, Rebbi Ḥaggai in the name of Rebbi Johanan. *Lambs for your clothing; the price of a field are rams*³³⁵. It is written "suppressings"³³⁶. How is this? If the students are young, suppress before them the secrets of the Torah. If they grew and became like rams, reveal to them the secrets of the Torah. This lends support to what Rebbi Simoen ben Iohai stated: *And these are the laws which you shall put before them*³³⁷. Just as this putting is not revealed to everybody³³⁸ so you do have permission to immerse yourself in words of the Torah only before legitimate people.

335 *Prov.* 27:26.

336 Identifying ש and ש for the homily.

337 *Ex.* 21:1.

338 The laws in *Ex.* 21-22 are not to be told to Gentiles nor applied to their suits.

(fol. 40b) **משנה ט:** אילו דברים של גוים אסורין ואין איסורן איסור הנאה חלב שחלבו גוי ואין ישראל רואהו הפת והשמן שלהן ושלקות. רבי ובית דינו התירו בשמן. ככשין שדרכן לתת בהן זין וחומץ וטריית טרופה וציר שאין בה דגה והחילק וקורט של חלתית ומלח סלוקגריית הרי אלו אסורין ואין איסורן איסור הנאה:

Mishnah 9: The following matters of Gentiles are forbidden but their prohibition is not of usufruct: Milk which the Gentile milked when no Jew was seeing him, bread, their oil³³⁹, and anything preserved by cooking³⁴⁰. Rabbi and his court permitted oil. Preserves in which usually wine is used³⁴¹, and vinegar³⁴², and pieces of *triton*³⁴³, and fish sauce³⁴⁴ not containing a whole fish, and *hallec*³⁴⁵, and a lump of *asa foetida*²⁰⁵, and *salqonarit* salt³⁴⁶; these are forbidden but their prohibition is not of usufruct:

339 Olive oil.

340 Even if the Gentile cooked with the Jew's vessels under his control, as long as no Jew participated in the cooking process.

341 Preserves made with spices without cooking, such as *Sauerkraut*, where wine might have been added. The wine is forbidden but there is no danger that it might have been used for pagan rituals.

342 Vinegar is not wine, but vinegar made from grapes is forbidden.

343 The Latin name of a kind of sea fish mentioned by Pliny; in Greek it is the name of sea gods. Since the fish is cut in little pieces one cannot ascertain that no

forbidden fish (without fins and scales) was used.

344 Fluid obtained by squeezing fish.

345 "Fish sauce (*garum*) prepared from small fish" (Lewis and Short's Latin Dictionary).

346 *Musaphia* reads סלקונדית and explains as *sal conditum*, spiced salt (mentioned by Pliny xxxi,87 and in Diocletian's price edict. A recipe is given by Apicius.) Kohut proposes *salcenarium* Medieval Latin "used for pickling". Also consider *sal candidum* "white salt" (E. G.).

13) (41d line 13) **הלכה ט:** אילו דברים שקללים אסורין כול'. חלב הגוי למא הוא אסור. רבי בא בר רב יהודה רבי סימון בשם רבי יהושע בן לוי. חלב הגוי למא הוא אסור. משום גילוי. ויעמיד. אמר רבי שמאל בר רב יצחק. מפני האירס הנתון בין הנקבים. ותיני כן. ג' אירסים הן. אחד צף ואחד שוקע ואחד דומה לשבכה. פעלליא הוון בחקלא. אתגלית קולתא דמא. אשתון קמייא ואנכון. תיניני ומייתין. אני אומר. אירס שוקע הנה. ביומו דרבי ירמיה איתגליו גיגיתיה דסדרא רבא. אשתון קמייא ולא אינכון. תיניני ומייתין. אני אומר. אירס שוקע הנה. ותיני כן. אבטיח שניקר ואכלו ממנו עשרה בני אדם וכן יין שנתגלה ושתו ממנו עשרה בני אדם אסור לוכל ולשתות אחריהן. אני אומר. אירס שוקע הנה.

2 בר ג' בש' 3 ג' 1 שלושה 4 לשבכה 5 קמייא 6 אדמאי ואנכון 7 אירס שוקע 8 אירס שוקע 9 רבא 10 רבה

אמר רבי ירמיה. חלב הגוי למא הוא אסור. משום תערוכת בהמה טמאה. ותיני כן. ישאל יושב בעדר והגוי חולב ומביא לו ואינו חושש.

Halakhah 9: “The following matters of Gentiles are forbidden,” etc.³⁴⁷ Why is Gentile’s milk forbidden? Rabbi Abba (son of) [in the name of]³⁴⁸ Rav Jehudah, Rabbi Simon in the name of Rabbi Joshua ben Levi: Why is Gentile’s milk forbidden? Because of uncovering¹⁵⁸. Let him make cheese! Rabbi Samuel ben Rav Isaac said, because of the poison given between the holes³⁴⁹. It was stated so: There are three kinds of poison; one swims, one sinks down, and one is similar to a net³⁵⁰. Workers were in the field. The water pitcher was uncovered. The first ones drank and were [not]³⁵¹ disabled. The second ones died. I say that it was sinking poison. In the days of Rabbi Jeremiah the barrels of the great assembly³⁵¹ were uncovered. The first ones drank and were not disabled. The second ones died. I say that it was sinking poison. It was stated thus³⁵²: “If a watermelon was pecked and ten people ate from it or wine was uncovered and ten people drank from it, it is forbidden to eat or drink after them; I say that there is sinking poison.”

Rabbi Jeremiah said, why is Gentile’s milk forbidden? Because of admixture from forbidden animals³⁵³. It was stated so³⁵⁴: “There is nothing to worry if the Jew sits with the herd while the Gentile milks and brings to him.”

347 Parallels to these two paragraphs are in *Terumot* 8:5 (Notes 135-142) and *Šabbat* 1:(3d line 2). The text in *Terumot* is a copy of the text in *Šabbat*; the text here is somewhat different.

348 The text of the Leiden ms. in parentheses has to be corrected by the text of *g* in brackets and the parallels.

349 One seems to assume that the poison will be separated out in the process of solidification making hard cheese. But if the cheese has holes the poison will

accumulate there and there may be small holes not directly visible.

350 Babli 30b.

351 The half-yearly reunion of all members of the Academy.

352 Tosephta *Terumot* 7:17.

353 Babli 35b. This is the only explanation given in the Babli where also it is noted that making cheese from the milk does not solve the problem.

354 Tosephta 4:11; Babli 30b.

(41d line 25) פִּתְיָן. רַבִּי זְעָקֹב בֶּר אֲחָא בִּשְׁם רַבִּי יוֹנָתָן. פֶּת מִהֶלְכוֹת שְׁלֵעִימַעוּם הִיא. כִּד אֲנִי אוֹמֵר. מְקוֹם שֶׁפֶת יִשְׂרָאֵל מְצוּיָה בְּדִין הוּא שְׁתֵּהָא פֶת גּוֹיִם אֲסוּרָה. וְעִימָעְמוּ עָלֶיהָ וְהִתִּירוּהָ. אוֹ מְקוֹם שֶׁאֵין פֶּת יִשְׂרָאֵל מְצוּיָה בְּדִין הוּא שְׁתֵּהָא פֶת גּוֹיִם מוֹתֶרֶת. וְעִימָעְמוּ עָלֶיהָ וְאֲסוּרוּהָ. אָמַר רַבִּי מְנָא. וְכִי יֵשׁ עִימָעוּם לְאִיסוּר. וּפֶת לֹא כְתִבְשִׁילִי גּוֹיִם הוּא. כִּד אֲנִי אוֹמְרִים. מְקוֹם

שָׂאִין תְּבִשִּׁילִי יִשְׂרָאֵל מְצוּיִן בְּדִין הוּא שֶׁיְהוּ תְּבִשִּׁילִי גוֹיִם מוֹתְרִין. אֶלָּא כִּינִי. מְקוֹם שָׂאִין פֶּת
יִשְׂרָאֵל מְצוּיָה בְּדִין הוּא שֶׁתֵּהָא פֶּת גוֹיִם אֶסְוֶהָ. וְעִמְעֵמוּ עֲלֶיהָ וְהִתִּירוּהָ מִפְּנֵי חַי נֶפֶשׁ. רַבְנִין
דְּקִיסְרִין בְּשֵׁם רַבִּי יַעֲקֹב בְּרִי אֲחָא. כְּדָבְרִי מִי שֶׁהוּא מִתִּיר וּבִלְבָד מִן הַפְּלִטָּה. וְלֹא עָבְדִין כֵּן.

1 פת | ש - מ עוד היא שלעמעות | ג שלעמעות כך | גשמ [אמ' ר'] יוסה קנשיתה קומי ר' יעקב בר אחא
מהוא [מהו מהלכות] שלעמעות [מ היא] כך אני | ש אנו 2 או' | ש אומ' מקום | שם במקום הוא | ש היה
ועמעותו | ש ועמעותו ועמעותו והתירוה | ג והתירוה 3 מקום | שם במקום הוא | ש היה 4 לאיסור |
ג לאסור כתבשילי | ש תבשילי מקום | שם במקום 5 תבשילי | ג תפשילי הוא | ש היה - | שם
ועמעותו עליהן ואסרום מקום | שם במקום שפת | שם שאין פת הוא | ש היה 7 כדברי | ג כדברי

³⁵⁵Their bread. Rabbi Jacob bar Aḥa in the name of Rabbi Jonathan.

Bread is of the practices of obfuscation. [Rabbi Yose said, so I asked before
Rabbi Jacob bar Aḥa: What means “of the practices of obfuscation?”]³⁵⁶ Do I
say, at a place where Jewish bread is available it is logical that Gentile bread
should be forbidden and they obfuscated about it and permitted it? Or at a
place where Jewish bread is not available it is logical that Gentile bread
should be permitted and they obfuscated about it and forbade it? Rabbi Mana
said, is there any obfuscation for prohibition³⁵⁷? But is bread not like cooking
of Gentiles? Are we saying: At a place where no Jewish cooking is available
it is logical that Gentile cooking should be permitted³⁵⁸? But it must be the
following: At a place where Jewish bread is not available it is logical that
Gentile bread should be forbidden and they obfuscated about it and permitted
it because of the necessities of life. The rabbis of Caesarea in the name of
Rabbi Jacob bar Aḥa: Following the words of him who was permitting, but
only from the store³⁵⁹; but one does not do this³⁶⁰.

355 There are three parallels to this text, in *Ševi'it* 8:5 (Notes 57-62), *Ma'aser Šeni* 3:1 (Notes 2-3, מ), and *Šabbat* 1 (3c l. 55, ש). The Genizah text here, and the texts in *Ma'aser Šeni* and *Šabbat* are clearly copies of one and the same original; the text in *Ševi'it* is slightly different in wording but identical in meaning.

356 Added from the three identical texts; most of the paragraph is taken up by the questions of R. Yose and R. Mana; only at the end the correct answer is spelled out.

The practice of obfuscation is that the

rabbis have to justify the popular disregard of their prohibition.

357 As shown in the Mishnah, rabbinic prohibitions do not need justification, only permissions which are inconsistent with general prohibition, such as to permit bread while prohibiting all other kinds of Gentile cooking.

358 The texts in *Ševi'it*, *Ma'aser Šeni*, and *Šabbat* add: “and they obfuscated about it and forbade it.” But the illegible space in א is not sufficient for this addition; one has to assume that it never was in the *Avodah*

zarah text.

359 Greek *πρατήρ* “seller”. Lieberman
reads *πωλητήριον* “retail store”, Kohut Latin

panetarius “bread merchant”.

360 But eats also privately baked Gentile
bread; forbidden in the Babli 35b.

(41d line 35b) אָמרוּן קומי רבי חיה רובה. תני רבי שמעון בן יוחי כן. אוכל תשברו מאתם
בכסף ואכלתם וגו'. מה מים לא נשתנו מברייתן אף כל דבר שלא נשתנה מברייתו. התיבון.
הרי מוטל לא ופנקריסין וקובטיות וקליות וחמים שלחן הרי אילו מותרין. נחא כולהו שהן
יכולין להישרות לחזור לכמות שהיו. קליות למה. רבי יוסי בירבי בון בשם רב. כל אוכל
שהוא נאכל כמות שהוא כחי אין בו משום בישולי גוים. עם הפת יש בו משום בישולי גוים.
מה מקיים רבי חיה רובה אוכל תשברו מאתם. באוכל תשברו. האכלתו שברתו. אם היה
קשה עליו באוכל תשברו ואם לאו הכרה (הרבה) עליו כסף. אמרו. כן הנה רבי יונתן עבד.
כד הנה בר נש רב עליל לקריתא הנה משלח ליה איקרוי. דאין אתא דין דיתום או דין
דאדמלא ישבח אפין מפייסא.

1 חיה | ג חיה רובה | ש רובה 2 וגו' | ש וגו' תכרו מאתם בכסף וגו' לא | ש שלא נשתנו | ג נשתנו
מברייתן | ג מברייתם 3 מוטליא | ג מוטליה ופנקריסין | ש ופנקריסים וחמים | ש וחמין כולהו | ש
כולהו 4 להישרות | ג - ש להישרות לחזור | ש להחזיר לכמות | ג ליכמות ש כמו למה | ש מה ר' | ש
אמר ר' אוכל | ג אוכל 5 בשולי | ש תבשילי - | ויצאין בו משום עירובי תבשילין אם הפת ... גוים | ש -
6 חיה רובה | ש חיה רובה אם | ש שאם 7 תשברו | ג תשברו באוכל | ש באוכל לאו | ג לוי הכרה | ש
הכרע הוה | ג הוה עבד | ש עבד 8 הוה | ג הוה - | ש חמי רב | ג דרב עליל | ג עלל לקריתא
| ש לקריתא הוה | ג הוה - | ש מיי אמר דאין | ג דאין אתא | ג אתה דין | ש דין (2) דיתום | ג
דיתם | ש דיתם 9 ישבח | ש נישבח מפייסא | ג מפייסה ש מפייסיה עלוי

²⁶¹They said before the Elder Rabbi Hiyya: Rabbi Simeon ben Iohai stated
thus: *Food you shall buy from them with money and eat, etc.*³⁶². As water is
not changed from its natural state, so anything which was not changed from
its natural state³⁶³. They objected: Are there not their dry beans³⁶⁴,
פנקריסין³⁶⁵, roasted grain³⁶⁶, and hot water permitted? One understands all of
these because they can be soaked and return to their former state. But roasted
grain? Rabbi Yose ben Rabbi Abun in the name of Rav³⁶⁷: Any food which
can be eaten alone raw is not in the category of Gentile cooking³⁶⁸. (With
bread it is in the category of Gentile cooking³⁶⁹.) How does Rabbi Hiyya
explain *food you shall buy from them*? You shall buy with food. If you fed
him you bought him. If he causes you trouble buy him with food or otherwise
trade (ply him)³⁷⁰ with him money. They said, that is what Rabbi Jonathan
did. When a superior³⁷¹ came to [his]³⁷² town, he sent him an honor gift, that if
a suit involving an orphan or a widow came he would have a way to mollify
him.

361 *Šabbat* 1 (3c line 65). The Geniza fragment (א) ends at the mention of Rav. Another fragment, in much better shape, edited by J. N. Epstein [*Tarbiz* 3(1932) 15-26 (G)] starts at the second mention of *Deut.* 2:28.

362 *Deut.* 2:28. In the Babli, 37b, a statement of R. Johanan. The Babli (38a) negates a biblical base for the prohibition of Gentile cooking.

363 The list also appears in Tosephta 4:11. In the Babli 38b the word is explained as meaning either φάσηλος or שעועית, both meaning "bean".

365 The word is unexplained. In the Babli, *loc. cit.*, and similarly in the Tosephta, it appears as כפריסין "capers".

366 In the Babli קפלוטות "leeks". In Tosephta קפסאות, קפאטיות. N. Brüll (*Jahrbücher für jüdische Geschichte und Literatur* 5) proposes *copta* قُطَاط "fig preserve". This agrees well with the quote in the Babli since, as stated later also here, all preserves made from fruit which also is eaten raw are not under the prohibition of Gentile cooking. The only problem is that

the next sentence implies that the word describes a dried fruit or vegetable which can be returned more or less to its original state but soaking.

367 Babli 38a, 59a; *Šabbat* 51a, *Bava qamma* 11a, *Yebamot* 12b. Also Yerushalmi *Nedarim* 6:1 (39c l. 44).

368 The *Šabbat* text adds: And it may be used for *eruv tavšilin* (a symbolic act which turns a common courtyard or a dead-end alley into a private domain, or which lets one prepare cooked food for the Sabbath on a holiday which falls on a Friday); this formulation may be taken from the end of the Halakha

369 This restriction is found neither in the *Šabbat* text nor the Babli. It also contradicts the insertion in the *Šabbat* text (Note 368). Either it is spurious or the text here disagrees with the text there.

370 Reading of the corrector of L. The scribe wrote as in the *Šabbat* text and G.

371 A superior Roman judge; cf. *Introduction to Tractate Neziqin* p. 4, remark about R. Jonathan.

372 Readings of G and the *Šabbat* text.

(41d line 46) מי אָסר אַתָּה הַשָּׁמֶן. רַב הִנֵּחָה אָמַר. דִּנְיָאֵל אָסְרוּ. וְנִשְׁם דִּנְיָאֵל עַל-לֵבּוֹ וּגו'.

וּמִי הִתִּירוּ. רַבִּי הִתִּירוּ וּבֵית דִּינֹו. בְּשִׁלְשָׁה מְקוֹמוֹת נִקְרָא רַבִּי הִנֵּחָה הַנִּשְׂאָה. רַבּוֹתֵינוּ. בְּגִיטִין וּבִשְׁמֶן וּבִסְנֵדִל. וְקָרוּ לֶיהָ בֵּי דִינָא דְּשֶׁרֹו מִיִּשְׁחָא. כָּל-בֵּית דִּין דְּשֶׁרֹו ג' דְּבָרִים נִקְרָא בֵּי דִינָא שְׁרָאָה. אָמַר רַבִּי יוֹדֵן. בֵּית דִּינֹו חֲלוּק עָלָיו בְּגִיטִין. מִהוּ שִׁתְּהָא מוֹתֶרֶת לְהִינְשָׂא. רַבִּי חֲגִי אָמַר. מוֹתֶרֶת לְהִינְשָׂא. רַבִּי יוֹסִי אָמַר. אָסְרוּהָ לְהִינְשָׂא.

1 אסרו | שG אסר את השמן לבו | ש ליבו וגו' | G אשר לא יתגאל וגו' ש אשר לא יתגאל בפת בג המלך ובין משתני 2 וגו' | G מי ר' התירו ובית דינו | שG ר' ובית דינו התירו בשמן נקרא | G נקרא יהודה | G יודן 3 בגיטין | G בגיטין וקרו ליה בי דינא דשרו מישחא. כל | שG ויקראו לו בית דין שרייה^g שרייה^g שכל דשרו | G שהוא מתיר ש שהוא מבטל נקרא בי דינא שריא | G נקרא בית דין שרייה ש נקרא בית דין שרייה 4 יודן | ש יודן ביר' ישמעאל בגיטין | G בגיטין מהו ... להינשא | ש - 5 יוסי | G יוסה

רבי אֶחָא רבי תנחום בר חייה בשם רבי חנינה ואמרי לה בשם רבי יהושע בן לוי. שְׁהוּ עולין לְהַר הַמֶּלֶךְ וְנִהְרְגִין עָלָיו. יִצְחָק בַּר שְׁמוּאֵל בַּר מִרְתָּא נָחַת לְנִצְיָבִין. אֶשְׁכַּח שְׁמֵלָא הִדְרוּמִי יְתִיב דְּרֵשׁ. רַבִּי וְבֵית דִּי הִתִּירוּ בְּשֶׁמֶן. אָמַר שְׁמוּאֵל אָבֵל. רַב לֹא קָבִיל עָלֶיהָ מִיכּוֹל. אָמַר לִיה שְׁמוּאֵל. אָכּוֹל. דְּלֹא כּוֹ אֵנָּה כְּתִב עֲלֶיךָ זָקוֹן מִמֶּנּוּרָא. אָמַר לִיה. עַד דְּאֵנָּה תִּמְּוֹן אֵנָּה יָדַע מָאֵן עָרַר עָלֶיהָ שְׁמֵלָא הִדְרוּמִי. אָמַר לִיה. מִר בְּשֶׁם גְּרָמִיָּה לֹא בְּשֶׁם רַבִּי יוֹדֵן נִשְׁיָא. אֶטְרַח עָלָיו וְאָבֵל.

1 בר | G ביר' ואמרי | G ואמרי | ש ואית דאמרי לה | 2 עולין | G עולים | ש עולין עליו ונהרגין | G ונהרגים יצחק | G ר' יצחק מרתא | G מרתא שמלאי | G שמליי | ש' שמלאי | 3 הדרומי | G דרומי | ש דרש | ש ודרש | אמ' | G - אבל | G אכל | ש קביל עלויי ואכל | קביל | G קבל | ש - עליה מיכול | ש אכל | 4 דלא כן | G אי לכן כתב עלך | ש כתיב עלך | אמ' | ליה | G - דאנא | G דנה | אמ' | G אנה | 5 מאן | G מן ערר | ש עירער | שמלאי | G שמליי | ש' שמלאי | הדרומי | G דרומי | אמ' | ליה | מר | ש מהו מר | ליה | G מה | יודן נשייא | ש' | ר' ובית דינו | G יודן נשיא

רבי יוחנן בְּעֵי. וְלֹא כֹן תִּנְיָנִין. שְׁאִין בֵּית דִּין יָכוֹל לְבַטֵּל דְּבָרֵי בֵּית דִּין חֲבֵרוֹ עַד שְׁיָהָא גְּדוֹל מִמֶּנּוּ בְּחֻקָּהָ וּבִמְנִין. וְרַבִּי וְבֵית דִּינוֹ מִתִּירִין מֵה שְׁאָסֵר דְּנִיָּאל וְחִנְרִיו. רַבִּי יוֹחֲנָן קְדִיטִיָּה. אָמַר רַבִּי יוֹחֲנָן. מְקוּבֵּל אֲנִי מִרְבִּי לַעֲזֹר בִּירְבִּי צְדוֹק שְׁכַל-גִּיּוֹרָה שְׂבִית דִּין גּוֹזְרִין וְאִין רוֹב צִיבּוֹר מְקַבְּלִין אִינְה גִּיּוֹרָה. בְּדָקוֹ וּמִצָּאוֹ בְּגִיּוֹרָתוֹ שְׁלִשְׁמֹן וְלֹא מִצָּאוֹ שְׁקִיבּוֹ רוֹב הַצִּיבּוֹר עָלֶיהָ.

1 ולא | G לא דברי | G את דיברי | חבירו | G חבירו | 2 בחכמה | G בחוכמה | ר' | G ור' | וחביריו | G ש וחבורתו | ר' יוחנן | ש אלא | ר' יוחנן | 2 אמ' | ש דמר | מקובל אני מר' לעזר ביר' צדוק | ש בשם | ר' לעזר ביר' צדוק | מקובל אני | גוזרין | G גוזרים | 3 ואין | רוב הציבור | מקבלין | G מקבלים | ש על הציבור | ולא | קיבלו | רוב הציבור | עליהן | בדקו | ש ובדקו | בגיורתו | ש גיורה | מצאו | שקיבלו | ש קיבלו | G נימצאו | שקיבלו

³⁷³Who forbade the oil? Rav Jehudah said, Daniel forbade it. *Daniel was careful, etc.*³⁷⁴. And who permitted it? Rabbi permitted it and his court³⁷⁵. At three places is Rabbi Jehudah the Prince called “our teachers,” in divorce documents³⁷⁶, oil, and a sole³⁷⁷. They called him “the court which permitted oil.”³⁷⁸ Any court which permits three [previously forbidden] things is called “permissive court.” Rabbi Yudan said, his court disagreed with him about the bills of divorce. ³⁷⁹May she be allowed to remarry? Rabbi Haggai said, she is allowed to remarry. Rabbi Yose said, she is forbidden to remarry.

Rebbi Aḥa, Rebbi Tanḥum bar Ḥiyya in the name of Rebbi Ḥanina, but some say in the name of Rebbi Joshua ben Levi: They were climbing up King's Mountain and were killed about it³⁸⁰. Isaac bar Samuel bar Martha went down to Nisibis. He met Simlai³⁸¹ the Southerner who sat and expounded: Rebbi and his court permitted the oil. Samuel said, true³⁸²! Rav did not accept on himself to eat. Samuel told him, eat! Otherwise I shall declare you a rebellious Elder³⁸³. He answered him, when I still was there³⁸⁴ I

knew who complained about it, Simlai the Southerner. He told him³⁸⁵, he said it in the name of himself, not in the name of Rabbi Jehudah the Prince. He bothered him and he ate³⁸⁶.

Rebbi Joḥanan asked: Did we not state, “for no court may invalidate the words of another court unless it be greater in wisdom and numbers”³⁸⁷? And Rebbi and his court permit what Daniel and his companions forbade? Rebbi Joḥanan follows his own opinion: Rebbi Joḥanan said, I have a tradition in the name of Rebbi Eleazar ben Rebbi Šadoq that any restrictive edict passed by a court which is not accepted by the majority of the public is not an edict³⁸⁸. They checked and found in the matter of the edict about oil and did not find that a majority of the public followed it³⁸⁹.

373 The following also is in *Šabbat* I, 3d line 16 ff., **ו**. While the sentence order there differs from here, the fact that G while following the sentence order of L very often follows the formulation of **ו** indicates that the two texts are essentially the same.

374 *Dan.* 1:8. The verse does not seem to mention olive oil. As the Babli explains (36a), the argument is from the continuation, *that he would not defile himself by the king's solid food and the wine of his drinks*, where the plural *drinks* refers both to wine (whose prohibition is generally accepted) and oil (where Daniel's action rather is an act of personal piety.) In any case, the prohibition of Gentile olive oil never was considered to have any biblical basis.

375 *Babli* 36a.

376 *Gittin* 7:3, Notes 49-64. The essence of the controversy is whether a divorce document subject to a certain condition is only valid after the condition has been satisfied or is valid immediately but not actionable unless the condition be satisfied.

The simplest example is that of a sick childless man who wants to shield his wife from levirate marriage (or prevent her from marrying his brother) by writing a bill of divorce valid if he should die from his disease. If he stipulates that divorce be “from today if I shall die”, the divorce is unquestionably valid. If he omits “from today” then for Rebbi it is valid, for the rabbis it is invalid since a dead person cannot divorce.

377 *Niddah* 3:4, Notes 93-98. The “sole” is the result of a miscarriage where no features are recognizable in the aborted fetus. For the rabbis, the woman is subject to all disabilities of a woman who gave birth to a male and a female (*Lev.* 12:1-8), for Rebbi and his court only if human features were recognizable.

378 In the other two sources: Should he not be called “a permissive court” (a pejorative term) since . . . “

379 These two sentences really do not belong here; they are copied from the text in *Gittin* (Note 54) which thereby is shown to

be the source of the preceding sentences, and refer to Mishnah *Giṭtin* 7:10 about a man who gave his wife a bill of divorce valid if he should not return within 12 months, and notice was received of his death. Does she have to wait the full 12 months or not?

380 In **ש**, this immediately follows the statement that Daniel forbade Gentile oil and invalidates it. It is not clear what danger there was in getting Gentile oil but since both Talmudim declare the prohibition of Gentile oil to be of the 18 prohibitions promulgated in the run-up to the first revolt against the Romans (*Šabbat* I, 3c 1.37, Babli 17b) it must refer to the situation there. The exact meaning of “King’s mountain” as a geographical entity has not been determined.

381 In the Babli and **ש**, as well as in the quote from the Yerushalmi in Tosaphot 36a, s.v. אשר, R. Simlai. Babli 37a. This dates

“R. Jehudah” here as R. Jehudah II. For “Southerner” the Babli has “from Lydda”, which is taken as a pejorative term.

382 In the two other sources, probably correctly, “Samuel accepted this and ate.”

383 Cf. *Sanhedrin* 8:6, Note 64.

384 When Rav was studying in Galilee under Rebbi (Jehudah I) and R. Hiyya the Elder.

385 Rav to Samuel. In the Babli. 37a, R. Simlai is described as being critical of the decision to allow Gentile oil.

386 Rav ate in order to sustain the authority of the Patriarchate.

387 Mishnah *Idiut* 1:5.

388 In the Babli 36a: It is forbidden to promulgate a decree that the majority of the public cannot accept.

389 Babli 36a. This proves conclusively that the original prohibition of oil was relatively recent and purely rabbinic.

41d line 65) בִּיצָה צְלוּיָה שְׁלֵהָ. בַּר קַפְרָא שָׁרִי. חִזְקִיָּה אָסֵר. עַד כְּדוֹן בְּשִׁנְצָלִית לְדַעַת. נִצְלִית שְׁלֵא לְדַעַת. נִישְׁמַעֲיָנָה מִן הָדָא. מַעֲשֶׂה שֶׁנִּפְלָה דְלִיקָה בְּאַשְׁתִּי קֵינִים וּבְאַגְסִים תְּמָרִים וְהָיוּ שָׁם חֲגָבִים וְנִצְלוּ. אֶתְּמָא עוֹבְדָא קוּמִי רַבִּי מְנָא וְאָסֵר. אָמַר רַבִּי אֲבָהוּ. מִשּׁוּם תַּעֲרֻבְתָּ חֲגָבִים טְמֵאִים. אָמַר רַבִּי יוֹסִי בִּירְבִי בּוֹן. וְהָדָא מִן חֲמִירְתָּא דְרַב. רַב נָחַת לְתַכּוֹן חֲמִתּוֹן מְקַלְלִין וְחֲמַר עֲלֵיהוֹן. חַד בַּר נֶשׁ הָוָה טַעִין קוּפֵּד מֵהֶלֶךְ בְּשׁוּקָא. אֶתְּמָא דִּיִּיתָא וְחֲטַפְתָּא מִן יָדֵיהּ אֶתְרִ תְּחוּתִיהּ. אֶזֶל בְּעֵי מִיִּסְבִּינִיָּה. אָמַר לֵיהּ רַב. אָסִיר לָךְ. דָּנָא אָמַר דְּנִבְלִיָּה הָוֵת טַעִינָה וְאַתְרִ תְּתֵהּ וְנִסְיַבְתָּ דִּין תְּחוּתֵיהּ. חַד בַּר נֶשׁ אֶזֶל בְּעֵי מְשֻׁנָּא אִיִּסְקוּפְתָּא גּוֹ נְהָרָא. אֲנִישִׁיתָהּ וְסָלַק לֵיהּ. אֶזֶל בְּעֵי מִיִּסְבִּינִיָּה. אָמַר לֵיהּ רַב. אָסִיר לָךְ. דָּנָא אָמַר הֵהִיא שְׁטַפָּה נְהָרָא וְאִיִּיתִי חוּרִי דְּנִבְלִיָּה תְּחוּתִיהּ.

1 שלהן | G שלחם | קפרא | G קפרא שרי | G אמר מותרת | אסר | G אמר אסורה | בשנצלית | G כשנצלית
2 נצלית שלא | G ניתלאת שלוא | הדא | G הדא | 3 אתא עובדא | G אתה עובדה | משום | G משם | 4
יוסי | G יוסה | והדא | G חמירתא | 5 הוה טעין קופד מהלך | בשוקא | G הוה מהלך
בשוקא ובידיה קופד | וחטפתא | G וחטפתיה | מן ידיה | G - אתר תותיה | G אתרתיה | 6 ליה | G לה
אסיר לך דנא אמ' | G - הות | G הוא | ואתר תתה ונסיבת דין | G ואתרתיה ונסבת דין | 7 תחותי | G
תחותי | משוגא איסקופתיה | G משוגא איסקופתי | נהרא | G נהרה | ליה | G לה | 8 מיסביניה | G מהבנה
ליה | G לה | דנא אמ' . . . תותיה | G דנבילה היא דנמר אחי אשתפט ואייתי נהרה תותיה

Their roasted egg, Bar Qappara permitted, Hizqiah forbade³⁹⁰. So far if it was roasted intentionally. If it was roasted unintentionally? Let us hear from the following: There was a fire in an under-growth of reeds and a swamp of date palms where there were locusts which were roasted. The case came before Rabbi Mana³⁹¹, who forbade them. Rabbi Abbahu said, because of admixture of impure locusts³⁹². Rabbi Yose ben Rabbi Abun said, and this is of the stringencies of Rav. Rav returned there and saw them taking things lightly and was restrictive with them³⁹³. A man was carrying meat while walking on the market. There came a vulture, seized it from his hand, and it dropped off³⁹⁴ under him. He went and wanted to sell it. Rav told him, it is forbidden to you, for I am saying that it was carrying carcass meat, dropped it and took the other instead³⁹⁵. A man went to wash a piece of meat³⁹⁶ in the river. He forgot it and left. Then he went and wanted to sell it. Rav told him, it is forbidden to you, for I am saying the other one was carried away by the river and it brought another piece of carcass meat in its place³⁹⁷.

390 Babli 38b. The egg is roasted in its shell so that there are no problems of non-kosher admixtures. It is not impossible to eat an egg raw.

391 R. Mana I.

392 Babli 38a.

393 He used his office as overseer of Jewish markets to enforce strict rabbinic rules.

394 As recognized by J. N. Epstein, Aramaic אַתֵּר is Afel of Aramaic נֵתֵר Hebrew נשר.

395 This is a case of “meat which had been lost sight of” which must be treated as non-

kosher; it cannot be sold as kosher meat. Quoted in *Tosaphot Bava meši'a* 24b s. v. אַתֵּר.

396 The translation is a guess based on the context; the word itself is unexplained. It appears only here and in the exact parallel *Šeqalim* 7:3 (50c l. 47). Sokoloff in his *Dictionary of Jewish Palestinian Aramaic*² accepts also Jastrow's explanation “an object on which the meat was hung” but this seems to be excluded by the context.

397 A similar story in the Babli *Hulin* 95a-b.

תַּנְרְמוּסִין שְׁלֵהֶן מִה הֵן. רַבִּי אֲוִסֵּר. גְּנִיבָה מִתֵּיר. אָמַר רַבִּי. אֲנִי זָקוּ וְהוּא זָקוּ. (41d line 76)
אֲנִי עֲלֵיתָ עַל לִיבִי לְאַסּוֹר וְהוּא עֲלֵיתָ עַל דַּעֲתוֹ לְהִתִּיר. רַבִּי מְנָא בֶּר תַּנְחוּם אָזַל לְצוּר וְהִתִּיר
תַּנְרְמוּסִין שְׁלֵהֶן. רַבִּי חִיָּה בֶּר בָּא אָזַל לְצוּר וְאַשְׁכַּח לְרַבִּי מְנָא בֶּר תַּנְחוּם שֶׁהִתִּיר תַּנְרְמוּסִין
שְׁלֵהֶן. אֲתֵּי גַבִּי רַבִּי יוֹחָנָן. אָמַר לִיה. מַה מַּעֲשֶׂה אִירַע לְיָדְךָ. אָמַר לִיה. אֲשַׁכְּחִית לְרַבִּי מְנָא

בַּר תַּנְחוּם שֶׁהִתִּיר תּוֹרְמוּסִין שְׁלֵהָן. אָמַר לֵיהּ. וְלֹא פָּנְעֵת בֵּיהּ. אָמַר לֵיהּ. אָדָם גָּדוֹל הוּא
וְהוּא יוֹדֵעַ לְמַתֵּק אֶת הַיָּם הַגָּדוֹל. אָמַר לוֹ. לֹא בָנִי. חֲשַׁבּוֹן מִים הוּא יוֹדֵעַ. וְכָשֶׁה שְׁהַמִּים
מְקַלְסִין אֶת בּוֹרְאָן הֵן מִתְמַתְּקִין. אָמַר רַבִּי יִצְחָק בַּר לָעֶזֶר. בָּא לוֹמַר גְּנִיּוֹ וְאָמַר שְׂבָחוּ. אָמַר
רַבִּי יוֹסִי בִּירְבִּי בּוֹן. חֲשַׁבּוֹן גָּדוֹל הוּא. רַבִּי זְכַאי דְּאַלְכָסְנְדְּרִיָּא הָהוּא יוֹדֵעַ לָהּ. אָמַר. וְאִי בָּעִית
לְלַפְתָּהּ מִיָּנִיָּה.

1 תורמוסין | תורמוסין שלהן | שלהם | מה הן | מהן | 2 לאסור | ג | לוסר | 3 תורמוסין | ג |
התורמוסין | חייה בר בא | ג | חייה ברווא | ואשבח | ג | אשכח | לר' | ג | ר' | תורמוסין | ג | תורמוסין | 4 שלהן
| ג | שלהם | אתא | ג | אתה | ליה | ג | לה | (2) | לידך | על ידיך | ניה | ג | ליה | ג | לו רבי | 6 יודע | ג | יודיע
| לאו | ג | לוי

What is the status of their lupines³⁹⁸? Rabbi forbids, Ganiba permits. Rabbi said, I am an Elder and he is an Elder. It came to my mind to forbid; it was his opinion to permit. Rabbi Mana bar Tanḥum went to Tyre and permitted their lupines. Rabbi Hiyya bar Abba went to Tyre and found that Rabbi Mana had permitted their lupines. He returned to Rabbi Johanan who asked him, what case came to your hands? He told him, I found that Rabbi Mana had permitted their lupines. He asked him, did you not hit him? He answered, he is an important personality and knows how to sweeten the waters of the Great Sea. He told him³⁹⁹, no, my son. He knows how to compute the waters; when the waters come together to acclaim their Creator⁴⁰⁰ they sweeten themselves. Rabbi Isaac bar Eleazar said, he starts to speak his disgrace and tells his praise! Rabbi Yose ben Rabbi Abun said, it is a difficult computation; Rabbi Zakkai of Alexandria knows it. He said, if you want, you may learn it from him.

398 They cannot be eaten raw; according to Yerushalmi rules cooked lupines should be forbidden as Gentile's cooking. But Ganiba was a Babylonian and the Babli has a second category of food exempted from the rules: coarse food not eaten in polite society (Babli 38a, rules of the autoch-

thonous academy of Pumbedita.) The paragraph makes clear that this tradition never was accepted in the domain of influence of the Academy of Tiberias.

399 Here ends the second Genizah fragment.

400 Cf. *Midrash Tehillim* on Ps. 93:4.

(42a line 11) חֲלוּט שְׁלֵהָן מֵהוּ. נִישְׁמְעִינָה מִן הָדָא. רַבִּי אָמִי סָלַק עִם רַבִּי יוֹדָן נְשִׂיאָהּ
לְחִמְתָּא דְּגִדְרָא וְהִתִּיר חֲלוּט שְׁלֵהָן. רַבִּי בָּא בַּר מְמַל בְּעִי. מֵה בֵּיין חֲלוּט לְתוֹרְמוּסִין. אָמַר רַבִּי
יוֹסִי. חֲלוּט מְחוּסָר מַעֲשֶׂה יְדֵי הָאוֹר הוּא. תּוֹרְמוּסִין אֵינָן מְחוּסָר מַעֲשֶׂה יְדֵי הָאוֹר הוּא.

חורנס אין בו משום בישולי גוים ויוצאין בו משום עירובי תבשילין. רבי בא בשם רב איתי. מרטיסה אין בו משום בישולי גוים ויוצאין בו משום עירובי תבשילין. רבי יוסי בירבי בון בשם רב הונא. כל-אוכל שהוא נאכל חי כמות שהוא אין בו משום בישולי גוים ויוצאין בו משום עירובי תבשילין.

What is the rule for their parboiled [food]⁴⁰¹? Let us hear from the following: Rabbi Immi went with Rabbi Jehudah to the hot springs of Gadara and permitted their parboiled [food]. Rabbi Abba bar Mamal asked, what is the difference between parboiled and lupines? Rabbi Yose said, parboiled is missing action by fire; lupines are not missing action by fire.

*Hawarnas*⁴⁰² is not forbidden because of Gentile cooking and one may use it for *eruv tavšilin*³⁶⁸. *Martisa*⁴⁰¹ is not forbidden because of Gentile cooking and one may use it for *eruv tavšilin*. Rabbi Yose ben Rabbi Abun in the name of Rav: Any food which can be eaten alone raw is not in the category of Gentile cooking and one may use it for *eruv tavšilin*³⁶⁸.

401 Scalding is not boiling; while the food is prepared it is not cooked.

402 These two words are unexplained; they can be given sense only by radical emendation. It takes some imagination to define *martisa* as “hash” (Jastrow) on basis of Arabic **رطس**, “to hit somebody with one’s

hand”; it may be somewhat better to rewrite **הרסט** as Babylonian חורנס “sauce made out of ground sardines” (Jastrow) since Palestinian ח often corresponds to Babylonian ה. Also compare Latin *arvina* “grease, fat,” and *moretum*, Greek **μυρτοτός**, a country dish (E. G.).

(fol. 40 b) **משנה י:** אילו מותרין באכילה חלב שחלבו גוי וישראל רואהו והדבש. והדבשנות אף על פי שמנטיפות אין בהן משום הכשר משקה. וכבשים שאין דרכן לתת בהן זין וחומין. וטריט שאינה טרופה וציר שיש בה דגה ועלה של הליתית וזית קלוסקא המוגלגלין. רבי יוסי אומר השלוחין אסורין. והחנבים מן הסלילה אסורין וכן התפתק מותרין. וכן לתרומה:

Mishnah 10: The following are permitted to eat: Milk which a Gentile milked while a Jew saw him, and honey, and broken grapes⁴⁰³ (even though they drip they do not prepare for impurity.⁴⁰⁴) Preserves in which usually wine or vinegar is not used, and uncut *triton*³⁴³, and fish sauce containing a

whole fish³⁴⁴, and a leaf of *asa foetida*²⁰⁵, and rolled olives⁴⁰⁵; Rebbi Yose says, the pitted ones are forbidden⁴⁰⁶. Locusts from the basket are forbidden⁴⁰⁷, from storage permitted; similarly for heave⁴⁰⁸.

403 Table grapes transported in baskets, not vine grapes transported in barrels. In the first case, juice dripping from broken grape berries is lost. In the second case the juice is collected in the barrel and poured into the wine press; this juice follows all the rules of wine and becomes forbidden by the Gentile's touch.

404 Any vegetable food cannot become impure as long as it is connected to the ground. After harvest it can become impure once it comes into contact with water (*Lev.* 11:38). Juice is treated as water in this respect. But the verse reads, *if water is poured on vegetables*, this is read to imply that contact with water makes vegetables susceptible to impurity only if it was poured intentionally or at least if the wetting was agreeable to the owner (*Sifra Šemini Pereq* 11). Therefore juice which flows out of table grapes does not prepare for impurity since it is lost, but juice flowing from wine grapes does prepare for impurity since it is not lost and eases the work of wine pressing.

405 It seems that the correct reading is that

of the *Arukh*: ייתי קלוסטא המגוללים and the expression is a double Greek-Hebrew, the olives are "rolled" (or "apt to be rolled") Greek κυλιστός and Hebrew "rolled". Cf. E. and H. Guggenheimer, Notes on the Talmudic Vocabulary, *Lešonenu* 37 (1973) pp. 23-25.

406 He thinks that standard technology is to soften the olives by vinegar before removing the pits (*Tosephta* 4:8).

407 One assumes that the store will sprinkle the dead locusts on display with vinegar to keep them looking fresh (*Tosephta* 4:12).

408 A Cohen, who certainly is Jewish, has a food store and therefore can legally refreshen his locusts with vinegar or wine. If he is suspected of illegally using his heave wine or vinegar, which by biblical decree must be eaten by the Cohen in purity and should not be used commercially, to sprinkle on locusts for sale, he has to be treated the same as a Gentile seller of the same.

(42a line 20) הלכה י: אילו מותרין בהנייה כול. אמר רבי לעזר. הקדא דאתא אמר. בתבשיל שאין דרכו לתת לתוכו יין וחומץ. הא דבר בריא שנתן אסור אפילו בהנאה. רבי יעקב בר אבא רבי חייה בשם רבי יוחנן. ישראל וגוי שהן שופתין בקדירה. ישראל שופת ונהוי מנער. מי מחזיר. סברין מימר. ישראל מחזיר. אמר רבי בגימין בר לויא. והוא שנתבשל כמאכל בן דרוסא. רבי יוסי בעי. אם בשנתבשל כמאכל בן דרוסא למה ליה ישראל מחזיר. אפילו נהוי מחזיר.

Halakhah 10: “The following are permitted for usufruct,⁴⁰⁹” etc. Rabbi Eleazar said, about a dish in which usually one does not add wine or vinegar. Therefore if it is certain that he added, it is forbidden even for usufruct⁴¹⁰.

Rabbi Jacob bar Aḥa, Rabbi Ḥiyya in the name of Rabbi Johanan: If a Jew and a Gentile put a pot on the fire, the Jew puts it down and the Gentile stirs⁴¹¹. Who puts it back? One would say that the Jew puts it back⁴¹². Rabbi Benjamin bar Levai said, only if it is cooked like Ben-Drosai’s⁴¹³ food. Rabbi Yose asked, if it is cooked like Ben-Drosai’s food, why does the Jew have to put it back? Even the Gentile may put it back⁴¹⁴.

409 This looks like a misquote from the Mishnah but probably is not since the following statement of R. Eleazar makes sense only if it relates to usufruct, not to food eaten by Jews.

410 Since one refers to dishes produced by Gentiles they are forbidden as Gentile cooking. The only question is whether a Jew may use them as objects of trade. He may do that only if in the standard cook books no addition of wine or vinegar is required. In any case, if it is known that wine or vinegar was added it is forbidden for usufruct. If nothing is known but the standard recipe does not call for wine it is a legitimate object of trade.

411 The Babli 38b declares that there is no

prohibition of Gentile cooking if either the Jew puts it on the fire and the Gentile cooks or the Gentile puts it on the fire and the Jew cooks.

412 Since the Yerushalmi requires that the Jew put the dish on the fire it is obvious that he has to put it back if for some reason the pot was taken off the fire.

413 “The trampler”, a famous robber who always was on the run and therefore could eat his meat only rare. “Ben Derosai’s food” is rare, cooked one-third of normal cooking time.

414 Any food cooked rare is no longer subject to the rules of Gentile cooking. Babli 38a, *Šabbat* 20a.

42a line 27) אִי זֶהוּ הַחֵילָק. רַב אָמַר. סוֹלֶתְנִיתָא. אָמַר רַבִּי יוֹחָנָן. הוּא חֵילָק הוּא טָרִית טְרוּפָה. רַבִּי זְעִירָא כְּהֵנָא בַר תַּחְלִיפָה חָנָן בַּר בָּא בָשֶׁם רַב. לַחְלוּחִתָּא אֲסוּרָה מְשׁוּם תַּעְרוּבָת דְּגִים טְמֵאִים. רַבִּי בָּא בָשֶׁם רַב יְהוּדָה. הָדָא דְתִימָר. בְּמָקוֹם שְׂאִין הַמֵּיִם מְהֻלָּכִין. אֲבָל בְּמָקוֹם שֶׁהַמֵּיִם מְהֻלָּכִין אֵין דָּג טָמֵא מְהֻלָּךְ עִם דָּג טָהוֹר. וְהָא יָמָא דְּטִיבְרָיָה כְּגוֹן הַמֵּיִם מְהֻלָּכִין הֵן. אָמַר רַבִּי יוֹסִי בִּירְבִּי בּוֹן. וּבִלְבָד בְּשַׁעֲה שֶׁהָדָג טוֹרֵף. שְׂמוּאֵל אָמַר. הָדָא חֲפִיתָה יְהִיבָה גּוֹ קוֹלִפְתָּה. אֵין עֲבָדָת לַחְלוּחִי שְׂרִיָּא. וְאֵילָא אֲסִירָא.

אִי זֶהוּ הַטְּרִית שְׂאִינָה טְרוּפָה. כָּל־שֶׁהָרָאשִׁים וְהַשִּׁזְרוֹת שְׁלֵה קִימִין. רַבִּי לִעְזָר בָּשֶׁם רַבִּי חֲנִינָה. מַעֲשֶׂה בְּסַפְיָה אַחַת מְשַׁלְבִּית רַבִּי שֶׁהָיוּ בָּהּ יוֹתֵר מִשְׁלָשׁ מֵאוֹת חֲבִילוֹת. וּבִדָּק רַבִּי אֶת

כולהון ולא מצא אלא אחת שהראשים והשיזרות שלה קיימין. והתיר את כולה. רבי יעקב בר אחא אמר. רבי אסי מקשי. לה מסתברה דלא אתה חבית תהא מותרת ושאר כל חביות יהו אסורות. אלא על ידי עילא. זבינתא איתקלקלת. שאל רבי חגי לרבי בא בר זבדא. אמר ליה. אין דבר שלרבים נאסר. רבי יעקב בר זבדי אמר. רבי יצחק מקשי. ואילין איגרתא לא גייס לוקין כתיב בהן. ואת אמר. על ידי עילא. והכא על ידי עילא.

What is *alec*? Rav said, *soltanit*⁴¹⁵. Rabbi Johanan said, *alec* and cut-up triton follow the same rules. Rabbi Ze'ira, Cahana bar Tahlifa, Hanan bar Abba in the name of Rav: Its mucus is forbidden because of admixture from prohibited fish. Rabbi Abba in the name of Rav Jehudah: This you say at a place where water is not running. But in running water no impure fish associates with pure fish. The Sea of Genesareth is similar to running water. Rabbi Yose ben Rabbi Abun said, only at times when the fish bites. Samuel said, *hafitha*⁴¹⁶ one judges according to its shell. If it produces mucus it is permitted, otherwise forbidden.

What is uncut triton? Any where heads and spines exist⁴¹⁷. Rabbi Eleazar in the name of Rabbi Hanina: It happened that on a ship of the House of Rabbi there were more than 300 amphoras. Rabbi checked them all out and found only one where heads and spines were found. He permitted all of them. Rabbi Jacob bar Aha said, Rabbi Assi¹⁹⁰ asked, would it not be reasonable that one amphora be permitted but the other amphoras be forbidden? But it was by a pretext.^{418 419} (A sale)⁴²⁰ was mixed up. Rabbi Haggai asked Rabbi Abba bar Zavda who said to him, the property of the public cannot be forbidden. Rabbi Jacob bar Zavdi said, Rabbi Isaac asked: Is not Cajus Lycus written on these documents, and you say, by a pretext⁴²¹?

415 There is no linguistic evidence for translating either sardine or herring. All one has to go on is a remark in the Babli 29a that *soltanit* is forbidden because it is a small fish caught together with non-kosher fish. Cf. Latin *solea* "sole" (also the fish).

416 This kind of fish likewise has not been identified. In *Cant. rabba ad* 1:4 it is noted that it is a jumping fish. Arabic حَفِث is a

large non poisonous snake.

417 Babli 40a, opinion of Rav Huna.

418 Since all of the amphoras came from the same source, he had reason to assume that all of them were made by the same rule.

420 The following sentences are from *Terumot* 10:7, Notes 91-94. The common topic are subterfuges to stretch permissions over the reasonable limit.

420 In *Terumot* one reads "cheeses", ג, for

ו, a not infrequent misreading. While the principle of R. Abba bar Zavda refers to public property, here he applied it to loads on a common carrier. This is a subterfuge.

421 Divorce documents can only be signed by Jews. In the diaspora, one must accept

also Jewish witnesses with Latin and Greek names; therefore the appearance of foreign names on documents is no reason for attacking the genuineness of a document under any circumstance. This is a subterfuge.

(42d line 44) תַּנִּי עוֹלָא שְׁכַפְפָא קוּמִי רַבִּי דּוּסָא. דָּג טָמֵא מִשְׁרִיץ. דָּג טָהוֹר מְטִיל בִּיציִים. חֲזוֹר וְתֵנָּה קוּמוּי. מַעֵי דָגִים וְקִירְבֵי דָגִים אֵינָן נֶאֱכָלִין אֶלָּא עַל פִּי מוֹמְחָה. אָמַר לֵיהּ. חֲזוֹר בְּדָ. הָדָא תַנִּי אִו הָדָא. הָוָה בְּעֵי מִיחֲזוֹר בֵּיהּ. אָמַר לֵיהּ רַבִּי זְעִירָא. לֹא תִחֲזוֹר בְּדָ. בִּיציָאָתָן הֵן נִגְמְרוּת. רַבִּי בָּא בְּשֵׁם רַב יְהוּדָה. אִם אָמַר לָךְ. מְלַחְתִּים. נֶאֱמָן. נֶתָן בַּר בָּא אָמַר קוּמִי שְׁמוּאֵל. יָדַע אֲנָהּ מִכְּרָשָׁא בֵּין עוֹבְרֵי דָגִים טָמְאִין לְעוֹבְרֵי דָגִים טָהוֹרִין. עוֹבְרֵי דָגִים טָמְאִין עָגוּלִין. עוֹבְרֵי דָגִים טָהוֹרִין אַרְוִכִין. אַחֲוֵי לֵיהּ חֲדָא סְלָפִיתָא. אָמַר לֵהּ. כְּזֶה מָהוּ. אָמַר לֵיהּ. טָמֵא. אָמַר לֵיהּ. לֹא בִישׁ לִי דְאִמְרַתְּ עַל טָהוֹר טָמֵא. אֶלָּא סוֹפְדָ דְאָמַר עַל טָמֵא טָהוֹר. תַּנִּי. אֵין לֹקְחִין מַעֵי דָגִים וְקִירְבֵי דָגִים אֶלָּא עַל פִּי מוֹמְחָה. אֵין לֹקְחִין תְּכֵלֶת אֶלָּא עַל פִּי מוֹמְחָה. אֵין לֹקְחִין גְּבִינָה וְתִינִיָּקִי אֶלָּא עַל פִּי מוֹמְחָה. אֵין לֹקְחִין יָין בְּסוּרְיָא אֶלָּא עַל פִּי מוֹמְחָה. אֵין לֹקְחִין בֶּשֶׂר שְׂאִין בּוֹ סִימָן אֶלָּא עַל פִּי מוֹמְחָה. וְכוּלָן נֶאֱכָלִין אֶצֶל מִי שְׂאִינוּ מוֹמְחָה וְאִינוּ חוֹשֵׁשׁ.

Ulla the leatherworker⁴²² stated before Rabbi Dosa, an impure fish has live births, a pure fish lays eggs⁴²³. He started again and stated, fish intestines and fish innards are eaten only upon certification by an expert⁴³⁴. He told him, change your statement! This one state or that one. Rabbi Ze'ira said to him, do not change your statement. They are finished only upon being laid⁴²⁵. Rabbi Abba in the name of Rav Jehudah, if one tells you, I salted them, he may be believed⁴²⁶. Nathan bar Abba said before Samuel, I know how to distinguish between fetuses of impure fish and fetuses of pure fish. The fetuses of impure fish are spherical, the fetuses of pure fish are elongated⁴²⁷. He showed him a *salpe*⁴²⁸, he asked him, what is its status? He answered, impure. He told him, not only am I aggravated that you said impure of what is pure but at the end you will say pure of what is impure.

It was stated: One buys fish intestines and fish innards only upon certification by an expert⁴²⁹. One buys dark blue wool only upon certification by an expert^{204,430}. One buys Bithynian⁴³¹ cheese only upon certification by an expert⁴²⁹. One buys wine in Syria only upon certification by an expert⁴²⁹. One

buys meat without a mark only upon certification by an expert⁴²⁹. But all one may eat at a person's who is not an expert without worry⁴²⁹.

422 Accadic *aškapu*.

423 Babli 40a, *Bekhorot* 7b.

424 Babli 40a.

425 In the Babli 40a the question is asked by Ulla (ben Ismael) to R. Dositheos of Bire and answered by R. Ze'ira correctly that all lay eggs but some impure fish hatch their eggs in their body (clearly excluding mammals). It is not impossible to read the same meaning into the statement here.

426 Babli 40b. If he asserts that he checked the fish and they were of the pure kind, he does not have to be an expert.

427 In the Babli, 40a, it is asserted that impure fish eggs are symmetrical ovaloid, pure fish eggs asymmetrical.

428 Greek *σάλπη*, Latin *salpa*, -ae, "stock-fish".

429 Tosephta 4:13, Babli 39b.

430 Babli *Menahot* 42b.

431 The translation assumes that ותנייכיי is a scribal error for בתינייכיי "Bithynian", which in the Mishnah in the Babli (Note 270) characterizes cheese which is forbidden for usufruct if produced by Gentiles. In the Tosephta *ed. princeps* בית היניקאי, Erfurt ms. ובית הינייכיי, Vienna ms. missing. The Vienna text is the only one agreeing with the Mishnah as printed in the Yerushalmi editions.

(42a line 57) רבי אַחא רבי תנחום בשם רבי יהושע בן לוי. שילח לו חילתית נאמן. רבי יעקב בר אַחא רבי יעקב בר אידי בשם רבי יהושע בן לוי. שילח לו תכלת נאמן. טליא דלוי צנבריא הנה מזבן פירין. רבי יעקב בר אַחא בשם רבי יסא. עבדו של נאמן נאמן. גרמא עבדיה דרבי יודן נשיא הנה ליה תוקלא. רבי יסא בשם רבי יוחנן. עבדו של מומחה כמומחה.

Rebbi Aha, Rebbi Tanḥum in the name of Rebbi Joshua ben Levi: If one sent *asa foetida* he is trustworthy⁴³². Rebbi Jacob bar Aḥa, Rebbi Jacob bar Idi in the name of Rebbi Joṣhua ben Levi: If one sent dark blue wool he is trustworthy. The lad of Levi of Sanbar was selling produce⁴³³. Rebbi Jacob bar Aḥa in the name of Rebbi Yasa: The slave of a trustworthy person is trustworthy. Germanus the slave of Rebbi Jehudah the Prince had dark blue wool. Rebbi Yasa in the name of Rebbi Joḥanan: The slave of an expert is like an expert⁴³⁴.

432 If a person sends a gift to another of a substance whose kosher status might be questionable, the recipient may assume that the gift was kosher, otherwise it would not

have been sent without proper warning. Babli 39b.

433 The lad was a slave. The question was whether the buyer of produce may assume

that heave and tithes were taken from produce sold by the servant of a person who himself was known to be trustworthy in matters of heave and tithes. Since the slave's owner would not tolerate untithed produce in his house, one must assume that any produce sold by his slave was tithed.

Babli 39a.

434 This is parallel to the previous case. Since R. Jehudah the Prince would not tolerate fake blue wool on his property, one may buy blue wool threads from his slave even if the latter was uneducated.

(42a line 64) ומלח סלוקנרית. אית תנאי תני. שחורה אסורה ולבנה מותרת. אית תנאי תני. לבנה אסורה ושחורה מותרת. מאן דמר. שחורה אסורה. שנותן לתוכה שרץ שחור. ומאן דמר. לבנה אסורה. שנותן לתוכה שרץ לבן. רבי חנניה בן גמליאל אמר משום רבי יהודה בן גמליאל. זו וזו אסורה. אמר רבי חנניה. שכן חד הנה לבן וחד הנה נותן לתוכה שומן שלחור.

“And *salqonarit* salt.” Some Tannaïm state, black one is forbidden but white permitted. But some Tannaïm state, white one is forbidden but black permitted⁴³⁵. He who said black one is forbidden, because one puts a black crawling thing in it. He who said white one is forbidden, because one puts a white crawling thing in it. Rabbi Hanania ben Gamliel said in the name of Rabbi Jehudah ben Gamliel, both are forbidden. Rabbi Hanania⁴³⁶ said, we had a neighbor who was mixing it with pig fat.

435 One of these is R. Meïr, the other R. Jehudah, but Babli 39b and Tosephta 4:12 give contradictory attributions. One has to assume that the editors of the Yerushalmi refrained from attaching names to the

traditions since they knew about differing attributions.

436 He is the previously mentioned R. Hanania ben Gamliel, Babli 39b.

(42a line 68) הן סככות הן פרעות. הן רפפות הן רעילות. הן איסטגיות הן ספיות. הן פוסות הן גומות. היא מקום תחת הפוסות היא מקום הנחת חתיכות. הן ייתי קלויסקא הן ייתים מגולגלים.

והשלוחין אסורין. רבי חייה בשם רבי יוחנן אמר. מין הוא והן נותנין לתוכן חומץ שיהי חולצין את גלעיניהן.

⁴³⁷Coverings are the same as protuberances⁴³⁸. Veiled is the same as hulled⁴³⁹. Roofs are the same as covers⁴⁴⁰. Cups are the same as grooves⁴⁴¹. A place under cups is a place for putting down pieces⁴⁴². Κυλιστόι olives are rolled olives⁴⁰⁵.

“The pitted are forbidden.” Rabbi Ḥiyya in the name of Rabbi Joḥanan said, it is a variety⁴⁴³ and they put vinegar on them to be able to remove their pits.

437 In this paragraph one gives example of technical terms used in Mishnaïot which are essentially the same. The list is made to explain the term *זית קלססא המגולגלין* which however is somewhat different in combining two expressions which are translations of one another (Note 405).

438 In Mishnah *Ahilut* 8:2 it is explained that *סִכְכוֹת* refers to trees giving shade and *פְּרָעוֹת* to bushes growing out of a stone wall. Both transmit “tent” impurity.

439 Mishnah *Šabbat* 6:6: On a Sabbath, a Jewish woman in Arabia may walk in the public domain veiled and in Persia hulled.

440 Mishnah *Kelim* 8:9. An oven (*furnus*) may become impure if according to R.

Jehudah it has a roof (στέγη), according to Rabban Gamliel if it has a platform (תִּפְסֵי).

441 Mishnah *Parah* 2:5: Two black hairs growing in the same groove disqualify a red cow; R. Jehudah says in the same cup.

442 Mishnah *Kelim* 22:1: A table or tripod (portable pieces of furniture which may become impure if whole) which were damaged but were covered with a marble top (which cannot become impure) still may become impure if the cover excludes a place for putting there cups (majority opinion) or pieces (R. Jehudah).

443 A kind of olives which can easily be freed of its pits. The name refers to the root שלח I “to strip off”.