

JUDAISM

The Talmud

Eduyoth

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

Presented by Earth's Sacred Texts — blackbetty.space

Contents

Eduyoth

Chapter I

Chapter II

Chapter III

Chapter IV

Chapter V

Chapter VI

Chapter VII

Chapter VIII

Eduyoth

Chapter I

¹ MISHNA I.: Shamaï says: For all women suffices their perceiving the menses (to make unclean whatever one of them may happen to touch; but not before this perceiving). Hillel, however, says: The time is to be counted between two consecutive examinations regardless of the length of the interval and be it of many days (and all she touches at that time is unclean). The sages, however, say: The Halakha prevails with neither Shamaï nor Hillel; but one day (night included) reduces the interval between the said examinations; on the other hand, the moment of examination reduces the allowance of the day (and night). (However, all agree) that for every woman who has a regular periodic menstruation the perceiving suffices. She who uses sheets to examine herself before and after intercourse, reduces thereby both the time of the previous examination and the above-said day of allowance. 1

² MISHNA II.: Shamaï says: One must separate Chalah (first dough) from one Kab; Hillel says from no less than two, while the sages set the minimum at one and a half Kab, lowering it, however, to five-fourths of a Kab when the measures were increased. R. Jose says: Not exactly five-fourths, but a trifle above.

³ MISHNA III.: Hillel says: One Hin-ful of drawn water renders a legal bath, 2 when poured therein, unfit. (A Hin-ful is not the exact quantity, but is stated here as it is one's duty to use the teacher's language.) Shamaï says: Nine Kab, while the sages, disagreeing with either view, uphold the two weavers that came from the gates-of-refuse in Jerusalem and testified in the name of Shemaï and Abtalion that three Lugs of drawn

⁴ water render the aforesaid bath unfit, and decided that Halakha to prevail so.

⁵ MISHNA IV.: Why, then, are the theories of Shamaï and Hillel stated at all, if without avail? To teach to posterity that one must not insist upon one's statements, since the distinguished masters of the world did not persist in their views.

⁶ MISHNA V.: And why is mention made of the opinion of a single person in connection with that of many, when the final decision is invariably with the majority? In order that when a court should happen to approve of some one's opinion it might base its decision thereon, for no court may annul the decision of another court, unless it be superior to latter both in erudition and number. If, however, it be superior only in one respect: in either erudition or number, it cannot annul; as it must be superior in both.

⁷ MISHNA VI.: Said R. Jehudah: If this be the case, why is mention made of the opinion of an individual in connection with that of the majority to no purpose? In order that if one were to base his argument on tradition he could be answered that his tradition is in accordance with the opinion of that and that individual.

⁸ MISHNA VII.: Beth Shamaï says: A quarter Kab of the bones of the dead (defiles one in the tent) be it from two or three dead; Beth Hillel says: A quarter Kab from one corpse, from the quarter part of the entire structure, or of the number of bones. Shamaï himself says: One bone suffices.

⁹ MISHNA VIII.: Vetch terumah may, according to Beth Shamaï, be soaked and peeled in a state of cleanness, but in that of uncleanness the cattle may be fed on it. Beth Hillel, however, hold that in the former state it may be soaked only, while peeling and feeding may be done in the latter. Beth Shamaï says: It must be very dry when given to the cattle; R. Aqiba holds that in a state of uncleanness all actions may be performed on it.

¹⁰ MISHNA IX.: If one desires a sela in exchange for copper coin of the second tithe, he must, according to Beth Shamaï, exchange the whole coin for a sela, while the Beth Hillel maintain that he may take but one shekkel in silver and the other have in copper coin. 1 (R. Mair says): One must not redeem fruit and silver by other silver, while the sages allow it.

¹¹ MISHNA X.: When one exchanges a sela of second tithe in Jerusalem, he must, according to Beth Shamaï exchange the entire sela for copper coin; Beth Hillel hold as above; the experts 1 of the sages say: For three dinar in silver and one dinar coin. R. Aqiba's opinion is: Three dinar in silver and of the fourth one a quarter in coin. R. Tarfon says: Four aspers in silver. Shamaï himself says: Let him leave the sela in the store till he gradually consumes its worth in goods.

¹² MISHNA XI.: The bride's chair, when stripped of its adornments is declared by the Beth Shamaï as subject to defilement, but not so by Beth Hillel. Former holds that even the seat alone of that chair is unclean. Similar are the respective opinions of the Beth Shamaï and the Beth Hillel with reference to a chair put into a trough, the former declaring in addition the chair unclean if even only made in a trough. (Will be explained in Tract Kelim.)

¹³ MISHNA XII.: Following are the cases wherein the Beth Hillel have altered their views in favor of those advanced by the Beth Shamaï: The woman who upon coming from the sea-countries asserts that her husband died may, according to the Beth Shamaï, remarry or enter a levirat marriage; while the Beth Hillel contended: We heard this as holding good only concerning a woman who comes from the harvest; whereupon the Beth Shamaï retorted: It is immaterial whether she comes from the harvest, olive gathering or from a sea-country; and the expression "harvest" as used by the sages in this matter was one of fact; thereupon the Beth Hillel conceded. Furthermore, according to Beth Shamaï such woman is allowed to marry and to obtain her marriage contract, which latter right the Beth Hillel denied her, whereupon the Beth Shamaï argued: You allow a possible adultery, a rigorous transgression, and prohibit a money matter, a (lenient) misdemeanor? Whereunto the B. Hillel rejoined: For we find that the heirs of the deceased cannot enter inheritance upon her statement alone. And Beth Shamaï replied: But we are informed directly from her marriage contract, where the husband writes: If you get married to another one you should get what is here devised to you; thereupon the B. Hillel conceded to them.

¹⁴ MISHNA XIII.: He who is half slave and half free 2 works,

¹⁵ according to Beth Hillel, one day for his master and one for himself. Hereto objected the Beth Shamaï: You amply provide for his master but not for him; he has no right to marry either a slave or a free woman, nor should he remain single, for the world has been created for propagation, as it reads [Isa. xlv. 18]: "Not for naught did he create it; to be inhabited did he form it." Accordingly, for the

sake of a better organization of the world his master is compelled to wholly free him, and the slave writes him a note on the half of his value; and the Beth Hillel accepted this opinion.

¹⁶ MISHNA XIV.: An earthen vessel when covered protects (against tent-uncleanness) according to Beth Hillel all (it contains), while the Beth Shammai holds that it protects only food, beverages and earthen vessels. Asked Beth Hillel: Why? And they answered: Because it is unclean in the opinion of the Amharatz, and no clean vessel is protective; and B. Hillel's question as to why have you declared it protective of food and beverages, they meet thus: We declare these clean only for the Amharatz, but if you were to declare the vessel as such clean, it would be so in general; hereupon the B. Hillel agreed.

¹⁷ 3:1 This Mishna is the first in the I. Chapter of Tract Nidah, and will be translated in the proper place with the Gemara.

¹⁸ 3:2 In case same does not yet contain the legally prescribed 40 saah.

¹⁹ 6:1 All this receives its explanation in Tract Second-Tithe, section Seeds.

²⁰ 7:1 I.e.: Ben Azai, Ben Zoma, 'Hanan the Egyptian, and 'Hanania.

²¹ 7:2 I.e., he was a slave of two masters, one of whom freed him.

Chapter II

¹ MISHNA I.: R. 'Hanina the segan of the priests testified the following four statements--viz.: The priests have never hesitated to burn meat defiled in a secondary degree together with meat defiled in a primary degree, though latter augments the uncleanness of the former; R. Aqiba added: Nor have they ever hesitated to burn oil, that has become unusable through a defiled one though bathed during the day, in a lamp defiled through contact with one who touched a corpse, though the uncleanness of the oil is thereby augmented.

² MISHNA II.: Furthermore, he said: During all my life I have not seen a hide (of a sacrificed animal found internally injured) brought out to the fireplace. Said R. Aqiba: We learn therefrom that when the first-born cattle on being stripped of its hide is found internally injured, the priests may use its hide. The sages, however, say: "We have not seen" is no evidence, so that the hide must be removed to the fireplace.

³ MISHNA III.: The same R. 'Hanina testified that there was an old man in a little village near Jerusalem, who was lending money to all the villagers, writing himself the notes and having others to sign them; when this case came before the sages, they declared fit proper. From here is to infer that both woman and man may write she her divorce and he the receipt respectively, since the validity of a divorce is effected only by the undersigned thereon.

⁴ He finally testified that, when an (unclean) needle was found in the flesh (of a sacrifice), the knife and the hands are clean, but the flesh is unclean; but if found in the paunch everything is clean.

⁵ MISHNA IV.: R. Ismael propounded three things before the sages at Iabnah in the vineyard: (a) a cracked egg put upon a colewort of Terumah forms a combination except when put on like a hat; (b) an ear of corn left standing in the crop with its point toward the yet unreaped corn, belongs to the

landowner provided it be capable of being cut off with the standing corn, otherwise it belongs to the poor (as forgotten); (c) a small garden

⁶ fenced with creeping vine may be sowed (with seeds) if it has enough room, so that the vine-dresser with his basket can stand on all its sides, but not otherwise.

⁷ Three things have been propounded in the presence of R. Ismael, and as he did not express himself either for or against, R. Jehoshua b. Mathia interpreted them: (a) One who inflicts upon one's self a sore on the Sabbath day is guilty if he did it in order to make a permanent orifice, but is free if his purpose was to remove the pus; (b) one is free for hunting a snake on Sabbath in order to escape its bites, but is liable if for medicinal purposes; (c) earthen dishes used in cities are clean when in the tent of a corpse, but become unclean when carried by him who is possessed of a running issue, in which latter case R. Eliezar b. Zadok declares them also clean since their work has not yet been completed.

⁸ MISHNA VI.: R. Ismael declared three things which R. Aqiba has not agreed in: Garlick, sour grapes, and unripe corn-ears ground (on Friday) before twilight may, according to R. Ismael, be finished after sunset, while R. Aqiba does not allow it.

⁹ MISHNA VII.: Of the following three statements cited before R. Aqiba the first two were in the name of R. Eliezar, and the third one in that of R. Jehoshua: (a) A woman may go out on Sabbath in her gold city-crown; (b) hunters after another's doves are unfit as witnesses; (c) when a weasel with a worm in its mouth runs over the breads of Terumah and it remains dubious as to whether or not the worm touched the breads they are clean.

¹⁰ MISHNA VIII.: R. Aquiba has made statements, of which only the first two found the approval of the sages: (a) A sandal of the lime-burners is subject to defilement by the steps of him who has a running issue; (b) the remnants of an (unclean) oven are unclean when four hand-widths high, which height was thought before to be only three; (c) a chair, from whose seat two consecutive boards have been removed is, according to R. Aqiba only, subject to defilement.

¹¹ MISHNA IX: He (R. Aqiba) was wont to say: The father conditions in his son beauty, force, wealth, wisdom, longevity, and the reward to be bestowed on (his) posterity; and herein lies the end of destiny, as it reads [Is. xli. 4]: "He predetermines from the beginning of fate of the generations to come," and though it reads [Gen. xvi. 13]: "They will enslave them

¹² and torture them for 400 years," yet we read further [ibid. xvi.]: "The fourth generation will return again unto here."

¹³ MISHNA X: Furthermore, he was saying: There are five things of a twelve months' duration--viz.: the punishment of the generation of the flood, that of job, of the Egyptians, of Gog and Magog in time to come [Ezek. xxxv. 2], and of the wicked in the infernum, for it reads [Isa. xv. 6]: "It will take place (chodesh bechodsho) every month," i.e., from the month he died next year the same month renewed. R. Johanan b. Nari says (regarding the last point): It lasts only from Passover till Azereth, for it reads [ibid.]: "From one festival to the other."

Chapter III

¹ MISHNA I.: All objects that defile within the tent are, according to R. Dohssa b. Horkinoss, clean when they were brought into the house after having been divided in smaller parts; but the sages declare them unclean. How so? If one touches or carries two pieces of a carcass each of the size of half an olive, or touches of a corpse the size of a half an olive (and his body covers such a size) and such a size shelters him, or he covers as much as two halves of an olive, or only of a half an olive but is roofed by such a size, R. Dohssa b. Horkinass declares him clean and the sages declare him unclean. But if he touches the size of half an olive while another thing covers both him and of a corpse the size of half an olive (or he covers such size and another thing covers him and such a size), he is clean (also according to the sages). R. Mair, however, said: Also herein the sages and R. Dohssa differ as above. (They declare) that all combine to render unclean except touching with carrying, and carrying with roofing. This is the rule: What bears one and the same name is index of uncleanness, two different names is one of cleanness. (All the Mishna is explained in third chapter of Tract Oholoth (Tents).

² MISHNA II.: Food consisting of sundry parts does not, according to R. Dohssa b. Horkinass, combine (to the measure of an egg), while according to the sages it does so. R. Dohssa holds that it is allowed to exchange second tithe for uncoined money, while according to the sages it is not. Finally, he holds that it suffices to bathe one's hands to be allowed to touch the sin-cleansing water, while the sages say that (in this case) with the uncleanness of his hands the entire body is unclean.

³ MISHNA III.: The interior of a melon, as well as the peel strips of a colewort is as terumah allowed to laymen (non-priests), so R. Dohssa, while the sages do not allow it. He further holds that it is only then obligatory to separate the first-cut wool of five shorn sheep when each of them furnishes one and a half mana worth of wool, while in the opinion of the sages

⁴ even when the wool of the five sheep is however little. (Is further explained in Tract Chulin, Chapter XI.)

⁵ MISHNA IV.: According to R. Dohssa, all mats are getting unclean only when touched by a corpse, but according to the sages, also by (mere) pressure. He says further that all woven work remains clean except a girdle, but according to the sages all are subject to defilement, except, however, those of the wool-traders.

⁶ MISHNA V.: A sling whose handle is embroidered is subject to defilement. But if it is of leather R. Dohass declares it clean, and the sages, unclean. If its finger-hole has been severed from it, it is clean, but also is unclean if only its end is severed.

⁷ MISHNA VI.: The wife (of a priest) that was in captivity is, according to R. Dohssa, allowed to eat terumah, while the sages say: There is a difference between one captive and another. How so? If she says: I was in captivity, but am clean, she may eat, for the mouth that prohibits also allows, but if her captivity is attested by witnesses and she asserts thereupon to be clean, she is not allowed to eat. (Explained in Tract Kethuboth, Chapter II.)

⁸ MISHNA VII.: There are four doubtful cases where R. Jehoshua declares the thing unclean and the sages, clean--viz.: (a) while the unclean is standing the clean one is passing, or (b) vice versa; (c) when something unclean is in the private ground, while something clean in the public grounds, or (d)

vice versa, in which cases it is doubtful whether or not one touched, roofed, or was moved by, the other. (Tract Taharoth, Chapter II.)

⁹ MISHNA VIII.: Three things are declared unclean by R. Zadok and clean by the sages--viz.: (a) The exchanger's nail; (b) the trunk of the bean-grinders, and (c) the screw of the stone sun-clock. (Kelim, Chapter XII.)

¹⁰ MISHNA IX: Four things are held unclean by R. Gamaliel and clean by the sages: (a) The cover of a metallic basket used in households; (b) the handle of a (bathing) scraper; (c) the unfinished metallic vessels, and (d) a board broken in two (equal) parts; in the last-named case, however, if the parts be unequal, the sages concur with R. Gamaliel in that the bigger part is unclean and the smaller, clean. (Ibid., *ibid.*, Mishna VI.)

¹¹ MISHNA X: In the decision of the following three R. Gamaliel is as rigorous as Beth Shammai: It is not allowed: (a) to keep warm on a holiday cooked food for Sabbath; (b) to put

¹² together the parts of a chandelier on a holiday, and (c) to bake (on a holiday) big loaves of bread, but only small ones. He said: During all the time they were baking in my father's house only thin loaves, and he was answered: We can make no conclusion from your father's house, who have always been rigorous to themselves, but lenient to all others, allowing them to bake not only big loaves but even big cakes on coal.

¹³ MISHNA XI.: In the following three things, however, his decisions are lenient: It is allowed (a) to sweep (on holidays) between the bedsteads; (b) to put upon coals the fumigation, and (c) to roast a prepared kid on the first Easter evening, all which the sages forbid.

¹⁴ MISHNA XII.: Three things R. Elazar b. Azaria allows and the sages forbid: (a) His cow was allowed to walk out (on Sabbath) with the strap between her horns; (b) he allows to curry the cattle on holidays, and (c) to grind pepper in hand-mills adapted thereto. R. Jehudah maintains that point sub (b) is not allowable, as one could while currying make a sore, but allows to do it with a wooden comb, while the sages forbid both. (The last two Mishnas are explained in Tract Beitzah.)

Chapter IV

¹ MISHNA I.: In the following cases the decisions of Beth Shammai are lenient, and those of Beth Hillel rigorous. An egg laid on a holiday is, according to Beth Shammai, allowed to eat on that day, but is not so according to Beth Hillel. Regarding the removal of leaven (before Passover) Beth Shammai hold it must be of the size of an olive and leavened bread of that of a date, while the Beth Hillel fix the size of each at that of an olive.

² MISHNA II.: All agree in that a cattle born on a holiday is allowed, but a fowl out of the eggs is not. If one slaughter game or fowl on a holiday he is allowed by Beth Shammai to dig up loose ground (the spade already struck in) and cover the blood, while Beth Hillel do not allow to kill unless there be earth prepared, admitting, however, that after one has killed, he may use with the spade the loose ground, and that ashes from the hearth be regarded as prepared earth.

³ MISHNA III.: The Beth Shammai consider ownerless everything left to the poor, while according to Beth Hillel, only that is ownerless which is abandoned to the rich as well, instance Shmitah. If all the

sheaves of a field contain each a Kab and one of them containing four Kab is left, the Beth Shamaï do not regard it forgotten, and Beth Hillel do so. (Tract Peah, Chapter VI.)

⁴ MISHNA IV.: Likewise do not Beth Shamaï regard forgotten a sheaf left near a wall, a stag, a bull, or implements; while Beth Hillel do.

⁵ MISHNA V.: The four-year-old vine is, according to Beth Shamaï, not subject to either the additional fifth or destruction, while according to Beth Hillel it is. Furthermore, the former hold that it is subject to both Peret and oilleloth [Lev. xix. 10], and that the poor are to redeem it themselves; while the latter say it all goes to the winepress.

⁶ MISHNA VI.: A cask with preserved olives need not have a hole, so Beth Shamaï, while. Beth Hillel find it obligatory, admitting, however, that if there had been one, but was stopped

⁷ by the dregs, the cask is clean. If one, having besmeared his body with sweet oil, became unclean and then took a legal bath, Beth Shamaï declare him clean even when the oil is dripping, but according to Beth Hillel he is not clean, unless there be left on him no more oil than would be necessary to besmear a small organ, which last condition the Beth Shamaï require when the oil used before the bath was unclean, while Beth Hillel in this case require that there be only an inconsiderable moisture. Said R Jehudah in the name of Beth Hillel: That there be a moisture sufficient to moist some other thing. (All this will be explained in Tract Taharath.)

⁸ MISHNA VII.: According to Beth Shamaï one dinar or its worth is consideration in the marrying of a wife; the Beth Hillel set it down at a Perutah or its worth, which is one-eighth of the Italic Saar. The former hold further that one may dismiss his wife on the basis of the old divorce bill, i.e., a divorce after whose consummation he remained yet alone with his wife, while the Beth Hillel say he cannot. Similarly, if a wife who had been divorced, happened to pass a night in the same inn with her (former) husband, she needs no other bill of divorce according to Beth Shamaï, but the Beth Hillel say she needs one if she was divorced after they had been wedded, but not after they had been only betrothed to each other, for in the latter case they were not yet intimate with each other.

⁹ MISHNA VIII.: Beth Shamaï allow brothers to enter levirate marriage with their rival-wives (of prohibited kinship degrees), which the Beth Hillel forbid. If they have performed Chalitzah, Beth Shamaï declares them unmarriageable to a priest and Beth Hillel allows them. The two schools change their views regarding the case when the wives become widows after they had been taken in levirate marriage. Notwithstanding that the one school prohibits what the other allows, the disciples of the two schools have never refrained from intermarriage with one another. Likewise as regards cleanness and uncleanness where the two hold opposite opinions, they have none the less never hesitated to loan one another objects declared clean by both schools.

¹⁰ MISHNA IX.: If of three brothers two are married to two sisters and the third one is single; if, now, one of the married brothers died and the unmarried promises the widow to marry her, whereupon the second of the brothers died, Beth Shamaï say: The single brother is to keep his wife and the other one is

¹¹ to go free as the wife's sister; while Beth Hillel hold that he must dismiss his wife with both divorce and Chalitzah, and his sister-in-law with Chalitzah; as the proverb goes: He is to be pitied for both his wife and his sister-in-law! (Tract Yebamoth, Chapter IV.)

¹² MISHNA X.: If one abstain by vow from sexual intercourse with his wife, he is allowed by Beth Shamaï to keep the vow for two weeks, by Beth Hillel for but one. A woman who bears a miscarriage on the eve of eighty-one days (after the birth of a daughter) Beth Shamaï free from an offering, and Beth Hillel hold liable. Beth Shamaï say a quadrangular sheet needs no tzitzis, Beth Hillel hold it needs. A basket with figs prepared for Sabbath is, according to Beth Shamaï free from the tithe, according to Beth Hillel it is not.

¹³ MISHNA XI.: If one vowed to remain a Nazarite for some time, and after the expiration of the term comes to the land (of Israel), Beth Shamaï hold he must continue in the state of Nazarite for another thirty days, while Beth Hillel make him begin the whole term anew. If two parties of witnesses testify, the one that so and so has vowed to be a Nazarite twice, the other, five times, Beth Shamaï declare this testimony invalid as conflicting, and he must not be a Nazarite at all, while Beth Hillel say: Five contains two, hence he must be a Nazarite twice. (Nazir, Chapter III.)

¹⁴ MISHNA XII.: The man who finds himself underneath a crevisse does not, according to Beth Shamaï, transfer the uncleanness from one side to the other, while Beth Hillel regard the man as hollow, so that his upper side does transfer the uncleanness (as roofing). (Oheloth, Chapter XI.)

Chapter V

¹ MISHNA I.: R. Jehudah attested six cases where the decisions of the Beth Shamaï are lenient, and those of Beth Hillel rigorous. The blood of a carcass is, according to the former, clean, but unclean, according to Beth Hillel. The egg of a fowl carcass, if it looks like the ordinary egg sold in market, is allowed by Beth Shamaï, but not otherwise, while the Beth Hillel prohibit it in all cases. However, both prohibit the egg of an internally injured, for it was formed in a prohibited stage. The menses of a heathen woman as well as the clean blood of a leprous woman in confinement, Beth Shamaï declare clean and Beth Hillel consider it to be like her spittle or urine. The fruit of the Sabbathic year one may enjoy with or without reward, according to Beth Shamaï, the Beth Hillel hold that one may eat it and reward somehow the owner. A leather bag is subject to defilement, according to Beth Shamaï, if it is bound and fastened, and the Beth Hillel hold so even when it is not bound. (Shebieth, IV.)

² MISHNA II.: R. Jose quotes also similar decisions of six cases. Beth Shamaï allow to serve on the table, but not to eat, poultry together with cheese, while Beth Hillel forbid the one as well as the other. Likewise allow the former to separate Terumah from olives for their oil and for the wine from grapes, and the latter prohibit it. According to Beth Shamaï he who sows seeds within four ells in the vineyard has thereby sanctified one row, while according to Beth Hillel, two rows (i.e., the rows in question must not be sown). Flour put into boiling water is, Beth Shamaï say, free from Chalah, and the Beth Hillel say it is not. The Beth Shamaï allow to use rain-water (running down hill) as a legal bath, the Beth Hillel do not. Finally, Beth Shamaï allow a proselyte, who underwent circumcision on the eve of Passover, to immerse himself and then partake in the Passover-offering, while Beth Hillel declare that he who parts with his prepuce is like one returning from the grave.

³ MISHNA III.: R. Ismael cites to the same effect the decisions of the following three cases: The book Ecclesiastæ does

⁴ not, according to Beth Shamai, render unclean the hands, while it does so according to Beth Hillel. Sin-cleansing water that has already performed its destination is declared clean by former and unclean by latter. The same divergence of opinion the two schools show with regard to the cleanness and uncleanness of black cumin and its tithe. (Negaim, Mishna III. Chapter V.)

⁵ MISHNA IV.: R. Elazar quotes two cases to the same effect. The blood of a woman lying-in, who has not bathed (as prescribed) is considered by Beth Shamai as her spittle and urine, while Beth Hillel declare it defiling always, moist or dry. The former agree, however, with the latter view when the woman in question bore in a state of running issue, then the issue defiles immaterial whether dry or moist. (Tract Nidah II., Mishna VI.)

⁶ MISHNA V.: If of four brothers two who are married to two sisters die, the latter perform Chalitzah but cannot enter the levirate marriage; and if such marriage has been hastily concluded, divorce must follow. R. Eliezar quotes the Beth Shamai as declaring this marriage to remain, and Beth Hillel as requiring divorce.

⁷ MISHNA VI.: Aqavia b. Mehallalel testified four things, which the sages persuaded him to retract, promising him therefor the chair of presiding justice in Israel, to this he responded: I shall prefer to hear the name fool all my life to becoming a wicked even for one hour before the Omnipresent; but let nobody say "He retracted for the sake of an office!" Here are his rules: He declared unclean the white hair (left from a previous case of leprosy) as well as the yellow blood (of a woman), both which the sages declare clean; he allowed to make use of the faded hair of a blemished first-born cattle slaughtered immediately after the hair has been put into a (wall) niches, while the sages forbid it; finally, he prohibited to give the jealousy-water to a female proselyte or to a freed maid-slave, which the sages allow.

⁸ The following episode was thereupon presented to him: A certain Karkmith, a freed maid-slave in Jerusalem, was made to drink the aforesaid water by Shmaia and Ahtalion, to which he replied: They did it only in a "make-believe" way. (They, being themselves proselytes, did it.) And they placed him under ban, and when he died the court stoned his coffin. R. Jehudah remonstrated: That Aqavia b. Mehallalel, who among all Israel on whom the doors of the temple court-yard closed, was unequalled in both erudition and piety, should have been placed

⁹ under ban? Impossible! It was Eliezar b. Hanoch that was excommunicated for his trifling with the rule concerning hand-cleaning; and when he died the court sent to put a stone on his coffin; whence it may be inferred that the coffin of him who dies while under ban is to be stoned.

¹⁰ MISHNA VII.: While on his death-bed he (Aqavia b. Mehallalel) thus spoke to his son: Reject the four rules I have been teaching; I adhered to them because I had received them from a majority, and the others likewise had them from a similar source; we both, therefore, remained true to our traditions; but you have learned them of an individual and then of a majority, now it is more advisable to abandon the opinion of the individual and to follow that of the majority. Then the son's request to commend him to his friends he refused, saying: It is not because I find fault with you, but let your own conduct be your recommendation. (Explained at length in Pessachim. V., Mishna IV.)

Chapter VI

¹ MISHNA I.: R. Jehudah b. Baba attested five cases. Girls underage are made to express their refusal; a woman is allowed to remarry on the testimony of one witness; in Jerusalem a cock that had killed a person was stoned; wine only forty days old was brought upon the altar as a drink-offering; and finally, the daily morning sacrifice was (once) offered at the fourth hour (in the morning).

² MISHNA II.: R. Jehoshua and R. Nehunia b. Elinathan of the Babylonian village attested that an organ (even if not an olive big) of the dead is defiling, as against R. Eliezar, who asserts that the sages taught thus only in reference to an organ of a live body; and the others rejoined: Is it not an inference a fortiori--viz.: since the organ of a live body which latter is clean is, if severed, unclean, so much the more so that of a dead body, which latter is of itself unclean? His answer was: And yet the sages taught so only in respect of an organ of a live body. According to others the answer was this: The uncleanness of the living is more extensive than that of the dead, for the living (who has a running issue) renders all that he lies or sits on capable of defiling man as well as garments, and all that rests above him, by his exhalation capable of defiling food and beverage, all which the dead does not.

³ MISHNA III.: Flesh of the size of an olive severed from an organ dismembered from a living (person) is unclean according to R. Eliezar, but clean according to R. Jehoshua and Nehunia. On the other hand, a bone the size of a barley-corn severed from said organ R. Nehunia declares unclean, and R. Jehoshua with R. Eliezar, clean. R. Eliezar was then asked: What prompts you to vindicate the former decision? He replied: We find that a severed live organ is regarded as a whole corpse; hence, as from a dead severed flesh of the size of an olive is unclean, severed flesh of such size from the living must be unclean, too! I, therefore, base my decision on this analogy. Whereupon it was rejoined: While you justly declare unclean flesh of an olive size severed from a corpse, for a barley-corn-sized bone of a corpse

⁴ is likewise unclean, you commit yourself to a discrepancy in your decision regarding the flesh and the bone of a severed organ of a living body respectively, whereby your analogy is annihilated! Similarly was R. Nehunia asked to base his view, which he did by a like analogy, thus: We find that a severed organ of the living is like an entire corpse and a barley-corn-sized bone of the latter is unclean, whence my decision. Whereupon he was answered: If you justly declare unclean so small a bone severed from a corpse by reason of holding unclean flesh the size of an olive severed from a corpse, you cannot on this basis declare unclean a bone the size of a barley-corn severed from the dismembered organ of a living body, since you hold clean the flesh even of an olive-size severed therefrom!

⁵ R. Eliezar was then asked: Why have you divided your views? Declare either both unclean or both clean? And he, answered: The uncleanness of the flesh is more extensive than that of the bones, because the flesh of carcasses and reptiles is defiling while bones of these are not. Another explanation according to others: An organ that has yet enough of its flesh on causes uncleanness through touching, carrying or sheltering it, and remains yet unclean even if it misses some of its flesh, while if some of its bone is wanting it is clean.

⁶ R. Nehunia was asked: Why have you divided your views? Declare either both unclean or both clean? And he answered: The uncleanness of bones is more extensive than that of flesh, for flesh

severed from the living body is clean, while the organ, if severed from it in its natural state, is unclean. Another explanation: Flesh the size of an olive defiles by being touched, carried or sheltered, in like manner do bones defile in their majority; if some of the flesh misses it is clean none the less, if some of the majority of the bones lacks it is still unclean by touch and carriage, though not by shelter. Or thus: All the flesh of a corpse is clean when it does not all in all measure the size of an olive, while the greater part of its body or of its bones are unclean even when they do not make up a quarter of a Kab.

⁷ R. Jehoshua answered the question as to why he decides in both cases "clean," thus: The analogy between the dead and the living does not hold good, for to the former apply the requisite of majority, quarter-Kab, and spoonful of decomposed stuff, while to the living all this does not apply.

Chapter VII

¹ MISHNA I.: R. Jehoshua and R. Zadok attested that the priest has no claim to the assigned redemption of a first-born donkey that died, as against R. Eliezar, who said: The owner is obliged to indemnify it, as the five sela redemption of the first-born son. The sages, however, maintain that there is here no more obligation of indemnifying than in the case of redemption for the second tithe. (Tract Bechoroth L, Mishna VI.)

² MISHNA II.: R. Zadok attested that the brine of the prohibited locusts is itself clean. For, the preceding Mishna reads: If unclean locusts have been pressed together with clean ones, they do not render the brine forbidden.

³ MISHNA III.: The same attested further that if flowing water exceeds in quantity the rain-water with which it is mingled, it is proper. Such a case occurred in the capital of Plia and the sages declared it proper.

⁴ MISHNA IV.: He attested, finally, that flowing water remains proper as such when made to rush through the green peel of a walnut. A case to this effect happened at Ohlia and, when brought before the court in the Hall of hewed stones in the temple, was found proper.

⁵ MISHNA V.: R. Jehoshua and R. Jakin from Hadar attested that an earthen pitcher with sin-cleansing ashes placed upon a reptile is unclean, while R. Eliezar declares it clean. R. Papies attests that he who, having vowed to be a Nazarite twice, had his hair cut the first time on the thirtieth day, may have his hair cut the second time on the sixtieth day; and if he cut his hair on the fifty-ninth day, he kept sufficiently his vow, since the thirtieth day is counted both ways. (Nazir, Chapter III.)

⁶ MISHNA VI.: R. Jehoshua and R. Papies attested that the offspring of a peace-offering may be offered as a peace-offering; now, as the sages hold so against R. Eliezar who maintains the opposite, said R. Papies: I attest that we ourselves had a cow of a peace-offering which we ate on Passover, and whose offspring we consumed the next Tabernacle likewise as a peace-offering. (Themura, Chapter III.)

⁷ MISHNA VII.: The same two attested that the flat boards of the bakers are unclean, as against R. Eliezar, who declared them clean; furthermore that a baking oven cut in parts between which mortar has been put, is subject to defilement, as against R. Eliezar, who finds it clean; that the court of justice has time to declare the year to be a leap-year during the entire month Adar, for formerly the

Purim feast was thought to be the time limit for this declaration; finally, that the year may be declared a leap-year on condition. So it once happened that when R. Gamaliel, having gone to ask leave of the Hegemon of Syria, tarried on his way, the year was declared a leap-year on the condition that R. Gamaliel consent to it on his return, which he did upon returning and the year remained a leap-year. (Kelim, Chapter XV.)

⁸ MISHNA VIII.: Mena'hem b. Signai attested that the enameled brim of the (metallic) kettle used by the olive-boilers is subject to defilement, but that of the painters is clean, for, formerly the converse was held.

⁹ MISHNA IX: R. Nehunia b. Gudgada attested that a deaf-mute girl married off (while under age) by her father may receive a divorce; that a minor (orphaned) Israel-girl married to a priest may eat Terumah, and that in case she dies her husband is her heir; furthermore, that the owner of a beam robbed and immured in a palace can claim only its value; finally, that a robbed sin-offering not known to the majority is regarded as atoning for its owner when offered on the altar (in order not to make the altar unclean).

Chapter VIII

¹ MISHNA I.: R. Jehoshua b. Bathyra attested that the blood of carcasses is clean. R. Simeon b. Bathyra attested that the ashes of the sin-cleansing red cow, if touched even in part by an unclean one, become all unclean; to which R. Aqiba added that he who has bathed for cleansing himself (and hence is not yet wholly clean) renders improper the whole of the holy flour, the frankincense, the incense and the coal on touching them only in part.

² MISHNA II.: R. Jehudah b. Baba and R. Jehudah the priest attested that an (orphaned) Israel-daughter married under age to a priest is entitled to eat terumah soon after she was led under the canopy, though before cohabitation. R. Jose the priest and R. Zecharia the son of a butcher related the following: It happened that a small girl had been kidnapped by the heathens of Ashkalon; her kinfolks wanted to reject her from the family notwithstanding the assurance of the witnesses that she was not hiding with anybody nor dishonored, and the sages interfered, saying: If you believe her witnesses that she was kidnapped, there is no reason for you not to believe that she was not hiding with anybody nor dishonored; on the other hand, if you distrust the latter part, don't believe the former, either.

³ MISHNA III.: R. Jehoshua and R. Jehudah b. Bathyra attested that the widow of a priest of a doubtful pedigree may yet marry a priest, that such a doubtful family may enquire after the purity or impurity of its members, in order to separate itself from, or to approach them. Thereupon remarked R. Simeon b. Gamaliel: We accept your attestation, but what shall we do now that R. Johanan b. Zakkai has decreed not to call any jury on this point? The priests will surely follow you when a case of separation, but not when such of approaching, is concerned!

⁴ MISHNA IV.: R. Jose b. Joezer, the man of Zereda, attested that the locust Ail Kamza is allowed, that all liquids in the slaughter-house of the temple are not subject to defilement,

⁵ and finally that only he is unclean who has surely touched a corpse. He received on this account the name, Jose the allower.

⁶ MISHNA V.: R. Aqiba attested in the name of Nehemia from Beth D'lee, that the testimony of one witness suffices to allow a woman to remarry. R. Jehoshua attested that regarding bones found in the wood-barn (of the women's courtyard in the temple) which are yet unclean, the sages say: Pick them out singly, bone by bone, and all remains clean.

⁷ MISHNA VI.: Said R. Eliezar: I heard that when the central hall of the temple was being built, curtains were put up before both the hall and the courtyards, with the difference, however, that in the former the wall was built outside, while in the latter inside, of the curtains. R. Jehoshua said: I heard that it is allowed to offer sacrifices also when there is no temple, that the all-holiest offerings may be eaten also when there is no curtain; that leniently-holy offerings as well as second tithe may be eaten even if there be no city walls (around Jerusalem), for the first consecration has rendered her (the city) holy for her times as well as for all time to come.

⁸ MISHNA VII.: R. Jehoshua said: I have it by tradition from R. Johanan b. Zakkai, who heard it in direct line from his teacher, to be a Halakha from Sinai to Moses that Elijah is not coming in the future to declare certain families clean or unclean, to separate or to reconcile them, but to remove those who were reconciled by force, and to bring together those who were segregated by force. A family of the name Bethz'repha was across the Jordan, excluded by a certain Ben Zion with the use of force; another family (of impure blood) was in the same manner accepted by the same Ben Zion. It is to declare cases of this kind clean or unclean, to remove or to accept that Elijah is coming. R. Jehudah says: Only to accept, but not to remove. R. Simeon says: His mission is only to settle certain disputes. The sages, however, say: His advent will have for its purpose not the removing or accepting of the mentioned cases but the establishing of peace in the world, for it is written [Malachi, iii. 23, 24]: "Behold, I send unto you the prophet Elijah.... and he shall turn back the heart of the fathers to the children, and the heart of the children to their fathers."

⁹ END OF TRACT EDUYOTH AND OF VOLUME XVII.