

VII.

BAVLI BABA MESIA CHAPTER SEVEN

FOLIOS 83A-94A

7:1

- A. He who hires [day] workers and told them to start work early or to stay late
—
- B. in a place in which they are accustomed not to start work early or not to stay late,
- C. he has no right to force them to do so.
- D. In a place in which they are accustomed to provide a meal, he must provide a meal.
- E. [In a place in which they are accustomed] to make do with a sweet,
- F. he provides it.
- G. Everything accords with the practice of the province.
- H. M'SH B: R. Yohanan b. Matya said to his son, "Go, hire workers for us."
- I. He went and made an agreement with them for food [without further specification].
- J. Now when he came to his father, [the father] said to him, "My son, even if you should make for them a meal like one of Solomon in his day, you will not have carried out your obligation to them.
- K. "For they are children of Abraham, Isaac, and Jacob.
- L. "But before they begin work, go and tell them, '[Work for us] on condition that you have a claim on me [as to food] only for a piece of bread and pulse alone.' "
- M. Rabban Simeon b. Gamaliel says, "He had no need to specify that in so many words.
- N. "Everything [in any case] accords with the practice of the province."

I.1 A. *The rule [at 7:1A-C] is self-evident.*

B. *Not at all, it was required to cover the case of an employer who paid a higher wage than was usual. What might you have thought? That he may say to them, "Now, since I have added to your salary, it was with the intent that you would come early and work for me until nightfall." In this way we are informed that they may say to him, "The fact that you paid a higher rate is only for a better job [and not for more hours]."*

I.2. A. R. Simeon b. Laqish **[83B]** said, "A worker — as to his entry into town, that is on his own time, but as to his exit to the fields, that is on his employer's time [Freedman: the working day on the field extended from sunrise until the stars appear, and the laborer returns home on his own time, afterward; but he goes to work in the time of the employer, starting from home at sunrise]. For it is said, 'The sun rises, the animals gather themselves together and lay down in their dens. Man goes forth to his work and to his labor until the evening' (Psa. 104:22)."

B. [But, in line with the Mishnah's rule, **Everything accords with the practice of the province**], *let us just see what the normal practice is [rather than deriving the rule for all places from the same verse of Scripture]!*

C. *The statement refers to a new town.*

D. *But then let us see whence the workers come?*

E. *The rule speaks of a mixed population.*

F. *If you prefer, I shall explain that the employer said to the workers, "You are hired by me in accord with the terms that apply to a worker in the Torah."*

I.3. A. R. Zira interpreted — and some say that R. Joseph repeated on Tannaite authority — "What is the meaning of the verse, 'You make darkness and it is night, when all the beasts of the forest creep forth. [The sun rises, the animals gather themselves together and lay down in their dens. Man goes forth to his work and to his labor until the evening]' (Psa. 104:20f)?"

B. "'You make darkness and it is night:' this refers to this world, which is like night.

C. "'when all the beasts of the forest creep forth:' this speaks of the wicked in it, who are like the beasts of the forest.

D. "'The sun rises:' for the righteous.

E. "'the animals gather themselves together:' the wicked to Gehenna.

F. "'and lay down in their dens:' you have not got a single righteous person who has not got a dwelling appropriate to his standing.

G. "'Man goes forth to his work:' the righteous to receive their reward.

H. "'and to his labor until the evening:' this speaks of one who has done a full day of work until evening."

Composite on Eleazar b. R. Simeon

The composite is inserted here because its opening item addresses the same proof-text as is treated in I.3. But the entire construction, including its subordinated composite, below, is formed in its own terms and parachuted down whole.

I.4. A. R. Eleazar b. R. Simeon came across an officer [*farahanga*] who was out hunting for thieves. He said to him, "How can you prevail against them? Are they not

compared to wild beasts, as it is written, "it is night, when all the beasts of the forest creep forth'?"

- B. Others say he cited the verse, "He lies in wait secretly as a lion in his den" (Psa. 10: 9).
- C. *[He continued,] "Might it not turn out that you seize the righteous and let the wicked escape?"*
- D. *[The frahang replied,] "What should I do? It is the government's order!"*
- E. *He said to him, "Come, I'll teach you what to do. At the fourth hour of the day [breakfast time] go into a tavern. If you see somebody drinking, holding a cup of wine in his hand and dozing, ask about him. If he is an apprentice of the rabbis, then he got up early to review his learning. If he is a worker, he got up early to do his work. If he is a night worker, then he [Freedman:] might have been rolling thing metal [Freedman: without using a hammer, so that he did not attract attention]. If he is none of these, then he is a thief, so arrest him."*
- F. *The matter was reported at the royal court, and they said, "Let the one who has read the letter aloud now serve as the messenger." So they sent for R. Eleazar b. R. Simeon, who went and arrested thieves.*
- G. R. Joshua b. Qorhah went and sent word to him, "Vinegar son of wine! How long are you going to betray the people of our God for slaughter."
- H. He sent word to him, "I am weeding thorns from the vineyard."
- I. He sent word to him, "Let the Owner of the Vineyard come and pull up his own weeds."

I.5. A. *One day a certain fuller met him, calling him, "Vinegar son of Wine."*

- B. *He said, "Since he is that insolent, it follows that he is wicked." He said to his soldiers, "Arrest him. Arrest him."*
- C. *After he calmed down, he went for him, to free him, but he could not do so. He applied to the fuller the following verse: "Who keeps his mouth and tongue keeps his soul from troubles" (Pro. 21:23).*
- D. *They hung him. He stood under the gallows and wept. People said to him, "Rabbi, don't be upset. For he and his son had sexual relations with a betrothed woman on the Day of Atonement."*
- E. He put his hand on his heart and said, "Rejoice, O my heart! Rejoice! If that is the case with matters concerning which you are in doubt, how much the more so will be the rule for matters of which you are certain! I am confident that the worm and corruption will never rule over you."
- F. *Nonetheless, his mind remained unsettled, so they gave him a narcotic, brought him to a marble room, and opened his belly, and took out of him whole baskets of fat, and they set it in the sun in Tammuz and Ab, but the fat did not putrefy.*
- G. *But fat does not putrefy in general.*
- H. *True enough, fat in general does not putrefy, but if it contains red streaks, it does. And here, even though it contained red streaks, it did not.*
- I. *So he recited in his own regard, "My flesh too shall dwell in safety" (Psa. 16: 9).*

I.6. A. [84A] *The same thing happened to R. Ishmael b. R. Yosé. Elijah met him and said to him and said to him, “How long are you going to betray the people of our God for slaughter.”*

B. *He replied, “What should I do? It is the government’s order!”*

C. *He said to him, “Your father fled to Asya, you can flee to Laodicea.”*

I.7. A. *When R. Ishmael b. R. Yosé and R. Eleazar b. R. Simeon bumped into each other, a yoke of oxen could go in-between them and not touch them. A certain high-class lady said to them, “Your children can’t possibly be yours!”*

B. *They said to her, “Our wives’ bellies are bigger than ours!”*

C. *[She said to them,] “All the more so!”*

D. *Some say that this is what they said to her: “As is a man, so is his strength’ (Jud. 8:21).”*

E. *Some say that this is what they said to her: “Love overcomes the flesh.”*

F. *But why in the world did they have to answer her at all? And lo, it is written, “Do not answer a fool according to his folly” (Pro. 26: 4)!*

G. *It was so as not to permit a stigma to fall upon their children.*

I.8. A. *Said R. Yohanan, “The waist-line of R. Ishmael b. R. Yosé was the same as a bottle that can hold nine qabs.”*

B. *Said R. Pappa, “The waist-line of R. Yohanan was the same as a bottle that can hold five qabs,” and others say, “Three.”*

C. *The waist-line of R. Pappa was the same as a wicker-work basket of Harpania.*

Composite on Yohanan

I.9. A. *Said R. Yohanan, “I am a survivor of the brightest and the best of Jerusalem.”*

B. *One who wants to see how beautiful R. Yohanan was should bring a silver goblet as it comes out of the crucible, fill it up with the seeds of a red pomegranate, circle the brim with a crown of red roses, and put it at the border between sun and shade; the lustrous glow will approximate R. Yohanan’s beauty.*

C. *But is that really true? But has not a master said, “The beauty of R. Kahana is a reflection of R. Abbahu’s, the beauty of R. Abbahu is a reflection of the beauty of our father, Jacob, the beauty of our father Jacob was a reflection of the beauty of Adam.” And he omits all reference to R. Yohanan!*

D. *R. Yohanan is in a different category, because he didn’t have the true glory of a face [which is a beard].*

I.10. A. *R. Yohanan would go and sit at the gate of the bath. When Israelite women would come up from having taken their required bath [having completed their menstrual period and now prepared themselves for sexual relations], he would say to them, “Cross my path, so they may bear sons as beautiful and learned in the Torah as I am.”*

B. *Said rabbis to him, “Aren’t you afraid of the evil eye?”*

C. *He said to them, “I am of the seed of Joseph, over which the evil eye has no power, as it is said, ‘Joseph is a fruitful bough, even a fruitful bought by a well’*

(Gen. 49:22), on which verse R. Abbahu commented, ‘Do not read the letters as though they produced ‘by a well’ but rather, ‘above the power of the eye.’”

- D. R. Yosé b. R. Hanina proved the same proposition from the following: “‘and let them multiply abundantly like fish in the midst of the earth’ (Gen. 48:16) — just as water covers the fish in the sea so that the evil eye cannot rule over them, so the seed of Joseph — the evil eye cannot rule over them.”

I.11. A. One day R. Yohanan was swimming in the Jordan. R. Simeon b. Laqish [then a famous guerilla] saw him and jumped into the Jordan after him. [Yohanan] said to him, “May your strength be for the Torah.”

B. He said to him, “May your beauty be for women.”

C. He said to him, “If you repent, I will give you my sister, who is more beautiful than I am.”

D. He accepted the agreement. But he wanted to go back and get his weapons and couldn’t [lift them up]. [Freedman: the mere decision to turn to the study of the Torah had so weakened him that he lacked the strength to put on his heavy equipment.] He read Scripture with him, repeated Mishnah with him, and turned him into a major authority.

I.12. A. One day there was a dispute in the school house [on the following matter]: As to a sword, knife, dagger, spear, hand-saw, and scythe — at what point in making them do they become susceptible to become unclean? It is when the process of manufacturing them has been completed [at which point they are deemed useful and therefore susceptible]. And when is the process of manufacturing them completed?

B. R. Yohanan said, “When one has tempered them in the crucible.”

C. R. Simeon b. Laqish said, “When one has furbished them in water.”

D. [R. Yohanan] said to him, “Never con a con-man” [lit.: a robber is an expert at robbery].

E. He said to him, “So what good did you ever do for me? When I was a robber, people called me, ‘my lord’ [lit.: rabbi], and now people call me ‘my lord.’”

F. He said to him, “I’ll tell you what good I’ve done for you, I brought you under the wings of the Presence of God.”

G. R. Yohanan was offended, and R. Simeon b. Laqish fell ill. His [Yohanan’s] sister [Simeon b. Laqish’s wife] came to him weeping, saying to him, “[Heal my husband,] do it for my children’s sake!”

H. He said to her, “‘Leave your fatherless children. I will preserve them alive’ (Jer. 49:11).”

I. “Then do it on account of my widowhood!”

J. He said to her, “‘and let your widows trust in me’ (Jer. 49:11).”

K. R. Simeon b. Laqish died, and R. Yohanan was much distressed afterward. Rabbis said, “Who will go and restore his spirits? Let R. Eleazar b. Pedat go, because his traditions are well-honed.”

L. He went and took a seat before him. At every statement that R. Yohanan made, he comments, “There is a Tannaite teaching that sustains your view.”

- M. *He said to him, "Are you like the son of Laqisha? When I would state something, the son of Laqisha would raise questions against my position on twenty-four grounds, and I would find twenty-four solutions, and it naturally followed that the tradition was broadened, but you say to me merely, 'There is a Tannaite teaching that sustains your view.' Don't I know that what I say is sound?"*
- N. *So he went on tearing his clothes and weeping, "Where are you, the son of Laqisha, where are you, the son of Laqisha," and he cried until his mind turned from him. Rabbis asked mercy for him, and he died.*

Continuing the Composite on Eleazar b. R. Simeon

- I.13. A. [84B]** [Resuming from I.5.I:] *Even so [despite the fact that his fat did not putrefy,] R. Eleazar B. R. Simeon did not find his fears allayed, so he accepted upon himself suffering [as a penance].*
- B. *Every evening they would spread out for him sixty sheets. In the morning sixty basins of blood and discharge were removed from under him.*
- C. *In the morning his wife made for him sixty kinds of pap, which he ate and which restored him. But his wife did not allow him to go to the school house, so that the rabbis would not put pressure on him.*
- D. *At night he would say, "Come, my brothers, my friends," and in the morning, he would say to them, "Take your leave, on account of your interrupting my Torah-study."*
- E. *One day his wife heard him. She said to him, "You yourself deliberately bring them [sufferings] upon you! You have used up the money of my father's house."*
- F. *She rebelled [and] returned home.*
- G. *Then sixty sailors came and called on him, bringing him sixty slaves, who brought him sixty purses and prepared for him sixty kinds of pap, which he ate.*
- H. *One day his wife said to her daughter, "Go, look in on your father, see how he's doing nowadays."*
- I. *She came. He said to her, "Go and tell your mother, 'Ours is more than theirs.'"*
- J. *In his own regard he recited the verse, "She [the Torah] is like the merchant's ships, she brings her food from afar" (Pro. 31:14).*
- K. *He ate, drank, and got well, and went back to the school house. They brought before him sixty kinds of blood, and he declared them all to be clean [and not menstrual blood, but blood deriving from other sources or causes]. Rabbis criticized him, saying, "Can you imagine that there is not among all of them even one that is subject to doubt?"*
- L. *He said to them, "If the correct classification accords with my view, then let all of them [who are born out of the sexual relations that I have made possible, in declaring the flux to be clean and not menstrual] be male, and if not, then let there be one female among them."*
- M. *All of them were male, and they called them R. Eleazar after him.*

I.14. A. It was taught on Tannaite authority:

- B. *Said Rabbi, "[By keeping Eleazar b. R. Simeon from the school house, where his knowledge produced the decision that a flux was not menstrual, and hence sexual*

relations could take place,] how much procreation did the wicked [state that had coopted his services] prevent in Israel.”

I.15. A. *When he lay dying, he said to his wife, “I know that the rabbis are angry with me and are not going to attend to my corpse in a proper manner. Let me therefore lie in my upper chamber [instead of burying me], and don’t be afraid of me.”*

B. *Said R. Samuel bar Nahmani, “The mother of R. Jonathan told me that the wife of R. Eleazar b. R. Simeon told her, ‘No fewer than eighteen nor more than twenty-two years I kept him lying in that upper chamber. When I went up there, I examined his hair and if even a single hair had fallen out, the blood would flow. One day I saw a worm crawl from his ear, and I was upset. But he appeared to me in a dream and told me that it was nothing. It is [he said] “It is because I heard an apprentice rabbi insulted and I did not protest, as was appropriate for me to do.”’ When two people came before him with a suit, they stood near the door. Each said his say. A voice came forth from the upper chamber: “So-and-so, you are liable, so-and-so, you are innocent.”’*

C. *“One day his wife quarreled with her neighbor, who said to her, “May you be like your husband, whom they never bothered to bury.’*

D. *“Rabbis said, ‘To such an extent! That is surely not the way things should be.’”*

I.16. A. *Others say, “R. Simeon b. Yohai [Eleazar’s father] appeared to them in a dream, saying to them, ‘I have one pigeon in your midst, which you refuse to bring to me.’”*

B. *Rabbis finally went to take care of him for burial, but the townsfolk of Akhbaria did not let them do so, for all the years during which R. Eleazar b. R. Simeon had been asleep in his upper room, no wild animal had ever invaded their place.*

C. *One day, the eve of the Day of Atonement, they were preoccupied. Rabbis sent to the townsfolk of Biri, who brought up his bier and carried it to the vault of his father. They found the vault encircled by a snake. They said to it, “Snake, snake, open your mouth, and let the son go in to join his father.” The snake opened its mouth for them.*

I.17. A. *Rabbi sent word to speak with his wife [about marriage]. She sent back word to him, “Will a utensil that has been used for holy things be used for common things? There [in the Land of Israel] they say, ‘Where the master of the household hangs up his weapons, will the shepherd hang up his wallet?’”*

B. *He sent word to her, “Granted that in Torah he is greater than I ever was, but in good deeds was he greater than I?”*

C. *She sent word to him, “Still, in Torah-learning he was greater than you, but as to deeds, I don’t know, since he accepted upon himself suffering [as a penance for his sins].”*

I.18. A. *In Torah-learning: what is the meaning?*

B. *When Rabban Simeon b. Gamaliel and R. Joshua b. Qorhah were in session and sitting on benches, R. Eleazar b. R. Simeon and Rabbi sat on the ground. They raised objects and answered them. They said, “Now we are drinking from their*

water [learning their Torah], and yet they are sitting down there on the ground! *Bring seats for them.*” *So they were promoted.*

- C. Said to them Rabban Simeon b. Gamaliel, “I have one pigeon of mine among you, and you want to destroy it for me!” [He feared that the promotion of Rabbi would cause envy and bring the evil eye.] *So they demoted Rabbi.*
- D. Said to them R. Joshua b. Qorhah, “Will the one who has a father live, while the one who has no father die?” *So they demoted R. Eleazar b. R. Simeon.*
- E. *He was offended, saying, “So they treat him as equal to me!”* [This proves that he was a greater master of Torah than Rabbi.]
- F. *Up to that time, when Rabbi would make a statement, R. Eleazar b. R. Simeon would support him. From that time onward, when Rabbi would say, “I have an answer,” R. Eleazar b. R. Simeon would say, “Such-and-so is your answer, and here is the answer to your answer! So you have surrounded us with loads of answers of no substance at all.”*
- G. *Rabbi was offended, He came to his father, who said to him, “My son, don’t be upset, for he is a lion son of a lion, and you are a lion son of a fox.”*

I.19. A. That is in line with what Rabbi said, “There were three genuinely humble people, and these are they: my father, **[85A]** the sons of Batera, and Jonathan, son of Saul.”

- B. Rabban Simeon b. Gamaliel: that is in line with what we have said. [He feared that the promotion of Rabbi would cause envy and bring the evil eye.]
- C. The sons of Batera: as a master said, “They made him head and appointed him patriarch over them.”
- D. Jonathan son of Saul: this is in line what what he said to David, “And you shall be king over Israel, and I shall be next to you” (1Sa. 23:17).
- E. But how does this prove it? Perhaps Jonathan son of Saul said this because he saw the people joining up with David? And as to the Bathyrans, they saw that Hillel was better than they?
- F. But as to Rabban Simeon b. Gamaliel, he really was very modest.

I.20. A. [Responding to the great deeds of Eleazar b. R. Simeon, such as the wife had called to his attention,] said Rabbi, “Suffering is of great value.”

- B. *He accepted upon himself thirteen years of suffering, six through kidney stones, seven through scurvy; others say the opposite.*
- C. *The major domo of the household of Rabbi was richer than King Shapur. When he would put fodder out before the beasts, their lowing could be heard for three miles, and he would time the feeding for the moment that Rabbi would go into the privy [so that people would not hear his moaning in pain]. Nonetheless, his groaning drowned out theirs. Even people out in the sea could hear it.*
- D. *Nonetheless the suffering that afflicted R. Simeon b. R. Simeon outweighed the suffering of Rabbi.*

- E. For in the case of R. Eleazar b. R. Simeon, the suffering came upon him on account of love, and it left him on account of love [since he welcomed the pain and called for it], while the suffering of Rabbi came to him through a certain incident and it left him on the same account.

I.21. A. *What is the meaning of the statement, “the suffering of Rabbi came to him through a certain incident”?*

B. *There was a calf being taken to slaughter, and it broke away and hid under Rabbi’s garment and cried out.*

C. *He said to it, “Go your way, for this is why you were created.”*

D. *They said, “Since he has no mercy, let us bring suffering upon him.”*

I.22. A. *What is the meaning of the statement, “the suffering of Rabbi...left him on the same account”?*

B. *One day Rabbi’s slave-girl was sweeping the house. [She saw] some young weasels lying there and went to sweep them away.”*

C. *He said to her, “Let them be! It is written, ‘And his tender mercies are over all his works’ (Psa. 145: 9).”*

D. *They said, “Since he has shown mercy, let us show mercy to him.”*

I.23. A. *All those years of the suffering of R. Eleazar, no one ever died before his time.*

B. *All those years of the suffering of Rabbi, the world never lacked for rain.*

C. *For said Rabbah bar R. Shila, “A rainy day is as hard as the day of judgment,” and Amemar said, “If the world did not need it, the rabbis would pray and have it taken away.”*

D. *Nonetheless, when they would pull up a radish out of its bed, a hole full of water was left behind.*

I.24. A. *Rabbi happened to go to the town of R. Eleazar b. R. Simeon. He said to the people there, “Does that righteous man have a son?”*

B. *They said to him, “He does indeed have a son, and every whore who is paid two pays him eight.”*

C. *He brought him and appointed him to his administration [lit.: ordained him a rabbi] and handed him over to R. Simeon b. Issi b. Laqonia, the brother of his mother, for an education.”*

D. *Every day he would say, “I want to go back to my town.”*

E. *He said to him, “They’ve made you a sage, spread a gold trimmed cloak over you and called you ‘rabbi,’ and yet you say, ‘I want to go back to my town!’”*

F. *He said to him, “My blemish has now been forsaken.”*

G. *When he attained greatness, he came and sat in the session of Rabbi. When he heard his voice, he said, “This voice is like the voice of R. Eleazar b. R. Simeon.”*

H. *They said to him, “It is his son.”*

I. *He recited in his regard the verse, “‘The fruit of the righteous is a tree of life, and he who wins souls is wise’ (Pro. 11:30).*

J. *“‘The fruit of the righteous is a tree of life:’ this refers to R. Yosé b. R. Eleazar b. R. Simeon.*

K. “and he who wins souls is wise.’ this refers to R. Simeon b. Issi b. Laqonia.”

I.25. A. *When he died, they brought his body to the cave where his father was buried. They found the vault encircled by a snake [I.16.C]. They said to it, “Snake, snake, open your mouth, and let the son go in to join his father.” The snake would not open its mouth.*

B. The people thought to conclude that this one was greater than the other [the father greater than the son, who was not worthy of being buried with him]. An echo came forth and said, “It is not because this one is greater than that, but this one suffered in the cave and that one did not.”

I.26. A. *Rabbi happened to go to the town of R. Tarfon. He said to the people there, “Does that righteous man who used to swear by the life of his children have a son?”*

B. They said to him, “He had no surviving son, but he has a son of a daughter, and every whore who is paid two pays him eight.”

C. *They brought him before him. He said to him, “If you will repent, I will give you my daughter.” He repented.*

D. Some say, “He married her and divorced her,” and others say, “He never actually married her, so that people would not say that it was on account of this woman that he repented.”

E. *Why did Rabbi do that much for the lad?*

F. *The answer is in line with what R. Judah said Rab said, and some say, said R. Hiyya bar Abba said R. Yohanan, and some say, said R. Samuel bar Nahmani said R. Jonathan, “Whoever teaches the Torah to the son of his fellow will gain the merit of being seated in the session on high, as it is said, ‘If you cause Israel to repent, then I will bring you again and you will stand before me’ (Jer. 15:19), and whoever teaches the Torah to the son of an ignoramus, even if the Holy One, blessed be he, makes a decree, he will annul it on his account, as it is said, ‘and if you will take forth the precious from the vile, you shall be as my mouth’ (Jer. 15:19).”*

Preserving the Torah in One’s Family. The Genealogy of Learning

The foregoing accounts for the inclusion of a large composite on the general theme of passing Torah-learning on through generations of a family.

I.27. A. Said R. Parnak said R. Yohanan, “Whoever is a disciple of a sage, with a son who is a disciple of a sage, and a grandson who is a disciple of a sage — Torah will never again depart from his seed for ever, as it is said, ‘As for me, this is my covenant with them, says the Lord. My spirit is upon you, and my words which I have put in your mouth shall not depart out of your mouth, nor out of the mouth of your seed, nor out of the mouth of the seed of your seed, says the Lord, from now and for ever’ (Isa. 59:21).”

B. *What is the meaning of “says the Lord”?*

C. Said the Holy One, blessed be he, “I am the pledge to you for this matter.”

D. *What is the meaning of “from now and for ever”?*

E. Said R. Jeremiah, “From now on the Torah will seek its natural home.”

- I.28.** A. *R. Joseph sat for forty fasts, and they pronounced for him, "...shall not depart out of your mouth."*
- B. *He sat for forty more fasts, and they pronounced for him, "...shall not depart out of your mouth, nor out of the mouth of your seed."*
- C. *He sat for forty more fasts, and they pronounced for him, "...shall not depart out of your mouth, nor out of the mouth of your seed, nor out of the mouth of the seed of your seed."*
- D. *He said, "From now on I don't have to fast any more. The Torah will seek its natural home."*
- I.29.** A. *When R Zira went up to the Land of Israel, he sat for a hundred fasts so that the Talmud of Babylonia would be forgotten by him, so that it would not distress him.*
- B. *Then he fasted another hundred fasts that R. Eleazar might not die in his lifetime, so that the public duties would not fall upon him, and he fasted another hundred fasts that the fire of Gehenna not rule over him.*
- C. *Every thirty days he would examine himself. He would heat the oven, climb up, and sit in it, but the fire had no power over him.*
- D. *One day, however, rabbis looked enviously at him, and his legs got singed, so he was called "short and singe-legged."*
- I.30.** A. *Said R. Judah said Rab, "What is the meaning of this verse: 'Who is the wise man, who may understand this? And who is he to whom the mouth of the Lord has spoken, that he may declare why the land perishes' (Jer. 9:11)?"*
- B. *"This matter [85B] did the sages say, but they could not explain it. Prophets said it but could not explain it. Finally the Holy One, himself, explained it on his own: 'And the Lord said, Because they have forsaken my Torah, which I have put before them' (Jer. 9:12)."*
- C. *Said R. Judah said Rab, "It is because they did not recite a blessing over the Torah prior [to reading it]."*
- I.31.** A. *R. Hama said, "What is the meaning of the verse, 'Wisdom rests in the heart of him who has understanding, but that which is in the midst of fools is made known' (Pro. 14:33)?"*
- B. *"'Wisdom rests in the heart of him who has understanding:' this refers to a disciple of sages who is the son of a disciple of sages.*
- C. *"'but that which is in the midst of fools is made known:' this refers to a disciple of sages who is the son of an ignoramus."*
- D. *Said Ulla, "This is in line with what people say, 'One stone in a pitcher rattles around' [so one scholar in a family of fools achieves fame, while a whole family of scholars is taken for granted (Freedman)]."*
- I.32.** A. *Said R. Jeremiah to R. Zira, "What is the meaning of the verse, 'The small and the great are there [in the world to come], and the servant is free from his master' (Job. 3:19)? Don't we know that 'The small and the great are there'?"*
- B. *"Rather, whoever makes himself small on account of teachings of the Torah in this world is made great in the world to come, and whoever makes himself into a slave on account of the teachings of the Torah in this world is made a free man in the world to come."*

- I.33** A. *R. Simeon b. Laqish was marking out the burial vaults of the rabbis. When he came to the grave of R. Hiyya, it was hidden from him. He was upset. He said, "Lord of the world, did I not delve deeply into the Torah the way he did?"*
- B. A heavenly echo came forth and said to him, "You delved deeply into the Torah as he did, but you did not disseminate Torah the way he did."
- I.34** A. *When R. Hanina and R. Hiyya would argue, R. Hanina said to R. Hiyya, "Are you going to have a fight with me? God forbid, if the Torah were to be forgotten from Israel, I could restore it through my deep master of its logic."*
- B. *Said R. Hiyya to R. Hanina, "Are you going to have a fight with me, who has arranged it so that the Torah will never be forgotten in Israel. What have I done? I went and sowed flax, made nets, trapped deers, the meat of the deers I gave to orphans, from the skins I made scrolls, on which I wrote the five books of Moses. I went to a town and taught the five books to five children, and the six divisions of the Mishnah to six others. Then I told them, 'Until I return, teach each other the Pentateuch and the Mishnah. And that is how I prevented the Torah from being forgotten in Israel.'"*
- C. *That is in line with what Rabbi said, "How great are Hiyya's deeds!"*
- D. Said to him R. Ishmael b. R. Yosé, "Even greater than those of the master?"
- E. *He said to him, "Indeed so."*
- F. *"Even greater than those of father?"*
- G. "God forbid, let not such a thing be in Israel."
- I.35** A. Said R. Zira, "Last night R. Yosé b. R. Hanina appeared to me. I said to him, 'Next to whom are you stationed?'"
- B. "He said to me, 'Near R. Yohanan.'"
- C. "[I said to him,] 'And as to R. Yohanan, next to whom?'"
- D. "Near R. Yannai."
- E. "[I said to him,] 'And as to R. Yannai, next to whom?'"
- F. "Near R. Hanina."
- G. "And R. Hanina next to whom?"
- H. "Near R. Hiyya."
- I. "I said to him, 'And as to R. Yohanan, is he next to R. Hiyya?'"
- J. "He said to me, 'In the place of fiery sparks and flaming tongues, who is going to let the son of the smith enter?'"
- I.36** A. *Said R. Habiba, "R. Habiba bar Surmaqi told me, 'I saw one of the rabbis whom Elijah would visit. In the morning his eyes looked fine, but in the evening they looked as though they were burned in fire.'*
- B. *"I said to him, "What is the meaning of this," and he said to me, "I asked Elijah to show me the rabbis as they go up to the heavenly session. He said to me, 'You can look upon all of them except the carriage of R. Hiyya. On it you shall not gaze.' What is their sign? 'In the case of all of them, angels go along with them as they go up or come down, except for the carriage of R. Hiyya, who goes up and comes down on his own.'"*

C. *"I couldn't control myself. I looked at it. Two fiery streams came forth and hit me in one eye and blinded me. The next day I went and throw myself on his grave, saying, "It is the Mishnah-version of the master that I repeat." And I was healed."*

I.37 A. *Elijah would frequent the session of Rabbi. One day, which was the New Moon, he waited for him, but he did not come. [Rabbi] said [to Elijah, when he saw him next], "What is the reason that the master delayed?"*

B. *He said to him, "I was waiting until I awoke Abraham from his sleep and washed his hands and he said his prayer, then I put him to rest again, and I did the same with Isaac and Jacob."*

C. *"Then why not wake them up all at once?"*

D. *"I thought that their prayer for mercy would then be too strong and they would bring the messiah not at the time appointed for his coming."*

E. *He said to him, "And are their people like them in this world?"*

F. *He said to him, "There are R. Hiyya and his sons."*

G. *Rabbi decreed a fast and called upon R. Hiyya and his sons [to lead the prayers]. He said [the prayer], "He causes the wind to blow," and a wind blew; "he causes the rain to fall," and rain fell. When he was about to say, 'he raises the dead,' there was an earthquake. In heaven they said, "Who is it who has revealed the secret to the world?"*

H. *They said, "Elijah."*

I. *They brought him Elijah and smitten with sixty flaming lashes, so he went, turned himself into a fiery bear, entered among them and scattered them.*

I.38 A. *Samuel the astronomer was Rabbi's physician. Rabbi had eye trouble. He said to him, "May I mix a salve for you?"*

B. *He said to him, "I can't take it."*

C. *"May I apply an ointment to it?"*

D. *He said to him, "I can't take it."*

E. *He put a phial of medicines under his pillow, and he was cured.*

F. *Rabbi was eager to ordain him, but the matter was not realized. He said to him, "Don't be upset. I have myself seen in the book of the first Man, in which is written, 'Samuel the astronomer [86A] will be called a sage but he will never be called a rabbi, but the healing of Rabbi will come about through him.*

G. *"[And it is further written in the same document,] 'Rabbi and R. Nathan mark the end of the Mishnah-accumulation, R. Ashi and Rabina, the end of instruction, and your mnemonic, "Until I went to the sanctuary of God, then I understood their end" (Psa. 73:17).'"*

I.39 A. *Said R. Kahana, R. Hama, son of the daughter of Hassa, told me that Rabbah b. Nahmani died in a persecution. [And here is the story:]*

B. *Snitches maligned him to the government, saying, "There is a man among the Jews who keeps twelve thousand Israelites from paying the royal poll-tax for a month in the summer and for a month in the winter."*

C. *They sent a royal investigator [parastak] for him but he did not find him. He fled, going from Pumbedita to Aqra, from Aqra to Agma, from Agma to Shehin,*

from Shehin to Seripa, from Seripa to Ena Damim, from Ena Damim back to Pumbedita. In Pumbedita he found him.

- D. *The royal investigator happened by the inn where Rabbah was located. They brought him two glasses of liquor and then took away the tray [and this excited the ill-will of demons]. His face was turned backward. They said to him, "What shall we do with him? He is the king's man."*
- E. *[Rabbah] said to them, "Bring him the tray again, and let him drink another cup, and then remove the tray, and he will get better."*
- F. *They did just that, and he got better.*
- G. *He said, "I am sure that the man whom I am hunting is here. He looked for him and found him.*
- H. *He said, "I'm leaving here. If I am killed, I won't reveal a thing, but if they torture me, I'm going to squeal."*
- I. *They brought him to him and he put him in a room and locked the door on him. But [Rabbah] sought mercy, the wall fell down, and he fled to Agma. He was in session on the trunk of a palm and studying.*
- J. *Now they were debating in the session in the firmament the following subject: **If the bright spot preceded the white hair, he is unclean, and if the white hair preceded the bright spot, he is clean. [The Mishnah-paragraph continues: and if it is a matter of doubt, he is unclean. And R. Joshua was in doubt] [M. Neg. 4:11F-H] —***
- K. *The Holy One, blessed be he, says, "It is clean."*
- L. *And the entire session in the firmament say, "Unclean."*
- M. *They said, "Who is going to settle the question? It is Rabbah b. Nahmani."*
- N. *For said Rabbah b. Nahmani, "I am absolutely unique in my knowledge of the marks of skin-disease that is unclean and in the rules of uncleanness having to do with the corpse in the tent."*
- O. *They sent an angel for him, but the angel of death could not draw near to him, since his mouth did not desist from repeating his learning. But in the meanwhile a wind blew and caused a rustling in the bushes, so he thought it was a troop of soldiers. He said, "Let me die but not be handed over to the kingdom."*
- P. *When he was dying, he said, "It is clean, it is clean." An echo came forth and said, "Happy are you, Rabbah bar Nahmani, that your body is clean, and your soul has come forth in cleanness."*
- Q. *A note fell down from heaven in Pumbedita: "Rabbah bar Nahmani has been invited to the session that is on high."*
- R. *Abbaye, Raba, and all the rabbis came forth to tend to his corpse, but they did not know where he was located. They went to Agma and saw birds hovering over and overshadowing the corpse. "This proves that he is there."*
- S. *They mourned him for three days and three nights. A note fell down: "Whoever refrains [from the mourning] will be excommunicated." They mourned for him for seven days. A note fell down: "Go to your homes in peace."*

- T. *The day on which he died a strong wind lifted a Tai-Arab who was riding on a camel from one side of the Pappa canal and threw him down onto the other side. He said, "What is this?"*
- U. *They told him, "Rabbah bar Nahmani has died."*
- V. *He said before him, "Lord of the world, the whole world is yours, and Rabbah bar Nahmani is yours. You are Rabbah's, and Rabbah is yours. Why are you destroying the world on his account?" The wind subsided.*

- I.40** A. *R. Simeon b. Halapta was fat. One day he got overheated. He went and sat down on a mountain boulder and said to his daughter, "My daughter, fan me with a fan, and I'll give you bundles of spikenard."*
- B. *At that moment a breeze blew. He said, "How many bundles of spikenard are owing to the Master of [breezes]."*

II.1 A. Everything accords with the practice of the province:

- B. *What does "everything" mean to encompass?*
- C. *It is meant to encompass a place in which it is customary to break bread and drink a draught of liquor.*
- D. *If the employer said to them, "Come early, and I'll bring you [bread and beer]," they have the right to say to him, "You don't have the power [to require us to eat and drink before work starts; that is a break during the work day]."*

III.1 A. M'SH B: R. Yohanan b. Matya said to his son, "Go, hire [workers for us." He went and made an agreement with them for food without further specification. Now when he came to his father, the father] said to him, "My son, even if you should make for them a meal like one of Solomon in his day, you will not have carried out your obligation to them. For they are children of Abraham, Isaac, and Jacob. But before they begin work, go and tell them, 'Work for us on condition that you have a claim on me as to food only for a piece of bread and pulse alone'":

- B. *[The contrast between Everything accords with the practice of the province and even if you should make for them a meal like one of Solomon yields the question,] does the cited precedent mean to contradict the law?*
- C. *[Obviously not.] The narrative has a lacuna, and this is how it is to be set forth: But if the employer agreed to provide them with food, [86B] he has increased [his obligation beyond the customary one]. Also, M'SH B: R. Yohanan b. Matya said to his son, "Go, hire [workers for us." He went and made an agreement with them for food without further specification. Now when he came to his father, the father] said to him, "My son, even if you should make for them a meal like one of Solomon in his day, you will not have carried out your obligation to them. For they are children of Abraham, Isaac, and Jacob. But before they begin work, go and tell them, 'Work for us on condition that you have a claim on me as to food only for a piece of bread and pulse alone.'"*

IV.1 A. [For they are children of Abraham, Isaac, and Jacob:] is that to imply that the meals of our father, Abraham, were better than those of Solomon?

- B. *But has it not been written: "And Solomon's provisions for one day were thirty measures of fine flour and three score measures of meal. Ten fat oxen and twenty*

oxen out of the pastures and a hundred sheep, besides harts, roebucks, fallow deer and fatted fowl” (1Ki. 5:2-3)?

- C. And said Gurion b. Astiyon in the name of Rab, “These were for the cook’s dough [set above the pot to absorb steam].”
- D. And R. Isaac said, “These were only for the puddings.”
- E. Furthermore, R. Isaac said, “Solomon had a thousand wives, and each one prepared a meal for her in her own house.”
- F. *What was the reason?* This one thought, “Perhaps today he’ll eat with me,” and that one thought, “Perhaps today he’ll eat with me.”
- G. *By contrast, of Abraham it is written,* “And Abraham ran to the herd and got a tender and good calf” (Gen. 18: 7).
- H. And said R. Judah said Rab, “‘a calf’ means one, ‘tender,’ two, and ‘good’ three.”
- I. *There three calves served for three men, while here the listed provisions were meant for all Israel and Judah:* “Judah and Israel were as many as the sand which is by the sea” (1Ki. 4:20).

IV.2 A. [“...and a hundred sheep, besides harts, roebucks, fallow deer and fatted fowl” (1Ki. 5:2-3):] *what is “fatted fowl”?*

- B. Said Rab, “They fatten them against their will.”
- C. Samuel said, “They are naturally fat.”
- D. And R. Yohanan said, “They bring an ox that had never worked from their pasture, and fowl that had never worked from their dung heaps.”

IV.3 A. Said R. Yohanan, “The best of cattle is the ox, the best of birds, the fowl.”

- B. *Said Amemar, “It is a [Freedman:] fattened black hen, which moves among the vats and cannot step over a stick.”*

The Meals of Abraham. Genesis 18:7

IV.4 A. “And Abraham ran to the herd and got a tender and good calf” (Gen. 18: 7).

- B. And said R. Judah said Rab, “‘a calf’ means one, ‘tender,’ two, and ‘good’ three.”
- C. *[Instead of interpreting the statement to mean he got three of them,] perhaps it is only one, as people say, “It is tender and good.”?*
- D. *If so, Scripture should have written, “tender, good.” Why add the “and”? That yields the occasion for exegesis.*
- E. *Might I then say it means two?*
- F. *Since “good” serves to yield the occasion for exegesis, so “tender” likewise serves for an exegesis [such as has been given].*
- G. *Objected Rabbah bar Ulla, and some say, R. Hoshai, and some say, R. Nathan b. R. Hoshai:* “‘And he gave to a young man and he made haste to dress it’ (Gen. 18: 7) [and the “it” means there was only a single calf]!”
- H. *Each one he gave to one young man [three in all].*
- I. “And he took butter and milk and the calf that he had dressed and he set it before them” (Gen. 18: 8).
- J. *As soon as the first was ready, he brought it to them [and so with the others].*
- K. *Why three? Would one not have been enough?*

- L. Said R. Hanan bar Raba, "It was to feed to the three of them three tongues in mustard."

IV.5 A. Said R. Tanhum bar Hanilai, "A person should never violate the local custom, for lo, Moses went up on high and he did not eat bread. The ministering angels came down below, and they ate bread."

B. *Do you really imagine that they ate bread?*

C. *Rather, I should say, they appeared as though they were eating and drinking.*

IV.6 A. Said R. Judah said Rab, "Whatever Abraham himself did for the ministering angels, the Holy One, blessed be he, himself did for his children. Whatever Abraham did for the ministering angels through an errand-boy, the Holy One, blessed be he, did for his children through an angel.

B. "'And Abraham ran to the herd' [is matched by] 'And there went forth a wind from the Lord' (Exo. 16: 4).

C. "'And he took butter and milk' [is matched by] 'Behold I will rain bread from heaven for you' (Exo. 17: 6).

D. "'And he stood by them under the tree' [is matched by] 'Behold, I will stand before you there upon the rock' (Exo. 17: 6).

E. "'And Abraham went with them to bring them on the way' [is matched by] 'And the Lord went before them by day' (Exo. 13:21).

F. "'Let a little water, I pray you, be gotten' [is matched by] 'And you shall hit the rock, and water will come out of it that the people may drink' (Exo. 17: 6)."

G. *But this conflicts with what R. Hama bar. Hanina said, for R. Hama bar Hanina said, and so did the household of R. Ishmael teach on Tannaite authority, "As a reward for three things that Abraham did, his heirs got three things.*

H. *"As a reward for 'and he took butter and milk,' they got the manna.*

I. *"As a reward for 'and he stood by them,' they received the pillar of cloud.*

J. *"As a reward for "'let a little water, I pray you, be brought,' they got Miriam's well."*

IV.7 A. "Let a little water, I pray you, be brought and wash your feet" (Gen. 18: 4):

B. Said R. Yannai b. R. Ishmael, "They said to him, 'And did you suspect that we were Arabs who bought down to the dust of their feet? Ishmael has already come forth from you [who is not an idolator]."

IV.8 A. "And the Lord appeared to him in the oaks of Mamre, and he sat at his tent door in the heat of the day. [He lifted up his eyes and looked, and behold, three men stood in front of him. When he saw them, he ran from the tent door to meet them and bowed himself to the earth, and said, 'My lord if I have found favor in your sight, do not pass by your servant']" (Gen. 18:1-3):

B. *What is the meaning of "in the heat of the day"?*

C. Said R. Hama bar Hanina, "That day marked the third day from Abraham's circumcision, the Holy One, blessed be he, had come to see how Abraham was doing. The Holy One, blessed be he, brought the sun out of its sheaf, so that that righteous man would not be bothered with travellers.

- D. *“Abraham had sent Eliezer out, he went and did not find anybody. He said, ‘I don’t believe you.’”*
- E. *That is why, over there [in the Land of Israel] people say, “Don’t believe a thing a slave says.”*
- F. *“He went out himself and saw The Holy One, blessed be he, standing there at the door. That is in line with what is said: ‘do not pass by your servant.’*
- G. *“When he saw that he was untying and tying his bandages, he said, ‘It is not proper to stand here. That is in line with what is written: He lifted up his eyes and looked, and behold, three men stood in front of him. ‘When he saw them, he ran from the tent door to meet them.’ At first they came and stood over him, but when they saw his pain, they said, ‘It is not proper to stand here.’”*

IV.9 A. *Who were these three men?*

- B. Michael, Gabriel, and Rafael.
- C. Michael: who came to bring the good news about Sarah.
- D. and Rafael: who came to heal Abraham.
- E. *Gabriel went to turn over Sodom.*
- F. *But lo, it is written, “And two angels came to Sodom in the evening” (Gen. 19: 1)?*
- G. *Michael went along with him to save Lot. Note also how Scripture states, “And he turned over those cities” (Gen. 19:25), and not “they overthrew...,” and that proves it.*

IV.10 A. *How come with reference to Abraham it is written, “And they said, So do as you have said” (Gen. 18: 5), while in connection with Lot, it is written, [87A] “And he pressed them greatly” (Gen. 19: 3)?*

- B. Said R. Eleazar, “From here we learn the lesson that one may decline the invitation of an unimportant person but one may not decline the invitation of an important person.”

IV.11 A. It is written, “And I will get a piece of bread” (Gen. 18: 5) but also, “And Abraham ran to the herd” (Gen. 18: 7).

- B. Said R. Eleazar, “On the strength of that contrast the lesson is taught that righteous people say a little but do a lot.”
- C. “Wicked people say a lot but even a little they don’t do.”
- D. Whence that lesson? From the case of Ephron: “The land is worth four hundred shekels of silver” (Gen. 23:15), but then, “And Abraham obeyed Ephron and weighted to Ephron the silver, which he had named in the hearing of the children of Heth, four hundred shekels of silver, current circulating money” (Gen. 32:16), meaning that he had refused to accept anything but *centenaria*, for there is a place in which shekels are called *centenaria*.

IV.12 A. It is written, “meal,” and then, “fine meal” (Gen. 18: 6).

- B. Said R. Isaac, “On the basis of that contrast we draw the conclusion that a woman is more grudging than a man is when it comes to guests.”

IV.13 A. It is written, “Knead it and make cakes upon the hearth” (Gen. 18: 6) but also, “And he took butter and milk and a calf” (Gen. 18: 8), *but he didn’t bring them any bread!*

- B. *Said Ephraim the Contentious, a disciple of R. Meir, in the name of R. Meir, "Our father Abraham was a person who ate unconsecrated food in a state of cultic cleanness, and our mother, Sarah, on that day was in her menstrual period [so the bread, if it were baked by her and brought, would be made cultically unclean by her, hence none was served]."*

IV.14 A. "They said to him, 'Where is Sarah, your wife?' And he said, 'She is in the tent.' [The Lord said, 'I will surely return to you in the spring, and Sarah your wife shall have a son.' And Sarah was listening at the tent door behind him. Now Abraham and Sarah were old, advanced in age, it had ceased to be with Sarah after the manner of women. So Sarah laughed to herself, saying, 'After I have grown old and my husband is old, shall I have pleasure?' The Lord said to Abraham, 'Why did Sarah laugh and say, "Shall I indeed bear a child, now that I am old?" Is anything too hard for the Lord? At the appointed time I will return to you, in the spring, and Sarah shall have a son.' But Sarah denied, saying, 'I did not laugh,' for she was afraid. He said, 'No, but you did laugh'" (Gen. 18:14-15):

- B. This tells you that our mother Sarah was modest.
C. Said R. Judah said Rab, and others say, R. Isaac, "The ministering angels knew that our mother Sarah was in the tent. *Why then* 'in the tent'? It was so as to make her more attractive to her husband."
D. R. Yosé b. R. Hanina said, "It was so as to send her the cup of blessing."

IV.15 A. *It was taught on Tannaite authority by R. Yosé, "Why are dots written on the letters A, Y, and W in the word 'to him' [which is made up of the letters A L Y W]? [The cited letters A Y W may be read, 'where is he?'] The Torah thereby teaches proper conduct, for someone should always ask about the welfare of the hostess."*

- B. But did not Samuel say, "People are not ever to ask about how a woman is?"
C. Doing so through the husband is different.

IV.16 A. "After I have grown old and my husband is old, shall I have pleasure:"

- B. Said R. Hisda, "After the flesh got worn and the skin wrinkled, the flesh became pleasurable, the wrinkles were smoothed out, and beauty was restored."

IV.17 A. It is written, "So Sarah laughed to herself, saying, 'After I have grown old and *my husband is old*, shall I have pleasure?'" And by contrast: "The Lord said to Abraham, 'Why did Sarah laugh and say, "Shall I indeed bear a child, now that *I* am old?'"!"

- B. *So the Holy One, blessed be he, did not set the question in the way in which she had spoken it!*
C. *The household of R. Ishmael taught on Tannaite authority, "Peace is the most important consideration, for even the Holy One, blessed be he, made an adjustment.*
D. "For it is written, 'So Sarah laughed to herself, saying, "After I have grown old and my husband is old, shall I have pleasure?"' The Lord said to Abraham, "Why did Sarah laugh and say, 'Shall I indeed bear a child, now that I am old?'"'"

IV.18 A. "And she said, 'Who would have said to Abraham that Sarah would have given children suck' (Gen. 21: 7):"

- B. [Since the reference is to children in the plural,] in point of fact how many children did Sarah suckle?
- C. Said R. Levi, "On the day on which Abraham weaned his son Isaac, his son, he made a great banquet. All the nations of the world were gossiping, saying, 'Have you seen that old man and that old woman, who collected a foundling from the market and said, "It is our son"? Not only so, but they're making a big celebration to validate what they claim.'
- D. "What did our father Abraham do? He went and invited all the great authorities of the generation, and Sarah our mother invited their wives, and every one of them brought her child with her, but did not bring along her wet-nurse, and there was a miracle, and our mother, Sarah, had her breasts open like two fountains, and she gave suck to all of them.
- E. "Nonetheless, they continued to gossip, saying, 'If Sarah, who is ninety years old, could produce a child, will Abraham, who is a hundred years old, beget one?' Forthwith the outlines of Isaac's face altered and became just like Abraham's, so all of them cried out, 'Abraham begat Isaac!' (Gen. 25:29)."

IV.19 A. Until the time of Abraham there was no such thing as old age. *One who wanted to speak with Abraham might well speak with Isaac and one who wanted to speak with Isaac might well speak with Abraham. Abraham came along and begged for mercy, and old age came about, as it is said, "And Abraham was old, getting along in years" (Gen. 24: 1).*

- B. *Until Jacob, there was no such thing as illness, but Jacob came along and begged for mercy, and illness came about, as it is said, "And someone told Joseph, behold your father is sick" (Gen. 48: 1).*
- C. *Until Elisha came along, there was no one who ever got sick and then got well again, but when Elisha came along, [Elijah] begged for mercy and he was healed, as it is written, "Now Elisha had fallen sick of the illness of which he died" (2Ki. 13:14), which proves that he had been sick earlier but had recovered.*

IV.20 A. *Our rabbis taught on Tannaite authority:*

- B. Elisha suffered from three illness, once when he repulsed Gehazi with both hands, once when he sicked bears on the children, and the third, the illness of which he died, as it is written, "Now Elisha had fallen sick of the illness of which he died" (2Ki. 13:14).

V.1 A. **But before they begin work, go and tell them, 'Work for us on condition that you have a claim on me as to food only for a piece of bread and pulse alone:**

- B. Said R. Aha b. R. Joseph to R. Hisda, "Have we learned in the Mishnah, 'bread made of pulse' or 'bread and pulse'?"
- C. He said to him, "By God! [Freedman:] the 'and' is necessary as large as a rudder on the Libruth."

VI.1 A. **Rabban Simeon b. Gamaliel says, "He had no need to specify that in so many words. Everything [in any case] accords with the practice of the province:"**

- B. *What is "everything" meant to encompass?*
- C. *It is meant to encompass that which we have learned on Tannaite authority:*

D. “He who hires a worker and stipulates with him, ‘You will be paid as one or two of the townsfolk are paid,’ he must pay him the lowest wage,” the words of R. Joshua.

E. Sages say, “They strike an average.”

Here is a fine case in which Scripture, as much as the Mishnah, provides the structure for the organization of vast stretches of material; Gen. 18 serves for a much larger portion of the whole than M. B.M. 7:1. We start, I.1, with an exegesis of the Mishnah, now with the question of whether the Mishnah’s authorities have not told us what is merely self-evident. No. 2 proceeds to amplify the law in conversation with the Mishnah. No. 3 is then a free-standing exegesis of Psa. 104:20f., tacked on because of its thematic relevance. That accounts for the run-on association with No. 4, dealing with the same verse. And that introduces the first of a long sequence of stories about rabbis of a certain classification, namely, those who got involved with the government, however good the motive. This then encompasses Eleazar b. R. Simeon (son of Simeon b. Yohai) and Ishmael b. R. Yosé, who have in common very distinguished fathers. Once we have a saying of Yohanan about the physical appearance of the named rabbis — fatties — we naturally are given materials on Yohanan, whose physical appearance also is noteworthy; and that then introduces the relationship of Yohanan and Simeon b. Laqish, long-time debate-partners. The principle of agglutination is not one we can readily understand, since it involves a jump from No. 5 to No. 13, over the vast intervening materials. Once the matter of suffering is introduced, we of course move on to that theme, now involving Rabbi (Judah the Patriarch). I assume that, somewhere and somehow, that association of sages in relationship to the government precipitated the notion that the large, free-standing composition about Rabbah b. Nahmani belonged as well, No. 41. But from No. 5 onward, the main interest is in lives and deeds of sages. That these materials were made up on their own is shown very simply. Each of the numbered entries holds together within its own focus, and the relationship to what comes fore and aft is commonly rather tenuous. Only at II.1 do we revert to Mishnah-exegesis, and, we see, the treatment from that point forward is hardly sustained. For as soon as we come to III.1, we find ourselves once more in the midst of the sustained and systematic exegesis and amplification of not the Mishnah but Scripture, now Gen. 18. That the entire sequence, III.2ff., holds together within its own framework is readily seen, since the continuity and flow leave no doubt that someone has wanted to assemble a treatment of the cited verses and has done just that. (A comparison with the counterpart in Genesis Rabbah shows propositions in common but no intersection in any important aspect whatsoever.) IV.1 and V.1 present no surprises; these are routine; without the inclusion of vast tracts of Scripture-exegesis, the Mishnah-exegesis before us cannot have sustained anything like the Talmud that we now have in hand.

7:2

A. **And these [have the right to] eat [the produce on which they work] by [right accorded to them in] the Torah:**

B. **he who works on what is as yet unplucked [may eat from the produce] at the end of the time of processing;**

- C. [and he who works] on plucked produce [may eat from the produce] before processing is done;
- D. [in both instances solely] in regard to what grows from the ground.
- E. But these do not [have the right to] eat [the produce on which they labor] by [right accorded to them in] the Torah:
- F. he who works on what is as yet unplucked, [87B] before the end of the time of processing;
- G. [and he who works] on plucked produce after the processing is done,
- H. [in both instances solely] in regard to what does not grow from the ground.

I.1 A. *What is the scriptural source for this rule?*

- B. *It is as written, "When you come into your neighbor's vineyard, you may eat" (Deu. 23:24).*
- C. *We thus have found the rule covering a vineyard. How do we know that it pertains to other matters as well?*
- D. *We draw an analogy from the case of the vineyard:*
- E. *What is indicative of the matter of the vineyard is that it involves that which grows from the ground, and [permission to nibble without violating the law against stealing] applies at the time that the work on the vineyard has come to an end [when the grapes are vintaged, but not before, when, after all, one would not want to eat them anyhow], in which case a worker may nibble [but not otherwise],*
- F. *so in the case of any agricultural produce that grows from the ground, at the time that the work has come to an end, the worker may nibble.*
- G. *But the distinctive trait of the vineyard is that it is liable to the law of gleanings [and we may explain the right granted to the worker to nibble on the grapes as an effect of the law that any poor person may glean there, but will you say the same of fields of other produce all together, e.g., grain]?*
- H. *We then draw an analogy from the case of standing grain.*
- I. *But how in that case in particular do we know the law on the basis of Scripture?*
- J. *Because it is written, "When you come into the standing grain of your neighbor, then you may pluck the ears with your hand" (Deu. 23:26).*
- K. *But the distinctive trait of the standing grain is that it is liable to the law of dough-offering.*
- L. *And how do we know that the word translated standing grain applies only to standing crops that are liable to dough offering? Perhaps Scripture refers to all standing crops?*
- M. *The meaning of the word derives from an analogy between two uses of the word for standing grain. Here we find, "When you come into the standing grain of your neighbor, then you may pluck the ears with your hand" (Deu. 23:26). And elsewhere: "From such time as you begin to put the sickle to the standing grain" (Deu. 165: 9). Just as there, reference is made to standing grain that is liable to the dough offering, so here too, reference is to standing grain that is liable to dough-offering.*
- N. *Now to refute [the proposed analogy of K:] the distinctive trait of standing grain is that it is liable to dough-offering!*

- O. The vineyard will prove to the contrary.
- P. The distinctive trait of the vineyard is that it is liable to gleanings.
- Q. Standing grain will prove to the contrary.
- R. So we're going around in circles, and the distinctive trait of the one is not the same as that of the other, but what they have in common is that each is something that grows from the ground and that when work on the crop is completed, [Scripture has given] the worker the right to nibble, [from which it must follow that any other crop that exhibits these traits will likewise bear the same result, and workers may nibble at the specified time].
- S. *Now in point of fact the feature that characterizes them both is that both are used in connection with the altar [wine, grain, for the wine-libation and the cereal offering].* Then olives also may be encompassed, since they too yield an offering for the altar.
- T. *But are olives encompassed because they share a common trait with grain and grapes? Olives themselves are referred to as a vineyard, as it is written, "And he burned up both the shocks and the standing grain and the olive-vineyard" (Judges 15: 6).*
- U. *Said R. Pappa, "The usage here is 'olive-vineyard, not simply vineyard.'"*
- V. *That is a problem.*
- W. [Reverting to S:] Rather, said, Samuel, "Scripture says, '[When you go into your neighbor's standing grain, you may pluck the ears with your hand], but you shall not put a sickle to your neighbor's standing grain' (Deu. 23:26): that 'but' serves to extend the law to whatever requires a sickle."
- X. *But "sickle" is required to prove that it is when the sickle is used that one may nibble, but not otherwise.*
- Y. *That rule derives from "but you shall not put any into your vessel" (Deu. 23:25). [Freedman: This shows that the reference is to those that can be put in a vessel, that is, removed from the soil].*
- Z. *Fine, that proof serves well for what requires use of a sickle. How about what does not?*
- AA. Rather, said R. Isaac, "Scripture says, 'standing grain,' which serves to encompass whatever is standing in the field."
- BB. *But lo, you have already maintained that the repeated use of standing grain serves to show that the law pertains only to such standing crops as are liable to dough-offering!*
- CC. *True enough, but that proof was important only prior to the introduction of the proof deriving from the use of the sickle. Now that we have introduced the word "sickle" to prove that everything that needs a sickle is covered by the law, even what is not liable to dough offering, then what purpose can that other reference to standing grain serve? It is to encompass everything that stands upright.*
- DD. *Now that the law has been shown to derive from the usages involving the words "sickle" and "standing grain," what need does the following verse serve: "When you go [into your neighbor's standing grain]"?*
- EE. Said Raba, "It is to encompass the details of the laws."

- FF. *For so it has been taught on Tannaite authority:*
 - GG. “When you come into your neighbor’s vineyard, you may eat” (Deu. 23:25):
 - HH. The word “come” occurs here, and likewise, “You shall not oppress a hired servant...at this day you shall give him hire hire, neighbor shall the sun come down upon it” (Deu. 24:14).
 - II. There the rule, joined by the word in common, refers to a worker, so here the rule pertains to a worker.
 - JJ. “[When you come into] your neighbor’s [vineyard, you may eat]” (Deu. 23:25):
 - KK. and not into the vineyard of a gentile.
 - LL. *Now on the view of him who maintains that stealing from a gentile is forbidden, there are no problems, but on the view of him who holds that it is permitted, does the worker require a verse to grant him the right to do so?*
 - MM. Such a one reads “When you come into your neighbor’s vineyard, you may eat” (Deu. 23:24), to encompass a vineyard made of of produce that has been declared sanctified to the altar.
- I.2.** A. [“When you come into your neighbor’s vineyard, you may eat your fill of grapes, as many as you wish, but you shall not put any into your vessel” (Deu. 23:24):] “you may eat”: — but not suck out the juice.
- B. “grapes.” and not grapes and something else [e.g., a meal of bread and grapes].
 - C. “[as many as] you wish:” as is the desire of the householder, so is the desire of the worker. Just as you may eat as much as you like and are exempt from the penalty of thievery, so the worker may eat as much as he likes and is exempt.
 - D. “as many as...:” but not gluttonously.
 - E. “but you shall not put any into your vessel:” when you put the grapes into the householder’s utensils, you may eat, but when you are not putting the grapes into the utensils of the householder, you may not eat.

Other Rules on Randomly Eating Untithed Produce the Point at which Produce is Liable to Tithing

- I.3.** A. Said R. Yannai, “Produce from which tithes and offerings have not been separated is not held to be liable [for the designation of those holy parts] **[88A]** until it sees the front of the house [that is, until it is taken into the house through the front door, not through the roof or the backyard (Freedman)], as it is written, ‘Then you shall say before the Lord, your God, I have removed the sacred portion out of my house’ (Deu. 26:13).”
- B. R. Yohanan said, “Even entry into the courtyard imposes liability to the separation of these things, since it is said, ‘that you may eat within your gates and be filled’ (Deu. 26:12).”
 - C. *Now must not also R. Yohanan deal with the verse, “out of my house”?*
 - D. R. Yohanan will say to you, “The courtyard is analogous to the house. Just as the house imposes liability only if it is guarded [but not if it is abandoned], so the courtyard likewise will impose liability only if it is guarded as private property [but if it is treated as ownerless, not private property, it does not impose liability upon produce that is brought within it; that is still as much accessible to the public as though the produce were still left in the fields].”

- E. *Now must not also R. Yannai deal with the verse, “that you may eat within your gates and be filled”?*
- F. *He requires that verse to show that it must be brought into the house through the gates, not over the roof or through the enclosures in the back, via which no liability is incurred.*

I.4. A. R. Hanina of Hoza’a objected, “As to the proof ‘as many as you wish:’ as is the desire of the householder, so is the desire of the worker. Just as you may eat as much as you like and are exempt from the penalty of thievery, so the worker may eat as much as he likes and is exempt, lo, implicit is that which the purchaser nibbles is liable [for the designation of tithes], *and does that not mean even if he does so in the field?*”

B. Said R. Pappa, “*Here we deal with a fig-tree that is standing in a garden, with branches shading over into the courtyard or to the house. On the view of the one who says that the produce must see the front of the house, [the produce is liable to tithing if the purchaser wishes to eat it].*”

C. *If that is the case, then the householder also should be liable under such conditions!*

D. The householder’s eyes are on his fig tree, while the purchaser’s eyes are on what he is buying [so the owner does not regard a single branch, and since the whole tree does not face the house, the produce is exempt; but the purchaser is interested only in what he is buying; if the branch from which his figs are gathered faces the house or courtyard, he is liable].

E. *Now is the purchase liable at all under the rule of the Torah? Has it not been taught on Tannaite authority:*

F. On what account were the shops of Beth Hini destroyed three years before Jerusalem was destroyed? It is because they based their actions only upon the teachings of the Torah [rather than on the Torah as the scribes interpreted it].

G. For they would say **[88B]**, “‘You shall surely tithe...and you shall *eat*’ (Deu. 14:22) — but not if you sell.

H. “‘the increase of your seed’ — but not if it is purchased.”

I. Rather, the rule [covering the purchaser’s liability to tithe] derives from the authority of rabbis, and it is a rather general support for the rule that Scripture provides.

K. *Then what is the meaning of the clause, “[as many as] you wish”?*

L. *It is in accord with that which has been taught on Tannaite authority:*

M. Just as, if you have muzzled yourself you are exempt from any penalty, so if you muzzle the mouth of your laborer, you are exempt [so the employer can stipulate that the worker shall not eat the produce on which he is working].

I.5. A. [To the proposition that produce that has not yet faced the courtyard or the house is not liability to the separation of tithes and offerings,] Mar Zutra objected, “[*Let us note the following passage of the Mishnah:*] **At what point after the harvest must tithes be removed from the produce? Cucumbers and gourds**

— after he removes the fuzz. [But if he does not remove the fuzz, it is only after he stacks them up. Chate-melons — after he scalds them. But if he does not scald them, then it is when he makes a store of them. Green vegetables that are normally tied in bunches — after he ties them. But if he does not tie them, then it is when the vessel into which he places the picked greens is filled. But if he does not fill the vessel, it is only after he collects all he needs. The contents of a basket need not be tithed until he covers the basket. But if he does not cover it, the tithes need not be removed until he fills the vessel. But if he does not fill the vessel, tithes need not be removed until he collects all he needs in that basket. Under what circumstances do these criteria apply? If he is bringing the produce to market. But if he is bringing it home, it is not liable to the removal of tithes and he may eat some of it as a random snack until he reaches home] [M. [Ma. 1:5A-M](#)]. The opening clause, ‘after he removes the fuzz,’ was interpreted by R. Assi, ‘when their blossoms are shed.’ *Now does that not mean, as soon as that has happened in the field?*”

- B. No, it means, after that has happened in the house.
- C. *“Then instead of the language, ‘as soon as...,’ the Tannaite authority should formulate it as, ‘they are not liable until...’”*
- D. *Had he stated it in that language, I might have thought that that is the case until the shedding is complete; therefore we are taught in the language, “as soon as,” to indicate that liability is incurred as soon as the process begins.*

- I.6.** A. [To the proposition that produce that has not yet faced the courtyard or the house is not liability to the separation of tithes and offerings,] *Mar Zutra b. R. Nahman objected*, “The harvest time in respect to tithes, in that one who eats something of a crop without tithing it is liable for violating the prohibition against eating food that is liability to tithing but that has not been tithed, is when the processing of that crop has been completed. And when is the processing of that crop been completed? When it is brought in. *Is not the meaning*, ‘when it is brought in’ even in the field [that is, collected into a stack]?”
- B. No, “bringing it into the house” marks the completion of the processing of that crop.
 - C. *If you prefer, I shall say the following:*
 - D. *When R. Yannai made the statement cited earlier*, [“Produce from which tithes and offerings have not been separated is not held to be liable for the designation of those holy parts until it sees the front of the house as it is written, ‘Then you shall say before the Lord, your God, I have removed the sacred portion out of my house’ (Deu. 26:13)”], *that speaks only of olives and grapes, which are not collected into a threshing floor [so in their instance liability is*

incurred only when they see the face of the house]. But as to wheat and barley, there is an explicit reference to the threshing floor [at Num. 18:30, and it is when cereal is processed at the threshing floor that the Levite has a right to his portion of the crop].

Workers and Cattle May Eat Produce on Which They Work

Further Rules and the Scriptural Basis Therefor

- I.7.** A. *We have found evidence that* a man may eat when employed in working on what is attached to the soil, and the ox may eat when working on what is plucked up [Deu. 25: 4: “You shall not muzzle an ox when it treads out the grain]. *But how on the basis of Scripture do we know that* a man may nibble when worked on what is plucked up?
- B. The proof derives from an argument *a fortiori* based on the case of the ox:
- C. If an ox, which does not eat what is unplucked, may eat what is plucked, then man, who may eat of what is unplucked, surely may eat what is plucked.
- D. But the governing trait of the ox is that you are commanded in respect to muzzling him. Will you say the same in regard to man, concerning the muzzling of whom you are subject to no commandment?
- E. And then let the muzzling of a man be forbidden by an argument *a fortiori* on the case of the ox:
- F. if an ox, which you are not commanded to keep alive, you are commanded not to muzzle, a man, whom you are commanded to keep alive, surely you should be commanded as to not muzzling him!
- G. Scripture states, “as much as you wish,” so is the case with the worker: just as “as much as you wish” means, if you muzzle yourself, you are free of a penalty, so if you muzzle the worker, you are free of penalty.
- H. *And how do we know that a man is free to nibble on what is unplucked?* Scripture has made two references to standing grain, and since the purpose is not to indicate that man may eat what is unplucked, interpret it to indicate that man may eat what is plucked up.”
- I. R. Ammi said, “That a man may eat what is plucked does not have to be proven on the basis of a verse of Scripture, for it is written, ‘When you come into your neighbor’s vineyard.’ *Are we not dealing with a case in which he hired him to serve as a porter? And yet the All-Merciful has stated that he may eat.*”

- I.8.** A. How do we know that an ox may nibbled on what is unplucked?

- B. That rule is based on an argument *a fortiori* from the case of man:
- C. if a man, who does not eat from what is plucked, may eat what is unplucked, then an ox, which may eat what is plucked, surely may eat of what is unplucked!
- D. But the indicative trait of man is that you are commanded to keep him alive. But will you say the same of an ox, which you are not commanded to keep alive?
- E. Then let one be commanded to keep alive an ox, on the basis of an argument *a fortiori*:

- F. if a man, whom you are not commanded in respect to not muzzling him, you are commanded nonetheless to keep alive, an ox, which you are commanded not to muzzle, should you not be commanded to keep alive?
- G. Said Scripture, “that your brother may live with you” (Lev. 25:36) — your brother, and not an ox.
- H. Then how do we know that an ox may nibble on what is unplucked?
- I. Scripture has made two references to “your fellow,” and since these are not required to indicate the rule governing the case of a man’s nibbling on what is unplucked, apply it to the case of the ox’s nibbling on what is unplucked.
- J. *Rabina said, “It is not necessary on the basis of Scripture to prove the rule for either a man’s eating what is plucked or an ox’s eating what is unplucked. For it is written, ‘You shall not muzzle an oxen in its ploughing’ (Deu. 25: 4). [89A] Since everything is encompassed in this prohibition of muzzling, by analogy between the use of the word ‘ox’ written here and in the case of the Sabbath [which proves that when Scripture refers to ‘ox’, all animals are subject to the same rule], Scripture should have written, ‘you shall not thresh with a muzzled beast,’ and why specify ‘ox’? It is to encompass the one who muzzles [which is man] and the one who is muzzled and vice versa. Just as the one who muzzles may eat of what is unplucked, so the one that is muzzled may eat of what is unplucked, and just as what is muzzled may eat of what is plucked, so the one who muzzles may eat of what is plucked.”*

I.9. A. [With reference to the verse, “You shall not muzzle an ox in its threshing,”] *Our rabbis have taught on Tannaite authority:*

- B. **As to threshing, what is distinctive in threshing is that it concerns something that grows in the ground, and a worker eats what is threshed,**
- C. **so anything that grows in the ground, and a worker eats what is threshed, is under the same law,**
- D. **omitting then one who milks, presses curdled milk, and makes cheese, since these acts of labor do not pertain to what grows from the earth, and on that account a worker may not nibble on what he is producing [T. B.M. 8:7G-H].**
- E. *But why is this proof required, since it is to be derived from the verse, “When you come into your neighbor’s vineyard, [you may eat your fill of grapes, as many as you wish, but you shall not put any into your vessel” (Deu. 23:24)]?*
- F. *It is necessary to present such a proof, for, absent a demonstration, I might have thought that, since “standing grain” is what is written, that would then encompass under the law whatever stands upright [as does a cow], even what does not grow from the earth. So we are informed by the proof at hand that that is not the case.*

I.10. A. [With reference to the verse, “You shall not muzzle an ox in its threshing,”] *there is a further teaching that our rabbis have taught on Tannaite authority:*

- B. **As to threshing, what is distinctive in threshing is that it concerns something that the worker eats when the processing is done,**
- C. **so anything that the worker eats when the processing is done is covered by the law, excluding then one who weeds among garlic and onions,**

- D. **since that work does not mark the completion of the processing of that crop, the worker may not nibble as he works [T. B.M. 8:7I-J].**
- E. *But why is this proof required, since it is to be derived from the verse, “[When you come into your neighbor’s vineyard, [you may eat your fill of grapes, as many as you wish, but] you shall not put any into your vessel” (Deu. 23:24)]?*
- F. *It is necessary to present such a proof, to indicate that even when he is removing small onions from among big ones [he may not nibble on them]. [Although these are put into the employer’s basket, the worker may not eat them, since he is not engaged in the completion of the processing of the crop (Freedman)].*

I.11. A. [With reference to the verse, “You shall not muzzle an ox in its threshing,”] *there is a further teaching that our rabbis have taught on Tannaite authority:*

- B. **As to threshing, what is distinctive in threshing is that it is a process that does not complete the work on the crop, such that the crop is then liable to the designation of tithes, so that the worker may nibble as he goes along,**
- C. **so at any stage in the labor in which the work of processing is not completed such that the crop is then liable to the designation of tithes, the worker may nibble as he goes along,**
- D. **excluding then separating dates and dried figs. In that case, the processing is completed so that the crop is then liable to the designation of tithes, and the worker may not nibble as he works [T. B.M. 8:7K-L].**
- E. *But has it not been taught to the contrary on Tannaite authority: He who is engaged in separating dates and dried figs is permitted to nibble as he works.*
- F. *Said R. Pappa, “When that Tannaite teaching was set forth, it concerned half-ripe dates.”*

I.12. A. [With reference to the verse, “You shall not muzzle an ox in its threshing,”] *there is a further teaching that our rabbis have taught on Tannaite authority:*

- B. **As to threshing, what is distinctive in threshing is that it is a process that does not complete the work on the crop, such that the crop is then liable to the separation of dough offering, so that the worker may nibble as he goes along,**
- C. **so at any stage in the labor in which the work of processing is not completed such that the crop is then liable to the separation of dough offering, the worker may nibble as he goes along,**
- D. **excluding then kneading, shaping the dough, and baking. These are processes that are undertaken in such wise that the dough is liable to the separation of dough offering, and the worker may not nibble while doing the work [T. B.M. 8:7E-F].**
- E. *But is the work not completed so that the crop is liable for the designation of tithes? [How then can you say that the worker can be permitted to nibble at all?]*
- F. *There is no contradiction. Reference in this rule is to processing outside of the Land [of Israel], in which territories it is not necessary to designate tithes.*
- G. *If that is the case, then there should be no consideration of dough-offering either!*

- H. *Rather, we do deal with work done in the Land of Israel, but there still is no contradiction, for the rule refers to the seven years of conquest and the seven years of division of the land.*
- I. *For a master has said, "In the seven years in which they conquered the land and the seven years in which they divided it, they were liable to separate the dough-offering but they were not liable to designate tithes."*
- J. *But is the governing consideration the issue of tithes at all? Is not the governing consideration the completion of the processing? [Freedman: the analogy concerns threshing. Whether the law of tithes is in force or not, once the stage of threshing or its equivalent is reached, when there would be a liability to tithes if the law were in force, the laborer may not eat. And so the difficulty remains: why exclude kneading on the grounds of liability to dough-offering, seeing that threshing has preceded it?]*
- K. *Rather, said Rabina, "Join the two and repeat them on Tannaite authority in the following way: As to threshing, what is distinctive in threshing is that it is a process that does not complete the work on the crop, such that the crop is then liable to the designation of tithes and the separation of dough offering, so that the worker may nibble as he goes along, so at any stage in the labor in which the work of processing is not completed such that the crop is then liable to the designation of tithes and the separation of dough offering, the worker may nibble as he goes along."*
- I.13. A.** *The question was raised: what is the law as to the worker's parching the grain in the fire and eating it? Is this analogous to eating grapes along with something else [which is forbidden] or not? [Freedman: it may be argued that since grapes may not be eaten with bread, because thereby an unreasonably large quantity is consumed, the same holds good of parched grain, which is more palatable than unparched.]*
- B. *Come and take note of the following: **The householder has the right to make the workers drink wine, so that they will not eat a great many grapes. Workers have the right to eat their bread with brine, so that they will have the thirst to eat a great many grapes [T. B.M. 8:3A-D].***
- C. **[89B]** *[That really does not answer the question, for] as to making the worker fit to eat more, there is no question. The issue is whether or not the food may be made fit [by being made more attractive for eating].*
- D. *Come and take note of the following: Workers may eat the grapes at the top of the rows, but that is on condition that they not parch them in fire.*
- E. *But the rule in that case is on account of losing time at work. Our problem comes about when the worker has his wife and children with him. What is the rule then?*
- F. *Come and take note of the following: A worker may not parch the crops at the fire so as to eat them, nor warm them in the earth, nor crush them on a rock; but he may crush them between his hands and eat them.*
- G. *But here again the rule in that case is on account of losing time at work. That interpretation is surely reasonable, for if you should imagine that it is because he makes the produce more tasty, how does crushing the produce on a rock make the produce more tasty?*

- H. *It is in fact not possible that through these processes the produce will not become more tasty.*
- I. *Come and take note of the following:* Workers who were working at picking figs, harvesting dates, vintaging grapes, or gathering olives, may nibble as they go along and are exempt from having to designate tithes, for the Torah has endowed them with the right to do so. But as to eating these things with their bread, they are not to eat them unless they have gotten permission from the householder, and they should not drip them in salt and eat them. [Freedman: it is assumed that dipping in salt is forbidden because it renders the food more appetizing, and therefore parching will be forbidden too on the same count.]
- J. But salting the produce is in the same category as eating grapes and something else.

I.14. A. “and they should not drip them in salt and eat them:”

- B. *An objection was raised on the basis of the following:* He who hires a worker to hoe and cover up the roots of olive trees — the worker may not eat [since this is not work that completes the processing]. If he hired him to vintage grapes, pluck olives, or gather fruit, he may nibble and is exempt from the obligation to designate tithes, for the Torah has endowed him with the right to do so. If he stipulated that he may eat, he may eat them singly, but not two at a time [since two together count as a store and are subject to tithes; since he has stipulated he may eat, it is part of his payment and is something that is bought, and he may not eat the stores without tithing (Freedman)]. And he may dip them in salt and eat. *Now to what clause does this phrase* [“and he may dip them in salt and eat”] *refer? Shall we say that it is to the latter? But once the stipulation has been made, the worker obviously can eat just as he wishes. Rather, the phrase refers to the opening clause [and this contradicts the cited passage, [“and they should not drip them in salt and eat them”].*
- C. *Said Abbaye, “There is no contradiction. The second version refers to the Land of Israel, the first, to the territory outside of the Land. In the Land of Israel dipping in salt establishes liability to tithes, in the territory outside of the Land, that is not the case.”* [Freedman: when one dips an olive in salt he shows that he values it, and that renders it ready for eating and precludes storing. In the Land of Israel where the requirement to tithe rests on the authority of the Torah, dipping imposes a liability. In the territory outside of the Land, where the requirement rests only on rabbinical authority, it does not.]
- D. *Said Raba, “Now is there a case in which dipping in salt establishes an obligation to tithe in the Land of Israel on the strength of the authority of the Torah, while, by contrast, in the territory outside of the Land, dipping in salt establishes no such obligation so that, to begin with, it is permitted [to eat the produce without tithing at all? Such a vast differentiation is surely odd, since we should expect some obligation, if not so strict an obligation as pertains in the Land.]”*
- E. *Rather, said Raba, “Both in the Land of Israel and outside of the Land, dipping one olive in salt does not establish liability to separate tithes [since the value is negligible] while for two of them it does. If, however, the worker has stipulated that he is to eat, whether he salts or whether he does not salt, he may eat one by one, but he may not eat two by two. If he did not make a stipulation and did not*

salt them, he may eat two by two. If he salts them, he may eat them one by one, but not two by two, *even if he has gotten permission from the householder, since they became produce that is fully ready for tithing but not yet tithed, since it is salting that imposes the liability.*" [Freedman: The first rule then refers to eating two at a time; no stipulation having been made, they may not be dipped in salt. The second version refers to a case in which a stipulation was made; since the mere stipulation establishes a liability for two, it follows that he must eat the fruit singly, and that being so, the Tannaite authority can state in general terms that he may salt them.]

F. *And how do we know that salting establishes liability only for two?*

G. Said R. Mattena, "Scripture says, 'For he has gathered them as the sheaves to the threshing floor' (Mic. 4:12)." [Freedman: There can be no storage, the final stage of which imposes liability, without gathering, and there cannot be a gathering of less than two.]

I.15. A. Our rabbis have taught on Tannaite authority:

- B. **When cows are stamping grain** [Freedman: barley grain was soaked in water, dried in an oven, and threshing by the treading of cows, which process removed the husks] **[90A]** or threshing grain that has been designated as priestly ration or as tithes, **there is no prohibition in regard to "you shall not muzzle the ox when he treads the grain" (Deu. 25: 4).**
- C. **But for appearances' sake, he should bring a basket of that species and bind it on the muzzle of the animal [T. B.M. 8:10A-B].**
- D. R. Simeon b. Yohai says, "He brings vetches and hangs it up for the beast, for vetches are the best thing for the beast."
- E. *An objection was raised on the basis of the following: He who has cattle stamp on grain does not transgress the prohibition against muzzling. If it is trampling on grain that has been designated as priestly ration or as tithes, one does violate the prohibition against muzzling the beast. A gentile who treads out grain with the cow of an Israelite is not subject to transgressing the rule against muzzling the ox. An Israelite who treads out grain with the cow of a gentile is subject to transgressing the rule against muzzling the ox [T. B.M. 8:11A-C].*
- F. *The rule affecting food designated as priestly rations then contradicts the other rule on the same subject, and the rule affecting food separated as tithe contradicts the other rule on the same subject.*
- G. *Now, in point of fact, there is no contradiction between the two rules concerning food that has been designated as priestly ration, since in the one case we deal with the food that has been designated as priestly ration, the other to what has been produced from such grain [the former is not subject to a prohibition, the latter is.]* [Freedman: If grain that is designated as priestly ration is sown and produces a further crop, on the authority of the Torah that is not food in the status of priestly ration but ordinary produce; by rabbinical enactment, however, it is held to be food in the status of priestly ration. Since rabbis cannot nullify a scriptural prohibition, the injunction, 'you shall not muzzle' remains in force. The reason is that otherwise the Israelite might evade his obligations by designating grain to be

priestly ration and then resowing it. Also, if the priest should possess food in that status that has been made unclean, he might resow it, and it reverts to unconsecrated food.]

- H. *But as to the two rules concerning food that has been separated as tithe, there really is a contradiction.*
- I. *And should you say that as to the two rules concerning food that has been separated as tithe, there really is no contradiction, since one refers to the food that is itself in that status, the other to food that has been produced by grain in that status, that distinction is suitable to make between produce in the status of priestly ration and produce that has derived from such produce, because we do indeed deal with produce in the status of priestly ration. But what comes from produce that is in the status of tithe is unconsecrated, pure and simple.*
- J. *For we have learned in the Mishnah: ...as regards produce which is liable to tithes, first tithe — that which grows from them is common food [The rule is as follows: That which grows from seed in the status of heave offering [priestly ration] has the status of heave offering; and what grows from the seed of produce that grew from seed in the status of heave offering is unconsecrated. But as regards produce which is liable to tithes, first tithe, aftergrowths of the seventh year, heave offering separated from produce grown outside of the Land of Israel, mixtures of heave offering and unconsecrated produce, and first fruits — that which grows from them is common food and does not have the same status as the seed from which it grew. That which grows from seed that is dedicated to the Temple or second tithe is unconsecrated. And he redeems the seed when they are sown (M. Ter. 9: 4)].*
- K. *Rather, there still is no contradiction, for one rule pertains to produce designated as first tithe, the other to produce designated as second tithe. [First tithe is regarded as the farmer's grain, since the Israelite may eat it too, so the prohibition of muzzling applies. Second tithe must be eaten in Jerusalem and is holy, so it is not included in the prohibition.]*
- L. *And if you prefer, I shall explain in the following way: both refer to second tithe, but there still is no problem, since the one statement derives from R. Meir, the other from R. Judah.*
- M. *The one from R. Meir, who has said, "Tithe is in the classification of money belonging to the Most High."*
- N. *The other from R. Judah, who has said, "Second tithe is in the classification of money belonging to an ordinary person [the farmer himself]."*
- O. *And how might that be the case [that there should be a tithe prior to the threshing process]?*
- P. *For example, a case in which the farmer pushed the tithing process up to the time when the grain was yet in ear.*
- Q. *But even in the view of R. Judah, does not the imposition of the obligation to do so require that the grain be located within the wall of Jerusalem [since the farmer tithed crops in ear, nothing is to be consumed even by beasts outside of the walls of Jerusalem. How may the animal thresh it unmuzzled? (Freedman)]*

- R. For example, a case in which the farmer threshed the grain within the wall of Beth Pagi.
- S. *If you prefer, I shall explain in the following way: one rule refers to produce that is certainly in the status of tithe, the other to produce that is in the status of doubtful-tithe [to which the prohibition of muzzling applies, as explained above].*
- T. *Now that you have come that far, we may maintain that there also is no contradiction between the two rulings having to do with food in the status of priestly rations: one rule refers to produce that is certainly in the status of priestly rations, the other to produce that may or may not be in the status of priestly rations.*
- U. *Now without doubt there is such a thing as tithe that is subject to doubt, but is there such a thing as food that may or may not be in the status of priestly rations? And has it not been taught on Tannaite authority: [Yohanan] abolished the confession [Deu. 26:1-15] and he enacted the law of doubtfully tithed produce. It was because he sent through the territory of Israel and discovered that only the principal priestly rations were being handed over [so there was no reason to provide a rule governing food that may or may not be in the status of priestly rations] [T. Sot. 13:3].*
- V. *Still, there is no contradiction. The one rule pertains to that which is certainly in the status of heave offering of the tithe, the other to that which may or may not be in the status of heave offering of the tithe.*
- I.16.** A. *The question was raised to R. Sheshet, "If the beast ate and excreted — what is the law? Is the prohibition of muzzling on account of the fact that the crop benefits the beast and here it does not benefit the beast; or is the prohibition of muzzling because the beast sees the crop and being muzzled, is distressed, and here too there is distress if the beast is muzzled?"*
- B. *R. Sheshet said to them, "You have learned the rule on Tannaite authority: R. Simeon b. Yohai says, 'He brings vetches and hangs it up for the beast, for vetches are the best thing for the beast.' This proves that the prohibition of muzzling on account of the fact that the crop benefits the beast."*
- I.17.** A. *The question was raised: "What is the rule as to saying to a gentile, 'Muzzle my cow and thresh with it'? Do we say that, when we invoke the principle, a statement to a gentile to carry out a certain action is a matter concerning Sabbath rest only and applies only to the Sabbath, since work on that day is forbidden with the sanction of stoning, but as to the prohibition of muzzling, which is prohibited merely as a negative commandment, [the consideration that one may not tell a gentile to do what an Israelite cannot do does not apply], or perhaps there is no such distinction [and the prohibition pertaining to an Israelite also may not be violated by a gentile acting on instructions from an Israelite]?"*
- B. *Come and take note: A gentile who treads out grain with the cow of an Israelite is not subject to transgressing the rule against muzzling the ox. [An Israelite who treads out grain with the cow of a gentile is subject to transgressing the rule against muzzling the ox] [T. B.M. 8:11A-C].*
- C. *The sense is that he does not transgression, but there still is a prohibition [against an Israelite's telling him to do it].*

- D. *In point of fact, there also is no such prohibition, but since the Tannaite authority wished to include reference to the latter rule of the same passage, namely, **An Israelite who treads out grain with the cow of a gentile is subject to transgressing the rule against muzzling the ox** [T. B.M. 8:11A-C], he made reference also to the opening clause by way of balance; but the first clause is meant to say that the Israelite does not infringe upon the law under the specified conditions.*
- E. *Come and take note: they sent to the father of Samuel, ““What is the law concerning the oxen that [90B] are stolen by gentiles and castrated at the instance of the Israelite owners?”*
- F. *He sent back to them, “They are carrying out an evasion of the law, so turn the evasion against them and require them to sell the beasts [so one may not tell a gentile to perform what is forbidden merely as a negative commandment, such as castration].”*
- G. *Said R. Pappa, “The Westerners [in the land of Israel] following the reasoning of R. Hidqa, who has said, ‘The children of Noah are forbidden to castrate, so when the Israelite tells a gentile to do it, he violates the law, “You shall not put a stumbling block before the blind”’ (Lev. 19:14).”*
- H. *Raba considered ruling that they must sell such a beast to be slaughtered [only for meat, rather than for labor].*
- I. *Said to him Abbaye, :”It is sufficient to impose upon them the sanction of having to sell them.”*
- J. *[As to whom the beast may be sold,] it is self-evident that an adult son is in the status of a stranger. But what is the rule as to selling such a beast to a minor son?*
- K. *R. Ahi forbade doing so, and R. Ashi permitted doing so.*
- L. *Maremar and Mar Zutra, and some say, two pious men, would trade beasts with one another [under these conditions].*
- I.18.** A. *The question was raised by R. Ammi bar Hama, “What is the law as to putting a thorn in its mouth [to prevent the beast from nibbling on the crop]?”*
- B. *What is the law as to putting a thorn in its mouth [to prevent the beast from nibbling on the crop]? But surely that is just muzzling!*
- C. *Rather, what if a thorn got stuck in the beast’s mouth?*
- D. *What if one had a lion lie down outside the field in which the ox was threshing?*
- E. *What if one had a lion lie down outside the field in which the ox was threshing? But surely that is just muzzling!*
- F. *Rather, what if a lion lay down outside the field?*
- G. *What if one put the animal’s young outside of the field? What if the beast got thirsty for water and couldn’t eat? What if one spread a leather cover over the grain that was to be threshed?*
- H. *You may solve the problem by reference to the following teaching on Tannaite authority:*
- I. *An owner of an ox who rents it out is permitted to keep the ox hungry so that it will eat a great deal from the grain that is threshed, and the householder has the*

right to untie a bundle of trodden sheaves before the cow, so that it should not eat a great deal of what it is threshing. [So one may protect the crop, and that is analogous to these cases.]

- J. *But that case is different, since the beast nonetheless can eat something.*
- K. *If you prefer, I shall rule: the householder has the right to untie a bundle of trodden sheaves before the cow, to begin with, so that it should not eat a great deal of what it is threshing. [But as to what may be done when the beast is actually fleshing, no analogy is to be drawn.]*

I.19. A. *R. Jonathan asked R. Simai, “If one muzzled the ox outside [before it entered the field], what is the rule?*

- B. *“‘an ox in its threshing’ is what Scripture has said, and this ox has not been muzzled as it is threshing, or perhaps ‘you will not thresh with a muzzle’ is what the All-Merciful has said?”*
- C. He said to him, “You may derive the answer from your father’s house. ‘Do not drink wine or strong drink, you or your sons with you, when you enter the tabernacle’ (Lev. 10: 9). ‘When you come’ is the time in which it is forbidden, lo, may you drink and then enter? Scripture says, ‘And that you may distinguish between holy and ordinary’ (Lev. 10:10) [and that does not specify whether it is prior to entering or after leaving]. Just as, in that context, when you go in, there should be no drunkenness, so here too, when threshing, the ox must not be muzzled.”

I.20. A. *Our rabbis have taught on Tannaite authority:*

- B. **He who actually muzzles the cow and he who pairs heterogeneous animals [which is not to be done in ploughing] is exempt [from liability].**
- C. **You have none who is liable to be flogged except the one who actually leads or drives the muzzled ox while it is ploughing — him alone [T. B.M. 8:12A-E].**

I.21. A. *It has been stated:*

- B. If one muzzled the beast [effectively keeping it from nibbling as it threshes] by shouting at it, or if one drove heterogeneous animals by voice commands —
- C. R. Yohanan said, “He is liable [to flogging].”
- D. And R. Simeon b. Laqish said, “He is exempt.”
- E. R. Yohanan said, “He is liable [to flogging], *because the movement of his lips constitutes an action.*”
- F. And R. Simeon b. Laqish said, “He is exempt, *because the sound of the voice is not classified as an action.*”
- G. *R. Yohanan objected to R. Simeon b. Laqish, [91A] “While one is not permitted to effect an exchange [of a consecrated animal for an unconsecrated one, if one has made a declaration of exchange of an unconsecrated beast for a consecrated beast, the unconsecrated beast is changed into a consecrated one, and the person who makes such a statement is flogged with forty-strikes.” [Therefore speech constitutes a culpable action.]*

- H. *He said to him, "Lo, what authority takes that view? It is only R. Judah who has said, 'On account of violating a negative commandment that does not involve an actual deed people are flogged.'" [This is only a minority view, not the decided law.]*
- I. *But can you really assign the matter to R. Judah? And lo, the opening clause makes the statement, **All effect the exchange of an unconsecrated beast for a consecrated one [such that the unconsecrated one is deemed holy, while the consecrated beast is unaffected], all the same being men and women [M. Tem. 1:1A].** And we reflected on that statement, asking, what category of persons is encompassed with the inclusionary language, **All effect?** And the response was, it is to encompass an heir to a beast [who, if he stated that a beast consecrated by his deceased father is exchanged for an unconsecrated beast, the substitute is validly affected]. And this is not in accord with the view of R. Judah, for were it R. Judah, lo, has he not said, An heir cannot effect a valid statement of exchange, and an heir cannot lay hands on a beast [that has been consecrated by the deceased, and offer it up]. [So we have explicit evidence that Judah takes the view contrary to that in our passage of M. Tem. 1:1, and Judah therefore cannot concur, also, with the position taken by Yohanan here, so Simeon b. Laqish's objection is null.]*
- J. *The Tannaite authority at hand concurs with the thinking of R. Judah in one aspect but differs from him in another.*

I.22 A. *Our rabbis have taught on Tannaite authority:*

- B. He who muzzles a cow and threshes with it is flogged and has to pay the owner of the cow four qabs for a cow and three qabs for an ass.
- C. But lo, is it not the established principle that one is not both flogged and also put to death, or flogged and also required to pay a penalty?
- D. *Said Abbaye, "Lo, who stands behind this rule? It is R. Meir, who has said, 'One may be flogged and also required to pay a penalty.'"*
- E. [Add, following Rome/Freedman:] *The rule may accord even with rabbis, but this rule pertains if he wishes to be justified before Heaven, even as is the case of the fee paid to a whore, for the Torah has forbidden the fee paid to a whore even if one had relations with his mother. [Freedman: Since the sense of "fee" and "whore" is unspecified at Deu. 23:19, "You shall not bring the fee paid to a whore...into the house of the Lord your God," even if the whore is one's own mother, in which case he is liable to be put to death for incest, he may not bring the fee to the Temple. This proves that even though one is liable to the death penalty, in which the money payment is merged, he must pay her the fee. Here too, even though he is flogged for threshing with a muzzled ox, he is morally indebted to its owner, and that is the meaning of the statement that one pays.]*
- F. *R. Pappa said, "From the moment that one has drawn the beast [and so acquired it for his use], he has incurred the liability to feed the beast, while the liability to flogging he has incurred only when he muzzled it."*

Further on the matter of the prohibition of hybridization

- I.23.** A. Said R. Pappa, *“Members of the house of R. Pappa bar Abba raised these questions with me, and I gave strict rulings, one in accord with the law, the other not.*
- B. *“They asked me as follows: ‘What is the law as to kneading dough with milk?’ And I answered them that it is forbidden, and that accords with the law. For it has been taught on Tannaite authority: One may not knead the dough with milk, and if one has done so, the entire bread is forbidden, because it may lead to a routine violation of the law. Along these same lines, one may not grease the oven with tail fat [which is forbidden], and if one has greased the entire oven with tail fat, it is forbidden until one heats up the oven.*
- C. *“They further asked me as follows: ‘What is the law as to leading into a stable two heterogeneous animals of opposite sex? [Does doing so transgress Lev. 19:19: ‘You shall not cause your cattle to gender with a diverse kind’ and does the prohibition extend to the opportunity or apply only to actually making the two copulate?]’ And I answered them that it is forbidden, and that does not accord with the law. For Samuel has said, ‘In the cases of adulterers, witnesses [to be able to impose sanctions upon them] may do so in the general posture of adulterers, but as to violating the law having to do with hybridization, the witnesses may testify that the law has been violated only if they have seen the man actually assist in the action, e.g., like putting a painting stick into a tube.”*
- D. R. Ahadeboi bar Ammi objected, *“Were it written only, ‘You shall not cause your cattle to gender’ [without adding the language, ‘with a different species,’] I should have said, A man should not hold on to his beast when it is mounted by the male [even if the male is of its own kind]. But therefore it is said, ‘with a different species.’ Does this not then bear the inference that it is in the case of the mating with a different species that one may not hold even the female?”*
- E. *[He replied,] “What is the meaning of “holding”? It means actually assisting the penis to enter the vagina, and why is the language ‘holding’ used? It is only by way of euphemism.”*
- I.24.** A. Said R. Judah, *“In the case of the copulation of a beast with another of its own species, one is permitted to place the penis in the vagina, even as one places the painting stick in the tube, and even on the count of obscenity there is no objection. What is the operative consideration? It is because the man is engaged by doing his job [and will not think inappropriate thoughts].”*
- B. R. Ahadeboi bar Ammi objected, **[91B]** *“Were it written only, ‘You shall not cause your cattle to gender’ [without adding the language, ‘with a different species,’] I should have said, A man should not hold on to his beast so that it may be mounted by the male.. Hence, only in regard to different species, but in the same species is permitted. But even here, only holding is permitted, but not assisting.”*
- C. *[He replied,] “What is the meaning of “holding”? It means actually assisting the penis to enter the vagina, and why is the language ‘holding’ used? It is only by way of euphemism.”*

- I.25.** A. *Said R. Ashi, "This matter was set before me by the members of the household of R. Nehemiah, head of the exile: 'What is the law as to leading into a stable an animals and another of its species together with another not of its species? Do we maintain that since there is one of its own kind, the animal will be attracted to that one, or perhaps it is not permitted?'*
- B. *"And I said to them, 'It is forbidden, not because that is the law, but because of slaves' licentiousness.'"*

The exposition follows a logical order, first dealing with the rule and language of our Mishnah-paragraph, then broadening the discussion to the underlying principles, and, finally, moving to unrelated cases via the connections established through the abstraction of the shared principles. As is common in the Talmud of Babylonia, we commence with an interest in Mishnah-criticism, now asking about the scriptural foundations of the Mishnah's rule. The composition, I.1, is classic, and yields the further fundamental data of No. 2. No. 3 goes off on a tangent, and I can only assume that the framer of the whole appealed to the principle of joining together closely-related rules deriving from the exegesis of legal passages of Scripture in making what seems to be a quite deliberate composite of rather discrete compositions. That judgment covers Nos. 4, 5, and 6. I.7 returns us to our original discussion, in which we now proceed to generalize. Specifically, our interest is in asking how the details of the proof-text affect the shaping of the law. Are the details of the proof-text exemplary or definitive? That question is commonplace in Sifré to Deuteronomy. No. 8 pursues the same inquiry. No. 9 then goes over the same ground at which we commenced at No. 1, but in line with the question of exemplary as against definitive detail in the proof text that has been raised at Nos. 7-8. It must follow that the plan for the whole, excluding only the vast interpolation, is quite coherent, with a rather deliberate framing of the sequence of problems; we can, at any rate, explain why what comes first is given its priority of place, and also why what follows must follow. This pattern is pursued through Nos. 10-12. No. 13 then exploits the Tosefta's materials for its framer's purpose as well. The Tosefta's materials contribute, also, No. 14, which sets its own problem for exegesis. No. 15 again involves us in Tosefta-exegesis. Having completed our analysis of the Tannaite materials, we proceed to the speculative questions proposed at Nos. 16ff. These flow from the foregoing but move beyond them, so the compositor of the whole has given us his materials in a rigorously-logical order indeed. First he addresses the Mishnah, with special attention to problems of scriptural foundations, on the one side, and language-exegesis on the other. Then he moves on to the Tosefta's complement to the Mishnah. Finally, he proceeds to the speculative inquiries of the authorities of the Talmud itself. I cannot imagine a more suitable demonstration that each topic of the Mishnah imposes its own inner program of exposition: first, the Mishnah's presentation of the topic, second, the Tosefta's expansion on the same topic, third, the Talmud's own authorities' speculations on the principles of the topic and how they are to be applied to diverse, rather subtle, interstitial cases.

7:3

- A. **[If] one was working with his hands but not with his feet,**
- B. **with his feet but not with his hands,**

- C. even [carrying] with his shoulder,
- D. lo, he [has the right to] eat [the produce on which he is working].
- E. **R. Yosé b. R. Judah says, “[He may eat the produce on which he is working] only if he works with both his hands and his feet.”**

I.1 A. *What is the scriptural basis for the ruling [If one was working with with his feet but not with his hands, even carrying with his shoulder, lo, he has the right to eat the produce on which he is working]?*

B. The verse, “When you come into your neighbor’s vineyard” (Deu. 23:25) *means, to do any work that you may do.*”

II.1 A. **R. Yosé b. R. Judah says, “He may eat the produce on which he is working only if he works with both his hands and his feet:”**

B. *What is the scriptural basis for the ruling of R. Yosé b. R. Judah?* The worker is analogous to an ox. Just as an ox is entitled to nibble only if he is working with forelegs and hind-legs, so the worker may eat only if he is engaged in work that requires both hands and feet.

II.2. A. *Rabbah b. R. Huna raised the question, “In the view of R. Yosé b. R. Judah, if one threshes with geese and fowl, what is the rule? Is it necessary merely that the work be done with all the beast’s strength, and that requirement is met here? Or perhaps the beast must work with both forelegs and hind-legs, a provision that, in the nature of things, cannot be met here?”*

B. *The question stands.*

II.3. A. Said R. Nahman said Rabbah bar Abbuha, “Before the workers have walked in the winepress both lengthwise and crosswise may eat grapes but not drink wine. When they have walked in the winepress both lengthwise and crosswise, they may both eat grapes and drink wine.” [Freedman: when they have walked in only one direction, the wine is not yet visible, so they must confine themselves to the grapes, since the worker may eat only of that upon which he is engaged. When they have walked in both directions, the wine is visible, and they may drink of the wine too.] The exegesis of the Mishnah, though brief, is again exemplary, since we begin with Mishnah-exegesis of the most familiar kind and then proceed, II.2-3, to those questions of abstraction, the first, are the details exemplary or definitive? and the second, the elucidation of the applications of the implicit principles, that the earlier passage set forth in such abundance.

7:4

- A. **[If the laborer] was working on figs, he [has] not [got the right to] eat grapes.**
- B. **[If he was working] on grapes, he [has] not [got the right to] eat figs.**
- C. **But [he does have the right to] refrain [from eating] until he gets to the best produce and then [to exercise his right to] eat.**
- D. **And in all instances they have said [that he may eat from the produce on which he is laboring] only in the time of work.**
- E. **But on grounds of restoring lost property to the owner, they have said [in addition]:**

- F. Workers [have the right to] eat as they go from furrow to furrow [even though they do not then work],
 - G. and when they are coming back from the press [so saving time for the employer];
 - H. and in the case of an ass [nibbling on straw in its load], when it is being unloaded.
- I.1 A.** [Following up on the rule, **If the laborer was working on figs, he has not got the right to eat grapes. If he was working on grapes, he has not got the right to eat figs,**] *the question was raised, “If one was working on this vine, what is the law as to his eating the grapes on another vine? Do we require applying the rule in such a way that it is in particular of the kind on which you put the householder’s tools that you may eat the produce, and lo, that condition has been met, or perhaps it is of the variety of produce on which you put the householder’s tools that you may eat, and lo, that is condition is not met? And, further, if you should take the view that if one was working on this vine, one should not eat the grapes on another vine, then how can an ox nibble on what is attached to the ground [since the same rule applies to man and beast]? [Freedman: The ox stands in front of the cart into which the grapes are laden, the laborers gather the grapes not from the vine in front of the ox, but from behind it, so the ox cannot possibly eat of the vine on which it is employed.]*
- B. *Said R. Sheshet, son of R. Idi, “It is possible in the case of a straggling branch [which stretches from behind the ox to in front of it (Freedman/Rashi)].”*
 - C. *Come and take note of the following: **If the laborer was working on figs, he [has] not [got the right to] eat grapes.** This then implies that if he is working on figs, he may eat figs, just as when he is working on grapes, he may not eat figs. [That is the point of the rule, and any extension to the case of two different vines or two different fig-trees is not justifiable.] So he may indeed eat figs on another tree. Anyhow, if you should say that if he is working on one vine, he may not eat the grapes on another vine, how would this be possible?*
 - D. *Said R. Sheshet, son of R. Idi, “It is possible in the case of a straggling branch [which stretches from behind the ox to in front of it (Freedman/Rashi)].”*
 - E. *Come and take note of the following: **But [he does have the right to] refrain [from eating] until he gets to the best produce and then [to exercise his right to] eat.** Now if you maintain that if one is working on this vine, he may eat grapes from another vine, then let him go and bring the choice fruit and eat it [so why should he refrain, as this rule tells us]?*
 - F. *In that case, the operative consideration is the waste of work-time.*
 - G. *In such a case, there is no question [that it is forbidden to waste work-time in such a manner]. Our question arises in a situation in which the worker’s wife and children are there. What is the rule then.*
 - H. *Come and take note of the following: **And in all instances they have said [that he may eat from the produce on which he is laboring] only in the time of work. But on grounds of restoring lost property to the owner, they have said [in addition]: workers [have the right to] eat as they go from furrow to furrow [even though they do not then work], and when they are coming back***

from the press [so saving time for the employer]. *Assuming that walking from vine to vine is tantamount to actual work, still, he may eat only so as to save the employer's time, but not on the basis of the law of the Torah, and that proves that, while working on one vine, one may not eat of another.*

- I. *No, not at all. To the contrary, I shall say to you, while working on one vine, one may eat of another. But walking from vine to vine is not tantamount to actual work.*
- J. *There are those who say, assuming that walking from vine to vine is not tantamount to actual work, but this is the reason: by the law of the Torah, one is not engaged in actual work [when traveling from vine to vine]. If he were doing actual work, then even by the authority of the law of the Torah, one may eat, and that proves that while working on one vine, one may eat of another.*
- K. *No, not at all. To the contrary, I shall say to you, while working on one vine, one may eat of another. [91B] But walking from vine to vine is tantamount to actual work.*

II.1 A. and in the case of an ass [nibbling on straw in its load], when it is being unloaded:

- B. *But while the beast is being unloaded, whence will it eat?*
- C. *I should say, rather, "until it is unloaded."*
- D. *So we have learned on Tannaite authority, as our rabbis have taught:*
- E. *An ass and a camel may nibble of the straw that is on their back, so long as the driver not personally take the straw and feed them directly.*

The Talmud's exegesis seems niggling, since the question is hardly compelling. But at issue is the clarification of the relationship of species to genus; in this case, what is the governing consideration? Is it not nibbling from a genus different from the one on which one is working, or not niggling from another species of the same genus? That question transforms Mishnah-exegesis into a more philosophical enterprise altogether. It is quite natural, then, to try to read the Mishnah in the light of the philosophical issue. That is what I.1 accomplishes. II.1 clarifies the language of the Mishnah.

7:5

- A. **A worker [has the right to] eat cucumbers, even to a denar's worth,**
- B. **or dates, even to a denar's worth.**
- C. **R. Eleazar Hisma says, "A worker should not eat more than the value of his wages."**
- D. **But sages permit.**
- E. **But they instruct the man not to be a glutton and thereby slam the door in his own face [to future employment].**

7:6

- A. **A man makes a deal [with the householder not to exercise his right to eat produce on which he is working] in behalf of himself, his adult son, or daughter,**
- B. **in behalf of his adult manservant or woman-servant,**

- C. in behalf of his wife,
- D. because [they can exercise] sound judgment [and keep the terms of the agreement].
- E. But he may not make a deal in behalf of his minor son or daughter,
- F. in behalf of his minor boy servant or girl servant,
- G. or in behalf of his beast,
- H. because [they can] not [exercise] sound judgment [and keep the terms of the agreement].

7:7

- A. He who hires workers to work in his fourth-year plantings [the produce of which is to be eaten not at random but only in Jerusalem or to be redeemed for money to be brought up to Jerusalem (Lev. 19:24)]
- B. lo, these do not [have the right to] eat.
- C. If [in advance] he did not inform them [of the character of the produce and the prohibitions affecting it], he [has to] redeem the produce and [permit them to] eat [of it].
- D. [If] his fig cakes split up,
- E. his jars [of wine] burst open [while yet untithed, and workers are hired to repress the figs and re-bottle the wine],
- F. lo, these do not [have the right to] eat [them].
- G. If he did not inform them [that the produce on which they would be working was untithed and therefore not available for their random consumption],
- H. he has to tithe [the produce] and [allow them to] eat [of it].

- I.1 A. Do not sages [M. 7:5D] take the same view as the initial authority [M. 7:5A]!
[Why the repetition?]
- B. At issue between them is the clause, **But they instruct the man not to be a glutton and thereby slam the door in his own face [to future employment].** The initial authority does not endorse that view, and the authority of D does.
- C. If you prefer, I shall explain in this way: at issue between them is the position of R. Assi, for R. Assi said, “Even if the householder has employed the worker only to gather a single cluster of grapes, he may eat it.”
- D. And R. Assi said, “Even if the worker cut only a single grape cluster, he may eat it.”
- E. And both statements of R. Assi are required, for had we learned only the first of the two statements, I might have concluded that the reason is that there is nothing else to put into the employer’s utensils, but when there is something else to put into them, I might have thought that he must first put some produce there and only then eat. If the second statement alone had been set forth, I might have thought that the operative consideration is that ultimately the utensils of the householder will be filled up, but where there is no possibility of ultimately filling up the householder’s utensils, I might have thought that the worker may not nibble. So both statements are required.

- F. [Reverting to the question of 1.A, don't sages, D, take the same view as the initial authority, A:] *if you prefer, I shall explain that at issue between them is the view of Rab.*
- G. For Rab said, "At the household of R. Hiyya I found a scroll containing teachings not to be publicized, in which was written: 'Issi b. Judah says, "'When you come into your neighbor's vineyard" (Deu. 23:25) — Scripture in point of fact speaks of the entry of anybody [not just employees]."' And [in that connection] Rab said, "Issi has not left a livelihood for anybody [since no one's crops will be his own]."
- H. *Said R. Ashi, "I repeated this statement before R. Kahana, [saying,] 'Perhaps he refers to those who work for their meals and then eat.' He said to me, 'Even so, someone would rather hire workers to vintage his vineyard, and not have anyone at all come in there and eat up the crop.'"*
- I.2.** A. *The question was raised: Does the worker [in nibbling on the crop as he workers] eat of his own property or does he eat of what belongs to heaven?*
- B. *What is at stake in the answer?*
- C. *A case in which he said to him, "Give me fruit for my wife and children." Now if you say that it is of his own that the worker eats, then they give it to him, but if you say that what he eats belongs to Heaven, then he has a right for himself on account of the All-Merciful's provision, but for his wife and children he has no right of possession, the All-Merciful having given them none. What is the rule?*
- D. *Come and take note: **A worker [has the right to] eat cucumbers, even to a denar's worth, or dates, even to a denar's worth.***
- E. *Now, if you say that he is eating what belongs to him, then if he is hired for a danka, may he eat as much as a zuz?*
- F. *Then what is the upshot? That he is eating what belongs to Heaven? Then still he is hired for a danka and eating for a zuz!*
- G. *Then what is there to be said? The All-merciful has conferred the right upon him? Here too, the All-Merciful has conferred the right upon him!*
- H. *Come and take note: **R. Eleazar Hisma says, "A worker should not eat more than the value of his wages." But sages permit.***
- I. *Is what is at issue not that one authority [Eleazar] maintains that he eats what is his own [so he cannot eat in excess of the principal], and the other [sages] that he eats what belongs to Heaven?*
- J. *No, all parties concur that he is eating what is his own. But at stake in their dispute is the implication of the phrase, "according to your desire," [in the verse, "you may eat grapes according to your desire" (Deu. 23:25)]. One authority [sages] holds that the phrase, [which literally means, "according to your soul,"] bears the implication that it is for that for which you risk your life. [Freedman: In return for ascending the tree to gather the fruit, thereby endangering his life, the laborer may eat; that being so, there is no limit to the quantity.] The other authority [Eleazar] holds that the phrase, [which literally means, "according to your soul,"] [is to be interpreted in this way:] just as, if you muzzle yourself, so you are exempt from any penalty, so as to the worker, if you muzzle him, you are*

exempt from any penalty [so there is no reason to give the worker the right to eat more than the value of his work].

- K. *Come and take note:* if a Nazirite [who is not permitted to eat grapes but has accepted employment in a vineyard nonetheless] said, “Give the grapes to my wife and my children,” they do not obey him.
- L. *Now if you maintain that he is eating what belongs to him, then why not obey him?*
- M. *There the operative consideration is that to a Nazirite we say, “Go, but by a round-about route, but do not go near a vineyard”* [that is, since the Nazirite has agreed to work in a vineyard, he brings himself near the possibility of violating his oath, and on that account he is penalized by being deprived of what otherwise would belong to him].
- N. *Come and take note:* if a worker said, “Give the produce to my wife and children,” they do not obey him.
- O. *Now if you maintain that he is eating what belongs to him, then why not obey him?*
- P. *What is the meaning here of the word “worker”? Reference in point of fact is made to a Nazirite.*
- Q. *But the law pertaining to the Nazirite has already been stated, and also that of a worker, so were they then taught together as Tannaite rules?* [Surely not. Both refer to the same class of persons, the Nazirite, but they were not stated together.]
- R. *Come and take note:* How on the basis of Scripture do we know that if a worker said, “Give the produce to my wife and children,” they do not obey him? As it is said, “But you shall not put any into your vessel” (Deu. 23:25) [and that means, he takes only what he can eat but none for his family].
- S. *And should you say that here too reference in point of fact is made to a Nazirite, then if that were the case, the operative consideration should not be, “But you shall not put any into your vessel,” but rather, “to a Nazirite we say, ‘Go, but by a round-about route, but do not go near a vineyard,’”*
- T. *You’re quite right, but since the Tannaite authority stated the rule in the context of a worker, he went and introduced the verse that spoke of the worker.*
- U. *Come and take note:* **He who employs a worker to dry figs for him [work that was done in the field, leading to the pressing of the figs] — [92B] lo, this one eats he figs and is exempt from tithes [since processing the figs is not complete, so the figs are not yet liable to tithing]. If the worker said to him, “On condition that I eat figs as part of my pay,” he eats figs during the harvest and is exempt from tithing them]. If the worker said to him, “On condition that I and my son eat figs as part of my pay,” or if he said, “On condition that my son shall eat figs as part of my pay,” the worker eats figs during the harvest and is exempt from tithing them, while the son eats figs during the harvest but is required to tithe them” [M. Ma. 2:7A-G].**
- V. *Now if you maintain that he is eating what belongs to him, then why is his son liable to tithes?*
- W. *Said Rabina, “Because it appears to be a purchase.”*

- X. *Come and take note: He who hires workers to work in his fourth-year plantings [the produce of which is to be eaten not at random but only in Jerusalem or to be redeemed for money to be brought up to Jerusalem (Lev. 19:24)], lo, these do not have the right to eat. If in advance he did not inform them of the character of the produce and the prohibitions affecting it, he has to redeem the produce and permit them to eat of it [M. B.M. 7:7A-B].*
- Y. *Now if you maintain that it is produce belonging to Heaven that the worker eats, then why should the owner have to **redeem the produce and permit them to eat of it** ? The All-Merciful has not given them a privilege concerning what is forbidden!*
- Z. *There the operative consideration is that the transaction has the appearance of being a purchase made in error.*
- AA. *Then consider the next clause of the same paragraph of the Mishnah: **If his fig cakes split up, his jars of wine burst open [while yet untithed, and workers are hired to repress the figs and re-bottle the wine], lo, these do not have the right to eat them. If he did not inform them that the produce on which they would be working was untithed and therefore not available for their random consumption, he has to tithe the produce and allow them to eat of it.***
- BB. *Now if you maintain that it is produce belonging to Heaven that the worker eats, then why should the owner have to **redeem the produce and permit them to eat of it** ? The All-Merciful has not given them a privilege concerning what is forbidden!*
- CC. *And if you say that, here too, the operative consideration is that the transaction has the appearance of being a purchase made in error, there can be no reasonable doubt that, as to the breaking of the fig cakes, there is no issue, since it can look like a purchase made in error, but as to the breaking of the barrels, where is there a purchase made in error? Surely the worker must have known that the wine in respect to tithing was in the class of produce that is fully liable to tithing but not yet tithed!*
- DD. *Said R. Sheshet, "It is a case in which the barrels burst open in the tank [in which wine is stored, so the worker may have thought that the wine had not been barrelled yet] [and therefore had not yet entered into the class of produce that is fully liable to tithing but not yet tithed]."*
- EE. *But has it not been taught on Tannaite authority: Wine [enters into the class of produce that is fully liable to tithing but not yet tithed] when it has descended into the tank.*
- FF. *The passage at hand accords with the position of R. Aqiba, who has said, "[Wine enters into the class of produce that is fully liable to tithing but not yet tithed] when the scum is removed," so the workers may say to the employer, "We did not know [the fact that the wine had entered into the class of produce that is fully liable to tithing but not yet tithed]."*
- GG. *But he can reply, "You should have considered the possibility that it had been skimmed anyhow."*
- HH. *The rule speaks of a place in which the same one who draws the wine from the tank into barrels first of all skims it.*

- II. *Now, furthermore, that R. Zebid has repeated on Tannaite authority of the house of R. Hoshaiia, "[Wine enters into the class of produce that is fully liable to tithing but not yet tithed] when it is run into the tank and the scum is removed," and R. Aqiba says, "When it is skimmed in barrels," you may even take the position that the rule concerns a case in which the barrels had not burst open into the tank. Yet the workers can say, "We did not know that it had been skimmed."*
- JJ. *But can the employer not say to them, "You should have considered the possibility that it had been skimmed anyhow,"?*
- KK. *The rule speaks of a place in which the same one who closes the bung of the barrels first of all skims.*
- LL. *Come and take note: **A man makes a deal with the householder not to exercise his right to eat produce on which he is working in behalf of himself, his adult son, or daughter, in behalf of his adult manservant or woman-servant, in behalf of his wife, because they can exercise sound judgment and keep the terms of the agreement. But he may not make a deal in behalf of his minor son or daughter, in behalf of his minor boy servant or girl servant, or in behalf of his beast, because they can not exercise sound judgment and keep the terms of the agreement [M. B.M. 7:6].***
- MM. *In the premise that the worker is responsible for providing them with food, we ask: now if you maintain that the worker is eating what belongs to Heaven, then there are no problems. That explains why he makes no such stipulation [since he cannot deprive them of what is theirs]. But if you hold that the worker is eating what is his own, then let him make such a stipulation even for minors!*
- NN. *Here with what sort of situation do we deal? It is one in which the worker is not responsible for providing them with food.*
- OO. *If so, then as to the adults also, [he should make no such a stipulation].*
- PP. *Adults know what is coming to them and can renounce their rights.*
- QQ. *And lo, R. Hoshaiia taught on Tannaite authority [the following version of the same matter]: A man may stipulate in his own behalf and in behalf of his wife, but not in behalf of his beast, in behalf of his adult sons and daughters, but not in behalf of his minor sons and daughters, and he may stipulate in behalf of his Canaanite slave-boy and slave girl, whether adult or minor.*
- RR. *Now is it not the case that both rules speak of situations in which the worker provides food for his dependents, and at issue between the framers of the two versions is this: one authority maintains that it is food that is his by right that he is eating, and the other, that it is food that belongs to heaven that he is eating.*
- SS. *Not at all. All parties concur that it is food that is his food by rights that he is eating, but there is no contradiction, for the one rule speaks of a case in which he does not provide them with food, and the other version [the latter] speaks of a case in which he is providing them with food.*
- TT. *Now to what context have you assigned the rule, to a case in which he is providing them with food? Then if that is the case, why should he not make such a stipulation in behalf of minor children?*
- UU. *The All-Merciful did not accord him the right to cause distress to his minor son and daughter.*

- VV. *And to what context have you assigned the rule of our Mishnah? Is it to a case in which he is not providing them with food? Then if that is the case, why should he not make such a stipulation in behalf of his adult children? [93A] That poses no problems for him who has said, "A master has not got the right to say to his slave, "Work for me but I shall not supply you with food." Here then there are no problems. But to the one who has said, "A master has got the right to say to his slave, "Work for me but I shall not supply you with food," what is there to say?*
- WW. *Rather, both versions of the matter speak of a case in which the worker does not provide food for his dependents, but this is what at stake: one authority takes the view that one may, and the other authority takes the view that one may not [so to his dependents, work for me but I won't provide you with food].*
- XX. *Then will R. Yohanan, who has said, "A master has the right to make such a statement," abandon the authoritative version of the Mishnah in favor of the schismatic version of the external statement of the same matter? [Surely not!]*
- YY. *Rather, all parties take the view that the worker is eating what by rights belongs to Heaven, and in the specified cases he assuredly can make no such stipulation [in regard to slaves], and when R. Hoshaia speaks of "stipulating," it had to do with food [that is, he may arrange for the owner of the vineyard to feed the slave before he starts to work, so that he has no appetite for the grapes].*
- ZZ. *But, analogously, with respect to his beast's straw, let him make a similar stipulation [and that is manifestly not possible]!*
- AAA. *Rather, this is what is at stake: one authority indeed takes the view that it is the food that is rightfully the worker's that he is eating, and the other takes the position that the food is rightfully Heaven's.*

A printer's error has divided M. 7:6-7 from M. 7:5. The Talmud discusses all three rules together, and the Talmud's next autonomous discourse takes up M. 7:8A-B. That is why I have corrected the representation of the Mishnah as I have. While we commence, I.1, with some low-level Mishnah-exegesis, asking how different clauses of the Mishnah-paragraph make different points, the real point of interest is theological. It concerns the basis on which the Torah has privileged the worker with the right to eat the produce on which he is working. Is this produce that really belongs to Heaven, which God has assigned to the worker? Then (among other consequences) it follows that the worker is classified along with the poor, the Levites, the priests, and other scheduled castes, as one who enjoys access to God's property. He of course will not have to tithe the crop, and that explains the basis of his privilege (for at stake is the matter of holiness, not property-rights of the householder). On the other hand, if the worker is eating as part of his compensation, that is, is eating what is by rights his, then of course the worker's right not to tithe the produce is at stake, and has to be explained in its own terms. No. 2 simply adumbrates the issue that is coming, and forms a sturdy bridge to the enormous composition of No. 3. The issue is fairly drawn, in that, at No. 2, we want to know about property rights. That issue is given slight prominence, and the way is open to the examination of the theological, rather than the moral, principle: Heaven's property rights, not the householders. The pertinence to our Mishnah of course is clear, since we are able to examine clause after clause in light of the profound question at hand, showing time and again how

each clause contains implications for that question. The analytical power of our authorship is seen in its capacity to sustain such a protracted and wide-ranging discussion, at no point losing the thread of argument, never forgetting what is at issue. Here is the best kind of Talmud: detailed, yet principled; concerned with the here-and-now of the application of the law, yet able to penetrate into the deepest layers of the theology contained within the law and realized by and through it; above all, able to encompass everything pertinent to not merely the case but the principle at issue. When the law of M. Maaserot comes into play, we realize that the intent is to read the rights of the worker to nibble on the crop in the context of the rights of Heaven to lay claim on the crop. And what is ambiguous in all this? It is the concern of Maaserot, which is to balance the interest of the farmer in taking possession of the crop as his own, with the right of Heaven to take possession of its share of the crop at the very moment at which the farmer has laid claim to it. It is at that moment that the worker intervenes, the agent of the householder in the processing of the crop, yet, also, the client of Heaven as a scheduled caste. What divides householder from everyone else then is the fact that he owns land; all others, those who do not — Levites, priests, workers, women and children — then have rights to be protected, but also sorted out, by the Torah. When we speak of “the Talmud,” or treat “talmud” as generic, this is that to which we must refer — not mere amplification or second-level exegesis of the Mishnah, but a whole new way of reading the law, including the law found in the Mishnah. Here the Talmud shows its power to turn law into jurisprudence, and jurisprudence into theology. And, it must follow, when we speak of the theology of Judaism, it is to a passage such as this that we must be drawn for our data.

7:8A-B

- A. Those who keep watch over produce [have the right to] eat [it] by the laws of the province,
- B. but not by [what is commanded in] the Torah.
- I.1** A. Those who keep watch over produce:
 - B. Said Rab, “The rule is to be repeated only with reference to those who keep watch over gardens and orchards, but as to those who keep watch over wine-vats and grain stocks have the right to nibble by the law of the Torah.”
 - C. *He maintains the theory that one who keeps watch is in the category of one who actually carries out labor.*
 - D. Samuel said, “The rule is to be repeated only with reference to those keep watch over wine-vats and grain stocks, but those who keep watch over gardens and orchards have not got the right to nibble either by the law of the Torah or by the laws of the province.”
 - E. *He maintains the theory that one who keeps watch is not in the category of one who actually carries out labor.*
 - F. *R. Aha bar R. Huna objected, “He who keeps watch over the red cow [that is procured for making purification water, to be guarded until it is slaughtered and the beast burned] contracts [and imparts] uncleanness to his garments [as do all those who participate in the rite detailed at Num. 19:1ff.]. Now if you take the view that one who keeps watch is not in the category of one who actually carries*

out labor, why should it be the law that such a one contracts uncleanness to his garments? [He is not part of the labor involved in making the ashes.]"

- G. *Said Rabbah bar Ulla, "It is a precaution to prevent him from moving a limb of the beast."*
- H. *R. Kahana objected, "He who keeps watch over four or five cucumber beds must not eat his fill from any one of them, but only proportionately from each. Now if you take the view that one who keeps watch is not in the category of one who actually carries out labor, why should he have the right to eat at all?"*
- I. *Said R. Shimi bar Ashi, "The rule speaks of those that are removed from the plant."*
- J. *If they are detached, then does that mark the completion of processing of the produce and impose liability to tithes?*
- K. *This case is one in which the blossom had not yet been cut off [which would mark the commencement of liability].*
- L. *Said R. Ashi, "The position of Samuel stands to reason, for it has been taught: **And these [have the right to] eat [the produce on which they work] by [right accorded to them in] the Torah: he who works on what is as yet unplucked [may eat from the produce] at the end of the time of processing; [and he who works] on plucked produce [may eat from the produce] before processing is done; [in both instances solely] in regard to what grows from the ground [M. 7:2].** It must follow that there are those who do not have the right conferred upon them by the Torah to nibble as they work, but have that right only by reason of the laws of the province."*
- M. *"But then I must cite the latter part of the same passage: **But these do not [have the right to] eat [the produce on which they labor] by [right accorded to them in] the Torah...** Now what can be the sense of "these do not have the right to eat..."? If we say that it is that they do not have the right conferred upon them by the Torah to nibble as they work, but have that right only by reason of the laws of the province, then that simply goes over the ground of the opening clause of the same rule. But is it not, then, that they have the right to eat of the produce neither by reason of the law of the Torah nor by reason of the law of the province? And who might these be? **he who works on what is as yet unplucked, before the end of the time of processing; [and he who works] on plucked produce after the processing is done, [in both instances solely] in regard to what does not grow from the ground** — and all the more so those who keep watch over gardens and orchards [have not got the right to nibble either by the law of the Torah or by the laws of the province]."*

The exposition once more is protracted and sustained, a fine example of Mishnah-exegesis that is shown to yield a more profound grasp of the governing principles of the law.

7:8C-L

- C. **There are four classes of bailees:**
- D. **(1) an unpaid bailee,**
- E. **(2) a borrower,**
- F. **(3) a paid bailee,**

- G. (4) and a lessee.
- H. (1) [In the case of damage to the bailment], an unpaid bailee takes an oath in all [cases of loss or damage and bears no liability whatsoever] [M. 3:1].
- I. (2) [In the case of damage to the bailment], the borrower pays in all circumstances [of damages to a bailment].
- J. (3, 4) [In the case of damage to the bailment], the paid bailee and the lessee take an oath [that they have not been negligent]
- K. concerning [a beast which has suffered] a broken bone, or which has been driven away, or which has died [Exo. 22:9].
- L. But they pay compensation for the one which was lost or stolen.

I.1 A. *Who is the Tannaite authority who takes the view that there are four classes of bailees?*

- B. Said R. Nahman said Rabbah bar Abbuha, "This represents the position of R. Meir."
- C. *Said Raba to R. Nahman, "But is there any authority who does not concur that there are four classes of bailees?"*
- D. *He said to him, "This is what I meant to say to you: who is the Tannaite authority who deems the lessee to be in the same category as the paid bailee? It is R. Meir."*
- E. *But lo, as to R. Meir, we have in hand the opposite version of his views, for it has been taught on Tannaite authority:*
- F. In the case of a lessee, under what classification does he pay restitution [should the bailment be lost or damaged]?
- G. R. Meir says, "In the class of the unpaid bailee."
- H. R. Judah says, "In the class of the paid bailee."
- I. Rabbah b. Abbuha has taught the Tannaite statement in reversed order.
- J. *If so, how can there be four, they are only three?*
- K. Said R. Nahman bar Isaac, "There are four classes of bailees, but the laws that apply to them are of three types alone [two falling within one type of law]."

I.2. A. *A shepherd was pasturing the flock by the banks of the Pappa canal, and one of the sheep slipped and fell into the water [and drowned]. When the case came before Rabbah, he exempted him from having to pay restitution. He ruled, "What was he supposed to have done? [94A] Lo, he guarded them in the ordinary way [so it is not like an ordinary loss, but rather an accident]."*

- B. *Said to him Abbaye, "Then if he had entered a town the way people ordinarily do, [leaving the sheep on their own], here too would he have been exempt from having to make restitution?"*
- C. *He said to him, "Yup."*
- D. *"And if he had sleep a little the way people ordinarily sleep, here too would he have been exempt from having to make restitution?"*
- E. *He said to him, "Yup."*
- F. *He objected, "Now then what constitute unavoidable accidents? For example, such as this about which Scripture speaks: 'And the Sabeans fell upon them*

and took them and slew the servants with the edge of the sword' (Job. 1:15) [T. B.M. 8:15N-O]."

- G. *He said to him, "In that context reference is made to the city watchmen [who are supposed to watch by night; they have to take greater care]."*
- H. *He objected, "To what extent is a paid bailee liable to keep watch? To this extent: 'Thus I was, in the day the drought consumed me, and the frost by night' (Gen. 31:40)."*
- I. *He said to him, "In that context too reference is made to the city watchmen [who are supposed to watch by night; they have to take greater care]."*
- J. *He said to him, "So was our father Jacob a city watchman?"*
- K. *He said to him, "No, he merely said to Laban, 'I kept watch for you with zeal as though I were a city watchman.'"*
- L. *He objected, "If a shepherd was guarding his flock but left it and went into town, and a wolf came and ate up a sheep, a lion and tore a sheep to pieces, we do not rule, 'If he had been there, he could have saved it,' but rather they make an estimate of the matter. If he might have been able to save the animal, he is liable, and if not, he is exempt from having to pay restitution [T. B.M. 8:18A-E]. Surely the meaning is that he went into town in the manner in which people commonly do?"*
- M. *"No, he went into town not in the manner in which people commonly do [but at an unusual time]."*
- N. *"If so, why is he exempt from having to make payment? The rule is that if to begin with there is negligence, and only afterward an accident takes place, the bailee is liable. [Freedman: thus here too he might have averted some slight mishap had he been at his post; by deserting it he displayed negligence and should be liable, even though the damage later on was not to have been prevented.]"*
- O. *"It is because he heard the roar of the lion and came in."*
- P. *"If so, why in the world take an assessment of his strength? What was he supposed to 'have done?'"*
- Q. *"He should have met it with shepherds' help and with clubs!"*
- R. *"If so, then why does the case involve in particular a paid bailee, when the same rule would pertain even to an unpaid one. For you, sir, yourself have said: 'If an unpaid bailee could have met [a danger] with other shepherds and with clubs but failed to do so, he is liable to make restitution. If not, he is not liable.'"*
- S. *"An unpaid bailee bears responsibility only if he could have gotten them for nothing, while a paid bailee bears responsibility if he could have gotten them by paying them a fee. And to what extent? Up to the value of the sheep."*
- T. *"And where do we find the rule that a paid bailee is responsible for accidents [unless he hires assistants at his own charge]?"*
- U. *"Later on he goes and collects the outlay from the owner."*
- V. *Said R. Pappa to Abbaye, "If that is the rule, then what good is he to him?"*
- W. *"What makes it worthwhile to the owner is because of his preferences for these particular beasts, or the additional trouble [that would be required to get other ones]."*

X. *R. Hisda and Rabbah b. R. Huna do not concur with Rabbah's thinking, for they say, "[The owner can say,] 'I paid you a fee to guard the beasts for me with special zeal.'"*

I.3. A. *Bar Adda the porter was leading beasts across the bridge at Nersh. One of them pushed the other, which fell into the water. The case came before R. Pappa. He held him responsible [to pay restitution].*

B. *He said to him, "What was I supposed to do?"*

C. *He said to him, "You should have taken them across one by one."*

D. *He said to him, "And do you think that your sister's own son could have led them across one by one?"*

E. *He said to him, "The people who came before you made the same claim, and no body paid any attention to them."*

I.4. A. *Aibu entrusted flax to Ronia. Shabu came and stole it from him. Then the identity of the thief became known. The bailee came before R. Nahman, who held him responsible to pay restitution anyhow. [Freedman: The theft was carried out in such a way that it could be classified as an unpreventable accident. But since the thief was known, the trustee, who was unpaid, had to sue him, and this is why he is liable.]*

B. *Shall we then say that he differs from R. Huna bar Abin? For R. Huna bar Abin sent word, "If the bailment was stolen through an accident and then the identity of the thief became known, if he was an unpaid bailee, if he wished, he may take an oath, but if he wished, he may settle with him; if he was a paid bailee, he must settle with him and not take an oath."*

C. *Said Raba, "In that case there were officers standing around, and if he had raised his voice, they would have come and saved him."*

The first inquiry, I.1, simply identifies the authority behind the principle of our formulation of the classification of bailees, showing that there are several versions of the matter. No. 2 undertakes a sustained inquiry into the nature of responsibility. Raba takes the view that a bailee is culpable only under unusual circumstances. The dialectical discourse proceeds to examine a variety of principles, rules, and theoretical cases. But the main point is never lost. No. 3 works over the same problem. No. 4 is relevant in a more general way.

7:9

A. A single wolf does not count as an unavoidable accident.

B. Two wolves are regarded as an unavoidable accident.

C. R. Judah says, "In a time that wolves come in packs, even a single wolf is an unavoidable accident."

D. Two dogs do not count as an unavoidable accident.

E. Yadua the Babylonian says in the name of R. Meir, "[If] they come from one direction, they do not count as an unavoidable accident.

F. "If they come from two directions, they count as an unavoidable accident."

G. A thug — lo, he counts as an unavoidable accident.

H. (1) A lion, (2) wolf, (3) leopard, (4) panther, or (5) snake — lo, these count as an unavoidable accident.

- I. Under what circumstances?
- J. When they come along on their own.
- K. But if he took [the sheep] to a place in which there were bands of wild animals or thugs,
- L. these do not constitute unavoidable accidents.

7:10A-E

- A. [If a beast] died of natural causes, lo, this counts as an unavoidable accident.
- B. [If] one caused it distress and it died [e.g., of cold or hunger], this does not count as an unavoidable accident.
- C. [If] it went up to the top of a crag and fell down, lo, this is an unavoidable accident.
- D. [If] he brought it up to the top of a crag and it fell down and died,
- E. it is not an unavoidable accident.

- I.1** A. *Has it not been taught on Tannaite authority: "A single wolf does count as an unavoidable accident"?*
- B. Said R. Nahman bar Isaac, "That speaks of a time in which there is a pack of wolves, and it represents the position of R. Judah."

II.1 A. **A thug — lo, he counts as an unavoidable accident:**

- B. *Why should that be so? Let one man stand up against another man!*
- C. Said Rab, "The Mishnah speaks of an armed robber."

- II.2.** A. *The question was raised: if there is an armed robber and an armed shepherd, what is the law? Do we say here too, let one man stand up against another man? or perhaps this one is prepared to give his life, while that one is not prepared to give his life?*
- B. *It stands to reason that his one is prepared to give his life, while that one is not prepared to give his life. [This is then classed as an unavoidable accident.]*
- C. *Said Abbayye to Raba, "What if the shepherd met the robber and said to him, 'You vile thief! we are located in such and such a place, [94A] we have so and so many men, so and so many dogs with us, so and so many sharp shooters are assigned to us,' and he came and robbed him of them?"*
- D. *He said to him, "Then he has led the flock into a place of wild beasts and robbers [Freedman: to provoke robbers and challenge them to attack is the equivalent of leading the flock into danger]."*

All I see here is Mishnah-commentary and amplification.

7:10F-H

- F. **An unpaid bailee may stipulate that he is exempt from [having to take] an oath,**
- G. **and a borrower, that he is exempt from having to pay compensation,**
- H. **and a paid bailee and a hirer, that they are exempt from [having to take] an oath or from having to pay compensation.**

- A. **Whoever exacts a stipulation contrary to what is written in the Torah — his stipulation is null.**
- B. **And any stipulation which requires an antecedent action — that stipulation is null.**
- C. **But any condition which can be carried out in the end and is stipulated as a condition in the beginning — that stipulation is valid.**

- I.1** A. [Since Scripture specifies the liability of the several classes of bailees,] *why [is it the rule that one may make such stipulations]? Do these not constitute stipulations contrary to what is written in the Torah, and whoever makes a stipulation contrary to what is written in the Torah — his stipulation is null!*
- B. *In accord with whom is the Mishnah's rule? It accords with the position of R. Judah, who has said, "If it concerns a matter of property, his stipulation is valid."*
- C. *For it has been taught on Tannaite authority:*
- D. "He who says to a woman, 'Lo, you are betrothed to me on the stipulation that you have no claim on me for food, clothing, and sexual relations,' — lo, this woman is betrothed, but the stipulation is null," the words of R. Meir.
- E. R. Judah says, "In matters of a monetary character, his stipulation is valid."
- F. *But can you assign the rule to R. Judah? Note what comes at the end: **Whoever exacts a stipulation contrary to what is written in the Torah — his stipulation is null.** Does this not accord with R. Meir?*
- G. *No, there is no contradiction. In point of fact, the whole follows the position of R. Judah, and the concluding clause speaks of a matter that does not concern property.*
- H. *Then note what follows: **And any stipulation which requires an antecedent action — that stipulation is null.** And of whom have you heard who maintains that principle? It is R. Meir. For it has been taught on Tannaite authority:*
- I. Abba Halapta of Kefar Hanania said in the name of R. Meir, "If the stipulation is set prior to the action, lo, this is a valid stipulation; but if the action comes prior to the stipulation, it is not a valid stipulation.
- J. *Rather, the whole follows the position of R. Meir, but the case before us is different, since to begin with the bailee has accepted no liability [before the bailment entered his charge. He stated to begin with the extent of liability he was prepared to accept, so when he received the charge, his responsibility is limited. But one cannot be only partly married, and bears full liability involved in a marriage (Freedman)].*

- I.2.** A. *It has been taught on Tannaite authority:*
- B. A paid bailee may stipulate that he will be in the classification of a borrower.
- C. How? Is it merely with words? [Freedman: surely one cannot assume additional responsibilities, over and above the normal, by mere words.]
- D. Said Samuel, "We deal with a case in which he has made acquisition of the object from the other's domain."
- E. R. Yohanan said, "You may even say that he has not made acquisition of the object from the other's domain. *For that gratification that he gets when he*

acquires a reputation for being trustworthy, he makes himself entirely responsible."

II.1 A. But any condition which can be carried out in the end and is stipulated as a condition in the beginning — that stipulation is valid.

- B. Said R. Tabela said Rab, "This represents the view of R. Judah b. Tema, but sages say, 'Even so it turns out at the end that he cannot carry out the stipulation, if he made that stipulation with him to begin with, the stipulation is valid.'"
- C. *For it has been taught on Tannaite authority:*
- D. "Lo, this is your writ of divorce, on the stipulation that you go up to the firmament," "on the stipulation that you go down to the depths," "on the stipulation that you swallow a cane of a hundred cubits," "on the stipulation that you cross the Great Sea by foot," if the stipulation is carried out, lo, this is a valid writ of divorce, but if the stipulation is not carried out, it is not a valid writ of divorce.
- E. R. Judah b. Tema says, "In such a situation it is a valid writ of divorce."
- F. The governing principle did R. Judah b. Tema state, "In any case in which at the end it is not possible for one to carry out the stipulation, but to begin with one has made such a stipulation, what we have is mere spitefulness, and the writ of divorce is valid."
- G. Said R. Nahman said Rab, "The decided law accords with the position of R. Judah b. Tema."
- H. *Said R. Nahman bar Isaac, "The language of the Mishnah before us also yields that result, for lo, it has been taught by the Tannaite authority: But any condition which can be carried out in the end and is stipulated as a condition in the beginning — that stipulation is valid. Lo, if it is not possible for him to carry it out, his stipulation is null."*
- I. *That proves it.*
- Both treatments of the Mishnah-paragraph investigate the authorities behind the law before us, which is anonymous; in doing so, we gain access to a formulation of matters that links our case — the matter of bailments — to other types of cases altogether, and that is the mark of a successful Talmud.