

X.

THE STRUCTURE AND SYSTEM OF BABYLONIAN TALMUD ARAKHIN

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior

system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Sotah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-

paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Sotah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites —

footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

[1] the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose, or

[2] the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Arakhin 1:1A-G

A. ALL PLEDGE THE VALUATION [OF OTHERS] AND ARE SUBJECT TO THE PLEDGE OF VALUATION [BY OTHERS], VOW [THE WORTH OF ANOTHER] AND ARE SUBJECT TO THE VOW [OF PAYMENT OF THEIR WORTH BY ANOTHER]: A PERSON OF DOUBTFUL SEXUAL TRAITS AND HERMAPHRODITES VOW [THE WORTH OF ANOTHER] AND ARE SUBJECT TO THE VOW [OF PAYMENT OF THEIR WORTH BY ANOTHER], PLEDGE THE VALUATION [OF OTHERS], BUT ARE NOT SUBJECT TO THE PLEDGE OF VALUATION BY OTHERS, FOR ONLY [A PERSON OF] CLEAR MASCULINE OR CLEAR FEMININE [TRAITS] IS SUBJECT TO THE PLEDGE OF VALUATION [BY OTHERS]. A DEAF-MUTE, AN IMBECILE, AND A MINOR ARE SUBJECT TO THE VOW [OF PAYMENT OF THEIR WORTH BY ANOTHER], AND ARE SUBJECT TO THE PLEDGE OF VALUATION BY OTHERS, BUT DO NOT VOW THE WORTH, AND DO NOT PLEDGE THE VALUATION, OF OTHERS, FOR THEY DO NOT POSSESS UNDERSTANDING.

1. I:1: When the framer explicitly refers to **ALL PLEDGE THE VALUATION**, in framing the Mishnah-paragraph at hand, saying All pledge..., what classification of persons does he intend to include? [This is further analyzed at I:31, xx.i of this outline.]

i. I:2: When, at M. **Men. 9:8**, we find the formulation], All lay hands [on a beast to be slaughtered, that is, including not only the owner of the beast, who set it aside and consecrated it for the present sacrificial purpose, but also some other party], whom do we find included by the inclusionary language, all of M. **Men. 9:8**?

ii. I:3: And when, at M. **Tem. 1:1**, we find the formulation,] All effect an act of substitution [so consecrating the beast that is supposed to take the place of the originally consecrated beast, in line with Lev. 27:10, but leaving that originally consecrated beast in the status of consecration nonetheless], what category [of person] do we find included [by the use of such language]?

a. I:4: In both of the foregoing, the position of Judah is rejected; we are now given a full account of that position and its exegetical roots in the written Torah.

iii. I:5: All are obligated [to carry out the religious duty of dwelling in] a tabernacle on the Festival of Tabernacles: when the framer of the foregoing statement makes explicit use of the inclusionary language, all, what classification of persons is] encompassed, that otherwise would have been omitted? This item is glossed below, at I:23 [=xx.a of this outline].

iv. I:6: All are liable to carry out the religious duty of taking up] the palm branch enjoined at Lev. 23:40]: When the framer of the foregoing statement makes explicit use of the inclusionary language, all, what [classification of persons is included, that otherwise would have been omitted?

v. I:7: All are liable [to carry out the religious duty of affixing] fringes [to the corners of garments]: to encompass what otherwise excluded

classification of persons? This item is glossed below, at I:24 [=xx.b of this outline].

vi. I:8: All are liable [to carry out the religious duty of wearing] phylacteries: as above. This item is glossed below, at I:25 [=xx.c of this outline].

vii. I:9: All are obligated [on the occasion of a pilgrim festival to bring] an appearance-offering [to the Temple and to sacrifice it there in honor of the festival, cf. M. **Hag. 1:1**]: as above.

viii. I:10: All are obligated [to the religious duty of hearing] the sounding of the ram's horn [on the New Year]: when the framer of the passage makes use of the inclusionary language, all, what classification of persons does he thereby include? This item is glossed below, at I:26 [=xx.d of this outline].

ix. I:11: All are subject to the religious obligation of hearing the reading of the Scroll of Esther...All are suitable to read the Scroll of Esther aloud: when the framer of the passage makes use of the inclusionary language, all,] what [classification of persons does he thereby] include? This item is glossed below, at I:27 [=xx.e of this outline].

x. I:12: All are liable to the religious duty of saying Grace in public quorum: When the framer of the rule uses the inclusionary language, what classification of persons does he mean to include? This item is glossed below, at I:28 [=xx.f of this outline].

xi. I:13: All join in the public saying of Grace: hen the framer of the ruler uses the cited inclusionary language, what [classification of persons does he mean to include? This item is glossed below, at I:29 [=xx.g of this outline].

xii. I:14: All are subject to becoming unclean by reason of the flux: When the framer of the rule uses the cited inclusionary language,] what [classification of persons does he mean to] include?

xiii. I:15: All are subject to being made unclean through corpse-uncleanness. When the framer of the foregoing statement uses the inclusionary word, all, what [classification of persons does he thereby] to include?

xiv. I:16: All are subject to becoming unclean through the skin-ailment [M. **Neg. 3:1A**]. When the author of the foregoing statement uses the inclusionary language, all, what category of persons does he mean to include?

xv. I:17: All examine cases of the skin-ailment. All are suitable to examine cases of the skin-ailment [M. **Neg. 3:1B**]. When the framer of the foregoing statement used the inclusionary language, all, what classification of persons did he mean to include?

- xvi.** I:18: All are suitable to mix: When the framer of the passage at hand uses the inclusionary language, all, what [classification of persons does he mean to include?
- xvii.** I:19: All are valid to sprinkle purification-water: when the framer of the passage at hand uses the inclusionary language, all, what classification of persons does he mean to include?
- xviii.** I:20: All may carry out a rite of slaughter: when the framer of the passage at hand uses the inclusionary language, all, what [classification of persons does he mean to include?
- xix.** I:21: All may impose the requirement of emigrating from the Exile to the Land of Israel: when the framer of that statement uses the inclusionary language, all, what classification of persons does he mean to include?
- xx.** I:22: All may impose the requirement of going up [to dwell] in Jerusalem [M. **Ket. 13:11**]. When the framer of that statement uses the inclusionary language all, he means to include one who wishes to move from a lovely home [in some town in the Land of Israel other than Jerusalem] to a mean hovel in Jerusalem .
- a.** I:23: Gloss on I:5: The proposition of No. 5 is self-evident and hardly requires specification, for if these classifications of persons are not subject to the stated obligation, then who [in the world] would be subject to it! It was necessary to make reference to priests.
- b.** I:24: Gloss on I:7: All are obligated to carry out the religious duty of [affixing to their garments] show-fringes: priests, Levites, Israelites. That statement is self-evident, but was required to make a further point of clarification.
- c.** I:25: Gloss on I:8: All are obligated to carry out the religious duty of wearing phylacteries: priests, Levites, and Israelites: it was necessary to make the explicit specification at hand on account of the priests in the tripartite formula.
- d.** I:26: Gloss on I:10: The proposition of No. 10 is not self-evident but required.
- e.** I:27: Gloss on I:11, as above.
- f.** I:28: Gloss on I:12, as above.
- g.** I:29: Gloss on I:13, as above.
- h.** I:30: All pledge the Valuation [of others] [inclusive of] priests, Levites, and Israelites [M. **Ar. 1:1A, C**] The inclusion of the three castes] is self-evident but can be shown to be necessary.
- i.** I:31: All] are subject to the pledge of Valuation [by others] [M. **1:1A**]. What classification of persons does the framer of the passage intend] to include [by stressing the word, all]? It is to include a person who is disfigured or afflicted with a skin ailment [=I C-D]. What is the scriptural basis for that position?

- I. I:32: Exposition of the continuation of the proof text cited above.
- II. I:33: Further clarification of I:31.
- III. I:34: Further clarification of I:31.
- IV. I:35: Further exposition of the proof-text dealt with at I:32.
- A. I:36: Appendix to the foregoing

II. Mishnah-Tractate Arakhin 1:1H

A. ONE WHO IS LESS THAN A MONTH OLD IS SUBJECT TO THE VOW [OF PAYMENT OF WORTH BY ANOTHER], BUT IS NOT SUBJECT TO THE PLEDGE OF VALUATION.

1. I:1: the principle that is expressed in the rule at hand on the part of the authorities involved in this ruling: In general, a person does not make a statement that is to begin with null. Or a person will make a statement that is to begin with null. Sages, whose view is represented in the Mishnah-rule, take the second position.

III. Mishnah-Tractate Arakhin 1:2

A. THE GENTILE — R. MEIR SAYS, “HE IS SUBJECT TO THE PLEDGE OF VALUATION [BY OTHERS], BUT HE DOES NOT PLEDGE THE VALUATION [OF OTHERS].” R. JUDAH SAYS, “HE PLEDGES THE VALUATION [OF OTHERS] BUT IS NOT SUBJECT TO THE PLEDGE OF VALUATION [BY OTHERS].” AND THIS ONE AND THAT ONE AGREE THAT THEY VOW AND ARE SUBJECT TO THE VOW [OF PAYMENT OF WORTH].

1. I:1: The scriptural basis for the positions of the contending authorities is spelled out and analyzed.

a. I:2: Judah’s disposition of a verse that contradicts his position.

I. I:3: secondary analysis of a problem incidental to Judah’s position: As to a gentile who offered a voluntary contribution for the upkeep of the Temple building, they accept it from him.

II. I:4: as above: A gentile who set apart a portion of his crop, designating it as priestly rations — those who know him examine his [motives in doing so].

2. I:5: He who says, ‘This coin is to serve for philanthropy’ is permitted to use it for some other purpose’ — a person does or does not make a statement that is to begin with null.

3. I:6: As above.

a. I:7: As to an Israelite who contributed a candelabrum or a candle to the synagogue — it is forbidden to make use of these objects for some purpose other than that for which they were originally contributed.

I. I:8: A case relevant to the issue at hand.

IV. Mishnah-Tractate Arakhin 1:3

A. HE WHO IS ON THE POINT OF DEATH OR HE WHO GOES FORTH TO BE PUT TO DEATH IS NOT SUBJECT TO THE VOW [OF PAYMENT OF HIS WORTH BY OTHERS] NOR SUBJECT TO THE PLEDGE OF VALUATION [BY OTHERS]. R. HANANIAH B. 'AQABYA SAYS, "HE IS SUBJECT TO THE PLEDGE OF VALUATION, BECAUSE ITS [A VALUATION'S] PRICE IS FIXED. BUT HE IS NOT SUBJECT TO THE VOW [OF PAYMENT OF HIS WORTH BY OTHERS], BECAUSE ITS [A VOW'S] PRICE IS NOT FIXED."

1. I:1: There is no problem in understanding why he who is on the point of death is not subject to the vow, but as to him who goes forth to be put to death, while he is not subject to the vow because he no longer possesses a money-value at all, why should he not be subject to the pledge of Valuation by others?

B. R. YOSÉ SAYS, "HE MAY VOW [THE VALUE OF ANOTHER] AND MAY PLEDGE A VALUATION [OF ANOTHER] AND MAY DECLARE SOMETHING SANCTIFIED. AND IF HE CAUSED DAMAGE, HE IS LIABLE TO MAKE RESTITUTION."

1. II:1: Now did the authority behind the contrary opinion, stated at the outset maintain that he does not [vow or pledge a Valuation? No one has raised the issue at all. At issue is the case in which there is a debt of the status of an oral debt [not secured by a bond] to be collected from the condemned man's estate.

a. II:2: There are those who report the dispute at hand, II F-J, in connection with another passage entirely.

C. OTHERS ON THE POINT OF DEATH:

1. II:3: Further rule on the case of one who is going to be put to death, namely: no further cultic procedures are to be inaugurated on account of the condemned man. Since he continues to disobey the law, no sin or guilt offering may be made on his account.

V. Mishnah-Tractate Arakhin 1:4

A. THE [PREGNANT] WOMAN WHO GOES FORTH TO BE PUT TO DEATH — THEY DO NOT POSTPONE [THE EXECUTION] FOR HER UNTIL SHE WILL GIVE BIRTH.

1. I:1: The reason that this rule had to be explicitly expressed, since it is obvious, is the foetus belongs to the husband and should not be taken away from him. Accordingly, we are informed that that is not the case where a woman is going to be executed.

B. [IF] SHE SAT ON THE TRAVAILING STOOL, THEY POSTPONE [THE EXECUTION] FOR HER UNTIL SHE WILL GIVE BIRTH.

1. II:1: What is the reason for the stated rule? Because once the foetus has begun parturition, it is deemed a separate human being.

a. II:2: As to a woman who is going forth to be put to death, they hit her on the womb so as to kill the foetus first, in order that the woman may not be disgraced by having the foetus come forth after she has died.

I. II:3: In the case of a woman who sat down on the travelling stool and died, even on the Sabbath people may bring a knife and cut open her belly and remove the infant even though cutting is normally forbidden.

C. THE WOMAN WHO IS EXECUTED — THEY DERIVE BENEFIT FROM HER HAIR. A BEAST WHICH IS EXECUTED — IT [THE HAIR] IS PROHIBITED FROM BENEFIT.

1. III:1: Why in this case is it the rule that one may use the woman's hair?

VI. Mishnah-Tractate Arakhin 2:1A-H

A. IN PAYING A VALUATION ONE MAY NOT PAY LESS THAN A SELA:

1. I:1: How on the basis of Scripture do we know this fact?

B. OR MORE THAN FIFTY SELAS:

1. II:1: as it is written.

C. HOW SO? [IF] ONE [PLEDGED A VALUATION AS A POOR MAN AND PAID THE MINIMUM DUE, A SELA,] BUT [THEN] GOT RICH, HE GIVES NOTHING [MORE]. [IF HE GAVE] LESS THAN A SELA BUT [THEN BEFORE PAYING WHAT WAS OWING OF THE REMAINDER OF THE SELA] GOT RICH, HE GIVES FIFTY SELAS. [SINCE HE DID NOT PAY THE MINIMUM TO BEGIN WITH HE HAS NOT DISCHARGED HIS OBLIGATION. [IF] HE HAD FIVE SELAS — R. MEIR SAYS, “HE GIVES ONLY ONE [OF THEM].” AND SAGES SAY, “HE GIVES ALL OF THEM.”

1. III:1: What is the Scriptural basis for the view of R. Meir and rabbis?

i. III:2: Theoretical problem: If someone had five selas and said, ‘My Valuation is incumbent on me,’ and then he went and said, ‘My Valuation is incumbent on me,’ and he first paid off four in connection with the second [vow of Valuation] and one in connection with the first, he has fulfilled his obligation in regard to both vows.

D. IN PAYING A VALUATION, ONE MAY NOT PAY LESS THAN A SELA, OR MORE THAN FIFTY SELAS.

1. IV:1: What need had I for the repetition of the rule since it occurs at M. **2:1A**?

VII. Mishnah-Tractate Arakhin 2:1I

A. THERE IS NO [RE]OPENING FOR A WOMAN WHO MISSES COUNT [OF HER PERIOD] LESS THAN SEVEN DAYS, OR MORE THAN SEVENTEEN DAYS.

1. I:1: Tannaite clarification: If a woman who misses count said, “I saw uncleanness one day, [that is, on which I had a flow of blood], then her reentry [into the cycle, at which point she begins a fresh count of menstrual, then zibah-days] will come in seventeen days [encompassing seven menstrual days and eleven zibah-days].

2. I:2: As above.

VIII. Mishnah-Tractate Arakhin 2:1J

A. IN THE CASE OF [A PERSON WITH] SKIN AILMENTS [HE MUST BE CONFINED] NO LESS THAN ONE WEEK, BUT NO MORE THAN THREE WEEKS.

1. I:1: Clarification of the clauses of the Mishnah.

a. I:2: Homiletical comment on the rule.

IX. Mishnah-Tractate Arakhin 2:2

A. THEY DO NOT COUNT LESS THAN FOUR FULL MONTHS IN THE YEAR, AND [TO SAGES] IT HAS NEVER APPEARED [APPROPRIATE TO DECLARE] MORE THAN EIGHT.

THE TWO LOAVES OF BREAD WHICH ARE EATEN: THERE ARE NO LESS THAN TWO, AND NO MORE THAN THREE. SHOW-BREAD WHICH IS EATEN [IN THE TEMPLE]: THERE ARE NO LESS THAN NINE, AND NO MORE THAN ELEVEN [LOAVES] [M. Men. 11:9A]. AN INFANT MAY NOT BE CIRCUMCISED PRIOR TO THE EIGHTH DAY [OF HIS LIFE], AND NOT BEYOND THE TWELFTH.

1. I:1: What is the meaning of the statement, it has never appeared appropriate to declare more than eight?

X. Mishnah-Tractate Arakhin 2:3-4

A. THEY DO NOT [BLOW THE RAM'S HORN] LESS THAN TWENTY-ONE TEQIAH-[BLASTS] IN THE SANCTUARY, AND NOT MORE THAN FORTY-EIGHT [M. Suk. 5:5A].

1. I:1: The framer of the passage of the Mishnah before us at M. 2:3A does not concur with the position of R. Judah, for the framer of the passage regards each note of the ram's horn, teqiah, teruah, teqiah, as a sound counted by itself, while Judah counts each set of three sounds as one blast.

B. THEY DO NOT PLAY LESS THAN TWO HARPS, AND NOT MORE THAN SIX. THEY DO NOT PLAY LESS THAN SIX FLUTES, AND NOT COUNT MORE THAN TWELVE.

AND ON TWELVE DAYS IN THE YEAR THE FLUTE IS PLAYED BEFORE THE ALTAR: (1) ON THE DAY OF THE SLAUGHTER OF THE FIRST PASSOVER-OFFERING, (2) AND ON THE DAY OF THE SLAUGHTERING OF THE SECOND PASSOVER-OFFERING; (3) AND ON THE FIRST FESTIVAL DAY OF PASSOVER; (4) AND ON THE FESTIVAL DAY OF ASERET [WEEKS]; (5-12) ON THE EIGHT DAYS OF THE FESTIVAL [OF SUKKOT].

1. II:1: Why are these days singled out?

a. II:2: In line with the answer to the foregoing question, then what differentiates the Festival of Tabernacles, on which we recite the entire Hallel-psalms every day, from Passover, on which we do not recite the entire Hallel-psalms every day? Other holy days as well.

C. AND ONE DID NOT PLAY ON A PIPE OF BRONZE BUT ON A PIPE MADE OF REED, BECAUSE ITS [THE REED-PIPE'S] SOUND IS SWEET.

AND ONE ENDED [THE PLAYING] WITH ONE REED ONLY, BECAUSE IT ENDS WELL.

1. III:1: [The framer of the passage] begins by speaking of a flute and then concludes by speaking of a pipe. Why?

2. III:2: Tannaite tradition on the character of the instrument.

D. AND ONE ENDED [THE PLAYING] WITH ONE REED ONLY, BECAUSE IT ENDS WELL:

1. IV:1: so did R. Simeon b. Gamaliel say, "There was no hirdolim in the sanctuary."

E. "AND THEY WERE THE SERVANTS OF THE PRIESTS [WHO PLAYED THE INSTRUMENTS]," THE WORDS OF R. MEIR. R. YOSÉ SAYS, "THEY WERE OF THE FAMILIES OF BET HAPPEGARIM AND OF BET SIPPERAYYAH. AND THEY CAME FROM EMMAUS. AND THEY MARRIED [THEIR DAUGHTERS] INTO THE PRIESTHOOD." R. HANINAH B. ANTIGONOS SAYS, "THEY WERE LEVITES."

1. V:1: He who holds that they were slaves maintains the view that the essential factor in [the Temple] music is singing and the instrument [is less essential for it only] serves to sweeten the sound of the voice [so the identity of whoever played the instrument hardly matters]. He who maintains that they were Levites [who played the instruments, as much as the other musicians, who sang had to be Levites] maintains that the essential factor in [the Temple] music is the playing of the instrument [so the musicians who played the instruments had to be Levites who were responsible for the Temple service].

2. V:2: Whether or not the singing is essential to the rite of making an offering.

3. V:3: How on the basis of Scriptural evidence do we know that the principle that singing is required derives from the authority of the Torah?

4. V:4: How do we know on the basis of Scriptural evidence that the bringing of first fruits involves singing?

5. V:5: How we know that singing is part of the ministry of the sanctuary?

i. V:6: Footnote to the foregoing.

6. V:7: Must a burnt-offering voluntarily brought by the community be accompanied by song, or need it not be accompanied by song?

7. V:8: Do libations that are offered by themselves without an accompanying sacrifice require song or do they not require song?

i. V:9: Appendix to the foregoing.

ii. V:10: Appendix to the foregoing.

XI. Mishnah-Tractate Arakhin 2:5

A. THEY DO NOT USE LESS THAN SIX INSPECTED LAMBS IN THE CHAMBER OF THE LAMBS, SUFFICIENT FOR THE SABBATH AND FOR TWO FESTIVAL DAYS OF THE NEW YEAR.

BUT THEY MAY USE MORE THAN THAT NUMBER WITHOUT LIMIT. THEY DO NOT USE LESS THAN TWO TRUMPETS. BUT THEY MAY USE MORE THAN THAT NUMBER

WITHOUT LIMIT. THEY DO NOT USE LESS THAN NINE HARPS. BUT THEY USE MORE THAN THAT NUMBER WITHOUT LIMIT. AND AS TO THE CYMBALS: ONE ALONE.

1. I:1: But [the number of offerings required for] daily whole offerings and additional offerings on the cited holy days is greater [than the specified quantity of lambs].

XII. Mishnah-Tractate Arakhin 2:6

A. THEY DO NOT HAVE LESS THAN TWELVE LEVITES STANDING ON THE PLATFORM.

1. I:1: To what do these [twelve] correspond?

B. BUT THEY MAY HAVE MORE THAN THAT NUMBER WITHOUT LIMIT. A [LEVITE]-CHILD ENTERS THE COURTYARD FOR SERVICE ONLY WHEN THE LEVITES ARE STANDING AND SINGING.

1. II:1: What is the scriptural source for this view?

C. AND THEY [THE MINORS] DID NOT SAY [THE SONGS] WITH HARP AND LYRE, BUT ONLY A CAPPELLA, SO AS TO ADD SPICE TO THE MUSIC.

1. III:1: Does this then imply that the harp and the lyre are distinct instruments? If so, the formulation of the Mishnah-passage at hand does not accord with the view of R. Judah.

D. R. ELIEZER B. JACOB SAYS, “THEY WERE NOT INCLUDED IN THE [REQUISITE] NUMBER, AND THEY DID NOT STAND ON THE PLATFORM. BUT THEY STOOD ON THE GROUND, WITH THEIR HEADS BETWEEN THE FEET OF THE LEVITES [ABOVE THEM ON THE PLATFORM], AND THEY WERE CALLED ‘JUNIOR LEVITES’.”

1. IV:1: And they were called the assisting Levites.

XIII. Mishnah-Tractate Arakhin 3:1

A. THERE IS IN RESPECT TO VALUATIONS [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY; IN RESPECT TO THE LAW OF THE FIELD OF POSSESSION (LEV. 27:16FF) [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY, IN RESPECT TO AN OX WHICH IS AN ATTESTED DANGER WHICH KILLED A SLAVE [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY; IN THE CASE OF THE RAPIST (DEU. 22:28F.) AND SEDUCER (EXO. 22:15F.), AND THE ONE WHO BRINGS FORTH AN EVIL NAME (DEU. 22:17F.) [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY. THERE IS IN RESPECT TO VALUATIONS [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY: HOW SO?

THE SAME RULE APPLIES TO ONE WHO PLEDGED THE VALUATION OF THE MOST BEAUTIFUL AMONG ISRAELITES AND [ONE WHO PLEDGED THAT] OF THE UGLIEST AMONG ISRAELITES — HE GIVES FIFTY SELAS [IN EITHER CASE].

[IF, HOWEVER,] HE SAID, “LO, HIS [ACTUAL] VALUE IS INCUMBENT ON ME,” HE GIVES HIS ACTUAL VALUE.

1. I:1: With reference to “...among Israelites,” Since the framer of the passage has referred specifically to Israelites, it follows that, [if the pledge of Valuation concerns] Israelites, the rule does apply, but if it refers to gentiles, it does not. Then may we speculate that the framer of the passage does not accord with the view of R. Meir.

XIV. Mishnah-Tractate Arakhin 3:2

A. IN RESPECT TO THE LAW OF THE FIELD OF POSSESSION [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY: HOW SO?

1. I:1: At issue here is whether, when one recovers ownership of (“redeems”) a field of possession, he pays, in addition to the fixed rate, a further fee to compensate for the actual value of the field he proposes to recover. when a person consecrates something to the Temple], does he consecrate it in a liberal spirit?

B. THE SAME RULE APPLIES TO ONE WHO SANCTIFIES A FIELD IN THE DESERT OF MAHOZ AND HE WHO SANCTIFIES A FIELD AMONG THE ORCHARDS OF SEBASTE: [IF HE WANTS TO REDEEM IT] HE PAYS FIFTY SHEQELS OF SILVER [FOR EVERY PART OF A FIELD THAT SUFFICES FOR] THE SOWING OF A HOMER OF BARLEY (LEV. 27:16):

1. II:1: [If] one has consecrated stony ground, he redeems it at its market value. What is the scriptural basis for that position?

a. II:2: Amplification of a detail of the foregoing.

C. AND IN THE CASE OF A FIELD WHICH HE HAS BOUGHT (LEV. 27:22), HE GIVES ITS ACTUAL VALUE.

R. ELIEZER SAYS, “THE SAME RULE APPLIES TO A FIELD OF POSSESSION AND A FIELD WHICH HE HAS BOUGHT. WHAT IS THE DIFFERENCE BETWEEN A FIELD OF POSSESSION AND A FIELD WHICH HE HAS BOUGHT? RATHER IN THE CASE OF A FIELD OF POSSESSION HE PAYS AN ADDED FIFTH, AND IN THE CASE OF A FIELD WHICH HE HAS BOUGHT HE DOES NOT PAY AN ADDED FIFTH” [M. 7:2].

1. III:1: Tannaite proof from Scripture of the stated propositions, sages’ and Eliezer’s.

2. III:2: The exegetical principle in play: do the rabbis accept the principle that we draw conclusion by analogy of the usage of words in diverse contexts?

XV. Mishnah-Tractate Arakhin 3:3

A. IN THE CASE OF AN OX WHICH IS AN ATTESTED DANGER WHICH KILLED A SLAVE [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY: HOW SO?

THE SAME RULING APPLIES TO ONE WHO KILLED THE MOST BEAUTIFUL AMONG SLAVES AND [ONE WHO KILLED] THE UGLIEST AMONG SLAVES — [THE OWNER] PAYS THIRTY SELAS [EXO. 21:30-32]. [IF] IT KILLED A FREE MAN, HE PAYS HIS

[ACTUAL] VALUE. [IF] HE DID INJURY TO ONE AND TO THE OTHER, ONE PAYS RESTITUTION FOR THE DAMAGE IN FULL.

1. I:1: The rule does apply to an ox which is an attested danger [as specified at M. 3:3A], but it does not apply to an ox not known previously to be dangerous. May I then say that the Mishnah-paragraph at hand does not accord with the position of R. Aqiba?

XVI. Mishnah-Tractate Arakhin 3:4

A. IN THE CASE OF THE RAPIST AND SEDUCER [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY: HOW SO? THE SAME RULE APPLIES TO ONE WHO RAPED OR THE ONE WHO SEDUCED THE GREATEST WOMAN IN THE PRIESTHOOD AND THE LEAST AMONG ISRAELITES: HE PAYS FIFTY SELAS [EXO. 22:15-16, DEU. 22:28-29].

BUT AS TO THE COMPENSATION FOR INDIGNITY AND FOR BLEMISH, ALL IS ASSESSED IN ACCORD WITH THE STATUS OF THE ONE WHO INFLECTS THE INDIGNITY AND THE ONE UPON WHOM THE INDIGNITY IS AFFLICTED.

1. I:1: Why should that be the rule? I might claim that when the All-Merciful speaks of fifty selas, it means to include the total package of compensation [and not as M. 3:4C states].

XVII. Mishnah-Tractate Arakhin 3:5

A. IN THE CASE OF THE ONE WHO IS A TALE BEARER [I.E., ONE WHO FALSELY ACCUSES A WOMAN OF PREMARITAL RELATIONS, DEU. 22:29] [THE POSSIBILITY] TO RULE LENIENTLY AND TO RULE STRINGENTLY: HOW SO? THE SAME RULE APPLIES TO ONE WHO IS A TALE BEARER CONCERNING THE GREATEST WOMAN IN THE PRIESTHOOD AND THE LEAST AMONG ISRAELITES: HE PAYS A HUNDRED SELAS [DEU. 22:19].

IT TURNS OUT THAT THE ONE WHO SAYS SOMETHING WITH HIS MOUTH [SUFFERS] MORE THAN THE ONE WHO ACTUALLY DOES A DEED. [THAT IS, FOR ACTUALLY SEDUCING A VIRGIN ONE PAYS ONLY FIFTY SELAS (M. 3:4B) BUT FOR GOSSIPING ONE PAYS 100.]

1. I:1: How we know that gossip was the real cause.

B. FOR SO WE FIND THAT THE DECREE AGAINST OUR FOREFATHERS IN THE WILDERNESS WAS SEALED ONLY ON ACCOUNT OF EVIL SPEECH [NUM. 13:32], AS IT IS SAID, AND THEY TEMPTED ME THESE TEN TIMES AND HAVE NOT HEARKENED TO MY VOICE (NUM. 14:22).

1. II:1: On what account [do we reach the conclusion just now stated]? Perhaps it was because the measure [of their guilt] was not yet full?

2. II:2: Come and see how great is the power of slander [evil speech]. From whence do we learn that lesson? From the case of the spies.

a. II:3: The ten trials by which God was tried by the Israelites.

C. THE POWER OF THE POWER OF GOSSIP AND SLANDER

1. II:4: Whoever repeats slander is as if he denied the very principle of God's rule.
2. II:5: Slander is the cause of leprosy, as in the case of Miriam.
3. II:6: Whoever speaks slander is worthy of being stoned.
4. II:7: What remedy is there for those who speak slander? If it is a disciple of a sage, let him keep busy in Torah.
5. II:8: Whoever speaks slander inflates his sins [so that they are as great] as the three cardinal sins of idolatry, fornication, and bloodshed.
6. II:9: What is the meaning of the verse of Scripture, 'Death and life are in the hands of the tongue' (Pro. 18:21)? "Now does the tongue have a hand? Rather it is to indicate to you that just as the hand can commit murder, so the tongue can commit murder.
7. II:10: How shall we define slander?
8. II:11: "What is the meaning of the verse of Scripture, 'He who blesses his friend with a loud voice, rising early in the morning, it shall be regarded as a curse to him' (Pro. 27:14)?
9. II:12: On account of seven causes plagues come [upon someone]: slander, bloodshed, a vain oath, incest, arrogance, theft, and envy.
10. II:13: The tunic of the priesthood achieves atonement for the sin of bloodshed. Elaboration on a secondary entry in the foregoing. Included because of N: "Bloodshed [is atoned through] the calf whose neck is broken, and slander is atoned for through the incense offering."
11. II:14: Why is the one afflicted with the skin ailment (*mesora*) treated separately?

D. CRITICIZING OTHERS IN A LEGITIMATE MANNER As noted, there is slander, which is to be avoided, and there is proper rebuke, which is to be encouraged.

1. II:15: "You shall not hate your brother in your heart" (Lev. 19:17). Is it possible to suppose that all one should not do is not smite, slap, or curse him, and that is what is at issue only? Scripture says, "...in your heart," thus speaking of the sort of hatred that is in the heart as much as hatred expressed through physical means.
2. II:16: elaboration on foregoing. The importance of rebuke.
3. II:17: as above. Sincere reproof as against hypocritical restraint.
4. II:18: To what extent does one administer reproof?
 - a. II:19: Formal match to foregoing: To what extent [should a person accept discomfort] before changing his lodging place?
 - b. II:20: How do we know [on the basis of Scripture] that a person should not change his calling and that of his ancestors?

E. TRIVIAL PENALTIES FOR SINNING.

1. II:21: To what trivial degree do penitential troubles extend? That is, there are chastisements for sin which one suffers in this world, so that, in the world to come, there is no unpenalized sin, and one will enjoy the world to come. The question

then is what are the most trivial sorts of inconvenience that constitute adequate chastisement in this world for some sort of sin, so that, on their account, one may be confident of enjoying the world to come? There follows a catalogue of the most trivial sorts of inconvenience.

2. II:22: If the Holy One, blessed be he, came to judgment with Abraham, Isaac, and Jacob, they could not stand before his rebuke.

3. II:23: A generation is judged in accord with its principal leader. Or a principal leader is judged in accord with the character of his generation.

XVIII. Mishnah-Tractate Arakhin 4:1-2E

A. [THE ESTIMATE OF] ABILITY TO PAY [IS MADE IN ACCORD WITH THE STATUS OF] THE ONE WHO VOWS [LEV. 27:80].

1. I:1: Scriptural foundation for the law.

B. AND [THE ESTIMATE OF] THE YEARS [OF AGE IS MADE IN ACCORD WITH THE STATUS OF] THE ONE [WHOSE VALUATION] IS VOWED. AND [WHEN THIS IS ACCORDING TO] THE VALUATIONS [SPELLED OUT IN THE TORAH], IT IS IN ACCORD WITH THE STATUS [AGE, SEX] OF THE ONE WHOSE VALUATION IS PLEDGED. AND THE VALUATION [IS PAID IN ACCORDANCE WITH THE RATE PRESCRIBED] AT THE TIME OF THE PLEDGE OF VALUATION.

[THE ESTIMATE OF] ABILITY TO PAY [IS MADE IN ACCORD WITH THE STATUS OF] THE ONE WHO VOWS: HOW SO? A POOR MAN WHO PLEDGED THE VALUATION OF A RICH MAN GIVES THE VALUATION REQUIRED OF A POOR MAN. AND A RICH MAN WHO PLEDGED THE VALUATION OF A POOR MAN GIVES THE VALUATION REQUIRED OF A RICH MAN.

1. II:1: Scriptural basis for the law.

C. BUT IN THE CASE OF OFFERINGS, [THE RULE] IS NOT SO. LO, [IF] ONE SAID, “THE [OBLIGATION TO BRING] THE OFFERING OF THIS PERSON WITH SKIN DISEASE (*MESORA*’) IS INCUMBENT ON ME,” IF THE PERSON WITH THE SKIN AILMENT (*MESORA*’) WAS POOR, HE BRINGS THE OFFERING OF A POOR MAN. [IF THE *MESORA*’ WAS] RICH, HE BRINGS THE OFFERING OF A RICH ONE. RABBI SAYS, “I SAY, ‘ALSO IN THE CASE OF VALUATIONS THE RULE IS SO. AND ON WHAT ACCOUNT DOES THE POOR MAN WHO PLEDGED THE VALUATION OF THE RICH MAN GIVE THE VALUATION OF A POOR MAN? BECAUSE THE RICH MAN [UNDER SUCH CIRCUMSTANCES, IN ANY CASE] OWES NOTHING. BUT A RICH MAN WHO SAID, ‘MY VALUATION IS INCUMBENT ON ME,’ AND A POOR MAN HEARD AND SAID, ‘WHAT THIS ONE HAS SAID IS INCUMBENT ON ME [TOO],’ HE [THE POOR MAN] GIVES THE VALUATION OF THE RICH ONE.”

1. III:1: But is that the case even though the one who took the vow was rich? [Surely not!] “And if he is poor” (Lev. 14:21) is what the All-Merciful has stated, and this man is not poor!

XIX. Mishnah-Tractate Arakhin 4:2F-4:3

A. [IF] HE WAS POOR AND GOT RICH, OR RICH AND GREW POOR, HE GIVES THE VALUATION OF A RICH MAN. R. JUDAH SAYS, “EVEN IF HE WAS POOR AND GOT RICH AND THEN BECAME POOR AGAIN, HE GIVES THE VALUATION OF A RICH MAN.”

1. I:1: Scriptural foundations for the Mishnah’s successive statements.

a. I:2: Challenge to the principle of the foregoing.

B. A. BUT IN THE CASE OF OFFERINGS, THE RULE IS NOT SO. EVEN IF HIS FATHER [IS ABOUT TO] DIE AND LEAVE HIM TEN THOUSAND,

1. II:1: [If that is the case], he is a rich man!

C. [EVEN IF] HIS SHIP WAS AT SEA AND [ABOUT TO] ARRIVE WITH TEN THOUSAND, THE SANCTUARY HAS NO CLAIM WHATSOEVER ON THEM.

1. III:1: [If that is the case], he is a rich man!

XX. Mishnah-Tractate Arakhin 4:4A-J

A. [THE ESTIMATE OF] THE YEARS [OF HIS AGE IS MADE IN ACCORD WITH THE STATUS OF] THE ONE [WHOSE VALUATION] IS VOWED: HOW SO? A CHILD WHO PLEDGED THE VALUATION OF AN ELDER GIVES THE VALUATION OF AN ELDER. AND AN ELDER WHO PLEDGED THE VALUATION OF A CHILD GIVES THE VALUATION OF A CHILD. AND [WHEN THIS IS RECKONED ACCORDING TO] THE VALUATION [SPELLED OUT IN THE TORAH], IT IS IN ACCORD WITH THE STATUS OF THE ONE WHOSE VALUATION IS PLEDGED: HOW SO? A MAN WHO PLEDGED THE VALUATION OF A WOMAN GIVES THE VALUATION OF A WOMAN. AND A WOMAN WHO PLEDGED THE VALUATION OF A MAN GIVES THE VALUATION OF A MAN. AND THE VALUATION [IS PAID IN ACCORDANCE WITH THE RATE PRESCRIBED] AT THE TIME OF THE PLEDGE OF VALUATION: HOW SO? [IF] ONE PLEDGED THE VALUATION OF ANOTHER WHEN THE LATTER WAS LESS THAN FIVE YEARS OLD, AND [THAT ONE] PASSED FIVE, LESS THAN TWENTY YEARS OLD AND HE PASSED TWENTY, HE PAYS IN ACCORD WITH WHAT IS REQUIRED AT THE TIME OF THE PLEDGE OF VALUATION.

1. I:1: Secondary exegesis of the rule of the Mishnah, yielding the conclusion, One pays only what the object was worth at the time of Valuation, [and not at the time of paying over what he owes, at which point a different value might attach to the object.

XXI. Mishnah-Tractate Arakhin 4:4K-R

A. [IF A MAN PLEDGED THE VALUATION OF A CHILD WHO ON THAT DAY HAD REACHED HIS] THIRTIETH DAY [HE IS CONSIDERED] LESS THAN THAT. [AND IF THE PERSON WHOSE VALUATION WAS PLEDGED REACHED HIS] FIFTH YEAR OR TWENTIETH YEAR [HE IS CONSIDERED] LESS THAN THAT. [THAT IS, IN ORDER TO FALL INTO THE CATEGORY OF A FIVE YEAR OLD OR TWENTY YEAR OLD HE MUST

BE FIVE YEARS AND A DAY OR TWENTY YEARS AND A DAY.] AS IT SAYS, AND IF IT BE FROM SIXTY YEARS OLD AND UPWARD, IF IT BE A MALE (LEV. 27: 7).

LO, WE DERIVE THE RULE FOR ALL CASES FROM THAT APPLICABLE TO THE SIXTIETH YEAR. JUST AS THE SIXTIETH YEAR IS DEEMED EQUIVALENT TO LESS THAN THAT AGE, SO THE FIFTH YEAR OR THE TWENTIETH YEAR IS DEEMED EQUIVALENT TO LESS THAN THAT AGE. IS THIS SO? IF SCRIPTURE HAS TREATED THE SIXTIETH YEAR AS LESS THAN IT, IT IS TO IMPOSE A MORE STRINGENT RULE. SHALL WE THEN TREAT THE FIFTH YEAR AND THE TWENTIETH YEAR AS LESS THAN THEY, TO IMPOSE A MORE LENIENT RULE? SCRIPTURE SAYS, “YEAR ... YEAR ...,” FOR THE PURPOSES OF ESTABLISHING AN ANALOGY. JUST AS YEAR STATED IN CONNECTION WITH THE SIXTIETH YEAR IS DEEMED EQUIVALENT TO LESS THAN IT, SO YEAR STATED IN CONNECTION WITH THE FIFTH YEAR AND THE TWENTIETH YEAR ARE DEEMED EQUIVALENT TO LESS THAN THEY, WHETHER THIS IMPOSES A LENIENT OR A STRINGENT RULING.

1. I:1: Analysis of the exegetical foundations of the rule.

2. I:2: May we propose that the Mishnah-rule at hand does not accord with the principle of Rabbi.

B. R. ELEAZAR SAYS, “THE FOREGOING APPLIES SO LONG AS THEY ARE A MONTH AND A DAY MORE THAN THE YEARS [WHICH ARE PRESCRIBED].”

1. II:1: Tannaite complement, providing scriptural foundation for the statement.

a. II:2: “The year” stated with reference to Holy Things [animals set aside and sanctified for use in the sacrificial service], dwelling houses in a walled city, the two years of the field of possession, the six years of the Hebrew slave (Exo. 21: 2), and the son or daughter, run from day to day, that is, from one day to the corresponding date in the following year. They do not follow the calendar:

b. II:3: Why is a female at old age valued at a third, while a man is not even at a third? [A woman under sixty is valued at thirty selas, above sixty, at ten; a man under sixty is valued at fifty selas, over sixty at fifteen selas, less than a third].

XXII. Mishnah-Tractate Arakhin 5:1

A. HE WHO SAYS, “MY WEIGHT IS INCUMBENT ON ME [AS A PLEDGE TO THE SANCTUARY]” PAYS HIS WEIGHT — IF [HE SAID], “SILVER,” [THEN HE PAYS] IN SILVER; IF [HE SAID], “GOLD,” [THEN HE PAYS] IN GOLD.

1. I:1: What is the meaning of, If he said, “Silver,” then he pays in silver, if he said, “Gold,” then he pays in gold [M. 5:1B-C]?

B. IT ONCE HAPPENED THAT THE MOTHER OF YIRMATYAH SAID, “THE WEIGHT OF MY DAUGHTER IS INCUMBENT ON ME.” AND SHE WENT UP TO JERUSALEM, AND WEIGHED HER [YIRMATYAH], AND PAID HER WEIGHT IN GOLD.

1. II:1: Since the story makes clear that the mother did not specify she would pay in gold, yet she paid in gold, does the inclusion of the precedent serve to contradict

the foregoing rule, that it is only when one specifies he will pay in gold that one pays in gold?

2. II:2: Clarification of the rule through further cases: He who says, “My stature is incumbent on me” must give a staff that cannot be bent but is of thick metal.”

3. II:3: Clarification of the meaning of other ambiguous formulations along the same lines.

C. [HE WHO SAYS], “THE WEIGHT OF MY HAND IS INCUMBENT ON ME [AS A PLEDGE TO THE SANCTUARY]” — R. JUDAH SAYS, “HE FILLS UP A JAR AND POKES IT [HIS HAND] IN UP TO THE ELBOW. AND HE WEIGHTS OUT THE MEAT OF AN ASS, WITH THE SINEWS AND BONES. AND HE PUTS IT [THE ASS-MEAT] INTO IT [THE JAR] UNTIL IT [THE JAR] IS FILLED [TO THE BRIM AS THE WATER RISES].” SAID R. YOSÉ, “AND HOW IS IT POSSIBLE TO TREAT AS EQUIVALENT ONE KIND OF FLESH AND ANOTHER, AND ONE KIND OF BONES AND ANOTHER? BUT: THEY ESTIMATE HOW MUCH THE HAND IS LIKELY TO WEIGH.”

1. III:1: Tannaite definition of precisely how this is done.

a. III:2: Gloss on foregoing.

b. III:3: as above.

XXIII. Mishnah-Tractate Arakhin 5:2A-B

A. [HE WHO SAYS], “THE PRICE OF MY HAND IS INCUMBENT ON ME” — THEY MAKE AN ESTIMATE OF HIM: HOW MUCH IS HE WORTH WITH A HAND, AND HOW MUCH IS HE WORTH WITHOUT A HAND?

THIS RULE IS MORE STRICT IN CONNECTION WITH VOWS THAN IN CONNECTION WITH VALUATIONS.

1. I:1: How do we make an estimate of his value?

a. I:2: Subsidiary question: If a court made an estimate of a man for purposes of compensation for personal injury, and the man said, “My value is incumbent on me [for the Temple],” what is the law?

XXIV. Mishnah-Tractate Arakhin 5:2C-5:4

A. MORE STRICT IS THE RULE IN CONNECTION WITH VALUATIONS THAN IN CONNECTION WITH VOWS. HOW SO? HE WHO SAYS, “MY VALUATION IS INCUMBENT ON ME” AND THEN DIES — THE HEIRS MUST PAY [THE VALUATION]. [HE WHO SAYS], “MY WORTH IS INCUMBENT ON ME” AND THEN DIES — THE HEIRS DO NOT PAY [THE VOW]. FOR CORPSES HAVE NO PRICE [WORTH].

1. I:1: Tannaite complement to the Mishnah’s rule.

a. I:2: Secondary analysis of a clause of the Tannaite complement.

B. [HE WHO SAYS], “THE VALUATION OF MY HAND, OR THE VALUATION OF MY FOOT IS INCUMBENT ON ME” HAS NOT SAID A THING.

1. II:1: But he still must pay its value.

C. [HE WHO SAYS], “THE VALUATION OF MY HEAD,” OR “THE VALUATION OF MY LIVER IS INCUMBENT ON ME” PAYS THE VALUATION OF HIS WHOLE PERSON.

1. III:1: What is the scriptural basis for that rule?

D. THIS IS THE GENERAL PRINCIPLE: [IF HE REFERS TO] SOMETHING ON WHICH LIFE DEPENDS, HE PAYS THE VALUATION OF HIS WHOLE PERSON.

1. IV:1: What does the augmentative language [of the general principle] serve to encompass?

2. IV:2: Tannaite complement.

E. [HE WHO SAYS], “HALF OF MY VALUATION IS INCUMBENT ON ME” PAYS HALF HIS VALUATION.

1. V:1: What is the scriptural basis for this rule?

F. [HE WHO SAYS], “THE VALUATION OF HALF OF ME IS INCUMBENT ON ME” PAYS THE WHOLE OF HIS VALUATION. [HE WHO SAYS], “HALF OF MY PRICE IS INCUMBENT ON ME” PAYS HALF OF HIS PRICE. HE WHO SAYS], “THE PRICE OF HALF OF ME IS INCUMBENT ON ME” PAYS THE WHOLE OF HIS PRICE.

THIS IS THE GENERAL PRINCIPLE: [IF HE REFERS TO] SOMETHING ON WHICH LIFE DEPENDS, HE PAYS THE VALUATION OF HIS WHOLE PERSON.

1. VI:1: The augmentative language serves to encompass [a statement referring to any part of the body] from the knee upwards.

2. VI:2: Tannaite complement.

G. HE WHO SAYS, “THE VALUATION OF SO-AND-SO IS INCUMBENT ON ME” — [IF] THE ONE WHO MAKES THE VOW AND THE ONE CONCERNING WHOM THE VOW IS MADE DIE — THE HEIRS [OF THE FORMER] PAY THE PLEDGE. [IF HE SAID], “THE PRICE OF SO-AND-SO IS INCUMBENT ON ME” [AND] THE ONE WHO MAKES THE VOW DIES, THE HEIRS MUST PAY THE VOW. [IF] THE ONE CONCERNING WHOM THE VOW IS MADE DIES, THE HEIRS DO NOT HAVE TO PAY. FOR CORPSES HAVE NO PRICE [VALUE].

1. VII:1: What are the circumstances at hand?

XXV. Mishnah-Tractate Arakhin 5:5

A. [HE WHO SAYS], “THIS OX IS A BURNT-OFFERING,” “THIS HOUSE IS QORBAN,” [IF] THE OX DIED OR THE HOUSE FELL DOWN, IS NOT LIABLE TO PAY.

[IF HE SAID], “[THE PRICE OF] THIS OX IS INCUMBENT ON ME FOR A BURNT-OFFERING,” OR “[THE PRICE OF] THIS HOUSE IS INCUMBENT ON ME AS QORBAN,” [IF] THE OX DIED OR THE HOUSE FELL DOWN, HE IS LIABLE TO PAY.

1. I:1: The rule applies only if the man said, ‘The price of this ox is incumbent on me for a burnt-offering,’ but if he had said merely, ‘This ox is incumbent on me for a burnt-offering,’ since the man has made explicit reference to this [ox] as owing for a burnt-offering, [if] the ox died, the man is not liable to make it up.

XXVI. Mishnah-Tractate Arakhin 5:6

A. THOSE WHO OWE VALUATIONS [TO THE TEMPLE] — THEY EXACT PLEDGES FROM THEM.

THOSE WHO OWE SIN-SUFFERINGS OR GUILT-OFFERINGS — THEY DO NOT EXACT PLEDGES FROM THEM.

1. I:1: There are occasions on which they exact pledges from those who owe sin-offerings, but do not exact pledges from those who owe burnt-offerings.

B. THOSE WHO OWE BURNT-OFFERINGS OR PEACE-OFFERINGS — THEY EXACT PLEDGES FROM THEM.

EVEN THOUGH HE DOES NOT MAKE ATONEMENT [THAT IS, ATONEMENT IS NOT EFFECTED FOR HIM] UNLESS HE ACTS OF HIS OWN WILL, AS IT IS SAID, AT HIS GOOD WILL (LEV. 1: 3), [NONETHELESS], THEY COMPEL HIM UNTIL HE SAYS, “I WILL IT.”

1. II:1: Tannaite proof from Scripture concerning the possibility of using force to make someone want to do his duty.

2. II:2: A burnt-offering requires concurrence of the person in whose behalf it is offered.

C. AND SO DO YOU RULE IN THE CASE OF WRITS OF DIVORCE FOR WOMEN: THEY COMPEL HIM...

1. III:1: If someone makes an announcement at the time of the issuing of a writ of divorce that he does not concur in what is done in his name, that protest is valid.

D. UNTIL HE SAYS, “I WILL IT.”

1. IV:1: Explanation of the language used here.

XXVII. Mishnah-Tractate Arakhin 6:1A-C

A. [THE PROCLAMATION OF THE SALE OF GOODS OF] ORPHANS EVALUATED [BY THE COURT TO MEET THE FATHER’S DEBT] IS FOR THIRTY DAYS. AND [THE PROCLAMATION OF THE SALE OF GOODS OF] THE SANCTUARY EVALUATED [BY THE COURT] IS FOR SIXTY DAYS. AND THEY MAKE AN ANNOUNCEMENT MORNING AND NIGHT.

1. I:1: *For what reason [is the announcement made] morning and night?* Said Rab Judah said Rab, “It is the time at which workers go out [to the fields] and come back.”

2. I:2: Tannaite statement of the same principle.

3. I:3: Tannaite restatement of the Mishnah’s rule, with disputed rulings on the same matter.

B. THE SALE OF AN ESTATE: UNDER WHAT CONDITIONS?

a. I:4: Secondary refinement on the topic: The property of orphans is seized for sale [to cover a debt] only in a case in which interest charges

were eating up the estate. The Mishnah-rule is invoked in analysis of the proposition at hand.

I. I:5: Case illustrative of foregoing.

II. I:6: As above.

III. I:7 Clarification of the case to which the Mishnah-rule refers: an Israelite creditor. But the composite is placed here because it depends upon the prior discussion; it is not Mishnah-commentary so much as Mishnah-commentary composed in light of the results of a free-standing analytical discussion, and the composite would have been incomprehensible had it been located in proximity to the Mishnah and not in sequence after the foregoing.

IV. I:8: Rules of distraining orphans' property: the role of a quittance.

V. I:9: The law is that we do not distrain the property of orphans, etc.

XXVIII. Mishnah-Tractate Arakhin 6:1D-J

A. HE WHO SANCTIFIES HIS PROPERTY, AND THERE WAS INCUMBENT UPON IT THE PAYMENT OF HIS WIFE'S KETUBAH — R. ELIEZER SAYS, "WHEN HE DIVORCES HER, HE TAKES A VOW NOT TO ENJOY ANY BENEFIT [FROM HER]." [THIS INDICATES HE HAS NO INTENTION OF COMMITTING FRAUD. FOR HAD HE NOT TAKEN THE VOW, HE MIGHT HAVE DIVORCED THE WOMAN, SO THAT HER KETUBAH WOULD BE PAID FROM THE SANCTIFIED PROPERTY, WHEREUPON HE WOULD REMARRY HER. BUT BY VOWING THAT SHE HAVE NO BENEFIT FROM HIM, HE INDICATES THIS IS NOT THE CASE.] R. JOSHUA SAYS, "HE NEED NOT DO SO."

1. I:1: In what matter do [Eliezer and Joshua] differ? R. Eliezer maintains the theory that a person will enter a conspiracy against the property of the sanctuary. Therefore we take measures to forestall it.] R. Joshua maintains the theory that someone will not enter a conspiracy against the property of the sanctuary.

B. ALONG THESE SAME LINES DID RABBAN SIMEON B. GAMALIEL SAY, "ALSO: HE WHO WAS A GUARANTOR FOR A WOMAN IN RESPECT TO HER KETUBAH, AND HER HUSBAND DIVORCED HER — LET HIM [THE HUSBAND] IMPOSE ON HER A VOW NOT TO ENJOY ANY BENEFIT FROM HIM. LEST HE [THE HUSBAND] CONSPIRE AGAINST THE PROPERTY OF THIS ONE [THE GUARANTOR], AND THEN TAKE HIS WIFE BACK [AFTER SHE HAD COLLECTED HER KETUBAH FROM THE GUARANTOR]."

1. II:1: Case illustrative of the rule.

2. II:2: As above.

XXIX. Mishnah-Tractate Arakhin 6:2

A. HE WHO SANCTIFIES HIS PROPERTY, AND THERE WERE INCUMBENT UPON HIM PAYMENT OF HIS WIFE'S KETUBAH AND A DEBT — THE WIFE CANNOT COLLECT HER KETUBAH FROM THE SANCTIFIED PROPERTY, NOR THE CREDITOR HIS DEBT.

BUT HE WHO REDEEMS [THE PROPERTY] REDEEMS IT ON CONDITION OF PAYING THE WOMAN HER KETUBAH AND THE CREDITOR HIS DEBT.

1. I:1: Why is it necessary to use the formulation, He who redeems redeems [M. 6:2D]?

B. HE WHO SANCTIFIED [PROPERTY WORTH] NINETY MANEHS, AND HIS DEBT WAS A HUNDRED MANEHS — HE [THE DEBTOR] ADDS ANOTHER DENAR AND REDEEMS THESE POSSESSIONS, ON CONDITION OF PAYING THE WOMAN HER KETUBAH AND THE CREDITOR HIS DEBT.

1. II:1: The Mishnah-passage at M. 6:2E-F does not conform to the principle of Rabban Simeon b. Gamaliel.

XXX. Mishnah-Tractate Arakhin 6:3-4

A. EVEN THOUGH THEY HAVE SAID [M. 5:6]: THOSE WHO OWE VALUATIONS — THEY EXACT A SURETY FROM THEM, THEY [NONETHELESS] SUPPLY HIM WITH FOOD FOR THIRTY DAYS, AND CLOTHING FOR TWELVE MONTHS, AND BEDDING, SHOES, AND TEFILLIN —

1. I:1: Scriptural basis of the rule.

B. FOR HIM, BUT NOT FOR HIS WIFE OR HIS CHILDREN.

1. II:1: What is the Scriptural basis for this rule?

C. IF HE WAS A CRAFTSMAN, THEY GIVE HIM TWO OF EVERY KIND OF THE TOOLS OF HIS CRAFT. [TO A] CARPENTER THEY GIVE TWO AXES AND TWO SAWS.

R. ELIEZER SAYS, “IF HE WAS A FARMER, THEY GIVE HIM HIS YOKE [OF OXEN]. “[IF HE WAS] AN ASS-DRIVER, THEY GIVE HIM HIS ASS.”

1. III:1: And in the view of rabbis why not provide the oxen?

D. [IF] ONE SORT [OF TOOLS] WAS ABUNDANT AND ONE WAS FEW, THEY DO NOT TELL HIM TO SELL SOME OF THE ABUNDANT KIND AND TO BUY FOR HIMSELF SOME OF THE FEW. THEY GIVE HIM TWO FROM EVERY KIND WHICH IS ABUNDANT, AND ALL OF THOSE OF WHICH HE HAS ONLY FEW.

1. IV:1: That rule is obvious. Just as what he had was sufficient up to now, what he now has should continue to be sufficient. So why make such a specification? What might you have ruled?

E. HE WHO SANCTIFIES HIS PROPERTY — THEY TAKE AWAY HIS TEFILLIN [VS. M. 6:3B].

1. V:1: A case illustrative of the rule.

XXXI. Mishnah-Tractate Arakhin 6:5

A. THE SAME RULE APPLIES TO ONE WHO SANCTIFIES HIS PROPERTY AND THE ONE WHO PLEDGES HIS OWN VALUATION: HE HAS NO CLAIM EITHER ON HIS WIFE’S GARMENT, OR ON HIS CHILDRENS’ GARMENT, OR ON DYED CLOTHES WHICH HE DYED FOR THEM, OR ON NEW SHOES WHICH HE BOUGHT FOR THEM. EVEN THOUGH THEY HAVE SAID: SLAVES ARE SOLD WITH THEIR CLOTHING TO IMPROVE

THEIR VALUE, SO THAT IF FOR HIM [THE SLAVE] A GARMENT SHOULD BE PURCHASED FOR THIRTY DENARS, IT IMPROVES HIS VALUE BY A MANEH, AND SO IN THE CASE OF A COW: IF THEY KEEP IT FOR SALE IN A MARKET PLACE, IT FETCHES A BETTER PRICE, AND SO IN THE CASE OF A PEARL: IF THEY BRING IT UP TO A CITY, IT FETCHES A BETTER PRICE — THE SANCTUARY [NONETHELESS] HAS A CLAIM ONLY IN ITS OWN PLACE AND IN ITS OWN TIME.

1. I:1: Scriptural support for the Mishnah's rule.

a. I:2: Continuation of exegesis, not relevant to the Mishnah's rule.

XXXII. Mishnah-Tractate Arakhin 7:1A-D

A. THEY DO NOT SANCTIFY [A FIELD OF POSSESSION] LESS THAN TWO YEARS BEFORE THE YEAR OF JUBILEE. AND THEY DO NOT REDEEM IT LESS THAN A YEAR AFTER THE YEAR OF JUBILEE.

1. I:1: A contradictory rule is harmonized with the Mishnah's law.

2. I:2: Secondary issue: He who consecrates his field in the Jubilee year itself.

B. [IN REDEEMING THE FIELD] THEY DO NOT RECKON THE MONTHS AGAINST THE SANCTUARY. BUT THE SANCTUARY RECKONS THE MONTHS [TO ITS OWN ADVANTAGE].

1. II:1: How do we know that in redeeming the field they do not reckon the months against the sanctuary?

XXXIII. Mishnah-Tractate Arakhin 7:1E-K, 7:2

A. HE WHO SANCTIFIES HIS FIELD AT THE TIME OF THE JUBILEE'S [BEING IN EFFECT] PAYS THE FIFTY SHEQELS OF SILVER [FOR EVERY PART OF A FIELD THAT SUFFICES FOR] THE SOWING OF A HOMER OF BARLEY.

1. I:1: Tannaite clarification of the Mishnah's rule.

B. [IF] THERE WERE THERE CREVICES TEN HANDBREADTHS DEEP OR ROCKS TEN HANDBREADTHS HIGH, THEY ARE NOT MEASURED WITH IT. [IF THEY WERE IN HEIGHT] LESS THAN THIS, THEY ARE MEASURED WITH IT.

1. II:1: But let them be considered as sanctified as autonomous areas of the field, since they are not regarded as part of the arable field for purposes of redemption, and let them be redeemed on their own.

C. [IF] ONE SANCTIFIED IT TWO OR THREE YEARS BEFORE THE JUBILEE, HE GIVES A SELA AND A PONDION FOR EACH YEAR.

1. III:1: Tannaite proof from Scripture.

D. IF HE SAID, "LO, I SHALL PAY FOR EACH YEAR AS IT COMES," THEY DO NOT PAY ATTENTION TO HIM. BUT HE PAYS THE WHOLE AT ONCE.

THE SAME RULE APPLIES TO THE OWNER [OF THE FIELD] AND EVERY [OTHER] MAN [IN REGARD TO WHAT IS PAID (M. 7-11-K) FOR THE REDEMPTION OF THE FIELD]. WHAT IS THE DIFFERENCE BETWEEN THE OWNER AND EVERY OTHER MAN? BUT:

THE OWNER PAYS THE ADDED FIFTH, AND NO OTHER PERSON PAYS THE ADDED FIFTH [M. 8:1].

1. IV:1: Tannaite proof from Scripture.

XXXIV. Mishnah-Tractate Arakhin 7:3

A. [IF] HE SANCTIFIED IT AND REDEEMED IT, IT DOES NOT GO FORTH FROM HIS DOMAIN ON THE JUBILEE. [IF] HIS SON REDEEMED IT, IT GOES FORTH TO HIS FATHER ON THE JUBILEE.

1. I:1: Tannaite's Scriptural proof for the proposition.

2. I:2: Theoretical question: As to a daughter, what is the law on her preserving ownership of a field for her father should she buy it? Do we regard this as a redemption of the field, as we do in the case of the son, M. 7:3B?

3. I:3: As above: As to a woman, who can preserve ownership of a field for her [as the son does for the father]?

4. I:4: As above: If someone consecrated a field less than two years prior to the Jubilee [during which the field cannot be redeemed], does the field go forth to the ownership of the priesthood [which would be the case if another man redeemed the field as is required, by paying the full fifty sheqels]?

B. [IF] SOMEONE ELSE REDEEMED IT, OR ONE OF THE RELATIVES, AND HE REDEEMED IT FROM HIS DOMAIN, IT DOES GO FORTH FROM HIS DOMAIN IN THE JUBILEE.

[IF] ONE OF THE PRIESTS REDEEMED IT, AND LO, IT IS IN HIS [THE PRIEST'S] DOMAIN, HE MAY NOT SAY, "SINCE IT GOES FORTH TO THE PRIESTS IN THE JUBILEE, AND SINCE, LO, IT IS IN MY DOMAIN, IT IS MINE." BUT IT GOES FORTH AND IS DIVIDED AMONG ALL HIS BRETHREN, THE PRIESTS.

1. II:1: Tannaite proof text for this proposition.

XXXV. Mishnah-Tractate Arakhin 7:4

A. [IF] THE JUBILEE ARRIVED AND [THE FIELD] WAS NOT REDEEMED, "THE PRIESTS ENTER INTO [THE POSSESSION OF] IT BUT PAY ITS PRICE," THE WORDS OF R. JUDAH. R. SIMEON SAYS, "THEY ENTER, AND THEY DO NOT PAY."

1. I:1: What is the scriptural basis of Judah's position?

B. R. ELIEZER SAYS, "THEY NEITHER ENTER NOR PAY. BUT: IT IS CALLED AN ABANDONED FIELD UNTIL THE SECOND JUBILEE. [IF] THE SECOND YEAR OF THE JUBILEE CAME AND IT WAS NOT REDEEMED, IT IS CALLED A TWICE-ABANDONED FIELD, UP TO THE THIRD JUBILEE. THE PRIESTS UNDER NO CIRCUMSTANCES DO NOT [DIRECTLY] ENTER INTO POSSESSION UNTIL ANOTHER [PARTY] HAS REDEEMED IT."

1. II:1: What is the scriptural basis for the position of R. Eliezer

a. II:2: Theoretical question generated by Eliezer's position: Is the original owner, in the period of the second Jubilee, in the status of an outside party or not?

XXXVI. Mishnah-Tractate Arakhin 7:5

A. HE WHO PURCHASES A FIELD FROM HIS FATHER, [IF] HIS FATHER DIED, AND AFTERWARD HE SANCTIFIED IT, LO, IT IS DEEMED A FIELD OF POSSESSION (LEV. 27:16). [IF] HE SANCTIFIED IT AND AFTERWARD HIS FATHER DIED, LO, IT IS DEEMED IN THE STATUS OF A FIELD WHICH HAS BEEN BOUGHT," THE WORDS OF R. MEIR.

R. JUDAH AND R. SIMEON SAY, "IT IS DEEMED IN THE STATUS OF A FIELD OF POSSESSION. "SINCE IT IS SAID, AND IF A FIELD WHICH HE HAS BOUGHT WHICH IS NOT A FIELD OF HIS POSSESSION (LEV. 27:22) — A FIELD WHICH IS NOT DESTINED TO BE A FIELD OF POSSESSION, WHICH EXCLUDES THIS, WHICH IS DESTINED TO BE A FIELD OF POSSESSION [I.E., WHEN HIS FATHER DIES]."

1. I:1: How do we know from Scripture that in the case of one who purchases a field from his father and who consecrated it, afterward whose father died, the field should be regarded as his as a field of possession ?

B. A FIELD WHICH HAS BEEN BOUGHT DOES NOT GO FORTH TO THE PRIESTS IN THE JUBILEE, FOR A MAN DOES NOT DECLARE SANCTIFIED SOMETHING WHICH IS NOT HIS OWN.

PRIESTS AND LEVITES SANCTIFY [THEIR FIELDS] AT ANY TIME AND REDEEM THEM AT ANY TIME, WHETHER BEFORE THE JUBILEE OR AFTER THE JUBILEE.

1. II:1: It was assuredly necessary to make explicit reference to their right to redeem the field at any time, to distinguish them from Israelites, who may redeem [their fields] only up to the Jubilee year but not afterward. So we are informed that priests and Levites may redeem their fields at any time.

XXXVII. Mishnah-Tractate Arakhin 8:1

A. HE WHO SANCTIFIES HIS FIELD WHEN THE JUBILEE IS NOT [OBSERVED, I.E. AFTER THE DESTRUCTION OF THE TEMPLE] — THEY SAY TO HIM, "YOU DECLARE FIRST" [HOW MUCH YOU WISH TO PAY FOR THE REDEMPTION OF THE FIELD, SINCE, WHEN THE JUBILEE IS NOT IN FORCE, THE FIELD IS REDEEMED AT MARKET VALUE, NOT AT THE FIFTY SHEKELS FOR EACH HOMER'S AREA].

1. I:1: The Mishnah states that the court merely says, or instructs, the donor, but] has it not been taught in Tannaite authority, "They force [the owner to declare first]"?

B. FOR THE OWNER PAYS AN ADDED FIFTH. BUT NO OTHER MAN PAYS AN ADDED FIFTH [M. 7:2].

1. II:1: Why specify, as the reason, that the owner pays an added fifth? Why not supply as the reason that, since the field is precious [in the eyes of the owner], he will pay more to redeem it [and this is the reason the Temple asks him to bid first]?

C. IT ONCE HAPPENED THAT A MAN SANCTIFIED HIS FIELD BECAUSE OF ITS POOR QUALITY. THEY SAID TO HIM, “YOU DECLARE FIRST.” HE SAID, “LO, IT IS MINE FOR AN ISSAR.” SAID R. YOSÉ, “THIS ONE SAID NOT FOR AN ISSAR BUT ONLY, ‘FOR [THE VALUE OF] AN EGG.’“ FOR WHAT IS SANCTIFIED IS REDEEMED BY MONEY OR BY SOMETHING WORTH MONEY.)

1. III:1: may I say that it is in the following principle that the authorities dispute, namely, R. Yosé maintains the view that what is equivalent in value to money falls into the category of money [hence, an egg would do], while rabbis in context take the position that what is equivalent in value to money does not fall into the category of money?

D. HE [I.E. THE TEMPLE TREASURER] SAID TO HIM, “IT’S YOURS!” HE TURNED OUT TO LOSE AN ISSAR, AND HIS FIELD WAS STILL HIS.

1. IV:1: The statement at hand, not assigned to a named authority, accords with the principle of rabbis [for it refers to the issar and not to the egg].

XXXVIII. Mishnah-Tractate Arakhin 8:2-3

A. [CONCERNING THE CASE OF A FIELD THAT WILL BE REDEEMED BY THE HIGHEST BIDDER, IF] ONE [BIDDER] SAID, “LO, IT IS MINE FOR TEN SELAS,” AND ONE SAID, “FOR TWENTY,” AND ANOTHER SAYS, “FOR THIRTY,” AND ONE SAYS, “FOR FORTY,” AND ONE SAYS, “FOR FIFTY” — [IF] THE ONE WHO SAID FIFTY RETRACTED, THEY EXACT A SURETY FROM HIS PROPERTY FOR TEN [SELAS] [AND SELL IT TO THE NEXT HIGHEST BIDDER. IN THIS WAY THE TEMPLE LOSES NO MONEY]. [IF] THE ONE WHO SAID FORTY RETRACTED, THEY EXACT A SURETY FROM HIS PROPERTY FOR TEN. [IF] THE ONE WHO SAID THIRTY RETRACTED, THEY EXACT A SURETY FROM HIS PROPERTY FOR TEN. [IF] THE ONE WHO SAID TWENTY RETRACTED, THEY EXACT A SURETY FROM HIS PROPERTY FOR TEN [IF] THE ONE WHO SAID TEN RETRACTED, THEY SELL IT [THE SANCTIFIED FIELD] FOR ITS MARKET VALUE AND THEY COLLECT THE REMAINDER FROM THE ONE WHO BID TEN.

1. I:1: The statement [of M. **8:2A-B**] applies only when the one who bid forty stands by his bid. But if the one who bid forty does not stand by his bid, they divide up [the loss of the Temple] among them. Theory of the conditions of the rule tested against several subsequent clauses.

B. [IF] THE OWNER SAYS, “TWENTY,” AND ANY OTHER PERSON SAYS, “TWENTY,” THE OWNER TAKES PRECEDENCE [M. **Bekh. 1:7]. FOR [IN ANY EVENT] HE ADDS THE FIFTH.**

1. II:1: This then implies that the added fifth is preferred.

C. [IF] ONE SAID, “LO, IT IS MINE FOR TWENTY-ONE,” THE OWNER PAYS TWENTY-SIX. [THAT IS, THEY DO NOT SELL IT TO THE FIRST MAN BUT ALLOW THE OWNER TO UP HIS BID AS WELL]. “TWENTY-TWO” — THE OWNER PAYS TWENTY-SEVEN. “TWENTY-THREE” — THE OWNER PAYS TWENTY-EIGHT. “TWENTY-FOUR” — THE OWNER PAYS TWENTY-NINE. “TWENTY-FIVE” — THE OWNER PAYS THIRTY.

1. III:1: But let the owner say, “Someone has come along in our stead” to pay the added fifth.” Why force the owner to pay thirty?

D. FOR THEY DO NOT ADD THE FIFTH TO WHAT THE OTHER BIDS MORE [THAN THE OWNER’S BID].

1. IV:1: That rule applies only to a case in which the property in question has not been evaluated for the purposes of the sanctuary by a court of three [assessors]. But if the property was evaluated for the purposes of the sanctuary by a court of three [assessors], they do add [the fifty to what the other bids]

E. [IF] ONE SAID, “LO, IT IS MINE FOR TWENTY-SIX” — IF THE OWNER WANTS TO PAY THIRTY-ONE AND A DENAR, THE OWNER TAKES PRECEDENCE. AND IF NOT, THEY SAY, “IT’S YOURS!”

1. V:1: [Since the Mishnah-passage says, “If the owner wants,” it follows that] if he wants, he does so, and if not, he does not do so.

XXXIX. Mishnah-Tractate Arakhin 8:4

A. “A MAN MAY DECLARE HEREM PART OF HIS FLOCK, PART OF HIS HERD, SOME OF HIS CANAANITE MAN-SERVANTS AND MAID-SERVANTS, AND PART OF HIS FIELD OF POSSESSION. BUT IF HE DECLARED HEREM THE WHOLE OF THEM, THEY ARE NOT DEEMED HEREM,” THE WORDS OF R. ELEAZAR.

1. I:1: What is the source of the ruling at hand [at M. 8:4A)?

a. I:2: Secondary expansion on the exegetical demonstration above.

B. SAID R. ELEAZAR B. AZARIAH, “NOW IF TO THE MOST HIGH A MAN IS NOT PERMITTED TO DECLARE ALL OF HIS PROPERTY HEREM, ALL THE MORE SO THAT A MAN MUST TAKE CARE OF HIS PROPERTY.”

1. II:1: Is this not exactly the principle of the earliest authority [at M. 8:4A)? Why repeat the same point?

XL. Mishnah-Tractate Arakhin 8:5

A. HE WHO DECLARES HEREM HIS SON, HIS DAUGHTER, HIS HEBREW MAN-SERVANT OR MAID-SERVANT, A FIELD WHICH HE HAS PURCHASED — THEY ARE NOT DEEMED HEREM. FOR A MAN DOES NOT DECLARE HEREM THAT WHICH IS NOT HIS OWN.

“PRIESTS AND LEVITES DO NOT DECLARE [ANYTHING] HEREM,” THE WORDS OF R. JUDAH. R. SIMEON SAYS, “PRIESTS DO NOT DECLARE [ANYTHING] HEREM. FOR THINGS DECLARED HEREM BELONG TO THEM.

“BUT LEVITES DECLARE [SOMETHING] HEREM, FOR THINGS DECLARED HEREM DO NOT BELONG TO THEM.” RABBI SAYS, “THE OPINION OF R. JUDAH APPEARS TO ME CORRECT IN THE CASE OF REAL ESTATE. SINCE IT IS SAID, FOR IT IS THEIR PERSONAL POSSESSION (LEV. 25:34). AND THE OPINION OF R. SIMEON [APPEARS TO ME CORRECT] IN THE CASE OF MOVABLES, FOR THINGS DECLARED HEREM DO NOT BELONG TO THEM.”

1. I:1: Amplification of the position of Judah.

2. I:2: Refinement and clarification of the rule: If one has declared movables herem, he may hand them over to any priest that he wants. But if he declared his fields to be herem, he hands them over to the priest who is a member of the priestly troop that is then officiating.

a. I:3: Further clarification: We know that the troops of officiating priests change guard on the Sabbath, with one troop leaving the altar and another coming to it. The question therefore was raised, If the Jubilee year began on the Sabbath what is the law? That is, since the guards or priestly troops change on that day, to which troop is the field to be given?

3. I:4: Hezekiah bar Biloto heard this statement of Hiyya bar Abin's, 2.A and went and reported to R. Abbahu. [Abbahu asked], "But why not draw an analogy between movables and real estate and require movables to be given to priests of the presiding troop, rather than to any priest the donor chooses?"

XLI. Mishnah-Tractate Arakhin 8:6, 8:7A-G

A. THINGS WHICH ARE DECLARED HEREM FOR PRIESTS ARE NOT SUBJECT TO REDEMPTION BUT ARE GIVEN TO THE PRIESTS.

1. I:1: Tannaite amplification of the law through scriptural exegesis.

B. R. JUDAH B. BETERA SAYS, "WHAT IS DECLARED HEREM WITHOUT FURTHER EXPLANATION IS FOR THE REPAIR OF THE TEMPLE HOUSE, SINCE IT IS SAID, 'EVERY DEVOTED THING IS MOST HOLY TO THE LORD' (LEV. 27:28)."

1. II:1: How Judah b. Betera interprets Lev. 27:21.

2. II:2: Rab: the decided law accords with Judah b. Betera.

a. II:3: Case illustrative of foregoing.

C. AND SAGES SAY, "WHAT IS DECLARED HEREM WITHOUT FURTHER EXPLANATION IS FOR THE PRIESTS, SINCE IT IS SAID, AS A FIELD DEVOTED TO THE POSSESSION THEREOF SHALL BE THE PRIEST'S (LEV. 27:21). IF SO, WHY IS IT SAID, AND EVERY DEVOTED THING IS MOST HOLY TO THE LORD? THAT IT APPLIES TO MOST HOLY THINGS AND TO LESSER HOLY THINGS."

A MAN DECLARES HEREM THINGS HE HAS DECLARED HOLY, WHETHER THEY ARE IN THE STATUS OF MOST HOLY THINGS OR OF LESSER HOLY THINGS [M. 8:6G]. IF IT IS A VOW, HE GIVES IT VALUE. IF IT IS A FREWILL-OFFERING, HE GIVES WHAT IT IS WORTH TO HIM. [IF HE SAYS,] "THIS OX IS A BURNT-OFFERING," THEY ESTIMATE HOW MUCH A MAN IS WILLING TO PAY FOR THIS OX TO OFFER IT UP AS A BURNT-OFFERING FOR WHICH HE IS NOT LIABLE [THAT IS, AS A FREWILL-OFFERING]. THE FIRSTLING, WHETHER UNBLEMISHED OR BLEMISHED, DO THEY DECLARE HEREM. HOW DO THEY REDEEM IT? THEY ESTIMATE HOW MUCH A MAN IS WILLING TO PAY FOR THIS FIRSTLING TO GIVE IT TO HIS DAUGHTER'S SON OR HIS SISTER'S SON [WHO ARE PRIESTS AND HAVE A RIGHT TO IT].

1. III:1: And as to rabbis who do not derive from the cited verses the meaning that Ishmael gains, what lesson do they derive?

XLII. Mishnah-Tractate Arakhin 8:7H-J

A. R. ISHMAEL SAYS, “ONE SCRIPTURE SAYS, ‘YOU WILL SANCTIFY [ALL THE FIRSTLING MALES]’ (DEU. 15:19).

“AND ONE SCRIPTURE SAYS, ‘YOU WILL NOT SANCTIFY [THE FIRSTLING AMONG BEASTS] (LEV. 27:26). IT IS NOT POSSIBLE TO RULE, ‘YOU WILL SANCTIFY,’ FOR IT ALREADY HAS BEEN SAID NOT TO SANCTIFY. AND IT IS NOT POSSIBLE TO RULE, ‘YOU WILL NOT SANCTIFY,’ FOR IT ALREADY HAS BEEN SAID TO SANCTIFY. RULE ON THIS BASIS: YOU SANCTIFY IT AS SOMETHING WHOSE ADDITIONAL VALUE IS SANCTIFIED. BUT YOU DO NOT SANCTIFY IT AS AN OFFERING WHICH FALLS TO THE ALTAR.”

1. I:1: The Talmud conducts the familiar exercise of comparing the way in which disputants treat the same verses.

XLIII. Mishnah-Tractate Arakhin 9:1

A. HE WHO SELLS HIS FIELD [OF POSSESSION, THAT IS, ONE RECEIVED BY INHERITANCE] AT THE TIME OF THE JUBILEE[‘S BEING IN EFFECT] IS NOT PERMITTED TO REDEEM IT IN LESS THAN TWO YEARS [M. 7:1A], SINCE IT IS SAID, “ACCORDING TO THE NUMBER OF YEARS [PLURAL, HENCE AT LEAST 2 YEARS] OF THE CROPS HE SHALL SELL TO YOU” (LEV. 25:15).

1. I:1: the author of the passage maintains the theory that is in fact prohibited to redeem the field prior to two years’ after its sale.

a. I:2: He who sells a field in the Jubilee year itself — what is the rule?
Rab vs. Samuel.

l. I:3: Another statement of Samuel on selling an interstitial item: is the money refunded?

B. [If] it was a year of blight or mildew or a Seventh Year, it DOES NOT COUNT IN THE RECKONING [OF THE CROP-YEARS].

[If] HE ONLY BROKE THE GROUND OR LEFT IT FALLOW, IT DOES COUNT IN THE RECKONING [OF THE CROP-YEARS]

1. II:1: Since [at M. 9:1D, we refer explicitly to] breaking the ground [without actually sowing it], does the framer have also to ask about leaving the ground completely fallow? Surely the rule would be the same in this more extreme case.

C. R. ELIEZER SAYS, “[If] HE SOLD IT TO HIM BEFORE THE NEW YEAR AND IT WAS FULL OF PRODUCE, LO, THIS ONE ENJOYS THE USUFRUCT FROM IT OF THREE CROPS IN A PERIOD OF TWO YEARS.”

1. III:1: Tannaite proof from Scripture for Eliezer’s position.

XLIV. Mishnah-Tractate Arakhin 9:2

A. [If] ONE SOLD IT TO THE FIRST PARTY FOR A MANEH [A HUNDRED ZUZ], AND THE FIRST PARTY SOLD IT TO THE SECOND FOR TWO HUNDRED, ONE [WHO

REPURCHASES THE FIELD] RECKONS ONLY WITH THE FIRST [BUYER], SINCE IT IS SAID, “[LET HIM RESTORE THE SURPLUS] TO THE MAN TO WHOM HE SOLD IT” (LEV. 25:27). [IF] ONE SOLD IT TO THE FIRST FOR TWO HUNDRED, AND THE FIRST SOLD IT TO THE SECOND FOR A MANEH, ONE RECKONS ONLY WITH THE SECOND, SINCE IT IS SAID, “LET HIM RESTORE THE SURPLUS TO THE MAN” — TO THE MAN WHO IS NOW IN FULL POSSESSION OF IT.

1. I:1: Tannaite proof from Scripture.

a. I:2: There is the possibility of interpreting [the verses referring to the redemption of the Hebrew slave] in a lenient way [favoring the redemption and making it easy] and in a strict way. Why do you choose to do so in a lenient way? I might propose that they should be interpreted in a strict way. Continuation of the secondary exegetical-theoretical problem of the foregoing.

B. (1) ONE SHOULD NOT SELL [A FIELD] AT A DISTANCE AND REDEEM [WITH THE PROCEEDS] ONE WHICH IS NEAR BY, OR A POOR ONE AND REDEEM [WITH THE PROCEEDS] A GOOD ONE.

1. II:1: Tannaite proof from Scripture.

C. ONE SHOULD NOT BORROW AND REDEEM [A FIELD]. ONE SHOULD NOT REDEEM [A FIELD] IN HALVES.

BUT IN THE CASE OF THAT WHICH HAS BEEN SANCTIFIED, ONE IS PERMITTED IN ALL OF THESE RESPECTS.

THIS RULE IS MORE STRICT IN THE CASE OF COMMON PROPERTY THAN IN THAT OF WHAT HAS BEEN SANCTIFIED.

1. III:1: Tannaite proof from Scripture.

XLV. Mishnah-Tractate Arakhin 9:3-9:4A-C

A. HE WHO SELLS A HOUSE AMONG THE HOUSES IN WALLED CITIES, LO, THIS ONE MAY REDEEM [THE HOUSE] FORTHWITH.

1. I:1: When we learn that the redemption may take place forthwith, the Mishnah at hand is not in accord with the view of Rabbi. Exegetical foundations for the Mishnah's rule.

B. AND HE REDEEMS IT AT ANY TIME WITHIN TWELVE MONTHS. LO, THIS IS A KIND OF USURY WHICH IS NOT USURY.

1. II:1: Tannaite formulation that contradicts the one of the Mishnah on whether or not this is classified as usury at all.

C. [IF] THE SELLER DIED, HIS SON MAY REDEEM [IT].

1. III:1: Why does this self-evident fact have to be made explicit? The possibility of reaching a false conclusion is thus avoided.

D. [IF] THE PURCHASER DIED, HE MAY REDEEM IT FROM THE DOMAIN OF HIS SON.

1. IV:1: Why does this self-evident fact have to be made explicit? The possibility of reaching a false conclusion is thus avoided.

E. HE RECKONS THE YEAR ONLY FROM THE TIME THAT HE SOLD IT TO HIM, SINCE IT IS SAID, “WITHIN THE SPACE OF A FULL YEAR” (LEV. 25:30).

1. V:1: Tannaite exegesis that explains the point.
2. V:2: To whom is the house made sure in perpetuity [the first or a later purchaser]?
 - a. V:3: Theoretical problems pertinent to the problematic worked out by the law at hand.
 - b. V:4: As above.

F. AND WHEN IT SAYS, “FULL,” IT MEANS TO ENCOMPASS THE MONTH ADDED IN AN INTERCALATED YEAR. RABBI SAYS, “ONE ALLOWS HIM A YEAR AND ITS INTERCALATED DAYS.”

1. VI:1: Tannaite proof from Scripture.

G. [IF] THE [LAST] DAY OF THE TWELVE MONTHS HAS COME AND IT HAS NOT BEEN REDEEMED, IT BECOMES HIS PERMANENTLY.

ALL THE SAME ARE THE ONE WHO PURCHASES AND THE ONE TO WHOM IT IS GIVEN AS A GIFT, SINCE IT SAYS, “IN PERPETUITY” (LEV. 25:30).

1. VII:1: Tannaite proof from Scripture.
2. VII:2: Tannaite proof that he who consecrates a house among the houses of a walled city — lo, this one may redeem [the house right away] and may redeem it at any time

XLVI. Mishnah-Tractate Arakhin 9:4D-F

A. AT FIRST SOMEONE WOULD HIDE ON THE DAY ON WHICH THE TWELVE MONTHS WERE COMPLETED, SO THAT IT [THE HOUSE] SHOULD BECOME HIS PERMANENTLY. HILLEL THE ELDER ORDAINED THAT ONE SHOULD DEPOSIT HIS MONEY IN THE [TEMPLE] OFFICE, BREAK DOWN THE DOOR [OF THE HOUSE], AND TAKE POSSESSION. WHENEVER THE OTHER WANTS, HE MAY COME AND TAKE HIS MONEY.

1. I:1: On the basis of Hillel’s ordinance and the rule expressed there, that giving redemption money against the recipient’s will constitutes a valid act of transfer, we may draw the conclusion that in other cases, a transfer against the recipient’s will is not valid, since, in this case alone, it was necessary to provide through a special ordinance that such a transfer is valid here.

XLVII. Mishnah-Tractate Arakhin 9:5

A. WHATEVER IS INSIDE THE WALL, LO, IT IS DEEMED IN THE STATUS OF A DWELLING HOUSE IN A WALLED CITY (LEV. 25:29). EXCEPT FOR THE FIELDS. R. MEIR SAYS, “ALSO THE FIELDS.”

1. I:1: Tannaite proof from Scripture.

B. A HOUSE WHICH IS BUILT INTO THE WALL — R. JUDAH SAYS, “IT IS NOT A DWELLING HOUSE IN A WALLED CITY.” AND R. SIMEON SAYS, “THE OUTER PARTITION, LO, IT IS ITS [THE CITY’S] WALL.”

1. II:1: Judah and Simeon interpret the same verse of Scripture.

XLVIII. Mishnah-Tractate Arakhin 9:6

A. [A HOUSE IN] A CITY THE ROOFS OF WHICH FORM ITS WALL, OR ONE IN A CITY WHICH WAS NOT SURROUNDED BY A WALL FROM THE TIME OF JOSHUA BEN NUN, IS NOT DEEMED A DWELLING HOUSE IN A WALLED CITY.

1. I:1: Tannaite proof from Scripture.

B. AND WHAT IS A DWELLING HOUSE IN A WALLED CITY? [A CITY IN WHICH ARE NOT LESS THAN] THREE COURTYARDS, EACH WITH TWO HOUSES, SURROUNDED BY A WALL FROM THE TIME OF JOSHUA BEN NUN, SUCH AS: THE OLD CASTLE OF SEPPHORIS; THE FORTRESS OF GUSH-HALAB, OLD YODPAT, GAMALA, GADWAD, HADID:

1. II:1: Tannaite complement to the rule.

C. ONO, JERUSALEM, AND THE LIKE

1. III:1: But is Jerusalem [a town in which the sale of a house may be] certified as permanent [and beyond redemption]?

D. SUCH AS: THE OLD CASTLE OF SEPPHORIS; THE FORTRESS OF GUSH-HALAB, OLD YODPAT, GAMALA, GADWAD, HADID.

1. IV:1: Tannaite complement to the rule: Why did sages list the cities catalogued at M. 9:6F?

a. IV:2: Gloss on foregoing.

b. IV:3: As above.

XLIX. Mishnah-Tractate Arakhin 9:7A

A. AS TO HOUSES IN COURTYARDS [WITHOUT A SURROUNDING WALL] — THEY ASSIGN TO THEM THE PRIVILEGE OF A DWELLING HOUSE IN A WALLED CITY AND THE PRIVILEGE OF FIELDS: THEY MAY BE REDEEMED FORTHWITH [M. 9:3], AND THEY MAY BE REDEEMED FOR A FULL YEAR — LIKE HOUSES. AND THEY GO FORTH AT THE JUBILEE, AND [AT AN EARLIER TIME] BY [PAYMENT OF] A REDUCED PRICE [M. 9:1] — LIKE FIELDS.

1. I:1: Tannaite proof from Scripture.

2. I:2: Recapitulation of foregoing, with different premise.

L. Mishnah-Tractate Arakhin 9:7B-D

A. AND WHAT ARE HOUSES IN COURTYARDS? [A CITY IN WHICH ARE] TWO COURTYARDS, HAVING EACH TWO HOUSES, EVEN THOUGH SURROUNDED BY A

WALL FROM THE TIME OF JOSHUA BEN NUN — LO, THESE ARE DEEMED HOUSES IN COURTYARDS.

1. I:1: Tannaite proof from Scripture.

LI. Mishnah-Tractate Arakhin 9:8A-G

A. “AN ISRAELITE WHO INHERITED [A HOUSE IN THE CITY OF THE LEVITES] FROM HIS MOTHER’S FATHER, A LEVITE, MAY NOT REDEEM THE HOUSE IN ACCORD WITH THIS PROCEDURE. AND SO TOO A LEVITE WHO INHERITED [A HOUSE IN A CITY OF ISRAELITES] FROM HIS MOTHER’S FATHER, AN ISRAELITE, MAY NOT REDEEM THE HOUSE IN ACCORD WITH THIS PROCEDURE. SINCE IT IS SAID, ‘FOR THE HOUSES IN THE CITIES OF THE LEVITES ARE THEIR POSSESSION’ (LEV. 25:33) — UNLESS IT IS A LEVITE AND [THE HOUSE IS IN ONE OF] THE CITIES OF THE LEVITES,” THE WORDS OF RABBI.

1. I:1: Then into what [category does the Israelite who inherited a house in a city of Levites from his Levite-grandfather or a Levite who inherited a house in an Israelite city fall]?

B. BUT SAGES SAY, “THESE RULES HAVE BEEN STATED ONLY WITH RESPECT TO CITIES OF LEVITES.”

1. I:1: Light gloss.

LII. Mishnah-Tractate Arakhin 9:8H-N

A. THEY MAY NOT TURN (1) A FIELD INTO A CITY’S OUTSKIRTS, OR (2) A CITY’S OUTSKIRTS INTO A FIELD, OR (3) A CITY’S OUTSKIRTS INTO A CITY, OR (4) A CITY INTO A CITY’S OUTSKIRTS.

SAID R. ELEAZAR, “WITH RESPECT TO WHAT WERE THESE RULES STATED? WITH RESPECT TO CITIES OF LEVITES. BUT AS FOR CITIES OF ISRAELITES, THEY MAY (1) TURN A FIELD INTO A CITY’S OUTSKIRTS, AND (2) A CITY’S OUTSKIRTS INTO A FIELD, (3) A CITY’S OUTSKIRTS INTO A CITY, BUT (4) NOT A CITY INTO A CITY’S OUTSKIRTS, SO AS NOT TO WIPE OUT THE CITIES OF ISRAEL.”

1. I:1: All parties in any event therefore concur that, in the case of [cities of] Levites, they may make no such changes. Whence the [scriptural authority] for this view?

B. PRIESTS AND LEVITES MAY SELL AT ANY TIME AND REDEEM AT ANY TIME [EVEN IN LESS THAN TWO YEARS, (M. 9:1A), AND EVEN AFTER ONE YEAR, (M. 9:5, 7)], SINCE IT IS SAID, “[THE HOUSES OF THE CITIES OF THEIR POSSESSION] MAY THE LEVITES REDEEM AT ANY TIME” (LEV. 25:32).

1. II:1: Tannaite proof from scripture.

2. II:2: As above.

Points of Structure

The outline of the tractate reveals no problems and few mysteries. We are able to account for the inclusion, in its particular location, of every composite of which the Talmud-tractate is comprised, and we also can say very simply that not a single item can sensibly have been located elsewhere than its present position in the tractate. Move a composite to some other position and it loses all intelligibility. That is because most of the composites serve as amplifications, within a limited program of exegesis, of Mishnah-paragraphs. To the compositions that are taken over within composites, the same conclusion pertains in a simple sense. While most of the tractate's compositions may stand wholly on their own, in the setting of the tractate they form an integral part of a cogent and sustained exposition of the Mishnah-tractate's propositions or, at the very least, its themes.

1. DOES BABYLONIAN TALMUD-TRACTATE SOTAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The outline before us shows that the structure of the Talmud-tractate is supplied by the Mishnah-tractate. The Talmud forms a systematic commentary to the Mishnah.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The routine inquiry follows this program: [1] examination of the wording of a Mishnah-sentence or paragraph and systematic exposition of its meaning, sense, and implications; [2] determination of the foundation, if any, in Scripture of a statement in the Mishnah; [3] comparison and contrast of laws given by the Mishnah, and their principles, with other laws given by the Mishnah or with prevailing principles of law. The outline further shows that secondary and tertiary materials are located at the end of primary components of the large-scale structures.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

Nearly all principal entries — marked by capital letters following the topic-sentences deriving from the Mishnah — address issues of the Mishnah. Hence the structure of the present document is defined by the prior document. Any representation of the Talmud of Babylonia in its defining structure as other than a systematic commentary to the Mishnah is false.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

Within the definition just now given, the points of irrationality are these: IV.C; XVII.C, D, E; XXVII.B.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE SOTAH SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

The Talmud-compilers do not address every word of every sentence of every paragraph of the Mishnah. They deal with the larger part, but not the whole, of the received tractate. The real question is, is that judgment formal or substantive? That is, do the compilers deal with all of the principal allegations of the received tractate, even though they do not take up every word or sentence? Or are there large-scale compositions and even composites of the Mishnah-tractate that elicit not a comment from the Talmud-writers? An examination of the underlined, therefore omitted, sentences of the Mishnah-tractate yields a clear and one-sided answer. While the Talmud-compilers may bypass sentences and even paragraphs, they do address every allegation made in the Mishnah concerning the topic treated by the Mishnah. The Babylonian Talmud does serve as a re-presentation of the Mishnah-tractate. Underlined Mishnah-passages include examples of a generalization, some secondary or peripheral rules, qualifications of generalizations, and the like. A rough rule of thumb is that a sentence beginning with the Hebrew equivalent of a “but” or “if” may be ignored, but the sentence to which that qualifying statement is attached will be treated. The encompassing character of the discussion is shown at Unit XXI, where I claim that the complete exposition is covered by the Talmud; that is so even though we do not have a word-for-word commentary. The treatment forms its perspective out of the entirety of the Mishnah-sentences in hand.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE SOTAH AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

The system of the Talmud, as distinct from its structure, emerges in the inclusion of subjects not dealt with by the Mishnah. Here the Talmud speaks for its framers — those who made connections not made in the Mishnah, yielding, therefore and consequently, conclusions not set forth by the Mishnah. We have already identified the important candidates for identification with the Talmud’s system. They are as follows:

IV.C: This entry simply adds a rule within the thematic structure defined by the Mishnah, that is, laws governing those who are to be put to death. It forms no important statement outside of the framework of the Mishnah’s topical program or principles.

XVII.C: The Mishnah’s own topic of tale-bearing, gossip, and other forms of sinning through speech, is expanded here and at the next two items. First comes the power of gossip and slander, with an explanation of why slander is a sin and how Heaven penalizes the sinner. The character of slander as a social, not a personal, infraction is underscored.

XVII.D: There is a difference between slander and legitimate criticism. Rebuke is worthy, slander is despicable. There is a difference between sincere reproof, moreover, and hypocritical restraint.

XVII.E: This item is tacked on. The general theme, how Heaven penalizes sin, accounts for the introduction of XVII.E.1, that is, trivial sufferings that exact a penalty for small-scale sins. II.22-23 then are equally occasional. Without this item, the systematic exposition of XVII.C and D would have yielded precisely the same point. My guess is that something in II.20 explains the addition of II.21, and I suspect that the reference-point of II.22 and 23 is the Mishnah, not the foregoing entries; that is to say, XVII.B has Israel punished by reason of the actions of the spies and leaders in the wilderness, e.g., Miriam and Aaron (through speaking ill of the land and through gossip against Moses, respectively). If that is so, then the final items are meant to draw to a close by a final reference to the theme of the Mishnah this massive composite on the principle, but not the thematic materials, of the Mishnah.

XXVII.B: This is simply a further discussion of the established topic, selling estates.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

The one genuinely important systemic composite introduces a theme on which the Talmud-compilers find much to say: gossip and slander, as well as other forms of anti-social behavior that they deem common among Israelites. Had the Talmud's writers not introduced that topic, the presentation of the Mishnah-tractate in its own terms would have suffered in no way that I can perceive. But by forcing consideration of sins of speech, they have made a striking and interesting comment on the Mishnah-tractate's theme, which is, acts of religious consequence that are carried out through speech. For a statement of pledge of one's own, or another party's, Valuation to the purposes of the Temple and the service of God therein does not demand that we also discuss the very opposite of the use of speech for God's purpose. But once we do consider how an act of speech may destroy, as much as build, the sacred community, our appreciation for the matter of Valuations deepens, and its moral meaning comes to the surface. What our sages of blessed memory in the Talmud add to the Mishnah-tractate, therefore, is the profound statement indeed: through an act of speech, one may sanctify, but through an act of speech one may also destroy, the holy community of Israel. The one — the act of sanctification through an act of speech — devotes to God through the Temple the results of good will. The other — the act of slander through an act of speech — diminishes God's people through the expression of ill will.

What the Talmud's compilers do therefore is make a connection of opposites: sanctification through speech as against sin through speech. In this context we call to mind other connections formed through the juxtaposition of opposites that our sages of blessed memory bring about in Talmud-making. In connection with tractate Moed Qatan, we wondered what the Talmud's principal topical innovation had to do with the Mishnah-tractate's interest: the rules of burial and mourning with the intermediate days of the festival? Precisely what has death to do with the intermediate days of the festival? The principal mode of thought of the Mishnah is that of comparison and contrast. Something is like something else, therefore follows its rule; or unlike, therefore follows the opposite of the rule governing the something else. So as a matter of hypothesis, let us assume that the framers of Talmud-tractate Moed Qatan found self-evidently valid the modes of thought that they learned from the Mishnah and so made connections between things that

were alike, on the one side, or things that were opposite, on the other. How do death and mourning compare to the intermediate days of the festival? The point of opposition — the contrastive part of the equation — then proves blatant. Death is the opposite of the celebration of the festival. The one brings mourning, the other, joy. But death and the festival also form moments of a single continuum, one of uncleanness yielding to its polar opposite, sanctification, sanctification yielding to uncleanness. Death, we must not forget, also serves as a principal source of uncleanness, the festival, the occasion for sanctification beginning with the removal of cultic uncleanness and the entry into a state of cultic cleanness. These opposites also take their place on a single continuum of being.

So in establishing the connection, through treating the categories as equivalent and counterpart to one another, between death and the festival's intermediate days, sages make the connection between the one and the other — death and the festival's intermediate days — so as to yield a conclusion concerning the everyday and the here and now. These are neither permanently sanctified nor definitively unclean. Now we find the same mode of thought — finding the opposite of the topic at hand, drawing conclusions from the comparison and contrast of the connection that is made between opposites. And, we also observe, we may point to a systemic conclusion that coheres. Just as death and the Festival form opposites yet stand on the single continuum of life, so speech that consecrates and speech that demolishes stand on the single plane of social being: the community of Israel is sanctified through holy speech or it is diminished through evil speech (the exact equivalent in English to the Hebrew words translated as gossip or slander, *lashon hara*). Tractate Arakhin sets forth how through an act of speech one carries out a deed of sanctification; the Talmud's important and fresh composites explain how through an act of speech one does a deed that is the opposite of sanctification, which is, a deed that is unclean in that it contaminates the holy community.

Temple and holy Israel: these form the comparable components; an act of speech then is the variable, yielding the sanctification of goods and persons to the Temple, or the act of contamination of persons in the holy community. The framers of the Talmud contribute the making of connections in the Mishnah's manner but for a purpose of their own devising, and they therefore set forth an important element of a large-scale system, one that, it becomes clear, the Talmud is meant — in a remarkably subtle manner to be sure — to set forth. As the Bavli's tractates pass in review, the outlines of the Bavli's compilers' system begin to emerge. The method continues the familiar mode of thought that through comparison and contrast identifies like and unlike, something and its opposite. The message emerges from the connection that is made between opposites, the conclusion that is to be drawn from the making of that connection.