

# IV.

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## BAVLI NEDARIM CHAPTER FOUR

### FOLIOS 32B-45A

#### 4:1A-C

- A. There is no difference between him who forbids himself by vow from enjoying any benefit from his fellow and him who is forbidden by vow from deriving food from him,
- B. except for setting foot in his [the fellow's] house and [using his] utensils in which food is not prepared.
- C. He who is forbidden by vow from deriving food from his fellow – [the fellow] should not lend him a sifter, a sieve, a millstone, or an oven. But he may lend him a shirt, a ring, a cloak, earrings, or anything in which food is not prepared.

**I.1** A. *Who is the Tannaite authority at hand?*

- B. *Said R. Ada bar Ahbah, "It is R. Eliezer, for it has been taught on Tannaite authority: R. Eliezer says, 'One who has taken a vow not to gain benefit from someone else is forbidden to take from him even a makeweight [of some negligible amount].'"*

**II.1** A. **He who is forbidden by vow from deriving food from his fellow – [the fellow] should not lend him a sifter, a sieve, a millstone, or an oven:**

- B. **[33A]** But lo, he has taken an oath in regard to eating alone!
- C. Said R. Simeon b. Laqish, "We deal with a case of him who says, 'A vow against the benefit of your food...' [including utensils used in preparing food]."

- D. *Maybe the meaning then would be that he would not chew wheat to a pulp and apply it to his wound [but have nothing to do with a sifter or sieve]?*
- E. Said Raba, "We deal with a case of him who says, '...benefit from you that leads to the enjoyment of food in any manner whatsoever.'"

- II.2**
- A. Said R. Pappa, "A sack used for carrying produce and an ass used for bringing it and even a mere wicker basket fall into the category of what leads to the enjoyment of food."
  - B. R. Pappa raised this question: "As to a horse on which to ride, or a ring in which to make an appearance, *or as to passing over his land – what is the law?*"
  - C. *Come and take note: But he may lend him a shirt, a ring, a cloak, earrings, or anything in which food is not prepared. Now how are we to understand this statement? If we should say that it is not to make an appearance in them, then is it necessary to make such a statement? So it must follow that he may make an appearance in them, and it is made explicitly clear as the Tannaite statement that he may lend him....*
  - D. *Not at all! He may not make an appearance in them, and the reason that the matter is expressed as it is is because in the opening clause the same usage appears, and hence is reused in the concluding one, namely, [the fellow] should not lend him, thus followed by But he may lend him.*

#### 4:1D

- D. But in a place in which such things as these are rented out [for money or food], it is forbidden to do so.**

- I.1**
- A. *It follows that the opening clause pertains even to such things that are not rented out. Then who is the authority behind this rule?*
  - B. Said R. Ada bar Ahbah, "It is R. Eliezer, for it has been taught on Tannaite authority: R. Eliezer says, 'One who has taken a vow not to gain benefit from someone else is forbidden to take from him even a makeweight [of some negligible amount].'"

#### 4:2

- A. He who is prohibited by vow from deriving benefit from his friend –**
- B. he [the friend] nonetheless (1) pays out his sheqel [half-sheqel tax to the Temple],**
- C. (2) pays back his debt,**

- D. **and (3) returns to him something which he [the one who took the vow] has lost.**
- E. **But in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary.**

- I.1**
- A. *Therefore these gestures are classified as “an act equivalent to merely driving away a lion” and are permitted. So who is the authority behind this unattributed rule?*
  - B. Said R. Hoshayya, “This represents **[33B]** Hanan.”
  - C. *Raba said, “You may even say that it represents the opinion of all parties. In the case of one who is forbidden by a vow from gaining benefit to his neighbor, he gave him the money on the condition that it not have to be repaid.”*

- I.2**
- A. *What is the ruling in which Hanan figures?*
  - B. *It is in accord with what we have learned in the Mishnah: **He who went overseas, and someone went and supported his wife – Hanan says, “He [who did so] has lost his money.” Sons of high priests disputed with him and ruled, “Let him take an oath for however much he has laid out [in support of the wife] and collect [the debt].” Ruled R. Dosa b. Harkinas in accord with their opinion. Said R. Yohanan b. Zakkai, “Well did Hanan rule. He has put his money on the horn of a gazelle” [M. Ket. 13:2].***
  - C. *Now we can well understand why Raba did not conceive the matter in the way in which R. Oshayya did, since he preferred to interpret the rule in accord with the majority, the rabbis. But how come R. Oshayya did not explain matters as did Raba?*
  - D. *It is a precautionary decree on account of a debt that had to be repaid [Freedman: lest it be thought that the latter, too, may be settled].*

- II.1**
- A. **And returns to him something which he [the one who took the vow] has lost:**
  - B. *There was a dispute in this matter between R. Ammi and R. Assi.*
  - C. *One said, “This rule applies only in a case in which the property of the one who restores the property is forbidden to the one who owns the property, so that if he returns it to him, he is returning what is his own [the loser benefits not at all]. But if the property of the loser is forbidden to the one who finds it, it is*

*forbidden to the one who is supposed to return it, because he derives benefit from it thereby, in the theory that he is according benefit to him by the criterion of R. Joseph's penny"* [a reference to the rule that, when a person is doing one religious duty, he is exempt from doing some other; here the finder is carrying out his religious duty and may decline to give a penny to a poor man, thus, Joseph's penny (Freedman)].

- D. And the other said, "Even if the finder may not benefit from the loser's property, *he may return it, because, as to the theory of R. Joseph's penny, it is certainly not very common and need not be taken into consideration.*"

E. **[34A]** *We have learned in the Mishnah: But in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary. Now, from the perspective of him who says, "Even if the finder may not benefit from the loser's property, he may return it, we can make sense of the statement, in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary. But from the perspective of him who says, But if the property of the loser is forbidden to the one who finds it, it is forbidden to the one who is supposed to return it, why should the benefit [of the reward] fall to the sanctuary? [Freedman: Since he may not return it, there is no fee.]*

F. *The Tannaite rule refers to one case only.* [Freedman: where the loser may not benefit from the finder].

G. *There are those who repeat the passage in the following formulation:*

H. **[And returns to him something which he [the one who took the vow] has lost:]** *There was a dispute in this matter between R. Ammi and R. Assi.*

I. One said, "This rule applies only in a case in which the property of the one who restores the property is forbidden to the one who owns the property, *and the theory that he is according benefit to him by the criterion of R. Joseph's penny is hardly commonplace. But as to the case in which the one who lost the property may not benefit from the property of the finder, he may not return it, because the finder then accords a benefit to him.*"

J. And the other said, “Even if the finder may not benefit from the loser’s property, *he may return it, because when he returns the property to him, he is only returning what belongs to him.*”

K. *We have learned in the Mishnah: But in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary. Now, from the perspective of him who says, “Even if the finder may not benefit from the loser’s property, he may return it, we can make sense of the statement, in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary. But from the perspective of him who says, But if the property of the loser is forbidden to the one who finds it, it is forbidden to the one who is supposed to return it, why should the benefit [of the reward] fall to the sanctuary?* [Freedman: Since he may not return it, there is no fee.]

L. *That’s a problem.*

- II.2** A. [34B] Said Raba, “If a loaf of bread that belonged to no one was lying before a person, and he said, ‘This loaf of bread is declared sanctified,’ and he then took it to eat it, he then has committed sacrilege in respect to the whole of the loaf of bread. But if he did so in order to leave it to his children, he has committed sacrilege only to the extent of the gratitude that they feel and from which he benefits.”
- B. R. Hiyya bar Abin asked Raba, “[If someone said,] ‘This loaf of bread of mine is forbidden to you,’ and then he handed it over to him as a gift, what is the law? Since he used the language, ‘This loaf of bread of mine is forbidden to you,’ *the meaning was, ‘only so long as it is in my domain,’ [but now it is no longer his possession], or perhaps, once he used the language, ‘...is forbidden to you,’ it falls into the category of that which has been consecrated?*”
- C. *He said to him, “Well, it’s pretty obvious that even though he handed it over to him as a gift, it is still forbidden. For otherwise, what in the world did his vow actually cover? Surely not a case in which the loaf of bread was stolen from him!”*
- D. *He said to him, “No, it would exclude a case in which he invited him to partake of it.”*

- E. **[35A]** *An objection was raised:* “If one party said to another, ‘Lend me your cow,’ and the other replied, ‘Qonam be this cow, if I have any cow of yours,’ or, ‘my property be qonam to you if I have any other cow but this one, [which I need for my own use],’ or if he said, ‘Lend me your spade,’ and the other said to him, ‘Qonam be the spade that I have, if I have any other,’ or ‘My property be qonam to me, if I have any spade but this one,’ and it turns out that he has another, then, during the lifetime of the one who wished to borrow the object, it is forbidden to the one who declined to lend it, but if the potential borrower died or if the object was actually given to him, then it is permitted.” [Freedman: This contradicts Raba.]
- F. Said R. Aha b. R. Iqa, “It refers to a case if the object that was desired was given to the potential borrower through a third party.” [Freedman: The lender gave the object to C, who gave it to A; since B voluntarily relinquished the object, his vow is no longer valid.]
- G. *Said R. Ashi, “The close reading of the passage supports that view, for the language that is used is, ‘if the object was actually given to him,’ and not, ‘he gave it to him.’”*

**II.3** A. *Raba asked R. Nahman, “Does the consideration of sacrilege pertain to objects that have been declared qonam, or does it not pertain to such objects?”*

B. *He said to him, “You have learned the solution in the Mishnah passage at hand: **But in a place in which for this action a reward is paid out, the benefit [of the reward] should fall to the sanctuary.** That bears the implication that [what is subject to a qonam statement] is comparable to what has been consecrated; just as the law of sacrilege applies to what has been consecrated, so the same law applies to what has been declared qonam.”*

C. *This is in line with the following Tannaite conflict:*

D. “[If one has said,] ‘This loaf of bread is sanctified,’ and then ate it, whether it was he or his fellow, an act of sacrilege has thereby been committed. Therefore the loaf is subject to redemption. If he said, ‘This loaf of bread is sanctified to me,’ lo, he has committed sacrilege by eating it, while if his fellow has done so, he has not committed sacrilege. Therefore it is not subject to redemption [Silverstone: he has not dedicated the loaf to the Temple, but has merely vowed that it shall be

prohibited to him like a Holy Thing, and there can be no redemption to permit what is prohibited],” the words of R. Meir.

E. And sages say, “Neither he nor his fellow has committed sacrilege, since the consideration of sacrilege does not apply to things that have been subjected to qonam vows.”

- II.4** A. *Said R. Aha b. R. Avayya to R. Ashi, “[If someone said,] ‘This loaf of bread of mine is forbidden to you,’ and he gave it to him as a gift, who would be responsible for an act of sacrilege? Shall guilt be assigned to the one who gives the bread? But it is not forbidden to him? Should it involve the one who receives the bread? He can say, ‘I wanted to accept what is permitted, not what is forbidden’!”*
- B. He said to him, “The one who receives the bread is responsible for the act of sacrilege when he actually uses it, for whoever spends money in the status of consecration for what is unconsecrated thinking that it is unconsecrated is liable for the act of sacrilege, and this one falls into precisely that category.”

#### **4:3A-E**

- A. **[35B] (1) And he takes up his heave-offering or his tithes with his permission.**
- B. **(2) And he offers in his behalf bird-offerings for (1) Zab men or (2) Zab women, (3) bird-offerings for women who have just given birth, (4) sin-offerings, and (5) guilt-offerings.**
- C. **(3) And he teaches him exegetical rules, laws, and stories.**
- D. **But he does not teach him Scripture.**
- E. **But he teaches his sons and daughters Scripture.**

- I.1** A. **[And he offers in his behalf bird-offerings for (1) Zab men or (2) Zab women, (3) bird-offerings for women who have just given birth, (4) sin-offerings, and (5) guilt-offerings:]** *The question was raised: Are the priests serving as the agents in behalf of us [who present the offering], or are they the agents of Heaven [which receives the offering]?*
- B. *Yeah, so what difference does it make?*
- C. *It would concern someone who is forbidden by a vow from deriving benefit from a priest. If you say that the priest serves as our agent, then the priest is according a benefit by offering the sacrifices and so*

*would be forbidden to do so. But if you say that they are the agents of Heaven, then it would be permitted. So what's the answer?*

- D. *Come and take note: **And he offers in his behalf bird-offerings for (1) Zab men or (2) Zab women, (3) bird-offerings for women who have just given birth, (4) sin-offerings, and (5) guilt-offerings.** Now, if you maintain that the priest serves as our agent, then the priest is according a benefit by offering the sacrifices!*
- E. *But according to your reading, the Tannaite framer of the passage could as well say simply, he may offer in his behalf sacrifices [in general – why just those specified]! Rather, the case of those who lack the completion of atonement rites, such as the specified parties, is exceptional, for said R. Yohanan, “All acts of sacrifice require the knowledge and consent of the owner of the beast, except those performed in completion of atonement rites for those who have yet to carry out those rites, for in general someone may present an offering in behalf of his minor sons or daughters, as it is said, ‘This is the law for him who has a flux’ (Lev. 15:32), referring to both a minor and an adult.” [These offerings do not require the owner’s knowledge and consent, so the priests do not act as their agents.]*
- F. *Well, then, from R. Yohanan’s perspective, the usage, “This is the law for she who has given birth” (Lev. 12: 7) should mean that that applies to both a minor and an adult, but is a minor going to give birth?*
- G. *Rather, R. Bibi recited a Tannaite statement before R. Nahman as follows: **Three classes of women have intercourse with a contraceptive device: a girl under age, a pregnant woman, and a nursing mother. A girl under age – lest she become pregnant and die [T. Nid. 2:6A-E].***
- H. *The verse, “This is the law for she who has given birth” (Lev. 12: 7) means, all the same whether the woman is sane or insane, since one must offer a sacrifice for his wife; if she is insane, then it is in accord with what R. Judah said, *for it has been stated on Tannaite authority: R. Judah said, “A man brings in behalf of his wife all the offerings that she owes, even if she ate prohibited fat, or even if she desecrated the Sabbath, for thus does he write for her in her marriage contract: ‘And obligations that you owe will be mine from before up to now’”* [T. Ket. 4:11A-D].*
- I. *[36A] Objected R. Simi bar Abba, “If the one who took the oath was a priest, he may sprinkle for him the blood of his sin-offering and the blood of his guilt-*



offering, [which are presented by anyone, not only those who lack the completion of their atonement-offerings].”

- J. This refers to the blood of the sin-offering of one afflicted with the skin ailment and the blood of the guilt-offering of one afflicted with the skin ailment, as it is written, “This shall be the law of the one afflicted with the skin-offering” (Lev. 14: 2) – both adult and minor.
- K. *We have learned in the Mishnah: And priests who deliberately imparted the status of refuse to a sacrifice in the sanctuary are liable [M. Git. 5:4J-K].* Lo, if they did so inadvertently, they are not liable. *And in this connection it was formulated as a Tannaite statement, ‘What their improper intentionality has classified as refuse indeed is refuse.’ Now if you maintain the position that they serve as the agents of Heaven, that is why it is the fact that what their improper intentionality has classified as refuse indeed is refuse. But if you hold that they serve as our agents, why is it the fact that what their improper intentionality has classified as refuse indeed is refuse? Why cannot the person who owns the offering say to him, “So I appointed you as an agent to serve my advantage, but not to cause me damage”!*
- L. *That case is exceptional, so far as rendering an offering refuse is concerned, since Scripture says, “Neither shall it be imputed to him” (Lev. 7:18), meaning, it is refuse no matter what!*

**I.2** A. *Reverting to the body of the foregoing:* Said R. Yohanan, “All acts of sacrifice require the knowledge and consent of the owner of the beast, except those performed in completion of atonement rites for those who have yet to carry out those rites, for in general someone may present an offering in behalf of his minor sons or daughters, as it is said, ‘This is the law for him who has a flux’ (Lev. 15:32), referring to both a minor and an adult.” [These offerings do not require the owner’s knowledge and consent, so the priests do not act as their agents.]

B. *So what about the following: By the same reasoning,* a person should be able to present a sin-offering in behalf of his fellow [not informed of the action] for eating forbidden fat, since, in accord with the position of R. Judah, one may present a sin-offering for his wife who is insane! How come did R. Eleazar say, “If for one’s neighbor one has separated a beast to serve as a sin-offering for inadvertently eating forbidden fat, he has done nothing at all [the beast is unaffected by the statement of intentionality of consecration]”?

C. *What sort of case is involved with the insane wife? If she ate the forbidden fat when insane, she is not subject to having to present an offering at all! And if she ate it when she had her sound senses and then she went crazy, lo,* said R. Jeremiah said R. Abbahu said R. Yohanan, “If one [inadvertently] ate forbidden fat and in penance set aside an animal for an offering, but then lost his sanity, and then regained his sanity, once the sacrifice that has been put off, it has been put off [it is invalidated, since the man, when not in command of his senses, cannot bring the offering], and remains so [and cannot now be used for the original, inadvertent sin].” [Freedman: Thus we see that even if a sane person sinned, he is not liable to a sacrifice if he becomes insane; therefore one cannot present a sin-offering for his insane wife for actual transgression, and the proposed analogy is null.]

D. Well, then, [with reference to Yohanan’s statement, “All acts of sacrifice require the knowledge and consent of the owner of the beast, except those performed in completion of atonement rites for those who have yet to carry out those rites, for in general someone may present an offering in behalf of his minor sons or daughters, as it is said, ‘This is the law for him who has a flux’ (Lev. 15:32), referring to both a minor and an adult,”] someone should be able to present a Passover-offering in behalf of a third party, since one may present such an offering in behalf of his minor sons and daughters. So how come said R. Eleazar, “If one designated a beast as a Passover-offering for a third party, he has done nothing whatsoever”?

E. Said R. Zira, “‘And they shall take to them every man a lamb according to the house of their fathers, a lamb for a house’ (Exo. 12: 3) – this is not required by the Torah for minors [and that is why the father can act in their behalf, since they do not need to be registered on the beast and express their consent for their being registered].” [Freedman: Hence one cannot adduce the case in evidence for the situation of an adult, who does need to be registered on the beast and express consent.] *And how do we know that fact? It is in line with what we have learned in the Mishnah: He who says to his children, “Lo, I shall slaughter the Passover-offering in behalf of the one of you who will get up to Jerusalem first” – once the first [child] poked his head and the greater part of his body into the city, he has effected acquisition of his share and has furthermore effected*

**acquisition in behalf of his brothers along with himself [M. Pes. 8:3A-B].** *Now, if you take the position that ‘And they shall take to them every man a lamb according to the house of their fathers, a lamb for a house’ (Exo. 12: 3) – this is required by the Torah for minors, then, as he is standing over the meat, can he transfer a share to his siblings?’*

F. *Then why did their father make such a statement to them?*

G. *To urge them on to carry out their religious duties.*

H. *So, too, it has been taught on Tannaite authority: There was a case in which the daughters got there before the sons, and the daughters ended up showing themselves zealous and the sons lazy.*

## **II.1 A. And he takes up his heave-offering or his tithes with his permission:**

- B. **[36B]** *The question was raised: He who designates as priestly rations a portion of his crop in behalf of his neighbor’s crop – does the action require the knowledge and consent of the other or is that not the case? Do we invoke the argument that since this represents an advantage to the other, the action does not require knowledge and consent? Or perhaps the religious duty belongs to the other, and he wants to do it himself?*
- C. *Come and take note: And he takes up his heave-offering or his tithes with his permission. Now with what sort of a case do we deal? If I should say that that he designates his own grain? Then whose consent is required? If his own, then he made him agent for the other? But if it is the owner’s knowledge and consent, then doesn’t he accord a benefit to him by acting as his agent [and this is contrary to his vow]! So, it must mean, he does so with his own knowledge and consent but not with the knowledge of the owner. And if you say he requires his knowledge and consent, doesn’t he accord a benefit to him [Freedman: for by consenting, he shows that he regards it as a benefit]?*
- D. *What it means is, the owner’s grain is used as priestly rations for the owner’s produce, in line with what Raba said, “It is a case in which he says, ‘Whoever wants to designate priestly rations [in my behalf] – let him come and do so.’” Here, too, we deal with a case in which he says, “Whoever wants to designate priestly rations [in my behalf] – let him come and do so.”*

## **II.2 A. R. Jeremiah raised this question of R. Zira, “He who designates as priestly rations a portion of his crop in behalf of his neighbor’s crop – to whom does the value of the good will for such a gesture belong? [Freedman: If another paid him something to give the priestly rations to a particular priest who was a**

friend of his, to whom does that thing belong?] *Do we invoke the argument, if it were not for the produce of this man, the stack of the other should not have been rendered fit for use through the valid separation of priestly rations in its behalf? Or perhaps if it were not for the produce of this party, the other party's produce would not be designated as priestly rations at all?*"

- B. He said to him, "Said Scripture, '...all the increase of your seed...and you shall give' (Deu. 14:25)." [Freedman: The good will belongs to the owner of the grain, no matter who actually separates the priestly rations.]
- C. *An objection was raised: **And he takes up his heave-offering or his tithes with his permission.** Now, if you maintain that the value of the goodwill for such a gesture belongs to the owner of the produce, then surely the one who has taken the vow gives a benefit to him [and that violates his vow]! So surely it follows that the value of the good will for such a gesture belongs to him [that is, the one who takes the oath gives his own grain as priestly rations and enjoys the good will].*
- D. *Say: Not at all. The sense is, the priestly rations derive from the owner; the language **with his permission refers** to the owner, who has said, "Whoever wants to designate priestly rations [in my behalf] – let him come and do so."*
- E. *Come and take note of what R. Abbahu said R. Yohanan said, "He who consecrates a beast is the one who adds a fifth when redeeming it, effects atonement throughout, effects an act of substitution with it; he who separates heave-offering from his own produce in behalf of someone else's product enjoys the right of good will accruing to the act of separating the heave-offering [giving it to any priest he wants, and if someone offers money for the heave-offering to be handed over to a particular priest, that one keeps the money (Freedman, *Zebahim* to 6A)]."*

### **III.1 A. And he teaches him exegetical rules, laws, and stories, but he does not teach him Scripture.**

- B. *How come not Scripture? If it is because he thereby accords a benefit to him, well, then, teaching him exegetical rules and the like likewise accords a benefit to him!*
- C. Said Samuel, "This speaks of a locale in which teachers are paid tuition for teaching Scripture but are not paid tuition for teaching rules of exegesis."
- D. *Yeah, well, what makes the framer of the passage so sure!?*

- E. **[37A]** *The author of the passage informs us that, even in a place in which people are paid a fee for teaching Scripture, it is permitted for him to accept a fee for teaching Scripture but not for teaching rules of exegesis.*
- F. *And what makes the matter of teaching rules of exegesis exceptional, that one may not accept a fee? Since it is written, “And the Lord commanded me at that time to teach you” (Deu. 4:14), and further, “Behold I have taught you statutes and judgments, even as the Lord my God commanded me” (Deu. 4: 5) – just as I taught you at no fee, so you must teach at no fee.*
- G. *And why shouldn’t the teaching of Scripture also go unpaid?*
- H. Rab said, “The fee is for baby-sitting [for the children, not for teaching them].”
- I. And R. Yohanan said, “The fee is for teaching the correct intonation of the words [the melody, not the words themselves].”

- III.2** A. *We have learned in the Mishnah: **And he teaches him exegetical rules, laws, and stories, but he does not teach him Scripture.** Now that poses no problems to the one who has said, “The fee is for teaching the correct intonation of the words [the melody, not the words themselves],” for that explains why he should **not teach him Scripture.** But from the perspective of him who has said, “The fee is for baby-sitting [for the children, not for teaching them],” is an adult going to require a baby-sitter [that such a consideration enters in at all]?*
- B. *The rule is formulated with reference to a minor.*
  - C. *So if the rule is formulated with reference to a minor, then look at what follows: **But he teaches his sons and daughters Scripture.** So is a minor going to have sons and daughters?*
  - D. *The formulation of the passage is flawed, and this is the correct Tannaite formulation: **But he does not teach him Scripture,** in the case of a minor. In the case of an adult, he does teach him, as well as his children, Scripture.*
  - E. *An objection was raised: As to children, they do not commence the recitation of a Scripture passage on the Sabbath, but they may make their first review on the Sabbath. Now that poses no problems to the one who has said, “The fee is for teaching the correct intonation of the words [the melody, not the words themselves],” for that explains why they do not commence the recitation of a Scripture passage on the Sabbath. But from the perspective of him who has said, “The fee is for baby-sitting [for the children, not for teaching them],” why should they not commence the recitation of a Scripture passage on the Sabbath? And why, further, may they make their first review on the Sabbath?*

*Lo, in any event, with reference to the Sabbath, there is the fee paid for baby-sitting!*

- F. *Well, from your perspective, is the fee for teaching the correct intonation of the words forbidden? Isn't it covered in the weekly or monthly fee, and that would be permitted! For it has been taught on Tannaite authority: He [a Temple treasurer] who hires a worker to watch his cow or to watch his child or to guard his crop should not give him his wage for the Sabbath labor at all. Therefore [37B] the guard is not responsible to him to make restitution for whatever may take place on the Sabbath, should harm befall on that day. If he was hired by the week, by the month, or by the year, or by the septennate, he pays him his salary for the Sabbath as well. Therefore the guard is responsible to him to make restitution for whatever may take place on the Sabbath. He should not say to him, 'Pay me my salary for the Sabbath,' but he says to him, 'Pay me for ten days' [T. Shab. 17:26-28]? Rather, with respect to the Sabbath, this is the operative consideration for the rule that they do not commence the recitation of a Scripture passage on the Sabbath: It is so that the parents of the children may be free to observe the Sabbath. And if you prefer, I shall say, it is because on the Sabbath people eat and drink more than ordinarily and feel lazy [so they won't do a good job with a new passage], in line with what Samuel said, "Changing one's habitual diet triggers stomachaches."*
- G. *And as to him who takes the view, "The fee is for teaching the correct intonation of the words [the melody, not the words themselves]" – why does he reject the position, "The fee is for baby-sitting [for the children, not for teaching them]"?*
- H. *He takes the view that the daughters don't require a baby-sitter.*
- I. *And as to him who takes the view, "The fee is for baby-sitting [for the children, not for teaching them]" – why does he reject the position, "The fee is for teaching the correct intonation of the words [the melody, not the words themselves]"?*
- J. *He takes the position that the rules governing correct intonation derive from the Torah [and is covered by what Moses said about not taking a fee]. That is in line with what R. Iqa bar Abin said R. Hananel said Rab said, "What is the meaning of the verse, 'And they read in the book in the law of God, distinctly, and they gave the sense, so that they understood the reading' (Neh. 8: 8)? 'And they read in the book in the law of God...' – this refers to Scripture;*

‘...distinctly’ – this refers to the translation into Aramaic; ‘...and they gave the sense’ – this refers to the division of sentences; ‘...so that they understood the reading’ – this refers to the rules governing correct intonation.” Others say, “To the correct vowels.”

### **Topical Appendix on the Correct Way of Writing and Reading Scripture**

- III.3** A. Said R. Isaac, “The correct text of Scripture deriving from the scribes, the embellishments of the letters deriving from the scribes, the words that are read in the text not as they are spelled out, the words that are spelled out but not read – all represent law revealed by God to Moses at Sinai.”
- B. “The correct text of Scripture deriving from the scribes”: These are the words in Hebrew for land, heaven, Egypt [where the tone vowels are lengthened, but nothing in the lettering indicates this change (Freedman)];
- C. “...The embellishments of the letters deriving from the scribes”: “And comfort you your hearts; after all that you shall pass on” (Gen. 18: 5), “let the damsel abide with us a few days, [at least ten] after that she shall go”; “avenge the children of Israel of the Midianites,” then, “shall you be gathered unto your people” (Num. 31: 2); “the singers went before, the players on instruments followed after” (Psa. 68:26); “your righteousness is like the great mountains” (Psa. 36: 7). These are the embellishments of the letters deriving from the scribes. [Freedman: In all these examples, “after” is superfluous, the verses would have made the same sense without it; the language is used to give the text a smoother flow.]
- D. “...The words that are read in the text not as they are spelled out”: “Euphrates” in “as he went to recover his border at the river [Euphrates]” (2Sa. 8: 3); “man” in “And the counsel of Ahitophel...was as if a man had inquired of the oracle of God” (2Sa. 16:23); “come” in the verse, “Behold the days [come] says the Lord that the city shall be built” (Jer. 31:38); “for it” in the verse, “let there be no escape for it unto me” (Jer. 50:29); “unto me” in the verse, “all that you say unto me I will do”; “unto the floor” in the verse, “and she went down unto the floor” (Rut. 3: 6); “to me” in the verse, “and she said, these six measures of barley he gave to me, for he said to me” (Rut. 3:17) – all these represent the words that are read in the text not as they are spelled out.
- E. “...The words that are spelled out but not read”: The word “pray” in “Strike this people, I pray thee, with blindness” (2Ki. 5:18); **[38A]** “these” in “Now these are the commandments” (Deu. 6: 1); “let him bend” in “against him that

bends, let him bend the bow” (Jer. 51: 3); “five” in “and on the south side four thousand and five hundred” (Eze. 48:16); “if” in “it is time that if I am your near kinsman” (Rut. 3:12). These are the words that are spelled out but not read.

**III.4 A.** *Said R. Aha bar Ada, “In the West they divide up this verse into three: ‘And the Lord said to Moses, Lo, I come to you in a thick cloud...’ (Exo. 19: 9).”*

**III.5 A.** *Said R. Hama bar Hanina, “Moses got rich only out of the chips of the tablets: ‘hew for yourself two tablets of stone like the first’ (Exo. 34: 1) – the chips will belong to you.”*

**III.6 A.** *Said R. Yosé bar Hanina, “The Torah was given only to Moses and his descendants: ‘Write for yourself these words’ (Exo. 34:27), and ‘hew for yourself’ (Exo. 34: 1). Just as the chips belong to you, so the writing belongs to you. Moses then acted in a generous spirit and gave it to Israel, and in his regard Scripture says, ‘A generous person shall be blessed’ (Pro. 22: 9).”*

B. *Objected R. Hisda, “‘And me the Lord commanded at that time to teach you statutes and judgments’ (Deu. 4:14).”*

C. *[By way of reply:] “Me he commanded, and I you.”*

D. *“Behold I have taught you statutes and judgments, even as the Lord my God commanded me” (Deu. 4:15)!*

E. *[By way of reply:] “Me he commanded, and I you.”*

F. *“Now therefore write this song for you” (Deu. 31:19) [meaning, for the Israelites, not just Moses]!*

G. *“That speaks only of the song.”*

H. *“That this song be a witness for me against the children of Israel” (Deu. 31:19) [Freedman: if the reference is to the song alone, how can that testify against Israel]?*

I. *Only the correct mode of analysis of Scripture was given to Moses alone.*

**III.7 A.** *Said R. Yohanan, “The Holy One, blessed be He, brings his Presence to rest only on a person who is strong, wealthy, wise, and humble, and all of these derive from the example of Moses.*

B. *“Strong: ‘And he spread abroad the tent over the tabernacle’ (Exo. 40:19); and a master has said, ‘Moses, our Lord, spread it,’ and it is written, ‘Ten cubits shall be the length of the board’ (Exo. 26:16).”*

C. *But maybe it was long and thin?*



D. *Proof of his strength derives from this verse: “And I took the two tablets and cast them out of my two hands and broke them” (Deu. 9:17), and it was taught on Tannaite authority: And the tablets were six in length and six in breadth and three thick, lying along the length of the ark.*

E. “Wealthy: ‘hew for yourself two tablets of stone like the first’ (Exo. 34: 1) – the chips will belong to you.

F. “Wise:

G. *Both Rab and Samuel say, “Fifty gates of understanding were created in the world, and all but one of them were given to Moses: ‘For you have made Moses a little lower than God’ (Psa. 8: 6).”*

H. “And humble: ‘Now the man Moses was very meek’ (Num. 12: 3).”

**III.8** A. Said R. Yohanan, “All of the prophets were wealthy.

B. “How do we know it? From the cases of Moses, Samuel, Amos, and Jonah.

C. “Moses: ‘I have not taken one ass from them’ (Num. 16:15) – *now if he meant, without paying a fee for its use, then is all that he claimed merely that he wasn’t one of those who take without paying a fee? So what he must have meant was, even paying a fee [he had no need to hire animals because he had enough of his own]!*”

D. *But maybe he was too poor to pay a fee for renting an animal?*

E. *Rather, proof derives from “‘hew for yourself two tablets of stone like the first’ (Exo. 34: 1) – the chips will belong to you.*

F. “Samuel: ‘Behold, here I am: bear witness against me before the Lord and before his anointed: whose ox have I taken, or whose ass have I taken’ (1Sa. 12: 3) – *now if he meant, without paying a fee for its use, then is all that he claimed merely that he wasn’t one of those who take without paying a fee? So what he must have meant was, even paying a fee [he had no need to hire animals because he had enough of his own]!*”

G. *But maybe he was too poor to pay a fee for renting an animal?*

H. *Rather, proof derives from “And his return was to Ramah, for there was his house” (1Sa. 7:17), on which said Raba, “Wherever he went, his entire retinue went with him.”*

I. Said Raba, “What is said of Samuel is greater than what is said of Moses. In the case of Moses: ‘I have not taken one ass from them’ –

even for a fee; in the case of Samuel, he did not do so even with their knowledge and consent, ‘And they said, you have not defrauded us nor taken advantage of our willingness’ (1Sa. 12: 4).”

J. “Amos: ‘Then answered Amos and said to Amaziah, I was no prophet nor was I a disciple of a prophet, but I was a herdsman and harvester of sycamore fruit’ (Amo. 7:14).” *This was translated by R. Joseph, “Behold, I am the owner of flocks and of sycamore trees in the valley.”*

K. “Jonah: ‘And he found a ship going to Tarshish, so he paid the fare thereof and went down into it’ (Jon. 1: 3).” And in this connection noted R. Yohanan, “He paid for the rent of the whole ship.”

L. R. Romanus said, “The fee to rent the whole ship was four thousand gold denarii.”

- III.9** A. And said R. Yohanan, “To begin with, Moses studied the Torah but forgot it, until it was handed over to him as a gift: ‘And he gave unto Moses, when he had made an ending of communing with him...two tablets of testimony’ (Exo. 31:18).”

#### 4:3F-L

- F. (4) And he takes care of his wife and children, even though he [who is subject to the vow] is liable for their care.
- G. (5) But he should not take care of his domesticated animal, whether unclean or clean.
- H. R. Eliezer says, “He takes care of the unclean one, and he does not take care of the clean one.”
- I. They said to him, “What is the difference between the unclean one and the clean one?”
- J. He said to them, “As to the clean one: its soul belongs to Heaven, and its body belongs to him. [38B] But as to the unclean one, its soul and its body belong to Heaven [it is prohibited to him].”
- K. They said to him, “Also the unclean one: its soul belongs to Heaven, but its body belongs to him.
- L. “For if he wants, lo, he can sell it to gentiles or feed it to dogs.”

- I.1** A. [And he takes care of his wife and children:] Said R. Isaac bar Hananiah said R. Huna, “He who is forbidden by a vow from receiving a benefit from a third party nonetheless may marry off his daughter to him.”

- B. *Reflecting on this ruling R. Zira [said], “Here with what situation do we deal? Should we say that it is one in which the property of the father of the bride is forbidden to the husband? But isn’t he giving him a slave girl to serve him? So it must be a case in which the property of the husband is forbidden to the father of the bride? But something even more stunning have sages said, namely, **And he takes care of his wife and children, even though he [who is subject to the vow] is liable for their care!** And yet you say, ‘He who is forbidden by a vow from receiving a benefit from a third party nonetheless may marry off his daughter to him’!”*
- C. *In point of fact, it is a case in which the property of the father of the bride is forbidden to the husband. But the rule speaks of his marrying off of his pubescent daughter, with her full knowledge and consent.*
- D. *So, too, it has been taught on Tannaite authority: He who is forbidden by a vow from according benefit to his fellow is forbidden to marry off his minor daughter to him, but he may marry off to him his pubescent daughter, with her full knowledge and consent.*

**I.2** A. Said R. Jacob, “He who imposes a vow on his son not to serve him, so that the son may study – the son is still permitted to fill a jug of water for him and to light a lamp for him.”

B. R. Isaac said, “He is permitted to broil a small fish for him.”

**I.3** A. Said R. Jeremiah said R. Yohanan, “He who is forbidden by a vow not to derive benefit from his neighbor – the other may offer him a cup of peace.”

B. *So what’s that?*

C. *Here they explained it as the cup that is drunk in the house of mourning. There [in the Land of Israel] they explained it as the cup that is drunk in the bathhouse.*

**II.1** A. **But he should not take care of his domesticated animal, whether unclean or clean:**

B. *It has been taught on Tannaite authority: Joshua of Uzza says, “He may provide food for his Canaanite slave boys and slave girls but not his beasts, whether clean or unclean.”*

C. *How come?*

D. *His Canaanite slave boys and slave girls are for service [and the master doesn’t get anything out of extra food given to them], but the*

*beasts are for fattening [and the master does profit from extra food given to them].*

#### 4:4A-C

- A. **He who is prohibited by vow from enjoying benefit from him – he [the fellow] goes in to visit him when he is sick,**
- B. **remaining standing but not sitting down.**
- C. **And he heals him himself but not what belongs to him.**

#### I.1

- A. **[39A] [Remaining standing but not sitting down:]** *With what situation do we deal? If it is a case in which the property of the visitor is forbidden to the one who is sick, then he may even sit down. And if it is a case in which the property of the sick man is forbidden to the visitor, then he may not even stand up!*
- B. Said Samuel, “In point of fact, it is a case in which the property of the visitor is forbidden to the sick man, and it is a place in which people collect a fee for sitting down with a sick person, but not for standing by him.”
  - C. *Yeah, so how do you know for sure?*
  - D. *This is how the Tannaite framer states matters: Even in a case in which one is paid a fee for visiting, he may be paid only for sitting but not for standing. But if you prefer, I shall explain in accord with R. Simeon b. Eliaqim: “It is a precautionary decree, lest he tarry even while standing.” Here, too, it is a precautionary decree lest he stay for a long time while sitting.*
  - E. Ulla said, “In point of fact, it is a case in which the property of the sick man is forbidden to the visitor. *But it is a case in which he did not take a vow if the vow would affect his health.*”
  - F. *Yeah, well, then, why can’t he sit too?*
  - G. *In this case, he can accomplish his goal through standing.*
  - H. *An objection was raised: He [the fellow] goes in to visit him when he is sick. If his son got sick, in the marketplace he may inquire as to his health. Now, from the perspective of Ulla, who has said, “In point of fact, it is a case in which the property of the sick man is forbidden to the visitor,” then this is readily explained as a case in which he did not take a vow if the vow would affect his health. But from the perspective of Samuel, who explained the rule to refer to a*

*case in which the property of the visitor is forbidden to the sick man, then what's the difference between the man himself and his son?*

I. *He will say to you, "Our Mishnah passage refers to a case in which the property of the visitor is forbidden for use by the sick person. The external rule refers to a case in which the property of the sick person is forbidden for the use of the visitor."*

J. *Yeah, so how do you know for sure?*

K. *Said Raba, "For Samuel [39B] our Mishnah passage presents this problem: How come they formulate the rule as **remaining standing but not sitting down**? So the rule, to make that distinction sensible, must refer to a case in which the sick person is forbidden to receive a benefit from the visitor."*

**I.2** A. Said R. Simeon b. Laqish, "Whence in Scripture do we find an allusion to the duty of visiting the sick? 'If these men die the common death of all men, or if they be visited after the visitation of all men' (Num. 16:29)."

B. *So what's the pertinent implication?*

C. Said Raba, "If these men die like all men, who fall sick and have people come to visit them, what will people say? 'The Lord has not sent me' for this task." [So they must die in some other than the proper way.]

**I.3** A. Raba interpreted a verse of Scripture, "What is the meaning of what is written, 'But if the Lord make a new thing and the earth open her mouth' (Num. 16:30)?"

B. "Said Moses before the Holy One, blessed be He, 'If Gehenna has been created, well and good, and if not, let the Lord now create it.'"

C. *Is this so? But has it not been taught on Tannaite authority: Seven things were created before the world was made, and these are they: Torah, repentance, the Garden of Eden, Gehenna, the throne of glory, the house of the sanctuary, and the name of the Messiah.*

D. Torah: "The Lord possessed me in the beginning of his way, before his works of old" (Pro. 8:22).

E. Repentance: "Before the mountains were brought forth, or ever you had formed the earth and the world...you turn man to destruction and say, Repent, you sons of men" (Psa. 90:23).

F. The Garden of Eden: “And the Lord God planted a garden in Eden from aforetime” (Gen. 2: 8).

G. Gehenna: “For Tophet is ordained of old” (Isa. 30:33).

H. The throne of glory: “Your throne is established from of old” (Psa. 93: 2).

I. The house of the sanctuary: A glorious high throne from the beginning is the place of our sanctuary” (Jer. 17:12).

J. And the name of the Messiah: “His name shall endure for ever and has existed before the sun” (Psa. 72:17).

K. *Rather, this is what he said: “If a mouth has already been created for Gehenna, well and good, but if not, then let the Lord make one.”*

L. *But isn’t it written, ‘There shall be no new thing under the sun’ (Qoh. 1: 9)?*

M. *Rather, this is what he said: “If the mouth of Gehenna is not near here, then bring it near.”*

- I.4** A. *Raba – and some say, R. Isaac – expounded, “What is the meaning of the verse, ‘The sun and the moon stood still in their zebul, at the light of your arrows they went’ (Hab. 3: 1)? [Freedman, p. 757, n. 1: There are seven heavens, of which zebul is one.] What were they doing in zebul, seeing that they are set in the firmament, a lower heaven?*
- B. “This teaches that the sun and the moon went up to the firmament called *Zebul*. They said before the Holy One, blessed be He, ‘Lord of the world, if you do justice with the son of Amram, we shall go forth, and if not, we shall not go forth.’
- C. “At that moment he shot arrows at them and said to them, ‘people bow down to you and yet you give light. On account of the honor owing to me you never objected, but on account of the honor owing to a mortal man, you make a protest!’ So spears and arrows are shot at them every day before they agree to shine: ‘And at the light of your arrows they go forth’ (Hab. 3:11).”

### **Reversion to the Topic of Visiting the Sick**

- I.5** A. *It has been taught on Tannaite authority:* As to visiting the sick, there is no fixed limit.
- B. *What is the meaning of there is no fixed limit?*
- C. *R. Joseph considered saying, “There is no fixed limit, in that the reward for doing it is unlimited.”*

D. Said to him Abbayye, “So is there a fixed limit to the reward that is given for doing any of the religious duties? *And lo, we have learned in the Mishnah: Be meticulous in a small religious duty as in a large one, for you do not know what sort of reward is coming for any of the various religious duties [M. Abot 2:1].*”

E. Rather said Abbayye, “Even an eminent authority must come to a minor one.”

F. Raba said, “Even a hundred times a day.”

- I.6** A. Said R. Aha bar Hanina, “Whoever visits the sick takes away a sixtieth of his illness.”
- B. *They said to him, “If so, then let sixty people visit him and bring him back to health.”*
- C. *He said to him, “The sixtieth is as the tenth of which they speak in the household of Rabbi, and that depends on the visitor’s being subject to the same astrological sign anyhow.”*

D. *For it has been taught on Tannaite authority:* Rabbi says, “The daughter is supported from the property of the brothers; she takes a tenth of the estate.”

E. They said to Rabbi, “In line with what you say, one who has ten daughters and a son – the son has no portion whatever in the face of the daughters’ claim on the estate!”

F. He said to them, “This is how I rule: The first takes a tenth of the estate, the second, a tenth of what’s left, the third, a tenth of what’s left, and then they go back and divided equally what all had received.”

- I.7** A. *R. Helbo fell sick. R. Kahana went and announced, [40A] “R. Helbo is sick.” Nobody came to see him.*
- B. *He said to them, “Wasn’t there the incident involving a disciple among the disciples of R. Aqiba who fell ill, and sages didn’t come to visit him. R. Aqiba came to visit him. Because they swept and cleaned the house before him, the other got better.”*
- C. “He said to him, ‘My lord, you have brought me back to life.’”
- D. “R. Aqiba went out and expounded, ‘Whoever doesn’t visit the sick is as though he shed blood.’”

- I.8** A. *When R. Dimi came, he said, “Anyone who visits the sick makes him live, and anyone who does not visit the sick makes him die.”*

- B. So what makes this happen? Should I say, Anyone who visits the sick seeks mercy for him that he may live, and anyone who does not visit the sick seeks mercy for him that he may die, *well, then, could it enter your mind that he would want him to die? Rather*, anyone who does not visit the sick does not seek mercy for him, neither so that he will live nor that he will die.

- I.9** A. *When Raba got sick, on the first day he would tell them not to tell anyone. From that point he would tell his servant, “Go out and tell people in the market, ‘Raba is sick. Whoever loves him should pray for mercy for him. And whoever hates him should rejoice over him.’”*
- B. *“For it is written, ‘Rejoice not when your enemy falls, and let not your heart be glad when he stumbles, lest the Lord see it and it displease him, and he turn away his wrath from him’ (Pro. 24:17), and he who loves me will pray for me.”*

- I.10** A. Said Rab, “He who visits the sick is saved from judgment to Gehenna: ‘Blessed is he who considers the poor, the Lord will deliver him in the day of evil’ (Psa. 41: 2). ‘The poor’ refers to the ill: ‘He will cut me off from pining sickness’ (Isa. 38:12), or ‘Why are you so poorly, you son of the king’ (2Sa. 13: 4). ‘Evil’ refers only to Gehenna: ‘The Lord has made all things for himself, yes, even the wicked for the day of evil’ (Pro. 16: 4).”

B. So if he does visit the sick, what is his reward?

C. *What is his reward? It is just what you said:* He is saved from judgment to Gehenna!

D. Rather, what is his reward in this world?

E. “The Lord will preserve him and keep him alive and he shall be blessed upon the earth and you will not deliver him to the will of his enemies” (Psa. 41: 3):

F. “The Lord will preserve him”: From the impulse to do evil.

G. “And keep him alive”: From suffering.

H. “And he shall be blessed upon the earth”: All will take pride in him.

I. “And you will not deliver him to the will of his enemies”: He will have friends like Naaman’s, who cured his skin ailment, and not like Rehoboam’s, who divided his kingdom.

**I.11** A. *It has been taught on Tannaite authority:*

B. **R. Simeon. b. Eleazar says, “If children tell you, ‘build,’ and old folk tell you, ‘destroy,’ obey the aged and don’t**



obey the children, for the building of children is destruction, but the destruction of the aged is building, and proof of that is Rehoboam son of Solomon" [T. A.Z. 1:19].

**I.12** A. *Said R. Shisa b. R. Idi, "Someone should not visit the sick either during the first three hours of the day or during the last three hours of the day, so as not to forget to pray for him.*

B. *"During the first three hours of the day, the illness lets up, during the last three hours of the day it heats up."*

**I.13** A. Said Rabin said Rab, "How on the basis of Scripture do we know that the Holy One, blessed be He, nourishes the sick? 'The Lord will strengthen him upon the bed of languishing' (Psa. 41: 4)."

B. Further said Rabin said Rab, "How on the basis of Scripture do we know that the Presence of God hovers above the bed of the sick? 'The Lord sets himself upon the bed of languishing' (Psa. 41: 4)."

C. *So, too, it has been taught on Tannaite authority:*

D. He who goes in to visit the sick should not sit on the bed or on the stool or chair but must cloak himself and sit on the ground, for that the Presence of God hovers above the bed of the sick, as it is said, "The Lord sets himself upon the bed of languishing" (Psa. 41: 4)."

**I.14** A. *Also said Rabin said Rab, "The rise of the Euphrates indicates that there was abundant rain in the West."*

B. *He differs from Samuel, for said Samuel, "A river increases in volume from the springs in its bed."*

C. *There is then a contradiction between two statements of Samuel, for said Samuel, "Running water does not effect cultic cleanness, [40B] except in the case of the Euphrates in Tishri."*

D. *Samuel's father made for his daughters immersion pools in Nisan [Slotki: Bekhorot 55a: When the flowing river, swollen by rainwater, could not be used for the purpose, since immersion may not be performed in rainwater that is not collected and stationary], and he made mats for them in the days of Tishri [so as to protect their feet from the river mud].*

**I.15** A. Said R. Ammi said Rab, “What is the meaning of the verse of Scripture, ‘Therefore you son of man, prepare for yourself stuff for removing’ (Eze. 12: 3)? this refers to a lamp, plate, [41A] and rug.”

**I.16** A. “And you shall serve your enemies in want of all things” (Deu. 28:48):

B. Said R. Ammi said Rab, “That is, without lamp or table.”

C. R. Hisda said, “Without a wife.”

D. R. Sheshet said, “Without a servant.”

E. R. Nahman said, “Without knowledge.”

F. *A Tannaite statement*: Without salt and without fat.

G. *Said Abbaye*, “*We have in hand the statement*: ‘Poverty refers only to the absence of knowledge.’”

H. *In the West they say*, “*One who has this has it all, one who doesn’t have this, so what’s he got? One who’s gotten this – so what doesn’t he have? One who’s not gotten this, so what’s he got?*”

**I.17** A. R. Alexandri in the name of R. Hiyya bar Abba, “A sick person does not recover from his ailment before all of his sins are forgiven: ‘Who forgives all your sins, who heals all your diseases’ (Psa. 103: 3).”

B. R. Hamnuna said, “He goes back to the days of his youth: ‘His flesh shall be fresher than a child’s, he shall return to the days of his youth’ (Job. 33:25).”

**I.18** A. “You have turned his bed in his sickness” (Psa. 41: 4):

B. *Said R. Joseph*, “*That is to say that he forgets what he has learned.*”

C. *R. Joseph fell sick. What he knew was taken from him. Abbaye brought it back to him.*

D. *That is in line with what we say in so many passages, “Said R. Joseph, ‘I have not heard a thing about this.’ Said to him Abbaye, ‘You yourself have said it to us, and it is on the basis of the following Tannaite statement that you said it....’”*

**I.19** A. *While Rabbi repeated his [traditions of] decided law thirteen times, he taught it to R. Hiyya only seven of them. Then he got sick. R. Hiyya restored to him the seven versions that he had taught him, but the other six perished.*

B. *There was a certain laundryman who had overheard Rabbi when he was repeating the traditions. R. Hiyya went and learned the traditions before the laundryman, and then he went and repeated them before Rabbi. When Rabbi saw that laundryman, Rabbi said to him, "You have made me and Hiyya!"*

C. *There are those who say that this is what he said to him, "You have made Hiyya and Hiyya made me."*

**I.20** A. R. Alexandri also said in the name of R. Hiyya bar Abba, "Greater is the miracle that is done for a sick person than the miracle that was done for Hananiah, Mishael, and Azariah. That of Hananiah, Mishael, and Azariah was fire made by man, which anybody can put out, but that of a sick person is fire made by Heaven, and who can put that out?"

**I.21** A. R. Alexandri also said in the name of R. Hiyya bar Abba, and some say, said R. Joshua b. Levi, "When the end time of a person has come, everything conquers him: 'And it will be that whosoever finds me will slay me' (Gen. 4:14)."

B. *Rab said, "That derives from this verse of Scripture: 'They stand forth this day to receive your judgments, for all are your servants' (Psa. 119:91)."*

**I.22** A. *They said to Rabbah bar Shila that a tall man died. He was riding a small mule, and when he came to a bridge, the mule shied and threw the man, and he was killed. To him Rabbah applied this verse: "They stand forth this day to receive your judgments, for all are your servants" (Psa. 119:91).*

**I.23** A. *Samuel saw a scorpion carried across a river by a frog. Then it stung someone who died. He cited this verse: "They stand forth this day to receive your judgments, for all are your servants" (Psa. 119:91).*

**I.24** A. Samuel said, "They pay a visit only upon a sick person who is suffering a fever."

B. *To exclude what class of sick people?*

C. *To exclude that to which the following, taught on Tannaite authority, makes reference:*

D. R. Yosé b. Parta says in the name of R. Eliezer, "They do not pay a sick call either on those suffering intestinal illness or on those suffering eye disease or headaches."

E. *There is no problem understanding why one should not visit those suffering intestinal illness: It is because of the embarrassment of the sick person. But what about those suffering eye disease or headaches?*

F. *It is on account of the reason given by R. Judah, for said R. Judah, "Talking is bad for the eyes and for headaches."*

**I.25** A. *Said Raba, "If fever were not the messenger of the angel of death, it would be healthy once every thirty days [41B] as thorns that surround a palm tree, and as an antidote to snake venom to the body."*

B. *R. Nahman bar Isaac said, "Give me neither it nor its antidote!"*

**I.26** A. *Said Rabbah b. Jonathan said R. Yehiel, "Arsan is good for the healing of the sick."*

B. *So what's arsan?*

C. *Said R. Jonathan, "[Freedman:] It is old peeled barley that sticks to the sieve."*

D. *Said Abbayye, "It has to be boiled like the meat of an ox."*

E. *R. Joseph said, "It is fine barley flour that sticks to the sieve."*

F. *Said Abbayye, "It has to be boiled like the meat of an ox."*

**I.27** A. *Said R. Yohanan, "One ill with dysentery is not to be visited, and his name is not to be mentioned."*

B. *How come?*

C. *Said R. Eleazar, "Because it is like a gushing spring."*

D. *And said R. Eleazar, "Why does it bear the name that it has? Because it is like a gushing spring."*

**II.1** A. **And he heals him himself but not what belongs to him:**

B. *What is the meaning of this statement? Shall we say that, he heals him himself means, without collecting a fee, but but not what belongs to him means, collecting a fee? Then this is how the Tannaite formulation should be set forth: he may cure him without payment but not for a fee! Rather, this is the sense of the passage: And he heals him himself means, the man's own person; but not what belongs to him means, his beast.*

C. *Said R. Zutra bar Tobiah said Rab, "But he may say to him, 'This medicine is good for this, that medicine is bad for that.'"*

#### 4:4D-I

- D. He washes with him in a large bathtub but not in a small one.
- E. He sleeps with him in the same bed.
- F. R. Judah says, “In the sunny season [does he share a bed] but not in the rainy season, because at that time he gives the other the benefit [of the warmth of his body].”
- G. And he sits with him on the same couch,
- H. and eats with him at the same table but not from the same bowl.
- I. But he eats with him from the same bowl which is passed around.

#### I.1

- A. *It has been taught on Tannaite authority:*
- B. “He may not take a bath together with him in the same tub or sleep with him in the same bed, whether big or little,” the words of R. Meir.
- C. R. Judah says, “He may sleep with him in a big bed in winter and a small one in summer. He may bathe with him in a big tub, and he may take a sauna with him even in a small tub. He may recline on a couch with him and eat at the same table, but not out of the same dish. But he may eat out of the same bowl that is passed around” [T. 2:7K-M, with variations].
- D. Said R. Yosé bar Hanina, “That is, a bowl that returns to the householder.”

#### 4:4J-L

- J. He may not eat with him from the same feeding bowl that is set before workers.
- K. “And he may not work with him in the same furrow,” the words of R. Meir.
- L. And sages say, “He works with him but at a distance.”

#### I.1

- A. *There is no dispute concerning their not working near each other. Where there is a difference, it concerns working far from one another. R. Meir takes the view that we make a precautionary decree against working at a distance on account of the possibility that they may work nearby, since he would soften the ground before him; and rabbis take the view that we do not make a precautionary decree.*

## 4:5

- A. [42A] He who is forbidden by vow from enjoying benefit from his fellow,
- B. [if this was] before the Seventh Year, he may not go down into his field, and he may not eat produce that hangs over [from the property of the other].
- C. But [if this was] in the Seventh Year [when all produce is deemed ownerless and free for all], while he may not go down into his field, he may eat the produce that hangs over [from the property of the other].
- D. [If] he vowed that he would not derive food from him,
- E. [if this was] before the Seventh Year, he goes down into his field but does not eat the produce.
- F And [if this was] in the Seventh Year, he goes down [into the field] and eats the produce.

- I.1** A. *Both Rab and Samuel say, “[If he said,] ‘This property is forbidden to you by a vow,’ if this was prior to the Seventh Year, he may not go down into his field and he may not eat what is hanging over even though the Seventh Year arrives; and if he took the view in the Seventh Year, while he may not go down into his field, he may eat what hangs over.”*
- B. *Both R. Yohanan and R. Simeon b. Laqish say, “[If he said,] ‘This property is forbidden to you by a vow,’ if this was prior to the Seventh Year, he may not go down into his field and he may not eat what is hanging over. When the Seventh Year arrives, while he may not go down into his field, he may eat what hangs over.”*

*C. May we say that this is what is at issue between them? Rab and Samuel take the view that a person has the power to prohibit something that falls within his domain even for the time after it leaves his domain, and R. Yohanan and R. Joshua b. Levi take the position that a person has not got the power to prohibit something that falls within his domain even for the time after it leaves his domain.*

*D. But do you really imagine so? Is there in point of fact anybody who maintains that a person has not got the power to prohibit something that falls within his domain even for the time after it leaves his domain? If so, then the point of difference should be a statement, “This property be forbidden...,” and all the more so, “This property of mine”! And furthermore, lo, we have learned in the Mishnah that a*

person has got the power to prohibit something that falls within his domain even for the time after it leaves his domain, *for we have learned in the Mishnah, He who says to his son, “Qonam! You will not derive benefit from anything that is mine!” – if the father died, the son may inherit from him. [But if he had specified that the vow applied] in life and after death, [42B] if the father died, the son may not inherit from him [M. B.Q. 9:10].*

E. *This case is exceptional, because he said to him, “...in life and after death.”*

F. *One way or the other, there is a problem! But, if the man said, “...this property,” all parties concur [the vow is valid in the Seventh Year]. If he said, “This property of mine,” then Rab and Samuel take the position that there is no difference between the formulations, “...this property,” and “This property of mine.” In either case, the person has the power to impose a prohibition that is perpetual. R. Yohanan and R. Joshua b. Levi take the position that if he said, “...this property,” he can impose such a prohibition; but if he said, “This property of mine,” he cannot.*

G. *But is there really anybody who maintains that there is no difference between the formulations, “...this property,” and “This property of mine”?* *Have we not learned in the Mishnah: He who says to his fellow, “Qonam if I enter your house,” or “...if I buy your field” [if the other party] died or sold them to a third party, he [the one who took the vow, now] is permitted [to enter the house or the field]. [If he said], “Qonam if I enter this house” or “...if I purchase this field” – [if the other party] died or sold it to a third party, it is [nonetheless] forbidden [M. 5:4D-G].*

H. *Rather: R. Yohanan and R. Simeon b. Laqish make their ruling in a case in which the man said, “This property of mine,” and Rab and Samuel refer to a case in which he said, “this property,” and there is no difference between them at all.*

**II.1** A. **And [if this was] in the Seventh Year, he goes down [into the field] and eats the produce:**

B. *How come he may eat the overhanging fruit? Is it because they are ownerless? But the land itself too is ownerless!*

- C. Said Ulla, “The rule pertains to the trees that stand at the border” [Freedman: since it is unnecessary to enter the field, such trees are not ownerless].
- D. R. Simeon b. Eliaqim said, “It is a precautionary decree, lest he stand around there [after he has eaten his fill, and the one subject to the vow may not do so once the crops are removed, since at that point ownership reverts to the owner (Freedman)].”

#### 4:6A-D

- A. **He who is forbidden by a vow from deriving benefit from his fellow –**
- B. **should not lend him [his fellow] anything, nor should [the one who took the vow] borrow anything from him.**
- C. **He should not lend him money nor should he borrow money from him.**
- D. **He should not sell him anything, nor should he buy anything from him.**

- I.1** A. [43A] *There is no problem understanding why **he should not lend him [his fellow] anything** for thereby he accords him a benefit. But why is it the rule, nor should [the one who took the vow] borrow anything from him? What benefit does he thereby confer upon him? And likewise, there is no problem understanding why **He should not lend him money nor should he borrow money from him**, for thereby he accords him a benefit. But why is it the rule, **He should not sell him anything, nor should he buy anything from him?** What benefit does he confer upon him?*
- B. Said R. Yosé b. R. Hanina, “It would be a case in which each party took a vow not to derive benefit from the other.”
  - C. Abbaye said, “It is a precautionary decree against borrowing because he might also lend, *and the same for the rest.*”

#### 4:6E-I

- E. [If] he said to him, “Lend me your cow”
- F. [and] he said to him, “It is not available,”
- G. and he said to him, “Qonam be my field if I ever again plough my field with it [the cow]” –
- H. If he [himself] usually ploughed, while he is prohibited, everyone else is permitted [to plough his field with that cow].
- I. If he did not usually plough his own field, then he and everyone else in the world are prohibited [from ploughing the field with that cow].



#### 4:7

- A. He who is forbidden by vow from deriving benefit from his fellow and has nothing to eat –
- B. He [the fellow] goes to a storekeeper and says, “Mr. So-and-so is forbidden by vow from deriving benefit from me, and I don’t know what I can do about it.”
- C. And he [the storekeeper] gives food to him [who took the vow] and then goes and collects from this one [against whom the vow was taken].
- D. [If] he [against whom the vow was taken] had to build his house [that of the one prohibited by vow from deriving benefit], or to set up his fence, or to cut the grain in his field, he [the fellow] goes to the workers and says to them, “Mr. So-and-so is forbidden by vow from deriving benefit from me, and I don’t know what I can do about it.”
- E. [Then] they [the workers] do the work with him [who took the vow] and come and collect their salary from this one [against whom the vow was taken].

#### 4:8

- A. [If] they were going on a journey and he [who had forbidden himself by a vow from deriving benefit from his fellow] had nothing to eat,
- B. he [against whom the vow was taken] gives something to another as a gift, and the other [who took the vow] is permitted to make use of it.
- C. If there is no one else with them, he [against whom the vow was taken] leaves it on a rock or on a fence and says, “Lo, these things are ownerless property for anyone who wants them.”
- D. Then the other [who is prohibited by vow from deriving benefit from his fellow] takes what he wants and eats it.
- E. And R. Yosé prohibits [such a procedure].

- I.1** A. [And R. Yosé prohibits such a procedure:] *Said R. Yohanan, “What is the operative consideration behind the ruling of R. Yosé? He takes the view that that which is declared ownerless property falls into the classification of that which is a gift. Just as a gift is valid only when it will have passed from the domain of the donor to the domain of the donee, so the act of declaration that a property is ownerless is valid only after the object has passed into the domain of the one who acquires it.”*

- B. *Objected R. Abba*, “ **Then the other [who is prohibited by vow from deriving benefit from his fellow] takes what he wants and eats it. And R. Yosé prohibits [such a procedure]. Said R. Yosé, ‘When is this the case? When the taking of the vow is prior to the declaration of the food to be ownerless property. [43B] But if the act of renunciation of ownership took place prior to his taking of the vow, lo, this one is permitted to eat the food [T. 2:9K].** *Now if you maintain that the act of declaration that a property is ownerless is valid only after the object has passed into the domain of the one who acquires it, then what difference does it make to me whether he took the vow prior to the act of renunciation of ownership or whether he undertook the act of renunciation of ownership prior to taking the vow?’*”
- C. *Well, he raised the objection but he also worked it out*: Whoever takes a vow does so without the consideration of anything the ownership of which he has renounced.
- D. *Objected Raba*, “‘If a dying person assigned part of his estate to the first named person, but then all of it to the second, and then he recovered, the first effects acquisition of the part assigned to him, but not the second.’” [Freedman: The first assignment of property left part of the property to the dying man, so it remains a valid gift when he recovers; nothing would have been left to the man after the second action, so when he recovers, the act is null. If a gift is not valid until the recipient takes possession, why is it more valid for the first than the second? Just as the portion assigned to the second is the residue left by the first, so that assigned to the first may be regarded as the residue left by the second.]
- E. *Rather, said Raba*, “*This is the operative consideration behind the position of R. Yosé*: It is a precautionary decree on account of the gift of Beth Horon” [a gift that was an obvious evasion, and here, too, the declaration of renunciation is a mere evasion of the vow (Freedman)].

## I.2

- A. *It has been taught on Tannaite authority*:
- B. **One who renounces ownership of his field, within two or three days he may retract his declaration [and the field remains in his possession].**
- C. **[44A] If he said, “I hereby declare my field ownerless for one day, for one week, for one month, for one year, for one Sabbatical Cycle – before the field is claimed, either by himself or another, he may retract his declaration [and the field remains in his possession].**

- D. **Once the field is claimed, either by himself or another, he may not retract his declaration [and the field is considered to have been appropriated while ownerless, regardless of the claimant] [T. Maaserot 3:11, trans. M. Jaffee].**
- E. *May we then say that the opening clause accords with rabbis, the concluding one with R. Yosé?* [Freedman: Since he cannot retract after three days even though no person has taken possession, the act of renunciation is valid even before another party has taken over, which is sages' view that the one who takes the oath can declare his property ownerless, and the one against whom the oath is taken may acquire it with its being regarded as passing directly from the one to the other. The second clause, permitting retraction so long as no one has taken possession, shows that until then it is legally his and that accords with Yosé that the one who takes the oath cannot declare his property ownerless for the one against whom the oath is taken to be able to acquire it.]
- F. *Said Ulla, "The concluding clause, too, accords with the view of rabbis. And if so, why is it the fact that, **before the field is claimed, either by himself or another, he may retract his declaration [and the field remains in his possession]**? Because renunciation of ownership for a year or for seven years is exceptional, being uncommon."*
- G. *R. Simeon b. Laqish said, "Since the concluding clause accords with R. Yosé, the opening clause likewise accords with R. Yosé. And as to the opening clause, this is the operative consideration: It is so that the law of renunciation of ownership should not be forgotten."*
- H. *If that is so, then even if the act is taken even from the first day the property should be deemed ownerless!*
- I. *Said Rabbah, "It is on account of sharp characters, who declare property ownerless and then retract."*
- J. *Then so far as the law of the Torah is concerned, is the property not deemed ownerless? [44B] Then perhaps he will come out to have separated tithe for produce that is liable to tithe for produce that is exempt or vice versa!*
- K. *It is a case in which they say to him, "When you separate tithe out of the crops of this property, separate tithe from the crop of this field for the crop produced by this field only."*
- L. *An objection was raised: He who declares his vineyard to be ownerless and then gets up early in the morning and harvests the grapes is liable to leave for the poor the grapes that fall to the ground, the puny bunches, the forgotten*

ones, and the corner of the field, but is exempt from having to designate tithe. *Now from the perspective of Ulla, there is no problem; the rule that one may retract derives from the authority of rabbis, while the passage at hand states the rule of the Torah* [which is that the renunciation takes effect forthwith (Freedman)]. *But from the perspective of R. Simeon b. Laqish, why is he exempt from having to tithe the produce?* [Freedman: Since he maintains that within the first three days it is not ownerless, even so far as the law of the Torah is concerned; hence it is subject to tithes, and even after that, it is ownerless only within the law of rabbis, so why on the very next day is it free from the obligation of tithing?]

- M. *He will say to you, “When I made my statement, it was in accord with the perspective of R. Yosé, while the statement at hand accords with rabbis.”*
- N. **[45A]** *If you prefer, I shall say, the one speaks of an act of renunciation taken in the presence of two, the other, one in the presence of three. For said R. Yohanan in the name of R. Simeon b. Yehosedeq, “Whoever makes an act of renunciation in the presence of three persons – it is a valid act of renunciation. If it is before two witnesses, it is not.”*
- O. *And R. Joshua b. Levi said, “As to the law of the Torah, even if it is in the presence of only one person, it is a valid act of renunciation, and how come they have required three? It is so that one may effect acquisition and the other two serve as witnesses to his valid action.”*