

CHAPTER XIV.

REGULATIONS CONCERNING THE CATCHING OF REPTILES, ANIMALS AND BIRDS.

MISHNA: One who catches or wounds any one of the eight kinds of reptiles enumerated in the Scriptures (Lev. xi. 29-30, viz.: the weasel, the mouse, the tortoise, the hedgehog, the chameleon, the lizard, the snail and the mole) is culpable; one who wounds worms or any other kind of reptiles (not enumerated above) is free. One who catches them for a purpose is culpable; he who does so without the intention (to use them) is free. He who catches such animals or birds as are within his domain is free, he who wounds them is culpable.

GEMARA: From the teaching of the Mishna that the reptiles (enumerated above) must not be wounded, it is evident that such reptiles must be possessed of a skin (which can be wounded). According to whose opinion is this? Said Samuel: "This is according to the opinion of R. Johanan ben Nuri; for he so stated (in Tract Chulin). Rabba bar R. Huna, however, in the name of Rabh said: It may also be assumed that the Mishna is in accord with the rabbis, who disagree with R. Johanan ben Nuri only where defilement is concerned, but who agree with him as to Sabbath. And as regards the Sabbath they (the rabbis) do not disagree with R. Johanan. Have we not learned in a Boraitha, that one who caught one of the eight kinds of reptiles enumerated in the Scriptures, or who wounds them, is culpable and that this applies only to such reptiles as have skins, and only such a wound is called incurable which has been produced by the blood clotting in the skin and remaining there, even when no blood came to the surface? R. Johanan ben Nuri, however, states, that all the eight reptiles enumerated in the Scriptures have skins (and therefore one who wounds any of them is culpable; we see that they, disagree even as regards the Sabbath). Said R. Ashi: The first Tana of the mentioned Boraitha, at variance with R. Johanan, is R. Jehudah, who stated, that there are among the eight such as have no

skin; but the other rabbis, who differ with R. Johanan, where defilement is concerned, do *not* disagree with him in regard to Sabbath. Then why is it stated, that "R. Johanan ben Nuri, however, states, etc.," as if he opposed the rabbis? Read: "Thus states R. Johanan ben Nuri and his opponents."

"*Or any other reptiles.*" How is it, if one kills them? Is he culpable? The Mishna must be understood that if one only wounds them he is *not* culpable, but if he kills them he *is* culpable? According to whose opinion is this? Said R. Jeremiah: "This is according to the opinion of R. Eliezer, as stated in the first chapter" (page [22](#)). R. Joseph opposed this: "Thou sayest, according to the opinion of R. Eliezer? The rabbis only differ with R. Eliezer when such reptiles as are incapable of breeding are concerned (for then they are not considered as actual living beings); but as to reptiles that are capable of breeding, they also agree, that one who kills them (on the Sabbath) is culpable (because that would be taking life, and taking life is prohibited on the

Sabbath).

"One who catches them for a purpose is culpable; he who does so without any intention (to use them) is free." According to whose opinion is this teaching? Said R. Jehudah in the name of Rabh: It is according to the opinion of R. Simeon, who states, that any work not committed for its own sake does not make one culpable.

Samuel said: "One who takes a live fish out of the water, is culpable as soon as a part of the fish as large as a Sela has become dry (because then the fish cannot live)." Said R. Jose bar Abhin: Samuel means to say, that he is not culpable unless a place as big as a Sela become dry under its fins, and not on its body.

Mar bar Hamduri in the name of Samuel said: "If one thrust his hand into the entrails of an animal and displaced a foetus, that may have been there, he is culpable." Why so? Said Rabha: Mar bar Hamduri explained this to me as follows: Did not R. Shesheth say, that if a man tore out flax from among the thorns surrounding it, he is culpable, because he removed a thing whence it grew? So also in this case he is culpable because he displaced the foetus whence it grew. Said Abayi: The same is the case with one who tore out a mushroom which grows near a vessel filled with water, because he removed an object whence it grew. R. Oshiyah objected: Did we not learn that one who tears out a thing from a flower-pot, which is

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not perforated, is not culpable, but from a perforated flower-pot he is culpable. Why should he be culpable in this case? Because a thing does not grow in a flower-pot which is not perforated, as a rule; but in this case it grows in its usual way.

"He who catches such animals or birds as are within his domain," etc. R. Huna said: "It is allowed to write Tephillin on the skin of a bird which is ritually clean." Said R. Joseph: "What would be inform us? That a bird has a skin? This is taught in the Mishna, for it says, he who wounds a bird is culpable." Said Abayi to R. Joseph: "He informs us of a very important matter. From the Mishna we would simply know that the bird, having a skin, must not be wounded, but we might think, that such a skin, being porous, must not be used for Tephillin. Hence he informs us, that it may also be used for Tephillin, as it was said in Palestine that pores which do not permit of ink soaking through cannot be considered as pores.

Mar the son of Rabhina asked of R. Na'hman bar Itz'hak: "Is it allowed to write Tephillin on the skin of a fish which is ritually clean?" R. Na'hman answered: "This can only be decided by Elijah; when he comes again, he will decide whether it is allowed or not."

Samuel and Qarna were sitting on the banks of Lake Malka. Samuel noticed that a ship was struggling with the rough waters and a man was suffering in consequence. Said Samuel to Qarna: "It seems to me, that a great man is coming from Palestine and that he is sick at the stomach. Go and see what ails him." He went and found Rabh on the ship, and asked him: "Whence do we know that Tephillin may be written only upon the skin of a ritually clean animal?" Rabh answered: "It is written [Exod. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as thou mayest take into thy mouth." Qarna asked him again: "How do we know that blood is red?" Rabh

answered again: "Because it is written [II Kings iii. 22]: 'The Moabites saw the water at a distance as red as blood.'" (In the meantime Rabh felt that Qarna was quizzing him.) He asked him, "What is thy name?" He answered: "Qarna." Said Rabh: "A Qarna (thorn) be in thy eyes!" Finally Samuel took Rabh to his own house, gave him barley-bread, small fishes, milk and such things as tend to produce looseness of the bowels, but did not show him the place to excrementize in. So

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[paragraph continues] Rabh cursed him and said: "May the one who wishes to make me suffer, not be able to rear his children." So it was.

The rabbis taught: It is allowed to write Tephillin on the skins of (ritually) clean animals and creatures, also upon the skins of such as died a natural death and were not slaughtered, and it is an ordinance (instituted) by Moses at Sinai, that the Tephillin are wound in the hairy hide of such animals, whence the skin may be taken, and are sewed with the veins of such animals; but it is not allowed to write Tephillin on the skins of (ritually) unclean animals and creatures, whether such animals were slaughtered or naturally expired. This question was asked by a Bathusee of R. Joshua of the city of Garsi. "Whence do we know that Tephillin must not be written on the skin of an unclean animal?" "From the passage [Lev. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as a man may put into his mouth." "According to thy argument," said the Bathusee, "Tephillin should not be written on the skin of a (ritually) clean animal, that died a natural death (because it must not be eaten also)." Answered R. Joshua: "I will give thee an instance of two men, who incurred the death penalty. One was duly executed, while the other died at the moment that he reached the gallows. Which is preferable? Certainly the natural death. In this case also, why should the skin of the animal that died a natural death not be used for writing the Tephillin thereon?" "According to that, then," said the Bathusee, "why should it not be eaten also?" Answered R. Joshua: "It is written [Deut. xiv. 21]: 'Ye shall not eat anything that dieth of itself,' and thou wouldst that it should be eaten." Answered the Bathusee: "*Kalos*" (Greek *Κ•λος* = nice, well).

MISHNA: It is prohibited to prepare brine on Sabbath, but the making of salt water, in order to dip one's bread into it, or to use for seasoning other dishes is permitted. Said R. Jose: Is this not brine? (What is the difference?) be it more or less salted? Only the following kind of salt water may be made: If oil is first put into the water or into the salt.

GEMARA: How should the Mishna be understood? Said R. Jehudah. in the name of Samuel: "It is not permitted to make a great deal of salt water, but a little may be made."

"Said R. Jose: *Is this not brine? Be it more or less salted.*" The schoolmen asked: "Does R. Jose, by making that statement,

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mean to say that both should be prohibited or that both be allowed?" Said R. Rabba and also R. Johanan: "R. Jose meant to say, that both should be prohibited." We have also learned this in a Boraitha: "One shall not make a great deal of salt water in order to put it into a Gistar (a large

vessel) filled with things requiring a soaking; but he may make a little salt water to dip his bread into it or use it for seasoning other dishes. Said R. Jose: 'Because one is more and the other less salted the former should be prohibited and the latter should be permitted; then one might say that a greater act of labor should be prohibited and a smaller one permitted? Therefore, I say, both are not allowed, but it becomes permissible, if oil is put into the water or into the salt, the main thing is that one should not mix water and salt to commence with.'

R. Judah bar Haviva taught: "One shall not make salt water very strong." What does he mean by "very strong"? Rabba and R. Joseph bar Aba both said: "If one put an egg into the water and the egg float it is strong salt water." How much salt must be used for such water? Said Abayi: "Two-thirds salt and one-third water." For what purpose can that be used? For fish-brine.

The same Judah b. Haviva taught: "One must not salt pieces of radishes and eggs on the Sabbath." R. Hizkyah in the name of Abayi said: "Salting radishes is not allowed, but salting eggs is."

The same Judah b. Haviva taught: "If citrons, radishes and eggs are eaten without the peel (in the case of an egg, the yolk without the white), they remain in the stomach."

Rabhin walked behind R. Jeremiah on the banks of the sea of Zidon. Rabhin asked R. Jeremiah: "Is it allowed to wash one's self in this water on Sabbath?" R. Jeremiah said: "Yes, it is." Asked Rabhin again: "How is it if a man who is bathing in this water, opens and closes his eyes, so that the water has access to the eyes?" Answered R. Jeremiah: "I never heard of just such a case, but of one similar to it. I heard R. Zera say at one time in the name of R. Mathne, another time in the name of Mar Uqba, both of whom said, that the father of Samuel differed with Levi and that one of them said, that pouring wine on the eyes as a remedy is allowed but pouring wine *into* the eyes is not allowed, while the other said that the saliva of a man who had not broken his fast is a remedy for the eyes and must not even be put on the eyes; but Mar Uqba in the name

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of Samuel said: A man may soak a medicament for the eyes on Friday in water and may then use the water on Sabbath with impunity."

Bar Levayi was standing before Mar Uqba, and saw the latter opening and closing his eyes, so that the medicinal water may have access to them. Said he to Mar Uqba: "So much Mar Samuel did *certainly* not permit!"

R. Yanai sent to Mar Uqba a request: "Let master send his the eye-salve prescribed by Samuel for sore eyes." Mar Uqba answered: "I send it to you, so that you do not think me parsimonious, but Samuel said, that bathing the eye in cold water in the morning and bathing the hands and feet in warm water at night is better than any medicine for the eye in the world." The same we have learned in a Boraitha: by R. Muna in the name of R. Jehudah.

The same R. Muna used to say: "As soon as a man rises and his hand touches his eye, nose, mouth, ear or a vein, it had better be chopped off. The same should be done with a hand that touches a pitcher used for beer, before it (the hand) is washed, because such a hand causes blindness, deafness and bad odors."

We have learned: R. Nathan said: "The eye is (like) a princess and it hurts her to be touched by a hand that has not been washed three times." R. Johanan says: "Puch (a precious stone or a certain kind of paint [1](#)) applied to the eye, stills its wrath, dries its tears and causes its lashes to grow."

Mar Uqba said: "One who (accidentally) injured his hand or foot so that blood flowed (on the Sabbath) may steep them in wine in order to stop the flow, with impunity." The schoolmen asked: "May he do this, in vinegar also?" Said R. Hillel to R. Ashi: "When I attended the school of R. Kahana, it was said, that it is not allowed in vinegar." Said Rabha: "And the, men of the city of Me'hutza, who are very delicate, are generally cured by wine the same as other people are by vinegar."

It happened, that Rabhina came to the house of R. Ashi and saw the latter, having had his foot trodden upon by an ass, soaking it in vinegar. Said Rabhina to him: "Does not the Master coincide with R. Hillel, who said, that soaking in vinegar is not allowed?" R. Ashi answered: "With a wound on the instep

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of the foot and the back of the hand it is different, because R. Ada b. Mathne said in the name of Rabh, that a wound on the back of the hand and on the instep of the foot is equal to an internal wound and the Sabbath may be desecrated on its account."

The rabbis taught: "One may wash his body in the waters of Gyor, Chamtan, Essia and Tiberias (all of which are salt waters), but it is not allowed to bathe one's self in the Great Sea and not in water used for soaking flax, also not in the sea of Sodom." Is this not contradictory to what we have learned in the Boraitha, viz. "One may bathe in the Tiberias and in the Great Sea, but not in water used for soaking flax and in the sea of Sodom." This presents a difficulty; for in the Boraitha bathing in the Great Sea is permitted, while the rabbis prohibit it. Said R. Johanan: There is *no* difficulty. One Boraitha is in accordance with the opinion of R. Meir, while the other is in accord with the opinion of R. Jehudah (who differ in Tract Mikva'ath, Chapter V., Mishna 6). R. Na'hman bar Itz'hak opposed this, and said: "They differ only as regards defilement, but have ye heard that they also differ concerning the Sabbath?" Hence R. Na'hman bar Itz'hak explained this otherwise. He said, that the Boraitha which does not permit bathing in the Great Sea refers to one who stays in the water some length of time (and it is obvious that this is done on account of his health). Now, if we say, that the one Boraitha refers to a man who stays in the water for some time, we must assume, that the other Boraitha refers to one who does not stay long, and if this is so, why should not the one (who does not stay long) be permitted to bathe even in the water used for soaking flax? Have we not learned in another Boraitha: "One may bathe in the Tiberias, in flax-water or in the sea of Sodom, even if his head be scrofulous, provided he does not stay long in the water"? Therefore we must explain, that the difficulty existing between the two former Boraithas concerning the Great Sea is: that the one prohibiting bathing in the Great Sea refers to bad water which is not usually used for bathing, while the other refers to the good water generally used by bathers and in both the case refers to one who stays in the water for some time.

MISHNA: It is not allowed to eat Greek hyssop (a remedy for worms) on the Sabbath, because

it is not food for healthy people. It is allowed, however, to eat yoeser (wild rosemary) and to drink shepherd-blossom (tea, an antidote for poisonous

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beverages). It is permitted to partake of all usual eatables and beverages on the Sabbath as medicaments with the exception of tree-water (water of a certain spring) and root-tea (a compound of gum, herbs, and powdered roots), because the two latter serve only as a remedy for jaundice. At the same time it is permitted to drink tree-water to quench one's thirst, and one may anoint himself with root-oil but not as a remedy.

GEMARA: "*It is allowed, however, to eat wild rosemary,*" etc. For what purpose is it eaten? To drive out worms in one's liver. What is it eaten with? With seven white dates. What does the illness (requiring this remedy) arise from? From the eating of meat broiled over live coals and the drinking of water immediately after the eating on an empty stomach or from eating fat meat, beef, nuts or Rapa-twigs when eaten on an empty stomach and immediately washed down with water.

The mother of R. A'hadboy b. Ami made a remedy for a man who had imbibed poison of an adder by cooking laurel leaves in a cupful of beer, giving it to the man to drink, then clearing out the coals from a burning hearth, placing a brick on the hearth and making him sit on that brick until the poison left the man in the shape of a green fern. R. Ivia said, that she did not cook the laurel leaves in beer but in a quarter lug of milk of a white goat.

One who swallowed a (small) snake should eat kostos (an Indian root of which a precious salve was made, called in the Bible onycha) in salt and should run three miles. R. Simeon b. Ashi once saw a man who had swallowed a snake, so he disguised himself as a Persian horseman, called to the man, compelled him to eat kostos with salt, then chased him for three miles. In consequence of fright the man then vomited the snake piece by piece.

One who was bitten by a snake should get a bearing (female) ass, tear her open, take out the fetus, and apply it to the wound.

One who was encircled by a snake should run to the water, take a basket, place it over the snake's head, and as soon as the snake winds itself around the basket, throw it into the water and escape.

One who is pursued by a snake should, if he is in company of a friend, jump on the friend's back and have the friend carry him at least four ells so as to hide the scent of his footsteps, or, if alone, should jump over a stream or pond of water. At

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night he should place his bed on four empty casks, then tie four cats to the casks, and sleep in an unroofed space. He should also place a lot of twigs and dry branches in front of his bed, so that if the snake glide among them they will rustle, in which event the cats will hear the noise and devour the snake. If one is pursued by a snake, he should run to a sandy place, where it is hard for a snake to glide.

"It is permitted to partake of all usual eatables," etc. What does the Mishna mean to add by the word "all"? A milt, which is good for the teeth (although it is bad for a weak stomach), or bran, which is good for the stomach (but bad for the teeth). What does the Mishna mean to add by the word "all," referring to beverages? Water of Izlat (Kaffir-corn) boiled with vinegar.

"With the exception of tree-water." We have learned in a Boraitha: "With the exception of prickly water." One who teaches prickly water does so because the water pricks the gall, and one who teaches tree-water refers to water running out of two trees? What does he mean by this? Said Rabba bar Brona: "There are two date-trees in Palestine that are called Thalai, and between them is a spring of water; the first cup of this water produces a weak sensation in the stomach, the second cup purges and the third leaves the stomach as clear as when imbibed." Said Ula: "I drank the Babylonian beer with better effects than that tree-water, but it is only then effective if drunk for the first time in forty days. R. Joseph said: "The water called prickly water above is Egyptian beer, which is one third barley, one third wild saffron, and one third salt." R. Papa said: It is one third wheat, one third wild saffron, and one third salt, and it should be drunk between Passover and Pentecost, when it will relieve constipation and stop diarrhoea.

"And root-tea." What is root-tea? Said R. Johanan: It is made of Alexandrian gum, alum, and garden saffron, each the weight of one Zuz, and ground together. To one who suffers with too frequent menstruation, three cups of this tea should be given in wine, and she will not be barren. For jaundice two cups are to be administered, in beer, but the patient will be barren ever after. May this be done? Have we not learned in a Boraitha: Whence do we know that castrating a man is prohibited? From the passage [Lev. xxii. 24]: "And in your land shall ye not make the like." Which means, ye shall not do this on your own bodies. So said R. Hanina?

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[paragraph continues] This is said only in reference to one who has the intention of making one a eunuch, but not with reference to one who administers the remedy for jaundice, and incidentally makes one impotent; as R. Johanan said: "One who wishes to castrate a cock shall cut his comb, and thus the cock will become impotent." Did not R. Ashi say, that a cock whose comb is cut off is not rendered impotent thereby, but, being very proud, will have no more coition with hens on that account? Were he actually rendered impotent, it would not be allowed to remove his comb, for it is written [ibid.]: "And in your land shall ye not make the like." It is allowed to give a man two cups of root-tea for jaundice, providing he was already impotent. But even this is prohibited (in Menachoth 56)! Say rather it may be given to a woman who is not subject to the command of bearing children.

MISHNA: One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved thereby, he need have no fear of the consequences. One who has pains in his loins must not rub them with wine or vinegar, but may anoint them with oil; not with rose-oil, however. Children of princes may anoint their wounds even with rose-oil, because it is their wont even on week-days to anoint themselves with rose-oil. R. Simeon said: "All Israelites must be considered as children of princes."

GEMARA: R. Aha bar Papa asked R. Abuha concerning the following contradiction: "The Mishna teaches, that one who has a toothache must not gargle with vinegar, implying thereby,

that vinegar is a remedy for toothache, and still we find in the passage [Proverbs x. 26]: 'As vinegar is to the teeth, and as smoke is to the eyes.'" This presents no difficulty. The Mishna refers to an injured tooth, whereas the passage refers, to sound teeth, which are put on edge by vinegar.

"*Must not gargle vinegar.*" Have we not learned in a Boraitha, that it is not allowed to gargle vinegar and then spit it out, but if swallowed afterwards gargling is allowed? Said Abayi: Such is also the intent of the Mishna, meaning, if he spit out after gargling.

"*One who has pains in his loins,*" etc. Said R. Aba b. Zabnda in the name of Rabh: The law according to the opinion of R. Simeon prevails. Shall we assume that Rabh holds with R. Simeon? Did not R. Simi bar Hyya say in the name of Rabh, that a bung-head tied around with a piece of cloth must not be hammered into a barrel on a festival (because the barrel being

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full of wine, the cloth will absorb some, and by being pressed into the hole the wine absorbed will run out, and wringing a thing is not allowed), although the wine runs out of its own accord, and not through the intention of the man; but according to R. Simeon this would be permitted? Where an act is concerned which will most certainly be consummated, even without the agency of man, as the head of a creature being removed, death must surely follow, R. Simeon also admits, that it is not allowed. We have learned elsewhere, however, explicitly, that Hyya bar Ashi said, that Rabh holds according to R. Jehudah, and Samuel according to R. Simeon? (How can it be said that Rabh holds with R. Simeon?) Said Rabba: I and the lion of our society (*i.e.*, R. Hyya bar Abbin) explained this as follows: The ordinance prevails according to R. Simeon, that (rose-oil) is allowed, but not for the reason advanced by R. Simeon. R. Simeon says, that all Israelites are considered as princes, and therefore, even in such places where rose-oil is very costly, one may also anoint himself with it; but Rabh says it is allowed, because, where *he* (Rabh) resided, rose-oil was very cheap (but where it is costly it is not allowed).

Footnotes

[224:1](#) See II Kings ix. 30, Isaiah liv. 11 and I Chronicles xxix. 2.

[Next: Chapter XV: Regulations Concerning the Tying and Untying of Knots on the Sabbath](#)