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CHAPTER VII.

REGULATIONS CONCERNING THE TIME A LABORER HAS TO WORK, WHAT HE MAY OR MAY NOT CONSUME OF THE ARTICLE HE IS WORKING, AND ABOUT MUZZLING AN OX WHILE LABORING.

MISHNA I.: One cannot compel his; employees to come earlier or depart later than is customary at a place, although it was agreed upon. Where it is customary for the employees to get food, the employer must do so. In places where it is customary to furnish them with vegetables, he must do so, and all according to the custom of that country (although it was not stipulated in the agreement).

It happened with R. Johanan b. Mathia, who said to his, son: Go and hire laborers for us. He did so, with the understanding that they should be fed; and when he came to his father, he said to him: "My son, if you should provide them with meals like the banquets of King Solomon at his time, you are not sure that you have done your duty, as they are children of Abraham, Isaac, and Jacob. Therefore, go and tell them, before they begin their labor, that they are to be fed with bread and pulse only." Said Rabban Simeon b. Gamaliel: It was not necessary at all, as all must be done according to the custom of the country.

GEMARA: Is this not self-evident? The Mishna means to say, that even when he has increased their wages he cannot say that he did so that they should begin earlier and depart later than customary, as the employees may claim that the increase of wages was for the purpose of making a good job.

Resh Lakish said It is advisable for a laborer that when he departs from his labor he should relinquish a little of his time for the employer (*i.e.*, that if the custom was to work from morning until dark, he shall not manage to come home at twilight, but to stay at his work until dark). In the morning, however, he has not to leave his home before sunrise (*i.e.*, that from the time of leaving home to his place of labor he should be considered as laboring).

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But to what purpose was this statement? Let them observe the custom of that city? He alludes to a new city. But even then let him observe the custom where they come from? He means when the laborers were hired from different cities with different customs. And if you wish, he speaks in case the agreement between the employers and employees was that they shall do their work as a laborer mentioned in the Scripture [Psalm civ. 22, 23]: "The sun ariseth. . . . Man goeth forth unto his work and to his labor until the evening."

R. Zera lectured; according to others, R. Joseph taught: "It is written [*ibid.*, *ibid.* 20]: "Thou causest darkness, and it becometh night, wherein creep forth all the beasts of the forest." This

world is compared to the darkness of night. All the beasts, etc., means the "wicked," who are compared to wild beasts. "The sun ariseth in the world to come," means to the upright. "They withdraw to their lairs," means the wicked to Gehenna. "And lie down in their den," means the upright, as each upright one has a dwelling in the world to come, according to his honor. "Man goeth forth unto his work," means the upright are going to receive their reward. "And to his labor until the evening," means he who has completed his work, while alive, until the day of death.

R. Eliezar b. R. Simeon met the chief of police who was engaged in capturing thieves, and said to him: How can you capture them? Are they not compared to wild beasts (according to others, he quoted to him the following verse [*ibid.* x. 9]: "He lieth in wait in a secret place like a lion in his den," etc), and perhaps you capture respectable men, and the wicked remain at large? And he answered: What can I do? I am so ordered by the king. Then he rejoined: I will instruct you how to do. Enter a wine-house at the fourth hour of the day (first meal-time), and if you will see a man drinking wine, holding his goblet and slumbering, make an investigation about him. If he is a scholar, he was certainly engaged in his studies at night; if he is a laborer, it may be he was engaged in his labor at night; and if he was a night laborer, and it was not heard that he was working at night, still it must be investigated-perhaps he has done such labor that causes no noise; but if this man is nothing of this kind, he is surely a thief, being engaged the whole night in his miserable work, and you may capture him. This advice was heard in the ruler's house, and it was decided *that the reader of the letter himself should be the messenger.* (This

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was the parable at that time, which means that the adviser himself should be engaged for the same purpose.) R. Eliezer was brought and appointed to capture the thieves, and so he did. Sent to him R. Jehoshua b. Kar'ha: "Vinegar descending of wine" (this parable was also applied to men of reputable origin who turn to bad habits), "how long will you deliver people of the Lord for slaying?" And he answered: "I weed the thorns of the vineyard." And the above R. Jehoshua sent to him again: "Leave it for the owner of the vineyard; he himself will weed the thorns." One day he was met by a washman, who called him "Vinegar descending of wine"; and he thought, because the man was so brazen he must be wicked, and gave orders to capture him, which was done. When his wrath abated he tried to release him, but he could not, and he applied to himself the verse [Proverbs, xxi. 23]: "Whoso guardeth his mouth and his tongue, guardeth his soul against distresses." Finally the prisoner was to be hanged, and R. Eliezer stood under the gallows and wept. Said the prisoner to him: "Rabbi, do not be sorry; I and my son have committed adultery on the Day of Atonement." The rabbi, placing his hand on his abdomen, said: Rejoice mine entrails; if your doubts are so, how is your certainty. I am sure that no worms shall consume you after death. The same case happened with R. Ismael b. R. Jose, that he was ordered by the Government to capture thieves. Elijah met him and said: "How long will you deliver the people of the Lord for slaying?" And he answered: "What can I do? So is the order of the king!" And Elijah rejoined: "Your father escaped to Assia; you can do the same to Ludqia."

[Both R. Ismael b. R. Jose and R. Eliezer b. R. Simeon were so big-bellied that when they were standing face to face a yoke of oxen could pass under them.] R. Johanan said: I am a remainder of the beauties of Jerusalem.

He who would like to see a beauty similar to that of R. Johanan shall take a silver goblet just out of the worker's hands, with the mark of the flame still to be seen on it, and shall fill it with the

germs of scarlet "rumna," put on its top a crown of red roses, and place it between the sun and the shadow; and in the reflection from it one may see but a part of R. Johanan's beauty.

Is that so? Did not the master say that the beauty of R. Kahana is similar to R. Abuhu? The latter beauty is likened to that of Jacob the patriarch, and his is likened to the beauty

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of Adam the first; hence R. Johanan was not mentioned among the beauties? Because he had no beard.

R. Johanan used to sit by the gate of the bath, so that when the daughters of Israel would return from taking their legal bath, they should meet him, and bear children like to him in beauty and scholarship. And when the rabbis questioned him: Are you not afraid of an "evil eye"? he answered I am a descendant of the children of Joseph, and no "evil eye" can do harm to them; as it is written [Genesis, xlix. 22] "Joseph is a fruitful bough, a fruitful bough by the eye." ¹ And R. Abuhu said: Do not read "by the eye," but "above the eye" (which means that no eye can do harm to him). R. Jose b. Hanina said: He infers this from the following verse [*ibid.* 48]: "And let them grow into a multitude" (like fish, etc.). ² As the water covers the fish in the sea, so that the eye can do no harm to them, so is it with the descendants of Joseph.

One day R. Johanan was bathing himself in the Jordan. When Resh Lakish saw him, he jumped into the Jordan, and came to him. Said R. Johanan to him: Your strength shall be devoted to the study of the Torah. Rejoined Resh Lakish: Your beauty is fit for women. Said R. Johanan: If you will repent (and leave your profession), I will give you my sister, who is still more beautiful than I am. Resh Lakish accepted this proposition [and when he was about to jump for his garment, he could not do so (Rashi explains this by saying that because he accepted the yoke of the Torah he lost his strength)]. R. Johanan then instructed him and made a great man of him. One day there arose a dispute in college about: the time at which different new iron weapons, as swords, knives, etc., became subject to defilement. R. Johanan said: From the time they were taken from the furnace; and Resh Lakish said: From the time they are taken out of the cooling water. Said R. Johanan: The former robber understands his handicraft (knows the nature of deadly weapons). Rejoined Resh Lakish: And what good have you done me? When in my old profession, I was also called master, as in my new profession. Rejoined R. Johanan: I have done much good to you, as I brought you under the

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wings of the Shekhinah. R. Johanan was nevertheless dejected, and Resh Lakish became ill. The wife of Resh Lakish, who was the sister of R. Johanan, came to the latter and wept, saying: Pray for his health, for the sake of my son. And in response he cited the following verse: "Leave thine orphans to me, I will give them their livelihood" [Jerem. xlix. 11]. She continued weeping: Do pray, for my sake, that I am not left a widow. And he cited to her in answer the end of the same verse. Finally, R. Simeon b. Lakish's soul went to rest, and R. Johanan grieved very much after him. And the rabbis of the college were searching for a man who would be able to soothe him, and decided that R. Elazar b. Pdash, whose decisions are original, would be fit for this task. And he went to R. Johanan's college and sat before him, and when R. Johanan said anything, he used to say: There is a Boraitha which supports you. Then R. Johanan exclaimed: Is it you who

desires to replace bar Lakish? In his time, when I said anything, he raised twenty-four objections, and I had to make them good with twenty-four answers, so that the discussion became very animated. You, however, say to everything: There is a Boraitha which supports you. Am I not aware that my saying has a good basis? Finally, R. Johanan tore his garments, wept, and cried: "Where art thou, bar Lakish? Where art thou, bar Lakish?" He continued crying until he became demented, and the rabbis prayed for his death, and his soul went to rest everlasting.

Notwithstanding that R. Simeon b. Eliezar said above that he is sure all his deeds were just, he was not satisfied, and prayed for mercy from Heaven, and invoked upon himself chastisements, and became so afflicted that in the night they had to spread under him sixty felt spreadings, and in the morning they removed from him sixty basinfuls of blood. In the morning his wife used to make for him sixty kinds of pap, which he ate, and became well. His wife, however, would not allow him to go to the college, in order that he might not be troubled by the rabbis; and so he used to say every evening to his afflictions: "Come, my brothers," and in the morning, "Go away, for I do not want to be prevented from studying." One day his wife heard him call the afflictions, and she exclaimed: You yourself bring these afflictions upon you! You have exhausted the money of my father (through your illness). She left him and went to the house of her father. In the meantime it happened

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that sailors made him a present 1 of sixty slaves, each of them holding a purse with money; and the slaves prepared for him daily the sixty kinds of pap he used to eat. One day his wife told her daughter: Go and see what your father is doing. And she went. Her father then said to her: Go and tell your mother that we are richer than her parents. And he applied to himself the verse [Prov. xxxi. 14]: "She is become like the merchant ships, from afar doth she bring her food." Finally he ate, drank, became well, and went to the college, and there he was questioned about sixty kinds of blood of women, and he purified all of them. 2 The rabbis murmured, saying: Is it possible that of such a number there should not be a doubtful one? And he said: If it is as I have decided, all of them shall bring forth male children; if not, then there shall be at least one female among them. Finally, all of the children were born males, and were named Eliezar after him. [There is a Boraitha, Rabbi said: "Woe to the wicked Government which has prevented R. Eliezar from attending the college, and, because of this, the multiplying of Israel."] When he was about to die, he said to his wife: I know the rabbis are angry with me (for I have captured many of their relatives as thieves), and they will probably not attend my funeral as they ought to do. You shall therefore leave me in my attic, and you shall not be afraid of me. Said R. Samuel b. R. Na'hmani: I was informed by the mother of R. Jonathan that she was told by the wife of R. Eliezar that no less than eighteen and no more than twenty-two years after his death she kept him in his attic. She used to ascend every day to examine his hair, and found nothing, and when it happened that one hair fell out, blood was visible. One day she found a worm in his ear, and she was dejected. But he appeared to

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her in a dream, telling her: It is nothing to be dejected for, as this is a punishment for allowing a young scholar to be insulted in my hearing, and not protesting against it, as I ought to have done. When two parties had a law-suit, they used to come and stand by the door, and each of them would explain his cause. Thereafter a voice was heard from the attic: You, so-and-so, are just

with your claim; or, You, so-and-so, are unjust. It happened one day that his wife was quarrelling with a neighbor, and the latter exclaimed: It may occur to you, as to your husband who is not buried. And when the rabbis heard this, they said: When this conduct goes to such a length, it is an insult to the deceased. According to others, R. Simeon b. R. Jo'hai, his father, appeared to one of the rabbis in a dream, and said: There is my little dove among you, and you do not care to bring it to me. And the rabbis decided to employ themselves with his funeral. However, the inhabitants of Akhbria would not let them remove R. Eliezar from his attic, because during all the years R. Eliezar slept in his attic not a wild beast had come to their city. On one eve of the Day of Atonement the inhabitants of the city mentioned were troubled, and took away the guard from R. Eliezar's house; and the rabbis hired some men of the village of Biri, and they took the corpse with the bed and brought it to the rabbis, who removed it to the cave of his fathers. They, however, found the cave surrounded by a snake, and said: Snake, snake, open thy mouth, and let the son enter to his father. And it did so. Rabbi then sent a message to the widow that he would like to marry her, and she answered: An object which was used by a holy man should not be used by an ordinary man. There is a parable: Should the hook which was used by the hero to hang up his weapon be also used by Kulba the shepherd to hang up his knapsack? Sent Rabbi to her: Let it be granted that he was greater than myself in wisdom. Was he also greater than I in meritorious acts? And she answered: You admit, then, that he was greater in wisdom than you, of which I was unaware. I am, however, aware that in meritorious acts he was greater than you, as he submitted to chastisements, which you did not.

Where is it known that R. Eliezar was greater in wisdom than Rabbi? When Rabban Simeon b. Gamaliel and R. Jehoshua b. Kar'ha were sitting in the college on benches, R. Eliezar and Rabbi were sitting before them on the floor, objecting and answering (discussing the Halakhas taught). And once the

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sages said: We are drinking the water of the two young men, and we let them sit on the floor! They prepared benches for them, and they occupied them. Said R. Simeon b. Gamaliel to Rabbi: I possess only one little dove (only one son), and you want me to lose it (he was afraid of an "evil eye," as Rabbi was then too young). And they made him descend to his former seat on the floor. Then R. Jehoshua b. Kar'ha said: Is it right that he who has a father shall live, and he who has not shall die? (*i.e.*, because R. Eliezar was an orphan, we shall leave him on the bench without fear of an "evil eye," even though he was of the same age as Rabbi). They therefore made R. Eliezar also take his former seat on the floor. Eliezar became dejected, saying: They compare me to him. Until that time, when Rabbi said anything, R. Eliezar used to support him; from that time, however, when Rabbi used to say: I have to object, R. Eliezar would say to him: You mean to object from this and this; here is the answer to your objection, and also to an objection you intend to raise from this and this, and so you are surrounding us with lots of objections which are of no value. Rabbi became dejected, and came to complain before his father, who answered: You should not be angry, as he (Eliezar) is a lion, the son of a lion, and you are a lion, the son of a fox. And this is what Rabbi said elsewhere: There were three modest men, my father, the children of Bathyra, and Jonathan the son of Saul. My father, as said above, that he compared himself to a fox; the Beni Bathyra, as it is said (Passover, p. 127), that they who were princes themselves have left their places to Hillel, as he was greater in wisdom than they; and Jonathan b. Saul, as it is written [I. Samuel, xxiii. 17]: "And thou wilt be king over Israel, and I will be next unto thee." [But perhaps Jonathan said so because he had seen that the whole world was sympathizing with David; and also the Beni Bathyra, because they were compelled to do so, as they could not answer the questions submitted to them; therefore R.

Simeon b. Gamaliel was certainly one of the modest men of the world.]

Said Rabbi: I see that chastisements are favored. And he accepted for himself afflictions for thirteen years, six of them with cold chills, and seven of them with scurvy.

The riding-master of Rabbi was wealthier than King Sabur. When he used to feed the animals of Rabbi, the voices of the animals were heard for three miles. And he used to do this at the time Rabbi was doing the necessary of men, and he was

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crying so from pain that his voice was heard all over the neighborhood; and notwithstanding the voice of the animals, his voice was heard farther, so that even the sailors on the sea heard him. (Says the Gemara:) Nevertheless, the afflictions of R. Eliezar b. R. Simeon were of more value than Rabbi's, as the former's were caused by love, and went away for the same reason; and Rabbi's were caused by an act, and went away also in the same manner. Caused by an act, as follows: There was a calf which was about to be taken for slaughtering, and it ran away, and put its head under the garment of Rabbi, and cried. And Rabbi answered: Go; you are created for this purpose. Then it was said by Heaven that, as he has no mercy with creatures, he shall be afflicted with chastisements. And the afflictions also disappeared because of the following act: One day his female servant was about to dispose of kittens, and Rabbi said to her: Leave them alone; it is written [Psalm cxlv. 9]: "And his mercies are over all his works." Then it was said by Heaven: Because he has mercy with creatures he shall be dealt with mercifully and relieved from his chastisements.

During all the years R. Eliezar was suffering from his afflictions, men were not dying before mature age; and during all the years Rabbi was suffering from his illness, it never happened that the country was in need of rain. It chanced that Rabbi came to the place where R. Eliezar used to dwell, and asked whether that upright man had left a son. And he was told that there was a son, and every prostitute whose price was two dinars paid *to him* four dinars. And Rabbi sent for him, surrendered him to R. Simeon b. Aissi b. Lqunia, the brother of his mother, and left for him a diploma as rabbi, against the time that he should be able to graduate. The first few days the youth used to say: I will return to my place. And his uncle tried to persuade him to give his attention to study, saying: People want to make you a scholar, and you will be rewarded with a golden candlestick, and named Rabbi, and you say you will return to your former place. He persuaded him so much that he swore never to mention it again. When he grew up he went to the college of Rabbi, and when the latter heard his voice he said: The voice of this young man is similar to the voice of R. Eliezar b. R. Simeon. And he was told that this youth was his son. Rabbi then applied to him [Prov. xi. 30]: "The fruit of the righteous is the tree of life, and the wise draweth souls to himself." "The fruit of the righteous means R. Jose b. R.

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[paragraph continues] Eliezar, and the wise, etc., means R. Simeon, his uncle." When this R. Jose died, they brought him to the cave of his father, and found it encircled by a snake. The rabbis said Akhna, akhna (snake), open thy mouth, and let the son enter to his father. But it did not listen to them. They thought it was because his father was a greater man. A heavenly voice, however, was heard: Not because the father was greater than the son, but because the father was

suffering with his father in the cave, 1 which was not the case with R. Jose b. Eliezar.

It happened once that Rabbi came to the city where R. Tarphon used to dwell, and asked whether the same, who used to swear by his children (I shall bury my children if it is not so-and-so), left a son. And he was told that he left no son, but a grandson of his daughter, and he is such a beauty that the prostitutes paid him. He sent for him, and told him: If you will repent I shall give you my daughter. And he did so. According to some, he married Rabbi's daughter, and thereafter divorced her; and according to others, he did not marry her at all. People should not say that he repented only for the sake of this woman. [But what was the reason that Rabbi troubled himself so much in such cases? It was because it was said by R. Jehudah, in the name of Rabh; according to others, R. Hyya b. Abba, in the name of R. Johanan; and still according to others. R. Samuel b. Na'hmani, in the name of R. Jonathan: He who teaches the law to the son of his neighbor is rewarded by becoming a member of the heavenly college; as it is written [Jeremiah, xv. 19]: "Behold, thus said the Lord: . . . Thou shalt stand before me, and if thou bring forth the precious from the vile, thou shalt be as my mouth." And he who teaches the law to the son of a commoner, even if there was an evil heavenly decree against the world, it is abolished for the sake of this meritorious act, as it is written in above-cited verse.

R. Parnakh, in the name of R. Johanan, said: He who is a scholar himself, and also his son and also his grandson, the Torah does not depart from his children for everlasting; as it is written [Isaiah, lix. 21]: "And my words which I have put in thy mouth shall not depart out of thy mouth, nor out of the mouth of thy children, nor of the mouth of thy children's children, said the Lord, from henceforth and unto all eternity." The repetition, "said the Lord," in the same verse signifies that the Holy One,

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blessed be He, says: "I am the surety that so it will continue." What is meant by eternity? Said R. Jeremiah: In the later generations the Torah returns to its old inn.

R. Joseph fasted forty days, and he heard a heavenly voice: "It shall not depart out of thy mouth." He fasted another forty days, and heard: "It shall not depart out of thy mouth and out of thy children." He fasted then forty days more, and he heard: "Also out of the mouth of thy children's children." He then said: For the later generations I have no more to fast, as the Torah usually returns to its old inn.

R. Zera, when he ascended to Palestine, fasted one hundred days in order to forget the Gemara of the Babylonians, to the end that he should be no longer troubled by them. Then he fasted another hundred days, that R. Eliezar might not die during his life, as then he would have to bear all the troubles of the congregation. Then he fasted another hundred days more, that the fire of Gehenna might not affect him. Every thirty days he used to examine himself by a heated oven, and the fire did not affect him. It happened, however, one day, that the rabbis gave their eyes to this, and he burned his hips, and henceforth he was named "the little one with the burned hips."

R. Jehudah said in the name of Rabh: It is written [Jeremiah, ix. 11, 12]: "Who is the wise man that may understand this? And who is he to whom the mouth of the Lord hath spoken, that he may declare it; for what is the land destroyed?" etc. The beginning of the verse was questioned by the wise, but without a result. The continuation of the verse was questioned by the prophets,

and also without any result, until the Holy One, blessed be He, explained it himself in the succeeding verse: "And the Lord said: Because they forsook my law, which I had set before them."

Said R. Jehudah in the name of Rabh: "The words which I have set before them" (which are superfluous, as it is written above, "my law") signifies that even when they were occupied in the study of the law, they have not pronounced the prescribed benediction for it (and with this they have shown that the law is not respected by them as it ought to be).

R. Hama said: It is written [Prov. xiv. 33]: "In the heart of the man of understanding resteth wisdom," which means "a scholar a son of a scholar"; "but (the little which is) in the bosom of fools is made known" means "a scholar the son of a commoner." Said Ula: This is what people say: A single issar

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in a pitcher makes kish-kish. (A single coin in a pitcher proclaims its presence.) Said R. Jeremiah to R. Zera: What is the meaning of [Job, iii. 19]: "The small with the great is there, and the servant free from his master"? Are we ignorant that the great and small are there? It must therefore be interpreted thus: He who makes himself little for the purpose of studying the Law in this world, he becomes great in the world to come; and also he who hires himself for a slave to the Law in this world, he becomes a lord in the world to come.

Resh Lakish used to mark the caves of the rabbis (to the end that priests might not step on them, as it is prohibited to them to defile themselves by graves). When he was about to do so with the cave of R. Hyya, it was concealed before him, and he became dejected and said: "Lord of the Universe! Have I not occupied myself with the discussions of the Torah like R. Hyya?" And a heavenly voice answered him: Yea, thou hast occupied thyself as much as R. Hyya, but thou hast not multiplied the Torah as much as he did.

When R. Hanina and R. Hyya were quarrelling, said the former to the latter: Are you quarrelling with me, who am able to renew the Torah, should it be forgotten, by means of my ingenious discussions? And he answered him: Are you quarrelling with me, who have caused that the Torah should not be forgotten in Israel? I did thus: I have sown flax, prepared nets of it, caught deer, made of their skins parchment, and with their meat I fed orphans. I wrote on the parchment the five books of the Pentateuch, each on a separate roll, and used to go to a city, taking five little boys, instructing each of them in one of the above books until they knew the contents by heart. I took also other six boys, and instructed each of them in a different section of the Mishnayoth, saying to the boys, "Until I return, each of you shall teach the others the book which is known to one of you and not to the other"; and so I have caused the Torah not to be forgotten in Israel. And this is what Rabbi exclaimed: How great are the acts of Hyya! Said R. Ismael b. R. Jose to him: Are they then greater than yours, master? And he answered: Yea! Greater also than my father's? (Questioned R. Ismael again.) And he said: Nay! No one could bear such in his mind.

R. Zera said: Yesterday night R. Jose b. Hanina appeared to me in a dream, and I questioned him: Where are you placed in

the heavenly college? And he answered: By the side of R. Johanan. And where is R. Johanan placed? By the side of R. Janai. And where is R. Janai placed? By the side of R. Hanina. And R. Hanina? By the side of R. Hyya. I then said: Is not R. Johanan worthy to be placed by the side of R. Hyya? And he answered: To a place which is illuminated and from which rays come forth, who will dare to bring into it the sun of Napha? R. Habiba said: I was told by R. Habiba b. Surmkhi, who has seen one of the rabbis to whom Elijah frequently appeared, that in the morning his eyes were nice and in the evening they were red, as if burnt by fire. And to the question, What is the matter? he told me: I have asked Elijah to show me the rabbis while ascending to the heavenly college. And he rejoined: At all of them you may look, but toward the palanquin of R. Hyya you must not look. And how shall I recognize it? All the rabbis are accompanied by angels when ascending and descending, except the palanquin of R. Hyya, which does so of itself. I, however, could not restrain myself, and gazed upon it. Then two rays blinded my eyes. On the morrow I went to the cave of R. Hyya, fell upon it, and prayed, saying: I am studying the Boraitas of you, O master! and I occupied myself with their explanations; then I was cured.

Elijah used to appear frequently in the college of Rabbi. On one of the days during new-moon, it was a bright day, and Elijah did not appear; and when he questioned him thereafter the reason why, he rejoined: It takes time until I awake Abraham, wash his hands, await until he prays, and bring him afterwards to sleep again. The same I do with Isaac, and the same with Jacob. Rabbi questioned him again: Why do you not awake all of them at the same time? "This I am not allowed, as it is to be feared then, if they should all pray together, they would bring the Messiah before his time." And Rabbi asked him: Is their equal to be found in this world? And he said: Yea! There are R. Hyya and his sons. Rabbi then ordered a fast-day, and placed R. Hyya and his sons on the altar, and when they came to the benediction, "He who causes the wind to blow," a wind came, and when they came to the words, "He who causes rain," rain came. When, thereafter, they were about to say the benediction of "resurrection," the world began to tremble, and in heaven it was questioned, "Who has revealed the secret to mortals?" And Elijah was found guilty,

and they punished him with sixty fiery lashes. He then appeared on the altar as a fiery bear, and scattered them.

Samuel of Ir'hina was the physician of Rabbi. When Rabbi had sore eyes, he was about to inject some medicine into them, and Rabbi said: I cannot endure it. He then wanted to apply salve to the eyes, but Rabbi prevented him, as even this he would not endure. He then poured some medicine into a tube under his head in bed, and he was cured. Rabbi troubled himself to invest Samuel with the title "Rabbi," but never had the opportunity, and Samuel said to him . Let the master not be so sorry. I have seen the book which was shown to Adam the first, and there it is written: "Samuel of Ir'hina will be named a sage, but not a rabbi, and Rabbi will be cured through him." It is also written there: "Rabbi and R. Nathan are the finishers of the Mishnayoth. R. Ashi and Rabina will be the finishers of the Gemara." [1](#)

R. Kahana said: I was told by R. Hama, the son of Hassa's daughter, that R. b. Na'hmani's death occurred by conspiracy, namely: It was denounced to the Government that there was a man

among the Jews who prevented thirteen thousand Jews from paying head-tax one month in summer and one month in winter time (*i.e.*, that in the months of Nissan and Tishri about thirty thousand men went to hear Rabba's lectures for the holidays, and the officers of taxes could not find them at home to collect the taxes. The Government sent an officer to take him, but could not find him at home. He went in search of him from Pumbaditha to the cities of Aqura, Agina, Ch'him, Tripha, and Eina Damim, and from Eina Damim back to Pumbaditha. It happened that the officer took the same inn in which Rabba was concealed. There was a set table for the officer, and after he drank two goblets of wine the table was taken away, and it happened that the face of the officer was turned backwards. The host came to Rabba, and questioned him what to do, as he was

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afraid of trouble because of the misfortune which happened to the officer of the king; and Rabba ordered that a table should be set again with one goblet of wine, and thereafter to take the table away. They did so, and the man was cured. Then the officer said: I am now certain that the man I want is here. And he searched for him and found him, saying: I will go from here and report that I could not find him. Should they put me to death, I will not disclose it; but should they torture me, I will tell the truth. He then took Rabba, locked him up in a chamber for men, and took the key with him. Rabba prayed, and the wall fell miraculously; he ran away and went to Agina, sat down on a *crudum* of a tree, and was starving. In the meantime there was a dispute in the heavenly college about a case of purity, in which some of them decided that it is impure and some of them pure, and it was decided that R. b. Na'hmani should decide the case, as he used to say that he was the only one who knew the law of Nagaim and the only one who knew the law of Oh'loth. They sent the angel of death for him, but he could not touch him, as he did not cease studying one moment. In the meantime a wind blew and made noise with the trees of the forest, and Rabba thought that the officers were after him and said: It is better for me to die than to be taken by the Government. And when he was dying, he was questioned about the dispute in the heavenly college, and he decided it was pure. Then a heavenly voice came forth, saying: Well is it with thee, R. b. Na'hmani, that thy body is pure, and that thy soul left thy body while thou wast saying "pure." A *pitiacium* (writing) fell in the city of Pumbaditha: "Rabba b. Na'hmani was taken to the heavenly college." Then Abayi, Rabba, and all rabbis of the college went to occupy themselves with his funeral; but they did not know where to find his body, and they went to Agina, and they saw a swarm of birds which made a shade under them, and they remained so, without moving, and the rabbis understood that this was the place where the dead was to be found. And they lamented for him three days and three nights. Another *pitiacium* was found: "He who will separate himself will be put under the ban." And they lamented for him seven days more. Then another *pitiacium* (from heaven) fell: "Go to your houses in peace.

On that day that Rabbi died a storm arose and threw a certain merchant who was riding on a camel on one side of the River Papa to the other side of the same. Being astonished, and asking,

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[paragraph continues] What is it? he was answered: Rabba b. Na'hmani is dead. He then arose and said: "Lord of the Universe! The whole world is thine, and Rabba b. Na'hmani is also thine. Thou dost love Rabba, and Rabba loveth thee--why, then, shouldst thou destroy the world?" And the storm abated.

R. Simeon b. Halaphta was a fat man. 1 On one hot day he ascended to the top of a mountain to cool himself, with his daughter, telling her to fan him, promising her therefor a talent's worth of nard. In the meantime a wind began to blow, and he said: How many talents' worth of nard is to be given to the Lord of the winds?

And all according, to the custom of the country, etc. What does the Mishna mean by adding the word "all"? It means in places where it is usually the custom to give the laborers, after their meal, a certain measure of beverage, so that the hirer had no right to say to the laborers to bring vessels for this purpose, but provide for them himself.

It happened with R. Johanan b. Mathia, etc. Is not this fact a contradiction to the Mishna's statement? The Mishna is not completed, and must read thus: If, however, the hirer has promised them food in such places as it is customary to furnish them with food without any promise, it must be considered that he has to furnish them with something better than customary, as it happened with R. Johanan b. Mathia, who said to his son: Go and hire laborers for us. He did so, with the understanding that they should be fed, and when he came to his father, he said to him: "My son," etc., . . . "as they are children of Abraham, Isaac, and Jacob."

Shall we assume that the meals of Abraham were better than those of Solomon? Is it not written [I. Kings, iv. 22, 23]: "And Solomon's provision for one day was thirty kors of fine flour and sixty kors of meal, ten fatted oxen, and twenty pasture oxen, and a hundred sheep, besides harts, and roebucks, and fallow deer, and fatted fowl." And Gurion b. Astirin, in the name of Rabh, said that the fine flour and meal were only for skimming the foam; and R. Itz'hak said, that each wife of the thousand Solomon had, used to prepare such a meal, thinking that he would come to partake his meal with her. And concerning Abraham it is written [Gen. xviii. 7]: "And Abraham ran unto the herd, and fetched a calf tender and good." And R.

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[paragraph continues] Jehudah said in the name of Rabh: A "calf" is one; "tender," two; and "good," three? Abraham took three oxen for three men (which makes an ox for each man). And concerning Solomon there were for the many people of Israel and Judah, as it is written [I. Kings, iv. 20]: "Judah and Israel were numerous as the sand which is by the sea," etc.

What is meant by fatted fowl? Rabh said: Crammed fowl. And Samuel said: They were fat without cramming. And R. Johanan said: An ox fed without doing any labor, and a hen that is not occupied with hatching.

R. Johanan said: The best of cattle is an ox, and the best of fowls is a hen. Said Ameimar: R. Johanan meant a black hen that feeds herself in the vineyard with the seeds of grapes.

It is written [Gen. xviii. 7]: "And Abraham ran unto the herd," etc. Said R. Jehudah, in the name of Rabh: A "calf" is one; "tender," two; and "good" is three. [Why not say one, as people say tender and good? Then it should be written, a "good, tender calf." Why "and good"? To signify that it was another one. But then there are only two? As the words "and good" signify another one, so signifies also the word "tender."] Rabba b. Ula, according to others R. Hoshia, and still according to others R. Nathan b. Hoshia, objected. Is it not written [*ibid.*, *ibid.*]: "And gave him to a young man, and he hastened to dress him"? 1--*i.e.*, that each of them he gave to a separate

man for dressing. Farther on it is written: "And he took cream and milk, and the calf which he had dressed," *i.e.*, that each which was ready first, he placed before them. But why were three necessary. Was not one sufficient? Said R. Hanan b. Rabha: He wanted to give to each of them a whole tongue with mustard. 2 Said R. Tan'hum b. R. Huilar: One must not change the custom of that place where he abides, as Moses, when he ascended to heaven, did not eat; and the angels of heaven, when they descended to earth, ate and drank. Ate and drank! Have they then a stomach? Say: it seemed as if they were eating and drinking.

R. Jehudah said in the name of Rabh: All that Abraham did for the angels by himself, the Holy One, blessed be He, did for his children by himself; and what Abraham did through a messenger, the Holy One did the same for his children through a

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messenger: "And *Abraham* ran unto the herd"; "and a wind went forth from the *Lord*" [Numb. xi, 31]. "*He* took cream and milk"; "*I* will let rain for you bread from heaven." "And he stood by them"; "*I* will stand before thee " [Ex. xvii. 6]. "And Abraham went with them" [Gen. xviii. 16]; "And *the Lord* went before them" [Ex. xiii. 21]. "*Let* a little water"; "and *thou* shalt smite the rock" [Ex. xvii. 6]. And the same (Rabh) differs with R. Hama b. Hanina, who said that in reward for three things which Abraham had done his children got three things; namely, for the cream and milk they were rewarded with *mannah*; for that "he stood by them" under the tree, his children were rewarded with the pillar of cloud; and for "let a little water," etc., they were rewarded with the well of Miriam.

"*Let a little water*," etc. Said R. Janai b. Ismael: The angels said to Abraham: Do you suspect us to be Arabs who bow themselves to the dust of their feet? Thou hast a son, Ismael, who is doing so.

"And the Lord appeared unto him in the grove of Mamre . . . in the heat of the day" [Gen. xviii. 1]. What does this signify? Said R. Hama b. Hanina: This day was the third of Abraham's circumcision, and the Holy One, blessed be He, made him a sick call; and to the end that Abraham should not trouble himself with guests, the Lord caused the day to be intensely hot, so that no one should go out. He, however, sent out his servant, Eliezer, in order to search for guests. He went, but found none. Abraham said: I do not trust you (this is what people say, there is no trust in slaves), and went out himself. Seeing the Lord, blessed be He, standing by the door, for that it is written: "Pass not away, I pray thee, from thy servant" [Gen. xviii. 3] (and to favor him, the Lord sent three angels), and for that it is written: "And he lifted up his eyes and looked," etc. [*ibid.*, *ibid.* 2]. "He ran to meet them." But is it not written, he stood near them? Why, then, did he run after them? Previously they were standing near him, but seeing that he was afflicted with pain, they withdrew, and he ran after them.

Who were these three men? Michael, Gabriel, and Raphael. Michael came to give the message to Sarah, Raphael to cure Abraham, and Gabriel to destroy Sodom. But is it not written [*ibid.* xix. x]: "And two angels came to Sodom"? Michael accompanied Gabriel, in order to rescue Lot, and so it seems to

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be as it is written: "And *he* overthrew," etc. [*ibid.*, *ibid.* 25]. It is not written they have done so. Why is it written concerning Abraham: "So do as thou hast spoken"? [*ibid.* xviii. 5]; and concerning Lot it is written, "and he pressed upon them"? [*ibid.* xix. 3]. Said R. Elazar: Infer from this, you may decline an offer from a person inferior to yourself, but not from a superior. It is written: "And I will fetch a morsel of bread"; and after this it reads: "And Abraham ran unto the herd." Said R. Elazar: Infer from this, that the upright promise little and do much, and the wicked promise much and do nothing. And where do you take it from? From Ephron [*ibid.* xxiii. 15]: "A land . . . what is between me and thee"; and farther on it reads: "And Abraham understood the meaning of Ephron . . . four hundred shekels of silver current with the merchant" [*ibid.* xix. 16]. Hence they did not take any other money but such as was current with merchants.

"And they said unto him, Where is Sarah thy wife," etc? Said R. Jehudah, in the name of Rabh, according to others in the name of R. Itz'hak: Did the angels not know that Sarah was in her tent? Why did they ask for her? In order to increase her grace in the eyes of her husband. R. Jose b. Hanina, however, said: For the purpose of sending her a goblet of benediction.

It was taught in the name of R. Jose: Why are the letters A j v of the word ••• pointed in the Holy Scrolls? The Torah teaches us to be kind in worldly affairs, that when one comes as a guest, he may make inquiries of the host for the health of his wife.

"After I am waxed old," etc. [Gen. xviii. 12]. Said R. Hisda: After her body was wrinkled, and the folds increased, the body was again made smooth, the wrinkles of age were straightened out, and beauty returned. It is written [*ibid.*]: "My lord being old"; and farther on it is written: "I am old." Hence, the Holy One, blessed be He, did not refer to Abraham, as she said. From that the disciples of R. Ismael said: Great is the peace, as even the Lord changed her words for the purpose of peace, as it is written She said my lord is old . . . since I am old."

It is written: "Who would have said unto Abraham that Sarah should have given children suck?" [Gen. xxi. 7]. How many children did Sarah suckle? There was only one. Said R. Levi: That day on which Abraham weaned Isaac, he made a

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great banquet; and his neighbors of all nations murmured, saying: Behold, an old man and an old woman took a child from the market, proclaiming him for their own son. And this is not enough for them, but they are giving banquets, to convince people that it is as they say. What did our father Abraham? He had invited all great men in his generation, and Sarah our mother invited their wives, and every one of them brought her child along, but without their nurses, and a miracle occurred to Sarah, that her breasts opened like two springs, and she nursed all the children there. But it was still murmured and said: As Sarah was only ninety years old, it is possible that she had borne a child miraculously; but Abraham, who is over a hundred years, how is it possible that he should be able to beget children? Then the face of Isaac at once changed, and became of the appearance of Abraham, so that every one proclaimed that Abraham begot Isaac. Until the time of Abraham there was no mark of old age, and he who wanted to talk to Abraham spoke to Isaac (when he was grown up), or *vice versa*; then Abraham prayed, and the mark of old age was visible, as it is written [*ibid.* 47]: "And Abraham was old." Until the time of Jacob there was no sickness (and death occurred suddenly); and Jacob prayed that sickness would come before death; as it is written [*ibid.* xliii. 1]: "Behold, thy father is sick."

Until the time of the prophet Elisha there was no one who became cured from sickness; but Elisha, however, prayed and was cured; as it is written [II. Kings, xiii. 14]: "Elisha was sick of the sickness whereof he had to die," which signifies that previously he was sick and cured.

The rabbis taught: Three times was Elisha sick. First at the time he discharged Gekhsee from his service, and secondly when he set the bears on the children [II. Kings, ii. 24], and the third time when he died.

With bread and pulse only. Said R. A'ha b. R. Joseph to R. Hisda: Does the Mishna state bread of pease or bread and peas? And he answered: By God the letter "Vahv" (which means "and") is required to be as large as a rudder of the Labroth.

Rabban Simeon b. Gamaliel, . . . all must be according, etc. What does he mean by the word "all"? This was learned in the following Boraitha: "If one hires a laborer, to pay him in accordance with the custom of this city, he may pay him according to the smallest scale of wages; so is the decree of

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[paragraph continues] R. Jehoshua. The sages, however, say the payment must be at a middle rate, neither too high nor too low."

MISHNA II.: The following laborers have a right, according to the law of Scripture, to partake of the fruits of their laboring: They who are engaged with the growing of produce may partake of that which is ripe, but is still attached to the ground, and also of the produce which is already cut off from the ground, but not yet ready for delivery. However, the above must be produced from the ground. They must not, however, partake of the fruits of their laboring if the produce is attached to the ground, but not ripe, and also if it is cut off and ready for delivery; neither may they partake of the fruits of labor of which the products do not grow in the ground (as, *e.g.*, the milking of cattle or the making of cheese).

GEMARA: Whence is all this deduced? It is written [Deut. xxiii. 25]: "When thou comest in thy neighbor's vineyard, thou mayest eat," etc. This is only concerning a vineyard. Whence do we know that the same is the case with other places? We infer it from the case of the vineyard, thus: As in a vineyard, the products of which come forth from the ground, a laborer may eat of its fruits when they are ripe, the same is the case with other things brought forth from the ground, when they are ripe. But it can be said that this law is only concerning a vineyard, because the law of gleaning [*ibid.*, *ibid.* xxiv. 21] applies only to gleaning; therefore we may infer this from stalks [*ibid.* xxiii. 26]: "When thou comest into the standing corn of thy neighbor, thou mayest pluck," etc. But even to this there is a separate law, which applies to stalks only; namely, to separate the first dough. Then we turn again to the vineyard, and to the former question it is answered that there is a separate law of gleaning; we turn again to the stalks, and the conclusion is that both cases have separate laws which apply each to itself specially, and one to the other specially. In one thing, however, they are alike, the products of both are brought forth from the ground, and when ripe a laborer may partake of them. The same is the case with all products that are brought forth from the ground, and when they are ripe the laborer engaged in producing them may partake of them. But their likeness is further seen in that they are brought to the altar (wine to the offerings, and fine meal to meal-offerings)? Therefore, olive trees may also be

inferred from this, as oil from the olives is also brought to the altar with the meal-offering. [Is it, then, necessary to

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infer olives from vineyards and stalks? Are the olives themselves not called a vineyard; as it is written [Judges, xv. 5]: "And burnt up both shocks and standing corn, as also oliveyards"? 1 Said R. Papa: It is named a vineyard of olives (Kerm Zayith), but not indefinitely a "vineyard," which does not include olives. And the above-cited verse reads, "when thou comest in the vineyard," therefore olives are to be inferred from above.]

But, after all, whence do we deduce about all other products which cannot be inferred from what is mentioned above, as all are distinguished by separate laws applying only to them? Therefore said Samuel: We infer all from the words of above-cited verse [Deut. xxiii. 26]: "But a sickle shalt thou not move," which means that to all products under a sickle the same law applies. But is this verse not needed to teach that one may partake of them as long as the sickle is used, but not thereafter? Nay; this is inferred from the previous verse [25]: "But into thy vessel shalt thou not put it." But according to Samuel's theory, whence do we deduce about products which are not under the sickle (as, *e.g.*, dates, etc.)? Said R. Itz'hak: It is to be inferred from the words "standing corn" that the same is the case with all products which are standing. But was it not previously said that this cannot be inferred from stalks, as they are distinguished with the law of the first dough? This was said before it was learnt that it may be inferred from the words "under the sickle"; but after it was learnt of all products which go under the sickle, the same is said of all standing products.

If so, to what purpose is written the above-cited verse 25? Could it not be deduced from the 26th? Said Rabha: It is needed to infer from it the Halakhas of the following Boraitha: It is written *Khe Th'bhau* (when thou comest), and in xxiv. 15 is written *Lou Th'bhau*, as there the verse applies to a laborer. So the verse xxv. 23 applies also to a laborer. It reads, "in thy neighbor's vineyard"; but not in a vineyard of the sanctuary. "Thou mayest eat grapes," but not drink the wine of them (*i.e.*, one shall not take the grapes, make wine, and drink it). Grapes only, but not with something else (*i.e.*, one shall not mix them with something else which might increase the appetite for them). "At thy own," *i.e.*, as if thou wouldst be the owner of

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them: as the owner may partake of them before the tithe is separated, so may the laborer also. "Till thou have enough," but not more; "but into thy vessels thou shalt not put"--*i.e.*, that at the time you put them in the vessels of the owner you may eat, but not when you are not so engaged.

Rabbina, however, said: There is no necessity to deduce from verses in the Scripture concerning a laborer when he is engaged with the products when they are already cut off from the ground, and also for an ox that it may eat from the attached products of the ground, because it is written [Deut. xxv. 4]: "Thou shalt not muzzle the ox when he thresheth out the corn." Now let us see! This law applies to all animals, as it is stated in First Gate (p. 127). It ought to read: "Thou shalt not thresh with a muzzled ox." Why, then, is ox mentioned? To compare the muzzled with the muzzler (*i.e.*, the man who muzzles the cattle). As the muzzler may eat of the attached article when it is ripe, the same is the case with the muzzled animal; and as the muzzled one may eat all

that which is not still attached to the ground, so also may the muzzler.

The rabbis taught: It is written "threshing" [Lev. xxvi, 5] as the threshing is only upon products brought forth from the ground, of which the laborer may eat, the same is the case with all products of the ground, excluding him who milks, and makes cheese and butter, which are not products from the ground, and of which a laborer must not eat.

Was it not deduced already from the verses stated above? Why then this Boraitha? Lest one say that because all the products which are standing were included, as stated above, therefore the products not brought forth by the ground should also be included, it comes to teach us that it is not so. There is another Boraitha: "As threshing applies only when the product of which a laborer may eat is ready, the same is the case with other products which are ready, excluding those who lop garlic and onions (for the purpose of making more room for the good plants to grow)--a laborer may not eat of these, as they are not yet ripe." And still another Boraitha: "A threshing applies to grain which is not yet fit for separating tithe, and a laborer may eat of it; the same is the case with other things which are not yet fit for separating tithes, excluding those who separate dates and dry figs, which are fit already for separating tithes--the laborer must not eat thereof." But did not another Boraitha state that a laborer who does so may eat thereof? Said

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[paragraph continues] R. Papa: That Boraitha speaks of unripe dates which are taken off the trees in vessels made of palms, and are soaked in oil until they become ripe, and at that time they are not yet fit for separating tithes. There is still another Boraitha: "As threshing applies to such things as are not yet ready for separating the first dough, a laborer may eat thereof; but he who kneads or bakes must not eat of that which he handles, because it is already fit for the first dough; and this Boraitha speaks of countries which are out of Palestine, to which the law of tithe does not apply."

The schoolmen propounded a question: May a laborer roast the grain on fire and eat it? Shall we say that this is the same as grapes with something else, which is not allowed, or is this different? Come and hear! It is allowed for the owner of a vineyard to give to his laborers wine, that they do not eat too many grapes; and the laborers also may soak their bread in herring-pickle, that they may eat more grapes thereafter (hence we see that such things are allowed). (Says the Gemara:) The schoolmen did not question whether the men prepare *themselves* to eat more or less; their question was only whether it was allowed to prepare the fruit by sweetening it, that it might become better for eating? Come and hear! Laborers may wait until the sun warms the grapes before eating of them; they are not allowed, however, to heat grapes over fire (hence it is not allowed). From this nothing is to be inferred, as it may be it is not allowed because of the loss of time, and the question of the schoolmen refers to when he has with him his wife or children, who may heat the grapes for him? Come and hear! A laborer who is engaged in separating spoiled figs, dates, grapes, or olives may eat of them, though tithe is not yet separated; to eat them with their bread, however, they are not allowed, unless they do so with the consent of the owner. Neither may they use salt in eating them (hence to heat over fire is all the less allowed). (Says the Gemara:) Neither from this is anything to be inferred, as salt is certainly equal to grapes with something else, which is not allowed, as stated above.

The rabbis taught: Cows which are engaged in separating the shells from barley that has been dried in an oven, or which are threshing grain of heave offering or of tithe, there is no

transgression when one muzzles them. However, that people who are not aware the grain is of such a kind may not be misled, a handful of the grain may be taken and put in a sack and

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hung on their necks. R. Simeon b. Johai, however, said: He may put spelt in sacks and hang them on their necks, as spelt is better for the cow in every instance. There is a contradiction from the following: "Cows that are engaged in shelling grain when they are muzzled, there is no transgression; if, however, they are threshing heave offering or tithe, there is transgression if they are muzzled. The same is the case when an Israelite does the threshing with the cow of a Gentile; if, however, a Gentile threshes with the cow of an Israelite, there is no transgression." Hence there is a contradiction in the statements of the Boraithas in the case of heave offerings and tithes? It presents no difficulty. One Boraitha treats of the heave offering of the tithe, which is not doubted; and the other treats of a suspicious one (De Mai).

The schoolmen questioned R. Shesheth: "How is the law if the animal is sick and the consuming of grain injures it? May it be muzzled?" Shall we assume that, when commanded not to muzzle the animal, it is because what it may consume is good for it, so that, in the case questioned, muzzling is allowed; or is the above commandment because of the suffering of the animal on seeing the grain and not being able to eat of it, in which event the muzzling is prohibited even in the case mentioned? And he answered: This we have learned in the Boraitha mentioned above, as Simeon b. Johai said: "He may bring spelt, etc., because spelt is better for the cow." Hence we see that the reason for prohibiting muzzling is because the grain is good for the cow.

The schoolmen propounded a question: "May one say to a Gentile: Muzzle my cow and thresh with it? Shall we assume that the rabbinical prohibition to do through a Gentile what is prohibited for an Israelite to do himself is only concerning Sabbath, the violation of which is a crime, but that the prohibition of muzzling, which is only a negative commandment, does not exist in such a case, or is there no difference?" Come and hear! "When a Gentile threshes with the cow of an Israelite, the Israelite does not transgress if the animal was muzzled." Is it not to be inferred that he does not transgress the commandment, but that, nevertheless, the muzzling is prohibited? Nay; from this expression nothing is to be inferred, as it may be that it is used only because of the same expression in the case of an Israelite threshing with the cow of a Gentile, in which it was necessary to state that he commits a transgression. (Then) come and

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hear! A message was sent to the father of Samuel with the following question: When Gentiles steal bulls and castrate 1 them, and return them to the owners, may the Israelites use them or not? And his answer was: "There is craft used in doing this thing. Use the same with the owners, and make them sell the animals" (to Gentiles, so that the owners may not use them for ploughing. Hence we see that the violation of even a negative commandment, which is not a crime, must not be committed through a Gentile). R. Papa, however, said: "The people of the west, who sent the above question, hold with R. Hidga, who maintains that the children of Noah (*i.e.*, others than Jews) are warned biblically against castration, and the owners of the above-mentioned castrated oxen transgressed the commandment [Lev. xix. 14]: "Thou shalt not put a stumbling-block before the blind." Rabbi meant to say that the answer of the father of Samuel, "Make them sell them," meant that they were to be sold for slaughtering, so that no one should use them any more. Said Abayi to him: "It is sufficient fine for the owner that he must sell them

for any purpose, and to any one, Israelite or Gentile."

There is no doubt that a son of full age is considered a stranger to his father that he may sell to his son; but how is the law with a minor son? R. A'hi prohibits, and R. Ashi allows. Maremar and Mar Zutra, according to others, two certain pious men, used to exchange between themselves the oxen in question for other ones. Rami bar Hamai questioned: "Does one transgress if he has placed the young one of the cow on the outside of her for the purpose of keeping the cow from consuming the grain while threshing, or if he has engaged it while it is thirsty, or if he has spread a *καταβολή* on the grain?" One of the questions at least may be resolved from the following Boraitha: The owner of the cow is allowed to make it hungry that it may eat more while threshing; he may also give it sufficient food beforehand, that it may not consume much while threshing (and this can be compared to spreading a *katabole*, hence it is allowed).

R. Jonathan questioned R. Simai: "How is the law if he has muzzled the animal outside of the field? Shall we assume that the Scripture prohibits muzzling it while threshing only, or

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does the Scripture mean that grain shall not be threshed with a muzzled animal?" And he answered: "This can be deduced from [*ibid.* x. 9]: "Wine or strong drink shalt thou not drink, . . . when you go in unto the tabernacle"; from which it could be inferred that this is prohibited when you go in, but not previously. However, it reads [*ibid.*, *ibid.* 10]: "So that you may be able to distinguish between the holy," etc., which means you must not go in while drunk (no matter when you have used the strong drink). The same is the meaning here: there shall be no muzzling while threshing.

The rabbis taught: "He who muzzles a cow and he who pairs two kinds of animals in one wagon is exempt from the punishment of stripes, as it applies only to the threshers and the leader of them."

It, was taught: "If one has muzzled a cow only with his voice (*e.g.*, when the animal is about to eat of the grain he stops it with his voice), or if one leads the two kinds of animals with his voice only (without holding the bridle), according to R. Johanan he is guilty, because his voice is considered an act, and according to Resh Lakish he is free, as the voice is not considered an act. R. Johanan objected to the decision of Resh Lakish from the following Mishna (Themura): "One is not allowed to exchange; but if he has done so, the exchange is valid, and he is punished with forty stripes"(hence we see that though it was done by mouth only, it is considered an act, for which he is punished with stripes). And he answered: This Mishna is in accordance with R. Jehuda, who holds that one is to be punished with stripes for violation of a negative commandment, even if there is no *physical* act; but how can this Mishna be explained in accordance with R. Johanan? Did not the same state in its first part that the law of exchange applies to every one, male as well as female? And to the question: What does it mean by adding the expression "to every one" (would not "he" be sufficient for male or female)? The answer was: To include an heir, and this is certainly not in accordance with R. Johanan, as he holds that an heir cannot exchange, and also has no right to lay his hands upon an offer? The Tana of the Mishna cited holds with R. Johanan in one thing, but differs from him on the other point.

The rabbis taught: He who muzzles the cow while threshing is punished with stripes, and pays for the cow four kabs, and for an ass three kabs of fodder. But how is it possible that one

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should be punished for one crime with two punishments? We are aware that if, *e.g.*, one deserves stripes for one crime, and for another, death, the stripes must be omitted, and the same is the case with a crime for which he has also to pay for the damage he has done when the crime was committed; the first punishment only must be imposed, and he is free from payment? This Boraitha is in accordance with R. Meir, who says that both are imposed. Rabha, however, said: There are many cases in which, although one is not obliged to pay the damages, he nevertheless has to pay, from a moral standpoint; and my support is from the Scripture, which forbids the hire of a harlot to be used in the temple, even if she was a relative, for which crime one is to be stoned (hence the hire is considered a payment), although it is not collected by the court. R. Papa said: The reason he has to pay in this case, despite his punishment with stripes, is because the obligation to pay was incurred before the crime for which he is to be punished with stripes was committed; he has to feed the animal as soon as he takes possession of it, and he cannot be punished with stripes until he has done work with it.

R. Papa said: The following two things were questioned of me by the disciples of R. Papa bar Abba, and I decided one of them in accordance with the law, and the other differently; namely, May one knead dough with milk or not? And my answer was: "Nay," according to the law [see Psachim, p. 45]; and the other question was, May one enter two kinds of animals in one stable? And I prohibited this, not in accordance with the law, as Samuel allows it. R. Jehuda said: One may gender one kind of animals with his hands without any fear even for immorality, as his mind is occupied with the expected product. R. A'hdbui b. Amui objected: There is a Boraitha: If the Scripture read [Lev. xix. 19]: "Thy cattle shalt thou not let gender," only, I would say that one must not gender any kind of animal at all; but as it is added, "with a diverse kind" (*kilaem*), it signifies that only *kilaem* is prohibited. But with one kind of cattle one may gender; and also, in that case, he may only hold it for this purpose. Hence we see that only to take hold is allowed, but not to gender? The expression, "to take hold," means to gender; and it was used only because of its being a nicer expression.

R. Ashi said: I was questioned by the disciples of R. Nehemia the Exilarch as follows: "Is it allowed for one to enter in

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one stable two kinds of animals with their females? Shall we assume that because there are male and female of the one kind it does not matter about the presence of another kind, or is even this not allowed?" And I have answered them in the negative, not in accordance with the law, but because of the immorality of the Exilarch's slave.

MISHNA III.: The labor of a workingman entitles him to consume the fruit of that with which he is laboring, no matter with which member of his body he is doing the work; so that if he has worked with his shoulder, without occupying his hands or feet, it is sufficient. R. Jose ben R. Jehudah, however, maintains that he is entitled only when he employs his hands and feet in the work.

GEMARA: What is the reason of this statement? It is written [Deut. xxiii. 25]: "When thou comest into thy neighbor's," etc., signifies that it suffices when he enters to labor with any member of his body. And what is the reason of R. Jose's statement? He maintains that the muzzler shall be equal to the muzzled one; as the latter is entitled only when it is occupied in its labor with its hand and feet, the same is the case with the muzzler.

Rabbi bar Huna questioned: If one threshes with geese and cocks, how is the law according to R. Jose's theory? Does R. Jose mean that one is entitled to eat only when he works with all his strength? And if so, then the geese and cocks which are working with all their strength are entitled to eat. Or does he mean, literally, the hands and feet, and as in this case they have none they are not entitled to eat? This question remains undecided.

R. Na'hman, in the name of Rabbi bar Abuhu, said: Laborers who enter the wine-press are entitled to eat grapes, but not to drink wine; however, they are entitled to both if they cross the whole length of the wine-press while laboring.

MISHNA IV.: If one is occupied with pressing dates, he must not consume grapes, and *vice versa*; however, he may wait until he reaches the places where the good ones are to be found, and eat from them. In all cases it is said that he may consume only while he is laboring. In order not to waste the time of the owner, it was enacted that the laborers may consume when they are going from one place to another, and also when they are returning from the wine-press; and also an ass is entitled to consume while unloading.

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GEMARA: The schoolmen propounded a question: If one was occupied with one vine, may he take a bunch of grapes from it to consume while laboring on another vine? If we assume that a laborer is entitled to consume of that kind which is to be put in the vessel of the owner, then he certainly may do so, or he is entitled to consume only from those which are to be put in the vessel of the owner; and as the grapes of the first vine were not to be put in the owner's vessel, he may not eat of them; and lest one say that he may not, then there would be difficulty in understanding why the ox, while laboring at things which are attached to the ground, may eat of them, because those attached to the ground are not to be put in the vessels of the owner. Said R. Shesheth b. R. Aidi: This case cannot prove anything, as it may mean that a branch with fruit reaches the laboring ox, but not otherwise. Come and hear. Our Mishna states that if one is occupied with dates he must not consume grapes; from which we infer that he may consume of one kind of fruit. Now, if it be not allowed to take fruit from one vine when he is going to labor on another, how could such a case be found? Said R. Shesheth b. R. Aidi: This proves nothing, as the Mishna may treat of a case where the dates were resting on the vine, or *vice versa*; and it came to teach that although he cannot occupy himself unless he takes of the dates resting upon the grapes, and one may say that in such a case he is considered to be occupied with both, the Mishna teaches that is not so (and so it is not safe to infer from this that if he is occupied with one kind of fruit in one place he may partake of it while laboring on another of the same kind). Come and hear! The latter part, "One may wait until he reaches the place where the good ones are," etc. Now, if one would be allowed to eat of the fruit on which he is not occupied, at another place where he is occupied, then why should he *wait* until he reaches the place of the good ones? Let him immediately bring and eat of it. Nay; it may be that he is not allowed to do so because of wasting time. However, if so, the question may arise: How is it if he has somebody--*e.g.*, his wife or his children who are not laboring there--and they can bring him the

good ones, so that there is no waste of time; may it so be done or not? Come and hear the other statement of our Mishna: "In all cases. . . however, in order not to waste time," etc. And the schoolmen, in explaining the reason for this statement, were about to say that because, biblically, walking is not considered labor,

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one, biblically, is not allowed to eat in that case. Therefore the enactment in question was necessary, from which it is to be inferred that when one is laboring he may consume even biblically, and it may be decided that he may do so. However, it may be said that walking is considered labor, and yet according to the Bible walking is not considered labor, and yet according to the Bible one may not do so, and therefore the enactment was necessary; hence the question may be decided negatively.

An ass is entitled, etc. While unloaded! From what, then, shall it consume? Correct the Mishna so that it reads, "until it is unloaded"; and this is the same as the rabbis taught elsewhere, that an ass and a camel may consume from the load which is upon them. However, one may not take of the load with his hands and give them to eat.

MISHNA V.: The laborer may consume of cucumbers or dates with which he is working, even to a dinar's worth. R. Elazar b. Hasma, however, said: A laborer must not consume more than his wages; but the sages allow even this. Nevertheless, a man should be instructed that he must not be greedy, so that the doors of mankind should not be shut against him.

GEMARA: Are not the sages' statements the same as the first Tana? The point of difference can be found in the following saying of Rabh: I have found hidden scrolls in the house of R. Hyya, in which it was written as follows: "Aisi b. Jehudah says: The verse written [Deut. xxiii. 25]: 'When thou comest in the vineyard of thy neighbor,' means not only a laborer, but anybody." And Rabh himself added: "Aisi's theory does not allow any one to make a living" (*i.e.*, if it would be allowed for every one to enter the vineyard of a stranger, and to consume, as much as he likes, then nothing would remain for the owner). So that the first Tana does not agree with Aisi, and the sages do. Said R. Ashi: I have repeated this Halakha before R. Kahanah, and questioned him whether it meant laborers who are doing their work for their meal only; and he answered me: That even then one would prefer to hire men to cut off the trees of his vineyard than to have people enter and consume all it contains.

The schoolmen propounded a question: Are we to interpret the command of the Scripture, that a laborer may eat in addition to his wages (*i.e.*, the Scripture has added to his wage the consuming of the fruit he is engaged with, consequently it is a part of his wages; or is it only a kind of charity which the

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[paragraph continues] Scripture commands to give him)? And the difference is, if the laborer says: "Give this that I am entitled to to my wife and children." If it is a part of his wages, this could be done; but if it is only a kind of charity, it may be said that the Merciful One has rewarded only the laborer himself, but not his wife and children. What is the law? Come and hear! R. Elazar b. Hasma said: A laborer must not consume more than his wages allow. Are we not to assume that

the point of their differing is that one holds that this is a part of his wages, and the other holds that it is a kind of charity? Nay, all agree that this is a part of his wages; and the point of their differing is the explanation of the word *knaphshkha*, 1 which is mentioned in the Scripture [*ibid.*, *ibid.*]. One holds that this word may be interpreted, "a thing which you get with danger to your life" (*i.e.*, if one undertakes to ascend to the top of the tree in order to get the fruit), and the other interprets this word, "as thy soul" (*i.e.*, as for thy soul thou likest to muzzle thyself not to partake, thou mayest do so; the same is the case with the laborer, in some instances thou mayest prevent him from consuming). Come and hear! "A laborer who was a Nazarite, if he said, Give the grapes or wine that I am entitled to to my wife and children, he must not be listened to." Now, if this is a part of his wages, why should he not be listened to? Nay; there is another reason. People say, it must be said to a Nazarite, Go around, go around, so that you shall not meet a vineyard (*i.e.*, the things which are forbidden to him should not be found near him). Come and hear another Boraitha: If a laborer said the same, he also must not be listened to; hence if this is a part of his wage, why should he not be listened to? Nothing is to be inferred even from this, as the expression, "a laborer," may be interpreted to mean a Nazarite. But is there not a separate Boraitha which says plainly "a Nazarite"? This is no question, as the Boraithas were taught separately. One plainly states a Nazarite, and the other named a laborer, which means also the same. Then come and hear another Boraitha: From this we deduce that a laborer must not be listened to when he asks that that which he is entitled to shall be given to his wife and children, from the verse [*ibid.*, *ibid.*]: "But into thy vessel thou shalt

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not put any." And lest one say that this Boraitha also means a Nazarite, then this verse would be used as a reference, because for a Nazarite there is another reference given above? Yea; it may mean a Nazarite, but the verse belonging to a laborer is brought because one has named him a laborer.

Come and hear another Boraitha: If one hires a laborer to cut dates, he may eat of them and he is free from tithe. But if he was hired with the stipulation that "I and my son shall partake of it," he may and is free from tithe; his son, however, may eat only when the tithe is separated. Now, if this is a part of his wages, why, then, should his son not be free from tithe? Said Rabbina: Because the fruit used by his son is considered bought, as the son has nothing to do with it, and only consumes because of the stipulation of his father, who gave his word for it. Consequently, it is as if he had bought and sold it. Come and hear the next Mishna, which states that a stipulation can be made for all his family except the little children, etc. Now, if this is considered a charity, it is right that no stipulation should be made for his little children, if they have not reached the age of reason; but if it is a part of his wages, why should not the stipulation be of value for the children also? It may be said that it means when he does not feed them. But did not R. Hoshua teach that "one may make a stipulation for himself and for his wife, but not for his cattle; for his sons and daughters who are of age, but not for those who are not yet of age; however, for his male or female slaves whether they are of age or not"? From this we infer that all the Boraithas mentioned mean when he feeds them all; and the point of the difference is that the Tanaim of the above Boraithas and also of the cited Mishna hold that it is only a kind of charity, and R. Hoshua holds that it is a part of his wages.

MISHNA VI.: A laborer has the right to make a stipulation that he shall not eat what he is entitled to and take money for it instead. He has also a right to do the same for his grown son and daughter, for his wife, and for his grown-up male and female slaves, but not for his minor

children or slaves, and not for his cattle, because these have no reason. If one hires laborers to work in his vineyard when it is in its fourth year (of which the fruit is prohibited), the laborers must not partake of it. If, however, he didn't notify them of the case, he must redeem the fruit and let them eat. If the round cakes of his dry figs became open, or his barrels of wine became ready for

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use, so that they are fit for separating tithe from them, the laborers must not eat; but if, however, he didn't notify them at the time he hired them, he must separate the tithe and let them eat.

Watchmen of fruits are permitted to eat, according to the custom of the country, but not according to the law of the Scripture.

GEMARA: (Concerning the watchmen:) Said Rabh: The Mishna treats only of watchmen who guard vineyards, the fruit of which is still attached to the tree, and therefore, according to the Scripture, they are not to eat of it when it is not yet ripe. But they who guard wine-presses and heaps of grain are permitted to eat even in accordance with the law of the Scripture; for the reason that guarding is considered a labor. Samuel, however, maintains that the Mishna treats of those who guard wine-presses and heaps of grain; but they who guard vineyards are not entitled even in accordance with the law of the country, for the reason that guarding is not considered labor according to his opinion. R. Aha bar Huna objected to this from the following: "He who guards the red cow defiles his garments." Now, if guarding is not considered an act of labor, why should his garments be defiled? Said Rabba bar Ulah: It was enacted to be so for fear he would touch one of its members. R. Kahana objected from the following: If one guards cucumber fields, he must not fill up his belly from one garden bed, but he may eat some from each bed. Now, if guarding is not considered labor, why is he entitled to eat at all? Said R. Shimi bar Ashi: The Boraitha treats of those that were already cut off. But if so, then they are already fit for tithe? It treats in case the blossoms are not yet removed. Said R. Ashi: It seems to me that Samuel is right in his theory, and he can be supported from Mishna II. in this chapter: "The following laborers have a right to partake according to the law of Scripture," etc. From which it is to be inferred that there are such who eat not in accordance with law of the Scripture, but in accordance with the law of the country. How, then, should the latter part of the same be explained: "They have not to partake," etc.? What does the expression "not to partake" mean? If we say that they are not to partake in accordance with the law of the Scripture, but that they may partake in accordance with the law of the country, then it would be the same as in the first part; we must, then, say they are not to partake even in accordance with

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the law of the country. And what is this? One who is engaged on that which is still attached to the ground and is not yet ripe, and, furthermore, the watchmen of the vineyards.

MISHNA VII.: There are four kinds of bailees: a gratuitous bailee, a borrower, a bailee for hire, and a hirer. (In case of loss,) the first is acquitted on taking an oath that he has not neglected his duty; the second has to pay under all circumstances; the third and fourth are acquitted in case the property entrusted to them has been broken, confiscated, or has died, but not when it has been lost or stolen.

GEMARA: Who is the Tana who states that there are four kinds of bailees? Said R. Na'hman, in the name of Rabba h. Abuhu: It is R. Mair. Said Rabba to him: Is there one who does not hold the theory of the four bailees? R. Na'hman rejoined: I mean to say that the only one who holds that a hirer and a bailee for hire are equal in law is R. Mair.

Is this so? Has not R. Mair said the contrary in the following Boraitha? For what loss must a hirer pay? R. Mair said: For the same that a gratuitous bailee must pay. R. Jehudah, however, said: For the same loss as a bailee for hire. (Hence R. Mair holds that a hirer is the same as a gratuitous bailee?) Rabba b. Abuhu has changed the names (in the quoted Boraitha). If so, then there are three, not four, kinds of bailees. Said R. Na'hman b. Itzhak: There are four kinds; the laws concerning them, however, are only three.

There was a shepherd who pastured his cattle on the shores of the River Papa. One of the cattle slipped and fell into the water. When the case was brought before Rabba he acquitted him, saying: What could he do? He has guarded them as is usual with shepherds. Said Abayi to him: In accordance with your theory, if the shepherd entered the city at the usual time, is he also acquitted? And he answered, "Yea." And what if he sleeps at the usual time, is he also freed? And the answer was, "Yea."

Then R. Abye objected to him from the following: The accidents for which a bailee for hire is not responsible are, *e.g.* [Job, i. 15], "When the Sabeans made an incursion and took them away." (Hence we see that he is responsible only for such things as he could prevent, but not otherwise. And Rabba answered: The Boraitha treats of the watchmen of the city who were hired to watch all night, so that their employers might rely upon them to prevent all accidents. Abye raised

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another objection from the following: What is the extent of the duty of a bailee for hire, as, *e.g.* [Gen. xxxi. 40]: "(Where) I was in the day the heat consumed me," etc.? And he answered: This Boraitha also means the watchmen mentioned above. Abye rejoined: "Was Jacob the Patriarch a watchman of the night?" And he rejoined: "Yea; Jacob promised Laban that he would watch his (Laban's) cattle, as city watchmen watch the property entrusted to them." Abye then raised another objection from the following: "If a shepherd entered the city while his cattle were pasturing, and a wolf seizes a sheep, he must not be accursed. He must only be held responsible if it be adjudged by the court that his presence could have prevented the occurrence." Are we not to assume that the Boraitha means that the shepherd went to the city at the time that shepherds usually went there, and that even if this was the case he is held responsible for the accident? Said Rabba: "Nay; it means if he left the cattle at an unusual time."

Then, since he has neglected his duty, why should he be acquitted even if his presence could not have prevented the accident? The Boraitha treats of a case in which he (the shepherd) heard the voice of the wild beasts and fled. If so, why is it necessary to adjudge; what could he do under such circumstances? It would have been his duty to frighten the beast away by throwing stones and sticks. If so, why should only a bailee for hire do this; does not the same hold good for a gratuitous bailee? Was it not you, master, who said that if a gratuitous bailee could put the beast to flight with sticks and stones he is responsible?

Yea, I did say so; but this would only be the case if he could do this without incurring any expense; while the bailee for hire must do so even if he should incur expense. How much is it his duty to spend for this purpose? The amount that the article is worth. But where is it to be found that a bailee for hire is to be responsible for an accident, so that he is obliged to pay his own expenses? He is obliged to save them even when he must spend money, which, however, is returned by the owner.

Says R. Papa to Abye: If so, what good is it to the owner to have the property saved? And he rejoined: It saves him the trouble of buying others; besides, it is more pleasant for him to have the cattle which he is used to.

R. Hizda and Rabba b. R. Huna do not agree with the

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above theory of Rabha, that if a bailee for hire has not neglected his duty he is not responsible for any accident; and the owner may say that he has paid for guarding the cattle in order that they may be guarded better than is usual.

Bar Adda of Sabula led cattle across the bridge of Narash, and one of them pushed the other into the water. When this case was brought before R. Papa, he held him responsible. When the defendant objected, saying: "What could I do?" he answered: "You could lead them across one by one." At this the defendant, however, exclaimed: "Does not the master know his people sufficiently well to know that they have not the time to lead them over one by one?" The judge then rejoined: Such claims have often been brought before the court, but they could not be taken into consideration.

Abu placed flocks at Rumnia, and Shabu, who was an errant robber, took them away. Although Abu proved that this was the case, R. Na'hman held him responsible. Shall we assume that R. Na'hman differs with R. Huna b. Abuhu, who sent a message, that if an article was thereafter stolen by accident, and the thief was identified, the depositary, if he be a gratuitous bailee, may choose either to take an oath or summon the thief. But if he was a bailee for hire he must pay and summon the thief. (Hence, as R. Na'hman made Runia, who was a gratuitous bailee, responsible, he certainly does not agree with the above theory of R. Huna?)

Said Rabha: This proves nothing. As there was military in the city where Runia was, if he called for help they would have come to his assistance.

MISHNA VIII.: A single wolf coming among the flock, it is not considered an accident, while two constitute one. R. Jehudah maintains that at a time when there are visitations, a single wolf is also considered an accident.

Two dogs are not considered. Jeddna d. Babylon, in the name of R. Mair, said: If both come from one side it is not, but if they come from two different sides it is. A robbery is considered an accident. A lion, a bear, a leopard, a panther, and a snake are accident when they come suddenly; but if one has led his cattle where wild beasts or robbers abound, it is not considered an accident. A natural death is an accident, but not if it is caused by cruelty. If cattle fall from a steep rock where they have gone of their own accord, it is an accident, but if they are led there, it

is not.

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GEMARA: But have we not learned in a Boraitha that even a single wolf is considered an accident? Said R. Na'hman b. Itzhak: The Boraitha treats of a visitation, and it is in accordance with R. Jehuda.

A robbery is considered an accident. If there is only one robber, is there not only one man against one man? Said Rab: It means if the robber was armed. The schoolmen propounded a question: "If the robber and the shepherd were both armed, what is the law? Shall we say that as there was one against one, then it is not to be considered an accident? Or shall we say that as the robber risks his life, which is not the case with the shepherd, it is? Common sense says that it is so.

Said Abye to Rabba: If a shepherd meet a robber and say to him: "You ill-reputed thief, remember that we are located in such and such a place, where we have so and so many men, so and so many dogs, and so and so many archers with us, and if you venture to come to us you will be killed"; and if, in spite of this warning, the thief ventured to do so, how is the law? And he answered: Informing the thief of the location of the pasture is equal to the statement of our Mishna about leading the cattle to the place of robbery, etc.

MISHNA IX.: A gratuitous bailee has the right to make a stipulation that in case of loss he shall be freed from taking an oath. A borrower may do the same so as to be freed from payment. A bailee for hire and a hirer may likewise do the same, so that they may be freed from both an oath and from payment.

A stipulation made contrary to that which is written in the Scripture is of no avail. A stipulation which is made on condition that a certain act be done in advance is of no avail. If, however, the stipulation was that a certain act be done afterwards, and it is possible to fulfil the condition, the stipulation is of avail.

GEMARA: Why can a stipulation of this kind be made? Is it not contrary to what is written in the Scripture, and therefore ought it not to be unavailable? Our Mishna is in accordance with R. Jehudah, who said that in money matters a stipulation of this kind is of avail; as we have learned in the following Boraitha: "If one says to a woman: You shall be betrothed to me on condition that I will neither support nor dress you," the betrothal is valid, but the stipulation is to be abolished. So is the decree of R. Mair. R. Jehudah, however, maintains that in regard to money matters the stipulation is valid.

But how can we interpret the statement of our Mishna in

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accordance with R. Jehudah, when in the latter part it plainly states that a stipulation made contrary to the Scripture is of no avail, which is certainly in accordance with R. Mair? This presents no difficulty, as the latter may treat of other than money matters. But still, if so, how would you interpret the last part of the Mishna, which states that "a stipulation which has an act

in advance," etc., and such a theory was heard from R. Mair only, as stated in the following Boraitha: Aba'ha Laphtah, the man of the village of Hananya, said in the name of R. Mair that a stipulation which is to be fulfilled before an act is valid; but if the act is to be performed afterwards it is invalid? Therefore we must say that the whole Mishna is in accordance with R. Mair; and the reason the stipulation is valid is because he freed himself from all obligations before he became a bailee.

There is a Boraitha which says that a bailee for hire may stipulate that he shall be equal to a borrower. But how shall a stipulation of this kind be made verbally only? Said Samuel: It treats of when it was made with the ceremony of a sudarium. R. Johanan, however, maintains that even when a sudarium is not necessary--as the benefit which he derives is from the reputation he earns among the people of being a trustworthy man--he makes up his mind to take all responsibility.

And it is possible to fulfil, etc. Said R. Tabla, in the name of Rabba: This is in accordance with the decree of R. Jehudah b. Tama: The sages, however, maintain that even in such a case the stipulation is of avail. As we have learned from the following Boraitha: Here is your divorce, with the stipulation that you shall ascend to heaven, or shall descend to hell, or you shall swallow a stick a hundred ells long, or you shall cross the ocean on foot. If such a stipulation is fulfilled the divorce is valid; but if not it is invalid. R. Jehudah b. Tama, however, said that such a divorce is valid. Such is the rule: a stipulation which is impossible to be fulfilled should be considered a jest, and the divorce remains valid.

Said R. Na'hman, in the name of Rabba: The Halakha prevails in accordance with R. Jehudah b. Tama. Said R. Na'hman bar Itzhak: It seems to be so, as the last expression from our Mishna agrees with him. [1](#)

Footnotes

[213:1](#) The term in the Scripture is עַיִן, which has two meanings, "eye" and "spring." Leeser translates it by "spring"; the Talmud, however, takes it literally.

[213:2](#) The expression in the Scripture is *Veyidgoo*. Dag in Hebrew means fish, hence the analogy in text. Leeser, however, translates it according to the sense.

[215:1](#) Rashi explains that while sailing they were in danger of being wrecked by violent storms, and they prayed to be saved because of the merits of Eliezar, and they were saved miraculously, and therefore they made him this present.

[215:2](#) There is a custom even now among the orthodox Jews, that when a blood-stain is found on the sheet of a married woman, it is carried to the rabbi to determine if it is that kind of blood for which the woman must be separated for two weeks, and after that time to take a legal bath; or whether the stain is not that kind of blood for which she must be separated; as there is a Mishna [in Tract Nida, Chap. 11.] that five colors of blood are considered unclean (*i.e.*, for which she must be separated), and the other kinds are not considered blood, and she may have

intercourse with her husband without taking the prescribed legal bath. Hence the sixty kinds of blood mentioned in this legend. The number "sixty" seems to be a favored number with them for exaggeration.

[219:1](#) See Sabbath, p. 58.

[223:1](#) Rashi explains this, that until their time the Gemara was not in any order, as in the colleges a Mishna was discussed only in relation to money matters, food, etc., the Halakha thereof being questioned in a college; and then there was discussion, and each gave a reason for his opinion, and the same was done if some one questioned the reason of such and such a Mishna, without a practical act; and so the whole Gemara was mixed together, without any order in sections or tracts, and Rabina and R. Ashi were the first who gathered all the discussions of the colleges until that time, and also at that time arranged them into sections and tracts in accordance with the Mishnayoth ordained by Rabbi in sections and tracts. See footnote, Chap. II., pages 79, 80.

[225:1](#) Because in the beginning of this legend it was spoken of fat was also brought in (Rashi).

[226:1](#) The expression in Scripture is *Outhou*, and means "him," which is singular. The translators of the Bible translate "it," according to the sense.

[226:2](#) Rashi explains that such a meal was only prepared for kings.

[231:1](#) The term in Hebrew is *Kerm Zayith*, literally, a vineyard of olives; hence the question.

[235:1](#) Castrating is prohibited to Israelites biblically, and the Gentiles, who were friends of the Israelites, used to steal the bulls for this purpose, and return them afterwards. Hence the question.

[241:1](#) *Nephesh*, in Hebrew, means "soul"; *knaphshkha*, literally, "as thy soul." Hence the expression "soul." R. Elazar maintains: "When thy soul is in danger," and the sages interpret this as: "You can do with your soul." Leeser, however, translates it according to the sense, "as thy pleasure."

[248:1](#) *Thspth*. What news did R. Na'hman come to tell? This was already stated by Rabha, to which they answered in various ways. We have therefore translated R. Na'hman b. Itzhak in support of Rabha, that the anonymous Mishna agrees with him, and consequently the Halakha must so prevail.

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