

TRACT EDUYOTH (TESTIMONIES).

CHAPTER I.

MISHNA I.: Shamai says: For all women suffices their perceiving the menses (to make unclean whatever one of them may happen to touch; but not before this perceiving). Hillel, however, says: The time is to be counted between two consecutive examinations regardless of the length of the interval and be it of many days (and all she touches at that time is unclean). The sages, however, say: The Halakha prevails with neither Shamai nor Hillel; but one day (night included) reduces the interval between the said examinations; on the other hand, the moment of examination reduces the allowance of the day (and night). (However, all agree) that for every woman who has a regular periodic menstruation the perceiving suffices. She who uses sheets to examine herself before and after intercourse, reduces thereby both the time of the previous examination and the above-said day of allowance. [1](#)

MISHNA II.: Shamai says: One must separate Chalah (first dough) from one Kab; Hillel says from no less than two, while the sages set the minimum at one and a half Kab, lowering it, however, to five-fourths of a Kab when the measures were increased. R. Jose says: Not exactly five-fourths, but a trifle above.

MISHNA III.: Hillel says: One Hin-ful of drawn water renders a legal bath, [2](#) when poured therein, unfit. (A Hin-ful is not the exact quantity, but is stated here as it is one's duty to use the teacher's language.) Shamai says: Nine Kab, while the sages, disagreeing with either view, uphold the two weavers that came from the gates-of-refuse in Jerusalem and testified in the name of Shemai and Abtalion that three Lugs of drawn

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water render the aforesaid bath unfit, and decided that Halakha to prevail so.

MISHNA IV.: Why, then, are the theories of Shamai and Hillel stated at all, if without avail? To teach to posterity that one must not insist upon one's statements, since the distinguished masters of the world did not persist in their views.

MISHNA V.: And why is mention made of the opinion of a single person in connection with that of many, when the final decision is invariably with the majority? In order that when a court should happen to approve of some one's opinion it might base its decision thereon, for no court may annul the decision of another court, unless it be superior to latter both in erudition and number. If, however, it be superior only in one respect: in either erudition or number, it cannot annul; as it must be superior in both.

MISHNA VI.: Said R. Jehudah: If this be the case, why is mention made of the opinion of an individual in connection with that of the majority to no purpose? In order that if one were to

base his argument on tradition he could be answered that his tradition is in accordance with the opinion of that and that individual.

MISHNA VII.: Beth Shamaï says: A quarter Kab of the bones of the dead (defiles one in the tent) be it from two or three dead; Beth Hillel says: A quarter Kab from one corpse, from the quarter part of the entire structure, or of the number of bones. Shamaï himself says: One bone suffices.

MISHNA VIII.: Vetch *terumah* may, according to Beth Shamaï, be soaked and peeled in a state of cleanness, but in that of uncleanness the cattle may be fed on it. Beth Hillel, however, hold that in the former state it may be soaked only, while peeling and feeding may be done in the latter. Beth Shamaï says: It must be very dry when given to the cattle; R. Aqiba holds that in a state of uncleanness all actions may be performed on it.

MISHNA IX.: If one desires a sela in exchange for copper coin of the second tithe, he must, according to Beth Shamaï, exchange the whole coin for a sela, while the Beth Hillel maintain that he may take but one shekkel in silver and the other half in copper coin. 1 (R. Mair says): One must not redeem fruit and silver by other silver, while the sages allow it.

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MISHNA X.: When one exchanges a sela of second tithe in Jerusalem, he must, according to Beth Shamaï exchange the entire sela for copper coin; Beth Hillel hold as above; the experts 1 of the sages say: For three dinar in silver and one dinar coin. R. Aqiba's opinion is: Three dinar in silver and of the fourth one a quarter in coin. R. Tarfon says: Four aspers in silver. Shamaï himself says: Let him leave the sela in the store till he gradually consumes its worth in goods.

MISHNA XI.: The bride's chair, when stripped of its adornments is declared by the Beth Shamaï as subject to defilement, but not so by Beth Hillel. Former holds that even the seat alone of that chair is unclean. Similar are the respective opinions of the Beth Shamaï and the Beth Hillel with reference to a chair put into a trough, the former declaring in addition the chair unclean if even only made in a trough. (Will be explained in Tract Kelim.)

MISHNA XII.: Following are the cases wherein the Beth Hillel have altered their views in favor of those advanced by the Beth Shamaï: The woman who upon coming from the sea-countries asserts that her husband died may, according to the Beth Shamaï, remarry or enter a levirat marriage; while the Beth Hillel contended: We heard this as holding good only concerning a woman who comes from the harvest; whereupon the Beth Shamaï retorted: It is immaterial whether she comes from the harvest, olive gathering or from a sea-country; and the expression "harvest" as used by the sages in this matter was one of fact; thereupon the Beth Hillel conceded. Furthermore, according to Beth Shamaï such woman is allowed to marry and to obtain her marriage contract, which latter right the Beth Hillel denied her, whereupon the Beth Shamaï argued: You allow a possible adultery, a rigorous transgression, and prohibit a money matter, a (lenient) misdemeanor? Whereunto the B. Hillel rejoined: For we find that the heirs of the deceased cannot enter inheritance upon her statement alone. And Beth Shamaï replied: But we are informed directly from her marriage contract, where the husband writes: If you get married to another one you should get what is here devised to you; thereupon the B. Hillel conceded to them.

MISHNA XIII.: He who is half slave and half free [2](#) works,

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according to Beth Hillel, one day for his master and one for himself. Hereto objected the Beth Shamai: You amply provide for his master but not for him; he has no right to marry either a slave or a free woman, nor should he remain single, for the world has been created for propagation, as it reads [Isa. xlv. 18]: "Not for naught did he create it; to be inhabited did he form it." Accordingly, for the sake of a better organization of the world his master is compelled to wholly free him, and the slave writes him a note on the half of his value; and the Beth Hillel accepted this opinion.

MISHNA XIV.: An earthen vessel when covered protects (against tent-uncleanness) according to Beth Hillel all (it contains), while the Beth Shamai holds that it protects only food, beverages and earthen vessels. Asked Beth Hillel: Why? And they answered: Because it is unclean in the opinion of the Amharetz, and no clean vessel is protective; and B. Hillel's question as to why have you declared it protective of food and beverages, they meet thus: We declare these clean only for the Amharetz, but if you were to declare the vessel as such clean, it would be so in general; hereupon the B. Hillel agreed.

Footnotes

[3:1](#) This Mishna is the first in the I. Chapter of Tract Nidah, and will be translated in the proper place with the Gemara.

[3:2](#) In case same does not yet contain the legally prescribed 40 saah.

[6:1](#) All this receives its explanation in Tract Second-Tithe, section Seeds.

[7:1](#) *I.e.*: Ben Azai, Ben Zoma, 'Hanan the Egyptian, and 'Hanania.

[7:2](#) *I.e.*, he was a slave of two masters, one of whom freed him.

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