

in the *halachah*. His name in fact was not even Nehorai but R. Nehemiah or, as others say, R. Eleazar b. Arak. Then why was he called 'Nehorai'? Because he enlightened the Sages in the *halachah*.¹

Rabbi² declared: The only reason³ why I am keener than my colleagues is that I saw the back of R. Meir,⁴ but had I had a front view of him I would have been keener still, for it is written in Scripture. *But thine eyes shall see thy teacher*.⁵

R. Abbahu stated in the name of R. Johanan: R. Meir had a disciple of the name of Symmachus who, for every rule concerning ritual uncleanness, supplied forty-eight reasons in support of its uncleanness, and for every rule concerning ritual cleanness forty-eight reasons in support of its cleanness.

One taught: There was an assiduous student at Jamnia⁶ who by a hundred and fifty reasons proved that a [dead] creeping thing was clean. Said Rabina: I also could by logical argument prove it to be clean. If a snake that kills [man and beast] and thus causes much uncleanness,⁷ is itself ritually clean,⁸ how much more should a creeping thing, which does not kill [either man or beast] and consequently causes no uncleanness, be ritually clean. This, however, is no argument, since [the snake] is merely acting like a thorn.⁹

R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, 'The *halachah* is in agreement with our views' and the latter contending, 'The *halachah* is in agreement with our views'. Then a *bath kol*¹⁰ issued announcing, '[The utterances of] both:¹¹

(1) Cf. previous note, נחמיה, of the rt. נחור 'to shine'. (2) MS.M. 'Rab'. (3) Lit., 'that'. (4) Rashi: When I studied under him my seat at the academy was in the row which had a back view of R. Meir. (5) Isa. XXX, 20. (6) Or Jabneh. The religious centre and seat of the Sanhedrin after the destruction of Jerusalem. (7) A corpse is unclean and imparts uncleanness to those who come in contact with it. (8) Since it was not included among the eight unclean reptiles enumerated in Lev. XI, 29f. (9) The uncleanness which it causes has consequently no bearing on its own status. No inference *a minori can*, therefore, be drawn between snake and creeping thing. (10) V. Glos. (11) Lit., 'these and these'.

are the words of the living God, but the *halachah* is in agreement with the rulings of Beth Hillel'. Since, however, 'both are the words of the living God' what was it that entitled Beth Hillel to have the *halachah* fixed in agreement with their rulings? — Because they were kindly and modest, they studied their own rulings and those of Beth Shammai,¹ and were even so² [humble] as to mention the actions³ of Beth Shammai before theirs, (as may be seen from⁴ what we have learnt: If a man had his head and the greater part of his body within the *sukkah*,⁵ but his table in the house,⁶ Beth Shammai ruled [that the booth was] invalid but Beth Hillel ruled that it was valid. Said Beth Hillel to Beth Shammai, 'Did it not so happen that the elders of Beth Shammai⁷ and the elders of Beth Hillel went on a visit to R. Johanan b. Ha-horanith and found him sitting with his head and greater part of his body within the *sukkah* while his table was in the house?' Beth Shammai replied, From⁸ there proof [may be adduced for our view for] they indeed told him, 'If you have always acted in this manner you have never fulfilled the commandment of *sukkah*'. This⁹ teaches you that him who humbles himself the Holy One, blessed be He, raises up, and him who exalts himself the Holy One, blessed be He, humbles; from him who seeks greatness, greatness flees but him who flees from greatness, greatness follows; he who forces time¹⁰ is forced back by time¹¹ but he who yields¹² to time¹³ finds time standing at his side.¹⁴

Our Rabbis taught: For two and a half years were Beth Shammai and Beth Hillel in dispute, the former asserting that it were better

(1) Cf., e.g., Ber. 10b. (2) Lit., 'and no more but'. (3) Lit., 'words', 'things', hence 'actions' (cf. *infra* n. 7). (4) Lit., 'like that'. (5) V. Glos.; in which every Israelite must live during the Festival of Tabernacles. (6) Sc. the booth was so small that it could not contain more than the parts of the body mentioned. (7) Here Beth Hillel mention the action of Beth Shammai before theirs. (8) Cur. edd. insert in parenthesis 's' if' or 'indeed'. (9) The privilege conferred upon Beth Hillel. (10) Sc. is over anxious to succeed and embarks in consequence on hazardous or perilous adventures. (11) His efforts lead him into disaster. (12) Lit., 'is pushed back'. (13) Or 'circumstances', sc. he does not aim above his means and does not overstrain his mental or physical powers. (14) He will succeed in due course.

MISHNAH 1. THE FOLLOWING CASES ARE [EXAMPLES] OF THE LENIENT RULINGS OF BETH SHAMMAI AND OF THE RIGOROUS RULINGS OF BETH HILLEL.¹ AN EGG² WHICH IS LAID ON A FESTIVAL—BETH SHAMMAI SAY: IT MAY BE EATEN,³ AND BETH HILLEL SAY: IT MAY NOT BE EATEN.³ BETH SHAMMAI SAY: LEAVEN AS MUCH AS AN OLIVE [IN QUANTITY], AND LEAVENED FOOD AS MUCH AS A DATE,⁴ AND BETH HILLEL SAY: AS MUCH AS AN OLIVE [IN QUANTITY] IN BOTH CASES.

MISHNAH 2. A BEAST⁵ WHICH WAS BORN ON A FESTIVAL—ALL AGREE THAT IT IS PERMITTED; AND A CHICKEN WHICH WAS HATCHED FROM THE EGG—ALL AGREE THAT IT IS FORBIDDEN.⁶ HE WHO SLAUGHTERS A WILD ANIMAL⁷ OR A BIRD ON A FESTIVAL—BETH SHAMMAI SAY: HE MAY DIG WITH A PRONGED TOOL⁸ AND COVER UP [THE BLOOD].⁹ BUT BETH HILLEL SAY: HE MAY NOT SLAUGHTER UNLESS HE HAS HAD EARTH MADE READY.¹⁰ BUT THEY AGREE THAT IF HE DID

(1) Whereas in most of their controversies it is the School of Shammai who adopt a severer view and the School of Hillel a lenient one. (2) Cf. Bez. I, 2. (3) On the same day. The grounds of the controversy are discussed in the Gemara, Bez. 2b ff. (4) Must be destroyed on the eve of the Passover. But as regards eating, Beth Shammai agree that even an olive's quantity is prohibited. (5) Some texts omit 'A beast . . . forbidden'. (6) As בְּיָמֵינוּ , 'newly-born', i.e. a food, the use of which became available only on the Festival day. But a beast born on the Festival is considered available from before the Festival, since if its dam was slaughtered it could have been used as food before its birth together with its dam. (7) E.g., a deer, etc.; cf. Deut. XIV, 5. (8) Which had been stuck in the ground for the purpose before the advent of the Festival. [V. Bez. 8r; Tosaf. s. v. בְּיָמֵינוּ .] (9) Cf. Lev. XVII, 13. (10) בְּיָמֵינוּ , viz., from before the Festival for use on the Festival; opposed to בְּיָמֵינוּ , set a part, as not intended for use on the Festival.

SLAUGHTER HE SHOULD DIG WITH A PRONGED TOOL¹ AND COVER UP [THE BLOOD, AND] THAT THE ASHES OF A STOVE² COUNT AS 'MADE READY'.³

MISHNAH 3. BETH SHAMMAI SAY: [PRODUCE MADE] OWNERLESS⁴ WITH RESPECT TO THE POOR [ONLY] IS COUNTED AS OWNERLESS. BUT BETH HILLEL SAY: IT IS NOT COUNTED AS OWNERLESS UNLESS IT IS MADE OWNERLESS ALSO WITH RESPECT TO THE RICH, AS IN THE YEAR OF RELEASE.⁵ IF ALL THE SHEAVES OF THE FIELD WERE OF ONE קָבֵב ⁶ EACH AND ONE WAS OF FOUR קָבֵבִים , AND IT WAS FORGOTTEN,⁷ BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,⁸ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.⁹

MISHNAH 4. A SHEAF¹⁰ WHICH WAS CLOSE TO A WALL OR TO A STACK OR TO THE HERD OR TO [FIELD] UTENSILS, AND WAS FORGOTTEN, BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,¹¹ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.

MISHNAH 5. A VINEYARD¹² OF THE FOURTH YEAR¹³—BETH SHAMMAI SAY: IT IS NOT SUBJECT TO THE LAW OF THE FIFTH NOR TO THE LAW OF REMOVAL, AND BETH HILLEL SAY: IT IS SUBJECT TO THE LAW OF THE FIFTH¹⁴ AND TO THE LAW

(1) V. *supra*, p. 22, n. 8. (2) And may therefore be used for covering up the blood; cf. Hul. 88b. (3) V. p. 22, n. 10. (4) Cf. Pe'ah VI, 4. Ownerless produce is exempt from Tithes. (5) When produce is free for the use of all alike; cf. Ex. XXIII, 11; Lev. XXV, 6. (6) Cf. I, 2, n. 1. (7) Cf. Deut. XXIV, 19, and *supra* II, 4, n. 15. (8) It is counted as four single sheaves, which, according to the opinion of Beth Shammai, do not come under the law of the Forgotten Sheaf; cf. Pe'ah, VI, 5. (9) It counts as a single sheaf only. (10) Cf. Pe'ah VI, 2. (11) Having been left by the side of marked objects. (12) Cf. Pe'ah VII, 6; M. Sh. V, 3. (13) The same applies also to a single fruit tree; cf. Lev. XIX, 23-24. (14) If it is not taken up to Jerusalem but is 'redeemed' for money (cf. I, 9, n. 16), a fifth of the value of the fruit must be added, as in the case of Second Tithe; cf. Lev. XXVII, 31; B.M. IV, 8.

R. Ashi said: [The principle of pecuniary compensation] could be derived from [the analogy of the term] 'for' [occurring in connection with Man] with the term 'for' occurring in connection with Cattle. It is written here, 'Eye for eye', and it is also written there, *he shall surely pay ox for ox*.¹ [This indicates that] just as in the latter case it is pecuniary compensation that is meant, so also in the former case it means pecuniary compensation. But what ground have you for comparing the term 'for' with 'for' [mentioned in connection] with Cattle, rather than with the 'for' [mentioned in connection] with [the killing of] man, as it is written, *thou shalt give life for life*.² so that, just as in the case of murder it is actual Retaliation, so also here it means actual Retaliation? — It may be answered that it is more logical to infer [the law governing] injury from [the law governing another case of] injury¹ than to derive [the law of] injury from [the law applicable in the case of] murder.² But why not say on the contrary, that it is more logical to derive [the law applying to] Man from [a law which similarly applies to] Man² than to derive [the law applying to] Man from [that applying to] Cattle? — R. Ashi therefore said: It is from the words, *for he hath humbled her*,³ that [the legal implication of 'eye for eye'] could be derived by analogy, as [the law in the case of] Man is thus derived from [a law which is similarly applicable to] Man, and the case of injury from [a similar case of] injury.

It was taught: R. Eliezer said: *Eye for eye* literally refers to the eye [of the offender]. Literally, you say? Could R. Eliezer be against all those Tannaim [enumerated above]?⁴ — Raba thereupon said: It only means to say that the injured person would not be valued as if he were a slave.⁵ Said Abaye to him: How else could he be valued? As a freeman? Could the bodily value of a freeman be ascertained by itself? — R. Ashi therefore said: It means to say that the valuation will be made not of [the eye of] the injured person but of [that of] the offender.⁶

An ass once bit off the hand of a child. When the case was (1) *Ibid.* 36. (2) *Ibid.* 23. (3) Deut. XXII, 29. (4) Proving against Retaliation. (5) In the manner described *supra* p. 473. (6) As the pecuniary compensation in this case is a substitution for Retaliation.

brought before R. Papa b. Samuel he said [to the sheriffs of the court], 'Go forth and ascertain the value of the Four Items.'¹ Said Raba to him: Have we not learnt Five [Items]? — He replied: I did not include Depreciation. Said Abaye to him: Was not the damage in this case done by an ass, and in the case of an ass [injuring even man] there is no payment except for Depreciation?² — He therefore ordered [the sheriffs], 'Go forth and make valuation of the Depreciation.' But has not the injured person to be valued as if he were a slave? — He therefore said to them, 'Go forth and value the child as if it were a slave.' But the father of the child thereupon said, 'I do not want [this method of valuation], as this procedure is degrading.' They, however, said to him, 'What right have you to deprive the child of the payment which would belong to it?'³ He replied, 'When it comes of age I will reimburse it out of my own.'

An ox once chewed the hand of a child. When the case was brought before Raba, he said [to the sheriffs of the court], 'Go forth and value the child as if it were a slave.' They, however, said to him, 'Did not the Master [himself] say that payment for which the injured party would have to be valued as if he were a slave,⁴ cannot be collected in Babylon?'⁵ — He replied, 'My order would surely have no application except in case of the plaintiff becoming possessed of property belonging to the defendant.'⁶ Raba thus follows his own principle, for Raba said: Payment for damage done to chattel by Cattle⁷ or for damage done to chattel by Man can be collected even in Babylon,⁸ whereas payment for injuries done to man by Man or for injuries done to man by Cattle cannot be collected in Babylon. Now what special reason is there why payment for injuries done to man by Cattle cannot [be collected in

(1) Enumerated *supra* p. 473. (2) V. *supra* 26a. (3) Cf. *infra* 87b. (4) I.e., where the damages could otherwise not be ascertained. (5) Because the judges there have not been ordained as *Mumtze* (v. Glos.) who alone were referred to by the Scriptural term *Elohim* standing for 'judges' as in Ex. XXI, 6 and XXII, 7-8, and who alone were qualified to administer penal justice; cf. Sanh. 2b, 5a, and 14a and *supra* p. 144. (6) Cf. *supra* p. 67. (7) Lit., 'ox'. (8) As these matters are of a purely civil nature and of frequent occurrence, as brought out by the discussion which follows.

poor only on account of [the lack of] corn, for it is said, *And so it was when Israel had sown etc.*, and it is further written, *And they [sc. the Midianites and the Amalekites] encamped against them, [and destroyed the increase of the earth], whilst this is followed by, And Israel was greatly impoverished because of the Midianites.*¹

R. Helbo said: One must always observe the honour due to his wife, because blessings rest on a man's home only on account of his wife, for it is written, *And he treated Abram well for her sake.*² And thus did Raba say to the townspeople of Maḥuza,³ Honour your wives, that ye may be enriched.⁴

We learnt elsewhere: If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean; [59b] and this was the oven of 'Aknai.⁵ Why [the oven of] 'Aknai?—Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments⁶ as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument,⁷ but they did not accept them. Said he to them: 'If the *halachah* agrees with me, let this carob-tree prove it!' Thereupon the carob-tree was torn a hundred cubits out

(1) Jud. VI, 3, 4, 6. (2) Gen. XII, 16. (3) A large Jewish commercial town, situate on the Tigris. Raba had his academy there. (4) The foregoing passages are instructive on the Talmudic attitude to women. Though recognising the evil influence a bad woman can wield upon her husband, as evidenced by Ahab and Jezebel, these sayings breathe a spirit of tenderness and honour. As she is highly sensitive, the greatest care must be taken not to wound her feelings, and a husband must adapt himself to his wife; whilst it is emphatically asserted that prosperity in the home, as well as the blessings of home life, are to a great extent dependent upon her. (5) This refers to an oven, which, instead of being made in one piece, was made in a series of separate portions with a layer of sand between each. R. Eliezer maintains that since each portion in itself is not a utensil, the sand between prevents the whole structure from being regarded as a single utensil, and therefore it is not liable to uncleanness. The Sages however hold that the outer coating of mortar or cement unifies the whole, and it is therefore liable to uncleanness. (This is the explanation given by Maimonides on the Mishnah, Kel. V, 10. Rashi a.l. adopts a different reasoning). 'Aknai is a proper noun, probably the name of a master, but it also means 'snake'. (Gr. *ἄκναι*) which meaning the Talmud proceeds to discuss. (6) Lit., 'words'. (7) Lit., 'all the arguments in the world'.

of its place—others affirm, four hundred cubits. 'No proof can be brought from a carob-tree,' they retorted. Again he said to them: 'If the *halachah* agrees with me, let the stream of water prove it!' Whereupon the stream of water flowed backwards. 'No proof can be brought from a stream of water,' they rejoined. Again he urged: 'If the *halachah* agrees with me, let the walls of the schoolhouse prove it,' whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: 'When scholars are engaged in a *halachic* dispute, what have ye to interfere?' Hence they did not fall, in honour of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: 'If the *halachah* agrees with me, let it be proved from Heaven!' Whereupon a Heavenly Voice cried out: 'Why do ye dispute with R. Eliezer, seeing that in all matters the *halachah* agrees with him!' But R. Joshua arose and exclaimed: '*It is not in heaven.*'¹ What did he mean by this?—Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, *After the majority must one incline.*²

R. Nathan met Elijah³ and asked him: What did the Holy One, Blessed be He, do in that hour?—He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.' It was said: On that day all objects which R. Eliezer had declared clean were brought and burnt in fire.⁴ Then they took a vote and excommunicated him.⁵ Said they, 'Who shall go and inform him?' 'I will go,' answered R. Akiba, 'lest an unsuitable person go and inform him, and thus destroy the whole world.'⁶ What did R. Akiba do? He donned black garments and wrapped himself in black,⁷ and sat at a distance of four cubits from him. 'Akiba,' said R. Eliezer to him, 'what has particularly happened

(1) Deut. XXX, 12. (2) Ex. XXIII, 2; though the story is told in a legendary form, this is a remarkable assertion of the independence of human reasoning. (3) It was believed that Elijah, who had never died, often appeared to the Rabbis. (4) As unclean. (5) Lit., 'blessed him,' a euphemism for excommunication. (6) I.e., commit a great wrong by informing him tactlessly and brutally. (7) As a sign of mourning, which a person under the ban had to observe.